



## Legislation Details (With Text)

<b>File #:</b>	REZ2018-02001	<b>Version:</b>	2	<b>Name:</b>	Continue to 10/4/2018: 1st rdg. Ord. #9151-18, REZ2018-02001, Todd Pressman, 1510 Barry Rd and unaddressed parcel
<b>Type:</b>	Planning Case	<b>Status:</b>			Quasi-Judicial
<b>File created:</b>	8/31/2018	<b>In control:</b>			Planning & Development
<b>On agenda:</b>	10/1/2018	<b>Final action:</b>			10/4/2018
<b>Title:</b>	Deny a request to amend the Zoning Atlas designation from Office (O) and Low Medium Density Residential (LMDR) Districts to Institutional (I) District for 1510 Barry Road; and do not pass Ordinance 9151-18 on first reading. (REZ2018-02001)				

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Ord 9151-18 and exhibits REZ2018-02001.pdf, 2. REZ2018-02001 CDB Staff Report.pdf, 3. LUP2018-02002 & REZ2018-02001 Photographs Sheet8\_9\_18.pdf, 4. October 4 2018 Barry Road\_Pressman presentation.pdf

Date	Ver.	Action By	Action	Result
10/4/2018	2	City Council		
10/1/2018	2	Council Work Session		
9/20/2018	1	City Council		
9/17/2018	1	Council Work Session		

### SUBJECT/RECOMMENDATION:

Deny a request to amend the Zoning Atlas designation from Office (O) and Low Medium Density Residential (LMDR) Districts to Institutional (I) District for 1510 Barry Road; and do not pass Ordinance 9151-18 on first reading. (REZ2018-02001)

### SUMMARY:

This Zoning Atlas amendment involves 2.137 acres consisting of three parcels located on the north side of Barry Road approximately 650 feet east of South Highland Avenue. The property is owned by 1510 Barry Holdings LLC and is occupied by vacant buildings totaling 26,238 square feet with ancillary off-street parking that was last used as an office (Tampa Bay Computer Society) in 2015. The proposed amendment area has frontage on Barry Road (430 feet) and Jeffords Street terminates at the northeast corner of the site. The applicant is requesting to change the Zoning Atlas designation of the proposed amendment area from Office (O) and Low Medium Density Residential (LMDR) Districts to the Institutional (I) District. The requested amendment would allow the property to be redeveloped with a variety of institutional uses, including a half-way house use, which the applicant has indicated is the intent; however, no site plan is in review at this time. The applicant has submitted a Future Land Use Plan amendment (LUP2018-02002) which is being processed concurrently with this case.

The property has two prior site plan approvals (FLD2013-02003, FLD2016-11036) for an educational facility and an assisted living facility (ALF), respectively. Unfortunately, the owner and/or applicant has failed to submit for building permits in the time required and the approvals have expired or building permits issued have

been later voided. The property has multiple active violations including a stop work order (SWO2018-03025), unsafe building (UNS2018-00006), and public nuisance (PNU2018-00181 and PNU2017-01340) and is actively accruing liens on some of the violations.

The immediate area is developed with single-family houses (abutting the subject property and in the area), several ALFs and offices. This site is in the transitional area from the more intense commercial districts and uses to the west along South Highland Avenue to the lower density residential neighborhood to the east. The Office (O) District that is the primary designation of the subject property allows for development and uses that are appropriate in this transition area and is in character with the single-family residential neighborhood to the east of the property.

The proposed Institutional (I) District is not appropriately located and the request is not compatible with the surrounding area and may unreasonably affect the use of the properties in the area. While certain permitted uses may be compatible with the single-family uses in the area, these same uses are also already permitted through the existing Office (O) District. There is not a need to add institutionally designated property within this area and doing so on this property would be “spot zoning,” which is a term applied to the rezoning of only one or a few lots, at the expense of the zoning scheme as a whole.

The Planning and Development Department determined that the proposed Zoning amendment is inconsistent with the provisions of the Clearwater Community Development Code as specified below:

- The proposed amendment is inconsistent with the Comprehensive Plan and the Community Development Code.
- The proposed amendment is incompatible with the surrounding property and character of the neighborhood.
- The available uses in the Institutional (I) District are not compatible with the surrounding area.

It is acknowledged that the proposed Zoning Atlas amendment will not adversely burden most public facilities in an unreasonably or disproportionate manner. However, institutional uses typically generate more traffic than residential uses like those in the immediate area, and the addition of trips may affect may impact the traffic-carrying capacities of Barry Road and Jeffords Streets, the two local roads providing access to the site. Properties with Institutional (I) District zoning in the larger surrounding area are along South Highland Avenue and Lakeview Road, both collector roads. Additionally, although the proposed Institutional (I) District boundary is appropriately drawn in regard to location and classification of streets, ownership lines, existing improvements, and the natural environment, the proposed rezoning would result in spot zoning which would be inconsistent with the neighborhood and would change the zoning pattern for a speculative use.

The Community Development Board will review this application at its October 2, 2018 public hearing and staff will provide an update with their recommendation at the City Council meeting.

**APPROPRIATION CODE AND AMOUNT: N/A**

**USE OF RESERVE FUNDS: N/A**