

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Riverton Rezone R-1AAA to R-1AA

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

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

<b>Agenda Date</b> <u>08/24/04</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 type="checkbox"/>		<b>Public Hearing – 7:00</b> <input checked="" type="checkbox"/>	

**MOTION/RECOMMENDATION:**

1. APPROVE and enact an ordinance rezoning approximately 15.65 acres, located on the southeast corner of the intersection of Orange Boulevard and Wilson Road, from R-1AAA (Single-family Dwelling District) to R-1AA (Single-family Dwelling District) (Eric Wills, applicant); or
2. DENY the request for rezoning from R-1AAA (Single-family Dwelling District) to R-1AA (Single-family Dwelling District) of approximately 15.65 acres, located on the southeast corner of the intersection of Orange Boulevard and Wilson Road (Eric Wills, applicant); or
3. CONTINUE the public hearing until a time and date certain.

District 5 – Commissioner McLain

Tina Deater, Senior Planner

**BACKGROUND:**

The applicant, Eric Wills, requests rezoning from R-1AAA (Single-family Dwelling District) to R-1AA (Single-family Dwelling District) of approximately 15.65 acres, located on the southeast corner of the intersection of Orange Boulevard and Wilson Road, 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 weighted method for determining lot size compatibility required under Ordinance 98-53. This analysis supports the requested zoning classification of R-1AA.

<b>Reviewed by</b>	<u>[Signature]</u>
<b>Co Atty:</b>	<u>[Signature]</u>
<b>DFS:</b>	<u>[Signature]</u>
<b>OTHER:</b>	<u>[Signature]</u>
<b>DCM:</b>	<u>[Signature]</u>
<b>CM:</b>	<u>[Signature]</u>
<b>File No.</b>	<u>ph700pdp02</u>

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the requested R-1AA zoning classification.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission met on August 4, 2004 and voted 5 to 0 to recommend APPROVAL of the rezone to R-1AA.

**MINUTES FOR THE SEMINOLE COUNTY  
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION  
AUGUST 4, 2004**

**Members present:** Alan Peltz, Dick Harris, Beth Hattaway, Walt Eismann, and Dudley Bates.

**Also present:** Matt West, Planning Manager; Tina Deater, Senior Planner; Tony Walter, Assistant Planning Manager; Steve Lee, Deputy County Attorney; and Candace Lindlaw-Hudson, Senior Staff Assistant.

**Riverton Rezone;** M.I. Homes / Eric Wills, applicant; 15.65 acres; rezone from R-1AAA (Single-family Dwelling District) to R-1AA (Single-family Dwelling District) for a single-family subdivision; located on the southeast corner of the intersection of Orange Blvd and Wilson Road. (Z2004-033)

Commissioner McLain – District 5  
Tina Deater, Senior Planner

Tina Deater stated that the Low Density Residential future land use designation allows R-1AA zoning. This is compatible with the surrounding zonings. Staff recommendation is for approval.

Eric Wills was present to answer the questions of the Commissioners.

Don Beverly of 1525 Emmet Avenue wanted to know about the placement of the entrance and also about how water retention would be handled.

Mr. Wills said that the retention would be addressed in the Preliminary Subdivision Plan. Access would be off of Wilson Road. The northeast corner will be for retention.

**Commissioner Eismann made a motion to recommend approval, based on the conditions of the Staff report.**

**Commissioner Peltz seconded the motion.**

**The vote was 5 – 0 in favor of the motion.**

## Riverton Rezone R-1AAA to R-1AA

REQUEST INFORMATION	
<b>APPLICANT</b>	Eric Wills
<b>PROPERTY OWNER</b>	Jeno Paulucci
<b>REQUEST</b>	Rezone property from R-1AAA (Single-family Dwelling District) to R-1AA (Single-family Dwelling District)
<b>HEARING DATE (S)</b>	P&Z: 08/04/04      BCC: 08/24/04
<b>PARCEL ID</b>	31-19-30-300-0120-0000 and 31-19-30-300-012B-0000
<b>LOCATION</b>	Located on the southeast corner of the intersection of Wilson Road and Orange Boulevard
<b>FUTURE LAND USE</b>	Low Density Residential (LDR)
<b>FILE NUMBER</b>	Z2004-033
<b>COMMISSION DISTRICT</b>	District 5 – Commissioner McLain

### OVERVIEW

**Zoning Request:** The applicant, Eric Wills, requests rezoning from R-1AAA (Single-family Dwelling District) to R-1AA (Single-family Dwelling District) of approximately 15.65 acres, located on the southeast corner of the intersection of Orange Boulevard and Wilson Road, in order to build a single-family subdivision. Lots in the R-1AAA zoning district require a minimum lot area of 13,500 square feet and a minimum width at the building line of 100 feet. Lots in the R-1AA zoning district require a minimum lot area of 11,700 square feet and a minimum width at the building line of 90 feet. The building setbacks are the same in both zoning districts.

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 weighted method for determining lot size compatibility required under Ordinance 98-53.

The analysis is a weighted method that 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 supports the requested zoning classification of R-1AA.

### **Existing Land Uses:**

	<b>EXISTING ZONING</b>	<b>FUTURE LAND USE</b>	<b>CURRENT USE</b>
<b>SITE</b>	R-1AAA (Single-family Dwelling District)	Low Density Residential	Vacant
<b>NORTH</b>	A-1 (Agriculture District)	Public	School
<b>SOUTH</b>	A-1 (Agriculture District)	Low Density Residential	Church
<b>EAST</b>	A-1 (Agriculture District)	Low Density Residential	Vacant, Single-family Residential
<b>WEST</b>	A-1 (Agriculture District)	Suburban Estates	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 Orange Boulevard and Wilson Road. Orange Boulevard is classified as a Collector, and has an adopted Level of Service of "E". Orange Boulevard is currently operating at a Level of Service of "C" in this area. Wilson Road is considered a local road and does not have an adopted level of service. The exact location of the access to the proposed development will be determined at the time of subdivision review and approval.

#### **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, Suburban Estates and Public future land use designations. The proposed R-1AA zoning classification is allowed in the Low Density Residential future land use designation, and the weighted method for determining lot size compatibility indicates that it is compatible with the surrounding zoning.

**STAFF RECOMMENDATION:**

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

1. The R-1AA 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-1AA 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-1AA zoning district would not have an unduly adverse effect on existing traffic patterns, movements and intensity.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:**

The Planning and Zoning Commission met on August 4, 2004 and voted 5 to 0 to recommend APPROVAL of the rezone to R-1AA.

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 R-1AAA ZONING CLASSIFICATION THE R-1AA 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, "Riverton Rezone R-1AAA to R-1AA."

(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-1AA:

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 24th day of August, 2004.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

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



**EXHIBIT A  
LEGAL DESCRIPTION**

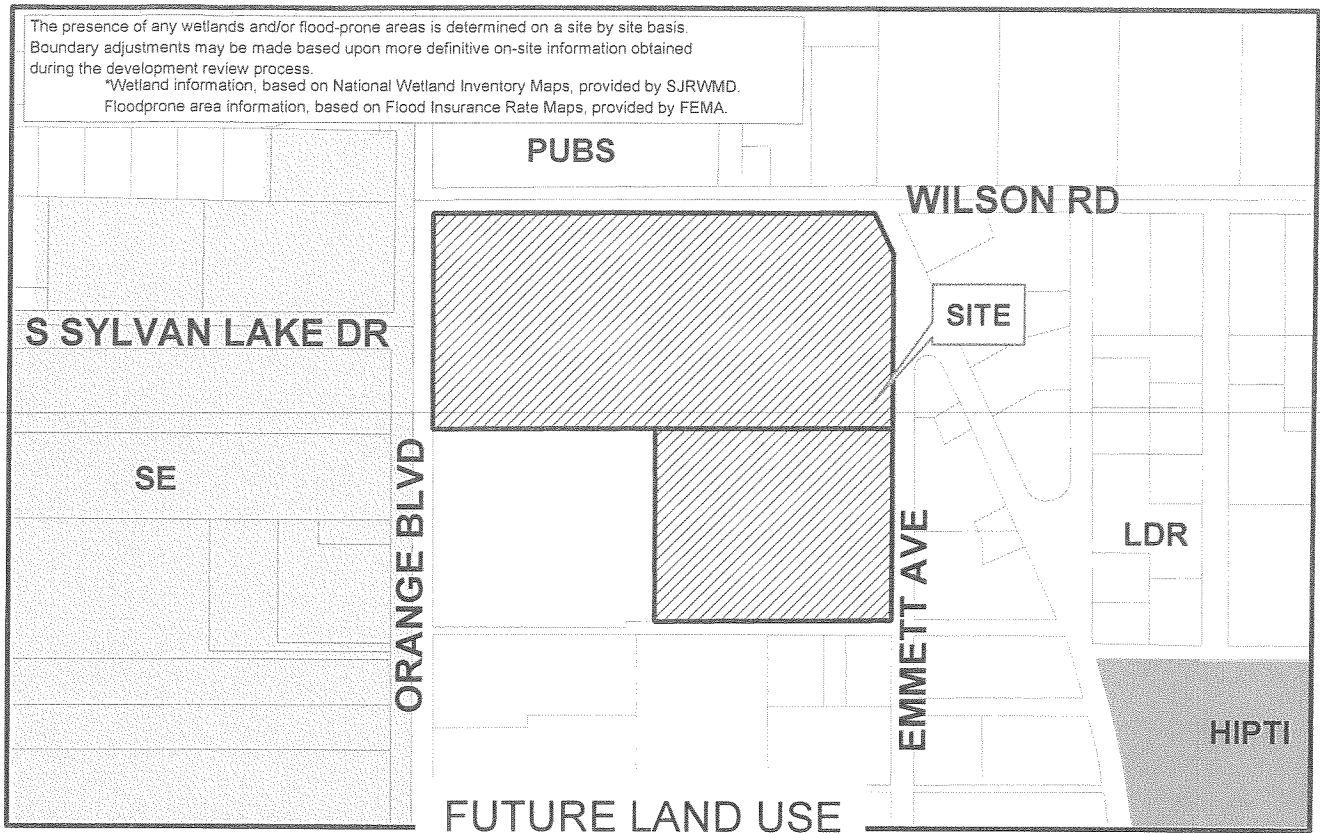
LEG SEC 31 TWP 19S RGE 30E BEG 1012.94 FT E & 25 FT S OF NW COR RUN SELY  
ON WLY R/W SYLVAN  
AVE 78.24 FT S ON WLY R/W EMMETT AVE 390.46 FT W 1012.13 FT N TO A PT W OF  
BEG E TO BEG

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AND

SEC 31 TWP 19S RGE 30E FROM NW COR RUN S 924 FT E 471.24 FT N 17 FT E 580.90  
FT TO POB RUN N  
423.14 FT W 514.72 FT S 423.14 FT E 514.72 FT TO BEG

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
  HIPTI
  PUBS

Applicant: Jeno F. Paulucci Revocable Trust  
 Physical STR: 31-19-30-300-0120 & 012B-0000  
 Gross Acres: +/- 15.65 BCC District: 5  
 Existing Use: Vacant  
 Special Notes: None



	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2004-033	R-1AAA	R-1AA



Site
  R-1AAA
  A-1
  PUD



Rezone No: Z2004-033  
From: R-1AAA To: R-1AA

-  Parcel
-  Subject Property



February 1999 Color Aerials