

Item # 39

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Miller/First Street Rezone from A-1 to R-1A

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Dori L. DeBord **CONTACT:** Ian Sikonia EXT. 7398

Agenda Date <u>01/23/07</u> Regular <input type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/>
Public Hearing – 1:30 <input checked="" type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION:

- APPROVE** a request and enact an ordinance to rezone 1.01 ± acres, located on the south side of First Street, 500 feet east of Orange Blvd, from A-1 (Agriculture) to R-1A (Single-Family Dwelling), and authorize the Chairman to execute the rezone ordinance, based on staff findings (Zachary Miller, applicant); or
- DENY** a request to rezone 1.01 ± acres, located on the south side of First Street, 500 feet east of Orange Blvd, from A-1 (Agriculture) to R-1A (Single-Family Dwelling), and authorize the Chairman to execute the Denial Development Order (Zachary Miller, applicant); or
- CONTINUE** the item to a time and date certain.

District #5 – Comm. Carey

Ian Sikonia, Senior Planner

BACKGROUND:

The applicant is requesting to rezone 1.01 ± acres, located on the south side of First Street, 500 feet east of Orange Blvd from A-1 (Agriculture) to R-1A (Single-Family Dwelling). R-1A (Single-Family Dwelling) requires a minimum lot size of 9,000 sq. ft. The Future Land Use Designation of the subject property is Low Density Residential (LDR), which allows the requested zoning district.

The Seminole County Land Development Code (LDC) provides the application of the Weighted Method for Determining Single-Family Residential Compatibility in the Low Density Residential future land use designation when the property is zoned A-1. Staff conducted the lot size compatibility analysis, per Section 30.1380.3 of the Land Development Code and Policy FLU 2.10 of the Vision 2020

Reviewed by: <u>KFT</u> Co Atty: _____ DFS: _____ OTHER: <u>AB</u> DCM: _____ CM: <u>CC</u> File No. <u>ph130pdp02</u>

Comprehensive Plan, and determined that the analysis does support the requested rezone to R-1A.

To the east, west, and north of the site is the A-1 (1-acre minimum lot size) zoning district with LDR (maximum 4 units / per net buildable acre) land use designation. To the northwest is a Water Treatment Plant owned by Seminole County. Additionally, there are two PUDs, within 600 feet of the subject property consisting of 2.5 to over 10 dwelling units per net buildable acre.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone 1.01 ± acres, located on the south side of First Street, 500 feet east of Orange Blvd from A-1 (Agriculture) to R-1A (Single-Family Dwelling).

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on December 6, 2006 and voted 5 to 0 to recommend APPROVAL of the request to rezone 1.01 ± acres, located on the south side of First Street, 500 feet east of Orange Blvd from A-1 (Agriculture) to R-1A (Single-Family Dwelling), based on staff findings.

Attachments:

- Staff Report
- Location Map
- Zoning & Future Land Use Map
- Aerial Map
- Rezone Ordinance
- Denial Development Order (applicable if the request is denied)
- 12/6/06 Planning and Zoning Commission Minutes

Miller / First Street Rezone

Rezone from A-1 to R-1A

APPLICANT	Zachary Miller	
PROPERTY OWNER	Scott McFarland	
REQUEST	Rezone from A-1 (Agriculture) to R-1A (Single-Family Dwelling)	
PROPERTY SIZE	1.01 ± acres	
HEARING DATE (S)	P&Z: December 6, 2006	BCC: January 23, 2007
PARCEL ID	31-19-30-502-0000-0330	
LOCATION	Located on the south side of First Street, 500 feet east of Orange Blvd.	
FUTURE LAND USE	LDR (Low Density Residential)	
ZONING	A-1 (Agriculture)	
FILE NUMBER	Z2006-62	
COMMISSION DISTRICT	#5 – Carey	

Proposed Development:

The applicant is proposing to construct single-family residences.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant is requesting to rezone 1.01 ± acres, located on the south side of First Street, 500 feet east of Orange Blvd from A-1 (Agriculture) to R-1A (Single-Family Dwelling). R-1A (Single-Family Dwelling) requires a minimum lot size of 9,000 sq. ft. The Future Land Use Designation of the subject property is Low Density Residential (LDR), which allows the requested zoning district.

The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested zoning district of R-1A (Single-Family).

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (R-1A)
Minimum Lot Size	43,560 square feet	9,000 square feet
Minimum House Size	N/A	1,100 square feet
Minimum Width at Building Line	150 feet	75 feet
Front Yard Setback	50 feet	25 feet
Side Yard Setback	10 feet	7.5 feet
(Street) Side Yard Setback	50 feet	25 feet
Rear Yard Setback	30 feet	30 feet
Maximum Building Height	35 feet	35 feet

COMPATIBILITY WITH SURROUNDING PROPERTIES:

The Land Development Code provides the application of the Weighted Method for determining single-family residential compatibility within the LDR Future Land Use designation. Staff conducted the lot size compatibility analysis, per Section 30.1380.3 of the Land Development Code and Policy FLU 2.10 of the Vision 2020 Comprehensive Plan, and determined that the analysis does support the requested rezone to R-1A.

The calculations assign differing weights to the surrounding zoning districts according to permitted development intensities within those districts. For example, the R-1A district requires a minimum lot size of 9,000 square feet, so its weight factor is 8, while A-1 requires one-acre lots and has a weight factor of 4. A-1 zoned properties in proximity to a proposed rezoning receive a base weight of 4.

Weighting factors, together with the acreage of parcels within a 660-foot radius of the subject property, determine the "compatible" zoning for the subject property. After running the lot size compatibility analysis for the proposed 1.01 ± acre rezone request to R-1A, the results from the analysis indicated a weight of 7.52, which is consistent with the R-1A zoning district.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS:

Floodplain Impacts:

The site is not within the 100 year floodplain per current FEMA FIRM Map Number 12117C0040E with an effective date of April 17, 1995 (nor per preliminary updated DFIRMs).

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be no wetlands on the subject property.

Utilities:

The site is located in the Seminole County Central Service Area and will be required to connect to public utilities. There is a 16-inch force main near the south side of the parcel and a 30-inch water main on the south side of First Street. This project is located within the ten year master plan for reclaimed water, therefore, the irrigation system must be connected to reclaimed water when it becomes available.

Transportation / Traffic:

The property is adjacent to First Street which is classified as a local road. First Street is not currently programmed to be improved according to the County 5-year Capital Improvement Program. The applicant may be required to bring First Street up to County standards at the time of development. The property also accesses Orange Boulevard. Orange Boulevard has a measured Level-Of-Service "A". This portion of Orange Boulevard is currently programmed to be improved according to the County 5-year Capital Improvement Program as a Minor Project. This minor project will create a 3 lane section with a bi-directional turn lane and improve drainage along Orange Boulevard from 46A to 46.

School Impacts:

The proposed project will not generate any school impacts not already accounted for. The Sylvan Lake plat which was approved in 1914 had a total of seven lots on the subject property. The rezone will generate five lots essentially reducing the number of lots on the subject property from the approved seven lots in the Sylvan Lake plat to five lots. Therefore, no new lots will be created by this rezone.

Drainage:

The proposed project is located within the Yankee Lake Drainage Basin. The site is identified an area of most effective recharge per Seminole County GIS overlays and must meet SCLDC criteria regarding these special areas. This generally includes retention of the pre-post volume difference for the 25 year/24 hour storm event.

Parks, Recreation and Open Space:

The applicant is required to provide at a maximum 25% of the site in open space, per Section 30.1344 (Open Space Ratios and Design Guidelines) of the Seminole County LDC.

Buffers and Sidewalks:

Because this is a proposed residential project adjacent to both residential and agricultural zoning and the LDR Future Land Use Designation, no exterior buffers are required. Since there are no existing sidewalks along First Street, sidewalks for this project may be required at time of final engineering.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS:

This project does not warrant running the County Fiscal Impact Analysis Model.

SPECIAL DISTRICTS:

The subject property is located within the Aquifer Recharge overlay. All new residential development must maintain 40% pervious surfaces per Section 30.1027 of the Seminole County LDC.

COMPREHENSIVE PLAN (VISION 2020):

The County’s Comprehensive Plan is designed to preserve and enhance the public health, safety and welfare through management of growth, provision of adequate public services and the protection of natural resources.

The proposed project is consistent with the following list of policies (there may be other provisions of the Comprehensive Plan that may apply that are not included in this list):

- Policy FLU 2.5: Transitional Land Uses
- Policy FLU 2.10: Determination of Compatibility in the Low Density Residential Future Land Use Designation
- Policy FLU 12.4: Relationship of Land Use to Zoning Classifications
- Policy FLU 12.5: Evaluation Criteria of Property Rights Assertions
- Policy POT 4.5: Potable Water Connection
- Policy SAN 4.4: Sanitary Sewer Connection
- Policy PUB 2.1: Public Safety Level-of-Service

INTERGOVERNMENTAL NOTIFICATION:

Intergovernmental notices were not sent; the subject property is not within or directly adjacent to any local municipality and will not impact schools.

LETTERS OF SUPPORT OR OPPOSITION:

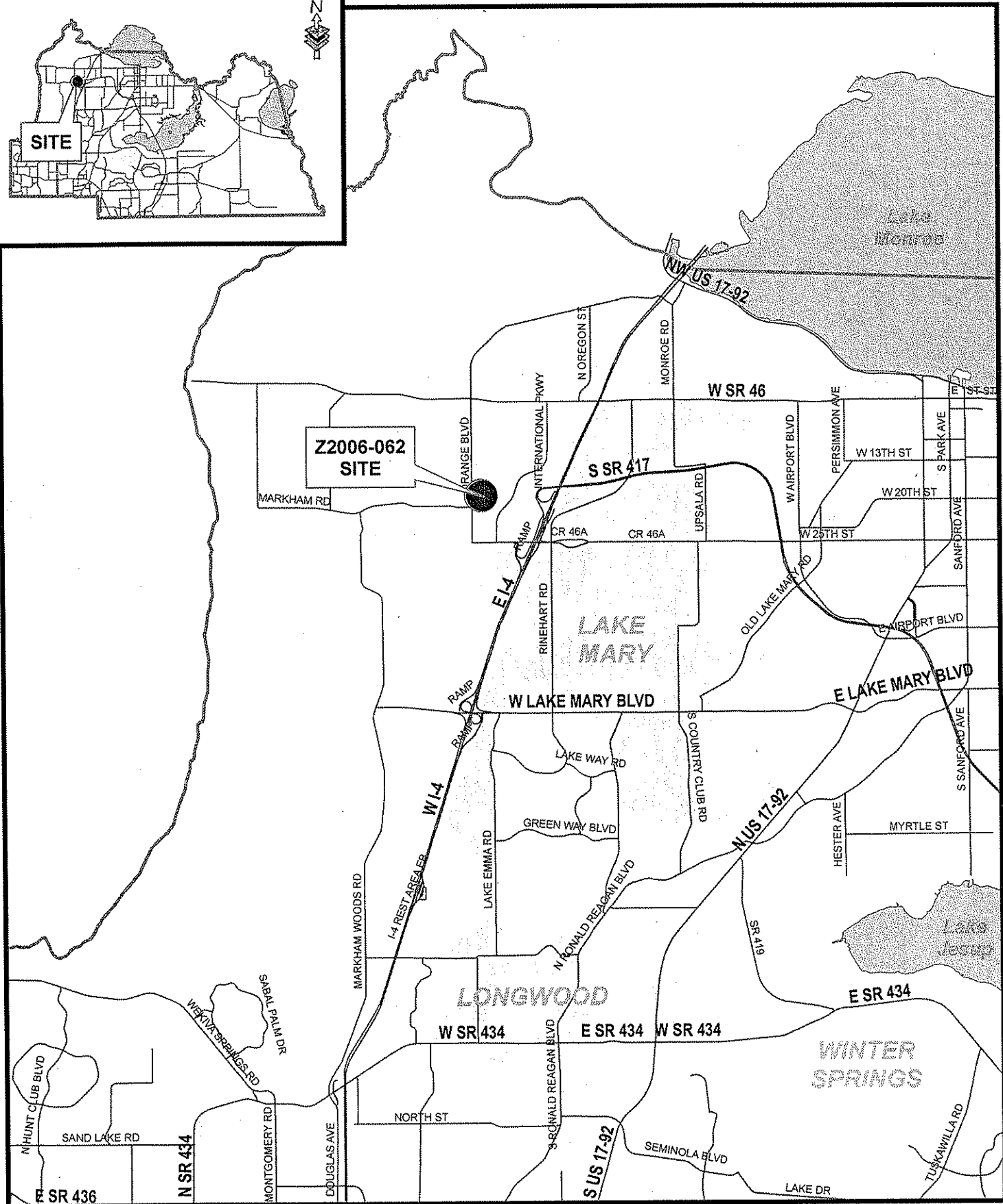
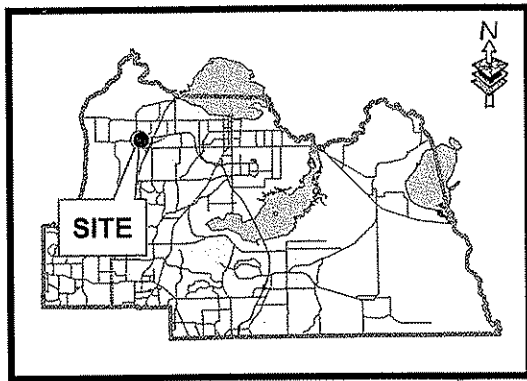
At this time, Staff has not received any letters of support or opposition.

STAFF RECOMMENDATION:

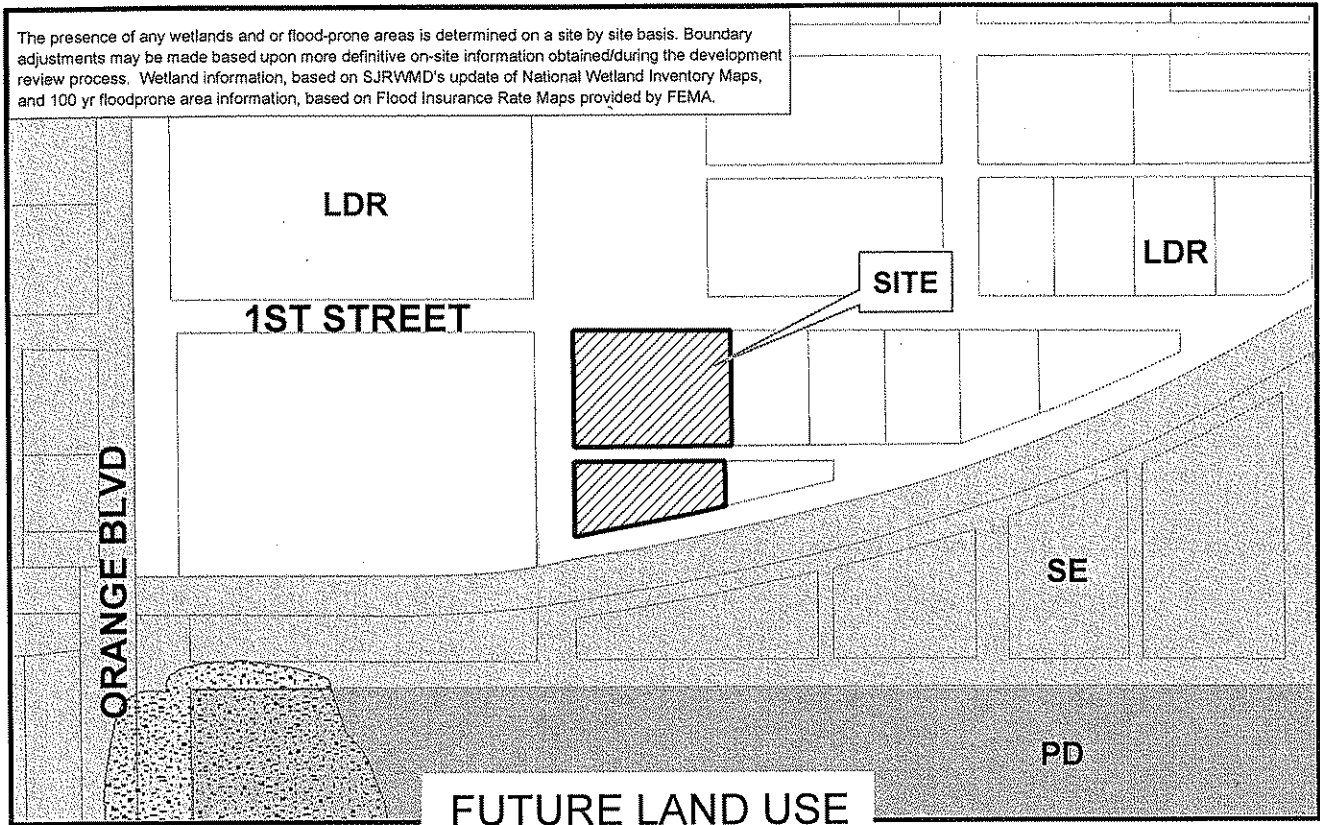
Staff recommends APPROVAL of the request to rezone 1.01 ± acres, located on the south side of First Street, 500 feet east of Orange Blvd from A-1 (Agriculture) to R-1A (Single-Family Dwelling).

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on December 6, 2006 and voted 5 to 0 to recommend APPROVAL of the request to rezone 1.01 ± acres, located on the south side of First Street, 500 feet east of Orange Blvd from A-1 (Agriculture) to R-1A (Single-Family Dwelling), based on staff findings.



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 SJRWMD's update of National Wetland Inventory Maps, and 100 yr floodprone area information, based on Flood Insurance Rate Maps provided by FEMA.

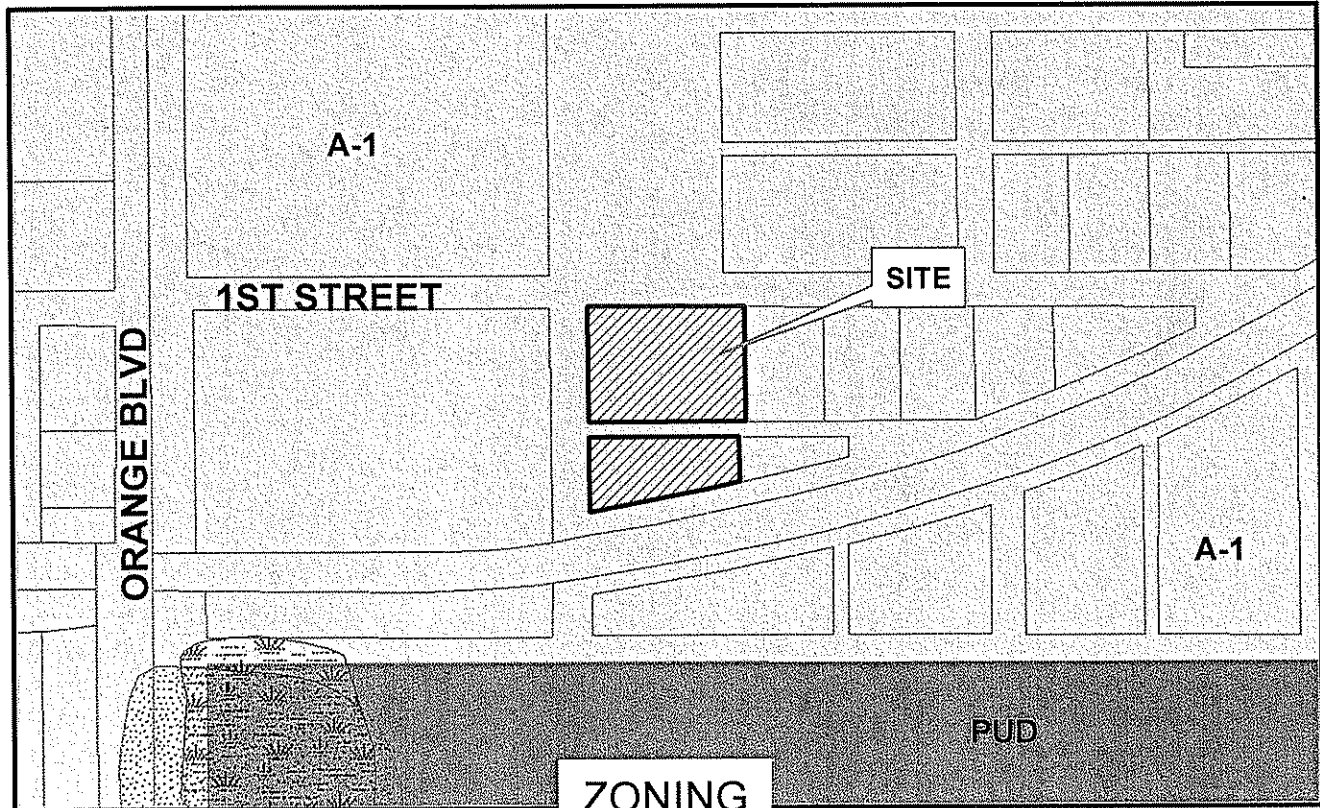


FUTURE LAND USE

Site
 Municipality
 LDR
 SE
 PD
 CONS

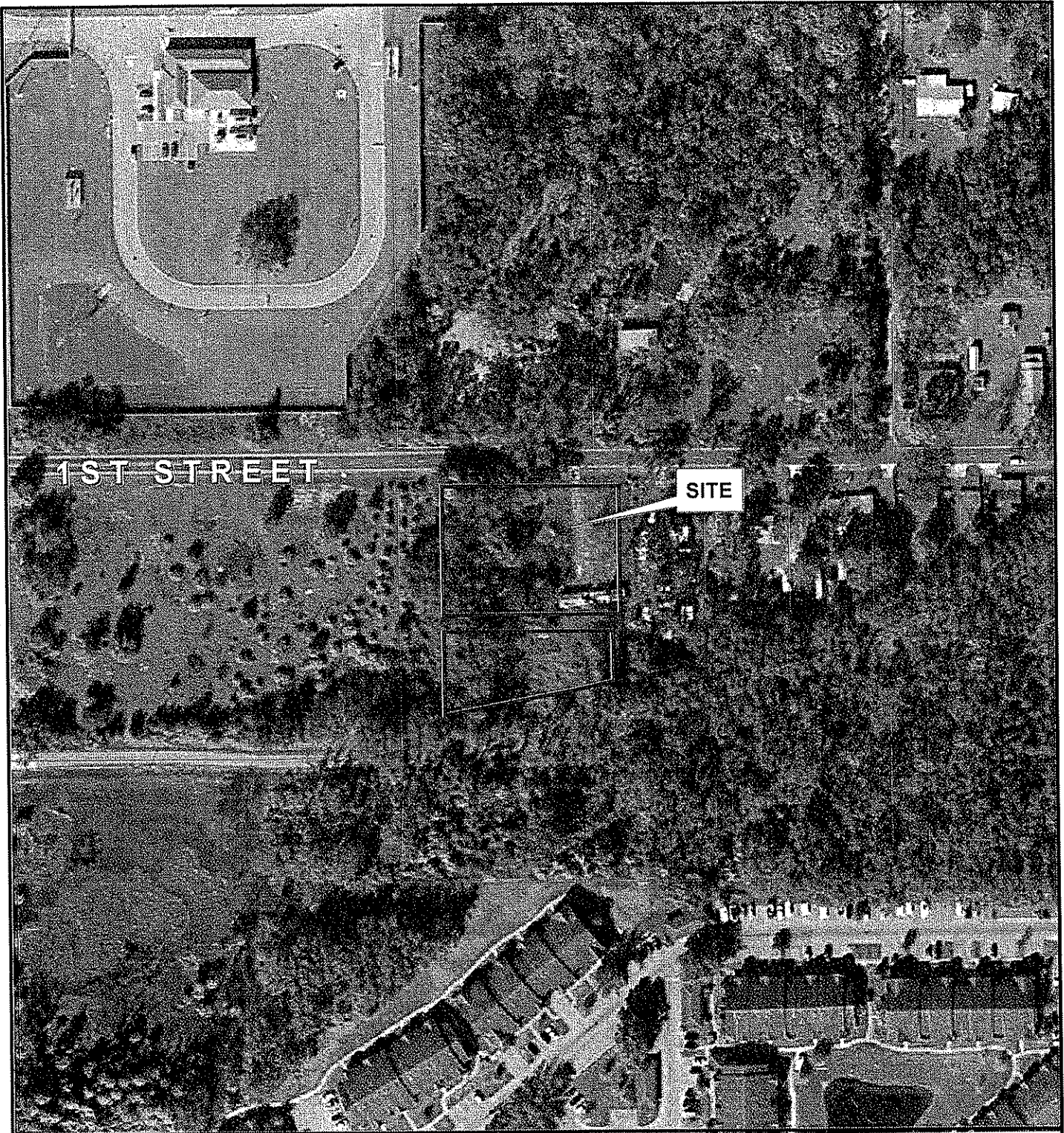
Applicant: Zack Miller
 Physical STR: 31-19-30-502-0000-0330 & 0370
 Gross Acres: 1.06 +/- BCC District: 5
 Existing Use: residential
 Special Notes: None

	Amend/Rezone#	From	To
FLU	--	--	--
Zoning	Z2006-062	A-1	R-1AA





ZONING

A-1
 PUD
 FP-1
 W-1



Rezone No: Z2006-062
From: A-1 To: R-1AA

-  Parcel
-  Subject Property



Winter 2006 Color Aerials

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE R-1A (SINGLE-FAMILY DWELLING) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR 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 "Miller/First Street 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):

SEE ATTACHED EXHIBIT A

Section 3. EXCLUSION FROM 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, and this Ordinance shall be effective upon filing a copy of this Ordinance with the Florida Department of State by the Clerk of the Board of County Commissioners.

ENACTED this 23rd day of January 2007.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT A
LEGAL DESCRIPTION

Lots 33, 34, 35, 36, 37 AND 38, PLAT OF THE TOWN OF SYLVAN LAKE, SEMINOLE COUNTY, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 2, PAGE 69, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On January 23, 2007, Seminole County issued this Denial Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

Property Owner(s): Zachery Miller
Scott McFarland
Robert Riccuiti

Project Name: Miller/First Street Rezone

Requested Development Approval: The applicant is requesting to rezone 1.01 ± acres located on the south side of First Street, 500 feet east of Orange Blvd., from A-1 (Agriculture) to R-1A (Single-Family Dwelling, in order to develop a single-family subdivision.

The Board of County Commissioners has determined that the rezone request from A-1 (Agriculture) to R-1A (Single-Family Dwelling) is not compatible with the surrounding area to the south and could not be supported.

After fully considering staff analysis titled "Miller/First Street Rezone" and all evidence submitted at the public hearing on January 23, 2007, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from A-1 (Agriculture) to R-1A (Single-Family Dwelling) should be denied.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

The aforementioned application for development approval is **DENIED**.

Done and Ordered on the date first written above.

SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS

By: _____
Carlton D. Henley, Chairman

EXHIBIT "A"

Lots 33, 34, 35, 36, 37 AND 38, PLAT OF THE TOWN OF SYLVAN LAKE, SEMINOLE COUNTY, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 2, PAGE 69, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
DECEMBER 6, 2006**

Members present: Ben Tucker, Beth Hattaway, Matt Brown, Walt Eismann, and Jason Brodeur

Members absent: Dudley Bates and Rob Wolf

Also present: April Boswell, Planning Manager; Tina Williamson, Principal Coordinator; Michael Rumer, Senior Planner; Ian Sikonia, Senior Planner; Kathleen Furey-Tran, Assistant County Attorney; Tony Matthews, Principal Planner; Jeffrey Hopper, Senior Planner; Sheryl Stolzenberg, Principal Coordinator; Tony Nelson, Senior Engineer; Dori Debord, Director of Planning and Development; Kevin Fall, Economic Development Department; and Candace Lindlaw-Hudson, Clerk to the Commission.

First Street / Zachary Miller Rezone; Zachary Miller, applicant; 1.01± acres. Rezone from A-1 (Agriculture) to R-1A (Single-Family Dwelling); located on the south side of First Street, 500 feet east of Orange Blvd. (Z2006-62)

Commissioner Carey – District 5
Michael Rumer, Senior Planner

Michael Rumer introduced the application for the rezone stating that the applicant is proposing 9,000 square foot lots. The lot compatibility analysis computes to an R-1A zoning. This area was platted in the 1920's with small lots. Staff recommendation is for approval of the request.

Zachary Miller stated that there are smaller lots owned by others in the area. He is vacating the alleyway on the property.

No one spoke from the audience on the request.

Commissioner Hattaway made a motion to recommend approval of the request.

Commissioner Eismann seconded the motion.

The motion passed unanimously (5-0).