

Item # 69

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: CR 419 / CHICKONSKI REZONE FROM R-3 to R-2

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Tina Deater **EXT.** 7440

Agenda Date <u>04/13/04</u> 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"/>
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MOTION/RECOMMENDATION:

1. APPROVE the attached ordinance rezoning an approximately 0.22 acre parcel, located on the west side of CR 419 between W. 8th Street and W. 10th Street in Chuluota from R-3 (Multiple-family Dwelling) to R-2 (One- and Two-family Dwelling); (Mason Chickonski, applicant); or
2. DENY the attached ordinance rezoning an approximately 0.22 acre parcel, located on the west side of CR 419 between W. 8th Street and W. 10th Street in Chuluota from R-3 (Multiple-family Dwelling) to R-2 (One- and Two-family Dwelling); (Mason Chickonski, applicant); or
3. CONTINUE the public hearing until a time and date certain.

District 1 – Commissioner Maloy

Tina Deater, Senior Planner

BACKGROUND:

The applicant, Mason Chickonski, requests R-2 zoning for approximately 0.22 acres, located on the west side of CR 419 between W. 8th Street and W. 10th Street in Chuluota, to accommodate a duplex. The subject property has an R-3 zoning classification. The land use for the property is HDR (High Density Residential) which allows the proposed R-2 zoning classification.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the requested R-2 zoning classification.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board met on March 3, 2004 and

Reviewed by: Co Atty: <u>KZC</u> DFS: _____ OTHER: <u>MW</u> DCM: _____ CM: _____ File No. <u>ph130pdp02</u>

recommended APPROVAL of the requested R-2 zoning, with the condition that the applicant situate the proposed duplex so that it is as far back from CR 419 as possible, without encroaching into the required 30 foot rear yard setback.

**CR 419/CHICKONSKI REZONE
R-3 TO R-2**

REQUEST INFORMATION	
APPLICANT	Mason Chickonski
PROPERTY OWNER	Mason Chickonski
REQUEST	Rezone property from R-3 (Multiple-family Dwelling District) to R-2 (One- and Two- family Dwelling District)
HEARING DATE (S)	P&Z: March 3, 2004 BCC: April 13, 2004
PARCEL ID	21-21-32-5CF-6900-0010
LOCATION	The west side of CR 419 between W. 8 th Street and W. 10 th Street
FUTURE LAND USE	High Density Residential
FILE NUMBER	Z2004-003
COMMISSION DISTRICT	District 1 – Commissioner Maloy

OVERVIEW

Zoning Request: The applicant, Mason Chickonski, requests R-2 zoning for approximately 0.22 acres, located on the west side of CR 419 between W. 8th Street and W. 10th Street in Chuluota, to accommodate a duplex. The subject property has an R-3 zoning classification. The land use for the property is HDR (High Density Residential) which allows the proposed R-2 zoning classification.

North of the subject parcel are residential lots zoned R-2 and R-3, and a parcel at the intersection of CR 419 and W. 8th Street is zoned RP (Residential Professional). East of the parcel are residential lots zoned R-1. West of the parcel are residential lots zoned R-3. South of the subject parcel is an unopened right-of-way (9th Street) and across unopened 9th Street are parcels zoned C-2, Retail Commercial. The existing R-3 designation allows for one or two story apartment buildings with a maximum density of 13 units per net buildable acre. The requested zoning of R-2 permits one and two family dwellings on a minimum 9,000 square foot lot, while accommodating minimum setbacks and required site improvements. The subject parcel meets the dimensional requirements of the proposed R-2 zoning district.

Existing Land Uses:

SITE	EXISTING ZONING	FUTURE LAND USE
NORTH	R-3 (Multiple-family Dwelling) and R-2 (One- and Two- family Dwelling)	High Density Residential and Medium Density Residential, Office
SOUTH	C-2 (Retail Commercial)	Commercial
EAST	R-1 (Single-family Dwelling)	Low Density Residential
WEST	R-3 (Multiple-family Dwelling)	High Density Residential

For more detailed information regarding zoning and land use, please refer to the attached map.

SITE ANALYSIS

Facilities and Services:

The proposed zoning 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.

Transportation / Traffic:

Access is available to the site from CR 419. The proposed R-2 zoning would allow a density less than the current R-3 zoning designation, and would result in less traffic impact.

Compliance with Environmental Regulations:

There are no identified flood prone areas associated with this property. The parcel lies within the Econlockhatchee River Protection Overlay Zoning District. At the time of site development, the property will be subject to the regulations contained in Part 57 of the Seminole County Land Development Regulations.

Compatibility with Surrounding Development:

Currently, the surrounding area has High Density Residential, Medium Density Residential, and Low Density Residential Future Land Use designations. The proposed R-2 zoning classification is allowed in either the High or Medium Density Residential land use designations, and therefore, the proposed zoning would be compatible with the surrounding area.

STAFF RECOMMENDATION

Staff recommends approval of the requested R-2 zoning classification to accommodate a duplex based on the following findings:

1. The proposed use within the R-2 zoning district would not be detrimental to the character of the area or neighborhood or inconsistent with the trends of development in the area; and
2. The proposed use within the R-2 zoning district would be compatible with the concepts of high density residential land use; and
3. The uses within the proposed R-2 zoning district would not have an unduly adverse effect on existing traffic patterns, movements and intensity.

PLANNING AND ZONING BOARD RECOMMENDATION:

The Planning and Zoning Board met on March 3, 2004 and recommended APPROVAL of the requested R-2 zoning, with the condition that the applicant situate the proposed duplex so that it is as far back from CR 419 as possible, without encroaching into the required 30 foot rear yard setback.

**Minutes for the Seminole County
Land Planning Agency/Planning and Zoning Commission
March 3, 2004
7:00 P.M.**

Members present: Richard Harris, Dudley Bates, Chris Dorworth, Alan Peltz, Ben Tucker, and Walt Eismann.

Member absent: Thomas Mahoney.

Also present: Tony Walter, Assistant Planning Manager, Cindy Matheny, Principal Coordinator, Tina Deater, Senior Planner, Jeffrey Hopper, Senior Planner, Tony Matthews, Principal Planner, Cynthia Sweet, Planner, Karen Consalo, Assistant County Attorney, and Candace Lindlaw-Hudson, Senior Staff Assistant.

E. 419 / Chickonski Rezone; Mason Chickonski, applicant; Rezone of approximately 0.22 acres from R-3 to R2 for placement of a duplex, located on the west side of CR 419 between W. 8th Street and W. 10th Street (Z2004-003).

Commissioner Maloy – District 1
Tina Deater, Senior Planner

Tina Deater stated that the request was consistent with the development in the area. It would have negligible impact on the neighborhood. Staff recommendation was for approval.

Commissioner Harris stated that down-zoning sometimes imposes stress on adjacent uses.

Ms. Deater pointed out that there is an unopened right of way between the site and adjacent commercial zoning. There had been no feedback received from owners of adjacent property following notification by the County of the rezone.

The applicant did not wish to comment on the application.

There were no speakers on this item from the audience.

Commissioner Tucker stated that he had visited the site and that the duplex unit is already sitting on the lot. He was concerned about the placement of the driveway and how the site would be accessed.

Ms. Deater stated that there would be one driveway on the site. This zoning request is not site plan specific; however, the applicant provided a site plan that shows a 39-foot rear yard setback.

Commissioner Tucker was concerned that the building be moved back to a 30 foot rear setback, in case CR 419 is widened.

The applicant said that he would use the 30 foot setback.

Commissioner Tucker made a motion to recommend approval, with a 30 foot rear yard setback.

Commissioner Peltz seconded the motion.

Commissioner Harris pointed out a mapping notation of HDR and commercial zoning.

Tony Walter stated that the Planning Department is aware of this and that it would be rectified.

The motion passed with a vote of 6 – 0, with the notation of a 30 foot setback.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE R-3 ZONING CLASSIFICATION THE R-2 ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; 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, "CR 419/Chickonski Rezone R-3 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-3 to R-2:

SEE ATTACHED EXHIBIT A

Section 3. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

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 13th day of April, 2004.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

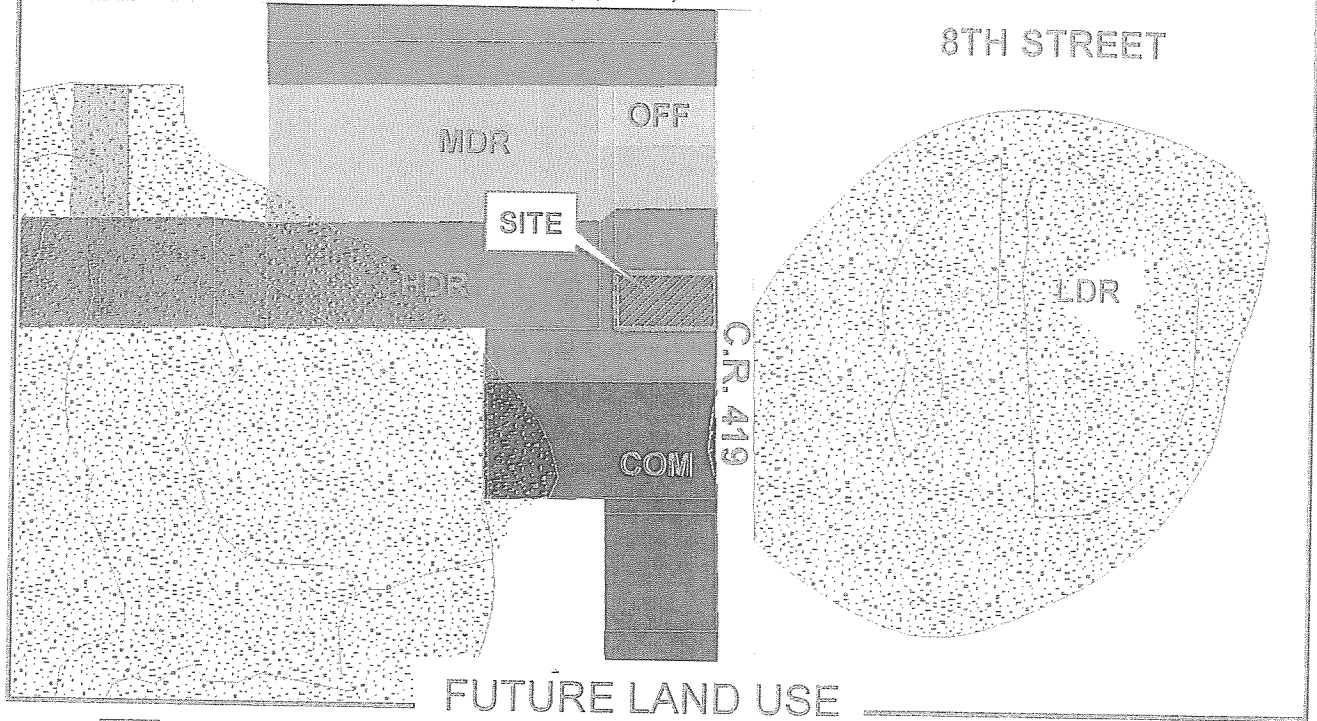
By: _____
Daryl G. McLain
Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

LOTS 1 + 2 (LESS RD) BLK 69 NORTH CHULUOTA PB 2 PGS 54 TO 58

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.

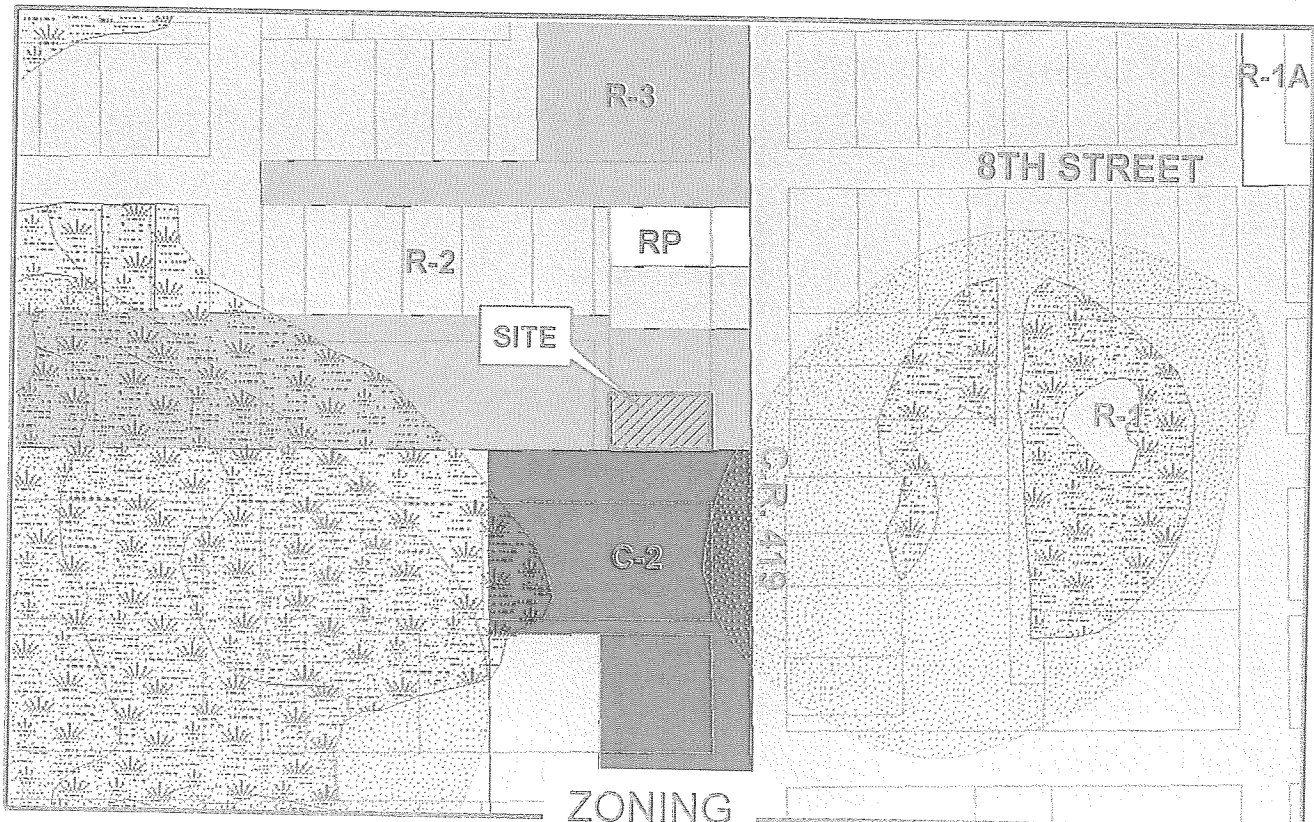
*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.
 Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



Site
 LDR
 MDR
 HDR
 OFF
 COM
 CONS

Applicant: Mason Chickonski
 Physical STR: 21-21-32-5CF-6900-0010
 Gross Acres: +/- 0.22 BCC District: 1
 Existing Use: Vacant
 Special Notes: None



	Amend/ Rezoning#	From	To
FLU	--	--	--
Zoning	Z2004-003	R-3	R-2



R-1A
 R-1
 R-2
 R-3
 RP
 C-2
 FP-1
 W-1



Rezone No: Z2004-003
From: R-3 To: R-2

-  Parcel
-  Subject Property



February 1999 Color Aerials