

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: ORANGE BLVD SANDHILL HOMES REZONE FROM A-1 TO R-1A

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

AUTHORIZED BY: Dan Matthys **CONTACT:** Michael Rumer EXT. 7431

Agenda Date <u>06/27/06</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:

- DENY** a request to rezone 10 ± acres, located on the east side of Orange Blvd., 1500 feet north of W. SR 46, from A-1 (Agriculture) to R-1A (Single-Family Dwelling), based on staff findings, (David Coggin, applicant); or
- APPROVE** a request and authorize the Chairman to enact an ordinance to rezone 10 ± acres, located on the east side of Orange Blvd., 1500 feet north of W. SR 46, from A-1 (Agriculture) to R-1A (Single-Family Dwelling), (David Coggin, applicant); or
- CONTINUE** the item to a time and date certain.

District 5 – Commissioner Carey

Michael Rumer, Senior Planner

BACKGROUND:

The applicant is requesting to rezone 10 ± acres from A-1 (Agriculture) to R-1A (Single-Family Dwelling). The subject property is located on the east side of Orange Blvd., 1500 feet north of West SR 46. Under the current A-1 zoning designation, 1 dwelling unit per net buildable acre is permitted. The requested zoning designation allows single family development on lots with a minimum area of 9,000 square feet and lot width of 75 feet.

The Future Land Use designation of the subject property is Low Density Residential (LDR), which permits a maximum density of 4 dwelling unit per net buildable acre, which is consistent with the requested zoning district. Section 30.1380.3 of the Land Development Code requires the application of the Weighted Method for Determining Single-Family Residential Compatibility in

Reviewed by:	
Co Atty:	<u>KET</u>
DFS:	
OTHER:	<u>DM</u>
DCM:	<u>DM</u>
CM:	<u>DM</u>
File No.	ph130pdp04

Residential Land Uses. The analysis supports rezoning to R-1AA, instead of the requested R-1A.

STAFF RECOMMENDATION:

Staff recommends DENIAL of a request to rezone 10 ± acres, located on the east side of Orange Blvd., 1500 feet north of W. SR 46, from A-1 (Agriculture) to R-1A (Single-Family Dwelling).

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board met on May 3, 2006 and voted 7-0 to recommend APPROVAL of a request to rezone 10 ± acres, located on the east side of Orange Blvd., 1500 feet north of W. SR 46, from A-1 (Agriculture) to R-1A (Single-Family Dwelling) based on the following voluntary commitments:

- 1) Lots adjacent to Orange Boulevard will be a minimum of 11,700 sq. ft. in size.
- 2) A six-foot high wall will be erected along the south property line.

ATTACHMENTS:

Staff Analysis
Location Map
FLU/Zoning Map
Aerial Photo
Ordinance
LPA/P&Z 05-03-06 Meeting Minutes

Orange Blvd Sandhill Homes Rezone

Rezone from A-1 to R-1A (Z2006-18)

APPLICANT	David Coggin, Sandhill Homes	
PROPERTY OWNER	Swanlea Inc.	
REQUEST	Rezone from A-1 (Agriculture District) to R-1A (Single-Family Dwelling)	
PROPERTY SIZE	10 ± acres	
HEARING DATE (S)	P&Z: May 3, 2006	BCC: June 27, 2006
PARCEL ID	19-19-30-300-0130-0000 19-19-30-300-013D-0000	
LOCATION	5467 Orange Blvd, located on the east side of Orange Blvd., 1500 feet north of W. SR 46.	
FUTURE LAND USE	LDR (Low Density Residential)	
ZONING	A-1 (Agriculture District)	
FILE NUMBER	Z2006-18	
COMMISSION DISTRICT	#5 – Carey	

Proposed Development:

The applicant is proposing to develop a 31 lot single-family residential community on 10 ± acres.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant, David Coggin, is requesting to rezone 10 ± acres from A-1 (Agriculture District) to R-1A (Single-Family Dwelling). The subject property is located on the east side of Orange Blvd., 1500 feet north of W. SR 46. The Future Land Use designation of the subject property is LDR (Low Density Residential), which permits a maximum density of four (4) dwelling units per net buildable acre. The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested district of R-1A (Single-Family Dwelling):

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (R-1A)
Minimum Lot Size	43,560 square feet	9,000 square feet
Minimum House Size	N/A	1,100 square feet
Minimum Width at Building Line	150 feet	75 feet
Front Yard Setback	50 feet	25 feet
Side Yard Setback	10 feet	7.5 feet
(Street) Side Yard Setback	50 feet	25 feet
Rear Yard Setback	30 feet	30 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:

Uses	A-1 (existing)	R-1A (proposed)
Permitted Uses	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.	Single-family dwelling and their customary accessory uses. Boathouses and boat docks as accessory uses, providing the roof of said boathouse does not exceed ten (10) feet above the mean-high-water line. Community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents. Public and private elementary schools. Home offices.
Special Exception Uses	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.	Churches with their attendant educational, recreational buildings, and off-street parking. 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 the mean-high-water line. Assisted living facilities and community residential homes housing 7-14 permanent unrelated residents (including group homes and foster care facilities), Communication towers, Private recreational facilities constructed as an accessory use to civic, fraternal, or social organizations if the existing use is located in a predominantly residential area.
Minimum Lot Size	1 Acre	9,000 sq. ft.

COMPATIBILITY WITH SURROUNDING PROPERTIES

The proposed rezone is not compatible with adjacent development. The trend of development along the east side of Orange Blvd., from SR 46, consists of R-1AA lot sizes (11,700 sq. ft.) in the Westlake Estates subdivision platted in 1999. The Hawthorn PUD to the north, approved in February 2004, has 11,700 sq. ft. lots fronting Orange Blvd. with 8,400 sq. ft. interior lots. Lands west of Orange Boulevard are within the Wekiva River Protection Area and shall develop at a density no greater than one dwelling unit per net buildable acre.

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

(North)

	<p>SE Single-Family <i>A-1</i> (1 acre lots)</p>	<p>LDR Single-Family <i>PUD</i> (11,700 & 8,400 sq. ft. lots)</p>	<p>PD Single-Family <i>PUD</i> (13,500 sq. ft. lots)</p>	
(West)	<p>SE Single-Family <i>A-1</i> (1 acre lots)</p>	<p>LDR Single-Family <i>A-1</i> (1 acre lots)</p>	<p>PD Single-Family <i>PUD</i> (13,500 sq. ft. lots)</p>	(East)
	<p>SE Single-Family <i>A-1</i> (1 acre lots)</p>	<p>LDR Single-Family <i>A-1</i> (1 acre lots)</p>	<p>LDR Single-Family <i>R-1A</i> (9,000 sq. ft. lots)</p>	

(South)

Example:

<p>Future Land Use Existing Use <i>Current Zoning</i> (Average Lot Size)</p>

- **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 12117C0030E, there appears to be no floodplains on the subject property.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be no wetlands on the subject property.

Endangered and Threatened Wildlife:

Based on preliminary analysis, there may be endangered and threatened wildlife on the subject property. A threatened and endangered study along with a species of special concern 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 for concurrency review at this time.

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	10,850	7,700
Sewer (GPD)	2,700	9,300	6,600
Traffic (ADT)	86	297	211

Utilities:

The site is located in the service area of Seminole County and will be required to connect to public utilities. Water capacity for new development is limited in the Northeast Service Area. Water & Sewer facility capacity is available subject to execution of a Utility Agreement and payment of fees. There is a 12-inch water main on the east side of Orange Blvd and a 10-inch force main on the east side of Orange Blvd. This parcel is in the ten year master plan for reclaimed water and will be required to connect upon availability. A separate irrigation system will be required until reclaimed water becomes available. Approval of the proposed water service utility plan is required prior to the approval of final engineering plans.

Transportation / Traffic:

The property will access Orange Boulevard which is classified as collector roadway. Orange Boulevard is not currently programmed to be improved according to the County 5-year Capital Improvement Program. Staff has determined that the owner will be required to dedicate a 50' half (25' additional) right of way along property frontage on Orange Boulevard.

School Impacts:

Based on the formulas provided by the Seminole County School District, the proposed zone change will generate approximately 16 school age children. This subject site is currently zoned for, and will affect, the following schools:

Schools Impacted	Proposed Impact	Current Capacity	Enrollment as of 2/10/06	Percent Capacity
Northwest Cluster:	8			
Bentley Elementary		933	1,018	109.1%
Crystal Lake		853	0	0
Idyllwilde Elementary		825	1,027	124.5%
Wicklow Elementary		694	1,011	145.7%
Wilson Elementary		881	1,030	116.9%
Sanford Middle	4	1,564	1,507	96.4%
Seminole High	4	2,069	2,900	140.2%

Data regarding impacts to previously approved and platted residential development were not available at the time this report was prepared. Staff is still working with the Seminole County School Board to complete a list of such development that will impact schools. This information will be provided at the Board meeting.

Public Safety:

The County Level-Of-Service standard for fire protection and rescue, per Policy PUB 2.1 of the Comprehensive Plan, is 5 minutes average response time. The nearest response unit to the subject property is Station #34, which is located at 4905 W S.R. 46 and meets the Level-Of-Service standard.

Drainage:

The proposed project is located within the Lake Monroe Drainage Basin. The drainage system will be designed to hold the 100 year total retention since no positive outfall exists.

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 open space.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

This project does not warrant running the County Fiscal Impact Analysis Model.

SPECIAL DISTRICTS

The subject property is not within any special districts.

COMPREHENSIVE PLAN (VISION 2020)

The following policies are applicable with the proposed project:

Policy FLU 2.5:	Transitional Land Uses
Policy FLU 12.4:	Relationship of Land Use to Zoning Classification
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:

Intergovernmental notices was sent to the Seminole County School District on April 18, 2006. To date, no comments have been received.

LETTERS OF SUPPORT OR OPPOSITION:

At this time, Staff has received no letters of support or opposition.

STAFF RECOMMENDATION:

Staff recommends DENIAL of a request to rezone 10 ± acres, located on the east side of Orange Blvd., 1500 feet north of W. SR 46, from A-1 (Agriculture) to R-1A (Single-Family Dwelling).

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board met on May 3, 2006 and voted 7-0 to recommend APPROVAL request to rezone 10 ± acres, located on the east side of Orange Blvd., 1500 feet north of W. SR 46, from A-1 (Agriculture) to R-1A (Single-Family Dwelling) based on the following voluntary commitments:

- 1) Lots adjacent to Orange Boulevard will be a minimum of 11,700 sq. ft. in size.
- 2) A six-foot high wall will be erected along the south property line.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY LEGAL DESCRIPTION ATTACHED AS EXHIBIT; ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE R-1A (SINGLE-FAMILY DWELLING) 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 Orange Blvd Sandhill Homes 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):

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 with the Department of State.

ENACTED this 27th day of June, 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

PARCEL 1

THE WEST 806.23 FEET OF THE NORTH 280.59 FEET OF THE SOUTH 665.39 FEET OF THE SOUTH $\frac{1}{2}$ OF THE WEST $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 19, TOWNSHIP 19 SOUTH, RANGE 30 EAST, LESS THE WEST 25 FEET FOR ROAD RIGHT OF WAY OF ORANGE BOULEVARD, ALL LYING WITHIN SEMINOLE COUNTY, FLORIDA.

PARCEL 2

THE SOUTH 665.39 FEET OF THE SOUTH $\frac{1}{2}$ OF THE WEST $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 19, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, LESS THE SOUTH 5.3 CHAINS OF THE WEST 10 CHAINS AND ALSO LESS THE WEST 806.23 FEET OF THE NORTH 280.59 FEET OF THE SOUTH 665.39 FEET OF THE SOUTH $\frac{1}{2}$ OF THE WEST $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SAID SECTION 19, LESS RIGHT OF WAY FOR ROADS.

**MINUTES FOR THE SEMINOLE COUNTY LAND PLANNING AGENCY
PLANNING AND ZONING COMMISSION
MAY 3, 2006**

Members present: Ben Tucker, Beth Hattaway, Dudley Bates, Matt Brown, Jason Brodeur, Walt Eismann, and Rob Wolf.

Also present: Tina Williamson, Principal Coordinator; Michael Rumer, Senior Planner; Jeffrey Hopper, Senior Planner; Benjamin Dunn, Senior Planner; Tony Walter, Planning Manager; Katherine Furey-Tran, Assistant County Attorney; Brian Walker, Planner; Cynthia Sweet, Planner; Denny Gibbs, Senior Planner; Dan Matthys, Director of Planning and Development; and Candace Lindlaw-Hudson, Senior Staff Assistant.

I. Orange Boulevard/Sandhill Homes Rezone; David Coggin, Sandhill Homes, applicant; 10 ± Acres; Rezone from A-1 (Agricultural) to R-1A (Single-Family Dwelling); located on the east side of Orange Blvd., 1500 feet north of W. SR 46. (Z2006-18)

Commissioner Carey – District 5
Michael Rumer, Senior Planner

Michael Rumer introduced the application and said that the request would allow lots of 9,000 square feet with a width of 75 feet. Currently, with A-1 zoning, one dwelling unit per acre is allowed. The current future land use is LDR (Low Density Residential) which allows up to 4 dwelling units per acre. Mr. Rumer said that a lot compatibility analysis showed a result of R-1AA zoning. Looking at the result of the analysis and the trend of development in the area, staff does not support the requested rezoning.

Jessica Lucision of Burkett Engineering said that there are 70 foot lots to the north of the site. She said that staff was concerned with how the development would look from the street. The applicant will put 11,700 square foot lots along Orange Boulevard.

Rich Bavec said that he built homes to the east. He would like to see 90-foot lots here, or at least 90-foot lots near Lake Forest.

A neighbor on Orange Boulevard with a single story residence to the southeast asked if there would be a wall.

David Coggin of Sandhill Homes said that he plans to have comparable homes to Lake Forest, with tile roofs and a retention pond by Lake Forest. There will be a wall to the south.

Commissioner Tucker asked about the height of the homes.

Mr. Coggins said that there were no specific designs for the houses yet.

Commissioner Eismann asked about the configuration of the lots near the Lake Forest wall.

Jessica Lucision said that there would be a retention pond by half of the lots in Lake Forest.

Commissioner Wolf asked what the square footage of the homes would be.

Mr. Coggins said that they would average between 3,000 and 4,000 square feet.

Commissioner Brown asked how big the lots were in Lake Forest.

Mr. Rumer said that Lake Forest is a Planned Unit Development (PUD) and that the lots were 13,000 square feet.

Commissioner Hattaway stated that the schools in the area were at 100% capacity. One school is at 140% capacity. She would like more input from the School Board.

Mr. Rumer said that a School Board representative attends the development review committee . Crystal Lake Elementary School is soon to open.

Tina Williamson said that the school is opening in the fall.

Commissioner Hattaway said that the School Board should send a representative to the Land Planning Agency/Planning and Zoning Committee meetings.

Commissioner Bates asked about the number of elementary school students projected to be generated from this project.

Mr. Rumer said that there was a projection of 8 students.

Commissioner Brodeur said that the issue of a School Board member's presence being needed at this meeting comes up almost every month.

Commissioner Brown said that area schools were running at 110% of capacity, which is now considered "at capacity".

Commissioner Hattaway said that Seminole High School is at 140% of capacity.

Commissioner Hattaway made a motion to approve the application.

Commissioner Eismann seconded the motion.

Commissioner Brodeur commended the applicant for his efforts to work with the staff.

Mr. Rumer asked for a clarification of the recommendation.

Chairman Tucker said that the two lots up front are to be wider as a voluntary commitment.

Mr. Rumer said that the lots along Orange Boulevard are to be at least 11,700 square feet.

Chairman Tucker said that the wall would be included on the south end.

The motion passed by a vote of 7 – 0.