

ITEM # _____

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

SUBJECT: Vihlen Road Rezone, Rezone from A-1 (Agriculture) and R-1A (Single Family Dwelling District) to all R-1A (Single Family Dwelling District).
(Robert Dollard, applicant)

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

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

Agenda Date <u>07/23/03</u> Regular <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/> Special Hearing – 6:00 <input checked="" type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION:

1. Recommend APPROVAL of the request for rezoning from A-1 (Agriculture) and R-1A (Single Family Dwelling District) to all R-1A (Single Family Dwelling District), (Robert Dollard, applicant); or
2. Recommend DENIAL of the request for rezoning from A-1 (Agriculture) and R-1A (Single Family Dwelling District) to all R-1A (Single Family Dwelling District), (Robert Dollard, applicant); or
3. CONTINUE the public hearing until a time and date certain.

(District 5 – Comm. McLain)

(Jeff Hopper, Senior Planner)

BACKGROUND:

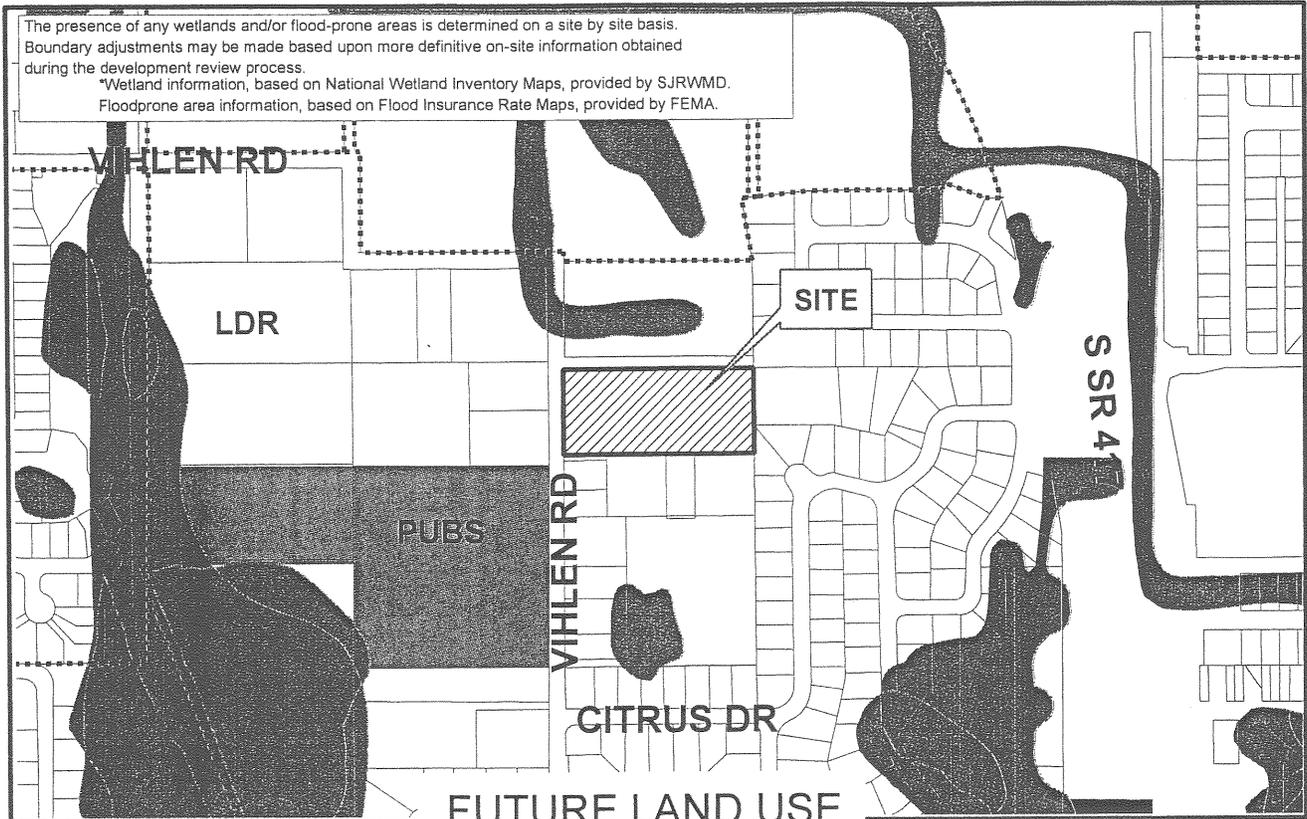
The applicant, Robert Dollard, requests approval of R-1A zoning on a 4.02-acre site on Vihlen Road north of CR 46-A. Located in the Low Density Residential future land use designation, the property is programmed under the Vision 2020 Plan for a maximum of 4 units per net buildable acre. However, as a request for conventional zoning (i.e., not PUD), the application is subject to the lot compatibility analysis required under Ordinance 98-53. This analysis supports a zoning classification of R-1AA.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested R-1A classification per the attached staff report.

Reviewed by: _____ Co Atty: <u>SM</u> DFS: _____ OTHER: _____ DCM: _____ CM: _____ File No. <u>Z2003-021</u>

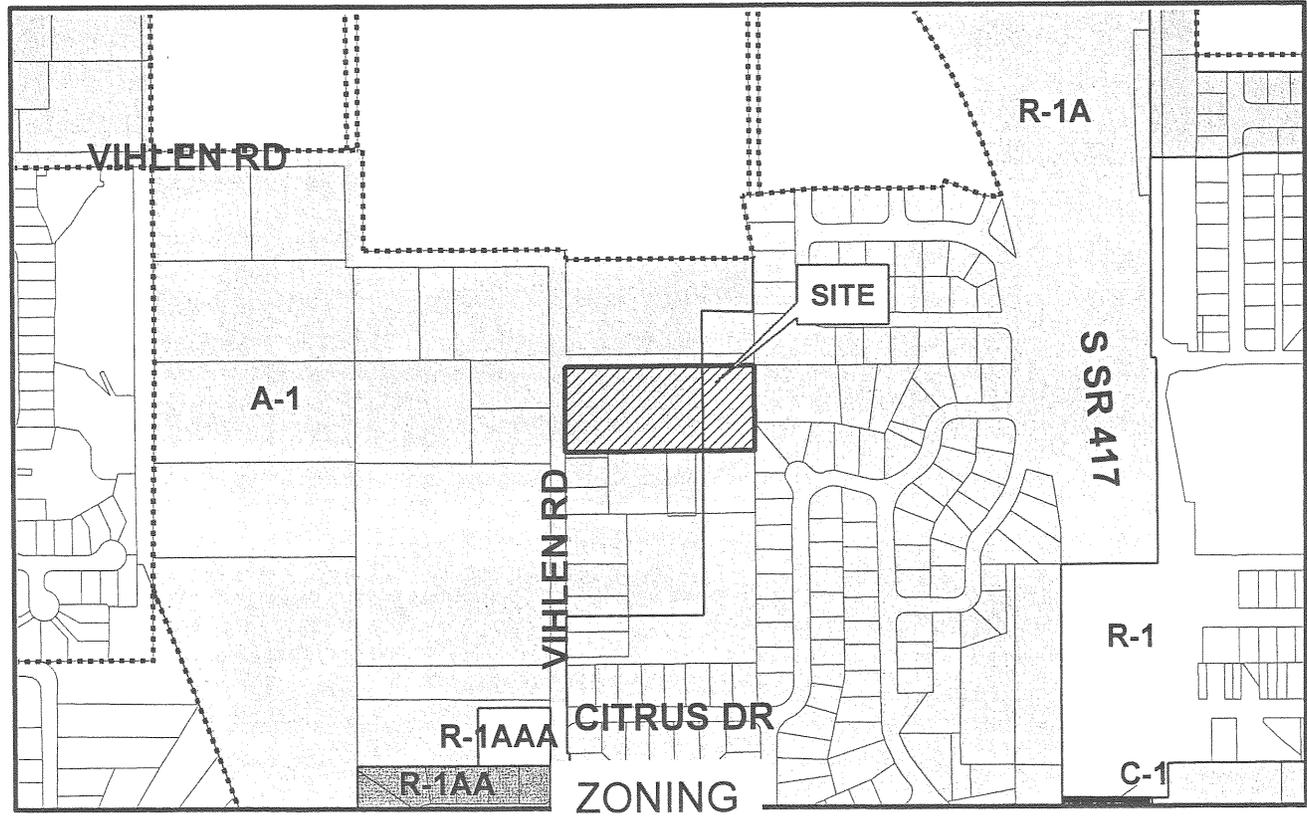
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.
 Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.
 Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



Site
 Municipality
 PUBS
 LDR
 COM
 CONS

Applicant: Robert Dollard
 Physical STR: 33-19-30-5AF-0000-0120
 Gross Acres: 4.020 BCC District: 5
 Existing Use: Single Family Residential
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2003-021	A-1/R-1A	R-1A



Site
 A-1
 R-1
 R-1A
 R-1AA
 R-1AAA
 C-1



Rezone No: Z2003-021
From: A-1/R-1A To: R-1A

- Parcel
- Subject Property



NOT TO SCALE

February 1999 Color Aerials

VIHLEN ROAD REZONE

REQUEST INFORMATION	
APPLICANT	Robert Dollard
PROPERTY OWNER	Robert Dollard
REQUEST	Rezone from A-1 (Agriculture) and R-1A (Single Family Dwelling District) to all R-1A (Single Family Dwelling District)
HEARING DATE(S)	P&Z: July 16, 2003 BCC: August 26, 2003
PARCEL #	33-19-30-5AF-0120
LOCATION	East side of Vihlen Road, ½ mile north of CR-46A
FUTURE LAND USE	Low Density Residential (LDR)
FILE NUMBER	Z2003-021
COMMISSION DISTRICT	District 5 (McLain)

OVERVIEW

The applicant, Robert Dollard, requests approval of R-1A zoning on a 4.02-acre site on Vihlen Road north of CR 46-A. Located in the Low Density Residential (LDR) future land use designation, the property is programmed under the Vision 2020 Plan for a maximum of 4 units per net buildable acre. However, as a request for conventional zoning (i.e., not PUD), the application is subject to the lot compatibility analysis required under Ordinance 98-53. This analysis supports a zoning classification of R-1AA.

The analysis evaluates appropriate zoning for a given parcel on the basis of existing zoning on surrounding properties within 660 feet. The calculations assign differing weights to the various districts according to permitted development intensities within those districts. For example, the R-1A district, with a minimum lot size of 9,000 square feet, has a weight factor of 8, while R-1AAAA, requiring half-acre lots, has a weight factor of 5. Properties zoned for Agriculture (A-1) receive a base weight of 4, but additional points can be assigned where water, sewer, and paved roads are available, for a maximum of 7.

Weighting factors, together with the acreage of each zone within the 660-foot radius, determine the "compatible" zoning for the subject property. A substantial portion of the analysis area adjoining this request is A-1, with a significant quantity of R-1A adjacent to the east. The analysis yielded a weight rating of 7.56, which corresponds to the R-1AA district, with a minimum lot size requirement of 11,700 square feet. The requested R-1A would permit lots of 9,000 square feet in size.

Despite the results of the lot compatibility analysis, other considerations may be taken into account in evaluating this request. Approximately one-quarter of the subject property already lies within the requested R-1A district, adjacent to a developed subdivision in R-1A to the east. The site is on a paved road and has access to water and sewer service, meeting the public facility criteria established by the Vision 2020 Plan for the LDR land use designation. Nearby property to the north in the City of Sanford will be developed under R-1A criteria or the equivalent. Finally, the applicant's site lies in proximity to Idyllwilde

Elementary on the west side of Vihlen Road, an existing use of significant intensity. Taken together, these factors could justify the requested R-1A classification.

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

	Zoning	Future Land Use	Existing Land Use
North	A-1/R-1A	LDR	single family
South	A-1/R-1A	LDR	single family
East	R-1A	LDR	vacant/single family
West	A-1	PUB/ LDR	single family/school

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. (Applicant has submitted a Concurrency Review Deferral Affidavit.)
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. Utilities Inc. will provide water and sewer service to the site.
4. Information on stormwater capacity and outfall will have to be provided prior to Final Subdivision approval.

Compliance with Environmental Regulations: At this time there are no concerns regarding compliance with environmental regulations.

Compatibility with surrounding development: The proposed R-1A zoning classification is compatible with the Low Density Residential land use designation.

STAFF RECOMMENDATION

Although the lot compatibility analysis recommends R-1AA, Staff recommends approval of the R-1A classification as requested by the applicant based on the site meeting the criteria established by the Vision 2020 Plan and compatibility with adjacent properties.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS 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 "Vihlen Road 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 R-1A (Single Family Dwelling District):

LEGAL DESCRIPTION ATTACHED 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 be effective upon filing with the Department of State.

ENACTED this 26th day of August, 2003.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

EXHIBIT A
LEGAL DESCRIPTION

N 1/2 + N 47.5 FT OF S 1/2 (LESS W 10 FT) OF LOT 12 NEW UPSALA

PB 1 PG 67