

RESOLUTION NO. 613-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, ACKNOWLEDGING AND APPROVING THE SITE PLAN FOR THE GEL RECYCLING FACILITY (I-PUD) INDUSTRIAL PLANNED UNIT DEVELOPMENT, TO BE CONSTRUCTED ON A 12.5 ACRE PARCEL, LOCATED IN THE NORTHEAST QUADRANT OF EAST RHODE ISLAND AVENUE AND SOUTH LEAVITT AVENUE, ORANGE CITY, FLORIDA; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, GEL Corporation, has applied for approval of a site plan for the GEL Recycling facility (I-PUD) Industrial Planned Unit Development consisting of a new office building and recycling activities to be developed on a 12.5 acre parcel located in the northeast quadrant of East Rhode Island Avenue and South Leavitt Avenue, said property is more particularly described in the Exhibit "A" Legal Description, and

WHEREAS, the Planning Commission of the City of Orange City, held a regular meeting on July 7, 2010, and recommended that City Council approve the site plan for the GEL Recycling facility, and

WHEREAS, it is necessary for the City Council of the City of Orange City, Florida, to render site plan approval of the GEL Recycling facility, as per Section 8.7.22 of the Land Development Code of the City of Orange City, Florida.

NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA:

SECTION 1. That the site plan for the GEL Recycling facility consisting of a new office building and recycling activities to be developed on a 12.5 acre parcel located in the northeast quadrant of East Rhode Island Avenue and South Leavitt Avenue, said site plan attached hereto as Exhibit C, is by reference incorporated herein and approved subject to the conditions and departures listed in Exhibit B.

SECTION 2. That all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

SECTION 3. That this resolution shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida.

ROLL CALL VOTE AS FOLLOWS (Resolution No. 613-10):


Jeff H. Allebach	<u>yes</u>	Thomas Laputka, Vice Mayor	<u>yes</u>
Tom Abraham	<u>yes</u>	Anthony Pupello	<u>yes</u>
Gary Blair	<u>no</u>	Bill Crippen	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

ADOPTED THIS 27th DAY OF July, 2010.

ATTEST TO:


Deborah J. Renner, City Clerk

Authenticated this 27th day of July, 2010.


Harley Strickland, Mayor

This Resolution approved
as to form and legal sufficiency:



William Reischmann, City Attorney

Exhibit A

Resolution No. 613-10

Legal Description

GEL Corporation

Legal Description - A portion of Vineland Park Subdivision

Lots 1 to 19, inclusive, and Lots 41 to 50, inclusive, Block 1; Lots 1 to 18, inclusive, and Lots 39 to 48, inclusive, Block 2; Lots 1 to 48, inclusive, Block 3; Lots 1 to 48, inclusive, Block 4; Lots 1 to 50, inclusive, Block 5; Lots 1 to 50, inclusive, Block 6; Lots 1 to 48, inclusive, Block 7; Lots 1 to 48, inclusive, Block 8; Lots 1 to 48, inclusive, Block 9; Lots 1 to 50, inclusive, Block 10; and Bell Avenue, Lying East of the Easterly Right of Way of Leavitt Avenue and West of the Westerly Right of Way of Trafford Avenue; and Willard Street lying South of the Northerly boundary of said Lot 41, Block 1 and Lot 18, Block 2 and North of the Northerly Right of Way of Rhode Island Avenue; and Green Street lying South of the Northerly boundary of said Lot 39, Block 2 and North of the Northerly Right of Way of Rhode Island Avenue; and the E ½ of Green Street lying North of the Easterly extension of the Northerly boundary of said Lot 39, Block 2 and South of the Southerly Right of Way of Georgia Avenue and Booth Street lying South of the Southerly Right of Way of Georgia Avenue and North of the Northerly Right of Way of Rhode Island Avenue; and Henry Street lying South of the Southerly Right of Way of Georgia Avenue and North of the Northerly Right of Way of Rhode Island Avenue, Vineland Park, a subdivision according to map in Map Book 7, Page 77, Public Records of Volusia County, Florida, and being more particularly described as follows: Commencing at the Southwest corner of the SE ¼ of Section 11, Township 18 South, Range 30 East, Volusia County, Florida, run thence S 89°51'34" E along the South line of said SE ¼ a distance of 30.00 feet; run thence N 00°03'53" W along a line 30.00 feet East of at right angle to and parallel with the West line of said SE ¼ a distance of 30.00 feet to the point of intersection of the Northerly Right of Way of Rhode Island Avenue and the Easterly Right of Way line of Leavitt Avenue, as now established and the Point of Beginning. Continue thence N 00°03'53" W along said Easterly Right of Way a distance of 1017.13 feet; run thence S 89°48'50" E a distance of 512.65 feet; run thence N 00°00'36" E a distance of 251.80 feet to a point on the Southerly Right of Way of Georgia Avenue; run thence S 89°48'00" E along said Right of Way a distance of 755.48 feet to a point on the Westerly Right of Way of Trafford Avenue; run thence S 00°03'45" E along said Right of Way a distance of 1267.74 feet to a point on aforesaid Northerly Right of Way of Rhode Island Avenue; run thence N 89°51'34" W along said Right of Way lying 30.00 feet North of at right angle to and parallel with aforesaid South line of the SE ¼ a distance of 1268.40 feet to the Point of Beginning. Being subject to any Easements and Rights of Way of Record.

Exhibit B

Resolution No. 613-10

GEL Recycling Site Plan

Conditions of Approval and Code Departures

Condition No. 1 – Land Development Code Amendment Approval

This site plan approval is subject to City Council approval of the Land Development Code amendment (Ordinance No. 421), and subject to City Council rezoning the property to I-PUD Industrial Planned Unit Development (Ordinance No. 422).

Condition No. 2 – Black Vinyl Chain Link Fence

This site plan approval is subject to the proposed chain link fence rolling gate depicted on Sheet C-6 shall consist of black vinyl coated chain link fence as required by Section 10.4.9.C of the City's land development code.

Condition No. 3 – Lift Station, Sheet C-8

This site plan approval is subject to GEL Corporation submitting specifications for the proposed private lift station to be installed onsite at time of the office construction, and subject to said specifications being reviewed and approved by Orange City Utilities.

Condition No. 4 – Crepe Myrtle Trees

This site plan approval is subject to the installation of two 3-inch DBH (diameter at breast height) Crepe Myrtle trees in each of the seven landscape parking islands, said trees possessing a minimum height of 10 feet, for a total of 14 trees.

Condition No. 5 – Irrigation Controller

This site plan approval is subject to the irrigation controller being mounted on the inside of the wall for aesthetic purposes.

Code Departure No. 1 = Pedestrian Access

This site plan approval is subject to a departure from the pedestrian access requirement due to the fact a pedestrian access from the sidewalk on Leavitt to the front door of the office building would be a safety hazard for pedestrians. The use of the property is industrial and is not conducive to pedestrian entry similar to a shopping center. Therefore said pedestrian access shall not be installed.

Code Departure No. 2 = Perimeter Landscaping

This site plan approval is subject to a departure from the perimeter landscaping and a bench being installed on the north and south sides of the proposed office building. The north and south sides of the building will have elevated scales for trucks to drive onto as part of the operation of the facility. Any vegetation (trees and shrubs) planted in this area will interfere with the normal operation of the scale house. These two sides of the building will have limited visibility from Leavitt Avenue and no visibility from adjacent properties, and will not be seen. Therefore, the landscaping and bench requirement along the north and south sides of the office building will not be installed.

Code Departure No. 3 = Peaked Roof

This site plan approval is subject to a departure from the peaked roof requirement because the applicant proposes to install a solar panel electric generating system that will encompass the entire roof area, making it impossible to provide a peaked roof without significantly reducing the size of the solar panels. The top of the building will not be seen from the south side from Rhode Island or Leavitt Avenues. The top of the building will not be seen from the north side from Leavitt Avenue because of the 16-foot wall and because of the proposed palm trees located on the north side of the wall.

Code Departure No. 4 = Live Oak Canopy Trees

This site plan approval is subject to a departure from the Live Oak trees along the north, south and west sides of the wall. Several onsite conditions exist wherein (1) An overhead electrical power line is located in the front yard buffer. (2) Because of the existing landfill use since 1970, landscaping professionals have indicated that Live Oak trees may not survive because of the ground conditions and the methane gas. Therefore, instead of Live Oaks on 40-foot centers, the applicant will install large Washingtonia Palm trees on 20-foot centers, which will provide a visual screening of the wall.