

RESOLUTION NO. 635-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, ACKNOWLEDGING AND APPROVING A THIRD 12-MONTH EXTENSION OF THE DEVELOPMENT ORDER FOR THE SPARKMAN RIDGE PRELIMINARY SUBDIVISION PLAT, SAID PLAT 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.

WHEREAS, The Sparkman Ridge preliminary subdivision plat 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. 469-08, said 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 preliminary subdivision plat, 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 preliminary subdivision plat, 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 preliminary subdivision plat, said extension was approved by City Council on April 13, 2010, via Resolution No. 606-10, which granted the second 12-month extension to the preliminary subdivision plat, said approval due to expire on April 22, 2011, and

WHEREAS, in March of 2011, the applicant, Ron Schwartz, requested a third extension to the development order for the approved Sparkman Ridge preliminary subdivision plat, said extension to be considered by City Council on April 12, 2011, via Resolution No. 635-11, and if approved, will grant the third 12-month extension to the preliminary subdivision plat, said approval due to expire on April 22, 2012, and

WHEREAS, it is necessary for the City Council of the City of Orange City, Florida, to consider this third extension to the development order for the approved preliminary subdivision plat 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 preliminary subdivision plat for Sparkman Ridge is herein approved for a third 12-month extension to expire on April 22, 2012, said preliminary subdivision plat being attached hereto as Exhibit B, all 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.

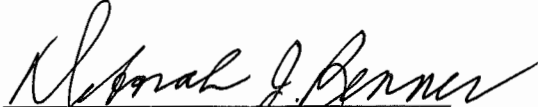
SECTION 3. That this resolution shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida.

ROLL CALL VOTE AS FOLLOWS (Resolution No. 635-11):


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

ADOPTED THIS 12th **DAY OF** April, 2011.

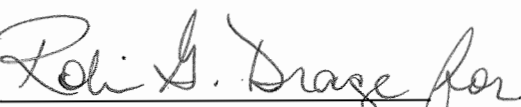
ATTEST TO:


Deborah J. Renner, City Clerk

Authenticated this 12th day of April, 2011.


Harley Strickland, Mayor

This Resolution approved
as to form and legal sufficiency:


William Reischmann, City Attorney



Orange City Development Services Department
205 East Graves Avenue, Orange City, Florida 32763-5213
Phone 904-775-5414 - Fax 904 775-5420
E-mail: jkerr@ourorangecity.com

MEMORANDUM

DATE: April 12, 2011

TO: Honorable Mayor Strickland and City Council Members

FROM: J.H.Kerr III, City Planner

**SUBJECT: CONSIDERATION OF EXTENSION OF A DEVELOPMENT ORDER
SPARKMAN RIDGE PRELIMINARY SUBDIVISION PLAT
PARCEL NO. 8010-00-00-0020**

Recommendation

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

Based upon competent substantial evidence provided by the applicant and staff, the City Council of Orange City approves a third 12-month extension to the preliminary subdivision plat for the proposed Sparkman Ridge subdivision to be developed on a 50.72-acre property located on the northwest corner of West Rhode Island Avenue and South Sparkman Avenue, parcel number 8010-00-00-0020. Resolution No. 635-11

Background

The 50.72-acre subject property is located within the northwest quadrant of West Rhode Island Avenue and South Sparkman Avenue. This property was annexed into the City in 1986, and was rezoned to an R-1 Single Family Residential zoning classification in 1992. In 2006, the Sparkman Ridge R-PUD residential planned unit development (R-PUD) was reviewed and considered by City Council, which resulted in the approval of the PUD consisting of a maximum of 94 single family residential houses and 108 townhouses. The subdivision plat currently under review is consistent with the original planned unit development, and this subdivision plat does meet all the conditions imposed during the PUD review and approval. The subject property is currently vacant and undeveloped.

Application

Ron Schwartz (dba Sparkman LLC), authorized agent for the owner, has submitted a request for approval of a third extension to the development order for the Sparkman Ridge preliminary subdivision plat for a 202-lot subdivision consisting of a maximum of 94 single family residential houses and 108 townhouses on approximately 50.72 acres. The request

is made per the City's extension of development orders process, as outlined in Section 5.4 of the City's land development code.

Table 1 Overview of Land Use and Zoning Status

| | Designated Land Use | Zoning Classification | Existing Land Use | Percent Developed | Jurisdiction |
|---------------------------|-------------------------|-------------------------------------|------------------------------|-------------------|--------------|
| SUBJECT PROPERTY | RL Residential Low | R-PUD | Vacant and undeveloped | None | City |
| ADJOINING TO NORTH | RL Residential Low | R-PUD | Elementary and middle school | 100 | City |
| ADJOINING TO SOUTH | RL Residential Low | R-PUD | High School | 100 | City |
| ADJOINING TO EAST | RL Residential Low | R-1 Single Family Residential | Residential | 50 | City |
| ADJOINING TO WEST | ULI Urban Low Intensity | R-4 Urban Single Family Residential | Channel 2 Tower | 100 | County |

Project Analysis

The applicant intends to subdivide and develop the 202 proposed lots and eventually turn the subdivision over to a homeowners association. The applicant will construct several streets, potable water conveyance facilities, drainage retention area, and recreational. Two recreation areas will be provided, containing a pool, cabana, kiosk pavilion, an event lawn and containing recreational equipment. A mail kiosk will be erected for centralized mail delivery. The development will include sidewalks, drainage retention areas, streetlights, and a treed streetscape on all streets.

The applicant has already dedicated right-of-way for Sparkman Avenue and for a portion of West Rhode Island Avenue. Additional right-of-way will be acquired by Volusia County for that portion of the Western Parkway that crosses the northwest corner of the site, as depicted on the approved preliminary plat. The applicant also agreed to an annual non ad-valorem assessment in the amount of \$53,280, for the construction of Sparkman Avenue, which opened in 2009 along with West Rhode Island Avenue.

Type of Project

The specific proposed use will be for the purpose of developing 94 single family residential houses and 108 townhouse units, and said proposed residential use is consistent with the surrounding residential land use and consistent with the R-PUD zoning requirements. The 202-lots meet the minimum size requirements of the approved R-PUD, and the development will maintain a single family residential density of 3.9 dwelling units per acre, thereby complying with the maximum density of 4.0 dwelling units per acre within the RL Residential Low land use designation.

The Sparkman Ridge PUD was reviewed and approved in 2005. This was at a time when the residential consumer was drawn to smaller lot sizes that requires less maintenance.

Since then, it has come to staff's attention that a 50-foot lot with a five foot setback has the potential to create issues related to building separation and fire code requirements. Additional conditions have been added to the site plan resolution to address these issues.

Subdivision Access

There are two vehicular entrances into the proposed 50.72-acre project, one entrance connects to South Sparkman Avenue, and the other entrance connects to West Rhode Island Avenue, as depicted on the preliminary subdivision plat, both of which meet the minimum standards as per the City's Design Standards manual.

Extension of Development Order

According to Section 5.4.A of the City's land development code, development orders for a preliminary subdivision plat 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 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 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

The developer of Sparkman Ridge 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 and townhouse dwellings, treed streetscapes, sidewalks, street lighting, and a recreational area, and is in close proximity to three new schools.

Exhibit A
Resolution 635-11
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.

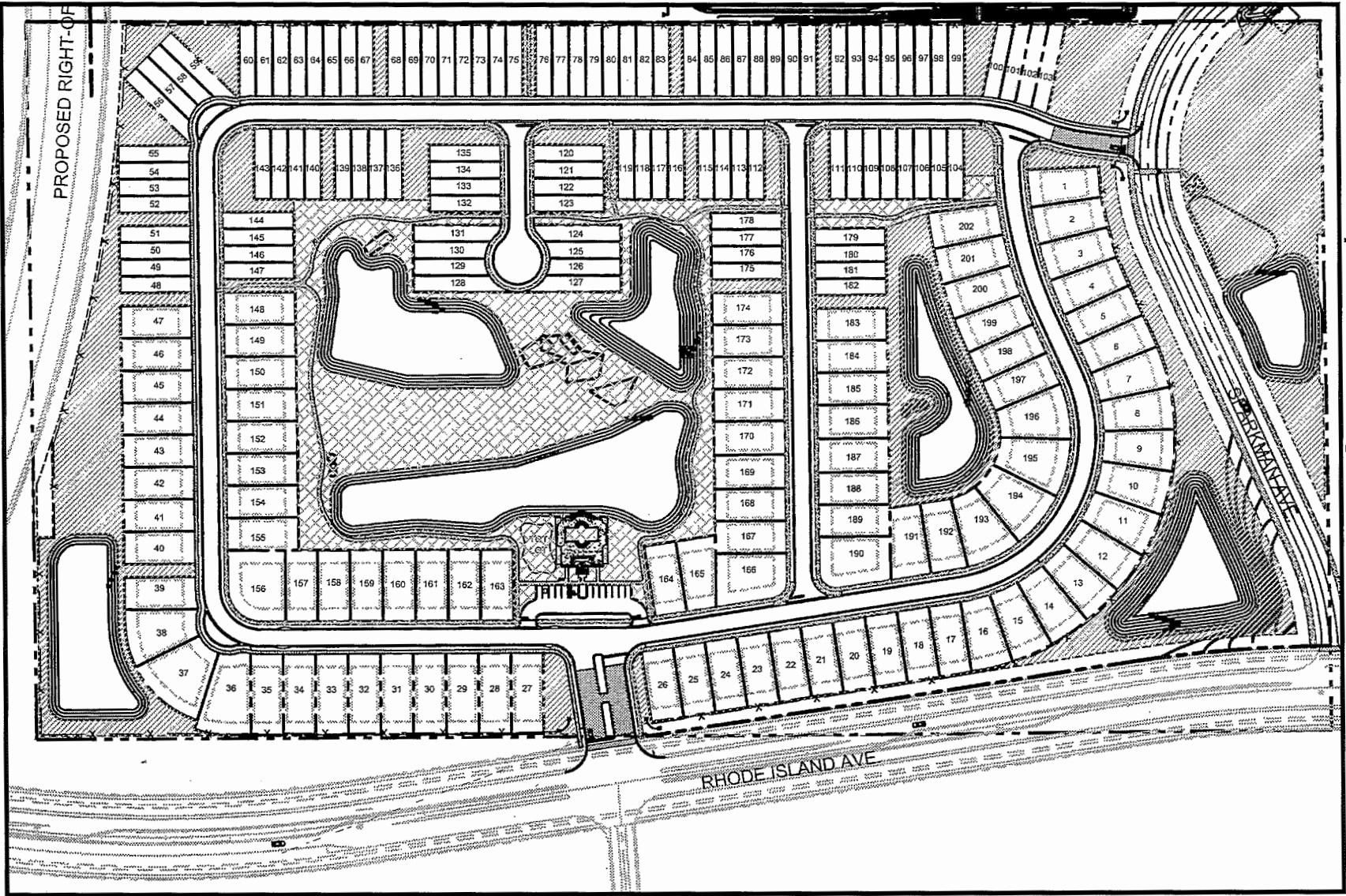


Exhibit B
Resolution 635-11
Sparkman Ridge Subdivision