



## 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.:** REZO-10-17-1285

**Subject:** Ordinance No. 591. Amend the Official Zoning Map for +/- 1.78 acres from Volusia County General Commercial (B-4) to Orange City General Commercial (CG-2).

**Location:** 2873 Enterprise Road

**Applicant:** Development Services Department

**Owner(s):** Lucy S. Griffin

**Staff:** Joe Ruiz, Senior Planner

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### 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 General Commercial (B-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 2873 Enterprise Road. The City annexed the property via Ordinance No. 589.

Staff proposes to amend the zoning map by assigning the General Commercial (CG-2) designation to allow for commercial development within the City. The CG-2 designation is most compatible with the existing development pattern along Enterprise Road.

This is a companion rezoning to the proposed Ordinance No. 590, which is to amend the Future Land Use Map from Volusia County Commercial (COM) to Orange City Commercial General (CG).

**Staff recommendation:** Find the Official Zoning Map amendment consistent with the Comprehensive Plan, and forward Ordinance No. 591 to the City Council for approval at first reading 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

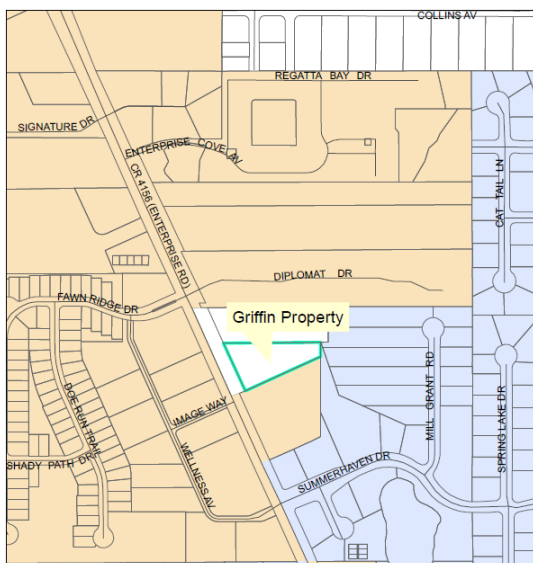
**Council District:** District 1 – Councilmember William O’Connor

**Zoning:** Volusia County General Commercial (B-4)

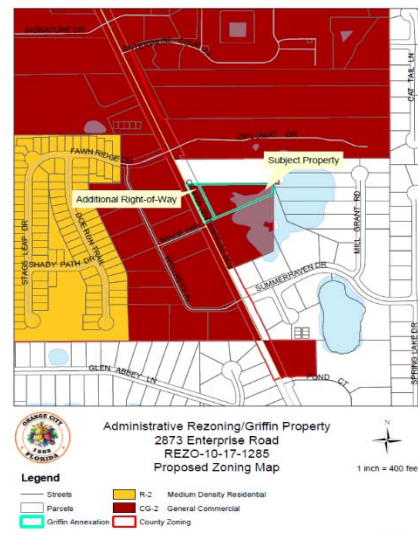
**Future Land Use:** Volusia County Commercial (COM)

**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



Proposed Zoning

### 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 contains wetlands on the east side of the property. The property owner acquired the site in February of 2012, and recently requested voluntary annexation. The City Council annexed the property via Ordinance No. 589, on November 14, 2017.

### IV. REVIEW CRITERIA AND ANALYSIS

#### Existing Zoning

The property currently contains a County Zoning classification. It is zoned Volusia County General Commercial (B-4).

#### Proposed Zoning

Staff proposes the City's General Commercial (CG-2) zoning classification to the annexed property, as it is a consistent zoning with the proposed Commercial General (CG) Land Use designation. In addition, the proposed zoning is most consistent with the zoning designations along this segment of Enterprise Road.

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 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.

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.**



The proposed CG-2 zoning allows a 25% maximum lot coverage, and for a variety of listed permitted uses as well as residential uses as conditional uses. These standards match the standards outlined in the CG Future Land Use designation. 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 consistent to the concept envisioned for the CG Future Land Use in this region. The Official Zoning Map amendment is necessary as 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 west and south currently consists of properties assigned the City's CG-2 zoning classification. The property to the north is zoned Volusia County Commercial. The properties to the east are zoned DeBary General Commercial and General Office. The proposed zoning change does not result in any zoning incompatibility with the surrounding land uses. The site is suited for commercial uses supported by its location along this segment of Enterprise Road.

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

Commercial zoning has been continually developing to the north and south, along Enterprise Road. The rezoning of the 1.78 acres will continue to allow for the highest and best use of the property, therein continuing to benefit the entire community.

**4. Its impact upon the environment and natural resources.**

Staff anticipates the rezoning will not impact the environment and natural resources. Compliance with City, County are required for development. Any future development will be required to provide wetland preservation and/or mitigation.

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

Staff anticipates the zoning change will have a positive impact on the economy. The new designation will allow the site to develop under the City's permitted commercial uses. Both the proposed zoning and future land use allow for a vast amount of commercial use opportunities.

**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 maintains 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 provided for Ordinance No. 590, the companion Future Land Use Map amendment, delineates the potential impacts:

**Table 3: Infrastructure Comparison Summary**

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

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

Staff does not anticipate that the proposed zoning change will incur or promote any changes in circumstances or conditions that will affect the area. The site already contained a County Commercial Zoning designation prior to annexation into the City.

**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 may potentially 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. Any and all development of the site must comply with all life safety and other development requirements in the land development code.

**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.**

This criterion is not applicable to the request.

**V. STAFF RECOMMENDATION**

Find the Official Zoning Map amendment consistent with the Comprehensive Plan and forward Ordinance No. 591 to the City Council for approval at first reading tentatively scheduled for February 13, 2018.

**VI. ATTACHMENTS**

Draft Ordinance No. 591  
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. 591**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, AMENDING THE OFFICIAL ZONING MAP FOR PROPERTY LOCATED AT 2873 ENTERPRISE ROAD, INCLUDING ADJACENT RIGHT-OF-WAY, CONSISTING OF APPROXIMATELY 1.78 ACRES, FROM VOLUSIA COUNTY GENERAL COMMERCIAL (B-4) TO ORANGE CITY GENERAL COMMERCIAL (CG-2); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**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 1.78 acres located at 2873 Enterprise Road, 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 General Commercial (B-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. 591):**

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. 591):**

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. 591  
Exhibit "A"**

**Legal Description**

**Applicant:** City of Orange City  
**Name:** Lucy S. Griffin  
**Street Address:** 2873 Enterprise Road  
**Parcel ID:** 8026-00-00-0017 and portions of rights-of-way

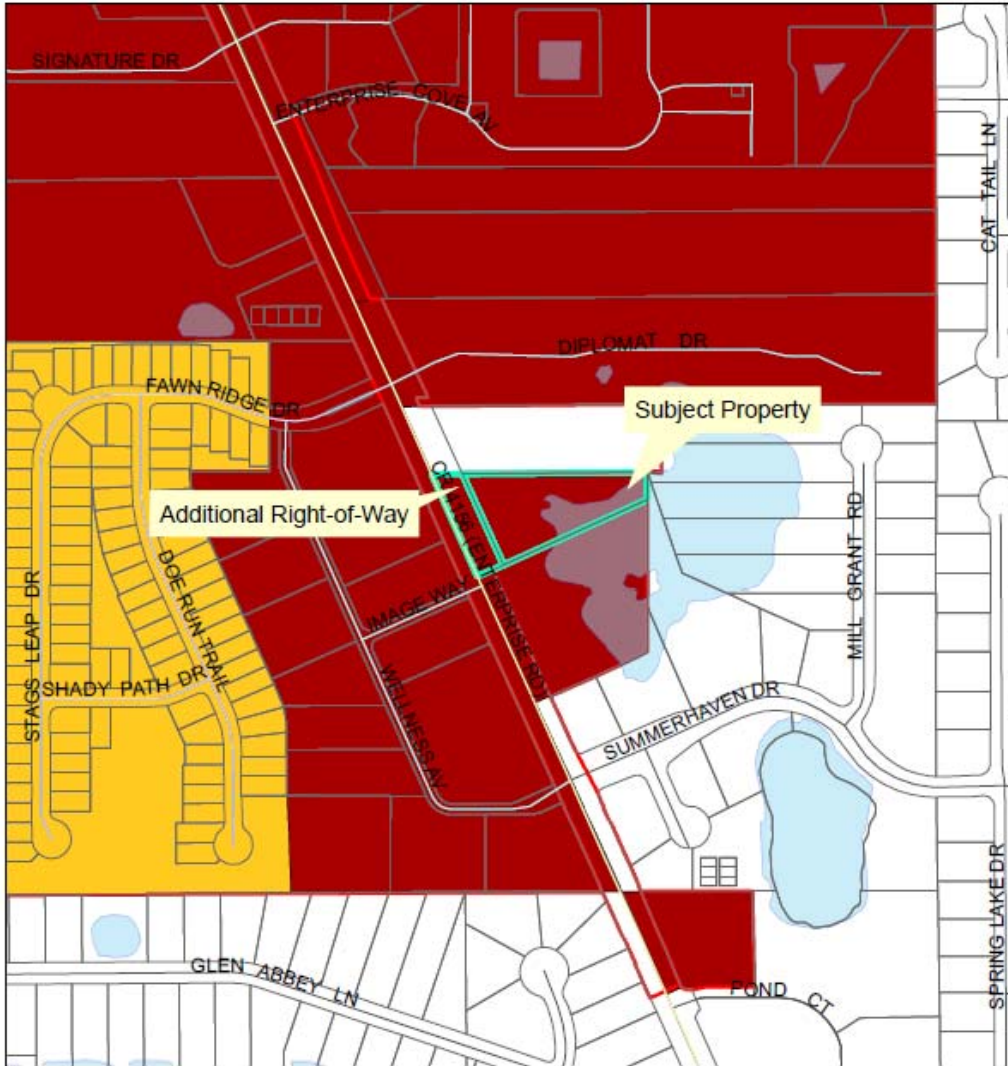
**Legal Description:**

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. 591

## Exhibit "B"



Administrative Rezoning/Griffin Property  
 2873 Enterprise Road  
 REZO-10-17-1285  
 Proposed Zoning Map

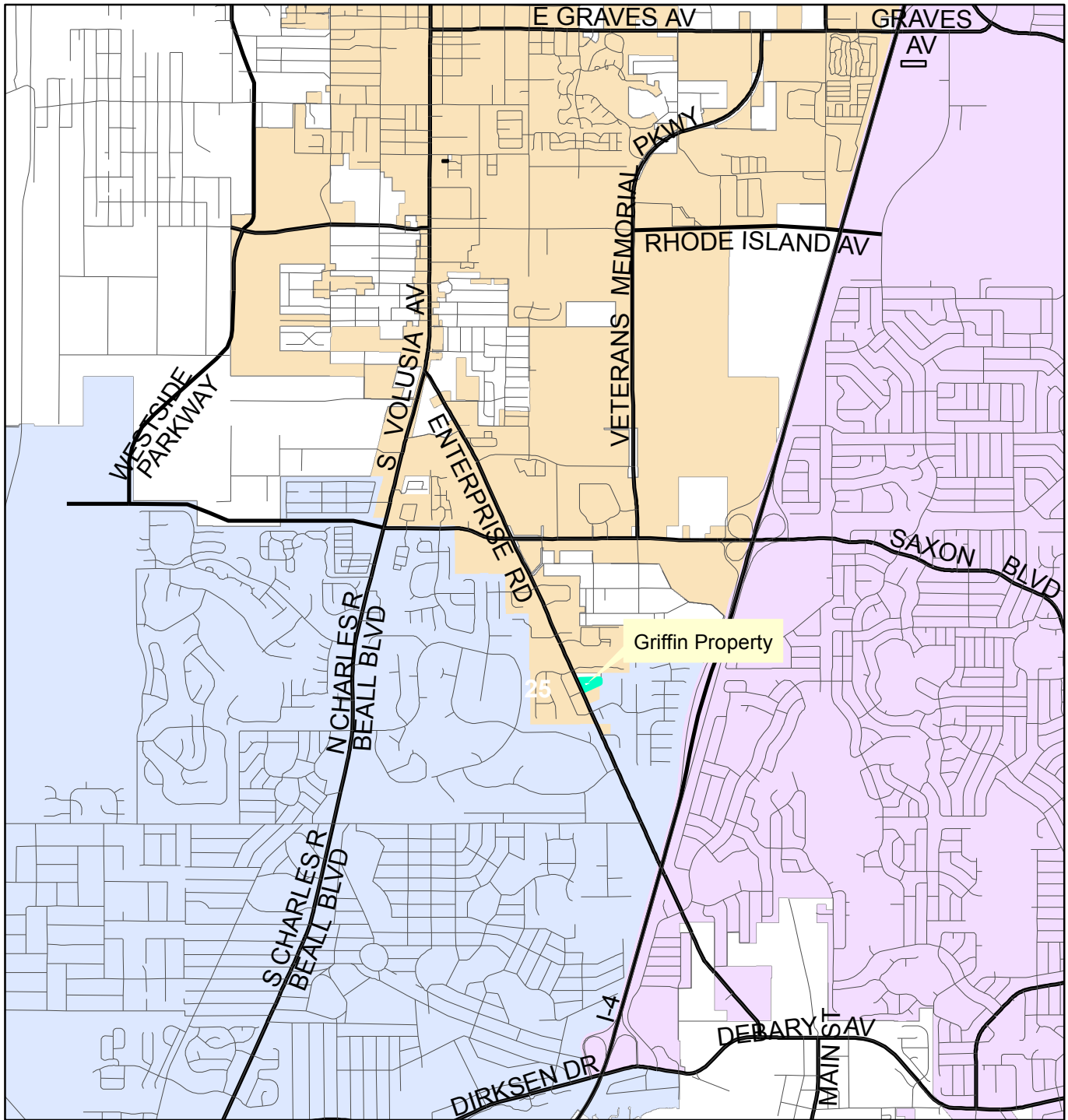


1 inch = 400 feet

**Legend**

- Streets
- ▭ Parcels
- ▭ Griffin Annexation
- ▭ R-2 Medium Density Residential
- ▭ CG-2 General Commercial
- ▭ County Zoning

Date Created 12.21.2017









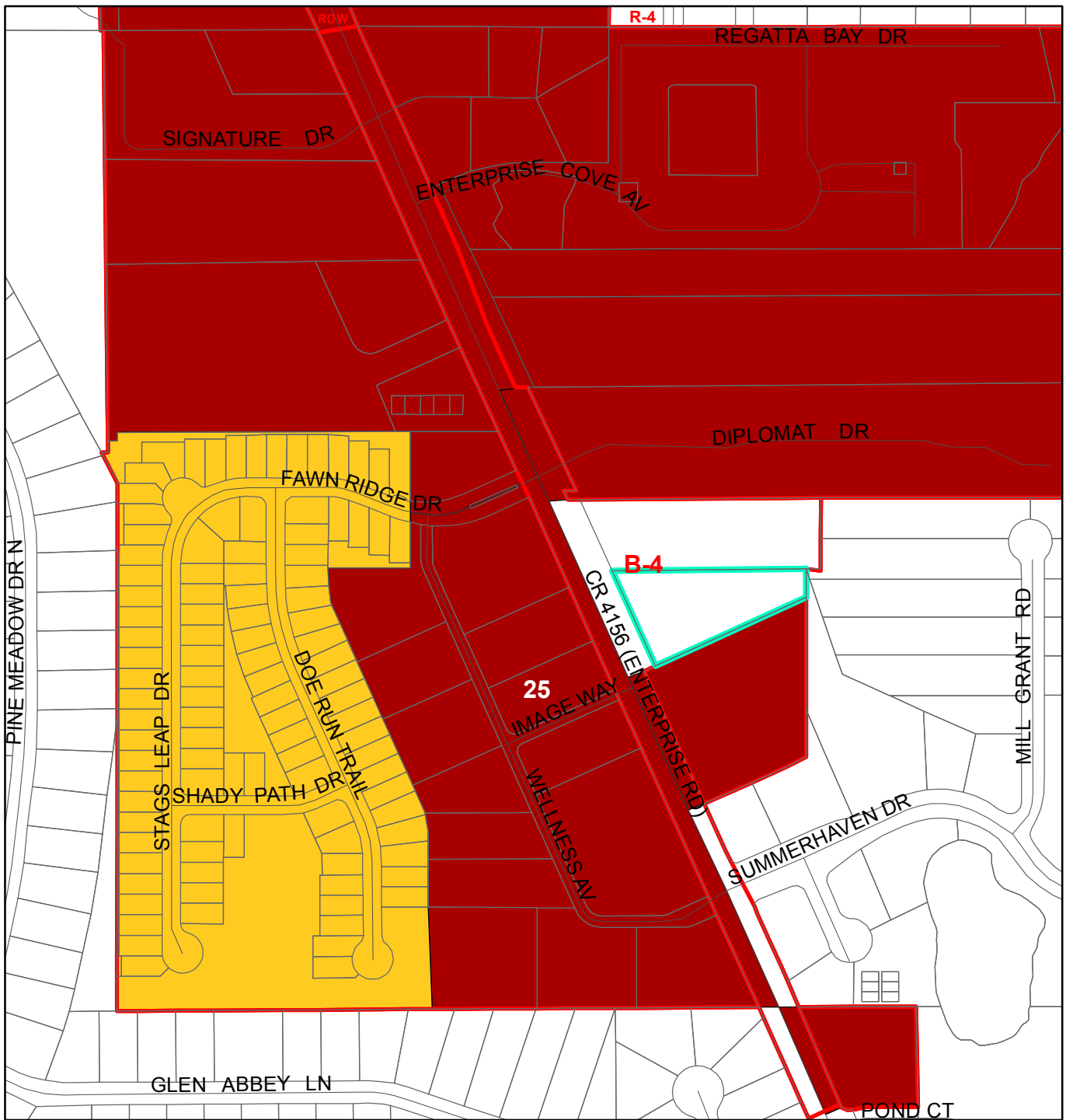
**Griffin Property**  
**Rezoning Amendment**  
**REZO-10-17-1285**  
**Location Map**



1 inch = 4,000 feet

**Legend**

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









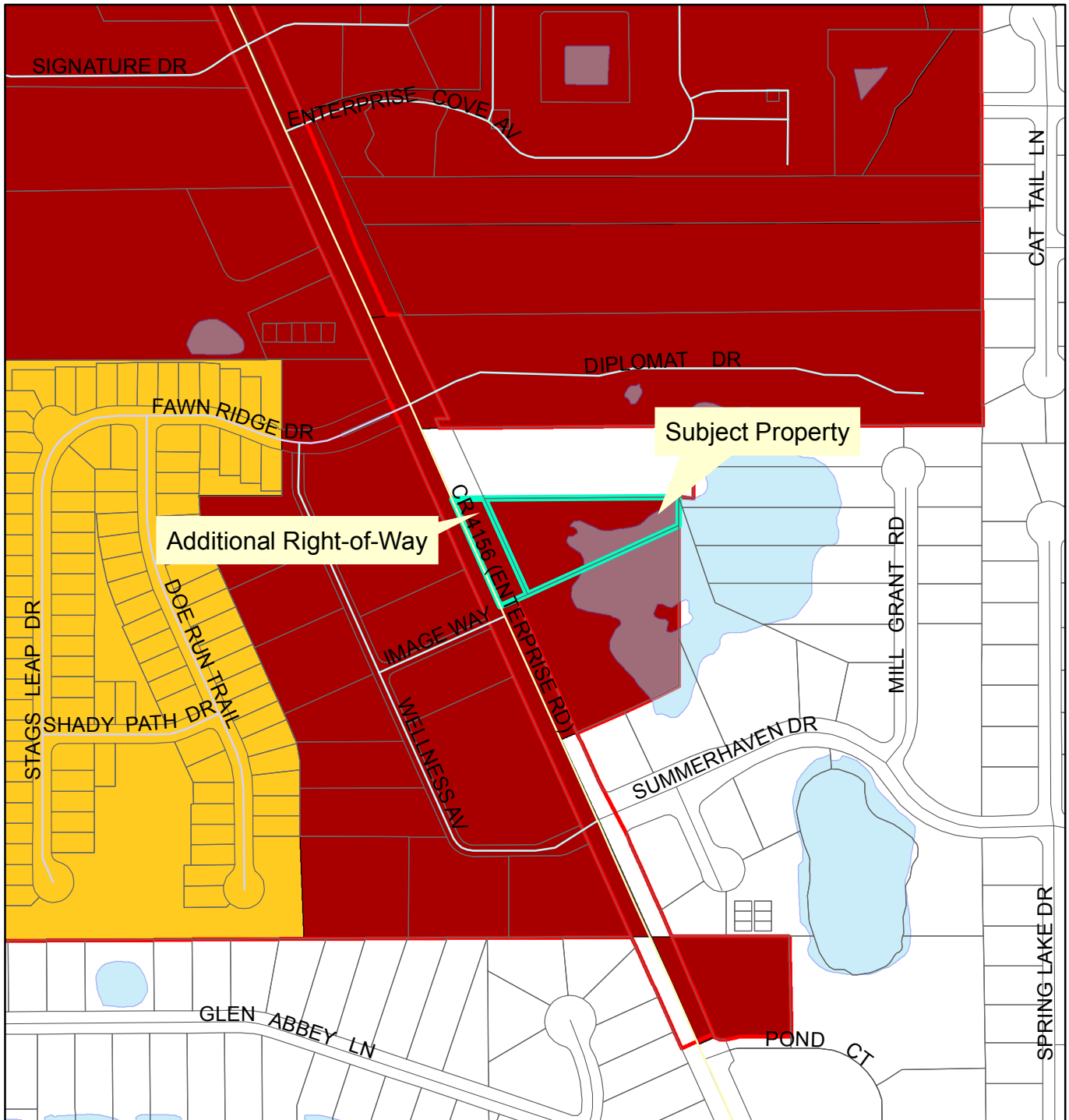
**Griffin Property**  
**Rezoning Amendment**  
**REZO-10-17-1285**  
**Existing Zoning Map**



1 inch = 400 feet

**Legend**

- |  |  |
|--|--|
|  Streets          |  County Zoning                  |
|  Parcels          |  R-2 Medium Density Residential |
|  Griffin Property |  CG-2 General Commercial        |



Administrative Rezoning/Griffin Property  
 2873 Enterprise Road  
 REZO-10-17-1285  
 Proposed Zoning Map



1 inch = 400 feet

**Legend**

- Streets
- Parcels
- Griffin Annexation
- R-2 Medium Density Residential
- CG-2 General Commercial
- County Zoning