

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Blake Street Administrative Rezone

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

AUTHORIZED BY: Dori DeBord **CONTACT:** Ian Sikonia **EXT:** 7398

MOTION/RECOMMENDATION:

1. Approve a request and authorize the Chairman to enact an ordinance to rezone 1.49 + acres, from R-1 (Single-Family Dwelling) to R-1BB (Single-Family Dwelling), located on the north side of Blake Street from Sanford Avenue to Marker Street, based on staff findings (Seminole County, applicant); or
2. Deny the request to rezone 1.49 + acres, from R-1 (Single-Family Dwelling) to R-1BB (Single-Family Dwelling), located on the north side of Blake Street from Sanford Avenue to Marker Street, and authorize the Chairman to execute the Denial Development Order (Seminole County, applicant); or
3. Continue the item to a time and date certain.

District 4 Carlton D. Henley

Ian Sikonia

BACKGROUND:

At their meeting on September 25, 2007, the Seminole County Board of Commissioners authorized staff to proceed with administratively rezoning 1.49 ± acres located on the north side of Blake Street between Sanford Avenue and Market Street from R-1 (Single-Family Dwelling) to R-1BB (Single-Family Dwelling). Currently, under the Seminole County Land Development Code, the subject lots are non-conforming. The lots do not meet the minimum lot size and width at the building line required by the R-1 zoning district. An administrative rezone of these parcels would reduce or eliminate the need for variances thereby reducing needless expense to the County and the public. The administrative rezone is consistent with the guidelines established in Vision 2020, The Comprehensive Plan of Seminole County, Implementation Element to reduce non-conforming zoning. The proposed R-1BB (Single-Family Dwelling) zoning classification requires a minimum lot size of 5,000 square feet and a width at the building line of 50'. The Future Land Use designation of the subject property is MDR (Medium Density Residential), which allows the requested zoning district.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on December 5, 2007 and voted 6 to 0 to recommend approval of the request to rezone 1.49 ± acres, from R-1 (Single-Family Dwelling) to R-1BB (Single-Family Dwelling), located on the north side of Blake Street from Sanford Avenue to Marker Street, based on staff findings.

STAFF RECOMMENDATION:

Staff recommends the Board approve a request and authorize the Chairman to enact an ordinance to rezone 1.49 + acres, from R-1 (Single-Family Dwelling) to R-1BB (Single-Family Dwelling), located on the north side of Blake Street from Sanford Avenue to Marker Street, based on staff findings

ATTACHMENTS:

1. Staff Report
2. Location Map
3. Future Land Use and Zoning Map
4. Aerial Map
5. Denial Development Order
6. Rezone Ordinance
7. 12/5/07 Planning Commission Minutes

Additionally Reviewed By:

County Attorney Review (Kathleen Furey-Tran)

Blake Street Rezone Rezone from R-1 to R-1BB		
APPLICANT	Seminole County Board of County Commissioners	
PROPERTY OWNER	Chester L. & Rizell Simmons, Cheryl C. Rogers, Emma Robinson & Irene White, Mae Gilbert Fossie, First Boston Corp., David Nourachi, Dennis Walker, Karen & Keith Mandy	
REQUEST	Rezone from R-1 (Single-Family Dwelling) to R-1BB (Single-Family Dwelling)	
PROPERTY SIZE	1.49 ± acres	
HEARING DATE (S)	P&Z: December 5, 2007	BCC: January 22, 2008
PARCEL ID	07-21-30-506-0000-0010;0020;0030;0040;0080;0090;0110;0100;	
LOCATION	The north side of Blake Street from Sanford Avenue to Marker Street.	
FUTURE LAND USE	MDR (Medium Density Residential)	
ZONING	R-1 (Single-Family Dwelling)	
FILE NUMBER	Z2007-68	
COMMISSION DISTRICT	#4 –Henley	

Proposed Development:

The Seminole County Board of County Commissioners is proposing to rezone 1.49 ± acres from R-1 (Single-Family Dwelling) to R-1BB (Single-Family Dwelling).

ANALYSIS OVERVIEW:

ZONING REQUEST

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

DISTRICT REGULATIONS	Existing Zoning (R-1)	Proposed Zoning (R-1BB)
Minimum Lot Size	8,400 sq. ft.	5,000 sq. ft.
Minimum House Size	700 sq. ft.	700 sq. ft.
Minimum Width at Building Line	70'	50'
Front Yard Setback	25'	20'
Side Yard Setback	7.5'	5'
(Street) Side Yard Setback	25'	20'
Rear Yard Setback	30'	20'
Maximum Building Height	35'	35'

PERMITTED & SPECIAL EXCEPTION USES:

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

Uses	R-1 (existing)	R-1BB (proposed)
Permitted Uses	Any use permitted I 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. One (1) boat dock and one (1) associated boathouse per lot when accessory and incidental to the principal dwelling.	Any use permitted I 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. One (1) boat dock and one (1) associated boathouse per lot when accessory and incidental to the principal dwelling.
Special Exception Uses	Any special exception permitted in the R-1A zoning classification. Day nurseries or kindergartens. Guests or tourist homes when located on state or federal highways. Off-street parking facilities. Assisted living facilities ad 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 areas defined. Communication towers.	Any special exception permitted in the R-1A zoning classification. Day nurseries or kindergartens. Guests or tourist homes when located on state or federal highways. Off-street parking facilities. Assisted living facilities ad 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 areas defined. Communication towers.
Minimum Lot Size	8,400 sq. ft.	5,000 sq. ft.

COMPATIBILITY WITH SURROUNDING PROPERTIES:

The Future Land Use designation of the surrounding properties to the north, east, south and west is MDR (Medium Density Residential). The future land use designation of the property is MDR (Medium Density Residential) which allows the requested R-1BB zoning district. Staff finds the proposed rezone consistent and compatible with the surrounding development patterns.

SITE ANALYSIS:

Floodplain Impacts:

Based on FIRM maps, with an effective date of April 17, 1995 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 a preliminary analysis, there are not endangered and threatened wildlife on the subject property. A listed species survey will be required prior to final engineering approval.

Utilities:

These parcels are in the City of Altamonte Springs water and sewer utility service area. There is a 12-inch water main on Blake Street and an 8-inch gravity sewer with manholes on Blake Street. The City of Altamonte Springs also has a 4-inch reclaimed water main on the west side of Sanford Avenue.

Transportation / Traffic:

The property is adjacent to Blake Street, which is classified as a local road. Blake Street is not currently programmed to be improved according to the County 5-year Capital Improvement Program.

Drainage:

The site does not seem to have a defined drainage outfall. The site will have to hold the entire 25-year storm event onsite if it exceeds the impervious limits defined by SJRWMD and unless a defined outfall can not be determined.

Public Safety

The nearest response unit to the subject property is Station # 11, which is located at 175 Newbury Port. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is less than 5 minutes. The County level-of-service standard for response time is 5 minutes per Policy PUB 2.1 of the Comprehensive Plan.

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 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):

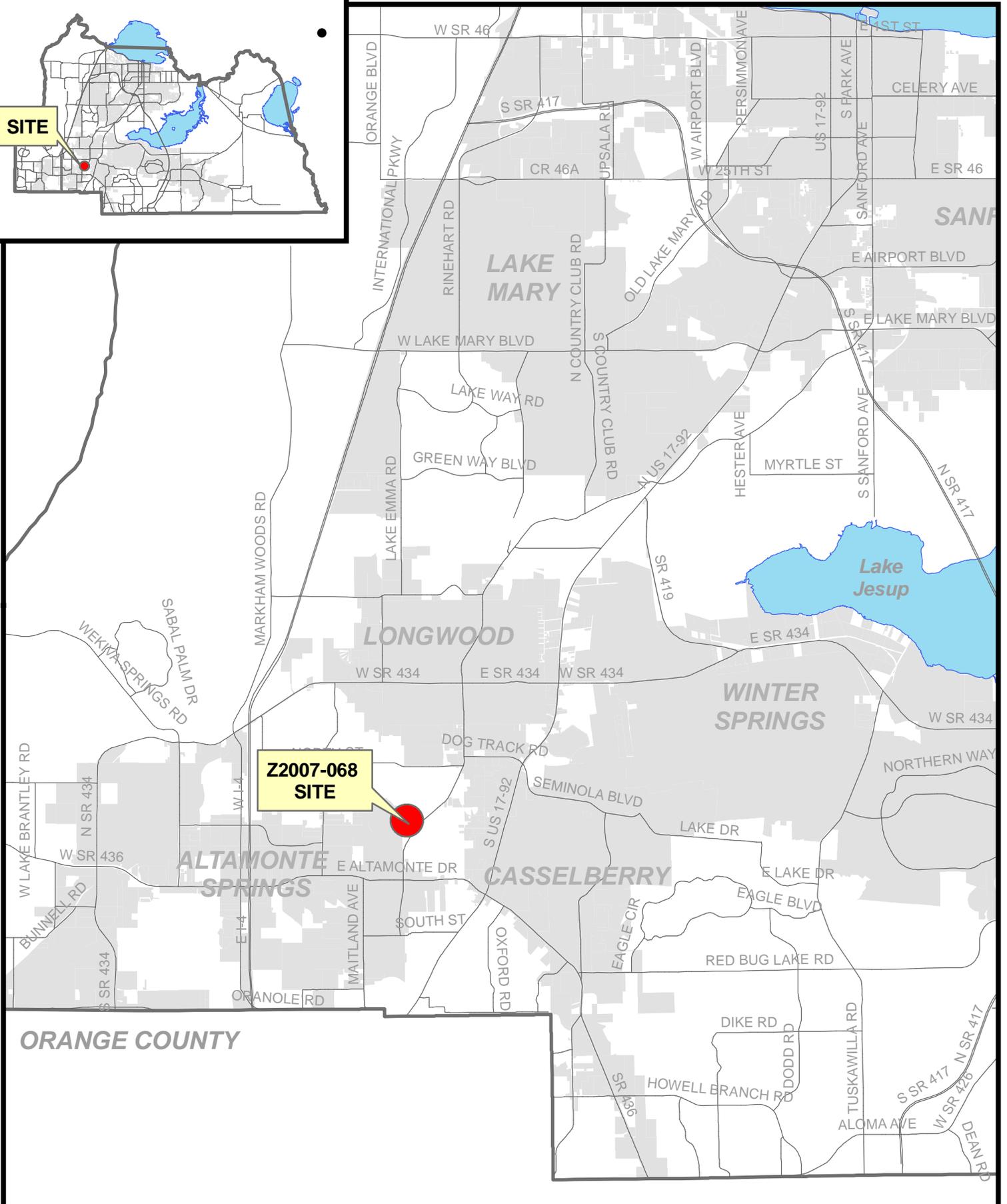
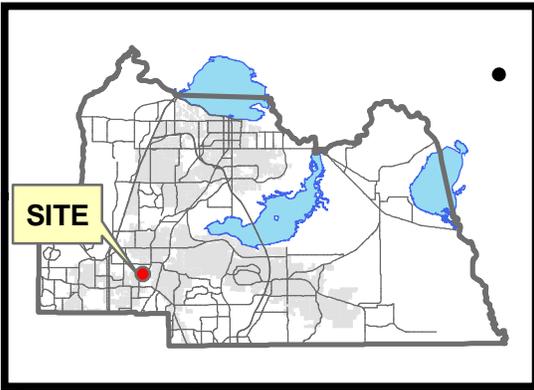
- Policy POT 4.5: Potable Water Connection
- Policy SAN 4.4: Sanitary Sewer Connection
- Policy PUB 2.1: Public Safety Level-of-Service
- Policy FLU 12.4: Relationship of Land Use to Zoning Classifications
- Policy FLU 12.5: Evaluation Criteria of Property Rights Assertions

INTERGOVERNMENTAL NOTIFICATION:

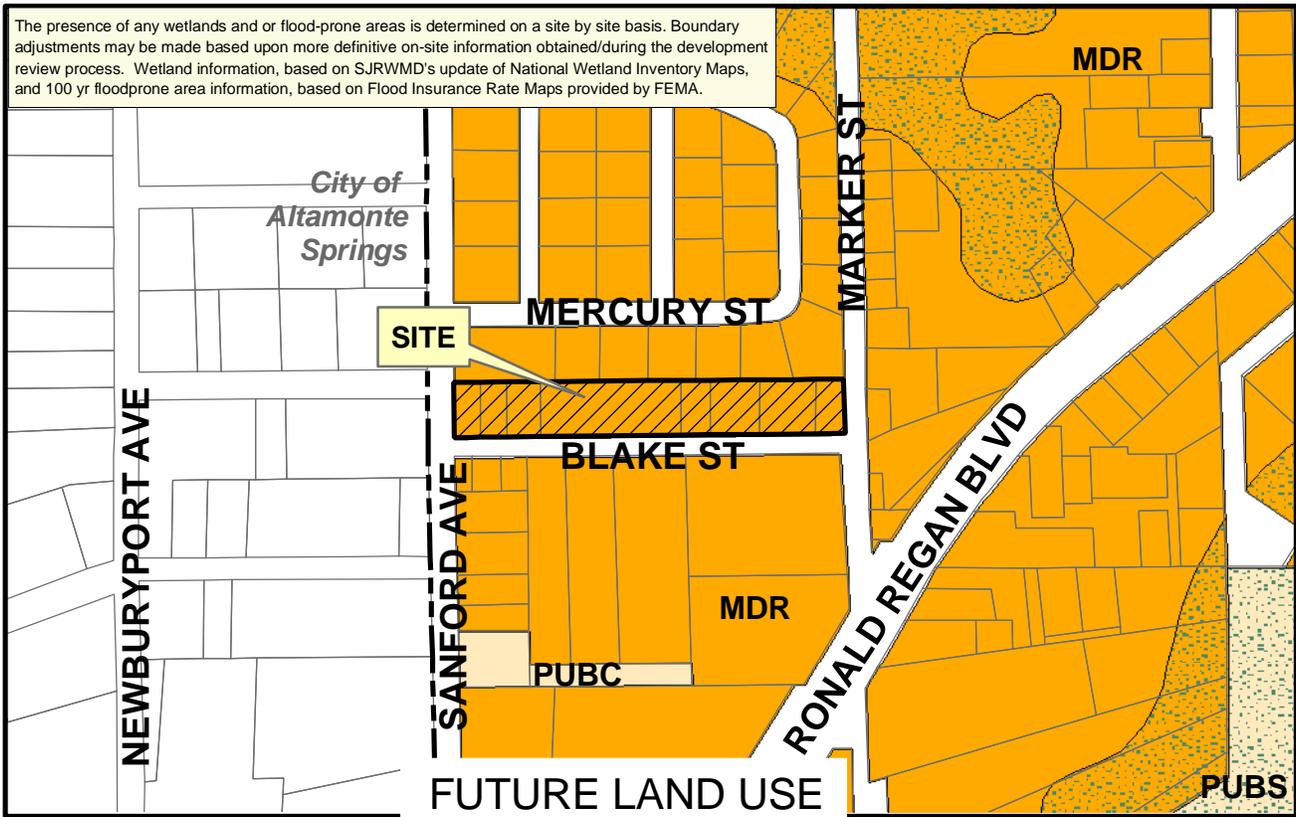
No intergovernmental notice is required to be sent to the Seminole County School Board.

LETTERS OF SUPPORT OR OPPOSITION:

Staff has not received any letters of support or opposition for this rezone request.



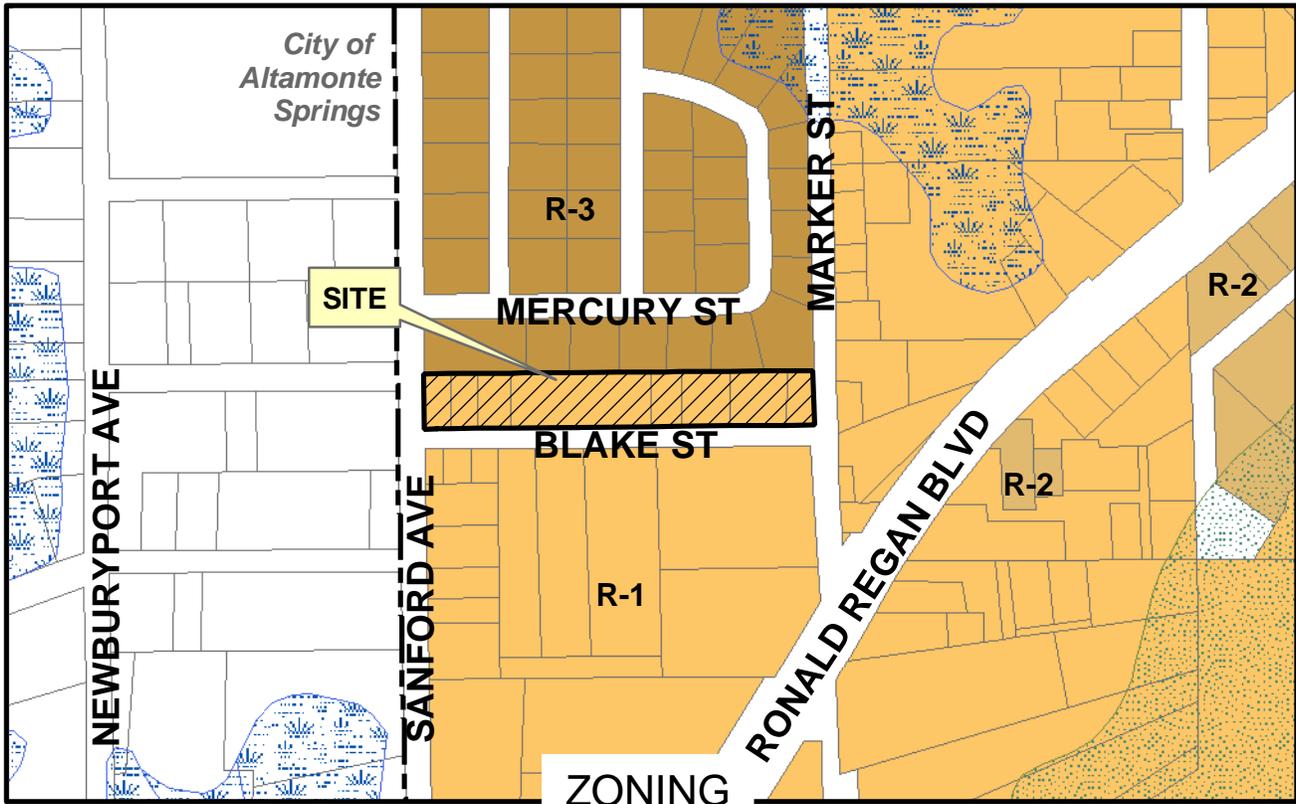
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps,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



Site
 MDR
 PUB
 CONS
 Municipality

Applicant: Seminole County BCC
 Physical STR: 07-21-30-506-0000-0010
 Gross Acres: 1.50 +/- BCC District: 4
 Existing Use: Residential and Vacant
 Special Notes:

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2007-068	R-1	R-1BB



R-1
 R-2
 R-3
 FP-1
 W-1



Rezone No: Z2007-068
 From: R-1 To: R-1BB

- Parcel
- Subject Property



Winter 2006 Color Aerials

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On January 22, 2008, 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): Chester L. & Rizell Simmons, Cheryl C. Rogers, Emma Robinson & Irene White, Mae Gilbert Fossie, First Boston Corp., David Nourachi, Dennis Walker, Karen & Keith Mandy

Project Name: Blake Street Rezone

Requested Development Approval: Rezone 1.49 ± acres, located on the north side of Blake Street between Sanford Avenue and Marker Street, from R-1 (Single-Family Dwelling) to R-1BB (Single-Family Dwelling).

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

After fully considering staff analysis titled "Blake Street Rezone" and all evidence submitted at the public hearing on January 22, 2008, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from R-1 (Single-Family Dwelling) to R-1BB (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: _____
Brenda Carey, Chairman

Exhibit A

Legal Description

Lot 1 (LESS W 25.34 FT FOR RD) LULA BLAKES REVISION PB 8 PG 101

AND;

LEG LOT 2 LULA BLAKES REVISION PB 8 PG 101

AND;

LEG LOT 3 LULA BLAKES REVISION PB 8 PG 101

AND;

LEG LOTS 4 5 6 + 7 LULA BLAKES REVISION PB 8 PG 101

AND;

LEG LOT 8 LULA BLAKES REVISION PB 8 PG 101

AND;

LEG LOT 9 LULA BLAKES REVISION PB 8 PG 101

AND;

LEG LOT 10 + W 25 FT OF LOT 11 LULA BLAKES REVISION PB 8 PG 101]

AND;

LEG E 49.34 FT OF LOT 11 LULA BLAKES REVISION PB 8 PG 101

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-1 (SINGLE-FAMILY DWELLING) ZONING CLASSIFICATION THE R-1BB (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 "Blake 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 R-1 (Single-Family Dwelling) to R-1BB (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 22th day of January, 2008.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Brenda Carey
Chairman

Exhibit A

Legal Description

Lot 1 (LESS W 25.34 FT FOR RD) LULA BLAKES REVISION PB 8 PG 101

AND;

LEG LOT 2 LULA BLAKES REVISION PB 8 PG 101

AND;

LEG LOT 3 LULA BLAKES REVISION PB 8 PG 101

AND;

LEG LOTS 4 5 6 + 7 LULA BLAKES REVISION PB 8 PG 101

AND;

LEG LOT 8 LULA BLAKES REVISION PB 8 PG 101

AND;

LEG LOT 9 LULA BLAKES REVISION PB 8 PG 101

AND;

LEG LOT 10 + W 25 FT OF LOT 11 LULA BLAKES REVISION PB 8 PG 101]

AND;

LEG E 49.34 FT OF LOT 11 LULA BLAKES REVISION PB 8 PG 101

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
DECEMBER 5, 2007
7:00 P.M.**

Members present: Matthew Brown, Dudley Bates, Walt Eismann, Rob Wolf, Melanie Chase, and Ben Tucker

Member absent: Kim Day

Also present: Dori DeBord, Director of Planning and Development; Alison Stettner, Planning Manager; Tina Williamson, Asst. Planning Manager; Ian Sikonia, Senior Planner; Cynthia Sweet, Senior Planner; Austin Watkins, Senior Planner; James Potter, Senior Engineer; Kathy Furey-Tran, Assistant County Attorney; and Candace Lindlaw - Hudson, Clerk to the Commission.

Blake Street Administrative Rezone; Seminole County, applicant; 1.49± acres; Administrative Rezone on 8 lots from R-1 (Single Family Residential) to R-1BB (Single Family Residential) located on the north side of Blake Street, from Sanford Avenue to Marker Street. (Z2007- 68)

Commissioner Henley – District 4
Ian Sikonia, Senior Planner

Ian Sikonia introduced the Seminole County application for an administrative rezone from R-1 (SFR Family Dwelling) to R-1BB (SFR Family Dwelling) for 1.49 acres, located on the north side of Blake Street between Sanford Avenue and Marker Street. Mr. Sikonia said that on September 25, 2007 the Seminole County Board of Commissions authorized the staff to proceed with administratively rezoning 1.49 acres located on the north side of Blake Street between Sanford Avenue and Marker Street. Currently, under the Seminole County Land Development Code, the subject lots are non-conforming. The lots do not meet the minimum lot size and width at the building line required by the R-1 zoning district. Administrative rezone of these parcels would reduce or eliminate the need for variances thereby reducing needless expense to the County and the public. The administrative rezone is consistent with the guidelines established in the Vision 2020 Comprehensive Plan of Seminole County to reduce non-conforming zoning. The proposed R-1BB (SFR Family Dwelling) zoning classification requires a minimum lot size of 5,000 square feet and a width at the building line of 50 feet. The Future Land Use designation of the subject property is MDR (Medium Density Residential) which allows the requested zoning district. Staff recommendation is for approval of the request for a rezone from R-1 (SFR Family Dwelling) to R-1BB (SFR Family Dwelling) for

1.49 acres, located on the north side of Blake Street between Sanford Avenue and Marker Street.

Flossie Gilbert stated that she was in favor of the request. She has 4 lots, with her house sitting in the middle of 2 lots. She wants to see a change in the community and needs help.

Cheryl C. Rogers asked for clarification on what was being requested.

Mr. Sikonia explained that changing the zoning allowed for smaller lots and made the lots buildable without variances.

Ms. Rogers stated that she had no objection.

Commissioner Brown asked what would happen now to the lots. Would homes go in there now?

Mr. Sikonia said that this would make the lots buildable without the delay of waiting for variances. It was the County's action that rendered them non-compliant originally, and this action will rectify things.

Commissioner Brown asked if improvements would have to be made to Blake Street in order to build a residence.

Ms. Williamson said that single-family residences would not be required to improve the road. Ms. Williamson said that only a few lots on the street were still vacant.

Commissioner Tucker asked if duplexes were permitted there.

Tina Williamson stated that duplexes were not permitted in this zoning district. This is a single family neighborhood and will remain one.

Commissioner Tucker made a motion to recommend approval of the request.

Commissioner Bates seconded the motion.

The motion passed unanimously (6-0).