



PLANNING & DEVELOPMENT DEPARTMENT COMMUNITY DEVELOPMENT BOARD STAFF REPORT

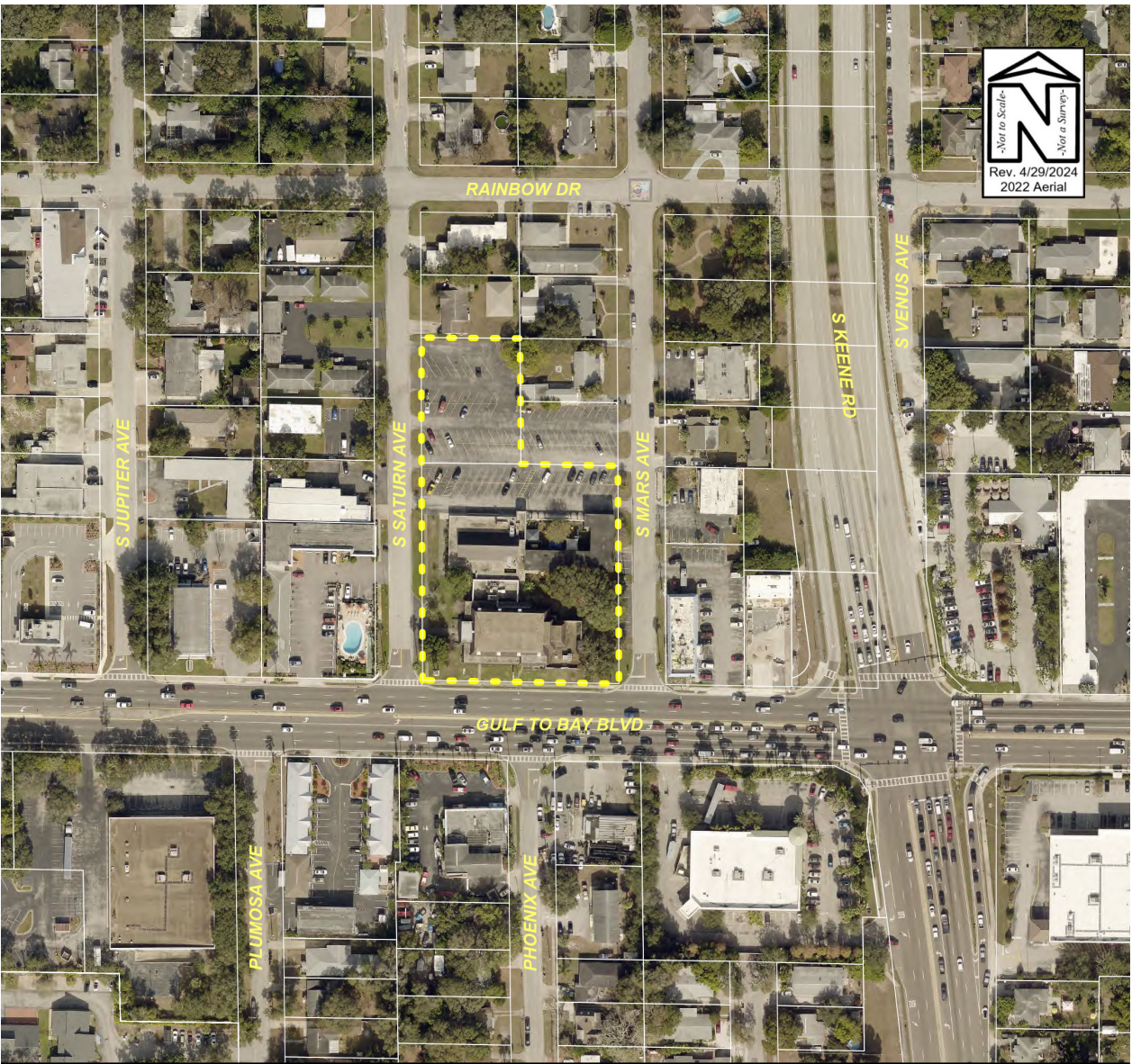
MEETING DATE:	May 21, 2024
AGENDA ITEM:	F.2.
CASE:	REZ2024-02001
REQUEST:	Amendment to the city's Zoning Atlas for the property located at 407 S Saturn Avenue from the Institutional (I) District to the Commercial (C) District.
GENERAL DATA:	
<i>Agent(s)</i>	Ryan Manasee & Mark Bentley, Johnson, Pope, Bokor, Ruppel, & Burns, LLP
<i>Owner(s)</i>	St. Paul's Lutheran Church, Inc.
<i>Location</i>	407 South Saturn Avenue, located on the northeast corner of Gulf to Bay Boulevard and South Saturn Avenue
<i>Property Size</i>	2.056-acre portion of a 2.284-acre property

BACKGROUND & PROPOSAL

This case involves two parcels totaling 2.056-acres of a larger 2.284-acre property located on the northeast corner of Gulf to Bay Boulevard and South Saturn Avenue. The property is owned by St. Paul's Lutheran Church, Inc. The largest parcel fronting Gulf to Bay Boulevard is currently occupied by a place of worship containing three structures, and the parcels to the north contain the associated parking. The request is to change the Zoning Atlas designation of the large parcel fronting Gulf to Bay Boulevard and the parcel to the northwest containing a portion of the parking lot from Institutional (I) to Commercial (C). A Future Land Use Map Amendment application (LUP2024-02001) is also being processed concurrently with this case.

The earliest structure was constructed in 1957 and is located along the northwest corner of the larger parcel that fronts Gulf to Bay Boulevard. A two-story building was constructed in 1958 and is adjoined to the original structure to the east. The third structure was constructed in 1970 and is adjoined to and sits south of the original 1957 structure. In total, the three structures contain just over 25,000 square feet of building area. Ownership of the property was originally transferred to St. Paul's Lutheran Church in 1963. This deed included the two parcels currently used as parking, and the northern half of the larger parcel which contained the two structures constructed in 1957 and 1958, respectively. In 1967, the entirety of the three parcels were under the same ownership when the church purchased the southern half of the larger parcel.

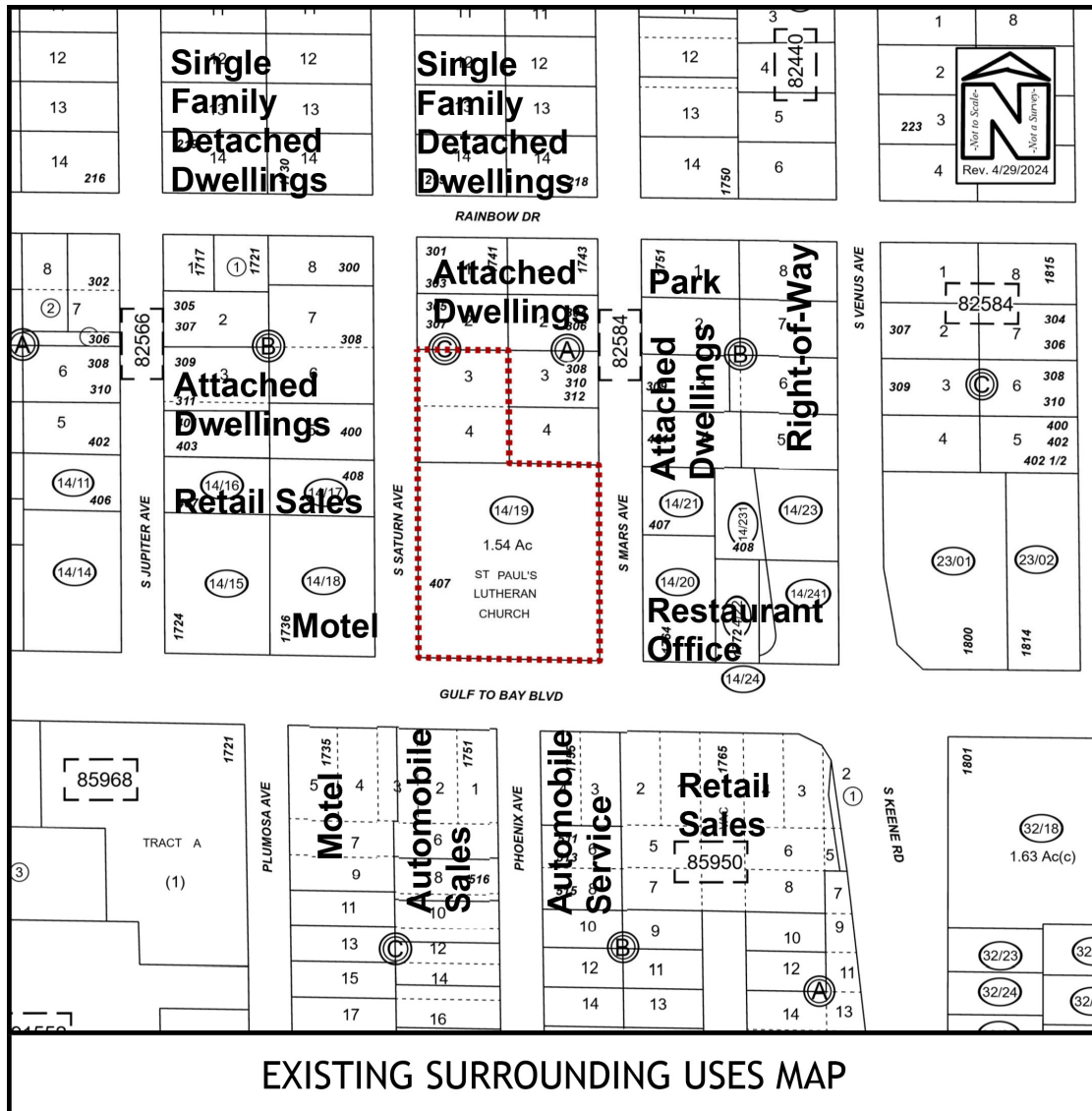
Should this proposed amendment be approved, the existing place of worship would become a nonconforming use, as this use is not permitted within the Commercial (C) District. The use would be able to remain as a nonconforming use and permitted to make any repairs or maintenance as necessary but would



AERIAL PHOTOGRAPH

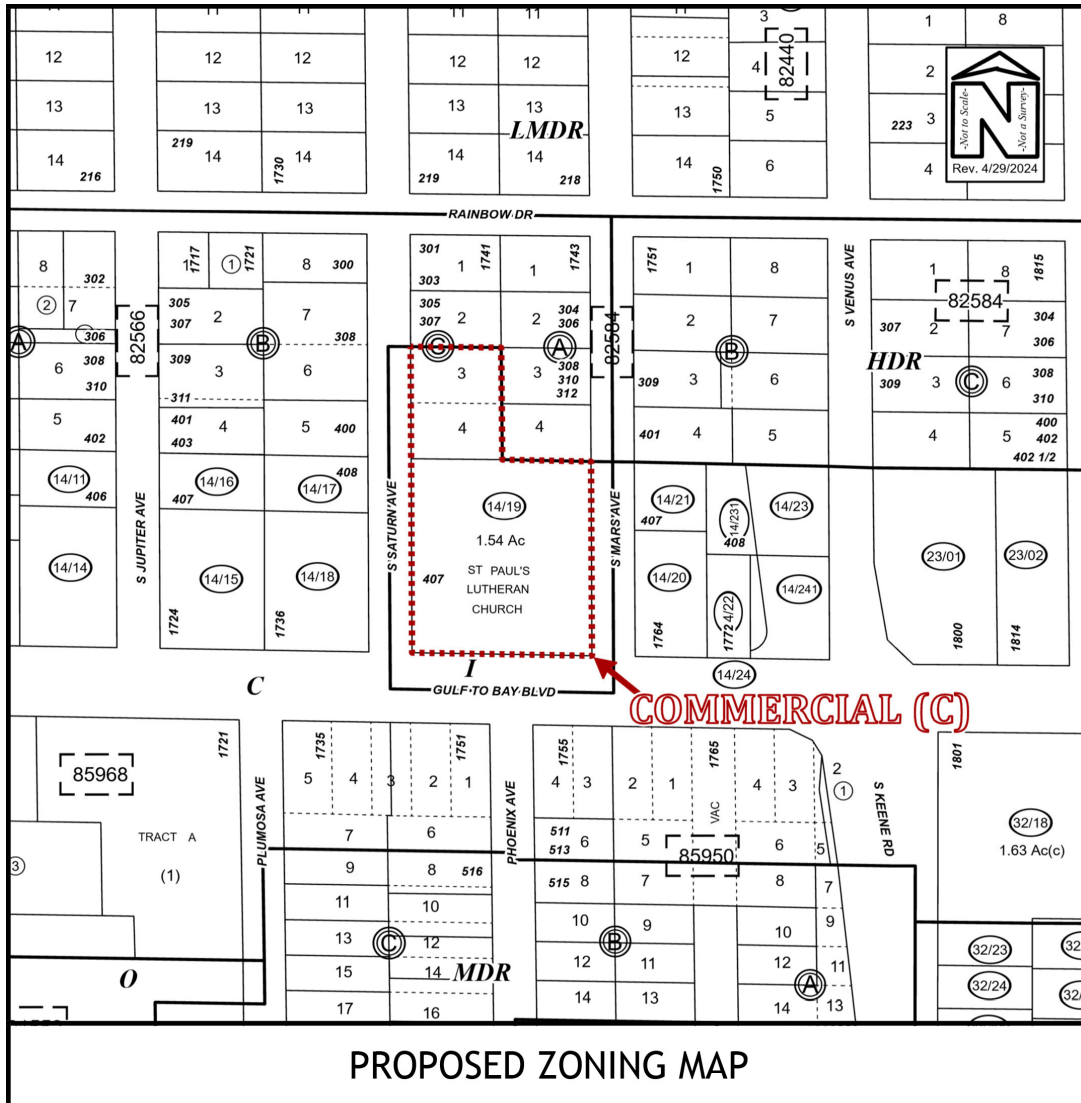
Map 2

Map 3 shows the existing surrounding uses which are a mix of residential and commercial as is typical in the blocks north and south of the Gulf to Bay Boulevard corridor in this area. The properties to the north abutting the amendment area, along with properties to the west/northwest across South Saturn Avenue and east/northeast across South Mars Avenue, consist of attached dwellings. Further to the northeast, are city-owned parcels consisting of a small park. Further to the north, across Rainbow Drive, are single family detached dwellings. Properties to the west, across South Saturn Avenue, consist of small retail sales and motel uses, and to the east across South Mars Avenue are a restaurant and office. Further east, parcels owned by Pinellas County are utilized as Keene Road right-of-way. To the southwest, across Gulf to Bay Boulevard are a motel and automobile sales uses. To the southeast across Gulf to Bay Boulevard are an automobile service use and a standalone retail sales use.



Map 3

As shown on Map 4, the Zoning Atlas designation abutting the amendment area to the north is the Commercial (C) District. Additionally, all parcels to the west across South Saturn Avenue, to the south, southwest, and southeast across Gulf to Bay Boulevard, and to the east of the largest parcel across South Mars Avenue, are also Commercial (C). To the northeast, across South Mars Avenue, the Zoning Atlas designation is High Density Residential (HDR).



Map 4

REVIEW CRITERIA

Consistency with the Clearwater Comprehensive Plan and Community Development Code and Regulations [Section 4-602.F.1]

Recommended Findings of Fact:

Applicable objectives and policies of Clearwater 2045, the Clearwater Comprehensive Plan, that support the proposed amendment include:

Policy QP 5.1.1 Recognize the consistency between the countywide future land use categories, the city's future land use categories, and the city's zoning district as shown in Table QP 1. Future Land Use Categories.

Policy QP 5.2.7 Ensure proposed amendments will not create uses, densities, or intensities that are incompatible with the surrounding neighborhood or any applicable special area or redevelopment plans.

Policy M 1.1.5 Continue implementation of the current Mobility Management System, including the multimodal impact fee, through the Community Development Code (CDC) to generate funding for multimodal mobility improvements.

Applicable section of the Community Development Code which is applicable to the proposed amendment:

Division 7. Commercial District, Section 2-701. Intent and Purpose. The intent and purpose of the Commercial District is to provide the citizens of the City of Clearwater with convenient access to goods and services throughout the city without adversely impacting the integrity of residential neighborhoods, diminishing the scenic quality of the city or negatively impacting the safe and efficient movement of people and things within the City of Clearwater.

Recommended Conclusions of Law:

The request is consistent with the goals, objectives, and policies of *Clearwater 2045*, the Clearwater Comprehensive Plan and furthers said plan and the Community Development Code. The proposed Commercial (C) District is compatible with the Commercial (C) District that exists abutting to the north, across South Saturn Avenue to the west, across South Mars Avenue to the east, and across Gulf to Bay Boulevard to the south. Additionally, it is compatible with the High Density Residential (HDR) District that exists to the northeast. Rainbow Drive provides a transitional separation from the Commercial (C) District to the south to the Low Medium Density Residential (LMDR) District further to the north, which provides greater compatibility with the surrounding neighborhood. Any future trips generated would be reviewed at the time of site plan review in accordance with the Mobility Management System. 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).

Compatibility with Surrounding Properties/Character of the City & Neighborhood [Section 4-602.F.2, 4-602.F.3 and Section 4-602.F.4]**Recommended Findings of Fact:**

The proposed amendment area is currently utilized as St. Paul's Lutheran Church and associated parking and has a zoning designation of Institutional (I). Adjacent to the north, across South Saturn Avenue to the northwest, and across South Mars Avenue to the northeast are attached dwellings. Further to the northeast is a small park at the southeast corner of South Mars Avenue and Rainbow Drive. To the west, across South Saturn Avenue, are a small retail shop and a motel, and to the east across South Mars Avenue are a restaurant and an office. To the south, southwest, and southeast, across Gulf to Bay Boulevard, are a motel, automobile sales, automobile service, and standalone retail sales, respectively.

Recommended Conclusions of Law:

The proposed Commercial (C) Zoning District, which primarily permits nonresidential development and overnight accommodation uses, is consistent with the surrounding properties and character of the neighborhood. Gulf to Bay Boulevard is a principal arterial road and is the main east/west commercial corridor through the city, and nonresidential uses are appropriate and encouraged to locate along such corridors. The existing attached dwellings to the north provide a transition from the higher intensity uses along Gulf to Bay Boulevard to the single family detached dwellings further north across Rainbow Drive. While the existing place of worship use would become a nonconforming use, with this proposed amendment, it would be permitted to exist at its current size but would not be permitted to expand.

Sufficiency of Public Facilities [Section 4-602.F.5]

Recommended Findings of Fact:

Even though this is a Zoning Atlas Amendment application, maximum development potential is based on the underlying future land use, so to assess the sufficiency of public facilities needed to support potential development on the amendment area, the maximum development potential under the existing and proposed city Future Land Use Map designations were analyzed.

Table 1. Development Potential for Existing & Proposed FLUM Designations

	Existing FLUM Designation "I"	Proposed FLUM Designation "CG"	Net Change						
Site Area	2.284 AC (99,491 SF)	2.284 AC (99,491 SF)							
Maximum Development Potential	0 DUs ¹ / 84 Beds ² 0 OAU ⁴ 64,669 SF 0.65 FAR	0 DUs ¹ / 0 Beds ³ 91 OAU ^s 54,720 SF 0.55 FAR	0 DUs / -84 Beds +91 OAU ^s -9,949 SF -0.10 FAR						
<p>Notes:</p> <ol style="list-style-type: none"> 1. Residential uses are not permitted in the consistent Institutional (I) or Commercial (C) Districts; therefore, the development potential is zero. 2. Residential uses are not permitted through the consistent Institutional (I) District; however, residential equivalent uses are permitted (3 beds per unit per acre). 3. Residential equivalent uses are not permitted in the consistent Commercial (C) District; therefore, the development potential is zero. 4. Overnight accommodations uses are not permitted in the consistent Institutional (I) District; therefore, the development potential is zero. <p>Abbreviations:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">FLUM – Future Land Use Map</td> <td style="width: 50%;">DUs – Dwelling Units</td> </tr> <tr> <td>AC – Acres</td> <td>OAU^s – Overnight Accommodation Units</td> </tr> <tr> <td>SF – Square feet</td> <td>FAR – Floor Area Ratio</td> </tr> </table>				FLUM – Future Land Use Map	DUs – Dwelling Units	AC – Acres	OAU ^s – Overnight Accommodation Units	SF – Square feet	FAR – Floor Area Ratio
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As shown in the table, there is a decrease in nonresidential development potential of nearly 10,000 square feet and a decrease in the number of residential equivalent development potential of 84 beds, but there is an increase for an overnight accommodation (hotel) use of 91 units. The following analysis compares the existing place of worship (church) use under the Institutional (I) future land use to a restaurant development and a hotel use built to the maximum potential of the Commercial General (CG) future land use. Future development would potentially increase the demand for public facilities, which is further detailed below; however, since any future development would need to meet applicable zoning standards resulting in square footages less than the maximums detailed above, the increases would likely be less than what is shown below.

Potable Water

The change in development potential from this amendment could result in an increase in potable water use of up to 2,961 gallons per day. This increase is determined by taking the potential potable water utilization of the proposed land use developed with the maximum square footage permitted (5,472 gallons per day)

and subtracting it from the usage of the existing 25,105 square foot church use (2,511 gallons per day). Nonresidential uses utilize a percentage of the total square footage for potable water calculations, so the utilization would be the same for both a restaurant and hotel use.

Due to future development having to meet zoning code requirements, it's likely that the actual development would be less than the maximum development potential of 54,720 square feet, meaning the increase in potable water would be less than the maximum potential of 5,472 gallons per day as shown in the analysis.

The city's current potable water demand is 11.209 million gallons per day (MGD). The city's adopted level of service (LOS) standard for potable water service is 100 gallons per capita per day, while the actual usage is estimated at 76.24 gallons per capita per day (2023 Public Supply Annual Report). The city's 10-year Water Supply Facilities Work Plan (2022-2023 Planning Period), completed July 2022, indicates that based on the updated water demand projections and other factors, the city has adequate water supply and potable water capacity for the 10-year planning horizon.

Wastewater (Sanitary Sewer)

The change in development potential from this amendment could result in an increase in wastewater use of up to 2,370 gallons per day. This increase is determined by taking the potential wastewater utilization of the proposed land use developed with the maximum square footage permitted (4,378 gallons per day) and subtracting it from the usage of the existing 25,105 square foot church use (2,008 gallons per day). Nonresidential uses utilize a percentage of the total square footage for wastewater calculations, so the utilization would be the same for both a restaurant and hotel use.

Due to future development having to meet zoning code requirements, it's likely that the actual development would be less than the maximum development potential of 54,720 square feet, meaning the increase in wastewater would be less than the maximum potential of 4,378 gallons per day as shown in the analysis.

The amendment area is served by the East Water Reclamation Facility, which presently operates around 2 million gallons per day. The city's adopted LOS standard for wastewater service is 100 gallons per capita per day, and the current operational capacity is well within its permitted capacity of 5 million gallons per day. Therefore, there is excess wastewater capacity to serve the amendment area.

Solid Waste

The change in development potential from this amendment could result in an increase of 108.5 to 661.2 tons per year of solid waste generated. This increase is determined by taking the utilization of the proposed land use developed with a hotel use built at the maximum square footage permitted (128.6 tons per year) or with a restaurant use at the maximum square footage permitted (681.3 tons per year) and subtracting it from the existing 25,105 square foot church use (20.1 tons per year).

Due to future development having to meet zoning code requirements, it's likely that the actual development would be less than the maximum development potential, meaning the increase in solid waste would be less than the maximum potential between 108.5 to 661.2 tons per year as shown in the analysis.

The city's adopted LOS standard for solid waste service is 1.3 tons per year, or 7.12 pounds per person per day; however, Pinellas County handles all solid waste disposal 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 lifespan of Bridgeway Acres. There is excess solid waste capacity to serve the amendment area.

Parkland

Under both the existing and proposed future land use, the LOS citywide for parkland will continue to exceed the adopted LOS of 4 acres per 1,000 residents. The city is currently providing 7.95 acres of parkland per 1,000 residents. This is calculated using the total acreage of parks within the city, dividing it by the 2022 Florida Bureau of Economic and Business Research (BEBR) population estimates, and then multiplying by 1,000. Based on this impact analysis, the current provision of 7.95 acres of parkland per 1,000 would remain unchanged [Source: Parks and Recreation Facilities Impact Fee Study, prepared by Benesch (formerly Tindale Oliver) May 23, 2022].

Amending a property's future land use or zoning designation does not have an immediate impact on the city's parks and recreation system and parkland requirements. Impacts are felt when development occurs. This Zoning Atlas Amendment will have no additional impact on parkland.

Stormwater

Site plan approval will be required before the amendment area can be redeveloped. At that time, the stormwater management system for the site will be required to meet all city and Southwest Florida Water Management District stormwater management criteria.

Streets

The amendment area is located on the north side of Gulf to Bay Boulevard, approximately 350 feet west of Keene Road and bounded by South Saturn Avenue to the west and South Mars Avenue to the east. To evaluate potential impacts to streets, the typical traffic impacts figures (trips per day per acre) in the *Countywide Rules* for the corresponding *Countywide Plan Map* categories (existing and proposed) are compared. The current number of trips per day (238 trips) is calculated based on the traffic generation numbers for a religious/civic use in the Public/Semi-Public (P/SP) category (104 trips per day per acre), and the proposed number of trips under the Retail & Services (R&S) category would be 989 trips (433 trips per day per acre). This could result in an increase of 751 trips from the amendment area.

The amendment property fronts Gulf to Bay Boulevard, but access is currently provided through multiple ingress and egress points along South Saturn and Mars Avenues. South Saturn and Mars Avenues can be accessed from westbound Gulf to Bay Boulevard, but South Saturn Avenue can only be accessed from eastbound Gulf to Bay Boulevard. Additionally, South Saturn and Mars Avenues intersect with Rainbow Drive, Cleveland Street, and Drew Street, all to the north, and the grid pattern in the overall amendment area provides for multiple means of access to the amendment property. Gulf to Bay Boulevard is a six-lane, divided principal arterial roadway and South Saturn and Mars Avenues are both two-lane undivided roadways.

Since the numbers provided within the *Countywide Rules* for this review are aggregate trips per acre based on multiple commercial uses, the Public Works Department's Traffic Engineering Division will review any

proposed redevelopment and provide traffic-related comments as part of that review. The review would address code requirements, including but not limited to, parking and loading, vehicle stacking, ingress and egress, and the implementation of the city's Mobility Management System.

The Mobility Management System applies to both deficient and nondeficient roadways which are determined by operating LOS. The segment of Gulf to Bay Boulevard abutting the amendment area is between Highland Avenue and Keene Road and is operating at a LOS C according to the 2023 *Annual Level of Service Report* from Forward Pinellas making it a nondeficient roadway. Based on the number of net new trips created, either the multimodal impact fee would be paid or, depending on the traffic impacts identified by the city's Traffic Engineering Division, a traffic impact study or transportation management plan could be required in addition to the multimodal impact fee.

Recommended Conclusions of Law:

Based upon the findings of fact, the proposed amendment would increase the demand on several of the public facilities; however, it is determined that the proposed change will not result in the degradation of the existing levels of service for potable water, wastewater, solid waste, parkland, stormwater management, and streets.

Location of District Boundaries [Section 4-602.F.6]

Recommended Findings of Fact:

The location of the proposed Commercial (C) District boundaries are consistent with the legal descriptions provided and with the boundaries on the amendment area.

Recommended Conclusions of Law:

The Commercial (C) District boundaries are appropriately drawn in regard to location and classifications of streets, ownership lines, existing improvements, and the natural environment.

SUMMARY & RECOMMENDATION

No amendment to the Zoning Atlas shall be recommended for approval or receive a final action of approval unless it complies with the standards contained in Section 4-602.F, Community Development Code. Table 2 below depicts the consistency of the proposed amendment with the standards under Section 4-602.F:

Table 2. Consistency with Community Development Code Standards for Review

CDC Section 4-602	Standard	Consistent	Inconsistent
F.1	The proposed amendment is consistent with and features the goals, policies and objectives of the <i>Comprehensive Plan</i> and furthers the purposes of this Development Code and other city ordinances and actions designed to implement the plan.	X	
F.2	The available uses to which the property may be put are appropriate to the property which is subject to the proposed amendment and compatible with existing and planned uses in the area.	X	
F.3	The amendment does not conflict with the needs and character of the neighborhood and the city.	X	
F.4	The amendment will not adversely or unreasonably affect the use of other property in the area.	X	
F.5	The amendment will not adversely burden public facilities, including the traffic-carrying capacities of streets, in a unreasonably or disproportionate manner.	X	
F.6	The district boundaries are appropriately drawn with due regard to locations and classifications of streets, ownership lanes, existing improvements and the natural environment.	X	

Based on the findings of fact and conclusions of law state above, the Planning and Development Department recommends the following action:

Recommend APPROVAL of the Zoning Atlas Amendment from the Institutional (I) District to the Commercial (C) District.

Prepared by Planning and Development Department Staff:



Kyle Brotherton
Planner II

ATTACHMENTS: Ordinance No. 9766-24
Photographs of Site and Vicinity
Resume