

ITEM # \_\_\_\_\_

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

SUBJECT: Trotter Rezone & Land Use Amendment, Request for Small Scale Land Use Amendment from SE (Suburban Estates) to MDR (Medium Density Residential), and Rezone from A-1 (Agriculture) to R-2 (One- and Two-Family Dwelling District) (Alexander and Pearlie Trotter, applicants).

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Matthew West CONTACT: Jeff Hopper EXT. 7431

Agenda Date <u>3/05/03</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:**

1. Recommend APPROVAL of the request for Small Scale Land Use Amendment from SE (Suburban Estates) to MDR (Medium Density Residential), and Rezone from A-1 (Agriculture) to R-2 (One- and Two-Family Dwelling District), located on the south side of Hughey St. 400' east of Sipes Ave. (Alexander and Pearlie Trotter, applicants); or
2. Recommend DENIAL of the request for Small Scale Land Use Amendment from SE (Suburban Estates) to MDR (Medium Density Residential), and Rezone from A-1 (Agriculture) to R-2 (One- and Two-Family Dwelling District), located on the south side of Hughey St. 400' east of Sipes Ave. (Alexander and Pearlie Trotter, applicants); or
3. Continue the item to a time and date certain.

(District 5 – Comm. McLain)

(Jeff Hopper, Senior Planner)

**BACKGROUND:**

The applicants own two vacant parcels in the Midway area, totaling 2.79 acres in size. The north parcel has frontage on Hughey Street, while the south parcel has no public road frontage. Proposed development on the site is a duplex or two-family residential structure. Current zoning on the property would permit two single family homes.

Reviewed by:
Co Atty: _____
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. <u>Z2003-001 01-03SS.01</u>

Surrounding zoning is A-1 and R-1. The future land use designation on adjoining lands to the east, west and south is SE. Although nearby property north of Hughey Street now has the MDR designation, existing development in that area is exclusively single family.

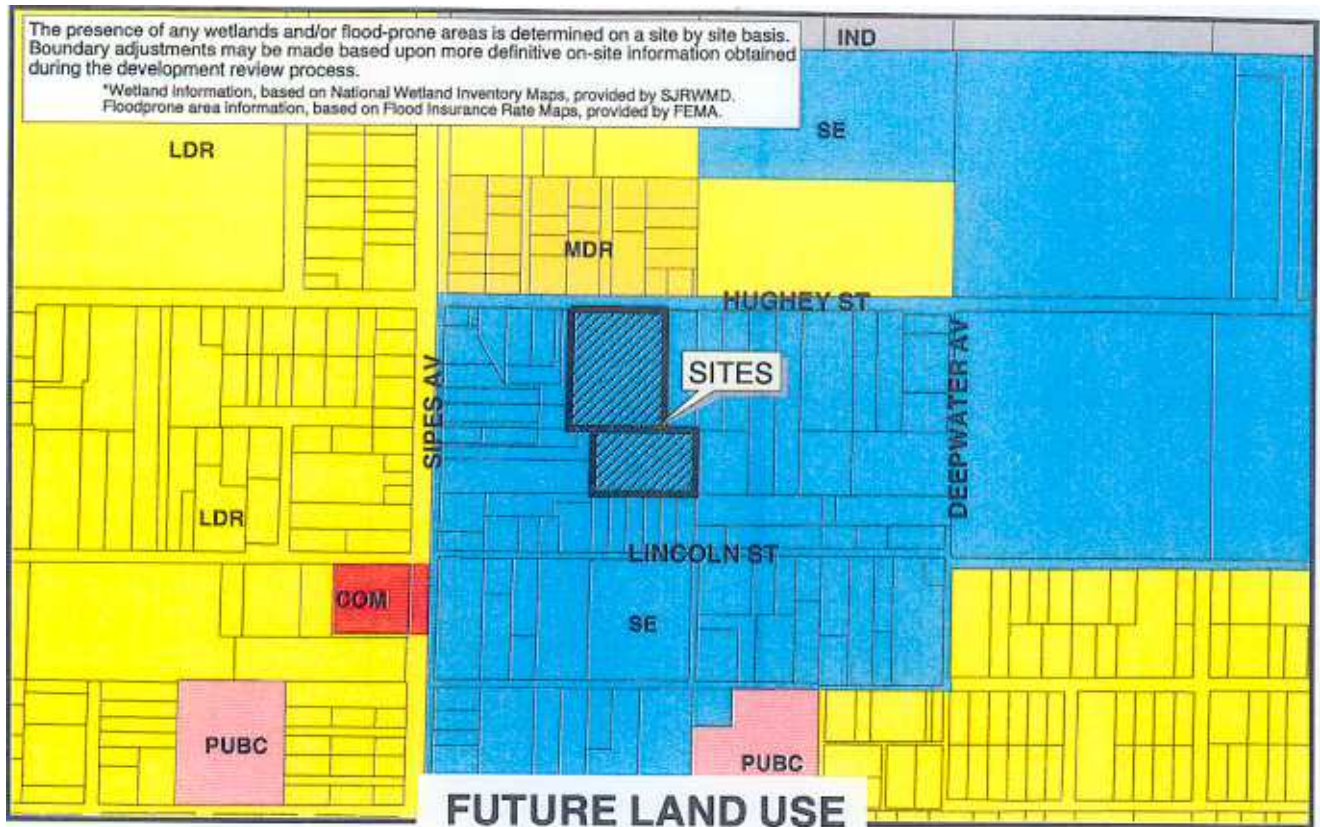
While water service is available to the site through Midway Canaan Utilities, sewer service is not present in the area. Also, access to the site is via Hughey Street, an unpaved road. Under the Vision 2020 Plan, central sewer and paved roads are required for a land use designation of MDR.

**STAFF RECOMMENDATIONS:**

Staff recommends DENIAL of the request per the attached staff report.

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.

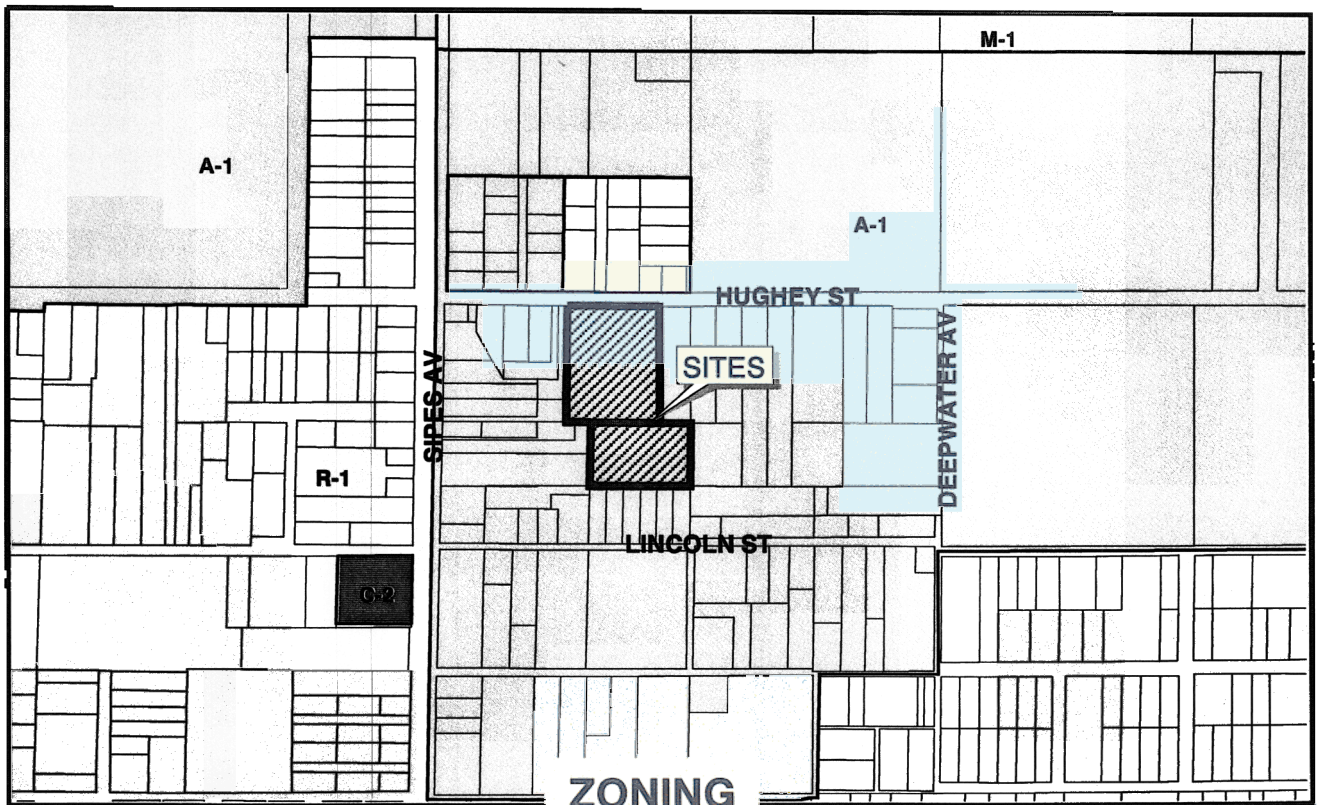


**FUTURE LAND USE**

Site 
  Municipality 
  COM 
  LDR 
  PUBC 
  SE 
  MDR 
  IND

Applicant: **Alexander & Pearlle Trotter**  
 Physical STR: **33-19-31-300-0450 & 0640-0000**  
 Gross Acres: **2.8** BCC District: **5**  
 Existing Use: **Vacant Residential**  
 Special Notes: \_\_\_\_\_

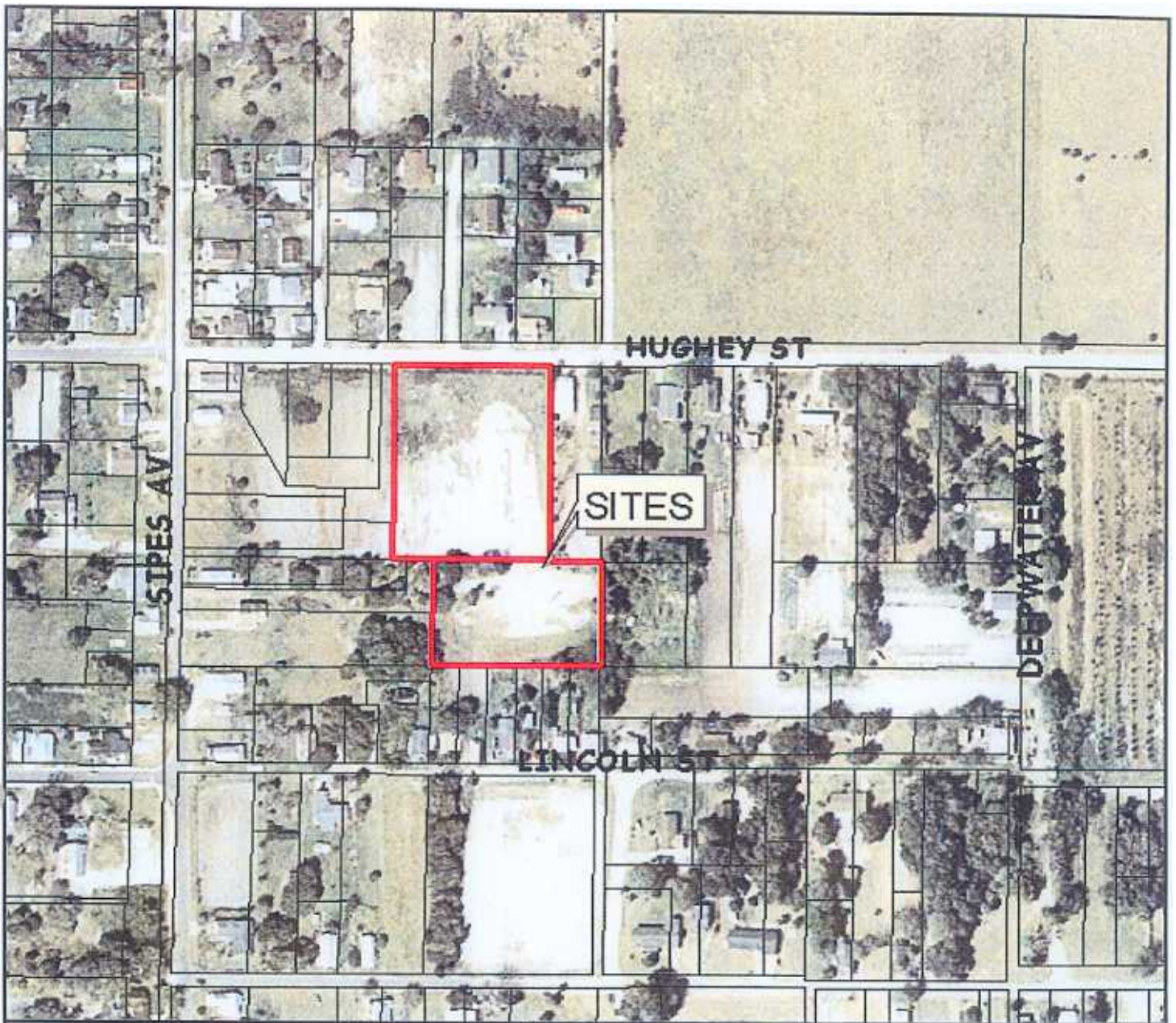
	Amend/ Rezone#	From	To
FLU	01-03SS.01	SE	MDR
Zoning		A-1	R-2



**ZONING**

A-1 
  R-1 
  C-2 
  M-1





Amendment No. 01-03SS.01

From: SE To: MDR

Rezone No. Z2003-001

From: A-1 To: R-2

 Subject Property

 Parcelbase

N



February 1999 Color Aerials

# Trotter Rezone and Land Use Amendment *Staff Report*

<b>Suburban Estates (SE) to Medium Density Residential (MDR)</b>		<b>Amendment (Z2003-001 01-03SS.01)</b>
<b>REQUEST</b>		
<b>APPLICANT</b>	Alexander and Pearlie Trotter	
<b>PLAN AMENDMENT</b>	Suburban Estates (SE) to Medium Density Residential (MDR)	
<b>REZONING</b>	A-1 to R-2	
<b>APPROXIMATE GROSS ACRES</b>	2.79	
<b>LOCATION</b>	East side of CR 427, 0.2 mile south of Longwood-Lake Mary Road	
<b>BCC DISTRICT</b>	District 5 – McLain	
<b>RECOMMENDATIONS AND ACTIONS</b>		
<b>STAFF RECOMMENDATION March 5, 2003</b>	Recommend DENIAL of the Medium Density Residential future land use designation and rezoning from A-1 to R-2, as proposed, on subject property on the south side of Hughey Street, 400' east of Sipes Ave.	

## **STAFF ANALYSIS**

<b>Suburban Estate (SE) to Medium Density Residential (MDR)</b>		<b>Amendment (Z2003-001 01-03SS.01)</b>
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1. Property Owners: Alexander and Pearlie Trotter
2. Tax Parcel Numbers: 33-19-31-300-0640-0000 and 33-19-31-300-0450-0000

3. **Development Trends:** Development in this vicinity is primarily single family residential in nature, with certain supporting nonresidential uses, such as churches and day care facilities, permitted by Special Exception. The designated future land use of most surrounding properties is Suburban Estates (SE) and Low Density Residential (LDR). Existing zoning of surrounding properties is A-1 and R-1.

A small area of Medium Density Residential (MDR) currently exists opposite the subject property on the north side of Hughey Street. However, this land use was assigned to accommodate several homes on small lots, at a density of 7-8 units per acre, which pre-date adoption of the Vision 2020 Plan. While MDR permits consideration of multi-family and duplex development, the existing A-1 and R-1 zoning in this area do not permit forms of residential other than single family.

**SITE DESCRIPTION**

1. **EXISTING AND PERMITTED USES:** The future land use designation of Suburban Estates, currently assigned to the subject property, permits single family residential development at a maximum density of 1 dwelling unit per acre. Existing A-1 zoning allows agricultural and related low-intensity uses. Both parcels are vacant.

Location	Future Land Use*	Zoning*	Existing Use
Site	Suburban Estates (SE)	A-1	vacant
North	Medium Density Residential (MDR)	A-1 and R-1	single family residential
South	Suburban Estates (SE)	A-1	single family residential
East	Suburban Estates (SE)	A-1	vacant
West	Suburban Estates (SE)	A-1	vacant, single family

*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:** The proposed amendment 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. The amendment request would not be in conflict with the Metroplan Orlando Plan or the Florida Department of Transportation's 5-Year Plan (Transportation Policy 14.1).

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 and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element (Transportation Policy 2.1).*

Access to the subject property is via Hughey St., a local road, with no Level of Service (LOS) information available. Hughey St. is a 20-foot dirt road which must be paved and widened to 24 feet, from Sipes Ave. to the applicants' property, to accommodate the request.

B. **Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:** *Figure 11.1 and Figure 14.1 are the water and sewer service area maps for Seminole County*

The subject property is within the Midway Canaan Utilities water service area. Water service is currently available to the site. There is no sewer service available to the site.

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 property is served by the Seminole County EMS/Fire Station 41. Response time to the site is less than 5 minutes, which meets the County's average response time standard of 5 minutes.

**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 Vision 2020 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 which development activity impacting public facilities may ensue, or to obtain development 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).*



A review of the availability of public facilities to serve this property indicates that there would be adequate facilities, except sewer service, to serve this area, and that the proposed Plan amendment would create no adverse impacts to existing public facilities.

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-1) and Wetlands (W-1) Overlay Zoning classifications...(Policy FLU 1.2 and 1.3).*

The site contains less than 5% wetlands or flood prone areas, and can be developed within requirements of the Vision 2020 Plan and Land Development Code.

C. **Protection of Endangered and Threatened Wildlife:** *The County shall continue to require, as part of the Development Review Process, proposed development to coordinate those processes 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 prior to development approval (Conservation Policy 3.13).*

A threatened and endangered species report shall be required prior to final engineering approval for any proposed development on the subject property.

**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 Vision 2020 Plan (e.g., appropriate transitioning of land uses, protection of neighborhoods, protection of the environment, protection of private property rights, no creation of new strip commercial developments through plan amendments, etc.)

Based upon an initial evaluation of compatibility, the proposed Medium Density Residential land use would not be compatible with future land use designations on adjoining properties to the east, west and south. Proposed duplex development on the site would represent a significant change from the existing pattern of single family development in the area.



Applicable Plan policies include, but are not limited to, the following:

**Transitional Land Uses:** *The County shall evaluate plan amendments to insure that transitional land uses are provided as a buffer between residential and non-residential uses, between varying intensities of residential uses, and in managing the redevelopment of areas no longer appropriate as viable residential areas. "Exhibit FLU: Appropriate Transitional Land Uses" is to be used in determining appropriate transitional uses. (Policy FLU 2.5)*

"Exhibit FLU: Appropriate Transitional Land Uses" indicates that Medium Density Residential (MDR) is not an appropriate transitional use adjacent to Suburban Estates (SE).

Other applicable plan policies include:

*FLU 2.1 Subdivision Standards.*

*FLU 5.5: Water and Sewer Service Expansion*

*Exhibit FLU: Services and Facilities by Classification*

*Medium Density Residential Future Land Use Definition*

**B. Concurrency Review - Application to New Development:** *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public facilities 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 only 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.

**STAFF RECOMMENDATION:**

Staff recommends DENIAL of the request.