

Item # 447

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Silver Stone Subdivision Rezone from A-1 (Agriculture District) to R-1A (Single-Family Dwelling District)

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

AUTHORIZED BY: Dan Matthys **CONTACT:** Tina Deater **EXT.** 7440

Agenda Date 3/08/05 **Regular** **Consent** **Work Session** **Briefing**
Public Hearing – 1:30 **Public Hearing – 7:00**

MOTION/RECOMMENDATION:

1. Enact an ordinance to APPROVE the request for rezoning from A-1 (Agriculture District) to R-1A (Single-Family Dwelling District) on approximately 4.89 acres; located on the north side of E.E. Williamson Road, approximately 0.15 miles west of Myrtle Lake Hills Road, and authorize the Chairman to execute the aforementioned ordinance (Alice Mewes, applicant); or
2. DENY the request for rezoning from A-1 (Agriculture District) to R-1A (Single-Family Dwelling District) on approximately 4.89 acres; located on the north side of E.E. Williamson Road, approximately 0.15 miles west of Myrtle Lake Hills Road (Alice Mewes, applicant); or
3. CONTINUE the public hearing until a time and date certain.

District 4 – Commissioner Henley

Tina Deater, Senior Planner

BACKGROUND:

The applicant, Alice Mewes, requests rezoning from A-1 (Agriculture District) to R-1A (Single-family Dwelling District) on approximately 4.89 acres, located on the north side of E.E. Williamson Road, approximately 0.15 miles west of Myrtle Lake Hills Road. The applicant is proposing to build a single-family subdivision. The subject property has a future land use designation of Low Density Residential (LDR) and is programmed under the Vision 2020 Plan for a maximum of 4 units per net buildable acre. Per ordinance 98-53, requests for conventional zoning in the Low Density Residential (LDR) future land use district (i.e., not PUD), are subject to a lot size compatibility analysis. This analysis supports the requested zoning classification of R-1A.

Reviewed by:	<u>KR</u>
Co Atty:	<u>MMW</u>
DFS:	<u>MMW</u>
OTHER:	<u>MMW</u>
DCM:	<u>591</u>
CM:	<u>MMW</u>
File No.	<u>ph700pdp02</u>

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested R-1A zoning classification

LPA/PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on February 2, 2005 and voted 6 to 0 to recommend APPROVAL of the rezone to R-1A.

INSERTS:

Ordinance
Locator Map
Aerial Map

Silver Stone Subdivision Rezone A-1 TO R-1A

REQUEST INFORMATION	
APPLICANT	Alice Mewes
PROPERTY OWNER	Alice Mewes
REQUEST	Rezone property from A-1 (Agriculture District) to R-1A (Single-family Dwelling District)
HEARING DATE (S)	P&Z: 2/02/05 BCC: 3/8/05
PARCEL ID	25-20-29-300-0110-0000
LOCATION	Located on the north side of E.E. Williamson Road, approximately .15 mile west of Myrtle Lake Hills Road
FUTURE LAND USE	Low Density Residential (LDR)
FILE NUMBER	Z2004-067
COMMISSION DISTRICT	District 4 – Commissioner Henley

OVERVIEW

Zoning Request: The applicant, Alice Mewes, requests rezoning from A-1 (Agriculture District) to R-1A (Single-family Dwelling District) on approximately 4.89 acres, located on the north side of E.E. Williamson Road, approximately 0.15 miles west of Myrtle Lake Hills Road. The applicant is proposing to build a single-family subdivision. The subject property has a future land use designation of Low Density Residential (LDR) and is programmed under the Vision 2020 Plan for a maximum of 4 units per net buildable acre. Per ordinance 98-53, requests for conventional zoning in the Low Density Residential (LDR) future land use district (i.e., not PUD), are subject to a lot size compatibility analysis.

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, up to a maximum of 7 points. Weighting factors, together with the acreage of each zone within the 660-foot radius, determine the “compatible” zoning for the subject property.

The lot size compatibility analysis for the subject property supports the requested zoning classification of R-1A.

Existing Land Uses:

	EXISTING ZONING	FUTURE LAND USE	CURRENT USE
SITE	A-1 (Agriculture District)	Low Density Residential	Single-family Residential
NORTH	A-1 (Agriculture District),	Public	Elementary School
SOUTH	R-1AA (Single-family Dwelling District)	Low Density Residential	Single-family Residential
EAST	R-1A (Single-family Dwelling), R-1AA (Single-family Dwelling District)	Low Density Residential	Single-family Residential
WEST	R-1AAA (Single-family Dwelling District)	Public	Elementary School

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

SITE ANALYSIS

Facilities and Services:

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 Seminole County Comprehensive Plan.

Drainage:

The joint use County & Seminole County School Board pond located on the north side of E.E. Williamson, adjacent to the subject property, has no outfall system. During the hurricanes it overflowed the east bank of the pond and caused property damage to residents in the Bay Lagoon Subdivision to the east.

Since that event, the County has, when necessary, pumped down the pond to Grace Lake (to the north) and lowered the water in the pond prior to major storm events. The Seminole County School Board has prepared a conceptual design for a permanent outfall/drawdown to Grace Lake, however no funding for final design, permitting and construction have been secured. Staff will work with the developer of the proposed Silver Stone subdivision to design the project entrance and stormwater facilities, to alleviate as much of the existing drainage problems as possible on the subject property.

Transportation / Traffic:

Access is available to the site from E.E. Williamson Road, which is classified as a Collector, and has an adopted Level of Service of "E" in this area. E.E. Williamson Road is currently operating at a Level of Service of "C" in this area.

Compliance with Environmental Regulations:

The proposed subdivision is required to comply with the environmental standards contained in the Seminole County Land Development Code prior to subdivision plan approval.

Compatibility with Surrounding Development:

Currently, the surrounding area has Low Density Residential and Public future land use designations. The subject property is adjacent on two sides to an elementary school. The proposed R-1A zoning classification is allowed in the Low Density Residential future land use designation, and the weighted method for determining lot size compatibility indicates that it is compatible with the surrounding zoning.

Intergovernmental Notice

In 1997, Seminole County entered into an Intergovernmental Planning Coordination Agreement with the School Board and the cities of Altamonte Springs, Casselberry, Lake Mary, Oviedo, Sanford and Winter Springs. The notice required under this agreement was sent on January 19, 2005.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested R-1A zoning classification based on the following findings:

1. The R-1A zoning district would not be detrimental to the character of the area or neighborhood or be inconsistent with the trends of development in the area; and
2. The R-1A zoning district is compatible with the concepts of LDR future land use designation; and
3. The uses within the proposed R-1A zoning district would not have an unduly adverse effect on existing traffic patterns, movements or intensity.

LPA/PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on February 2, 2005 and voted 6 to 0 to recommend APPROVAL of the rezone to R-1A.

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 ZONING CLASSIFICATION THE R-1A 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, "Silver Stone Subdivision Rezone A-1 to R-1A."

(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 to R-1A:

LEG SEC 25 TWP 20S RGE 29E E 1/2 OF SW 1/4 OF SE 1/4 OF SW 1/4 (LESS S 15 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 upon filing by the Department.

ENACTED this 8th day of March, 2005.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton Henley
Chairman

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING & ZONING COMMISSION
FEBRUARY 2, 2005**

Members present: Matt Brown, Ben Tucker, Beth Hattaway, Chris Dorworth, Richard Harris, Walt Eismann, and Dudley Bates.

Also present: Matt West, Planning Manager; Tony Walter, Assistant Planning Manager; Michael Rumer, Planner; Tina Deater, Senior Planner; Tony Matthews, Principal Planner; Tom Radzai, Senior Engineer; Kim Romano, Assistant County Attorney; and Karen Mathews, Senior Staff Assistant.

F. Silver Stone Subdivision; Alice Mewes, applicant; approximately 4.89 acres; rezone from A-1 (Agriculture District) to R-1A (Single-Family Dwelling District); located on the north side of E.E. Williamson Road, approximately .15 mile west of Myrtle Lake Hills Road; (Z2004-067).
Commissioner Henley - District 4 Tina Deater, Senior Planner

Tina Deater presented the location of the application and stated that the future land use designation of the property is Low Density Residential which allows the requested R-1A zoning designation. The proposed R-1A zoning is compatible with the surrounding zonings. Staff is recommending approval.

The representative of the owner had no comments at this time, reserving time for rebuttal after public input.

Andrea Ledford stated that she was not opposed to the project, but that she had major concerns with the traffic patterns and impacts to the area. Putting another subdivision in the middle of a school zone will cause serious impacts. She showed pictures of the E.E. Williamson area with traffic near the proposed entrance to the subdivision. At 8:05 A.M. traffic in the area is very heavy and the approach to the proposed subdivision is on a blind turn. There is a crossing guard at E.E. Williamson and Marcy Drive. The subdivision entrances would be very close together and will cause a dangerous situation. The school children cannot see beyond the subdivision. She stated that a stop light will be needed so that residents can exit her subdivision.

Ms. Ledford's second concern was the water retention issue. The retention pond has a design flaw which caused her home to flood and along with 5 others. She wants the water retention to be fixed. She requested that there be a block wall along the property line to keep water from entering her property.

Michael Berger stated that when the retention pond overflows a river comes up in his backyard. His concern was for the drainage and the wall.

Ron Stein represented the Bay Lagoon Homeowner's Association. He stated that his main concerns are traffic and traffic safety as well as flooding. There were 6 homes flooded two years ago, with flooding extending down to the north area of the subdivision. There should be an attractive wall which is acceptable to the people who live in the area.

Susan Keller of Bay Lagoon stated that she also has a problem with the flooding.

Commissioner Tucker stated that the Board is aware of the flooding issue.

Ms. Keller said that this site is about 6 feet higher than her subdivision and that the roadway of E.E. Williamson is also higher. Her child will now have to cross another subdivision entrance. She objects to every small parcel of land being maxed out by development.

Horatio Gonzalez stated that the flooding will be addressed. The subdivision will be required to contain the water on site. He cannot do anything about the height of the subdivision in relation to surrounding lots. That should have been addressed by the developers of adjacent properties.

Commissioner Tucker asked if the retention pond was a joint retention pond.

Mr. Gonzalez said that it was not. It is on the School Board property. There is an easement for the pond to work, but the pond is not their property and this subdivision will be required to have all of the water held in their own property.

Commissioner Tucker asked Ms. Deater about the history of actions on the property.

Ms. Deater stated that there had been a special exception on the property in 1970.

Commissioner Tucker stated that there had been a prior question at another public meeting about the joint easement.

Mr. Gonzalez stated that pet owners from the pet cemetery had been contacted as to what they wanted to do with their pet.

Commissioner Tucker asked if there were any state laws pertaining to the closing of such a cemetery.

Ms. Deater stated that she had checked and there are no state laws that apply here.

Mr. Gonzalez again stated that he would have proper retention of stormwater on site.

Commissioner Tucker asked about the block wall that had been requested by homeowners along the eastern boundary.

Mr. Gonzalez said that he had no plans for a wall.

Ms. Deater stated that no wall was required, since a straight rezoning does not require one.

Commissioner Tucker asked Mr. Gonzalez to address the traffic issue.

Mr. Gonzalez said that the traffic already exists. This parcel will not affect the traffic by adding 8 homes. He believes that developed parcels are better than vacant parcels.

Commissioner Brown stated that this is a perfect example of traffic in school zone areas. Perhaps the School Board should take this up at a future time. Something is needed to get the traffic off the road; perhaps a stacking program. The problem exists for a half hour period in the morning and again for a half hour in the evening.

Commissioner Tucker asked Ms. Deater if the School Board had commented on this item.

Ms. Deater stated that no comments were provided by the School Board.

Commissioner Eismann asked if the wall could be addressed at the time of the site plan approval.

Ms. Deater stated that the wall could not be required since it was not required in a straight rezoning.

Commissioner Brown stated that walls are not typically required between subdivisions that have compatible lots.

Ms. Deater said that was correct.

Commissioner Tucker asked Ms. Deater how the drainage issue and traffic issue will be addressed at the time of final subdivision platting.

Ms. Deater stated that the applicant will have to demonstrate that they are not lowering the traffic to an unacceptable level of service. The road is operating at a level of service of "C" with an adopted service level of "E."

Commissioner Tucker asked how many trips per day were to be generated per household.

Commissioner Brown said that it was 9 trips.

Ms. Deater said that a single family house will generate a little over 9 trips per day.

Tom Radzai stated that Development Review was aware of some significant drainage issues in the area. The pond will be addressed at the time of final site plan review.

Commissioner Tucker asked if the planners could go beyond the 8 proposed houses in the area.

Mr. Radzai stated that the School Board and Seminole County Public Works were working together to address the issue. Right now the solution is to provide an outfall to Grace Lake which is to the northwest of the site. This development must hold its own stormwater alone.

Commissioner Tucker asked if Grace Lake was in the North Ridge subdivision.

Mr. Radzai said that it was. There will be a few challenges involved in getting to the North Ridge site. They will have to go through the school site and acquire easements through the North Ridge subdivision.

Commissioner Eismann stated that this development will not make the surrounding homeowners' problems any worse.

Commissioner Tucker stated that it will not solve any of the previously stated problems, either.

Mr. Radzai stated that the County and the School Board will have to address the problems of the site jointly.

Commissioner Hattaway asked at what stage the School Board and the County were in solving this problem.

Mr. Radzai stated that the School Board was hiring a consultant to solve the problem. One possibility was to create an outfall to Grace Lake; the second alternative was to create a larger and higher berm along the east side of the pond. There is a low point on the east side where the retention pond breaches during a heavy rain.

Commissioner Hattaway asked if reconfiguration of the pond was an option.

Mr. Radzai stated that the eastern side was the problem. Currently, a pump has been installed to pump water to Grace Lake.

Commissioner Hattaway asked if the new berm could not be made as a stop-gap measure.

Mr. Radzai stated that the berm would go beyond what the County currently has easements over. This could be worked on with this development as a positive thing.

Commissioner Tucker summarized by stating that the drainage and traffic would be addressed at the time of final site plan approval.

Ms. Deater agreed.

Commissioner Harris made a motion to recommend approval according to staff recommendations.

Commissioner Eismann seconded the motion.

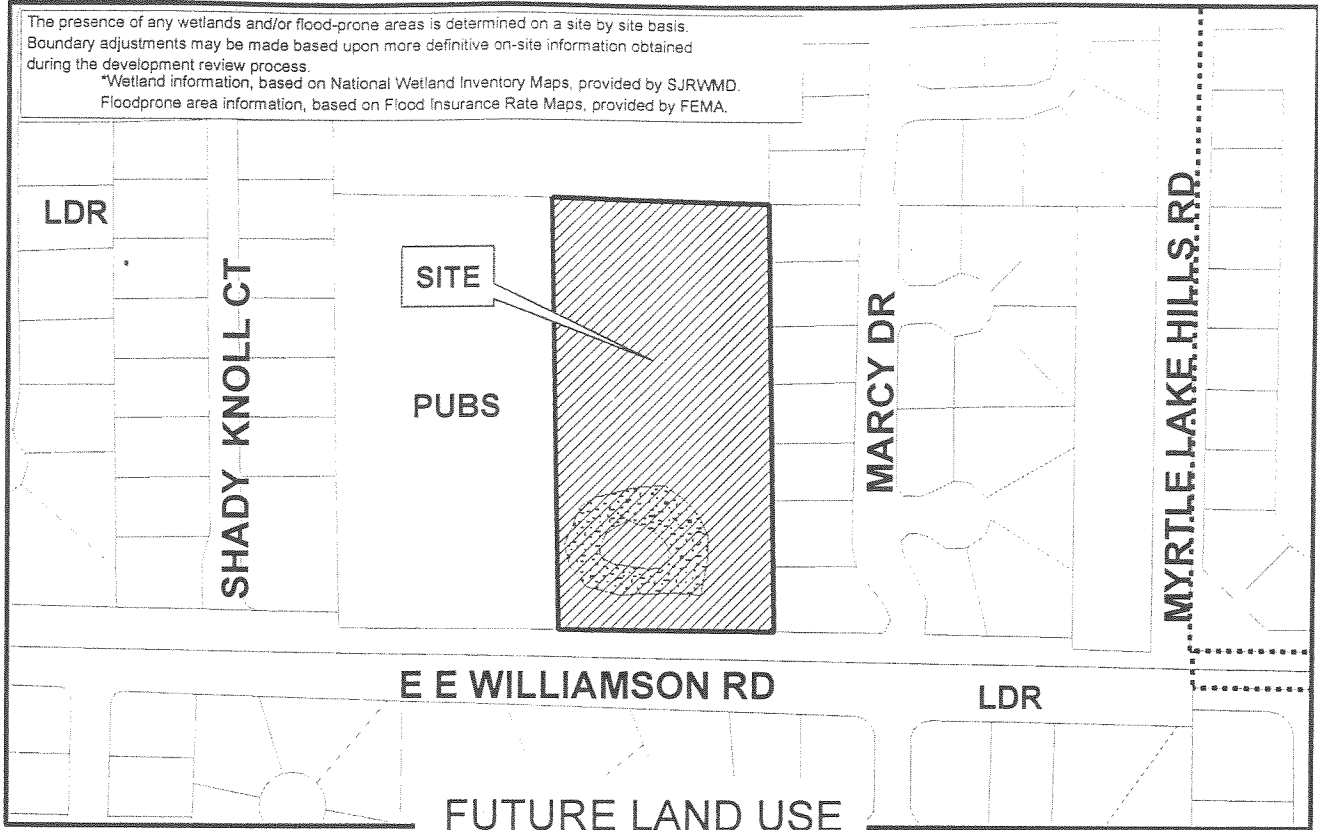
Commissioner Harris stated that the sheet flow of rain from the property will cease to come off of the higher property. With the development the applicant will be able to work with the County to remove some of the water problems. All in all, the surrounding homeowners should see some relief as the property is developed.

The motion passed unanimously (6 – 0). (Commissioner Dorworth was not present for this item.)

Respectfully submitted,

Candace Lindlaw-Hudson

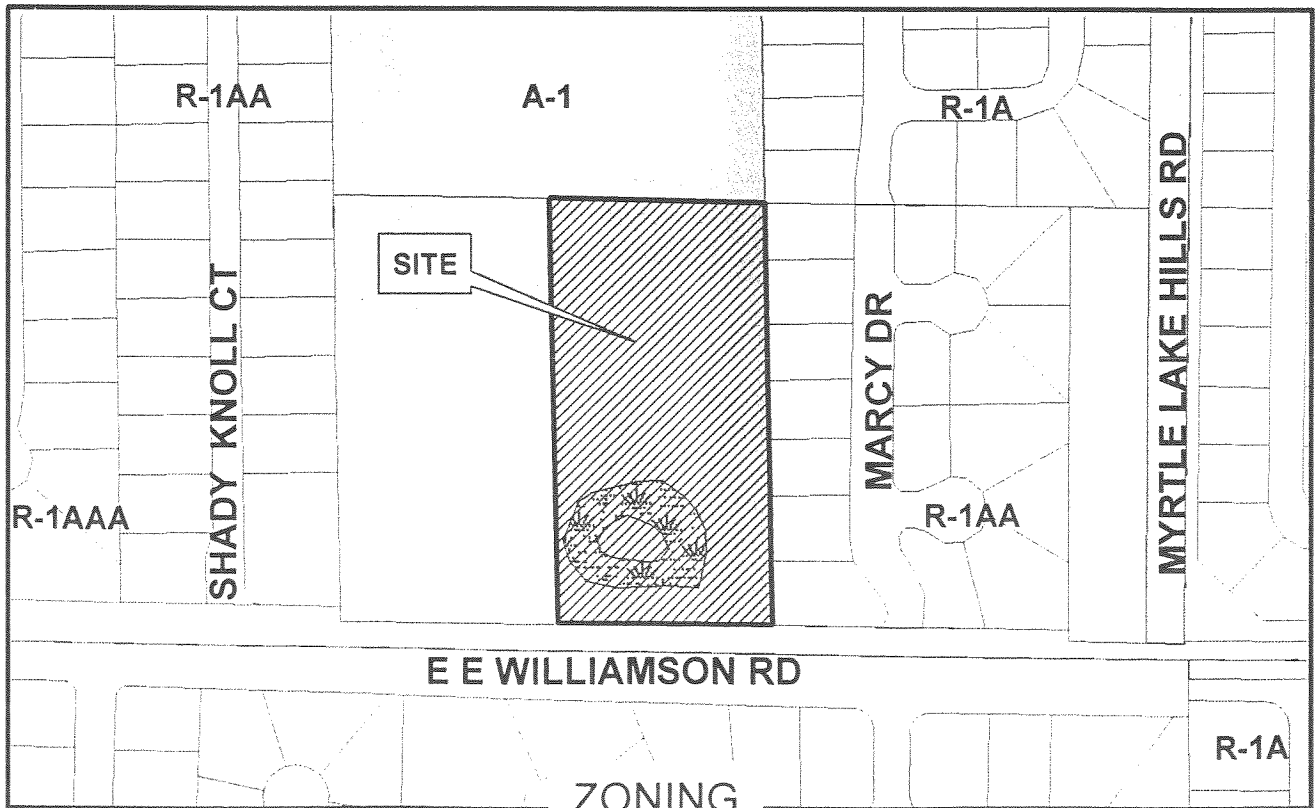
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.
 Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



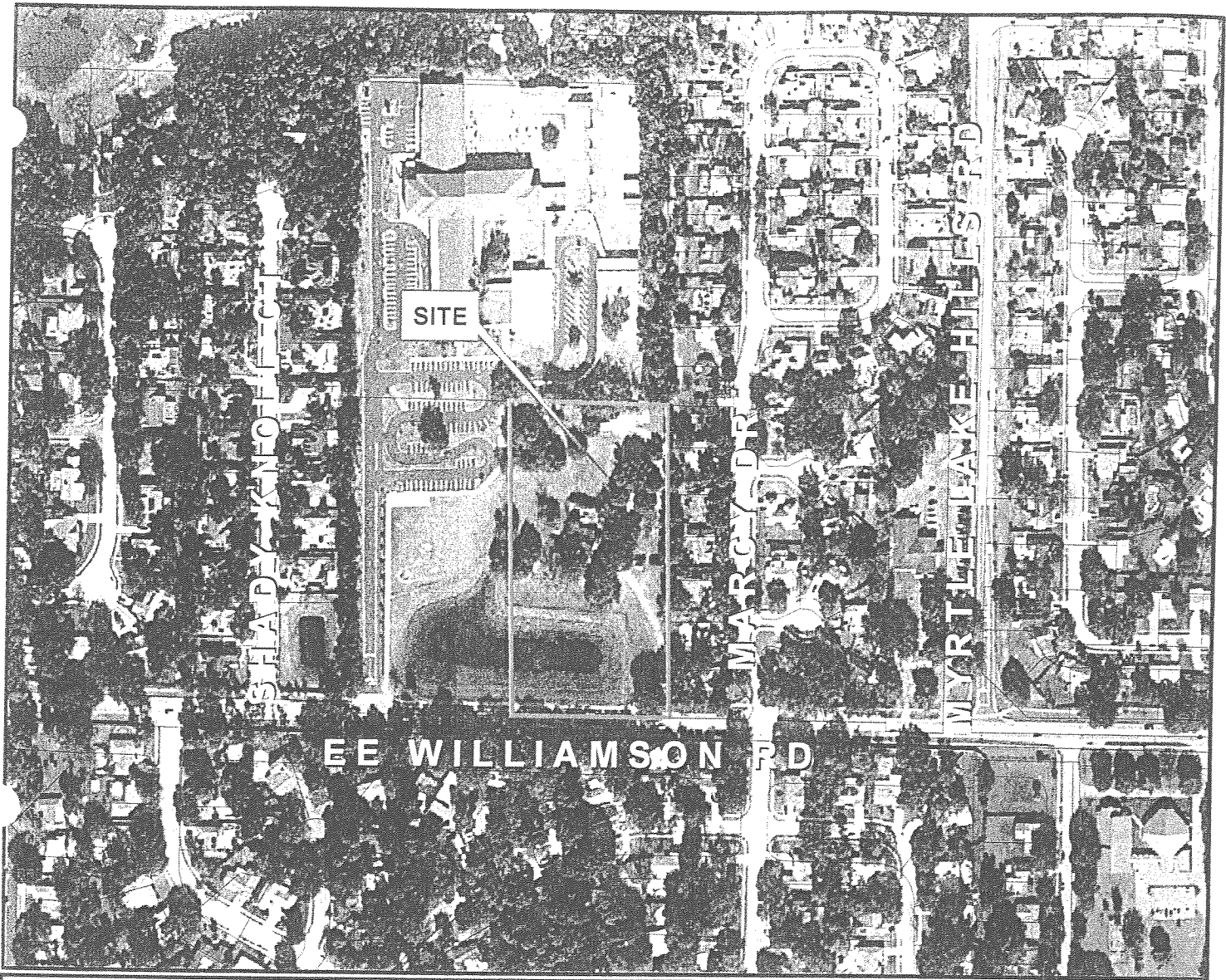
Site
 Municipality
 LDR
 PUBS
 CONS

Applicant: Alice M. Mewes
 Physical STR: 25-20-29-300-0110-0000
 Gross Acres: 4.89 +/- BCC District: 4
 Existing Use: Single Family Residential
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	-	-	-
Zoning	Z2004-067	A-1	R-1A





A-1
 R-1A
 R-1AA
 R-1AAA
 FP-1
 W-1



Rezone No: Z2004-067

From: A-1 To: R-1A

-  Parcel
-  Subject Property

January 2004 Color Aerials

