

Item # 55

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Windsor Woods Rezone From A-1 to RC-1

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

**AUTHORIZED BY:** Dan Matthys **CONTACT:** Tony Walter **EXT.** 7375

<b>Agenda Date</b> <u>9/27/05</u> <b>Regular</b> <input type="checkbox"/> <b>Consent</b> <input type="checkbox"/> <b>Work Session</b> <input type="checkbox"/> <b>Briefing</b> <input type="checkbox"/>
<b>Public Hearing – 1:30</b> <input checked="" type="checkbox"/> <b>Public Hearing – 7:00</b> <input type="checkbox"/>

**MOTION/RECOMMENDATION:**

1. APPROVE the request to rezone approximately 8.7 acres, located on the east side of Lake Markham Road and opposite Sylvan Drive, from A-1 (Agriculture District) to RC-1 (Country Homes District); (Windsor Oaks LLC, applicant); or
2. DENY the request to rezone approximately 8.7 acres, located on the east side of Lake Markham Road and opposite Sylvan Drive, from A-1 (Agriculture District) to RC-1 (Country Homes District); (Windsor Oaks LLC, applicant); or
3. CONTINUE the public hearing until a time and date certain.

(District 5 – Comm. Carey)

(Tony Walter, Planning Manager)

**BACKGROUND:**

The applicant, Windsor Oaks, LLC, requests the rezoning of a 8.7 acre tract, located on the east side of Lake Markham Road and opposite Sylvan Drive, from A-1 (Agriculture District) to RC-1 (Country Homes District). The requested zoning would allow lots with a minimum size of one (1) acre and lot width of 120 feet. The future land use designation of the subject property is SE (Suburban Estates), which permits a maximum density of one (1) dwelling unit per acre.

**PLANNING & ZONING COMMISSION RECOMMENDATION:**

At its meeting of August 3, 2005, the Planning & Zoning Commission unanimously (6 to 0) recommended approval of the request to rezone approximately 8.7 acres, located on the east side of Lake Markham Road and opposite Sylvan Drive, from A-1 (Agriculture District) to RC-1 (Country Homes District).

<b>Reviewed by:</b> <u>KR</u> <b>Co Atty:</b> _____ <b>DFS:</b> _____ <b>Other:</b> _____ <b>DCM:</b> _____ <b>CM:</b> _____ <b>File No.</b> <u>ph130pdp03</u>
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**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the request to rezone approximately 8.7 acres, located on the east side of Lake Markham Road and opposite Sylvan Drive, from A-1 (Agriculture District) to RC-1 (Country Homes District).

**Attachments:**

Staff Analysis  
Locator Map  
FLU/Zoning Map  
Plat Map  
Aerial map  
Ordinance  
LPA/P&Z Minutes

**WINDSOR OAKS, LLC. REZONE  
A-1 TO RC-1**

REQUEST INFORMATION	
<b>APPLICANT</b>	Windsor Oaks LLC
<b>PROPERTY OWNER</b>	Windsor Oaks LLC
<b>REQUEST</b>	Rezone property from A-1 (Agriculture District) to RC-1 (Country Homes District)
<b>HEARING DATE (S)</b>	P&Z: August 3, 2005      BCC: September 27, 2005
<b>PARCEL ID</b>	26-19-29-300-0090-0000
<b>LOCATION</b>	The east side of Lake Markham Road and opposite Sylvan Drive.
<b>FUTURE LAND USE</b>	SE (Suburban Estates)
<b>ZONING</b>	A-1 (Agriculture District)
<b>FILE NUMBER</b>	Z2005-033
<b>COMMISSION DISTRICT</b>	#5 – Carey

**OVERVIEW**

**Zoning Request:** The applicant, Windsor Oaks LLC, requests RC-1 zoning for approximately 8.7 acres, located on the east side of Lake Markham Road and opposite Sylvan Drive. The requested zoning would allow lots with a minimum size of one (1) acre and lot width of 120 feet. The future land use designation of the subject property is SE (Suburban Estates), which permits a maximum density of one (1) dwelling unit per acre.

A-1 and RC-1 DISTRICT AREA REGULATIONS		
	A-1	RC-1
Minimum Lot Size	1 Acre	1-Acre
Minimum House Size	N/A	1,200 Square Feet
Minimum Width at Building Line	150 Feet	120 Feet
Front Yard Setback	50 Feet	35 Feet
Side Yard Setback	10 Feet	20 Feet
(Street) Side Yard Setback	50 Feet	35 Feet
Rear Yard Setback	30 Feet	35 Feet

**Existing Land Uses:**

The future land use designation, zoning districts and existing uses for the subject and abutting properties are as follows:

	(North)			
	SE Vacant <i>RC-1</i>	SE Vacant <i>A-1</i>	SE Vacant <i>A-1</i>	
(West)	SE Vacant <i>A-1</i>	<b>(SUBJECT PROPERTY)</b> SE Vacant <i>A-1</i>	SE / LDR Vacant / Single- Family <i>A-1 / R-1A</i>	(East)
	SE Vacant <i>A-1</i>	SE Vacant <i>A-1</i>	LDR Single-Family <i>R-1A</i>	
	(South)			

For more detailed information regarding zoning and land use, please refer to the attached map.

**SITE ANALYSIS**

**Facilities and Services:**

Adequate public facilities and services must be available concurrent with the impacts of development. The applicant submitted an Affidavit of Concurrency Review Deferral. At the time of subdivision review, the applicant is required to submit an application for concurrency review.

Public Facilities	Existing Zoning (A-1)	Proposed Development*	Net Impact
Water (GPD)	1,400	1,400	0
Sewer (GPD)	1,400	1,400	0
Traffic (ADT)	38	38	0
Schools			
Elementary	1.0	1.0	0
Middle	1.0	1.0	0
High	1.0	1.0	0

\*Proposed development on straight zoning is based on maximum units permitted using 50% of the site.

The site is located in the Northwest Service Area, where water capacity for new development is limited. Capacity availability is determined during the concurrency process. There is a 12-inch water main and a 12-inch reclaim water main on the east side of Lake Markham Road.

A letter confirming utility capacity for potable and reclaimed water is required at the time of subdivision review, and approval of the proposed water service utility plan is required prior to the approval of final engineering plans.

A portion of the site is located within the 100-year flood zone, which can not be impacted in the WRPA (Wekiva River Protection Area) and requires a 50-foot undisturbed upland buffer. The site is also located within an area of high recharge with no clearly defined outfall. Consequently, the site is required to hold the 100-year, 24-hour storm event onsite.

**Transportation / Traffic:**

The property accesses Lake Markham Road, classified as a local road. Staff determined that a left turn lane is required on Lake Markham Road at the site entrance. The access entrance will be required to line up with Sylvan Drive across the street from the project.

**Compliance with Environmental Regulations:**

Staff determined that a Conservation Easement dedicated to Seminole County is required over all wetlands (no impacts to wetlands permitted) and required upland buffers at the time of subdivision approval. A listed species survey must be submitted before final engineering approval.

**Compatibility with Surrounding Development:**

The proposed RC-1 zoning is compatible with the trend of single-family residential development located along this section of Lake Markham Road. The purpose of the RC-1 district is to provide for a country lifestyle and low density, single-family development at the same density as the existing A-1 zoning, without many of the undesirable features of a purely agriculture district. Furthermore, RC-1 is a compatible zoning category under the existing SE (Suburban Estates) future land use and would result in no increase in residential density. For these reasons, staff believes the proposed rezone would be compatible with surrounding development.

**PLANNING & ZONING COMMISSION RECOMMENDATION:**

At its meeting of August 3, 2005, the Planning & Zoning Commission unanimously (6 to 0) recommended approval of the request to rezone approximately 8.7 acres, located on the east side of Lake Markham Road and opposite Sylvan Drive, from A-1 (Agriculture District) to RC-1 (Country Homes District).

**STAFF RECOMMENDATION**

Based upon the above findings, staff recommends APPROVAL of the request to rezone approximately 8.7 acres, located on the east side of Lake Markham Road and opposite Sylvan Drive, from A-1 (Agriculture District) to RC-1 (Country Homes District).

Attachments  
Staff Analysis  
Locator Map  
FLU/Zoning Map  
Plat Map  
Aerial Map  
Ordinance  
Development Order  
LPA/P&Z Minutes

**AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY; ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE RC-1 (COUNTRY HOMES DISTRICT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; 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 "Windsor Woods 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 RC-1 (Country Homes District):

**LOT 7, BLOCK 6 OF SANFORD FARMS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 127, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA**

**Section 3. 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.

**ORDINANCE NO. 2005-**

**SEMINOLE COUNTY, FLORIDA**

**Section 4. 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 27th day of September, 2005

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Carlton D. Henley  
Chairman

MINUTES FOR THE SEMINOLE COUNTY LAND PLANNING AGENCY/PLANNING  
AND ZONING COMMISSION  
AUGUST 3, 2005

F. Windsor Woods; Windsor Oaks, LLC., Mark Crone, applicant; approximately 8.7 acres; rezone from A-1 (Agriculture District) to RC-1 (Rural Country Homes District); located on the east side of Lake Markham Road, opposite Sylvan Drive. (Z2005-033)  
Commissioner Carey – District 5

Tony Walter, Assistant Planning Manager

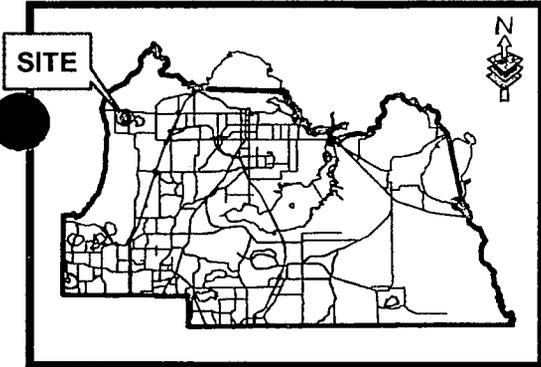
Tony Walter stated that staff recommendation was for approval for the request of RC-1 zoning with lots of 120 feet in width that are compatible with the “suburban estates” future land use designation.

Commissioner Tucker asked about the alignment with Sylvan Road.  
Dan Matthys stated that the alignment would be rectified at the time of Final Master Plan.

Commissioner Harris made a motion to recommend approval.

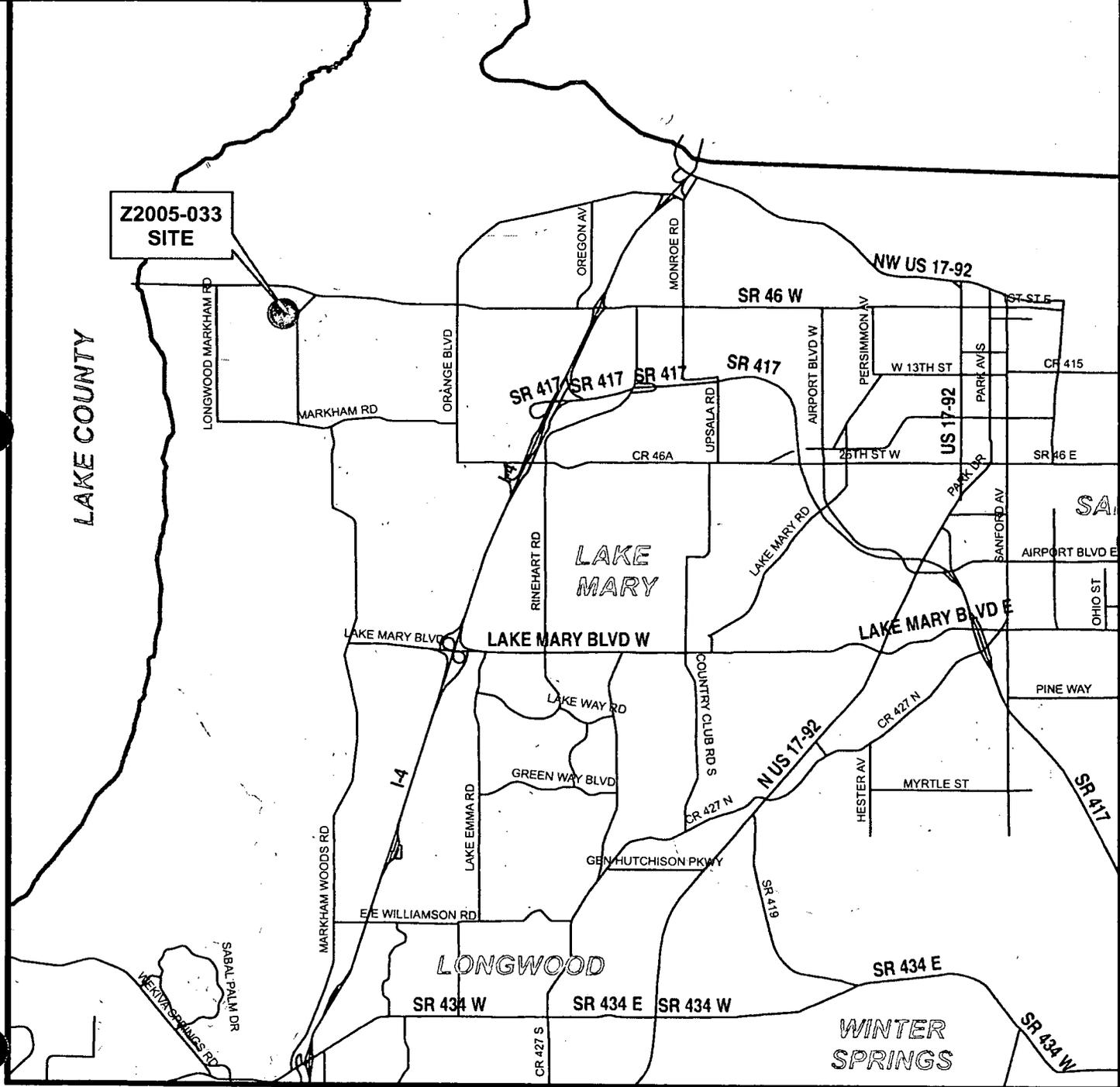
Commissioner Eismann seconded the motion.

The motion passed unanimously.

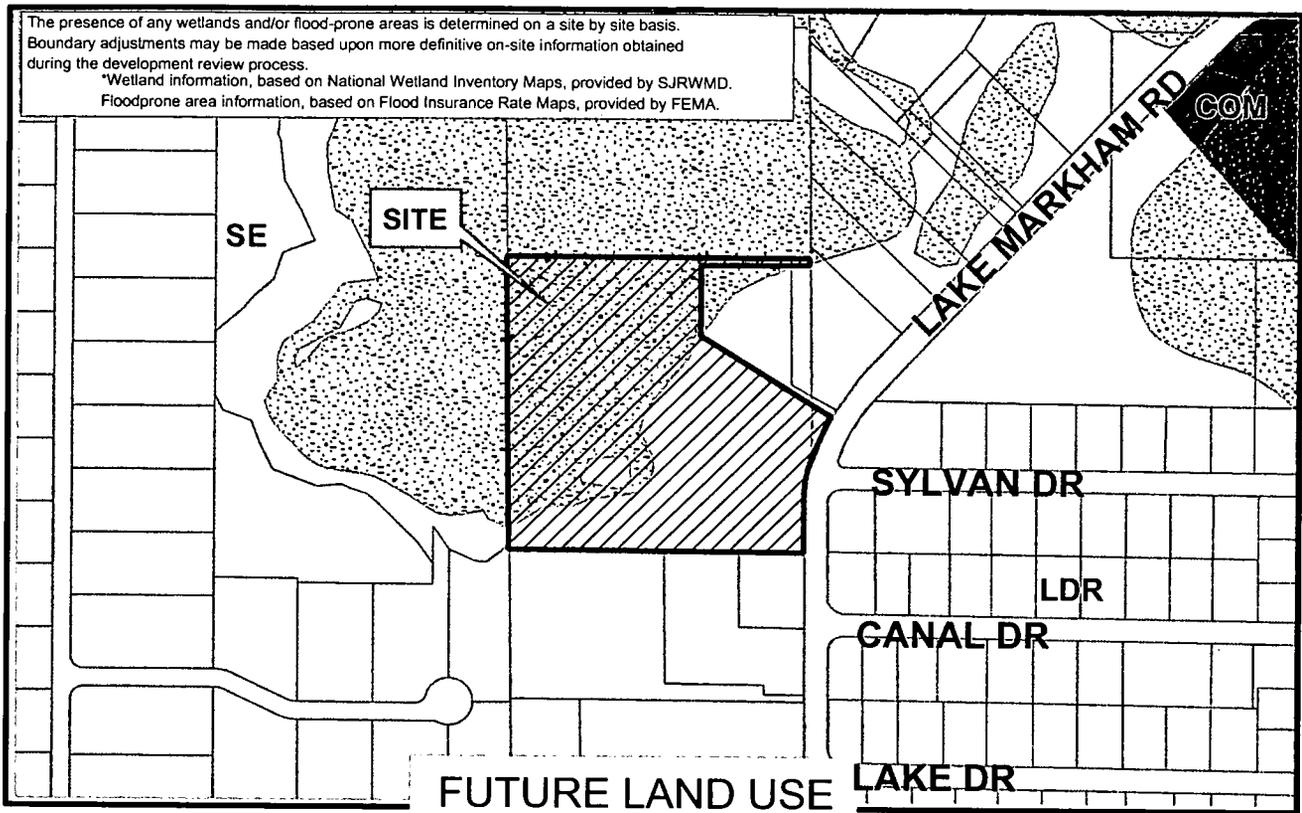


**Z2005-033  
SITE**

LAKE COUNTY



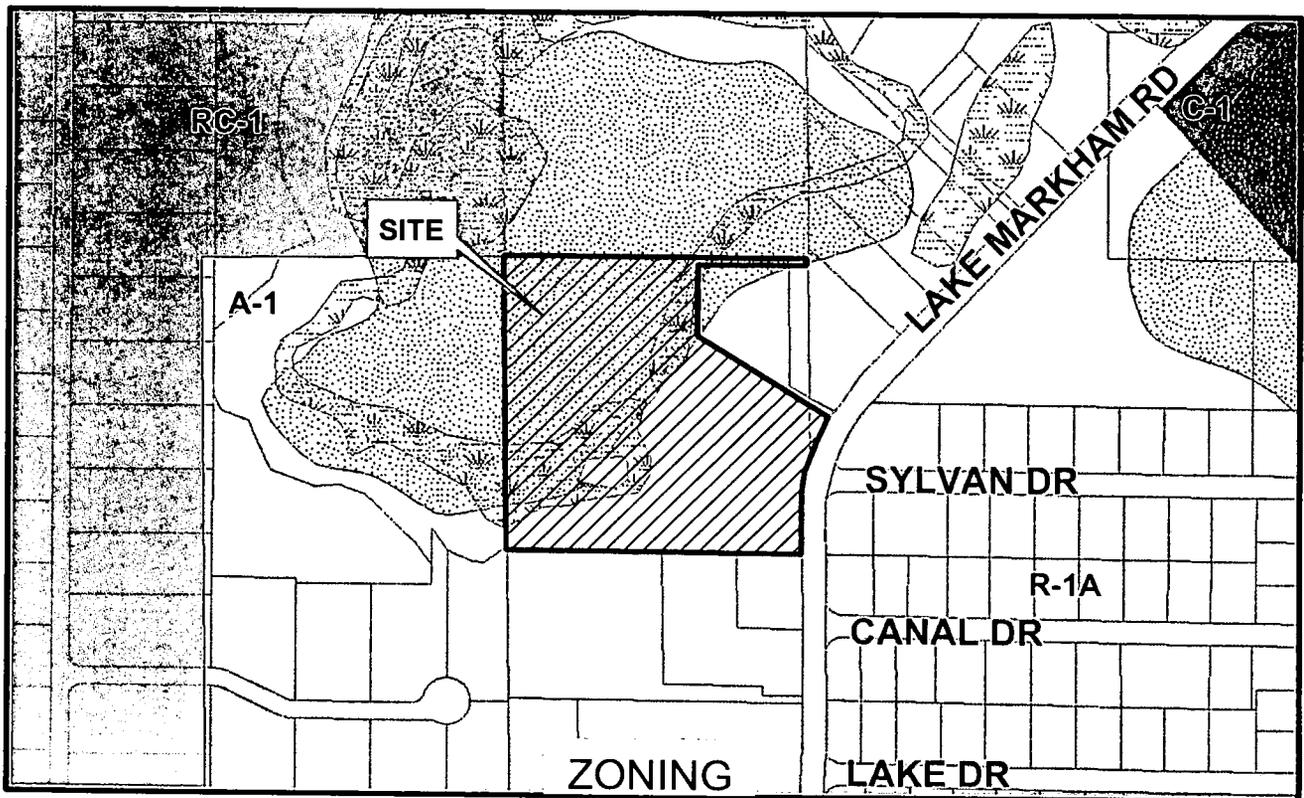
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.  
 \*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.  
 Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



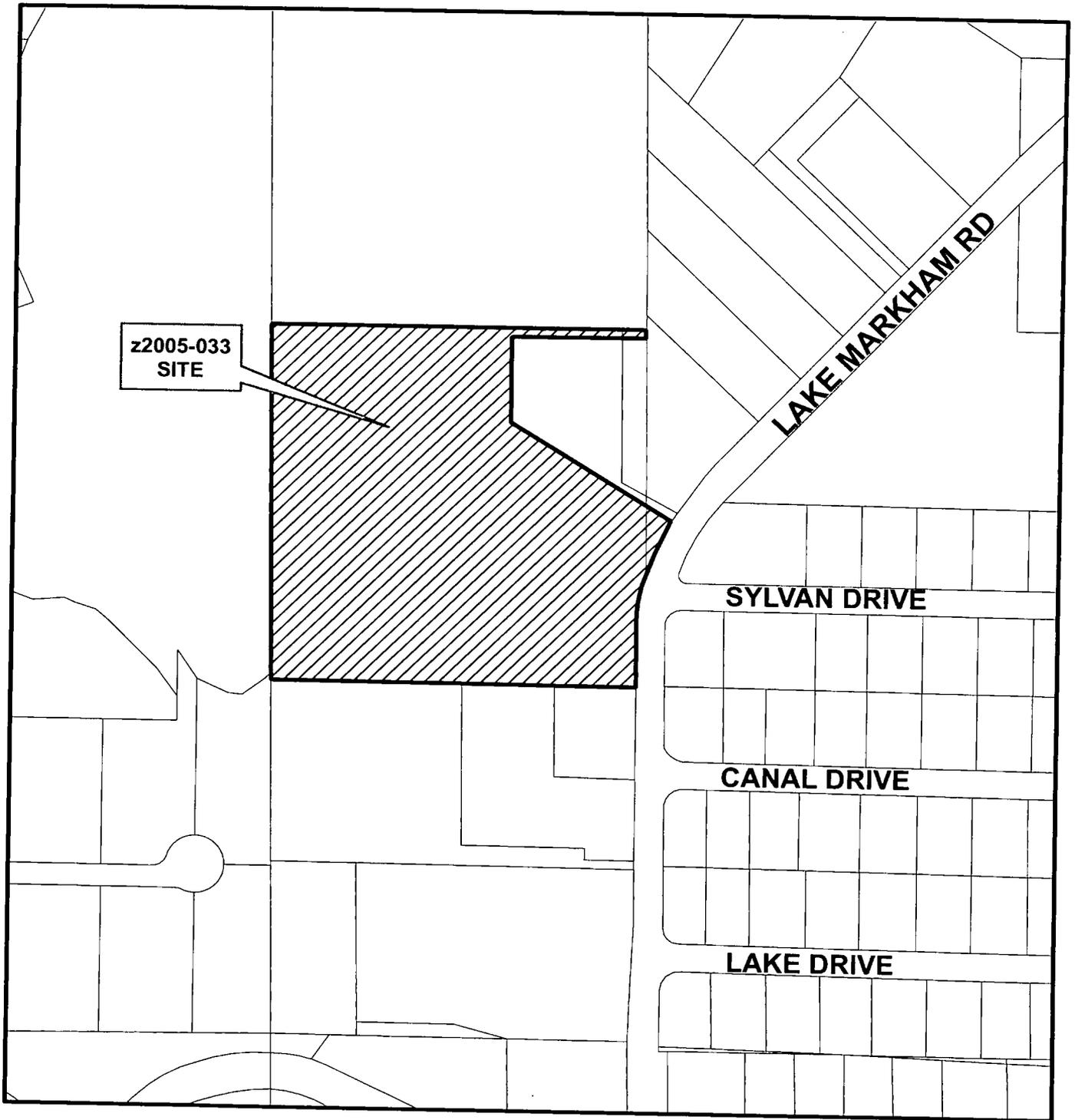
Site    
 ..... Municipality    
 [Stippled Box] SE    
 [Dark Stippled Box] COM    
 LDR    
 [Light Stippled Box] CONS

Applicant: Windsor Oaks, LLC  
 Physical STR: part of 26-19-29-300-0090-0000  
 Gross Acres: 8.7 +/- acres     BCC District: 5  
 Existing Use: Vacant  
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2005-033	A-1	RC-1



A-1    
  RC-1    
  C-1    
  R-1A    
 [Stippled Box] FP-1    
 [Dark Stippled Box] W-1



**z2005-033  
SITE**

**LAKE MARKHAM RD**

**SYLVAN DRIVE**

**CANAL DRIVE**

**LAKE DRIVE**



Rezone No: Z2005-033  
From: A-1 To: RC-1

- Parcel
- Subject Property



January 2004 Color Aerials