



## PLANNING & DEVELOPMENT DEPARTMENT COMMUNITY DEVELOPMENT BOARD STAFF REPORT

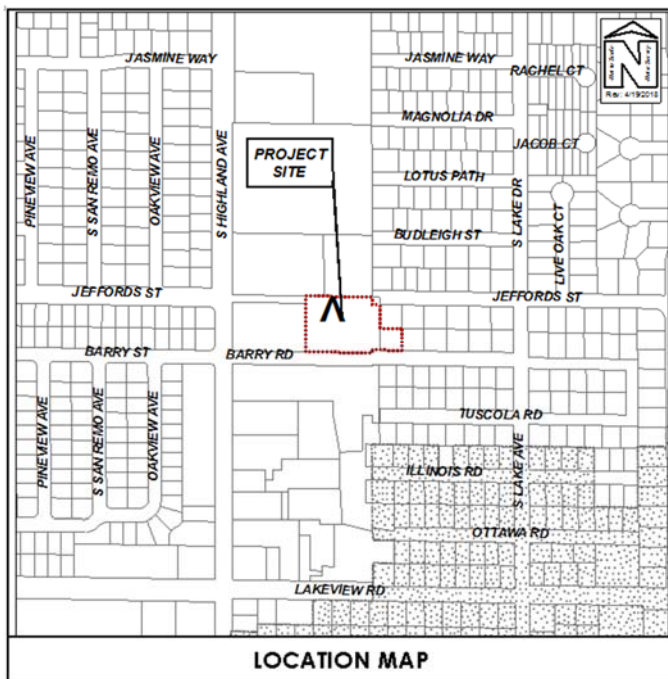
<b>MEETING DATE:</b>	September 18, 2018
<b>AGENDA ITEM:</b>	E.2.
<b>CASE:</b>	LUP2018-02002
<b>REQUEST:</b>	To amend the Future Land Use Map designation from Residential/Office General (R/OG) and Residential Urban (RU) to Institutional (I)
<b>GENERAL DATA:</b>	
<i>Applicant</i> .....	Todd Pressman
<i>Owner</i> .....	1510 Barry Holdings LLC
<i>Location</i> .....	1510 Barry Road, located on the north side of Barry Road approximately 650 feet east of South Highland Avenue
<i>Property Size</i> .....	2.137 acre property

### Background:

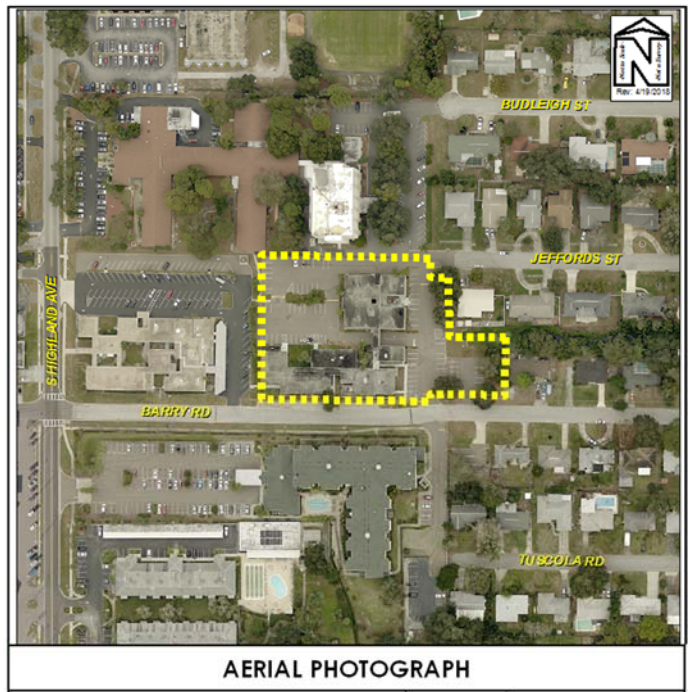
This case involves a 2.137 acre property consisting of three parcels located on the north side of Barry Road approximately 650 feet east of South Highland Avenue. The property is owned by 1510 Barry Holdings LLC and is occupied by vacant buildings totaling 26,238 square foot with ancillary off-street parking that was last used as an office (Tampa Bay Computer Society) in 2015. The proposed amendment area has frontage on Barry Road (430 feet) and Jeffords Street terminates at the northeast corner of the site. Stevenson Creek enters the property from the east as an open channel and is then undergrounded into culverts at the east property line and extends under the property. The majority of the property (1.92 acres) is designated Residential/Office General (R/OG) while only a small portion (0.238 acres) on the east is Residential Urban (RU). Maps 1 and 2 show the general location of the property and an aerial view of the proposed amendment area.

The existing office was constructed in 1965 and is vacant. The applicant submitted an application for site plan review, and indicated the intended use is a half-way house; however, the application was withdrawn at the applicant's request (FLD2018-03009). The property has two prior site plan approvals (FLD2013-02003, FLD2016-11036) for an educational facility and an assisted living facility (ALF), respectively. Building construction permits (BCP2015-10344, BCP2016-09425) were issued for the improvements for the ALF, but were later voided. The property is in the AE flood zone and the applicant had indicated through the site plan application that the existing structures will be renovated, but improvements will remain below 50% of the FEMA Substantial Improvement/Substantial Damage assessment. The Pinellas County Property Appraiser's

website lists this as \$468,481 for the buildings as of August 8, 2018. This limits the improvements to the buildings to \$234,240. The property has an active stop work order (SWO2018-03025) and an active unsafe building (UNS2018-00006) violation as well as code violations. These include public nuisance case PNU2018-00181 for an unsecure structure, which was remediated by the City in 2018 with a lien of \$2,392.25, and additionally PNU2017-01340 for an abandoned building which is actively accruing liens and as of July, 2018 has liens over \$95,000. The proposed halfway house use is not allowed within the property’s current zoning district and is only permitted in the Institutional (I) District. The request is to change the Future Land Use Map designation of the proposed amendment area from Residential/Office General (R/OG) and Residential Urban (RU) to Institutional (I) to accommodate the use of a halfway house. A request to rezone the proposed amendment area from the Office (O) and Low Medium Density Residential (LMDR) Districts to the Institutional (I) District is being processed concurrently with this case (see REZ2018-02001).



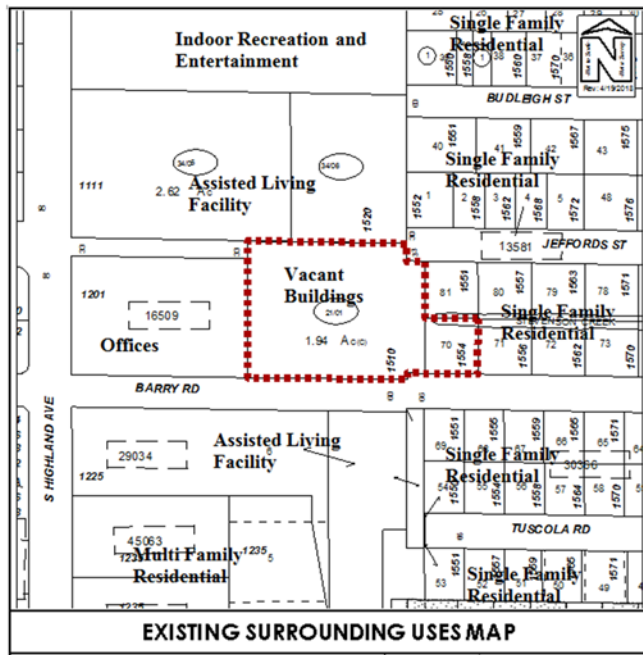
Map 1



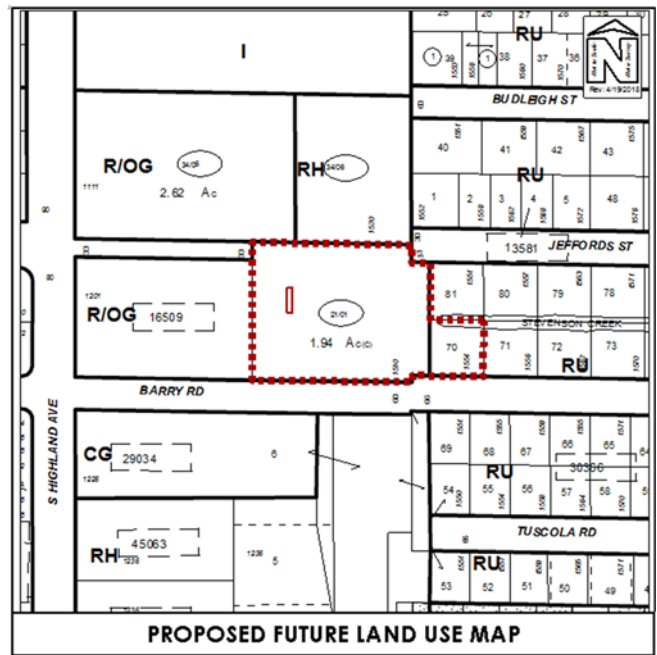
Map 2

**Vicinity Characteristics:**

Map 3 shows the existing surrounding uses. The immediate area to the northwest is developed with an ALF (Highland Pines Rehabilitation), to the north is a vacant ALF (Highland Terrace Retirement) and the area to the northeast across Jeffords Street consists of single-family houses. Abutting to the east are single-family homes. To the southeast across Barry Road are single-family homes; to the south and southwest across Barry Road is an ALF (Pine Berry Senior Apartments). The area to the west consists of offices.



Map 3



Map 4

As shown on Map 4, the abutting future land use designations are Residential/Office General (R/OG) to the west and northwest. Abutting to the north and to the south across Barry Road is Residential High (RH). To the northeast across Jeffords Street, directly to the east, and to the southeast across Barry Road is Residential Urban (RU). To the southwest across Barry Road is Commercial General (CG).

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, Densities and Intensities Allowed by Present and Proposed Future Land Use Designations

	Present FLUM Designation Residential/Office General (R/OG)	Present FLUM Designation Residential Urban (RU)	Requested FLUM Designation Institutional (I)
<b>Primary Uses:</b>	Medium Density Residential; Residential Equivalent; Office	Urban Low Density Residential; Residential Equivalent	Public/Private Schools; Churches; Public Offices; Hospitals; Residential Equivalent
<b>Maximum Density:</b>	15 Dwelling Units Per Acre	7.5 Dwelling Units Per Acre	12.5 Dwelling Units Per Acre
<b>Maximum Intensity:</b>	FAR 0.50; ISR 0.75	FAR 0.40; ISR 0.65	FAR 0.65; ISR 0.85
<b>Consistent Zoning Districts:</b>	Medium Density Residential (MDR); Office (O)	Low Medium Density Residential (LMDR); Medium Density Residential (MDR)	Institutional (I)

**REVIEW CRITERIA:****Consistency with the Clearwater Comprehensive Plan [Sections 4-603.F.1 and 4-603.F.2]****Recommended Findings of Fact:**

*The following goal, objectives and policies of the Clearwater Comprehensive Plan are not supportive of the proposed amendment:*

Goal A.2 A sufficient variety and amount of future land use categories shall be provided to accommodate public demand and promote infill development.

Objective A.2.2 Future Land Use in the City of Clearwater shall be guided by the City's Future Land Use Map, which shall be consistent with the Countywide Plan for Pinellas County (The Countywide Plan) including the Countywide Plan Map, and shall be implemented through the City's Community Development Code.

Policy A.5.5.1 Development should be designed to maintain and support the existing or envisioned character of the neighborhood.

Objective A.6.1 The redevelopment of blighted, substandard, inefficient and/or obsolete areas shall be a high priority and promoted through the implementation of redevelopment and special area plans, the construction of catalytic private projects, city investment, and continued emphasis on property maintenance standards.

Objective A.6.2 The City of Clearwater shall continue to support innovative planned development and mixed land use development techniques in order to promote infill development that is consistent and compatible with the surrounding environment.

Policy A.6.2.2 Encourage land use conversions on economically underutilized parcels and corridors, and promote redevelopment activities in these areas.

Additionally, the Comprehensive Plan Map A-14 identifies the area with "Neighborhood Character Features". In the map attachment it details that this includes "... elements that give neighborhoods their distinct personalities." In addition, in the City's Comprehensive Plan, South Highland Avenue is not identified as a redevelopment corridor, indicating that the Comprehensive Plan supports the area staying generally as-is.

As stated in the introduction to the City's Comprehensive Plan Future Land Use Element, the Goals, Objectives and Policies provide for sustainable redevelopment and infill development, as well as neighborhood preservation, and are "... designed to preserve and enhance community character and quality of life, while ensuring continued economic vitality of the community." The request is not considered a "catalytic project" as identified in Objective A.6.1., above, nor has the property demonstrated compliance with "property maintenance standards". The property is blighted; however, the general area is not and the neighborhood is stable.

The Future Land Use Map depicts spatially where certain types of development are envisioned to occur. This site is in the transitional area from the more intense commercial designations and uses to the west along South Highland Avenue to the lower density residential neighborhood to the east. Residential future land

uses abutting the subject property include both Residential High (RH) and Residential Urban (RU) designated properties which are occupied with assisted living facilities and single-family houses, respectively. The Residential/Office General (R/OG) future land use category that is the primary designation of the subject property is consistent with two different zoning districts – the Office (O) District, which is the current zoning designation, and the Medium Density Residential (MDR) District. Generally, office uses are supported as a transition from more intense commercial to less intense residential uses, especially on local streets such as Barry Road or Jeffords Street, and are in character with the single family residential neighborhood to the east of the property.

The current mix of future land use categories is sufficient in this area to support the envisioned character of the neighborhood, including the properties along Barry Road and Jeffords Street, the primary frontages on which the subject site is located. The applicant is requesting the map amendment to the Institutional (I) future land use category to allow for the proposed halfway house use. Properties that are designated Institutional (I) designations in the larger surrounding area are along South Highland Avenue and Lakeview Road, both collector roads, not smaller neighborhood streets such as Barry Road. It is appropriate for institutional uses to be on larger roads such as collectors or arterials because they typically generate more traffic than residential uses like those in the immediate area.

Maintaining the subject property as Residential/Office General (R/OG) is consistent with Goal A.2, in that there is already a sufficient variety and amount of future land use categories within this general area to promote infill development. There is not a need to add institutionally designated property within this area and doing so on this property would be “spot planning”, which is a term applied to amending only one or a few lots, at the expense of the planning scheme as a whole. While the Community Development Code provides a path for individual property owners to request amendments to the Future Land Use Map, review of such requests must consider the achievement of the City’s Goals on balance. This request is not compatible with the area, nor with the vision of the area.

#### Recommended Conclusions of Law:

The request is inconsistent with the goals, objectives and policies of the Clearwater Comprehensive Plan and conflicts said plan as indicated in the goals, objectives and policies listed above.

#### **Consistency with the Countywide Rules**

##### Recommended Findings of Fact:

The underlying *Countywide Plan Map* categories on the proposed amendment area are Office (O) and Residential Low Medium (RLM). The subject property is the dividing line between Residential Low Medium (RLM) and Office (O). Section 2.3.3.2 of the *Countywide Rules* states that the current Residential Low Medium (RLM) category is intended to depict areas that are now developed, or appropriate to be developed, in a suburban, low density or moderately dense residential manner; and to recognize such areas as primarily well-suited for residential uses that are consistent with the suburban qualities, transportation facilities, including transit, and natural resources of such areas. Additionally, section 2.3.3.5 of the *Countywide Rules* states that the current Office (O) category is intended to accommodate areas developed, or appropriate to be developed, with office uses, low-impact employment uses, and residential uses (subject to a five-acre maximum threshold), in areas characterized by a transition between residential and commercial uses and in areas well-suited for community-scale residential/office mixed-use development.

The proposed City of Clearwater future land use designation of Institutional (I) will necessitate an amendment from the Office (O) and Residential Low Medium (RLM) categories to the Public/Semi-Public (P/SP) category to maintain consistency between the City’s Future Land Use Map and the *Countywide Plan Map*. Section 2.3.3.10 of the *Countywide Rules* states that the Public/Semi-Public (P/SP) category is intended to recognize institutional and transportation/utility uses that serve the community or region, especially larger facilities having acreage exceeding the thresholds established in other plan categories, and which are consistent with the need, character, and scale of such uses relative to the surrounding uses, transportation facilities, and natural resource features.

The proposed amendment area both directly abuts single family homes to the east and is across Barry Road and Jeffords Street rights-of-way from single family homes to the south and north, respectively. It is abutting to the north, and across the right-of-way of Barry Road to the south from ALF (residential equivalent uses) and is directly abutting other office uses to the west. *The Countywide Plan Map* designation of Office (O) is on the surrounding properties adjacent and to the west, Residential High (RH) is designated to the north and south, Residential Low Medium (RLM) is designated to the north, east and south, and Retail & Services (R&S) is designated on properties to the southwest. There are no abutting properties designated Public/Semi-Public (P/SP); however, P/SP designated properties are nearby, but located on South Highland Avenue, a collector road, not a neighborhood street. Map 5 shows the *Countywide Plan Map* of the general area.



**Map 5**

Although the proposed Public/Semi-Public (P/SP) category is intended for institutional and transportation/utility uses that serve the community or region, especially larger facilities, the proposed use is not a non-profit, typical of most institutional uses. The application of this category across a small area is not consistent with the City’s vision for this area. The existing Office (O) category already allows for the transition from more intense uses and provides a buffer to the residential uses to the east of the subject property. It is consistent with the current underlying *Countywide Plan Map* category and the designations on the surrounding properties, and is consistent with the City’s Comprehensive Plan, as outlined above.

**Recommended Conclusions of Law:**

The proposed Future Land Use Map amendment will require an amendment to the *Countywide Plan Map* categories from Office (O) and Residential Low Medium (RLM) to Public/Semi Public (P/SP). Although the proposed amendment is consistent with the purpose of the proposed category in the *Countywide Rules*, the proposed designation of the subject property is inconsistent with the designations on the surrounding properties. The existing category in the *Countywide Rules* is appropriately designated and is consistent with the current use and surrounding designations on the *Countywide Plan Map*.

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

Existing surrounding uses consist primarily of single family residential (detached dwellings) (north, south, and east), offices (west), and ALFs (south, north). The subject site is in the transitional area from higher intensity uses along South Highland Avenue to the single family neighborhood to the east. As such the site is appropriate for offices, ALFs, and similar uses that are compatible with the neighborhood. The proposed use of the subject property is a halfway house.

The proposed Institutional (I) future land use category primarily permits nonresidential development at an intensity of 0.65 FAR. Residential development is permitted at a density of 12.5 dwelling units per acre, and residential equivalent uses are allowed at 3 beds per permitted dwelling unit. The future land use designations of surrounding properties include Residential Urban (RU), Residential High (RH), Residential Office/General (R/OG) and Commercial General (CG).

The proposed Institutional (I) future land use category is consistent with the Institutional (I) District, which permits a variety of institutional, residential equivalent uses, and medical uses as minimum standard uses. The proposed future land use category does not appear to be appropriately located. The request is not compatible with the surrounding area and may unreasonably affect the use of the properties in the area.

**Recommended Conclusions of Law:**

The proposed Institutional (I) future land use category is not in character with the Future Land Use Map designations in the area. Further, the proposal is incompatible with surrounding uses and inconsistent 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 property under the present and requested City Future Land Use Map designations were analyzed.

Table 2. Development Potential for Existing & Proposed FLUM Designations

	Present FLUM Designation "R/OG" 1.92 acres	Present FLUM Designation "RU" 0.238 acres	Requested FLUM Designation "I" 2.137 acres	Net Change
Site Area	1.92 AC (83,635.2 SF)	0.238 AC (10,018.8 SF)	2.137 AC (93,097 SF)	
Maximum Development Potential	28 DUs <sup>1</sup> 84 Beds 41,817 SF 0.50 FAR	1 DU 3 Beds 4,007 SF 0.40 FAR	26 DUs 78 Beds 60,513 SF 0.65 FAR	- 3 DUs -9 Beds + 14,689 SF + 0.15 and +0.25 FAR
Notes: 1. Residential uses permitted through consistent Office (O) District as part of mixed-use project, or potentially through a Comprehensive Infill Redevelopment Project				
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 intensity (floor area ratio) across the amendment area and a decrease in development density (dwelling units per acre) across the amendment area which would increase demand on most public facilities. The City’s Community Development Code limits development within the Institutional (I) District to nonresidential or residential equivalent uses. The applicant has indicated the proposed use would be a residential equivalent use (halfway house). As previously noted, there is a history of development orders being issued for different uses on this property, and unfortunately the owner and/or applicant has failed to submit for building permits in the time required and the approvals have expired or building permits issued have been later voided. The following public facilities analysis compares the maximum development potential for the most impactful use allowed in the proposed Institutional (I) future land use category to the maximum development potential of the existing Residential/Office General (R/OG) future land use category developed with a nonresidential use to assess the maximum possible impact on public facilities.

*Potable Water*

The change in development potential and proposed use from this amendment would result in an increase in potable water use of up to 4,802 gallons per day. This is determined by taking the potential potable water utilization of the proposed land use developed with the maximum number of residential equivalent units allowed (9,384 gallons per day) and subtracting the potential utilization of a nonresidential use built out to the maximum square footage allowed by the current land use designation (4,582 gallons per day). The City’s current potable water demand is 12.61 million gallons per day (MGD). The City’s adopted level of service (LOS) standard for potable water service is 120 gallons per day per capita, while the actual usage is estimated at 76 gallons per day per capita (2015 Annual Water Report). The City’s 10-year Water Supply Facilities Work Plan (2016-1026 Planning Period), completed in October 2017, 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*

This amendment could also result in the additional generation of 4,780 gallons per day of wastewater. This is determined by comparing the potential wastewater generation of the proposed land use developed with a residential equivalent use (8,446 gallons per day) to the potential wastewater generation of the current land use designation developed with a nonresidential use built out to the maximum square footage allowed by the current land use designation (3,665 gallons per day). The subject property is served by the Marshall Street Water Reclamation Facility, which presently has excess permitted capacity estimated to be 4.6 million gallons per day. Therefore, there is excess sanitary sewer capacity to serve the amendment area.

### *Solid Waste*

The proposed amendment could result in an increase of 100 tons per year of solid waste generated. This is determined by comparing the amount of waste generated by a school (323.7 tons per year), which is an allowable use within the proposed category and has previously been approved for the property, to that of an office use (123.7 tons per year). 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 lifespan 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*

Site plan approval will be required before the property can be redeveloped. At that time, the stormwater management system for the site will be required to meet all City and SWFWMD stormwater management criteria.

### *Streets*

The subject property is located on the north side of Barry Road, approximately 650 feet east of South Highland Avenue. To evaluate potential impacts to streets, the typical traffic impacts figure (trips per day per acre) in the *Countywide Rules* for the corresponding *Countywide Plan Map* categories (current and proposed) are compared. The current number of trips per day (185 trips) is calculated based on the typical traffic generation numbers for the Office (O) category (89 trips per day per acre) and the Residential Low Medium (RLM) category (67 trips per day per acre). The proposed *Countywide Plan Map* category of Public/Semi-Public (P/SP) (192 trips per day per acre for institutional uses) would increase the number of trips per day to 410 trips per day. This is an increase of 225 trips per day compared to the number of trips under the current designation. This increase in the number of per day may impact both Barry Road and Jeffords Street, which are local streets that serve as the primary means of access to the subject area.

**Recommended Conclusions of Law:**

Based upon the findings of fact, it is determined that although the proposed change will result in increased demand on many public facilities, it will not result in the degradation of the existing levels of service for potable water, sanitary sewer, solid waste, parkland, and stormwater management. The addition of up to 225 trips per day may impact Barry Road and Jeffords Streets, the two local roads providing access to the site.

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

**Recommended Findings of Fact:**

No wetlands appear to be located on the subject property. The City’s codes require that development is compliant with the City’s tree preservation, landscaping and stormwater management requirements.

**Recommended Conclusions of Law:**

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 property.

**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. Consistency with Community Development Code Standards for Review*

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

The proposed future land use category is inconsistent with certain goals and objectives of the Comprehensive Plan. The proposed spot planning for a speculative use will alter the established zoning scheme to the detriment of the neighborhood. The transition of future land use designations to Institutional (I) on the neighborhood road of Barry Road does not constitute a preferred or desirable characteristic of this corridor.

To the contrary, the existing transition of Residential/Office General (R/OG) to Residential Urban (RU) is more appropriate for the preservation of neighborhood character.

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

Recommend DENIAL of the Future Land Use Map Amendment designation from Residential/Office General (R/OG) and Residential Urban (RU) to Institutional (I).



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

Lauren Matzke, AICP  
Long Range Planning Manager

ATTACHMENTS: Ordinance No. 9150-18  
Resume  
Photographs of Site and Vicinity