



PLANNING & DEVELOPMENT DEPARTMENT COMMUNITY DEVELOPMENT BOARD STAFF REPORT

MEETING DATE: March 21, 2023
AGENDA ITEM: H.1.
CASE: LUP2023-01001
REQUEST: To amend the Future Land Use Map designation for a portion of a 1.135-acre property from Residential Urban (RU) to Commercial General (CG)
GENERAL DATA:
Agent..... Maleia Storum, Bowman and Pursuit Development
Owner..... Jasmine Naik Development, LLC
Location 1849 Gulf to Bay Boulevard, located on the south side of Gulf to Bay Boulevard approximately 540 feet east of Keene Road
Property Size 0.125 acres

Background:

This case involves a 0.125-acre portion of a 1.135-acre property located on the south side of Gulf to Bay Boulevard approximately 540 feet east of Keene Road. The property is owned by Jasmine Naik Development, LLC and is currently vacant. The applicant has indicated the desire to redevelop the site with a restaurant use.

The property has historically been developed and used as a restaurant use, with numerous property owners and tenants dating back to at least 1992. Historical aerials show a structure on the property since at least 1965. The property has been completely vacant since 2007 when the structure was demolished; however, the structure appeared to have sat empty since 2005 and the property was the source of numerous public nuisance and code compliance cases during this time. After the demolition, additional public nuisance and code compliance cases have been opened, mostly due to overgrowth, graffiti, and abandoned vehicles, which have all been resolved.

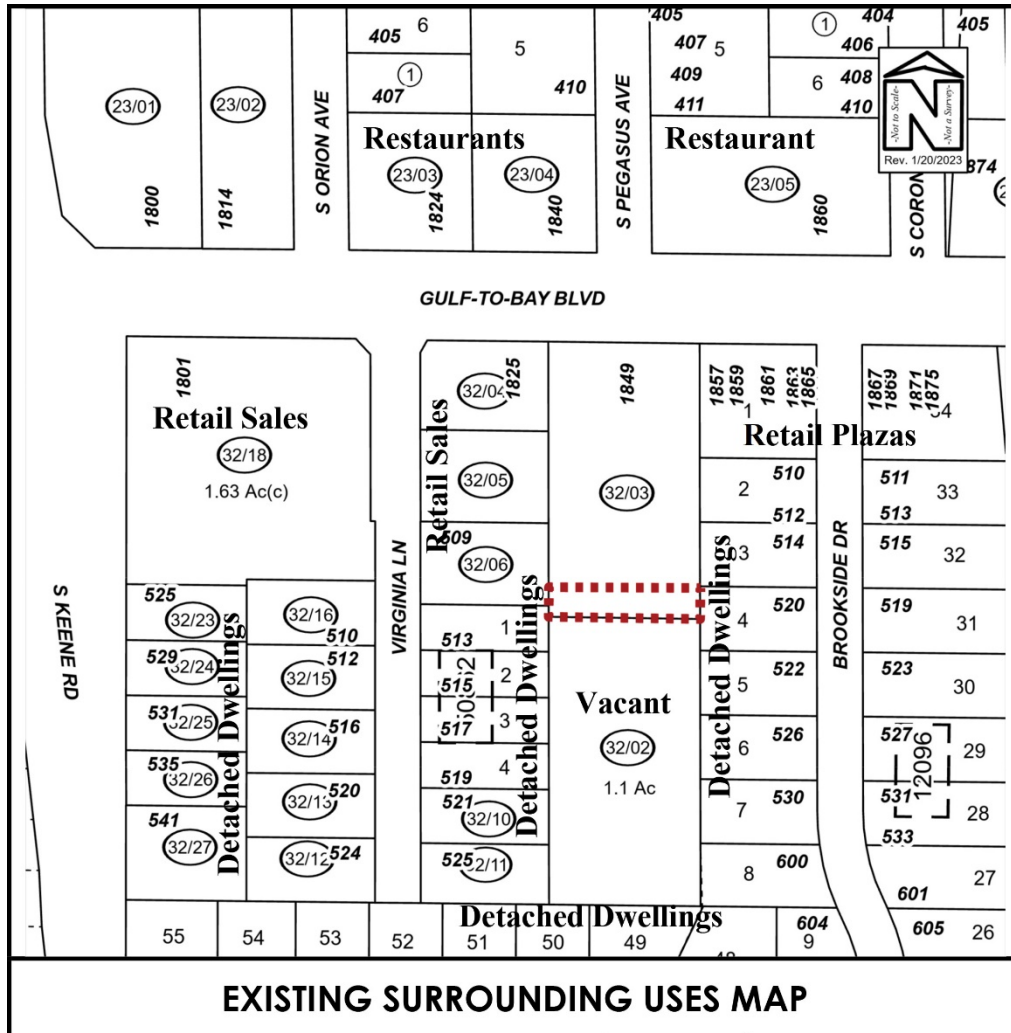
Currently, the property has two Future Land Use Map categories of Commercial General (CG) and Residential Urban (RU). The Residential Urban (RU) category is currently on the southern 35 feet, more or less, of the property, totaling approximately 0.125 acres. The request is to change the Future Land Use Map category of this southern portion of the property from Residential Urban (RU) to Commercial General (CG). A Zoning Atlas Amendment application (REZ2022-11007) is being processed concurrently with this case.

The requested amendment to the Commercial General (CG) category would establish a single future land use category across the site and would allow for the redevelopment of the property in the future. A site plan application has not been submitted at this time, and the applicant understands that all necessary approvals and permits must be obtained before the development of the subject site occurs.

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

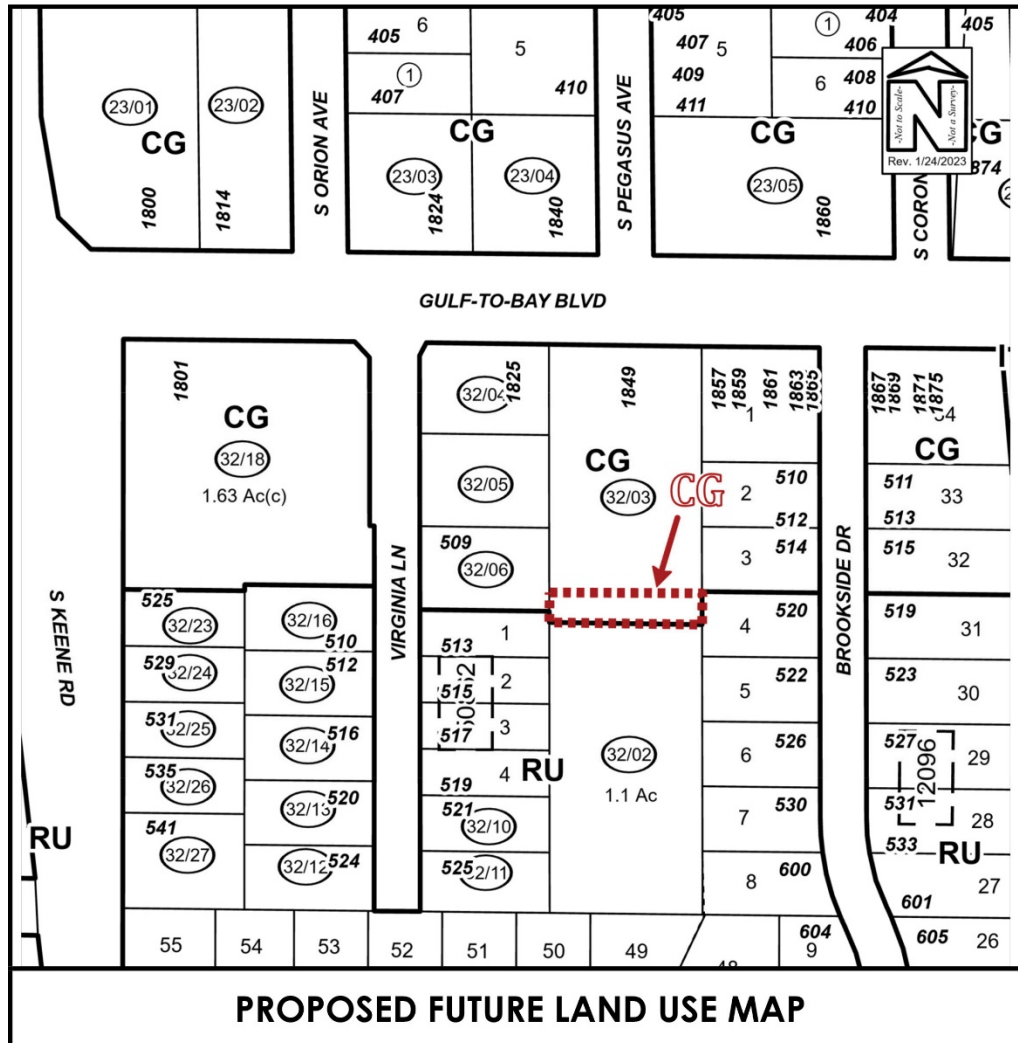


Map 3 shows the existing surrounding uses. To the north, across Gulf to Bay Boulevard, there are fast food restaurants. To the east exists a retail plaza, sales office, and detached dwellings. To the west exists two retail and sales uses and a telecommunications tower. The property adjacent to the south is currently vacant. Additional uses to the southwest and the southeast are detached dwellings.



Map 3

As shown on Map 4, the future land use category abutting the amendment area is Commercial General (CG) to the north, west and east. Commercial General (CG) also exists further north across Gulf to Bay Boulevard, further west across Virginia Lane, and further east across Brookside Drive. Residential Urban (RU) abuts the amendment area to the west, east, and south and also exists farther to the southwest and southeast.



Map 4

A comparison between the uses, densities, and intensities allowed by the existing and proposed Future Land Use Map (FLUM) designations appears in Table 1, along with the consistent zoning districts.

Table 1. Uses, Densities and Intensities Allowed by Existing and Proposed Future Land Use Map Designations

	Existing FLUM Designation Commercial General (CG)	Existing FLUM Designation Residential Urban (RU)	Proposed FLUM Designation Commercial General (CG)
Primary Uses:	Office; Retail Sales & Service; Overnight Accommodations	Urban Low Density Residential; Residential Equivalent	Office; Retail Sales & Service; Overnight Accommodations
Maximum Density:	24 Dwelling Units per Acre; 40 Overnight Accommodation Units per Acre	7.5 Dwelling Units per Acre	24 Dwelling Units per Acre; 40 Overnight Accommodation Units per Acre
Maximum Intensity:	FAR 0.55; ISR 0.90	FAR 0.40; ISR 0.65	FAR 0.55; ISR 0.90
Consistent Zoning Districts:	Commercial (C)	Low Medium Density Residential (LMDR); Medium Density Residential (MDR)	Commercial (C)

REVIEW CRITERIA:**Consistency with the Clearwater Comprehensive Plan [Sections 4-603.F.1 and 4-603.F.2]****Recommended Findings of Fact:**

Applicable goal, objective, and policies of the Clearwater Comprehensive Plan that support 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 A.5.5.4 The transition between intensive redevelopment areas and adjacent low density areas should be sensitive to the scale of development in those low density areas.

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

The proposed Commercial General (CG) future land use category is compatible with the existing Commercial General (CG) future land use category that exists on the remainder of the subject property and the adjacent properties to the west and east and to the north across Gulf to Bay Boulevard. Gulf to Bay Boulevard is one of the city's main commercial corridors, and the proposed amendment would allow the site to be one future land use category which would make development easier in the future. The surrounding neighborhood transitions to residential going south from Gulf to Bay Boulevard, so future development of the site will need to be sensitive to potential conflicts between commercial and residential uses. The applicant has indicated the desire to redevelop the property with a restaurant use; however, no site plan application has been submitted at this time. The size of the property should allow for development to be located closer to Gulf to Bay Boulevard which will provide a buffer between the development and the residential uses to the southwest and southeast. Any trip generations would be reviewed at the time of site plan review in accordance with the Mobility Management System. In addition, the proposal does not degrade the level of service for public facilities below the adopted standards (a detailed public facilities analysis follows in this report).

Recommended Conclusions of Law:

The request is consistent with the goals, objectives, and policies of the Clearwater Comprehensive Plan and furthers said plan as indicated above.

Consistency with the Countywide Rules

Recommended Findings of Fact:

The underlying *Countywide Plan Map* category on the proposed amendment area is Retail & Services (R&S). This Retail & Services (R&S) category is also to the east and west, and further north across Gulf to Bay Boulevard. Properties to the west, east, and south are designated with the Residential Low Medium (RLM) category. Section 2.3.3.8 of the *Countywide Rules* states that the current Retail & Services (R&S) category is intended to depict areas that are now developed, or appropriate to be developed, a mix of businesses that provide for the shopping and personal service needs of the community or regional, provide for employment opportunities and accommodate target employment uses, and may include residential uses as part of the mix of uses.

Even though the City of Clearwater future land use designation of Residential Urban (RU) is proposed to be amended to Commercial General (CG), the amendment will not necessitate a *Countywide Plan Map* amendment as the *Countywide Plan Map* category is currently Retail & Services (R&S). This proposed amendment will bring the City's Future Land Use Map into consistency with the *Countywide Plan Map*.

Additionally, Keene Road is a Scenic/Noncommercial Corridor, and the intersection of Keene Road with Gulf to Bay Boulevard is classified as a Mixed Use Corridor. According to Table 10 of the *Countywide Rules*, the Retail & Services (R&S) category is found to be potentially consistent with the Scenic/Noncommercial Corridor, mixed-use classification. As the entire property is already designated as Retail & Services (R&S) on the *Countywide Plan Map*, the uses and intensity of uses have already been found to be consistent with the provisions of the mixed-use classification.

Recommended Conclusions of Law:

The proposed Future Land Use Map Amendment will not require an amendment to the *Countywide Plan Map*. The proposed amendment will bring the City's Future Land Use Map into consistency with the *Countywide Plan Map* designation of Retail & Services (R&S). Further, the proposed amendment is consistent with the provisions of the Scenic/Noncommercial Corridor for which the property is located within.

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 proposed amendment area is part of a larger parcel which currently has a future land use category of Commercial General (CG) and is currently vacant. To the north, across Gulf to Bay Boulevard, there are fast food restaurants. To the east exists a retail plaza, sales office, and detached dwellings. To the west exists two retail and sales uses and a telecommunications tower. The property adjacent to the south is currently vacant. Additional uses to the southwest and the southeast are detached dwellings.

The proposed Commercial General (CG) future land use category, which primarily allows for retail sales & services and offices, is consistent with the remainder of the subject property. The abutting future land use categories are Commercial General (CG) and Residential Urban (RU), and the area transitions from commercial along Gulf to Bay Boulevard to residential south of Gulf to Bay Boulevard. The proposed Commercial General (CG) future land use category would allow the property to have one consistent future land use category, and this category has existed on the remainder of the property and in the area for numerous years. The proposed use of a restaurant is compatible with the surrounding properties and neighborhood.

Recommended Conclusions of Law:

The proposed Commercial General (CG) future land use category would allow development that is in character with the Future Land Use Map designations in the area. Further, the proposal is compatible with surrounding uses and consistent with the character of the surrounding properties and neighborhood.

Sufficiency of Public Facilities [Section 4-603.F.4]**Recommended Findings of Fact:**

To assess the sufficiency of public facilities needed to support potential development on the proposed amendment area, the maximum development potential of the property under the existing and proposed city Future Land Use Map designations were analyzed.

Table 2. Development Potential for Existing & Proposed FLUM Designations

	Existing FLUM Designation "RU"	Proposed FLUM Designation "CG"	Net Change
Site Area	0.125 AC (5,445 SF)	0.125 AC (5,445 SF)	
Maximum Development Potential	0 DUs / 0 Hotel Units ¹ 2,178 SF 0.40 FAR	0 DUs ² / 5 Hotel Units 2,994 SF 0.55 FAR	0 DUs / +5 Hotel Units +816 SF +0.15 FAR
Notes: 1. Overnight accommodation uses are not permitted in the consistent Low Medium Density Residential (LMDR) District. Overnight accommodation uses are permitted in the consistent Medium Density Residential (MDR) District as accessory uses; however, the underlying Residential Urban (RU) future land use category doesn't provide for overnight accommodation density. 2. Residential uses are not permitted through the consistent Commercial (C) District. 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 a minimal increase in development potential of under 1,000 square feet as well as an increase of five hotel (overnight accommodation) units. The following analysis compares the maximum potential development of the proposed Commercial General (CG) future land use developed with a 2,994 square foot non-residential use to the maximum development potential of the existing Residential Urban (RU) future land use category developed with a maximum of 0 dwelling units. Since the amendment area along with the entire parcel is vacant, any development would increase the public facilities further detailed below.

Potable Water

The change in development potential from this amendment would result in an increase in potable water use of up to 299 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 permitted (299 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 designations (0 gallons per day).

Since the amendment area and the entire parcel is currently vacant, the potable water utilization could increase up to 2,719 gallons per day if the entire parcel were to be developed with a non-residential use at the maximum development potential of 27,192 square feet. However, due to future development having to meet zoning code requirements, it's likely that the actual development would be less than the maximum development potential, meaning the increase in potable water would be less than the maximum potential of 2,719 gallons per day as shown in the analysis.

The city's current potable water demand is 11.24 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 78 gallons per day per capita (2021 Annual Water Report). The city's 10-year Water Supply Facilities Work Plan (2022-2023 Planning Period), completed July 2022, 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 240 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 permitted (240 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 (0 gallons per day).

Since the amendment area and the entire parcel is currently vacant, the wastewater utilization could increase up to 2,175 gallons per day if the entire parcel were to be developed with a non-residential use at the maximum development potential of 27,192 square feet. However, due to future development having to meet zoning code requirements, it's likely that the actual development would be less than the maximum development potential, meaning the increase in wastewater would be less than the maximum potential of 2,175 gallons per day as shown in the analysis.

The subject property is served by the East Water Reclamation Facility, which presently has excess permitted capacity estimated to be 1.9 million gallons per day, which is well within its permitted capacity of 5 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 increase up to 37.3 tons per year of solid waste generated. This increase is determined by taking the utilization of the proposed land use developed with the maximum square footage permitted (37.3 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 (0 tons per year).

Since the amendment area and the entire parcel is currently vacant, the solid waste created could increase up to 338.5 tons if the entire parcel were to be developed with a non-residential use at the maximum development potential of 27,192 square feet. However, due to future development having to meet zoning code requirements, it's likely that the actual development would be less than the maximum development potential, meaning the increase in solid waste would be less than the maximum potential of 338.5 tons per year as shown in the analysis.

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 future 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 total acreage of parks within the city, dividing it by the 2022 Florida Bureau of Economic and Business Research (BEBR), and then multiplying by 1,000. 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 Future Land Use Map 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 Southwest Florida Water Management District stormwater management criteria.

Streets

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. However, since the underlying *Countywide Plan Map* category of Retail & Services (R&S) is not changing, the number of potential trips per day per acre would also not change. The proposed amendment area could create 54 trips based on the traffic generation number of 433 trips per day per acre found within the Retail & Services (R&S) category. The entire site could create up to 491 trips per day per acre. Since the parcel is currently vacant, any development would increase the number of trips to and from the site.

Gulf to Bay Boulevard is a six-lane, divided principal arterial roadway. The city's Traffic Engineering division would likely provide traffic-related comments at the time of site plan review to address issues such as ingress and egress and vehicle stacking.

Recommended Conclusions of Law:

Based upon the findings of fact, the proposed amendment would increase the demand on several of the public facilities since the property is currently vacant; 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, stormwater management, and streets.

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

Recommended Findings of Fact:

No wetlands appear to be located on the subject property. The city's codes require that development is compliant with the city's tree preservation, landscaping and stormwater management requirements.

Recommended Conclusions of Law:

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

SUMMARY AND RECOMMENDATION:

No amendment to the Comprehensive Plan or Future Land Use Map shall be recommended for approval or receive a final action of support 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 under to Section 4-603.F:

Table 3. Consistency with Community Development Code Standards for Review

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 properties.	X	
F.5	The amendment will not adversely affect the natural environment.	X	
F.6	The amendment will not adversely impact the use of properties in the immediate area.	X	

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

Recommend APPROVAL of the Future Land Use Map Amendment from Residential Urban (RU) to Commercial General (CG).

Prepared by Planning and Development Department Staff:



Kyle Brotherton
Senior Planner

ATTACHMENTS: Ordinance No. 9666-23

Resume

Photographs of Site and Vicinity