



Orange City Development Services Department

205 East Graves Avenue, Orange City, Florida 32763

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Public Hearing: January 3, 2018 - Planning Commission

Report Date: December 21, 2017

Case No.: COMP-10-17-1284

Subject: Ordinance No. 585. Future Land Use Map amendment of +/- 0.15 acres from Volusia County Urban Medium Intensity (UMI) to Orange City Commercial General (CG).

Location: 915 Joe Street

Applicant: Development Services Department

Owner(s): Fountainview Apartment Complex, LLC

Staff: Joe Ruiz, Senior Planner

I. SUMMARY OF REQUEST

This is an administrative Small Scale Comprehensive Plan amendment to change the City Future Land Use Map designation from Volusia County Urban Medium Intensity (UMI) to Orange City Commercial General (CG). This map amendment is necessary to assign a City Future Land Use designation in accordance with state law for 915 Joe Street. The City annexed the property through voluntary annexation via Ordinance No. 584.

The map amendment to the City's Commercial General (CG) Future Land Use designation will result in a decrease in potential impacts on all Levels of Service (LOS) required to service the site. Staff has provided an infrastructure comparison table comparing the possible density/intensity impacts of the proposed amendment to those in the current Volusia County Urban Medium Intensity (UMI) designation.

The Future Land Use amendment is accompanied by REZO-10-17-1283; Ordinance No. 586, a proposal to rezone the property from Volusia County Urban Single-Family Residential (R-4) to Orange City General Commercial (CG-2). The rezoning application is contingent upon approval of this application.

Staff recommendation: Find the amendment consistent with the comprehensive plan and forward to the City Council for approval at a transmittal hearing tentatively scheduled for February 13, 2018.

II. SITE INFORMATION

Location: West side of Joe Street and 150 feet south of its intersection with East Ohio Avenue.

Parcel No: 8011-05-03-0060

Property Size: +/- 0.15 acres

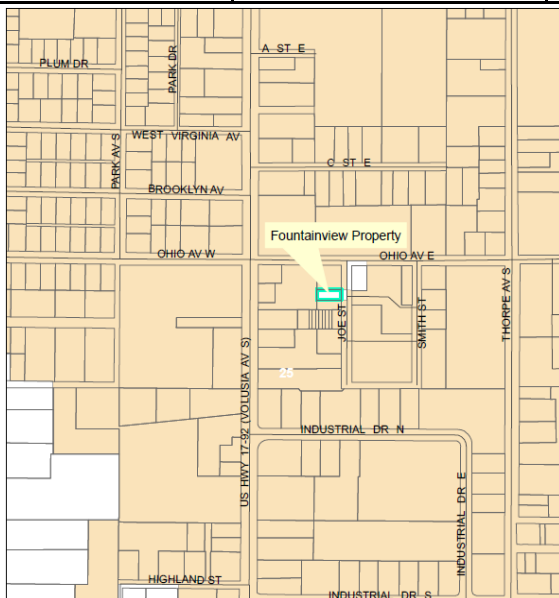
Council District: District 2 – Councilmember Jeff Allebach

Zoning: Volusia County Urban Single-Family Residential (R-4)

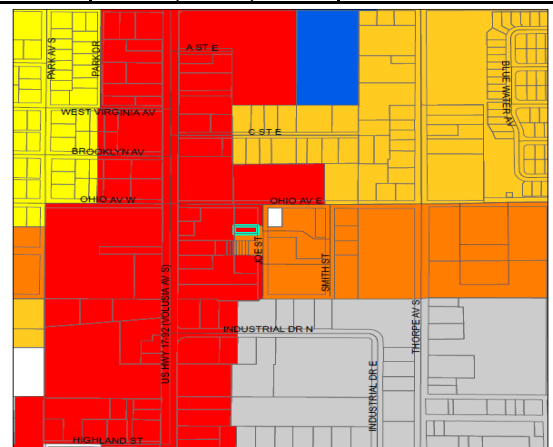
Future Land Use: Volusia County Urban Medium Intensity (UMI)


Adjacent Land Use and Zoning:

Direction	Existing Land Use	Future Land Use	Zoning Classification	Jurisdiction
Adjoining to North	Vacant	Commercial General (CG)	General Commercial (CG-2)	City
Adjoining to South	Residential	Residential High (RH)	High Density Residential (R-3)	City
Adjoining to East	Residential	Residential High (RH)	High Density Residential (R-3)	City
Adjoining to West	Residential	Commercial General (CG)	General Commercial (CG-2)	City



Location Map




Fountainview Property
 915 Joe Street
 COMP-10-17-1284
 Proposed Future Land Use Map

1 Inch = 400 feet

Legend
 Streets
 Parcels
 Fountain View Annex
 CG - Commercial General
 GU/IS - Public/Governmental & Institutional
 RH - Residential High
 RL - Residential Low
 RM - Residential Medium
 IL - Industrial Limited

Date Created 11.9.2017

Proposed FLU Map

III. BACKGROUND AND PREVIOUS ACTIONS

The subject property is a total of 0.15 acres, and is located just east of the Fountainview Apartment Complex. The site is undeveloped, but currently contains two (2) sheds totaling 440 square feet, which are accessory structures to the apartment complex. On September 7, 2016, the Planning Commission approved a conditional use request to allow multiple family dwellings on parcels 8011-08-29-0207 and 8011-08-29-0200 to continue after a change of ownership. Those two parcels both have the Commercial General (CG) Future Land Use designation. As a condition of the conditional use, the Applicant agreed to annex the subject parcel, and combine with the parent parcel 8011-08-29-0200. The City Council annexed the subject property via Ordinance No. 584, on November 14, 2017.



IV. REVIEW CRITERIA AND ANALYSIS

EXISTING AND PROPOSED FUTURE LAND USE ANALYSIS

Existing County FLU (UMI)

The property currently contains the Volusia County Urban Medium Intensity Future Land Use designation. Chapter 1 Future Land Use Element of the Volusia County Comprehensive Plan describes the designations as follows:

Urban Medium Intensity - (UMI)

Areas that contain residential development at a range of greater than four (4) to eight (8) dwelling units per acre. The types of housing typically found in areas designated urban medium intensity include single family homes, townhouses and low-rise apartments.

The UMI designation is primarily a residential designation but may allow neighborhood business areas (see Shopping Center definition in Chapter 20) and office development that meet the Comprehensive Plan's location criteria. The commercial intensity shall be no more than a fifty percent Floor Area Ratio (0.50 FAR) and shall be limited in a manner to be compatible with the allowable residential density. In order to be considered compatible, the commercial development should reflect similar traffic patterns, traffic generation, building scale, landscaping and open space, and buffers. More intensive commercial use, other than neighborhood business areas, shall be reserved to areas designated for Commercial.

Below is the County Urban Medium Intensity (UMI) maximum development scenario based on the total 0.15 acres:

Table 1: Maximum Development Scenario (UMI)

Maximum Residential Density	Maximum Non-Residential Intensity
1 DU	3,267 SF

Proposed FLU (CG)

Florida Statutes requires the assignment of a City Future Land Use designation for the annexed property, which is consistent with the City’s Comprehensive Plan, Policy 9.1.5. Staff has determined the Commercial General (CG) Future Land Use designation best suits the property. The property owner (Fountainview Apartment Complex, LLC) also owns and maintains the parent parcel, thus, providing consistency with the parent parcel designated CG Future Land Use. In addition, the Volusia County UMI Future Land Use allows for commercial intensity of 0.50 FAR, which is a primarily residential land designation that allows possible commercial intensity. In comparison, The Orange City CG Future Land Use allows for both commercial and residential development, being primarily a commercial designation.

Staff proposes application of the City’s Commercial General (CG) Future Land Use designation to the property. Policy 5.1.1, described the CG designation as follows:

It is the intent of the commercial general (CG) future land use designation to include a large variety of retail, commercial, financial, professional service, multi-family and related uses; planned commercial centers and community and regional serving shopping centers. Commercial general uses other than multi-family shall not exceed a FAR of 0.25. Multi-family uses shall not exceed a density of 12 units per acre and shall be approved as a conditional use to insure consistency with the Comprehensive Plan and compliance with all applicable provisions of the City’s LDC, Ordinance No. 157.

Below is the proposed City’s Commercial General (CG) maximum development scenario based on the total 0.15 acres:

Table 2: Maximum Development Scenario: (CG)

Maximum Multi-Family Residential Density	Maximum Non-Residential Intensity
1 DU	1,634 SF

FUTURE LAND USE MAP AMENDMENT CRITERIA: According to Policy 1.1.13 of the City’s Future Land Use Element all plan amendments 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:

- A. Correct a deficiency in the FLUM to accommodate projected population or economic growth.**

The intent of the Future Land Use Map amendment is not to correct a deficiency; however, the Florida Statutes require the change due to the property’s annexation into the City.

- B. Increase or reduce adopted level of service standards.**

The following table depicts the decrease in potential infrastructure impacts based on the Levels of Service (LOS) of both Volusia County and Orange City. The LOS standards were calculated based on the nonresidential intensity to provide for a maximum impact scenario:

Table 3: Infrastructure Comparison Summary

Infrastructure	Existing Volusia County Urban Medium Intensity (UMI)	Proposed Orange City Commercial General (CG)	Difference
Density	1 DU	1 DU	0 DU
Intensity	3,267 SF	1,634 SF	- 1,633 SF
Potable Water	327 GPD	225 GPD	- 102 GPD
Wastewater	327 GPD	131 GPD	- 196 GPD
Solid Waste	8.6 LBS PD	6 LBS PD	- 2.6 LBS PD
Transportation*	140 AADT	70 AADT	- 70 AADT
Students	N/A	N/A	N/A

*The Average Annual Daily Trips (AADT) have been calculated for a shopping center use rate (820) in the ITE Trip Generation Handbook – 9th Edition, as the most intense use possible.

Density

The calculations, based on acreage, find that the lot is large enough to possess a density of 1 dwelling unit. Realistically, the parcel's lot size does not meet the minimum lot size required for development by the General Commercial (CG-2) zoning district proposed in the companion rezoning application. Therefore, there will be no density impacts with this amendment.

Intensity

The calculations depict a decrease of 1,633 square feet in possible intensity based on the allowable Floor Area Ratios. As stated above, the parcel's lot size as is does not meet the minimum lot size required for development in the General Commercial (CG-2) zoning district. It is intended to be combined with the parent parcel, which contains the existing Fountainview Apartments.

Potable Water

The potable water impacts as depicted in the chart provide for a decrease of 102 gallons per day (GPD). This calculation was formulated by comparing the following LOS standards.

Policy 7.1.1.1 of the Volusia County *Potable Water Sub-Element* of the Volusia County Comprehensive Plan states the LOS for nonresidential potable water service LOS is 0.10 GPD per square foot of building area (3,267 sq. ft. x 0.10 = 327 GPD). The City's *Potable Water Element* of the Comprehensive Plan Policy 2.1.1 states the LOS is 1,500 gallons per acre (1,500 x 0.15 acres = 225 GPD).

The map amendment will result in a decrease of potential impacts to potable water

service.

Wastewater:

The wastewater impacts comparison provides for a decrease in 196 GPD. This calculation was formulated by comparing the following LOS standards:

Policy 6.1.1.1 of the Volusia County *Sanitary Sewer Sub-Element* of the Comprehensive Plan states the LOS for nonresidential states the wastewater service LOS is 0.10 GPD per square foot of building area (3,267 sq. ft. x 0.10 = 327 GPD). The City's *Sanitary Sewer Element* of the Comprehensive Plan Policy 1.1.1 states the LOS is 0.08 GPD per square foot of building area (0.08 x 1,634 sq. ft. = 131 GPD).

The map amendment will result in a decrease of potential impacts to potable water service.

Solid Waste

The solid waste comparison provides for a decrease of 2.6 pounds per day (LBS PD). This calculation was formulated by comparing the following LOS:

Policy 8.3.1 of the Volusia County *Solid Waste Sub-Element* of the Comprehensive Plan states the LOS is 8.6 lbs. per capita of nonresidential (8.6 lbs. x 1 = 8.6 LBS PD). The City's *Capital Improvements Element* Policy 1.1.3 states the LOS is 6 lbs. per capita (6 lbs. x 1 = 6 LBS PD).

The map amendment will result in a decrease of potential impacts to solid waste service.

Transportation:

The adjacent transportation network includes: SR 17-92 and East Ohio Avenue, the first being a state road and the second a city road. SR 17-92, from East Graves Avenue to East Rhode Island Avenue, is a 5-lane Urban Principal Arterial and East Ohio Avenue is a 2-lane City local road with no adopted LOS.

The 70 annual average daily trips that the map amendment may generate is 70 trips less than the existing future land use designation, and less than one percent of the total network capacity. No impact to the network is anticipated.

Schools:

No student generation is anticipated by the map amendment.

C. Be compatible with abutting and nearby land uses.

The proposed Future Land Use Map designation is compatible with the parent parcel's Future Land Use designation. By condition of COND-7-16-1216, the Applicant agreed to combine all lots with the parent parcel, which contains a Commercial General (CG) Future Land Use designation.

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

There are no known significant environmental or historical resources on the property. Any future development must comply with the City's environmental and open space requirements of the Land Development Code, which references the County's minimum standards. The proposed amendment does not degrade the environmental or historical resources.

E. Be consistent with the Conservation Element's goal 4 and its applicable objectives and policies pertaining to energy and greenhouse gas impacts.

Volusia County Comprehensive Plan Map Series, Figure 1-14- Energy Conservation Area Map indicates that this property is planned for urban development as it is not located within the Environmental Core Overlay nor within the Natural Resource Management Area. The proposed amendment is consistent with the City's conservation element.

V. STAFF RECOMMENDATION

Find the amendment consistent with the comprehensive plan and forward Ordinance No. 585 to the City Council for transmittal hearing tentatively scheduled for February 13, 2018.

VI. ATTACHMENTS

Draft Ordinance No. 585
Map Series

VII. AUTHORITY AND PROCEDURE

As the local planning agency, the Planning Commission is hereby also designated the land development regulation commission in accordance with the provisions of F.S. 163.3161 and 163.3174 of the Community Planning Act. The Planning Commission shall recommend to the City Council amendments for consistency with the comprehensive plan (Chapter 3- Orange City Land Development Code).

ORDINANCE NO. 585

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, FOR ADOPTION OF AN ADMINISTRATIVE SMALL SCALE COMPREHENSIVE PLAN AMENDMENT FOR PROPERTY LOCATED AT 915 JOE STREET TO CHANGE THE FUTURE LAND USE DESIGNATION FROM VOLUSIA COUNTY URBAN MEDIUM INTENSITY (UMI) TO ORANGE CITY COMMERCIAL GENERAL (CG); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City's Comprehensive Plan has been adopted and has been found in compliance pursuant to Chapter 163, Florida Statutes; and

WHEREAS, On November 14, 2017, the City Council of the City of Orange City adopted Ordinance No. 584 which annexed the 915 Joe Street property into the City; and

WHEREAS, The Planning Commission, on _____, at a duly noticed public meeting, and pursuant to the procedures of Chapter 163, Florida Statutes, reviewed and heard testimony concerning the proposed amendment to the City of Orange City Comprehensive Plan, and recommended to the City Council that the proposed Comprehensive Plan Amendment be adopted; and

WHEREAS, The City Council held the first reading of the Ordinance on _____; and

WHEREAS, The amendment received Consistency Certification from the Volusia Growth Management Commission (VGMC) on _____; and

WHEREAS, The City Council held the second reading of the Ordinance on _____; and

WHEREAS, The City of Orange City finds the Future Land Use Designation change of 915 Joe Street to be consistent with the Comprehensive Plan.

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

SECTION 1. Small Scale Comprehensive Plan Amendment. The City Council herein adopts this amendment, which amends the Comprehensive Plan by changing the Future Land Use Map (FLUM) designation on approximately 0.15 acres of land from Volusia County Urban Medium Intensity (UMI) to Orange City General Commercial (CG). The subject property, located at 915 Joe Street (Parcel No. 8011-05-03-0060), is generally located on the west side of Joe Street and 150 feet south of East Ohio Avenue. The Legal Description for the subject property is included as **Exhibit "A"** (attached hereto and incorporated herein by this reference).

SECTION 2. Future Land Use Map Adopted. This Comprehensive Plan Amendment, which changes the Future Land Use Map Designation on the subject property from Volusia County Medium Intensity (UMI) to Orange City Commercial General (CG), is hereby amended as set forth in **Exhibit "B"** (attached hereto and incorporated herein by this reference). Future Land Use Element, Map 2-2 and the official Future Land Use Map Series of the City of Orange City Comprehensive Plan shall be conformed as set forth by this Comprehensive Plan Amendment.

SECTION 3. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. The effective date of the comprehensive plan amendment contained in this Ordinance shall be thirty-one (31) days after adoption, unless the amendment in the ordinance is challenged pursuant to Section 163.3184(5)(c) Florida Statutes. If challenged, the effective date of the challenged small scale comprehensive plan amendment contained in this ordinance shall be the date a Final Order is issued by the State Land Planning Agency or the Florida Administration Commission, finding that the challenged plan amendment contained in this Ordinance is in compliance with Section 163.3184, Florida Statutes. No development orders, development permits, or land uses dependent on the small scale comprehensive plan amendment adopted in this ordinance may be issued or commence before the plan amendment has become effective.

ROLL CALL VOTE AS FOLLOWS (Ordinance No. 585):

First Reading this _____ day of _____, 2018.

_____	Jim Mahoney	Anthony Pupello	_____
_____	Bill O'Connor	Evelyn Robinson	_____
_____	Jeff Allebach	O. William Crippen, Vice Mayor	_____
_____	Gary A. Blair, Mayor		

ROLL CALL VOTE AS FOLLOWS (Ordinance No. 585):

Second Reading this _____ day of _____, 2018.

_____	Jim Mahoney	Anthony Pupello	_____
_____	Bill O'Connor	Evelyn Robinson	_____
_____	Jeff Allebach	O. William Crippen, Mayor	_____
_____	Gary A. Blair, Mayor		

PASSED and ADOPTED this _____ day of _____, 2018.

ATTEST:

AUTHENTICATED:

Gloria J. Thomas, CMC, City Clerk

Gary A. Blair, Mayor

Approved as to form and legal sufficiency:

William E. Reischmann, Jr., City Attorney

DRAFT

**ORD No. 585
Exhibit "A"**

**Legal Description for Fountainview Apartment Complex
Property**

Name: **Fountainview Apartment Complex, LLC**

Street **915 Joe Street**
Address:
Parcel ID: **8011-05-03-0060**

Acreage: **+/- 0.15**

Legal

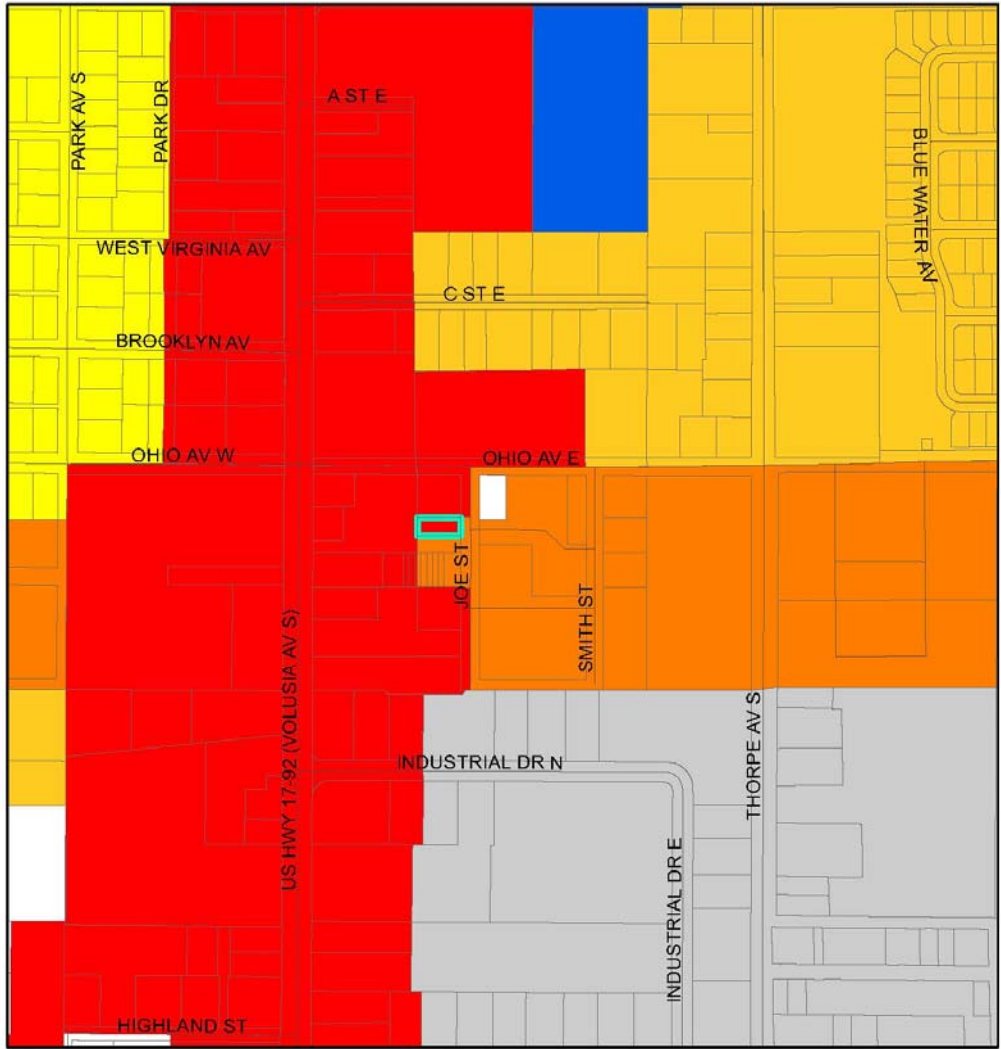
Description:

LOTS 6 & 7, BLOCK C, HALEY PLACE, BLOCK 29, ORANGE CITY, AS RECORDED IN PLAT BOOK 6, PAGE 207, LOCATED IN SECTION 11, TOWNSHIP 18 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA.

ALL LOCATED IN SECTION 11, TOWNSHIP 18 SOUTH, RANGE 30 EAST, VOLUSIA COUNTY, FLORIDA.

ORD No. 585

Exhibit "B"



Fountainview Property
 915 Joe Street
 COMP-10-17-1284
 Proposed Future Land Use Map

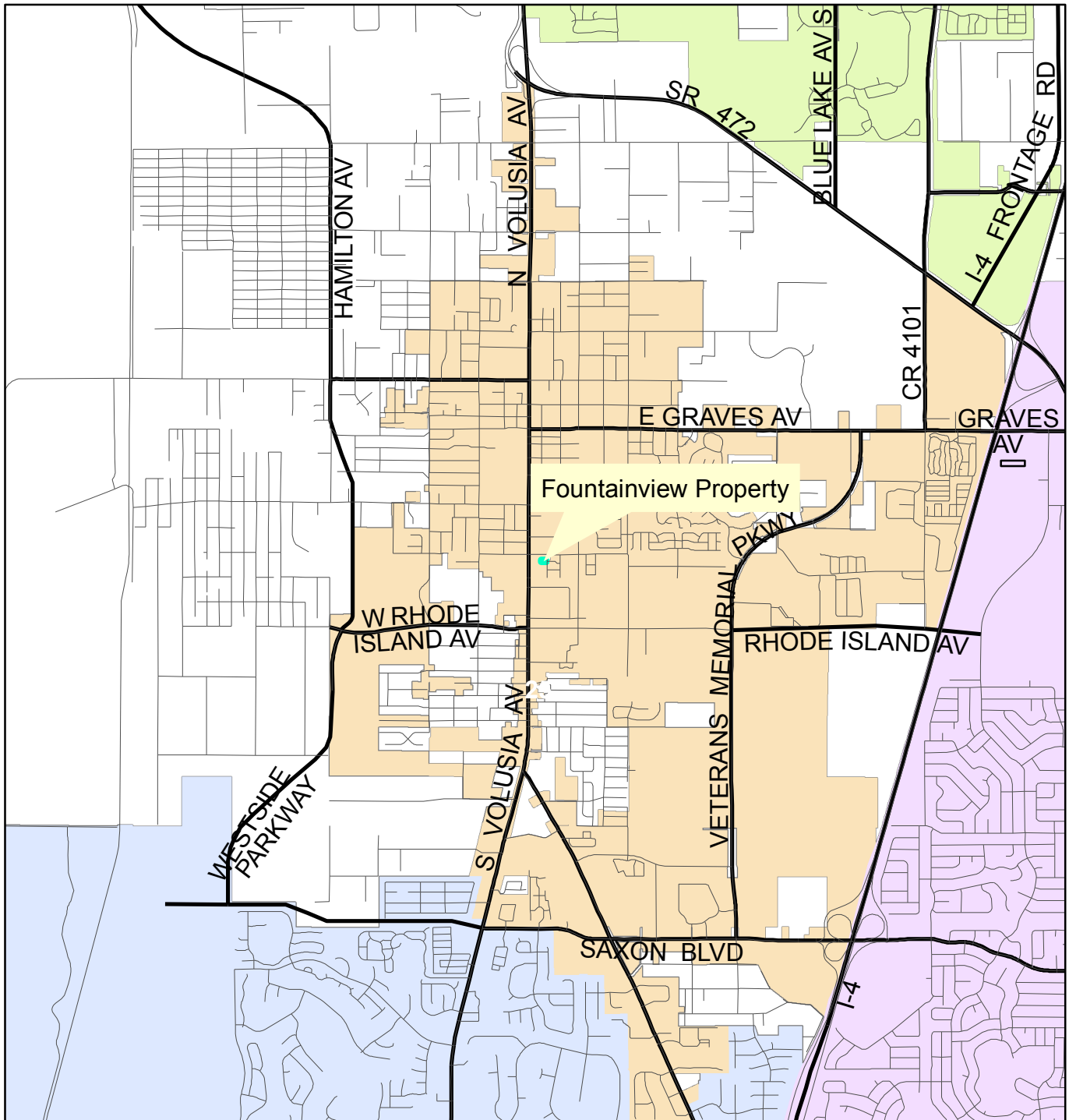


1 inch = 400 feet

Legend

- Streets
- ▭ Parcels
- ▭ Fountain View Annex
- ▭ CG - Commercial General
- ▭ GU/IS - Public/ Governmental & Institutional
- ▭ RH - Residential High
- ▭ RL - Residential Low
- ▭ RM - Residential Medium
- ▭ IL - Industrial Limited

Date Created 11.9.2017



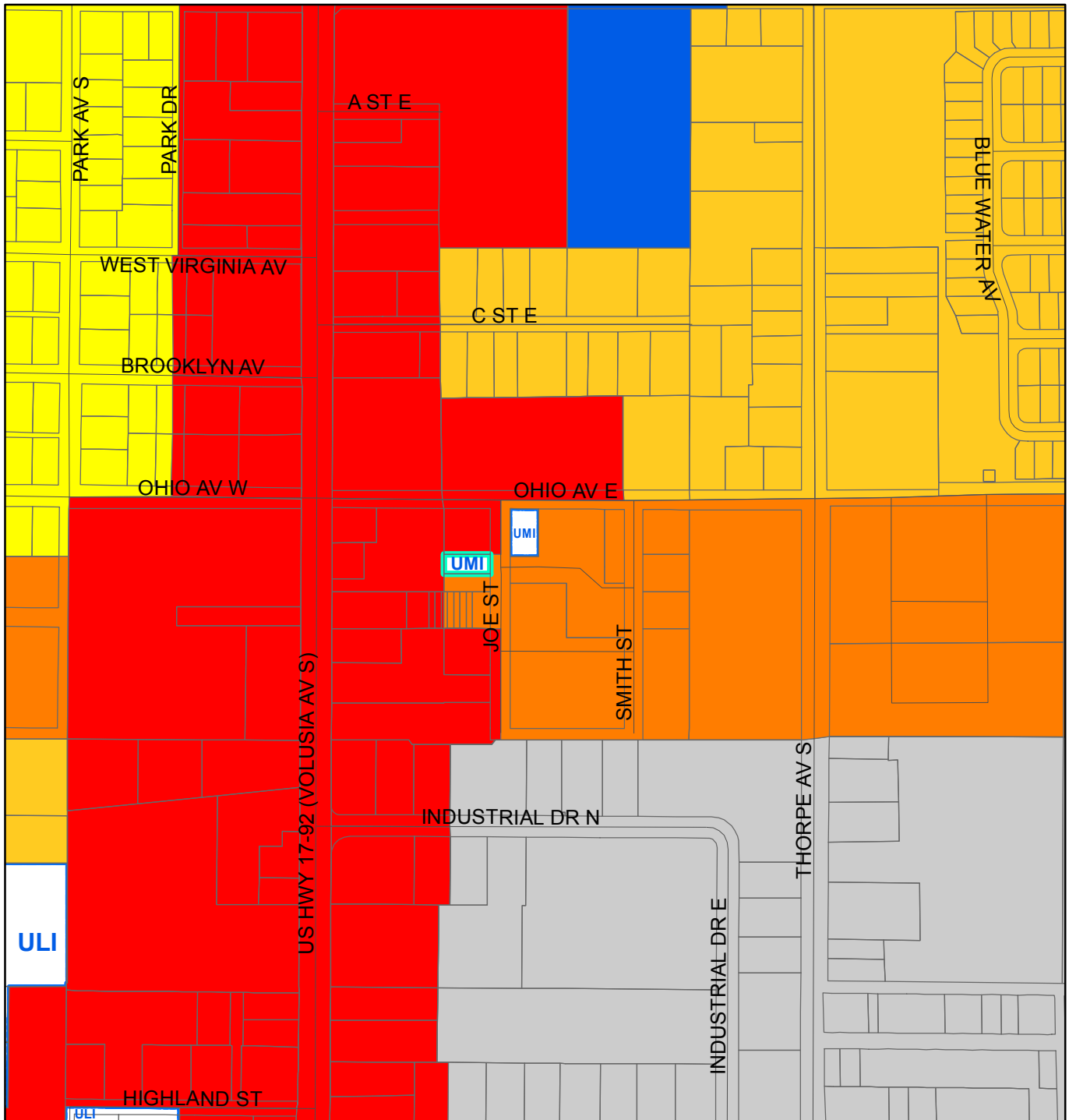
Fountainview Property - 915 Joe Street
 Future Land Use Amendment
 COMP-10-17-1284
 Location Map



1 inch = 4,000 feet

Legend

- Streets
- Fountain View Property
- DeBary
- DeLand
- Deltona
- Orange City
- Volusia County



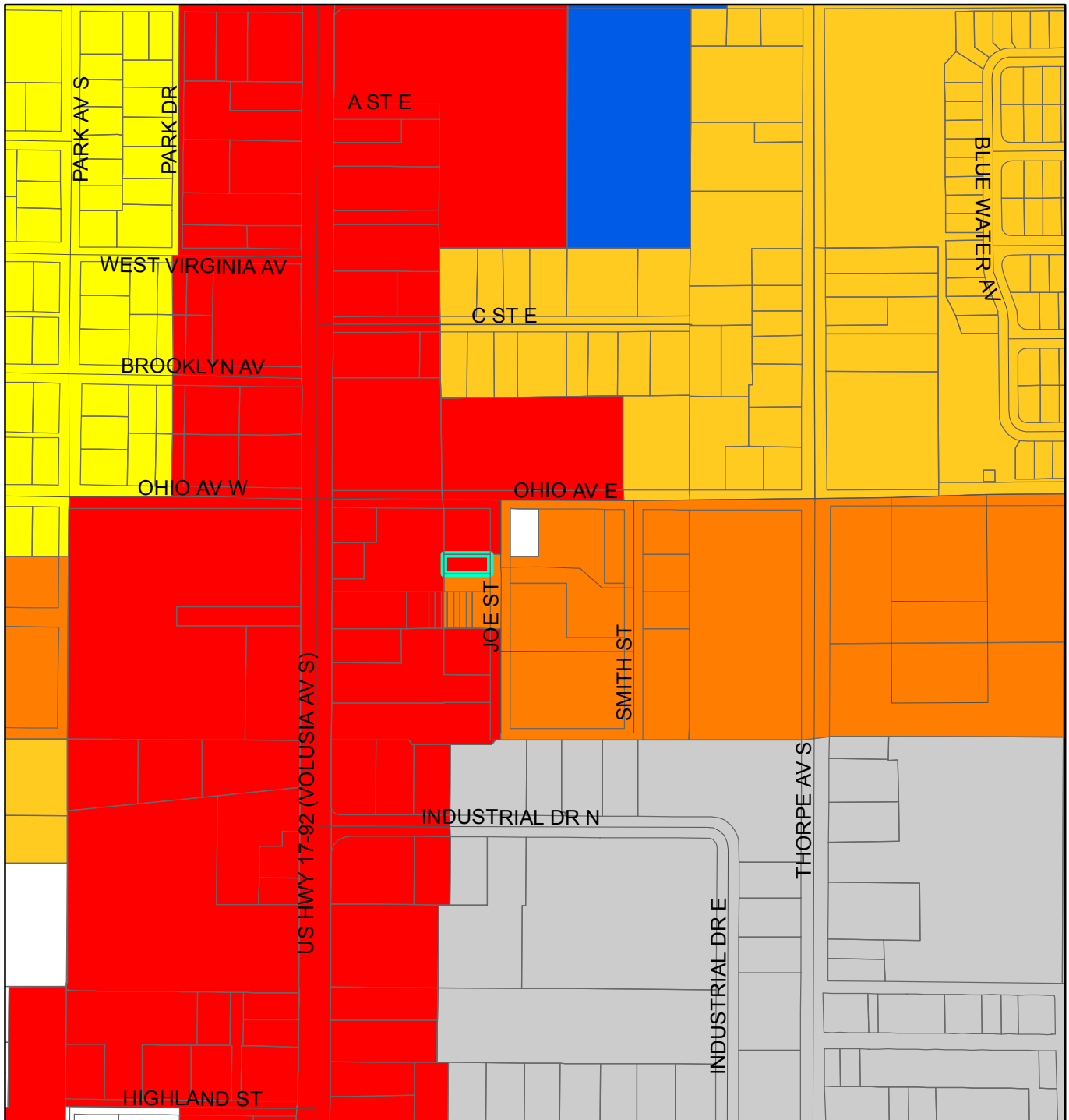
Fountainview Property
 915 Joe Street
 COMP-10-17-1284
 Future Land Use Map



1 inch = 400 feet

Legend

- Streets
- Parcels
- Fountain View Annex
- County FLU
- CG - Commercial General
- GU/IS - Public/ Governmental & Institutional
- RH - Residential High
- RL - Residential Low
- RM - Residential Medium
- IL - Industrial Limited



Fountainview Property
 915 Joe Street
 COMP-10-17-1284
 Proposed Future Land Use Map



1 inch = 400 feet

Legend

- | | | |
|---------------------|--|-------------------------|
| Streets | CG - Commercial General | RL - Residential Low |
| Parcels | GU/IS - Public/ Governmental & Institutional | RM - Residential Medium |
| Fountain View Annex | RH - Residential High | IL- Industrial Limited |

Date Created 11.9.2017