

SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM

SUBJECT: Jackson Street Rezone from R-1 to R-2

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Dan Matthys *DM* CONTACT: Michael Rumer *MR* EXT. 7398

Agenda Date	04/12/05	Regular	<input type="checkbox"/>	Consent	<input type="checkbox"/>	Work Session	<input type="checkbox"/>	Briefing	<input type="checkbox"/>
		Public Hearing – 1:30	<input checked="" type="checkbox"/>	Public Hearing – 7:00	<input type="checkbox"/>				

**MOTION/RECOMMENDATION:**

1. Enact an Ordinance to APPROVE the request for rezoning from R-1 (Single-family Dwelling) to R-2 (One and Two-family Dwelling) on approximately 0.21 acres, located on the west side of Jackson Street (Forrest Jackson, applicant); or
2. DENY the request for rezoning from R-1 (Single-family Dwelling) to R-2 (One and Two-family Dwelling District) on approximately 0.21 acres, located on the west side of Jackson Street (Forrest Jackson, applicant); or
3. CONTINUE the public hearing until a time and date certain.

(District 4 – Comm. Henley)

(Michael Rumer, Planner)

**BACKGROUND:**

The applicant, Forrest Jackson, is requesting to rezone his property (approximately 0.21 acres), located on the west side of Jackson Street approximately 2,200 feet north of the intersection of Jackson Street and S.R. 436 (between Teakwood Lane & Basewood Lane) from R-1 to R-2 to accommodate a duplex. The subject property is currently zoned R-1 and has a future land use designation of MDR (Medium Density Residential) which permits the proposed R-2 zoning classification.

**STAFF RECOMMENDATION:**

Staff recommends DENIAL of the requested R-2 zoning classification. Please see attached staff analysis.

Reviewed by:	<i>KR</i>
Co Atty:	<i>KR</i>
DFS:	
OTHER:	<i>AMW</i>
DCM:	<i>AMW</i>
CM:	<i>AMW</i>
File No.	ph130pdp03

**PLANNING AND ZONING BOARD RECOMMENDATION:**

The Seminole County LPA/Planning and Zoning Commission met on March 2, 2005 and voted 6 to 1 to recommend APPROVAL of the requested rezone from R-1 to R-2.

**JACKSON STREET REZONE  
R-1 TO R-2**

REQUEST INFORMATION	
<b>APPLICANT</b>	Forrest Jackson
<b>PROPERTY OWNER</b>	Forrest Jackson
<b>REQUEST</b>	Rezone property from R-1 (Single-family Dwelling District) to R-2 (One and Two- family Dwelling District)
<b>HEARING DATE (S)</b>	P&Z: March 2, 2005      BCC: April 12, 2005
<b>PARCEL ID</b>	07-21-30-513-0000-0070
<b>LOCATION</b>	The west side of Jackson Street
<b>FUTURE LAND USE</b>	Medium Density Residential
<b>FILE NUMBER</b>	Z2005-001
<b>COMMISSION DISTRICT</b>	#4 – Henley

**OVERVIEW**

**Zoning Request:** The applicant, Forrest Jackson, is requesting to rezone his property (approximately 0.21 acres), located on the west side of Jackson Street approximately 2,200 feet north of the intersection of Jackson Street and S.R. 436 (between Teakwood Lane & Basewood Lane), from R-1 to R-2 to accommodate a duplex. The subject property was created by a platted subdivision known as Hayman Addition No.2 (Please see a copy of the recorded plat enclosed). The plat was recorded in 1926 with the majority of the lots being 50 feet by 125 feet. The property is currently zoned R-1 and has a future land use designation of MDR, which allows the proposed R-2 zoning classification.

North of the subject parcel is a vacant residential lot zoned R-1. To the east, west & south of the parcel are residential lots with single-family homes zoned R-1. The existing R-1 designation allows for one single-family dwelling on a minimum lot size of 8,400 s.f. with 70 feet of lot width. The requested R-2 zoning permits one and two-family dwellings on a minimum 9,000 square foot lot. The subject parcel is approximately 75 feet wide, which is consistent with the minimum parcel width in the R-2 zoning district of 75 feet.

**Existing Land Uses:**

(North)		
<b>MDR</b> Single-family Residential <i>R-1</i>	<b>MDR</b> Vacant <i>R-1</i>	<b>LDR</b> Single-family Residential <i>R-1</i>
<b>MDR</b> Single-family Residential, Church <i>R-1</i>	<b>MDR</b> <b>(SUBJECT PROPERTY)</b> Vacant <i>R-1</i>	<b>LDR</b> Single-family Residential <i>R-1</i>
<b>MDR</b> Single-family Residential, Church <i>R-1</i>	<b>MDR</b> Single-family Residential <i>R-1</i>	<b>LDR</b> Single-family Residential <i>R-1</i>
(South)		

\***Bold** text depicts future land use designation and *italicized* text depicts zoning district. See enclosed future land use and zoning map for more details.

**SITE ANALYSIS**

**Facilities and Services:**

The proposed zoning district is consistent with the adopted future land use designation assigned to the property and does not alter the options or long range strategies for facility improvements or capacity additions included in the Support Documentation to the Seminole County Comprehensive Plan. Seminole County does not provide water and sewer in this area. Water will be provided by the City of Altamonte Springs. The City of Casselberry is the wastewater utility provider for this area. Because the sewer line does not abut the property line per F.S. 381.0065 (2)(a)(1), the applicant is not required to connect. The subject parcel meets the conditions of F.S. 381.0065 (8)(g)(2), which allows for on-site septic service. The Health Department is responsible for permitting septic systems.

**Transportation / Traffic:**

Access is available to the site from Jackson Street. The proposed R-2 zoning allows a slightly higher density than the R-1 zoning designation and a duplex will have a slightly higher trip generation than a single-family house.

**Compliance with Environmental Regulations:**

There are no concerns regarding compliance with environmental regulations.

**Compatibility with Surrounding Development:**

Existing properties in the area consist of MDR future land use designation to the west of Jackson Street and LDR (Low Density Residential) future land use designation to the east, as shown on the attached Future Land Use Maps. While MDR allows two-family dwelling development, the trend of development along Jackson Street is for single-family. The nearest two-family development is located approximately three hundred and thirty feet south of the subject property at the southwest corner of Jackson Street and Merritt Drive. Staff believes the proposal is incompatible with the development trend of the surrounding neighborhood.

**Intergovernmental Notice:**

In 1997, Seminole County entered into an Intergovernmental Planning Coordination Agreement with the School Board and the cities of Altamonte Springs, Casselberry, Lake Mary, Oviedo, Sanford and Winter Springs. The notice required under this agreement was sent to the City of Casselberry and the City of Altamonte Springs on February 16, 2005.

***STAFF RECOMMENDATION***

Based upon the above findings of incompatibility, staff recommends denial of the request to rezone the subject property from R-1 to R-2.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

The Seminole County LPA/Planning and Zoning Commission met on March 2, 2005 and voted 6 to 1 to recommend APPROVAL of the requested rezone from R-1 to R-2.

**Attachments:**

- Ordinance
- Planning and Zoning Commission Minutes
- Plat
- FLU/ Zoning Map
- Aerial Map
- Color Maps depicting vacant & homesteaded parcels

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY; ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE R-1 ZONING CLASSIFICATION THE R-2 ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; 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 Jackson Street Rezone from R-1 to R-2.

(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 R-1 to R-2:

**Leg N ½ of Lot 7 & all of Lot 8 Hayman Addition No. 2 PB 5 Page 7**

**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, and this Ordinance shall be effective upon filing by the Department.

ENACTED this 12th day of April 2005.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Carlton Henley  
Chairman

MINUTES FOR THE SEMINOLE COUNTY

LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION

WEDNESDAY, MARCH 2, 2005

**Members present:** Matt Brown, Richard Harris, Beth Hattaway, Chris Dorworth, Ben Tucker, Walt Eismann, and Dudley Bates.

**Also present:** Tony Walter, Assistant Planning Manager; Dan Matthys, Director of Planning and Development; Jeffrey Hopper, Senior Planner; Tina Deater, Senior Planner; Cynthia Sweet, Planner; Rebecca Hammock, Principal Planner; Denny Gibbs, Planner; Michael Rumer, Planner; Tom Radzai, Senior Engineer; and Candace Lindlaw-Hudson, Senior Staff Assistant.

- D. **Jackson Street Rezone; Forrest Jackson, Applicant;** approximately .21 acres; Rezone from R-1(Single Family Residential) to R-2 (Multi-Family Residential District); located on the west side of Jackson Street approximately 2,200 feet north of the intersection of Jackson Street and S.R. 436 in Altamonte Springs. (Z2005-001)

Commissioner Henley – District 4  
Michael Rumer, Planner

Michael Rumer introduced the request by Forrest Jackson to rezone from R-1 (Single Family Dwelling District) to R-2 (Multi-family Dwelling District). Mr. Rumer stated that the surrounding properties are zoned R-1. The nearest R-2 parcel is 330 feet away. The trend of development in the neighborhood is single family dwellings. Staff recommendation is for denial.

Quentin Freeman spoke on behalf of his grandfather, stating that Mr. Jackson has owned the property for 20 years. Surrounding is vacant or rundown properties. This building will be an enhancement to the neighborhood. There is multi-family use only 300 feet away. Mr. Freeman stated that this is a double lot. Family members may be living here.

Commissioner Tucker asked if the building will be used for renters.

Mr. Freeman stated that he lives in Orlando, but that he could be moving there.

Commissioner Brown asked how many other duplex units were in the neighborhood.

Mr. Freeman stated that there are at least 4 duplexes in the area.

Commissioner Hattaway stated that she had visited the site. There is multi-family usage in the area. The request is reasonable.

Commissioner Eismann asked if the requested use will meet the Land Development Code criteria.

Mr. Rumer stated that it would. The code calls for a minimum of 1,400 square feet dwelling space, with 700 square meet minimum per side.

Mr. Freeman showed a diagram of the potential house.

No one spoke from the audience.

Commissioner Harris questioned the logic in recommending denial of this project.

Mr. Rumer explained that the plat has 50-foot lots which allows R-1BB (Single Family Dwelling District) zoning. This would be putting R-2 (Multi-family Dwelling District) zoning in the middle of single family zoning. Allowing R-2 zoning here would change the trend of development.

Commissioner Tucker stated that the map of homesteaded lots indicates owner-occupied single family dwellings in the area. Rental units and homesteaded single family homes tend to have a difference. There is a pride of ownership. The homes are older homes. There are single family detached homes to the east. Vacant lots will become duplexes. We will be opening up a string of rental properties if we approve this request.

Commissioner Dorworth disagreed. He stated that there is a community feeling here. The duplex would not diminish the neighborhood.

**Commissioner Dorworth made a motion to recommend approval.**

**Commissioner Harris seconded the motion.**

Commissioner Tucker stated that this will have an adverse impact.

**The motion passed by a vote of 6 – 1 with Chairman Tucker dissenting.**

# HAYMAN ADDITION NO. 2

SEMINOLE COUNTY FLORIDA  
ALTAMONTE SPRINGS FLORIDA

SCALE: 1 INCH = 60 FEET.  
DATE: APRIL 1926.

PAGE ENGINEERING CO.  
ORLANDO FLA.

### DESCRIPTION

Beginning at the S.E. Corner of S.W. 1/4 of S.E. 1/4, Section 7 T. 21 S., R. 30 E. Run North 10.35.2 Feet to A.C.L. R.R. Right of Way, thence South Westerly along said right of way 209.6 Feet, thence South 88.5.1 feet, thence East 150 feet to Point of Beginning. A part of Lots 18 & 19 of Annie E. Griffins Subdivision according to plat book N<sup>o</sup> 2 page 43 of the public records of Seminole County, Florida.

### OWNER'S CERTIFICATE

State of Florida: County of Seminole:-  
Know all men by these presents: that we William H. Hayman and Ida Hayman his wife, owners of the land described in the caption do hereby accept this plat and do hereby dedicate to the use of the public all streets and alleys and parks, shown as such on this plat.  
Witness our hands and seals this 2nd day of April AD 1926.  
Wm. H. Hayman (Witness)  
Ida Hayman (Witness)  
Wm. H. Hayman (Witness)

### State of Florida: County of Seminole:-

Personally appeared before me William H. Hayman, and Ida Hayman his wife, who acknowledged that they executed the foregoing instrument for the purposes herein set forth. Also upon private examination taken apart from her husband, Ida Hayman wife of said William H. Hayman, did further acknowledge that she executed the foregoing instrument freely and voluntarily and without compulsion, restraint, apprehension or fear of or from her said husband.  
Witness my hand and official seal this 2nd day of April AD 1926.  
My commission expires April 8th 1929  
Geo. F. Barber (Witness)

### ENGINEER'S CERTIFICATE

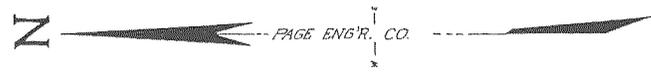
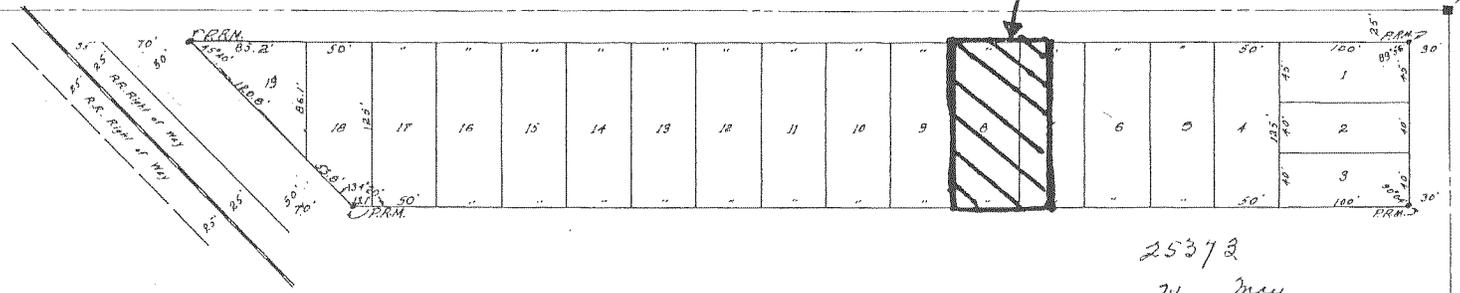
Examined and approved by City Zoning Commission of the City of Altamonte Springs, County of Seminole, State of Florida this 15 day of April AD 1926.  
Frank H. Hulse (Chairman)

State of Florida: County of Orange.  
We the Page Engineering Co. who made this map do hereby certify that this is a correct representation of the land plotted and that permanent reference monuments have been placed as called for by the laws of the State of Florida regulating the making of surveys and filing for record of maps and plats.

Approved by the Board of County Commissioners of Seminole County Florida: this 4th day of May AD 1926.  
W. C. Douglass by G. M. Decker Clerk

Page Eng'g. Co.  
by Wm. Page  
Reg. Civil Engr. No. 951

### Location

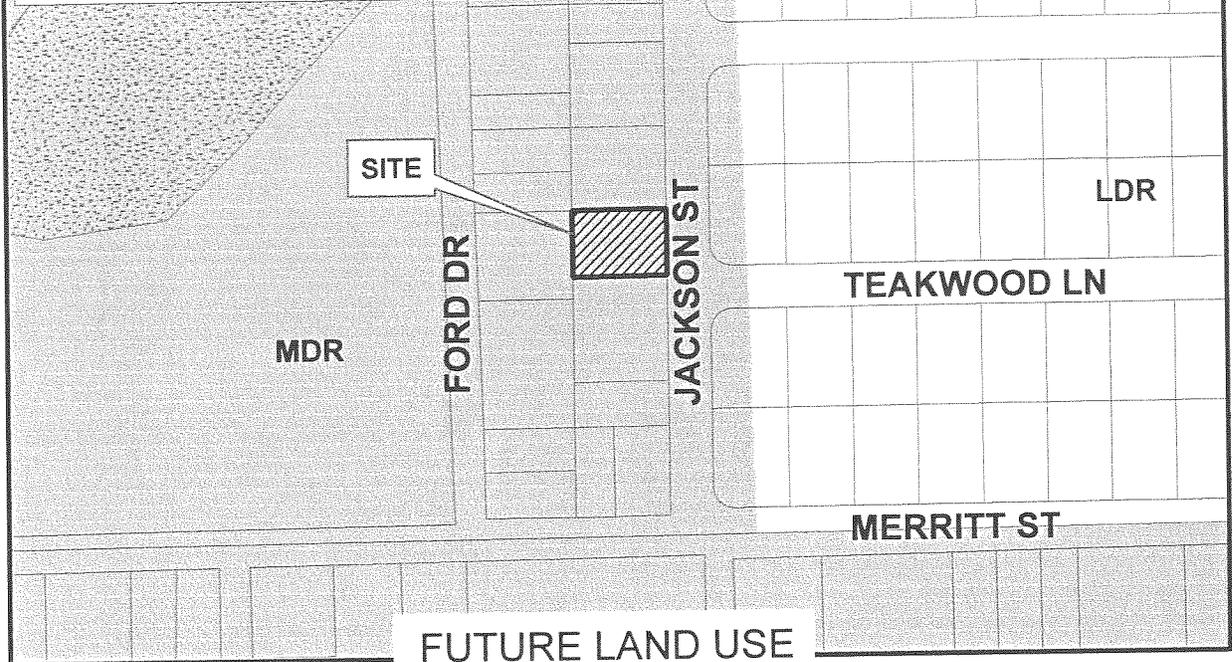


25372

Filed this 24 day of May  
1926... 2:30 P.M.  
and recorded in Plat  
Book No. 5 Page 7  
of the Public Records of Seminole  
County, Florida this 24 day of  
May A. D. 1926.  
W. C. Douglass  
Clerk Circuit Court  
By A. M. Walker a

Field-Sandstrom.  
Office-Boonbarah.  
Checked: H.N.D.

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 National Wetland Inventory Maps, provided by SJRWMD.  
 Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.

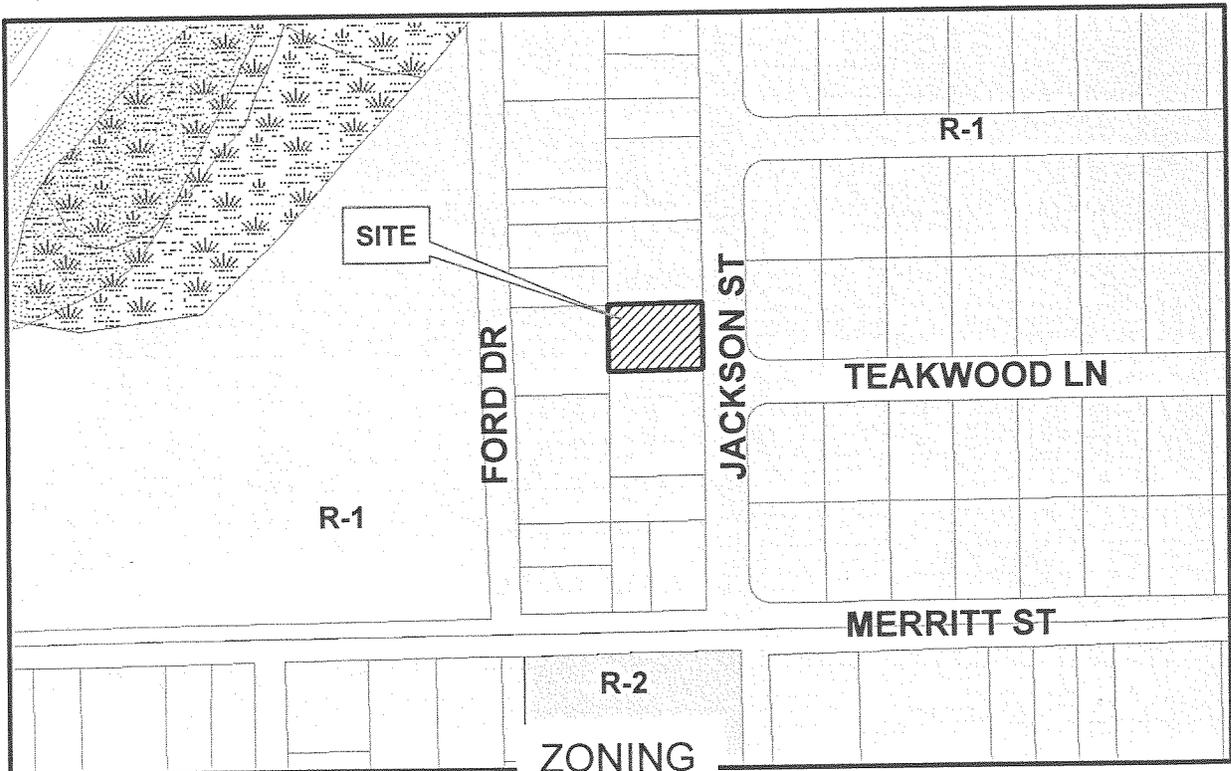


**FUTURE LAND USE**

Site  
  Municipality  
 LDR  
 MDR  
  CONS

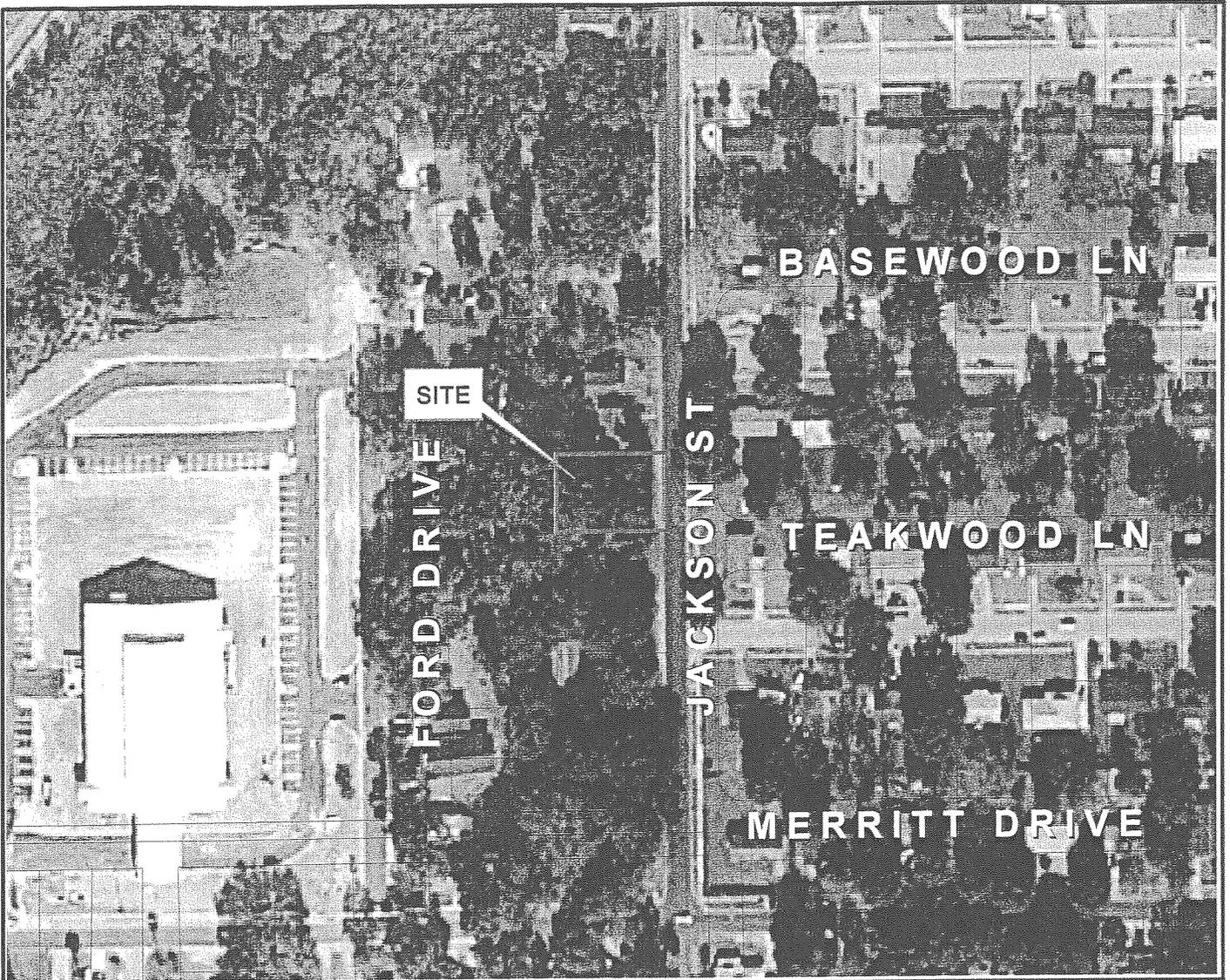
Applicant: FORREST JACKSON  
 Physical STR: 07-21-30-513-0000-0070  
 Gross Acres: .21 acres      BCC District: 4  
 Existing Use: Vacant Residential  
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2005-001	R-1	R-2



**ZONING**

Site  
  R-1  
  R-2  
  FP-1  
  W-1

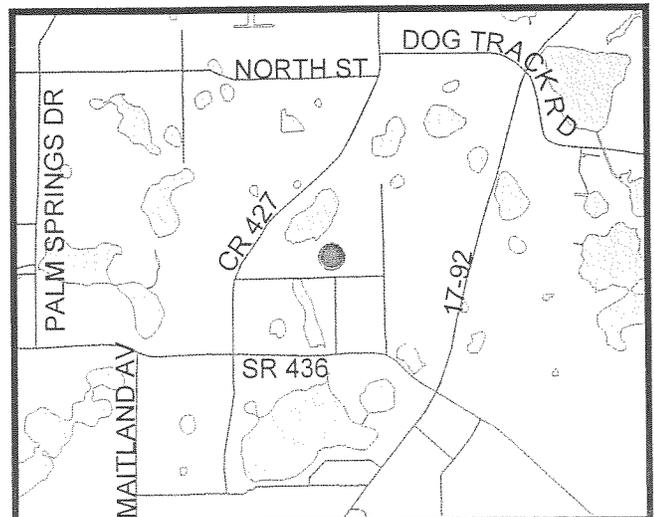


Rezone No: Z2005-001  
 From: R-1 To: R-2

-  Parcel
-  Subject Property



January 2005 Color Aerials





# HOMESTEAD EXEMPTIONS (IN GREEN)

