

ITEM # \_\_\_\_\_

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

SUBJECT: LAKE HARNEY DRIVE

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Tony Walter TV CONTACT: Tyrone K. Smith EXT. 7431

Agenda Date <u>01/11/2006</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 a request to transmit a Large Scale Land Use Amendment from Rural-5 to Rural-3 and rezone from A-5 (Rural District) to A-3 (Rural District) approximately 46.25 acres located on the north side of Lake Harney Road, approximately 800 feet west of Harney Heights Road, based on staff findings, (Jim and Mike Hattaway, applicant); or
2. Recommend APPROVAL of a request to transmit a Large Scale Land Use Amendment from Rural-5 to Rural-3 and rezone from A-5 (Rural District) to A-3 (Rural District) approximately 46.25 acres located on the north side of Lake Harney Road, approximately 800 feet west of Harney Heights Road, based on staff findings, (Jim and Mike Hattaway, applicant); or
3. CONTINUE the item to a time and date certain.

District 2 – Commissioner Morris Tyrone K. Smith, Senior Planner

**BACKGROUND:**

The applicant is requesting to amend the Future Land Use designation of 46.25 ± acres from Rural-5 to Rural-3 and rezone from A-5 (Rural District) to A-3 (Rural District). The subject property is located on the north side of Lake Harney Road, 800 feet west of Harney Heights Road. The Future Land Use designation of the subject property is Rural-5, which permits a maximum density of 1 dwelling unit per 5 acres.

Reviewed by:	_____
Co Atty:	_____ <i>K</i>
DFS:	_____
OTHER:	_____
DCM:	_____
CM:	_____
File No. <u>Z 2005-058</u>	

**STAFF RECOMMENDATION:**

Staff recommends DENIAL of the request to transmit a Large Scale Land Use Amendment from Rural-5 to Rural-3 and rezone from A-5 (Rural District) to A-3 (Rural District) of approximately 46.25 acres located on the north side of Lake Harney Road, approximately 800 feet west of Harney Heights Road, based on staff findings.

When the Rural Area was established in 1991, following completion of the East Seminole County Rural Area Plan (1991 Study), the subject property was designated with a Future Land Use designation of Rural-5. In the surrounding vicinity of the subject property, there are some "grandfathered" properties that are smaller than five acres in size, however, these parcels were platted in 1958 and 1961, before zoning and land use existed in Seminole County. These parcels were accounted for in the 1991 study and are recognized in the Comprehensive Plan under FLU Policy 11.15 (C) as properties that were legal lots of record (created prior to 1991) and therefore may be built upon, provided all other land development regulations are met.

Neither the Comprehensive Plan nor the 1991 East Seminole County Rural Area Plan account for any land use in this area other than the Rural-5 designation and such areas are not identified as transitional. The 1991 Study and the Comprehensive Plan also identified various threats of urbanization in the Rural Area and outlined that Rural-3, Rural-5 and Rural-10 land use designations should be used to stop the expansion of urbanization and preserve the rural character of the Rural Area. The 1991 Study indicated that Rural-3 land uses should be located in unique transition areas. Currently there are only two areas in the County, the Black Hammock area and the Chuluota area, that have Rural-3 land uses, both located along the Urban/Rural Boundary. The 1991 Study also prescribed a growth "trend" for the Geneva area, with 1 acre lots being allowed to development in the area immediately east of the Geneva core area, and 5 acre lots being developed surrounding the Geneva core area.

Additionally, the Department of Community Affairs (DCA), the State agency that reviews all local government land use amendments, recommended prior to the 1991 East Seminole County Rural Area Plan, that rural densities no greater than one dwelling unit per five acres, one dwelling unit per ten acres, and 1 dwelling unit per 20 acres (for timber farming) be permitted in the Rural Area.

**Attachments:**

- Staff Analysis
- Location Map
- FLU/Zoning Map
- Aerial Photo
- Letters of Support/Opposition

**Lake Harney Road**  
**LSLUA from Rural-5 to Rural-3 (06.FLU02)**  
**Rezone from A-5 to A-3 (Z2005-058)**

<b>APPLICANT</b>	Jim and Mike Hattaway	
<b>PROPERTY OWNER</b>	David M. Ciener	
<b>REQUEST</b>	Large Scale Land Use Amendment for Rural-5 (1du/5du) to Rural-3 (1du/3ac); and Rezone from A-5 (Rural District) to A-3 (Rural District)	
<b>PROPERTY SIZE</b>	46.25 ± acres	
<b>HEARING DATE (S)</b>	P&Z: January 11, 2005	BCC: February 28, 2005
<b>PARCEL ID</b>	15-20-32-5BC-0000-0180 15-20-32-300-0350-0000 15-20-32-300-0360-0000	
<b>LOCATION</b>	North side of Lake Harney Road, 800 feet west of Harney Heights Road	
<b>FUTURE LAND USE</b>	Rural-5 (Rural 1du/5ac)	
<b>ZONING</b>	A-5 (Rural District)	
<b>FILE NUMBER</b>	06.FLU02 / Z2005-058	
<b>COMMISSION DISTRICT</b>	#2 – Morris	

**Proposed Development:**

The applicant is proposing to develop 16 single-family dwelling units at a net density of one unit per three net buildable acres.

**ANALYSIS OVERVIEW:**

**ZONING REQUEST**

The applicant is requesting to amend the Future Land Use designation of 46.25 ± acres from Rural-5 to Rural-3 and rezone from A-5 (Rural District) to A-3 (Rural District). The subject property is located on the north side of Lake Harney Road, 800 feet west of Harney Heights Road. The Future Land Use designation of the subject property is Rural-5, which permits a maximum density of 1 dwelling unit per 5 acres. The following table depicts the minimum regulations for the current zoning district of A-5 (Rural District) and the requested district of A-3 (Rural District):

<b>DISTRICT REGULATIONS</b>	<b>Existing Zoning (A-5)</b>	<b>Proposed Zoning (A-3)</b>
Minimum Lot Size	5 acres	3 acres
Minimum House Size	N/A	N/A
Minimum Width at Building Line	150 feet	150 feet
Front Yard Setback	50 feet	50 feet
Side Yard Setback	10 feet	10 feet
(Street) Side Yard Setback	50 feet	50 feet
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
A-5 (Existing)	Single-family residences and uses a accessory thereto, Groves and farms for the cultivation and propagation of citrus, vegetables, fruits, berries, nuts, grass sod, and trees. Pastures and grasslands for the cultivation and propagation of livestock and the keeping of ponies or horses for the immediate use of the occupant and their guests excluding, however, the commercial raising of swine. Plant nurseries and green houses not involved with retail sales to the general public. Poultry production. Dairy farms. Fish hatcheries and bait production. Stables, barns, sheds, silos, granaries, windmills and related agricultural structures. Roadside side stands for the sale of fruits vegetables and similar projects produced on the premises. Public and private elementary schools. Landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm.	Public utility and service structures. Churches and their attendant educational and recreational buildings and off-street parking. Parks and recreational areas which are publicly owned and operated. Guest or tourist homes. Community residential home, etc. Kennels (including the commercial raising or breeding of dogs). Riding stables. Country clubs, golf clubs, fishing camps, fishing camps marinas and gun clubs,. Mobile and manufactured homes. Commercial raising of swine. Farmworker housing, either single family or multifamily dwellings. Communication towers. Bed and Breakfast.	5 acres
A-3 (Proposed)	Same as A-5.	Same as A-5.	3 acres

**COMPATIBILITY WITH SURROUNDING PROPERTIES**

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

(North)

	<b>Rural-5</b> Agricultural <i>A-5</i>	<b>Rural-5</b> Agricultural <i>A-5</i>	<b>Rural-5</b> Agricultural <i>A-5</i> <i>(2-3 acres lots)</i>	
(West)	<b>Rural-5</b> Single-Family/ Agricultural <i>A-5</i> <i>(avg. 1,448 sq. ft. residence/avg. 2.8 ac. Lots)</i>	<b>Rural-5</b> Agricultural <i>A-5</i> <i>(Nursery)</i>	<b>Rural-5</b> Single-Family <i>A-5</i> <i>(2-3 acres lots)</i>	(East)
	<b>Rural-5</b> Agricultural <i>A-5</i>	<b>Rural-5</b> Agricultural <i>A-5</i>	<b>Rural-5</b> Agricultural <i>A-5</i> <i>(2-3 acres lots)</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, there are no floodplain impacts associated with the subject property.

*Wetland Impacts:*

Based on preliminary aerial photo and County wetland map analysis, there appears to be a small amount of wetlands in the northeast portion of the subject property. Compliance with the Land Development Code regarding development within and around wetland areas is required prior to the issuance of any building permits.

*Endangered and Threatened Wildlife:*

A threatened and endangered species survey will be required prior to final engineering approval.

**PUBLIC FACILITY IMPACTS**

*Concurrency:*

Rule 9J-5.0055(3) (c), Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has submitted for Concurrency review at this time. The applicant has been approved for concurrency, but capacity has not been reserved.

<b>Public Facility</b>	<b>Existing Zoning (A-5)</b>	<b>Proposed Development*</b>	<b>Net Impact</b>
Water (GPD)	3150	5600	2450
Sewer (GPD)	2700	4800	2100
Traffic (ADT)	86	153	67
Schools			
Elementary	2	4	2
Middle	1	2	1
High	1	2	1

\* Proposed development is based on the proposed project consisting of 16 residential dwelling units.

*Utilities:*

The subject property is located outside the Urban Service area and will therefore not connect to public utilities. The single-family units shall be serviced by onsite well and septic systems and will be required to comply with Chapter 381.0065(4) (a) of the Florida Statutes.

*Transportation / Traffic:*

The property accesses Lake Harney Road, which is classified as a local road via Snowhill Road from the west end and SR 46 from the east end. Both Snowhill Road and SR 46 are currently operating above the adopted LOS standard.

*School Impacts:*

Based on the formulas provided by the Seminole County School District, the proposed zone change will generate approximately 8 school age children. This subject site is currently zoned for and will affect the following schools:

<b>Schools Impacted</b>	<b>Proposed Impact</b>	<b>Current Capacity</b>	<b>05/06 Enrollment</b>	<b>Percent Capacity</b>
Geneva Elementary	4	623	504	80.9%
Lawton M. Chiles Middle	2	1333	1504	101.4%
Oviedo High	2	2998	3147	99.7%

*Public Safety:*

The nearest response unit to the subject property is Station # 42, which is located at 320 State Road 46. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is 3 minutes. The County level-of-service standard for response time is 5 minutes per Policy PUB 2.1 of the Comprehensive Plan.

*Drainage:*

The proposed project is located within the Lake Harney drainage basin.

*Parks, Recreation and Open Space:*

Open space provided for in the development will be required to comply with the Seminole County Land Development Code.

**APPLICABLE POLICIES:**

**FISCAL IMPACT ANALYSIS**

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

**SPECIAL DISTRICTS**

The subject property is located within East Seminole County Scenic Corridor Overlay District.

**COMPREHENSIVE PLAN (VISION 2020)**

The following policies are applicable to the proposed project:

Policy FLU 11.1: Recognition of East Rural Area

Policy FLU 11.8: Roadway Corridor Overlay District for Minor Roadways in East Seminole County

Policy FLU 11.9: Rural Roadway System Level of Service Standards

Policy CON 1.10: Geneva Lens (Bubble) Protection

**INTERGOVERNMENTAL NOTIFICATION:**

An intergovernmental notice was sent to the Seminole County School District on December 21, 2005. To date, no comments have been received.

**LETTERS OF SUPPORT OR OPPOSITION:**

Staff has received three (3) e-mails from the Geneva Citizens Association in opposition to this application. Letters of support or opposition are attached.

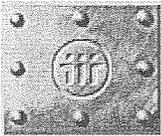
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When the Rural Area was established in 1991, following completion of the East Seminole County Rural Area Plan (1991 Study), the subject property was designated with a Future Land Use designation of Rural-5. In the surrounding vicinity of the subject property, there are some "grandfathered" properties that are smaller than five acres in size, however, these parcels were platted in 1958 and 1961, before zoning and land use existed in Seminole County. These parcels were accounted for in the 1991 study and are recognized in the Comprehensive Plan under FLU Policy 11.15 (C) as properties that were legal lots of record (created prior to 1991) and therefore may be built upon, provided all other land development regulations are met.

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April Boswell/Seminole  
01/03/2006 08:07 AM

To Tyrone Smith/Seminole@Seminole  
cc Brian Nelson/Seminole@Seminole, Tony  
Walter/Seminole@Seminole  
bcc  
Subject Fw: GENEVA ZONING!!!

----- Forwarded by April Boswell/Seminole on 01/03/2006 08:06 AM -----



"HBCANON"  
<hbcanon@homemail.com>  
01/01/2006 12:33 PM

To "HBCANON" <hbcanon@homemail.com>  
cc  
Subject GENEVA ZONING!!!

### IMPORTANT WARNING

RURAL GENEVA IS IN DANGER !!!!!!!!!!!!!!!!

A rezoning proposal is being considered that could lead to the destruction of our rural area and endangerment of our drinking water supply from the Geneva Lens(Bubble).

WHAT? Seminole County Planning and Zoning Public Hearing

WHEN? Wednesday Jan. 11, 2006 at 7:00 PM

WHERE? County Services Building; 1101 E. 1st Street, Sanford  
Board of County Commissioners Chambers on first floor

ACTION NEEDED? Please come to the meeting and speak out publicly against this proposal. Each speaker is entitled to three minutes to address the Board.

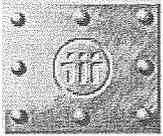
MORE DETAILS? PLEASE SEE ATTACHMENT TO THIS EMAIL.

OTHER QUESTIONS OR CARPOOL INFORMATION? Contact Richard Creedon \_



[rtcreedon@netzero.com](mailto:rtcreedon@netzero.com) or call 407-349-1266 ProposedCiener(LakeH.Rd.)Rezoning.rtf

--\*\*\*\*Florida has a very broad Public Records Law. Virtually all written communications to or from State and Local Officials and employees are public records available to the public and media upon request. Seminole County policy does not differentiate between personal and business emails. E-mail sent on the County system will be considered public and will only be withheld from disclosure if deemed confidential pursuant to State Law.\*\*\*\*



April Boswell/Seminole  
12/27/2005 02:55 PM

To Tyrone Smith/Seminole@Seminole  
cc  
bcc  
Subject Fw: Geneva Rezoning

For your information and file

April Boswell, AICP  
Assistant Planning Manager  
Seminole County Planning Division  
1101 E. First Street  
Sanford FL 32771-1468  
(407) 665-7339

----- Forwarded by April Boswell/Seminole on 12/27/2005 02:54 PM -----



GenevaHGS@aol.com  
12/27/2005 02:50 PM

To GenevaFL@aol.com  
cc  
Subject Geneva Rezoning

### IMPORTANT WARNING

**RURAL GENEVA IS IN DANGER !!!!!!!!!!!!!!!**

A rezoning proposal is being considered that could lead to the destruction of our rural area and endangerment of our drinking water supply from the Geneva Lens(Bubble).

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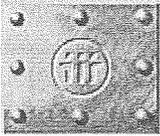
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rtcreedon@netzero.com or call 407-349-1266 ProposedCiener(LakeH.Rd.)Rezoning.rtf

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April Boswell/Seminole  
11/04/2005 10:30 AM

To "rtcreedon@netzero.net" <rtcreedon@netzero.net>

cc Tyrone Smith/Seminole@Seminole, Tony  
Matthews/Seminole@Seminole

bcc

Subject Re: Lake Harney Rd. property (David Ciener)

History: This message has been forwarded.

Hi Richard,

Yes, that is right, a Development Review Committee (DRC) meeting is held before P&Z. I don't believe a DRC meeting has been scheduled yet. The Project Manager for this is Tyrone Smith in our Division. I don't know if you've had a chance to meet Tyrone yet but he can help with any questions on this project that come up. Tyrone's phone number is 407-665-7431.

April

April Boswell, AICP  
Assistant Planning Manager  
Seminole County Planning Division  
1101 E. First Street  
Sanford FL 32771-1468  
(407) 665-7339

"rtcreedon@netzero.net" <rtcreedon@netzero.net>



"rtcreedon@netzero.net"  
<rtcreedon@netzero.net>

11/03/2005 05:13 PM

To aboswell@seminolecountyfl.gov

cc tmatthew@seminolecountyfl.gov

Subject Lake Harney Rd. property (David Ciener)

Dear April,

Doesn't this project have to go to a Conference before going to P&Z?

If so, has one been scheduled?

The Citizens of Geneva are against any attempt to rezone for more density for a number of very good reasons. Mr. Hattaway called me after filing his paperwork with the county and I tried to convince him that it might be wiser in the long-run to develop this property in accordance with the existing A5 zoning. We surely do not want a fight over this, but if it proceeds as he explained to me, there will surely be a hornet's nest of opposition.

Sincerely,

Richard

----- Forwarded Message -----

-----Original Message-----

From: Deborah Schafer  
Date: 11/03/05 16:08:33  
To: Tony Matthew

Cc: April Boswell  
Subject: question

15-20-32-300-0350-0000

15-20-32-300-0360-0000

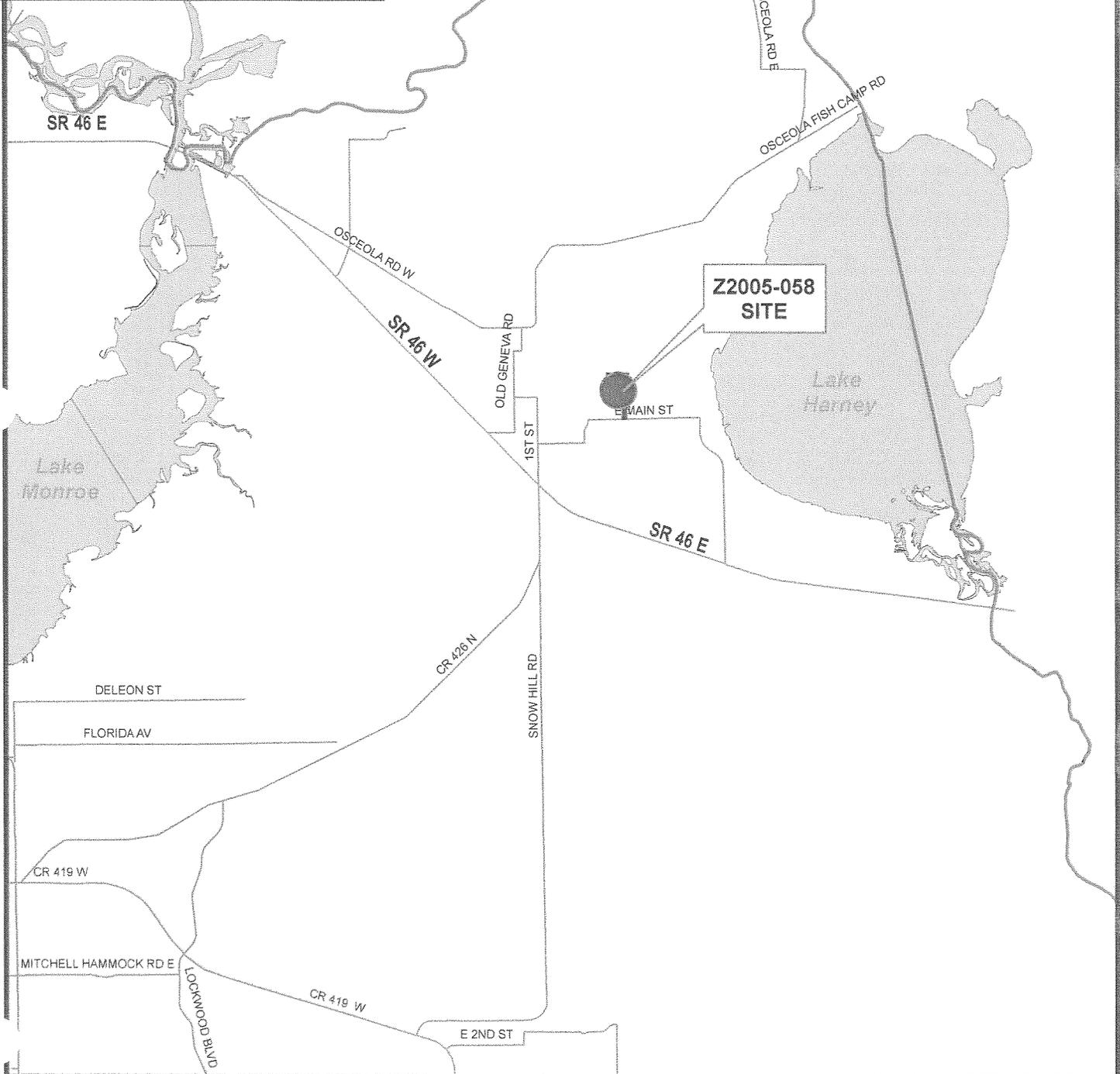
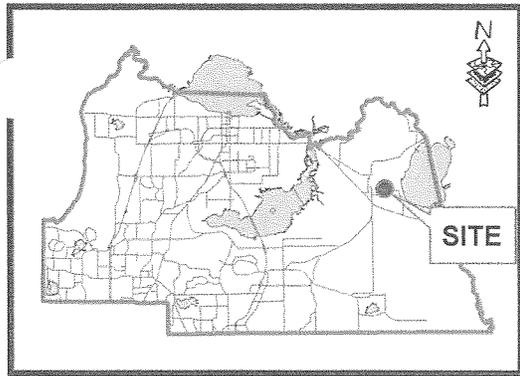
15-20-32-5BC-0000-0180

Owner:CIENER DAVID M

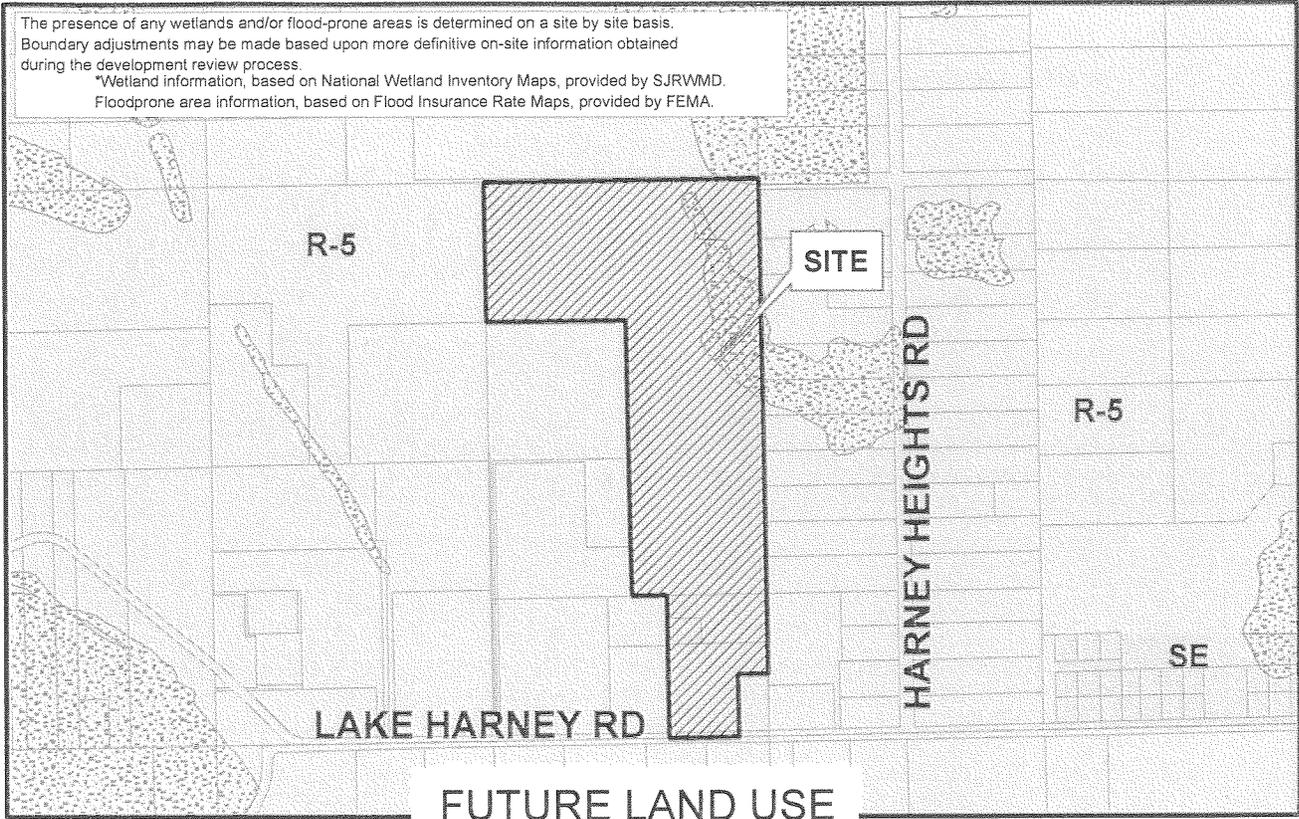
Mailing Address:980 LAKE HARNEY RD

These property ID numbers are Hattaway project in Geneva, when will this go to P & Z ?

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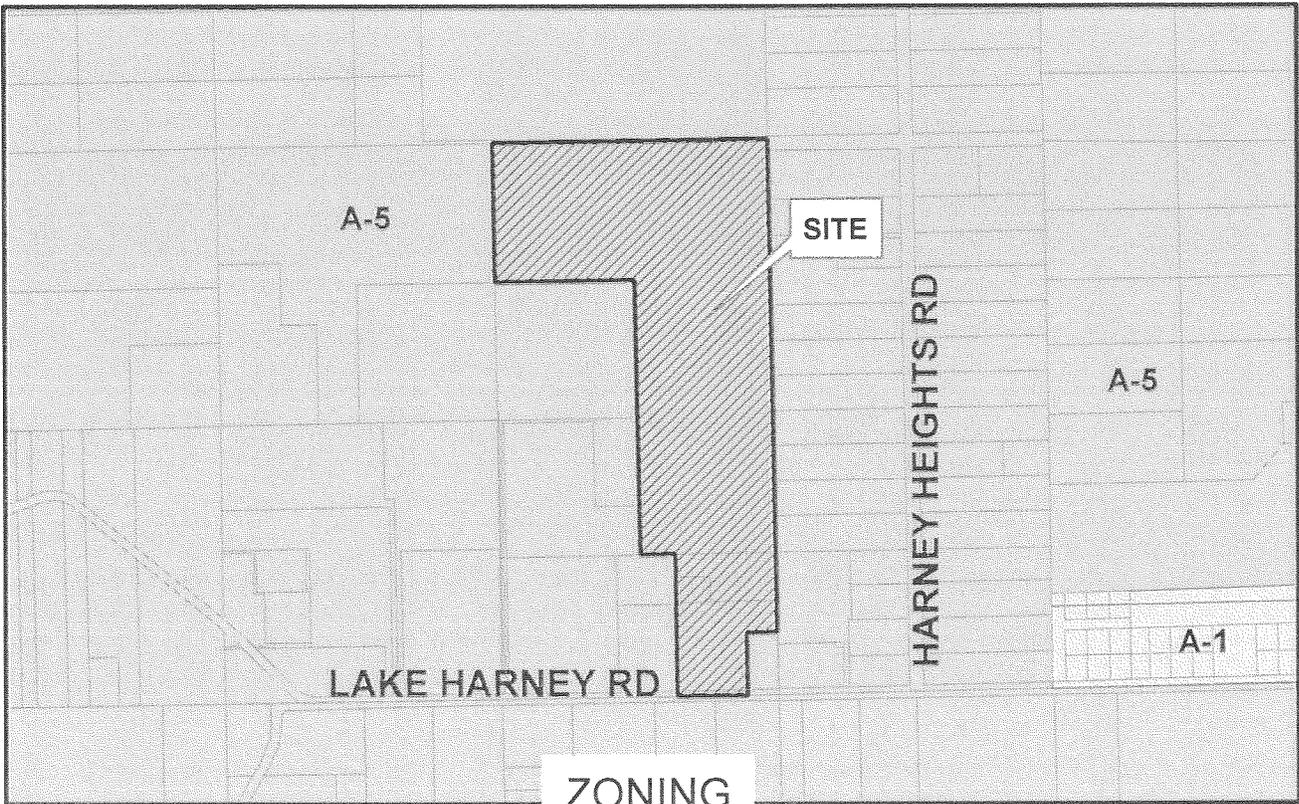
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.  
 \*Wetland information, based on National Wetland Inventory Maps, provided by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



Site  
  Municipality  
  R5  
  SE  
  CONS

Applicant: Jim and Mike Hattaway  
 Physical STR: parts of 15-20-32  
 Gross Acres: 46.50+/- BCC District: 2  
 Existing Use: Vacant - Nursery  
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	06S.FLU02	R-5	R-3
Zoning	2005-058	A-5	A-3



A-5  
  A-1  
  FP-1  
  W-1



Z2005-058  
SITE

LAKE HARNEY RD

HARNEY HEIGHTS RD

Rezone No: Z2005-058  
From: A-5 To: A-3

-  Parcel
-  Subject Property



January 2004 Color Aerials

