



## LOCAL PLANNING AGENCY (LPA) STAFF REPORT

**Case Number:** ZON-24-01

**LPA Public Hearing:** May 8, 2024

**Applicant:** Jose E. Pagan Guzman

**Representative:** Angel Rivera, A & B Engineering Consultants, P.A.

**Subject Property:** Approximately 0.15 acre located at 2520 55<sup>th</sup> Avenue North in Lealman

**Parcel ID(s):** 35-30-16-74340-009-0030



### **REQUEST:**

A Zoning Atlas amendment from R-4, One, Two, and Three-Family Residential to C-2, General Commercial and Services with a variance. With the variance establishing a 6,420 square foot lot where 10,000 square feet is the minimum lot size allowed and a reduction of the minimum lot width requirement from 80 feet to 60 feet in a C-2 zone. No new structures are being proposed. Remodel the interior of the existing building to convert to an office, add one handicapped parking space and wheelchair ramp, and provide required parking spaces. Meet all LDC regulations.

### **LOCAL PLANNING AGENCY (LPA) RECOMMENDATION:**

The LPA finds the proposed Zoning Atlas amendment with a variance consistent with the Pinellas County Comprehensive Plan and recommends approval by the Board of County Commissioners. (The vote was 5-0, in favor).

### **Development Review Committee (DRC) RECOMMENDATION:**

- **Staff recommends** that the LPA find the proposed Zoning Atlas amendment with the variance **consistent** with the Pinellas County Comprehensive Plan, based on this report and subject to the Future Land Use Map amendment in case # FLU-24-01.
- **Staff further recommends** that the LPA recommend **approval** of the proposed Zoning Atlas amendment with the variance to the Pinellas County Board of County Commissioners.

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## **SUMMARY REPORT**

The DRC reviewed this application on April 8, 2024. The DRC Staff summary discussion and analysis follows:

The subject property is approximately 0.15 acre, located at 2520 55<sup>th</sup> Avenue North in Lealman. The property is designated Residential Low (RL) on the Future Land Use Map (FLUM), and it is zoned R-4, One, Two, & Three Family Residential. It currently contains a single-family home. The applicant wishes to have the ability to convert the existing single-family residence into an office for the business operations that are located on the adjacent property to the east, however, the existing R-4 zoning district does not allow office as a primary use. The R-4 district allows detached single-family, two-family, and three-family dwelling development. A zoning amendment to C-2 is therefore proposed, which would allow a range of uses (e.g., general office, retail commercial, commercial/ business services, etc...). Importantly, concurrently with this zoning change application, the applicant is also pursuing a Future Land Use Map (FLUM) amendment of the subject property from Residential Low (RL) to Commercial General (CG) (Case # FLU-24-01). A change to C-2 would make the existing single-family home nonconforming, but it would be allowed to continue as a home until it is either abandoned or when the property is developed with a primary office use.

Effective May 2<sup>nd</sup>, 2024, a large portion of this area including the contiguous parcel that occupies the applicant's existing business operations will be in the Lealman Form-Based Code, which is designated on the District Map as Neighborhood Park District. The Neighborhood Park district encourages a mix of uses such as retail commercial and other office-based uses. Notably, the subject property does not fall within the Lealman Form-Based Code area, but the applicant's contiguous parcel does.

### **Variance**

In addition to the zoning change request, the owner is requesting a variance to the minimum lot width and minimum lot area requirement in the C-2 zoning district. The subject property is a substandard platted lot of record and would not meet the minimum lot area requirements if rezoned to C-2. The variance would allow the establishment of a 6,420 square-foot lot where 10,000 square feet is the minimum lot size allowed and a reduction of the minimum lot width requirement from 80 feet to 60 feet in a C-2 zone. The Development Review Committee staff had no objection to the conditional approval of this request as it appeared to meet the Criteria for Granting Variances found in Section 138-231 of the Pinellas County Land Development Code (LDC), as described below:

- a. *Special conditions.* That special conditions and circumstances exist which are peculiar to the land, structure, or building involved:
  - Staff Response: *The subject lot is a platted lot of record from a 1924 subdivision that predates the Pinellas County Land Development Code. Acquiring additional land is not possible as the applicant's contiguous parcel will be a different zoning district under the Lealman Form-Based Code.*
- b. *Unnecessary hardship.* That literal interpretation of the provisions of the Code would deprive or make it practically difficult for the applicant to achieve the same proportion of development potential commonly enjoyed by other properties in the same zoning district. The hardship shall not be self-imposed:

- *Staff Response: The proposed C-2 zoned parcel has nonconforming lot dimensions and therefore this request is not a self-imposed hardship.*
- c. *Minimum code deviation necessary.* That the granting of the request is the minimal code deviation that will make possible the reasonable use of the land, building or structure:
- *Staff Response: If this request is approved, it would allow for the conversion of a single-family home to an office at a size and scale that would be compatible with the development pattern in the neighborhood. In the proximity of this area, a greater portion of these properties will be in the Neighborhood Park District in the Lealman Form-Based Code. This district encourages a mix of uses such as retail commercial and other office-based uses. Separately, it should be noted that other nonconforming C-2 zoned lots have existed in the immediate area and are also throughout the Lealman community.*
- d. *Consistency with the Land Development Code.* That the granting of the request will be in harmony with the general intent, purpose, and spirit of the Code:
- *Staff Response: The request is consistent with the general intent and spirit of the code and all required setbacks will be maintained with the existing structure and not create any use or structure nonconformity.*
- e. *Consideration of rezoning.* That a rezoning of the property has been considered and determined not to be appropriate and/or determined not to meet the objective of the request:
- *Staff Response: An application is being considered for rezoning for the applicant to have the ability to convert an existing single-family residence into an office for the existing business operations that is contiguous with the subject property.*
- f. *Consistency with the Comprehensive Plan.* That the granting of the request will be consistent with the intent and limits of the Comprehensive Plan:
- *This request is consistent with the Lealman Community Redevelopment Area Plan and the Pinellas County Comprehensive Plan, specifically with the parameters of the CG Future Land Use Map category and with Future Land Use & Quality Communities Element Objective 1.2 and related policies.*
- g. *Detriment to the Public Welfare.* That the request will not be injurious to the area involved or otherwise detrimental to the public welfare:
- *Staff Response: The request will not be injurious to the public welfare.*
- h. *Circumvent Board Approval.* That the granting of the request does not circumvent a condition placed upon the subject property by the Board of Adjustment and Appeals and/or the Board of County Commissioners. This shall not apply to new variances reviewed by the same board that originally placed the condition:
- *Staff Response: The request if approved would not circumvent any previous Board approval.*

#### Compatibility with Surrounding Uses and Zoning Designations

The subject property is located approximately 651 feet away from Haines Road and 590 feet away from I-275. The surrounding area contains a variety of uses that consist of a mix of retail, commercial/business services, and residential uses within the parcel's vicinity. Across 54<sup>th</sup> Avenue to the south of the subject

parcel is a mobile home park, and retail commercial. 54<sup>th</sup> Avenue is an arterial roadway with a combination of commercial, office, and residential uses in its vicinity. To the west of the subject property is a single-family residence which is nonconforming with their C-2 commercial zoning district. Single-family homes are also to the north of the subject property. The subject property is not within the Coastal Storm Area and has a low flood risk.

While the subject property is located along the boundary of an established single-family neighborhood directly to the north, the subject property is within a block of C-2 zoned commercial parcels that are located on 55<sup>th</sup> Avenue. The subject parcel is the last one on the block to retain a residential zoning district. The proposed C-2 zoning can be considered an appropriate transition in addition to the implementation of the Lealman Form-Based Code that would allow a variety of non-residential uses.

### Conclusion

The DRC staff is of the opinion that the proposed Zoning Atlas amendment with a variance is appropriate for the subject property and is compatible with the surrounding development pattern. Additional impacts to infrastructure are not anticipated. The DRC also finds the amendment with a variance is consistent with the Pinellas County Comprehensive Plan (see specifically cited goal, objectives, policies, and strategies listed below), subject to the approval of the companion FLUM amendment case.

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### **SURROUNDING ZONING AND LAND USE FACTS:**

	<b>Land Use Category</b>	<b>Zoning District</b>	<b>Existing Use</b>
<b>Subject Property:</b>	Residential Low	R-4	Single-Family Residence
<b>Adjacent Properties:</b>			
<b>North</b>	Residential Low	R-4	Single-Family Residence
<b>South</b>	Commercial General	C-2	Towing Yard
<b>East</b>	Commercial General	C-2	Towing Yard
<b>West</b>	Commercial General	C-2	Single-Family Residence

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### **IMPLEMENTATION OF THE PINELLAS COUNTY COMPREHENSIVE PLAN**

Staff finds that the proposed amendment is consistent with the following adopted goals, objectives, policies, and strategies of the Pinellas County Comprehensive Plan:

#### **FUTURE LAND USE ELEMENT**

Goal 1: Provide a variety of land use character areas to meet the needs of a diverse population and support thriving, resilient, quality communities.

Objective 1.1 Establish Land Use Categories that respond to the unique challenges of infill and (re)development within Unincorporated Pinellas County.

- Objective 1.2            Maintain a Land Development Code that responds to the unique challenges of infill and (re)development within Unincorporated Pinellas County.
- Policy 1.2.2            Consider creative regulatory solutions to support (re)development.

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**COUNTY DEVELOPMENT REGULATIONS**

Approval of this request does not ensure that the site can meet County development regulations, including concurrency management regulations, which apply at the time of site plan review.

**PROPOSED BCC HEARING DATE:** June 11, 2024, at 9:30 a.m.

**CORRESPONDENCE RECEIVED TO DATE:** One letter received in opposition.

**PERSONS APPEARING AT THE LOCAL PLANNING AGENCY HEARING:** One person appeared in opposition.

**ATTACHMENTS:** (Maps)