

Date: October 2, 2019

This document was provided to the Planning and Zoning Board/Local Planning Agency by Mrs. Marla Molina as a revision for Public Hearing Agenda Item “400” summary at the October 2, 2019 Planning and Zoning Board/Local Planning Agency Regular Meeting.

PLANNING & ZONING BOARD AGENDA

ITEM 400

October 2, 2019
Meeting

Consent	
Information	
Public Hearing	X
Regular	

Request: The Community Development Department requests that the Planning and Zoning Board/Local Planning Agency hold a Public Hearing to consider a Waiver for Northern Oaks, a 35-lot single-family residential subdivision.

Synopsis: Northern Oaks is located just east of the intersection of State Road 434 and State Road 417 (Exhibit 1). On March 13, 2017, Madichristo Land Holdings, LLC came before the Planning and Zoning Board/Local Planning Agency and requested two waivers; 1) Reduce the rear yard setback to 20 ft. in lieu of 25 ft.; and 2) Reduce the side yard setback to 5 ft. in lieu of 6 ft. per Sec. 20-186(2)(3), for the entire subdivision.

The Planning and Zoning Board/Local Planning Agency recommended approval of the waivers on March 1, 2017 and the City Commission approved the waivers on March 13, 2017. The approval of the above waivers allows for additional square footage for the proposed 35 single family lots in Northern Oaks.

As an oversight, the previous applicant, Madichristo Land Holdings, LLC did not request a waiver to increase the lot coverage for the 35 single family lots, which is necessary as the approved waivers increase the footprint for the proposed 35 single family lots in Northern Oaks. Dream Finders Homes, LLC, the current applicant is requesting a waiver to increase the maximum lot coverage in the R-1 one-family dwelling district to fifty-five (55) percent in lieu of forty (40) percent per Sec. 20-187 Lot Coverage.

During the initial review by the former City Engineer, the storm water calculations appeared sufficient. However, due to concerns in regards floodplains to the north, the Community Development Department completed a second review with assistance of the new City Engineer (CPH) and completed the review on October 2, 2019. The City Engineer (CPH) reviewed the Final Engineering Plan and storm water calculations retrieved from the St. Johns River Water Management District (SJRWMD) to verify the total impervious area per lot. The City Engineer (CPH) determined that the maximum increase of lot coverage may increase up to fifty (50) percent, not fifty-five (55) percent, per the applicants original request.

The request is in line with emerging development patterns within the City of Winter Springs, for example, in Tuskawilla Crossings the lot coverage within this development varies from forty (40) percent, sixty (60) percent, eighty (80) percent.

General Information:	
Applicant	Dream Finders Homes, LLC (Dream Finders)
Property Owner(s)	Dream Finders Homes, LLC & HDP Northern Oaks, LLC
Location	State Road 434 and State Road 417
Tract Size	35 Single Family Residential Lots on 20.48 Acres
Parcel ID Numbers	04-21-31-511-0000-0010, 04-21-31-511-0000-0020, 04-21-31-511-0000-0030, 04-21-31-511-0000-0040, 04-21-31-511-0000-0050, 04-21-31-511-0000-0060, 04-21-31-511-0000-0070, 04-21-31-511-0000-0080, 04-21-31-511-0000-0090, 04-21-31-511-0000-0100, 04-21-31-511-0000-0110, 04-21-31-511-0000-0120, 04-21-31-511-0000-0130, 04-21-31-511-0000-0150, 04-21-31-511-0000-0160, 04-21-31-511-0000-0170, 04-21-31-511-0000-0180, 04-21-31-511-0000-0190, 04-21-31-511-0000-0200, 04-21-31-511-0000-0210, 04-21-31-511-0000-0220, 04-21-31-511-0000-0230, 04-21-31-511-0000-0240, 04-21-31-511-0000-0250, 04-21-31-511-0000-0260, 04-21-31-511-0000-0270, 04-21-31-511-0000-0280, 04-21-31-511-0000-0290, 04-21-31-511-0000-0300, 04-21-31-511-0000-0310, 04-21-31-511-0000-0320, 04-21-31-511-0000-0330, 04-21-31-511-0000-0340, 04-21-31-511-0000-0350
Zoning Designation	R-1 One-Family Dwelling Districts
FLUM Designation	Low Density Residential
Adjacent Land Use	North: Winter Springs (PUD) East: Winter Springs (C-1) South: City of Oviedo West: Seminole County Agriculture (A-1)/ Winter Springs (GID)
Approved Waivers	1) Reduce the rear yard setback to 20 ft. in lieu of 25 ft.; and 2) Reduce the side yard setback to 5 ft. in lieu of 6 ft. per Sec. 20-186(2)(3), for the entire subdivision.
Development Agreement	Approved
Code Enforcement	Not applicable
City Liens	Not applicable

Waiver Requirement

1. Demonstrate that the applicable term or condition clearly creates an illogical, impossible, impractical, or patently unreasonable result related to the proposed property and development.
2. Demonstrate that the proposed development plan is in substantial compliance with Chapter 20 of the City's Code of Ordinances and in compliance with the Comprehensive Plan.

Waivers Description/Justification (Exhibit 2)	
1.	Dream Finders Homes, LLC is requesting a waiver to increase the maximum lot coverage for the R-1 one-family dwelling district up to fifty (50) percent in lieu of forty (40) percent per Sec. 20-187 Lot Coverage. Per Code the minimum lot coverage is 40% and the proposed lot coverage is 50%. <u>Justification</u> The applicant is seeking relief to accommodate the increased footprint for the previously approved waivers of the proposed 35 single family lots in Northern Oaks.

Any real property owner may file a waiver application requesting a waiver for their real property from any term and condition of this chapter (except from the list of permitted, conditional and prohibited uses set forth in any zoning district category) if the property owner clearly demonstrates that the applicable term or condition clearly creates an illogical, impossible, impractical, or patently unreasonable result.

The Planning and Zoning Board shall be required to review all waiver applications and make a written recommendation to the City Commission. Such recommendation shall include the reasons for the Board's recommendation and show the board has considered the applicable waiver criteria set forth in this section.

Upon receipt of the Planning and Zoning Board's recommendation, the City Commission shall make a final decision on the application. If the City Commission determines that the Planning and Zoning Board has not made a recommendation on an application within a reasonable period of time, the City Commission may, at its discretion, consider an application without the Planning and Zoning Board's recommendation.

Waiver criteria set forth in Subsection 20-34(d) are as follows:	
1.	The proposed development plan is in substantial compliance with this chapter and in compliance with the Comprehensive Plan.
2.	The proposed development plan will significantly enhance the real property.
3.	The proposed development plan serves the public health, safety, and welfare.
4.	The waiver will not diminish property values in or alter the essential character of the surrounding neighborhood.
5.	The waiver granted is the minimum waiver that will eliminate or reduce the illogical, impractical, or patently unreasonable result caused by the applicable term or condition under this chapter.
6.	The proposed development plan is compatible with the surrounding neighborhood.

In evaluation of the proposed waiver request, it appears that the request satisfies the six specific criteria required for Waivers in the City Code of Ordinances.

Applicable Law, Public Policy, and Events

Home Rule Powers

Winter Springs Code of Ordinances

City of Winter Springs Comprehensive Plan

Procedural History:	
February 22, 2016	City Commission approval of the Northern Oaks Annexation, Large-Scale Future Land Use Amendment, and Rezoning to Low Density Residential and R-1 (One-family dwelling)
January, 8 2018	City Commission Approval (Northern Oaks Preliminary Engineering Plans)
March 1, 2017	Planning & Zoning Board/Local Planning Agency Recommendation (Northern Oaks Final Engineering Plans and Waiver Requests)
March 13, 2017	City Commission Approval (Northern Oaks Final Engineering Plans and Waiver Requests)
November 2017	Site work construction commenced and is currently in progress
April 9, 2018	Aesthetic Review Plans Approval
July 12, 2019	Administrative Waiver was approved for four lots to increase the lot coverage to from 40% to 44% (Lots 5, 6, 7, and 20).

Fiscal Impact:

Development of the subject property is anticipated to provide an increase to the City's taxable value. The potential tax revenue of the proposed project is as follows:

- Fee Simple Single Family Residential Units - 35 units
- Units - 35 assessed at \$200,000 = \$7,000,000 assessed tax value
 - $\$10,800,000/1000 = 7,000$
 - $\$7,000.00 \times (2.4300) = \$17,010$
 - $\$17,010$ (less the 4% statutory discount) = **\$16,329.60 tax revenue**

Communication Efforts:

The Meeting Agenda and this Agenda Item have been forwarded to the Planning and Zoning Board members and are available on the City's Website, LaserFiche, and the City's Server. The Agenda has been forwarded to the Mayor and City Commission; City Manager; and City Attorney/Staff. Additionally, the Meeting Agenda has been sent to media/press representatives, all Homeowner's Associations on file with the City, all individuals who have requested Agenda information, Department Directors; and also posted outside City Hall; posted inside City Hall with additional copies available for the general public.

Staff Recommendation:

Staff recommends that the Planning and Zoning Board/Local Planning Agency forward a recommendation of approval to the City Commission of the requested Waiver for Northern Oaks.

Attachments:

1. Exhibit 1 – Vicinity Map
2. Exhibit 2 – Waiver Application
3. Exhibit 3 – Final Engineering Plan
4. Exhibit 4 – Commission Agenda, February 11, 2019
5. Exhibit 5 – Letter from City Engineer (CPH), October 2, 2019