

Residential Compatibility in Residential Land Uses. The analysis supports a rezone to R-1AA.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of a request to rezone approximately 37.8 ± acres, located on the west side of Old Lockwood Road, south of Nak Nak Run, and north of McCulloch Road, from A-1 (Agriculture) to R-1A (Single-Family Dwelling District) based on staff findings.

Attachments:

Staff Analysis
Location Map
FLU/Zoning
Aerial Photo
Rezone Ordinance

EDWARDS ESTATES

Rezone from A-1 to R-1A

APPLICANT	Paula Maxey	
PROPERTY OWNER	Paula Maxey	
REQUEST	Rezone from A-1 (Agriculture District) to R-1A (Single-Family Dwelling District)	
PROPERTY SIZE	37.8 ± acres	
HEARING DATE (S)	P&Z: January 11, 2005	BCC: February 14, 2006
PARCEL ID	36-21-31-300-0040-0000	
LOCATION	West side of Old Lockwood Road, south of Nak Nak Run and north of McCulloch Road	
FUTURE LAND USE	LDR (Low Density Residential)	
ZONING	A-1 (Agriculture District)	
FILE NUMBER	Z2005-069	
COMMISSION DISTRICT	#1 – Dallari	

PROPOSED DEVELOPMENT:

The applicant intends to develop the property with single-family dwelling units under the R-1A zoning development standards.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant, Paula Maxey, is requesting to rezone 37.8 ± acres from A-1 (Agriculture District) to R-1A (Single-Family Dwelling District). The subject property is located on the west side of Old Lockwood Road, south of Nak Nak Run and north of McCulloch Road. The Future Land Use designation of the subject property is LDR (Low Density Residential), which permits a maximum density of four (4) dwelling units per acre. The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested R-1A (Single-Family Dwelling District):

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (R-1AA)
Minimum Lot Size	43,560 square feet	9,000 square feet
Minimum House Size	N/A	1,100 square feet
Minimum Width at Building Line	150 feet	75 feet
Front Yard Setback	50 feet	25 feet
Side Yard Setback	10 feet	7.5 feet
(Street) Side Yard Setback	50 feet	25 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
<p>A-1 (existing)</p>	<p>Agricultural uses such as citrus or other fruit crops cultivation, production and horticulture, truck farms, plant nurseries and greenhouses not involved with retail sales to the general public, silva culture, public and private elementary schools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns, single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses, churches and structures appurtenant thereto, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.</p>	<p>Special Exception such as cemeteries and mausoleums, kennels including the commercial raising or breeding of dogs, hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes, public and private nursery schools, kindergartens, middle schools, high schools and colleges, public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, and speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and breakfast establishments.</p>	<p>1 acre</p>

Zoning District	Permitted Uses	Special Exception	Minimum Lot Size
R-1A (proposed)	Single-family dwelling and their customary accessory uses, boathouses and boat docks, community residential homes housing six (6) or fewer permanent unrelated residents, public and private elementary schools, and home offices.	Churches with their attendant educational, recreational buildings, public and private middle schools and high schools, parks and recreational areas, publicly owned and operated, public utility and service structures, guest cottages, subdivision sewage treatment and water plants, boathouses with roofs exceeding ten (10) feet above mean highwater line, assisted living facilities and community residential homes housing 7-14 permanent unrelated residents, communication towers, and private recreational facilities as an accessory use to civic, fraternal or social organizations.	9,000 sq. ft.

COMPATIBILITY WITH SURROUNDING PROPERTIES

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

(North)

	LDR Single-Family <i>PUD</i> (Avg. 2,200 s.f. home/8,259 s.f. lot)	LDR Vacant <i>R-1A</i>	LDR Vacant <i>A-1</i>	
(West)	LDR Single-Family <i>A-1</i> (Avg. 2,000 s.f. home/4.78 ac. lot)	LDR Vacant <i>A-1</i>	LDR/REC Single-Family/Vacant <i>R-1AA/A-1/PUD</i> (Avg. 2,400 s.f. home/2.98 ac. lot)	(East)
	HIPTR PUD Conservation Area <i>PUD</i>	HIPTR Agriculture/Single-Family <i>A-1</i> (Avg. 2,200 s.f. home)	REC Vacant <i>PUD</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 590 Oviedo SW, a portion of the property is located in “Zone A”, which is identified as areas located within the 100-year floodplain.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, the subject property contains approximately 8.5 ± acres of wetlands. 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:

Based on a preliminary analysis, there are no endangered and threatened wildlife on the subject property. A listed species survey will be required prior to final engineering approval.

PUBLIC FACILITY IMPACTS

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 elected to defer Concurrency review at this time and therefore, has submitted 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 (A-1)	Proposed Development*	Net Impact
Water (GPD)	8,050	39,550	31,500
Sewer (GPD)	6,900	33,900	27,000
Traffic (ADT)	220	1,081	861
Schools			
Elementary	6	28	22
Middle	3	13	10
High	3	14	11

- Proposed Development is based on the proposed project consisting of approximately 113 single-family lots.

Utilities:

The site is located in the Seminole County utility service area, and will be required to connect to public utilities. There is currently a 16-inch water main along Old Lockwood Road and a 12-inch force main leaving the Carillon Master Lift Station. The subject property will be required to connect to an existing 24-inch reclaimed water line on Old Lockwood Road.

Transportation / Traffic:

The proposed project will access Old Lockwood Road on the east side of the site. Old Lockwood Road is classified as a local road. Nak Nak Run is a combination access, drainage and utility easement that serves a private 5-acre development to the west of the subject site. Old Lockwood Road is not currently programmed for any improvements according to the County 5-year Capital Improvement Program.

School Impacts:

Based on the formulas provided by the Seminole County School District, the proposed zone change will generate approximately 55 school age children. The subject site will affect the following schools:

Schools Impacted	Proposed Impact	Current Capacity	05/06 Enrollment	Percent Capacity
Carillon Elementary	28	942	892	95%
Jackson Heights Middle	13	1345	1154	86%
Hagerty High	14	462	502	109%

Public Safety:

The nearest response unit to the subject property is Station # 65, which is located at 4999 North Orion Boulevard, Orlando. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is 5 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 Big Econlockhatchee Drainage basin. Old Lockwood Road will provide positive outfall for the property although it currently has limited down stream capacity. This will be further evaluated in more detail prior to final engineering approval.

Parks, Recreation and Open Space:

In accordance with Section 30.1344 of the Land Development Code, the applicant will be required to provide twenty-five (25) percent of the site in common open space. Per Section 30.1344 (e), the common open space may include landscape buffers, recreational areas accessible to all residents, as well as the preservation of floodplain areas, wetlands and other natural resources. This will be evaluated in more detail during the Preliminary Subdivision Plan process.

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 located within the Econlockhatchee River Protection Area and will be required to comply with the Econlockhatchee River Protection overlay standards.

COMPREHENSIVE PLAN (VISION 2020)

The following policies are applicable with the proposed project:

- Policy FLU 2.5: Transitional Land Uses
- Policy CIE 3.2: Application to New Development
- Policy CIE 3.4: Concurrency Management

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:

An intergovernmental notice was sent to the City of Oviedo and the Seminole County School District on December 8, 2005. To date, no comments have been received.

LETTERS OF SUPPORT OR OPPOSITION:

Letters of support or opposition are attached.

STAFF FINDING:

The applicant is proposing R-1A zoning on a 37.8 ± acre site located on the west side of Old Lockwood Road. 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-1AA.

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.

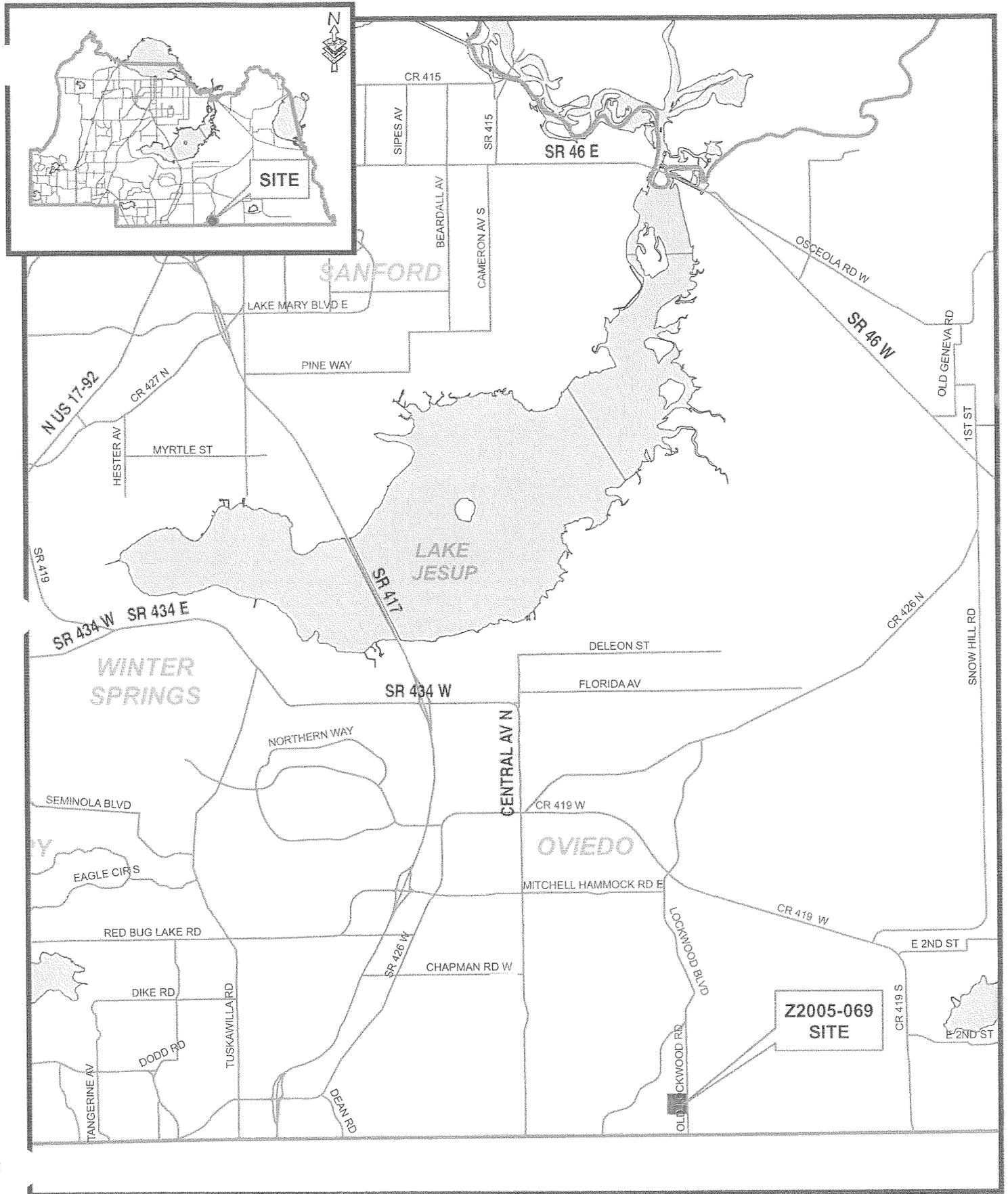
The lot compatibility analysis yielded a weight rating of 7.25, which corresponds to R-1AA. While this zoning represents a lower density than the applicant is requesting, the Board of County Commissioners may grant R-1A upon making a specific finding that the requested higher-intensity zoning is compatible with surrounding uses and development. Staff has determined that in this case, the requested higher-intensity zoning of R-1A would be compatible with surrounding uses based on the following factors:

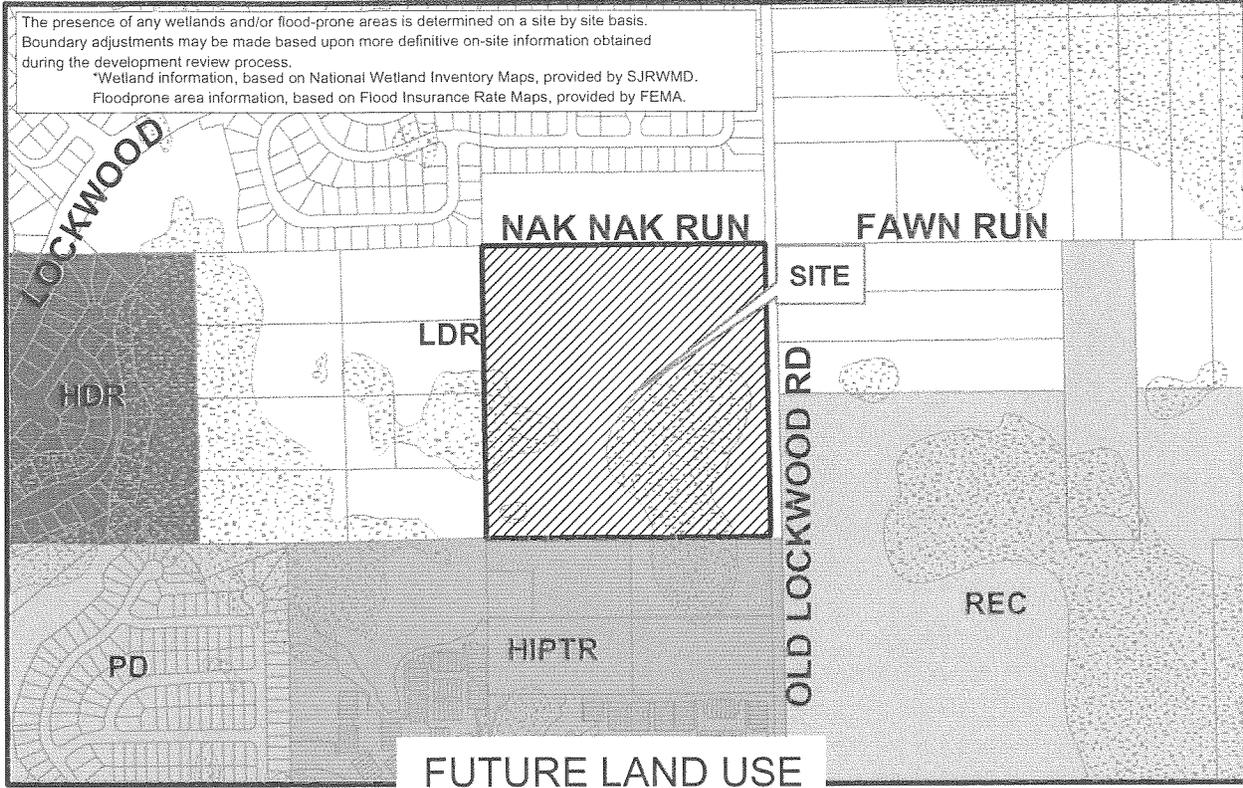
- Zoning and lot sizes to the north and west of the subject site are consistent with the requested zoning of R-1A.
- A large parcel to the east of the subject site is owned by Seminole County with a future land use designation of recreation and a zoning designation of PUD (Planned Unit Development).

- Townhomes are located immediately south of the compatibility analysis area. Although not included in the compatibility analysis, they represent a higher intensity zoning.
- The proximity of a conservation area located to the southwest of the property skews the compatibility analysis by awarding a base weight of only 4 points.
- The trend in the area is consistent with R-1A zoning designation.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone approximately 37.8 ± acres, located on the west side of Old Lockwood Road, south of Nak Nak Run and north of McCulloch Road, from A-1 Agriculture to R-1A.

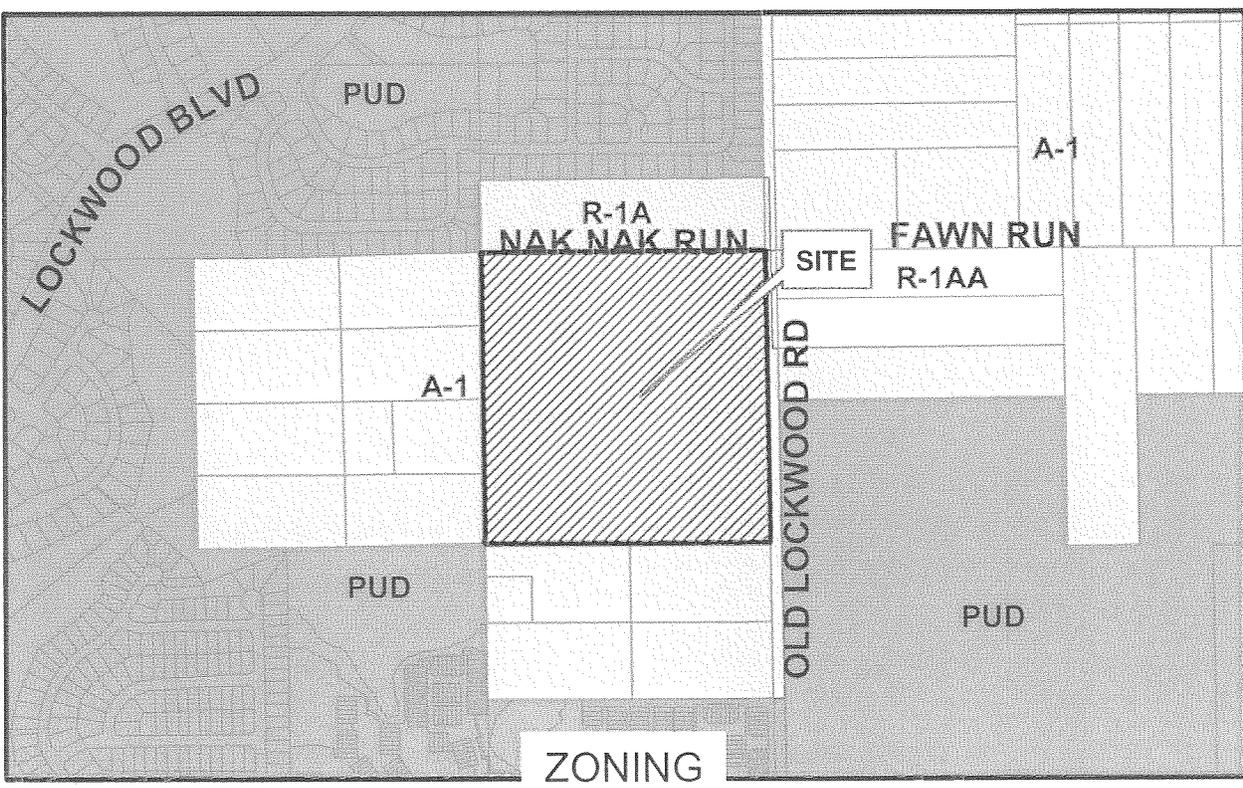




Site
 HDR
 LDR
 PD
 HIPTR
 REC
 CONS

Applicant: Sam Bowyer, PE
 Physical STR: 36-21-31-300-0040-0000
 Gross Acres: 37.8 +/- BCC District: 1
 Existing Use: Timberland
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2005-069	A-1	R-1AA



Site
 R-1A
 R-1AA
 A-1
 PUD
 FP-1
 W-1

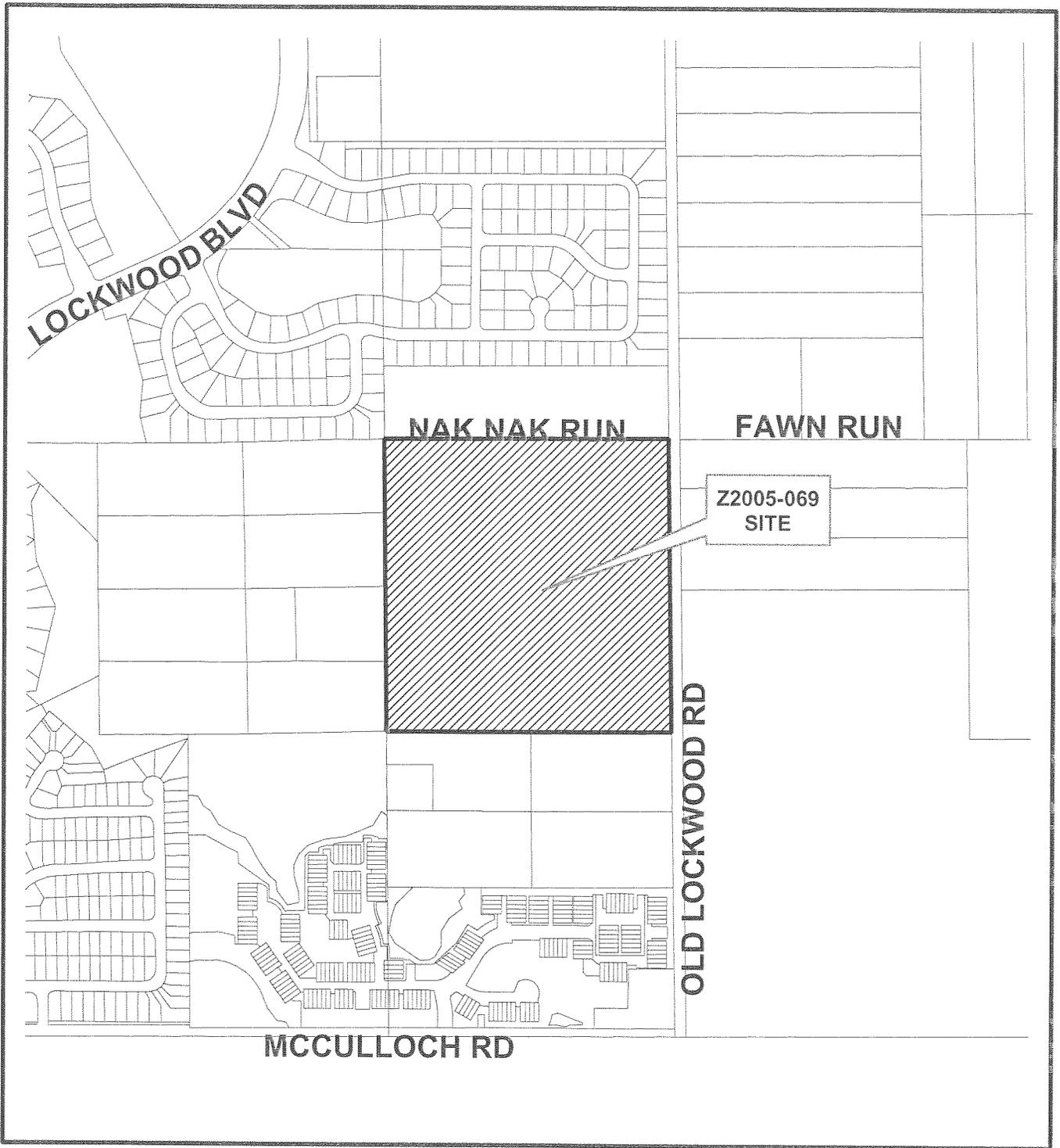


Rezone No: Z2005-069
From: A-1 To: R-1AA

-  Parcel
-  Subject Property



January 2004 Color Aerials



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 (AGRICULTURAL) 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 "Edwards Estates."

(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 (Agricultural) to R-1A (Single-Family Dwelling District):

LEG SEC 36 TWP 21S RGE 31E NW ¼ OF SW ¼

(LESS S 40 FT & E 30 FT FOR RD)

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, and this Ordinance shall be effective on the recording date of the Development Order # _____ in the Official Land Records of Seminole County.

ENACTED this 14th day of FEBRUARY 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

LEG SEC 36 TWP 21S RGE 31E NW ¼ OF SW ¼
(LESS S 40 FT & E 30 FT FOR RD)