

## **RESOLUTION NO. 578-09**

**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 THE LANSDOWNE OAKS SUBDIVISION, WITH THE INTENT TO DIVIDE A 5.0 ACRE PARCEL AND A 10.0 ACRE PARCEL INTO 35 PROPOSED RESIDENTIAL LOTS, SAID PARCELS LOCATED ON EAST LANSDOWNE AVENUE, ORANGE CITY, FLORIDA; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, The Lansdowne Oaks preliminary subdivision plat was originally approved at a public meeting held on January 8, 2008 by the City Council of the City of Orange City, via Resolution No. 444-07, said subdivision intended to divide a 5.0 acre parcel and a 10.0 acre parcel into 35 proposed single family residential lots, said parcels located on East Lansdowne Avenue, said approval to expire on January 8, 2009, and

**WHEREAS**, in January of 2009, the applicant David Hill, requested a first extension to the approved Lansdowne Oaks preliminary subdivision plat, said extension was approved by City Council on February 24, 2009, via Resolution No. 530-09, which granted the first 12-month extension to the preliminary subdivision plat, said approval to expire on January 8, 2010, and

**WHEREAS**, in November of 2009, the applicant, David Hill, requested a second extension to the approved Lansdowne Oaks preliminary subdivision plat, said extension to be considered by City Council on December 8, 2009, via Resolution No. 578-09, and if approved, will grant the second 12-month extension to the preliminary subdivision plat, said approval to expire on January 8, 2011, 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 Lansdowne Oaks, 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 Lansdowne Oaks is herein approved for a second 12-month extension to expire on January 8, 2011, said

preliminary subdivision plat being attached hereto as Exhibit A and Exhibit B, both said exhibits by reference incorporated herein with full force and effect.

**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. 578-09):**

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

ADOPTED THIS 8<sup>th</sup> DAY OF December, 2009.

ATTEST TO:

Deborah J. Renner  
Deborah J. Renner, City Clerk

Authenticated this 8<sup>th</sup> day of December, 2009.

Harley Strickland  
Harley Strickland, Mayor

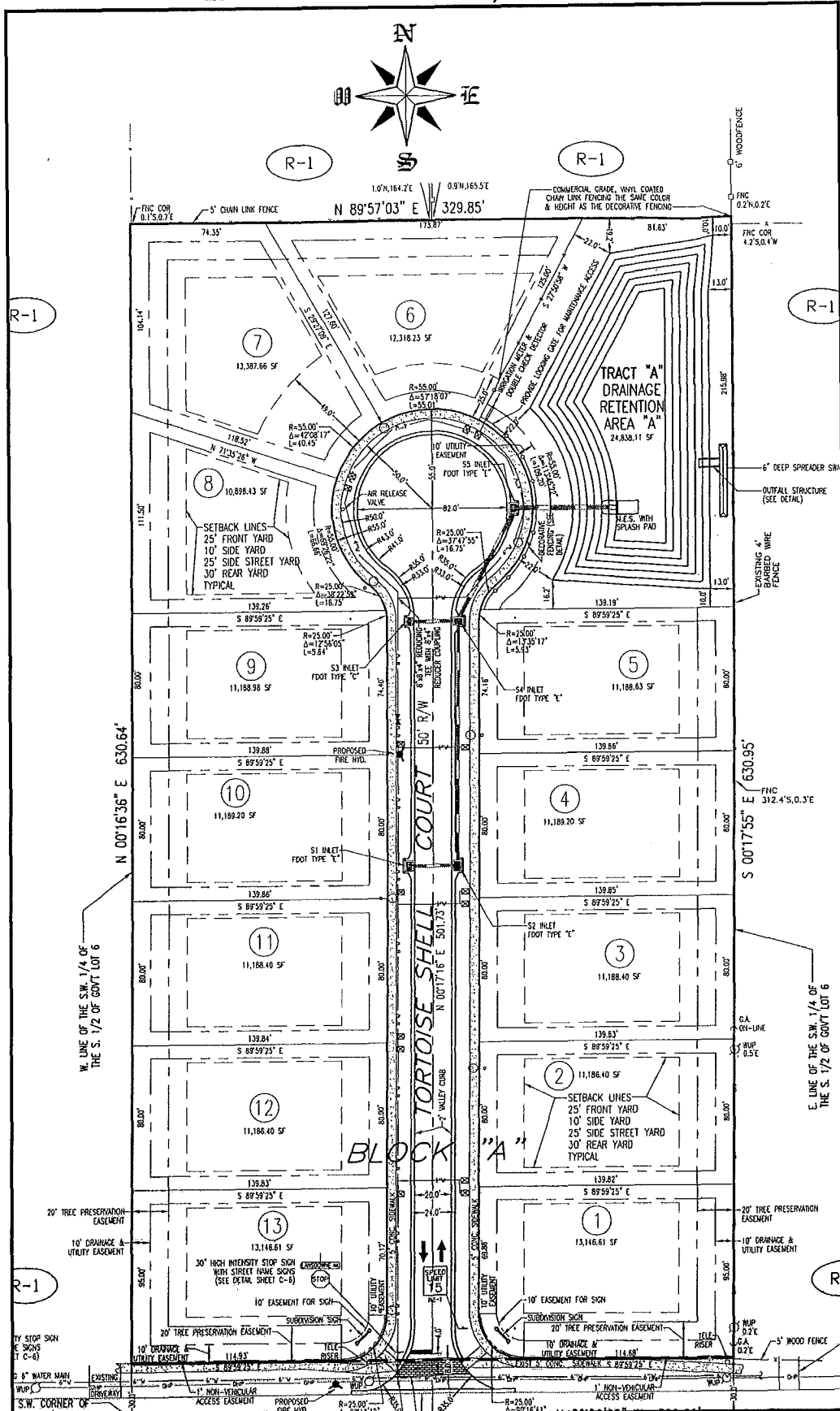
This Resolution approved  
as to form and legal sufficiency:

William Reischmann  
William Reischmann, City Attorney

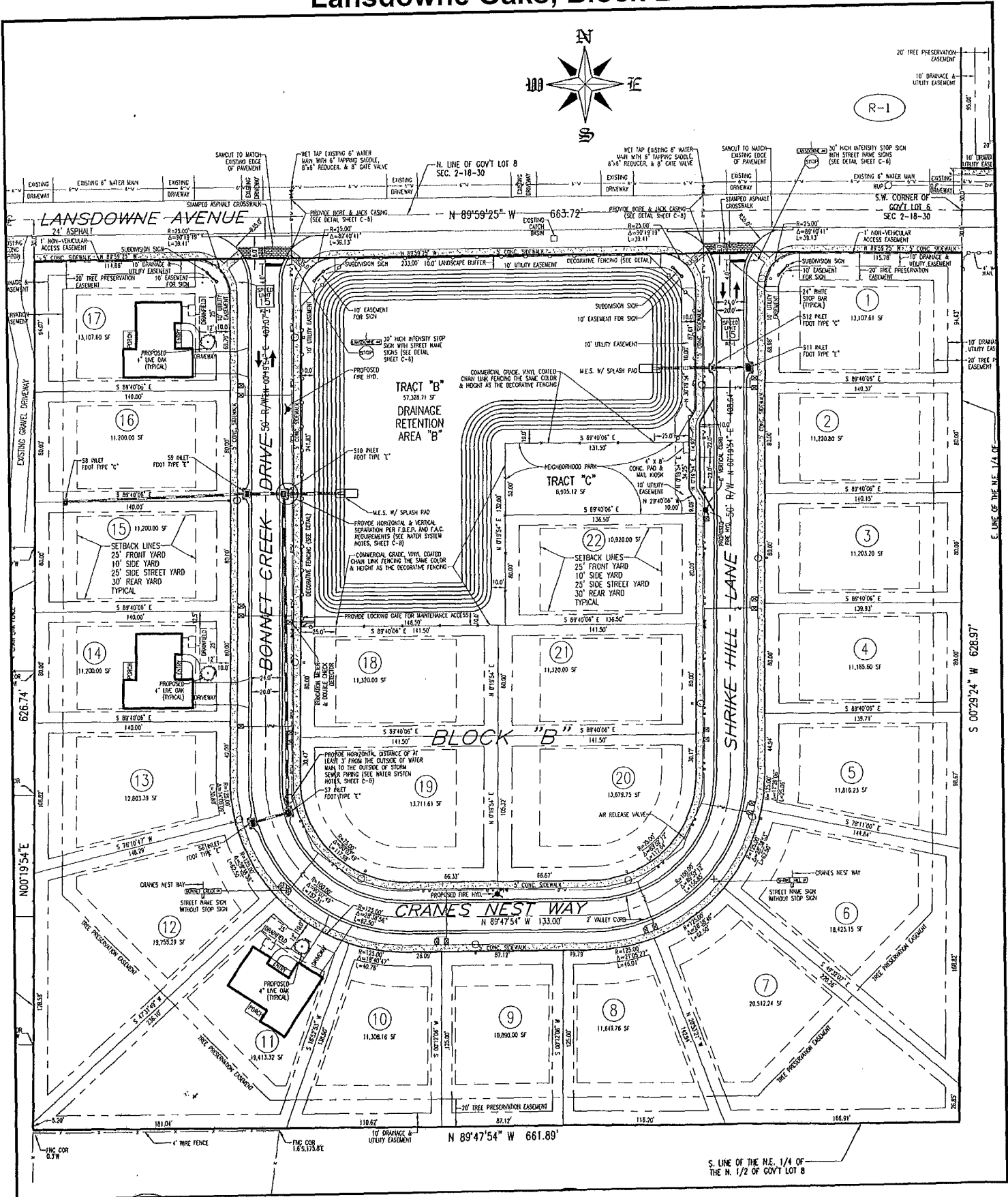
# Exhibit A

## Resolution 578-09

### Lansdowne Oaks, Block A



# Exhibit B Resolution 578-09 Lansdowne Oaks, Block B



S. LINE OF THE N.E. 1/4 OF THE N. 1/2 OF GOV'T LOT 8



## Orange City Planning & Zoning Department

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Phone 904-775-5415 - Fax 904 775-5420

E-mail: [jkerr@ci.orange-city.fl.us](mailto:jkerr@ci.orange-city.fl.us)

# MEMORANDUM

DATE: December 8, 2009

TO: Honorable Mayor and City Council members

FROM: J.H.Kerr III, City Planner *JHK*

SUBJECT: **CONSIDER EXTENSION OF A DEVELOPMENT ORDER  
LANSDOWNE OAKS PRELIMINARY SUBDIVISION PLAT AND SITE PLAN  
PARCEL NO. 8002-00-00-0660 AND 8002-00-00-0710**

### Recommendation

City staff has reviewed the request for an extension to the development order for the Lansdowne Oaks preliminary subdivision plat and site plan, and recommends that the City Council create a motion as follows:

#### Resolution No. 578-09

Based upon competent substantial evidence provided by the applicant and staff, the City Council of Orange City approves a second 12-month extension to the preliminary subdivision plat for the proposed Lansdowne Oaks subdivision to be developed on a 15-acre property located on East Lansdowne Avenue, parcel numbers 8002-00-00-0660 and 8002-00-00-0710.

#### Resolution No. 579-09

Based upon competent substantial evidence provided by the applicant and staff, the City Council of Orange City approves a second 12-month extension to the site plan for the proposed Lansdowne Oaks subdivision to be developed on a 15-acre property located on East Lansdowne Avenue, parcel numbers 8002-00-00-0660 and 8002-00-00-0710, and subject to any outstanding conditions.

#### Condition No. 1 – Street Lighting

The street lights located on (1) the south end of Tortoise Shell and (2) on the north end of Bonnet Creek and (3) on the north end of Shrike Hill shall be relocated to provide lighting at the intersections following City staff approval as to their revised locations.

#### Condition No. 2 – Park Equipment

During the construction phase of the subdivision, recreation and equipment specifications shall be provided by the developer, and City staff will review and approve said equipment which shall be installed by the developer following the completion and occupancy of seven homes, equaling 20 percent of the 35-lots.

#### Condition No. 3 – Tree Requirement

As each lot is constructed, the builder shall meet the tree ordinance requirement at that time for that specific lot, including an underground landscape irrigation system.

**Condition No. 4 – Tree Preservation**

Following the clearing of trees from the property, the Tract areas shall be cleared of underbrush and dead trees. An inventory of remaining trees shall be conducted by staff to assure compliance with the tree requirement within the Tract areas and within the tree preservation areas.

**Condition No. 5 – Tree Buffer Requirement**

During or following the clearing of trees from the property, the 10-foot buffer facing the south and north sides of East Lansdowne Avenue shall possess 4-inch Live Oaks spaced 40-feet apart amongst the existing trees proposed to be preserved. Staff shall inventory the trees proposed to be preserved to evaluate their quality. Overall, 4-inch live oaks shall be installed (filled in) midway within this 10-foot landscape buffer to meet the 40-foot minimum spacing requirement.

**Condition No. 6 – New Ordinances**

Compliance with Ordinance No. 355 adopted on June 10, 2008, and Ordinance No. 406 adopted on October 13, 2009, said two ordinances require compliance with the National Pollutant Discharge Elimination System.

**Background**

The subject property is located on East Lansdowne Avenue, approximately 600 feet east of South Leavitt Avenue, and consists of a 10-acre parcel on the south side of East Lansdowne Avenue and a 5-acre parcel on the north side. The 10-acre portion is part of Orange City's original 1.5 square mile jurisdiction, and the 5-acre portion was annexed into the City in 2003. The subject property maintains an (RL) Residential Low land use designation and an (R-1) Low Density Residential zoning classification. The subject property is currently vacant and undeveloped.

**Overview of Land Use and Zoning Status**

	Designated Land Use	Zoning Classification	Existing Land Use	Percent Developed	Jurisdiction
SUBJECT PROPERTY	RL Residential Low	R-1 Low Density Residential	Vacant	None	City
ADJOINING TO NORTH	RL Residential Low	R-1 Low Density Residential	Residential	None	City
ADJOINING TO SOUTH	RL Residential Low	R-1 Low Density Residential	Residential	100	City
ADJOINING TO EAST	CR Commercial Recreation	R-1 Low Density Residential	Residential	100	City
	ULI Urban Low Intensity	R-4 Urban Single Family Residential	Residential	100	County
ADJOINING TO WEST	RL Residential Low	R-1 Low Density Residential	Residential	100	City

**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 (RL) Residential Low land use designation and an (R-1) Low Density Residential zoning classification. The property to the north is developed as single family residential.

**South:** The property adjoining to the south of the subject property is in the City's jurisdiction, and maintains an (RL) Residential Low land use designation and an (R-1) Low Density Residential zoning classification. The property to the south is developed as single family residential.

**East:** Approximately three-fourths of the property adjoining to the east of the subject property is in the City's jurisdiction, and maintains an (RL) Residential Low land use designation and an (R-1) Low Density Residential zoning classification. The remaining one-fourth of the property adjoining to the east 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. All of the property to the east is currently developed as single family residential regardless of jurisdiction.

**West:** The property adjoining to the west of the subject property is in the City's jurisdiction, and maintains an (RL) Residential Low land use designation and an (R-1) Low Density Residential zoning classification. The property to the west is currently developed as single family residential.

**Application**

David Hill has submitted a request for an extension to the approved development order for the Lansdowne Oaks preliminary subdivision plat and site plan, to construct the infrastructure to support a 35-lot subdivision on approximately 15 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, potable water and septic facilities, drainage retention area, park, etc., and to subdivide and develop the 35 proposed lots. A park will be provided containing picnic tables and playground equipment, and 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 35-lots will be for residential purposes, and said proposed residential use is consistent with the R-1 Low Density Residential zoning district requirements. The 35-lots meet the minimum size requirements, and the development will maintain a single family residential density (2.3 DU/AC).

**Extension of Development Order**

According to Section 5.4.A of the City's land development code, development orders for a preliminary subdivision plat and site plan shall expire one year from the date of issuance, and may be extended beyond the one year expiration by City Council. 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 Ordinance No. 355, Guidelines for compliance with the National Pollutant Discharge Elimination System.***

- 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 or site plan.***

#### **SUMMARY**

Lansdowne Oaks 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, treed streetscapes, sidewalks, street lighting, and a recreational area.