

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Derbyshire Road Rezone from A-1 (Agriculture) to R-1AA (Single-Family Dwelling)

DEPARTMENT: Planning and Development **DIVISION:** Planning

AUTHORIZED BY: Dori DeBord

CONTACT: Ian Sikonia

EXT: 7398

MOTION/RECOMMENDATION:

1. Approve the request for a rezone from A-1 (Agriculture) to R-1AA (Single-Family Dwelling) on 0.388 acres, located on the southeast corner of Derbyshire Road and Thunder Road, and authorize the chairman to execute the rezone ordinance based on staff findings (Hugh Harling, applicant) ; or
2. Deny the request for a rezone from A-1 (Agriculture) to R-1AA (Single Family Dwelling) on 0.388 acres, located on the southeast corner of Derbyshire Road and Thunder Road and authorize the chairman to execute the denial development order. (Hugh Harling, applicant); or
3. Continue the item to a time and date certain.

District 4 Carlton D. Henley

Ian Sikonia

BACKGROUND:

The applicant, Hugh Harling, is requesting a rezone from A-1 to R-1AA in order to construct a single-family dwelling unit. The subject property is an unplatted parcel within an existing subdivision, which was the site of an old private water plant which has since been demolished. The Future Land Use designation of the subject property is LDR (Low Density Residential), which allows the requested zoning district. The Seminole County Land Development Code (LDC) provides for the application of the Weighted Method for Determining Single-Family Residential Compatibility in the Low Density Residential Future Land use designation. Staff conducted the lot size compatibility analysis, per Section 30.1380.3 of the Land Development Code and Policy FLU 2.10 of the Vision 2020 Comprehensive Plan, and determined that the analysis does support the requested rezone to R-1AA.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on November 03, 2007 and voted 6-0 unanimously to recommend Approval of the request for a rezone from A-1 (Agriculture) to R-1AA (Single-Family Dwelling) on 0.388 acres, located on the southeast corner of Derbyshire Road and Thunder Road, based on staff findings.

STAFF RECOMMENDATION:

Staff recommends the Board approve the request for a rezone from A-1 (Agriculture) to R-1AA (Single-Family Dwelling) on 0.388 acres, located on the southeast corner of Derbyshire Road and Thunder Road, and authorize the chairman to execute the rezone ordinance based on staff findings.

ATTACHMENTS:

1. Derbyshire Staff Analysis
2. Location Map
3. Zoning and FLU Map
4. Aerial Photo
5. Derbyshire Denial DO.pdf
6. Derbyshire Rezone Ordinance.pdf
7. Derbyshire P & Z Minutes 10-03-07

Additionally Reviewed By:

County Attorney Review (Kimberly Romano)

Derbyshire Road Rezone from A-1 to R-1AA	
APPLICANT	Hugh Harling Jr., P.E.
PROPERTY OWNER	Charles W. Clayton
REQUEST	Rezone from A-1 (Agriculture) to R-1AA (Single Family Dwelling)
PROPERTY SIZE	0.388 ± acres
HEARING DATE (S)	P&Z: October 3, 2007 BCC: December 11, 2007
PARCEL ID	20-21-30-300-006A-0000
LOCATION	South East Corner of Derbyshire Road and Thunder Trl.
FUTURE LAND USE	LDR (Low Density Residential)
ZONING	R-1AA (Single Family Dwelling)
FILE NUMBER	Z2007-52
COMMISSION DISTRICT	#4 –Henley

Proposed Development:

The applicant is requesting to rezone 0.388 ± acres from A-1 (Agriculture) to R-1AA (Single Family Dwelling), in order to construct a single family dwelling unit.

ANALYSIS OVERVIEW:

ZONING REQUEST

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

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

PERMITTED & SPECIAL EXCEPTION USES:

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

Uses	A-1 (existing)	R-1AA (proposed)
Permitted Uses	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 produced on the premises, government owned or government-operated building or use, public and private elementary schools; fish hatcheries or fish pools, when approved in accordance with all applicable federal, state, and County regulations and laws; publicly owned and/or controlled parks and recreation areas; bait production; stables, barns, sheds, silos, granaries, windmills, and related agricultural structures; dairies; apiculture; silviculture including timber production; single-family dwelling and customary accessory uses; churches and structures appurtenant thereto; community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents; one (1) boat dock and one (1) associated boathouse per lot.	Single family dwelling and their customary accessory uses; one (1) boat dock and one (1) boathouse per lot when accessory and incidental to the principal dwelling; community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents; public and private elementary schools; home offices.
Special Exception Uses	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 ; County and golf clubs, fishing clubs, fishing camps, marinas, gun clubs; privately owned and operated recreational facilities such as, athletic fields, stadiums, racetracks, and speedways; golf driving ranges; riding stables; airplane landing fields and helicopter ports; commercial raising of swine ; sewage disposal plants, water plants, and sanitary landfill operations; off-street parking lot. Farm worker housing; Communication towers; disposal of tree cuttings or similar organic materials; Bed and Breakfast.	Churches with their attendant educational, recreational buildings, and off-street parking; public and private middle schools and high schools; parks and recreational areas, publicly owned and operated; public utility and service structures; guest cottages; subdivision sewage treatment and water plants; Boathouses with roofs exceeding ten (10) feet above the mean-highwater line; 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), Communication towers; Private recreational facilities constructed as an accessory use to civic, fraternal, or social organizations if the existing use is located in a predominantly residential area as determined by the Planning Manager.
Minimum Lot Size	1 acre	11,700 sq. ft.

COMPATIBILITY WITH SURROUNDING PROPERTIES:

The Future Land Use designation of the surrounding properties to the north, east, south and west is LDR (Low Density Residential). The future land use designation of the property is LDR (Low Density Residential) which allows the requested R-1AA zoning

district. This parcel of land is an unplatted parcel which was the site of an old private water plant which has since been demolished. A dry stormwater detention pond that treats stormwater runoff for the adjacent subdivisions (Dommerich Woods Unit 1 and Dommerich Woods Unit 2) is also located on this parcel. Staff finds the proposed rezone consistent and compatible with the surrounding development patterns.

SITE ANALYSIS:

Floodplain Impacts:

Based on FIRM map12117C0140E, with an effective date of April 17, 1995 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.

Utilities:

The site is located in the Southeast Seminole County utility service area, and will be required to connect to public utilities. There is an 6-inch water main on the south side of Derbyshire Road, the north side of Hollyridge Trail, and the east side of Thunder Trail. Seminole County has an 8-inch gravity sanitary sewer on Derbyshire Road and Thunder Trail. The subject property is not in the ten year master plan for reclaimed water.

Transportation / Traffic:

The property is adjacent to Derbyshire Road which is classified as residential road. Derbyshire Road is not currently programmed to be improved according to the County 5-year Capital Improvement Program.

Drainage:

The site does not seem to have a defined drainage outfall. The site will have to hold the entire 25-year storm event onsite if it exceeds the impervious limits defined by SJRWMD and unless a defined outfall can be determined.

Buffers and Sidewalks:

There is an existing 5-foot sidewalk along Derbyshire Road and Hollyridge Trail.

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 #25, which is located at the Casselberry, Red Bud Lake Road. Based on an average of two minutes per mile, the average response time to the subject property is less than 5 minutes.

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 POT 4.5: Potable Water Connection
- Policy SAN 4.4: Sanitary Sewer Connection
- Policy PUB 2.1: Public Safety Level-of-Service
- Policy FLU 12.4: Relationship of Land Use to Zoning Classifications
- Policy FLU 12.5: Evaluation Criteria of Property Rights Assertions

INTERGOVERNMENTAL NOTIFICATION:

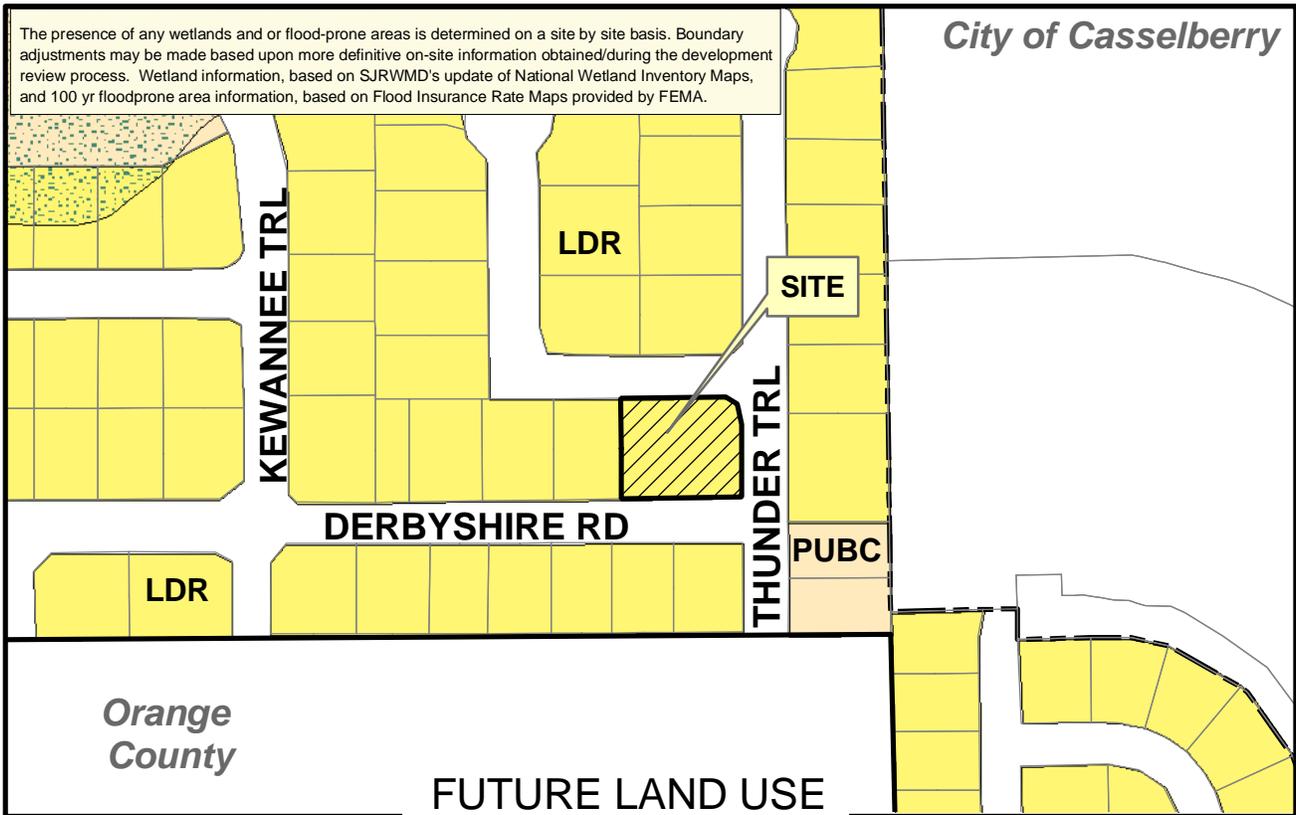
An intergovernmental notice was sent to the Seminole County School Board on September 17, 2007.

LETTERS OF SUPPORT OR OPPOSITION:

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

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.

City of Casselberry

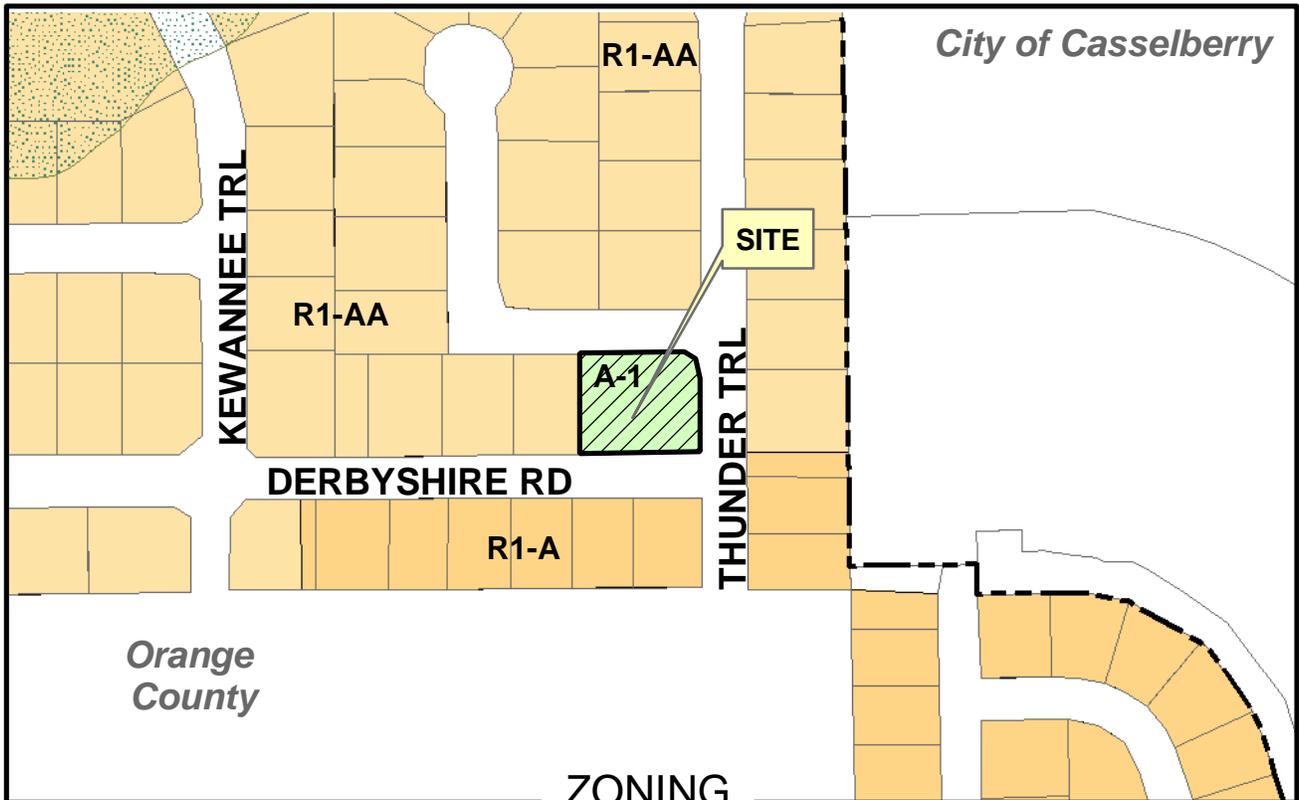


LDR
 PUBC
 Site
 CONS
 Municipality

Applicant: Charles Clayton/Hugh Harling
 Physical STR: 20-21-30-300-006A-0000
 Gross Acres: .47 +/- BCC District: 4
 Existing Use: vacant
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2007-052	A-1	R-1AA

City of Casselberry



A-1
 R-1A
 R-1AA
 FP-1
 W-1



HOLLYRIDGE TRL

SITE

DERBYSHIRE RD

THUNDER TRL

Rezone No: Z2007-052
From: A-1 To: R-1AA

 Parcel

 Subject Property



Winter 2006 Color Aerials

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On December 11, 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): Charles W. Clayton, CCCH Derbyshire Property, LLC

Project Name: Derbyshire Road Rezone

Requested Development Approval: The applicant is requesting to rezone .388 ± acres located on the southeast corner of Derbyshire Road and Thunder Trail, from A-1 (Agriculture) to R-1AA (Single-Family Dwelling), in order to develop a single-family dwelling.

The Board of County Commissioners has determined that the rezone request 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 "Derbyshire Road Rezone" and all evidence submitted at the public hearing on December 11, 2007, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from A-1 (Agriculture) to R-1AA (Single-Family Dwelling) should be denied.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

The aforementioned application for development approval is **DENIED**.

Done and Ordered on the date first written above.

**SEMINOLE COUNTY BOARD
OF COUNTY COMMISSIONERS**

By: _____
Brenda Carey, Chairman

EXHIBIT "A"

LEGAL DESCRIPTION

20-21-30-300-006A-0000

From the Southeast corner of the Southeast quarter of Section 20, Township 21 South, Range 30 East, Seminole County, Florida, run $N00^{\circ}11'45''W$ along the East line of said Southeast quarter, a distance of 186.00 feet to the North right-of-way line of Derbyshire Road, as recorded in O.R. Book 308, Pages 435 and 436, Public Records of Seminole County, Florida; run thence West, along said North right-of-way line, 180.00 feet to a point of beginning on the Northerly projection of the West right-of-way line of Thunder Trail, run thence further West, along said North right-of-way line 169.50 feet; thence North 130 feet; thence East 169.06 feet to the aforesaid Northerly projection of the West right-of-way line of Thunder Trail; run thence $S00^{\circ}11'45''E$, along said Northerly projection, 130 feet to the Point of Beginning, containing 22,006 square feet, more or less subject to restrictions of record.

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

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

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Derbyshire Road 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-1AA (Single-Family Dwelling):

SEE ATTACHED EXHIBIT A

Section 3. EXCLUSION FROM CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not

be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon filing a copy of this Ordinance with the Florida Department of State by the Clerk of the Board of County Commissioners.

ENACTED this 11th day of December 2007.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Brenda Carey
Chairman

EXHIBIT A
LEGAL DESCRIPTION

20-21-30-300-006A-0000

From the Southeast corner of the Southeast quarter of Section 20, Township 21 South, Range 30 East, Seminole County, Florida, run N00°11'45"W along the East line of said Southeast quarter, a distance of 186.00 feet to the North right-of-way line of Derbyshire Road, as recorded in O.R. Book 308, Pages 435 and 436, Public Records of Seminole County, Florida; run thence West, along said North right-of-way line, 180.00 feet to a point of beginning on the Northerly projection of the West right-of-way line of Thunder Trail, run thence further West, along said North right-of-way line 169.50 feet; thence North 130 feet; thence East 169.06 feet to the aforesaid Northerly projection of the West right-of-way line of Thunder Trail; run thence S00°11'45"E, along said Northerly projection, 130 feet to the Point of Beginning, containing 22,006 square feet, more or less subject to restrictions of record.

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY
PLANNING AND ZONING COMMISSION**

OCTOBER 3, 2007

Members present: Matthew Brown, Dudley Bates, Ben Tucker, Walt Eismann, Melanie Chase, and Kim Day.

Member absent: Rob Wolf

Also present: Tina Williamson, Acting Planning Manager; Herman Wright, Principal Planner; Austin Watkins, Senior Planner; Jim Potter, Senior Engineer; Kathy Furey-Tran, Assistant County Attorney; and Candace Lindlaw-Hudson, Clerk to the Commission.

2667 Derbyshire Rd Rezone; Hugh Harling, applicant; 0.388 acres. Rezone A-1 (Agriculture) to R-1AA (SFR Family Residential); located on the southeast corner of Derbyshire Road and Thunder Road. (Z2007-52)
Commissioner Henley – District 4
Herman Wright, Principal Planner

Herman Wright introduced the application for a rezoning of property which was the former location of a water plant, now removed from the site. The future land use designation of the property is Low Density Residential (LDR), which allows the requested zoning. A lot size compatibility analysis performed for the site supports the requested zoning, finding it consistent with the surrounding properties. Staff recommendation is for approval of the request subject to the findings in the staff report.

Hugh Harling stated that the property had been a water plant which had been phased out and removed from the site. Mr. Harling said that the property owner wants to bring the property into step with the character of the neighborhood by giving it a residential zoning. He concurs with staff comments.

No one spoke in favor of the application.

Brian Garvey lives at 1249 Holly Ridge Trail. He has lived there for 20 years and is a licensed professional engineer, specializing in stormwater management. Mr. Garvey stated that there are two adjacent subdivisions to the property: Dommerich Unit One and Dommerich Unit Two. Mr. Garvey displayed the development plan for Dommerich Unit One, showing a retention pond for Dommerich Woods Unit One on the property as part of their stormwater management plan. Even though the property is not on the plat, it is integral to the stormwater management for Dommerich Woods Unit One. He also displayed the

engineering drawings for Dommerich Woods Unit Two, showing an enlarged retention area and drainage easement 100 feet by 130 feet on the subject parcel to accommodate the retention pond there. Mr. Garvey showed the engineering plans overlaid on the aerial photo. The parcel is 170 feet wide by 130 feet in the north – south direction. On the side is a 100 feet by 130 feet drainage easement for the retention pond. The pond was never constructed to the size shown on the engineering plan. It was designed to have a storage volume of 0.39 acre feet. What was actually constructed by the developer was a pond that was half the required size, at 0.2 acre feet. When you subtract out the drainage easement, you are left with 69 feet of developable land on the site. That is significantly less than the minimum required for R-1AA zoning. The 69-foot width is less than the 90-foot minimum for R-1AA. Mr. Garvey asked how staff could approve of this plan presented tonight, when the land is included in the Dommerich Woods original development plan. He is concerned that the stormwater retention plan of old will disappear. He showed a picture of a lot that is designated for stormwater retention for Dommerich Woods Unit One which is not being used as such. Mr. Garvey said that the County spends a lot of money engineering and re-engineering water retention and management. If this is approved, the County will lose stormwater management area that they should have. Mr. Garvey said that the pond needs to a provision for ongoing maintenance and should be brought up to current code for the two developments. For those reasons, Mr. Garvey is opposed to the request.

David Harper said that his mother owns the property at 2674 Derbyshire. He said that one house would have a no negative impact. There has always been a sewer problem in the neighborhood. This will overload the already weak sewer system. He is concerned about the impact on the sewer system.

Hugh Harling stated that he knew about the old water plant that had been there. A 20-foot drainage easement on a lot of this size is acceptable. That would give a 60-foot wide pad with a 10-foot side yard setback on the other side. He will have to look into the drainage – retention issue. There may be room to do both retention plans. The sidewalk will be replaced. The sewer will tie in as far downstream as possible. There had been lift station problems in the area which were addressed along with a problem with lack of appropriate fall. Mr. Harling said that the County will not let him construct anything that is not up to code. Having a 60-foot pad on a 90-foot lot with a 10-foot side yard setback on one side and a 20-foot setback as part of the drainage easement on the other side will meet the 90-foot building line width requirement.

Jim Potter of the Development Review Division stated that there is nothing in the Code to address the stormwater pond as far as the rezone goes. The other issues would be addressed at the time of final engineering, including the pond being constructed according to the original plans. The pond could perhaps be squared off to make it more appealing on the site. Mr. Potter said that they

would work with the applicant to see if at least one single-family house can be built there.

Commissioner Chase made a motion to recommend approval of the request for a Rezone A-1 (Agriculture) to R-1AA (SFR Family Residential) located on the southeast corner of Derbyshire Road and Thunder Road.

Commissioner Bates seconded the motion.

Commissioner Eismann asked about the engineering questions.

Chairman Brown said that in a straight rezone there can be no conditions. The Development Review committee will address the engineering issues.

The motion passed unanimously (6 -0).

Respectfully submitted,

**Candace Lindlaw-Hudson
Clerk to the Commission**