



PLANNING & DEVELOPMENT DEPARTMENT COMMUNITY DEVELOPMENT BOARD STAFF REPORT

MEETING DATE: February 21, 2023

AGENDA ITEM: F.2.

CASE: REZ2022-11007

REQUEST: To amend the Zoning Atlas designation for a portion of a 1.135-acre property from Low Medium Density Residential (LMDR) to Commercial (C)

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:

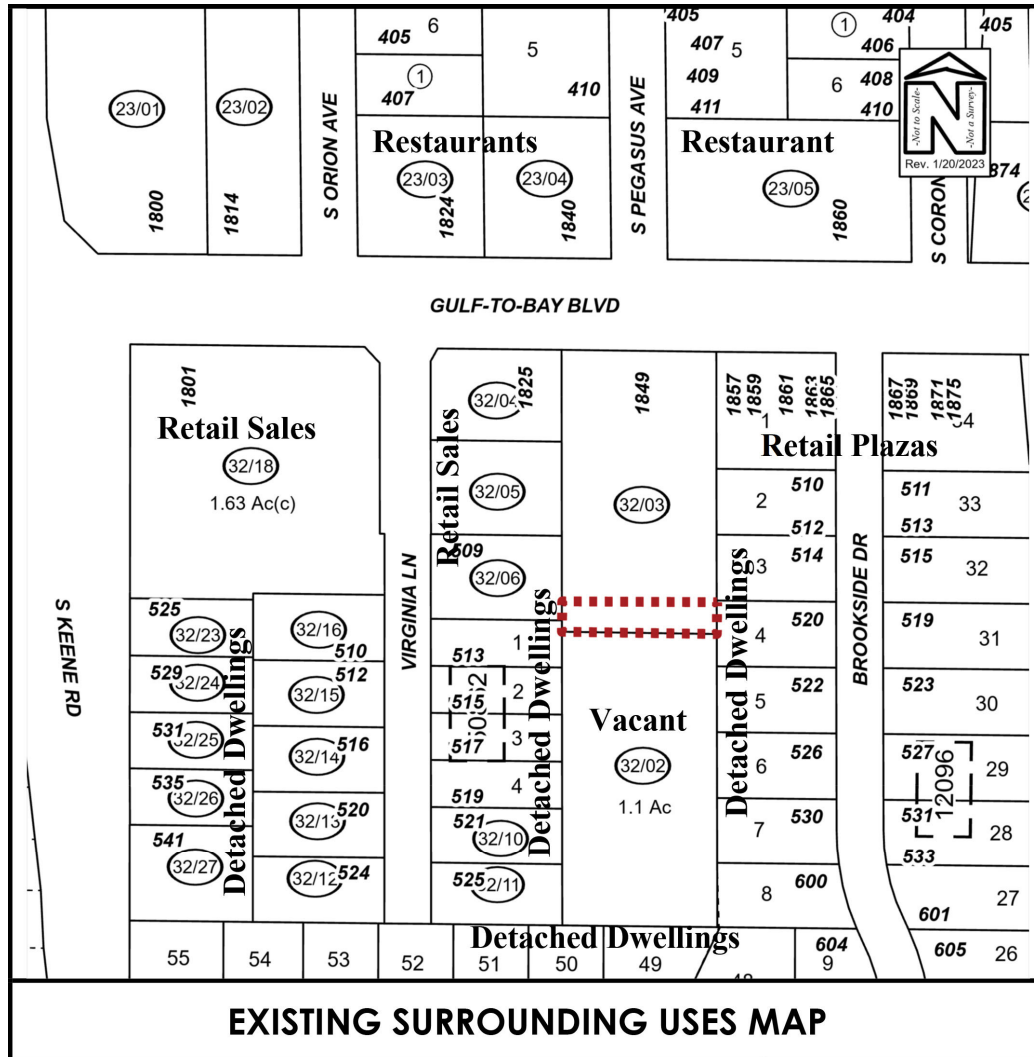
This case involves a 0.125-acre portion of a 1.135-acre property located on the south side of Gulf to Bay Boulevard approximately 540 feet east of Keene Road. The property is owned by Jasmine Naik Development, LLC and is currently vacant. The applicant has indicated the desire to redevelop the site with 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 Zoning Atlas designations of Commercial (C) and Low Medium Density Residential (LMDR). The Low Medium Density Residential (LMDR) zoning district is currently on the southern 35 feet, more or less, of the property, totaling approximately 0.125 acres. The request is to change the Zoning Atlas designation of this southern portion of the property from Low Medium Density Residential (LMDR) to Commercial (C). A Future Land Use Map Amendment application (LUP2023-01001) is being processed concurrently with this case.

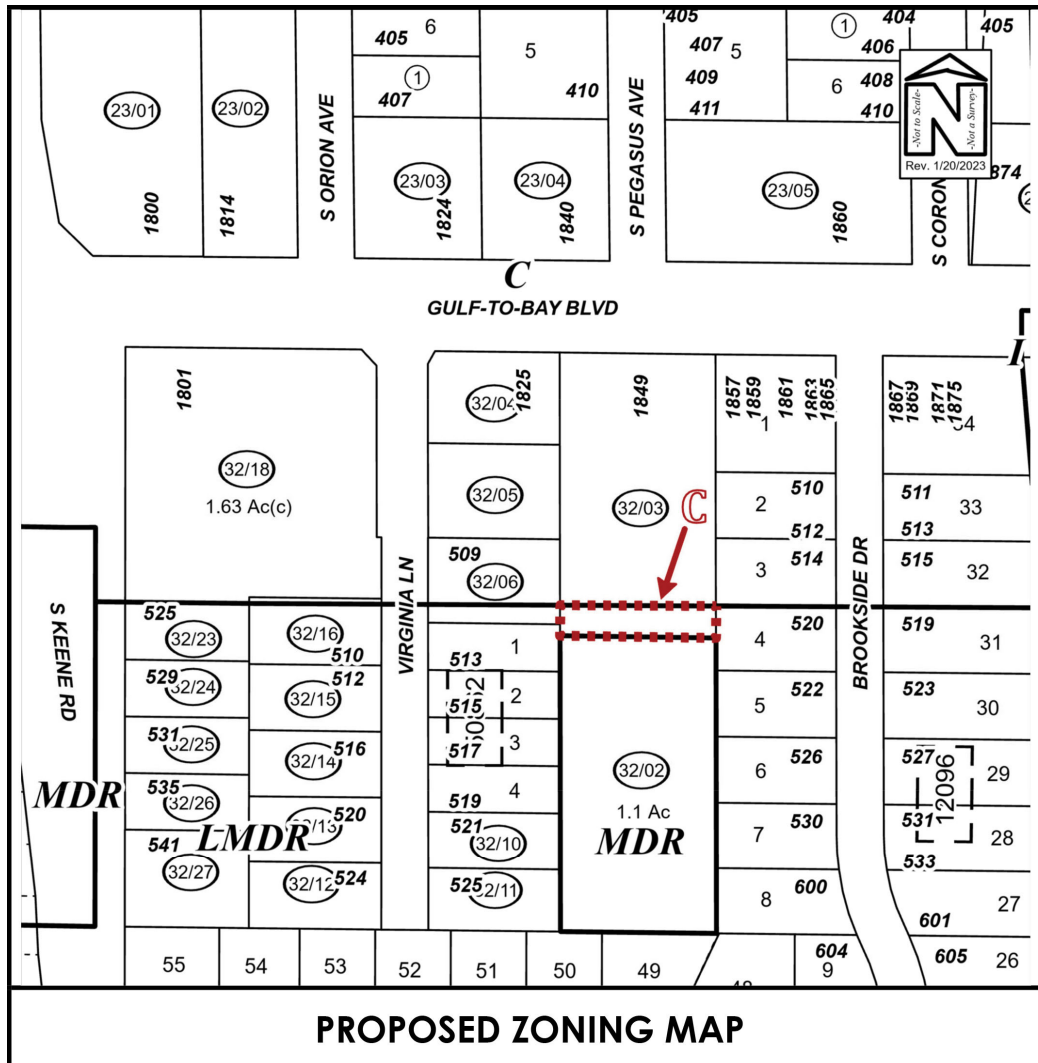
The requested amendment to the Commercial (C) District would establish a single zoning district across the site and would allow for the redevelopment of the property in the future. A site plan application has not been

Map 3 shows the existing surrounding uses. To the north, across Gulf to Bay Boulevard, there are fast food restaurants. To the east exist 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 Zoning Atlas designations abutting the amendment areas are Commercial (C) to the north, west, and east. Commercial (C) also exists further north across Gulf to Bay Boulevard, further west across Virginia Lane, and further east across Brookside Drive. Low Medium Density Residential (LMDR) abuts the amendment area to the west and east, and also exists farther to the south, southwest and southeast. Medium Density Residential (MDR) abuts the amendment area to the south.



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 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.

Applicable section of the Community Development Code which is applicable to the proposed amendment:

Division 7. Commercial District, Section 2-701. Intent and Purpose. The intent and purpose of the Commercial District is to provide the citizens of the City of Clearwater with convenient access to goods and services throughout the city without adversely impacting the integrity of residential neighborhoods, diminishing the scenic quality of the city or negatively impacting the safe and efficient movement of people and things within the City of Clearwater.

The proposed Commercial (C) District is compatible with the existing Commercial (C) District 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 zoning district 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 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:

The proposed amendment area is part of a larger parcel which is currently zoned as Commercial (C) 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 (C) zoning district, which primarily allows for retail sales & services and offices, is consistent with the remainder of the subject property. The abutting zoning districts are Commercial (C), Low Medium Density Residential (LMDR), and Medium Density Residential (MDR), and the area transitions from commercial along Gulf to Bay Boulevard to residential south of Gulf to Bay Boulevard. The proposed Commercial (C) zoning district would allow the property to have one consistent zoning district, and this district 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 (C) District is in character with the zoning districts in the area. Further, the proposal is compatible with surrounding uses and consistent with the character of the surrounding properties and neighborhoods.

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 amendment area, the maximum development potential under the existing and proposed city Future Land Use Map designations were as analyzed.

Table 1. 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 (2022-2032 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 per day per acre 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.

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

Recommended Findings of Fact:

The location of the proposed Commercial (C) District boundaries is consistent with the legal descriptions provided 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
F.1	The proposed amendment is consistent with and features the goals, policies and objectives of the <i>Comprehensive Plan</i> and furthers the purposes of this Development Code and other city ordinances and actions designed to implement the plan.	X	
F.2	The available uses to which the property may be put are appropriate to the property which is subject to the proposed amendment and compatible with existing and planned uses in the area.	X	
F.3	The amendment does not conflict with the needs and character of the neighborhood and the city.	X	
F.4	The amendment will not adversely or unreasonably affect the use of other property in the area.	X	
F.5	The amendment will not adversely burden public facilities, including the traffic-carrying capacities of streets, in a unreasonably or disproportionate manner.	X	
F.6	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 APPROVAL of the Zoning Atlas Amendment from the Low Medium Density Residential (LMDR) District to the Commercial (C) District.

Prepared by Planning and Development Department Staff: _____



Kyle Brotherton
Senior Planner

ATTACHMENTS: Ordinance No. 9662-23

Resume

Photographs of Site and Vicinity