

RESOLUTION NO. 597-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, TO APPROVE A FINAL MASTER PLAN AND SITE PLAN FOR VILLA TUSCANY, ASSISTED LIVING FACILITY BUSINESS PLANNED UNIT DEVELOPMENT; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Jerry Cutrona, representing Villa Tuscany LLC, submitted a Planned Unit Development application, final master plan and site plan to the Development Services Department on October 10, 2009; and

WHEREAS, the Planning Commission held a public hearing on March 3, 2010, to consider the Villa Tuscany Assisted Living Facility Business Planned Unit Development for a recommendation of approval to City Council, and voted unanimously to recommend approval of the final Planned Unit Development master plan and site plan in accordance with the Conditions attached hereto as "Attachment B.

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

SECTION 1. That the master plan and site plan for the "Villa Tuscany Assisted Living Facility Business Planned Unit Development" be approved subject to the Conditions attached hereto as "Attachment B".

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 That all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

SECTION 3. This Resolution shall take effect upon final adoption by the City Council of the City of Orange City, Florida of Ordinance Nos. 403 and 418 and upon the latter of their effective dates.

ROLL CALL VOTE AS FOLLOWS:

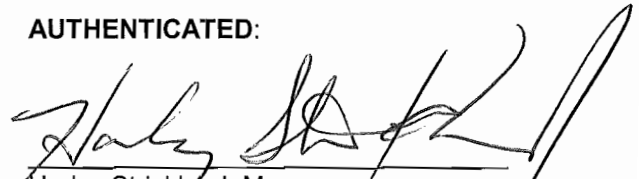
Gary A. Blair	<u>yes</u>	Jeff H. Allebach	<u>yes</u>
O William Crippen	<u>yes</u>	Tom Abraham	<u>yes</u>
Anthony Pupello	<u>yes</u>	Tom Laputka, Vice Mayor	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

PASSED and ADOPTED this 23rd day of March, 2010.


ATTEST:


Deborah J. Renner, CMC, City Clerk

AUTHENTICATED:


Harley Strickland, Mayor

Approved as to form and legal sufficiency:



William E. Reischmann, Jr., City Attorney

Resolution No. 597-10
Attachment B

Conditions for Approval

- A development agreement approved by the City Attorney be signed and recorded by the developer.
- All outstanding items from the City Engineer's report must be resolved.
- Continued Collaboration with the City in providing a Master Lift Station on this site.



City of Orange City
 205 E. Graves Avenue, Orange City, FL 32763
 386-775-5415, Fax 386-775-5420
Commercial Development Application

Date Received 10/13/09

Applicant Information

Name of Proposed Development VILLA TUSCANY

Applicant's Name JERRY CUTRONA Phone 386.801.9940

Business Name MONROE INVESTMENTS, LLC Phone 386.801.9940

Business Address 248 VIA TUSCANY LOOP Fax 386.423.4387

City LAKE MARY State FL Zip Code 32746

Mailing Address 248 VIA TUSCANY LOOP Email address JerryCutrona@bellsouth.net

City LAKE MARY State FL Zip Code 32746

Is applicant property owner? Yes No

If applicant DOES NOT own property, please provide the following:

Property Owner/Name N/A Phone _____

Address _____ Fax _____

City _____ State _____ Zip Code _____

Property Information

Address N/A ~~612 Oakland Ct (per prop. app. egov)~~

The subject property is located on the N E S (W) side of VETERANS MEMORIAL PKWY.
(circle one)

approximately 0 feet / miles from its intersection with MONASTERY RD.
(circle one)

Parcel # 801204000200 Acres 4.654

Width 680' Depth 330'

Attach Legal Description as Exhibit A

Property Zoning Classification M-PUD

Current Use of Property Vacant Developed Undeveloped
 (check all that apply) Residential Non-Residential Partially Developed

Proposed Land/Building Use PUD / ASSISTED LIVING FACILITY

Are there any easements of record on the property? Yes No

If YES, please describe N/A

Building Information

Sq Ft of building 71,866 SF Building size _____ ft x _____ ft Height 38 ft
Lot Coverage Percentage 35% No. of employees 15 PER SHIFT No. of floors 2
No. of Units 100 Building Cost \$ _____

Provide Applicable Square Footage:

Retail 0 Office 0 Warehouse 0 Assembly 0 Other

Please describe Other ASSISTED LIVING FACILITY WITH KITCHEN

Provide Building Setbacks From Property Lines:

East 35 ft West 35 ft North 35 ft South 50 ft

Site Plan Information

Abutting Street Width: Right of Way 140 ft Pavement 36 ft
No. of Parking Spaces 53 Total Landscape Area 67,612 sq ft
Trees: No. of Existing _____ No. to be Removed _____ No. to be Planted _____
No. of Proposed Signs 2 Sizes: 8' x 30' and 8' x 30'
Pool: Yes No Clubhouse: Yes No Open Space 116,747 sq ft

Water & Sewer Information

Is property within the City's service area? Yes No
Nearest water main: Distance: 140 ft Size: 16 inches
Nearest fire hydrant: Distance: 160 ft
No. of fire hydrants development will contain: 1
Is property within the City's sewer service area? Yes No
Nearest sewer line: Distance 2,400 ft Size: 6 inches
Forced main: Gravity _____ Will sewer be required? Yes No

Engineer Information

Engineer's Name AMERICAN CIVIL ENGINEERING CO.
JOHN HERBERT, P.E. Registration # 39505
Address 207 N. MOSS RD. #211 Phone # 407.327.7700
City WINTER SPRINGS State FL Zip Code 32708
Email Address johnherbert@bellsouth.net

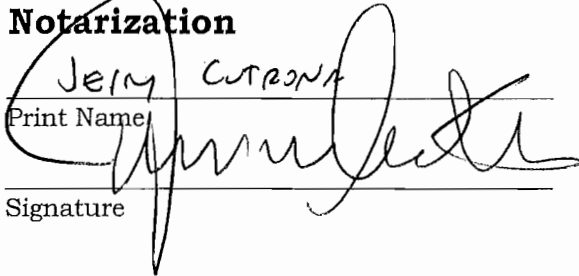
Information to Accompany Application

- Copy of Warranty Deed, indicating verification of property ownership ✓
- Copy of certified survey of property ✓
- Letter of authorization if applicant is not property owner N/A

Notarization

Print Name

Signature

JEIM CURONA


Print Name

Signature

Subscribed and sworn to (or affirmed) before me on this the ____ day of _____ 20__
who is/are personally known to me or has/have produced _____
as identification.

Signature, Notary Public

Notary Stamp

MEMORANDUM

DATE: February 23, 2010

TO: Chairman De Silva and members of the Planning Commission

FROM: Wendy Hickey, Planning & Zoning Analyst

SUBJECT: Review and consideration of a application for : Rezoning, Master Plan/ Site Plan for the Villa Tuscany Assisted Living Facility Planned Unit Development located at 675 Veterans Memorial Pkwy., identified as parcel No. 8012-04-00-0190

BACKGROUND – The subject property is a irregularly shaped parcel located on the north side of Veterans Memorial Parkway approximately 2,300 feet south of Graves Avenue. The property is vacant.

The proposal is to build a one building 100 bed assisted living facility that would also accommodate Alzheimer's patients.

Jerry Cutrona, owner of the property, submitted a Planned Unit Development Application for this project to the Development Services Department on August 10, 2009 and a Site Plan on October 12, 2009.

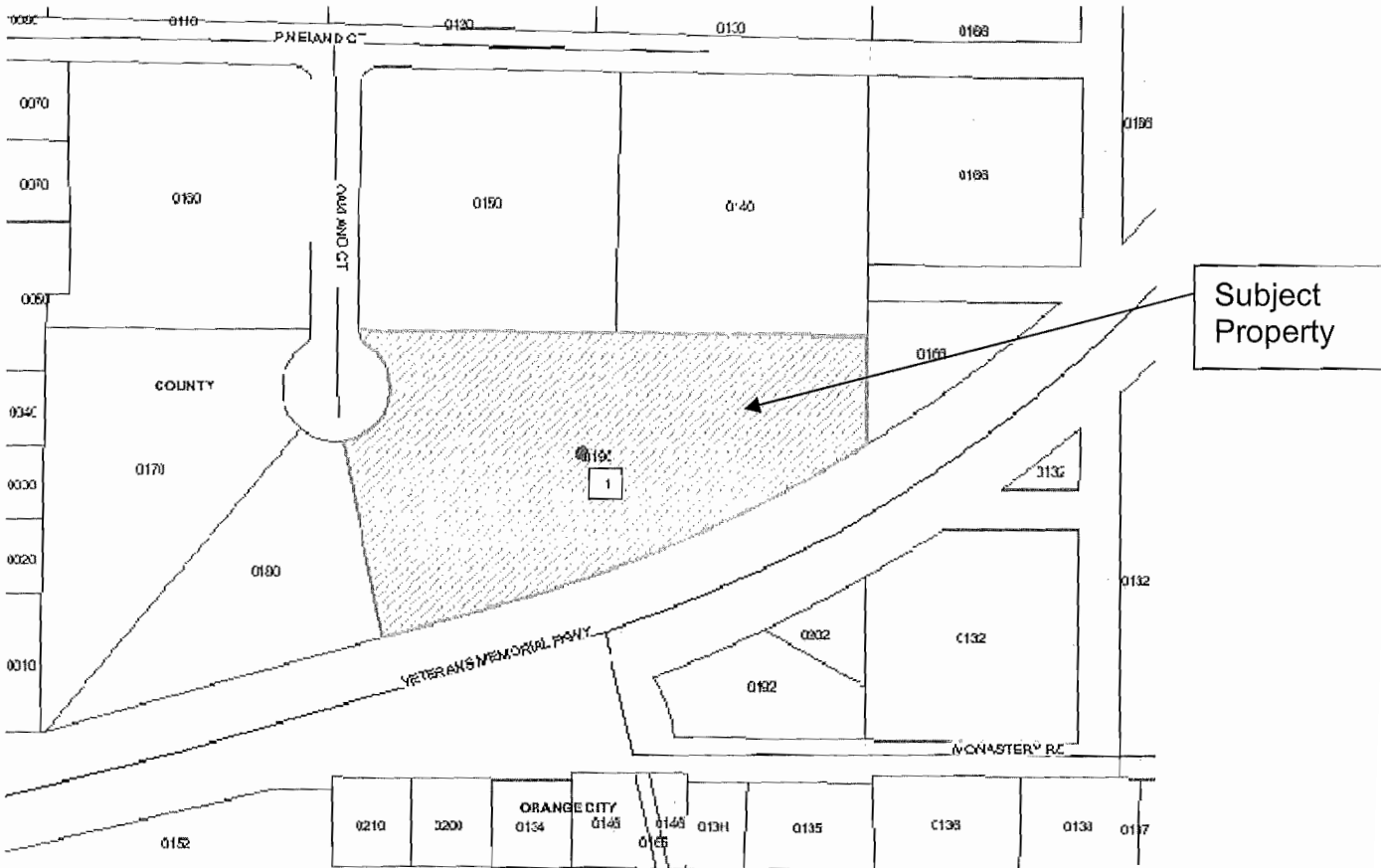
The Future Land Use and zoning of the property currently are Volusia County designations. Because this property was annexed into the city on June 23, 2009, the land use change is still in process. The FLU will be MX, the project was submitted to the Volusia Growth Management Commission for Consistency Certification in accordance with VGMC rules. The application was approved on January 27, 2010. Because the property is within the MX area, it must be developed under the planned unit development process.

The TRC met with the development team on January 14, 2010 to review the proposed project. At that meeting, several matters were discussed with the applicant. The TRC agreed that the outstanding items could be resolved by making minor revisions to the site plan and should be forwarded on to the Planning and Zoning Commission.

OVERVIEW OF LAND USE AND ZONING STATUS

	Designated Land Use	Zoning Classification	Existing Land Use	Percentage Developed	Jurisdiction
Subject Property	Urban Low Intensity ULI	Rural Residential RR	Vacant Undeveloped	0	City
North	Urban Low Intensity ULI	Rural Residential RR	Residential	100	County
South	Mixed Use MX	Mixed Use Suburban MX-2	Residential	75	City
East	Mixed Use MX	Mixed Use Suburban MX-2	Vacant Undeveloped	0	City
West	Urban Low Intensity ULI	Rural Residential RR	Residential	50	County

VICINITY MAP



PROJECT ANALYSIS

The proposed two-story 71,866 square foot building will contain a 100 unit assisted living facility. The owner proposes two sections a standard assisted living facility and a memory ward for Alzheimer and related diseases. The intent is for the owner to operate the business.

TRC REVIEW

The Technical Review Committee (TRC) met with the applicant on January 14, 2010 to review the site plan for issues related to appearance, access control, water, stormwater drainage and retention, parking, landscaping, as listed in of the City's land development code.

Building Setback — The site plan meets setback requirements on all sides. The required front setback from Veterans Memorial Pkwy is 50 feet and 60 feet are proposed. The required rear and side setbacks are 35 feet, which is what is proposed.

Parking Calculations — Based on one parking space for each 1 space for every 3 beds and one for each employee on the largest shift, a total of 40 spaces are required. A total of 53 spaces are proposed, four of which will be handicapped accessible in compliance with City Code. The TRC determined that the parking requirement has been met.

Driveway and Access — The proposed access to the property is via a 50-foot driveway connection to Veterans Memorial Pkwy.

Emergency Services — The plan meets requirements with regard to Police and Fire protection.

Water and Wastewater Service — The proposed development lies within the Orange City water service area. Sewer is available at the site. The developer is working with the city to provide a master lift station on this property it will dedicated to the city upon completion of the project.

Solid Waste Disposal — One compactor has been proposed. Details of the screening for the dumpster are in compliance with City Code.

Stormwater Drainage/ Retention —The proposed system has been reviewed by the City Engineer, who has requested revised calculations. The project engineer has stated he will work directly with the City Engineer to resolve any outstanding questions.

Open Space — The proposed plan meets the City requirement for 25 percent open space. Total pervious areas show on the site plan equals 38 percent.

Tree Protection & Landscaping — The proposed landscape plan meets and exceeds Code requirements. A total 94 trees are to be preserved and 53 new trees are to be planted. The required number of tree inches at DBH is 486 inches. A total of 2051 inches are proposed .

Sidewalk and Pedestrian Pathway — A 5 foot sidewalk connects building entrances to the parking areas and will connect to the existing side walk on Veterans Memorial Pkwy.

Master Lighting Plan — A lighting plan showing proposed location of parking lot lights, and spillage at the property lines was submitted. The proposed fixtures and spillage meet City standards.

Proposed Signage — Details of the size, style and setback of the monument sign were submitted with the site plan and meet the City requirements.

Threatened and Endangered Species — A Threatened and Endangered Species survey was conducted in May of 2009. The report by Morgan Environmental Consulting, Inc. stated no evidence of any species of special concern was found on the site.

Appearance Standards —The proposed building meets the City's appearance standards with regard to architectural features, equipment screening and overall design.

Requirements for the Planned Unit Development — The City's land development code requires that the Planning Commission hold a public hearing on the rezoning after due public notice and consider the application with respect to the items found in Section 8.6.16 and 8.7.22. The required public notice has been published.

Section 8.6.16.A states: "The planned unit development (PUD) district is intended to provide a flexible approach for unique and innovative land development proposals, which would otherwise not be permitted by this Code. Notwithstanding the specific criteria identified herein, PUD proposals shall be consistent with the comprehensive plan and should accomplish the following purposes, to the greatest extent possible."

Planning staff has reviewed the purposes to be accomplished, and finds that the Villa Tuscany Planned Unit Development (BPUD) application is consistent with Section 8.6.16, 1 through 7 of the City's land development code.

Sec. 8.6.16.B.2 states: "The permitted uses within a BPUD may be those found in any of the business zoning districts, provided that said uses are listed in the development agreement and have been approved by the City Council."

Planning staff has reviewed the Villa Tuscany Business Planned Unit Development (BPUD) and finds that the use is consistent with a business development.

Sec. 8.6.16.C.1 states the minimum parcel size for a BPUD is 20,000 square feet. (0.45 acres)

The subject property consists of 4.654 acres, thereby significantly exceeding the requirement.

Sec. 8.6.16.E states: Landscape buffers shall comply with the requirements of Chapter 10 of this Code.

As noted previously, the proposed landscape buffers meet the size and planting requirements of Section 10.

Sec. 8.6.16.F states: “Off-street parking and loading/unloading areas shall comply with Section 8.7.7.”

The parking requirements for a commercial development have been met on the proposed plan.

Sec. 8.6.16.G states: “A transportation impact analysis report shall be required for any use which, according to the Institute of Transportation Engineers Trip Generation Manual, latest edition, rates published by the Florida Department of Transportation or rates documented by study and agreed to prior to use by the DSD, will generate in excess of 1,000 trips per day. The contents of the transportation impact analysis report shall meet the requirements of Chapter 4.”

The analysis, prepared by American Civil Engineering Co., was provided with the master plan/site plan as required, indicating 360 new external daily vehicle trips.

Sec. 8.7.22 A states: “All land included for purposed of development as a PUD shall be under the legal control of the applicant, whether that applicant be an individual, partnership or corporation or group of individuals, partnerships or corporations.”

A copy of the recorded warranty deed indicates the subject property is owned by Monroe Investments, LLC .

Sec. 8.7.22 C states: “There shall be a minimum common open space requirement of 30 percent of the total gross acreage of the PUD.”

The Development Agreement and master plan indicates that open area will equal 57.59 percent (2.690 acres) of the total gross acreage of the development. Open space includes the retention and landscape areas.

Sec. 8.7.22 D states: “Within a PUD, all utility distribution lines, including telephone, television cable and electrical systems, shall be installed underground. However, appurtenances to said utilities requiring above ground installation may be exempted by the City Council.”

The master plan indicates that all utilities will be installed underground.

Sec. 8.7.22.5.a through p are either described or indicated on the master plan as required.

Sec. 8.7.22.6 a through l are included in the required development agreement, which is under review by the City Attorney.

Development Services Department Recommendation & Summary – The Technical Review Committee has worked with the developer of Villa Tuscany. Staff believes that the necessary

safe-guards to ensure compliance with all code requirements have been incorporated in the development agreement and the Master Plan/ Site Plan.

The Commission may wish to take the following action:

➤ Create a motion stating that the Planning Commission recommends to City Council the approval of Ordinance # 418 for the rezoning to BPUD, Resolution # 597-10 for the master plan/site plan for Villa Tuscany Assisted Living Facility with the following stipulations:

- A development agreement approved by the City Attorney be signed and recorded by the developer.
- All outstanding items from the City Engineer's report must be resolved.
- Continued Collaboration with the City in providing a Master Lift Station on this site.

1 **Commissioner Seaman and passed by 5/0 roll call vote of the Commission.**

- 2
- 3 **5. Review and Consider** forward a recommendation to the City Council for approval of an application for
4 Rezoning, Master Plan, and Site Plan for Villa Tuscany Assisted Living Facility Planned Unit
5 Development to be located at 675 Veterans Memorial Parkway, identified as Parcel No. 8012-04-00-
6 0190.

7

8 Chairman DeSilva opened the public hearing by asking anyone who wishes to speak to come forward to be
9 sworn in. Ms. Wilson administered the oath.

10

11 Tara Barrett, Acting City Attorney, advised any ex-parte communications regarding any of these matters
12 must be disclosed. Chairman DeSilva noted for the record that there were no disclosures.

13

14 Wendy Hickey, Planning and Zoning Analyst came forward and noted that Villa Tuscany is located on
15 Veterans Memorial Parkway across from Monastery Road. The proposed project is for a 100-bed assisted
16 living facility that would also accommodate Alzheimer's patients. The property retained its land use
17 designation of mixed use (MX) when it annexed into the City limits and it must be rezoned to business
18 planned unit development (BPUD). Ms. Hickey showed a PowerPoint presentation of the proposed project.
19 She said staff is requesting that the Planning Commission recommend that the City Council approve
20 Ordinance No. 418 for rezoning and Resolution No. 597-10 for the master and site plans for the Villa
21 Tuscany Assisted Living Facility with the stipulations outlined as follows: (1) A developer agreement must
22 be approved by the City Attorney, executed, and recorded; (2) All outstanding items from the City
23 Engineer's report must be resolved; and (3) Continued collaboration with the City in providing a Master Lift
24 Station on site. Ms. Hickey concluded her presentation by stating the project engineer is present to answer
25 any questions the Commission may have.

26

27 Commissioner Durica pointed out there may be traffic jams when traveling north on Veterans Memorial
28 Parkway. He asked whether a left turn lane to access the facility would be installed before construction
29 begins. Ms. Hickey responded in the negative, noting Veterans is a County road. Mr. Durica said Orange
30 City residents would be impacted he questioned what would be an appropriate solution. John Herbert,
31 Project Engineer, came forward and said the left turn already exists, but is not striped. He said the
32 intersection would be restriped to provide a left turn lane as well as a deceleration lane for a right turn into
33 the project. Ms. Hickey said the Volusia Growth Management Commission (VGMC) reviewed the traffic
34 issues and felt that for a 100-bed assisted living facility, the traffic congestion would be very minimal.

35

36 Mr. Herbert advised that he is working with the City's consulting engineer to resolve any outstanding issues.
37 Ms. Hickey noted that a master lift station would be located on site. Mr. Herbert explained that a force
38 main would be installed running south to connect with the City system. A lengthy discussion ensued on the
39 details of the project.

40

41 Hearing no further requests to speak, Chairman DeSilva closed the public hearing.

42

43 **Commissioner Franklin moved that the Planning Commission forward a**
44 **recommendation to the City Council for approval of an application for**
45 **rezoning master plan/site plan for Villa Tuscany Assisted Living Facility**
46 **planned unit development to be located at 675 Veterans Memorial Parkway**

1 identified as Parcel No. 8012-04-00-0190 with the stipulations imposed by
 2 staff, seconded by Commissioner Wilson and passed by 5/0 roll call vote of
 3 the Commission.
 4

- 5 **6. Review and Consideration** of a request to amend the conditional use of Asaad Orange City Motors at
 6 992/1020 South Volusia Avenue, identified as Parcel No. 8011-08-29-0206 and 8011-08-27-0202.
 7

8 Chairman DeSilva opened the public hearing by asking anyone who wished to speak to come forward to be
 9 sworn in. Ms. Wilson administered the oath.
 10

11 Ms. Hickey said the owner of Orange City Motors applied for a conditional use to amend the conditional use
 12 permit issued in 2008. Ms. Hickey provided a brief history of the property noting that it was developed as a
 13 car lot in 2001. At that time the business was granted a conditional use permit with conditions attached. She
 14 noted that when Mr. Asaad bought the property, the original conditions were transferred to him. In 2008 Mr.
 15 Asaad applied for and received a conditional use permit with additional conditions with which he has
 16 complied. She said that there had been some problems in the past with cars being parked in the driveway,
 17 however the matter was resolved. Ms. Hickey said Mr. Asaad wishes to expand his business and purchased
 18 710 sq. ft. in the front of the neighboring property. Referring to a PowerPoint presentation, Ms. Hickey
 19 pointed out the location of the property. She detailed the conditions noting the conditional use permit
 20 becomes void if the stipulations are not adhered to. She noted that the conditions appear lengthy, however,
 21 they are the aggregate of three conditional use permits.
 22

23 **Commissioner Seaman moved that based on the facts presented, the**
 24 **Planning Commission finds that the applicant has met the criteria found in**
 25 **Section 3.7 of the Land Development Code and that the Planning**
 26 **Commission, therefore, approve Sam Asaad, Orange City Motors' request**
 27 **for a conditional use to operate a retail used vehicle sales operation to be**
 28 **located at 992 and 1020 S. Volusia Avenue with the following stipulations:**
 29 **1) The concrete wall must be installed along the property line which abuts**
 30 **the residential area if the rear of the property (Phase II) is developed for**
 31 **commercial use; 2) any vehicles other than automobiles that are for sale**
 32 **such as boats, trucks, or motorcycles must be parked at the rear of the**
 33 **display area and not found within the front display area; 3) Dual flower**
 34 **beds must be planted along the front area of the property; 4) a thirty inch**
 35 **hedge must be planted on 24 inch centers along the southern property line**
 36 **of the additional display area; 5) a drive connecting the two properties must**
 37 **be constructed in the form of a "U" shape for access of emergency vehicles;**
 38 **6) no car display allowed within the driveway area including driveway to**
 39 **the rear property; 7) the additional display area must be paved with an**
 40 **impervious substance per Section 8.7.7.8.1 of the Land Development Code;**
 41 **and 8) non compliance with any of the above conditions will result in the**
 42 **immediate rescinding of the conditional use, seconded by Commissioner**
 43 **Franklin, and passed by unanimous 5/0 roll call vote of the Commission.**
 44

- 45 **7. Review and Consideration** of a request from Sgt. David G. Ledgerwood Disabled American Veterans
 46 Chapter #92, for a conditional use for an arcade amusement establishment at 301 West Blue Springs