

Item # 32

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Frances Avenue Rezone from A-1 to R-1A

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

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Tina Williamson **EXT.** 7353

Agenda Date <u>10/24/06</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:

- DENY** the request to rezone 10 ± acres, located southeast of Ronald Reagan Blvd., on the south side of Frances Ave, from A-1 (Agriculture) to R-1A (Single-Family Dwelling), based on staff findings, and authorize the Chairman to execute the Denial Development Order (Andrew Stanley, applicant); or
- APPROVE** the request to rezone 10 ± acres, located southeast of Ronald Reagan Blvd., on the south side of Frances Ave, from A-1 (Agriculture) to R-1A (Single-Family Dwelling), and authorize the Chairman to execute the rezone ordinance (Andrew Stanley, applicant); or
- CONTINUE** the item to a time and date certain.

District #5 – Comm. Carey

Tina Williamson, Principal Coordinator

BACKGROUND:

The applicant is requesting to rezone 10 ± acres, located southeast of Ronald Reagan Blvd., on the south side of Frances Ave. from A-1 (Agriculture) to R-1A (Single-Family Dwelling). R-1A (Single-Family Dwelling) requires a minimum lot size of 9,000 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) provides 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,

Reviewed by:	
Co Atty:	<u>KPT</u>
DFS:	
OTHER:	<u>AB</u>
DCM:	<u>[Signature]</u>
CM:	<u>[Signature]</u>
File No.	<u>ph130pdp05</u>

per 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 does not support the requested rezone to R-1A.

Predominantly, adjacent properties to the east, west, northwest, and south of the site are zoned A-1 (1 acre minimum lot size). To the north and northeast is a subdivision with the R-1 (8,400 sq. ft lots) zoning district. Further south there are properties that have A-1 zoning and the Suburban Estates Future Land Use designation. These properties represent those located within the 660-foot boundary around the subject property per Section 30.1380.3 of the LDC. Additionally, there are subdivisions further to the northwest and northeast that are not adjacent to the site, but are within close proximity, that consist of the R-1AA zoning district (11,700 sq. ft lot size).

STAFF RECOMMENDATION:

Staff recommends DENIAL of the request to rezone 10 ± acres, located southeast of Ronald Reagan Blvd., on the south side of Frances Ave., from A-1 (Agriculture) to R-1A (Single-Family Dwelling).

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on September 6, 2006 and voted 6 to 0 to recommend DENIAL of the request to rezone 10 ± acres, located southeast of Ronald Reagan Blvd., on the south side of Frances Ave., from A-1 (Agriculture) to R-1A (Single-Family Dwelling), based on staff findings.

Attachments:

- Staff Report
- Location Map
- Zoning & Future Land Use Map
- Aerial Map
- Denial Development Order
- Rezone Ordinance
- School District School Capacity Report
- 9/6/06 Planning and Zoning Commission Minutes

Frances Ave Rezone

Rezone from A-1 to R-1A

APPLICANT	Andrew Stanley	
PROPERTY OWNER	Juan Lopez	
REQUEST	Rezone from A-1 (Agriculture) to R-1A (Single-Family Dwelling)	
PROPERTY SIZE	10 ± acres	
HEARING DATE (S)	P&Z: September 6, 2006	BCC: October 24, 2006
PARCEL ID	23-20-30-300-001F-0000	
LOCATION	Southeast of Ronald Reagan Blvd. on the south side of Frances Ave.	
FUTURE LAND USE	LDR (Low Density Residential)	
ZONING	A-1 (Agriculture)	
FILE NUMBER	Z2006-33	
COMMISSION DISTRICT	#5 – Carey	

Proposed Development:

The applicant is proposing to develop a single-family subdivision.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant is requesting to rezone 10 ± acres, located southeast of Ronald Reagan Blvd., on the south side of Frances Ave., from A-1 (Agriculture) to R-1A (Single-Family Dwelling). R-1A (Single-Family Dwelling) requires a minimum lot size of 9,000 sq. ft. The Future Land Use Designation of the subject property is Low Density Residential (LDR), which is consistent with the requested zoning district.

The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested zoning district of R-1A (Single-Family).

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (R-1A)
Minimum Lot Size	43,560 square feet	9,000 square feet
Minimum House Size	N/A	1,100 square feet
Minimum Width at Building Line	150 feet	75 feet
Front Yard Setback	50 feet	25 feet
Side Yard Setback	10 feet	7.5 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-1A (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	9,000 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. The results from the analysis indicated a weight of 6.60, which is consistent with the R-1AA zoning district, not the R-1A zoning district. Therefore, staff's opinion is that the requested R-1A zoning is not compatible with surrounding properties.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS:

Floodplain Impacts:

Based on FIRM (Federal Insurance Rate Map) map number 12117C0135E, no portion of the site appears to be within a floodplain. However, the SW corner is floodzone AE per preliminary DFIRMs (Draft Federal Insurance Rate Maps). This should be accounted for during the drainage analysis at final engineering. If the DFIRMs are effective by the date of construction, an application to FEMA for a LOMC (Letter of Map Change) may be required for any impacts to the updated floodplain.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be 3 ± acres of wetlands on site. 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 preliminary analysis, there may be endangered and threatened wildlife on the subject property. A Threatened and Endangered (T&E) Study along with a species of special concern 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-1A)*	Net Impact
Water (GPD)	3,500	11,200	7,700
Sewer (GPD)	3,000	9,600	6,600
Traffic (ADT)	96	306	210

* The Proposed Development is calculated on 20% of the property being dedicated for roads and retention and 4 units per net developable acre based on the maximum allowed within the LDR Future Land Use, for a total of 32 lots.

Utilities:

The site is located in the Seminole County Central Service Area and will be required to connect to public utilities. There is a 16-inch water main approximately 800 feet north at Ronald Reagan Blvd and a 12-inch force main approximately 1000 feet north at Ronald Reagan Blvd. This project is located within the ten year master plan for reclaimed water, therefore, an irrigation system must be connected to reclaimed water when it becomes available.

Transportation / Traffic:

The property access is from Frances Avenue, which is classified as a local roadway. Frances Avenue is not currently programmed to be improved according to the County 5-year Capital Improvement Program. The applicant will be required to bring Frances Avenue up to County standards at the time of development.

School Impacts:

Based on the formulas provided by the Seminole County School District, the proposed zone change will generate approximately 20 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 the school capacity numbers in the previous table. This analysis is included as an attachment to this report.

Public Safety:

The County Level-Of-Service standard for fire protection and rescue, per Policy PUB 2.1 of the Comprehensive Plan, is 5 minutes average response time. The nearest response unit to the subject property is Station # 35, which is located at 4300 Hwy. 17/92 South. 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 site is within the Lake Jesup Drainage Basin. Based on preliminary review, the site may be constrained downstream and therefore may be required to retain the pre-post volume difference for the 100 year/24 hour event. A detailed drainage analysis will be required at final engineering, including determination of outfall and downstream conditions.

Parks, Recreation and Open Space:

The applicant is required to provide at a minimum 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:

If the rezone is approved, there will not be any external buffers required, because the residential development will abut residential zoning and land use.

Since there are no existing sidewalks along Frances Avenue, external sidewalks for this project may not be required, however internal sidewalks will be required.

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 POT 4.5: Potable Water Connection
- Policy SAN 4.4: Sanitary Sewer Connection
- Policy PUB 2.1: Public Safety Level-of-Service

INTERGOVERNMENTAL NOTIFICATION:

An intergovernmental notice to the Seminole County School Board was sent on June 9, 2006.

LETTERS OF SUPPORT OR OPPOSITION:

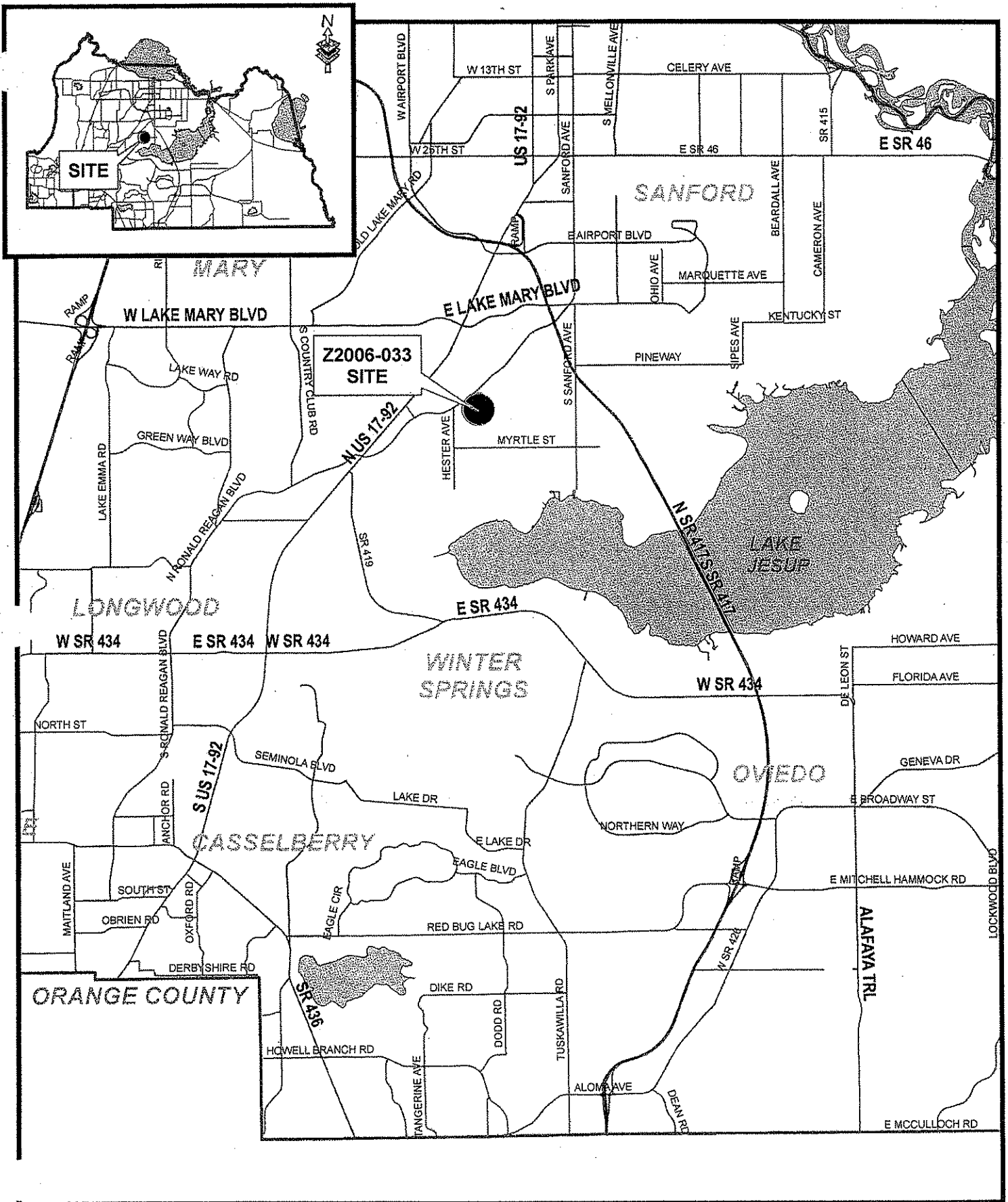
At this time, Staff has not received any letters of support or opposition.

STAFF RECOMMENDATION:

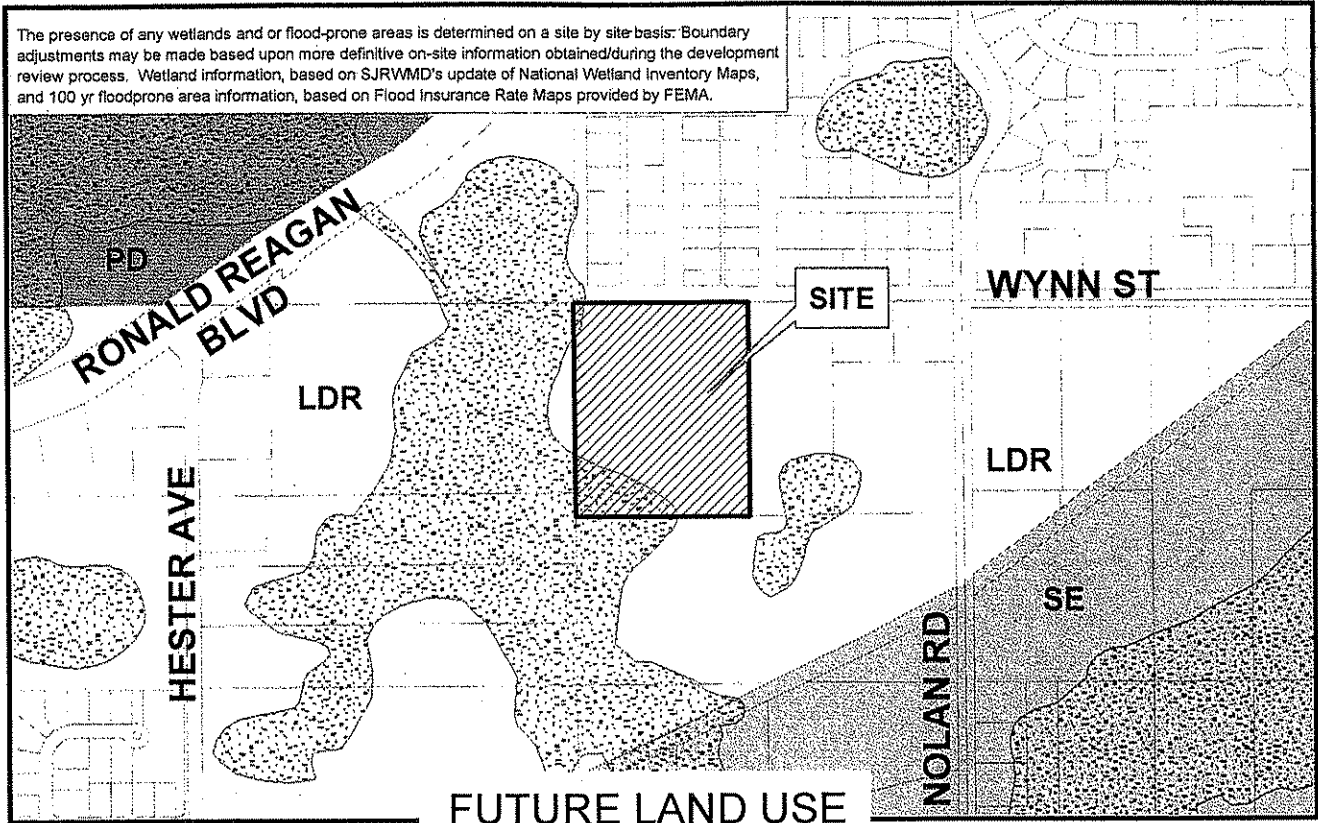
Staff recommends DENIAL of the request to rezone 10 ± acres, located southeast of Ronald Reagan Blvd., on the south side of Frances Ave., from A-1 (Agriculture) to R-1A (Single-Family Dwelling).

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on September 6, 2006 and voted 6 to 0 to recommend DENIAL of the request to rezone 10 ± acres, located southeast of Ronald Reagan Blvd., on the south side of Frances Ave., from A-1 (Agriculture) to R-1A (Single-Family Dwelling), based on staff findings.



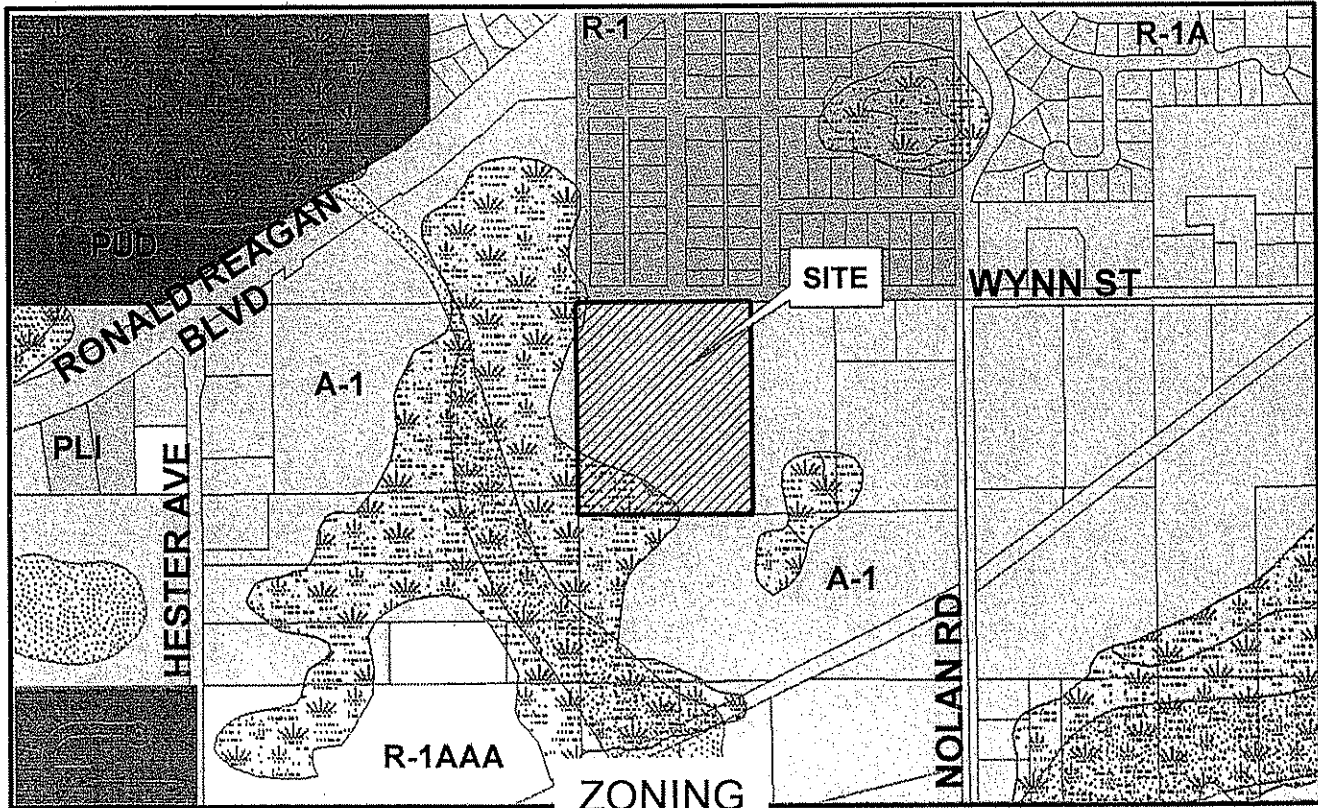
The presence of any wetlands and or flood-prone areas is determined on a site by site basis: Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr floodprone area information, based on Flood Insurance Rate Maps provided by FEMA.



Site
 Municipality
 LDR
 SE
 PD
 CONS

Applicant: Andrew Stanley
 Physical STR: 23-20-30-300-001F-0000
 Gross Acres: 10.22 +/- BCC District: 5
 Existing Use: Vacant
 Special Notes: None



	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2006-033	A-1	R-1A



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



Rezone No: Z2006-033
From: A-1 To: R-1A

-  Parcel
-  Subject Property



Winter 2006 Color Aerials

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On October 24, 2006, Seminole County issued this Denial Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

Property Owner(s): Juan Lopez

Project Name: Frances Avenue Rezone

Requested Development Approval: The applicant is requesting to rezone 10 ± acres located southeast of Ronald Reagan Blvd., on the south side of Frances Ave, from A-1 (Agriculture) to R-1A (Single-Family Dwelling, in order to develop a single-family subdivision.

The Board of County Commissioners has determined that the rezone request from A-1 (Agriculture) to R-1A (Single-Family Dwelling) is not compatible with the surrounding area to the south and could not be supported.

After fully considering staff analysis titled "Frances Avenue Rezone" and all evidence submitted at the public hearing on October 24, 2006, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from A-1 (Agriculture) to R-1A (Single-Family Dwelling) should be denied.

ORDER**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

The aforementioned application for development approval is **DENIED**.

Done and Ordered on the date first written above.

**SEMINOLE COUNTY BOARD
OF COUNTY COMMISSIONERS**

By: _____
Carlton D. Henley, Chairman

Z2006-033

DEVELOPMENT ORDER #06-20000006

EXHIBIT "A"

SEC 23 TWP 20S RGE 30E N 748.81 FT OF NE 1/4 OF NE 1/4 (LESS E 738.28 FT)

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE R-1A (SINGLE-FAMILY DWELLING) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR 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 "Frances Ave 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-1A (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.

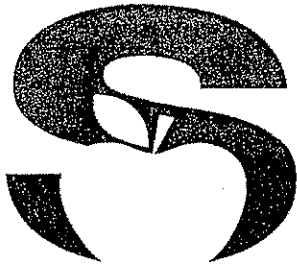
ENACTED this 24th day of October 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT A
LEGAL DESCRIPTION

SEC 23 TWP 20S RGE 30E N 748.81 FT OF NE 1/4 OF NE 1/4 (LESS E 738.28 FT)



SEMINOLE COUNTY PUBLIC SCHOOLS School Capacity Report

To: Seminole County Board of County Commissioners

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

Date: July 05, 2006

RE: Z2006-33 Frances Avenue 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: – 10 ± acres; Rezone from A-1 (Agriculture District) to R-1A (Single-Family Residential); located at the terminus of Frances Avenue, 1000 feet south of N. Ronald Reagan Blvd.

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:

<i>Total Proposed units</i>					
Total # of Units		# of Single-Family Lots		# of Multi-Family Units	
40		40		0	
<i>Student Generation</i>					
<i>Impacted Schools</i>	<i>Projected Number of Additional Students</i>	<i>Current Capacity</i>	<i>Current Enrollment</i>	<i>Percent Utilization</i>	<i>Students Resulting from Recently Approved Developments</i>
Elementary Northeast Cluster	10	1867	1999	107.1	162
Middle Millennium	5	1548	N/A	N/A	73
High Seminole	5	1996	2900	140.2	192

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.

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 from the new residential dwelling units could not be absorbed into the Elementary or High Schools without the increased use of relocatable student stations (portables), or a significant reduction in level of service at the affected campus. The addition of Markham Woods Middle School and the related rezoning of students from Millennium Middle School make an accurate calculation of attendance and utilization at Millennium problematic. It is however anticipated, that capacity at Millennium Middle will be sufficient to accommodate these new residential units. There are no planned expansions/additions in the current five-year capital plan that would provide additional student capacity to relieve the affected elementary or high schools.

Benjamin Dunn, Senior Planner

Tina Williamson said that the applicant would like to establish a group home with no more than 6 unrelated residents. This use is allowed within the R-1 zoning district. Staff recommendation is for approval.

James McNeil stated that he is a licensed foster parent. He is working with the state for the establishment of a residential group home. He concurs with staff recommendations.

Ellis Slaydon of 2700 Magnolia Avenue said that he is opposed to the rezoning of the property. Why change the zoning now? He is concerned with the traffic in the area. He lives adjacent to the subject property. This request will disrupt his life.

Mr. McNeil said that the property is currently commercial in use. This will be less intense use of the property. The previous owner had rezoned the property to commercial.

Commissioner Wolf asked about the potential residents.

Mr. McNeil said that they would be children from 13 – 17 years of age, middle school or high school age. They would not be driving cars.

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

Commissioner Hattaway seconded the motion.

The motion passed unanimously (6 – 0).

H. Frances Avenue Rezone; Andrew Stanley, applicant; 10 ± acres; Rezone from A-1 (Agriculture District) to R-1A (Single-Family Residential); located at the terminus of Frances Avenue, 1000 feet south of N. Ronald Reagan Blvd. (Z2006-33)

Commissioner Carey – District 5
Benjamin Dunn, Senior Planner

Tina Williamson said that the requested rezone is being made to allow the owner to subdivide the property. The lot size compatibility analysis did not support the rezone to R-1A. Staff recommendation is for denial, based on the lot size compatibility analysis. R-1AA zoning may be a more appropriate transition.

Andrew Stanley said that the calculations do not reflect the area. He showed a diagram of the area by tracts. Adjacent is a church. The site is accessed by the adjacent parcel labeled #2. Mr. Stanley stated that the drainage problem in the area is caused the access from parcel 2 to parcel 1. The owners of parcel #8 want an 8-foot fence. They are willing to sell out to the applicant. Parcel 3 is split by a rail line. To

access county water and sewer, it is necessary for the developer to build 27 homes. There are wetlands and access issues that limit the number of homes. Only 14 homes can be built with R-1A zoning. With R-1AA there will be problems: he would need to build \$400,000.00 homes. These will not sell. He would like to build more affordable \$200,000 homes here.

Kerry Scott owns the parcel next door (#8 on Mr. Stanley's diagram). She breeds horses. She is concerned about the access to her horses from the project. She would like an 8 foot ~~fence~~ or brick wall. She is also concerned about the impact on schools and the problems with drainage in the area.

John Scott said that the land in the area is very low. He has lived there 14 years. The hard pan is only about a foot down. This proposed development will be like Autumn Chase with bad drainage. Frances Avenue is very narrow. Widening the road would infringe on swales, which would increase drainage problems. He hunts there and is opposed to 25 houses.

Sunday Blythe said that she drives a bus in the county and knows that the area schools are overcrowded. This should be a factor. The schools are putting in portables. Portables are not safe in severe weather. She does not want 25 homes here. Flooding is an issue. The road is 10 foot wide. When it rains there is standing water. The ditches for water are not kept clear for flooding. 25 houses will make things worse. She would like to see bigger lots here.

Andy Faulkner lives at 4384 Frances Avenue, north of the site. He said that Lily Street is unpaved because of the water in the area. Everyone is flooded. Frances Avenue is used as a drag strip now.

Don Siple of 4500 Frances Avenue said that the drainage in the area is poor. Winn is a drainage ditch. His access is a private drive. He has tried to do 50 foot lots on his property and was denied. The schools are overcrowded. He will be run off his land by this project.

The applicant stated that R-1A zoning is for 75 foot lots. R-1AA zoning makes 90 foot lots.

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

Commissioner Eismann seconded the motion.

The motion passed unanimously (6 – 0).

I. 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)