THE CITY OF NEW SMYRNA BEACH - DEVELOPMENTAL SERVICES

CONDUCT A QUASI-JUDICIAL PUBLIC HEARING TO CONSIDER THE REVIEW AND APPROVAL OF A CLASS III SITE PLAN FOR THE OAKWILER TOWNHOME VILLAGE, WHICH IF APPROVED, WOULD ALLOW DEVELOPMENT OF AN APPROXIMATELY 7-ACRE PROPERTY LOCATED ALONG SAXON DRIVE WITHIN THE LAST REMAINING UNDEVELOPED PORTION OF THE HOG EYE CAMP PUD.

June 27, 2023

Background:

1. Applicant/Owner: Justin R. Sand, Epoch Residential, 359 Carolina Ave., Winter Park, FL 32789

2. Request: Class III Site Plan approval for a proposed multi-family development of 77 townhouse units within a 6.93 acre wooded and undeveloped site. The PUD MDA previously approved by the City Commission for this site in February 2002 specifically requires this Site Plan be reviewed and acted on by the Commission rather than the Planning and Zoning Board, which is the typical procedure specified in the City LDR.

3. Site Information:

Size: Approximately 7 ± acres

Location: East side of Saxon Drive between SRA1A/3rd Avenue and 7th Avenue, immediately south of the Publix supermarket. (See Exhibits A & B for location & aerial maps).

Tax I.D. Numbers: 7416-00-00-0310.

4. Exhibits used in this report:

Exhibit A: Location Map

Exhibit B: Aerial Map

Exhibit C: Original PUD MDA (recorded 2011)

Exhibit D: Original PUD CDP ("Ex. B" of above 2011 recorded MDA, clean copy due to recorded version being illegible)

Exhibit E: 1st Amendment to PUD MDA (recorded 2014)

Exhibit F: 2nd Amendment to PUD MDA (recorded 2022)

Exhibit G: 2nd Amendment PUD CDP ("Ex. E" of above 2022 recorded MDA, clean copy due to recorded version being illegible)

Exhibit H: City Commission Minutes, 2/8/2022 Meeting where PUD 2nd Amendment was approved (as Item 8.D.)

Exhibit I: Boundary Survey (1 Sheet)
Exhibit J: Proposed Site Plan (29 Sheets)

Exhibit K: Proposed Hardscape/Landscape Plan (40 Sheets)

Exhibit L: Proposed Architectural Plans (23 Sheets)

Exhibit M: Proposed Photometric Plans (2 Sheets)

Findings:

A. The subject property is now an undeveloped 6.9 acre area within a 17.6 acre total existing Planned Unit Development (PUD) known as Hog Eye Camp Road Square. All other areas within the PUD boundaries (to the south & west) are currently shown on Exhibit maps, and have been developed as Single Family residences, within the 30 subdivided lots that were previously platted as Callalisa Creek Vistas, and all in accordance with the original PUD MDA and Conceptual Development Plan (CDP) approved in 2011.

B. This undeveloped 6.9 acre subject property within this PUD had been originally approved in 2011 for a mixed use complex, with 150 Multi-Family (MF) apartment units and 16,420 SF of Office/Retail space, as described in the original PUD MDA (Exhibit C) and shown on its accompanying Conceptual Development Plan (CDP, attached as Exhibit D). That original PUD also allowed for proposed buildings that could be a maximum height of 60' of habitable space and an additional 12' for possible screening of rooftop mechanical equipment. The 2nd Amendment to the PUD MDA that was approved in 2022 (Exhibits F & G) totally eliminated those previously approved Office & Retail uses and instead required its use to be exclusively for residential purposes as a Townhouse Village, with a

significant decrease from the previously approved 150 MF units to now be a maximum of 77 townhouse dwelling units.

C. The Maximum Building Height for this same 6.9 acre site was also reduced by the 2022 MDA 2nd Amendment, from the previously permitted 60' to the roof deck to now be a new maximum height of 45' to the roof deck. Both the previously permitted 60' height and the current reduction to 45' allow for an additional 12' of decorative roof structure only, for the purpose of screening rooftop mechanical equipment and/or adding architectural details to the building(s).

D. The previously permitted mixed use Multi-Family apartments and Retail/Office uses were also shown on the original CDP (in Exhibits C & D) as being within one building footprint, while the proposed Townhouse Village buildings shown on this Site plan are within 15 different and separate smaller townhouse buildings that are primarily 3-story (11 total), with the other four buildings limited to a 2-story height. These 15 total buildings contain a mix of 4, 5, or 6 Townhouse units per building.

E. Other items incorporated into this proposed Site Plan as a result of that prior 2022 MDA 2nd Amendment process include:

1. Reductions in the previously approved Maximum Building and Impervious Surface Coverage percentages, from a prior Maximum 65% Building Coverage to now be 30%, and the prior Maximum 70% Impervious Coverage to now be 65%. The actual percentages for these as now proposed are noted on Site Plan Sheet C-2.0, as being 23.6% Building Coverage and 60.0% Impervious Coverage.
2. Restricting site access to Saxon Drive only.
3. The trash compactor being located along the north property line, adjacent to the Publix supermarket loading area.
4. No short-term rentals being permitted for the 77 proposed townhouse units.
5. The proposed buildings being constructed using National Green Building Standards, as noted on the Exhibit L Architectural Plans.

F. As noted above, the subject property's sole adjacent roadway frontage and access is via Saxon Drive, with that aspect including many circumstances peculiar to this site, as explained below:

1. Saxon Drive is a prescriptive rights roadway adjacent to the western property line of this subject property. Accordingly, there is no platted public right-of-way (r/w) and/or otherwise defined area for this section of Saxon Drive. Instead, it has been determined that the western property line of this subject property follows and is contiguous with the existing edges of the Saxon Drive roadway pavement, as shown on both the Exhibit I Boundary Survey and the Site Plan sheets. The existing asphalt sidewalk/bike path on the east side of Saxon Drive is also considered to be outside of that prescriptive rights r/w area, and accordingly is shown on the Exhibit I Boundary Survey as being within the westernmost portion of the subject property.
2. This prescriptive rights status of this section of Saxon Drive had previously been decided by Volusia County, then continued during the past application and approval process for the PUD site zoning, and was part of the development processes that followed to create the residential subdivision plats for the single family residential Callalisa Vistas lots within the PUD. Volusia County was the maintenance and permitting authority for Saxon Drive at that time, and thus involved in all of those prior applications. That County maintenance and permitting authority continued during the initial stages of this Site Plan application, but was terminated by the County in May 2022 as part of the revised ISBA between the City and County, with that maintenance and permitting responsibility then being transferred to the City.
3. This site plan proposes additions to and widening of the existing Saxon Drive roadway pavement, by a new left turn lane for south-bound traffic entering the site at the project driveway. That road widening will affect about 600' of the total 700' Saxon Drive/west PL frontage. In addition, the existing asphalt sidewalk/bike path will be reconstructed in a new location further east into the site, due to the additions of these turn lanes and this roadway widening. Shallow drainage swales will also be provided within the subject property to serve this additional pavement area to be added to the existing Saxon Drive pavement. The existing overhead electric lines and poles now within the westernmost portion of the subject property and along the Saxon Drive frontage will also be removed as required for all of these improvements, and instead placed underground.
4. With the proposed roadway widening, the prescriptive rights status and dimensions of this section of Saxon Drive will then also enlarge accordingly, with the proposed new widened pavement area to be surveyed and dedicated to the City by deed upon completion of construction, and thus added to the prescriptive rights right-of-way area for this section of Saxon Drive. In addition, per the MDA, an Easement will be dedicated to the City to contain the 8' wide concrete sidewalk/bike path that will be relocated and reconstructed due to this roadway widening.
5. Per the MDA 2nd Amendment text approved by the Commission in 2022, this widening of the Saxon Drive roadway allows for the Building Setback and Landscape Buffer dimensions along Saxon Drive to be a minimum 28’, which is shown to be met and exceeded on Site Plan Sheet C-2.0, with the minimum setback/buffer for

the three proposed townhouse buildings fronting Saxon Drive shown as being 28.67' from the new/widened pavement edge. That dimension occurs at the closest point to the Saxon Drive curved roadway in this area, with the other buildings being setback a greater distance and containing much more landscape and open area between them and the new/widened pavement edge of Saxon Drive.

G. There are three Historic Trees within the site, each of which will be preserved within designated Common Open Space or Natural Vegetation Areas. Other site amenities include a clubhouse, swimming pool, dog park, and other designated Amenity Areas. Details of these various community site features are shown within the Exhibit K Hardscape/Landscape Plans.

H. The Site Plan has been reviewed and approved by all City staff as meeting all applicable PUD MDA and City LDR requirements. As noted above, this Site Plan was not reviewed by the Planning and Zoning Board as typically occurs, since the PUD MDA approval conditions required this to be reviewed and approved by the Commission instead. Thus there is no voting report or recommendation by the P & Z Board to note here.

Recommendation

Staff recommends the City Commission **approve** the requested site plan as now presented.

Fiscal Analysis:
N/A

Strategic Plan Item:
No

Staff Report Created By: Jeff Gove - Chief Planner

Attachments:

Ex. A - Location Map SP-23-22.pdf
Ex. B- Aerial Map SP-23-22.pdf
Ex. C - Original MDA 2011 recorded.pdf

Ex. D - Original CDP clean copy 2011 recording.pdf
Ex. E - 1st Amendment to MDA- 2014 Recording.pdf
Ex. F - 2nd Amendment to Hog Eye Camp Road Square - recorded 2022.pdf
Ex. G - CDP 2nd Amentment 2022 clean copy (Ex. E of 2nd Amndt., CDP-2).pdf
Ex. H - City Commission Minutes 2-8-23.pdf
Ex. I - Boundary Survey.pdf
Ex. J - Civil Plan Set_REV2.pdf
Ex. K - Hardscape/Landscape Plans.pdf
Ex. L - Architectural Plans 6-13-23
Ex. M - Photometrics Plans.pdf