

**POLK COUNTY  
LAND USE HEARING OFFICER  
STAFF REPORT**

<b>DRC Date</b>	September 12, 2024	<b>CASE #:</b>	LDLVAR-2024-38 Classic Controls Expansion
<b>LUHO Date</b>	October 24, 2024	<b>LDC Section:</b>	Section 208, Table 2.2

**Request:** The applicant is requesting a reduction in the rear yard setback from fifteen (15) feet to four (4) feet and a side yard setback reduction from 15 to 10 feet for a ±2,300 square foot commercial building expansion.

**Applicant:** Steven Godfrey, Stitzel Engineering

**Property Owner:** J & S Properties Inc.

**Location:** 5095 South Lakeland Drive, south of West Pipkin Road, west of South Florida Avenue (SR 37), east of Shady Lake Lane, south of the City of Lakeland in Section 12, Township 29 and Range 23.

**Parcel ID#:** 232912-000000-023340

**Size:** 0.91 +/- acres (39,968 square feet)

**Land Use Designation:** Linear Commercial Corridor (LCC)

**Development Area:** Transit Supportive Development Area (TSDA)

**Case Planner:** Erik Peterson, AICP

**Summary:**

The applicant is seeking a variance to the side and rear yard setback requirements on the southwest corner of their building to expand their business to within four (4) feet of the rear property line and 10 feet of the side. The expansion is estimated to be approximately 2,300 square feet to the existing 6,861 square foot building (±35%). The applicant states, *“This variance is necessary to the operation of this business. This is the minimum size building addition in order to accommodate the on-site operations. The existing building is limited by land space to allow this addition.”* The site is located in a commercial business park and backs up to a small man-made lake created by past phosphate mining in the area long ago. The expansion is extending approximately 33 feet off the southwest corner of the building. This area borders the lake and a parking lot to another office complex.

The building houses Classic Controls, Inc. which is a single-source provider of industrial process instruments, systems, valves, and equipment. Classic Controls also offers complete services in both systems integration and valve & actuator repair. The building contains offices, storage, a machine shop, small production area, and quality control/testing laboratory. The site employs approximately 33 people in various design, fabrication, testing, training, and administrative

occupations. The use is classified as Research and Development, as defined in the Land Development Code (LDC), which is a permitted use in the LCC district.

The property is part of a mixed office park development with some properties platted and some not all served by a private road named South Lakeland Drive which connects to West Pipkin Road and South Florida Avenue (see Exhibit 3). The subject property is not located in a plat. All of the properties along South Lakeland Drive are designated Linear Commercial Corridor (LCC) on the Future Land Use Map.

South Lakeland Drive is considered a local road; therefore, the setback from the right-of-way is 30 feet. While the building is over 95 feet from the right-of-way, an expansion towards the front of the property would consume needed parking spaces. There is little benefit to maintaining the rear yard since it abuts a large waterbody. The expansion cannot extend farther north to eliminate the need for the side yard encroachment because there is less distance between the building and the lake on the norther portion of the property.

Staff finds that the request meets the following criteria listed in Section 931:

- The request **will not be injurious to the area involved or otherwise detrimental to the public welfare** because the appearance of the enclosure will be mostly masked from offsite view by the existing opaque fence. No portion of the proposed expansion will encroach into the utility easement on the south side of the property.
- **Special conditions and circumstances exist which are peculiar to the land and the structure** because there is little room to expand eastward without eliminating vital parking spaces, and there is no room to expand on the north side of the building due to the proximity to the water's edge.

### **Development Review Committee**

The Development Review Committee, based on the criteria for granting Variances, finds that the applicant's request as written **IS CONSISTENT** with **Section 931** of the Polk County Land Development Code.

**Development Review Committee Recommendation:** Based upon the application, and a recent site visit, the Development Review Committee recommends **APPROVAL of LDLVAR-2024-38**, with the following conditions:

### **CONDITIONS OF APPROVAL:**

1. A variance to the standards in Section 208 of the Land Development Code (LDC) shall be granted to reduce the rear yard setback from fifteen (15) feet to four (4) feet and a side yard setback reduction from 15 to 10 feet for a  $\pm 2,300$  square foot commercial building expansion.
2. No portion of the building expansion shall encroach into the 10' utility easement over the south side of the property.

3. The applicant must apply for all necessary permits within one (1) year of the date for which the Land Use Hearing Officer's Final Order is rendered.
4. This variance does not authorize any encroachments into easements and the applicant shall be responsible for making certain there are no encroachments unless approval is granted by the easement holder and/or any applicable permitting agencies. The property owner(s) is also responsible for compliance with any restrictions of record pertaining to lots and/or land and this approval shall not be used to supersede authority over those restrictions.

### **GENERAL NOTES**

*NOTE: This staff report was prepared without the benefit of testimony and evidence submitted by the public and other parties at a public hearing.*

*NOTE: Approval of this variance shall not constitute a waiver or an additional variance from any applicable development regulation unless specifically noted in the conditions of approval and consistent with LDC Section 930D.*

*NOTE: All conditions of approval, unless otherwise specified, shall be met prior to the effectiveness and validity of the variance approval.*

*NOTE: All written commitments made in the application and subsequent submission of information made during the application review process, which are on file with the Land Development Division, shall be considered to be binding upon the applicant, provided such commitments are not at variance with the Comprehensive Plan, LDC or other development regulations in effect at the time of development.*

*NOTE: Issuance of a development permit by the county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.*

### **DEMONSTRATIONS OF THE CRITERIA FOR GRANTING VARIANCES SUMMARIZED BELOW:**

1. *Whether granting the variance will be in accordance with the general intent and purpose of this Code, and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;*

The expansion will encroach into the side and rear setback on the southwest corner of the property closest to the parking lot of the neighboring office plaza. This corner abuts the parking lot of a neighboring office park. The space for which the expansion will occur is an elevated concrete slab with an eight-foot opaque vinyl fence. The current state of the space provides the appearance of an enclosed structure because the top of the fence is over 10 feet from the grade of the office park parking lot. The top of the fence is less than two feet below the current roof line of the structure. The applicant's plan is to enclose much of this fenced-in area (see Exhibits 4&5). The appearance of the enclosure will be mostly masked from offsite view by the existing opaque fence.

This does not appear to be "injurious to the area involved or otherwise detrimental to the public welfare." There is a public wastewater force main that runs along the southern property line. The County has a 20-foot utility easement that spans 10 feet on either side of the line (see Exhibit 6). The applicant's proposed building expansion will not encroach

into this easement but will reach to the edge of it. Although there is an existing slab that is currently traversing this easement, no further encroachment will be permitted under the Polk County Utility Code. Additionally, there is a manhole access to this line approximately 20 feet from the back edge of the property line. The majority of all necessary maintenance and improvement of the line can be accomplished from the manhole access but it is best to avoid any more disturbances into the easement.

The Land Development Code (LDC) prohibits private building encroachments into drainage easements and right-of-way but not utility easements. Utility easement encroachments are at the discretion of the easement holder. Polk County Utilities Division has reviewed this request and recommended a condition of approval regarding the easement.

2. *Whether 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 applicable land use district;*

There are some special conditions or circumstances with this request which are peculiar to the land, structure, or building involved. While this is one of the larger lots on the west side of South Lakeland Drive, the expansion possibilities of the applicant's building are limited due to its original placement in 2001 and configuration on the property. There is little room to expand eastward without eliminating vital parking spaces. There is no room to expand on the north side of the building due to the proximity to the water's edge. Additionally, the purpose of this expansion is primarily for more storage room, and the building interior does not function well with the storage relocated to the north. The loading entrance is on the south side of the building.

3. *Whether provided the special conditions and circumstances present in the request do not result from the actions of the applicant;*

Classic Control's Inc. has been the only occupant of this building since its construction. The business performs a rather diverse role for local and out-of-country industrial businesses. Their products are specialized and ever changing. This expansion is needed due to the success of the business. While the long-term solution may be to seek a new location, it is not easy to predict the long-term space needs of a business. Such a relocation may prove to be detrimental to the business in the end. The less risky decision is to accomplish the current need for more space with this modest 2,400 square foot expansion.

4. *Whether granting the requested variance will not confer on the applicant any special privilege that is denied by the provisions of this Code and will constitute unnecessary and undue hardship on the applicant;*

It is in the best interest of Polk County to enable this business to succeed. They employ highly technical staff and produce products that are mostly consumed outside the County. They are a highly desired component of the County's economic base. Since the expansion is aesthetically benign and the threat to public utilities is minimal, any privilege that this expansion confers is offset by the hardship it might cause the business.

5. *Whether the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;*

Classic Control Inc. has occupied the building since it was originally constructed in 2001 (permit# 20030765). The interior building size has remained the same as originally constructed at 6,861 square feet. Open canopies were added after 2002 to the entrances on the north and south sides at 468 square feet each (permit# 22092324). The open storage area on the southwest corner was added after 2007, according to aerial photos. This request is the first expansion of the interior enclosed space. It is both the minimum and the maximum that the site can feasibly support. Any further expansions would be too close to the adjacent surface water or elimination of the needed parking spaces.

6. *Whether that in no case shall a variance be granted which will result in a change of land use that would not be permitted in the applicable land use designation;*

Granting this variance will not result in a change of land use. The business will remain in a LCC (commercial) district. Office and associated storage are permitted uses in LCC.

7. *Whether that in no case shall the Land Use Hearing Officer or the Planning Commission grant a variance which would result in creation of any residual lot or parcel which does not meet the requirements of this Code; and*

Granting this request will not result in the creation of a lot or parcel that does not meet the requirements of the Code. This variance request will not change the size, shape or use of the property.

8. *Whether that the granting of the variance does not circumvent a condition or the intent of a condition placed on a development by the Planning Commission or the BoCC.*

The subject property was zoned C-1, Neighborhood Commercial, in 1986. The building was constructed in 2001 after the LDC became effective and the Zoning Ordinance was repealed. There were no conditions of approval with the zoning change in 1986 and the setbacks were the same for C-1 as they are for LCC.

**Surrounding Future Land Use Designations and Existing Land Use Activity:**

The table to follow provides details of abutting uses and their regulatory parameters.

<p><b>Northwest:</b> RL-3 Lake David</p>	<p><b>North:</b> LCC ±2,739 sq.ft. Office building Dental</p>	<p><b>Northeast:</b> LCC ±2,579 sq.ft. Office building Medical</p>
<p><b>West:</b> RL-3 Lake David</p>	<p><b>Subject Property:</b> LCC Classic Controls 7,797 sq.ft. Office Industrial equipment supplier</p>	<p><b>East:</b> LCC ±7,163 sq.ft. Office building Construction Contractor</p>
<p><b>Southwest:</b> LCC Town Square Office Park ±60,000 sq.ft office in 12 detached buildings</p>	<p><b>South:</b> LCC Town Square Office Park ±60,000 sq.ft office in 12 detached buildings</p>	<p><b>Southeast:</b> LCC ±6,000 sq.ft. 4-suite Office building Personal Services</p>

Professional Services	Professional Services	
-----------------------	-----------------------	--

The majority of the abutting properties are developed with office uses ranging from medical to personal services. Although the subject property abuts a residential district (RL-3), it is not residentially buildable. The closest residential property (land) is over 400 feet from the subject property. The proposed expansion is on the southwest corner of the property abutting the southeastern edge of the lake and a parking lot for the Towne Square Office Park.

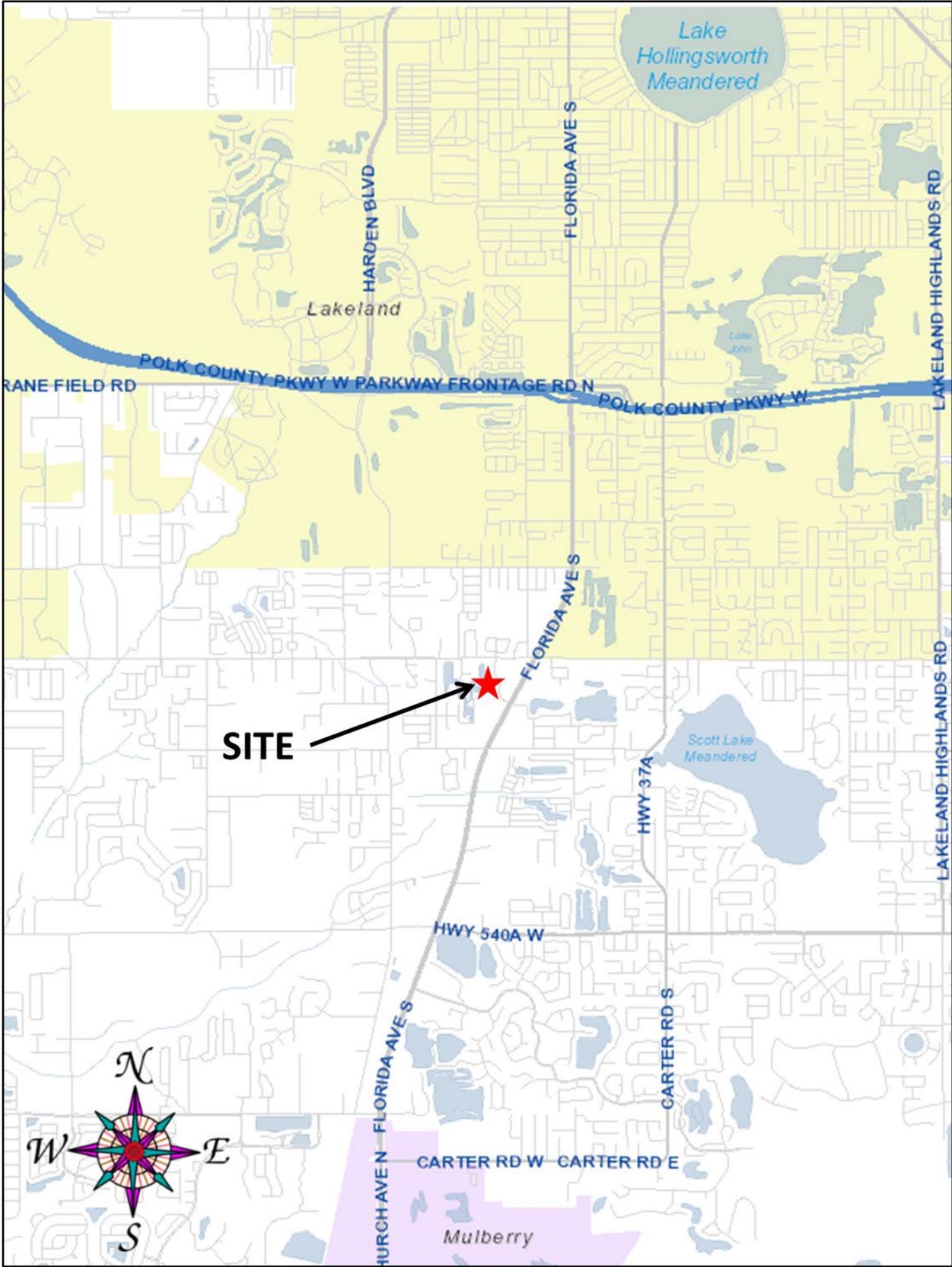
**Comments from other Governmental Agencies:**

**Polk County Utilities Division**

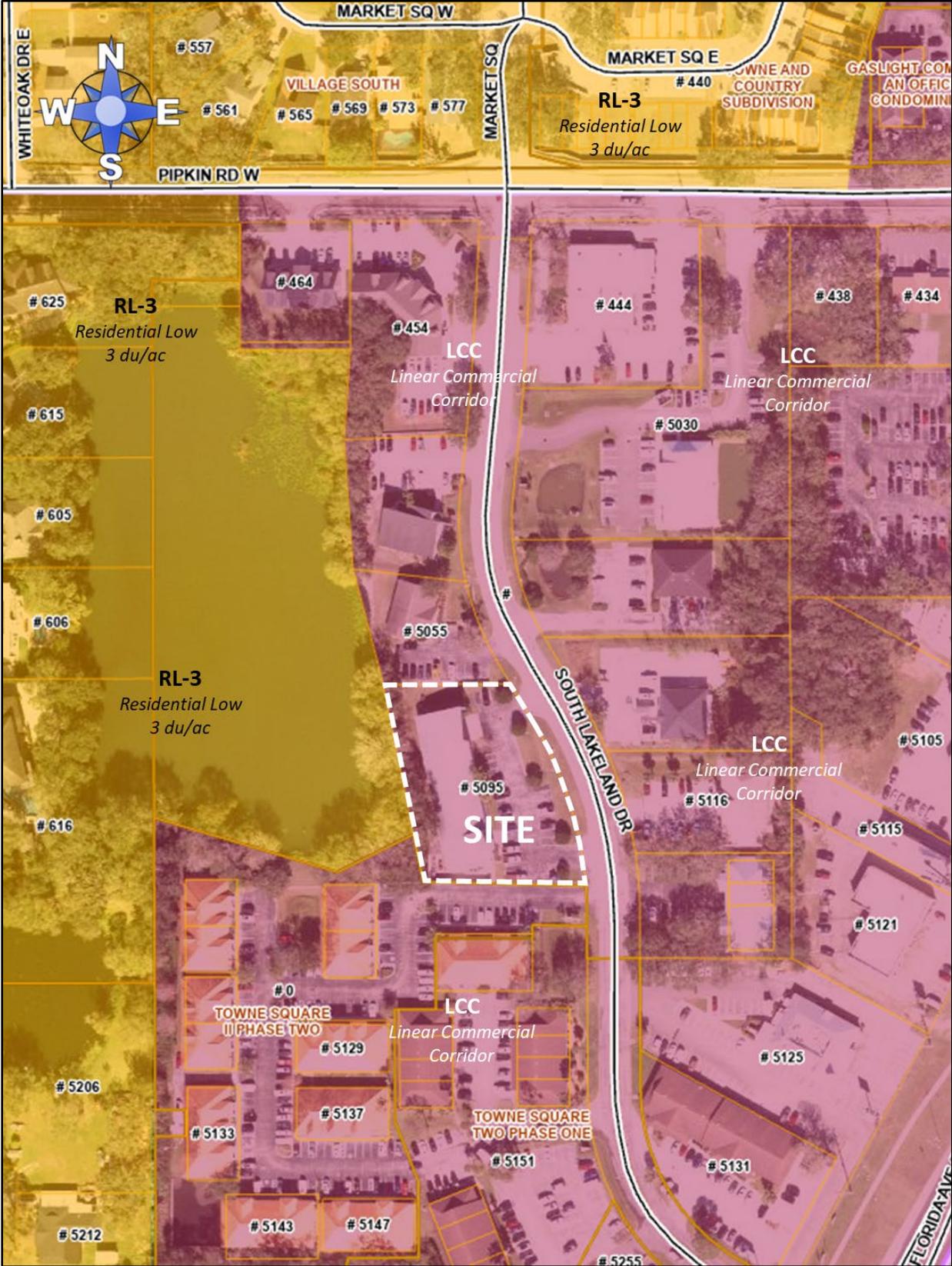
There is an existing 10' easement centered on the gravity main that can be found in O.R. Book 1968 Page 26. The Utilities Code prohibits any structure within 10 ft of a utility line (Ch 5 Section 510 Part 2.E.)

**Exhibits:**

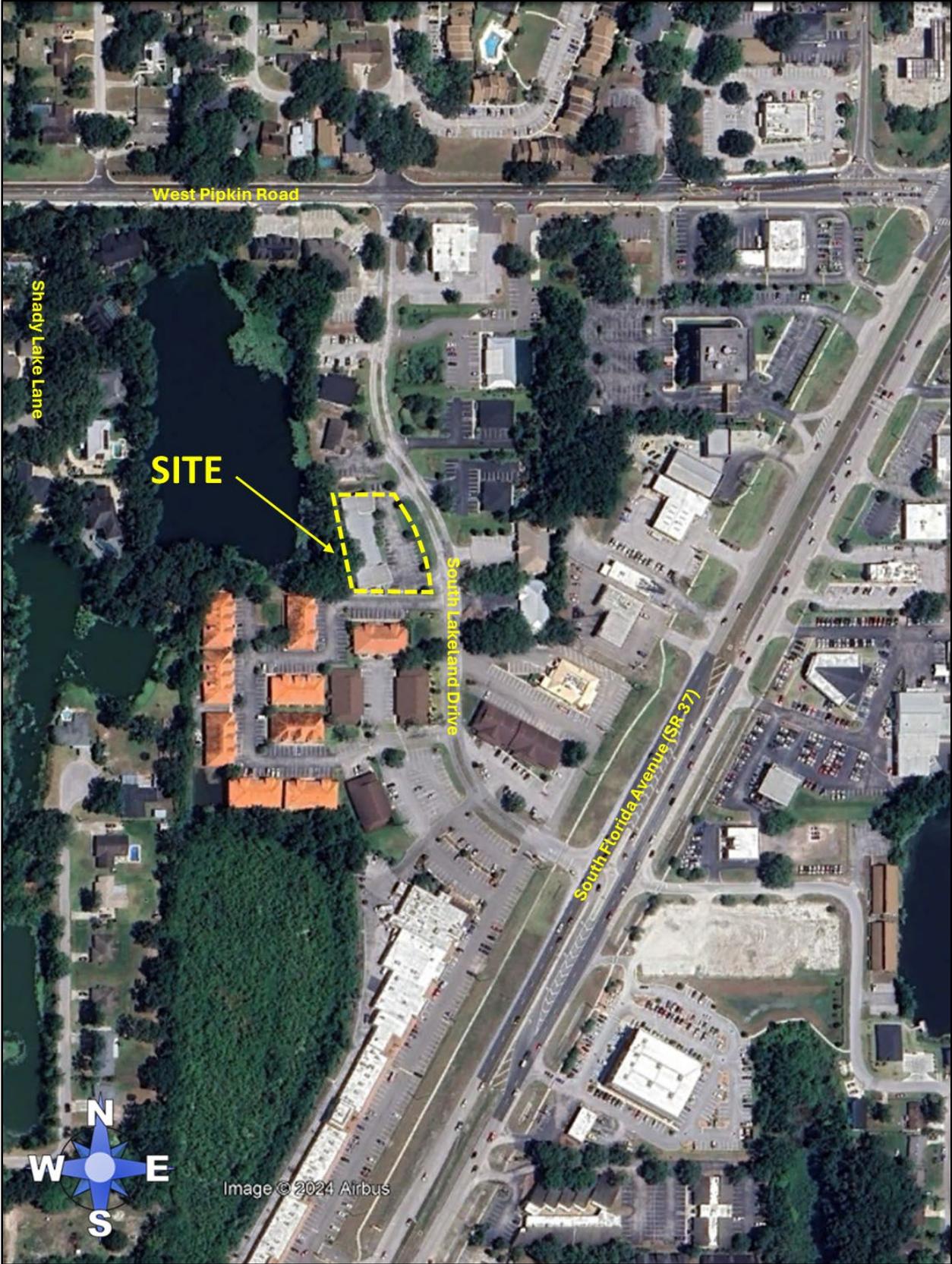
- Exhibit 1 - Location Map
- Exhibit 2 - Future Land Use Map
- Exhibit 3 - 2024 Satellite Photo (context)
- Exhibit 4 - 2023 Aerial Close-up
- Exhibit 5 - Applicant's Site Plan
- Exhibit 6 - County Wastewater Line
- Exhibit 7 - Applicant's Justification



Location Map



# Future Land Use Map



# 2024 Satellite Photo (context)



# 2023 Aerial Close-up





### County Wastewater Line



**CRITERIA FOR GRANTING VARIANCE**

**Will the variance be injurious to the area involved or detrimental to the public welfare?**

The requested 4.75 rear setback would not infringe on the rear neighboring properties, because the area is a stormwater pond/lake. The requested left yard setback of 4.5 ft would not infringe on the neighboring commercial office areas, because the adjacent area is a parking lot/drive.

**What special conditions exist that are peculiar to the land, structure, or building involved?**

This variance is necessary to the operation of this business. This is the minimum size building addition in order to accommodate the on site operations. The existing building is limited by land space to allow this addition. The existing confines of the lake in the rear and parking area to the south conflict with required setbacks as shown in chapter 2.

**When did you buy the property and when was the structure built? Permit Number?**

Building was purchased in December 1999 see attached deed.

**What is the hardship if the variance is not approved?**

By not granting this rear and side yard setback variance will constitute an unnecessary hardship on the applicant. This is the required to operate the existing business operations.

**Is this the minimum variance required for the reasonable use of the land?**

This is the minimum required to operate the existing business operations.

**Do you have Homeowners Association approval for this request?**

N/A

## Applicant's Justification