VOLUSIA COUNTY, FLORIDA
LAND DEVELOPMENT
FINAL MEETING AGENDA
DEVELOPMENT REVIEW COMMITTEE MEETING

MEETING DATE: Tuesday, November 6, 2012
TIME: 9:00 a.m.
PLACE: Thomas C. Kelly Administration Center
        123 W. Indiana Avenue
        Room 202 - DRC Conference Room
        DeLand, Florida 32720

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES


IV. OLD BUSINESS


2013-F-FSP-0008
Sea Glo Townhome
Project

Volusia County, Florida
Vice Chair/At-Large: Joyce M. Cusack
District #1: Andy Kelly
District #2: Joshua J. Wagner
District #3: Joie Alexander
District #4: Patricia Northey
District #5: Patricia Northey

None.
V. NEW BUSINESS

A: 2013-F-FSP-0008  Sea Glo Townhome Project
    (RSN: 746319)  Mr. Richard J. Dixon, P.E. – Anderson-Dixon, LLC

Parcel No.: 8505-01-36-0240

This is site plan application for a 5,121-square-foot three (3)-unit multifamily residential complex with the associated paved drive aisles, parking and stormwater improvements on a .47-acre site. The project is located on the east side of Turtlemound Road, approximately ½-mile south of its intersection with Mullet Avenue, in the Bethune Beach area. The zoning classification is Urban Multifamily Residential-Indian River Lagoon Surface Water Improvements and Management Overlay Zone (R-7W). The future land use designation is Urban High Intensity and Urban Low Intensity.

VI. ADDITIONAL BUSINESS  None.

VII. DISCUSSION  None.

VIII. ADJOURNMENT
This is a final site plan application for a 5,121-square-foot three (3)-unit multifamily residential complex with the associated paved drive aisles, parking and stormwater improvements on a .47-acre site. The project is located on the east side of Turtlemound Road, approximately ½-mile south of its intersection with Mullet Avenue, in the Bethune Beach area. Potable water is proposed to be provided by Utilities Commission of New Smyrna Beach. Sewage disposal is proposed to be provided by Utilities Commission of New Smyrna Beach. The zoning classification is Urban Multifamily Residential-Indian River Lagoon Surface Water Improvements and Management Overlay Zone (R-7W). The future land use designation is Urban High Intensity and Urban Low Intensity.

On April 23, 2009, the Volusia County Council approved the abandonment of a 50-foot by 100-foot segment of the South Atlantic Avenue right-of-way that separated the western portion of the property from the ocean-side portion of the property. Within 90 days of adoption of Resolution No. 2009-56, the vacation was contingent upon the following conditions:


b. Combination of lots 24 through 26, Block 15 and lots 24 through 26 and lots 62 through 64, Block 36, of the Bethune-Volusia Beach, Unit 5 of 7 Units plat, recorded in Map Book 1, Pages 155 through 161.

c. Combination of lot 23 of Block 15 and lot 23 of Block 26, of the Bethune-Volusia Beach, Unit 5 of 7 Units plat, recorded in Map Book 1, Pages 155 through 161, with parcel number 8505-03-00-0000.
d. Conveyance of an easement in which no habitable structures will be built within 25 feet from the westerly line of the abandoned right-of-way.

e. Conveyance of a one (1)-foot non-vehicular access easement across the abandoned right-of-way to ensure access to the property is from Turtlemound Road.

All of the required easements were recorded on July 17, 2009, and the lots have been combined.

On December 13, 2011, the Planning and Land Development Regulation Commission (PLDRC) approved variance case (V-11-036) subject to eight (8) conditions. The approved variances are as follows:

   a. A variance for a minimum project area from the required one acre to .42 acre.
   b. A variance to the project perimeter setback from the required 45-ft. to 25-ft.
   c. A variance to the project perimeter side yard setback from 45-ft. to 7-ft.
   d. A variance to the side yard landscape buffers from 15-ft. to 7-ft.

The variance approved by the PLDRC on December 13, 2011, included a requirement for the applicant to submit an application for final site plan approval per the Volusia County Code of Ordinances. Attached is the variance rendition letter dated January 18, 2012.

The final site plan application was submitted on October 17, 2012, and scheduled for the November 6, 2012, Development Review Committee (DRC) meeting.

Staff met with the applicant and project engineer on October 31, 2012, 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 action as recommended below.

The following is a summary of the attached Technical Review Committee comments:

**Summary:**

1. The ownership of the proposed complex will be a condominium, since the property does not have delineated lots lines for each unit. Please modify all plan sheets to reference this project as a condominium in future submittals.

2. Minimum driveway width of 24 feet and with a pavement radius of 30 feet is required. A 100-foot long, 12-foot wide taper must be provided for any driveway adjacent to a thoroughfare with a 40 mph posted speed limit.

3. Clarify how vehicles shall maneuver within the paved parking area. The proposed backup recovery area along the north lot line does not meet the 15-foot depth requirement. The County Development Engineer suggested that an exhibit be
provided demonstrating that there is sufficient maneuvering within the proposed paved area, therefore satisfying this requirement. Current Planning review comment #2 is stricken from the record.

4. Additional review by Current Planning staff confirmed that the masonry screen wall along the southern lot line shall be 6-feet high, as referenced in the approved variance case. Current Planning review comment #4 is stricken from the record.

Informational:

1. A Use Permit is required for the proposed improvements within the Turtlemound Road and S. Atlantic Avenue right-of-ways, and will be issued with the Final Site Plan Development Order.

2. Construction activities within the beach/dune area, such as a dune walkover, will require applications for a Building Permit and Use Permit, and a guarantee for dune restoration through submission of a Performance Agreement.

Recommendation:

Staff recommends that the DRC APPROVE WITH CONDITIONS the final site plan application with the conditions stated in the consolidated report and the attached Technical Review Committee comments, with the following waiver or modification:

1. A waiver from the requirements of Section 72-619(e)(2), Article III Land Development, Chapter 72 Code of Ordinances, to provide a 100-foot long 12-foot wide taper for the driveway on Turtlemound Road is approved.
TECHNICAL REVIEW STAFF COMMENTS

October 31, 2012
Sea Glo Townhome Project
2013-F-FSP-0008, RSN 746319

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BEACH ENVIRONMENT AND SEA TURTLES

Jennifer Winters, HCP Program Manager October 25, 2012

Sea Glo Townhome Project 2013-F-FSP-0008

Habitat Conservation Plan staff has reviewed the requested submission and provides the following comments:

1. Looking at the plans for exterior lighting, my concern is that our ordinance requires that no source of light, or reflective surface of a fixture be visible from the beach (regardless of wavelength or color). The design of the wall mounts (can and step lights) might be visible or have reflective surface visible. There is one fixture that we recommend for upper floors close to the beach fairly often. It has a removable shield which can be used for those locations closest to the beach and the visor shield works great to block the reflective surface inside a can light. The brand is electro elf. The fixture was designed to be used in the coastal environment is marine grade plastic and the bulb area is sealed. The company website is www.electroelf.com. I would suggest looking for a fixture similar to this one.

2. A note should be included on the plans indicating that all windows within line sight of the beach will have glass with visual transmittance of 45% or less. As an alternative, please submit specs indicating what the visual transmittance of each window will be, for all windows which will be in line sight of the beach.

3. As for the dune walkover, please include the below standard conditions for construction on the set of plans. These conditions will address access to the beach (if needed) and information regarding construction requirements.

   a. 48 hours prior to the start of beginning work on county beaches, notification must be made to Environmental Management (EM) staff at 386-238-4668 or 238-4716. If vehicular access is needed onto the beach at the project location, a separate vehicle pass must be issued by contacting EM staff at the number above.
b. The project design must be in accordance with all permitted and approved plan specifications. If any changes need to be made to plans due to changing conditions of the beach profile, they must be approved by all permitting agencies prior to initiation of coastal construction activities.

c. If the project activity will impede public use areas and vehicular traffic, it will the responsibility of the owner, agent and/or contractor to ensure that appropriate safety precautions are used, such as a traffic flag person, traffic cones or construction fencing to ensure public safety in the area.

d. No vehicular equipment or project associated materials may remain on the beach overnight unless specifically authorized by the state and/or federal permit(s) issued for the work.

e. All debris generated by your activity or affiliated with the project property must be removed from the beach daily. Any hazardous debris or debris that may be carried by the surf must be removed daily, without exception.

f. All projects must comply with all conditions contained in local, state, and/or federal permits and authorizations issued for the projects. All required permits shall be posted at the project site.

g. No beach excavation or filling activities may be conducted during the sea turtle nesting season (May 1- Oct 31). All below grade construction of the dune walkover must be complete by April 30th. If your dune walkover project is not complete by April 30th, the county will take no responsibility for the incomplete work. If your project gets an extension from the FDEP to continue the work into May, evidence of such must be provided to this office immediately and all vehicular equipment will be restricted to the upland property.

h. Following completion of construction, the beach/dune system shall be restored to its pre-construction condition, as applicable.

i. A sea turtle informational sign must be installed on the walkover upon final inspection. Free signs are available through the Environmental Management office at 386-238-4668.

j. A final inspection will be conducted after dark once the construction is complete. Any lights, reflective surfaces of fixtures and lights which cause beach illumination will not pass inspection and may need further modification. Please call in for the lighting final at 386-238-4668; an after-hours inspection must be scheduled independent of the call center.

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Building Code Administration

Randy Roberts, Commercial Plans Examiner  
October 18, 2012

Sea Glo Townhome Project  
2013-F-FSP-0008

Building Code Administration staff is currently conducting a preliminary review for the applicant. Please refer to building permit application #'s 20120810020, 20120810021, and 20120810022 for specific comments relating to the building code requirements.

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Current Planning

John H. Stockham, ASLA, Planner III  
October 30, 2012

Sea Glo Townhome Project  
2013-F-FSP-0008

Current Planning staff has reviewed the requested submission and provides the following comments:

1. The site plan layout and building setbacks are consistent with those approved through variance case V-11-036. The proposed plan is also in compliance with other conditions of approval associated with the variance case.

2. Vehicular backup areas shall be fifteen (15) feet deep and have a fifteen (15)-foot turning radius in accordance with Section 72-618, Article III Land Development, Chapter 72 Code of Ordinances (LDC). The proposed backup area shall be corrected on the plan or seek relief from the Development Review Committee.

3. Revise Sheet L-1 to remove the two Medjool date palms shown within the public street right-of-way. These trees shall be relocated onto the project site.

4. The screen wall located along the southern property line is required to be eight feet tall, as opposed to the height of six feet shown on the plans. This agreement was forged with the neighbors to the south during the variance review.

5. The project should be referred to as a "condominium" project since lots will not be sold for each residential unit.

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Development Engineering Staff has reviewed the requested submission and provides the following comments:

1. FEMA Flood Insurance Rate Maps indicate that the westerly portion of the site is located within a Zone X designation; areas of 100 year flood with average depths of less than 1 foot. The Zone AE designation west of the site has the 100 year base flood elevation established at El. 5, 1988 NAVD.
   a. The engineer will need to determine the 100 year floodplain elevation and show the limits of the floodplain on the plans.
   b. Per Section 72-741 and 72-611(b) of the LDC, this office opposes the introduction of fill and development into the floodplain.

2. The portion of Turtle Mound Road (CR A1A) abutting the proposed project is classified as a County maintained thoroughfare arterial roadway. The site falls within an Urban Land Use category and is greater than 2 miles of a school.
   a. Per Section 72-619(e)(2) of the LDC, a 24-foot wide commercial driveway entrance with minimum 30 foot radii, a 100-foot long 12-foot wide taper for any driveway adjacent to a thoroughfare with a 40 mph posted speed limit, and minimum 25 foot of separation from the right-of-way line to any interior drive or parking space will need to be constructed.
   b. Construction of a commercial paver driveway will need to be consistent with the Volusia County construction details for Paver Brick Driveways and is subject to the execution and recording of a County of Volusia Hold Harmless Agreement. The installing contractor must hold a current competency card from Volusia County as a Paver Contractor.

3. The 6-foot privacy wall along the south common lot line is shown to be removed on Clearing Plan, Sheet C-3. The privacy wall appears to be located on the adjacent private property and meanders onto the applicant’s site.

4. The existing one foot non-vehicular access easement across Atlantic Avenue needs to be shown on the site plans. Construction access or other vehicular use of the local roadway is prohibitive due to the easement.
5. The plans indicate construction of a frangible fence, frangible privacy wall, frangible retaining wall, and frangible underground exfiltration system. The understanding of this office is that frangible defines an object that is readily or easily broken. Please review the callouts on Sheet C-7 and details on Sheet C-8. Concrete block retaining walls and concrete block privacy walls should not be frangible. The fence should not be frangible if intended to provide a barrier between pedestrian traffic and potential hazards such as the drop off at the retaining wall.

6. Per Section 72-777(b)(1)f of the LDC, the one-time construction of any structure or pavement which exceeds 1,000 square feet of impervious area on or parallel to the ground will require a Stormwater Permit.

   a. For basins having a positive outfall and per Section 72-779(a)(3)a of the LDC, the discharge hydrograph produced for the developed or redeveloped site shall not exceed, in terms of peak flow and total volume, the hydrograph produced by conditions existing before any development occurred on site for a 24-hour, 25-year frequency storm. The analysis of the pre-developed condition must be based upon conditions existing before any development, no impervious coverage. The pre-development analysis must also consider the existing storage onsite when comparing pre and post volumes of runoff. Retention below the pond weir and exfiltration outfall weir is required for the difference in runoff volume.

   b. A minimum of 1-foot of freeboard typically needs to be provided between the pond design high water (DHW) and the top of bank. The open retention pond top of bank is El. 10.00 and DHW is El. 9.63 for the 25YR/24HR storm event. Can the top of bank elevation be raised?

   c. Per Section 72-779(a)(1)c of the LDC, retention area slopes may be no steeper than 4:1. The plans need to demonstrate that maximum 4:1 side slopes will be constructed.

   d. Identify all cleanout ports and access on Sheet C-5 for maintenance of the 54-inch culverts proposed within the underground exfiltration system.

   e. What are the sizes of the nearest upstream and downstream culverts currently in existence within the Turtle Mound Road swale? The proposed driveway culvert must be equal to or larger than the greater size of the existing upstream and downstream culverts. Existing spot elevations within the ditch will need to be provided on the Sheet C-5 as well as the proposed inverts of the culvert. The applicant will need to demonstrate that the minimum cover has been provided per FDOT Standard Index No. 205, Sheet 1 of 6. The proposed culvert needs to be provided with a minimum physical
slope which will produce a velocity of 2.5 feet per second when the pipe is flowing full. Mitered end sections will need to be provided for the pipe end treatments.

Informational:

1. The parcel is a legal lot per Oerther Unrecorded, 2009-S-EXM-0256.

2. A Use Permit is required for the work proposed within the Turtle Mound Road and Atlantic Avenue Drive right-of-ways. A Use Permit is also required for construction of the dune walkover access to the beach. Construction activities within the beach area may require submittal of a Performance Guarantee. When the Final Site Plan is approved the Use Permit may be issued.

3. A copy of any approved FDEP and/or St Johns River Water Management Permits are requested for file.

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ENVIRONMENTAL PERMITTING

Danielle Dangleman, Environmental Specialist I II October 19, 2012

Sea Glo Townhome Project 2013-F-FSP-0008

Environmental Permitting staff has reviewed the requested submission and provides the following comments:

1. Revise the Landscape Plan, Sheet L-1, to include the removal and replacement calculations for the three palms being removed from site.

2. Per Section 72-838 of the LDC, this site must meet the minimum tree coverage standard of one tree per 2,500 square feet of parcel area (rounded up to the nearest whole tree). Please demonstrate that there are a sufficient number of trees on site to meet this requirement.

3. Utilizing the scale on the survey provided, the parcel totals 20,587 square feet. Revise the Landscape Plan using this square footage. Show the calculations indicating the parcel will meet the 35% native vegetation required and label the areas. Vegetation located within the utility easement cannot be used towards the native vegetation requirement. Note that the existing vegetation on the dunes can be used towards the 35% native vegetation needed.
4. Trees and native vegetation planted within the utility easement will not count towards meeting tree replacement, minimum tree standards, or native vegetation requirements.

5. This property has been identified as containing suitable habitat for the gopher tortoise (GT), a threatened species. Per Section 72-1140 of the LDC, a 100% GT burrow survey is required to be conducted by an Authorized Agent to determine if GT burrows or their 25-foot buffers are located on the property. If any GT burrows are found on site and their 25-foot buffers cannot be avoided, a Florida Fish and Wildlife Conservation Commission GT relocation permit will be required. Please be aware that the biological survey submitted has expired. Biological surveys are only valid for 90 days.

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FIRE SAFETY

Michael Garrett, Fire Safety Inspector October 26, 2012

Sea Glo Townhome Project 2013-F-FSP-0008

Fire Safety Inspection staff has reviewed the requested submission and has no comment.

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HEALTH

James McRae, Environmental Health Manager October 18, 2012
DOH/Volusia County Public Health Unit

Sea Glo Townhome Project 2013-F-FSP-0008

Public Health Unit staff has reviewed the requested submission and provides the following comments:

1. Potable water and sewage disposal to be provided by New Smyrna Beach Utilities Commission.

2. Obtain lawn irrigation permit from Health Department.

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LAND DEVELOPMENT

Jesse Bowers, Land Development Assistant  October 25, 2012

Sea Glo Townhome Project  2013-F-FSP-0008

Land Development staff has reviewed the requested submission and provides the following comments:

1. The subject parcel consists of platted lots that were combined under Oerther Unrecorded, 2009-S-EXM-0256. The subject parcel has legal standing status.

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PUBLIC WORKS – MOSQUITO CONTROL

Bill Greening, Environmental Specialist II  October 22, 2012

Sea Glo Townhome Project  2013-F-FSP-0008

Mosquito Control staff has reviewed the requested submission and has no comment.

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PUBLIC WORKS – ROAD & BRIDGE

Tom Morrissey, Construction Engineer II  October 24, 2012

Sea Glo Townhome Project  2013-F-FSP-0008

Road & Bridge staff has reviewed the requested submission and has no comment.

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PUBLIC WORKS – ROAD IMPACT
Scott Martin, P.E., Engineering Section Manager          October 24, 2012
Sea Glo Townhome Project                            2013-F-FSP-0008

Road Impact staff has reviewed the requested submission and has no comment; no additional right-of-way is required for this development.

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PUBLIC WORKS – STORMWATER
Dan Nimlos, Senior Engineering Inspector            October 24, 2012
Sea Glo Townhome Project                            2013-F-FSP-0008

Stormwater Inspector staff has reviewed the requested submission and provides the following comments:

1. A soil tracking device must be implemented per the 2010 FDOT Index #106 and shown its location to the site on the revised plans.

2. Brick paver driveways located in the right-of-way must also have a separate use permit application and follow Volusia County’s brick paver driveway/hold harmless agreement design standards.

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SCHOOL BOARD
Marian Ridgeway, VC School District            October 2, 2012
Sea Glo Townhome Project                          2013-F-FSP-0008

This is a final site plan for a three (3) unit townhome residential development. Residential subdivisions of ten (10) or less lots/units are exempt from school concurrency review.

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SOILS

Dave Griffis, County Extension Director

Sea Glo Townhome Project

October 24, 2012

As requested I visited the site. Soils were found to be:

1. #3 Arents. Arents are nearly level soils made up of heterogenous overburden material that was removed from other soils and used in land leveling or as fill material. The water table varies on the amount of fill material.

2. #12 Canaveral sand, 0 to 5 percent slopes. This moderately well drained to somewhat poorly drained, nearly level to gently sloping soil is on low coastal sand dunes and in the bottoms of troughs between the dunes. The water table is between 10 and 40 inches in the wet season. In low areas bordering the Halifax and Indian River the height of the water table depends partially on tidal fluctuations. The potential is medium for community development with wetness a limitation.

Concrete and other construction materials were found on the site.

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SURVEY

David H. Kraft, PSM, Surveyor Manager

Sea Glo Townhome Project

October 22, 2012

County Survey staff has reviewed the survey of this project and I find that there are no outstanding survey related issues.

* * * * *
Traffic Engineering staff has reviewed the requested submission and provides the following comments:

1. As specified in Section 72-618(a)(3)(b) of the LDC, the minimum driveway width shall be 24 feet wide with a 30-foot pavement radius.

2. As specified in Section 72-612(p)(3) of the LDC, a 3-inch diameter STOP sign post is required in lieu of the 2-inch post proposed.

3. As specified in Section 72-612(p) of the LDC, in addition to the stop bar proposed, 25 feet of 6-inch wide double yellow thermoplastic centerline striping is required.

4. Section 72-618(a)(3)(e) of the LDC states backing onto streets shall not be permitted except in single-family and duplex developments, provide a detailed drawing showing compliance.

5. As specified in Section 72-619(a) of the LDC, provide a sight triangle detail from the stop bar showing full view of the sidewalk and the roadway (including existing trees and vegetation).

6. On sheet C-2, site plan notes, number four, specify three OM4-1, type 4 Object markers.

7. Provide a note on the FSP stating that no driveway gate will be installed during construction or in the future due to vehicle stacking limitations.

8. Provide a note on the FSP indicating that: There shall be no construction vehicle related parking, construction materials placement or storage of any kind permitted within County rights of way in accordance with Volusia County Ordinance Article 1, Section 94-1.

9. Provide a note on the FSP indicating that: There shall be no deliveries, blockage or restriction of any kind within County maintained through lanes between the hours of 6 AM to 9 AM and 4 PM to 6 PM, unless otherwise approved by the County Traffic Engineer.
10. Provide a note on the FSP indicating that: All existing sidewalks within County rights of way shall remain open or provision of a temporary walkway shall be provided in accordance with Version 2010 of Florida Department of Transportation Standard Index #660 Mid Block Closure with Temporary Walkway unless otherwise approved by the County Traffic Engineer. Please note that Index #660 must be shown on the FSP.

11. As specified in Section 72-704 of the LDC, provide a Maintenance of Traffic (MOT) detail for the proposed work on Turtlemound Road based on the location of the work proposed and its relationship to the roadway. Please note that the MOT must be shown on the FSP plans.

12. Paver notes page C-5, please correct number 6 to read; see detail on sheet C-8.

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UTILITIES

Scott Mays, P.E., Utilities Engineer October 19, 2012

Sea Glo Townhome Project 2013-F-FSP-0008

Utilities Engineering staff has reviewed the requested submission and finds that it is not located within Volusia County’s utility service area.

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UTILITIES COMMISSION OF NEW SMYRNA BEACH

Randy Walters, New Business Specialist October 19, 2012

Sea Glo Townhome Project 2013-F-FSP-0008

Utilities Engineering staff has reviewed the requested submission and provides the following comments:

1. Water service is available from Turtlemound Road. A 6-inch PVC water main cuts across the property in an easement in what use to be South Atlantic Avenue.

2. Sewer service connection is available at the southwest corner of the property.

3. The point of service for the customer’s electric service is at the southwest property corner.
*Applicant submitted plan
January 18, 2012

Glenn Storch
Storch & Harris, LLC
420 Nova Road
Daytona Beach, Florida 32114

Re: PLDRC Rendition for variance case V-11-036
Parcel No.: 8505-01-36-0240

Dear Mr. Storch:

At its hearing of December 13, 2011, the Planning and Land Development Regulation Commission (PLDRC) took the following final action:

Approved a variance for a minimum project area from the required one acre to 0.42 acre; a variance to the project perimeter setback from the required 45 ft. to 25 ft.; a variance to the project perimeter side yard setback from 45 ft. to 7 ft., and a variance to the side yard landscape buffers from 15 ft. to 7 ft. on Urban Multifamily Residential / Indian River Lagoon Surface Water & Improvements Management (SWIM) Overlay Zone (R-7W), subject to the following conditions:

1. Variance approval is subject to the revised site plan prepared by Richard Dixon, P.E., dated 8-30-11, Job No. 11-0796, initiated by both property owners Gary and Jeanie Oerther and southern neighbors Robert and Sandra Liess. Before the commencement of any site work, the applicant shall submit for final site plan approval per the Volusia County Code of Ordinances, as amended.

2. No principal or accessory building or structure shall be located closer than 7 ft. to the project’s side perimeter lot lines or closer than 25 ft. to the project’s front perimeter lot line. On the oceanfront perimeter, any building or structure shall meet the perimeter setback of 45 ft. as measured from the seawall line or the seaward limit of the permanent vegetation (except as may be further restricted by the 25 ft. non-habitable structure easement recorded in O.R. Book 6375, Pages 4639-4643). The applicant may only erect low-height structures, such as a walkway, dune walkover, and benches, eastward of the non-habitable easement.
3. The first floor elevation of the proposed multifamily building shall be no higher than two feet above the existing first floor elevation of the southern neighbor’s home (parcel 8505-01-36-0270, Liess), unless otherwise required by the Florida Building Code.

4. The applicant shall construct a maximum 6 ft. high masonry screen wall along the south lot line up to the front corner of the Liess residence. The front corner point projected onto the Oerther property shall be determined by drawing a line from the northeastern corner of the Liess home parallel to the average straight-line dune edge of the two (Oerther and Liess) properties. All walls or fencing east of the corner points shall comply with section 72-282 (1) of the zoning code, measured from current existing grade.

5. There shall be no construction vehicles or equipment access to the site from Atlantic Avenue. All vehicles and equipment shall enter the site from Turtlemound Road, and all vehicles and equipment shall be stored and parked west of the project’s primary structure building line. The only exception to this requirement shall be vehicles or equipment related to constructing the swimming pool or pool deck and, even then, only if the primary structure has already been built.

6. The Oerthers and Liesses shall agree to a landscape plan for the area between the south wall of the proposed multifamily project and the south-line screening wall west to Turtlemound Road. The landscape plan shall use native vegetation appropriate for the dune environment and of sufficient height and breadth to buffer the visual effect of the multifamily project on the adjacent single family home owned by the Liesses.

7. The fourth floor area of the multifamily building shall be built and maintained as a cabana/viewing area, as depicted on the plans prepared by Richard Dixon, P.E., and referenced under condition 1. The owner may install safety railings along the perimeter of the fourth floor cabana/viewing area, as may be required by the Florida Building Code. In no event shall the fourth floor cabana/viewing area be enclosed or converted to habitable space for an existing unit or potential new dwelling unit.

8. The second floor storage/game room areas above the units 1 and 2 garages shall not contain kitchen or plumbing facilities.

EXPIRATION OF VARIANCE: Per section 72-379, zoning code, if a variance does not begin to serve the purpose for which it was granted within 12 months from the date of rendition, or if its use is abandoned for 12 consecutive months from the date of rendition, it shall expire provided, however, that the zoning enforcement official may extend the variance for up to an additional 12 month period of time if the applicant can demonstrate that a good faith reliance has been on going to accomplish the approved variance. Good faith reliance may include, but is not limited to, the securing of any
required permits from other governmental agencies/jurisdictions or the expenditure of substantial funds upon reliance of the approved variance.

I have enclosed a copy of the approved site plan. At permitting time, please submit copies of the approved site plan and this letter. This will assist in obtaining Zoning approval for your building permit application. If modifications are made to this approved plan, those changes must meet the requirements of the applicable regulations of the zoning code.

Please feel free to call John H. Stockham, ASLA, Planner III at (386) 943-7059, ext. 12617 if you have any questions.

Sincerely,

Scott Ashley, AICP
Planning Manager

SA:ys

Attachment(s): Variance Site Plan

c:  Gary & Jean Oerther, 5821 S. Atlantic Avenue, New Smyrna Beach, FL 32169
    Mary Robinson, Director, Building & Zoning Division
    Janice Cornelius, Property Appraiser's Office
    Case File V-11-036
LOCAL DEVELOPMENT REGULATIONS.
CONFORM WITH ALL FEDERAL, STATE AND
LOCAL REQUIREMENTS. THE ENTIRE PLAN MUST
MEET REQUIREMENTS OF THE ZONING ORDINANCE.
ANY CHANGES TO THIS PLAN MUST MEET
APPROVED BY COUNTY COMMISSION
CASE N-11054 PLAN JUL 31, 2011
FRONT ELEVATION
1. RIGHT ELEVATION
SEA GLO TOWNHOME PROJECT
2013-F-FSP-0008

1 inch = 100 feet