



Pinellas County

Legislation Details (With Text)

File #: 22-0704A **Version:** 1

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

File created: 4/19/2022 **In control:** Board of County Commissioners

On agenda: 5/24/2022 **Final action:** 5/24/2022

Title: Case No. ZON-21-11 (William J. and Joan Kimpton)
A request for a change of Zoning from R-A, Residential Agriculture to R-R-CO, Residential Rural-Conditional Overlay with the Conditional Overlay limiting the number of primary residential units to a maximum of two single family dwellings on approximately 2.12 acres located at 1645 Chaplene Court in unincorporated Dunedin. (Quasi-Judicial)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Adopted RES 22-44, 2. LPA Report, 3. Case Maps, 4. Resolution, 5. Response to Question 13, 6. Certification of Ownership, 7. Survey, 8. Correspondence, 9. Applicant effort to address drainage, 10. Public Notification Map, 11. PowerPoint Presentation, 12. Legal Ad, 13. Legal Ad Map, 14. Resolution-AATF, 15. Electronic Affidavit of Publication, 16. Affidavit of Publication, 17. Case No Zon 21-11 1645 Chaplene Court, 18. Correspondence in favor ZON -21-11, 19. Emails Received Opposed to Zon -21-11, 20. Late Filed Email Opposed, 21. 42 Speaker Cards

Date	Ver.	Action By	Action	Result
5/24/2022	1	Board of County Commissioners	approved	Pass

Subject:

Case No. ZON-21-11 (William J. and Joan Kimpton)
A request for a change of Zoning from R-A, Residential Agriculture to R-R-CO, Residential Rural-Conditional Overlay with the Conditional Overlay limiting the number of primary residential units to a maximum of two single family dwellings on approximately 2.12 acres located at 1645 Chaplene Court in unincorporated Dunedin. (Quasi-Judicial)

Recommended Action:

Based upon evidence and findings contained in the staff report and attachments, Case No. ZON-21-11 is recommended for approval:

A Resolution approving the application of William J. and Joan Kimpton for a change in zoning from, Residential Agriculture (R-A) to Residential Rural-Conditional Overlay (R-R-CO), with the Conditional Overlay limiting the maximum number of primary residential units to two single-family dwellings.

- The applicant is seeking a zoning change on a 2.12-acre site containing one single-family home. The proposed use is two single family homes.
- The existing R-A zoning requires a minimum lot size of two acres. The requested R-R-CO zoning would require a minimum lot size of 16,000 square feet, which is larger than most of the surrounding properties. No more than two primary single-family homes would be allowed per the Conditional Overlay.
- At the January 13, 2022, public hearing, the Local Planning Agency (LPA) continued the case

to provide the applicant an option to pursue a Conditional Overlay to limit the number of residential units and to provide time to address the drainage issues concerning nearby property owners.

- At the April 14, 2022, public hearing, the LPA found the proposed Zoning Atlas Amendment with the Conditional Overlay to be consistent with the Pinellas County Comprehensive Plan and recommended approval (Vote 3-1, in favor). No reason was given for the dissenting vote.
- Nine persons spoke in opposition at the January 13, 2022, LPA public hearing and eight spoke in opposition at the April 14, 2022, LPA public hearing.
 - a.) The opposition is predominantly based on existing drainage problems in the area and concern that any additional development would exacerbate those problems.
 - b.) The applicant has expressed a willingness to work with neighboring homeowners on a solution to alleviate the drainage problems, which involve multiple properties in the area. Please see the attached correspondence from the applicant regarding his effort to address the drainage problems with the neighbors and the City of Dunedin.
 - c.) The additional home is proposed near the northeast corner of the subject property, which is opposite the area of drainage concern on the west side.
 - d.) New home construction is subject to the standards of the Land Development Code and would be required to go through the permitting process, which would address any increase in drainage.
- Several letters in opposition have been received regarding the drainage issues and other concerns stemming from increased development. The Conditional Overlay limiting the amount of the development is a response to those concerns.

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 property consists of two (2) parcels totaling approximately 2.12 acres located at 1645 Chaplene Court in unincorporated Dunedin. The property is designated Residential Suburban (RS) on the Future Land Use Map (FLUM), which allows up to 2.5 residential units per acre, and it is zoned R-A, which allows single family detached residential and accessory personal agricultural uses on lots that are a minimum of two (2) acres in size.

A zoning amendment to R-R-CO is proposed, which also allows detached single-family homes and accessory personal agricultural uses, but on lot sizes as small as 16,000 square feet. The RS FLUM category would allow up to five (5) residential units on the property, but the maximum number of units is subject to the Conditional Overlay limitations. Therefore, with the proposed R-R-CO zoning there would be the potential to have a maximum of two (2) primary residential units on the subject property. The applicant would like to have the option of reconfiguring the two (2) existing lots and building a second home on the northeast portion of the subject property. That cannot currently be done due to the two (2) acre minimum lot size of the R-A zoning district. The two (2) existing parcels currently have nonconforming lot sizes. The proposed change to R-R-CO would remove that nonconformity.

The subject property is within a predominately low-density residential area with properties of various widths and sizes. The minimum lot size of the requested R-R-CO zoning is larger than most of the

neighboring residential lots. There are single family homes surrounding the subject parcel, all of which are within the City of Dunedin. Notably, there are documented drainage issues that occur on and near the west side of the subject property. Any future development on the subject property will be subject to the standards of the Land Development Code, which will not allow it to exacerbate the existing drainage problems. The proposed location of the second home is on the opposite side of the subject property away from the area of poor drainage and, according to Engineers, will not make the situation worse. Please see the attached correspondence from the applicant regarding his attempt to address the drainage concerns.

Staff is of the opinion that the proposed Zoning Atlas amendment is appropriate for the subject property. The R-R-CO zoning will provide for single family detached residential development at a density and scale that is compatible with the surrounding development pattern. The maximum residential density will be limited to two (2) units based on the Conditional Overlay, therefore additional impacts to infrastructure are not anticipated. In general, the proposal is consistent with the Pinellas County Comprehensive Plan and is appropriate for this location.

Background Information:

During its January 13, 2022 public hearing, the LPA continued the case to provide the applicant an option to pursue a Conditional Overlay to address neighbors' concerns with the number of potential dwelling units and to provide time to address the drainage situation (Vote 4-0).

The LPA recommended approval of the request with the addition of the Conditional Overlay during its April 14, 2022 public hearing (Vote 3-1, in favor).

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
Certification of Ownership
Survey
Correspondence
Public Notification Map
Power Point Presentation
Legal Ad
Legal Ad Map