

# City of Clearwater

*City Hall  
112 S. Osceola Avenue  
Clearwater, FL 33756*



## Meeting Minutes

**Thursday, December 17, 2015**

**6:00 PM**

**Council Chambers**

**City Council**

## Roll Call

**Present:** 5 - Mayor George N. Cretekos, Councilmember Doreen Hock-DiPolito, Councilmember Bill Jonson, Councilmember Hoyt Hamilton and Vice Mayor Jay E. Polglaze

**Also Present:** William B. Horne II – City Manager, Jill Silverboard – Assistant City Manager, Rod Irwin – Assistant City Manager, Pamela K. Akin - City Attorney, and Rosemarie Call - City Clerk

*To provide continuity for research, items are listed in agenda order although not necessarily discussed in that order.*

### *Unapproved*

#### **1. Call to Order – Mayor Cretekos**

*The meeting was called to order at 6:00 p.m. at City Hall.*

#### **2. Invocation – Mayor Cretekos**

#### **3. Pledge of Allegiance – Mayor Cretekos**

#### **4. Special recognitions and Presentations (Proclamations, service awards, or other special recognitions. Presentations by governmental agencies or groups providing formal updates to Council will be limited to ten minutes.) – Given.**

##### **4.1 Service Awards - December**

*One service award was presented to a city employee*

##### **4.2 End of Session Report - The Honorable Larry Ahern, Florida House of Representatives**

##### **4.3 TriRock - Patrick McGee, Race Director, TriRock Clearwater**

*Mr. McGee provided a PowerPoint presentation reviewing event accomplishments for the 2015 TriRock event.*

#### 4.4 Annual Utilities “We Care Fund” Presentation - Alessandra Scorcioni, Customer Service

*Ms. Scorcioni presented a PowerPoint presentation reviewing the We Care Fund. She asked those able to contribute to submit a pledge form.*

#### Farewell to Assistant City Manager Rod Irwin

*The City Manager thanked Mr. Irwin for his years in public service and presented Mr. Irwin with a plaque.*

*The City Council thanked Mr. Irwin for his service to the community and wished him well in retirement.*

### 5. Approval of Minutes

- 5.1 Approve the minutes of the December 3, 2015 City Council Meeting Minutes as submitted in written summation by the City Clerk.

**Councilmember Jonson moved to approve the minutes of the December 3, 2015 City Council Meeting Minutes as submitted in written summation by the City Clerk. The motion was duly seconded and carried unanimously.**

### 6. Citizens to be heard re items not on the agenda

*Karena Morrison wished all a Merry Christmas and encouraged all to donate books for the MOM youth book drive.*

*Lillie Henry invited all to see the community garden at the Martin Luther King, Jr. Community Center.*

### 7. Consent Agenda – Approved as submitted.

- 7.1 Grant consent to Ruth Eckerd Hall, Inc (REH) for the purpose of obtaining financing from Bank of America for two loans in the amount of \$5,860,000 and \$450,000 respectively and authorize the appropriately officials to execute same. (consent)

- 7.2 Approve work orders to Engineers of Record Tetra Tech, Inc. of Tampa, FL in the amount of \$2,797,900 for engineering services, and Leggette, Brashears and Graham (LBG), Inc. of Tampa, FL in the amount of \$227,158 for hydrogeologic services associated with the City of Clearwater Groundwater Replenishment Project Phase 3 (15-0010-UT); approve the Cooperative Funding Agreement with the Southwest

Florida Water Management District (SWFWMD) (District ID N665), which provides reimbursement of project costs up to \$14,340,000; and authorize the appropriate officials to execute same. (consent)

- 7.3** Approve the conveyance of a Distribution Easement to Duke Energy for the maintenance of electrical facilities at City-owned property containing Sid Lickton Field and Reverse Osmosis Treatment Plant Number One; and authorize the appropriate officials to execute same. (consent)
- 7.4** Amend the Interlocal Agreement between the Community Redevelopment Agency (CRA) and the City of Clearwater to allow funds to be utilized by the Clearwater Main Library for pre-venture, startup and small business programs and services and authorize the appropriate officials to execute same. (consent)
- 7.5** Appoint Pamela Gene Benton to the Sister Cities Advisory Board as the School Board's World Language Coordinator or designee representative with term to expire December 31, 2019. (consent)
- 7.6** Disband the Charter Review Committee. (consent)

**Councilmember Hock-DiPolito moved to approve the Consent Agenda as submitted and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.**

### **Public Hearings - Not before 6:00 PM**

#### **8. Administrative Public Hearings**

- 8.1** Approve the City of Clearwater's Fiscal Year 2014-2015 Consolidated Annual Performance and Evaluation Report (CAPER).

The Consolidated Annual Performance and Evaluation Report (CAPER) is the principal administrative report, documenting the City's expenditures for Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) programs to the U.S. Department of Housing and Urban Development (HUD). For Fiscal Year (FY) 2014-2015, the City's entitlement allocation was \$726,298 in CDBG and \$299,956 in HOME Program funds for a total budget of \$1,026,254 from federal funds.

The CAPER document serves as the basis for program monitoring for compliance and for financial audits for all activities conducted during FY

2014-2015 as outlined in the Consolidated Plan. The report provides HUD with necessary information for the Department to meet its requirement to assess each grantee's ability to carry out relevant Community Planning and Development programs in compliance with all applicable rules and regulations. It also provides information necessary for HUD's Annual Report to Congress and it provides grantees an opportunity to describe to citizens their successes in revitalizing deteriorated neighborhoods and in meeting objectives stipulated in their Consolidated Planning document.

In addition to reporting on our activities with federal money, we also included a summary of activities conducted with the Florida State Housing Initiatives Partnership (SHIP) Program, Pinellas County Housing Trust Fund Program and Neighborhood Stabilization Program 3 in the narrative section; however, these numbers are not included in the totals below.

Through the CDBG and HOME program activities, we expended a total of \$1,590,685 in FY 2014-2015, which included funding from the prior year reprogrammed fund budget of \$1,603,595. Those funds not expended from this year's budget will be programmed in future budgets.

The City of Clearwater's FY 2014-2015 CAPER contains information on the City's assessment of the following activities:

- Assessment of Three to Five Year Goals and Objectives
- Affordable Housing
- Continuum of Care
- Leveraging Resources
- Affirmatively Furthering Fair Housing
- Citizens Comments
- Self-Evaluation

Over 5,438 persons were assisted through Public Services, Public Facilities, Housing Rehabilitation and New Construction, Fair Housing, and Economic Development projects and programs.

A brief summary of FY 2014-2015 accomplishments are:

- Closed on thirteen owner-occupied rehabilitation loans totaling \$285,514.
- Closed on fifteen down payment assistance loans totaling \$357,140.
- Provided a \$200,000 loan to Habitat for Humanity of Pinellas

County to build four new single family homes on Milton Street.

- Provided a \$137,190 loan to Bright Community Trust to acquire and renovate a single family home located at 203 South Neptune.
- Provided a \$157,571 loan to Bright Community Trust to acquire and renovate a single family home located at 2034 Keene Road.
- Habitat for Humanity of Pinellas County, Inc. built five new homes in the Stevens Creek Subdivision using NSP3 funds (revolving).

- SP Country Club Homes, Inc - All of the units have been sold.
- Provided a \$350,000 loan to SP Garden Trail Apartments 2013, LLC for partial development cost for a new 75-unit apartment complex for families.
- Provided a \$95,000 loan to Kimberly Home to renovate a rental home.

The City's Neighborhood and Affordable Housing Advisory Board is scheduled to approve the FY 2014-2015 CAPER at their meeting on December 8, 2015. The CAPER is due to HUD no later than December 30, 2015.

*Economic Development and Housing Director Geri Campos Lopez provided a PowerPoint presentation.*

**Vice Mayor Polglaze moved to approve the City of Clearwater's Fiscal Year 2014-2015 Consolidated Annual Performance and Evaluation Report (CAPER). The motion was duly seconded and carried unanimously.**

- 8.2** Approve the request from the owner of property addressed at 1827 Winwood Drive to vacate a portion of a platted drainage easement; and pass Ordinance 8820-16 on first reading (VAC2015-09).

The owner of property located within city limits at 1827 Winwood Drive is planning to construct a swimming pool partially within a platted drainage easement. There are existing improvements that encroach into the easement as well. The proposed vacation will eliminate these existing and planned encroachments. If approved, the remaining easement area will be sufficient for the City's Stormwater Maintenance Division to maintain drainage flows as provided for by the easement.

**Councilmember Hamilton moved to approve the request from the owner of property addressed at 1827 Winwood Drive to vacate a portion of a platted drainage easement. The motion was duly seconded and carried unanimously.**

**Ordinance 8820-16 was presented and read by title only. Councilmember Hamilton moved to pass Ordinance 8820-16 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretkos, Councilmember Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Vice Mayor Polglaze

**8.3** Approve a Future Land Use Map Amendment from the Residential Urban (RU) category to the Residential/Office General (R/OG) category for property located at 2727 Daniel Street; and pass Ordinance 8786-16 on first reading. (LUP2015-08002)

This Future Land Use Map amendment application involves a 0.209 acre parcel located on the southeast corner of Daniel Street and Charles Avenue, approximately 415 feet west of McMullen Booth Road. The parcel is currently occupied by a vacant single family residence. The request is to change the parcel's Future Land Use Map designation of Residential Urban (RU) to the Residential/Office General (R/OG) category, in order to redevelop the site with an office. The applicant has submitted two additional applications being processed concurrently with this case:

1. A Zoning Atlas amendment to rezone the property from the Low Medium Density Residential (LMDR) District to the Office (O) Zoning District (REZ2015-08001); and
2. A Flexible Development Application to redevelop the site as an office building (FLD2015-08032) which was approved by the Community Development Board November 17, 2015.

The proposed Residential/Office General (R/OG) category would permit development at a 0.50 floor area ratio or a density of 15 dwelling units per acre. The Residential/Office General (R/OG) future land use designation requested is consistent with the surrounding future land use designations that exist in the vicinity of the subject property. This area is transitioning from single family residential to office uses, and the proposed Residential/Office General (R/OG) designation will allow the site to redevelop as an office, which is in character with the residential properties to the south and the office/commercial properties to the north, east and west of the subject site.

The Planning and Development Department has determined that the proposed Future Land Use Map amendment is consistent with the Community Development Code as specified below:

- The proposed amendment is consistent with the Comprehensive Plan and the Countywide Plan Rules;
- The proposed amendment is compatible with the surrounding property and character of the neighborhood;
- Sufficient public facilities are available to serve the property;
- The proposed amendment will not have an adverse impact on the natural environment; and
- The proposed amendment will not have an adverse impact on the use of property in the immediate area.

In accordance with the Countywide Plan Rules, the land use plan amendment is subject to the approval of the Pinellas Planning Council and the Board of County Commissioners acting as the Countywide Planning Authority. The

application is a small-scale amendment so review and approval by the Florida Department of Economic Opportunity (Division of Community Planning) is not required.

The Community Development Board reviewed this application at its November 17, 2015 public hearing and unanimously recommended approval.

**Councilmember Jonson moved to approve a Future Land Use Map Amendment from the Residential Urban (RU) category to the Residential/Office General (R/OG) category for property located at 2727 Daniel Street. The motion was duly seconded and carried unanimously.**

*It was noted that the ordinance contained the incorrect zip code. The City Attorney said the zip code would be corrected as a scrivener's error.*

**Ordinance 8786-16 was presented and read by title only.**

**Councilmember Hock-DiPolito moved to pass Ordinance 8786-16 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretkos, Councilmember Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Vice Mayor Polglaze

- 8.4** Approve the annexation of an unaddressed parcel located on the west side of McMullen Booth Road approximately 1,054 feet south of East Enterprise Road, together with the abutting west half of the McMullen Booth Road right-of-way; and Pass Ordinance 8789-16 on first reading. (ANX2015-09024)

This voluntary annexation petition involves one parcel of land totaling 4.522 acres. The parcel is currently vacant and is located on the west side of McMullen Booth Road approximately 1,054 feet south of East Enterprise Road. The applicant is requesting annexation in order to receive solid waste and water service from the City, and will be connected to city sewer once the property is developed. The property is contiguous to existing city boundaries along the south and west. The Development Review Committee is proposing that 0.573-acres of abutting McMullen Booth Road right-of-way also be annexed.

The applicant has also submitted applications to annex a 2-acre parcel adjacent to the north (ANX2015-09025), to change the property's Future Land Use Map designation of Residential Low (RL) to Institutional (I) (LUP2015-09003) and to rezone the property to the Institutional (I) District (City of Clearwater) (REZ2015-09002) upon annexation into the City of Clearwater.

The Planning and Development Department determined that the proposed annexation is consistent with the provisions of Clearwater Community

Development Code Section 4-604.E as follows:

- Collection of solid waste, sanitary sewer, and water service will be provided to the property by the City. The property is located within Police District III and service will be administered through the district headquarters located at 2851 N. McMullen Booth Road. Fire and emergency medical services will be provided to the property by Station 50 located at 2681 Countryside Boulevard. The City has adequate capacity to serve the property with water, sanitary sewer, solid waste, police, fire and EMS service. The proposed annexation will not have an adverse effect on public facilities and their levels of service; and
- The proposed annexation is consistent with and promotes the following objectives of the Clearwater Comprehensive Plan:
  - Objective A.6.4 Due to the built-out character of the City of Clearwater, compact urban development within the urban service area shall be promoted through application of the Clearwater Community Development Code.
  - Objective A.7.2 Diversify and expand the City's tax base through the annexation of a variety of land uses located within the Clearwater Planning Area.
- The property proposed for annexation is contiguous to existing City boundaries along the south and west; therefore, the annexation is consistent with Florida Statutes Chapter 171.044.

*Applicant Representative Todd Pressman reviewed the request. The proposed project will not impact traffic and will provide a transition from the more intensive uses.*

**Vice Mayor Polglaze moved to Approve the annexation of an unaddressed parcel located on the west side of McMullen Booth Road approximately 1,054 feet south of East Enterprise Road, together with the abutting west half of the McMullen Booth Road right-of-way. The motion was duly seconded and carried unanimously.**

**Ordinance 8789-16 was presented and read by title only. Councilmember Hamilton moved to pass Ordinance 8789-16 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretkos, Councilmember Hock-DiPolito, Councilmember

## Jonson, Councilmember Hamilton and Vice Mayor Polglaze

- 8.5** Approve the annexation of 2425 McMullen Booth Road, together with the abutting west half of the McMullen Booth Road right-of-way; and pass Ordinance 8790-16 on first reading. (ANX2015-09025)

This voluntary annexation petition involves one parcel of land totaling 2 acres. The parcel is currently occupied by a single family home and is located on the west side of McMullen Booth Road approximately 836 feet south of East Enterprise Road. The applicant is requesting annexation in order to receive solid waste and water service from the City, and will be connected to city sewer when the property is redeveloped. The property is contiguous to existing city boundaries along the south and west (see companion case ANX2015-09024). The Development Review Committee is proposing that 0.496-acres of abutting McMullen Booth Road right-of-way also be annexed.

The applicant has also submitted applications to change the property's Future Land Use Map designation of Residential Low (RL) to Institutional (I) (LUP2015-09003) and to rezone the property to the Institutional (I) District (City of Clearwater) (REZ2015-09002) upon annexation into the City of Clearwater.

The Planning and Development Department determined that the proposed annexation is consistent with the provisions of Clearwater Community Development Code Section 4-604.E as follows:

- Collection of solid waste, sanitary sewer, and water service will be provided to the property by the City. The property is located within Police District III and service will be administered through the district headquarters located at 2851 N. McMullen Booth Road. Fire and emergency medical services will be provided to the property by Station 50 located at 2681 Countryside Boulevard. The City has adequate capacity to serve the property with water, sanitary sewer, solid waste, police, fire and EMS service. The proposed annexation will not have an adverse effect on public facilities and their levels of service; and
- The proposed annexation is consistent with and promotes the following objectives and policy of the Clearwater Comprehensive Plan:

Objective A.6.4 Due to the built-out character of the City of Clearwater, compact urban development within the urban service area shall be promoted through application of the Clearwater Community Development Code.

Objective A.7.2 Diversify and expand the City's tax base through the annexation of a variety of land uses located within the Clearwater Planning Area.

Policy A.7.2.3 Continue to process voluntary annexations for

single-family residential properties upon request.

- The property proposed for annexation is contiguous to existing City boundaries along the south and west; therefore, the annexation is consistent with Florida Statutes Chapter 171.044.

*In response to a question, Planning and Development Director Michael Delk said the space between the subject parcel and the "L" shape parcel is over 200 ft.*

**Councilmember Jonson moved to approve the annexation of 2425 McMullen Booth Road, together with the abutting west half of the McMullen Booth Road right-of-way. The motion was duly seconded and carried unanimously.**

**Ordinance 8790-16 was presented and read by title only. Councilmember Hock-DiPolito moved to pass Ordinance 8790-16 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretkos, Councilmember Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Vice Mayor Polglaze

- 8.6** Approve a Future Land Use Map Amendment from the Residential Low (RL) category to the Institutional (I) category for 2425 McMullen Booth Road and an unaddressed parcel on McMullen Booth Road; and pass Ordinance 8791-16 on first reading. (LUP2015-09003)

This Future Land Use Map amendment involves two parcels of land totaling 6.522 acres located on the west side of McMullen Booth Road approximately 836 feet south of East Enterprise Road. One parcel is currently occupied by a single family residence, and the other parcel is currently vacant. The applicants are requesting to amend the properties' Future Land Use Map category of Residential Low (RL) to the Institutional (I) category, indicating the intention to redevelop the site as an assisted living facility; however, no plans have been submitted at this time. The applicants have submitted three additional applications being processed concurrently with this case:

1. A Petition for Annexation for the 4.522-acre property (vacant) (ANX2015-09024);
2. A Petition for Annexation for the 2-acre property (existing single-family residence) (ANX2015-09025); and
3. A Zoning Atlas amendment to rezone the two parcels (6.522 acres)

from the A-E Agricultural Estate Residential District (Pinellas County) to the Institutional (I) Zoning District (REZ2015-09002) upon annexation.

The proposed Institutional (I) category would permit development at a density of 12.5 dwelling units per acre, or a FAR of 0.65. However, the City's Community Development Code limits development within the Institutional (I) District to nonresidential or residential equivalent uses. The Institutional (I) future land use category requested is consistent with the surrounding future land use categories that exist in the vicinity of the subject property. McMullen Booth Road is designated a Scenic/Non-Commercial Corridor, and there is an existing pattern of institutional and residential uses along the corridor, consistent with this designation. The proposed Institutional (I) future land use category will allow the site to develop with a more intense use while providing a transition from the residential properties to the south and west to the commercial properties to the north of the subject site at the Enterprise Road intersection.

The Planning and Development Department determined that the proposed Future Land Use Map amendment is consistent with the provisions of Clearwater Community Development Code as specified below:

- The proposed amendment is consistent with the Comprehensive Plan and the Countywide Plan Rules.
- The proposed amendment is compatible with the surrounding property and character of the neighborhood.
- Sufficient public facilities are available to serve the property.
- The proposed amendment will not have an adverse impact on the natural environment.
- The proposed amendment will not have an adverse impact on the use of property in the immediate area.

In accordance with the Countywide Plan Rules, this land use plan amendment is subject to the approval of the Pinellas Planning Council and the Board of County Commissioners acting as the Countywide Planning Authority. The application is a small-scale amendment so review and approval by the Florida Department of Economic Opportunity (Division of Community Planning) is not required.

The Community Development Board reviewed this application at its November 17, 2015 public hearing and recommended approval with a vote of 6-1.

*Councilmember Jonson questioned if he had a voting conflict since his daughter lives in the abutting subdivision. The City Attorney confirmed that*

*Councilmember Jonson did not have a voting conflict.*

*In response to a questions, Planning Manager Lauren Matzke said there is no direct conflict with commercial development to the north. To the south of Drew Street there is a church complex and a future land use designation of Institutional in that area. Staff looked at Institutional characteristics along Union Street and its compatibility to properties designated residential urban, which is one of the lower intensity residential districts. Ms. Matzke said a majority of McMullen Booth Road, north of SR 580, is Institutional; the countywide rules considers Institutional to be consistent with the Scenic Non-Commercial Corridor designation. There is no other Institutional in the area between Sunset Point Rd. and Enterprise Rd., except for the stubout on Union St. The property to the west of the subject parcel is Residential Low and the subdivision to the south is Residential Urban. Ms. Matzke said during the land use map amendment, staff discusses the density and intensity of the uses. Staff sometimes evaluates the changes in the land use since the future land use map has been in place. Council would decide if the proposed amendment is an appropriate land use in this area.*

*Applicant Todd Pressman reviewed the request. Developer Claire Clemens said she met with the neighboring property owners to discuss the 12 ft.-landscaping perimeter.*

*The City Attorney said the item before Council is to determine if the property should be designated an Institutional land use.*

*Seven individuals spoke in opposition with concerns expressed regarding impact of vehicular traffic and proposed building heights.*

*Ms. Clemens showed how the proposed building plan will integrate with the existing oak trees. She intends to save as many trees as possible. She conducted a traffic count at Regency Oaks, a 386-unit independent living facility, yesterday (4:24 p.m. – 5:24 p.m.) and observed 85 vehicles entering/exiting the facility. The projected traffic during peak times for the proposed project is 52. Ms. Clemens said Harborside Church is designated Institutional and surrounded by residential homes.*

*Applicant consultant Steve Allison said infill development is never easy, which is what the Applicant is proposing. Great neighborhoods are not homogenous; they contain different land uses. The policies in the City's comprehensive plan clearly support diversity in the housing stock. The proposed project is*

*ultimately residential use that protects the scenic non-commercial corridor status.*

*In response to questions, Ms. Matzke said prior to being reviewed by CDB, the application is reviewed by the Development Review Committee, which is comprised of several city department representatives, such as Engineering, Fire, Police, and Emergency Management. The Committee provided no substantive comments or issues. The height maximum for single family homes in the LMDR district is 30 ft. The setback for detached dwellings single family homes is less than the required setback for Institutional uses. The minimum standard/building permit rear setback is 10 ft.; the minimum rear setback for Institutional uses is 20 ft. The side setbacks in the residential district is 5 ft.; the side setbacks in Institutional is 10 ft. The front setbacks in both districts are 25 feet. The maximum height allowed in Institutional category is 50 ft.*

*The City Attorney said the property is currently zoned Agricultural Estate Residential per the County. Council will consider the zoning category later in this meeting. Council will not be approving the site plan.*

*In response to questions, Ms. Matzke said most of the concerns raised with the project relate to the allowable uses under Institutional, such as halfway or residential shelters, which are not minimum standard uses and require additional scrutiny. Traffic Operations Manager Paul Bertels said a hotel generates 4 trips per unit; single family homes generate 9.5 trips per unit. Mr. Delk said it is not unusual to find walls between single family subdivisions. There are several residential subdivisions along McMullen Booth Road that have walls along the property perimeter or entrance gates. Subdivision walls and fences are allowed in the Master Plan. The Scenic Non-commercial Corridor designation is afforded through the countywide rules. The intent of the designation is to preserve the residential characteristics of the corridor and limit the commercial establishments to specific nodes. Mr. Bertels said the only access point to the subject property is via McMullen Booth Road. There will not be a connection to Barton Lane. McMullen Booth Road was widened into its current configuration with a northbound left-turn lane into the subject parcel; it was anticipated something would be developed at the site. Pinellas County may require a lengthening of the left-turn lane. There is a fully operational median opening in front of the property. Ms. Matzke said if Council denies the request, the Developer can build a home with a maximum height of 30 ft. with a rear setback of 10 ft.*

*The City Attorney said if Council denies the request, Item 9.3 will not be heard*

*since the rezoning request would no longer be appropriate.*

*A concern was expressed that if the change in land use is approved and the proposed project does not proceed, the City may be faced with another project based on the new land use. A concern was expressed regarding the expectations of the neighboring residential subdivisions.*

**Councilmember Hock-DiPolito moved to Approve a Future Land Use Map Amendment from the Residential Low (RL) category to the Institutional (I) category for 2425 McMullen Booth Road and an unaddressed parcel on McMullen Booth Road. Motion was duly seconded and upon the vote being taken:**

**Ayes:** 2 - Councilmember Hock-DiPolito and Councilmember Hamilton

**Nays:** 3 - Mayor Cretekos, Councilmember Jonson and Vice Mayor Polglaze

**Motion failed.**

*Ms. Matzke said staff will return to Council with the appropriate ordinance to continue the land use designation, Residential Low, on the City's map and the compatible zoning designated.*

- 8.7** Approve the annexation, initial Future Land Use Map designation of Residential Urban (RU) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 1237 Union Street; and pass Ordinances 8793-16, 8794-16 and 8795-16 on first reading. (ANX2015-10026)

This voluntary annexation petition involves a single parcel of land totaling 0.141 acres. The parcel is occupied by a single-family dwelling and is located on the south side of Union Street approximately 485 feet east of Douglas Avenue. The applicant is requesting annexation in order to receive solid waste service from the City, and has been connected to city sewer as part of the recently completed Idlewild/The Mall Septic-to-Sewer Project. The property is contiguous to existing city limits along the west, south, and east. It is proposed that the property be assigned a Future Land Use Map designation of Residential Urban (RU) and the zoning category of Low Medium Density Residential (LMDR).

The Planning and Development Department determined that the proposed annexation is consistent with the provisions of Clearwater Community Development Code Section 4-604.E as follows:

- The property currently receives water service from the City. Collection of solid waste will be provided to the property by the City. The applicant has paid the sewer impact fee in full, and has been connected to the sewer system. The property is located within Police District II and service will be administered through the district headquarters located at

645 Pierce Street. Fire and emergency medical services will be provided to the property by Station 51 located at 1720 Overbrook Avenue. The City has adequate capacity to serve the property with sanitary sewer, solid waste, police, fire and EMS service. The proposed annexation will not have an adverse effect on public facilities and their levels of service; and

- The proposed annexation is consistent with and promotes the following objectives and policy of the Clearwater Comprehensive Plan:

Objective A.6.4 Due to the built-out character of the City of Clearwater, compact urban development within the urban service area shall be promoted through application of the Clearwater Community Development Code.

Objective A.7.2 Diversify and expand the City's tax base through the annexation of a variety of land uses located within the Clearwater Planning Area.

Policy A.7.2.3 Continue to process voluntary annexations for single-family residential properties upon request.

- The proposed Residential Urban (RU) Future Land Use Map category is consistent with the current Countywide Plan designation of the property. The Residential Urban (RU) designation primarily permits residential uses at a density of 7.5 units per acre. The proposed zoning district to be assigned to the property is the Low Medium Density Residential (LMDR). The use of the subject property is consistent with the uses allowed in the Low Medium Density Residential (LMDR) District and the property exceeds the District's minimum dimensional requirements. The proposed annexation is therefore consistent with the Countywide Plan and the City's Comprehensive Plan and Community Development Code; and
- The property proposed for annexation is contiguous to existing City boundaries to the west, south, and east; therefore, the annexation is consistent with Florida Statutes Chapter 171.044.

*The Council recessed from 8:15 p.m. to 8:22 p.m.*

**Councilmember Hamilton moved to approve the annexation, initial Future Land Use Map designation of Residential Urban (RU) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 1237 Union Street. The motion was duly seconded and carried unanimously.**

**Ordinance 8793-16 was presented and read by title only. Councilmember Jonson moved to pass Ordinance 8793-16 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Vice Mayor Polglaze

**Ordinance 8794-16 was presented and read by title only. Councilmember Hock-DiPolito moved to pass Ordinance 8794-16 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Vice Mayor Polglaze

**Ordinance 8795-16 was presented and read by title only. Vice Mayor Polglaze moved to pass Ordinance 8795-16 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Vice Mayor Polglaze

- 8.8** Approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 1460 and 1467 Grove Circle Court; and pass Ordinances 8796-16, 8797-16 and 8798-16 on first reading. (ANX2015-10027)

This voluntary annexation petition involves two parcels of land totaling 0.485 acres. The parcels are occupied by single-family dwellings and are located generally south of Sunset Point Road, west of North Highland Avenue, east of Kings Highway, and north of Palmetto Street. The applicants are requesting annexation in order to receive solid waste service from the City, and will be connected to city sewer as part of the Grove Circle Court Sewer Expansion Project. The properties are contiguous to existing city limits along at least one property boundary. It is proposed that the properties be assigned a Future Land Use Map designation of Residential Low (RL) and the zoning category of Low Medium Density Residential (LMDR).

The Planning and Development Department determined that the proposed annexations are consistent with the provisions of Clearwater Community Development Code Section 4-604.E as follows:

- The properties currently receive water service from the City. Collection

of solid waste will be provided to the properties by the City. The applicants will connect to the City's sanitary sewer service when it is available, and are aware of the sewer impact fee that must be paid in full in order to connect, as well as the financial incentives available. The properties are located within Police District II and service will be administered through the district headquarters located at 645 Pierce Street. Fire and emergency medical services will be provided to the property by Station 51 located at 1720 Overbrook Avenue. The City has adequate capacity to serve the property with sanitary sewer, solid waste, police, fire and EMS service. The proposed annexation will not have an adverse effect on public facilities and their levels of service; and

- The proposed annexations are consistent with and promote the following objectives and policy of the Clearwater Comprehensive Plan:

Objective A.6.4 Due to the built-out character of the City of Clearwater, compact urban development within the urban service area shall be promoted through application of the Clearwater Community Development Code.

Objective A.7.2 Diversify and expand the City's tax base through the annexation of a variety of land uses located within the Clearwater Planning Area.

Policy A.7.2.3 Continue to process voluntary annexations for single-family residential properties upon request.

- The proposed Residential Low (RL) Future Land Use Map category is consistent with the current Countywide Plan designation of the property. The Residential Low (RL) designation primarily permits residential uses at a density of 5 units per acre. The proposed zoning district to be assigned to the properties is the Low Medium Density Residential (LMDR). The use of the subject properties are consistent with the uses allowed in the Low Medium Density Residential (LMDR) District and the properties exceed the District's minimum dimensional requirements. The proposed annexations are therefore consistent with the Countywide Plan and the City's Comprehensive Plan and Community Development Code; and
- The properties proposed for annexation are contiguous to existing City limits along at least one property boundary; therefore, the annexations are consistent with Florida Statutes Chapter 171.044.

**Councilmember Hamilton moved to Approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 1460 and 1467 Grove Circle Court. The motion**

**was duly seconded and carried unanimously.**

**Ordinance 8796-16 was presented and read by title only.**

**Councilmember Jonson moved to pass Ordinance 8796-16 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Vice Mayor Polglaze

**Ordinance 8797-16 was presented and read by title only.**

**Councilmember Hock-DiPolito moved to pass Ordinance 8797-16 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Vice Mayor Polglaze

**Ordinance 8798-16 was presented and read by title only. Vice Mayor Polglaze moved to pass Ordinance 8796-16 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Vice Mayor Polglaze

- 8.9** Approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 1764 El Trinidad Drive East; and pass Ordinances 8799-16, 8800-16 and 8801-16 on first reading. (ANX2015-10028)

This voluntary annexation petition involves a single parcel of land totaling 0.185 acres. The parcel is occupied by a single-family dwelling and is located on the west side of El Trinidad Drive East approximately 85 feet south of North Terrace Drive. The applicant is requesting annexation in order to receive solid waste and sanitary sewer service from the City. The property is contiguous to existing city limits to the west, east, and north. It is proposed that the property be assigned a Future Land Use Map designation of Residential Low (RL) and the zoning category of Low Medium Density Residential (LMDR).

The Planning and Development Department determined that the proposed annexation is consistent with the provisions of Clearwater Community Development Code Section 4-604.E as follows:

- The property currently receives water service from the County. Collection of solid waste will be provided to the property by the City. The applicant has paid the City's sewer impact and assessment fees

and is aware of the additional costs to extend City sewer service to this property. The property is located within Police District III and service will be administered through the district headquarters located at 2851 McMullen Booth Road. Fire and emergency medical services will be provided to the property by Station 48 located at 1700 Belcher Road. The City has adequate capacity to serve the property with sanitary sewer, solid waste, police, fire and EMS service. Water service will continue to be provided by the County. The proposed annexation will not have an adverse effect on public facilities and their levels of service; and

- The proposed annexation is consistent with and promotes the following objectives and policy of the Clearwater Comprehensive Plan:

Objective A.6.4 Due to the built-out character of the City of Clearwater, compact urban development within the urban service area shall be promoted through application of the Clearwater Community Development Code.

Objective A.7.2 Diversify and expand the City's tax base through the annexation of a variety of land uses located within the Clearwater Planning Area.

Policy A.7.2.3 Continue to process voluntary annexations for single-family residential properties upon request.

- The proposed Residential Low (RL) Future Land Use Map category is consistent with the current Countywide Plan designation of the property. The Residential Low (RL) designation primarily permits residential uses at a density of 5 units per acre. The proposed zoning district to be assigned to the property is the Low Medium Density Residential (LMDR). The use of the subject property is consistent with the uses allowed in the Low Medium Density Residential (LMDR) District and the property exceeds the District's minimum dimensional requirements. The proposed annexation is therefore consistent with the Countywide Plan and the City's Comprehensive Plan and Community Development Code; and
- The property proposed for annexation is contiguous to existing City limits to the west, east, and north; therefore, the annexation is consistent with Florida Statutes Chapter 171.044.

**Councilmember Hamilton moved to Approve the annexation, initial**

**Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 1764 El Trinidad Drive East. The motion was duly seconded and carried unanimously.**

**Ordinances 8799-16 was presented and read by title only. Councilmember Jonson moved to pass Ordinance 8799-16 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Vice Mayor Polglaze

**Ordinances 8800-16 was presented and read by title only. Councilmember Hock-DiPolito moved to pass Ordinance 8800-16 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Vice Mayor Polglaze

**Ordinances 8801-16 was presented and read by title only. Vice Mayor Polglaze moved to pass Ordinance 8801-16 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Vice Mayor Polglaze

**8.10** Approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 2139 and 2143 Bell Cheer Drive and 2140 Burnice Drive; and pass Ordinances 8802-16, 8803-16 and 8804-16 on first reading. (ANX2015-10029)

This voluntary annexation petition involves three parcels of land totaling 0.71 acres. All parcels are occupied by single family dwellings. The three lots are located south of Druid Road, east of South Hercules Avenue, west of South Belcher Road and north of Lakeview Road. The applicants are requesting annexation in order to receive solid waste service from the City and will connect to city sewer when it is available in the future, as part of the City's Belcher Area Sanitary Sewer System Extension Project. The 2140 Burnice Drive parcel is contiguous to existing city boundaries to the north, east and south. The properties located at 2139 and 2143 Bell Cheer Drive are not contiguous to existing City boundaries; however, they are in an enclave surrounded by City property on all sides (Type A) and are eligible for annexation pursuant to the Interlocal Service Boundary Agreement with Pinellas County. It is proposed that the properties be assigned a Future Land Use Map designation of Residential Low (RL) and a zoning category of Low

Medium Density Residential (LMDR).

The Planning and Development Department determined that the proposed annexations are consistent with the provisions of Clearwater Community Development Code Section 4-604.E as follows:

- The properties currently receive water service from Pinellas County. Collection of solid waste will be provided to the properties by the City. The applicants will connect to the City's sanitary sewer service when it is available. They are aware of the sewer impact fee that must be paid in order to connect, as well as the financial incentives available. The properties are located within Police District II and service will be administered through the district headquarters located at 2851 North McMullen Booth Road. Fire and emergency medical services will be provided to this property by Station 49 located at 565 Sky Harbor Drive. The City has adequate capacity to serve these properties with sanitary sewer, solid waste, police, fire and EMS service. Water service will continue to be provided by the County. The proposed annexations will not have an adverse effect on public facilities and their levels of service; and
- The proposed annexations are consistent with and promote the following objectives and policy of the Clearwater Comprehensive Plan:
  - Objective A.6.4 Due to the built-out character of the City of Clearwater, compact urban development within the urban service area shall be promoted through application of the Clearwater Community Development Code.
  - Objective A.7.2 Diversify and expand the City's tax base through the annexation of a variety of land uses located within the Clearwater Planning Area.
  - Policy A.7.2.3 Continue to process voluntary annexations for single-family residential properties upon request.
- The proposed Residential Low (RL) Future Land Use Map category is consistent with the current Countywide Plan designation of this property. This designation primarily permits residential uses at a density of 5 units per acre. The proposed zoning district to be assigned to the properties is the Low Medium Density Residential (LMDR) District. The use of the subject properties is consistent with the uses allowed in the District and the properties meet with the District's minimum dimensional requirements. The proposed annexations are therefore consistent with the Countywide Plan and the City's Comprehensive Plan and Community Development Code; and
- The property proposed for annexation at 2140 Burnice Drive is contiguous to City limits along at least one boundary; therefore, the

annexation is consistent with Florida Statutes Chapter 171.044. The properties proposed for annexation located at 2139 and 2143 Bell Cheer Drive are not contiguous to City boundaries but are located in a Type A Enclave; therefore, the annexations are consistent with the Interlocal Service Boundary Agreement authorized by Florida Statutes Chapter 171.204.

**Councilmember Hamilton moved to Approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 2139 and 2143 Bell Cheer Drive and 2140 Burnice Drive. The motion was duly seconded and carried unanimously.**

**Ordinance 8802-16 was presented and read by title only. Councilmember Jonson moved to pass Ordinance 8802-16 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Vice Mayor Polglaze

**Ordinance 8803-16 was presented and read by title only. Councilmember Hock-DiPolito moved to pass Ordinance 8803-16 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Vice Mayor Polglaze

**Ordinance 8804-16 was presented and read by title only. Vice Mayor Polglaze moved to pass Ordinance 8804-16 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Vice Mayor Polglaze

**8.11 Approve the Termination of the Second Amended and Restated Development Agreement between 25 Countryside West, LLC, (property owner) and the City of Clearwater, as well the associated Termination and Release of Declaration of Restrictive Covenants, adopt Resolution 15-24, and authorize the appropriate officials to execute same.**

The property is subject to rezoning and land use plan amendment (LUZ2004-08005) which was contingent upon approval of Development Agreement DVA2004-00004. LUZ2004-08005 changed the zoning of the property from Open Space/ Recreation (OS/R) to Medium Density Residential (MDR) and land use from Residential/ Open Space (R/OS) to Residential Urban (RU). The zoning and land use allows for 7.5 dwelling units an acre and as the subject property is 44.2 acres, 331 units are allowable. The Development Agreement included restrictions to the development of the property specifically allowing only 280 townhouse units. The Development Agreement was amended twice through application DVA2004-00004A. The Development Agreement is in effect until May 30, 2016.

Subject to the rezoning, land use and development agreement being approved, Flexible Standard Development application FLS2005-08060 was approved on February 21, 2006. However, this has since expired due to inactivity. FLS2015-09020 has been submitted and reviewed by the Development Review Committee (DRC) which proposes a 330-unit attached dwelling (apartment) development which is 50 units more than the Development Agreement allows. The applicant is requesting termination of the Development Agreement as amended to allow for the additional 50 units, and the different style of development.

**Terms of the Development Agreement as amended:**

- Restricts development of the property to 280 units
- Restricts height to a maximum of 35 feet (two stories)
- Restricts the units to be townhomes
- Requires development to be in substantial conformance with the concept plan
- Requires specific landscape buffering and building setbacks
- Requires extension of the existing turn lane on Countryside Boulevard
- Requires extension of the existing turn lane on Enterprise Road
- Requires a utility easement to be granted to the City for constructed water lines
- Prohibits vehicular access to Laurelwood Drive
- Requires a six-foot high buffering fence along the east property line
- Restricts egress from property onto Enterprise Road to a right out movement
- Requires deed restrictions to be recorded for the property to generally describe the development limitations of the Development Agreement

**Revocation of a Development Agreement:**

Pursuant to CDC Section 4-606.J., a Development Agreement may be revoked in the event the City Council finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the Development Agreement. There has been no activity on the site since May of 2006 (other than the proposed FLS2005-09020), and the aforementioned term of the Development Agreement that has occurred is the recording of the deed

restrictions.

The Community Development Board reviewed the request at its public hearing on November 17, 2015, and unanimously recommended approval of the request.

*Applicant Representative Katie Cole reviewed the request. The original development agreement was entered into contemplation of the sale of the property to a residential builder and the sale was never consummated.*

*Two individuals spoke in opposition.*

*Ms. Cole said the applicant has submitted a site plan for a Level 1 minimum standard site plan request and is pending staff review. The site plan positions all proposed buildings to the south. The closest building will be 49 ft. from the property line to the north. There will be landscaping in the buffer area. Ms. Cole there will be no parking spaces between the existing residential homes and the proposed buildings. The parking areas will along the right-of-way areas. Consultant Cyndi Tarapani said there will be only one building, the condominiums, that will be 49 ft. The closest building-to-building setback will be approximately 75 feet. The 15 proposed buildings range from 90 - 140 ft. from the common property line. Prior to the Development Review Committee meeting, the applicant held a neighborhood meeting. A third driveway on Enterprise Road was added to disperse the vehicular traffic. The townhome/villa section will be located in the northern third of the site. The proposed apartment building will be 49 feet from the adjacent condominiums and expected to rent for \$1,100 to \$2,100 a month. The apartment building will be comprised of primarily 1 and 2 bedroom upscale apartments.*

*In response to questions, Planning and Development Director Michael Delk said city code requires 2 parking spaces per unit. Ms. Tarapani said the proposed project will have more parking spaces than required by code, as some of the buildings incorporate an enclosed garage. There will be approximately 860 parking spaces.*

**Councilmember Hock-DiPolito moved to Approve the request to terminate the Development Agreement between 25 Countryside West, LLC, (property owner), and the City of Clearwater along with the associated Declaration of Restrictive Covenants. The motion was duly seconded and carried unanimously.**

**Resolution 15-24 was presented and read by title only. Councilmember Hock-DiPolito moved to adopt Resolution 15-24. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretkos, Councilmember Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Vice Mayor Polglaze

**8.12** Approve amendments to the Clearwater Community Development Code regarding the establishment of funeral homes as a use; medical clinics in various districts; retail plazas in the Commercial District; microbreweries in the Downtown District; resort attached dwellings and non-residential off-street parking in the Tourist District; eliminating inconsistencies and errors in the Institutional District; modifying the requirements for outdoor cafés; clarifying the responsibility of the Development Review Committee; providing for and modifying various definitions; and pass Ordinance 8810-16 on first reading. (TA2015-08005)

The proposed amendment contains numerous revisions to the Community Development Code. The most substantial topics are those concerning funeral homes, medical clinics, resort attached dwellings and outdoor cafés.

**Funeral homes:**

The proposed amendment removes funeral homes from the definition of retail sales and services and establishes it as its own use within the Commercial (C), Office (O) and Institutional (I) Districts (the districts where funeral homes are presently established). The establishment of funeral homes as its own standalone use is related to the criteria that currently apply to it as a "retail" use precluding it from truly being an allowable use in the I District. The criteria limit the use to "goods and services directly related to the physical health and well-being of persons or animals" and being accessory to a use "otherwise permitted and the retail sales and service use [occupying] no more than ten percent of the gross floor area of the building." Rather than amending the criteria and potentially impacting numerous retail uses, staff proposes to establish the funeral homes use separately and provide appropriate criteria for that use.

**Medical clinics:**

The proposed amendment does not introduce the medical clinic use to any districts that it is not already permissible within, but instead facilitates the easier establishment of the medical clinic use within those districts. Medical clinics will become a Minimum Standard Development use in the C, O and I Districts, and additional flexibility will be provided in the C, O and I Districts as Flexible Standard Development (FLS) uses. In addition to the above, medical clinics will be added to footnote #1 in Table 2-702 for consistency with the Countywide Plan Rules. This footnote requires that medical clinics shall not exceed ten acres without a land use map amendment to Institutional.

**Resort attached dwellings:**

The proposed amendment adds an additional criterion pertaining to height for the resort attached dwellings use in the T District. The criterion clarifies that the height for the use shall not exceed the height specified for residential uses based upon the *Beach by Design* character district in which the use is to be located. Additionally, the amendment will modify the definition of resort

attached dwellings to further clarify that the use is a variation on the attached dwelling use.

Outdoor cafés:

The proposed amendment makes several changes to those provisions governing outdoor cafés. First, the uses which may establish an outdoor café are expanded to include bars, brewpubs, indoor recreation/entertainment, microbreweries, and nightclubs. Second, the location and design requirements will be modified to provide greater clarity and to ensure efficiencies in pedestrian movement. Included among these efficiencies is language that the Community Development Coordinator may require a wider pedestrian path than otherwise required, and/or that the pedestrian path be delineated through the use of self-supporting fencing, landscape planters, or other such devices and methods as presented to and approved by the city. Additionally, the

amendment eliminates the mandatory requirement that outdoor café areas be delineated - this will now be optional.

In addition to the above, staff is also proposing the following:

- Adding microbreweries as a permissible use in the Downtown (D) District;
- Deleting non-residential off-street parking as a permissible use in the Tourist (T) District;
- Modifying the development standards and flexibility criteria in the Institutional (I) District to eliminate inconsistencies and errors;
- Adding a footnote to the Minimum Standard Development table in the Commercial (C) District regarding restaurants in retail plazas;
- Correcting a statement of applicability in both the landscaping and parking standards;
- Clarifying an exception for the provision of off-street loading facilities in the Tourist (T) District;
- Clarifying the responsibility of the Development Review Committee (DRC); and,
- Defining or modifying the existing definition of the following terms: beer garden, brewpubs, funeral homes, light assembly, manufacturing, medical clinic, microbreweries, print shops, research and technology, resort attached dwellings, retail sales and services, and vehicle service.

The Planning and Development Department has determined that the proposed text amendment to the Community Development Code is consistent with and furthers the goals, objectives and policies of the Comprehensive Plan and the Community Development Code as outlined in the staff report. The CDB reviewed the proposed text amendment at its meeting of November 17, 2015, and unanimously recommended approval of the amendment.

**Councilmember Jonson moved to Approve amendments to the Clearwater Community Development Code regarding the establishment of funeral homes as a use; medical clinics in various districts; retail plazas in the Commercial District; microbreweries in the Downtown District; resort attached dwellings and**

**non-residential off-street parking in the Tourist District; eliminating inconsistencies and errors in the Institutional District; modifying the requirements for outdoor cafés; clarifying the responsibility of the Development Review Committee; providing for and modifying various definitions. The motion was duly seconded and carried unanimously.**

**Ordinance 8810-16 was presented and read by title only. Councilmember Hock-DiPolito moved to pass ordinance 8810-16 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes: 5 - Mayor Cretkos, Councilmember Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Vice Mayor Polglaze**

## **9. Quasi-Judicial Public Hearings**

- 9.1 Approve a Zoning Atlas Amendment from the Low Medium Density Residential (LMDR) District to the Office (O) District for property located at 2727 Daniel Street; and pass Ordinance 8787-16 on first reading. (REZ2015-08001)**

This Zoning Atlas Amendment application involves a 0.209 acre parcel located on the southeast corner of Daniel Street and Charles Avenue, approximately 415 feet west of McMullen Booth Road. The parcel is currently occupied by a vacant single family residence. The request is to amend the parcel's Zoning Atlas designation from the Low Medium Density Residential (LMDR) District to the Office (O) District, proposing to redevelop the site as an office. The applicant has also submitted two additional applications being processed concurrently with this case:

1. A Future Land Use Map amendment from the Residential Urban (RU) category to the Residential/Office General (R/OG) category (LUP2015-08002); and
2. A Flexible Development Application to redevelop the site as an office building (FLD2015-08032) which was approved by the Community Development Board November 17, 2015.

The proposed Office (O) District will allow the site to be redeveloped as proposed with an office building and is consistent with the surrounding zoning districts that exist in the vicinity of the subject property. This area is transitioning from single family residential to office uses, and the proposed Office (O) District will allow the site to redevelop as an office, which is in character with the office properties to the north, east and west of the subject site.

The Planning and Development Department has determined that the proposed Zoning Atlas amendment is consistent with the Community Development Code

as specified below:

- The proposed amendment is consistent with the Comprehensive Plan and the Community Development Code;
- The proposed amendment is compatible with the surrounding property and character of the neighborhood;
- The available uses in the Office (O) District are compatible with the surrounding area;
- The proposed amendment will not adversely burden public facilities, including the traffic-carrying capacities of streets, in an unreasonably or disproportionate manner; and
- The proposed Office (O) District boundaries are appropriately drawn in regard to location and classifications of streets, ownership lines, existing improvements and the natural environment.

The Community Development Board reviewed this application at its November 17, 2015 public hearing and unanimously recommended approval.

**Councilmember Hamilton moved to Approve a Zoning Atlas Amendment from the Low Medium Density Residential (LMDR) District to the Office (O) District for property located at 2727 Daniel Street. The motion was duly seconded and carried unanimously.**

**Ordinance 8787-16 was presented and read by title only. Councilmember Jonson moved to pass Ordinance 8787-16 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretkos, Councilmember Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Vice Mayor Polglaze

**9.2 Approve a Zoning Atlas Amendment from the Tourist (T) District to the Commercial (C) District for property located at 26508 US Highway 19 North, and pass Ordinance 8788-16 on first reading. (REZ2015-09003)**

This Zoning Atlas Amendment application involves a 3.35 acre parcel at 26508 US Highway 19 North located on the southwest corner of US Highway 19 North and Countryside Boulevard. The parcel is currently occupied by a vacant hotel and a vacant restaurant. The applicant is requesting to amend the parcel's Zoning Atlas designation from the Tourist (T) District to the Commercial (C) District. Both the current Tourist (T) District and the proposed Commercial (C) District are consistent with the underlying future land use map classification of Resort Facilities High (RFH), so 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). 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 applicant is aware of the proposed map changes to the City's Future Land Use Map that are anticipated to be brought forward to City Council for consideration in 2016, but indicates that the proposed Commercial (C) District will provide more flexibility with respect to permitted uses, in the interim.

The Planning and Development Department has determined that the proposed Zoning Atlas amendment is consistent with the Community Development Code as specified below:

- The proposed amendment is consistent with the Comprehensive Plan and the Community Development Code;
- The proposed amendment is compatible with the surrounding property and character of the neighborhood;
- The available uses in the Commercial (C) District are compatible with the surrounding area;
- The proposed amendment will not adversely burden public facilities, including the traffic-carrying capacities of streets, in an unreasonably or disproportionate manner; and
- The proposed Commercial (C) District boundaries are appropriately drawn in regard to location and classifications of streets, ownership lines, existing improvements and the natural environment.

The Community Development Board reviewed this application at its November 17, 2015 public hearing and unanimously recommended approval.

*In response to questions, Planning Manager Lauren Matzke said adult entertainment facilities are allowed along US Highway 19. Planning and Development Director Michael Delk said there are separation requirements from residential areas on adult entertainment but US Highway 19 is where they are accommodated. There are some adult entertainment facilities north of Gulf to Bay Boulevard. Ms. Matzke said a stand-alone convenience store, without gas pumps, would be allowed as retail use in the Tourist district. A convenience store with gas pumps is allowed through the Commercial zoning. Mr. Delk said this is the City's primary activity center. With every zoning district comes things that are desirable and undesirable. In the absence of a design criteria to encourage what is desired and consistent with the strategic economic development plan, staff cannot keep some of these proposals from happening. Staff hopes the Applicant will propose something other than a drive thru gas station at this site.*

*Applicant Representative Katie Cole reviewed the request. There is an approved site plan for a retail sales and service center. The Applicant does not know what they are going to do with the parcel but prefers the broader scope allowed by the commercial zoning designation.*

*In response to questions, Mr. Delk said staff is finalizing the US 19 Plan. Ms. Matzke said the final draft is being presented to the stakeholders in January and staff will address any issues raised by the stakeholders. Mr. Delk said the density and intensity in the corridor will increase dramatically. Anything will be allowed to go in the commercial district. A form based approach to how things fit where will be applied. He said the design criteria will be more defined. The intent may be to discourage gas stations and convenience stores at key locations but rather encourage more intense development in those areas at a low threshold of approval. Commercial use is compatible in this area today.*

*Ms. Cole said the Applicant has tried to comply with the existing US 19 plan from a design standpoint but is at a point where surety and clarity is needed. The request is consistent with the Plan and the zoning code.*

*Discussion ensued with a concern expressed that a convenience store is not the best and highest use for the site.*

**Councilmember Hamilton moved to Approve a Zoning Atlas Amendment from the Tourist (T) District to the Commercial (C) District for property located at 26508 US Highway 19 North. The motion was duly seconded and upon the vote being taken:**

**Ayes:**4 - Councilmember Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Vice Mayor Polglaze

**Nays:** 1 - Mayor Cretelos

**Motion carried.**

**Ordinance 8788-16 was presented and read by title only. Councilmember Jonson moved to pass Ordinance 8788-16 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 4 - Councilmember Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Vice Mayor Polglaze

**Nays:** 1 - Mayor Cretelos

**Motion carried.**

- 9.3** Approve a Zoning Atlas Amendment from the A-E Agricultural Estate Residential District (Pinellas County) to the Institutional (I) District (City) for 2425 McMullen Booth Road and an unaddressed parcel on McMullen Booth Road; and pass Ordinance 8792-16 on first reading. (REZ2015-09002)

This Zoning Atlas amendment involves two parcels of land totaling 6.522 acres located on the west side of McMullen Booth Road approximately 836 feet south of East Enterprise Road. One parcel is currently occupied by a single family residence, and the other parcel is currently vacant. The applicant is requesting to rezone the properties from A-E Agricultural Estate Residential District (Pinellas County) to the Institutional (I) District (City), indicating the intention to redevelop the site as an assisted living facility; however, no plans have been submitted at this time. The applicant has submitted three additional applications being processed concurrently with this case:

1. A Petition for Annexation for the 4.522-acre property not currently within the City (vacant) (ANX2015-09024);
2. A Petition for Annexation for the 2-acre property not currently within the City (existing single-family residence) (ANX2015-09025); and
3. A Future Land Use Map amendment from the Residential Low (RL) category (Pinellas County) to the Institutional (I) category (LUP2015-09003) for both parcels (6.522 acres) upon annexation.

The proposed Institutional (I) District will allow the site to be redeveloped with institutional uses, including an assisted living facility. The Institutional (I) zoning district is consistent with the surrounding zoning districts that exist in the vicinity of the subject property. There is an existing pattern of residential and institutional uses along McMullen Booth Road. As such, the proposed amendment will allow development that is in character with the surrounding properties and neighborhood.

The Planning and Development Department determined that the proposed Zoning Atlas amendment is consistent with the Clearwater Community Development Code as specified below:

- The proposed amendment is consistent with the Comprehensive Plan and the Community Development Code.
- The proposed amendment is compatible with the surrounding property and character of the neighborhood.
- The available uses in the Institutional (I) District are compatible with the surrounding area.

- The proposed amendment will not adversely burden public facilities, including the traffic-carrying capacities of streets, in an unreasonably or disproportionate manner; and
- The proposed Institutional (I) District boundary is appropriately drawn in regard to location and classification of streets, ownership lines, existing improvements, and the natural environment.

The Community Development Board reviewed this application at its November 17, 2015 public hearing and recommended approval with a vote of 6-1.

***Item pulled. See Item 8.6.***

## **10. City Manager Reports**

- 10.1** Approve a contract (purchase order) to Wannemacher Jensen Architects, Inc. (WJA), St. Petersburg, FL in the amount of \$315,596 for additional architectural services required to design and construct the Morningside Recreation Center, 2400 Harn Blvd. and authorize the appropriate officials to execute same.

On August 6, 2015, the City Council approved allocating an additional \$2,580,000 from undesignated Penny III projects to Capital Project 315-93251 (Morningside Recreation Center), in fiscal year 2016/17, for the construction of a new 22,000 sq. ft. recreation center at Morningside Recreation Complex.

Council approved moving forward with the design schedule of the Center in Fiscal Year 2015/16 from current project funds (\$2,890,000) so that construction can begin in Fiscal Year 2016/17. Total estimated cost of the project is \$5,470,000.

Staff recommended the construction of a recreation center similar in size to the Ross Norton Recreation and Countryside Recreation Centers. The facility would consist of gymnasium, multipurpose rooms, fitness room, classroom, restrooms and lobby.

WJA is one of the City's Architects of Record and has successfully partnered with the City in designing and constructing several projects including the North Greenwood Recreation and Aquatics Center, Long Center Renovations, Aging Well Center at the Long Center and the Training Facility at Carpenter Complex.

WJA has extensive knowledge and experience in design and construction of recreation facilities and staff has had good working relationships with WJA in the past by bringing projects in on time and within budgets.

The scope of services included in this contract include design development, construction documents, permit assistance, bid assistance and construction administration.

A separate Purchase Order was issued in November to WJA for \$39,264 to provide schematic design and master planning in order to start the community engagement process with the design committee.

A design committee made up of city staff and citizens will work with WJA to design a facility that will meet the needs of the community.

Fees for this contract are within the State of Florida's Department of Management Service (DMS) fee guidelines.

This item supports the City Strategic Direction and priorities for quality by providing new infrastructure for the citizens of Clearwater

**APPROPRIATION CODE AND AMOUNT:**

Funds are available in Capital Improvement Project 315-93251 Morningside Recreation Center to fund the contract.

*In response to a question, Assistant City Manager Jill Silverboard said it would cost an additional \$500,000 to attain LEED certification. Staff did not seek cost estimates to attain Florida Green Building Standard certification or Energy Star certification. Greenprint was suggestive and optional with alternatives that provide more green building results without the LEED certification. The City Manager said Greenprint was presented as aspirational, not literal.*

*A concern was expressed that the City should lead by example and implement Greenprint procedures.*

*Ms. Silverboard said staff can find out the cost to pursue the other two alternatives.*

*In response to questions, Fire Division Chief Ehlers said he spoke to a county representative regarding shelter criteria. The recreation center property is in a category E evacuation zone. The property borders C & D zones as well and is in a vulnerable area. Buildings used as shelters need to meet Red Cross guidelines. Fewer shelters are built for a higher category storm. Ms. Silverboard said the recreation center will be required to be built at least one foot above base flood elevation.*

**Councilmember Hamilton moved to Approve a contract (purchase order) to Wannemacher Jensen Architects, Inc. (WJA), St. Petersburg, FL in the amount of \$315,596 for additional**

**architectural services required to design and construct the Morningside Recreation Center, 2400 Harn Blvd. and authorize the appropriate officials to execute same. The motion was duly seconded and upon the vote being taken:**

**Ayes:** 3 - Mayor Cretkos, Councilmember Hamilton and Vice Mayor Polglaze

**Nays:** 2 - Councilmember Hock-DiPolito and Councilmember Jonson

**Motion carried.**

**10.2** Review request submitted by Ruth Eckerd Hall, Inc. for the suspension of Reserve Fund payments required by the Capitol Theatre Operating Agreement until 2020 and provide direction.

Ruth Eckerd Hall, Inc. has submitted a formal request to suspend payments to the Reserve Fund until 2020.

The Capitol Theatre Operating Agreement required a Reserve Fund to be used to the meet the costs of operation and maintenance of, and to pay for city approved capital improvements to the Capitol Theatre to the extent there are insufficient gross revenues generated at the Capitol Theatre. This is to be established through deposits made by Ruth Eckerd Hall, Inc (REH). The initial Operating Agreement required \$3,000,000. This amount was reduced to \$2,750,000 when the Fifth Amendment to the Operating Agreement was approved in December, 2014. To date, the City has received \$1,250,000. The next installment payment of \$500,000 to the Reserve Fund is due on December 17, 2015.

**Councilmember Hamilton moved to Review request submitted by Ruth Eckerd Hall, Inc. for the suspension of Reserve Fund payments required by the Capitol Theatre Operating Agreement until 2020 and provide direction. The motion was duly seconded and carried unanimously.**

## **11. City Attorney Reports**

## **12. Closing comments by Councilmembers (limited to 3 minutes)**

*happy holidays*

## **13. Closing Comments by Mayor**

*Mayor Cretkos reviewed recent and upcoming events and wished all a safe*

*and Happy Holidays.*

**14. Adjourn**

*The meeting adjourned at 10:02 p.m.*

Attest

\_\_\_\_\_  
Mayor  
City of Clearwater

\_\_\_\_\_  
City Clerk

Draft