



Pinellas County

Legislation Details (With Text)

File #: 21-1940A **Version:** 1

Type: Zoning / Land Use and Related Item **Status:** Passed

File created: 9/21/2021 **In control:** Board of County Commissioners

On agenda: 10/26/2021 **Final action:** 10/26/2021

Title: Case No. (Q) Z/LU-20-12 (Dushyant Gulati)
 A request for a land use change from Residential Suburban to Residential Low and a zoning change from R-R, Rural Residential to R-3-CO, Single Family Residential-Conditional Overlay, with the Conditional Overlay restricting the maximum number of lots to seven, establishing the minimum lot width as 80 feet, establishing the minimum lot size as 9,500 square feet, and requiring an additional five feet to the minimum setback on the east and south sides of the property; reversing and overturning Resolution No. 21-27 on approximately 2.18 acres located at 1736 Winchester Road in unincorporated Largo.

Sponsors:

Indexes:

Code sections:

Attachments: 1. State-Filed ORD 21-27, 2. Adopted ORD 21-27, 3. Adopted RES 21-122, 4. Report and Joint Stipulation of Special Magistrate.pdf, 5. Resolution.pdf, 6. Ordinance.pdf, 7. Denial Resolution No. 21-27.pdf, 8. Public Notification Map.pdf, 9. Power Point Presentation, 10. Legal Ad.pdf, 11. Ad Map.pdf, 12. Resolution-AATF, 13. Ordinance-AATF, 14. Affidavit of Publication_Electronic, 15. Leo Torres PowerPoint, 16. Affidavit of Publication, 17. Citizen Comment - Opposed, 18. Jessica Jurek Citizen Document, 19. Public Hearing Comment Cards, 20. Applicant Documents

Date	Ver.	Action By	Action	Result
10/26/2021	1	Board of County Commissioners	approved	Pass

Subject:

Case No. (Q) Z/LU-20-12 (Dushyant Gulati)
 A request for a land use change from Residential Suburban to Residential Low and a zoning change from R-R, Rural Residential to R-3-CO, Single Family Residential-Conditional Overlay, with the Conditional Overlay restricting the maximum number of lots to seven, establishing the minimum lot width as 80 feet, establishing the minimum lot size as 9,500 square feet, and requiring an additional five feet to the minimum setback on the east and south sides of the property; reversing and overturning Resolution No. 21-27 on approximately 2.18 acres located at 1736 Winchester Road in unincorporated Largo.

Recommended Action:

Based upon evidence and findings contained in the staff report and attachments, Case No. Z/LU-20-12 is recommended for approval:

- 1.) An Ordinance approving the application of Dushyant Gulati for a land use change from Residential Suburban to Residential Low on approximately 2.18 acres located at 1736 Winchester Road in unincorporated Largo.
- 2.) A Resolution approving a zoning change from R-R, Rural Residential to R-3-CO, Single-Family Residential - Conditional Overlay, with the Conditional Overlay restricting the maximum

number of lots to seven, establishing the minimum lot width as 80 feet, establishing the minimum lot size as 9,500 square feet, and requiring an additional five feet to the minimum setback on the east and south sides of the property; reversing and overturning Resolution No. 21-27.

- The applicant is seeking land use and zoning changes on a 2.18-acre property with a desire to build a single family detached subdivision.
- On April 27, 2021, the Board voted 5-1 to deny the applicant's original land use amendment and rezoning requests under this same case number that would have allowed up to 11 residential units based on the subject property's acreage.
- The applicant subsequently filed a request for mediation/request for relief to the Board's decision pursuant to Florida Statutes.
- The applicant and County staff met in mediation sessions to explore possible solutions to the contested issues arising from the case denial.
- The result is the proposed Conditional Overlay that sets conditions on the number of lots, lot sizes, lot widths, and setbacks.
- The parameters of the Conditional Overlay address compatibility concerns with existing properties on the west side of Winchester Road by reducing the number of lots and requiring larger and wider lots, and increased building setbacks.
- Neighborhood representatives were invited and to attend and comment on the proposed settlement agreement.
- The Board may accept, modify, or reject the recommendation as submitted by the Special Magistrate.

Strategic Plan:

Foster Continual Economic Growth and Vitality

4.3 Catalyze redevelopment through planning and regulatory programs

Deliver First Class Services to the Public and our Customers

5.2 Be responsible stewards of the public's resources

Summary:

The applicant originally requested, via Case No. Z/LU-20-12 that was heard by the Board on April 27, 2021, a zoning change from R-R, Rural Residential to R-3, Single Family Residential and a land use change from Residential Suburban (RS) to Residential Low (RL) on the subject property, which consists of one parcel totaling approximately 2.18 acres located at 1736 Winchester Road in unincorporated Largo. It is currently vacant except for a barn and a couple of sheds.

The current RS FLUM category allows up to 2.5 residential units per acre and the R-R zoning district requires minimum lots sizes of 16,000 square feet and minimum lot widths of 90 feet. In comparison, the proposed RL FLUM category allows up to 5.0 residential units per acre and the R-3 zoning requires minimum lots sizes of 6,000 square feet and minimum lot widths of 60 feet. Theoretically, the RL category would allow up to 11 single family detached units based on the subject property's acreage, however the actual number of units built would depend on site plan review and platting. The existing RS category would allow up to five residential units in comparison.

The subject property is adjacent to single-family residential development of varied lot sizes. The

properties to the northeast, south and east across Winchester Road are all zoned R-3. The parcels to the northwest and west are zoned R-R. The surrounding land use designations are RS to the north, south and west and RL to the east. Many of the lots to the east are 60 feet wide. The other surrounding lots are larger on the west side of Winchester Road, ranging from 1/3 of an acre to 2.86 acres. Smaller 50-foot-wide lots and a mobile home park are located approximately 375 feet to the north within the City of Largo. The area thus contains a mixture of property developed both at the R-R and R-3 zoning classifications, and the RS and RL land use classifications.

At the April 27, 2021 Board hearing, an architect representing the applicant stated that even if the application was approved, only a maximum of eight units could be built on the subject property based on the parameters of the R-3 zoning district and considering site plan requirements. However, the applicant chose not to limit or cap the number of units allowed on the subject property for the requested RL FLUM category either through a Conditional Overlay or entering into a Development Agreement.

The Board voted 5-1 to deny the rezoning and FLUM amendments, memorialized in Pinellas County Resolution No. 21-27. On May 12, 2021, the applicant filed a Request for Relief Pursuant to Section 70.51, Florida Statutes (2020)/Request for Mediation Pursuant to Section 163.3181(4), Florida Statutes (2020). On May 26, 2021, Pinellas County filed its Response to Petitioner Dushyant Gulati's request for relief to the Board's decision.

The Parties met in a mediation session on June 30, 2021 to explore possible solutions to the contested issues arising from the denial of case no. Z/LU-20-12, which were largely based on compatibility with the surrounding properties located on the west side of Winchester Road. In accordance with Sections 70.51 and 163.3181(4), Florida Statutes, neighborhood representatives were invited to attend and make comments during the mediation session. After the June 30, 2021 mediation session, the Parties attempted to identify development parameters that address the issues raised at the April 27, 2021 Board hearing. The terms of the proposed settlement and recommendation to the Board are as follows:

1. Future Land Use Map amendment changing the land use classification on the subject property from Residential Suburban (RS) to Residential Low (RL).
2. A Zoning Atlas amendment changing the zoning classification on the subject property from R-R, Rural Residential to R-3-CO, Single Family Residential-Conditional Overlay.
3. The Conditional Overlay contains the following conditions:
 - a. Maximum number of lots is seven (7).
 - b. Minimum lot width is eighty (80) feet.
 - c. Minimum lot size is nine thousand five hundred (9,500) square feet.
 - d. An additional five (5) feet is added to the required minimum setback on the east and south sides of the subject property, such that the east property line minimum setback is twenty-five (25) feet, and the south property line minimum setback is fifteen (15) feet for the rear setback and eleven (11) feet for the side setback.

By including the Conditional Overlay, the proposal addresses compatibility concerns with existing properties on the west side of Winchester Road by reducing the number of potential lots and requiring larger and wider lots, and increased building setbacks.

A second mediation session was held on August 30, 2021 to consider the above proposed settlement and recommendation to the Board. Like the first mediation session, the second session was attended by members of the public, who were afforded an opportunity to address the proposed settlement and recommendation, and who expressed their concerns. The Parties, working with the Special Magistrate, have executed a Report and Joint Stipulation of Special Magistrate to memorialize the above proposed settlement and recommendation. The Board, pursuant to Section 70.51(21), Florida Statutes, may accept, modify, or reject the recommendation as submitted by the Special Magistrate in the Report and Joint Stipulation.

Background Information:

The Local Planning Agency (LPA) recommended approval of the original request during its January 14, 2021 public hearing (Vote 4-2). The LPA was not required to hear the proposed settlement and recommendation as submitted by the Special Magistrate in the Report and Joint Stipulation.

Fiscal Impact:

N/A

Staff Member Responsible:

Carol Stricklin, Director, Housing and Community Development

Partners:

N/A

Attachments:

Report and Joint Stipulation of Special Magistrate
Resolution
Ordinance
Denial Resolution 21-27
Public Notification Map
Legal Ad
BCC Ad Map
PowerPoint Presentation