

Item # 52

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: NIKKI FARMS REZONE FROM A-1 TO RC-1

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

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

Agenda Date <u>10/25/05</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"/>
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MOTION/RECOMMENDATION:

1. Recommend APPROVAL of the request to rezone approximately 13.48 acres, located on the west side of Lake Markham Road, approximately 0.5 miles north of Markham Road, from A-1 (Agriculture District) to RC-1 (Country Homes District); (Abid and Anne Mian, applicant); or
2. Recommend DENIAL of the request to rezone approximately 13.48 acres, located on the west side of Lake Markham Road, approximately 0.5 miles north of Markham Road, from A-1 (Agriculture District) to RC-1 (Country Homes District); (Abid and Anne Mian, applicant); or
3. CONTINUE the public hearing until a time and date certain.

District 5 – Comm. Carey

Tony Walter, Planning Manager

BACKGROUND:

The applicant, Abid and Anne Mian requests the rezoning of a 13.48 acre tract, located on Lake Markham Road, approximately 0.5 miles north of Markham Road, from A-1 (Agriculture District) to RC-1 (Country Homes District). The requested zoning permits lots with a minimum size of one (1) acre and a minimum 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. The applicant intends to develop 4 homes.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone approximately 13.48 acres, located on the west side of Lake Markham Road, approximately 0.5 miles north of Markham Road, from A-1 (Agriculture District) to RC-1 (Country Homes District).

Reviewed by: Co Atty: <u>KR</u> DFS: _____ Other: _____ DCM: <u>AK</u> CM: <u>KG</u> File No. _____
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Attachments:
Staff Analysis
September 7, 2005 LPA/P&Z minutes
Location Map
FLU/Zoning Map
Aerial Map
Ordinance

NIKKI FARMS Rezone from A-1 to RC-1	
APPLICANT	Abid and Anne Mian
PROPERTY OWNER	Abid and Anne Mian
REQUEST	Rezone from A-1 (Agriculture District) to RC-1 (Country Homes District)
PROPERTY SIZE	13.48 ± acres
HEARING DATE (S)	P&Z: September 7, 2005 BCC: October 25, 2005
PARCEL ID	27-19-29-300-031D-0000, 27-19-29-300-031C-0000, 26-19-29-300-0190-0000
LOCATION	West side of Lake Markham Road, approximately 0.5 mile north of Markham Road
FUTURE LAND USE	SE (Suburban Estates)
ZONING	A-1 (Agriculture District)
FILE NUMBER	Z2005-042
COMMISSION DISTRICT	#5 – Carey

Proposed Development:

The applicant is proposing to develop 4 single-family dwelling units.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant, Abid and Anne Mian requests the rezoning of a 13.48 acre tract, located on Lake Markham Road, approximately 0.5 miles north of Markham Road, from A-1 (Agriculture District) to RC-1 (Country Homes District). The requested zoning permits lots with a minimum size of one (1) acre and a minimum 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. The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture District) and the requested district of RC-1 (Country Homes District):

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (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	35 feet
(Street) Side Yard Setback	50 feet	20 feet
Rear Yard Setback	30 feet	35 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:

Zoning District	Permitted Uses	Special Exception	Minimum Lot Size
A-1 (existing)	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.	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.	1 Acre

RC-1 (proposed)	Single-family residences and their customary accessory uses, citrus cultivation, boathouses and docks used for the shelter and storage of boats, guest cottages and servants quarters, home occupations, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents, public and private elementary schools.	The keeping of horses or ponies for the immediate use of the occupant and his guest, public and private middle schools and high schools, public utility and service structures, churches with their attendant educational, recreational buildings and off-street parking, parks and recreational areas publicly owned and operated, assisted living facilities and community residential homes and communication towers.	1 Acre
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COMPATIBILITY WITH SURROUNDING PROPERTIES

The Future Land Use designations, zoning districts and existing uses for the subject and abutting properties are as follows:

(North)			
	SE Vacant <i>A-1</i>	SE Vacant <i>A-1</i>	REC Park <i>A-1</i>
(West)	SE Vacant <i>A-1</i>	SE Vacant/Nursery <i>A-1</i>	REC Park <i>A-1</i>
	SE Vacant <i>A-1</i>	SE Vacant <i>A-1</i>	SE Horse Farm <i>A-1</i>
(South)			(East)

* **Bold** text depicts the Future Land Use designation, *italicized* text depicts the existing zoning district and plain text depicts existing use. The shaded cell indicates the subject property. More detailed information regarding surrounding properties can be found in the attached Future Land Use, zoning and aerial photo maps.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map number SW Sanford 538, there are areas on the western portion of the property located in "Zone A", which is identified as areas located within the 100-year floodplain. Compliance with the Land Development Code regarding floodprone areas is required prior to the issuance of any building permits.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there are areas on the western portion of the property that contain wetlands. 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:

A Threatened and Endangered and 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* RC-1	Net Impact
Water (GPD)	1,400	1,400	0
Sewer (GPD)	1,200	1,200	0
Traffic (ADT)	38	38	0
Schools			
Elementary	1	1	0
Middle	1	1	0
High	1	1	0

* Proposed development on straight zoning is based on maximum units permitted using gross acreage.

Utilities:

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. Concurrency review, and approval of the proposed water service utility plan is required prior to the approval of final engineering plans. There is a 12-inch water main and a 12-inch reclaim water main on the east side of Lake Markham Road. There is no waste water service near the site.

Transportation / Traffic:

The property accesses Lake Markham Road, which is classified as a two-lane undivided local roadway currently operating at a level of service "A".

School Impacts:

Based on the formulas provided by the Seminole County School District, the proposed zone change will generate approximately 3 school age children. This subject site is currently zoned for, and will affect, the following schools:

Schools Impacted	Proposed Impact	Current Capacity	05/06 Enrollment	Percent Capacity
Northwest Cluster Elementary	1	3,955	4,148	105%
Sanford Middle	1	1,507	1,522	101%
Seminole High	1	3,404	3,052	89.6%

Public Safety:

The nearest response unit to the subject property is Station # 34, which is located at 4905 SR 46 West. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is 5 minutes. The County level-of-service standard for response time is 5 minutes per Policy PUB 2.1 of the Comprehensive Plan.

Drainage:

The proposed project poses a negligible impact on drainage. The applicant will be required to meet all storm water site development requirements.

Parks, Recreation and Open Space:

The proposed project poses a negligible impact on County parks and recreation facilities. The applicant will be required to meet all open space site development requirements.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

This project does not warrant the running of the County Fiscal Impact Analysis Model.

SPECIAL DISTRICTS

The subject property is in the WRPA (Wekiva River Protection Area) area which limits the density to no greater than 1 dwelling unit per net buildable acre and requires a 50 foot undisturbed upland buffer to all wetlands.

COMPREHENSIVE PLAN (VISION 2020)

The following policies are applicable with the proposed project:

Policy CON 1.8: Conservation Overlay District
Policy POT 4.5 Potable Water Connection
Policy PUB 2.1 Public Safety Level-of-Service

INTERGOVERNMENTAL NOTIFICATION:

An intergovernmental notice was sent to Seminole County Public Schools on September 26, 2005. To date, no comments have been received.

PLANNING & ZONING COMMISSION RECOMMENDATION:

At its meeting of September 7, 2005, the Planning & Zoning Commission unanimously (5 to 0) recommended approval of the request to rezone approximately 13.48 acres, located on the west side of Lake Markham Road, approximately 0.5 miles north of Markham Road, from A-1 (Agriculture District) to RC-1 (Country Homes District).

LETTERS OF SUPPORT OR OPPOSITION:

At this time, Staff has received no letters of support or opposition

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone approximately 13.48 acres, located on the west side of Lake Markham Road, approximately 0.5 miles north of Markham Road, from A-1 (Agriculture District) to RC-1 (Country Homes District).

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/
PLANNING AND ZONING COMMISSION**

***WEDNESDAY, SEPTEMBER 7, 2005
7:00 P.M.***

Members present: Ben Tucker, Rob Wolf, Matt Brown, Walt Eismann, Jason Brodeur

Members absent: Beth Hattaway, Dudley Bates

Also present: Dan Matthys, Director of Planning and Development; Tony Walter, Planning Manager; Rebecca Hammock, Principal Coordinator, Development Review; Jeffrey Hopper, Senior Planner; Brian Nelson, Principal Coordinator; Denny Gibbs, Senior Planner; and Candace Lindlaw-Hudson, Senior Staff Assistant.

H. Nikki Farms Rezone; Abid Mian and Anne Mian, applicants; approximately 13.48 acres; Rezone from A-1 (Agriculture District) to RC-1 (Rural Country Homes District); located on Lake Markham Rd, north of Markham Road. (Z2005-042)

Commissioner Carey – District 5
Tony Walter, Planning Manager

Tony Walter explained that the zoning change did not change lot size in this case, but rather the lot width and setbacks required. There are 13.48 acres with 4 home sites in this application. Staff recommendation is for approval of the request.

Connie Owens from Engineering & Environmental Design was present to answer any questions.

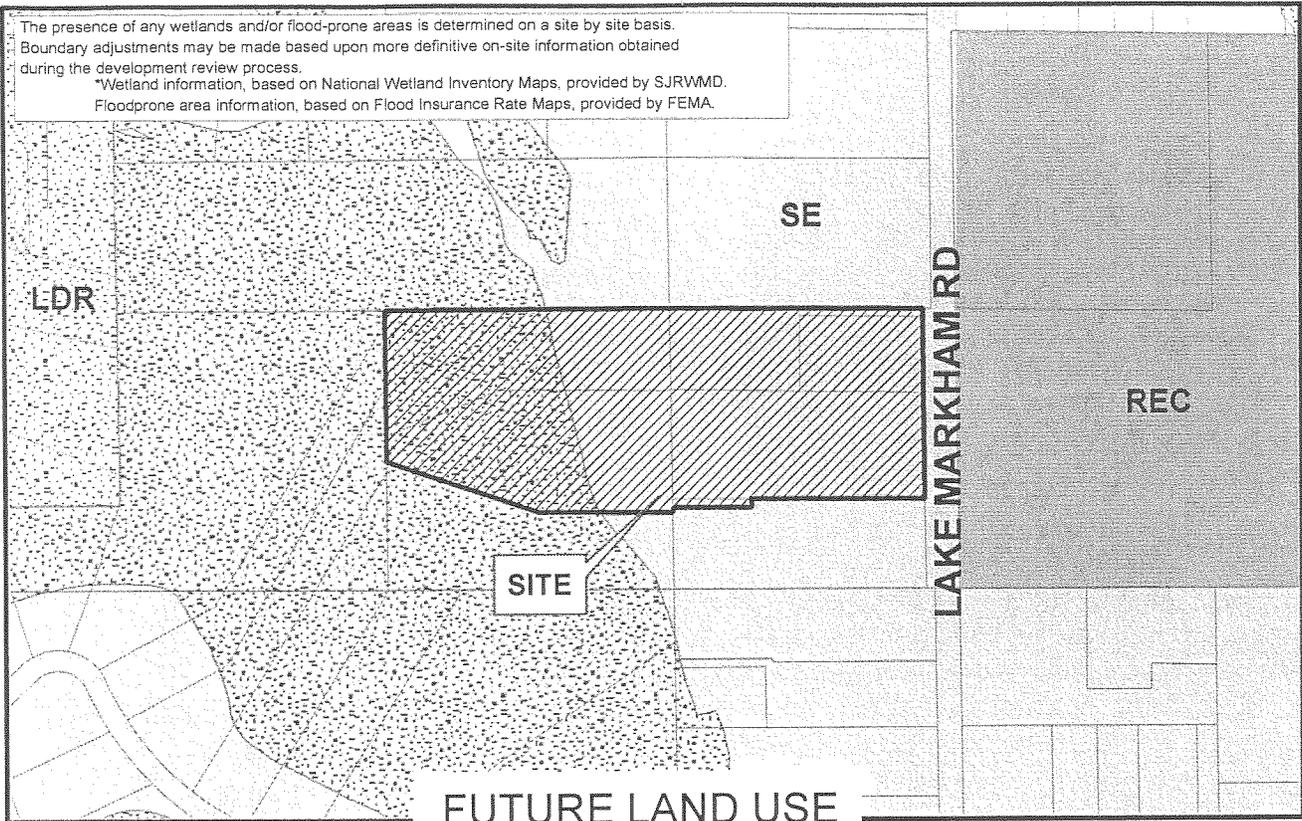
There were no questions from the commissioners.

Commissioner Eismann made a motion to recommend approval of the application with staff recommendations.

Commissioner Wolf seconded the motion.

The motion passed 5 – 0.

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.

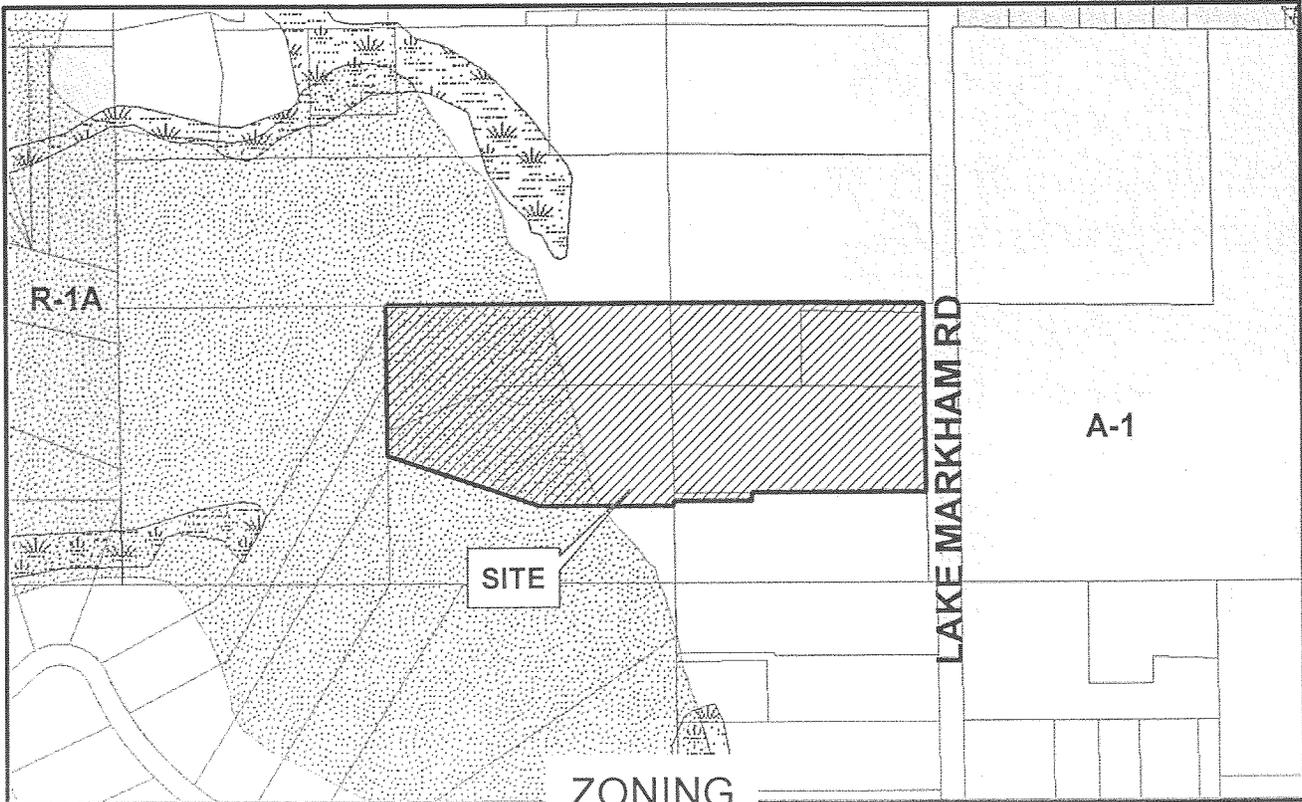


FUTURE LAND USE

Site
 Municipality
 LDR
 SE
 REC
 CONS

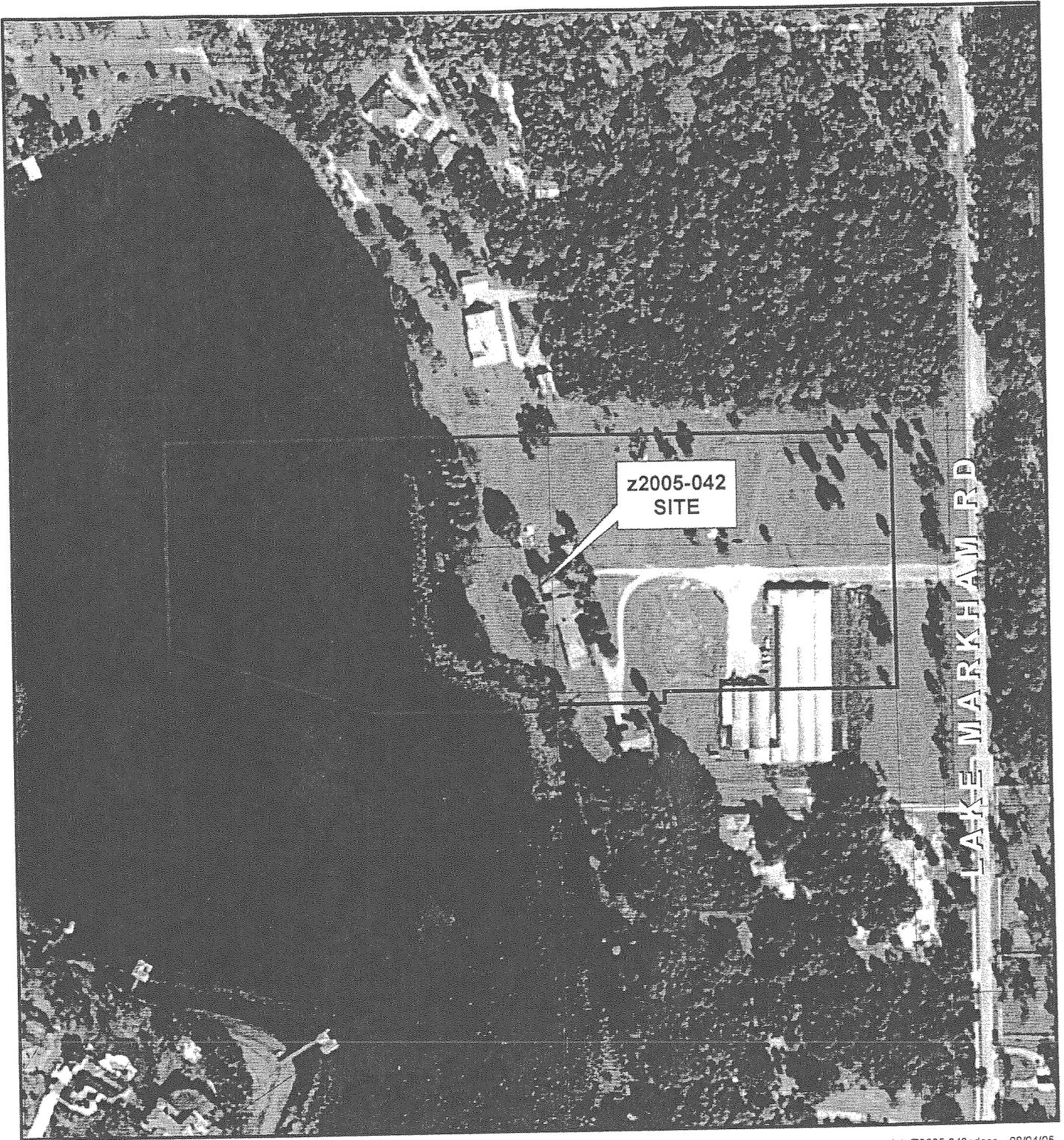
Applicant: Drs. Abid and Anne Mian
 Physical STR: 27-19-29-300-031D-0000, 031C-0000
 and 26-19-29-300-0190-0000
 Gross Acres: 13.48 +/- BCC District: 5
 Existing Use: Vacant
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2005-042	A-1	RC-1



ZONING

A-1
 R-1A
 FP-1
 W-1





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 "Nikki Farms 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):

LEGAL DESCRIPTION: 8/9/05

PARCEL 31D:
SECTION 27, TOWNSHIP 19 SOUTH, RANGE 29 EAST. BEGINNING 200 FEET NORTH OF THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 IN SECTION 26, TOWNSHIP 19, RANGE 29 RUN NORTH 261.35 FEET; WEST 1059.24 FEET; S69°16'43"W A DISTANCE OF 279.97 FEET; SOUTH 61.46 FEET; S71°27'57"E A DISTANCE OF 381.58 FEET; EAST 300.00 FEET; NORTH 20.00 FEET; EAST 659.18 FEET TO THE BEGINNING. (LESS THE ROAD).

PARCEL 31C:
SECTION 27, TOWNSHIP 19 SOUTH, RANGE 29 EAST. BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 IN SECTION 26, TOWNSHIP 19, RANGE 29; RUN WEST 1321.54 FEET; SOUTH

300.00 FEET; N69°16'43"E A DISTANCE OF 279.97 FEET; EAST 767.24 FEET; NORTH 180.00 FEET; EAST 292.00; NORTH 20.00 FEET TO BEGINNING. (LESS ROAD).

PARCEL 190:

SECTION 26, TOWNSHIP 19 SOUTH, RANGE 29 EAST, BEGINNING 20 FEET SOUTH OF THE NORTHEAST CORNER OF THE SOUTHWEST 1/4, OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 RUN SOUTH 180.00 FEET; WEST 292.00 FEET; NORTH 180.00 FEET; EAST 292.00 FEET TO BEGINNING. (LESS ROAD)

ADDITIONAL PARCEL:

SECTION 26, TOWNSHIP 19 SOUTH RANGE 29 EAST. COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, RUN WEST 50.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF LAKE MARKHAM ROAD; THENCE RUN N00°06'55"W ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 200 FEET ; THENCE DEPARTING SAID RIGHT OF WAY LINE RUN N89°09'23"W A DISTANCE OF 419.40 FEET TO THE POINT OF BEGINNING; THENCE RUN S01°56'57"E A DISTANCE OF 20.00 FEET; THENCE RUN N89°09'23"W A DISTANCE OF 190.00 FEET THENCE RUN N01°56'57"W A DISTANCE OF 20.00 FEET; THENCE RUN S89°09'23"E A DISTANCE OF 190.00 FEET TO THE POINT OF BEGINNING.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PERIMETER DESCRIPTION:

SECTION 26, TOWNSHIP 19 SOUTH RANGE 29 EAST; COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, THENCE RUN WEST 50.00 TO A POINT ON THE WEST RIGHT OF WAY LINE OF LAKE MARKHAM ROAD; THENCE RUN N00°06'55"W ALONG SAID WEST RIGHT OF WAY LINE ADISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING; THENCERUN N89°09'23"W A DISTANCE OF 419.40 FEET; THENCE RUN S01°56'57"E A DISTANCE OF 20.00 FEET; THENCE RUN N89°09'23"W A DISTANCE OF 190.00 FEET; THENCE RUN N87°46'53"W A DISTANCE OF 300.00 FEET; THENCE RUN N70°51'30"W A DISTANCE OF 381.58 FEET; THENCE RUN N01°01'15"E A DISTANCE OF 361.46 FEET; THENCE RUN S88°33'48"E A DISTANCE OF 654.01 FEET; THENCE RUN S89°06'39"E A DISTANCE OF 609.67 FEET TO A POINT ON THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF LAKE MARKHAM ROAD; THENCE RUN S00°06'55"W ALONG SAID WEST RIGHT OF WAY LINE A DISTANCE OF 461.26 FEET TO THE POINT OF BEGINNING.

CONTAINING THEREIN 13.288 ACRES, MORE OR LESS.

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.

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 25th day of October, 2005

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman