

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: 5TH STREET CHULUOTA REZONE

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Dan Matthys  CONTACT: Brian Nelson EXT. 7430

Agenda Date <u>12/20/05</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:

1. APPROVE and enact an ordinance to authorize the rezone from R-3 (Multi-Family Dwelling District) to R-1B (Single-Family Dwelling District) for a 0.23 ± acre site located on the north side of 5th Street, Chuluota, approximately 180 feet west of County Road 419, (Frank Joyce, applicant); or
2. DENY the rezone from R-3 (Multi-Family Dwelling District) to R-1B (Single-Family Dwelling District) for a 0.23 ± acre site located on the north side of 5th Street, Chuluota, approximately 180 feet west of County Road 419 (Frank Joyce, applicant); or
3. CONTINUE the item to a time and date certain.

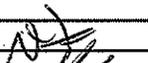
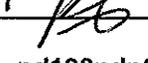
District 1 – Comm. Dallari

Brian Nelson, Principal Coordinator

BACKGROUND:

The applicant is requesting a change in zoning from R-3 (Multiple-Family Dwelling District) to R-1B (Single-Family Dwelling District) on a 0.23 ± acre site in Chuluota. The requested zoning would allow a single-family home on the subject site. Under the current R-3 zoning designation, a maximum of 13 dwelling units per acre is permitted. Single-family homes however, would not be permitted under this zoning designation.

The future land use designation on the subject site is HDR (High Density Residential), which would allow all Low and Medium Density Residential zoning districts, including R-1B. The applicant intends to build a one-story, single-family home on the subject site.

Reviewed by:	
Co Atty:	
DFS:	_____
Other:	_____
DCM:	
CM:	
File No.	<u>pd130pdp02</u>

PLANNING & ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission unanimously recommended approval of the requested rezoning from R-3 to R-1B during their meeting on October 5, 2005.

STAFF RECOMMENDATION:

Staff recommends approval of the request to rezone 0.23 ± acres, located on the north side of 5th Street, Chuluota, approximately 180 feet west of County Road 419, from R-3 (Multiple-Family Dwelling District) to R-1B (Single-Family Dwelling District).

Attachments:

Staff Analysis
Location Map
FLU/Zoning Map
Aerial Photo
Plat Map
Ordinance
Letter from the Chuluota Community Association, Inc.
Minutes of the 10/05/05 P&Z Commission Meeting

**5th STREET CHULUOTA REZONE
Rezone from R-3 to R-1B**

APPLICANT	Frank Joyce	
PROPERTY OWNER	Flagler Development Company	
REQUEST	Rezone from R-3 (Multiple-Family Dwelling District) to R-1B (Single-Family Dwelling District)	
PROPERTY SIZE	0.23 ± acres	
HEARING DATE (S)	P&Z: October 5, 2005	BCC: December 20, 2005
PARCEL ID	21-21-32-5CF-3800-0210	
LOCATION	North side of 5 th Street, approximately 180 feet west of County Road 419, Chuluota	
FUTURE LAND USE	HDR (High Density Residential)	
ZONING	R-3 (Multiple-Family District)	
FILE NUMBER	Z2005-048	
COMMISSION DISTRICT	#1 – Dallari	

PROPOSED DEVELOPMENT:

The applicant is proposing to build a one-story, single-family home on the subject 0.23 ± acre site.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant, Frank Joyce, is requesting to rezone 0.23 ± acres from R-3 (Multiple-Family Dwelling District) to R-1B (Single-Family Dwelling District). The subject property is located on the north side of 5th Street, approximately 180 feet west of County Road 419, Chuluota. The Future Land Use designation of the subject property is HDR (High Density Residential), which allows all Low and Medium Density Residential zoning districts, including R-1B. The following table depicts the minimum regulations for the current zoning district of R-3 (Multiple-Family Dwelling District) and the requested district of R-1B (Single-Family Dwelling District):

DISTRICT REGULATIONS	Existing Zoning (R-3)	Proposed Zoning (R-1B)
Minimum Lot Size	N/A	6,700 square feet
Minimum House Size	N/A	700 square feet
Minimum Width at Building Line	N/A	60 feet
Front Yard Setback	25 feet/one-story 35 feet/two-story	20 feet
Side Yard Setback	25 feet/one-story 35 feet/two-story	7.5 feet
(Street) Side Yard Setback	25 feet/one-story 35 feet/two-story	20 feet
Rear Yard Setback	25 feet/one-story 35 feet/two-story	25 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:

Zoning District	Permitted Uses	Special Exception	Minimum Lot Size
R-3 (existing)	One-, two-, or three-story apartment buildings, townhouses and condominiums and their customary accessory and personal service uses. Public and private elementary schools.	Public and private middle schools and high schools, churches, personal service uses, if not approved at time of zoning, adult living facilities and group homes, communication towers, private recreational facilities constructed as an accessory use to civic, fraternal, or social organizations if the existing use is located in a predominantly residential area as determined by the Planning Manager.	N/A
R-1B (proposed)	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.	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). In the event that the provisions of this section conflict with the provisions of Section 419.001(3)(c), Florida Statutes (2001), Section 419.001(3)(c) shall govern, communication towers.	6,700 square feet

COMPATIBILITY WITH SURROUNDING PROPERTIES

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

	(North)			
	HDR Vacant <i>R-3</i>	HDR Vacant <i>R-3</i>	HDR Child Care Facility <i>R-2</i>	
(West)	HDR Vacant <i>R-3</i>	HDR Vacant <i>R-3</i>	HDR Child Care Facility <i>R-2</i>	(East)
	MDR Single-Family <i>R-2</i> <i>(11,250 sf lot)</i> <i>(1,984 sf home)</i>	MDR Single-Family <i>R-2</i> <i>(11,250 sf lot)</i> <i>(1,172 sf home)</i>	OFF Home Office <i>RP</i> <i>(11,250 sf lot)</i> <i>(2,020 sf bldg.)</i>	
	(South)			

* **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 Geneva 566, there are no floodplain impacts associated with the subject property.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there are no wetland impacts associated with the subject property.

Endangered and Threatened Wildlife:

Based on preliminary analysis, there is no endangered and threatened wildlife on the subject property.

PUBLIC FACILITY IMPACTS

Concurrency Review staff determined that the requested rezone is de minimus and therefore exempt from Concurrency Management.

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

Public Facility	Existing Zoning (R-3)	Proposed Development*	Net Impact
Water (GPD)	550	350	(200)
Sewer (GPD)	500	300	(200)
Traffic (ADT)	12	10	(2)
Schools			
Elementary	1	1	0
Middle	1	0	(1)
High	1	0	(1)

* Proposed development on straight zoning is based on maximum units permitted using gross acreage.

Utilities:

The property is located within the Aqua Utility service area. The applicant will be required to provide a letter from Aqua Utilities indicating that they approve the water utility design and that capacity is available to serve the site prior to final engineering plan approval.

Transportation / Traffic:

The property accesses 5th Street, in Chuluota, which is classified as a undivided local road. Due to the de minimus nature of the request, Staff had no objection to the proposed rezone and noted minimal transportation/traffic impacts associated with the request.

School Impacts:

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

Schools Impacted	Proposed Impact	Current Capacity	05/06 Enrollment	Percent Capacity
Partin Elementary	1	858	804	93.7%
Jackson Heights Middle	0	1345	1155	77.3%
Oviedo High	0	2998	3148	99.7%

Public Safety:

The nearest response unit to the subject property is Station #43, which is located at 110 E. 7th Street, Chuluota. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is 2 minutes. The County level-of-service standard for response time is 5 minutes per Policy PUB 2.1 of the Comprehensive Plan.

Drainage:

Based on preliminary review of FEMA and County wetland map analysis, the proposed project is not located within a flood prone and drainage impacted area. The applicant will be required to comply with County Codes prior to the issuance of a Building Permit.

Parks, Recreation and Open Space:

Due to the size and nature of the request, it is anticipated that the proposed project will have minimum to no impact on parks, recreation and open space.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

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

SPECIAL DISTRICTS

The subject property is located within the Chuluota Nonresidential Design Standards Zoning Overlay Ordinance. The Ordinance establishes design regulations and procedures that guide new, nonresidential development within the Chuluota area. The Ordinance would not be applicable to the Rezone since the applicant intends to build a one-story, single-family home on the subject property.

INTERGOVERNMENTAL NOTIFICATION:

Intergovernmental notices were sent to the Seminole County School District on September 23, 2005. To date, no comments have been received.

PLANNING & ZONING COMMISSION RECOMMENDATION:

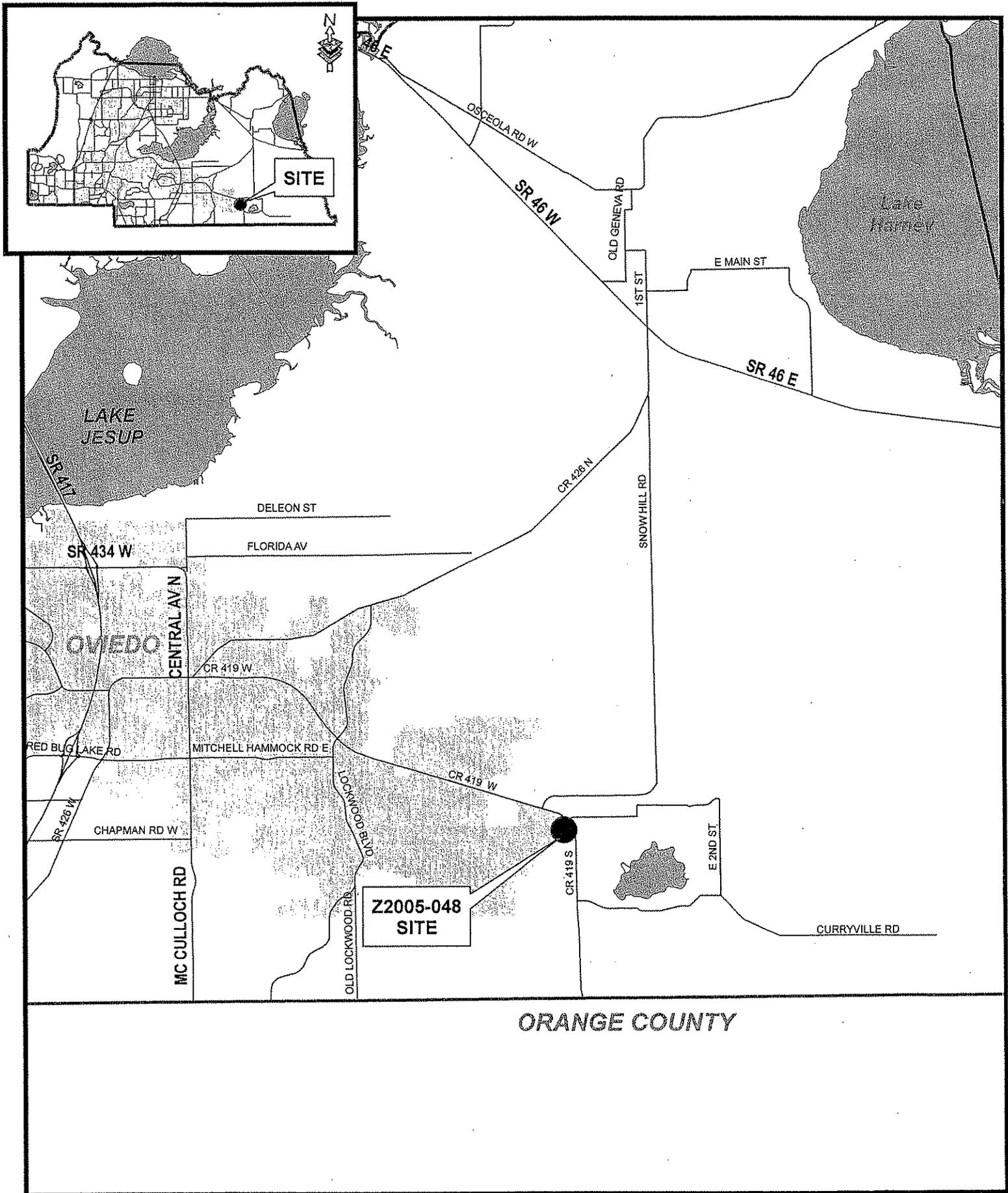
At its meeting of October 5, 2005, the Planning & Zoning Commission unanimously (5 to 0) recommended approval of the request to rezone 0.23 ± acres, located on the north side of 5th Street, Chuluota, approximately 180 feet west of County Road 419, from R-3 (Multiple-Family Dwelling District) to R-1B (Single-Family Dwelling District).

LETTERS OF SUPPORT OR OPPOSITION:

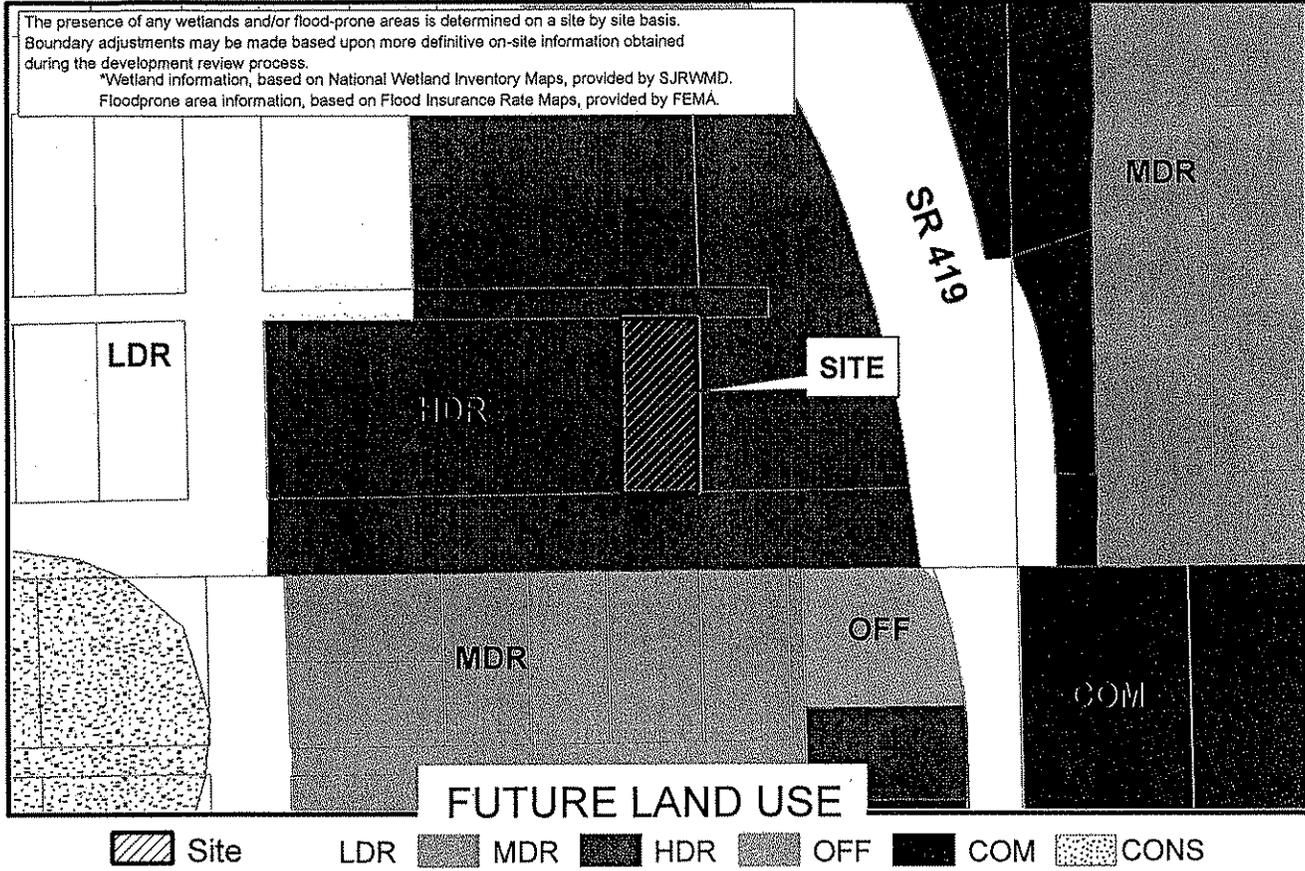
Letters of support or opposition are attached.

STAFF RECOMMENDATION:

Staff recommends approval of the request to rezone 0.23 ± acres, located on the north side of 5th Street, approximately 180 feet west of County Road 419, from R-3 (Multiple-Family Dwelling District) to R-1B (Single-Family Dwelling District).

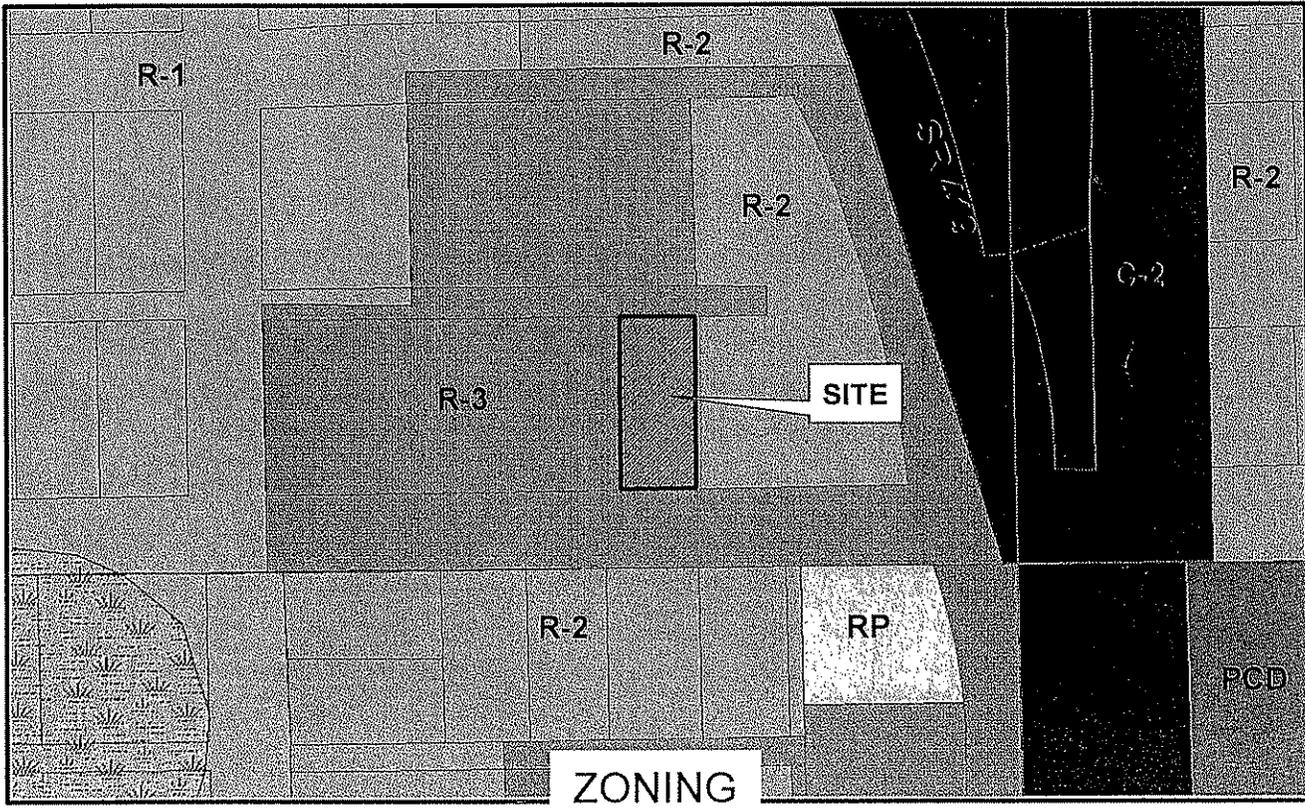


ORANGE COUNTY



Applicant: Frank Joyce
 Physical STR: 21-21-32-5CF-3800-0210
 Gross Acres: .23 +/- BCC District: 1
 Existing Use: Vacant Residential
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2005-048	R-3	R-1B





5TH ST

z2005-048
SITE

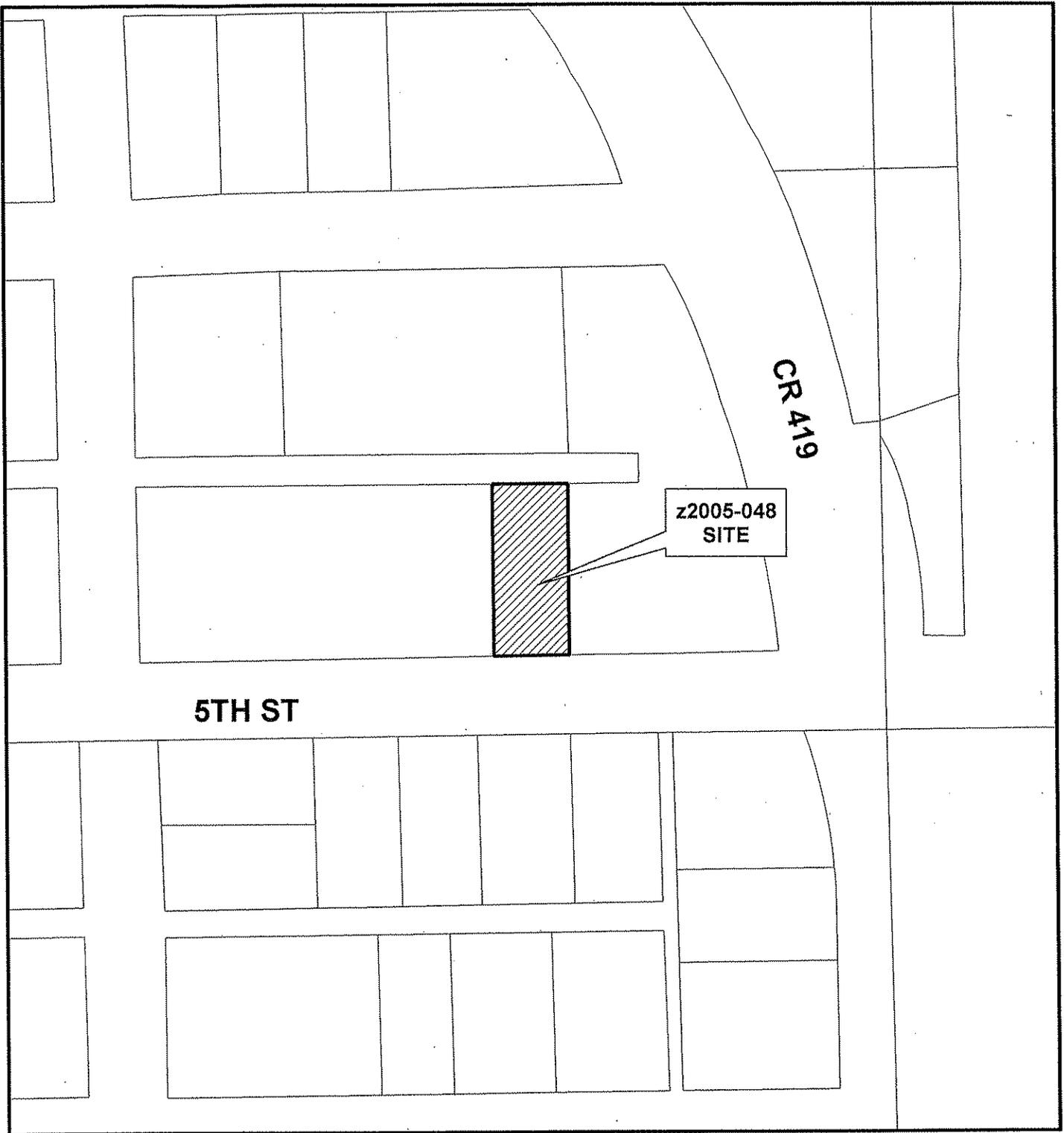
CR 419

Rezone No: Z2005-048
From: R-3 To: R-1B

-  Parcel
-  Subject Property



January 2004 Color Aerials



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-3 (MULTIPLE-FAMILY DWELLING DISTRICT) ZONING CLASSIFICATION THE R-1B (SINGLE-FAMILY DWELLING DISTRICT) 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 "5th Street 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 District) to R-1B (Single-Family Dwelling District):

LOT 21 BLK 38 N. CHULUOTA; PB 2 PG 54 TO 58

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. 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 become effective upon filing with the Department of State.

ENACTED this 20th day of December, 2005.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

Chuluota Community Association, Inc.

(Formally The Southeast Seminole County Voters Association, Inc.)

P.O. Box 1180

Geneva , Fl. 32732-9998

ChuluotaCommunity.com

ChuluotaCommunity@yahoo.com

To : P & Z Board

Date : October 4, 2005

We would like to go on record for item E , Frank Joyce request to upzoning on 5th Street Chuluota Rezone; **Frank Joyce / Joyce Construction, applicant**; approximately 62 feet X 150 feet (.23 acres); Rezone from R3 to R-1B for Single Family Residence located on the north side 5th Street. Our group is in support of this request to go from R3 to R1B; if in fact, there will be a single family home built on this property. We thank Mr. Joyce for seeing that this is the trend in the area is single-family homes.

Thank You
Stan Stevens
President

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
WEDNESDAY, OCTOBER 5, 2005
7:00 P.M.**

Members present: Rob Wolf, Matt Brown, Beth Hattaway, Dudley Bates, Jason Brodeur

Members absent: Walt Eismann, Ben Tucker

Also present: Dan Matthys, Director of Planning and Development; Tony Walter, Planning Manager; Brian Nelson, Principal Coordinator; Tom Radzai, Development Review Engineer; Rebecca Hammock, Principal Planner; Chris Schmidt, Senior Planner; Tyrone Smith, Senior Planner; and Candace Lindlaw-Hudson, Senior Staff Assistant.

E. 5th Street Chuluota Rezone; Frank Joyce / Joyce Construction, applicant; approximately 62 feet X 150 feet (.23 acres); Rezone from R3 to R-1B for Single Family Residence located on the north side 5th Street, 180 feet west of CR 419. (Z2005-048)

Commissioner Dallari – District 1
Brian Nelson, Principal Coordinator

Brian Nelson introduced the application for a change of zoning from R3 to R-1B on .2 acres. Mr. Nelson stated that the applicant wants to put a single family residence here. The R-1B zoning will allow a single family home on this lot size. This request is commensurate with the Medium Density Residential future land use. Mr. Nelson noted the reception of a letter of support from the Chuluota Community Association. Staff recommendation is for approval.

There were no comments from the audience.

Commissioner Hattaway asked how large the house was to be.

Mr. Joyce stated that the house would be approximately 1,200 to 1,300 square feet.

Commissioner Hattaway made a motion to recommend approval with staff recommendations.

Commissioner Wolf seconded the motion.

The motion passed unanimously (5 – 0).