



Orange City Development Services Department

205 East Graves Avenue, Orange City, Florida 32763

www.OurOrangeCity.com Phone: 386-775-5415 Fax: 386-775-5420

Public Hearing: January 3, 2018 - Planning Commission

Report Date: December 21, 2017

Case No.: REZO-10-17-1283

Subject: Ordinance No. 586. Amend the Official Zoning Map for +/- 0.15 acres from Volusia County Urban Single-Family Residential (R-4) to Orange City General Commercial (CG-2).

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 rezoning amendment to change the City's Official Zoning Map for the subject property from Volusia County Urban Single-Family Residential (R-4) to Orange City General Commercial (CG-2). This map amendment is necessary to assign a City Zoning designation in accordance with state law for 915 Joe Street. The City annexed the property through voluntary annexation via Ordinance No. 584.

Staff proposes to amend the Zoning Map by assigning the Commercial General (CG-2) designation to allow consistency with the parent parcel, pursuant to condition of COND-7-16-1216. In addition, the CG-2 designation is most compatible with the existing development pattern along SR 17-92.

This is a companion rezoning to proposed Ordinance No. 585, which is to amend the Future Land Use Map from Volusia County Urban Medium Intensity (UMI) to Orange City General Commercial (CG). The rezoning application is contingent upon approval of Ordinance No. 585.

Staff recommendation: Find the Official Zoning Map amendment consistent with the comprehensive plan and forward Ordinance No. 586 to the City Council for approval at first reading 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

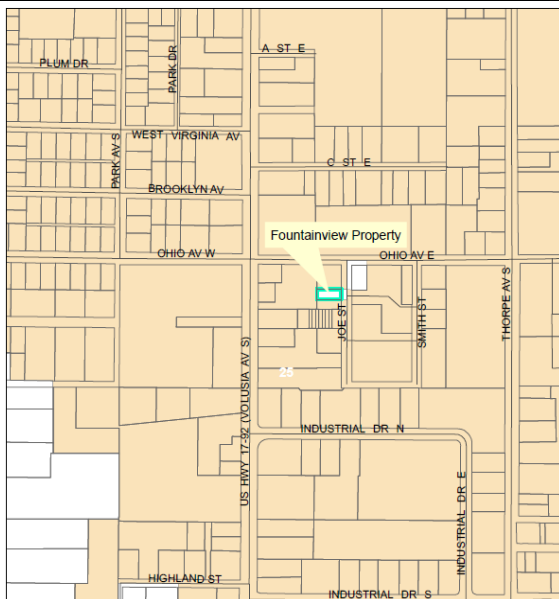
Council District: District 2 - Councilmember Jeff Allebach

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

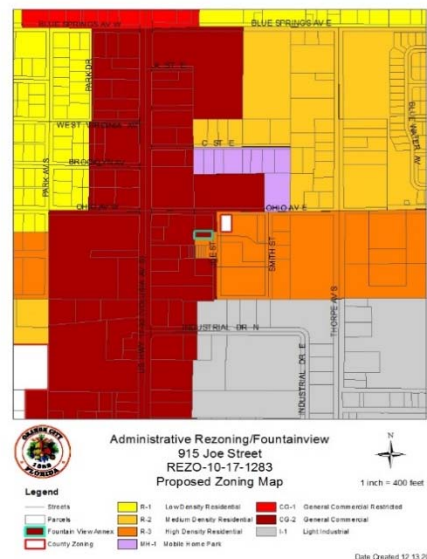
Future Land Use: Volusia County Urban Medium Intensity (UMI)

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



Proposed Zoning 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 Zoning

The property is currently zoned Volusia County Urban Single-Family Residential (R-4).

Proposed Zoning

Staff proposes the City's General Commercial (CG-2) zoning classification to the annexed property, as it is consistent zoning with the proposed Commercial General land use designation of the parent parcel. It also is most consistent with the zoning designations along this segment of SR 17-92 corridor.

There is no proposed development planned for the property at this time.

REZONING REVIEW CRITERIA

Pursuant to Section 3.5.2.F, *Text and OZM amendment procedures*, City Land Development Code, the Planning Commission shall consider the following:

1. Whether the change is consistent with all the adopted elements of the Comprehensive Plan and other laws and ordinances.

Staff finds that the proposed rezoning of this property is consistent with the appropriate goals in the Future Land Use element in the City's Comprehensive Plan. The proposed Future Land Use Map amendment to Commercial General (CG) is a concurrent administrative application. The Future Land Use Element has several policies that require consistent application of zoning classifications.

Policy 9.1.5. –

Upon annexation, land annexed into the City will be given an appropriate and compatible land use designation in one of the following ways:

3. If at the time of annexation, the City or the Property Owner determine that the existing Volusia County Future Land Use Map designation is not the most appropriate designation for the property, the property will be given a City future land use designation in accordance with the land use map amendment process as defined by Chapter 163 of the Florida Statutes, as well as applicable City and County codes and policies.

The proposed City CG-2 zoning classification is the most similar to the parent parcel containing the Commercial General (CG) Future Land Use. The Official Zoning Map amendment is necessary because the City recently annexed the property, and must assign an appropriate zoning classification following the amendment of the Future Land Use Map designation.

2. Whether it will result in any incompatible land uses, considering the type and location of uses involved, the impact on adjacent and neighboring properties, as well as compatibility with existing and proposed land uses and an orderly and compatible land use pattern.

The majority of the surrounding land to the north and west currently consists of properties assigned a CG-2 classification. The site will fully incorporate into the Fountainview Apartment Complex, a permitted conditional use. The proposed zoning change does not result in any zoning incompatibility, but it will complement the existing multi-family dwelling use.

3. Whether it is in the public interest or would benefit only the applicant.

The rezoning of the 0.15 acres will best use of the property, therein, continuing to benefit the entire community by rezoning a property with a consistent designation, following the elimination of an enclave through annexation.

4. Its impact upon the environment and natural resources.

Staff does not anticipate the rezoning will impact the environment and natural resources because of required compliance with City, County and other requirements if the property develops.

5. Its impact upon the economy of the affected area.

Staff anticipates the proposed zoning change will have a positive impact on the economy by allowing the remnant 0.15 acre property to incorporate in the Fountainview Apartments Complex.

6. Whether the applicant has demonstrated that the change in policy would not cause inadequacies in the level of service for transportation systems, potable water and wastewater systems, drainage, solid waste, parks and recreation facilities.

Staff finds that concurrent approval of the companion Future Land Use Map amendment will result in a potential decrease of impacts on the levels of service for transportation, potable water and wastewater systems and solid waste facilities. The following table provided with the staff

report for Ordinance No. 585, the companion Future Land Use Amendment, delineates the potential impacts:

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

7. Any changes in circumstances or conditions affecting the area.

Staff does not anticipate the proposed zoning change will incur or promote any changes in circumstances or conditions that will affect the area.

8. Its impact upon the use or value of the affected area.

Staff anticipates the proposed zoning change will not adversely affect the use or value of the area, but instead will have a positive effect on the area.

9. Its impact upon the public health, welfare, safety or morals.

Staff does not anticipate the proposed zoning change will adversely affect the public health, welfare, safety and morals of the area.

10. Other matters that may be deemed appropriate to preserve consistency with the Comprehensive Plan, the general intent of this Code and its enabling legislation.

Staff does not anticipate there are any other matters that will cause any adverse impacts to preserving consistency with the Comprehensive Plan, or the intent of the land development code. The parcel will become part of the parent parcel, which is currently in compliance with the Comprehensive Plan and the land development code.

V. STAFF RECOMMENDATION

Find the Official Zoning Map amendment consistent with the comprehensive plan and forward Ordinance No. 586 to the City Council for approval at first reading tentatively scheduled for February 13, 2018.

VI. ATTACHMENTS

Draft Ordinance No. 586

Map Series

VII. AUTHORITY AND PROCEDURE

The City Council may amend the text of the Land Development Code, including the boundary of the Official Zoning Map (OZM), upon a finding of compliance with the provisions of Land Development Code (Section 3.5.1).

ORDINANCE NO. 586

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, AMENDING THE OFFICIAL ZONING MAP FOR PROPERTY LOCATED AT 915 JOE STREET, CONSISTING OF APPROXIMATELY 0.15 ACRES, FROM VOLUSIA COUNTY URBAN SINGLE-FAMILY RESIDENTIAL (R-4) TO ORANGE CITY GENERAL COMMERCIAL (CG-2); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Orange City, Florida, has adopted a Comprehensive Plan as required by the “Local Government comprehensive Planning and Land Development Regulation Act” (Act); and

WHEREAS, the Orange City Planning Commission held a public hearing on _____, to review and make their recommendation related to the proposed zoning; 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 CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA:

SECTION 1. The property consists of approximately 0.15 acres located at 915 Joe Street, and including portions of rights-of-way in Orange City, Florida. The Legal Description of the property is included in **Exhibit “A”**.

SECTION 2. The Official Zoning Map of the City of Orange City, Florida, is hereby amended, and the property is hereby changed and transferred from its present zoning classification of Volusia County Urban Single-Family Residential (R-4) to Orange City General Commercial (CG-2) as depicted on **Exhibit “B”**.

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

SECTION 4. That this ordinance shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida.

ROLL CALL VOTE AS FOLLOWS (Ordinance No. 586):

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. 586):

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

**ORD No. 586
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

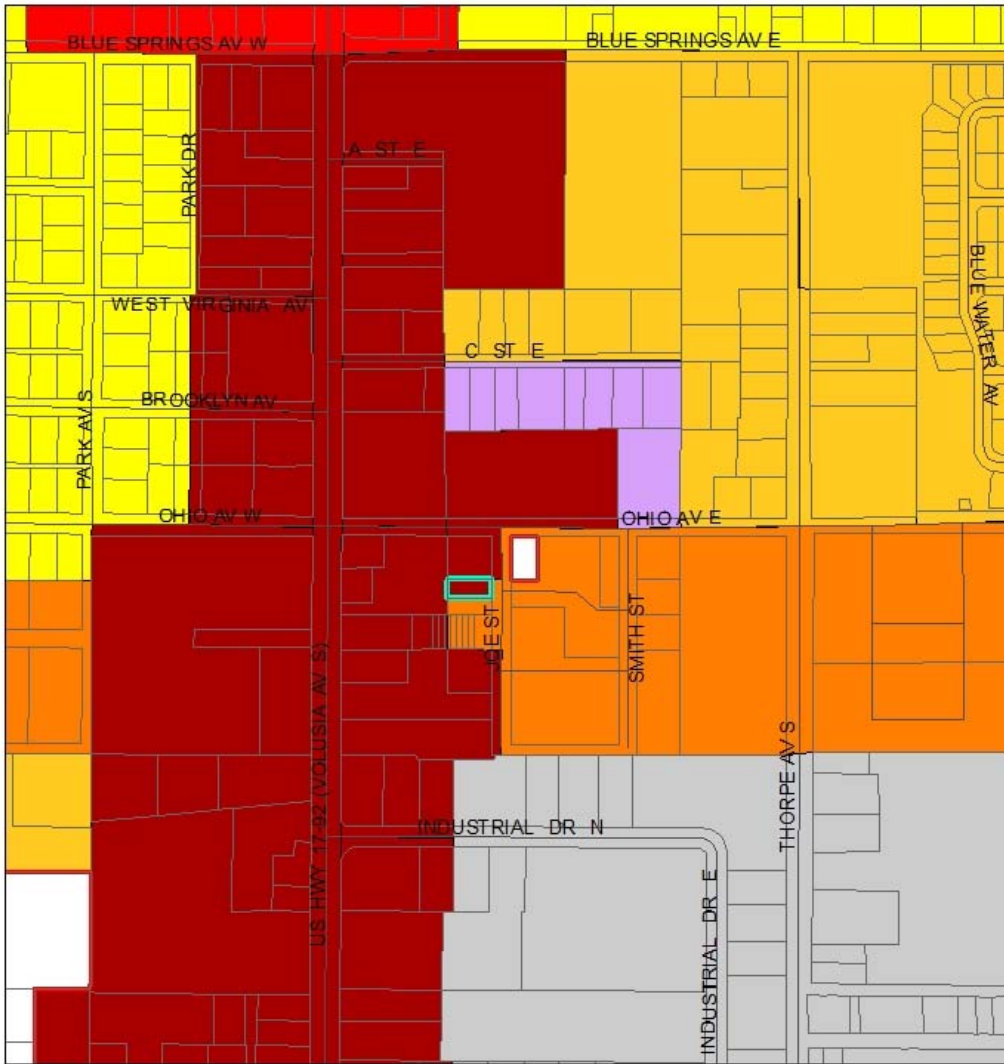
Legal

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. 586

Exhibit "B"



Administrative Rezoning/Fountainview 915 Joe Street REZO-10-17-1283 Proposed Zoning Map

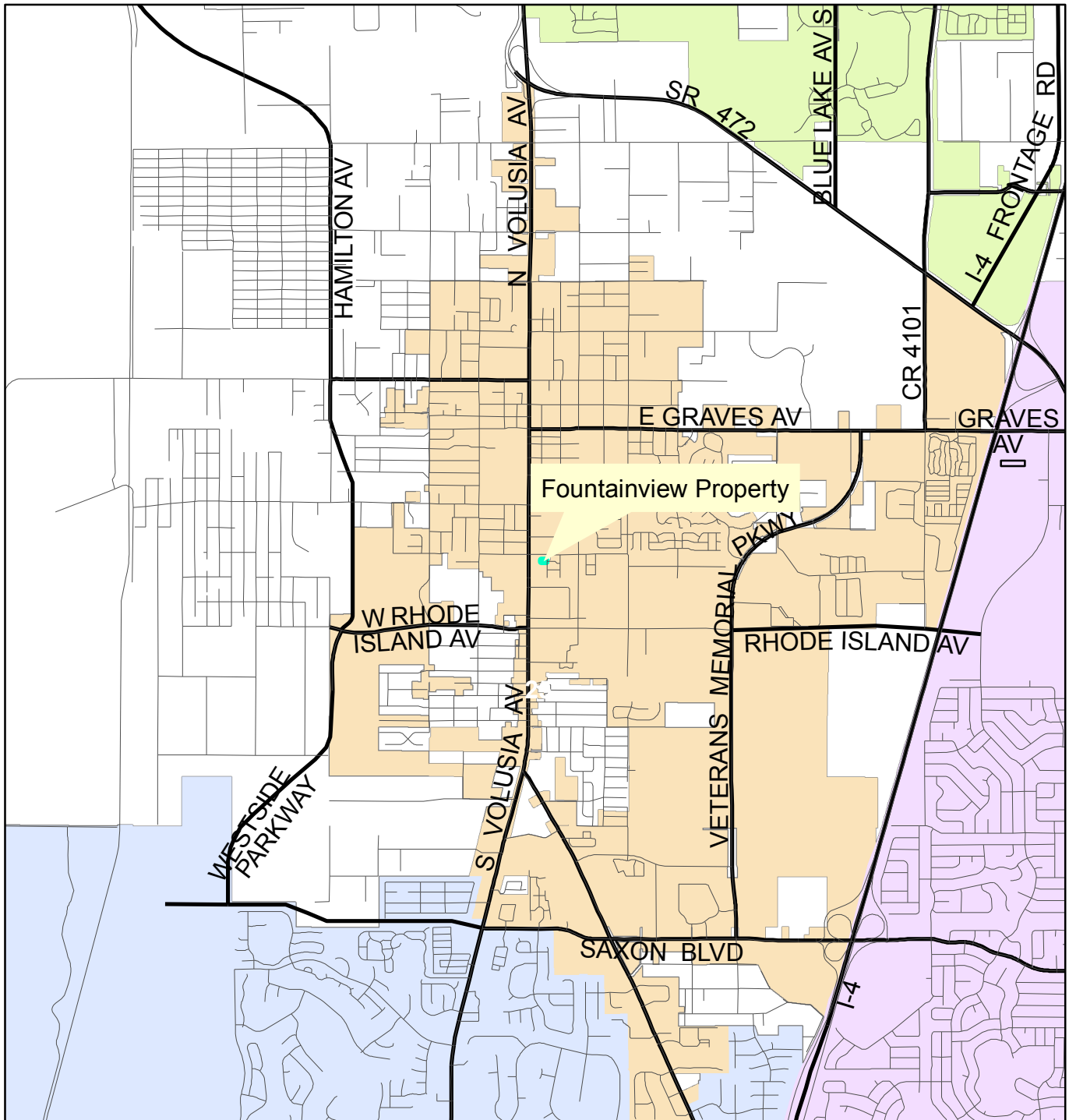


1 inch = 400 feet

Legend

Streets	R-1 Low Density Residential	CG-1 General Commercial Restricted
Parcels	R-2 Medium Density Residential	CG-2 General Commercial
Fountain View Annex	R-3 High Density Residential	I-1 Light Industrial
County Zoning	MH-1 Mobile Home Park	

Date Created 12.13.2017



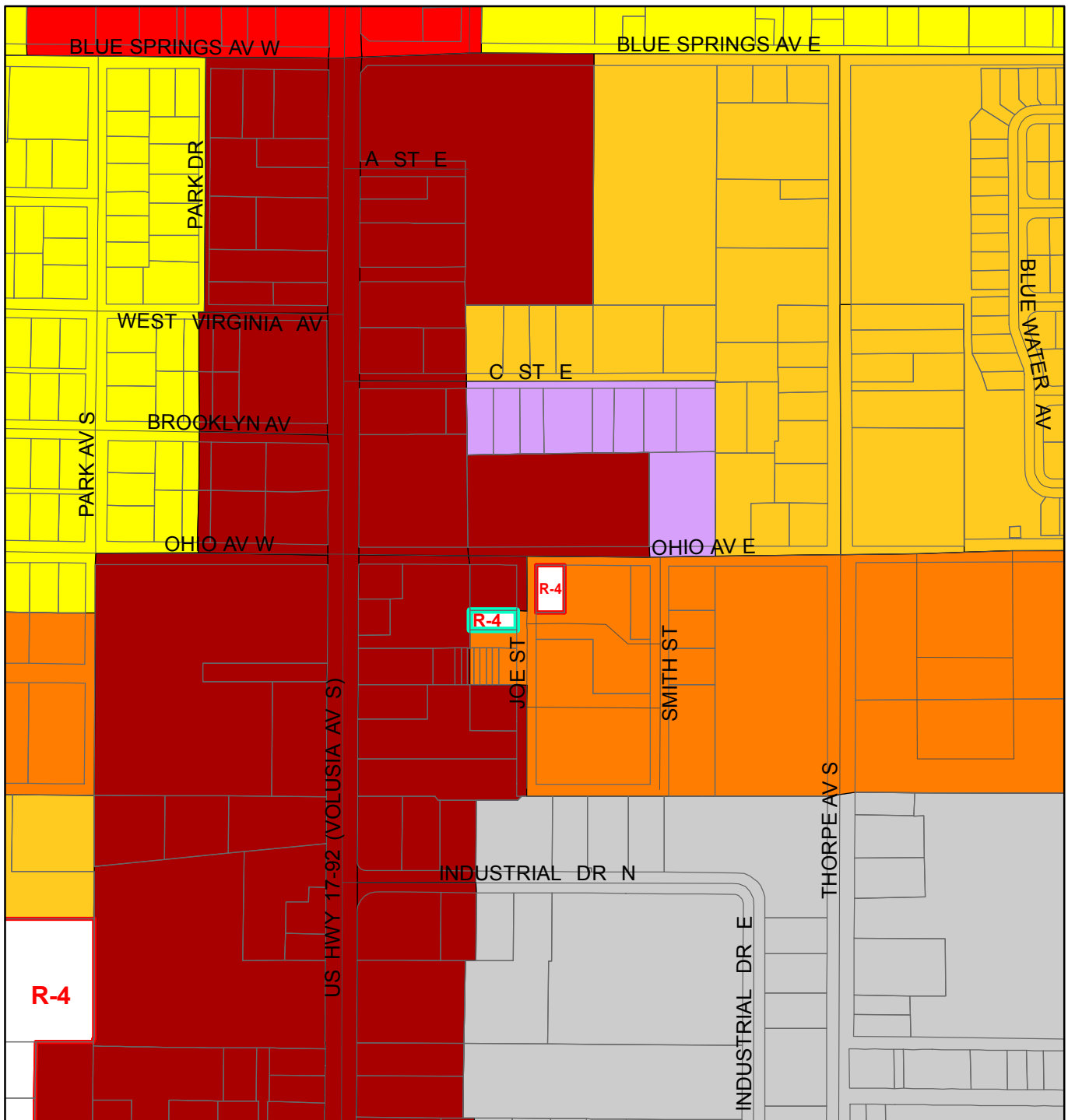
Fountainview Property - 915 Joe Street
 Rezoning Amendment
 REZO-10-17-1283
 Location Map



1 inch = 4,000 feet

Legend

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



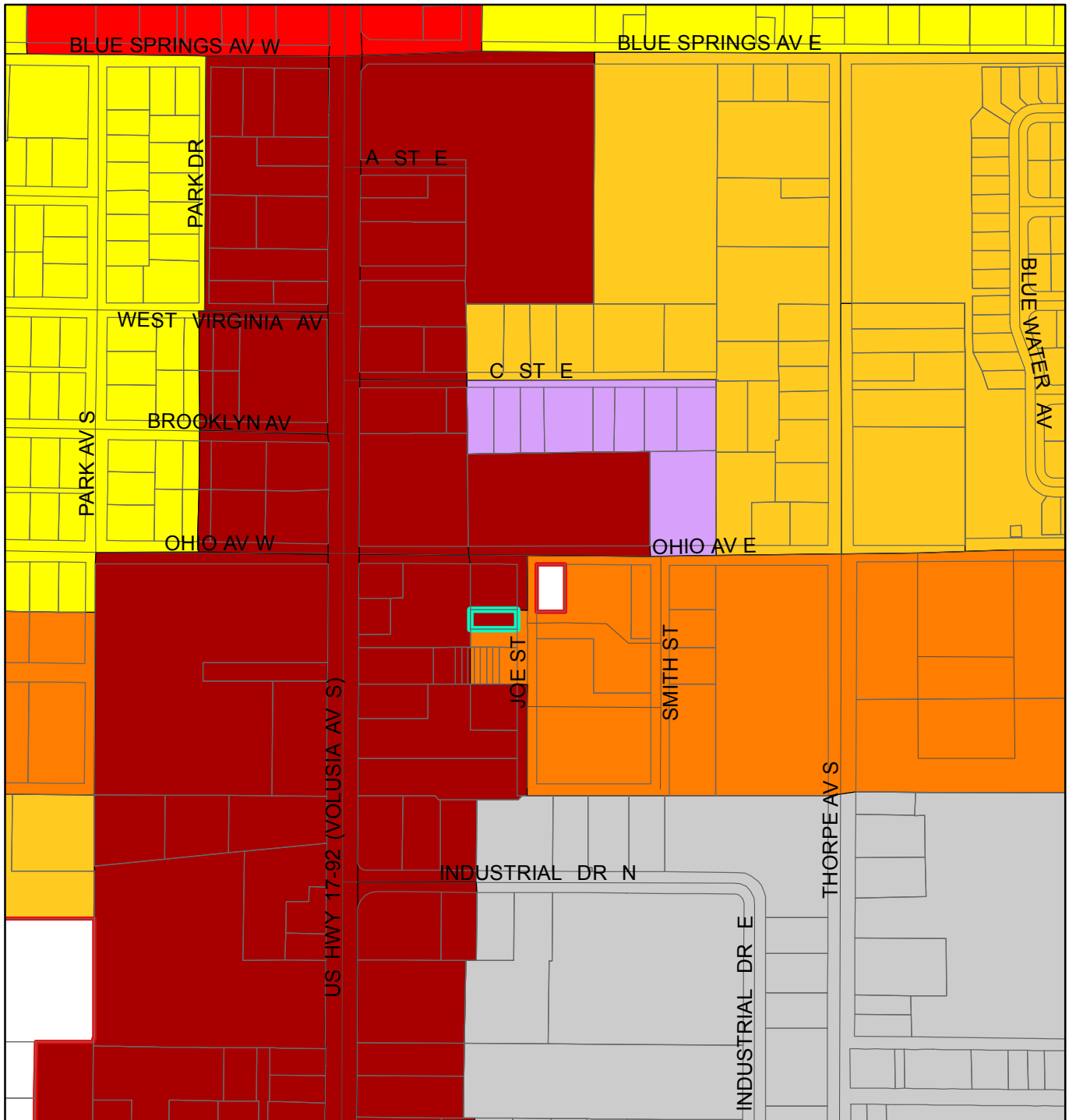
Administrative Rezoning/Fountainview 915 Joe Street REZO-10-17-1283 Zoning Map



1 inch = 400 feet

Legend

Streets	R-1 Low Density Residential	CG-1 General Commercial Restricted
Parcels	R-2 Medium Density Residential	CG-2 General Commercial
Fountain View Annex	R-3 High Density Residential	I-1 Light Industrial
County Zoning	MH-1 Mobile Home Park	



Administrative Rezoning/Fountainview
 915 Joe Street
 REZO-10-17-1283
 Proposed Zoning Map



1 inch = 400 feet

Legend

- | | | |
|---------------------|--------------------------------|------------------------------------|
| — Streets | R-1 Low Density Residential | CG-1 General Commercial Restricted |
| Parcels | R-2 Medium Density Residential | CG-2 General Commercial |
| Fountain View Annex | R-3 High Density Residential | I-1 Light Industrial |
| County Zoning | MH-1 Mobile Home Park | |