

**MEMORANDUM**

**TO:** Honorable Mayor and City Council Members  
**FROM:** J.H.Kerr III, City Planner *JHK*  
**DATE:** April 22, 2009  
**SUBJECT:** Development Order Extension - Sparkman Ridge Subdivision

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**PURPOSE**

To approve a 12-month extension to the Development Order for the Sparkman Ridge preliminary subdivision plat and site plan, to be located on the northwest corner of West Rhode Island Avenue and South Sparkman Avenue, Orange City, Florida.

**BACKGROUND**

The subject property consists of 50.72 acres, and is currently vacant and undeveloped. The applicant proposes to divide the property into 94 single family residential lots and 108 townhouse residential lots.

The 202-lot subdivision application was submitted to the City Council and approved at a regular meeting held on April 22, 2008, in accordance with Section 6 and Section 7 of the City's Land Development Code.

Since this development was approved in April of last year, the market for single family residential and townhouse development has dwindled considerably. The applicant is requesting a 12-month extension of the development order until the market can support the proposed development.

**RECOMMENDATION**

Staff recommends City Council adoption of Resolution 543-09, thereby approving a 12-month extension of the Development Order for the Sparkman Ridge preliminary subdivision plat and site plan, subject to any outstanding conditions.

## RESOLUTION NO. 543-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, ACKNOWLEDGING AND APPROVING A 12-MONTH EXTENSION TO THE DEVELOPMENT ORDER FOR THE SPARKMAN RIDGE PRELIMINARY SUBDIVISION PLAT AND SITE PLAN, WHICH WILL 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 applicant, Sparkman LLC, has requested an extension to the approved Development Order for the Sparkman Ridge preliminary subdivision plat and site plan, which will 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, and

**WHEREAS**, it is necessary for the City Council of the City of Orange City, Florida, to consider an extension to the approved Sparkman Ridge Development Order for the preliminary subdivision plat and site plan, 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 Sparkman Ridge preliminary subdivision plat and site plan, which will 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 and described in the attached Exhibit A, said preliminary subdivision plat and site plan attached hereto as Exhibit B, are by reference incorporated herein and approved for a 12-month extension, to expire on April 22, 2010, 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. 543-09):**

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

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2009.**

ATTEST TO:

\_\_\_\_\_  
Deborah J. Renner, City Clerk

Authenticated this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Harley Strickland, Mayor

This Resolution approved  
as to form and legal sufficiency:

\_\_\_\_\_  
William Reischmann, City Attorney

**Exhibit A  
Resolution 543-09  
Legal Description**

**Sparkman Ridge Subdivision**

Name: **Sparkman LLC**

Street Address: **West Rhode Island Avenue**

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

Acreage: **50.72**

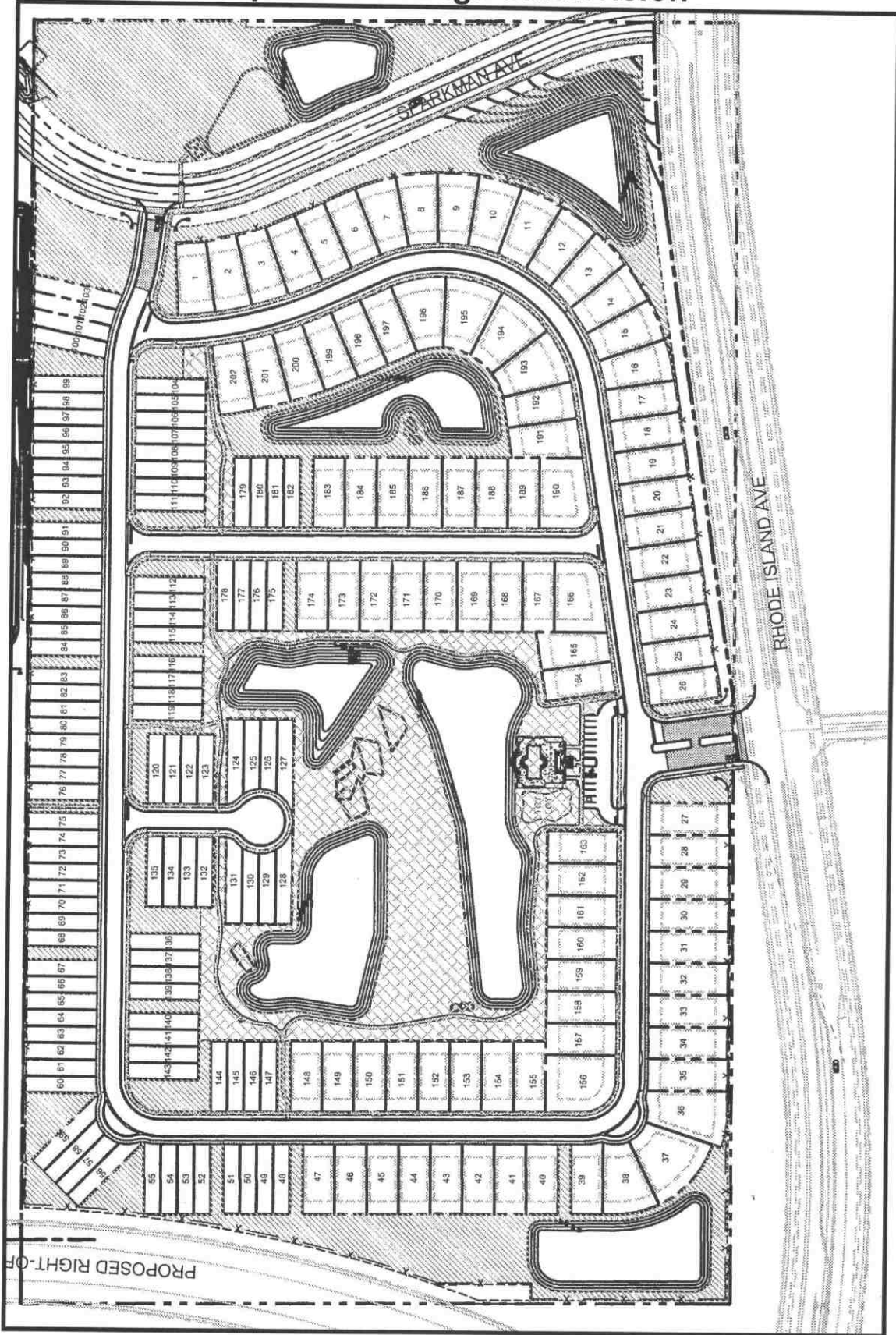
Legal Description: **A portion of Section 10, Township 18 South, Range 30 East, being in Volusia County, Florida, being more particularly described as follows:**

**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 543-09  
Sparkman Ridge Subdivision



# Exhibit C

## Resolution No. 543-09

### 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

Condition for sidewalk to Middle School has been deleted.

#### 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.**

**Condition No. 14 – Compliance with New Ordinance**

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