
**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM****SUBJECT:** Grand Road (1435) Rezone**DEPARTMENT:** Planning and Development **DIVISION:** Planning**AUTHORIZED BY:** Dori DeBord**CONTACT:** Ian Sikonia**EXT:** 7398**MOTION/RECOMMENDATION:**

1. Approve the request and enact an ordinance for a rezone from A-1 (Agriculture) to R-1AA (Single-Family Dwelling) for 2.31 ± acres, located approximately ¼ mile north of the intersection of Grand Road and Howell Branch Road, and authorize the Chairman to execute the aforementioned document, based on staff findings (Michael & June Modreski, applicants); or
2. Deny the request for a rezone from A-1 (Agriculture) to R-1AA (Single-Family Dwelling), located approximately ¼ mile north of the intersection of Grand Road and Howell Branch Road, and authorize the Chairman to execute the Denial Development Order (Michael & June Modreski, applicants); or
3. Continue the item to a time and date certain.

District 1 Bob Dallari

Ian Sikonia

BACKGROUND:

The applicant is requesting a rezone from A-1 (Agriculture) to R-1AA (Single-Family Dwelling) on approximately 2.31 + acres, located at 1435 Grand Road. The R-1AA (Single-family Dwelling) district requires a minimum lot size of 11,700 square feet and a minimum width at the building line of 90 feet. The Future Land Use designation of the subject property is Low Density Residential (LDR) which allows the requested zoning district. This request is to rezone the property to the R-1AA zoning classification, in order to subdivide the property in the future.

The Seminole County Land Development Code (LDC) requires the application of the Weighted Method for Determining Single-family Residential Compatibility in the Low Density Residential Future Land Use designation. Staff conducted the lot size compatibility analysis, as required by Section 30.1383 of the Land Development Code and determined that the analysis supports the requested R-1AA zoning classification.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on June 3, 2009 and voted 5 to 0 to recommend approval of the request for a rezone from A-1 (Agriculture) to R-1AA (Single-Family Dwelling) for 2.31± acres, located approximately ¼ mile north of the intersection of Grand Road and Howell Branch Road.

STAFF RECOMMENDATION:

Staff recommends that the Board approve the request and enact an ordinance for a rezone from A-1 (Agriculture) to R-1AA (Single-Family Dwelling) for 2.31 ± acres, located approximately ¼ mile north of the intersection of Grand Road and Howell Branch Road, and authorize the Chairman to execute the aforementioned document, based on staff findings.

ATTACHMENTS:

1. Staff Report
2. Location Map
3. Future Land Use and Zoning Map
4. Aerial Map
5. Rezone Ordinance
6. School Impact Analysis
7. 6-3-09 Planning and Zoning Commission Meeting Minutes
8. Ownership Disclosure Form
9. Denial Development Order (applicable only if denied)

Additionally Reviewed By:

County Attorney Review (Kathleen Furey-Tran)

Grand Road (1435) Rezone		
APPLICANT	Michael & June Modreski	
PROPERTY OWNER	Michael & June Modreski	
REQUEST	Rezone from A-1 (Agriculture) to R-1AA (Single-Family Dwelling)	
PROPERTY SIZE	2.31 ± acres	
HEARING DATE (S)	P&Z: June 3, 2009	BCC: July 28, 2009
PARCEL ID	26-21-30-300-025C-0000	
LOCATION	Located approximately ¼ mile north of the intersection of Grand Road and Howell Branch Road.	
FUTURE LAND USE	Low Density Residential (LDR)	
ZONING	A-1 (Agriculture)	
FILE NUMBER	Z2009-04	
COMMISSION DISTRICT	#1 – Dallari	

ANALYSIS OVERVIEW:

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

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

COMPATIBILITY WITH SURROUNDING PROPERTIES

The surrounding area has the Low Density Residential Future Land Use designation and is assigned the A-1, PUD, R-1, and R-1A zoning classifications. The adjacent PUD developments to the east and west of this parcel require minimum lot sizes of 6,900 and 9,000 square feet. The proposed R-1AA zoning district requires a minimum lot size of 11,700 square feet and a minimum width at the building line of 90 feet. The proposed rezone will provide for a more diverse mixture of compatible low intensity residential zoning classifications in an area which is comprised of single-family home subdivisions.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on the FIRM map with an effective date of 2007, there appears to be floodplains on the subject property with a known flood elevation of 55' established from the North

American Vertical Datum of 1988. From GIS data it seems to be approximately 1-acre but it will have to be surveyed for exact area.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be 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.

Utilities:

The site is located in the Seminole County utility service area, and will be required to connect to public utilities. There is a 10-inch water main on the east side of Grand Road and a 6-inch force main on the west side of Grand Road. The subject property is in the ten year master plan for reclaimed water. An alternative source for irrigation water, such as a shallow well, will be required until reclaimed water becomes available.

Drainage:

The proposed project is located within the Howell Creek Drainage Basin, and does not have limited downstream capacity. The site will have to be designed to meet the pre-development rate of discharge for the 25-year, 24-hour storm event.

Transportation / Traffic:

The property proposes access onto Grand Road which is classified as a local road 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, which is included as an attachment to this report.

Parks, Recreation and Open Space:

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

Buffers and Sidewalks:

The proposed development is adjacent to both residential and agricultural zoning districts; therefore, no exterior buffers are required. There is an existing sidewalk along Grand Road. A 5-foot wide sidewalk may be required, and will be determined at time of subdivision.

APPLICABLE POLICIES:

SPECIAL DISTRICTS

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

COMPREHENSIVE PLAN

The County's Comprehensive Plan is designed to preserve and enhance the public health, safety and welfare through the management of growth, provision of adequate public services and the protection of natural resources.

The proposed project is consistent with the following list of policies.

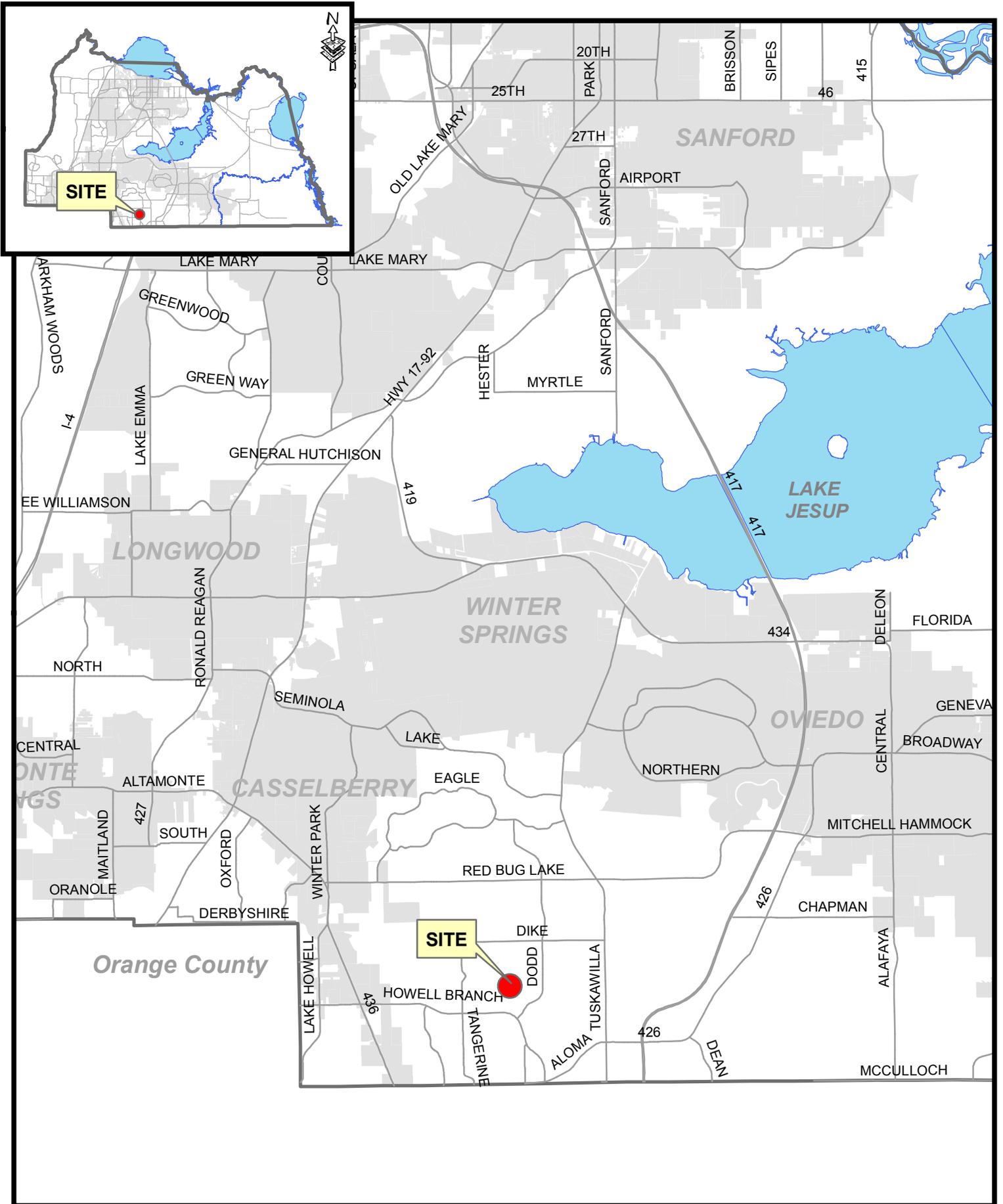
- Policy FLU 17.4: Relationship of Land Use to Zoning Classifications
- Policy FLU 17.5: Evaluation Criteria of Property Rights Assertions

INTERGOVERNMENTAL NOTIFICATION:

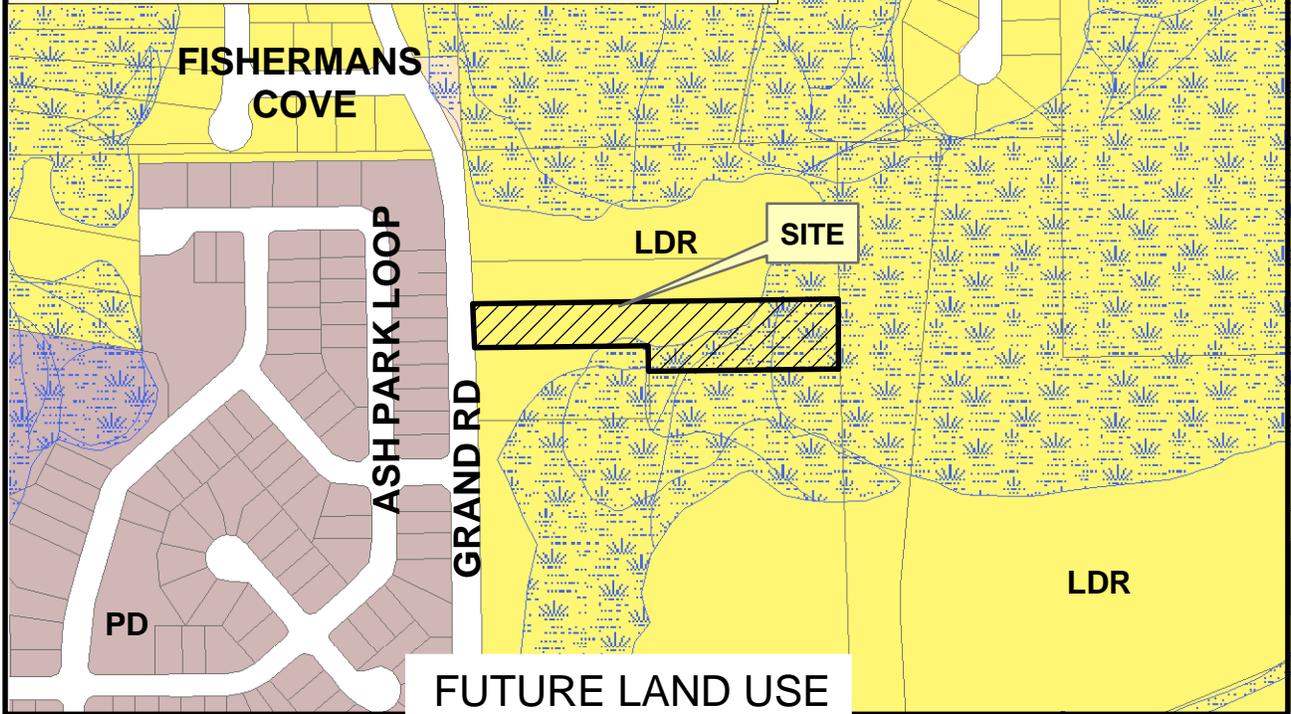
No intergovernmental notices were required for this project.

LETTERS OF SUPPORT OR OPPOSITION:

No letters of support or opposition have been received.



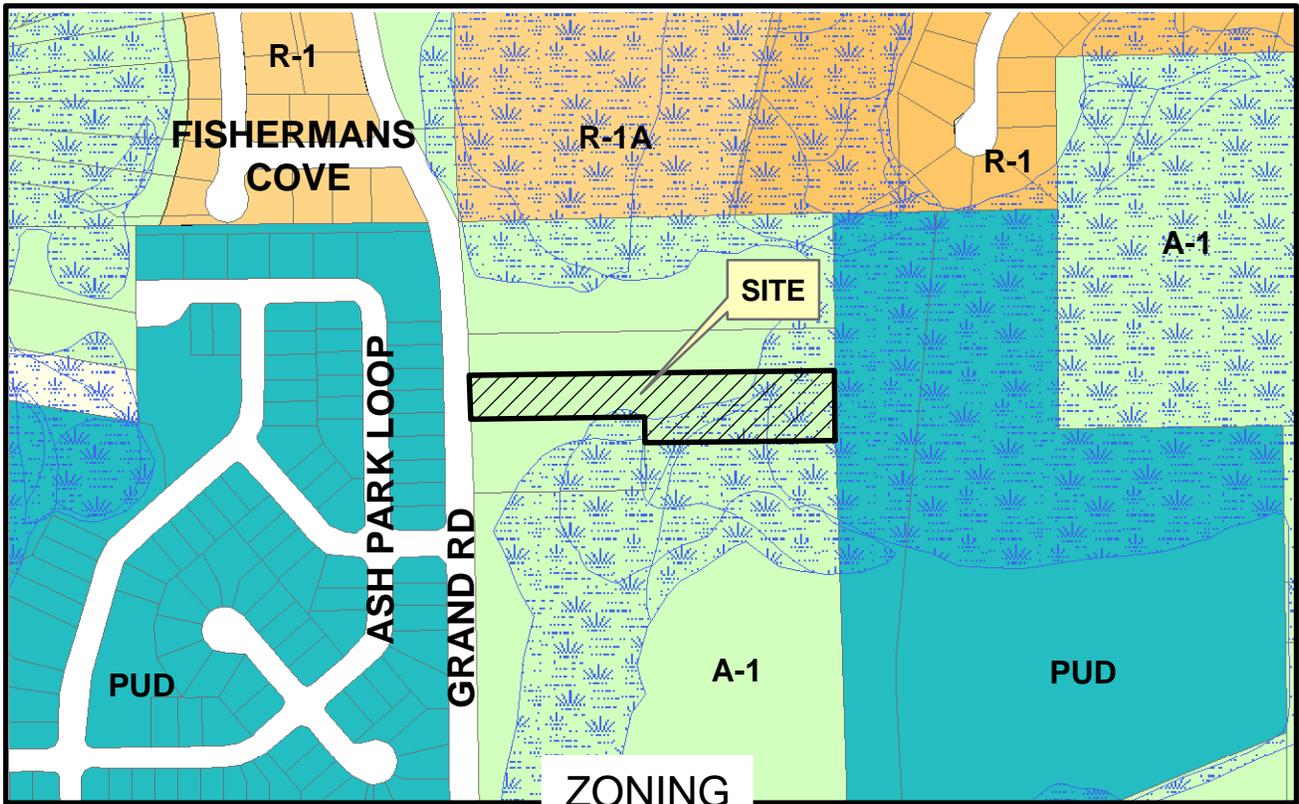
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



Site
 LDR
 PD
 ESLO
 City Bnd

Applicant: Michael & June Modreski
 Physical STR: 26-21-30-300-025C-0000
 Gross Acres: 2.31 +/- BCC District: 1
 Existing Use: Single Family Residential
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2009-004	A-1	R-1AA



A-1
 R-1A
 R-1
 PUD
 ESLO



Rezone No: Z2009-004
From: A-1 To: R-1AA

-  Parcel
-  Subject Property



Winter 2007 Color Aerials

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE R-1AA (SINGLE-FAMILY DWELLING) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled Grand Road (1435) Rezone, dated July 28, 2009.

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

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to R-1AA (Single-Family Dwelling):

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.

ENACTED this 28th day of July 2009.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Bob Dallari, Chairman

EXHIBIT A

LEGAL DESCRIPTION

Begin at the Northwest Corner of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 26, Township 21 South, Range 30 East, Seminole County, Florida, run thence South 650 feet; thence South 8937'44" East 25 feet to the Easterly Right of Way of GRAND AVENUE; thence continue South 8937'44" East 375 feet; thence North 0002'17" East 200 feet to the POINT OF BEGINNING; run thence South 8937'44" East 419.80 feet; thence South 0003'01" West 50 feet; thence North 8937'44" West 419.80 feet; thence North 0002'17" East 50 feet to the POINT OF BEGINNING.

AND

Begin at the Northwest Corner of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 26, Township 21 South, Range 30 East, Seminole County, Florida; run thence South 350 feet to the POINT OF BEGINNING; thence run East 825 feet; thence South 100 feet; thence West 825 feet; thence North 100 feet to the POINT OF BEGINNING.



Seminole County Public Schools School Impact Analysis School Capacity Determination

To: Michael Modreski
Seminole County Board of Commissioners

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

Date: April 1, 2009

RE: **Grand Road Rezone (Z-2009-04)**

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

Description – The project is located at the 1435 Grand Rd Winter Park, on +/- 2.31 acres in the in unincorporated Seminole County. The applicant is requesting a change in the future land use/zoning designation and seeks approval to develop a parcel containing approximately 1 single family attached dwelling unit.

Parcel ID: 26-21-30-300-02SC-0000

Based on information received from Planning and from the application for the request, SCPS staff has summarized the potential school enrollment impacts in the following table:

Type	Concurrency Service Area	Enrollment	Capacity	Students Generated by Project	Programmed 3 Year Additions	Reserved Capacity	Remaining Capacity
Elementary	E-4	2347	2594	0	0	11	236
Middle	M-3	3630	3815	0	0	22	163
High	H-3	4622	4367	0	0	10	-235

Comments:

The students generated at the three CSA levels would at this point be able to be accommodated without exceeding the adopted levels of service (LOS) for each school type. The planned expansions/additions in the current five-year capital plan would provide additional student capacity to relieve the affected schools.

Review and evaluations performed on proposed future land use changes and rezones, unplatted parcels, or projects that have not received final approval do not guarantee that the developments subject to this declaration are exempt from the school concurrency requirement, which is effective as of January 1, 2008. Changes in enrollment, any newly platted developments, and any subsequent final development approvals may affect the provision of concurrent school facilities at the point of final subdivision approval, including the potential of not meeting statutory concurrency requirements based on future conditions.

Terms and Definitions:

Capacity: The amount of satisfactory permanent student stations as calculated on the date of the second DOE count in October of the current school year. 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. NOTE: Capacity is **ONLY** a measure of space, not of enrollment.

Concurrency Service Area (CSA): A geographic unit promulgated by the School Board and adopted by local governments within which the level of service is measured when an application for residential development is reviewed for school concurrency purposes.

Enrollment: For the purposes of concurrency review, the enrollment level is established each year as per Public School Interlocal Agreement Section 12.4 A, which sets the level on the date of the second FTE survey for DOE, generally taken the in mid-October.

Programmed 3 Year Additions: New permanent school capacity within the CSA, which will be in place or under actual construction within the first three years of the current SCPS Capital Improvement Plan.

Remaining Capacity: The capacity available for future development after the addition of any programmed capacity and less the reserved capacity.

Reserved Capacity: The total number of student stations reserved in the respective CSA's that are assigned to projects via a SCALD certificate.

School Size: For planning purposes, each public school district must determine the maximum size of future elementary, middle and high schools. Existing school size is determined solely through FISH data. Seminole County Public Schools has established the sizes of future schools (with the exception of special centers and magnet schools) as follows:

- i) Elementary: 780 student stations
- ii) Middle: 1500 student stations
- iii) High: 2,800 student stations

Students Generated by Project: 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.

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%

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
JUNE 3, 2009**

Members present: Matthew Brown, Walt Eismann, Melanie Chase, Kimberly Day and Dudley Bates.

Members absent: Ben Tucker and Rob Wolf

Staff present: Alison Stettner, Planning Manager; Tina Williamson, Assistant Planning Manager; Sheryl Stolzenberg, Principal Coordinator; Joy Williams, Planner; Jim Potter, Senior Engineer, Development Review Division; and Connie R. DeVasto, Clerk to the Planning and Zoning Commission.

A. Grand Road (1435) Rezone; Michael & June Modreski, applicant; 2.31 ± acres; Rezone from A-1 (Agriculture) to R-1AA (Single-Family Dwelling); located approximately ¼ mile north of the intersection of Grand Road and Howell Branch Road. (Z2009-04)

District 1 - Dallari
Ian Sikonia, Senior Planner

Joy Williams, Planner – presented this item on behalf of Ian Sikonia and stated that the applicants are requesting approval for a rezone from A-1 to R-1AA.

The R-1AA district requires a minimum lot size of 11,700 square feet and a minimum width at the building line of 90 feet. The Future Land use designation of the subject property is Low Density Residential (LDR) which allows for the requested zoning district. The applicants intend to subdivide the property for future development.

The surrounding area has a Low Density Residential Future Land Use designation and is assigned the A-1, PUD, R-1, and R-1A zoning classifications. The adjacent PUD developments to the east and west of this parcel are equivalent to the R-1B and R-1A minimum lot size requirements. The proposed rezone will provide for a more diverse mixture of compatible low intensity residential zoning classifications in an area which is comprised of single-family home subdivisions.

Staff has received no letters of support and opposition for this request and recommends approval of this request.

The applicants were present at the meeting for any questions or comments.

No one spoke in favor or opposition of this item from the audience.

Commissioner Bates made a motion to approve this request.

Commissioner Day seconded the motion.

The motion passed unanimously 5 – 0.

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

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

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

Name: <u>Michael L. Modreski</u>	Name: <u>June L. Modreski</u>
Address: <u>217 STEVENAGE DR.</u>	Address: <u>217 STEVENAGE DR.</u>
Phone #: <u>Longwood, Fla. 32779</u> <u>(407) 949-0926</u>	Phone #: <u>Longwood, Fla. 32779</u> <u>(407) 949-0926</u>
Name: _____	Name: _____
Address: _____	Address: _____
Phone #: _____	Phone #: _____

(Use additional sheets for more space.)

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

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

(Use additional sheets for more space.)

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

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

(Use additional sheets for more space.)

SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT

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

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

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

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

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

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

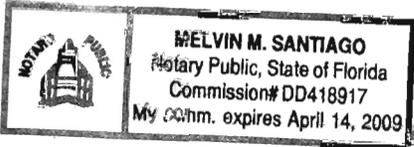
3-24-09
Date

[Signature]
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 24 day of March, 2009 by Jane and Michael Modreski

[Signature] Melvin M. Santiago
Signature of Notary Public Print, Type or Stamp Name of Notary Public



Personally Known _____ OR Produced Identification FL DL's
Type of Identification Produced Florida Drivers License

For Use by Planning & Development Staff

Date: _____ Application Number: _____

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

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

See Attached Exhibit A

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

Property Owner(s): Michael & June Modreski
217 Stevenage Dr.
Longwood, FL 32779

Project Name: Grand Road (1435)

Requested Development Approval: Rezone 2.31 ± acres, located approximately ¼ mile north of the intersection of Grand Road and Howell Branch Road, from A-1 (Agriculture) to R-1AA (Single-Family Dwelling).

The Board of County Commissioners has determined that the rezone request from A-1 (Agriculture) to R-1AA (Single-Family Dwelling) district is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled “Grand Road (1435) Rezone” and all evidence submitted at the public hearing on July 28, 2009, 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: _____
Bob Dallari, Chairman

EXHIBIT "A"

LEGAL DESCRIPTION

Begin at the Northwest Corner of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 26, Township 21 South, Range 30 East, Seminole County, Florida, run thence South 650 feet; thence South 8937'44" East 25 feet to the Easterly Right of Way of GRAND AVENUE; thence continue South 8937'44" East 375 feet; thence North 0002'17" East 200 feet to the POINT OF BEGINNING; run thence South 8937'44" East 419.80 feet; thence South 0003'01" West 50 feet; thence North 8937'44" West 419.80 feet; thence North 0002'17" East 50 feet to the POINT OF BEGINNING.

AND

Begin at the Northwest Corner of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 26, Township 21 South, Range 30 East, Seminole County, Florida; run thence South 350 feet to the POINT OF BEGINNING; thence run East 825 feet; thence South 100 feet; thence West 825 feet; thence North 100 feet to the POINT OF BEGINNING.