



**Minutes for the Seminole County LPA/ P&Z Commission  
Wednesday, June 4, 2003**

**Members present:** Alan Peltz, Chris Dorworth, Ben Tucker, Thomas Mahoney, and Dudley Bates

**Members absent:** Dick Harris, and Beth Hattaway (Commissioner Peltz was not present at the meeting during the hearing on Item H.)

**Also present:** Denny Gibbs, Planner, Michael Rumer, Planner, Jeff Hopper, Senior Planner, Kathy Fall, Senior Planner, Matt West, Planning Manager, Cathleen Consoli, Senior Planner, Karen Consalo, Assistant County Attorney, and Candace Lindlaw-Hudson, Senior Staff Assistant

**F. Hester Avenue Rezone; Jim Cooper, applicant; 17 acres; rezone from A-1 (Agriculture) to R-1A (Single Family Dwelling District); located on the west side of Hester Avenue, ¼ mile south of Ronald Reagan Boulevard. (Z2003-013)  
Commissioner McLain - District 5  
Jeff Hopper, Senior Planner**

1. Jeff Hopper stated that the staff recommendation was for approval. The applicant is seeking to develop a single family subdivision consisting of approximately 45 lots on the subject property, and is requesting R-1A zoning to permit such a development.
2. Actual lot yield and lot sizes will be determined through the platting process if the rezoning is approved. The R-1A district allows lots at a minimum size of 9,000 square feet.
3. As the site is bordered on 3 sides by Agricultural zoning and by R-1AAA on the 4<sup>th</sup> side, compatibility with lower density properties is somewhat of a concern.
4. Allowable density drops to 1 unit per acre under Suburban Estates in much of the area south of the railroad tracks.
5. However, the Vision 2020 Plan does allow consideration of up to 4 units per acre on the applicant's property and most neighboring lots as well.
6. It should also be pointed out that the existing Autumn Chase subdivision was developed in R-1A at a greater distance from CR 427 and utility sources.

Jim Cooper stated that he agreed with Mr. Hopper's staff report.

Nancy Jasmine, Jean Michaels, and Lolie DeHaven all submitted comment sheets voicing their objection to the application.

Commissioner Mahoney read the comments concerning this application from Dianne Kramer of the Seminole County School Board office into the record:

- Item VI F will add 45 single family homes and generate approximately 11 elementary students, 5 middle school students, and 6 high school students. The actual impact on the system should be minimal. The schools that currently serve this area are as follows:

Northeast Cluster for elementary		
Hamilton	670 enrollment	11 portables
Pine Crest	680 enrollment	7 portables
Midway	407 enrollment	9 portables
Millennium Middle	1745 enrollment	8 portables
Seminole High	2596 enrollment	18 portables

No capacity improvements are currently planned for the northeast cluster until school year 2008 / 9. Capacity will be added at the middle school level in school year 2006/07. A 28 classroom building is currently under construction at Seminole High School and another high school in the Oviedo area will open in school year 2005/06. High school attendance zones will be adjusted at that time.

Frances Lord of 4835 Hester Avenue said that she lives 200 feet from the subdivision. The area is agricultural and she does not want small houses there.

Danny DeCirian of North Lake Jesup Community, Inc., is vice president. He stated that in the last 2 years he had worked in Myrtle Street conservation area. He wanted to know why the conservation village concept was not being used here.

Lois DeCirian of 1581 Silk Tree Circle said that she would like to see a conservation village. She felt that 45 lots is too high a density for here.

Lois Dickerson stated that she is opposed to the project.

Alex Dickerson of 4851 Hester Avenue lives across from the proposed site and asked why this is located at the gates of the Myrtle Street study area. The estimates of students is not good. 45 homes will have young families. This is good land which drains down onto his land. He would like to see water retention on the site. He asked to have R-1AAA at least here. He was concerned about the traffic light or lack of one on Hester.

Peter Butt of 5906 Autumn Chase Circle was opposed to the application. Hester is a narrow road with no sidewalks. He suggested a lower density, not R-1A.

B.J. Simons of 1550 Myrtle Street owns 12 acres in the area and is concerned about runoff. Ditches have been cleaned out and it is not enough to deal with the water problem. Infrastructure should be put in before expanding in the area. It will be a mistake to have small, dense housing in this site.

Carol Rogier of 4850 Hester Avenue lives next door (on north side) to the parcel and will be boarding horses on her property. She has dogs, chickens, and horses on her land. She is concerned about the lack of fencing.

Mac Thorn of 1400 Myrtle Street is a North Lake Jesup Community member. He said that the conservation village concept had been agreed upon and this design is the opposite of that plan.

Jim Cooper said that the County Comprehensive Plan allows for 4 units per acre. It will have public utilities and will have a conservation easement. The site will retain a 25 year storm. The price point of the houses will be about \$200,000.00. He is not opposed to a 1,600 to 1,700 square foot minimum for house size. During the DRC meeting it was said that he must contribute to the placement of a traffic light.

There were no comments from the floor. The public hearing was now closed.

Commissioner Tucker asked Matt West if he knew how the school board got their figures that are used in the meetings.

Mr. West said that a figure was used from national or state averages, based on number of dwelling units. He added that traffic lights are determined by the county or state engineers. The county gets payment from the developer to pay for part of the light.

Commissioner Tucker asked about how the drainage would be addressed.

Mr. West said that according to the county code the rate of water discharged cannot be increased from the rate of discharge prior to development. This site is just outside of the Myrtle Street area. This is LDR (low density residential) and in the urban service area. Staff feels that this zoning with 9,000 square foot lots is appropriate.

Commissioner Mahoney stated that he could not see R-1AAA. He was in favor of R-1AA zoning, with 90 foot wide lots.

**Commissioner Mahoney made a motion to recommend denial of R-1A zoning and to make the recommendation for R-1AA zoning to the BCC.**

**Commissioner Dorworth seconded the motion.**

In discussion, Commissioner Mahoney said that 70 foot lots are quite different. He would like to see a 1,600 square foot minimum house size and R-1AA zoning in the area.

Commissioner Tucker stated the criteria of 11,700 square foot minimum lot size, and setbacks of 25 feet in front, 10 feet side setbacks, and rear yard setback of 30 feet.

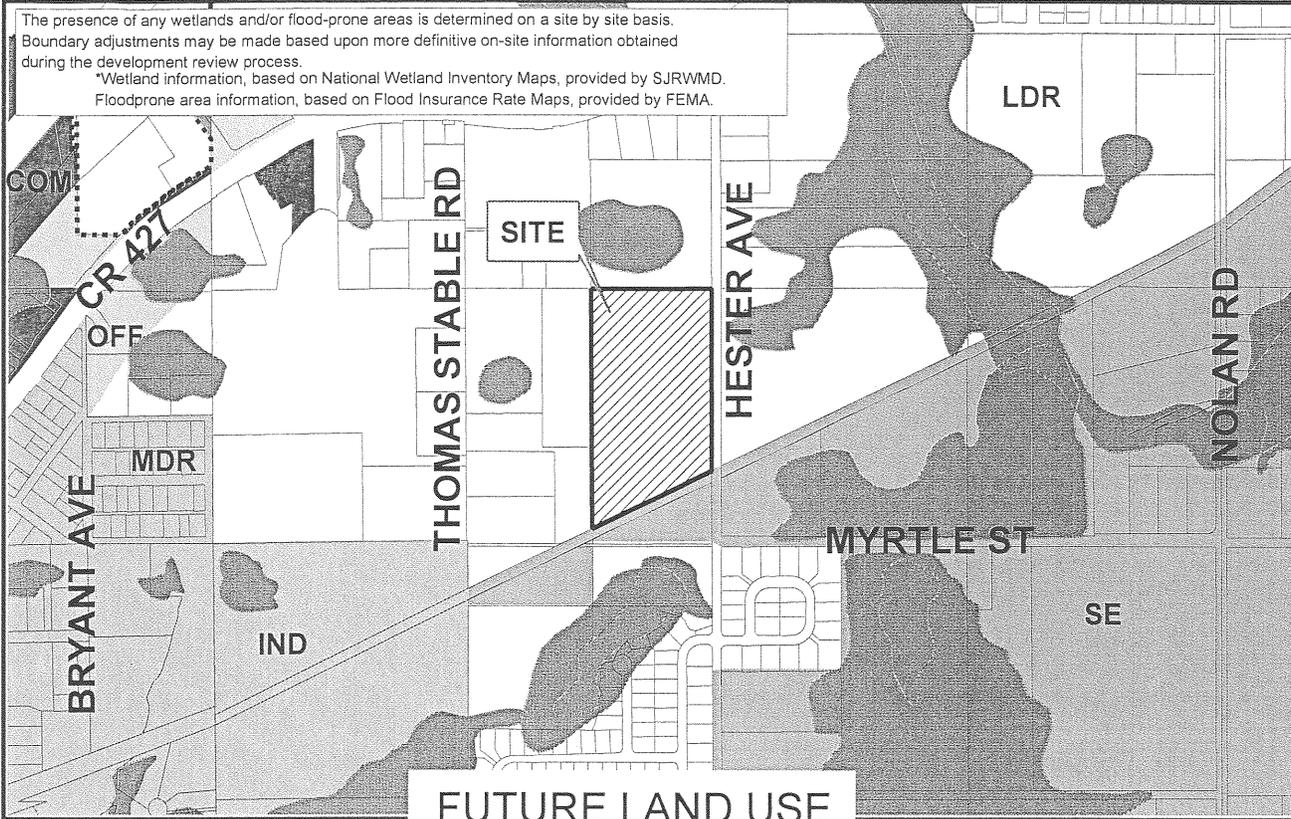
Commissioner Mahoney said that R-1AA standards are bigger, with 3 homes per acre.

Mr. West said that there could be thirty-something lots with R-1AA zoning on 17 acres.

Commissioner Tucker said that this project averages out at 1.7 units per acre. Autumn Chase should not set the precedent.

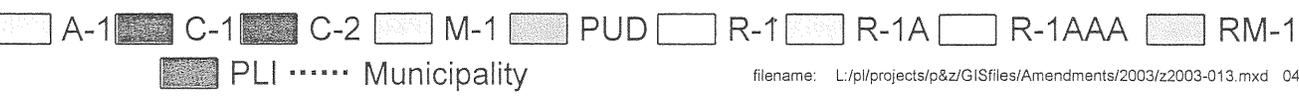
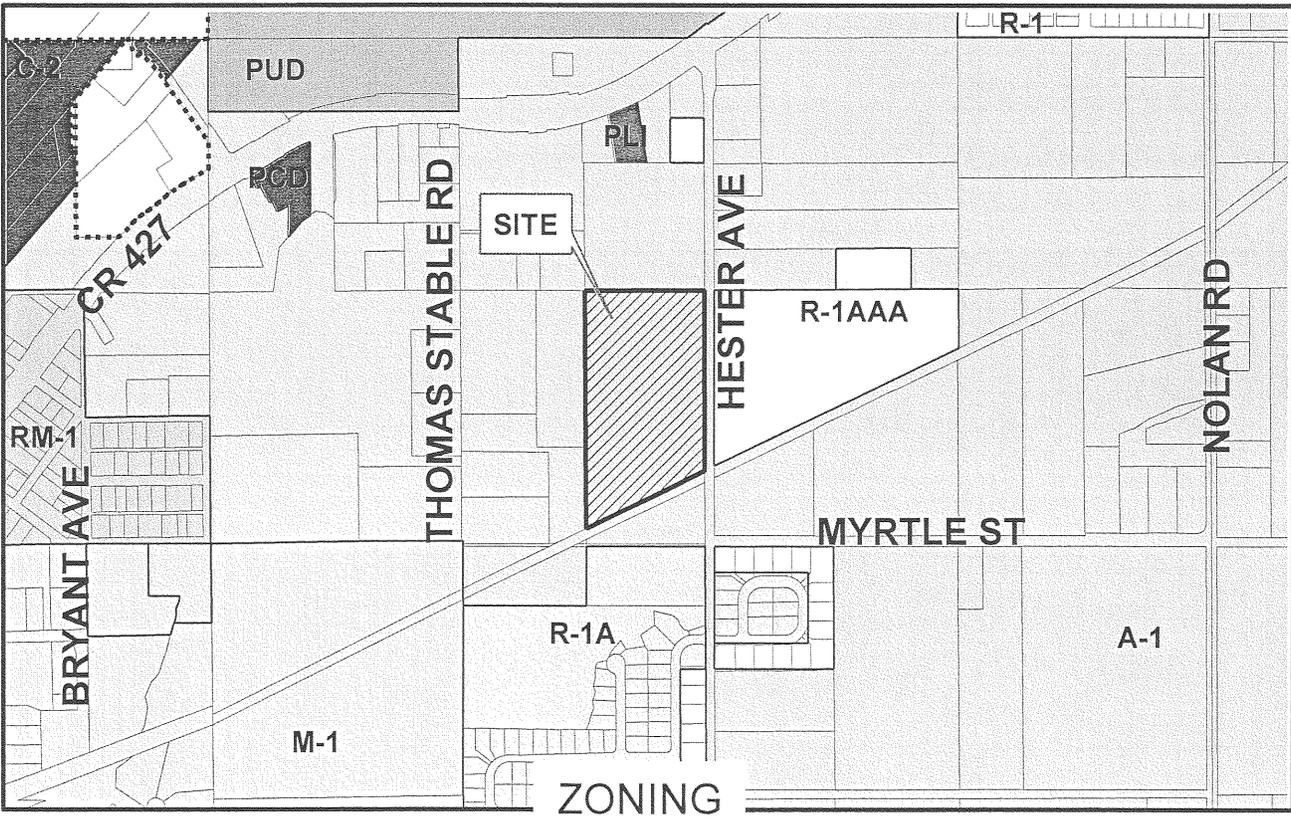
Commissioner Tucker said that he did not have a problem with 2 units per acre.

**The vote was called. The motion passed by unanimous approval.**



Applicant: Jim Cooper  
 Physical STR: 23-20-30-300-035B-0000  
 Gross Acres: 17 BCC District: 5  
 Existing Use: Single Family Residential  
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2003-013	A-1	R-1A





Rezone No: Z2003-013

From: A-1 To: R-1A

 Parcel

 Subject Property



NOT TO SCALE

February 1999 Color Aerials

## HESTER AVENUE REZONE

REQUEST INFORMATION	
<b>APPLICANT</b>	Jim Cooper
<b>PROPERTY OWNERS</b>	Joseph K. Kelly and Robert L. Kelly Jr.
<b>REQUEST</b>	Rezone from A-1 (Agriculture) to R-1A (Single Family Dwelling District)
<b>HEARING DATE(S)</b>	P&Z: June 4, 2003      BCC: June 24, 2003
<b>SEC/TWP/RNG</b>	23-20-30-300-035B-0000
<b>LOCATION</b>	West side of Hester Ave., ¼ mile south of CR 427
<b>FUTURE LAND USE</b>	Low Density Residential (LDR)
<b>FILE NUMBER</b>	Z2003-013
<b>COMMISSION DISTRICT</b>	District 5 (McLain)

### OVERVIEW

**Zoning Request:** The applicant, Jim Cooper, requests approval of R-1A zoning on a 17-acre site south of CR 427. Proposed development of the site is a 45-lot single family subdivision with a minimum lot size of 9,000 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 under Ordinance 98-53. This analysis supports a zoning classification of R-1AAA.

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-1AAA, 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.

Zoning weighting factors, together with the acreage of each zone within the 660-foot radius, determine the “compatible” zoning for the subject property. The analysis area adjoining this request is predominantly A-1, with significant quantities of R-1A and R-1AAA nearby. The analysis yielded a weight rating of 6.25, which corresponds to the R-1AAA district, with a minimum lot size requirement of 13,500 square feet.

Despite the results of the lot compatibility analysis, other factors should be taken into account in evaluating this request. The site is on a paved road and has access to water and sewer service, meeting the public facility criteria established by the Vision 2020 Plan for development in Low Density Residential. It is situated approximately ¼ mile from CR

427, classified by Vision 2020 as a Minor Arterial. Also, it is more accessible from CR 427 than Autumn Chase, an existing subdivision zoned R-1A located to the south of the subject parcel and an abutting railroad right-of-way.

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

	<b>Zoning</b>	<b>Future Land Use</b>	<b>Existing Land Use</b>
<b>North</b>	A-1	LDR	SF residential
<b>South</b>	A-1	SE	vacant
<b>East</b>	R-1AAA	LDR	vacant
<b>West</b>	A-1	LDR	SF residential

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

## **SITE ANALYSIS**

### **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.
2. 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 Vision 2020 Plan.
3. Seminole County will provide water and sewer service to the site.
4. Information on stormwater capacity and outfall will have to be provided prior to Final Subdivision approval.

**Compliance with Environmental Regulations:** At this time there are no concerns regarding compliance with environmental regulations.

**Compatibility with surrounding development:** The proposed R-1A zoning classification is compatible with the Low Density Residential land use designation.

## **P & Z RECOMMENDATION**

On June 4, 2003 the Planning & Zoning Commission voted 5-0 to recommend R-1AA zoning with a minimum house size of 1,600 square feet.

## **STAFF RECOMMENDATION**

Staff recommends APPROVAL of the request.

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) ZONING CLASSIFICATION THE R-1A (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 "Hester Avenue 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 (Agriculture) to R-1A (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 June, 2003.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

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

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

Section 23, Township 20S, Range 30E ½ of SE ¼ of NW ¼ NW of RR.