

ITEM # _____

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

SUBJECT: Markham Woods Road (1650) Rezone from RC-1 (Country Homes) to A-1 (Agriculture).

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

AUTHORIZED BY: Alison Stettner ^{AS} **CONTACT:** Joy Williams **EXT.** 7399

Agenda Date	<u>03/04/09</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:

- RECOMMEND APPROVAL** of the request for a rezone from RC-1 (Country Homes) to A-1 (Agriculture) for 5 ± acres, located on the west side of Markham Woods Road approximately ½ mile north of E.E Williamson Road, based on staff findings, (Marjorie Chalfant / Jeffrey Hensley); or
- RECOMMEND DENIAL** of the request for a rezone from RC-1 (Country Homes) to A-1 (Agriculture) for 5 ± acres, located on the west side of Markham Woods Road approximately ½ mile north of E.E Williamson Road, (Marjorie Chalfant / Jeffrey Hensley); or
- CONTINUE** the item to a time and date certain

District 5 – Commissioner Carey

Joy Williams, Planner

BACKGROUND:

The applicant is requesting a rezone from RC-1 (Country Homes) to A-1 (Agriculture) for 5 ± acres, to allow for those uses permitted under the A-1 zoning district.

Reviewed by:	_____
Co Atty:	<u>KFT</u>
DFS:	_____
OTHER:	_____
DCM:	_____
CM:	_____
File No.	<u>Z2008-67</u>

STAFF RECOMMENDATION:

Staff recommends approval of the request to rezone from RC-1 (Country Homes) to A-1 (Agriculture) for 5 ± acres, located on the west side of Markham Woods Road approximately ½ mile north of E.E Williamson Road.

Attachments:

Staff Report

Location Map

Zoning & Future Land Use Map

Aerial Map

Rezone Ordinance

Denial Development Order (applicable if the request is denied)

Ownership Disclosure Form

Markham Woods Road (1650)		
Rezone from RC-1 to A-1		
APPLICANT	Marjorie Chalfant / Jeffrey Hensley	
PROPERTY OWNER	Marjorie Chalfant	
REQUEST	Rezone from RC-1 (Country Homes) to A-1 (Agriculture)	
PROPERTY SIZE	5 ± acres	
HEARING DATE (S)	P&Z: March 4, 2009	BCC: April 28, 2009
PARCEL ID	26-20-29-300-017B-0000	
LOCATION	Located on the west side of Markham Woods Road approximately ½ mile north of E.E Williamson Road.	
FUTURE LAND USE	SE (Suburban Estates)	
ZONING	RC-1 (Country Homes)	
FILE NUMBER	Z2008-67	
COMMISSION DISTRICT	#5 – Carey	

Proposed Development:

The applicant is requesting a rezone from RC-1 (Country Homes) to A-1 (Agriculture) to allow for those uses permitted under the A-1 zoning district.

ANALYSIS OVERVIEW:

ZONING REQUEST

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

DISTRICT REGULATIONS	Existing Zoning (RC-1)	Proposed Zoning (A-1) (Setbacks from Property Boundaries)
Minimum Lot Size	43,560 sq. ft.	43,560 sq. ft.
Minimum House Size	1,200 sq. ft.	N/A
Minimum Width at Building Line	120'	150'
Front Yard Setback	35'	50'
Side Yard Setback	20'	10'
(Street) Side Yard Setback	35'	50'
Rear Yard Setback	35'	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	RC-1 (existing)	A-1 (proposed)
Permitted Uses	Single-family residences and their customary accessory uses, citrus cultivation, one (1) boat dock and one (1) associated boathouse per lot, 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.	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, government owned and operated building or use, excluding public utility and service structures, public and private elementary schools, fish hatcheries or fish pools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns, sheds, silos, granaries, windmills, and related agriculture structures, dairies, apiculture, silviculture including timber production, single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, neighborhood recreation areas when approved as part of a subdivision plat, churches and structures appurtenant thereto, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.
Special Exception Uses	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.	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 when chartered with the state, country and golf clubs, fishing clubs, 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, stadiums, racetracks, and speedways if the use is located along a major roadway or has immediate accessibility thereto, golf driving ranges, riding stables provided that no structure housing animals is located nearer than 100 feet from a property line, airplane landing fields and helicopter ports, commercial raising of swine, sewage disposal plants, 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, community residential homes housing more than six (6) unrelated residents, communication towers, bed and breakfast establishments.
Minimum Lot Size	1-Acre	1-Acre

COMPATIBILITY WITH SURROUNDING PROPERTIES:

The Future Land Use designation of the surrounding properties is Suburban Estates (SE); the properties to the north, west, and east have an A-1 (Agriculture) zoning classification, and the property to the south has an RC-1 (Country Homes) zoning classification. Staff finds the proposed rezone to the A-1 (Agriculture) zoning classification is consistent and compatible with the surrounding development patterns.

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 may be endangered and threatened wildlife on the subject property. A threatened and endangered study along with a species of special concern 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 subject property will be required to undergo Concurrency Review prior to Final Engineering approval.

Utilities:

The site is located in the Utilities Inc. water utility service area. There is an 8-inch water main on the south side of Wingfield Dr. There are no sanitary sewer providers in the immediate area. The site is currently provided water and sewer by a private well and septic system.

Transportation / Traffic:

The property currently has access onto Wingfield Drive which is classified as a residential road and does not have improvements programmed in the County 5-year Capital Improvement Program.

Drainage:

The site is located within the Little Wekiva Drainage Basin, and does not have limited downstream capacity. The site will have to be designed to hold 25-year/24-hour total retention for any new impervious areas.

Parks, Recreation and Open Space:

In accordance with Section 30.1344 of the Land Development Code, the applicant will be required to provide twenty (20) percent of the site in common open space. Per Section 30.1344 (e), the common open space may include landscape buffers, as well as the preservation of floodplain areas, wetlands and other natural resources.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS:

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

SPECIAL DISTRICTS:

The site is located with the Wekiva River Protection Area

SEMINOLE COUNTY COMPREHENSIVE PLAN:

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 FLU17.4: Relationship of Land Use to Zoning Classifications

INTERGOVERNMENTAL NOTIFICATION:

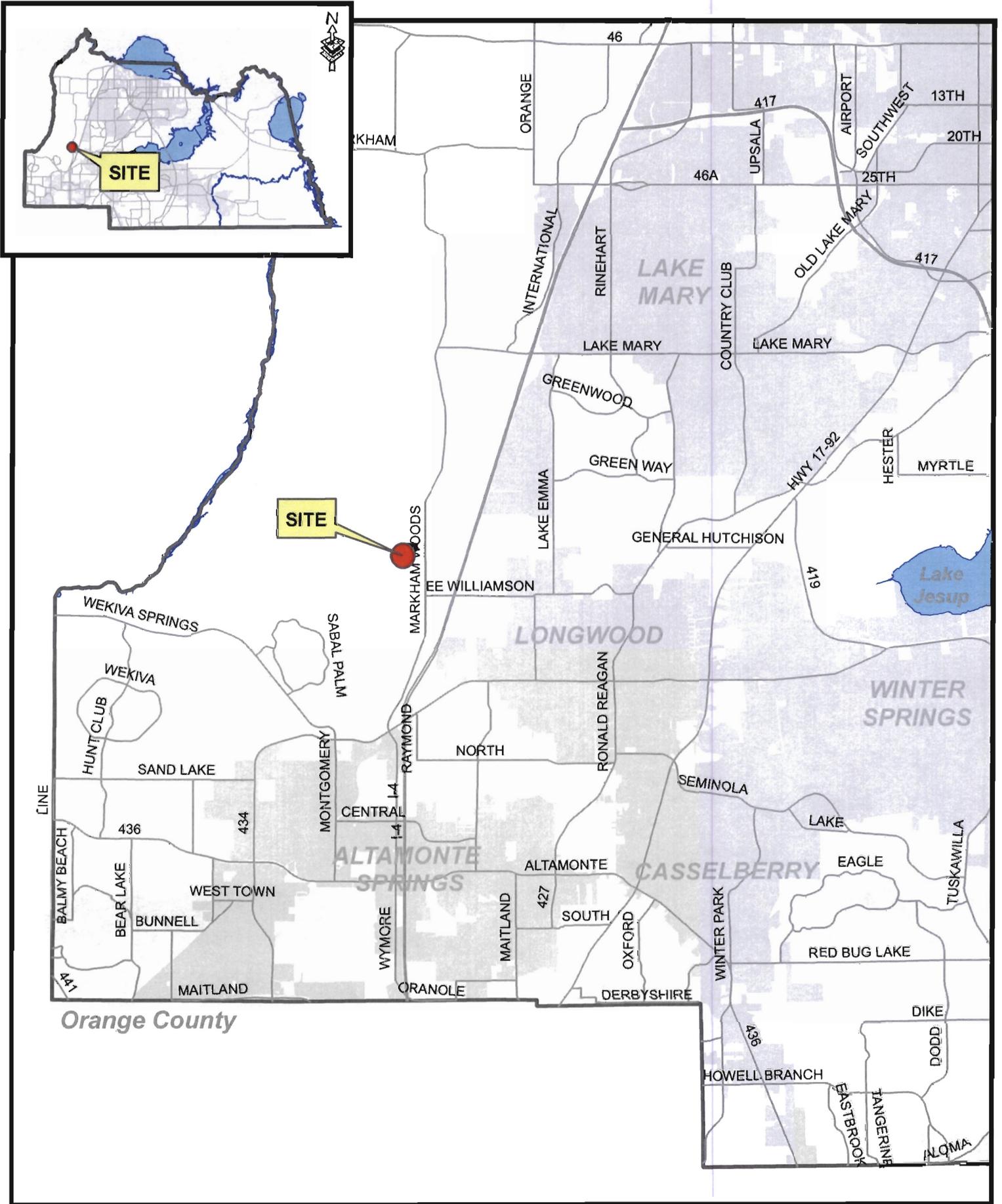
An intergovernmental notice was not required for the subject site.

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 rezone from RC-1 (Country Homes) to A-1 (Agriculture) for 5 ± acres, located on the west side of Markham Woods Road approximately ½ mile north of E.E Williamson 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 floodprone area information, based on Flood Insurance Rate Maps provided by FEMA.



Site
 SE
 PD
 CONS
 Municipality

Applicant: Marjorie Chalfant / Jeffery Hensley
 Physical STR: 26-20-29-300-017B-0000
 Gross Acres: 5.0 +/- BCC District: 5
 Existing Use: single family residential
 Special Notes:

	Amend/ Rezone#	From	To
FLU	-	-	-
Zoning	Z2008-067	RC-1	A-1



A-1
 RC-1
 PUD
 FP-1
 W-1



Rezone No: Z2008-067
From: AC-1 To: A-1

-  Parcel
-  Subject Property



Winter 2007 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 RC-1 (COUNTRY HOMES) ZONING CLASSIFICATION THE A-1 (AGRICULTURE) 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 Markham Woods (1650) Rezone dated April 28, 2009.

(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 RC-1 (Country Homes) to A-1 (Agriculture):

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 in the Official Land Records of Seminole County.

ENACTED this 28th day of APRIL 2009.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Bob Dallari, Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

THE NORTH ½ OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 26, TOWNSHIP 20 SOUTH, RANGE 29 EAST, SEMINOLE COUNTY, FLORIDA, SUBJECT TO FLORIDA POWER CORPORATION RIGHT-OF-WAY EASEMENT OVER THE WEST 50 FEET THEREOF; TOGETHER WITH AN EASEMENT FOR PURPOSES OF INGRESS AND EGRESS TO, OVER AND THROUGH THE EAST 30 FEET OF THE SOUTH ½ OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 26, TOWNSHIP 20 SOUTH, RANGE 29 EAST; TOGETHER WITH AN EASEMENT FOR PURPOSES OF INGRESS AND EGRESS TO, OVER AND THROUGH THE EAST 690.56 FEET OF THE NORTH 30 FEET OF THE NORTH ½ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ (LESS THE EAST 25 FEET THEREOF FOR LONGWOOD-MARKHAM ROAD RIGHT-OF-WAY) OF SECTION 26, TOWNSHIP 20 SOUTH, RANGE 29 EAST, SEMINOLE COUNTY, FLORIDA,

AND

THE WEST 40 FEET OF LOT 7, WINGFIELD RESERVE, PHASE 1, ACCORDING THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 24, PAGES 79 AND 80, SEMINOLE COUNTY, FLORIDA,

AND

RIGHT-OF-WAY AND EASEMENT OVER THE SOUTH 25 FEET OF LOTS 1 THROUGH 4, INCLUSIVE, OF WINGFIELD RESERVE, PHASE 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 24, PAGES 79 AND 80, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, AS SET OUT IN INSTRUMENT RECORDED MARCH 18, 1981 IN OFFICIAL RECORDS BOOK 1325, PAGE 709, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On April 28, 2009, Seminole County issued this Denial Development Order relating to and touching and concerning the following described property:

See Attached Exhibit A

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

Property Owner(s): Marjorie Chalfant
1650 Markham Wood Road
Longwood, FL 32779

Project Name: Markham Woods Road (1650) Rezone

Requested Development Approval: Request for a rezone from RC-1 (Country Homes) to A-1 (Agriculture) for 5 ± acres, located on the west side of Markham Woods Road approximately ½ mile north of E.E Williamson Road.

The Board of County Commissioners has determined that the rezone request from RC-1 (Country Homes) to A-1 (Agriculture) district is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Markham Woods Road (1650) Rezone" and all evidence submitted at the public hearing on April 28, 2009, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from RC-1 (Country Homes) to A-1 (Agriculture) 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: _____
Bob Dallari, Chairman

EXHIBIT "A"

THE NORTH ½ OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 26, TOWNSHIP 20 SOUTH, RANGE 29 EAST, SEMINOLE COUNTY, FLORIDA, SUBJECT TO FLORIDA POWER CORPORATION RIGHT-OF-WAY EASEMENT OVER THE WEST 50 FEET THEREOF; TOGETHER WITH AN EASEMENT FOR PURPOSES OF INGRESS AND EGRESS TO, OVER AND THROUGH THE EAST 30 FEET OF THE SOUTH ½ OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 26, TOWNSHIP 20 SOUTH, RANGE 29 EAST; TOGETHER WITH AN EASEMENT FOR PURPOSES OF INGRESS AND EGRESS TO, OVER AND THROUGH THE EAST 690.56 FEET OF THE NORTH 30 FEET OF THE NORTH ½ OF THE NORTHEAST ¼ OF THE SOUTHWEST ¼ (LESS THE EAST 25 FEET THEREOF FOR LONGWOOD-MARKHAM ROAD RIGHT-OF-WAY) OF SECTION 26, TOWNSHIP 20 SOUTH, RANGE 29 EAST, SEMINOLE COUNTY, FLORIDA,

AND

THE WEST 40 FEET OF LOT 7, WINGFIELD RESERVE, PHASE 1, ACCORDING THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 24, PAGES 79 AND 80, SEMINOLE COUNTY, FLORIDA,

AND

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SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07- _____:

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

Name: <u>MARJORIE CHALFANT</u>	Name: _____
Address: <u>2600 TAMPA RD., PALM HARBOR, FL</u>	Address: _____
Phone #: <u>(727) 781-3433 341684</u>	Phone #: _____
Name: _____	Name: _____
Address: _____	Address: _____
Phone #: _____	Phone #: _____

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

Name of Corporation: <u>N/A</u>	Name of Corporation: _____
Officers: _____	Officers: _____
Address: _____	Address: _____
Directors: _____	Directors: _____
Address: _____	Address: _____
Shareholders: _____	Shareholders: _____
Address: _____	Address: _____

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust.

Name of Trust: _____	Beneficiaries: _____
Trustees: _____	Address: _____
Address: _____	_____

(Use additional sheets for more space.)

SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT

4. For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: N/A Name of Partnership: _____
Principal: _____ Principal: _____
Address: _____ Address: _____
(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee: _____ Contract Vendee: _____
Name: N/A Name: _____
Address: _____ Address: _____
(Use additional sheets for more space.)

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.

7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

Date

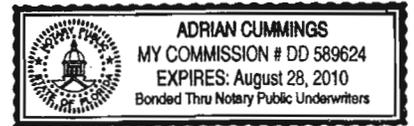
Maureen Chalfant
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Pinellas

Sworn to (or affirmed) and subscribed before me this 12th day of Dec., 2008 by Maureen Chalfant

Adrian Cummings
Signature of Notary Public

Adrian Cummings
Print, Type or Stamp Name of Notary Public



Personally Known X OR Produced Identification _____
Type of Identification Produced _____

For Use by Planning & Development Staff

Date: _____ Application Number: _____

**SEMINOLE COUNTY APPLICANT AUTHORIZATION FORM
(ORIGINAL ONLY)**

An authorized applicant is defined as:

- The property owner of record: or
- An agent of said property owner (power of attorney to represent and bind the property owner must be submitted with the application); or
- Contract purchaser (a copy of a fully executed sales contract must be submitted with the application containing a clause or clauses allowing an application to be filed).

I MARJORIE CHALFANT, the fee simple owner of the following
(Owner's Name)
described property (Provide Legal Description or Tax Parcel ID Number(s)) _____
26-20-29-300-017B-0000

hereby petition Seminole County to amend the Comprehensive Plan, Future Land Use Map, Official Zoning Map
(circle one or more) from RC-1 to A-1 and affirm that _____

JEFFREY W. HENSLEY is hereby designated to act as my our authorized agent and to file the
attached application for the stated amendment and make binding statements and commitments regarding the
amendment request.

MARJORIE CHALFANT
Marjorie Chalfant
Owner's Signature

I certify that I have examined the application and that all statements and diagrams submitted are true and
accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become
part of the Official Records of Seminole County, Florida and are not returnable.

SWORN TO AND SUBSCRIBED before me this 14th day of Jan, 2009.

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to
take acknowledgments, personally appeared Marjorie Chalfant, who is personally known to me or
who has produced _____ has identification and who executed the foregoing instrument and sworn
an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 14th day of
January, 2009.

Adrian Cummings
Notary Public in and for the County and State
Aforementioned
My Commission Expires: Aug. 28, 2010

