THE CITY OF NEW SMYRNA BEACH - PLANNING & ZONING

ORDINANCE NO. 106-20: CONDUCT THE FIRST READING OF AN ORDINANCE, WHICH IF ADOPTED UPON THE SECOND READING AND QUASI-JUDICIAL PUBLIC HEARING, WOULD REZONE APPROXIMATELY 41.2 ACRES OF PARCELS FROM VOLUSIA COUNTY ZONING OF A-3, TRANSITIONAL AGRICULTURE AND RC, RESOURCE CORRIDOR, TO CITY PUD, PLANNED UNIT DEVELOPMENT WITH A MASTER DEVELOPMENT AGREEMENT AND A CONCEPTUAL DEVELOPMENT PLAN FOR THE HIDDEN LAKES VILLAGE SENIOR RESIDENTIAL DEVELOPMENT.

October 13, 2020

Background:

1. **Applicant & Authorized Representative:** Raymond R. Bradick, HLI Orlando, LLC, 529 Versailles Dr., # 210, Maitland, FL 32751

2. **Property Owners:** Hidden Lakes Village, LLC, 35 Fairgreen Ave., New Smyrna Beach, FL 32168; GGHL, LLC, 214 Golf Club Drive, New Smyrna Beach, FL 32168; and Richard & Sandra Landis, 1984 Mayport Ave., New Smyrna Beach, FL 32168

3. **Request:** Rezoning from existing Zoning designations of County A-3 Transitional Agriculture & RC, Resource Corridor, to City Planned Unit Development (PUD) zoning, under the proposed Hidden Lakes PUD Master Development Agreement (MDA) and Conceptual Development Plan (CDP), primarily to allow for the development of a residential subdivision with a maximum of 132 units, using existing surrounding roads and rights-of-way (r/w).

4. **Site Data:** The subject property consists of approximately 41.2 acres and is generally located west of Turnbull Bay Road & the FEC railroad tracks, and south of Whispering Pines Drive, from which the property will be accessed. The proposed residential property is west & north of Hidden Lakes Golf Course, on which it fronts, and with its western portion fronting the Turnbull Creek basin. A Location Map is attached as **Exhibit A** and an aerial map is attached as **Exhibit B**.

5. **Tax ID #s:** 13 separate tax parcels, 12 of which are contiguous and proposed for residential development (VCPA PID # 7312-00-00-0078, 7312-00-00-0079, 7312-00-00-0083, 7312-00-00-0084, 7312-00-00-0090, 7312-00-00-0100, 7312-00-00-0101, 7312-00-00-0110, 7312-00-00-0149, 7312-00-00-0190, 7312-00-00-0480, & 7312-00-00-0490), and one other separate tax parcel included to the north that is proposed solely for access and associated infrastructure (VCPA # 7312-00-00-0320).

6. **Exhibits Provided**:

- **Exhibit A** - Location Map
- **Exhibit B** - Aerial Map
- **Exhibit C** – Existing Future Land Use (FLU) designation Map
- **Exhibit D** – Existing and Proposed Zoning Map
- **Exhibit E** – Proposed PUD Master Development Agreement (with all MDA exhibits attached @ small scale)
- **Exhibit F** – Proposed Conceptual Development Plan (CDP) exhibit (B) to MDA, larger scale
- **Exhibit G** – Signage Plan, Sheet L-1 exhibit (D) to MDA, larger scale
- **Exhibit H** – Buffer Plan, Sheet L-2 exhibit (E) to the MDA, larger scale
- **Exhibit I** – Emergency Access Easement document
- **Exhibit J** - Emergency Access Easement route exhibit
- **Exhibit K** – Color Conceptual Development Plan (CDP) exhibit presented at 9/14/20 P & Z Board meeting

Findings:

The 41.2 total acre subject property consists of 13 tax parcels, 12 of which are contiguous and within the southern portion of the proposed PUD area, adjacent to the Hidden Lakes Golf Course to the east & south, and the Turnbull Creek basin to the west. A single 1.35 acre parcel also included in the PUD area is separate and north of the other 12 parcels, and proposed solely for use in providing improvements to the existing roadway system that currently provides access to the 12 parcels to the south.

The 13 parcels were annexed into the City in 2008, with new City Future Land Use (FLU

designations assigned as part of that annexation process, as shown on the **Exhibit C** FLU Map attached. The previous County zoning designations of the subject property still remain from that 2008 annexation process, which are shown on the **Exhibit D** Existing & Proposed Zoning Maps also attached. A 14th parcel was part of that 2008 annexation, but is not included within this PUD rezoning application.

It should be noted that the 2008 annexation & FLU designations included specific notes for maximum intensity of future development within the property then being annexed. Those restrictions included a maximum 132 residential units, based on the size of the Low Density Residential (LDR) FLU then assigned and shown on the **Exhibit C** Map, which this proposed MDA also proposes as its maximum number of residential units.

The proposed access to the PUD area will be by existing paved roads, extending from the Whispering Pines Drive roadway that intersects Turnbull Bay Road to the east. The MDA includes a specific commitment to provide a north-bound left turn lane within Turnbull Bay Road at that intersection, in conjunction with County requirements. Also as part of the MDA, the applicants have agreed to provide in future development plans whatever improvements the City may find to be needed to these existing roads, as a result of future analysis. The applicants also are proposing a relocation and redesign of the entrance roadway network from Whispering Pines Drive, as shown in a specific Exhibit (G) within the proposed **Exhibit E.**

Finally, the applicants have addressed past concerns for a secondary emergency access other than the single Whispering Pines Drive access, by securing an Emergency Access Easement through the golf course property to the south, as is noted in both the MDA text & by CDP Note # 21. That same Easement document and an Exhibit showing its route between these properties is now attached as **Exhibits I & J**.

The Exhibit E MDA proposes 132 residential lots as a 55+ community, for 76 "Golf Villas' lots and 56 Duplex units, with proposed minimum lot sizes of 4,400 SF for Golf Villas lots & 4,125 SF for each lot containing a duplex unit (total minimum lot area for the two connected duplex units would then be 8,250 SF). Typical lot, building, & setback dimensions are provided both within the MDA and on the CDP. Building elevations are provided as an exhibit (C) within the **Exhibit E**

The MDA & CDP also shows/notes:

i. Perimeter Landscape Buffer areas, as shown on the attached **Exhibit H** Buffer Plan; it should be noted no perimeter buffers are provided for those proposed lots which would front on the adjacent Hidden Lakes Golf Course to the south & east.

ii. Open Space areas (noted as totaling 24.5 acres of the 41.2 acre PUD area), and accesses to those as shown on the CDP; one of these areas (noted for a proposed Community Garden) contains a remnant cemetery area to be preserved by this proposed Garden use, in accordance with concerns during the previous annexation and FLU designation process, and now noted (# 24) on the CDP.

iii. Both of these documents list these and other various improvements to be made to surrounding roadways, infrastructure, etc. as part of any future development under this PUD rezoning, as specifically stated within various MDA text sections and in the 28 General Notes on the CDP.

The Planning and Zoning Board considered this application at their September 14, 2020 meeting, and discussed various aspects, including the Emergency Access Easement, with Exhibits for that now included in this report (as **Exhibits I & J**). The applicants also then provided a colorized Conceptual Development Plan for that meeting, which is now attached as **Exhibit K**.

The Board voted 4-2 at that meeting to recommend approval of this PUD rezoning application to the City Commission. Planning & Zoning Board members expressed concerns about the following items:

Traffic impacts to the surrounding roadway network
- Limited area available for on-street parking
- Small lot sizes; limited side yard area for drainage and equipment
- Secondary emergency access
- Protection of lands adjacent to Turnbull Creek

The proposed MDA text & CDP (**Exhibits E & F**) were later revised by the applicant following that meeting, to address concerns expressed by the Board and include commitments by the applicants to address:

i. No enclosures of garage areas for other purposes,
ii. Air conditioning unit locations being limited to rear yards only,
iii. On street guest parking permitted only on one side of the street, &
iv. Sidewalks to be provided within adjacent rights-of-way in front of all proposed lots.

Staff recommends **approval** to the City Commission for this requested PUD Master Development Agreement (MDA) and Conceptual Development Plan (CDP).

Fiscal Analysis:
N/A

Strategic Plan Item:
No

Staff Report Created By: Robert Mathen - Planner II

Attachments:

PUD-4-18 Exhibit A Location Map.pdf
PUD-4-18 Exhibit B Aerial Map.pdf
PUD-4-18 Exhibit C Existing FLU Map.pdf
PUD-4-18 Exhibit D Existing and Proposed Zoning Map.pdf
Ex. E - MDA REVISED HIDDEN LAKES 10-7-20.pdf
PUD-4-18 Exhibit F - CDP Large Scale REVISED 9.21.20 HIDDEN LAKES.pdf
PUD-4-18 Exhibit G - Signage Plan L-1 HIDDEN LAKES 9.1.20.pdf
PUD-4-18 Exhibit H - Buffer Plan L-2 HIDDEN LAKES 9.1.20.pdf
PUD-4-18 Exhibit I - Emergency Access Easement document - Hidden Lakes Golf Course.pdf
PUD-4-18 Exhibit J - Emergency Access Easement Exhibit - # 2 from 11-25-19 ltr.pdf
PUD-4-18 Exhibit K -Hidden Lakes PUD-Presentation 9.14.20.pdf
September 14, 2020 P&Z Board Minutes - not yet approved .pdf
Ord 106-20 Hidden Lakes Viillage PUD MDA.pdf