

ITEM # _____

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

SUBJECT: Culbreth Subdivision Rezone

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

AUTHORIZED BY: Tina Williamson **CONTACT:** Amy Stevenson **EXT.** 7357

Agenda Date <u>07/11/07</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 for a rezone from A-1 (Agriculture) to RC-1 (Country Homes) on 2.2 ± acres, located on Carter Road, based on staff findings (Darryl Culbreth, applicant); or
2. **RECOMMEND DENIAL** of the request for a rezone from A-1 (Agriculture) to RC-1 (Country Homes) on 2.2 ± acres, located on Carter Road, (Darryl Culbreth, applicant); or
3. **CONTINUE** the item to a time and date certain.

District #5 – Commissioner Carey Amy Stevenson, Planner

BACKGROUND:

The applicant, Darryl Culbreth, is requesting a rezone from A-1 (Agriculture) to RC-1 (Country Homes), in order to construct two homes. The use is allowed within the RC-1 zoning district.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request for a rezone from A-1 (Agriculture) to RC-1 (Country Homes) on 2.2 ± acres, located on Carter Road.

Reviewed by <u>KFT</u> Co Atty: _____ DFS: _____ OTHER: _____ DCM: _____ CM: _____ File No. <u>Z2006-34</u>
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Attachments:

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

Culbreth Subdivision

Rezone from A-1 to RC-1

APPLICANT	Darryl Culbreth	
PROPERTY OWNER	Darryl Culbreth	
REQUEST	Rezone from A-1 (Agriculture) to RC-1 (Country Homes)	
PROPERTY SIZE	2.2 ± acres	
HEARING DATE (S)	P&Z: July 11, 2007	BCC: July 24, 2007
PARCEL ID	02-20-29-502-0000-0140	
LOCATION	West side of Carter Road, 300 feet south of Markham Woods Road	
FUTURE LAND USE	SE (Suburban Estates)	
ZONING	RC-1 (Country Homes)	
FILE NUMBER	Z2007-34	
COMMISSION DISTRICT	#5 – Carey	

Proposed Development:

The applicant, Darryl Culbreth, is requesting to rezone 2.2 ± acres from A-1 (Agriculture) to RC-1 (Country Homes), in order to construct two new homes.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant is requesting a rezone from A-1 (Agriculture) to RC-1 (Country Homes), in order to create two one-acre lots for single-family, residential homes.

The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested zoning district of RC-1 (Country Homes).

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (RC-1)
Minimum Lot Size	43,560 sq. ft.	43,560 sq. ft.
Minimum House Size	N/A	1,200 sq. ft.
Minimum Width at Building Line	150'	120'
Front Yard Setback	50'	35'
Side Yard Setback	10'	20'
(Street) Side Yard Setback	50'	35'
Rear Yard Setback	30'	35'
Maximum Building Height	35'	35'

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)	RC-1 (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 residences and their customary accessory uses, citrus cultivation, boathouses and docks used for the shelter and storage of boats, guest cottages and servants quarters, home occupations, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents, public and private elementary schools.
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	The keeping of horses or ponies for the immediate use of the occupant and his guest, public and private middle schools and high schools, public utility and service structures, churches with their attendant educational, recreational buildings, and off-street parking, parks and recreational areas, publicly owned and operated, assisted living facilities and community residential homes housing 7—14 permanent unrelated residents (including group homes and foster care facilities) provided that the location does not create a over-concentration of such homes or substantially alter the nature and character of the area as defined in Section 419.001(3)(c), Florida Statutes (2001), Section 419.001(3)(c) shall govern, communication towers.
Minimum Lot Size	1-Acre	1-Acre

COMPATIBILITY WITH SURROUNDING PROPERTIES:

The surrounding Future Land Use designations are Suburban Estates to the west, south and east and REC (Recreation) to the north. The surrounding zoning district on all sides of the subject property is A-1 (Agriculture). Thus, the request for the subject property to rezone from A-1 (Agriculture) to RC-1 (Country Homes) is consistent with the character of the surrounding properties.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS:

Floodplain Impacts:

Based on FIRM map with an effective date of 1995, there appears to be no floodplains on the subject property

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be no wetlands on the subject property.

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 does not propose to make any changes to the existing house on the property at this time; therefore, Concurrency Review is not required. In the future, if the property is required to undergo site plan review, Concurrency Review will be required.

Utilities:

The site is located in the Northwestern Seminole County utility service area, and will be required to connect to public utilities. There is a 12-inch water main on the southwest side of Markham Woods Rd. and an 8-inch force main on the southwest side of Markham Woods Rd. The subject property is in the ten year master plan for reclaimed water. A separate reclaimed water utility system is required. This system will be charged by a temporary jumper from the potable water main and must be connected to reclaimed water when it becomes available.

Transportation / Traffic:

The property proposes access onto Carter Road, which is classified as a local road. Carter Road is currently operating at a level-of-service "A" and does not have improvements programmed in the County 5-year Capital Improvement Program or FDOT 5-year Work Program.

School Impacts:

The proposed rezoning will not create any additional impacts to surrounding schools.

Drainage:

The proposed project is located within the Yankee Lake Drainage Basin.

Buffers and Sidewalks:

There is not an existing sidewalk along Carter Road. The property owner will not be required to build a sidewalk.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS:

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

SPECIAL DISTRICTS:

The subject property is 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 1.7: Wekiva River Protection
- Policy FLU 12.4: Relationship of Land Use to Zoning Classifications
- Policy FLU 12.5: Evaluation Criteria of Property Rights Assertions
- Policy FLU 14.1: Recognition of the Wekiva River Protection Area
- Policy FLU 14.3: Development Form of Land Area within the WRPAs and Outside of the Lake Sylvan Transitional Area
- Policy FLU 14.8: Compliance Agreements between Seminole County and the Florida Department of Community Affairs
- Policy PUB 2.1: Public Safety Level-of-Service

INTERGOVERNMENTAL NOTIFICATION:

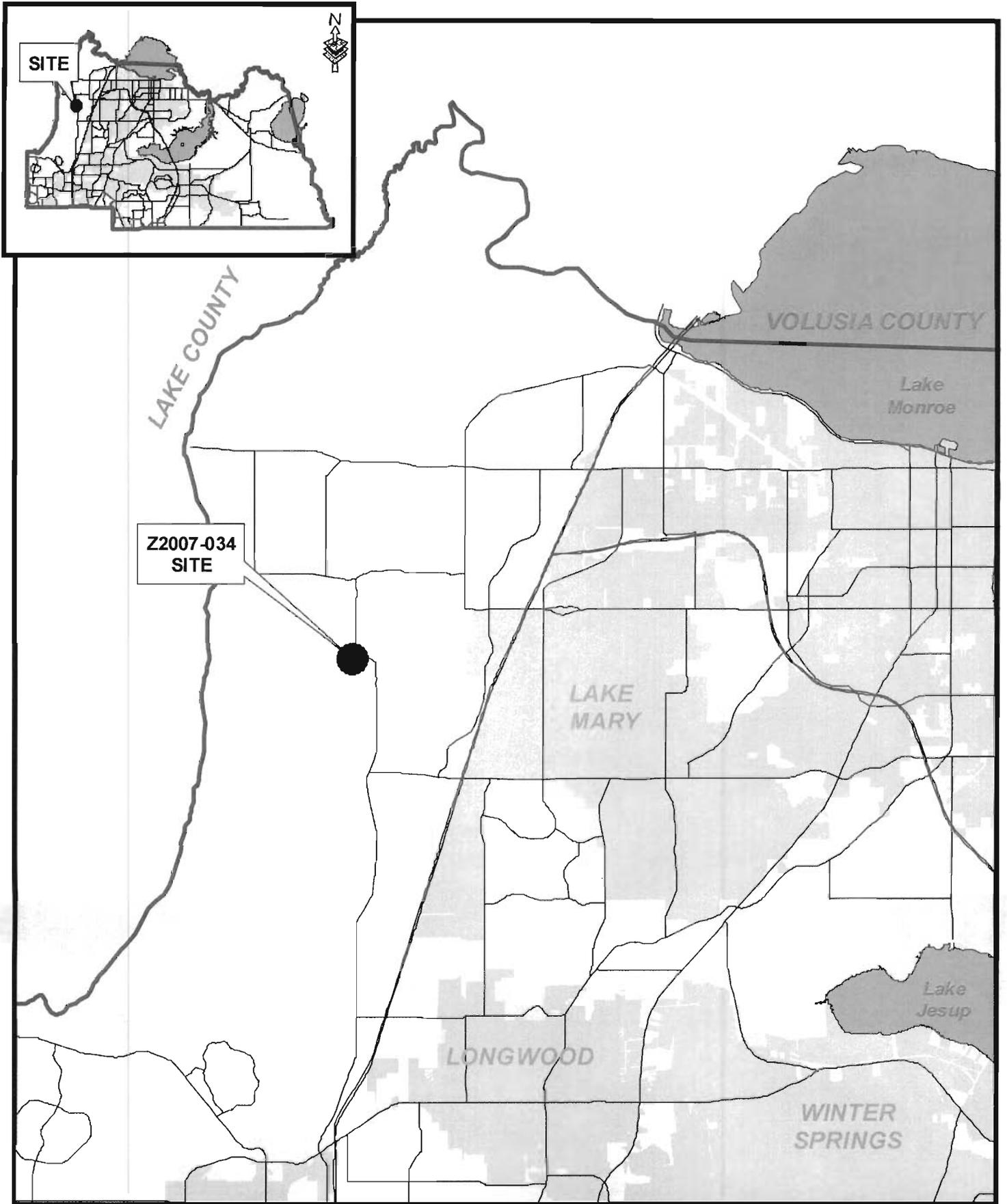
No intergovernmental notice was required to be sent; the subject property is not adjacent to another municipality.

LETTERS OF SUPPORT OR OPPOSITION:

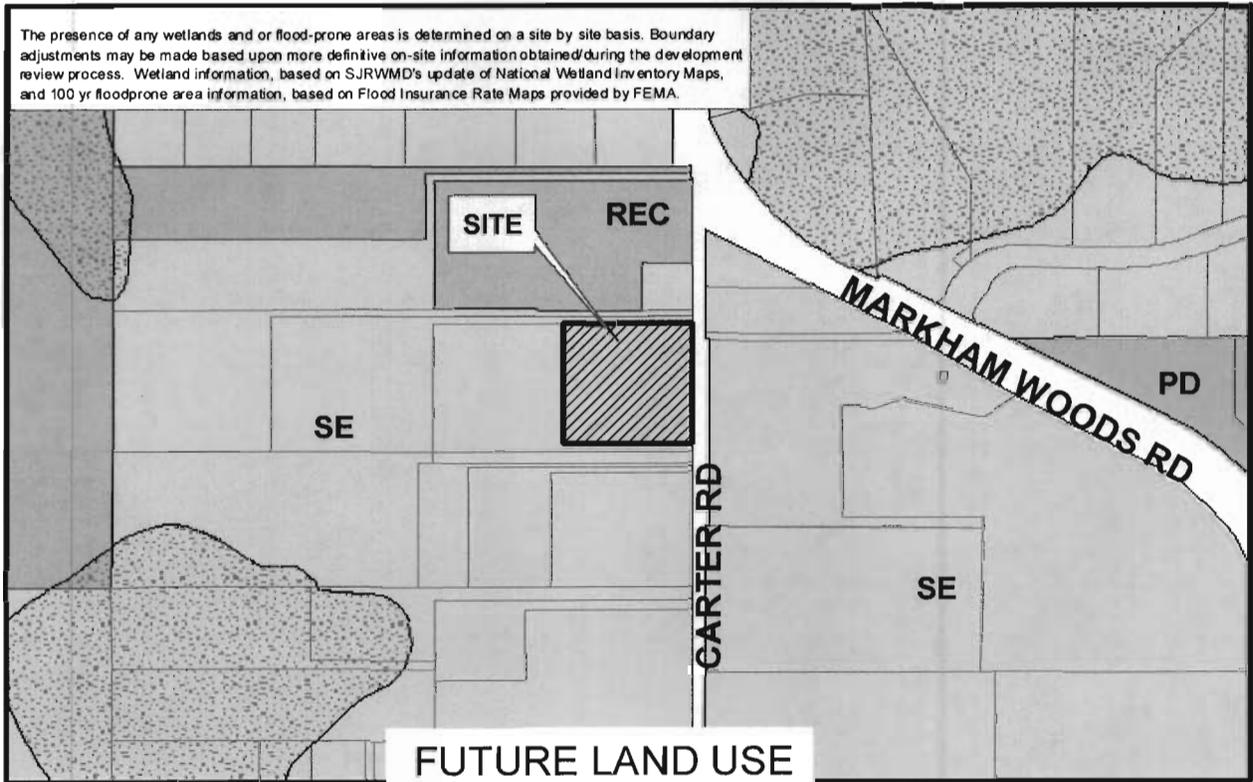
At this time, Staff has received no letters of support or opposition.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request for a rezone from A-1 (Agriculture) to RC-1 (Country Homes) on 2.2 ± acres, located on Carter Road.



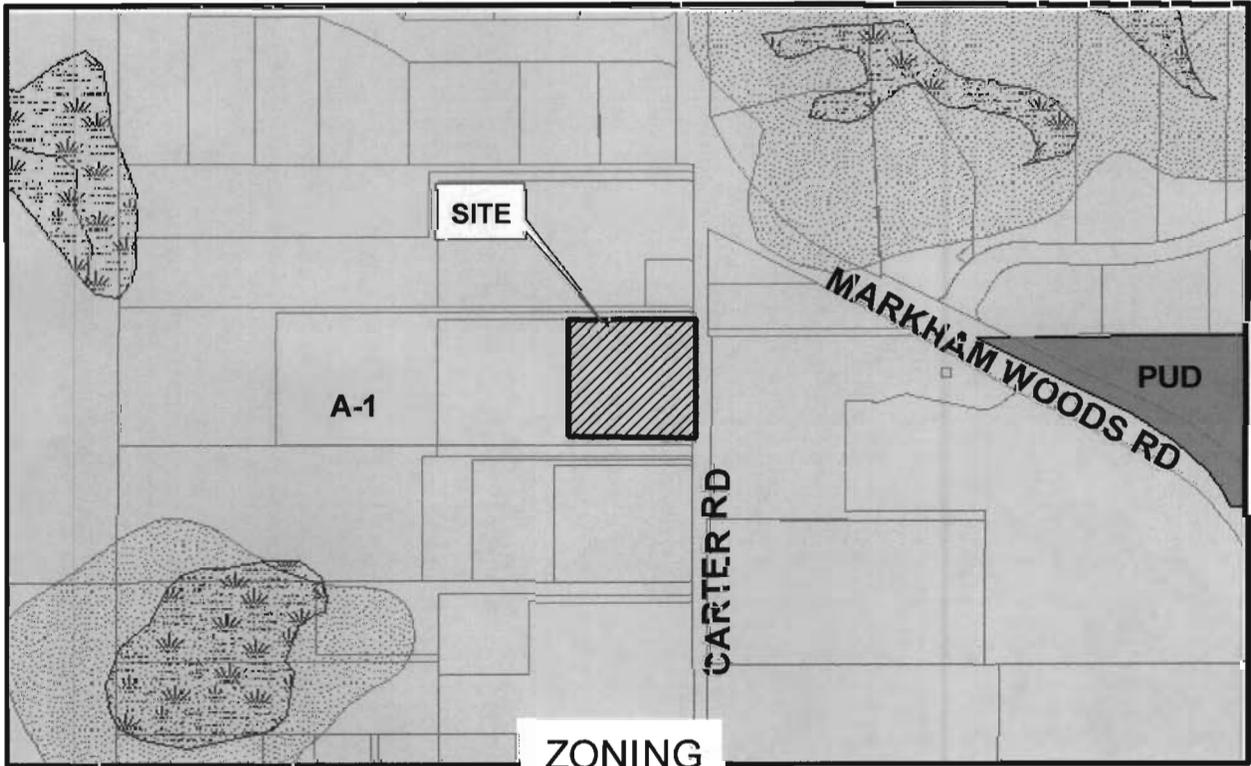
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



SE PD REC Site Municipality CONS

Applicant: Darryl Culbreth
 Physical STR: 02-20-29-509-0000-0140
 Gross Acres: 2.2 acres +/- BCC District: 5
 Existing Use: vacant
 Special Notes: none

	Amend/ Rezone#	From	To
FLU	-	-	-
Zoning	Z2007-034	A-1	RC-1



A-1 PUD FP-1 W-1

filename: L:\pl\projects\p&z\GIS\staff_report_pkgs2007\amendments\z2007-034.mxd 06/07/07

Note: The Future Land Use map reflects the realigned parcel base, whereas the Zoning Map still utilizes the non shifted parcels. On occasion, this will result in discrepancies between the two maps.



Rezone No: Z2007-034

From: A-1 To: RC-1

 Parcel

 Subject Property



Winter 2006 Color 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 RC-1 (COUNTRY HOMES) 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 Culbreth Subdivision Rezone, dated July 24, 2007.

(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 RC-1 (Country Homes):

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.

ENACTED this 24th day of July 2007.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT A
LEGAL DESCRIPTION

A PORTION OF LOT 14, WAITES SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 47, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 14, WAITES SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 47, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE RUN N89°28'43"E ALONG THE NORTH LINE OF SAID LOT 14 A DISTANCE OF 300.00 FEET; THENCE S00°36'12"E A DISTANCE OF 30.00 FEET FOR A POINT OF BEGINNING; THENCE N89°28'43"E ALONG A LINE LYING 30.00 FEET SOUTH OF AND PARALLEL WITH SAID NORTH LINE OF LOT 14 A DISTANCE OF 345.05 FEET TO THE WEST RIGHT-OF-WAY LINE OF CARTER ROAD PER SAID WAITES SUBDIVISION; THENCE S00°46'27"E ALONG SAID WEST RIGHT-OF-WAY LINE OF CARTER ROAD A DISTANCE OF 288.00 FEET; THENCE S89°50'55"W ALONG A LINE LYING 15.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 14 A DISTANCE OF 345.91 FEET; THENCE N00°36'12"W ALONG A LINE LYING 300.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID LOT 14 A DISTANCE OF 285.76 FEET; TO THE POINT OF BEGINNING.

CONTAINS 96,229 SQUARE FEET OR 2.209 ACRES MORE OR LESS.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On July 24, 2007, Seminole County issued this Denial Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

Property Owner(s): Darryl Culbreth

Project Name: Culbreth Subdivision Rezone from A-1 to RC-1

Requested Development Approval: The applicant is requesting to rezone 2.2 ± acres, located on Carter Road

The Board of County Commissioners has determined the requested rezone to C-2 is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Culbreth Subdivision Rezone A-1 to RC-1" and all evidence submitted at the public hearing on July 24, 2007, regarding this matter the Board of County Commissioners have found, determined and concluded the requested RC-1 rezone 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

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CONTAINS 96,229 SQUARE FEET OR 2.209 ACRES MORE OR LESS.