

## **RESOLUTION NO. 607-10**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, ACKNOWLEDGING AND APPROVING A SECOND 12-MONTH EXTENSION OF THE DEVELOPMENT ORDER FOR THE SPARKMAN RIDGE SITE PLAN, SAID SITE PLAN CONTAINING THE SPECIFICATIONS TO DIVIDE A 50.72-ACRE PARCEL INTO 94 SINGLE FAMILY RESIDENTIAL LOTS AND 108 TOWNHOUSE RESIDENTIAL LOTS, SAID PARCEL LOCATED ON THE NORTHWEST CORNER OF WEST RHODE ISLAND AVENUE AND SOUTH SPARKMAN 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 Sparkman Ridge site plan was originally approved at a public meeting held on April 22, 2008 by the City Council of the City of Orange City, via Resolution No. 470-08, said site plan containing the specifications for constructing the improvements necessary to sustain a subdivision intended to divide a 50.72 acre parcel into 94 single family residential lots and 108 townhouse residential lots, said parcel located on the northwest corner of West Rhode Island Avenue and South Sparkman Avenue, said approval was due to expire on April 22, 2009, and

**WHEREAS**, in April of 2009, the applicant, Ron Schwartz, requested a first extension to the development order for the approved Sparkman Ridge site plan, which said extension was approved by City Council on April 28, 2009, via Resolution No. 543-09, which granted the first 12-month extension to the site plan, said approval due to expire on April 22, 2010, and

**WHEREAS**, in March of 2010, the applicant, Ron Schwartz, requested a second extension to the development order for the approved Sparkman Ridge site plan, said extension to be considered by City Council on April 13, 2010, via Resolution No. 607-10, and if approved, will grant the second 12-month extension to the site plan, said approval to expire on April 22, 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 site plan for Sparkman Ridge, as per Section 5.5 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 development order for the site plan for Sparkman Ridge is herein approved for a second 12-month extension to expire on April 22, 2011, said site plan being attached hereto as Exhibit B, all said exhibits by reference incorporated herein with full force and effect, and subject to the conditions listed in the attached Exhibit C.

**SECTION 2.** That all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

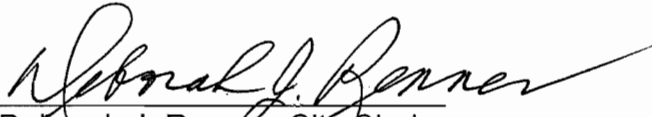
**SECTION 3.** That this resolution shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida.

**ROLL CALL VOTE AS FOLLOWS (Resolution No. 607-10):**

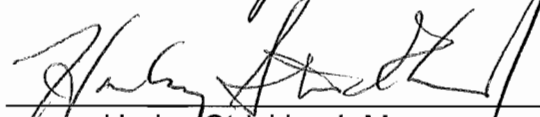
Gary Blair	<u>yes</u>	Anthony Pupello	<u>yes</u>
Jeff H. Allebach	<u>yes</u>	Tom Abraham	<u>yes</u>
O. William Crippen	<u>yes</u>	Tom Laputka, Vice Mayor	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

ADOPTED THIS 13<sup>th</sup> DAY OF April, 2010.

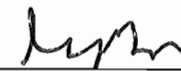
ATTEST TO:

  
Deborah J. Renner, City Clerk

Authenticated this 13<sup>th</sup> day of April, 2010.

  
Harley Strickland, Mayor

This Resolution approved  
as to form and legal sufficiency:

  
William Reischmann, City Attorney

**Exhibit A  
Resolution 607-10  
Legal Description**

**Sparkman Ridge Subdivision**

Name: **Sparkman LLC**

Street Address: **West Rhode Island Avenue**

Parcel ID: **8010-00-00-0020**

Acreage: **50.72**

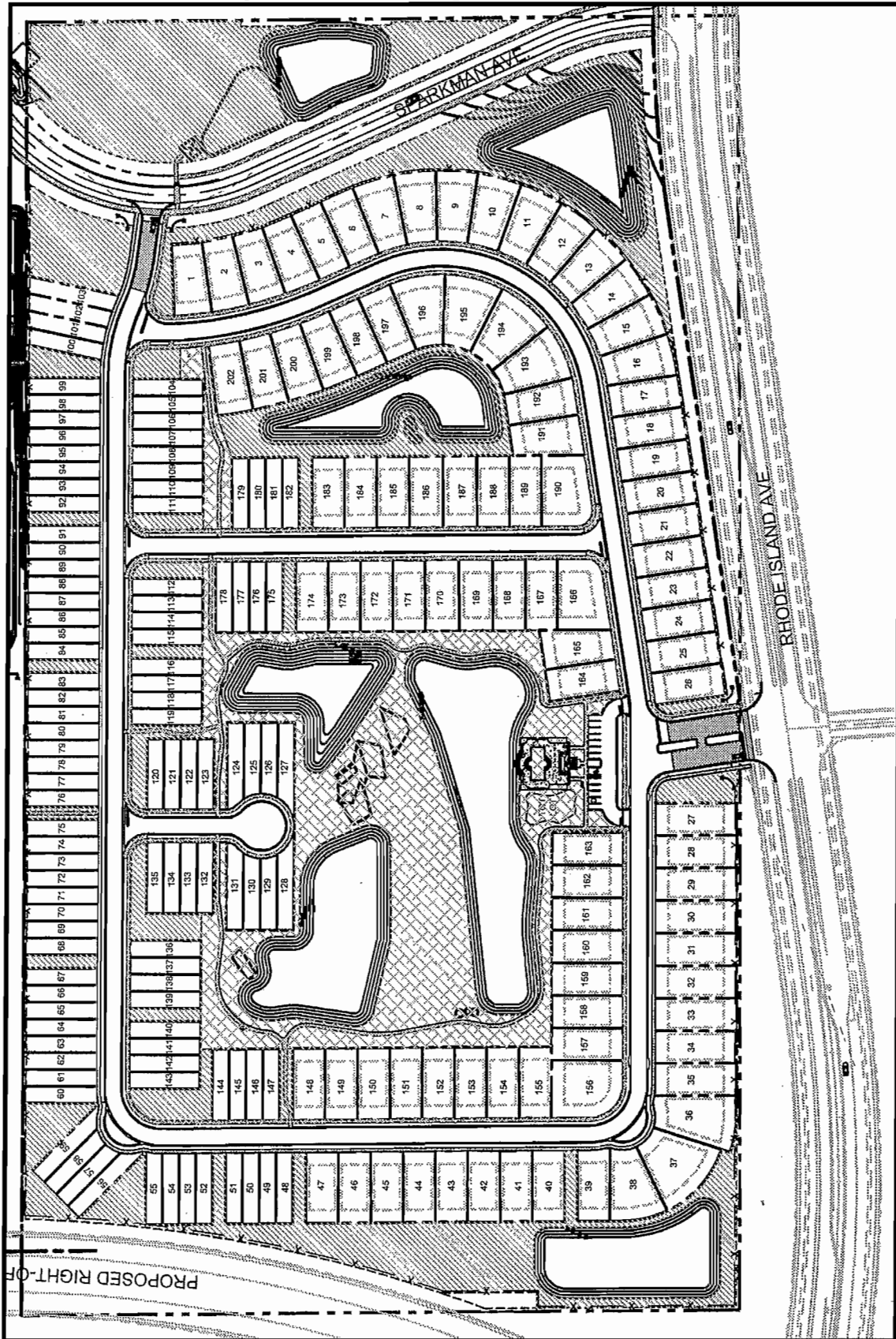
Legal Description: **A portion of Section 10, Township 18 South, Range 30 East, being in Volusia County, Florida, being more particularly described as follows:**

**Begin at the south quarter corner of Section 10, Township 18 South, Range 30 East, being in Volusia County, Florida; thence run S 89°38'34" W, along the south line of the southwest quarter of said Section 10 for a distance of 1998.87 feet to the east line of the west 660.00 feet of the southwest quarter of said Section 10; thence N 00°37'21" W, along the east line of the west 660.00 feet of the southwest quarter of said Section 10 for a distance of 1109.76 feet; thence N 89°52'06" E, along the south line of the north 216.50 feet of the south half of the southwest quarter of said Section 10 for a distance of 1997.29 feet to a point on the centerline of Sparkman Avenue, Block 30, Map of Orange City as recorded in Map Book 3, page 86, of the Public Records of Volusia County, Florida, and also being the east line of the southwest quarter of said Section 10; thence S 00°42'33" E along the east line of the southwest quarter of Section 10 for a distance of 1101.91 feet to the point of beginning.**

**And less the following:**

**Beginning at the southeast corner of the southwest 1/4 (one-quarter) of said Section 10; thence S 89°38'34" W, along the south line of said southwest out 1/4 (one-quarter), a distance of 1060.83 feet; thence, departing said south line, N 81°19'43" E, a distance of 413.18; thence N 81°48'17" E, a distance of 240.76 feet; thence N 87°11'51" E, a distance of 102.59 feet to a point of curvature of a curve concave southeasterly, said curve having a radius of 2,148.00 feet; thence run easterly, along the arc of said curve, through a central angle of 8°10'08', an arc distance of 306.24 feet to the point of tangency of said curve; thence N 89°29'51" E, a distance of 6.03 feet to a point on the east line of aforesaid southwest 1/4 (one-quarter); thence S 00°42'33" E, along said east line, a distance of 130.00 feet to the point of beginning. Containing 1.807 acres more or less.**

Exhibit B  
Resolution 607-10  
Sparkman Ridge Subdivision



# Exhibit C

## Resolution No. 607-10

### Sparkman Ridge Development Order

### Conditions of Approval

#### Condition No. 1

The City's land development code requires that townhouse building elevations must reflect a design consistent with the other proposed buildings. Building elevations were not submitted as required by Section 10 because the applicant is uncertain as to the ultimate townhouse design at this time. As a result, staff was not able to determine compliance with the appearance standards. **Staff recommends that at such time as the applicant is ready to develop the townhouse portion, the developer (of the townhouse portion) shall submit the townhouse building elevations required in Section 10 of the land development code, which will be reviewed and considered for approval by city staff prior to construction of the townhouses.** The applicant has agreed to this condition, which is noted on sheet 3 (note 27) of the site plan.

#### Condition No. 2

Building elevations for the mail kiosk, clubhouse, and cabana were not submitted as required by Section 10. The building elevations must reflect a design consistent with the other proposed buildings. As a result, staff was not able to determine compliance with the appearance standards. **Staff recommends that at such time as the applicant is ready to develop the mail kiosk, clubhouse, and cabana, the developer shall submit the mail kiosk, clubhouse, and cabana building elevations required in Section 10 of the land development code, which will be reviewed and considered for approval by city staff prior to the issuance of a certificate of occupancy on the first dwelling unit.** The applicant has agreed to this condition, which is noted on sheet 3 (note 28) of the site plan.

#### Condition No. 3

Staff is concerned about certain issues that had arisen in another subdivision, which were caused by 50-foot wide lots (and the 5-foot setbacks) similar to those within the approved Sparkman Ridge R-PUD. These issues consist of the side setback, building separation, side yard slopes, retaining walls, and mechanical equipment locations etc. In one case, some contractors located the air conditioners side-by-side between two houses, therein making it impossible to operate a lawn mower between houses, or to gain emergency access. In some cases, grade differences required retaining walls.

##### Side Setback

One issue is that the City's land development code requires that a side setback be from the property line to the roof overhang and not to the wall. (Roof overhangs should not project less than 1-foot.) On the other hand, the fire department requires a minimum 10-foot separation between roof eaves. This means the building side setback must be 6-feet instead of five.

##### Slopes and Walls

Another issue is that if there is a significant difference between finished floor elevations on adjoining lots, the slope on a 5-foot setback can be somewhat steep. The building department has stated that a slope within any single side yard shall maintain a minimum ratio of 6:1. Any slope steeper than this must install a retaining wall. A retaining wall located between structures, or anywhere within the subdivision, must be engineered and constructed of concrete or landscape block and not wood. The building department requires that any retaining wall exceeding 30-inches in height must possess a fence.

##### Mechanical Equipment

A third issue is that, because of the 5-foot side setback, the placement of mechanical equipment within the side yard must allow emergency access into the rear yard. The fire department stated it is necessary to maintain a minimum clearance of 4-feet in any single side yard. If it is possible to locate mechanical equipment within a side yard, and still maintain the 4-foot clearance, the mechanical

equipment must be structurally screened because of the noise factor. Realistically, mechanical equipment should be located at the rear of the house.

The applicant was made aware of the above, and as a result, has added three notes (21, 22, and 25) to Sheet 3 of the site plan in an attempt to address the issues. However, these notes do not adequately address all the issues listed above.

**Staff recommends approval of the site plan subject to (1) a minimum 10-foot separation between roof eaves; (2) a minimum ground slope ratio of 6:1 within any single side yard; (3) any ground slope in side yards steeper than 6:1 must install a retaining wall; (4) any retaining wall must be engineered and constructed of concrete or landscape block and not wood; (5) maintain a minimum clearance of 4-feet in any single side yard; and (6) locate all mechanical equipment in the rear yard.**

#### **Condition No. 4**

The four freestanding signs are proposed to be externally lit but the sign code requires that all freestanding signs be internally lit. The applicant has requested a waiver from this requirement because an internally lit sign does not fit into a residential community, and an externally lit sign is more aesthetically appealing in a residential community. Staff agrees with the applicant.

**Staff recommends approval of the site plan subject to the four freestanding signs being externally lit provided the lighting fixture is part of the sign structure, and not as an external lighting fixture or external source. In other words, a low wall must be designed as part of the sign structure base that will visually screen the light fixture illuminating the sign. Staff will review the sign lighting design for approval when the sign application is submitted.**

#### **Condition No. 5**

The majority of the property is proposed to be cleared of trees, except for the tracts. The trees on these tracts are proposed to be preserved, and the tracts will be cleared of all underbrush (bush-hogged), including the removal of any dead trees. Once these tracts have been cleared of underbrush, an inventory of the preserved trees will be conducted to insure the development meets the City's minimum tree requirement. Said inventory must result in a minimum of 2,651 diameter inches of preserved trees. A total of 5,302 diameter inches must exist on the total site following development. **Staff recommends approval of the site plan subject to staff conducting an inventory of preserved trees, as described above, to verify compliance following the clearing of the property.**

#### **Condition No. 6**

The site plan depicts a detail of the fence that will visually screen the rear yards of all lots facing the Western Parkway, Rhode Island, Sparkman Avenue, and the north property line. However, this fence detail on Sheet L1.2 depicts a 122-inch fence, whereas the maximum height is 6-feet within a residential development. **Staff recommends approval of the site plan subject to the fence maintaining a maximum height of 6-feet.**

#### **Condition No. 7**

The City's land development code (Section 4.5.5) requires a certain size park (3.03 acres) be provided by the developer and used for recreational (Section 7.4.C.8.d) purposes for the future residents of the subdivision. However, there are no specifications for recreational equipment. The applicant has provided the park land, and does indeed propose to provide the park equipment sufficient to meet the needs of the subdivision residents. **Staff recommends approval of the site plan subject to the specifications for the recreational equipment be submitted for quality approval by staff prior to installation.**

#### **Condition No. 8 – Compliance with New Ordinance**

Compliance with the newly adopted Ordinance No. 355, which requires compliance with the National Pollutant Discharge Elimination System.



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

**Development Order Extension Application**

Date Received 3-19-10 JHK

**Applicant Information**

Name of Proposed Development SPARKMAN RIDGE  
 Applicant's Name RON SCHWARTZ Phone 407-342-3648  
 Business Name SPARKMAN, LLC Phone \_\_\_\_\_  
 Business Address \_\_\_\_\_ Fax \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Mailing Address PO BOX 536428 Email address RON 2632@AOL.COM  
 City ORLANDO State FL Zip Code 32853-6428  
 Is applicant property owner?  Yes  No

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

Property Owner/Name \_\_\_\_\_ Phone \_\_\_\_\_  
 Address \_\_\_\_\_ Fax \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**Property Information**

Address NORTHWEST CORNER 1 SPARKMAN AVE & RHODE ISLAND  
 Original Development approval was issued on 4-22-08 / EXTENDED 4/09 UNTIL 4/22/10  
 Anticipated construction and completion date UNKNOWN  
 Parcel # 10-18-30-00-00-0020 Acres 50.72  
 Width \_\_\_\_\_ Depth \_\_\_\_\_

**Justification**

A Development Extension is necessary for the following reasons

CURRENT MARKET CONDITIONS  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Notarization**


Print Name RONALD SCHWARTZ


Print Name \_\_\_\_\_

Signature 

Signature \_\_\_\_\_

Subscribed and sworn to (or affirmed) before me on this the 19 day of MARCH, <sup>2010</sup>~~2009~~  
who is/are personally known to me or has/have produced personally known  
as identification.

  
Signature, Notary Public

 **ASHLEY MODUCKI**  
MY COMMISSION # DD 801396  
EXPIRES: October 27, 2012  
Bonded Thru Budget Notary Services

Notary Stamp