

ITEM # _____

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

SUBJECT: Celery Avenue at Lake Monroe Large Scale Land Use Amendment and Rezone

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

AUTHORIZED BY: Tina Williamson **CONTACT:** Austin Watkins **EXT.** 7440

Agenda Date <u>7/11/2007</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 TRANSMITTAL** of the requested Large Scale Future Land Use Amendment from SE (Suburban Estates) to LDR (Low Density Residential) and rezone from A-1 (Agriculture) to R-1 (Single-family Dwelling) and R-1A (Single-family Dwelling) for 16.34 ± acres, located on the south side of Celery Avenue, approximately 600 feet east of Beardall Avenue, based on staff findings (Harling, Locklin & Associates, Hugh Harling, applicant); or
- RECOMMEND DENIAL** of the requested Large Scale Future Land Use Amendment from SE (Suburban Estates) to LDR (Low Density Residential) and rezone from A-1 (Agriculture) to R-1 (Single-family Dwelling) and R-1A (Single-family Dwelling) for 16.34 ± acres, located on the south side of Celery Avenue, approximately 600 feet east of Beardall Avenue (Harling, Locklin & Associates, Hugh Harling, applicant); or
- CONTINUE** the item to a time and date certain.

District 5 – Commissioner Carey

Austin Watkins, Planner

BACKGROUND:

The applicant is requesting a Large Scale Future Land Use Amendment and rezone of 16.34 ± acres, located on the south side of Celery Avenue, approximately 600 feet east of Beardall Avenue, from SE (Suburban Estates) to LDR (Low Density Residential) and rezone from A-1 (Agriculture) to R-1 (Single-Family Dwelling) and R-1A (Single-Family Dwelling)

Reviewed by:
Co Atty: <u>LFT</u>
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. Z2007-20

Dwelling). The applicant is requesting the Large Scale Future Land Use Amendment to allow for single-family residential development at a maximum density of 4 dwelling units per net buildable acre. The LDR Future Land Use designation allows for the requested zoning districts.

The applicant proposes to rezone the southern half of the property to R-1, which has a minimum lot size of 8,400 square feet and a minimum width at the building line of 70 feet and the northern half of the property (adjacent to Celery Avenue) to R-1A, which has a minimum lot size of 9,000 square feet and a minimum width at the building line of 75 feet.

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-1 and R-1A.

STAFF RECOMMENDATION:

Staff recommends TRANSMITTAL of the requested Large Scale Future Land Use Amendment from Suburban Estates (SE) to Low Density Residential (LDR) and APPROVAL of the rezone from A-1 (Agriculture) to R-1 (Single-Family Dwelling) and R-1A (Single-Family Dwelling) for 16.34± acres, located on the south side of Celery Avenue, approximately 600 feet east of Beardall Avenue.

Attachments:

- Location Map
- Zoning and Future Land Use Map
- Aerial Map
- Parcel Map
- Rezone Ordinances
- Large Scale Land Use Amendment Ordinance
- Denial Development Order
- School Capacity Report
- Large Scale Land Use Amendment Justification Statement

Celery Avenue at Lake Monroe Large Scale Future Land Use Amendment from Suburban Estates (SE) to Low Density Residential (LDR) and rezone from A-1 (Agriculture) to R-1 (Single-Family Dwelling) and R-1A (Single-Family Dwelling)

APPLICANT	Harling, Locklin & Associates, Hugh Harling, applicant	
PROPERTY OWNER	Lodestar Holdings, LLC	
REQUEST	LSLUA from Suburban Estates (SE) to Low Density Residential (LDR) and rezone from A-1 to R-1 and R-1A	
PROPERTY SIZE	16.34 ± acres	
HEARING DATE (S)	P&Z: July 11, 2007	BCC: August 14, 2007 (Transmittal) December 11, 2007 (Adoption)
PARCEL ID	33-19-31-300-0120-0000	
LOCATION	Located on the south side of Celery Avenue, approximately 600 feet east of Beardall Avenue.	
FUTURE LAND USE	SE (Suburban Estates)	
ZONING	A-1 (Agriculture)	
FILE NUMBER	Z2007-20	
COMMISSION DISTRICT	#5 – Carey	

Proposed Development:

The applicant is proposing a detached single-family subdivision with R-1A (9,000 square foot) lots on the northern half and R-1 (8,400 square foot) lots on the southern half of the subject property.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant is proposing a Large Scale Future Land Use Amendment from Suburban Estates (1 dwelling unit per net buildable acre) to Low Density Residential (maximum of than 4 du/net buildable acre) and a rezone from A-1 (Agriculture) to R-1 (Single-Family Dwelling) and R-1A (Single-Family Dwelling). The applicant proposes to rezone the north half of the property to R-1A to allow for larger lots along Celery Avenue. The south half of the property is requested to be rezoned to R-1 to allow for smaller lots adjacent to the industrial property to the south and the Cameron Heights PUD.

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

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (R-1)	Proposed Zoning (R-1A)
Minimum Lot Size	43,560 square feet	8,400 square feet	9,000 square feet
Minimum House Size	N/A	700 square feet	1,100 square feet
Minimum Width at Building Line	150 feet	70 feet	75 feet
Front Yard Setback	50 feet	25 feet	25 feet
Side Yard Setback	10 feet	7.5 feet	7.5 feet
(Street) Side Yard Setback	50 feet	25 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 subject property is located in an area which is transitioning towards single-family residences compatible with the Low Density Residential Future Land Use designation. *Vision 2020*, The Seminole County Comprehensive Plan FLU Exhibit - 2 *Appropriate Transitional Land Uses* identifies Low Density Residential as a compatible transitional land use when adjacent to Suburban Estates. The southern property line is adjacent to Industrial Future Land Use and the property is northeast of the Cameron Heights PUD. The Cameron Heights PUD has a variety of single-family, townhome and commercial uses approved within the PUD. The primary use within the Cameron Heights PUD is single-family residences which range from 2.5 dwelling units to 4.0 dwelling units per net buildable acre. Currently, Suburban Estates is the predominant land use designation on Celery Avenue in both directions allowing for a maximum density of 1 dwelling unit per net buildable acre.

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-1 and R-1A.

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 16.34 ± acre rezone request to R-1 and

R-1A, the results from the analysis indicated a weight of 9.19, which is consistent with the R-1 zoning district.

It is very important to note that the assigned Future Land Use designations on Celery Ave and surrounding properties are Suburban Estates. The area is in a transition from Suburban Estates to Low Density Residential. Staff determined that the final form of development for the properties assigned the A-1 zoning classification and the SE Future Land Use designation is Low Density Residential. Therefore, Staff completed the Lot Size Compatibility Analysis utilizing the secondary calculation for vacant A-1 property and assigned a maximum of 7 points, depending upon whether water or sewer is currently available and whether or not the roadway is currently built to County Standard.

CONSISTENCY WITH THE VISION 2020 COMPREHENSIVE PLAN:

FLU Element Plan Amendment Review Criteria:

The Future Land Use Element in the Comprehensive Plan lays out certain criteria that proposed future land use amendments must be evaluated against. Because this is a small area Future Land Use amendment with localized impacts, an individual site compatibility analysis is required utilizing the following criteria:

A. Whether the character of the surrounding area has changed enough to warrant a different land use designation being assigned to the property.

Staff Evaluation

The subject property is located in an area transitioning to developments consistent with the Low Density Residential Future Land Use (FLU) designation (Equal to or less than 4 dwelling units per net buildable acre). Located southwest of the subject property is the Cameron Heights PUD which is approved for 2.5 to 4.0 dwelling units per net buildable acre for single-family development. Further, certain properties northwest of the subject property have the Low Density Residential FLU designation. South of the subject property is Industrial FLU, Low Density Residential FLU, single-family and townhouses approved within the Cameron Height PUD, commercial and industrial uses, and the Orlando Sanford International Airport.

Staff finds that the character of the area has changed enough to warrant a density increase from Suburban Estates to Low Density Residential.

B. Whether public facilities and services will be available concurrent with the impacts of development at adopted levels of service.

C. Whether the site will be able to comply with flood prone regulations, wetland regulations and all other adopted development regulations.

D. Whether the proposal adheres to other special provisions of law (e.g., the Wekiva River Protection Act).

Staff Evaluation

The development will have to undergo Concurrency Review prior to Final Engineering approval and must meet all Concurrency standards in order to proceed.

The site will have to comply with all Land Development Regulations regarding development in and around wetland and floodplain areas at the time of Final Engineering.

The subject property is not located within any special or overlay district.

E. Whether the proposed use is compatible with surrounding development in terms of community impacts and adopted design standards of the Land Development Code.

Staff Evaluation

The subject property is located in a transitional area between more intensive FLU designations and uses south of the subject property and less intensive uses north of the property. The subject property is adjacent to Industrial FLU and north of the Cameron Heights PUD, which has single-family, townhomes and commercial as approved uses. However, the predominate FLU designation along Celery Avenue is Suburban Estates. The applicant is proposing the R-1A zoning classification for the north half of the property to have larger lots adjacent to the SE FLU. The applicant is proposing R-1 on the south half of the property to transition to the more intensive uses.

F. Whether the proposed use furthers the public interest by providing:

- 1. Sites for public facilities or facility improvements in excess of requirements likely to arise from development of the site**
- 2. Dedications or contributions in excess of Land Development Code requirements**
- 3. Affordable housing**
- 4. Economic development**
- 5. Reduction in transportation impacts on area-wide roads**
- 6. Mass transit**

Staff Evaluation

The applicant is not proposing any additional facility improvements. The applicant's proposal does not consider affordable housing, economic development, mass transit, nor reduction in transportation impacts.

G. Whether the proposed land use designation is consistent with any other applicable Plan policies, the Strategic Regional Policy Plan and the State Comprehensive Plan.

The following are other applicable Vision 2020 Policies and Exhibits and staff's evaluation:

Policy FLU 2.5: Transitional Land Uses

The County shall evaluate Plan amendments to ensure that transitional land uses are provided as a buffer between residential and nonresidential uses, between varying intensities of residential uses and in managing redevelopment of areas no longer appropriate as viable residential areas. *Exhibit FLU: Appropriate Transitional Land Uses* is to be used in determining appropriate transitional uses.

Staff Evaluation

Exhibit FLU: Appropriate Transitional Land Uses in the Future Land Use Element is used as a guide in evaluating compatibility between proposed and adjacent land uses. The subject property is in an area that is transitioning from Suburban Estates to Low Density Residential. Several developments west of the subject property have been developed consistent with the Low Density Residential density. *Exhibit FLU: Appropriate Transitional Land Uses* states that Low Density Residential is an appropriate transitional land use when adjacent to Suburban Estates. However, Industrial FLU borders the southern portion of the property, per *Exhibit FLU: Appropriate Transitional Land Uses* Low Density Residential and Industrial FLU are not an appropriate transitional land use. However, current development trends in the area indicate that the long-term development in the area will consist of residential rather than industrial uses. The Cameron Heights and Beardall Heights PUD have several single-family villages adjacent to Industrial Future Land Use. Further, River's Edge Preserve PUD, located at east of the property is approved for townhomes. Staff anticipates that the property to the south will re-develop as a residential project in the future, due to the adjacency of large residential developments. Therefore, staff finds that the proposed Future Land Use Amendment to LDR and associated rezone to R-1 and R-1A are compatible with the adjacent land uses.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map 12117C0065E, with an effective date of April 17, 1995, as well as preliminary updated DFIRMs, the entire site lies in floodzone X, outside the 100 year floodplain.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there does not appear to be any 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.

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.

The following table depicts the impacts the proposed development has on public facilities:

Public Facility	Existing Zoning (A-1)*	Proposed Development (64 Lots Maximum)	Net Impact
Water (GPD)	5,600	22,400	16,800
Sewer (GPD)	4,800	19,200	14,400
Traffic (ADT)	153	613	460

Utilities:

The site is located in the City of Sanford's utility service area, and will be required to connect to public utilities. There is a 6-inch water main on the north side of Celery Ave.

Transportation / Traffic:

The property proposes access onto Celery Avenue, which is classified as a Collector Road. Celery Avenue is currently operating at a level-of-service "A" and does not have improvements programmed in the County 5-year Capital Improvement Program.

School Impacts:

The Seminole County Public School District has prepared an analysis regarding impacts resulting from recently platted residential developments that are zoned for the same schools as the subject property, but are not yet included in the school capacity numbers. This analysis is included as an attachment to this report.

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 #41, which is located at 3355 E SR 46. Based on an average of two minutes per mile, the average response time to the subject property is less than 5 minutes.

Drainage:

The proposed project is located within the Midway Drainage Basin, and, based on preliminary review, does not appear to have limited downstream capacity. At a minimum, the site will have to be designed to provide retention to attenuate the 25 year/24 hour storm pre-post discharge rate difference. Additional retention may be required depending on outfall condition, to be determined at final engineering.

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:

There not an existing 5-foot sidewalk along Celery Avenue. The developer will be required to build a 5-foot sidewalk along Celery Avenue for the frontage of their property.

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 Overlay District.

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 following policies are applicable with the proposed project (there may be other provisions of the Comprehensive Plan that apply that are not included in this list):

- Policy FLU 2.1: Subdivision Standards
- Policy FLU 2.5: Transitional Land Uses
- Policy FLU 2.10: Determination of Compatibility in the Low Density Residential Future Land Use Designation
- Policy FLU 5.5: Water and Sewer Service Expansion
- 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:

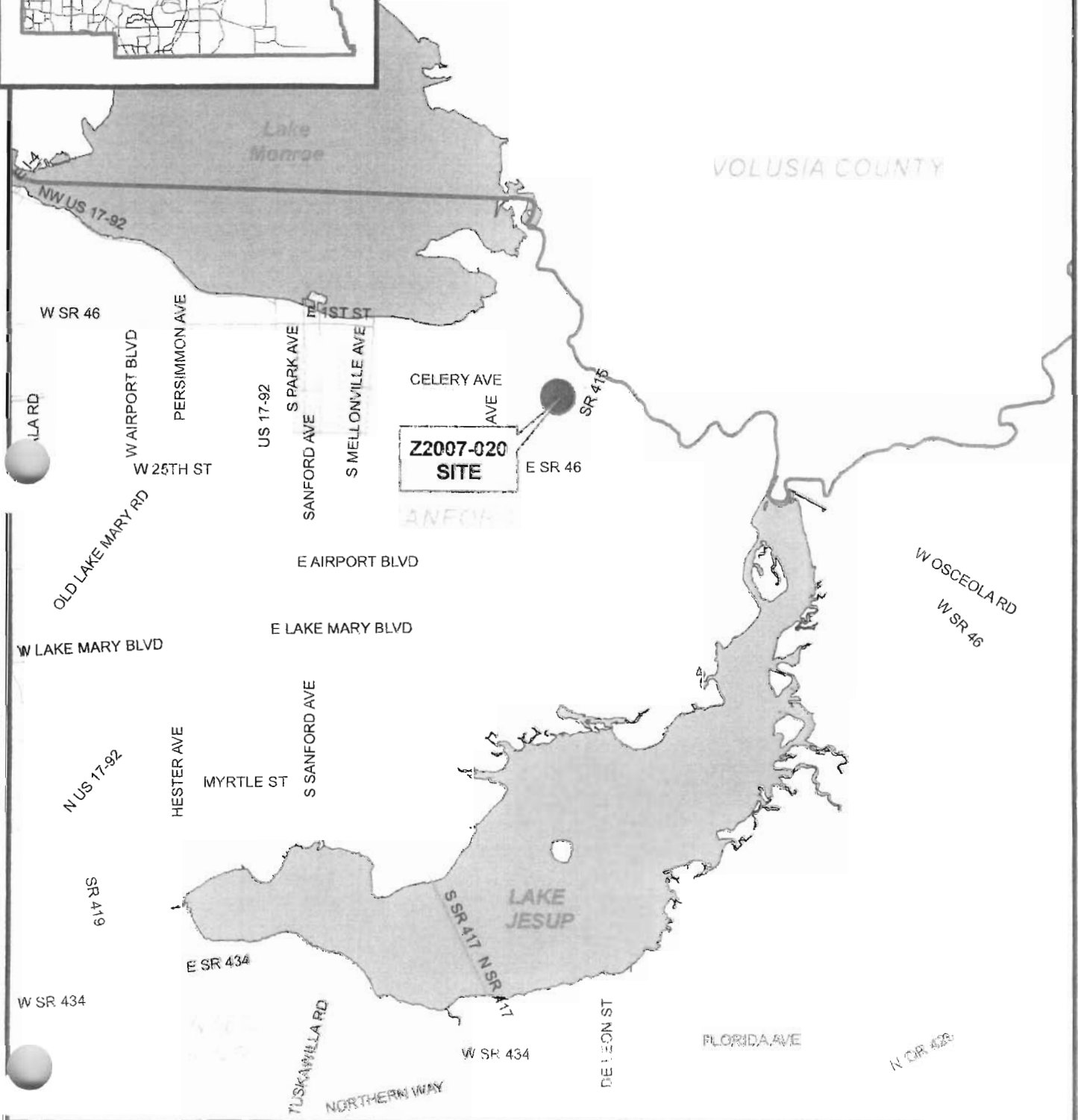
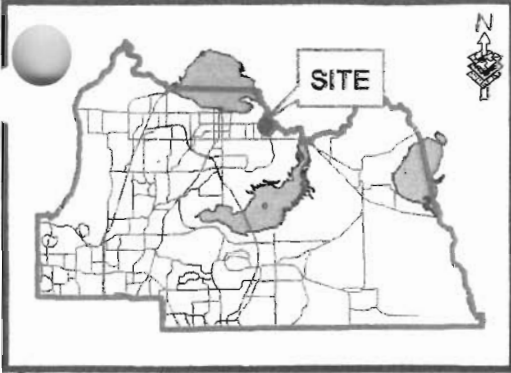
Intergovernmental notice was sent to the Seminole County School District on May 15, 2007. The School District has provided a School Capacity Report, which is attached.

LETTERS OF SUPPORT OR OPPOSITION:

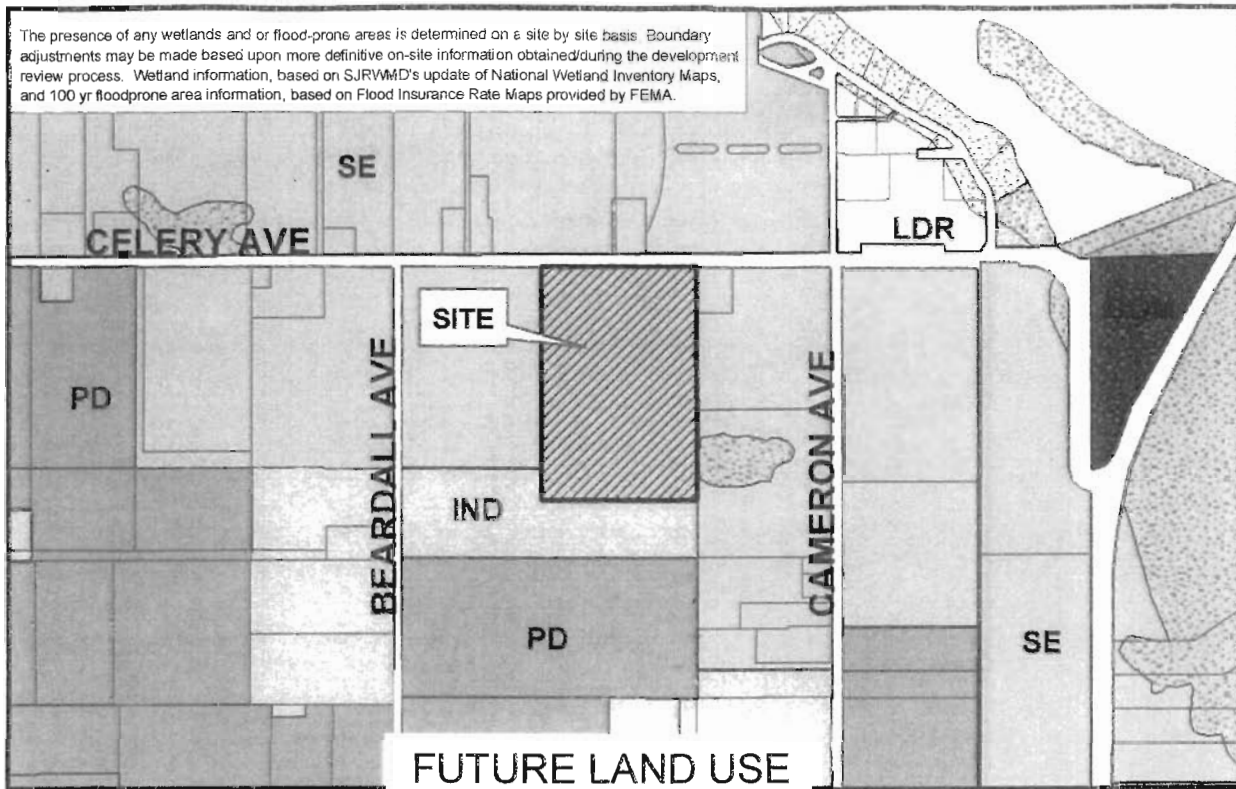
At this time, Staff has received no letters of support or opposition.

STAFF RECOMMENDATION:

Staff recommends TRANSMITTAL of the requested Large Scale Future Land Use Amendment from Suburban Estates (SE) to Low Density Residential (LDR) and APPROVAL of the rezone from A-1 (Agriculture) to R-1 (Single-Family Dwelling) and R-1A (Single-Family Dwelling) for 16.34± acres, located on the south side of Celery Avenue, approximately 600 feet east of Beardall Avenue.



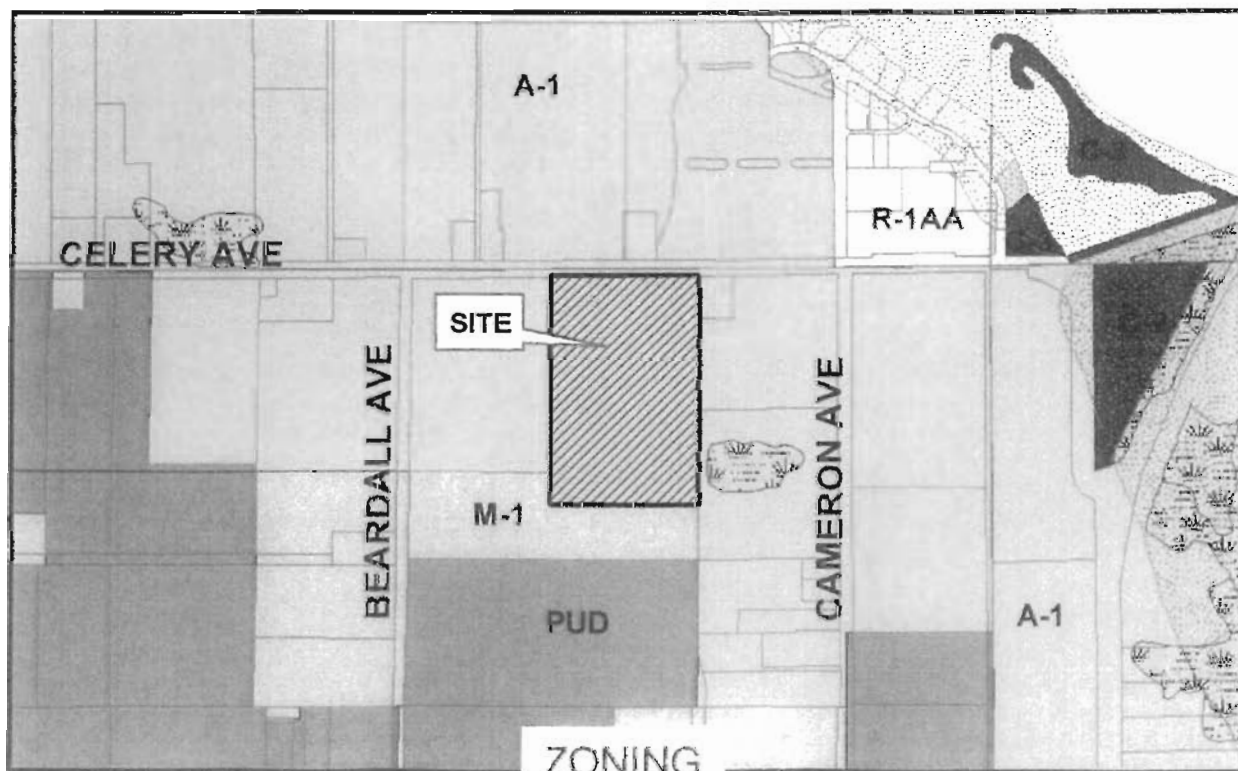
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



LDR SE COM IND PD Site Municipality CONS

Applicant: Hugh Harling
 Physical STR: 33-19-31-300-0120-0000
 Gross Acres: 16.34 +/- BCC District: 5
 Existing Use: Agriculture
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	07-07LS.01	SE	LDR
Zoning	Z2007-020	-	-




A-1 R-1AA C-2 C-3 M-1 PUD FP-1 W-1




Rezone No: Z2007-020

FLU No: 07-07LS.01

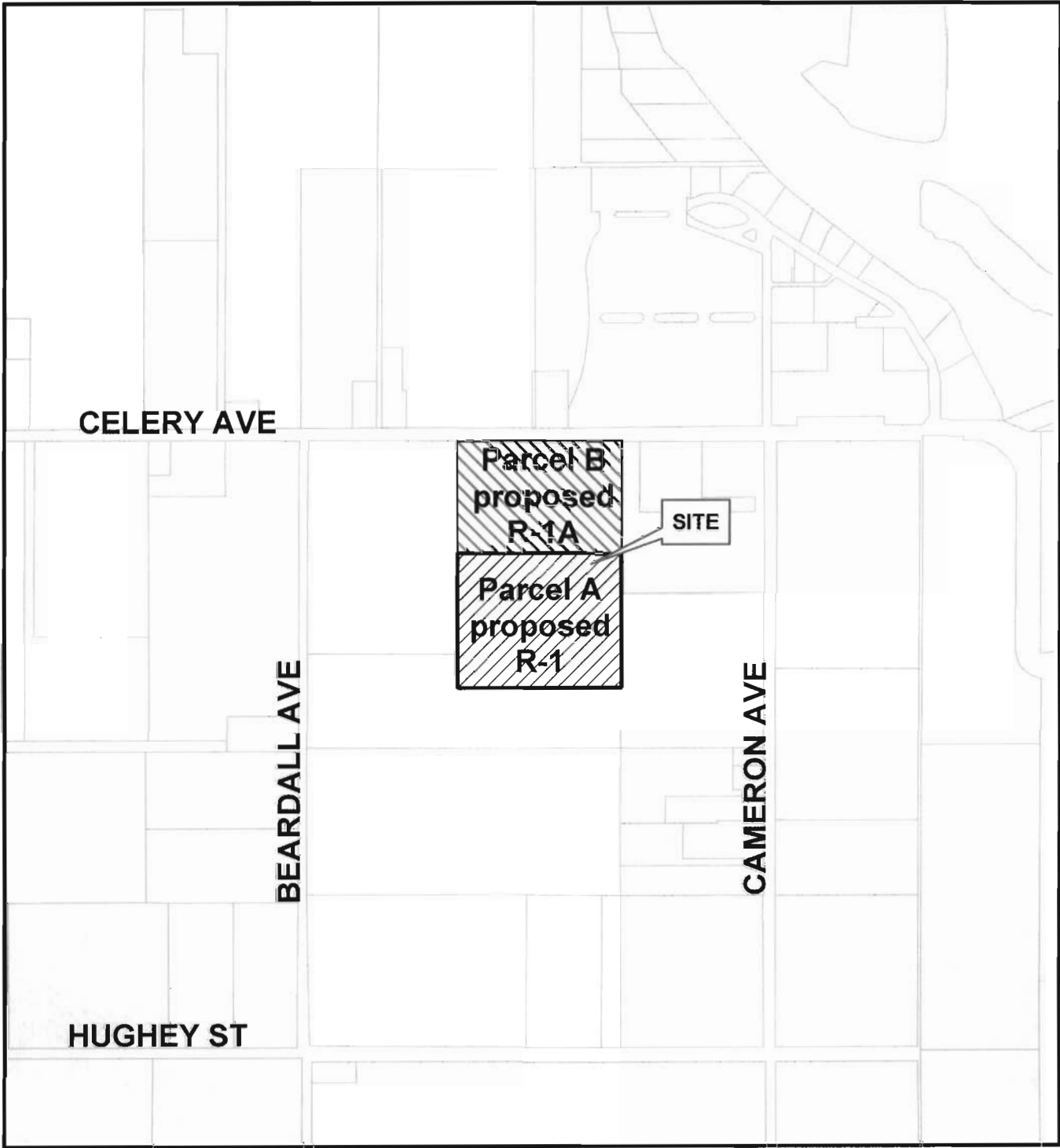
From: SE To: LDR

 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-1 (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 "Celery Ave at Lake Monroe Large Scale Land Use Amendment and 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-1 (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 the date of filing with the Department.

ENACTED this 11th day of December 2007.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____

Carlton D. Henley
Chairman

EXHIBIT "A"
LEGAL DESCRIPTION:

Parcel "A"

THE EAST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ (LESS THE SOUTH 235 FEET AND CR 415 RIGHT OF WAY) SECTION 33, TOWNSHIP 19 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA, LESS THE NORTH 480 FEET.

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 TO THE R-1A (SINGLE-FAMILY DWELLING) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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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.

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ENACTED this 11th day of December 2007.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT "A"
LEGAL DESCRIPTION:

Parcel "B"

THE NORTH 480 FEET OF THE EAST ½ OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ (LESS THE SOUTH 235 FEET AND SR 415-RIGHT OF WAY) SECTION 33, TOWNSHIP 19 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA

AN ORDINANCE AMENDING THE VISION 2020 SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP DESIGNATION OF CERTAIN PROPERTY BY VIRTUE OF A LARGE SCALE DEVELOPMENT AMENDMENT; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County (hereinafter referred to as the "Board") enacted Ordinance Number 91-13, adopting the 1991 Seminole County Comprehensive Plan, which was subsequently amended in accordance with State law; and

WHEREAS, the Board enacted Ordinance Number 2001-21, which renamed the 1991 Seminole County Comprehensive Plan to the "Vision 2020 Seminole County Comprehensive Plan" (hereinafter referred to as the "Plan"); and

WHEREAS, the Board has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to Large Scale Plan Amendments; and

WHEREAS, the Board has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Land Planning Agency held a public hearing with all required public notice for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board held public hearings with all required public notice for the purposes of hearing and considering the recommendations and comments of the general public, the Land Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board hereby finds that the Plan, as amended by this ordinance, is internally consistent with and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, and the State Comprehensive Plan, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council; and

WHEREAS, the Plan amendment set forth herein has been reviewed by all required State agencies and the Objectives, Recommendations and Comments Report prepared by the Department of Community Affairs has been considered by the Board; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. Legislative Findings. The above recitals are true and correct in form and include legislative findings which are a material part of this Ordinance.

Section 2. Amendment To Future Land Use Map Designation The

Future Land Use Map of the Future Land Use Element of the Plan is hereby amended by changing the future land use designation assigned to the property depicted therein and legally described in Exhibit A (attached hereto and incorporated herein by this reference) as noted in the following table:

Ord. Exh.	Name	Amendment Number	Land Use Change From - To	LPA Hearing Date	BCC Hearing Dates
A	Celery Ave at Lake Monroe Large Scale Land Use Amendment and Rezone	07-07LS.01	Suburban Estates(SE) to Low Density Residential (LDR)	07/11/07	08/14/07 12/11/07

Section 3. Severability.

(a) The enactment of this Ordinance includes one (1) amendment to the Future Land Use Map.

(b) 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 4. Exclusion From County Code/Codification.

(a) It is the intent of this Board that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this

Ordinance as a separate document or as part of or as a volume of the Land Development Code of Seminole County in accordance with prior directions given to the said Code codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. Effective Date.

(a) 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 State law.

(b) This Ordinance shall take effect upon filing a copy of this Ordinance with the Florida Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendment set forth herein shall be twenty-two (22) days after the Florida Department of Community Affairs' publication of a notice of intent to find the Plan amendment in compliance, if no affected party challenges the Plan amendment, or, if an affected party challenges the Plan amendment, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders or development permits, if dependent upon an amendment, may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission adopting a resolution affirming its

effective status, a copy of said resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 11th day of December 2007.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley, Chairman

Exhibit A

SE (Suburban Estates) to LDR (Low Density Residential) (07-07LS.01)

The East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ (less the South 235 feet and SR 415 right-of-way) Section 33, Township 19 South, Range 31 East, Seminole County, Florida

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On August 14, 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): Lodestar Holdings, LLC

Project Name: Celery Ave at Lake Monroe LSLUA and Rezone

Requested Development Approval: The applicant is requesting a Large Scale Land Use Amendment from Suburban Estates to Low Density Residential and a rezone from A-1 (Agriculture) to R-1 (Single-Family Dwelling) and R-1A (Single-Family Dwelling) on 16.34 + acres, located on the south side of Celery Avenue, approximately 600 feet east of Beardall Avenue.

The Board of County Commissioners has determined that the requested Large Scale Land Use Amendment from Suburban Estates to Low Density Residential and rezone to R-1 and R-1A are not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Celery Ave at Lake Monroe Large Scale Land Use Amendment and Rezone" and all evidence submitted at the public hearing on August 14, 2007, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested Large Scale Land Use Amendment from Suburban Estates to Low Density Residential and R-1 and R-1A rezone 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**

The East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ (less the South 235 feet and SR 415 right-of-way) Section 33, Township 19 South, Range 31 East, Seminole County, Florida

Parcel "A" (Requested R-1 Zoning)

THE EAST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ (LESS THE SOUTH 235 FEET AND CR 415 RIGHT OF WAY) SECTION 33, TOWNSHIP 19 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA, LESS THE NORTH 480 FEET.

Parcel "B" (Requested R-1A Zoning)

THE NORTH 480 FEET OF THE EAST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ (LESS THE SOUTH 235 FEET AND SR 415 RIGHT OF WAY) SECTION 33, TOWNSHIP 19 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA



SEMINOLE COUNTY PUBLIC SCHOOLS School Capacity Report

To: Seminole County Board of County Commissioners

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

Date: May 17, 2007

RE: **Z2007-20 Celery Ave at Lake Monroe LSFLU Application**

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

Description – 17.2 +/- acres, located on the south side of Celery Avenue, approximately 600 feet east of Beardall Avenue. Parcel ID #33-19-31-300-0120-0000.

The request is to change the future land use designation of the subject property from Suburban Estates (SE) to Low Density Residential (LDR). The requested FLU designation would allow up to 4 units per net acre. Based on the comments from Seminole County Planning and the proposed LDR designation, the maximum estimated number of units is determined to be 55 single-family lots.

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:

Total Proposed units					
Total # of Units		# of Single-Family Lots		# of Multi-Family Units	
55		55		0	
Student Generation					
Impacted Schools	Projected Number of Additional Students	Current Capacity	Current Enrollment	Percent Utilization	Students Resulting from Recently Approved Developments
Elementary Northeast Cluster	14	1933	2105	108.9	165
Middle Millennium	6	1548	1746	112.8	74
High Seminole	7	3049	3187	104.5	210

Terms and Definitions:

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.

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.

Current Enrollment: The number of students reported on October 10, 2006 (Second FTE reporting date) for the current school year.

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%

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

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

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.

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).

Students Resulting from Recently Approved Developments is a summary of students generated from developments approved and platted since January 2005. Student enrollment changes due to existing housing are excluded from these totals.

Comments: The students generated from the proposed new residential dwelling units could not be absorbed into the elementary, middle, or high schools without the increased use of relocatable student stations (portables) or significant reduction in level of service at the affected campus. There are an additional 602 student stations in the current 5-year plan to relieve overcrowding in the Northeast Cluster elementary zone. There are no planned expansions/additions in the current five-year capital plan that would provide additional student capacity to relieve the affected middle or high schools.

Large-Scale Future Land Use Amendment & Rezoning Amendment Justification Statement

SEMINOLE COUNTY APPLICATION

CELERY AVENUE AT LAKE MONROE

HLA Job No. 0704

Parcel ID No. 33-19-31-300-0120-0000

INTRODUCTION

This application is for a large-scale future land use map amendment (LSFLUA) and associated rezoning amendment to respectively change the future land use (FLU) and zoning designations of the 16.34 -acre subject property from SE (Suburban Estates) to LDR (Low Density Residential) and A-1 (Agriculture District) to R-1A Single Family Dwellings.

PROPERTY AND SURROUNDING LAND USE DESCRIPTION

The property is located on Celery Avenue on the west side of Cameron Avenue and on the East side of Beadall Ave. and North of Beck Hammock Rd., as shown in Figure 1, Location Map and Figure 2, Aerial Map. As previously stated, the site has a current FLU designation of SE, which allows up to one unit per acre and is compatibly zoned A-1, which allows agricultural uses as well as residential units at a maximum density of one unit per acre. Figure 3, Zoning Map, and Figure 4, Existing Zoning Map, respectively depict the site's existing zoning and FLU by comparison to the surrounding area, as shown below in Table 1, surrounding FLU & Zoning.

Table 1

Direction	Future Land Use	Zoning	Existing Land Use
North	Suburban Estates	A-1	Vacant
South	Industrial	M-1	Commercial
East	Suburban Estates	A-1	Cropland
West	Suburban Estates	A-1	Warehouse-Distr.

The following text details the intent and purpose of the requested LDR FLU, as respectively described in the Seminole county Vision 2020 comprehensive Plan and Land Development Code. Based on these policy and code definitions, it is our contention that the proposed development program would be consistent with the Vision 2020 Comprehensive Plan and ultimately comply with the Land Development Code.

SITE DATA

GENERAL INFORMATION:

Location: Celery Avenue East of Beadall Ave. and West of Cameron Ave.
Parcel ID No: 33-19-31-300-0120-0000
Future Land Use: SE (Suburban Estates)
Proposed Future Land Use: LDR (Low Density Residential)
Existing Use: Agriculture
Proposed Land Use: Single-Family Residential
Proposed Housing Type: Single-Family Detached
Proposed Phasing: Single Phase

ACREAGE:

Gross Acreage: ± 16.47 Acres

SCHOOL IMPACT

64 Units x 3.25 persons/unit = 208 x 20% = 42 school age children

TRAFFIC IMPACT:

Total residential units: Per category #210 Single Family Detached Housing
Trip Generation Rate: = 9.57 ADT / Unit
1.02 ADT/ Unit for peak hours
Anticipated ADT: 613 Total Trips
PM Peak: 65 Peak Trips
Impact analysis based on 64 D.U. maximum.

UTILITY DEMAND:

Water demand estimate: 64 units x 350 GPD = 22,400 GPD
Sewer demand estimate: 64 units x 300 GPD = 19,200 GPD
Solid Waste: 4 lbs/person/day x 3.25 people x 64 units = 832 lbs./day
Water, sewer and reuse: Seminole County
Electric: Florida Power and Light
Solid Waste: Local franchise

SIGNAGE:

Subdivision signage shall conform to Seminole County Code requirements.

RELATIONSHIP TO THE GOALS, OBJECTIVES AND POLICIES OF THE SEMINOLE COUNTY VISION 2020 COMPREHENSIVE PLAN

Applicable Comprehensive Plan FLU Policies

Vision 20/20 – Future Land Use Element – Issue FLU 3 (page FLU-3)

Future Land Use Map Based on Growth Needs/Build-out The Exhibit FLU: Future Land Use Map is based on the amount of land use by type needed to accommodate the County's projected growth over the planning period.

In Seminole County both private and publicly owned properties are designated as one of the several future land use designations on the adopted Exhibit FLU: Future Land Use Map. The Exhibit FLU: Future Land Use Map is based on the amount of land use by type needed to accommodate the County's projected growth over the planning period.

Based on the currently adopted Exhibit FLU: Future Land Use Map, it is projected that between 2015 and 2020 the county will experience a shortage of vacant developable land for single family and multi-family development. Among the options available to address this shortage includes amending the Plan to allow increased densities within existing residential designation and creating infill parcels where a mix of residential and non residential uses would be allowed. Subsequent to adoption of the 2001 Plan Update, this issue should be fully assessed and recommended options prepared as part of the next Evaluation and Appraisal Report of the Plan scheduled for 2005.

The proposed development provides single-family residential lots at an overall net density of 3.3 dwelling units per acre, which is consistent with the proposed FLU of Low Density Residential. Providing single-family housing will support target job target industry being encouraged in HIP Airport land use.-

Vision 20/20 – Future Land Use Element – Issue FLU 4- Urban Sprawl (page FLU-4)

Rule 9J-5.006, FCA, requires that plans of local government's contain specific provisions to discourage urban sprawl. Urban sprawl can be defined as scattered, poorly planned development occurring at the urban fringe and rural areas, which frequently invades land important for natural resource protection. Types of urban sprawl land uses include leapfrog development, strip development along a roadway and large expanses of low density, single dimensional development.

Between plan adoption in 1991 and completion of the County's evaluation and Appraisal Report (EAR) in 1999, urban sprawl, as historically defined by the Florida Department of Community

Affairs (Department) and repeated in the Plan, has not occurred in unincorporated Seminole county.

This absence of sprawl is due to extensive revisions to the county's Exhibit FLU: Future Land Use Map in 1987 to re-designate vacant, infill and urban fringe areas for urban development intensities. This major update, along with the long standing Conservation Land Use policies and regulations help to meet Department's sprawl tests. In 1991 the plan was amended to establish the East Rural Area and adoption of an urban/rural boundary. Additional steps such as creation of the Higher Intensity Planned Development future land use series (i.e., Target Industry, Core and Transitional and Airport areas), purchase of natural lands, limiting commercial development to major roadway intersections, and providing for mixed use development, joined with land development regulations, have effectively served as tools to address urban sprawl. The County's EAR fully addressed the sprawl indicators cited in Rule 9J-5.006(5), FAC. For a list of these indicators and the County's response, please refer to the EAR document.

Developing Celery Avenue Site as Single-Family lots would not contribute to sprawl, because it is within the Sanford Joint Planning Study Area and is surrounded by infrastructure services.

Vision 20/20 – Future Land Use Element – Issue FLU 10 Trends in Comprehensive Planning (page FLU-7)

Since the 1991 Plan Update, two popular themes have emerged that have a direct relationship to comprehensive planning. The first of these, "sustainability", suggests the idea of the responsible use of resources to meet current needs without jeopardizing the needs of future residents. The second theme, "smart growth" involves the basic ideas of environmental protection, livable communities and efficient use of public funds. Both themes have in common the idea of community, economic opportunities and protection of the environment. In Seminole county "sustainability" and "smart growth" in land use are achieved through, but not limited to, application of the following planning techniques:

- Economic planning to create target industry areas;
- Acquisition of sensitive natural lands;
- Creation of urban/rural boundary and Plan policies regarding protection of the Rural Area;
- Restricting densities and intensities within the Wekiva River and Econlockhatchee River areas;
- Applying a tiered level of service to encourage infill development and discourage sprawl; and
- Joint planning agreements.

These two themes are clearly evident in the goal of the Future Land Use Element, which is to achieve an appropriate balance between public and private interests in the protection of the environment, creation of favorable economic conditions and maintenance of established residential neighborhoods. The County's plan and land development regulations set forth policies and provisions to ensure that these areas development in a manner to provide

compatibility, accommodate necessary facilities and services and protect the natural environment.

Development will be concentrated on the upland portions of the site to minimize impacts to small identified wetland areas. As a infill site, the property will be developed to blend with the surrounding community. Accordingly, two lot sizes will be provided to meet the future housing need of Seminole County's projected population.

Vision 20/20 – Future Land Use Element–Objective 2–Protection of Residential Neighborhoods (page FLU-16)

The county shall ensure the long-term viability of residential neighborhoods by regulating future development to create compatibility with surrounding land uses.

Compatibility is based on the Proposed Sanford Joint Planning Area Study for the community.

Vision 20/20 – Future Land Use Element–Objective 6: Public Facilities and Services (page FLU-33)

The County shall require that all development be consistent with the approved Capital Improvements Element or facility and service plans in order to discourage urban sprawl, meet adopted level of service standards and thereby minimize attendant public costs through the implementation of the following policies:

Project will pay all required impact fees.

Vision 20/20 – Future Land Use Element–Policy 6.1 Development Orders, Permits and Agreements (page FLU-33)

The County shall ensure that all development orders, permits and agreements are consistent with the adopted level of service standards and provisions of the Capital Improvements Element and the appropriate facility element as well as all other provisions of this plan.

A Development Order that outlines the future development parameters of the site and developer obligations will be drafted between the property owner and Seminole County.

Vision 20/20 – Future Land Use Element–Policy 6.2 Concurrency Requirements (page FLU-33)

The County shall that all development orders, permits and agreements are subject to the adopted Concurrency Management System standards and provisions to ensure that facilities and services needed to serve the development are available at the adopted level of service consistent with the Implementation Element of this Plan.

There is sufficient infrastructure in place to adequately serve the Celery Avenue Project site. Any additional impact issues will be addressed in the Development Order

Vision 20/20 – Future Land Use Element–Objective 6.3 Infrastructure and Phasing Requirements (page FLU-33)

The county shall evaluate the impact on delivering adequate service to residents within the established service area prior to the expansion of potable water or sewer service area outside the adopted service area boundaries. The County will not expand a service area if the adopted level of service cannot be maintained.

City of Sanford Utilities have capacity to serve the project which will be developed in one phase.

Vision 20/20 – Future Land Use Element–Objective 6.5 Private Investment Above Land Development Code Regulations (page FLU-33)

The county shall require private investment in infrastructure improvements above and beyond Land Development Code requirements (e.g., feeder roads, aerial fire apparatus, right-of-way, signalization, access improvements, transit facilities, stormwater, etc.) where improvements are needed to accommodate the development and to minimize attendant public costs associated with growth.

No additional improvements above and beyond what is improved are anticipated.

CONCLUSION

The requested LSFLUA Amendments are well supported by the policies described within the Seminole county Vision 2020 Comprehensive Plan. The County has a desire to “maintain the established residential character” of this location, and there is a continuing demand for residential housing as proposed. In conclusion, we believe this request would be compatible in the described location and thereby consistent with applicable Seminole County planning policies and applicable regulations.