

RESOLUTION NO. 636-11

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 SITE PLAN, SAID SITE PLAN CONTAINING THE SPECIFICATIONS FOR CONSTRUCTING THE IMPROVEMENTS 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, ORANGE CITY, FLORIDA; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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 was 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 was approved by City Council on April 13, 2010, via Resolution No. 607-10, which granted the second 12-month extension to the site plan, said approval was 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 site plan, said extension to be considered by City Council on April 12, 2011, via Resolution No. 636-11, and if approved, will grant the third 12-month extension to the site plan, said approval 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 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 third 12-month extension to expire on April 22, 2012, 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.

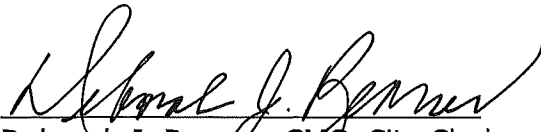
SECTION 3. That this resolution shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida.

ROLL CALL VOTE AS FOLLOWS (Resolution No. 636-11):

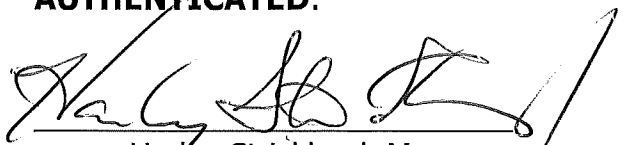
Tom Laputka	<u>yes</u>	Anthony Pupello	<u>yes</u>
Gary A. Blair	<u>yes</u>	Tom Abraham	<u>yes</u>
Jeff Allebach	<u>yes</u>	O. William Crippen, Vice Mayor	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

PASSED and ADOPTED this 12th day of April, 2011.

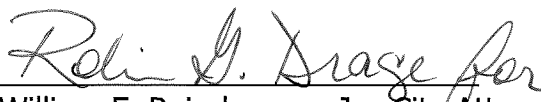
ATTEST:


Deborah J. Renner, CMC, City Clerk

AUTHENTICATED:


Harley Strickland, Mayor

Approved as to form and legal sufficiency:


William E. Reischmann, Jr., 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 SITE PLAN - PARCEL NO. 8010-00-00-0020**

Recommendation

City staff has reviewed the request for an extension to the development order for the Sparkman Ridge site plan, 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 site plan 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, and subject to any outstanding conditions as listed in Exhibit C. Resolution No. 636-11

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 site plan currently under review is consistent with the original planned unit development, and this site plan 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 site plan 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 order for the Sparkman Ridge 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 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 636-11
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.

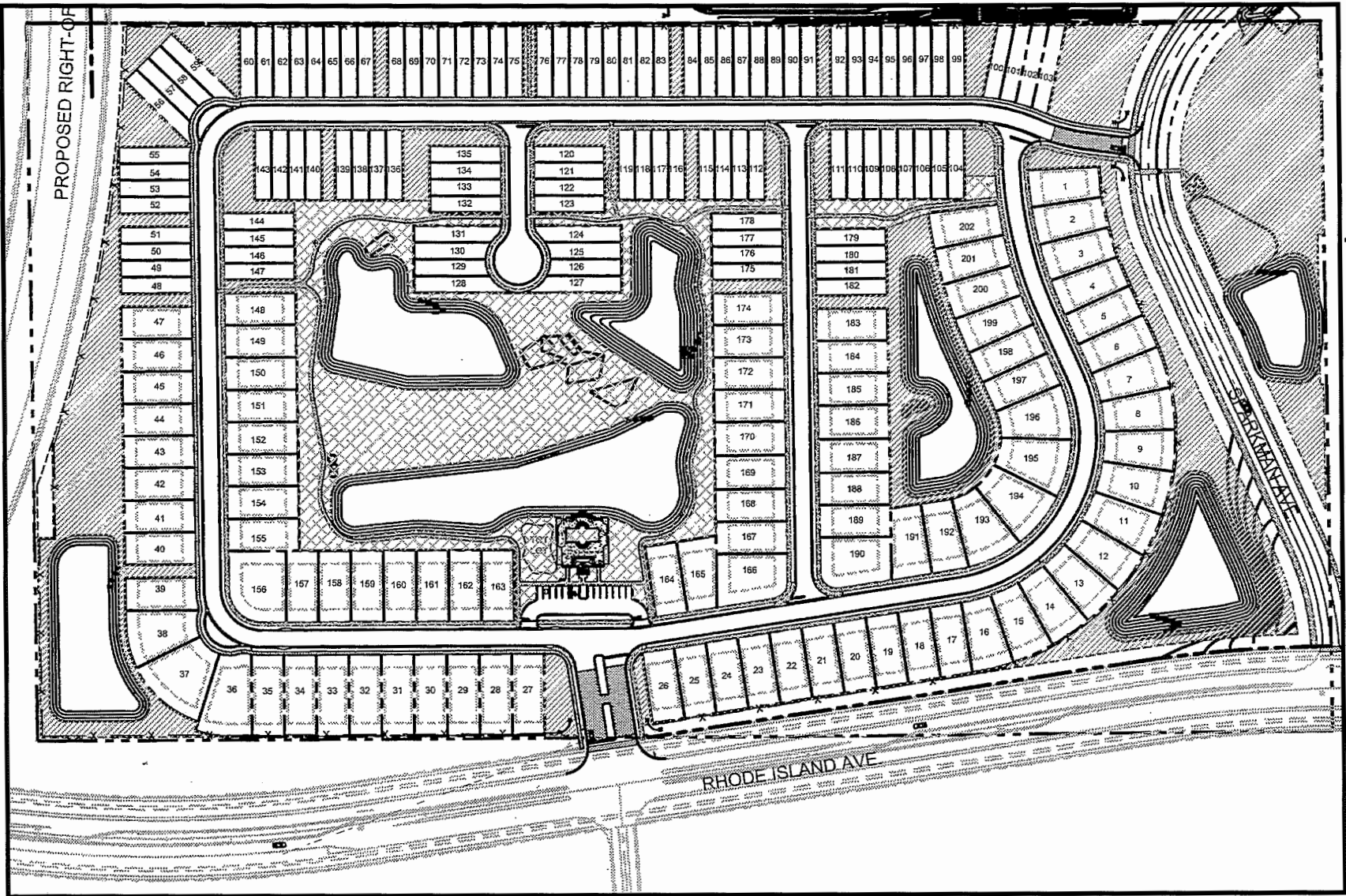


Exhibit B
 Resolution 636-11
 Sparkman Ridge Subdivision

Exhibit C

Resolution No. 636-11

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. 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. 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 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.

Therefore, approval of the site plan is 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. Approval of the site plan is 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. Approval of the site plan is 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. Approval of the site plan is 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. Approval of the site plan is subject to the specifications for the recreational equipment being submitted for quality approval by staff prior to installation.

Condition No. 8 – Compliance with New Ordinance

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