



# Pinellas County

## Legislation Details (With Text)

**File #:** 22-0111A      **Version:** 1

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

**File created:** 1/14/2022      **In control:** Board of County Commissioners

**On agenda:** 2/22/2022      **Final action:** 2/22/2022

**Title:** Q ZON-21-08 (Pinellas County)  
 A request for a change of Zoning from RMH, Residential Mobile/Manufactured Home to R-5-CO, Urban Residential-Conditional Overlay with the Conditional Overlay limiting the maximum building height to 35 feet and requiring a minimum 20-foot setback from 46th Avenue North, excluding front porches, decks, and covered entryways, which will require a minimum of 15 feet from 46th Avenue North, on approximately 1.55 acres located at 3901 46th Avenue North in Lealman. (Quasi-Judicial)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Adopted RES 22-19, 2. AATF - Resolution, 3. Case Maps, 4. Resolution, 5. Response to Question 13, 6. Correspondence, 7. Boundary & Topographic Survey, 8. Public Notification Map, 9. BCC Legal Ad, 10. Legal Ad Map, 11. BCC Powerpoint Presentation - ZON-21-08 (Pinellas County), 12. Electronic Affidavit of Publication, 13. Affidavit of Publication

Date	Ver.	Action By	Action	Result
2/22/2022	1	Board of County Commissioners	approved	Pass

**Subject:**

Q ZON-21-08 (Pinellas County)  
 A request for a change of Zoning from RMH, Residential Mobile/Manufactured Home to R-5-CO, Urban Residential-Conditional Overlay with the Conditional Overlay limiting the maximum building height to 35 feet and requiring a minimum 20-foot setback from 46th Avenue North, excluding front porches, decks, and covered entryways, which will require a minimum of 15 feet from 46th Avenue North, on approximately 1.55 acres located at 3901 46th Avenue North in Lealman. (Quasi-Judicial)

**Recommended Action:**

Based upon evidence and findings contained in the staff report and attachments, Case No. ZON-21-08 is recommended for approval:

A Resolution approving the application of the County for a change in zoning from, Residential Mobile/Manufactured Home to Urban Residential-Conditional Overlay (R-5-CO), with the Conditional Overlay limiting the maximum building height to 35 feet and requiring a minimum 20-foot setback from 46th Avenue North, excluding front porches, decks, and covered entryways, which will require a minimum of 15 feet from 46<sup>th</sup> Avenue North.

- The applicant is seeking a zoning change on a vacant 1.55-acre site.
- The proposed use is residential affordable housing.
- At the October 14, 2021 public hearing, the Local Planning Agency continued the case to provide the applicant an option to pursue a Conditional Overlay to address concerns with setbacks and height. (The vote was 4-0, in favor)

- At the January 13, 2022 public hearing, the Local Planning Agency finds the proposed Zoning Atlas amendment with a Conditional Overlay, is consistent with the Pinellas County Comprehensive Plan and recommends approval with an amendment to the conditional overlay as follows:
  - A Conditional Overlay limiting the maximum building height to 35 feet and requiring a minimum 20-foot setback from 46th Avenue North, excluding front porches, decks, and covered entryways, which will require a minimum of 15 feet from 46th Avenue North. (The vote was 4-0, in favor)
- One person appeared in favor of the request.
- One letter of objection was received.

### **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 subject site consists of a 1.55-acre vacant parcel, which was previously a mobile home park. The property is designated Residential Urban (RU) on the Future Land Use Map (FLUM), which allows up to 7.5 residential units per acre, and it is zoned RMH, which allows mobile homes or single-family detached residences. Although the specific future residential development type is undetermined, the applicant wishes to change the zoning to create more flexible options for affordable housing residential development.

A zoning change to R-5-CO, is proposed, which allows compact, urban-style dwelling units typically comprised of smaller living spaces on smaller lots and is also intended for properties in and around established urban residential neighborhoods that are planned to accommodate infill redevelopment. The request would allow a wider range of residential housing options. The Conditional Overlay would limit the maximum building height to 35 feet and require a minimum 20-foot building setback from the property line along 46th Avenue North, excluding front porches, decks, and covered entryways, which would require a minimum of 15 feet from 46th Avenue North. This limitation and requirement are consistent with the R-4 zoning district, which is prevalent in much of the surrounding area. Other concerns that arose at the October 14th LPA public hearing, including parking and access off 46th Avenue North, either cannot be addressed via a Conditional Overlay or are already addressed through the Land Development Code. The RU FLUM category, which is not changing, would allow up to 12 residential units based on the site's acreage. If approved for an affordable housing density bonus, which would be under a separate process, up to 17 residential units would be allowed. The ultimate number of units built, however, would depend on lot layout and other site plan and platting requirements such as internal accessways and stormwater facilities.

The subject property is within the Lealman Community Redevelopment Area (CRA). The CRA Plan serves as a comprehensive framework for long-term development, economic development, and redevelopment revitalization strategies to address blighted conditions and improve the overall quality of life in the Lealman CRA over 30 years. The CRA Plan supports infill housing to encourage reinvestment in existing neighborhoods and to promote homeownership. Surrounding the subject property is predominately residential uses, except for commercial and light industrial uses to the east. The site is not located within a special flood hazard area.

Staff is of the opinion that the proposed Zoning Atlas amendment is appropriate for the subject property. The R-5-CO zoning, with the proposed conditions of development, will provide for residential development types at a scale that is compatible with the surrounding development pattern. The maximum residential density, which is based on the FLUM, is not increasing, therefore additional impacts to infrastructure are not anticipated. In general, the proposal is consistent with the County Comprehensive Plan and is appropriate for this location.

**Background Information:**

The LPA continued the request to provide the applicant an option to pursue a Conditional Overlay to address concerns with setbacks and height during its October 14, 2021 public hearing (Vote 4-0).

The LPA unanimously recommended approval of the request with an amendment to the conditional overlay during its January 13, 2022 public hearing (Vote 4-0).

Surrounding property owners within 400 feet of the subject site were notified by mail. A sign advertising the public hearings was posted on the subject site.

**Fiscal Impact:**

N/A

**Staff Member Responsible:**

Carol Stricklin, Director, Housing and Community Development

**Partners:**

N/A

**Attachments:**

LPA Report  
Case Maps  
Resolution  
Response to Question #13  
Correspondence  
Boundary & Topographic Survey  
Public Notification Map  
BCC Legal Ad  
Legal Ad Map  
BCC PowerPoint ZON-21-08  
Resolution-AATF