



**460 Peacock Business Center @ St. Lucie West
Variance
P22-271**



Aerial Map

SUMMARY

Applicant's Request:	A variance request to allow freestanding air conditioning condensing and compressor units to be located on the front side of building that faces NW Peacock Boulevard. See applicant's comments that are attached to the Variance Application.
Application Type:	Variance, Quasi-Judicial
Applicant:	Engineering Design & Construction, Inc; Bradley J. Currie, AICP
Property Owner:	460 Peacock Business Center, LLC
Address:	460 NW Peacock Boulevard
Location:	Southwest corner of NW Peacock Boulevard and NW Stadium Drive.
Project Planner:	Stephen Mayer, Planner III

Project Description

The applicant is proposing to build two one-story office warehouse (flex space) buildings with 19 flex space units in each building. The units are aligned so that loading bay doors face a common alley way at the rear of each unit. The applicant is requesting a variance to allow 19 freestanding air conditioning condensing and compressor (A/C) units to be located along the front of building #2, which is facing and visible from NW Peacock Boulevard. See attached Site Plan.

Section 154.03(F) of the City's Landscaping and Land Clearing Code states that air condensing and compressor units may not be located on the side of a building that faces a street.

Review Criteria

An application for a variance is reviewed for consistency with Article XV of the Zoning Code, Sections 158.295 through 158.299. Final action on the application (approval or denial) is in the form of an Order of the Planning and Zoning Board following a quasi-judicial public hearing. A vote of approval by five (5) members of the Planning and Zoning Board is required to grant a variance.

Public Notice Requirements

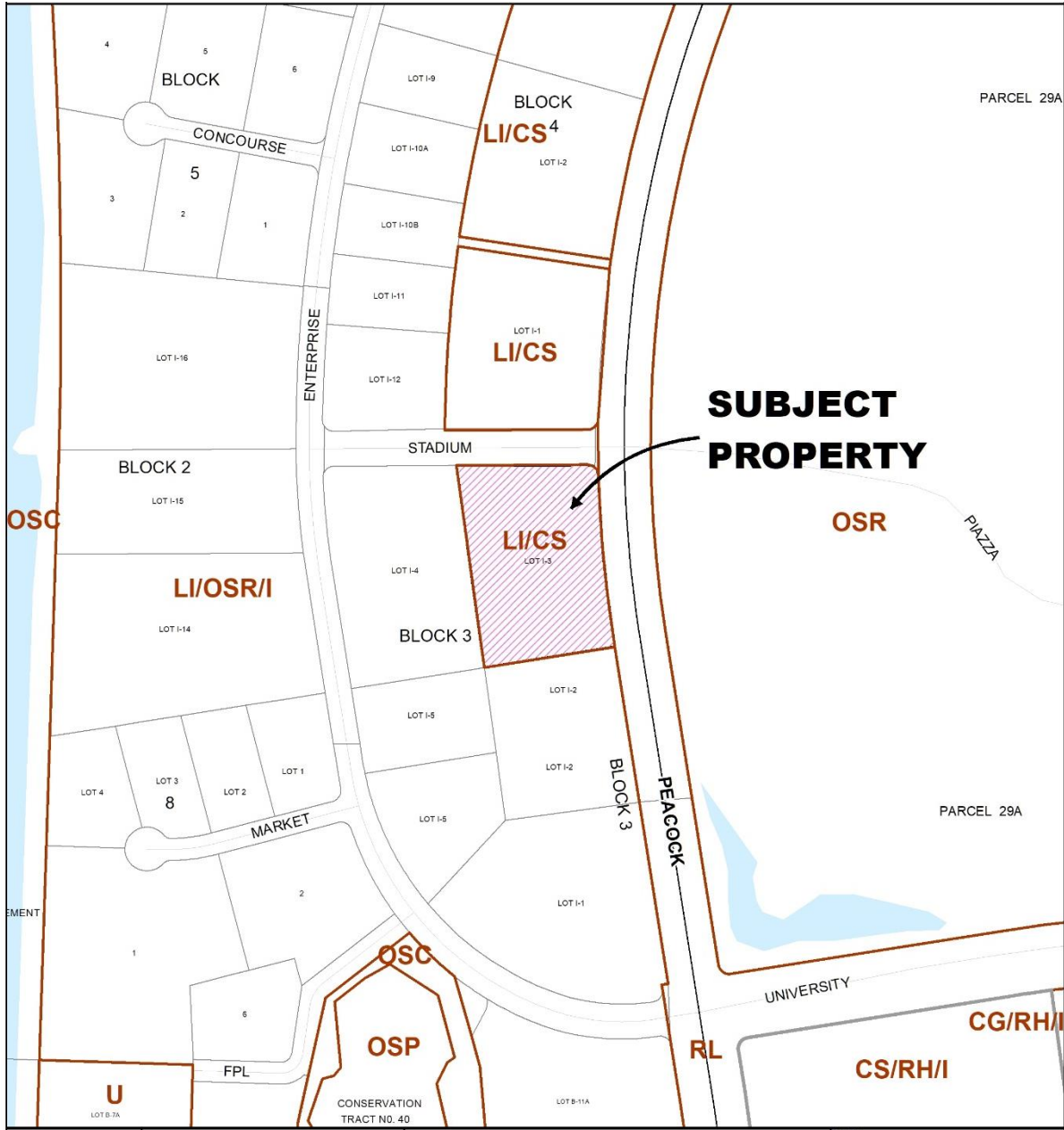
Public notice was mailed to owners within 750 feet and the file was included in the ad for the Planning & Zoning Board’s agenda.

Location and Site Information

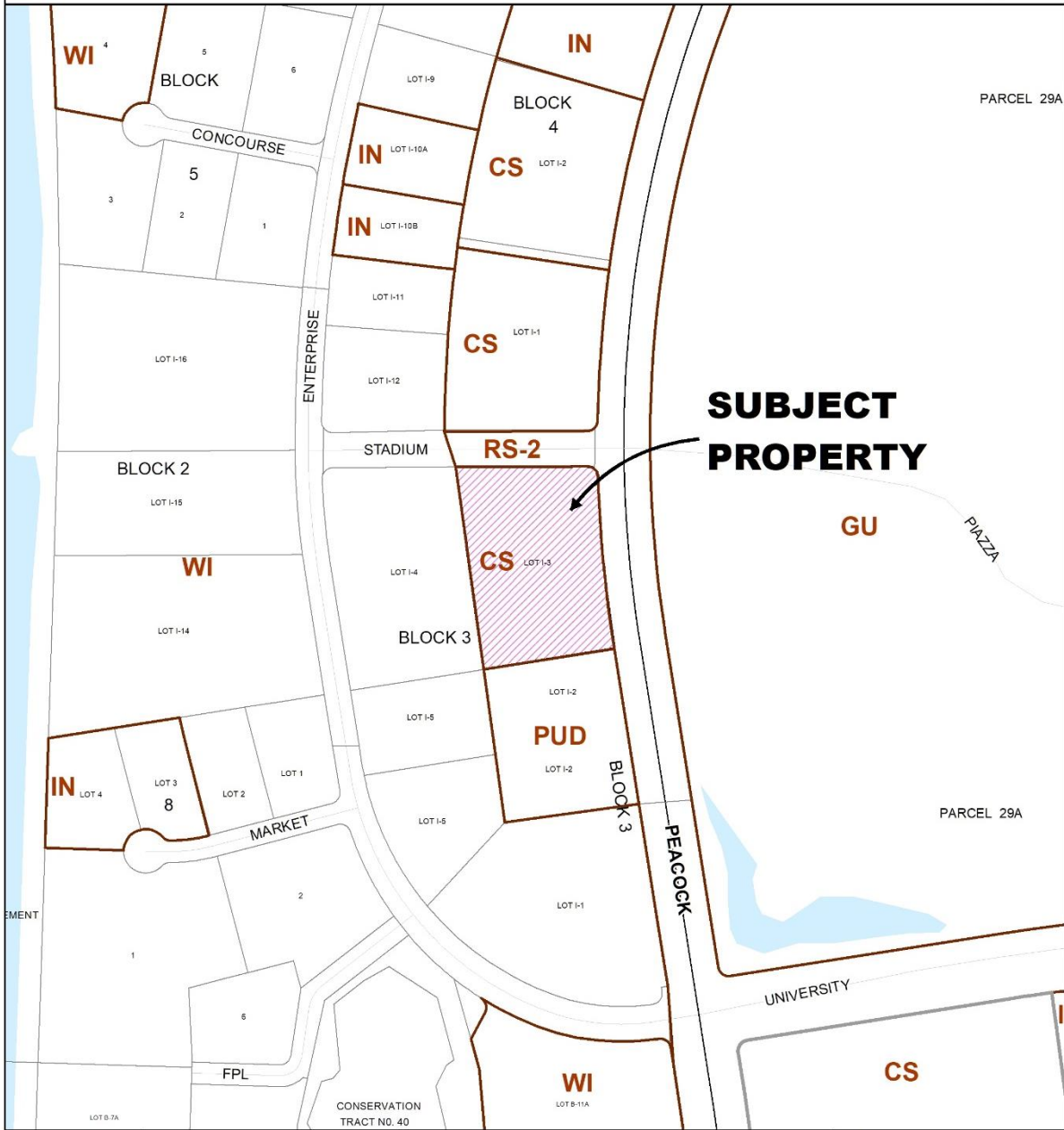
Parcel Number:	3323-500-0025-000-7
Property Size:	3.12-acres
Legal Description:	Lot 1-3, Block 3, Parcel 28, St. Lucie West Plat Number 1, Prima Vista Boulevard, Plat Book 26, Page 8.
Future Land Use:	Light Industrial/Commercial Service (LI/CS)
Existing Zoning:	Service Commercial (CS)
Existing Use:	Vacant

Surrounding Uses

Direction	Future Land Use	Zoning	Existing Use
North	Light Industrial/Service Commercial (LI/CS)	Service Commercial (CS)	Vacant
South	Light Industrial/ Open Space – Recreation/ Institutional (LI/OSR/I)	Planned Unit Development (PUD)	Flying Panda Commercial Property
East	Open Space Recreation (OSR)	General Use (GU)	Mets Stadium
West	Light Industrial/ Open Space – Recreation/ Institutional (LI/OSR/I)	Warehouse Industrial (WI)	Vacant



Land Use Map



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 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.
 - *Staff Findings: All lots zoned Commercial Service (CS) are subject to the same zoning regulations. The A/C units could be located in places other than the front of the buildings:*
 - 1) *The backs of the warehouse buildings are proposed to have a 32-foot-wide alley with loading zones for the back of each building. Locating bollards in front of the A/C units could protect the A/C units from being hit by vehicles. The A/C units also could be elevated on the back wall of the building and screened with fencing.*
 - 2) *Many warehouse and commercial buildings are designed with flat roofs so that the A/C equipment can be located on the roof. The two approved building elevations have been approved with a flat roof, so staff notes that the A/C units could potentially be located on the roof.*
- 2) That the special conditions and circumstances do not result from any action of the applicant.
 - *Staff Findings: See #1.*
- 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.
 - *Staff Findings: See #1.*
- 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.
 - *Staff Findings: See #1.*
- 5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - *Staff Findings: See #1.*
- 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 purpose of the City code regarding the placement of A/C units is to foster the development of visually attractive streets and sites by not allowing A/C units to face the street. The applicant is proposing to locate 19 A/C units at the front entrances of building #2, facing a collector street (Peacock Boulevard). The proposed 24" high viburnum hedges placed in front of the units would minimize, but not prevent, the view of the units from the streets or entrances. In order to minimize the view, the applicant should maintain them at the height of the AC units (27").*

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.*

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 approve
- Motion to approve with the condition that the applicant shall maintain the viburnum hedges at the height of the AC units (27").

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 deny

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).