



*MEMORANDUM*

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TO: Mr. Peter Alonso

FROM: Luis N. Serna, AICP *LNS*  
Calvin, Giordano & Associates, Inc.

SUBJECT: Planning Analysis of the Community Assisted and Supported Living, Inc. Future Land Use Amendment and Zoning Atlas Amendment (Pinellas County #FLU22-04 and #ZON22-05).

DATE: January 20, 2023

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I have reviewed the above-referenced project for compliance with the Pinellas County Land Development Code and Comprehensive Plan. I am providing herein my findings for your consideration.

My primary concern from a planning perspective is that the applicants are proposing a significant residential density increase adjacent to a zoning district (Residential Estate) that permits and currently contains lower density development as well as land uses that are not compatible with the requested density. Therefore, it is my opinion that the Future Land Use Map and Zoning Atlas amendments request are not consistent with the purpose and intent of the Conditional Overlay and the Affordable Housing Density Bonus requirements of the Pinellas County Land Development Code and Comprehensive Plan.

**Project Summary**

Parcel Location: 13000 Park Boulevard, Unincorporated Pinellas County.

Parcel Identification Numbers: 29-30-15-70794-400-0701 and 29-30-15-70794-400-0703.

Parcel Size: 2.79 acres.

The applicants are proposing a Zoning Atlas amendment from R-E (Residential Estate) to RM-CO (Multi-Family Residential – Conditional Overlay). Associated with this request, the applicants have submitted a request for a Comprehensive Plan Future Land Use Amendment of the subject property from Residential Suburban (RS) to Residential Low (RL).

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The Conditional Overlay associated with the Zoning Atlas amendment proposes, according to the Local Planning Agency's staff report, to limit the number of residential dwelling units to a maximum of 21 that will include a combination of one-, two-, and three-bedroom units in single-story duplex or triplex residential structures, to be occupied as independent housing for a maximum of 28 Persons with Developmental Disabilities, as defined by Florida Statutes Section 393.063(1), to include permanent supportive housing services, provided however that no such permanent supportive services shall be provided to persons with who are not occupants of the development. A clubhouse and other associated amenities will be included.

Following the Pinellas County Local Planning Agency's recommendation of denial of the request, the applicants provided a conceptual site plan and proposed additional conditions including a reduction of units to 20, additional setbacks including a 120-foot rear setback, elimination of three-bedroom units, and a maximum height of one story.

Although the proposed RM zoning districts establishes a maximum density of five units per acre, the applicants are proposing to utilize the Affordable Housing Density Bonus as specified in Section 138-3211 of the Pinellas County Land Development Code and Policy 1.2.9 of the Future Land Use and Quality Communities Element of the Pinellas County Comprehensive Plan, in order to receive a 50 percent density bonus to achieve the 20 maximum units specified by the proposed Conditional Overlay.

Development Potential Under the **Existing** R-E Zoning Designation:

$2.5 \text{ d.u./ac.} \times 2.79 \text{ ac.} = \mathbf{7 \text{ units}}$

Development Potential Under the **Proposed** RM – CO Zoning Designation:

$5.0 \text{ d.u./ac.} \times 2.79 \text{ ac.} = \mathbf{14 \text{ units}}$

**With 50 Percent Density Bonus:**

$5.0 \text{ d.u./ac.} \times 1.5 \text{ bonus} = 7.5 \text{ d.u./ac.}$

$7.5 \text{ d.u./ac.} \times 2.79 \text{ ac.} = \mathbf{21 \text{ units}}$



### Existing R-E Zoning Lot and Setback Standards

	Max. Bldg. Height	Minimum Lot			Minimum Setbacks				
		Area	Width	Depth	Front Structure	Front-Porch, patio, deck	Side Interior	Side Street	Rear
Single-Family Detached	35 ft.	32,000 sq. ft.	90 ft.	100 ft.	25 ft.	15 ft.	15 ft.	20 ft.	20 ft.

### Proposed RM Zoning Lot and Setback Standards

	Max. Bldg. Height	Minimum Lot			Minimum Setbacks				
		Area	Width	Depth	Front Structure	Front-Garage	Side Interior	Side Street	Rear
Single-Family Detached	35 ft.	3,000 sq. ft.	N/A	N/A	10 ft.	20 ft.	5 ft.	10 ft.	5 ft.
Single-Family Attached/ Two-Family Dwelling/ Three-Family Dwelling	45 ft.	1,400 sq. ft.	20 ft.	70 ft.	10 ft.	20 ft.	0 ft. 5 ft. (end unit)	10 ft.	5 ft.
All Other Uses and Building Types	50 ft., except 100 ft. with Type 2 Approval	7,500 sq. ft.	75 ft.	80 ft.	10 ft.	20 ft.	5 ft.	10 ft.	10 ft.

### Planning Analysis

After reviewing the Land Development Code sections and Comprehensive Plan policies applicable to the proposed Zoning Atlas and Future Land Use Map amendments, in my opinion, the applicants have not satisfactorily addressed potential adverse impacts to surrounding properties and are not, therefore, consistent with the purpose and intent of the Conditional Overlay and the Affordable Housing Density Bonus requirements of Pinellas County.

1. Consistency with the Purpose and Intent of the Conditional Overlay (CO) Code Requirements.

According to Section 138-1200 of the Land Development Code:



The purpose of a Conditional Overlay (CO) is to provide for additional limitations to the underlying zoning district, *to ensure compatibility with surrounding uses* and consistency with the comprehensive plan and this Code.

(Emphasis added)

Section 138-1202 lists the limitations that can be considered with a CO including prohibiting certain uses, increasing minimum yard and setback requirements, limiting building or impervious coverage, and the imposition of specific design criteria. In this case, the applicants have proposed limiting uses to duplex and triplex structures on no more than a single story and providing increased minimum side and rear setbacks.

2. Consistency with the Affordable Housing Density Bonus Requirements of the Land Development Code and Comprehensive Plan.

According to Policy 1.2.9 of the Future Land Use and Quality Communities Element of the Comprehensive Plan:

The Pinellas County Land Development Code may allow a density bonus for Affordable Housing Developments as specified in the County's adopted State Housing Initiative Partnership Housing Incentive Plan, and subject to program guidelines and specifications *as well as compatibility with surrounding development*, site constraints, and other appropriate considerations as determined through the Pinellas County Comprehensive Zoning Regulations *and the site plan review process*.

(Emphasis added)

Comprehensive Plan Policy 1.2.9 also addresses compatibility with surrounding development.

In my opinion, the applicants have not addressed the incompatibility between the proposed development of 20 residential units with up to 28 residents and the adjacent R-E Zoning district. Two such incompatible uses permitted in the R-E district, listed in Table 138-355 of the Pinellas County Land Development Code, include "Agricultural Activities, Commercial Use," requiring Type 2 Review, and "Farm Animals," permitted as an Accessory Use. Note that the parcels adjacent to the subject property that are zoned R-E are at least one acre in size and could potentially support those incompatible uses listed cited above. The incompatibility of these uses with future residents living in close proximity on the subject property should be a consideration in the proposed Future Land Use and Zoning Atlas amendments.



## **Conclusion**

Based on the above analysis, in my opinion, the applicants must address the purpose and intent of the Commercial Overlay and Affordable Housing Density Bonus requirements of the Pinellas County Land Development Code and Comprehensive Plan by addressing incompatibility between the proposed higher density residential development and uses permitted in the adjacent existing R-E zoning district.