



CITY OF ST. PETERSBURG, FLORIDA
PLANNING & ECONOMIC DEVELOPMENT DEPT.
DEVELOPMENT REVIEW SERVICES DIVISION

STAFF REPORT

DEVELOPMENT REVIEW COMMISSION - VARIANCE REQUEST PUBLIC HEARING

According to Planning & Development Services Department records, no **Commission member** resides or has a place of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of the item.

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & DEVELOPMENT SERVICES DEPARTMENT, for Public Hearing and Executive Action on **Wednesday, April 7, 2021 at 1:00 P.M.** at Council Chambers, City Hall, located at 175 5th Street North, St. Petersburg, Florida. Procedures will be implemented to comply with the CDC guidelines during the Public Hearing, including mandatory face coverings and social distancing with limitations on the number of attendees within Council Chambers. The City's Planning and Development Services Department requests that you visit the City website at www.stpete.org/meetings for up-to-date information.

CASE NO.: 21-54000009 PLAT SHEET: I-2

REQUEST: Approval of a variance to allow two-parking spaces to back-out directly onto 27th Avenue South in the CCT-2 Zoning District.

OWNER: MTBH Holdings, LLC
2250 Central Avenue
Saint Petersburg, Florida 33712

AGENT: David R. Phillips, Esq.
19321 US Highway 19 North, Suite 301
Clearwater, Florida 33764

ADDRESS: 2700 Central Avenue

PARCEL IF NO.: 23-31-16-35082-022-0010

LEGAL DESCRIPTION: On File

ZONING: Corridor Commercial Traditional (CCT-2)

REQUEST:

The subject property is currently vacant and consists of one 5,000 square foot lot at the southwest corner of Central Avenue and 27th Street South.

The applicant is proposing to develop the subject property with a 3-story mixed-use building consisting of ground floor commercial space and four dwelling units. The proposed development requires five (5) parking spaces, one space for the commercial use and one space for each dwelling unit. The applicant is proposing four garages that will accommodate six (6) parking spaces. However, one of these spaces will need to be an ADA parking space. The applicant proposes to provide access to three of the garages from the alley and access for one of the garages from 27th Street South. The City Code permits access to a parking area from an alley or secondary street. However, the City Code requires a commercial property or a development with more than two dwelling units to design parking such that all parking areas be designed to allow vehicles to enter and exit the street in a forward motion except where parking is provided abutting an alley, Section 16.40.090.3.4. Therefore, the applicant is requesting a variance to allow two-parking spaces to back-out directly onto 27th Avenue South.

CONSISTENCY REVIEW COMMENTS: The Planning & Development Services Department staff reviewed this application in the context of the following criteria excerpted from the City Code and found that the requested variance is **inconsistent** with these standards. Per City Code Section 16.70.040.1.6 Variances, Generally, the DRC's decision shall be guided by the following factors:

1. *Special conditions exist which are peculiar to the land, building, or other structures for which the variance is sought and which do not apply generally to lands, buildings, or other structures in the same district. Special conditions to be considered shall include, but not be limited to, the following circumstances:*

a. *Redevelopment. If the site involves the redevelopment or utilization of an existing developed or partially developed site.*

The property is currently vacant.

b. *Substandard Lot(s). If the site involves the utilization of an existing legal nonconforming lot(s) which is smaller in width, length or area from the minimum lot requirements of the district.*

The property complies with the CCT-2 lot depth and lot size standards.

c. *Preservation district. If the site contains a designated preservation district.*

The property is not within a preservation district.

d. *Historic Resources. If the site contains historical significance.*

There are no historic resources on-site.

e. *Significant vegetation or natural features. If the site contains significant vegetation or other natural features.*

There is no significant vegetation of natural features located on the subject property.

- f. Neighborhood Character. If the proposed project promotes the established historic or traditional development pattern of a block face, including setbacks, building height, and other dimensional requirements.*

The backing out of vehicles onto the street does not promote safety and may potentially increase the chances of an accident for both the pedestrian and vehicles traveling on 27th Street South. The intent of the CCT-2 district regulations is to protect the traditional commercial character of these corridors while permitting rehabilitation, improvement and redevelopment in a manner that encourages walkable streetscapes.

- g. Public Facilities. If the proposed project involves the development of public parks, public facilities, schools, public utilities or hospitals.*

Does not involve any public facilities.

- 2. The special conditions existing are not the result of the actions of the applicant;*

The subject property is currently vacant. The design of the proposed building can be altered such that all parking does not back-out onto a street. In the applicant's narrative, they state that the building cannot be redesigned to accommodate all parking off they alley due to the need to have private garages that provide direct access to the residential units above and having shared garages could raise maintenance and security issues.

- 3. Owing to the special conditions, a literal enforcement of this Chapter would result in unnecessary hardship;*

The applicant has the potential to develop the site without any variances.

- 4. Strict application of the provisions of this chapter would provide the applicant with no means for reasonable use of the land, buildings, or other structures;*

The subject property is currently vacant. The applicant has the ability to develop the property without the need of a variance.

- 5. The variance requested is the minimum variance that will make possible the reasonable use of the land, building, or other structure;*

The request is not the minimum needed to accommodate the proposed development when there are potentially other options to design the project.

- 6. The granting of the variance will be in harmony with the general purpose and intent of this chapter;*

The granting of the variance will not be in harmony with the general purpose and intent of the Code. The granting of the variance may potentially impact the appearance of the neighborhood and increase the chances of an accident for both pedestrians and vehicles traveling down 27th Street South.

7. *The granting of the variance will not be injurious to neighboring properties or otherwise detrimental to the public welfare; and,*

The granting of the variance may potentially be injurious to the public welfare. The granting of the variance may increase the chances of an accident for both pedestrians and vehicles traveling down 27th Street South.

The zoning district promotes a dense, walkable neighborhood, where a significant number of pedestrians can be expected to walk by the subject property, which creates a safety concern with motorists not being able to clearly see or anticipate pedestrians as they focus on backing out onto the street and avoiding other vehicles. The Transportation and Parking Management Department conducted a traffic count on 27th Street south of Central Avenue on September 29 and 30 of 2020. The total daily two-way traffic was 753. The peak hour two-way count was 73. The traffic volume, particularly during the peak hour, is high enough to be concerned about a possible collision between a vehicle backing out onto 27th Street and a vehicle driving on 27th Street.

8. *The reasons set forth in the application justify the granting of a variance;*

The applicant has provided a variance narrative, attached to the report. The responses do not prove hardship. The design of the building can be redesigned to accommodate all parking off they alley. The applicant has stated in the variance narrative the need to have private garages that provide direct access to the residential units above and having shared garages could raise maintenance and security issues.

9. *No nonconforming use of neighboring lands, buildings, or other structures, legal or illegal, in the same district, and no permitted use of lands, buildings, or other structures in adjacent districts shall be considered as grounds for issuance of a variance permitting similar uses.*

None were considered.

PUBLIC COMMENTS: No additional comments or concerns were expressed to staff at the time this report was prepared.

STAFF RECOMMENDATION: Based on a review of the application according to the stringent evaluation criteria contained within the City Code, the Planning and Development Services Department Staff recommends **DENIAL** of the requested variance.

CONDITIONS OF APPROVAL: If the variance is approved consistent with the site plan submitted with this application, the Planning and Development Services Department Staff recommends that the approval shall be subject to the following:

1. A visible and audible warning system shall be installed and maintained to warn pedestrians of backing vehicles.
2. Approval of this variance does not grant or imply other variances from the City Code or other applicable regulations.

ATTACHMENTS: Aerial, site plan, photographs, applicant's narrative, codes compliance report, letters of support

Report Prepared By:

Corey Malyszka

3.26.21

Corey Malyszka, AICP, Urban Design and Development Coordinator
Development Review Services Division
Planning & Development Services Department

Date

Report Approved By:

Jennifer Bryla

3.26.21

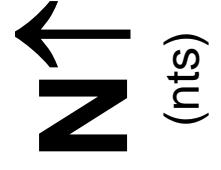
Jennifer Bryla, ACIP, Zoning Official (POD)
Development Review Services Division
Planning & Development Services Department

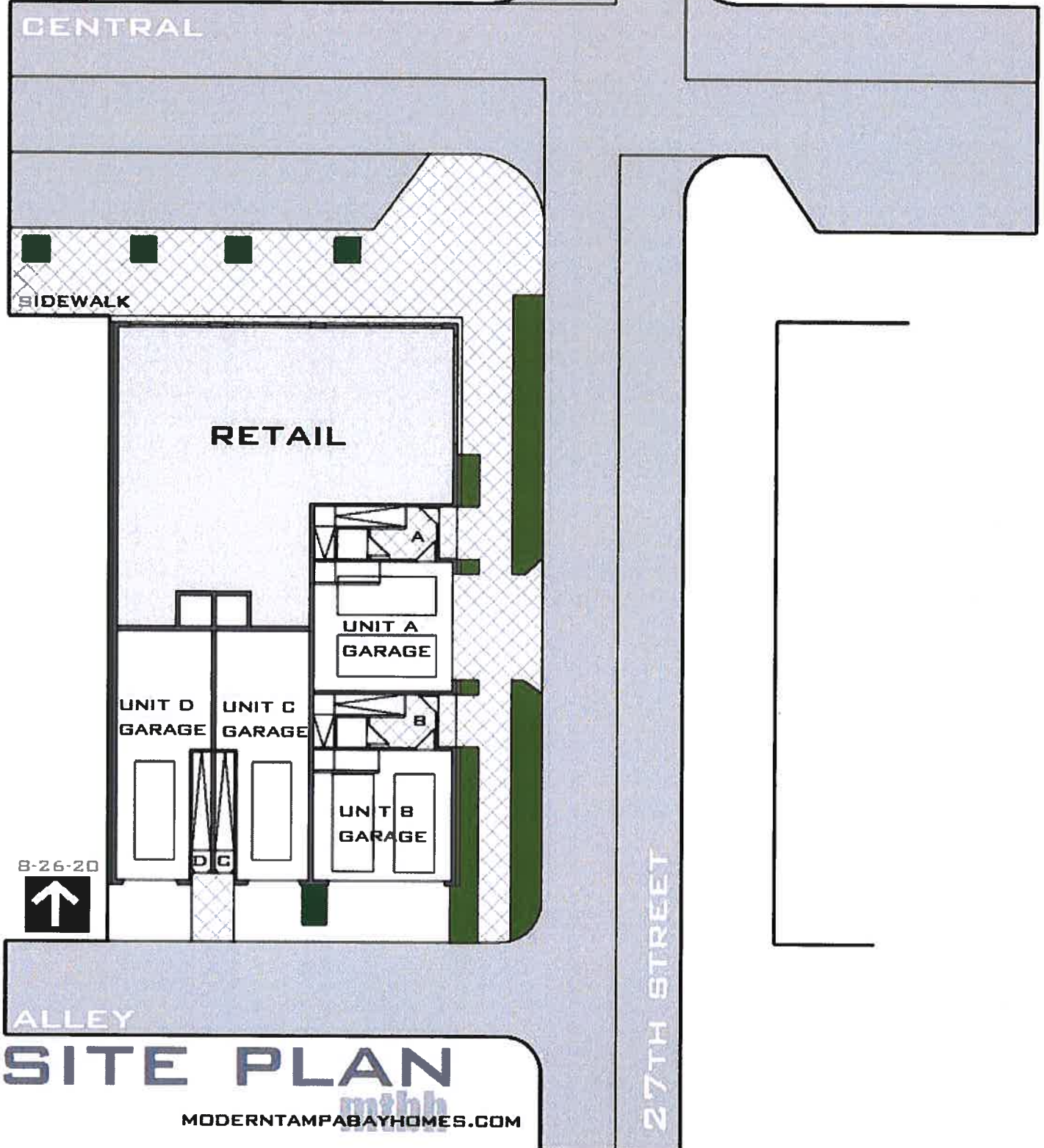
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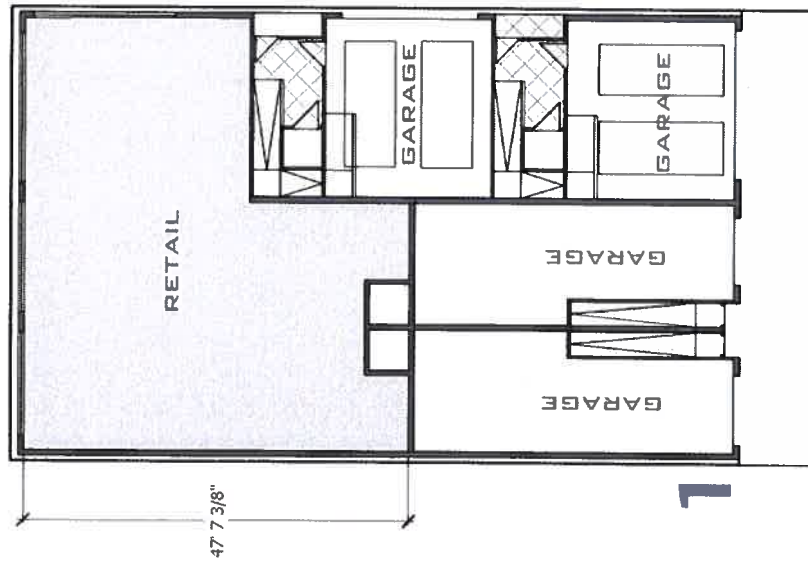
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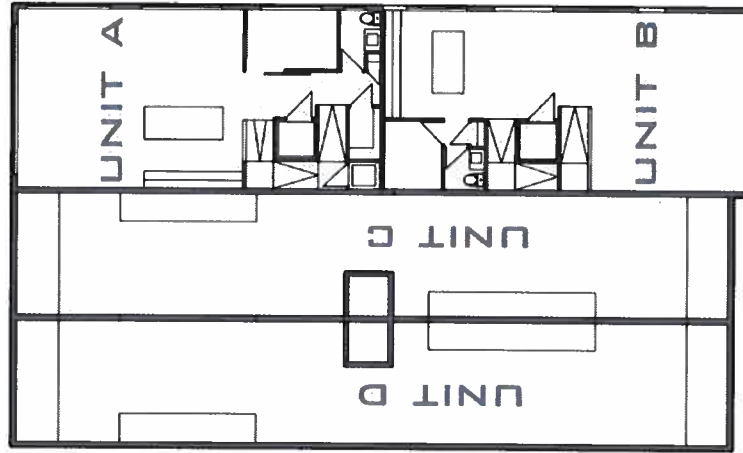
Project Location Map
City of St. Petersburg, Florida
Planning and Development Services
Department
Case No.: 21-5400009
Address: Central Avenue and 27th Street
South



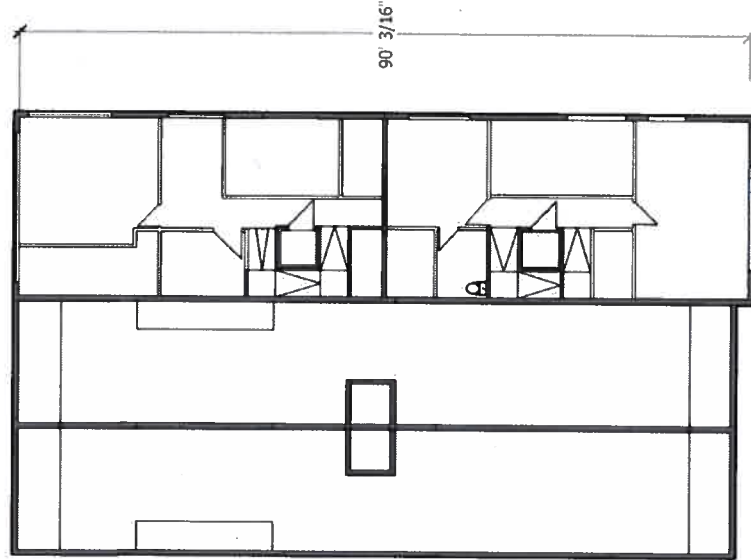




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Corey D. Malyszka

From: Nancy Davis
Sent: Thursday, March 11, 2021 1:51 PM
To: Corey D. Malyszka
Cc: Mark Riedmueller; Thomas M Whalen
Subject: RE: Central and 27th - SW corner of intersection
Attachments: Variance Application - Central Ave and 27th St S (9-4-20).pdf; Floor Plans - Central Ave and 27th St S.pdf; Site Plan - Central Ave and 27th St S.pdf

Good Afternoon Corey,

Per City Land Development Regulation 16.40.090.3.4(B)(2)(a), all commercial parking areas shall be designed to allow vehicles to enter and exit the street in a forward motion except where parking is provided abutting an alley. As also stated by Transportation, the concern is public pedestrian and vehicular safety and the traffic volumes stated by Transportation warrant concern. Since this is a new commercial building it should be designed to meet the code rather than setting a precedent of non-compliance. If the variance is approved, ECID does recommend that a visible and audible warning system be required to be installed and maintained to warn pedestrians of backing vehicles since the driver will not be able to see pedestrians on the sidewalk during the initial portion of the backing motion.

Please let me know the zoning application number and address if one is assigned to this application.

Thank you,
Nancy E. Davis
Engineering Plan Review Supervisor

Engineering and Capital Improvements Department
City of St. Petersburg
One Fourth Street North, 7th Floor Engineering Dept.
St. Petersburg, FL 33701-2842

Office Phone: 727-893-7863
Fax: 727-892-5476
Email: Nancy.Davis@stpete.org

Please note all emails are subject to public records law.

From: Thomas M Whalen <Tom.Whalen@stpete.org>
Sent: Wednesday, March 10, 2021 9:09 AM
To: Corey D. Malyszka <Corey.Malyszka@stpete.org>; Nancy Davis <Nancy.Davis@stpete.org>
Subject: RE: Central and 27th

Corey,

Since the proposed residential use is not a private one-family or two-family property, all parking shall be designed to allow vehicles to enter and exit the street in a forward motion except where parking is provided abutting an alley under Section 16.40.090.3.4 of the City Code. The applicant has not provided sufficient evidence that a variance from this requirement is justified. The zoning district is Corridor Commercial Traditional-2, where a significant number of pedestrians walking by the subject property should be expected, which creates a safety concern with motorists not

being able to clearly see or anticipate pedestrians as they focus on backing out onto the street and avoiding other vehicles. The Transportation and Parking Management Department conducted a traffic count on 27th Street south of Central Avenue on September 29 and 30 of 2020. The total daily two-way traffic was 753. The peak hour two-way count was 73. The traffic volume, particularly during the peak hour, is high enough to be concerned about a possible collision between a vehicle backing out onto 27th Street and a vehicle driving on 27th Street.

Tom Whalen, AICP CTP
Planner III
City of St. Petersburg
727-893-7883

From: Corey D. Malyszka <Corey.Malyszka@stpete.org>
Sent: Monday, March 8, 2021 8:44 AM
To: Nancy Davis <Nancy.Davis@stpete.org>; Thomas M Whalen <Tom.Whalen@stpete.org>
Subject: Central and 27th

Nancy and Tom,

You reviewed this awhile ago and recommended that you would not support the backing out of vehicles onto 27th St. The property owner has submitted a variance requesting approval to back out. Zoning staff will not support the variance. Can you please review the attached and provide comment. Your previous comments will suffice.

Thank you,

Corey Malyszka
Urban Design and Development Coordinator
Planning and Development Services Department
City of St. Petersburg
727.892.5453
corey.malyszka@stpete.org