

Economy Self Storage, Inc.
Variance (Frontage and Lot Size Reduction)
P23-176



Aerial Map

SUMMARY

Applicant's Request:	To grant a variance of a reduction in lot frontage and lot size to allow 80 feet of frontage and 10,240 square feet in land size. The Land Use Conversion Manual requires a minimum of 160 feet of frontage and the Zoning Code requires 20,000 square feet for General Commercial (CG) Zoning Districts.
Application Type:	Variance, Quasi-Judicial
Applicant / Property Owner:	Economy Self Storage, Inc.

Address:	1915 SW Hayworth Avenue
Location:	The property is generally located south of SW Gatlin Boulevard and west of SW Buckhart Street.
Project Planner:	Cody Sisk, Planner II

Project Description

The applicant is requesting a variance to allow a reduction in lot frontage and lot size to allow 80 feet of frontage and 10,240 square feet in land size. The Land Use Conversion Manual requires a minimum of 160 feet of frontage and the Zoning Code requires 20,000 square feet for General Commercial (CG) Zoning Districts.

The property has a future land use designation of General Commercial (CG) and the applicant has indicated the desire to rezone to Service Commercial (CS). The end goal for the applicant is to be able to create a parking area on this lot for the rental truck business associated with the Economy Self Storage site to the north. If this variance is approved the applicant will have to apply for a land use change and rezoning application to change both designations to CS, or a rezoning application to CG.

Background

The existing vacant site is zoned RS-2 (Single-Family Residential) and is owned by Economy Self Storage, Inc. Lots 13 and 15, which are on either side of the subject parcel, are also zoned Residential. The intent of this vacant parcel is to use it as a parking area for the U-Haul rentals. The site to the north of the subject property is also owned by Economy Self Storage, Inc. Economy Self Storage, Inc. has an approval from 2024 to allow (16) rental U-Haul vehicles.

Review Criteria

An application for a variance is reviewed for consistency with Article XV of the Zoning Code, Sections 158.295 through 158.299 and the Land Use Conversion Manual. Per Section VI of the Land Use Conversion Manual the recommendation of the Planning and Zoning Board is forwarded to the City Council for final action. Final action on the application (approval or denial) is in the form of a Resolution by the City Council following a quasi-judicial public hearing.

Public Notice Requirements

Public notice was mailed to owners within 750 feet on February 22, 2024, and the file was included in the ad for the Planning & Zoning Board's agenda.

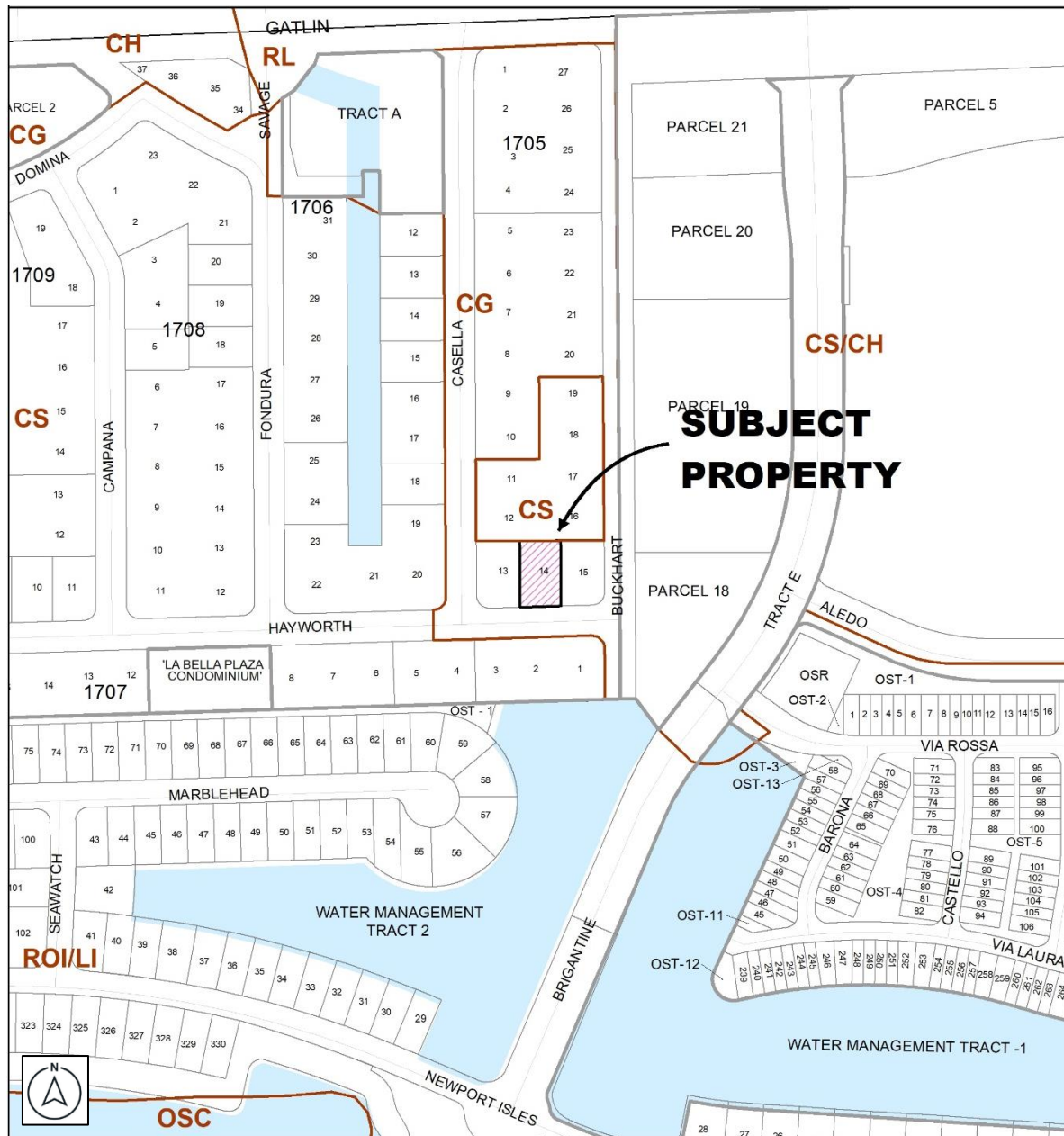
Location and Site Information

Parcel Number:	3420-650-1001-000-0
Property Size:	0.24-acres
Legal Description:	Port St Lucie-Section 31, Block 1705, Lot 14 (Map 43/14N) (OR 3943-2230)
Future Land Use:	CG
Existing Zoning:	RS-2
Existing Use:	Vacant

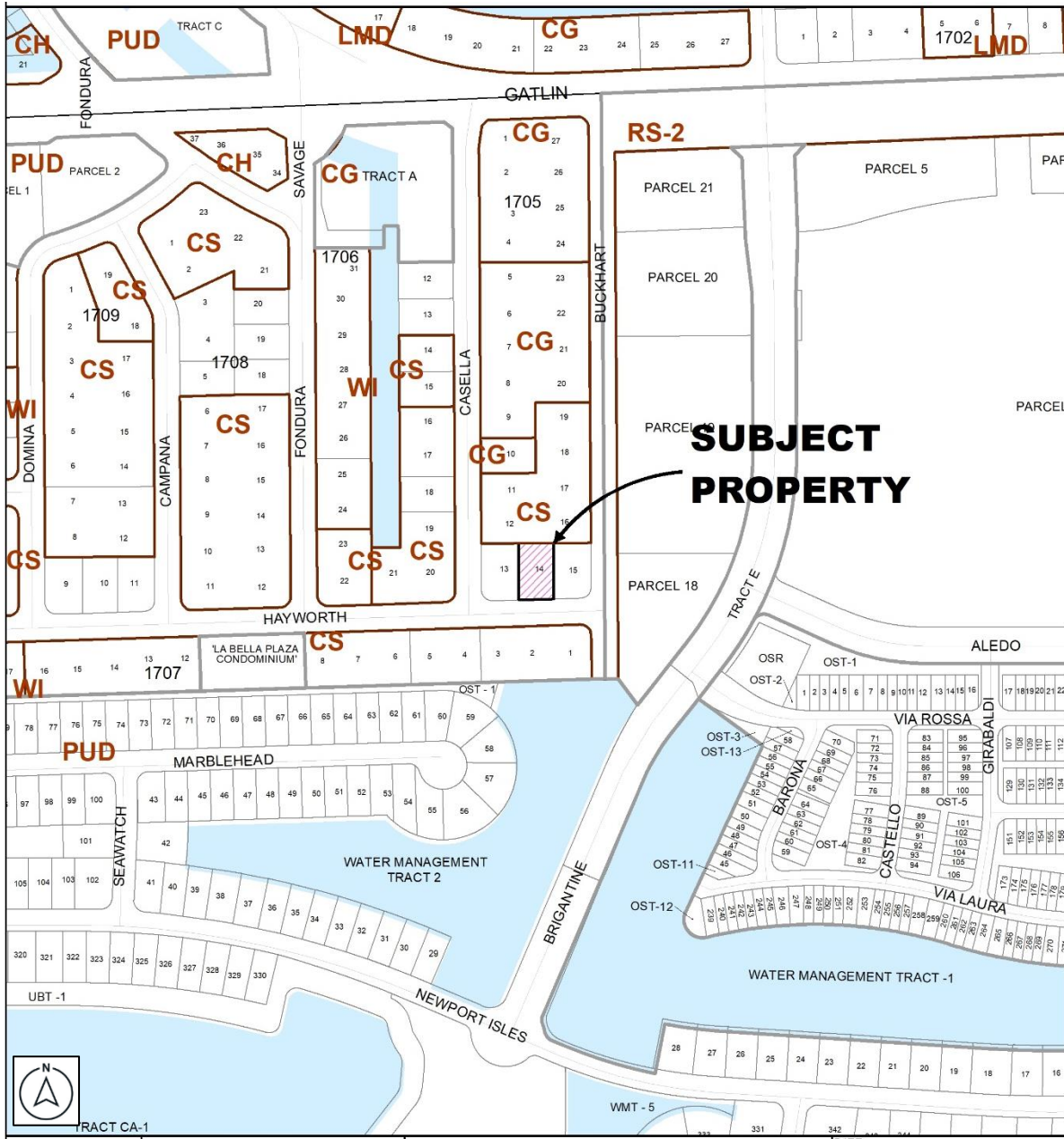
Surrounding Uses

Direction	Future Land Use	Zoning	Existing Use
North	CS and CG	CS and CG	Self-Storage
South	CS	CS	Vacant
East	CG	RS-2	Vacant
West	CG	RS-2	Vacant

CG – General Commercial, CS – Service Commercial, RS-2 – Single Family Residential



Future Land Use



Zoning

IMPACTS AND FINDINGS

Section 158.295 (B) of the Zoning Code establishes the duties of the Planning and Zoning Board in authorizing a variance. The Planning and Zoning Board may authorize the variance from the provisions of the Zoning Code as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship. Pursuant to Section 158.296, a variance is authorized only for height, area, and size of the structure, yard size, building setback, lot size requirements, and other applicable development regulations, excluding use. To authorize a variance, the Planning and Zoning Board should consider the criteria listed under Section 158.295 (B) (1) through (7). The applicant's response to this criterion is attached to the application. Staff's review is provided below.

See the applicant's responses that are included in the Variance application.

Compatibility with variance criteria Section 158.295 (B).

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
 - **Applicant's Response:** Special conditions and circumstances exist which are peculiar to the land, which are not applicable to other lands in the same zoning district because there is no ability of the applicant to increase his right of way frontage. The Subject Site is bounded on both the east and the west by parcels owned by others. Both neighbors have refused Applicants request to purchase their property at fair market value. The neighboring property owners are very familiar with the regulation in Conversion Area 23, and understand that the city will deny the applicant the right to use their property without combining with their land. Therefore, each has requested \$1.3 million dollars for their parcel. If the city were to grant the variance it may be an impetus for the neighboring property owners to entertain a reasonable offer. As the realization that they can no longer prevent the use of Applicants property, may incentivize them to sell at fair market value. As previously stated, Ekonomy would like to purchase and combine all three (3) parcels.
 - **Staff Findings:** *There are no special conditions or circumstances existing which are peculiar to the land that would not be applicable to other lands in the same zoning district. The applicant is the owner of Lot 14 and would like to rezone it. The variance will isolate Lots 13 and 15, not allowing those properties to meet Section III, Land Assembly Requirements of the City Land Use Conversion Manual. Conversion Area 23 has a CG (General Commercial) future land use designation. For properties to be rezoned in Conversion Area 23 to a zoning district that is compatible with the future land use designation, a minimum frontage of 160 feet and a minimum area of 20,000 square feet is required. Lots 13 and Lot 15 are each individually insufficient to meet the standards to rezone to a zoning designation that is consistent with the property's CG future land use.*

Under the rezoning procedures outlined in the City of Port St. Lucie Land Use Conversion Manual, rezoning petitions for the conversion of residentially zoned lots should avoid the isolation of lots that are insufficient in size to meet the performance standards established for a particular conversion area.

2. That the special conditions and circumstances do not result from any action of the applicant.
 - Applicant's Response: Special conditions and circumstances do not result from any action of the applicant as the ownership of surrounding properties is not within his control.
 - Staff Findings: *There are no special conditions or circumstances that pertain to this property. See No. 1 above.*
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district.
 - Applicant's Response: The request will not confer a special privilege that is denied by this chapter to other lands in the same zoning district. To the contrary, the property is currently zoned RS-2 and is surrounded by property with commercial zoning. The variance will allow the Property to be compatible with the surrounding properties. As indicated in the zoning map below, the Property to the north is zoned Service Commercial Zoning District ("CS"), the properties to the south are CS, to the west the bulk of the properties are zoned CS and to the east is Planned Unit Development known as Gatlin Commons. The fact that this parcel is residential surrounded by commercial gives rise to the argument that it is impermissible spot zoning and to correct this the City Council must grant the requested variance.
 - Staff Findings: *Granting of this variance will allow the development of the applicant's land, which would be denied to other property owners of single lots in this area. It will also restrict the owners of Lots 13 and 15 from rezoning their lots per Section 158.126 (F) of the Zoning Code.*
4. That literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant.
 - Applicant's Response: The literal interpretation of the code provision would deprive the applicant of his property rights in that, the regulations deny him the right to use his property in manner compatible with other properties within the immediate area. The deprivation of the right to use his property is working an unnecessary and undue hardship as he is prevented from using his property.
 - Staff Findings: *The provisions of the chapter would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and will not work an unnecessary undue hardship on the applicant. A private business decision between two property owners that do not want to sell their property is not a hardship. The property is currently zoned RS-2 (Single Family Residential) and can accommodate one single-family residence by right.*
5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - Applicant's Response: The request for the variance is the minimum possible that will allow the applicant to use his property. Currently, the property is zoned residential and residential is the only permitted use. Since a residential use is incompatible with the surrounding commercial zoning the variance is the minimum request that will allow a reasonable use of the land
 - Staff Findings: *The granting of this variance will allow the applicant to rezone the one lot, Lot 14, and combine it with their development to the north for future commercial development while isolating Lot 13 and 15. Per the existing zoning designation a*

single-family house can be constructed on the property.

6. That the granting of the variance will be in harmony with the general intent and purpose of the chapter and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
 - *Applicant's Response:* Granting the variance allows the property to be used in a manner that is compatible with the surrounding land uses, is in harmony with uses in the area and will not be detrimental to the public welfare.
 - *Staff Findings:* *The granting of the variance would be in direct conflict with Section III, Land Assembly Requirements (Avoiding Isolated Lots) on the City of Port St. Lucie Land Use Conversion Manual and the Zoning Code. It would isolate the adjacent lots.*
7. That there will be full compliance with any additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe, including but not limited to reasonable time limits within which the action for which variance is required shall be begun or completed, or both.
 - *Applicant's Response:* The applicant will fully comply with any additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe. The applicant's request for a variance is the minimum request which would allow him to use his property in a manner which is compatible with the surrounding uses. Currently, the Property is singled out and being treated differently than surrounding parcels which is the definition of impermissible spot zoning. Additionally, the application meets the seven criteria delineated in the Code. Since the variance request would allow the property owner to use his property in a manner consistent with surrounding uses to deny his request would be an arbitrary, capricious and an unreasonable treatment of the property. Therefore, I respectfully request that you grant the requested variance.
 - *Staff Findings:* *The applicant has acknowledged that they will comply with additional conditions or safeguards prescribed by the Planning and Zoning Board. Staff does not agree that the seven variance criteria have been met. The applicant has submitted a conceptual plan (see attached) but the submitted conceptual plan does not meet Section VI of the Conversion Manual which requires the plan to provide for shared access and parking for the adjacent isolated lots. The property is not being singled out and treated differently from adjacent properties.*

Performance Standards

- Any application which would result in adjacent lots becoming non-conforming to the conversion standards may be required to submit a conceptual site plan as a part of the variance.
 - *Applicant's Response:* Please see Conceptual Site Plan below.
 - *Staff Findings:* *The conceptual plan is attached.*
- The plan shall designate adequate buffers surrounding the site and remaining properties.
 - *Applicant's Response:* Noted
 - *Staff Findings:* *The conceptual plan does not designate any buffers.*
- Where appropriate, the plan shall be designed as one project and must provide for shared

access and parking of any remaining, or adjacent lots or parcels which would not conform to the conversion standards as a result of the variance. It shall not result in isolation or landlocked lots without providing access.

- *Applicant's Response:* Our variance application, if granted, will not isolate or landlock the remaining parcels as they are both situated as a corner lot and have access onto two right of ways. The Benabe Parcel has access onto SW Casella Street to the west and SW Hayworth Avenue to the south. The Malaret-Tio Parcel has access to SW Hayworth Avenue to the east and to the south.
- *Staff Findings:* *The plan does not provide for any shared access or parking. The conceptual plan isolates the two adjacent lots as it would restrict the owners of Lots 13 and 15 from rezoning their lots per Section 158.126 (F) of the Zoning Code. **If this variance is approved staff recommends a condition of approval to require cross access to lost 13 and 15 from lot 14.***
- The plan shall not allow for access onto residential streets or non-conversion area streets.
 - *Applicant's Response:* The proposed access is not onto residential streets, it is on a conversion area street, SW Hayworth Avenue.
 - *Staff Findings:* *The subject site does not have access to residential streets or non-conversion area streets.*
- The plan shall require the recording of Unity of Title for the project to prohibit further division and sale of separate lots which were a part of the overall approved site plan. Also, recording of access easements for future use of the remaining adjacent lots is required. Verification of this is required prior to the issuance of building permits for the project.
 - *Applicant's Response:* Noted.
 - *Staff Findings:* *Acknowledged.*

PLANNING AND ZONING BOARD ACTION OPTIONS

If the Board finds that the variance application is consistent with the criteria as listed in Section 158.295 (B) (1) through (7) of the City code (listed above) and the City of Port St. Lucie Land Use Conversion Manual performance standards, then the Board may:

- Motion to recommend approval to the City Council with the following condition: *Cross access to lots 13 and 15 from lot 14 shall be required.*
- Motion to recommend approval to the City Council

If the Board finds that the variance application is inconsistent with the criteria as listed in Section 158.295 (B) (1) through (7) of the City code and the City of Port St. Lucie Land Use Conversion Manual performance standards, then the Board may:

- Motion to recommend denial to the City Council

Should the Board need further clarification or information from either the applicant and/or staff, the Board may:

- Motion to table or continue the hearing or review to a future meeting.

(NOTE TO APPLICANTS: Any request for a variance that is denied by the Planning and Zoning Board may be appealed to the Board of Zoning Appeals. Appeal applications are made through the City Clerk's office and must be submitted within 15 days after the Planning and Zoning Board hearing).