

## Legislation Text

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**File #:** 2023-420, **Version:** 1

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**Title:**

**Mustang Way Rezone** - Consider a Rezone from A-1 (Agriculture) to R-1AA (Single Family Dwelling) for a single-family residential subdivision on approximately eighteen (18) acres, located east of Nodding Pines Way, approximately ¼ mile south of Red Bud Lake Road; (Z2019-55) (Steve Coover, Applicant) District1 - Dallari (**Joy Giles, Project Manager**).

**Agenda Category:**

Public Hearing Items

**Department/Division:**

Development Services - Planning and Development

**Authorized By:**

Mary Moskowitz

**Contact/Phone Number:**

Joy Giles 407-665-7399

**Motion/Recommendation:**

1. Recommend the Board of County Commissioners adopt the Ordinance enacting a Rezone from A-1 (Agriculture) to R-1AA (Single Family Dwelling) on approximately eighteen (18) acres, located east of Nodding Pines Way, approximately ¼ mile south of Red Bud Lake Road; or
2. Recommend the Board of County Commissioners deny adoption of the Ordinance enacting a Rezone from A-1 (Agriculture) to R-1AA (Single Family Dwelling) on approximately eighteen (18) acres, located east of Nodding Pines Way, approximately ¼ mile south of Red Bud Lake Road; 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) on approximately eighteen (18) acres to develop a single-family residential subdivision. The R-1AA (Single Family Dwelling) zoning classification requires a minimum

lot size of 11,700 square feet with a minimum width at building line of ninety (90) feet.

The subject site is comprised of six (6) undeveloped parcels, five (5) of those parcels would qualify for a single-family residential building permit utilizing access via a fifteen (15) foot wide ingress/egress easement known as Mustang Way. One (1) of the six (6) parcels is not a parcel of record and is therefore not eligible for a building permit. The five (5) parcels are vested and could utilize Mustang Way for access; however, Mustang Way does not meet minimum code requirements. A minimum 20' unobstructed access way is required for emergency services and the Seminole County Engineering Manual requires a minimum of 46' for right-of-way.

The subject property has a Low Density Residential Future Land Use designation, which allows a maximum density of four (4) dwelling units per net buildable acre. The intent of the Low Density Residential Future Land Use designation is to provide appropriate locations for standard detached single-family residences. The subject property is considered infill development, as it is the only undeveloped property with a Low Density Residential Future Land Use designation within a ½ mile radius.

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

West: FLU: Low Density Residential

Zoning: R-1AA (Single Family Dwelling) with a minimum lot size of 11,700 square feet and a minimum lot width of ninety (90) feet at building line.

East: FLU: Low Density Residential

Zoning: PD (Planned Development) known as the Howell Creek Park PD with a minimum lot size of 9,000 square feet and a minimum lot width of seventy-five (75) feet at building line.

North: FLU: Low Density Residential

Zoning: R-1AA (Single Family Dwelling) with a minimum lot size of 1,700 square feet and a minimum lot width of ninety (90) feet at building line.

South: FLU: Low Density Residential

Zoning: A-1 (Agriculture) with a minimum lot size of one (1) acre. The Seminole County Water Treatment Plant is adjacent to the south perimeter of the subject site.

### Site Analysis

Floodplain Impacts:

Based on the 2007 FIRM map, there appears to be approximately 8.2 acres of floodplain on the subject property. At time of Final Engineering Plan review the Developer will be

required to provide a floodplain survey delineation.

#### Wetland Impacts:

Based on preliminary County wetland map analysis, the site appears to contain wetlands. At time of Final Engineering Plan review the Developer will be required to provide a wetlands survey delineation to determine the location and square footage of onsite wetlands. A fifteen (15) foot minimum, twenty-five (25) foot overall average wetland buffer will be required for all post development wetlands.

#### Endangered and Threatened:

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

#### Utilities:

The site is located in the Seminole County utility service area and will be required to connect to public utilities. Water and sewer capacity is available to serve the proposed development. The subject property is not in the ten (10) year master plan for reclaimed water.

There is a six (6) inch water main on the east side of Nodding Pines Way and an eight (8) inch gravity sanitary sewer in the street on Nodding Pines Way.

The existing six (6) inch water line no longer meets current National Fire Protection Association (NFPA) standards; therefore, expansion of those lines may require upsizing the line on Nodding Pines Way to Red Bug Lake Road.

#### Transportation/Traffic:

Access to the subject site is proposed from Nodding Pines Way, which is classified as local road and does not have improvements programmed in the County five (5) year Capital Improvement Program. More specifically, access is proposed from Lot 16 of the Sutter's Mill Unit 2 plat, also known as the Nodding Pines Estates subdivision. The Developer proposes to replat and redevelop Lot 16 into a sixty (60) foot wide access road with a fifteen (15) foot wide buffer tract on the north and south perimeter adjacent to Lot 15 and Lot 17 of the existing subdivision. The proposed fifteen (15) foot wide buffer tracts will serve as a landscape buffer and prevent Lot 15 and Lot 17 from becoming corner lots.

Access from Nodding Pines Way appears to be the only viable access point for the proposed single-family residential subdivision development. The subject eighteen (18) acre site is comprised of six (6) unplatted parcels, none of which have direct access onto a County standard road. There is a fifteen (15) foot wide ingress/egress easement known as Mustang Way that runs along the north perimeter of the Howell Creek Park

subdivision, and continues west adjacent to the north perimeter of subject Parcel 25 and Parcel 27; however, the easement is not wide enough to provide access that would meet County standards for road width and pavement.

The internal access from Nodding Pines Way allows the property to be developed to its highest and best use and helps to satisfy the need for housing in the County.

#### Sidewalks:

The developer will be required to build a five (5) foot wide sidewalk along all internal roads in the development and connect to the existing sidewalk on Nodding Pines Way.

#### Drainage:

The subject site is located within the Howell Creek Drainage Basin and has limited downstream capacity; therefore, the site will have to be designed to hold water quality and the twenty-five (25) year, twenty-four (24) hour pre, verses, post volumetric difference.

#### Buffers:

The existing single-family residential subdivisions adjacent on the west and north of the subject site are developed under the R-1AA zoning classification, and the existing single-family residential subdivision adjacent on the east is developed under the PD (Planned Development) zoning classification with a minimum lot size that is smaller than the requested R-1AA zoning classification; therefore, buffers will not be required.

#### Open Space:

The requested R-1AA (Single Family Dwelling) zoning classification does not require open space.

#### 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 analysis concluded that the students generated by the project at this time, would be accommodated without exceeding the adopted level of service (LOS) for the currently zoned Elementary school, Middle school, and High school. The analysis notes this is a nonbinding review for informational purposes and as indicated in the analysis may not represent future conditions when final approval requires a School Capacity Availability Letter of Determination (SCALD) reservation letter from the School board.

#### Consistency with the Land Development Code

The requested 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 Land Development Code of Seminole County. The R-1AA (Single Family Dwelling) zoning classification has a minimum lot size requirement of 11,700 square feet with a minimum width at building line of ninety (90) feet. The zoning classification requires a minimum house size of 1,300 square feet and a maximum building height of thirty-five (35) feet.

The requested R-1AA (Single Family Dwelling) zoning classification is consistent and compatible with the existing Low Density Residential Future Land Use designation.

On April 26, 2022, the Board of County Commissioners adopted an Ordinance amending the definition of "Net Buildable Acreage" in the Comprehensive Plan and Land Development Code.

Prior to the amendment date of April 26, 2022, the definition of "Net Buildable Acreage" was defined as: The total number of acres excluding lakes and areas defined as wetlands and flood prone areas.

"Net Buildable Acreage" is now defined as: The total number of acres within the boundary of a development, excluding areas devoted to road rights of way, transmission power line easements, natural lakes and wetlands, or flood prone areas, unless the subject site is located within the "Urban Core" of Seminole County.

The "Urban Core" is defined as: The lands bounded by Interstate-4 on the west, and within a ¼ mile boundary of U.S. 17/92 on the east, and all land within a ¼ mile of SR 436, that any parcel crossed by this boundary is considered wholly within the "Urban Core," where the "Net Buildable Acreage" is defined by the total number of acres within the boundary of a development, excluding natural lakes and wetlands or flood prone areas.

The subject site is located outside of the "Urban Core"; therefore, density will be determined based on net buildable acreage defined as: The total number of acres within the boundary of a development, excluding areas devoted to road rights of way, transmission power line easements, natural lakes and wetlands, or flood prone areas.

#### Consistency with the Comprehensive Plan

The subject property has a Low Density Residential Future Land Use designation. The intent of the Low Density Residential Future Land Use designation is to provide appropriate locations for standard detached single- family residences at a maximum density of four (4) dwelling unit per net buildable acre. 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 development is consistent with Policy TRA 2.2.17 Increase Local Street Connectivity for Redevelopment Projects, which states, "In order to reduce the traffic impacts caused by infill and redevelopment projects on existing collector and/or arterial roadways within mixed development centers and major transit development/redevelopment corridors, the County shall require all infill and redevelopment projects to improve local street connectivity by creating new local streets, where feasible." The proposed subdivision is consistent with Transportation Policy 2.2.17 because it is proposing access from an existing local road creating inter-connectivity.

Under Policy FLU 17.5 Evaluation Criteria of Property Rights Assertions, the reasonable use of property is a use which does not adversely affect the public health, safety, morals, or welfare and is compatible with abutting or proximate properties and is otherwise a use that is consistent with generally accepted land use planning principles. The requested R-1AA (Single Family Dwelling) zoning classification is consistent with the Seminole County Comprehensive Plan and is compatible with the surrounding trend of development in the area. The existing developments adjacent to the west and north of the subject site consist of R-1AA (Single Family Dwelling) zoning with a minimum lot size of 11,700 square feet, and the existing development adjacent to the east of the subject site consist of PD (Planned Development) zoning with a minimum lot size of 9,000 square feet. The property adjacent to the south consist of A-1 (Agriculture) zoning and is owned by Seminole County, utilized as a water treatment plant.

Under Policy FLU 1.1 Environmentally Sensitive Lands, the County shall continue to regulate development and preserve environmentally sensitive areas by means of the Environmentally Sensitive Lands Overlay Area and associated provisions of the Land Development Code where soils, topography, wetlands, floodplains, land use, and other constraints exist. The Environmentally Sensitive Lands Overlay Area shall identify flood prone lands (as identified by the National Flood Insurance Program) and the location of wetlands defined by the St. Johns River Water Management District. The subject site contains floodplain and wetlands located in the southern portion of the site. Any impacts to wetlands will require approval from the Florida Department of Environmental Protection (FDEP); a fifteen (15) foot minimum, twenty-five (25) foot overall average wetland buffer will be required for all post development wetlands.

In compliance with Seminole County Land Development Code Sec. 30.49 - Community Meeting Procedures, the Applicant conducted a community meeting on February 6, 2023.

**Staff Recommendation:**

Recommend the Board of County Commissioners adopt the Ordinance enacting a Rezone from A-1 (Agriculture) to R-1AA (Single Family Dwelling) on approximately

eighteen (18) acres, located east of Nodding Pines Way, approximately ¼ mile south of Red Bud Lake Road.