



The CITY OF DAYTONA BEACH

— "THE WORLD'S MOST FAMOUS BEACH" —

MEMORANDUM

DATE: July 9, 2018
TO: James V. Chisholm, City Manager
FROM: Dennis Mrozek, AICP, Planning Director
SUBJECT: Minto Tomoka Parcel A – Voluntary Annexation (DEV2018-079)

A request by Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Consolidated-Tomoka Land Co., for the voluntary annexation of 2.13± acres of land located west and adjacent to Tymber Creek Road South and south of Old Tomoka Road for parcel #4136-00-00-025A.

A letter of request for voluntary annexation was mailed to Volusia County on June 18, 2018 (*Attachment A*) and was received by the Volusia County on June 21, 2018 (*Attachment B*).

The applicant has also submitted applications for a future land use amendment and a rezoning which will be considered with this annexation by the City Commission for first reading on August 1, 2018 and all are tentatively scheduled for adoption on September 19, 2018.

Pursuant to Chapter 171, Florida Statutes, notice must be published at least once per week for two consecutive weeks prior to Ordinance 18-301 being adopted. The City will provide legal advertisements in the Daytona Beach News Journal on Wednesday, September 5, 2018 and Wednesday, September 12, 2018.



ATTACHMENT A

The CITY OF DAYTONA BEACH

— "THE WORLD'S MOST FAMOUS BEACH" —

June 18, 2018

Volusia County Council
c/o James Dinneen, County Manager
County of Volusia
Thomas C. Kelly Administration Center
123 West Indiana Avenue
Deland, FL 32720

RE: Request for Voluntary Annexation of 2.13± acres of property into the City of Daytona Beach: **Minto Parcel A - DEV2018-079 - Parcel #4136-00-00-025A**

Dear Mr. Dinneen:

The City of Daytona Beach has received a voluntary annexation request from the property owner, Consolidated-Tomoka Land Co., for 2.13± acres of land located west and adjacent to Tymber Creek Road South and south of Old Tomoka Road.

The purpose of this letter is to provide Volusia County notice of the intended annexation per Section 171.044(6) of the Florida Statutes. The City intends to conduct a public hearing for adoption of Ordinance No. 18-301 on Wednesday, September 19, 2018, in the Commission Chambers, 301 South Ridgewood Avenue, Daytona Beach. The City intends to provide legal advertisements in the Daytona Beach News Journal on Wednesday, September 5, 2018 and Wednesday, September 12, 2018. Staff has enclosed for your review, the annexation report and draft legal advertisements. If there are any questions, or if you require additional information, please contact me at 386-671-8126 or waltonrichard@codb.us.

Sincerely,

Richard Walton, AICP
Planning Director

Cc: James S. Morris, Deputy City Manager
Palmer M. Panton, Director of Planning & Development Services
Clay Ervin, Director of Growth and Resource Management

**THE CITY OF DAYTONA BEACH
DEVELOPMENT & ADMINISTRATIVE SERVICES**

**ANNEXATION REPORT
June 2018**



MINTO PARCEL A

DEV2018-079

Prepared by:
Dennis Mrozek, Planning Manager
The City of Daytona Beach
Development and Administrative Services Department
Planning Division

Introduction

A request by Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Consolidated-Tomoka Land Co., and Minto Communities, LLC, contract purchaser for a voluntary annexation of approximately 2.13± acres of land located west and adjacent to Tymber Creek Road South and south of Old Tomoka Road for **Parcel #4136-00-00-025A**.

Analysis

The table below summarizes the land use and zoning designations for the properties surrounding the subject property.

Site A: Land Use and Zoning Table (County and Ormond Beach designations are in italics)

	Existing Land Uses	Future Land Use Designation	Zoning Classification
Site	<i>Undeveloped (County)</i>	<i>Low Impact Urban (LIU) (County)</i>	<i>A-2(1) (County)</i>
North	<i>Ormond Boat Works (Ormond Beach)</i>	<i>Heavy Commercial(HC) (Ormond Beach)</i>	<i>Service Commercial (B-5) (Ormond Beach)</i>
South	Undeveloped City of Daytona Beach	City of Daytona Beach with County Future Land Use	City of Daytona Beach with County Zoning
East	Tymber Creek Road S.	Tymber Creek Road S. <i>Low Intensity Urban (LIU) (County)</i>	Tymber Creek Road S. <i>A-2(1) (County)</i>
West	Undeveloped City of Daytona Beach & Ormond Beach	Church <i>Suburban Low Density Residential (SLDR) (Ormond Beach)</i>	Riverbend Community Church PD (PD-G) <i>Suburban Residential (SR) (Ormond Beach)</i>

Statutory Requirements

Chapter 171.044 of the Florida Statutes contains specific requirements that govern the process of voluntary annexation. This statute requires a brief general description and legal description of the area proposed for annexation as well as the provision requiring notice to the County Manager on behalf of the Board of County Commissioners. The statute prohibits voluntary annexation when such annexation results in the creation of enclaves. This site is adjacent to The City of Daytona Beach and reduces existing enclaves.

"**Contiguous**" is defined in Section 171.031, *Florida Statutes*, that a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous with a part of the boundary of the municipality. The subject property's boundaries is contiguous to The City of Daytona Beach.

“**Compactness**” is defined in Section 171.031, *Florida Statutes*, as “the concentration of a piece of property in a single area and precluding any action which would create enclaves, pockets, or finger areas in serpentine patterns.” The property proposed for annexation is compact and the action does not create any new County (or City) enclaves.

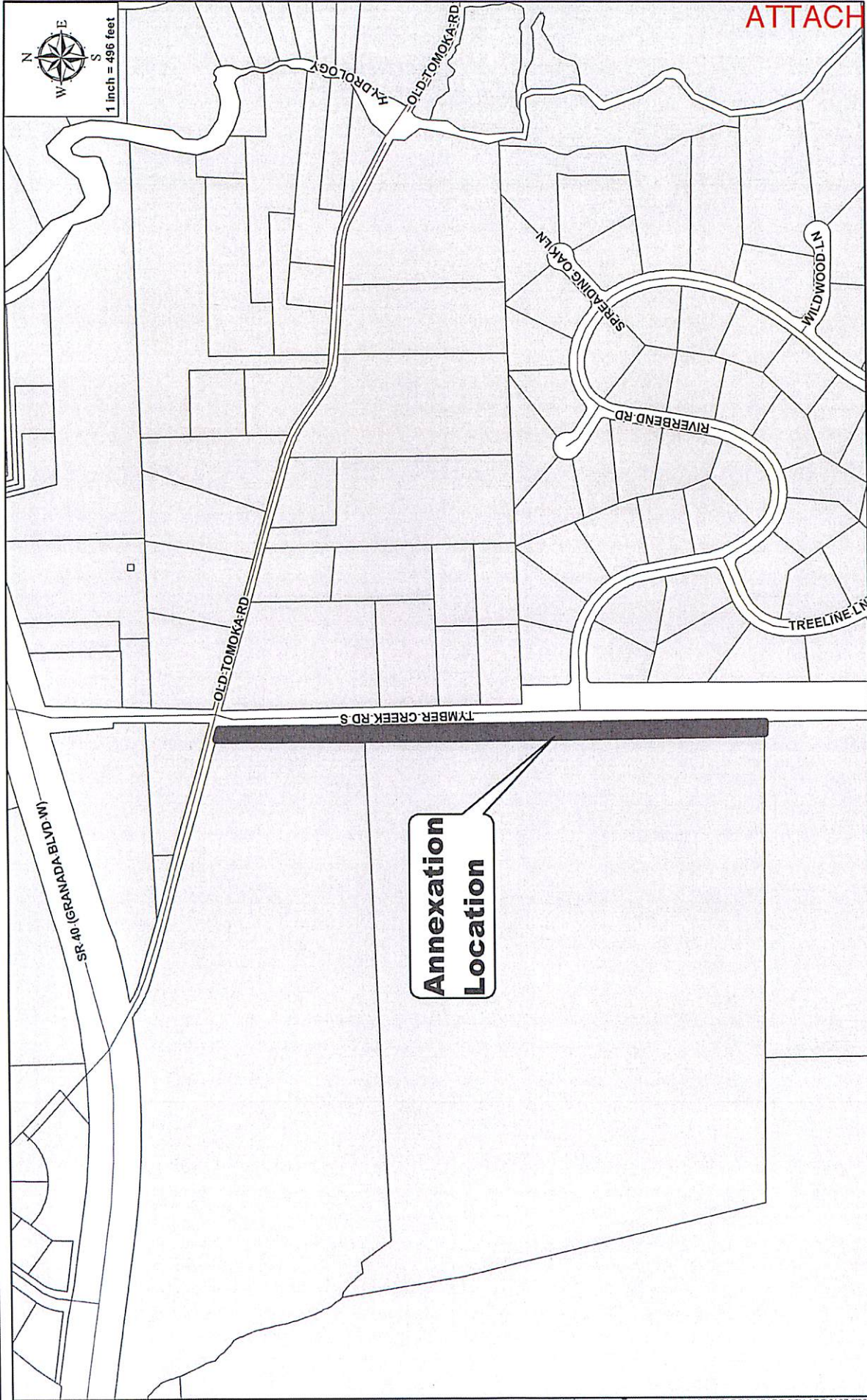
The site must be contiguous to the City and the parcel conforms. The parcel must be reasonably compact and all owners must join in the request. This annexation consists of one parcel of approximately 2.13± acres and one property owner. Notice must be published at least once each week for two (2) consecutive weeks in the local newspaper. Once the Ordinance is adopted, it must be filed with the Clerk of the Circuit Court and with the County Manager.

Notice will be provided to the County as required by statute, as well as legal advertisements.

Municipal Services

The City of Daytona Beach Utilities Department has reviewed the application and offers no objection.

Included with this report are maps that identify the project locations, zoning classifications and future land use designations. An application is currently in process to amend the existing land use designation of the properties from a County designation to a City designation.



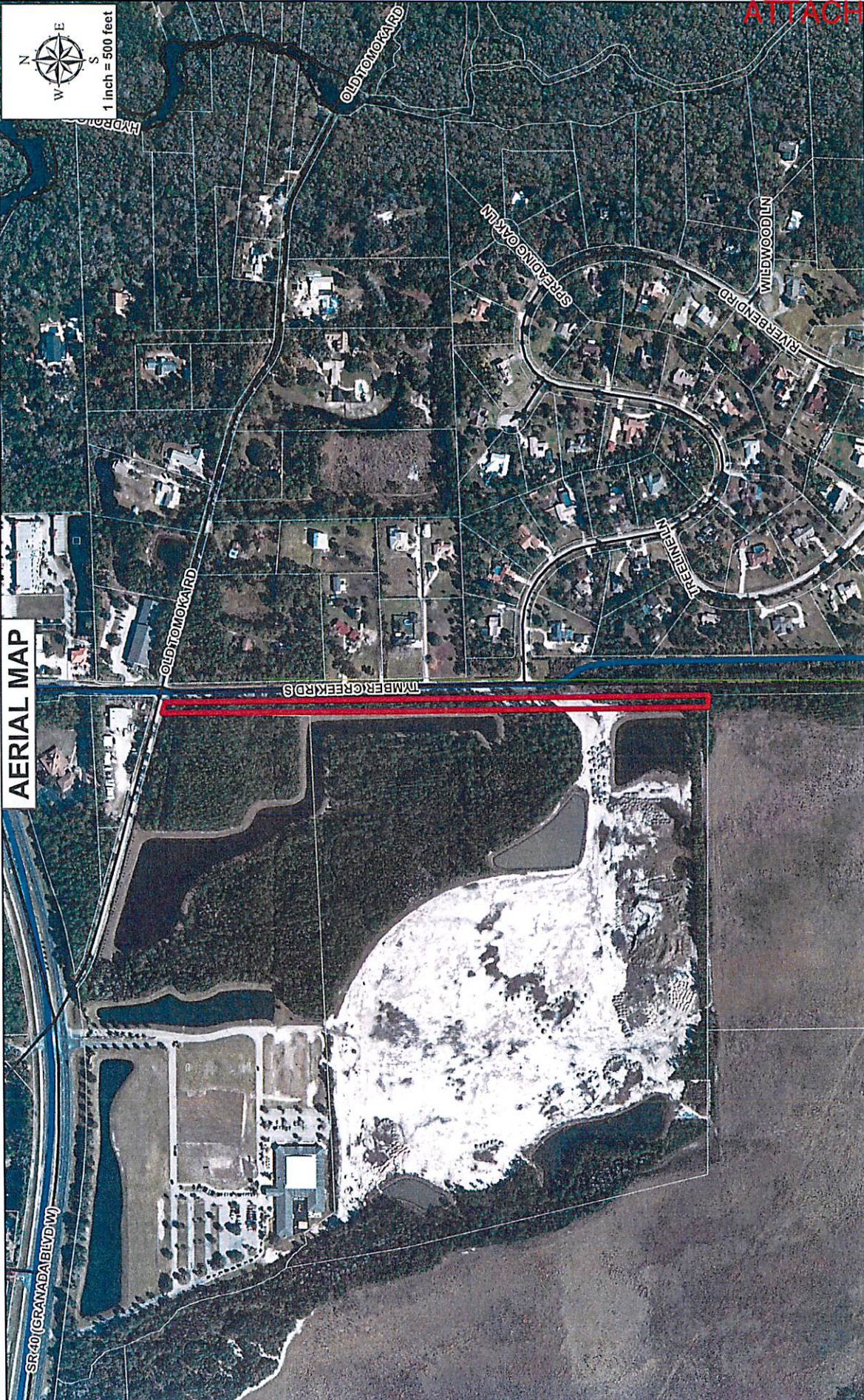
City of Daytona Beach Map disclaimer:

These maps were developed and produced by the City of Daytona Beach GIS. They are provided for reference only and are not intended to show map scale accuracy or all inclusive map features. As indicated, the accuracy of the map has not been verified and it should be used for informational purposes only. Any possible discrepancies should be brought to the attention of City Engineering and or Development Services.

**DEV2018-079
ANNEXATION REZONING - LOCATION MAP**



AERIAL MAP



ATTACHMENT A

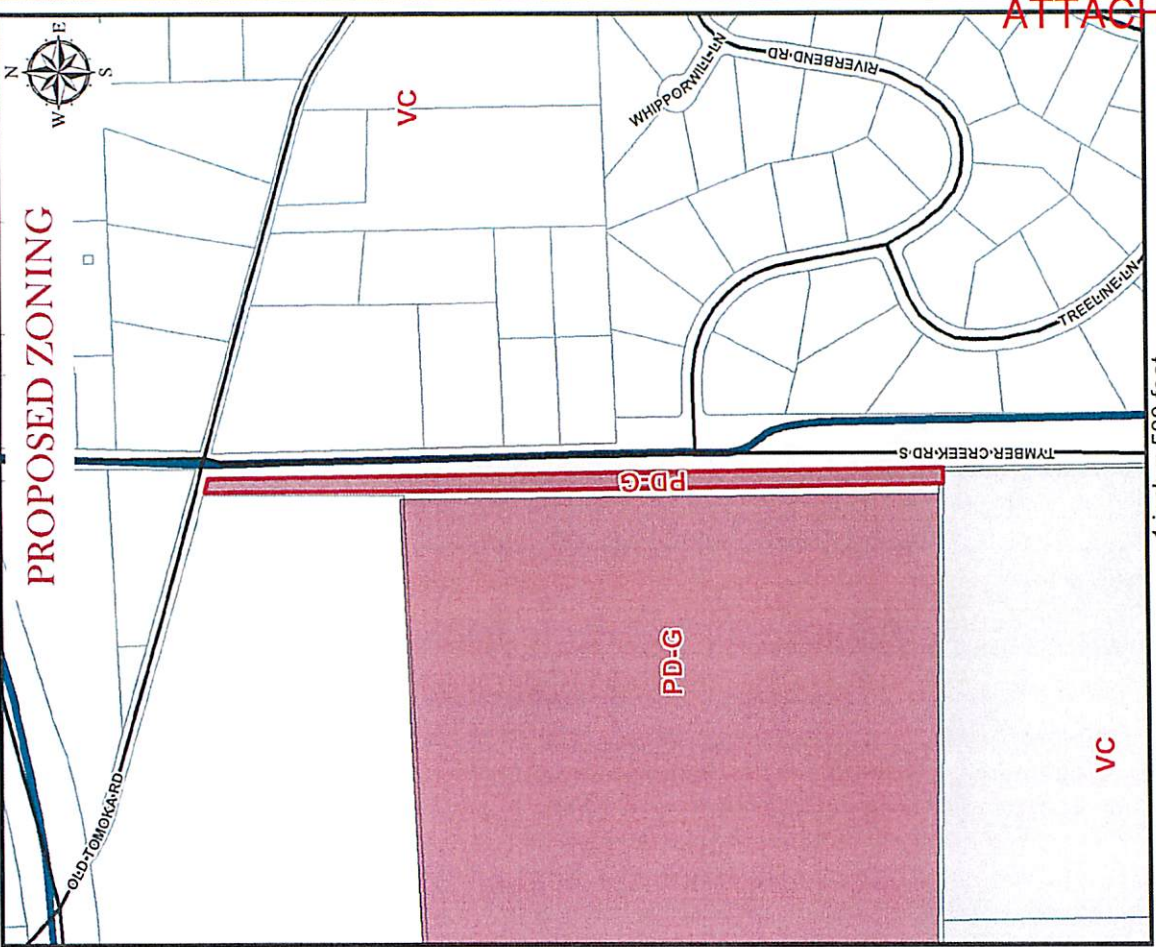
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DEV2018-079 ANNEXATION REZONING -AERIAL MAP

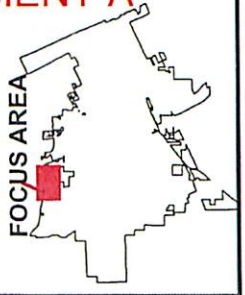




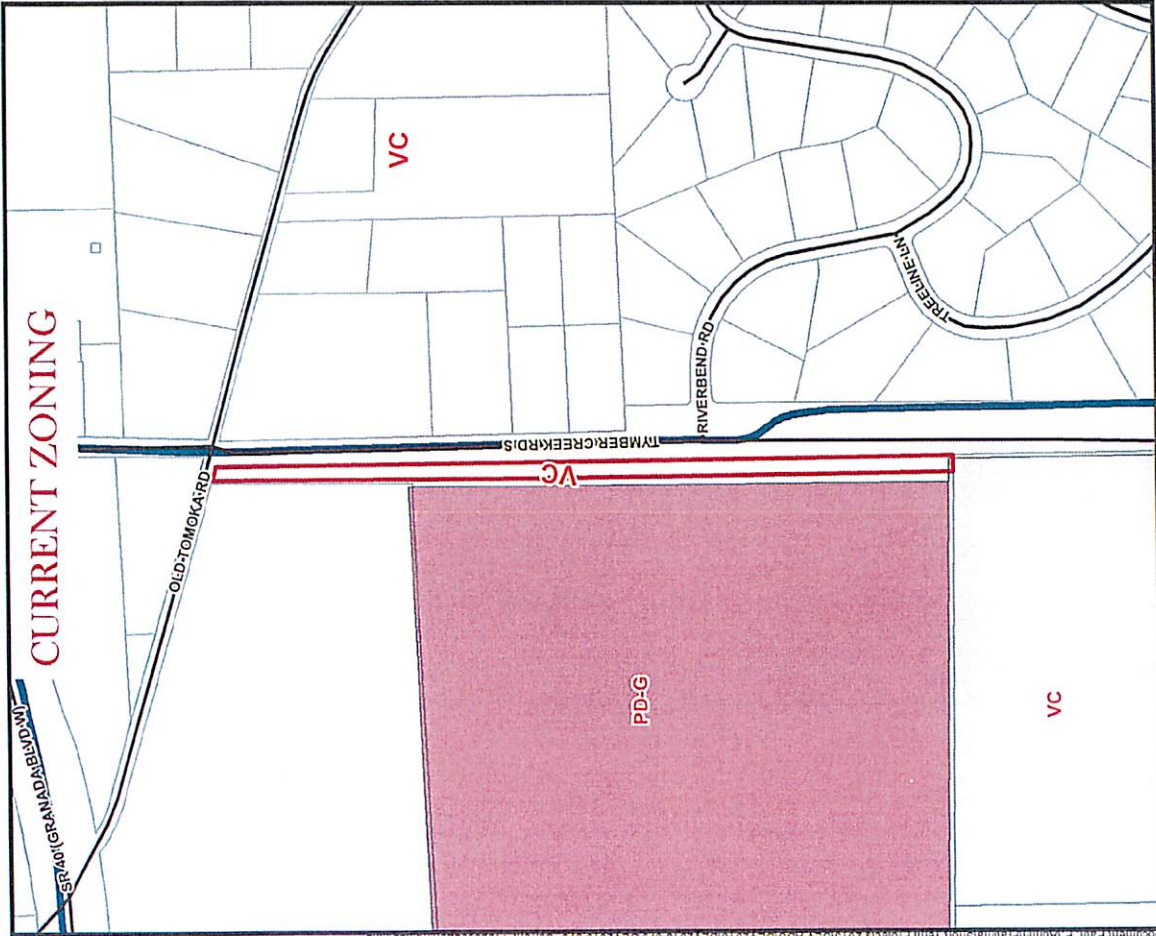
PROPOSED ZONING



1 inch = 500 feet



CURRENT ZONING

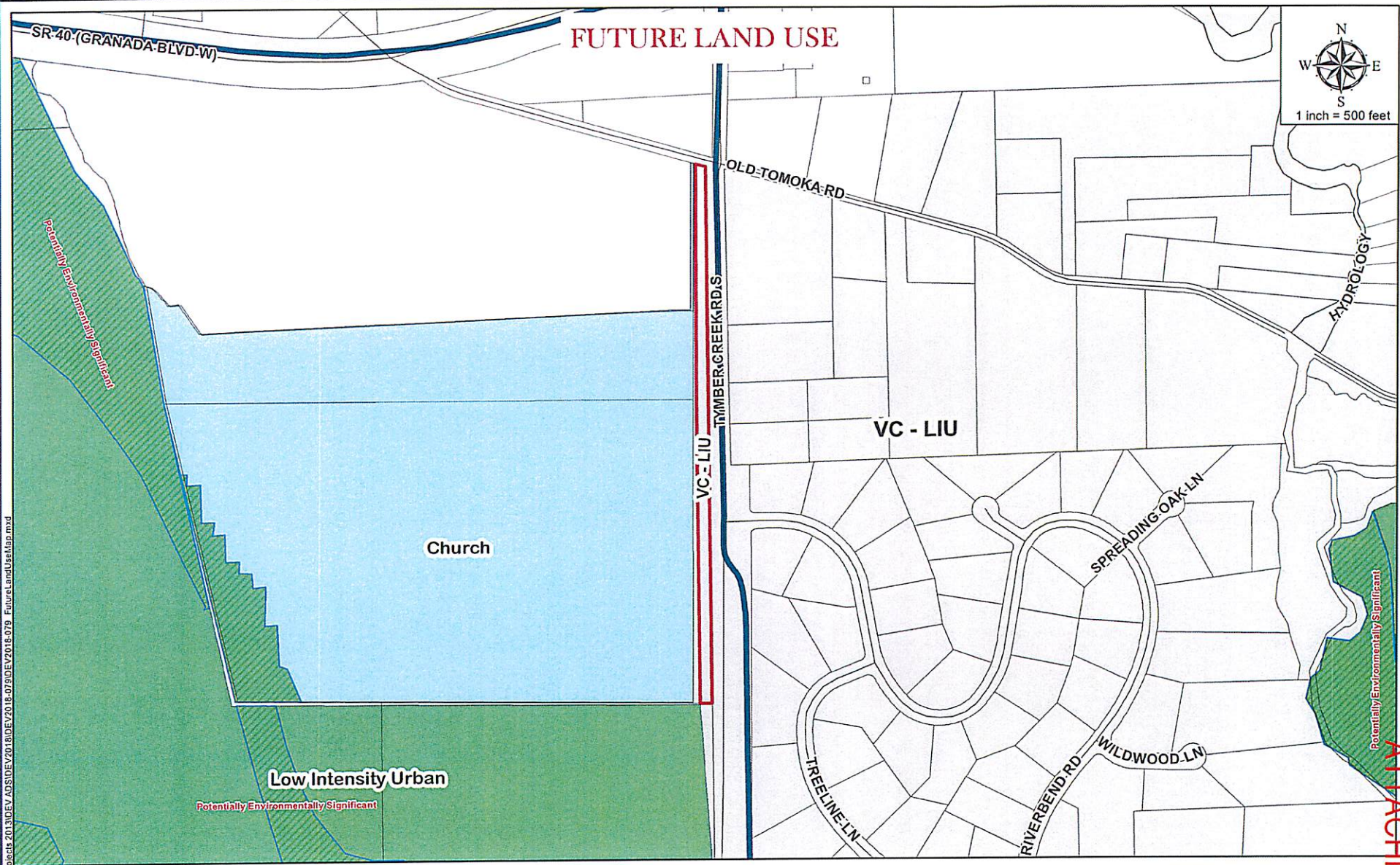


1 inch = 500 feet

DEV2018-079
ANNEXATION REZONING - ZONING MAP



FUTURE LAND USE



Document Path: P:\Admin\Pratima\Short Term Projects\2013\DEV_ADS\DEV2018\DEV2018-07\DEV2018-079_Future Land Use Map.mxd



DEV2018-079 ANNEXATION REZONING - FUTURE LAND USE MAP

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ATTACHMENT A



ATTACHMENT A

The CITY OF DAYTONA BEACH

— "THE WORLD'S MOST FAMOUS BEACH" —

DATE: August 31, 2018

TO: News-Journal Legal Department

FROM: Marianne Pulaski
Development and Admin Services Department

PHONE: 671-8122

RE: Display Advertisement - Proof of Publication requested: One (1) Copy

Please insert the attached display ad in the News-Journal edition for **Wednesday, September 5, 2018**. This ad must be in a **TWO-COLUMN FORMAT AND AT LEAST TEN (10) INCHES IN LENGTH**. The headline must be in **18 pt. Type**, and the ad **MUST NOT** be placed where legal notices and classified advertisements appear.

Please send the invoice to the Development and Administrative Services Department, Room 240, Attn: Marianne Pulaski, P.O. Box 2451, Daytona Beach, FL 32115-2451. If you have any questions, please contact Marianne Pulaski at 671-8122.

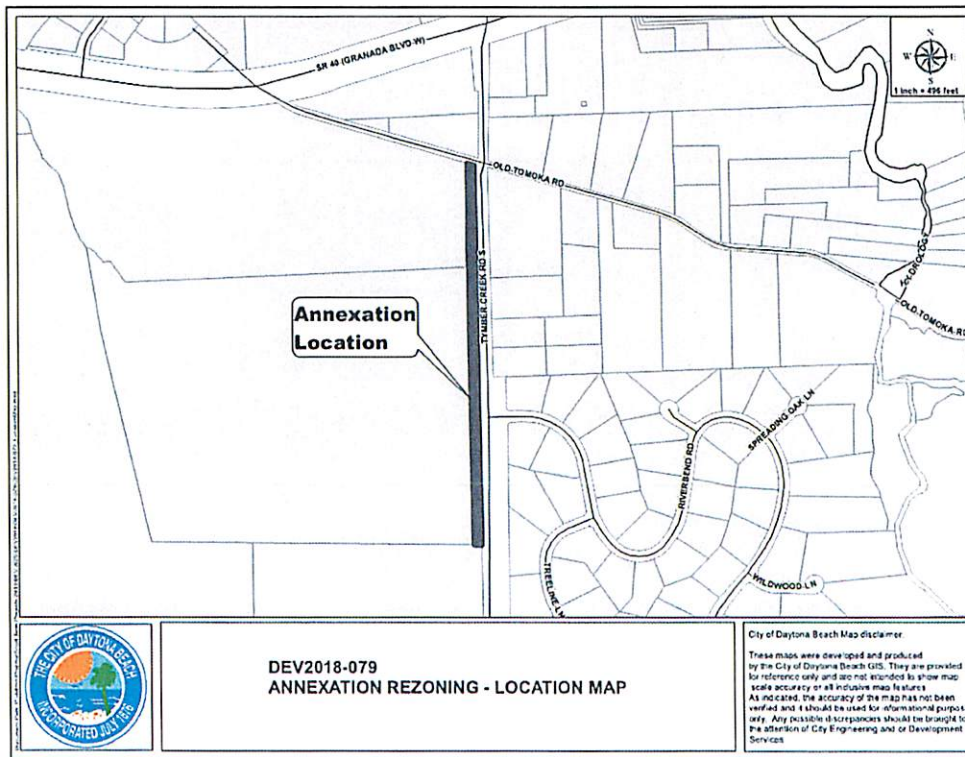
THANK YOU!

THE CITY OF DAYTONA BEACH PUBLIC HEARING PROPOSED VOLUNTARY ANNEXATION

Pursuant to F.S. 171.044, notice is hereby given that the City of Daytona Beach, Florida, proposes the annexation of the property located west and adjacent to Tymber Creek Road South and south of Old Tomoka Road, containing 2.13± acres, as requested by the property owner, Consolidated-Tomoka Land Co. The City Commission of Daytona Beach will hold a Public Hearing, on September 19, 2018 in the City Commission Chambers, Room 290, City Hall, 301 South Ridgewood Avenue, Daytona Beach, Florida, to consider this request. A complete legal description by metes and bounds of the proposed annexation area and the ordinance are available for review from the office of the City Clerk. The ordinance title is as follows:

ORDINANCE NO. 18-301

AN ORDINANCE ANNEXING INTO THE CITY OF DAYTONA BEACH 2.13± ACRES OF PROPERTY LOCATED WEST AND ADJACENT TO TYMBER CREEK ROAD SOUTH AND SOUTH OF OLD TOMOKA ROAD; REDEFINING THE TERRITORIAL BOUNDARIES OF THE CITY OF DAYTONA BEACH TO INCLUDE THE PROPERTY; REDESIGNATING THE BOUNDARIES OF ZONE 4 OF THE CITY OF DAYTONA BEACH TO INCLUDE THE PROPERTY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.



ATTACHMENT A

ALL INTERESTED PARTIES may appear at the meeting and be heard with respect to the proposed Ordinance. The failure of a person to appear at the meeting and comment and/or object to the annexation may preclude the ability of such person to contest the annexation at a later date.

The public may inspect information related to the proposed Ordinance at the City Clerk's office.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THE PUBLIC MEETING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS ARE MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS NEEDING A SPECIAL ACCOMMODATION TO PARTICIPATE IN THE CITY COMMISSION PROCEEDINGS SHOULD CONTACT THE CITY CLERK'S OFFICE AT (386) 671-8020 NOT LATER THAN THREE (3) DAYS PRIOR TO THE PROCEEDINGS.

BY: The City of Daytona Beach
Development and Administrative Services Department
(386) 671-8120



ATTACHMENT A

The CITY OF DAYTONA BEACH

“THE WORLD’S MOST FAMOUS BEACH”

DATE: September 7, 2018

TO: News-Journal Legal Department

FROM: Marianne Pulaski
Development and Admin Services Department

PHONE: 671-8122

RE: Display Advertisement - Proof of Publication requested: One (1) Copy

Please insert the attached display ad in the News-Journal edition for **Wednesday, September 12, 2018**. This ad must be in a **TWO-COLUMN FORMAT AND AT LEAST TEN (10) INCHES IN LENGTH**. The headline must be in **18 pt. Type**, and the ad **MUST NOT** be placed where legal notices and classified advertisements appear.

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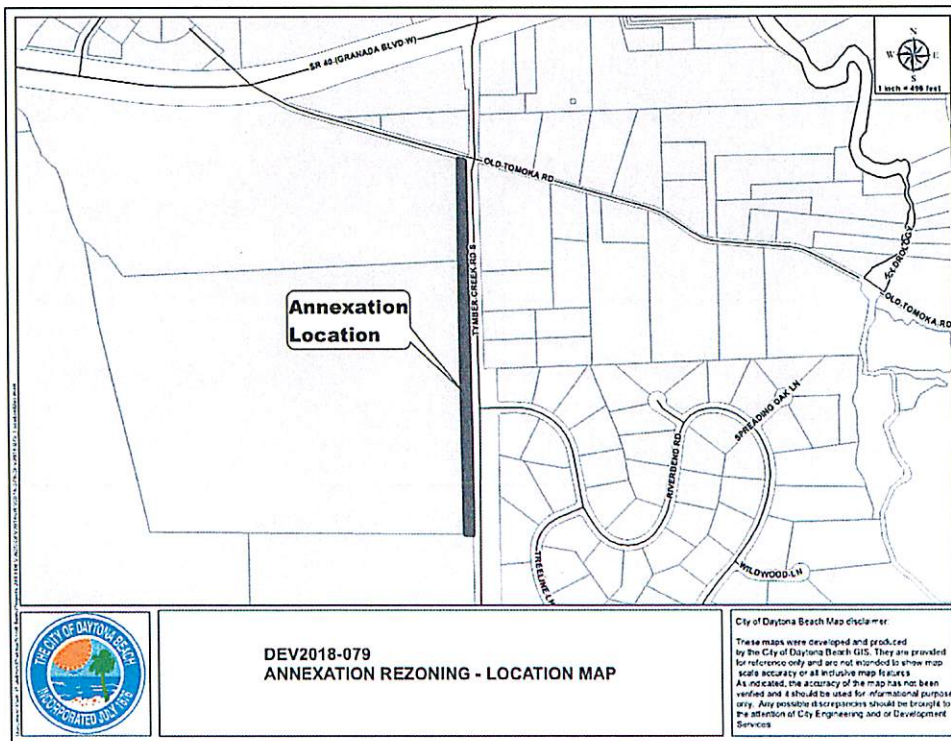
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BY: The City of Daytona Beach
Development and Administrative Services Department
(386) 671-8120

ATTACHMENT B

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p style="font-size: 1.5em; margin-left: 20px;"><i>X / [Signature]</i></p>																
<p>1. Article Addressed to:</p> <p style="margin-left: 20px;">Volusia County Council c/o James Dinneen, County Manager Thomas C. Kelly Administration Center 123 West Indiana Avenue Deland FL 32720</p>	<p>B. Received by (<i>Printed Name</i>) C. Date of Delivery</p> <p style="font-size: 1.5em; margin-left: 20px;"><i>JCM</i> <i>6-21-18</i></p>																
<p>2. Article Number (<i>Transfer from service label</i>)</p> <p style="font-size: 1.2em; margin-left: 20px;">7015 3010 0002 1567 8871</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>																
 <p style="font-weight: bold; margin: 0;">9590 9403 0593 5183 5797 89</p>	<p>Service Type</p> <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™																
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery																
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<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery																
<input type="checkbox"/> Insured Mail																	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																	

ATTACHMENT B

UNITED STATES POSTAL SERVICE

FL 320
22 JUN 19



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box•

Richard Walton, Planning Director
City of Daytona Beach
301 S. Ridgewood Ave., Suite 240
Daytona Beach, FL 32115-2451

USPS TRACKING#



9590 9403 0593 5183 5797 89