



## PLANNING & DEVELOPMENT DEPARTMENT COMMUNITY DEVELOPMENT BOARD STAFF REPORT

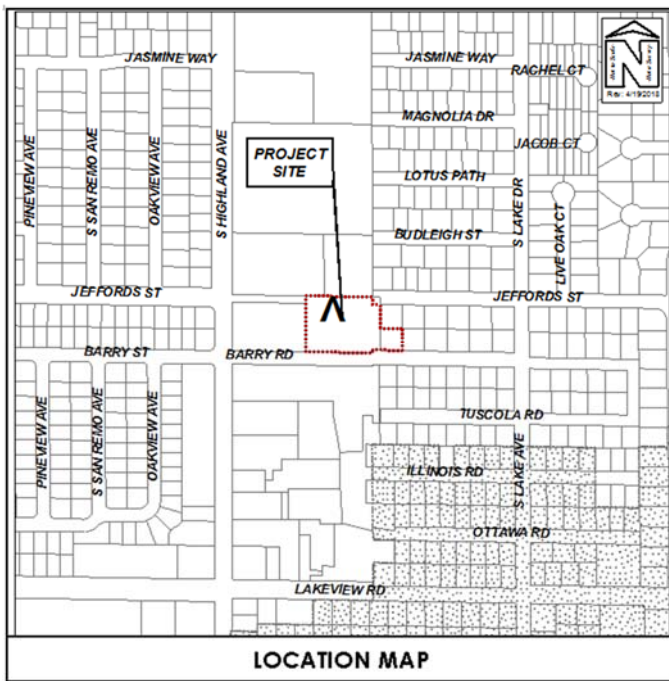
<b>MEETING DATE:</b>	September 18, 2018
<b>AGENDA ITEM:</b>	E.3.
<b>CASE:</b>	REZ2018-02001
<b>REQUEST:</b>	To amend the Zoning Atlas designation from Office (O) and Low Medium Density Residential (LMDR) Districts to Institutional (I) District
<b>GENERAL DATA:</b>	
<i>Applicant</i> .....	Todd Pressman
<i>Owner</i> .....	1510 Barry Holdings LLC
<i>Location</i> .....	1510 Barry Road, located on the north side of Barry Road approximately 650 feet east of South Highland Avenue
<i>Property Size</i> .....	2.137 acre property

### Background:

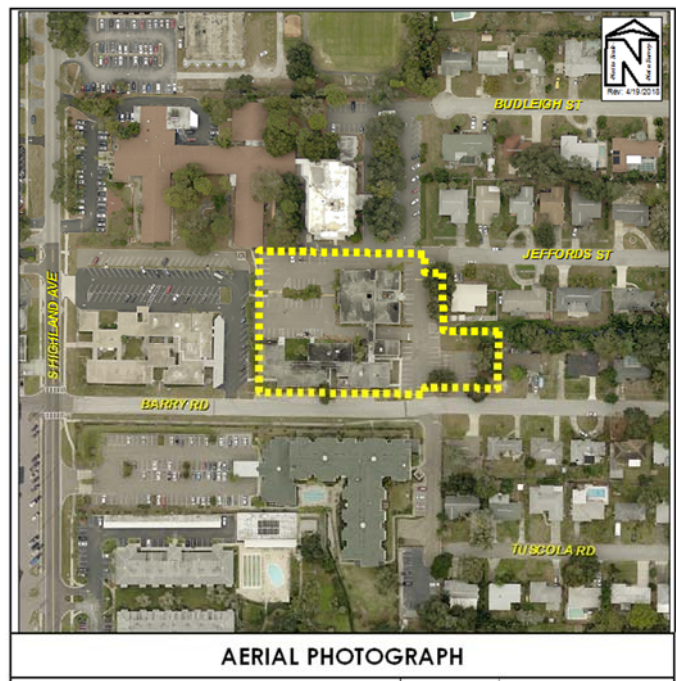
This case involves a 2.137 acre property consisting of three parcels located on the north side of Barry Road approximately 650 feet east of South Highland Avenue. The property is owned by 1510 Barry Holdings LLC and is occupied by vacant buildings totaling 26,238 square foot with ancillary off-street parking that was last used as an office (Tampa Bay Computer Society) in 2015. The proposed amendment area has frontage on Barry Road (430 feet) and Jeffords Street terminates at the northeast corner of the site. Stevenson Creek enters the property from the east as an open channel and is then undergrounded into culverts at the east property line and extends under the property. The majority of the property (1.92 acres) is Office (O) Zoning District while only a small portion (0.238 acres) on the east is Low Medium Density Residential (LMDR) District. Maps 1 and 2 show the general location of the property and an aerial view of the proposed amendment area.

The existing office was constructed in 1965 and is vacant. The applicant submitted an application for site plan review, and indicated the intended use is a half-way house; however, the application was withdrawn at the applicant's request (FLD2018-03009). The property has two prior site plan approvals (FLD2013-02003, FLD2016-11036) for an educational facility and an assisted living facility (ALF), respectively. Building construction permits (BCP2015-10344, BCP2016-09425) were issued for the improvements for the ALF, but were later voided. The property is in the AE flood zone and the applicant had indicated through the site plan application that the existing structures will be renovated, but improvements will remain below 50% of the FEMA Substantial Improvement/Substantial Damage assessment. The Pinellas County Property Appraiser's

website lists this as \$468,481 for the buildings as of August 8, 2018. This limits the improvements to the buildings to \$234,240. The property has an active stop work order (SWO2018-03025) and an active unsafe building (UNS2018-00006) violation as well as code violations. These include public nuisance case PNU2018-00181 for an unsecure structure, which was remediated by the City in 2018 with a lien of \$2,392.25 PNU2017-01340 for an abandoned building which is actively accruing liens and as of July, 2018 has liens over \$95,000. The proposed halfway house use is not allowed within the property’s current zoning district and is only permitted in the Institutional (I) District. The request is to change the Zoning Atlas designation for the proposed amendment area from Office (O) and Low Medium Density Residential (LMDR) Districts to the Institutional (I) District to accommodate the use of a halfway house. A request to amend the future land use category of the proposed amendment area from Residential/Office General (R/OG) and Residential Urban (RU) to Institutional (I) is being processed concurrently with this case (see LUP2018-02002).



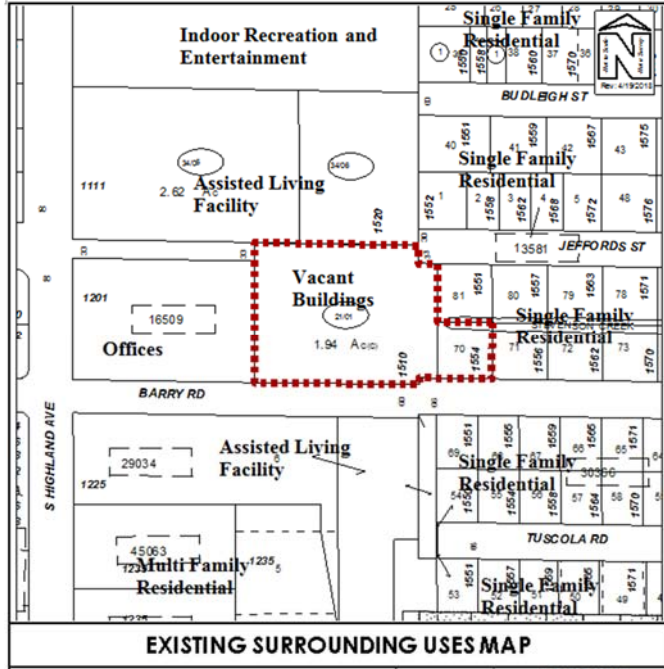
Map 1



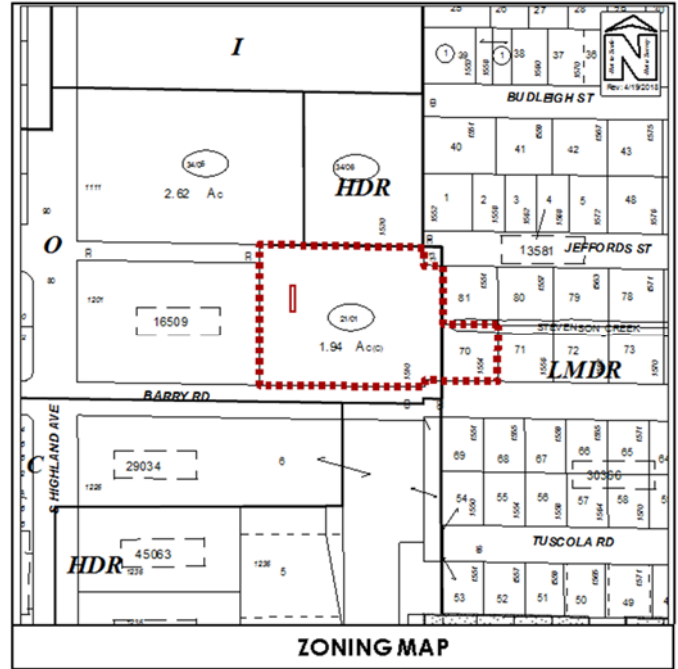
Map 2

**Vicinity Characteristics:**

Map 3 shows the existing surrounding uses. The immediate area to the northwest is developed with an ALF (Highland Pines Rehabilitation) to the north is a vacant ALF (Highland Terrace Retirement) and the area to the northeast across Jeffords Street consists of single-family houses. Abutting to the east are single-family homes. To the southeast across Barry Road are single-family homes; to the south and southwest across Barry Road is an ALF (Pine Berry Senior Apartments). The area to the west consists of offices.



Map 3



Map 4

As shown on Map 4, the abutting Zoning Atlas designations are Office (O) District to the west and northwest, High Density Residential (HDR) to the north and Low Medium Density Residential (LMDR) to the east. To the northeast, across Jeffords Street, and to the southeast across Barry Road, is Low Medium Density Residential (LMDR). To the South across Barry Road is High Density Residential (HDR) and Commercial (C). The surrounding vicinity to the east is primarily Low Medium Density Residential (LMDR), but to the north, south and west along South Highland Avenue is a mix of Institutional (I), Office (O), Commercial (C), and High Density Residential (HDR).

**REVIEW CRITERIA:**

**Consistency with the Clearwater Comprehensive Plan and Community Development Code and Regulations [Sections 4-602.F.1]**

**Recommended Findings of Fact:**

*The following goal, objectives and policies of the Clearwater Comprehensive Plan are not supportive of the proposed amendment:*

Policy A.5.5.1 Development should be designed to maintain and support the existing or envisioned character of the neighborhood.

Objective A.6.1 The redevelopment of blighted, substandard, inefficient and/or obsolete areas shall be a high priority and promoted through the implementation of redevelopment and special area plans, the construction of catalytic private projects, city investment, and continued emphasis on property maintenance standards.

Objective A.6.2 The City of Clearwater shall continue to support innovative planned development and mixed land use development techniques in order to promote infill development that is consistent and compatible with the surrounding environment.

Policy A.6.2.2 Encourage land use conversions on economically underutilized parcels and corridors, and promote redevelopment activities in these areas.

*Applicable sections of the Community Development Code which are not supportive of the proposed amendment:*

Division 10. Office District, Section 2-1101. Intent and Purpose. The intent and purpose of the Office "O" District is to provide the citizens of the City of Clearwater with convenient access to professional services and high quality jobs throughout the city without adversely impacting the integrity of residential neighborhoods, diminishing the scenic quality of the City of Clearwater or negatively impacting the safe and efficient movement of people and things within the City of Clearwater.

Division 2. Low Medium Density Residential District, Section 2-201. Intent and Purpose. The intent and purpose of the Low Medium Density Residential District ("LMDR") is to ***protect and preserve the integrity and value of existing, stable residential neighborhoods*** of low to medium density while at the same time, allowing a careful and deliberate redevelopment and revitalization of such neighborhoods in need of revitalization or neighborhoods with unique amenities which create unique opportunities to increase property values and the overall attractiveness of the City. (emphasis added)

Division 12. Institutional District, Section 2-1201. Intent and purpose. The intent and purpose of the Institutional "I" District is to establish areas where public and private organizations can establish and operate institutions with a public interest in support of the quality of life of the citizens of the City of Clearwater ***without adversely impacting the integrity of adjacent residential neighborhoods***, diminishing the scenic quality of the City of Clearwater or negatively impacting the safe and efficient movement of people and things within the City of Clearwater. (emphasis added)

Additionally, the Comprehensive Plan Map A-14 identifies the area with "Neighborhood Character Features". In the map attachment it details that this includes "... elements that give neighborhoods their distinct personalities." In addition, in the City's Comprehensive Plan, South Highland Avenue is not identified as a redevelopment corridor, indicating that the Comprehensive Plan supports the area staying generally as-is.

As stated in the introduction to the City's Comprehensive Plan Future Land Use Element, the Goals, Objectives and Policies provide for sustainable redevelopment and infill development, as well as neighborhood preservation, and are "... designed to preserve and enhance community character and quality of life, while ensuring continued economic vitality of the community." The request is not considered a "catalytic project" as identified in Objective A.6.1., above, nor has the property demonstrated compliance with "property maintenance standards". The property is blighted; however, the general area is not and the neighborhood is stable.

The Zoning Atlas depicts spatially where certain types of uses are envisioned to occur. This site is in the transitional area from the more intense designations and uses to the west along South Highland Avenue to the lower density residential neighborhood to the east. Residential zoning districts abutting the subject property include both High Density Residential (HDR) and Low Medium Density Residential (LMDR) districts which are occupied with assisted living facilities and single-family houses, respectively. The Residential/Office General (R/OG) future land use category that is the primary designation of the subject

property is consistent with two different zoning districts – the Office (O) District, which is the current zoning designation, and the Medium Density Residential (MDR) District. Generally, office uses are supported as a transition from more intense commercial to less intense residential uses and is in character with the single family residential neighborhood to the east of the property.

The current mix of zoning districts is sufficient in this area to support the envisioned character of the neighborhood, including the properties along Barry Road and Jeffords Street, the primary frontages on which the subject site is located. The applicant is requesting the map amendment to the Institutional (I) zoning district to accommodate the proposed halfway house use. Properties that are designated with Institutional (I) Districts within the greater surrounding area are along South Highland Avenue and Lakeview Road, both collector roads, not smaller neighborhood streets such as Barry Road. It is appropriate for institutional uses to be on larger roads such as collectors or arterials because they typically generate more traffic than residential uses like those in the immediate area. The proposed Institutional (I) District allows a mix of institutional uses, some of which are not allowed in other zoning districts; however, many of the other uses permitted in the Institutional (I) District which may be more compatible with the surrounding area, such as an ALF, could be achieved through the existing Office (O) District either by right or through a Comprehensive Infill Redevelopment application, as was previously approved for this property. Staff recognizes that that over time, uses may change, but the uses allowed through either of the consistent zoning districts are appropriate and in character with the surrounding residential development.

There is not a need to add institutionally designated property within this area and doing so on this property would be “spot zoning”, which is a term applied to the rezoning of only one or a few lots, at the expense of the zoning scheme as a whole. While the Community Development Code provides a path for individual property owners to request amendments to the Zoning Atlas, review of such requests must consider the achievement of the City’s Goals on balance. This request is not compatible with the area, nor with the vision of the area.

#### Recommended Conclusions of Law:

The request is inconsistent with the goals, objectives and policies of the Clearwater Comprehensive Plan and conflicts with said plan and the Community Development Code as indicated above. Further, the proposal is incompatible with surrounding uses and inconsistent with the character of the surrounding properties and neighborhood.

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

#### Recommended Findings of Fact:

Existing surrounding uses consist primarily of single family residential (detached dwellings) (north, south, east) and offices (west) and ALFs (south, north). The proposed use of the subject property is a halfway house, which is inconsistent with the surrounding properties and neighborhood.

The proposed Institutional (I) zoning district permits a variety of institutional, residential equivalent uses, medical, uses as minimum standard uses. However, the purpose and intent of the Institutional (I) District is to establish areas where public and private organizations can establish and operate institutions with a public interest in support of the quality of life of the citizens of the City of Clearwater without adversely impacting the integrity of adjacent residential neighborhoods, diminishing the scenic quality of the City of Clearwater

or negatively impacting the safe and efficient movement of people and things within the City of Clearwater. The proposed district is not appropriately located. While certain permitted uses in the Institutional (I) District may be compatible with the single-family uses in the area and appropriately placed on a local street like Barry Road or Jeffords Street, these same uses are also already permitted in the existing Office (O) District or in adjacent Districts. The request is not compatible with the surrounding area and may unreasonably affect the use of the properties in the area.

**Recommended Conclusions of Law:**

The proposed Institutional (I) District is not in character with the zoning districts in the area. Further, the proposal is incompatible with surrounding uses and inconsistent with the character of the surrounding properties and neighborhood.

**Sufficiency of Public Facilities [Section 4-602.F.5]**

**Recommended Findings of Fact:**

To assess the sufficiency of public facilities needed to support potential development on the proposed amendment area, the maximum development potential of the property under the present and requested City Future Land Use Map designations were analyzed (see Table 1). Even though this is a Zoning Atlas amendment application, maximum development potential is based on the underlying future land use, so for purposes of this analysis sufficiency of public facilities is based on the future land use map designation.

*Table 2. Development Potential for Existing & Proposed FLUM Designations*

	Present FLUM Designation "R/OG" 1.92 acres	Present FLUM Designation "RU" 0.238 acres	Requested FLUM Designation "I" 2.137 acres	Net Change
Site Area	1.92 AC (83,635.2 SF)	0.238 AC (10,018.8 SF)	2.137 AC (93,097 SF)	
Maximum Development Potential	28 DUs <sup>1</sup> 84 Beds 41,817 SF 0.50 FAR	1 DU 3 Beds 4,007 SF 0.40 FAR	26 DUs 78 Beds 60,513 SF 0.65 FAR	- 3 DUs -9 Beds + 14,689 SF + 0.15 and +0.25 FAR
Notes: 1. Residential uses permitted through consistent Office (O) District as part of mixed-use project, or potentially through a Comprehensive Infill Redevelopment Project				
Abbreviations: FLUM – Future Land Use Map AC – Acres SF – Square feet DUs – Dwelling Units FAR – Floor Area Ratio				

As shown in the table, there is an increase in development intensity (floor area ratio) across the amendment area and a decrease in development density (dwelling units per acre) across the amendment area which would increase demand on most public facilities. The City’s Community Development Code limits development within the Institutional (I) District to nonresidential or residential equivalent uses. The applicant has indicated the proposed use would be a residential equivalent use (halfway house). As previously noted, there is a history of development orders being issued for different uses on this property,

and unfortunately the owner and/or applicant has failed to submit for building permits in the time required and the approvals have expired or building permits issued have been later voided. The following public facilities analysis compares the maximum development potential for the most impactful use allowed in the proposed Institutional (I) future land use category to the maximum development potential of the existing Residential/Office General (R/OG) future land use category developed with a nonresidential use to assess the maximum possible impact on public facilities.

#### *Potable Water*

The change in development potential and proposed use from this amendment would result in an increase in potable water use of up to 4,802 gallons per day. This is determined by taking the potential potable water utilization of the proposed land use developed with the maximum number of residential equivalent units allowed (9,384 gallons per day) and subtracting the potential utilization of a nonresidential use built out to the maximum square footage allowed by the current land use designation (4,582 gallons per day). The City's current potable water demand is 12.61 million gallons per day (MGD). The City's adopted level of service (LOS) standard for potable water service is 120 gallons per day per capita, while the actual usage is estimated at 76 gallons per day per capita (2015 Annual Water Report). The City's 10-year Water Supply Facilities Work Plan (2016-1026 Planning Period), completed in October 2017, indicates that based on the updated water demand projections and other factors, the City has adequate water supply and potable water capacity for the 10-year planning horizon.

#### *Wastewater*

This amendment could also result in the additional generation of 4,780 gallons per day of wastewater. This is determined by comparing the potential wastewater generation of the proposed land use developed with a residential equivalent use (8,446 gallons per day) to the potential wastewater generation of the current land use designation developed with a nonresidential use built out to the maximum square footage allowed by the current land use designation (3,665 gallons per day). The subject property is served by the Marshall Street Water Reclamation Facility, which presently has excess permitted capacity estimated to be 4.6 million gallons per day. Therefore, there is excess sanitary sewer capacity to serve the amendment area.

#### *Solid Waste*

The proposed amendment could result in an increase of 100 tons per year of solid waste generated. This is determined by comparing the amount of waste generated by a school (323.7 tons per year), which is an allowable use within the proposed category and has previously been approved for the property, to that of an office use (123.7 tons per year). All solid waste disposal is handled by Pinellas County at the Pinellas County Waste-to-Energy Plant and the Bridgeway Acres Sanitary Landfill which has significant capacity. Additionally, the City provides a full-service citywide recycling program which diverts waste from the landfill, helping to extend the lifespan of Bridgeway Acres. There is excess solid waste capacity to serve the amendment area.

#### *Parkland*

The City's adopted LOS for parkland acreage, which is 4 acres per 1,000 population, will not be impacted by this proposed amendment. Under both the existing and proposed land use, the LOS citywide will remain at 15.46 acres per 1,000 population.

### *Stormwater*

Site plan approval will be required before the property can be redeveloped. At that time, the stormwater management system for the site will be required to meet all City and SWFWMD stormwater management criteria.

### *Streets*

The subject property is located on the north side of Barry Road, approximately 650 feet east of South Highland Avenue. To evaluate potential impacts to streets, the typical traffic impacts figure (trips per day per acre) in the *Countywide Rules* for the corresponding *Countywide Plan Map* categories (current and proposed) are compared. The current number of trips per day (185 trips) is calculated based on the typical traffic generation numbers for the Office (O) category (89 trips per day per acre) and the Residential Low Medium (RLM) category (67 trips per day per acre). The proposed *Countywide Plan Map* category of Public/Semi-Public (P/SP) (192 trips per day per acre for institutional uses) would increase the number of trips per day to 410 trips per day. This is an increase of 225 trips per day compared to the number of trips under the current designation. This increase in the number of per day may impact both Barry Road and Jeffords Street, which are local streets that serve as the primary means of access to the subject area.

#### Recommended Conclusions of Law:

Based upon the findings of fact, it is determined that although the proposed change will result in increased demand on many public facilities, it will not result in the degradation of the existing levels of service for potable water, sanitary sewer, solid waste, parkland, and stormwater management. The addition of up to 225 trips per day may impact Barry Road and Jeffords Streets, the two local roads providing access to the site.

### **Location of District Boundaries [Section 4-602.F.6]**

#### Recommended Findings of Fact:

Although the proposed location for the Institutional (I) District is consistent with the ownership lines for the parcel, the proposed rezoning would result in spot zoning which would be inconsistent with the neighborhood and would change the zoning pattern for a speculative use. The proposal is incompatible with surrounding uses, inconsistent with the character of the neighborhood, and is not compatible with the vision of the area. The proposal may unreasonable affect the use of properties in the area.

#### Recommended Conclusions of Law:

The District boundaries are appropriately drawn regarding ownership lines, existing improvements and the natural environment. However, the District boundaries are inappropriately drawn regarding location.

### **SUMMARY AND RECOMMENDATION:**

No amendment to the Zoning Atlas shall be recommended for approval or receive a final action of approval unless it complies with the standards contained in Section 4-602.F, Community Development Code. Table 2 below depicts the consistency of the proposed amendment with the standards pursuant to Section 4-602.F:



Table 2. Consistency with Community Development Code Standards for Review

CDC Section 4-602	Standard	Consistent	Inconsistent
F.1	The proposed amendment is consistent with and features the goals, policies and objectives of the <i>Comprehensive Plan</i> and furthers the purposes of this Development Code and other city ordinances and actions designed to implement the plan.		X
F.2	The available uses to which the property may be put are appropriate to the property which is subject to the proposed amendment and compatible with existing and planned uses in the area.		X
F.3	The amendment does not conflict with the needs and character of the neighborhood and the city.		X
F.4	The amendment will not adversely or unreasonably affect the use of other property in the area.		X
F.5	The amendment will not adversely burden public facilities, including the traffic-carrying capacities of streets, in an unreasonably or disproportionate manner.	X	
F.6	The district boundaries are appropriately drawn with due regard to locations and classifications of streets, ownership lines, existing improvements and the natural environment.		X

The proposed use is inconsistent with certain goals and objectives of the Comprehensive Plan. The proposed spot zoning for a speculative use will alter the established zoning scheme to the detriment of the neighborhood. The transition of zoning districts to Institutional (I) District along the neighborhood street of Barry Road does not constitute a preferred or desirable characteristic of this corridor. To the contrary, the existing transition of Office (O) to Low Medium Density Residential (LMDR) is more appropriate for the preservation of neighborhood character.

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

Recommend DENIAL of the Zoning Atlas amendment from Office (O) and Low Medium Density Residential (LMDR) Districts to Institutional (I) District.

Prepared by Planning and Development Department Staff: \_\_\_\_\_

Lauren Matzke, AICP  
Long Range Planning Manager

ATTACHMENTS: Ordinance No. 9151-18  
Resume  
Photographs of Site and Vicinity