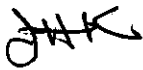


MEMORANDUM

TO: Honorable Mayor and City Council Members
FROM: J.H.Kerr III, City Planner 
DATE: April 16, 2008
SUBJECT: Sparkman Ridge Subdivision – Site Plan

PURPOSE

To approve the site plan for the Sparkman Ridge Subdivision.

BACKGROUND

The subject property consists of a 50.72-acre parcel which is currently vacant and undeveloped, and located within the northwest quadrant of West Rhode Island Avenue and South Sparkman Avenue. The applicant proposes to divide the property into 94 single family residential lots and 108 townhouse lots.

The 202-lot Sparkman Ridge site plan application and site plan was submitted to the Planning Commission at a regular meeting held on March 5, 2008, in accordance with Section 6.4.3.A.4 of the City's Land Development Code, in order for the Commission to present a recommendation to the City Council. The Commission voted unanimously to recommend that the City Council approve the Sparkman Ridge site plan.

Since the Planning Commission meeting occurred on March 5, 2008, this development was not forwarded to the City Council until certain issues were resolved regarding staff's conditions of approval. Attached to the enclosed resolution you will find the revised conditions.

Attached is a copy of the staff report submitted to the Planning Commission, and a copy of the site plan, and a copy of Resolution No. 470-08.

RECOMMENDATION

Staff and the Planning Commission recommend City Council approval of Resolution 470-08, thereby authorizing the approval of the Sparkman Ridge Subdivision site plan, subject to the conditions listed in Exhibit C.

RESOLUTION NO. 470-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, ACKNOWLEDGING AND APPROVING THE SITE PLAN FOR THE SPARKMAN RIDGE SUBDIVISION, CONSISTING OF 202 LOTS ON A 50.72-ACRE PARCEL, SAID PARCEL LOCATED WITHIN THE NORTHWEST QUADRANT 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 applicant, Ron Schwartz, has applied for approval of the site plan for the Sparkman Ridge Subdivision, therein requesting to construct the improvements necessary to sustain 94 proposed single family residential lots and 108 townhouse lots on a 50.72-acre parcel, said parcel located within the northwest quadrant of West Rhode Island Avenue and South Sparkman Avenue, and

WHEREAS, the Planning Commission of the City of Orange City, held a regular meeting on March 5, 2008, and voted unanimously to recommend approval of the Sparkman Ridge site plan to the City Council, and

WHEREAS, it is necessary for the City Council of the City of Orange City, Florida, to consider rendering site plan approval for the Sparkman Ridge site plan, as per Section 7.5.3 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 site plan for the Sparkman Ridge Subdivision, consisting of the improvements necessary to sustain 94 single family residential lots and 108 townhouse residential lots on a 50.72-acre parcel located within the northwest quadrant of West Rhode Island Avenue and South Sparkman Avenue, said parcel described in Exhibit A, and said site plan attached hereto as Exhibit B, is by reference incorporated herein and approved, 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.

William Reischmann, City Attorney

This Resolution approved
as to form and legal sufficiency:

Harley Strickland, Mayor

Authenticated this _____ day of _____, 2008.

Deborah J. Renner, City Clerk

ATTEST TO:

ADOPTED THIS _____ DAY OF _____, 2008.

_____	Harley Strickland, Mayor
_____	Donald Sandford
_____	Tom Laputka
_____	Jim Mahoney
_____	Donald C. Sherrill
_____	Tom Abraham
_____	Jeff H. Allebach, Vice Mayor

ROLL CALL VOTE AS FOLLOWS (Resolution No. 470-08):

**Exhibit A
Resolution 470-08
Legal Description**

Sparkman Ridge Subdivision

Name: Sparkman Ridge LLC

Street Address: West Rhode Island Avenue

Parcel ID: 8010-00-00-0020

Acraage: 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 470-08
Sparkman Ridge Subdivision

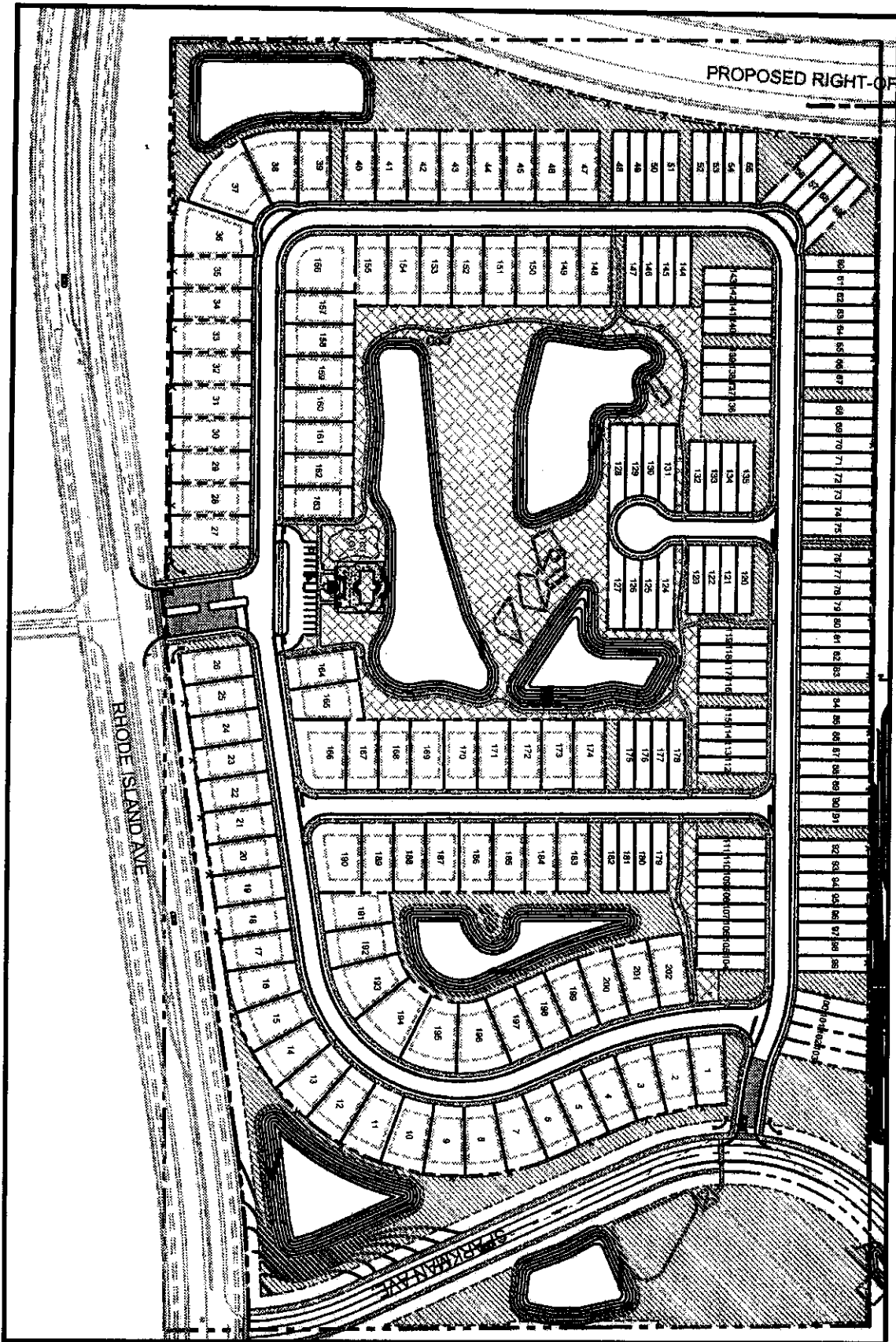


Exhibit C

Resolution No. 470-08

Sparkman Ridge Site Plan

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 (or 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

A sidewalk has been depicted between Lots 47 and 48, which will run in a westerly direction and connect to a future sidewalk within the proposed Western Parkway right-of-way. A note has been added at staff's request, regarding the sidewalk being installed by the homeowners association at such time as the Western Parkway is constructed. However, staff is concerned about the children attending the middle school, and the need for direct access to the middle school from this subdivision. Staff believes this sidewalk should be extended in a northerly direction to the entrance to the basketball courts at the middle school to be constructed at the same time as the other sidewalks in the subdivision.

The City and the school district are aware the Western Beltway may not be constructed by the county in the very near future, which is the reason for the City's concern regarding the middle school children accessing the middle school facilities. Children attending Manatee Cove from this subdivision may access the school via Sparkman Avenue. Children attending the middle school from this subdivision would be able to access the school via the sidewalk route as described. Staff believes this is a reasonable requirement, and based on the City's responsibility for the health, safety and welfare of the children attending this school.

Staff recommends approval of the site plan subject to the developer providing a sidewalk between Lots 47 and 48, which will run in a westerly direction to the proposed

~~Western Parkway right-of-way. An eight-foot sidewalk will then run in a northerly direction to the entrance to the basketball courts at the middle school. This sidewalk shall be constructed at the same time as the other sidewalks within the Sparkman Ridge subdivision.~~

Condition No. 4

Staff is concerned about the proximity of the sinkhole to Sparkman Avenue, of which a cross section of the proposed Sparkman Avenue and the existing sinkhole is depicted on Sheet 8 of the site plan. It appears that the sinkhole slope may be too close to the edge of the road, and fencing may be required. The need for a fence and/or other safety precautions will be determined by the City Engineer at time of street construction. Staff recommends approval of the site plan subject to the developer providing an architectural fence to be installed at the sinkhole location, if, following construction of Sparkman Avenue, it is determined by the City Engineer that a fence, or other suitable safety precaution, is required because of the sinkhole slope or proximity.

Condition No. 5

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. 6

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. 7

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, but 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. The inventory must result in a minimum of 2,651 diameter inches of preserved trees. A total of 5,302 diameter inches must exist on site following development. Staff recommends approval of the site plan subject to staff conducting an inventory of preserved trees to verify compliance following the clearing of the property.

Condition No. 8

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. 9

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 the specifications for the recreational equipment be submitted for quality approval by staff prior to installation.

Condition No. 10
According to an agreement between the Volusia County School Board and Sparkman Ridge, LLC, dated May 1, 2007, the Sparkman Ridge developer had agreed to install a 12-inch water line along the proposed Sparkman Avenue right-of-way between Ohio Avenue and Rhode Island Avenue. This 12-inch water line is required in order to provide proper circulation and to provide proper fire flows for the fire hydrants. However, instead of the Sparkman Ridge developer installing the water line, it will be installed by the School Board. Staff recommends the Sparkman Ridge developer reimburse the School Board for the Sparkman Avenue water line consistent with the aforementioned agreement.

Condition No. 11
A portion of the right-of-way for West Rhode Island Avenue is located in the southeast corner of the Sparkman Ridge property. Although the roadway for Rhode Island is currently being constructed, the right-of-way has not been provided by the Sparkman Ridge developer. Staff recommends the Rhode Island Avenue right-of-way be dedicated by the Sparkman Ridge developer prior to issuance of the Sparkman Ridge development order.

Condition No. 12
A portion of the right-of-way for South Sparkman Avenue is located along the east side of the Sparkman Ridge property. Staff recommends the South Sparkman Avenue right-of-way be dedicated by the Sparkman Ridge developer in conjunction with the Sparkman Ridge final subdivision plat.

Condition No. 13
In order for the School District to install the 12-inch water line addressed in Condition 10 above, the Sparkman Ridge developer has agreed to provide a sixty-foot wide easement consistent with the future right-of-way for South Sparkman Avenue. Staff recommends the South Sparkman Avenue easement be provided by the Sparkman Ridge developer prior to the City Council meeting on April 22, 2008.

Orange City Development Services Department
205 East Graves Avenue, Orange City, Florida 32763-5299
Phone 386 775-5414 - Fax 386 775-5420
E-mail: jkerr@cl.orange-city.fl.us



MEMORANDUM

Date: February 26, 2008

To: Chairman Seaman and members of the Planning Commission

Prepared by: J.H. Kerr III, City Planner *JHK*

SUBJECT: CONSIDERATION OF SPARKMAN RIDGE SITE PLAN
PARCEL NO. 8010-00-00-0020 - SITE PLAN DATED: January 22, 2008

Planning Department Recommendation

Following an extensive review and analysis of the application, the Technical Review Committee has determined that the Sparkman Ridge Site Plan meets the minimum standards per the City's Land Development Code, is consistent with the property zoning, and is compatible with the adjoining residential community. Therefore, based on competent substantial evidence, the planning staff recommends the Planning Commission consider a recommendation to City Council for approval of the Sparkman Ridge Site Plan as follows:

Based upon competent substantial evidence provided by the applicant and City staff, the Planning Commission recommends that City Council approve the Sparkman Ridge Site Plan, containing the engineering and specifications for the infrastructure necessary to service 94 single family residential houses and 108 townhouses to be constructed on a 50.72 acre property located within the northwest quadrant of West Rhode Island Avenue and South Sparkman Avenue, and identified as Parcel Number 8010-00-00-0020, subject to the 9 conditions listed in the attached Exhibit A. Resolution 470-08

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 was reviewed and considered by City Council, which resulted in the approval of a maximum of 94 single family residential houses and 108 townhouses. The subdivision plat 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.

Detailed Property Land Use and Zoning Description

Subject: The subject property is in the City's jurisdiction, and maintains an RL Residential Low land use designation and an R-PUD Residential Planned Unit Development zoning classification. The subject property is currently vacant and undeveloped.

retention area, streetlights, and a treed streetscape on all streets. A mail kiosk will be erected for centralized mail delivery.

The Technical Review Committee (TRC) met on August 24, 2006, to thoroughly review this project for issues related to those listed in Section 7 of the City's land development code, including design of the two driveway entrances, traffic circulation, potable water and wastewater, stormwater drainage retention, parking, landscaping, lighting, etc. The TRC has recommended that the Sparkman Ridge site plan be approved subject to any conditions that may be listed in this report.

Type Of Project

The specific proposed use will be single family residential houses and townhouse purposes, 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.

Property Characteristics

As mentioned above, the subject property is vacant and undeveloped and the property's relatively rolling terrain is characterized by sand pine and some scrub oak, some of which will be preserved within the parameters of this site plan.

City Engineer

The City Engineer has reviewed the proposed site plan and found it to be consistent with Orange City's engineering design requirements.

Water and Wastewater

The proposed development lies within the Orange City Utilities water and wastewater service area. According to Orange City Utilities, sufficient capacity exists to meet the water and wastewater demands of the proposed residential project.

Following installation, inspection and acceptance, the potable water and wastewater systems, the streets, and the stormwater conveyance system will be owned and maintained by the City of Orange City. The drainage retention ponds, common areas, street lights, and recreation areas will be owned and maintained by Sparkman Ridge, LLC and/or the Sparkman Ridge Homeowners Association.

Irrigation

This development will be constructed with an irrigation system which will be connected to an irrigation well. The developer has agreed to connect the irrigation system to the reclaimed water system when said reclaimed water becomes available.

Traffic

Approximately 2000 vehicle trips will be generated by the new subdivision, which is minor when considering it is spread out over a 24-hour period. Sufficient capacity exists on the external streets to support the additional traffic.

Streelights

Streelights will be installed within this subdivision on all internal streets.

Sidewalks

Sidewalks will be installed on both sides of each internal street as required in the City's land development code, and the internal sidewalks will be connected to the sidewalks on the external streets. An 8-foot sidewalk will be installed by the applicant on the west side of Sparkman from Rhode Island to Ohio Avenue at the time Sparkman is constructed. A sinkhole exists on the east side of Sparkman Avenue, making it impossible to install a sidewalk on its entire length. The applicant will install a sidewalk on the east side from Rhode Island to the pavilion. Condition number 3 below describes the need for a sidewalk on the west side of the property.

Threatened and Endangered Species

A Threatened and Endangered Species Study was conducted onsite in 2007, and the report stated there were no protected species found on the project site and no evidence of any protected species using the project site.

Treed streetscape

As each house is built within this subdivision, the builder will install live oaks in the front yard as depicted on the site plan. This is intended to create a streetscape consisting of live oak canopy shade trees lining all the streets, which is consistent with Orange City's historical oak streetscapes. Additional trees will be installed in the rear of each lot. As each lot is constructed, the builder will meet the tree ordinance requirement at that time for that specific lot, including the underground irrigation system.

Tree Planting and Protection

Trees are proposed to be preserved within the Tract areas. The majority of the property is proposed to be cleared of trees, except for the preservation tracts which will be cleared of all underbrush (bush-hogged), including the removal of any dead trees. Once these tracts have been cleared, an inventory of the preserved trees will be conducted by staff to insure the development meets the City's minimum tree (diameter inch) requirement. The inventory must result in a minimum of 2,651 diameter inches of preserved trees. A total of 5,302 diameter inches must exist on site following development.

Park Equipment

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 the specifications for the equipment be submitted for quality approval by staff prior to installation.

Visual Screening

The site plan depicts that the rear yards of all lots facing the Western Parkway, Rhode Island, and Sparkman will be visually screened with a 6-foot PVC fence. The site plan also depicts that the north property line will be visually screened with the same type of 6-foot PVC fence. The 6-foot visual screen is required because the rear yards will face these three major streets,

and will be installed at time of subdivision development. Specifications for the fence are of a commercial grade PVC. See condition number 8 below.

VOTRAN Bus Stop

City staff is currently coordinating with VOTRAN to implement bus stops throughout the City. Staff recognizes that there is a segment of society that relies on the bus system for travel purposes. Some of these transit riders may be residents of this subdivision, and a bus stop may be needed on Rhode Island Avenue, the Western Parkway, and Sparkman Avenue, to be installed when warranted by the City or by VOTRAN. A statement that a bus bench or bus shelter will be accommodated into the project has been noted on the site plan; in that, when and if they are warranted, the developer agrees to assist the City by providing a location and allowing the installation of a bus bench and/or bus shelter on the project. See note 24 on sheet 3 of the site plan.

Explanation of Conditions

Condition No. 1

The townhouse building elevations must reflect a design consistent with the proposed buildings. Building elevations were not submitted as required by Section 10 because the applicant is uncertain as to the design at this time. As a result, staff was not able to provide comments 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 proposed buildings. As a result, staff was not able to provide comments 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

A sidewalk has been depicted between Lots 47 and 48, which will run in a westerly direction and connect to a future sidewalk within the proposed Western Parkway right-of-way. A note has been added at staff's request, regarding the sidewalk being installed by the homeowners association at such time as the Western Parkway is constructed. However, staff is concerned about the children attending the middle school, and the need for direct access to the middle school from this subdivision. Staff believes this sidewalk should be extended in a northerly direction to the entrance to the basketball courts at the middle school to be constructed at the same time as the other sidewalks in the subdivision.

The City and the school district are aware the Western Beltway may not be constructed by the county in the very near future, which is the reason for the City's concern regarding the middle school children accessing the middle school facilities. Children attending Manatee Cove from this subdivision may access the school via Sparkman Avenue. Children attending the middle school from this subdivision would be able to access the school via the sidewalk route as described. Staff believes this is a reasonable requirement, and based on the City's responsibility for the health, safety and welfare of the children attending this school.

Staff recommends approval of the site plan subject to the developer providing a sidewalk between Lots 47 and 48, which will run in a westerly direction to the proposed Western Parkway right-of-way. An eight-foot sidewalk will then run in a northerly direction to the entrance to the basketball courts at the middle school. This sidewalk shall be constructed at the same time as the other sidewalks within the Sparkman Ridge subdivision.

Condition No. 4

Staff is concerned about the proximity of the sinkhole to Sparkman Avenue, of which a cross section of the proposed Sparkman Avenue and the existing sinkhole is depicted on Sheet 8. It appears that the sinkhole slope may be too close to the edge of the road, and fencing may be required. The need for a fence and/or other safety precautions will be determined by the City Engineer at time of street construction. Staff recommends approval of the site plan subject to the developer providing an architectural fence to be installed at the sinkhole location, if, following construction of Sparkman Avenue, it is determined by the City Engineer that a fence, or other suitable safety precaution, is required because of the sinkhole slope or proximity.

Condition No. 5

Staff is concerned about certain issues that had arisen in another subdivision, which was caused by 50-foot wide lots (and the 5-foot setbacks) similar to those allowed in the approved Sparkman Ridge R-PUD. These issues are 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 engi-

needed 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 through 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 has been 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 a minimum 10-foot separation between roof eaves; a minimum slope ratio of 6:1 within any single side yard; any slope steeper than 6:1 must install a retaining wall; any retaining wall must be engineered and constructed of concrete or landscape block and not wood; maintain a minimum clearance of 4-feet in any single side yard; and locate all mechanical equipment in the rear yard.

Condition No. 6

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. Staff agrees with the applicant.

Staff recommends approval of the site plan subject to the four freestanding signs being be externally lit provided the lighting 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. 7

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

Condition No. 8

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. 9

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 the specifications for the recreational equipment be submitted for quality approval by staff prior to installation.**

Summary

City staff has worked very closely with the applicant since 2006 in order to locate a quality subdivision between the new school facilities in an area that would serve the needs of Orange City and the surrounding communities. The Technical Review Committee has attempted to accomplish what is in the best interests of the City, as well as the immediate residential community. The Technical Review Committee feels that the applicant's project will provide a quality development that will be an asset to the community and will assist in meeting the strong residential demands of the City.

Planning Commission Responsibilities

Section 7.5.2.E. After the planning commission has considered any applicant, staff and/or public comments, and the TRC recommendations, the commission may approve, approve with conditions or deny the site plan application. If additional time is needed to allow for the resolution of outstanding issues, the commission may table the application until their next meeting at which time the commission shall approve with conditions or deny said application. Failure to respond to the outstanding issues shall result in a denied site plan application. A site plan application that receives unconditional or conditional approval may be issued a development order in accordance with the provisions of section 7.5 of this chapter.

City Council Responsibilities

Section 7.5.3. City council review and approval process. If the proposed site plan application is for a development more than five acres in land area, said application shall be subject to the following review and approval process.

A. The site plan application shall be processed and reviewed as set forth in section 7.5.2.A.E. of this chapter, except that the planning commission's final decision will be in the form of a recommendation to the city council for final action. The DSD shall schedule the planning commission's recommendation for city council action within 30 days of the commission's recommendation.

B. After the city council has considered any applicant, staff and/or public comments and the planning commission recommendations; the city council may approve, approve with conditions

tions, or deny the site plan. If additional time for a decision is needed to allow for the resolution of outstanding issues, the city council may table the application for a period not to exceed 45 days. Failure to respond to the outstanding issues shall result in a denied site plan application. A site plan application that receives unconditional or conditional approval may be issued a development order in accordance with the provisions of section 7.5 of this chapter.



City of Orange City
 205 E. Graves Avenue, Orange City, FL 32763
 386-775-5415, Fax 386-775-5420
RECEIVED MAY 31 2006
DEVELOPMENT SERVICES

Applicant Information

Applicant's Name Ron Schwartz (Sparkman, LLC)
 Business Address 3348 Edgewater Dr.
 City Orlando State FL Zip Code 32804
 Mailing Address Same as Above
 City _____ State _____ Zip Code _____
 Is applicant property owner? Yes No
 If applicant DOES NOT own property, please provide the following:
 Property Owner/Name _____
 Address _____
 City _____ State _____ Zip Code _____
 Phone _____
 Fax 407-422-4089

Property Information

Address Refer to attached plan for Legal Description
 The subject property is located on the (N) E S W side of W. Rhode Island Ave.
 approximately 1/4 mile (circle one) feet / miles from its intersection with S. Carpenter Ave.
 Parcel # 10-18-30-00-00-0020 Acres 50.72
 Width 1100 +/- Depth 2,100 +/-
 Legal Description Refer to plans
 Property Zoning Classification PUD
 Current Use of Property (check all that apply)
 Vacant Residential Developed Undeveloped
 Residential Non-Residential Partially Developed
 Proposed Use of Property (if any) Residential
 Are there any easements of record on the property? Yes No
 If YES, please describe Refer to Plan Set

Information to Accompany Application

- \$900 application fee for 1-10 lots, for larger projects Orange City DSD staff will figure the fee
- Copy of Warranty Deed, indicating verification of property ownership
- Copy of certified survey of property
- Letter of authorization if applicant is not property owner

Building Information

Project Cost \$ _____

Total Number of Buildings _____

Floors in each Building _____ Height _____

1 Bedroom Units _____

2 Bedroom Units _____

3 Bedroom Units _____

Lot Coverage Percentage _____

Number of Dumpster Locations _____

No. of Units _____

Building Cost \$ _____

Provide Building Setbacks From Property Lines:

East _____ ft West _____ ft North _____ ft South _____ ft

Site Plan Information

Abutting Street Width: Right of Way 50 ft Pavement 24 ft

Number of Parking Spaces _____

Trees: Number of Existing 1851 Number to be Removed 1510 Number to be Planted 894

Number of Proposed Signs 4

Sizes: _____ x _____ and _____ x _____

Clubhouse: Yes No

Open Space 23.23 ac.

Water & Sewer Information

Is property within the City's service area? Yes No

Nearest water main: Distance: 1115 ft Size: 8 inches

Nearest fire hydrant: Distance: 1120 ft

Number of fire hydrants development will contain: _____

Is property within the City's sewer service area? Yes No

Nearest sewer line: Distance: _____ ft Size: _____ inches

Forced main: _____ Gravity _____ Will sewer be required? Yes No

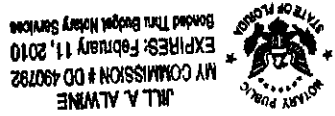
Engineer Information

Engineer's Name David R. Weaver, P.E.
Address 1117 E. Robinson St.
City Orlando
Email Address dweaver@cphenengineers.com
Registration # 38867
Phone # 407-425-0452
State FL Zip Code 32801

Notarization

Print Name _____
Signature _____
Print Name David R. Weaver
Signature [Handwritten Signature]

Subscribed and sworn to (or affirmed) before me on this the 31st day of May 2006 who is/are personally known to me or has/have produced identification, as _____



Notary Stamp

Signature, Notary Public [Handwritten Signature]

AGREEMENT

THIS AGREEMENT is entered into this 1 day of May, 2007, by and between the SCHOOL BOARD OF VOLUSIA COUNTY, FLORIDA (hereinafter referred to as the "School Board") and SPARKMAN RIDGE, LLC, a Florida limited liability company (hereinafter collectively referred to as "Developer").

WHEREAS, Developer owns land in Volusia County, Florida which is described on Exhibit "A" attached hereto and incorporated herein by this reference (hereinafter referred to as "Sparkman Ridge Property").

WHEREAS, School Board owns the property adjoining the Sparkman Ridge Property and desires to construct a High School on its real property (hereinafter referred to as "High School Site");

WHEREAS, School Board owns the property located north of the Sparkman Ridge Property whereupon an Elementary School is being constructed ("Elementary School Site");

WHEREAS, Previous Owner of Sparkman Ridge Property executed a warranty deed to School Board dated March 24, 1998 that included an easement for ingress and egress from Elementary School Site to Sparkman Ridge Property; and

WHEREAS, School Board and Developer are in agreement that such ingress and egress easement will be terminated upon the completion of Sparkman Avenue construction as depicted in Developer's Agreement for Sparkman Ridge R-PLUD recorded September 20, 2005 in Official Records Book 5655, Pages 4107 - 4130;

WHEREAS, the parties have reached a mutually beneficial agreement to share in the responsibilities for construction of road improvements and utilities which will allow each party to complete their independent projects in a more efficient and cost effective manner;

WHEREAS, the Developer has agreed to allow the School Board to utilize a temporary construction easement on, over and across the Sparkman Ridge Property for the purpose of constructing the high school on the High School Site.

WHEREAS, the School Board has agreed to grant Developer permission to enter upon Elementary School Site to construct a portion of Sparkman Avenue and modify the existing stormwater retention pond and/or system to accommodate the construction of Sparkman Avenue

and hereby agrees to consent to the replating of Sparkman Avenue to allow for the realignment of Sparkman Avenue;

WHEREAS, the parties also desire to memorialize in a written agreement the obligations of the Developer and School Board to complete certain improvements and utilities herein;

NOW THEREFORE, in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the parties agree as follows:

1. **Recitals.** The recitals are true and correct and incorporated into this Agreement by this reference.

2. **Temporary Access Easement.** Developer hereby grants and conveys to the School Board a temporary access easement to enter upon the Sparkman Ridge Property to access the High School Site. This easement shall terminate upon the earlier of i) issuance of a certificate of completion for the High School; or ii) upon completion of Sparkman Avenue by Developer. The exact location on the ground for the temporary easement shall be subject to Developer's approval but shall generally be where the future Sparkman Avenue shall be constructed. The easement shall be approximately fifty (50) feet in width and traverse across the Sparkman Ridge Property from Sparkman Avenue to Rhode Island Avenue. School Board shall be responsible for any costs incurred to stabilize the road bed within the temporary easement area. School Board hereby agrees to hold harmless and indemnify Developer against any and all claims, losses and damages, including but not limited to attorney's fees and costs at trial and on appeal, that may arise in connection with the School Board's clearing of trees, shrubs and debris, construction activities and general use of Sparkman Ridge Property for a temporary easement. School Board's contractor shall provide Sparkman Ridge with evidence of a general liability insurance policy naming Sparkman Ridge as an additional insured with policy limits of no less than five million and no/100 dollars (\$5,000,000.00) per occurrence. Upon termination of the temporary easement, School Board shall leave the area in a reasonably clean condition by removing any debris, fallen trees or other timber removed by School Board to construct the temporary road.

3. **Utilities.** Developer hereby agrees to construct a 12" inch water line from Ohio Avenue along Sparkman Avenue to the intersection of Rhode Island Avenue no later than twelve months from the effective date of this agreement. In the event that the Developer fails to proceed with the construction of the water line along Sparkman Avenue to Rhode Island Avenue in a timely manner School Board may elect to complete the installation and construction of such water line and Developer shall reimburse School Board the sum of fifty dollars (\$50.00) per lineal foot for such construction within ninety (90) days from completion of the installation of the lines and upon receiving written demand for said funds. Upon satisfactory completion of the water line, said water lines shall be dedicated to the City of Orange City. Developer shall be authorized to connect into the lift station located on Sparkman Ridge's Property west of Sparkman Ridge Property and subject to an easement in favor of the School Board only upon satisfactory completion of said water line construction or receipt by School Board of said funds for School Board's construction of said water line.

4. **Right of Way for Sparkman Avenue.** School Board shall donate right of way necessary for the construction of Sparkman Avenue. Developer shall construct the extension of Sparkman Avenue from Ohio Avenue to the intersection of Rhode Island Avenue. School Board hereby authorizes Developer to enter upon the Elementary School Site to construct Sparkman Avenue and modify the stormwater retention pond and/or system. School Board shall consent to a petition to vacate a portion of Sparkman Avenue and the replat of Sparkman Avenue to allow for the realignment of Sparkman Avenue. Developer hereby agrees to hold harmless and indemnify School Board against any and all claims, losses and damages, including but not limited to attorney's fees and costs at trial and on appeal, that may arise in connection with the Developer's construction activities and general use of Elementary School Site for construction of Sparkman Avenue and modification of the stormwater retention pond and/or system. Developer shall maintain a general liability policy naming the School Board as an additional insured with policy limits of no less than five million and no/100 dollars (\$5,000,000.00) per occurrence. Upon termination of the temporary easement, Developer shall leave the area in a reasonably clean condition by removing any debris, fallen trees or other timber removed by Developer to construct the road or modify the stormwater retention pond and/or system and reestablishing any fence lines.

5. **Non-Waiver.** A waiver of any breach of any provision of this Agreement shall not constitute or operate as a waiver of any other provision, nor shall any failure to enforce any provision hereof operate as a waiver of such provision or of any other provision of this Agreement.

6. **Counterparts.** This Agreement may be executed and endorsed in one or more counterparts, and each such counterpart shall, for all purposes, be deemed to be an original, but all such counterparts shall together constitute one and the same instrument.

7. **Severability.** In the event that any provision, or part thereof, in this Agreement shall be held invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions, or parts thereof, shall not in any way be affected or impaired thereby.

8. **Amendment.** This Agreement may be modified, amended, altered or changed only by written instrument executed by all parties hereto.

9. **Headings.** Section and subsection headings contained herein are for reference purposes only and shall not be deemed to modify the text hereof.

10. **Governing Law.** The execution, interpretation and performance of this Agreement shall be governed by the laws of the State of Florida. Venue for purposes of any proceedings regarding this Agreement shall be in Volusia County, Florida.

11. **Entire Agreement.** This Agreement, together with all schedules hereto, and other documents to be delivered in connection herewith, contains the entire agreement between the parties hereto with respect to its subject matter. There are no representations, promises, warranties, covenants or undertakings other than as expressly set forth herein. This Agreement



supercedes all prior discussions, agreements and understandings of the parties hereto with respect to its subject matter.

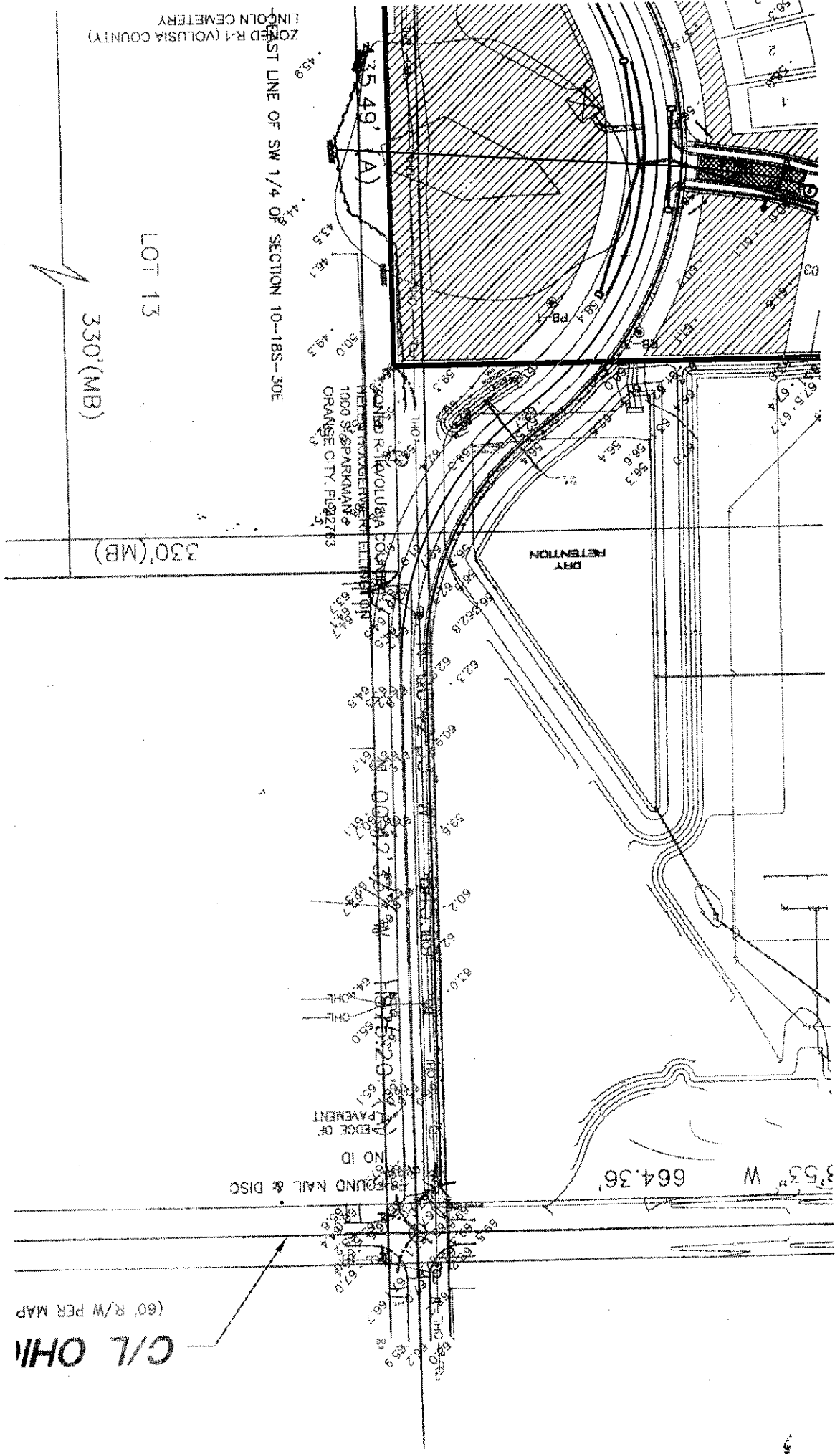
12. Attorney's Fees. In the event of any litigation brought to enforce or interpret this Agreement, the prevailing party shall be entitled to recover all reasonable attorney's fees and costs from the non-prevailing party.

School Board of Volusia County
By: [Signature]
Alfred C. Williams, Ed. D. Chairman
Attest: [Signature]
Margaret A. Smith, D.Ed., Secretary

Witnesses:
[Signature]
Kara A. [unclear]
Print Name: Kara A. [unclear]
[Signature]
Denise Dietrich
Print Name: DENISE DIETRICH

Developer:
Sparkman Ridge, LLC, a Florida
LIMITED LIABILITY COMPANY
By: [Signature]
Print Name: Robyn [unclear]
Title: 5-1-07 MSV

Witnesses:
[Signature]
Print Name: JUSTIN BANTA
[Signature]
Debbie Metzger
Print Name: DEBBIE METZGER



C/L OHI
(60' R/W PER MAP)

LOT 13
330'(MB)

330'(MB)

WEST LINE OF SW 1/4 OF SECTION 10-18S-30E

3'53" W 664.36'

HILLSBOROUGH COUNTY
1000 S. SPARKMAN
ORANGE CITY, FL 32763

DRY
RETENTION

425.49' (A)

LINEOLN CEMETERY
ZONED R-1 (VOLUSIA COUNTY)

PAVEMENT
EDGE OF

NO ID

FOUND NAIL & DISC

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