

SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM

SUBJECT: JACKSON STREET/ DEPUGH STREET REZONE FROM C-2 TO R-1BB

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Dan Matthys <sup>DM/LR</sup> CONTACT: Michael Rumer EXT. 7431

Agenda Date <u>06/13/06</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"/>		

**MOTION/RECOMMENDATION:**

- APPROVE** a request and authorize the Chairman to enact an ordinance to rezone 0.26 ± acres from C-2 (Retail Commercial) to R-1BB (Single-Family Dwelling), located on the southeast corner of Jackson Street and Depugh Street, 400 feet north of East Altamonte Drive, based on staff findings, (Craig Jones, applicant); or
- DENY** the request to rezone 0.26 ± acres from C-2 (Retail Commercial) to R-1BB (Single-Family Dwelling), located on the southeast corner of Jackson Street and Depugh Street, 400 feet north of East Altamonte Drive, (Craig Jones, applicant); or
- CONTINUE** the item to a time and date certain.

District 4 – Commissioner Henley

Michael Rumer, Senior Planner

**BACKGROUND:**

The applicant, Craig Jones, requests the rezoning of 0.26 ± acres, located on the southeast corner of Jackson Street and Depugh Street, 400 feet north of East Altamonte Drive, from C-2 (Retail Commercial) to R-1BB (Single-Family Dwelling). The subject property consists of two platted lots created from the Lake View plat recorded in 1929. Each lot is 5,875 sq. ft. with 53 feet in width. The requested zoning permits lots with a minimum size of 5,000 square feet and lot width of 50 feet. The Future Land Use designation of the subject property is MDR (Medium Density Residential), which permits a maximum density of ten (10) dwelling units per net buildable acre. The applicant plans to construct two single-family homes on the vacant lots. Rezoning the property from C-2 to R-1BB is required to permit the site to be split into two lots and meet the appropriate minimum lot width and setbacks.

Reviewed by:	<u>KET</u>
Co Atty:	
DFS:	
Other:	<u>[Signature]</u>
DCM:	<u>[Signature]</u>
CM:	<u>[Signature]</u>
File No.	<u>ph130pdp06</u>

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of a request to rezone 0.26 ± acres from C-2 (Retail Commercial) to R-1BB (Single-Family Dwelling), located on the southeast corner of Jackson Street and Depugh Street, 400 feet north of East Altamonte Drive.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

The Planning and Zoning Board met on May 3, 2006 and voted 7-0 to recommend APPROVAL of a rezone from C-2 (Retail Commercial) to R-1BB (Single-Family Dwelling), located on the on the southeast corner of Jackson Street and Depugh Street, 400 feet north of East Altamonte Drive, based on staff findings.

**ATTACHMENTS:**

Location Map  
Zoning & Future Land Use Map  
Aerial Map  
Rezone Ordinance  
05/03/2006 Planning and Zoning Board Minutes

# Jackson Street / Depugh Street Rezone

Rezone from C-2 to R-1BB

<b>APPLICANT</b>	Craig Jones	
<b>PROPERTY OWNER</b>	J. Scott & L Kirk Trustees	
<b>REQUEST</b>	Rezone from C-2 to R-1BB	
<b>PROPERTY SIZE</b>	0.26 ± acres	
<b>HEARING DATE (S)</b>	P&Z: May 03, 2006	BCC: June 13, 2006
<b>PARCEL ID</b>	18-21-30-501-0100-0010	
<b>LOCATION</b>	Southeast corner of Jackson Street and Depugh Street, 400 feet north of East Altamonte Drive	
<b>FUTURE LAND USE</b>	MDR (Medium Density Residential)	
<b>ZONING</b>	C-2 (Retail Commercial)	
<b>FILE NUMBER</b>	Z2006-022	
<b>COMMISSION DISTRICT</b>	#4 – Henley	

**Proposed Development:**

The applicant plans to construct two single-family homes on the vacant lots.

**ANALYSIS OVERVIEW:**

**ZONING REQUEST**

The applicant, Craig Jones, requests the rezoning of 0.26 ± acres, located on the southeast corner of Jackson Street and Depugh Street, 400 feet north of East Altamonte Drive, from C-2 (Retail Commercial) to R-1BB (Single-Family Dwelling). The requested zoning permits lots with a minimum size of 5,000 square feet and lot width of 50 feet. The future land use designation of the subject property is MDR (Medium Density Residential), which permits a maximum density of ten (10) dwelling unit per acre. The applicant plans to construct two single-family homes on the vacant lots. Rezoning the property from C-2 to R-1BB is required to permit the site to be split into two lots and meet the appropriate minimum lot width and setbacks. The following table depicts the minimum regulations for the current zoning district of C-2 (Retail Commercial) and the requested district of R-1BB (Single-Family Dwelling):

DISTRICT REGULATIONS	Existing Zoning (C-2)	Proposed Zoning (R-1BB)
Minimum Lot Size	N/A	5,000 sq. ft.
Minimum House Size	N/A	700 sq. ft.
Minimum Width at Building Line	N/A	50 feet
Front Yard Setback	25 feet	20 feet
Side Yard Setback	0 feet	5 feet
(Street) Side Yard Setback	25 feet	20 feet
Rear Yard Setback	10 feet	20 feet
Maximum Building Height	35 feet	35 feet

## PERMITTED & SPECIAL EXCEPTION USES

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

Uses	C-2 (existing)	R-1BB (proposed)
Permitted Uses	Any use permitted in the C-1 District, Amusement and recreational facilities, Building and plumbing supplies, Car wash, Furniture warehouse with retail sales, Hotels and motels, Marine sales and service, Mobile home and recreational vehicle sales, Outdoor advertising signs, Parking garages, Printing and book binding shops, Automobile sales with no repair facilities, Veterinary hospitals and kennels, Multifamily housing - such as condominiums, apartments and townhouses of medium to high density, Above-store or above-office flats, Communication towers when camouflage in design, Bed and Breakfast establishments.	Any use permitted in the R-1A Single-Family Dwelling zoning classification, including the customary accessory uses, Home occupations and home offices, Community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.
Special Exception Uses	Alcoholic beverage establishments, Contractors establishments with no outside storage, Drive-in restaurants, Drive-in theaters, Living quarters in conjunction with a commercial use, to be occupied by the owner or operator of the business or an employee, Lumber yards, Mechanical garages, Paint and body shops, Public utility structures, Service stations and gas pumps as an accessory use, Hospitals and nursing homes, All communication towers which are not permitted uses, Parking of semi-tractor trailers and cargo trailer boxes in rural areas for the sale of feed, hay, or other agricultural products.	Any special exception permitted in the R-1A zoning classification, Day nurseries or kindergartens, Guest or tourist homes when located on state or federal highways, Off-street parking facilities, Assisted living facilities and community residential homes housing 7-14 permanent unrelated residents (including group homes and foster care facilities) provided that the location does not create a over-concentration of such homes or substantially alter the nature and character of the area as defined in Section 419.001(3)(c), Florida Statutes (2001), Communication towers.
Minimum Lot Size	N/A	5,000 sq. ft.

## COMPATIBILITY WITH SURROUNDING PROPERTIES

Existing properties in the area consist of MDR (Medium Density Residential) Future Land Use designation and R-1 (Single-Family Dwelling) zoning, as shown on the attached Future Land Use maps. The subject parcel contains a retail commercial zoning designation that dates back to the 1970's. Staff believes the permitted uses within the C-2 district are detrimental to the character of the neighborhood and inconsistent with the trends of development. Further, the permitted uses would have an unduly adverse effect on existing traffic patterns, movements, and intensity.

The Future Land Use designations, zoning districts and existing uses for the subject and abutting properties are as follows:

(North)

	<b>MDR</b> Jackson Street / Church <i>R-1</i>	<b>MDR</b> Depugh St. / Single- Family Residence <i>R-1</i> (6,900 sq. ft. lot, 46 feet wide)	<b>MDR</b> Single-Family Residence <i>R-1</i> (7,500 sq. ft. lot, 50 feet wide)	
(West)	<b>MDR</b> Jackson Street / Vacant <i>R-1</i> (4 lots, each 9,000 sq. ft. and 60 feet wide)	<b>MDR</b> Vacant <i>C-2</i> (2 lots, each 5,830 sq. ft. and 53 feet wide)	<b>MDR</b> Vacant <i>R-1</i> (5,450 sq. ft. lot, 50 feet wide)	(East)
	<b>MDR</b> Jackson Street / Vacant <i>R-1</i> (4 lots, each 9,000 sq. ft. and 60 feet wide)	<b>MDR</b> Vacant <i>R-1</i> (2 lots, each 6,812 sq. ft. and 62.5 feet wide)	<b>MDR</b> Single-Family Residence <i>R-1</i> (2 lots, each 6,250 sq. ft. and 50 feet wide)	

(South)

Example:

<b>Future Land Use</b>
Existing Use
<i>Current Zoning</i>
(Average Lot Size)

- **Bold** text depicts the Future Land Use designation, *italicized* text depicts the existing zoning district and plain text depicts existing use. The shaded cell indicates the subject property. More detailed information regarding surrounding properties can be found in the attached Future Land Use, zoning and aerial photo maps.

**SITE ANALYSIS:**

**ENVIRONMENTAL IMPACTS**

*Floodplain Impacts:*

Based on FIRM map number 12117C0140E, 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 no wetlands on the subject property.

*Endangered and Threatened Wildlife:*

Based on preliminary analysis, there are no endangered and threatened wildlife on the subject property. A threatened and endangered species study along with a species of special concern survey will be required prior to final site plan approval.

**PUBLIC FACILITY IMPACTS**

Rule 9J-5.0055(3)(c)1-2, Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has elected to defer Concurrency Review at this time and therefore, has submitted an Affidavit of Concurrency Review Deferral. The applicant is required to undergo Concurrency Review prior to subdivision approval.

The following table depicts the impacts the proposed development has on public facilities:

<b>Public Facility</b>	<b>Existing Zoning (C-2)</b>	<b>Proposed Development*</b>	<b>Net Impact</b>
Water (GPD)	1,365	700	-665
Sewer (GPD)	1,024	600	-424
Traffic (ADT)	113	19	-94

*Utilities:*

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 meet the definition of availability per F.S. 381.0065 (2)(a)(1), the applicant is not required to connect. The subject parcel will utilize on-site septic service, because it meets the conditions of F.S. 381.0065 (8)(g)(1) which states: Any residential lot that was platted and recorded on or after January 1, 1972, or that is part of a residential subdivision that was approved by the appropriate permitting agency on or after January 1, 1972, and that was eligible for an onsite sewage treatment and disposal system construction permit on the date of such platting and recording or approval shall be eligible for an onsite sewage treatment and disposal system construction permit, regardless of when the application for a permit is made.

*Transportation / Traffic:*

Access will be provided from Jackson Street. Jackson Street is classified as a local roadway. Jackson Street is not currently programmed to be improved according to the County 5-year Capital Improvement Program.

*School Impacts:*

Based on the formulas provided by the Seminole County School District, the proposed zone change will generate one (1) school age child. This subject site is currently zoned for, and will affect, the following schools:

Schools Impacted	Proposed Impact	Current Capacity	Enrollment as of 2/10/06	Percent Capacity
English Estates Elementary	1*	843	792	94%
South Seminole Middle	1*	1310	1197	91.4%
Lyman High	1*	2649	2240	84.6%

\* The impacts to the schools depend on the age of child being generated.

Data regarding impacts to previously approved and platted residential development were not available at the time this report was prepared. Staff is still working with the Seminole County School Board to complete a list of such development that will impact schools. This information will be provided at the Board meeting.

*Public Safety:*

The County Level-Of-Service standard for fire protection and rescue, per Policy PUB 2.1 of the Comprehensive Plan, is 5 minutes average response time. There are two response units within one mile of the subject property. Station # 11 is located at 225 Newburyport Ave and Station #22 is located at 504 South U.S. 17-92. Both units meet the Level-Of-Service standard.

*Drainage:*

The proposed project is located within the Gee Creek Drainage Basin. Since the proposed project is not proposing to create more single-family lots than those already platted, no stormwater requirements are required to be met.

*Parks, Recreation and Open Space:*

The development will be required to meet 25% open space.

### *Buffers and Sidewalks:*

Active/Passive Buffers are not required since the proposed zoning designation is residential. Sidewalks are not required since no sidewalks are located within the subdivision.

### **APPLICABLE POLICIES:**

#### **FISCAL IMPACT ANALYSIS**

This project does not warrant running the County Fiscal Impact Analysis Model.

#### **SPECIAL DISTRICTS**

The subject property is not located within any special districts or overlays.

#### **COMPREHENSIVE PLAN (VISION 2020)**

The following policies are applicable with the proposed project:

Policy FLU 12.4: Relationships of Land Use to Zoning Classification  
Issue FLU 3: Future Land Use Map Based On Growth Needs/Buildout  
Policy PUB 2.1: Public Safety Level-of-Service

### **INTERGOVERNMENTAL NOTIFICATION:**

Intergovernmental notices were sent to the Seminole County School District on April 13, 2006, the City of Altamonte Springs on April 21, 2006, and the City of Casselberry on June 2, 2006. To date, no comments have been received.

### **LETTERS OF SUPPORT OR OPPOSITION:**

At this time, Staff has received no letters of support or opposition.

### **STAFF RECOMMENDATION:**

Staff recommends APPROVAL of a request to rezone 0.26 ± acres from C-2 (Retail Commercial) to R-1BB (Single-Family Dwelling), located on the southeast corner of Jackson Street and Depugh Street, 400 feet north of East Altamonte Drive.

### **PLANNING AND ZONING BOARD RECOMMENDATION:**

The Planning and Zoning Board met on May 3, 2006 and voted 7-0 to recommend APPROVAL of a rezone from C-2 (Retail Commercial) to R-1BB (Single-Family Dwelling), located on the on the southeast corner of Jackson Street and Depugh Street, 400 feet north of East Altamonte Drive, based on staff findings.



AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY LEGAL DESCRIPTION ATTACHED AS EXHIBIT; ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE C-2 (RETAIL COMMERCIAL) ZONING CLASSIFICATION THE R-1BB (SINGLE-FAMILY DWELLING) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM 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 Jackson Street Rezone.

(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 C-2 (Retail Commercial) to R-1BB (Single-Family Dwelling):

**SEE ATTACHED EXHIBIT A**

**Section 3. 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 4. EXCLUSION FROM CODIFICATION.** It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

**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 with the Department of State.

ENACTED this 13th day of June, 2006.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Carlton D. Henley  
Chairman

**EXHIBIT A  
LEGAL DESCRIPTION**

LOTS 1 AND 2, BLOCK 1, LAKEVIEW, AS RECORDED IN PLAT BOOK 5, PAGE 14, OF  
THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA

**MINUTES FOR THE SEMINOLE COUNTY LAND PLANNING AGENCY  
PLANNING AND ZONING COMMISSION  
MAY 3, 2006**

**Members present:** Ben Tucker, Beth Hattaway, Dudley Bates, Matt Brown, Jason Brodeur, Walt Eismann, and Rob Wolf.

**Also present:** Tina Williamson, Principal Coordinator; Michael Rumer, Senior Planner; Jeffrey Hopper, Senior Planner; Benjamin Dunn, Senior Planner; Tony Walter, Planning Manager; Katharine Furey-Tran, Assistant County Attorney; Brian Walker, Planner; Cynthia Sweet, Planner; Denny Gibbs, Senior Planner; Dan Matthys, Director of Planning and Development; and Candace Lindlaw-Hudson, Senior Staff Assistant.

**Jackson Street/Depugh Street Rezone; Craig Jones, applicant;** .26 ± acre; Rezone from C-2 (Retail Commercial) to R-1BB (Single-Family Dwelling); located on the southeast corner of Jackson Street and Depugh Street, 400 feet north of East Altamonte Drive. (Z2006-22)

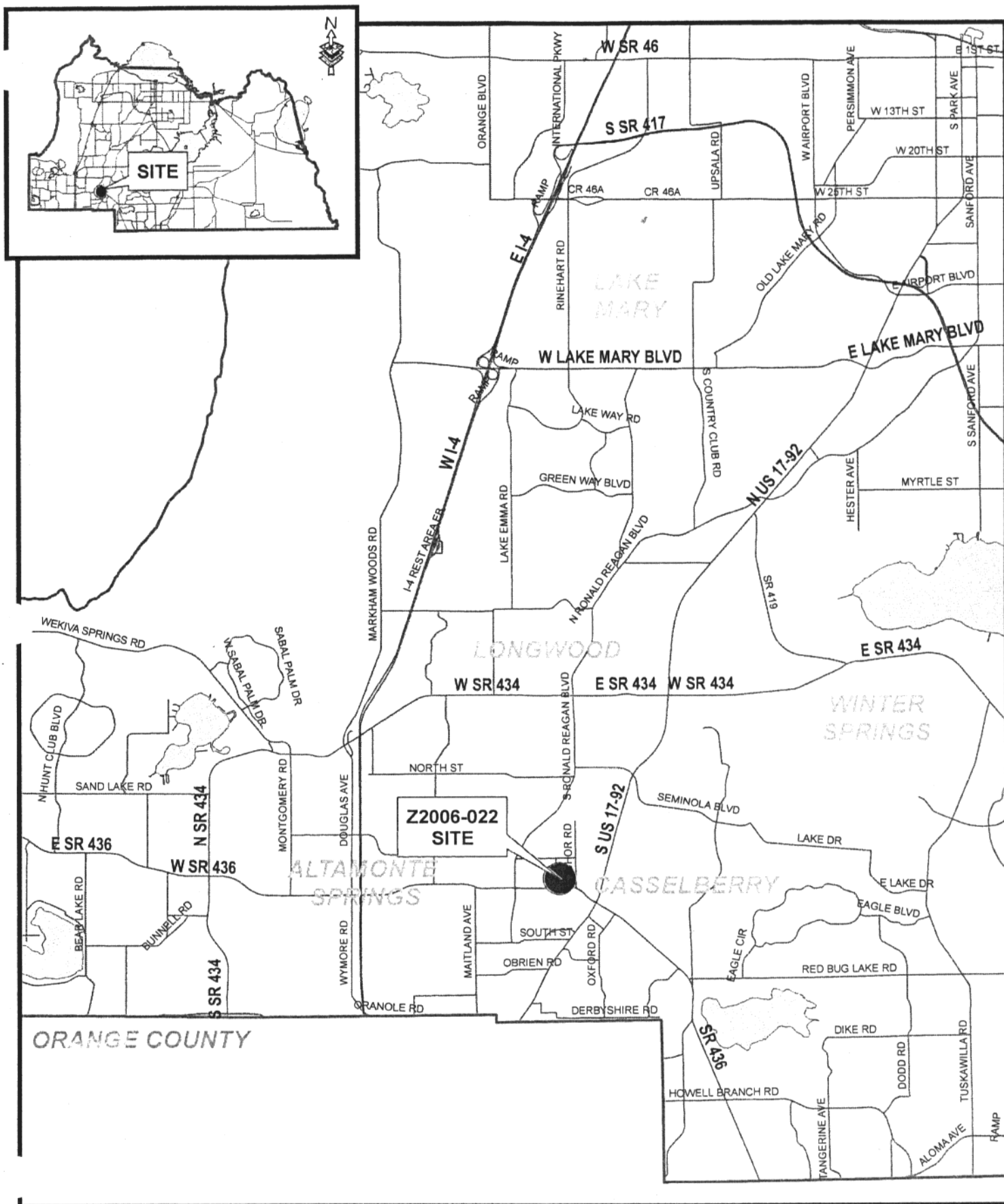
Commissioner Henley – District 4  
Michael Rumer, Senior Planner

Michael Rumer stated that the requested zoning permits lots of a minimum of 5,000 square feet, with a width of 50 feet. The future land use is Medium Density Residential, which permits a maximum of 10 dwelling units per net buildable acre. The applicant proposes to build two single family homes on the vacant lots. This property is shown on a 1929 plat. The lots are platted at 53 feet wide. The R-1BB zoning will allow the buildings to be constructed without any variances. Staff recommendation is for approval.

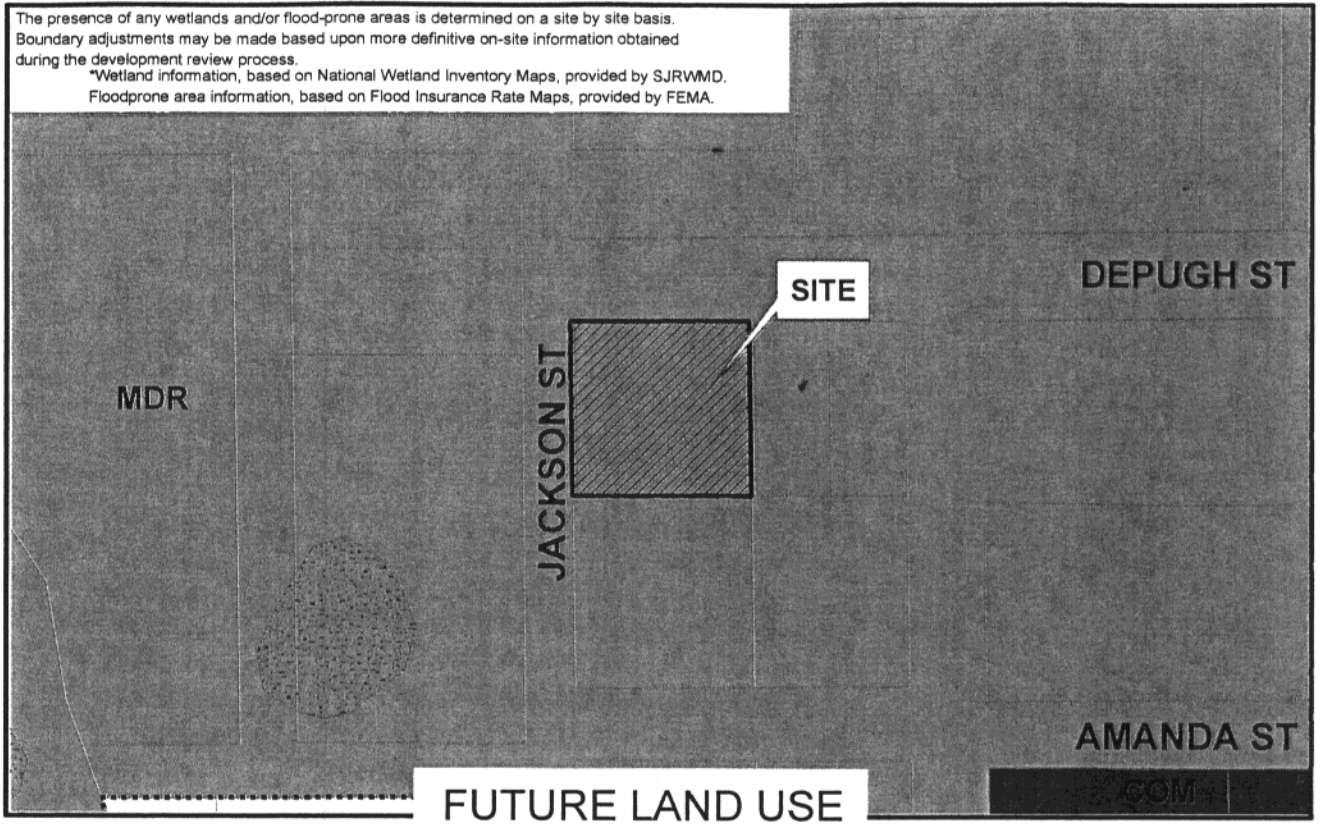
**Commissioner Wolf made a motion to recommend approval.**

**Commissioner Eismann seconded the motion.**

**The motion passed 7 – 0.**



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.

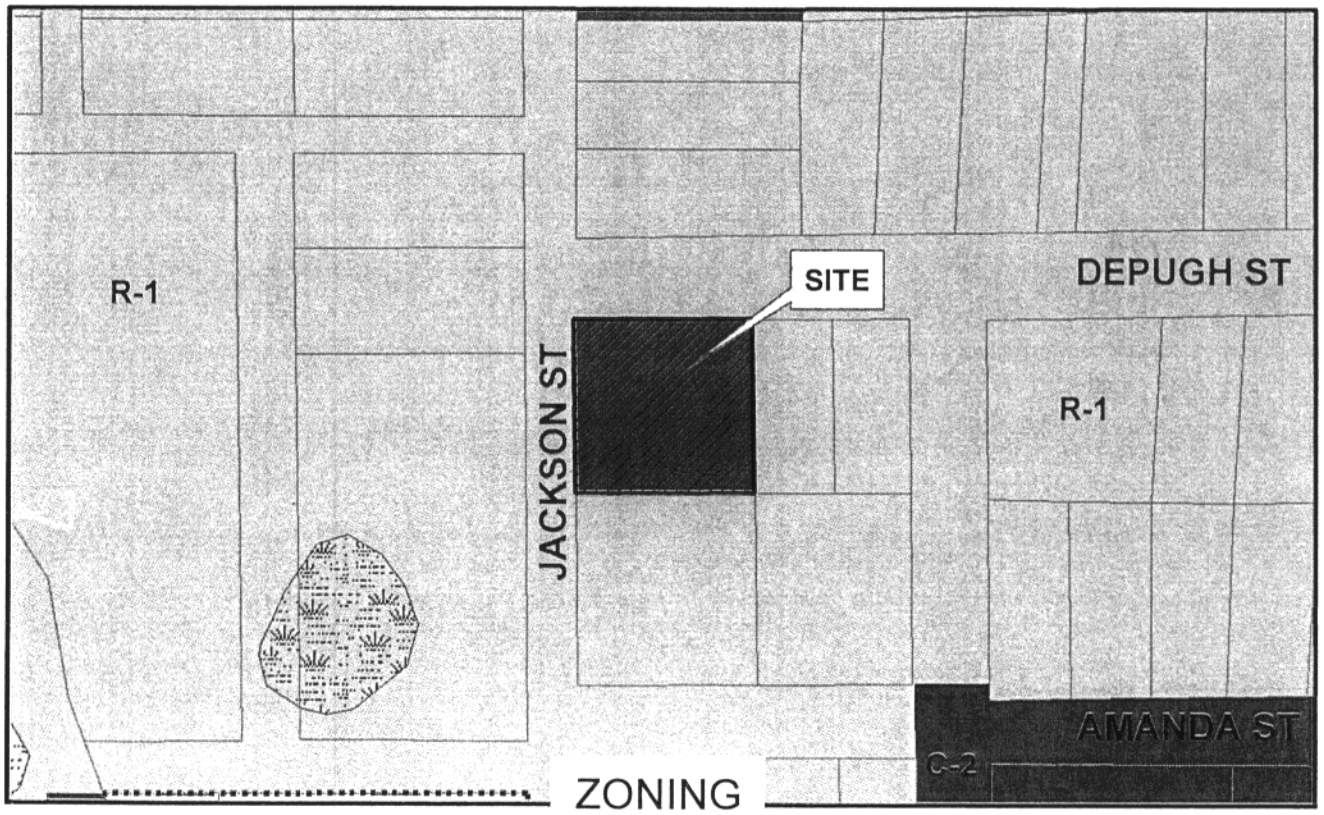


**FUTURE LAND USE**

Site  
  Municipality  
  MDR  
  COM  
  CONS

Applicant: Craig Jones  
 Physical STR: 18-21-30-501-0100-0010  
 Gross Acres: 3 +/-      BCC District: 4  
 Existing Use: Vacant  
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2006-022	C-2	R-1BB





**ZONING**

R-1  
  C-2  
  FP-1  
  W-1



Rezone No: Z2006-022  
From: C-2 To: R-1BB

-  Parcel
-  Subject Property



January 2004 Color Aerials