

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

**MEETING DATE:** November 17, 2015  
**AGENDA ITEM:** F.5.  
**CASE:** REZ2015-09003  
**REQUEST:** To amend the Zoning Atlas designation from Tourist (T) to Commercial (C).  
**GENERAL DATA:**  
*Agent*..... Katherine E. Cole, Esq.  
*Applicant / Owner*..... WPG Countryside LLC  
*Location*..... 26508 US Highway 19 North, located on the southwest corner of US Highway 19 North and Countryside Boulevard.  
*Property Size*..... 3.35 acres

**ANALYSIS:**

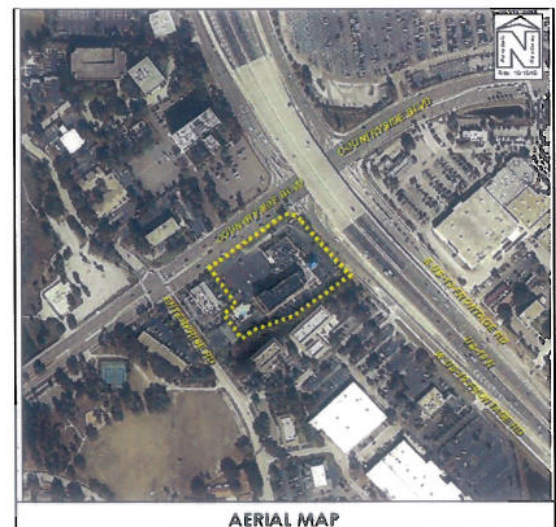
**Site Location and Existing Conditions:**

This case involves a 3.35-acre property located on the southwest corner of US Highway 19 North and Countryside Boulevard. The parcel is owned by WPG Countryside LLC, and is currently improved by a vacant hotel and restaurant, which will both be demolished in order to accommodate the construction of a retail plaza.

**Request:**

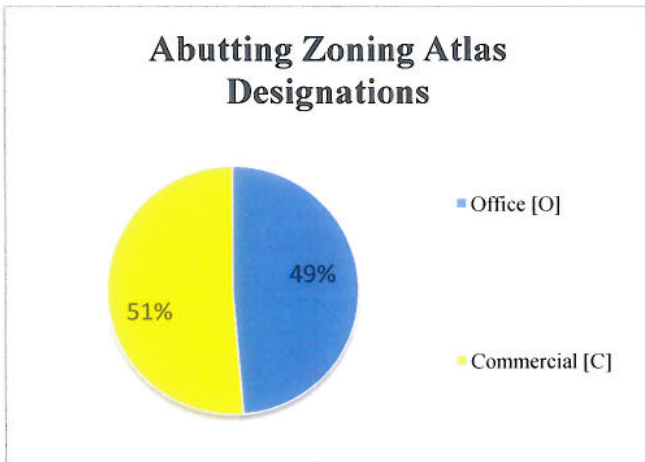
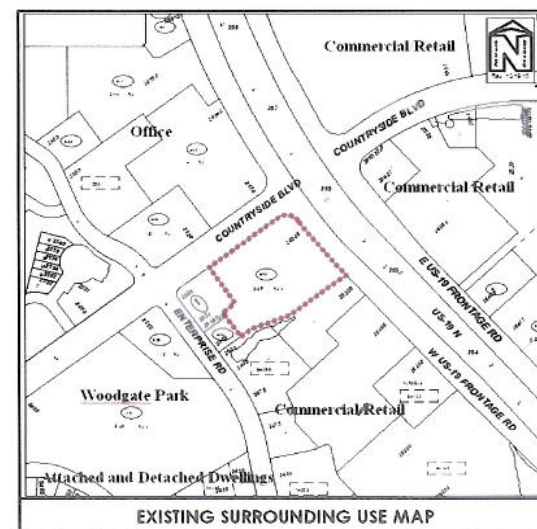
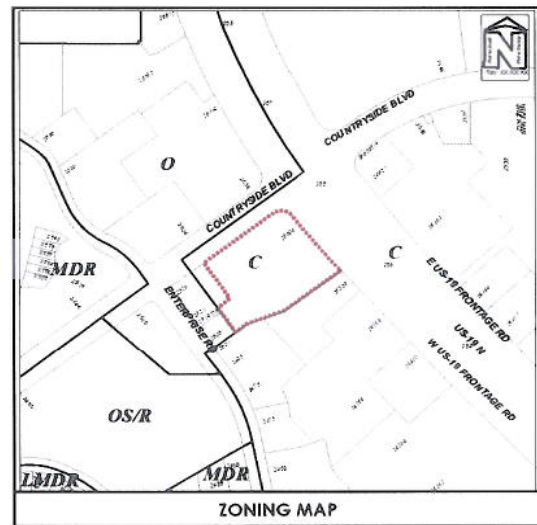
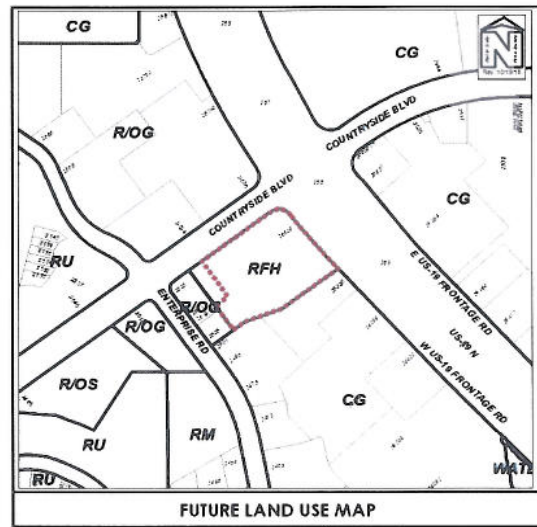
The request is to change the property’s Zoning Atlas designation of Tourist (T) to Commercial (C). Both the current district (Tourist) and the proposed district (Commercial) are consistent with the underlying future land use map classification of Resort Facilities High (RFH); therefore, no future land use map amendment is required. The owner of the parcel has proposed a retail plaza on the site, which has been approved by the Development Review Committee (DRC) in May and August of this year (cases FLS2015-04007 (Phase I) and FLS2015-06012 (Phase II), respectively). The applicant understands all necessary approvals and permits must be obtained before development of the subject site occurs.

This property is within the proposed US 19 Corridor Regional Center boundaries, as approved by City Council in June 2015 (Resolution 15-02), and subsequently amended. The Countywide Map reflects the Activity Center (AC) Countywide Plan Map category, but the City has not yet amended its local Future Land Use Map or Zoning Atlas to reflect these changes. It is anticipated that these changes will be brought forward to City Council for consideration in 2016. The applicant is aware of the proposed map changes, but indicates that the proposed Commercial (C) District will provide more flexibility with respect to permitted uses, in the interim. A detailed permitted uses comparison follows in this report.



**Vicinity Characteristics:**

The property is surrounded by office uses to the north and commercial and retail uses to the south and east, across US Highway 19 North. There is a medical office located adjacent to the parcel, at the southeast corner of Countryside Boulevard and Enterprise Road, and a small multi-tenant office building on the southwest corner. The City of Clearwater’s Woodgate Park, and several residential communities are located west and southwest of the site, across Enterprise Road. Approximately 781 linear feet, or 51 percent of the perimeter property boundary, abuts properties with a Zoning Atlas designation of Commercial (C). The remainder abuts properties Office (O) (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:	Commercial/Retail, Office	Residential/Office General (R/OG)	Office (O)
East:	Commercial/Retail	Commercial General (CG)	Commercial (C)
South:	Commercial/Retail	Commercial General (CG)	Commercial (C)
West:	Office	Residential/Office General (R/OG)	Office (O)

**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, objectives and policies of the Clearwater Comprehensive Plan which support the proposed amendment include:*

Policy A.2.2.3 Commercial land uses shall be located at the intersection of arterial or collector streets and should be sited in such a way as to minimize the intrusion of off-site impacts into residential neighborhoods. New plats and site plans shall discourage the creation of "strip commercial" zones by insuring that adequate lot depths are maintained and by zoning for commercial development at major intersections.

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.

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.

Objective B.1.4 The City shall specifically consider the existing and planned LOS the road network affected by a proposed development, when considering an amendment to the land use map, rezoning, subdivision plat, or site plan approval.

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

Division 7. Commercial District (C) Section 2-701. Intent and purpose. The intent and purpose of the Commercial (C) 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 does not conflict with the goals, objectives and policies of the Clearwater Comprehensive Plan and furthers said plan as indicated in the following recommendations. The proposed Commercial (C) District is compatible with the commercial and office uses in the immediate area, as well as the residential communities in close proximity to the site. In addition, the proposal does not degrade the level of service (LOS) for public facilities below the adopted standards (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:

Existing surrounding uses consist of commercial, retail and office uses, with multiple residential communities and a City park also in the vicinity. The Zoning Atlas designations of surrounding properties include Office (O) and Commercial (C) Districts.

The proposed Commercial (C) District primarily permits retail, office, personal service, and overnight accommodation uses. The intent of the Commercial (C) 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.

The proposed Zoning Atlas designation will allow infill development of the subject property to take place. A commercial use will complement the existing commercial and office uses to the north, east and south, in order to provide the citizens of the City of Clearwater with more access to goods and services.

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 neighborhoods 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 based on the underlying future land use of the property is used. In this instance, the request is for a change to the Zoning Atlas only, with no change to the existing Resort Facilities High (RFH) Future Land Use Map designation required; therefore, there is no change to the development potential (i.e., dwelling units per acre or floor area ratio) (Table 3).

*Table 3. Development Potential for Resort Facilities High (RFH) Future Land Use Map Designation*

	Existing FLUM Designation "RFH"
Site Area	3.35 AC (145,926 SF)
Maximum Development Potential	100 DUs or 167 Overnight Accommodation Units 145,926 SF 1.0 FAR
Abbreviations:	
FLUM – Future Land Use Map AC – Acres SF – Square feet	DUs – Dwelling Units FAR – Floor Area Ratio

As no change is proposed to the underlying future land use designation, and therefore no change to the overall amount of development allowed on the site, the proposed rezoning will not impact the City’s current LOS for water, wastewater, solid waste or parkland. Although redevelopment may generate a greater demand on these facilities, the City has adequate capacity to serve the maximum potential development of the property.

The proposed amendment to the Commercial (C) District will increase the overall number of allowable uses from 26 to 40. Certain uses such as attached dwellings, resort attached dwellings and parking garages/lots will no longer be allowed on the site, while other uses such as adult uses, automobile service stations, educational facilities, places of worship, schools, and vehicle sales/displays will be allowed. Additionally, 13 uses could potentially be permitted as minimum standard development uses, as the Tourist (T) District does not have uses identified as such. See Table 4 for complete listing of uses allowed within each zoning district.

*Table 4. Permitted Uses Comparison*

	Existing Tourist (T) District	Proposed Commercial (C) District
<b>Minimum Standard Development Uses</b>		
Governmental Uses	N/A	X
Indoor Recreation/Entertainment	N/A	X
Mixed Use	N/A	X
Offices	N/A	X
Overnight Accommodations	N/A	X
Parks and Recreational Facilities	N/A	X
Places of Worship	N/A	X
Restaurants	N/A	X
Retail Plazas	N/A	X
Retail Sales and Services	N/A	X
Social and Community Centers	N/A	X
Vehicle Sales/Display	N/A	X
Veterinary Offices	N/A	X
<b>Flexible Standard Development Uses - Level One</b>		
Accessory Dwellings	X	X
Adult Uses		X
Alcoholic Beverage Sales	X	X
Attached Dwellings	X	
Automobile Service Stations		X
Bars	X	X
Educational Facilities		X

	Existing Tourist (T) District	Proposed Commercial (C) District
Governmental Uses	X	X
Indoor Recreation/Entertainment	X	X
Medical Clinic	X	X
Mixed Use	X	X
Nightclubs	X	X
Non-Residential Off-Street Parking	X	
Offices	X	X
Off-Street Parking		X
Outdoor Recreation/Entertainment	X	
Outdoor Retail Sales, Display and/or Storage		X
Overnight Accommodations	X	X
Parking Garages and Lots	X	
Parks and Recreation Facilities	X	
Places of Worship		X
Public Transportation Facilities	X	X
Resort Attached Dwellings	X	
Restaurants	X	X
Retail Plazas	X	X
Retail Sales and Services	X	X
Social and Community Center	X	X
Schools		X
Utility/Infrastructure Facilities	X	X
Vehicle Sales/Displays		X
<b>Flexible Development Uses – Level Two</b>		
Alcoholic Beverage Sales	X	
Animal Boarding		X
Attached Dwellings	X	
Bars	X	X
Comprehensive Infill Redevelopment Project	X	X
Indoor Recreation/Entertainment		X
Light Assembly		X
Limited Vehicle Sales and Display	X	
Limited Vehicle Service		X
Marinas and Marina Facilities	X	X
Mixed Use	X	X
Nightclubs	X	X
Offices	X	X
Off-Street Parking		X
Outdoor Recreation/Entertainment	X	X
Overnight Accommodations	X	X
Problematic Uses		X
Resort Attached Dwellings	X	
Restaurants	X	X
Retail Plazas	X	X
Retails Sales and Services	X	X
RV Parks		X
Schools		X
Self Storage		X
Social/Public Service Agencies		X
Telecommunication Towers		X

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 9<sup>th</sup> Edition*. Although both the existing Tourist (T) and proposed Commercial (C) Districts permit a variety of commercial and retail uses, the Commercial (C) District permits additional nonresidential uses that can potentially generate more trips due to the nature of the business.

Table 5 below shows the maximum trips that could be generated by several uses under both the current and proposed zoning. The approved shopping center (FLS2015-04007 and FLS2015-

06012) may generate an additional 135 daily trips or 24 PM Peak Hour trips compared to the existing hotel and restaurant (regardless of zoning). In comparison, should the approved shopping center be reconfigured to accommodate a gas station with a market of approximately 6,000 SF of retail space (an average size for newer convenience store/gas stations opening in the market), as allowed under the proposed Commercial (C) zoning, the potential increase in trips rises to 4,211 average daily trips and 303 PM Peak Trips, when compared to the existing hotel and restaurant.

The new trip volume will not have a detrimental effect on the existing Level of Service (LOS) on Countryside Boulevard (LOS C) or US Highway 19 North (LOS D). Both the FLS2015-04007 and FLS2015-06012 projects for this site have been reviewed for impacts on traffic and it was determined that no traffic impact or mitigation strategy will need to be conducted for the approved shopping center. Should the plans for this site change to a use that may generate more traffic, a traffic impact study may be necessary, at the discretion of the Engineering Department. 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.

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
<b>Existing Designation: Tourist (T) District</b>						
Existing Hotel <sup>1</sup> (8.92 trips/room) and Restaurant 72.16 trips/1,000 SF GFA)	130 Rooms and 3,500 SF Restaurant	1,160 + 253 = 1,413	N/A	0.74 and 8.38	96 + 29 = 125	N/A
Approved Shopping Center <sup>3</sup> (49.97 trips/1,000 SF GFA)	30,973 SF	1,548	135	4.82	149	24
<b>Proposed Designation: Commercial (C) District</b>						
Approved Shopping Center (Max Dev) (49.97 trips/1,000 SF GFA)	30,973	1,548	135	4.82	149	24
Convenience Market w/ Gas Pumps <sup>4</sup> (845.60 trips/1,000 SF GFA) and Shopping Center (49.97 trips/1,000 SF GFA)	6,000 SF Convenience Market w/ Gas Pumps and 11,000 SF Shopping Center	5,074 + 550 = 5,624	4,211	62.57 and 4.82	375 + 53 = 428	303
<b>Abbreviations and Notes:</b>						
N/A = Not Applicable. SF = Square Feet GFA = Gross Floor Area						
1. Institute of Transportation Engineer's Trip Generation 9th Edition Land Use 310.						
2. Institute of Transportation Engineer's Trip Generation 9th Edition Land Use 931.						
3. Institute of Transportation Engineer's Trip Generation 9th Edition Land Use 820.						
4. Institute of Transportation Engineer's Trip Generation 9th Edition Land Use 853.						
5. Total dwelling units permitted by the underlying R Future Land Use Map category is 30 units per acre.						

### Recommended Conclusions of Law:

Based upon the findings of fact, it is determined that the additional traffic generated by the proposed amendment will not result in the degradation of the existing level of service on Countryside Boulevard or US Highway 19 North. This segment of Countryside Boulevard is currently operating at a Level of Service C, which is above the adopted roadway level of service standard. The segment of US Highway 19 North is currently operating at a Level of Service D, which is the adopted roadway level of service standard. Since this property is located at the intersection of Countryside Boulevard and US Highway 19 North, the additional trips potentially generated by this rezoning will be distributed between the two roadways to some extent. Therefore, whether the traffic accesses the site from Countryside Boulevard or US Highway 19 North, the traffic generated will not reduce the level of service on the roadway segments. There will be no change in demand for potable water and generation of wastewater and solid waste; therefore, there is adequate capacity to accommodate the maximum demand generated by the proposed amendment. 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 Commercial (C) District boundaries is consistent with the boundaries of the subject property. The proposed Commercial (C) District is compatible with the commercial and office uses to the north, south, east and west.

#### 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 Tourist (T) classification to the Commercial (C) classification.

Prepared by Planning and Development Department Staff:



\_\_\_\_\_  
Katie See  
Senior Planner

ATTACHMENTS: Resume  
Photographs of Site and Vicinity