

City of South Daytona
Community Development Department

1672 S. Ridgewood Avenue • South Daytona, FL 32121 • 386/322-3022 • Fax 386/322-3018



MEMORANDUM

To: James L. Gillis Jr., City Manager
From: S. Laureen Kornel, Community Development Director
Date: September 22, 2020
Re: Green Acres Subdivision Extension Preliminary/Final Plat Application

AGENDA ITEM
E 20 DATE 9/29/2020

Introduction

Mike Zimmerman, applicant on behalf of Joseph and Carol Saba, property owners, requests Preliminary/Final Plat approval for the Green Acres Subdivision Extension, a 6 lot subdivision of ± 1.2 -acre undeveloped property located on an existing right-of-way known as North Green Acres Circle at the north west corner of the developed Green Acres Mobile Home Subdivision.

Background

The annexation, land use and zoning history of the subject property is detailed in the Planning and Appeals Board staff report attached to this document as Appendix A. As documented in City Council meeting minutes dated April 13, 2004, the Land Development Review Board, on March 19, 2003, recommended approval of the Mobile Home Subdivision at Green Acre Circle followed by unanimous City Council approval (5-0). *Section 6.2(D)(4)* of the Land Development Code requires that approval of a subdivision be contingent upon being recorded within sixty (60) days after the date the certificate of approval is signed by the City Council. There is no evidence that the previously approved subdivision was ever recorded. Since that time, a portion of the property has been sold off with the remaining ± 1.208 acres being requested for a Minor Subdivision.

As detailed in the attached Planning and Appeals Board staff report, all of the proposed lots exceed the minimum dimensional standards of the Land Development Code regulations under the Mobile Home Subdivision regulations. No new streets are proposed to be constructed and there is an existing sewer service stub-out available to each proposed lot. The applicant has paid for the City's Public Works Department to install water service to the lots.

Analysis

In accordance with *Section 6.2* of the Land Development Code, properties that are requested to be subdivided into six lots or fewer are considered a Minor Subdivision. The intent for the approval of a Minor Subdivision is to allow for the division of a limited number of lots with minimal need for public facilities and services, and for access to be provided by existing public streets or new private ways created by the development process.

The proposed subdivision is designated as "Residential Density 3" on the City's Future Land Use Map and has a consistent zoning classification of MHS (Mobile Home Subdivision). The Mobile Home Subdivision use is conforming, and the request to approve a minor subdivision is only for the balance of the property of the existing Mobile Home Subdivision. As stated previously, this subdivision was already approved by the City Council in 2004, though it was never recorded. The Land Development Code requires platting be reviewed by the Planning & Appeals Board for their recommendation, followed by a final approval by the City Council by Resolution.

The Planning and Appeals Board, on August 19, 2020, unanimously recommended approval of the Preliminary/Final plat with the condition that all Development Review Committee (DRC) comments be addressed. The conditions required that the applicant submit a water and sewer site plan and that all necessary utilities will be installed at the applicant's expense. As previously stated, the applicant has paid the City's Public Works Department to install potable water service to each lot as evidenced by Invoice 15630 (totaling \$7,119.25) dated September 8, 2020.

Staff Recommendation

It is recommended that the City Council **APPROVE** the Preliminary/Final Plat for the Green Acres Subdivision Extension, subject to satisfaction of all outstanding Development Review Committee Comments. Attached to this document, as Appendix B, is Resolution No. 2020-36 which formally approves the preliminary/final plat for the six-lot minor subdivision known as Green Acres Subdivision Extension.

APPENDIX A

STAFF REPORT

STAFF REPORT

City of South Daytona

Community Development Department

DATE: August 12, 2020

SUBJECT: Green Acres Subdivision Extension, Preliminary/Final Plat

APPLICANT: Mike Zimmerman, on behalf of Joseph and Carol Saba,
Property Owners

NUMBER: 2020-010

PROJECT PLANNER: S. Laureen Kornel, AICP, Community Development Director

INTRODUCTION: Mike Zimmerman, requests Preliminary/Final plat approval of the "Green Acres Subdivision Extension" at the northwest corner of Green Acres Circle North within the Green Acres Subdivision. The application seeks to subdivide one (1) ± 1.208 acre tract into 6 lots. One lot is proposed to be subdivided into a 19,704 square foot lot with the remaining 5 lots consisting of $\pm 6,582$ square feet each. The subject property is zoned MHS (Mobile Home Subdivision) and Section 2.2, Figure 2 – Dimensional Requirements of the Land Development Code requires a minimum lot are of 4,000 square feet.

LOCATION: The project location is shown below in Exhibit 1 and the surrounding uses are shown in Exhibit 2.

Exhibit 1: Green Acres Subdivision Extension Vicinity map.

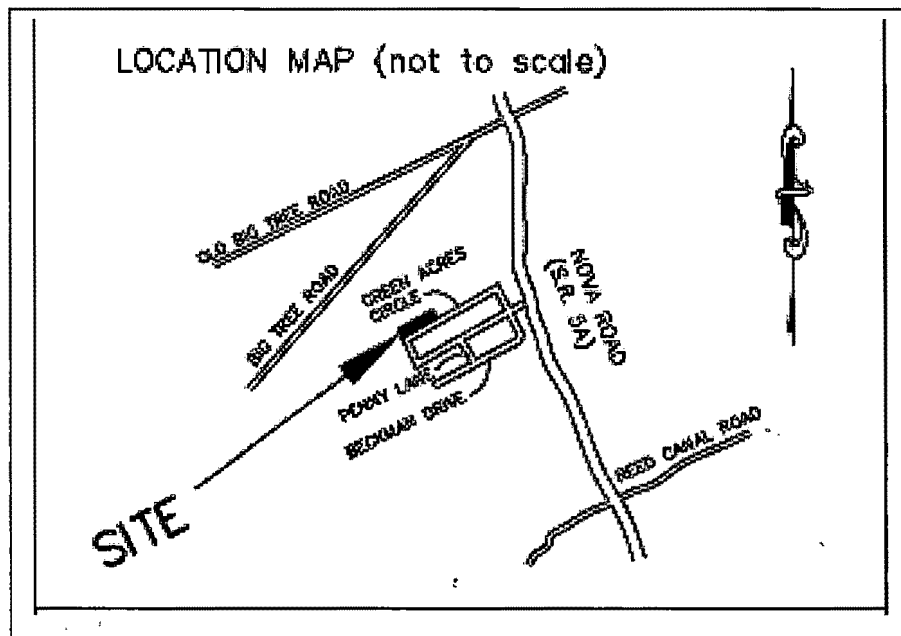


EXHIBIT 2: Land use and zoning classifications of adjacent properties.

	Current Land Uses	Future Land Use Designation	Zoning Classification
North	Warehouses	"Commercial"	BGC (Business General Commercial)
South	Mobile Home Subdivision	"Residential Density 2"	MHS (Mobile Home Subdivision)
East	Mobile Home Subdivision	"Residential Density 1"	MHS (Mobile Home Subdivision)
West	Mobile Home Park	Volusia County "Urban Medium Intensity"	Volusia County MH-1 (Mobile Home Park)

BACKGROUND: The Green Acres Mobile Home Subdivision was developed in unincorporated Volusia County and later in 2002 annexed into the City of South Daytona by Ordinance 02-17 and subsequently rezoned to MHS (Mobile Home Subdivision) with Ordinance 03-34. As a subdivision, the lots are individually available for separate ownership whereas a mobile home park does not have subdivided lots for separate ownership.

The current property owners purchased a total of 1.5 acres on Green Acres Circle North in January 2003 with the intent to subdivide the parcel. As documented in City Council meeting minutes dated April 13, 2004, the City Council unanimously voted (5-0) to approve a 10-acre mobile home subdivision at Green Acre Circle. Section 6.2(D)(4) of the Land Development Code requires that approval of a subdivision is contingent upon being recorded within sixty (60) days after the date the certificate of approved is signed by the City Council. There is no evidence that the previously approved subdivision was ever recorded. Since that time, a portion of the property has been sold off with the remaining 1.208 acres being requested for a Minor Subdivision.

The Minor Subdivision proposed consists of 6 lots with one larger lot totaling 19,704 square feet and 5 smaller lots, totaling 6,582 square feet each. Lots throughout the Green Acres subdivision are typically 60' by 125' (7,500 square feet). Figure 2 under Section 2.2 of the Land Development Code requires all newly created lots of record located within the MHS zoning district be no less than 4,000 square feet in size (50' wide by 80' deep). The most westerly largest lot is proposed to be 155.68' wide by 126.57' deep while the remaining five lots are proposed to be 52' wide by 126.57' deep. All of the proposed lots exceed the minimum dimensional standards of the Land Development Code regulations. No new streets are proposed to be constructed and there are currently four (4) 6" sewer tap stub-outs for the lots. Water is supplied by the City of Daytona Beach. The applicant will be required to install 2 additional sewer tap stub-outs. In addition, the applicant will be required to install water lines under the road to provide potable water to each lot.

ANALYSIS: In accordance with Section 6.2 of the Land Development Code, properties that are requested to be subdivided into six or fewer lots are considered a Minor Subdivision. The intent for the approval of a Minor Subdivision is to allow for the division of a limited number of lots, with minimal need for public facilities, and services, and access provided by existing public streets or new private ways created by the process.

The proposed subdivision is designated as "Residential Density 3" on the City's Future Land Use Map, and has a zoning classification of MHS (Mobile Home Subdivision). The proposed plat is consistent with the existing land use and zoning. The Land Development Code requires platting be reviewed by the Planning and Appeals Board for their recommendation followed by a final approval by the City Council which will be by Resolution.

CONCLUSION: In accordance with Section 3.2(J)(2) of the Land Development Code, there are certain criteria that must be evaluated before a Preliminary/Final Plat may be approved. The Planning & Appeals Board must consider the following criteria when making their recommendation:

1. Identifies any provision of the Code, Comprehensive Plan or other law relating to the proposed change and describes how the proposal relates to them.

The proposed Preliminary/Final plat has been reviewed in accordance with the City's policy documents and has been determined consistent with the Land Development Code and the Comprehensive Plan. In addition the plat has been reviewed by a third part reviewer in accordance with Chapter 177, F.S.

2. States factual and policy considerations pertaining to the recommendation.

In accordance with the Land Development Code, the purpose of the minor subdivision regulations is to allow property to be subdivided into six (6) or fewer lots. There are no other policy considerations pertaining to the recommendations other than what has been stated in the background and analysis of this report.

3. Includes the written comments, if any, received from the Development Review Committee.

Comments from the Development Review Committee have been incorporated into the proposed amendments. The plat approval shall be contingent on the applicant providing all utility and service extensions including water and sewer to each newly created lot. The locations of proposed utility services and the location of existing lines shall be shown on a site plan exhibit prior to final approval by the City Council.

RECOMMENDATION: It is recommended that the Planning Board **APPROVE** the Preliminary/Final plat for the Green Acres Subdivision Extension to subdivide a ±1.208 acre tract into 6 lots subject to satisfaction of all outstanding Development Review Committee comments.

APPENDIX B
RESOLUTION NO. 2020-36

RESOLUTION NO. 2020-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, FLORIDA APPROVING A ±1.2 ACRE PRELIMINARY/FINAL PLAT FOR A SIX (6) LOT MINOR SUBDIVISION KNOWN AS "GREEN ACRES SUBDIVISION EXTENSION"; ESTABLISHING CONDITIONS AND EXPIRATION DATE OF APPROVAL; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, the boundary survey for the "Green Acres Subdivision Extension" six (6) lot subdivision as legally described and depicted on the boundary survey shown as Exhibit "A" attached hereto and incorporated herein by reference, and

WHEREAS, the request proposes to create six (6) lots and therefore qualifies for minor subdivision approval, and

WHEREAS, pursuant to Section 6.2(B) of the *Land Development Code*, a minor subdivision consists of six (6) or fewer lots fronting on an existing public street; and

WHEREAS, Mike Zimmerman on behalf of Joseph and Carol Saba (the "Property Owner") has submitted for preliminary/final plat for a six (6) lot minor subdivision known as "Green Acres Subdivision Extension" and has been reviewed by City staff and by the Planning and Appeals Board and recommended for approval, and

WHEREAS, the City Council approved Ordinance 02-17 authorizing the annexation of the “Green Acres Mobile Home Subdivision”, and

WHEREAS, the City Council approved Ordinance 03-34 authorizing a rezoning to MHS (Mobile Home Subdivision) for the mobile home subdivision known as “Green Acres Subdivision” recorded in Official Records Book 5249, at Pages 4899 through 4903, inclusive of the Public records of Volusia County, Florida, and

WHEREAS, the “Green Acres Subdivision” was previously approved by the City Council for final plat on April 13, 2004, and never recorded, and

WHEREAS, the Preliminary/Final Plat for the “Green Acres Subdivision Extension” six (6) lot subdivision as legally described and depicted on Exhibit “B” attached hereto has been reviewed by the City staff, City Surveyor, and by the Development Review Committee and recommended for approval subject to certain conditions, and

WHEREAS, the Development Review Committee and the Planning and Appeals Board at their August 19, 2020 meeting have reviewed the preliminary plat and recommend approval, and

WHEREAS, the “Property Owner” has provided a water and sewer site plan as depicted on Exhibit “C”, and has contracted with the City to install potable water service; and

WHEREAS, the City Council concurs with the recommendations of the City staff and Planning and Appeals Board, now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, FLORIDA:

SECTION ONE. The City Council hereby approves a ±1.2-acre preliminary/final plat for a six (6) lot subdivision known as “Green Acres Subdivision Extension”, as shown in the site plan attached hereto as Exhibit “C” and preliminary/final plat attached hereto as “Exhibit “B” and incorporated herein by reference, subject to compliance with all applicable requirements of Chapter 177, *Florida Statutes* prior to the recordation of the preliminary/final plat.

SECTION TWO. The approval hereby granted shall expire automatically and become void, in accordance with Chapter VI, Section 6.2(D)(4) of the *Land Development Code*, unless the plat is recorded within one hundred and twenty (120) days after the date of certificate of approval is signed by the Mayor.

SECTION THREE. The preliminary/final plat shall not be recorded until all of the required improvements as shown in Exhibit “C” are installed at the Property Owner’s expense and accepted by the City.

SECTION FOUR. There are no outstanding comments from the Development Review Committee.

SECTION FOUR. This Resolution shall take effect immediately upon its adoption.

APPROVED AND AUTHENTICATED, this 29th day of September, 2020.

WILLIAM C. HALL
Mayor

ATTEST:

JAMES L. GILLIS, JR.
City Manager

CERTIFIED AS TO FORM:

SCOTT E. SIMPSON
City Attorney

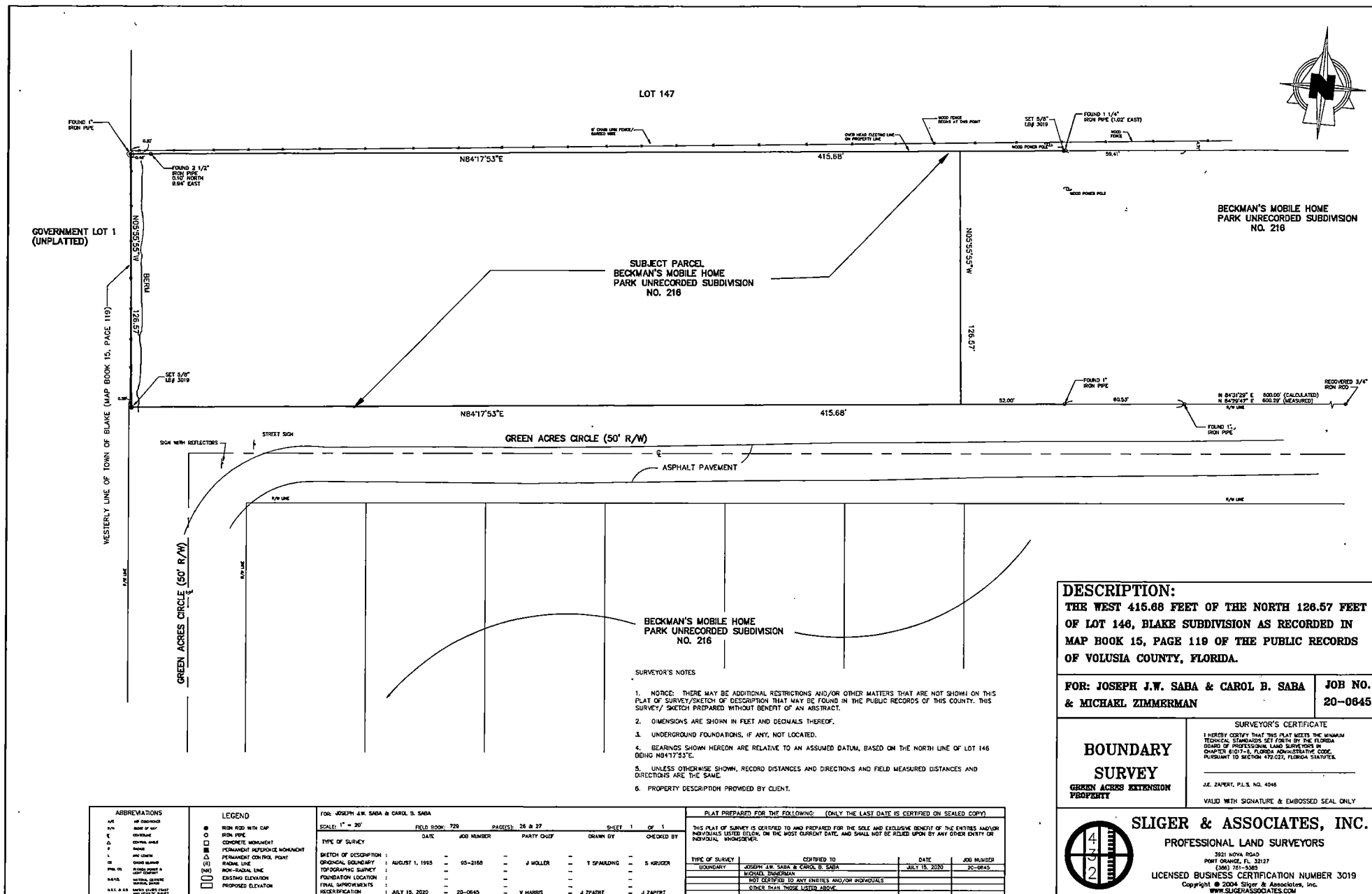
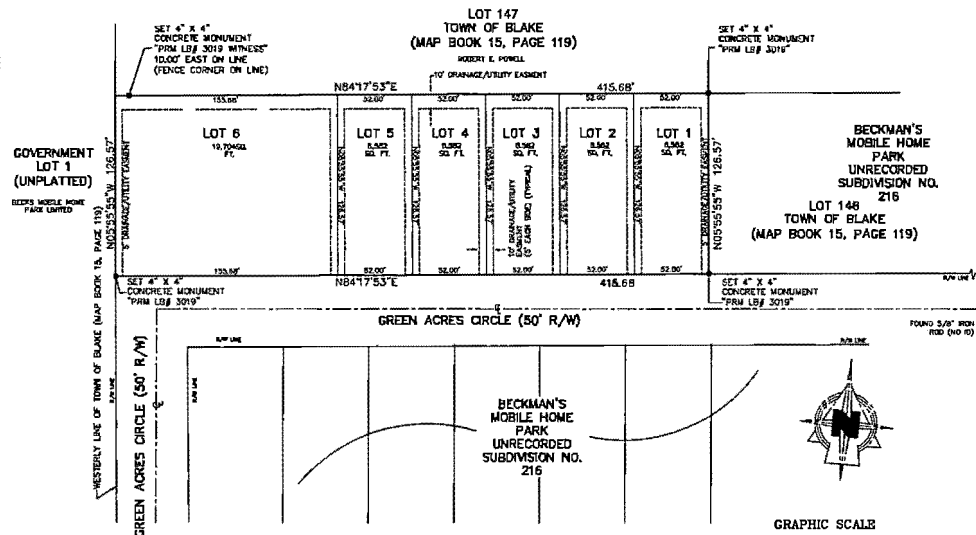


EXHIBIT B
PRELIMINARY / FINAL PLAT

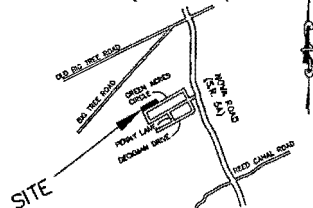
GREENACRES EXTENSION

A REPLAT OF THE WEST 415.68 FEET OF THE NORTH 126.57 FEET OF LOT 146, BLAKE SUBDIVISION, AS RECORDED IN MAP BOOK 15, PAGE 119 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA AND LYING WITHIN SECTION 44, TOWNSHIP 15 SOUTH, RANGE 33 EAST, THE CITY OF SOUTH DAYTONA, VOLUSIA COUNTY, FLORIDA

LEGAL DESCRIPTION: THE WEST 415.68 FEET OF THE NORTH 126.57 FEET OF LOT 146, BLAKE SUBDIVISION, AS RECORDED IN MAP BOOK 15, PAGE 119 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY.



LOCATION MAP (not to scale)



GENERAL NOTES

1. Monumentation
 ■ - Denotes Permanent Reference Monument set 4"x4" concrete monument stamped "PIN LB 3019"
 ● - Denotes 5/8" Iron Rod & Cap - set stamped "LB 3019"
2. Dimensions shown are in feet and decimals thereof.
 Accuracy: The boundary line error of closure does not exceed 1:10,000. The boundary angular error of closure does not exceed 15 seconds multiplied by the square root of the number of angles turned.
 4. Bearings shown here are relative to assumed datum, based on the North line of Lot 146 being NB41°17'53"E
3. NOTE: All measurements refer to horizontal plane in accordance with the definition of the U.S. Survey foot or meter adopted by the National Institute of Standards and Technology. All measurements shall use the 39.37/12 = 3.280833333333333 equation for conversion from a U.S. foot to meters.
4. NOTICE: This plat, as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county.
5. UTILITIES include but are not limited to: sanitary sewer, potable water, reclaimed water, storm drainage, electric, telephone, cable television, security, and natural gas.
6. UTILITY easements provided on this plat include easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of any electric, telephone, gas, or other public utility.
7. Building setback requirements:
 Front (street frontage): 10 Feet
 Side: 5 Feet
 Rear: 7.5 Feet

REVIEW BY SURVEYOR AND MAPPER FOR THE CITY

I hereby certify to the City that I have reviewed the foregoing plat for compliance with the requirements of Chapter 177, Florida Statutes, and that I have provided both the City and the Surveyor and Mapper of Record a list of deviations, if any, from such requirements.

DATE: _____
 P.L.S. No.: _____
 (print name)

MAP BOOK: _____ PAGE: _____

DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT JOSEPH J.W. SABA AND CAROL B. SABA, BEING THE OWNER IN FEE SIMPLE OF THE LANDS SHOWN AND DESCRIBED HEREON AS THE PLAT ENTITLED "GREENACRES EXTENSION" LOCATED IN THE CITY OF SOUTH DAYTONA, VOLUSIA COUNTY, FLORIDA, HEREBY DEDICATES THE SAID LANDS AND PLAT FOR THE USES AND PURPOSES HEREON EXPRESSED. ALL DRAINAGE AND UTILITY EASEMENTS ARE, UNLESS OTHERWISE INDICATED, DEDICATED TO THE CITY OF SOUTH DAYTONA, FLORIDA.

IN WITNESS WHEREOF, We set our hands on this _____ day of _____ A.D. 2019.

Signed: JOSEPH J. W. SABA

CAROL B. SABA

Signed, sealed and delivered in the presence of:

(WITNESS)

(WITNESS)

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____ by _____ who is personally known to me or who has produced _____ as identification.

(Name typed, printed or stamped)

(Title or rank)

(Serial number, if any)

CERTIFICATE OF SURVEYOR AND MAPPER

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being a licensed and registered Surveyor and Mapper, does hereby certify that the plat shown and described herein, entitled "GREENACRES EXTENSION", was prepared under my direction and supervision, that the plat complies with all of the survey requirements of Chapter 177, Florida Statutes, and that all monumentation shown herein or required per Chapter 177, Florida Statutes, has been properly placed.

(signature) _____ DATE: _____
 J.E. ZAPATA, P.L.S. No. 4946
 SLIGER & ASSOCIATES, INC.
 CERTIFICATE OF AUTHORIZATION NO. 3019
 ADDRESS: 3921 NOVA ROAD, PORT ORANGE, FL 32127

CERTIFICATE OF APPROVAL

This is to certify that on _____ the foregoing plat was approved by _____ CITY ATTORNEY

CERTIFICATE OF APPROVAL BY THE PLANNING COMMISSION

This is to certify that on _____ the Planning Commission of the City of South Daytona, Florida approved the foregoing plat.
 By _____ Planning Commission Chairman

CERTIFICATE OF APPROVAL BY THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, FLORIDA

This is to certify that on _____ the foregoing plat was approved by the City Council of the City of South Daytona, Florida.
 By _____ Mayor of the City of South Daytona

Attest: _____ City Clerk of the City of South Daytona

CERTIFICATE OF CLERK

I hereby certify that I have examined the foregoing plat and found that it complies, in form, with all requirements stated in Chapter 177, Florida Statutes, and that it was filed for record on _____ at _____ a.m. / p.m.

Clerk of Circuit Court _____ File No. _____
 Volusia County, Florida



PREPARED BY:
SLIGER & ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS
 MEMBER SURVEYORS CORPORATION #2096
 300 SOUTH NOVA ROAD
 PORT ORANGE, FL 32127
 (386) 961-5185
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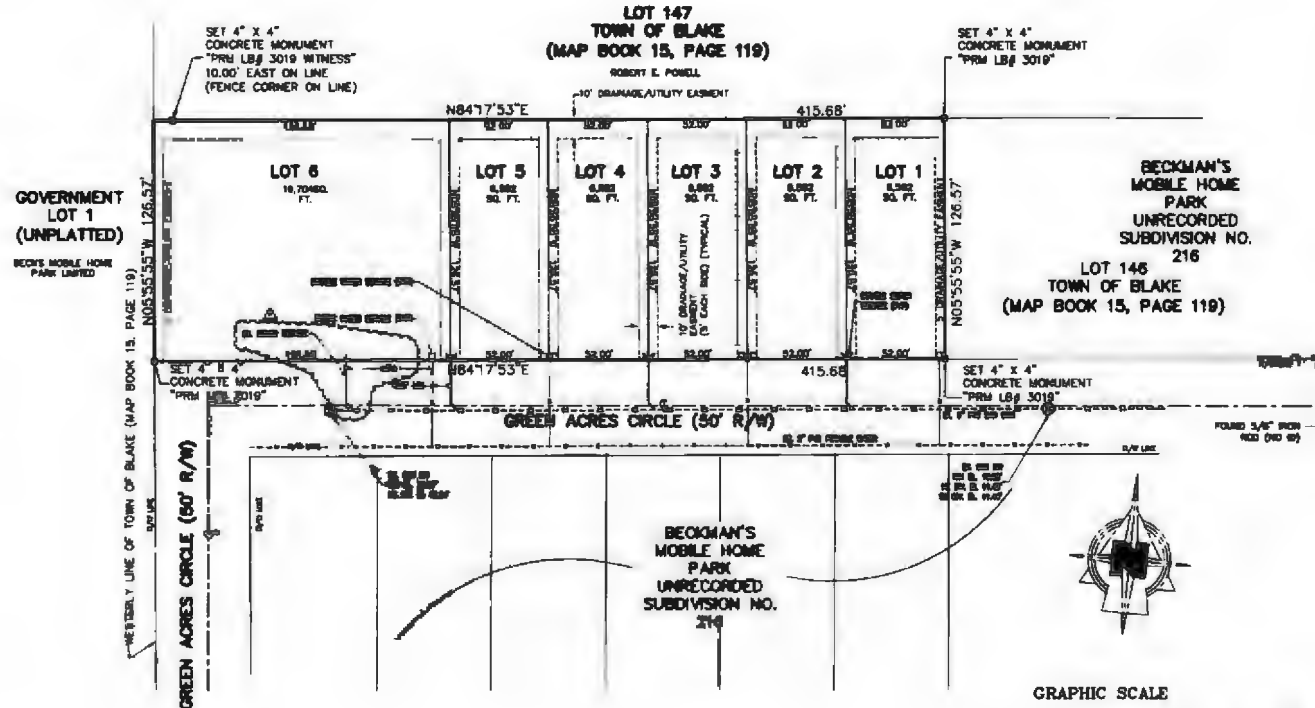
SHEET 1 OF 1

EXHIBIT C
WATER AND SEWER SITE PLAN

GREENACRES EXTENSION

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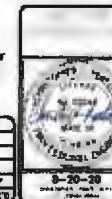
NOTES:

- [illegible]

GRAPHIC SCALE



A	SUBMITTER'S PER COPY OF SOURCE DOCUMENT PUBLIC STATUS	PW	N		
V6	IAR REVISIONS	Ry	Dn		



NAME	MICHAEL ZIMMERMAN	DATE	8/14/78
PROJECT	GREEN ACRES EXTENSION	SCALE	1"=30'
DESCRIPTION	WATER AND SEWER PLAN	JOB NO.	
		DESIGN	
FOLDER DEPARTMENT OF SUBDIVISIONS AND LOTS FOR THE LAND RECORDS OFFICE, ALBANY, NEW YORK SUBMITTER: EDWARD J. ZIMMERMAN, 100 WEST 10TH STREET ALBANY, NEW YORK 12206		PAPER	
		SHEET NO.	
		END - 1	