

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Lake Howell Lane / Schauder Rezone R-1AAA to A-1

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

AUTHORIZED BY: Donald S. Fisher **CONTACT:** ^{mb} Michael Rumer EXT. 7431

Agenda Date 07/25/06 Regular Consent Work Session Briefing
Public Hearing – 1:30 Public Hearing – 7:00

MOTION/RECOMMENDATION:

1. **APPROVE** the request and enact an ordinance to rezone 5.7± acres from R-1AAA (Single-Family Dwelling) to A-1 (Agriculture), located on the north side of Lake Howell Lane, approximately 3,000 feet east of the intersection of Lake Howell Lane and SR 436, (Ellis Schauder, applicant); or
2. **DENY** the request to rezone 5.7± acres from R-1AAA (Single-Family Dwelling) to A-1 (Agriculture), located on the north side of Lake Howell Lane, approximately 3,000 feet east of the intersection of Lake Howell Lane and SR 436, (Ellis Schauder, applicant); or
3. **CONTINUE** the item to a time and date certain.

District 1 – Commissioner Dallari

Michael Rumer, Senior Planner

BACKGROUND:

The applicant, Ellis Schauder, is requesting to rezone approximately 5.7 acres from R-1AAA (Single-family Dwelling) to A-1 (Agriculture). The applicant is proposing to construct a detached garage in front of the main residence. The R-1AAA zoning district does not permit accessory structures to project beyond the established front building line of the main residence without the grant of a variance from the Board of Adjustment. The A-1 zoning district permits accessory structures to project beyond the established front building line if a 100-foot setback is met. The existing main residence is located 800 ± feet from the front property line. Further, the A-1 zoning district will afford more opportunities for additional uses to the property than the existing R-1AAA zoning district. The future land

Reviewed by:	<u>KFR</u>
Co Atty:	<u>KFR</u>
DFS:	
OTHER:	<u>[Signature]</u>
DCM:	
CM:	<u>[Signature]</u>
File No.	<u>ph130pdp04</u>

use designation for the property is LDR (Low Density Residential), which permits the proposed A-1 zoning classification.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of a request to rezone 5.7± acres from R-1AAA (Single-Family Dwelling) to A-1 (Agriculture), located on the north side of Lake Howell Lane, approximately 3,000 feet east of the intersection of Lake Howell Lane and SR 436.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On June 7, 2006, the Planning and Zoning Commission voted (5-0) to recommend APPROVAL of a request to rezone 5.7± acres from R-1AAA (Single-Family Dwelling) to A-1 (Agriculture), located on the north side of Lake Howell Lane, approximately 3,000 feet east of the intersection of Lake Howell Lane and SR 436.

Attachments:

Staff Analysis
Location Map
FLU/Zoning Map
Aerial Photo
Ordinance
06/07/2006 Planning and Zoning Commission Minutes

Lake Howell Lane / Schauder Rezone R-1AAA to A-1

APPLICANT	Ellis Schauder	
PROPERTY OWNER	Ellis Schauder	
REQUEST	Rezone from R-1AAA (Single-Family Dwelling) to A-1 (Agriculture)	
PROPERTY SIZE	5.7± Acres	
HEARING DATE (S)	P&Z: June 7, 2006	BCC: July 25, 2006
PARCEL ID	27-21-30-508-0000-0010	
LOCATION	2742 Lake Howell Lane	
FUTURE LAND USE	LDR (Low Density Residential)	
ZONING	R-1AAA (Single-Family Dwelling)	
FILE NUMBER	Z2006-29	
COMMISSION DISTRICT	#1 – Dallari	

Proposed Development:

The applicant plans to construct a detached garage in front of the main residence.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant, Ellis Schauder, is requesting to rezone approximately 5.7 acres from R-1AAA (Single-family Dwelling) to A-1 (Agriculture) in order to construct a detached garage in front of an existing single-family residence. The subject property is located on the north side of Lake Howell Lane, approximately 3,000 feet east of the intersection of Lake Howell Lane and SR 436. The existing R-1AAA designation allows for single-family dwellings on 13,500 square foot lots. The applicant is proposing to construct a detached garage in front of the main residence. The R-1AAA zoning district does not permit accessory structures to project beyond the established front building line of the main residence. The A-1 zoning district allows accessory structures to project beyond the established front building line if a 100-foot setback is met. The future land use designation for the property is LDR (Low Density Residential), which allows the proposed A-1 zoning classification. The following table depicts the minimum regulations for the current zoning district of R-1AAA (Single-Family Dwelling) and the requested district of A-1 (Agriculture):

DISTRICT REGULATIONS	Existing Zoning (R-1AAA)	Proposed Zoning (A-1)
Minimum Lot Size	13,500 sq. ft.	43,560 sq. ft.
Minimum House Size	1,600 sq. ft.	N/A
Minimum Width at Building Line	100 feet	150 feet
Front Yard Setback	25 feet	50 feet
Side Yard Setback	10 feet	10 feet
(Street) Side Yard Setback	25 feet	50 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	R-1AAA (existing)	A-1 (proposed)
Permitted Uses	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.	Citrus or other fruit crops cultivation, production, and horticulture, Truck farms, Plant nurseries and greenhouses not involved with retail sales to the general public, Poultry and livestock production, excluding commercial swine raising, except as otherwise provided within the district, Grazing and pasturing of animals, Home occupations and home offices, Roadside stands for the sale of fruits, vegetables, and similar products produced on the premises, provided such stand is placed no closer than twenty-five (25) feet to a property line, Government-owned or government-operated building or use, excluding public utility and service structures public, Public and private elementary schools, Fish hatcheries or fish pools, when approved in accordance with all applicable federal, state, and County regulations and laws, Publicly owned and/or controlled parks and recreation areas, Bait production, Stables, barns, sheds, silos, granaries, windmills, and related agricultural structures, Dairies, Apiculture, Silviculture including timber production, Single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses, Neighborhood recreation areas, when approved as part of a subdivision plat, Churches and structures appurtenant thereto, Community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.
Special Exception Uses	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, Off-street parking facilities, R-1A District only, Assisted living facilities and community residential homes housing 7-14 permanent unrelated residents (including group homes and foster	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 when such facilities and homes are approved and licensed by the State of Florida, Public and private nursery schools, kindergartens, middle schools, high schools and colleges, Temporary asphalt plants for purpose of specific public road construction, Sawmills, Public utility and service structures, Fraternal clubs when chartered with the State, Country and golf clubs, fishing clubs, fishing camps, marinas, gun clubs, Privately owned and operated recreational facilities open to the paying public, such as, athletic fields, stadiums, racetracks, and speedways, Golf driving ranges, Riding stables, provided that no structure housing animals is located nearer than one hundred (100) feet from a property line, Airplane

Uses	R-1AAA (existing)	A-1 (proposed)
	<p>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 as determined by the Planning Manager.</p>	<p>landing fields and helicopter ports with accessory facilities for private or public use, Commercial raising of swine (other than for family use), Sewage disposal plants, water plants, and sanitary landfill operations, Off-street parking lots, Farm worker housing; either single family or multifamily dwellings, where land use is for bona fide agriculture uses; provided further that such structures house only those persons and their immediate family or households, employed in carrying out such bona fide agricultural use. Mobile homes may be permitted in lieu of tenant dwellings, provided, however, that approval for mobile homes shall be limited to a time period not exceeding two (2) years after review and finding that the land is used for bona fid agricultural uses, "Bona fide agriculture uses," as used in this subsection, shall be determined by reference to the following criteria: Whether the parcel or its adjacent lands are being actually utilized in agricultural pursuits by the same owner; and Whether the requested tenant dwelling or mobile home serve a purpose directly related to the agricultural laborers or employees and/or other agricultural purposes, A mobile home, Retail nurseries where the products for sale are grown on site of sale, Organizations involved in either the slaughter of livestock, meat cutting, and/or processing operations, but that do not engage in retail sales, Community residential homes housing more than six (6) permanent unrelated residents (including group homes and foster care facilities), Landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, Communication towers, Disposal of tree cuttings or similar organic materials by burning in which materials have been transported to the property, Bed and Breakfast establishments which are not located within a platted subdivision.</p>
Minimum Lot Size	13,500 sq. ft.	43,560 sq. ft.

COMPATIBILITY WITH SURROUNDING PROPERTIES

Currently, the surrounding area has A-1, RC-1 and R-1AAA zoning designations with Low Density Residential future land use designations. The proposed A-1 zoning classification is allowed in the Low Density Residential future land use designation and requires the same lot size as the adjacent RC-1 property. Therefore, the proposed zoning is compatible with the surrounding area.

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

(North)

	<p>LDR Lake Howell A-1 One Acre</p>	<p>LDR Lake Howell A-1 One Acre</p>	<p>LDR Lake Howell A-1 One Acre</p>	
(West)	<p>LDR Barn <i>R-1AAA/A-1</i> 13,500 sq. ft. / One Acre</p>	<p>LDR Single-Family Residence <i>R-1AAA</i> 13,500 sq. ft.</p>	<p>LDR Single-Family Residence <i>R-1AAA</i> 13,500 sq. ft.</p>	(East)
	<p>LDR Single-Family Residence <i>RC-1</i> One Acre</p>	<p>LDR Single-Family Residence <i>RC-1</i> One Acre</p>	<p>LDR Single-Family Residence <i>RC-1</i> One Acre</p>	

(South)

Example:

<p>Future Land Use Existing Use <i>Current Zoning</i> Minimum 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 12117C0145E, there appears to be 100 year floodplain (zone AE) on the northernmost portion of the site. This zone is also present in the new preliminary DFIRMs. If any impacts to the floodplain are proposed, then compensating storage must be provided and a FEMA LOMR/LOMA/CLOMR must be applied for prior to final engineering approval.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be wetlands on the northernmost portion of the subject property. The applicant is not proposing any wetland impacts at this time.

Endangered and Threatened Wildlife:

Based on preliminary analysis, there are no endangered and threatened wildlife on the subject property. A threatened and endangered species 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) 1-2, Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The proposed structure is for an accessory use and does not require Concurrency testing or impact fees.

The proposed development does not impact public facilities.

Utilities:

Seminole County does not provide water and sewer in this area. The City of Casselberry is the primary water and sewer provider for this area. Currently, the subject property utilizes water service from the City of Casselberry and septic.

Transportation / Traffic:

Access is available to the subject property from Lake Howell Lane which is classified as local road. Lake Howell Lane is not currently programmed to be improved according to the County 5-year Capital Improvement Program. The proposed A-1 zoning district would not have any negative effects on traffic in the area.

School Impacts:

The proposed development will not generate any school impacts.

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 23, which is located at 4810 Howell Branch Rd. Both units and meets the Level-Of-Service standard.

Drainage:

The proposed project is located within the Howell Creek Drainage Basin. Since the proposed project is not proposing to create more single-family lots than those already existing, no storm water requirements are required to be met.

Parks, Recreation and Open Space:

Any new development will be required to meet 25% open space.

Buffers and Sidewalks:

Active/Passive Buffers are not required since the proposed zoning designation is Agriculture. Sidewalks are not required since the proposed addition is ancillary to the main residence.

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 any special districts or overlays.

COMPREHENSIVE PLAN (VISION 2020)

The following policies are applicable with the proposed project:

- Policy FLU 12.4: Relationships of Land Use to Zoning Classification
- Policy PUB 2.1: Public Safety Level-of-Service
- Policy FLU 2.5: Transitional Land Uses

INTERGOVERNMENTAL NOTIFICATION:

Intergovernmental notices were not sent; the subject property is not within or directly adjacent to any local municipality and will not impact schools.

LETTERS OF SUPPORT OR OPPOSITION:

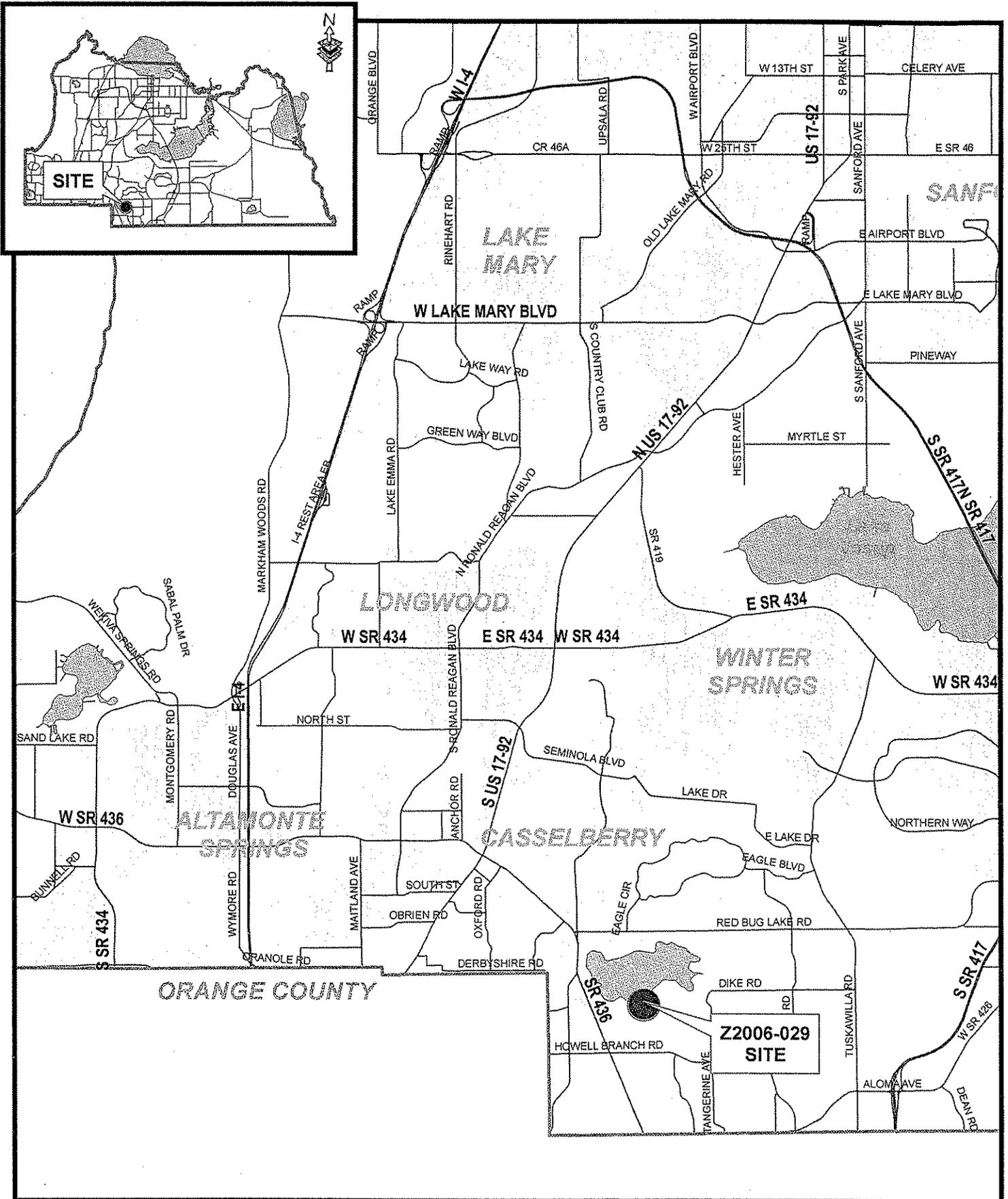
At this time, Staff has received no letters of support or opposition.

STAFF RECOMMENDATION:

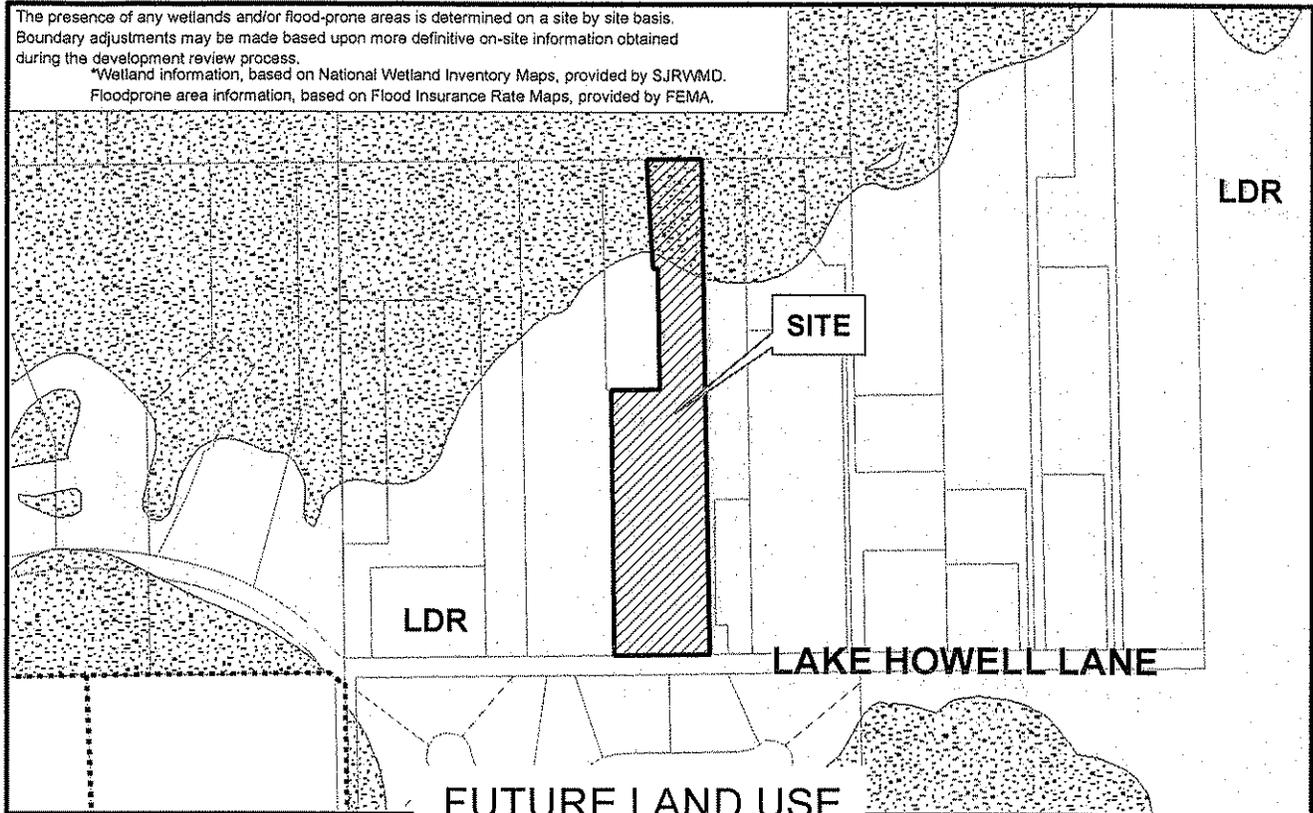
Staff recommends APPROVAL of a request to rezone 5.7± acres from R-1AAA (Single-Family Dwelling) to A-1 (Agriculture), located on the north side of Lake Howell Lane, approximately 3,000 feet east of the intersection of Lake Howell Lane and SR 436.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

On June 7, 2006, the Planning and Zoning Commission voted (5-0) to recommend APPROVAL of a request to rezone 5.7± acres from R-1AAA (Single-Family Dwelling) to A-1 (Agriculture), located on the north side of Lake Howell Lane, approximately 3,000 feet east of the intersection of Lake Howell Lane and SR 436.



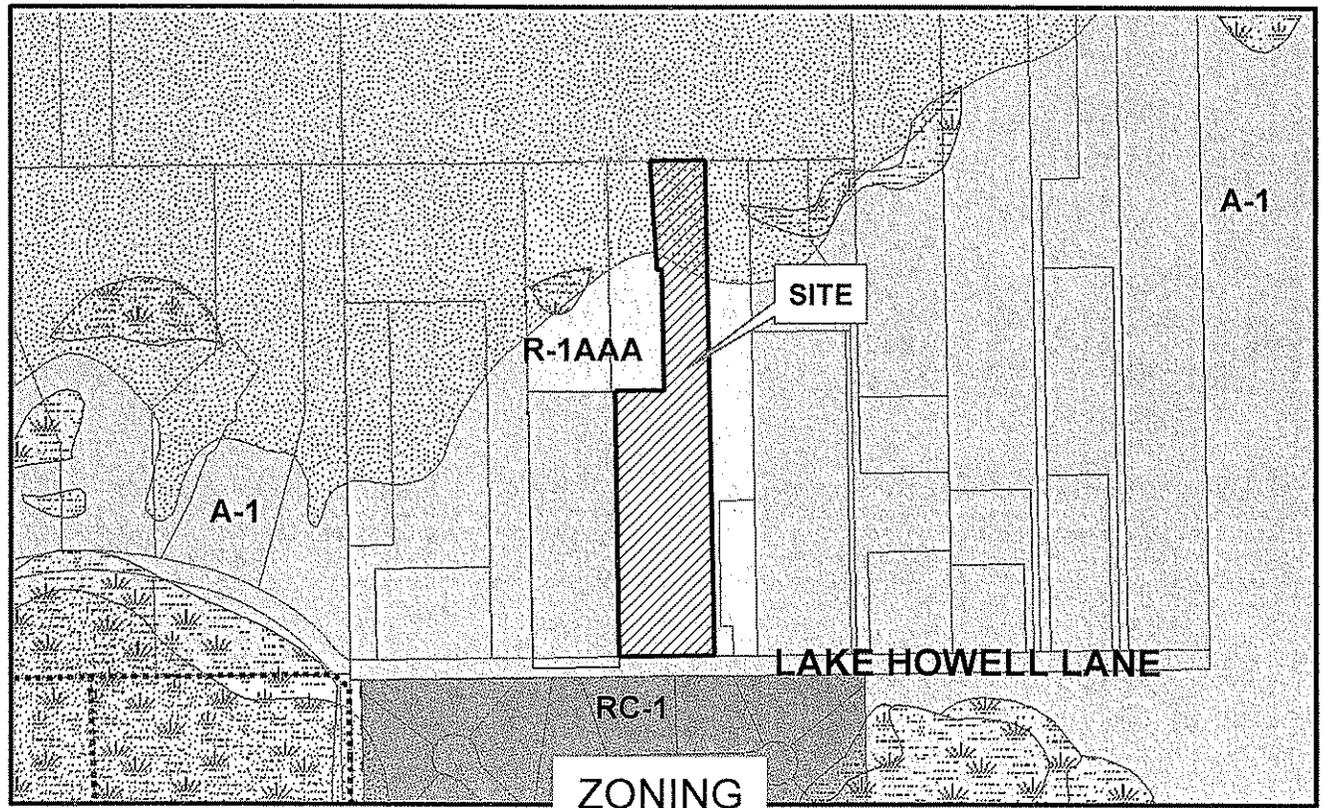
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



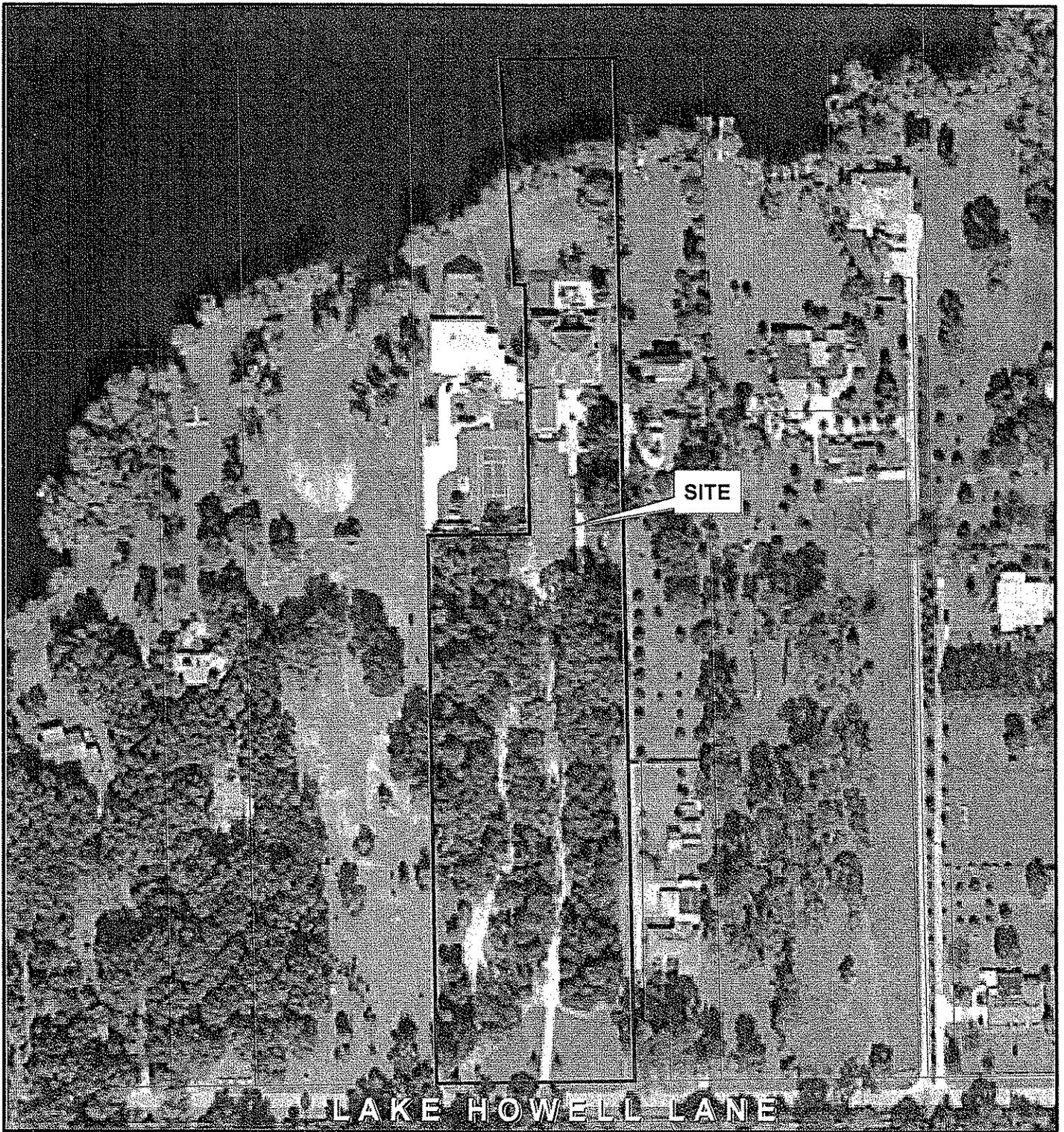
Site
 Municipality
 LDR CONS

Applicant: Helene & Ellis Schauder
 Physical STR: 27-21-30-508-0000-0010
 Gross Acres: 5.68 BCC District: 1
 Existing Use: Vacant Wasteland
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	-	-	-
Zoning	Z2006-029	R-1AAA	A-1



A-1
 R-1AAA
 RC-1
 FP-1
 W-1



Rezone No: Z2006-029
From: R-1AAA To: A-1

-  Parcel
-  Subject Property



January 2004 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 (LEGAL DESCRIPTION ATTACHED AS EXHIBIT A); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE R-1AAA (SINGLE-FAMILY DWELLING) ZONING CLASSIFICATION THE A-1 (AGRICULTURE) 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 Lake Howell Lane / Schauder 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 R-1AAA (Single-Family Dwelling) to A-1 (Agriculture):

SEE ATTACHED EXHIBIT A

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

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 25th day of July 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT A
LEGAL DESCRIPTION

LOT 1 SCHAUDERS LAKE HOWELL ESTATE PB 61 PGS 98 & 99

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING & ZONING COMMISSION
JUNE 7, 2006**

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

Members absent: Walt Eismann, Rob Wolf.

Also present: Tony Walter, Planning Manager; April Boswell, Assistant Planning Manager; Tina Williamson, Principal Coordinator; Michael Rumer, Senior Planner; Benjamin Dunn, Senior Planner; Arnold Schneider, Assistant County Attorney; Kelly Brock, Senior Engineer; and Candace Lindlaw-Hudson, Senior Staff Assistant.

Lake Howell Lane / Schauder Rezone; Ellis Schauder, applicant; 5.68± acres; rezone from R-1AAA (Single-family Dwelling) to A-1 (Agriculture); located on the north side of Lake Howell Lane, approximately 3,000 feet east of the intersection of Lake Howell Lane and SR 436. (Z2006-29)

Commissioner Dallari - District 1
Michael Rumer, Senior Planner

Mr. Rumer said the applicant is asking to rezone to construct a detached garage in front of the main residence. This would be allowed in A-1 zoning if it is set back 100 feet from the front property line. The requested zoning is in line with the future land use designation on the property. Staff recommendation is for approval.

Ellis Schauder said that the rezoning is necessary for him to have a detached garage on his property.

Commissioner Brown made a motion to recommend approval.

Commissioner Bates seconded the motion.

The motion passed 5 – 0.