

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: CHULUOTA REZONE from R-3 (Multiple-Family Dwelling) to R-2 (One and Two-Family Dwelling)/Wilson and Company, Inc. - Applicant

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

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Cathleen Consoli **EXT.** 7377

Agenda Date: 6/24/03 **Regular** **Consent** **Work Session** **Briefing**
Public Hearing – 1:30 **Public Hearing – 7:00**

MOTION/RECOMMENDATION:

1. Enact an ordinance to approve the requested rezoning from R-3 (Multiple-Family Dwelling) to R-2 (One and Two-Family Dwelling) for a one acre parcel located on the northwest corner of West Fifth Street and County Road 419 in Chuluota, based on staff findings, Wilson and Company, Inc., Applicant; or
2. Deny the requested rezoning from R-3 (Multiple-Family Dwelling) to R-2 (One and Two-Family Dwelling) for a one acre parcel located on the northwest corner of West Fifth Street and County Road 419 in Chuluota; or
3. Continue the request to a date and time certain.

(District 1 – Commissioner Maloy)

(Cathleen Consoli – Senior Planner)

BACKGROUND:

The applicant requests to rezone a 1.0 acre parcel from R-3 (Multiple-Family Dwelling) to R-2 (One and Two-Family Dwelling). The property is designated HDR (High Density Residential) on the Future Land Use Map and is located on the northwest corner of West Fifth Street and County Road 419 in Chuluota. The applicant wishes to locate a daycare on the subject property. The current R-3 zoning does not allow daycare facilities as a permitted use or as a Special Exception. Down zoning the parcel to R-2 will allow the applicant to apply for a Special Exception for the proposed daycare use.

STAFF RECOMMENDATION:

Staff recommends approval of the request to rezone the subject property from R-3 (Multiple-Family Dwelling) to R-2 (One and Two-Family Dwelling), Wilson and Company, Inc., applicant, based on the findings in this report.

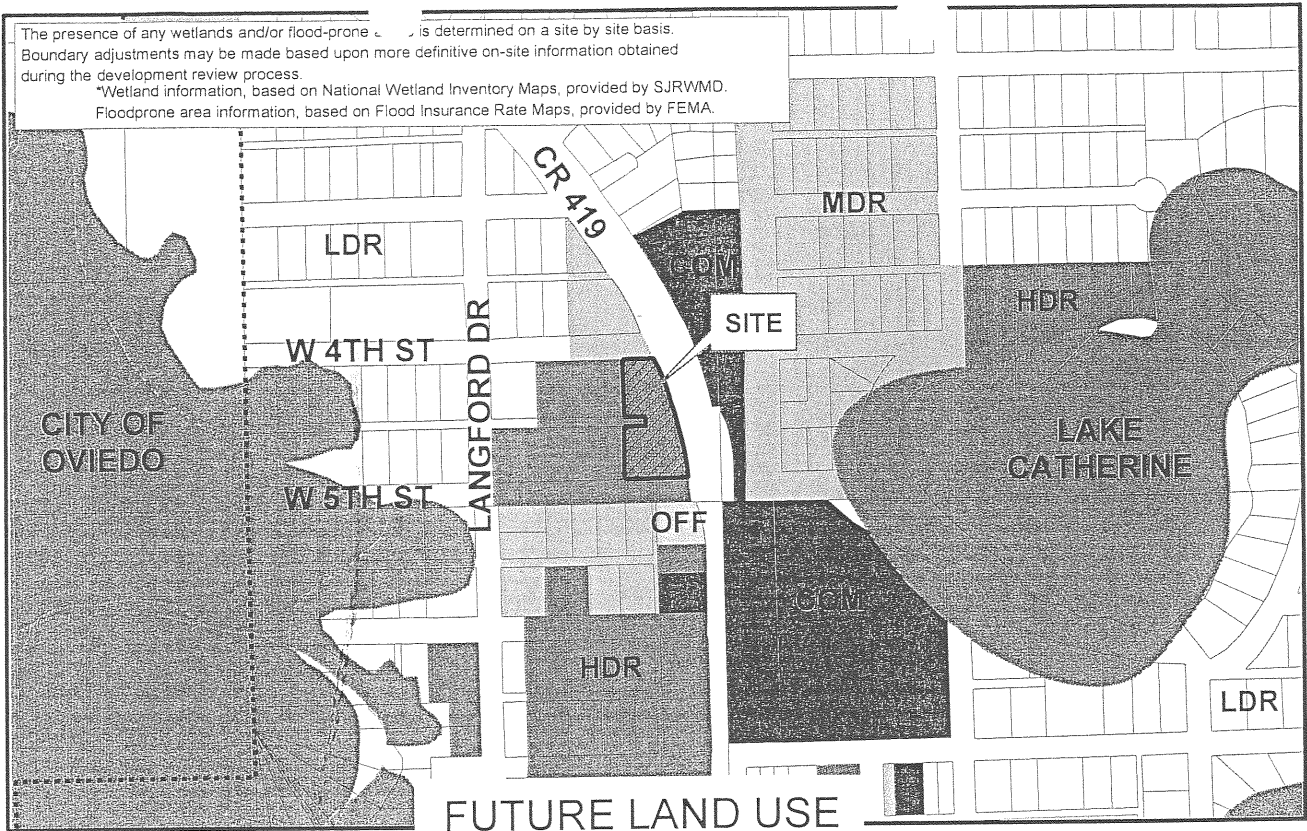
PLANNING AND ZONING RECOMMENDATION:

On June 4, 2003, the Planning and Zoning Commission recommended to approve this request with a 4-0 vote. The minutes are not available at this time and will be provided to the Board when available.

Reviewed by:	
Co Atty:	<u>KZC</u>
DFS:	
Other:	<u>MW</u>
DCM:	<u>MW</u>
CM:	<u>KCB</u>
File No.	<u>ph700pdp02</u>

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.

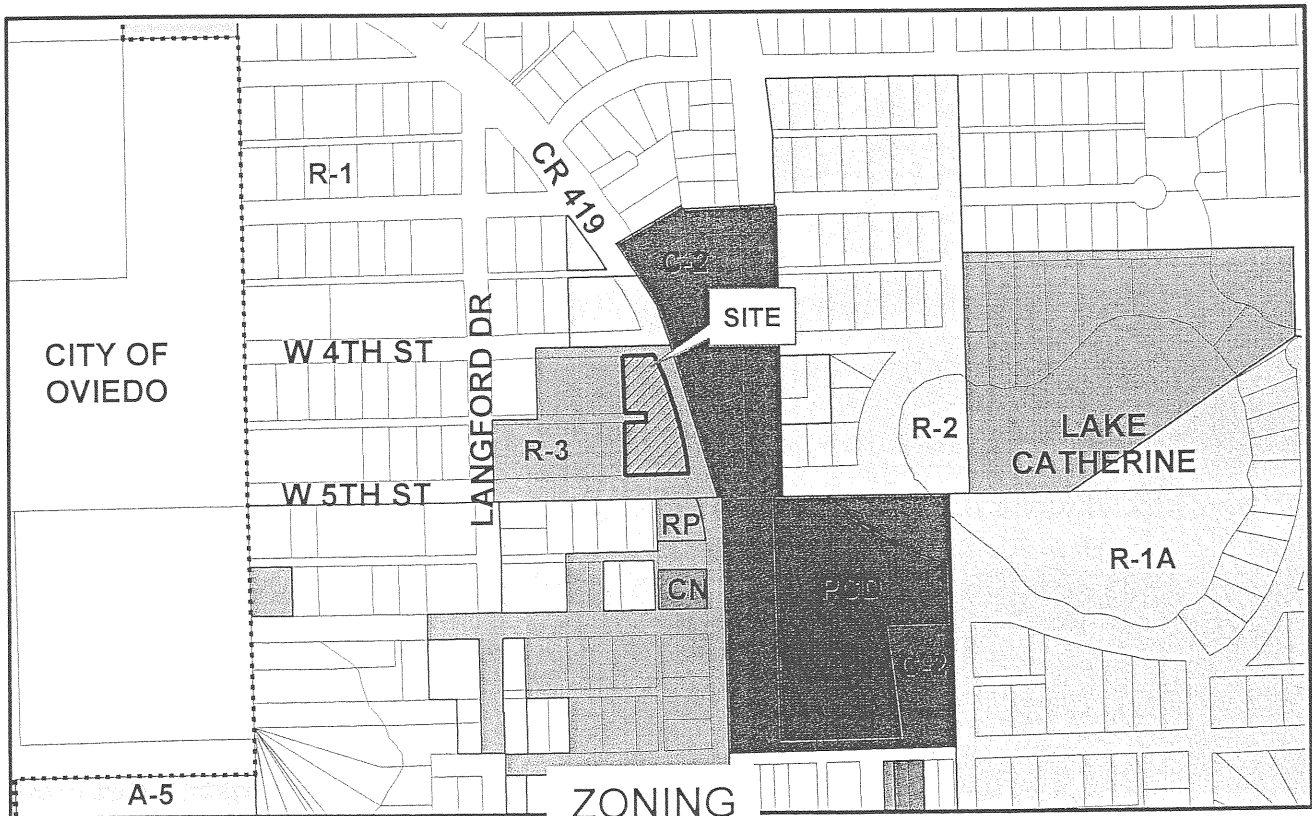
*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.
 Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



Site
 Municipality
 COM
 LDR
 MDR
 HDR
 OFF

Applicant: Wilson & Company, Inc.
 Physical STR: 21-21-32-5CF-3800-0010
 Gross Acres: +/-1.0 BCC District: 1
 Existing Use: Vacant
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2003-019	R-3	R-2



A-5
 R-1
 R-1A
 R-3
 RP
 CN
 PCD
 C-2
 R-2



Rezone No: Z2003-019

From: R-3 To: R-2

 Parcel

 Subject Property






NOT TO SCALE

February 1999 Color Aerials



Rezone No: Z2003-019

From: R-3 To: R-2

-  Parcel
-  Subject Property
-  Chuluota NonResidential Overlay



NOT TO SCALE

February 1999 Color Aerials

Chuluota Rezone			
APPLICANT:	Parks Wilson, Wilson and Company, Inc.		
OWNER:	Jean Anders		
REQUEST:	Rezone from R-3 (Multiple-Family Dwelling) to R-2 (One and Two-Family Dwelling)		
HEARING DATE(S):	P&Z:	June 4, 2003	BCC: June 24, 2003
PARCEL ID NO.:	21-21-32-5CF-3800-0010		
PROJECT LOCATION:	Located on the northwest corner of West Fifth Street and County Road 419 in Chuluota		
APPROXIMATE SIZE:	1.0 acre		
FUTURE LAND USE:	HDR (High Density Residential)		
ZONING:	R-3 (Multiple-Family Dwelling)		
FILE NUMBER:	Z2003-019		
COMMISSION DISTRICT:	District 1 – Commissioner Maloy		

OVERVIEW:

The applicant wishes to rezone the parcel from R-3 (Multiple-Family Dwelling) to R-2 (One and Two-Family Dwelling) which allows the Special Exceptions specified in the R-1 zoning district. After rezoning the property, the applicant proposes to apply for a Special Exception to locate a daycare facility on the site.

The 1.0 acre parcel is located in Chuluota, on the west side of County Road 419 between 4th Street and 5th Street. East of the parcel, across CR 419, is a commercial lot improved with a convenience store. North and south of the parcel are residential lots zoned R-2. The residential lots to the immediate west of the parcel are vacant and zoned R-3. The R-3 district allows for one or two story apartment buildings with a maximum density of 13 units per net buildable area. The requested zoning of R-2 permits one and two Family Dwellings on a minimum 9,000 square foot lot while accommodating setbacks and necessary site improvements.

The subject parcel lies within the Chuluota Nonresidential Design District and any development on the site must adhere to the standards as defined in Ordinance Number 2000-44, known as the Chuluota Nonresidential Design Standards Zoning Overlay. A site plan is required to be submitted with the Special Exception request and will need to adhere to these design standards.

Existing Land Uses: Existing zoning and FLU designations for the subject and abutting properties are as follows:

DIRECTION	EXISTING ZONING	FUTURE LAND USE	USE OF PROPERTY
Site	R-3	HDR	Vacant
North	R-2	Medium Density Residential	4 th Street, Vacant
South	R-2, R-3 and RP	Office and Medium Density Residential	5 th Street, Single-Family
East	C-2	Commercial	CR 19, Convenience Store
West	R-3	High Density Residential	Vacant

For more detailed information regarding zoning and land use, refer to the attached Zoning and FLU maps.

SITE ANALYSIS:

Facilities and Services:

1. Adequate facilities and services must be available concurrent with the impacts of development. If required by the concurrency review, additional facilities and services will be identified. The applicant has submitted an Affidavit of Concurrency Review Deferral. Prior to any site plan approval, the applicant must submit for concurrency review.
2. 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 recommended off of 4th and 5th Streets and improvements to a portion of each street to bring them up to County standards will need to be addressed at time of site plan approval.

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. At the time of site development, the property will be subject to the Scenic Corridor Overlay standards contained in Section 30.1046 of the Seminole County Land Development Code.

Compliance with Surrounding Development:

The proposed R-2 zoning permits less density than the R-3 zoning districts which abut the subject property. The conditional uses provided in the R-2 zoning district could support the residential population of the community.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed rezoning request based on the following findings:

1. The uses within the proposed 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 uses within the proposed R-2 zoning district would not be incompatible 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; and
4. The proposed R-2 zoning district is compatible with the concepts of its future land use of High Density Residential.

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: LEG PART OF LOTS 1 TO 8 W OF ST RD 419 & LOTS 9 & 22 & VACD ALLEY BLK 38 NORTH CHULUOTA PB 2 PG 54.); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE R-3 (MULTIPLE-FAMILY DWELLING) ZONING CLASSIFICATION THE R-2 (ONE AND TWO FAMILY DWELLING) 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 "Chuluota 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 R-3 (Multiple-Family Dwelling) Zoning Classification to R-2 (One and Two Family Dwelling) Zoning Classification;

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.

ENACTED this 24th day of June 2003

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

**Minutes for the Seminole County LPA/ P&Z Commission
Wednesday, June 4, 2003**

Members present: Alan Peltz, Chris Dorworth, Ben Tucker, Thomas Mahoney, Dudley Bates

Members absent: Dick Harris, Beth Hattaway

Also present: Denny Gibbs, Planner, Michael Rumer, Planner, Jeff Hopper, Senior Planner, Kathy Fall, Senior Planner, Matt West, Planning Manager, Cathleen Consoli, Senior Planner, Karen Consalo, Assistant County Attorney, Candace Lindlaw-Hudson, Senior Staff Assistant

Commissioner Peltz was absent from the meeting at this time.

- J. Chuluota Rezone / Wilson & Company, applicant;** 1.0 acre; Rezone from R-3 (Multiple-Family Dwelling District) to R-2 (One and Two-Family Dwelling District); located on the northwest corner of West 5th Street and County Road 419 in Chuluota. (Z2003-019).
Commissioner Maloy - District 1
Cathleen Consoli, Senior Planner

Cathleen Consoli informed the Board that the 300 foot notification to adjacent property owners had not gone out in a timely manner. Staff had made hand deliveries and faxed notices to all owners. The newspaper legal ad and the placard had been posted in a timely manner.

The Commissioners unanimously decided that such notice, along with the newspaper ad and the placarding of the site gave adequate notice and that the application would be heard.

Deborah Shaffer sent a letter of approval.

Ms. Consoli stated that staff recommendation was for approval of the application. She said that a daycare center could be approved with the granting of a special exception and downzoning.

Parks Wilson stated that the building will be within Chuluota design standards. He had encountered no opposition from neighbors. There is a need for daycare in the area.

Michele Humphrey, future owner, stated that there was no existing child care facility in the area.

There were no comments from the audience. The public hearing was now closed.

Commissioner Mahoney made a motion to recommend approval of the rezoning from R-3 to R-2.

Commissioner Bates seconded the motion.

The motion passed by unanimous approval (4 – 0).

Southeast Seminole County Voters Association

P.O. Box 660065
Chuluota, Fl. 32766
SSCVA@cfl.rr.com

June 2, 2003

Seminole County Planning and Zoning Board
1101 1st. Street
Sanford, Fl. 32771

Chuluota Rezone / Wilson & Company, applicant; 1.0 acre; Rezone from R-3 (Multiple-Family Dwelling District) to R-2 (One and Two-Family Dwelling District); located on the northwest corner of West 5th Street and County Road 419 in Chuluota. (Z2003-019).
Commissioner Maloy - District 1
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The Southeast Seminole County Voters Association, Inc, would like to support the request for down zoning request from multi family to residential land use on this project. We have been working very closely with the applicant and understand she will be requesting a special exception after the down zoning. She understands the concerns of the community.

Thank you so much for your time.

Deborah Schafer

Wilson & Company, Inc.

General Contractors
PO Box 620430 / Oviedo, Florida 32762-0430
(407) 365-0906 / (407) 365-0806 FAX

FACSIMILE COMMUNICATION

Date: June 5, 2003
To: **Seminole County Planning & Zoning Department**
Attention: Cathleen Consoli
(407) 665-7385
Fax:
Re: **Chuluota Daycare**
Sender: Parks Wilson

YOU SHOULD RECEIVE 2 PAGE (S), INCLUDING THIS COVER SHEET. IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL (407) 365-0906.

Attached is the conceptual sketch of this facility per your request.

This sketch is similar, but the actual building will be wider & Architectural plans are not yet completed.

Thank you!

Sincerely yours,

Wilson & Company, Inc.


B. Parks Wilson
President

cc: File

Florida's Child

