

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

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

**SUBJECT:** Cattle Drive Trail Rezone from A-5 to A-10

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

**AUTHORIZED BY:** Alison C. Stettner **CONTACT:** Brian Walker EXT. 7337

<b>Agenda Date</b> <u>5/7/08</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-5 (Rural) to A-10 (Rural) for 58.38 ± acres, located on the east side of Cattle Drive Trail, north of W. Osceola Rd. based on staff findings (Pauline M. Saucer); or
2. **RECOMMEND DENIAL** of the request for a rezone from A-5 (Rural) to A-10 (Rural) for 58.38 ± acres, located on the east side of Cattle Drive Trail, north of W. Osceola Rd. (Pauline M. Saucer); or
3. **CONTINUE** the item to a time and date certain.

District 5 – Commissioner Carey

Brian M. Walker, Senior Planner

**BACKGROUND:**

The applicant, Pauline Saucer, is requesting a rezone from A-5 (Rural) to A-10 (Rural) in order to meet the qualifications pursuant to the regulations outlined for the Family Subdivision in Section 35.72 (e) of the Land Development Code. The Family Subdivision facilitates the continuance of the family farm. It allows subdividers who have been actively farming or ranching for the past three years, to subdivide a parcel zoned A-10 into no more than 3 total lots. The parent parcel must be at least ten acres in size and the two newly created lots must be at least one net buildable acre in size. These newly created lots can only be sold or transferred to the subdivider's immediate family. Staff has determined

<b>Reviewed by:</b>
<b>Co Atty:</b> _____
<b>DFS:</b> _____
<b>OTHER:</b> _____
<b>DCM:</b> _____
<b>CM:</b> _____
<b>File No. <u>Z2008-16</u></b>

that with the exception of the A-10 zoning classification, the applicant meets all conditions required to pursue a Family Subdivision.

**STAFF RECOMMENDATION:**

Staff recommends approval of the request for a rezone from A-5 (Rural) to A-10 (Rural) for 58.38 ± acres, located on the east side of Cattle Drive Trail, north of W. Osceola Rd. based on staff findings.

Attachments:

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

<b>Cattle Drive Trail</b> <b>Rezone from A-5 to A-10</b>	
<b>APPLICANT</b>	Pauline Saucer
<b>PROPERTY OWNER</b>	Pauline, Ann & Jay Saucer
<b>REQUEST</b>	Rezone from A-5 (Rural) to A-10 (Rural)
<b>PROPERTY SIZE</b>	58.38 ± acres
<b>HEARING DATE (S)</b>	P&Z: May 7, 2008      BCC: May 20, 2008
<b>PARCEL ID</b>	09-20-32-300-073A-0000 and 09-20-32-300-0730-0000 09-20-32-300-073B-0000
<b>LOCATION</b>	On east side of Cattle Drive Trail, north of W. Osceola Rd.
<b>FUTURE LAND USE</b>	R-5
<b>ZONING</b>	A-5 (Rural)
<b>FILE NUMBER</b>	Z2008-16
<b>COMMISSION DISTRICT</b>	#5 – Carey

**Proposed Development:**

The applicant, Pauline Saucer, is requesting a rezone from A-5 (Rural) to A-10 (Rural) in order to meet the qualifications pursuant to the regulations outlined for the Family Subdivision in Section 35.72 (e) of the Land Development Code.

**ANALYSIS OVERVIEW:**

**ZONING REQUEST**

The following table depicts the minimum regulations for the current zoning district of A-5 (Rural) and the requested zoning district of A-10 (Rural).

<b>DISTRICT REGULATIONS</b>	<b>Existing Zoning (A-5)</b>	<b>Proposed Zoning (A-10) (Setbacks from Property Boundaries)</b>
Minimum Lot Size	5 acres	10 acres
Minimum House Size	N/A	N/A
Minimum Width at Building Line	150'	150'
Front Yard Setback	50'	50'
Side Yard Setback	10'	10'
(Street) Side Yard Setback	50'	50'
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-5 (existing)	A-10 (proposed)
Permitted Uses	<ul style="list-style-type: none"> <li>(a) Single family residences and uses accessory thereto, including one (1) guest house or cottage.</li> <li>(b) Home occupations and home offices.</li> <li>(c) Groves and farms for the cultivation and propagation of citrus, vegetables, fruits, berries, nuts, grass sod and trees.</li> <li>(d) Pastures and grasslands for the cultivation and propagation of livestock and the keeping of ponies or horses for the immediate use of the occupant and their guests excluding, however, the commercial raising of swine.</li> <li>(e) Plant nurseries and green houses not involved with retail sales to the general public.</li> <li>(f) Poultry production.</li> <li>(g) Dairy farms.</li> <li>(h) Fish hatcheries and bait production.</li> <li>(i) Stables, barns, sheds, silos, granaries, windmills and related agricultural structures.</li> <li>(j) Roadside stands for the sale of fruits, vegetables and similar products produced on the premises, provided such stand is placed no closer than twenty-five feet (25') to a property line.</li> <li>(k) Public and private elementary schools.</li> <li>(l) Landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm.</li> <li>(m) One (1) boat dock and one (1) associated boathouse per lot.</li> </ul>	Same as A-5
Special Exception Uses	<ul style="list-style-type: none"> <li>(1) Public and private middle schools and high schools.</li> <li>(2) Public utility and service structures.</li> <li>(3) Churches and their attendant educational and recreational buildings and off-street parking.</li> <li>(4) Parks and recreational areas which are publicly owned and operated.</li> <li>(5) Guest or tourist homes when located on state or federal highways.</li> <li>(6) Community residential homes, provided that the location does not create an over-concentration of such homes or substantially alter the nature and character of the area, all as defined in section 419.001(3)(c), Florida Statutes (2001).</li> <li>(7) Kennels (including the commercial raising or breeding of dogs).</li> <li>(8) Country clubs, golf clubs, fishing clubs, fishing camps, marinas and gun clubs, when making use of the land with nominal impacts to natural resources as determined by the Planning Manager.</li> <li>(9) Riding stables.</li> <li>(10) Mobile and manufactured homes in accordance with the siting standards of part</li> </ul>	Same as A-5

Uses	A-5 (existing)	A-10 (proposed)
	<p>70, chapter 30 of the Land Development Code.</p> <p>(11) Temporary placement of a mobile home on a lot or parcel on which there is currently a primary residence in cases of severe medical hardship. Such conditional use shall result in a temporary placement of a mobile home for a period not to exceed two (2) years. Such placement shall be allowed only in cases of severe medical hardship requiring the location of a caregiver on the site. Only one (1) extension of this conditional use may be approved.</p> <p>(12) Commercial raising of swine.</p> <p>(13) Farmworker housing, either single family or multifamily dwellings, if the land use is a bona fide agriculture use; provided, however, that such structures may house only those persons and their immediate family employed in carrying out such bona fide agricultural use. Mobile homes may be permitted in lieu of tenant dwellings; provided, however, that such approvals shall be limited to a period of two (2) years. The Board of Adjustment may renew said approval for one (1) additional time period of two (2) years after review and finding that the land is used for bona fide agricultural purposes and that the use of the mobile home directly benefits said agricultural purposes.</p> <p>(14) Communication towers.</p> <p>(15) Disposal of tree cuttings or similar organic materials by burning which materials have been transported to the property.</p> <p>(16) Bed and Breakfast establishments when located adjacent to or encompassing a part of the Seminole County trail system.</p>	<p>Same as A-5</p>
Minimum Lot Size	5-Acre	10-Acre

**COMPATIBILITY WITH SURROUNDING PROPERTIES:**

The Zoning and Future Land Use designation of the surrounding properties is A-5 and Rural 5 respectively. The Rural 5 Land Use permits the A-10 zoning classification. The A-10 zoning classification is consistent with the development goals of Rural 5 in that it allows residential development on large lots and continues to accommodate agricultural uses. The A-5 and A-10 zoning classifications permit identical uses and both maintain the rural character of an area by developing at very low densities. Staff finds the proposed rezone to A-10 is consistent and compatible with the surrounding development patterns.

## **SITE ANALYSIS:**

### **ENVIRONMENTAL IMPACTS:**

Based on available FIRM map #12117C0095F, with an effective date of 2007, there appears to be approximately 5 acres of floodplains on the subject property.

#### *Wetland Impacts:*

Based on preliminary aerial photo and County wetland map analysis, there appears to be wetlands and/or surface waters 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.

### **PUBLIC FACILITY IMPACTS:**

#### ***Utilities:***

The site is not located in a water or sewer utility service area, and will not be required to connect to public utilities. Therefore, a well and septic tank will be necessary. The subject property is not in the ten year master plan for reclaimed water. An alternative source for irrigation water, such as a shallow well, will not be required until reclaimed water becomes available.

#### ***Transportation / Traffic:***

The property proposes access onto Cattle Drive, which is classified as a local private easement. Cattle Drive 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.

#### ***Drainage:***

The proposed project is located within the St. Johns Drainage Basin and has limited downstream capacity.

#### ***Buffers and Sidewalks:***

No buffers or sidewalks are required.

**APPLICABLE POLICIES:**

**FISCAL IMPACT ANALYSIS:**

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

**SPECIAL DISTRICTS:**

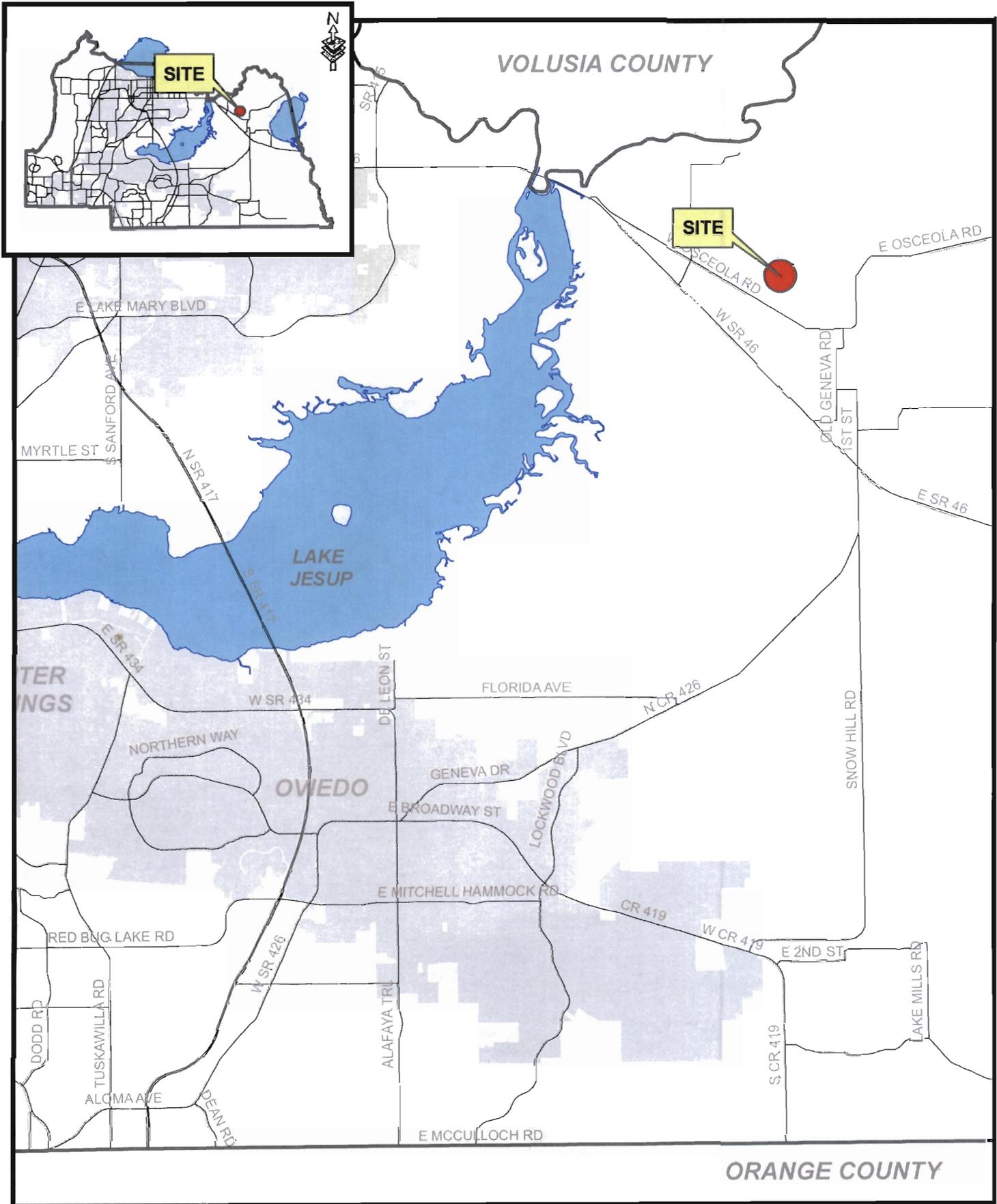
The subject property is located within the East Rural Area.

**INTERGOVERNMENTAL NOTIFICATION:**

An intergovernmental notice is not required for this development.

**LETTERS OF SUPPORT OR OPPOSITION:**

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





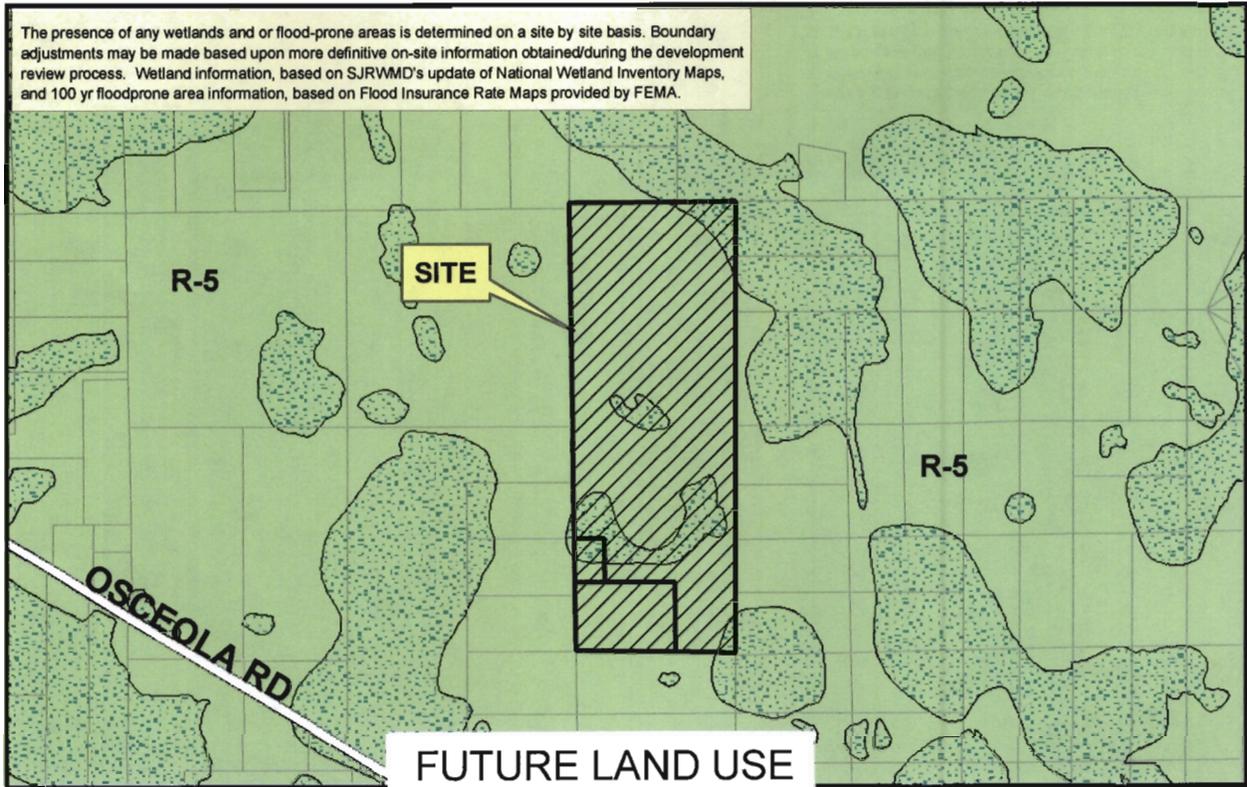
Rezone No: Z2008-16  
 From:A-5 To:A-10

- Parcel
- Subject Property



Winter 2006 Color Aerials

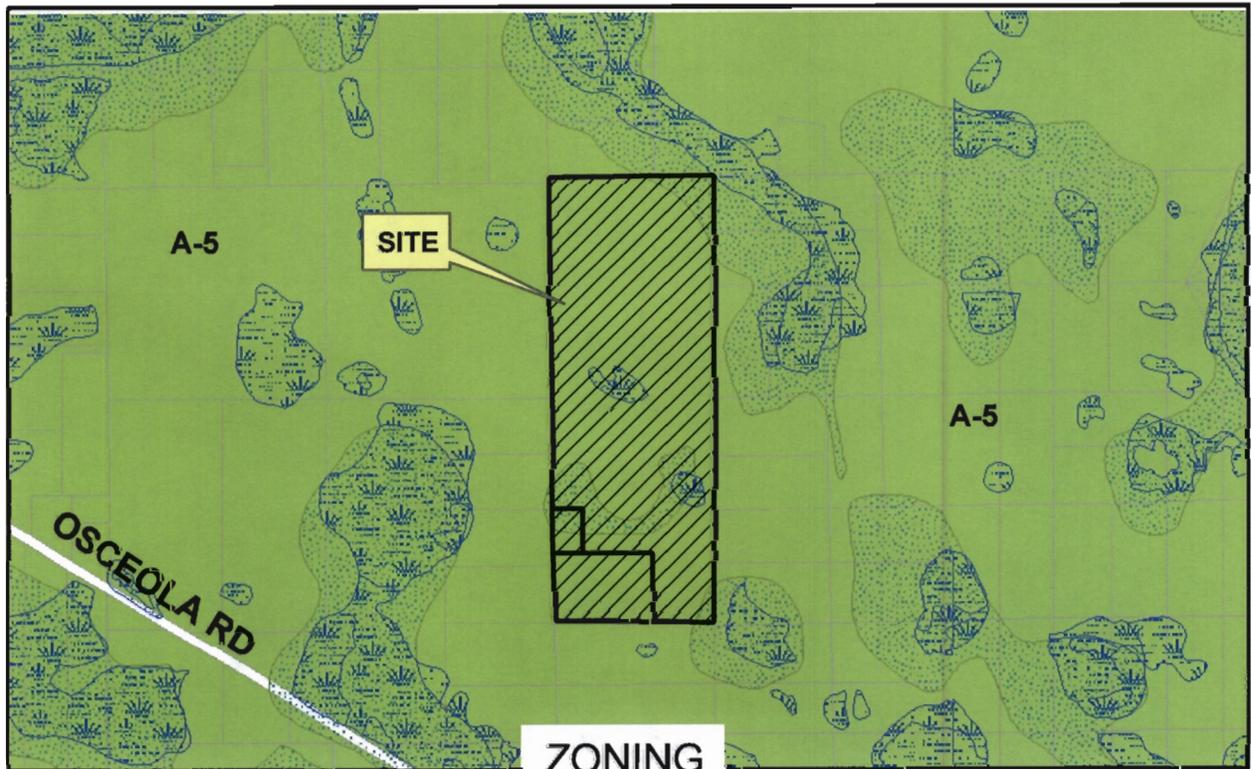
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



Site
  R5
  CONS
  Municipality

Applicant: Pauline Saucer  
 Physical STR: 09-20-32-300-0730, 073A, 073B-0000  
 Gross Acres: 56.00 +/- BCC District: 5  
 Existing Use: Agricultural and homestead  
 Special Notes: \_\_\_\_\_

	Amend/ Rezone#	From	To
FLU	—	—	—
Zoning	Z2008-016	A-5	A-10



A-5
  FP-1
  W-1

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-5 (RURAL) ZONING CLASSIFICATION THE A-10 (RURAL) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR 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 Cattle Drive Trail 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-5 (Rural) to A-10 (Rural):

**SEE ATTACHED EXHIBIT A**

**Section 3. 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 on the recording date.

ENACTED this 20th day of May 2008.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Brenda Carey, Chairman

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

1 AC HOMESTEAD LOCATED IN SEC 09 TWP 20S RGE 32E W 14 CH OF N 1/2 OF SEC  
(LESS S 400 FT OF W 585 FT)

AND

SEC 09 TWP 20S RGE 32E S 400 FT OF W 585 FT OF W 14 CH OF N 1/2 OF SEC

AND

SEC 09 TWP 20S RGE 32E W 14 CH OF N 1/2 OF SEC (LESS S 400 FT OF W 585 FT & 1  
AC HX)

**SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER**

On May 20, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

See attached Exhibit "A"

**FINDINGS OF FACT**

**Property Owners:** Pauline, Ann and Jay Saucer

**Project Name:** Cattle Drive Trail Rezone

**Requested Development Approval:**

Rezone from A-5 (Rural) to A-10 (Rural) for 58.38 ± acres, located on the east side of Cattle Drive Trail, north of W. Osceola Rd.

The Board of County Commissioners has determined that the request for rezone from A-5 (Rural) to A-10 (Rural) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled, "Cattle Drive Trail Rezone" and all evidence submitted at the public hearing on May 20, 2008 regarding this matter, the Board of County Commissioners has 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: \_\_\_\_\_  
Brenda Carey – Chairman

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

1 AC HOMESTEAD LOCATED IN SEC 09 TWP 20S RGE 32E W 14 CH OF N 1/2 OF SEC  
(LESS S 400 FT OF W 585 FT)

AND

SEC 09 TWP 20S RGE 32E S 400 FT OF W 585 FT OF W 14 CH OF N 1/2 OF SEC

AND

SEC 09 TWP 20S RGE 32E W 14 CH OF N 1/2 OF SEC (LESS S 400 FT OF W 585 FT & 1  
AC HX)