
**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Jessica Drive (5960) Rezone from A-1 (Agriculture) and R-1AA (Single-family Dwelling) to R-1AA (Single-family Dwelling)

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

AUTHORIZED BY: Dori DeBord

CONTACT: Austin Watkins

EXT: 7440

MOTION/RECOMMENDATION:

1. Approve and authorize the Chairman to enact an ordinance to rezone 3.88 ± acres, located on the north side of Jessica Drive, approximately 500 feet west of the intersection of Jessica Drive and Bear Lake Road, from A-1 (Agriculture) and R-1AA (Single-family Dwelling) to R-1AA (Single-family Dwelling), based on staff findings, (Kimberly Bowles, applicant); or
2. Deny the request to rezone 3.88 ± acres, located on the north side of Jessica Drive, approximately 500 feet west of the intersection of Jessica Drive and Bear Lake Road, from A-1 (Agriculture) and R-1AA (Single-family Dwelling) to R-1AA (Single-Family Dwelling), and authorize the Chairman to execute the Denial Development Order (Kimberly Bowles, applicant); or
3. Continue the item to a time and date certain.

District 3 Dick Van Der Weide

Austin Watkins

BACKGROUND:

The applicant is requesting a rezone from A-1 (Agriculture) and R-1AA (Single-family Dwelling) to R-1AA (Single-Family Dwelling) on approximately 3.88 ± acres, located on the north side of Jessica Drive, approximately 500 feet west of the intersection of Jessica Drive and Bear Lake 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. The subject property is currently assigned the A-1 and R-1AA zoning classification. This request is to rezone the entire property to the R-1AA zoning classification.

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 Policy FLU 2.10 of the *Seminole County Vision 2020: Comprehensive Plan*, and determined that the analysis supports the requested R-1AA zoning classification.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on August 6, 2008 and voted 7-0 to recommend approval of the requested rezone from A-1 (Agriculture) and R-1AA (Single-family Dwelling) to R-1AA (Single-Family Dwelling), for 3.88 ± acres, located approximately 500 feet

west of the intersection of Jessica Drive and Bear Lake Road, based on staff findings.

STAFF RECOMMENDATION:

Staff recommends that the Board approve and authorize the Chairman to enact an ordinance to rezone 3.88 ± acres, located on the north side of Jessica Drive, approximately 500 feet west of the intersection of Jessica Drive and Bear Lake Road, from A-1 (Agriculture) and R-1AA (Single-family Dwelling) to R-1AA (Single-family Dwelling), based on staff findings, (Kimberly Bowles, applicant).

ATTACHMENTS:

1. Staff Analysis
2. Location Map
3. Future Land Use and Zoning Map
4. Aerial Map
5. Rezone Ordinance
6. Denial Development Order (applicable only if request is denied)
7. Citizen Letters
8. Ownership Disclosure Form
9. School Impact Analysis
10. LPA P and Z Meeting Minutes

Additionally Reviewed By:

County Attorney Review (Kathleen Furey-Tran)

Jessica Drive Rezone from A-1 and R-1AA to R-1AA		
APPLICANT	Kimberly Bowles	
PROPERTY OWNER	Kimberly and Bryant Bowles	
REQUEST	Rezone from A-1 (Agriculture) and R-1AA (Single-Family Dwelling) to R-1AA (Single-Family Dwelling)	
PROPERTY SIZE	3.88 ± acres	
HEARING DATE (S)	P&Z: August 6, 2008	BCC: September 23, 2008
PARCEL ID	19-21-29-300-010A-0000	
LOCATION	Located on the north side of Jessica Drive, approximately 500 feet west of the intersection of Jessica Drive and Bear Lake Road	
FUTURE LAND USE	Low Density Residential (LDR)	
ZONING	A-1 (Agriculture) and R-1AA (Single-Family Dwelling)	
FILE NUMBER	Z2008-28	
COMMISSION DISTRICT	#3 – Van Der Weide	

ANALYSIS OVERVIEW:

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

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed (and existing) 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	30 feet	10 feet
Side Street Setback	50 feet	25 feet
Rear Yard Setback	10 feet	30 feet
Maximum Building Height	35 feet	35 feet

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 (Existing and Proposed)
Permitted Uses	Agricultural uses such as citrus or other fruit crops cultivation, production and horticulture, truck farms, plant nurseries and greenhouses not involved with retail sales to the general public, silva culture, public and private elementary schools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns, single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses, churches and structures appurtenant thereto, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.	Single-Family dwelling units and their customary accessory uses, Community residential homes (group homes and foster care facilities), public and private elementary schools, and home office.
Special Exception Uses	Special Exceptions such as 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, public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, and speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and breakfast establishments.	Churches with attendant educational and recreational buildings, public and private middle and high schools, parks, public utility and service structures, guest cottages, subdivision sewage treatment and water plants, assisted living facilities, and communication towers.
Minimum Lot Size	43,560 sq. ft.	11,700 sq. ft.

COMPATIBILITY WITH SURROUNDING PROPERTIES

The surrounding area has the Low Density Residential Future Land Use designation and is assigned the A-1, R-1A, or R-1AA zoning classification. The proposed 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 development will provide transition between the higher intensity R-1A zoning to the south and west and the R-1AA zoning to the north.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM Map # 12117C0140F with an effective date of September 28, 2007, the Little Bear Lake portion of the property is Zone A and the remainder of the property is Zone X.

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 Southwest Seminole County water and sewer utility service areas, and will be required to connect to public water utilities. There is an 8-inch water main on the north side of Jessica Drive. Sanitary sewer is not available to the parcel. The subject property is not in the ten year master plan for reclaimed water.

Transportation / Traffic:

The property has existing access onto Jessica Drive which is classified as a residential 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 4-foot wide sidewalk along the north side of Jessica Drive.

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 FLU 2.10: Determination of Compatibility in the Low Density Residential Future Land Use Designation.
- Policy FLU 12.4: Relationship of Land Use to Zoning Classifications
- Policy FLU 12.5: Evaluation Criteria of Property Rights Assertions
- Policy PUB 2.1: Public Safety Level-of-Service
- Policy POT 4.5: Potable Water Connection

INTERGOVERNMENTAL NOTIFICATION:

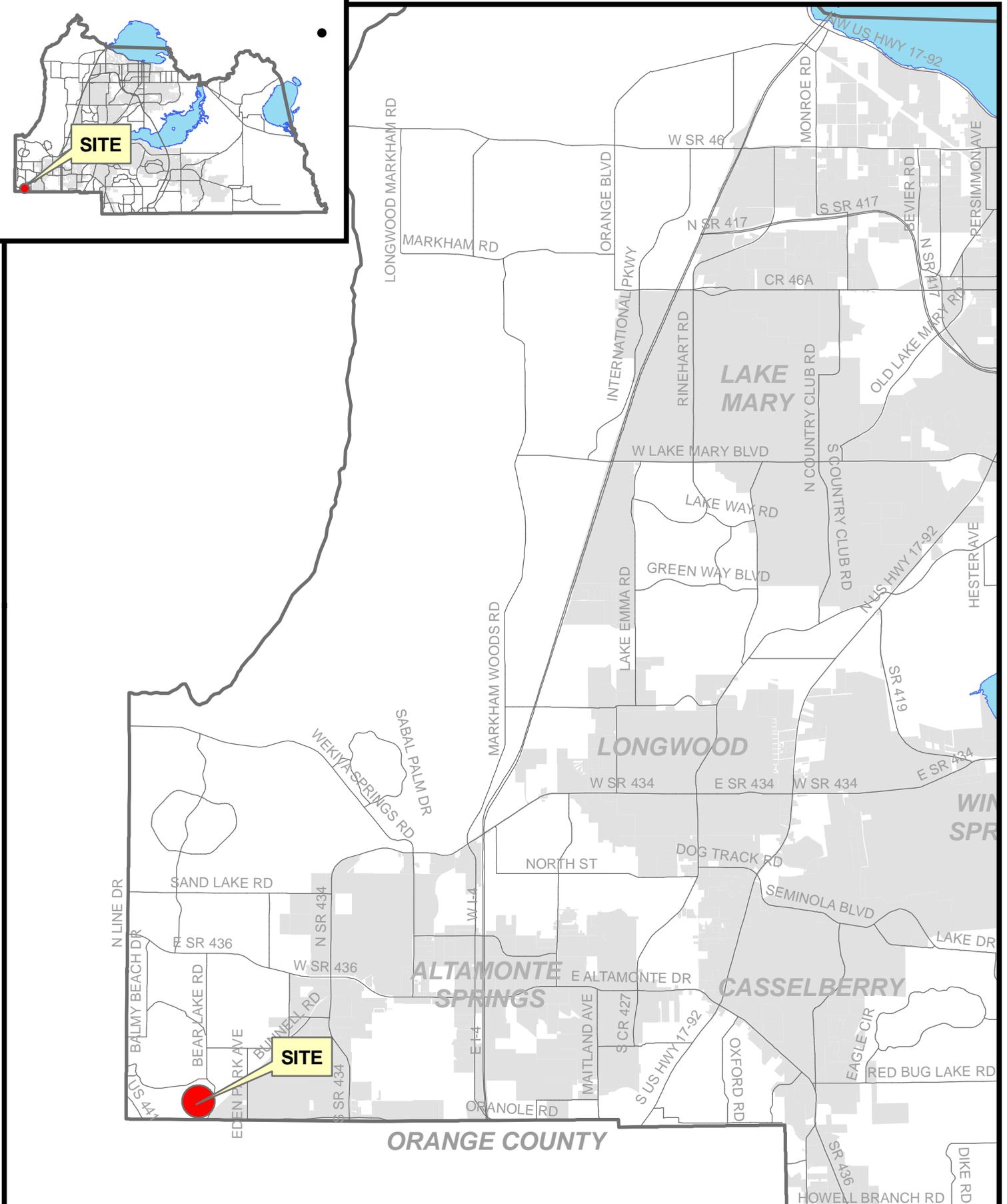
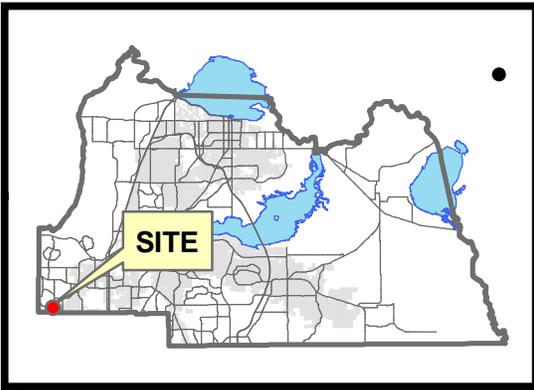
No intergovernmental notices were required for this project.

LETTERS OF SUPPORT OR OPPOSITION:

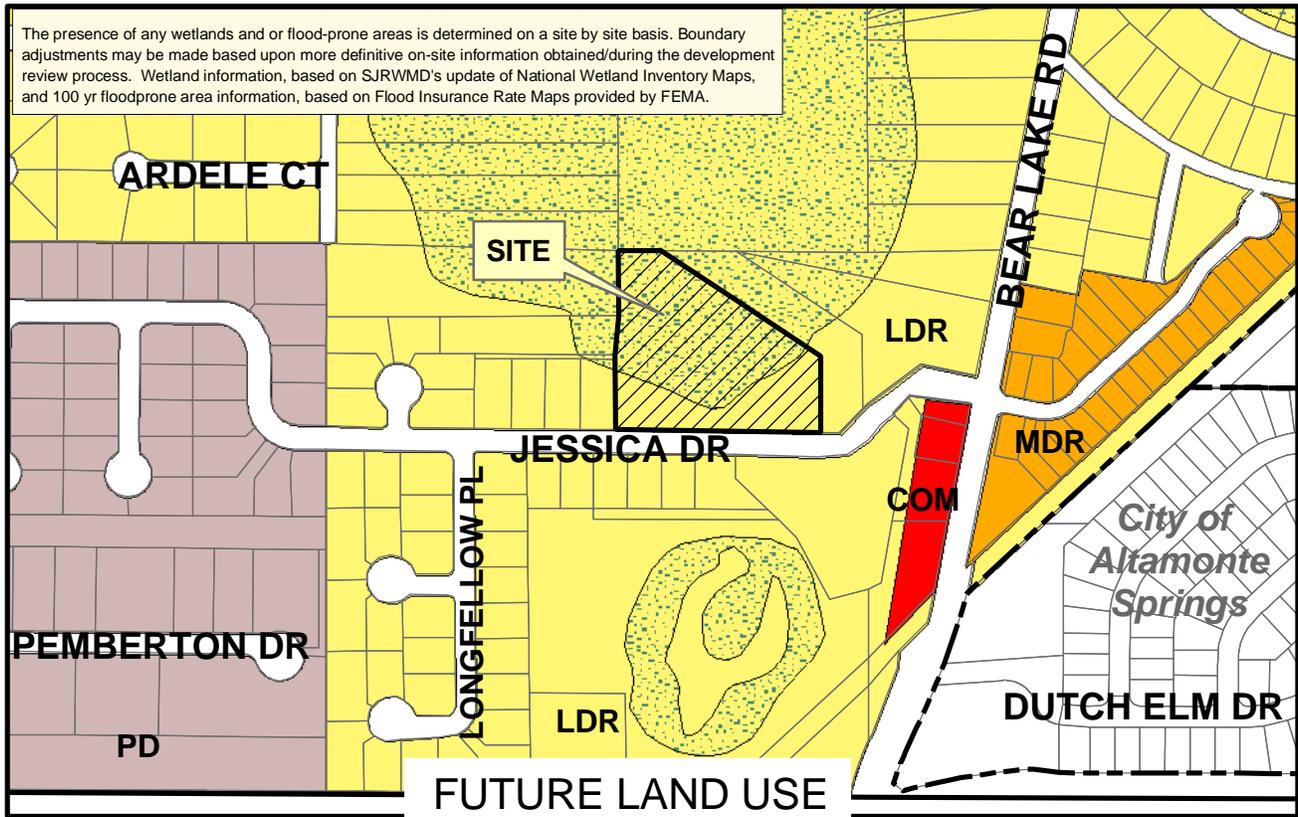
Staff has received two letters of support, which are attached.

STAFF RECOMMENDATION:

Staff recommends that the Board Approve the request to rezone 3.88 ± acres, located on the north side of Jessica Drive, approximately 500 feet west of the intersection of Jessica Drive and Bear Lake Road, from A-1 (Agriculture) and R-1AA (Single-Family Dwelling) to R-1AA (Single-Family Dwelling).



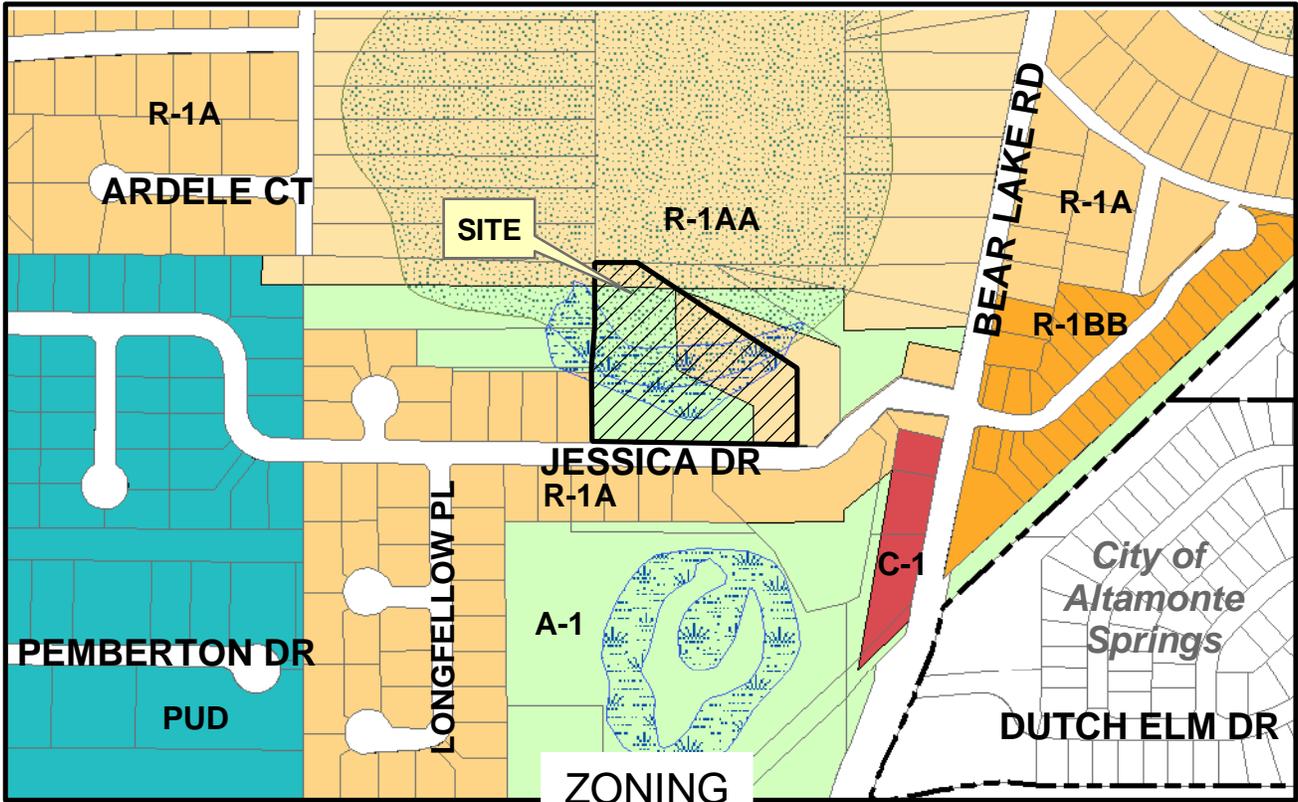
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



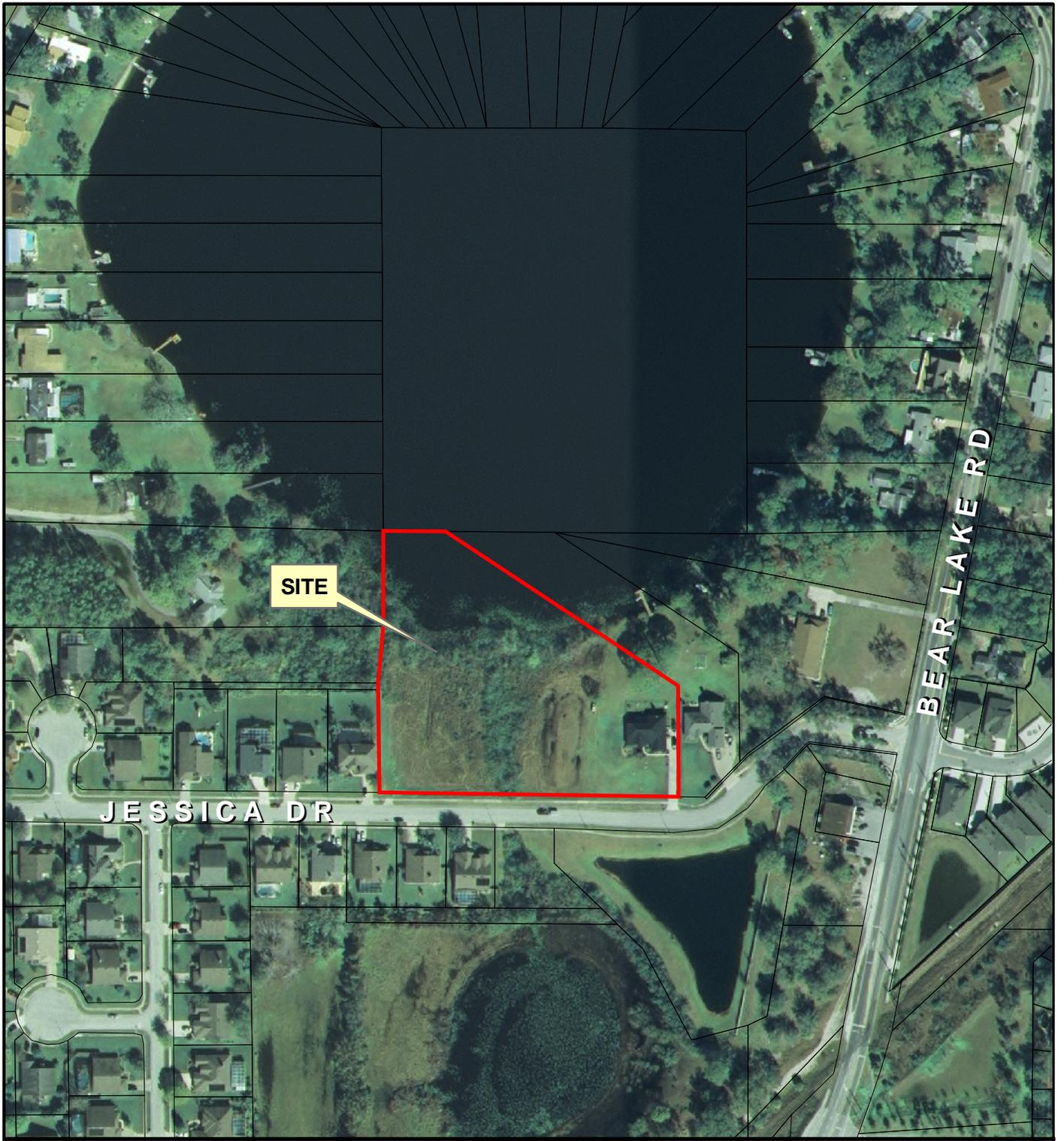
LDR
 MDR
 COM
 PD
 Site
 CONS
 Municipality

Applicant: Kimberly Bryant Bowles
 Physical STR: 19-21-29-300-010A-0000
 Gross Acres: 3.75 +/- BCC District: 3
 Existing Use: Vacant
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2008-028	A-1	R-1AA



A-1
 R-1A
 R-1AA
 R-1BB
 C-1
 PUD
 FP-1
 W-1



Rezone No: Z2008-28
From:A-1 To:R-1AA

-  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 (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) AND R-1AA (SINGLE-FAMILY DWELLING) 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 “Jessica Drive (5960) Rezone”, dated September 23, 2008.

(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) and R-1AA (Single-family Dwelling) 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.

ENACTED this 23rd day of September 2008.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Brenda Carey
Chairman

EXHIBIT "A"

LEGAL DESCRIPTION

PROPOSED PARCEL "A"

THE WEST 215.00 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 29 EAST, SEMINOLE, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS:

BEGIN AT THE NORTHEAST CORNER OF LOT 42, BEAR LAKE WOODS PHASE ONE, RECORDED IN PLAT BOOK 47, PAGE 11 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE S 00°46'28" E, 173.35 FEET ALONG THE EAST LINE OF SAID LOT 42 TO THE SOUTHEAST CORNER OF LOT 42, SAID SOUTHEAST CORNER LIES ON THE NORTH RIGHT OF WAY LINE OF JESSICA DRIVE; THENCE S 89°37'26" E, 493.94 FEET ALONG THE NORTH RIGHT OF WAY LINE OF SAID JESSICA DRIVE; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE RUN N 00°58'51" W, 186.29 FEET; THENCE N 56°31'24" W, 479.69 FEET TO THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 19; THENCE N 89°33'29" W, 96.68 FEET ALONG SAID NORTH LINE TO THE INTERSECTION OF THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 42, BEAR LAKE WOODS PHASE ONE; THENCE S 00°46'28" E, 275.06 FEET ALONG SAID NORTHERLY EXTENSION OF THE EAST LINE OF LOT 42 TO THE POINT OF BEGINNING.

PROPOSED PARCEL "B"

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 19, TOWNSHIP 21 SOUTH, RANGE 29 EAST, SEMINOLE, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS:

BEGIN AT THE NORTHEAST CORNER OF LOT 42, BEAR LAKE WOODS PHASE ONE, RECORDED IN PLAT BOOK 47, PAGE 11 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE S 00°46'28" E, 173.35 FEET ALONG THE EAST LINE OF SAID LOT 42 TO THE SOUTHEAST CORNER OF LOT 42, SAID SOUTHEAST CORNER LIES ON THE NORTH RIGHT OF WAY LINE OF JESSICA DRIVE; THENCE S 89°37'26" E, 493.94 FEET ALONG THE NORTH RIGHT OF WAY LINE OF SAID JESSICA DRIVE; THENCE LEAVING SAID NORTH RIGHT OF WAY LINE RUN N 00°58'51" W, 186.29 FEET; THENCE N 56°31'24" W, 479.69 FEET TO THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 19; THENCE N 89°33'29" W, 96.68 FEET ALONG SAID NORTH LINE TO THE INTERSECTION OF THE NORTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 42, BEAR LAKE WOODS PHASE ONE; THENCE S 00°46'28" E, 275.06 FEET ALONG SAID NORTHERLY EXTENSION OF THE EAST LINE OF LOT 42 TO THE POINT OF BEGINNING.

LESS THE WEST 215.00 FEET THEREOF.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On September 23, 2008, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit "A".

FINDINGS OF FACT

Property Owner: Kimberly and Bryant Bowles
5960 Jessica Drive
Apopka, FL 32703

Project Name: Jessica Drive (5960) Rezone

Requested Development Approval:

Rezone from A-1 (Agriculture) and R-1AA (Single-family Dwelling) to R-1AA (Single-family Dwelling) on approximately 3.88 acres, located on the north side of Jessica Drive approximately 500 feet west of the intersection of Jessica Drive and Bear Lake Road.

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

After fully considering staff analysis titled "Jessica Drive (5960) Rezone from A-1 (Agriculture) and R-1AA (Single-family Dwelling) to R-1AA (Single-family Dwelling)" and all evidence submitted at the public hearing on September 23, 2008, regarding this matter the Board of County Commissioners have 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

PROPOSED PARCEL "A"

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PROPOSED PARCEL "B"

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LESS THE WEST 215.00 FEET THEREOF.

Watkins, Austin

From: Terry [tgancarz@cfl.rr.com]
Sent: Tuesday, August 05, 2008 12:29 PM
To: Watkins, Austin
Cc: kimberbowles@cfl.rr.com
Subject: Jessica Drive (5960) Rezone

Austin,

I had hoped to be able to attend this evening's LPA meeting to support the effort to rezone the 3.88 acres from A-1 to R-1AA, but unfortunately something has come up at the last minute. I'm a resident in Bear Lake Woods, where the property is situated, and I agree with the County's position that R-1AA is more compatible with the surrounding land uses than the current A-1.

Thank you,
Terry Gancarz

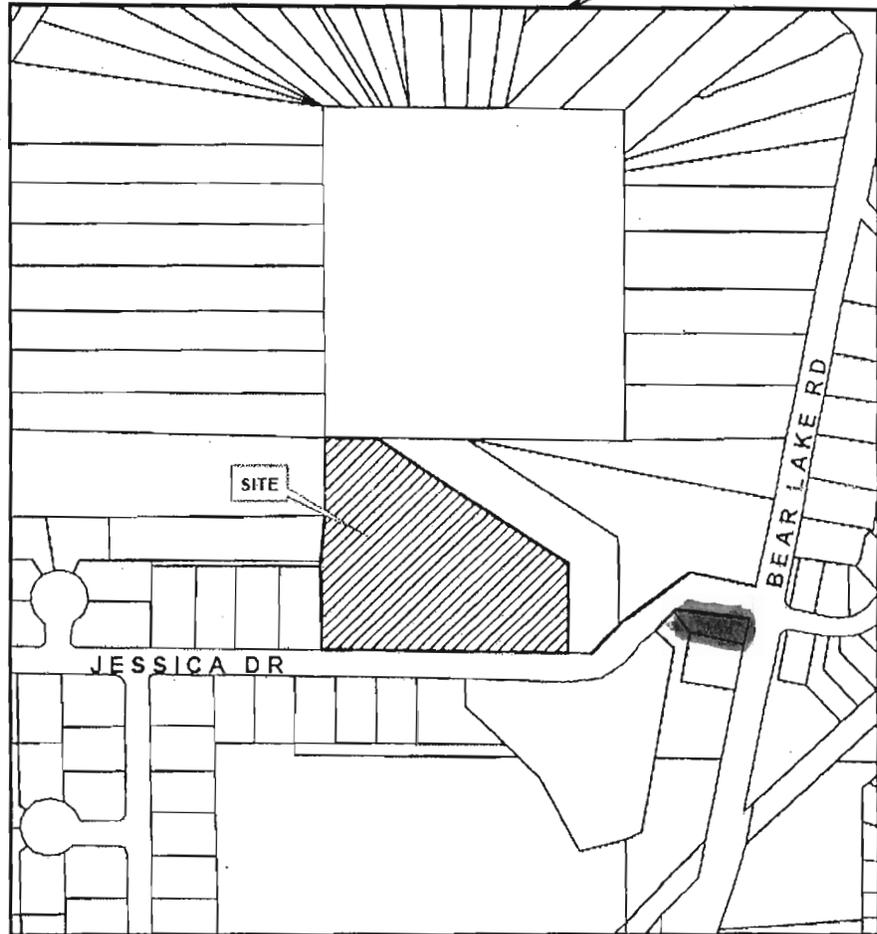
NOTICE OF PUBLIC HEARING SEMINOLE COUNTY LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION (LPA/P&Z)

This courtesy notice is being sent to you as a property owner within 300 feet (300') of the subject property depicted on the map below.

Jessica Drive (5960) Rezone; Kimberly Bowles, applicant; 3.88 ± acres; Rezone from A-1 (Agriculture) and R-1AA (Single-family Dwelling) to R-1AA (Single-Family Dwelling); located on the north side of Jessica Drive, approximately 500 feet west of the intersection of Jessica Drive and Bear Lake Road. (Z2008-28)

Commissioner Van Der Weide - District 3
Austin Watkins, Senior Planner

*7/21/08
Dick Van Der Weide
Austin Watkins
I have no objection
to this zoning.
It is fine
I own the parcel in pink.
Van Der Weide
Austin Watkins*



PUBLIC HEARING INFORMATION	
DATE:	AUGUST 6, 2008
TIME:	7:00 P.M., or soon thereafter as possible
LOCATION:	Seminole County Services Building, 1101 East First Street, Sanford, Florida, Board Chambers (Room 1028)

The purpose of this hearing is to receive public input and make recommendations to the Seminole County Board of County Commissioners on the proposed land use change and/or rezoning which will involve change(s) to the Future Land Use Map of the Seminole County Comprehensive Plan and/or to the zoning

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: Kimberly Bowles
Address: 5960 Jessica Drive
Phone #: 407-448-4944

Name: Bryant Bowles
Address: 5900 Jessica Drive
Phone #: 407-448-4945

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.)

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.

7/2/08
Date _____

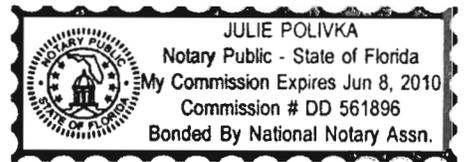
[Signature]
Owner, Agent, Applicant Signature _____

STATE OF FLORIDA
COUNTY OF SEMINOLE

Sworn to (or affirmed) and subscribed before me this 2 day of JULY, 2008 by KIMBERLY BOWLES

[Signature]
Signature of Notary Public

Julie Polivka
Print, Type or Stamp Name of Notary Public



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

For Use by Planning & Development Staff	
Date: _____	Application Number: _____



Seminole County Public Schools School Impact Analysis School Capacity Determination

To: Kimberly Bowles, Applicant
Seminole County Board of County Commissioners

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

Date: May 21, 2008

RE: 5960 Jessica Dr Rezone

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 on +/-3.88 acres at 5960 Jessica Drive in unincorporated Seminole County. The applicant is requesting a rezone to R-1AA and seeks approval to construct residential project containing approximately 1 additional single family dwelling unit.

Parcel ID #: 19-21-29-3000-10A-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-8	4297	3899	0	896	5	493
Middle	M-2	3739	3950	0	0	3	208
High	H-2	5388	5470	0	88	4	166

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 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

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.

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.

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).

Level of Service Standard (LOS): A standard or condition established to measure utilization within a concurrency service area. Current Level of Service is determined by the sum of the FTE student count at the same type of schools within a concurrency service area, divided by the sum of the permanent FISH capacity of the same type of schools within a concurrency service area. Projected or future Level of Service is determined by the sum of the projected COFTE enrollments at the same type of schools within a concurrency service area, divided by the sum of the planned permanent FISH capacity of the same type of schools within a concurrency service area."

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.

Reserved Capacity: School capacity that is assigned to a proposed project once it has received a final development approval for the project's development application.

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 Resulting from Recently Approved Developments is the sum of students generated from residential developments receiving plats or final approved site plans since the January 1, 2008 implantation date for school concurrency. Student enrollment changes due to existing housing are excluded from these totals.

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.

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
AUGUST 6, 2008**

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

Member absent: None.

Also present: Alison Stettner, Planning Manager; Tina Williamson, Assistant Planning Manager; Austin Watkins, Senior Planner, Jeffrey Hopper, Senior Planner, Lee Schaffer, Principal Engineer, Development Review and Connie R. DeVasto, Clerk to the Commission.

B. Jessica Drive (5960) Rezone; Kimberly Bowles, applicant; 3.88 ± acres; Rezone from A-1 (Agriculture) and R-1AA (Single-family Dwelling) to R-1AA (Single-Family Dwelling); located on the north side of Jessica Drive, approximately 500 feet west of the intersection of Jessica Drive and Bear Lake Road. (Z2008-28)

Commissioner Van Der Weide - District 3
Austin Watkins, Senior Planner

Austin Watkins stated that Staff had received two letter of support for this request and those letters were passed out to the Commission prior to the start of the meeting. Mr. Watkins further stated that this is a request to rezone approximately 3.88± acres from A-1 (Agriculture) and R-1AA (Single-Family Dwelling) to R-1AA (Single-Family Dwelling) located on the north side of Jessica Drive, approximately 500 feet west of the intersection of Jessica Drive and Bear Lake Road.

Mr. Watkins also stated that 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. The subject property is assigned the A-1 and R-1AA zoning classification and this request is to rezone the entire property to the R-1AA zoning classification.

Mr. Watkins further stated that 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 Future Land Use Policy 2.10, and determined that the analysis supports the requested R-1AA zoning classification and therefore recommends approval of this request.

The Applicant, Kimberly Bowles, was present and available for any questions.

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

Commissioner Eismann made a motion to recommend approval of this request.

Commissioner Wolf seconded the motion.

The motion passed unanimously 7 – 0.