

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Hawthorne Estates, Rezone from A-1 (Agriculture District) to R-1 (Single Family Dwelling District); (Deborah Hagen, applicant).

[THIS ITEM WAS CONTINUED FROM 2/10/04]

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

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

<p>Agenda Date <u>02/24/04</u> Regular <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/></p> <p align="center">Public Hearing – 1:30 <input checked="" type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/></p>

MOTION/RECOMMENDATION:

1. APPROVE the request for rezoning on 15.92 acres located on the east side of Orange Blvd., 0.4 mile north of SR 46, from A-1 (Agriculture District) to R-1 (Single Family Dwelling District) as requested; (Deborah Hagen, applicant); or
2. APPROVE the request for rezoning on 15.92 acres located on the east side of Orange Blvd., 0.4 mile north of SR 46, from A-1 (Agriculture District) to R-1A (Single Family Dwelling District) per the staff report; (Deborah Hagen, applicant); or
3. APPROVE the request for rezoning on 15.92 acres located on the east side of Orange Blvd., 0.4 mile north of SR 46, from A-1 (Agriculture District) to R-1AA (Single Family Dwelling District) per the staff report; (Deborah Hagen, applicant); or
4. DENY the request for rezoning on 15.92 acres located on the east side of Orange Blvd., 0.4 mile north of SR 46; (Deborah Hagen, applicant); or
5. CONTINUE the public hearing until a time and date certain.

(District 5 – Comm. McLain)

(Jeff Hopper, Senior Planner)

BACKGROUND:

The applicant, Deborah Hagen, requests approval of R-1 on a 15.92-acre site, located on Orange Boulevard and north of SR 46. (This application was advertised as a request for R-1 zoning to allow for BCC flexibility even though at the January 7, 2004 meeting of the Planning & Zoning Commission, the applicant's representative verbally amended the request to R-1A.) This would allow for single family residential lots at a minimum size of 8,400 square feet. Located in the Low Density Residential future land use designation, the property is programmed under the Vision 2020

<p>Reviewed by:</p> <p>Co Atty: <u>KCC</u></p> <p>DFS: _____</p> <p>OTHER: <u>MM</u></p> <p>DCM: <u>SS</u></p> <p>CM: <u>KB</u></p> <p>File No. <u>ph130pdp03</u></p>
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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:

Based on an analysis of surrounding densities, staff recommends DENIAL of the requested R-1 or R-1A classifications. However, staff supports R-1AA, consistent with the results of the required lot compatibility analysis.

PLANNING & ZONING COMMISSION RECOMMENDATION:

On January 7, 2004 the Planning & Zoning Commission voted 6-0 to recommend DENIAL of the requested R-1 zoning classification, and instead recommended APPROVAL of R-1AA.

**Minutes for the Seminole County
LPA / P & Z Commission
January 7, 2004**

Members present: Richard Harris, Chris Dorworth, Ben Tucker, Thomas Mahoney, Walt Eismann, Dudley Bates

Member absent: Alan Peltz

Also present: Matt West, Planning Manager; Tony Walter, Assistant Planning Manager; Karen Consalo, Assistant County Attorney; Jim Potter, Engineer, Development Review; Dick Boyer, Senior Planner; Tina Deater, Senior Planner; Candace Lindlaw-Hudson, Senior Staff Assistant.

Hawthorne Estates, LLC. / Deborah Hagen, applicant; approximately 15.92 acres; rezone from A-1 (Agriculture) to R-1 (Single Family Residential); located on the northeast corner of Majestic Forest Run and Orange Boulevard. (Z2003-046)

Commissioner McLain – District 5
Jeff Hopper, Senior Planner

Matt West presented the background on the application. The applicant had earlier in the day requested a continuance and was present at the meeting tonight to be heard without staff being notified of the change in status.

Matt West reviewed the conditions requested in the staff report, including a minimum lot size of 8,400 square feet. Mr. West explained that the County Comprehensive Plan required a lot compatibility analysis be run on the request. Based on the analysis, Staff is recommending denial of the requested R-1 zoning and staff is recommending R-1AA zoning.

The lot compatibility analysis goes out 660 feet from the location of the request and looks at what is there and what could be placed on surrounding parcels in the future. Lake Forest has larger lots. On the west side of Orange Avenue there are one acre lots sizes. R-1 zoning would be too much of a transition from the larger lots. Also, there is an existing communication tower in the area. Homes can be put in the area without influencing the tower.

John Herbert of American Civil Engineering Company spoke on behalf of the applicant, stating that the applicant decided to proceed at the last minute. The application is being amended to ask for R-1A zoning with 75 foot lots. Lake Forest property has minimum 75 foot wide lots. Some lots are pie shaped in Lake Forest, and there will be some lots like these in Hawthorne Estates also. Several of the lots would be greater than 75 feet wide. Mr. Herbert stated that he

concurred with all of the staff recommendations. He will provide for 100 year flood retention and put in turning lanes on Orange Boulevard for safe entry to the subdivision. The minimum house size will be 2,000 square feet of living area.

Commissioner Harris asked about the variable width lots in Lake Forest. Wouldn't Hawthorne Glen be held to a higher standard than Lake Forest?

Mr. Herbert said the lots there are variable width. Staff had wanted 90 foot lots. This would be a higher standard and match Lake Forest.

Commissioner Eismann asked if anyone knew how many lots in Lake Forest met the 75 foot size standard.

Mr. Harris and staff members present did not know this.

Mr. West stated that R-1A zoning is a 9,000 square foot lot. The R-1 zoning had been 8,100 square feet lots. Lake Forest lots are 170 feet deep, which increases the area.

Mr. Harris showed the site on the area map. To the south is West Lake Estates with 90 foot lots. Next to that is Forest Glen with 75 foot wide lots. Hawthorne will fit in with these. The large lots across the road are not in alignment with this trend.

Speaking from the audience was Richard Bavec, developer and President of the Home Owner's Association of Lake Forest. He had received a copy of the plan for Hawthorne Glen from the applicant. Mr. Bavec stated that he agrees with the recommendation for R-1AA zoning. He would prefer that Hawthorne be a PUD. Houses in Lake Forest are \$350,000.00 to \$500,000.00. He asked that the property not be less than R-1AA zoning. The 100 year flood pond meets his expectations. He is concerned with water run off from this site into his subdivision.

No one else spoke from the floor.

The public hearing was now closed.

Commissioner Mahoney stated that in subdivisions like Lake Forest, part of the consideration of the PUD would have had clustering. The compatibility index is a useful tool. R-1AA zoning is the correct transitional size for the lots.

Commissioner Mahoney made a motion to deny the request for R-1A zoning, and to recommend R-1AA zoning.

Commissioner Eismann seconded the motion.

Commissioner Tucker asked Mr. West about the predominant lot size in Astor Farms.

Mr. West said that some are 7,000 to 8,000 square feet. Some are larger. There is a large buffer and landscaping.

Commissioner Tucker asked about the lot sizes from the rezone from last month, adjacent to the Wekiva Reserve.

Mr. West said that they were 50 – 70 foot lots. When you do a PUD a lot analysis is not done.

Commissioner Mahoney stated that there is a 30 percent open space requirement under those circumstances.

Commissioner Tucker asked if the communication tower's presence should be worked into the motion.

Mr. West stated that the communication tower will have a hardship created by the presence of the new subdivision. That could be administratively handled in the future.

The vote was 6 – 0 in favor of the motion.

HAWTHORNE ESTATES

REQUEST INFORMATION	
APPLICANT	Deborah Hagen
PROPERTY OWNER	Mae A Hawthorne, David S. and Alde F. Redwine
REQUEST	Rezone from A-1 (Agriculture District) to R-1 (Single Family Dwelling District)
HEARING DATE(S)	P&Z: January 7, 2004 BCC: February 24, 2004
PARCEL #	19-19-30-300-0110-0000 19-19-30-300-012A-0000 19-19-30-300-0100-0000 19-19-30-300-013C-0000 19-19-30-300-0120-0000
LOCATION	East side of Orange Boulevard, 0.4 mile north of SR 46
FUTURE LAND USE	Low Density Residential (LDR)
FILE NUMBER	Z2003-046
COMMISSION DISTRICT	District 5 (McLain)

OVERVIEW:

The applicant requests approval of R-1 District zoning on a 15.92-acre site, located on Orange Boulevard and north of SR 46. (At the January 7, 2004 meeting of the Planning & Zoning Commission, the applicant's representative verbally amended the request to R-1A.) This would allow for single family residential lots at a minimum size of 8,400 square feet. 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 by Ordinance 98-53. Based on the same analysis, a zoning classification of R-1AA has been determined appropriate.

The analysis determines the appropriate zoning classification for a given parcel, based on the surrounding zoning of properties within 660 feet. The calculations assign differing weights to the various districts according to permitted development intensities therein. 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 (with a minimum half acre lot size), has a weight factor of 5. Properties zoned A-1 District are considered to have a base weight of 4, but additional points can be assigned where water, sewer, and paved roads are available for a maximum weight 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 majority of the analysis area comprises A-1 District zoning, although some A-1 parcels received a higher weight based on the availability of paved roads and utilities. A significant quantity of PUD zoning (analyzed as the equivalent to R-1AAA District zoning) abuts the site to the east and north.

The analysis yielded a final weight of 6.56, which equates to R-1AA District zoning. In the R-1AA District, the minimum lot size is 11,700 square feet, and the minimum lot width at the building line is 90 feet. By contrast, the requested R-1 District zoning would permit smaller lots of 8,400 square feet in size with 70 foot minimum widths at the building line.

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

	Zoning	Future Land Use	Existing Land Use
SITE	A-1	LDR	vacant
North	A-1 / PUD	SE / PD	single family / vacant
South	A-1	LDR	single family
East	PUD	PD	SF / vacant
West	A-1	SE	single family

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

SITE ANALYSIS & FINDINGS:

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 Low Density Residential (LDR) 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.
4. Information on stormwater capacity and outfall will be provided prior to Final Subdivision approval.

Compliance with Environmental Regulations: At this time there are no identified areas of environmental concern on the property, although wetlands may be present on the site.

Compatibility with surrounding development: Per the required Lot Compatibility Analysis, the recommended R-1AA District zoning classification is compatible with the Low Density Residential future land use designation assigned to the property.

STAFF RECOMMENDATION:

Based on an analysis of surrounding densities, staff recommends DENIAL of the requested R-1 District zoning. However, staff supports the R-1AA District zoning based on the stated findings.

PLANNING & ZONING COMMISSION RECOMMENDATION:

On January 7, 2004 the Planning & Zoning Commission voted 6-0 to recommend DENIAL of the requested R-1 zoning classification, and instead recommended APPROVAL of R-1AA.

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-1 (AGRICULTURE DISTRICT) ZONING CLASSIFICATION THE R-1AA (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 "Hawthorne 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 (Agriculture District) to R-1AA (Single Family Dwelling District):

LEGAL DESCRIPTION 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 24th day of February, 2004.

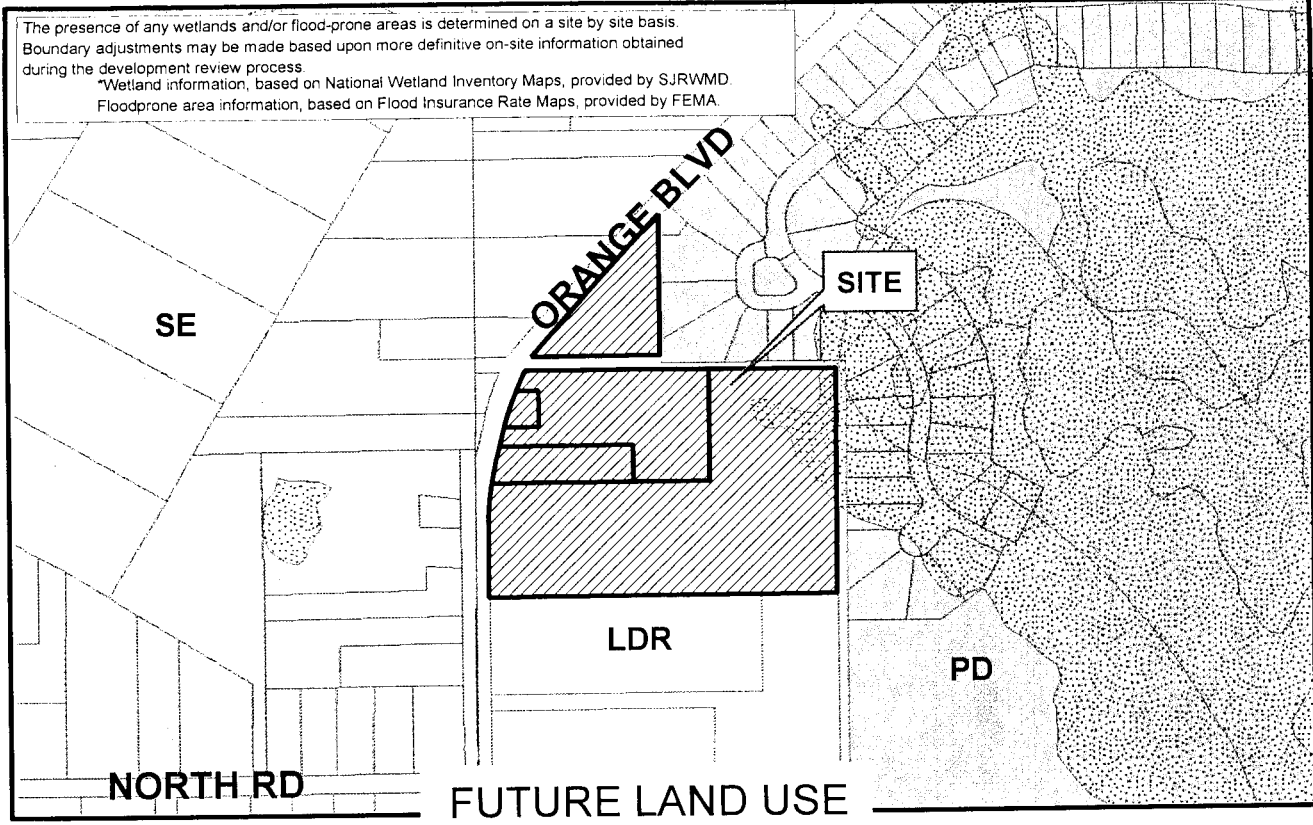
BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

EXHIBIT A

LEGAL DESCRIPTION

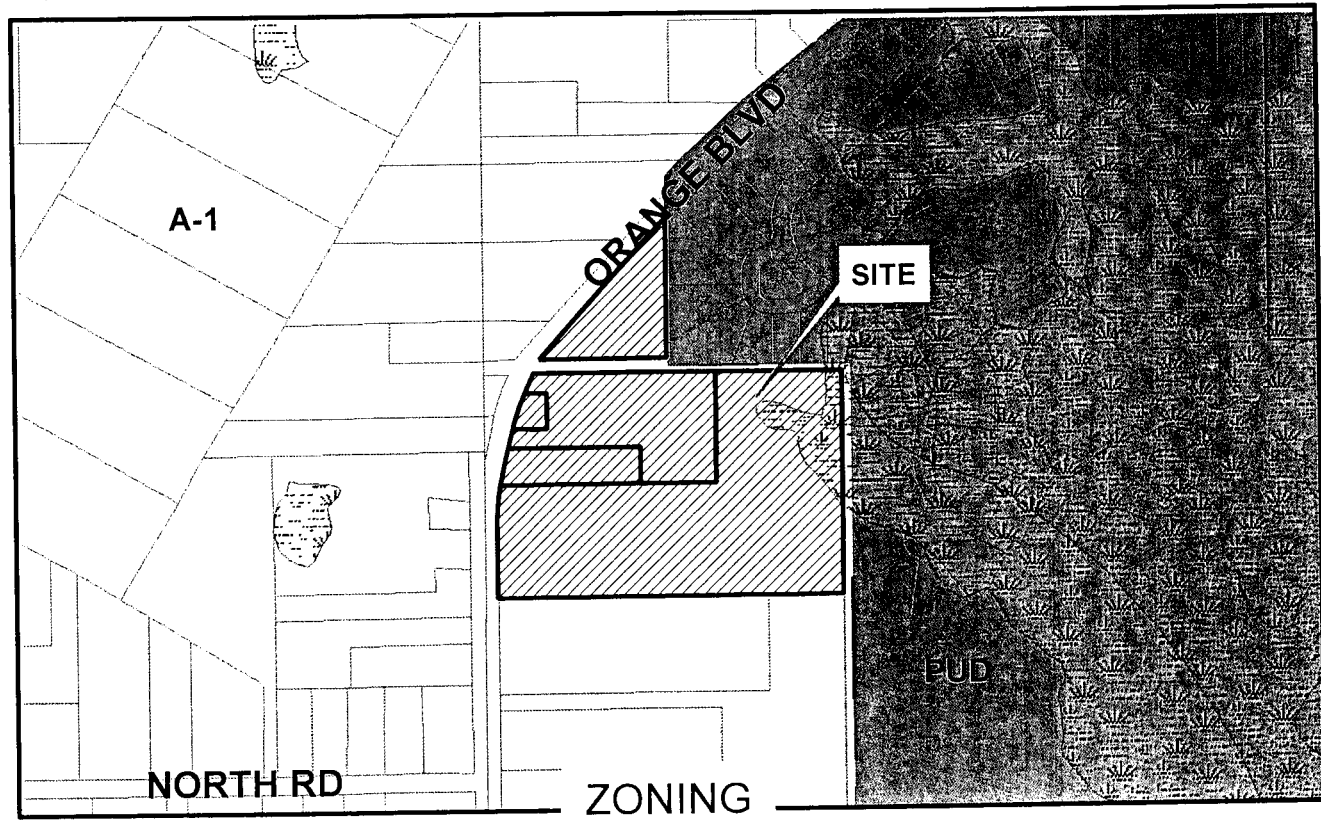
COMMENCE AT THE SOUTHWEST CORNER OF SECTION 19, TOWNSHIP 19 SOUTH, RANGE 30 EAST: THENCE NORTH 00°07'01" WEST ALONG THE WEST LINE OF THE SOUTHWEST ONE-QUARTER OF SAID SECTION 19, A DISTANCE OF 665.39 FEET; THENCE NORTH 89°58'42" EAST, 30.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°07'01" WEST, ALONG THE SOUTHEASTERLY RIGHT-OF-WAY OF ORANGE BLVD, 4.09 FEET THENCE NORTHERLY AND NORTHEASTERLY ALONG THE ARC OF A TANGENT CURVE, BEING CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1454.78, A DELTA OF 45°33'01", AN ARC DISTANCE OF 1156.55; THENCE TANGENT TO SAID CUVE, NORTH 45°25'59" EAST, 64.53 FEET, TO A POINT OF INTERSECTION OF ORANGE BLVD AND THE WEST BOUNDARY OF LAKE FOREST SECTION 10B, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 60 PAGE 65 OF T HE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE SOUTH 00°05'58" EAST, 441.84 FEET; THENCE SOUTH 89°59'40" EAST, 511.09 FEET; THENCE SOUTH 00°02'42" EAST, 646.51 FEET, THE LAST THREE COURSES BEING COINCIDENT WITH SAID PLAT; THENCE SOUTH 89°58'42" WEST, 992.23 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING IN SEMINOLE COUNTY, FLORIDA, CONTAINING 15.92 ACRES.



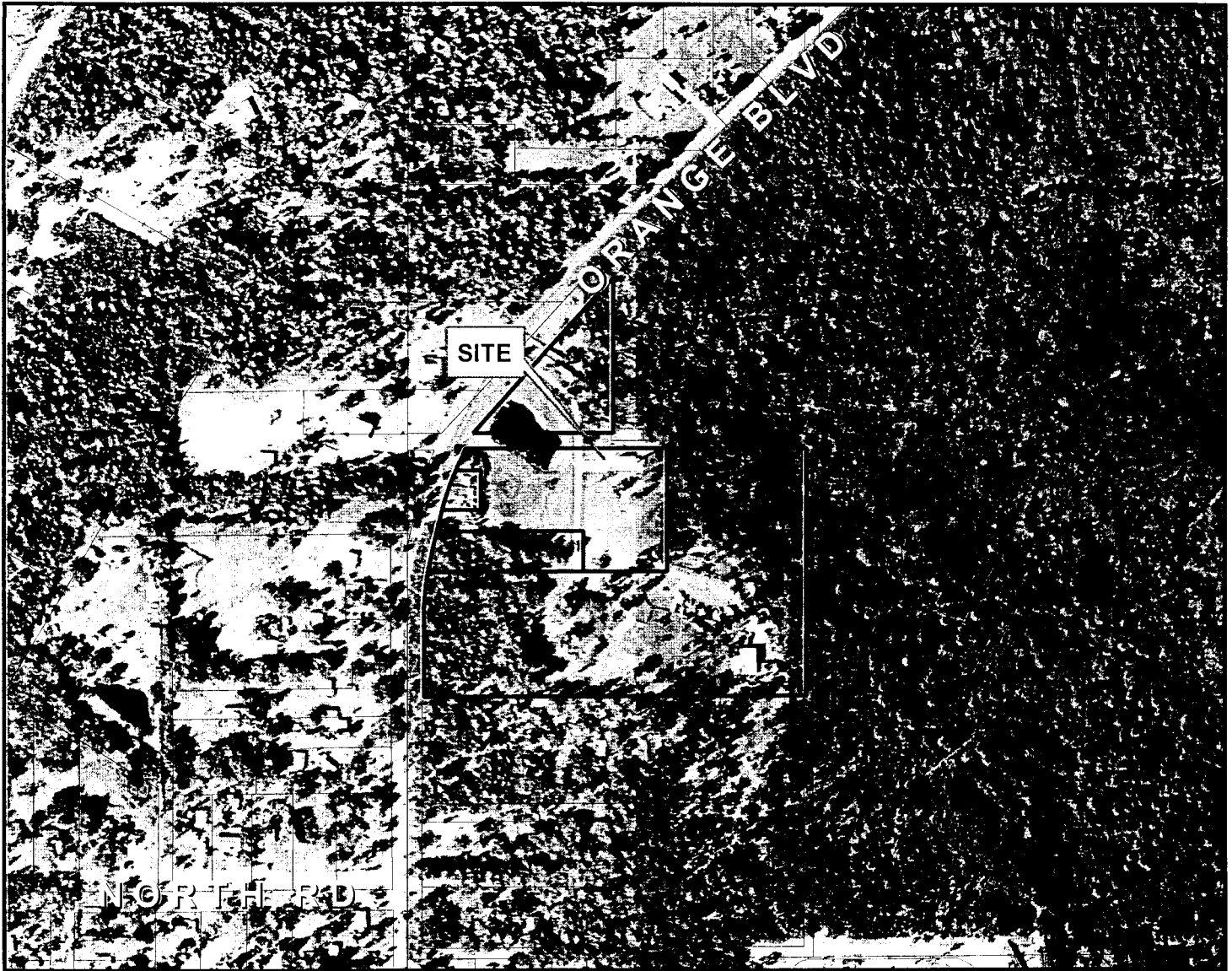
Site
 SE LDR PD CONS

Applicant: Hawthorne Estates, LCC
 Physical STR: 19-19-30-300-0100, 0110, 0120, 012A, & 013C-0000
 Gross Acres: 15.92 BCC District: 5
 Existing Use: Vacant and Single Family
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2003-046	A-1	R-1



Site
 A-1 PUD FP-1 W-1



Rezone No: Z2003-046

From: A-1 To: R-1

 Parcel

 Subject Property



February 1999 Color Aerials