

Meeting Date: 7/13/2010



Agenda Item # 4-c

CITY COUNCIL AGENDA ITEM

Contact Name: Jim Kerr, City Planner Department Director: *Ernie Wilson*
 Department/Contact # 386 775-5414 City Manager: *J. Kerr*

Type of Item: Public Hearing Resolution
 Ordinance First Reading Discussion & Action
 Ordinance Second Reading Council Approval

**Subject: Extension of Shadow Ridge Phase 2 Site Plan Development Order
 Resolution 611-10**

BACKGROUND:

The proposed Shadow Ridge Phase 2 subdivision will consist of 77 single family residential lots on approximately 32.7 acres. On July 24, 2007, the City Council originally approved the site plan, which, said approval was due to expire on July 24, 2008. Prior to the expiration date, the Council approved the first extension after receiving a request for an extension from the owner. Prior to the extension expiring on July 24, 2009, a second extension was granted. Currently, prior to the extension expiring on July 24, 2010, the applicant has requested a third extension.

The subject property is located on South Leavitt Avenue immediately north of Shadow Ridge Phase 1, and maintains an R-2 Medium Density Residential zoning classification. Currently, the property is vacant, undeveloped and wooded. The adjoining properties are zoned as I-1 Light Industrial to the north, GU Government Use (county park) to the east, R-2 Medium Density Residential to the south, and Volusia County R-4 urban single family residential to the west.

In accordance with the criteria requirements of Section 5.5 of the City's land development code, staff maintains the following.

- A. The only change to the land development code since the original approval is the City's adoption of Ordinance No. 355, therein requiring compliance with the National Pollutant Discharge Elimination System requirements.
- B. The demands of the proposed development have not changed, and there is sufficient infrastructure capacity to service the proposed development.
- C. There have been no changes to the surrounding land uses, or development, or other conditions that would require modifying the site plan.

Staff has reviewed the application and finds that the site plan meets the minimum requirements of the City's land development code, subject to the conditions listed in Exhibit B, attached to the Resolution. Condition Nos. 1 and 2 on Exhibit B were included in Council's original site plan approval in 2007, and are included in this extension request for documentation purposes.

RECOMMENDATIONS:

City staff recommends that the City Council approve the third extension for the Shadow Ridge Phase 2 site plan development order.

ATTACHMENTS:

Resolution No. 611-10, and Exhibits A and B

FINANCIAL IMPACT:

None anticipated

Reviewed by City Attorney

Reviewed by Finance Dept.

Reviewed by:

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| 1st Discussion Date: 7/13/2010 | 2nd Discussion Date: Click here to enter a date. | Third Discussion Date: Click here to enter a date. | Other Dates: Click here to enter a date. |
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RESOLUTION NO. 611-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, ACKNOWLEDGING AND APPROVING A THIRD 12-MONTH EXTENSION TO THE SITE PLAN FOR SHADOW RIDGE SUBDIVISION PHASE 2, SAID SITE PLAN CONTAINING THE SPECIFICATIONS TO DEVELOP 77 LOTS ON A 32.7 ACRE PARCEL, LOCATED IMMEDIATELY NORTH OF SHADOW RIDGE SUBDIVISION PHASE 1, ORANGE CITY, FLORIDA; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Shadow Ridge Subdivision Phase 2 site plan was originally approved at a public meeting held on July 24, 2007 by the City Council of the City of Orange City, via Resolution No. 419-07, said site plan containing the specifications for constructing the improvements necessary to sustain 77 proposed residential lots on a 32.7 acre parcel, said property located immediately north of Shadow Ridge Subdivision Phase 1, and

WHEREAS, in July of 2008, the applicant, Jay Chaudhari, requested a first extension to the approved Shadow Ridge Subdivision Phase 2 site plan, which said first extension was approved by City Council on July 22, 2008, via Resolution No. 488-08, which granted a 12-month extension to the site plan, said approval expired on July 24, 2009, and

WHEREAS, in June of 2009, the applicant, Jay Chaudhari, requested a second extension to the approved Shadow Ridge Subdivision Phase 2 site plan, said second extension was approved by City Council on July 14, 2009, via Resolution No. 550-09, and was granted a 12-month extension to the site plan, said approval to expire on July 24, 2010, and

WHEREAS, in June of 2010, the applicant, Jay Chaudhari, has requested a third extension to the approved Shadow Ridge Subdivision Phase 2 site plan, said third extension to be considered by City Council on July 13, 2010, via Resolution **No. 611-10**, and if approved, will grant a 12-month extension to the site plan, said approval to expire on July 24, 2011, and

WHEREAS, it is necessary for the City Council of the City of Orange City, Florida, to consider this third extension to the approved Shadow Ridge Subdivision Phase 2 site plan, as per Section 5.5 (as amended by Ordinance No. 379 on April 28, 2009) 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 Shadow Ridge Subdivision Phase 2 site plan, said site plan containing the specifications for constructing the improvements necessary to sustain 77 proposed residential lots on a 32.7 acre parcel, said parcel located immediately north of Shadow Ridge Subdivision Phase 1, said site plan attached hereto as Exhibit A, is by reference incorporated herein and approved for a third 12-month extension to expire on July 24, 2011, subject to the conditions listed in the attached Exhibit B.

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. 611-10):

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|--------------------------|-------|----------------------------|-------|
| Jeff H. Allebach | _____ | Thomas Laputka, Vice Mayor | _____ |
| Tom Abraham | _____ | Anthony Pupello | _____ |
| Gary Blair | _____ | Bill Crippen | _____ |
| Harley Strickland, Mayor | _____ | | |

ADOPTED THIS _____ DAY OF _____, 2010.

ATTEST TO:

Deborah J. Renner, City Clerk

Authenticated this _____ day of _____, 2010.

Harley Strickland, Mayor

This Resolution approved
as to form and legal sufficiency:

William Reischmann, City Attorney

Exhibit B

Resolution No. 611-10

Shadow Ridge Phase 2 Site Plan Conditions

Condition No. 1 – Utility Easements

The applicant must correct the drainage utility easements on the final subdivision plat to read 7.5 feet, and not 7.0 feet as depicted.

Condition No. 2 – Harty Access Easement

The applicant must submit an easement document or deed which provides proper access to the drainage retention area in the northeast corner of the subdivision (behind Tract F) which must be acceptable to City staff and the City Attorney.

Condition No. 3 – Compliance with New Ordinance

Compliance with Ordinance No. 355, an ordinance adopted by Orange City on June 24, 2008, which requires compliance with the National Pollutant Discharge Elimination System.