

Item # 61

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Tallman Mews, Rezone from A-1 (Agriculture) to R-1AAA (Single Family Dwelling District). (Jay Barfield, applicant)

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

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Jeff Hopper **EXT.** 7431

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|---|
| Agenda Date <u>8/26/03</u> Regular <input type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/> Public Hearing – 1:30 <input type="checkbox"/> Public Hearing – 7:00 <input checked="" type="checkbox"/> |
|---|

MOTION/RECOMMENDATION:

1. Enact an ordinance to APPROVE the request for rezoning from A-1 (Agriculture) to R-1AAA (Single Family Dwelling District) on 5.1 acres on the north side of Gabriella Lane, ½ mile west of Tuskawilla Road, (Jay Barfield, applicant); or
2. Enact an ordinance to APPROVE the request for rezoning from A-1 (Agriculture) to R-1AAA (Single Family Dwelling District), with the conditions of a maximum of 7 lots and minimum house size of 2,200 square feet, on 5.1 acres on the north side of Gabriella Lane, ½ mile west of Tuskawilla Road, (Jay Barfield, applicant); or
3. DENY the request for rezoning from A-1 (Agriculture) to R-1AAA (Single Family Dwelling District) on 5.1 acres on the north side of Gabriella Lane, ½ mile west of Tuskawilla Road, (Jay Barfield, applicant); or
4. CONTINUE the public hearing until a time and date certain.

(District 1 – Comm. Maloy)

(Jeff Hopper, Senior Planner)

BACKGROUND:

The applicant, Jay Barfield, requests approval of R-1AAA zoning on a 5.1-acre site on Gabriella Lane, west of Tuskawilla Road. 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 the requested zoning classification of R-1AA.

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| Reviewed by: Co Atty: <u>KRC</u> DFS: _____ OTHER: <u>MW</u> DCM: <u>SS</u> CM: <u>tdb</u> File No. <u>ph700pdp06</u> |
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PLANNING & ZONING COMMISSION RECOMMENDATION:

On July 23, 2003, the Planning & Zoning Commission voted 5-1 to recommend APPROVAL of the request subject to the following conditions:

1. A maximum of 7 lots shall be developed on the property.
2. Minimum house size shall be 2,200 square feet.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested R-1AAA classification.

TALLMAN MEWS REZONE

| REQUEST INFORMATION | |
|----------------------------|---|
| APPLICANT | Jay Barfield |
| PROPERTY OWNERS | R.A. Saunders |
| REQUEST | Rezone from A-1 (Agriculture) to R-1AAA (Single Family Dwelling District) |
| HEARING DATE(S) | P&Z: July 23, 2003 BCC: August 26, 2003 |
| PARCEL # | 25-21-30-300-028B-0000 |
| LOCATION | North side of Gabriella Ln., ½ mile west of Tuskawilla Rd |
| FUTURE LAND USE | Low Density Residential (LDR) |
| FILE NUMBER | Z2003-022 |
| COMMISSION DISTRICT | District 1 (Maloy) |

OVERVIEW

The applicant, Jay Barfield, requests approval of R-1AAA zoning on a 5.1-acre site on the north side of Gabriella Lane, west of Tuskawilla Road. If the requested rezone is approved, the applicant intends to develop the site in 8 single family lots ranging in size from approximately 14,000 to 24,000 square feet. Minimum lot size in R-1AAA is 13,500 square feet.

Located in the Low Density Residential (LDR) 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-1AA.

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 analysis area adjoining this request is developed predominantly as single family residential at densities consistent with the LDR land use designation. While adjoining properties to the north and west remain in agricultural zoning at semi-rural densities, this development type is now somewhat unusual in the area.

The lot compatibility analysis yielded a weight rating of 6.86, which corresponds to the requested R-1AA district.

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

| | Zoning | Future Land Use | Existing Land Use |
|--------------|----------------|------------------------|--------------------------|
| North | A-1 | LDR | single family |
| South | R-1AA | LDR | single family |
| East | R-1AAA/R-1AAAA | LDR | single family |
| West | A-1 | LDR | single family |

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 service to the site. Sewer service is not available.
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-1AAA zoning classification is compatible with the Low Density Residential land use designation.

PLANNING & ZONING COMMISSION RECOMMENDATION:

On July 23, 2003, the Planning & Zoning Commission voted 5-1 to recommend APPROVAL of the request subject to the following conditions:

1. A maximum of 7 lots shall be developed on the property.
2. Minimum house size shall be 2,200 square feet.

STAFF RECOMMENDATION

Staff recommends APPROVAL of R-1AAA as requested by the applicant.

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-1AAA (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 "Tallman Mews 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-1AAA (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 26th day of August, 2003.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

EXHIBIT A
LEGAL DESCRIPTION

SEC 25 TWP 21S RGE30E S $\frac{1}{2}$ OF E $\frac{1}{2}$ OF W $\frac{1}{2}$ OF NE $\frac{1}{4}$ OF SW $\frac{1}{4}$

LPA/P&Z MINUTES
JULY 23, 2003

I. **Tallman Mews; Jay Barfield, applicant; 5.10 acres; rezone from A-1 (Agriculture) to R-1AAA (Single Family Dwelling District).** Located 0.4 mile west of Tuskawilla Road, on the north side of Gabriella Lane. (Z2003-022).

Commissioner Maloy – District 1
Jeff Hopper, Senior Planner

Mr. Hopper stated that the applicant, Jay Barfield, requests approval of R-1AAA zoning on a 5.1-acre site on Gabriella Lane, west of Tuskawilla Road. 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 the requested zoning classification of R-1AAA. Staff recommends approval of the request for rezoning from A-1 (Agriculture) to R-1AAA (Single Family Dwelling District).

Jay Barfield stated that he is going to develop 8 lots. He will not be affecting traffic in any appreciable way. He plans an upscale neighborhood, not a subdivision. There is a pond on the property of .7 acres. Drainage runs toward the pond. There are over 200 trees on the property. The requested zoning gives flexibility in lot size to save trees. He will swale the lots and preserve the existing trees.

Commissioner Mahoney asked about house size.

Mr. Barfield said that the houses would be 2,500 to 4,000 square feet. The requirements are the same.

Commissioner Mahoney asked if Mr. Barfield would consider agreeing to a minimum house size.

Mr. Barfield said that 2,200 square feet would be a good minimum size.

Ray Saunders spoke on the history of the land. He stated that he had owned the land for 30 years. It had been an orange grove. He had cleared the land when the trees died off and replanted new trees and expanded the pond.

Hugh Harling spoke for Mr. Barfield. He stated that Mr. Barfield intends on saving trees on the site. He urged support for the project.

Karen Weaver of 4212 Gabriella Lane owns adjacent property and stated that there is much wild life on the site. She rides her horse in the area and is concerned with auto traffic and increased density changing the rural character of the area.

Gary Lonston of 4353 Steve Terrace, Kings Cove, spoke next. He wanted to know what the eastern boundary of the property was. He was concerned about the easement. Would this easement be the access to the 8 houses?

Bob Karns of 4361 Steve Terrace was concerned about the value of his home being effected and the preservation of the trees on the property.

Matt Illardi spoke about his major concerns on compatibility. RC-1 estates would be more compatible. The trend is for suburban estates here. There are 17 homes in the area. 14 of the homeowners oppose the proposed density. One acre lots are not objectionable. The Comprehensive Plan talks about protection to the homeowner.

Kings Cove and Autumn Glen are not part of this neighborhood.

Dennis Weaver had concerns for the environment. Fewer homes being built there would be better.

Frank Carbon of 4265 Gabriella Lane is also concerned with the compatibility of this density. He stated that the Comprehensive Plan wants to preserve wild life and endangered species. He is President of the Bear Gully Lake Association. Bear Gully Lake is a fragile 125 acres. This project could cause runoff into the lake. He urged the consideration of one home per acre for density here.

Donna Ryan of 4150 Gabriella Lane has a 5 acre parcel near the site. She opposes the rezoning.

Nick Helia of 4111 Gabriella Lane also opposes the increased density and rezoning.

Mark Jacobsen of 4320 Gabriella Lane said that he supports one acre lots in the area.

Mike Bibowitz of 4399 Gabriella Lane said that he also wanted one acre lots here.

In rebuttal, Mr. Barfield stated that his request is reasonable. There is a 15 foot easement on the east side of the property.

The public hearing was now closed.

Commissioner Mahoney stated that he can generally support a rezoning that is not too far from the local norm. A better solution is R-1AAA with 7 lots – 2 lots per net developable acre.

Commissioner Mahoney made a motion to recommend approval of R-1AAA zoning with 2,200 square foot houses and 7 lots maximum.

Commissioner Dorworth seconded the motion.

The motion passed by a vote of 5 – 1. Commissioner Peltz voted “no.”

J. Deep Lake PUD; Ronald Henson II, applicant; Major Revision to PUD Preliminary Master Plan for the development of mixed residential and commercial uses; approximately 18.66 acres located on the south side of SR 426, and the west side of Deep Lake Road (Z2002-008).

Commissioner Maloy - District 1
Jeffrey Hopper, Senior Planner

This item was continued to the August 6, 2003 meeting at the beginning of the meeting.

(SECTION ONE)

K. CELERY AVENUE ADMINISTRATIVE LARGE SCALE COMPREHENSIVE PLAN AMENDMENT SEMINOLE COUNTY; Administrative Large Scale Comprehensive Plan Amendment From Suburban Estates (SE) To Low Density Residential (LDR); Located On The North And South Sides Of Celery Avenue From The Sanford City Limits On The West To A Point West Of Cameron Avenue. 02F.ADM01 (Z2002-017)

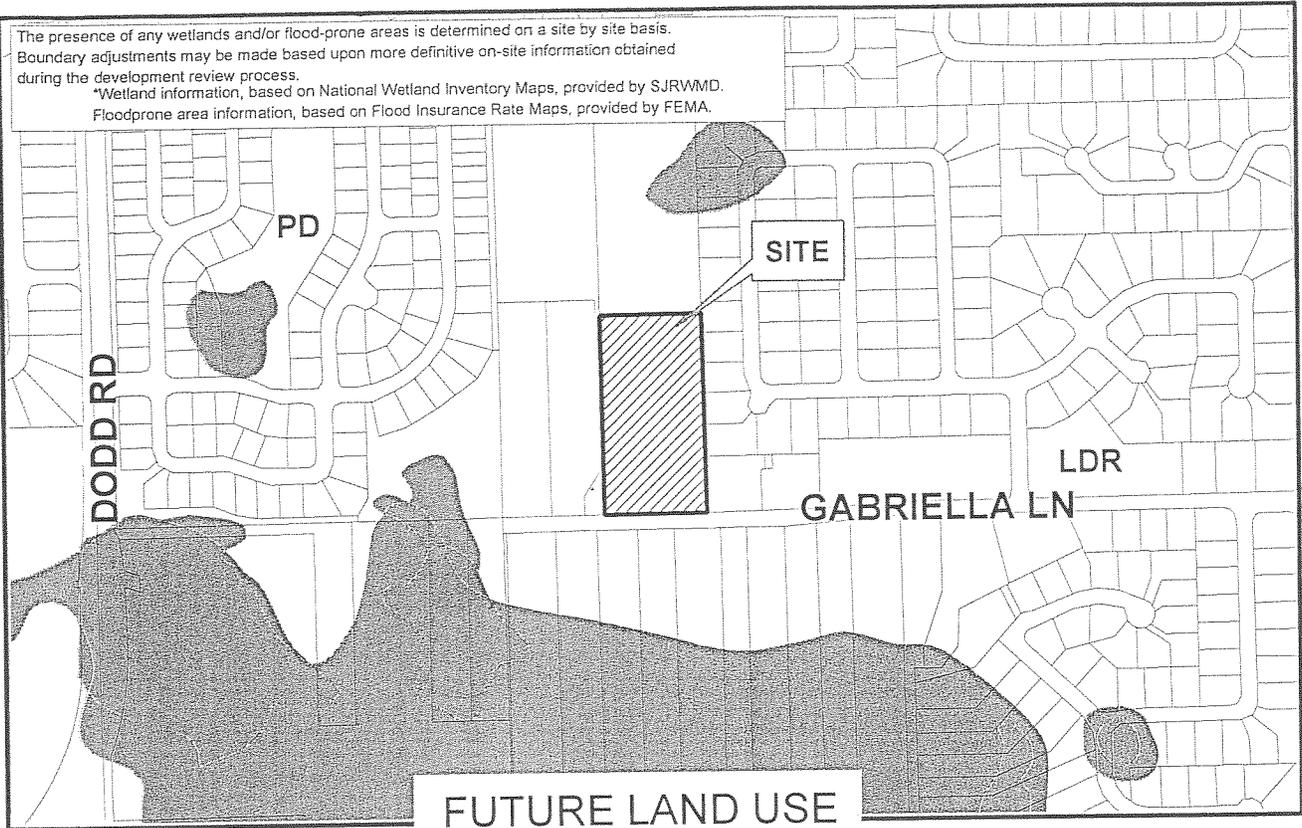
(SECTION TWO)

Celery Avenue Administrative Large Scale Comprehensive Plan Amendment; Seminole County; Administrative Large Scale Comprehensive Plan Amendment From Suburban Estates (SE) To Mixed Development (MXD); Located South Of Celery Avenue, Between SR 415 And Approximately 1373 Feet West Of Cameron Avenue 02F.ADM01 (Z2002-017)

Commissioner McLain - District 5
Matthew West, Planning Manager

Mr. West stated that this is an administrative land use amendment. In June 2002, the Board of County Commissioners directed the planning staff to process two *administrative land use amendments for the Celery Avenue Corridor Area*. The first area, known as Section One, comprising approximately 538 acres, is an administrative land use amendment request from Suburban Estates to Low Density Residential. The remaining 94 acres, known as Section Two, is an administrative land use amendment request from Suburban Estates to Mixed Development.

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.

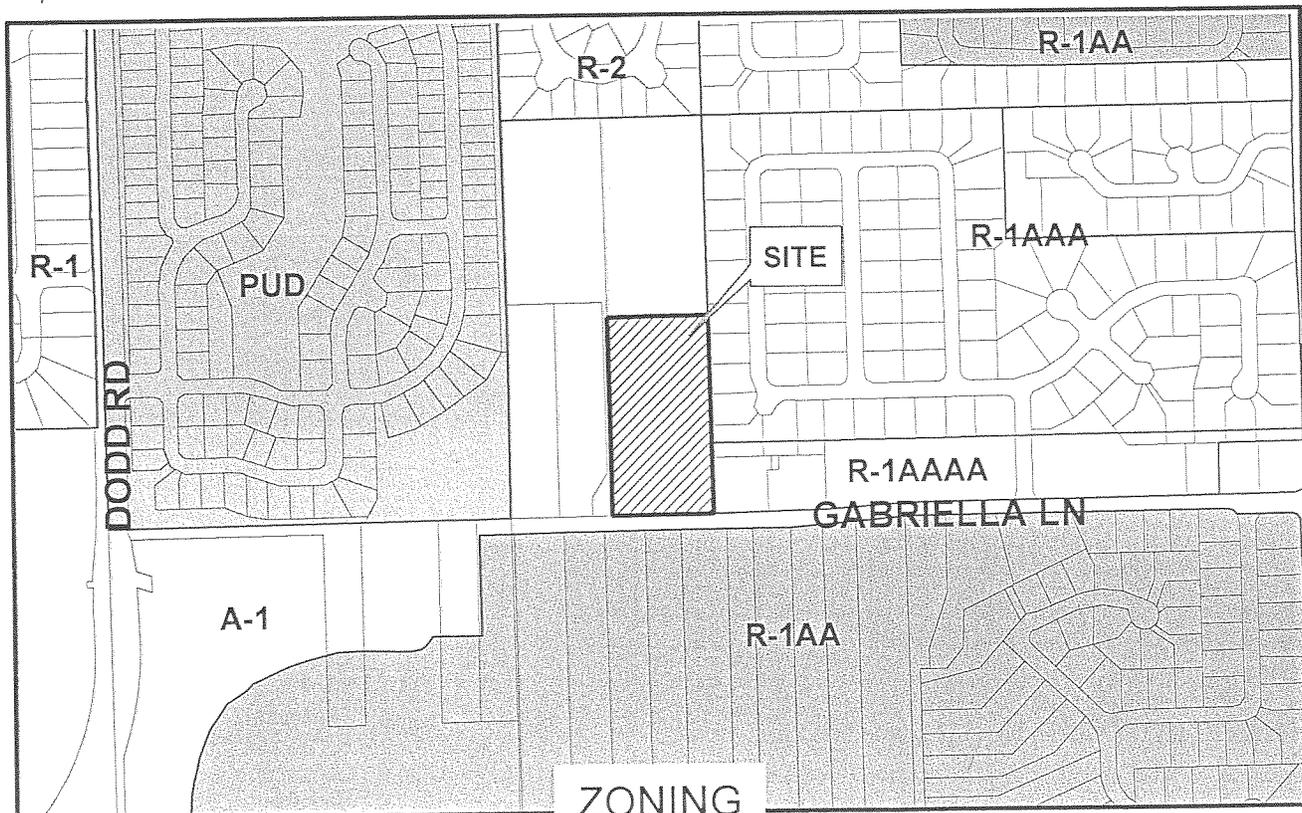


FUTURE LAND USE

Site
 LDR
 PD
 CONS

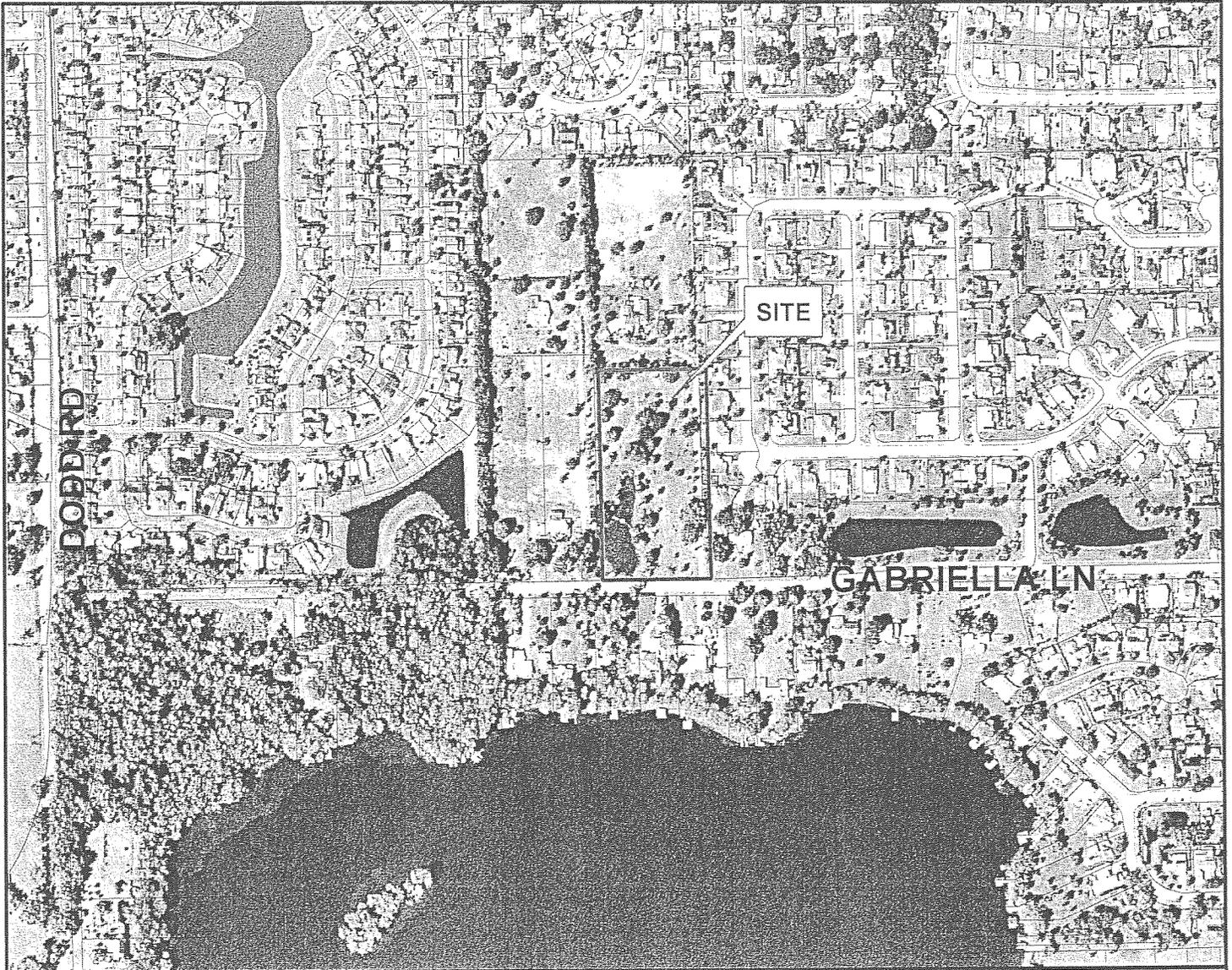
Applicant: Jay Barfield
 Physical STR: 25-21-30-300-028B-0000
 Gross Acres: 5.10 BCC District: 1
 Existing Use: Vacant
 Special Notes: None

| | Amend/ Rezone# | From | To |
|--------|-------------------|------|--------|
| FLU | -- | -- | -- |
| Zoning | Z2003-022 | A-1 | R-1AAA |



ZONING

Site
 A-1
 PUD
 R-1
 R-1AA
 R-1AAA
 R-1AAAA
 R-2



Rezone No: Z2003-022

From: A-1 To: R-1AAA

 Parcel

 Subject Property



NOT TO SCALE

February 1999 Color Aerials