

Item # 52

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Vihlen Road Rezone, Rezone from A-1 (Agriculture) to R-1A (Single Family Dwelling District). (Robert Dollard, applicant)

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

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

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| Agenda Date <u>9/09/03</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 a rezoning from A-1 (Agriculture) to R-1A (Single Family Dwelling District) on approximately 3 acres located on the east side of Vihlen Road, ½ mile north of CR-46A, (Robert Dollard, applicant); or
2. Enact an ordinance to APPROVE a rezoning from A-1 (Agriculture) to R-1AA (Single Family Dwelling District) on approximately 3 acres located on the east side of Vihlen Road, ½ mile north of CR-46A, (Robert Dollard, applicant); or
3. DENY the request for rezoning from A-1 (Agriculture) to R-1A (Single Family Dwelling District), (Robert Dollard, applicant); or
4. CONTINUE the public hearing until a time and date certain.

(District 5 – Comm. McLain)

(Jeff Hopper, Senior Planner)

BACKGROUND:

The applicant, Robert Dollard, requests approval of R-1A zoning on a 3-acre site on Vihlen Road north of CR 46-A. 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 a zoning classification of R-1A.

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| Reviewed by: <u>Kec</u> Co Atty: _____ DFS: _____ OTHER: <u>MW</u> DCM: <u>SW</u> CM: <u>Kb</u> File No. <u>ph700pdp01</u> |
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PLANNING & ZONING COMMISSION RECOMMENDATION:

On July 23, 2003 the Planning & Zoning Commission voted 6-0 to recommend DENIAL of the requested R-1A and instead recommend R-1AA on the entirety of the applicant's 4.02 acre property, of which the easterly 170 feet is currently zoned R-1A.

Note: Since the P & Z hearing date, the applicant has withdrawn the east 170 feet of the subject property, currently zoned R-1A, from this request.

STAFF RECOMMENDATION:

Staff recommends approval of the R-1A classification as requested by the applicant based on the site meeting the criteria established by the Vision 2020 Plan and compatibility with adjacent properties.

VIHLEN ROAD REZONE

| REQUEST INFORMATION | |
|----------------------------|---|
| APPLICANT | Robert Dollard |
| PROPERTY OWNER | Robert Dollard |
| REQUEST | Rezone from A-1 (Agriculture) to R-1A (Single Family Dwelling District) |
| HEARING DATE(S) | P&Z: July 23, 2003 BCC: September 9, 2003 |
| PARCEL # | 33-19-30-5AF-0120 |
| LOCATION | East side of Vihlen Road, ½ mile north of CR-46A |
| FUTURE LAND USE | Low Density Residential (LDR) |
| FILE NUMBER | Z2003-021 |
| COMMISSION DISTRICT | District 5 (McLain) |

OVERVIEW

The applicant, Robert Dollard, requests approval of R-1A zoning on a 3-acre site on Vihlen Road north of CR 46-A. 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-1A.

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. A substantial portion of the analysis area adjoining this request is A-1, with a significant quantity of R-1A adjacent to the east. The analysis yielded a weight rating of 7.56, which corresponds to the R-1A district, with a minimum lot size requirement of 9,000 square feet.

Approximately one-quarter of the applicant’s 4.02-acre site already lies within the requested R-1A district, adjacent to a developed subdivision in R-1A to the east. (This portion of the site was part of the applicant’s original request, but has since been withdrawn from consideration.) The site is on a paved road and has access to water and sewer service, meeting the public facility criteria established by the Vision 2020 Plan for the LDR land use designation. Nearby property to the north in the City of Sanford will be developed under R-1A criteria or the equivalent. Finally, the applicant’s site lies in proximity to Idyllwilde Elementary on the west side of Vihlen Road, an existing use of

significant intensity. Along with the lot compatibility analysis, these factors could justify the requested R-1A classification.

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

| | Zoning | Future Land Use | Existing Land Use |
|-------|----------|-----------------|----------------------|
| North | A-1/R-1A | LDR | single family |
| South | A-1/R-1A | LDR | single family |
| East | R-1A | LDR | vacant/single family |
| West | A-1 | PUB/ LDR | single family/school |

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. (Applicant has submitted a Concurrency Review Deferral Affidavit.)
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. Utilities Inc. will provide water and sewer service to the site.
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-1A zoning classification is compatible with the Low Density Residential land use designation.

School impacts: Impacts of the development on public schools will be minimal, according to the Seminole County School Board representative appointed to the Local Planning Agency.

PLANNING & ZONING COMMISSION RECOMMENDATION:

On July 23, 2003 the Planning & Zoning Commission voted 6-0 to recommend DENIAL of the requested R-1A and instead recommend R-1AA on the entirety of the applicant's 4.02 acre property, of which the easterly 170 feet is currently zoned R-1A.

Note: Since the P & Z hearing date, the applicant has withdrawn the east 170 feet of the subject property, currently zoned R-1A, from this request.

STAFF RECOMMENDATION

Staff recommends approval of the R-1A classification as requested by the applicant based on the site meeting the criteria established by the Vision 2020 Plan and compatibility with adjacent properties.

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-1A (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 "Vihlen Road 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 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 9th day of September, 2003.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

EXHIBIT A
LEGAL DESCRIPTION

N 1/2 + N 47.5 FT OF S 1/2 (LESS W 10 FT) OF LOT 12 NEW UPSALA

PB 1 PG 67

Less and except the east 170 feet thereof.

MINUTES OF THE SEMINOLE COUNTY
LPA/P&Z COMMISSION
JULY 23, 2003
6:00 P.M.

Members present: Ben Tucker, Beth Hattaway, Thomas Mahoney, Dudley Bates, Chris Dorworth, Alan Peltz

Absent: Richard Harris

Also present: Matt West, Planning Manager, Don Fisher, Manager of Planning and Development Division, Karen Consalo, Assistant County Attorney, Tony Matthews, Principal Planner, Dick Boyer, Senior Planner, and Candace Lindlaw-Hudson, Sr. Staff Assistant.

E. Vihlen Road Rezone; Robert Dollard, applicant; 4.02 acres; Rezone from A-1 and R-1A to all R-1A; located on the east side of Vihlen Road, ½ mile north of CR-46A (Z2003-021)

Commissioner McLain – District 5
Jeff Hopper, Senior Planner

Mr. Hopper stated that the applicant, Robert Dollard, requests approval of R-1A zoning on a 4.02-acre site on Vihlen Road north of CR 46-A. 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 a zoning classification of R-1AA. Mr. Hopper stated that staff recommendation was for approval of the requested R-1A classification per the staff report.

Robert Dollard stated that there are three homes on the property now. The small home on the front will be demolished. The houses on the northwest and southeast corner will be repaired. A small neighborhood of houses will be better than what is there now. The oak trees will be preserved on the site as much as possible. He wants to have lots sold individually, with different builders.

Sid Vihlen of 520 Vihlen Road stated that he was in opposition. He is not opposed to development here. However, R-1A is not compatible to the area. The area was developed years ago with ½ to 5 acre lots. The average lot is 1.62 acres. There are 2,700 square foot houses in the area. There are no more areas to be developed nearby. The R-1A Ravena Park subdivision is isolated from Vihlen Road. Lots have been built out and buffered for many years. The development to the north is Kays Landing. This is being planned. The entrance

will be at the other end of Vihlen Road. He suggests that R-1AAA is better here. He requests that this be denied.

Terry Salzberg of 378 S. Country Club Road spoke on behalf of his parents who own adjacent property off of Tall Tree Lane. They are concerned about the easement road to the south.

Sharon Carter of 3214 Tall Tree Lane said that she lives across from the site and is not opposed to development. She is concerned with the drainage problem in the area. This property in question is 1.5 feet lower than her property. The properties would have to be hooked up to central water and sewer. R-1A is too intense. R-1AAA is more compatible. She would like to see a natural vegetative buffer rather than the wall.

In rebuttal, Mr. Dollard said that Tall Tree Lane cannot be used for access. No trees will be touched in the buffers. The front on Vihlen Road is all that would be seen. The County has stated that they must have sewers and water.

Commissioner Tucker questioned the paving of the road.

Mr. Vihlen said that the staking in the area was done by Kays Landing.

Commissioner Mahoney stated that keeping trees on a property under development is a very difficult thing. Each lot must be designed to drain in a certain way. Trees are taken off because of drainage. He also believes that R-1A is too intense for the area. Vihlen Road is not an R-1A neighborhood. He cannot recommend R-1A.

Commissioner Mahoney made a motion to recommend denial of R-1A zoning. We could support R-1AA zoning.

Commissioner Hattaway seconded the motion.

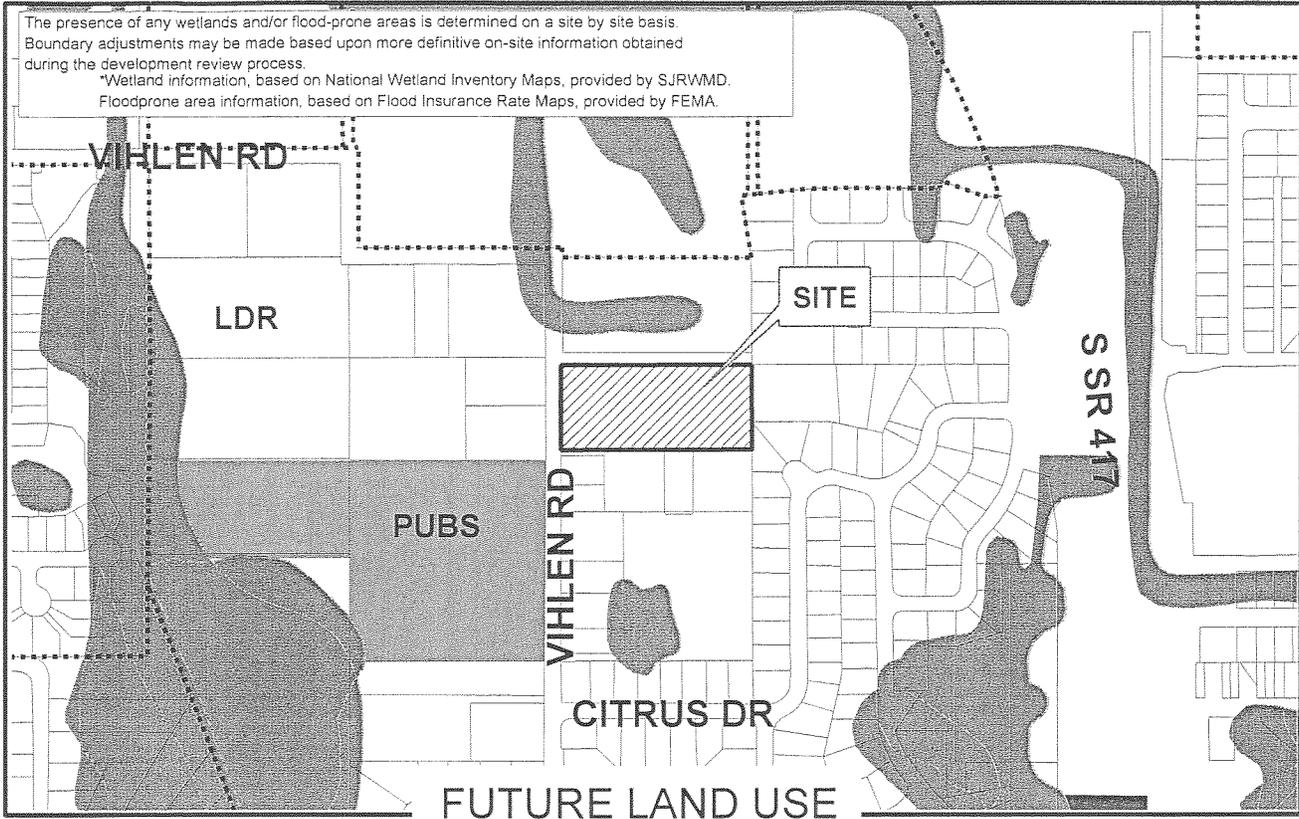
Commissioner Tucker reviewed the criteria for R-1A. His concern is for the house size.

Commissioner Mahoney stated that the old houses on the site will probably have to go. R-1AAA will probably be achieved here in house size. No one builds 1,300 square foot houses in an area like this.

Matt West noted that the eastern 170 feet of the site has R-1A zoning.

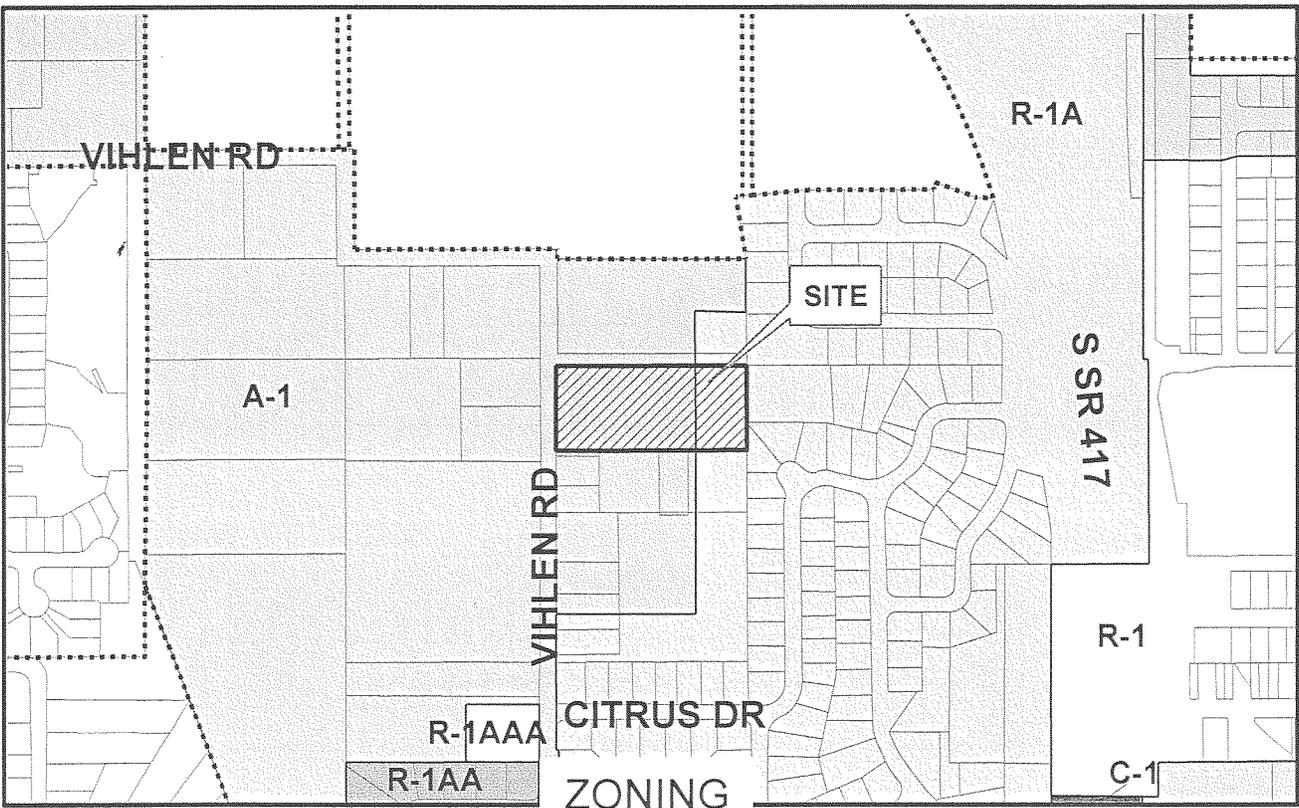
Commissioner Mahoney stated that the intent of his motion is that the entire site should be R-1AA zoning.

The motion passed by unanimous consent.



Applicant: Robert Dollard
 Physical STR: 33-19-30-5AF-0000-0120
 Gross Acres: 4.020 BCC District: 5
 Existing Use: Single Family Residential
 Special Notes: None

| | Amend/ Rezone# | From | To |
|--------|-------------------|----------|------|
| FLU | -- | -- | -- |
| Zoning | Z2003-021 | A-1/R-1A | R-1A |





Rezone No: Z2003-021
From: A-1/R-1A To: R-1A

-  Parcel
-  Subject Property



NOT TO SCALE

February 1999 Color Aerials