

SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM

SUBJECT: Rezoning from A-1 to PUD (Ellsworth Gallimore)

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Matthew West ^{MW} CONTACT: Jeff Hopper EXT. 7431

Agenda Date <u>1/09/02</u>	Regular <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Special Hearing – 6:00 <input type="checkbox"/>	Public Hearing – 7:00 <input checked="" type="checkbox"/>	

MOTION/RECOMMENDATION:

Approval of the rezoning from A-1 to PUD, ¼ mile south of Red Bug Lake Rd., east of Brooks Lane and west of Mikler Rd., per the attached Development Order (108 acres). Ellsworth Gallimore, applicant.

(District 1 – Comm. Maloy)

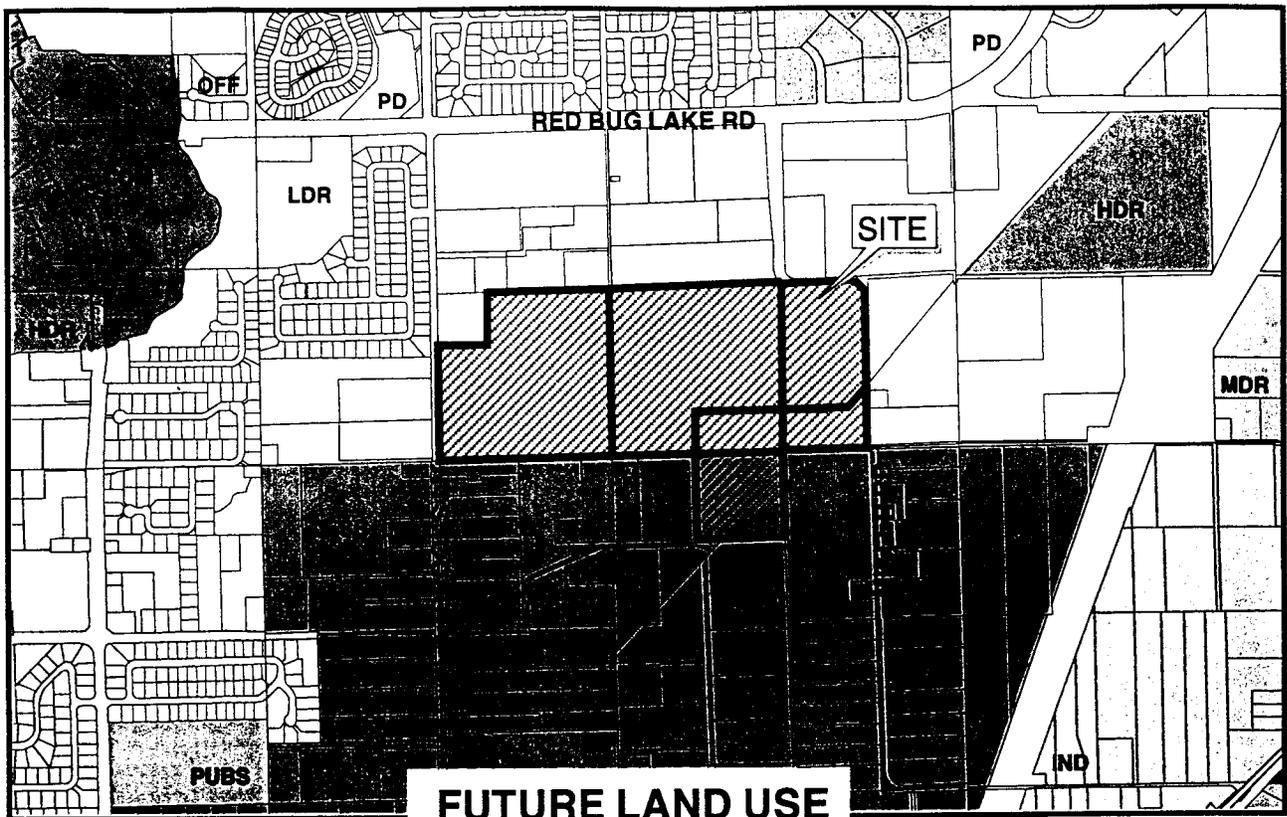
(Jeff Hopper, Senior Planner)

BACKGROUND:

The applicant, Ellsworth Gallimore, requests approval of a rezoning from A-1 to PUD for this 108-acre parcel in order to develop a single-family subdivision of 178 lots. The subject property is currently undeveloped and has Low Density Residential and Suburban Estate land use designations.

Planning staff is recommending approval of this request.

Reviewed by:	
Co Atty:	<u>RZC</u>
DFS:	_____
OTHER:	<u>CM</u>
DCM:	_____
CM:	_____
File No.	<u>Z2001-041</u>

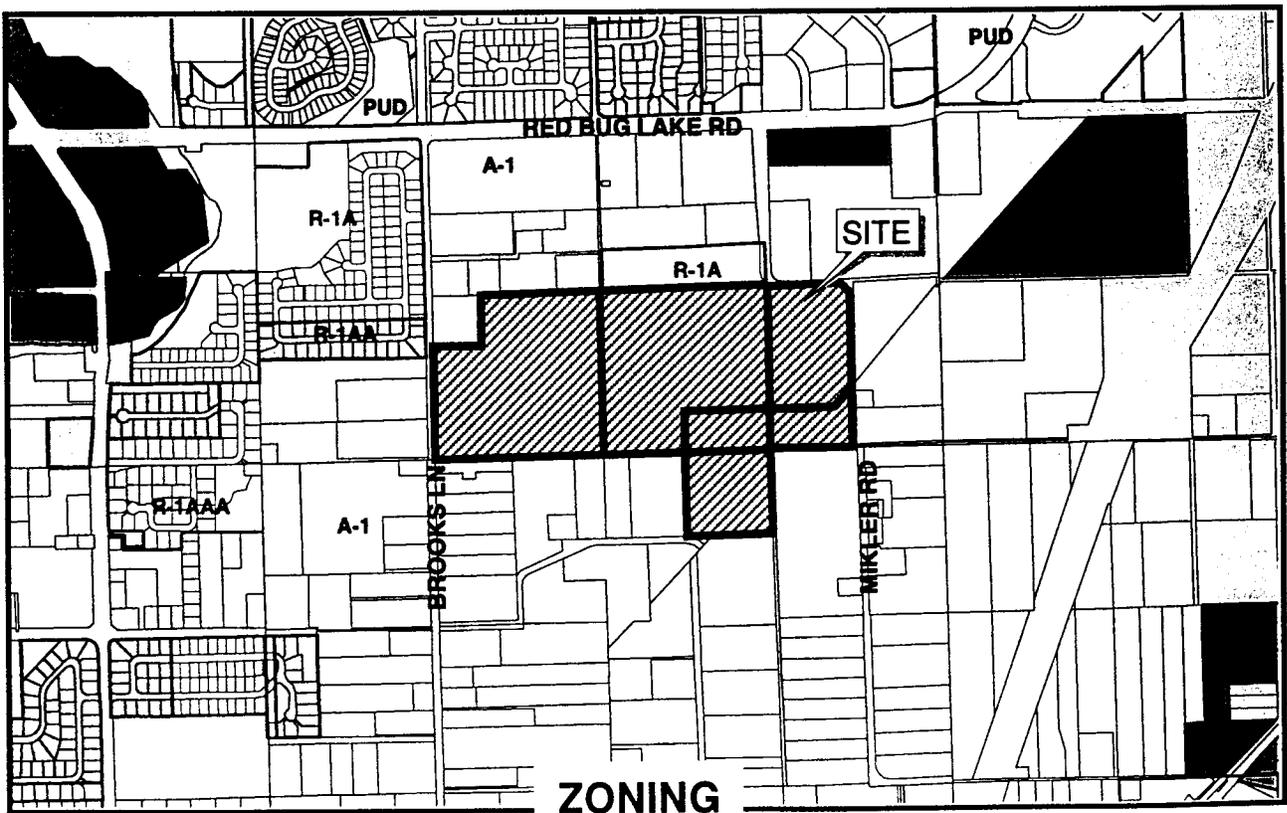


FUTURE LAND USE

Site
 Municipality
 COM
 HDR
 IND
 LDR
 OFF
 PD
 SE
 PUBS

Applicant: Ellsworth Gallimore/Butler Development, Inc.
 Physical STR: 192131/A/13&A,14;1621315CA/75;75D;302131/A/1
 Gross Acres: 107.31 BCC District: 1
 Existing Use: Grazing Lands
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU			
Zoning	Z2001-041	A-1	PUD



ZONING

A-1
 C-1
 OP
 PUD
 PCD
 R-1A
 R-1AA
 R-1AAA
 R-4



Rezone No. Z2001-041
From: A-1 To: PUD

- Subject Property
- Parcelbase



February 1999 Color Aerials

Kenmure PUD

REQUEST INFORMATION	
APPLICANT	ELLSWORTH GALLIMORE/BUTLER DEVELOPMENT INC.
PROPERTY OWNER	BETTY O. GALLOWAY TRUST
REQUEST	A-1 TO PLANNED UNIT DEVELOPMENT (PUD)
HEARING DATE (S)	P&Z: JAN. 9, 2002 BCC: TBD
SEC/TWP/RNG	16-21-31-5CA-0000-0730
LOCATION	SOUTH OF RED BUG LAKE RD. BETWEEN BROOKS LN. AND MIKLER RD.
FUTURE LAND USE	LOW DENSITY RESIDENTIAL (LDR) AND SUBURBAN ESTATES (SE)
FILE NUMBER	Z2001-041
COMMISSION DISTRICT	1

OVERVIEW

Zoning Request: The applicant is requesting approval of Kenmure Subdivision, a PUD on approximately 108 acres located ¼ mile south of Red Bug Lake Rd., bordering Brooks Lane to the west and Mikler Rd. to the east. The proposed land use is single family residential, consisting of 178 lots at a minimum size of 9,000 square feet and 75-foot minimum lot width. Proposed density is 2.4 units per net buildable acre. Maximum building height will be 35 feet.

Included within the site are approximately 33 acres of wetlands, which are being set aside as an open space amenity. Required open space is approximately 27 acres, which can be met using wetlands, recreation areas, landscape/buffer areas, and stormwater management areas if landscaped and amenitized as required in the Land Development Code. Proposed open space also includes a neighborhood park and landscaped areas at the entrances.

Staff feels the proposal is generally compatible with the surrounding area. As the Preliminary Plan shows, the west end of the site is predominantly wetlands, with a 2-acre upland area to be used as a neighborhood park. Also, wetlands are present in a 10-acre area projecting to the south of the main body of the site, extending into the SE land use designation (no residential lots are proposed in the SE area). The applicant has proposed a 30-foot buffer along the south edge of the property. Along Mikler Rd. there will be a 10-foot landscaped buffer with a 6-foot masonry wall. The proposed lot sizes of 9,000 square feet are equivalent to those permitted in the existing R-1A to the north and slightly smaller than the R-1AA to the west. LDR is an appropriate transitional use adjacent to SE, and 2.4 units per acre would be compatible with the A-1 zoning to the south.

Proposed building setbacks are 20' front yard, 25' rear yard, 7.5' side yard, and 20' side street (corner lots). Pool deck and patio deck setbacks are proposed at 5' from side and

rear lot lines, with minimum setback for the water surface in swimming pools of 10'. Setbacks for other types of accessory structures are not mentioned in the developer's proposals. However, the Land Development Code requires a 10-foot setback from side and rear lot lines for a detached accessory building.

Access to the site is being provided from entrance points on Brooks Lane and Mikler Rd. Streets will be private and access will be restricted with gates. In order to improve traffic flow around the site on Mikler Rd., the applicant will donate 40 feet of additional right-of-way and a prorata share of road improvement costs for Mikler Rd., to be determined at Final Plan stage. To facilitate utility service in the area, the applicant is donating a 15-foot utility easement across the south edge of the site so that the County may install a water main.

Staff has requested and the applicant has agreed to provide a pedestrian access within the 16' S. Citrus Rd. right-of-way linking the site with Red Bug Lake Rd. The access would be used primarily by elementary school children walking north along Citrus Rd.

In summary, the proposed PUD is consistent with permitted land use and density under the Vision 2020 Plan. A substantial amount of wetland area is being preserved, and proposed lots are comparable to those allowed in R-1A. Proposed density is consistent with the Low Density Residential land use designation.

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

North – Future Land Use is LDR, zoning is A-1 and R-1A. Existing land use is vacant and single family development.

South – Future Land Use is SE, zoning is A-1. Existing land use is vacant and single family development.

East – Future Land Use is LDR, zoning is A-1. Existing land use is vacant and single family development.

West – Future Land Use is LDR, zoning is A-1 and R-1AA. Existing land use is single family development.

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.

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. Seminole County water and sewer service are available to the site.

Compliance with Environmental Regulations: There are no concerns regarding compliance with environmental regulations. However, wetland boundaries on the subject property will have to be delineated and field verified by SJRWMD staff. Also, a Listed Species survey report will be required.

Compatibility with surrounding development: Currently, the area has Low Density Residential (LDR) and Suburban Estates (SE) land use designations. The proposed PUD Preliminary Master Plan is compatible with the LDR and SE land use designations.

STAFF RECOMMENDATION

Staff recommends approval of the requested PUD zoning classification, based on the applicant's compliance with the Vision 2020 Plan and the Land Development Code. If the rezoning is approved, staff recommends the following conditions, to be listed in the development order:

1. Establish a pedestrian access on existing 16-foot Citrus Rd. right-of-way connecting the site to Red Bug Lake Rd., if determined to be feasible by the Development Review Division during Final PUD review.
2. Require the following minimum building setbacks:
 - 20' front
 - 25' rear
 - 7.5' side
 - 20' side street (corner lots)
 - 10' accessory structures
 - 5' pool deck
 - 5' patio deck
3. No lots shall have direct access to Mikler Rd. or Brooks Lane
4. The developer shall dedicate sufficient property along Mikler Rd. to provide a 40' half right-of-way, and contribute a fair share payment to improvement of Mikler, to be determined at Final PUD.
5. Minimum lot sizes and widths shall be as follows:
 - a. 9,000 square feet, minimum 75' width at building line
 - b. 10,650 square feet, minimum 85' width at building line
 - c. corner lots shall have a 15 percent greater width and area than corresponding interior lots to accommodate setbacks from both streets
6. Maximum building height shall be 35'.
7. The developer will provide a 15-foot utility easement across the southern portion of the site prior to Final Plat approval.
8. The Mikler Rd. entrance shall line up with the north-south portion of Mikler Rd. to form a T-intersection.
9. The developer will install a southbound left turn lane at the Brooks Lane entrance.

FILE # Z2001-041

DEVELOPMENT ORDER # 1-20500003

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On January 9, 2002, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: BETTY O. GALLOWAY, DONNA L. BAYER, SANDRA C. MACHERONE,
Co-Trustees of the Betty O. Galloway Trust

Project Name: Kenmure PUD

Requested Development Approval: Rezoning from A-1 zoning classification to PUD zoning classification

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: JEFF HOPPER
1101 East First Street
Sanford, Florida 32771

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. Establish a pedestrian access on existing 16-foot Citrus Rd. right-of-way connecting the site to Red Bug Lake Rd., if determined to be feasible by the Development Review Division.
- b. Require the following minimum building setbacks:
 - 20' front
 - 25' rear
 - 7.5' side
 - 20' side street (corner lots)
- c. No lots shall have direct access to Mikler Rd.
- d. The developer shall dedicate sufficient property along Mikler Rd. to provide a 40' half right-of-way.
- e. Minimum lot sizes and widths shall be as follows:
 - 9,000 square feet, minimum 75' width at building line
 - 10, 650 square feet, minimum 85' width at building line
- f. Maximum building height shall be 35'.
- g. The developer will provide a 15-foot utility easement across the southern portion of the site.
- h. The Mikler Rd. entrance shall line up with the north-south portion of Mikler Rd. to form a T-intersection.
- i. The developer will install a southbound left turn lane at the Brooks Lane entrance.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenan-

ted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Daryl G. McLain
Chairman, Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Betty O. Galloway, Trustee, on behalf of herself and her heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

BETTY O. GALLOWAY, TRUSTEE
Property Owner

Witness

**STATE OF FLORIDA
COUNTY OF SEMINOLE**

I **HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Betty O. Galloway who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2002.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Donna L. Bayer, Trustee, on behalf of herself and her heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

DONNA L. BAYER, TRUSTEE
Property Owner

Witness

**STATE OF FLORIDA
COUNTY OF SEMINOLE**

I **HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Donna L. Bayer who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2002.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Sandra C. Macherone, Trustee, on behalf of herself and her heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

SANDRA C. MACHERONE, TRUSTEE
Property Owner

Witness

**STATE OF FLORIDA
COUNTY OF SEMINOLE**

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Sandra C. Macherone who is personally known to me or who has produced _____ as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2002.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

Exhibit A

Legal Description

That part of Sections 19 and 30, Township 21 South, Range 31 East, Seminole County, Florida, described as follows:

PARCEL 1:

The South 1/2 of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4 of Section 19, Township 21 South, Range 31 East.

PARCEL 2:

The Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 30, Township 21 South, Range 31 East.

PARCEL 3:

The Southeast 1/4 of the Southwest 1/4 (Less the West 399.67 feet of the North 400.00 feet thereof) of Section 19, Township 21 South, Range 31 East and the North 25 feet of the Southwest of the Southeast of Section 19, Township 21 South, Range 31 East, Less Road right-of-way over the West 33 feet granted in Official Records Book 548, Page 464, Public Records of Seminole County, Florida.

PARCEL 4:

The West 1/2 of Lot 75 of the SLAVIA COLONY COMPANY'S SUBDIVISION, according to the plat thereof, as recorded in Plat Book 2, Page 71, Public Records of Seminole County, Florida, lying North of the center line of Bear Gully Canal Less the South 1/4 of said West 1/2 of said Lot 75.

LESS that part conveyed to Seminole County in Official Records Book 3057, Page 960, Public Records of Seminole County, Florida, described as follows:

That portion of the West half of Lot 75, SLAVIA COLONY COMPANY'S SUBDIVISION, lying in Section 19, Township 21 South, Range 31 East, and recorded in Plat Book 2, Page 71, of the Public Records of Seminole County, Florida; and being more particularly described as follows:

Commence at the Northeast corner of the West half of the Southeast 1/4 Southeast 1/4 of said Section 19; thence run along the East line of said West half, S 00°19'05" E 25.11 feet; thence run S 89°40'55" W 25.00 feet to a point on the Southerly and Westerly right-of-way line of Mikler Road, said point also being the POINT OF BEGINNING; thence continue along said Southerly right-of-way line S 89°25'49" W 80.00 feet; thence leaving said right-of-way line, and over and across the West half of said Lot 75, run S 45°26'38" E 112.89 feet to the Westerly right-of-way line of Mikler Road; thence run along said right-of-way line N 00°19'05" W 80.00 feet to the POINT OF BEGINNING.

PARCEL 5:

The Southwest quarter of the Southeast quarter Less the South quarter of the East one-half of Section 19, Township 21 South, Range 31 East, Less 25 feet along North boundary of said property for road right-of-way.

PARCEL 6:

The South 1/4 of the West 1/2 of Lot 75 of SLAVIA COLONY COMPANY'S SUBDIVISION, according to the plat thereof, as recorded in Plat Book 2, Page 71, Public Records of Seminole County, Florida, together with that portion of the North 3/4 of the West 1/2 of said Lot 75, lying South of the center line of Bear Gully Canal.

The above described lands all lying in Seminole County, Florida.

Containing a total of 108.46 acres, more or less.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN DESCRIBED REAL PROPERTIES LOCATED IN UNINCORPORATED SEMINOLE COUNTY FROM A-1 (AGRICULTURE) TO PUD (PLANNED UNIT DEVELOPMENT DISTRICT; PROVIDING FOR SPECIFIC DEVELOPMENT CONDITIONS BY MEANS OF A DEVELOPMENT ORDER; 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 document titled "Kenmure PUD."

(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. REZONING.

The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to PUD (Planned Unit Development):

Legal Description Attached as 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. This Ordinance shall become effective upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners.

ENACTED this ____ day of January, 2002.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

Exhibit A

Legal Description

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PARCEL 2:

The Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 30, Township 21 South, Range 31 East.

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PARCEL 4:

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LESS that part conveyed to Seminole County in Official Records Book 3057, Page 960, Public Records of Seminole County, Florida, described as follows:

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Commence at the Northeast corner of the West half of the Southeast 1/4 Southeast 1/4 of said Section 19; thence run along the East line of said West half, S 00°19'05" E 25.11 feet; thence run S 89°40'55" W 25.00 feet to a point on the Southerly and Westerly right-of-way line of Mikler Road, said point also being the POINT OF BEGINNING; thence continue along said Southerly right-of-way line S 89°25'49" W 80.00 feet; thence leaving said right-of-way line, and over and across the West half of said Lot 75, run S 45°26'38" E 112.89 feet to the Westerly right-of-way line of Mikler Road; thence run along said right-of-way line N 00°19'05" W 80.00 feet to the POINT OF BEGINNING.

PARCEL 5:

The Southwest quarter of the Southeast quarter Less the South quarter of the East one-half of Section 19, Township 21 South, Range 31 East, Less 25 feet along North boundary of said property for road right-of-way.

PARCEL 6:

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