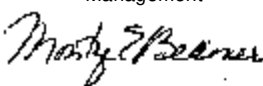
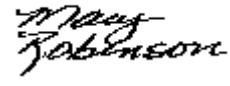




November 16, 2006		AGENDA ITEM		Item 12
<input type="checkbox"/> Ordinance		<input checked="" type="checkbox"/> Resolution		<input type="checkbox"/> Budget Resolution
<input checked="" type="checkbox"/> Other				
Department: Growth and Resource Management		File Number: VC-1159906500739-A		
Division: Building and Zoning				
Subject: PLDRC Public Hearing held October 10, 2006 regarding Zoning case Z-06-103, Application of Todd and Lynn Evans, Owners.				
Account Number(s): N/A				
Total Item Budget: N/A				
Staff Contact(s): Scott Ashley, Planning Manager Phone: 386-943-7059 ext. 2014				
Summary/Highlights: TIME CERTAIN: 10:00 a.m. APPLICANT/OWNER: Todd and Lynn Evans, Owners. REQUEST: Rezoning from the B-4 (General Commercial) zoning classification to the R-4 (Urban Single Family Residential) zoning classification. LOCATION: The property is located on the west side of U.S. Highway 17-92, approximately 30 feet south from its intersection with Cornell Avenue, north of the City of Orange City. DISTRICT #: 1				
Recommended Motion: UPHOLD PLANNING and LAND DEVELOPMENT REGULATION COMMISSION RECOMMENDATION OF APPROVAL as presented, and request to adopt Resolution 2006____.				
Montye Beamer Director Growth and Resource Management  Mary Robinson Director Building and Zoning 	OMB Approved as to Budget Requirements	Legal  Approved as to Form and Legality	Betty Holness County Manager's Office  Approved Agenda Item For: November 16, 2006	
Council Action:		Modification:		
<input type="checkbox"/> Approved as Recommended <input type="checkbox"/> Approved With Modifications <input type="checkbox"/> Disapproved <input type="checkbox"/> Continued Date:				

Summary/Highlights Continued:

PARCEL SIZE: ± 7,800 sq.ft.(Part of a ± 3.94-acre parent parcel)

BACKGROUND/DISCUSSION: The parcel is split zoned B-4 and R-4, and has a future land use designation of Commercial and Urban Medium Intensity that corresponds with the appropriate zoning classification. The applicant's existing single-family dwelling and several accessory structures lie within the B-4 zoned portion. The intent is to rezone approximately 7,800 sq. ft. of the B-4 zoned portion of the property that encapsulates the home site to enable an expansion of the residential structure and use.

The single family dwelling use is not consistent with current commercial land use designation. The Growth Management Director is willing to administratively shift the Urban Medium Intensity land use category over the area of land necessary to accommodate the applicants' proposed residential improvements subject to County Council approval of this application.

PLANNING and LAND DEVELOPMENT REGULATION COMMISSION

RECOMMENDATION: MOVED to FORWARD case Z-06-103 to the County Council for APPROVAL as presented by Staff.

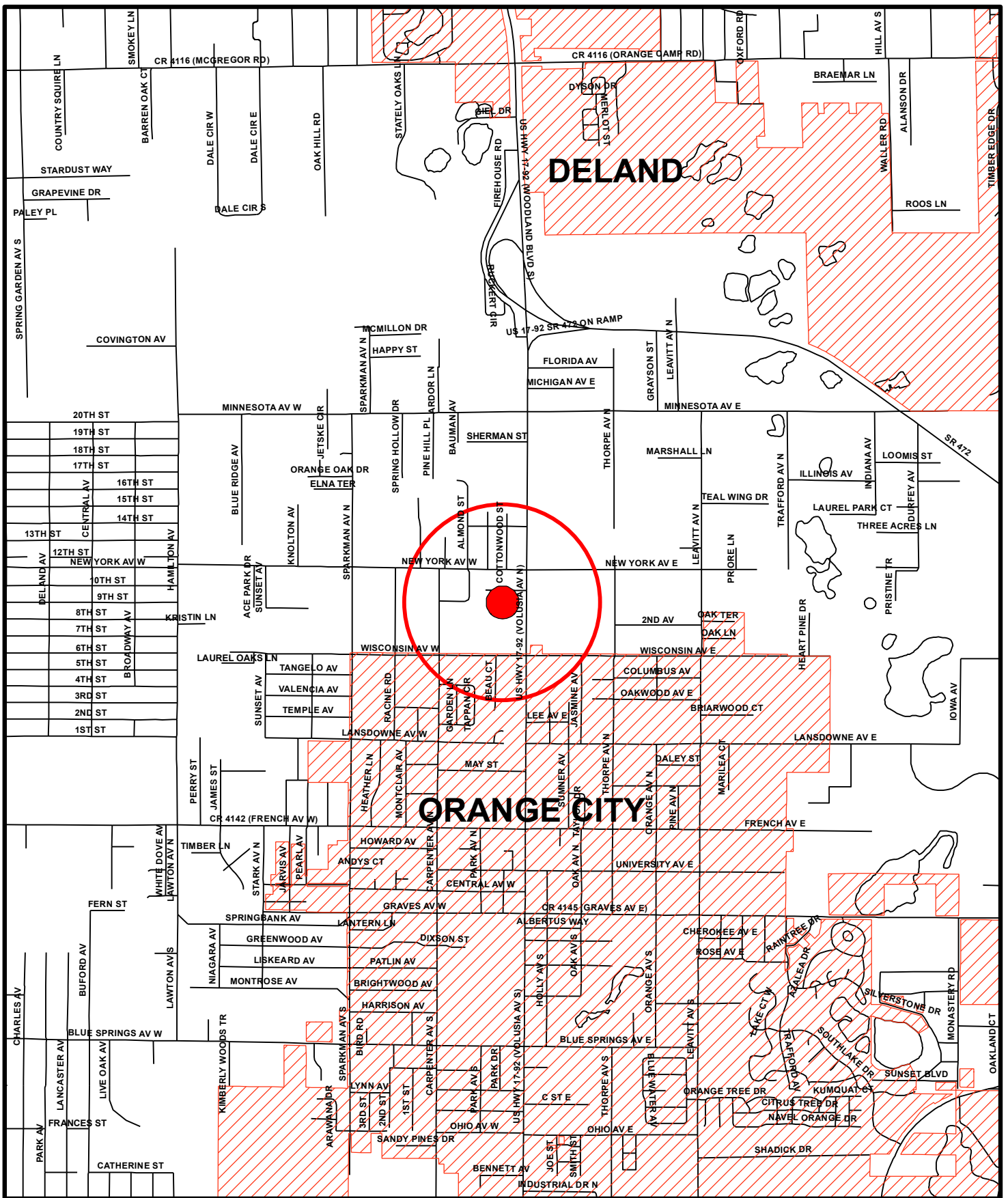
STAFF RECOMMENDATION: APPROVAL of this request because the amount of zoning change corresponds to the area encompassing the existing single-family dwelling. Staff finds the request to be consistent with the Future Land Use Map designation with an adjustment of the Urban Medium Intensity Future Land Use Line.

GENERAL INFORMATION:**NO OPPOSITION:****ATTACHMENTS:**

1. Zoning Maps
2. Zoning Staff Report
3. Survey, Site Plan
4. Staff Comments and Email Responses
5. October 10, 2006 PLDRC Minutes
6. Notice of Public Hearing
7. Resolution:

COMMENTS SOLICITED FROM:

Ron Paradise, Planner III
J.H. Kerr, Assistant City Planner for City of Orange City



AMENDMENT

1" = 2000'

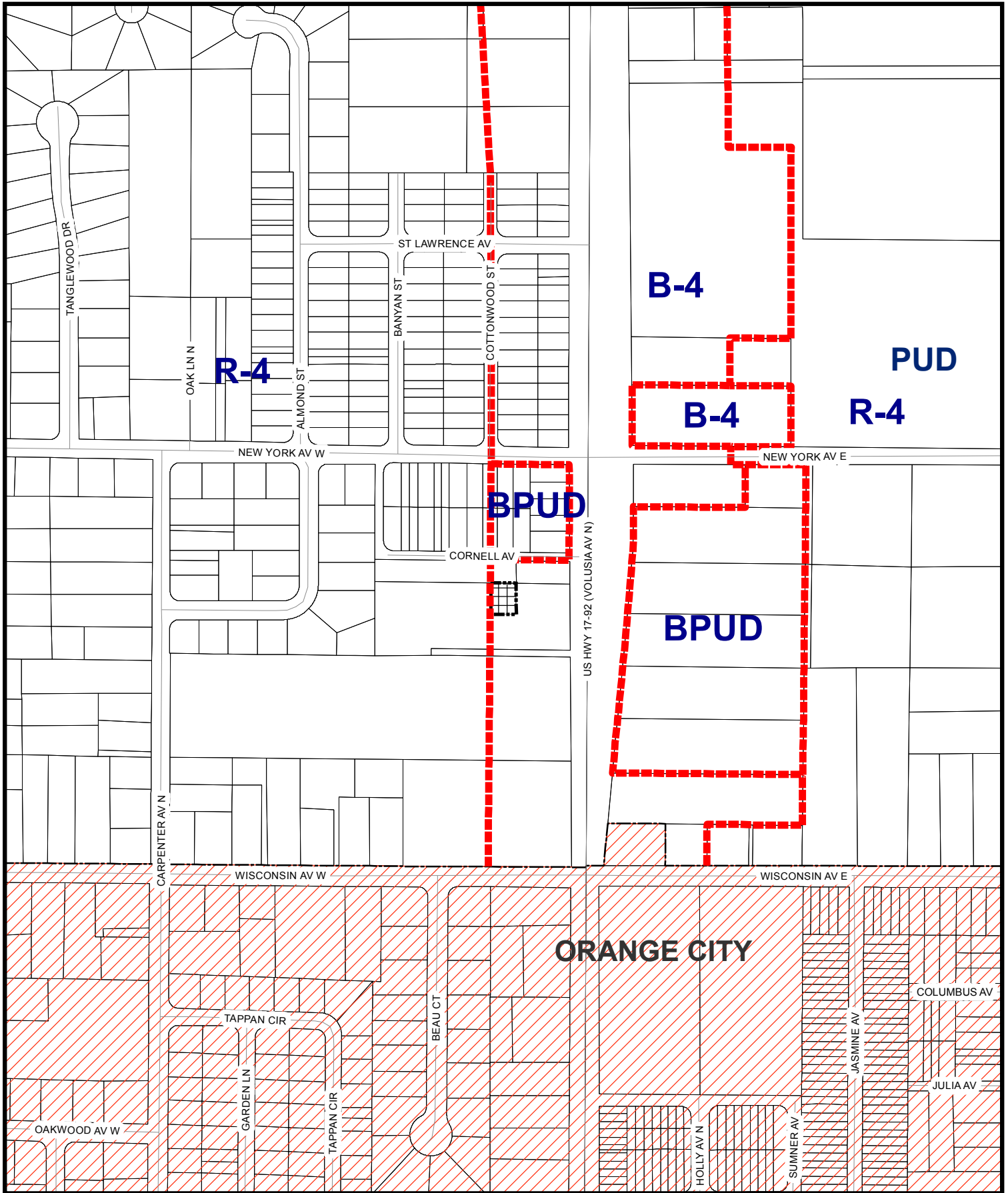
**FROM: B-4
TO: R-4**



**REQUEST
AREA**



**CASE NUMBER
Z-06-103**



AMENDMENT

FROM: B-4
TO: R-4



REQUEST AREA



CASE NUMBER
Z-06-103

1"= 400'

CASE NO. Z-06-103

APPLICANT:

Todd and Lynn Evans, Owners

REQUEST:

R-4. The purpose and intent of the R-4, Urban Single Family Residential classification, is to provide medium density residential developments, preserving the character of existing or proposed residential neighborhoods.

CURRENT ZONING:

B-4. The purpose and intent of the B-4, General Commercial, classification is to encourage the development of intensive commercial areas providing a wide range of goods and services, and locate adjoining at least one major collector or arterial road. The B-4 classification is intended to be applied to existing or developing strip retail areas which, because of the nature of existing development, are not appropriate for inclusion in the B-3 Shopping Center classification.

COMPREHENSIVE PLAN DESIGNATION:

Commercial / Urban Medium Intensity

PARCEL NUMBER:

8003-00-00-0680

PARCEL CHARACTERISTICS:

Approximately 7,800 sq. ft. of a 3.94 acre parent parcel.

LOCATION:

The property is located on the west side of U.S. Highway 17-92, approximately 30 ft. south from its intersection with Cornell Avenue, north of the City of Orange City.

SURROUNDING ZONING AND LAND USE:

North:	B-4 and R-4.	Small commercial use and single-family dwelling.
East:	BPUD.	Across U.S. 17-92, vacant property planned for a future commercial center.
South:	B-4 and R-4.	Undeveloped and woodland property.

West: R-4. Single-family dwelling.

ANALYSIS:

The subject, developed property is situated along the west side of a four-lane divided federal highway near the City of Orange City. Area development along this segment of U.S. Highway 17-92 is a mixed pattern of developed residential and commercial land uses, and vacant parcels.

The parcel is split zoned B-4 and R-4, and has a future land use designation of Commercial and Urban Medium Intensity that corresponds with the appropriate zoning classification. Sitting on the boundary of the two zoning/land use lines is an existing single-family dwelling and several accessory structures. The intent is to rezone approximately 7,800 sq. ft. of the B-4 zoned portion of the property that encapsulates the home site to enable an expansion of the residential structure and use. The property is used for residential purposes, and other than a driveway connection on U.S. 17-92, the parcel is obscured from the traveling public by a thick wall of natural vegetation.

The Comprehensive Plan does not contain specific policies relating to the particular requested Rezoning application. The single family dwelling use is not consistent with current commercial land use designation. The Growth Management Director is willing to administratively shift the Urban Medium Intensity land use category over the amount of land necessary to accommodate the applicants' proposed residential improvements subject to County Council approval of this application.

OTHER CONSIDERATIONS:

ADJACENT MUNICIPALITY – This proposed rezoning site is within the specified one-quarter mile distance to the City of Orange City to officially request comments. The city has responded and they have indicated no concerns with the rezoning as proposed.

DEVELOPMENT ISSUES – Due to the split B-4 and R-4 zoning classifications and the location of their common boundary, the applicants are unable to add-on to the existing residential dwelling. The internal zoning boundary line lies across the rear line of the residence making the dwelling not only a nonconforming use in the B-4 classification, but also a nonconforming structure with the B-4 rear yard dimensional standard. Purpose of the zoning change is to shift the B-4 line eastward a sufficient amount to allow the applicants to construct a room addition and swimming pool.

Per Section 400.10 of the Zoning Ordinance, where boundaries, other than Resource Corridor boundaries, split existing lots, parcels or other tracts of land, the minimum yard and other requirements of the respective zoning classifications shall be measured from the classification boundary. If the existing lot will not accommodate any of the uses permitted in the multiple classification indicated thereon, a rezoning to an appropriate classification shall be required. The

amount of the parcel area requesting for rezoning is the minimum amount to conform the dwelling to the R-4 dimensional requirements, and still meet the one-acre lot area standard required under the B-4 zoning classification.

Without the proposed change in zoning, the applicants are not able to construct a new room addition on the rear of the dwelling or install a swimming pool adjoining the dwelling.

Reason for Recommendation – Staff recommends approval of this request because the amount of zoning change corresponds to the area encompassing the existing single-family dwelling. Staff finds the request to be consistent with the Future Land Use Map designation with an adjustment of the Urban Medium Intensity Future Land Use Line.

RECOMMENDATIONS:

APPROVAL of this application for a Rezoning from the B-4 (General Commercial) zoning classification to R-4 (Urban Single Family Residential) zoning classification.

REZONING APPLICATIONS REQUIRE A FIRST PUBLIC HEARING BY THE PLDRC AND A SECOND PUBLIC HEARING BY THE COUNTY COUNCIL.

SA: ys

Revised September 26, 2006

CARPENTER AVENUE

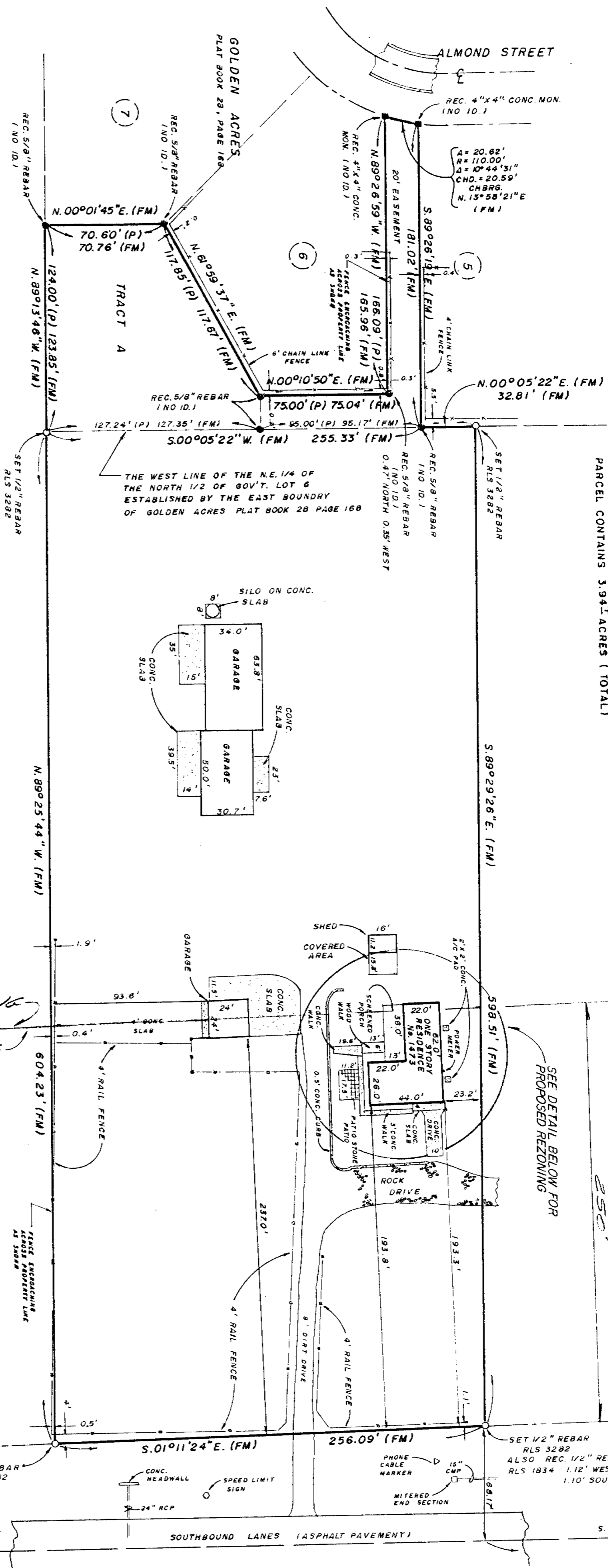
N.W. CORNER OF GOV'T. LOT 6
SEC. 3-18-30
REC. RAIL ROAD SPIKE
(NO ID.)

S. 39° 33' 07" E. 1350.20'

W. NEW YORK AVENUE

NORTH LINE OF GOV'T. LOT 6 SEC. 3-18-30

N.E. CORNER OF GOV'T. LOT 6 SEC. 3-18-30



LEGAL DESCRIPTION: (FURNISHED)

The South 1/2 of the Northeast 1/4 of the North 1/2 of Government Lot 6, except the Northeast 75 feet thereof, and except that portion hereof conveyed for State Road purposes, Section 3, Township 18 South, Range 30 East, Volusia County, Florida, according to map in Map Book 28, Page 168, Public Records of Volusia County, Florida.

AND:

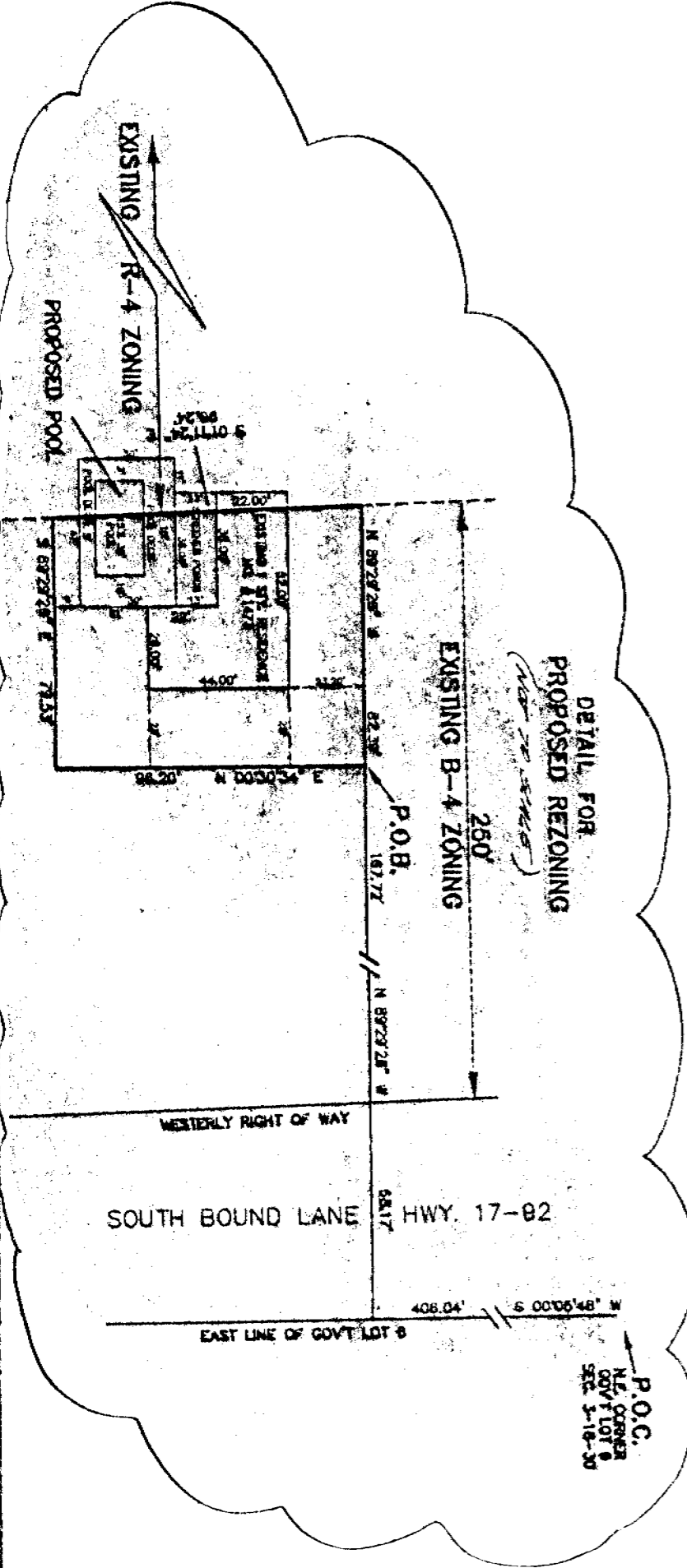
Tract A Golden Acres and 20 foot easement, a subdivision in the Northwest 1/4 of the North 1/2 of Government Lot 6, Section 3, Township 18 South, Range 30 East, Volusia County, Florida, according to map in Map Book 28, Page 168, Public Records of Volusia County, Florida.

PARCEL CONTAINS 3.94± ACRES (TOTAL)

THE WEST LINE OF THE N.E. 1/4 OF THE NORTH 1/2 OF GOV'T. LOT 6 ESTABLISHED BY THE EAST BOUNDARY OF GOLDEN ACRES PLAT BOOK 28 PAGE 168

LEGAL DESCRIPTION: PARCEL TO BE REZONED (WRITTEN)

A parcel of land lying in the S 1/2 of the N 1/2 of Government Lot 6, Section 3, Township 18 South, Range 30 East, Volusia County, Florida, being more particularly described as follows: Commencing at the Northeast corner of said Government Lot 6, run thence S 00°05'48" W along the East line of said Government Lot 6 a distance of 406.04 feet run thence N 89°25'44" W a distance of 124.00 feet to the Point of Beginning, run thence S 00°05'48" W a distance of 127.24 feet run thence N 01°11'24" W a distance of 79.53 feet run thence S 89°25'44" E a distance of 82.39 feet to the Point of Beginning. Parcel contains 7,789.35 Square Feet more or less. Being subject to said Easements of Record.



REVISED TO SHOW DETAIL FOR PROPOSED REZONING; DATED: JULY 28, 2006.

BLOOD CERTIFICATION:
(Per map dated April 15, 2002)
This is to certify that I have consulted the Federal Insurance Flood Hazard Boundary Map and found the above named property is NOT located in a special Flood hazard area, according to Community Flood Map No. 12177C - 0810 - G Map, Panel 810 of 930. ZONE X.

NOTE: This Plan of Survey is certified to and prepared by the Surveyor shown hereon, and shall not be relied upon by any other entity or individual whatsoever.	ABBREVIATIONS: A=Area B=Boundary C=Center D=Distance E=East L=Line M=Measurement N=North P=Point R=Right S=South W=West X=Zone
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.	BLACKWELL & ASSOCIATES LAND SURVEYORS, INC. 995 V. VOLUSIA AVE. & BELAND FL. # PH. (904)-734-0890
BLACKWELL & ASSOCIATES LAND SURVEYORS, INC. 43 N. 28th St. JACKSONVILLE, FL 32209	BOUNDARY SURVEY CERTIFIED TO: SOUTHWEST MORTGAGE CORPORATION ASSOCIATED LAND TITLE GROUP, INC. FIRST AMERICAN TITLE INSURANCE CO. KEVIN TODD EVANS
SYMBOLS: ● REBAR FOUND (SIZE SHOWN HEREIN) ○ 1/2" REBAR & CAP SET □ 4"×4" CONCRETE MONUMENT & CAP SET ■ CONCRETE MONUMENT FOUND (SIZE SHOWN HEREIN) ○ RLS DISC/NAIL SET ○ RLS DISC/NAIL FOUND ○ RLS DISC/NAIL SET FOUND ○ RLS DISC/NAIL FOUND ○ RLS DISC/NAIL SET FOUND ○ RLS DISC/NAIL FOUND ○ RLS DISC/NAIL SET FOUND ○ RLS DISC/NAIL FOUND	DATE: APRIL 28, 2004 DRAWN BY: JAS FIELD BOOK: 524-50-34 FILE NO.: N-3650

INTER-OFFICE MEMORANDUM



TO: Scott Ashley, Current Planning Manager **DATE:** September 19, 2006
FROM: Ron Paradise, Planner III **FILE NO.** PLA-06-037
SUBJECT: Z-06-103 (parcel #8003-00-00-0680 Evans)

A small area of the subject parcel is proposed to be rezoned from B-4 (General Commercial) to R-4 (Urban Single Family Residential). The small rezoning area is developed with an existing single family dwelling.

The parcel fronts on US 17-92 just north of Orange City, and the approximately front half of the property is zoned B-4. The B-4 area is designated as Commercial on the Future Land Use Map (FLUM). The Commercial designation on the property essentially recognizes the strip, highway commercial development pattern that is predominate in the area along US 17-92. The west portion of the property zoned R-4 is designated as Urban Low Intensity on the FLUM. However, the parcel is developed with a dwelling unit that is located within the Commercial/B-4 area of the parcel. The result is that the dwelling is non-conforming and improvements to the structure cannot be permitted.

The proposal is to rezone a portion of the B-4 zoned property to R-4. However, the requested R-4 zoning is not consistent with the Commercial Land Use category. The proposed rezoning will essentially recognize the dwelling with an appropriate zoning (R-4).

According to the "Interpretation of Future Land Use Categories" section of the Future Land Use Element, land use boundaries can be adjusted up to 660 feet to recognize property lines, rights-of-way, or to protect the environment. The Commercial Land Use category where the dwelling is located is within the 660 foot adjustment window. Since the rezoning request represents a reduction of land use intensity, staff will adjust the Urban Low Intensity (ULI) Land Use boundary to include the dwelling unit. However, the adjustment will only occur at the same time the County Council approves the rezoning for the property.

RP:ps

Cc: Montye Beamer, Director, Growth & Resource Management
Terry James, Comprehensive Planning Manager



Orange City Development Services Department

205 East Graves Avenue, Orange City, Florida 32763-5299

Phone 386-775-5414 - Fax 386 775-5420

E-mail: jkerr@ci.orange-city.fl.us

September 13, 2006

Scott Ashley
Planning Manager
County of Volusia
123 West Indiana Avenue
DeLand, Florida 32720

**SUBJECT: RESPONSE TO REQUEST FOR ZONING COMMENTS = CASE Z-06-103
TODD AND LYNN EVANS, ORANGE CITY, FLORIDA
PARCEL NUMBER 8003-00-00-0680**

Dear Mr. Ashley,

The purpose of this letter is to respond to your request dated September 8, 2006, for comments related to the proposed rezoning of the Todd Evans property located at 1473 North Volusia Avenue, and identified as parcel numbers 8003-00-00-0680.

The City understands the applicant is requesting to change a portion of the B-4 General Commercial zoning classification to R-4 Urban Single Family Residential. Although a portion of the property is zoned B-4, the majority of the property is already zoned R-4, and contains a single family dwelling unit within the B-4 portion.

The City of Orange City has no concerns regarding the rezoning of the Evans property, and recommends the proposed rezoning be approved.

Feel free to contact me at (386) 775-5414 if you have any questions concerning this matter, or if I can be of further assistance to you.

Sincerely,

J.H.Kerr III
Assistant City Planner

MINUTES
Planning and Land Development Regulation Commission
October 10, 2006

Z-06-103 – Application of **Todd and Lynn Evans, Owners**, requesting a **Rezoning** from the B-4 (General Commercial) zoning classification to the R-4 (Urban Single Family Residential) zoning classification. The property is located on the west side of U.S. Highway 17-92, approximately 30 feet south from its intersection with Cornell Avenue, north of the City of Orange City; ± 7,800 sq.ft. (Part of a ± 3.94-acre parent parcel) (Ashley)

Member Rudolph **MOVED** to **FORWARD** consent agenda cases **Z-06-100, Z-06-103, Z-06-106, Z-06-112, and Z-06-123** to the County Council for **APPROVAL** as presented by Staff. Member Tooley **SECONDED** the motion. Motion **CARRIED** unanimously.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN BY the County Council of Volusia County, Florida, of its intention to consider the adoption of a resolution at its regularly scheduled meeting on **Thursday, November 16, 2006, at 10:00 a.m.**, in the County Council Meeting Room of the Thomas C. Kelly Administration Center, 123 West Indiana Avenue, DeLand, Florida, the title of which resolution shall read as follows:

RESOLUTION NO. 2006-

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF VOLUSIA COUNTY, FLORIDA, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN HEREIN DESCRIBED PROPERTY FROM B-4 TO R-4; PROVIDING AN EFFECTIVE DATE.

This resolution is being considered pursuant to an application # **Z-06-103**, filed by **Todd and Lynn Evans, Owners**, requesting to amend the Official Zoning Ordinance of Volusia County, Florida by amending the Official Zoning Map Classification from the B-4 (General Commercial) zoning classification to the R-4 (Urban Single Family Residential) zoning classification by REZONING a ± 7,800 sq.ft. of a 3.94-acre property located on the west side of U.S. Highway 17-92, approximately 30 feet south from its intersection with Cornell Avenue, north of the City of Orange City.

This proposed resolution may be inspected by the public at the GROWTH AND RESOURCE MANAGEMENT DEPARTMENT, 2nd FLOOR, THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA.

This hearing may be continued to one or more dates. The dates, times, and places of any continuation of the above scheduled public hearing will be announced at said public hearing and no further notice regarding said continuation is required to be published.

If anyone decides to appeal any decision made by the Volusia County Council with respect to any matter considered at this hearing, he or she will need a record of the proceedings, including all testimony and evidence, upon which the appeal is to be based. To that end, such person will want to ensure that verbatim record of the proceedings is made.

**COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA**

**BY James T. Dinneen
JAMES T. DINNEEN
COUNTY MANAGER**

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE OFFICIAL ZONING MAP OF VOLUSIA COUNTY, FLORIDA, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN HEREIN DESCRIBED PROPERTY FROM B-4 TO R-4; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with Article XI, Section 1103.00 of Volusia County Ordinance No. 80-8, as amended, the Volusia County Council held a public hearing after due public notice on the application of Todd and Lynn Evans, Owners, Zoning case Z-06-103, for an amendment to the Official Zoning Map of Volusia County; NOW THEREFORE,

BE IT RESOLVED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE THOMAS C. KELLY ADMINISTRATION CENTER, DELAND, FLORIDA, ON THIS 16TH DAY OF NOVEMBER, A.D. 2006, AS FOLLOWS:

SECTION I: In accordance with Volusia County Zoning Ordinance No. 80-8, as amended, the Volusia County Council hereby amends the Official Zoning Map of Volusia County, Florida, from the B-4 (General Commercial) zoning classification to the R-4 (Urban Single Family Residential) zoning classification, on the following described real property:

A parcel of land lying in the S ½ of the NE ¼ of the N ½ of Government Lot 6, Section 3, Township 18 South, Range 30 East, Volusia county, Florida, being more particularly described as follows: Commencing at the Northeast corner of said Government Lot 6, run thence S 00° 05' 48" W along the East line of said Government Lot 6 a distance of 406.04 feet; run thence N 89° 29' 26" W a distance of 235.89 feet to the Point of Beginning; run thence S 00° 30' 34" W a distance of 96.20 feet; run thence N 89° 29' 26" W a distance of 79.53 feet; run thence N 01° 11' 24" W a distance of 96.24 feet; run thence S 89° 29' 26" E a distance of 82.39 feet to the Point of Beginning. Parcel contains 7,788,35 Square Feet more or less. Being subject to and Easements of Record.

Parcel No.: 8003-00-00-0680

SECTION II: The Zoning Enforcement Official is hereby directed to amend the Official Zoning Map of Volusia County to conform with Section I of this Resolution.

SECTION III: This Resolution shall take effect immediately upon its adoption.

DONE AND ORDERED IN OPEN MEETING THIS 16TH DAY OF NOVEMBER, A.D. 2006

COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA

BY: _____
Frank T. Bruno, Jr.
County Chair

ATTEST: _____
James T. Dineen
County Manager