

CITY OF PINELLAS PARK

Staff Report

Community Development Department Planning & Development Services Division

I. APPLICATION DATA

- A. <u>Case Number</u>: VAR-0321-00062
- B. Location: 5325 115th Ave (Parcel Number 16-30-16-63984-000-0020)
- C. <u>Request</u>: Request to increase maximum lot coverage from 75% to 77% for a property in the "M-1" Light Industrial Zoning District.
- D. Applicant: Kay Eaton with ESF, LLC
- E. Authorized Agent: N/A
- F. Property Owner: ESF, LLC
- **G.** <u>Legal Ad Text</u>: Request to increase maximum lot coverage for a property in the "M-1" Light Industrial Zoning District.
- H. PARC Meeting: July 27, 2021
- I. Public Hearings:

Board of Adjustment Hearing Date: September 28, 2021 **Advertising Date:** September 8, 2021

II. BACKGROUND INFORMATION

A. Case Summary:

The existing use on this property is a warehouse facility with a showroom (test kitchen) and offices. It would be considered a primary use in the Industrial Limited (IL) Land Use category and a permitted use in the M-1 Light Industrial Zoning District.

The request is to increase maximum lot coverage on the site from 75% to 77%. The applicant has completed several improvements which removed a landscape island to allow access to the loading area, added concrete on the east and south sides of the building, and installed concrete and asphalt in front of the garage door on the northeast corner of the building, all of which increased their impervious cover.

Per the Comprehensive Plan, the maximum impervious surface ratio (ISR) in the IL land use designation is 85%. The applicant's proposal of 77% lot coverage does not exceed this requirement. However, per Section 18-1524.4 of the Land Development Code, the maximum allowable lot coverage in the M-1 Zoning District is 75%. The Applicant has therefore requested an increase in lot coverage from 75% to 77%.

B. Site Area: 57,642 square feet / 1.32 acres

C. Property History:

In 1992, the property was annexed into the City of Pinellas Park from Unincorporated Pinellas County. In 2018, the property was subdivided into two parcels through a condominium plat which created the properties known today as 5325 115th Ave and 5355 115th Ave (Official Records Book 162, Pages 57 and 58). This division increased the percentage of impervious cover on both properties.

The neighboring property, 5355 115th Ave, received variance approval in April of 2021 for an increase in lot coverage to 76.5%.

- D. Existing Use: Warehouse Facility with Showroom (Test Kitchen) and Offices
- E. Proposed Uses: N/A
- F. Current Land Use: IL (Industrial Limited)
- G. Current Zoning District: M-1 (Light Industrial)
- H. Flood Zone: The subject property is located in Flood Zone X, which is a low-risk flood zone.
- I. <u>Evacuation Zone</u>: This property is in Evacuation Zone C, which is the third level to evacuate in preparation for a storm. Zone C is evacuated when storm surge height is predicted to be up to 20 feet.
- J. Vicinity Characteristics:

	Zoning	Land Use	Existing Use
North	E-1 (County)	IL (County)	Industrial Uses
South	M-1 (City)	IL (City)	Industrial Uses
East	M-1 (City)	IL (City)	Industrial Uses
West	M-1 (City)	IL (City)	Industrial Uses

III. APPLICABLE CRITERIA / CONSIDERATIONS

A. Land Use Designation / Comprehensive Plan Policies:

1. Land Use Purpose / Intent:

It is the purpose of this category to depict those areas of the City that are now developed, or appropriate to be developed, in a limited industrial manner; and so as to encourage the reservation and use of consolidated areas for industrial and industrial/mixed use in a manner and location consistent with surrounding use, transportation facilities, and natural resource characteristics.

2. Key Standards:

Use Characteristics - Those uses appropriate to and consistent with this category include:

Primary Uses - Office; Research/Development; Light Manufacturing/Assembly (Class A) and (Class B); Wholesale/Distribution (Class A) and (Class B); Storage/Warehouse (Class A) and (Class B).

Secondary Uses - Residential (limited to locations in Gateway Centre developed prior to August 7, 2015, pursuant to Section 2.3.3.14(E) of the Countywide Plan Rules (2018);1 Retail Commercial; Personal Service/Office Support; Commercial/Business Service; Commercial Recreation; Temporary Lodging; Institutional; Transportation/Utility; Recreation/Open Space; Transfer/Recycling; Incinerator Facility; Agricultural.

Locational Characteristics – This category is generally appropriate to locations with sufficient size to encourage an industrial park arrangement, as well as integrated industrial/mixed use projects, with provision for internal service access in locations suitable for light industrial use with minimal adverse impact on adjoining uses; and serviced by the arterial and thoroughfare highway network, as well as mass transit.

Density/Intensity - Shall include the following:

All Other Uses – Shall not exceed a floor area ratio (FAR) of 0.65 nor an impervious surface ratio (ISR) of 0.85, except as provided for in the Countywide Plan Rules (2018). The standard for the

purpose of establishing relative intensity and potential impacts shall be a FAR of 0.39 and an ISR of 0.65.

3. Relevant Policies:

POLICY LU.1.16.1 Maintain a sufficient supply of industrial land with a minimum of adverse effects on abutting properties.

POLICY LU.1.16.3 Industrial uses shall be concentrated in suitable existing locations to prevent a spread of negative effects on the community.

4. Staff Analysis:

The existing use of a warehouse facility is a primary use in the Industrial Limited (IL) Land Use category. The request is to increase the allowable lot coverage from 75% to 77% to allow for improvements to the site. This will not exceed the maximum ISR for the IL land use designation, which is 85%.

Staff finds the proposed increase in lot coverage/ISR is consistent and supported by the land use designation and various Goals, Objectives, and Policies of the Comprehensive Plan.

B. Zoning District / Land Development Code Standards:

1. Zoning District Purpose / Intent:

The "M-1" Light Industrial District is established in order to identify and provide those geographic areas within the City of Pinellas Park that are appropriate for the development and maintenance of a light industrial environment, which does not create hazardous or other serious detrimental effects upon the public health in the surrounding areas. This district is intended primarily for a wide variety of industrial uses and compatible retail, wholesale, distributing operations, and in limited situations as provided in (B) below, single and multi-family dwellings, together with accessory uses and public facilities customary to or required for such an environment.

Areas of the City for which this zoning category is appropriate are designated on the Land Use Plan Map as Industrial Limited (IL) or Community Redevelopment District (CRD) Land Use Plan Map Categories.

2. Key Standards:

SECTION 18-1524. - "M-1" LIGHT INDUSTRIAL DISTRICT Sec. 18-1524.4. - DIMENSIONAL AND AREA REGULATIONS.

- (A) MINIMUM LOT REQUIREMENTS.
 - 1. Lot Area: Fifteen thousand (15,000) square feet.
 - 2. Lot Width: One hundred (100) feet.
 - 3. Lot Depth: One hundred fifty (150) feet.
 - 4. Lots of record not meeting the lot area, width, or depth requirements of this section and having been of record prior to the adoption of these regulations may be used for a permitted or conditional use provided that all other dimensional regulations will apply.
- (B) MINIMUM YARD SETBACK REQUIREMENTS.
 - 1. Front Yard Setback: Twenty (20) feet.
 - 2. Secondary Front Yard Setback: Ten (10) feet.
 - 3. Side Yard Setback: Five (5) feet; ten (10) feet is required if abutting a residential zoning district.
 - 4. Rear Yard Setback: Five (5) feet, ten (10) feet is required if abutting a residential zoning district.
 - 5. For corner, double frontage and multiple frontage lots, see Section 18-1503.7, "Yard Determinations."
 - 6. Refer to Section 18-1503.8 for measurement of yard setbacks on lots adjacent to rights-of-way of insufficient width.
- (C) MAXIMUM LOT COVERAGE. Seventy-five (75) percent. Refer to Section 18-1530.18 for maximum lot coverage allowances for master stormwater retention/detention ponds.
- (D) MINIMUM FLOOR AREA AND LIVEABLE FLOOR AREA.
 - 1. Nonresidential: Three hundred (300) square feet.
 - 2. Residential: See Table 1524-1.
- (E) FLOOR AREA RATIO.
 - 1. Fifty-five hundredths (0.55) in CRD.

- 2. Fifty-five hundredths (0.55) in IL.
- (F) MAXIMUM BUILDING HEIGHT. Forty (40) feet. See Section 18-1503.13, "Exclusion from Height Limits", for height limit exclusions.

SECTION 18-1537. - VARIANCES

Sec. 18-1537.2. - VARIANCE REVIEW CRITERIA.

- (A) A variance from the terms of this Article shall not be granted unless and until a written application for a variance is submitted demonstrating:
 - 1. That special conditions and circumstances exist which are peculiar to the land or building involved, and which are not applicable to other lands or buildings in the same district; and
 - That literal interpretation of the provisions of this Article would deprive the applicant of rights 2. commonly enjoyed by other properties in the same district under the terms of this Article; and
 - That the special conditions and circumstances do not result from the actions of the applicant; З. and
 - That granting the variance requested will not confer on the applicant any special privilege that is 4. denied by this Article to other lands or buildings in the same district; and
 - That the requested variance is the minimum variance that will make possible the reasonable use 5. of the land or building; and
 - 6. That the granting of the variance will be in harmony with the general intent and purpose of this Article, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

3. Staff Analysis:

The existing use of a warehouse facility is a permitted use in the "M-1" Light Industrial Zoning District and is compatible with the purpose and intent of this district.

C. Project Application Review Committee (PARC):

The application was discussed at the July 27, 2021 PARC meeting by all relevant departments/divisions. No major concerns were raised with regard to the proposed amendment. Staff made the following comments:

It is recommended that the parking easement be expanded to include ingress-egress through the drive aisles in order to access the parking spaces.

IV. SUMMARY

A. Findings:

Based on the information and analysis contained in this report, staff finds as follows:

- 1. The requested 2% variance would allow for several improvements to the site.
- 2. The requested variance is consistent with the Goals, Objectives, and Policies of the adopted Comprehensive Plan.

B. Staff Recommendation:

Consistent with the above findings, staff recommends APPROVAL of case number VAR-0321-00062.

Nick A. Colonna, AICP Planning & Development Services Director

Benjamin J. Ziskal, AICP, CEcD Community Development Administrator

31.21 Date

Date

V. ACTION

BOARD OF ADJUSTMENTS - MOVE TO:

A. APPROVE

B. APPROVE WITH THE FOLLOWING CONDITION(S):

C. DENY

....a request to increase the maximum lot coverage from 75% to 77%.

VI. **ATTACHMENTS**

- Exhibit A: Variance Request
- Exhibit B: Affidavit of Ownership
- Exhibit C: Survey with Improvements
- Exhibit D: Recorded Plat
- Exhibit E: Aerial Map Exhibit F: Land Use Map
- Exhibit G: Zoning Map
- **Exhibit H:** Flood Insurance Rate Map

Exhibit I: Site Photos

VARIANCE REQUEST VAR-0321-00062

REQUEST & PROPERTY INFORMATION:

- Address / Location: 5325 115th ave
- Parcel Number: 16-30-16-63984-000-0020
- Property Size: 1.32 Acres
- Current Use: Warehouse with Test Kitchen and Offices
- **Request:** Request for increase in maximum lot coverage from 75% to 77% in the "M-1" Light Industrial Zoning District, for the removal of a landscape island for accessibility to the main entrance of the building, addition of concrete pads at each entrance of the building, and asphalt/concrete added in front of the garage on the northeast side of the building.
- The Applicant believes that the Board of Adjustment should grant this request because: Any greenspace that has been covered has all been with a purpose integral to the operation of our business. The removal of the landscape island was to create a clear and safe pathway to the main entrance of the building. Concrete pads were also added at the different entryways to our building, for safety of anyone entering or leaving the building. The coverage in front of the side garage door was created to safely pull trucks in and out of our warehouse. Any greenspace that was covered had a purpose.

A variance from the terms of the Zoning Code shall not be granted until the applicant can justify the need for a variance by providing responses to the following criteria:

1. Describe the special conditions and circumstances that exist which are peculiar to the land, structure or building involved and are not applicable to other lands, buildings or structures in the same Zoning District.

Because our building houses offices, a test kitchen and warehouse spacing, we have three different functions within one space, creating the need for different paths of egress. Due to this, we had to add concrete and asphalt to create safe entry and exit spaces.

2. Why would the literal interpretation of the provisions of the Zoning Code deprive you of rights commonly enjoyed by other properties in the same Zoning District under terms of the Code?

The literal interpretation would not necessarily deprive us, it just may make the areas in question less safe and not look as neat and orderly.

3. Explain how the special conditions or circumstances of this case do not result from actions of the applicant.

When the building was designed by our architect, we did not realize there would be issues with the greenspace. We had contacted the City to come out and discuss some of our issues before applying for permits.

4. Will granting the variance requested confer on the applicant any special privilege that is denied by the Zoning Code to other lands, structures or buildings in the same Zoning District.

I do think that the amount of lot coverage we are requesting for this variance is nominal. The amount for "M-1" zoning is 75% and we are requesting 77%.

5. Will this be the minimum variance that will make possible the reasonable use of the land, building or structure if granted?

Yes - this will be the minimum variance that will make possible the reasonable use of the land and building if granted.

6. How will the granting of the variance be in harmony with the general purpose and intent of the Zoning Code, not be injurious to the neighborhood, or be detrimental to the public welfare?

The granting of the variance will help our business operate safely and efficiently. The remodel of our building has been a part of the revitalization and beautification of several buildings that is happening specifically in this area at the current time.

<u>CITY OF PINELLAS PARK</u> AFFIDAVIT OF OWNERSHIP

STATE OF FLORIDA - COUNTY OF PINELLAS:

NAMES OF ALL PROPERTY OWNERS: LLC ES being first duly sworn, depose(s) and say(s): 1. That (I am / we are) the owner(s) and record title holder(s) of the following described property: ADDRESS OR GENERAL LOCATION: 5th Ave, Clearwater, FL 33760 LEGAL DESCRIPTION OF PROPERTY: (Type legal directly on this sheet. If too lengthy, type on separate sheet titled "Exhibit A" and attach.) Parcel 16301663984000020 Ondo Unit 2. That this property constitutes the property for which an application is being made to the City of Pinellas Park, Florida for (NATURE OF REQUEST): Coverage Variance HOWERS as (his / their) agent(s) to execute any 3. That the undersigned (has / have) appointed and (does / do) appoint ____ petitions or other documents necessary to affect such application. 4. That this affidavit has been executed to induce the City of Pinellas Park, Florida, to consider and act on the above described property; to include City representatives entering upon the property to make inspections as are necessary to visualize site conditions and/or determine compatibility. SIGNED (PROPERTY OWNER 2) SIGNED (PROPERTY OWNER 1) The foregoing instrument was acknowledged before me by means of STATE OF FLORIDA physical presence or a online notarization, this _____ day COUNTY OF Arch .20Z NUNEL, who is (Name of person acknowledging and title of position) personally known to me or who has produced DANNY R. RICHARDSON MY COMMISSION # GG 329264 as identification and who DID / DID NOT EXPIRES: August 30, 2023 (Type of identification) onded Thru Notary Public Underwriters take an oath. Notary Public, Commission No. 66329264 (SEAL ABOVE) rand (Name of Notary- typed, printed or stamped)

Affidavit of Ownership - Page 1

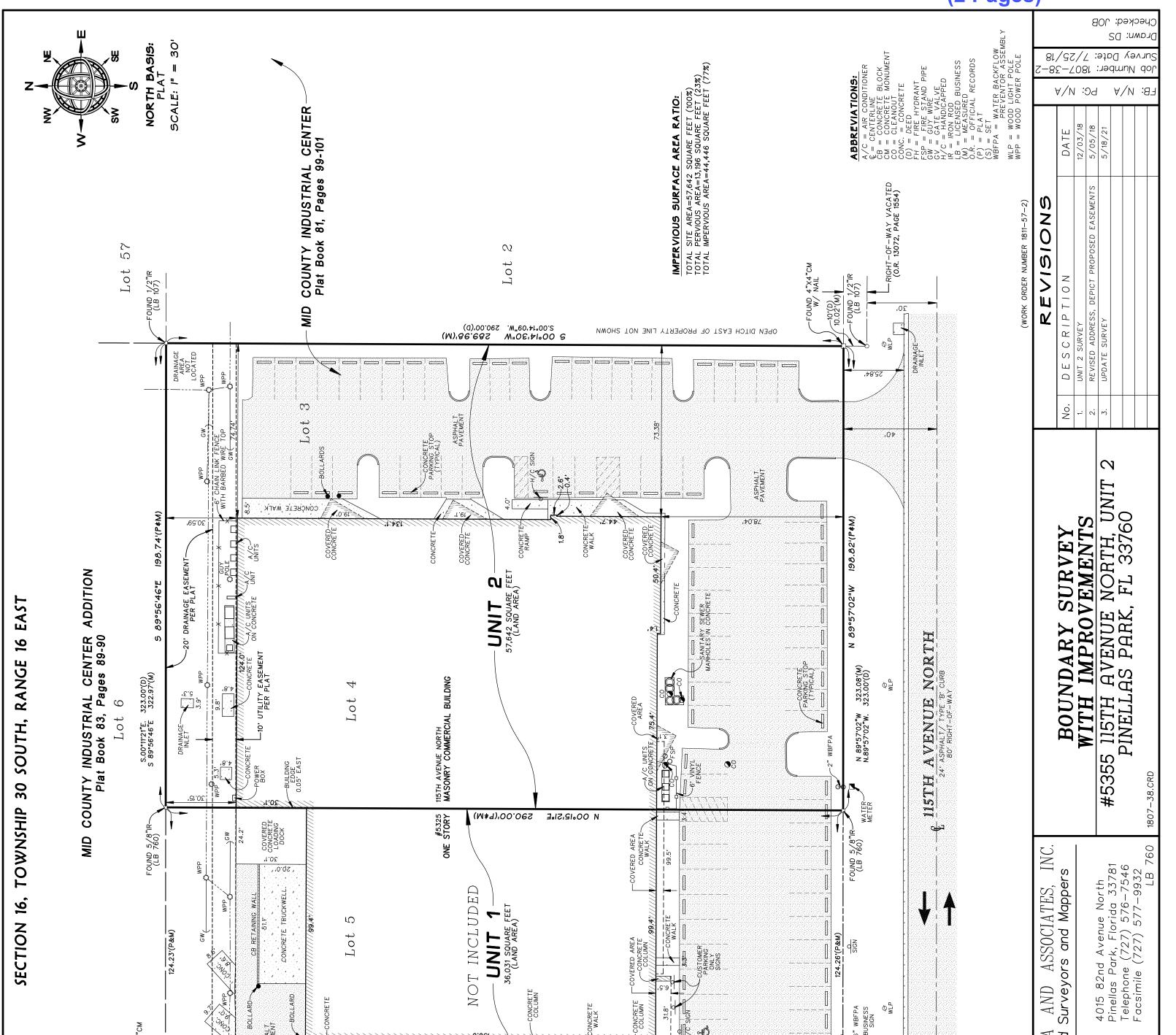


Exhibit C - Survey with Improvements (2 Pages)

INC., A FLORIDA CORPORATION **CERTIFIED TO:** EATON MARKETING ASSOCIATES, INC., A FLOF HANCOCK/WHITNEY BANK AMERICAN NATIONAL TITLE FIRST AMERICAN TITLE INSURANCE COMPANY

LEGAL DESCRIPTION:

THE WITH UNIT 2, OF 115TH CONDOMINIUM, A COMMERCIAL CONDOMINIUM ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF RECORDED IN OFFICIAL RECORDS BOOK 20297, PAGE 130, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, TOGETHER WITH AN UNDIVIDED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO.

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TITLE WORK EXCEPTION DEPICTIONS:

SURVEY DRAWING RELATED ITEMS CONTAINED WITHIN COMMITMENT FOR TITLE INSURANCE PROVIDED BY FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NUMBER 2061–1466880, EFFECTIVE DATE OF OCTOBER 22, 2018 AT 8:00 AM ARE AS FOLLOWS: 2. NOT SURVEY DRAWING RELATED.

3. IF ANY, ARE SHOWN HEREON.

4.- 8. NOT SURVEY DRAWING RELATED.

ALL PLAT RELATED MATTERS ARE DEPICTED HEREON. б.

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14. ALL PLAT RELATED MATTERS ARE DEPICTED HEREON.

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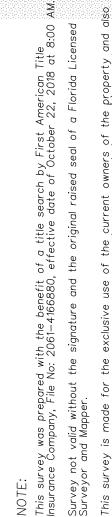
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This survey is made for the exclusive use of the current owners of the property and those who purchase, mortgage or guarantee the title thereto within one (1) year from latest date shown hereon.

JSINESS SIGN

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FEMA Flood Zone Data: FLOOD ZONE(S): X COMMUNITY PANEL #120251 12103C0139 REVISED 9/3/03

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Assumed Basis of Bearings: NORTH RIGHT-OF-WAY LINE OF 115TH AVENUE NORTH AS BEING N.89°57'02"W., PER PLAT.

Reference Benchmark: N/A

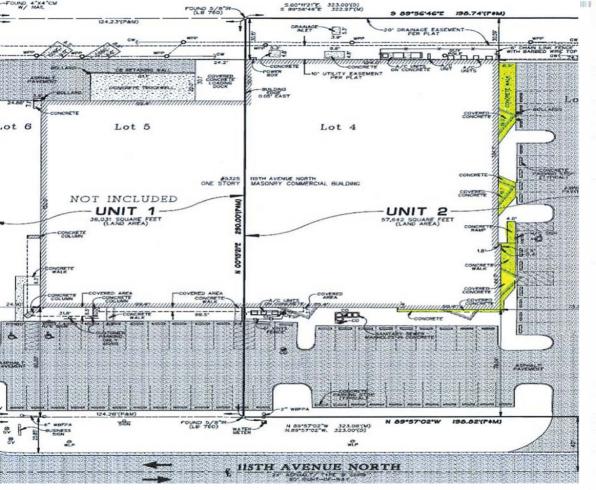
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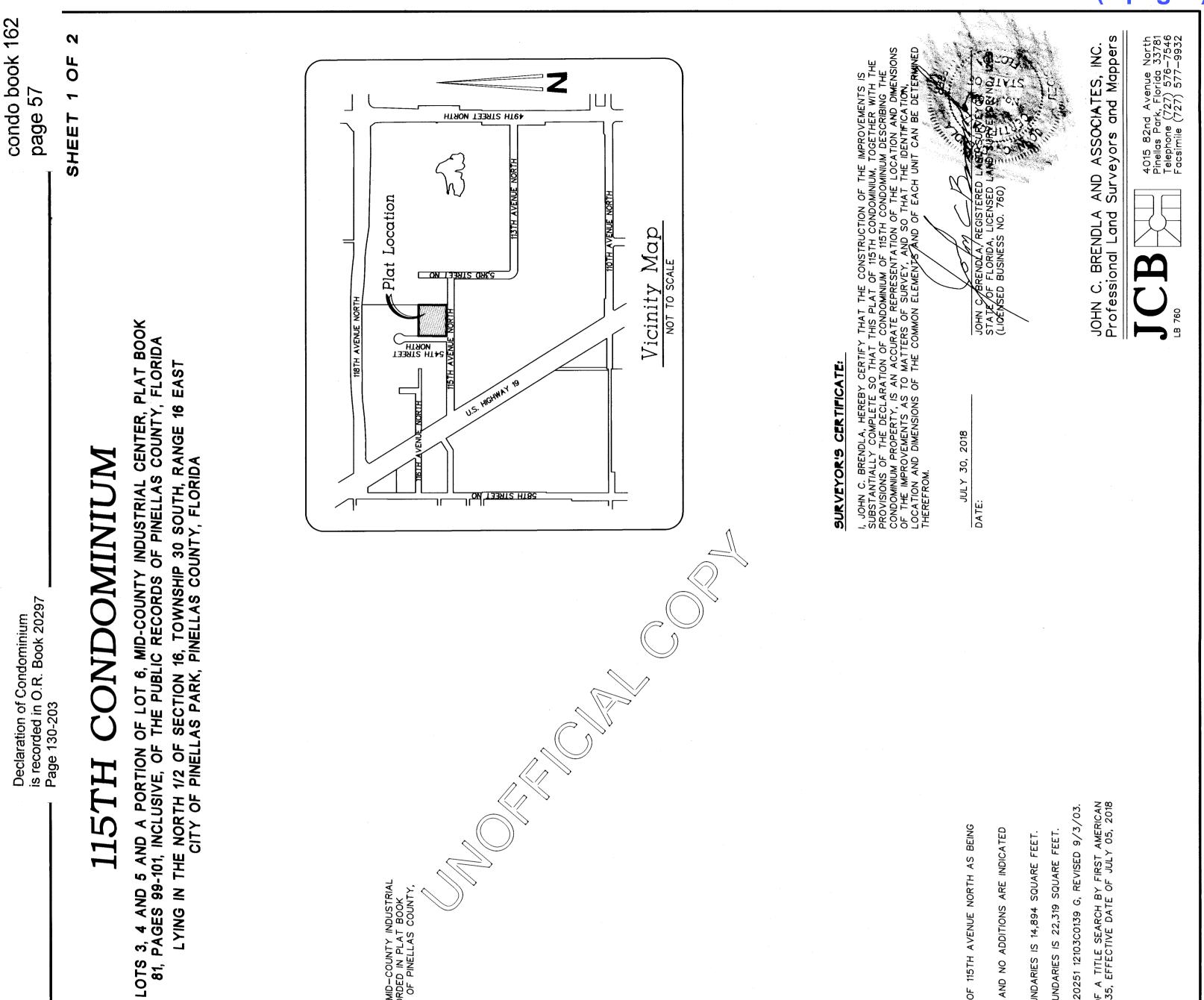
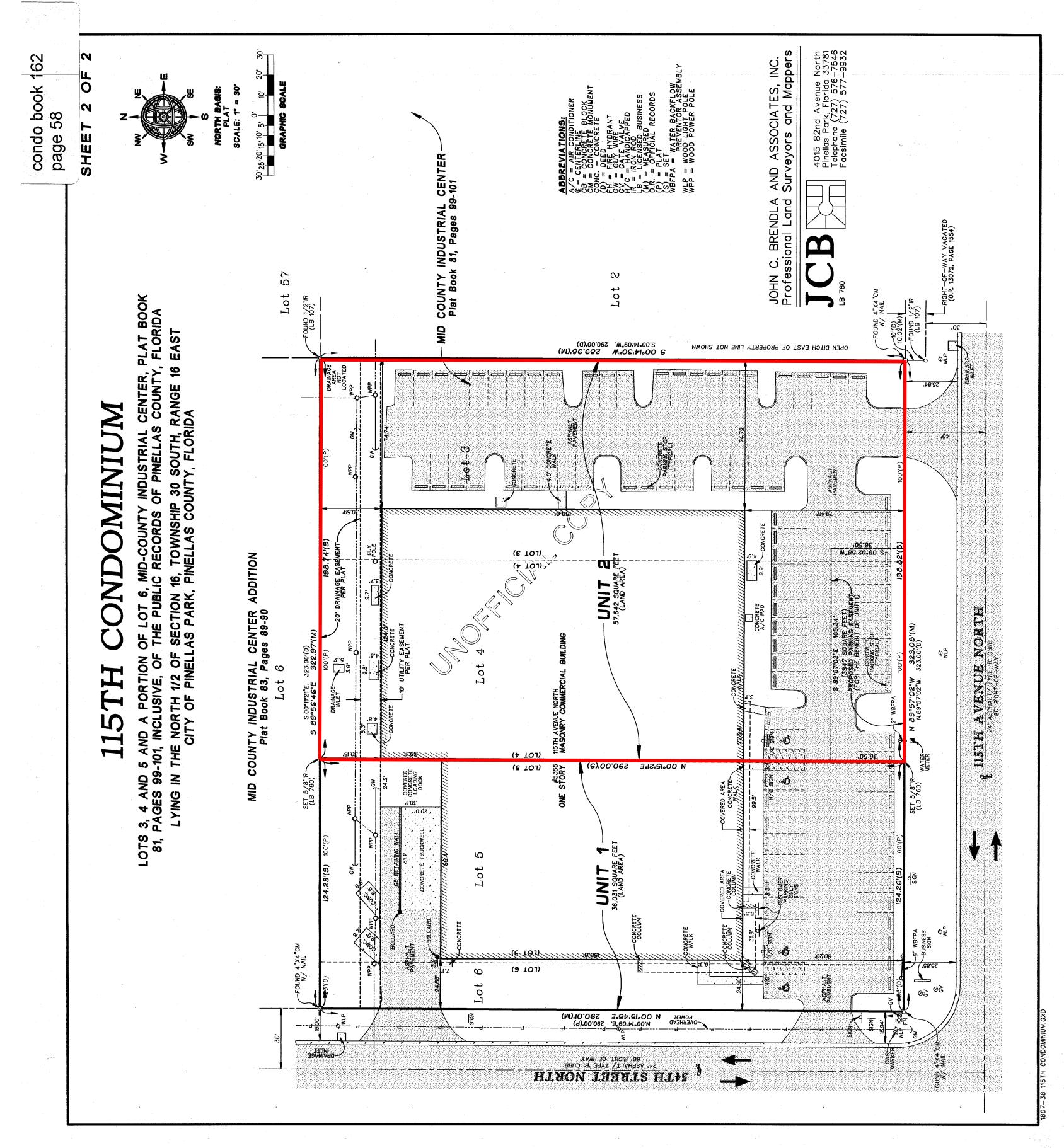


Exhibit D - Recorded Plat (2 pages)

SITE LIES IN FLOOD ZONE X, COMMUNITY PANEL #120251 12103C0139 G, REVISED 9/3/03. ALL IMPROVEMENTS SHOWN HEREON ARE EXISTING AND NO ADDITIONS ARE INDICATED FOR THE IMMEDIATE FUTURE. THIS SURVEY WAS PREPARED WITH THE BENEFIT OF A TITLE SEARCH BY FIRST TITLE INSURANCE COMPANY, FILE NO: 2061-4072335, EFFECTIVE DATE OF JULY AT 8:00 AM. BASIS OF BEARINGS: NORTH RIGHT-OF-WAY LINE OF 115TH AVENUE NORTH AS N.89*57'02"W., PER PLAT. TOTAL BUILDING AREA LOCATED WITHIN UNIT 2 BOUNDARIES IS 22,319 SQUARE TOTAL BUILDING AREA LOCATED WITHIN UNIT 1 BOUNDARIES IS 14,894 SQUARE LOTS 3, 4, 5 AND THE EAST 23 FEET OF LOT 6 OF MID-COUNTY INDUSTRIAL CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 81, PAGES 99 THROUGH 101, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA. RECORDED IN PUBLIC RECORDS PINELLAS COUNTY FL CONDO BK: 162 PG:57, 10/15/2018 11:41 AM, KEN BURKE, CLERK OF COURT AND COMPTROLLER PROPERTY DESCRIPTION: REPORT: SURVEYOR'S CONDOMIN 115TH ň <u></u>. 38 3 4. , ' Ő. The within map of plat contorms to me requirements of Chapter 718, Florida Statutes, as to form and was filled for record on the LS day of OCH. 20 LS, at [[.44] o'clock P M., and recorded in the public records of Pinellas County, Florida in Condominium Plat Book LLS. Page SH BURKE KEN BURKE

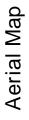


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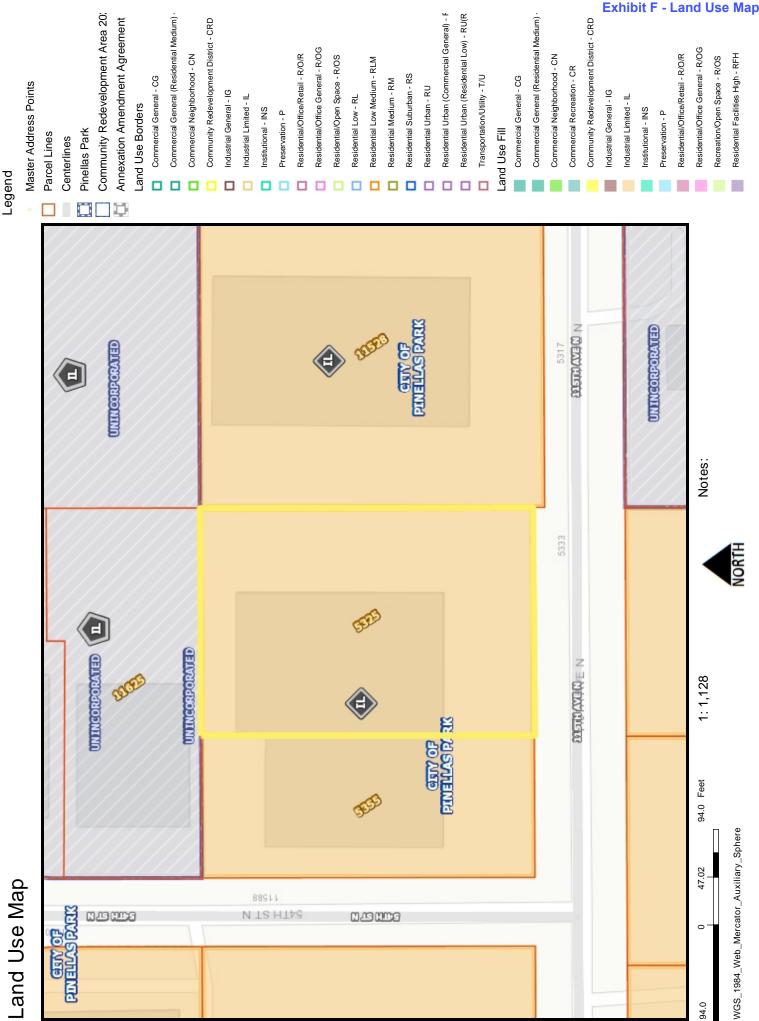


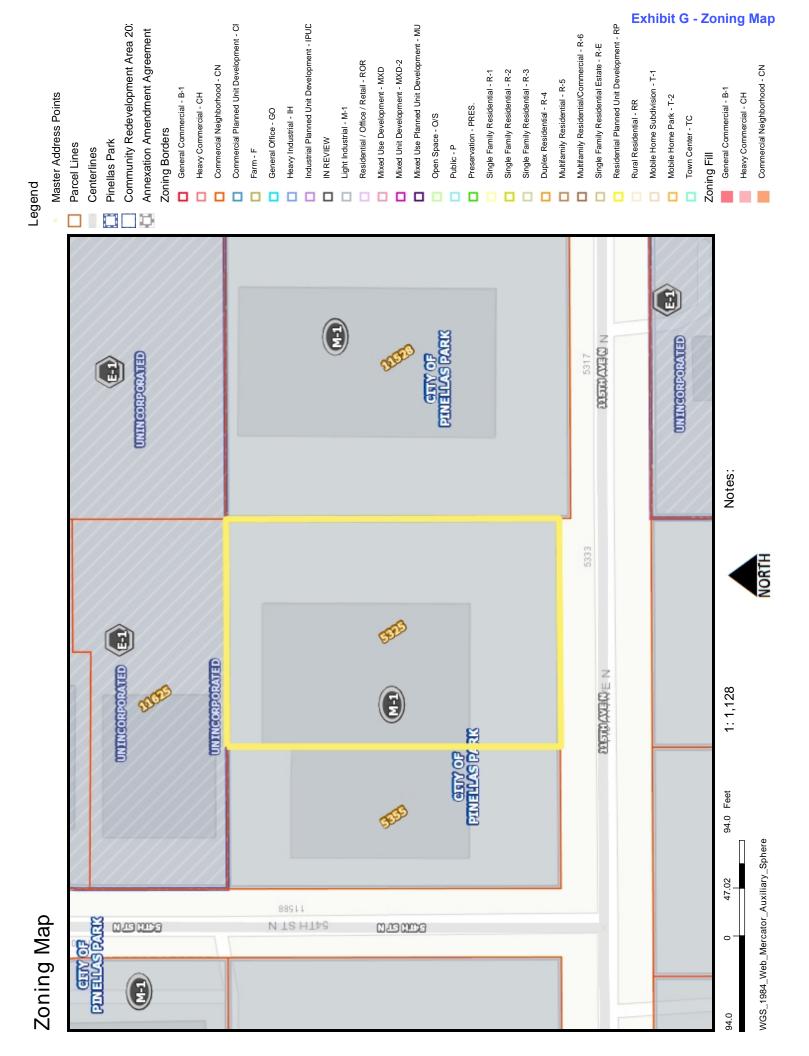




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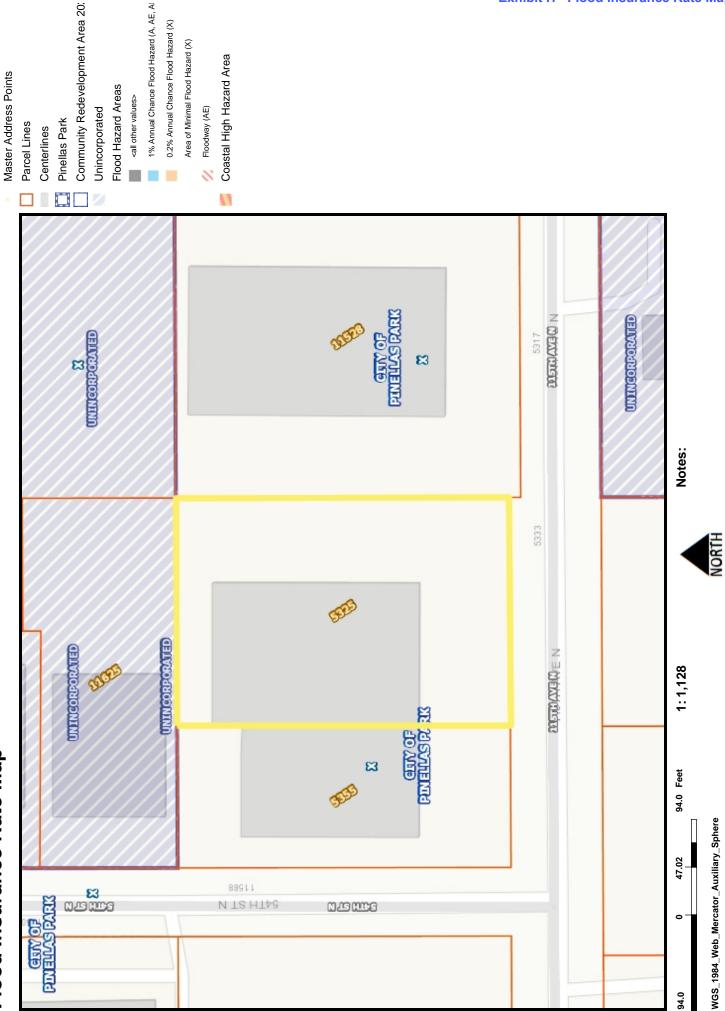


Exhibit I - Site Photos (3 pages)

Site Photos



