



MEMORANDUM

Date: December 30, 2021
To: Planning Commission/Local Planning Agency
From: Jenny Rowan, Senior Planner
Subject: Rezone (RZ) 2022-01

Petitioner/Property Owner: Jack Noonan, for Madeira Beach Garage 2 LLC, a Florida limited liability company.

Lot Description: 140 East Madeira Avenue: 09-31-15-60858-000-0050: NORTH MADEIRA SHORES LOT 5

Land Use (concurrent proposed change): From Residential Medium to Residential/Office/Retail

Zoning (proposed change): From R-2 Low Density Multifamily Residential to C-3 Retail Commercial.

Nature of Request: Rezoning application for 0.08 acres m.o.l. at 140 East Madeira Avenue (09-31-15-60858-000-0050) from R-2 Low Density Multifamily Residential to C-3 Retail Commercial, to allow for repair and restoration of personal vehicles and access to 125 150th Avenue (09-31-15-00000-13-1300) and 130 East Madeira Avenue (09-31-15-60858-000-0040).

Staff Recommendation: Staff recommends Planning Commission determine recommendation after public input.

Background: The parcel is a paved lot with chain link fence with access to the parcel north (125 150th Ave) and to the rear of the parcel west (130 East Madeira Ave). Historical aerial imagery (Google Earth, 2021) indicates this property was utilized for parking and access in conjunction with the adjacent auto garage (125 150th Ave) for at least 20 years.

The neighborhood is mixed use comprised of residential (R-2 Zoning and Residential Medium Land Use), commercial (C-3 Zoning and Planned Development Mixed-Use Land Use), and utility (Transportation/Utility Land Use). The Madeira Beach Town Center Special Area Plan is directly north of 140 East Madeira Avenue (Planned Development Mixed-Use Land Use) and encompasses the auto garage lot (125 150th Ave).

	North	South	East	West
Adjacent Zoning Designation	C-3 Retail Commercial	R-2 Low Density Multifamily Residential	R-2 Low Density Multifamily Residential	R-2 Low Density Multifamily Residential
Adjacent Land Use Designation	Planned Redevelopment Mixed-Use	Residential Medium	Residential Medium	Residential Medium
Adjacent Land Uses	Auto garage	Vacant	Multifamily residence	Single family residence

Analysis: The current zoning of the lot is R-2, Low Density Multifamily Residential. The R-2 zoning district correlates with the residential medium (RM) category of the Future Land Use Map. Permitted uses in the R-2 are single-family, duplex, triplex, townhouse type construction, public education facilities of the school board (Sec. 110-202). Accessory uses include private garages and carports (Sec.110-203) but must have a primary structure with permitted use or have an approved special exception use.

The applicant requests to rezone the property to C-3, Retail Commercial. The permitted uses in C-3 are retail and personal service uses, business office and financial service uses, multifamily dwelling, tourist dwelling units, restaurants, and adult entertainment establishments (Sec. 110-317). The applicant requests to rezone the property to access the auto garage which would be an allowed use in the C-3 zoning district (retail and personal services uses). The applicant is currently using the lot for personal car restoration, and not as a business. Private garage and carport is an acceptable accessory use in the R-2 zoning district when associated with a principal structure. To continue this accessory use in R-2, the lot would need to either have a primary structure on the lot or unified with another lot, such as the auto garage (125 150th Ave) or the single-family structure (130 East Madeira Ave). The applicant has expressed interest in unifying the three lots in the near future.

- (1) **Consistency with the comprehensive plan.** All zoning district assignments shall be consistent with the comprehensive plan, including but not limited to the future land use map and future land use element goals, objectives, and policies. The zoning district(s) assigned must be consistent with the land use category of the future land use map.

Findings: The application is to change the zoning from R-2 to C-3 and change the land use category from Residential Medium to Residential/Office/Retail (ROR). ROR is a correlated land use with C-3 zoning district.

- (2) **Land use compatibility.** The zoning districts promote the project's compatibility with adjacent land uses.

Findings: The proposed land use change would create a single ROR lot on Madeira Avenue. The nearby intersection of 150th Avenue and Madeira Avenue has C-3 zoning with Planned Redevelopment Mixed-Use (PRMU) land use, eastward of the C-3/PRMU East Madeira Ave transitions to R-2 zoning with Residential Medium land use. There are two lots with a land use of Transportation/Utility located one lot away from 140 East Madeira Avenue; these lots are used for access to a lot (160 E Madeira Ave) used for utility.

- (3) **Adequate public facilities.** The zoning districts assigned must be consistent with the public facilities and services available to reasonably assure the city that the demand for services necessitated by the intensity of uses allowed will not exceed the adopted levels of services for such public facilities and services.

Finding: Adequate capacity is available for all facilities. There are no proposed changes to this lot; this lot has been used as access to the auto garage and the applicant plans to continue its use as access to the auto garage and for parking of personal vehicles.

- (4) **Public interest.** Zoning district designations must not be in conflict with the public interest and must promote the public health, safety and welfare.

Finding: Parking and access to a commercial lot from a residential street could be in conflict with public interest and reduce property value of surrounding properties. Historically this lot has been associated with the auto garage for over 20 years. The owner of this lot also owns the auto garage (125 150th Ave) and the adjacent single-family structure (130 East Madeira Ave). The commercial zoning and land use would remain with the property even after a future sale of the property. The zoning of commercial development on this lot could potentially create conflicts with the surrounding R-2/Residential Medium properties if the lot was turned into a singular commercial venture. Special conditions cannot be tied to a general rezone and land use change and there is a potential of harm to the surrounding neighborhood, although other commercial lots are nearby on this street and directly north (auto garage) of the property in question.

Attachments:

Application
Notice for posting and mailing
Photos of posting
Affidavit of mailing