

ITEM # _____

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

SUBJECT: Red Bug Lake Road Town Homes Rezone from A-1 (Agriculture) to R-3A (Multiple-Family Dwelling)

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

AUTHORIZED BY: Tony Walter **CONTACT:** Benjamin Dunn EXT 7440

Agenda Date <u>6/7/06</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 19 ± acres, located on the south side of Red Bug Lake Road, east of SR 436 on the north side of Lake Howell, from A-1 (Agriculture) to R-3A (Multiple-Family Dwelling), based on staff findings (Curt Cogan, applicant); or
2. **RECOMMEND DENIAL** of the request to rezone 19 ± acres, located on the south side of Red Bug Lake Road, east of SR 436 on the north side of Lake Howell, from A-1 (Agriculture) to R-3A (Multiple-Family Dwelling), based on staff findings (Curt Cogan, 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 19 ± acres, located on the south side of Red Bug Lake Road, east of SR 436 on the north side of Lake Howell, from A-1 (Agriculture) to R-3A (Multiple-Family Dwelling) to develop a town house neighborhood. The requested zoning allows multi-family development up to a maximum of 10 dwelling units per net buildable acre. The Future Land Use designation of the subject property is MDR (Medium Density Residential), which is consistent with the proposed zoning district.

Reviewed by: Co Atty: _____ DFS: _____ OTHER: _____ DCM: _____ CM: _____ File No. <u>Z2005-28</u>
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Red Bug Lake Road Townhomes Rezone

Rezone from A-1 to R-3A

APPLICANT	Curt Cogan	
PROPERTY OWNER	Red Bug LLC	
REQUEST	Rezone from A-1 (Agriculture) to R-3A (Multiple-Family Dwelling)	
PROPERTY SIZE	19 ± acres	
HEARING DATE (S)	P&Z: June 7, 2006	BCC: July 25, 2006
PARCEL ID	21-21-30-300-013A,014A,0140,0150-0000 22-21-30-300-011A, 0110-0000	
LOCATION	Located on the south side of Red Bug Lake Road, east of SR 436 on the north side of Lake Howell	
FUTURE LAND USE	MDR (Medium Density Residential)	
ZONING	A-1 (Agriculture)	
FILE NUMBER	Z2005-28	
COMMISSION DISTRICT	#1 – Dallari	

Proposed Development:

The applicant is requesting to develop a 120-unit townhouse neighborhood.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant is requesting to rezone 19 ± acres, located on the south side of Red Bug Lake Road, east of SR 436 on the north side of Lake Howell, from A-1 (Agriculture) to R-3A (Multiple-Family Dwelling) to develop a townhouse neighborhood. The requested zoning allows multi-family development up to 10 dwelling units per net buildable acre with Board of County Commission approval. The Future Land Use designation of the subject property is MDR (Medium Density Residential), which supports the applicant's request.

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (R-3A)
Minimum Lot Size	43,560 square feet	N/A
Minimum House Size	N/A	1,200 sq. ft
Minimum Width at Building Line	150 feet	N/A
Front Yard Setback	50 feet	(One/Two Story) 25 feet/35 feet
Side Yard Setback	10 feet	(One/Two Story) 25 feet/35 feet
(Street) Side Yard Setback	50 feet	(One/Two Story) 25 feet/35 feet
Rear Yard Setback	30 feet	(One/Two Story) 25 feet/35 feet
Maximum Building Height	35 feet	35 feet

COMPATIBILITY WITH SURROUNDING PROPERTIES:

The proposed development is located within the Medium Density Residential (MDR) Future Land Use designation, which is consistent with the R-3A rezone request. The Deer Run PD to the north consists of single-family homes and multi-family. The property to the west is in the City of limits of Casselberry and has a zoning of R-9, which is designated as Low Density Single-Family.

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

(North)

	Deer Run PD <i>PUD</i> Red Bug Lake Road Patio Homes/ Multi-Family	Deer Run PD <i>PUD</i> Red Bug Lake Road Patio Homes/ Multi-Family	Deer Run PD <i>(City)</i> Red Bug Lake Road/ Multi-Family	
(West)	MDR <i>City (R-9 Zoning)</i> Church	MDR <i>A-1</i> Single-Family	MDR <i>A-1</i> Single-Family	(East)
	LDR <i>A-1</i> Lake Howell	LDR <i>A-1</i> Single-Family/ Lake Howell	LDR <i>A-1</i> Lake Howell	

(South)

Example:

Future Land Use
<i>Existing Zoning</i>
Existing Use

* **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 12117C0140E and 12117C0145E, the southern portion of the site lies in floodzone AE (with base flood elevation of 56.6' according to the FEMA FIS for this location). If any construction and retention occurs within this area a LOMR/LOMA/CLOMR application to FEMA must be submitted 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 27 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
Sterling Park Elementary	14	501	665	133
South Seminole Middle	6	1310	1197	91
Lake Howell High	7	2487	2181	88

* Based on the proposed 120-unit Development Plan

Public Safety:

The nearest response unit to the subject property is Station # 25, which is located on Red Bug Lake Road just east of SR 436. The County Level-Of-Service standard for response time is 5 minutes per Policy PUB 2.1 of the Comprehensive Plan. This project is in compliance with the standard public safety response time.

Drainage:

The subject parcel is located within the Howell Creek Drainage Basin, which is an open basin. A drainage analysis will be required prior to final engineering approval.

Parks, Recreation and Open Space:

In accordance with Section 30.250 of the Land Development Code, the applicant will be required to provide 25% open space within the development. The Development Plan indicates that the project contains 46% open space.

Buffers and Sidewalks:

The applicant is providing a 10-foot landscape buffer along the western, eastern and northern property lines. Additionally, the northern property line will also consist of a 6-foot high brick or masonry wall. The proposed clubhouse on the south portion of the property will consist of a 25-foot setback with a brick or masonry wall from the adjacent property to the west. The brick or masonry wall will run from Lake Howell north to the project's internal roadway and then west to the edge of the property line linking up with the 10-foot landscape buffer.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS:

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

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 (AGRICULTURE) DISTRICT THE R-3A (MULTIPLE-FAMILY DWELLING) DISTRICT ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR EXCLUSION FROM CODIFICATION; 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 "Red Bug Lake Road Townhomes Rezone to R-3A."

(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) district to R-3A (Multiple-Family Dwelling) district:

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

**EXHIBIT A
LEGAL DESCRIPTION**

A PORTION OF SECTION 21 AND 22, TOWNSHIP 21 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE EAST 1/4 CORNER OF SAID SECTION 21-21-30; THENCE ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 21-21-30 **SOUTH 00°59'26" WEST**, A DISTANCE OF **50.01 FEET** TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST LINE ALONG THE SOUTH RIGHT OF WAY LINE OF RED BUG ROAD **SOUTH 88°03'35" EAST**, A DISTANCE OF **109.99 FEET**; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE **SOUTH 00°59'38" WEST**, A DISTANCE OF **299.43 FEET**; THENCE **NORTH 87°52'49" WEST**, A DISTANCE OF **130.01 FEET**; THENCE **SOUTH 00°59'40" WEST**, A DISTANCE OF **340.00 FEET**; THENCE **SOUTH 87°52'48" EAST**, A DISTANCE OF **130.01 FEET**; THENCE **SOUTH 00°59'38" WEST**, A DISTANCE OF **1,290.48 FEET**; THENCE **NORTH 88°03'19" WEST**, A DISTANCE OF **110.01 FEET**; THENCE **NORTH 87°53'43" WEST**, A DISTANCE OF **219.46 FEET**; THENCE **NORTH 00°59'10" EAST**, A DISTANCE OF **731.82 FEET**; THENCE **NORTH 87°58'30" WEST**, A DISTANCE OF **199.37 FEET**; THENCE **NORTH 00°59'10" EAST**, A DISTANCE OF **1,198.48 FEET** TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF RED BUG LAKE ROAD; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE **SOUTH 87°52'49" EAST**, A DISTANCE OF **419.11 FEET** TO THE POINT OF BEGINNING.

CONTAINING 19.07 ACRES (830,672 SQUARE FEET), MORE OR LESS.

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

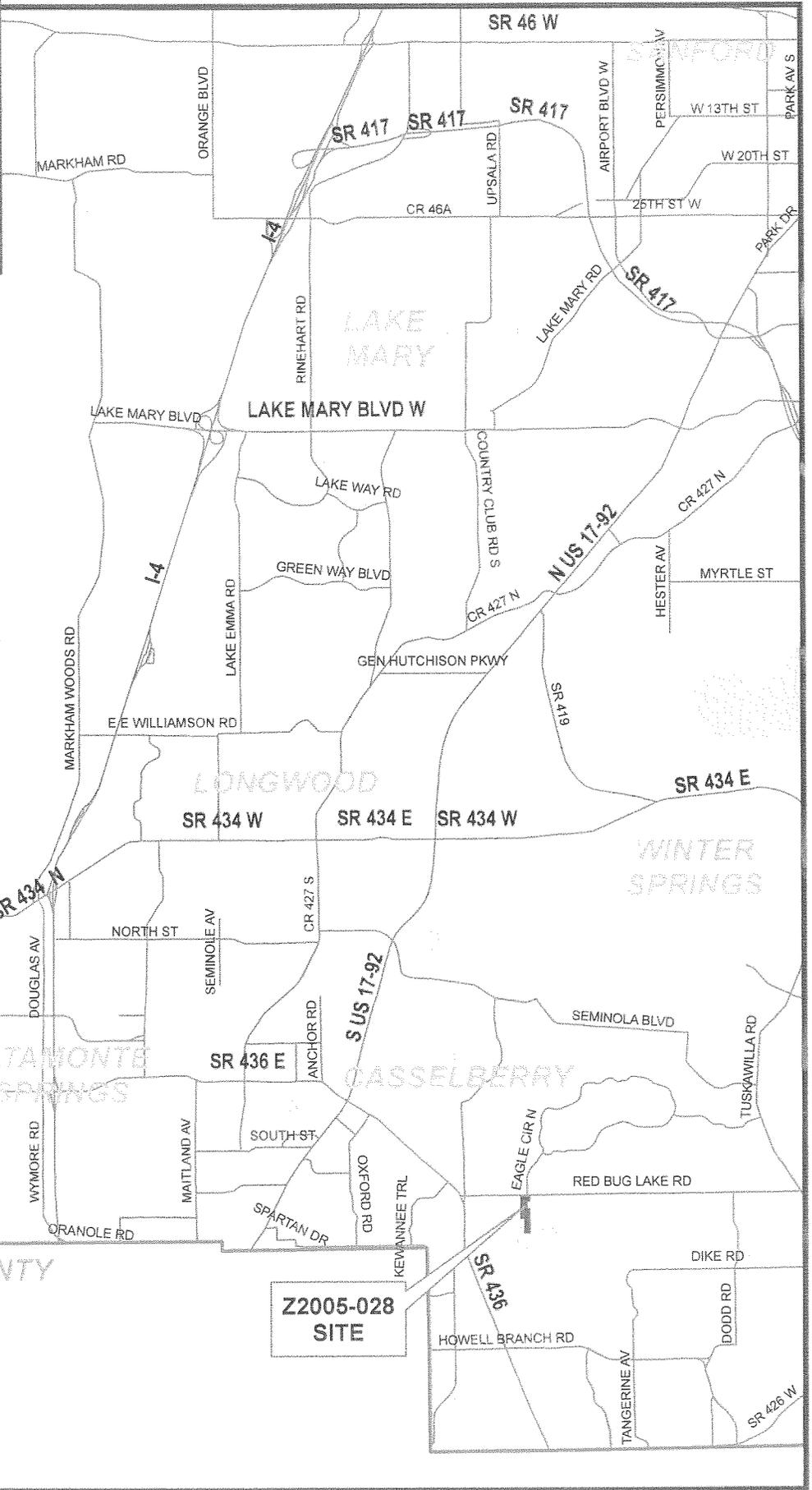
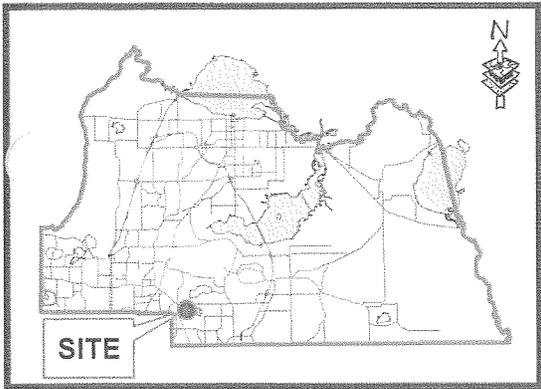
- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development's approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

Standard Conditions:

- a. All development shall comply with the Development Plan attached as Exhibit B.
- b. All townhouse units shall be located on individual platted lots.
- c. The maximum building height shall be two stories, not to exceed 35'.
- d. In accordance with Section 30.1344 of the Land Development Code, a minimum of twenty-five (25) percent of the project area must be designated as useable open space per the requirements of the Land Development Code.
- e. A 35' building setback shall apply along all property boundaries.
- f. Accessory structures shall be prohibited on the individual townhouse lots.
- g. Permitted uses shall be fee-simple townhouse units, home offices, home occupations, and customary recreational facilities for the use of the residents.
- h. All landscape buffers and common areas shall be maintained by a homeowners association.
- i. The development shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside the development.
- j. Sidewalks shall be required on both sides of the internal streets.
- k. Converting garages to living space shall be prohibited.
- l. Storage of RVs and boats on the site shall be prohibited.
- m. Guest parking shall be provided at a minimum rate of 1 space per 3 dwelling units in addition to the required two spaces per dwelling unit.

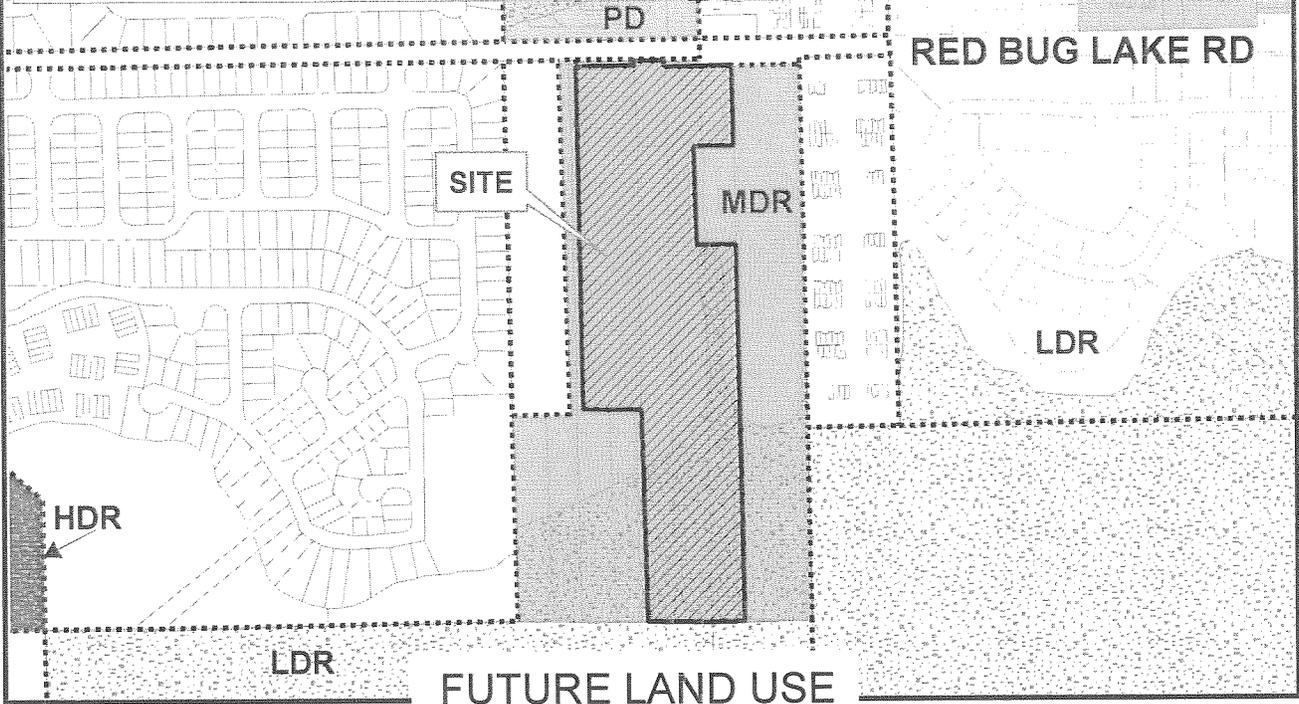
Project Specific Conditions:

- a. The project shall be developed at a maximum density of 10 dwelling units per net buildable acre, not to exceed 120 townhouse units.
- b. In accordance with Section 30.1344 of the Land Development Code, a minimum of twenty-five (25) percent of the project area must be designated as useable open space per the requirements of the Land Development Code.
- c. A 35' building setback shall apply along all property boundaries.
- d. A 25' building setback shall apply for the one story clubhouse.
- e. The minimum living space for each townhouse shall be 1,200 sq. ft.
- f. Any traffic signal modifications that are required at the project entrance/exit shall be paid for by the developer.



**Z2005-028
SITE**

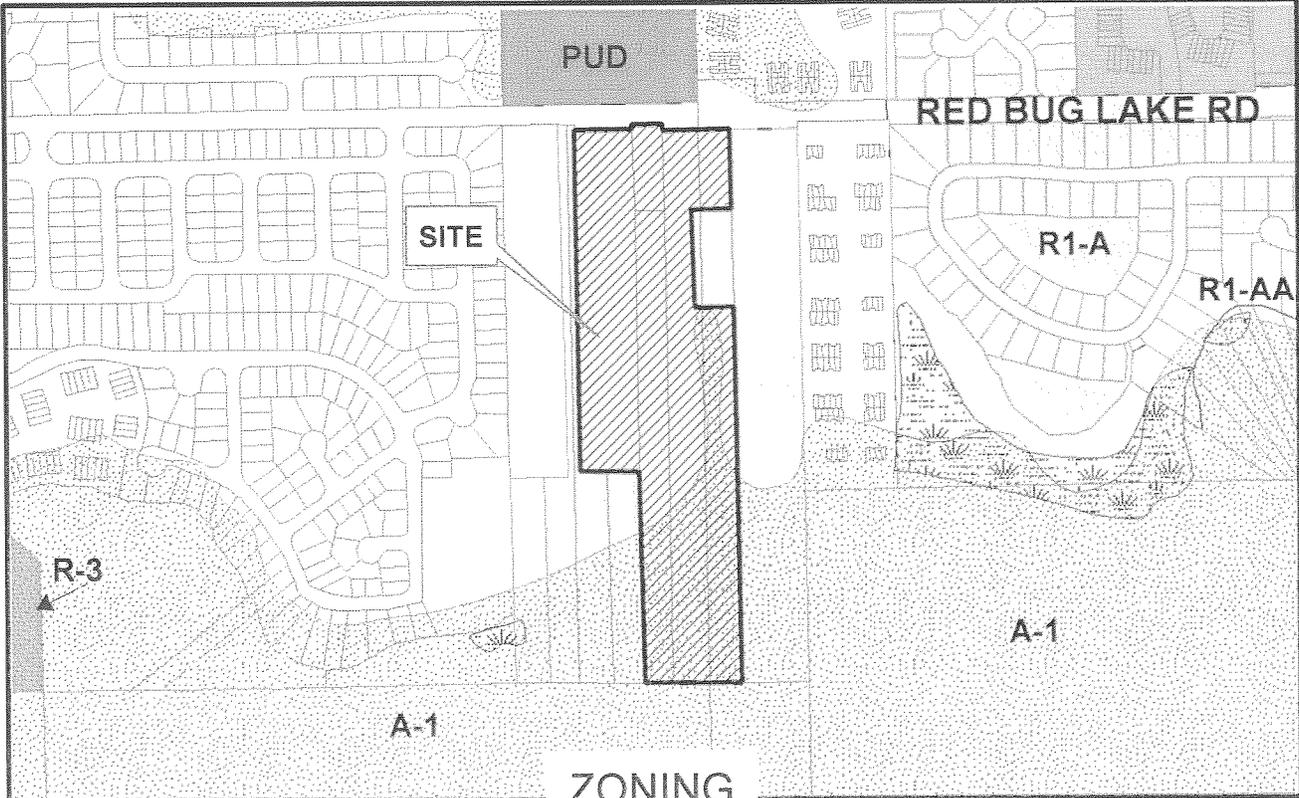
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.
 Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.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



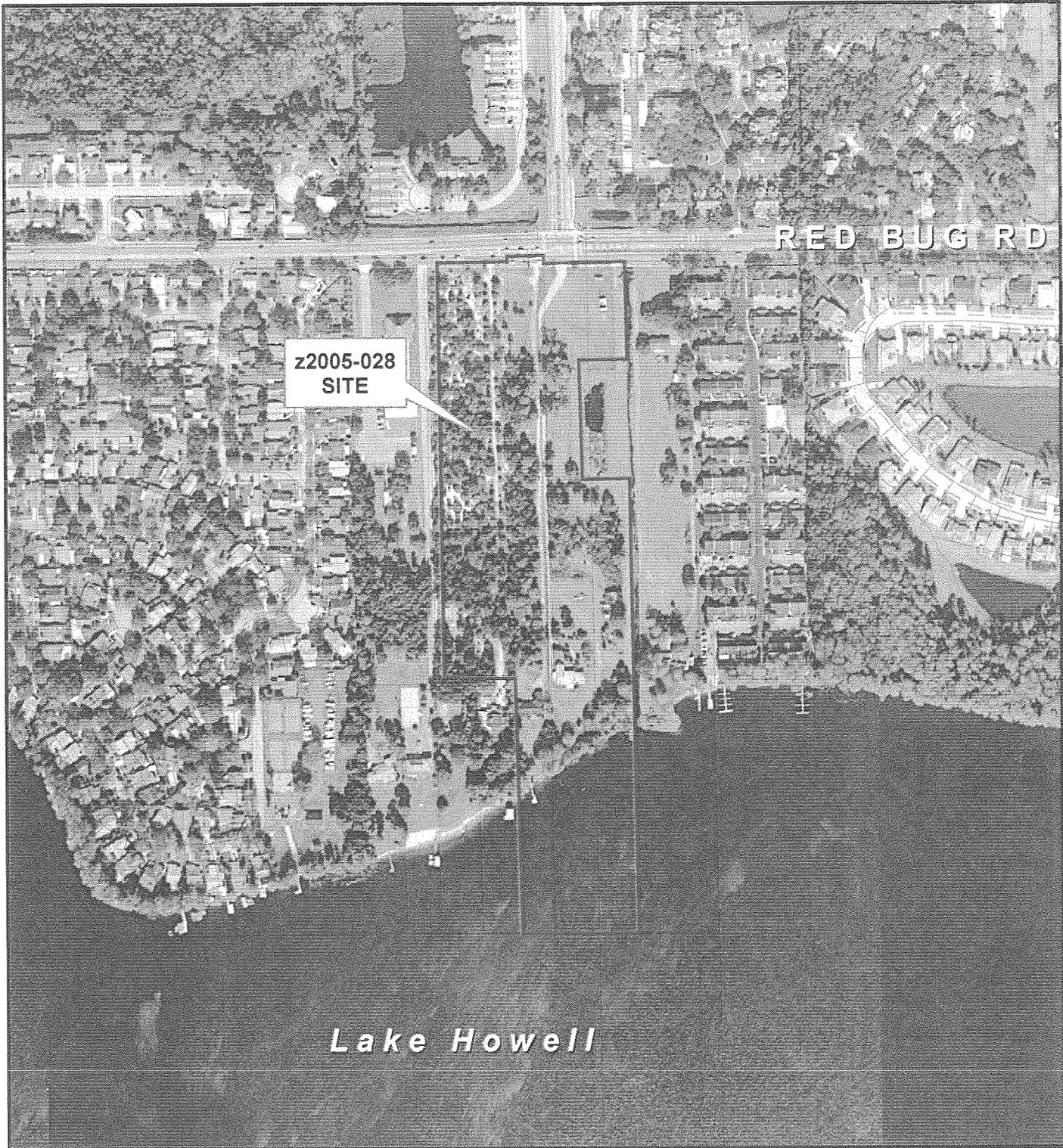
Site
 Municipality
 LDR
 MDR
 HDR
 PD
 CONS

Applicant: Curt Cogan
 Physical STR: part of 20-20-30-300-016A & 017A
 Gross Acres: 19.6 +/- BCC District: 1
 Existing Use: Vacant/ Residential
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2005-028	A-1	R-3A



A-1
 PUD
 R-1A
 R-1AA
 R-3
 R-3A
 FP-1
 W-1



**z2005-028
SITE**

RED BUG RD

Lake Howell

Rezone No: Z2005-028
From: A-1 To: R-3A

-  Parcel
-  Subject Property



January 2004 Color Aerials