



PLANNING & DEVELOPMENT DEPARTMENT COMMUNITY DEVELOPMENT BOARD STAFF REPORT

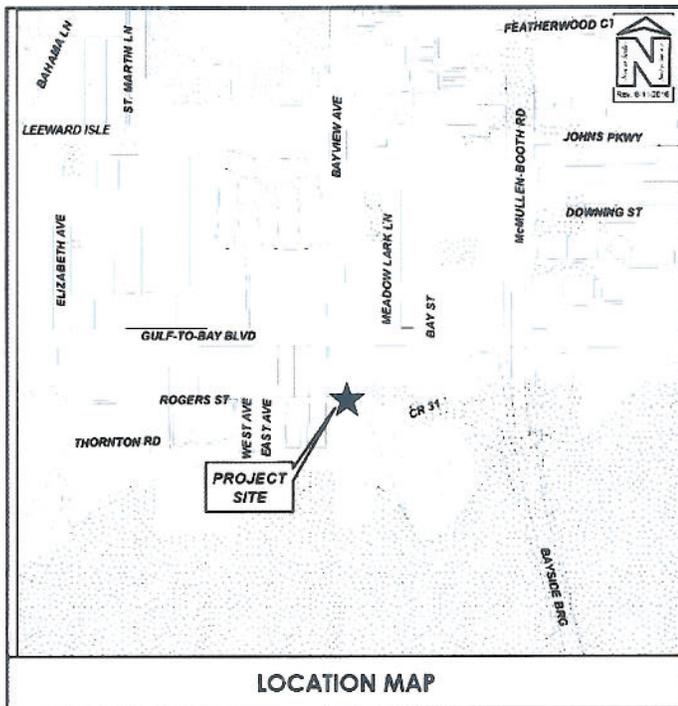
MEETING DATE:	October 18, 2016
AGENDA ITEM:	F.1.
CASE:	LUP2016-08007
REQUEST:	To amend the Future Land Use Map designation from Residential Low (RL), Residential Urban (RU), Residential Low Medium (RLM), and Commercial General (CG) to Institutional (I).
GENERAL DATA:	
<i>Applicant</i>	Brian J. Aungst, Jr. Esq. Macfarlane, Ferguson & McMullen
<i>Owner</i>	Our Lady of Divine Providence House of Prayer Foundation, Inc.
<i>Location</i>	520 & 606 South Bayview Avenue and two unaddressed parcels approximately 110 and 220 feet south of Gulf to Bay Boulevard; generally located south of Gulf to Bay Boulevard, east of Thornton Road, north of Old Tampa Bay, and west of the Bayside Bridge.
<i>Property Size</i>	2.62 acres

Background:

This case involves four parcels totaling 2.62-acres located on South Bayview Avenue, generally south of Gulf to Bay Boulevard, west of the Bayside Bridge, north of Old Tampa Bay, and east of Thornton Road. The parcels are owned by Our Lady of Divine Providence House of Prayer Foundation, Inc. The parcel addressed as 606 South Bayview Avenue is currently occupied by a single family home, while the other three parcels are vacant. Two of the parcels, 606 South Bayview Avenue and the unaddressed parcel approximately 220 feet south of Gulf to Bay Boulevard, are within Pinellas County’s jurisdiction. The applicant has submitted a Petition for Annexation (ANX2016-08027) which is being processed concurrently with this case at the November 16, 2016 City Council meeting. Maps 1 and 2 show the general location of the property and an aerial view of the amendment area.

The request is to change the property’s Future Land Use Map designations of Residential Low (RL), Residential Urban (RU), Residential Low Medium (RLM), and Commercial General (CG) (portions in Pinellas County and in City) to Institutional (I) (City of Clearwater). The applicants are also requesting to rezone the properties from the R-4 One, Two, and Three Family Residential (Pinellas County), Low Medium Density Residential (LMDR), Mobile Home Park (MHP), and Commercial (C) Districts to the Institutional (I) District (see concurrent case REZ2016-08004).

The applicant currently operates a religious retreat to the south and southeast, and this amendment would allow the applicant to expand their campus with additional facilities.



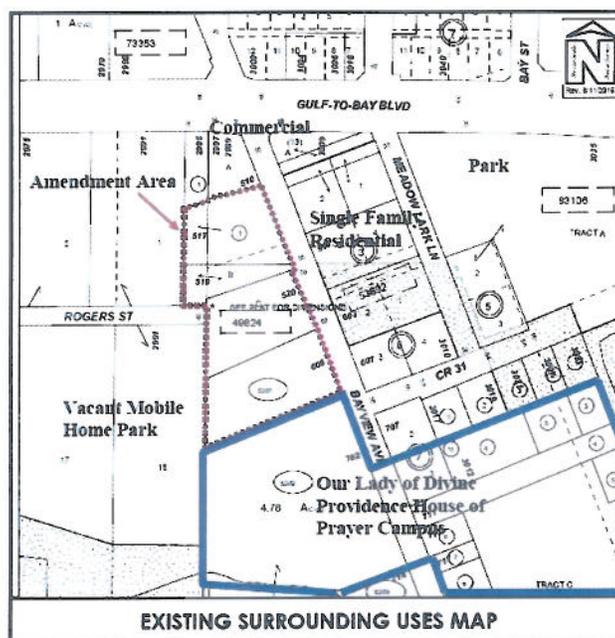
Map 1



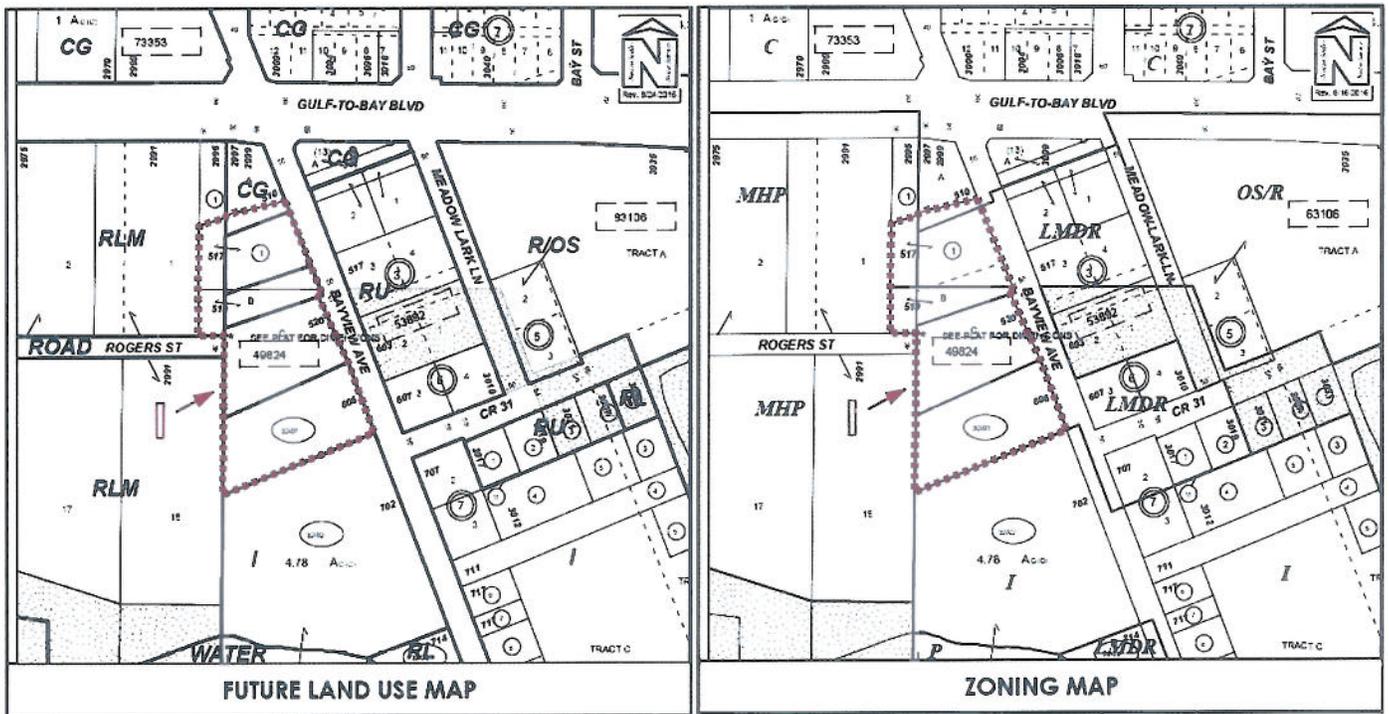
Map 2

Vicinity Characteristics:

Our Lady of Divine Providence owns properties along South Bayview Avenue and both north and south of Penmar Drive. The remainder of the parcels along South Bayview Avenue immediately east of the amendment area are developed with single family homes. There are commercial uses along Gulf to Bay Boulevard to the north. Immediately adjacent to the west is a former mobile home park which was recently vacated, and there is another mobile home park to the west of that.



Currently, the abutting future land use designations are Residential Low Medium (RLM) to the east, Residential Urban (RU) to the west, Commercial General (CG) to the north, and Institutional (I) to the south/southeast; however, Ordinance 8932-16 (case LUP2016-06004), which proposes to change the designations of the area to US 19 Regional Center (US 19-RC), was passed at City Council First Reading on September 15, 2016.



The underlying *Countywide Plan Map* designation for the parcels already in the city is Activity Center (AC) with Major Center subcategory. The two parcels being annexed will require an amendment to the *Countywide Plan Map* to Activity Center (AC) with Major Center subcategory in order to be consistent with the other parcels in the area. The proposed Institutional (I) future land use category is more restrictive than the Activity Center (AC) *Countywide Plan Map* designation, and will allow Our Lady of Divine Providence to continue operating its religious retreat. In the future, should a change of use be desired, the Institutional (I) designated parcels could be redesignated as US 19 Regional Center (US 19-RC) on the City’s Future Land Use Map and continue to be consistent with the *Countywide Plan Map* designation.

A comparison between the uses 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 Institutional (I)
	Residential Low (RL)	Residential Urban (RU)	Residential Low Medium (RLM)	Commercial General (CG)	
Primary Uses:	Low Density Residential	Urban Low Density Residential	Low to Moderate Density Residential	Office; Retail; Personal Service; Overnight Accommodations	Assisted Living Facilities; Churches; Public Offices
Maximum Density:	5 Dwellings Units Per Acre	7.5 Dwelling Units Per Acre	10 Dwelling Units Per Acre	24 Dwelling Units Per Acre	12.5 Dwelling Units Per Acre
Maximum Intensity:	FAR 0.40; ISR 0.65	FAR 0.40; ISR 0.65	FAR 0.50; ISR 0.75	FAR 0.55; ISR 0.90	FAR 0.65; ISR 0.85
Consistent Zoning Districts:	Low Density Residential (LDR); Low Medium Density Residential (LMDR)	Low Medium Density Residential (LMDR); Medium Density Residential (MDR)	Mobile Home Park (MHP); Medium Density Residential (MDR)	Commercial (C); Office (O)	Institutional (I)

Note: US 19 Regional Center, as passed on First Reading by City Council, would allow a mix of uses at 2.5 FAR.

REVIEW CRITERIA:

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

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 work toward a land use pattern that can be supported by the available community and public facilities that would be required to serve the development.

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.

Objective B.1.4 The City will continue to monitor traffic counts, accidents, and road improvements, to provide timely status evaluation of level of service conditions.

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.

The proposed Institutional (I) future land use designation is compatible with the surrounding single family residential uses, as well as with the existing Our Lady of Divine Providence campus to the south and the

vacant mobile home park to the west. The proposed amendment will allow for the property to be redeveloped with a more intense use than as allowed under the present designations while providing a cohesive site design for the entire campus. 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 (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 said it supports the plan as indicated in the goals, objective and policy listed above.

Consistency with the Countywide Rules

Recommended Findings of Fact:

There are currently three *Countywide Plan Map* categories on the subject sites: Residential Low Medium (RLM) and Retail & Services (R&S) on the parcels currently in Pinellas County, and Activity Center (AC) category with the Major Center subcategory on the parcels in the City. The two parcels that are proposed to be annexed into the City will require an amendment to the *Countywide Plan Map* to the Activity Center (AC) category/Major Center subcategory.

Section 2.3.3.14 of the *Countywide Rules* states that the Activity Center (AC) plan category is intended to recognize those areas of the county within each local government jurisdiction that have been identified and planned for in a special and detailed manner, based on their unique location, intended use, appropriate density/intensity, and pertinent planning considerations. In particular, it is the intent of this category to recognize those important, identifiable centers of business, public, and residential activity, as may be appropriate to the particular circumstance, that are the focal point of a community, and served by enhanced transit commensurate with the type, scale, and intensity of use. There are also five subcategories included in the Activity Center (AC) category, with the Major Center subcategory being applied to the parcels.

The City of Clearwater's Institutional (I) future land use category will be applied to the properties locally. The City of Clearwater's Institutional (I) future land use designation is consistent with the Activity Center (AC) category within the *Countywide Rules* as updated August 7, 2015 as it is more restrictive. Section 4.2.2.2 of the *Countywide Rules* allows a local government's future land use category to be consistent with the countywide category if the local category is of equal or lesser density/intensity than the countywide category. In this case, the Activity Center (AC) category/Major Center subcategory has a maximum permitted density of 75 dwelling units per acre, or an intensity of 2.5 FAR, whereas the City of Clearwater's Institutional (I) category has a permitted density of 12.5 dwelling units per acre, or an intensity of 0.65 FAR.

The subject property is located adjacent to properties currently designated as Residential Urban (RU), Residential Low Medium (RLM), Commercial General (CG), and Institutional (I) on the City of Clearwater Future Land Use Map (consistent with the Residential Low Medium (RLM), Retail and Services (R&S), and Public/Semi-Public (P/SP) Countywide Plan Map categories in the process of being amended to the US 19 Regional Center (US 19-RC). This proposed designation would be consistent with the underlying *Countywide Plan Map* Designation of Activity Center (AC) category/Major Center subcategory. These properties are all located along South Bayview Avenue, south of Gulf to Bay Boulevard. Gulf to Bay Boulevard is a signalized arterial road, and Bayview Avenue is a local road. It is expected that over time this

area will redevelop with a greater mix of uses and intensities which are consistent with the Activity Center (AC) designation.

Recommended Conclusions of Law:

The proposed Future Land Use Map amendment is consistent with the purpose and locational characteristics of the *Countywide Rules*. The maximum density and intensity allowed by the proposed Institutional (I) Future Land Use Map category is less than that permitted by the *Countywide Plan Map Activity Center (AC)* category and is therefore consistent with 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:

Single family homes lie to the east of the subject properties. To the west, there is a vacated mobile home park, and slightly farther west is another mobile home park. To the north along Gulf to Bay Boulevard are commercial uses, and to the south is a place of worship that is owned by Our Lady of Divine Providence.

The proposed Institutional (I) future land use category permits 12.5 units per acre and a floor area ratio (FAR) of 0.65. The future land use designations of surrounding properties include Residential Urban (RU); Residential Low Medium (RLM); Commercial General (CG); and Institutional (I) (refer to Table 1 for maximum densities and intensities).

The amendment area is located at the eastern edge of the proposed Gulf to Bay Boulevard/Drew Street Regional Center. The Institutional (I) designation recognizes the historical use of Our Lady of Divine Providence's religious retreat, allowing it to be expanded while maintaining the character and scale of development presently found along South Bayview Avenue. The proposed Institutional (I) designation is consistent with the surrounding plan categories, and is consistent with the current lower-density residential uses, as well as future commercial uses and higher intensity residential uses allowed through the proposed US 19 Regional Center (US 19-RC) designation proposed in the area.

Recommended Conclusions of Law:

The proposed Institutional (I) 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 properties, 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 "RL"	Present FLUM Designation "RU"	Present FLUM Designation "RLM"	Present FLUM Designation "CG"	Requested FLUM Designation "I"	Net Change
Site Area	1.157 AC (50,398 SF)	1.132 AC (49,309 SF)	0.245 AC (10,672 SF)	0.081 AC (3,528 SF)	2.615 AC (113,907 SF)	
Maximum Development Potential	5 DUs 20,159 SF 0.4 FAR	8 DUs 19,723 SF 0.4 FAR	2 DUs 5,336 SF 0.5 FAR	1 DU 1,940 SF 0.55 FAR	32 DUs 184,663 SF 0.65 FAR	16 DUs 71,024 SF 0.25 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 Institutional (I) land use (184,633 SF) to the combined maximum development potential of the existing residential land use categories (16 DUs).

Potable Water

The additional development potential from this amendment would result in an increase in potable water use of 3,305 gallons per day. This is determined by taking the potential potable water utilization of the proposed land use (7,404 gallons per day) and subtracting the maximum development potential of the current land use designations (3,099 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 2,255 gallon per day of wastewater. The subject property is served by the East Plant Water Pollution Control facility, which presently has excess capacity estimated to be 2.73 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 62.8 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

Should the subject property be redeveloped site plan approval will be required. 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 generally located south of Gulf to Bay Boulevard, west of the Bayside Bridge, north of Old Tampa Bay, and east of Thornton Road. The amendment could result in an additional 97 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 categories. The property has access to South Bayview Avenue, a local road, which connects directly to Gulf to Bay Boulevard, a six-lane, divided facility that is classified as a principal arterial and maintained by the Florida Department of Transportation. The intersection of South Bayview Avenue and Gulf to Bay Boulevard is not signalized.

The Pinellas County Metropolitan Planning Organization's (MPO's) 2016 Level of Service Report shows the level of service (LOS) for Gulf to Bay Boulevard within the vicinity of the subject property is "C." This LOS determination is based on the 2015 average annual daily traffic (AADT) volume of 48,500. The volume-to-capacity ratio for this facility is 0.895. Therefore, this segment of Gulf to Bay Boulevard 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:

No wetlands appear to be located on the subject properties. There are clusters of trees on all of the properties. The applicants intend to redevelop the site as a religious retreat; however, no site plans have been submitted at this time. The City's Codes require that development is compliant with the City's tree preservation and storm water 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 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 Residential Low (RL), Residential Urban (RU), Residential Low Medium (RLM), and Commercial General (CG) to Institutional (I).

Prepared by Planning and Development Department Staff:  _____

Kyle Brotherton
Planner

ATTACHMENTS: Ordinance No. 8958-16
Resume
Photographs of Site and Vicinity