

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the request for a Small Scale Future Land Use Amendment from COM (Commercial) to LDR (Low Density Residential) and a rezone from C-1 (Retail Commercial) to R-1 (Single-Family Dwelling) on 0.47 ± acres, located on the southeast corner of the intersection of 27th Street and Park Avenue.

Attachments:

Staff Report
Location Map
Zoning & Future Land Use Map
Aerial Map
Future Land Use Amendment Ordinance
Rezone Ordinance

DESTINY HOUSE

SSLUA from COM to LDR & Rezone from C-1 to R-1

APPLICANT	James McNeil	
PROPERTY OWNER	James McNeil	
REQUEST	SSLUA from Com (Commercial) to LDR (Low Density Residential) and a Rezone from C-1 (Retail Commercial) to R-1 (Single-Family)	
PROPERTY SIZE	0.47 + acres	
HEARING DATE (S)	P&Z: September 6, 2006	BCC: October 24, 2006
PARCEL ID	01-20-30-514-0000-0130	
LOCATION	Southeast corner of the intersection of 27 th Street and Park Avenue	
FUTURE LAND USE	COM (Commercial)	
ZONING	C-1 (Retail Commercial)	
FILE NUMBER	Z2006-49	
COMMISSION DISTRICT	#5 – Carey	

Proposed Development:

The applicant is proposing a community residential home (foster care facility) with no more than six permanent unrelated residents.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant is requesting a Small Scale Future Land Use Amendment from COM (Commercial) to LDR (Low Density Residential) and a rezone from C-1 (Retail Commercial) to R-1 (Single-Family Dwelling), in order to establish a community residential home (foster care facility) with no more than six permanent unrelated residents. The use is allowed within the R-1 zoning district.

The following table depicts the minimum regulations for the current zoning district of C-1 (Retail Commercial) and the requested zoning district of R-1 (Single-Family Dwelling).

DISTRICT REGULATIONS	Existing Zoning (C-1)	Proposed Zoning (R-1)
Minimum Lot Size	N/A	8,400 sq. ft.
Minimum House Size	N/A	700 sq. ft.
Minimum Width at Building Line	N/A	70
Front Yard Setback	25'	25'
Side Yard Setback	0'	7.5'
(Street) Side Yard Setback	25'	25' [*]
Rear Yard Setback	10'	30'
Maximum Building Height	35'	35'

^{*}CAN BE REDUCED TO 15' FOR THE MAIN RESIDENCE WITH APPROVAL BY THE SEMINOLE COUNTY TRAFFIC ENGINEER.

PERMITTED & SPECIAL EXCEPTION USES:

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

Uses	C-1 (existing)	R-1 (proposed)
Permitted Uses	Amusement and commercial recreation within an enclosed building, appliance stores, bakeries where all goods are sold on premises at retail, banks, churches, day nurseries, kindergartens, employment agencies, funeral homes, furniture stores, hardware stores, Laundromats, pet stores, plant nurseries, private clubs and lodges, quick print shops, radio and television broadcasting studios, radio and television sales and services, restaurants, but not drive in, theatres, but not drive-in, multi-family housing-such as condos, apartments and townhomes, above store and above office flats, veterinary clinics with no overnight boarding except for animals being treated on the premises at the time of their boarding, communication towers.	Single-family homes, home occupations and home offices, community residential homes (group homes and foster care facilities) housing six or fewer permanent unrelated residents, boathouses and boat docks as accessory uses, providing the roof of said boathouse does not exceed ten (10) feet above the mean-high-water line, public and private elementary schools.
Special Exception Uses	Alcoholic beverage establishments, public utility structures, gasoline pumps as an accessory use, hospitals and nursing homes, communication towers.	Day nurseries and kindergartens, guest or tourist homes when located on state or federal highways, off-street facilities, assisted living facilities and community residential homes housing 7-14 permanent unrelated residents, communication towers, churches with their attendant educational, recreational buildings, and off-street parking, public and private middle schools and high schools, parks and recreational areas, publicly owned and operated, public utility and service structures, guest cottages, subdivision sewage treatment and water plants, boathouses with roofs exceeding ten (10) feet above the mean-highwater line, 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.
Minimum Lot Size	N/A	8,400 square feet

COMPATIBILITY WITH SURROUNDING PROPERTIES:

The subject site has an existing single-family home. It is located in an area with commercial zoning and Future Land Use, however the actual development in the area is predominantly single-family residential. The parcels across 27th Street and adjacent to the east and south sides of the property are single-family residential. Across Park Avenue to the west is a day care facility. Staff finds that the proposed Future Land Use Amendment and rezone are consistent and compatible with the surrounding development pattern.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS:

Floodplain Impacts:

Based on preliminary analysis, the subject property is not located within a floodplain.

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 a preliminary analysis, there appear to be no endangered and threatened wildlife on the subject property.

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 does not propose to make any changes to the existing house on the property at this time, therefore Concurrency Review is not required. In the future, if the property is required to undergo site plan review, Concurrency Review will be required.

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

Public Facility	Existing Zoning *(C-1)	Proposed Development (R-1)	Net Impact
Water (GPD)	350	350	0
Sewer (GPD)	300	300	0
Traffic (ADT)	10	10	0

* Impacts are calculated based on the existing use of a single-family home.

Utilities:

The site currently has water service provided by the City of Sanford. Wastewater is provided via a septic tank system.

Transportation / Traffic:

The property has an existing driveway onto 27th Street, which is classified as a local roadway. 27th Street is not currently programmed to be improved according to the County 5-year Capital Improvement Program.

School Impacts:

The use of the subject property is not proposed to change. The site is currently a single-family residence and will remain as such, therefore no additional school impacts are anticipated.

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. The nearest response unit to the subject property is Station # 32, which is located at 300 E Airport Blvd. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is less than 5 minutes.

Drainage:

If the Future Land Use amendment and rezone are approved, the subject property will remain a single-family residence, therefore no drainage improvements are required.

Parks, Recreation and Open Space:

The site currently consists of a single-family home and will maintain a single-family home use with this approval. Therefore, no new open space will be required.

Buffers and Sidewalks:

The use of the subject property is not proposed to change. The site is currently a single-family residence and will remain as such. Therefore, no additional buffering or sidewalks will be required.

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 district or overlay.

COMPREHENSIVE PLAN (VISION 2020):

The following policies are applicable with the proposed project:

- Policy POT 4.5: Potable Water Connection
- Policy SAN 4.4: Sanitary Sewer Connection
- Policy PUB 2.1: Public Safety Level-of-Service

INTERGOVERNMENTAL NOTIFICATION:

An intergovernmental notice to the City of Sanford was sent on August 16, 2006.

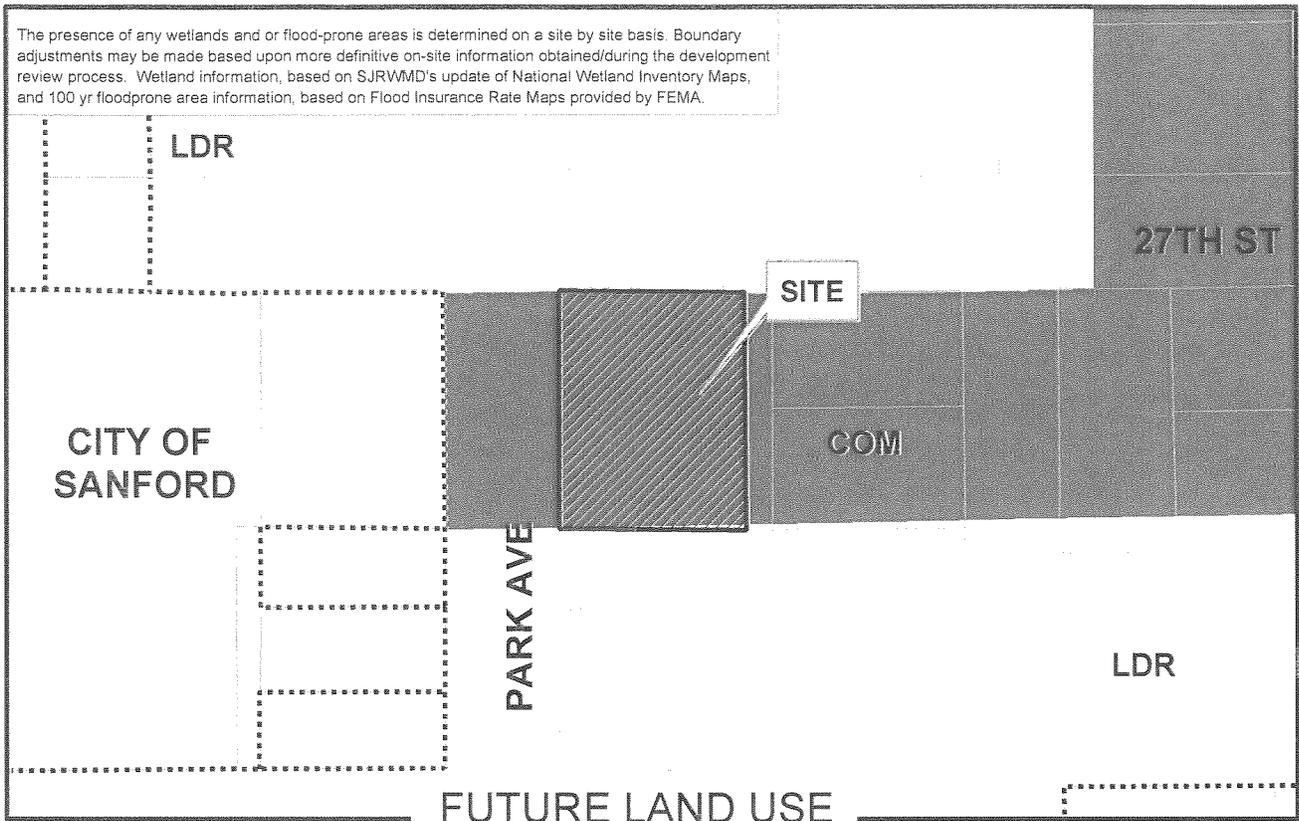
LETTERS OF SUPPORT OR OPPOSITION:

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

STAFF RECOMMENDATION:

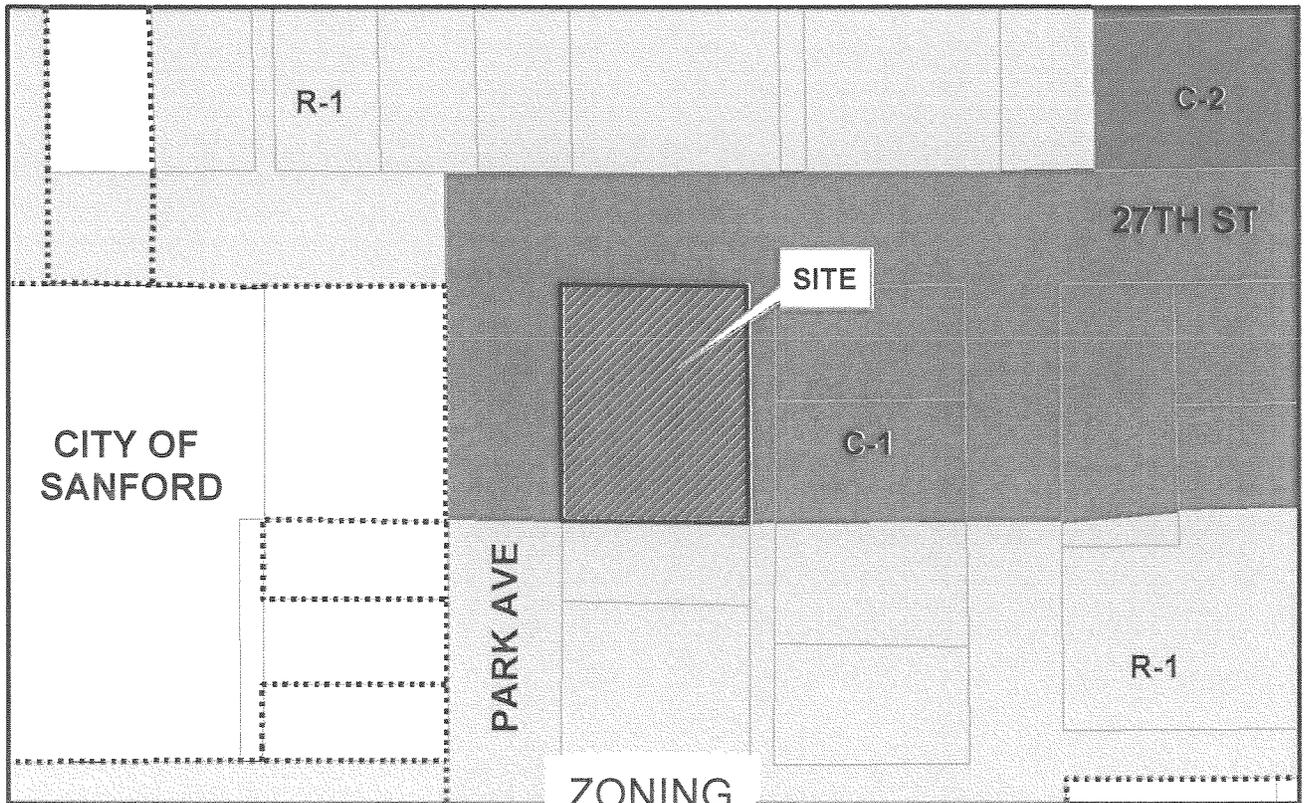
Staff recommends APPROVAL of the request for a Small Scale Future Land Use Amendment from COM (Commercial) to LDR (Low Density Residential) and a rezone from C-1 (Retail Commercial) to R-1 (Single-Family Dwelling) on 0.47 ± acres, located on the southeast corner of the intersection of 27th Street and Park Avenue.

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 SJRWMD's update of National Wetland Inventory Maps, and 100 yr flood-prone area information, based on Flood Insurance Rate Maps provided by FEMA.



Applicant: James McNeil
 Physical STR: 01-20-30-514-0000-0130
 Gross Acres: .43 +/- BCC District: 5
 Existing Use: single family
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	09-06SS.02	COM	LDR
Zoning	Z2006-049	C-1	R-1





27TH ST

SITE

PARK AVE

FLU No: Z2006-049
From: COM To: LDR
Rezone No: Z2006-049
From: C-1 To: R-1

-  Parcel
-  Subject Property



Winter 2006 Color Aerials

AN ORDINANCE FURTHER AMENDING ORDINANCE NUMBER 91-13, AS PREVIOUSLY AMENDED, KNOWN AS THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF SMALL SCALE DEVELOPMENT AMENDMENT (LEGAL DESCRIPTION IS SET FORTH AS AN APPENDIX TO THIS ORDINANCE); CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTY FROM COMMERCIAL TO LOW DENSITY RESIDENTIAL; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 91-13 which adopted the 1991 Seminole County Comprehensive Plan (“the Plan”), which Plan has been subsequently amended from time-to-time and in accordance with State law; and

WHEREAS, the Board of County Commissioners has followed the procedures set forth in Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Local Planning Agency held a Public Hearing, with all required public notice, on September 6, 2006 for the purpose of providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners held a Public Hearing on October 24, 2006, with all required public notice for the purpose of hearing and considering

the recommendations and comments of the general public, the Local Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is internally consistent, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Comprehensive Regional Policy Plan of the East Central Florida Regional Planning Council.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. RECITALS/LEGISLATIVE FINDINGS:

- (a) The above recitals are true and correct and form and include legislative findings which are a material part of this Ordinance.
- (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. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:

(a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 91-13, as previously amended, is hereby further amended by amending the future land use designation assigned to the following property and which is depicted on the Future Land Use Map and further described in the attached Appendix "A" to this Ordinance:

Amendment Appendix "A"

- (b) The associated rezoning request was completed by means of Ordinance Number 06-_____.

(c) The development of the property is subject to the development intensities and standards permitted by the overlay Conservation land use designation, Code requirements and other requirements of law.

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application 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 COUNTY CODE/CODIFICATION:

(a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not be codified into the Seminole County Code, but that the Code Codifier shall have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to said Code Codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan, as amended.

Section 5. EFFECTIVE DATE:

(a) 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 and 163.3187, Florida Statutes.

(b) This ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendment set forth herein shall be thirty-one (31) days

after the date of adoption by the Board of County Commissioners or, if challenged within thirty (30) days of adoption, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 24th day of October, 2006.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____

Carlton D. Henley, Chairman

APPENDIX A

LEG LOTS 13 14 & 15 (LESS N 5 FT FOR RD) PARK VIEW PB 3 PG 89

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 A); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE C-1 (RETAIL COMMERCIAL) ZONING CLASSIFICATION THE R-1 (SINGLE-FAMILY DWELLING) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR 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 "Destiny House Future Land Use Amendment and 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-1 (Retail Commercial) to R-1 (Single-Family Dwelling):

SEE ATTACHED EXHIBIT A

Section 3. EXCLUSION FROM 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 a copy of this Ordinance with the Florida Department of State by the Clerk of the Board of County Commissioners.

ENACTED this 24th day of October 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

**EXHIBIT A
LEGAL DESCRIPTION**

LEG LOTS 13 14 & 15 (LESS N 5 FT FOR RD) PARK VIEW PB 3 PG 89