



## PLANNING & DEVELOPMENT DEPARTMENT COMMUNITY DEVELOPMENT BOARD STAFF REPORT

**MEETING DATE:** June 21, 2022  
**AGENDA ITEM:** F.2.  
**CASE:** REZ2022-04004  
**REQUEST:** To amend the Zoning Atlas designation from Low Medium Density Residential (LMDR) to Institutional (I)  
**GENERAL DATA:**  
*Agent*..... Todd Pressman, President, Pressman & Associates, Inc.  
*Owner* ..... St. Mary & St. Mina Coptic Orthodox Church  
*Location* ..... 1885 County Road 193 located on the east side of County Road 193 approximately 500 feet south of Sunset Point Road  
*Property Size*..... 2.618 acres

### Background:

This case involves a 2.618-acre property located on the east side of County Road (CR) 193 approximately 500 feet south of Sunset Point Road. A detached dwelling which was constructed in 1973 occupies the site. The subject property was annexed into the City in 2006 by Ordinance No. 7683-06, with Ordinance No. 7684-06 setting the initial future land use category of Residential Low (RL) and Ordinance No. 7685-06 setting the initial zoning designation of Low Medium Density Residential (LMDR). The current owner, St. Mary & St. Mina Coptic Orthodox Church, which is located on the parcel to the south (2930 CR 193), purchased the property in June 2015. The request is to change the Zoning Atlas designation of the subject property from the Low Medium Density Residential (LMDR) District to the Institutional (I) District. A request to amend the property's Future Land Use Map category from Residential Low (RL) to Institutional (I) is being processed concurrently with this case (see LUP2022-04004).

The church's campus (2930 CR 193) is comprised of three buildings which total just under 30,000 square feet of development on 4.469 acres. In late 2007, the church approached the city requesting annexation in order to connect to the City's sewer system. However, as the closest sanitary sewer manhole was to the east in the Castle Woods Drive right-of-way it was not readily available. After six months of inactivity, staff withdrew the petition.

In 2014, the City's Public Utilities Department was expanding sanitary sewer service in certain areas of the city, one of the areas being on CR 193. In late 2014, the church again requested annexation in order to connect to the City's sanitary sewer system during the expansion work. Applications to amend the church's future land use and zoning designations to Institutional (I) were also submitted, and the three cases were

reviewed concurrently. The Community Development Code only permits places of worship within the Institutional (I) District, necessitating the Future Land Use Map and Zoning Atlas Amendment applications so the existing church remained a conforming use upon annexation.

The Future Land Use Map and Zoning Atlas Amendments were heard before the Community Development Board on February 17, 2015. Concerns about the increased number of uses permitted in the City's Institutional (I) District, greater development intensity, traffic, and noise from the church property were raised during the hearing by the neighbors. After deliberation, the Community Development Board recommended approval to the City Council, and the City Council ultimately approved the annexation and future land use and zoning amendments on April 2, 2015. These concerns by the neighbors were also raised at the first City Council meeting on March 19, 2015.

In early 2018, the applicant contacted staff because the church was looking to create a master plan, which included the addition of the subject property (the parcel north of the main campus). In late 2018, the applicant submitted a request to amend the Future Land Use Map designation from Residential Low (RL) to Institutional (I), case LUP2018-11008, and the Zoning Atlas designation from Low Medium Density Residential (LMDR) to Institutional (I), case REZ2018-12005. Staff recommended denial of these two proposed amendments to Institutional (I). The 2018 request did not include a site plan as part of the application package as they are not required; however, at the February 19, 2019 Community Development Board meeting, the applicants introduced a conceptual site plan that showed a new 28,000 square foot multi-function building on the subject property. As such, staff nor the board were able to adequately review the conceptual site plan prior to the meeting.

At the February 19, 2019, Community Development Board meeting, concerns were again raised by the neighbors about the traffic, increased number of uses, greater development potential, and noise from the existing church property. Through discussion at the meeting, staff stated to the applicant and to the board that non-residential off-street parking was a permitted use in the existing Low Medium Density Residential (LMDR) District, and that pursuing this use would not require the need for the Future Land Use Map or Zoning Atlas Amendments. The applicant stated that they would be willing to continue the case to a date uncertain to allow for more discussions with staff, and the board voted unanimously to continue the case to a date uncertain. Due to inactivity on the application, and after numerous correspondence with the owner and the applicant, staff withdrew the application on September 24, 2019. It should be noted that the Clearwater Police Department has received nine calls for service related to noise at the main church campus. There was one call in 2016, five in 2017, two in 2018, none in 2019, and one in 2020.

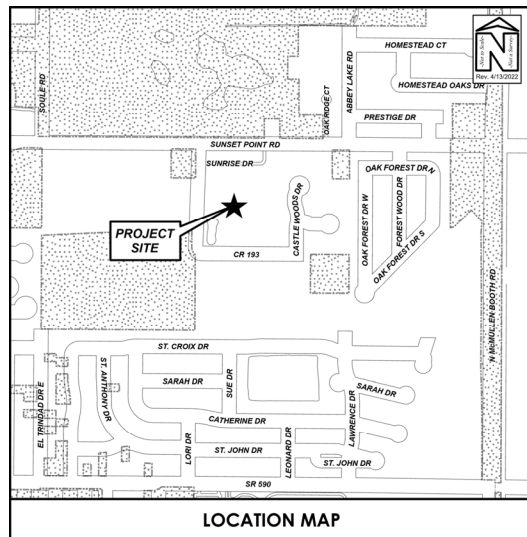
In late 2021, the applicant scheduled two pre-application meetings with staff to gather feedback on two conceptual site plans for the subject property and church property. The two conceptual site plans were like the one presented at the 2019 Community Development Board meeting, and staff recommended and encouraged the applicant to look for solutions where new structures were limited to the existing church parcel currently designated as Institutional (I). Staff also noted that expansion of the Institutional (I) future land use and zoning was inconsistent with many of the review criteria in the Code.

The applicant has not submitted a site plan at this time but has indicated on the application that the proposed use of the subject property is a place of worship and responses to the review criteria indicate an expansion of the existing place of worship onto the subject property.

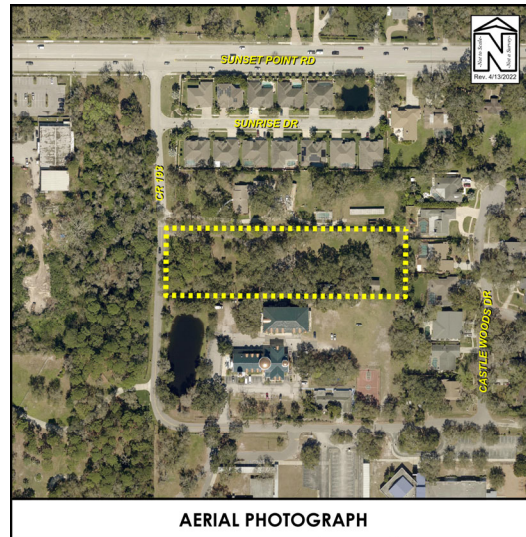
The existing Institutional (I) future land use category on the main church campus to the south, 2930 CR 193, has a maximum development potential of up to 126,534 square feet. The existing development on the main church campus is approximately 29,247 square feet, which leaves a potential of up to 97,287 square feet of unrealized development potential on the site. The main church campus could support expansion of the church without the need to expand the Institutional (I) future land use category and the consistent Institutional (I) zoning district north to the subject property.

### Vicinity Characteristics:

Maps 1 and 2 show the general location of the property and an aerial view of the amendment area and its surroundings.

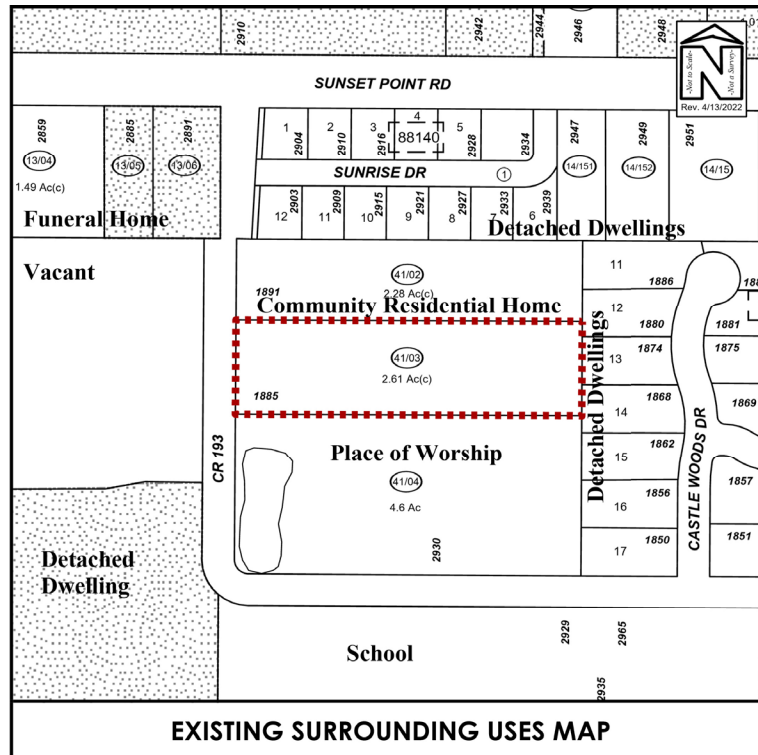


**Map 1**



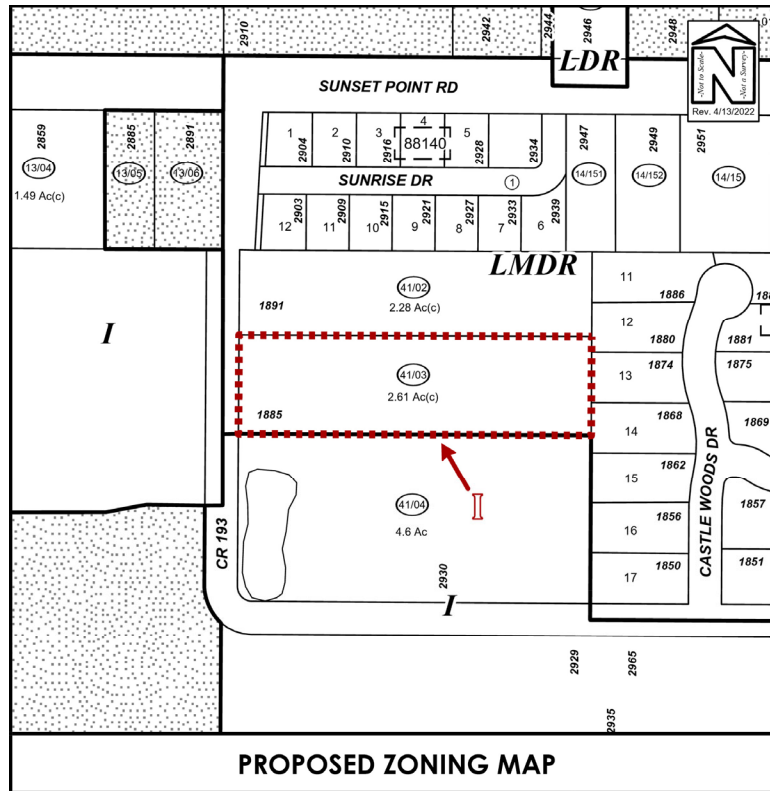
**Map 2**

Map 3 shows the existing surrounding uses. Adjacent to the east and farther north along Sunset Point Road and Sunrise Drive are detached dwellings, and adjacent to the north is a community residential home. Adjacent to the south is the main St. Mary & St. Mina Coptic Orthodox Church, and further south across CR 193 is Paul B. Stephens School. To the west across CR 193 is Sylvan Abbey Funeral Home and a vacant tract of land owned by Sylvan Abbey, and to the southwest across CR 193 is a detached dwelling on a large tract of land also owned by Sylvan Abbey but under a 99-year ground lease.



Map 3

As shown on Map 4, the Zoning Atlas designations around the property are Low Medium Density Residential (LMDR) abutting to the north and east. Institutional (I) abuts the property to the south and exists to the west and further south across CR 193.



Map 4

**REVIEW CRITERIA:****Consistency with the Clearwater Comprehensive Plan and Community Development Code and Regulations [Section 4-602.F.1]****Recommended Findings of Fact:**

*Applicable goal, objective and policies of the Clearwater Comprehensive Plan that do not support of the proposed amendment include:*

Objective A.2.2 Future Land Use in the City of Clearwater shall be guided by the City's Future Land Use Map, which shall be consistent with the Countywide Plan for Pinellas County (The Countywide Plan) including the Countywide Plan Map and shall be implemented through the City's Community Development Code.

Goal A.4. The City shall work toward a land use pattern that can be supported by the available community and public facilities that would be required to serve the development.

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

Policy B.1.4.1 The City will continue to review potential trips generated by requests for amendment to the Future Land Use Map.

Policy B.1.5.1 The City shall continue to review trips generated by land development projects through the Mobility Management System.

Additionally, as stated in the introduction of 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."

*Applicable section of the Community Development Code to the proposed amendment:*

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.

The residential neighborhood abutting to the east is a larger lot subdivision (between approximately 15,000 – 19,000 square feet on average) compared to many subdivisions in the city. Although institutional uses can be compatible within and near residential areas, the scale and operational characteristics of the use are important factors. The request as submitted does not demonstrate how the expansion of the Institutional (I) District by an additional 2.618 acres, as proposed in the amendment, would not adversely affect the community character and quality of life of the overall neighborhood. While there are properties that are designated Institutional (I) in the vicinity, the largest is Sylvan Abbey funeral home and church which has direct access to Sunset Point Road, a minor arterial road. CR 193 is a two-lane, undivided local road that lacks sidewalks. There are several challenges along CR 193, most notably that it is a short dead-end road with no obvious solutions or opportunities to build a connection through a second outlet. As detailed below in the Public Facilities review, development of the subject site would likely lead to degradation of CR 193. A transportation management plan or traffic impact study would be required depending on the number of trips a development proposal adds to the road network. The Paul B. Stephens School and the existing church likely use a large portion of the roadway's maximum capacity, and additional development would further strain the roadway. Staff is concerned that the expansion of the Institutional (I) zoning district would allow additional development that would adversely impact the adjacent residential neighborhoods, diminish the scenic qualities of the CR 193 area, and negatively impact of the movement of the residents who live in the adjacent neighborhood.

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.



**Compatibility with Surrounding Properties/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 of detached dwellings to the north and east. To the south is the main St. Mary & St. Mina Coptic Orthodox Church campus, and further south along CR 193 is the Paul B. Stephens school. To the west is land owned by the Sylvan Abbey Memorial Park that is developed with various uses as previously discussed.

The proposed Institutional (I) zoning district, which primarily allows for public/private schools, churches, public offices or residential equivalent, is consistent with the church property adjacent to the south; however, the expansion of the Institutional (I) District onto an additional 2.618 acres of land creates uncertainty regarding compatibility with the properties designated as the Low Medium Density (LMDR) District which exist to the north and east and allows primarily detached dwellings.

The main church campus appears to also be very active throughout the week with the number of services and activities they provide. According to their website, [stmarystmina.com/#schedule](http://stmarystmina.com/#schedule), the earliest service starts at 4:45 am, and the latest services concludes at 9:45 pm. Further expansion would likely lead to an increase in the number of services, more scheduled times for services, or an increase in the number of members attending these services, which would likely lead to future negative impacts on the surrounding residential neighborhood.

**Recommended Conclusions of Law:**

The proposed expansion of the Institutional (I) zoning district would negatively impact the low-density residential character of the area. The addition of Institutional property 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:**

Even though this is a Zoning Atlas Amendment application, maximum development potential is based on the underlying future land use, so to assess the sufficiency of public facilities needed to support potential development on the proposed property, the maximum development potential under the existing Future Land Use Map designation was analyzed.

*Table 1. Development Potential for Existing & Proposed FLUM Designations*

	Existing FLUM Designation “RL”	Proposed FLUM Designation “I”	Net Change
Site Area	2.618 AC (114,040 SF)	2.618 AC (114,040 SF)	
Maximum Development Potential	13 DUs / 0 Beds <sup>1</sup> 45,616 SF 0.40 FAR	0 DUs <sup>2</sup> / 96 Beds 74,126 SF 0.65 FAR	-13 DUs / +96 Beds +28,510 SF +0.25 FAR
Notes: 1. Residential equivalent uses are not permitted in the consistent Low Medium Density Residential (LMDR) District; therefore, the development potential is zero. 2. Residential uses are not permitted through the consistent Institutional (I) District; however, residential equivalent uses are permitted (3 beds per unit per acre).  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 maximum development potential of over 28,000 square feet even though there is a reduction in the number of dwelling units able to be constructed. The following analysis compares the maximum potential development of the proposed Institutional (I) future land use developed with a 74,126 square foot non-residential use to the maximum development potential of the existing Residential Low (RL) future land use category developed with a maximum of 13 dwelling units.

#### *Potable Water*

The change in development potential from this amendment would result in an increase in potable water use of up to 3,669 gallons per day. This increase is determined by taking the potential potable water utilization of the proposed land use developed with the maximum square footage allowed (7,413 gallons per day) and subtracting it from the potential usage of a residential use built out at the maximum density permitted by the current land use designation (3,744 gallons per day).

When comparing the potable water utilization of the maximum potential square footage of development (74,126 SF; 7,413 gallons per day) to the utilization of the existing detached dwelling (1 DU; 288 gallons per day) it shows that the proposed change could result in an increase of approximately 7,125 gallons per day.

The City’s current potable water demand is 10.64 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 72 gallons per day per capita (2020 Annual Water Report). The City’s 10-year Water Supply Facilities Work Plan (2016-2026 Planning Period), completed 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*

The change in development potential from this amendment would result in an increase in wastewater use of up to 2,561 gallons per day. This increase is determined by taking the potential wastewater utilization of the proposed land use developed with the maximum square footage allowed (5,930 gallons per day) and subtracting it from the potential usage of a residential use built out at the maximum density permitted by the current land use designation (3,369 gallons per day).

When comparing the wastewater utilization of the maximum square footage potential (74,126 SF; 5,930 gallons per day) to the utilization of the existing detached dwelling development (1 DU; 259 gallons per day) it shows that the proposed change could result in an increase of approximately 5,671 gallons per day.

The subject property is served by the Marshall Street Water Reclamation Facility, which presently has excess permitted capacity estimated to be 4.82 million gallons per day. Therefore, there is excess wastewater capacity to serve the amendment area.

### *Solid Waste*

The change in development potential from this amendment would result in an increase of solid waste generated of up to 26.3 tons per year. This increase is determined by taking the utilization of the proposed land use developed with the maximum square footage permitted (59.3 tons per year) and subtracting it from the potential utilization of a residential use built out at the maximum density permitted by the current land use designation (33 tons per year).

When comparing the solid waste generated from the maximum square footage potential (59.3 tons per year) to the solid waste generated by the existing detached dwelling use (2.5 tons per year) it shows that the proposed change could result in an increase of approximately 56.8 tons per year.

Pinellas County handles all solid waste disposal 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*

Under both the existing and proposed land use, the LOS citywide will continue to exceed the adopted LOS of 4 acres per 1,000 residents. The city is currently providing 7.95 acres of parkland per 1,000 residents. This is calculated using the most recent ACS estimate of 2.4 persons per household within the City of Clearwater. Based on this impact analysis, the current provision of 7.95 acres of parkland per 1,000 would remain unchanged [Source: Parks and Recreation Facilities Impact Fee Study, prepared by Benesch (formerly Tindale Oliver) May 23, 2022].

Amending a property's future land use or zoning designation does not have an immediate impact on the City's Parks and Recreation system and parkland requirements. Impacts are felt when development occurs. This Zoning Atlas Amendment will have no additional impact on parkland.

### *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 east side of CR 193 approximately 500 feet south of Sunset Point Road. 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 (175 trips) is calculated based on the traffic generation numbers for the Residential Low Medium (RLM) category (67 trips per day per acre), and the proposed number of trips under the Public/Semi-Public (P/SP) category would be 272 trips (104 trips per day per acre). This could be an increase of 97 trips from the subject property. Additionally, depending on the number of trips generated by a proposed development, a transportation management plan or traffic impact study could be required.

As stated before, CR 193 is a two-lane, undivided, dead-end road that lacks sidewalks. There are no obvious solutions or opportunities to build a connection through a second outlet to another roadway, or to Sunset Point Road. These right-of-way constraints, along with Paul B. Stephens School and the existing church using a large portion of CR 193's maximum capacity, would likely be further exacerbated by additional institutional development.

#### Recommended Conclusions of Law:

Based upon the findings of fact, the proposed expansion would increase the demand on several of the public facilities when compared to the existing residential development; however, it is determined that the proposed change will not result in the degradation of the existing levels of service for potable water, sanitary sewer, solid waste, parkland, and stormwater management. Degradation to the level of service for streets would likely occur with this proposed amendment.

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

#### Recommended Findings of Fact:

The location of the proposed Institutional (I) District boundaries is consistent with the signed and sealed legal description provided by a licensed land surveyor and with the boundaries on the subject property.

#### Recommended Conclusions of Law:

The District boundaries are appropriately drawn in regard to location and classifications of streets, ownership lines, existing improvements and the natural environment.

**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 under Section 4-602.F:


*Table 2. Consistency with Community Development Code Standards for Review*

CDC Section 4-602	Standard	Consistent	Inconsistent
<b>F.1</b>	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
<b>F.2</b>	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
<b>F.3</b>	The amendment does not conflict with the needs and character of the neighborhood and the city.		X
<b>F.4</b>	The amendment will not adversely or unreasonably affect the use of other property in the area.		X
<b>F.5</b>	The amendment will not adversely burden public facilities, including the traffic-carrying capacities of streets, in an unreasonably or disproportionate manner.		X
<b>F.6</b>	The district boundaries are appropriately drawn with due regard to locations and classifications of streets, ownership lanes, existing improvements and the natural environment.	X	

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

Recommend DENIAL of the Zoning Atlas Amendment from the Low Medium Density Residential (LMDR) District to the Institutional (I) District.

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



Kyle Brotherton  
Senior Planner

**ATTACHMENTS:**

Ordinance No. 9578-22

Resume

Photographs of Site and Vicinity