

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

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

**SUBJECT:** LAKE CHARM Rezone from A-1 to R-1A

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

**AUTHORIZED BY:** Tony Walter <sup>TW</sup> **CONTACT:** Chris Schmidt **EXT.** 7440

<b>Agenda Date</b> <u>01/11/06</u>	<b>Regular</b> <input type="checkbox"/>	<b>Work Session</b> <input type="checkbox"/>	<b>Briefing</b> <input type="checkbox"/>
	<b>Special Hearing – 6:00</b> <input type="checkbox"/>	<b>Public Hearing – 7:00</b> <input checked="" type="checkbox"/>	

**MOTION/RECOMMENDATION:**

1. Recommend APPROVAL of a request to rezone approximately 38.67± acres from A-1 (Agriculture District) to R-1A (Single-Family Dwelling District), located on the northeast corner of Lake Charm Drive and Panther Street (aka Artesia Avenue), based on staff findings, (Brian L Harris, applicant); or
2. Recommend DENIAL of a request to rezone approximately 38.67± acres from A-1 (Agriculture District) to R-1A (Single-Family Dwelling District), located on the northeast corner of Lake Charm Drive and Panther Street (aka Artesia Avenue), based on staff findings, (Brian L Harris, applicant); or
3. CONTINUE the item to a time and date certain.

District 2 – Commissioner Morris

Chris Schmidt, Senior Planner

**BACKGROUND:**

The applicant is requesting to rezone 38.67 ± acres from A-1 (Agriculture District) to R-1A (Single-Family Dwelling District). Under the current A-1 zoning designation, 1 dwelling unit per net buildable acre is permitted. The requested zoning designation allows single family development on lots with a minimum area of 9,000 square feet and lot width of 75 feet.

<b>Reviewed by:</b> _____
<b>Co Atty:</b> <u>KL</u>
<b>DFS:</b> _____
<b>OTHER:</b> _____
<b>DCM:</b> _____
<b>CM:</b> _____
<b>File No.</b> <u>Z2005-057</u>

The Future Land Use designation of the subject site is LDR (Low Density Residential), which allows R-1, R-1A, R-1AA, R-1AAA, R-1AAAA, A-1, RC-1, PLI, and PUD zoning districts. The property may develop with a maximum of 4 dwelling units per net buildable acre. Section 30.1380.3 of the Land Development Code requires the application of the Weighted Method for Determining Single-Family Residential Compatibility in Residential Land Uses. The analysis supports rezoning to R-1AAAA.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of a request to rezone approximately 38.67 ± acres from A-1 (Agriculture District) to R-1A (Single-Family Dwelling District), located on the northeast corner of Lake Charm Drive and Panther Street; based on staff findings.

Attachments:

Staff Analysis  
Location Map  
FLU/Zoning Map  
Aerial Photo  
Ordinance

## Lake Charm Rezone / Z2005-057

### Rezone from A-1 to R-1A

<b>APPLICANT</b>	Brian L Harris / Harris Construction Group	
<b>PROPERTY OWNER</b>	Mai T. To, Nguyen T. Minh, Lisa P.N. Ta, Thuan V. Dinh, Margaret Ta, & Trang Dinh	
<b>REQUEST</b>	Rezone from A-1 (Agriculture District) to R-1A (Single-Family Dwelling)	
<b>PROPERTY SIZE</b>	38.67 ± acres	
<b>HEARING DATE (S)</b>	P&Z: January 11, 2006	BCC: February 28, 2006
<b>PARCEL ID</b>	03-21-31-300-0120-0000 & 03-21-31-300-0130-0000	
<b>LOCATION</b>	Northeast corner of Lake Charm Drive and Panther Street	
<b>FUTURE LAND USE</b>	LDR (Low Density Residential)	
<b>ZONING</b>	A-1 (Agriculture District)	
<b>FILE NUMBER</b>	Z2005-057	
<b>COMMISSION DISTRICT</b>	#2 – MORRIS	

#### Proposed Development:

The applicant is proposing to develop a 65 lot single-family residential community on 38.67 ± acres.

#### ANALYSIS OVERVIEW:

##### ZONING REQUEST

The applicant, Brian L. Harris, is requesting to rezone 38.67 ± acres from A-1 (Agriculture District) to R-1A (Single-Family Dwelling). The subject property is located on the northeast corner of Lake Charm Drive and Panther Street (formerly known as Artesia Avenue). 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 net buildable acre. The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested district of R-1A (Single-Family Dwelling):

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (R-1A)
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	30 feet	7.5 feet
(Street) Side Yard Setback	25 feet	25 feet
Rear Yard Setback	10 feet	30 feet
Maximum Building Height	35 feet	35 feet

**PERMITTED & SPECIAL EXCEPTION USES**

The following tables depict the permitted and special exception uses within the existing and proposed zoning districts:

Zoning District	Permitted Uses	Special Exception	Minimum Lot Size
A-1 (existing)	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.	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.	1 acre

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 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)

	<b>R-5</b> Rural <i>A-5</i> <i>Vacant</i>	<b>R-5</b> Rural <i>A-5</i> <i>Vacant</i>	<b>R-5</b> Rural <i>A-5</i> <i>Vacant</i>	
(West)	<b>LDR</b> Single-Family <i>R-1A</i> <i>(9,000 sq. ft. lots)</i>	<b>LDR</b> Single-Family <i>A-1</i> <i>(1 acre lots)</i>	<b>SE</b> Suburban Estates <i>A-1</i> <i>(1 acre lots)</i>	(East)
	<b>OVEIDO</b> Single-Family <i>R-1A</i> <i>(10,000 sq. ft. lots)</i>	<b>OVEIDO</b> Single-Family <i>R-1A</i> <i>(10,000 sq. ft. lots)</i>	<b>OVIEDO</b> Single-Family <i>R-1A</i> <i>(10,000 sq. ft. 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 FEMA map #565 Florida Quadrangle Map, there appear to be no floodplains located on the subject property. Compliance with the Land Development Code regarding flood prone areas is required prior to the issuance of any building permits.

#### *Wetland Impacts:*

Based on preliminary aerial photo and County wetland map analysis, the subject property contains approximately 12 ± 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 preliminary analysis, there are no endangered and threatened wildlife on the subject property. A threatened and endangered study along with a species of special concern 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. The applicant is required to undergo Concurrency review prior to final engineering approval.

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

<b>Public Facility</b>	<b>Existing Zoning (A-1)</b>	<b>Proposed Development*</b>	<b>Net Impact</b>
Water (GPD)	12600	32200	19600
Sewer (GPD)	10800	27600	16800
Traffic (ADT)	400	1860	1460
Schools			
Elementary	9	23	14
Middle	4	10	6
High	4	11	7

\* Proposed development on straight zoning is based on maximum units permitted using gross acreage.

*Utilities:*

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

*Transportation / Traffic:*

The property is adjacent to Panther Street (aka Artesia Avenue) and Lake Charm Drive, which are classified as local roads. Panther Street and Lake Charm Drive are not currently programmed to be improved according to the County 5-year Capital Improvement Program.

*School Impacts:*

Based on the formulas provided by the Seminole County School District, the proposed zoning change will generate approximately 44 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>
Lawton Elementary	23	886	882	100.5%
Jackson Heights Middle	10	1154	1345	77.2%
Oviedo High	11	3147	2998	99.7%

*Public Safety:*

The nearest response unit to the subject property is Station # 44, which is located at 42 South Central Avenue. 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 Jessup drainage basin. 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.

**APPLICABLE POLICIES:**

**FISCAL IMPACT ANALYSIS**

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

**SPECIAL DISTRICTS**

The subject property borders the Urban/Rural Boundary line on the north end.

**COMPREHENSIVE PLAN (VISION 2020)**

The following policies are applicable with the proposed project:

Policy CON 3.6	Wetland/Flood Prone Regulations
Policy FLU 2.5	Transitional Land Uses
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 Oviedo and the Seminole County School District on December 21, 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 FINDING:**

The applicant is proposing R-1A zoning on a 38.67 ± acre site located on the northeast corner of Lake Charm Drive and Panther Street (aka Artesia Avenue). 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-1AAAA.

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-1A AAA, 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 5.22, which corresponds to R-1A AAA. 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 west of the subject site are consistent with the requested zoning of R-1A.
- Zoning and lot sizes to the northwest, north, and northeast of the subject site skews the compatibility analysis by awarding a base weight of only 2 points.
- The trend in the area is consistent with R-1A zoning designation.
- The proposed number of lots and resulting net density serves as a transition between properties to the south and west to those to the north and east.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the request to rezone 38.67 ± acres from A-1 (Agriculture District) to R-1A (Single-Family Dwelling District), located on the northeast corner of Lake Charm Drive and Panther Street (aka Artesia Avenue).

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

THE SOUTH ½ OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ AND THE NORTH ½ OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼; SECTION 3, TOWNSHIP 21 SOUTH, RANGE 31 EAST; LESS THE SOUTH 40 FEET FOR ROAD PURPOSES.

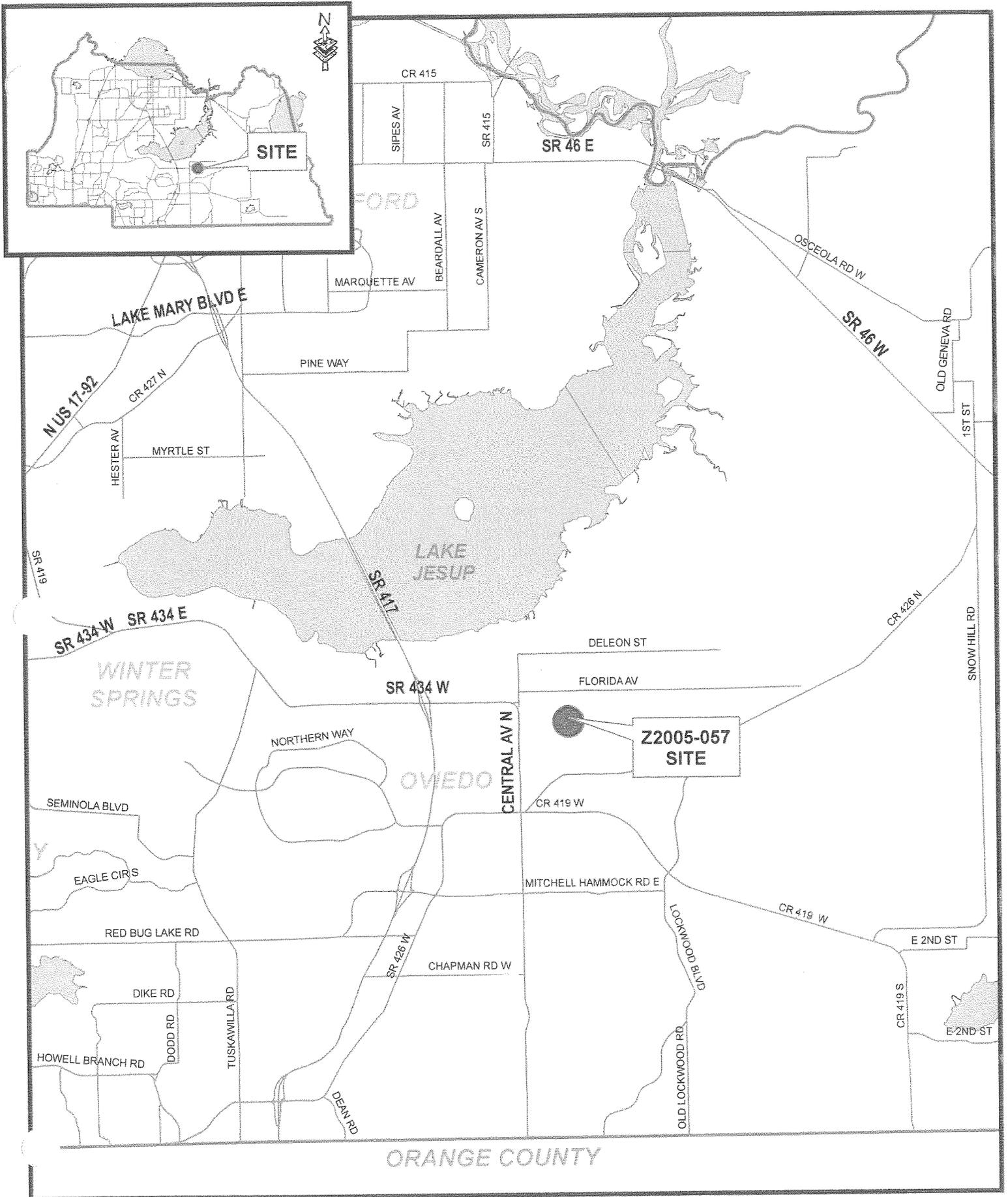
**Section 3. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect 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.

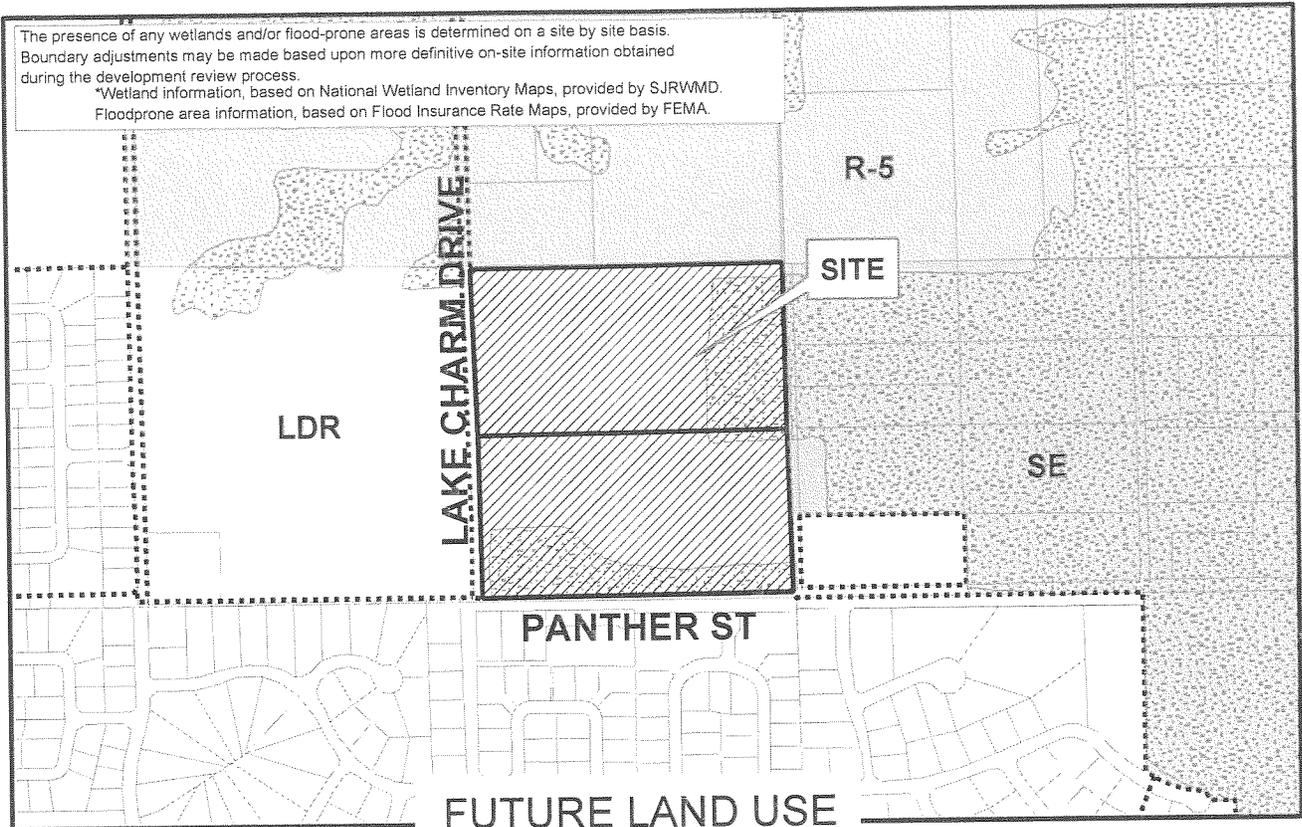
ENACTED this 28th day of FEBRUARY 2006.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Carlton D. Henley  
Chairman



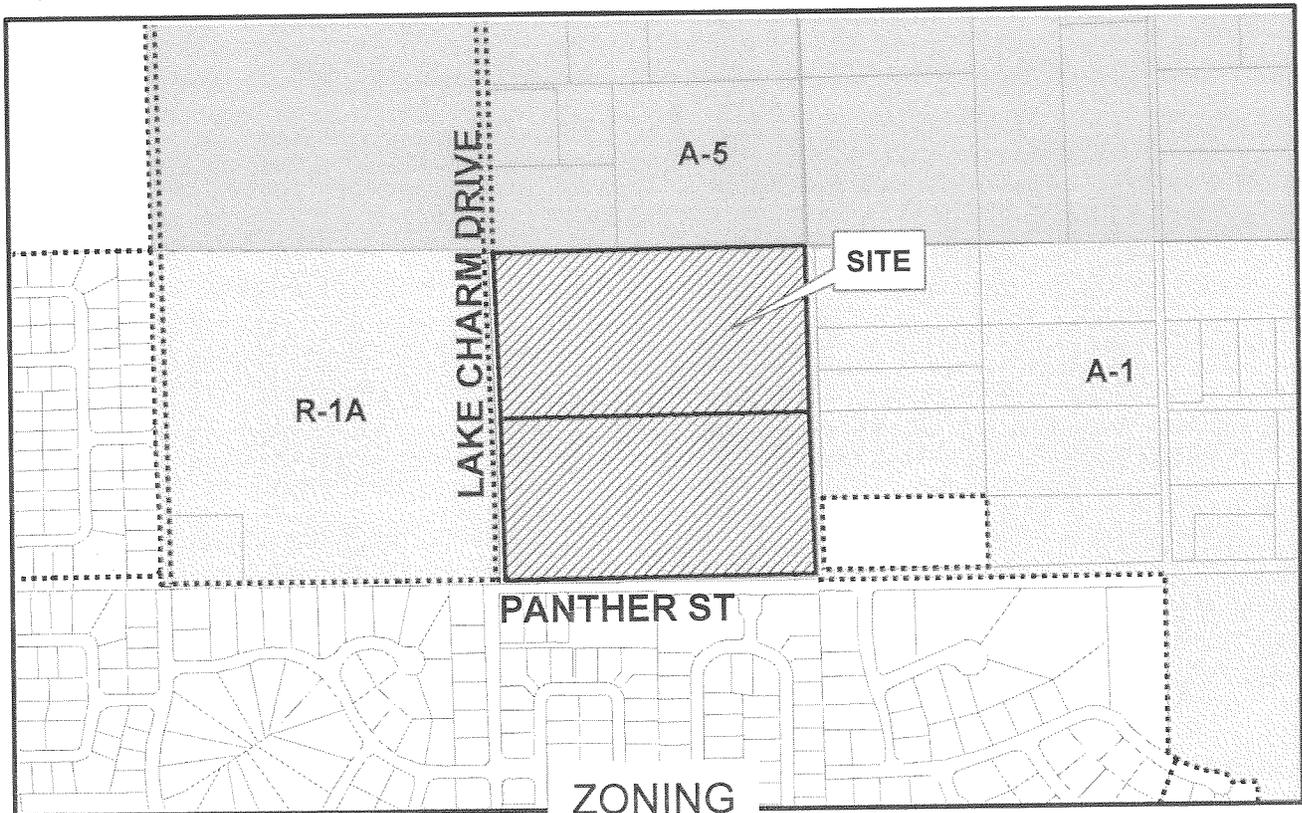
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.  
 \*Wetland information, based on National Wetland Inventory Maps, provided by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



Site
  Municipality
  LDR
  R5
  SE
  CONS

Applicant: Brian Harris, Harris Construction Grp.  
 Physical STR: 03-21-31-300-0120-0000 & 0130-0000  
 Gross Acres: 36.01 +/- BCC District: 2  
 Existing Use: Vacant  
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2005-057	A-1	R-1A



A-1
  A-5
  R-1A
  FP-1
  W-1



Rezone No: Z2005-057  
From: A-1 To: R-1A  
□ Parcel  
▭ Subject Property



January 2004 Color Aerials