

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: BROOKS LANE REZONE

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Donald S. Fisher CONTACT: April Boswell *AB* EXT. 7339

Agenda Date <u>9/26/06</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** the request to rezone 15.6 ± acres, located on the west side of Brooks Lane approximately 0.42 miles south of Red Bug Lake Road, from A-1 (Agriculture) to R-1AAA (Single-Family Dwelling), subject to the attached Development Order and authorize the Chairman to execute the aforementioned document and rezone ordinance based on staff findings, (Jay Barfield); or
2. **DENY** the request to rezone 15.6 ± acres, located on the west side of Brooks Lane approximately 0.42 miles south of Red Bug Lake Road, from A-1 (Agriculture) to R-1AAA (Single-Family Dwelling), (Jay Barfield, applicant); or
3. **CONTINUE** the item to a time and date certain.

District #1 – Commissioner Dallari

April Boswell, Assistant Planning Manager

BACKGROUND:

The applicant is requesting to rezone 15.6 ± acres located on the west side of Brooks Lane, approximately 0.4 miles south of Red Bug Lake Road, from A-1 (Agriculture) to R-1AAA (Single-Family Dwelling), in order to develop a single-family subdivision. R-1AAA (Single-Family Dwelling) requires a minimum lot size of 13,500 sq. ft. The Future Land Use Designation of the subject property is Low Density Residential (LDR), which allows the requested zoning district. The Seminole County Land Development Code (LDC) requires the application of the Weighted Method for Determining Single-family Residential Compatibility in the Low Density Residential future land use designation. Staff conducted the lot size compatibility analysis, as required by Section 30.1380.3 of the Land Development Code and Policy FLU 2.10 of the Vision 2020 Comprehensive Plan, and

Reviewed by:	<i>KFT</i>
Co Atty:	
DFS:	
Other:	
DCM:	<i>[Signature]</i>
CM:	<i>[Signature]</i>
File No.	<u>PA1302DF02</u>

determined that the analysis supports the requested R-1AAA zoning classification. The subject site is located between a single-family PUD with minimum lot sizes of 9,000 sq. ft and a single-family subdivision with R-1AAA zoning.

At the July 25, 2006 Board of County Commissioners hearing, the Board considered and denied a rezoning request that included the two southern parcels in this application. The rezoning request before the Board now is different from the July 25, 2006 request as the applicant is seeking the R-1AAA (13,500 sq. ft. minimum lot size) zoning classification instead of the R-1AA (11,700 sq. ft. minimum lot size) zoning classification, and an additional 5.4 ± acres is included as part of the request.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

At the September 6, 2006 Planning and Zoning Commission meeting, the Commission voted 3-2 to recommend DENIAL of the request to rezone 15.6 ± acres, located on the west side of Brooks Lane approximately 0.4 miles south of Red Bug Lake Road, from A-1 (Agriculture) to R-1AAA (Single-Family Dwelling).

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone 15.6 ± acres, located on the west side of Brooks Lane approximately 0.4 miles south of Red Bug Lake Road, from A-1 (Agriculture) to R-1AAA (Single-Family Dwelling).

Attachments:

Staff Report
School District Capacity Analysis
Location Map
Zoning & Future Land Use Map
Aerial Map
Rezone Ordinance
Development Order
Minutes from the September 6, 2006 Planning and Zoning Commission meeting
Letter of Opposition

Brooks Lane Rezone

Rezone from A-1 to R-1AAA

APPLICANT	Jay Barfield
PROPERTY OWNER	Edwin Fernandez, Vissette, Walid & Cassia Akkwi, Mary Cina
REQUEST	Rezone from A-1 (Agriculture) to R-1AAA (Single-Family Dwelling)
PROPERTY SIZE	15.6 ± acres
HEARING DATE (S)	P&Z: September 6, 2006 BCC: September 26, 2006
PARCEL ID	19-21-31-300-0080-0000, 19-21-31-300-008E-0000, 19-21-31-300-008B-0000
LOCATION	West side of Brooks Lane approximately 0.4 miles south of Red Bug Lake Road.
FUTURE LAND USE	LDR (Low Density Residential)
ZONING	A-1 (Agriculture)
FILE NUMBER	Z2006-53
COMMISSION DISTRICT	#1 – Dallari

Proposed Development:

The applicant is requesting to rezone 15.6 ± acres from A-1 (Agriculture) to R-1AAA (Single-Family Dwelling), in order to develop a single-family subdivision.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant is requesting to rezone 15.6 ± acres located on the west side of Brooks Lane approximately 0.4 miles south of Red Bug Lake Road from A-1 (Agriculture) to R-1AAA (Single-Family), in order to develop a single-family subdivision. The R-1AAA zoning requires a minimum lot size of 13,500 sq. ft. The Future Land Use designation of the subject property is LDR (Low Density Residential), which allows single-family residential. The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested zoning district of R-1AAA (Single-Family).

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (R-1AAA)
Minimum Lot Size	43,560 square feet	13,500 square feet
Minimum House Size	N/A	1,600 square feet
Minimum Width at Building Line	150 feet	100 feet
Front Yard Setback	50 feet	25 feet
Side Yard Setback	10 feet	10 feet
(Street) Side Yard Setback	50 feet	25 feet
Rear Yard Setback	30 feet	30 feet
Maximum Building Height	35 feet	35 feet

PERMITTED & SPECIAL EXCEPTION USES:

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

Uses	A-1 (existing)	R-1AAA (proposed)
Permitted Uses	Single-family detached, agricultural uses such as citrus or other fruit crops cultivation, production and horticulture, truck farms, plant nurseries and greenhouses not involved with retail sales to the general public, silva culture, public and private elementary schools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns, single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses, churches and structures appurtenant thereto, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.	Single-Family dwelling units, Community residential homes (group homes and foster care facilities), public and private elementary schools, and home office.
Special Exception Uses	Special Exception such as cemeteries and mausoleums, kennels including the commercial raising or breeding of dogs, hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes, public and private nursery schools, kindergartens, middle schools, high schools and colleges, public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, and speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and breakfast establishments.	Churches with attendant educational and recreational buildings, public and private middle and high schools, parks, public utility and service structures, guest cottages, subdivision sewage treatment and water plants, assisted living facilities, and communication towers.
Minimum Lot Size	1 Acre	13,500 sq. ft.

COMPATIBILITY WITH SURROUNDING PROPERTIES:

The Land Development Code requires the application of the Weighted Method for determining single-family residential compatibility within the LDR Future Land Use designation. Staff conducted the lot size compatibility analysis, as required by Section 30.1380.3 of the Land Development Code and Policy FLU 2.10 of the Vision 2020 Comprehensive Plan, and determined that the analysis supports the requested R-1AAA zoning district.

The lot size compatibility analysis required per LDC Sec. 30.1380.3 revealed that R-1AAA is a compatible zoning district in the LDR Future Land Use designation. However, the R-1AAA district will be adjacent to property to the south with a Future Land Use designation of SE and A-1 zoning district, which will require a 35-foot buffer (tract or easement) to be placed on the entire length of the southern property line of the project site, per Sec 30.1380.3(h)(1) and (2)(A).

The 35-foot buffer referenced above must also comply with the additional requirements of Sec 30.1380.3(h), which include:

- One canopy tree planted every 25 feet on center within the buffer
- Requirements for maintenance of the buffer tract or easement and trees shall be incorporated into the covenants and restrictions and be made the responsibility of a homeowners' association
- Alternate methods to the buffering and tree planting requirements may be proposed along the boundary line for mitigation impacts on adjacent properties. This may include creation or dedication of wetland areas, maintenance of substantial vegetation, installation of a wall, or similar proposals. Any form of alternate mitigation shall be subject to approval by the Board of County Commissioners during the rezoning public hearing or the platting process.
- Individual lot lines abutting the 35-foot buffer/easement shall have the lot setbacks measured from the inner edge of the buffer/easement. For example, this equates to an individual lot with a 30-foot rear setback plus the 35-foot buffer/easement, resulting in the principal building located no closer than 65 feet to the south project site boundary.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS:

Floodplain Impacts:

Based on FIRM map 12117C0145E, with an effective date of April 17, 1995, there appears to be no 100-year floodplains on the subject property. The site is also not in the 100-year floodplain per preliminary updated FEMA DFIRMs.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be wetlands associated with ponds on the subject property. Compliance with the Land Development Code regarding development within and around wetland areas is required prior to the issuance of any building permits.

Endangered and Threatened Wildlife:

Based on a preliminary analysis, there are not endangered and threatened wildlife on the subject property. A listed species survey will be required prior to final engineering approval.

PUBLIC FACILITY IMPACTS:

Rule 9J-5.0055(3)(c)1-2, Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has elected to defer Concurrency Review at this time and therefore, has submitted an Affidavit of Concurrency Review Deferral. The applicant is required to undergo Concurrency Review prior to subdivision approval.

The following table depicts the impacts the proposed development has on public facilities:

Public Facility	Existing Zoning (A-1)	Proposed Development (R-1AAA)*	Net Impact
Water (GPD)	3,500	12,600	9,100
Sewer (GPD)	3,000	10,800	4,500
Traffic (ADT)	96	345	249

- The Proposed Development is calculated on 27% of the property being dedicated for roads and retention, the required 35-foot buffer and the proposed lot sizes of 13,500 square feet, for a total of 36 lots.

Utilities:

The site is located in the Seminole County Utility Service Area, and will be required to connect to public utilities. There is a 12-inch water main on the west side of Brooks Lane and a 6-inch force main on the east side of Brooks Lane. The subject property is in the ten-year master plan for reclaimed water.

Transportation / Traffic:

The property access is from Brooks Lane, which is classified as a local roadway. Brooks Lane is not currently programmed to be improved according to the County 5-year Capital Improvement Program. The applicant will be required to dedicate a 40' half

right-of-way along the property frontage on Brooks Lane prior to final engineering approval.

School Impacts:

Based on the formulas provided by the Seminole County School District, the proposed zone change will generate approximately 18 school age children. The Seminole County Public School District has prepared an analysis regarding impacts resulting from recently platted residential developments that are zoned for the same schools as the subject property, but are not yet included in school capacity numbers. This analysis is included as an attachment to this report.

Public Safety:

The nearest response unit to the subject property is Station # 27, which is located at 5280 Red Bug Lake Road. The County Level-Of-Service standard for response time is 5 minutes per Policy PUB 2.1 of the Comprehensive Plan. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is less than 5 minutes.

Drainage:

The proposed project is located within the Howell Creek Drainage Basin, and may have limited downstream capacity. At a minimum, the site will have to be designed to attenuate the 25 year/24 hour pre-post runoff rate difference. Downstream constraints may require additional retention, to be determined with the final engineering submittal.

Parks, Recreation and Open Space:

The applicant is required to provide 25% of the site in open space, per Section 30.1344 (Open Space Ratios and Design Guidelines) of the Seminole County LDC.

Buffers and Sidewalks:

A 35-foot buffer (tract or easement) is required along the entire length of the southern property line of the project site, per Sec 30.1380.3(h)(1) and (2)(A).

Per the Seminole County LDC, the applicant will have to construct a sidewalk along their property frontage on Brooks Lane and on both sides of any internal roadways.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS:

This project does not warrant running the County Fiscal Impact Analysis Model.

SPECIAL DISTRICTS:

The subject property is not located within any special district or overlay.

COMPREHENSIVE PLAN (VISION 2020):

The following policies are applicable with the proposed project:

- Policy FLU 2.5: Transitional Land Uses
- Policy FLU 2.10: Determination of Compatibility in the Low Density Residential Future Land Use Designation
- Policy POT 4.5: Potable Water Connection
- Policy PUB 2.1: Public Safety Level-of-Service
- Policy SAN 4.4: Sanitary Sewer Connection

INTERGOVERNMENTAL NOTIFICATION:

An intergovernmental notice to the Seminole County School Board was sent on August 29, 2006.

LETTERS OF SUPPORT OR OPPOSITION:

At this time, Staff has received one letter of opposition, which is attached.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

At the September 6, 2006 Planning and Zoning Commission meeting, the Commission voted 3-2 to recommend DENIAL of the request to rezone 15.6 ± acres, located on the west side of Brooks Lane approximately 0.4 miles south of Red Bug Lake Road, from A-1 (Agriculture) to R-1AAA (Single-Family Dwelling).

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone 15.6 ± acres, located on the west side of Brooks Lane approximately 0.4 miles south of Red Bug Lake Road, from A-1 (Agriculture) to R-1AAA (Single-Family Dwelling).



SEMINOLE COUNTY PUBLIC SCHOOLS School Capacity Report

To: Seminole County Board of County Commissioners

From: George Kosmac, Deputy Superintendent, Seminole County Public Schools

Date: August 31, 2006

RE: Z2006-053 Brooks Lane Rezone.

Seminole County Public Schools (SCPS), in reviewing the above rezone request, has determined that if approved the new zoning designation would have the effect of increasing residential density, and as a result generate additional school age children.

Description – 15.6+/- acres located on the west side of Brooks Lane approximately 0.42 miles south of Red Bug Lake Road, from A-1 (Agriculture) to R-1AAA (Single-Family Dwelling)

Based on information received from Seminole County Planning and from the staff report for the Brooks Lane rezone request, SCPS staff has summarized the potential school enrollment impacts in the following tables:

Total Proposed units					
Total # of Units		# of Single-Family Lots		# of Multi-Family Units	
36		36		0	
Student Generation					
Impacted Schools	Projected Number of Additional Students	Current Capacity	Current Enrollment	Percent Utilization	Students Resulting from Recently Approved Developments
Elementary Rainbow	9	705	912	129.4	5
Middle Tuskawilla	4	1250	1130	81.4	8
High Lake Howell	5	2363	2181	87.7	18

Projected Number of Additional Students is determined by applying the current SCPS student generation rate (calculated by using US Census data analysis) to the number and type of units proposed.

Current Capacity is based on the current enrollment FTE date not including relocatable stations.

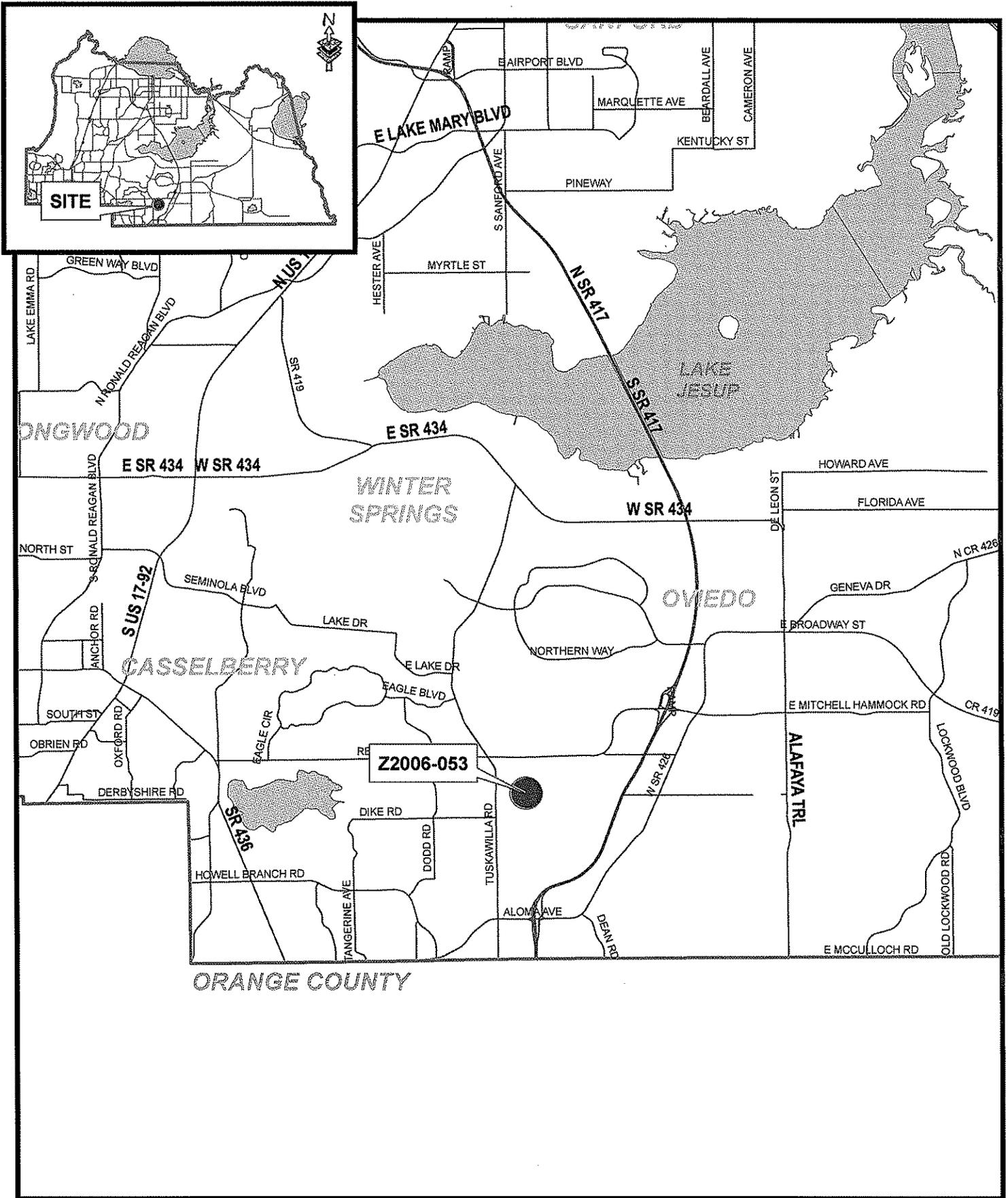
Current Enrollment is based on the most recent official FTE count (February).

Percent Utilization is the ratio of enrollment to total permanent building student stations and using the DOE assigned student stations for each school type.

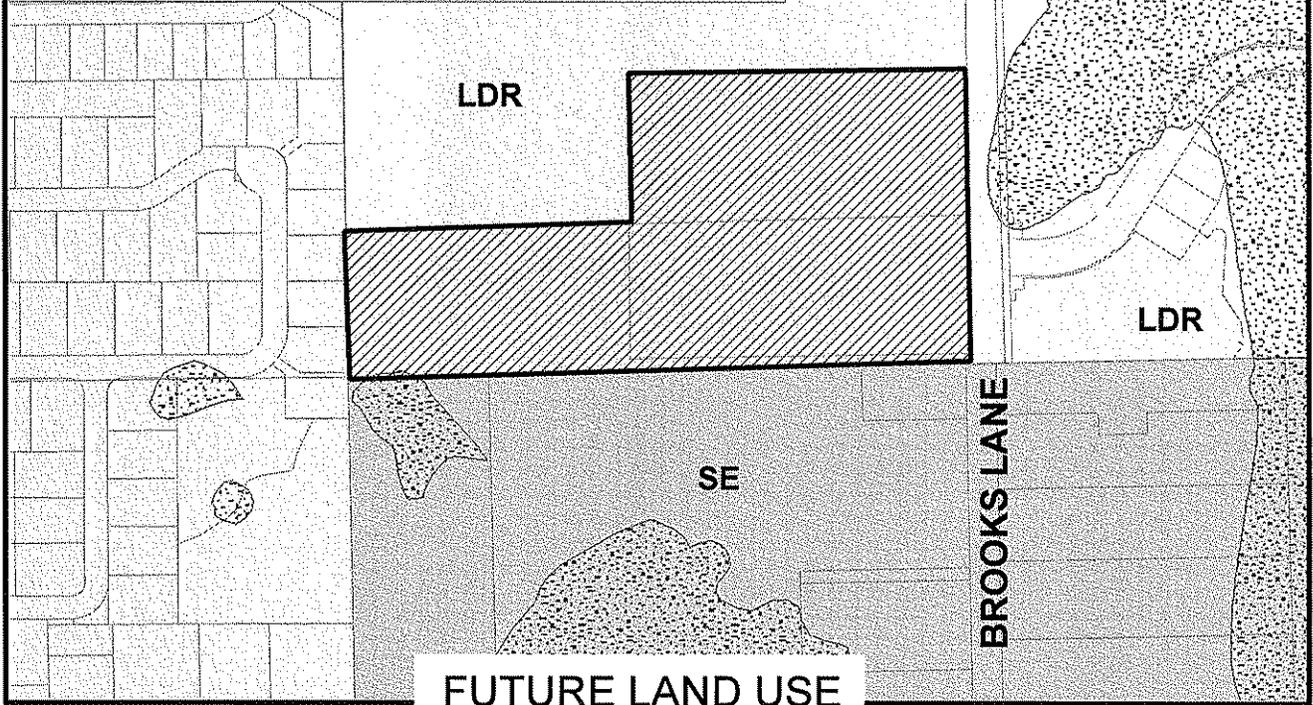
Students Resulting from Recently Approved Developments is a summary of students generated from developments approved and platted since January 2005. Student enrollment changes due to existing housing are excluded from these totals.

Comments:

The students generated at the middle and high school level resulting from the proposed development would at this point be able to be absorbed into the zoned schools without adverse affect. However, the students generated from the new residential dwelling units could not be absorbed into the zoned elementary school, Rainbow Elementary, without the increased use of relocatable student stations (portables) or significant reduction in level of service at the affected campus. There are no planned expansions/additions in the current five-year capital plan that would provide additional student capacity to relieve Rainbow Elementary.



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.

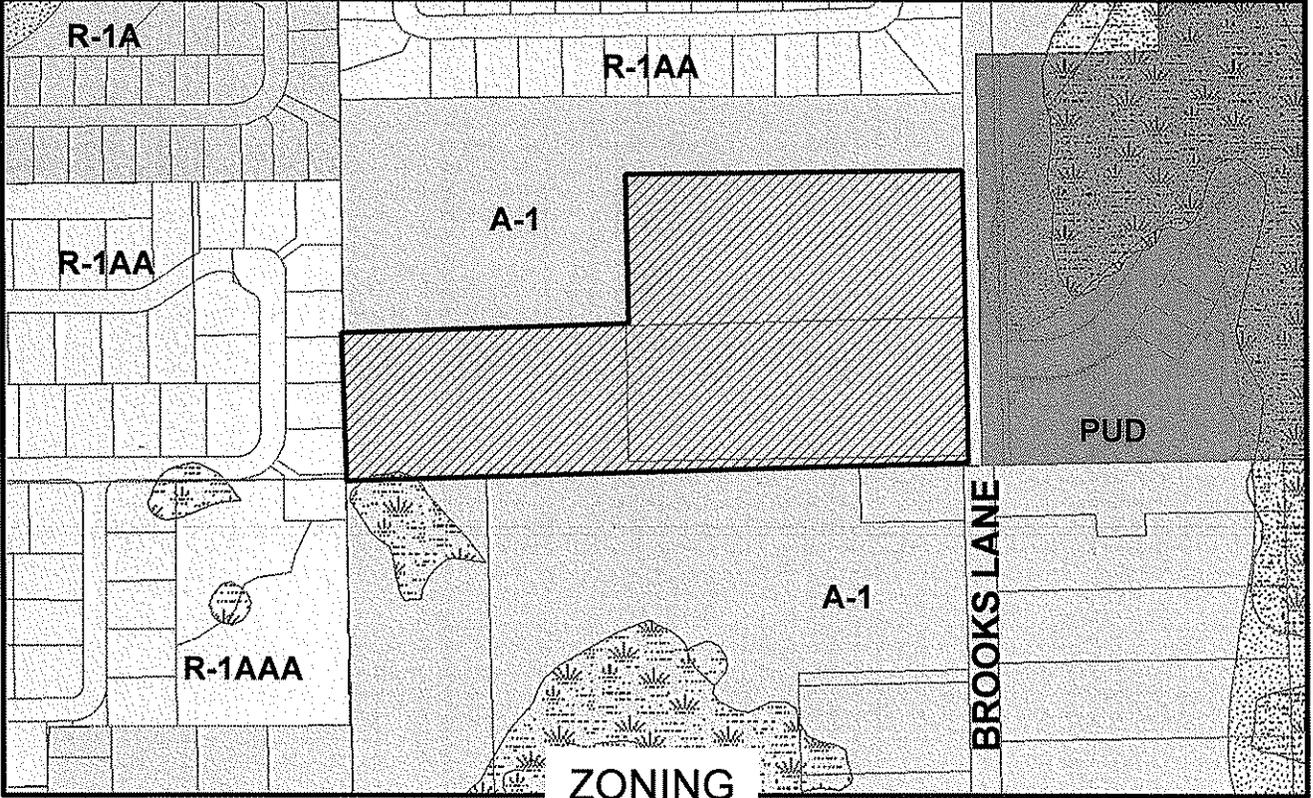


FUTURE LAND USE

Site
 Municipality
 LDR
 SE
 CONS

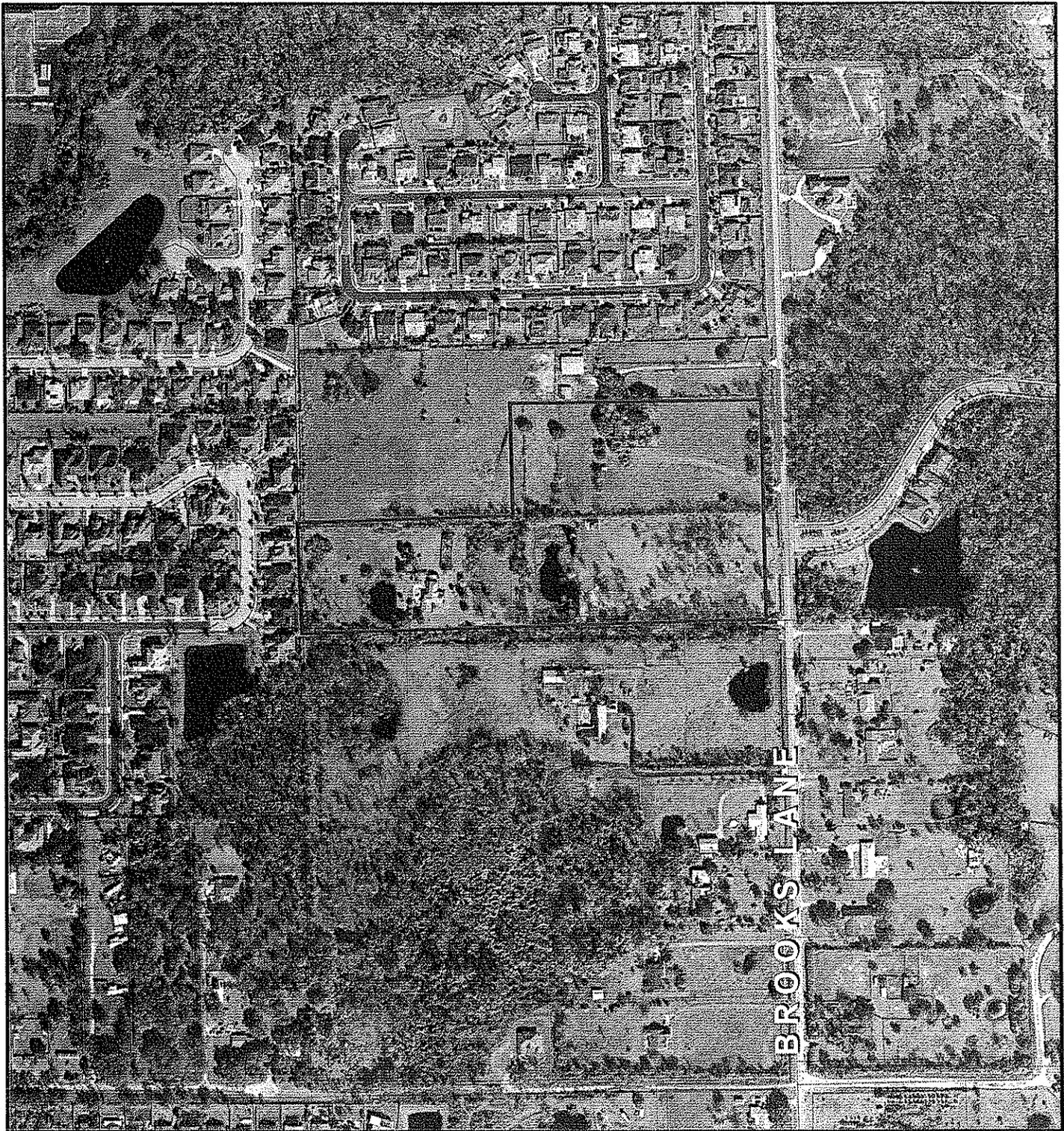
Applicant: Jay Barfield
 Physical STR: 19-21-31-300-0080 & 008E & 008B-0000
 Gross Acres: 15.46+/- BCC District: 1
 Existing Use: Existing Home
 Special Notes: None

	Amend/Rezone#	From	To
FLU	--	--	--
Zoning	Z2006-053	A-1	R-1AAA



ZONING

R-1AA
 R-1AAA
 R-1A
 A-1
 PUD
 FP-1
 W-1



Rezone No: Z2006-053
From: A-1 To: R-1AAA

- Parcel
- Subject Property



Winter 2006 Color Aerials

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) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM 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 "Brooks Lane 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):

SEE ATTACHED EXHIBIT A

Section 3. EXCLUSION FROM 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 a copy of this Ordinance with the Florida Department of State by the Clerk of the Board of County Commissioners.

ENACTED this 26th day of September 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

Parcel 1

The east 758.00 feet of the south $\frac{1}{2}$ of the south $\frac{1}{2}$ of the southwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$, less the south 20.00 feet and less the east 33.00 feet, lying in section 19, township 21 south, range 31 east, Seminole County, Florida.

Parcel 2

The south $\frac{1}{2}$ of the south $\frac{1}{2}$ of the southwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ less the following described parcel –The east 758.00 feet of the south $\frac{1}{2}$ of the south $\frac{1}{2}$ of the southwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ less the south 20.00 feet and the east 33.00 feet lying in section 19, township 21 south range 31 east, Seminole County, Florida.

Parcel 3

The north $\frac{1}{2}$ of the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 19, Township 21, South, Range 31 East, LESS the East 33 feet thereof reserved for road right of way. Public records of Seminole County, Florida, LESS AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL:

Begin at the Southwest corner of Section 19, Township 21 South, Range 31 East, Run North along West line of Section 19, Township 21 South, Range 31 East 329.41 feet to the point of beginning. Run thence North along West line of Section 19, Township 21 South, Range 31 East, a distance of 488 feet, thence East 1392 feet to center line of Brooks Road, said point being 485 feet South of the Northeast corner of Southwest Quarter of Southwest Quarter of Section 19, Township 21 South, Range 31 East, Run thence South along center line of Brooks Lane 165 feet, thence West parallel to the North line 747 feet, thence South 321 feet, thence West 646 feet to the point of beginning. (Less the East 33 feet of the North 165 feet for Brooks Lane.)

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On September 26, 2006, Seminole County issued this Development Order, relating to and touching and concerning the following described property:

Parcel #1

The east 758.00 feet of the south ½ of the south ½ of the southwest ¼ of the southwest ¼, less the south 20.00 feet and less the east 33.00 feet, lying in section 19, township 21 south, range 31 east, Seminole County, Florida.

Parcel #2

The south ½ of the south ½ of the southwest ¼ of the southwest ¼ less the following described parcel –The east 758.00 feet of the south ½ of the south ½ of the southwest ¼ of the southwest ¼ less the south 20.00 feet and the east 33.00 feet lying in section 19, township 21 south range 31 east, Seminole County, Florida.

Parcel #3

The north ½ of the South ½ of the Southwest ¼ of the Southwest ¼ of Section 19, Township 21, South, Range 31 East, LESS the East 33 feet thereof reserved for road right of way. Public records of Seminole County, Florida, LESS AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL:

Begin at the Southwest corner of Section 19, Township 21 South, Range 31 East, Run North along West line of Section 19, Township 21 South, Range 31 East 329.41 feet to the point of beginning. Run thence North along West line of Section 19, Township 21 South, Range 31 East, a distance of 488 feet, thence East 1392 feet to center line of Brooks Road, said point being 485 feet South of the Northeast corner of Southwest Quarter of Southwest Quarter of Section 19, Township 21 South, Range 31 East, Run thence South along center line of Brooks Lane 165 feet, thence West parallel to the North line 747 feet, thence South 321 feet, thence West 646 feet to the point of beginning. (Less the East 33 feet of the North 165 feet for Brooks Lane.)

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner(s): Edwin Fernandez, Vissette, Walid & Cassia Akkwi, Mary Cina
(Jay Barfield, Agent)

Project Name: Brooks Lane Rezone

Requested Development Approval: Rezoning from the A-1 (Agriculture District) zoning classification to R-1AAA (Single-family Residential District).

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to

applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and have covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: April Boswell
1101 East First Street
Sanford, FL 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

1. The aforementioned application for development approval is **GRANTED**.
2. All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
3. The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

The R-1AAA district will be adjacent to property to the south with a Future Land Use designation of SE and A-1 zoning district, which will require a 35-foot buffer (tract or easement) to be placed on the entire length of the southern property line of the project site, per Sec 30.1380.3(h)(1) and (2)(A).

The 35-foot buffer referenced above must also comply with the additional requirements of Sec 30.1380.3(h), which include:

- a) One canopy tree planted every 25 feet on center within the buffer
- b) Requirements for maintenance of the buffer tract or easement and trees shall be incorporated into the covenants and restrictions and be made the responsibility of a homeowners' association
- c) Individual lot lines abutting the 35-foot buffer/easement shall have the lot setbacks measured from the inner edge of the buffer/easement.

4. This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
5. The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

SEMINOLE COUNTY BOARD OF
COUNTY COMMISSIONERS

By: _____
Carlton D. Henley, Chairman

OWNER'S CONSENT AND COVENANT

COMES NOW, the owners, Edwin Fernandez and Vissette B. Gordero, on behalf of themselves and their heirs, successors, assigns or transferees of any nature whatsoever and consent to, agree with and covenant to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Edwin Fernandez

Witness

Witness

Vissette B. Gordero

Witness

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owners, Walid and Cassia Akkwi, on behalf of themselves and their heirs, successors, assigns or transferees of any nature whatsoever and consent to, agree with and covenant to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Walid Akkwi

Witness

Witness

Cassia Akkwi

Witness

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Mary F. Cina, on behalf of herself and her heirs, successors, assigns or transferees of any nature whatsoever and consent to, agree with and covenant to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

Mary F. Cina

Witness

Witness

Witness

STATE OF FLORIDA)

COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

**MINUTES FOR THE SEMINOLE COUNTY LAND PLANNING AGENCY/
PLANNING AND ZONING COMMISSION**

SEPTEMBER 6, 2006

Members present: Ben Tucker, Beth Hattaway, Dudley Bates, Matt Brown, Walt Eismann, Rob Wolf

Member absent: Jason Brodeur

Also present: Tony Walter, Planning Manager; April Boswell, Assistant Planning Manager; Tina Williamson, Principal Coordinator; Michael Rumer, Senior Planner; Kathleen Furey-Tran, Assistant County Attorney; Cynthia Sweet, Planner; and Candace Lindlaw-Hudson, Senior Staff Assistant.

Brooks Lane Rezone; Jay Barfield, applicant; approximately 15.6 acres; Rezone from A-1 (Agriculture District) to R-1AAA (Single Family Residential District); located on the west side of Brooks Lane, approximately .4 mile south of Red Bug Road. (Z2006-53)

Commissioner Dallari – District 1
April Boswell, Assistant Planning Manager

April Boswell explained that the current Future Land Use designation on the subject property is LDR (Low Density Residential). In May of this year the 2 southern parcels of the current proposal were denied a rezoning. The current application adds 5 acres to the previous land to be rezoned. The request now is for R-1AAA zoning. The lot size compatibility analysis shows that the R-1AAA is the compatible land use for the property. There is a 35-foot buffer required for the land abutting the Suburban Estates future land use area. The applicant would like to plant one canopy tree every 25 feet on center, as required by the Land Development Code. The buffer must be in an easement maintained by the Home Owners' Association. Setbacks will be determined by the inner side of the buffer line. There is an estimate of 18 students to be generated by this project for the local schools. Staff recommendation is for approval, based on the lot size compatibility analysis and additional staff findings.

Commissioner Tucker asked how the BCC discussion came out on the previous application.

Ms. Boswell stated that there was some confusion on the buffer. There were a couple of motions which both failed.

Commissioner Tucker stated that this is a straight zoning request.

Ms. Boswell stated that the Land Development Code gives a buffer provision when there are two weight differences. The buffer will be in the development order.

Commissioner Hattaway asked what the number of homes was in the previous application.

Ms. Boswell did not know the number and said that she would ask the applicant to address that question.

Jay Barfield stated that in May his application covered 10 acres and contained 26 lots. This application contains 15.6 acres in 3 parcels. The access will align with the Kenmure entrance. The buffer is new. The buffer requirement had been given to him in May about 30 minutes before the opening of the BCC meeting. There was confusion on it at the time. There are 12 lots on the south side of the current subject property which abut the Suburban Estates future land use. There will be trees in the buffer. He has made a 100-foot setback and put water retention on Brooks Lane. There will be 220 feet to the nearest house to be on the Brooks Lane side. The custom homes here will be between \$500,000.00 and \$750,000.00. Most of the families will be older. He does not anticipate a lot of small children coming out of this neighborhood.

Jack Kreps stated that he agrees with the staff. There is existing water and sewer adjacent to the property. There will be a density of 2.2 units per acre, with 32 to 36 lots, based on final engineering determinations. This is an infill project. Traffic is not going to be an issue with this project. He has met with staff and has done all that is necessary to be compliant with the Land Development Code for the R-1AAA zoning requested. There are no waivers or special exceptions included in the plans.

No one spoke in favor of the application.

Dianna Blakey of 1560 Brooks Lane said that she is opposed to anything more than one house per acre. This request is not compatible with her community. She owns 25 acres to the south of the subject properties. She has been there for 25 years. There are cows, horses, goats, and private horse farms and training facilities here. Please deny this request.

Geraldine Bugge of 100 Milinda Lane said that the 44 homes in Raintree Country Estates oppose this request. There are dirt roads here. This community is separate from the Tuskawilla corridor. Homes here are buffered by trees and acreage. Kenmure is visually separated. Please do not have leapfrog zoning.

Martha Cannon of 1470 Brooks Lane lives north of the subject property. She will not be developing her property from 10 acres and A-1 zoning. There are drainage problems here. There are also traffic problems here. One house per

acre would keep the rural character of the area. Please respect the property rights of the surrounding property owners.

Alice Cannon of 1470 Brooks Lane said that this only adds more acres to the previous request. This request is not compatible with the area. She has a horse farm adjacent. Do not allow this in between.

Virginia Watts of 4824 Gabriella Lane said that she is opposed. This project will not be compatible with the area. How do you put in an excess of 30 homes between agricultural zoned property and one house on 25 acres to the south? Future Land Use in the area was changed by the BCC in 1995 to SE (Suburban Estates). They stopped at the Section 30 line arbitrarily. Agricultural zoning is not a transition....it is a lifestyle.

Bill F. Watts of 4824 Gabriella Lane has lived in the area for 30 years. He stated that there are a lot of trees here, and not a lot of pavement. The Tuskawilla and Kenmore areas are separate from this neighborhood. This request is not compatible with any adjoining property. One home per acre is more than acceptable and some 300 signers of the petition in opposition to this request agree.

Michael Amato of 1567 Brooks Lane owns 2.5 acres. He said that adding 5 acres to the request changes nothing. The drainage here is an issue. The "dense tree line" to the south is actually thin. There is a driveway there. His house is 200 feet off of Brooks Lane. There are speeding cars there already. The property buffers are inadequate and the homes are too close together. Commissioner Morris referred to "the sins of our fathers" when they stopped the Suburban Estates future land use at the section line. Mr. Amato said that he does not oppose development here, but would like to see compatibility.

Pat Peterson of 1465 Brooks Lane said that the quality of life in the neighborhood will be changed by this. There are two one-acre lots nearby. The trend in the area is for no smaller than one acre lots.

Michelle Turner of 1660 Brooks Lane lives 4 lots south of the property. A-1 zoning is one zoning in the LDR category that fits. The Land Development Code says that the applicant should show compatibility. This is of no benefit to the community. The wetland is to the northeast.

Dan Cunningham of 4805 Gabriella Lane said that he is opposed. He said that visually the properties are far different from the "numbers" reflected in the application. Please deny this.

Karen Cunningham said that she is opposed to smaller lots, but will support A-1 zoning. The same people who attended the meetings about the area 12 years ago, 10 years ago and in May are here tonight. 10 years ago the line was to go

to the Cobblestone wall. Staff went to the section line. Commissioners Morris, Henley and Van Der Weide all voted for Suburban Estates future land use 10 years ago.

Kathleen Furey Tran stated that the R-1AA zoning had been previously considered by the board. R-1AAA was not before them at the previous meeting.

Stephanie Black of 1800 Brooks Lane said that the area is not a stagnant area; there is redevelopment going on there. There are 800 acres of Suburban Estates land. There are 30 acres of farm land to the south.

Jack Kreps said that the line has been held. Property owners are being represented. What is a neighborhood? The line is there for a purpose. We are not changing what is there. The tree line on the south is significant. As for drainage, we must comply with the Code on drainage. We will have a buffer. The requests of the neighbors are not fair and balanced. There is not traffic issue with the traffic count below capacity. The new numbers will not necessitate a traffic calming device. Either the rules of the County are worked with and followed or they are not.

The public hearing was now closed.

Commissioner Tucker explained that there were 9 zoning classifications allowed in the LDR future land use classification.

Commissioner Wolf said that the area is a unique rural island. 1/3 acre lots are not compatible here.

Commissioner Eismann stated that this project does not fit with the area.

Commissioner Eismann made a motion to recommend denial of the request.

Commissioner Wolf seconded the motion.

In discussion, Commissioner Brown asked what does one do about the line? The applicant has met the requirements.

Commissioner Wolf stated that the community has rights. This request will significantly degrade the life style of the community.

Commissioner Brown said that he voted against the previous application. He does not see the current applicant submitting for one home per acre.

Commissioner Eismann talked about the impact to the adjacent properties.

Commissioner Tucker said that no one lives on the horse farm to the north.

Commissioner Brown said that training centers generate traffic. It is like a commercial operation in agriculture. This is not a super high density request.

The vote was 4 – 2 in favor of the motion. Commissioner Hattaway and Commissioner Brown voted against the motion.

Boswell, April

From: Steven Richart [srichart1@cfl.rr.com]
Sent: Monday, September 11, 2006 4:14 PM
To: Boswell, April
Cc: Steven Richart; Stephanie Black; Merkt, Diane; MacDonald, Fran; Eswine, Dianne; Venn, Gretchen; Lockhart, Amy
Subject: Brooks Lane Rezone (Jay Barfield) Z2006-53

I am writing in strong opposition to the rezoning of the Jay Barfield property on Brooks Lane, which is within 300 feet of my property located at 1501 Brooks Lane, in Oviedo. Please submit this email as public record related to the hearing scheduled for Sept 26, 2006 due to the fact that we cannot attend. We do not appreciate the meeting being held during working hours when most people cannot attend.

This rezoning effort will erode the rural lifestyles that voters currently enjoy on Brooks Lane. I am also sending this to each Seminole County Commissioner for their records and to ask that each Commissioner take the wishes of the voting public seriously when voting on this issue.

If you have any questions or need verification that we are opposed to the rezoning of this property, we can be reached at:

Steven and Rose Richart
1501 Brooks Lane
Oviedo, FL 32765
321-689-1417 Phone