

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Edinburgh – Small Scale Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) and Rezone from A-1 (Agriculture) district to R-1BB (Single-family Dwelling) district

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

AUTHORIZED BY: Dan Matthys **CONTACT:** Tina Williamson **EXT.** 7353

Agenda Date <u>4/25/2006</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:

1. APPROVE a request, and authorize the Chairman to execute the attached ordinances, for a Small Scale Land Use amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) and a rezone from A-1 (Agriculture District) to R-1BB (Single-family Residential District), on 9.34 ± acres, located on the west side of Longwood-Lake Mary Road, south of Washington Avenue and north of Lake Way Road, based on staff findings (Bryan Potts, applicant); or
2. DENY a request for a Small Scale Land Use amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) and a rezone from A-1 (Agriculture District) to R-1BB (Single-family Residential District), on 9.34 ± acres, located on the west side of Longwood-Lake Mary Road, south of Washington Avenue and north of Lake Way Road, based on staff findings (Bryan Potts, applicant); or
3. CONTINUE the item to a time and date certain.

District 4 – Comm. Henley

Tina Williamson, Principal Coordinator

BACKGROUND:

The applicant is requesting a Small Scale Land Use Amendment from LDR to MDR and a change in zoning from A-1 (Agriculture) district to R-1BB (Single-Family Dwelling) district, in order to allow a single-family residential subdivision to be developed on the subject 9.34 ± acre property. The requested Future Land Use designation on the subject property would allow a maximum of 10 dwelling units per net buildable acre. The requested

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

zoning would allow residential lots with a minimum of 5,000 square feet and a lot width of 50 feet.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of a request for a Small Scale Land Use amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) and a rezone from A-1 (Agriculture) district to R-1BB (Single-family Dwelling) district on 9.34 ± acres, located on the west side of Longwood-Lake Mary Road, south of Washington Avenue and north of Lake Way Road.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board met on March 1, 2006 and voted 5-0 to recommend APPROVAL of a request for a Small Scale Land Use amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) and a rezone from A-1 (Agriculture) district to R-1BB (Single-family Dwelling) district on 9.34 ± acres, located on the west side of Longwood-Lake Mary Road, south of Washington Avenue and north of Lake Way Road, based on staff findings.

Attachments:

Staff Analysis
Location Map
FLU/Zoning
Aerial Photo
Small Scale Land Use Amendment Ordinance
Rezone Ordinance
3/1/2006 Planning and Zoning Board Minutes

Edinburgh

Small Scale Land Use Amendment from LDR to MDR and Rezone from A-1 to R-1BB

APPLICANT	Bryan Potts
PROPERTY OWNER	Andrew Tesla Jr. and Frederick Tesla Et Al.
REQUEST	Small Scale Land Use Amendment from LDR to MDR and Rezone from A-1 (Agriculture) district to R-1BB (Single-family Dwelling) district
PROPERTY SIZE	9.34 ± acres
HEARING DATE (S)	P&Z: March 1, 2006 BCC: April 25, 2006
PARCEL ID	Part of 17-20-30-300-0190-0000
LOCATION	West side of Longwood-Lake Mary Road, south of Washington Avenue and north of Lake Way Road.
FUTURE LAND USE	LDR (Low Density Residential)
ZONING	A-1 (Agriculture District)
FILE NUMBER	Z2005-076
COMMISSION DISTRICT	#4– Henley

PROPOSED DEVELOPMENT:

The applicant intends to develop the property with approximately 34 single-family dwelling units under the R-1BB zoning district development standards.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant is requesting a Small Scale Land Use Amendment from LDR to MDR and a change in zoning from A-1 (Agriculture) district to R-1BB (Single-Family Dwelling) district in order to allow a single-family residential subdivision to be developed on the subject 9.34 ± acre property. The requested Future Land Use designation on the subject property would allow a maximum of 10 dwelling units per net buildable acre. The requested zoning would allow residential lots with a minimum of 5,000 square feet and a lot width of 50 feet. The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested R-1BB (Single-Family Dwelling) district:

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (R-1BB)
Minimum Lot Size	43,560 square feet	5,000 square feet
Minimum House Size	N/A	700 square feet
Minimum Width at Building Line	150 feet	50 feet
Front Yard Setback	50 feet	20 feet
Side Yard Setback	10 feet	5 feet
(Street) Side Yard Setback	50 feet	20 feet
Rear Yard Setback	30 feet	20 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
<p>A-1 (existing)</p>	<p>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.</p>	<p>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.</p>	<p>1 acre</p>

Zoning District	Permitted Uses	Special Exception	Minimum Lot Size
R-1BB (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. Day nurseries and kindergartens, guest or tourist homes when located on state or federal highways.	5,000 sq. ft.

COMPATIBILITY WITH SURROUNDING PROPERTIES

The proposed Small Scale Land Use Amendment and Rezone are compatible with adjacent development because it will allow a minimum lot size of 5,000 square feet, which is similar to the lot sizes in the existing development to the south and west.

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

	(North)			
	PD Vacant/Conservation <i>PUD</i>	PD Vacant/Conservation <i>PUD</i>	Rural Residential City of Lake Mary Vacant <i>A-1</i>	
(West)	PD Vacant/Conservation <i>PUD</i>	LDR Vacant <i>A-1</i>	Rural Residential City of Lake Mary Vacant <i>A-1</i>	(East)
	PD Single-Family <i>PUD</i> <i>5,000 sq. ft. to</i> <i>9,000 sq. ft lots</i> <i>(Avg. 2,200 sq.ft. homes)</i>	PD Single-Family <i>PUD</i> <i>5,000 sq. ft. to</i> <i>9,000 sq. ft lots</i> <i>(Avg. 2,200 sq.ft.</i> <i>homes)</i>	Rural Residential City of Lake Mary Church <i>A-1</i>	
	(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 564 Casselberry, a portion of the subject property is located in "Zone AH", which is identified as areas located within the 100-year floodplain. Compliance with the Land Development Code regarding floodplain impacts is required prior to subdivision approval.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, the subject property contains 2.0 ± 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)(c), Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has submitted an application for Concurrency review and staff has determined that sufficient capacity is available to accommodate the proposed project.

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

Public Facility	Existing Zoning (A-1)	Proposed Development*	Net Impact
Water (GPD)	3,150	11,900	8,750
Sewer (GPD)	2,700	10,200	7,500
Traffic (ADT)	120	340	220
Schools			
Elementary	2	8	6
Middle	1	4	3
High	1	4	3

- Proposed Development is based on the proposed project consisting of approximately 34 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 an 8-inch water main stub-out on the west side of Longwood-Lake Mary Road approximately 300-feet to the south and an 8-inch gravity sewer at the intersection on Longwood-Lake Mary Road and Lake Way Road approximately 450-feet to the south. This parcel is in the ten year master plan for reclaimed water. A separate irrigation system, such as a shallow well, will be required until reclaimed water becomes available.

Transportation / Traffic:

The proposed project will access Longwood-Lake Mary Road on the east side of the site. Longwood-Lake Mary Road is classified as a collector and it is currently operating at a Level of Service of "A". Based on a preliminary traffic analysis, the developer will be required to construct a left turn lane as part of the final engineering process. Longwood-Lake Mary 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 rezone will generate approximately 16 school age children. The subject site will affect the following schools:

Schools Impacted	Proposed Impact	Current Capacity	Enrollment as of 2/10/06	Percent Capacity
Northwest Cluster Elementary*	8			
Bentley Elementary		933	1018	109.1%
Crystal Lake Elementary (under construction)		853	0	0%
Idyllwilde Elementary		1023	1027	100.4%
Wicklow Elementary		964	1011	104.9%
Wilson Elementary		1035	1030	99.5%
Greenwood Lakes Middle	4	1637	1489	81.9%
Lake Mary High	4	3056	2820	87.7%

* The Northwest Cluster contains the following schools: Bentley Elementary, Crystal Lake Elementary, Idyllwilde Elementary, Wicklow Elementary and Wilson Elementary.

Public Safety:

The nearest response unit to the subject property is Station # 37, which is located at 911 Wallace Court, Lake Mary. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is 4 minutes. The County level-of-service standard for response time is 5 minutes per Policy PUB 2.1 of the Comprehensive Plan.

Drainage:

Outfall from the site is to a tributary of Soldiers Creek located along the north property line of this site. Site development shall comply with Seminole County Stormwater Criteria for water quality and flood attenuation and will be further evaluated in more detail prior to 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 running the County Fiscal Impact Analysis Model.

SPECIAL DISTRICTS

The subject property is not located within a Special District.

COMPREHENSIVE PLAN (VISION 2020)

The following policies are applicable to 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

INTERGOVERNMENTAL NOTIFICATION:

An intergovernmental notice was sent to the City of Lake Mary and the Seminole County School District on February 14, 2006. To date, no comments have been received.

LETTERS OF SUPPORT OR OPPOSITION:

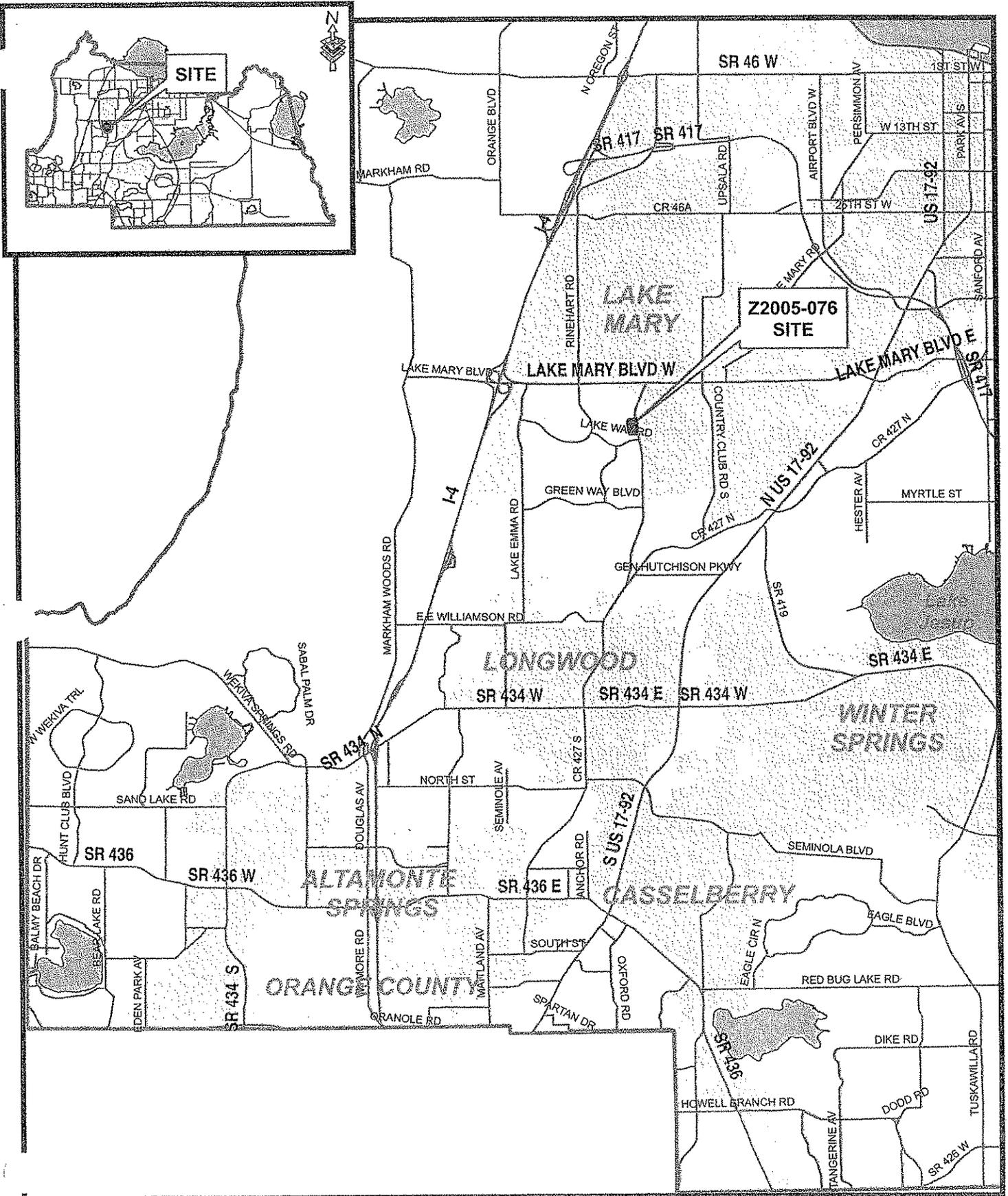
To date, no letters of support or opposition have been received.

STAFF RECOMMENDATION:

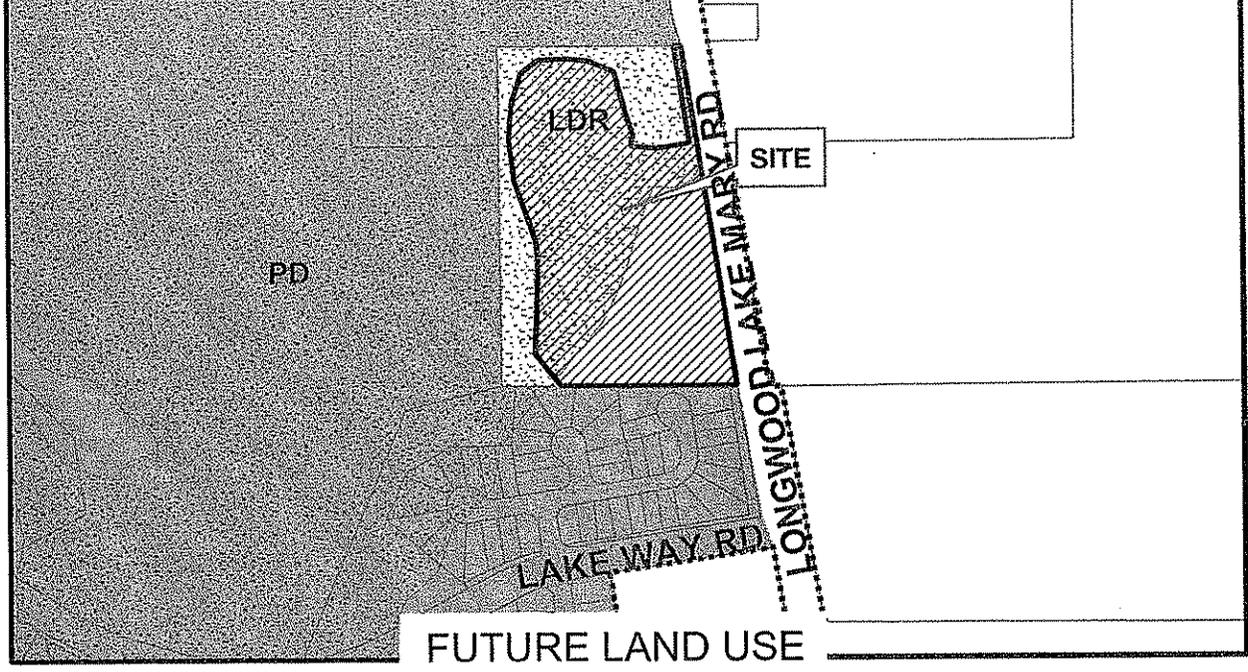
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PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board met on March 1, 2006 and voted 5-0 to recommend APPROVAL of a request for a Small Scale Land Use amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) and a rezone from A-1 (Agriculture) district to R-1BB (Single-family Dwelling) district on 9.34 ± acres, located on the west side of Longwood-Lake Mary Road, south of Washington Avenue and north of Lake Way Road, 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 National Wetland Inventory Maps, provided by SJRWMD.
 Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.

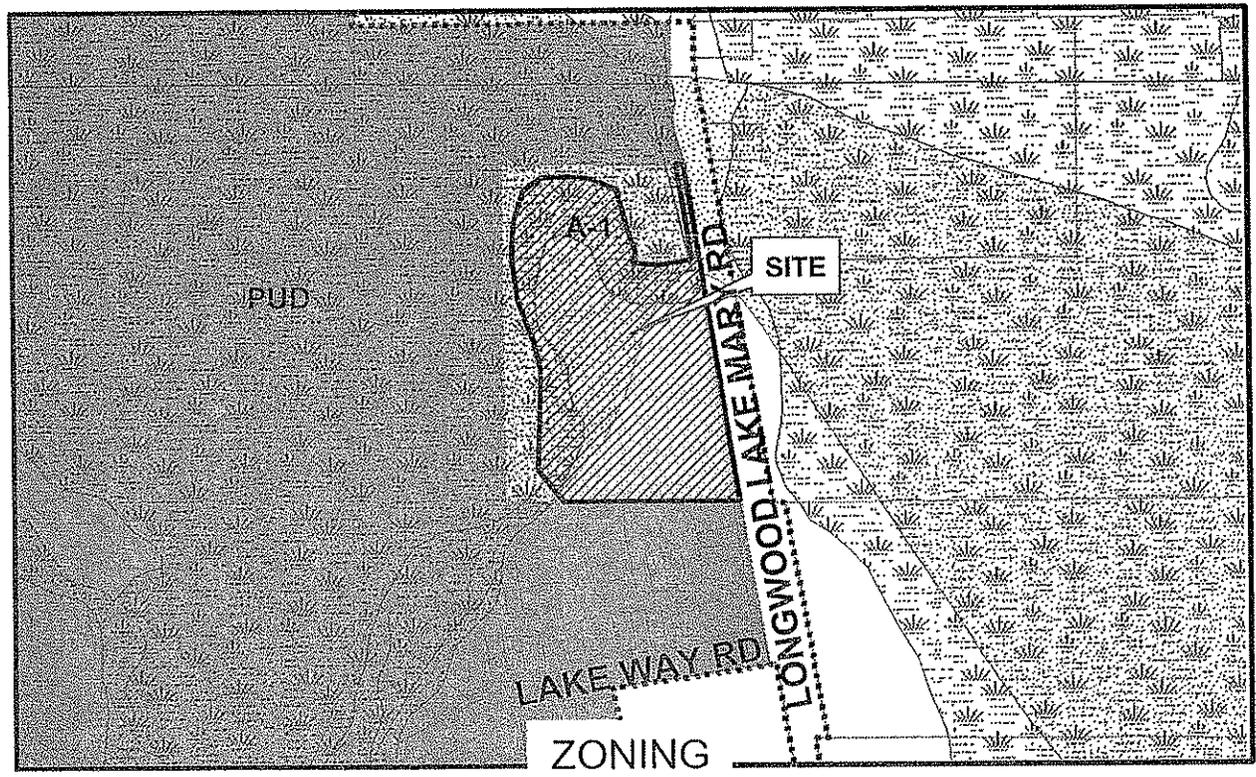


FUTURE LAND USE

Site
 PD
 LDR
 CONS
 Municipality

Applicant: Bryan Potts c/o Ashton Woods Homes
 Physical STR: 17-20-30-300-0190-0000
 Gross Acres: 9.34 +/- BCC District: 4
 Existing Use: Vacant Residential
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	01-06SS.01	LDR	MDR
Zoning	Z2005-076	A-1	R-1BB



ZONING

Site
 PUD
 A-1
 FP-1
 W-1
 Municipality



FLU No: 01-06SS.01
From: LDR To: MDR
Rezone No: Z2005-076
From: A-1 To: R-1BB

- Parcel
- Subject Property



January 2004 Color Aerials

AN ORDINANCE FURTHER AMENDING ORDINANCE NUMBER 91-13, AS PREVIOUSLY AMENDED, KNOWN AS THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF SMALL SCALE DEVELOPMENT AMENDMENT (LEGAL DESCRIPTION IS SET FORTH AS AN APPENDIX TO THIS ORDINANCE); CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTY FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 91-13 which adopted the 1991 Seminole County Comprehensive Plan ("the Plan"), which Plan has been subsequently amended from time-to-time and in accordance with State law; and

WHEREAS, the Board of County commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Local Planning Agency held a Public Hearing, with all required public notice, on March 1, 2006 for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on April 25, 2006, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Local Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Comprehensive Regional Policy Plan of the East Central Florida Regional Planning Council.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct and form and include legislative findings which are a material part of this Ordinance.
- (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. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:

(a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 91-13, as previously amended, is hereby further amended by amending the future land use designation assigned to the following property and which is depicted on the Future Land Use Map and further described in the attached Appendix "A" to this Ordinance:

Amendment Appendix "A"

- (b) The associated rezoning request was completed by means of Ordinance Number 06- ____.
- (c) The development of the property is subject to the development intensities and standards permitted by the overlay Conservation land use designation, Code requirements and other requirements of law.

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application 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. EXCLUSION FROM COUNTY CODE/CODIFICATION:

(a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the

Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

(a) A certified copy of this Ordinance shall be provided to the Florida Department of State and the Florida Department of Community Affairs by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes.

(b) This ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the plan amendment set forth herein shall be thirty-one (31) days after the date of adoption by the Board of County Commissioners or, if challenged within thirty (30) days of adoption, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the

Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 25th day of April, 2006.

**BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA**

By: _____

Carlton D. Henley, Chairman

APPENDIX A

A PORTION OF SECTION 17, TOWNSHIP 20 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SECTION 17, TOWNSHIP 20 SOUTH, RANGE 30 EAST, RUN N89°53'12"W, ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 17, A DISTANCE OF 1662.53 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF LONGWOOD-LAKE MARY ROAD, PER OFFICIAL RECORDS 1268, PAGE 1916, ALSO BEING THE POINT OF BEGINNING; THENCE DEPARTING SAID NORTH LINE, RUN S09°09'28"E, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 674.52 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 17; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, RUN N89°57'01"W, ALONG SAID SOUTH LINE, A DISTANCE OF 483.99 FEET; THENCE N38°47'53"W, A DISTANCE OF 108.90 FEET; THENCE N02°07'32"E, A DISTANCE OF 214.76 FEET; THENCE N00°54'23"E, A DISTANCE OF 48.02 FEET; THENCE N07°01'18"W, A DISTANCE OF 46.21 FEET; THENCE N15°51'27"W, A DISTANCE OF 46.46 FEET; THENCE N19°41'57"W, A DISTANCE OF 130.25 FEET; THENCE N07°29'25"W, A DISTANCE OF 116.55 FEET; THENCE N04°30'48"E, A DISTANCE OF 98.56 FEET; THENCE N18°11'48"E, A DISTANCE OF 87.08 FEET; THENCE N52°45'37"E, A DISTANCE OF 59.07 FEET; THENCE N87°35'10"E, A DISTANCE OF 78.66 FEET; THENCE S83°33'23"E, A DISTANCE OF 59.28 FEET; THENCE S67°42'11"E, A DISTANCE OF 75.24 FEET; THENCE S14°06'09"E, A DISTANCE OF 116.45 FEET; THENCE S18°32'50"E, A DISTANCE OF 65.38 FEET; THENCE S13°25'12"W, A DISTANCE OF 30.88 FEET; THENCE S84°53'12"E, A DISTANCE OF 70.53 FEET; THENCE N80°50'32"E, A DISTANCE OF 93.32 FEET; THENCE N09°09'28"W, A DISTANCE OF 268.37 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 4 CHAINS OF THE NORTHEAST 1/4 OF SAID SECTION 17; THENCE S89°53'12"E, ALONG SAID NORTH LINE, A DISTANCE OF 20.26 FEET TO A POINT ON THE AFOREMENTIONED WESTERLY RIGHT-OF-WAY LINE OF SAID LONGWOOD-LAKE MARY ROAD; THENCE DEPARTING SAID NORTH LINE, RUN S09°09'28"E, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 267.49 FEET TO THE POINT OF BEGINNING.

CONTAINING 9.34 ACRES, MORE OR LESS.

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-1BB (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 "Edinburgh 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 (Agricultural) district to R-1BB (Single-Family Dwelling) district:

SEE ATTACHED EXHIBIT A

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 25th day of APRIL 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

A PORTION OF SECTION 17, TOWNSHIP 20 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA,
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SECTION 17, TOWNSHIP 20 SOUTH, RANGE 30 EAST, RUN N89°53'12"W, ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 17, A DISTANCE OF 1662.53 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF LONGWOOD-LAKE MARY ROAD, PER OFFICIAL RECORDS 1268, PAGE 1916, ALSO BEING THE POINT OF BEGINNING; THENCE DEPARTING SAID NORTH LINE, RUN S09°09'28"E, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 674.52 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 17; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, RUN N89°57'01"W, ALONG SAID SOUTH LINE, A DISTANCE OF 483.99 FEET; THENCE N38°47'53"W, A DISTANCE OF 108.90 FEET; THENCE N02°07'32"E, A DISTANCE OF 214.76 FEET; THENCE N00°54'23"E, A DISTANCE OF 48.02 FEET; THENCE N07°01'18"W, A DISTANCE OF 46.21 FEET; THENCE N15°51'27"W, A DISTANCE OF 46.46 FEET; THENCE N19°41'57"W, A DISTANCE OF 130.25 FEET; THENCE N07°29'25"W, A DISTANCE OF 116.55 FEET; THENCE N04°30'48"E, A DISTANCE OF 98.56 FEET; THENCE N18°11'48"E, A DISTANCE OF 87.08 FEET; THENCE N52°45'37"E, A DISTANCE OF 59.07 FEET; THENCE N87°35'10"E, A DISTANCE OF 78.66 FEET; THENCE S83°33'23"E, A DISTANCE OF 59.28 FEET; THENCE S67°42'11"E, A DISTANCE OF 75.24 FEET; THENCE S14°06'09"E, A DISTANCE OF 116.45 FEET; THENCE S18°32'50"E, A DISTANCE OF 65.38 FEET; THENCE S13°25'12"W, A DISTANCE OF 30.88 FEET; THENCE S84°53'12"E, A DISTANCE OF 70.53 FEET; THENCE N80°50'32"E, A DISTANCE OF 93.32 FEET; THENCE N09°09'28"W, A DISTANCE OF 268.37 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 4 CHAINS OF THE NORTHEAST 1/4 OF SAID SECTION 17; THENCE S89°53'12"E, ALONG SAID NORTH LINE, A DISTANCE OF 20.26 FEET TO A POINT ON THE AFOREMENTIONED WESTERLY RIGHT-OF-WAY LINE OF SAID LONGWOOD-LAKE MARY ROAD; THENCE DEPARTING SAID NORTH LINE, RUN S09°09'28"E, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 267.49 FEET TO THE POINT OF BEGINNING.

CONTAINING 9.34 ACRES, MORE OR LESS.

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY / PLANNING & ZONING COMMISSION
MARCH 1, 2006**

Members present: Matt Brown, Beth Hattaway, Ben Tucker, Dudley Bates, and Walt Eismann

Members absent: Jason Brodeur, Rob Wolf

Also present: Tom Radzai, Senior Engineer Development Review; Denny Gibbs, Senior Planner; Tony Walter, Planning Manager; Dan Matthys, Director of Planning and Development; Michael Rumer, Senior Planner; Ann Colby, Assistant County Attorney; Cynthia Sweet, Planner; and Candace Lindlaw-Hudson, Secretary.

E. Edinburgh Small Scale Land Use Amendment and Rezone; Bryan Potts/Ashton Woods Homes, applicant; approximately 9.34 acres; Small Scale Land Use Amendment from LDR (Low Density Residential) to MDR (Medium Density Residential) and Rezone from A-1 (Agriculture District) to R-1BB (Single-family Residential District); located on the west side of Longwood-Lake Mary Road, south of Washington Avenue and north of Lake Way Road. (Z2005-076)

Commissioner Henley – District 4
Tina Williamson, Senior Planner

Michael Rumer presented the request for a 34-lot subdivision. The request would allow up to 10 dwelling units per net buildable acre, on 50-foot wide lots of a minimum of 5,000 square feet. The subject property is adjacent to a subdivision with lots ranging in size from 5,000 to 9,000 square feet. Staff recommendation is for approval based on the findings in the staff report.

The applicant did not make a presentation.

Judy Altman of 305 Goldstone Terrace asked about the size of the houses to be built. She was also concerned about the traffic pattern.

Bryan Potts stated that the houses would be between 2,400 to 3,400 square feet with a price point of \$600,000.00. The lots will be 50 X 125 feet and have setbacks of 5 feet on the side and 25 feet in the rear. There will be a wall in the rear of the property, with the subdivision having a gated access to Longwood – Lake Mary Road. A narrow segment of Longwood – Lake Mary Road will be widened between the high school and this subdivision, with sidewalks. This part of the road is currently deficient, and will be made into 3 lanes.

Commissioner Tucker told Ms. Altman that this subdivision will be coming back to the commission for PSP design approval soon, as with the first four items on the agenda tonight.

Tony Walter stated that the applicant has submitted for a Preliminary Subdivision approval and will probably be back in April.

Commissioner Eismann made a motion to recommend approval.

Commissioner Bates seconded the motion.

The motion passed 5 – 0.