



PLANNING & DEVELOPMENT DEPARTMENT COMMUNITY DEVELOPMENT BOARD STAFF REPORT

MEETING DATE: March 21, 2017
AGENDA ITEM: G.1.
CASE: LUP2016-08008
REQUEST: To amend the Future Land Use Map designation from Preservation (P) to Residential Medium (RM).

GENERAL DATA:

Applicant Northside Engineering, Inc.
Owner Montclair Lake Townhomes, LLC
Location 2251 Montclair Road, portion of the property along the south side of Montclair Road approximately 770 feet west of North Belcher Road.
Property Size 0.72 acres

Background:

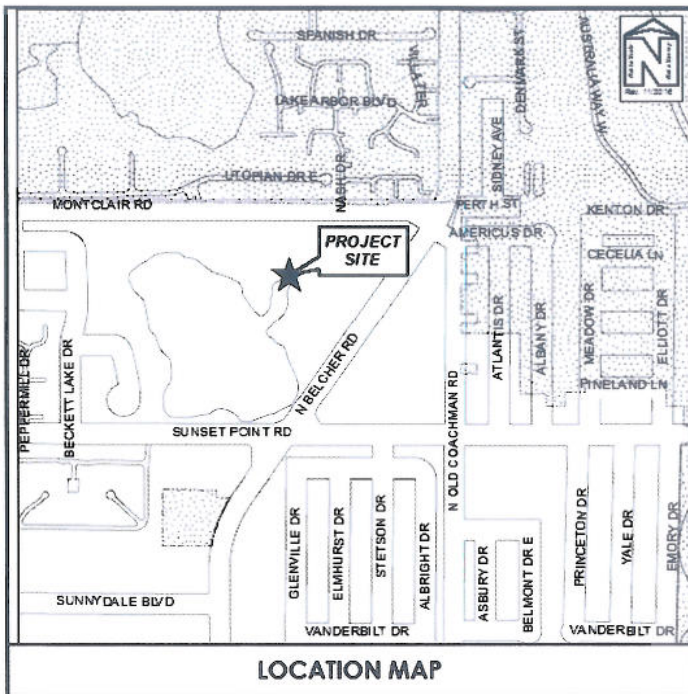
This case involves a 0.72-acre portion of property located along the south side of Montclair Road approximately 770 feet west of North Belcher Road, addressed as 2155 Montclair Road. The property is owned by Montclair Lake Townhomes, LLC. Maps 1 and 2 show the general location of the property and an aerial view of the proposed amendment area.

The request is to change the Future Land Use Map designation for the 0.72-acre portion of property from Preservation (P) to Residential Medium (RM). The applicant is also requesting to rezone the proposed amendment area from Preservation (P) District to the Medium High Density Residential (MHDR) District (see concurrent case REZ2016-08005).

In 2013 the proposed amendment area, in combination with surrounding parcels totaling 23.75 acres, was annexed into the City. City Council approved a future land use change from Residential Urban (RU), Preservation (P) and Water to Residential Medium (RM), Preservation (P) and Water (LUP2013-04002) and a rezoning from RPD-7.5 to Medium High Density Residential (MHDR) and Preservation (P) (REZ2013-04002). At that time the Preservation (P) designation line was adjusted based on a jurisdictional survey provided by the applicant, and current maps reflect that boundary.

In 2016 the applicant applied for and received a permit from the Southwest Florida Water Management District (SWFWMD) to permanently fill 0.72 acres of the total existing 0.98 acres of wetlands on the property. This application is consistent with the SWFWMD permit. The owner has active building construction permits for the construction of Phase One of a townhome development (60 units) on the east side of the subject site. The approval of this LUP and corresponding REZ is needed before they can apply for

site work and building construction permits for Phase Two (additional 26 units) as conceptually presented to the City.



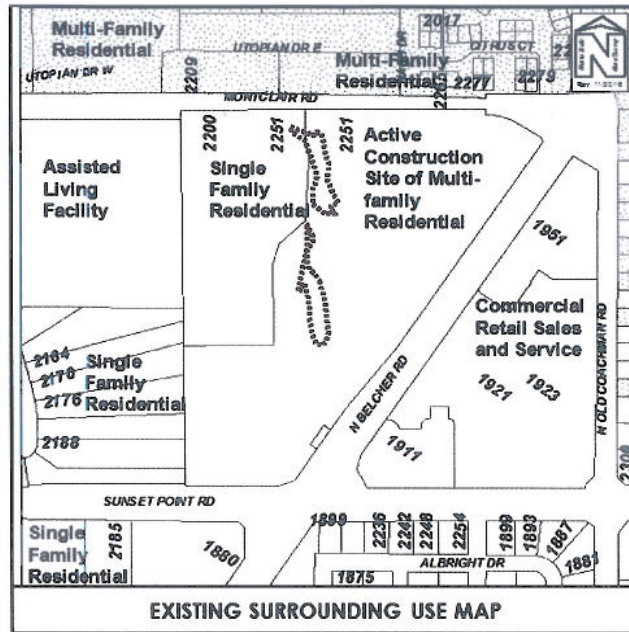
Map 1



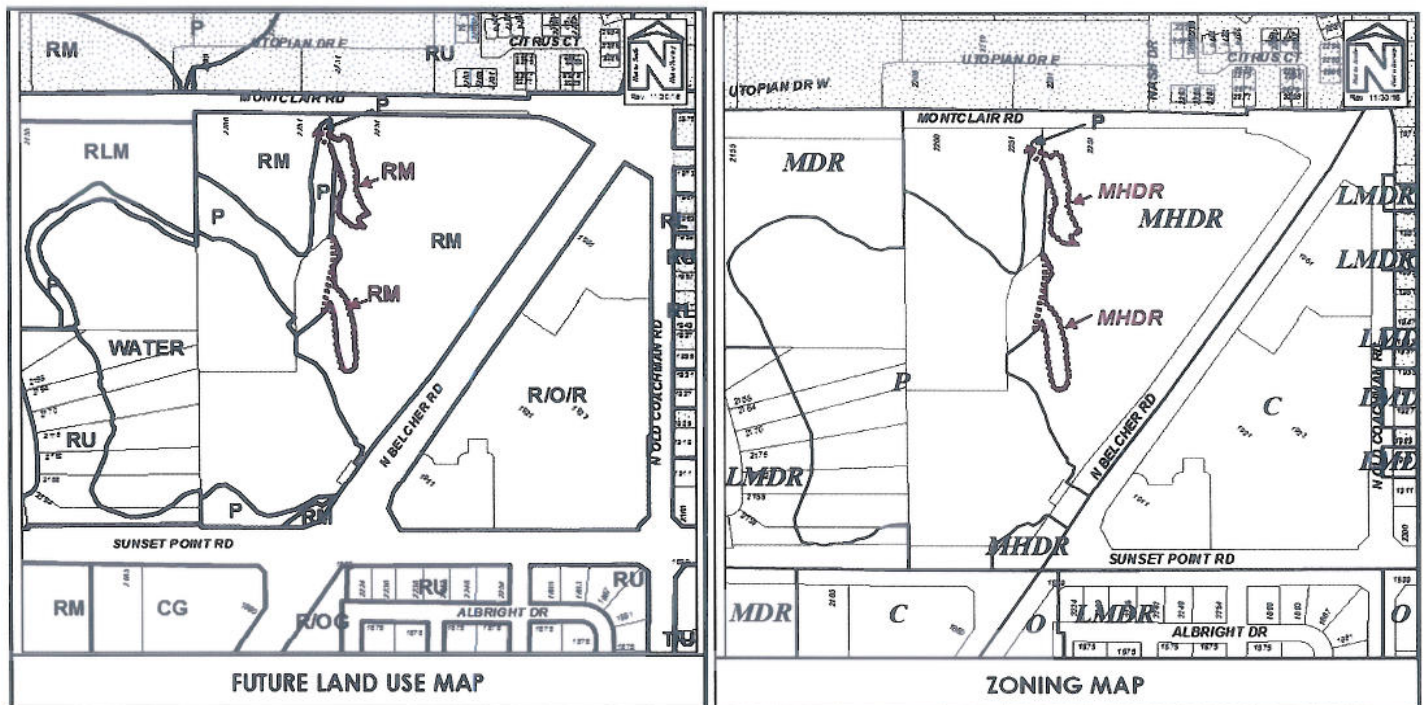
Map 2

Vicinity Characteristics:

Montclair Lake Townhomes LLC owns the overall site, inclusive of the proposed amendment area, which is bounded by Belcher Road to the east and by Montclair Road to the north. There are commercial uses to the east across Belcher Road. Immediately adjacent to the west is a single family residence (included in the 2013 cases). There are multi-family uses to the north along Montclair Road.



Currently, the future land use designations abutting the amendment area are Residential Medium (RM) and Preservation (P) to the west and north, and Residential Medium (RM) to the east and south.



The underlying *Countywide Plan Map* designation for the amendment area is Preservation (P), and the remainder of the parcel is designated Residential Medium (RM).

A comparison between the uses, densities and intensities allowed by the present and proposed Future Land Use Map designations appears in Table 1, along with the consistent zoning districts.

Table 1. Uses and Intensities Allowed by Present and Proposed Future Land Use Designations

	Present FLUM Designations	Requested FLUM Designation
	Preservation (P)	Residential Medium (RM)
Primary Uses:	Natural/ Undeveloped Water Features; Beaches and Dunes	Moderate to High Density Residential
Maximum Density:	N/A	15 Dwelling Units Per Acre
Maximum Intensity:	FAR 0.10; ISR 0.20	FAR 0.50; ISR 0.75
Consistent Zoning Districts:	Preservation (P)	Medium Density Residential (MDR); Medium High Density Residential (MHDR)

REVIEW CRITERIA:

Consistency with the Clearwater Comprehensive Plan [Sections 4-603.F.1 and 4-603.F.2]

Recommended Findings of Fact:

Applicable goals, objective and policies of the Clearwater Comprehensive Plan which support the proposed amendment include:

Policy A.1.1.1. Any permanent and temporary alteration of Department of Environmental Protection (D.E.P.) jurisdictional or non-jurisdictional wetlands, the jurisdictional wetlands of the Southwest Florida Water Management District (SWFWMD), beach dunes, sensitive soils, or other natural systems shall be prohibited unless such alteration is fully consistent with all local, state, and federal regulations, mitigation and management plans, and permitting procedures that may be applicable, including the wetland vegetative buffer requirement of the City's Community Development Code.

Policy A.1.1.3. Environmentally sensitive wetlands subject to Department of Environmental Protection (DEP) jurisdiction and the jurisdictional wetlands of the Southwest Florida Water Management District (SWFWMD) shall be designated by "Preservation" (P) zoning and prevented from being built upon except as permitted by the Preservation Zoning District.

In June of 2016 the Southwest Florida Water Management District (SWFWMD) approved Permit No. 721316 / 43034349.002 which approved the permanent filling impacts to 0.60 acres of wetland (0.35 acres ponds and 0.25 acres of upland cut ditches). In November of 2016 the SWFWMD permit underwent a Minor Modification under Permit No. 736457 / 43034349.003 which approves the addition of 0.12 acres of impact. Mitigation is not required, and inclusion of this additional area of impact brings the total area approved for permanent fill to 0.72 acres (the proposed amendment area). Further, the applicant's environmental consultant Armstrong Environmental Services, Inc. determined that no protected species exist on site and therefore would not be impacted. A copy of the environmental narrative from Armstrong Environmental Services, Inc. was provided to SWFWMD as part of the permit application and was provided within the application materials to the City. The subject sites were found to be poor quality wetlands by the applicant's environmental consultant and the proposed fill impacts have been approved through SWFWMD and found to have no negative impacts on protected species.

The proposed Residential Medium (RM) future land use designation is compatible with the surrounding multi-family residential and single family residential uses, as well as with the Montclair Lakes Townhomes LLC multi-family development currently under construction (Phase One). The second phase is anticipated to be submitted pending approval of this application.

The applicant indicated that the filling of the wetland and proposed Future Land Use Map amendment will allow for a better site design for the whole multi-family project. The Community Development Code requires a vegetative buffer on all lands within 25 feet of any property designated on the Zoning Atlas as Preservation (P) or any property determined to be wetlands under the jurisdiction of the State of Florida. Currently, the majority of the western boundary of the development site is contiguous to Preservation (P) zoning and jurisdictional wetlands, and therefore requires a vegetative buffer that affects where the attached dwelling units can be placed. Subsequent to the permanent filling of the 0.72 acres of wetlands, as permitted by SWFWMD, the amendment areas would no longer be a jurisdictional wetland or other environmentally sensitive land, and therefore would not need to be designated Preservation (P) on the Future Land Use Map or Zoning Atlas, and a buffer would no longer be required. However, areas designated Preservation (P) on the parcel to the west of the site will remain and will still require buffering.

In addition, the proposal does not degrade the level of service for public facilities below the adopted standards (a detailed public facilities analysis follows in this report).

Recommended Conclusions of Law:

The request does not conflict with the goals, objectives and policies of the Clearwater Comprehensive Plan and furthers said plan as indicated in the goals, objective and policies listed above.

Consistency with the Countywide Rules

Recommended Findings of Fact:

The City of Clearwater's Residential Medium (RM) future land use designation is consistent with the Residential Medium (RM) category within the *Countywide Rules* as updated May 31, 2016. Section 2.3.3.3 of the *Countywide Rules* states that the Residential Medium (RM) plan category is intended to depict those areas of the county that are now developed, or appropriate to be developed, in a medium-density residential manner; and to recognize such areas as primarily well-suited for residential uses that are consistent with the urban qualities, transportation facilities, including transit, and natural resources of such area. Further, the Locational Characteristics of this category are generally appropriate to locations within or in proximity to urban activity centers; in areas where use and development characteristics are medium-density residential in nature; and in areas serving as a transition between less urban and more urban residential and mixed-use areas. These areas are generally served by and accessed from minor and collector roadways, which connect to arterial roadways and/or highways.

Section 2.3.3.12 of the *Countywide Rules* states that the Preservation (P) plan category is intended to recognize natural resource features worthy of preservation and those areas of the county that are now used, or are appropriate to be used, for the conservation, production, and management of the regional potable water supply and the supporting infrastructure, consistent with the natural resources of the area. It also expresses that where the mapped delineation of these areas is inconclusive due to the nature of the environmental feature, a field determination and mapping of the actually boundary at an appropriate scale may be required as part of any amendment or project approval determination.

The subject property is located adjacent to properties designated as Residential Medium (RM) on both the City of Clearwater Future Land Use Map and the Countywide Plan Map. The subject property was found by the applicant's environmental consultant to be poor quality wetlands and is permitted for permanent filling by SWFWMD and therefore is not consistent with the current designation of Preservation. Therefore, an amendment to Residential Medium (RM) will reflect the change to the amendment area from a wetland to an upland, and is consistent with the designation on the subject property and the surrounding parcels.

Recommended Conclusions of Law:

The request is in conjunction with an approved SWFWMD permit allowing the permanent filling of the wetland areas, and therefore the proposed Future Land Use Map amendment is consistent with the purpose and locational characteristics of the *Countywide Rules*.

Compatibility with Surrounding Properties/Character of the City & Neighborhood [Section 4-603.F.3 and Section 4-603.F.6]

Recommended Findings of Fact:

A single family home lies to the west of the subject site. To the east, construction of 60 townhomes (Phase One) has started. Further to the east, across Belcher Road, are commercial uses. To the north along Montclair Road are multi-family uses, and to the south and west is Beckett Lake.

The proposed Residential Medium (RM) future land use category permits 15 dwelling units per acre and a floor area ratio (FAR) of 0.50. The future land use designations of surrounding properties include Residential Medium (RM) and Preservation (P) (refer to Table 1 for maximum densities and intensities).

The amendment area is located at the eastern edge of the existing preservation area running north from Beckett Lake, and is on the western edge, directly adjacent to the multifamily development currently under construction at the corner of Belcher Road and Montclair Road. The proposed Residential Medium (RM) designation is consistent with the future land use designation of the remainder of the parcel, and will allow the development of additional townhomes as part of the same development. This will continue the character and scale of development currently found along Belcher and Montclair Roads. The proposed Residential Medium (RM) designation is consistent with the surrounding plan categories, and is consistent with the current medium-density residential uses.

Recommended Conclusions of Law:

The proposed Residential Medium (RM) future land use category is in character with the overall Future Land Use Map designations in the area. Further, the proposal is compatible with surrounding uses and consistent with the character of the surrounding properties and neighborhood.

Sufficiency of Public Facilities [Section 4-603.F.4]

Recommended Findings of Fact:

To assess the sufficiency of public facilities needed to support potential development on the proposed amendment area, the maximum development potential of the properties under the present and requested City Future Land Use Map designations were analyzed (see Table 2).

Table 2. Development Potential for Existing & Proposed FLUM Designations

	Present FLUM Designation "P"	Requested FLUM Designation "RM"	Net Change
Site Area	0.72 AC (31,363 SF)	0.72 AC (31,363 SF)	
Maximum Development Potential	0 DUs 3,136 SF 0.10 FAR	10 DUs 15,681 SF 0.50 FAR	10 DUs 12,545 SF 0.40 FAR
Abbreviations: FLUM – Future Land Use Map AC – Acres SF – Square feet DUs – Dwelling Units FAR – Floor Area Ratio			

As shown in the table, there is an increase in development potential across the amendment area which would affect public facilities as detailed further below. The following analysis compares the maximum potential development of the proposed Residential Medium (RM) land use developed with residential use (10 DUs) to the maximum development potential of the existing Preservation (P) future land use category (3,136 SF).

Potable Water

The additional development potential from this amendment would result in an increase in potable water use of 2,604 gallons per day. This is determined by taking the potential potable water utilization of the proposed land use (2,604 gallons per day) and subtracting the maximum development potential of the current land use designations (zero gallons per day). The City's current potable water demand is 11.4 million gallons per day. The City's adopted level of service (LOS) standard to potable water is 120 gallons per capita per day, while the actual usage is estimated to be 89 gallons per capita per day. Therefore, there is excess water capacity to serve the amendment area.

Wastewater

The amendment could result in additional generation of 2,343 gallon per day of wastewater. The subject property is served by the Northeast Water Pollution Control facility, which presently has excess capacity estimated to be 6.85 million gallons per day. Therefore, there is excess sanitary sewer capacity to serve the amendment area.

Solid Waste

The amendment could result in an additional 25.3 tons per year of solid waste generated. All solid waste disposal is handled by Pinellas County at the Pinellas County Waste-to-Energy Plant and the Bridgeway Acres Sanitary Landfill which has significant capacity. Additionally, the City provides a full-service citywide recycling program which diverts waste from the landfill, helping to extend the life span of Bridgeway Acres. There is excess solid waste capacity to serve the amendment area.

Parkland

The City's adopted LOS for parkland acreage, which is 4 acres per 1,000 population, will not be impacted by this proposed amendment. Under both the existing and proposed land use, the LOS citywide will remain at 15.46 acres per 1,000 population.

Stormwater

The amendment area is proposed to be integrated into the multi-family redevelopment already under construction. The SWFWMD permit does not require mitigation for the permitted wetland impacts. The current phase of development has an active building construction permit from the City of Clearwater and the stormwater management system for the site, including a future Phase Two, will be required to meet all City and SWFWMD stormwater management criteria.

Streets

The subject property is generally located south of Montclair Road, west of Belcher Road, north of Sunset Point Road. The amendment could result in an additional 69 trips per day based on typical traffic impacts figure (trips per day per acre) in the *Countywide Rules* for the current and proposed land use category. The property has access to Montclair Road, a local road, which connects directly to Belcher Road, a six-lane, divided facility that is classified as a signalized arterial and maintained by Pinellas County. The intersection of Montclair Road and Belcher Road is signalized.

The Pinellas County Metropolitan Planning Organization's (MPO's) 2016 Level of Service Report shows the level of service (LOS) for Belcher Road within the vicinity of the subject property is "C." This LOS determination is based on the 2015 average annual daily traffic (AADT) volume of 28,311. The volume-to-capacity ratio for this facility is 0.581. Therefore, this segment of Belcher Road is not a deficient roadway. The number of new daily or peak hour trips will be for the development project determined at the time of site plan review and impacts will be assessed under the City's Mobility Management System in the Community Development Code. However, there is adequate roadway capacity to accommodate the maximum anticipated new daily trips resulting from the amendment.

Recommended Conclusions of Law:

Based upon the findings of fact, it is determined that the proposed change will not result in the degradation of the existing levels of service for potable water, sanitary sewer, solid waste, parkland, and stormwater management and standards for traffic.

Impact on Natural Resources [Section 4-603.F.5]

Recommended Findings of Fact:

Wetlands are located on the subject property, but the applicant has received a permit from SWFWMD to permanently fill 0.72 acres (the proposed amendment area). Surrounding wetlands not included in the SWFWMD permit will be protected through the Community Development Code's requirement that a vegetative buffer shall be provided on all lands within 25 feet of any property designated on the Zoning Atlas as Preservation (P), or any property determined to be wetlands under the jurisdiction of the State of Florida ("jurisdictional wetlands"); and all lands within 15 feet of the top of the bank of any creeks, channels, or related waterways which contain jurisdictional wetlands.

Recommended Conclusions of Law:

Any proposed redevelopment is required to be compliant with the City's tree preservation, landscaping, storm water management and wetland vegetative buffer requirements. Based upon the findings of fact, it is determined that the proposed Future Land Use Map amendment will not negatively impact natural resources on the subject parcels.

SUMMARY AND RECOMMENDATION:

No amendment to the Comprehensive Plan or Future Land Use Map shall be recommended for approval or receive a final action of approval unless it complies with the standards contained in Section 4-603.F, Community Development Code. Table 3 below depicts the consistency of the proposed amendment with the standards pursuant to Section 4-603.F:

Table 3. Standards for Land Use Plan Amendments

CDC Section 4-603	Standard	Consistent	Inconsistent
F.1	The amendment will further implementation of the <i>Comprehensive Plan</i> consistent with the goals, policies and objectives contained in the Plan.	X	
F.2	The amendment is not inconsistent with other provisions of the <i>Comprehensive Plan</i> .	X	
F.3	The available uses, if applicable, to which the properties may be put are appropriate to the properties in question and compatible with existing and planned uses in the area.	X	
F.4	Sufficient public facilities are available to serve the properties.	X	
F.5	The amendment will not adversely affect the natural environment.	X	
F.6	The amendment will not adversely impact the use of properties in the immediate area.	X	

Based on the foregoing, the Planning and Development Department recommends the following action:

Recommend APPROVAL of the Future Land Use Map Amendment from Preservation (P) to Residential Medium (RM).

Prepared by Planning and Development Department Staff:

Ellen Crandall
Senior Planner

ATTACHMENTS: Ordinance No. 8980-17
Resume
Photographs of Site and Vicinity