ITEM #_____

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

SUBJECT: Reserve at Slavia, Large Scale Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR); (Michael Holbrook, applicant).

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

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

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

MOTION/RECOMMENDATION:

1. Recommend APPROVAL of the request for Large Scale Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR), per the attached Staff report, on 23.48 acres located on north side of Slavia Road, 0.3 mile east of Red Bug Lake Road (Michael Holbrook, applicant); or
2. Recommend DENIAL of the request for Large Scale Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR); on 23.48 acres located on north side of Slavia Road, 0.3 mile east of Red Bug Lake Road (Michael Holbrook, applicant); or
3. CONTINUE the public hearing until a time and date certain.

(District 1 – Comm. Dallari) (Jeff Hopper, Senior Planner)

BACKGROUND:

The applicant requests a change in future land use from Low Density Residential (LDR) to Medium Density Residential (MDR). The proposed land use amendment would permit residential development at a maximum density of 10 dwelling units per net buildable acre. According to the future land use map, the entire subject property is in the Conservation Overlay, indicating the presence of wetlands and/or flood prone areas on the site. Since the County can only approve development at or above the 100-year flood elevation, it is likely that there will be substantial restrictions to development of the site.

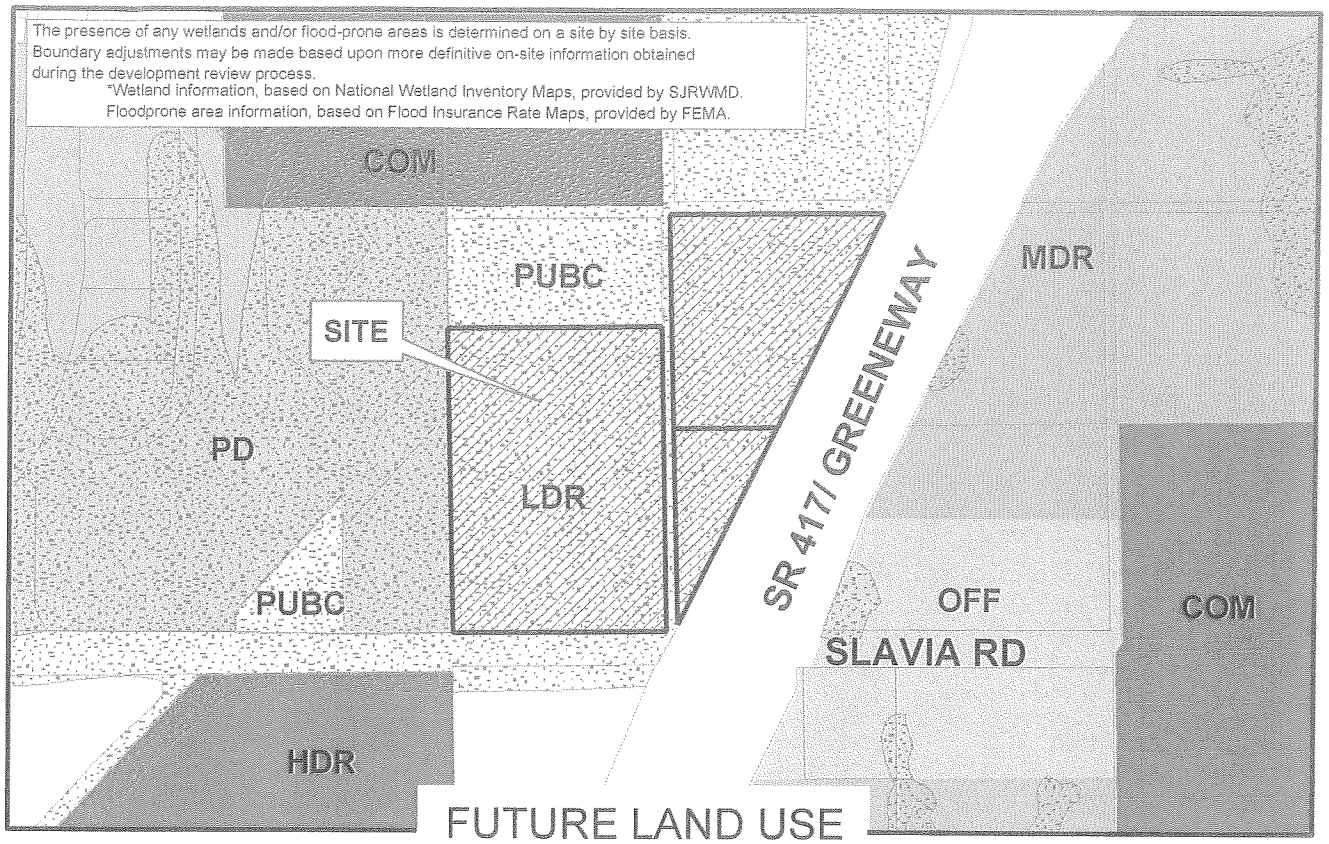
The applicant intends to construct townhouses on the property, but has not yet submitted a rezone application.

Reviewed by:
Co Atty: CR
DFS:
OTHER:
DCM:
CM:

File No. Z2005-016, 05F.FLU01

STAFF RECOMMENDATION:

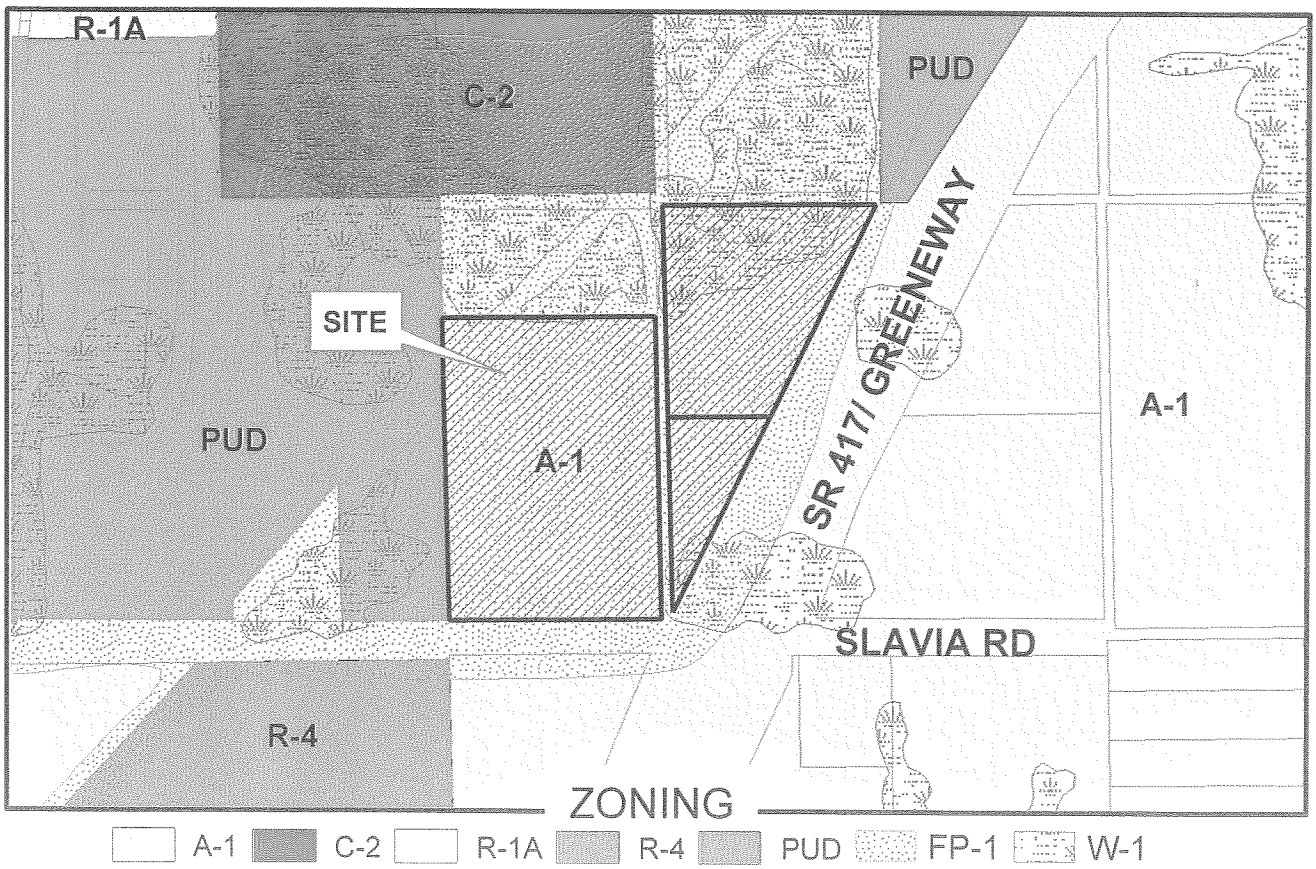
Staff recommends TRANSMITTAL of the requested large scale land use amendment to the State of Florida for review, but does not recommend adoption of the amendment until the applicant demonstrates the proposal's impact with regard to the Conservation Overlay. As part of a rezone application, the applicant should provide adequate engineering data to demonstrate that significant portions of the site meet the County's regulations regarding net buildable area, and what the resulting impact might be from developing any uplands.



Applicant: Michael Holbrook
Physical STR: 16-21-31-5CA-0000-0370, 0380, 0390
Gross Acres: 23.48 +/- BCC District: 1
Existing Use: Vacant
Special Notes: None

	Amend/ Rezone#	From	To
FLU	05F-FLU01	LDR	MDR
Zoning	Z2005-016	-	-

N



filename: L:/pl/projects/p&z/2005/staff_report_pkgs/amendments/z2005-016.mxd 04/13/05

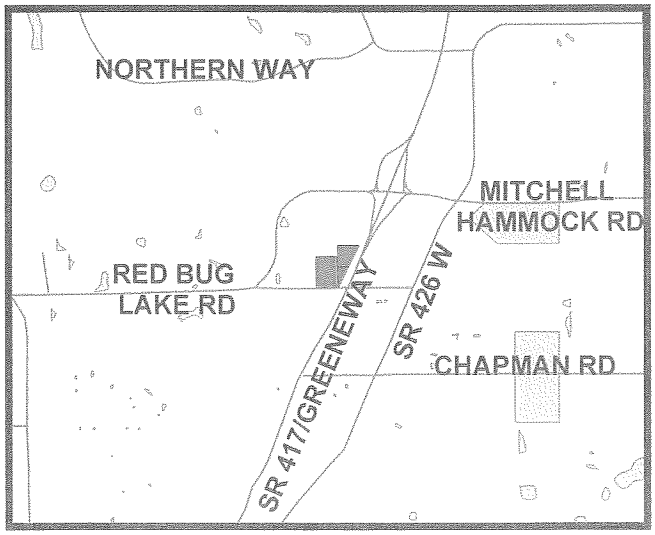
Amendment No: 05F.FLU01
From: LDR To: MDR

Parcel

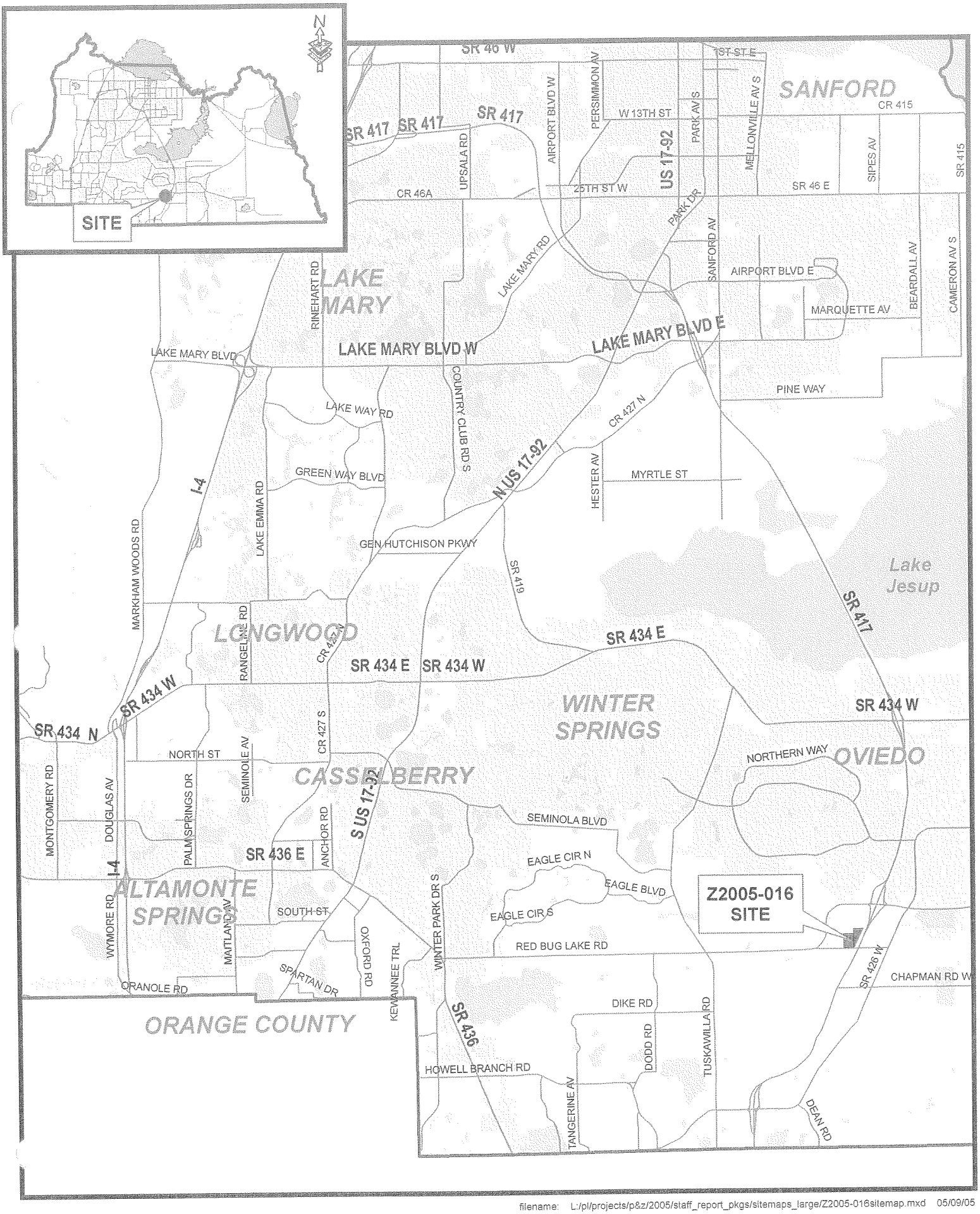
Subject Property

N

January 2004 Color Aerials



filename: L:/pl/projects/p&z/2005/staff_report_pkgs/site_aerials/Z2005-016adaer 04/13/05



filename: L:/pl/projects/p&z/2005/staff_report_pkgs/sitemaps_large/Z2005-016sitemap.mxd 05/09/05

Reserve at Slavia
Large Scale Land Use Amendment
Staff Report

Low Density Residential (LDR) to Medium Density Residential (MDR)	Amendment (Z2005-016, 05F.FLU01)

REQUEST	
APPLICANT	Michael Holbrook / Bowyer Singleton
PLAN AMENDMENT	Low Density Residential (LDR) to Medium Density Residential (MDR)
REZONING	NA
APPROXIMATE GROSS ACRES	23.48
LOCATION	north side of Slavia Road, 0.3 mile east of Red Bug Lake Road
BCC DISTRICT	1, Dallari

RECOMMENDATIONS AND ACTIONS	
STAFF RECOMMENDATION July 13, 2005	Staff recommends TRANSMITTAL of the requested large scale land use amendment to the State of Florida for review, but does not recommend adoption of the amendment until the applicant demonstrates the proposal's impact with regard to the Conservation Overlay. As part of a rezone application, the applicant should provide adequate engineering data to demonstrate that significant portions of the site meet the County's regulations regarding net buildable area, and what the resulting impact might be from developing any uplands.

STAFF ANALYSIS

Low Density Residential (LDR) to Medium Density Residential (MDR)	Amendment (Z2005-016, 05F.FLU01)

1. **Property Owners:** John A. Jakubcin
   David G. Jakubcin
   Billy C. Schamp

2. **Tax Parcel Numbers:** 16-21-31-5CA-0000-0370
   16-21-31-5CA-0000-0380
   16-21-31-5CA-0000-0390

3. **Development Trends**: The subject property lies in a rapidly developing area consisting of a mixture of single family, multi-family and commercial development, all lying within a quarter mile to the north, west and south of the site (SR 417 is adjacent to the east). The proposed density of up to 10 units per net buildable acre is comparable in intensity with nearby existing commercial development fronting on Red Bug Lake Road. It is a similar density to an existing multi-family development on the south side of Slavia Road.

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)

PD vacant *C-2/PUD*	**PUBLIC/LDR** Vacant *A-1*	**SR 417/ GREENEWAY**
PD Vacant PUD	**LDR** Vacant *A-1*	**SR 417/ GREENEWAY**
LDR/HDR Slavia Rd/Multi Family PUD	**LDR** Slavia Rd/Vacant *A-1*	**Slavia Rd/ SR 417/ GREENEWAY**

(West) **(East)**

(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.

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).

Primary access to the subject property is via Slavia Road, a local road connecting to Red Bug Lake Road, 0.3 mile to the west. Red Bug Lake Road is a 6-lane road classified as a Minor Arterial. Traffic count data from 2004 indicate an operating level of service "C" on this segment of the road. The adopted Level of Service standard is "E".

B. **Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:** *Exhibits POT-1 and SAN-1 are the water and sewer service area maps for Seminole County.*

The subject property is within the Seminole County water and sewer service areas. Permitted water capacity for new development is limited by the consumptive use permit in the Southeast Service Area, but at this time capacity is available. Water and sewer service availability will be determined at the time of Concurrency review.

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* (Policy PUB 2.1).

The property is served by the Seminole County EMS/Fire Station #27. Response time to the site is less than 5 minutes, which meets the County's average response time standard of 5 minutes.

4. **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* (Policy IMP 2.4).

It is difficult to assess the potential impact of the project since the net buildable acreage has not been established. A preliminary review of the availability of public facilities to serve this property indicates that there would be adequate facilities to serve this area, or that such facilities could be made available, and that the proposed Plan amendment would create no adverse impacts to public facilities. However, the applicant has elected to defer concurrency at this time, and final development rights shall be dependent upon the future availability of public facilities at the time of development.

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).

Based on the Vision 2020 future land use map, the site lies entirely within the Conservation Overlay, indicating that the majority of the property, if not all of it, is wetland and/or flood prone. Because all development must be at or above the 100-year flood elevation, building restrictions on the site will be substantial. Prior to the adoption hearing, the applicant will have to provide technical information, supported by staff, indicating that at least some areas of the site are above the flood elevation and therefore capable of meeting the Land Development Code definition of net buildable acreage. To date, the applicant has not provided adequate documentation of this.

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 is 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 describes 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.).

The requested MDR future land use designation would establish the potential of a maximum of 10 units per net buildable acre in an area with nearby development having similar densities and intensities. An existing apartment complex on property to the southwest is equivalent to the development potential the applicant is seeking on the subject property. To the west and north are lands in Commercial and Planned Development future land use. While conservation areas isolate the subject site from commercial development along Red Bug Lake Road, the proposed use is compatible with this type of development.

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)

Due to the presence of wetlands and intervening properties, the subject property does not directly abut commercial future land use. In the event of multi-family development on this site, the Land Development Code will require buffers adjacent to properties in the Low Density Residential (LDR) future land use. The developer will address the extent and design of such buffers during the rezone process.

Other applicable plan policies include:

FLU 2.1 Subdivision Standards.
FLU 5.5: Water and Sewer Service Expansion
MDR 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, 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.

Intergovernmental Notice Process: Staff sent an Intergovernmental Notice of the proposed future land use amendment to the Seminole County School Board on June 27, 2005.

STAFF RECOMMENDATION:

Staff recommends TRANSMITTAL of the requested large scale land use amendment to the State of Florida for review, but does not recommend adoption of the amendment until the applicant demonstrates the proposal's impact with regard to the Conservation Overlay. As part of a rezone application, the applicant should provide adequate engineering data to demonstrate that significant portions of the site meet the County's regulations regarding net buildable area, and what the resulting impact might be from developing any uplands.