

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Old Lockwood Road Rezone from A-1 (Agriculture) to R-1A (Single Family Dwelling District), (Al Ghandour / Mag Development Co., applicant)

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Don Fisher CONTACT: Jeff Hopper EXT. 7431

Agenda Date 1/11/05 Regular Work Session Briefing
Public Hearing – 1:30 Public Hearing – 7:00

MOTION/RECOMMENDATION:

- 1. Enact an ordinance to APPROVE the requested rezone from A-1 (Agriculture) to R-1A (Single Family Dwelling District), for 10 acres located on the west side of Old Lockwood Road 0.5 mile north of McCulloch Rd., per the staff report; or
- 2. DENY the requested rezone from A-1 (Agriculture) to R-1A (Single Family Dwelling District), for 10 acres located on the west side of Old Lockwood Road, 0.5 mile north of McCulloch Rd.; or
- 3. CONTINUE the item to a time and date certain.

District 1 – Dallari

Jeff Hopper, Senior Planner

BACKGROUND:

The applicant is requesting R-1A on a 10-acre site located on Old Lockwood Road adjacent to Carillon Subdivision. The requested zoning classification would permit the applicant to develop lots at a minimum 9,000 square feet in size and 75 feet in width. Located in the Low Density Residential future land use designation, the property is authorized under the Vision 2020 Plan for a maximum of 4 units per net buildable acre. However, as a request for conventional zoning (i.e., not PUD), the application is subject to the lot compatibility analysis required under Ordinance 98-53. This analysis supports a zoning classification of R-1AA.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested R-1A classification per the attached staff report.

Reviewed by: [Signature]
Co Atty: [Signature]
DFS: _____
OTHER: [Signature]
DCM: [Signature]
CM: [Signature]
File No. ph130pdp03

PLANNING & ZONING COMMISSION RECOMMENDATION:

On November 3, 2004 the Planning & Zoning Commission voted 6-0 to recommend APPROVAL of the request subject a minimum house size of 2,000 square feet of habitable floor area.

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY
PLANNING AND ZONING COMMISSION
NOVEMBER 3, 2004**

Members present: Alan Peltz, Ben Tucker, Beth Hattaway, Chris Dorworth, Dudley Bates and Richard Harris

Member absent: Walt Eismann

Also present: Jeffrey Hopper, Senior Planner; Tina Deater, Senior Planner; Matt West, Planning Manager; Kim Romano, Deputy County Attorney; Jim Potter, Senior Engineer; Cynthia Sweet, Planner; and Candace Lindlaw-Hudson, Senior Staff Assistant

C. Nak Nak Run Rezone; Mag Development Company / Al Ghandour, applicant; approximately 10 acres; rezone from A-1 (Agriculture District) to R-1A (Single Family Dwelling District); located on the west side of Old Lockwood Rd., 0.5 mile north of McCulloch Rd. (Z2004-049)

Commissioner Maloy – District 1
Jeff Hopper, Senior Planner

Mr. Hopper stated that the applicant is requesting R-1A on a site adjacent to the south side of Carillon Subdivision. This zoning category would permit lots at a minimum 9,000 square feet in size and 75 feet in width. The site of this rezone lies within the Low Density Residential (LDR) future land use designation, as do adjacent properties on all sides. Under LDR, the Vision 2020 Plan allows a development potential of up to 4 units per acre. Adjacent zoning to the east and south is A-1 and R-1AA, while Carillon to the north and west is zoned PUD at a density equivalent to R-1.

As required by the Code, staff performed a Lot Compatibility Analysis on the site, which supports a zoning classification of R-1AA rather than R-1A. Despite the results of this analysis, the Commission may take other factors into consideration. Substantial development has already occurred in Carillon at a density equal to or greater than the applicant's proposal. Also, the adjacent A-1 properties may not accurately reflect development trends in the area.

To ensure compatibility with neighboring development, the Board has the option of approving the request with a larger house size than the normal minimum of 1100 square feet.

Mr. Hopper concluded by saying the staff recommendation was for approval.

Commissioner Harris said that within Carillon there is a higher density.

Mr. Hopper stated that Carillon is equivalent to R-1 zoning, which is smaller lots.

Mr. Ghandour said that this project will be 2.7 or 2.8 units per acre. He will exceed 11,000 square foot lots.

Commissioner Harris asked what the house size would be.

Mr. Ghandour stated that he usually builds 2,200 square foot custom homes. Each is unique.

Julie Richardson of 2511 Nak Nak Run said that she wanted to see larger lot size and bigger houses. Her house is 3,960 square feet, and the smallest in the area is 2,500 square feet. In Carillon, house size ranges from 2,500 square feet to over 4,000 square feet. Her other concerns included flooding in the area and the fact that Nak Nak Run is a private road, not County. When Carillon was developed, it was agreed that a 6 foot wall would be put along Nak Nak Run's north side.

Commissioner Tucker asked Ms. Richardson if the square foot figures she listed were gross square feet.

She said they were.

Ralph Menning of 2021 West Point Drive was also concerned with lot size and water retention. He wants a wall like Carillon's to go in for security and privacy.

Mr. Ghandour said that he would commit to 2,000 square feet of living area and 3,000 square feet minimum under roof.

Commissioner Harris asked Mr. Ghandour to reaffirm his commitment to 2,000 square feet of living area as a minimum.

Mr. Ghandour said "yes" and stated that drainage will be engineered by county standards. He did not see the need for a wall along Nak Nak Run, since no houses will be looking into the subdivision. There will be no access from homes on Nak Nak Run.

Commissioner Harris asked if there would be a wall on the north property line?

Mr. Ghandour said that there are some wood fences. He may gate this project and put fences in for security.

Commissioner Hattaway made a motion to recommend approval, with a minimum living space of 2,000 square feet in the houses.

Commissioner Dorworth seconded the motion.

The motion passed unanimously (6 – 0).

OLD LOCKWOOD ROAD REZONE

REQUEST INFORMATION	
APPLICANT	Al Ghandour
PROPERTY OWNER	Richard J. Rigdon and Gail R. Daniels
REQUEST	Rezone from A-1 (Agriculture) and R-1A (Single Family Dwelling District)
HEARING DATE(S)	P&Z: November 3, 2004 BCC: January 11, 2005
PARCEL #	36-21-31-300-004D-0000
LOCATION	West side of Old Lockwood Rd., 0.5 mile north of McCulloch Rd
FUTURE LAND USE	Low Density Residential (LDR)
FILE NUMBER	Z2004-049
COMMISSION DISTRICT	District 1 (Maloy)

OVERVIEW

The applicant is requesting R-1A on a 10-acre site located on Old Lockwood Road adjacent to Carillon Subdivision. The requested zoning classification would permit the applicant to develop lots at a minimum 9,000 square feet in size and 75 feet in width. Located in the Low Density Residential future land use designation, the property is authorized under the Vision 2020 Plan for a maximum of 4 units per net buildable acre. However, as a request for conventional zoning (i.e., not PUD), the application is subject to the lot compatibility analysis required under Ordinance 98-53. This analysis supports a zoning classification of R-1AA.

The analysis evaluates appropriate zoning for a given parcel on the basis of existing zoning on surrounding properties within 660 feet. The calculations assign differing weights to the various districts according to permitted development intensities within those districts. For example, the R-1A district, with a minimum lot size of 9,000 square feet, has a weight factor of 8, while R-1AAAA, requiring half-acre lots, has a weight factor of 5. Properties zoned for Agriculture (A-1) receive a base weight of 4, but additional points can be assigned where water, sewer, and paved roads are available, for a maximum of 7.

Weighting factors, together with the acreage of each zone within the 660-foot radius, determine the "compatible" zoning for the subject property. A substantial portion of the analysis area adjoining this request is A-1, with a significant quantity of PUD (equivalent to R-1A) in Carillon Subdivision, adjacent to the north and west. The analysis yielded a weight rating of 7.12, which corresponds to the R-1AA district, with a minimum lot size requirement of 11,700 square feet. The requested R-1A would permit lots of 9,000 square feet in size.

Despite the results of the lot compatibility analysis, other considerations may be taken into account in evaluating this request. Substantial development has occurred in Carillon at a density which is equal to or greater than the applicant's proposal. Also, the Agriculture-

zoned properties to the east and south are less intensely developed than the LDR land use designation permits, and therefore may not accurately represent development trends in the area.

The Land Development Code permits approval of R-1A with minimum house sizes higher than the normal standard of 1,100 square feet. Adjacent homes in Carillon are approximately 1,800 square feet or larger in habitable floor area. As a means of ensuring compatibility with the neighboring subdivision, the Commission may wish to recommend 1,800 square foot homes within the subject property on all lots abutting the existing development.

Existing Land Uses: The existing zoning designations and land uses are as follows:

	Zoning	Future Land Use	Existing Land Use
North	PUD	LDR	SF residential
South	A-1	LDR	Vacant
East	A-1/R-1AA	LDR	Vacant
West	PUD	LDR	SF residential

For more detailed information regarding zoning and land use, please refer to the attached map.

SITE ANALYSIS

Facilities and Services:

1. Adequate facilities and services must be available concurrent with the impacts of development. If required by the concurrency review, additional facilities and services will be identified. (Applicant has submitted a Concurrency Review Deferral Affidavit.)
2. The proposed zoning is consistent with the adopted future land use designation assigned to the property, and does not alter the options or long range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan.
3. Seminole County will provide water and sewer service to the site. Reclaim water will be available in the spring of 2005.
4. Information on stormwater capacity and outfall will have to be provided prior to Final Subdivision approval.

Compliance with Environmental Regulations: At this time there are no concerns regarding compliance with environmental regulations.

Compatibility with surrounding development: The proposed R-1A zoning classification is compatible with the Low Density Residential land use designation.

STAFF RECOMMENDATION

Although the lot compatibility analysis recommends R-1AA, Staff recommends approval of the R-1A classification as requested by the applicant based adjacent development of equivalent density, and the likelihood of similar requests on adjacent parcels which are now vacant.

PLANNING & ZONING COMMISSION RECOMMENDATION:

On November 3, 2004 the Planning & Zoning Commission voted 6-0 to recommend APPROVAL of the request subject a minimum house size of 2,000 square feet of habitable floor area.

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On January 11, 2005, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG SEC 36 TWP 21S RGE 31E S 1/4 OF SW 1/4 OF NW 1/4

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owners: RICHARD J. RIGDON
GAIL R. DANIELS

Project Name: OLD LOCKWOOD ROAD REZONE

Requested Development Approval: A-1 (Agriculture) to R-1A (Single Family Dwelling District)

The Development Approval sought is consistent with the Seminole County Vision 2020 Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly and voluntarily agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: JEFF HOPPER
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

All homes shall have a minimum of 2,000 square feet of habitable living area.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Carlton D. Henley
Chairman
Board of County Commissioners

Attest:

Maryanne Morse
Clerk to the Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, RICHARD J. RIGDON, on behalf of himself and his heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

_____ By: _____

Print Name RICHARD J. RIGDON
Property Owner

Witness

Print Name

STATE OF FLORIDA

COUNTY OF SEMINOLE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared RICHARD J. RIGDON, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, GAIL R. DANIELS, on behalf of herself and her heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

_____ By: _____

Print Name GAIL R. DANIELS
Property Owner

Witness

Print Name

STATE OF FLORIDA

COUNTY OF SEMINOLE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared GAIL R. DANIELS, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY; ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE R-1A (SINGLE FAMILY DWELLING DISTRICT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Old Lockwood Road Rezone."

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to R-1A (Single Family Dwelling District):

LEG SEC 36 TWP 21S RGE 31E S 1/4 OF SW 1/4 OF NW 1/4

Section 3. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

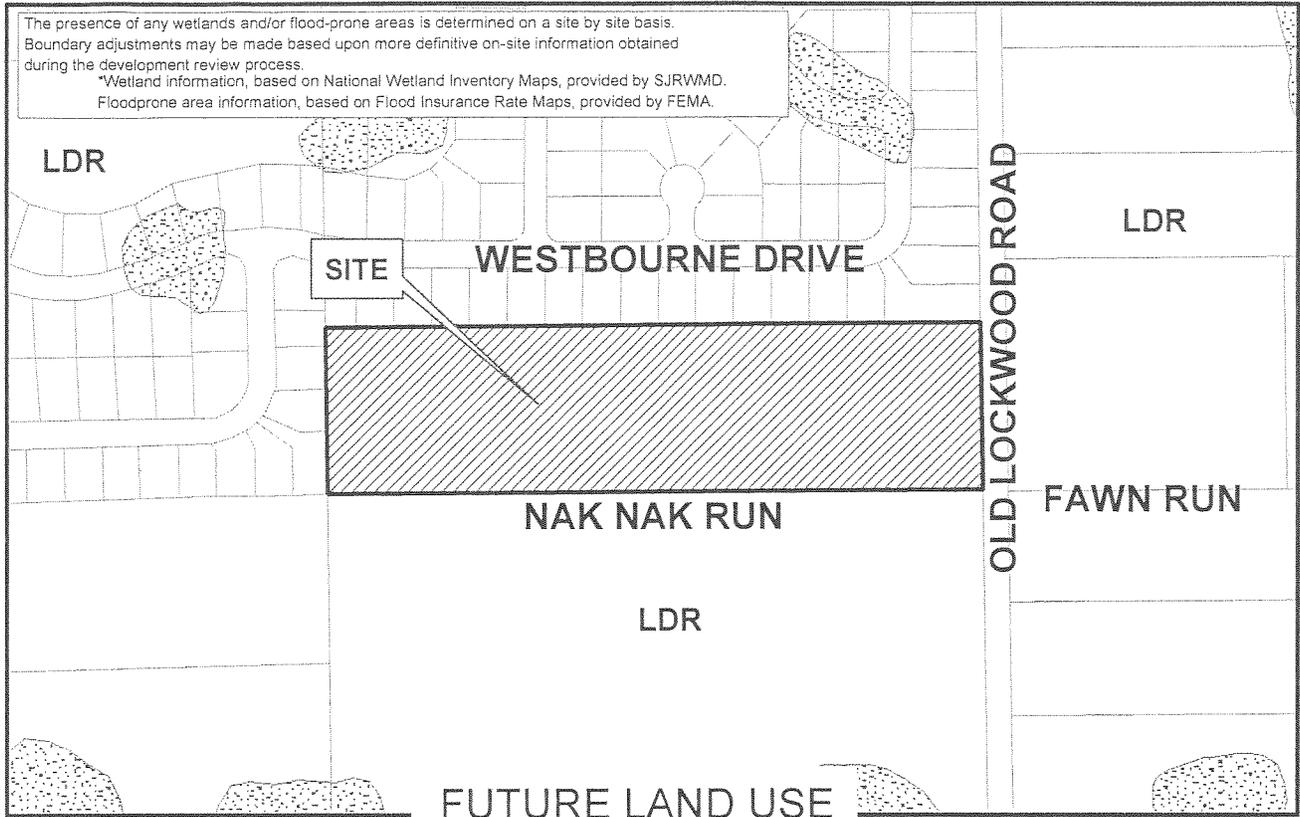
Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes. This Ordinance shall become effective upon the date of filing by the Department and recording of Development Order #4-20000015 in the official land records of Seminole County.

ENACTED this 11th day of January, 2005.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

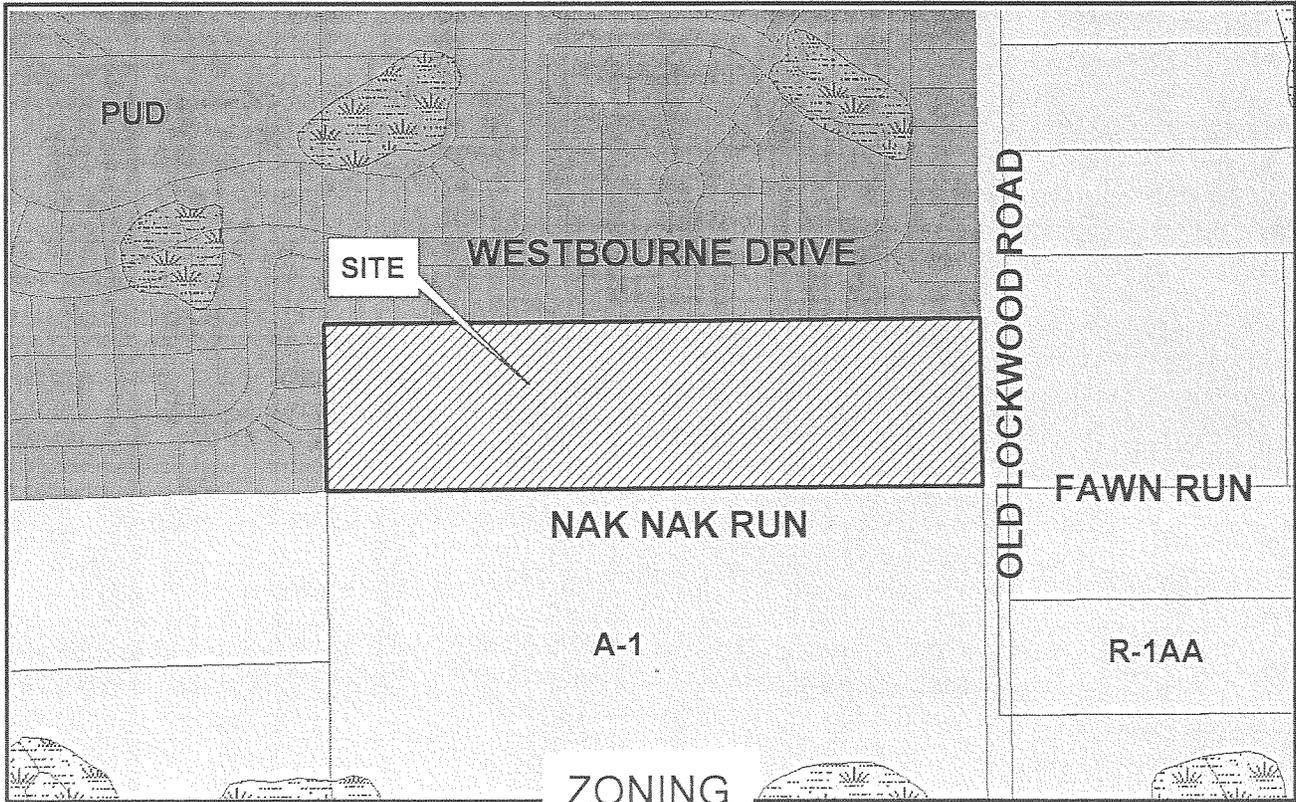
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.
 Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



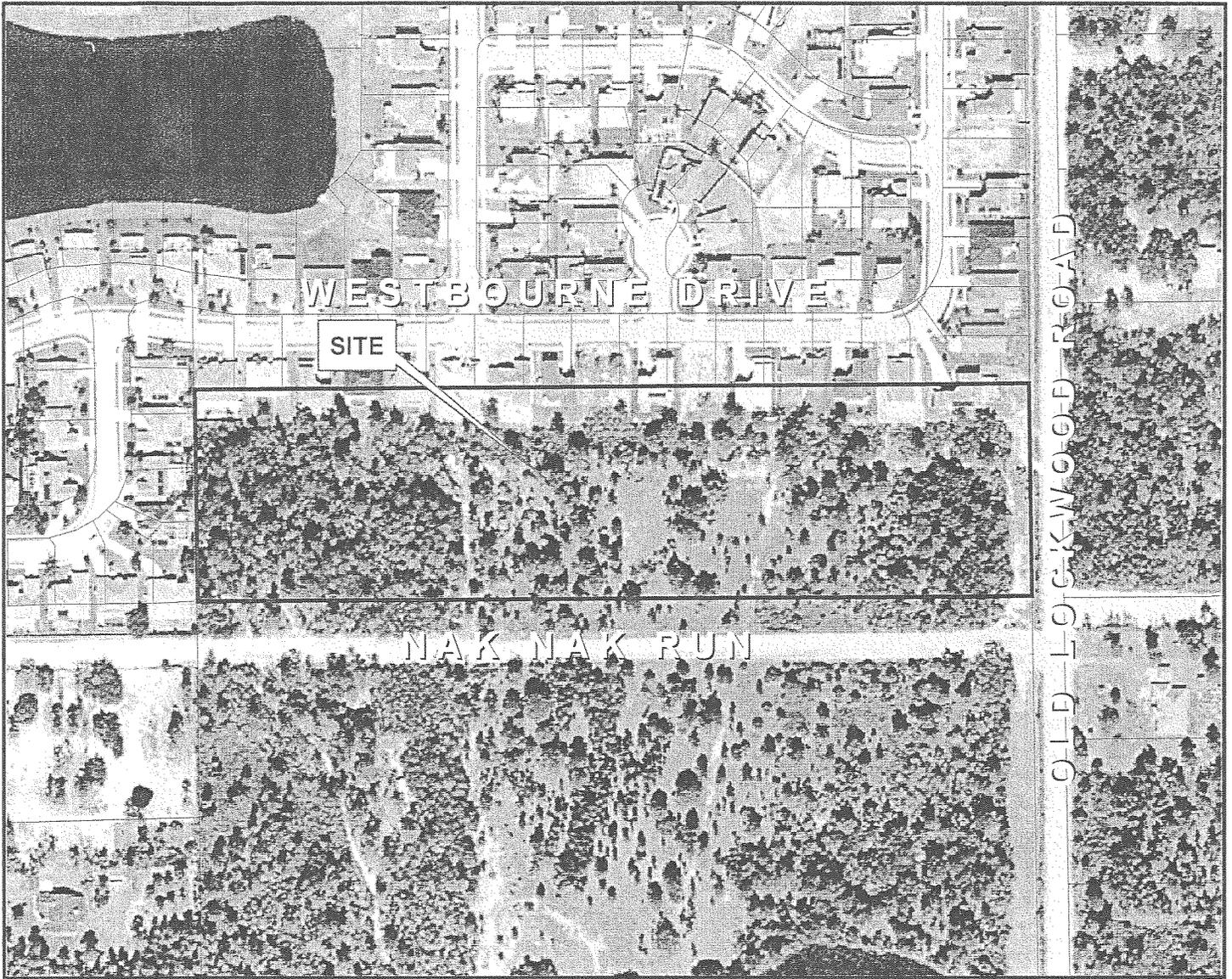
Site
 LDR
 CONS

Applicant: Mag Development Co.
 Physical STR: 36-21-31-300-004D-0000
 Gross Acres: +/- 10 BCC District: 1
 Existing Use: Vacant
 Special Notes: None

	Amend/Rezone#	From	To
FLU	-	-	-
Zoning	Z2004-049	A-1	R1A



Site
 PUD
 A-1
 R-1AA
 FP-1
 W-1



Rezone No: Z2004-049
From: A-1 To: R-1A

-  Parcel
-  Subject Property



February 1999 Color Aerials