

## MEMORANDUM

**TO:** Honorable Mayor and City Council Members

**FROM:** Elaine Wilson, Planning and Zoning Analyst II *ew*

**DATE:** April 3, 2008

**SUBJECT:** Rhode Island Avenue Industrial Park – Site Plan

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### **PURPOSE**

To consider the site plan for Rhode Island Avenue Industrial Park, including the expansion of the existing Harty Tractor Service building.

### **BACKGROUND**

The subject property consists of a 12.4-acre parcel that is where Harty Tractor Service is located on south side of East Rhode Island Avenue, approximately 477 feet east of Leavitt Avenue. The applicant proposes an office/warehouse complex with a maximum of 19 buildings, totaling 139,081 square feet.

The Rhode Island Avenue Industrial Park site plan application was submitted to the Planning Commission at a regular meeting on April 2, 2008, in accordance with Section 7.5.2.E of the City's Land Development Code, in order to present a recommendation to the City Council. The Commission voted unanimously to recommend that the City Council approve the site plan.

Attached is a copy of the staff report submitted to the Planning Commission, a copy of the site plan, and a copy of Resolution No. 474-08.

### **RECOMMENDATION**

Staff and the Planning Commission recommend City Council approve Resolution 474-08, thereby approving the Rhode Island Avenue Industrial Park site plan.

**RESOLUTION NO. 474-08**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, TO APPROVE THE SITE PLAN FOR THE RHODE ISLAND AVENUE INDUSTRIAL PARK; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, Terry Williams, representing property owner Thad Harty, submitted a Commercial Development application and site plan to the Development Services Department on Jan. 4, 2008; and

**WHEREAS**, the Planning Commission held a public hearing on April 2, 2008 to consider the Rhode Island Avenue Industrial Park site plan for a recommendation of approval to City Council, and voted unanimously to recommend approval of the site plan.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA:**

**SECTION 1.** That the site plan for the "Rhode Island Avenue Industrial Park" be approved with the following stipulations:

- Drainage easement agreement approved by the City Attorney be signed and recorded by the applicant.
- All engineering issues be resolved prior to issuance of development order for the Industrial Park.
- A site plan for each lot and building will be reviewed and approved individually.

**SECTION 2.** That all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

**SECTION 3.** This Resolution shall take effect upon compliance with the stipulations listed herein.

**ROLL CALL VOTE AS FOLLOWS:**

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

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008.

ATTEST:

AUTHENTICATED:

\_\_\_\_\_  
Deborah J. Renner, CMC, City Clerk

\_\_\_\_\_  
Harley Strickland, Mayor

Approved as to form and legal sufficiency:

\_\_\_\_\_  
W. E. Reischmann, City Attorney

# MEMORANDUM

**DATE:** March 24, 2008

**TO:** Chairman Seaman and Members of the Planning Commission

**FROM:** Elaine Wilson, Planning & Zoning Analyst II *سید*

**SUBJECT:** Review and Consideration of the Site Plan for Rhode Island Industrial Park Including the Expansion of Existing Harty Tractor Building

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**BACKGROUND**

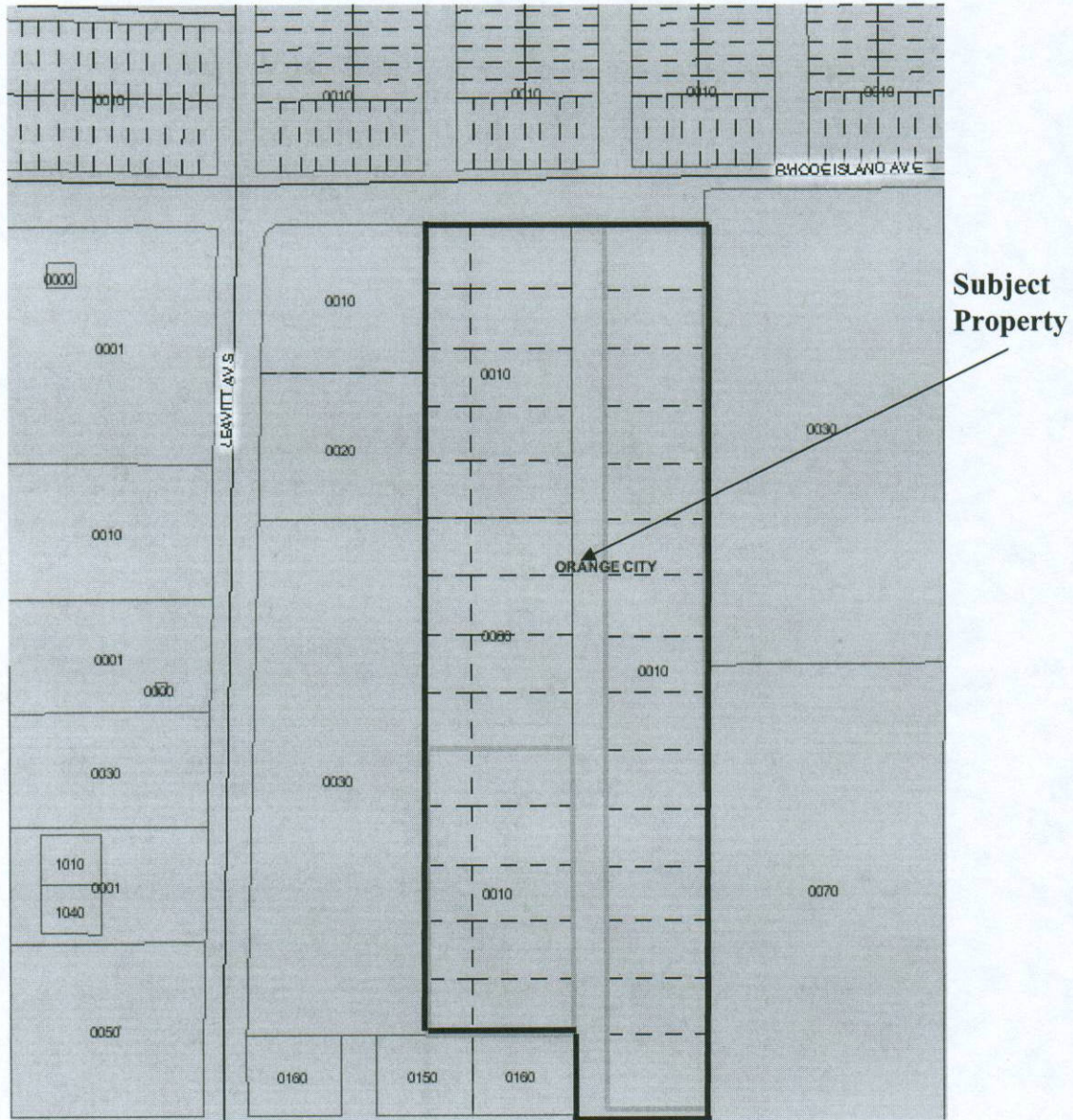
On Jan. 4, 2008, Terry Williams, acting as agent for Thad Harty, submitted a commercial development application for Rhode Island Industrial Park. The proposal is to create an office/warehouse complex with a maximum of 19 warehouses with offices. The existing Harty Tractor office/warehouse building and equipment yard are included within the Industrial Park. The site plan is designed to provide a total of up to 139,081 square feet of buildings. The number may vary but cannot exceed the total proposed. The actual number of buildings and the sizes will depend on the needs of individual owners as the site is developed.

The 12.4 acre subject property is located on the south side of Rhode Island Avenue, approximately 477 feet east of its intersection with Leavitt Avenue. It is immediately to the west of the existing Harty landfill site.

**Overview of Future Land Use and Zoning Status**

Industrial Limited, IL	Light Industrial, I-1	Office building and vehicle storage yard	50	City
Industrial Heavy, IH	Heavy Industrial, I-2	GEL landfill	100	City
Residential Medium, RM	Residential Medium, R-2	Vacant — Shadow Ridge Subdivision	0	City
Industrial Limited, IL	Light Industrial, I-1	Harty landfill	100	City
Industrial Limited, IL	Light Industrial, I-1	Tri-County Septic	100	City

### Vicinity Map



#### PROJECT ANALYSIS

Mr. Williams submitted a site plan for the project on Jan. 4. The site plan includes the conceptual layout for 18 lots in addition to the expansion of the existing Harty Tractor office/warehouse building. The site plan for the expansion is included as part of this review. The intent is to build an addition to the existing building remove the mobile office building currently on-site.

The site plans for other lots and buildings will be reviewed individually for compliance with City code. Mr. Harty intends to subdivide the property into half acre parcels and sell them. As the properties are sold and development proposed, the site plans will be submitted. A copy of the proposed subdivision plat is included in this packet, but will not be approved at this time.

As shown on this plan, the owner intends to eventually create an outdoor storage/recreation area where the existing landfill is located. The landfill will be closed and leveled prior to any development there.

### **TRC REVIEW**

The Technical Review Committee (TRC) met on Feb. 14, 2008 with the applicant's development team to review the site plan as related to parking, access control, water and sewer, stormwater drainage, retention, paving, trees, landscaping, etc., and determined that with revisions, the plans meet the minimum requirements.

**Parking Calculations** — For the Harty Tractor site a total of 27 parking spaces, 2 of which will be for handicapped parking, are proposed. This number provides parking for a total of 5,400 sq. feet of office (1 space per 200 sq feet office). The remainder of the 6,641 sq. foot building is to be used for storage.

Parking calculations for the remainder of the buildings are provided on the site plan. As drawn, the plan requires 274 parking spaces. The number is based on 1 space for each 1,000 square feet of floor area, plus 1 space per employee (3 per building). The calculations are based on the conceptual plan only. Parking for each building will be reviewed as part of the individual site plan.

**Driveway and Access** — The main driveway connection to Rhode Island Avenue will be via a roadway that is to be located along the center line of the property. An unpaved driveway exists along this location at this time. It will be paved in connection with the development. Access between the lots also will be provided cross access between the parking lots for the buildings. In addition, a connection will be built to the existing landfill access road that lies directly east of the subject property. The existing stabilized drive on the landfill property connects to Rhode Island Avenue. Mr. Harty owns the landfill property and will sign the necessary legal documents to guarantee access between the properties. Mr. Harty has also agreed to dedicate right-of-way to the City in front of the landfill property to permit the widening of Rhode Island Avenue.

**Water and Wastewater Service** — The proposed development lies within the Orange City water and wastewater service area. The City has determined that adequate capacity exists to serve the site. The sewer line is currently being installed along Rhode Island Avenue and this site will be connected to it. The project engineer has been working directly with Orange City Utilities to plan the connection. The OCU superintendent has stated that she is satisfied that the site will meet all required specifications.

**Solid Waste Disposal** — One dumpster site has been proposed to be shared by every two buildings. Staff has stated that one dumpster site per two buildings may not prove sufficient. The property owner must install additional fully screened dumpsters that meet City requirements if they do become necessary. The screening and landscaping for the dumpsters will be reviewed with the individual site plans.

**Paving, Stormwater Drainage & Retention** — The City Engineer has reviewed the paving, stormwater drainage and retention. Stormwater drainage will be via a master system with retention off-site from the project area. The retention pond will be located on Mr. Harty's

property directly to the east. Staff recommends that a stipulation of approval stating that a drainage easement agreement approved by the City Attorney be included.

There are a few outstanding issues in these areas and staff recommends that a stipulation be included in any recommendation for approval that all outstanding engineering issues be resolved prior to the issuance of a development order for this site.

**Tree Protection & Landscaping** — As proposed, the Industrial Park meets and exceeds the requirement for open space. The total proposed is 35 percent of the site, significantly more than the required 25 percent. As the individual site plans are submitted, each will be reviewed for compliance with Code in regard to open space.

A landscape plan for the buffer on Rhode Island and along the driveway into the Industrial Park was submitted with the site plan. The Rhode Island buffer area meets Code requirements in regard to tree and shrub size and placement. The plan is to plant trees along the driveway following paving to create a streetscape. The landscaping on each lot will be reviewed as part of the site plan process. The existing trees throughout the property will be saved where ever possible.

No trees will be impacted by the addition to the Harty Tractor building. Mr. Harty has agreed to add whatever landscaping may be needed to bring the property into compliance with Code.

**Walls and Fences** — The subject property abuts an undeveloped residential subdivision along the south. Two other owners of industrial property also abut the subdivision. A condition of approval of development of these properties is in place that requires a wall be built to buffer the residential area. The wall will be built when the residential area is developed. The industrial property owners, including Mr. Harty, have agreed to work together to be sure the proposed wall matches throughout and is continuous.

**Sidewalk and Pedestrian Pathway** — The applicant has not proposed the installation of an internal sidewalk system. Due to the nature of the site as an industrial area, the applicant has requested a waiver of code in regard to internal sidewalks. A 5 foot sidewalk will be installed within the Rhode Island Avenue ROW in areas where it does not already exist. Mr. Harty intends to extend the sidewalk to the east to connect with the existing one in front of Bennett Park at the corner of Rhode Island and Veterans Memorial Parkway.

**Master Lighting Plan** — A photometric plan for each site will be submitted. The light fixtures and the light spillage levels must meet the City's requirements. Details of the poles and fixtures were not submitted with the plans. The fixtures at the existing building do meet Code. Staff recommends that the poles and fixtures match those already on the site.

**Proposed Signage** — One freestanding monument sign is proposed at the entrance to the Park as well as one for each building. The proposed signs meet the Orange City size requirement. Materials for the signs are to complement the adjacent building. A business wall sign is proposed above each entry. All signage must be permitted by the City and comply with all size and design standards.

**Threatened and Endangered Species** —EMS conducted a wildlife and habitat survey of the property on Dec. 12, 2007. The survey found three active gopher tortoise burrows on site. A permit will be required from the Florida Fish and Wildlife Conservation Commission prior to any site preparation or other work on the project.

**Appearance Standards** — A conceptual architectural plan was submitted to represent the look of the buildings overall. The design is identical to that of the existing warehouse/office complex on South Leavitt Avenue. Each building will be designed and built to meet the requirements of the owner. Therefore, the individual buildings may not match the conceptual exactly. By City Code, the architectural style and overall appearance of the buildings within the complex must be consistent. This requirement will be reviewed as the site plans are submitted.

The elevations for the addition to the Harty Tractor building expansion were submitted with the site plan. The proposed addition will match the existing building, which does meet City appearance standards in regard to materials, entryway and roof style.

### **TRC RECOMMENDATION**

At its meeting, the Technical Review Committee recommended that the Rhode Island Industrial Park site plan be approved with the stipulations mentioned in this report.

### **COMMISSION ACTION**

The Commission may wish to take the following action:

➤ Create a motion stating that the Planning Commission recommends to City Council the approval of Reso. # 474-08 for the Rhode Island Avenue Industrial Park site plan with the stipulations:

- Drainage easement agreement approved by the City Attorney be signed and recorded by the applicant.
- All engineering issues be resolved prior to issuance of development order for the Industrial Park.
- A site plan for each lot and building will be reviewed and approved individually.

1                   **code for surfacing of off-street parking and (2) Section 7.4 driveway**  
 2                   **access, seconded by Commissioner Weldon.**

3  
 4 Commissioner Polgar requested clarification as to whether the motion was to deny the application.  
 5 Chairman Seaman responded that it is to deny the site plan as currently written.

6  
 7 Commissioner DeSilva questioned whether a recommendation of denial by the Commission would prevent  
 8 the parties from engaging in further negotiation toward an agreement. Mr. Murray said that if the  
 9 Commission recommends denial, this project would go to the City Council on April 22<sup>nd</sup>. He said that the  
 10 applicant will have an opportunity to make a presentation to the City Council at that time. Mr. Murray  
 11 stated, "I would hope that in that interim they would be prepared to make a more detailed presentation on  
 12 their crushed concrete and their stabilization of that concrete to Council and perhaps avail themselves of  
 13 our engineers in that interim period."

14  
 15                   **Motion passed by 3/2 roll call vote of the Commission with**  
 16                   **Commissioners Polgar and DeSilva voting "no."**

17  
 18 Vice Chairman Franklin called for a five-minute recess at 8:54 with Chairman Seaman reconvening at  
 19 9:02.

20  
 21 **5.     Review and Consideration** of a request from Terry Williams representing Thad Harty for the  
 22 approval of a site plan for Rhode Island Industrial Park office warehouse complex, identified as  
 23 parcel number 8014-01-04-0010.

24  
 25 Ms. Drage requested that any ex parte communications on this matter be disclosed at this time. No one  
 26 spoke. Ms. Drage stated that this item would be reviewed under the provisions of Chapter 7 of the land  
 27 development code. She swore in those witnesses wishing to speak on this item.

28  
 29 Elaine Wilson, Planning & Zoning Analyst, came forward and stated that this is the property where Thad  
 30 Harty maintains his current business operation (Harty Tractor Service) on the south side of Rhode Island  
 31 Avenue. Ms. Wilson said that the Commission was considering the site plan for the proposed industrial  
 32 park. She said that the St. Johns Water Management District (SJWMD) has already issued a permit for  
 33 this project. Ms. Wilson advised that the owner is seeking "flexibility" in the development of this property  
 34 and would like approval based on total square footage, not necessarily on the number of buildings in the  
 35 project. The site plan for this project includes the existing Harty Tractor office and expansion of that  
 36 office. Ms. Wilson said that currently, there is a trailer on the site that would be removed when the  
 37 building is expanded. She presented a rendering of the proposed building which she characterized as  
 38 "quite attractive." She advised that it does meet the appearance standards. Ms. Wilson showed a  
 39 conceptual drawing of the proposed buildings, noting that each would have to be reviewed for compliance  
 40 with city code. She noted that the proposed buildings are very similar to the existing Harty buildings on  
 41 South Leavitt.

42  
 43 Ms. Wilson said that the applicant is requesting a waiver of the City's requirement for an internal sidewalk  
 44 because these are industrial buildings. She said that Mr. Harty has agreed to extend the sidewalk across  
 45 the Rhode Island right of way on all property owned by him. There is no drainage easement for the  
 46 property at this time, but it is in process. Ms. Wilson advised that the stormwater will drain into the pond

1 on the adjacent property. She noted that the applicant’s team was present to answer any questions.

2  
3 Commissioner Franklin asked whether this project would require Planning Commission approval or could  
4 be approved at the staff level. Ms. Wilson responded that it depended on the size. Mr. Murray said that  
5 staff has tried to place enough flexibility in the design and approvals so that the developer can respond  
6 almost instantly to a prospect showing interest in the location. He said that although the property is being  
7 divided into nineteen lots, realistically, a business owner could request that five or six of the lots be  
8 combined to place a 100,000 square foot building. He said the conceptals are included to provide the  
9 Commission with an idea of what the buildings will look like. Mr. Murray advise that if a proposed  
10 building is under 20,000 square feet, it would be approved by staff, and over that, it would come to the  
11 Commission.

12  
13 Hearing no further requests to comment, Chairman Seaman closed the public hearing.

14  
15 **Commissioner Franklin moved that the Planning Commission**  
16 **recommend City Council approval of Resolution No. 474-08 for the**  
17 **Rhode Island Avenue Industrial Park site plan with the stipulations as**  
18 **outlined in the briefing, second by Commissioner Weldon and passed by**  
19 **unanimous 5/0 roll call vote of the Commission.**

- 20  
21 6. **Review and Consideration** of a request for the vacation of Orange City Knolls Subdivision  
22 including right of way.

23  
24 Ms. Wilson came forward and stated that this item is a continuation of the last item. She said that this item  
25 will vacate the underlying subdivision including two rights of way. Ms. Wilson advised that one is Ridge  
26 Drive. She said that present plot plan was divided for residential use and that this property will never be  
27 residential. She further clarified that the property being vacated involves the remainder of Elm Street and  
28 Ridge. She said that the City is not interested in obtaining the private rights of way.

29  
30 **Commissioner Polgar moved that the Planning Commission recommends**  
31 **City Council approval of Ordinance No. 350 for the vacation of a section**  
32 **of the Orange City Knolls subdivision including the rights of way,**  
33 **seconded by Commissioner Franklin. Motion passed by unanimous 5/0**  
34 **roll call vote of the commission.**

- 35  
36 7. **Review And Consideration** of a request from All Pro Sports of a site plan for the approval of a  
37 recreation establishment to be located at 401 South Volusia Avenue identified as parcel number  
38 8011-08-25-0320.

39  
40 Ms. Drage asked that any ex parte communications regarding this matter be disclosed at this time.  
41 Commissioner Weldon stated that he has a contract with the developer and requested to be recused from  
42 this matter.

43  
44 Wendy Hickey, Planning & Zoning Analyst, came forward and noted that this company had come before  
45 the Commission in December requesting a conditional use which was granted with the stipulation that the  
46 site plan for a 10,000 square foot building be brought back to the Commission for approval. The company