



## PLANNING & DEVELOPMENT DEPARTMENT COMMUNITY DEVELOPMENT BOARD STAFF REPORT

**MEETING DATE:** April 15, 2025  
**AGENDA ITEM:** ID#25-0256  
**CASE:** FLD2024-04010  
**REQUEST:** Flexible Development approval to construct a detached dwelling in the Commercial (C) District as a Comprehensive Infill Redevelopment Project for the property located at 848 Dempsey Street. The building will not exceed 25 feet in height and includes two parking spaces. Requested is flexibility to allow the use in the Commercial District. (Community Development Code Section 2-704.F.)

### GENERAL DATA:

*Agent* ..... Richard Badders, Shorelines Design Group  
*Owners* ..... Matthew Vincent Raymond Tiernan  
*Location* ..... 848 Dempsey Street; north side of Dempsey Street approximately 140 feet west of Shore Avenue.  
*Property Size* ..... 0.11 acres  
*Future Land Use* ..... Commercial General (CG)  
*Zoning* ..... Commercial (C) District  
*Special Area Plan* ..... None  
*Adjacent Zoning ... North:* Institutional (I) District  
*South:* Medium Density Residential (MDR) District  
*East:* Commercial (C) District  
*West:* Commercial (C) District  
*Existing Land Use* ..... Vacant  
*Proposed Land Use* ..... Detached Dwelling

**BACKGROUND:**

**Location and Existing Conditions:**

The 0.11-acre site consists of one vacant parcel located on the north side of Dempsey Street approximately 140 feet west of Shore Avenue. The subject site is adjacent to two rights-of-way, with 50 linear feet along Dempsey Street at the southern property line and 50 linear feet along Lakeview Road at the northern property line. It is within the Commercial (C) District with a Commercial General (CG) future land use designation. The immediate vicinity is characterized by a variety of detached dwellings, the Clearwater Municipal Cemetery, medical clinics, manufacturing, and retail sales and services.

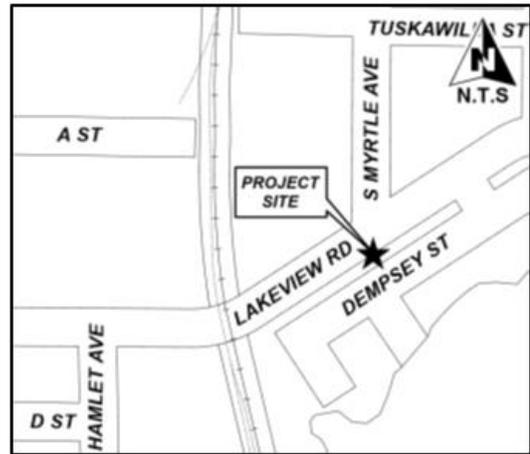
**Code Compliance Analysis:**

There are no active Code Compliance cases for the subject property.

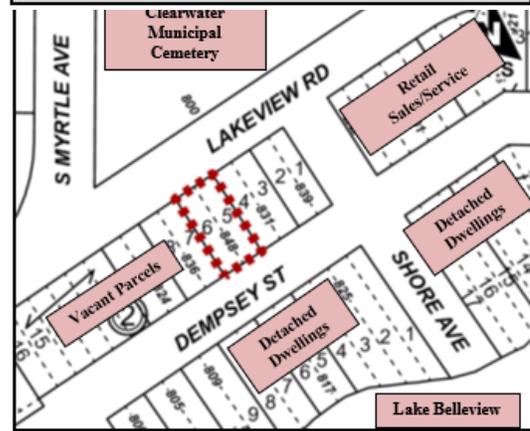
**Development Proposal:**

The proposal is to construct a two-story, 1,200 sq. ft. detached dwelling, with a garage on the first floor and living area on the second floor, as a Comprehensive Infill Redevelopment Project, consistent with Community Development Code (CDC) Section 2-704.F. The proposed building will be a maximum of 25 feet in height and includes two off-street parking spaces. Four shade trees are required for the development, and proposed are four slash pine trees adjacent to Lakeview Road. Additionally, there are two existing trees located just outside the property, and the layout of the proposed development factored in the preservation of the existing 45-inch Oak along the east property line and the 10-inch Oak adjacent to Dempsey Street within the public right-of-way.

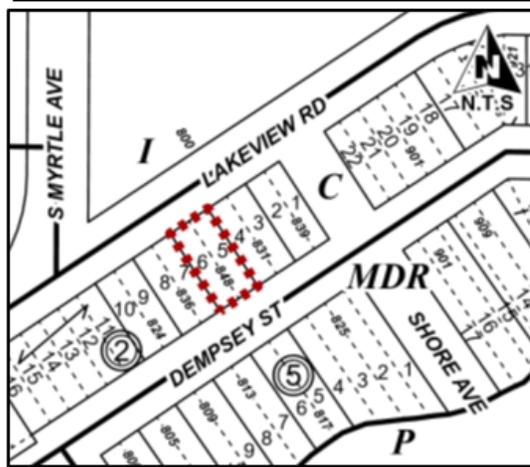
A detached dwelling use is not among the provided principal uses in the C District; however, the future land use designation of CG identifies that residential uses support the purpose of the CG and are a primary use listed within the use characteristics. The current request has been submitted through a Level Two Flexible Development application as a Comprehensive Redevelopment Infill Project consistent with CDC Section 2-704.F.



LOCATION MAP



EXISTING SURROUNDING USES MAP



ZONING MAP

**ANALYSIS**

**Comprehensive Plan**

The proposal is supported by applicable Goals, Objectives and/ or Policies of the City’s Comprehensive Plan as follows:

Future Land Use Plan Element:

**Goal QP 5** Plan and regulate land use and development in the city to protect public health and safety and promote high quality development.

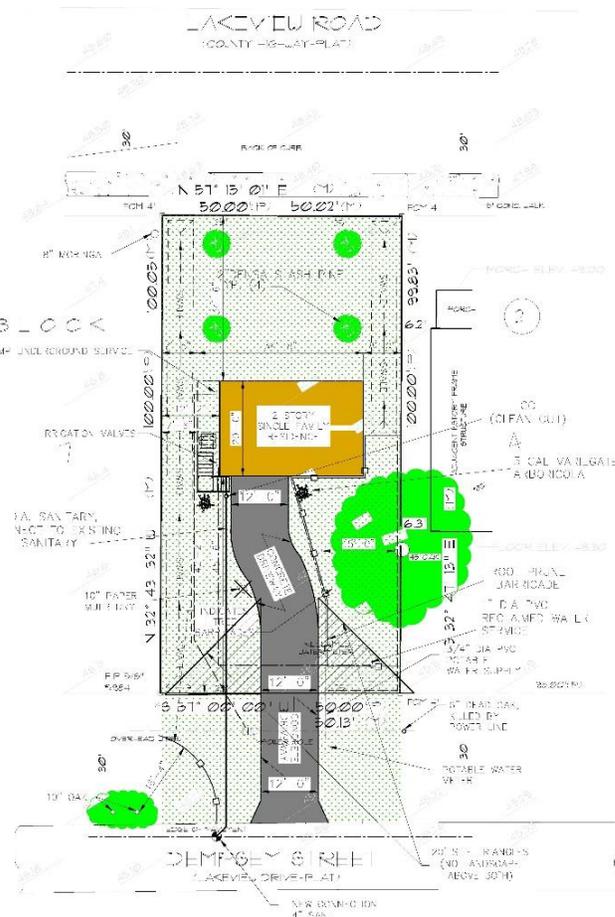
**Objective QP 5.3** Continue to promote redevelopment and infill development that is consistent and compatible with the surrounding properties.

**Goal QP 5.6** Ensure quality landscaping and tree protection throughout the city.

**Goal QP 1.2** Guide development and public investment in neighborhoods to preserve community character and promote strategic infill and development and redevelopment.

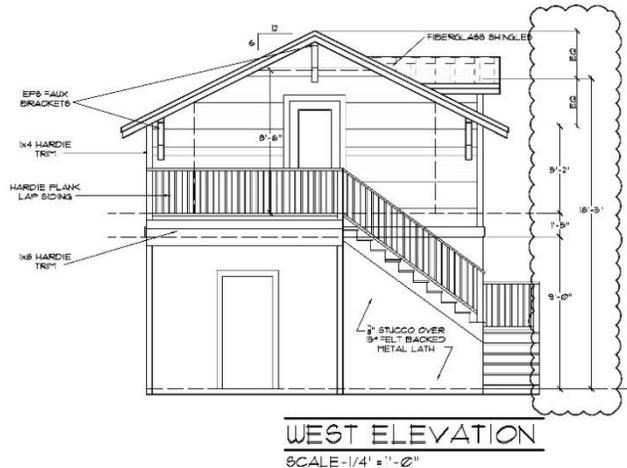
**Community Development Code Section 2-701.1. – Maximum Development Potential**

This property has a future land use designation of Commercial General (CG) and the maximum development potential is limited to a maximum density of 24 dwelling units per acre, a Floor Area Ratio (FAR) of 0.55, and an Impervious Surface Ratio (ISR) of 0.90. Based on the property size, the proposed one detached dwelling represents a density of 9 dwelling units per acre with an ISR of 0.29, however, residential uses are not subject to FAR requirements. The project is consistent with the allowable maximum development potential.



**Community Development Code Table 2-704 and Section 2-704.F Flexible Development**

The Comprehensive Infill Redevelopment Project use does not provide specific development standards e.g., lot area, width, setbacks, and height. The required minimum number of off-street parking is determined by the Community Development Coordinator based on the specific use. As a point of reference, the site conditions are being compared with those of the Medium Density Residential (MDR) District consistent with the minimum standard development requirements for a detached dwelling as detailed in CDC Table 2-302. The existing detached dwellings on the south side of Dempsey Street are located within the MDR District and the table below details the compliance of the proposed project with the MDR District requirements.



MDR DEVELOPMENT STANDARDS	DETACHED DWELLING	PROPOSED DETACHED DWELLING
Minimum Lot Area	5,000 sq. ft.	5,101 sq. ft. (0.11 acres)
Minimum Lot Width	50 feet	50 feet along Dempsey Street 50 feet along Lakeview Road
Minimum Setbacks Front	25 feet	45.5 feet Dempsey Street (south) 34.5 feet Lakeview Road (north)
Side	5 feet	8 feet (east) 7.5 feet (west)
Rear	5 feet	N/A
Maximum Height	30 feet	18.5 feet
Minimum Off-street Parking	2 spaces/unit	2 spaces/unit

**Community Development Code Section 2-704.F – Comprehensive Infill Redevelopment Flexibility Criteria**

**1. The development or redevelopment is otherwise impractical without deviations from the use and/or development standards set forth in the zoning district;**

The parcel is approximately 5,101 sq. ft. in size and the required minimum lot size is 10,000 square feet for most uses in the C District as detailed in CDC Table 2-702. Based upon the existing lot size of the subject property, some type of flexibility would be required for the construction of any potential development. Alternatively, the project would comply with all the development standards for detached dwellings in the MDR District under the minimum standard development requirements of CDC Table 2-302.

**2. The development or redevelopment will be consistent with the goals and policies of the Comprehensive Plan, as well as with the general purpose, intent, and basic planning objectives of this Code, and with the intent and purpose of this zoning district;**

The proposal is consistent with the goals and policies of the Comprehensive Plan, as stated previously. The proposal is supported by the general purpose, intent, and basic planning objectives of this Code as follows:

- Section 1-103.B.2.* Ensuring that development and redevelopment will not have a negative impact on the value of surrounding properties and wherever practicable promoting development and redevelopment which will enhance the value of surrounding properties.
- Section 1.103.E.3* Protect and conserve the value of land throughout the city and the value of buildings and improvements upon the land, and minimize conflicts among the users of land and buildings.
- Section 1-103.D* It is the further purpose of this Development Code to make the beautification of the city a matter of the highest priority and to require that existing and future uses and structures in the city are attractive and well-maintained to the maximum extent permitted by law.
- Section 1.103.E.5* 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 2-701* The intent and purpose of the Commercial District is to provide the citizens of the City of Clearwater with convenient access to goods and services throughout the city without adversely impacting the integrity of residential neighborhoods, diminishing the scenic quality of the city or negatively impacting the safe and efficient movement of people and things within the City of Clearwater.

The C District permits a range of uses comprising of a variety of services and functions. The proposed detached dwelling is consistent with the character and composition of the development in the immediate vicinity. Additionally, it complements the existing detached dwellings within the MDR District south of Dempsey Street.

**3. The development or redevelopment will not impede the normal and orderly development and improvement of surrounding properties;**

The proposed project will activate a vacant lot located within what looks like a residential neighborhood. The project will not impact the adjacent vacant parcels to the west or the existing developed lands to the north, east and south. Further, the proposed detached dwelling meets all of the minimum standard development requirements for a detached dwelling if it was located within the MDR District.

**4. Adjoining properties will not suffer substantial detriment as a result of the proposed development;**

As stated, the project will provide one detached dwelling unit on a vacant parcel. Most of the adjacent parcels are developed with detached dwellings and the project will be consistent with the character of the immediate area. The proposed use is consistent with uses that are currently in the vicinity of this project, both within the C District as well as the MDR District.

- 5. The proposed use shall otherwise be permitted by the underlying future land use category, be compatible with adjacent land uses, will not substantially alter the essential use characteristics of the neighborhood; and shall demonstrate compliance with one or more of the following objectives:**
- a. The proposed use is permitted in this zoning district as a minimum standard, flexible standard or flexible development use;**
  - b. The proposed use would be a significant economic contributor to the city's economic base by diversifying the local economy or by creating jobs;**
  - c. The development proposal accommodates the expansion or redevelopment of an existing economic contributor;**
  - d. The proposed use provides for the provision of affordable housing;**
  - e. The proposed use provides for development or redevelopment in an area that is characterized by other similar development and where a land use plan amendment and rezoning would result in a spot land use or zoning designation; or**
  - f. The proposed use provides for the development of a new, and/or preservation of a working waterfront use.**

The purpose of the CG future land use designation includes the provision of residential uses when appropriate and consistent with surrounding uses. Additionally, residential uses are identified as a primary use appropriate to the CG designation. The project will provide compatible infill development and will not alter the essential use characteristics of the area which includes a mix of residential and commercial uses.

- 6. Flexibility with regard to use, lot width, required setbacks, height and off-street parking are justified based on demonstrated compliance with all of the following design objectives:**
- a. The proposed development will not impede the normal and orderly development and improvement of the surrounding properties for uses permitted in this zoning district;**
  - b. The proposed development complies with applicable design guidelines adopted by the city;**
  - c. The design, scale and intensity of the proposed development supports the established or emerging character of an area;**
  - d. In order to form a cohesive, visually interesting and attractive appearance, the proposed development incorporates a substantial number of the following design elements:**
    - Changes in horizontal building planes;**
    - Use of architectural details such as columns, cornices, stringcourses, pilasters, porticos, balconies, railings, awnings, etc.;**
    - Variety in materials, colors and textures;**
    - Distinctive fenestration patterns;**
    - Building setbacks; and**
    - Distinctive roofs forms.**
  - e. The proposed development provides for appropriate buffers, enhanced landscape design and appropriate distances between buildings.**

There are existing detached dwellings in the C District as well as those in the MDR District along the south side of Dempsey Street across from the project site. The existing dwellings in the C District were

all originally constructed in 1925 and reflect a traditional bungalow-style of small one-story structures with a sloping roof featuring dormer windows, a large roof overhang with decorative brackets and covered porches. While this area of the city is not subject to design guidelines, the proposed dwelling style echoes the elements of area homes. Most of the area parcels are developed and the project will not impede the remaining vacant parcels from realizing full development. The project will include landscaping to further enhance the proposed dwelling site.

**Community Development Code Section 3-914. General Applicability Standards**

The proposal supports the General Applicability standards of this Code as follows.

GENERAL APPLICABILITY STANDARDS	FINDINGS
<i>Section 914.A.1. The proposed development of the land will be in harmony with the scale, bulk, coverage, density and character of adjacent properties in which it is located.</i>	The proposed two-story dwelling contains a two-car garage on the lower level with an elevated living area on the upper level which blends in with other existing residential uses in the C District. Additionally, the project will be in harmony with the existing homes on the south side of Dempsey Street which are in the MDR District. The surrounding area located to the south and east of the project site visually appears to be developed in the same manner as the subject proposal.
<i>Section 3-914.A.2. The proposed development will not hinder or discourage development and use of adjacent land and buildings or significantly impair the value thereof.</i>	Most of all surrounding properties are fully developed and the project will not impair development of the remaining vacant land to the west of the site.
<i>Section 3-914.A.3. The proposed development will not adversely affect the health or safety of persons residing or working in the neighborhood.</i>	The proposed detached dwelling will have less of an impact on the neighborhood than a permitted commercial use. The activation of a vacant lot with another dwelling will support the existing character of the neighborhood.
<i>Section 3-914.A.4. The proposed development is designed to minimize traffic congestion.</i>	No impacts.
<i>Section 3-914.A.5. The proposed development is consistent with the community character of the immediate vicinity.</i>	The majority of the development in the immediate vicinity is residential in nature and the proposed detached dwelling is consistent with that existing character.
<i>Section 3-914.A.6. The design of the proposed development minimizes adverse effects, including visual, acoustic and olfactory and hours of operation impacts on adjacent properties.</i>	The project poses no adverse effects.

**RECOMMENDATION**

The Development Review Committee (DRC) reviewed the application and supporting materials at the DRC meeting of June 6, 2024. The Planning and Development Department, having reviewed all materials submitted by the applicant and the requirements of the Community Development Code, recommends the following findings of facts and conclusions of law.

**Recommended Findings of Fact**

1. The 0.11-acre site is located on the north side of Dempsey Street approximately 140 feet west of Shore Avenue.
2. The property is within the Commercial (C) District with a Commercial General (CG) future land use designation.
3. The site proposed for development is 5,101 square feet in area, is comprised of one vacant parcel with a frontage of 50 feet along Dempsey Street and 50 feet along Lakeview Road.
4. The parcel was in existence prior to May 1, 1998, and was not in common ownership with any contiguous property on that date, but there is no minimum lot size requirement for Comprehensive Infill Redevelopment Projects in this zoning district.
5. The proposal includes a detached dwelling with front setbacks of 45.5 feet along Dempsey Street and 34.5 feet along Lakeview Road, and side setbacks of 8 feet along the east property line and 7.5 feet along the west property line.
6. The proposal includes an ISR of 0.29.
7. The proposal includes two parking spaces which has been determined to be in compliance for the detached dwelling with ITE Manual standards for the Comprehensive Infill Development Project.
8. The materials and design of the proposed project creates a form which enhances the community character of the surrounding vicinity, which primarily consists of detached dwellings.
9. There are no active Code Compliance cases for the subject property.

**Recommended Conclusions of Law**

1. The development proposal is consistent with the applicable components of the City's Comprehensive Plan.
2. The development proposal is consistent with the maximum development potential set forth in CDC Sections 2-701.1.
3. The development is consistent with the Flexible Development Standards pursuant to CDC Table 2-704.
4. The development proposal is consistent with the Flexibility Criteria pursuant to Section 2-704.F. for a Comprehensive Infill Redevelopment Project.
5. The development proposal is consistent with the General Standards for Level One and Two Approvals outlined in Code Section 3-914.

Based on the above recommended findings of fact and conclusions of law, the Planning and Development Department recommends **APPROVAL** of application FLD2024-04010, subject to the following conditions:

**Conditions of Approval*****General/Miscellaneous Conditions***

1. An application for a building permit shall be submitted no later than April 15, 2026, unless time extensions are granted pursuant to CDC Section 4-407.
2. Plans must be consistent with those presented to the Community Development Board.
3. All applicable state or federal permits shall be obtained for the subject project prior to the commencement of development as defined under Fla. Stat. § 380.04.
4. Acknowledge that each condition of approval will be met with any applicable permit submittal subject to any applicable timing requirement to the satisfaction of City Staff.

**General Engineering**

5. Right-of-way permits shall be obtained for any work within the City's right-of-way to the satisfaction of Public Works (Engineering) Staff.

6. All irrigation systems shall be connected to the City reclaimed water system where available pursuant to Clearwater City of Ordinances, Article IX, Reclaimed water System, Section 32.376 to the satisfaction of Public Works (Engineering) Staff.
7. A site plan indicating where sidewalks cross driveways treatments such as pavers or stamped paving are to be used along with the details of the proposed treatment including but not limited to pattern, type, and installation methodology be approved by Public Works (Engineering) Staff.

***Timing Conditions - Prior to Issuance of Permit, Excluding Demolition, and Clearing, and Grubbing***  
***Stormwater***

8. Per City of Clearwater Stormwater Drainage Criteria, construction plans shall shown proposed lot grading including directing runoff to the designed destination to the satisfaction of Public Works (Stormwater Engineering) Staff, and said grading plan, when implemented, shall not adversely impact the adjoining properties.

***Environmental***

9. Erosion control measures shall be shown on plan sheet(s) and provide notes detailing erosion control methods to the satisfaction of Public Works (Environmental) Staff. All silt fencing and other erosion control measures will be installed prior to commencement of site work and maintained throughout the project.

***Planning***

10. All walkways and driveways shall be clearly dimensioned on the plan sheet(s).
11. The method for screening any mechanical equipment pursuant to CDC Section 3-204.D. shall be shown on the building permit plans to the satisfaction of Planning and Development (Development Review) Staff.
12. The location and visibility of electric equipment (electric panels, boxes, and meters) shall be reviewed and, if located exterior to the building where visible from any street frontage, be shown on the plans to be painted the same color as the portion of the building to which such features are attached to the satisfaction of Planning and Development (Development Review) Staff.

***Public Works***

13. All sub-standard sidewalks and sidewalk ramps adjacent to or a part of the project shall be shown on the plans to be improved to meet the requirement of Local, State, and/ or Federal standards including A.D.A. requirements (Truncated domes per FDOT Index #304) to the satisfaction of Public Works (Traffic Engineering) Staff.

***Land Resources***

14. Shell, rock, gravel, and any similar materials are not acceptable landscape materials per CDC 3-1204.B.
15. All landscaped areas must be covered with shrubs, ground cover, turf, three inches of organic mulch or other suitable material which permits percolation. Where mulch is used, it must be protected from washing out of the planting bed. Inorganic mulch, such as gravel or rock, should only be used where washouts occur. Plastic sheets / weed barrier shall not be installed under mulches.

***Public Utilities***

16. The contractor is to verify location of existing sanitary sewer laterals and inspect condition of pipes. If a new pipe is warranted, coordinate with the city regarding new connections and lateral abandonment processes.
17. The contractor shall exercise extreme caution when excavating in proximity to all utilities, existing utility's locations shown on the plans are not exact or guaranteed.

---

***Timing Conditions - Prior to Issuance of Certificate of Occupancy***

**Planning**

18. All service lines onto the property and overhead utilities adjacent to the site shall be installed underground unless undergrounding is shown to be impractical pursuant to CDC Section 3-912 to the satisfaction of Planning and Development (Development Review) Staff.

**Land Resources**

19. Four native shade trees or equivalents, pursuant to Article 3, Division 12 of the CDC shall be installed.

**Engineering**

20. All sod, sidewalk, curb and sprinkler damage, if any, within the right-of-way shall be repaired/ replaced prior to Engineering final inspection.

Prepared by Planning & Development Department:



Ted Kozak, AICP,  
Development Review Manager

ATTACHMENTS: Resume, Photographs

**Edward T. Kozak, AICP**  
**100 South Myrtle Avenue**  
**Clearwater, Florida 3375**  
**727-444-8941**  
[ted.kozak@myclearwater.com](mailto:ted.kozak@myclearwater.com)

## **PROFESSIONAL EXPERIENCE**

- **Development Review Planning Manager** July 2024 – to present  
City of Clearwater, FL

Responsible for Direct Development Review activities for the City. Supervising professional planners, land resource specialists and administrative staff. Conduct performance reviews. Serve as staff to the Community Development Board.

- **Chief Planner, Zoning Division** 2020 – July 2024  
Orange County, Florida

Section Chief to Board of Zoning Adjustment and the Board of County Commissioners. Responsible for presenting projects to Boards, Committees and other public agencies, meetings and groups. Chief arborist, providing determinations and interpretation of Orange County Arbor Code. Provide zoning determinations and interpretation of Orange County Arbor Code, Provided zoning determinations interpretations of Orange County Zoning Code. Supervised 5 zoning planner, arborists and additional support staff and coordinate workload.

- **Principal Planner, Land Development** 2018 – 2020  
Citrus County, Florida

Responsible for reviewing plats, site plans, building plans and landscape plans for compliance with codes. Provided zoning and arborist expertise to internal staff including City Attorney and public interests including homeowners and corporate clients. Supervised three planners and two additional support staff and coordinate workload. Presented projects to planning boards, and other committees.

- **Senior Planner, Zoning – Development Services** 2016 – 2018  
City of Coral Springs, Florida

Responsible for reviewing site plans, building plans and landscape plans for compliance with codes. Providing zoning and arborist expertise to internal staff including homeowners and corporate clients. Conducted inspections for compliance with codes, permits, projects and other requests. Presented projects to Code Magistrate, Planning Boards and other committees.

- **Associate Planner, Community Development** 2015-2016  
Douglas County, Nevada

Responsible for reviewing site plans, building plans and landscape plans for compliance with codes. Presenting projects to the County Manager, County Board, Planning Boards, and Citizen Committees and Commercial associations.

- **Zoning Administrator** 2008 – 2015  
City of Greenacres, Florida

Responsible for managing 4-6 planning and engineering staff and up to 20 consultant engineers. Preparing and implementing department budget of approximately \$450,000. Reviewing site plans, building plans, engineering permits and landscape plans for compliance with regional interlocal agreements with Palm Tran (transit), Palm Beach County (PBC) Traffic, PCB Water Utility District, the City Code and the City Comprehensive Plan. Presenting projects to the City Manager, the City Council, Planning Boards, and Code Enforcement Board and liaison. Citizen Committees and Commercial associations. Chaired Planning & Zoning hearings such as Commission and Board of Adjustments. Preparing and implementing Comprehensive Plan Amendments and Coning Code Amendments. Preparing compliant Site Plans, Landscape Plans for City Agencies, groups, and citizens. Performing site inspections for Zoning, Engineering, Building and Code Enforcement. Preparing Grant application: CDBG Block Grants , Florida Communities Trust, Historic Trust.

- **President & Owner, TPK, LLC** 2007-2008  
Orlando, Florida

Responsible for managing an office of up to five employees with a budget of \$100,000. Managing pre-application materials for local planning projects on a consulting basis.

- **Planner** 2006 – 2007  
City of St. Cloud, Florida

Responsible for managing advanced single-family and mixed-use residential, commercial, industrial and institutional planning projects requiring multiple entitlements and environmental review. Reviewing building permits for compliance and the calculation of impact fees. Presenting projects to the City Manager and City Council, Planning Board and Citizens Advisory Committees on City projects and programs.

- **Project Management** 2005 – 2006  
Dunmore Communities (Home Builder, Sacramento, CA)

Responsible for managing personnel of at least 20 internal and contract employees. Managing projects from due diligence through tentative map and improvement plan. Reviewing and approving internal budgets between \$1 and \$10 million. Participating in local and regional intercompany development studies and improvements. Hiring and managing consultants for project (environmental) studies. Assembling application materials (tentative maps) and studies for project submittal. Submitted appropriate applications and coordinate with local, state and federal agencies. Attended and presented to the public and at community meetings representing the company. Networking with local charities, organizations and businesses for Planning outreach.

- **Associate Planner** 1999 – 2005  
City of Sacramento Development Services

Responsible for reviewing highly complex, office, residential, industrial projects. Recommended necessary revisions to satisfy City Code, City Policy, Regional Plan, and Environmental (NEPA and CEQA) requirements. Preparing and implementing amendments to the General Plan, Community Plans and zoning Code and act as technical advisor, and provide research for various development committees.

## **EDUCATION**

Bachelor of Arts Degree (Geography/Urban Planning) University of Alberta, 19??

## **PROFESSIONAL MEMBERSHIPS & QUALIFICATION HIGHLIGHTS**

Chief Planner, Zoning Division, Orange county, Orland, Fl  
Principal Planner, Land Development, Citrus County, Lecanto, Fl  
Senior Planner, Zoning – Development Services, City of Coral Springs, FL  
Zoning Administrator & Engineering Coordinator, City of Greenacres, Fl  
Planning and Human Resources Consultant, TPK, Orland, Fl  
City Planner, City of Saint Cloud, Fl  
Project Manager, Land Development, Dunmore Communities  
Associate Planner, City of Sacramento, Development Services Department  
American Institute of Certified Planners (AIXP) distinction, 2012  
International Society of Arboriculture Certified Arborist (ISA) distinction, 2011



Facing east towards property on right from Lakeview Road.



Facing south from Lakeview Road towards subject property.



Facing west from subject property along Dempsey Street.



Facing north across Lakeview Road towards cemetery.



Facing southeast towards subject property from Lakeview Road.



Facing northeast towards subject property from Dempsey Street.

**848 Dempsey Street  
FLD2024-04010**