

ITEM # _____

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

SUBJECT: Bear Lake Road Property, Rezone from R-1B to R-1BB (Hugh Harling, applicant)

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

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

Agenda Date <u>03/03/04</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 Rezone from R-1B to R-1BB on approximately 1.58 acres on the east side of Bear Lake Road, approximately 1.8 miles south of SR 436 (Hugh Harling, applicant); or
2. Recommend DENIAL of the request for Rezone from R-1B to R-1BB on approximately 1.58 acres on the east side of Bear Lake Road, approximately 1.8 miles south of SR 436 (Hugh Harling, applicant) per staff findings; or
3. CONTINUE the public hearing until a time and date certain.

(District 3 – Comm. Van Der Weide) (Jeff Hopper, Senior Planner)

BACKGROUND:

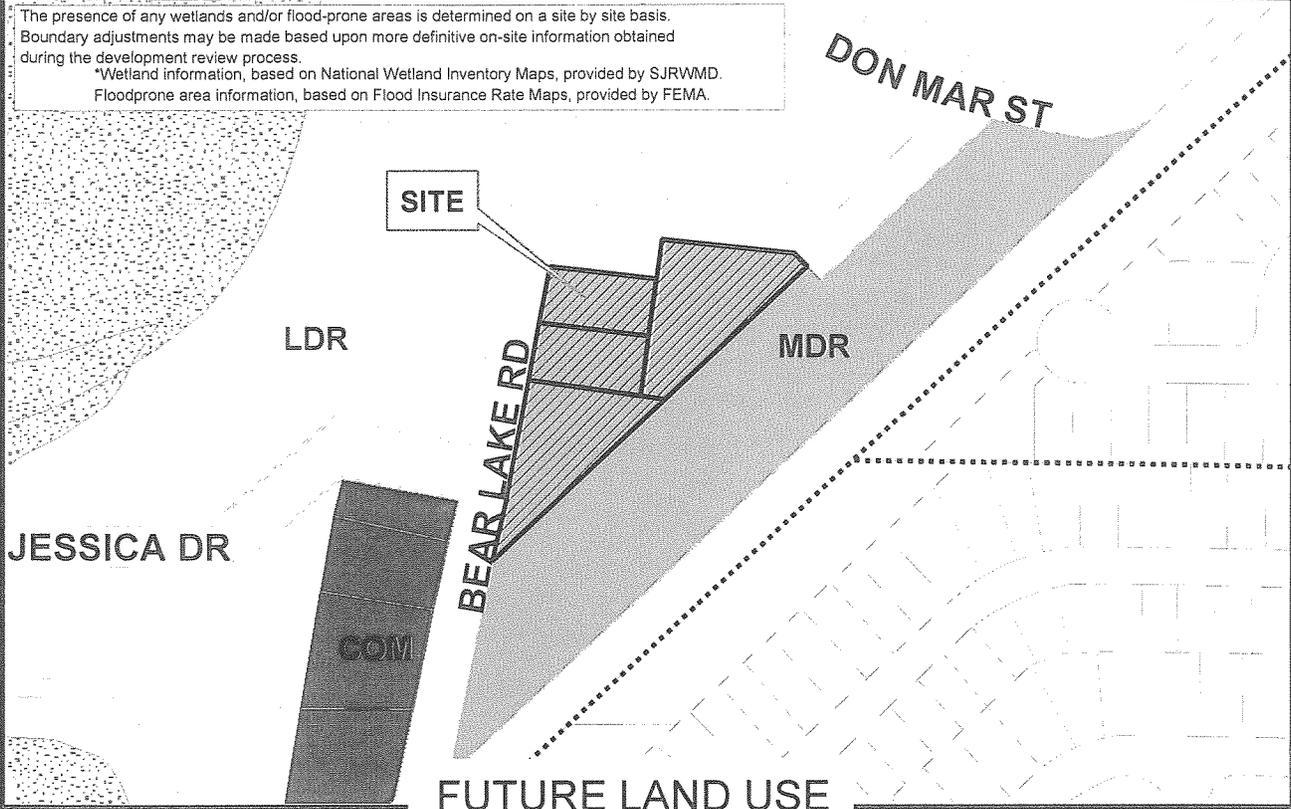
The applicant, Hugh Harling, requests approval of R-1BB on 1.58 acres east of Bear Lake Road for a single family development having a minimum lot size of 5,000 square feet. This request is brought by the applicant as a clarification of the outcome of a previous request for R-1BB last fall. The applicant believes that the BCC intended to approve R-1BB for the entire site and is seeking clarification. On October 14, 2003, the Board of County Commissioners approved R-1B on the property now in question, with a slightly larger lot size than the requested R-1BB. (However, R-1BB was approved on an intervening parcel separating the site of the present request from the CSX Railroad and the City of Altamonte Springs.) The staff recommended R-1B in order to create a transition between 50-foot lots on the applicant's property adjacent to the railroad, and the larger lots required in R-1A and R-1AA areas to the north and west.

Reviewed by:
Co Atty: _____
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. <u>Z2004-007</u>

STAFF RECOMMENDATION:

The approval of R-1B, as previously recommended by Staff, is appropriate in creating a transition between higher and lower intensities of development in the area. Staff recommends DENIAL of the current request for R-1BB.

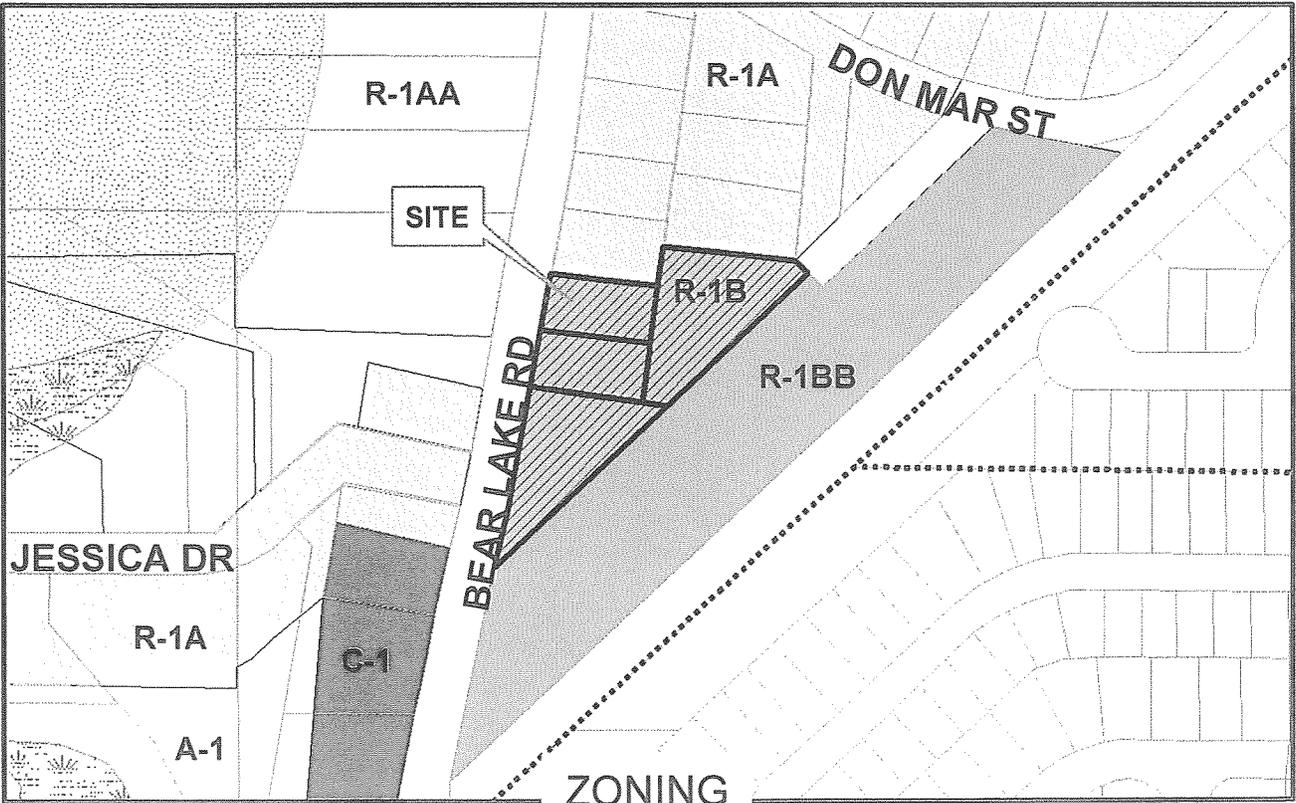
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



Site
 Municipality
 LDR
 MDR
 COM
 CONS

Applicant: Hugh M. Harling
 Physical STR: 20-21-29-504-0C00-0060, 0070, 0080 & 20-21-29-505-0000-0120
 Gross Acres: +/- 1.58 BCC District: 3
 Existing Use: Vacant Single Family
 Special Notes: None

	Amend/Rezone#	From	To
FLU	--	--	--
Zoning	Z2004-007	R-1B	R-1BB



Site
 Municipality
 A-1
 R-1AA
 R-1A
 R-1B
 R-1BB
 C-1
 FP-1
 W-1



Rezone No: Z2004-007
From: R-1B To: R-1BB

-  Parcel
-  Subject Property



February 1999 Color Aerials

BEAR LAKE REZONE

REQUEST INFORMATION	
APPLICANT	Hugh W. Harling
PROPERTY OWNER	Robert Hattaway
REQUEST	Rezone from R-1B (Single Family Dwelling District) to R-1BB (Single Family Dwelling District)
HEARING DATE(S)	P&Z: March 3, 2004 BCC: March 9, 2004
PARCEL #	20-21-29-504-0C00-0060 20-21-29-504-0C00-0070 20-21-29-504-0C00-0080 20-21-29-505-0000-0120
LOCATION	East side of Bear Lake Rd., 1.8 miles south of SR 436
FUTURE LAND USE	Medium Density Residential (MDR)
FILE NUMBER	Z2004-007
COMMISSION DISTRICT	District 3 (Van Der Weide)

OVERVIEW:

The applicant, Hugh Harling, requests approval of R-1BB zoning on a 1.58 acre site on the east side of Bear Lake Road, approximately 500 feet north of the CSX Railroad right-of-way. The proposed development is single family residential, with a minimum lot size of 5,000 square feet. This request is a continuation of an application made in the Fall of 2003 that resulted in Medium Density Residential (MDR) future land use on the subject property. Also granted at the time was R-1B zoning, which would apply a minimum lot size requirement of 6,700 square feet and a 60-foot minimum lot width to development on the site.

At this time, the applicant wishes to clarify the County's intent with regard to the subject property, which constitutes four of the five parcels addressed in the original request. That application also included Block E of Adell Park Subdivision, a 3.6 acre lot adjacent to the railroad. Staff's previous recommendation was for R-1BB on Block E only, with the balance being R-1B to establish a slightly lower density transitioning to the R-1A and R-1AA properties to the north and west. This concept received a positive recommendation from the Planning & Zoning Commission and a unanimous approval by the Board of County Commissioners on Oct. 14, 2003.

The applicant states that the granting of R-1B on these lots is not consistent with his understanding of the outcome of the previous case, and wishes to confirm the Board's intent in its decision. In hearings before P & Z and BCC, he presented a concept plan showing 50-foot lots in the area now zoned R-1B, and questions whether members of these bodies meant to require larger lots than were shown on that plan. In any case, maximum density in the proposed development, 4.5 units per acre, is established by the approved Development Order, not through permitted lot sizes.

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

	Zoning	Future Land Use	Existing Land Use
North	LDR	R-1A	SF residential, vacant
South	R-1BB	MDR	vacant
East	R-1BB	MDR	vacant
West	LDR / Commercial	R-1A, R-1AA, A- 1, C-1	SF, commercial, vacant

For more detailed information regarding zoning and land use, please refer to the attached map.

SITE ANALYSIS & FINDINGS:

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 Medium Density Residential (MDR) 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. The subject property is within the Seminole County water and sewer service areas. Water service is available to the site, but sewer service currently is not. The applicant is proposing to connect to the City of Altamonte Springs sewer system. This is allowable under an existing agreement with the City.
4. Information on stormwater capacity and outfall will be provided prior to Final Subdivision approval.

Compliance with Environmental Regulations: At this time there are no identified areas of environmental concern on the property, although wetlands may be present on the site.

Compatibility with surrounding development: The proposed R-1BB zoning classification is consistent with the MDR future land use designation. However, in its last consideration of the subject property in October 2003, the BCC chose R-1B as the most appropriate zoning classification, as this classification would establish a more gradual transition of permitted lot sizes and densities between the applicant's R-1BB property to the east and less intense development in R-1A and R-1AA to the north and west.

STAFF RECOMMENDATION:

The approval of R-1B, as previously recommended by Staff, is appropriate in creating a transition between higher and lower intensities of development in the area. Staff recommends DENIAL of the current request for R-1BB.

**SEMINOLE COUNTY
ADMINISTRATIVE ORDER**

On March 9, 2004, Seminole County (the "County") issued this Administrative 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: ROBERT HATTAWAY
Project Name: BEAR LAKE REZONE
Requested Development Approval: R-1BB (SINGLE FAMILY DWELLING DISTRICT)

After fully considering staff analysis and all evidence submitted at the public hearing on March 9, 2004, to this matter, the Board of County Commissioners (the "Board") has found, determined and concluded that the request for R-1BB, as proposed, would not be compatible with the adjacent neighborhoods and is inconsistent with development trends in the area.

Lastly, the Board finds that the owner will retain beneficial use of the property without the requested change in zoning classification.

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

FILE NO. - Z2004-007

DEVELOPMENT ORDER # 04-20000002

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

The aforementioned application for development approval is **DENIED**.

Done and Ordered on the date first above.

By: _____

Daryl G. McLain
Chairman
Board of County Commissioners

Attest:

Maryanne Morse

FILE NO. - Z2004-007

DEVELOPMENT ORDER # 04-20000002

EXHIBIT "A"

LEGAL DESCRIPTION

LOT 6 BLK C ADELL PARK PB 9 PG 48

LOT 7 BLK C ADELL PARK PB 9 PG 48

LOT 8 BLK C ADELL PARK PB 9 PG 48 & NLY 1/2 OF VACD STREET ADJ ON SE BLK C ADELL PARK PB 9 PG 48

LOT 12 ADELL PARK 1ST ADD PB 13 PG 19 & NLY 1/2 OF VACD STREET ADJ ON SE ADELL PARK 1ST ADD