



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-10-17-1286

Subject: Ordinance No. 590. Future Land Use Map amendment of +/- 1.78 acres from Volusia County Commercial (COM) to Orange City Commercial General (CG).

Location: 2873 Enterprise Road

Applicant: Development Services Department

Owner(s): Lucy S. Griffin

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 Commercial (COM) 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 2873 Enterprise Road. The City annexed the property through voluntary annexation via Ordinance No. 589.

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 intensity impacts of the proposed amendment to those in the current Volusia County Commercial (COM) designation.

The Future Land Use amendment is accompanied by REZO-10-17-1285; Ordinance No. 591, a proposal to rezone the property from Volusia County General Commercial (B-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: East side of Enterprise Road and 315 feet south of its intersection with Diplomat Drive.

Parcel No: 8026-00-00-0017

Property Size: +/- 1.78 acres

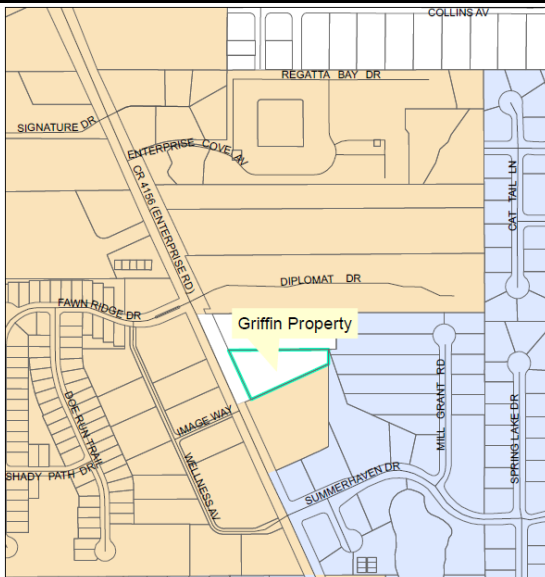
Council District: District 1 - Councilmember William O'Connor

Zoning: Volusia County General Commercial (B-4)

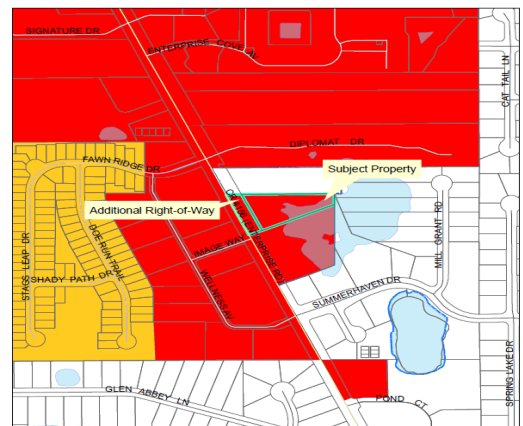
Future Land Use: Volusia County Commercial (COM)

Adjacent Land Use and Zoning:

Direction	Existing Land Use	Future Land Use	Zoning Classification	Jurisdiction
Adjoining to North	Storage Warehouse	Volusia County Commercial (COM)	Volusia County General Commercial (B-4)	County
Adjoining to South	Office	Commercial General (CG)	General Commercial (CG-2)	City
Adjoining to East	Vacant	Commercial/Retail (C/R)	General Commercial (B-4) & General Office (B-9)	DeBary
Adjoining to West	Office	Commercial General (CG)	General Commercial (CG-2)	City



Location Map



Griffin Property
Future Land Use Amendment
COMP-10-17-1286
Proposed FLU Map

1 inch = 400 feet

Date Created 12.21.2017

Legend

- Streets
- Parcels
- Griffin Annexation
- CG - Commercial General
- RM - Residential Medium
- County FLU

Proposed FLU Map

III. BACKGROUND AND PREVIOUS ACTIONS

The subject property is a total of 1.78 acres. The site is undeveloped and is currently vacant. The property is wooded and contains wetlands on the east side of the property. The property owner acquired the site in February of 2012, and requested voluntary annexation. The City Council annexed the property via Ordinance No. 589, on November 14, 2017.



IV. REVIEW CRITERIA AND ANALYSIS

EXISTING AND PROPOSED FUTURE LAND USE ANALYSIS

Existing County FLU (COM)

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

Commercial - COM

This designation accommodates the full range of sales and service activities. These uses may occur in self-contained centers, multi-story structures, campus parks, municipal central business districts, or along arterial highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and design will depend on locational factors, particularly compatibility with adjacent uses, availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be located to protect adjacent residential use from such impacts as noise or traffic. In wellfield protection areas uses are prohibited that involve the use, handling, storage, generation or disposal of hazardous or toxic material or waste or petroleum products. Intensity shall be no more than a fiftyfive percent Floor Area Ratio (0.55 FAR) consistent with the applicable underlying zoning classification standards and land development regulations.

Commercial development in newly developing areas is designated in nodes at major thoroughfare intersections. Primarily new development should be designed to utilize the shopping center concept and not designed to encourage strip style commercial development. The various types of shopping centers are described in Chapter 20, Definitions under Shopping Centers.

However, the Plan recognizes existing strip commercial development along many arterial roadways may remain. These areas are identified on the Future Land Use Map and if the designation is shown on only one side of a roadway, this specifically provides that particular side is intended for commercial use and is not to suggest that the opposite side is also included. Future extension of the strip commercial beyond that shown on the Plan Map shall require a Plan amendment.

Below is the County Commercial (COM) maximum development scenario based on the total 1.78 acres:

Table 1: Maximum Development Scenario: (COM)

Maximum Non-Residential Intensity
42,645 SF

Proposed FLU (CG)

Staff has determined that to comply with Policy 9.1.4 Table 2-4 – *County-to-City Future Land Use Correlation Table* in the City’s Future Land Use Element of the Comprehensive Plan, the County’s Commercial (COM) designation is most consistent with the Orange City Commercial General (CG) Future Land Use designation.

Policy 9.1.4 states the following:

The City and County will support consistent and compatible land uses for annexed properties within the Designated Planning Area and agree that Table 2-4, County-to-City Future Land Use Correlation Table, below, represents a reasonable correlation between the existing future land use designations in the unincorporated areas of Volusia County and the future land use designations in the urbanized areas of Orange City.

**Table 2-4
County-to-City Future Land Use Correlation Table**

Volusia County Future Land Use Designation	Orange City Future Land Use Designation
Urban Low Intensity (ULI)	Residential Low (RL)
Urban Medium Intensity (UMI)	Residential Medium (RM)
Urban High Intensity (UHI)	Residential High (RH)
Recreation (Rec) Public/Semi Public (P)	Public/Government and Institutional (GUIS)
Commercial (C)	Commercial General (CG)
Industrial (I)	Industrial Limited (IL)
Water (W)	Waterbodies (W)

Furthermore, the surrounding land uses provided in the above adjoining land use and zoning table delineate this segment of Enterprise Road as a commercial corridor. All three municipalities (Orange City, County, DeBary) that share the area have properties designated in commercial future land use and zoning designations. The Commercial General designation will maintain this consistency.

Staff proposes application of the City’s Commercial General (CG) Future Land Use designation to the property. Policy 5.1.1, describes 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 1.78 acres:

Table 2: Maximum Development Scenario: (CG)

Maximum Non-Residential Intensity
19,384 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 to provide for a maximum impact scenario:

Table 3: Infrastructure Comparison Summary

Infrastructure	Existing Volusia County Commercial (COM)	Proposed Orange City Commercial General (CG)	Difference
Intensity	42,645 SF	19,384 SF	- 23,261 SF
Potable Water	4,265 GPD	2,670 GPD	- 1,595 GPD
Wastewater	4,265 GPD	1551 GPD	- 2,714 GPD
Solid Waste	17.2 LBS PD	12 LBS PD	- 5.2 LBS PD
Transportation*	1,821 AADT	827 AADT	- 994 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.

Intensity

The calculations depict a decrease of 23,261 square feet in possible intensity based on the allowable Floor Area Ratios.

The map amendment will result in a significant decrease in potential intensity.

Potable Water

The potable water impacts as depicted in the chart provide for a decrease of 1,595 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 ($42,645 \text{ sq. ft.} \times 0.10 = 4,265 \text{ GPD}$). The City's *Potable Water Element* of the Comprehensive Plan Policy 2.1.1 states the LOS is 1,500 gallons per acre ($1,500 \times 1.78 \text{ acres} = 2,670 \text{ GPD}$).

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 2,714 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 ($42,645 \text{ sq. ft.} \times 0.10 = 4,265 \text{ GPD}$). 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 ($0.08 \times 19,384 \text{ sq. ft.} = 1,551 \text{ GPD}$).

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 5.2 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 ($8.6 \text{ lbs.} \times 2 \text{ acres} = 8.6 \text{ LBS PD}$). The City's *Capital Improvements Element* Policy 1.1.3 states the LOS is 6 lbs. per capita ($6 \times 2 \text{ acres} = 6 \text{ LBS PD}$).

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

Transportation

The adjacent transportation network includes Enterprise Road, a County road. Enterprise Road, from Saxon Boulevard to Highbanks Road, is a 5-lane Arterial with an adopted LOS of E (37,970 ADT capacity), and currently operates at LOS C (20,510 ADT).

The 827 annual average daily trips that the map amendment may generate is 994 daily 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

The proposed amendment is not anticipated to generate any new students at this time.

C. Be compatible with abutting and nearby land uses.

The proposed Future Land Use Map designation is compatible with surrounding land uses. Staff has proposed a Future Land Use designation that directly correlates with Table 2-4 – *County-to-City Future Land Use Correlation Table*, provided above.

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

According to previous surveys, there are wetlands 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.

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. 590 to the City Council for transmittal hearing tentatively scheduled for February 13, 2018.

VI. ATTACHMENTS

Draft Ordinance No. 590
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. 590

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 2873 ENTERPRISE ROAD, INCLUDING ADJACENT RIGHT-OF-WAY, TO CHANGE THE FUTURE LAND USE DESIGNATION FROM VOLUSIA COUNTY COMMERCIAL (COM) 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. 589 which annexed the 2873 Enterprise Road 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 2873 Enterprise Road 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 1.78 acres of land from Volusia County Commercial (COM) to Orange City General Commercial (CG). The subject property, located at 2873 Enterprise Road (Parcel No. 8026-00-00-0017), is generally located on the east side of Enterprise Road and 315 south of Dimplomat Road. 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 Commercial (COM) 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. 590):

_____	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. 590):

Second Reading this _____ day of _____, 2018.

_____ Jim Mahoney
_____ Bill O'Connor
_____ Jeff Allebach
_____ Gary A. Blair, Mayor

Anthony Pupello _____
Evelyn Robinson _____
O. William Crippen, 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. 590
Exhibit "A"**

Legal Description for Griffin Property

Name: **Lucy S. Griffin**

Street **2873 Enterprise Road**
Address:
Parcel ID: **8026-00-00-0017**

Acreage: **+/- 1.78**

Legal

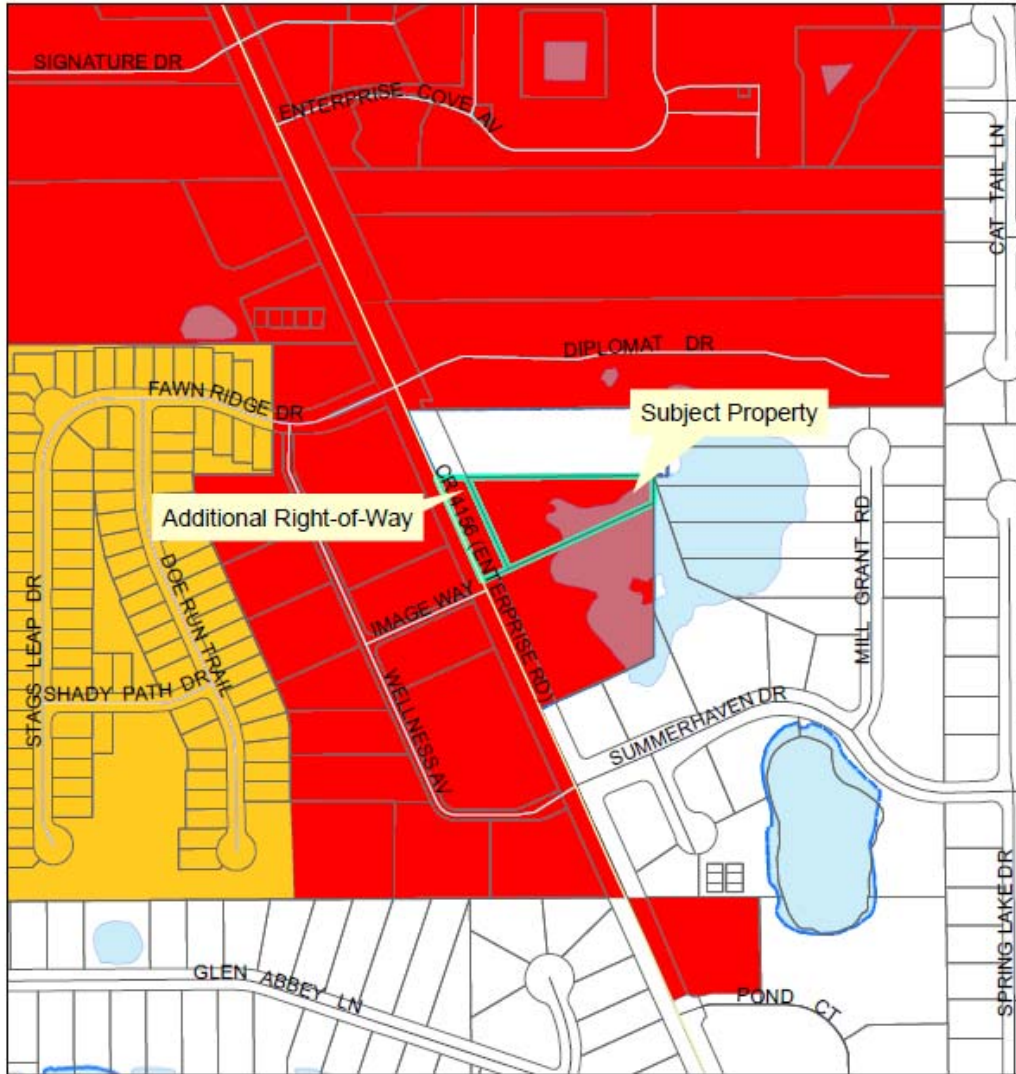
Description:

**SECTION 26, TOWNSHIP 18 SOUTH, RANGE 30 EAST,
IRREGULAR PARCEL IN NORTHEAST 1/4 LYING EAST OF
AND ADJACENT TO ENTERPRISE ROAD BEING 509.99 FT ON
NORTH LINE & 273.14 FT ON EAST LINE OF ROAD BEING
EAST 50 FT AS MEASURED FROM CENTER LINE OF
ENTERPRISE ROAD**

**INCLUDING TO THE CENTERLINE OF ALL SURROUNDING
RIGHTS-OF-WAY.**

ORD No. 590

Exhibit "B"



Griffin Property Future Land Use Amendment COMP-10-17-1286 Proposed FLU Map

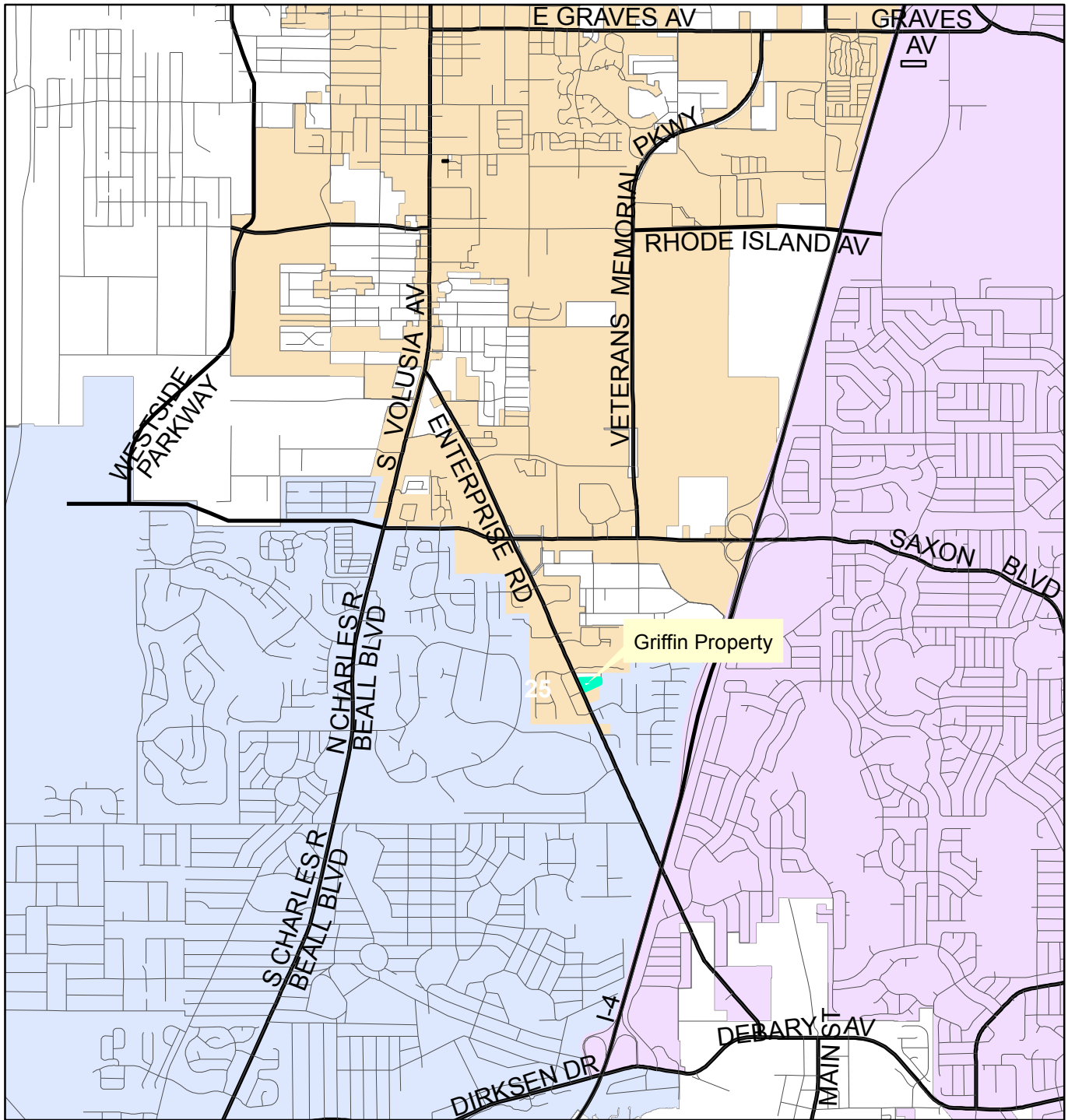


1 inch = 400 feet

Legend

- Streets
- ▭ Parcels
- ▭ Griffin Annexation
- ▭ CG - Commercial General
- ▭ RM - Residential Medium
- ▭ County FLU

Date Created 12.21.2017









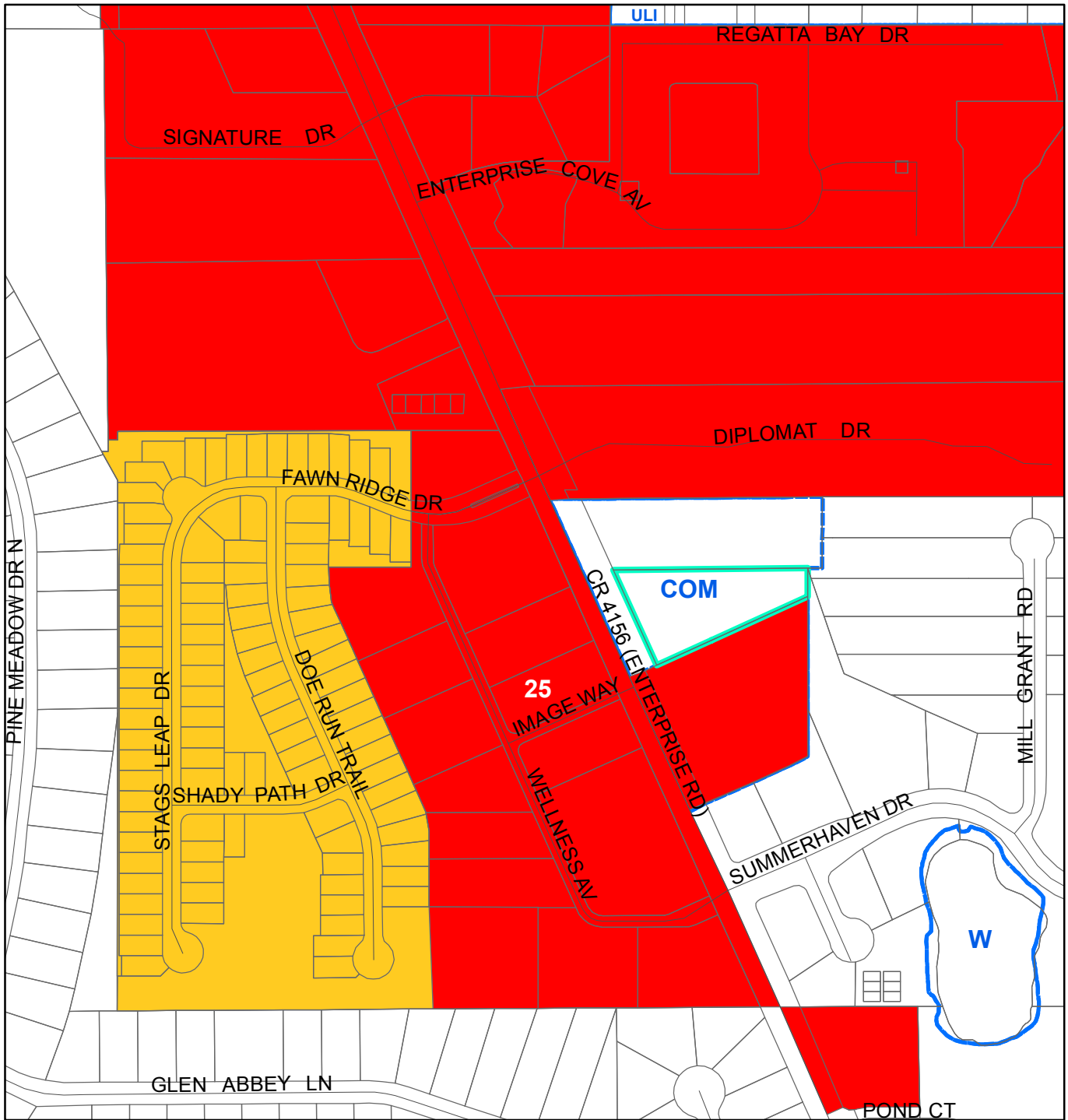
Griffin Property
Future Land Use Amendment
COMP-10-17-1286
Location Map



1 inch = 4,000 feet

Legend

- | | |
|--|---|
|  Streets |  DeBary |
|  Griffin Property |  Deltona |
|  Volusia County |  Orange City |



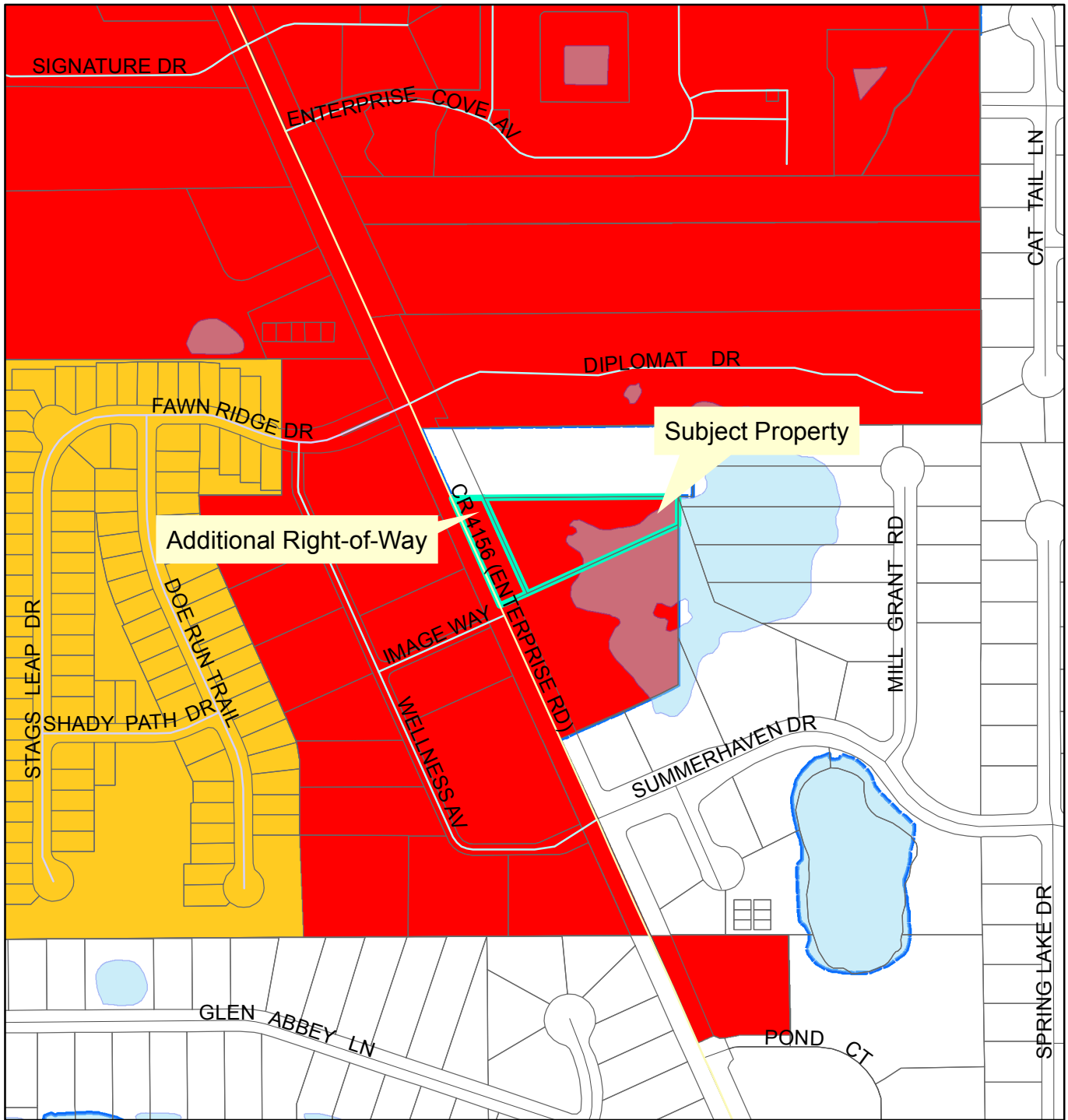
Griffin Property
Future Land Use Amendment
COMP-10-17-1286
Existing FLU Map



1 inch = 400 feet

Legend

- | | |
|------------------|-------------------------|
| Streets | CG - Commercial General |
| Parcels | RM - Residential Medium |
| Griffin Property | County FLU |



Griffin Property
Future Land Use Amendment
COMP-10-17-1286
Proposed FLU Map



1 inch = 400 feet

Legend

- | | |
|--------------------|-------------------------|
| Streets | CG - Commercial General |
| Parcels | RM - Residential Medium |
| Griffin Annexation | County FLU |