

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

SUBJECT: Tuskawilla/Gabriella Road C&D Development LLC/Jim Cooper, rezoning from A-1 to R-1A

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

AUTHORIZED BY: Matthew West **CONTACT:** Tony Matthews **EXT.** 7373

Agenda Date <u>05/01/02</u>	Regular <input type="checkbox"/>	Consent <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Public Hearing – 1:30 <input type="checkbox"/>	Public Hearing – 7:00 <input checked="" type="checkbox"/>		

MOTION/RECOMMENDATION:

Staff's recommendation will be made at the May 1, 2002, LPA/P&Z public hearing (see below).

Commissioner District #1 (Maloy) (Tony Matthews, Principal Planner)

BACKGROUND:

The applicant, Tuskawilla/Gabriella Road C&D Development LLC/Jim Cooper, is requesting a rezoning from A-1 (Agriculture) to R-1A (Single Family Dwelling District) on approximately 18.76 acres of property located on the west side of Tuskawilla Road, approximately 2,000 feet south of the intersection of Tuskawilla Road and Red Bug Lake Road (see attached site map).

STAFF RECOMMENDATION:

Staff is preparing a Lot Size Compatibility Study which will be completed prior to the May 1, 2002, LPA/P&Z public hearing and will include a recommendation regarding the applicant's requested rezoning. No objection to development of the site as single family, detached residential, provided development does not exceed four (4) dwelling units per net buildable acre.

Reviewed by Co Atty: <u>AKC</u> DFS: _____ Other: _____ DCM: _____ CM: _____ File No. <u>Z2002-005</u>
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Attachment: Staff Report and Ordinance.
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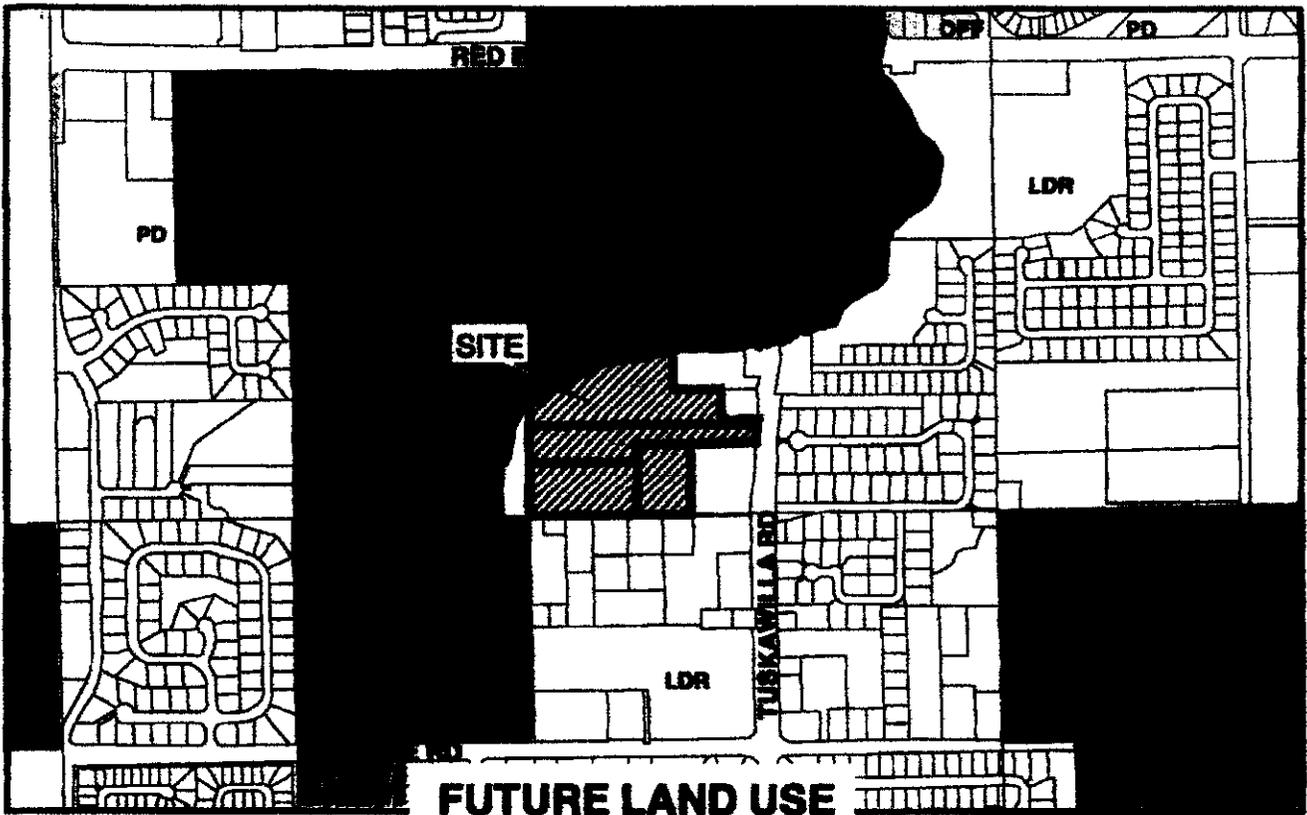


Rezone No. Z2002-005
From: A-1 To: R-1A

- Subject Property
- Parcelbase



February 1999 Color Aerials

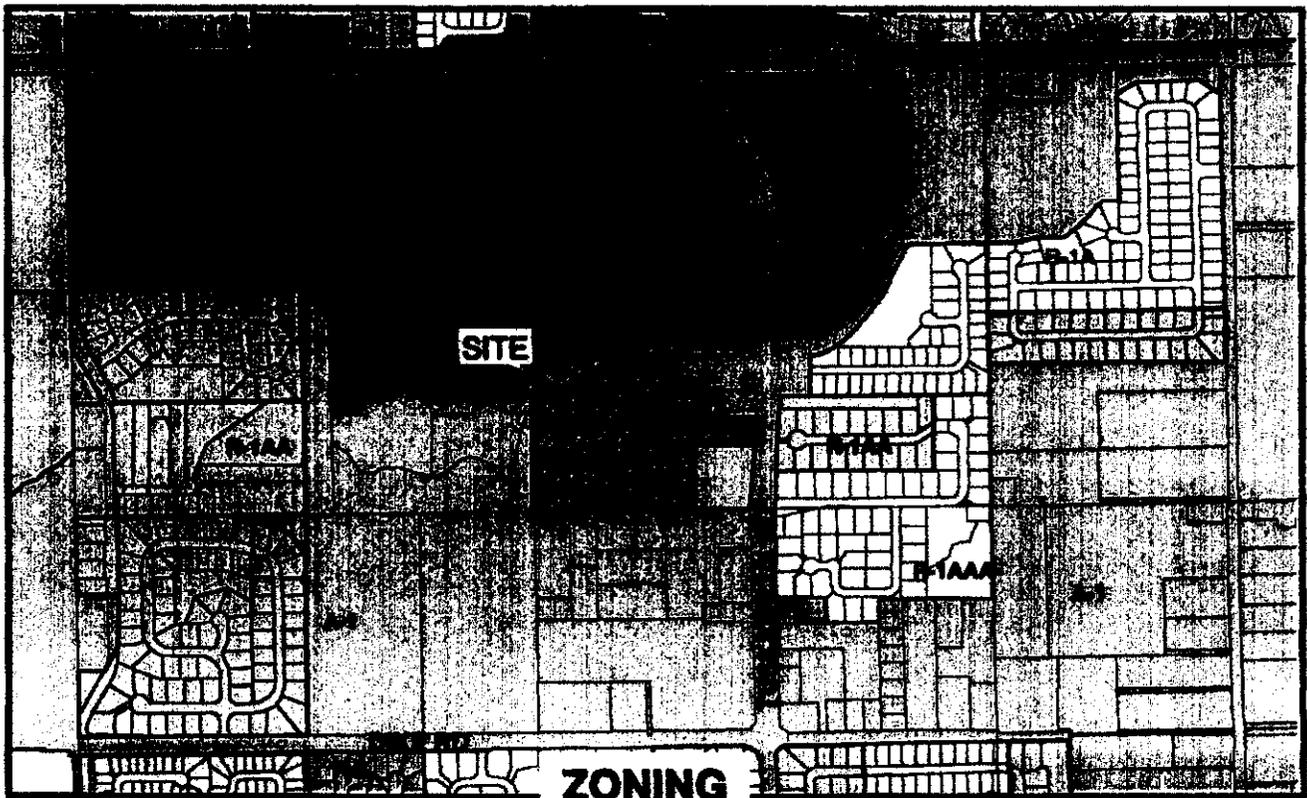


FUTURE LAND USE

Site
 Municipality
 COM
 LDR
 PD
 HDR
 PUBS
 MDR
 SE
 OFF

Applicant: **C&D Development LLC**
 Physical STR: **24-21-30-300-019B, 019C, 019J, & 019H-0000**
 Gross Acres: **+/-18.763** BCC District: **1**
 Existing Use: **Single Family/Grazing Land**
 Special Notes: _____

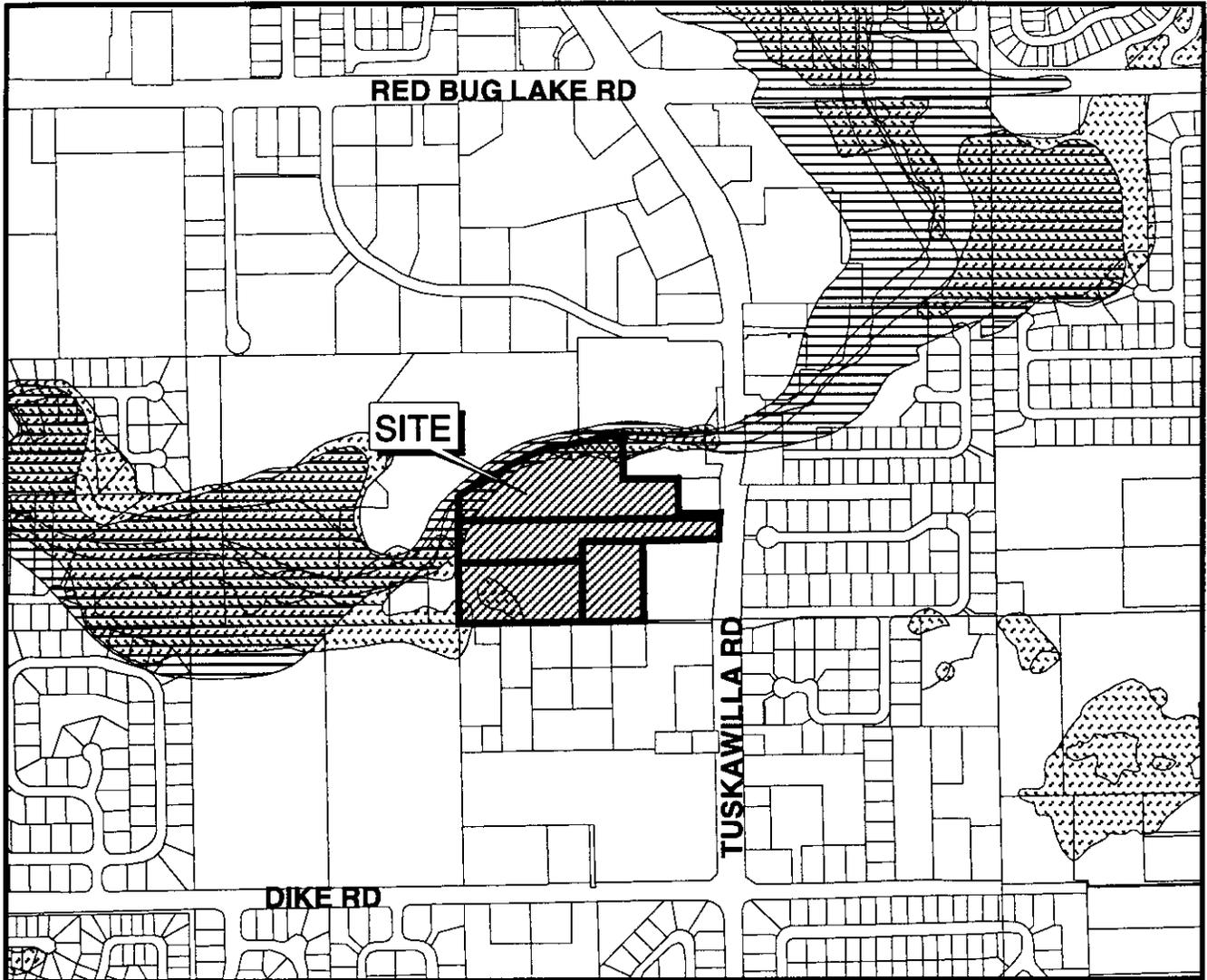
	Amend/ Rezonat	From	To
FLU	--	--	--
Zoning	Z2002-005	A-1	R-1A



ZONING

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 R-1AAA
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CONSERVATION



Rezone Z2002-005
From: A-1 To: R-1A
[Diagonal Hatched Box] Subject Property
[Thin Line Box] Municipality
[Thick Line Box] Flood
[Cross-hatched Box] Wetlands



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.*

**TUSKAWILLA/GABRIELLA ROAD
C&D DEVELOPMENT LLC/JIM COOPER**

APPLICANT	C&D Development LLC/Jim Cooper
PROPERTY OWNER(S)	Gloria W. Westmoreland and Carl and Rachel Rautenstrauch
REQUEST	Rezoning from A-1 (Agriculture) to R-1A (Single Family Dwelling District)
HEARING DATE(S)	LPA/P&Z: May 1, 2002 BCC: TBD
SEC/TWP/RNG	24-21-30-300-019B, C, H, and J
LOCATION	West side of Tuskawilla Road, south of the intersection of Tuskawilla Road and Red Bug Lake Road
APPROXIMATE SIZE	18.76 acres
FUTURE LAND USE DESIGNATION	Low Density Residential
ZONING CLASSIFICATION	A-1 (Agriculture)
FILE NUMBER	Z2002-005
COMMISSION DISTRICT	#1 - Maloy

OVERVIEW

Zoning Request: The applicant, Tuskawilla/Gabriella Road C&D Development LLC/Jim Cooper, is requesting a rezoning from A-1 (Agriculture) to R-1A (Single Family Dwelling District) on approximately 18.76 acres of property located on the west side of Tuskawilla Road, approximately 2,000 feet south of the intersection of Tuskawilla Road and Red Bug Lake Road) (see attached site map).

The Low Density Residential (LDR) future land use designation assigned to this property allows for a range of conventional zonings that are potentially allowable but applicants are not guaranteed a specific zoning. LDR allows for a net residential density of no greater than four (4) dwelling units per net buildable acre.

Existing Land Uses: Abutting uses, future land use designations and zoning classifications are:

Location	Existing Use	Future Land Use	Zoning
Site	Grazing land/residential	Low Density Residential	A-1
North	Multi-family residential	High Density Residential	A-1/R-3
South	Residential/vacant	Low Density Residential	A-1
East	Vet clinic/residential	Low Density Residential	A-1/R-1AA
West	Multi-family residential	Low/High Density Residential	A-1

Development trends are toward commercial and multi-family uses north of Howell Creek and single family residential uses south of the creek. In March 2002, the Board of Adjustment approved a veterinarian clinic as a special exception on an adjacent property.

Recent Development Request:

On August 14, 2001, the Board of County Commissioners denied a request for an amendment to the County's Comprehensive Plan and associated rezoning for a 226 unit multi-family development on this property.

SITE ANALYSIS

Facilities and Services: Adequate facilities and services must be available concurrent with the impacts of development. The applicant has submitted a Concurrency Review Deferral application. A full concurrency review will be required at time of subdivision platting including a traffic study, if required.

The proposed zoning is consistent with the adopted future land use designation of Low Density Residential 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 Seminole County Comprehensive Plan (Vision 2020).

Transportation:

The site is served by Tuskawilla Road, a 4-lane arterial roadway. Access will be right in/right out and necessary turn lanes will be required.

Water and Sewer:

The site is served by Seminole County water and sewer service and development will be required to connect to the County's utility system. A utility service concept plan, including sanitary sewer, potable water and fire protection will be required.

Compliance with Environmental Regulations:

Upland buffers from post development wetlands will be required and if wetlands are impacted a mitigation/compensation plan will be required. A conservation easement dedicated to Seminole County will be required over all post development wetlands and required upland buffers. Also, a listed species survey report will be required at the time of subdivision approval.

Compatibility with Surrounding Development: Single family, detached residential uses would be compatible with surrounding multi-family and single family development.

As noted above the existing future land use designation of LDR allows for a range of zonings. Staff is preparing a Lot Size Compatibility Study which will be completed prior to the May 1, 2002, LPA/P&Z public hearing and will include a recommendation regarding the applicant's requested rezoning. Per Comprehensive Plan Policy FLU 12.7, a compatibility study is required to objectively determine the most appropriate use of property. The outcome of the study may indicate that an alternate zoning classification is preferable.

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

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 "Tuskawilla/Gabriella Road C&D Development LLC/Jim Cooper".

(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 the A-1 (Agriculture) to the R-1A (Single Family Dwelling District) zoning classification.

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, and this Ordinance shall take effect on filing with the Department of State.

ENACTED this ____ day of _____

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain, Chairman

EXHIBIT A LEGAL DESCRIPTION

PARCEL A

THAT PART OF THE SW ¼ OF THE SE ¼ AND THE SE ¼ OF THE SE ¼ OF SECTION 24, TOWNSHIP 21S, RANGE 30E, LYING SOUTH OF HOWELL CREEK AND WEST OF TUSKAWILLA ROAD (LESS BEGIN AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF TUSKAWILLA ROAD AND A POINT OF 535 FEET NORTH OF THE SOUTH LINE OF SAID SW ¼ OF THE SE ¼ RUN WEST PARALLEL TO THE SOUTH LINE OF SAID SW ¼ OF SAID SE ¼ 231.07 FEET; THENCE NORTH 175 FEET; THENCE WEST 259.5 FEET; THENCE NORTH TO HOWELL CREEK; THENCE EASTERLY ALONG HOWELL CREEK TO THE WESTERLY RIGHT-OF-WAY LINE OF TUSKAWILLA ROAD; THENCE SOUTHERLY TO THE POINT OF BEGINNING; ALSO LESS THE SOUTH 495 FEET THEREOF).

ALSO LESS A PARCEL DESCRIBED AS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA; THENCE RUN N 00°20'23" E ALONG THE EAST LINE OF SAID SOUTHWEST ¼ OF THE SOUTHEAST ¼ A DISTANCE OF 495.01 FEET TO THE SOUTH LINE OF THE NORTH 40 FEET OF THE SOUTH 535 FEET OF SAID SOUTHWEST ¼ OF THE SOUTHEAST ¼; THENCE RUN N 89°18'04" W ALONG SAID SOUTH LINE 3.12 FEET TO THE POINT OF BEGINNING ON THE EXISTING WEST RIGHT-OF-WAY LINE OF TUSKAWILLA ROAD AS SHOWN ON THE RIGHT-OF-WAY MAP OF SEMINOLE COUNTY PROJECT NO. PS-041, TUSKAWILLA ROAD; THENCE CONTINUE N 89°18'04" W ALONG SAID SOUTH LINE 32.12 FEET; THENCE RUN N 04°08'45" E A DISTANCE OF 24.15 FEET TO THE POINT OF CURVATURE WITH A RADIUS OF 7575.70 FEET; THENCE RUN NORTHERLY ALONG THE ARC OF SAID CURVE 15.94 FEET THROUGH A CENTRAL ANGLE OF 00°07'14" TO THE NORTH LINE OF THE SOUTH 535 FEET OF SAID SOUTHWEST ¼ OF THE SOUTHEAST ¼; THENCE RUN S 89°18'04" E PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST ¼ OF SAID SECTION 24 A DISTANCE OF 35.84 FEET TO SAID EXISTING WEST RIGHT-OF-WAY LINE; THENCE RUN S 09°26'22" W 40.47 FEET TO THE POINT OF BEGINNING NO. 2, CONTAINING THEREIN 1,359 SQUARE FEET MORE OR LESS.

PARCEL B

THE SOUTH 495 FEET OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼, LESS THE EAST 400 FEET OF THE SOUTH 395 FEET THEREOF, OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA. (LYING WEST OF TUSKAWILLA ROAD) AND LESS A PARCEL DESCRIBED AS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 24, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA; THENCE RUN N 00°20'23" E ALONG THE EAST LINE OF THE SAID SOUTHWEST ¼ OF THE SOUTHEAST ¼ A DISTANCE OF 395.01 FEET TO THE SOUTH LINE OF THE NORTH 100 FEET OF THE SOUTH 495 FEET OF SAID SOUTHWEST ¼ OF THE SOUTHEAST ¼; THENCE RUN N 89°18'04" W ALONG SAID SOUTH LINE 17.02 FEET TO THE POINT OF BEGINNING ON THE EXISTING RIGHT-OF-WAY LINE OF TUSKAWILLA ROAD AS SHOWN ON THE RIGHT-OF-WAY MAP OF SEMINOLE COUNTY PROJECT NO. PS-041, TUSKAWILLA ROAD; THENCE CONTINUE N 89°18'04" W ALONG SAID SOUTH LINE 24.98 FEET; THENCE RUN N 04°12'23" E 100.19 FEET TO THE NORTH LINE OF THE SOUTH 495 FEET OF SAID SOUTHWEST ¼ OF THE SOUTHEAST ¼; THENCE RUN S 89°18'04" E ALONG SAID SOUTH LINE A DISTANCE OF 32.12 FEET TO SAID EXISTING WEST RIGHT-OF-WAY LINE; THENCE RUN S 09°26'22" W ALONG SAID EXISTING WEST RIGHT-OF-WAY LINE 31.24 FEET TO A POINT ON A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 1170.92 FEET AND A

CHORD BEARING OF S 07°44'06" W; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE AND SAID EXISTING WEST RIGHT-OF-WAY LINE 69.66 FEET THROUGH A CENTRAL ANGLE OF 03°24'31" TO THE POINT OF BEGINNING, CONTAINING THEREIN 2,798 SQUARE FEET MORE OR LESS.

Tuskawilla/Gabriella Road Rezoning – Z2002-005
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