



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

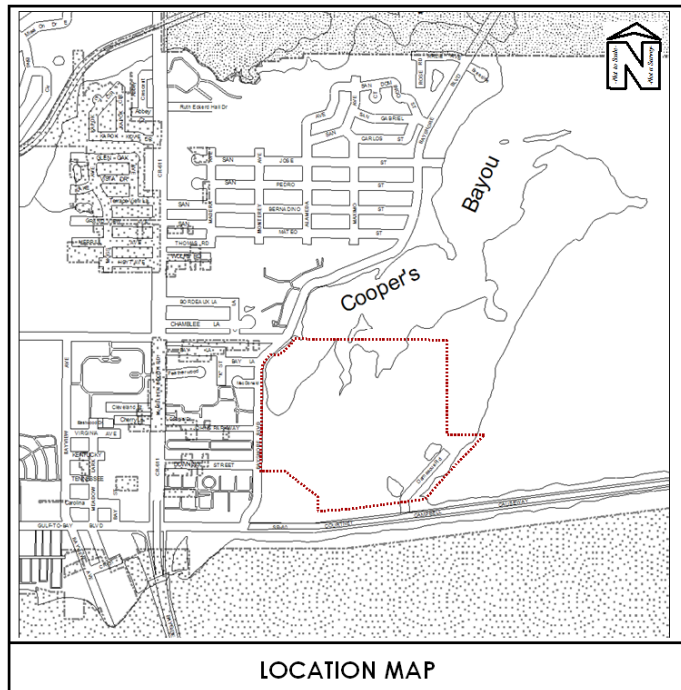
MEETING DATE: April 19, 2016
AGENDA ITEM: G.3.
CASE: REZ2016-03003
REQUEST: To amend the Zoning Atlas from the Institutional (I), Preservation (P), and Open Space/Recreation (OS/R) Districts to the Institutional (I), Commercial (C), Preservation (P), Low Density Residential (LDR), and Open Space/Recreation (OS/R) Districts

GENERAL DATA:

Applicant City of Clearwater Initiated Amendment (Planning & Development Department), per mutual, conditional termination of DVA2010-06001
Owner Clearwater Christian College Private School, Inc.
Location 3400 Gulf-to-Bay Boulevard, located on the north side of Gulf-to-Bay Boulevard approximately 900 feet east of Bayshore Boulevard
Property Size 131.05 acres

BACKGROUND:

The subject site is comprised of four parcels of land 131.05 acres in area, located on the north side of Gulf-to-Bay Boulevard approximately 900 feet east of Bayshore Boulevard. The City of Clearwater is initiating an amendment to the parcels' zoning designations from the Institutional (I), Preservation (P), and Open Space/Recreation (OS/R) Districts to the Institutional (I), Commercial (C), Preservation (P), Low Density Residential (LDR) and Open Space/Recreation (OS/R) Districts per the mutual, conditional termination of companion case DVA2010-06001 for the same property.



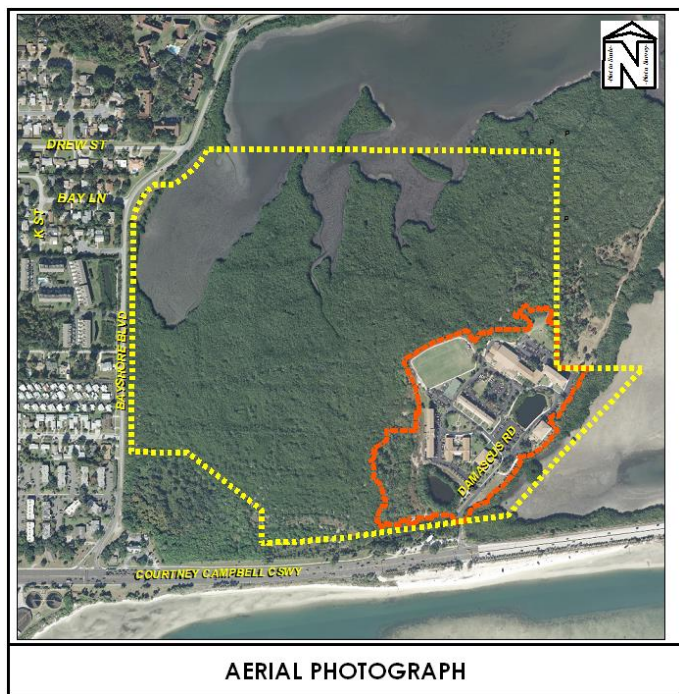
The property owner, Clearwater Christian College Private School, Inc., previously requested amendments to the City's Future Land Use Map and Zoning Atlas which were approved by City Council in October 2010 (Case No.

LUZ2010-06002). The 2010 amendments increased the amount of area designated Institutional (I) on the City’s Future Land Use Map and Zoning Atlas (“expanded Institutional area”) in order to accommodate growth of the college. An approved development agreement establishes a master plan for the developed portion of the property (Case No. DVA2010-06001, as amended). The development agreement divides the site into two areas, a Master Plan Area (28.55 acres) and a Mitigation Area (102.5 acres). Any new development would be concentrated within the expanded Institutional (I) area and must be in substantial conformance with the approved master plan. The approved agreement requires the developer to seek approval of a mitigation plan to address the objectives of hydrologic restoration and habitat enhancement, either through a mitigation bank or other appropriate mitigation measures still meeting the standards in the mitigation plan. The U.S. Army Corps of Engineers and the Southwest Florida Water Management District (SWFWMD) have not granted approval of a mitigation plan to date.

The terms of the development agreement obligated the City to promptly process the Future Land Use Map and Zoning Atlas amendments, which were processed concurrently and approved by the Pinellas Planning Council and Board of County Commissioners acting as the Countywide Planning Authority, as well as the Florida Department of Community Affairs (now Department of Economic Opportunity). The property owner has received several extensions to the development agreement in order to seek approval of the final jurisdictional line as required in the agreement, with the most recent extension providing until January 23, 2017 for approval of the proposed jurisdictional line.

Recently, the City has engaged in contract negotiations to purchase the majority of the subject property designated as Preservation (P) on the Zoning Atlas, as well as additional property owned by the college but not part of the original amendment application. Purchasing the property

would create an opportunity for the City to provide water quality benefits to Tampa Bay, an impaired waterbody with a federally-recognized Total Maximum Daily Load (TMDL) for Nitrogen, through future water quality improvement projects. While the projects envisioned will differ from those outlined within the agreement as part of the Mitigation Plan, the overall outcome and Bay benefits realized will be the same. The City would like to remove the encumbrances in place through the development agreement prior to purchasing the property from the college. For this reason, the City and college are requesting a mutual, conditional termination of the development agreement, conditioned upon the City’s purchase of a portion of the college’s land (request being considered concurrently with this case). The original development agreement states that upon termination, the property shall return to its current [as of



AERIAL PHOTOGRAPH

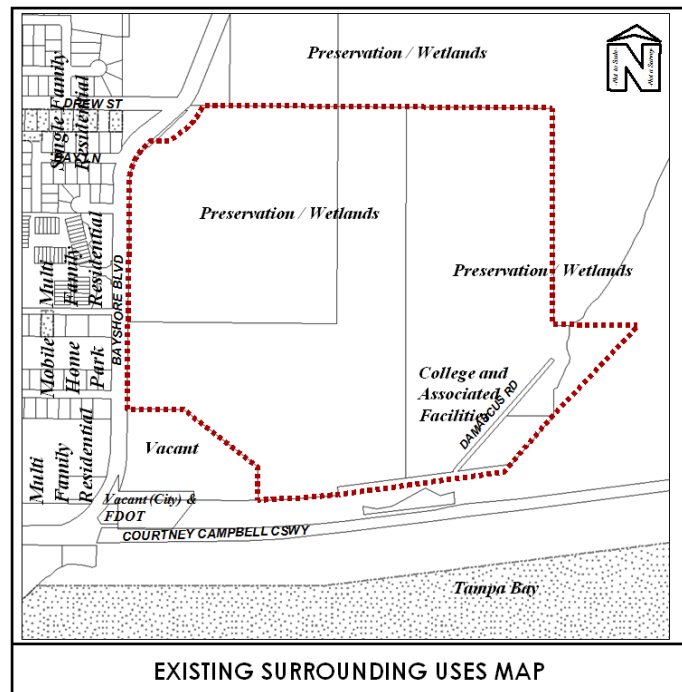
of the college’s land (request being considered concurrently with this case). The original development agreement states that upon termination, the property shall return to its current [as of

the time of execution of the development agreement] future land use and zoning designations. Therefore, the City is initiating amendments to the Future Land Use Map and Zoning Atlas in order to comply with this provision (see concurrent case LUP2016-03003).

ANALYSIS:

Vicinity Characteristics:

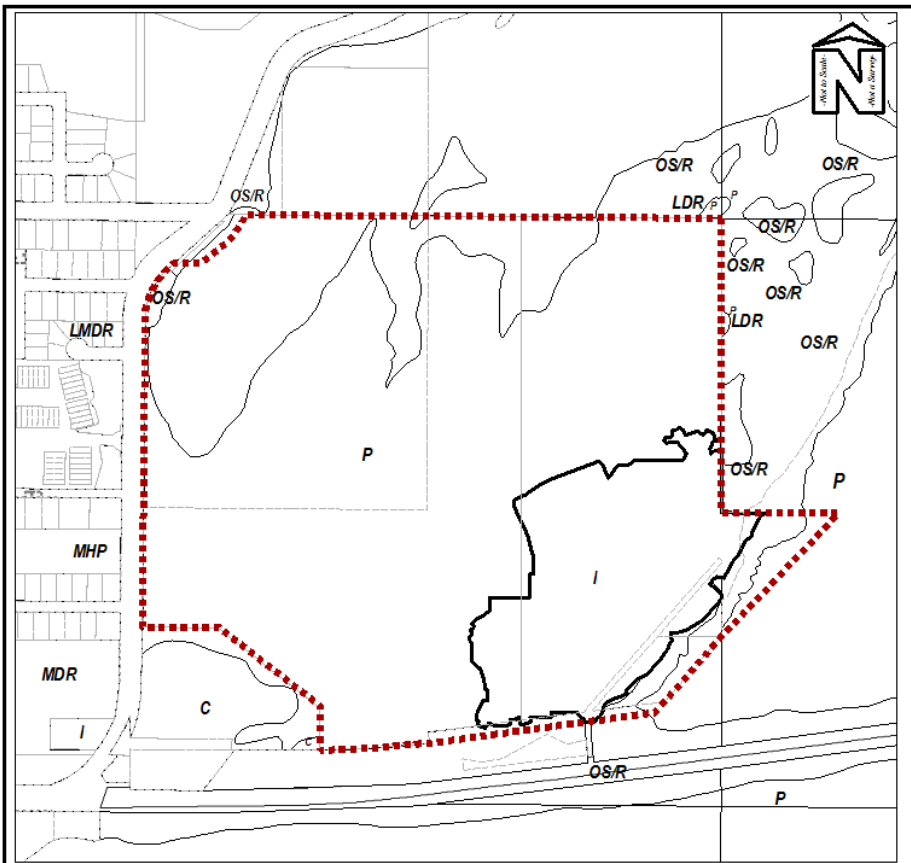
The subject property is primarily surrounded by water and wetland areas to the north and east, as part of Coopers Bayou and Tampa Bay, which are designated as Preservation (P) on the City’s Zoning Atlas. Properties to the south are primarily designated Open Space/Recreation (OS/R) District. This land includes the Courtney Campbell Causeway (Gulf-to-Bay Boulevard) and the associated FDOT right-of-way, as well as the City’s gateway feature (obelisk) and associated parking. Adjacent to the southwest, parcels are designated Commercial (C) and Preservation (P) Districts. One parcel is developed with a FDOT office, and the others are vacant. Properties to the west across Bayshore Boulevard are developed with attached and detached dwellings, and are located within several different zoning districts, including Low Medium Density Residential (LMDR), Medium Density Residential (MDR) and Mobile Home Park (MHP) Districts.



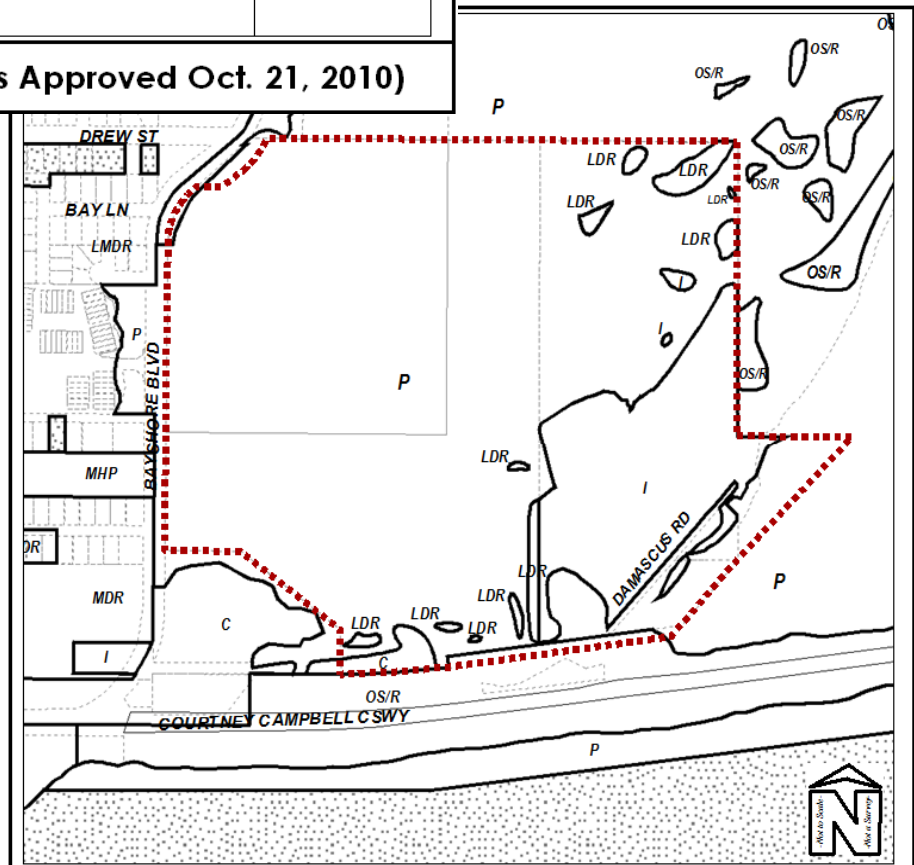
A complete listing of the surrounding uses and Zoning Atlas designations are shown in Table 1. In order to provide clarity regarding the request, maps showing the current zoning designations (as approved in October 2010) and the proposed zoning designations are also provided below.

Table 1. Surrounding Future Land Use and Zoning Designations

Direction	Existing Conditions		
	Existing Use(s)	FLUM Designation	Zoning Atlas Designation
North:	Wetlands, Coopers Bayou	Preservation (P), Water/Drainage Feature, Recreation/Open Space (R/OS)	Preservation (P), Open Space/Recreation (OS/R)
East:	Wetlands	Preservation (P), Water/Drainage Feature, Recreation/Open Space (R/OS)	Preservation (P), Open Space/Recreation (OS/R)
South:	Courtney Campbell Causeway/ Gulf-to-Bay Boulevard, FDOT Office, Vacant	Recreation/Open Space (R/OS), Commercial General (CG), Preservation (P)	Open Space/Recreation (OS/R), Commercial (C), Preservation (P)
West:	Residential	Residential Urban (RU), Residential Low Medium (RLM), Preservation (P)	Medium Density Residential (MDR), Mobile Home Park (MHP), Low Medium Density Residential (LMDR), Preservation (P)



CURRENT ZONING MAP (As Approved Oct. 21, 2010)



PROPOSED ZONING MAP

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 4. Consistency with Community Development Code Standards

CDC Section 4-602	Standard	Consistent	Inconsistent
F.1	The proposed amendment is consistent with and furthers the goals, policies and objectives of the Comprehensive Plan 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 City Regulations [Section 4-602.F.1]

Recommended Findings of Fact:

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

Wetlands Protection Goal, Objectives and Policies:

Goal A.1 The City of Clearwater shall continue to protect natural resources and systems throughout the city and ensure that these resources are successfully integrated into the urban environment through land development regulations, management programs, and coordination with future land use intensities and categories.

Objective A.1.1 On an ongoing basis, natural resources and systems shall be protected through the application of local, state, and regional regulations, mitigation and management plans, and permitting procedures as well as through locally instituted land purchase programs focusing on environmentally sensitive properties and significant open space areas.

Policy A.1.1.1 Any permanent and temporary alteration of Department of Environmental Protection (D.E.P.) jurisdictional or non-jurisdictional wetlands, the jurisdictional wetlands of the Southwest Florida Water Management District (SWFWMD), beach dunes, sensitive soils, or other natural systems shall be prohibited unless such alteration is fully consistent with all local, state, and federal regulations, mitigation and management plans, and permitting procedures that may be applicable, including the wetland vegetative buffer requirement of the City’s Community Development Code

Policy A.1.1.3 Environmentally sensitive wetlands subject to Department of Environmental Protection (DEP) jurisdiction and the jurisdictional wetlands of the Southwest Florida Water Management District (SWFWMD) shall be designated by “Preservation” (P) zoning and prevented from being built upon except as permitted by the Preservation Zoning District.

Objective G.1.4 Preserve natural open space areas which constitute aesthetic, and/or ecological community assets.

Policy G.1.4.3 Continue to designate appropriate land “Preservation” and “Recreation/Open Space” in the Future Land Use Plan whenever feasible.

Coastal Storm Area Objective and Policy:

Objective A.1.2 Population densities in the coastal storm areas are restricted to the maximum density allowed by the Countywide Future Land Use Designation of the property, except for specific areas identified in *Beach by Design: A Preliminary Design for Clearwater Beach and Design Guidelines*, in which case densities identified in *Beach by Design* shall govern. All densities in the coastal storm area shall be consistent with the Pinellas County Comprehensive Emergency Management Plan and the Regional Hurricane Evacuation Study.

Policy A.1.2.2 Continue to cooperate with the Tampa Bay Regional Planning Council and Pinellas County to meet the regional objectives for evacuation of permanent populations as well as other emergency concerns.

The proposed amendment furthers the following purposes of the Community Development Code (CDC), as found in Section 1-103:

It is the further purpose of this Development Code to:

- Preserve the natural resources and aesthetic character of the community for both the resident and tourist population consistent with the city's economic underpinnings; (*Section 1-103.E.5, CDC*)
- Protect and improve the quality of water resources and wetlands in both interior and coastal areas and preserve floodplains, drainageways, and other natural areas having beneficial hydrological characteristics and functions; (*Section 1-103.E.6, CDC*)
- Establish zoning districts of a size, type, location and with standards that reflect the existing and desirable characteristics of a particular area within the city; (*Section 1-103.E.6, CDC*)

Recommended Conclusions of Law:

The request does not conflict with the goals, objectives and policies of the Clearwater Comprehensive Plan and it supports the plan as indicated in the goal, objectives and policies

listed above. Additionally, it furthers the purposes of the Community Development Code as outlined. The proposed amendment returns the parcels' designations to those which were previously depicted on the City's Zoning Atlas. The college decided to no longer pursue a new jurisdictional line which would have allowed, with an approved mitigation plan, impacts certain wetland areas that were designated as Institutional (I) through the 2010 amendment. Although limited portions of those wetlands will be designated with Low Density Residential (LDR), Commercial (C), Open Space/Recreation (OS/R) and Institutional (I) Districts as they had previously been designated, there would no longer be a development agreement allowing the property owner to pursue the same impacts to the wetlands. Future development on the uplands portion of the property designated Institutional (I) District would need to comply with any restrictions related to its location in the Coastal Storm Area.

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

Recommended Findings of Fact:

The subject property is located on the north side of Gulf-to-Bay Boulevard at the easternmost edge of the City of Clearwater boundaries. Development on the property is concentrated on the upland area located in the southeast corner of the site which is currently designated Institutional (I) District and accessed by Damascus Road.

The Courtney Campbell Causeway / Gulf-to-Bay Boulevard is located on the south side of the property. Area within the subject site is primarily wetlands which continue to the north and east. To the west across Bayshore Drive are single and multi-family homes designated with Low Medium Density Residential (LMDR) and Medium Density Residential (MDR) zoning. The Low Medium Density Residential (LMDR) and Medium Density Residential (MDR) Districts primarily permit residential uses. Table 1 includes a complete list of the surrounding uses and Zoning Atlas designations.

The proposed Institutional (I) District will allow a portion of the site (uplands) to continue to be used as an educational facility or school, while designating the majority of the remainder of the parcel as Preservation (P) will continue to protect the wetlands that surround the existing campus and facilities. The uses available to the site are consistent with other development in the area, and provisions in the Community Development Code will be used to ensure continued compatibility with the surrounding uses, including the neighborhoods to the west across Bayshore Boulevard.

Recommended Conclusions of Law:

The proposed Zoning Atlas designation is in character with the overall Zoning Atlas designations in the area. Further, institutional uses allowed on the developable land proposed to remain designated with Institutional (I) District are 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:

The total area of the subject property is 131.05 acres (5,708,538 square feet). The site is currently developed with educational facilities, dormitories, athletic fields and parking to support the college. The expanded Institutional area, as currently designated, could yield up to 288 dwelling units (864 dormitory beds) or a floor area of 653,203 square feet through the Institutional (I) future land use category. The development agreement limits the allowable development within the expanded Institutional area to up to 170,000 square feet of nonresidential floor area (0.169 FAR) and up to 750 dormitory beds (equivalent of 250 dwelling units).

At the time of the original amendments, applications for future land use and zoning amendments were submitted as a combined application (LUZ) and a unified public facilities analysis was completed. The previous analysis compared the development potential of the expanded Institutional area as restricted by the development agreement with that which was allowed through the previous entitlements in this same area. At the time it was completed, the proposal was to expand the Institutional area to 26.55 acres; this area was later constricted to 23.07 acres of Institutional (I) as currently depicted on the Future Land Use Map.

The 2010 application included a traffic analysis that was approved by the City's Engineering Department. The traffic impact analysis submitted by the applicant used real time data to develop an accurate volume count for the adjacent segments of Gulf-to-Bay Boulevard between McMullen Booth Road and the Clearwater city limits, as well as for the intersections of Gulf-to-Bay Boulevard and Bayshore Boulevard and Gulf-to-Bay Boulevard and Damascus Road. This study indicated that the existing roadway levels of service on these segments at that time was D, peak hour, and the signals were operating at level of service C.

Planning and Development staff also completed its own evaluation of the potential impacts to the roadways. To evaluate the potential impacts of the Zoning Atlas amendment, staff compared trips generated by the current enrollment of the college to the proposed maximum enrollment of the college, as well as to a more intensive institutional use allowed within the Institutional (I) District (church). This analysis utilized the estimated trip generation for specific uses based on the *Institute of Transportation Engineer's (ITE) Trip Generation 8th Edition*. In both comparisons, the proposed Institutional (I) area (26.55 acres, later constricted) was anticipated to create new PM Peak Hour trips. A church use developed at the maximum intensity in the Institutional (I) District (751,736 square feet) was anticipated to result in an increase of 292 PM Peak trips on Gulf-to-Bay Boulevard (Courtney Campbell Causeway).

The 2010 public facilities analysis also concluded that there would be increased demand for potable water, wastewater, and solid waste service, but the increase would not negatively impact the City's ability to meet the adopted level of service standards for these public facilities. Open space and recreation facilities and mass transit were not anticipated be affected by the amendment.

This amendment reverts the zoning designations to those in place prior to the 2010 Zoning Atlas amendment. As such, it is expected that the proposed amendment would result in decreased

demand on the same facilities previously evaluated. As such, an in depth analysis was not completed at this time.

Recommended Conclusions of Law:

Based upon the findings of fact, it is determined that the proposed amendment will not result in the degradation of the existing levels of service on the Courtney Campbell Causeway segment of Gulf-to-Bay Boulevard. Where the 2010 amendment was expected to result in an increase in demand for potable water and generation of wastewater, as well as solid waste, this amendment is expected to result in a corresponding decrease in the potential demand for these services. 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:

Development on the subject site is concentrated within the southeast portion of the site (uplands area). The location of the proposed Institutional (I) District boundaries is an appropriate classification for the uplands; however, portions of the wetlands were previously designated with Institutional (I) District prior to the 2010 amendments. Other portions of wetlands were previously Low Density Residential (LDR), Commercial (C), and Open Space/Recreation (OS/R) Districts, and are proposed to revert back. This would result in boundaries that are not all drawn consistent with existing improvements and the natural environment. If the proposed mutual, conditional termination of the development agreement is approved, the zoning designations must revert back to those in place prior to the 2010 Zoning Atlas amendment.

It is anticipated that the City will utilize the map adjustment process provided for through the *Countywide Rules* (Section 7.3.8.5) and the Community Development Code to make these consistent with the wetland boundaries.

Recommended Conclusions of Law:

The zoning district boundaries are drawn consistent with the boundaries that were in place prior to the 2010 Zoning Atlas amendments, as required upon termination of the development agreement. Planning and Development staff will utilize the appropriate procedures to administratively adjust the boundaries according to the wetland boundaries.

RECOMMENDATION:

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

Recommend APPROVAL of the request for a Zoning Atlas amendment from the Institutional (I), Preservation (P), and Open Space/Recreation (OS/R) Districts to the Institutional (I), Commercial (C), Preservation (P), Low Density Residential (LDR), and Open Space/Recreation (OS/R) Districts.

Prepared by Planning and Development Department Staff: _____
Lauren Matzke, AICP
Long Range Planning Manager

ATTACHMENTS:

Resume
Photographs of Site and Vicinity