

MEMORANDUM

TO: Honorable Mayor and City Council Members

FROM: Elaine Wilson, Planning & Zoning Analyst II

DATE: February 7, 2008

SUBJECT: Business Planned Unit Development — Land, Building & Beyond Medical Center

PURPOSE

The purpose of this item is to obtain City Council approval for a rezoning to a Business Planned Unit Development for the Land, Building & Beyond Medical Center property north of Veterans Memorial Parkway approximately 1,000 feet south of the intersection with Graves Avenue.

BACKGROUND

Kevin Spolski, representing LBB LLC, submitted a BPUD application and a master plan to the Development Services Department on Nov. 16, 2007. The applicant is requesting approval of the BPUD rezoning to allow the construction of two buildings on the property.

On February 6, 2008 the Planning Commission/Local Planning Agency voted unanimously to forward its recommendation for approval of the rezoning for the Business Planned Unit Development for the LBB Medical Center.

Further explanation and description of the planned development, the applicants, the property and an analysis of the plan submittal can be found in the backup documents previously sent to the Planning Commission to evaluate the request (attached to Item 4-A).

RECOMMENDATION

To recommend City Council approval of Ordinance #343 for the rezoning to Business Planned Unit Development, BPUD, for the property owned by Land, Building & Beyond LLC, located north of Veterans Memorial Parkway approximately 1,000 feet south of the intersection with Graves Avenue.

ORDINANCE NO. 343

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, AMENDING SECTION 8.3 OF THE CITY'S LAND DEVELOPMENT CODE, SAID SECTION BEING THE OFFICIAL ZONING MAP OF THE CITY OF ORANGE CITY, FLORIDA, SAID AMENDMENT CHANGING THE ZONING CLASSIFICATION OF THE LAND, BUILDING & BEYOND MEDICAL OFFICE CENTER PROPERTY, CONSISTING OF APPROXIMATELY 9.01 ACRES GENERALLY LOCATED NORTH VETERANS MEMORIAL PARKWAY APPROXIMATELY 1,000 FEET SOUTH OF GRAVES AVENUE, FROM ITS PRESENT ZONING CLASSIFICATION OF MIXED USE, SUBURBAN (MX-2) TO BUSINESS PLANNED UNIT DEVELOPMENT (BPUD), CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Kevin Spolski, representing Land, Building & Beyond, LLC, is the applicant for certain real property generally located immediately north of Veterans Memorial Parkway approximately 1,000 feet south of Graves Avenue, containing approximately 9.01 acres, and

WHEREAS, the applicant desires to change the zoning classification of said property from its classification of Mixed Use, Suburban (MX-2) to Business Planned Unit Development (BPUD) in conjunction with the creation of a medical office development, and in order to be consistent with the City's adopted Future Land Use Map, and

WHEREAS, the City Council finds such rezoning consistent with the City's Comprehensive Plan and deems it in the best interest of the inhabitants of said City to amend aforesaid Revised Official Zoning Map as hereinafter set forth:

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF ORANGE CITY, FLORIDA:

SECTION 1. That Section 8.3 of the Land Development Code of the City of Orange City, said section being the official zoning map of the City of Orange City, Florida, is hereby amended, and a certain 9.01 acre property is hereby changed and transferred from its present zoning classification of MX-2 to BPUD. Said properties are more particularly described in the Attachment "A" Legal Descriptions.

SECTION 2. REPEALER: That all ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed, as well as any portion of the Official Zoning Map of the City of Orange City, Florida, in conflict herewith.

SECTION 3. SEVERABILITY: If any section, part of a section, paragraph, clause, phrase or word of this ordinance is declared invalid, the remaining provisions of this ordinance shall not be affected.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida.

ROLL CALL VOTE AS FOLLOWS:

First Reading this _____ day of _____, 2008

Jim Mahoney	_____	Donald C. Sherrill	_____
Tom Laputka	_____	Tom Abraham	_____
Donald Sandford	_____	Jeff H. Allebach, Vice Mayor	_____
Harley Strickland, Mayor	_____		

ROLL CALL VOTE AS FOLLOWS:

Second Reading this _____ day of _____, 2008.

Jim Mahoney	_____	Donald C. Sherrill	_____
Tom Laputka	_____	Tom Abraham	_____
Donald Sandford	_____	Jeff H. Allebach, Vice Mayor	_____
Harley Strickland, Mayor	_____		

PASSED and ADOPTED this _____ day of _____, 2008.

ATTEST:

AUTHENTICATED:

Deborah J. Renner, CMC, City Clerk

Harley Strickland, Mayor

Approved as to form and legal sufficiency:

William E. Reischmann, Jr., City Attorney

ATTACHMENT A

LEGAL DESCRIPTION:

18-30-12 E 1/2 OF W 1/2 OF SW 1/4 OF NE 1/4 & INC BLK 12 BLK 15 &
BLK 16 ORANGE CITY HEIGHTS MB 19 PG 6 PER OR 4850 PG 6 28
ALL LYING N OF VETERANS MEMORIAL PKWY PER OR 5102 PG
3996 PER OR 5684 PG 1940-1941 PER OR 5684 PG 1942

PARCEL ID: 8012-00-00-0166

1 **MINUTES OF THE REGULAR MEETING** of the Planning Commission of the City of Orange City,
 2 Florida, held on Wednesday, February 6, 2008, at 7:00 p.m. in Council Chambers, 201 N. Holly Avenue,
 3 Orange City, Florida.

4

5 **1. CALL TO ORDER:**

6

7 The meeting was called to order at 7:00 p.m. by Chairman Seaman and roll call was taken.

8

9 **2. ROLL CALL:**

10

11 PRESENT: Chairman David Seaman, Vice Chairman Benjamin Franklin, Commissioners: Paul
 12 DeSilva, Christopher Weldon, Michelle Polgar and Hector Gonzalez; Staff members:
 13 Chester Murray, Development Services Director; and Elaine Wilson, Planning & Zoning
 14 Analyst

15

16 ABSENT: Commissioners Alisa Stafford, Hector Gonzalez

17

18 **3. APPROVAL OF MINUTES:** January 9, 2008

19

20 **Commissioner DeSilva moved to approve the minutes as presented,**
 21 **seconded by Commissioner Weldon and passed by unanimous 5/0 voice**
 22 **vote of the Commission.**

23

24 **PUBLIC HEARING**

25

26 **4. Review and Consideration** of an application for rezoning, final master plan, site plan and
 27 subdivision vacation for Land, Building and Beyond (LBB) Medical Center business planned unit
 28 development (BPUD) to be located north of Veterans Memorial Parkway approximately 1,000 feet
 29 from Graves Avenue.

30

31 Mr. Reischmann advised that all matters related to Agenda Item 4 are of a quasi-judicial nature and require
 32 a public hearing. He asked whether any of the Commissioners had any ex-parte communication regarding
 33 the proposed development. Mr. Reischmann noted for the record that there were no disclosures.

34

35 Mr. Reischmann began his presentation by advising that the property for the proposed development had
 36 previously been subdivided into thirteen lots which now requires a replat or vacation of that subdivision to
 37 restore the property to a single piece of land.

38

39 Next, the property must be rezoned. It sits in the MX zoning district, therefore, the property must be
 40 rezoned as a B-PUD for development to commence. Finally, the final master plan which lays out the
 41 general characteristics of the development and the site plan containing the details of the project must be
 42 approved.

43

44 Chairman Seaman opened the public hearing by asking if anyone wished to speak in favor of or in
 45 opposition to the proposed development.

46

1 Elaine Wilson, Sr. Planning & Zoning Analyst, came forward and noted that the site plan would include
2 the overall site and, specifically, Phase 1, which is the proposed development. Ms. Wilson concluded her
3 presentation by stating that she would answer any questions the Commission may have. She noted that the
4 applicant had been very agreeable to conditions imposed by staff.

5
6 Mr. Reischmann noted that the project has not yet received a "certificate of consistency" from the Volusia
7 Growth Management Commission (VGMC) and that any approvals by the Planning Commission should be
8 contingent upon that approval. Ms. Wilson noted that a traffic impact study has been completed. Mr.
9 Reischmann advised that he had reviewed the developers agreement and that it had been returned to the
10 Developer with his comments, however, the final document has not been received as yet. He said that his
11 office did receive an opinion from the applicant's Counsel regarding unified control and approval for
12 authority to bind the property for any covenants and restrictions. Ms. Wilson noted that some landscaping
13 issues remain pending, specifically, identification of the tree protection areas on the drawings. The
14 developer has agreed to plant evergreen trees rather than maple as requested by staff as the landscape
15 buffer.

16
17 Ms. Wilson noted that the Developer does not wish to install a buffer wall. Chester Murray, Development
18 Services Director, said that staff is very conscious of the need for buffers between commercial and
19 residential developments. He said that the first phase of the proposed development consists of doctors'
20 offices and staff has determined that buffering needs can be met through landscaping. The need for a
21 buffer wall will be revisited when the plans for Phase 2 of the development are submitted. Mr. Murray
22 reiterated that code requires that every development in MX zoning must be rezoned as a PUD. He noted
23 that this is an allowed land use in the MX district dispensing with the need for a future land use
24 amendment.

25
26 Commissioner DeSilva asked whether existing trees are included in the buffer. Mr. Murray said that new
27 plantings would be added to the existing landscape. He clarified that the site plan will designate the area as
28 green space. Commissioner DeSilva asked whether the buffer would be a hedge and whether it would be
29 located on the property line similar to a wall. Ms. Wilson responded that there is no access between the
30 residential areas and the proposed development at the present time. She said that the Land O' Lakes
31 mobile home park is located to the north of the development and that there are only two houses located in
32 the unincorporated area which abut the property.

33
34 Commissioner Franklin asked whether the roadways had ever been maintained by the City or whether they
35 were just platted, but never developed. Ms. Wilson responded that they are "strictly paper roads."

36
37 Chairman Seaman noted that the buffer area would be irrigated. Ms. Wilson clarified that irrigation would
38 be provided wherever new plantings were installed.

39
40 Commissioner DeSilva asked whether the roofing material on the two towers is different from the steel
41 roofing on the other structures. Kevin Spolski, Spolski Construction, came forward as the developer's
42 representative. He advised that a copper metal material was used for the structure itself, with the three
43 entrance areas to be made of concrete barrel tiles from 24 to 32 feet in the air. He noted that an effort was
44 made to tie the entire structure together visually by brick using pavers in the entryway and that the
45 landscaping would be integrated into the walkways. He said that the building will be high efficiency with
46 wind loads of 120 mph. Mr. Spolski stated, "They really have spared no expense in doing this the right

1 way.” Commissioner DeSilva asked whether Land O’Lakes was aware of the utility easement. Ms.
2 Wilson responded in the affirmative said that the Utilities Superintendent has been working with them for
3 several months.

4
5 Commissioner Franklin noted that over 50% of the property is identified as pervious on the plans. He
6 asked if the retention pond would be adequate during the rainy season. Mr. Murray said that the plans had
7 been carefully reviewed by the City’s engineers and by the Water Management District.

8
9 Commissioner DeSilva asked whether a title opinion had been delivered. Mr. Reischmann responded in
10 the affirmative. He said that the developers agreement will include a provision regarding the connection to
11 the sanitary sewer system when it becomes available and that a wall will be constructed if deemed
12 necessary at the commencement of Phase 2 of the project.

13
14 Commissioner Weldon asked whether there would be any emergency operations in the building. Ms.
15 Wilson responded in the negative. Commissioner Weldon asked what the capacity of the building is. Mr.
16 Spolski responded that the building is 22,000 square feet and that it meets the requirements of the standard
17 building code. In addition, enhancements for accessibility are included due to the nature of the intended
18 occupancy of the building.

19
20 Commissioner Franklin asked what the intended use of the second building will be. Mr. Spolski said that
21 there is not an intended use at this time, but that it would likely be medical. Mr. Murray advised that if the
22 building planned for Phase 2 exceeds 20,000 square feet, it will return to the Commission for approval. He
23 said that the building plans exceed the City’s parking requirements.

24
25 Commissioner Weldon questioned whether the development would have any environmental impact. Mr.
26 Murray responded that nothing was found in the study.

27
28 Joe Lambert, owner of property adjacent to the proposed development, came forward and said that during
29 the initial rezoning assurances were given that the project would be secured to prohibit access from
30 Veterans Memorial Parkway to the residential subdivision. Mr. Lambert expressed concern over the
31 property values in the residential area if access if is not restricted. Mr. Murray responded that there is no
32 access from the development to the residential area. Mr. Lambert stated, “We do not want to oppose the
33 use of the property. We just want to ask that the property provide security for the back.” Mr. Lambert said
34 that he was requesting that the developer of the proposed project provide some type of fencing system or a
35 berm. He expressed his concern that a landscape buffer will take some time to mature. Mr. Murray
36 advised Mr. Lambert to meet with staff to discuss his concerns and assured him that the developer will
37 work with all adjacent property owners to address their concerns. Mr. Spolski concurred and said that once
38 the project is approved, he will meet with neighboring property owners regarding their concerns. He
39 conceded that he would also be concerned if he were a property owner. Mr. Spolski said that once
40 completed, the project would be valued at over \$7.6 million. He said that the landscaping budget is over
41 \$200,000. He assured Mr. Lambert that they will do everything to ensure that home values will not be
42 depreciated. Mr. Reischmann noted that the issues currently under discussion are relevant only to the site
43 plan.

44
45 Commissioner DeSilva stated, “Mr. Lambert this is a very handsome project. For the record, are you
46 satisfied with Mr. Spolski’s remarks regarding this? Mr. Lambert responded that if they are willing to

1 work with the homeowners they will be satisfied.

2

3 Mr. Lambert expressed some concern regarding retention. He asked whether berms would direct the water
4 from each separate property to the proper retention area. Ms. Wilson responded that the law requires that
5 any runoff be contained on the property.

6

7 There being no further requests to speak, Chairman Seaman closed the public hearing.

8

9 **Commissioner Franklin moved that the Planning Commission**
10 **recommend City Council approval of Ordinance No. 334 for the vacation**
11 **of the existing subdivision, Ordinance 343 for the rezoning to BPUD,**
12 **Resolution No. 464-08 for the master plan and site plan for Land**
13 **Building and Beyond Medical Center with the stipulations as**
14 **aforementioned in this hearing, seconded by Commissioner DeSilva and**
15 **passed by unanimous 5/0 roll call vote of the Commission.**

16

17 **5. STAFF COMMENTS:**

18

19 Mr. Murray stated that this is an important project for the City. He said the project will bring the fifth
20 imaging system to the City. Mr. Murray announced that there will be a free "government in the sunshine"
21 workshop on Monday, February 18th. He said that anyone wishing to attend should contact his office and
22 he would get them registered.

23

24 **6. COMMISSION COMMENTS**

25

26 Commissioner DeSilva said that this was a good project for the City and he commended staff for their
27 work on the project.

28

29 Chairman Seaman commended staff for their work.

30

31 There being no further business, Chairman Seaman adjourned the meeting at 7:46 p.m.

32

33 **RESPECTFULLY SUBMITTED:**

APPROVED ON

34

35

36

37 Deborah J. Renner, CMC

38 City Clerk
