

Meeting Date: 1/24/2012



Agenda Item # 7-B

# CITY COUNCIL AGENDA ITEM

Contact Name: Jim Kerr *JJK* Department Director: Alison Stettner *AS*  
 Department/Contact # 386 775-5414 City Manager: Jamie Croteau *JC*

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

**Subject: Extension of Development Order – Lansdowne Oaks Site Plan - Reso. No. 665-12**

**BACKGROUND:**

The applicant has requested a fourth extension to the approved development order for the Lansdowne Oaks subdivision site plan, containing the specifications necessary to construct the infrastructure to support a 35-lot subdivision on approximately 15-acres. This request is being made per the City’s development order extension process as outlined in Section 5.5 of the City’s land development code.

The applicant intends to subdivide and develop the 35 proposed lots, and to construct several roads, potable water and septic facilities, drainage retention areas, park, etc. The park will contain picnic tables and playground equipment, and a mail kiosk will be installed for centralized mail delivery. The development will also include sidewalks, streetlights, and a treed streetscape. This property is located in District 4 and has the potential for 75 residents to live onsite.

**RECOMMENDATIONS:**

City staff recommends that City Council approve and adopt Resolution No. 665-12, thereby approving a fourth extension to the development order for the Lansdowne Oaks preliminary subdivision site plan.

**ATTACHMENTS:**

- Memo report to City Council
- Resolution No. 665-12
- Exhibit A subdivision site plan
- Exhibit B subdivision site plan
- Exhibit C conditions

**FINANCIAL IMPACT:**

None anticipated

Reviewed by City Attorney \_\_\_\_\_  
 Reviewed by Finance Dept. \_\_\_\_\_  
 Reviewed by: \_\_\_\_\_

<b>1<sup>st</sup> Discussion Date:</b> 1/24/2012	<b>2<sup>nd</sup> Discussion Date:</b> Click here to enter a date.	<b>Third Discussion Date:</b> Click here to enter a date.	<b>Other Dates:</b> Click here to enter a date.
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**Orange City Planning & Zoning Department**  
205 East Graves Avenue, Orange City, Florida 32763-5213  
Phone 386 775-5414 - Fax 386 775-5420  
E-mail: jkerr@ourorangecity.com

## **MEMORANDUM**

DATE: January 24, 2012

TO: Honorable Mayor and City Council members

FROM: J.H.Kerr III, City Planner

SUBJECT: **RESOLUTION NO. 665-12  
CONSIDER EXTENSION OF A DEVELOPMENT ORDER  
LANSDOWNE OAKS SUBDIVISION SITE PLAN  
PARCEL NO. 8002-00-00-0660 AND 8002-00-00-0710**

### **Recommendation**

City staff has reviewed the request for an extension to the development order for the Lansdowne Oaks subdivision site plan, and recommends that City Council create a motion as follows:

#### **Resolution No. 665-12**

Based upon competent substantial evidence provided by the applicant and staff, the City Council of Orange City approves a fourth 12-month extension to the site plan for the proposed Lansdowne Oaks subdivision to be developed on a 15-acre property located on East Lansdowne Avenue, parcel numbers 8002-00-00-0660 and 8002-00-00-0710, and subject to the following eight conditions.

#### **Condition No. 1 – Street Lighting**

The street lights located on (1) the south end of Tortoise Shell and (2) on the north end of Bonnet Creek and (3) on the north end of Shrike Hill shall be relocated to provide lighting at the intersections following City staff approval as to their revised locations.

#### **Condition No. 2 – Park Equipment**

During the construction phase of the subdivision, recreation and equipment specifications shall be provided by the developer, and City staff will review and approve said equipment which shall be installed by the developer following the completion and occupancy of seven homes, equaling 20 percent of the 35-lots.

#### **Condition No. 3 – Tree Requirement**

As each lot is constructed, the builder shall meet the tree ordinance requirement at that time for that specific lot, including an underground landscape irrigation system.

#### **Condition No. 4 – Tree Preservation**

Following the clearing of trees from the property, the Tract areas shall be cleared of underbrush and dead trees. An inventory of remaining trees shall be conducted by staff to assure compliance with the tree requirement within the Tract areas and within the tree preservation areas.

**Condition No. 5 – Tree Buffer Requirement**

During or following the clearing of trees from the property, the 10-foot buffer facing the south and north sides of East Lansdowne Avenue shall possess 4-inch Live Oaks spaced 40-feet apart amongst the existing trees proposed to be preserved. Staff shall inventory the trees proposed to be preserved to evaluate their quality. Overall, 4-inch live oaks shall be installed (filled in) midway within this 10-foot landscape buffer to meet the 40-foot minimum spacing requirement.

**Condition No. 6 – New Ordinances**

Compliance with Ordinance No. 355 adopted on June 10, 2008, and Ordinance No. 406 adopted on October 13, 2009, said two ordinances require compliance with the National Pollutant Discharge Elimination System.

**Condition No. 7 – Housing Criteria**

Each single family dwelling unit shall be a minimum of 1,650 square feet with a 2 car garage and façades facing any street shall be constructed with at least 80 percent of materials consisting of brick, natural stone, architectural cast stone, hardcoat, stucco or other durable materials approved by the Development Services Director consistent with the attached elevations. Elevations shall also be provided at the time of building permit that allows for visual variety along the streetscape within the subdivision and features traditional elements such as dormers, front porches, arched windows and columns. In order to create a varied and interesting street scene the Development Services Director may consider elevations that incorporate architectural enhancements such as shutters, articulation in roof forms, varied wall planes, changes in materials, decorative details and siding on elevations, as well as window and door trim, the use of arched entries and extended porches. Elevations shall be reviewed and approved by the Development Services Director to ensure consistency with those attached to provide a cohesive character. The garage and front doors shall be distinct and compatible with the architectural style of the home.

**Condition No. 8 – Landscaping**

Landscaping shall be incorporated into the lots of each dwelling unit and be submitted with elevations at time of building permit. Landscaping shall be designed to enhance the streetscape and architectural styling of the proposed elevation and will be approved by the Development Services Director. Landscaping shall be installed prior to the issuance of the certificate of occupancy and guaranteed for one year after installation by permittee. Examples of landscaping may include foundation plantings, trees, landscape islands, and hardscaping.

**Background**

The subject property is located on East Lansdowne Avenue, approximately 600 feet east of North Leavitt Avenue, and consists of a 10-acre parcel on the south side of East Lansdowne Avenue and a 5-acre parcel on the north side. The 10-acre portion is part of Orange City's original 1.5 square mile jurisdiction, and the 5-acre portion was annexed into the City in 2003. The subject property maintains an (RL) Residential Low land use designation and an (R-1) Low Density Residential zoning classification. The subject property is currently vacant and undeveloped.

**Overview of Land Use and Zoning Status**

	Designated Land Use	Zoning Classification	Existing Land Use	Percent Developed	Jurisdiction
SUBJECT PROPERTY	RL Residential Low	R-1 Low Density Residential	Vacant	None	City
ADJOINING TO NORTH	RL Residential Low	R-1 Low Density Residential	Residential	100	City
ADJOINING TO SOUTH	RL Residential Low	R-1 Low Density Residential	Residential	100	City
ADJOINING TO EAST	RL Residential Low	R-1 Low Density Residential	Residential	100	City
	ULI Urban Low Intensity	R-4 Urban Single Family Residential	Residential	100	County
ADJOINING TO WEST	RL Residential Low	R-1 Low Density Residential	Residential	100	City

**Detailed Adjoining Property Land Use and Zoning Description**

**North:** The property adjoining to the north of the subject property is in the City's jurisdiction, and maintains an (RL) Residential Low land use designation and an (R-1) Low Density Residential zoning classification. The property to the north is developed as single family residential.

**South:** The property adjoining to the south of the subject property is in the City's jurisdiction, and maintains an (RL) Residential Low land use designation and an (R-1) Low Density Residential zoning classification. The property to the south is developed as single family residential.

**East:** Approximately three-fourths of the property adjoining to the east of the subject property is in the City's jurisdiction, and maintains an (RL) Residential Low land use designation and an (R-1) Low Density Residential zoning classification. The remaining one-fourth of the property adjoining to the east is in the County's jurisdiction, and maintains a (ULI) Urban Low Intensity land use designation and an (R-4) Urban Single Family Residential zoning classification. All of the property to the east is currently developed as single family residential regardless of jurisdiction.

**West:** The property adjoining to the west of the subject property is in the City's jurisdiction, and maintains an (RL) Residential Low land use designation and an (R-1) Low Density Residential zoning classification. The property to the west is currently developed as single family residential.

**Application**

The applicant has submitted a request for an extension to the approved development order for the Lansdowne Oaks subdivision site plan, in order to construct the infrastructure necessary to support

a 35-lot subdivision on approximately 15 acres. The request is made per the City's development order extension process, as outlined in Section 5.5 of the City's land development code.

### **Project Analysis**

The applicant intends to subdivide and develop the 35 proposed lots and to install the roads, potable water and septic facilities, drainage retention area, park, etc. A park will be provided containing picnic tables and playground equipment, and a mail kiosk will be installed for centralized mail delivery. The development will also include sidewalks, drainage retention area, streetlights, and a treed streetscape.

### **Type of Project**

The specific proposed use for the 35-lots will be for single family residential purposes, and said proposed residential use is consistent with the R-1 Low Density Residential zoning district requirements. The 35-lots exceed the minimum size requirements (10,890 square feet), with the smallest lot being 10,920 square feet and the largest being 13,711 square feet. The typical lot size is 80 by 140. The density (2.3 DU/AC) is far less than the maximum allowable single family residential density (4.0 DU/AC).

### **Extension of Development Order**

According to Section 5.4.A of the City's land development code, development orders for a subdivision 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 that 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 that there have been no changes to the surrounding land uses, development or other conditions that would require modifying the subdivision site plan.***

### **SUMMARY**

Lansdowne Oaks 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 dwellings, treed streetscapes, sidewalks, street lighting, and a recreational area.

## RESOLUTION NO. 665-12

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, ACKNOWLEDGING AND APPROVING A FOURTH 12-MONTH EXTENSION TO THE SITE PLAN FOR THE LANSDOWNE OAKS SUBDIVISION, SAID SITE PLAN CONTAINING THE SPECIFICATIONS TO DIVIDE A 5.0 ACRE PARCEL AND A 10.0 ACRE PARCEL INTO 35 PROPOSED RESIDENTIAL LOTS, SAID PARCELS LOCATED ON EAST LANSDOWNE 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 Lansdowne Oaks site plan was originally approved at a public meeting held on January 8, 2008 by the City Council of the City of Orange City, via Resolution No. 445-07, said site plan containing the specifications for constructing the improvements necessary to sustain a subdivision intended to divide a 5.0 acre parcel and a 10.0 acre parcel into 35 proposed single family residential lots, said parcels located on East Lansdowne Avenue, and which said approval expired on January 8, 2009, and

**WHEREAS**, in January of 2009, the applicant requested the first extension to the approved Lansdowne Oaks site plan, which said extension was approved by City Council on February 24, 2009, via Resolution No. 530-09, which granted the first 12-month extension to the site plan, and which said approval expired on January 8, 2010, and

**WHEREAS**, in November of 2009, the applicant requested a second extension to the approved Lansdowne Oaks site plan, said extension was approved by City Council on December 8, 2009, via Resolution No. 579-09, and granted a second 12-month extension to the site plan, and which said approval expired on January 8, 2011, and

**WHEREAS**, in November of 2010, the applicant requested a third extension to the approved Lansdowne Oaks site plan, said extension was approved by City Council on January 11, 2011, via Resolution No. 629-10, and granted a third 12-month extension to the site plan, said approval to expire on January 8, 2012, and

**WHEREAS**, in December of 2011, the applicant requested a fourth extension to the approved Lansdowne Oaks site plan, said extension to be considered by City Council on January 10, 2012, via Resolution No. 665-12, and if approved, will grant a fourth 12-month extension to the site plan, said approval to expire on January 8, 2013, and

**WHEREAS**, it is necessary for the City Council of the City of Orange City, Florida, to consider this fourth extension to the approved site plan for Lansdowne Oaks, 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 site plan for Lansdowne Oaks is herein approved for a fourth 12-month extension to expire on January 8, 2013, said site plan being attached hereto as Exhibit A and 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. 665-12):**

Gary A. Blair	_____	Ronald L. Saylor	_____
Michael G. Wright	_____	Tom Abraham	_____
Anthony Pupello	_____	O. William Crippen, Vice Mayor	_____
Tom Laputka, Mayor	_____		

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.**

ATTEST TO:

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

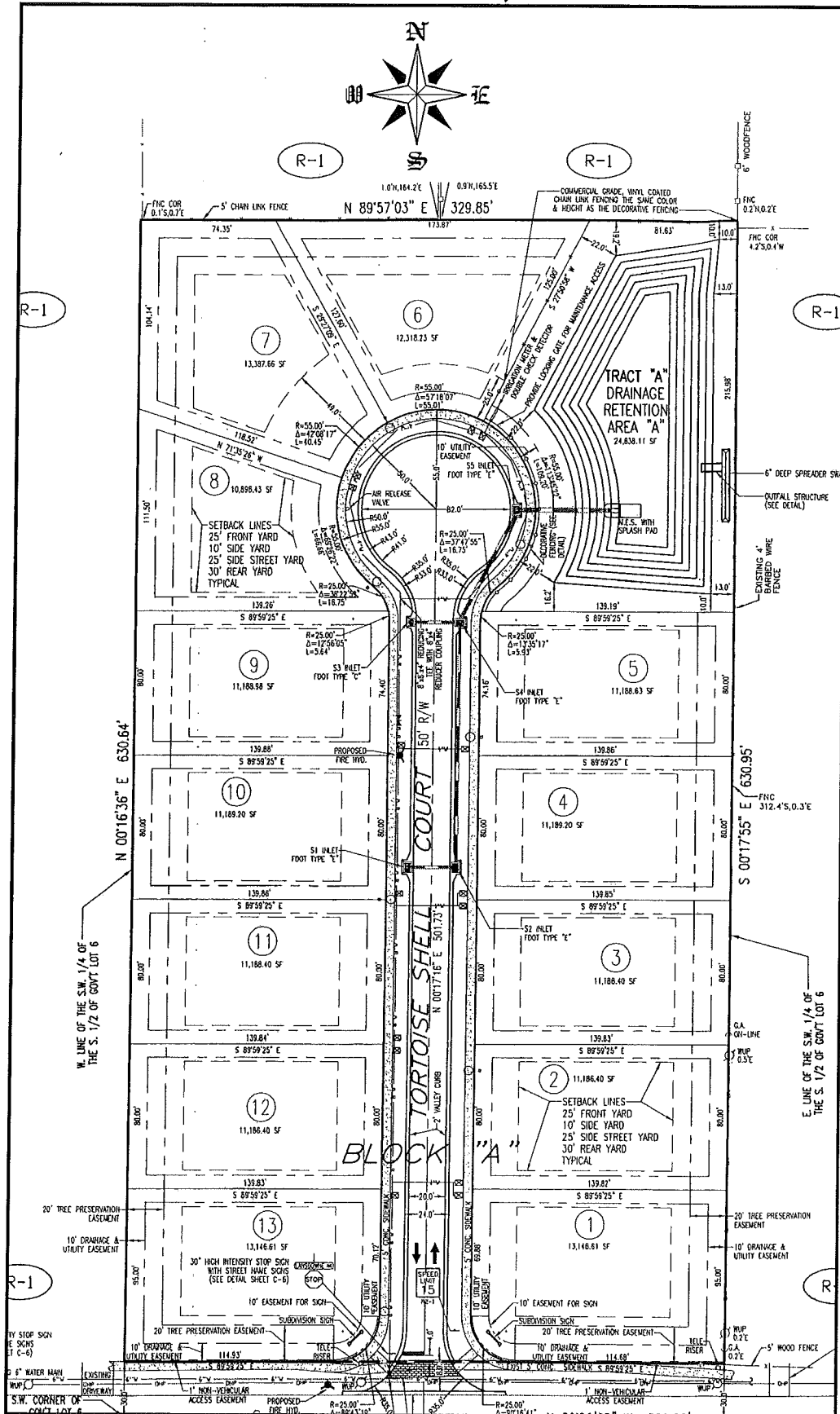
Authenticated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Tom Laputka, Mayor

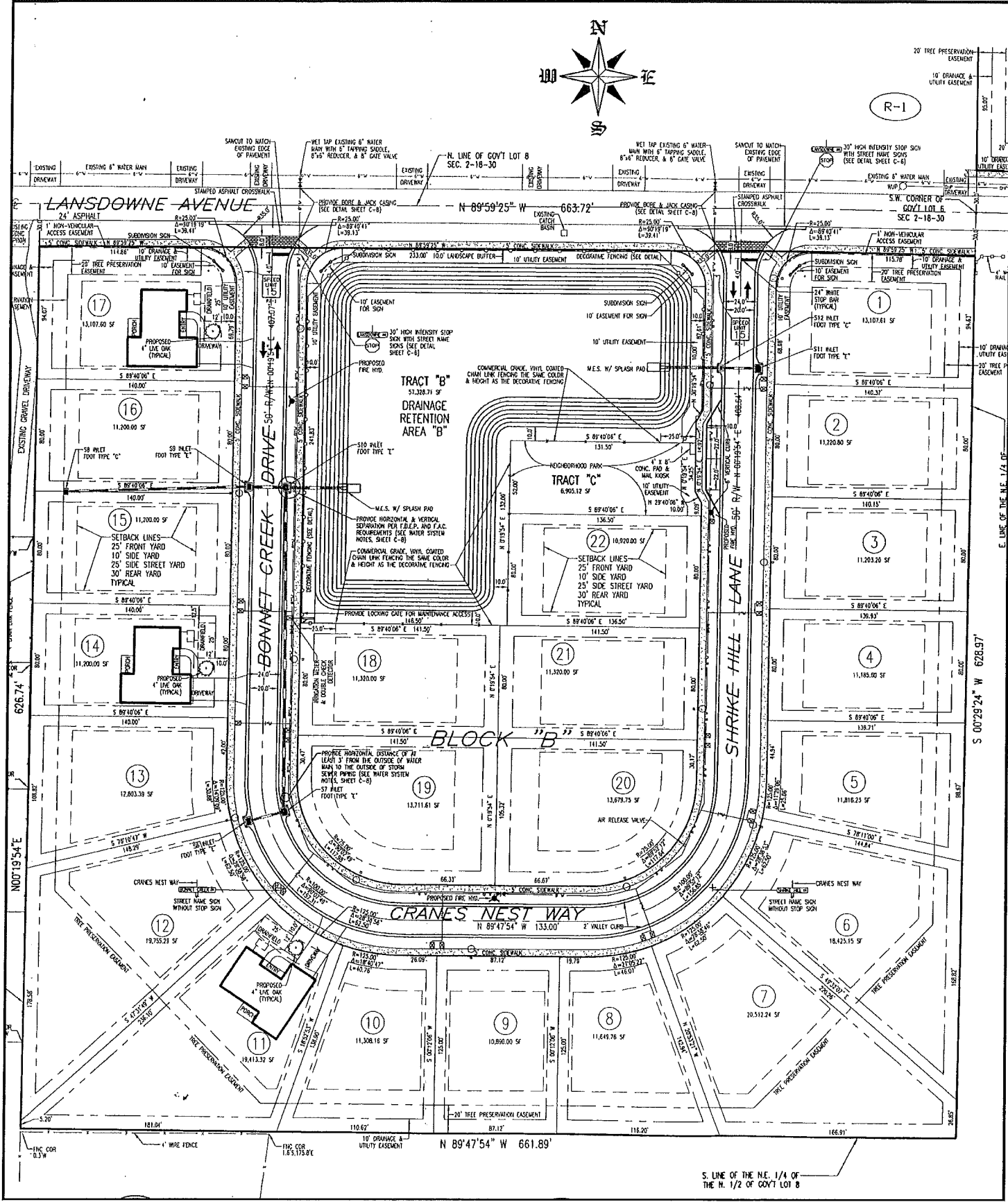
This Resolution approved  
as to form and legal sufficiency:

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

# Exhibit A Resolution 665-12 Lansdowne Oaks, Block A



# Exhibit B Resolution 665-12 Lansdowne Oaks, Block B



S. LINE OF THE N.E. 1/4 OF THE N. 1/2 OF GOV'T LOT 8

**Exhibit C**  
**Resolution No. 665-12**

**Lansdowne Oaks**  
**Site Plan Conditions**

**Condition No. 1 – Street Lighting**

The street lights located on (1) the south end of Tortoise Shell and on (2) the north end of Bonnet Creek and on (3) the north end of Shrike Hill shall be relocated to provide lighting at the intersections.

**Condition No. 2 – Park Equipment**

During the construction phase of the subdivision, recreation and equipment specifications shall be provided by the developer, and City staff will review and approve said equipment which shall be installed by the developer following the completion and occupancy of seven homes, equaling 20 percent of the 35-lots.

**Condition No. 3 – Tree Requirement**

As each lot is constructed, the builder shall meet the tree ordinance requirement at that time for that specific lot, including an underground landscape irrigation system.

**Condition No. 4 – Tree Preservation**

Following the clearing of trees from the property, the Tract areas shall be cleared of underbrush and dead trees. An inventory of remaining trees shall be conducted by staff to assure compliance with the tree requirement within the Tract areas and within the tree preservation areas.

**Condition No. 5 – Tree Buffer Requirement**

During or following the clearing of trees from the property, the 10-foot buffer facing the south and north sides of East Lansdowne Avenue shall possess 4-inch Live Oaks spaced 40-feet apart amongst the existing trees proposed to be preserved. Staff shall inventory the trees proposed to be preserved to evaluate their quality. Overall, 4-inch live oaks shall be installed (filled in) midway within this 10-foot landscape buffer to meet the 40-foot minimum spacing requirement.

**Condition No. 6 – New Ordinances**

Compliance with Ordinance No. 355 adopted on June 10, 2008, and Ordinance No. 406 adopted on October 13, 2009, said two ordinances require compliance with the National Pollutant Discharge Elimination System.

In accordance with Section 5.6.1 of the City's land development code regarding minor modifications, Staff recommends the following two conditions be added to the extension of the development order for the Lansdowne Oaks site plan.

**Condition No. 7 – Housing Criteria**

Each single family dwelling unit shall be a minimum of 1,650 square feet with a 2 car garage and façades facing any street shall be constructed with at least 80 percent of materials consisting of brick, natural stone, architectural cast stone, hardcoat, stucco or other durable materials approved by the Development Services Director consistent with the attached elevations. Elevations shall also be provided at the time of building permit that allows for visual variety along the streetscape within the subdivision and features traditional elements such as dormers, front porches, arched windows and columns. In order to create a varied and interesting street scene the Development Services Director may consider elevations that incorporate architectural enhancements such as shutters, articulation in roof forms, varied wall planes, changes in materials, decorative details and siding on elevations, as well as window and door trim, the use of arched entries and extended porches. Elevations shall be reviewed and approved by the Development Services Director to ensure consistency with those attached to provide a cohesive character. The garage and front doors shall be distinct and compatible with the architectural style of the home.

**Condition No. 8 – Landscaping**

Landscaping shall be incorporated into the lots of each dwelling unit and be submitted with elevations at time of building permit. Landscaping shall be designed to enhance the streetscape and architectural styling of the proposed elevation and will be approved by the Development Services Director. Landscaping shall be installed prior to the issuance of the certificate of occupancy and guaranteed for one year after installation by permittee. Examples of landscaping may include foundation plantings, trees, landscape islands, and hardscaping.



### Development Order Extension Application

Date Received 12-12-11

#### Applicant Information

Name of Proposed Development Lausdowre Oaks

Applicant's Name DAVID THOMAS TRUSTEE Phone 386 738 5992

Business Name Howard Ring Trusts Phone 386 235 3949

Business Address PO Box 803 Fax 386 738 8617

City Deland State FL Zip Code 32721

Mailing Address PO Box 803 Email address AttorneyThomas@msn.com

City Deland State FL Zip Code 32721

Is applicant property owner?  Yes  No

If applicant **DOES NOT** own property, please provide the following:

Property Owner/Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ Fax \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

#### Property Information

Name of Proposed Development: Lausdowre Oaks

Description of Proposed Development: sub division site plan

Address or location of Proposed Development: ~~Lausdowre~~ Lausdowre Ave. Orange City, FL

Original Development approval was issued on 1-08-08

Anticipated construction and completion date UNKNOWN

Parcel # 8002-00-00-0710 Width 662 Depth 629

8002-00-10-0660 Acres: 9.51

**Justification**

A Development Order Extension is necessary for the following reasons

The current market will not support  
development to new home sales

**Notarization**

DAVID L. THOMAS Trustee  
Print Name

Print Name

Sally Long  
Signature

Signature

Subscribed and sworn to (or affirmed) before me on this the 12 day of December 2011  
who is/are personally known to me or has/have produced FL DRIVERS LIC  
as identification.

Sally Long  
Signature, Notary Public

