

SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM

**SUBJECT:** Tuskawilla Middle School Rezone A-1 (Agriculture District) to PLI (Public Lands and Institutions District)

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

**AUTHORIZED BY:** Donald S. Fisher **CONTACT:** Tina Deater **EXT.** 7440

<b>Agenda Date</b> <u>05/25/04</u> <b>Regular</b> <input type="checkbox"/> <b>Consent</b> <input type="checkbox"/> <b>Work Session</b> <input type="checkbox"/> <b>Briefing</b> <input type="checkbox"/> <b>Public Hearing – 1:30</b> <input checked="" type="checkbox"/> <b>Public Hearing – 7:00</b> <input type="checkbox"/>
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**MOTION/RECOMMENDATION:**

1. APPROVE the attached ordinance rezoning approximately 19.16 acres, located on the east side of Tuskawilla Road, approximately 330 feet north of Misty Way from A-1 (Agriculture District) to PLI (Public Lands and Institutions District) (Dianne Kramer, applicant); or
2. DENY the attached ordinance rezoning approximately 19.16 acres, located on the east side of Tuskawilla Road, approximately 330 feet north of Misty Way from A-1 (Agriculture District) to PLI (Public Lands and Institutions District) (Dianne Kramer, applicant); or
3. CONTINUE the public hearing until a time and date certain.

District 1 – Commissioner Maloy

Tina Deater, Senior Planner

**BACKGROUND:**

Dianne Kramer, authorized representative of the Seminole County School Board, requests rezoning from A-1 (Agriculture District) to PLI (Public Lands and Institutions District) on the subject property. The School Board is in the process of expanding Tuskawilla Middle School, which has existed on the subject property for approximately 30 years. Currently, the school property is zoned A-1 (Agriculture District). Ordinance 93-1, adopted on February 23, 1993, changed middle schools from a permitted to a special exception use in the A-1 zoning district. Rezoning to PLI would restore the middle school to its permitted use status and would eliminate the need for special exception approval each time the school makes improvements. The future land use designation for the property is PUB (Public) which allows the proposed PLI (Public Lands and Institutions) zoning classification.

<b>Reviewed by:</b>
<b>Co Atty:</b> <u>tzg</u>
<b>DFS:</b> _____
<b>OTHER:</b> <u>MW</u>
<b>DCM:</b> <u>SS</u>
<b>CM:</b> <u>td</u>
<b>File No.</b> <u>ph130pdp01</u>

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the proposed rezoning from A-1 to PLI.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

At their May 5, 2004 meeting, the Planning and Zoning Board unanimously recommended approval of the rezone from A-1 to PLI.

Tuskawilla Middle School Rezone A-1 (Agriculture District) to PLI (Public Lands and Institutions District)

<b>REQUEST INFORMATION</b>	
<b>APPLICANT</b>	Dianne Kramer, Seminole County School Board
<b>PROPERTY OWNER</b>	Seminole County School Board
<b>REQUEST</b>	Rezoning from A-1 (Agriculture District) to PLI (Public Lands and Institutions District)
<b>HEARING DATE (S)</b>	P&Z: May 5, 2004   BCC: May 25, 2004
<b>PARCEL ID</b>	25-21-30-300-0160-0000
<b>LOCATION</b>	Located on the east side of Tuskawilla Road, approximately 330 feet north of Misty Way
<b>FUTURE LAND USE</b>	Public
<b>FILE NUMBER</b>	Z2004-024
<b>COMMISSION DISTRICT</b>	#1 – Maloy

**OVERVIEW**

**Zoning Request:** Dianne Kramer, authorized representative of the Seminole County School Board, requests rezoning from A-1 (Agriculture District) to PLI (Public Lands and Institutions District) on the subject property. The School Board is in the process of expanding Tuskawilla Middle School, which has existed on the subject property for approximately 30 years. Currently, the school property is zoned A-1 (Agriculture District). Ordinance 93-1, adopted on February 23, 1993, changed middle schools from a permitted to a special exception use in the A-1 zoning district. Rezoning to PLI would restore the middle school to its permitted use status and would eliminate the need for special exception approval each time the school makes improvements. The future land use designation for the property is PUB (Public) which allows the proposed PLI (Public Lands and Institutions) zoning classification.

The subject parcel is surrounded by residential lots zoned R-1A, R-1AA and R-1AAA to the north, east and west, and A-1 zoning to the south.

**Existing Land Uses:**

	<b>EXISTING ZONING</b>	<b>FUTURE LAND USE</b>	<b>CURRENT USE</b>
<b>SITE</b>	A-1 (Agriculture District)	Public	School
<b>NORTH</b>	R-1AA and R-1A (Single-Family Dwelling Districts)	Low Density Residential	Single-family
<b>SOUTH</b>	A-1 (Agriculture District)	Suburban Estates	Single-family
<b>EAST</b>	R-1AA (Single-Family Dwelling District) and A-1 (Agriculture District)	Low Density Residential and Suburban Estates	Single-family
<b>WEST</b>	R-1AA and R-1AAA (Single-Family Dwelling Districts)	Low Density Residential	Single-family

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 of PUB (Public) 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.

### **Transportation / Traffic:**

The site has an existing access on Tuskawilla Road. Tuskawilla Road is classified as a minor arterial and has an adopted level of service of "E". It is currently operating at a level of service of "B", based on daily traffic counts.

### **Compliance with Environmental Regulations:**

There are no identified flood prone or wetland areas associated with this property.

### **Compatibility with Surrounding Development:**

Currently, the surrounding area has Low Density Residential and Suburban Estates future land use designations. The proposed PLI zoning classification is allowed in both of these future land use categories, and therefore, the proposed zoning is compatible with the surrounding area.

## **STAFF RECOMMENDATION**

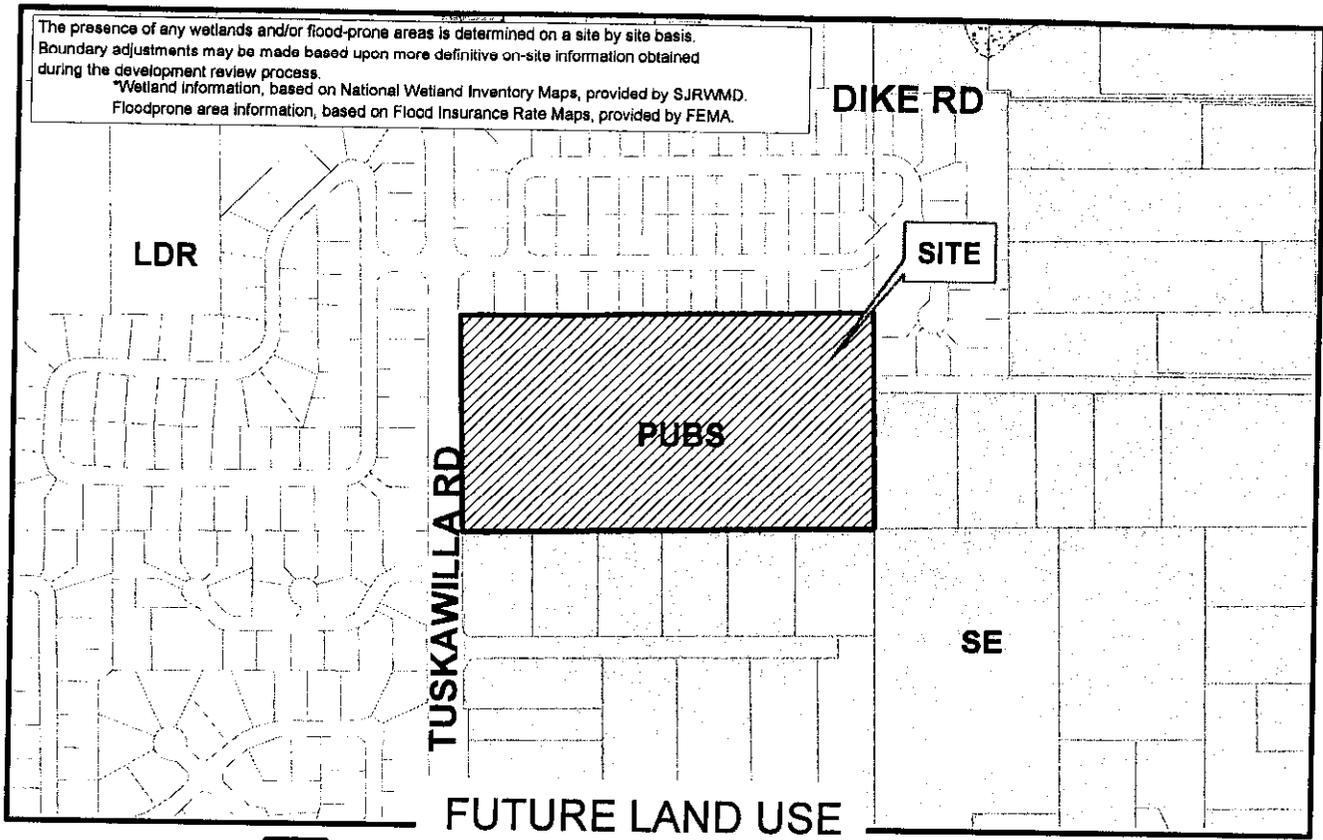
Staff recommends approval of the proposed rezoning from A-1 to PLI, based on the following findings:

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

## **PLANNING AND ZONING BOARD RECOMMENDATION**

At their May 5, 2004 meeting, the Planning and Zoning Board unanimously recommended approval of the rezone from A-1 to PLI.

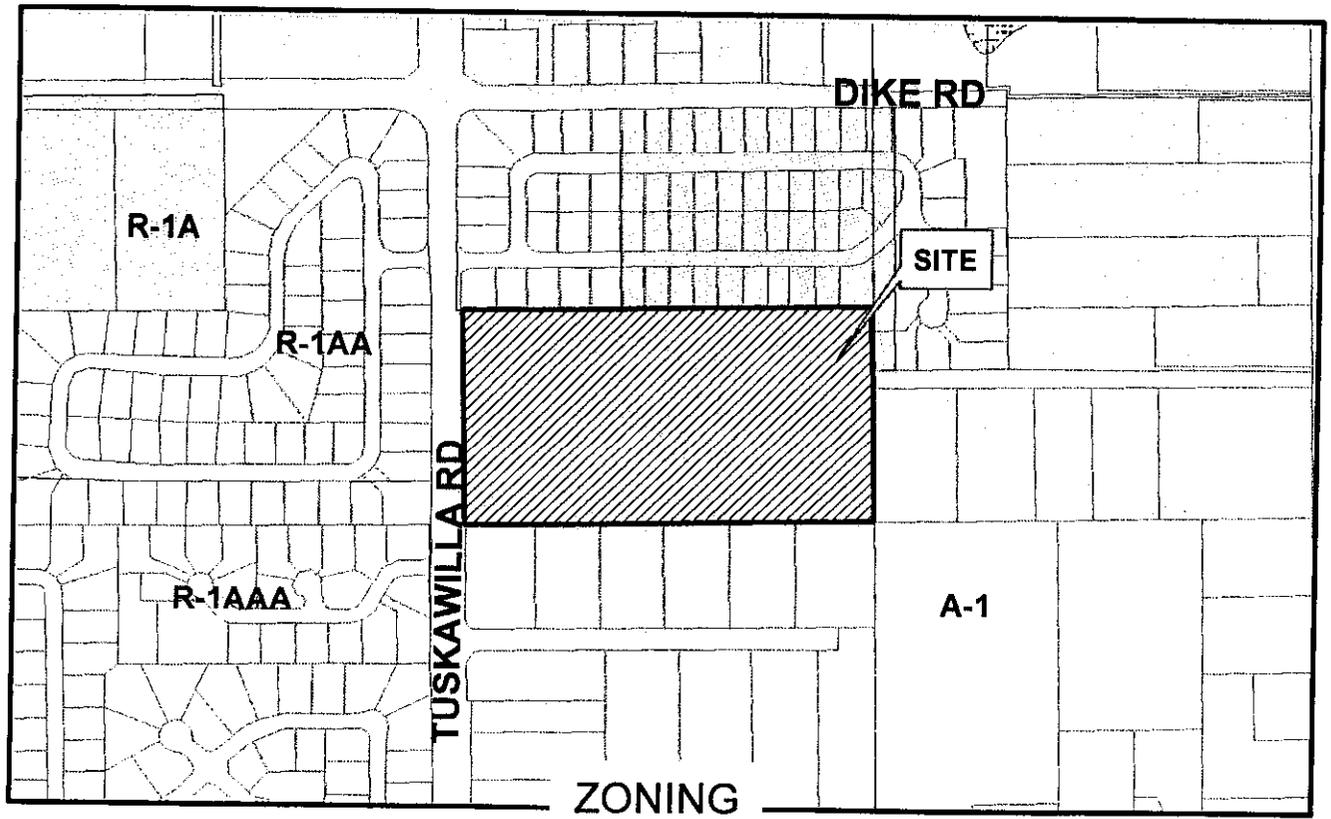
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.  
 \*Wetland information, based on National Wetland Inventory Maps, provided by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



Site    SE    LDR    PUBS    CONS

Applicant: Dianne L. Kramer  
 Physical STR: 25-21-30-300-0160-0000  
 Gross Acres: +/- 19      BCC District: 1  
 Existing Use: School  
 Special Notes: None

	Amend/ Rezoning#	From	To
FLU	--	--	--
Zoning	Z2004-024	A-1	PLI



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



Rezone No: Z2004-024  
From: A-1 To: PLI

-  Parcel
-  Subject Property



February 1999 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 (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 ZONING CLASSIFICATION THE PLI 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, "Tuskawilla Middle School Rezone A-1 (Agriculture District) to PLI (Public Lands and Institutions District)"

(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 PLI:

**SEE ATTACHED EXHIBIT A**

**Section 3. CODIFICATION.** It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

**Section 4. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 5. EFFECTIVE DATE.** A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon filing by the Department.

ENACTED this 25th day of May, 2004.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

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

## EXHIBIT A LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND BEING THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, LESS THE RIGHT-OF-WAY OF TUSKAWILLA ROAD; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SECTION 25, TOWNSHIP 21 SOUTH, RANGE 30 EAST; THENCE S89°37'08"W ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 25, AND ALONG THE NORTH LINE OF BEN-VIE SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 17, PAGE 64 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, A DISTANCE OF 1258.55 FEET TO A POINT ON A CURVE OF THE EASTERLY RIGHT-OF-WAY LINE OF TUSKAWILLA ROAD, AS SHOWN ON SEMINOLE COUNTY ENGINEERING DEPARTMENT RIGHT-OF-WAY MAP, PROJECT NO. PS-041; THENCE 51.98 FEET ALONG SAID EASTERLY RIGHT-OF-WAY LINE, ALONG THE ARC OF A CURVE, CONCAVE TO THE WEST, HAVING A DELTA ANGLE OF 00°07'45", A RADIUS OF 23,034.80 FEET, A CHORD BEARING OF N01°23'51"W AND A CHORD OF 51.98 FEET TO A POINT OF TANGENCY; THENCE N01°27'44"W, ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 810.44 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 25; SAID NORTH LINE BEING COINCIDENT WITH THE SOUTH LINE OF TIFFANY WOODS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 29, PAGE 28, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE N89°39'19"E, ALONG SAID NORTH LINE, A DISTANCE OF 1283.92 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 25; THENCE S00°59'34"E ALONG SAID EAST LINE A DISTANCE OF 881.52 FEET TO THE POINT OF BEGINNING.

CONTAINING 834,772 SQUARE FEET OR 19.184 ACRES MORE OR LESS

**MINUTES FOR THE SEMINOLE COUNTY  
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION  
MAY 5, 2004  
7:00 P.M.**

F. Tuskawilla Middle School Rezone; Dianne L. Kramer, applicant; approximately 19.16 acres; rezone from A-1 (Agriculture District) to PLI (Public Lands and Institutions District) to allow for the expansion of an existing middle school; located on the east side of Tuskawilla Road, approximately 330 feet north of Misty Way. (Z2004-024).

District 1 - Commissioner Maloy  
Tina Deater, Senior Planner

Tina Deater stated that the School Board is expanding the size of the school. This rezone will permit it to expand without coming back for individual permissions to modify the school plan. Ms. Deater stated that the staff recommendation was for approval since it is compatible with the neighborhood.

Commissioner Harris read the comments of Dianne Kramer, representing the School Board. Ms. Kramer stated that the rezone was necessary to expedite matters with the school; she requested approval.

Phillip Hill, who lives adjacent to the school in Tiffany Woods at 4625 Tiffany Woods Circle, stated that he had concerns about the 3 story building and movement of the retention pond on the school property. What is the role of the Land Planning Agency in this? Mr. Hill is a HOA board member representing Tiffany Woods.

Matt West stated that there was a height variance granted for the school. The school will be demolished and reconstructed in a north central location on the property. The track is being removed. The Board of Adjustment would have notified adjacent property owners at the time of the variance hearing. Schools have their own inspectors. This school has been in the neighborhood for many years. A-1 zoning allowed schools until recently. PLI makes schools a permitted use. The Department of Education is exempt from many local codes.

Commissioner Harris asked if Mr. Hill could be notified, along with neighbor Kevin Beach of 4623 Tiffany Woods Circle, concerning future changes to the project.

Mr. West stated that the retention pond was required by Code and could not be waived from the site plan.

Teresa Cruzic lives behind the proposed location for the new classroom building. She asked who selected the placement of the new classroom building. A 3 story building will now be in her backyard. She is concerned about drainage, which has been re-worked several times.

Commissioner Harris stated that these were engineering issues. Site plan review and engineering review were part of the process.

Ms. Cruzic asked if the rezoning will change anything with the development of the school.

Commissioner Harris stated that site engineering is not a zoning issue.

Commissioner Tucker said that the rezone will change the side setback.

Mr. West said that the side setback will change from 10 feet to 25 feet. The 3 story building will be 70 feet from the property line.

Mr. Beach asked about the notice that he received concerning a meeting on the 25<sup>th</sup> of May at 1:30 P.M.

Commissioner Harris stated that the notice concerned the Board of County Commissioners, who will make the final decision.

There was no further public comment.

**Commissioner Mahoney made a motion to recommend approval of the request.**

**Commissioner Bates seconded the motion.**

Commissioner Tucker stated that he wished to amend the motion to maintain the existing minimum side yard setback.

A recess was called to examine the site plans.

Following the recess, Mr. West stated that there would be two buildings remaining from the original plan – the gymnasium and the cafeteria. The 3 story building will be 72 feet from the property line and will be angled away from the houses. The cafeteria has a 25 foot setback and the fine arts building is 55 feet from the property line.

Commissioner Tucker withdrew his request for amendment since setbacks were no longer an issue.

Mr. West stated that the drainage pond was expanded due to drainage issues.

**The motion by Commissioner Mahoney was unanimously approved (7 – 0).**