

ITEM # \_\_\_\_\_

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

**SUBJECT:** Chuluota Fifth Street Rezone from R-3 to R-1B

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

**AUTHORIZED BY:** Tina Williamson **CONTACT:** Austin Watkins <sup>ANW</sup> EXT. 7440

Agenda Date <u>5/2/2007</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 the request to rezone 1.09 ± acres located on the north side of Fifth Street approximately 300 feet west of the intersection of CR 419 and Fifth Street, from R-3 (Multiple-Family Dwelling) to R-1B (Single-Family Dwelling), based on staff findings, (Frank Joyce, applicant); or
2. **RECOMMEND DENIAL** of the request to rezone 1.09 ± acres, located on the north side of Fifth Street approximately 300 feet west of the intersection of CR 419 and Fifth Street, from R-3 (Multiple-Family Dwelling) to R-1B (Single-Family Dwelling), based on staff findings, (Frank Joyce, applicant); or
3. **CONTINUE** the item to a time and date certain.

District #1 – Commissioner Dallari

Austin Watkins, Planner

**BACKGROUND:**

The applicant is requesting to rezone 1.09 ± acres, located on the north side of Fifth Street approximately 300 feet west of the intersection of CR 419 and Fifth Street, from R-3 (Multiple-Family Dwelling) to R-1B (Single-Family Dwelling), to develop five single-family lots. R-1B requires a minimum lot size of 6,700 square feet and a width of 60 feet measured at the building line. The Future Land Use Designation of the subject property is High Density Residential (HDR), which allows the requested zoning district.

The subject property was platted in 1913 as five individual lots within the Townsite of Chuluota North plat. The current zoning classification of R-3 allows for multiple-family dwelling units at a maximum density

Reviewed by:
Co Atty: <u>KFT</u>
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. <u>Z2007-15</u>

of 13 dwelling units per net buildable acre. However, single-family homes are not a permitted use within the R-3 zoning classification.

**STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the request to rezone 1.09 ± acres, located 300 feet west of the intersection of CR 419 and Fifth Street, from R-3 (Multiple-Family Dwelling) to R-1B (Single-Family Dwelling), based on staff findings.

Attachments:

Location Map

Zoning and Future Land Use Map

Aerial Map

Denial Development Order (applicable if the request is denied)

Rezone Ordinance

Letter of Support

<b>CHULUTOA FIFTH STREET REZONE</b>		
<b>Rezone from R-3 to R-1B</b>		
<b>APPLICANT</b>	Frank Joyce	
<b>PROPERTY OWNER</b>	Frank and Patricia Joyce	
<b>REQUEST</b>	Rezone from R-3 (Multiple-Family Dwelling) to R-1B (Single-Family Dwelling)	
<b>PROPERTY SIZE</b>	1.09 ± acres	
<b>HEARING DATE (S)</b>	P&Z: May 2, 2007	BCC: June 12, 2007
<b>PARCEL ID</b>	21-21-32-5CF-3800-0160	
<b>LOCATION</b>	North side of Fifth Street, approximately 300 feet west of the intersection of CR 419 and Fifth Street	
<b>FUTURE LAND USE</b>	HDR (High Density Residential)	
<b>ZONING</b>	R-3 (Multiple-Family District)	
<b>FILE NUMBER</b>	Z2007-15	
<b>COMMISSION DISTRICT</b>	#1 – Dallari	

**PROPOSED DEVELOPMENT:**

The applicant is proposing to build five single-family homes on the subject property.

**ANALYSIS OVERVIEW:**

**ZONING REQUEST**

The applicant, Frank Joyce, is requesting to rezone 1.09 ± acres from R-3 (Multiple-Family Dwelling) to R-1B (Single-Family Dwelling). The subject property is located 300 feet west of the intersection of CR 419 and Fifth Street. The Future Land Use designation of the subject property is HDR (High Density Residential), which allows the requested zoning district. The following table depicts the minimum regulations for the current zoning district of R-3 (Multiple-Family Dwelling) and the requested district of R-1B (Single-Family Dwelling):

<b>DISTRICT REGULATIONS</b>	<b>Existing Zoning (R-3)</b>	<b>Proposed Zoning (R-1B)</b>
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).	6,700 square feet

## COMPATIBILITY WITH SURROUNDING PROPERTIES

The subject property is a part of the Townsite of Chuluota North plat, which was platted in 1913. The property was platted for 5 lots with a lot size of 62 x 150 or 9,300 square feet. The property is located within an area which has Low Density Residential, Medium Density Residential, and High Density Residential Future Land Use designations. The property is adjacent to existing single-family dwelling units with comparable lot sizes. Staff finds that the proposed zoning classification is consistent and compatible with the surrounding development pattern.

## **SITE ANALYSIS:**

### **ENVIRONMENTAL IMPACTS**

#### *Floodplain Impacts:*

Based on FIRM map 12117C0170E with an effective date of April 17, 1995, as well as preliminary DFIRMs, the site lies in floodzone X, outside the 100 year floodplain.

#### *Wetland Impacts:*

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

### **PUBLIC FACILITY IMPACTS**

#### *Utilities:*

The site is located in the Aqua America utility service area, and will be required to connect to public water utilities. There is a 4-inch water main on the east side of Langford Dr. There is no sewer available to the property. Therefore, this project will require septic tanks.

#### *Transportation / Traffic:*

The property proposes access onto Fifth Street, which is classified as a local road. Fifth Street is currently operating at a level-of-service "A" and does not have improvements programmed in the County 5-year Capital Improvement Program.

#### *School Impacts:*

The proposed rezone will not generate any additional school impacts.

#### *Buffers and Sidewalks:*

Because this is a proposed residential project adjacent to residential zoning classifications and residential future land use designations, no buffers are required. Further, the applicant is not proposing a new residential subdivision, therefore the applicant is not required to construct sidewalks.

## **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. The Overlay establishes design regulations and procedures that guide new, nonresidential development within the Chuluota area. The Overlay is not applicable to the rezone because the applicant intends to build single-family homes on the subject property.

## **Comprehensive Plan (Vision 2020)**

The County's Comprehensive Plan is designed to preserve and enhance the public health, safety and welfare through the management of growth, provision of adequate public services and the protection of natural resources.

The proposed project is consistent with the following list of policies (there may be other provisions of the Comprehensive Plan that apply that are not included in this list):

Policy FLU 12.4: Relationship of Land Use to Zoning Classifications  
Policy POT 4.5: Extension of Service to New Development  
Policy PUB 2.1: Adopted Level of Service

## **INTERGOVERNMENTAL NOTIFICATION:**

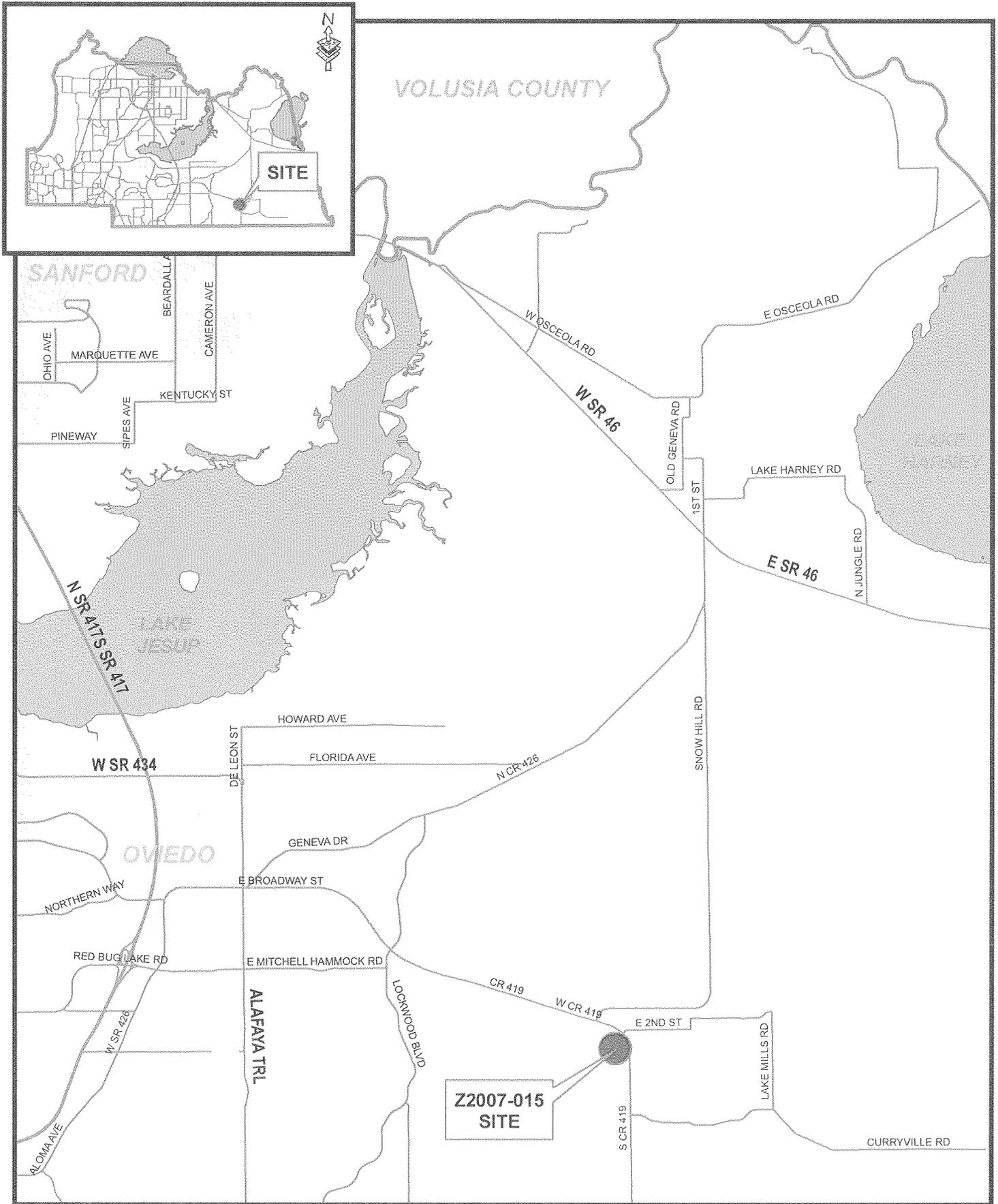
An intergovernmental notice to the Seminole County School Board was sent on April 7, 2007.

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

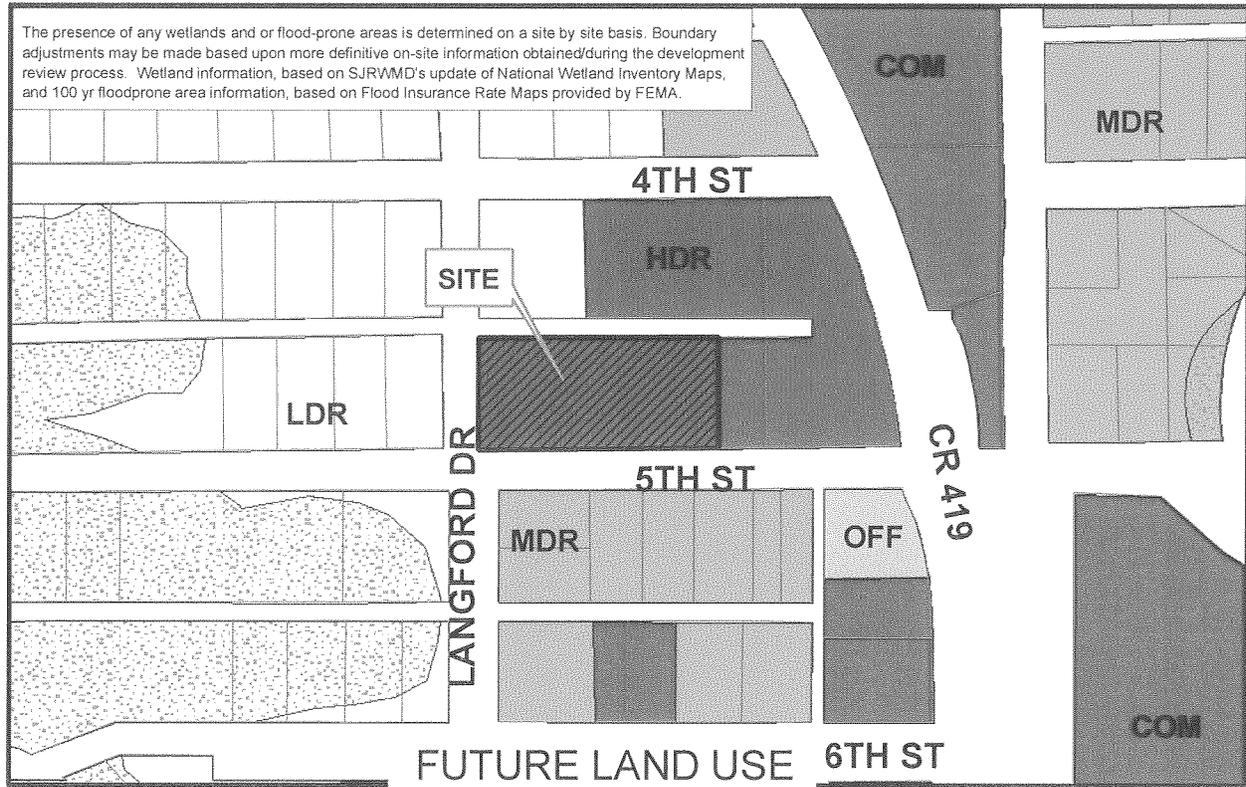
Staff has received one letter of support which is attached.

## **STAFF RECOMMENDATION:**

Staff recommends APPROVAL of the request to rezone 1.09 ± acres, located on the north side of Fifth Street approximately 300 feet west of the intersection of CR 419 and Fifth Street, from R-3 (Multiple-Family Dwelling) to R-1B (Single-Family Dwelling), based on staff findings.



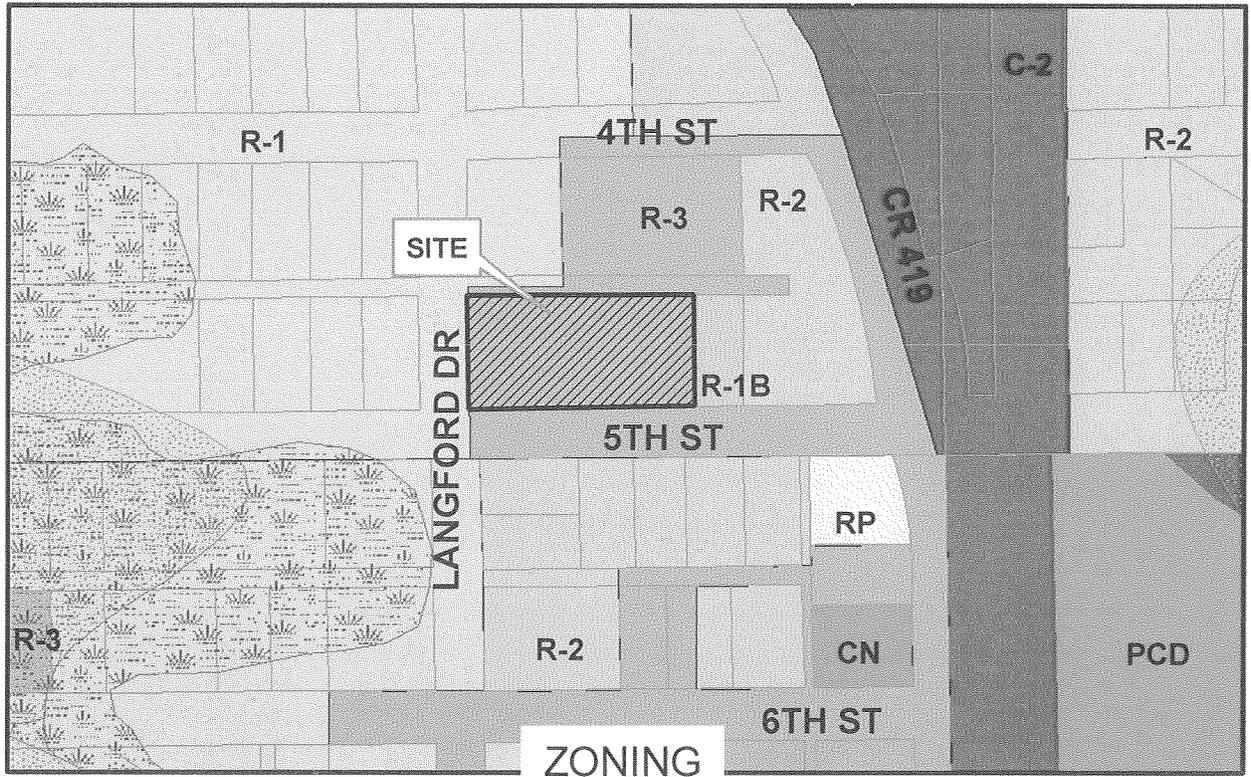
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr floodprone area information, based on Flood Insurance Rate Maps provided by FEMA.



Site   
  LDR   
  MDR   
  HDR   
  OFF   
  COM   
  CONS

Applicant: Frank and Patricia Joyce  
 Physical STR: 21-21-32-5CF-3800-060  
 Gross Acres: 1.09 +/-      BCC District: 1  
 Existing Use: vacant  
 Special Notes: none

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2007-015	R-3	R-1B



R-1   
  R-1B   
  R-2   
  R-3   
  CN   
  C-2   
  PCD   
  RP  
 FP-1   
 W-1

filename: L:/pl/projects/p&z/GIS/staff\_report\_pkgs2007/amendments/z2007-015.mxd 03/05/07

Note: The Future Land Use map reflects the realigned parcel base, whereas the Zoning Map still utilizes the non shifted parcels. On occasion, this will result in discrepancies between the two maps.



Rezone No: Z2007-015  
From: R-3 To: R-1B

-  Parcel
-  Subject Property



Winter 2006 Color Aerials

**SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER**

On June 12, 2007, Seminole County issued this Denial Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

**Property Owner(s):** Frank and Patricia Joyce

**Project Name:** Chuluota Fifth Street Rezone

**Requested Development Approval:** The applicant is requesting to rezone 1.09 ± acres, located on the north side of Fifth Street approximately 300 feet west of the intersection of CR 419 and Fifth Street, from R-3 (Multiple-Family Dwelling) to R-1B (Single-Family Dwelling), for five single-family homes.

The Board of County Commissioners has determined that the rezone request from R-3 (Multiple-Family Dwelling) to R-1B (Single-Family Dwelling) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Chuluota Fifth Street Rezone" and all evidence submitted at the public hearing on June 12, 2007, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from R-3 (Multiple-Family Dwelling) to R-1B (Single-Family Dwelling) should be denied.

**ORDER****NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

The aforementioned application for development approval is **DENIED**.

**Done and Ordered on the date first written above.**

**SEMINOLE COUNTY BOARD  
OF COUNTY COMMISSIONERS**

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

**EXHIBIT "A"**

LOTS 16 TO 20 BLK 38 NORTH CHULUOTA PB 2 PG 54 TO 58

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); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE R-3 (MULTIPLE-FAMILY DWELLING) ZONING CLASSIFICATION THE R-1B (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 Chuluota Fifth Street Rezone, dated June 12, 2007.

(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) to R-1B (Single-Family):

**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 12th day of June 2007.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

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

**EXHIBIT A  
LEGAL DESCRIPTION**

LOTS 16 TO 20 BLK 38 NORTH CHULUOTA PB 2 PG 54 TO 58

**Watkins, Austin**

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**From:** Chuluota Community [sscva@cfl.rr.com]  
**Sent:** Wednesday, April 25, 2007 9:08 AM  
**To:** Watkins, Austin  
**Subject:** P & Z meeting May 2  
**Attachments:** joyce application.doc

Would you see that this gets to each P & Z board member as we will not be attending the meeting due to other commitments.

Thank You

# Chuluota Community Association, Inc.

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

P.O. Box 1180

Geneva, Fl. 32732-9998

[ChuluotaCommunity.com](http://ChuluotaCommunity.com)

[ChuluotaCommunity@yahoo.com](mailto:ChuluotaCommunity@yahoo.com)

April 26, 2007

## LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION

*COUNTY SERVICES BUILDING*

*1101 EAST FIRST STREET*

*SANFORD, FLORIDA*

Dear Chairman and Board Members,

We would like to commend Mr. Joyce for choosing to change the land use to single family, this is the trend of development in Chuluota and to date Mr. Joyce has build a nice product to resell. The home style fits the lots and look of rural Chuluota. We ask that you grant his request.

**Chuluota 5<sup>th</sup> Street Rezone; Frank Joyce, applicant;** 1.06± acres; Rezone from R-3 (Multiple Family Dwelling District) to R-1B (Single-Family Dwelling District); located on the north side of 5<sup>th</sup> Street approximately 300 feet west of the intersection of CR 419 and 5<sup>th</sup> Street. (Z2007-15)

Sincerely

*Stan Stevens*

Stan Stevens

President

# **CLOSING BUSINESS**