

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

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

**SUBJECT: DERBYSHIRE ROAD REZONE A-1 TO R-1AA**

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

**AUTHORIZED BY:** Tina Williamson **CONTACT:** Herman Wright EXT. 7353

<b>Agenda Date:</b> <u>10/03/2007</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"/>	

**MOTION/RECOMMENDATION:**

1. **RECOMMEND APPROVAL** of the request for a rezone from A-1 (Agriculture) to R-1AA (Single Family Dwelling) on 0.388 ± acres, located on the southeast corner of Derbyshire Road and Thunder Road, based on staff findings (Hugh Harling, applicant); or
2. **RECOMMEND DENIAL** of the request for a rezone from A-1 (Agriculture) to R-1AA (Single Family Dwelling) on 0.388 ± acres, located on the southeast corner of Derbyshire Road and Thunder Road. (Hugh Harling, applicant); or
3. **CONTINUE** the item to a time and date certain.

District # 4 Henley  
Planner

Herman Wright, Principal

**BACKGROUND:**

The applicant, Hugh Harling, is requesting a rezone from A-1 to R- 1AA in order to construct a single family dwelling unit. The Future Land Use designation of the subject property is LDR (Low Density Residential), which allows the requested zoning district.

<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. <u>Z2007-52</u></b>
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The Seminole County Land Development Code (LDC) provides 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, per 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 support the requested rezone to R-1AA.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the request for a rezone from A-1 to R-1AA on 0.388 ± acres, located on the south east corner of Derbyshire Road and Thunder Trail.

Attachments:

Staff Report

Location Map

Zoning & Future Land Use Map

Aerial Map

Rezone Ordinance

Denial Development Order (Applicable if the request is denied)

<b>Derbyshire Road Rezone from A-1 to R-1AA</b>	
<b>APPLICANT</b>	Hugh Harling Jr., P.E.
<b>PROPERTY OWNER</b>	Charles W. Clayton
<b>REQUEST</b>	Rezone from A-1 (Agriculture) to R-1AA (Single Family Dwelling)
<b>PROPERTY SIZE</b>	0.388 ± acres
<b>HEARING DATE (S)</b>	P&Z: October 3, 2007      BCC: November 13, 2007
<b>PARCEL ID</b>	20-21-30-300-006A-0000
<b>LOCATION</b>	South East Corner of Derbyshire Road and Thunder Trl.
<b>FUTURE LAND USE</b>	LDR (Low Density Residential)
<b>ZONING</b>	R-1AA (Single Family Dwelling)
<b>FILE NUMBER</b>	Z2007-52
<b>COMMISSION DISTRICT</b>	#4 –Henley

**Proposed Development:**

The applicant is requesting to rezone 0.388 ± acres from A-1 (Agriculture) to R-1AA (Single Family Dwelling), in order to construct a single family dwelling unit.

**ANALYSIS OVERVIEW:**

**ZONING REQUEST**

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 Dwelling).

<b>DISTRICT REGULATIONS</b>	<b>Existing Zoning (A-1)</b>	<b>Proposed Zoning (R-1AA)</b>
Minimum Lot Size	1 acre	11,700 sq. ft.
Minimum House Size	N/A	1,300 sq. ft.
Minimum Width at Building Line	150'	90'
Front Yard Setback	50'	25'
Side Yard Setback	10'	10'
(Street) Side Yard Setback	50'	25'
Rear Yard Setback	30'	30'
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)	R-1AA (proposed)
Permitted Uses	Citrus or other fruit crops cultivation, production, and horticulture; truck farms; plant nurseries and greenhouses not involved with retail sales to the general public; poultry and livestock production, excluding commercial swine raising, except as otherwise provided within the district; grazing and pasturing of animals; home occupations and home offices; roadside stands for the sale of fruits, vegetables, and similar products produced on the premises, government owned or government-operated building or use, public and private elementary schools; fish hatcheries or fish pools, when approved in accordance with all applicable federal, state, and County regulations and laws; publicly owned and/or controlled parks and recreation areas; bait production; stables, barns, sheds, silos, granaries, windmills, and related agricultural structures; dairies; apiculture; silviculture including timber production; single-family dwelling and customary accessory uses; churches and structures appurtenant thereto; community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents; one (1) boat dock and one (1) associated boathouse per lot.	Single family dwelling and their customary accessory uses; one (1) boat dock and one (1) boathouse per lot when accessory and incidental to the principal dwelling; community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents; public and private elementary schools; home offices.
Special Exception Uses	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; temporary asphalt plants for purpose of specific public road construction; sawmills; public utility and service structures; fraternal clubs ; County and golf clubs, fishing clubs, fishing camps, marinas, gun clubs; privately owned and operated recreational facilities such as, athletic fields, stadiums, racetracks, and speedways; golf driving ranges; riding stables; airplane landing fields and helicopter ports; commercial raising of swine ; sewage disposal plants, water plants, and sanitary landfill operations; off-street parking lot. Farm worker housing; Communication towers; disposal of tree cuttings or similar organic materials; Bed and Breakfast.	Churches with their attendant educational, recreational buildings, and off-street parking; public and private middle schools and high schools; parks and recreational areas, publicly owned and operated; public utility and service structures; guest cottages; subdivision sewage treatment and water plants; Boathouses with roofs exceeding ten (10) feet above the mean-highwater line; 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), Communication towers; Private recreational facilities constructed as an accessory use to civic, fraternal, or social organizations if the existing use is located in a predominantly residential area as determined by the Planning Manager.

Uses	A-1 (existing)	R-1AA (proposed)
Minimum Lot Size	1 acre	11,700 sq. ft.

**COMPATIBILITY WITH SURROUNDING PROPERTIES:**

The Future Land Use designation of the surrounding properties to the north, east, south and west is LDR (Low Density Residential). The future land use designation of the property is LDR (Low Density Residential) which allows the requested R-1AA zoning district. This parcel of land is an unplatted parcel which was the site of an old private water plant which has since been demolished. A dry stormwater detention pond that treats stormwater runoff for the adjacent subdivisions (Dommerich Woods Unit 1 and Dommerich Woods Unit 2) is also located on this parcel. Staff finds the proposed rezone consistent and compatible with the surrounding development patterns.

**SITE ANALYSIS:**

***Floodplain Impacts:***

Based on FIRM map 12117C0140E, with an effective date of April 17, 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.

***Utilities:***

The site is located in the Southeast Seminole County utility service area, and will be required to connect to public utilities. There is an 6-inch water main on the south side of Derbyshire Road, the north side of Hollyridge Trail, and the east side of Thunder Trail. Seminole County has an 8-inch gravity sanitary sewer on

Derbyshire Road and Thunder Trail. The subject property is not in the ten year master plan for reclaimed water.

***Transportation / Traffic:***

The property is adjacent to Derbyshire Road which is classified as residential road. Derbyshire Road is not currently programmed to be improved according to the County 5-year Capital Improvement Program.

***Drainage:***

The site does not seem to have a defined drainage outfall. The site will have to hold the entire 25-year storm event onsite if it exceeds the impervious limits defined by SJRWMD and unless a defined outfall can not be determined.

***Buffers and Sidewalks:***

There is an existing 5-foot sidewalk along Derbyshire Road and Hollyridge Trail.

***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 #25, which is located at the Casselberry, Red Bud Lake Road. Based on an average of two minutes per mile, the average response time to the subject property is less than 5 minutes.

**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 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 POT 4.5: Potable Water Connection  
Policy SAN 4.4: Sanitary Sewer Connection  
Policy PUB 2.1: Public Safety Level-of-Service  
Policy FLU 12.4: Relationship of Land Use to Zoning Classifications  
Policy FLU 12.5: Evaluation Criteria of Property Rights Assertions

**INTERGOVERNMENTAL NOTIFICATION:**

An intergovernmental notice was sent to the Seminole County School Board on September 17, 2007.

**LETTERS OF SUPPORT OR OPPOSITION:**

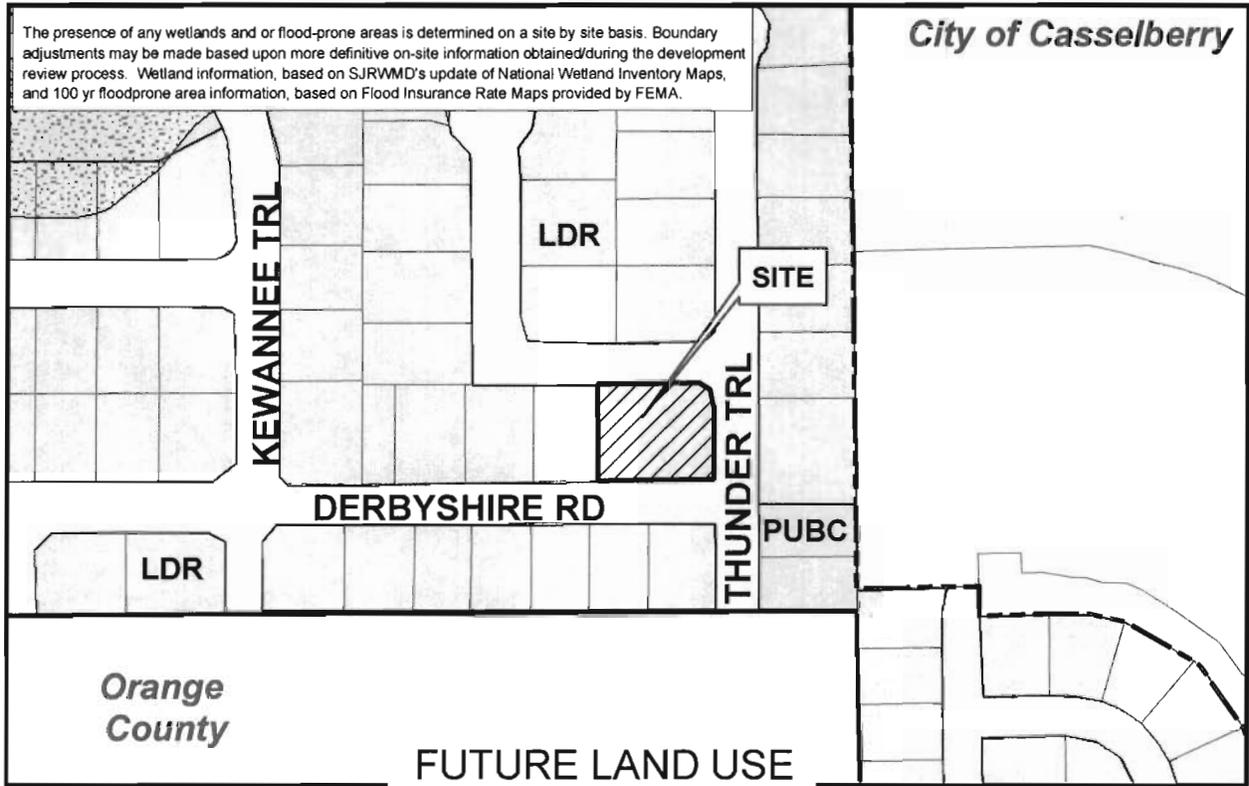
At this time, Staff has received no letters of support or opposition.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the request for a rezone from A-1 (Agriculture) to R-1AA (Single-Family Dwelling) on 0.388 ± acres, located on the southeast corner of Derbyshire Road and Thunder Trail.



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.

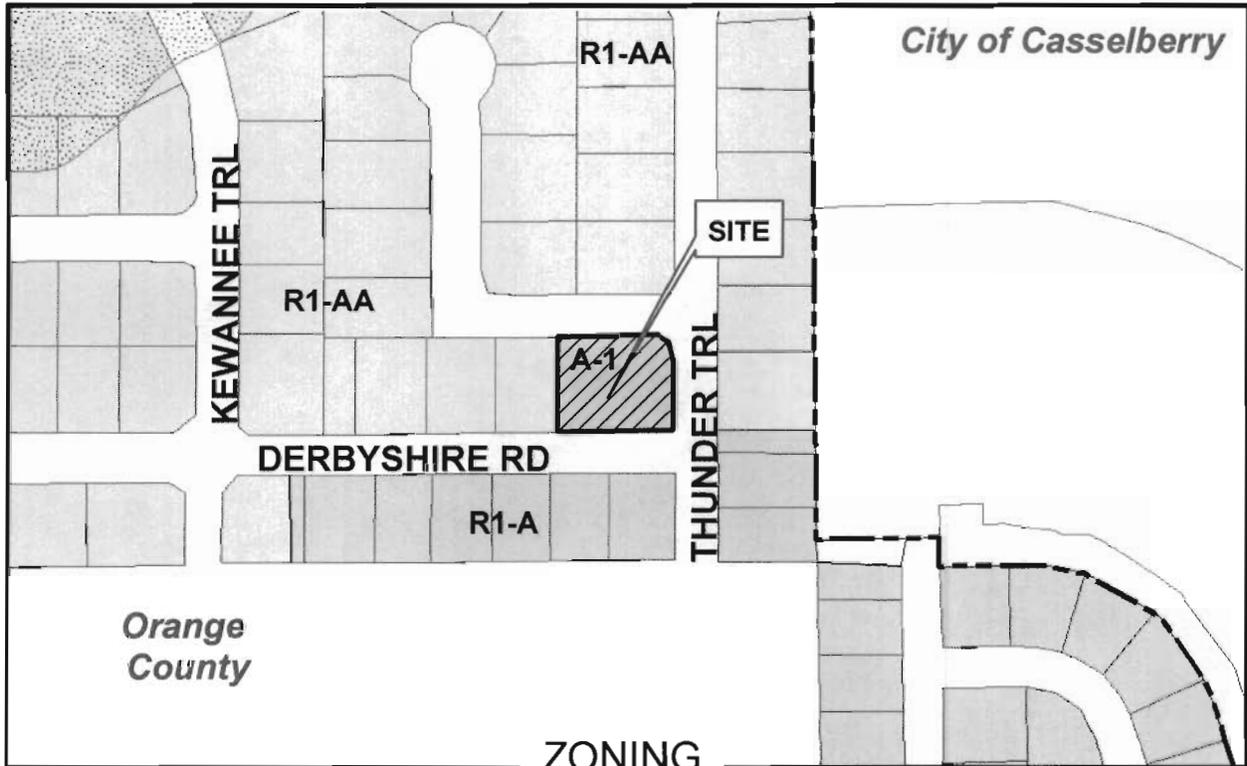


**FUTURE LAND USE**

LDR      PUBC      [Hatched] Site      [Dotted] CONS      [Dashed] Municipality

Applicant: Charles Clayton/Hugh Harling  
 Physical STR: 20-21-30-300-006A-0000  
 Gross Acres: .47 +/-      BCC District: 4  
 Existing Use: vacant  
 Special Notes:

	Amend/ Rezone#	From	To
FLU	-	--	--
Zoning	Z2007-052	A-1	R-1AA



**ZONING**

[Hatched] A-1      [Light Gray] R-1A      [Medium Gray] R-1AA      [Dotted] FP-1      [Cross-hatched] W-1



Rezoning No: Z2007-052  
From: A-1 To: R-1AA  
 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 (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 FOR 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 "Derbyshire Road 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 upon filing a copy of this Ordinance with the Florida Department of State by the Clerk of the Board of County Commissioners.

ENACTED this 13th day of November 2007.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

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

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

20-21-30-300-006A-0000

From the Southeast corner of the Southeast quarter of Section 20, Township 21 South, Range 30 East, Seminole County, Florida, run  $N00^{\circ}11'45''W$  along the East line of said Southeast quarter, a distance of 186.00 feet to the North right-of-way line of Derbyshire Road, as recorded in O.R. Book 308, Pages 435 and 436, Public Records of Seminole County, Florida; run thence West, along said North right-of-way line, 180.00 feet to a point of beginning on the Northerly projection of the West right-of-way line of Thunder Trail, run thence further West, along said North right-of-way line 169.50 feet; thence North 130 feet; thence East 169.06 feet to the aforesaid Northerly projection of the West right-of-way line of Thunder Trail; run thence  $S00^{\circ}11'45''E$ , along said Northerly projection, 130 feet to the Point of Beginning, containing 22,006 square feet, more or less subject to restrictions of record.

**SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER**

On November 13, 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):** Charles W. Clayton, CCCH Derbyshire Property, LLC

**Project Name:** Derbyshire Road Rezone

**Requested Development Approval:** The applicant is requesting to rezone .388 ± acres located on the southeast corner of Derbyshire Road and Thunder Trail, from A-1 (Agriculture) to R-1AA (Single-Family Dwelling), in order to develop a single-family dwelling.

The Board of County Commissioners has determined that the rezone request from A-1 (Agriculture) to R-1AA (Single-Family Dwelling) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Derbyshire Road Rezone" and all evidence submitted at the public hearing on November 13, 2007, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from A-1 (Agriculture) to R-1AA (Single-Family Dwelling) 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

## EXHIBIT "A"

### LEGAL DESCRIPTION

20-21-30-300-006A-0000

From the Southeast corner of the Southeast quarter of Section 20, Township 21 South, Range 30 East, Seminole County, Florida, run  $N00^{\circ}11'45''W$  along the East line of said Southeast quarter, a distance of 186.00 feet to the North right-of-way line of Derbyshire Road, as recorded in O.R. Book 308, Pages 435 and 436, Public Records of Seminole County, Florida; run thence West, along said North right-of-way line, 180.00 feet to a point of beginning on the Northerly projection of the West right-of-way line of Thunder Trail, run thence further West, along said North right-of-way line 169.50 feet; thence North 130 feet; thence East 169.06 feet to the aforesaid Northerly projection of the West right-of-way line of Thunder Trail; run thence  $S00^{\circ}11'45''E$ , along said Northerly projection, 130 feet to the Point of Beginning, containing 22,006 square feet, more or less subject to restrictions of record.