

City of Clearwater

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



Meeting Minutes

Thursday, October 18, 2018

5:00 PM

Council Chambers

City Council

Roll Call

Present: 5 - Mayor George N. Cretekos, Vice Mayor Doreen Caudell, Councilmember Hoyt Hamilton, Councilmember Bob Cundiff and Councilmember David Allbritton

Also Present: William B. Horne II – City Manager, Micah Maxwell – 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 5:00 p.m. at City Hall.

2. Invocation – Rev. Dr. Paul Means from Northwood Presbyterian Church

3. Pledge of Allegiance – Vice Mayor Caudell

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 Infant Safe Sleep Awareness Month Proclamation, October 2018 – Judith Warren, Juvenile Welfare Board COO

4.2 Florida City Government Week Proclamation October 22-28, 2018 – Rosemarie Call, City Clerk

5. Approval of Minutes

5.1 Approve the October 4, 2018 City Council Meeting Minutes as submitted in written summation by the City Clerk.

Vice Mayor Caudell moved to approve the October 4, 2018 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 – None.**7. Consent Agenda – Approved as submitted.**

- 7.1 Approve a grant of \$75,000 in General Fund Reserves to be set aside as a commitment for the local government contribution required for applicants to participate in the State of Florida's Low Income Housing Tax Credit Program (LIHTC) for a proposed 72-unit affordable housing development project, identified as Chestnut Trail, by SP Pinellas II LLC and authorize the appropriate officials to execute same. (consent)
- 7.2 Approve settlement of workers' compensation claims 15-000167, 17-000133 and 17-000148 for payment of \$82,500 inclusive of attorney fees and costs for Ronald Neuberger with a general release of all claims and authorize the appropriate officials to execute same. (consent)
- 7.3 Approve a proposal by Construction Manager at Risk Keystone Excavators, Inc. of Oldsmar, Florida in the amount of \$421,014 for site improvements at Countryside Sports Complex located at 3060 McMullen Booth Road and authorize the appropriate officials to execute same. (consent)
- 7.4 Award a construction contract to Odyssey Manufacturing Co. of Tampa, FL in the amount of \$629,200.00 for the Marshall Street and NE WRF Alum Feed System Improvements Project (16-0012-UT); approve Supplemental One work order to Engineer of Record (EOR) Metzger and Willard, Inc. in the amount of \$79,950 and authorize the appropriate officials to execute same. (consent)
- 7.5 Approve the Modification Z0229-1 and Z0229 to the Federally-Funded Subaward and Grant Agreement for public assistance support for Hurricane Irma expenditures and grant authority to the City Manager or designee to enter into, approve and execute same and future modifications for Hurricane Irma expenditures. (consent)
- 7.6 Approve contracts (blanket purchase orders) for Baker and Taylor and Ingram Services for the acquisition of library books and materials for the contract period of October 1, 2018 through September 30, 2019 and authorize the appropriate officials to execute same. (consent)
- 7.7 Approve an increase to Purchase Order No. 18001102 with Ultimate CNG, LLC in the

amount of \$74,100 to provide mobile compressed natural gas services at the Clearwater natural gas filling station and authorize the appropriate officials to execute same. (consent)

- 7.8** Approve a Contract (Purchase Order) renewal to Communications International of Vero Beach, FL, in the amount of \$129,384.00 for the maintenance and repair of the city-wide two-way radio communication system and equipment in accordance with Sec. 2.564(1)(b), Code of Ordinances - Sole Source and authorize the appropriate officials to execute same. (consent)
- 7.9** Approve the purchase of HVAC replacement and repair parts, for an annual not to exceed amount of \$300,000 for Fiscal Year 2018/19, to vendors as listed, in accordance with City Code of Ordinances Section 2.564(1)(d) Other Government Entities Bids, to include other sourced vendors as required, and authorize the appropriate officials to execute same. (consent)
- 7.10** Approve the purchase of various electrical equipment and repair parts from Graybar Electric Co. Inc, not to exceed \$250,000 annually, in accordance with Sec. 2.564(1)(d), Code of Ordinances - Other governmental contracts and authorize the appropriate officials to execute same. (consent)
- 7.11** Award a contract (purchase order) to Tampa Bay Trane, in the amount of \$380,096 to replace chiller at Main Library, per proposal JAY-092118-01, in accordance with Sec. 2.564(1)(d), Code of Ordinances - Other governmental contracts and authorize the appropriate officials to execute same. (consent)
- 7.12** Request for authority to settle the case of Precon Corporation v. Westfield Insurance Company, et al., Case No. 17-002462 for \$143,678.53. (consent)

Councilmember Cundiff moved to approve the Consent Agenda and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

The Council recessed from 5:54 p.m. to 6:00 p.m. (Vice Mayor Caudell did not return to Chambers).

Public Hearings - Not before 6:00 PM

8. Administrative Public Hearings

- 8.1** 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 3108 Johns Parkway, together with abutting right-of-way of Johns Parkway; and pass Ordinances 9183-18, 9184-18, and 9185-18 on first reading. (ANX2018-07011)

This voluntary annexation petition involves a 0.193-acre property consisting of one parcel of land occupied by a single family dwelling. The parcel is located on the north side of Johns Parkway approximately 180 feet east of North McMullen Booth Road. The property is located within an enclave and is contiguous to existing city boundaries to the north and south. The Development Review Committee is proposing that the 0.005 acres of abutting Johns Parkway not currently within city limits also be annexed. It is proposed that the property be assigned a Future Land Use Map designation of Residential Urban (RU) and be assigned a Zoning Atlas designation 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 Pinellas County. The closest sanitary sewer line is located in the adjacent Johns Parkway right-of-way. The applicant is aware of the required sanitary sewer impact and assessment fees that must be paid in full prior to connecting to the City's sanitary sewer system and of the additional costs to extend City sewer service to the property. Collection of solid waste 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 this property by Station 49 located at 565 Sky Harbor Drive. The City has adequate capacity to serve this property with sanitary sewer, solid waste, police, fire and EMS service. The property will continue to receive water service from Pinellas 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 Urban (RU) Future Land Use Map category to be assigned to the property is consistent with the current Countywide Plan designation of the property. This 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) District. The use of the subject property is consistent with the uses allowed in the 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 north and south; therefore, the annexation is consistent with Florida Statutes Chapter 171.044.

Councilmember Cundiff 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 3108 Johns Parkway, together with abutting right-of-way of Johns Parkway. The motion was duly seconded and carried unanimously.

Vice Mayor Caudell entered Chambers at 6:02 p.m.

Ordinance 9183-18 was presented and read by title only. Councilmember Hamilton moved to pass Ordinance 9183-18 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretokos, Vice Mayor Caudell, Councilmember Hamilton, Councilmember Cundiff and Councilmember Allbritton

Ordinance 9184-18 was presented and read by title only. Councilmember Allbritton moved to pass Ordinance 9184-18 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretokos, Vice Mayor Caudell, Councilmember Hamilton, Councilmember Cundiff and Councilmember Allbritton

Ordinance 9185-18 was presented and read by title only. Vice Mayor Caudell moved to pass Ordinance 9185-18 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretokos, Vice Mayor Caudell, Councilmember Hamilton, Councilmember Cundiff and Councilmember Allbritton

- 8.2** Approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and Drainage Feature Overlay and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 2780 North Terrace Drive and pass Ordinances 9196-18, 9197-18 and 9198-18 on first reading. (ANX2018-07013)

This voluntary annexation petition involves 0.247 acres of property consisting of one parcel of land occupied by a single-family dwelling. The parcel is located on the northwest corner of North Terrace Drive and El Trinidad Drive East. The applicant is requesting annexation in order to receive sanitary sewer and solid waste service from the City. The property is located within an enclave and is contiguous to existing city boundaries to the north, south and east. It is proposed that the property be assigned Future Land Use Map designations of Residential Low (RL) and Drainage Feature Overlay and be assigned a Zoning Atlas designation 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 Pinellas County. The closest sanitary sewer line is located in the adjacent North Terrace Drive right-of-way. The applicant has paid the sewer impact and assessment fees in full and is in the process of connecting to the sewer system. Collection of solid waste 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 this property by Station 48 located at 1700 North Belcher Road. The City has adequate capacity to serve this property with sanitary sewer, solid waste, police, fire and EMS service. The property will continue to receive water service from Pinellas 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 to be assigned to the property is consistent with the Countywide Plan designation. This designation primarily permits residential uses at a density of 5 units per acre. The Drainage Feature Overlay recognizes the drainage feature along the northern property boundary. The proposed zoning district to be assigned to the property is Low Medium Density Residential (LMDR). The use of the subject property is consistent with the uses allowed in the 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 north, south and east; therefore, the annexation is consistent with Florida Statutes Chapter 171.044.

Councilmember Cundiff moved to approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and Drainage Feature Overlay and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 2780 North Terrace Drive. The motion was duly seconded and carried unanimously.

Ordinance 9196-18 was presented and read by title only. Councilmember Hamilton moved to pass Ordinance 9196-18 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Caudell, Councilmember Hamilton, Councilmember Cundiff and Councilmember Allbritton

Ordinance 9197-18 was presented and read by title only. Councilmember Allbritton moved to pass Ordinance 9197-18 on first reading. The motion was duly seconded and upon roll call,

the vote was:

Ayes: 5 - Mayor Cretekos, Vice Mayor Caudell, Councilmember Hamilton, Councilmember Cundiff and Councilmember Allbritton

Ordinance 9198-18 was presented and read by title only. Vice Mayor Caudell moved to pass Ordinance 9198-18 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretekos, Vice Mayor Caudell, Councilmember Hamilton, Councilmember Cundiff and Councilmember Allbritton

- 8.3** 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 600 Moss Avenue and pass Ordinances 9199-18, 9200-18 and 9201-18 on first reading. (ANX2018-07014)

This voluntary annexation petition involves 0.224 acres of property consisting of one parcel of land occupied by a single-family dwelling. The parcel is located on the northwest corner of Moss Avenue and Merrill Avenue. The applicant is requesting annexation in order to receive sanitary sewer service from the City and will be connected to the city sanitary sewer as part of the Kapok Terrace Sanitary Sewer Extension Project. The property is located within an enclave and is contiguous to existing city limits to the west and to the east. It is proposed that the property be assigned a Future Land Use Map designation of Residential Low (RL) and be assigned a Zoning Atlas designation 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 is currently awaiting connection to the sewer system. 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 this property by Station 49 located at 565 Sky Harbor Drive. The City has adequate capacity to serve this property with sanitary sewer, solid waste, water, 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 Low (RL) Future Land Use Map category to be assigned to the property is consistent with the Countywide Plan designation. This designation primarily permits residential uses at a density of 5 units per acre. The proposed zoning district to be assigned to the property is Low Medium Density Residential (LMDR). The use of the subject property is consistent with the uses allowed in the 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 and to the east; therefore, the annexation is consistent with Florida Statutes Chapter 171.044.

Councilmember Cundiff 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 600 Moss Avenue. The motion was duly seconded and carried unanimously.

Ordinance 9199-18 was presented and read by title only. Councilmember Hamilton moved to pass Ordinance 9199-18 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Caudell, Councilmember Hamilton, Councilmember Cundiff and Councilmember Allbritton

Ordinance 9200-18 was presented and read by title only. Councilmember Allbritton moved to pass Ordinance 9200-18 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Caudell, Councilmember Hamilton, Councilmember Cundiff and Councilmember Allbritton

Ordinance 9201-18 was presented and read by title only. Vice Mayor Caudell moved to pass Ordinance 9201-18 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretokos, Vice Mayor Caudell, Councilmember Hamilton, Councilmember Cundiff and Councilmember Allbritton

- 8.4** Terminate the Development Agreement between Decade Companies Income Properties (the property owner) and the City of Clearwater, providing for the allocation of 72 units from the Hotel Density Reserve under Beach by Design; adopt Resolution 18-05, and authorize the appropriate officials to execute same. (DVA2009-00001A)

On October 6, 2009 a Development Agreement was made effective between the property owner and the City of Clearwater which provided 72 units from the Hotel Density Reserve (DVA2009-00001/Resolution 09-03).

Section 6.1.3.1 of the Development Agreement required the Property Owner to develop the Property in substantial conformance with the conceptual site plan attached to the Agreement.

Section 6.1.6 provides that all units in the hotel shall be made available to the public as overnight transient hotel guests at all times through the required hotel reservation system. Occupancy in the hotel is limited to a term of less than one month or thirty-one consecutive days, whichever is less. Units in the hotel shall not be used as a primary or permanent residence.

After receiving approval of DVA2009-00001 the applicant submitted the associated site plan for approval as part of a Level II Flexible Development application (FLD2009-03013). This application was approved by the Community Development Board on May 19, 2009. Permits (BCP2011-02294 and BCP2011-02294A, et.al) for site and building construction were submitted on February 18, 2011 and June 10, 2011, respectively. All permits have been listed as completed and a Certificate of Occupancy was issued on November 15, 2012 effectively closing out the project.

The City has determined that the Property Owner has successfully met the obligations of the Agreement and that the development of the Property is consistent with conceptual site plans that were part that Agreement. The applicant has submitted a request to terminate the Development Agreement pursuant to Section 18 of the Agreement. This request was reviewed by the Community Development Board on September 18, 2018 which provided a unanimous recommendation of approval to the City Council. Pursuant to Section 13 of the Agreement notices have been provided to: Decade Companies Income Properties

1355 Bishops Court
Ste 345
Brookfield, WI 53005

Joe Burdette
The Consus Group, LLC
PO Box 4268
Clearwater, FL 33758

Senior Planner Mark Parry said, since the work session, the Legal Department added language clarifying that the applicant has met all of the obligations outlined in the agreement and used all of the units allocated from the hotel density reserve. The City Attorney said the additional language was added to Exhibit B; the change did not impact the resolution.

Councilmember Allbritton moved to terminate the Development Agreement between Decade Companies Income Properties (the property owner) and the City of Clearwater, providing for the allocation of 72 units from the Hotel Density Reserve under Beach by Design. The motion was duly seconded and carried unanimously.

Resolution 18-05 was presented and read by title only.

Councilmember Hamilton moved to adopt Resolution 18-05. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretokos, Vice Mayor Caudell, Councilmember Hamilton, Councilmember Cundiff and Councilmember Allbritton

- 8.5** Deny amendments to the Clearwater Community Development Code to expand the allowance of self-storage warehouses as a flexible standard use, along with use specific standards and minimum off-street parking requirements, in the Regional Center Subdistrict of the US 19 Zoning District where it is currently permitted in the Corridor Subdistrict and do not pass Ordinance 9161-18 on first reading. (TA2018-06003)

Pursuant to Community Development Code Section 4-601.B, amendments to the Code may be initiated by the City Council, the Community Development Coordinator or by any person in conjunction with an application for a development approval. Savelle Clearwater Countryside, LLC, owner of property located at 26489 US Highway 19, submitted an application for a text amendment to allow self-storage warehouses in the Regional Center Subdistrict of the US 19 Zoning District, along with the required development

application, as the owner has a pending purchase agreement with Broome Capital, a real estate investment and development company that pursues infill self-storage development opportunities. The original proposed text amendment was presented to the Community Development Board at its August 21, 2018 meeting. Prior to the Board making a recommendation, the applicant requested a continuance in order to revise the ordinance to address the Board's concerns. The applicant submitted a revised text amendment for consideration by the Community Development Board at its September 18, 2018 meeting at which time the Board unanimously recommended denial.

At present, self-storage warehouses are allowed as a flexible standard use in the Corridor Subdistrict of the US 19 zoning district. Proposed Ordinance 9161-18 would expand the allowance of this use by also permitting it in the Regional Center Subdistrict as a flexible standard use and would establish the following use specific and parking standards.

- Allow use along Street Frontage Type C
- Require 100% of ground floor frontage and 20% of the total ground floor area to be occupied by retail, restaurant, and/or office uses not associated with the self-storage warehouse use
- Require access to all storage units from the building interior
- Prohibit outdoor storage
- Require one parking space/150 storage units (Corridor Subdistrict standard was one space/20 units +2 spaces for manager's office)

The US 19 Regional Center subdistrict is the most intensive subdistrict in the District and was created to support mixed-use development with an emphasis on employment-intensive and transit supportive uses. Warehouses were deliberately excluded because they do not meet those goals as they do not generate activity and result in dead spaces; they provide for low-average wages and have extremely limited employment generation. Because there is a recognized community desire for self-storage, the US 19 District provided a place for it in the Corridor Subdistrict. This subdistrict is more suited for the use due to the locational characteristics of the subdistrict and the fact the planned level of pedestrian activity and compact development is significantly less than in the Regional Centers.

The proposed text amendment to the Community Development Code is inconsistent with goals and objectives of Clearwater Greenprint, Clearwater Economic Development Strategic Plan, US 19 Corridor Redevelopment Plan and the Clearwater Comprehensive Plan and is inconsistent with the purposes of the Community Development Code therefore the Planning and Development Department recommends denial. The Community Development Board, after conducting public hearings on August 21 and September 18, 2018, unanimously recommended denial of this proposed text amendment.

Planning and Development Director Michael Delk provided a PowerPoint presentation.

Pinellas County Economic Development Director Mike Meidel said the County has been dealing with the public storage in the unincorporated area. There is approximately 430 acres along US 19 already approved for public storage. He said there is so much cash generated by this industry that they can afford the best retail corners in the county and reason why they are requesting land use changes. Storage units are built on the fact that individuals are always moving, whether downsizing or upgrading housing. Half of the units are rented for less than a year. The demand in Florida is approximately 12 to 15 sq.ft. per person, compared to 7 sq.ft. of public storage per person nationwide. Mr. Meidel said there is currently 5.4 million sq. ft. of public storage in Pinellas County. The average rent nationwide is \$97 per unit, in Pinellas County it is \$150 - \$200 per unit. He said these businesses typically hire 3 to 4 employees, who are paid low wages. Out of state investors benefit from the monies collected through these units. He said the economic benefit for retail center, multi-family apartments, office or industrial space would be greater for the City and region.

In response to questions, Economic Development and Housing Assistant Director Chuck Lane said the economic fiscal impact was based on the storage and retail use components. Planning and Development Assistant Director Gina Clayton said the applicant is proposing 1 parking space per 150 units; 12 parking spaces would be required for the 3,200 sq. ft. of commercial space. She said there will be 17 parking spaces. Most individuals drive up to the self storage facilities, unload and leave.

Applicant Representative Brian Aungst said the cited property has been an economic dead zone for three years. Given its access and parking limitations and limited frontage, it could be an economic dead zone for the next 30 years, which is unreasonable amount of time to keep the property owner off the market. He said the redevelopment of the property will be consistent with the US 19 plan in terms of orientation, transit oriented development, and pedestrian oriented development. He said the Applicant is a local company. The self storage facility will be a high-quality product with real windows. Mr. Aungst said that Community Development Board supported the amendment if it was restricted to the subject property. He said the proposed text amendment has been amended to address most concerns raised by Council and staff. The proposed amendment requires 100% of the US 19 frontage to be active non-self storage related use (office, retail and restaurant) and limited C districts that do not have any other frontage. In order to redevelop this property as an office at 88,000 sq. ft., 352 parking spaces will be needed. The idea that this

property could be redeveloped as office, retail or restaurant at 2.5 FAR, with the required 352 parking spaces, is not realistic. He said the current site plans depicts 18 parking spaces; if the item before Council passes, the site plan will be amended to comply with the updated code. Mr. Aungst said the proposed amendment would impact 2 sites, totaling 1.63 acres.

Ms. Clayton said the City of St. Petersburg recently amended their code due to the onslaught of self storage in their activity centers and limit them to 25% of floor area. Staff mapped a 3-mile radius and identified 19 self storage facilities within the radius. The City of Tampa amended their code to require in the Channelside District two uses; one of which has to be residential and no more than 40% of the project can be occupied by the self storage use. She said the item presented to Council depicts a self storage facility that is the main use; other municipalities in the county are trying to limit the impact of self storage facilities in their activity centers by making them an accessory project.

Mr. Aungst said representatives from Centennial Bank has conveyed the property was purchased in 2017 for \$3.2 million and invested \$200,000 for renovations and are not looking for additional space.

Councilmember Hamilton moved to approve amendments to the Clearwater Community Development Code to expand the allowance of self-storage warehouses as a flexible standard use, along with use specific standards and minimum off-street parking requirements, in the Regional Center Subdistrict of the US 19 Zoning District where it is currently permitted in the Corridor Subdistrict. The motion was duly seconded.

Discussion ensued with support expressed for the Applicant's proposed amendment. Concerns were expressed that the proposed amendment does not provide enough parking, the economic impact will be far less than other uses and that the US 19 Plan was recently amended and needs an opportunity to work.

Upon the vote taken, the motion carried with the following vote:

Ayes: 3 - Vice Mayor Caudell, Councilmember Hamilton and Councilmember Allbritton

Nays: 2 - Mayor Cretokos and Councilmember Cundiff

Ordinance 9161-18 was presented and read by title only. Vice Mayor Caudell moved to pass Ordinance 9161-18 on first reading. The motion was duly seconded.

Councilmember Hamilton moved to amend Ordinance 9161-18 as follows:

On page 3 of the ordinance, Section B-303.A. Table 2 is amended to read as follows to add parcel size limitations to self-storage warehouses in the Regional Center Subdistricts:

Section B-303. - Permitted uses and parking.

A) Use and Parking Table

Permitted uses and approval levels by Subdistricts, along with parking requirements, are listed in Table 2. Use and Parking. Active uses are required at identified key corners, as defined in Section B-303.B.

Table 2. Use and Parking					
Use	Regional	Neighborhood	Corridor	Use Specific Standards	Minimum Off-Street Parking Spaces
Self-storage warehouse	<u>FLS</u> X	X	FLS	<p>1. <u>In the Corridor Subdistrict, Access doors to individual storage units are located within a building or are screened from view from adjacent property or public rights-of-way by landscaped walls or fences located no closer to the property lines of the parcel proposed for development than five feet.</u></p> <p>2. <u>Self-Storage may be permitted in the Regional Center Subdistrict provided the following is met: Such use shall only be located on parcels of .75 acres to .9 acres in size that existed on or before October 17, 2018 with Street Frontage Type C that do not have any other Street Frontage Type; 100% of the ground floor frontage and a minimum of 20% of the total ground floor area shall include fully-enclosed building space, occupied by retail, restaurant, and/or office uses not associated with the self-storage use; access to all storage units shall be from the building interior; and outdoor storage shall be prohibited.</u></p>	<p><u>1/150 4/20 self-storage units. plus 2 for manager's office</u></p> <p><u>4/1,000 sf of non-storage use as required for Self-storage warehouse in the Regional Center.</u></p>

Footnotes:

1. The parcel proposed for development is not contiguous to a parcel of land which is designated as residential in the Zoning Atlas.
2. The parcel proposed for development is not located within 500 feet of a parcel of land used for purposes of a place of worship or a public or private school unless the intervening land uses, structures or context are such that the location of the use is unlikely to have an adverse impact on such school or use as a place of worship.

Key:

- BCP = Level 1 Minimum Standard (Building Construction Permit).
FLS = Level 1 Flexible Standard Development (Community Development Coordinator approval required).
FLD = Level 2 Flexible Standard Development (Community Development Board approval required).
X = Not Allowed

The motion was duly seconded.

In response to questions, Mr. Delk said the applicant will have to achieve site plan approval for the proposed project. Ms. Clayton said the applicant would have to meet the parking requirement outlined in the ordinance (1 parking space for every 150 storage units plus 4 parking spaces for every 1,000 sq. ft. of commercial space). The City Attorney said the motion to amend pertains to the size of the property.

Upon the vote being taken, the motion carried with the following vote:

Ayes: 3 - Vice Mayor Caudell, Councilmember Hamilton and Councilmember Allbritton

Nays: 2 - Mayor Cretokos and Councilmember Cundiff

Upon roll call, the motion to pass Ordinance 9161-18, as amended, on first reading carried with the following vote:

Ayes: 3 - Vice Mayor Caudell, Councilmember Hamilton and Councilmember Allbritton

Nays: 2 - Mayor Cretokos and Councilmember Cundiff

- 8.6** Approve amendments to the Clearwater Community Development Code repealing and replacing Chapter 51 Flood Damage Prevention and amending Chapter 47 Buildings and Building Regulations to adopt new floodplain management regulations utilizing the Florida Department of Emergency Management's (FDEM) model ordinance and pass Ordinance 9189-18 on first reading. (TA2018-07004)

Proposed Ordinance 9189-18 represents the first significant update to the City of Clearwater's floodplain management regulations since they were adopted in 1980. The City manages and regulates activities and development in its

floodplains through provisions in Community Development Code Chapter 51. Flood Damage Prevention, and to a lesser degree in Chapter 47. Buildings and Building Regulations. Since then, a few minor amendments have been made, but most of the regulations remain unchanged.

The primary reason for updating the floodplain management regulations is to ensure that the City's regulations comply with and are consistent with the *Florida Building Code* (FBC). The Florida Department of Emergency Management (FDEM) developed a model ordinance approved by The Federal Emergency Management Agency (FEMA) which incorporates the updated FBC requirements that became effective with the 2010 edition and satisfies the requirements of the National Flood Insurance Program. Proposed Ordinance 9189-18 also addresses city-specific needs by including additional requirements for the purposes of participating in the Community Rating System (CRS) and to gain points and reduce flood insurance rates.

Chapter 51. Flood Damage Prevention

The new Chapter 51 is organized into three Articles, as summarized below:

Article I. Administration:

- Includes general provisions such as scope and intent of the Floodplain Management Ordinance and a disclaimer of liability;
- Establishes that the chapter applies to flood hazard areas, and details the duties and powers of the Floodplain Administrator, which is the Community Development Coordinator;
- Requires permits for any development activity within the scope of the Ordinance;
- Sets forth exemptions, application procedures, site plan requirements, rules for inspections, and the process for variances; and
- Establishes what constitutes a violation.

Article II. Definitions:

- Includes the definitions for terms that specifically apply to this Ordinance, adding numerous new definitions to the Ordinance, deleting certain terms no longer applicable or referenced within, and making some substantial modifications to terms in the section.

Article III. Flood Resistant Development:

- Establishes the requirements for flood resistant development including limitations on development specifically in floodways, isolated wetlands and preservation areas, as well as where compensatory excavation is required for development outside of floodways;
- Includes additional requirements for buildings, structures and facilities that would otherwise be exempt from the FBC;

- Sets forth requirements for subdivisions, site improvements and utilities, manufactured homes, recreational vehicles and park trailers, the placement of underground and above-ground tanks, and hazardous materials; and
- Includes general requirements for other development including fences, retaining walls, sidewalks, roads and watercourse crossings, parking pads, enclosed floors landings, decks and similar nonstructural uses, nonstructural fill, in both regulatory floodways and coastal high hazard areas.

Chapter 47 Buildings and Building Regulations

Proposed changes to Chapter 47 include certain amendments to existing language as well as the addition of a new section as follows:

- Updates language to bring consistency between this chapter and the proposed changes to Chapter 51, specifically regarding minimum floor elevations as well as adoption and enforcement;
- Adds a new section containing administrative and technical amendments to the FBC addressing multiple disciplines (e.g., Residential, Existing Building, and Building) to be consistent with the amendments of Chapter 51, including requiring declaration of land restriction (nonconversion agreement) for residential (one- and two-family) buildings; revisions to substantial improvement definition to incorporate when the one-year period begins, bringing consistency throughout City codes; removing exception in ASCE 24 by disallowing stem walls in Coastal A Zone; amending elevation requirements to require elevation to or above the base flood elevation plus two feet, where one foot was previously required; and requiring open foundations in the Coastal A zone.

Higher CRS-Related Standards

As mentioned previously, Proposed Ordinance 9189-18 includes certain “higher standards”, which are not required but if adopted, they would make the City eligible for additional CRS points. The proposed increase to the design flood elevation (often referred to as freeboard) was discussed with City Council at its November 13, 2017 Work Session, while the standard regarding the Coastal A Zone is newly proposed for City Council consideration.

FEMA recently released updated preliminary Flood Insurance Rate Maps (FIRMs) for Pinellas County, which are anticipated to be effective sometime in 2019. The preliminary FIRMs identify the Coastal A Zone, which is an area where waves can reach between 1.5 and 3 feet in height (the V Zone includes areas where waves are 3+ feet in height). FEMA uses a line called the Limit of Moderate Wave Action (LiMWA) to identify these Coastal A Zones [see first FEMA Fact Sheet (Coastal Flood Risk Information and the Limit of Moderate

Wave Action)]. Coastal A Zones have not previously been depicted on the FIRMs for this region.

Specifically, Ordinance 9189-18 proposes to apply the same limitations applicable to the V Zone to the Coastal A Zone, which is a recommended best practice, including the prohibition of floodproofing as an option for commercial structures. FEMA has found that wave heights as small as 1.5 feet can cause significant damage to coastal structures not built to withstand these hazards, and although it does not impose requirements based on the LiMWA line, FEMA encourages building to V Zone standards within the Coastal A Zone. This would yield the greatest number of CRS points to the community, but there are other options that would also qualify for a lower number of CRS points which City Council could consider. These are summarized in the second FEMA Fact Sheet (Using the Limit of Moderate Wave Action (LiMWA) to Build Safer and Stronger Coastal Communities).

The Coastal Construction Code for Pinellas County already establishes “Zone 2” which is the area extending 300 feet landward of the coastal construction control line. The FBC establishes higher standards for construction within this Zone, such as requiring pilings and break-away walls, similar to the requirements for construction within the V Zone; however, there may be opportunities for floodproofing within Zone 2 which is prohibited in the V Zone. While there is likely significant overlap between the Zone 2 and portions of the new Coastal A Zone area on the beach, there are also portions of the beach outside of Zone 2 and the mainland waterfronts that will have the Coastal A Zone applied. Staff will provide maps of FEMA’s preliminary Coastal A Zone to City Council at Work Session.

The Planning & Development Department has determined that the proposed text amendments to the Community Development Code are consistent with and further the goals, objectives and policies of the Comprehensive Plan and the Community Development Code as outlined in the staff report. The Community Development Board (CDB) unanimously approved the proposed amendments at its regularly scheduled meeting on September 18, 2018.

Planning Manager Lauren Matzke provided a PowerPoint presentation.

In response to a question, Environmental Specialist Sarah Kessler said collapsible walls are still allowed.

Councilmember Cundiff moved to approve amendments to the Clearwater Community Development Code repealing and replacing Chapter 51 Flood Damage Prevention and amending

Chapter 47 Buildings and Building Regulations to adopt new floodplain management regulations utilizing the Florida Department of Emergency Management's (FDEM) model ordinance. The motion was duly seconded and carried unanimously.

Ordinance 9189-18 was presented and read by title only. Councilmember Hamilton moved to pass Ordinance 9189-18 on first reading. The motion was duly seconded.

Councilmember Allbritton moved to amend Ordinance 9189-18 as follows:

On page 24 of the ordinance, Sec. 51.1502 is amended to read as follows to add references to Coastal A Zones:

Sec. 51.1502. Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 51.1503 shall:

- (1) Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas and Coastal A Zones, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.**
- (2) Not be permitted in coastal high hazard areas (Zone V) and Coastal A Zones.**

On page 27 of the ordinance, Sec. 47.005 is amended to read as follows to delete certain language, thereby establishing minimum floor elevation of one foot where applicable through this provision:

Sec. 47.005. - Minimum floor elevation.

- (1) The minimum floor elevation for new buildings or additions to existing buildings shall be:**
 - (a) One foot above the crown of the pavement abutting the building site ~~for the lowest floor, and six inches~~ for all floors buildings and structures not considered the lowest floor as defined by section 51.03, City Code of Ordinances subject to the requirements of Chapter 51 Community Development Code or the *Florida Building Code*; ~~or~~**
 - (b) Set by the city engineer for new developments or unusual building sites if the elevation exceeds the requirements of the *Florida Building Code*.; ~~or~~**
 - (c) ~~Set by the flood insurance rate maps.~~**

The motion was duly seconded and carried unanimously.

Upon roll call, the motion to pass Ordinance 9189-18, as amended, on first reading carried with the following vote:

Ayes: 5 - Mayor Cretkos, Vice Mayor Caudell, Councilmember Hamilton, Councilmember Cundiff and Councilmember Allbritton

9. Second Readings - Public Hearing

- 9.1** Adopt Ordinance 9176-18 on second reading, amending the future land use plan element of the Comprehensive Plan of the city to change the land use for certain real properties whose post office addresses are 1434 and 1446 North Martin Luther King Jr. Avenue, Clearwater, Florida 33756, from Commercial General (CG) to Residential Medium (RM).

Ordinance 9176-18 was presented and read by title only. Vice Mayor Caudell moved to adopt Ordinance 9176-18 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Caudell, Councilmember Hamilton, Councilmember Cundiff and Councilmember Allbritton

- 9.2** Adopt Ordinance 9177-18 on second reading, amending the Zoning Atlas of the city by rezoning certain real properties whose post office addresses are 1434 and 1446 North Martin Luther King Jr. Avenue, Clearwater, Florida 33756, from Commercial (C) to Medium Density Residential (MDR).

Ordinance 9177-18 was presented and read by title only. Councilmember Cundiff moved to adopt Ordinance 9177-18 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Caudell, Councilmember Hamilton, Councilmember Cundiff and Councilmember Allbritton

- 9.3** Adopt Ordinance 9202-18 on second reading, amending Ordinance 9130-18 which vacated public right-of-way of Damascus Road and vacating an ingress and egress easement.

Ordinance 9202-18 was presented and read by title only. Councilmember Hamilton moved to adopt Ordinance 9202-18 on

second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Caudell, Councilmember Hamilton, Councilmember Cundiff and Councilmember Allbritton

- 9.4** Adopt Ordinance 9203-18 on second reading, amending Ordinance 3547-84, which vacated the west four feet of Garden Avenue right-of-way abutting Court Square Subdivision, to correct the legal description to clarify that the ordinance only vacated the west four feet of Garden Avenue right-of-way abutting only Lots 35 through 39 of Court Square Subdivision.

Ordinance 9203-18 was presented and read by title only. Councilmember Allbritton moved to adopt Ordinance 9203-18 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Caudell, Councilmember Hamilton, Councilmember Cundiff and Councilmember Allbritton

10. City Manager Reports

- 10.1** Ratify and Confirm Change Order Four to Rowland, Inc. of Pinellas Park in the amount of \$412,083.39 for emergency sewer repair associated with the forcemain break on Gulf Boulevard as part of the 2013-14 Sanitary Sewer and Manhole Rehabilitation Project (14-0025-UT) and authorize the appropriate officials to execute same. (consent)

February 5, 2015, City Council awarded a two-year contract, with an option to renew for a two-year term, to Rowland, Inc. for Sanitary Sewer and Manhole Emergency Repairs based on unit prices. The original contract included \$900,000 for emergency repair of the sewer collection system, and \$100,000 for emergency repair related to the three Water Reclamation Facilities (WRFs).

November 3, 2016, the City Council approved Change Order One to add \$750,000 for emergency repair at the WRFs.

January 19, 2017, the City Council Ratified and Confirmed Change Order Two for the emergency repair to a 16-in. forcemain break on Gulf Boulevard in the Sand Key area in the amount of \$339,757.89.

June 29, 2018, the City Manager approved Administrative Change Order Three, in the amount of \$175,000, for point repairs while waiting for the new Emergency Contract to become effective (the new Emergency

Contract was approved by City Council on September 6, 2018).

July 31, 2018, staff reported water coming up at the Sand Key bridge northeast abutment, which the City suspected was a forcemain leaking up through the road surface near the bridge. Emergency status was approved by the City Manager to have Rowland complete the repair.

Change Order Four is for the emergency repair of the forcemain near Sand Key Bridge for a revised contract total of \$2,676,841.28.

Rowland, Inc. has performed excellent work for the City and agreed to hold their competitive unit pricing to continue their work with the City.

APPROPRIATION CODE AND AMOUNT:

3277327-563800-96665 \$412,083.39

A first quarter budget amendment will transfer \$3,000,000 of Utility Renewal and Replacement funding from 96664, WPC Repair and Replacement, to 96665, Sanitary Sewer Repair and Replacement.

Councilmember Hamilton moved to ratify and confirm Change Order Four to Rowland, Inc. of Pinellas Park in the amount of \$412,083.39 for emergency sewer repair associated with the forcemain break on Gulf Boulevard as part of the 2013-14 Sanitary Sewer and Manhole Rehabilitation Project (14-0025-UT) and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

10.2 Nagano 2019 Trip Dates

The City Manager said Item 10.2 is being continued to the next meeting.

11. City Attorney Reports – None.

12. Other Council Action

12.1 City Attorney Evaluation

AND

12.2 City Manager Evaluation

Councilmembers provided their evaluations of the City Attorney and City

Manager.

13. Closing comments by Councilmembers (limited to 3 minutes) – None.

14. Closing Comments by Mayor

Mayor Cretokos reviewed recent and upcoming events.

15. Adjourn

The meeting adjourned at 7:31 p.m.

Attest

Mayor
City of Clearwater

City Clerk