

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

[CONTINUED FROM 8/23/05 DUE TO ADVERTISING ISSUES]

SUBJECT: Reserve at Slavia, Large Scale Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR); (Michael Holbrook, applicant).

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

AUTHORIZED BY: Dan Matthys **CONTACT:** Jeff Hopper **EXT** 7431

Agenda Date <u>9/13/05</u>	Regular <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. TRANSMIT the request for Large Scale Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) to the State for review, per the attached Staff report; on 23.48 acres located on the north side of Slavia Road, 0.3 miles east of Red Bug Lake Road (Michael Holbrook, applicant); or
2. DENY the request for Large Scale Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR); on 23.48 acres located on north side of Slavia Road, 0.3 miles east of Red Bug Lake Road (Michael Holbrook, applicant); or
3. CONTINUE the public hearing until a time and date certain.

(District 1 – Comm. Dallari)

(Jeff Hopper, Senior Planner)

BACKGROUND:

The applicant is requesting a change in future land use designation from Low Density Residential (LDR) to Medium Density Residential (MDR). The proposed land use amendment would permit residential development at a maximum density of 10 dwelling units per net buildable acre. According to the future land use map, the property is entirely in the Conservation Overlay, indicating the presence of wetlands and/or flood prone areas on the site. Since the County can only approve development at or above the 100-year flood elevation, it is likely that there will be substantial restrictions to development of the site. The applicant is aware of the potential restrictions and has elected to move forward with the requested future land use amendment.

Reviewed by:	<u>KJR</u>
Co Atty:	<u>KJR</u>
DFS:	<u> </u>
OTHER:	<u> </u>
DCM:	<u> </u>
CM:	<u> </u>
File No. <u>ph130pdp05</u>	

The applicant intends to construct townhouses on the property, but has not yet submitted a rezone application. As part of a rezone application, the applicant will be required to provide adequate engineering data to demonstrate that significant portions of the site meet County regulations regarding net buildable area, and what the resulting impact might be from developing any uplands.

STAFF RECOMMENDATION:

Staff recommends TRANSMITTAL of the requested large scale land use amendment to the State of Florida for review.

LAND PLANNING AGENCY (LPA) RECOMMENDATION:

On July 13, 2005 the LPA voted 5-0 to recommend TRANSMITTAL of the request per staff recommendation.

ATTACHMENTS:

Staff report
Location Map
Future Land Use/Zoning Maps
Aerial Photograph
7/13/05 LPA minutes

Reserve at Slavia
Large Scale Land Use Amendment
Staff Report

**Low Density Residential (LDR) to
 Medium Density Residential (MDR)**

**Amendment
 (Z2005-016,
 05F.FLU01)**

REQUEST

APPLICANT	Michael Holbrook / Bowyer Singleton
PLAN AMENDMENT	Low Density Residential (LDR) to Medium Density Residential (MDR)
REZONING	NA
APPROXIMATE GROSS ACRES	23.48
LOCATION	north side of Slavia Road, 0.3 miles east of Red Bug Lake Road
BCC DISTRICT	1, Dallari

RECOMMENDATIONS AND ACTIONS

LPA RECOMMENDATION July 13, 2005	The LPA voted 5-0 to recommend TRANSMITTAL of the request per staff recommendation.
STAFF RECOMMENDATION September 13, 2005	Staff recommends TRANSMITTAL of the requested large scale land use amendment from LDR to MDR to the State for review.

STAFF ANALYSIS

Low Density Residential (LDR) to Medium Density Residential (MDR)

**Amendment
(Z2005-016,
05F.FLU01)**

1. **Property Owners:** John A. Jakubcin
David G. Jakubcin
Billy C. Schamp

2. **Tax Parcel Numbers:** 16-21-31-5CA-0000-0370
16-21-31-5CA-0000-0380
16-21-31-5CA-0000-0390

3. **Development Trends:** The subject property lies in a rapidly developing area consisting of a mixture of single family, multi-family and commercial development, all lying within a quarter mile to the north, west and south of the site (SR 417 is adjacent to the east). The proposed density of up to 10 units per net buildable acre is comparable in intensity with nearby existing commercial development fronting on Red Bug Lake Road. It is a similar density to an existing multi-family development on the south side of Slavia Road.

SITE DESCRIPTION

1. **EXISTING AND PERMITTED USES:** The future land use designation of LDR, currently assigned to the subject property, permits single family residential, as well as supporting uses, at a maximum density of 4 units per net buildable acre.

(North)			
PD/COMM vacant <i>C-2/PUD</i>	PUBLIC/LDR Vacant <i>A-1</i>	SR 417/ GREENEWAY	
PD/PUBC Vacant PUD	LDR (subject site) Vacant <i>A-1</i>	SR 417/ GREENEWAY	
LDR/HDR Slavia Rd/Multi Family PUD	LDR Slavia Rd/Vacant <i>A-1</i>	Slavia Rd/ SR 417/ GREENEWAY	
(South)			

* See enclosed future land use and zoning maps for more details.

COMPREHENSIVE PLAN CONSISTENCY

2. PLAN PROGRAMS - Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction. Each application for a land use designation amendment will include a description and evaluation of any Plan programs (such as the effect on the timing/financing of these programs) that will be affected by the amendment if approved.

Summary of Program Impacts: The proposed amendment 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. The amendment request would not be in conflict with the Metroplan Orlando Plan or the Florida Department of Transportation's 5-Year Plan (Transportation Policy 14.1).

A. **Traffic Circulation - Consistency with Future Land Use Element:** *In terms of all development proposals, the County shall impose a linkage between the Future Land Use Element and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element (Transportation Policy 2.1).*

Primary access to the subject property is via Slavia Road, a local road connecting to Red Bug Lake Road, 0.3 miles to the west. Red Bug Lake Road is a 6-lane road classified as a Minor Arterial. The most recent available traffic count data indicate an operating level of service "C" on this segment of the road. The adopted Level of Service standard is "E".

B. **Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:** *Exhibits POT-1 and SAN-1 are the water and sewer service area maps for Seminole County.*

The subject property is within the Seminole County water and sewer service areas. Permitted water capacity for new development is limited by the consumptive use permit in the Southeast Service Area, but at this time capacity is available. Water and sewer service availability will be determined at the time of concurrency review.

C. **Public Safety – Adopted Level of Service:** *The County shall maintain adopted levels of service for fire protection and rescue...as an average response time of five minutes (Policy PUB 2.1).*

The property is served by the Seminole County EMS/Fire Station #27. Response time to the site is less than 5 minutes, which meets the County's average response time standard of 5 minutes.

4. **REGULATIONS** - The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Vision 2020 Plan, but are not applied in detail at this stage.

A. **Preliminary Development Orders: Capacity Determination:** *For preliminary development orders and for final development orders under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows...No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a determination having previously been made that the capacity of public facilities will be available in accordance with law (Policy IMP 2.4).*

It is difficult to assess the potential impact of the project since the net buildable acreage has not been established. A preliminary review of the availability of public facilities to serve this property indicates that there would be adequate facilities to serve this area, or that such facilities could be made available, and that the proposed Plan amendment would create no adverse impacts to public facilities. However, the applicant has elected to defer concurrency at this time, and final development rights are dependent upon the future availability of public facilities at the time of development.

B. **Flood Plain and Wetlands Areas - Flood Plain Protection and Wetlands Protection:** *The County shall implement the Conservation land use designation through the regulation of development consistent with the Flood Prone (FP-1) and Wetlands (W-1) Overlay Zoning classifications...(Policy FLU 1.2 and 1.3).*

Based on the Vision 2020 future land use map, the site lies entirely within the Conservation Overlay, indicating that the majority of the property, if not all of it, is wetland and/or flood prone. Because all development must be at or above the 100-year flood elevation, building restrictions on the site may be substantial. Prior to the adoption hearing, the applicant will have to provide technical information, supported by staff, indicating that at least some areas of the site are above the flood elevation and therefore capable of meeting the Land Development Code definition of net buildable acreage. To date, the applicant has not provided adequate documentation of this. The applicant is aware of the potential restrictions and has elected to move forward with the requested future land use amendment.

C. **Protection of Endangered and Threatened Wildlife:** *The County shall continue to require, as part of the Development Review Process, proposed development to coordinate those processes with all appropriate agencies and comply with the US Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission Rules as well as other applicable Federal and State Laws regarding protection of endangered and threatened wildlife prior to development approval (Conservation Policy 3.13).*

A threatened and endangered species report is required prior to final engineering approval for any proposed development on the subject property.

4. DEVELOPMENT POLICIES - Additional criteria and standards are also included in the Plan that describes when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the use, intensity, location, and timing of the proposed amendment.

A. **Compatibility:** *When the County's Future Land Use Map (FLUM) was developed in 1987, land use compatibility issues were evaluated and ultimately defined through a community meeting/hearing process that involved substantial public comment and input. When amendments are proposed to the FLUM, however, staff makes an initial evaluation of compatibility, prior to public input and comment, based upon a set of professional standards that include, but are not limited to criteria such as: (a) long standing community development patterns; (b) previous policy direction from the Board of County Commissioners; (c) other planning principles articulated in the Vision 2020 Plan (e.g., appropriate transitioning of land uses, protection of neighborhoods, protection of the environment, protection of private property rights, no creation of new strip commercial developments through plan amendments, etc.).*

The requested MDR future land use designation would allow for a maximum of 10 units per net buildable acre in an area with nearby development having similar densities and intensities. An existing apartment complex on property in High Density Residential (HDR) to the southwest is equivalent to the development potential the applicant is seeking on the subject property. To the west and north are lands in Commercial and Planned Development future land use. While conservation areas isolate the subject site from commercial development along Red Bug Lake Road, the proposed use is compatible with this type of development. Adjacent to the site on the east is SR 417, an expressway carrying large volumes of traffic. This facility may justify the higher intensity uses associated with MDR, as compared with the existing LDR designation.

Applicable Plan policies include, but are not limited to, the following:

Transitional Land Uses: *The County shall evaluate plan amendments to insure that transitional land uses are provided as a buffer between residential and non-residential uses, between varying intensities of residential uses, and in managing the redevelopment of areas no longer appropriate as viable residential areas. "Exhibit FLU: Appropriate Transitional Land Uses" is to be used in determining appropriate transitional uses. (Policy FLU 2.5)*

Due to the presence of wetlands and intervening properties, the subject property does not directly abut commercial future land use. In the event of multi-family development on this site, the Land Development Code will require buffers adjacent to properties in the Low Density Residential (LDR) future land use. The developer will address the extent and design of such buffers during the rezone process.

Other applicable plan policies include:

*FLU 2.1 Subdivision Standards.
FLU 5.5: Water and Sewer Service Expansion
MDR Future Land Use Definition*

B. Concurrency Review - Application to New Development: *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public facilities level of service standards and schedules of capital improvements...shall be applied and evaluated...consistent with policies of the Implementation Element... (Capital Improvements Policy 3.2).*

This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued only if public facilities meeting the adopted LOS are available or will be available concurrent with the development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, or any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order. The applicant has elected to defer concurrency review until the time of final engineering.

Intergovernmental Notice Process: Staff sent an Intergovernmental Notice of the proposed future land use amendment to the Seminole County School Board on July 14, 2005. At this time, the full development potential is unknown. Therefore, school impacts will be determined at the time of rezoning and/or final engineering approval.

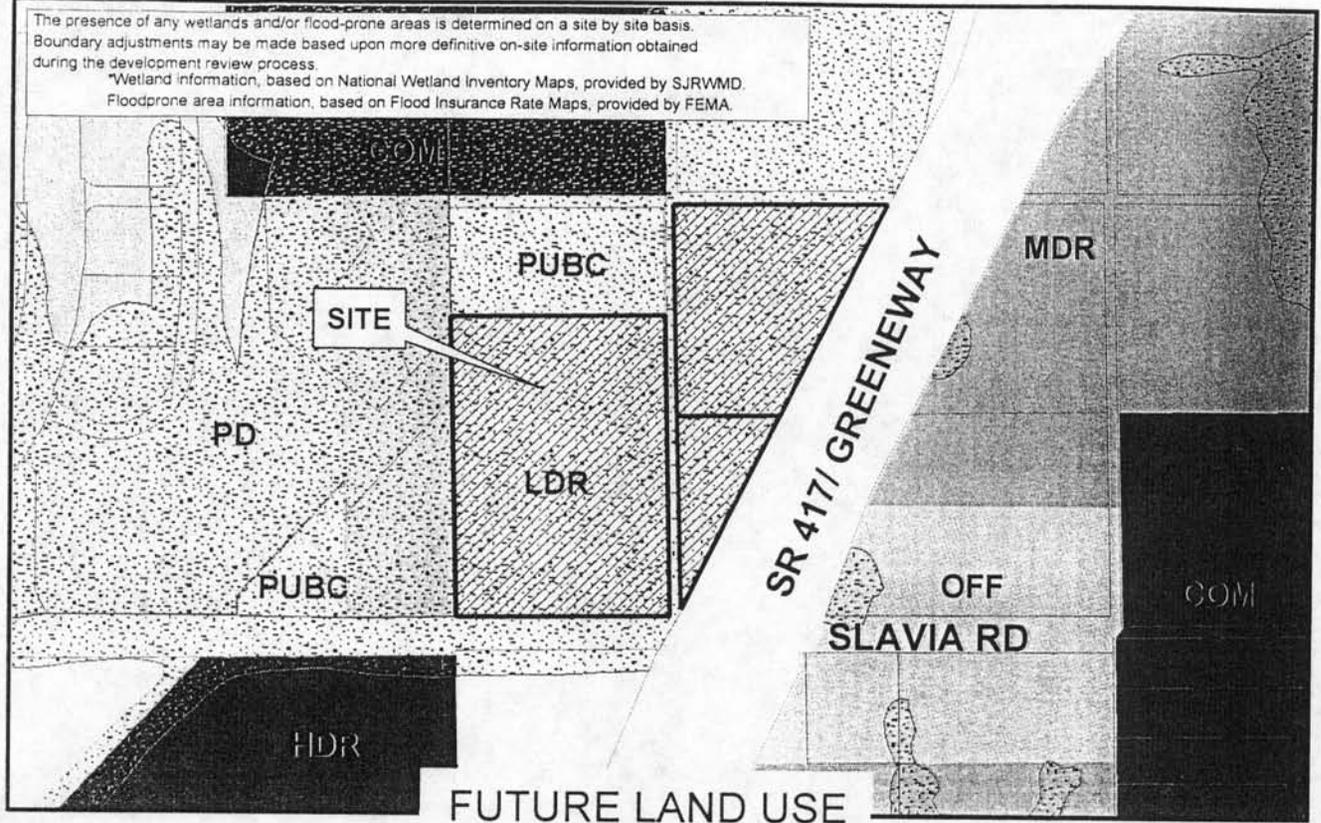
STAFF RECOMMENDATION:

Staff recommends TRANSMITTAL of the requested large scale land use amendment from LDR to MDR to the State for review.

LAND PLANNING AGENCY (LPA) RECOMMENDATION:

On July 13, 2005 the LPA voted 5-0 to recommend TRANSMITTAL of the request per staff recommendation.

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.
 Flood-prone area information, based on Flood Insurance Rate Maps, provided by FEMA.

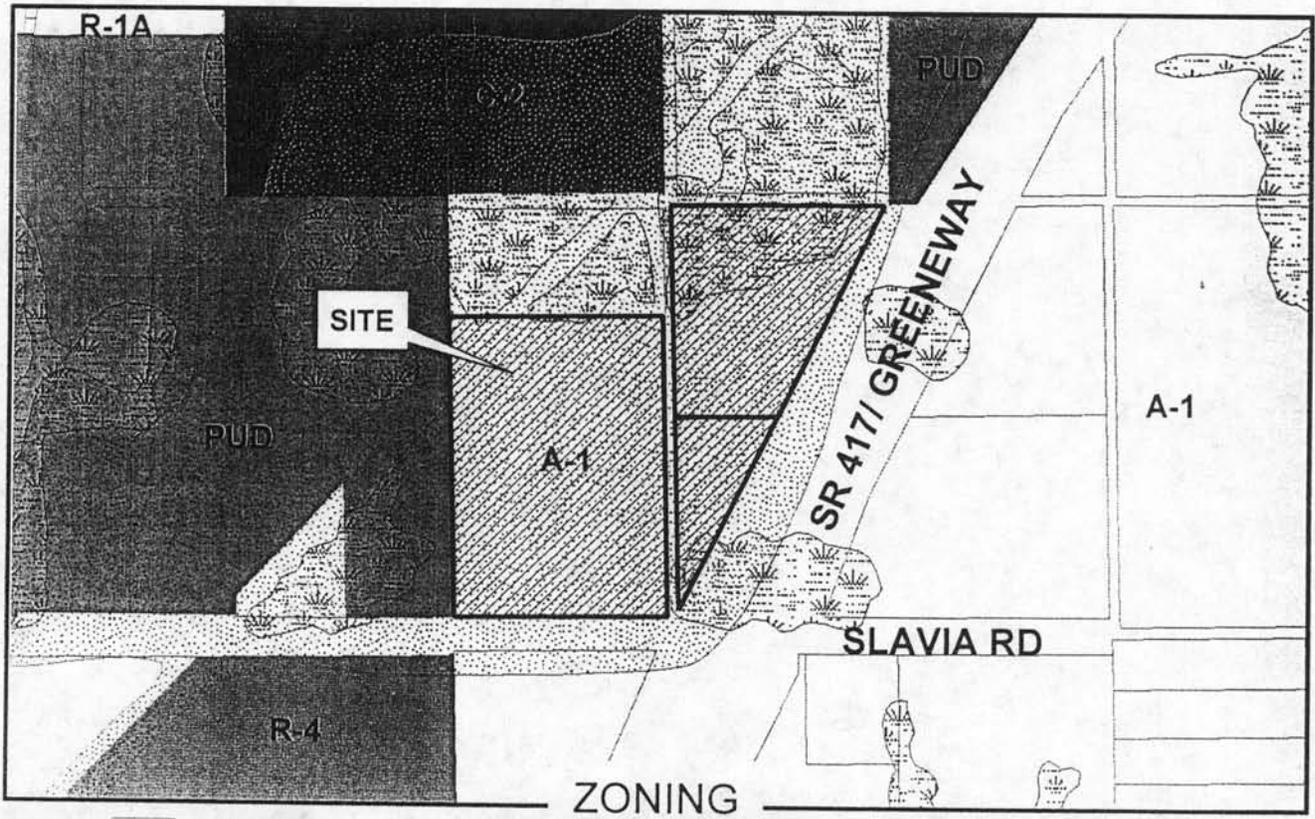


FUTURE LAND USE



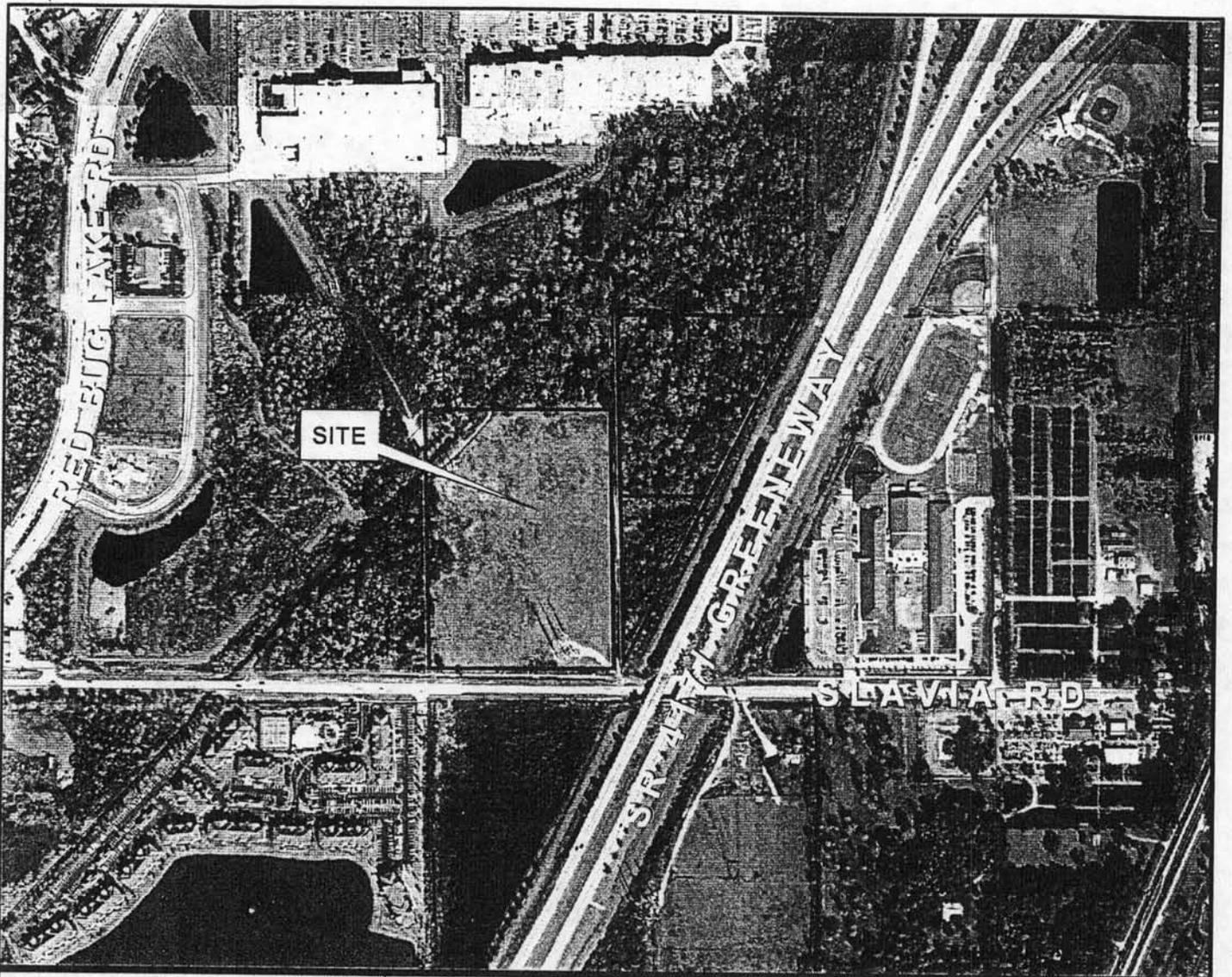
Applicant: Michael Holbrook
 Physical STR: 16-21-31-5CA-0000-0370, 0380, 0390
 Gross Acres: 23.48 +/- BCC District: 1
 Existing Use: Vacant
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	05F-FLU01	LDR	MDR
Zoning	Z2005-016	-	-



ZONING



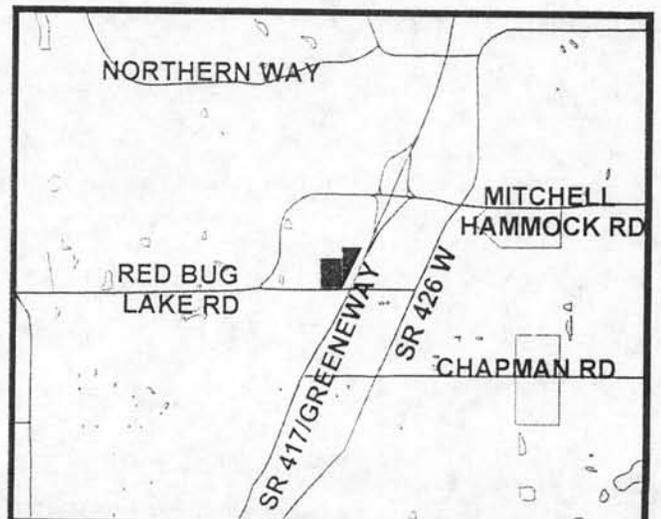


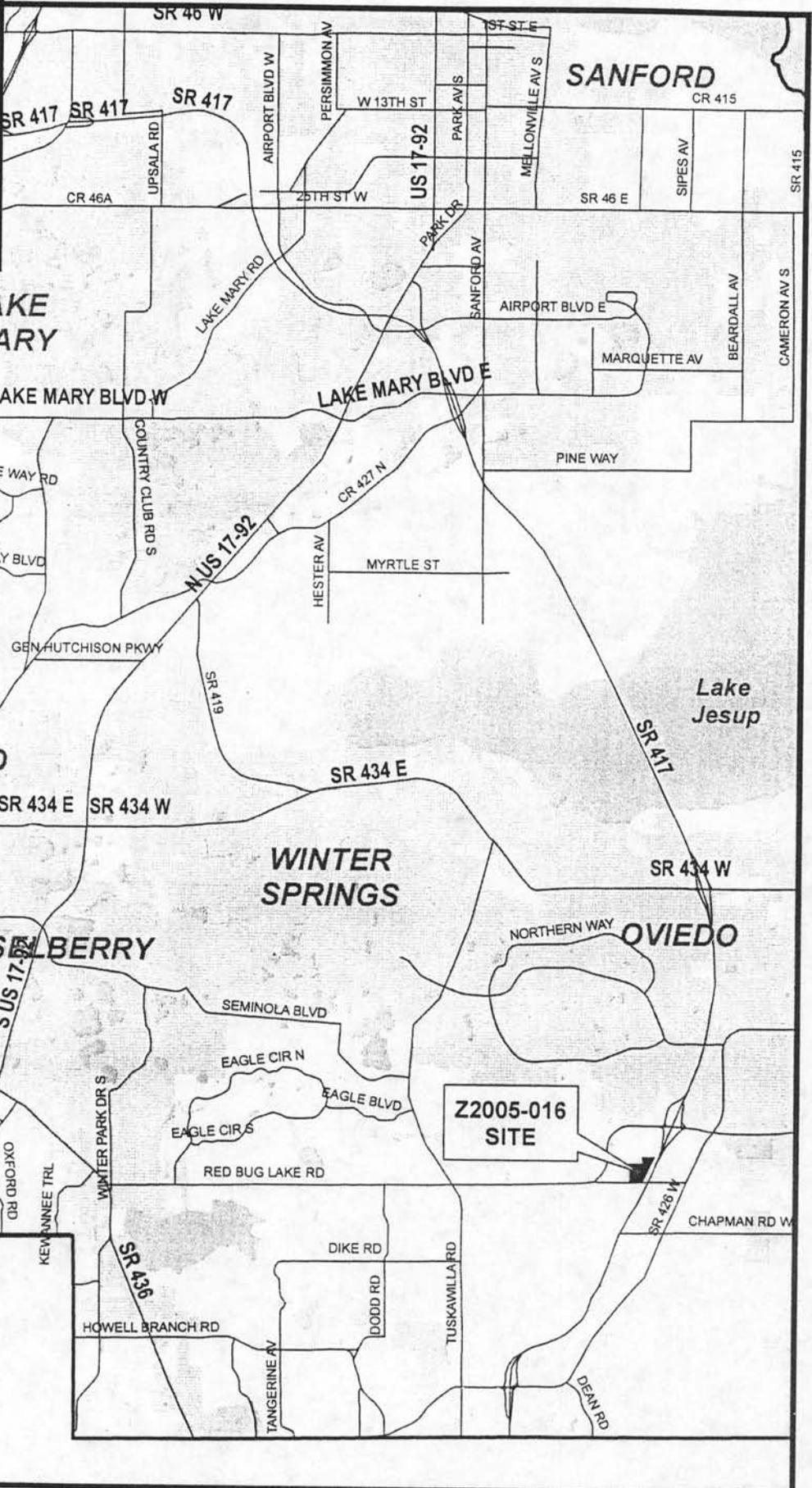
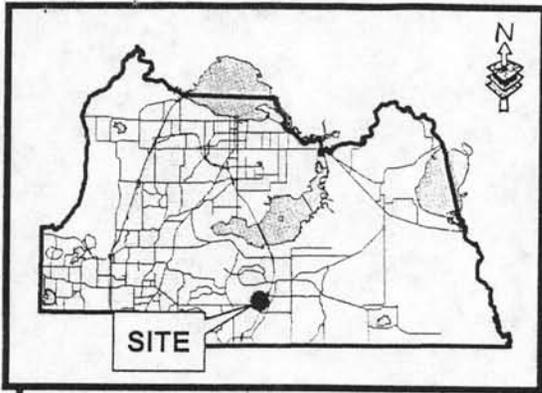
Amendment No: 05F.FLU01
 From: LDR To: MDR

Parcel
 Subject Property



January 2004 Color Aerials





**MINUTES FOR THE SEMINOLE COUNTY LAND PLANNING
AGENCY/PLANNING AND ZONING COMMISSION
JULY 13, 2005**

Members Present: Beth Hattaway, Dudley Bates, Walt Eismann, Matthew Brown, Richard Harris

Member absent: Ben Tucker (Note: The Commission is short one member due to the resignation of one commissioner.)

Also present: Matt West, Planning Manager; Tony Walter, Assistant Planning Manager; Dan Matthys, Director of Planning and Development; Jeffrey Hopper, Senior Planner; Tony Matthews, Principal Planner; Rebecca Hammock, Principal Planner; Kimberley Romano, Assistant County Attorney; Tom Radzai, Senior Engineer; Jerry McCollum, County Engineer, and Candace Lindlaw-Hudson, Senior Staff Assistant.

E. Reserve At Slavia; Mike Holbrook, Bowyer Singleton & Associates, applicant; approximately 23 acres; Large Scale Land Use Amendment from LDR (Low Density Residential) to MDR (Medium Density Residential); located on north side of Slavia Road, 0.3 mile east of Red Bug Lake Road. (Z2005-016/05F.FLU01)

Commissioner Dallari – District 1
Jeff Hopper, Senior Planner

Mr. Hopper said that the proposed land use amendment from LDR to MDR would permit residential development at a maximum density of 10 dwelling units per net buildable acre. The applicant intends to construct townhouses on the property, but has not yet submitted a rezone application.

According to the future land use map, the entire subject property is in the Conservation Overlay, indicating the presence of wetlands and/or flood prone areas on the site. Since the County can only approve development permits at or above the 100-year flood elevation, it is likely that there will be substantial restrictions to development of the site. As part of the upcoming rezone application, the applicant will need to provide adequate technical information, supported by Staff, to indicate that at least some areas of the site are above the flood elevation.

Staff recommends transmittal of the requested Large Scale Land Use Amendment to the State of Florida for review, but does not recommend adoption of the amendment until the applicant demonstrates the proposal's impacts with regard to the Conservation Overlay (showing that significant areas are buildable).

Commissioner Brown asked if the State treats a project differently if 50 % of the site is not buildable. Should the board hesitate based on that?

Mr. Hopper stated that the applicant is in the process of developing information on the property which will be explained by Development Review. The state of Florida will be less than enthusiastic on rezoning property that is entirely within the wetlands which is low lying. We are recommending transmittal to send it forth in the State process.

Commissioner Harris asked about the wetlands to the west and north. Is the northwest corner of the property a highland, cut off by the wetlands?

Tom Radzai, Senior Engineer with Development Review, stated that the northwest corner is the Bear Gully Canal, which severs the wetlands. There are powerlines out there also.

Commissioner Harris asked how the traffic will access Slavia Road.

Mr. Hopper stated that the project fronts directly on Slavia Road. That is the access. There is no access from the Greenway to Slavia Road. It passes under the Greenway.

Matt West stated that there is no plan to show now. It will come in with the zoning.

Ray Braddock of Bowyer, Singleton, and Associates stated that the flooding data is not current. He will get a map amendment done with FEMA. This will come back in December. He knows how much of the property is wetlands; a major portion is not flood prone. Mr. Braddock requested that the commissioner let the project keep moving forward.

No one spoke from the floor.

Commissioner Brown made a motion to recommend transmittal to the State.

Commissioner Harris seconded the motion.

The motion passed unanimously.