

Item # 46

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Dike Road/Bee Jay Cove Rezone A-1 to R-1

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Donald S. Fisher CONTACT: Tina Deater ^{TD} EXT. 7440

Agenda Date <u>08/10/04</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 and authorize the Chairman to enact an ordinance rezoning approximately 5.0 acres, located on the southeast corner of the intersection of Dike Road and Bee Jay Cove, from A-1 (Agriculture District) to R-1 (Single-family Residential District), (Norberto Arias, applicant);
2. DENY the rezoning of approximately 5.0 acres located, on the southeast corner of the intersection of Dike Road and Bee Jay Cove, from A-1 (Agriculture District) to R-1 (Single-family Residential District), (Norberto Arias, applicant);
3. CONTINUE the public hearing until a time and date certain.

District 1 – Commissioner Maloy

Tina Deater, Senior Planner

BACKGROUND:

The applicant, Norberto Arias, requests rezoning from A-1 (Agriculture District) to R-1 (Single-family Residential District) of approximately 5.0 acres, located southeast of the intersection of Dike Road and Bee Jay Cove, in order to build a single-family subdivision. The subject property has a future land use designation of Low Density Residential (LDR) and is programmed under the Vision 2020 Plan for a maximum of 4 units per net buildable acre. However, as a request for conventional zoning in the Low Density Residential (LDR) future land use district (i.e., not PUD), the application is subject to the lot size compatibility analysis required under Ordinance 98-53. This analysis does not support the requested zoning classification of R-1. Instead, it supports a zoning classification of R-1A. Staff subsequently reviewed the numbers used in the analysis and determined that the subject property is predominantly surrounded by R-1 zoning.

Reviewed by:	
Co Atty:	<u>KJC</u>
DFS:	
OTHER:	<u>TD</u>
DCM:	<u>DA</u>
CM:	<u>TD</u>
File No.	<u>ph130pdp04</u>

Staff believes that the results of the analysis are skewed by the fact that the entire 20.08 acres to the north of the subject property have a future land use of Public and are

excluded from the analysis and that some of the A-1 parcels at the southern edge of the 660 foot analysis area boundary are lacking water and sewer infrastructure, and do not have direct access to a paved road. The lot size compatibility analysis is only one tool used by staff to determine the appropriateness of a zoning classification, and in this situation the requested R-1 zoning is appropriate for this area. Therefore, staff is recommending approval of the requested R-1 zoning classification

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested R-1 zoning classification

PLANNING AND ZONING COMMISSION RECOMMENDATION:

At their meeting on July 7, 2004, the Planning and Zoning Commission voted 7-0 to recommend APPROVAL of the rezone from A-1 to R-1.

Dike Road/Bee Jay Cove Rezone A-1 TO R-1

REQUEST INFORMATION	
APPLICANT	Norberto Arias
PROPERTY OWNER	Norberto Arias
REQUEST	Rezone property from A-1 (Agriculture District) to R-1 (Single-family Residential District)
HEARING DATE (S)	P&Z: 07/07/04 BCC: 08/10/04
PARCEL ID	26-21-30-510-0000-0010 through -0040
LOCATION	Located on the southeast corner of the intersection of Dike Road and Bee Jay Cove
FUTURE LAND USE	Low Density Residential (LDR)
FILE NUMBER	Z2004-032
COMMISSION DISTRICT	District 1 – Commissioner Maloy

OVERVIEW

Zoning Request: The applicant, Norberto Arias, requests rezoning from A-1 (Agriculture District) to R-1 (Single-family Residential District) of approximately 5.0 acres, located southeast of the intersection of Dike Road and Bee Jay Cove, in order to build a single-family subdivision. The subject property has a future land use designation of Low Density Residential (LDR) and is programmed under the Vision 2020 Plan for a maximum of 4 units per net buildable acre. However, as a request for conventional zoning in the Low Density Residential (LDR) future land use district (i.e., not PUD), the application is subject to the lot size compatibility analysis, which is a weighted method for determining zoning compatibility, required under Ordinance 98-53.

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-1AAAA, 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. Weighting factors, together with the acreage of each zone within the 660-foot radius, determine the “compatible” zoning for the subject property.

The lot size compatibility analysis for the subject property does not support the requested zoning classification of R-1. Instead, it yielded a weight rating of 8.07, which supports a zoning classification of R-1A. The R-1 zoning classification allows building lots with a minimum area of 8,400 square feet and a minimum width at the building line of 70 feet. The R-1A zoning classification allows building lots with a minimum area of 9,000 square feet and a minimum width at the building line of 75 square feet.

Staff subsequently reviewed the numbers used in the analysis and determined that the subject property is predominantly surrounded by R-1 zoning. Staff believes that the results of the analysis are skewed by the fact that the entire 20.08 acres to the north of the subject property have a future land use of Public and are excluded from the analysis and that some of the A-1 parcels at the southern edge of the 660 foot analysis area boundary are lacking water and sewer infrastructure, and do not have direct access to a paved road. The lot size compatibility analysis is only one tool used by staff to determine the appropriateness of a zoning classification, and in this situation the requested R-1 zoning is appropriate for this area. Therefore, staff is recommending approval of the requested R-1 zoning classification

The analysis area adjoining the subject property to the east and south are developed predominantly as single family residential, at densities consistent with the LDR land use designation, while properties to the west remain in agricultural zoning at densities characteristic of rural areas.

Existing Land Uses:

	EXISTING ZONING	FUTURE LAND USE	CURRENT USE
SITE	A-1 (Agriculture District)	Low Density Residential	Vacant, Single-family Residential
NORTH	A-1 (Agriculture District)	Public	Wastewater Treatment Plant
SOUTH	R-1 (Single-family Residential District), R-1A (Single-family Residential District)	Low Density Residential	Single-family Residential
EAST	R-1 (Single-family Dwelling)	Low Density Residential	Single-family Residential
WEST	A-1 (Agriculture District), R-1A (Single-family Dwelling)	Low Density Residential	Vacant, Single-family Residential

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 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:

Access is available to the site from Dike Road, which is classified as a Collector, and has an adopted Level of Service of "E". Dike Road is currently operating at a Level of Service of "C" in this area.

Compliance with Environmental Regulations:

At this time there are no concerns regarding compliance with environmental regulations.

Compatibility with Surrounding Development:

Currently, the surrounding area has Low Density Residential and Public future land use designations. The proposed R-1 zoning classification is allowed in the Low Density Residential future land use designation, and therefore, is compatible with the surrounding area.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested R-1 zoning classification based on the following findings:

1. The R-1 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 R-1 zoning district is compatible with the concepts of its future land use designation of Low Density Residential; and
3. The uses within the proposed R-1 zoning district would not have an undue adverse effect on existing traffic patterns, movements and intensity.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

At their meeting on July 7, 2004, the Planning and Zoning Commission voted 7-0 to recommend APPROVAL of the rezone from A-1 to R-1.

**Minutes for the Seminole County
Land Planning Agency / Planning & Zoning Commission
July 7, 2004**

Members present: Alan Peltz, Ben Tucker, Chris Dorworth, Beth Hattaway, Richard Harris, Walt Eismann, and Dudley Bates.

Also present: Don Fisher, Director of Planning and Development; Tony Walter, Assistant Planning Manager; Tina Deater, Senior Planner; Karen Consalo, Assistant County Attorney; April Boswell, Senior Planner; Denny Gibbs, Planner; Jim Potter, Development Review Division and Candace Lindlaw - Hudson, Secretary.

Dike Road/Bee Jay Cove Subdivision; Norberto Arias, applicant; approximately 5 acres; rezone from A-1 (Agriculture District) to R-1 (Single-Family Residential District); located on the southeast corner of the intersection of Dike Road and Bee Jay Cove. (Z2004-032)

Comm. Maloy - District 1
Tina Deater, Senior Planner

Ms. Deater said that the subject property contains approximately 5.0 acres and is located on the southeast corner of the intersection of Dike Road and Bee Jay Cove.

The applicant is requesting rezoning from A-1 to R-1, in order to build a single-family subdivision. The subject property has a future land use designation of low density residential, which allows the proposed R-1 zoning designation.

Staff reviewed the request, and determined that it is compatible with the Vision 2020 Comprehensive Plan and the surrounding trends of development. Therefore, staff is recommending approval of the requested R-1 zoning classification.

Commissioner Tucker asked about the preliminary site plan and the proposed number of lots.

Ms. Deater stated that there would be 11 lots.

Commissioner Tucker asked if there were to be any limitations on 2 story houses.

Ms. Deater said that there would be no restrictions.

Commissioner Tucker noted the presence of two high tension power lines. He did not want any two story homes adjacent to high tension power lines.

Commissioner Tucker made a motion to recommend approval.

Commissioner Peltz seconded the motion.

The motion passed by unanimous consent (7 – 0).

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 A); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 ZONING CLASSIFICATION THE R-1 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, "Dike Road/Bee Jay Cove Rezone A-1 to R-1."

(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 R-1:

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 10th day of August, 2004.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____

Daryl G. McLain
Chairman

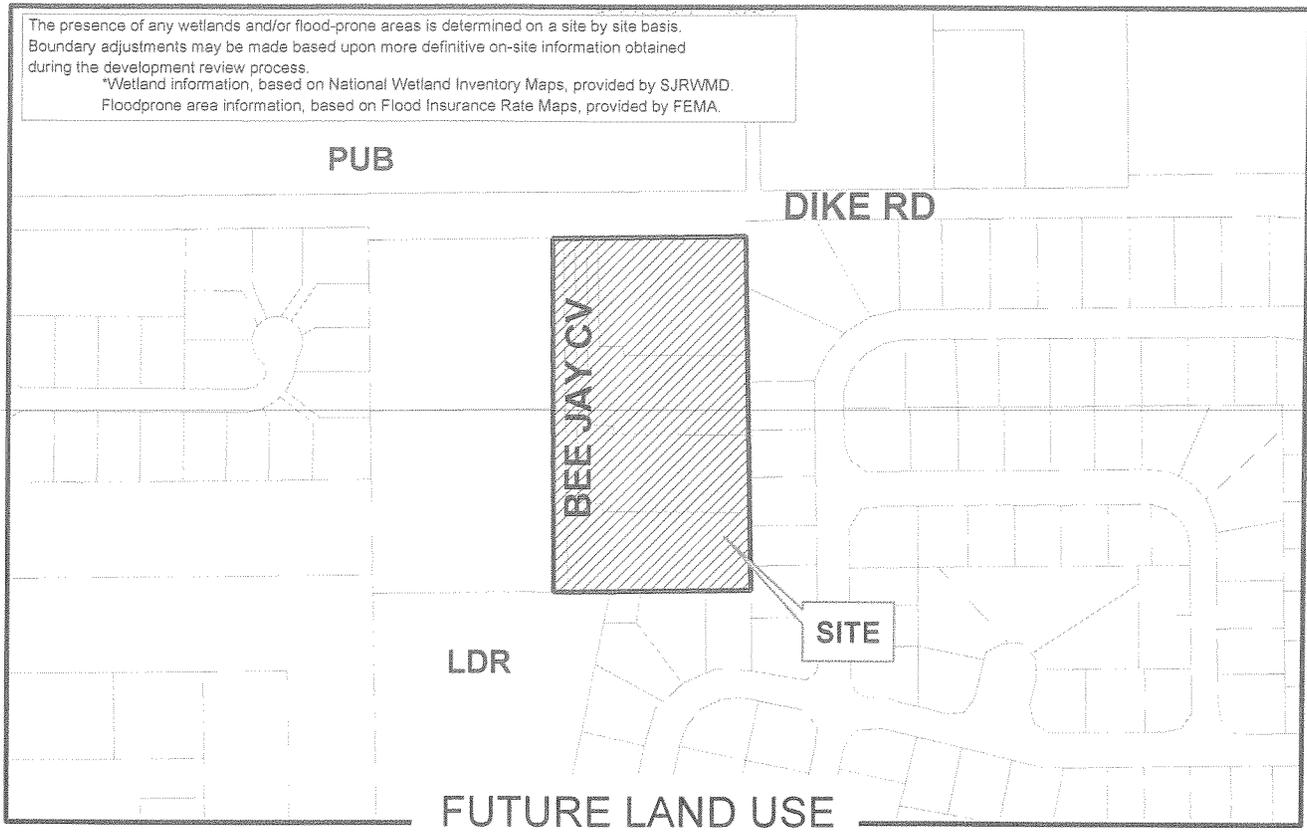
EXHIBIT A LEGAL DESCRIPTION

Description as prepared by John B. Webb & Associates, Inc.:

Lots 1 thru 4 of the Strickland Subdivision as recorded in Plat Book 60 at Page 59 of the Public Records of Seminole County, Florida and the East 20 feet of that particular parcel of land as described in the Official Records Book 3811, at Page 109 of the aforesaid Public Records, Seminole County, Florida. More particularly described as follows:

Commence at the Northeast corner of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 26, Township 21 South, Range 30 East, Seminole County, Florida, Thence run S00E28'01"E a distance of 50.00 feet to the Northeast corner of the aforesaid Lot 1; Thence continue S00E28'01"E along the East line of Strickland Subdivision a distance of 616.75 feet to the Southeast corner of said Strickland Subdivision; Thence run N89E26'36"W along the South line of Strickland Subdivision and an extension thereof a distance of 347.31 feet; Thence run N00E25'00"W a distance of 614.51 feet; thence run S89E50'28"E along the South line of a 25 foot wide parcel of land deeded to Seminole County in Official Record Book 2279, at Page 128 and the North line of the aforesaid Lot 1 a distance of 346.72 feet to the Point of Beginning; All lying and being situated in Section 26, Township 21 South, Range 30 East, Seminole County, Florida and contains 4.90 acres more or less.

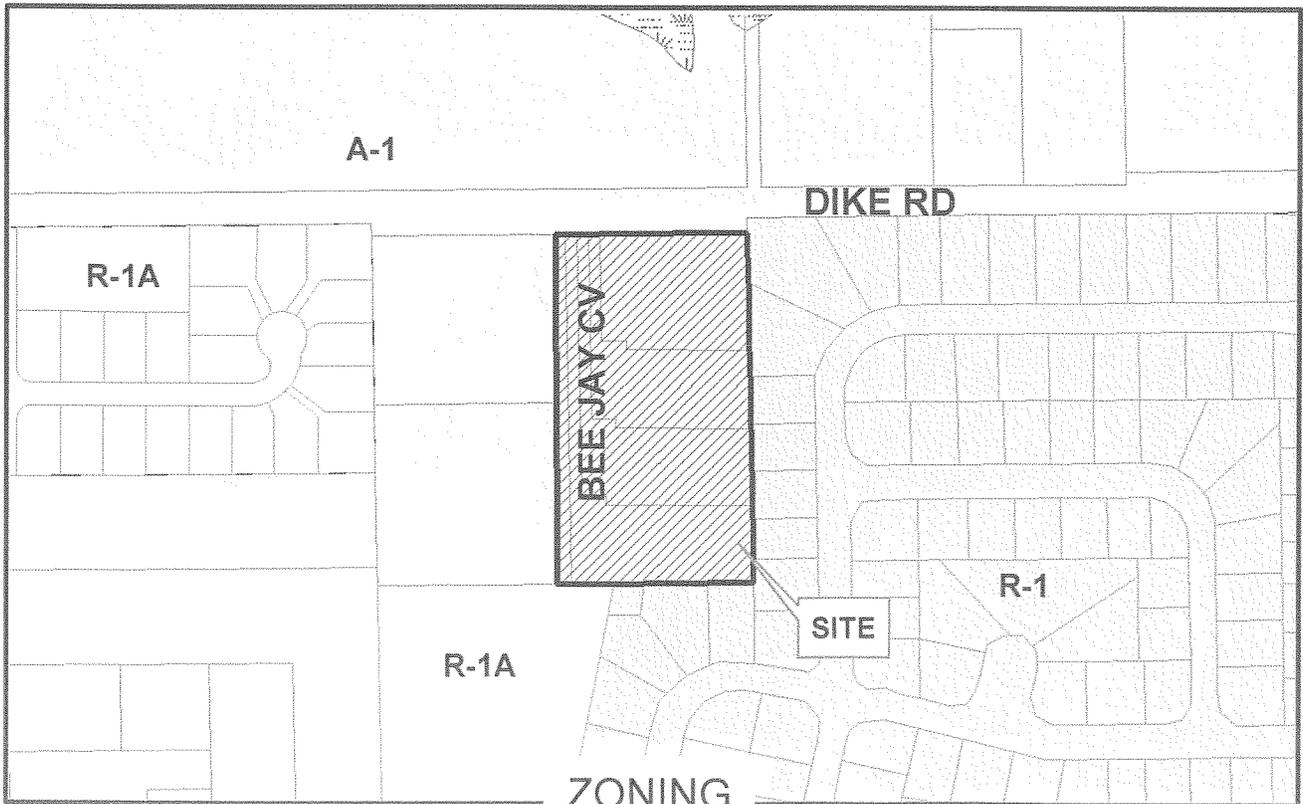
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.
 Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



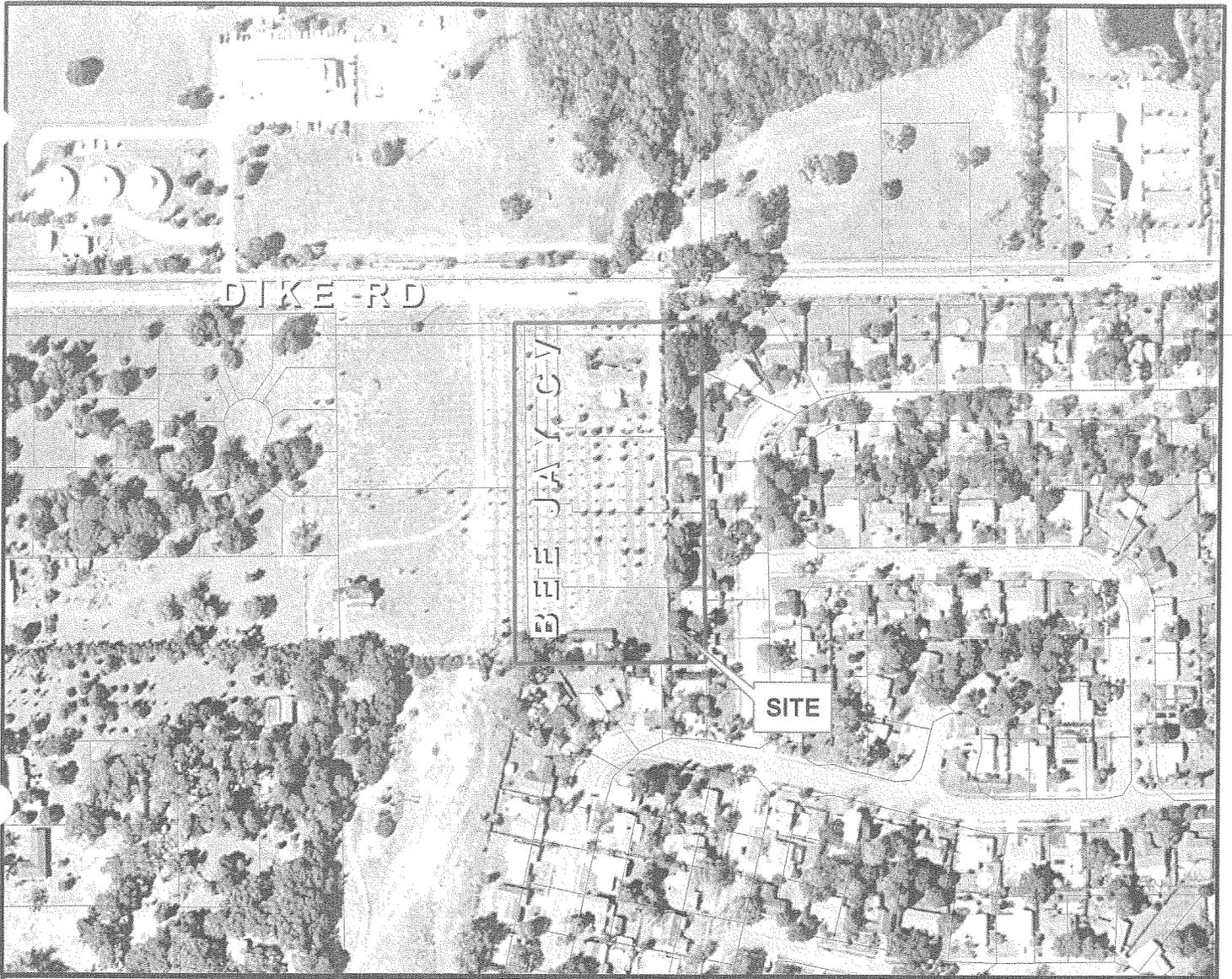
Site LDR PUB CONS

Applicant: Norberto Arias
 Physical STR: 26-21-30-510-0000-0010, 0020, 0030, & 0040
 Gross Acres: +/- 5 BCC District: 1
 Existing Use: Vacant, Misc. Res., & Single Family Res.
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2004-032	A-1	R-1



A-1 R-1A R-1 FP-1 W-1



Rezone No: Z2004-032
From: A-1 To: R-1

-  Parcel
-  Subject Property



February 1999 Color Aerials