



PLANNING & DEVELOPMENT DEPARTMENT COMMUNITY DEVELOPMENT BOARD STAFF REPORT

MEETING DATE: March 21, 2017
AGENDA ITEM: G.2.
CASE: REZ2016-08005
REQUEST: To amend the Zoning Atlas designation from Preservation (P) to Medium High Density Residential (MHDR) District

GENERAL DATA:

Applicant Northside Engineering, Inc.
Owner Montclair Lake Townhomes, LLC
Location 2251 Montclair Road, portion of the property along the south side of Montclair Road approximately 770 feet west of North Belcher Road.
Property Size 0.72 acres

Background:

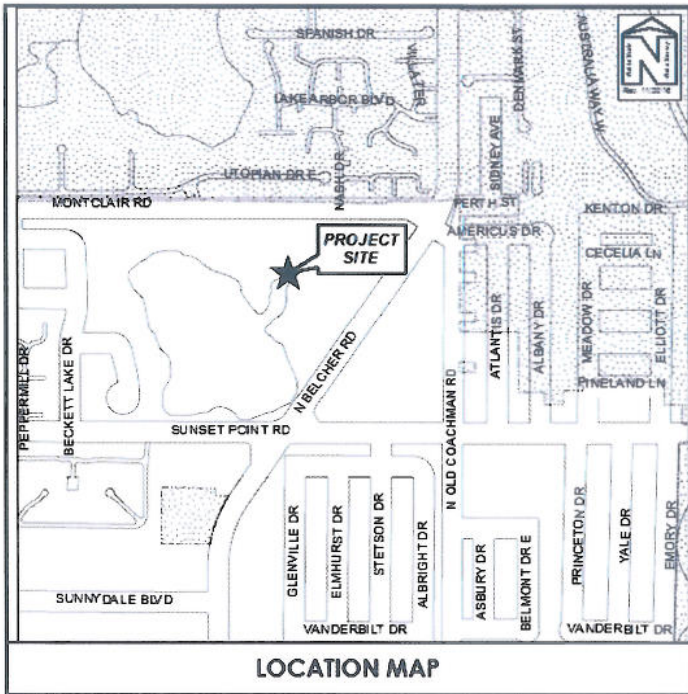
This case involves a 0.72-acre portion of property located along the south side of Montclair Road approximately 770 feet west of North Belcher Road, addressed as 2155 Montclair Road. The property is owned by Montclair Lake Townhomes, LLC. Maps 1 and 2 show the general location of the property and an aerial view of the proposed amendment area.

The request is to change the property's Zoning Atlas designation of Preservation (P) to Medium High Density Residential (MHDR). The applicant is also requesting to change the Future Land Use designation from Preservation (P) to Residential Medium (RM). (See LUP2016-08008).

In 2013 the proposed amendment area, in combination with surrounding parcels totaling 23.75 acres, was annexed into the City. City Council approved a future land use change from Residential Urban (RU), Preservation (P) and Water to Residential Medium (RM), Preservation (P) and Water (LUP2013-04002) and a rezoning from RPD-7.5 to Medium High Density Residential (MHDR) and Preservation (P) (REZ2013-04002). At that time the Preservation (P) designation line was adjusted based on a jurisdictional survey provided by the applicant, and current maps reflect that boundary.

In 2016 the applicant applied for and received a permit from the Southwest Florida Water Management District (SWFWMD) to permanently fill 0.72 acres of the total existing 0.98 acres of wetlands on the property. This application is consistent with the SWFWMD permit. The owner has active building construction permits for the construction of Phase One of a townhome development (60 units) on the east side of the subject site. The approval of this LUP and corresponding REZ is needed before they can apply for

site work and building construction permits for Phase Two (additional 26 units) as conceptually presented to the City.



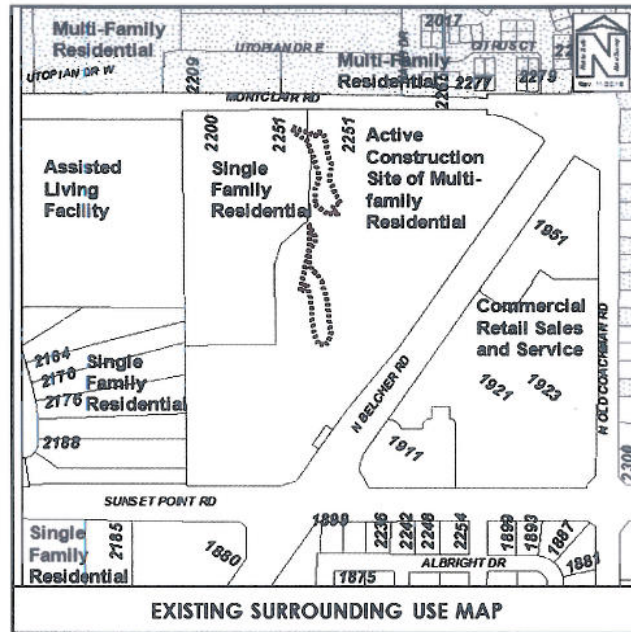
Map 1



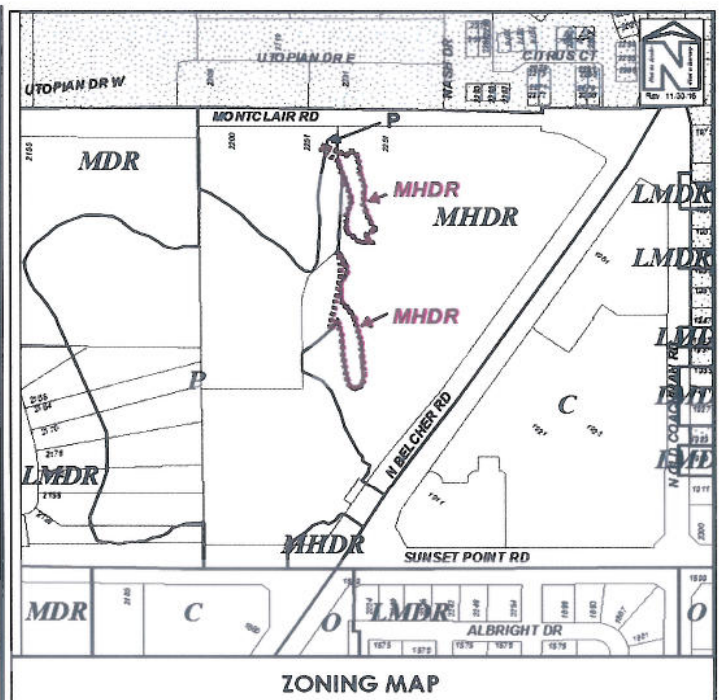
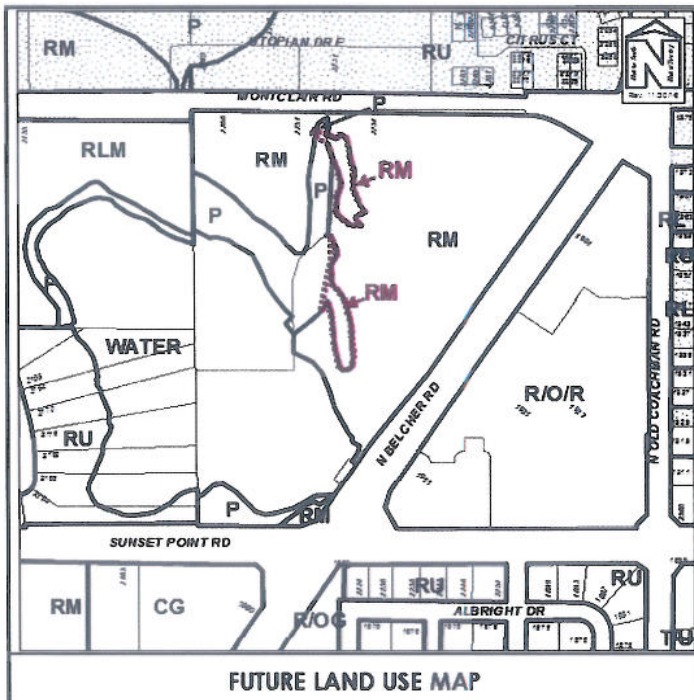
Map 2

Vicinity Characteristics:

Montclair Lake Townhomes LLC owns the overall site, inclusive of the proposed amendment area, which is bounded by Belcher Road and the north by Montclair Road. There are commercial uses to the east, across Belcher Road. Immediately adjacent to the west is a single family residence (included in the 2013 cases). There are multi-family uses to the north along Montclair Road.



Currently, the abutting zoning districts are Medium High Density Residential (MHDR) to the north, south, east, and west, and Preservation (P) to the west and north. Properties across Montclair Road are zoned RPD.7.5 (Pinellas County).



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, objective, and policies of the Clearwater Comprehensive Plan which support the proposed amendment include:

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.

Applicable section of the Community Development Code which supports the proposed amendment:

Division 3. Medium High Density Residential District (MHDR) Section 2-401. Intent and Purpose. The intent and purpose of the Medium High Density Residential District ("MHDR") is to protect and preserve the integrity and value of existing, stable residential neighborhoods of medium high density while at the same time, allowing a careful and deliberate redevelopment and revitalization of such neighborhoods in need of revitalization or neighborhoods with unique amenities which create unique opportunities to increase property values and the overall attractiveness of the City.

In June of 2016 the Southwest Florida Water Management District (SWFWMD) approved Permit No. 721316 / 43034349.002 which approved the permanent filling impacts to 0.60 acres of wetland (0.35 acres ponds and 0.25 acres of upland cut ditches). In November of 2016 the SWFWMD permit underwent a Minor Modification under Permit No. 736457 / 43034349.003 which approves the addition of 0.12 acres of impact. Mitigation is not required, and the inclusion of this area brings the total area approved for permanent fill to 0.72 acres (the proposed amendment area). Further, the applicant's environmental consultant Armstrong Environmental Services, Inc. determined that no protected species exist on site and therefore would not be impacted. A copy of the environmental narrative from Armstrong Environmental Services, Inc. was provided to SWFWMD as part of the permit application and was provided within the application materials to the City. The subject sites were found to be poor quality wetlands by the applicant's environmental consultant and the proposed fill impacts have been approved through SWFWMD and found to have no negative impacts on protected species.

The proposed Medium High Density Residential (MHDR) zoning district is compatible with the surrounding multi-family residential and single family residential uses, as well as with the Montclair Lakes Townhomes LLC multi-family development currently under construction (Phase One). The second phase is anticipated to be submitted pending approval of this application.

The applicant indicated that the filling of the wetland and proposed rezoning will allow for a better site design for the whole multi-family project. The Community Development Code requires a vegetative buffer 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. Currently, the majority of the western boundary of the development site is contiguous to Preservation (P) zoning and jurisdictional wetlands, and therefore requires a vegetative buffer that affects where the attached dwelling units can be placed. Subsequent to the permanent filling of the 0.72 acres of wetlands, as permitted by SWFWMD, the amendment areas would no longer be a jurisdictional wetland or other environmentally sensitive land, and therefore would not need to be zoned Preservation (P) on the Zoning Atlas, and a buffer would no longer be required. However, areas designated Preservation (P) on the parcel to the west of the site will remain and will still require buffering.

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 does not conflict with the goals, objectives and policies of the Clearwater Comprehensive Plan and furthers said plan as indicated in the goals, objective and policies listed above.

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:

A single family home lies to the west of the subject site. To the east, construction of 60 townhomes (Phase One) has started. Further to the east, across Belcher Road, are commercial uses. To the north along Montclair Road are multi-family uses, and to the south is Beckett Lake. The request is in conjunction with an approved SWFWMD permit allowing the permanent filling of the wetland areas, which, once filled, would no longer be consistent with the Preservation (P) zoning district.

The amendment area is located at the eastern edge of the existing preservation area running north from Beckett Lake, and is on the western edge of the multifamily development currently under construction at the corner of Belcher Road and Montclair Road. The proposed Medium High Residential Density (MHDR) District primarily permits residential uses, such as attached and detached dwellings, along with community residential homes and assisted living facilities. The intent of the Medium High Density Residential (MHDR) District is to protect and preserve the integrity and value of existing, stable residential neighborhoods of medium density while at the same time, allowing a careful and deliberate redevelopment and revitalization of existing neighborhoods in need of revitalization of neighborhoods with unique amenities which create unique opportunities to increase property values and the overall attractiveness of the City. The proposed Medium High Residential Density (MHDR) District is consistent with the zoning designation of the remainder of the parcel, and will allow the development of additional townhomes as part of the same development. It will also continue the character and scale of development current found along Belcher and Montclair Roads.

Recommended Conclusions of Law:

The proposed Zoning Atlas designation is in character with the overall Zoning Atlas designations in the area. Further, the proposal is compatible and consistent with the uses and character of the surrounding properties and neighborhood in the vicinity of the subject property.

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 property, the maximum development potential of the property under the present and requested City Future Land Use Map designations were analyzed (see Table 1). Even though this is a Zoning Atlas amendment application, maximum development potential is based on the underlying future land use, so for purposes of this analysis, sufficiency of public facilities is based on the Future Land Use Map designation.

Table 1. Development Potential for Existing & Proposed FLUM Designations

	Present FLUM Designation "P"	Requested FLUM Designation "RLM"	Net Change
Site Area	0.72 AC (31,363 SF)	0.72 AC (31,363 SF)	
Maximum Development Potential	0 DUs 3,136 SF 0.10 FAR	10 DUs 15,681 SF 0.50 FAR	10 DUs 12,545 SF 0.40 FAR
Abbreviations: FLUM – Future Land Use Map AC – Acres SF – Square feet			
DUs – Dwelling Units FAR – Floor Area Ratio Beds – 65 x 3 = 195 beds per unit			

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 Residential Medium (RM) land use developed with residential use (10 DUs) to the maximum development potential of the existing Preservation (P) future land use category (3,136 SF).

Potable Water

The additional development potential from this amendment would result in an increase in potable water use of 2,604 gallons per day. This is determined by taking the potential potable water utilization of the proposed land use (2,604 gallons per day) and subtracting the maximum development potential of the current land use designations (zero 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 2,343 gallon per day of wastewater. The subject property is served by the Northeast Water Pollution Control facility, which presently has excess capacity estimated to be 6.85 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 25.3 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 land use, the LOS citywide will remain at 15.46 acres per 1,000 population.

Stormwater

The subject property is proposed to be included in the active multi-family redevelopment. SWFWMD permit did not require mitigation. The current development has an active building construction permit from the City of Clearwater and the storm water 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 Montclair Road, west of Belcher Road, north of Sunset Point Road. The amendment could result in an additional 27 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 category. The property has access to Montclair Road, a local road, which connects directly to Belcher Road, a six-lane, divided facility that is classified as a signalized arterial and maintained by Pinellas County. The intersection of Montclair Road and Belcher Road is signalized.

The Pinellas County Metropolitan Planning Organization's (MPO's) 2016 Level of Service Report shows the level of service (LOS) for Belcher Road within the vicinity of the subject property is "C." This LOS determination is based on the 2015 average annual daily traffic (AADT) volume of 28,311. The volume-to-capacity ratio for this facility is 0.581. Therefore, this segment of Belcher Road 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. Any required traffic mitigation will be determined at the time of site plan review.

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

Recommended Findings of Fact:

The location of the proposed Medium High Density Residential (MHDR) District boundaries is consistent with the boundaries of the area of wetlands permitted for impact through the approved SWFWMD permit. The proposed Medium High Density Residential (MHDR) District is compatible with the multifamily residential north, south, and east, as well as on the remainder of the parcel.

Recommended Conclusions of Law:

The District boundaries are appropriately drawn in regard to the area being impacted and the SWFWMD permit.

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	

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

Recommend APPROVAL of the request for Zoning Atlas amendment from Preservation (P) to Medium High Density Residential (MHDR) District.

Prepared by Planning and Development Department Staff:



Ellen Crandall
Senior Planner

ATTACHMENTS: Ordinance 8981-17

Resume

Photographs of Site and Vicinity