

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

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

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

AUTHORIZED BY: Tony Walter **CONTACT:** April Boswell *AB* **EXT.** 7339

Agenda Date <u>9/6/06</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 15.6 ± acres, located on the west side of Brooks Lane approximately 0.42 miles south of Red Bug Lake Road, from A-1 (Agriculture) to R-1AAA (Single-Family Dwelling), based on staff findings, (Jay Barfield); or
2. **RECOMMEND DENIAL** of the request to rezone 15.6 ± acres, located on the west side of Brooks Lane approximately 0.42 miles south of Red Bug Lake Road, from A-1 (Agriculture) to R-1AAA (Single-Family Dwelling), (Jay Barfield, applicant); or
3. **CONTINUE** the item to a time and date certain.

District #1 – Commissioner Dallari

April Boswell, Assistant Planning Manager

BACKGROUND:

The applicant is requesting to rezone 15.6 ± acres located on the west side of Brooks Lane, approximately 0.4 miles south of Red Bug Lake Road, from A-1 (Agriculture) to R-1AAA (Single-Family Dwelling), in order to develop a single-family subdivision. R-1AAA (Single-Family Dwelling) requires a minimum lot size of 13,500 sq. ft. The Future Land Use Designation of the subject property is Low Density Residential (LDR), which allows the requested zoning district. The Seminole County Land Development Code (LDC)

Reviewed by:
Co Atty: <u>KPI</u>
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. <u>Z2006-53</u>

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 supports the requested R-1AAA zoning classification. 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.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone 15.6 ± acres, located on the west side of Brooks Lane approximately 0.4 miles south of Red Bug Lake Road, from A-1 (Agriculture) to R-1AAA (Single-Family Dwelling).

Attachments:

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

Brooks Lane Rezone

Rezone from A-1 to R-1AAA

APPLICANT	Jay Barfield	
PROPERTY OWNER	Edwin Fernandez, Vissette, Walid & Cassia Akkwi, Mary Cina	
REQUEST	Rezone from A-1 (Agriculture) to R-1AAA (Single-Family Dwelling)	
PROPERTY SIZE	15.6 ± acres	
HEARING DATE (S)	P&Z: September 6, 2006	BCC: September 26, 2006
PARCEL ID	19-21-31-300-0080-0000, 19-21-31-300-008E-0000, 19-21-31-300-008B-0000	
LOCATION	West side of Brooks Lane approximately 0.4 miles south of Red Bug Lake Road.	
FUTURE LAND USE	LDR (Low Density Residential)	
ZONING	A-1 (Agriculture)	
FILE NUMBER	Z2006-53	
COMMISSION DISTRICT	#1 – Dallari	

Proposed Development:

The applicant is requesting to rezone 15.6 ± acres from A-1 (Agriculture) to R-1AAA (Single-Family Dwelling), in order to develop a single-family subdivision.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant is requesting to rezone 15.6 ± acres located on the west side of Brooks Lane approximately 0.4 miles south of Red Bug Lake Road from A-1 (Agriculture) to R-1AAA (Single-Family), in order to develop a single-family subdivision. The R-1AAA zoning requires a minimum lot size of 13,500 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-1AAA (Single-Family).

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

Brooks Lane Rezone

Rezone from A-1 to R-1AA

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PROPERTY OWNER	Edwin Fernandez, Vissette, Walid & Cassia Akkwi, Mary Cina	
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ZONING	A-1 (Agriculture)	
FILE NUMBER	Z2006-53	
COMMISSION DISTRICT	#1 – Dallari	

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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-1AAA (proposed)
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	13,500 sq. ft.

COMPATIBILITY WITH SURROUNDING PROPERTIES:

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 supports the requested R-1AAA zoning district.

The lot size compatibility analysis required per LDC Sec. 30.1380.3 revealed that R-1AAA is a compatible zoning district in the LDR Future Land Use designation. However, the R-1AAA district will be adjacent to property to the south with a Future Land Use designation of SE and A-1 zoning district, which will require a 35-foot buffer (tract or easement) to be placed on the entire length of the southern property line of the project site, per Sec 30.1380.3(h)(1) and (2)(A).

The 35-foot buffer referenced above must also comply with the additional requirements of Sec 30.1380.3(h), which include:

- One canopy tree planted every 25 feet on center within the buffer
- Requirements for maintenance of the buffer tract or easement and trees shall be incorporated into the covenants and restrictions and be made the responsibility of a homeowners' association
- Alternate methods to the buffering and tree planting requirements may be proposed along the boundary line for mitigation impacts on adjacent properties. This may include creation or dedication of wetland areas, maintenance of substantial vegetation, installation of a wall, or similar proposals. Any form of alternate mitigation shall be subject to approval by the Board of County Commissioners during the rezoning public hearing or the platting process.
- Individual lot lines abutting the 35-foot buffer/easement shall have the lot setbacks measured from the inner edge of the buffer/easement. For example, this equates to an individual lot with a 30-foot rear setback plus the 35-foot buffer/easement, resulting in the principal building located no closer than 65 feet to the south project site boundary.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS:

Floodplain Impacts:

Based on FIRM map 12117C0145E, with an effective date of April 17, 1995, there appears to be no 100-year floodplains on the subject property. The site is also not in the 100-year floodplain per preliminary updated FEMA DFIRMs.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be wetlands associated with ponds on 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:

Based on a preliminary analysis, there are not 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)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:

Public Facility	Existing Zoning (A-1)	Proposed Development (R-1AAA)*	Net Impact
Water (GPD)	3,500	12,600	9,100
Sewer (GPD)	3,000	10,800	4,500
Traffic (ADT)	96	345	249

- The Proposed Development is calculated on 27% of the property being dedicated for roads and retention, the required 35-foot buffer and the proposed lot sizes of 13,500 square feet, for a total of 36 lots.

Utilities:

The site is located in the Seminole County Utility Service Area, and will be required to connect to public utilities. There is a 12-inch water main on the west side of Brooks Lane and a 6-inch force main on the east side of Brooks Lane. The subject property is in the ten-year master plan for reclaimed water.

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 17 school age children. The Seminole County Public School District has prepared an analysis regarding impacts resulting from recently platted residential developments that are zoned for the same schools as the subject property, but are not yet included in school capacity numbers. This analysis is included as an attachment to this report.

Public Safety:

The nearest response unit to the subject property is Station # 27, which is located at 5280 Red Bug Lake Road. The County Level-Of-Service standard for response time is 5 minutes per Policy PUB 2.1 of the Comprehensive Plan. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is less than 5 minutes.

Drainage:

The proposed project is located within the Howell Creek Drainage Basin, and may have limited downstream capacity. At a minimum, the site will have to be designed to attenuate the 25 year/24 hour pre-post runoff rate difference. Downstream constraints may require additional retention, to be determined with the final engineering submittal.

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:

A 35-foot buffer (tract or easement) is required along the entire length of the southern property line of the project site, per Sec 30.1380.3(h)(1) and (2)(A).

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 FLU 2.10: Determination of Compatibility in the Low Density Residential
Future Land Use Designation
- Policy POT 4.5: Potable Water Connection
- Policy PUB 2.1: Public Safety Level-of-Service
- Policy SAN 4.4: Sanitary Sewer Connection

INTERGOVERNMENTAL NOTIFICATION:

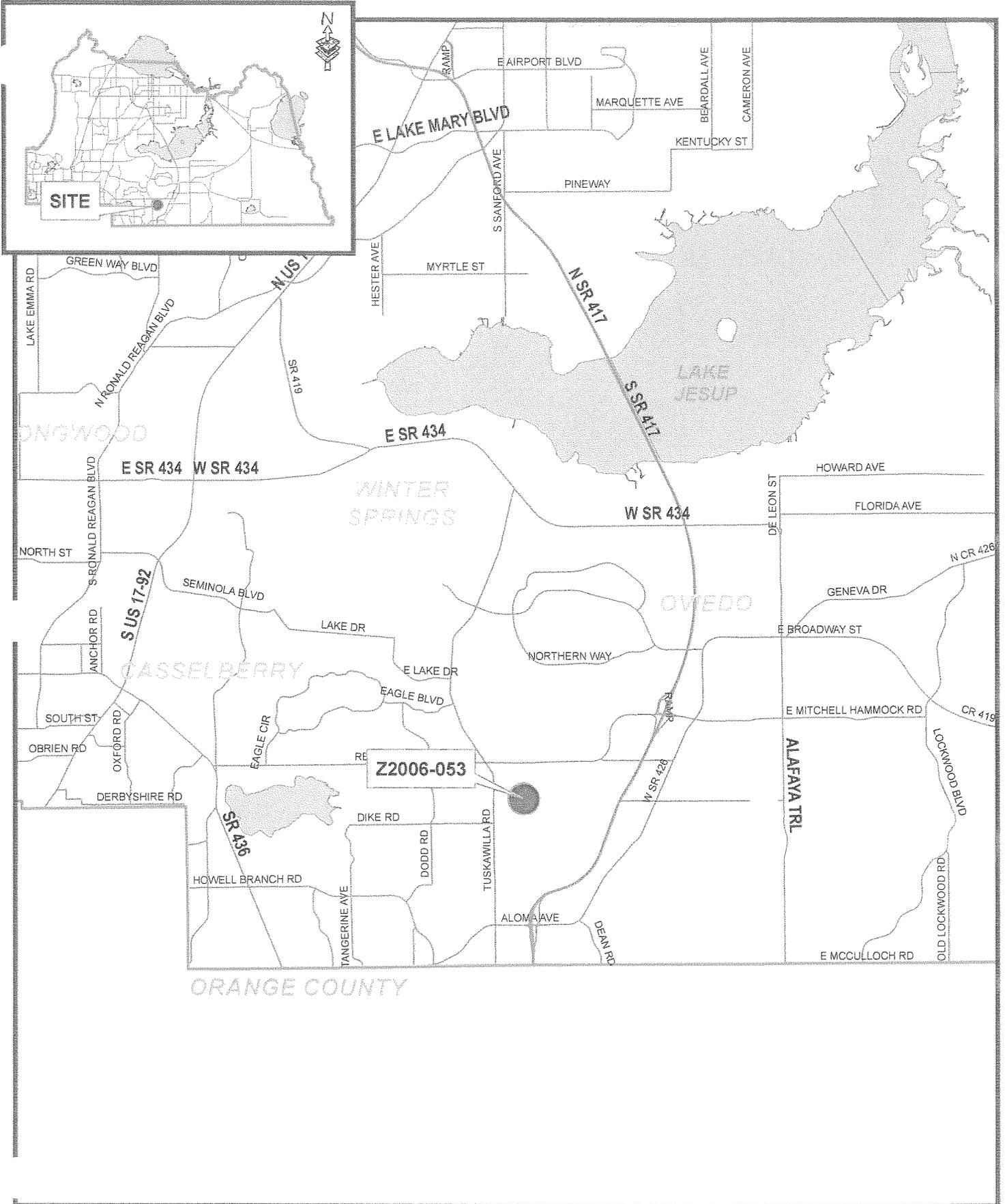
An intergovernmental notice to the Seminole County School Board was sent on August 29, 2006.

LETTERS OF SUPPORT OR OPPOSITION:

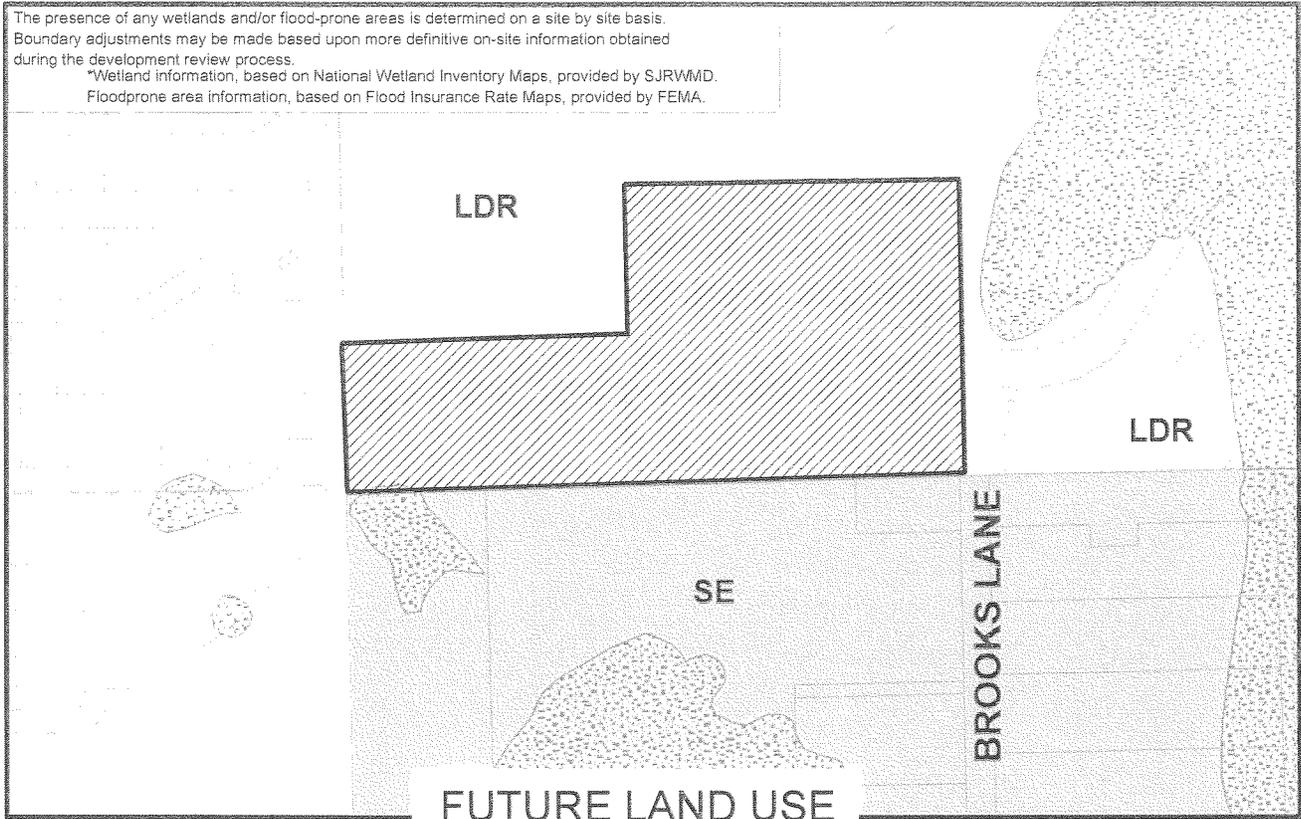
At this time, Staff has received no letters of support or opposition.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone 15.6 ± acres, located on the west side of Brooks Lane approximately 0.4 miles south of Red Bug Lake Road, from A-1 (Agriculture) to R-1AAA (Single-Family Dwelling).



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.

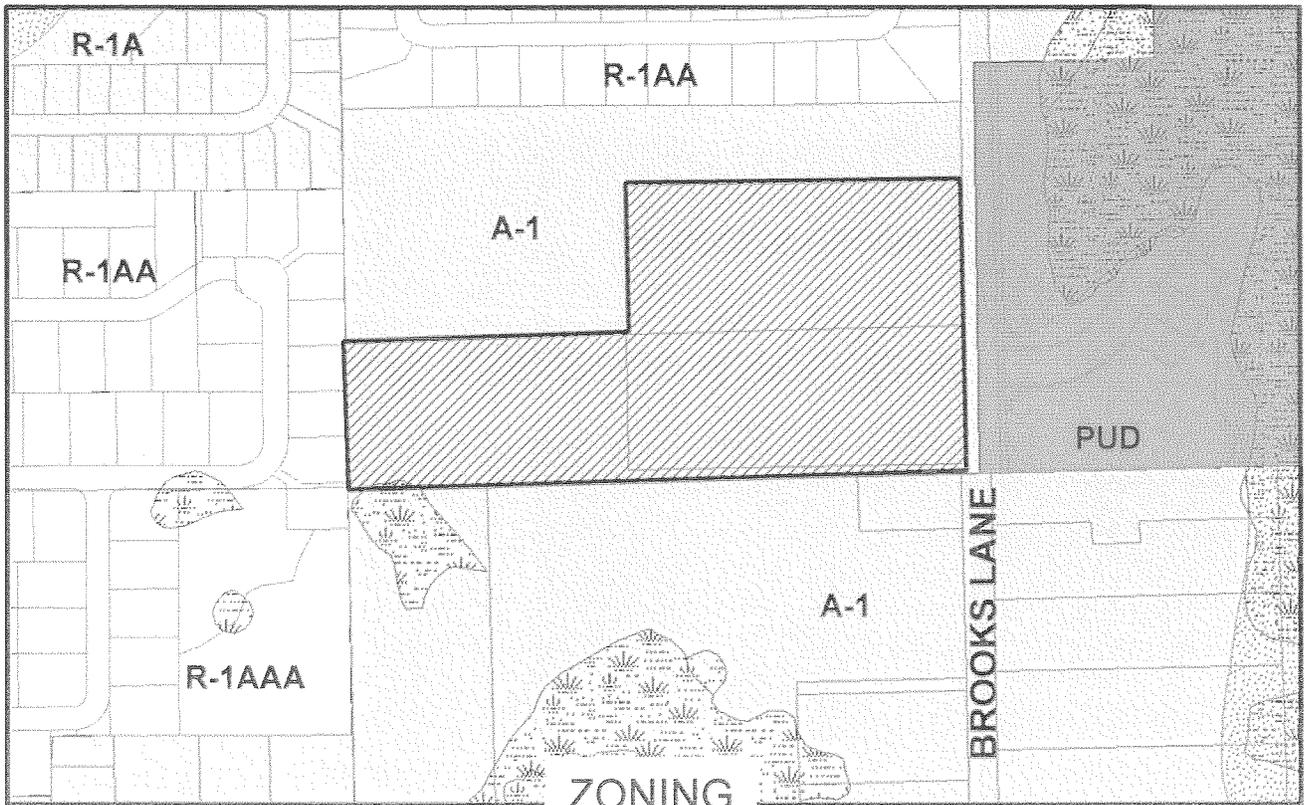


FUTURE LAND USE

Site
 Municipality
 LDR
 SE
 CONS

Applicant: Jay Barfield
 Physical STR: 19-21-31-300-0080 & 008E & 008B-0000
 Gross Acres: 15.46+/- BCC District: 1
 Existing Use: Existing Home
 Special Notes: None

	Amend/ Rezoning#	From	To
FLU	--	--	--
Zoning	Z2006-053	A-1	R-1AAA



ZONING

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



Rezone No: Z2006-053
From: A-1 To: R-1AAA

-  Parcel
-  Subject Property



Winter 2006Color Aerials

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."

(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):

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 upon filing a copy of this Ordinance with the Florida Department of State by the Clerk of the Board of County Commissioners.

ENACTED this 26th day of September 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT A
LEGAL DESCRIPTION

Parcel 1

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 2

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 the east 33.00 feet lying in section 19, township 21 south range 31 east, Seminole County, Florida.

Parcel 3

The north $\frac{1}{2}$ of the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 19, Township 21, South, Range 31 East, LESS the East 33 feet thereof reserved for road right of way. Public records of Seminole County, Florida, LESS AND EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL:

Begin at the Southwest corner of Section 19, Township 21 South, Range 31 East, Run North along West line of Section 19, Township 21 South, Range 31 East 329.41 feet to the point of beginning. Run thence North along West line of Section 19, Township 21 South, Range 31 East, a distance of 488 feet, thence East 1392 feet to center line of Brooks Road, said point being 485 feet South of the Northeast corner of Southwest Quarter of Southwest Quarter of Section 19, Township 21 South, Range 31 East, Run thence South along center line of Brooks Lane 165 feet, thence West parallel to the North line 747 feet, thence South 321 feet, thence West 646 feet to the point of beginning. (Less the East 33 feet of the North 165 feet for Brooks Lane.)