

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Dike Road rezoning from A-I (Agriculture District) to R-IA (Single Family Dwelling District).

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

**AUTHORIZED BY:** Donald S. Fisher **CONTACT:** Rob Walsh **EXT.** 7446

**Agenda Date** 2/11/03 **Regular**  **Consent**  **Work Session**  **Briefing**   
**Public Hearing – 1:30**  **Public Hearing – 7:00**

**MOTION/RECOMMENDATION**

1. Enact an ordinance approving alternate zoning of R-IAA (Single Family Dwelling District) on approximately 9.3 acres located on the south side of Dike Road, west of Tuskawilla Road, with staff findings and recommendations (Daly Design Group, applicant); or
2. Enact an ordinance approving the proposed rezoning from A-I (Agriculture) to R-IA (Single Family Dwelling District) on approximately 9.3 acres located on the south side of Dike Road, west of Tuskawilla Road (Daly Design Group, applicant); or
3. Deny the proposed rezoning from A-I (Agriculture) to R-IA (Single Family Dwelling District) on approximately 9.3 acres located on the south side of Dike Road, west of Tuskawilla Road (Daly Design Group, applicant); or
4. Continue the proposed rezoning to a date certain.

Commissioner District #1 (Maloy)

(Rob Walsh, Principal Coordinator)

**BACKGROUND**

The applicant, Daly Design Group (on behalf of Centex Homes), is requesting a rezoning from A-I (Agriculture) to R-IA (Single Family Dwelling District) for approximately 9.3 acres located on the south side of Dike Road, west of Tuskawilla Road. The site is designated Low Density Residential land use (see enclosed site map).

**STAFF RECOMMENDATION**

Recommend approval of alternate R-IAA zoning, with staff findings and recommendations.

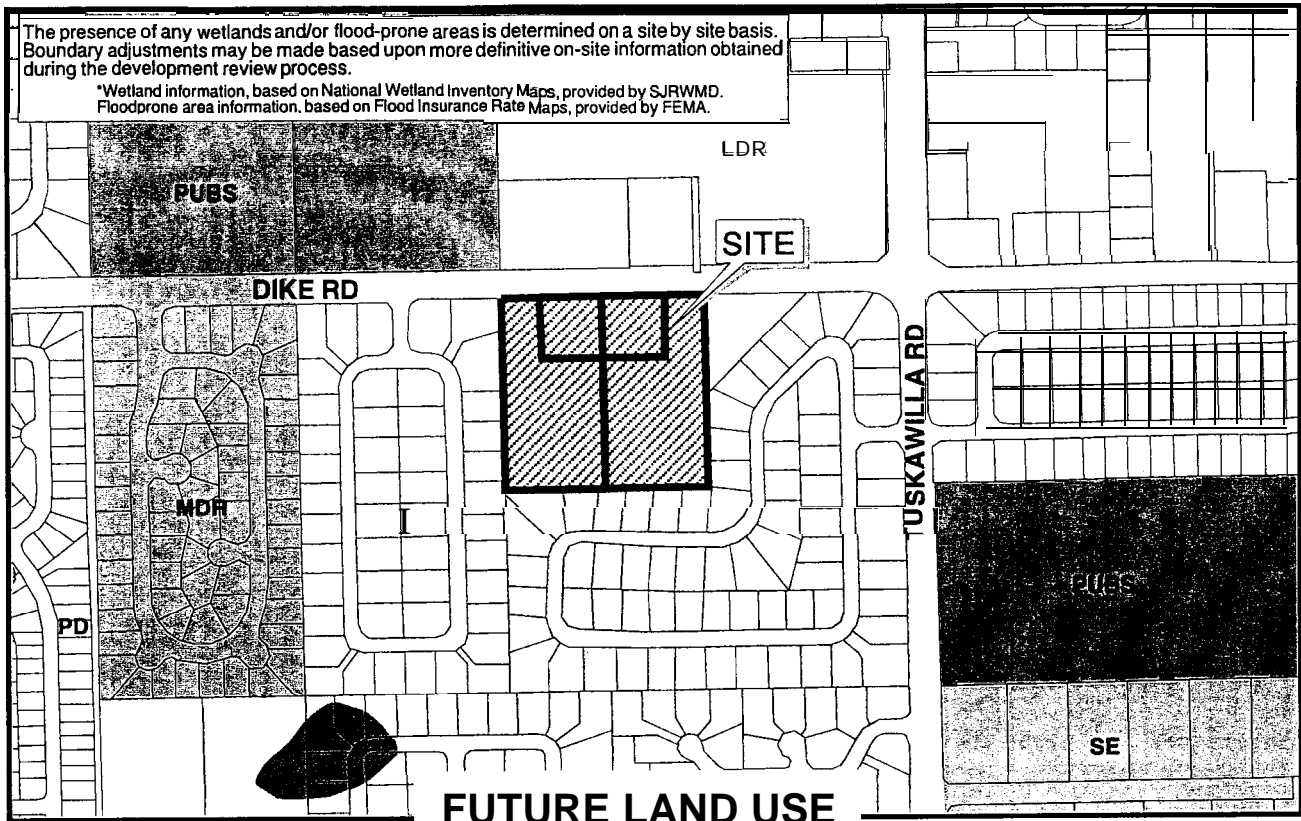
**PLANNING AND ZONING COMMISSION RECOMMENDATION**

(Meeting: 1/8/03) Recommend denial of proposed R-IA zoning, with the understanding that the request may have been recommended for approval if the applicant restricted house size to 1800 square feet and committed to building a wall around the property.

Reviewed by:	<u>RZC</u>
Co Atty:	<u>RZC</u>
DFS:	
Other:	<u>MW</u>
DCM:	<u>SS</u>
CM:	<u>RZC</u>
File No.	<u>ph130dp01</u>

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.  
Flood-prone area information, based on Flood Insurance Rate Maps, provided by FEMA.

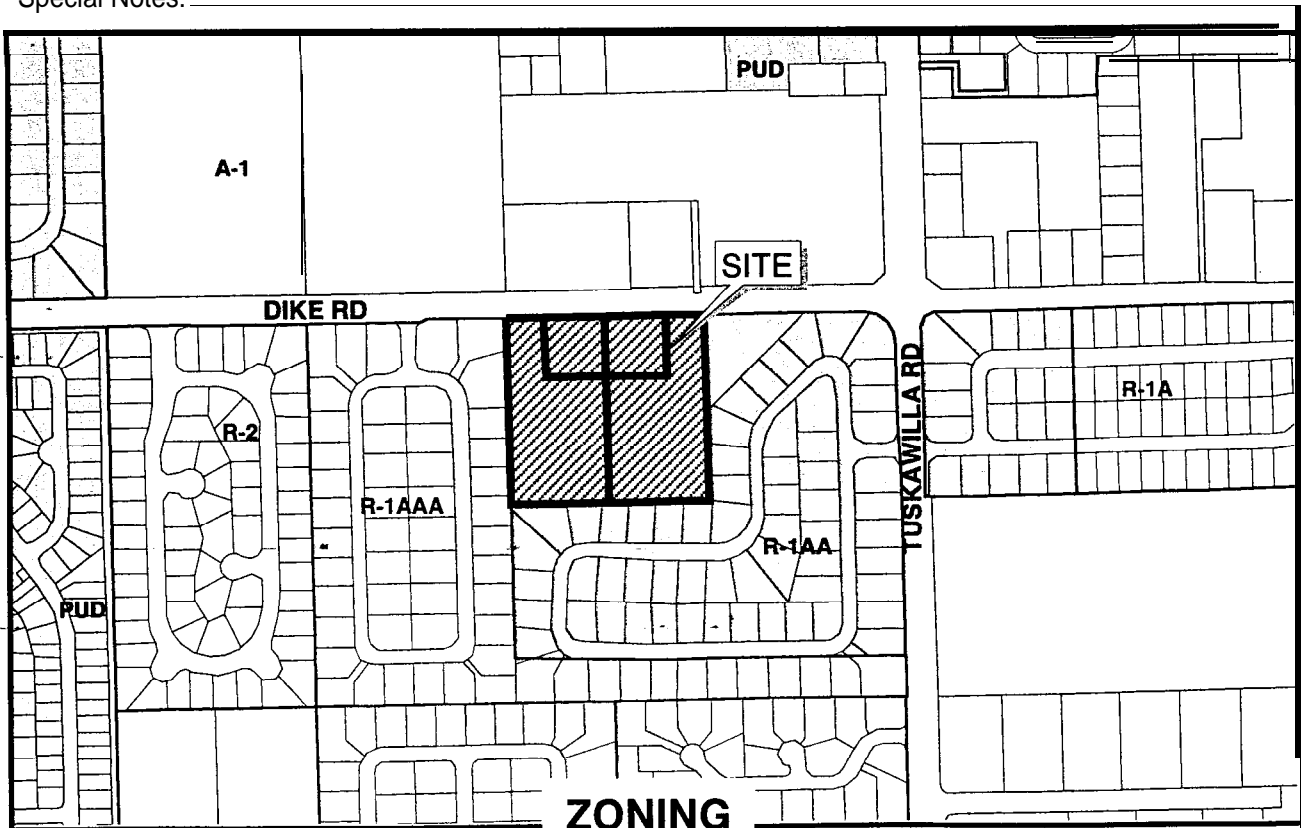


**FUTURE LAND USE**

Site 
  Municipality 
  LDR 
  MDR 
  PUBS 
  SE 
  PD 
  CONS

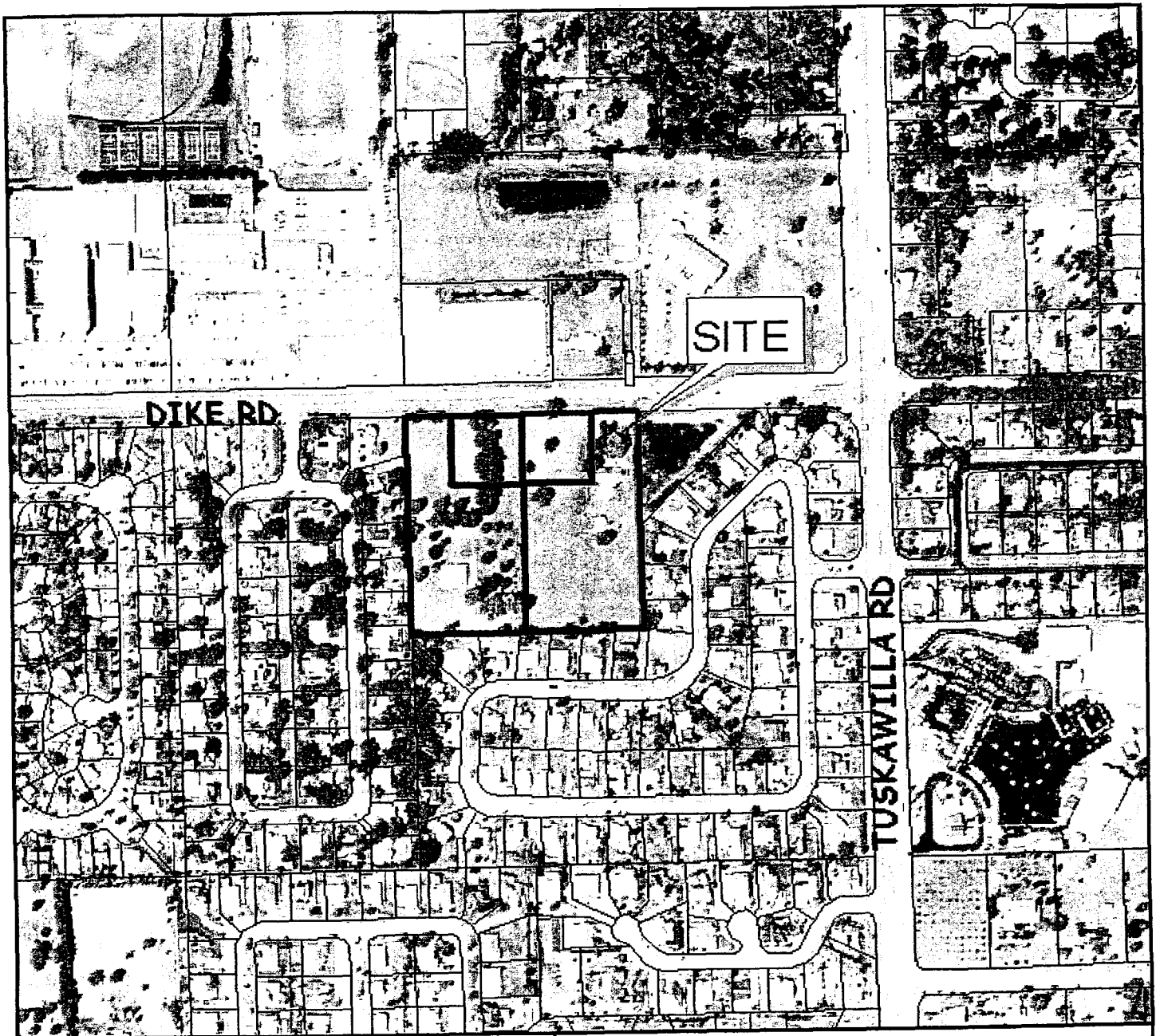
Applicant: Thomas Daly, Daly Design Group  
 Physical STR: 25-21-30-300-018A, 018B, 018C, & 018D-0000  
 Gross Acres: 9.3 BCC District: 1  
 Existing Use: Single Family Residence & Grazina Land  
 Special Notes: \_\_\_\_\_

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2002-028	A-1	R-1A





**ZONING**

A-1 
  R-1A 
  R-1AA 
  R-1AAA 
  R-2 
  PUD



Rezone No. Z2002-028

From: A-1 To: R-1A

-  Subject Property
-  Parcelbase



February 1999 Color Aerials

## **DIKE ROAD SUBDIVISION REZONING**

<b>APPLICANT</b>	Daly Design Group	
<b>PROPERTY OWNER(S)</b>	Albert & Barbara Pickering, James & Ettie Fuller	
<b>REQUEST</b>	Rezoning from A-1 (Agriculture) to R-1A (Single Family Dwelling District)	
<b>HEARING DATE(S)</b>	<b>LPAP&amp;Z:</b> January 8, 2003	<b>BCC:</b> February 11, 2003
<b>SEC/TWP/RNG</b>	25-21-30	
<b>LOCATION</b>	South side of Dike Road, west of Tuskawilla Road	
<b>APPROXIMATE SIZE</b>	9.3 acres	
<b>FUTURE LAND USE DESIGNATION</b>	Low Density Residential	
<b>ZONING CLASSIFICATION</b>	A-1 (Agriculture)	
<b>FILE NUMBER</b>	Z2002-028	
<b>COMMISSION DISTRICT</b>	#1 – Maloy	

### **OVERVIEW**

The Low Density Residential (LDR) future land use designation assigned to this property allows for a range of zonings. The specific zoning of the property and corresponding density of development is dependent upon a number of factors, including character of the surrounding area and physical characteristics of the land. In this case, Seminole County's zoning compatibility ordinance is applicable. This ordinance establishes a procedure for numerically calculating the compatible zoning of a site, based on the intensity of surrounding zoning and uses. The analysis results in a compatible zoning of R-IAA, which is consistent with staffs less formal perception of compatible zoning for the property.

### **SITE ANALYSIS**

#### **Comprehensive Plan**

The requested and alternate zonings are consistent with the adopted future land use designation of Low Density Residential assigned to the property and do not alter the options or long range strategies for facility improvements or capacity additions included in the Support Documentation to the Seminole County Comprehensive Plan (Vision 2020).

#### **Concurrency**

Adequate facilities and services must be available concurrent with the impacts of development. The applicant has submitted a Concurrency Review Deferral application. A full concurrency review will be required at time of preliminary subdivision review.

#### **Transportation**

The site fronts on Dike Road (a minor collector street) and is served by Tuskawilla Road to the east (a 4-lane minor arterial street). A west bound left turn lane and any needed ROW dedication will be required at time of platting and engineering approval. A total of 260 average daily trips will be generated by this development. Dike Road is operating at Level of Service "A" which will be maintained post-development.

Water and Sewer

The site is served by Seminole County utilities. There is a 30” water main on the south side of Dike Road and a 10” force sewer main on the north side of Dike Road.

Compliance with Environmental Regulations

There are no identified flood prone areas or wetlands on this property.

Compatibility with Surrounding Development

Staff has conducted a lot size compatibility analysis, as required by the Land Development Code and Vision 2020 Plan Policy FLU 2.10 and 12.7, and has determined that R-IAA zoning would be compatible with surrounding development and development trends in the area. The following table shows building and area regulations for the requested R-IA and alternate R-IAA zoning districts:

	<b>Requested R-IA Zoning</b>	<b>Alternate R-IAA Zoning</b>
<b>Lot size</b>	9,000 square feet	11,700 square feet
<b>House size</b>	1,100 square feet	1,300 square feet
<b>Width at building line</b>	<b>75</b> feet	90 feet
<b>Front setback</b>	<b>25</b> feet	<b>25</b> feet
<b>Side setback</b>	<b>7.5</b> feet	10 feet
<b>Rear setback</b>	<b>30</b> feet	<b>30</b> feet

The following table shows surrounding use, future land use and zoning:

<b>Direction</b>	<b>Existing Use</b>	<b>Future Land Use</b>	<b>Zoning</b>
<b>Site</b>	Single family residential	Low Density Residential	A-1
<b>North</b>	Public School*	Low Density Residential	A-1
<b>South</b>	Single family residential	Low Density Residential	R-1AA
<b>East</b>	Single family residential	Low Density Residential	R-1AA
<b>West</b>	Single family residential	Low Density Residential	R-1AAA

\* Lake Howell High School

**STAFF FINDINGS AND RECOMMENDATIONS**

Recommend approval of R-IAA (Single Family Dwelling District) zoning, as an alternate to the requested R-IA zoning, with findings that:

1. R-IAA zoning meets the minimum level of presumptive compatibility as provided for in the “Lot Size Compatibility Ordinance” of the Land Development Code of Seminole County.
2. R-IAA zoning is consistent with Vision 2020 Plan policies relative to the Low Density Residential future land use designation.
3. R-IAA zoning is compatible with adjacent single family residential development and development trends in the area.
4. Development must comply with the applicable provisions of the Seminole County Comprehensive Plan (Vision 2020) and Land Development Code of Seminole County.

**Attachments:** Site maps, Ordinance

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-I ZONING CLASSIFICATION THE R-IAA 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 "Dike Road Subdivision Rezoning".

(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. REZONING.** The zoning classification assigned to the following described property is changed from A-I to R-IAA.

**SEE ATTACHED EXHIBIT A**

**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, and this Ordinance shall be effective upon filing with the Department of State.

ENACTED this 11 th day of FEBRUARY 2003.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Daryl G. McLain  
Chairman

**EXHIBIT A  
LEGAL DESCRIPTION**

**Z2002-28 (A-I to R-1AA)**

**Parcel A**

½ acre homestead located in Section 25, Township 21 South, Range 30 East, of the Northwest ¼ of the Southwest ¼ of the Northeast ¼.

And also

Section 25, Township 21 South, Range 30 East, of the Northwest ¼ of the Southwest ¼ of the Northeast ¼, less road and the ½ acre homestead.

**Parcel B**

- 1 acre homestead located in Section 25, Township 21 South, Range 30 East, the West ¼ of the North ½ of the Southwest ¼ of the Northeast ¼.

And also

Section 25, Township 21 South, Range 30 East, the West ¼ of the North ½ of the Southwest ¼ of the Northeast ¼.