

ITEM # _____

SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM

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

DEPARTMENT: Planning & Development DIVISION: Planning

AUTHORIZED BY: Tony Walter CONTACT: Michael Rumer EXT. 7431

Agenda Date <u>05/03/2006</u>	Regular <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Special Hearing – 6:00 <input type="checkbox"/>	Public Hearing – 7:00 <input checked="" type="checkbox"/>	

MOTION/RECOMMENDATION:

1. **RECOMMEND 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, based on staff findings, (Craig Jones, applicant); or
2. **RECOMMEND DENIAL** 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, (Craig Jones, applicant); or
3. **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 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

Reviewed by:	<u>KET</u>
Co Atty:	_____
DFS:	_____
Other:	_____
DCM:	_____
CM:	_____
File No.	<u>Z2006-22</u>

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.

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.

ATTACHMENTS:

Location Map
Zoning & Future Land Use Map
Aerial Map
Rezone Ordinance

Jackson Street / Depugh Street Rezone

Rezone from C-2 to R-1BB

APPLICANT	Craig Jones	
PROPERTY OWNER	J. Scott & L Kirk Trustees	
REQUEST	Rezone from C-2 to R-1BB	
PROPERTY SIZE	0.26 ± acres	
HEARING DATE (S)	P&Z: May 03, 2006	BCC: June 27, 2006
PARCEL ID	18-21-30-501-0100-0010	
LOCATION	Southeast corner of Jackson Street and Depugh Street, 400 feet north of East Altamonte Drive	
FUTURE LAND USE	MDR (Medium Density Residential)	
ZONING	C-2 (Retail Commercial)	
FILE NUMBER	Z2006-022	
COMMISSION DISTRICT	#4 – Henley	

Proposed Development:

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

Compatibility with Surrounding Development:

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.

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 2 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

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

(North)

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

(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 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:

Public Facility	Existing Zoning (C-2)	Proposed Development*	Net Impact
Water (GPD)	1,365	700	-665
Sewer (GPD)	1,024	600	-424
Traffic (ADT)	113	19	-94
Schools			
Elementary	0	1	1
Middle	0	1	1
High	0	1	1

* The proposed development is based on two dwelling units.

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 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 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 approximately 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%

Public Safety:

There are two response units within one mile of the subject property. Station # 11 is located at 225 Newburyport Ave. Station #22 is located at 504 South U.S. 17-92. 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 an average of 5 minutes, per Policy PUB 2.1 of the Comprehensive Plan.

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, and The City of Altamonte Springs on April 21, 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.

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 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. 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 with the Department of State.

ENACTED this 27th day of June, 2006.

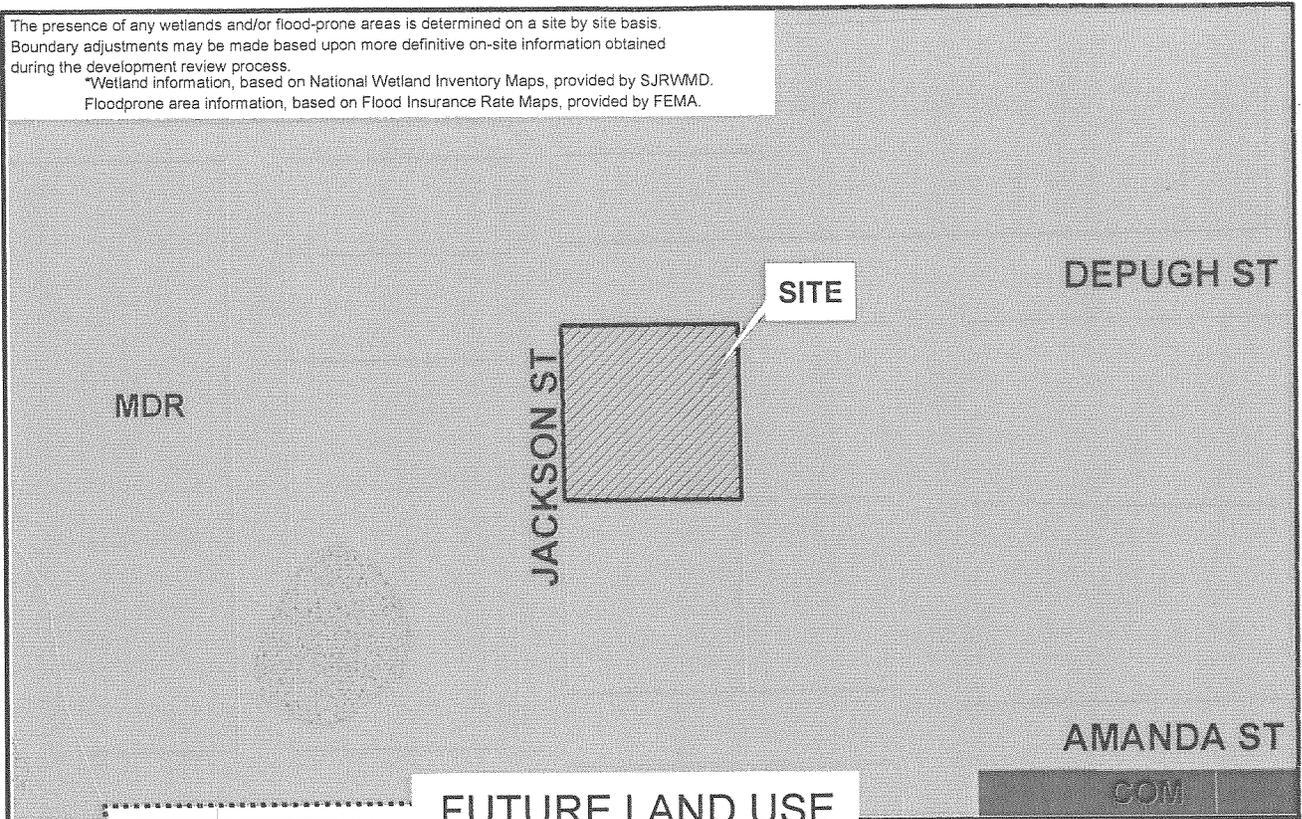
BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

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

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
 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



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

