

MEMORANDUM

TO: Honorable Mayor and City Council Members

FROM: Elaine Wilson, Planning & Zoning Analyst II *ew*

DATE: March 6, 2008

SUBJECT: Final Master Plan for Treemonte Center at Orange City Business
Planned Unit Development

PURPOSE

The purpose of this item is to obtain City Council approval for the final master plan for the Treemonte Center at Orange City Business Planned Unit Development at the southwest corner of Enterprise Road and Treemonte Drive.

BACKGROUND

Ryan Stahl of Orange City Investors LLC submitted the final master plan to the Development Services Department on Feb. 8, 2008. The applicant is requesting approval of the final master plan to allow the construction of a commercial center consisting of three buildings.

The City Council approved the preliminary master plan for this project on Jan. 8, 2008.

On March 5, 2008, the Planning Commission/Local Planning Agency voted unanimously to forward its recommendation for approval of the final master plan for the Treemonte Center.

Further explanation and description of the planned development, the applicants, the property and an analysis of the plan submittal can be found in the attached backup document previously sent to the Planning Commission to evaluate the request.

RECOMMENDATION

To recommend City Council approval of Resolution #467-08 for the final master plan for the Treemonte Center at Orange City Business Planned Unit Development, located on Enterprise Road and Treemonte Drive.

RESOLUTION NO. 467-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, TO APPROVE A FINAL MASTER PLAN FOR THE TREEMONTE CENTER AT ORANGE CITY BUSINESS PLANNED UNIT DEVELOPMENT; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Ryan Stahl submitted a final master plan for the Treemonte Center at Orange City Planned Unit Development to the Development Services Department on Feb. 8, 2008; and

WHEREAS, the City Council approved the preliminary master plan for the project on Jan. 8, 2008; and

WHEREAS, the Planning Commission held a hearing on March 5, 2008 to consider the Treemonte Center at Orange City final master plan for a recommendation of approval to City Council, and voted unanimously to recommend approval of the Final Planned Unit Development Master Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA:

SECTION 1. That the final master plan for the "Treemonte Center at Orange City Business Planned Unit Development" be approved.

SECTION 2. That all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

SECTION 3. This Resolution shall take effect upon recordation of the development agreement and the cross-access agreement following approval by the City Attorney.

ROLL CALL VOTE AS FOLLOWS (Resolution No. 467-08):

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

ADOPTED THIS _____ DAY OF _____, 2008.

ATTEST:

AUTHENTICATED:

Deborah J. Renner, CMC, City Clerk

Harley Strickland, Mayor

Approved as to form and legal sufficiency:

W. E. Reischmann, City Attorney

MEMORANDUM

DATE: Feb. 27, 2008

TO: Chairman Seaman and Members of the Planning Commission *esd*

FROM: Elaine Wilson, Planning & Zoning Analyst II

SUBJECT: Review and Consideration of the Final Master Plan of the Treemonte Center Business Planned Unit Development

Background — The subject property is located at the southwest corner of Enterprise Road and Treemonte Drive. The property is vacant and is adjacent to the Volusia County drainage area immediately north of the Crown Center Shopping Center.

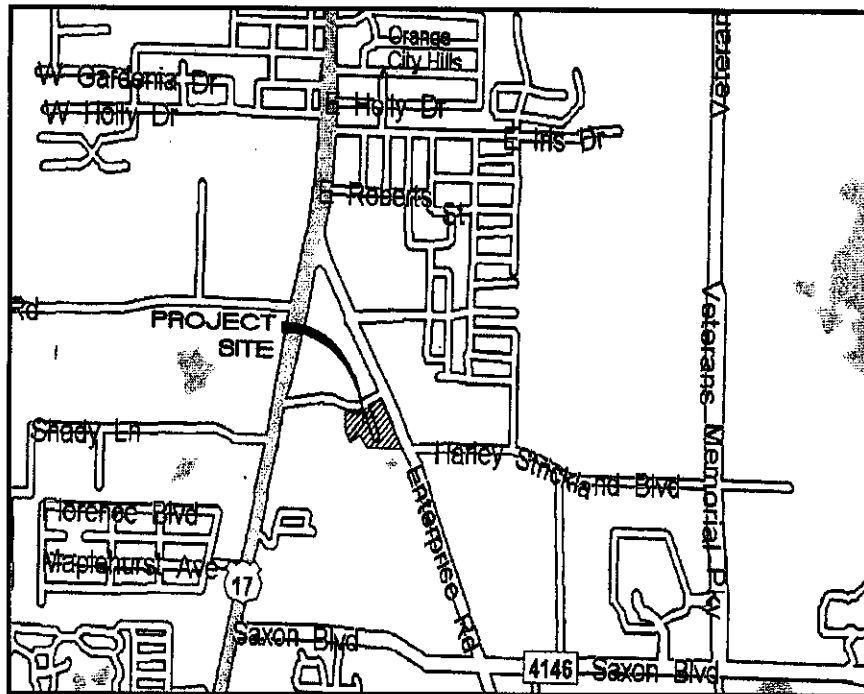
On Dec. 5, 2007, the Planning Commission recommended approval of the rezoning to BPUD and the preliminary. The City Council granted approval for these items on Jan. 8, 2008. In late December the Volusia Growth Management Commission issued a Consistency Certification for the project.

Ryan Stahl of Orange City Investors LLC submitted the final master plan to the Development Services Department on Feb. 8, 2008. The master plan addresses overall infrastructure, landscaping and stormwater management facilities. It does not deal with the buildings. The individual buildings will be reviewed for compliance with City Code as those applications are submitted.

OVERVIEW OF LAND USE AND ZONING STATUS

	FUTURE LAND USE	ZONING	EXISTING LAND USE	PERCENT DEVELOPED	REVISION
SUBJECT	Mixed Use, MX	Mixed Use Sub-urban, MX-2	Vacant	0	City
NORTH	Mixed Use, MX	Mixed Use Sub-urban, MX-2	Wachovia Bank	100	City
	Commercial, C	Commercial General, B-4	Shopping Center	100	County
SOUTH	Mixed Use, MX	Mixed Use Sub-urban, MX-2	Grandville Apartments & Crown Center Shopping Center	100	City
EAST	Urban High Intensity, UHI	Urban Multi-family Residential, R-7	Orange City Villas	100	County
WEST	Mixed Use, MX	Mixed Use Sub-urban, MX-2	Royal Oaks Professional Center	100	City

VICINITY MAP



Project Analysis — The final master plan has been reviewed by the planning staff. The changes that had to be made to the preliminary plan to bring it into compliance are shown on the master plan included with this packet.

The developer proposes a BPUD that contains three commercial buildings, driveways, parking and stormwater facilities. The intent is to create a complex that includes a stand alone restaurant, stand alone bank and a 19,600 square foot retail/office building.

Master Plan — The final master plan for the project was submitted Feb. 8, 2008. The plan includes the roadways, sidewalks, stormwater structures and drainage retention areas.

The approval of the preliminary master plan on Jan. 8 granted the applicant the right to develop the property with the maximum square footage of structures and paving as shown on that plan. When the final master plan is approved by City Council construction may commence.

Traffic Access — A total of three entrances are proposed for the site. Two entrances will be from Treemonte Drive. A right in/right out only entrance has been proposed from Enterprise Road. A previous owner of the property had granted Volusia County a 10-foot non-vehicular easement along Enterprise Road. The easement would have prevented the construction of the driveway to Enterprise Road. Mr. Stahl worked with County staff to resolve this issue. Volusia County Council vacated the 10-foot easement on Feb. 7, 2008. The County did require a 1-foot non-vehicular easement be placed along the Enterprise Road frontage, with the exception of the actual driveway. This change is reflected on the final master plan.

The property abuts Treemonte Drive, a private road that connects Volusia Avenue and Enterprise Road. Mr. Stahl has agreed to resurface the section of Treemonte Drive adjacent to the subject property.

Water and Wastewater — The proposed development lies within the Volusia County wastewater and water service area. According to a letter from Volusia County Public Works Department, sufficient capacity exists to service the water and wastewater needs for the proposed project.

Appearance — The buildings proposed for this site will be reviewed individually for compliance with the City Code Appearance Standards.

The sign plan for the overall development is included in the master plan. The proposed signs are in compliance the City Code.

The lighting plan does not show the height of the poles. The developer will be required to meet the City Code requiring that poles do not exceed 20 feet in height.

Tree Planting and Protection — The 309,070 square foot development requires a total of 742 diameter inches of trees to meet the requirements of Sec. 11.7 the Land Development Code. A total of 890 DBH inches are proposed. A tree preservation area (TPA) of 46,360 square feet is required. The deficiencies in the landscaping on the preliminary plan have been corrected on the final master plan. The landscaping for the individual buildings will be reviewed as part of the site plan approval process for each one.

The Commission may wish to take the following action:

- Create a motion stating that the Planning Commission recommends to City Council the approval of Reso. # 467-08 for the final master plan, with the following stipulation:

No development order will be issued for the project until a development agreement and a cross-easement agreement acceptable to the City Attorney has been signed and recorded.

1
2 Commissioner DeSilva commended staff and the Technical Review Committee (TRC) for doing a
3 “tremendous job” of reviewing this project. He noted that the school board made a last-minute change and
4 does not have a representative present tonight. Commissioner DeSilva spoke in support of following Mr.
5 Murray’s suggestion and approving the entire project tonight with the conditions as listed with the
6 understanding that Mr. Murray will inform Council if there is a change needed in regard to Condition 3.
7

8 Commissioner Gonzalez spoke in support of excluding Condition 3.
9

10 Commissioner Stafford asked where the development was located in relation to the Lincoln Cemetery.
11 Mr. Murray responded that the cemetery is east of the development.
12

13 Commissioner Polgar spoke in support of approval with the nine conditions as recommended by staff.
14 Commissioner Weldon concurred, noting that there had not been any word from the school board as to why
15 they were requesting the project as is.
16

17 Chairman Seaman reiterated that the development seems dense, however, is not any more so than if it
18 maintained its “residential” zoning designation. He expressed his opinion that the plat meets the
19 requirements of City code.
20

21 **Commissioner Franklin moved that the Planning Commission**
22 **recommend City Council approval of the Sparkman Ridge site plan**
23 **containing the engineering specifications for the infrastructure necessary**
24 **to service 94 single family residential houses and 108 townhouses to be**
25 **constructed on a 50.72 acre property located within the northwest**
26 **quadrant of West Rhode Island Avenue and South Sparkman Avenue**
27 **and identified as parcel no. 8010-00-00-0020 subject to the nine**
28 **conditions listed in the attached Exhibit A. (Resolution No 470-08),**
29 **seconded by Commissioner Weldon and passed by unanimous 7/0 roll**
30 **call vote of the Commission.**
31

- 32 6. **Review and Consideration** of an application from Ryan Stahl of Orange City Investors, LLC,
33 requesting the Planning Commission to recommend City Council approval of the final master plan
34 for the Treemonte Center Business Planned Unit Development, identified as Parcel Number
35 8023-00-00-0076. (Resolution No. 467-08)
36

37 Mr. Reischmann asked whether anyone had any ex parte communications regarding this project. None
38 were disclosed. He administered an oath to those wishing to testify on this matter.
39

40 Elaine Wilson, Planning & Zoning Analyst came forward and recalled that the Commission had reviewed
41 this project and made a recommendation of rezoning to a PUD and for approval of the preliminary master
42 plan. She stated that the project is located on the corner of Enterprise Road and Treemonte Drive. Ms.
43 Wilson said that the developer is now requesting approval for the final master plan. She said that all
44 outstanding issues have been resolved at this time. She advised that staff is requesting that the
45 Commission make a recommendation to the City Council for final approval of the master plan. Ms.
46 Wilson noted that there have been no substantial changes from the preliminary plan, just landscaping and

1 resolution of some engineering-related issues. Ms. Wilson said that staff is requesting that the
2 Commission recommend City Council approval of the master plan at this time conditioned on the approval
3 of the City Attorney for the development agreement and cross access agreement and subsequent recording
4 of those executed documents with the Clerk of the Court. Ms. Wilson advised that the development
5 agreement had been forwarded to the City Attorney today for final review.
6

7 Commissioner Weldon asked whether there had been unanimous approval for this project when the
8 Commission considered the preliminary plan. Ms. Wilson responded in the affirmative.
9

10 Commissioner DeSilva observed that Treemonte Drive is in "poor, poor condition." Ms. Wilson
11 responded that it is a private road. She said that the developer of this project has agreed to resurface the
12 road from his property line to Enterprise Road.
13

14 Commissioner Weldon noted that the proposed site for the development is very low. Ms. Wilson said that
15 it has been filled.
16

17 Mr. Reischmann said that staff has been working on a draft cross access agreement for this project. He
18 advised that the County requires a one-foot, non-vehicular access easement for the project.
19

20 Commissioner Polgar expressed her concern regarding drainage and retention. Ms. Wilson said that the
21 project had been reviewed and approved by the City Engineer and that the developer has approval from the
22 Water Management District. Mr. Murray noted that the property has been elevated approximately four feet
23 since the hurricanes. He said that staff is "very comfortable" that these should not be issues. Ms. Wilson
24 said that the area that was a former sinkhole is a county drainage area which had been carefully reviewed
25 by their attorneys.
26

27 Commissioner Weldon questioned whether erosion issues may arise in the future. Mr. Murray responded,
28 "hopefully not."
29

30 Commissioner DeSilva commended the developer for a "beautiful master plan" that he felt would be a real
31 asset to the City.
32

33 Hearing no further requests to speak, Chairman Seaman closed the public hearing.
34

35 **Commissioner Weldon moved that the Planning Commission**
36 **recommend City Council approval of Resolution No. 467-08 for the final**
37 **master plan for the Treemonte Center with the following stipulations:**
38 **no development order will be issued for the project until a development**
39 **agreement and cross access agreement acceptable to the City Attorney**
40 **has been signed and recorded, seconded by Commissioner Polgar, and**
41 **passed by unanimous 7/0 roll call vote of the Commission.**
42

43 **7 STAFF COMMENTS:**
44

45 Mr. Murray thanked the Commission for their work and he apologized for "the confusion over stipulation
46 number 3," stating that staff usually tries to avoid those types of conflicts.