Continued from the March 5, 2008 Meeting

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

SUBJECT: Peninsula at Island Lake Rezone from A-1 and R-1AA to R-1AA

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

AUTHORIZED BY: Alison Stettner **CONTACT:** Ian Sikonia EXT. 7398

Agenda Date 4/02/08 **Regular** ☐ **Work Session** ☐ **Briefing** ☐
Special Hearing – 6:00 ☐ **Public Hearing – 7:00** ☒

MOTION/RECOMMENDATION:

1. **RECOMMEND APPROVAL** of the request to rezone 10.49 ± acres, from A-1 (Agriculture) and R-1AA (Single-Family Dwelling) to R-1AA (Single-Family Dwelling), located 500 feet east of the intersection of Marla Avenue and Adams Street, based on staff findings, (Michael Towers, applicant); or

2. **RECOMMEND DENIAL** of the request to rezone 10.49 ± acres, from A-1 (Agriculture) and R-1AA (Single-Family Dwelling) to R-1AA (Single-Family Dwelling), located 500 feet east of the intersection of Marla Avenue and Adams Street, (Michael Towers, applicant); or

3. **CONTINUE** the item to a time and date certain.

District #4 – Comm. Henley — Ian Sikonia, Senior Planner

BACKGROUND:

The applicant is requesting to rezone 10.49 ± acres, from A-1 (Agriculture) and R-1AA (Single-Family Dwelling) to R-1AA (Single-Family Dwelling), located 500 feet east of the intersection of Marla Avenue and Adams Street. This property was originally rezoned from A-1 (Agriculture) to R-1AA (Single-Family Dwelling) on January 22, 1985. However, the rezoning to R-1AA only included those portions of the property above the flood prone elevation of 85.2 feet due to the drainage issues at that time. The R-1AA (Single-Family Dwelling) requires a minimum lot size of 11,700 sq. ft. The Future Land Use Designation of the subject property is Low Density Residential (LDR), which allows the requested zoning district.

Reviewed by:
Co Atty: KFT
DFS:
OTHER: SW
DCM:
CM:

File No. Z2007-84

The Seminole County Land Development Code (LDC) provides for 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 to rezone 10.49 ± acres, from A-1 (Agriculture) and R-1AA (Single-Family Dwelling) to R-1AA (Single-Family Dwelling), located 500 feet east of the intersection of Marla Avenue and Adams Street.

Attachments:

Staff Report
Location Map
Zoning & Future Land Use Map
Aerial Map
Rezone Ordinance
Denial Development Order (applicable if the request is denied)
School District Capacity Analysis

Peninsula at Island Lake Rezone Rezone from A-1 and R-1AA to R-1AA		
APPLICANT	Michael Towers	
PROPERTY OWNER	Oakwood Construction and Development, LLC	
REQUEST	Rezone from A-1 (Agriculture) and R-1AA (Single-Famly Dwelling) to R-1AA (Single-Family Dwelling)	
PROPERTY SIZE	10.49 ± acres	
HEARING DATE (S)	P&Z: April 2, 2008	BCC: May 27, 2008
PARCEL ID	01-21-29-300-005B-0000	
LOCATION	Located 500 feet east of the intersection of Marla Avenue and Adams Street.	
FUTURE LAND USE	LDR (Low Density Residential)	
ZONING	A-1 (Agriculture) and R-1AA (Single-Family Dwelling)	
FILE NUMBER	Z2007-84	
COMMISSION DISTRICT	#4 – Henley	

Proposed Development:

The applicant is proposing to construct single-family residences.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant is requesting to rezone 10.49 ± acres, located 500 feet east of the intersection of Marla Avenue and Adams Street, from A-1 (Agriculture) and R-1AA (Single-Family Dwelling) to R-1AA (Single-Family Dwelling). R-1AA (Single-Family Dwelling) requires a minimum lot size of 11,700 sq. ft. The Future Land Use Designation of the subject property is Low Density Residential (LDR), which allows the requested zoning district.

The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and R-1AA (Single-Family Dwelling) the requested zoning district of R-1AA (Single-Family).

DISTRICT REGULATIONS	Existing Zoning (R-1AA)	Existing Zoning (A-1)	Proposed Zoning (R-1AA)
Minimum Lot Size	11,700 square feet	43,560 square feet	11,700 square feet
Minimum House Size	1,300 square feet	N/A	1,300 square feet
Minimum Width at Building Line	90 feet	150 feet	90 feet
Front Yard Setback	25 feet	50 feet	25 feet
Side Yard Setback	10 feet	10 feet	10 feet
(Street) Side Yard Setback	25 feet	50 feet	25 feet
Rear Yard Setback	30 feet	30 feet	30 feet
Maximum Building Height	35 feet	35 feet	35 feet

COMPATIBILITY WITH SURROUNDING PROPERTIES:

The Land Development Code provides for 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, 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.

The calculations assign differing weights to the surrounding zoning districts according to permitted development intensities within those districts. For example, the R-1AA district requires a minimum lot size of 11,700 square feet, so its weight factor is 7, while A-1 requires one-acre lots and has a weight factor of 4 in final development form.

Weighting factors, together with the acreage of parcels within a 660-foot radius of the subject property, determine the "compatible" zoning for the subject property. After running the lot size compatibility analysis for the proposed 10.49 ± acre rezone request to R-1AA, the results from the analysis indicated a weight of 6.98, which is consistent with the R-1AA zoning district.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS:

Floodplain Impacts:

Based on FIRM map 12117C0155F, with an effective date of September 28, 2007, there appears to be 10.49 ± acres of floodplains (100%) on the subject property.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be wetlands on the subject property.

Endangered and Threatened Wildlife:

Based on a preliminary analysis, there may be 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 Altamonte Springs utility service area, and will be required to connect to public water utilities. There is a 6-inch water main approximately 360 feet south, on the west side of Suniland Ave. There is no sanitary sewer available, so septic tanks will be necessary.

Transportation / Traffic:

The property is adjacent to Suniland Avenue and Adams Street which are classified as local residential roads. Suniland Avenue is not currently programmed to be improved according to the County 5-year Capital Improvement Program.

School Impacts:

The Seminole County Public School District has prepared an analysis which is included as an attachment to this report.

Drainage:

The proposed project is located within the Soldiers Creek Drainage Basin, and has limited downstream capacity. The site will have to be designed to hold the pre / post volumetric difference for the 100-year, 24-hour storm event.

Parks, Recreation and Open Space:

The applicant is required to provide at a minimum 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:

This is a proposed residential project adjacent to both residential and the LDR Future Land Use Designation, no exterior buffers are required.

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 districts.

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 2.5:	Transitional Land Uses
Policy FLU 12.4:	Relationship of Land Use to Zoning Classifications
Policy FLU 12.5:	Evaluation Criteria of Property Rights Assertions
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:

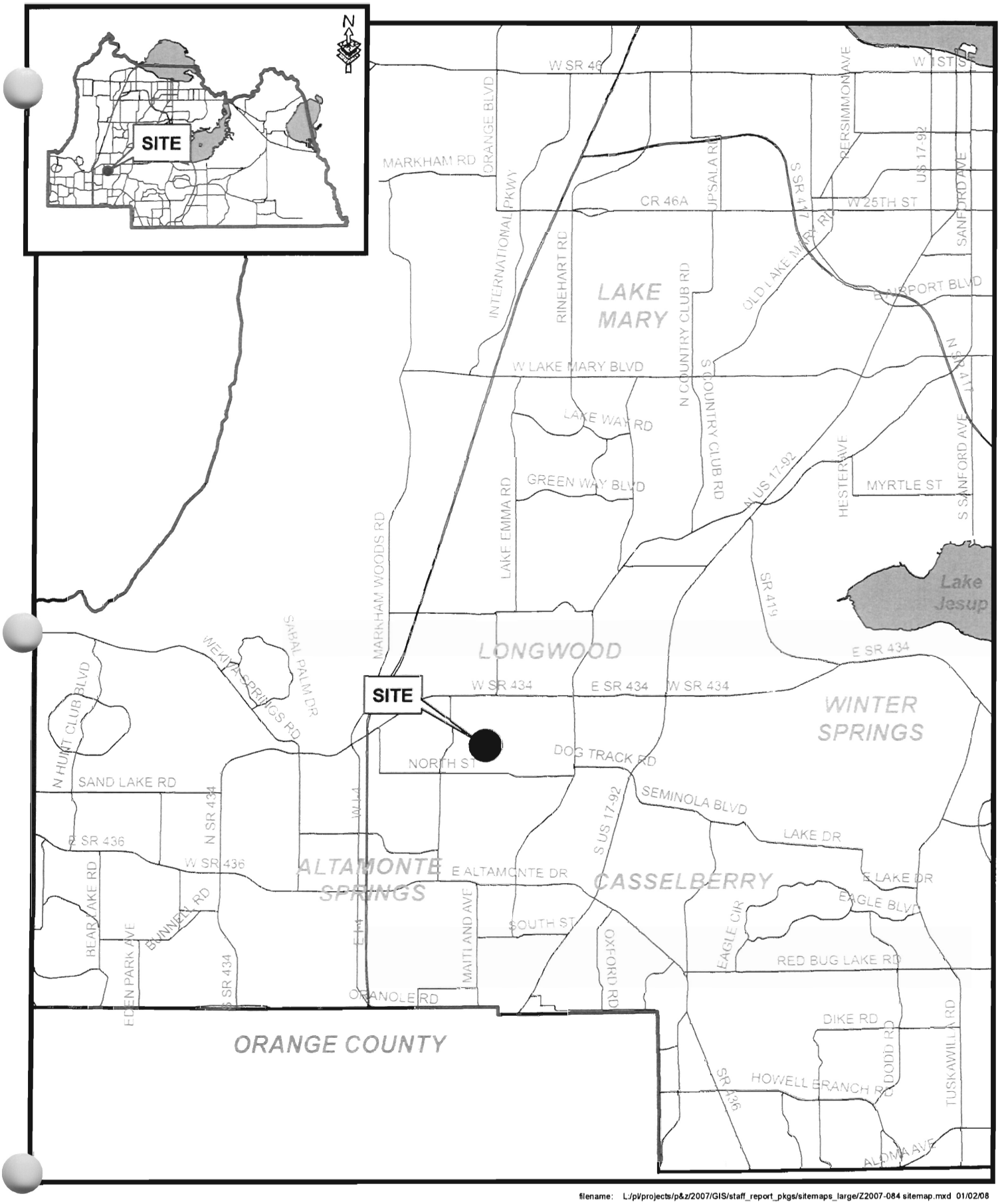
Intergovernmental notices were not sent to any municipalities; the subject property is not within or directly adjacent to any local municipality. An intergovernmental notice was sent to the Seminole County School Board on February 4, 2008.

LETTERS OF SUPPORT OR OPPOSITION:

At this time, Staff has not received any letters of support or opposition.

STAFF RECOMMENDATION:

Staff recommends approval of the request to rezone 10.49 ± acres, from A-1 (Agriculture) and R-1AA (Single-Family Dwelling) to R-1AA (Single-Family Dwelling), located 500 feet east of the intersection of Marla Avenue and Adams Street.



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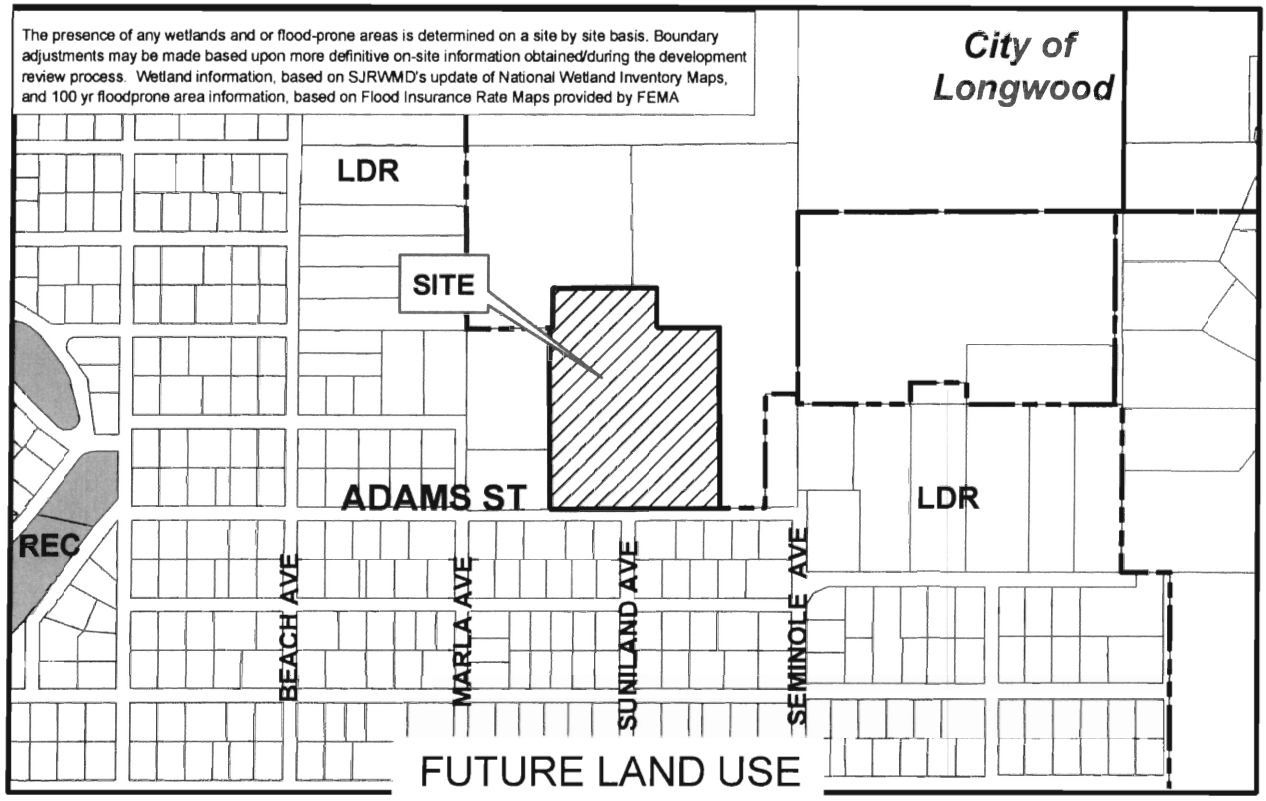
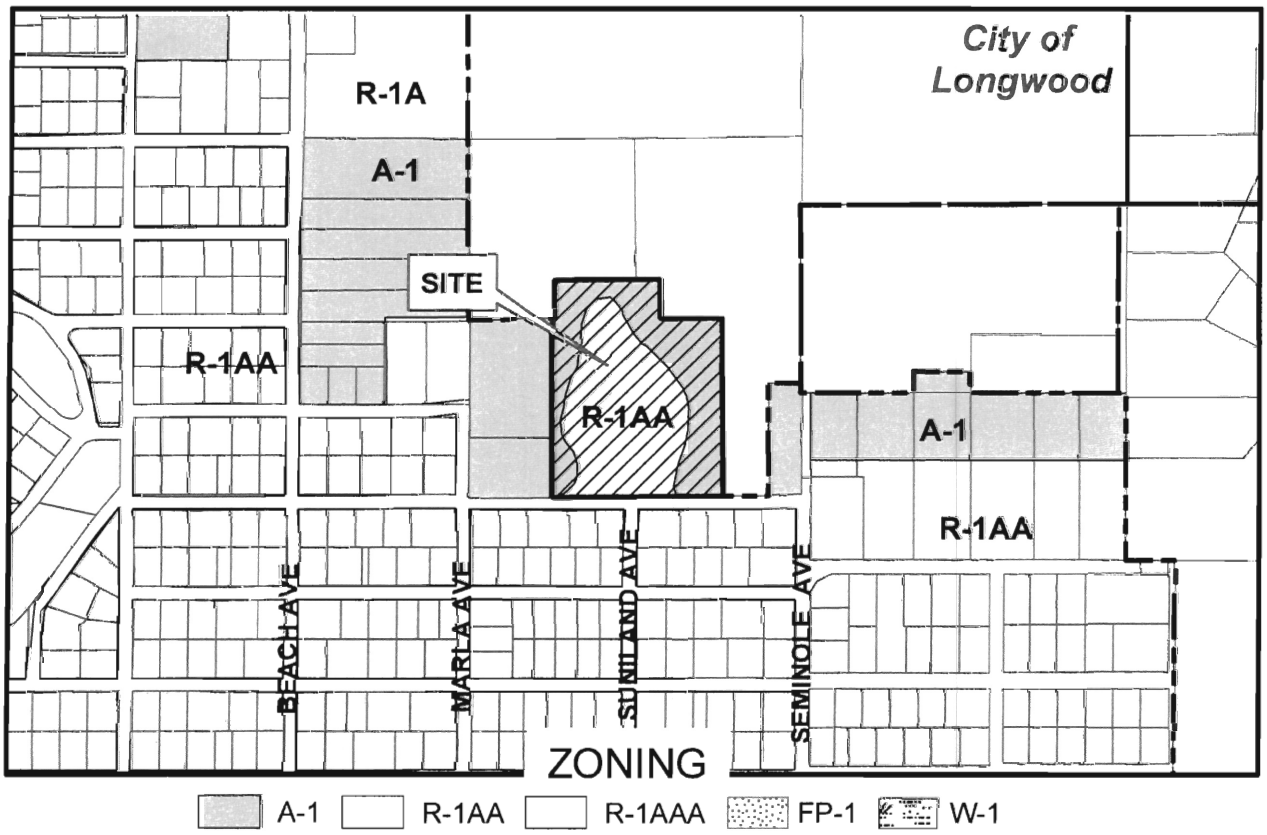


Applicant: Michael Towers
Physical STR: 01-21-29-300-005B-0000
Gross Acres: 10.49 +/- BCC District: 5
Existing Use: vacant land
Special Notes:

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2007-084	R-1AA/A-1	R-1AA

N



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Rezone No: Z2007-084
From: R-1AA/A-1 To: R-1AA

Parcel

Subject Property

N

Winter 2006 Color Aerials

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ORDINANCE NO. 2008- **SEMINOLE COUNTY, FLORIDA**
Z2007-84

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) AND THE R-1AA (SINGLE-FAMILY DWELLING) 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 "Peninsula at Island Lake 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) and R-1AA (Single-Family Dwelling) 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 27th day of May 2008.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By:_____
Brenda Carey
Chairman

EXHIBIT A
LEGAL DESCRIPTION

The east ½ of the southwest ¼ of the northeast ¼ of the southeast ¼ and the west 310 feet of the southeast ¼ of the northeast ¼ of the southeast ¼ and the beginning of the northeast corner of the southwest ¼ of the northeast ¼ of the southeast ¼, run east 100 feet, north 150 feet, west 400 feet, south 150 feet, east 300 feet to the beginning, Section 1, Township 21 south, range 29 east, Seminole County, Florida.

Z2007-84 **DEVELOPMENT ORDER #07-20000001**

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On May 27, 2008, 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): Oakwood Construction and Development, LLC

Project Name: Peninsula at Island Lake Rezone

Requested Development Approval: The applicant is requesting to rezone 10.49 ± acres, from A-1 (Agriculture) and R-1AA (Single-Family Dwelling) to R-1AA (Single-Family Dwelling), located 500 feet east of the intersection of Marla Avenue and Adams Street, in order to develop a single-family subdivision.

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

After fully considering staff analysis titled "Peninsula at Island Lake Rezone" and all evidence submitted at the public hearing on May 27, 2008, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from A-1 (Agriculture) and R-1AA (Single-Family Dwelling) 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:_____
Brenda Carey, Chairman

EXHIBIT "A"

The east ½ of the southwest ¼ of the northeast ¼ of the southeast ¼ and the west 310 feet of the southeast ¼ of the northeast ¼ of the southeast ¼ and the beginning of the northeast corner of the southwest ¼ of the northeast ¼ of the southeast ¼, run east 100 feet, north 150 feet, west 400 feet, south 150 feet, east 300 feet to the beginning, Section 1, Township 21 south, range 29 east, Seminole County, Florida.

Seminole County Public Schools
School Impact Analysis
School Capacity Determination

To: Seminole County Board of County Commissioners

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

Date: February 6, 2008

RE: **Peninsula at Island Lake Rezone**

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

Description – The parcel located on 500 feet east of the intersection of Adams Street and Marla Avenue in unincorporated Seminole County. The applicant is proposing to extend the R-1AA zoning to include the entire property and to propose a single family subdivision consisting of 13 units. Parcel ID #:01-21-29-300-005B-0000.

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

Type	Concurrency Service Area	Enrollment	Capacity	Students Generated by Project	Programmed 3 Year Additions	Reserved Capacity	Remaining Capacity
Elementary	E-7	2194	2306	3	498	0	607
Middle	M-2	5037	5419	2	0	0	380
High	H-2	5388	5407	2	0	0	17

Comments:

The students generated at the three CSA levels would at this point be able to be accommodated without exceeding the adopted levels of service (LOS) for each school type. The planned expansions/additions in the current five-year capital plan would provide additional student capacity to relieve the affected schools.

Review and evaluations performed on proposed future land use changes and rezones do not guarantee that the developments subject to this declaration are exempt from the school concurrency requirement, which is effective as of January 1, 2008. Any newly platted developments and any subsequent approvals may affect the provision of concurrent school facilities at the point of final subdivision approval, including the potential of not meeting statutory concurrency requirements based on future conditions.

Terms and Definitions:

Capacity: The number of students that can be satisfactorily accommodated in a room at any given time and which, is typically a lesser percentage of the total number of student stations. That percentage factor is typically referred to as the "Utilization Factor". The capacity of a campus is therefore determined by multiplying the total number of student stations by the utilization factor (percentage). NOTE: Capacity is **ONLY** a measure of space, not of enrollment.

Class Size Reduction (CSR): Article IX of the Florida Constitution requires the legislature to "make adequate provision" to ensure that by the beginning of the 2010 school year, there will be a sufficient number of classrooms for a public school in core related curricula so that:

i) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for pre-kindergarten through grade 3 does not exceed 18 students;
ii) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 4 through 8 does not exceed 22 students; and
iii) The maximum number of students who are assigned to each teacher who is teaching in public school classrooms for grades 9 through 12 does not exceed 25 students

Concurrency Service Area (CSA): A geographic unit promulgated by the School Board and adopted by local governments within which the level of service is measured when an application for residential development is reviewed for school concurrency purposes.

Florida Inventory of School Houses (FISH): The numbering and data collection system developed and assigned through the Department of Education for land parcels, buildings, and rooms in public educational facilities. Based upon district data entry, FISH generates the student station counts and report data for school spaces throughout the districts and the State.

Full Time Equivalent (FTE): A calculation of student enrollment conducted by The Florida Department of Education (FDOE) authorized under Section 1011.62, Florida Statutes to determine a maximum total weighted full-time equivalent student enrollment for each public school district for the K-12 Florida Educational Funding Program (FEFP).

Level of Service Standard (LOS): A standard or condition established to measure utilization within a concurrency service area. Current Level of Service is determined by the sum of the FTE student count at the same type of schools within a concurrency service area, divided by the sum of the permanent FISH capacity of the same type of schools within a concurrency service area. Projected or future Level of Service is determined by the sum of the projected COFTE enrollments at the same type of schools within a concurrency service area, divided by the sum of the planned permanent FISH capacity of the same type of schools within a concurrency service area."

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. The number of units is determined using information provided by the County and/or from the applicant's request. If no actual unit count is provided the unit count is then estimated based on the maximum allowable density under the existing/proposed future land use designation.

Reserved Capacity: School capacity that is assigned to a proposed project once it has received a final development approval for the project's development application.

School Size: For planning purposes, each public school district must determine the maximum size of future elementary, middle and high schools. Existing school size is determined solely through FISH data. Seminole County Public Schools has established the sizes of future schools (with the exception of special centers and magnet schools) as follows:

i) Elementary: 780 student stations
ii) Middle: 1500 student stations
iii) High: 2,800 student stations

Students Resulting from Recently Approved Developments is the sum of students generated from residential developments receiving plats or final approved site plans since the January 1, 2008 implantation date for school concurrency. Student enrollment changes due to existing housing are excluded from these totals.

Student Stations: The actual number or count of spaces contained within a room that can physically accommodate a student. By State Board Rule, the student station count is developed at the individual room level. Prior to Class Size Reduction (CSR), the number of student stations assigned to a room was dependent upon the room size and the particular the instructional program assigned to the room. This is no longer the case for core curricula spaces (see e. below). The total number of student stations at a campus is determined by the cumulative student station count total of the rooms at the campus that are assigned student station counts.

Utilization: A State Board Rule prescribed percentage of student stations that a room (and proportionately, a school and school district) can satisfactorily accommodate at any given time. From a school/campus analysis perspective, "utilization" is determined as the percentage of school enrollment to capacity. Current DOE established K-12 utilization factors are as follows:
Elementary 100%, Middle 90%, High 95%