

ITEM # _____

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

SUBJECT: Regency Club / Mikler Road, Small Scale Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR); and Rezoning from A-1 (Agriculture) to R-1BB (Single Family Dwelling District); (Hugh Harling, applicant).

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

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

Agenda Date <u>5/04/05</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 DENIAL of the request for Small Scale Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR), and rezone from A-1 to R-1BB, per staff findings, on 6.75 acres located on the east side of Mikler Road, 0.4 mile south of Red Bug Lake Road (Hugh Harling, applicant); or
2. Recommend APPROVAL of the request for Small Scale Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR), and rezone from A-1 to R-1BB, on 6.75 acres located on the east side of Mikler Road, 0.4 mile south of Red Bug Lake Road (Hugh Harling, applicant); or
3. CONTINUE the public hearing until a time and date certain.

(District 1 – Comm. Dallari)

(Jeff Hopper, Senior Planner)

BACKGROUND:

The applicant proposes a single family residential development on a 6.75 acre site located in the Low Density Residential (LDR) future land use designation. Because the request includes a zoning to R-1BB (Single Family Dwelling District), a small scale land use amendment to the Vision 2020 Plan is also necessary. R-1BB is not permitted within LDR future land use now existing on the subject property. MDR is the appropriate category for R-1BB zoning.

STAFF RECOMMENDATION:

Staff recommends DENIAL of the requested small scale land use amendment, and suggests re-submittal of the application as a request for PUD zoning.

Reviewed by:
Co Atty: _____
DFS: _____
OTHER: <u>JW</u> _____
DCM: _____
CM: _____
File No. <u>Z2005-005</u>

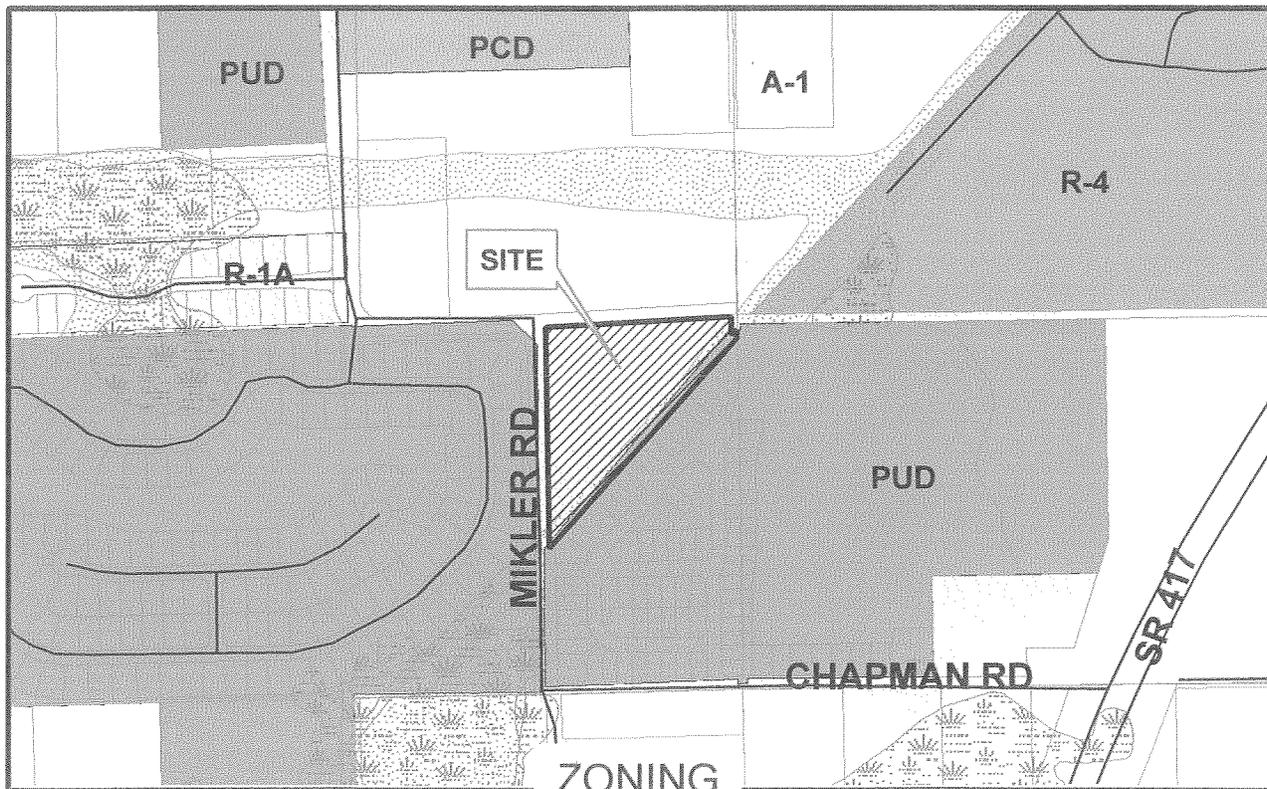
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



Site
 LDR
 HDR
 SE
 PD
 IND
 CONS

Applicant: Hugh Harling, Jr.
 Physical STR: 16-21-31-5CA-0000-75C
 Gross Acres: 5.96 +/- BCC District: 1
 Existing Use: Single Family
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	03-05SS.01	LDR	MDR
Zoning	Z2005-005	A-1	R-1BB



A-1
 R-1A
 R-4
 PUD
 PCD
 FP-1
 W-1

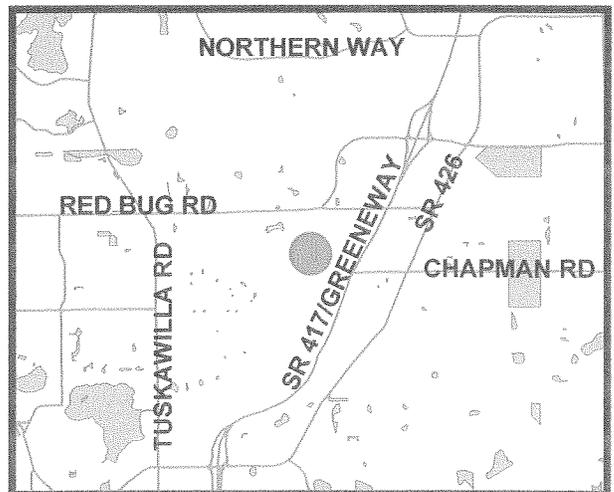


Amendment No: 03-05SS.01
 From: LDR To: MDR
 Rezone No: Z2005-005
 From: A-1 To: R-1BB

-  Parcel
-  Subject Property



January 2004 Color Aerials



Regency Club / Mikler Road

Small Scale Land Use Amendment

Staff Report

**Low Density Residential (LDR) to
Medium Density Residential (MDR)**

**Amendment
(Z2005-005,
03-05SS.01)**

REQUEST

APPLICANT	Hugh Harling
PLAN AMENDMENT	Low Density Residential (LDR) to Medium Density Residential (MDR)
REZONING	A-1 to R-1BB
APPROXIMATE GROSS ACRES	6.75
LOCATION	East side of Mikler Road, 0.4 mile south of Red Bug Lake Road
BCC DISTRICT	1, Dallari

RECOMMENDATIONS AND ACTIONS

STAFF RECOMMENDATION May 4, 2005	Staff recommends DENIAL of the request for small scale land use amendment and re-submittal as an application for PUD zoning within the existing LDR future land use classification.
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STAFF ANALYSIS

**Low Density Residential (LDR) to Medium
Density Residential (MDR)**

**Amendment
(Z2005-005,
03-05SS.01)**

1. Property Owner: Charles W. Clayton
2. Tax Parcel Numbers: 16-21-31-5CA-0000-075C
3. Development Trends: The subject property lies in a rapidly developing area consisting primarily of single family development in the LDR future land use designation at a maximum of 4 dwelling units per net buildable acre. Neighboring single family lots to the west, located in

Kenmure PUD across Mikler Road from the site, are approximately 85 feet in width and 8,500 s.f. in size. Adjacent lots to the south and east, in the Mikler Lake Subdivision PUD, are 50 feet wide and slightly less than 6,000 s.f. in size. To the north lies undeveloped property in LDR.

An existing multi-family development in HDR (High Density Residential) future land use to the northeast has minimal influence on the site because it is accessed from another road and is physically separated from the subject property by an area of wetlands and the Bear Gully Canal. Aside from that parcel, all other neighboring properties are designated, and most are developed, as LDR (Low Density Residential).

SITE DESCRIPTION

1. EXISTING AND PERMITTED USES: The future land use designation of LDR, currently assigned to the subject property, permits single family residential, as well as supporting uses, at a maximum density of 4 units per net buildable acre.

			(North)					
			LDR vacant <i>A-1</i>	LDR Vacant <i>A-1</i>	HDR MF residential <i>R-4</i>			
West)	LDR SF residential <i>PUD</i>	LDR SF residential <i>A-1</i>	LDR SF residential <i>A-1</i>	LDR SF residential <i>PUD</i>	LDR SF residential <i>PUD</i>	(East)		
			LDR SF residential <i>PUD</i>	LDR SF residential <i>PUD</i>	LDR SF residential <i>PUD</i>			
			(South)					

** 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.

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, or any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order. The applicant has elected to defer concurrency review and the site will have to demonstrate concurrency compliance at the time of final engineering.

STAFF RECOMMENDATION:

The requested MDR future land use designation is not appropriate as a transitional use on the subject property, and if approved would introduce a potential for 10 dwelling units per net buildable acre into an area currently limited to a net density of 4 units per acre or less. Staff has determined that the applicant's development concept could be substantially accommodated in a PUD (Planned Unit Development) zoning district within the LDR future land use designation existing on the property. Staff recommends DENIAL of the requested small scale land use amendment, and suggests re-submittal of the application as a request for PUD zoning.

AN ORDINANCE AMENDING THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF A SMALL SCALE DEVELOPMENT AMENDMENT; CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTIES FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 2001-21 which adopted the Vision 2020 Seminole County Comprehensive Plan ("the Plan"); and

WHEREAS, the Board of County Commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Land Planning Agency held a Public Hearing, with all required public notice, on May 4, 2005, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on June 14, 2005, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Land Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council, based upon the "Regency Club / Mikler Road Staff Report".

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct in form and include legislative findings which are a material part of this Ordinance.
- (b) The Board of County Commissioners 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. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:

(a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 2001-21, as previously amended, is hereby further amended by amending the future land use designation assigned to the property which is depicted on the Future Land Use Map and further described below:

LEG E 1/2 OF LOT 75 N OF CANAL SLAVIA COLONY COS SUBD PB 2 PG 71

<p><u>Amendment Number</u> 03-05SS.01</p>	<p><u>Amendment</u> Amendment from Low Density Residential to Medium Density Residential</p>
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(b) The associated rezoning request was completed by means of Ordinance Number 2005-____.

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application 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 4. EXCLUSION FROM COUNTY CODE/CODIFICATION:

(a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate

document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

- (b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

- (a) 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 and 163.3187, Florida Statutes.

- (b) This Ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendment set forth herein shall be thirty-one (31) days after the date of enactment by the Board of County Commissioners or, if challenged within thirty (30) days of enactment, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 14th day of June, 2005.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley,
Chairman

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN DESCRIBED REAL PROPERTIES LOCATED IN UNINCORPORATED SEMINOLE COUNTY FROM A-1 (AGRICULTURE DISTRICT) TO R-1BB (SINGLE FAMILY DWELLING DISTRICT); PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; 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 document titled "Regency Club / Mikler Road Staff Report."

(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 A-1 (Agriculture) to R-1BB (Single Family Dwelling District) in accordance with the contents of the document titled "Regency Club / Mikler Road Staff Report":

LEG E 1/2 OF LOT 75 N OF CANAL SLAVIA COLONY COS SUBD PB 2 PG 71

Section 3. 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. This Ordinance shall be effective upon filing with the Department of State, or upon the effective date of Ordinance 2005 - _____, amending the Seminole County Comprehensive Plan, whichever date is later.

ENACTED this 14th day of June, 2005.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman