



## PLANNING & DEVELOPMENT DEPARTMENT COMMUNITY DEVELOPMENT BOARD STAFF REPORT

**MEETING DATE:** October 18, 2016

**AGENDA ITEM:** F.2.

**CASE:** REZ2016-08004

**REQUEST:** To amend the Zoning Atlas designation from R-4, One, Two, and Three Family Residential (Pinellas County), Low Medium Density Residential (LMDR), Mobile Home Park (MHP), and Commercial (C) to Institutional (I).

**GENERAL DATA:**

*Applicant* ..... Brian J. Aungst, Jr. Esq. Macfarlane, Ferguson & McMullen

*Owner* ..... Our Lady of Divine Providence House of Prayer Foundation, Inc.

*Location* ..... 520 & 606 South Bayview Avenue and two unaddressed parcels approximately 110 and 220 feet south of Gulf to Bay Boulevard; generally located south of Gulf to Bay Boulevard, east of Thornton Road, north of Old Tampa Bay, and west of the Bayside Bridge.

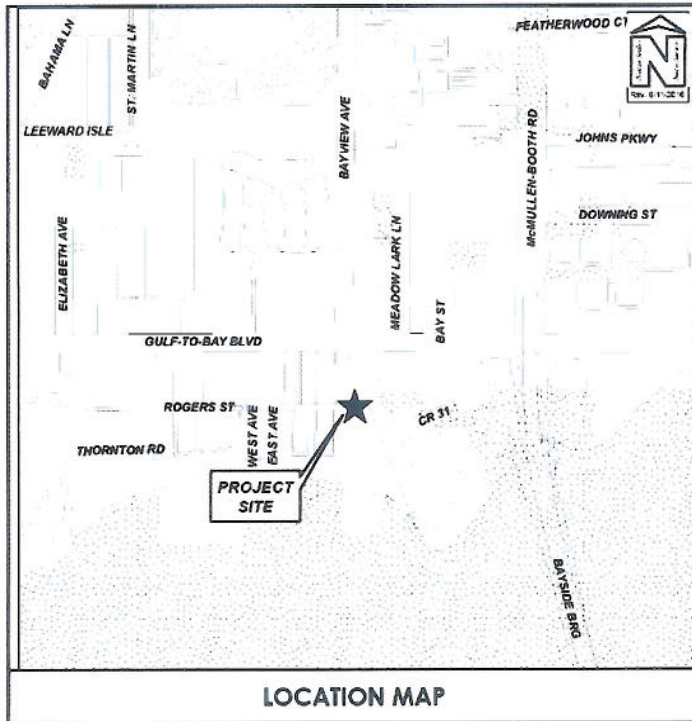
*Property Size* ..... 2.62 acres

### Background:

This case involves four parcels totaling 2.62-acres located on South Bayview Avenue, generally south of Gulf to Bay Boulevard, west of the Bayside Bridge, north of Old Tampa Bay, and east of Thornton Road. The parcels are owned by Our Lady of Divine Providence House of Prayer Foundation, Inc. The parcel addressed as 606 South Bayview Avenue is currently occupied by a single family home, while the other three parcels are vacant. Two of the parcels, 606 South Bayview Avenue and the unaddressed parcel approximately 220 feet south of Gulf to Bay Boulevard, are within Pinellas County's jurisdiction. The applicant has submitted a Petition for Annexation (ANX2016-08027) which is being processed concurrently with this case at the November 16, 2016 City Council meeting. Maps 1 and 2 show the general location of the property and an aerial view of the amendment area.

The request is to change the property's Future Land Use Map designations of Residential Low (RL), Residential Urban (RU), Residential Low Medium (RLM), and Commercial General (CG) (portions in Pinellas County and in City) to Institutional (I) (City of Clearwater). The applicants are also requesting to rezone the properties from the R-4 One, Two, and Three Family Residential (Pinellas County), Low Medium Density Residential (LMDR), Mobile Home Park (MHP), and Commercial (C) Districts to the Institutional (I) District (see concurrent case REZ2016-08004).

The applicant currently operates a religious retreat to the south and southeast, and this amendment would allow the applicant to expand their campus with additional facilities.



Map 1

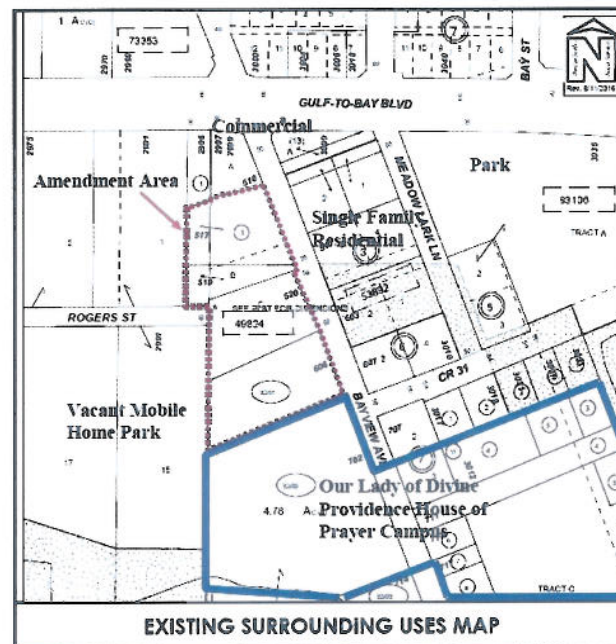


Map 2

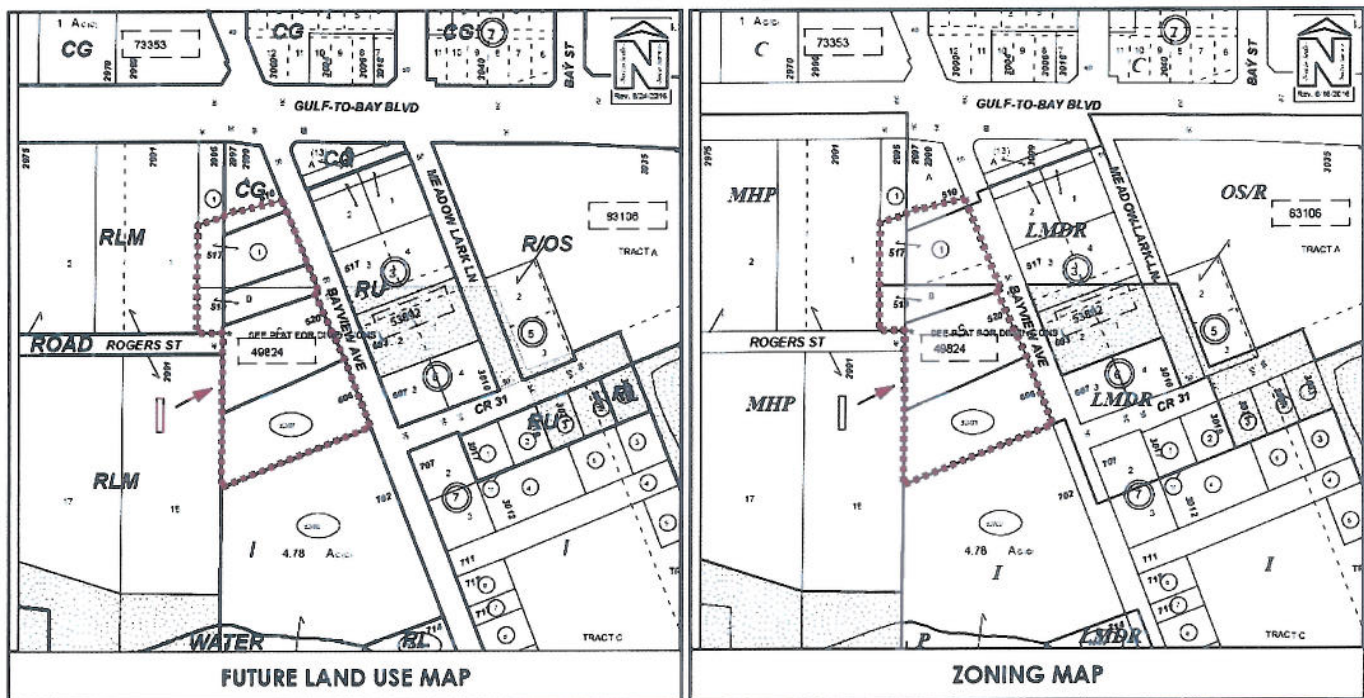
### Vicinity Characteristics:

Our Lady of Divine Providence owns properties that are along South Bayview Avenue and both north and south of Penmar Drive. The remainder of the parcels along South Bayview Avenue immediately east of the amendment area are developed with single family homes. There are commercial uses along Gulf to Bay Boulevard to the north. Immediately adjacent to the west is a former mobile home park which was recently vacated, and there is another mobile home park to the west of that.





Currently, the abutting zoning districts are Commercial (C) to the north, Low Medium Density Residential (LMDR) to the east, Mobile Home Park (MHP) to the west, Institutional (I) to the south, and R-4, One, Two, and Three Family Residential (Pinellas County) also to the east. Case REZ2016-09006 proposes to amend the zoning districts of the properties currently within the City to US 19 – Regional Center Subdistrict, is scheduled to be adopted in January 2017. The zoning atlas designation of Institutional (I) will be applied to the properties in this case, consistent with the City's Future Land Use Map designation of Institutional (I).





## **REVIEW CRITERIA:**

### **Consistency of Development with the Clearwater Comprehensive Plan and Community Development Code and Regulations [Sections 4-602.F.1]**

#### **Recommended Findings of Fact:**

*Applicable goals and policies of the Clearwater Comprehensive Plan which support the proposed amendment include:*

Goal A.2 A sufficient variety and amount of Future Land Use categories shall be provided to accommodate public demand and promote infill development.

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.

Goal A.7 The City shall ensure the efficient delivery of urban services and unified land use and property maintenance standards, as well as foster community identity and reduce sources of environmental contamination through the annexation of unincorporated properties within the Clearwater planning area.

Objective B.1.4 The City will continue to monitor traffic counts, accidents, and road improvements, to provide timely status evaluation of level of service conditions.

Policy D.1.2.1 Sewer services shall not be extended to properties outside the corporate limits of the City unless an agreement to annex or a petition to annex is filed and approved by the Clearwater City Council. Sufficient capacity must exist to serve the areas committed to City service, as well as those proposed for service.

*Applicable sections of the Community Development Code which support the proposed amendment include:*

Division 12. Institutional District (I) 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.

#### **Recommended Conclusions of Law:**

The request does not conflict with the goals and policies of the Clearwater Comprehensive Plan and the Community Development Code, and furthers each as indicated in the following. The proposed Institutional (I) District is compatible with the surrounding single family residential uses, as well as with the commercial uses to the north, the mobile home parks to the west, and the existing Our Lady of Divine Providence campus to the south. The proposed amendment will allow for the property to be redeveloped with a more intense use while providing a transition from the commercial use to the north to Old Tampa Bay to the south, as well as from the mobile home parks to the west to the single family residences to the east. The property will be able to connect to the City's sanitary sewer service when it is redeveloped. In addition, the proposal does not degrade the level of service for public facilities below the adopted standards or negatively impact the movement of people and things within the City (a detailed public facilities analysis follows in this report).

**Compatibility with Surrounding Property/Character of the City & Neighborhood [Section 4-602.F.2, 4-602.F.3 and Section 4-602.F.4]****Recommended Findings of Fact:**

Single family homes lie to the east of the subject properties. To the west, there is a vacant mobile home park, and slightly farther west another mobile home park. To the north is a commercial use, and to the south is a place of worship that is currently owned by the House of Prayer.

The proposed Institutional (I) future land use category permits 12.5 units per acre and a floor area ratio (FAR) of 0.65. The future land use designations of surrounding properties include Residential Urban (RU) (7.5 Dwelling Units Per Acre; FAR 0.40); Residential Low Medium (RLM) (10 Dwelling Units Per Acre; FAR 0.50); Commercial General (CG) (24 Dwelling Units Per Acre; FAR 0.55); and Institutional (I) (12.5 Dwelling Units Per Acre; FAR 0.65).

The Institutional (I) future land use category requested is consistent with the surrounding future land use designations that exist in the vicinity of the subject property. The proposed Institutional (I) designation will allow the site to be developed as religious retreat, and will serve as a transition between the commercial properties to the north and Old Tampa Bay to the south, as well as the vacant mobile home park to the west to the residential properties to the east. As such, the proposed amendment will allow development that is in character with the surrounding properties and neighborhood.

**Recommended Conclusions of Law:**

The proposed Institutional (I) future land use category is 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 properties and neighborhood.

**Sufficiency of Public Facilities [Section 4-602.F.5]****Recommended Findings of Fact:**

To assess the sufficiency of public facilities needed to support potential development on the properties, the maximum development potential of the properties under the present and requested City Future Land Use Map designations were analyzed (see Table 1).



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

	Present FLUM Designations				Requested FLUM Designation "I"	Net Change
	"RL"	"RU"	"RLM"	"CG"		
Site Area	1.157 AC (50,398 SF)	1.132 AC (49,309 SF)	0.245 AC (10,672 SF)	0.081 AC (3,528 SF)	2.615 AC (113,907 SF)	
Maximum Development Potential	5 DUs 20,159 SF 0.4 FAR	8 DUs 19,723 SF 0.4 FAR	2 DUs 5,336 SF 0.5 FAR	1 DU 1,940 SF 0.55 FAR	32 DUs 74,041 SF 0.65 FAR	16 DUs 26,883 SF 0.10 FAR
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 development potential across the amendment area which would affect public facilities as detailed further below. The following analysis compares the maximum potential development of the proposed Institutional (I) land use (184,633 SF) to the combined maximum development potential of the existing residential land use categories (16 DUs).

#### *Potable Water*

The additional development potential from this amendment would result in an increase in potable water use of 3,305 gallons per day. This is determined by taking the potential potable water utilization of the proposed land use (7,404 gallons per day) and subtracting the maximum development potential of the current land use designations (3,099 gallons per day). The City's current potable water demand is 11.4 million gallons per day. The City's adopted level of service (LOS) standard to potable water is 120 gallons per capita per day, while the actual usage is estimated to be 89 gallons per capita per day. Therefore, there is excess water capacity to serve the amendment area.

#### *Wastewater*

The amendment could result in additional generation of 2,255 gallon per day of wastewater. The subject property is served by the East Plant Water Pollution Control facility, which presently has excess capacity estimated to be 2.73 million gallons per day. Therefore, there is excess sanitary sewer capacity to serve the amendment area.

#### *Solid Waste*

The amendment could result in an additional 62.8 tons per year of solid waste generated. All solid waste disposal is handled by Pinellas County 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 life span of Bridgeway Acres. There is excess solid waste capacity to serve the amendment area.

#### *Parkland*

The City's adopted LOS for parkland acreage, which is 4 acres per 1,000 population, will not be impacted by this proposed amendment. Under both the existing and proposed zoning, the LOS citywide will remain at 15.46 acres per 1,000 population.

### *Stormwater*

Should the subject property be redeveloped site plan approval will be required. 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 generally located south of Gulf to Bay Boulevard, west of the Bayside Bridge, north of Old Tampa Bay, and east of Thornton Road. The amendment could result in an additional 97 trips per day based on typical traffic impacts figure (trips per day per acre) in the *Countywide Rules* for the current and proposed land use categories. The property has access to South Bayview Avenue, a local road, which connects directly to Gulf to Bay Boulevard, a six-lane, divided facility that is classified as a principal arterial and maintained by the Florida Department of Transportation. The intersection of South Bayview Avenue and Gulf to Bay Boulevard is not signalized.

The Pinellas County Metropolitan Planning Organization's (MPO's) 2016 Level of Service Report shows the level of service (LOS) for Gulf to Bay Boulevard within the vicinity of the subject property is "C." This LOS determination is based on the 2015 average annual daily traffic (AADT) volume of 48,500. The volume-to-capacity ratio for this facility is 0.895. Therefore, this segment of Gulf to Bay Boulevard is not a deficient roadway. The number of new daily or peak hour trips will be for the development project determined at the time of site plan review and impacts will be assessed under the City's Mobility Management System in the Community Development Code. However, there is adequate roadway capacity to accommodate the maximum anticipated new daily trips resulting from the amendment.

### Recommended Conclusions of Law:

Based upon the findings of fact, 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 and standards for traffic.

### **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 boundaries of the subject property. The proposed Institutional (I) District is compatible with the single family residences to the east, with the institutional uses to the south, and with the commercial uses to the north.

#### Recommended Conclusions of Law:

The District boundaries are appropriately drawn in regard to location and classifications of streets, ownership line, 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 as per Section 4-602.F:

*Table 2. Consistency with Community Development Code Standards*

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 an unreasonably or disproportionate manner.	X	
F.6	The district boundaries are appropriately drawn with due regard to locations and classifications of streets, ownership lines, existing improvements and the natural environment.	X	

**RECOMMENDATION:**

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

Recommend APPROVAL of the request for Zoning Atlas amendment from R-4, One, Two, and Three Family Residential (Pinellas County), Low Medium Density Residential (LMDR), Mobile Home Park (MHP), and Commercial (C) (City) to the Institutional (I) District (City).

Prepared by Planning and Development Department Staff:



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Planner

ATTACHMENTS: Ord. 8959-16

Resume

Photographs of Site and Vicinity