



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

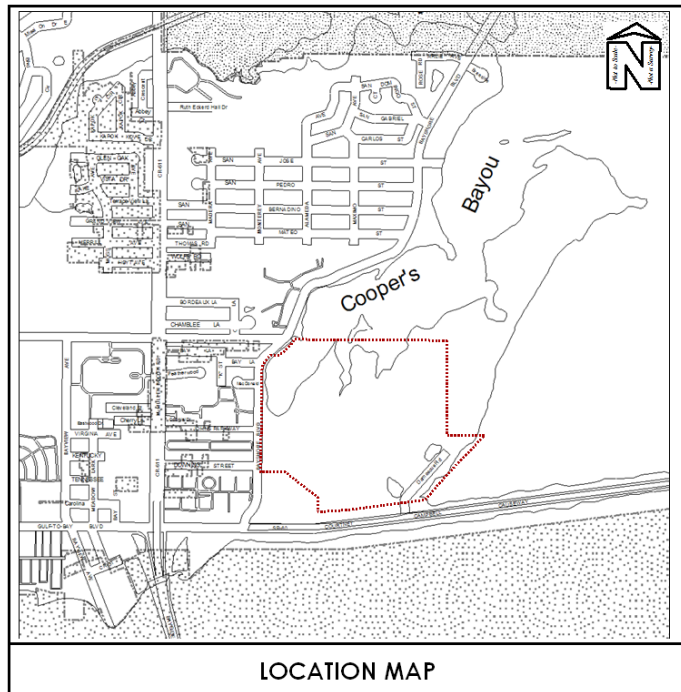
MEETING DATE: April 19, 2016
AGENDA ITEM: G.2.
CASE: LUP2016-03003
REQUEST: To amend the Future Land Use Map from the Institutional (I), Preservation (P), Recreation/Open Space (R/OS), and Water/Drainage Feature categories to the Institutional (I), Commercial General (CG), Preservation (P), Recreation/Open Space (R/OS), Residential Low (RL), and Water/Drainage Feature categories

GENERAL DATA:

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

BACKGROUND:

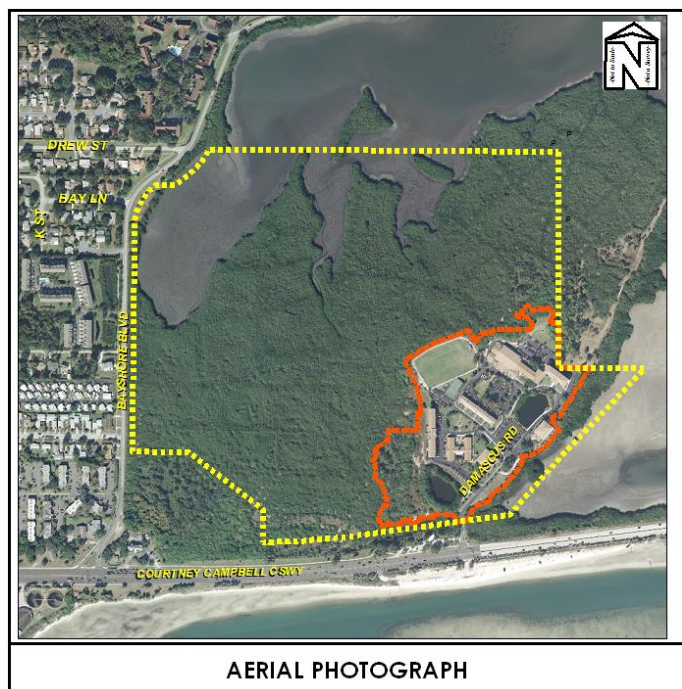
The subject site is comprised of four parcels of land 131.05 acres in area, located on the north side of Gulf-to-Bay Boulevard approximately 900 feet east of Bayshore Boulevard. The City of Clearwater is initiating an amendment to the parcels' Future Land Use Map designations from the Institutional (I),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



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

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

Recently, the City has engaged in contract negotiations to purchase the majority of the subject property designated as Preservation (P) and Water/Drainage Feature on the Future Land Use Map, as well as additional property owned by the college but not part of the original amendment application. Purchasing the property would create an opportunity for the City to provide water quality benefits to Tampa Bay, an impaired waterbody with a federally-recognized Total Maximum Daily Load (TMDL) for Nitrogen, through future water quality improvement projects. While the projects envisioned will differ from those outlined within the agreement as part of the Mitigation Plan, the overall outcome and Bay benefits realized will be the same. The City would like to remove the encumbrances in place through the development agreement prior to purchasing the property from the college. For this reason, the City and college are requesting a mutual, conditional termination of the development



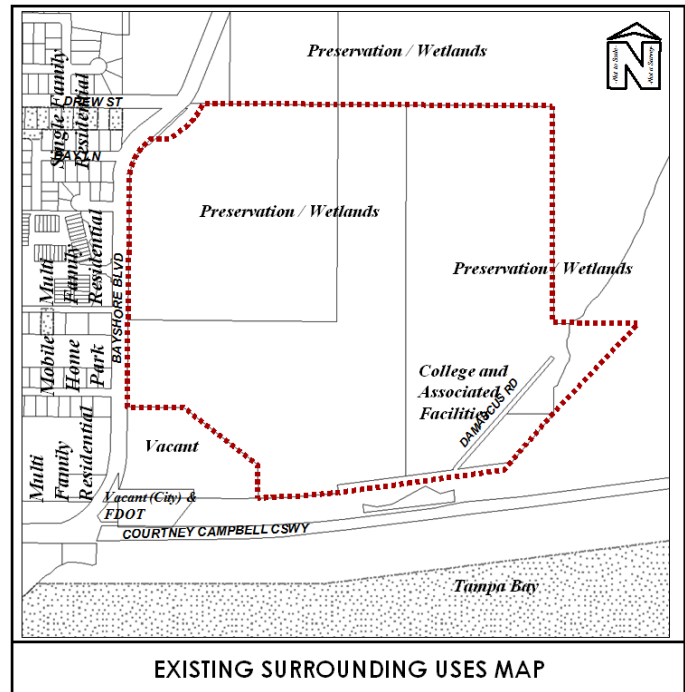
AERIAL PHOTOGRAPH

agreement, conditioned upon the City’s purchase of a portion of the college’s land (request being considered concurrently with this case). The original development agreement states that upon termination, the property shall return to its current [as of the time of execution of the development agreement] future land use and zoning designations. Therefore, the City is initiating amendments to the Future Land Use Map and Zoning Atlas in order to comply with this provision (see concurrent case REZ2016-03003).

ANALYSIS:

Vicinity Characteristics:

The subject property is primarily surrounded by water and wetland areas to the north and east, as part of Coopers Bayou and Tampa Bay, which are designated as Water/Drainage Feature or Preservation (P) on the City’s Future Land Use Map. Properties to the south are primarily designated with the Recreation/Open Space (R/OS) future land use categories. This land includes the Courtney Campbell Causeway (Gulf-to-Bay Boulevard) and the associated FDOT right-of-way, as well as the City’s gateway feature (obelisk) and associated parking. Adjacent to the southwest, parcels are designated with the Commercial General (CG) and Preservation (P) future land use categories. One parcel is developed with a FDOT office, and the others are vacant. Properties to the west across Bayshore Boulevard are developed with attached and detached dwellings, and are designated with several different residential future land use categories, including Residential Urban (RU) and Residential Low Medium (RLM).



A complete listing of the Future Land Use Map designations is shown in Table 1 below. In addition, a comparison between the uses and intensities allowed by the present and proposed Future Land Use Map designations appears in Table 2 and Table 3. In order to provide clarity regarding the request, maps showing the current future land use designations (as approved in October 2010) and the proposed future land use designations are also provided below.

Table 1. Surrounding Future Land Use and Zoning Designations

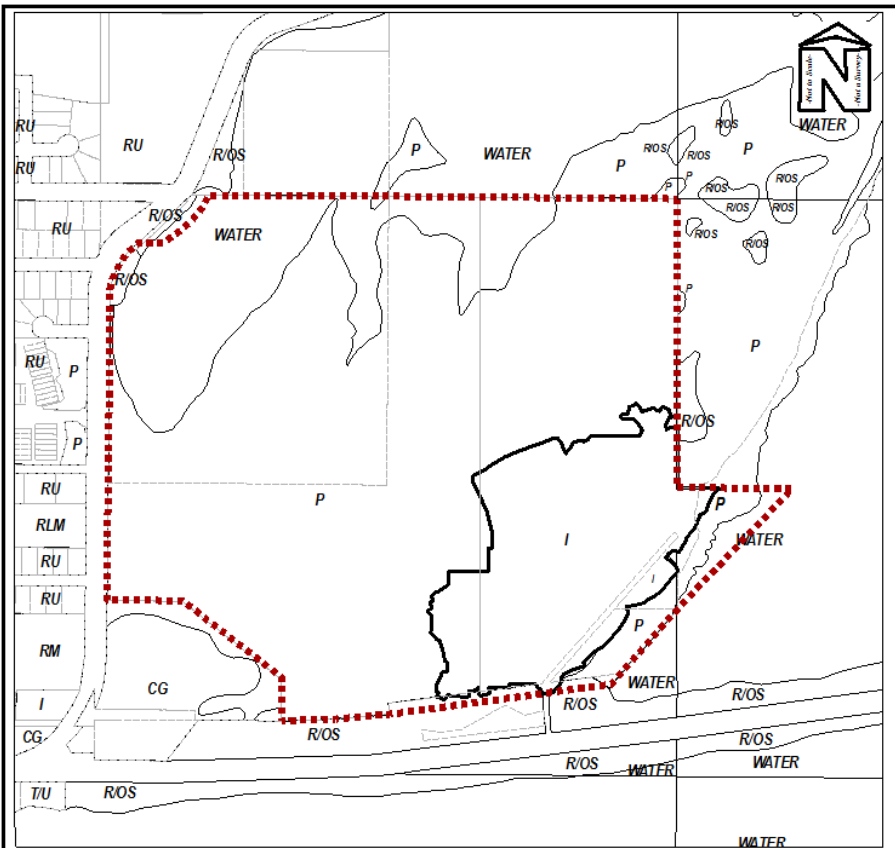
Direction	Existing Conditions		
	Existing Use(s)	FLUM Designation	Zoning Atlas Designation
North:	Wetlands, Coopers Bayou	Preservation (P), Water/Drainage Feature, Recreation/Open Space (R/OS)	Preservation (P), Open Space/Recreation (OS/R)
East:	Wetlands	Preservation (P), Water/Drainage Feature, Recreation/Open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

Table 2. Uses and Intensities Allowed by Present Future Land Use Designations (As approved October 21, 2010)

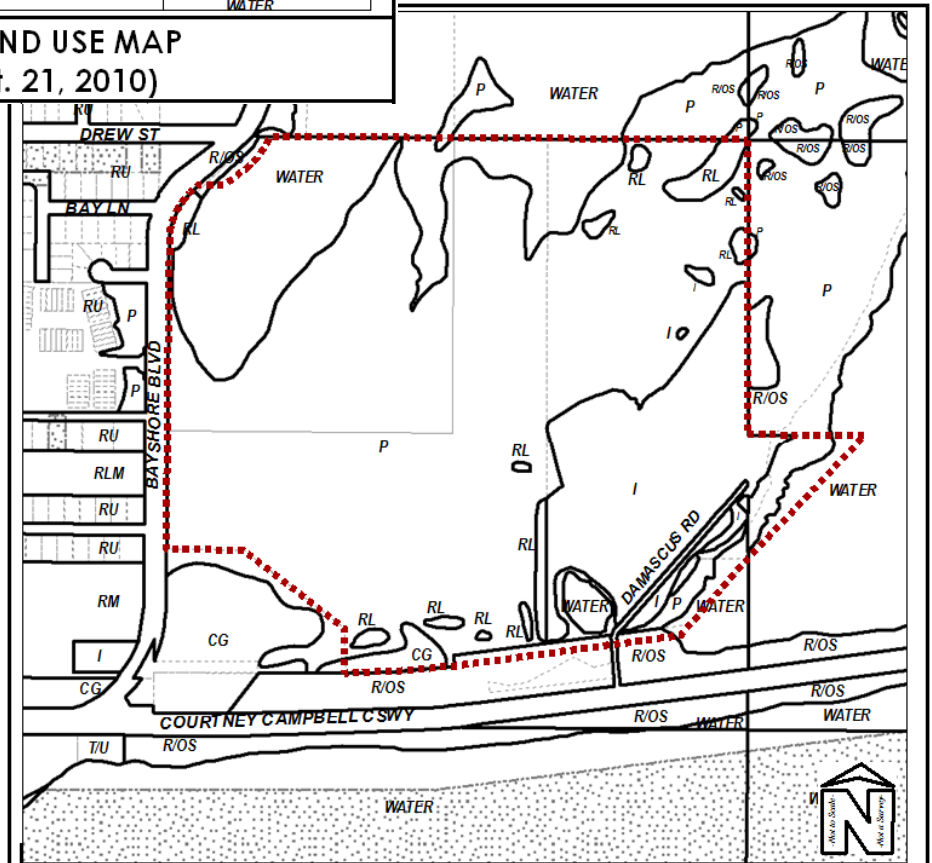
	Institutional (I) (23.07 acres / 1,004,929 ft ²)	Preservation (P) (85.63 acres / 3,730,044 ft ²)	Recreation/Open Space (R/OS) (1.29 acres / 56,192 ft ²)	Water/Drainage Feature (21.12 acres / 919,987 ft ²)
Primary Uses:	Public/Private Schools, Churches	Natural/ Undeveloped Water Feature	Public/Private Open Space, Rec. Facility	Water Body / Drainage Feature
Maximum Density:	12.5 dwelling units/acre (residential equivalent of 3 beds/unit)	No density allocation; transfer of development rights allowed through DVA	No density allocation	No density allocation
Maximum Intensity:	FAR 0.65; ISR 0.85	FAR 0.10; ISR 0.20	FAR 0.25; ISR 0.60	No intensity allocation

Table 3. Uses and Intensities Allowed by Proposed Future Land Use Designations (Consistent with the City's Future Land Use Map prior to October 21, 2010)

	Institutional (I) (19.84 acres / 864,230 ft ²)	Preservation (P) (82.32 acres / 3,585,859 ft ²)	Water/ Drainage Feature (22.87 acres / 996,217 ft ²)	Residential Low (RL) (3.41 acres / 148,539 ft ²)	Commercial General (CG) (1.05 acres / 45,738 ft ²)	Recreation/ Open Space (R/OS) (1.05 acres / 45,738 ft ²)
Primary Uses:	Public/Private Schools, Churches	Natural/ Undeveloped Water Feature	Water Body / Drainage Feature	Low Density Residential	Office, Retail, Personal Service, Hotel	Public/Private Open Space, Rec. Facility
Maximum Density:	12.5 dwelling units/acre (residential equivalent of 3 beds/unit)	No density allocation	No density allocation	5 dwelling units/acre	24 dwelling units/acre; 40 overnight accommoda- tion units/acre	No density allocation
Maximum Intensity:	FAR 0.65; ISR 0.85	FAR 0.10; ISR 0.20	No intensity allocation	FAR 0.40; ISR 0.65	FAR 0.65; ISR 0.85	FAR 0.25; ISR 0.60



CURRENT FUTURE LAND USE MAP
(As Approved Oct. 21, 2010)



PROPOSED FUTURE LAND USE MAP

REVIEW CRITERIA:

No amendment to the Comprehensive Plan or Future Land Use Map shall be recommended for approval or receive a final action of approval unless it complies with the standards contained in Section 4-603.F, Community Development Code. Table 3 below depicts the consistency of the proposed amendment with the standards pursuant to Section 4-603.F:

Table 4. Consistency with Community Development Code Standards

CDC Section 4-603	Standard	Consistent	Inconsistent
F.1	The amendment will further implementation of the <i>Comprehensive Plan</i> consistent with the goals, policies and objectives contained in the Plan.	X	
F.2	The amendment is not inconsistent with other provisions of the <i>Comprehensive Plan</i> .	X	
F.3	The available uses, if applicable, to which the properties may be put are appropriate to the properties in question and compatible with existing and planned uses in the area.	X	
F.4	Sufficient public facilities are available to serve the property.	X	
F.5	The amendment will not adversely affect the natural environment.	X	
F.6	The amendment will not adversely impact the use of property in the immediate area.	X	

RECOMMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Consistency with the Clearwater Comprehensive Plan [Sections 4-603.F.1 and 4-603.F.2]

Recommended Findings of Fact:

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

Wetlands Protection Goal, Objectives and Policies:

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

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

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

may be applicable, including the wetland vegetative buffer requirement of the City’s Community Development Code

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

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

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

Coastal Storm Area Objective and Policy:

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

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

Recommended Conclusions of Law:

The request does not conflict with the goals, objectives and policies of the Clearwater Comprehensive Plan and it supports the plan as indicated in the goal, objectives and policies listed above. The proposed amendment returns the parcels’ designations to those which were previously depicted on the City’s Future Land Use Map. The college decided to no longer pursue a new jurisdictional line which would have allowed, with an approved mitigation plan, impacts certain wetland areas that were designated as Institutional (I) through the 2010 amendment. Although limited portions of those wetlands will be designated with Residential Low (RL), Commercial General (CG), Recreation/Open Space (R/OS), and Institutional (I) as they had previously been designated, there would no longer be a development agreement allowing the property owner to pursue the same impacts to the wetlands. As shown previously in Table 2 and Table 3, the amount of area designated as Preservation (P) and Water/Drainage Feature remains substantially the same. Future development on the uplands portion of the property designated Institutional (I) would need to comply with any restrictions related to its location in the Coastal Storm Area.

Consistency with the Countywide Plan Rules

Recommended Findings of Fact:

The majority of the subject property is proposed to remain designated as Institutional (I), Preservation (P), Water/Drainage Feature, and Recreation/Open Space (R/OS) on the City’s Future Land Use Map. The City’s Institutional (I), Preservation (P) and Recreation/Open Space

(R/OS) future land use designations are consistent with the Public/Semi-Public (P/SP), Preservation (P), and Recreation/Open Space (R/OS) categories within the *Countywide Rules* as updated August 7, 2015. The *Countywide Rules* no longer expressly designate Water/Drainage Features on the *Countywide Map*.

Section 2.3.3.10 of the *Countywide Rules* states that the Public/Semi-Public (P/SP) plan category is intended to recognize institutional and transportation/utility uses that serve the community or region, especially larger facilities having acreage exceeding the thresholds established in other plan categories, and which are consistent with the need, character, and scale of such uses relative to the surrounding uses, transportation facilities, and natural resource features. Section 2.3.3.10 also states that the Public/Semi-Public (P/SP) future land use category is generally appropriate to those locations where institutional uses (such as educational, health, public safety, civic, religious and like uses) and transportation/utility uses (such as air and sea transport terminals, utility installations, major transmission lines, refuse disposal, and public works facilities) are required to serve the community; and to recognize the special needs of these uses relative to their relationship with surrounding uses and transportation access.

Section 2.3.3.12 of the *Countywide Rules* states that the Preservation (P) plan category is intended to recognize natural resource features worthy of preservation and those areas of the county that are now used, or are appropriate to be used, for the conservation, production, and management of the regional potable water supply and the supporting infrastructure, consistent with the natural resources of the area. Section 2.3.3.12 also states that the Preservation (P) future land use category is generally appropriate to those natural resource features it is designed to recognize wherever they may appear and at a size significant to the feature being depicted in relationship to its surroundings. In recognition of the natural conditions which they are intended to preserve, these features will frequently occur in a random and irregular pattern interposed among the other categories.

The college campus site is located on Tampa Bay and is directly accessible from a main entrance off the Courtney Campbell Causeway (Gulf-to-Bay Boulevard) which is designated a Unique/Scenic View Corridor on the Pinellas Planning Council's Scenic Non-Commercial Corridor Map. The site is also adjacent to but not accessible from Bayshore Boulevard. The intent and purpose of the Scenic/Noncommercial Corridor designation is to guide the preservation and enhancement of scenic qualities, to ensure the integrity of the Countywide Plan Map, and to maintain and enhance the traffic operation of these especially significant roadway corridors in Pinellas County. Properties designated in the Unique/Scenic View subclassification are characterized by their unique scenic, cultural, recreational or historic resources and typically classified as Recreation/Open Space (R/OS) or Preservation (P).

The request to amend the Future Land Use Map designation on portions of the site is consistent with the applicable requirements of the *Countywide Rules* Section 6.5.4.1.4. The proposed boundaries for the Public/Semi-Public (P/SP) category are consistent with the area already developed with the college and its facilities, and the amount of area proposed to be designated as Public/Semi-Public (P/SP) is reduced by 3.23 acres. The uses available to this property through the Public/Semi-Public (P/SP) designation are consistent with the character, intensity, and scale of the uses in the surrounding area, including the surrounding Preservation (P) designated areas.

There are wetland areas proposed to be designated with the City's Residential Low (RL) and Commercial General (CG) future land use categories (consistent with the Residential Low Medium (RLM) and Retail & Services (R&S) categories within the *Countywide Rules*), which will result in preservation area being inaccurately designated. These future land use designations are proposed primarily within the area which the City is negotiating to purchase. It is anticipated that the City will utilize the map adjustment process provided for through the *Countywide Rules* (Section 7.3.8.5) and the Community Development Code to later make these consistent with the preservation boundaries.

Recommended Conclusions of Law:

The proposed Future Land Use Map amendment is consistent with the purpose and locational characteristics of the *Countywide Rules*.

Compatibility with Surrounding Properties/Character of the City & Neighborhood [Section 4-603.F.3 and Section 4-603.F.6]

Recommended Findings of Fact:

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

The Courtney Campbell Causeway / Gulf-to-Bay Boulevard is located on the south side of the property. Area within the subject site is primarily wetlands which continue to the north and east. To the west across Bayshore Drive are single and multi-family homes designated with Residential Urban (RU) and Residential Medium (RM) future land use categories. The Residential Urban (RU) future land use category permits 7.5 dwelling units per acre and the Residential Medium (RM) future land use category permits 15 dwelling units per acre. Table 1 includes a complete list of the surrounding uses and future land use designations.

The proposed Institutional (I) future land use category permits 12.5 dwelling units per acre (residential equivalent uses permitted at three beds per acre) and a floor area ratio of 0.65. The proposed Commercial General (CG) future land use category permits 24 dwelling units per acre and a floor area ratio of 0.55, and the proposed Residential Low (RL) category permits 5 dwelling units per acre and a floor area ratio of 0.40. The Preservation (P), Recreation/Open Space (R/OS), and Water/Drainage Feature future land use categories surrounding the Institutional (I) area have very limited or no development potential.

The requested categories are consistent with the surrounding Future Land Use Map designations that exist in the vicinity of the subject parcel. The existing campus is proposed to be designated with the Institutional (I) future land use category, so development would be allowed at a density and scale that is consistent with the residential uses in the vicinity of the subject parcel (across Bayshore Drive).

Recommended Conclusions of Law:

The proposed future land use designations are in character with the overall Future Land Use Map designations in the area. Further, the proposal is compatible with surrounding uses and consistent with the character of the surrounding parcels and neighborhood.

Sufficiency of Public Facilities [Section 4-603.F.4]

Recommended Findings of Fact:

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

At the time of the original amendments, applications for Future Land Use Map and Zoning Atlas amendments were submitted as a combined application (LUZ) and a unified public facilities analysis was completed. The previous analysis compared the development potential of the expanded Institutional area as restricted by the development agreement with that which was allowed through the previous entitlements in this same area.

The 2010 application included a traffic analysis that was approved by the City's Engineering Department; however, Planning and Development staff also completed its own evaluation of the potential impacts to the roadways. To evaluate the potential impacts of the Future Land Use Map amendment, staff evaluated traffic characteristics of the subject property based on the current and proposed Future Land Use Map designations utilizing the traffic generation rates in the *Countywide Rules*. The *Countywide Rules* traffic generation guidelines are the accepted methodology for reviewing the roadway impacts of proposed Future Land Use Map amendments. As previously discussed, the *Countywide Rules* were updated in 2015, and at that time traffic generation figures were updated. The current standard for the purpose of calculating typical traffic impacts relative to an amendment for the Public/Semi-Public category remains 192 trips per day per acre for general institutional uses, consistent with the number utilized in the 2010 analysis on impacts to roadways, but is now 114 trips per day per acre for educational uses. At the time, the proposed Institutional (I) area (26.55 acres, later constricted) was anticipated to create a maximum of 1,321 new trips daily, and add 125 new PM Peak Hour trips along the affected segment of the Courtney Campbell Causeway from the Hillsborough County Line to Bayshore Boulevard. That segment in 2010 was operating and continues to operate at a level of service F peak hour according to the *Pinellas County Metropolitan Planning Organization Level of Service Report* from 2009 and 2015, respectively. It was determined, based upon the findings of fact presented in the staff report for LUZ2010-06002, that the traffic generated by the Future Land Use Map amendment would not degrade the existing level of service on Gulf-to-Bay Boulevard or the operational efficiency of the signalized intersections.

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

This amendment reverts the future land use designations to those in place prior to the 2010 Future Land Use Map amendment. As such, it is expected that the proposed amendment would result in decreased demand on the same facilities previously evaluated. As such, an in depth analysis was not completed at this time.

Recommended Conclusions of Law:

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

Impact on Natural Resources [Section 4-603.F.5]

Recommended Findings of Fact:

This amendment will result in a reduction in the amount of property designated with the Institutional (I), Preservation (P), and Recreation/Open Space (R/OS) future land use categories, and an increase in the amount of property designated with the Commercial General (CG), Water/Drainage Feature, and Residential Low (RL) future land use categories. However, the application of a future land use category other than Preservation (P) on the Future Land Use Map does not automatically allow for impacts to wetlands. The Community Development Code requires that a vegetative buffer shall be provided on all lands within 25 feet of any property designated on the Zoning Atlas as Preservation (P), or any property determined to be wetlands under the jurisdiction of the State of Florida ("jurisdictional wetlands"); and all lands within 15 feet of the top of the bank of any creeks, channels, or related waterways which contain jurisdictional wetlands. Under the approved development agreement, impacts to wetlands will only be allowed upon approval of a mitigation bank or other appropriate mitigation plan, and upgrades to the site's stormwater facilities are required. Upon termination of the agreement, these requirements will be eliminated, but the City's Codes require that any future redevelopment is compliant with the City's tree preservation and storm water management requirements.

Recommended Conclusions of Law:

Based upon the findings of fact, it is determined that the proposed Future Land Use Map amendment will not negatively impact natural resources on the subject parcels.

RECOMMENDATION:

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

Recommend APPROVAL of the request for a Future Land Use Map amendment from Institutional (I), Preservation (P), Recreation/Open Space (R/OS), and Water/Drainage Feature categories to the Institutional (I), Commercial General (CG), Preservation (P), Recreation/Open Space (R/OS), Residential Low (RL), and Water/Drainage Feature categories

Prepared by Planning and Development Department Staff: _____

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Long Range Planning Manager

ATTACHMENTS: Resume
Photographs of Site and Vicinity