

Legislation Text

File #: 2023-386, **Version:** 1

Title:

El Caserio Rezone - Consider a Rezone from A-1 (Agriculture) to R-1AA (Single Family Dwelling), for a nine (9) lot single-family residential subdivision on approximately 6.47 acres, located on Old Lockwood Road approximately 558 feet south of Fawn Run; (Z2022 -30) (Mikel Aizpurua, Applicant) District1 - Dallari (**Annie Sillaway, Project Manager**).

Agenda Category:

Public Hearing Items

Department/Division:

Development Services - Planning and Development

Authorized By:

Rebecca Hammock

Contact/Phone Number:

Annie Sillaway 407-665-7936

Motion/Recommendation:

1. Adopt the Ordinance enacting a Rezone from A-1 (Agriculture) to R-1AA (Single Family Dwelling) for 6.47 acres, located on Old Lockwood Road approximately 558 feet south of Fawn Run; or
2. Deny adoption of the proposed Ordinance enacting a Rezone from A-1 (Agriculture) to R-1AA (Single Family Dwelling) for 6.47 acres, located on Old Lockwood Road approximately 558 feet south of Fawn Run; or
3. Continue the request to a time and date certain.

Background:

The Applicant is requesting a rezone from A-1 (Agriculture) to R-1AA (Single Family Dwelling) to develop the subject property as a single-family residential subdivision. Due to resident concerns and discussion at the Planning and Zoning Commission, the Applicant amended their original request to Rezone to R-1A (Single Family Dwelling) and is now requesting a rezone to R-1AA (Single Family Dwelling).

The subject property has a Low Density Residential Future Land Use designation, which allows up to four (4) dwelling units per net buildable acre. The requested R-1AA zoning is permitted within the LDR future land use designation.

The Applicant is proposing nine (9) lots, and there are approximately 1.06 acres of wetland on site. There is an existing house on the subject site that will remain as part of the nine (9) lot subdivision. If the applicant decides not to mitigate the wetland area it will be deducted from the net buildable acreage calculation. The total acreage of 6.47 acres minus the 1.06 acres of wetlands would provide the applicant approximately 5.41 acres of upland area. The proposed nine (9) lots would be developed at approximately 1.66 dwelling units per net buildable acre.

Seminole County will be the service provider for water and sewer. There is an existing six (6) inch sanitary sewer pipe running along the east side of Old Lockwood Road. However, Environmental Services has determined there is insufficient sanitary sewer capacity in the County's downstream systems for the subject property to develop and the County is unable to provide capacity to sanitary sewer at this time. Until the County can increase the downstream capacity, no new development construction can be approved in this service area. However, the Applicant may proceed with the Rezone and develop with the intent to connect to the sanitary sewer, but the Applicant will not be issued Certificates of Occupancy (CO's) until downstream capacity becomes available. The Applicant has been put on notice of these sewer capacity issues and stipulations.

The Future Land Use designations and Zoning classifications of the surrounding area are as follows:

East: Vacant Parcel

Future Land Use: Preserved Managed Lands

Zoning: Public Lands and Institutions

West: Old Lockwood Road

Future Land Use: Planned Development, Low Density Residential

Zoning: Planned Development (Legacy Point) - Assisted Living Facility, R-1A (Single Family Dwelling) - (Ellingsworth Residential) - 70' width single-family lots; Planned Development (Carillon) - seventy (70) foot wide single-family lots.

North: Future Land Use: Commercial

Zoning: R-1AA (Single Family Dwelling) - (Hampton Estates) - 90' width single family lots, Planned Development (Fawn Run)

South: Future Land Use: Preserved Managed Lands

Zoning: Public Lands and Institutions

Site Analysis

Floodplain Impacts:

Based on FIRM map with an effective date of 2007, 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 approximately 1.06 acres of wetlands on the subject property. A topographic survey showing wetland and floodplain delineations will be required at Final engineering.

Endangered and Threatened Wildlife:

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

Utilities:

This subject property is in the Seminole County utility service area and will require the Applicant to connect to public water and reclaimed water utilities. There is a sixteen (16) inch water main and a twenty-four (24) inch reclaimed water main available on the west side of Old Lockwood Road. There is a six (6) inch sanitary sewer force main crossing Old Lockwood Road just north of the northern property boundary.

A connection to the sanitary sewer force main is not required by rule, but it could be made available if needed. However, the County currently has no sanitary sewer capacity available downstream until a new line is installed between Old Lockwood Road and Lockwood Boulevard. Environmental Services currently has a project underway to add downstream capacity. The County should have sufficient capacity once the project is complete.

The subject property is in the ten-year master plan for reclaimed water. Potable and reclaimed water is available and sewer capacity will soon be available to serve the proposed development.

Transportation/Traffic:

The property proposes access onto Old Lockwood Road, which is classified as a Minor Collector roadway. Old Lockwood Road is currently operating at a LOS (Level of Service) "A-C" depending on direction of the traffic flow and/or the time of day and does not have

improvements programmed in the County Five (5) Year Capital Improvement Program.

Sidewalks:

There are no existing sidewalks along Old Lockwood Road. The developer will be required to build a five (5) foot sidewalk along Old Lockwood Road.

Drainage:

The proposed project is located within the Big Econlockhatchee River Drainage Basin and has a limited downstream capacity. Therefore, the site will have to be designed to hold the twenty-five (25) year, twenty-four (24) hour storm event onsite unless a viable legal outfall is determined.

Buffers:

Buffers will be determined at Final Engineering approval and will comply with the Seminole County Land Development Code (SCLDC).

Open Space:

Based on Sec. 30.1344 (a)(2), this rezone to R-1AA (Single Family Dwelling) will not require the Applicant to provide open space for the proposed subdivision.

Public School Capacity Determination:

Seminole County Public Schools provided a School Impact Analysis School Capacity Determination for the proposed project based on Concurrency Service Area (CSA) and Zoned Schools for the property. The zoned Elementary Schools (Carillon and Evans) and Middle School (Jackson Heights) are currently over capacity. However, per the adopted Interlocal Agreement between the School District and Seminole County, available school capacity is based on Concurrency Service Areas. At this time capacity for this development is not available in the middle school CSA (M-4) where the development is being proposed. Adjacent CSA capacity is permitted to maintain LOS (Levels of Service) as per School Planning and Concurrency ILA section 12.3 (c). Available capacity has been found in the adjacent CSA (M-3) Indian Trails Middle, South Seminole Middle, and Tuskawilla Middle, for the proposed project. As a result, the student assignment may not be to the schools in the closest proximity to the proposed residential development. The analysis notes this is a nonbinding review and the numbers are for informational purposes and as indicated in this analysis may not represent future conditions when final approval requires a School Capacity Availability Letter of Determination (SCALD) reservation letter from the Seminole County School board.

Consistency with the Land Development Code

The proposed R-1AA (Single-Family Dwelling) zoning classification has been evaluated

for compatibility with the Land Development Code of Seminole County in accordance with Chapter 30, Part 12.

The request is consistent with the Seminole County Land Development Code and the surrounding area. There is an existing development directly north of the subject site "Hampton Estates" that has ninety (90) foot wide lots; The proposed development supports the objectives of the R-1AA zoning which is consistent with the surrounding residential zoning classifications.

Staff finds the requested R-1AA (Single-Family Dwelling) zoning classification to be consistent with the Land Development Code and compatible with the trend of development in the area.

Consistency with the Comprehensive Plan

The purpose and intent of the Low Density Residential Future Land Use designation is to identify locations for standard detached single-family residences at a maximum density of four dwelling units per net buildable acre, with a limited list of public purpose and special exception uses. This land use requires a full range of basic services and facilities and may serve as an effective transitional use between more intense urban uses and Suburban Estates.

The proposed R-1AA (Single Family Dwelling) Zoning classification is compatible with the surrounding trend of development in the area and is consistent with both the allowable use and density provisions of the Low Density Residential Future Land Use designation.

Staff finds the proposed R-1AA (Single Family Dwelling) Zoning classification to be consistent with the Comprehensive Plan.

Planning & Zoning Commission Recommendation

The Planning & Zoning Commission met on April 5, 2023 and voted 5 to 1 to deny the Board of County Commissioners adopt the Ordinance enacting a Rezone from A-1 (Agriculture) to R-1A (Single Family Dwelling) for 6.47 acres, located on Old Lockwood Road approximately 558 feet south of Fawn Run. During discussion, the Planning and Zoning Commission noted that Rezone to R-1AA (Single Family Dwelling) would be more compatible with the surrounding area. The Applicant modified their request from R-1A to R-1AA following the Planning and Zoning Commission meeting.

Staff Recommendation:

Recommend the Board of County Commissioners adopt the proposed Ordinance enacting a Rezone from A-1 (Agriculture) to R-1AA (Single Family Dwelling) for 6.47 acres, located on Old Lockwood Road approximately 558 feet south of Fawn Run.