

Item # VIC

**SEMINOLE COUNTY  
LOCAL PLANNING AGENCY/PLANNING AND ZONING COMMISSION  
AGENDA MEMORANDUM**

**PROJECT:** Esterson/Schumacher Large Scale Amendment from Suburban Estates to Low Density Residential Land Use

**DEPARTMENT:** Planning and Development **DIVISION:** Planning

**AUTHORIZED BY:** Matthew West *MW* **CONTACT:** Alice Gilmartin **EXT.** 7383

**Agenda Date** 02/20/02 **Work Session**  **Briefing**  **Public Hearing – 7:00**

**RECOMMENDATION:**

Staff recommends denial of the Large Scale Land Use amendment petition to change the land use from Suburban Estates to Low Density Residential

(District-5, McLain)

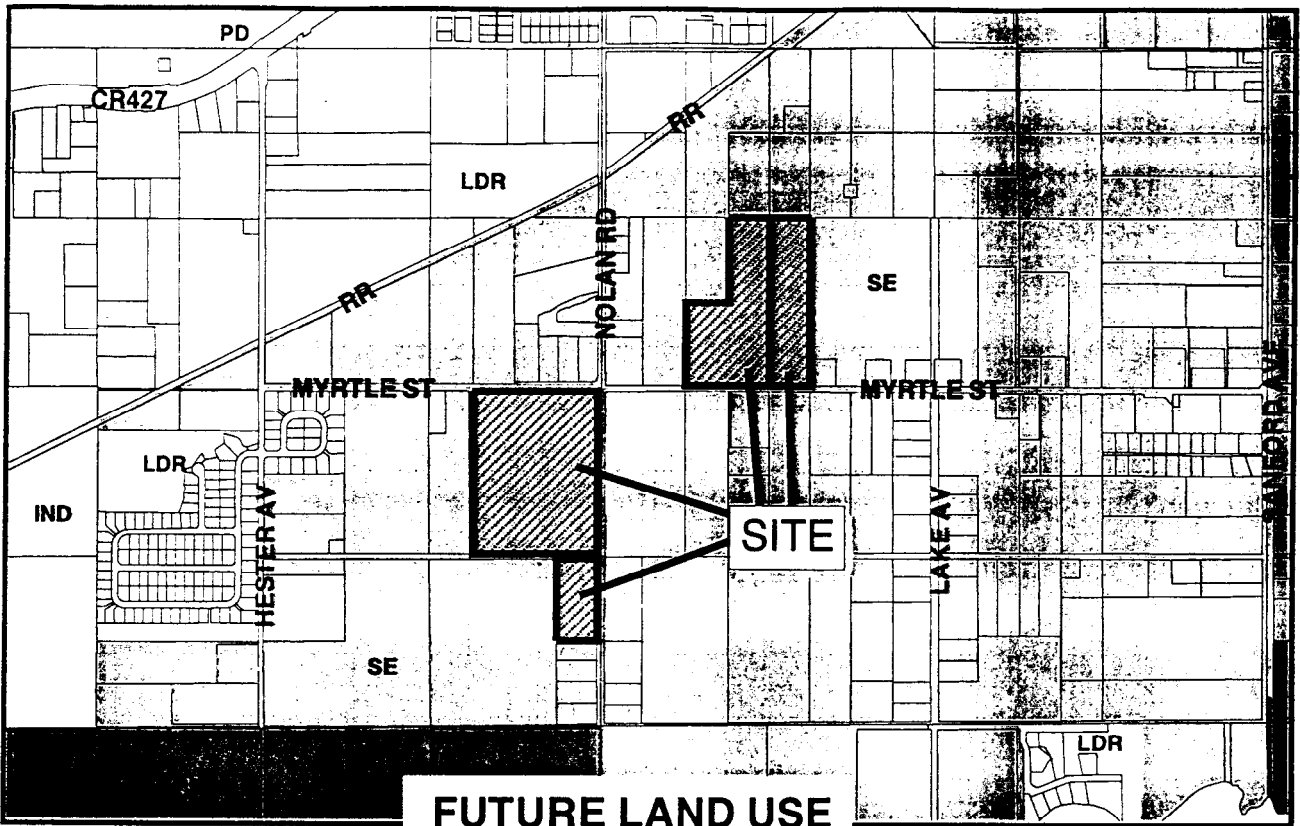
**BACKGROUND:**

The request is for a change in land use from Suburban Estates to Low Density Residential. It is not accompanied with a rezoning request.

The request is considered inconsistent with the established rural-like character of the area north of Lake Jesup. The area east of Hester Avenue consists of primarily large acre agricultural tracts interspersed with large lots, typically greater than one acre, with estate homes or ranchettes. Current homeowners in the vicinity settled in this rural-like area for its character and assumed assurance that the area would continue to be developed with large lot intensities or the continuance of agricultural uses. To allow residential development at a density up to four dwelling units per acre would change the character of the area. The proposed Low Density Residential land also represents a precedent for leap frog development within the area, rather than an orderly progression from developed areas to the west and northwest. The Autumn Chase Subdivision to the west of the property has a Low Density Residential Land Use and R-1A and R-1AAA zoning categories. Autumn Chase Subdivision was approved with two zoning categories to facilitate a transition to the larger parcels to the east.

Reviewed by:  
Co Atty: Reviewed  
DFS: \_\_\_\_\_  
P&DD: \_\_\_\_\_  
DCM: \_\_\_\_\_  
CM: \_\_\_\_\_  
File No. 200 I-043

*for legal  
sufficiency  
only-KZC*

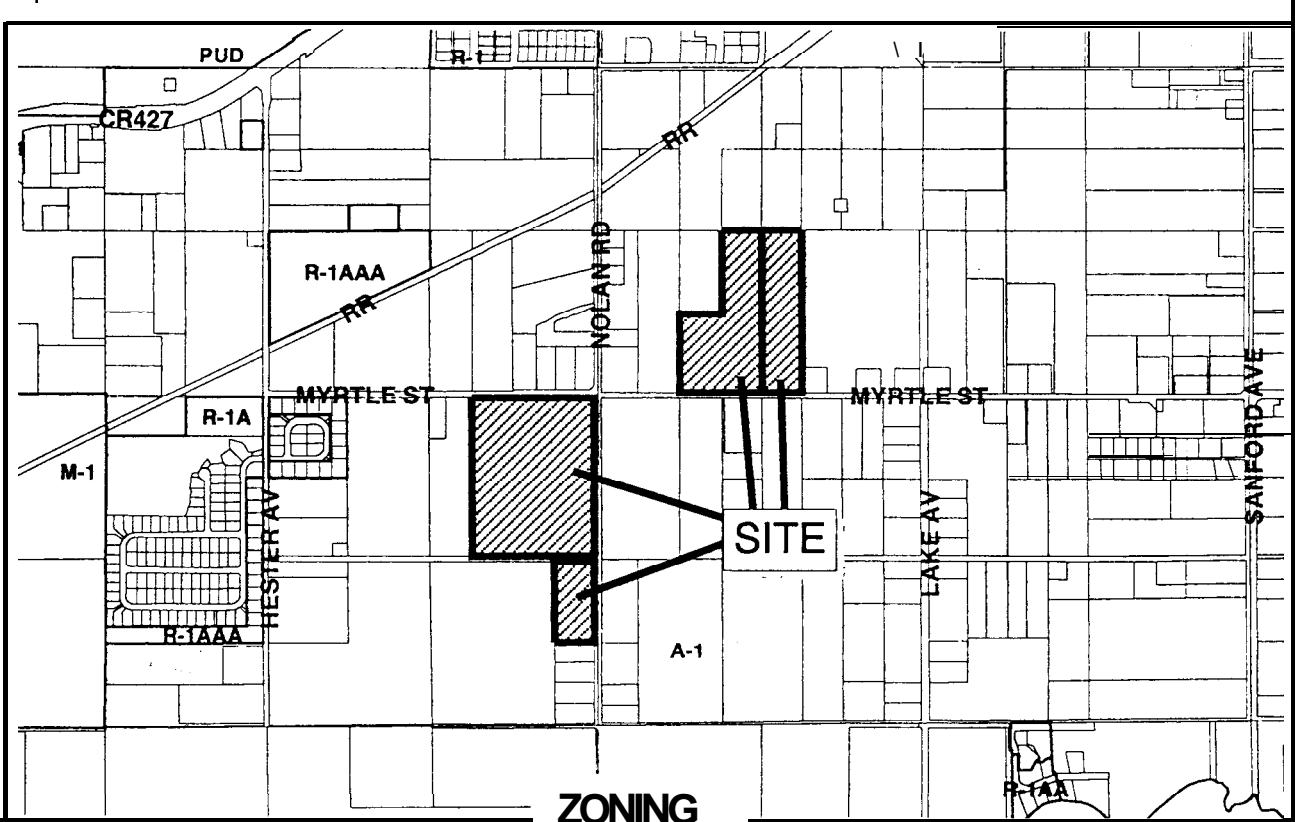


**FUTURE LAND USE**

Site • Municipality   
  LDR   
  PD   
  IND   
  SE   
  REC

Applicant: Ann Esterson & Henry Schumacher  
 Physical STR: 24-20-30-300-0180-0000, 23-20-30-5AQ-0000-0830, 0910, & 0540  
 Gross Acres: +/-60 BCC District: 5  
 Existing Use: Agricultural  
 Special Notes: \_\_\_\_\_

	Amend/Rezone#	From	To
FLU	02S.FLU03	SE	LDR
Zoning	--	--	--





**ZONING**

A-1   
  R-1   
  R-1A   
  R-1AA   
  R-1AAA   
  PUD   
  M-1



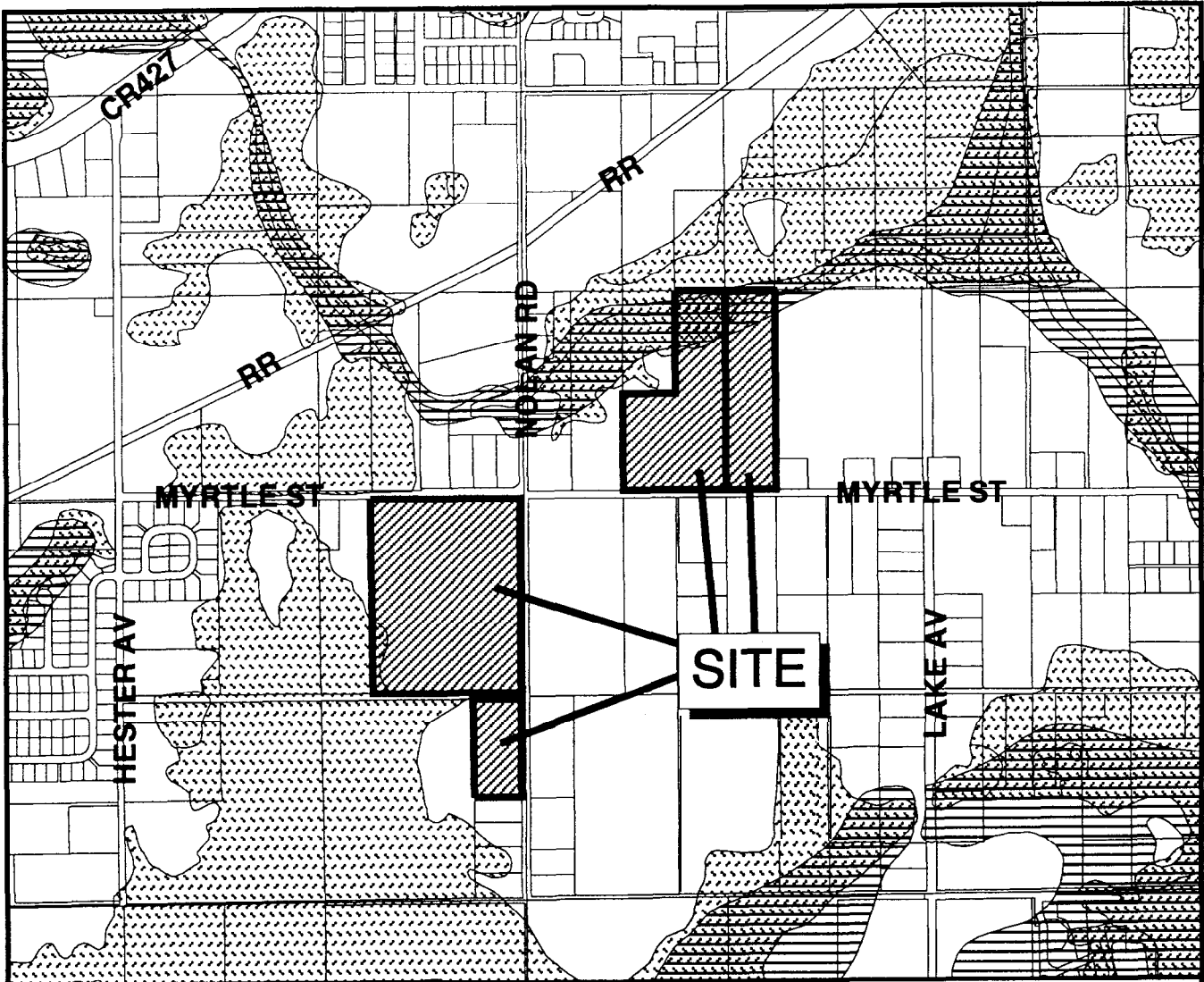
Amendment No. 02S.FLU03  
From: SE To: LDR

-  Subject Property
-  Parcelbase



February 1999 Color Aerials

# CONSERVATION



Amendment No. 02S.FLU03  
From: SE To: LDR

-  Subject Property
-  Municipal
-  Flood
-  Wetlands



*The presence of any wetlands **and/or** flood-prone areas is determined on a site by site basis. Boundary adjustments may be based upon more definitive on-site information obtained during the development review process.*

*\*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.  
Flood-prone area information, based on Flood Insurance Rate Maps, provided by FEMA.*

# **EXECUTIVE SUMMARY**

<b>Suburban Estates to Low Density Residential</b>		<b>Amendment 02S.FLU03</b>
<b>REQUEST</b>		
<b>APPLICANT</b>	Ann Esterson and Henry Schumacher	
<b>PLAN AMENDMENT</b>	Suburban Estates to Low Density Residential	
<b>REZONING</b>	Not requesting rezoning at this time	
<b>APPROXIMATE GROSS ACRES</b>	60+ acres represented in two pieces of property	
<b>LOCATION</b>	East of Hester Avenue, property both north and south of Myrtle Street.	
<b>SPECIAL ISSUES</b>	The site is within an area of rural-like character north of Lake Jesup in the Urban Area. Water and Sewer are available west of the properties at Hester Avenue and Myrtle Street. Roadways serving the property are rural roads that are substandard in width for urban densities.	
<b>BOARD DISTRICT</b>	#5 – Comm. McLain	

## RECOMMENDATIONS AND ACTIONS

STAFF  
RECOMMENDATION

### PLAN AMENDMENT:

Planning Staff recommends denial of the Low Density Residential land use with the following findings:

1. The proposal is inconsistent with established Suburban Estates land use and a rural-like character to the area incorporating active agricultural uses intermixed with large lot single family homes/estates or ranchettes. Low density residential development of up to four dwelling units per acre would change the character of the area from a rural-like setting to one of a suburban character.
2. Hester Avenue and Myrtle Street are substandard rural roadways and can not accommodate urban low densities unless roadways are brought up to County standards for pavement width, right of way width and stormwater needs.
3. The proposed Low Density Residential land use represents a precedent for leap frog development within the area, rather than an orderly progression from developed areas to the west and northwest.
4. Current homeowners in the vicinity settled in the rural-like area for its character (uses and lot sizes allowed under the Suburban Estates land use) and assumed assurance of the current intensity of development to continue. Recent development east of Autumn Chase has been to homes on large lots, as in estate homes or ranchettes.

Should the LPA/P&Z or the BCC consider approving this petition for Low Density Residential Development, policy direction is needed on whether it is perceived that this area is ripe for conversion to Low Density Residential and how extensive, how substandard roadways will be brought up to standards to accommodate urban low densities, and protection of homes where the rural-like character is the desired lifestyle of the homeowners.

# STAFF ANALYSIS

## Suburban Estates to Low Density Residential

Amendment  
02S.FLU03

1. **Property Owner(s):** Ann Esterson and Henry Schumacher
2. **Tax Parcel Number(s):** 23-20-30-5AQ-0000-0540, 0830, 0910; 23-20-30-300-0180-0000
3. **Applicant's Statement:** The Applicant is requesting an amendment to the Seminole County Comprehensive Plan, known as Vision 2020, to change the land use on 60+ acres on two pieces of property from Suburban Estates (SE) to Low Density Residential (LDR). The two parcels are diagonally across from each other on Myrtle Street. The applicant is not requesting a rezoning of the property at this time. The LDR land use category allows up to four dwelling units per net buildable acre that could yield over 220 single family residential lots on these two sites. There are currently water and sewer lines to the west at the intersection of Hester Avenue and Myrtle Street serving the Autumn Chase development. Roadways, such as Hester Avenue and Myrtle Street are substandard in width.

The applicant states on the submitted application: "the proposed land use change would enhance the already favorable economic conditions by providing adequate housing in a convenient location".

4. **Development Trends:** The area consists of primarily large acre agricultural tracts interspersed with homes on large lots greater than one acre used as ranchettes or estate homes. Recent homes built in the area on large lots have been in keeping with the rural-like character of the area. This area was traversed by one of the February 1998 tornados which has resulted in new large lot scattered residential development amongst the larger agricultural tracts. There are active agricultural endeavors in the immediate area. To the immediate west of the western parcel is a horse stable with a lighted area for night riding.

The Autumn Chase subdivision is developing to the west of the property. This development has a Low Density Residential land use and R-IA zoning with R-1AAA zoning on the eastern perimeter of the entire subdivision. This development is considered out of character with the area.

## SITE DESCRIPTION

### 1. EXISTING AND PERMITTED USES:

#### Western Parcel

Location	Future Land Use*	Zoning*	Existing Use
Site	Suburban Estates	A-I	Vacant/Pasture/Wooded land
North	Suburban Estates	A-I	Large lot homes/wooded land
South	Suburban Estates	A-I	Large lot homes/wooded land
East	Suburban Estates	A-I	Agricultural uses/storage/large lot homes
West**	Suburban Estates	A-I	Pasture/large lot homes/horse stables with night lighting

\* It should be noted that to the west, at Hester Avenue is R-IA and R-IAAA zoning in the Autumn Chase subdivision.

#### Eastern Parcel

Location	Future Land Use*	Zoning*	Existing Use
Site	Suburban Estates	A-I	Vacant/Pasture/wooded land
North	Suburban Estates	A-I	Wooded vacant land
South	Suburban Estates	A-I	Scattered large lot homes/Agricultural uses
East	Suburban Estates	A-I	Pasture/agricultural Uses
West	Suburban Estates	A-I	Large lot homes/wooded Vacant lands

\* See enclosed future land use and zoning maps for more details.



## COMPREHENSIVE PLAN CONSISTENCY

**2. PLAN PROGRAMS** - Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction. Each application for a land use designation amendment will include a description and evaluation of any Plan programs (such as the effect on the timing/financing of these programs) that will be affected by the amendment if approved.

### Summary of Program Impacts:

#### **A. Traffic Circulation - Consistency with Future Land Use Element:**

*In terms of all development proposals, the County shall impose a linkage between the Future Land Use Element, Design Element and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element and adopted Design Element. (Transportation Element Policy 2.1)*

Myrtle Street and Hester Avenue are substandard streets in roadway pavement width and storm drainage. The future developer would be responsible for bringing these roadways up to County standards.

*As part of the review of development applications on surrounding residential neighborhoods (particularly cut-through traffic impacts) and, as may be required, conditions for approval which will mitigate the potential impacts of the proposed development on surrounding neighborhoods. (Transportation Element Policy 10.3)*

This policy relates to the protection of existing residential development from the impacts of development of a more intensive nature. Because the proposed land use amendment represents leap-frog development and represents a more intensive residential use than neighboring homes, its potential traffic will be greater and can impact the quality of life (roadway traffic, noise, safety of traffic) of the existing residents.

#### **B. Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:**

*Figure 11.1 and Figure 14.1 display the water and sewer service area maps for Seminole County in Vision 2020. The subject properties are within the Seminole County water and sewer service areas.*

County water and sewer lines run along Hester Avenue to serve the Autumn Chase development. Concern is raised that the proposed development represents leapfrog development and that development of the property will require costly utility line extensions due to development not being continuous at this time along Myrtle Street. The placement of water and sewer lines may result in opening up additional lands to potential development

greater than one dwelling unit per acre and accelerate land use changes and development affecting the rural-like character of the land.

It should be noted that Potable Water Policy 11.45 and Sanitary Sewer Policy 14.4.4 both require that “new development fund the cost of extending water/sanitary sewer lines to serve their development”. In the possible event of future development at urban densities greater than one dwelling unit per acre, urban services, such as potable water and sanitary sewer would be required.

**C. Public Safety – Adopted Level of Service:** *The County shall maintain adopted levels of service for fire protection and rescue.. .as an average response time of five minutes (Public Safety Policy 12.2.2)*

The subject properties are served by the Seminole County EMS/Fire Rescue Five Points Fire Station (Station #35). Response time to the sites is less than 5 minutes, which meets the County’s average response time standard.

**3. REGULATIONS** - The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Comprehensive Plan, but are not applied in detail at this stage.

**A. Preliminary Development Orders: Capacity Determination:** *For preliminary development orders and for final development orders under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows...No rights to obtain final development orders under permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County’s approval of the development order without a determination having previously been made that the capacity of public facilities will be available in accordance with law (Implementation Policy 1.2.3).*

Should utility lines be extended from Hester Avenue and roadways, i.e., Myrtle Street and Hester Avenue brought up to standards, then there would be adequate facilities to serve the subject properties at densities greater than one dwelling unit per acre.

**B. Flood Plain and Wetlands Areas - Flood Plain Protection and Wetlands Protection:** *The County shall implement the Conservation land use designation through the regulation of development consistent with the Flood Prone (FP-I) and Wetlands (W-I) Overlay Zoning classifications. . . . (Future Land Use Policies I. 1, 1.2, 1.3).*

Wetlands are estimated to be approximately 15 percent of each of the two properties. Development of the property will require wetlands to be delineated and field verified by staff from the St. Johns River Water Management District. Mitigation plans (as required by Conservation Policy 7.9) will be required for any proposed wetland impacts. Upland buffers will be required around wetlands, not less than 15 feet and averaging 25 feet. It should be noted that lands within the Lake Jesup Drainage Basin have been designated

by the St. Johns River Water Management District as a basin of "special status" which is reflected in the direction given in Conservation Policy 3.4 advising revisions to the Land Development Code for protection of wetlands in this basin.

**C. Protection of Endangered and Threatened Wildlife:** *The County shall continue to require, as part of the Development Review Process, that prior to development approval, proposed development to coordinate with all appropriate agencies and comply with the US Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission Rules as well as other applicable Federal and State Laws regarding protection of endangered and threatened wildlife. (Conservation Policy 3.13)*

There is an unnumbered eagle's nest identified within the vicinity of the western parcel. The applicant needs to provide a letter from the Florida Fish and Wildlife Conservation Commission addressing the nest.

**4. DEVELOPMENT POLICIES** – Additional criteria and standards are also included in the Plan that describe when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the use, intensity, location and timing of the proposed amendment.

**A. Compatibility:** When the County's Future Land Use Map (FLUM) was developed in 1987, land use compatibility issues were evaluated and ultimately defined through a community meeting/hearing process that involved substantial public comment and input. When amendments are proposed to the FLUM, however, staff makes an initial evaluation of compatibility , prior to public input and comment, based upon a set of professional standards that include, but are not limited to criteria such as: (a) long standing community development patterns; (b) previous policy direction from the Board of County Commissioners; (c) other planning principles articulated in the Seminole County Comprehensive Plan , known as Vision 2020, (e.g., appropriate transitioning of land uses, protection of neighborhoods, protection of the environment, protection of private property, no creation of new strip commercial developments through plan amendments, etc.)

**1. Transitional Land Uses:** *The County shall evaluate Plan amendments to ensure that transitional land uses are provided as a buffer between residential and non-residential uses, between varying intensities of residential.. Exhibit Future Land Use: Appropriate Transitional Land Uses is to be used in determining appropriate transitional uses.*

The table indicates that Low Density Residential land uses are compatible adjacent to Suburban Estates land uses. Also the definition of Suburban Estates indicates that this land use can act as a transitional use between urban development and general rural uses., However, the need to provide a transitional land use is not an issue in this land use amendment petition. The concern is that the establishment of the Low Density Residential land use is premature in that there has not been a logical progression of the

development of low density land uses east of Hester Avenue, that the established uses are more rural-like in nature with scattered large lot homes/estates or ranchettes and long-standing agricultural uses coupled with roadways that are substandard to accommodate urban low residential densities of up to four dwelling units per acre as allowed under the Low Density Residential land use.

- 2. Consistency with Future Land Use Element:** *Definition of Suburban Estates from the Future Land Use Element.. . This land use is established to allow the development of large lot single family estates as a desired final land use; act as a transitional use between urban development and general rural uses; and to allow existing agricultural operations to continue until developed for other uses.*

*Provide homeowners and homebuyers reasonable assurance of the intensity of development to be expected in the future for surrounding parcels of property. (Future Land Use Policy 2.106)*

The definition of Suburban Estates emphasizes that this land use category is not a holding category awaiting urbanization but one that allows for the “development of large lot single family estates as a desired final land use”. Concern is raised, especially in light of recent construction of new homes on large lots, that new and older homeowners have bought and built homes in this area with the understanding that the area would remain more rural-like, despite its proximity to urbanization in south Sanford and east Lake Mary.

- B. Concurrency Review - Application to New Development:** *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public safety level of service standards and schedules of capital improvements.. .shall be applied and evaluated.. consistent with policies of the Implementation Element.. .(Capital Improvements Policy 3.2)*

This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued if public facilities meeting the adopted LOS are available or will be available concurrent with the development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, nor any other rights to develop the subject property are granted or implied by the County’s approval of the preliminary development order.

- 5. COORDINATION** – Each application for a land use designation amendment will be evaluated to assess how and to what extent any additional intergovernmental coordination activities should be addressed.

**A. Plan Coordination:** *The County shall continue to coordinate its comprehensive planning activities with the plans and programs of the School Board, major utilities, quasi-public agencies and other local governments providing services but not having regulatory authority over the use of land (Intergovernmental Coordination Policy 8.2.12). Seminole*

*County shall coordinate its comprehensive planning activities with the plans and programs of regional, State and Federal agencies . . . as the County is now a charter County (Intergovernmental Coordination Policy 8.3.3)*

**STAFF RECOMMENDATION**  
**February 20, 2002**

**PLAN AMENDMENT:** Recommend denial of a Low Density Residential land use with the following findings:

1. The proposal is Inconsistent with established Suburban Estates land use and a rural-like character to the area incorporating active agricultural uses intermixed with large lot single family homes/estates or ranchettes. Low density residential development of up to four dwelling units per acre would change the character of the area from a rural-like setting to one of a suburban character.
2. Hester Avenue and Myrtle Street are substandard rural roadways and can not accommodate urban low densities unless roadways are brought up to County standards for pavement width, right of way width and stormwater needs.
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4. Current homeowners in the vicinity settled in the rural-like area for its character (uses and lot sizes allowed under the Suburban Estates land use) and assumed assurance of the current intensity of development to continue. Recent development east of Autumn Chase has been to homes on large lots, as in estate homes or ranchettes.

Should the LPA/P&Z or the BCC consider approving this petition for Low Density Residential Development, policy direction is needed on whether this area is ripe for conversion of the area to Low Density Residential and how extensive, how substandard roadways will be brought up to standards to accommodate urban low densities, and protection of homes where the rural-like character is the desired lifestyle of the homeowners.