



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

MEETING DATE: November 17, 2015
AGENDA ITEM: F.2.
CASE: REZ2015-09002
REQUEST: To amend the Zoning Atlas designation from A-E, Agricultural Estate Residential (Pinellas County) to Institutional (I) (City) upon annexation.

GENERAL DATA:

Agent..... Claire Clements, HR Tampa Bay LLC
Applicant / Owner..... Kim A. Preedom Trust, Randall R. Preedom Trust
Location..... 2425 McMullen Booth Road and an unaddressed parcel, located approximately 836 feet south of Enterprise Road East.
Property Size..... 6.522 acres

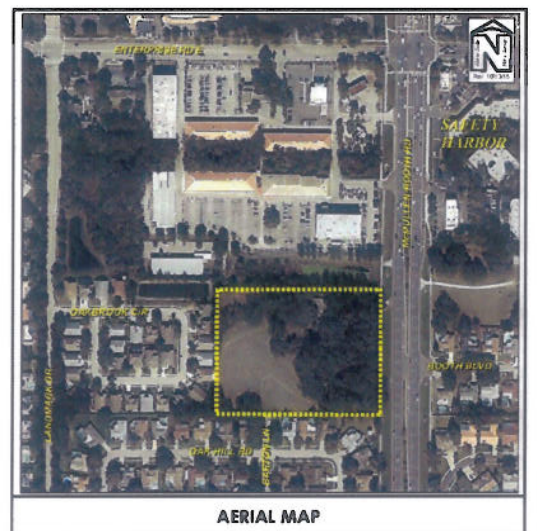
ANALYSIS:

Site Location and Existing Conditions:

This case involves two parcels totalling 6.522-acres located on McMullen Booth Road, approximately 836 feet south of Enterprise Road East. The parcels are owned by Kim A. Preedom Trust and Randall R. Preedom Trust. The larger parcel is currently vacant, and the smaller parcel to the northeast is occupied by a single family home. The parcels are within Pinellas County’s jurisdiction, and the applicant has submitted two Petitions for Annexation (ANX2015-09024 and ANX2015-09025) which are being processed concurrently with this case at the December 17, 2015 City Council meeting.

Request:

The request is to change the property’s Zoning Atlas designation of A-E, Agricultural Estate Residential (Pinellas County) to Institutional (I) (City of Clearwater) upon annexation. The applicants are also requesting to amend the property’s future land use designation from Residential Low (RL) (Pinellas County) to Institutional (I) (see concurrent case LUP2015-09003). The applicants intend to redevelop the site as an assisted living facility (ALF); however, no plans have been submitted at this time. The amendment to the Institutional (I) District is required in order to maintain consistency with the *Countywide Rules* which limits the size of institutional uses within residential areas to no more than five acres. Annexation is required in order to connect to City utilities. The applicant understands all necessary approvals and permits must be obtained before development of the subject site occurs.



Vicinity Characteristics:

The property is surrounded by single family homes to the south and west. Immediately north of the subject properties is a vacant Pinellas County right-of-way used as a drainage pond. To the east, across McMullen Booth Road, are single-family homes and vacant land located within Safety Harbor. Approximately 745 linear feet, or 35 percent of the perimeter property boundary, abuts properties with a Zoning Atlas designation of Agricultural Estate Residential (A-E) (Pinellas County). The remainder abuts properties zoned Low Medium Density Residential (LMDR) or Low Density Residential (LDR) in the City, and R-3, Conditional Mix Residential (Safety Harbor) (see Figure 1 below).

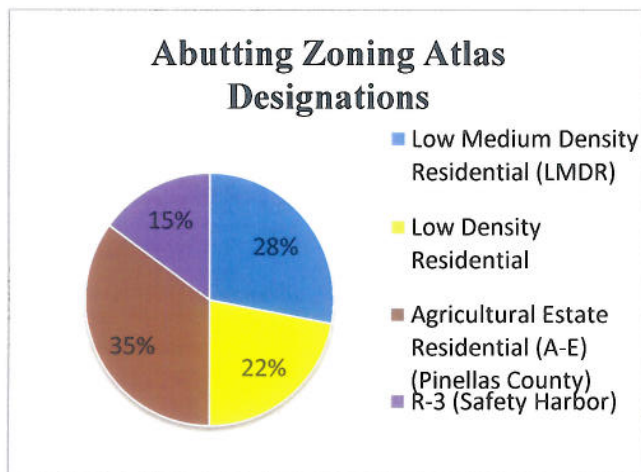


Figure 1

A complete listing of the surrounding land uses, Future Land Use Map designations and Zoning Atlas designations are shown in Table 1 below.

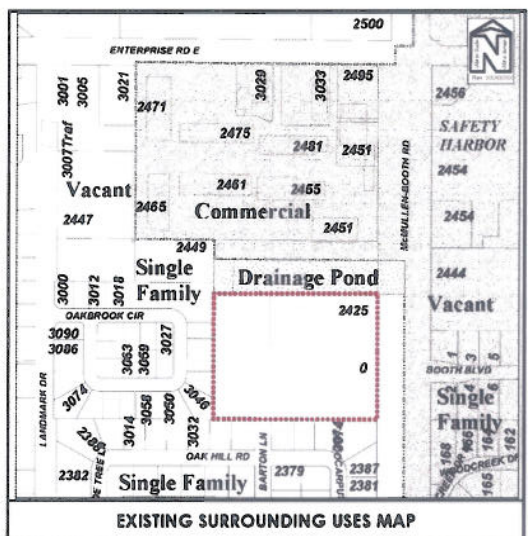
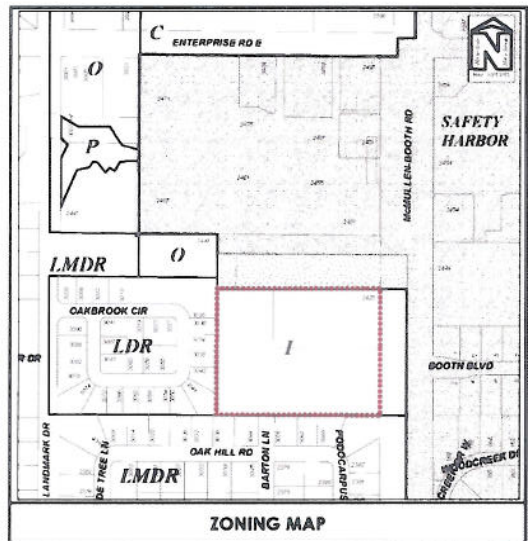
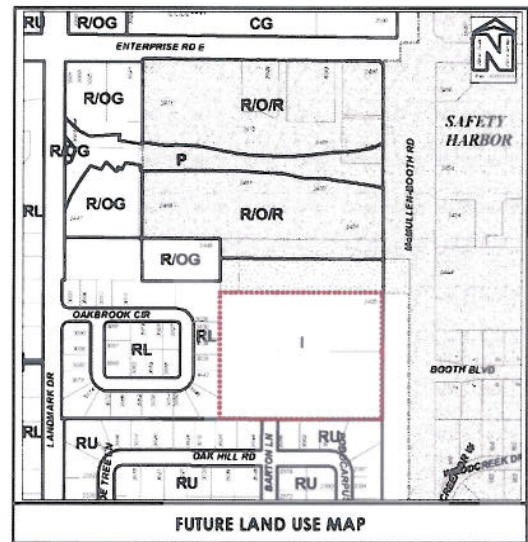


Table 1. Surrounding Future Land Use and Zoning Designations

Direction	Existing Conditions		
	Existing Use(s)	FLUM Designation	Zoning Atlas Designation
North:	Right-of-Way (Pinellas County)	Residential Low (RL)	A-E, Agricultural Estate Residential (Pinellas County)
East:	Single Family Residential, Vacant (Safety Harbor)	Residential Low (RL)	R-3, Conditional Mix Residential (Safety Harbor), A-E Agricultural Estate Residential (Pinellas County)
South:	Single Family Residential	Residential Urban (RU)	Low Medium Density Residential (LMDR)
West:	Single Family Residential	Residential Low (RL)	Low Density Residential (LDR)

REVIEW CRITERIA:

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 as per Section 4-602.F:

Table 2. Consistency with Community Development Code Standards

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 an unreasonably or disproportionate manner.	X	
F.6	The district boundaries are appropriately drawn with due regard to locations and classifications of streets, ownership lines, existing improvements and the natural environment.	X	

RECOMMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW:

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

Recommended Findings of Fact:

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

Goal A.2 A sufficient variety and amount of Future Land Use categories shall be provided to accommodate public demand and promote infill development.

Goal A.4 The City shall not permit development to occur unless an adequate level of service is available to accommodate the impacts of development. Areas in which the impact of existing development exceeds the desired levels of service will be upgraded consistent with the target dates for infrastructure improvements included in the applicable functional plan element.

Goal A.5 The City of Clearwater shall identify and utilize a citywide design structure comprised of a hierarchy of places and linkages. The citywide design structure will serve as a guide to development and land use decisions while protecting those elements that make the City uniquely Clearwater.

Policy A.6.2.1 On a continuing basis, the Community Development Code and the site plan approval process shall be utilized in promoting infill development and/or planned developments that are compatible.

Goal A.7 The City shall ensure the efficient delivery of urban services and unified land use and property maintenance standards, as well as foster community identity and reduce sources of environmental contamination through the annexation of unincorporated properties within the Clearwater planning area.

Policy D.1.2.1 Sewer services shall not be extended to properties outside the corporate limits of the City unless an agreement to annex or a petition to annex is filed and approved by the Clearwater City Council. Sufficient capacity must exist to serve the areas committed to City service, as well as those proposed for service.

Applicable sections of the Community Development Code which support the proposed amendment include:

Division 12. Institutional District (I) Section 2-1201. Intent and purpose. The intent and purpose of the Institutional "I" District is to establish areas where public and private organizations can establish and operate institutions with a public interest in support of the quality of life of the citizens of the City of Clearwater without adversely impacting the integrity of adjacent residential neighborhoods, diminishing the scenic quality of the City of Clearwater or negatively impacting the safe and efficient movement of people and things within the City of Clearwater.

Recommended Conclusions of Law:

The request does not conflict with the goals and policies of the Clearwater Comprehensive Plan and the Community Development Code, and furthers each as indicated in the following. The proposed Institutional (I) District is compatible with the surrounding single family residential

uses, as well as with the drainage pond and shopping center located to the north. The proposed amendment will allow for the property to be redeveloped with a more intense use while providing a transition from the residential properties to the south and west to the commercial properties north of the subject site. The property will be able to connect to the City's sanitary sewer service when it is redeveloped. In addition, the proposal does not degrade the level of service for public facilities below the adopted standards or negatively impact the movement of people and things within the City (a detailed public facilities analysis follows in this report).

Compatibility with Surrounding Property/Character of the City & Neighborhood [Section 4-602.F.2, 4-602.F.3 and Section 4-602.F.4]

Recommended Findings of Fact:

Single family homes lie to the west and south of the property. To the east, within the City of Safety Harbor, are additional single family homes and a large vacant property, and to the north is Pinellas County owned right-of-way being used as a drainage pond. Immediately north of the right-of-way is a retail center, which is within the City of Safety Harbor boundaries.

The proposed Institutional (I) District primarily permits institutional uses, such as assisted living facilities and nursing homes. The intent of the Institutional (I) District is to establish areas where public and private organizations can establish and operate institutions with a public interest in support of the quality of life of the citizens of the City of Clearwater without adversely impacting the integrity of adjacent residential neighborhoods, diminishing the scenic quality of the City of Clearwater or negatively impacting the safe and efficient movement of people and goods within the City of Clearwater.

The Institutional (I) zoning district requested is consistent with the surrounding zoning districts that exist in the vicinity of the subject property. The proposed Institutional (I) District will allow the site to be developed with uses which will serve as a transition between residential properties to the south and west, and the commercial properties to the north. As such, the proposed amendment will allow development that is in character with the surrounding properties and neighborhood.

Recommended Conclusions of Law:

The proposed Zoning Atlas designation is in character with the overall Zoning Atlas designations in the area. Further, the proposal is compatible and consistent with the uses and character of the surrounding properties and neighborhood in the vicinity of the subject property.

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

Recommended Findings of Fact:

To assess the sufficiency of public facilities needed to support potential development on the property, the maximum development potential of the property under the present Future Land Use Map designation and the present and requested Zoning designation were analyzed. Even though this is a Zoning Atlas amendment application, maximum development potential is based on the

underlying future land use, so for purposes of this analysis, sufficiency of public facilities is based on the Future Land Use Map designation.

Table 3. Development Potential for Existing & Proposed FLUM Designations

	Present FLUM Designation "RL"	Requested FLUM Designation "I"	Net Change
Site Area	6.522 AC (284,098 SF)	6.522 AC (284,098 SF)	
Maximum Development Potential	32 DUs 113,639 SF 0.40 FAR 0 Beds	81 DUs 184,663 SF 0.65 FAR 243 Beds	49 DUs 71,024 SF 0.25 FAR 243 Beds
Abbreviations: FLUM – Future Land Use Map AC – Acres SF – Square feet			
DU – Dwelling Units FAR – Floor Area Ratio Beds – 81 DUs x 3 Beds/DU			

The request for amendment to the Institutional (I) Future Land Use Map classification would increase the amount of development potential allowed on the subject property, as shown in Table 3; however, the City’s Community Development Code limits development within the Institutional (I) District to nonresidential or residential equivalent uses. One parcel is currently vacant and the other parcel is occupied by a single family home, and the owners are proposing to redevelop the site with an assisted living facility; therefore, there would be an increase in demand of public facilities and services. The following public facilities analysis is based on the maximum nonresidential development potential allowed in order to assess the maximum possible impact on public facilities.

As shown in Table 4, which compares the maximum impact under the existing and proposed future land use designations, the proposed change would result in an increase in demand of public facilities and services, but would not degrade them below acceptable levels.

Table 4. Public Facilities Level of Service Analysis

Public Facility/Service	Maximum Potential Impact to Public Facilities/Services		Net Change	Capacity Available?
	Present FLUM Designation "RL"	Requested FLUM Designation "I"		
Streets	437 Trips ¹	437 Trips ¹	0	Yes
Potable Water ²	8,332 GPD ³	18,466 GPD ³	10,134	Yes
Wastewater ²	7,499 GPD ³	14,773 GPD ³	7,274	Yes
Solid Waste ²	81.1 Tons/Year	544.7 Tons/Year	463.6	Yes
Parkland ²	0 Acres ⁴	0 Acres ⁴	0	Yes
Notes:				
1. Based on average daily trips per acreage figure, Pinellas County Countywide Rules. <ul style="list-style-type: none"> • Residential Low (RL) – 67 vehicle trips per day per acre. • Institutional (I) – 67 vehicle trips per day per acre 				
2. Analysis based on utilization rates for institutional facilities, which are nonresidential uses.				
3. GPD – Gallons per day.				
4. Based on 4.0 acres of parkland per 1,000 persons and 2.2 persons per unit.				

This property is not currently connected to the City’s sanitary sewer service, but will be connected when the property is developed. Currently, the wastewater being generated by the single family home is being captured by septic tank, and is less than what would be generated when developed to the site’s full potential. There would be an increase in wastewater generation by a development if built out as allowed by the Residential Low (RL) future land use designation, or within the proposed Institutional (I) future land use designation. The property currently uses a well for potable water. The City would provide water service to the property once it is redeveloped, which would result in increased demand for potable water, but there is adequate capacity to serve the property.

The Trip Generation Comparison by Zoning Atlas Designation in Table 5 below indicates the estimated trip generation for specific uses allowed in the current and proposed zoning districts based on the *Institute of Transportation Engineer’s (ITE) Trip Generation 9th Edition*. The table shows an increase of 20 PM Peak Trips when comparing an assisted living facility constructed under the maximum development potential of the proposed Institutional (I) future land use classification with Institutional (I) zoning to the maximum development potential of the existing Residential Low (RL) future land use classification with A-E zoning (Pinellas County). McMullen Booth Road is a constrained roadway operating below the adopted roadway level of service standard. The potential increase in trips is at the threshold that the Engineering Department will require the applicant to submit to the City traffic demand management strategies to lower the expected vehicular trips in order to be deemed de minimus once the exact number of units proposed is known.

Table 5. Trip Generation Comparison by Zoning Atlas Designation

Land Use	Development Potential	Avg. Daily Trips	Net Change Avg. Daily Trips	PM Peak Trips Avg. Rate	PM Peak Trips	Net Change PM Peak Trips
Existing Designation: A-E (Pinellas County)						
Existing Single Family ¹ (9.52 trips/Dwelling Unit)	1 Unit ³	10	N/A	1.02	1	N/A
Single Family ¹ (9.52 trips/Dwelling Unit)	32 Units ⁴	305	N/A	1.02	33	N/A
Proposed Designation: Institutional (I) District						
Assisted Living Facility ² (2.66 trips/Bed)	243 Beds ⁵	646	341	0.22	53	20
Abbreviations and Notes:						
N/A = Not Applicable. SF = Square Feet GFA = Gross Floor Area						
1. Institute of Transportation Engineer’s Trip Generation 9 th Edition Land Use 210						
2. Institute of Transportation Engineer’s Trip Generation 9 th Edition Land Use 254						
3. Current development (one building) on site per the Pinellas County Property Appraisers Office						
4. Dwelling Units per Acre permitted by the City of Clearwater’s RL Future Land Use Map category is 5 units/acre.						
5. For the purpose of calculating the maximum development potential, 3.0 beds shall be equivalent to one dwelling unit per the Community Development Code.						

Recommended Conclusions of Law:

This segment of McMullen Booth Road is currently operating at a Level of Service F, which is below the adopted roadway level of service standard. McMullen Booth Road is listed as a constrained facility by the Pinellas County Metropolitan Planning Organization (MPO), which means that it cannot be expanded as necessary to alleviate a substandard level of service due to a policy or physical constraint. Any traffic impacts or mitigation strategies will be handled at the time of site plan approval. If there is a traffic operation impact caused by the new expected vehicular trips from the proposed development then the applicant will be responsible for the mitigation. There is an increase in demand for potable water and solid waste, but there is adequate capacity to accommodate the maximum demand generated by the proposed amendment. The property will connect to the City’s sanitary system when it is developed, but the City’s sanitary sewer system can accommodate the additional wastewater that will be added to the system. Furthermore, parkland and recreation facilities will not be affected by the proposed amendment.

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

Recommended Findings of Fact:

The location of the proposed Institutional (I) District boundaries is consistent with the boundaries of the subject property. The proposed Institutional (I) District is compatible with the single family residences to the south, west, and east, and with the commercial uses to the north.

Recommended Conclusions of Law:

The District boundaries are appropriately drawn in regard to location and classifications of streets, ownership line, existing improvements, and the natural environment.

REVIEW PROCEDURE:

Approval of the Zoning Atlas amendment does not guarantee the right to develop the subject property. The property owner must comply with all laws and ordinances in effect at the time development permits are requested, including transportation concurrency provisions of the Concurrency Management System in Division 9, Community Development Code.

RECOMMENDATION:

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

Recommend APPROVAL of the request for Zoning Atlas amendment from the A-E, Agricultural Estate District (Pinellas County) to the Institutional (I) District (City).

Prepared by Planning and Development Department Staff:  _____
Kyle Brotherton
Planner

ATTACHMENTS: Resume
Photographs of Site and Vicinity