



**COMMUNITY DEVELOPMENT BOARD  
PLANNING AND DEVELOPMENT DEPARTMENT  
STAFF REPORT**

**MEETING DATE:** December 15, 2015  
**AGENDA ITEM:** F.1  
**CASE:** CPA2015-04001  
**ORDINANCE NO.:** 8805-16  
**REQUEST:** Review and recommendation to the City Council, of amendments to the *Clearwater Comprehensive Plan* repealing transportation concurrency, establishing a Mobility Management System, allowing for non-contiguous annexations, amending certain provisions of the Capital Improvements Element for consistency with State Statutes, and updating various terms and references.  
**INITIATED BY:** City of Clearwater, Planning and Development Department

**BACKGROUND:**

The City of Clearwater *Comprehensive Plan* includes several policies addressing concurrency management in the Future Land Use, Transportation, Coastal Management, and Capital Improvements Elements. The application of concurrency management requirements through the local site plan review process, including the assessment of transportation impact fees, is the primary tool the City and other municipalities in Pinellas County use to manage the traffic impacts of development projects. Concurrency management requirements are imposed to ensure that permits are not issued for a development project without the public facilities and services necessary to handle its impacts being in place. Concurrency management rules also require local governments to adopt level of service standards for public services and facilities that must be maintained as a condition of development approval. The City has adopted levels of service for transportation, solid waste, sanitary sewer, stormwater, potable water, hurricane evacuation, and parks. Most impact fees are established within the Code of Ordinances, but transportation impact fees are established by the Pinellas County Code Chapter 150-40 (the Transportation Impact Fee Ordinance, or TIFO), and are applied countywide.

The 2011 Community Planning Act made substantial amendments to Chapter 163, Florida Statutes, including repealing state mandated transportation concurrency. To address these changes, the Pinellas County Metropolitan Planning Organization (MPO) coordinated with the various local governments to develop an alternative approach to transportation concurrency which would also further the development of a countywide multi-modal transportation system that could better accommodate travel options other than the personal automobile. The Pinellas County Mobility Plan was approved by the MPO in 2013, and model policies were adopted in 2014. The Pinellas County Board of County Commissioners (BOCC) approved on first reading amendments to their impact fee ordinance, changing the name to Multi-Modal Impact Fee Ordinance and creating a Mobility Management System within its land development regulations, in October 2014. It is anticipated that the Pinellas County BOCC's amendments will be adopted on March 29, 2016. The City, along with municipalities throughout the County, is amending its *Comprehensive Plan* and land development regulations to remain consistent with the countywide approach to mobility management and the TIFO.

The Mobility Management System that is envisioned through the new policies within this amendment would be a more flexible approach to manage the traffic impacts of development projects while increasing mobility for pedestrians, bicyclists, transit users and motor vehicles. The Mobility Management System, which is proposed to be established within the Community Development Code (see concurrent case TA2015-10006), will be a tiered development review approach requiring larger scale projects adding trips to the surrounding road network to implement transportation management strategies in-lieu of or as credit toward their impact fee assessment. These strategies could include, but are not limited to, trail, sidewalk, bus stop and intersection improvements or trip reduction programs such as carpooling or telecommuting. Smaller scale projects with limited impact on the transportation system would only be required to pay an impact fee commensurate with the number of new trips they generate.

The main purpose of the proposed *Comprehensive Plan* amendments is to repeal transportation concurrency and set up the policy framework necessary to establish a Mobility Management System, and to remove references to transportation concurrency throughout the *Comprehensive Plan*. Other amendments are proposed to recognize the 2014 Interlocal Service Boundary Agreement (ISBA) between Pinellas County and municipalities, which allows voluntary annexation of non-contiguous parcels located in an enclave surrounded by city property on all sides (“Type A” Enclaves). Additionally, the Coastal Management Element is updated to address new statutory requirements by adding policies that encourage new development to find solutions to help reduce the flood risk or flood losses and that require new development or redevelopment be consistent with or more stringent than Florida Building Code requirements. These policies add to existing policies addressing reduction of flood risk, as required by Chapter 163.

Lastly, the proposed amendments include updates to the Capital Improvements Element. Many changes are minor, including updates to reflect the most recent studies and capital improvements programs established by the MPO, Florida Department of Transportation (FDOT), and the City. The Schedule of Capital Improvements is being replaced to reflect the current five-year projections and updated Revenue Summary and Program Expenditure tables for Fiscal Years 2015-2020.

## **ANALYSIS:**

Substantial changes are being made to the Transportation Element, including the addition of policies pertaining to the establishment of a Mobility Management System, and the removal of language pertaining to transportation concurrency. Amendments to the Future Land Use, Coastal Management, Intergovernmental Coordination, and Capital Improvements Elements include removing obsolete language, updating language to be consistent with the proposed Mobility Management System, and adding policies regarding noncontiguous annexations and flood risk and loss prevention as previously stated. Formatting changes are also being made to bring consistency among all of the elements.

The proposed amendments to the *Comprehensive Plan* are summarized below:

### **1. Future Land Use Element [pages 2-4 of ordinance]:**

Simplifies the goal and objective for the Concurrency Management System; revises policies to remove transportation from concurrency requirements; updates the services for which levels of service have been adopted; adds review criteria for Future Land Use Map and/or Zoning Atlas amendments; and adds a policy to allow voluntary annexations of non-contiguous properties within “Type A” Enclaves.

- 2. Transportation Element** [pages 4-10 of ordinance]:  
Establishes the new Mobility Management System and related policies; adds a policy that includes transportation analysis for planning purposes; revises Objective B.1.2 and its policies to provide direction to use complete street policies when making improvements to the road network; removes references to transportation concurrency and replaces with references to the Mobility Management System; adds more policies regarding coordination with the MPO and FDOT; simplifies policies related to coordination with PSTA to identify public transit improvements; and updates various terms and plan years to most current editions.
- 3. Coastal Management Element** [pages 10-11 of ordinance]:  
Removes reference to “traffic” as a required level of service objective and adds policies that aim to reduce flood risk and flood losses.
- 4. Intergovernmental Coordination Element** [page 11 of ordinance]:  
Removes level of service requirement for road improvements; and adds a policy addressing coordination with FDOT with regards to access on State facilities for new development projects.
- 5. Capital Improvements Element** [pages 11-28 of ordinance]:  
Removes the outdated Needs Summary; removes transportation from concurrency requirements and level of service requirements; adds reference to the Mobility Management System; updates the Schedule of Capital Improvements to the most recent five-year projections; updates the Revenue Summary and the Program Expenditures tables to the most recent five-year projections; and updates various terms and references.

## STANDARDS FOR REVIEW:

Pursuant to Community Development Code Section 4-603.F., no amendment to the *Comprehensive Plan* shall be approved unless it complies with the following standards:

- 1. The amendment will further implementation of the Comprehensive Plan consistent with the goals, policies, and objectives contained in the plan.**

The proposed amendments to the *Clearwater Comprehensive Plan* are consistent with the following Objectives and Policy in the *Plan*:

- Policy A.6.5.3 All proposed development/redevelopment initiatives shall be reviewed for opportunities to improve pedestrian and bicycle access and consider the integration of bicycle and pedestrian transportation modes in all phases of transportation planning, new roadway design, roadway construction, roadway resurfacing, and other capital projects consistent with the City’s *Shifting Gears Bicycle and Pedestrian Master Plan* 2006. On Clearwater Beach, pedestrian and bicycle improvements should adhere to the policies and design guidelines set forth in *Beach by Design: A preliminary Design for Clearwater Beach and Design Guidlelines*.

- Objective A.6.8 Identify those areas of the City that are appropriate for redevelopment as livable communities and require that specific sustainable elements to be used in the redevelopment of these areas.
- Objective H.3.1 The City shall continue to work with the PPC, the State, and the County in the orderly annexation of the City's existing enclaves.

The Mobility Management System proposed within new Objective B.1.1 and its associated policies looks to improve the transportation network for all users, including pedestrians, bicyclists, and public transit. Proposed Objective B.1.2 includes a policy that references Objective A.6.8, as well as other policies that further Objective A.6.8 related to Complete Streets, sidewalks, and other livable community improvements. The addition of voluntary non-contiguous "Type A" annexations allows those properties in "Type A" enclaves to not have to wait until they become contiguous to City limits to annex into the City. As such, the proposed amendments will further implementation of the *Clearwater Comprehensive Plan*.

**2. The amendment is not inconsistent with other provisions of the Comprehensive Plan.**

The proposed amendments are not in conflict with other provisions of the *Comprehensive Plan* and bring further consistency between the goals, objectives, and policies and the map series. The proposed amendment will add several new objectives and policies to the *Comprehensive Plan*, while also simplifying other sections of the Plan. Proposed Objective B.1.1 and related policies expand the ways the city is addressing the impacts of new development on its transportation system that increases mobility for pedestrians, bicyclists, and transit users as well as for motorists. The new Mobility Management System objective and policies tie in with various Future Land Use Element policies, specifically the livable communities objective and policies which are captured in Objective A.6.8. Several proposed amendments address intergovernmental coordination between the City and other entities such as the MPO and PSTA.

**3. The available uses, if applicable, to which the property may be put are appropriate to the property in question and compatible with existing and planned uses in the area.**

This is not applicable to the proposed amendments as they do not relate to a specific property or properties.

**4. Sufficient public facilities are available to serve the property.**

The adequacy of available public facilities will need to be assessed on a case-by-case basis as development proposals are received. The proposed amendments repeal transportation concurrency, however, new policies are being created that will maintain level of service as a planning tool that will be used to evaluate potential development proposals at the time of site plan review. Therefore, this is not applicable as the proposed amendments do not relate to a specific property or properties.

**5. The amendment will not adversely affect the natural environment.**

This is not applicable to the proposed amendments. The amendments reflect updates to the state statutes and to recently approved local ordinances. Any proposed development will have to comply with

impervious surface ratio standards, tree preservation and landscaping requirements, and drainage and water quality requirements, which is evaluated at the time of site plan review.

**6. The amendment will not adversely impact the use of property in the immediate area.**

This is not applicable to the proposed amendments as they do not relate to a specific property or properties. Any impacts would be determined at the time of site plan review, and would need to be mitigated before any development can proceed.

**SUMMARY AND RECOMMENDATION:**

The purpose of this amendment is to update the Future Land Use, Transportation, Intergovernmental Coordination, and Capital Improvements Elements to reflect changes to the state statutes; to establish an objective and policies for the Mobility Management System; and to recognize the 2014 Interlocal Service Boundary Agreement between the City, Pinellas County, and other municipalities, all of which have been adopted since the last major update to the Comprehensive Plan in 2008. The proposed amendment is consistent with and will further the goals, objectives, and policies of the *Clearwater Comprehensive Plan*, will not result in inappropriate or incompatible uses, will not adversely affect the natural environment or impact the use of property in the immediate area, and sufficient public facilities exist to implement the proposed amendment.

Based upon the above, the Planning and Development Department recommends **APPROVAL** of Ordinance No. 8805-16 that amends the *Clearwater Comprehensive Plan*.

Prepared by Planning and Development Department Staff: \_\_\_\_\_

Kyle Brotherton,  
Planner

ATTACHMENTS: Resume  
Ordinance No. 8805-16