#### INTER-OFFICE MEMORANDUM



TO: Development Review Committee DATE: July 29, 2010

**FROM**: Palmer M. Panton

Land Development Manager

**SUBJECT:** DRC Meeting Date: August 3, 2010

Preliminary Plat Application Project Name: Sunrise Cove

Project Number: 2009-S-PPL-0249

RSN: 670451

This is a Preliminary Plat application for a 21-lot residential subdivision with the associated paved private internal drive aisle and stormwater retention of a 5.85-acre site. The property is situated on the east side of John Anderson Drive between Concord Road and Roberta Drive, west of Ocean Shore Boulevard, in the Ormond Beach area. Central water and sewer are proposed to be provided by the City of Ormond Beach. The minimum proposed lot size is 5,000 square feet which is consistent with the development standards listed in the North Peninsula Residential Planned Unit Development (RPUD) zoning classification.

On September 22, 2005, the Volusia County Council approved the RPUD for a 16-lot residential subdivision with lot sizes of 7,500 square feet in size. The Overall Development Plan (2006-S-ODP-0109) Development Order was issued on January 19, 2006. The Preliminary Plat (2006-S-PPL-0109) Development Order was ready to be issued as of December 14, 2007, but was not issued because the developer decided to apply for an amendment to the RPUD to increase the number of lots to 21, and decrease the lot size to 5,000 square feet. The Volusia County Council approved such an amendment on October 1, 2009, and the development agreement was recorded with the Clerk's office on March 1, 2010.

A new Preliminary Plat application for the 21-lots was submitted on June 29, 2009. This application was withdrawn prior to being reviewed by the Development Review Committee (DRC) because the amendment to the RPUD had not yet been processed and there were outstanding issues from Traffic Engineering. On June 15, 2010, the DRC held a discussion with the developer and project engineer to discuss the implications of increasing the number of lots on the proposed plat from 16 to 21 lots, and whether to allow a change in fence material. The DRC determined that the previously approved 16 residential lots were

to be considered as vested lots for concurrency management purposes. The remaining five undeveloped lots would be required to be depicted as open space or placed in a separate tract on the revised plans. An alternative was to resolve the concurrency management issues and receive a concurrency certificate of capacity for the additional five lots.

On July 14, 2010, revised plans were submitted depicting the 21-lot subdivision, and is scheduled for the August 3, 2010, Development Review Committee (DRC) meeting.

Staff met with the project engineer on July 28, 2010, and discussed the Code requirements for this development. It appears that the requirements can be satisfactorily addressed with revised plans, subject to the DRC's actions on the requested waivers to the roadway width, the length of the cul-de-sac, and the construction of the sidewalk, as recommended below.

The following is a consolidated report of the Technical Review Committee comments:

#### **Summary:**

- 1. A minor amendment to consider the fence type material from white vinyl fence to a pressure-treated wood box fence is currently under staff review.
- 2. The Site Data information on the cover sheet and Sheet 1 of 7 will need to be revised to be consistent with the stormwater design. The stormwater calculations indicate that the total impervious area on the site shall be 103,855 square feet.
- 3. There are several inconsistencies within the Declaration of Covenants and Restrictions document that must be resolved.
- 4. Mitigation of impacts on SR-40 will be required prior to receiving a concurrency certification of capacity approval from Traffic Engineering. Correspondence by Mr. Ric Goss, Planning Director, from the City of Ormond Beach, indicates the developer has reached a resolution to this issue and has agreed to pay a transit fee in the amount of \$1,651.09 for the 48 trips as mitigation of impacts on SR-40.
- 5. According to Table III, the minimum right-of-way width of 50 feet is required. Traffic Engineering does not object to the proposed 40-foot right-of-way width, as depicted on the plans, if a 6-inch vertical curb is provided and if all required improvements can be contained within the right-of-way or in the adjacent easements.
- 6. A waiver to Section 72-612 (1) prohibiting the maximum length of a cul-de-sac to exceed the maximum of 20 times the typical lot width will be required. Traffic Engineering does not object to the proposed 1,800 foot length since emergency access to SR-A1A is provided and depicted on the plans.

7. A sidewalk is required on both sides of all streets that intersect with a thoroughfare, pursuant to Section 72-620(b)(1). Traffic Engineering does not object to a waiver to constructing the sidewalk on the south side of Sunrise Cove Circle as the proposed lots are located on the north side of the street.

#### Informational:

- 1. A copy of an approved St Johns River Water Management Permit or a letter of exemption for the proposed improvements must be submitted prior to the issuance of the Preliminary Plat Development Order.
- 2. A copy of an approved FDOT Permit is required for the work proposed within the SR-A1A/Ocean Shore Boulevard right-of-way, for the emergency access, prior to the issuance of the Preliminary Plat Development Order.
- 3. Fire Safety Inspection comments have been amended, therefore the outstanding issues have been resolved.

#### Recommendation:

Staff recommends that the DRC APPROVE WITH CONDITIONS the Preliminary Plat application with the conditions stated in the consolidated report and the attached Technical Review Committee comments, with the following waivers or modifications:

- 1. Receive transportation concurrency approval from the City of Ormond Beach for the additional five (5) lots allowing the county to issue a concurrency certificate of capacity.
- 2. Pursuant to Table III(i), accept the proposed 40-foot right-of-way width, as depicted on the plans, if a 6-inch vertical curb is provided and if all required improvements can be contained within the right-of-way or in the adjacent easements.
- 3. A waiver to Section 72-612 (1) of the Land Development Code of Volusia County, Florida, prohibiting the maximum length of a cul-de-sac to exceed the maximum of 20 times the typical lot width is approved. Traffic Engineering does not object to the proposed 1,800-foot length since emergency access to SR-A1A is provided and depicted on the plans.
- 4. A waiver to Section 72-620(b)(1) of the Land Development Code of Volusia County, Florida, requiring a sidewalk to be constructed on both sides of Sunrise Cove Circle is approved. Traffic Engineering does not object to a waiver to constructing the sidewalk on the south side of Sunrise Cove Circle as the lots are located on the north side of the street.

From: Palmer Panton To: Goss, Ric

**cc:** comtwrealty@bellsouth.net; developersHW@gmail.com; kab@ae-group.com; ...

Date: 7/27/2010 2:32 PM Subject: Re: Sunrise Cove

Thanks, Ric. I appreciate the information. Palmer

>>> "Goss, Ric" < Goss@ormondbeach.org> 7/27/2010 1:57 PM >>> Palmer. I just had a meeting with Ty Wilson. They have agreed to pay the transit fee in the amount of \$1651.09 for 48 trips as mitigation on SR40. I have asked them to go to Finance tomorrow to deposit the funds rather than today. I need to set up the accounting line item. I will forward a formal letter to you regarding this matter. Please accept this email for the TRC meeting scheduled for tomorrow on Sunrise Cove. Ric

Richard "Ric" P. Goss, AICP Planning Director City of Ormond Beach 22 South Beach Street POB 277 Ormond Beach, Florida 32175-0277

386.676.3343 (direct line) 386.676.3238 (Department line) 386.676.3242 (FAX) goss@ormondbeach.org

#### Notice:

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

### **TECHNICAL REVIEW COMMITTEE COMMENTS**

July 28, 2010 Sunrise Cove 2009-S-PPL-0249

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#### **BUILDING CODE ADMINISTRATION**

Randy Roberts, Commercial Plans Examiner

Sunrise Cove 2009-S-PPL-0249

#### Specific:

Building Code Administration staff has reviewed the requested submission and has no comment.

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#### **CURRENT PLANNING**

John H. Stockham, ASLA, Planner III

Sunrise Cove 2009-S-PPL-0249

#### Specific:

Current Planning staff has reviewed the Preliminary Plat and provides the following comments:

- 1. The major amendment to the RPUD was approved by County Council on October 1, 2009. The major amendment was recorded into the public records on March 1, 2010, and is located in Book 6450 and Page 883.
- A minor amendment was requested to change the white vinyl fence to a pressuretreated wood box fence. At first this request was considered to be a major amendment. Staff has recently determined that it can be processed as a minor amendment. Staff is determining the status of the review by County Council members.

3. The two common open space parks must be installed concurrently with the other subdivision infrastructure improvements.

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### **DEVELOPMENT ENGINEERING**

Joe Spiller, Civil Engineer II

Sunrise Cove 2009-S-PPL-0249

#### Specific:

A review by this office of the above-named submission indicates that the following comments should be addressed prior to Preliminary Plat Plan approval. The applicant is requested to respond to all comments in writing and make all necessary revisions prior to the next submittal.

1. The Site Data information shown on the Cover Sheet and Sheet 1 of 7 needs to be updated. The Stormwater Calculations indicate that the total impervious area is 103,855 SF.

#### Informational:

- 1. As the applicant is aware, a Use Permit is required for the work proposed within the John Anderson Drive right-of-way. When the Preliminary Plat Plan is approved the Use Permit may be issued.
- 2. As the applicant is aware, a copy of an approved St Johns River Water Management Permit or letter of exemption for the proposed improvements/revisions needs to be submitted to this office.

#### **ENVIRONMENTAL PERMITTING**

# Danielle Dangleman, Environmental Specialist III

Sunrise Cove 2009-S-PPL-0249

#### Specific:

The Environmental Permitting (EP) staff can now recommend approval of this project. Any required tree protection and gopher tortoise barricades must be properly installed on site, and inspected by EP staff, before the tree permit will be released. Once installed, the applicant should call 386-736-5927 to arrange for an inspection.

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# **FIRE SAFETY**

Michael Garrett, Fire Safety Inspector

Sunrise Cove 2009-S-PPL-0249

### Specific:

Fire Safety Inspection staff has reviewed the requested submission and had determined that all outstanding issues have been resolved.

#### **HEALTH**

# James McRae, DOH/Volusia County Public Health Unit

Sunrise Cove 2009-S-PPL-0249

#### Specific:

In reference to the above-referenced project, the Environmental Health section of the Volusia County Health Department offers the following comments:

- 1. This project consists of a 21-lot subdivision to be located on a 5.85 acre site located on the North Peninsula in the Ormond Beach area.
- 2. Potable water shall be supplied by the City of Ormond Beach Utilities community water system. Please contact Mr. Ron Freeman P.E., of the Volusia County Health Department at 386-274-0714 for comments and/or permits required for the extension of this water system.
- 3. Domestic waste treatment shall be provided by a connection to the sewer system from the City of Ormond Beach.
- 4. Prior to construction of an irrigation system, a permit must be obtained through this department that is in compliance with the Water Wise Ordinance.

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#### LEGAL

# **Bruce D. Page, Assistant County Attorney**

Sunrise Cove 2009-S-PPL-0249

#### Specific:

In reviewing the Declaration of Covenants and Restrictions for the above-named submission, the following comments are provided:

1. Section 2.3 of the Declaration of Covenants and Restrictions cannot be enforced as proposed. That section mandates certain grasses and allows the HOA to enforce landscaping. The law since 2009 states that "a deed restriction or covenant may not prohibit or be enforced so as to prohibit any property owner from implementing Florida-friendly landscaping on his or her land or create any requirement or limitation

in conflict with an provision of part II of chapter 373 or a water shortage order, other order, consumptive use permit, or rule adopted or issued pursuant to part II of chapter 373."

2. Grammatical errors throughout Section 5.1 must be corrected. Some re-wording of this section may be necessary as portions are unclear.

In reviewing the preliminary plat document, the following comments are provided:

1. The easement information is unclear. The notes say that the HOA is responsible for the drainage system, but that the county can maintain it and lien the HOA if necessary. A 10 foot utility easement is shown along one side of the main road, but no drainage easements are shown. Is drainage accomplished via the 10 foot utility easement? How is the other side of the road drained? The dedications show that the drainage easements are dedicated the perpetual use of the public. This appears to be inconsistent with the HOA's responsibility to maintain.

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#### **PUBLIC WORKS – ADMINISTRATION**

John Gamble, Special Project Coordinator

Sunrise Cove 2009-S-PPL-0249

#### Specific:

Public Works Administration staff has reviewed the requested submission and provides the following comments:

- 1. The pond does not appear to have been enlarged please clarify the use of voids in the soil as storage. The maintenance of these ponds should remain private due to the high maintenance required due to low/no compaction of the soils.
- 2. John Anderson has difficult drainage, provide details of the outfall path from the pond to John Anderson to the river.
- 3. Provide fabric under the proposed rip-rap, section C-C sheet 3 of 7.
- 4. Provide details of Inlet S-1 with weir, see sheet 2 of 7. Maintenance concerns: provide dimensions/materials details.

# **PUBLIC WORKS – ROAD & BRIDGE**

Judy Sloane, P.E., Road & Bridge Director	
Sunrise Cove	2009-S-PPL-0249
Specific:	
No comments were received.	
* * * * *	
PUBLIC WORKS – ROAD IMPACT	
Scott Martin, P.E., Stormwater Engineer	
Sunrise Cove	2009-S-PPL-0249
Specific:	
Road Impact staff has reviewed the requested submission and has	no comment.
* * * * *	
PUBLIC WORKS – STORMWATER	
Robert Loveless, Senior Engineering Inspector	
Sunrise Cove	2009-S-PPL-0249
Specific:	
No comments were received.	

### **SCHOOL BOARD**

# Marian Ridgeway, VC School Board

Sunrise Cove 2009-S-PPL-0249

# Specific:

This project currently has a valid school concurrency reservation for 21 units that it is valid through July 28, 2011.

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### SOILS

# **Dave Griffis, County Extension Director**

Sunrise Cove 2009-S-PPL-0249

#### Specific:

As requested, I reviewed the revised preliminary plat and have no comment.

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#### SURVEY

### David H. Kraft, PSM, Surveyor Manager

Sunrise Cove 2009-S-PPL-0249

# Specific:

A review of the above named submission indicates that the plat and plans as submitted appears to have no unanswered survey issues. Therefore, this office recommends approval.

### **TRAFFIC**

#### Renee Mann, Engineering Assistant

Sunrise Cove 2009-S-PPL-0249

### Specific:

As requested, the Traffic Engineering Division has examined the subject Preliminary Plat (PPL) and recommends approval conditioned upon satisfaction of the following comments required by the Volusia County Land Development Code (VCLDC):

- 1. Per previous comments: Per Table III of the VCLDC, a 40-foot right-of-way width may be approved by DRC provided a 6-inch minimum vertical curb is used and upon showing that all required improvements can be contained with the proposed 40 feet of right-of-way or adjacent easements. Setbacks for structures shall be sufficient to permit a minimum of 25 feet of driveway depth from the closet side of the sidewalk to the structure.
  - a. The applicant has requested a waiver to the Table III requirement of 50-foot right-of-way width. Since the plans provide a 6-inch vertical curb and all required improvements within the proposed 40-foot right-of-way, this office does not object to the waiver.
- 2. Per previous comments: Our measurements indicate that the proposed cul-de-sac is 1,800 feet long. The proposed length exceeds the maximum 20 times the typical lot width allowed by Section 72-612(i) of the VCLDC. This office would not object to the Development Review Committee accepting the proposed 1,800-foot length since an emergency access to SR-A1A is provided for the cul-de-sac.
  - a. The applicant has requested a waiver to allow the 1,800-foot cul-de-sac length.
- 3. Per previous comments: Per Section 72-620(b)(1) of the VCLDC, paved sidewalks, a minimum of five feet in width, shall be installed on both sides of all streets within a new development that intersect with a thoroughfare. Since John Anderson Drive is designated as a collector roadway, sidewalks are required on both sides of Sunrise Cove Circle. This office does not object to a wavier of this Section for the sidewalk required on the south side of Sunrise Cove Circle.
  - a. The applicant has requested a waiver for the sidewalk requirement on the south side of Sunrise Cove Circle.

- 4. To receive a concurrency certificate of capacity approval for transportation, the applicant needs to mitigate his impacts on SR 40. We are continuing to work with the applicant and the City to produce an acceptable mitigation solution. As of this date, this has not been completed.
- 5. A copy of the approved Florida Department of Transportation (FDOT) permit will be required for any proposed work in the SR-A1A/Ocean Shore Boulevard right-of-way prior to approval of the PPL.

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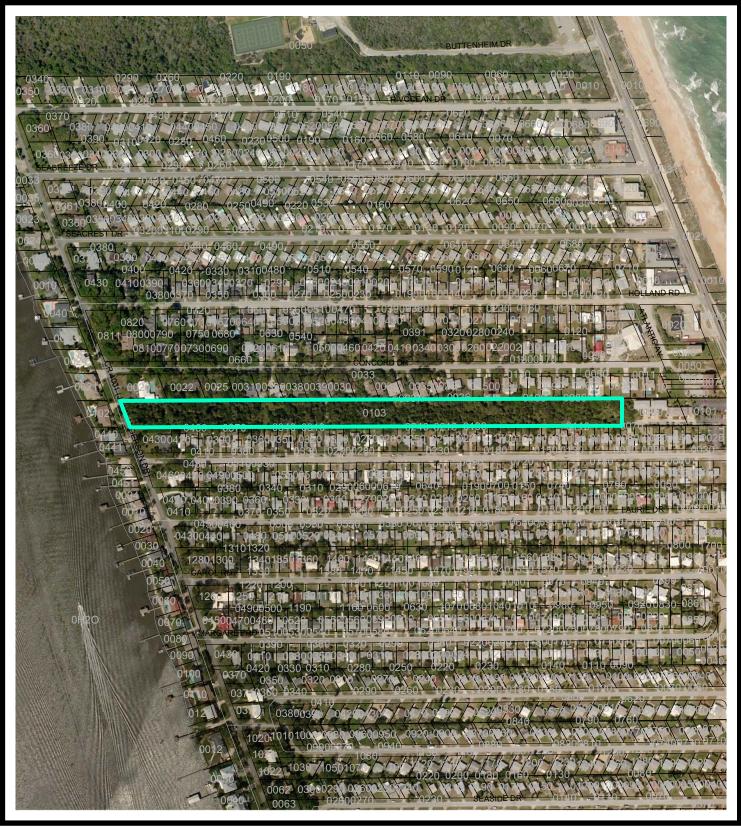
## **UTILITIES**

Junos Reed, Civil Engineer III

Sunrise Cove 2009-S-PPL-0249

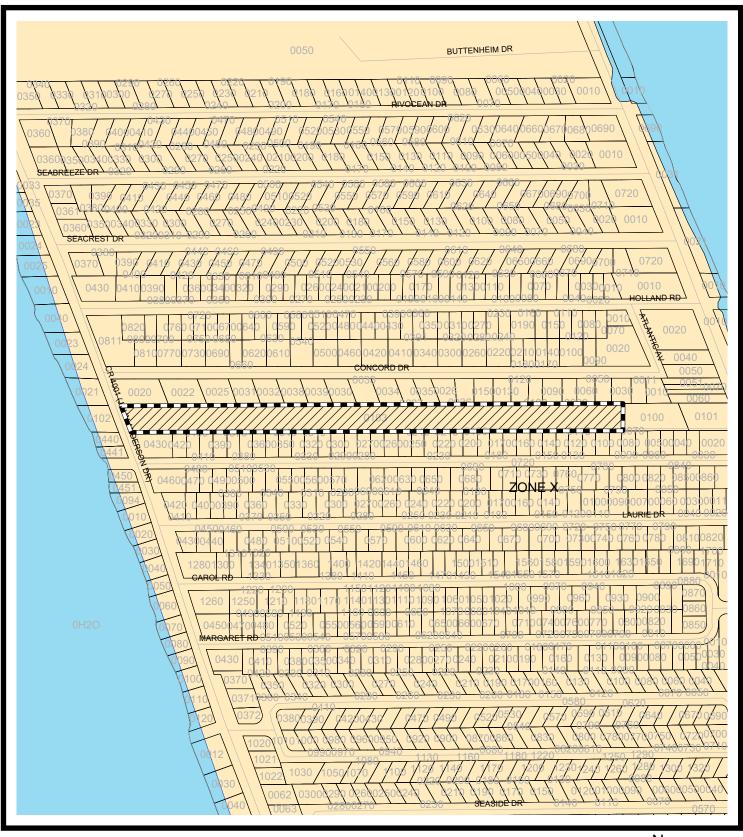
# Specific:

Utilities Engineering staff has reviewed the requested submission and finds that it is not within Volusia County's utility service area. Utilities are to be constructed in accordance within the City of Ormond Beach requirements.



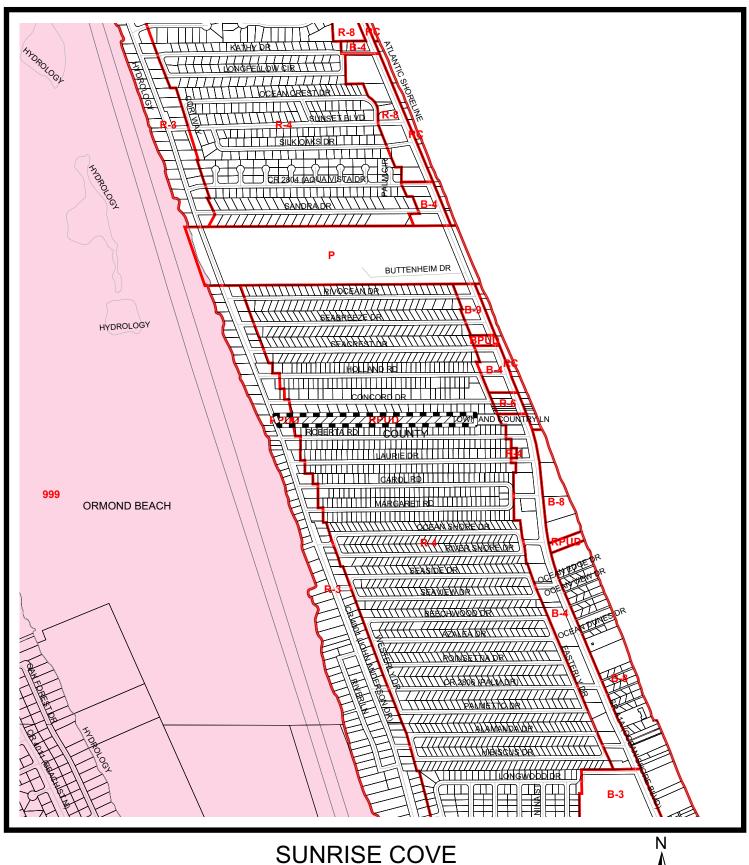
SUNRISE COVE 2009-S-PPL-0247





SUNRISE COVE 2009-S-PPL-0247





SUNRISE COVE 2009-S-PPL-0247



Full version of construction plans may be reviewed at the Land Development Office located on the 2nd floor of the TCK Administration Center at 123 W. Indiana Avenue, in DeLand, Florida.

# SUNRISE COVE SUBDIVISION

# ORMOND BEACH, **VOLUSIA COUNTY, FLORIDA**

OWNER/DEVELOPER

ROBERT HILLMAN, TT WILSON
H. W. PENINSULA LLC.
P.O. BOX 12364
ORMOND BEACH, FL. 32175
PH. (386) 677-7847 FAX (386) 677-8146

#### ENGINEER:

THE ALANN ENGINEERING GROUP, INC.
CONSULTING ENGINEERS
880 AIRPORT ROAD STE. 113
ORMOND BEACH, FI 32174
PH. (386) 673-7640 FAX (386) 673-3927

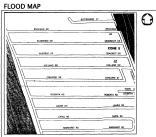
#### SURVEYORS:

LAWRENCE E. POWERS 520 SE 5TH AVE. SUITE 2706 FT. LAUDERDALE, FL 33301 PH. (386) 322-0976 FAX (386) 322-0978

SPRUCE CREEK SURVEYING 3869 NOVA ROAD PORT ORANGE, FL 32127 PH. (386) 767-0740



LOCATION MAP



#### SHEET INDEX

SHEET #	TITLE
1	TREE PRESERVATION
2	PAVING, DRAINAGE & UTILITY PLAN & PROFILE-WEST
3	PAVING, DRAINAGE & UTILITY PLAN & PROFILE-EAST
4	CONSTRUCTION DETAIL SHEET
5	CONSTRUCTION DETAIL SHEET
6	LIFT STATION DETAIL
7	CONSTRUCTION DETAIL SHEET

#### SITE DATA

ZONE: R-PUD	
COMPREHENSIVE PLAN LAND USE DESIGNATION: URBAN LOW IN	TENSITY
EXISTING USE: VACANT	
PROPOSED DEVELOPMENT USE: SINGLE-FAMILY - RPUD	
FUTURE LAND USE: ULI	
DENSITY: 0.02 TO 4 UNITS PER ACRE	
TOTAL PROJECT AREA: 254,720 SF (5.85 AC.)	100%
TOTAL LOT AREA: 21 LOTS = 105,570.09 SF (2.42 AC)	41%
PROPOSED PAVED AREA: 53,710 SF (1.23 AC.)	21%
TOTAL IMPERVIOUS AREA: 53,710 SF (1.23 AC.)	21%
TOTAL PERVIOUS AREA: 201,010 SF ( 4.61 AC.)	79%
TOTAL TREE PRESERVATION AREA: 39,351.63 SF (.903 AC.)	15%
OPEN/ COMMON SPACE: 76,556.70 SF (1.76 AC.)	30%
BUILDING SETBACKS: FRONT YARD: 20' HOUSE	
25' GARAGE	
REAR: 15 FT	
SIDE: 5 FT	

#### LEGAL DESCRIPTION:

JAMES AND POORT THOSE OPENIORS PROPERLY NEW WINTERS OF ORDER OWNERS OF AND THE THE THE THE STATE OF THE	OAKDALE PARK NO. 2, AS PER MAP IN MAP IN COUNTY PAGE 101, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA;
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SUNRISE COVE SUBDIVISION ORMOND BEACH, VOLUSIA COUNTY, FLORIDA TITLE SHEET

