

ITEM #

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

SUBJECT: Lake Charm Landing, Rezone from A-1 (Agriculture) to R-1A
(Single Family Dwelling District) (Hugh Harling, applicant)

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Matt West CONTACT: Jeff Hopper EXT 7431

Agenda Date 07/13/05 Regular Work Session Briefing
Special Hearing – 6:00 Public Hearing – 7:00

MOTION/RECOMMENDATION:

1. Recommend APPROVAL of the requested rezone from A-1 (Agriculture) to R-1AAA (Single Family Dwelling District) for a 38.54-acre site located on the east side of North Division Street, 0.9 miles north of Geneva Drive, per the attached staff report (Hugh Harling, applicant); or
2. Recommend APPROVAL of the requested rezone from A-1 (Agriculture) to R-1A (Single Family Dwelling District) for a 38.54-acre site located on the east side of North Division Street, 0.9 miles north of Geneva Drive, (Hugh Harling, applicant); or
3. Recommend DENIAL of the requested rezone from A-1 (Agriculture) to R-1A (Single Family Dwelling District) for a 38.54-acre site located on the east side of North Division Street, 0.9 miles north of Geneva Drive, (Hugh Harling, applicant); or
4. CONTINUE the item to a time and date certain.

District 2 – Morris

Jeff Hopper-Senior Planner

BACKGROUND:

The applicant proposes rezoning to R-1A on a 38-acre site adjacent to the City of Oviedo on the south and west. The requested zoning classification allows single family development on lots having a minimum area of 9,000 square feet and 75 feet in width. Designated as Low Density Residential, the property may develop with a maximum of 4 dwelling units per net buildable acre. However, as a request for conventional zoning (i.e., not PUD), the Land Development Code requires the application to be reviewed utilizing the lot compatibility analysis (Section 30.1380.3). This analysis supports a zoning classification of R-1AAA.

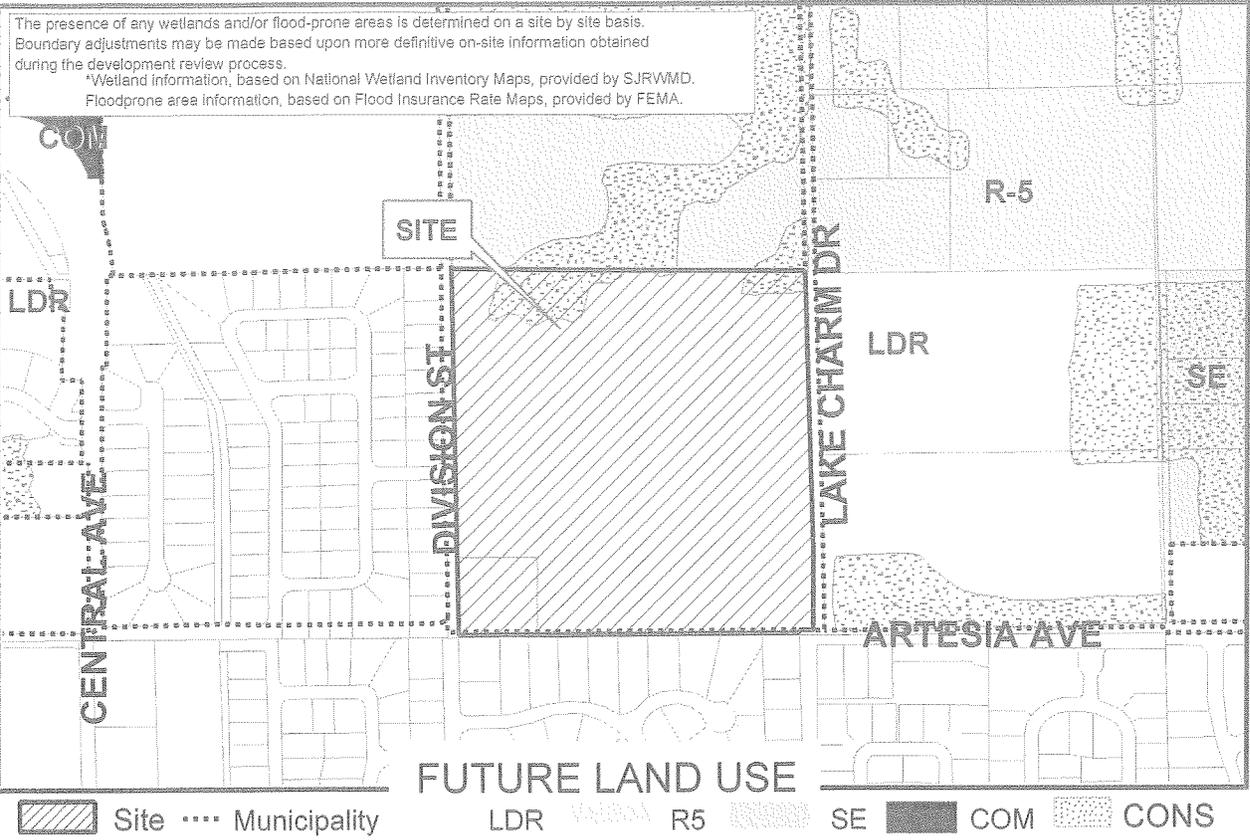
Reviewed by:	<u>KJR</u>
Co Atty:	_____
DFS:	_____
OTHER:	_____
DCM:	_____
CM:	_____
File No. <u>Z2005-026</u>	

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested rezone from A-1 (Agriculture) to R-1AAA as determined by the Lot Compatibility Analysis to be appropriate for this location.

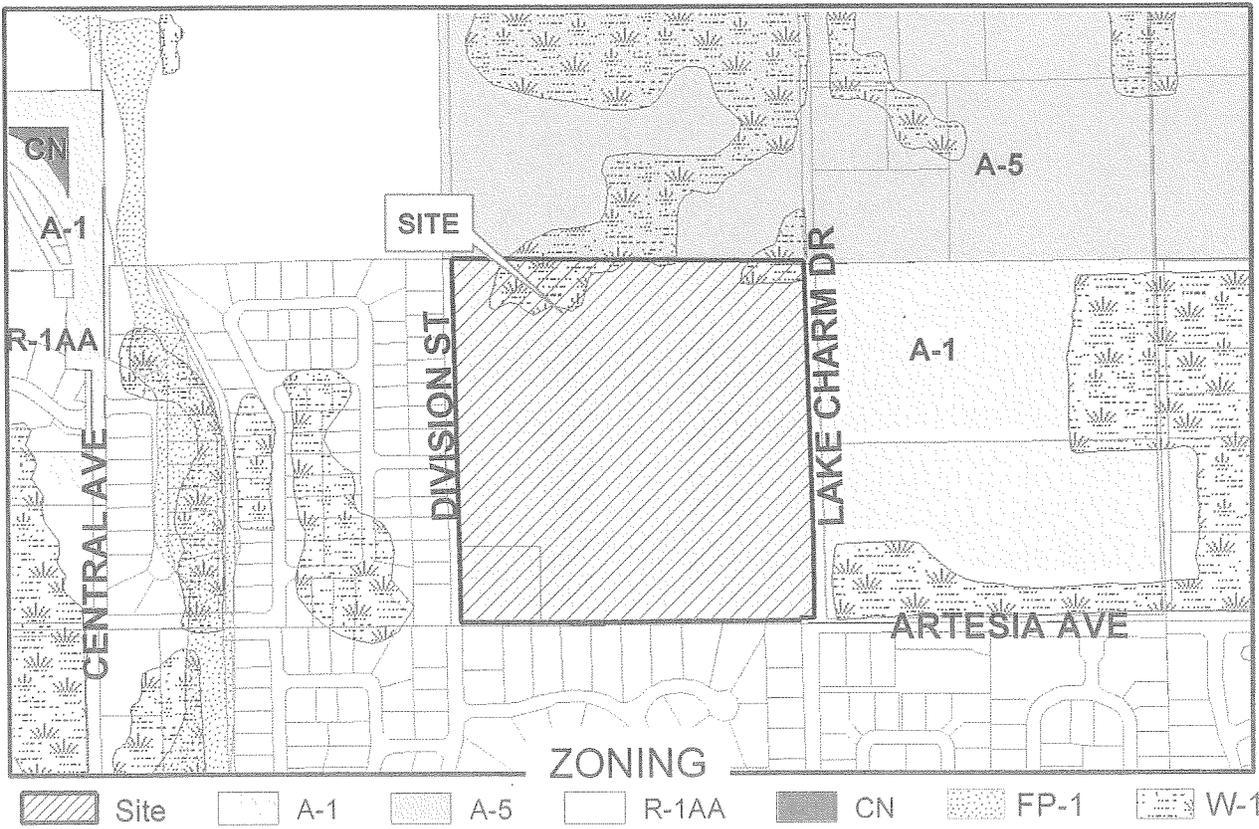
However, the Planning & Zoning Commission may wish to consider R-1A as requested subject to the following conditions:

- a. The north 15 feet of the subject property shall be excluded from the rezone, remaining in the A-1 district.
- b. Adjacent to the excluded A-1 area, there shall be a 35-foot buffer in which structures, except fences, shall not be permitted.
- c. Adjacent to the south property line, there shall be a 25-foot buffer in which structures, except fences, shall not be permitted.
- d. All buffers shall contain 1 canopy tree per 25 linear feet.
- e. All buffers shall be separate tracts, or shall be encumbered by easements dedicated to a homeowners association.



Applicant: Edward & Dollins McReynolds
 Physical STR: 03-21-31-300-0110-0000 and 03-21-31-300-011A-0000
 Gross Acres: 38.54 +/- BCC District: 2
 Existing Use: Single Family / Grazing Land
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2005-026	A-1	R-1A



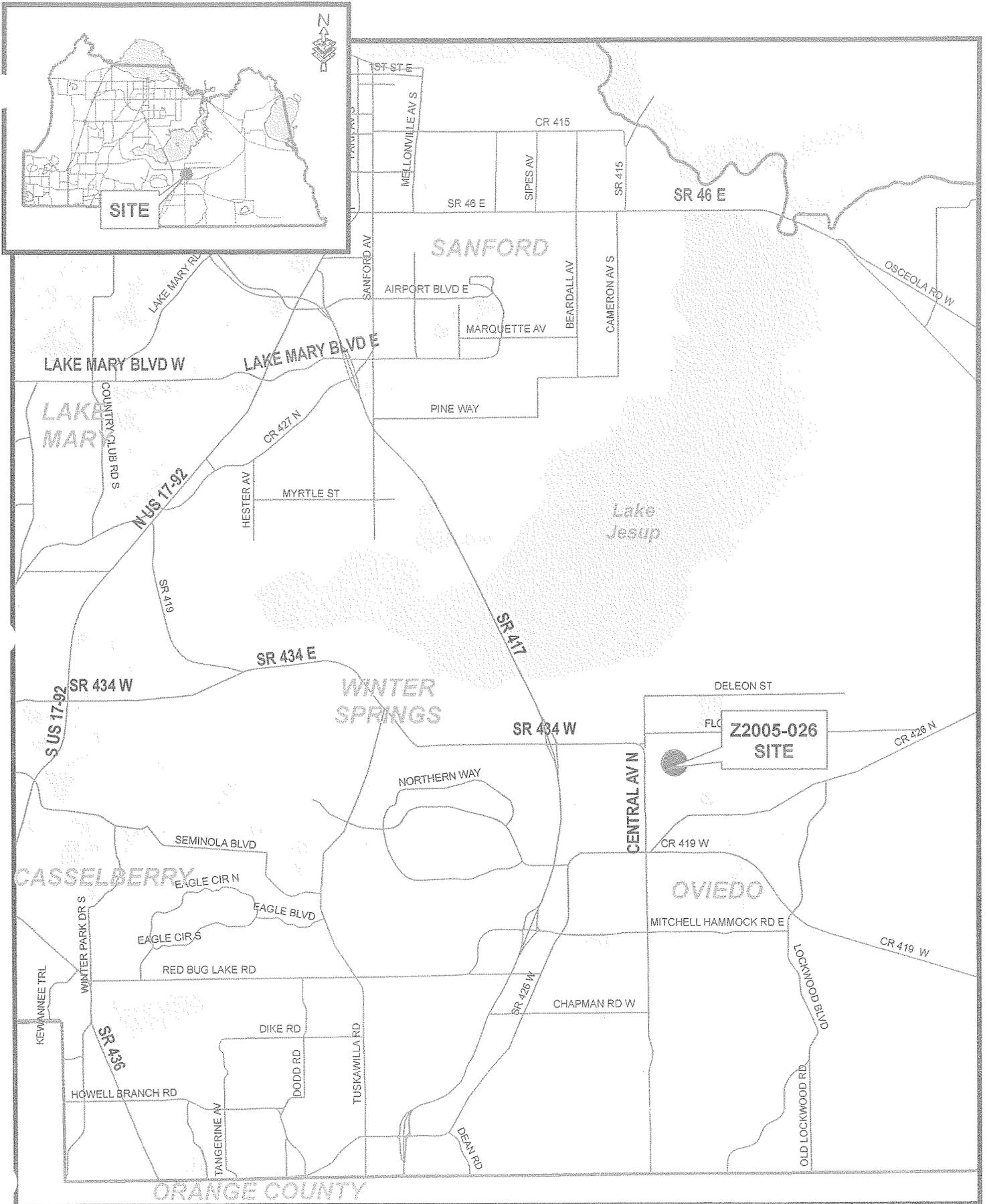


Rezone No: Z2005-026
From: A-1 To: R-1A

-  Parcel
-  Subject Property



January 2004 Color Aerials



LAKE CHARM LANDING REZONE

REQUEST INFORMATION	
APPLICANT	Hugh Harling
PROPERTY OWNER	Edward & Dollins McReynolds
REQUEST	A-1 (Agriculture) to R-1A (Single Family Dwelling District)
HEARING DATE (S)	P&Z: July 13, 2005 BCC: August 9, 2005
PARCEL NUMBER	03-21-31-300-0110-0000
LOCATION	East side of N. Division St., 0.9 miles north of Geneva Dr.
FUTURE LAND USE	Low Density Residential (LDR)
FILE NUMBER	Z2005-026
COMMISSION DISTRICT	2 – Morris

OVERVIEW

The applicant is proposing R-1A zoning on a 38-acre site adjacent to the City of Oviedo on the south and west. The requested zoning classification would permit single family development on lots having a minimum of 9,000 square feet in size and 75 feet in width. 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 Section 30.1380.3 of the Land Development Code. This analysis supports a zoning classification of R-1AAA.

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.

The analysis area adjoining this request on the south and west, in the City of Oviedo, is developed as single family residential at densities consistent with the LDR land use designation. Undeveloped property in unincorporated Seminole County to the east remains in agricultural zoning, but also carries the LDR land use designation. On the north side, the subject property abuts land in Seminole County’s Rural area, having a future land use designation of R-5 and a zoning classification of A-5.

The lot compatibility analysis yielded a weight rating of 5.68, which corresponds to R-1AAA. While this zoning represents a lower density than the applicant is requesting, the Board of County Commissioners may grant R-1AA or R-1A upon making a specific finding

that the requested higher-intensity zoning is compatible with surrounding uses and development.

Where the requested zoning classification is substantially more intense than that of adjoining development, the Board may impose special conditions of approval to ensure compatibility. Under Section 30.1380.3(h)(2), a buffer may be required equivalent to the difference in minimum lot width between the two abutting zoning districts. For example, where R-1AA, at a minimum width of 90 feet, adjoins R-1AAAA, at a minimum width of 100 feet, the required buffer would be 10 feet. Greater differences in required lot width would create wider buffers, to a maximum of 35 feet. Such buffers would be defined on a subdivision plat as tracts or easements, and would not be available for construction of homes or accessory structures. In cases where they are designated as easements, all structural setbacks would be measured from the edge of the easement rather than the property line. Per Code, such buffers must be landscaped with 1 canopy tree per 25 linear feet.

As applied to the subject property, the Code would require a minimum 35-foot buffer along the north side of the site, adjacent to the R-5 future land use designation. As the applicant has voluntarily submitted a Preliminary Subdivision Plan (PSP) showing a 50-foot buffer on the north, staff suggests that the north 15 feet of the property be excluded from the rezone. Combined with the 35-foot buffer required by Code, this 15-foot area remaining in A-1 zoning would provide an effective transition between the requested R-1A and the County's designated Rural area, where urban services are neither provided nor planned under existing policies.

Existing Land Uses:

(North)

(West)

LDR (City) Vacant (approved for max. 3.5 units/acre) <i>R-1 equivalent</i>	R-5 Vacant <i>A-5</i>	R-5 Vacant / SF Residential <i>A-5</i>
LDR (City) SF Residential <i>R-1 equivalent</i>	LDR (SUBJECT PROPERTY) Residence/Vacant <i>A-1</i>	LDR Agriculture <i>A-1</i>
LDR (City) SF Residential <i>R-1 equivalent</i>	LDR (City) SF residential <i>R-1A equivalent</i>	LDR (City) SF residential <i>R-1 equivalent</i>

(East)

(South)

***Bold** text depicts future land use designation, plain text depicts the existing use, and *italicized* text depicts zoning district. See enclosed future land use and zoning map for more details.

SITE ANALYSIS

Facilities and Services:

1. The impacts of development shall not occur until adequate facilities and services are available.
2. The proposed rezone is consistent with the adopted LDR future land use designation, 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 site is in the City of Oviedo water and sewer service area. Prior to approval of any development requiring such service, the applicant must obtain documentation indicating the availability of service.

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 is compatible with the LDR future land use designation.

Intergovernmental Notice Process: Staff sent an Intergovernmental Notice of the proposed rezone to the City of Oviedo on June 16, 2005. Staff sent an Intergovernmental Notice of the proposed rezone to the Seminole County School Board on June 28, 2005.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested rezone from A-1 (Agriculture) to R-1AAA as determined by the Lot Compatibility Analysis to be appropriate for this location.

However, the Planning & Zoning Commission may wish to consider R-1A as requested subject to the following conditions:

- a. The north 15 feet of the subject property shall be excluded from the rezone, remaining in the A-1 district.
- b. Adjacent to the excluded A-1 area, there shall be a 35-foot buffer in which structures, except fences, shall not be permitted.
- c. Adjacent to the south property line, there shall be a 25-foot buffer in which structures, except fences, shall not be permitted.
- d. All buffers shall contain 1 canopy tree per 25 linear feet.
- e. All buffers shall be separate tracts, or shall be encumbered by easements dedicated to a homeowners association.

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On August 9, 2005, Seminole County issued this Development 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 Owners: EDWARD & DOLLINS MCREYNOLDS

Project Name: LAKE CHARM LANDING

Requested Development Approval: Rezoning from A-1 (Agriculture) to R-1A (Single Family Dwelling District)

The Development Approval sought is consistent with the Seminole County Vision 2020 Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly and voluntarily agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

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

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. The north 15 feet of the subject property shall be excluded from the rezone, remaining in the A-1 district.
- b. Adjacent to the excluded A-1 area, there shall be a 35-foot buffer in which structures, except fences, shall not be permitted.
- c. Adjacent to the south property line, there shall be a 25-foot buffer in which structures, except fences, shall not be permitted.
- d. All buffers shall contain 1 canopy tree per 25 linear feet.
- e. All buffers shall be separate tracts, or shall be encumbered by easements dedicated to a homeowners association.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Carlton D. Henley
Chairman
Board of County Commissioners

Attest:

Maryanne Morse
Clerk to the Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, EDWARD MCREYNOLDS, on behalf of himself and his heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

_____ By: _____

Print Name EDWARD MCREYNOLDS
Property Owner

Witness

Print Name

STATE OF FLORIDA

COUNTY OF SEMINOLE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared EDWARD MCREYNOLDS, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, DOLLINS MCREYNOLDS, on behalf of herself and her heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

Witness

_____ By: _____
Print Name DOLLINS MCREYNOLDS
Property Owner

Witness

Print Name

STATE OF FLORIDA

COUNTY OF SEMINOLE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared DOLLINS MCREYNOLDS, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2005.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

LEGAL DESCRIPTION

1.928 AC HOMESTEAD LOCATED IN SEC 03 TWP 21S RGE 31E SW 1/4 OF SE 1/4;
AND

SEC 03 TWP 21S RGE 31E SW 1/4 OF SE 1/4 & N 1/2 OF VACD ST ADJ ON S (LESS
1.928 AC HOMESTEAD)

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY; 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; 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 "Lake Charm Landing 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):

1.928 AC HOMESTEAD LOCATED IN SEC 03 TWP 21S RGE 31E SW 1/4 OF SE 1/4; AND SEC 03 TWP 21S RGE 31E SW 1/4 OF SE 1/4 & N 1/2 OF VACD ST ADJ ON S (LESS 1.928 AC HOMESTEAD); LESS AND EXCEPT THE NORTH 15 FEET

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 4. 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 become effective upon the date of filing by the Department and recording of Development Order #5-20000005 in the official land records of Seminole County.

ENACTED this 9th day of August, 2005

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman