



**Imperium Construction Co., LLC
Variance (Conversion Area Requirements)
P23-088**

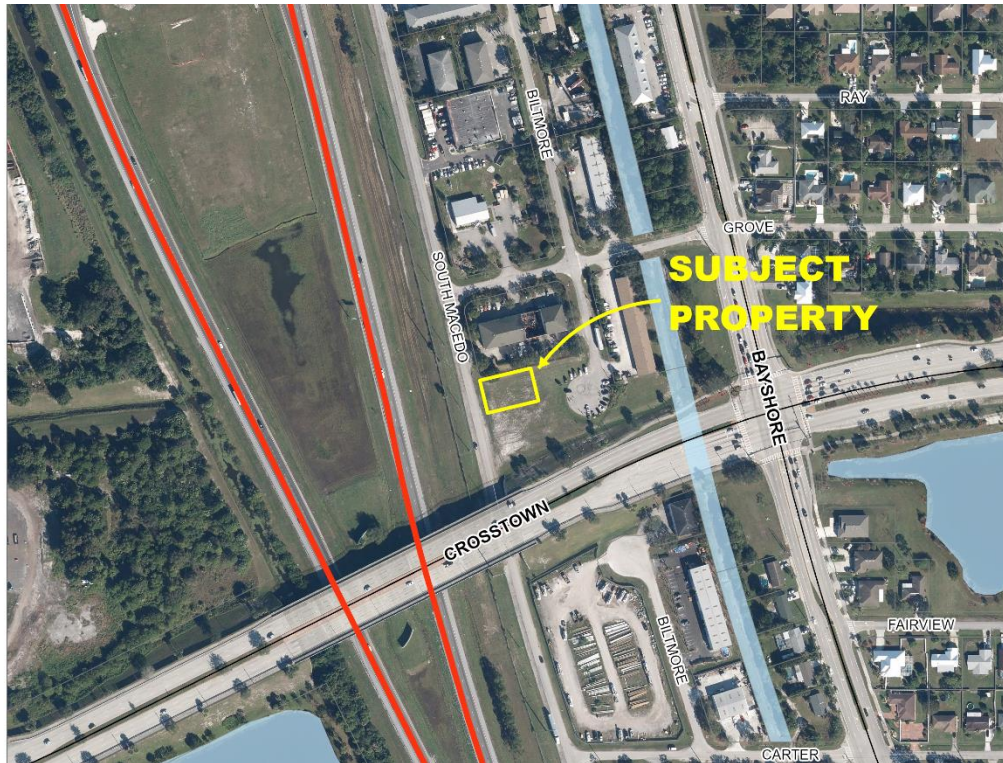


Figure 1. Aerial Map

SUMMARY

Applicant's Request:	To grant a variance to Area 26 of the Land Use Conversion Manual for lot size and frontage requirements for the purposes of requesting a rezoning to the Service Commercial (CS) Zoning District.
Application Type:	Variance, Quasi-Judicial
Applicant:	George Ruiz Ortiz, Imperium Construction Company
Property Owner:	Imperium Construction Company LLC
Address:	1429 SW South Macedo Blvd
Location:	East side of SW South Macedo Blvd, north of Crosstown Parkway
Project Planner:	Francis Forman, Planner II

Project Description

The owner, Imperium Construction Company, LLC, is requesting a variance to the requirements of Conversion Area Number 26 of the Land Use Conversion Manual to allow a 10,000 square foot lot with 80 feet of frontage to be rezoned to the Service Commercial (CS) Zoning District. Section III of the Land Use Conversion Manual requires a minimum frontage of 180 feet and a minimum of 20,000 square feet of land area for any site within the conversion area.

Planning and Zoning Board Review

Per Section VI, Variance Procedures, of the City of Port St. Lucie Land Use Conversion Manual, the Planning and Zoning Board shall review variance requests for exceptions to the performance standards established by the manual and forward a recommendation to the City Council for final approval or denial authority regarding such requests. The Planning and Zoning Board shall hold a public hearing per section 158.298 of the City's Zoning Code.

Public Notice Requirements

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

Location and Site Information

Parcel Number:	3420-635-0632-000-8
Property Size:	+/- 0.23 acres
Legal Description:	Lot 3 - Block 240 - Port St. Lucie Section 28
Future Land Use:	LI/CS (Light Industrial/Service Commercial)
Existing Zoning:	RS-2 (Single-Family Residential)
Existing Use:	Vacant

Surrounding Uses

Direction	Future Land Use	Zoning	Existing Use
North	LI/CS	CS	Warehouse
South	LI/CS	RS-2	Vacant
East	LI/CS	RS-2	Vacant
West	HWY	I	Florida Turnpike

LI/CS, Light Industrial/Service Commercial – CS, Service Commercial – HWY, Highway – RS-2, Single Family Residential – I, Industrial

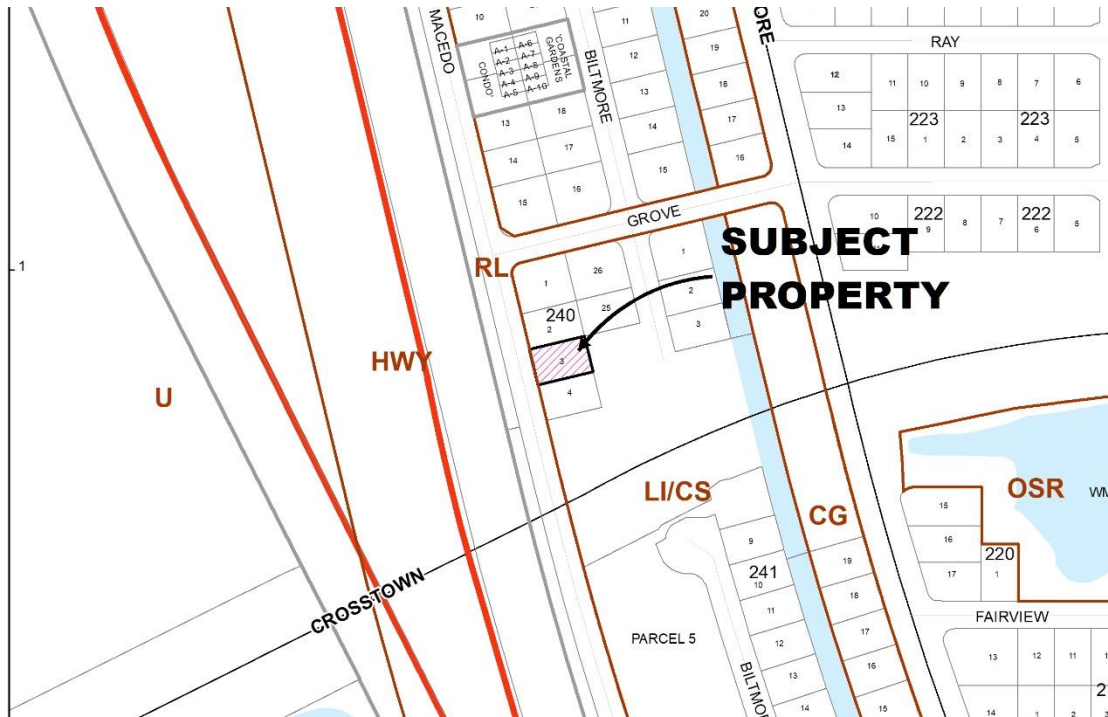


Figure 2. Land Use Map

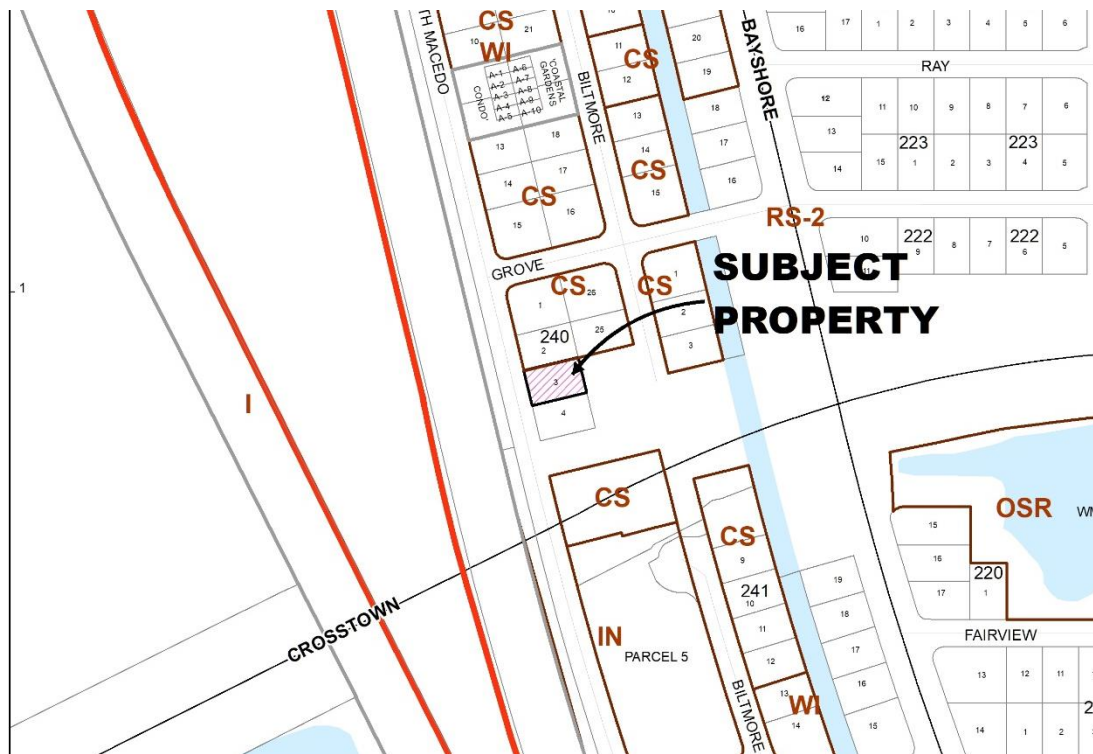


Figure 3. Zoning Map

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 and the applicant's responses are provided below.

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: Land is located in an Industrial/Commercial area.
- Staff Findings: The subject site is zoned Single-Family Residential and located within the Light Industrial/Service Commercial future land use area of the Land Use Conversion Area. The site could be developed with a single-family residence, which would not be a compatible use to the adjacent industrial uses. The property could be rezoned to Service Commercial to allow for the development of industrial as the Conversion Manual if the applicant was able to acquire an adjacent parcel. The subject property does not meet the requirements of the Conversion Manual standards regarding size and width. The City owns the adjacent Lot 4 and has determined that it is not in the best interest of the City to sell the lot for private development (see attached correspondence). Since the applicant is unable to acquire the adjacent lot to meet the requirements of the Conversion Manual, a variance is needed in order to rezone the property to the Service Commercial (CS) zoning district to allow for industrial development. It is not a good location for a single-family residence and the subject lot is constrained by the cul-de-sac and the city owned land making any industrial development impossible with securing the variance to the Conversion Manual.

- 2) That the special conditions and circumstances do not result from any action of the applicant.

- Applicant's Response: We don't want to build a house next to warehouses. As a result, we think it is best to build a warehouse.
- Staff Findings: The property could be developed under its current zoning designation with one single-family residence; however, the adjacent development properties and the Future Land Uses are industrial which is the reasoning for the applicant's interest in rezoning to allow for a like use.

- 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: This request stands on the fact there are mainly commercial buildings around our residential lot.
- Staff Findings: Other lands in the same zoning district are required to adhere to the

minimum lot size and frontage requirements but may not be surrounded by City Right-of-Way and land holdings.

- 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: All other properties in the area are commercial locations.*
 - *Staff Findings: See staff findings #1. The literal interpretation of the provisions deprives the applicant of the ability to develop and utilize the property for a non-residential use.*
- 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: We are attaching a copy of our building plans.*
 - *Staff Findings: The applicant did not attach any building plans. Granting the variance would allow the property owner to rezone the lot to Service Commercial and use the land for an industrial use as desired.*
- 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.
 - *Staff Findings: The variance appears to 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.*
- 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.
 - *Staff Findings: Acknowledged.*

Compatibility with performance standards of Section VI of Conversion Manual

- 1) Any application which would result in adjacent lots becoming non-conforming to the conversion standards may be required to submit a conceptual site plan.
 - *Staff Findings: A conceptual site plan has not been submitted.*
- 2) The plan shall designate adequate buffers surrounding the site and remaining properties.
 - *Staff Findings: Adequate buffers will be required per City's Zoning and Landscaping Codes.*
- 3) 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 parcel 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.

- *Staff Findings: The property to the north is developed. The City property has access to SW South Macedo Blvd.*
- 4) The plan shall not allow the access onto residential street or non-conversion area streets.
- *Staff Findings: The property does not have access onto a residential or non-conversion area street.*
- 5) The plan shall require the recording of Unity of Title for the project to prohibit further division and sale of separate lots which are 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 issuance of building permits for the project.
- *Staff Findings: Not applicable.*

PLANNING AND ZONING BOARD ACTION OPTIONS

The Board may choose to recommend approval, denial or to table the proposed variance. 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 Section VI of the Conversion Manual, then the Board may:

- Motion to recommend approval to 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, then the Board may:

- Motion to recommend approval with conditions to City Council
- Motion to recommend denial to 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).