

ITEM #

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

SUBJECT: Linneal Beach Drive (6259) Rezone from A-1 (Agriculture) to R-1AA (Single-Family Dwelling).

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Alison Stettner *AS* CONTACT: Austin Watkins *AW* EXT. 7440

Agenda Date <u>09/03/08</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 to rezone 0.31 ± acres, located at 6259 Linneal Beach Drive, from A-1 (Agriculture) to R-1AA (Single-Family Dwelling), based on staff findings, (James Palmer, applicant); or
2. **RECOMMEND DENIAL** of the request to rezone 0.31 ± acres, located at 6259 Linneal Beach Drive, from A-1 (Agriculture) to R-1AA (Single-Family Dwelling), based on staff findings, (James Palmer, applicant); or
3. **CONTINUE** the item to a time and date certain.

District 3 – Van Der Weide

Austin Watkins, Senior Planner

BACKGROUND:

The applicant is requesting a rezone from A-1 (Agriculture) to R-1AA (Single-Family Dwelling) on approximately 0.31 ± acres, located at 6259 Linneal Beach Drive. The R-1AA (Single-family Dwelling) district requires a minimum lot size of 11,700 square feet and a minimum width at the building line of 90 feet. The Future Land Use designation of the subject property is Low Density Residential (LDR) which allows the requested zoning district. The subject property is assigned the A-1 zoning classification. This request is to rezone a small portion of the property to the R-1AA zoning classification, in order to subdivide the property in the future.

Reviewed by:
Co Atty: <u>KPT</u>
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. <u>Z2008-31</u>

The Seminole County Land Development Code (LDC) requires 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, as required by Section 30.1383 of the Land Development Code and Policy FLU 2.10 of the *Seminole County Vision 2020: Comprehensive Plan*, and determined that the analysis supports the requested R-1AA zoning classification.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone 0.31 ± acres, located at 6259 Linneal Beach Drive, from A-1 (Agriculture) to R-1AA (Single-Family Dwelling), based on staff findings.

Attachments:

Staff Analysis
Location Map
Future Land Use & Zoning Map
Aerial Map
Rezone Ordinance
Denial Development Order (applicable only if denied)
School Impact Analysis
Ownership Disclosure Form

Linneal Beach Drive (6259) Rezone from A-1 to R-1AA		
APPLICANT	James Palmer	
PROPERTY OWNER	James Palmer	
REQUEST	Rezone from A-1 (Agriculture) to R-1AA (Single-Family Dwelling)	
PROPERTY SIZE	0.31 ± acres	
HEARING DATE (S)	P&Z: September 3, 2008	BCC: October 14, 2008
PARCEL ID	19-21-29-300-004E-0000	
LOCATION	Located at 6259 Linneal Beach Drive	
FUTURE LAND USE	Low Density Residential (LDR)	
ZONING	A-1 (Agriculture)	
FILE NUMBER	Z2008-31	
COMMISSION DISTRICT	#3 – Van Der Weide	

ANALYSIS OVERVIEW:

The following tables depict the minimum regulations for the current zoning districts of A-1 (Agriculture) and the requested district of R-1AA (Single-Family Dwelling):

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

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	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 dwelling units and their customary accessory uses, Community residential homes (group homes and foster care facilities), public and private elementary schools, and home office.
Special Exception Uses	Special Exceptions 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.	Churches with attendant educational and recreational buildings, public and private middle and high schools, parks, public utility and service structures, guest cottages, subdivision sewage treatment and water plants, assisted living facilities, and communication towers.
Minimum Lot Size	43,560 sq. ft.	11,700 sq. ft.

COMPATIBILITY WITH SURROUNDING PROPERTIES

The surrounding area has the Low Density Residential Future Land Use designation and is assigned the A-1 and R-1AA zoning classification. The proposed zoning district requires a minimum lot size of 11,700 square feet and a minimum width at the building line of 90 feet. The proposed rezone will provide additional R-1AA zoning, which is the predominant zoning district in the area.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map with an effective date of 2007, 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), 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.

Utilities:

The site is located in the Utilities Inc. utility service area and will not be required to connect to public utilities. There are no utilities available in the area.

Drainage:

The proposed project is located within the Little Wekiva Drainage Basin, and does not have limited downstream capacity. The site will have to be designed to not exceed the rate of discharge for the 25-year, 24-hour storm event and the current roadway drainage system capacity to Bear Lake.

Transportation / Traffic:

The property proposes access onto Linneal Beach Drive, which is classified as Residential Road and does not have improvements programmed in the County 5-year Capital Improvement Program. The road may have to be improved to a County standard roadway section.

School Impacts:

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

Parks, Recreation and Open Space:

The applicant is required to provide 25% of the site in open space per Section 30.1344 of the Seminole County Land Development Code.

Buffers and Sidewalks:

The proposed development is adjacent to both residential and agricultural zoning districts; therefore, no exterior buffers are required. There is not an existing sidewalk along Linneal Beach Drive. A 5-foot wide sidewalk may be required, and will be determined at time of subdivision.

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 FLU 2.10: Determination of Compatibility in the Low Density Residential Future Land Use Designation.
- Policy FLU 12.4: Relationship of Land Use to Zoning Classifications
- Policy FLU 12.5: Evaluation Criteria of Property Rights Assertions
- Policy PUB 2.1: Public Safety Level-of-Service
- Policy POT 4.5: Potable Water Connection

INTERGOVERNMENTAL NOTIFICATION:

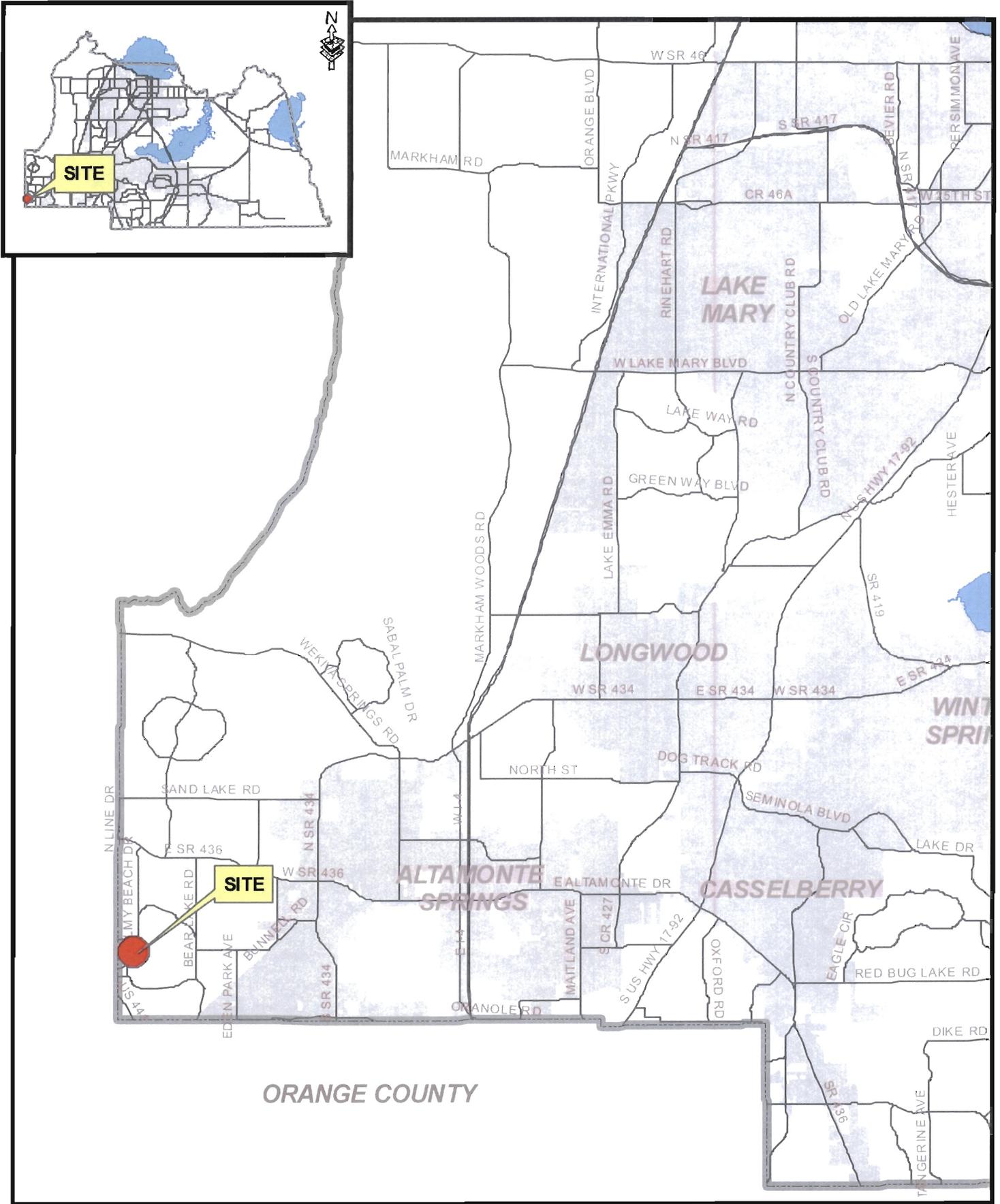
No intergovernmental notices were required for this project.

LETTERS OF SUPPORT OR OPPOSITION:

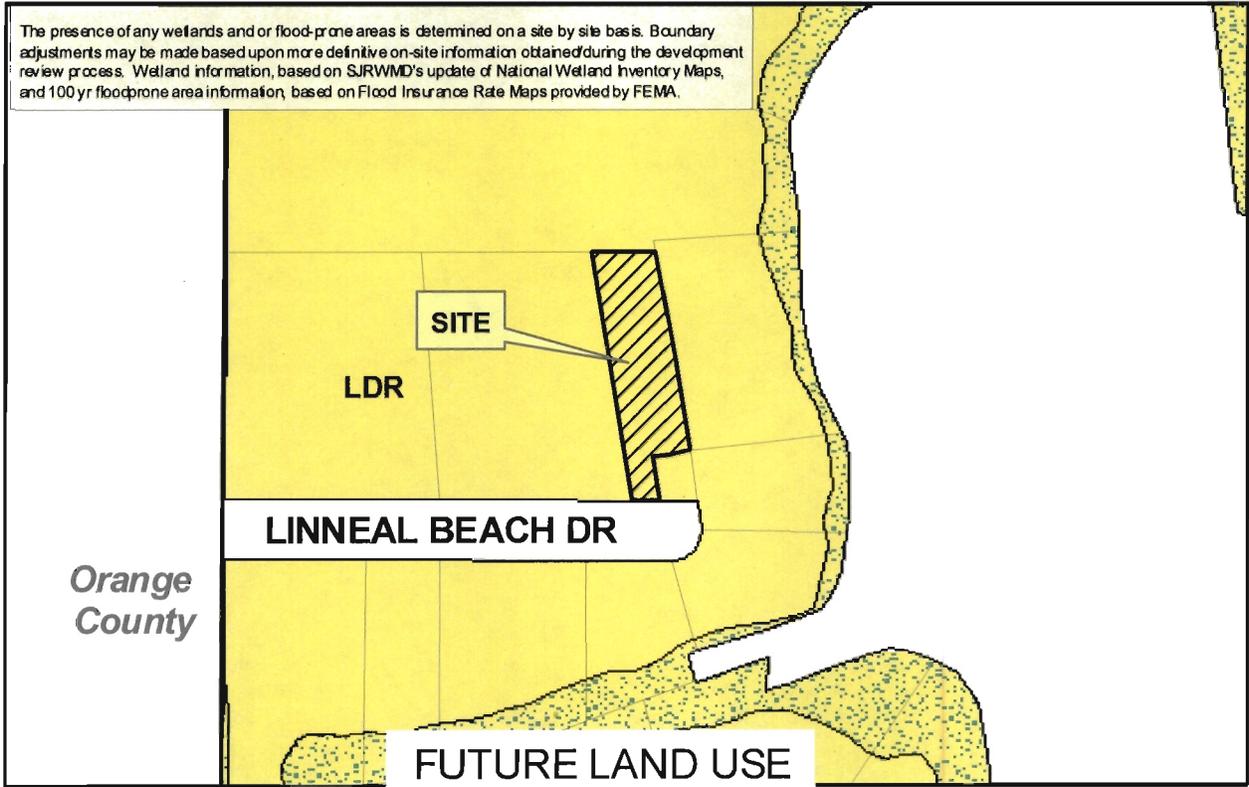
No letters of concern have been received.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request to rezone 0.31 ± acres, located at 6259 Linneal Beach Drive, from A-1 (Agriculture) to R-1AA (Single-Family Dwelling).



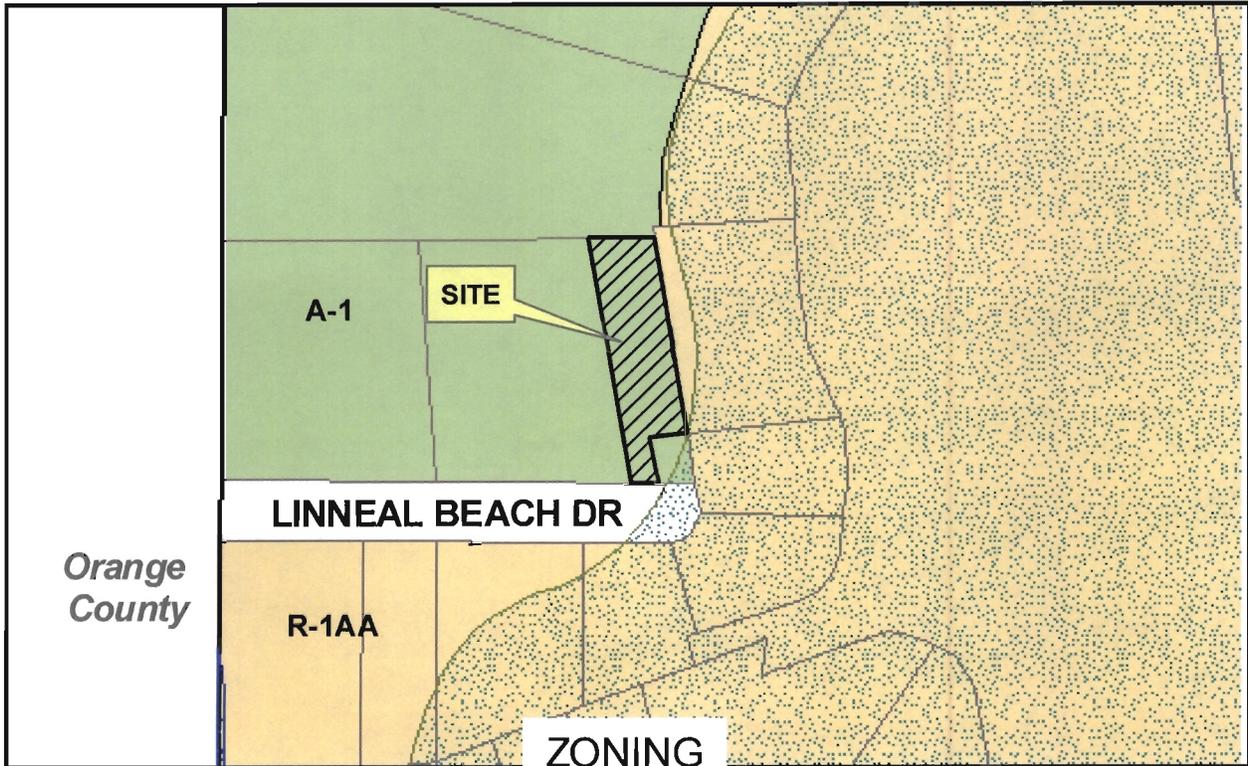
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



LDR
 Site
 CONS

Applicant: James Palmer
 Physical STR: 19-21-29-300-004E-0000
 Gross Acres: .31 +/- BCC District: 3
 Existing Use: _____
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU	-	-	-
Zoning	Z2008-031	A-1	R-1AA



A-1
 R-1AA
 FP-1



Rezone No: Z2008-031
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 (LENGTHY 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 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 "Linneal Beach (6259) Rezone", dated October 14, 2008.

(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.

ENACTED this 14th day of October 2008.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Brenda Carey
Chairman

EXHIBIT "A"

LEGAL DESCRIPTION

COMMENCE AT THE NORTHWEST CORNER OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 29 EAST, RUN SOUTH 00°05'00" EAST ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF 1,289.02 FEET TO THE NORTH RIGHT OF WAY OF LENNEAL BEACH DRIVE AS PER THE PLAT OF 'BEAR LAKE ESTATES', AS RECORDED IN PLAT BOOK 12, PAGE 95, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, THENCE NORTH 89°54'00" EAST ALONG SAID RIGHT OF WAY, A DISTANCE OF 471.84 FEET FOR THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 08°03'00" WEST, A DISTANCE OF 279.07 FEET; THENCE NORTH 89°54'00" EAST, A DISTANCE OF 20.19 FEET; HENCE NORTH 80°38'27" EAST, A DISTANCE OF 33.04 FEET; THENCE SOUTH 08°03'00" EAST, A DISTANCE OF 240.76 FEET; THENCE SOUTH 81°57'00" WEST A DISTANCE OF 33.03 FEET; THENCE SOUTH 08°03'00" EAST, A DISTANCE OF 39.07 FEET; THENCE SOUTH 89°54'00" WEST, A DISTANCE OF 20.19 FEET TO THE POINT OF BEGINNING.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On October 14, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit "A".

FINDINGS OF FACT

Property Owner: James Palmer
6259 Linneal Beach Drive
Apopka, FL 32703

Project Name: Linneal Beach Drive (6259) Rezone

Requested Development Approval:

Rezone from A-1 (Agriculture) to R-1AA (Single-family Dwelling) on approximately 0.31 acres, located at 6259 Linneal Beach Drive.

The Board of County Commissioners has determined that the request for rezone 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 "Linneal Beach Drive (6259) Rezone from A-1 (Agriculture) to R-1AA (Single-family Dwelling)" and all evidence submitted at the public hearing on October 14, 2008, 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: _____
Brenda Carey, Chairman

EXHIBIT "A"

LEGAL DESCRIPTION

COMMENCE AT THE NORTHWEST CORNER OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 29 EAST, RUN SOUTH 00°05'00" EAST ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF 1,289.02 FEET TO THE NORTH RIGHT OF WAY OF LENNEAL BEACH DRIVE AS PER THE PLAT OF 'BEAR LAKE ESTATES', AS RECORDED IN PLAT BOOK 12, PAGE 95, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, THENCE NORTH 89°54'00" EAST ALONG SAID RIGHT OF WAY, A DISTANCE OF 471.84 FEET FOR THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 08°03'00" WEST, A DISTANCE OF 279.07 FEET; THENCE NORTH 89°54'00" EAST, A DISTANCE OF 20.19 FEET; HENCE NORTH 80°38'27" EAST, A DISTANCE OF 33.04 FEET; THENCE SOUTH 08°03'00" EAST, A DISTANCE OF 240.76 FEET; THENCE SOUTH 81°57'00" WEST A DISTANCE OF 33.03 FEET; THENCE SOUTH 08°03'00" EAST, A DISTANCE OF 39.07 FEET; THENCE SOUTH 89°54'00" WEST, A DISTANCE OF 20.19 FEET TO THE POINT OF BEGINNING.



Seminole County Public Schools School Impact Analysis School Capacity Determination

To: Aaron Mercer, Applicant
Seminole County Board of County Commissioners

From: Michael Rigby, AICP, Facilities Planner, Seminole County Public Schools

Date: July 8, 2008

RE: Palmer/Linneal Beach Dr. Rezone (Z2008-03)

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

Description – The project is located on +/-0.5 acres at 6259 Linneal Beach Drive in unincorporated Seminole County. The applicant is requesting a rezone to R-1AA and seeks approval to construct residential project containing approximately 1 additional single family dwelling unit.

Parcel ID #: 19-21-29-300-004E-0000.

Based on information received from Planning and from the application 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-8	4297	3899	0	896	5	493
Middle	M-2	3739	3950	0	0	3	208
High	H-2	5388	5470	0	88	4	166

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, unplatted parcels, or projects that have not received final approval 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. Changes in enrollment, any newly platted developments, and any subsequent final development 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 SCALD and has applied for or 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%