

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Lake Howell Lane Rezone R-1AAA to A-1

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Donald S. Fisher CONTACT: Tina Deater EXT. 7440

Agenda Date <u>09/28/04</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. APPROVE the request for rezoning from R-1AAA (Single-family Dwelling District) to A-1 (Agriculture District) on approximately 3.94 acres, located on the north side of Lake Howell Lane, approximately 550 feet east of Lake Ann Lane, and authorize the Chairman to execute the attached ordinance (Gregory Leonard, applicant); or
2. DENY the request for rezoning from R-1AAA (Single-family Dwelling District) to A-1 (Agriculture District) of approximately 3.94 acres, located on the north side of Lake Howell Lane, approximately 550 feet east of Lake Ann Lane (Gregory Leonard, applicant); or
3. CONTINUE the public hearing until a time and date certain.

District 1 – Commissioner Maloy

Tina Deater, Senior Planner

BACKGROUND:

The applicant, Gregory Leonard, requests rezoning from R-1AAA (Single-family Dwelling District) to A-1 (Agriculture District) of approximately 3.94 acres, located on the north side of Lake Howell Lane, approximately 550 feet east of Lake Ann Lane, in order to put horses on the property. The future land use designation for the property is LDR (Low Density Residential), which allows the proposed A-1 zoning classification.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested A-1 zoning classification.

Reviewed by:	<u>[Signature]</u>
Co Atty:	<u>[Signature]</u>
DFS:	<u>[Signature]</u>
OTHER:	<u>[Signature]</u>
DCM:	<u>[Signature]</u>
CM:	<u>[Signature]</u>
File No.	<u>ph700pdp01</u>

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on September 15, 2004 and voted 5 to 0 to recommend APPROVAL of the rezone from R-1AAA to A-1.

Lake Howell Lane Rezone R-1AAA to A-1

REQUEST INFORMATION	
APPLICANT	Gregory Leonard
PROPERTY OWNER	Gregory Leonard
REQUEST	Rezone property from R-1AAA (Single-family Dwelling District) to A-1 (Agriculture District)
HEARING DATE (S)	P&Z: 9/1/04 BCC: 9/28/04
PARCEL ID	Part of 27-21-30-300-009D-0000
ACREAGE	Approximately 3.94 acres
LOCATION	On the north side of Lake Howell Lane, approximately 550 feet east of Lake Ann Lane
FUTURE LAND USE	Low Density Residential
FILE NUMBER	Z2004-018
COMMISSION DISTRICT	#1 – Maloy

OVERVIEW:

Zoning Request: The applicant, Gregory Leonard, requests rezoning from R-1AAA (Single-family Dwelling District) to A-1 (Agriculture District) of approximately 3.94 acres, located on the north side of Lake Howell Lane, approximately 550 feet east of Lake Ann Lane. The applicant owns a total of approximately 7.15 acres zoned R-1AAA and he wants to rezone the southern 3.94 acres of the property, in order to allow horses. The future land use designation for the property is LDR (Low Density Residential), which allows the proposed A-1 zoning classification.

The subject parcel abuts Lake Howell to the north. To the east are residential lots zoned R-1AAA and A-1, to the west are properties zoned A-1, and to the south are properties zoned RC-1. The existing R-1AAA designation allows for single-family dwellings on 13,500 square foot lots. The requested zoning of A-1 requires a minimum lot size of one acre. The subject property meets the dimensional requirements of the proposed A-1 zoning district.

Existing Land Uses:

	EXISTING ZONING	FUTURE LAND USE
SITE	R-1AAA (Single-family Dwelling District)	Low Density Residential
NORTH	Lake Howell	Low Density Residential
SOUTH	RC-1 (Country Homes District)	Low Density Residential
EAST	R-1AAA (Single-family Dwelling District), A-1 (Agriculture District)	Low Density Residential
WEST	A-1 (Agriculture District)	Low Density Residential

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

SITE ANALYSIS:

Facilities and Services:

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 Seminole County Comprehensive Plan.

Transportation / Traffic:

Access is available to the subject property from Lake Howell Lane. The proposed A-1 zoning district would not have any negative effects on traffic in the area.

Compliance with Environmental Regulations:

There are no concerns with compliance with environmental regulations at this time.

Compatibility with Surrounding Development:

Currently, the surrounding area has Low Density Residential future land use designations. The proposed A-1 zoning classification is allowed in the Low Density Residential future land use designation, and therefore, the proposed zoning is compatible with the surrounding area.

STAFF RECOMMENDATION:

Staff recommends approval of the requested A-1 zoning classification based on the following findings:

1. The proposed use within the A-1 zoning district would not be detrimental to the character of the area or neighborhood or inconsistent with the trends of development in the area; and
2. The uses within the proposed A-1 zoning district would not have an adverse effect on existing traffic patterns, movements and intensity; and
3. The proposed A-1 zoning district is compatible with the concepts of its future land use designation of Low Density Residential.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on September 15, 2004 and voted 5 to 0 to recommend APPROVAL of the rezone from R-1AAA to A-1.

**MINUTES FOR THE
SEMINOLE COUNTY LAND PLANNING AGENCY/
PLANNING AND ZONING COMMISSION
SEPTEMBER 15, 2004**

Members present: Richard Harris, Dudley Bates, Chris Dorworth, Ben Tucker, and Alan Peltz.

Members absent: Walt Eismann and Beth Hattaway

Also present: Matt West, Planning Manager, Tony Walter, Assistant Planning Manager, Tina Deater, Senior Planner, Jeffrey Hopper, Senior Planner, Steven Lee, Assistant County Attorney, Kim Romano, Assistant County Attorney, Jim Potter, Development Review Division, Rebecca Hammock, Senior Planner, Michael Rumer, Planner, and Candace Lindlaw-Hudson, Senior Staff Assistant.

E. Lake Howell Lane Rezone; Gregory T. Leonard, applicant; approximately 3.94 acres; rezone from R-1AAA (Single-family Dwelling District) to A-1 (Agriculture District); located on the north side of Lake Howell Lane, approximately 550 feet east of Lake Ann Lane. (Z2004-018)

Commissioner Maloy - District 1
Tina Deater, Senior Planner

Tina Deater reviewed the application from Mr. Leonard, stating that he wanted to change the zoning from R-1AAA (Single Family Residential) to A-1 (Agriculture) for the placement of horses on his property. Staff recommendation was for approval. This zoning is compatible with surrounding properties.

Mr. Leonard stated that this is a rural area. The horses will be for his personal use. There is to be no business here.

Spencer Rhodes of 2726 Lake Howell Lane said that this A-1 zoning is appropriate. He wanted to know why the entire parcel should not be zoned A-1. The road to the parcel is unimproved. Mr. Rhodes said that Lake Anne Way should be improved.

Chairman Harris said that there would be comment on split zoning after Mr. Rhodes has spoken.

Matt West said that there are several split zoning cases that have been allowed. Autumn Chase and Talman Mews are split zoned.

Michael Cabreira of 2740 Lake Howell Lane asked why the split zoning was needed. He stated that this lot is an illegal lot split and that it has been cleared of a lot of trees.

Antonio Cabreira of 2740 Lake Howell Lane is also a neighbor. He has been there for 38 years. This parcel has been an illegal lot. Last year the two adjoining lots which have been unbuildable were made buildable. There are 20 uses allowed on A-1 zoning. He has reported the tree clearing and filling of the land. Once this is rezoned, he thinks that the land will be divided. He personally has been denied several zoning and building requests.

Shirley B. Haynes of 2764 Lake Howell Lane stated that she owns several parcels to the east and west of this parcel. She has lived in the area since the 1930's. The R-1AAA zoning was done in the 1940's. She is concerned about the requested split zoning on this parcel. She feels it could change the appraisal and taxes on surrounding parcels.

Chairman Harris stated that this board cannot consider taxing methods in making their decisions.

Ms. Haynes stated that Mr. Leonard had said that he was going to have a breeding farm. It will never be compatible with the rest of the neighborhood. If split zoning allows him to split the lot, she would like to know.

Commissioner Harris stated that such things were not considered at this time.

Mr. Leonard stated that the R-1AAA zoning was to allow him better setbacks for his new house. He will improve the road.

The public hearing was now closed.

Commissioner Dorworth stated that this is a rare case where the applicant wants to decrease the zoning.

Commissioner Dorworth made a motion to recommend approval of the application according to the conditions of the staff report.

Commissioner Peltz seconded the motion.

Commissioner Harris stated that issues of assessment are not involved in our determination of the use of the land. With respect to the road improvements, the A-1 parcels have residential uses. There is plenty of room for horses.

Commissioner Dorworth stated that the applicant can divide the lot with R-1AAA zoning.

The vote was 5 – 0 in favor of the motion.

Respectfully submitted,

Candace Lindlaw-Hudson
Senior Staff Assistant

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 R-1AAA ZONING CLASSIFICATION THE A-1 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, "Lake Howell Lane Rezone R-1AAA to A-1"

(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 R-1AAA to A-1:

SEE 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 by the Department.

ENACTED this 28th day of September, 2004.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

THE SOUTH 728 FEET OF THE FOLLOWING DESCRIBED PARCEL OF LAND:

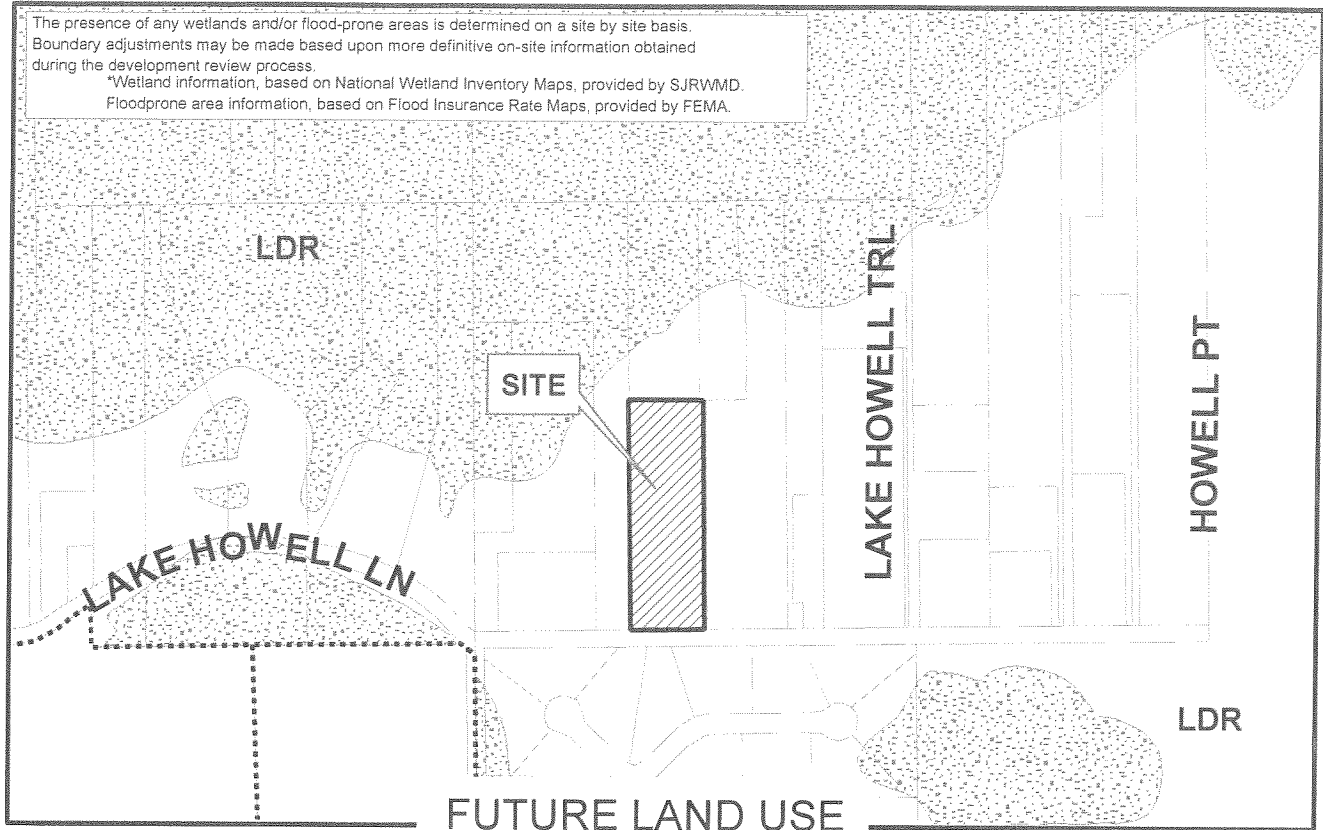
A TRACT OF LAND BEING A PORTION OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 27, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 27; THENCE EAST ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION FOR A DISTANCE OF 462.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°15' WEST ALONG A LINE BEING PARALLEL TO THE EAST LINE OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 27 FOR A DISTANCE OF 1320 FEET, MORE OR LESS; THENCE EAST ALONG THE NORTH LINE OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 27 FOR A DISTANCE OF 235.25 FEET; THENCE SOUTH 00°04' EAST FOR A DISTANCE 591.13 FEET, MORE OR LESS; THENCE EAST 5.00 FEET; THENCE SOUTH 00°04' EAST FOR A DISTANCE OF 728.86 FEET; THENCE WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 27 FOR A DISTANCE OF 236.02 FEET TO THE POINT OF BEGINNING.

SUBJECT TO:

ROAD RIGHT OF WAY FOR LAKE HOWELL LANE AND A 15 FOOT EASEMENT FOR INGRESS AND EGRESS BEING 7.5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: FROM THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 27, TOWNSHIP 21 SOUTH, RANGE 30 EAST, RUN EAST 698.02 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4 TO THE POINT OF BEGINNING; THENCE NORTH 00°04' WEST, 728.86 FEET TO THE END OF DESCRIPTION.

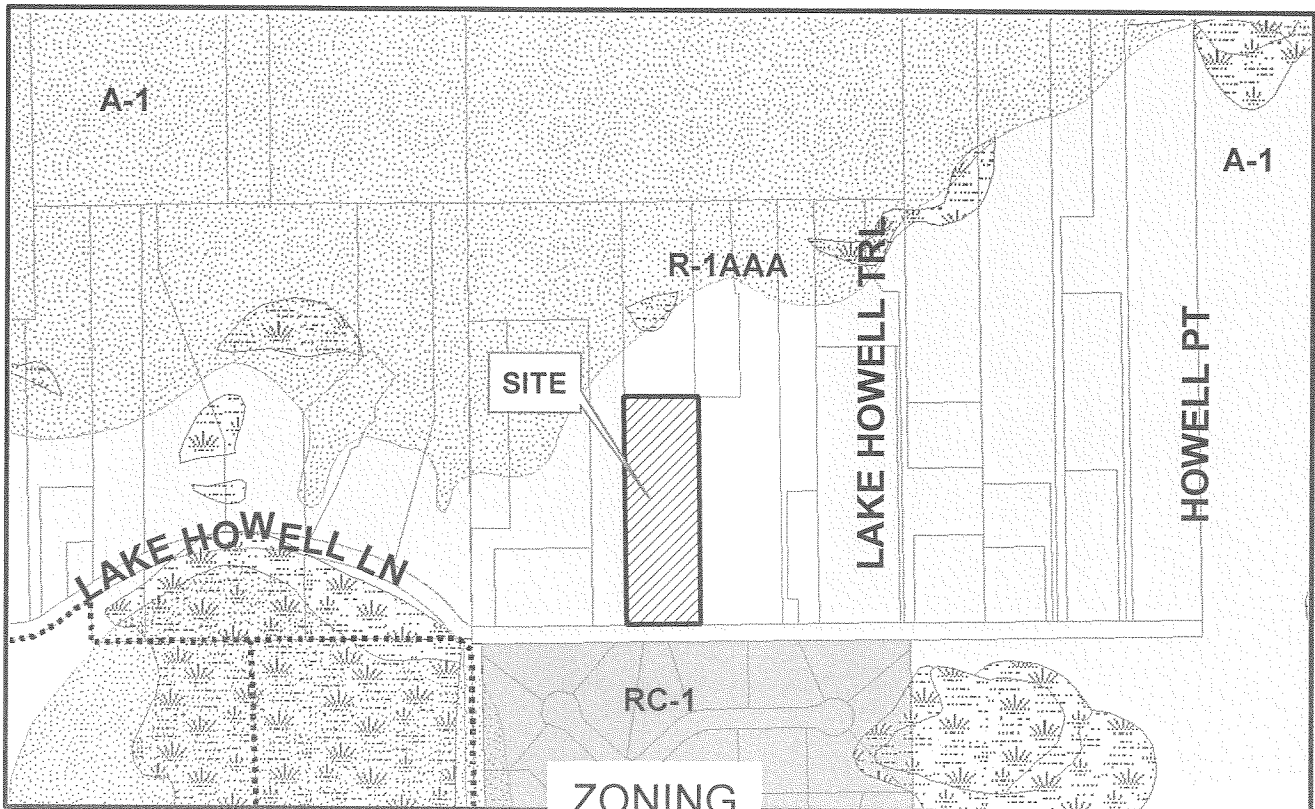
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



 Site
  Municipality
 LDR
  CONS

Applicant: Gregory T. Leonard
 Physical STR: part of 27-21-30-300-009D-0000
 Gross Acres: +/- 3.94 BCC District: 1
 Existing Use: Vacant
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2004-018	R-1AAA	A-1



 Site
  Municipality
  A-1
  RC-1
  R-1AAA
  FP-1
  W-1



Rezone No: Z2004-018
From: R-1AAA To: A-1

-  Parcel
-  Subject Property



February 1999 Color Aerials