

RESOLUTION NO. 549-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, ACKNOWLEDGING AND APPROVING A SECOND 12-MONTH EXTENSION TO THE PRELIMINARY SUBDIVISION PLAT FOR SHADOW RIDGE SUBDIVISION PHASE 2, WITH THE INTENT TO DIVIDE A 32.7 ACRE PARCEL INTO 77 RESIDENTIAL LOTS, SAID PARCEL LOCATED IMMEDIATELY NORTH OF SHADOW RIDGE SUBDIVISION PHASE 1, ORANGE CITY, FLORIDA; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Shadow Ridge Subdivision Phase 2 preliminary subdivision plat was originally approved at a public meeting held on July 24, 2007 by the City Council of the City of Orange City, via Resolution No. 418-07, of which, said subdivision is intended to divide a 32.7 acre parcel into 77 proposed residential lots, said parcel located immediately north of Shadow Ridge Subdivision Phase 1, said approval to expire on July 24, 2008, and

WHEREAS, in July of 2008, the applicant, Jay Chaudhari, requested a first extension to the approved Shadow Ridge Subdivision Phase 2 preliminary subdivision plat, which said extension was approved by City Council on July 22, 2008, via Resolution No. 487-08, which granted a 12-month extension to the preliminary subdivision plat, said approval to expire on July 24, 2009, and

WHEREAS, in June of 2009, the applicant, Jay Chaudhari, has requested a second extension to the approved preliminary subdivision plat for Shadow Ridge Subdivision Phase 2, said second extension to be considered by City Council on July 14, 2009, via Resolution No. 549-09, and if approved, will grant a 12-month extension to the preliminary subdivision plat, said approval to expire on July 24, 2010, and

WHEREAS, it is necessary for the City Council of the City of Orange City, Florida, to consider this second extension to the approved preliminary subdivision plat for Shadow Ridge Subdivision Phase 2, as per Section 5.5 (as amended by Ordinance No. 379 on April 28, 2009) 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 preliminary subdivision plat for Shadow Ridge Subdivision Phase 2, intended to divide a 32.7 acre parcel into 77 subdivision lots, said parcel

located immediately north of Shadow Ridge Subdivision Phase 1, said preliminary subdivision plat attached hereto as Exhibit A, is by reference incorporated herein and approved for a second 12-month extension to expire on July 24, 2010, subject to the conditions listed in the attached 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. 549-09): *(Consent Agenda)*

Jim Mahoney	<u>Absent</u>	Donald C. Sherrill	<u>yes</u>
Tom Laputka	<u>yes</u>	Tom Abraham	<u>yes</u>
Paul Rasch	<u>yes</u>	Jeff H. Allebach, Vice Mayor	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

ADOPTED THIS 14th DAY OF July, 2009.

ATTEST TO:

Deborah J. Renner
Deborah J. Renner, City Clerk

Authenticated this 14th day of July, 2009.

Harley Strickland
Harley Strickland, Mayor

This Resolution approved
as to form and legal sufficiency:

William Reischmann
William Reischmann, City Attorney

Exhibit A

Resolution No. 549-09

Shadow Ridge Phase 2 Preliminary Subdivision Plat

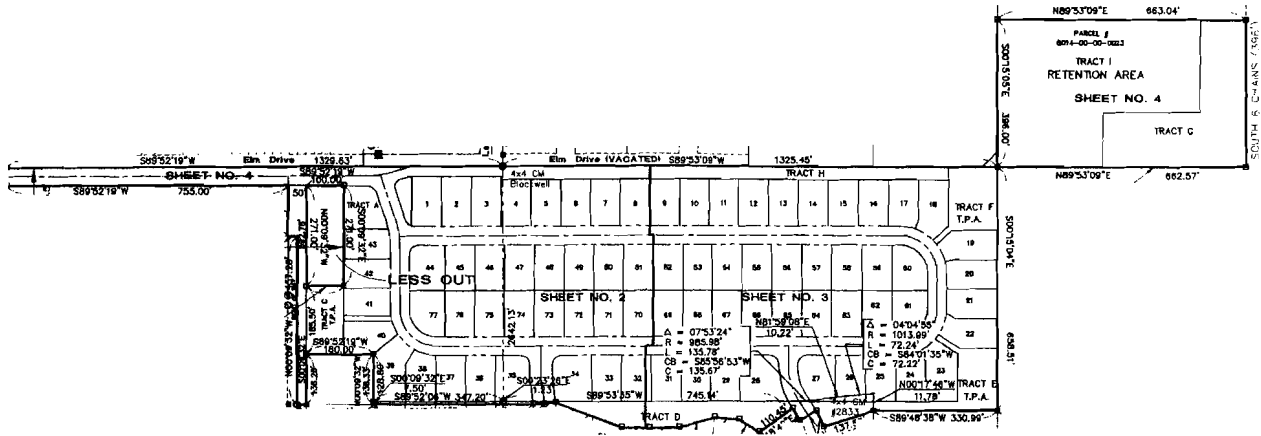


Exhibit B

Resolution No. 549-09

Shadow Ridge Phase 2 Preliminary Subdivision Plat Conditions

Condition No. 1 – Utility Easements

The applicant must depict the drainage utility easements on the final subdivision plat as being 7.5 feet, and not 7.0 feet as depicted.

Condition No. 2 – Harty Access Easement

The applicant must submit an easement document or deed which provides proper access to the drainage retention area in the northeast corner of the subdivision (behind Tract F) which must be acceptable to City staff and the City Attorney.

Condition No. 3 – Compliance with New Ordinance

Compliance with Ordinance No. 355, an ordinance adopted by Orange City on June 24, 2008, which requires compliance with the National Pollutant Discharge Elimination System.



Orange City Planning & Zoning Department

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

MEMORANDUM

DATE: July 2, 2009

TO: Honorable Mayor and City Council members

FROM: J.H.Kerr III, City Planner

SUBJECT: **REQUEST FOR SHADOW RIDGE PHASE 2 SECOND SUBDIVISION EXTENSION
PARCEL NO. 8014-00-00-0020, 8014-00-00-0022, 8014-00-00-0023,
AND 8014-00-00-0140** EXPIRATION DATE IS JULY 24, 2009

Recommendation

City staff has reviewed the Shadow Ridge Phase 2 request for a second extension to the development order for the Shadow Ridge Phase 2 preliminary subdivision plat, and recommends that the City Council create a motion as follows:

The City Council of Orange City approves a second 12-month extension to the preliminary subdivision plat for the proposed Shadow Ridge Phase 2 subdivision to be developed on a 32.7-acre property located north of the existing Shadow Ridge Phase 1, parcel numbers 8014-00-00-0020, 8014-00-00-0022, 8014-00-00-0023, and 8014-00-00-0140, and subject to the following conditions. Resolution No. 549-09

- 1. The applicant shall depict the drainage utility easements on the final subdivision plat as being 7.5 feet, and not 7.0 feet as depicted.**
- 2. The applicant shall submit an easement document or deed which provides proper access to the drainage retention area in the northeast corner of the subdivision (behind Tract F) which must be acceptable to City staff and the City Attorney.**
- 3. Compliance with Ordinance No. 355, an ordinance adopted by Orange City on June 24, 2008, which requires compliance with the National Pollutant Discharge Elimination System.**

Background

The subject property is located on South Leavitt Avenue immediately north of Shadow Ridge Phase 1, and was annexed into the City in 1989. Shadow Ridge Phase 1 was developed shortly thereafter. The subject property maintains an RM Residential Medium land use designation and an R-2 Medium Density Residential zoning classification. The subject property is currently vacant and undeveloped.

On July 24, 2007, the City Council approved the preliminary subdivision plat subject to those conditions listed above. A request for a first extension was approved on July 22, 2008, which expires on July 24, 2009.

Detailed Adjoining Property Land Use and Zoning Description

North: The property adjoining to the north of the subject property is in the City's jurisdiction, and maintains an IL Industrial Limited land use designation and an I-1 Light Industrial zoning classification. The property to the north is currently vacant and undeveloped, but is proposed and being reviewed for development as a business warehouse.

South: The property adjoining to the south of the subject property is in the City's jurisdiction, and maintains an RM Residential Medium land use designation and an R-2 Medium Density Residential zoning classification. The property to the south is 100 percent developed as Shadow Ridge Phase 1, containing 60 lots.

East: The property adjoining to the east of the subject property is in the City's jurisdiction, and maintains a GU Government Use land use designation and a CR Commercial Recreation zoning classification. The property to the east is currently developed as the Bennett Memorial Park, a regional park owned by Volusia County.

West: The property adjoining to the west of the subject property is in the County's jurisdiction, and maintains a ULI Urban Low Intensity land use designation and an R-4 Urban Single Family Residential zoning classification. The property to the west is currently developed as single family residential.

Overview of Land Use and Zoning Status

	Zoning Classification	Designated Land Use	Existing Land Use	Percent Developed	Jurisdiction
SUBJECT PROPERTY	R-2 Medium Density Residential	RM Residential Medium	Vacant	None	City
ADJOINING TO NORTH	I-1 Light Industrial	IL Industrial Limited	Vacant	None	City
ADJOINING TO SOUTH	R-2 Medium Density Residential	RM Residential Medium	Residential	100	City
ADJOINING TO EAST	CR Commercial Recreation	GU Government Use	Bennett Park	95	City
ADJOINING TO WEST	ULI Urban Low Intensity	R-4 Urban Single Family Residential	Residential	98	County

Application

Jay Chaudhari has submitted a request for a second 12-month extension to the approved development order for the Shadow Ridge Phase 2 preliminary subdivision plat, to develop a 77-lot subdivision on approximately 32.7 acres. The request is made per the City's development order extension process, as outlined in Section 5.5 of the City's land development code.

Project Analysis

The applicant intends to install several roads, water and sewer facilities, drainage retention area, park, etc., and to subdivide and develop the 77 proposed lots. A park will be provided containing

park benches, picnic tables, and playground equipment; and a nature walking trail. A mail kiosk will be erected for centralized mail delivery. The development will include sidewalks, drainage retention area, streetlights, and a treed streetscape.

Type of Project

The specific proposed use for the 77-lots will be for residential purposes, and said proposed residential use is consistent with the surrounding residential land use and consistent with the R-2 Medium Density Residential zoning district requirements. The 77-lots meet the minimum size requirements, and the development will maintain a single family residential density (2.3 DU/AC) rather than a medium residential density (5 to 8 DU/AC).

Extension of Development Order

According to Section 5.4.A of the City's land development code, development orders for subdivision preliminary plats shall expire one year from the date of issuance. Section 5.5 requires that special consideration be given to the following criteria.

- A. If any amendment to this code is made after approval of the original development order and would necessitate modification of the original approved development plans or associated documents.

Staff maintains there have been no changes to the land development code that would require modifying the development order except for the newly adopted Ordinance No. 355.

- B. Re-evaluation of the ability of the proposed development to meet the concurrency management requirements of this code.

Staff maintains that the demands of the development have not changed, and there is still sufficient infrastructure capacity to service this development.

- C. Changes in surrounding land use, development or other conditions that may require modification of the application to meet the requirements of this code.

Staff maintains that there have been no changes to the surrounding land uses, development or other conditions that would require modifying the preliminary subdivision plat.

SUMMARY

Shadow Ridge Phase 2 has sought to propose a subdivision that not only complies with the City's Code of Ordinances, but also has the intent to create an environment that will fit well within the surrounding residential community. The development will possess single family dwellings and lot sizes consistent with Phase 1, and will possess treed streetscapes, street lighting, a well equipped community park amenity, and a nature walk.

Development Order Extension Process

As per Section 5.5 (amended on 4-28-09)

Original Approval	DO expires after one year
First request for extension	DSD may extend DO for one year
Second request for extension	Council may extend DO for one year
Third request for extension	Council may extend DO for one year
Fourth request for extension	Council may extend DO for one year
Fifth request for extension	Council may extend DO for one year
Sixth request for extension	Council may extend DO for one year
Seventh request for extension	Council may extend DO for one year