

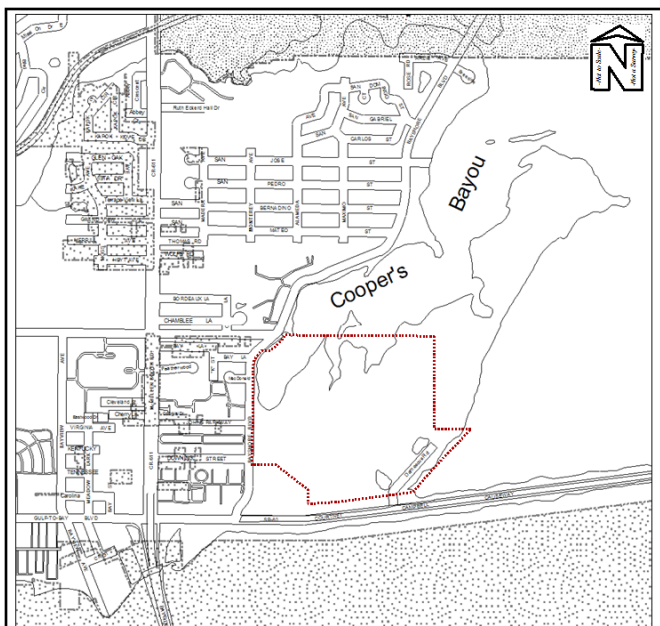


# COMMUNITY DEVELOPMENT BOARD PLANNING AND DEVELOPMENT DEPARTMENT STAFF REPORT

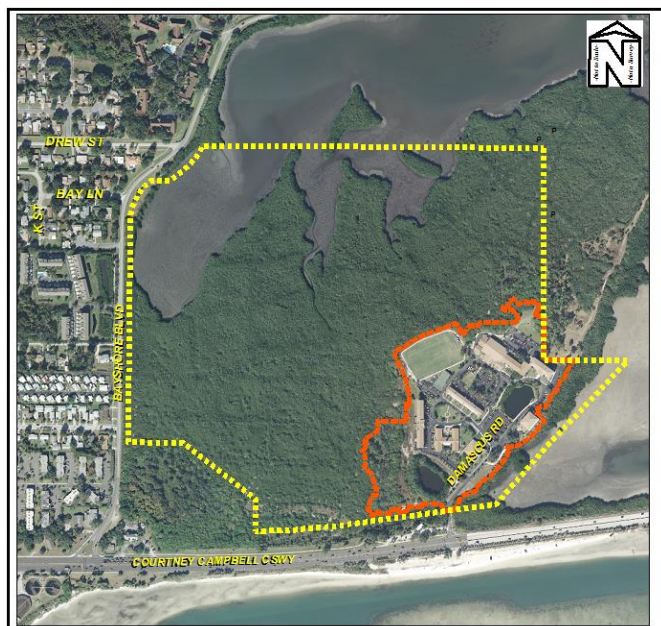
**MEETING DATE:** April 19, 2016  
**AGENDA ITEM:** G.1.  
**CASE:** DVA2010-06001  
**REQUEST:** Review and recommendation to the City Council, of the mutual, conditional termination of a Development Agreement and the First Amendment to the Development Agreement between Christian College Private School, Inc., a Florida Non-Profit Corporation, and its successors, and the City of Clearwater.

### GENERAL DATA:

*Owner* ..... Clearwater Christian College Private School, Inc.  
*Applicant* ..... City of Clearwater & Clearwater Christian College Private School, Inc.  
*Location* ..... 3400 Gulf-to-Bay Boulevard, located on the north side of Gulf-to-Bay Boulevard approximately 900 feet east of Bayshore Boulevard  
*Property Size* ..... 131.05 acres  
*Future Land Use Plan* ..... (Proposed, conditioned upon termination) Institutional (I), Commercial General (CG), Preservation (P), Recreation/Open Space (R/OS), Residential Low (RL), and Water/Drainage Feature categories  
*Zoning* ..... (Proposed, conditioned upon termination) Institutional (I), Commercial (C), Preservation (P), Low Density Residential (LDR), and Open Space/Recreation (OS/R) Districts  
*Adjacent Zoning.... North:* Preservation (P) and Open Space/Recreation (OS/R) Districts  
*South:* Open Space/Recreation (OS/R), Commercial (C), and Preservation (P) Districts  
*East:* Preservation (P) and Open Space/Recreation (OS/R) Districts  
*West:* Medium Density Residential (MDR), Mobile Home Park (MHP), Low Medium Density Residential (LMDR), and Preservation (P) Districts  
*Existing Land Use* ..... Educational Facilities uses  
*Proposed Land Use* ..... Educational Facilities uses



LOCATION MAP



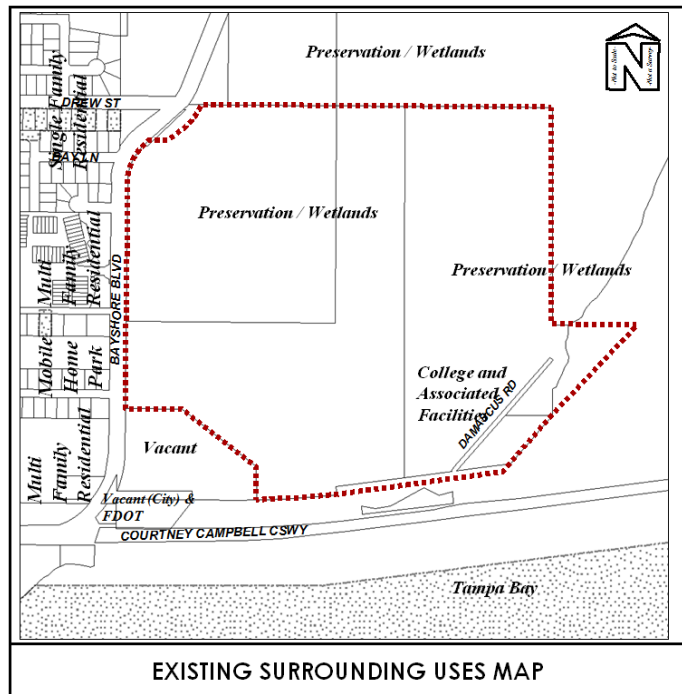
AERIAL PHOTOGRAPH

**ANALYSIS:**

**Location and Existing Conditions:**

The 131.05-acre site is located on the north side of Gulf-to-Bay Boulevard east of Bayshore Boulevard. The subject property has approximately 1,440 feet of frontage along Gulf-to-Bay Boulevard adjacent to Florida Department of Transportation (FDOT) right-of-way and approximately 1,670 feet of frontage along Bayshore Boulevard.

The subject property is zoned Institutional (I), Open Space/Recreation (OS/R), and Preservation (P) Districts and is developed with the Clearwater Christian College, which closed in 2015. The immediate vicinity is primarily wetlands and open space comprising Coopers Bayou and Tampa Bay, both within and beyond the property lines for the subject site. To the south is the Courtney Campbell Causeway (Gulf-to-Bay Boulevard) and associated FDOT right-of-way, as well as the City’s gateway feature (obelisk) and associated parking. Adjacent to the southwest, there is a FDOT office (closed) and vacant land. Properties to the west across Bayshore Boulevard are developed with attached and detached dwellings.



**Summary:**

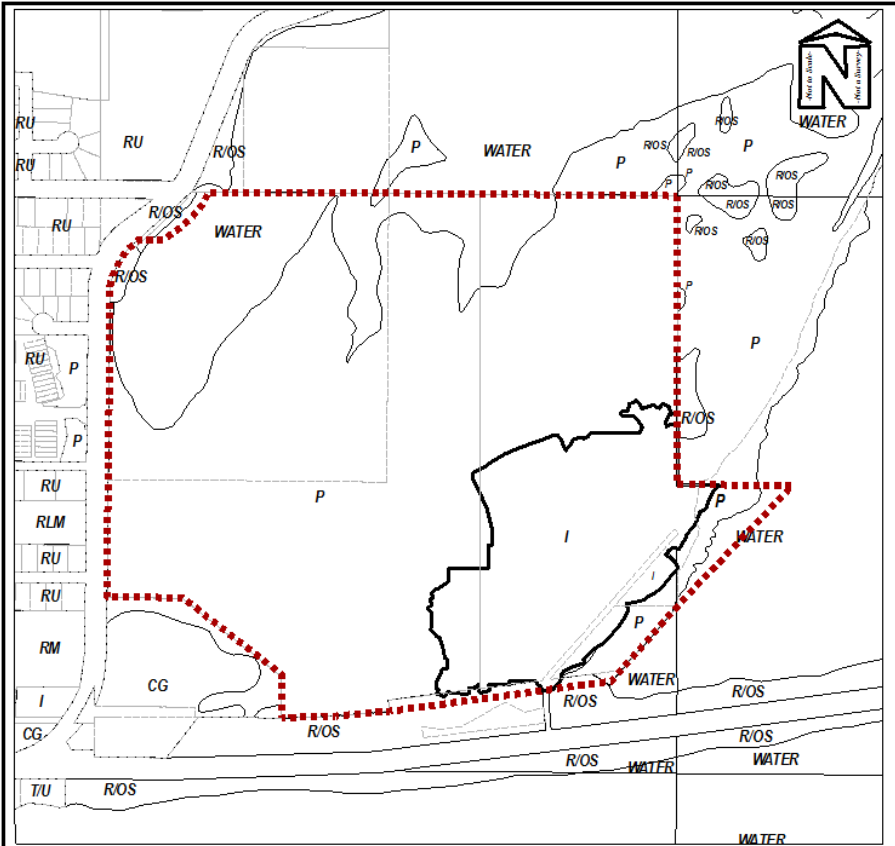
The property owner, Clearwater Christian College Private School, Inc., previously requested amendments to the City’s Future Land Use Map and Zoning Atlas which were approved by City Council in October 2010 (Case No. LUZ2010-06002). The 2010 amendments increased the amount of area designated Institutional (I) on the City’s Future Land Use Map and Zoning Atlas (“expanded Institutional area”) in order to accommodate growth of the college. At the same time, City Council approved a Development Agreement between the City and Clearwater Christian College Private School, Inc., and its successors, which establishes a master plan for the developed portion of the property, restricts the development potential of the expanded Institutional area, and requires the developer to seek approval of a mitigation plan to address the objectives of hydrologic restoration and habitat enhancement, either through a mitigation bank or other appropriate mitigation measures still meeting the standards in the mitigation plan. (Case No. DVA2010-06001). The Development Agreement was subsequently amended to revise certain components of the original agreement, consistent with the Pinellas Planning Council’s Alternative Compromise Recommendation accepted by City Council on October 5, 2010.

The property owner has received several extensions to the development agreement in order to seek approval of the final jurisdictional line as required in the agreement, with the most recent extension providing until January 23, 2017 for approval of the proposed jurisdictional line.

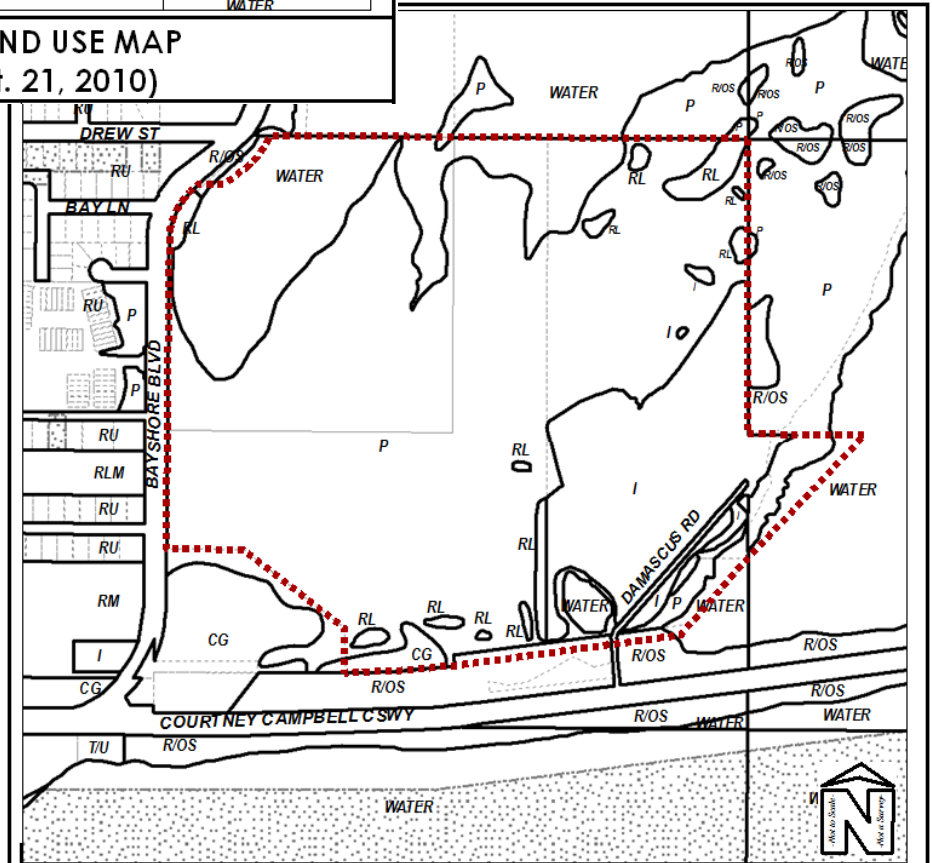
Recently, the City has engaged in contract negotiations to purchase approximately 111 acres of property from Clearwater Christian College, including a large portion which is governed by the Development Agreement, as amended. Purchasing the property would create an opportunity for the City to provide water quality benefits to Tampa Bay, an impaired waterbody with a federally-recognized Total Maximum Daily Load (TMDL) for Nitrogen, through future water quality improvement projects. While the projects envisioned will differ from those outlined within the agreement as part of the Mitigation Plan, the overall outcome and Bay benefits realized will be the same. The City would like to remove the encumbrances in place through the development agreement prior to purchasing the property from the college. For this reason, the City and college are requesting a mutual, conditional termination of the development agreement, conditioned upon the City's purchase of a portion of the college's land, which is being considered concurrently with this case and will be presented at the April 21, 2016 City Council meeting. The original development agreement states that upon termination, the property shall return to its current [as of the time of execution of the development agreement] future land use and zoning designations. Therefore, the City is initiating amendments to the Future Land Use Map and Zoning Atlas in order to comply with this provision (see concurrent cases LUZ2016-03003 and REZ2016-03003).

**Terms of the Development Agreement as amended:**

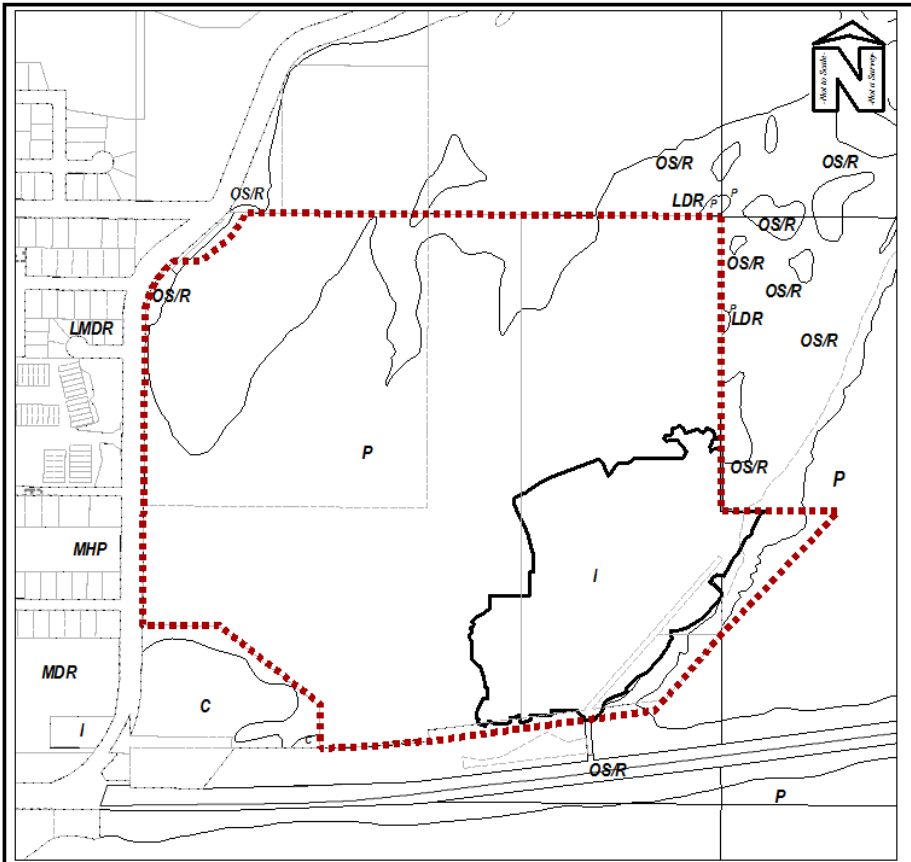
- Establishes a Master Plan Area (28.55 acres) and a Mitigation Area (102.5 acres);
- Requires that all improvements be constructed, if at all, pursuant to the Master Plan;
- Restricts development of the property to a maximum of 750 dormitory beds and a maximum FAR of 0.169;
- Requires the Developer to seek approval from the appropriate state and federal agencies (Southwest Florida Water Management District, Florida Department of Environmental Protection, U.S. Army Corps of Engineers) for an approved mitigation plan in the Mitigation Plan Area prior to the issuance of land clearing and building permits;
- Restricts height to a maximum of 50 feet;
- Sets out the Developer's transportation obligations, including:
  - Dedication of perpetual easement of approximately 1.01 acres for ingress/egress to Coopers point Bayou property adjacent to Master Plan Area;
  - Construction of the Coopers Point Access in conjunction with the construction of the Master Plan;
- Requires developer to obtain and maintain any approvals and permits necessary from the United States Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission ("FWC"), including any required FWC permit for the construction near an active eagle nest;
- Requires evacuation of all persons except emergency personnel after the issuance of a hurricane watch by the National Hurricane Center;
- Requires the City to process the amendments to the future land use map and zoning designations under LUZ2010-06002;
- Establishes boundary change procedures in the event that the agency permitting process results in changes to the proposed wetland jurisdictional boundary line as depicted on the Master Plan; and
- Requires that, in the event of termination, the property be returned to its pre-agreement future land use map and zoning designations [prior to LUZ2010-06002].



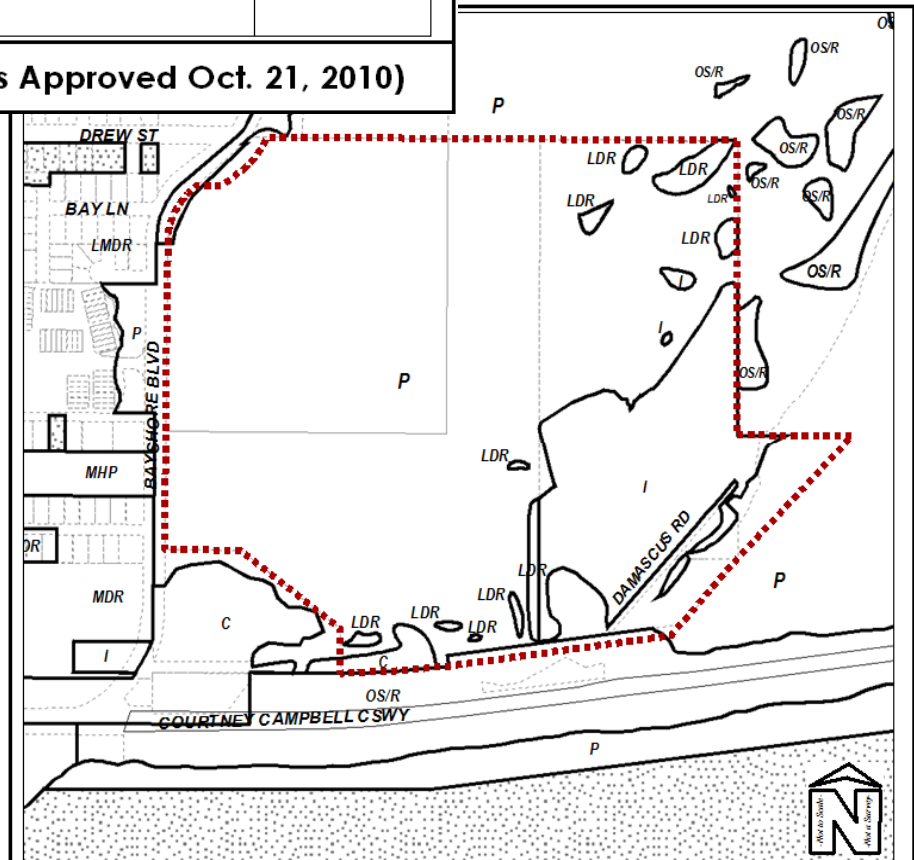
**CURRENT FUTURE LAND USE MAP**  
(As Approved Oct. 21, 2010)



**PROPOSED FUTURE LAND USE MAP**



**CURRENT ZONING MAP (As Approved Oct. 21, 2010)**



**PROPOSED ZONING MAP**

## **SUMMARY AND RECOMMENDATION:**

The development agreement, as amended, places restrictions on the 131.05 acre property owned by Clearwater Christian College Private School, Inc. as outlined above. The City Council will consider a purchase contract for a portion of this property at its April 21, 2016 meeting. Purchasing the property would create an opportunity for the City to provide water quality benefits to Tampa Bay, an impaired waterbody with a federally-recognized Total Maximum Daily Load (TMDL) for Nitrogen, through future water quality improvement projects. While the projects envisioned will differ from those outlined within the agreement as part of the Mitigation Plan, the overall outcome and Bay benefits realized will be the same. The City would like to remove the encumbrances in place through the development agreement prior to purchasing the property from the college. For this reason, the City and Clearwater Christian College are requesting a mutual, conditional termination of the development agreement, conditioned upon the City's purchase of a portion of the college's land. Additionally, the purchase contract is subject to the termination of the development agreement.

### **Findings of Fact:**

The Planning and Development Department, having reviewed all evidence and requirements of the Community Development Code, finds that there is substantial competent evidence to support the following findings of fact:

1. That the 131.05-acre site is located on the north side of Gulf-to-Bay Boulevard east of Bayshore Boulevard;
2. That the subject property is currently occupied with educational facilities uses (closed college);
3. That the subject property is subject to Development Agreement DVA2010-06001;
4. That DVA2010-06001 restricted development of the property to a maximum of 750 dormitory beds and a maximum FAR of 0.169;
5. That the subject property was the subject of LUZ2010-06002;
6. That the City of Clearwater and Clearwater Christian College are requesting a mutual, conditional termination of the development agreement, conditioned upon the City's purchase of a portion of the college's land, pursuant to section 163.3237, Florida Statutes;
7. That there are companion applications to amend the Future Land Use Map and Zoning Atlas designations, in order to return the property to its pre-Agreement current future land use map and zoning designations.

### **Conclusion of Law:**

The Planning and Development Department, having made the above findings of fact, reaches the conclusion of law that:

This is a mutual, conditional termination of the development agreement, conditioned upon the City's purchase of a portion of the college's land, pursuant to section 163.3237, Florida Statutes.

The Planning and Development Department, having made the above findings of fact and conclusion of law, recommends **APPROVAL** of the termination of DVA2010-06001, as amended.

Prepared by Planning and Development Department Staff: \_\_\_\_\_  
Lauren Matzke, AICP, Long Range Planning Manager