

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

SUBJECT: Seminola Boulevard Town Home Rezone R-1A TO PUD

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

AUTHORIZED BY: Tony Walter **CONTACT:** Tony Walter EXT. 7275

Agenda Date <u>11/2/05</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 APPROVAL of the request to rezone approximately 0.78 acres, located on the east side of Seminola Boulevard, approximately 100 feet north of Button Road, from R-1A (Single-Family Dwelling District) to PUD (Planned Unit Development), per the staff report, preliminary master plan and subject to the conditions in the attached development order; (Vanson Enterprises, Inc., applicant); or
2. Recommend DENIAL of the request to rezone approximately 0.78 acres, located on the east side of Seminola Boulevard, approximately 100 feet north of Button Road, from R-1A (Single-Family Dwelling District) to PUD (Planned Unit Development); (Vanson Enterprises, Inc., applicant); or
3. CONTINUE the public hearing until a time and date certain.

(District #2 – Commissioner Morris) (Tony Walter, Planning Manager)

BACKGROUND:

The applicant, Vanson Enterprises, Inc. requests the rezoning of approximately 0.78 acres, located on the east side of Seminola Boulevard, approximately 100 feet north of Button Road, from R-1A (Single-Family Dwelling District) to PUD (Planned Unit Development). The future land use designation of the subject property is HDR (High Density Residential), which permits a maximum density of fifty (50) dwelling units per acre. The applicant intends to develop nine (9) town homes at a density of 18.11 dwelling units per net buildable acre.

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

FileNo.Z2005-054

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone approximately 0.78 acres, located on the east side of Seminola Boulevard, approximately 100 feet north of Button Road, from R-1A (Single-Family Dwelling District) to PUD (Planned Unit Development) per the attached staff report, preliminary master plan and subject to the conditions in the attached development order.

Attachments:

- Staff Report
- Preliminary Master Plan
- Location Map
- Land Use & Zoning Map
- Aerial Map
- Plat Map
- Development Order
- Ordinance

SEMINOLA BLVD. TOWN HOMES

Rezone from R-1A to PUD

APPLICANT	Vanson Enterprises, Inc	
PROPERTY OWNER	Robert G. Iraci	
REQUEST	Rezone from R-1A (Single-Family Dwelling District) to PUD (Planned Unit Development)	
PROPERTY SIZE	0.78 ± acres	
HEARING DATE (S)	P&Z: November 2, 2005	BCC: January 10, 2006
PARCEL ID	08-21-30-501-0000-0020	
LOCATION	east side of Seminola Boulevard, approximately 100 feet north of Button Road	
FUTURE LAND USE	HDR (High Density Residential)	
ZONING	R-1A (Single-Family Dwelling District)	
FILE NUMBER	Z2005-054	
COMMISSION DISTRICT	#2 – Morris	

Proposed Development:

The applicant is proposing to develop 9 townhome dwelling units at a net density of 18.11 units per net buildable acre.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant, Vanson Enterprises, Inc. requests the rezoning of approximately 0.78 acres, located on the east side of Seminola Boulevard, approximately 100 feet north of Button Road, from R-1A (Single-Family Dwelling District) to PUD (Planned Unit Development). The future land use designation of the subject property is HDR (High Density Residential), which permits a maximum density of fifty (50) dwelling units per acre. The following table depicts the minimum regulations for the current zoning district of R-1A (Single-Family Dwelling District) and the requested district of PUD (Planned Unit Development):

DISTRICT REGULATIONS	Existing Zoning (R-1A)	Proposed Zoning (PUD)
Minimum Lot Size	9,000 square feet	880 square feet
Minimum House Size	1,100 square feet	1,200 square feet
Minimum Width at Building Line	75 feet	20 feet
Front Yard Setback	25 feet	10 feet
Side Yard Setback	7.5 feet	7.5 feet
(Street) Side Yard Setback	25 feet	N/A
Rear Yard Setback	30 feet	30 feet
Maximum Building Height	35 feet	35 feet

PERMITTED & SPECIAL EXCEPTION USES

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

Zoning District	Permitted uses	Special Exception	Minimum Lot Size
R-1A (existing)	Such as single-family dwelling and their customary accessory uses, boathouses and boat docks as accessory uses, community residential homes housing six (6) or fewer permanent unrelated residents, public and private elementary schools, home offices	Such as churches with their attendant educational, recreational buildings, and off-street parking, public and private middle and high schools, parks and recreational areas publicly owned and operated, guest cottages, subdivision sewage treatment and water plants, assisted living facilities and community residential homes, communication towers,	9,000 square feet
PUD (proposed)	Townhomes and their customary accessory uses and home offices	N/A	880 square feet

COMPATIBILITY WITH SURROUNDING PROPERTIES

The Future Land Use designations, zoning districts and existing uses for the subject and abutting properties are as follows:

(North)

	HDR Vacant <i>R-1A</i>	HDR Vacant <i>R-1A</i>	HDR Vacant <i>R-1A</i>	
(West)	City Road/Dealership <i>Com</i>	HDR Vacant <i>R-1A</i>	HDR Retention Pond <i>R-1A</i>	(East)
	City Road/Car Dealership <i>Com</i>	HDR Vacant <i>R-1A</i>	HDR Restaurant <i>R-1A</i>	

(South)

* **Bold** text depicts the Future Land Use designation, *italicized* text depicts the existing zoning district and plain text depicts existing use. The shaded cell indicates the subject property. More detailed information regarding surrounding properties can be found in the attached Future Land Use, zoning and aerial photo maps.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map number Casselberry 564, a small portion of the site is within the 100-year floodplain.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, none of the site contains wetlands.

Endangered and Threatened Wildlife:

A Threatened, Endangered and Species of Special Concern survey will be required prior to final engineering approval.

PUBLIC FACILITY IMPACTS

Rule 9J-5.0055(3), Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has elected to defer Concurrency review at this time and therefore, is required to submit an Affidavit of Concurrency Review Deferral. The applicant is required to undergo Concurrency review prior to subdivision approval.

The following table depicts the impacts the proposed development has on public facilities:

Public Facility	Existing Zoning (R-1A)	Proposed Development*	Net Impact
Water (GPD)	1,050	3,015	1,965
Sewer (GPD)	900	2,700	1,800
Traffic (ADT)	29	53	24
Schools			
Elementary	1	2	1
Middle	0	1	1
High	0	1	1

* Proposed PUD development is based on number of units requested by the applicant.

Utilities:

The site is located in the service area of the City of Casselberry and will be required to connect to public utilities. A letter of capacity and intent from the City of Casselberry for water, wastewater and reclaimed water service is required at the time of Concurrency review, and approval of the proposed water service utility plan is required prior to the approval of final engineering plans.

Transportation / Traffic:

The property accesses Seminola Boulevard, which is classified as a four-lane divided collector road. Seminola Boulevard is currently operating at a level of service "C". Staff determined that signal modifications are required at the intersection of Seminola Boulevard and Button Road.

School Impacts:

Based on the formulas provided by the Seminole County School District, the proposed zone change will generate approximately 4 school-age children. This subject site is currently zoned for, and will affect, the following schools:

Schools Impacted	Proposed Impact	Current Capacity	05/06 Enrollment	Percent Capacity
Casselberry Elementary	2	940	762	81.1%
South Seminole Middle	1	1,150	1,218	106%
Lyman High	1	2,540	2,390	94.1%

Public Safety:

The nearest response unit to the subject property is Station # 21, which is located at 681 Seminola Boulevard. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is 2 minutes. The County level-of-service standard for response time is 5 minutes per Policy PUB 2.1 of the Comprehensive Plan.

Drainage:

A small portion of the site is in the 100-year flood plain. Any impacts to the 100-year flood plain will be required to be compensated.

Parks, Recreation and Open Space:

The applicant is proposing to provide 0.295 acres (37.8%) of open space. Staff determined that the applicant must demonstrate 25% of the open space is available to the residents as common usable open space.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

This project does not warrant the running of the County Fiscal Impact Analysis Model.

SPECIAL DISTRICTS

The subject property is not within a special district.

COMPREHENSIVE PLAN (VISION 2020)

The following policies are applicable with the proposed project:

Policy FLU 2.5: Transitional Land Uses

Policy FLU 2.11: Determination of Compatibility in PUD and PCD Zoning Classifications

Policy POT 4.5 Potable Water Connection

Policy SAN 4.4: Sanitary Sewer Connection

Policy PUB 2.1 Public Safety Level-of-Service

INTERGOVERNMENTAL NOTIFICATION:

Intergovernmental notices were sent to the City of Casselberry and the Seminole County School District on October 20, 2005. To date, no comments have been received.

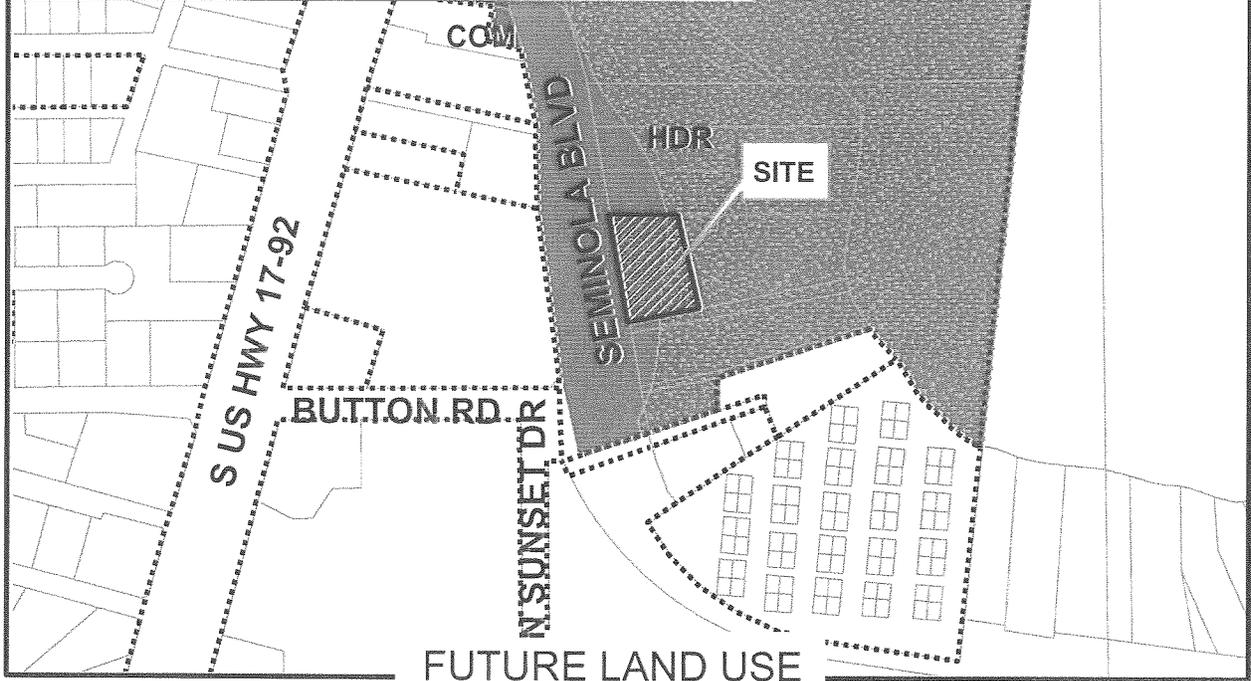
LETTERS OF SUPPORT OR OPPOSITION:

At this time, Staff has received no letters of support or opposition

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone of approximately 0.78 acres, located on the east side of Seminola Boulevard, approximately 100 feet north of Button Road, from R-1A (Single-Family Dwelling District) to PUD (Planned Unit Development) per the attached staff report, preliminary master plan and subject to the conditions in the attached development order.

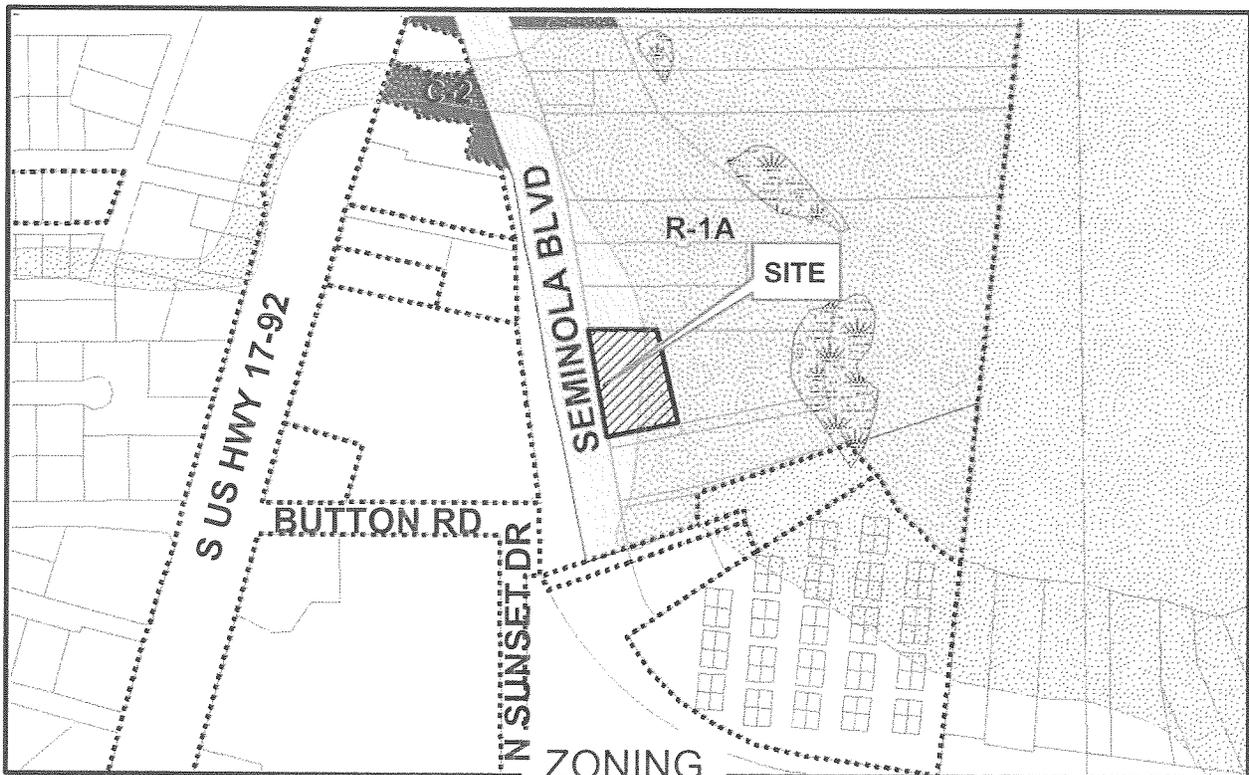
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



Site HDR COM Municipality CONS

Applicant: William Lenihan
 Physical STR: 08-21-30-501-0000-0020
 Gross Acres: .78 +/- BCC District: 2
 Existing Use: Vacant Residential
 Special Notes: None

	Amend/Rezone#	From	To
FLU	--	--	--
Zoning	Z2005-054	R-1A	PUD



Site C-2 R-1A Municipality FP-1 W-1

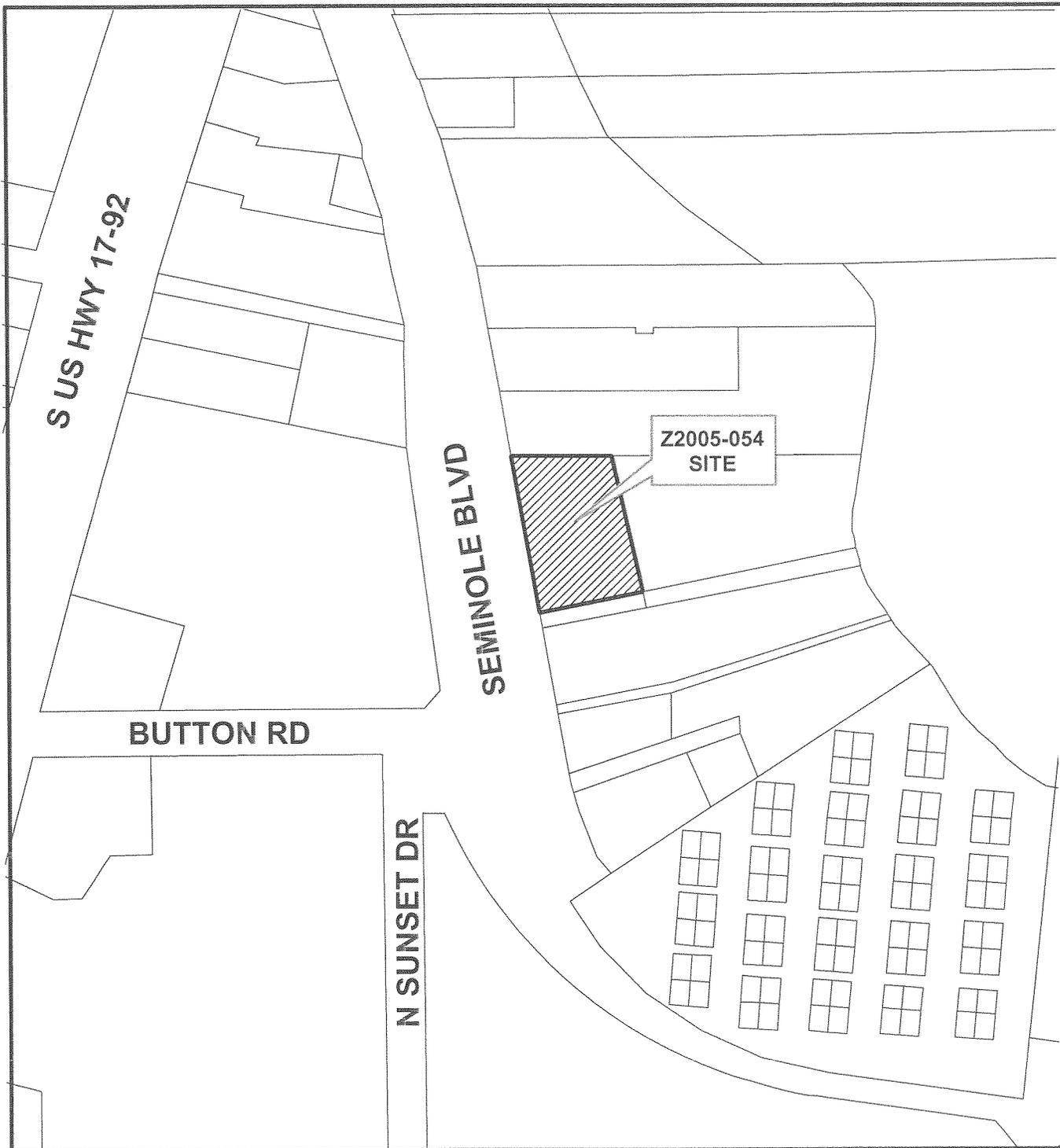


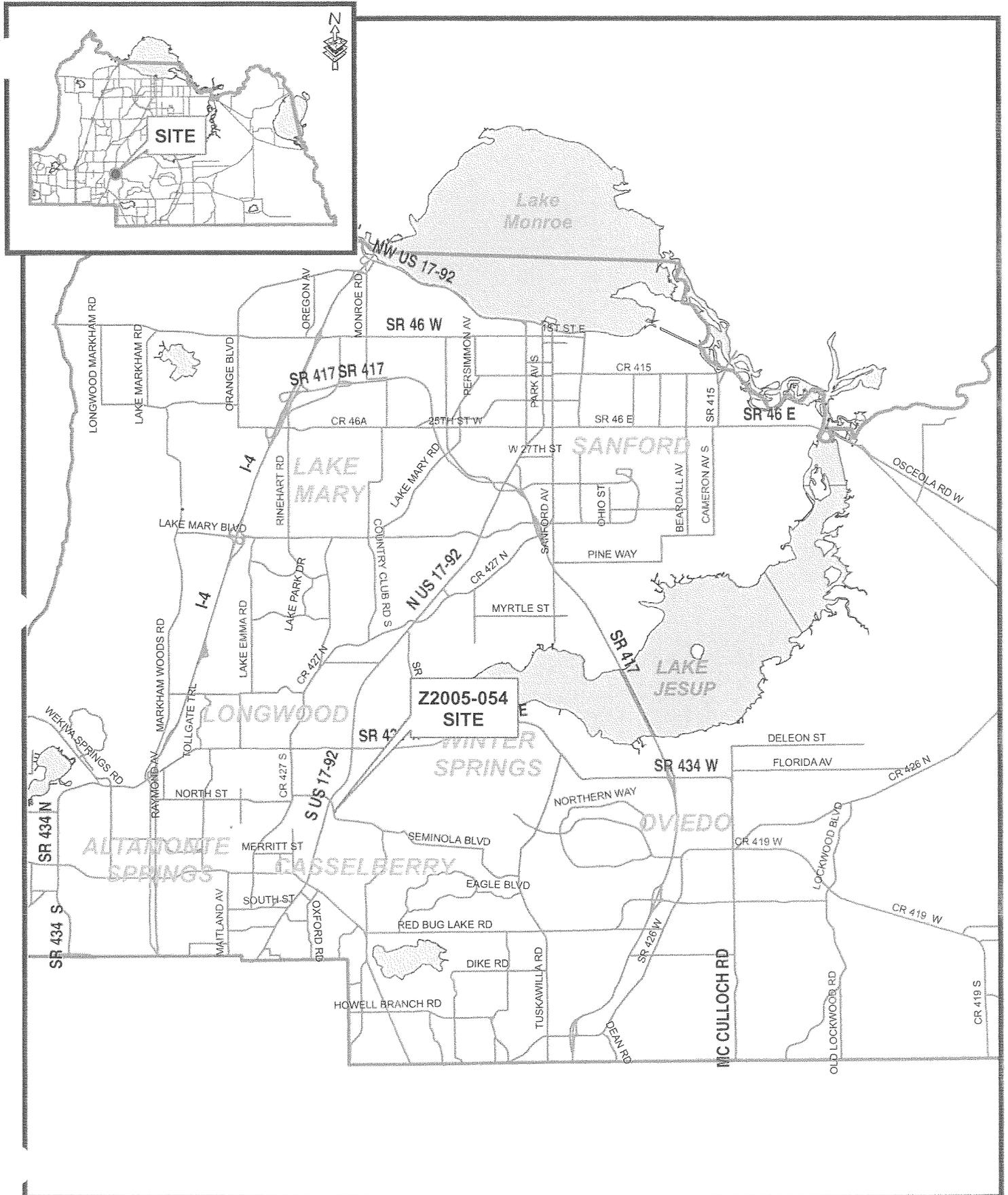
Rezone No: Z2005-053
 From: R-1A To: PUD

- Parcel
- Subject Property



January 2004 Color Aerials





**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On January 6, 2006, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEGAL DESCRIPTION

LEG PT OF LOT 2 DESC AS BEG SW COR RUN N 9 DEG 16 MIN 1 SEC
W 240 FT E 142.70 FT S 12 SEC
23 MIN E 210.93 FT S 78 DEG 18 MIN 59 SEC W 151.06 FT TO BEG
ADD TO CENTRAL PARK PB 7 PG 9

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Robert G. Iraci
3141 Knotting Pine Ave.
Winter Park, Florida 32792

Project Name: Seminola Blvd. Town Homes

Requested Development Approval:

Rezone from R-1A (Single-Family Dwelling) To PUD (Planned Unit Development.

The Development Approval sought is consistent with the Seminole County Comprehensive 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 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: TONY WALTER
1101 East First Street
Sanford, Florida 32771

Order

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 south entrance shall be relocated to align with the intersection of Seminola Blvd. and Button Road.
 - b. The applicant shall fund signal modifications required at Seminole Blvd. and Button Rd.
 - c. The applicant shall secure a cross access easement with Seminole County with the property to the south for the realigned southern entrance.
 - d. The applicant shall require that the minimum unit size be 1,200 square feet.
 - e. The applicant shall require that the minimum lot size be 20 feet by 44 feet.
 - f. The applicant shall require that garages not be converted to living space.
 - g. The applicant shall provide a minimum of 25% common usable open space.
 - h. The applicant shall provide a landscape plan prior to Final Master Plan approval.
- (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.

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 R-1A (SINGLE-FAMILY DWELLING) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT) 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 Seminole Boulevard Town Home Rezone dated January 10, 2006

(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 R-1A (Single-Family Dwelling District) to PUD (Planned Unit Development District):

SEE ATTACHED EXHIBIT A

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 on the recording date of the Development Order # _____ in the Official Land Records of Seminole County.

ENACTED this 10th day of January, 2006

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton Henley
Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

LEGAL DESCRIPTION

LEG PT OF LOT 2 DESC AS BEG SW COR RUN N 9 DEG 16 MIN 1 SEC W
240 FT E 142.70 FT S 12 SEC
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