

Item # 49

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM
(Continued from 9/14/04)

SUBJECT: Riverton Rezone R-1AAA to R-1AA

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 and authorize the Chairman to enact an ordinance rezoning approximately 15.65 acres, located on the southeast corner of the intersection of Orange Boulevard and Wilson Road, from R-1AAA (Single-family Dwelling District) to R-1AA (Single-family Dwelling District) (Eric Wills, applicant); or
2. DENY the request for rezoning from R-1AAA (Single-family Dwelling District) to R-1AA (Single-family Dwelling District) of approximately 15.65 acres, located on the southeast corner of the intersection of Orange Boulevard and Wilson Road (Eric Wills, applicant); or
3. CONTINUE the public hearing until a time and date certain.

District 5 – Commissioner McLain

Tina Deater, Senior Planner

BACKGROUND:

This item was continued from the 9/14/04 meeting at the request of the applicant.

The applicant, Eric Wills, requests rezoning from R-1AAA (Single-family Dwelling District) to R-1AA (Single-family Dwelling District) of approximately 15.65 acres, located on the southeast corner of the intersection of Orange Boulevard and Wilson Road, in order to build a single-family subdivision. The subject property has a future land use designation of Low Density Residential (LDR) and is programmed under the Vision 2020 Plan for a maximum of 4 units per net buildable acre. However, as a request for conventional zoning in the Low Density Residential (LDR) future land use district (i.e., not PUD), the application is subject to the weighted method for determining lot size

Reviewed by:	<u>SPC</u>
Co Atty:	<u>SPC</u>
DFS:	<u>MM</u>
OTHER:	<u>AS</u>
DCM:	<u>KB</u>
CM:	<u>KB</u>
File No.	<u>ph700pdp02</u>

compatibility required under Ordinance 98-53. This analysis supports the requested zoning classification of R-1AA. However, the Board should be aware that in 1999, when the future land use amendment to LDR for this property and several others in the area was done, the Board at that time indicated that the most appropriate zoning district for this property was R-1AAA. Please see the attached minutes from the August 10 and 11, 1999 Board meeting.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested R-1AA zoning classification.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on August 4, 2004 and voted 5 to 0 to recommend APPROVAL of the rezone to R-1AA.

Attachments:

Planning and Zoning Commission Minutes
Ordinance
Minutes from August 10 and 11, 1999 BCC Meeting
Comments from School Board
Maps

**Riverton Rezone
R-1AAA to R-1AA**

REQUEST INFORMATION	
APPLICANT	Eric Wills
PROPERTY OWNER	Jeno Paulucci
REQUEST	Rezone property from R-1AAA (Single-family Dwelling District) to R-1AA (Single-family Dwelling District)
HEARING DATE (S)	P&Z: 08/04/04 BCC: 08/24/04
PARCEL ID	31-19-30-300-0120-0000 and 31-19-30-300-012B-0000
LOCATION	Located on the southeast corner of the intersection of Wilson Road and Orange Boulevard
FUTURE LAND USE	Low Density Residential (LDR)
FILE NUMBER	Z2004-033
COMMISSION DISTRICT	District 5 – Commissioner McLain

OVERVIEW

Zoning Request: The applicant, Eric Wills, requests rezoning from R-1AAA (Single-family Dwelling District) to R-1AA (Single-family Dwelling District) of approximately 15.65 acres, located on the southeast corner of the intersection of Orange Boulevard and Wilson Road, in order to build a single-family subdivision. Lots in the R-1AAA zoning district require a minimum lot area of 13,500 square feet and a minimum width at the building line of 100 feet. Lots in the R-1AA zoning district require a minimum lot area of 11,700 square feet and a minimum width at the building line of 90 feet. The building setbacks are the same in both zoning districts.

The subject property has a future land use designation of Low Density Residential (LDR) and is programmed under the Vision 2020 Plan for a maximum of 4 units per net buildable acre. However, as a request for conventional zoning in the Low Density Residential (LDR) future land use district (i.e., not PUD), the application is subject to the weighted method for determining lot size compatibility required under Ordinance 98-53.

The analysis is a weighted method that evaluates appropriate zoning for a given parcel on the basis of existing zoning on surrounding properties within 660 feet. The calculations assign differing weights to the various districts according to permitted development intensities within those districts. For example, the R-1A district, with a minimum lot size of 9,000 square feet, has a weight factor of 8, while R-1AAAA, requiring half-acre lots, has a weight factor of 5. Properties zoned for Agriculture (A-1) receive a base weight of 4, but additional points can be assigned where water, sewer, and paved roads are available, for a maximum of 7. Weighting factors, together with the acreage of each zone within the 660-foot radius, determine the “compatible” zoning for the subject property.

The lot size compatibility analysis for the subject property supports the requested zoning classification of R-1AA.

Existing Land Uses:

	EXISTING ZONING	FUTURE LAND USE	CURRENT USE
SITE	R-1AAA (Single-family Dwelling District)	Low Density Residential	Vacant
NORTH	A-1 (Agriculture District)	Public	School
SOUTH	A-1 (Agriculture District)	Low Density Residential	Church
EAST	A-1 (Agriculture District)	Low Density Residential	Vacant, Single-family Residential
WEST	A-1 (Agriculture District)	Suburban Estates	Vacant, Single-family 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 site from Orange Boulevard and Wilson Road. Orange Boulevard is classified as a Collector, and has an adopted Level of Service of "E". Orange Boulevard is currently operating at a Level of Service of "C" in this area. Wilson Road is considered a local road and does not have an adopted level of service. The exact location of the access to the proposed development will be determined at the time of subdivision review and approval.

Compliance with Environmental Regulations:

At this time there are no concerns regarding compliance with environmental regulations.

Compatibility with Surrounding Development:

Currently, the surrounding area has Low Density Residential, Suburban Estates and Public future land use designations. The proposed R-1AA zoning classification is allowed in the Low Density Residential future land use designation, and the weighted method for determining lot size compatibility indicates that it is compatible with the surrounding zoning.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested R-1AA zoning classification based on the following findings:

1. The R-1AA 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 R-1AA zoning district is compatible with the concepts of its future land use designation of Low Density Residential; and
3. The uses within the proposed R-1AA zoning district would not have an unduly adverse effect on existing traffic patterns, movements and intensity.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on August 4, 2004 and voted 5 to 0 to recommend APPROVAL of the rezone to R-1AA.

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
AUGUST 4, 2004**

Members present: Alan Peltz, Dick Harris, Beth Hattaway, Walt Eismann, and Dudley Bates.

Also present: Matt West, Planning Manager; Tina Deater, Senior Planner; Tony Walter, Assistant Planning Manager; Steve Lee, Deputy County Attorney; and Candace Lindlaw-Hudson, Senior Staff Assistant.

Riverton Rezone; M.I. Homes / Eric Wills, applicant; 15.65 acres; rezone from R-1AAA (Single-family Dwelling District) to R-1AA (Single-family Dwelling District) for a single-family subdivision; located on the southeast corner of the intersection of Orange Blvd and Wilson Road. (Z2004-033)

Commissioner McLain – District 5
Tina Deater, Senior Planner

Tina Deater stated that the Low Density Residential future land use designation allows R-1AA zoning. This is compatible with the surrounding zonings. Staff recommendation is for approval.

Eric Wills was present to answer the questions of the Commissioners.

Don Beverly of 1525 Emmet Avenue wanted to know about the placement of the entrance and also about how water retention would be handled.

Mr. Wills said that the retention would be addressed in the Preliminary Subdivision Plan. Access would be off of Wilson Road. The northeast corner will be for retention.

Commissioner Eismann made a motion to recommend approval, based on the conditions of the Staff report.

Commissioner Peltz seconded the motion.

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

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 A); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE R-1AAA ZONING CLASSIFICATION THE R-1AA 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, "Riverton Rezone R-1AAA to R-1AA."

(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 to R-1AA:

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 24th day of August, 2004.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

LEG SEC 31 TWP 19S RGE 30E BEG 1012.94 FT E & 25 FT S OF NW COR RUN SELY
ON WLY R/W SYLVAN
AVE 78.24 FT S ON WLY R/W EMMETT AVE 390.46 FT W 1012.13 FT N TO A PT W OF
BEG E TO BEG

AND

SEC 31 TWP 19S RGE 30E FROM NW COR RUN S 924 FT E 471.24 FT N 17 FT E 580.90
FT TO POB RUN N
423.14 FT W 514.72 FT S 423.14 FT E 514.72 FT TO BEG

Chairman Henley stated he believes staff is in the process of evaluating how many cemeteries are not registered or have been abandoned.

A letter from CFG Real Estate requesting withdrawal of the proposed plan was received and filed.

Districts 1, 2, 3, 4 and 5 voted AYE.

A copy of the Fall Cycle Comprehensive Plan Amendment and Support Document were received and filed.

AMENDMENT/Seminole County, Silver, Bowyer Singleton

Proofs of publication, as shown on page 1503, calling for a public hearing to consider Amendment from Suburban Estates to Low Density Residential; property located on the east side of Orange Blvd., south of Wayside Drive, north side of the railroad bed, west of Tall Trees, containing approximately 147 acres, Seminole County, Silver, Bowyer-Singleton, received and filed.

Dick Boyer, Senior Planner, addressed the Board to review the location of the proposed amendment and the existing and abutting uses. He stated in September 1998, the Board approved the Wekiva Special Area Study. As a part of that study, the Board directed staff to process a future land use amendment from Suburban Estates to Low Density Residential for this area and allow for rezoning to create compatibility with adjacent uses. Staff recommends Low Density Residential land use, with findings that the proposed land use would: (1) Provide for an appropriate transitional use between Low Density Residential (LDR) land use to the east, and Low Density Residential and Suburban Estates land uses to the west; (2) Be consistent with the locational criteria of the County's Comprehensive Plan relating to Low Density Residential land uses; (3) Be consistent with adjacent Suburban Estates and LDR land use designations; and (4) Be consistent with Plan policies identified at this time and, therefore, is consistent with the Seminole County

Comprehensive Plan. He stated the Local Planning Agency (LPA) recommended approval with a recommendation of R1-AAA zoning.

Upon inquiry by Commissioner Morris, Tony Matthews, Senior Planner, addressed the Board to explain the reasoning of the LPA's recommendation.

Judy Stewart, representing Bowyer-Singleton & Associates, addressed the Board to state she concurs with staff's recommendations and she would be happy to answer any questions.

Mike McManus, 471 Stillforest Terrace, addressed the Board to ask how this project will affect the area residents. He stated he has lived in the area for 8 years and the wetlands area in the back has flooded three times due to the water table being very high. He addressed the issues of traffic, children walking down Wilson Road to get to school, and the Board aggravating the problem if they allow traffic to go down Wilson Road. He said he would like the Board to assure them that Wilson Road will be cut off.

At the request of Commissioner Morris, John Dwyer, Current Planning Manager, addressed the Board to provide the net density for R-1AAA.

John Moore, Seminole County Professional Engineer, addressed the Board to state Wilson Road will be connected on both sides of the Grantline Road project, and if it is closed at Grantline it would be landlocked. The only improvements they are proposing for Wilson Road is to construct the two-lane nominal connection to the Grantline facility, go back from Wilson approximately 200 ft. to provide a paved transition onto and off of the road, and then transition it back to the dirt pavement. Stormwater facilities have been installed on both sides so that there would not be a drainage problem.

Mr. McManus stated he was told that Wilson Road would be blocked off.

Mr. Moore stated the County is not attempting to increase the capacity to Wilson Road and they are trying to minimize the paving as much as possible. He stated he doesn't believe it will be an alternate corridor.

Upon inquiry by Commissioner Morris, Mr. Moore advised landscaping would be installed as part of the Grantline Road construction project. One of the issues that he ran into was the County does not have a source of free reuse water along Grantline Road and based on that, they are going with the drought-tolerant landscaping unless they have an alternate funding source.

At the request of Commissioner Van Der Weide, Mr. Moore explained how the County's road paving program might affect that area.

Commissioner Van Der Weide stated he would like to make sure that everyone realizes that the County will be paving all County-maintained dirt roads within the next three years.

Upon inquiry by Mr. McManus, Mr. Moore advised the plan is not to close off Wilson Road at this time because at least one large parcel east of Grantline would not have access.

No one else spoke in support or in opposition.

Speaker Request Form was received and filed.

District Commissioner McLain stated the map shows that Tall Trees is R-1AAA and it is surrounded by Low Density Residential. He said he can assure the residents that this property should be developed to the same level as Tall Trees. He stated Wilson Road would be an issue that will be addressed as well as the ability of the children walking to school. He said he does not remember discussing cutting off Wilson Road, but he believes it is a County right-of-way. He added he would make sure that the stormwater plan will be watched very closely by the County, the

St. Johns River Water Management District and the Department of Environmental Protection.

Motion by Commissioner McLain, seconded by Commissioner Morris to transmit Low Density Residential land use; property located on the east side of Orange Blvd., south of Wayside Drive, north side of the railroad bed, west of Tall Trees, containing approximately 147 acres, as described in the proof of publication, Seminole County, Silver, Bowyer-Singleton, with staff findings.

Under discussion and upon inquiry by Commissioner Morris, Commissioner McLain advised he is approving this item with a caveat that the applicant understands that he is looking at R-1AAA when this comes back and he will be looking into the Wilson Road access.

Districts 1, 2, 3, 4 and 5 voted AYE.

AMENDMENT/Seminole County, Gauss, Gibson

Proofs of publication, as shown on page 1503, calling for a public hearing to consider Amendment from Suburban Estates to Office; property located at the northeast corner of CR 46A and Orange Blvd., west of future Grantline Road, containing approximately 29.2 acres, Seminole County, Gauss, Gibson, received and filed.

Mr. Boyer reviewed the location and the existing and abutting uses of the property. He stated as part of the Wekiva Special Area Study, the Board directed staff to process a future land use amendment from Suburban Estates to Office at the northeast corner of SR 46A and Orange Blvd. to be compatible with adjacent land use of Planned Development and Office. He said staff recommends approval of the proposed land use with the following findings: (1) Would provide for an appropriate transitional use between HIP-TI and Office land uses to the east, and Low Density Residential to the west; (2) Would be



Candace Hudson /Seminole
08/04/2004 01:19 PM

To Tina Deater/Seminole@Seminole
Earnest McDonald/Seminole@Seminole, Tony
cc Walter/Seminole@Seminole, Matt
West/Seminole@Seminole
bcc
Subject Fw: P&Z Comments 8.04.04

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----- Forwarded by Candace Hudson/Seminole on 08/04/2004 01:17 PM -----



Dianne_Kramer@scps.k12.fl.us

08/04/2004 01:09 PM

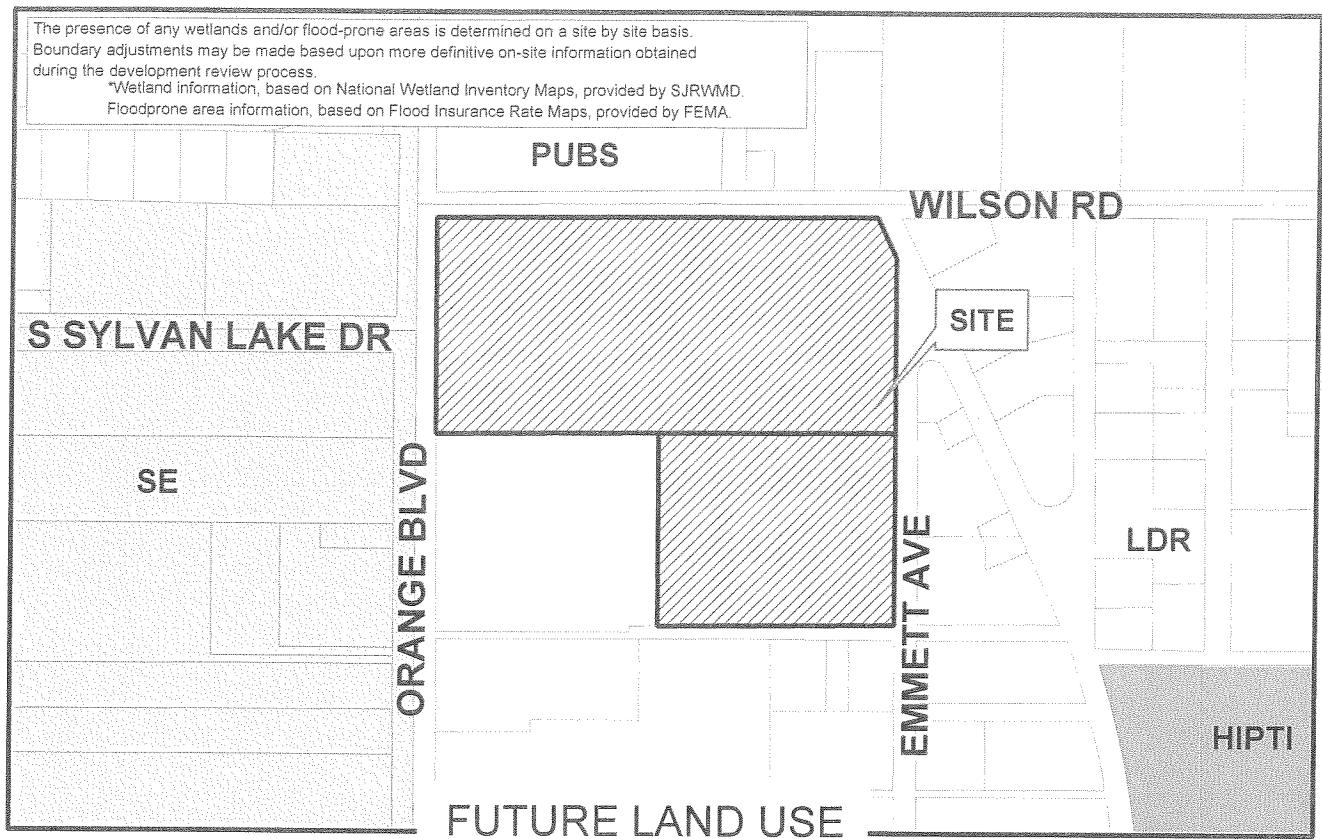
To chudson@seminolecountyfl.gov,
mwest@seminolecountyfl.gov
cc Board-Members_DL/scps_esc@mail.scps.k12.fl.us
Subject P&Z Comments 8.04.04

Since Public Hearings C and D are being continued until September, I will respond only to items E and F. Both items permit a minimal increase in residential units and would generate a minimal increase in the number of public school students. It is a concern, however, that residential density is being increased (E) and that non-residential property is being converted to residential use (F). The impact to the school system associated with the Deer Run PUD amendment (F) could be reduced if the development order stipulated that the units would be owner-occupied and not rental. Please feel free to contact me if you have any questions. Thank you.

Dianne L. Kramer, Deputy Supt./Operations
Seminole County Public Schools
407.320.0060 direct line
407.320.0292 FAX

<mailto:dianne_kramer@scps.k12.fl.us>

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.

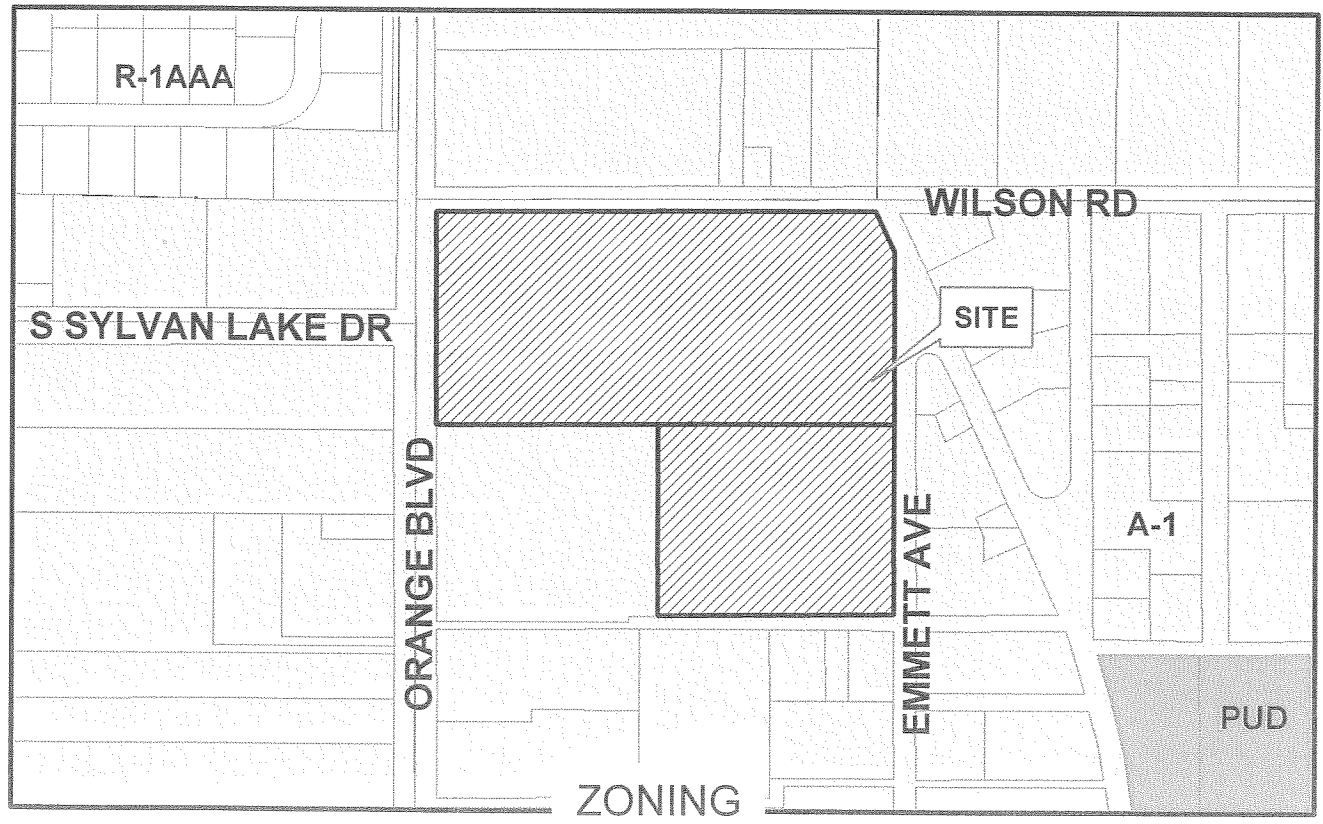


FUTURE LAND USE

Site
 SE
 LDR
 HIPTI
 PUBS

Applicant: Jeno F. Paulucci Revocable Trust
 Physical STR: 31-19-30-300-0120 & 012B-0000
 Gross Acres: +/- 15.65 BCC District: 5
 Existing Use: Vacant
 Special Notes: None

	Amend/ Rezoning#	From	To
FLU	--	--	--
Zoning	Z2004-033	R-1AAA	R-1AA



ZONING

Site
 R-1AAA
 A-1
 PUD



Rezone No: Z2004-033
From: R-1AAA To: R-1AA
□ Parcel
■ Subject Property



February 1999 Color Aerials