

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** EDWARDS ESTATES – REZONE A-1 to R-1A

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

**AUTHORIZED BY:** Dan Matthys **CONTACT:** Tony Walter EXT. 7430

Agenda Date <u>02/14/06</u>	Regular <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:**

1. APPROVE and enact an ordinance to rezone 37.8 ± acres, located on the west side of Old Lockwood Road, south of Nak Nak Run and north of McCulloch Road, from A-1 (Agriculture) to R-1A (Single-Family Dwelling District) (Paula Maxey, applicant); or
2. DENY the request to rezone 37.8 ± acres, located on the west side of Old Lockwood Road, south of Nak Nak Run and north of McCulloch Road, from A-1 (Agriculture) to R-1A (Single-Family Dwelling District) (Paula Maxey, applicant); or
3. CONTINUE the item to a time and date certain.

District 1 – Commissioner Dallari Tony Walter, Planning Manager

**BACKGROUND:**

The applicant is requesting a change in zoning from A-1 (Agriculture) to R-1A (Single-Family Dwelling District) to allow a single-family residential subdivision to be developed on the subject 37.8 ± acre property. The requested zoning permits a minimum lot size of 9,000 square feet and a lot width of 75 feet. The Future Land Use designation on the subject property is LDR (Low Density Residential), which is consistent with the proposed R-1A zoning designation.

Section 30.1380.3 of the Land Development Code requires the application of the Weighted Method for Determining Single-Family Residential Compatibility in Residential Land Uses. The analysis supports a rezone to R-1AA, however based on further analysis and findings; staff supports the requested R-1A zoning.

Reviewed by:	<u>KL</u>
Co Atty:	<u>KL</u>
DFS:	_____
OTHER:	_____
DCM:	<u>SS</u>
CM:	<u>SS</u>
File No.	ph130pdp01

## **PLANNING & ZONING COMMISSION RECOMMENDATION**

On January 11, 2006, the Planning and Zoning Commission unanimously (7-0) recommended approval of the request to rezone approximately 37.8 ± acres, located on the west side of Old Lockwood Road, south of Nak Nak Run, and north of McCulloch Road, from A-1 (Agriculture) to R-1A (Single-Family Dwelling District), with the commitment of a minimum house size of 2,200 square feet of living area.

### **STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the request to rezone 37.8 ± acres, located on the west side of Old Lockwood Road, south of Nak Nak Run, and north of McCulloch Road, from A-1 (Agriculture) to R-1A (Single-Family Dwelling District) based on staff findings and including a commitment of a minimum house size of 2,200 square feet of living area.

#### Attachments:

Staff Analysis  
Location Map  
FLU/Zoning  
Aerial Photo  
Rezone Ordinance  
Minutes of the 01/11/06 P&Z Commission Meeting  
Letter of opposition

# EDWARDS ESTATES

## Rezone from A-1 to R-1A

<b>APPLICANT</b>	Paula Maxey	
<b>PROPERTY OWNER</b>	Paula Maxey	
<b>REQUEST</b>	Rezone from A-1 (Agriculture District) to R-1A (Single-Family Dwelling District)	
<b>PROPERTY SIZE</b>	37.8 ± acres	
<b>HEARING DATE (S)</b>	P&Z: January 11, 2006	BCC: February 14, 2006
<b>PARCEL ID</b>	36-21-31-300-0040-0000	
<b>LOCATION</b>	West side of Old Lockwood Road, south of Nak Nak Run and north of McCulloch Road	
<b>FUTURE LAND USE</b>	LDR (Low Density Residential)	
<b>ZONING</b>	A-1 (Agriculture District)	
<b>FILE NUMBER</b>	Z2005-069	
<b>COMMISSION DISTRICT</b>	#1 – Dallari	

**PROPOSED DEVELOPMENT:**

The applicant intends to develop the property with single-family dwelling units under the R-1A zoning development standards.

**ANALYSIS OVERVIEW:**

**ZONING REQUEST**

The applicant, Paula Maxey, is requesting to rezone 37.8 ± acres from A-1 (Agriculture District) to R-1A (Single-Family Dwelling District). The subject property is located on the west side of Old Lockwood Road, south of Nak Nak Run and north of McCulloch Road. The Future Land Use designation of the subject property is LDR (Low Density Residential), which permits a maximum density of four (4) dwelling units per acre. The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested R-1A (Single-Family Dwelling District):

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

**PERMITTED & SPECIAL EXCEPTION USES**

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

Zoning District	Permitted Uses	Special Exception	Minimum Lot Size
A-1 (existing)	Agricultural uses such as citrus or other fruit crops cultivation, production and horticulture, truck farms, plant nurseries and greenhouses not involved with retail sales to the general public, silva culture, public and private elementary schools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns, single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses, churches and structures appurtenant thereto, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.	Special Exception such as cemeteries and mausoleums, kennels including the commercial raising or breeding of dogs, hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes, public and private nursery schools, kindergartens, middle schools, high schools and colleges, public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, and speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and breakfast establishments.	1 acre

Zoning District	Permitted Uses	Special Exception	Minimum Lot Size
R-1A (proposed)	Single-family dwelling and their customary accessory uses, boathouses and boat docks, community residential homes housing six (6) or fewer permanent unrelated residents, public and private elementary schools, and home offices.	Churches with their attendant educational, recreational buildings, public and private middle schools and high schools, parks and recreational areas, publicly owned and operated, public utility and service structures, guest cottages, subdivision sewage treatment and water plants, boathouses with roofs exceeding ten (10) feet above mean high-water line, assisted living facilities and community residential homes housing 7-14 permanent unrelated residents, communication towers, and private recreational facilities as an accessory use to civic, fraternal or social organizations.	9,000 sq. ft.

**COMPATIBILITY WITH SURROUNDING PROPERTIES**

The Future Land Use designations, zoning districts and existing uses for the subject and abutting properties are as follows:

(North)

	<p><b>LDR</b> Single-Family <i>PUD</i> (Avg. 2,200 sq. ft. home/8,259 sq. ft. lot)</p>	<p><b>LDR</b> Vacant <i>R-1A</i></p>	<p><b>LDR</b> Vacant <i>A-1</i></p>	
(West)	<p><b>LDR</b> Single-Family <i>A-1</i> (Avg. 2,000 sq. ft. home/4.78 ac. lot)</p>	<p><b>LDR</b> Vacant <i>A-1</i></p>	<p><b>LDR/REC</b> Single-Family/Vacant <i>R-1AA/A-1/PUD</i> (Avg. 2,400 sq. ft. home/2.98 ac. lot)</p>	(East)
	<p><b>HIPTR</b> PUD Conservation Area <i>PUD</i></p>	<p><b>HIPTR</b> Agriculture/Single-Family <i>A-1</i> (Avg. 2,200 sq. ft. home)</p>	<p><b>REC</b> Vacant <i>PUD</i></p>	
		(South)		

- **Bold** text depicts the Future Land Use designation, *italicized* text depicts the existing zoning district and plain text depicts existing use. The shaded cell indicates the subject property. More detailed information regarding surrounding properties can be found in the attached Future Land Use, zoning and aerial photo maps.

**SITE ANALYSIS:**

**ENVIRONMENTAL IMPACTS**

*Floodplain Impacts:*

Based on FIRM map number 590 Oviedo SW, a portion of the property is located in “Zone A”, which is identified as areas located within the 100-year floodplain.

*Wetland Impacts:*

Based on preliminary aerial photo and County wetland map analysis, the subject property contains 8.5 ± acres of wetlands. Compliance with the Land Development Code regarding

development within and around wetland areas is required prior to the issuance of any building permits.

*Endangered and Threatened Wildlife:*

Based on a preliminary analysis, there are no endangered and threatened wildlife on the subject property. A listed species survey will be required prior to final engineering approval.

**PUBLIC FACILITY IMPACTS**

Rule 9J-5.0055(3), Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has elected to defer Concurrency review at this time and therefore, has submitted an Affidavit of Concurrency Review Deferral. The applicant is required to undergo Concurrency review prior to subdivision approval.

The following table depicts the impacts the proposed development has on public facilities:

<b>Public Facility</b>	<b>Existing Zoning (A-1)</b>	<b>Proposed Development*</b>	<b>Net Impact</b>
Water (GPD)	8,050	39,550	31,500
Sewer (GPD)	6,900	33,900	27,000
Traffic (ADT)	220	1,081	861
Schools			
Elementary	6	28	22
Middle	3	13	10
High	3	14	11

- \* Proposed Development is based on the maximum proposed project size consisting of approximately 113 single-family lots.

*Utilities:*

The site is located in the Seminole County utility service area, and will be required to connect to public utilities. There is currently a 16-inch water main along Old Lockwood Road and a 12-inch force main leaving the Carillon Master Lift Station. Sewer service may be provided by Orange County if the applicant cannot obtain access to the Carillon Master Life Station. The subject property will be required to connect to an existing 24-inch reclaimed water line on Old Lockwood Road.

*Transportation / Traffic:*

The proposed project will access Old Lockwood Road on the east side of the site. Old Lockwood Road is classified as a local road. Nak Nak Run is a combination access, drainage and utility easement that serves a private 5-acre development to the west of the subject site. Old Lockwood Road is not currently programmed for any improvements according to the County 5-year Capital Improvement Program.

*School Impacts:*

Based on the formulas provided by the Seminole County School District, the proposed zone change will generate approximately 55 school age children. The subject site will affect the following schools:

<b>Schools Impacted</b>	<b>Proposed Impact</b>	<b>Current Capacity</b>	<b>05/06 Enrollment</b>	<b>Percent Capacity</b>
Carillon Elementary	28	942	892	95%
Jackson Heights Middle	13	1345	1154	86%
Hagerty High	14	462	502	109%

*Public Safety:*

The nearest response unit to the subject property is Station # 65, which is located at 4999 North Orion Boulevard, Orlando. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is 5 minutes. The County level-of-service standard for response time is 5 minutes per Policy PUB 2.1 of the Comprehensive Plan.

*Drainage:*

The proposed project is located within the Big Econlockhatchee Drainage Basin. Old Lockwood Road will provide positive outfall for the property although it currently has limited down stream capacity. A more detailed drainage analysis will be provided and reviewed during final engineering approval.

*Parks, Recreation and Open Space:*

In accordance with Section 30.1344 of the Land Development Code, the applicant will be required to provide twenty-five (25) percent of the site in common open space. Per Section 30.1344 (e), the common open space may include landscape buffers, recreational areas accessible to all residents, as well as the preservation of floodplain areas, wetlands and other natural resources. This will be evaluated in more detail during the Preliminary Subdivision Plan process.

**APPLICABLE POLICIES:**

**FISCAL IMPACT ANALYSIS**

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



## **SPECIAL DISTRICTS**

The subject property is located within the Econlockhatchee River Protection Area and will be required to comply with the Econlockhatchee River Protection Overlay Standards as outlined in Part 57 of the Seminole County Land Development Code.

## **COMPREHENSIVE PLAN (VISION 2020)**

The following policies are applicable with the proposed project:

Policy FLU	2.5: Transitional Land Uses
Policy CIE	3.2: Application to New Development
Policy CIE	3.4: Concurrency Management
Policy CON	3.6: Wetland/Flood Prone Regulations
Policy POT	4.5: Potable Water Connection
Policy SAN	4.4: Sanitary Sewer Connection
Policy PUB	2.1: Public Safety Level-of-Service
Policy FLU	1.8: Econlockhatchee River Basin Protection

## **INTERGOVERNMENTAL NOTIFICATION:**

An intergovernmental notice was sent to the City of Oviedo and the Seminole County School District on December 8, 2005. To date, no comments have been received.

## **LETTERS OF SUPPORT OR OPPOSITION:**

Staff received one letters of opposition to the proposed development.

## **STAFF FINDING:**

The applicant is proposing R-1A zoning on a 37.8 ± acre site located on the west side of Old Lockwood Road. The requested zoning classification would permit single family development on lots having a minimum of 9,000 square feet in size and 75 feet in width. Located in the Low Density Residential future land use designation, the property is programmed 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 Section 30.1380.3 of the Land Development Code. 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.

The lot compatibility analysis yielded a weight rating of 7.25, which corresponds to R-1AA. While this zoning represents a lower density than the applicant is requesting, the Board of County Commissioners may grant R-1A upon making a specific finding that the requested higher-intensity zoning is compatible with surrounding uses and development. Staff has determined that in this case, the requested higher-intensity zoning of R-1A would be compatible with surrounding uses based on the following factors:

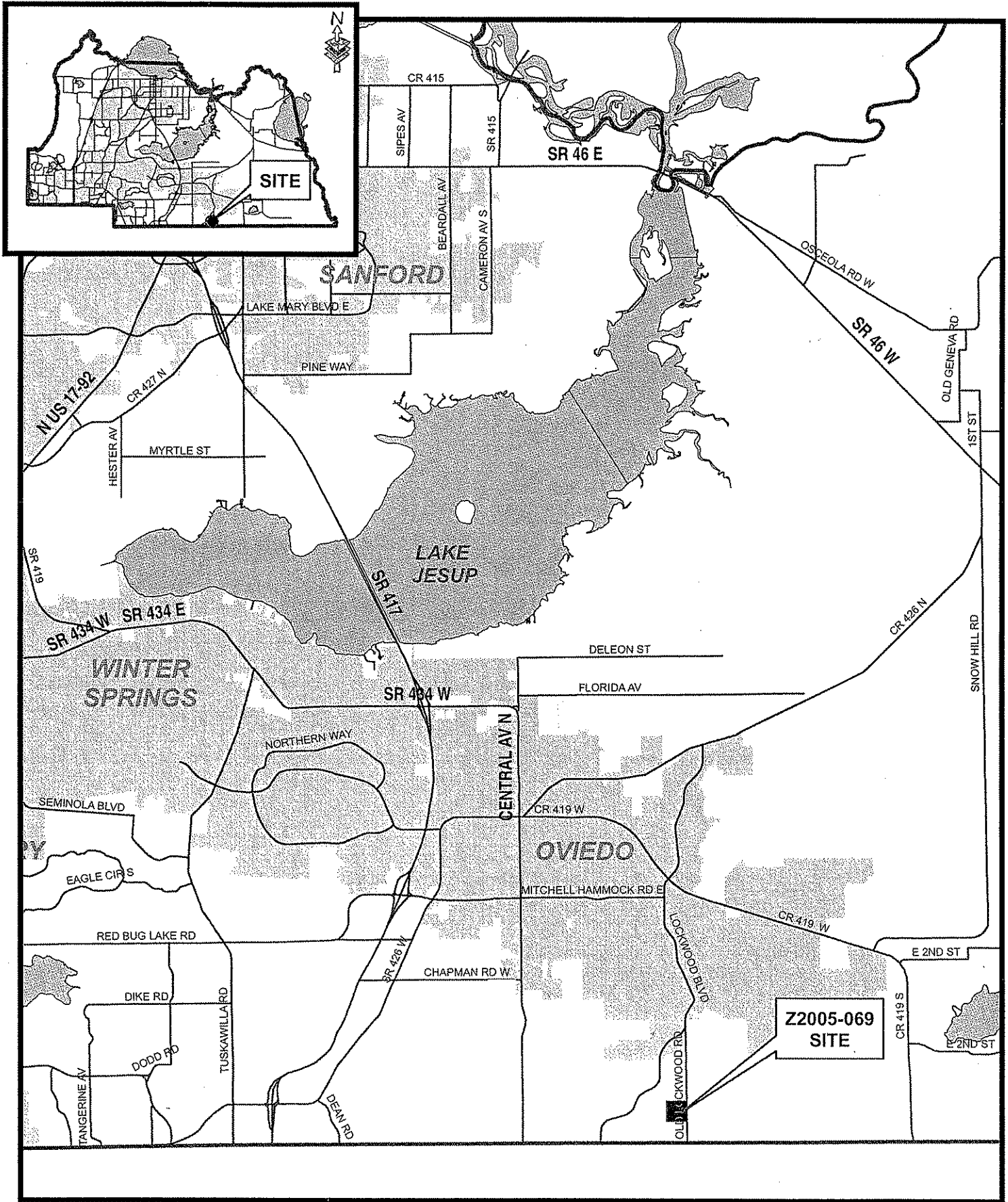
- Zoning and lot sizes to the north and northwest of the subject site are consistent with the requested zoning of R-1A.
- A large parcel to the east of the subject site is owned by Seminole County with a future land use designation of recreation and a zoning designation of PUD (Planned Unit Development).
- Townhomes are located immediately south of the compatibility analysis area. Although not included in the compatibility analysis, they represent a higher intensity zoning.
- The proximity of a conservation area located to the southwest of the property skews the compatibility analysis by awarding a base weight of only 4 points.
- The trend in the area is consistent with R-1A zoning designation.

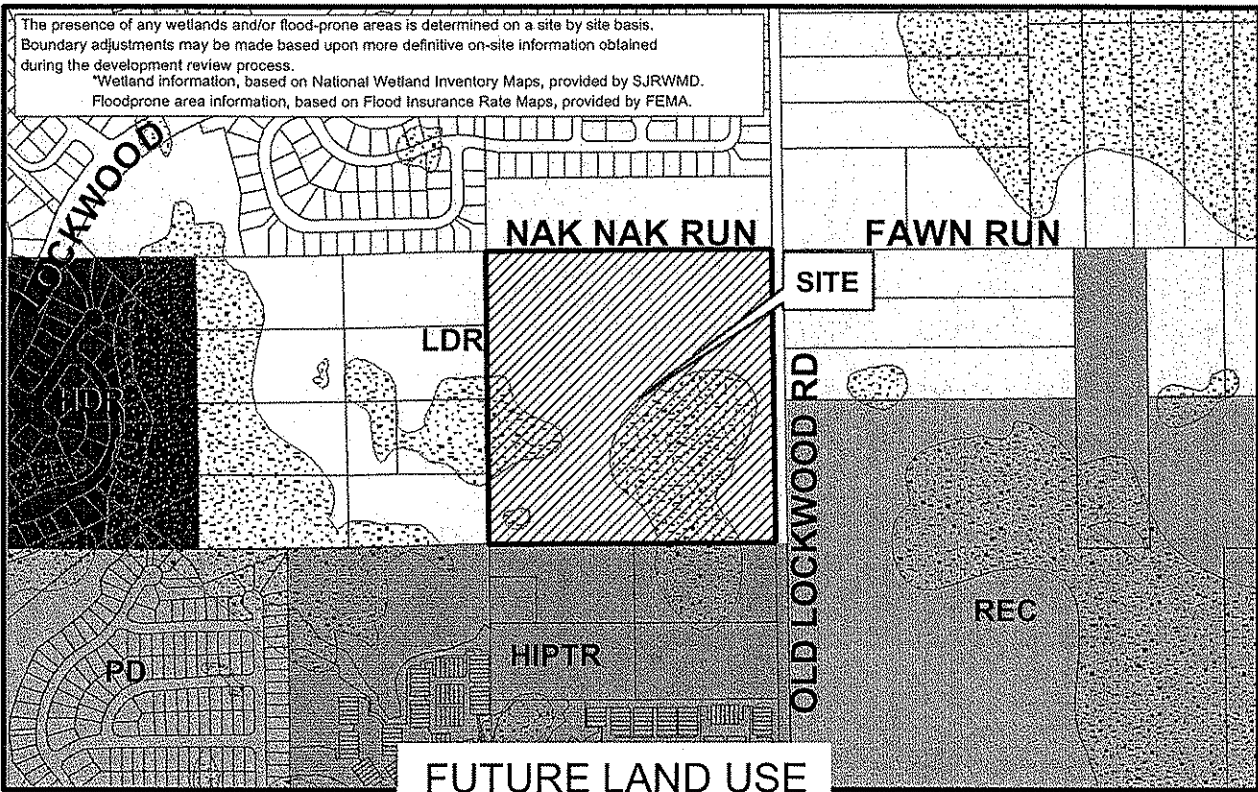
#### **PLANNING & ZONING COMMISSION RECOMMENDATION**

On January 11, 2006, the Planning and Zoning Commission unanimously (7-0) recommended approval of the request to rezone 37.8 ± acres, located on the west side of Old Lockwood Road, south of Nak Nak Run, and north of McCulloch Road, from A-1 (Agriculture) to R-1A (Single-Family Dwelling District) with the commitment of a minimum house size of 2,200 square feet of living area.

#### **STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the request to rezone 37.8 ± acres, located on the west side of Old Lockwood Road, south of Nak Nak Run and north of McCulloch Road, from A-1 Agriculture to R-1A with the commitment of a minimum house size of 2,200 square feet of living area.

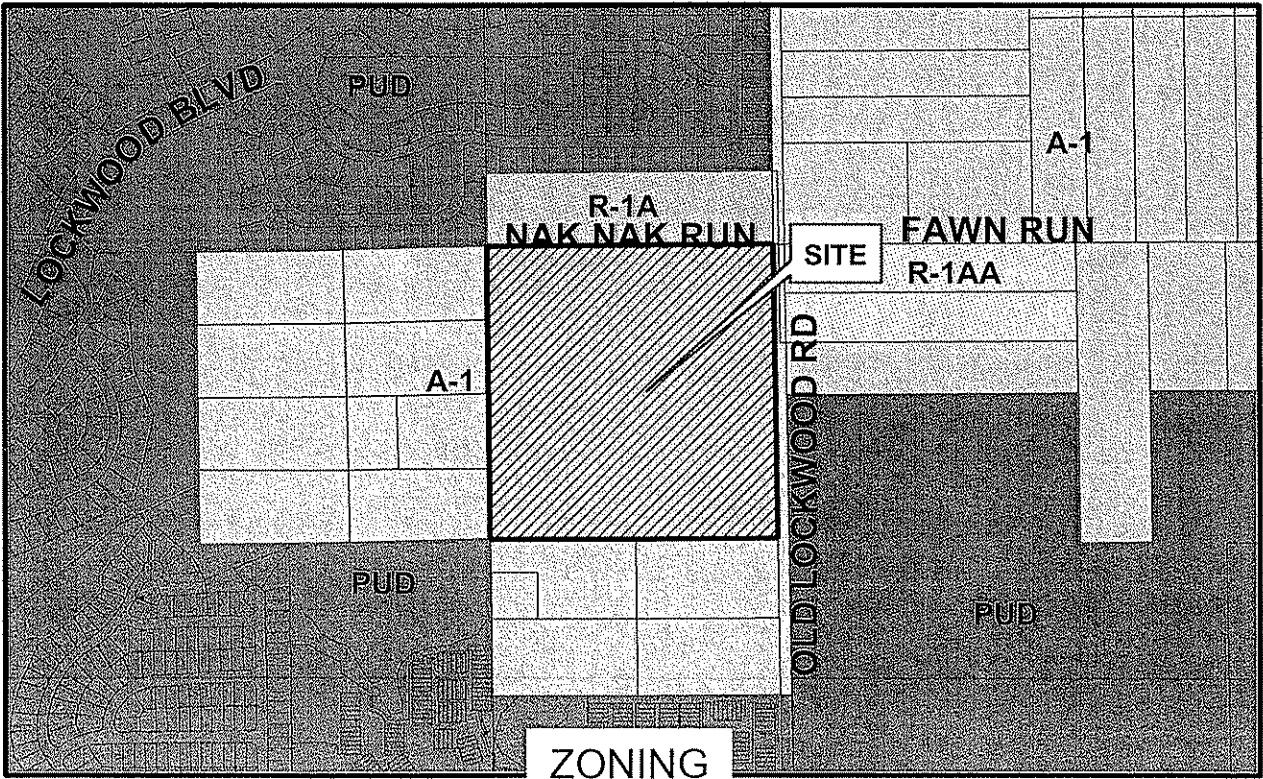




Site
  HDR
  LDR
  PD
  HIPTR
  REC
  CON

Applicant: Sam Bowyer, PE  
 Physical STR: 36-21-31-300-0040-0000  
 Gross Acres: 37.8 +/- BCC District: 1  
 Existing Use: Timberland  
 Special Notes: None



	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2005-069	A-1	R-1AA



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



Rezone No: Z2005-069  
From: A-1 To: R-1AA

-  Parcel
-  Subject Property



January 2004 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; ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURAL) ZONING CLASSIFICATION THE R-1A (SINGLE-FAMILY DWELLING DISTRICT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; 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 "Edwards Estates."

(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 (Agricultural) to R-1A (Single-Family Dwelling District):

LEG SEC 36 TWP 21S RGE 31E NW ¼ OF SW ¼  
(LESS S 40 FT & E 30 FT FOR RD)

**Section 3. 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 4. 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 on the recording date of the Development Order #    in the Official Land Records of Seminole County.

ENACTED this 14th day of FEBRUARY 2006.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Carlton D. Henley  
Chairman

**EXHIBIT A**  
**LEGAL DESCRIPTION**

LEG SEC 36 TWP 21S RGE 31E NW ¼ OF SW ¼  
(LESS S 40 FT & E 30 FT FOR RD)



**MINUTES FOR THE SEMINOLE COUNTY  
LAND PLANNING AGENCY/PLANNING & ZONING COMMISSION  
JANUARY 11, 2006**

**Members present:** Rob Wolf, Beth Hattaway, Matt Brown, Ben Tucker, Dudley Bates, Walt Eismann, and Jason Brodeur.

**Also present:** Dan Matthys, Director of Planning & Development; Tony Walter, Planning Manager; Tom Radzai, Senior Engineer; Tyrone K. Smith, Senior Planner; Chris Schmidt, Senior Planner; Kim Laucella, Assistant County Attorney, and Candace Lindlaw-Hudson, Senior Staff Assistant.

**C. Edwards Estates Rezone; Sam Bowyer, P.E., applicant;** approximately 37.8 acres; Rezone from A-1 (Agriculture District) to R-1A (Single Family Residential District); located on the west side of Old Lockwood Road, south of Nak Nak Run, and north of McCulloch Road. (Z2005-069)

Commissioner Dallari, District 1  
Brian Nelson, Principal Coordinator

Mr. Walter introduced the application for a single-family subdivision on 37.8 acres. The lots will be 9,000 square feet with a 75-foot width. Mr. Walter said that R-1A zoning is compatible with the surrounding uses. Staff recommendation is for approval.

Sam Bowyer spoke for the owners of the property. He agrees that the requested R-1A zoning is compatible with surrounding zonings.

Chairman Tucker asked if the Edwards family plan to develop the property to the south.

Mr. Bowyer said that the Edwards family planned on living in the proposed subdivision, and that they will be developing the property to the south later.

William Sloan of 3535 Old Lockwood Road said that he would like to see conditions similar to the nearby residences – 2,000 square foot houses on 11,000 square foot lots.

In rebuttal, Sam Bowyer agreed that 2,000 square foot houses will be acceptable, but lots will be 75 feet by 120 feet, which is consistent with surrounding zoning.

Commissioner Tucker asked if Mr. Bowyer would commit to 2,000 square foot houses.

Mr. Bowyer said he would commit to 2,000 square foot houses.

Commissioner Wolf stated that surrounding figures for house size included 2,400, 2,000 and 2,200 square feet. If this is so, then a 2,200 square foot minimum house size would be more consistent with the area.

Mr. Bowyer said that this will be an upscale community.

Commissioner Wolf asked if Mr. Bowyer would commit to 2,200 square foot houses.

Mr. Bowyer committed to a minimum of 2,200 square feet of living space.

**Commissioner Wolf made a motion to recommend approval with staff conditions and a minimum of 2,200 square feet of living space in the homes.**

**Commissioner Hattaway seconded the motion.**

**The motion passed by a vote of 7 – 0.**

Respectfully submitted,

Candace Lindlaw-Hudson



Diane Merkt/Seminole  
01/11/2006 01:17 PM

To Candace Hudson/Seminole@Seminole  
cc info@dwpd.net  
bcc  
Subject Fw: Tonight's Hearing - P&Z

Diane Merkt, Executive Assistant  
Commissioner Bob Dallari  
District 1  
Seminole County Board of Commissioners  
407-665-7215 phone  
407-665-7958 fax

----- Forwarded by Diane Merkt/Seminole on 01/11/2006 01:16 PM -----



Linda Rossel  
<info@dwpd.net>

01/11/2006 01:14 PM

Please respond to  
info@dwpd.net

To dmerkt@seminolecountyfl.gov  
cc  
Subject Tonight's Hearing - P&Z

TO: Commissioner Dallari

Regarding the Edwards Estate Rezoning - Hearing Tonight 1/11/06

The undersigned strongly request that this property not be rezoned for 75 ft wide single-family lots.

We live on Fawn Run in Woodland Estates, across the street from the Edwards property, where the zoning is ONE house per 5 acre tract. Nak Nak Road carries the same zoning. Many of our lots are 230 feet to over 300 feet wide.

We believe that residential lot sizes of 150' (current zoning) will more properly fit into the surrounding area and provide a better transition.

Linda Rossel  
Bernard Hearl  
Larry Tanney  
Cynthia Tanney

--\*\*\*\*Florida has a very broad Public Records Law. Virtually all written communications to or from State and Local Officials and employees are public records available to the public and media upon request. Seminole County policy does not differentiate between personal and business emails. E-mail sent on the County system will be considered public and will only be withheld from disclosure if deemed confidential pursuant to State Law.\*\*\*\*