

PLANNING & ZONING COMMISSION RECOMMENDATION

On September 3, 2003, the Planning & Zoning Commission voted 5-0 to recommend approval of R-1AA.

STAFF RECOMMENDATION:

Based on an analysis of surrounding densities and intensities, staff recommends DENIAL of the requested R-1A classification. However, staff does support R-1AA zoning.

Mr. Hopper pointed out that sound levels do not increase in a linear fashion, but rather logarithmically.

Mr. Mosler was concerned because the property in his PUD had not been developed. He was concerned about the noise being contained.

Commissioner Tucker said that there was a noise ordinance in the County.

Mr. Myers said that in the afternoon there would be light jazz. This area is a small area. Neighbor's complaints will be addressed immediately. Noise drops off 10% per 10 feet. The outside of the buildings is acoustical wood.

Commissioner Harris made a motion to recommend approval with staff recommendations 1 and 2, but with the revision to number 3 eliminating the opening hours; closing hours of 2 A.M. on Friday and Saturday nights and 1 A.M. on Sunday through Thursday evenings. Criteria 4 to be modified to read: Decibel level at property line not to exceed 85 decibels. Eliminate recommendation number 5 completely.

Commissioner Dorworth seconded the motion.

There was no discussion.

The motion passed unanimously.

I. Shangri-La Lane Rezone; Acorn Development Co / Sandra Bierly, applicant; 27.66 acres; Rezone from A-1 (Agriculture) to R-1A (Single Family Dwelling District); located approximately 300 feet south of SR 434, 0.8 mile east of SR 417 (Z2003-030).
Commissioner Morris – District 2
Jeff Hopper, Senior Planner

Mr. Hopper said that the applicant, Sandra Bierly, requests approval of R-1A zoning on a 28-acre site located south and west of SR 434. Located in the Low Density Residential (LDR) future land use designation, the property is programmed under the Vision 2020 Plan for a maximum of 4 units per net buildable acre. However, as a request for conventional zoning (i.e., not PUD), the application is subject to the lot compatibility analysis required under Ordinance 98-53. This analysis supports a zoning classification of R-1AA.

Mr. Hopper said that the analysis 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 majority of the analysis area adjoining this request is A-1, with several adjoining properties located in the cities of Winter Springs and Oviedo. The analysis yielded a weight rating of 7.42, which corresponds to the R-1AA district, with a minimum lot size requirement of 11,700 square feet. The requested R-1A would permit lots of 9,000 square feet in size.

The subject property lies in an area of transition from rural densities to more suburban forms of development, including neighborhood commercial and recreational uses. While the overall trend is toward higher density and intensity of development, no clear pattern has emerged to support a request of R-1A at this particular location. Nearby developments such as Barrington Estates to the north in the City of Winter Springs, and MacKinley’s Mill to the west in Oviedo, are equivalent in density to R-1A. However, Laurel Oaks, located in Oviedo to the east, has a significantly lower density comparable to R-1AAA. In the lot compatibility analysis prepared by staff, a large amount of A-1 property adjacent to the site had a downward influence on density, which was counterbalanced by a church and a golf driving range to the south, with higher intensity ratings. Staff concluded that the recommendation of R-1AA produced by the compatibility calculation is probably the most appropriate reflection of development trends in the vicinity.

A review of existing land uses included:

	Zoning	Future Land Use	Existing Land Use
North	A-1	LDR	SF / vacant
South	A-1 / CITY	LDR / CITY	golf range / church / vacant
East	CITY	CITY	SF
West	A-1 / CITY	LDR / CITY	SF / vacant

In conclusion, Mr. Hopper said that based on an analysis of surrounding densities and intensities, staff recommends denial of the requested R-1A classification. R-1AA should be considered as a more appropriate alternative.

Michele Tanner, representing Ms. Bierly stated that the applicant will accept the R-1AA zoning.

No one spoke from the floor in favor of the application.

Dan Beistel of 460 Madison Lane, Oviedo, owns the property next door to this. He is concerned about drainage in the area being restricted. He was also concerned about open access to his property.

John Johnson of 1290 Shangri La Lane was concerned about the trees being taken off of the site and the drainage issues in the area. He showed pictures of the trees that had been removed so far.

John Frost of 1125 Shangri La Lane said that the drainage in the area had changed since the church on the corner had been built. He owns 5 acres to the south of the site. The 2 back acres of his parcel are under water and flooding all of the time.

Tom Ferguson owns the parcel to the north of the site. He gave a 20 foot easement to a small interior lot. He said that there was a drainage ditch between lots. The water table in this area is high. Larger lots are better for drainage. Susan Carroll has lived in the area since 1966. She is not opposed.

Carl Cahill had concerns with stormwater retention. The community to the east will be houses of 400,000 dollars.

The public hearing was now closed.

Commissioner Mahoney said that the applicant has agreed with staff recommendations. He made a motion to recommend approval of the R-1AA zoning as per the staff report.

Commissioner Hattaway seconded the motion.

The motion passed by unanimous consent. (7-0)

J. Monroe Commerce Center South – Phase 2; Small Bay Partners, LLC. / Howard Schiefer-Decker, applicant; approximately 4.25 acres; rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) southeast corner of Church Street and N. Elder Street. (Z2003-033)
Commissioner Maloy – District 1
Jeff Hopper, Senior Planner

Mr. Hopper said that the applicant is requesting approval of a PCD (Planned Commercial Development) consisting of 56,000 square feet of floor area on a 4.25 acre site. The proposal consists of 3 buildings ranging in size from 17,120 to 21,600 square feet. According to the applicant, use of the property will be limited to multi-tenant offices and warehouses, and an outdoor storage area. Storage bays would not be used for retail or service businesses with high rates of traffic generation. Staff believes that the request is compatible with surrounding development. The subject property is located in the Higher-Intensity Planned

SHANGRI-LA LANE REZONE

REQUEST INFORMATION		
APPLICANT	Sandra Bierly	
PROPERTY OWNER	Sandra Bierly	
REQUEST	Rezone from A-1 (Agriculture) to R-1A (Single Family Dwelling District)	
HEARING DATE(S)	P&Z: September 3, 2003	BCC: October 14, 2003
PARCEL #	04-21-31-300-017B-0000 04-21-31-300-027A-0000 25-20-31-5BA-0000-0150 25-20-31-5BA-0000-015A	
LOCATION	300' south of SR 434, 0.8 mile east of SR 417	
FUTURE LAND USE	Low Density Residential (LDR)	
FILE NUMBER	Z2003-030	
COMMISSION DISTRICT	District 2 (Morris)	

OVERVIEW

The applicant, Sandra Bierly, requests approval of R-1A zoning on a 28-acre site located south and west of SR 434. Located in the Low Density Residential (LDR) future land use designation, the property is programmed under the Vision 2020 Plan for a maximum of 4 units per net buildable acre. However, as a request for conventional zoning (i.e., not PUD), the application is subject to the lot compatibility analysis required under Ordinance 98-53. This analysis supports a zoning classification of R-1AA.

The analysis 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.

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developments such as Barrington Estates to the north in the City of Winter Springs, and MacKinley's Mill to the west in Oviedo, are equivalent in density to R-1A. However, Laurel Oaks, located in Oviedo to the east, has a significantly lower density comparable to R-1AAA. In the lot compatibility analysis prepared by staff, a large amount of A-1 property adjacent to the site had a downward influence on density, which was counterbalanced by a church and a golf driving range to the south, with higher intensity ratings. Staff concluded that the recommendation of R-1AA produced by the compatibility calculation is probably the most appropriate reflection of development trends in the vicinity.

Existing Land Uses: The existing zoning designations and land uses are as follows:

	Zoning	Future Land Use	Existing Land Use
North	A-1	LDR	SF / vacant
South	A-1 / CITY	LDR / CITY	golf range / church / vacant
East	CITY	CITY	SF
West	A-1 / CITY	LDR / CITY	SF / vacant

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

SITE ANALYSIS

Facilities and Services:

1. Adequate facilities and services must be available concurrent with the impacts of development. If required by the concurrency review, additional facilities and services will be identified. (Applicant has submitted a Concurrency Review Deferral Affidavit.)
2. 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 Vision 2020 Plan.
3. Water and sewer service to the site is available from the City of Oviedo.
4. Subdivision access will be allowed only from SR 434.
5. Information on stormwater capacity and outfall will have to be provided prior to Final Subdivision approval.

Compliance with Environmental Regulations: At this time there are no known issues regarding compliance with environmental regulations. An endangered species survey and wetlands survey will be required for Final Subdivision approval.

Compatibility with surrounding development: The proposed R-1A zoning classification is not compatible with surrounding development based on staff's calculations in the Lot

Compatibility Analysis. Those calculations determined that R-1AA is the most compatible classification based on existing zoning and development patterns.

School impacts: According to the Seminole County School Board representative appointed to the Local Planning Agency, potential school impacts will be as follows:

Based on the information provided, the development could include as many as 112 single family homes.

Average number of elementary students:	28
Average number of middle school students:	13
Average number of high school students:	14

Schools serving this geographical area are:

	<i>Revised Capacity</i>	<i>Current Enrollment</i>
Lawton Elementary	832	847
Jackson Heights Middle	1246	1241
Oviedo High	2464	3173

Additional elementary capacity will be available in the area when school starts in August 2004. Additional middle school capacity will be available when Chiles Middle School moves to its new location in August 2005. Additional high school capacity will be available in August 2005 with the opening of Hagerty High School at the site of the current Chiles Middle School. There are no classroom portables at Lawton or Jackson Heights, but there 16 portables at Oviedo High. The average number of portables for high schools is 9.5 and the range is 0 to 24.

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STAFF RECOMMENDATION

Based on an analysis of surrounding densities and intensities, staff recommends DENIAL of the requested R-1A classification. However, staff does support R-1AA zoning.

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-1AA (SINGLE FAMILY DWELLING DISTRICT) 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 "Shangri-La 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-1AA (Single Family Dwelling District):

LEGAL DESCRIPTION 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 with the Department of State.

ENACTED this 14th day of October, 2003.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

EXHIBIT A

LEGAL DESCRIPTION

SEC 04 TWP 21S RGE 31E BEG 1327.51 FT N OF SE COR RUN W 401.69 FT N 281.71 FT W 209 FT S 281.62 FT W 65 FT N 331.59 FT E 675.84 FT S 331.88 FT TO BEG

LOTS 15 & 16 (LESS N 100 FT OF E 150 FT OF LOT 16 & RD & S 302.01 FT & W 491.65 FT OF LOT 15) BLACK HAMMOCK PB 1 PG 31

S 302.01 FT & W 491.65 FT OF LOT 15 BLACK HAMMOCK PB 1 PG 31

SEC 04 TWP 21S RGE 31E N 1/2 OF NE 1/4 OF SE 1/4 OF SE 1/4 (5 AC)

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-1A (SINGLE FAMILY DWELLING DISTRICT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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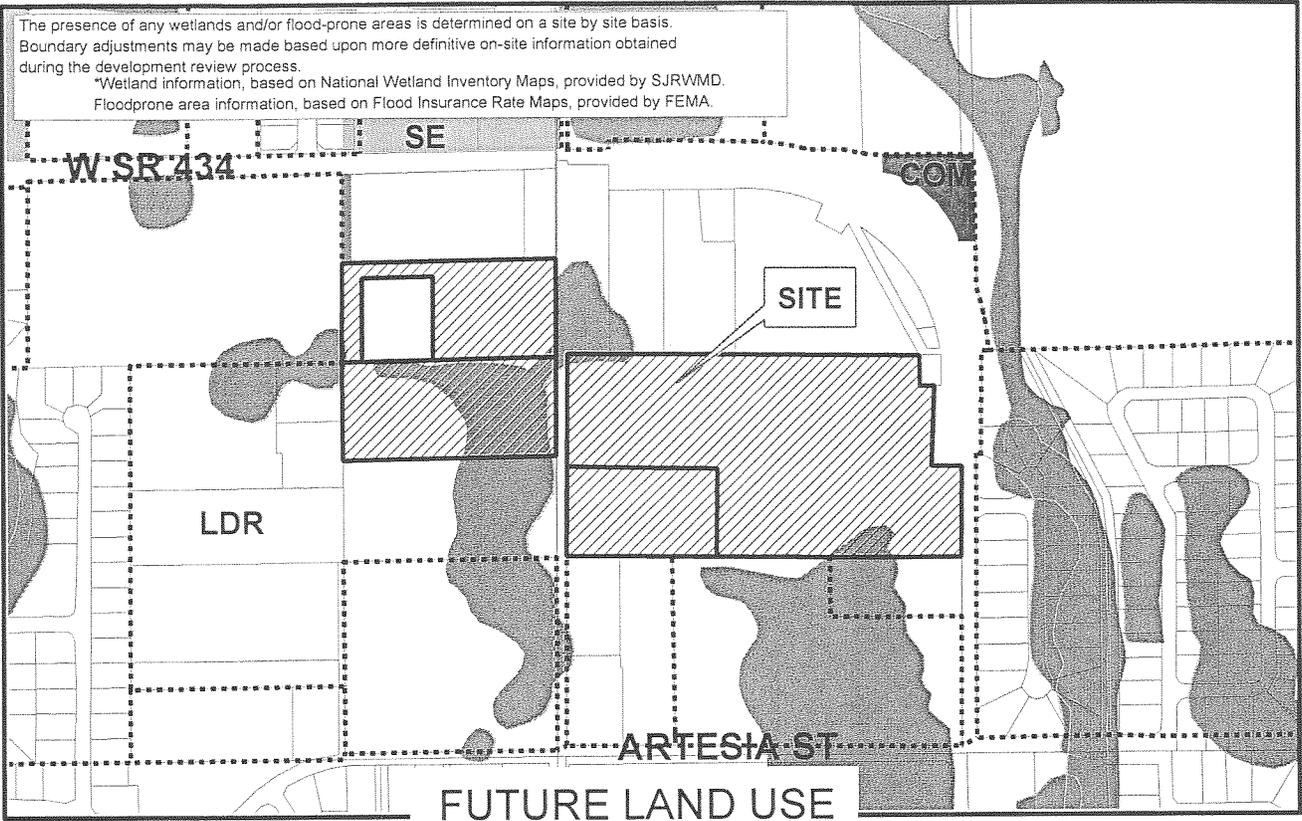
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SEC 04 TWP 21S RGE 31E N 1/2 OF NE 1/4 OF SE 1/4 OF SE 1/4 (5 AC)

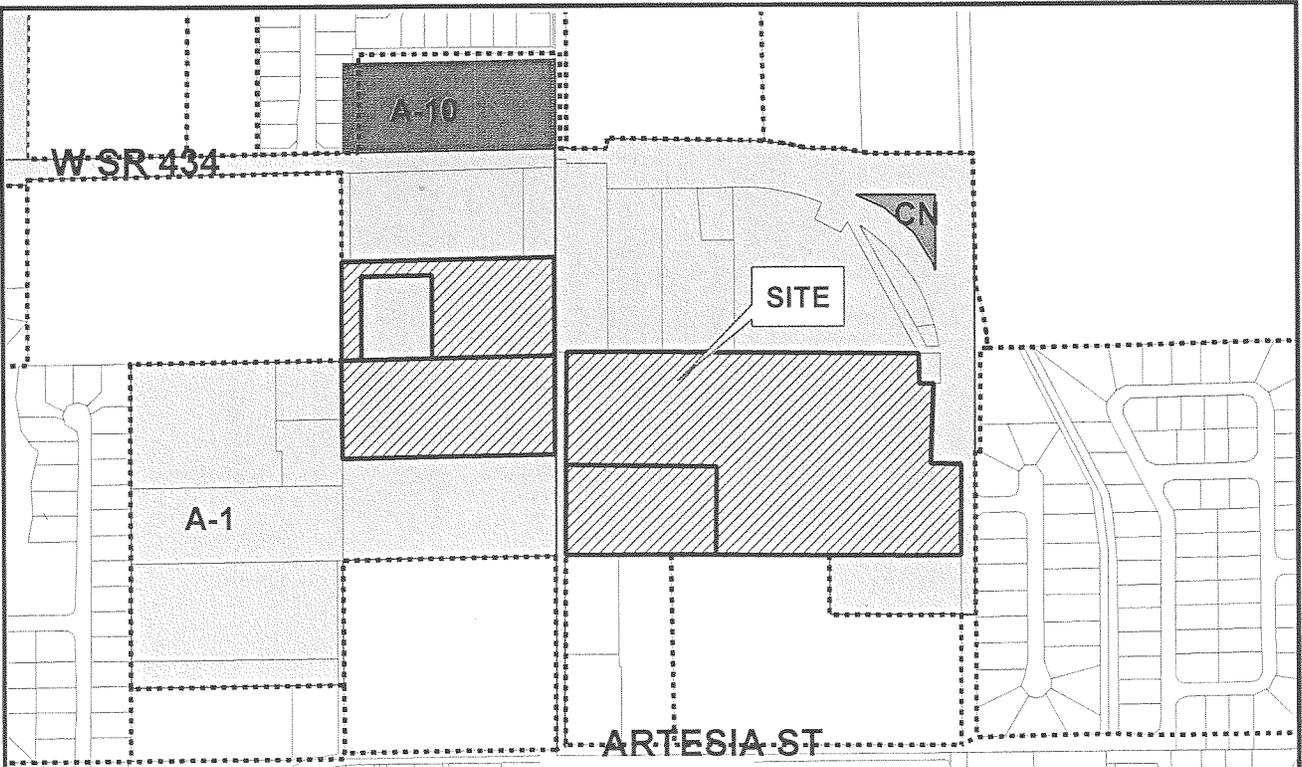
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



Site
 Municipality
 PUBC
 LDR
 SE
 COM
 CONS

Applicant: Acorn Development
 Physical STR: 04-21-31-300-017B, 0270-0000 & 25-20-31-5BA-0000-0150, 015A
 Gross Acres: 27.66 BCC District: 2
 Existing Use: Vacant

	Amend/Rezone#	From	To
FLU	--	--	--
Zoning	Z2003-030	A-1	R-1A



Site
 Municipality
 A-1
 A-10
 CN



Rezone No: Z2003-030
From: A-1 To: R-1A

-  Parcel
-  Subject Property



February 1999 Color Aerials