

ITEM # _____

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

SUBJECT: SR 46 / Gren Small Scale Land Use Amendment

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

AUTHORIZED BY: Tina Williamson **CONTACT:** Ian Sikonia **EXT.** 7398

Agenda Date 5/02/07 Regular Work Session Briefing
Special Hearing – 6:00 Public Hearing – 7:00

MOTION/RECOMMENDATION:

1. **RECOMMEND APPROVAL** of a Small Scale Land Use Amendment from PUBC (Public) to SE (Suburban Estates), for 6.74± acres located on the north side of SR 46, approximately ½ mile west of the intersection of Lake Markham Road and SR 46, based on staff findings (Paul Gren, applicant); or
2. **RECOMMEND DENIAL** of a Small Scale Land Use Amendment from PUBC (Public) to SE (Suburban Estates), for 6.74± acres located on the north side of SR 46, approximately ½ mile west of the intersection of Lake Markham Road and SR 46, (Paul Gren, applicant); or
3. **CONTINUE** the public hearing until a time and date certain.

District 5 – Commissioner Carey

Ian Sikonia, Senior Planner

BACKGROUND:

On January 24, 1989 the Board of County Commissioners approved a land exchange, which involved exchanging ownership of the subject property that was owned by the County, for a privately owned piece of property on the north side of Yankee Lake. The Land Exchange was executed because the County wanted to have all the land on the north side of Yankee Lake as County-owned property. The Future Land Use designation should have been amended from PUBC at that time, to reflect that the subject property was no longer under public ownership. However, historic land records indicate that it was not amended.

Reviewed by: _____
Co Atty: <u>KS</u>
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. <u>Z 2007-13</u>

At this time the applicant is requesting to amend the Future Land Use from PUBC (Public) to SE (Suburban Estates) to construct single-family homes on the property. The Public Future Land Use designation as defined in the Vision 2020 Comprehensive Plan does not allow for privately owned uses and the proposed amendment would bring the subject property into compliance with the Comprehensive Plan.

STAFF RECOMMENDATION:

Staff recommends approval of a Small Scale Land Use Amendment from PUBC (Public) to SE (Suburban Estates), for 6.74± acres located on the north side of SR 46, approximately ½ mile west of the intersection of Lake Markham Road and SR 46, based on staff findings.

Attachments:

Location Map
FLU/Zoning Map
Aerial Photo
Survey
Small Scale Ordinance
Denial Development Order (applicable if the request is denied)
School Capacity Analysis

SR 46 Land Use Change

Rezone from PUB to SE

APPLICANT	Paul Gren	
PROPERTY OWNER	Kenneth and Lawanda Sandon	
REQUEST	Land Use Amendment from PUB (Public) to SE (Suburban Estates)	
PROPERTY SIZE	6.74 ± acres	
HEARING DATE (S)	P&Z: May 2, 2007	BCC: June 26, 2007
PARCEL ID	22-19-29-300-002B-0000	
LOCATION	On the north side of SR 46, approximately ½ mile west of the intersection of Lake Markham Road and SR 46.	
FUTURE LAND USE	PUBC (Public)	
ZONING	A-1 (Agriculture) district	
FILE NUMBER	Z2007-13	
COMMISSION DISTRICT	#5 – Carey	

PROPOSED DEVELOPMENT:

The applicant would like to develop single-family homes on the property. The subject property is located within the Wekiva River Protection Area and is zoned A-1 (Agriculture). The Wekiva River Protection Area regulations and A-1 zoning standards limit the density on the subject property to one dwelling unit per net buildable acre.

ANALYSIS OVERVIEW:

COMPATIBILITY WITH SURROUNDING PROPERTIES

Staff has reviewed the proposed Land Use Change and has determined that it is compatible with surrounding properties because of the rural nature of the area and the sensitivity of the Wekiva River Protection Area. The Future Land Use to the north and west is Public, to the east is Suburban Estates Land Use, and to the south across SR 46 is also Suburban Estates Land Use. The property to the north and west is part of the Seminole County owned Yankee Lake complex, to the east is vacant land, and to the south is the Bella Foresta subdivision. The surrounding lot sizes adjacent to the subject site range from one acre lots to five acre and larger lots.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map 12117C0010E, with an effective date of April 17, 1995, as well as preliminary updated DFIRMs, the majority of the site lies within Floodzone A, located within the 100 year floodplain. A detailed study to determine the base flood elevation

(BFE) will be required prior to final engineering approval. No impacts to the 100-year floodplain are allowed within the Wekiva River Protection Area.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be wetlands on the subject property. No impacts to wetland areas are allowed within the Wekiva River Protection Area.

Endangered and Threatened Wildlife:

Based on a preliminary analysis, there appear to be endangered and threatened wildlife on the subject property. A listed species survey will be required prior to final engineering approval. There also appears to be Sensitive Habitat located on the parcel that is considered viable habitat for listed/ endangered species and species of special concern.

PUBLIC FACILITY IMPACTS

Rule 9J-5.0055(3), 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 will be required to undergo Concurrency Review prior to final engineering approval.

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

Public Facility	Existing Future Land Use (PUBC)	Proposed Land Use (SE) based on 2 dwelling units	Net Impact
Water (GPD)	0	2,100	2,100
Sewer (GPD)	0	1,800	1,800
Traffic (ADT)	0	57	57

Utilities:

The site is located in the Northwest Seminole County utility service area, and may be required to connect to public utilities. There is a 12-inch water main on the south side of W. SR 46 and a 16-inch force main on the north side of W. SR 46. There is a 16-inch reclaimed water main on the south side of W. SR 46.

Transportation / Traffic:

The property is adjacent to SR 46 which is classified as an arterial road. SR 46 is not currently programmed to be improved according to the County 5-year Capital Improvement Program.

School Impacts:

A School Capacity Analysis was submitted by the Seminole County School District and is attached to this document.

Public Safety:

The County Level-Of-Service standard for fire protection and rescue, per Policy PUB 2.1 of the Comprehensive Plan, is 5 minutes average response time. The nearest response unit to the subject property is Station #34, which is located at 4905 SR 46 W. Based on an average of two minutes per mile, the average response time to the subject property is less than 5 minutes.

Drainage:

The proposed project is located within the Yankee Lake Drainage Basin, and may have limited downstream capacity. At a minimum, the developable portion of the site will have to be designed to provide retention to attenuate the 25 year/24 hour pre-post discharge rate difference. No development will be permitted within the established 100 year floodplain. A detailed drainage analysis will be required, which may result in additional retention requirements.

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 the Wekiva River Protection Area.

COMPREHENSIVE PLAN (VISION 2020)

The County's Comprehensive Plan is designed to preserve and enhance the public health, safety and welfare through the management of growth, provision of adequate public services and the protection of natural resources.

The proposed project is consistent with the following list of policies (there may be other provisions of the Comprehensive Plan that apply that are not included in this list):

- Policy FLU 14.3: Development Form of Land Area within WRPA
- Policy FLU 14.9: Wekiva River Protection Area Environmental Design Standards
- 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 Seminole County School Board and they have provided a School Capacity Analysis, which is attached. No other intergovernmental notices were required.

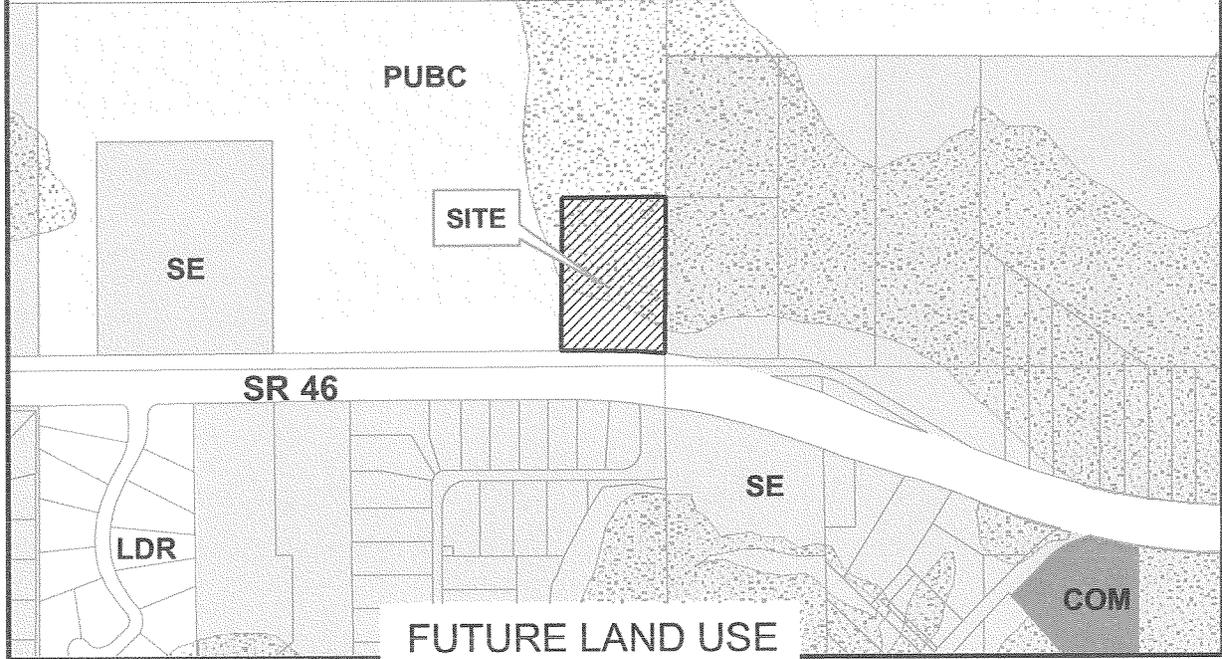
LETTERS OF SUPPORT OR OPPOSITION:

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

STAFF RECOMMENDATION:

Staff recommends approval of a Small Scale Land Use Amendment from PUB (Public) to SE (Suburban Estates), for 6.74± acres located on the north side of SR 46, approximately ½ mile west of the intersection of Lake Markham Road and SR 46, based on staff findings.

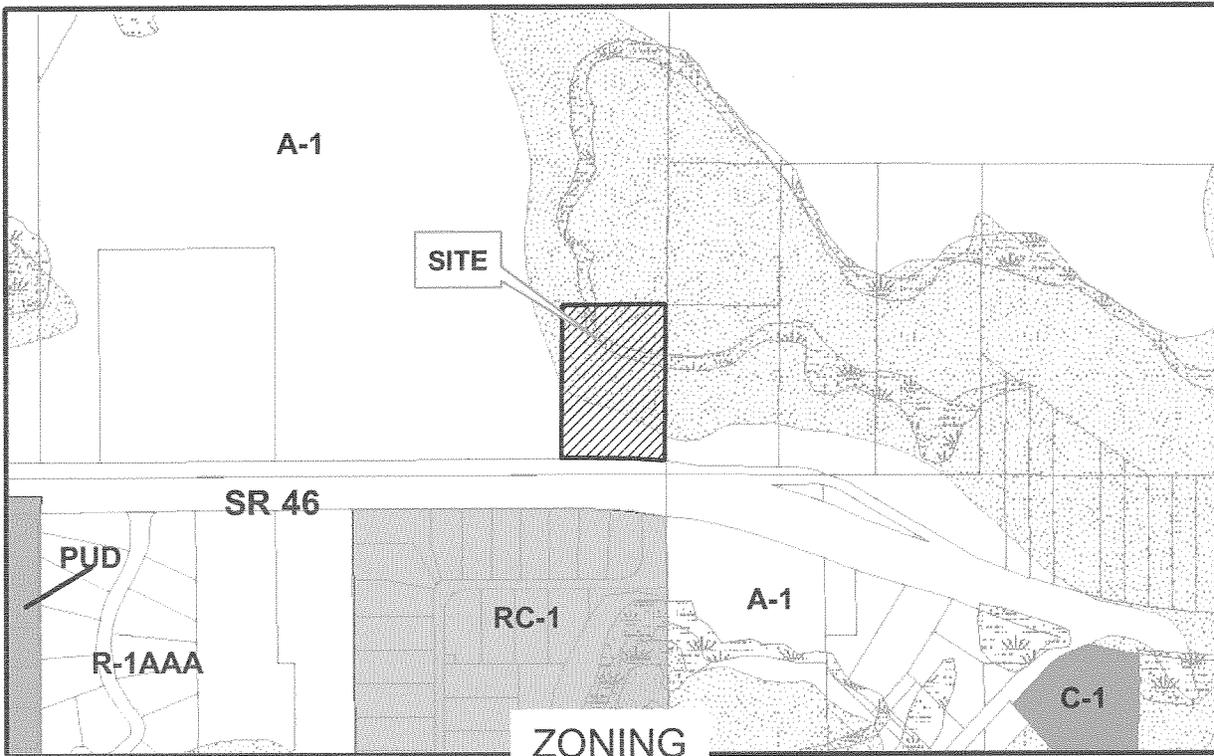
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr floodprone area information, based on Flood Insurance Rate Maps provided by FEMA.



LDR COM SE PUBC Site Municipality CONS

Applicant: Paul Gren, owner
 Physical STR: 22-19-29-300-002B-0000
 Gross Acres: 6.74 +/- BCC District: 5
 Existing Use: Vacant
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	04-07SS.01	PUB	SE
Zoning	Z2007-013	--	--



A-1 RC-1 R-1AAA C-1 PUD FP-1 W-1



Rezone No: Z2007-013

FLU No: 04-07SS.01

From: PUB To: SE

 Parcel

 Subject Property

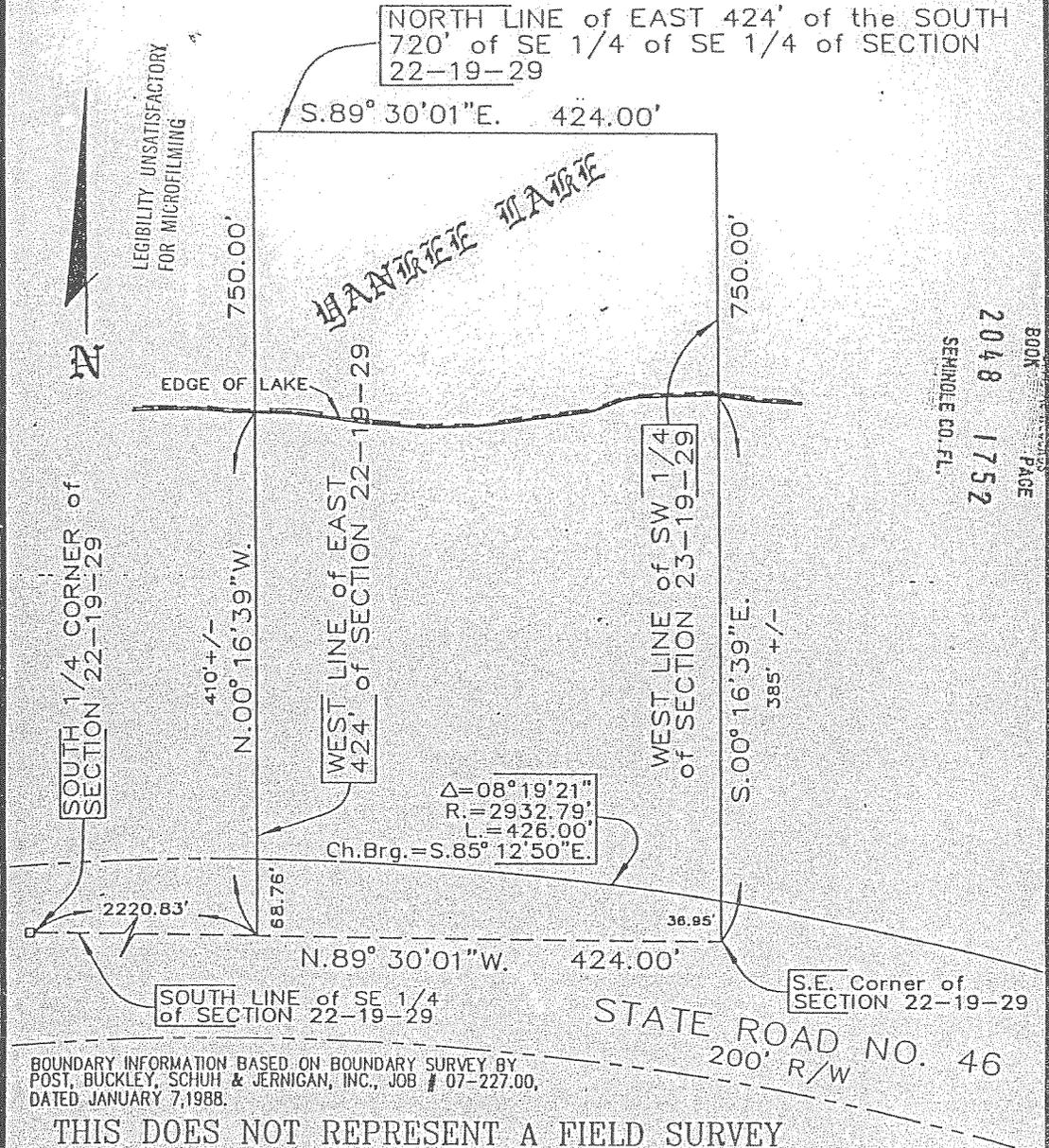


Winter 2006 Color Aerials

SECTION OF DESCRIPTION

THAT PORTION OF SECTION 22, TOWNSHIP 19 SOUTH, RANGE 29 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EAST 424.00 FEET OF THE SOUTH 750.00 FEET OF THE SOUTH-EAST 1/4 OF THE SOUTHEAST 1/4; EXCEPT STATE ROAD NO. 46 RIGHT-OF-WAY; SUBJECT TO ANY EASEMENTS OF RECORD. CONTAINING 6.74 ACRES, MORE OR LESS.



BOOK 2048
 PAGE 1752
 SEMINOLE CO. FL.

BOUNDARY INFORMATION BASED ON BOUNDARY SURVEY BY POST, BUCKLEY, SCHUH & JERNIGAN, INC., JOB # 07-227.00, DATED JANUARY 7, 1988.

THIS DOES NOT REPRESENT A FIELD SURVEY

SEMINOLE COUNTY
 PUBLIC WORKS DEPARTMENT
 ENGINEERING DIVISION
 274 BUSH BOULEVARD
 SANFORD, FLORIDA 32771
 (305) 323-2500 Ext. 144

LEGEND

BEARINGS BASED ON WEST LINE OF SOUTHWEST 1/4 OF SECTION 23-19-29 AS BEING S.00° 16' 39" E.

- SET IRON PIN OR PIPE
- FOUND IRON PIN OR PIPE
- SET CONCRETE MONUMENT
- FOUND CONCRETE MONUMENT
- △ SET WOOD HUB & TACK
- × CROSS-CUT OR DRILL HOLE IN CONCRETE
- x-x- FENCE

I HEREBY CERTIFY THE INFORMATION DEPICTED HEREON TO BE IN COMPLIANCE WITH FLORIDA STATUTES, CHAPTER 472, AND TO MEET, OR EXCEED, THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING, FLORIDA STATUTES, CHAPTER 21HH-6

BY: Michael W. Solito 6/14/88
 SURVEYOR IN CHARGE FLORIDA CERTIFICATE # 4458

DATE APRIL 21, 1988
 DRAWN BY: ERICKSON
 SCALE: 1" = 120'
 JOB NO. SURVEY11

B. L. TIBBIXE
 0170901741MB

AN ORDINANCE FURTHER AMENDING ORDINANCE NUMBER 91-13, AS PREVIOUSLY AMENDED, KNOWN AS THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF SMALL SCALE DEVELOPMENT AMENDMENT (LEGAL DESCRIPTION IS SET FORTH AS AN APPENDIX TO THIS ORDINANCE); CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTY FROM PUBLIC TO SUBURBAN ESTATES; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 91-13 which adopted the 1991 Seminole County Comprehensive Plan ("the Plan"), which Plan has been subsequently amended from time-to-time and in accordance with State law; and

WHEREAS, the Board of County Commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Local Planning Agency held a Public Hearing, with all required public notice, on May 2, 2007, for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on June 26, 2007, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Local Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Comprehensive Regional Policy Plan of the East Central Florida Regional Planning Council.

NOW, THEREFORE, BE IN ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct and form and include legislative findings which are a material part of this Ordinance.
- (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. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:

- (a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 91-13, as previously amended, is hereby further amended by amending the future land use designation assigned to the following property and which is depicted on the Future Land Use Map and further described in the attached Appendix "A" to this Ordinance:

- (b) The associated rezoning request was completed by means of Ordinance Number 07-_____.
- (c) The development of the property is subject to the development intensities and standards permitted by the overlay Conservation land use designation, Code requirements and other requirements of law.

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application 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. EXCLUSION FROM COUNTY CODE/CODIFICATION:

(a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

(a) A certified copy of this Ordinance shall be provided to the Florida Department of State and the Florida Department of Community Affairs by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, Florida Statutes.

(b) This ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however,

that the effective date of the plan amendment set forth herein shall be thirty-one (31) days after the date of adoption by the Board of County Commissioners or, if challenged within thirty (30) days of adoption, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 26th day of June, 2007.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____

Carlton Henley, Chairman

APPENDIX A

LEGAL DESCRIPTION

LEG SEC 22 TWP 19S RGE 29E E 424 FT OF S 750 OF SE ¼ (LESS R/W FOR SR 46)

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On June 26, 2007, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Kenneth & Lawanda Sandon
2338 Bay Point Rd.
Polson, MT 59860

Project Name: SR46 / Gren SSLUA

Requested Development Approval:

Small Scale Future Land Use Amendment from Public (PUBC) to Suburban Estates (SE)

The Board of County Commissioners has determined that the request for a Small Scale Future Land Use Amendment from Public (PUBC) to Suburban Estates (SE) is not compatible with the surrounding area.

After fully considering staff analysis titled "SR 46 / Gren Small Scale Land Use Amendment from Public (PUBC) to Suburban Estates (SE)" and all evidence submitted at the public hearing on June 26, 2007, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested development approval should be denied.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:
The aforementioned application for development approval is DENIED.
Done and Ordered on the date first written above.

SEMINOLE COUNTY BOARD OF COUNTY
COMMISSIONERS

By: _____
Carlton D. Henley, Chairman

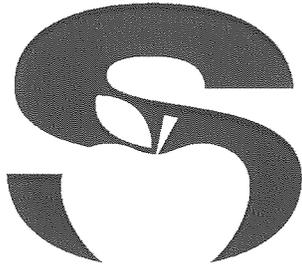
FILE # Z2007-13

DEVELOPMENT ORDER # 07-11000001

EXHIBIT A

LEGAL DESCRIPTION

LEG SEC 22 TWP 19S RGE 29E E 424 FT OF S 750 OF SE ¼ (LESS R/W FOR SR 46)



SEMINOLE COUNTY PUBLIC SCHOOLS School Capacity Report

To: Seminole County Board of County Commissioners

From: George Kosmac, Deputy Superintendent, Seminole County Public Schools

Date: April 5, 2007

RE: Z2007-13 SR 46 FLU Amendment

Seminole County Public Schools (SCPS), in reviewing the above FLU/rezone request, has determined that if approved the new zoning designation would have the effect of increasing residential density, and as a result generate additional school age children.

Description: -6.45 +/- acres; located on the north side of SR 46, approximately ½ mile west of the intersection of Lake Markham Road and SR 46. The applicant is requesting a Future Land Use Map amendment from PLI (Public Land) to SE (Suburban Estates) and to retain the current zoning designation of A-1. It is the understanding of SCPS that the parcel will be developed with a maximum of 2 single-family residences.

Parcel ID: 22-19-29-300-002B-0000

Based on information received from Seminole County Planning and from the staff report for the Orange Boulevard request, SCPS staff has summarized the potential school enrollment impacts in the following tables:

Total Proposed units					
Total # of Units		# of Single-Family Lots		# of Multi-Family Units	
2		2		0	
Student Generation					
Impacted Schools	Projected Number of Additional Students	Current Capacity	Current Enrollment	Percent Utilization	Students Resulting from Recently Approved Developments
Elementary Northwest Cluster	1	4186	4294	100.2	207
Middle Markham Woods	0	1251	N/A	N/A	26
High Seminole	0	1966	2900	140.2	192

Projected Number of Additional Students is determined by applying the current SCPS student generation rate (calculated by using US Census data analysis) to the number and type of units proposed.

Current Capacity is based on the current enrollment FTE date not including relocatable stations.

Current Enrollment is based on the most recent official FTE count (February).

Percent Utilization is the ratio of enrollment to total permanent building student stations.

Students Resulting from Recently Approved Developments is a summary of students generated from developments approved and platted since January 2005. Student enrollment changes due to existing housing are excluded from these totals.

Comments:

The students generated from the proposed development, would at this point be able to be absorbed into the zoned schools without adverse affect. There are no planned expansions/additions in the current five-year capital plan that would provide additional student capacity to relieve the affected schools.