

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

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

**SUBJECT:** Brooks Lane Rezone from A-1 (Agriculture) to R-1AA (Single-Family Dwelling)

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

**AUTHORIZED BY:** Tony Walter <sup>TW</sup> **CONTACT:** Benjamin Dunn <sup>BD</sup> EXT. 7440

<b>Agenda Date</b> <u>5/3/06</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"/>
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**MOTION/RECOMMENDATION:**

1. Recommend DENIAL of the request to rezone 10 ± acres, located on the east side of Brooks Lane approximately 0.42 miles south of Red Bug Lake Road, from A-1 (Agriculture) to R-1AA (Single-Family Dwelling), based on staff findings, (Jay Barfield); or
2. Recommend APPROVAL of the request to rezone 10 ± acres, located on the east side of Brooks Lane approximately 0.42 miles south of Red Bug Lake Road, from A-1 (Agriculture) to R-1AA (Single-Family Dwelling), (Jay Barfield, applicant); or
3. CONTINUE the item to a time and date certain.

District #1 – Comm. Dallari

Benjamin Dunn, Sr. Planner

**BACKGROUND:**

The applicant is requesting to rezone 10 ± acres located on the east side of Brooks Lane, approximately 0.42 miles south of Red Bug Lake Road, from A-1 (Agriculture) to R-1AA (Single-Family Dwelling), in order to develop a single-family subdivision. R-1AA (Single-Family Dwelling) requires a minimum lot size of 11,700 sq. ft. The Future Land Use Designation of the subject property is Low Density

<b>Reviewed by:</b>
<b>Co Atty:</b> <u>KFT</u>
<b>DFS:</b> _____
<b>OTHER:</b> _____
<b>DCM:</b> _____
<b>CM:</b> _____
<b>File No.</b> <u>Z2006-14</u>

Residential (LDR), which is consistent with the requested zoning district. The Seminole County Land Development Code (LDC) requires the application of the Weighted Method for Determining Single-family Residential Compatibility in the Low Density Residential future land use designation. Staff conducted the lot size compatibility analysis, as required by Section 30.1380.3 of the Land Development Code and Policy FLU 2.10 of the Vision 2020 Comprehensive Plan, and determined that the analysis does not support the requested rezone to R-1AA. The results from the analysis indicated that R-1AAA may be a more suitable zoning district. The subject site is located between a single-family PUD with minimum lot sizes of 9,000 sq. ft and a single-family subdivision with R-1AAA zoning. The R-1AAA zoning district requires minimum 13,500 square foot lots.

**STAFF RECOMMENDATION:**

Staff recommends DENIAL of the request to rezone 10 ± acres, located on the east side of Brooks Lane approximately 0.42 miles south of Red Bug Lake Road, from A-1 (Agriculture) to R-1AA (Single-Family Dwelling).

However, after running the lot size compatibility analysis it appears that R-1AAA (Single-Family Dwelling) may be a more suitable zoning district, based on staff findings.

**Attachments:**

Staff Report  
Location Map  
Zoning & Future Land Use Map  
Aerial Map  
Rezone Ordinance

## Brooks Lane Rezone

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

<b>APPLICANT</b>	Jay Barfield	
<b>PROPERTY OWNER</b>	Edwin Fernandez, Vissette, Walid & Cassia Akkwi	
<b>REQUEST</b>	Rezone from A-1 (Agriculture) to R-1AA (Single-Family Dwelling)	
<b>PROPERTY SIZE</b>	10 ± acres	
<b>HEARING DATE (S)</b>	P&Z: May 3, 2006	BCC: June 13, 2006
<b>PARCEL ID</b>	19-21-31-300-0080-0000 & 19-21-31-300-008E-0000	
<b>LOCATION</b>	East side of Brooks Lane approximately 0.42 miles south of Red Bug Lake Road.	
<b>FUTURE LAND USE</b>	LDR (Low Density Residential)	
<b>ZONING</b>	A-1 (Agriculture)	
<b>FILE NUMBER</b>	Z2006-14	
<b>COMMISSION DISTRICT</b>	#1 – Dallari	

#### Proposed Development:

The applicant is requesting to rezone 10 ± acres from A-1 (Agriculture) to R-1AA (Single-Family Dwelling), in order to develop a single-family subdivision.

#### ANALYSIS OVERVIEW:

##### ZONING REQUEST

The applicant is requesting to rezone 10 ± acres located on the east side of Brooks Lane approximately 0.42 miles south of Red Bug Lake Road from A-1 (Agriculture) to R-1AA (Single-Family), in order to develop a single-family subdivision. The R-1AA zoning requires a minimum lot size of 11,700 sq. ft. The Future Land Use designation of the subject property is LDR (Low Density Residential), which allows single-family residential. The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested zoning district of R-1AA (Single-Family). Since the lot size compatibility analysis indicated R-1AAA as a more suitable zoning district, those regulations have been provided as well.

<b>DISTRICT REGULATIONS</b>	<b>Existing Zoning (A-1)</b>	<b>Proposed Zoning (R-1AA)</b>	<b>Recommended Zoning (R-1AAA)</b>
Minimum Lot Size	43,560 square feet	11,700 square feet	13,500 square feet
Minimum House Size	N/A	1,300 square feet	1,600 square feet
Minimum Width at Building Line	150 feet	90 feet	100 feet
Front Yard Setback	50 feet	25 feet	25 feet
Side Yard Setback	10 feet	10 feet	10 feet
(Street) Side Yard Setback	50 feet	25 feet	25 feet
Rear Yard Setback	30 feet	30 feet	30 feet
Maximum Building Height	35 feet	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:

Uses	A-1 (existing)	R-1AA (proposed) / R-1AAA (recommended)
Permitted Uses	Single-family detached, 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.	Single-Family dwelling units, Community residential homes (group homes and foster care facilities), public and private elementary schools, and home office.
Special Exception Uses	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.	Churches with attendant educational and recreational buildings, public and private middle and high schools, parks, public utility and service structures, guest cottages, subdivision sewage treatment and water plants, assisted living facilities, and communication towers.
Minimum Lot Size	1-Acre	11,700 sq. ft. / 13,500 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)

	<p><b>LDR</b> Single-Family <i>R-1AAA</i> <i>(13,500 sq. ft. lots)</i></p>	<p><b>LDR</b> Single-Family <i>A-1</i> <i>(5+ acre lots)</i></p>	<p><b>LDR</b> Single-Family <i>Kenmure PUD</i> <i>(9,000 sq. ft. lots)</i></p>	
(West)	<p><b>LDR</b> Single-Family <i>R-1AAA</i> <i>(13,500 sq. ft. lots)</i></p>	<p><b>LDR</b> Single-Family <i>A-1</i></p>	<p><b>LDR</b> Single-Family <i>PUD</i> <i>(9,000 sq. ft. lots)</i></p>	(East)
	<p><b>LDR</b> Conservation <i>R-1AAA</i> <i>(13,500 sq. ft. lots)</i></p>	<p><b>SE</b> Single-Family <i>A-1</i> <i>(43,560 + sq. ft. lots)</i></p>	<p><b>SE</b> Single-Family <i>A-1</i> <i>(43,560 + sq. ft. lots)</i></p>	

(South)

- \* The lands south and southeast of the subject site are located within the Bear Gully Creek Area Plan.
- \* **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.

The Land Development Code requires the application of the Weighted Method for determining single-family residential compatibility within the LDR Future Land Use designation. Staff conducted the lot size compatibility analysis, as required by Section 30.1380.3 of the Land Development Code and Policy FLU 2.10 of the Vision 2020 Comprehensive Plan, and determined that the analysis does not support the requested rezone to R-1AA.

The calculations assign differing weights to the surrounding zoning districts according to permitted development intensities within those districts. For example, the R-1AA district requires a minimum lot size of 11,700 square feet, so its weight factor is 7, while A-1 requires one-acre lots and has a weight factor of 4. A-1 zoned properties in proximity to a proposed rezoning receive a base weight of 4, but additional points can be assigned if water, sewer, and paved roads are available, up to a maximum weight of 7. Weighting factors, together with the acreage of parcels within a 660-foot radius of the subject property, determine the “compatible” zoning for the subject property.

After running the lot size compatibility analysis for the proposed 10 ± acre rezone request to R-1AA, the results from the analysis indicated that R-1AAA may be a more suitable zoning district.

**SITE ANALYSIS:**

**ENVIRONMENTAL IMPACTS:**

*Floodplain Impacts:*

Based on FIRM map number 12117C0165E, there appears to be no floodprone areas on the subject property.

*Wetland Impacts:*

Based on preliminary aerial photo and County wetland map analysis, a portion of the site contains 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:*

A Threatened and Endangered (T&E) 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)1-2, 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:

<b>Public Facility</b>	<b>Existing Zoning (A-1)</b>	<b>Proposed Development (R-1AA)*</b>	<b>Net Impact</b>
Water (GPD)	3,500	10,150	6,650
Sewer (GPD)	3,000	8,700	5,700
Traffic (ADT)	96	278	182
Schools			
Elementary	2	7	5
Middle	1	3	2
High	1	4	3

- The Proposed Development is calculated on 20% of the property being dedicated for roads and retention and the proposed lot sizes of 11,700 square feet, for a total of 29 lots.

Public Facility	Existing Zoning (A-1)	Proposed Development (R-1AAA)*	Net Impact
Water (GPD)	3,500	8,750	5,250
Sewer (GPD)	3,000	7,500	4,500
Traffic (ADT)	96	239	143
Schools			
Elementary	2	6	4
Middle	1	3	2
High	1	3	2

- The Proposed Development is calculated on 20% of the property being dedicated for roads and retention and the proposed lot sizes of 15,500 square feet, for a total of 25 lots.

*Utilities:*

The site is located in the Seminole County Southeast Utility Service Area and will be required to connect to public utilities. There is currently a 12-inch water main on the west side of Brooks Lane and a 6-inch force main located on the east side of Brooks Lane. This project is located within the ten year master plan for reclaimed water, therefore, a separate irrigation system such as a shallow well will be required until reclaimed water becomes available.

*Transportation / Traffic:*

The property access is from Brooks Lane, which is classified as a local roadway. Brooks Lane is not currently programmed to be improved according to the County 5-year Capital Improvement Program. The applicant will be required to dedicate a 40' half right-of-way along the property frontage on Brooks Lane prior to final engineering approval.

*School Impacts:*

Based on the formulas provided by the Seminole County School District, the proposed zone change will generate approximately 14 school age children. This subject site is currently zoned for A-1, and will affect the following schools:

Schools Impacted	Proposed Impact	Current Capacity	05/06 Enrollment	Percent Capacity
Rainbow Elementary	7	705	912	129
Tuskawilla Middle	3	1389	1130	81
Lake Howell High	4	2487	2181	88

\* Based on R-1AA Zoning

Schools Impacted	Proposed Impact	Current Capacity	05/06 Enrollment	Percent Capacity
Rainbow Elementary	6	705	912	129
Tuskawilla Middle	3	1389	1130	81
Lake Howell High	3	2487	2181	88

\* Based on R-1AAA Zoning

*Public Safety:*

The nearest response unit to the subject property is Station # 27, which is located at 5280 Red Bug Lake Road. 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:*

The subject parcel is located within the Howell Creek Drainage Basin and contains some depressional areas (borrow pits). A significant amount of offsite runoff from the south contributes to the site and there is an existing drainage conveyance system on the eastern border of the property. Therefore, all of these factors must be accounted for in the drainage analysis at the time of final engineering.

*Parks, Recreation and Open Space:*

The applicant is required to provide 25% of the site in open space, per Section 30.1344 (Open Space Ratios and Design Guidelines) of the Seminole County LDC.

*Buffers and Sidewalks:*

Because this is a proposed residential project adjacent to both residential and agricultural zoning and Future Land Use Designations, no exterior buffers are required. Per the Seminole County LDC, the applicant will have to construct a sidewalk along their property frontage on Brooks Lane and on both sides of any internal roadways.

**APPLICABLE POLICIES:**

**FISCAL IMPACT ANALYSIS:**

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

**SPECIAL DISTRICTS:**

The subject property is not located within any special district or overlay.

**COMPREHENSIVE PLAN (VISION 2020):**

The following policies are applicable with the proposed project:

- 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:**

An intergovernmental notice to the Seminole County School Board was sent out.

**LETTERS OF SUPPORT OR OPPOSITION:**

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

**STAFF RECOMMENDATION:**

Staff recommends DENIAL of the request to rezone 10 ± acres, located on the east side of Brooks Lane approximately 0.42 miles south of Red Bug Lake Road, from A-1 (Agriculture) to R-1AA (Single-Family Dwelling),

However, after running the lot size compatibility analysis it appears that R-1AAA (Single-Family Dwelling) may be a more suitable zoning district, based on staff findings.

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 A-1 (AGRICULTURE) ZONING CLASSIFICATION THE R-1AA (SINGLE\_FAMILY DWELLING) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; 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 "Brooks Lane 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 (Agriculture) to R-1AA (Single-Family Dwelling):

**SEE ATTACHED EXHIBIT A**

**Section 3. EXCLUSION FROM CODIFICATION.** It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

**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 13th day of June 2006.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

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

**EXHIBIT A**  
**LEGAL DESCRIPTION**

**Parcel A**

The East 758.00 feet of the South  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of The Southwest  $\frac{1}{4}$ , less the South 20.00 feet and less the East 33.00 feet, Lying in Section 19, Township 21 South, Range 31 East, Seminole County, Florida.

**Parcel B**

The South  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , less The following described parcel: the East 758.00 feet of the South  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , less the South 20.00 feet And less the East 33.00 feet, lying in Section 19, Township 21 South, Range 31 East, Seminole County, Florida.

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 A-1 (AGRICULTURE) ZONING CLASSIFICATION THE R-1AAA (SINGLE\_FAMILY DWELLING) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; 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 Brooks Lane Rezone, dated May 3, 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 A-1 (Agriculture) to R-1AAA (Single-Family Dwelling):

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**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 13th day of June 2006.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

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

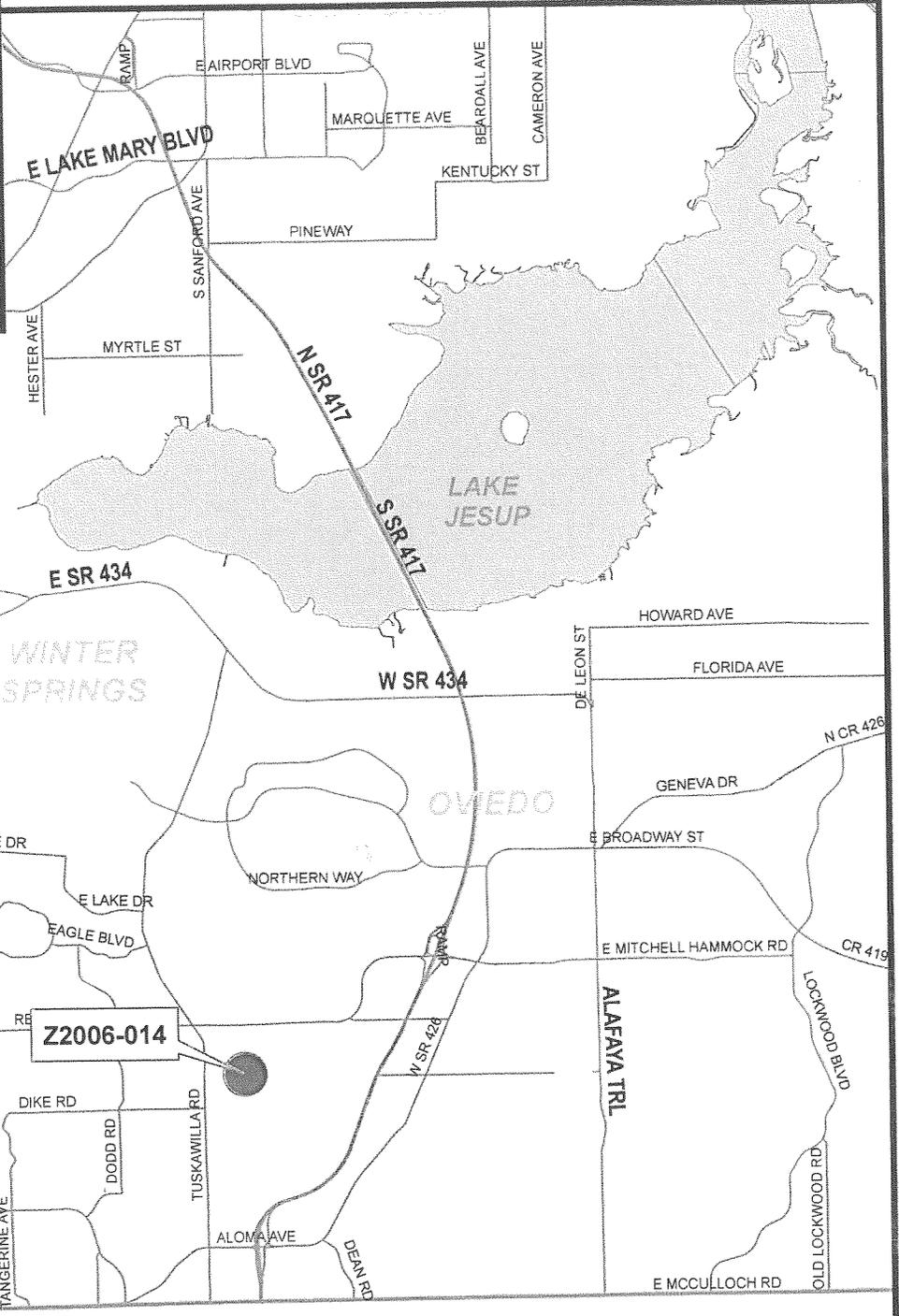
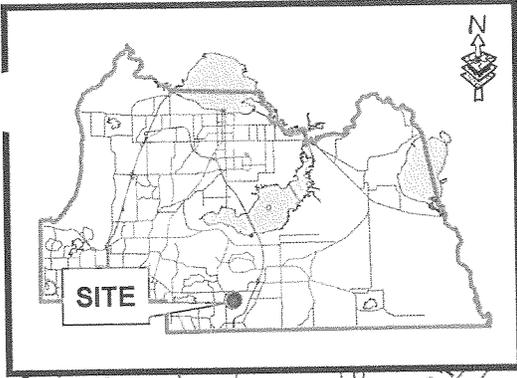
**EXHIBIT A**  
**LEGAL DESCRIPTION**

**Parcel A**

The East 758.00 feet of the South  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of The Southwest  $\frac{1}{4}$ , less the South 20.00 feet and less the East 33.00 feet, Lying in Section 19, Township 21 South, Range 31 East, Seminole County, Florida.

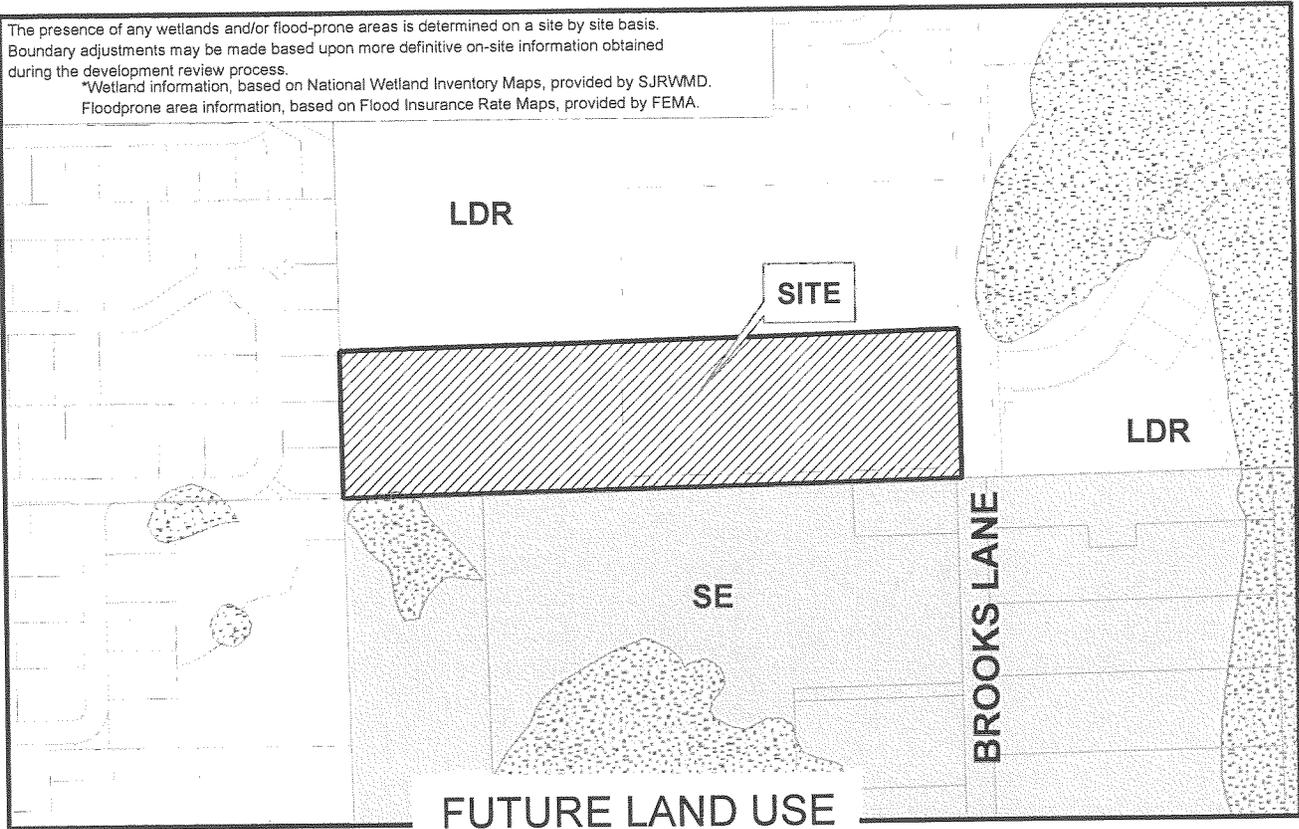
**Parcel B**

The South  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , less The following described parcel: the East 758.00 feet of the South  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , less the South 20.00 feet And less the East 33.00 feet, lying in Section 19, Township 21 South, Range 31 East, Seminole County, Florida.



ORANGE COUNTY

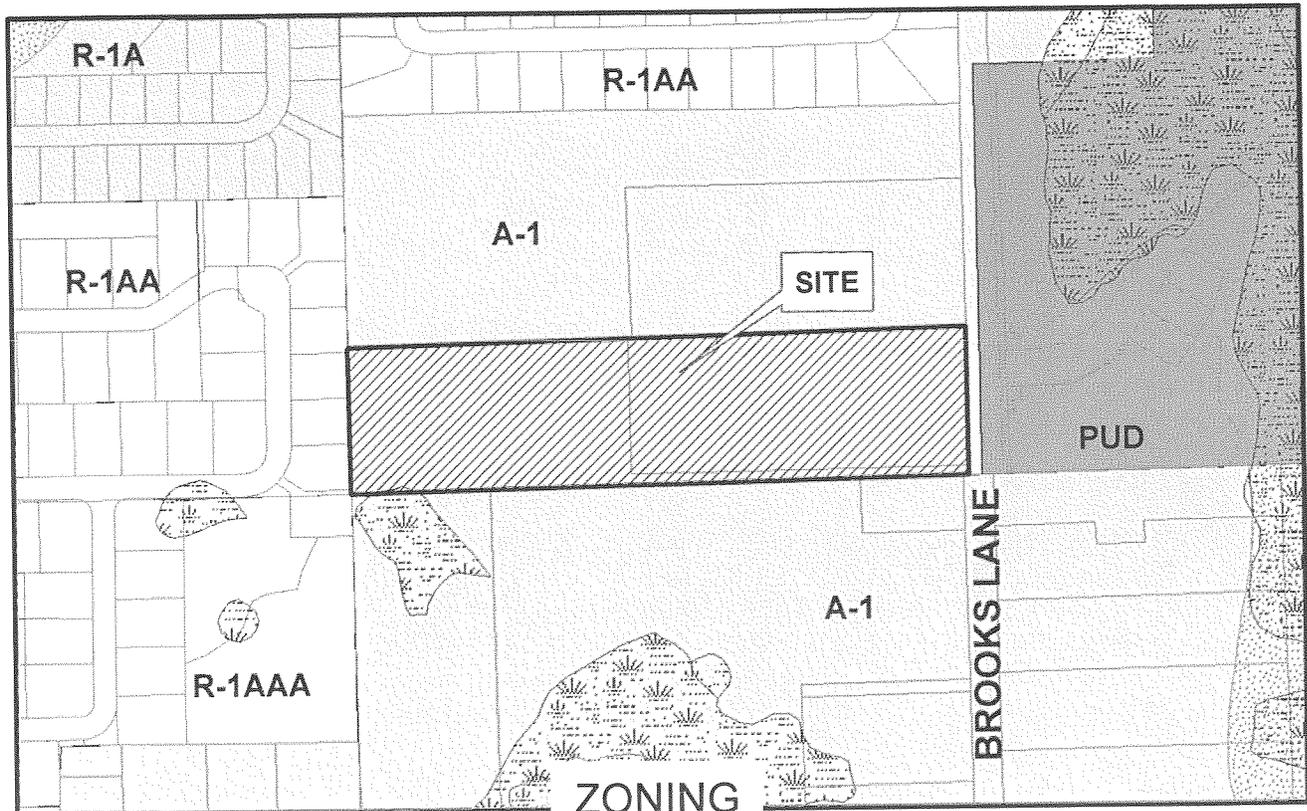
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.  
 Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.  
 \*Wetland information, based on National Wetland Inventory Maps, provided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



Site    Municipality    LDR    SE    CONS

Applicant: Jay Barfield  
 Physical STR: 19-21-31-300-0080-0000 and 008E-0000  
 Gross Acres: 9.95    BCC District: 1  
 Existing Use: Existing Home  
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2006-014	A-1	R-1AA



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



Rezone No: Z2006-014  
From: A-1 To: R-1AA

-  Parcel
-  Subject Property



January 2004 Color Aerials