

Meeting Date: 7/27/2010



Agenda Item # 6-B

# CITY COUNCIL AGENDA ITEM

Contact Name: Jim Kerr, City Planner Department Director:   
Department/Contact # 386 775-5414 City Manager: \_\_\_\_\_

- Type of Item:
- |                                     |                          |                          |                     |
|-------------------------------------|--------------------------|--------------------------|---------------------|
| <input type="checkbox"/>            | Public Hearing           | <input type="checkbox"/> | Resolution          |
| <input type="checkbox"/>            | Ordinance First Reading  | <input type="checkbox"/> | Discussion & Action |
| <input checked="" type="checkbox"/> | Ordinance Second Reading | <input type="checkbox"/> | Council Approval    |

**Subject: Ordinance No. 422 - Rezoning of GEL property to I-PUD**

**BACKGROUND:**

The rezoning of the GEL property to I-PUD was previously reviewed and approved by the City Council on June 23, 2009, via Ordinance No. 398. However, at the time GEL was hesitant to sign the development agreement, and the ordinance became null and void. GEL recently signed the development agreement, and the City is again moving forward to rezone the property. The processing of this item by City staff has included a development review of (1) a planned development, and (2) a rezoning of the property to an I-PUD, and (3) a development agreement. Recycling activities are allowed as per Section 8.6.1 of the City's land development code subject to approval as a planned development, as amended by Ordinance No. 421. The first reading of Ordinance No. 422 was approved by City Council on July 13, 2010.

**RECOMMENDATIONS:**

City staff and the Planning Commission recommend that the City Council approve and adopt Ordinance No. 422, therein approving the rezoning of the GEL property to an I-PUD, subject to City Council approval of the GEL site plan.

**ATTACHMENTS:**

Ordinance No. 422

**FINANCIAL IMPACT:**

None anticipated

Reviewed by City Attorney \_\_\_\_\_  
Reviewed by Finance Dept. \_\_\_\_\_  
Reviewed by: \_\_\_\_\_

<b>1<sup>st</sup> Discussion Date:</b> 7/13/2010	<b>2<sup>nd</sup> Discussion Date:</b> 7/27/2010	<b>Third Discussion Date:</b> Click here to enter a date.	<b>Other Dates:</b> Click here to enter a date.
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## ORDINANCE NO. 422

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 GEL CORPORATION PROPERTY, CONSISTING OF APPROXIMATELY 33.8 ACRES OF PROPERTY GENERALLY LOCATED WITHIN THE NORTHEAST QUADRANT OF RHODE ISLAND AVENUE AND LEAVITT AVENUE; FROM ITS PRESENT ZONING CLASSIFICATION OF (I-2) HEAVY INDUSTRIAL TO (I-PUD) INDUSTRIAL PLANNED UNIT DEVELOPMENT; CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

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**WHEREAS**, Milton Evans Jr. (dba Gel Corporation) is the owner of certain real property generally located within the northeast quadrant of Rhode Island Avenue and Leavitt Avenue, containing approximately 33.8 acres, and

**WHEREAS**, the City Council annexed said property into the City of Orange City in 1984, and

**WHEREAS**, responding to the property owner's request for a rezoning, the City desires to change the zoning classification of said property from (I-2) Heavy Industrial to (I-PUD) Industrial Planned Unit Development; and

**WHEREAS**, on June 2, 2010, the Planning Commission of the City of Orange City, Florida, conducted a public hearing to review and consider the rezoning, and forwarded a recommendation of approval to the City Council, 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 COUNCIL 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 property located within the northeast quadrant of Rhode Island Avenue and Leavitt Avenue, containing approximately 33.8 acres, is hereby changed and transferred from its present zoning classification of (I-2) Heavy Industrial to (I-PUD) Industrial Planned Unit Development. Said properties are more particularly described in the Attachment "A" Legal Description.

A copy of the amendment to the Zoning Map is attached hereto and included as Exhibit A, and such amendment is hereby adopted pursuant to the City's Code of Ordinances.

**SECTION 2. CONFLICTS:** 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 upon adoption by the City Council of the City of Orange City, Florida.

**ROLL CALL VOTE AS FOLLOWS (Ordinance No. 422):**

First Reading this 13<sup>th</sup> day of July, 2010.

Jeff H. Allebach

yes

Tom Laputka, Vice Mayor

yes

Tom Abraham

yes

Anthony Pupello

yes

Gary Blair

No

O. William Crippen

yes

Harley Strickland, Mayor

yes

**ROLL CALL VOTE AS FOLLOWS (Ordinance No. 422):**

Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Jeff H. Allebach \_\_\_\_\_ Thomas Laputka, Vice Mayor \_\_\_\_\_

Tom Abraham \_\_\_\_\_ Anthony Pupello \_\_\_\_\_

Gary Blair \_\_\_\_\_ Bill Crippen \_\_\_\_\_

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. 422

### Legal Description

## GEL Corporation Rezoning

Parcel Nos. 8011-03-01-0010, 8011-03-02-0010, 8011-03-03-0010, 8011-03-04-0010, 8011-03-05-0010, 8011-03-06-0010, 8011-03-07-0010, 8011-03-08-0010, 8011-03-09-0010, 8011-03-10-0010

#### LEGAL DESCRIPTION: VINELAND SUBDIVISION PROPERTY (WRITTEN)

Lots 1 to 19, inclusive, and Lots 41 to 50, inclusive, Block 1; Lots 1 to 18, inclusive, and Lots 39 to 48, inclusive, Block 2; Lots 1 to 48, inclusive, Block 3; Lots 1 to 48, inclusive, Block 4; Lots 1 to 50, inclusive, Block 5; Lots 1 to 50, inclusive, Block 6; Lots 1 to 48, inclusive, Block 7; Lots 1 to 48, inclusive, Block 8; Lots 1 to 48, inclusive, Block 9; Lots 1 to 50, inclusive, Block 10; and Bell Avenue, Lying East of the Easterly Right of Way of Leavitt Avenue and West of the Westerly Right of Way of Trafford Avenue; and Willard Street lying South of the Northerly boundary of said Lot 41, Block 1 and Lot 18, Block 2 and North of the Northerly Right of Way of Rhode Island Avenue; and Green Street lying South of the Northerly boundary of said Lot 39, Block 2 and North of the Northerly Right of Way of Rhode Island Avenue; and the E ½ of Green Street lying North of the Easterly extension of the Northerly boundary of said Lot 39, Block 2 and South of the Southerly Right of Way of Georgia Avenue and Booth Street lying South of the Southerly Right of Way of Georgia Avenue and North of the Northerly Right of Way of Rhode Island Avenue; and Henry Street lying South of the Southerly Right of Way of Georgia Avenue and North of the Northerly Right of Way of Rhode Island Avenue, Vineland Park, a subdivision according to map in Map Book 7, Page 77, Public Records of Volusia County, Florida, and being more particularly described as follows: Commencing at the Southwest corner of the SE ¼ of Section 11, Township 18 South, Range 30 East, Volusia County, Florida, run thence S 89°51'34" E along the South line of said SE ¼ a distance of 30.00 feet; run thence N 00°03'53" W along a line 30.00 feet East of at right angle to and parallel with the West line of said SE ¼ a distance of 30.00 feet to the point of intersection of the Northerly Right of Way of Rhode Island Avenue and the Easterly Right of Way line of Leavitt Avenue, as now established and the Point of Beginning. Continue thence N 00°03'53" W along said Easterly Right of Way a distance of 1017.13 feet; run thence S 89°48'50" E a distance of 512.65 feet; run thence N 00°00'36" E a distance of 251.80 feet to a point on the Southerly Right of Way of Georgia Avenue; run thence S 89°48'00" E along said Right of Way a distance of 755.48 feet to a point on the Westerly Right of Way of Trafford Avenue; run thence S 00°03'45" E along said Right of Way a distance of 1267.74 feet to a point on aforesaid Northerly Right of Way of Rhode Island Avenue; run thence N 89°51'34" W along said Right of Way lying 30.00 feet North of at right angle to and parallel with aforesaid South line of the SE ¼ a distance of 1268.40 feet to the Point of Beginning. Being subject to any Easements and Rights of Way of Record.

# Exhibit A Ordinance No. 422

## Zoning Map for GEL Property

