

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Cattle Drive Trail Rezone from A-5 (Rural) to A-10 (Rural)

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

AUTHORIZED BY: Dori DeBord

CONTACT: Brian Walker

EXT: 7337

MOTION/RECOMMENDATION:

1. Approve the request for a rezone from A-5 (Rural) to A-10 (Rural) for 56.00 + acres, located on the east side of Cattle Drive Trail, north of W. Osceola Rd. and authorize the Chairman to execute the Rezone Ordinance based on staff findings (Pauline M. Saucer, applicant); or
2. Deny the request for a rezone from A-5 (Rural) to A-10 (Rural) for 56.00 + acres, located on the east side of Cattle Drive Trail, north of W. Osceola Rd. and authorize the Chairman to execute the Denial Development Order, (Pauline M. Saucer, applicant); or
3. Continue the item to a time and date certain.

District 5 Brenda Carey

Brian M. Walker

BACKGROUND:

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

The Family Subdivision facilitates the continuance of the family farm. It allows subdividers who have been actively farming or ranching for the past three years, to subdivide a parcel zoned A-10 into no more than 3 total lots. The parent parcel must be at least ten acres in size and the two newly created lots must be at least one net buildable acre in size. These newly created lots can only be sold or transferred to the subdivider's immediate family.

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

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission met on May 7, 2008 and voted 7-0 to recommend approval of the request to rezone 56.00 + acres from A-5 (Rural) to A-10 (Rural) located on the east side of Cattle Drive Trail, north of W. Osceola Rd.

STAFF RECOMMENDATION:

Staff recommends the Board approve the request to rezone from A-5 (Rural) to A-10 (Rural) for 56.00 + acres, located on the east side of Cattle Drive Trail, north of W. Osceola Rd.

ATTACHMENTS:

1. Cattle Staff Report
2. Location Map
3. Zoning & Future Land Use Map
4. Aerial Map
5. Rezone Ordinance Cattle Dr
6. Denial Development Order Cattle Dr
7. Ownership Disclosure Form
8. Cattle Dr P&Z minutes

Additionally Reviewed By:

County Attorney Review (David Shields)

Cattle Drive Trail Rezone from A-5 to A-10		
APPLICANT	Pauline Saucer	
PROPERTY OWNER	Pauline, Ann & Jay Saucer	
REQUEST	Rezone from A-5 (Rural) to A-10 (Rural)	
PROPERTY SIZE	56 ± acres	
HEARING DATE (S)	P&Z: May 7, 2008	BCC: May 20, 2008
PARCEL ID	09-20-32-300-073A-0000 and 09-20-32-300-0730-0000 09-20-32-300-073B-0000	
LOCATION	On east side of Cattle Drive Trail, north of W. Osceola Rd.	
FUTURE LAND USE	R-5	
ZONING	A-5 (Rural)	
FILE NUMBER	Z2008-16	
COMMISSION DISTRICT	#5 – Carey	

Proposed Development:

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

ANALYSIS OVERVIEW:

ZONING REQUEST

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

DISTRICT REGULATIONS	Existing Zoning (A-5)	Proposed Zoning (A-10) (Setbacks from Property Boundaries)
Minimum Lot Size	5 acres	10 acres
Minimum House Size	N/A	N/A
Minimum Width at Building Line	150'	150'
Front Yard Setback	50'	50'
Side Yard Setback	10'	10'
(Street) Side Yard Setback	50'	50'
Rear Yard Setback	30'	30'
Maximum Building Height	35'	35'

PERMITTED & SPECIAL EXCEPTION USES:

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

Uses	A-5 (existing)	A-10 (proposed)
<p>Permitted Uses</p>	<ul style="list-style-type: none"> (a) Single family residences and uses accessory thereto, including one (1) guest house or cottage. (b) Home occupations and home offices. (c) Groves and farms for the cultivation and propagation of citrus, vegetables, fruits, berries, nuts, grass sod and trees. (d) Pastures and grasslands for the cultivation and propagation of livestock and the keeping of ponies or horses for the immediate use of the occupant and their guests excluding, however, the commercial raising of swine. (e) Plant nurseries and green houses not involved with retail sales to the general public. (f) Poultry production. (g) Dairy farms. (h) Fish hatcheries and bait production. (i) Stables, barns, sheds, silos, granaries, windmills and related agricultural structures. (j) Roadside stands for the sale of fruits, vegetables and similar products produced on the premises, provided such stand is placed no closer than twenty-five feet (25') to a property line. (k) Public and private elementary schools. (l) Landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm. (m) One (1) boat dock and one (1) associated boathouse per lot. 	<p>Same as A-5</p>
<p>Special Exception Uses</p>	<ul style="list-style-type: none"> (1) Public and private middle schools and high schools. (2) Public utility and service structures. (3) Churches and their attendant educational and recreational buildings and off-street parking. (4) Parks and recreational areas which are publicly owned and operated. (5) Guest or tourist homes when located on state or federal highways. (6) Community residential homes, provided that the location does not create an over-concentration of such homes or substantially alter the nature and character of the area, all as defined in section 419.001(3)(c), Florida Statutes (2001). (7) Kennels (including the commercial raising or breeding of dogs). (8) Country clubs, golf clubs, fishing clubs, fishing camps, marinas and gun clubs, when making use of the land with nominal impacts to natural resources as determined by the Planning Manager. (9) Riding stables. (10) Mobile and manufactured homes in accordance with the siting standards of part 70, chapter 30 of the Land Development Code. 	<p>Same as A-5</p>

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

COMPATIBILITY WITH SURROUNDING PROPERTIES:

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

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS:

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

Wetland Impacts:

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

Endangered and Threatened Wildlife:

Based on a preliminary analysis, there may be endangered and threatened wildlife on the subject property. A listed species survey will be required prior to final engineering approval.

PUBLIC FACILITY IMPACTS:

Utilities:

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

Transportation / Traffic:

The property proposes access onto Cattle Drive, which is classified as a local private easement. Cattle Drive is currently operating at a level-of-service "A" and does not have improvements programmed in the County 5-year Capital Improvement Program or FDOT 5-year Work Program.

Drainage:

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

Buffers and Sidewalks:

No buffers or sidewalks are required.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS:

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

SPECIAL DISTRICTS:

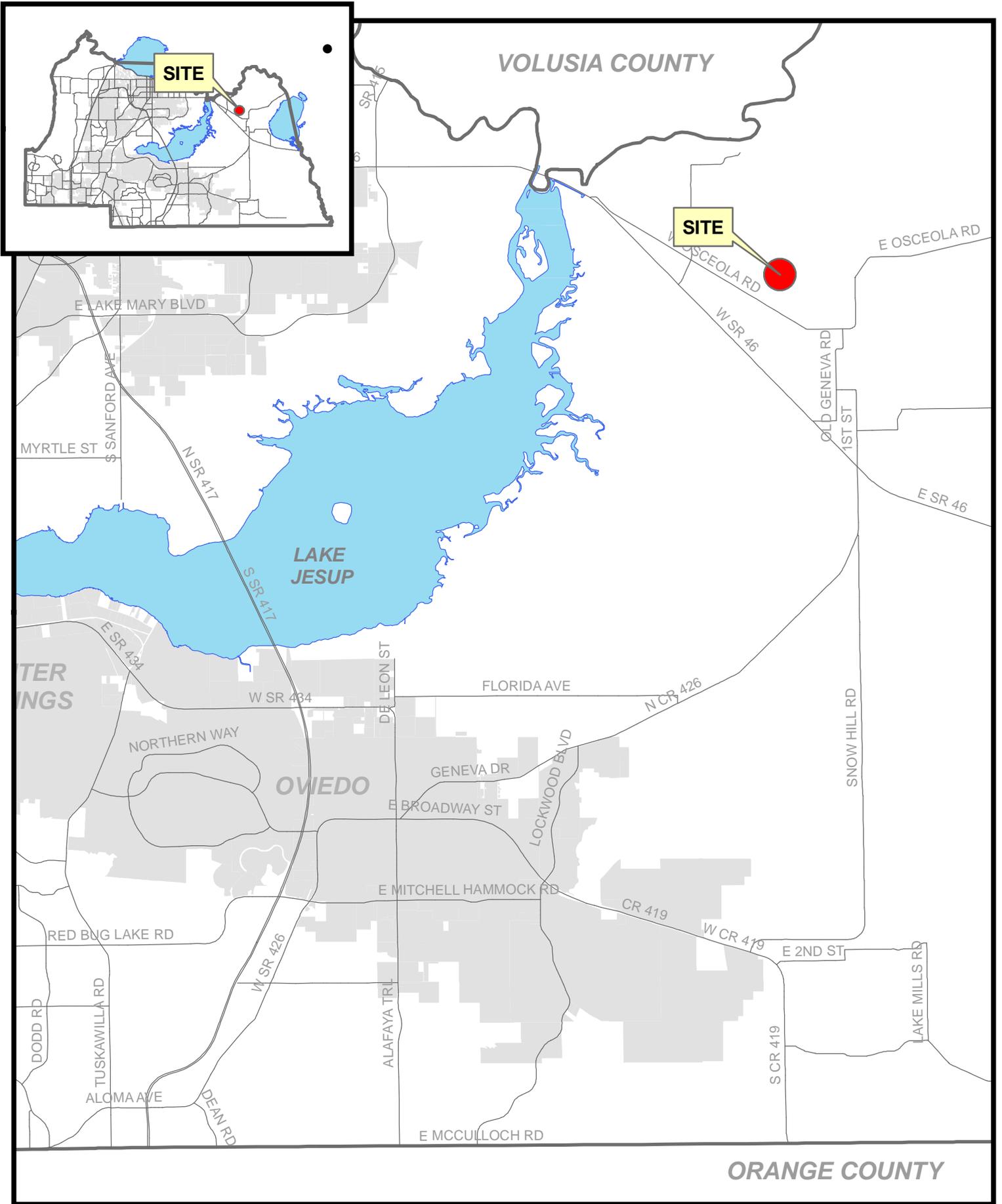
The subject property is located within the East Rural Area.

INTERGOVERNMENTAL NOTIFICATION:

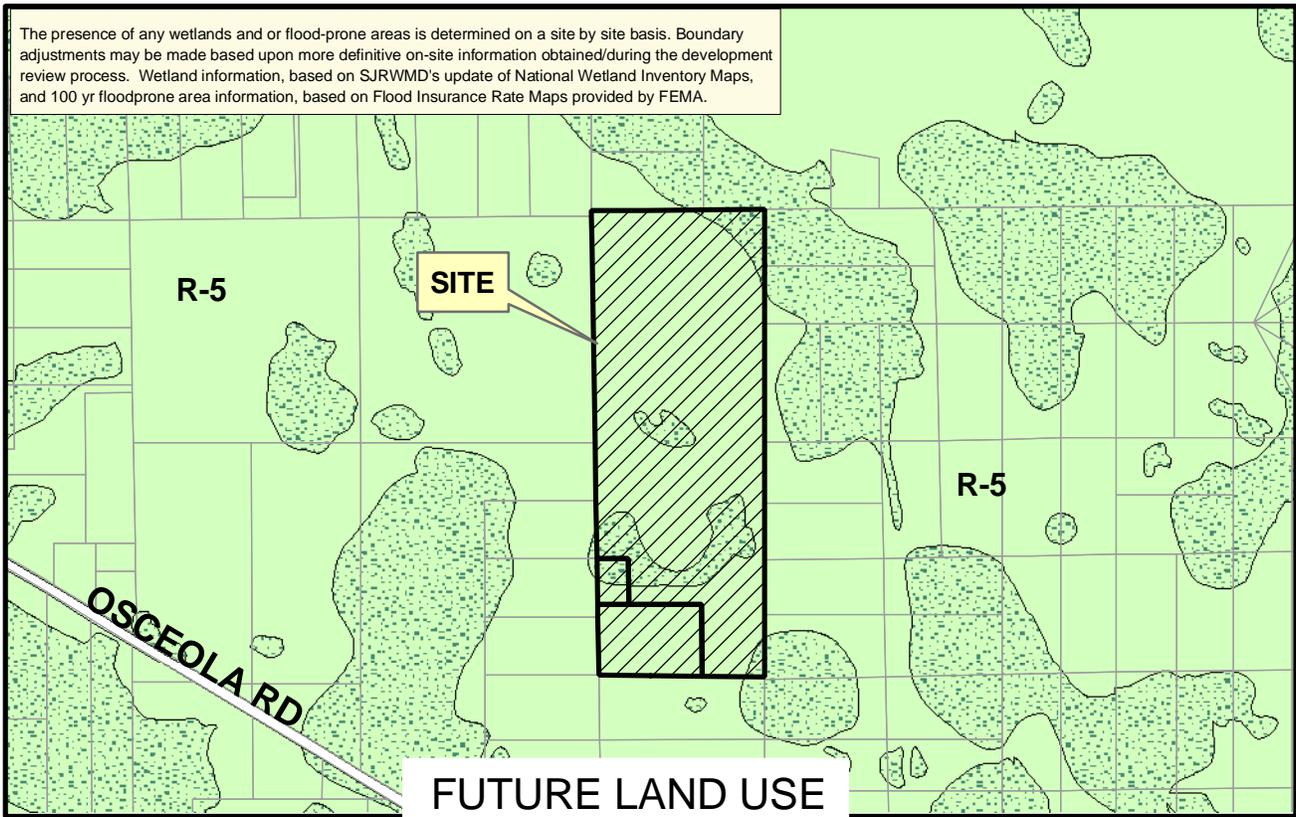
An intergovernmental notice is not required for this development.

LETTERS OF SUPPORT OR OPPOSITION:

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



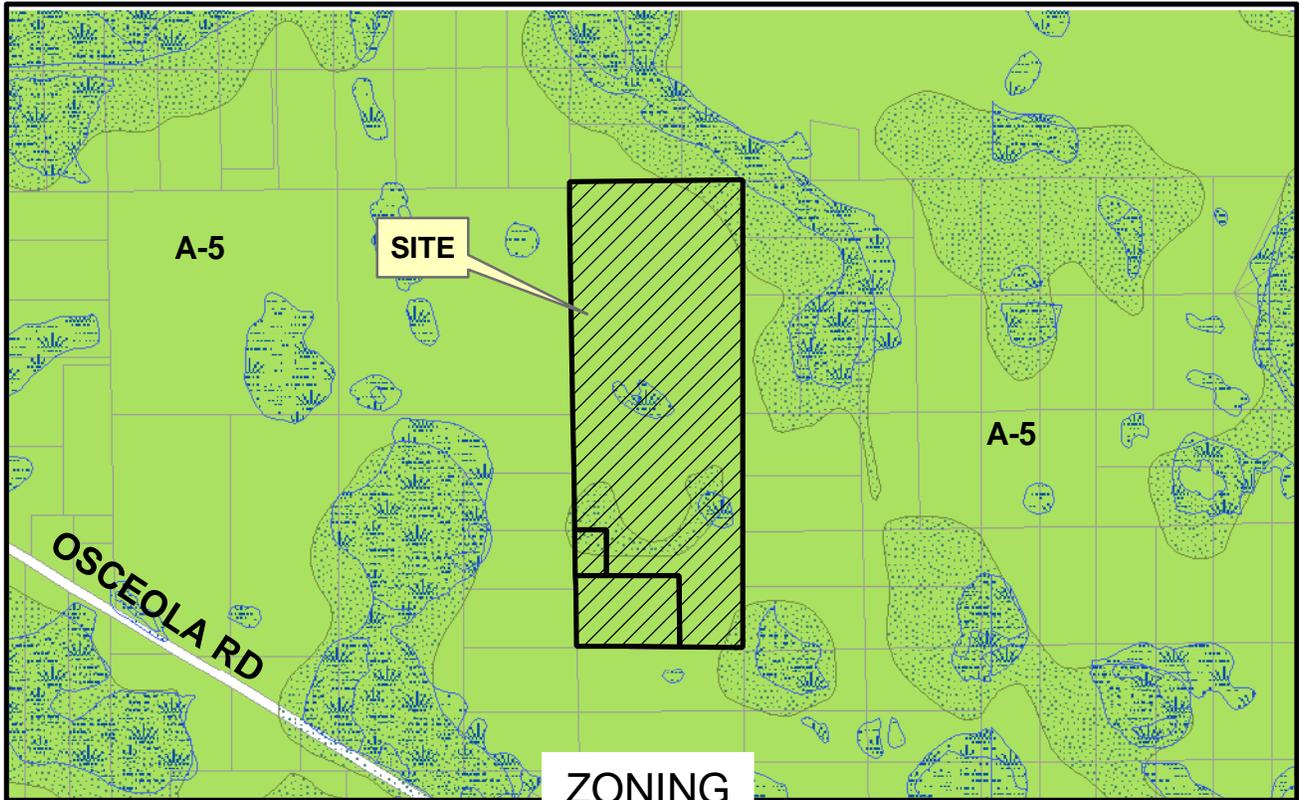
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



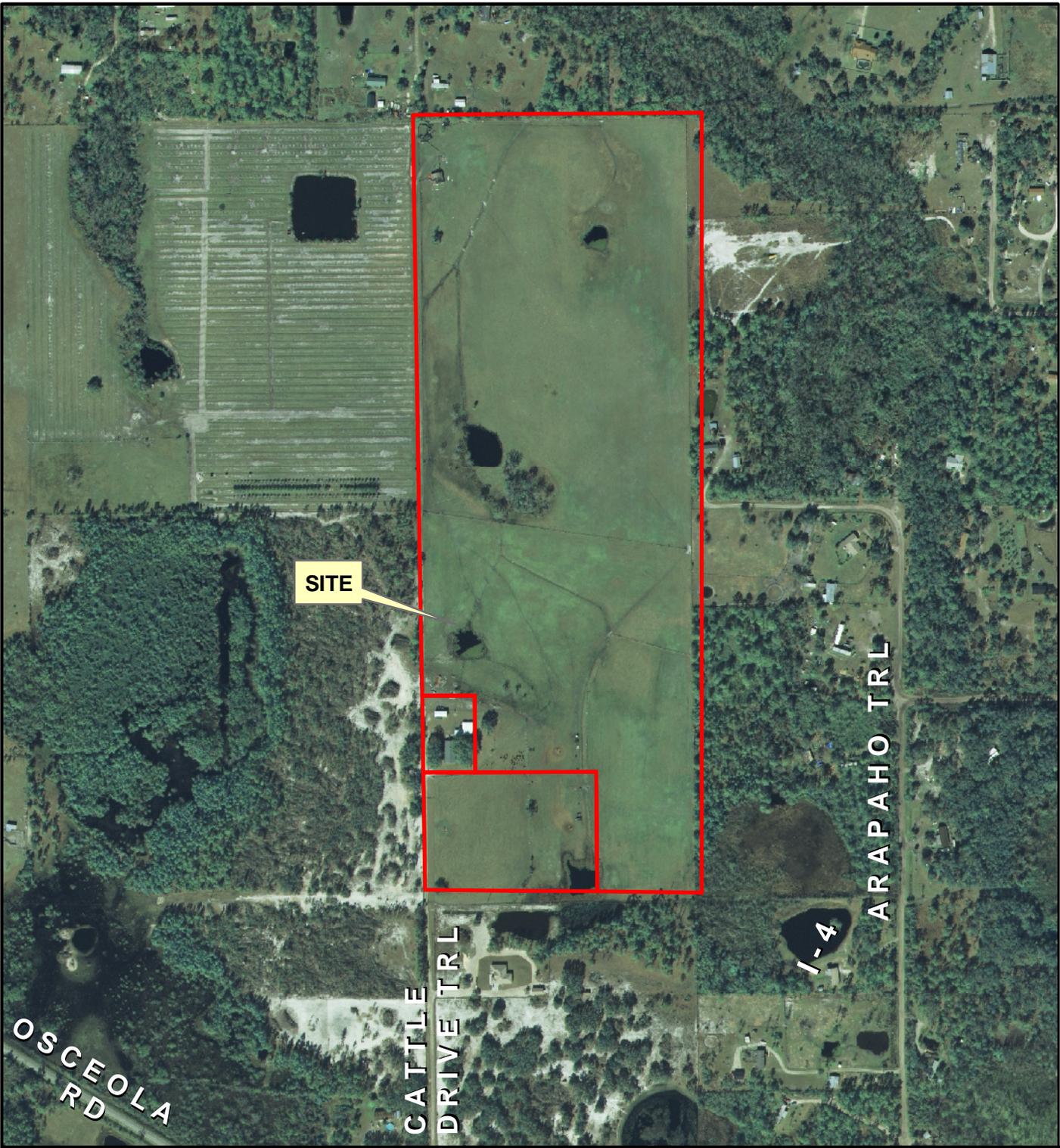
Site
 R5
 CONS
 Municipality

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

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



A-5
 FP-1
 W-1



SITE

OSCEOLA
RD

CATTLE
DRIVE TRAIL

ARAPAHO TRAIL

I-4

<p>Rezone No: Z2008-16 From:A-5 To:A-10</p> <p> Parcel</p> <p> Subject Property</p>		<p>Winter 2006 Color Aerials</p>
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AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-5 (RURAL) ZONING CLASSIFICATION THE A-10 (RURAL) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled Cattle Drive Trail Rezone.

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from A-5 (Rural) to A-10 (Rural):

SEE ATTACHED EXHIBIT A

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

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

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

ENACTED this 20th day of May 2008.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Brenda Carey, Chairman

EXHIBIT A
LEGAL DESCRIPTION

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

AND

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

AND

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

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

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

See attached Exhibit "A"

FINDINGS OF FACT

Property Owners: Pauline, Ann and Jay Saucer

Project Name: Cattle Drive Trail Rezone

Requested Development Approval:

Rezone from A-5 (Rural) to A-10 (Rural) for 56 ± acres, located on the east side of Cattle Drive Trail, north of W. Osceola Rd.

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

After fully considering staff analysis titled, "Cattle Drive Trail Rezone" and all evidence submitted at the public hearing on May 20, 2008 regarding this matter, the Board of County Commissioners has found, determined and concluded that the requested development approval should be denied.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

The aforementioned application for development approval is DENIED.

Done and Ordered on the date first written above.

SEMINOLE COUNTY BOARD OF COUNTY
COMMISSIONERS

By: _____
Brenda Carey – Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

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

AND

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

AND

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

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: Pauline M. Saucer
Address: 1305 Cattle Drive Trail, Geneva, FL 32732
Phone #: 407-349-9285

Name: Jay F. and Ann C. Saucer
Address: 1011 Bluejack Oak Drive, Oviedo, FL 32732
Phone #: 407-402-8739

Name: _____
Address: _____
Phone #: _____

Name: _____
Address: _____
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: _____
Officers: _____
Address: _____
Directors: _____
Address: _____
Shareholders: _____
Address: _____

Name of Corporation: _____
Officers: _____
Address: _____
Directors: _____
Address: _____
Shareholders: _____
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: _____
Trustees: _____
Address: _____

Beneficiaries: _____
Address: _____

(Use additional sheets for more space.)

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
MAY 7, 2008**

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

Also present: Alison Stettner, Planning Manager; Tina Williamson, Assistant Planning Manager; David Shields, Assistant County Attorney; Dori DeBord, Planning and Development Director; Larry Poliner, Development Review Manager; Planning Staff, Development Review Staff and Connie R. DeVasto, Clerk to the Commission.

5. Cattle Drive Trail Rezone; Pauline M. Saucer, Ann C. Saucer, and Jay F. Saucer, applicants; 56.0 ± acres; Rezone from A-5 (Rural) to A-10 (Rural); located on the east side of Cattle Drive Trail, north of Osceola Road. (Z2008-16)

Commissioner Carey – District 5
Brian Walker, Senior Planner

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

Staff recommends approval of the request to rezone 56.0 ± acres from A-5 (Rural) to A-10 (Rural); located on the east side of Cattle Drive Trail; north of Osceola Road.

Commissioner Tucker asked Staff if they could recall any other types of requests like this in the past.

Tina Williamson stated that there have been some instances of a Family Subdivision in the past, but none with a rezone request.

A discussion ensued by the Commission regarding this type of request.

Commissioner Tucker asked Staff if the applicant will have to come back before the Commission regarding the subdivision.

Mrs. Williamson advised that they did not have to come back before the Planning and Zoning Commission.

Mr. Walker advised the Commission that the applicants are required to treat this as a "lot split".

Commissioner Tucker stated that, when viewing the subject property, he didn't believe there would be enough room for large vehicles such as emergency vehicles to maneuver on the road.

Mr. Walker advised the Commission that there are certain stipulations that will have to be met regarding access to the road.

Jay Saucer, son of the applicant, advised the Commission that this is an active farm with many farm animals and they wish to preserve the family farm. Mr. Saucer further advised that there is plenty of room for emergency vehicles to access the property.

No one spoke from the audience.

Commissioner Tucker made a motion to recommend approval the request.

Commissioner Wolf seconded the motion.

The motion passed unanimously 7 – 0.