



Freese, James
Variance
P22-197



Project Location Map

SUMMARY

Applicant's Request:	This is a request to grant a variance to the requirements of Appendix B, Land Use Conversion Manual of the City's Zoning Code to isolate one (1) lot for the purpose of requesting a rezoning to the Service Commercial (CS) Zoning District.
Agent:	N/A
Applicant / Property Owner:	James Freese
Location:	2732 SW Casella Street
Application Type:	Variance, Quasi-Judicial
Project Planner:	Bethany L. Grubbs, Planner III

Project Description

The City of Port St. Lucie has received a request from James Freese, the property owner, to grant a variance to the requirements of Appendix B, Land Use Conversion Manual of the City’s Zoning Code to isolate one (1) lot for the purpose of requesting a rezoning to the Service Commercial (CS) Zoning District.

The subject property is located within Conversion Area 24, which requires a minimum road frontage of 160 feet, which is two, eighty (80) foot lots.

Policy 1.1.4.12 of the Comprehensive Plan requires variances to the Conversion Manual be reviewed by the Planning and Zoning Board and a recommendation be forwarded to the City Council for final approval or denial.

This manual is intended to explain the land use conversion process, available conversion options, and implementation policies. The manual addresses requirements for land assembly, rezoning requirements, and related site plan and design considerations.

Review Criteria

An application for a variance is reviewed for consistency with Article XV of the Zoning Code, Sections 158.295 through 158.299. the Planning and Zoning Board and a recommendation be forwarded to the City Council for final approval or denial.

Public Notice Requirements (Section 158.298 (B))

Notice was mailed to property owners within a maximum of 750 feet of the subject property on May 25, 2023.

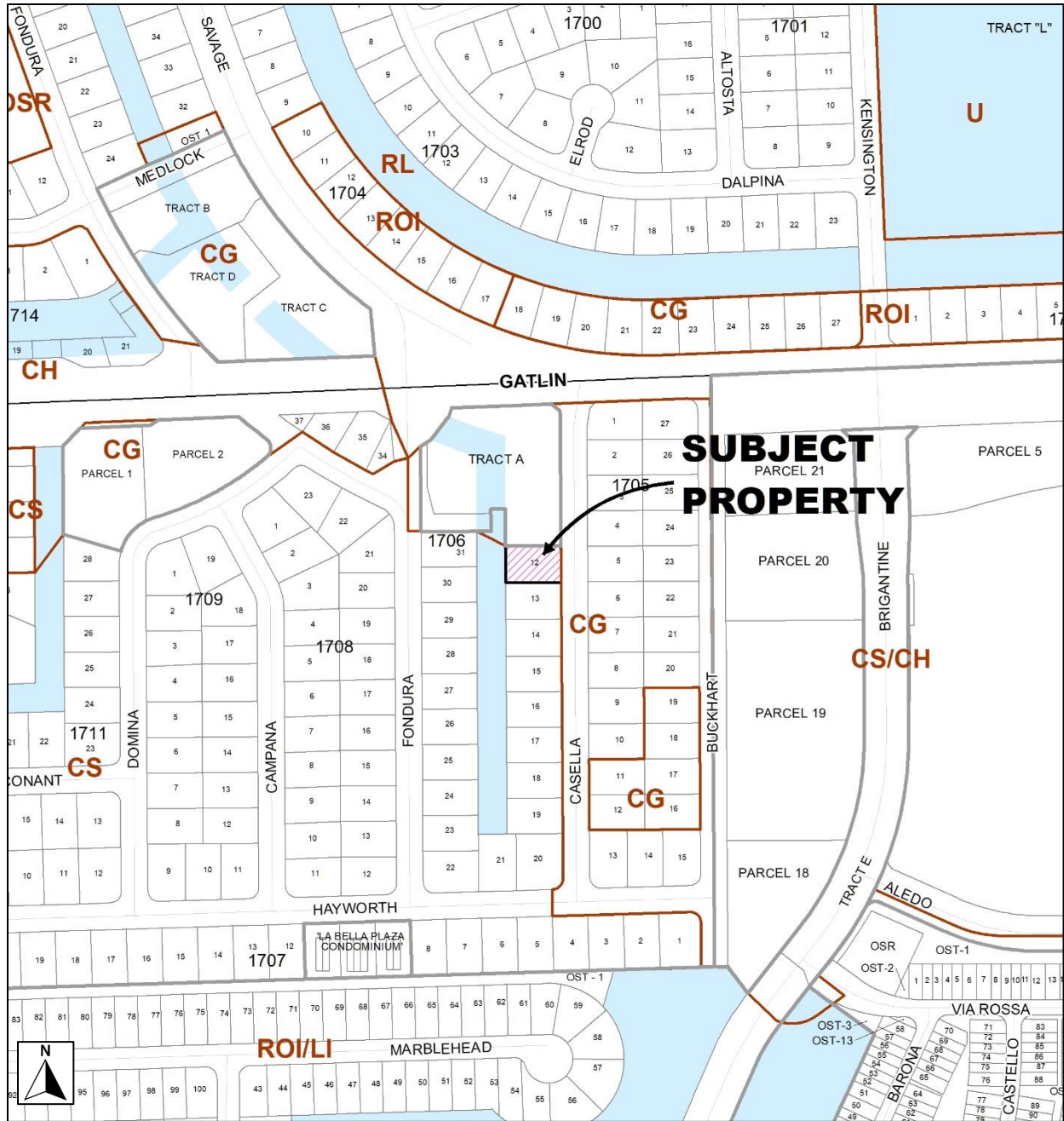
Location and Site Information

Parcel Number:	3420-650-1026-000-1
Property Size:	0.24 acres
Legal Description:	Port St. Lucie Section 31, Block 1706, Lot 12
Existing Future Land Use:	CS (Service Commercial)
Existing Zoning:	RS-2 (Single Family Residential)
Existing Use:	Vacant
Requested Zoning:	CS (Service Commercial)
Proposed Use:	Outside storage lot

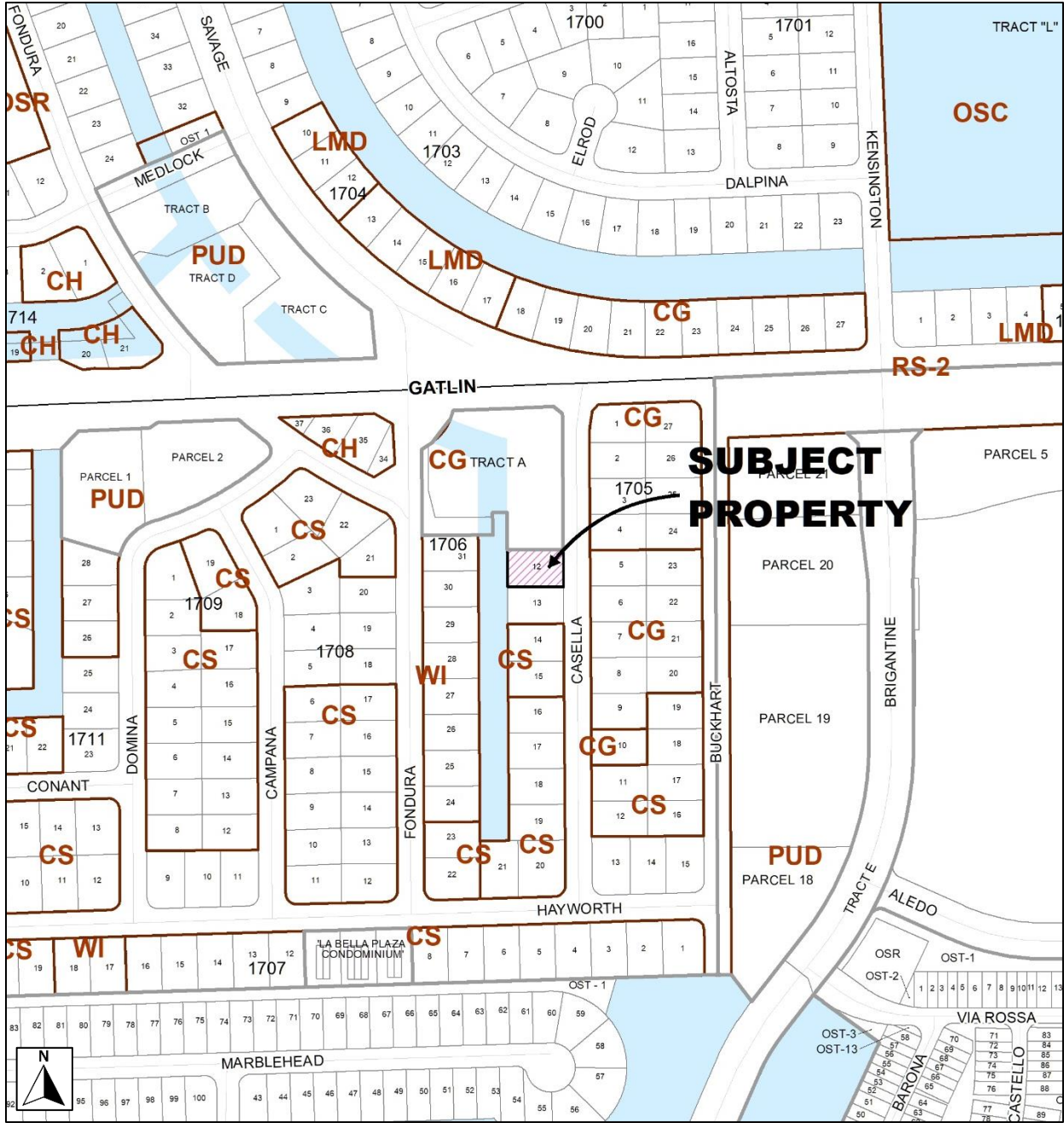
Surrounding Uses

Direction	Future Land Use	Zoning	Existing Use
North	CG	CG	Walgreens
South	CS	RS-2	Vacant
East	CG	CG	Self-Storage Facility
West	CS	WI	Industrial Warehouses

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



Land Use Map



Zoning Map

IMPACTS AND FINDINGS

Policy 1.1.4.12 of the Future Land Use Element states "A manual shall be established to implement conversion areas of the Future Land Use Map. It shall include development of performance standards to allow conversions and include variance procedures for exceptions to such standards only in appropriate locations. The Planning and Zoning Board shall review these variance requests and forward a recommendation to the City Council for final approval or denial authority regarding such requests. Appendix B. – City of Port St. Lucie Land Use Conversion Manual, Section establishes the criteria for variance approval within the conversion areas. In order to meet the intent of the approved policy, the following performance standards are to be applied.

- 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 as a part of the variance.

Staff Findings: The applicant has submitted a conceptual site plan.

- 2) The plan shall designate adequate buffers surrounding the site and remaining properties.
- 3) *Staff Findings: The conceptual plan does not designate adequate buffers. Proposals for development within land use conversion areas shall demonstrate compliance with landscape and screening requirements of the City Code of Ordinances. The proposed use is an open storage lot which has additional landscape and buffering requirements than required by the landscape requirements of the conversion manual. Open lot storage areas shall be completely enclosed by an opaque fence or a wall having a minimum height of 8 feet and landscaped on all sides by a landscape strip at least ten feet in depth, exclusive of curbing, except for necessary access ways for ingress and egress from the open lot storage areas and where the storage area is screened from view from surrounding property. Along areas facing a street right-of-way, the required landscaping shall be located in front of the wall or fence.*
- 4) 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.

Staff Findings: The conceptual plan does not provide vehicle connections or shared access between the adjacent parcel, Lot 13, which would be isolated.

- 5) The plan shall not allow for access onto residential streets or non-conversion area streets.

Staff Findings: A proposed driveway located on Casella Street, meets this requirement.

- 6) 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.

Staff Findings: The variance is for a single lot; therefore, this requirement is not applicable.

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. Variances to the Conversion Manual shall be reviewed by the Planning and Zoning Board and a recommendation be forwarded to the City Council for final approval or denial.

Compatibility with variance criteria Section 158:295 (B).

7) 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.

- *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 12. The applicant would like to rezone Lot 12. The variance will isolate lot 13 not allowing the property to meet Section III, Land Assembly Requirements of the City Land Use Conversion Manual. Conversion Area 24 has a CS (Service Commercial) future land use designation. For properties to be rezoned in Conversion Area 24 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. Lot 12 and Lot 13 are each individually insufficient to meet the standards to rezone to a zoning designation that is consistent with the property's CS future land use.*

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

- *Staff Findings: There are no special conditions or circumstances that pertain to this property. Lot 13, adjoining the property to the south, is undeveloped and would be left isolated. Therefore, a special condition or circumstance does not exist, and this request would be the result of the applicant's desire to develop their one lot for commercial use, isolating lot 13 and the circumstances surrounding a private real estate transaction. Neither property owner wants to sell their respective lot to create a conforming lot package.*

9) 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.

- *Staff Findings: Granting of this variance will allow the development of the applicant's land and will restrict the owner of lot 13 from rezoning their lot unless they file for a variance application to Section III, Land Assembly Requirements of the Conversion Manual and to Section 158.126 (F) of the Zoning Code, demonstrating that the lot can function independently.*

10) 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.

- *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. This application is the result of a private business decision between two property owners that do not want to sell their property. The property is currently zoned RS-2 (Single Family Residential) and can accommodate one single-family residence by right.*

11) That the variance granted is the minimum variance that will make possible the reasonable use

of the land, building, or structure.

- *Staff Findings: The granting of this variance will allow the applicant to rezone the one lot, lot 12, for future commercial development while isolating lot 13. The rezoning of property in a conversion area must be consistent with the City of Port St. Lucie Land Use Conversion Manual. As stated under Section III, rezoning petitions for the conversion of residentially zoned lots should avoid the isolation of lots which are insufficient in size to meet the performance standards established for a particular conversion area.*

12) 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 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. The concept plan/survey submitted does not meet the Zoning Code requirements and would require the cooperation of the owner of lot 13 to create a conforming lot package.*

13) 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: If the variance is granted, the applicant should be required to meet the conditions of Section VI of the conversion manual which requires a conceptual plan be submitted with an application for rezoning. The conceptual plan should provide for shared access and parking for the adjacent isolated lot.*

PLANNING AND ZONING BOARD ACTION OPTIONS

The Board may choose to approve, deny or 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), 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).