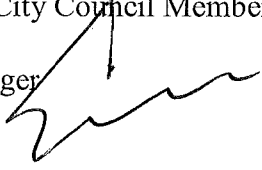



MEMORANDUM

TO: Honorable Mayor Strickland and City Council Members

FROM: Eugene Miller, Interim City Manager 

DATE: March 23, 2010

SUBJECT: **Small Scale Comprehensive Plan Amendment (SSCPA)
Cutrona Property – 8012-04-00-0190 – Veteran Memorial Parkway**

MAR 15 2010
BY: 

Introduction: The purpose is to approve a change of land use for the Cutrona (Villa Tuscany) property by adopting Ordinance No. 403.

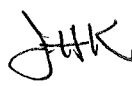
Background: The subject property is located on Veterans Memorial Parkway approximately 2,600 feet south of East Graves Avenue and consists of 4.65 acres. The property is vacant and undeveloped at the present time. The applicant proposes to construct an assisted living facility.


Discussion: The proposed SSCPA, if approved, will result in changing the subject property's future land use designation from Volusia County (ULI) Urban Low Intensity to Orange City (MX) Mixed Use. The proposed (MX) future land use designation is consistent with the existing (MX) future land use designation to the south and east of the subject property. Staff maintains that the land use change from (ULI) Urban Low Intensity to (MX) Mixed Use will have no adverse impacts in the area and is consistent with the various elements of the City's Comprehensive Plan.

The SSCPA was submitted to the Planning Commission on September 2, 2009, in accordance with Florida Statutes 163.3174, in order to present a recommendation to the City Council. The Commission voted unanimously to recommend that the City Council approve the land use change. Attached is a copy of Ordinance No. 403, the report sent to the Planning Commission, a map of the subject property, and the property status report. A copy of the Commission minutes from the September 2, 2009 meeting is also attached. The Volusia Growth management Commission (VGMC) issued a consistency certification on February 1, 2010.

Budget Impact: Based on the proposed 2009 tax roll information, the taxable value of the vacant property is \$164,798, thereby creating a potential City ad valorem revenue of \$856.18 under its current county land use designation of (ULI) Urban Low Intensity. However, once the land use and zoning have changed, and the property is fully developed as an assisted living facility, the City revenue will increase significantly. Additional revenues will be realized from utility taxes following development of the property.

Recommendation: The Interim City Manager recommends City Council give final approval of Ordinance No. 403, thereby changing the land use of the subject property to (MX) Mixed Use.

Prepared by: Jim Kerr, City Planner 

Reviewed by: Elaine Wilson, Interim Development Services Director 

ORDINANCE NO. 403

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, AMENDING ORDINANCE 90-05-08, SAID ORDINANCE BEING THE COMPREHENSIVE PLAN; AND THE FUTURE LAND USE MAP OF THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN; CHANGING THE FUTURE LAND USE DESIGNATION OF THE MONROE PROPERTY, CONSISTING OF A CERTAIN 4.65 ACRE PARCEL GENERALLY LOCATED ON THE NORTH SIDE OF VETERANS MEMORIAL PARKWAY, SAID PROPERTY LOCATED APPROXIMATELY 2,600 FEET SOUTH OF ITS INTERSECTION WITH EAST GRAVES AVENUE; FROM ITS PRESENT FUTURE LAND USE DESIGNATION OF VOLUSIA COUNTY (ULI) URBAN LOW INTENSITY TO A FUTURE LAND USE DESIGNATION OF (MX) MIXED USE; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Part II, Chapter 163, Florida Statutes, the State Legislature has adopted the “Local Government Comprehensive Planning and Land Development Act”, requiring all counties and cities to prepare a Comprehensive Plan, and

WHEREAS, the City of Orange City’s Comprehensive Land Use Plan, Ordinance No. 90-05-08, was formally adopted by the City Council of the City of Orange City, Florida on May 8, 1990, and

WHEREAS, Jerry Cutrona (dba Monroe Investments, LLC) is the applicant and owner of a certain 4.65 acre parcel generally located on the north side of Veterans Memorial Parkway, located approximately 2,600 feet south of its intersection with East Graves Avenue; and the applicant is desirous toward changing the property’s Future Land Use designation from Volusia County (ULI) Urban Low Intensity to (MX) Mixed Use Future Land Use designation, and

WHEREAS, the City has considered the request to amend the City’s Comprehensive Plan Future Land Use Map and, based on substantial and competent evidence, the City has determined to amend its Comprehensive Plan Future Land Use Map as requested, and

WHEREAS, all conditions required for adoption of this small scale comprehensive plan amendment (SSCPA) have been met, including the necessary hearings and public

notices, in conformity with and pursuant to Part II, Chapter 163, Florida Statutes, “Local Government Comprehensive Planning and Land Development Act”, and 9J-11 Florida Administrative Code.

NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA AS FOLLOWS:

SECTION 1. That portion of the Future Land Use Element referred to as the Future Land Use Map is hereby amended by changing the Future Land Use designation of a certain 4.65 acre parcel generally located on the north side of Veterans Memorial Parkway, approximately 2,600 feet south of its intersection with East Graves Avenue, via a small scale comprehensive plan amendment, thereby changing the Future Land Use of said property from Volusia County (ULI) Urban Low Intensity to (MX) Mixed Use. Said property is more particularly described in the Attachment “A” Legal Description. A copy of the amendment to the Future Land Use Map is attached hereto and included as Attachment “B”, and such amendment is hereby adopted pursuant to Florida Statutes.

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

SECTION 3: Severability. If any section or portion of a section of this Ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to impair the validity, force or effect of any other action or part of this Ordinance.

SECTION 4: Effective Date. This Ordinance shall take effect thirty-one days after its date of adoption by the City Council of the City of Orange City, Florida. If challenged within thirty (30) days after adoption, this Ordinance shall not become effective until the State land planning agency or the Administrative Commission, respectively, issues a final order determining this ordinance in compliance with Chapter 163, Part II, Florida Statutes.

ROLL CALL VOTE AS FOLLOWS (Ordinance No. 403):

First Reading this _____ day of _____, 2010.

Gary A. Blair	_____	Jeff H. Allebach	_____
Bill Crippen	_____	Tom Abraham	_____
Anthony Pupello	_____	Tom Laputka, Vice Mayor	_____
Harley Strickland, Mayor	_____		

ROLL CALL VOTE AS FOLLOWS (Ordinance No. 403):

Second Reading this _____ day of _____, 2010.

Gary A. Blair	_____	Jeff H. Allebach	_____
Bill Crippen	_____	Tom Abraham	_____
Anthony Pupello	_____	Tom Laputka, Vice Mayor	_____
Harley Strickland, Mayor	_____		

PASSED and ADOPTED this _____ day of _____, 2010.

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

Ordinance No. 403

Legal Description

Monroe Land Use Change

Property located at 675 Veterans Memorial Parkway

Name: Jerry Cutrona (dba Monroe Investments, LLC.)

Street Address: N/A

Parcel ID: 8012-00-00-0190

Acreage: 4.65

Legal Description: Lot 19, North of Veterans Memorial Parkway, and Lot 20, North of Veterans Memorial Parkway, Country Woods, according to the plat thereof as recorded in Map Book 37, Pages 112 and 113, of the Public Records of Volusia County, Florida, Lying in Section 12, Township 18 South, Range 30 East, Being more specifically described as follows.

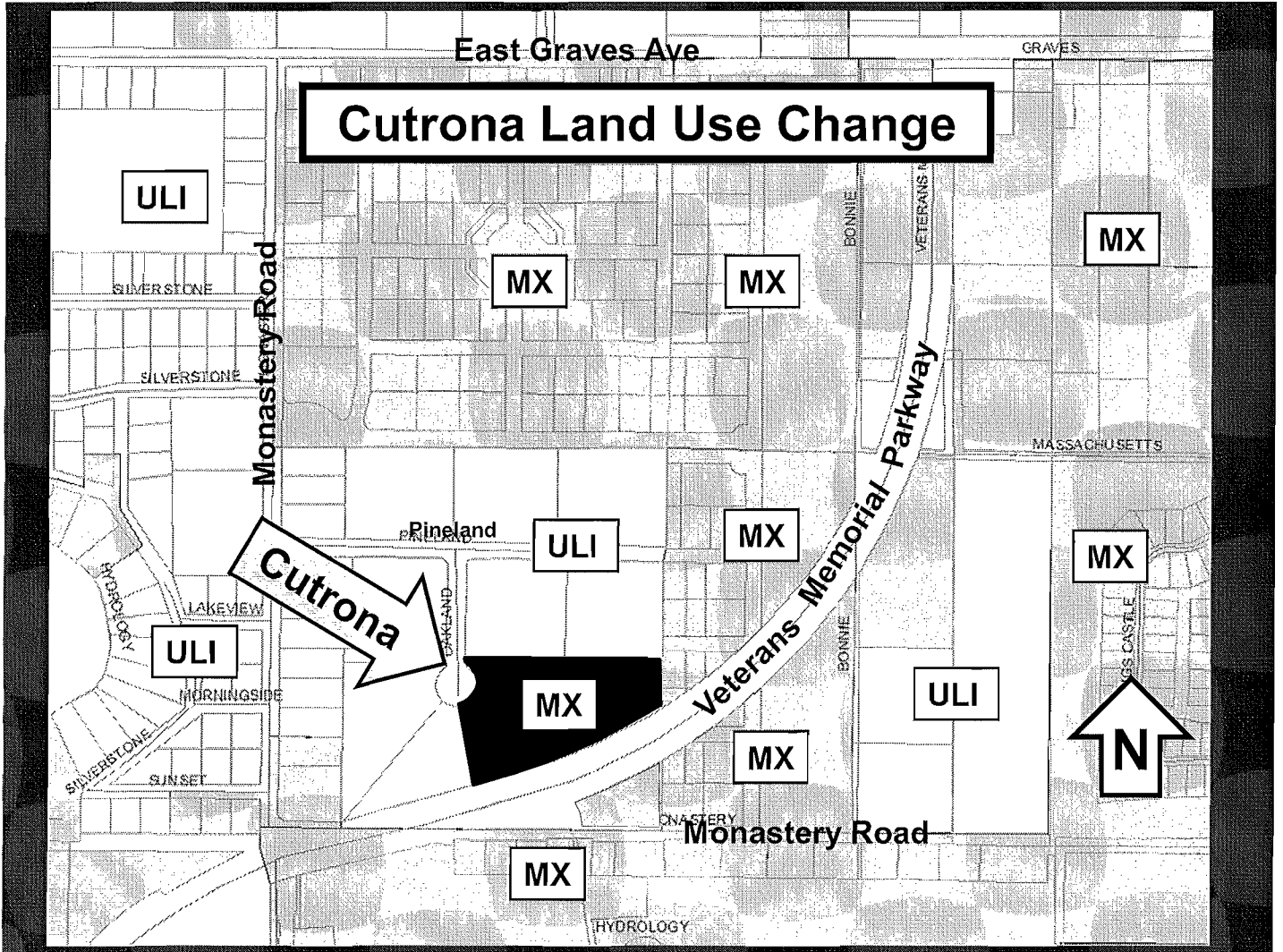
Begin at the Northwest corner of aforesaid Lot 20; Thence run North 89°48'25" East along the north line of said Lot 20, for a distance of 670.16 feet to the Northeast corner of said Lot 20, also being a point on the West line of ORANGE CITY HEIGHTS "Section A", according to the Plat thereof as recorded in Map Book 19, Page 6 of the Public Records of Volusia County, Florida; Thence run South 00°10'42" East along said West line and East line of aforesaid Lot 20, for a distance of 156.86 feet to a point on the North right of way line of Veterans Memorial Parkway, also being a point on a curve concave to the Northwest, having a radius of 1840.00 feet, Thence from a tangent bearing of North 57°20'35" East, run Southwesterly along the arc of said curve also being the North right of way line of Veterans Memorial Parkway, through a central angle of 16°27'37" and an arc length of 528.61 feet to a point of curvature; Thence run South 73°48'12" East, for a distance of 153.81 feet to a point on the West line of aforesaid Lot

19; Thence departing aforesaid North right of way line, run North $12^{\circ}04'40''$ West along aforesaid West line, also being the East line of Lot 18, COUNTRY WOODS, according to the Plat thereof as recorded in Map Book 37, Pages 112 through 113 of the Public Records of Volusia County, Florida, for a distance of 280.21 feet to the Northwest corner of aforesaid Lot 19, also being the Northeast corner of aforesaid Lot 18, also being a point on the cul-de-sac right of way of OAKLAND COURT, as described in COUNTRY WOODS, according to the Plat thereof as recorded in Map Book 37, Pages 112 through 113 of the Public Records of Volusia County, Florida, also being a point on a curve concave to the Northwest, having a radius of 68.00 feet, Thence from a tangent bearing of North $77^{\circ}42'52''$ East, run Northeasterly along the arc of said curve also being the right of way line of aforesaid OAKLAND COURT, through a central angle of $131^{\circ}36'33''$ and an arc length of 156.20 feet to a point of reverse curvature, concave to the Northeast, having a radius of 25.00 feet, Thence run Northwesterly along the arc of said curve through a central angle of $53^{\circ}44'37''$, for a distance of 23.45 feet to the aforesaid Point of Beginning.

Containing 202,775.19 square feet or 4.654 acres more or less.

Attachment B

Ordinance No. 403





Orange City Development Services Department

205 East Graves Avenue, Orange City, Florida 32763-5299

Phone 386 775-5414 - Fax 386 775-5420

E-mail: jkerr@ourorangecity.com

MEMORANDUM

Date: August 20, 2009

To: Chairman Seaman and members of the Planning Commission

Prepared by J.H.Kerr III, City Planner *JHK*

**SUBJECT: CUTRONA REQUEST FOR A CHANGE OF LAND USE
SMALL SCALE COMPREHENSIVE PLAN AMENDMENT (SSCPA)
PARCEL ID: 8012-04-00-0190 AND 8012-04-00-0200**

PLANNING DEPARTMENT POSITION

The applicant is requesting a change of Land Use from Volusia County (ULI) Urban Low Intensity to (MX) Mixed Use. The Planning Department maintains that the proposed (MX) Mixed Use land use is consistent and compatible with the surrounding land uses. Therefore, based on competent substantial evidence, the City planning staff recommends the Planning Commission consider a recommendation to City Council for approval of the Cutrona future land use change as follows:

Based upon competent substantial evidence presented by the applicant and City staff, the Planning Commission recommends that the City Council of the City of Orange City adopt Ordinance No. 403, thereby amending the City's Future Land Use Map by changing the land use of the 4.65-acre property from (ULI) Urban Low Intensity to (MX) Mixed Use via a Small Scale Comprehensive Plan Amendment (SSCPA), Parcel Number 8012-04-00-0190 and 8012-04-00-0200.

BACKGROUND

The subject property is located on the north side of Veterans Memorial Parkway approximately 2,600 feet south of East Graves Avenue, and said property possesses a Volusia County (ULI) Urban Low Intensity land use designation.

Jerry Cutrona (dba Monroe Investments, LLC, is the owner of the 4.65-acre subject property. Said property was annexed into the City limits on June 23, 2009. The property is currently vacant and undeveloped. More detailed information regarding the surrounding land use and zoning, existing and potential revenue status, infrastructure demands, impact comparison, and consistency with the comprehensive plan are all discussed in more detail within the attached property status report.

SUMMARY

The applicant is requesting that the land use designation for property totaling 4.65 acres be changed from (ULI) Urban Low Intensity to (MX) Mixed Use. The attached property status report has demonstrated that, following the change in land use, the proposed (MX) Mixed Use land use will not be inconsistent with the surrounding land uses and zonings, and that the proposed impacts will not exceed the City and County's ability to provide the necessary services.

Cutrona Property Status Report – Future Land Use

Ownership Status

Property Owner	Monroe Investments, LLC				
Applicants Name	Jerry Cutrona				
Mailing Address	248 Via Tuscany lane				
City	Lake Mary	State	Florida	Zip	32746

General Description of Current Property Status

Property Location	Located on the north side of Veterans Memorial Parkway approximately 2,600 feet south of East Graves Avenue.				
Property Address	Veterans Memorial Parkway				
Size of Property	Width:	Varies	Depth:	Varies	Acres: 4.65
Total Acres	4.65				
Population	None				
Number of Structures	None				
Dwelling Units	None				
Building Square Feet	None				
Parcel Number	8012-04-00-0190 and 8012-04-00-0200				
Legal Description	See Attachment "A" legal description				

Overview of Land Use and Zoning Status of Subject and Adjoining Properties

	Designated Land Use	Zoning District	Existing Land Use	Percent Developed	Jurisdiction
Subject Property	(ULI) Urban Low Intensity	(RR) Rural Residential	Vacant and undeveloped	None	City
Adjoining to North	(ULI) Urban Low Intensity	(RR) Rural Residential	Residential	100	County
Adjoining to South	(MX) Mixed Use	(MX-2) Mixed Use	Residential	75	City
Adjoining to East	(MX) Mixed Use	(MX-2) Mixed Use	Vacant and undeveloped	None	City
Adjoining to West	(ULI) Urban Low Intensity	(RR) Rural Residential	Residential	50	County

Detailed Subject Property Current Land Use and Zoning Description

The subject property currently maintains the following:	
Land Use Designation	(Volusia County) (ULI) Urban Low Intensity
Zoning	(Volusia County) (RR) Rural Residential
	The property is currently vacant and undeveloped.

Detailed Subject Property Proposed Land Use and Zoning Description

The subject property is proposed to be changed to the following:	
Land Use Designation	(Orange City) (MX) Mixed Use
Zoning	(Orange City) (R-PUD) Residential Planned Unit Development
	The property is currently vacant and undeveloped.

Cutrona Property Status Report – Future Land Use

Detailed Adjoining Property Land Use and Zoning Description

North	The adjoining property to the north of the subject property is in Volusia County's jurisdiction, and maintains a (ULI) land use designation and an (RR) Rural Residential zoning classification. The two properties to the north are developed as two single family residential dwellings.
South	The adjoining property to the south of the subject property is in Orange City's jurisdiction, and maintains an (MX) Mixed Use land use designation and an (MX-2) Mixed Use zoning classification. The property to the south is vacant and undeveloped.
East	The adjoining property to the east of the subject property is in Orange City's jurisdiction and maintains an (MX) Mixed Use land use designation and an (MX-2) Mixed Use zoning classification. The property to the east is vacant and undeveloped.
West	The adjoining property to the west of the subject property is in Volusia County's jurisdiction, and maintains a (ULI) land use designation and an (RR) Rural Residential zoning classification. The two properties to the west are developed as one single family residential dwelling and a fernery.

Environmental Status

Soil	Astatula, Tavares
Permeability	Very rapid
Vegetation	Sand Pine, Turkey Oak, Longleaf Pine, and Saw palmetto
Contour	Moderate to steep slope on property from east to west.
Source	Soil Survey of Volusia County, February 1980.

Potential Impacts (Density / Intensity)

Square Footage	71,866	square foot proposed assisted living facility
Population	102.0	assisted living residents

Potential Demand and Availability of Infrastructure

Potable Water	12,760 GPD	0.417 per bed x 102 beds = 42.534 ERU x 300 GPD (formula for ALF)
		NOTE: The subject parcel is located within Orange City's potable water service area, and the capacity to provide this service currently exists to meet the demands for the proposed development
Sanitary Sewer	11,910 GPD	0.417 per bed x 102 beds = 42.534 ERU x 280 GPD (formula for ALF)
		NOTE: The subject parcel is located within Orange City's wastewater service area, and the capacity to provide this service currently exists to meet the demands for the proposed development.
Drainage	N/A	Storm water drainage will be provided by an on-site drainage retention system.
Solid Waste	1.2 CY / Day (816.0 lbs)	8.0 lb per day per bed as per the Solid Waste Generation Rates in the City's Design Standards Manual
		NOTE: Volusia County provides a sanitary landfill for the disposal of solid waste. At the present time, the landfill has adequate capacity.
School Impact	N/A	Not applicable for non-residential uses
Recreation	N/A	Not applicable for non-residential uses

Cutrona Property Status Report – Future Land Use

Traffic Circulation

Traffic Impact:	271 trips / day	ITE Manual 254 – based on 102 beds (Institute of Traffic Engineers)
		NOTE: Currently Veterans Memorial Parkway is operating at a level of service (LOS) D.

Potential Impact Comparison between Current and Proposed Land Use

Type of Impacts	Current ULI Land Use	Proposed MX Land Use
Dwelling Units	19	N/A
Population	47	102
Students	8	N/A
Recreation	N/A	N/A
Square Footage	N/A	71,866
Potable Water	5,700 GPD	12,760 GPD
Wastewater	5,400 GPD	11,910 GPD
Traffic (Trips per day)	190 (ITE 210)	271 (ITE 254)
Solid Waste	0.6 CY / DAY	1.2 CY / DAY

Consistency with the Comprehensive Plan

The proposed subject property land use designation is compatible with the land use element objectives and policies, and those of other affected elements in the city's comprehensive plan.

Policy 1.1.13 of the City's Future Land Use Element states that, "All plan amendment requests to the Future Land Use Map shall be evaluated to consider consistency with all elements and impacts. The evaluation shall include, but not be limited to, whether the change would..."

1. Correct a deficiency in the plan map to accommodate projected population or economic growth.

The Future Land Use Map is not being changed with the intent to correct a deficiency.

2. Increase or reduce adopted level of service standards.

According to the Technical Review Committee, the change would not increase or reduce the adopted level of service standards.

3. Be compatible with abutting and nearby land uses.

The proposed residential land use of the subject property is compatible with the abutting land uses. The proposed assisted living development will possess (1) a minimum 35-foot perimeter building setback, (2) a landscape buffer abutting the north and west sides, and (3) visual screening to be provided on the north and west sides at time of construction, all of which will be done to protect the quality of life on those abutting residential properties.

4. Enhance or degrade environmental or historical resources, features or systems of City significance.

The Technical Review Committee has determined that the proposed land use change will not enhance or degrade environmental or historical resources, features or systems of City significance.

Cutrona Property Status Report – Future Land Use

Future Land Use Element, Intent

The City of Orange City seeks to maintain and enhance its small community identity and lifestyle in an urbanizing region of central Florida. Commercial and Industrial land uses will be encouraged in suitable locations to support area residents in the southwest Volusia County market and to augment the local tax base. Growth management practices will ensure that community growth is consistent with local infrastructure and fiscal capabilities and the need to conserve significant natural resources in the area.

Future Land Use Element, Goal 1

Promote orderly growth and development.

Future Land Use Element, Objective 1.1:

The City shall promote orderly growth, development and redevelopment while minimizing adverse impacts and disruption associated with a variety of land uses in a manner that is consistent with the Comprehensive Plan's goals, objectives and policies and the Land Development Code (LDC), Ordinance No. 157.

Future Land Use Element, Policy 1.1.1:

Provide appropriate opportunities for commerce, employment and housing in the mixed-use area of the City consistent with the City's continuing role as a regional commercial and service provider for southwest Volusia County.

Future Land Use Element, Policy 1.1.11:

The City shall evaluate compatibility, transitional uses and buffers for public and institutional uses locating adjacent to existing and future residential neighborhoods.

Future Land Use Element, Policy 1.2.2:

The City and the County agree that County unincorporated area within the DPA generally located west of I-4 and south of S.R. 472 as delineated on the Future Land Use Map shall be used as the City's urban growth area and is generally appropriate for mixed-use type developments.

Future Land Use Element, Policy 5.1.1:

Mixed-Use – It is the intent of the mixed-use (MX) future land use designation to plan for a flexible, innovative mix of land uses that provide a variety of activities to the public. MX allows a mix of light industrial, office, commercial, residential and institutional uses proximate to one another, or even within the same building. Determination of appropriate land use types, densities and intensities shall be based upon compatibility with adjacent and surrounding projects; need for transition between projects and ability to maintain established levels of service standards adopted in the Comprehensive Plan. MX shall be allowed only in areas where utilities and transportation system capabilities are adequate to support the uses. Only areas that are designated as MX on the Future Land Use Map and unincorporated areas within the City's DPA generally located west of I-4 and south of S.R. 472 as delineated on the Future Land Use Map shall be considered appropriate for MX developments.

Summary

The proposed change of land use of the subject property to (MX) Mixed Use land use designation is consistent with the Orange City comprehensive plan and future land use, and is consistent with the Volusia County comprehensive plan and future land use designations.

Cutrona Property Status Report – Future Land Use

The City believes that the Mixed-Use Activity Center and its surrounding area are one of the key elements of the City's long-range land use vision as a regional commercial and service provider for southwest Volusia County. Additionally, the City believes that the expansion of the mixed-use land use designation is necessary to accommodate anticipated desired growth and will give the added benefit of allowing the City to better manage development projects through a process that requires such developments to be reviewed, approved and rezoned as planned unit developments.

Appropriate densities, intensities and uses have been determined for the mixed-use and activity center areas, to promote a mix of light industry, office, commercial, medical, institutional and residential uses that will provide long-term economic sustainability for Orange City. Architectural and appearance design standards have already been adopted for the mixed-use area to ensure compatibility of uses, harmonious design, enhancement of property values and a visually attractive community. In addition, development guidelines have been added to this Element to guide the creation of the urban development pattern within the mixed-use areas. Consideration is also given to economic stimulation in the area through the development of an existing permitting process for major employment generators and coordination with the County in the provision of infrastructure.

The proposed assisted living facility development will possess (1) a minimum 35-foot perimeter building setback, (2) a landscape buffer abutting the north and west sides, and (3) visual screening to be provided on the north and west sides at time of construction, all of which will be done to protect the quality of life on those abutting residential properties.

Intergovernmental Coordination

Orange City staff discussed this matter with Volusia County staff, early in August of 2009. Although an assisted living facility is a low traffic generator, the County suggested that Orange City include a maximum capacity related to traffic as part of the land use change adoption. However, following further discussion on this issue, it was decided that because the proposed assisted living facility would undergo an Orange City PUD process, that it would be more appropriate to include a maximum trip capacity within the PUD development agreement. City staff has also made contact with the City of Deltona, and the City of DeBary, neither of which have indicated any concerns about the land use change.

Cutrona Property Status Report – Future Land Use

Potential Impact Comparison between Current and Actual Proposed ALF Land Use

Type of Impacts	Current ULI Land Use	Actual ALF Proposed Use	Net Difference
Dwelling Units or ERU	19	43	+24
Population	47	102	+55
Students	8	0	- 8
Square Footage	NA	NA	NA
Potable Water	5,700 GPD	12,760 GPD	+ 7,060 GPD
Sanitary Sewer	5,400 GPD	11,910 GPD	+ 6,510 GPD
Traffic (Trips per day)	190 (ITE 210)	271 (ITE 254)	+ 81
Solid Waste	0.6 CY / DAY	1.2 CY / DAY	+ 0.6

School factor 0.396 students per DU

Potable Water 1 bed in a nursing home = 0.417 GPD (Source: Orange City Utility Standards)

(0.417 x 102 beds = 42.534 ERU's x 300 = 12,760 GPD)

Sanitary Sewer 1 bed in a nursing home = 0.417 GPD (Source: Orange City Utility Standards)

(0.417 x 102 beds = 42.534 ERU's x 280 = 11,910 GPD)

Transportation 102 beds = 271 ADT (#254 - Source: ITE standards)

(102 beds x 2.66 ADT = 271 ADT total)

Solid Waste 1 bed (hospital) = 8.0 pounds per day per bed (Source: Orange City Design Standards Manual)

(8.0 x 102 beds = 816 pounds (divided by 700) = 1.2 Cubic Yards per day)

A significant portion of the solid waste will be recycled.

Utilities

Utility	Current ULI FLUM Designation	Actual Proposed ALF Development	Net Change
Potable Water (gallons per day)	5,700	12,760	+ 7,060
Sanitary Sewer (gallons per day)	5,400	11,910	+ 6,510

- a. Regarding potable water and sanitary sewer, the subject site will be served by Orange City Utilities.
- b. Adequate system capacity of potable water exists within Orange City's potable water system to accommodate the proposed ALF development.
- c. Adequate system capacity of sanitary sewer exists within Volusia County's sanitary sewer system to accommodate the proposed ALF development.

Cutrona Property Status Report – Future Land Use

Transportation

Measurement	Current ULI FLUM Designation	Actual Proposed ALF Development	Net Change
Average Daily Trips (ADT)	190 (ITE 210)	271 (ITE 254)	+ 81

- a. The net change is an increase of 81 average daily trips.
- b. According to Rick Prine, Volusia County Traffic Engineer, Veterans Memorial Parkway at the subject site is currently operating at a LOS D, and the maximum allowed by Volusia County on this road is a LOS E.
- c. Therefore, there is sufficient capacity to accommodate the anticipated additional 81 ADT from the proposed ALF development.

Infrastructure

Infrastructure	Current ULI FLUM Designation	Actual Proposed ALF Development	Net Change
Potable Water (gallons per day)	5,700	12,760	+ 7,060
Sanitary Sewer (gallons per day)	5,400	11,910	+ 6,510
Solid Waste (cubic yards per day)	0.6	1.2	+ 0.6
Transportation (Average Daily Trips)	190	271	+ 81
Public Schools (students)	8	0	- 8

1 **MINUTES OF THE REGULAR MEETING** of the Planning Commission of the City of Orange City,
2 Florida, held on Wednesday, September 2, 2009, 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 Vice Chairman Franklin and roll call was taken.

8
9 **2. ROLL CALL:**

10
11 PRESENT: Vice Chairman Benjamin Franklin; Commissioners: Paul DeSilva, Michelle Polgar
12 Christopher Weldon, Bob Storke, Alisa Stafford; Staff Members: Elaine Wilson, Planning
13 & Zoning Analyst; Jim Kerr, City Planner

14
15 **3. APPROVAL OF MINUTES:** June 3, 2009

16
17
18 **Commissioner Storke moved to approve the minutes of June 3, 2009,**
19 **seconded by Commissioner DeSilva, and passed by 6/0 roll call vote of**
20 **the Commission.**

21
22
23 **PUBLIC HEARINGS:**

- 24
25 **4. Review and Consideration** of a request from Jerry Cutrona (DBA Monroe Investments, LLC) for the
26 Planning Commission to consider a recommendation that the City Council of the City of Orange City
27 adopt Ordinance No. 403, thereby amending the City's Future Land Use Map by changing the Land
28 Use of the 4.65 Acre property from (ULI) Urban Low Intensity to (MX) Mixed Use via a small scale
29 comprehensive plan amendment (SSCPA), Parcel Number 8012-04-00-0190 and 8012-04-00-0200.

30
31 Vice Chairman Franklin administered an oath to those wishing to speak.

32
33 Jim Kerr, City Planner, came forward and noted that the property under consideration is a 4.65 acre parcel
34 located across from the entrance to the "Monastery" property. This property was annexed into the City a
35 few months ago. The proposed new zoning designation for the property is MX (Mixed Use). Mr. Kerr
36 clarified that the site plan is not under consideration this evening. He maintained that because the subject
37 property is planned to be developed as an Assisted Living Facility (ALF), its impact on the surrounding
38 area will be minimal.

39
40 Mr. Kerr explained that the Planning Commission is considering a recommendation to the City Council to
41 submit a small scale amendment to the City's comprehensive plan to rezone it from ULI to MX. Once the
42 recommendation for approval of the rezoning has been made to Council, the Commission will consider a
43 Planned Unit Development (PUD) and a Site Plan.

44
45 Staff has completed a review of the proposed development in accordance with the requirements of the
46 code. Mr. Kerr noted that there have been no objections filed to the proposed land use change. He

1 advised that the objective of the Comp Plan is to promote orderly growth and minimize adverse impacts
2 and to minimize any disruption.

3
4 Mr. Kerr said that he was obligated to note the potential impacts to the surrounding area associated with an
5 ALF use. He noted that under the proposed use, the water and sewer impact has gone up, but that he has
6 been assured by Orange City Utilities that there will not be a problem servicing either water or wastewater.
7 Mr. Kerr further noted that traffic impacts are anticipated to increase about 30%.

8
9 Mr. Kerr said that staff is recommending that the Planning Commission recommend approval of this
10 proposed land use change from ULI to MX via Ordinance No. 403.

11
12 Jerry Cutrona, 248 Via Tuscany Loop, Lake Mary, came forward. He related how he became interested in
13 Assisted Living Facilities (ALF's) when his mother began to age and become ill. Mr. Cutrona said that a
14 market study concluded that there is a shortage of such facilities. He noted the close proximity of his
15 proposed facility to John Knox Village and advised that his target market was different than that of John
16 Knox as people would not be required to "buy in" to stay at the facility. Mr. Cutrona characterized his
17 proposed project as a use that is very consistent, low impact and "a good neighbor to surrounding
18 residential parcels" on a main collector road.

19
20 Commissioner Storke referenced page 2 of the staff report and questioned Mr. Kerr's assessment that
21 school impact and recreation requirements are not applicable because the development is "non-residential."
22 Mr. Storke disagreed and said that he considered the ALF as a residential facility. Mr. Kerr responded that
23 he preferred to leave that section as is because the facility will not impact the school.

24
25 Commissioner Storke questioned how Mr. Kerr could factor in the ERU's in the ALF to the limits in the
26 MX zoning. Mr. Kerr responded that it was not possible because the ALF could not be considered
27 residential units. He said that a conversion based on the figures in the comparison chart provided would
28 be about 42.53 ERU's.

29
30 Commissioner DeSilva questioned the difference between "maximum capacity" and "maximum trip
31 capacity" as related to traffic calculations. Mr. Kerr responded that three traffic studies were done, each
32 yielding different results. He advised that this issue would be addressed during the PUD process. Vice
33 Chairman Franklin said that this project would not have a noticeable effect on traffic in the area. Mr. Kerr
34 concurred stating that the County did not even require a traffic impact analysis.

35
36 Joe Lambert, 1754 Pineland Ct., came forward and took an oath administered by Vice Chairman Franklin.
37 Mr. Lambert noted the location of his property on the map. Mr. Lambert stated that he is not opposed to
38 the proposed use of the property. He requested that a six foot fence be installed across the back of his
39 property, along with a six foot landscape buffer. He said that the preliminary plan which he received in the
40 mail showed a parking lot close to the property line. He reiterated his request for a minimum six-foot
41 fence for protection, privacy and security, in addition to the landscape buffer. Mr. Lambert noted other
42 locations where commercial developments were built abutting residential areas where these types of
43 requirements were imposed. He maintained that even though the proposed project is referred to as
44 residential, it is actually a commercial use. Vice Chairman Franklin suggested that these issues would be
45 more appropriately addressed during the site plan discussions. Mr. Kerr concurred. Mr. Lambert said that
46 he wanted this discussion to be part of the permanent record and that he wanted these issues addressed

1 early in the development process. Vice Chairman Franklin urged Mr. Lambert to attend the meeting when
2 the site plan will be presented. Mr. Kerr advised that Mr. Lambert would be notified when that meeting is
3 to take place.

4
5 Mr. Kerr said that the plan presented tonight is conceptual only. He said that staff does view this
6 development as commercial. Vice Chairman Franklin referred to the plan and noted that it has a minimum
7 35-foot perimeter setback. Mr. Lambert said that requirement does not apply to parking facilities.

8
9 In response to a question from Commissioner DeSilva, Mr. Lambert stated that the owners of the property
10 adjacent to his feel as he does about this matter. Commissioner Weldon asked whether Mr. Lambert could
11 attend the Technical Review Committee (TRC) meetings regarding this project. Mr. Kerr responded that
12 those are for staff only, but that the concerns raised by Mr. Lambert this evening would be addressed by the
13 TRC. Mr. Lambert noted that since the property in question has been cleared, there have been several
14 incidents back there which have required a police response and stated, "If I can minimize that or provide
15 additional security, that would greatly be appreciated."

16
17 There being no further requests to speak, Vice Chair Franklin closed the public hearing.

18
19 **Commissioner Storke moved that based upon competent substantial**
20 **evidence presented by the applicant and City staff, the Planning**
21 **Commission recommends that the City Council of the City of Orange**
22 **City adopt Ordinance No. 403, thereby amending the City's Future Land**
23 **Use Map by changing the land use of the 4.65-acre property from (ULI)**
24 **Urban Low Intensity to (MX) Mixed Use via a Small Scale**
25 **Comprehensive Plan Amendment (SSCPA), Parcel Number 8012-04-00-**
26 **0190 and 8012-04-00-0200, seconded by Commissioner Stafford and**
27 **passed by 6/0 roll call vote of the Commission.**

28 29 5. STAFF COMMENTS:

30
31 Mr. Kerr noted that Mr. Murray, the Interim City Manager, was not able to attend tonight as he was at
32 another meeting. Mr. Kerr advised that there are no further comments from staff.

33
34 Commissioner Polgar asked what developments would be coming forward in the future? Mr. Kerr
35 responded that the City's Evaluation and Appraisal Report (EAR) was recently approved by the
36 Department of Community Affairs (DCA). The next step is for the City to amend the Comprehensive Plan
37 in conjunction with the EAR (EAR-based amendment) within the next eighteen months. Staff hopes to
38 have the amendment to the Planning Commission within the next six to eight months. Mr. Kerr explained
39 that this is a lengthy process and some of the issues will be brought to the Commission for discussion in
40 advance of the actual amendment. Mr. Kerr said that there are "some very exciting things" on the horizon
41 over the next two years.

42 43 6. COMMISSION COMMENTS

44
45 Commissioner Storke commended Mr. Cutrona for his project. He said that there is a need in the
46 community for this type of service.

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Commissioner Polgar asked which Council Member was responsible for appointing someone to fill the vacancy on the Commission. Elaine Wilson responded that it is Vice Mayor Jeff Allebach. Ms. Wilson stated her understanding that a decision had been made to wait until after the election to make the appointment. Commissioner Polgar expressed that the appointment should be a priority. Commissioner Weldon stated for the record that he would like to be reappointed to the Board. Commissioner Polgar said that she would like to continue on the Commission as well. Commissioner Polgar expressed her understanding that even though the Council Members are now being elected by District, the appointments to the Planning Commission would be made without consideration of district residency.

Vice Chairman Franklin thanked Mr. Kerr and staff for “making it very easy for us, as usual.”

7. ADJOURNMENT

There being no further business, Vice Chairman Franklin adjourned the meeting at 7:41 p.m.

RESPECTFULLY SUBMITTED:

APPROVED ON

Deborah J. Renner, CMC
City Clerk

January 6, 2010