

Legislation Text

File #: 2023-133, Version: 1

Title:

Yarborough Ranch Preliminary Subdivision Plan Appeal - Appeal of the Planning and Zoning approval of the Preliminary Subdivision Plan for Yarborough Ranch subdivision containing 300 residential lots on 1,313.64 +/- acres zoned A-5, Rural and A-10, Rural located on the east side of Snow Hill Road, approximately ¼ mile south of Old Mims Road; (Katrina Shadix for Bear Warriors United - Appellant); District2 - Zembower (**Mary Moskowitz, Project Manager**)

Authorized By:

Rebecca Hammock

Division:

Development Services - Planning and Development

Contact/Phone Number:

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Motion/Recommendation:

1. Uphold the Planning and Zoning Commission approval of the Preliminary Subdivision Plan for the Yarborough Ranch subdivision; or
2. Overturn the Planning and Zoning Commission approval of the Preliminary Subdivision Plan for the Yarborough Ranch subdivision; or
3. Continue the request to a time and date certain.

Background:

On December 7, 2022 the Planning and Zoning Commission approved the Preliminary Subdivision Plan (PSP) for the Yarborough Ranch subdivision containing 300 residential lots on 1,313.64 +/- acres located on the east side of Snow Hill Road, approximately ¼ mile south of Old Mims Road.

The Property has split Rural-5 (R-5) and Rural-10 (R-10) Future Land Use designations and split A-5 and A-10, Rural zoning classifications. The A-5 and A-10 zoning districts require a minimum lot size of five (5) and ten (10) acres, respectively; however, in

accordance with Seminole County Land Development Code (LDC) Section 30.109 the A-5 and A-10 zoning districts allow for an optional cluster provision for subdivisions consisting of residences sited on one (1) acre lots. In the A-5 zoning district, the overall net density of the project, including the land contained in the open space easement, shall not exceed one (1) dwelling unit per five (5) net buildable acres. In the A-10 zoning district, the overall net density of the project of one (1) dwelling unit per ten (10) net buildable acres may be increased up to one (1) dwelling unit per five (5) net buildable acres by utilizing the clustering provisions. The density bonus may be awarded based on the amount of buildable land preserved as open space/conservation. A project can be authorized for a total of two (2) dwelling units for each eight (8) buildable acres of land that are to be preserved under an open space agreement.

As part of the approval on December 7, 2022, the Planning and Zoning Commission made a finding that by meeting the rural subdivision standards, as described in LDC Section 35.72, a special condition exists that necessitates block lengths that do not conform with LDC Section 35.63(b).

Appeal

Section 35.13(e)(4) of the Seminole County Land Development Code (LDC), states that the decision of the Planning and Zoning Commission to approve a Preliminary Subdivision Plan may be appealed to the Board of County Commissioners.

In accordance with this section, staff received two (2) separate written petitions, appealing the Planning and Zoning Commission's decision to approve the Yarborough Ranch PSP. This appeal is by Katrina Shadix on behalf of Bear Warriors United.

Per LDC Sec. 1.12 appeals to the Board of County Commissioners shall be de novo.

The appeal claims the Development Order that the PSP was based on is not valid. All applicable sections of the referenced Seminole County Land Development Code, reports, and Florida Statutes herein, and in the appeals are attached as Exhibit "B".

The written appeal is attached as Exhibit "A". A summary of the claim of the appellant and the staff analysis of the claim is listed below in Staff Findings.

Staff Findings:

Appeal by Katrina Shadix for Bear Warriors United - Attached as Exhibit "A".

Appeal Claim -

The appeal is based on the grounds that the 2008 Development Order, on which the

Yarborough Ranch PSP was based, was improperly constructed, and not properly approved by the Board of County Commissioners as required by statute.

Staff analysis:

Per Section 30.109 (a) of the Seminole County Land Development Code (LDC), for developments that utilized the optional cluster provisions, require the Open Space Easement and the Development Order to be adopted simultaneously with the Plat. The plat for Creek Side Acres, the Development Order 07-05500040, and the Open Space Easement were approved together at a public hearing on February 12, 2008. The Board of County Commissioners (BCC) meetings are noticed in accordance with the Sunshine Law, Florida Statutes (FS) Section 286.011. The Creek Side Plat was item #14 on the Agenda. The Open Space Easement and the Development Order were included in the Agenda Item #14 Package. The Agenda was available for public inspection prior to the meeting.

The Creek Side Acres document is a Development Order, not a Development Agreement. Per FS Section 163.3223, a local government may adopt an Ordinance to implement the Development Agreement provisions. Seminole County has not adopted such an Ordinance.

Per LDC Section 1.12 (c), appeals from decisions of the BCC are subject to the terms of FS Section 163.3215. FS Section 163.3215 (4) states that an appeal must be filed by a petition for writ of certiorari filed in circuit court no later than 30 days following rendition of a development order decision of the local government. The appeal period for DO 07-05500040 has passed and no appeal was ever filed.

Conclusion:

The Yarborough Ranch PSP meets the applicable development requirements of Chapter 35 Subdivision Regulations of the Seminole County Land Development Code and the Seminole County Comprehensive Plan; therefore, the decision to approve the Yarborough Ranch PSP by the Planning and Zoning Commission should be upheld.

Staff Recommendation:

Recommend the Board of County Commissioners uphold the decision by the Planning and Zoning Commission to approve the Preliminary Subdivision Plan for Yarborough Ranch subdivision.