

**PINELLAS PLANNING COUNCIL  
AGENDA MEMORANDUM**

**Preliminary for  
PAC Review Only**

**AGENDA ITEM:**

**MEETING DATE:** February 21, 2007

**SUBJECT:** Proposed Regular Amendment to the *Countywide Future Land Use Plan Map*  
**From:** Institutional – I  
**To:** Residential Medium – RM  
**Area:** 2.2 Acres  
**CASE #:** CW 07-09  
**JURISDICTION:** Clearwater  
**LOCATION:** On the west side of Kings Highway, 130 feet south of Woodlawn Terrace.

**RECOMMENDATION:** Council Recommend An Alternative Compromise Recommendation As Per Section 5.2.1 Of The Countywide Rules To Approve The Following (Refer To Attached Map 5): Residential Medium, Residential Medium With Transportation/Utility Overlay, And Residential Medium With Water/Drainage Feature As Per The Submitted Survey.

**I. BACKGROUND**

The subject site is undeveloped and contains both a City drainage and Progress Energy utility easement along its southern property line (as identified per the submitted survey).

As per the attached Ordinance No. 7729-07 (refer to Support Document 4), which was approved by Clearwater's City Council, the request is to amend the entire site from Institutional to Residential Medium (RM). However, it does not recognize the site's existing drainage area and Progress Energy utility lines. Therefore, Council staff has recommended an Alternative Compromise Recommendation that the request include the Transportation/Utility Overlay category for the Progress Energy easement and to adjust the Water/Drainage Feature category (currently depicted on the Countywide Plan Map) to reflect the actual drainage easement on the subject site.

The Countywide Rules would permit a total of 33 residential units to be developed on the 2.2 acre site utilizing the proposed RM designation, (15 units per acre (upa) x 2.2 acres = 33 units). However, when subtracting the area under the utility line and the drainage easement the potential buildable area for the site (which is 1.55 acres), would yield an effective density of 21.3 upa. City staff has indicated that the site will be developed with 30 residential units, therefore the

**PINELLAS PLANNING COUNCIL ACTION:**

**COUNTYWIDE PLANNING AUTHORITY ACTION:**

actual effective density on the site would be 19.4 upa.

The immediate area, north of the subject site, is assigned two Countywide Plan Map designations, RM and Residential High (RH, which allows up to 30 upa). The RM designated area is vacant and the RH designated area is developed with an apartment building at 29 upa. The area to the northeast, across Kings Highway is also designated RH and is developed with an apartment building at 23 upa. The area to the east (also across Kings Highway) is designated Residential Urban and Preservation, developed with a single-family home and contains a drainage area that eventually runs through the subject area. The property to the immediate south is designated Institutional and is developed with a church. The area to the west is partially developed with a single-family attached subdivision, designated Residential Low Medium (RLM, which allows up to 10 upa).

## **II. FINDINGS**

This amendment is considered a “regular amendment” because it impacts one or more of the six Relevant Countywide Considerations contained in the Countywide Rules. The impacted consideration is:

- *Consistency with the Countywide Plan and Rules.*

In summary, Council staff has concluded that the requested RM category can be considered an appropriate Countywide Plan Map designation, given the site’s close proximity to Sunset Point Road (a Minor Arterial Road) and the site’s adjacency to other medium/high density residential uses and RLM, RM, and RH Countywide Plan Map categories.

For a detailed staff evaluation of the proposed amendment’s impact on the above Relevant Countywide Considerations refer to Support Document 1: Council Staff Analysis.

**In consideration of and based upon a balanced legislative determination of the Relevant Countywide Considerations, as they relate to the overall purpose and integrity of the Countywide Plan, it has been determined that the proposed Residential Medium category is generally consistent. However, the requested amendment by the City would not recognize the site’s drainage easement and Progress Energy utility lines. Therefore, it is recommended that the Council recommend an alternative compromise recommendation as per section 5.2.1 of the Countywide Rules to approve the following (refer to attached Map 5) Residential Medium, Residential Medium with Transportation/Utility Overlay, and Residential Medium with Water/Drainage Feature as per the submitted survey.**

## **III. PLANNERS ADVISORY COMMITTEE (PAC)**

The PAC will meet on February 12, 2007, to discuss this item.

## **IV. LIST OF MAPS & ATTACHMENTS**

Map 1	Location
Map 2	Current Countywide Plan Map & Jurisdictional Map – Black & White

***SUBJECT:*** Case CW 07-09 – Clearwater

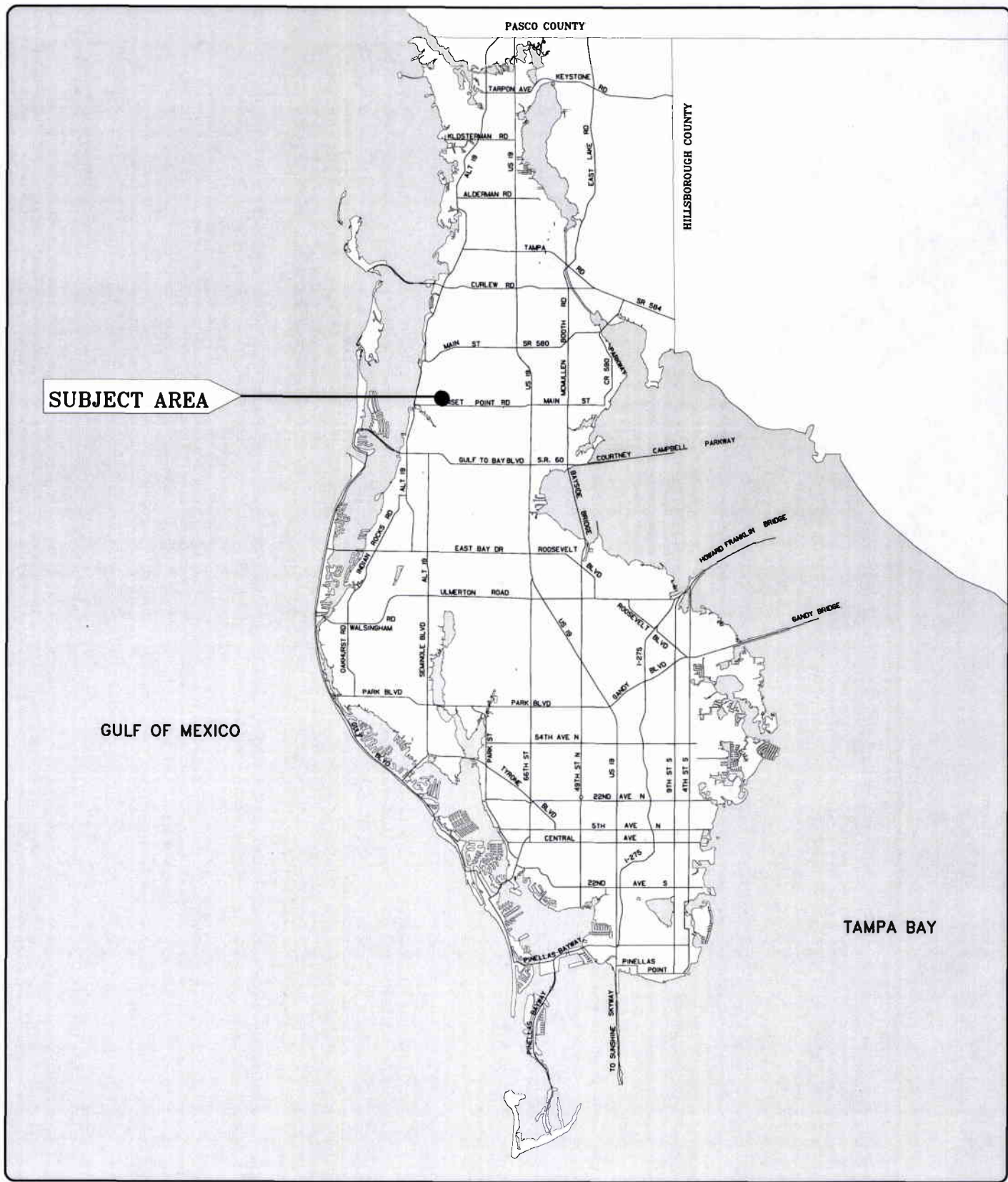
---

Map 3           Aerial – Black & White  
Map 4           Current Countywide Plan Map – Color  
Map 5           Proposed Countywide Plan Map – Color

Attachment 1         Draft PAC Minutes (to be provided after PAC)

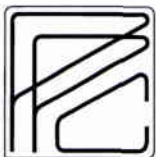
***V.     SUPPORT DOCUMENTS – available only at [www.pinellasplanningcouncil.org](http://www.pinellasplanningcouncil.org) (see February PPC Agenda and then click on corresponding case number).***

Support Document 1	Council Staff Analysis
Support Document 2	PPC Disclosure of Interest Form
Support Document 3	Local Government Application
Support Document 4	City Ordinance No. 7729-07



MAP 1

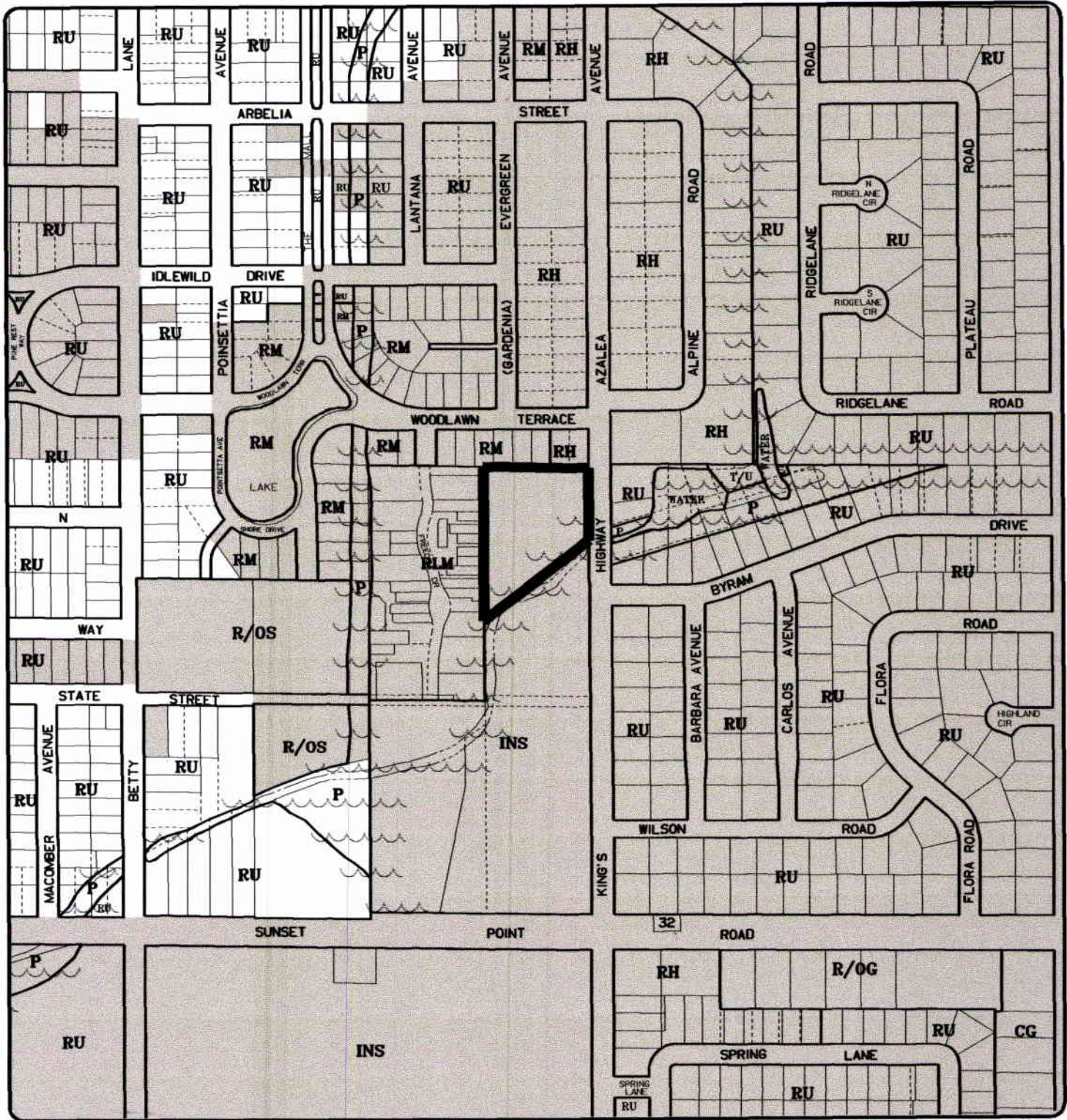
CASE NO. CW07-09



**PINELLAS PLANNING COUNCIL**



GRAPHICS PREPARED BY THE OFFICE OF THE PINELLAS COUNTY PROPERTY APPRAISER, JIM SMITH  
 Produced by MEDIT V2.1, Copyright 1991,1992 Pinellas County, Florida Property Appraiser. All Rights Reserved.



MAP 2

PROPOSED AMENDMENT CASE NO. CW07-09

FROM: Institutional (INS)

TO: Residential Medium (RM)

ACREAGE: 2.2

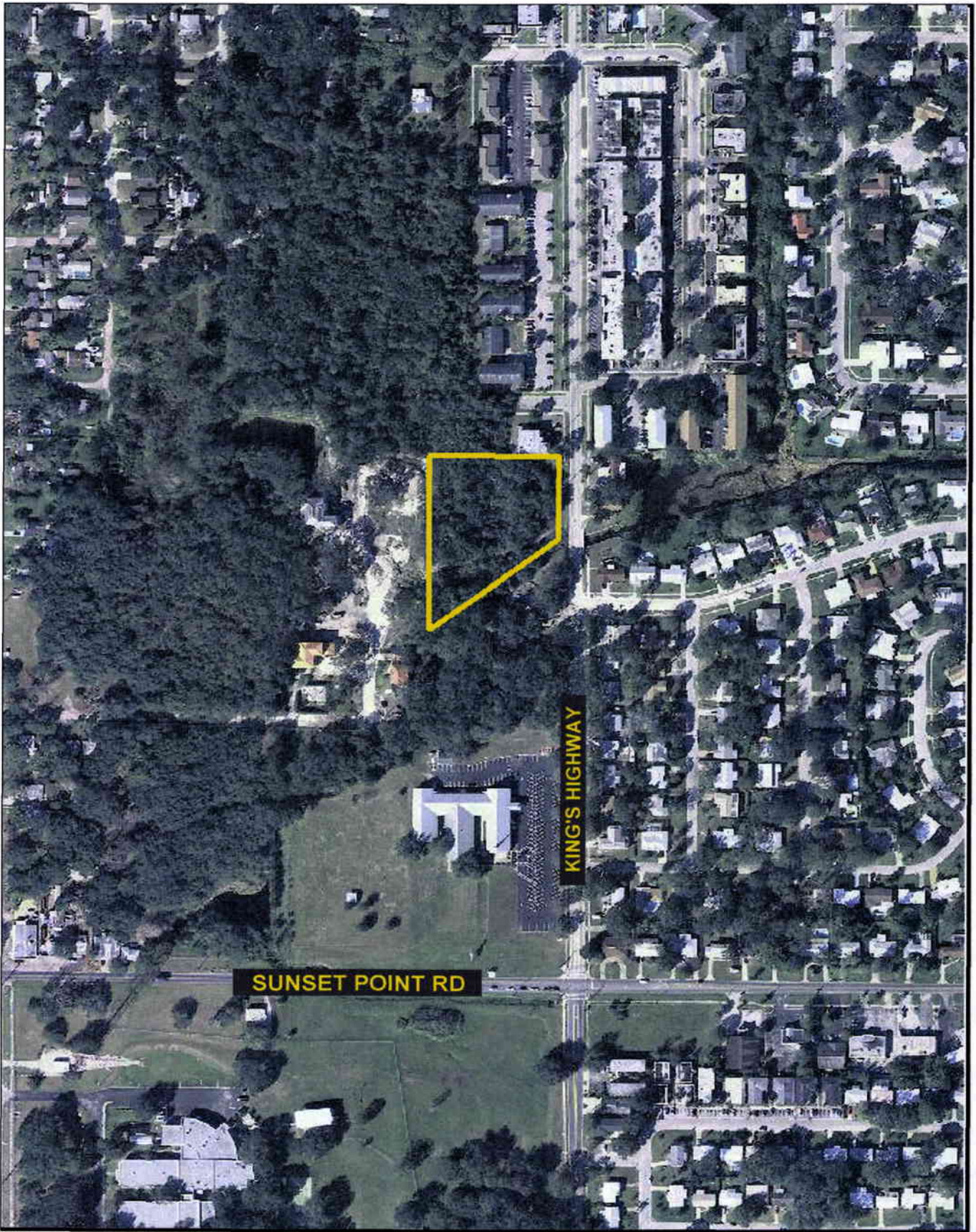


CITY OF CLEARWATER



PINELLAS PLANNING COUNCIL

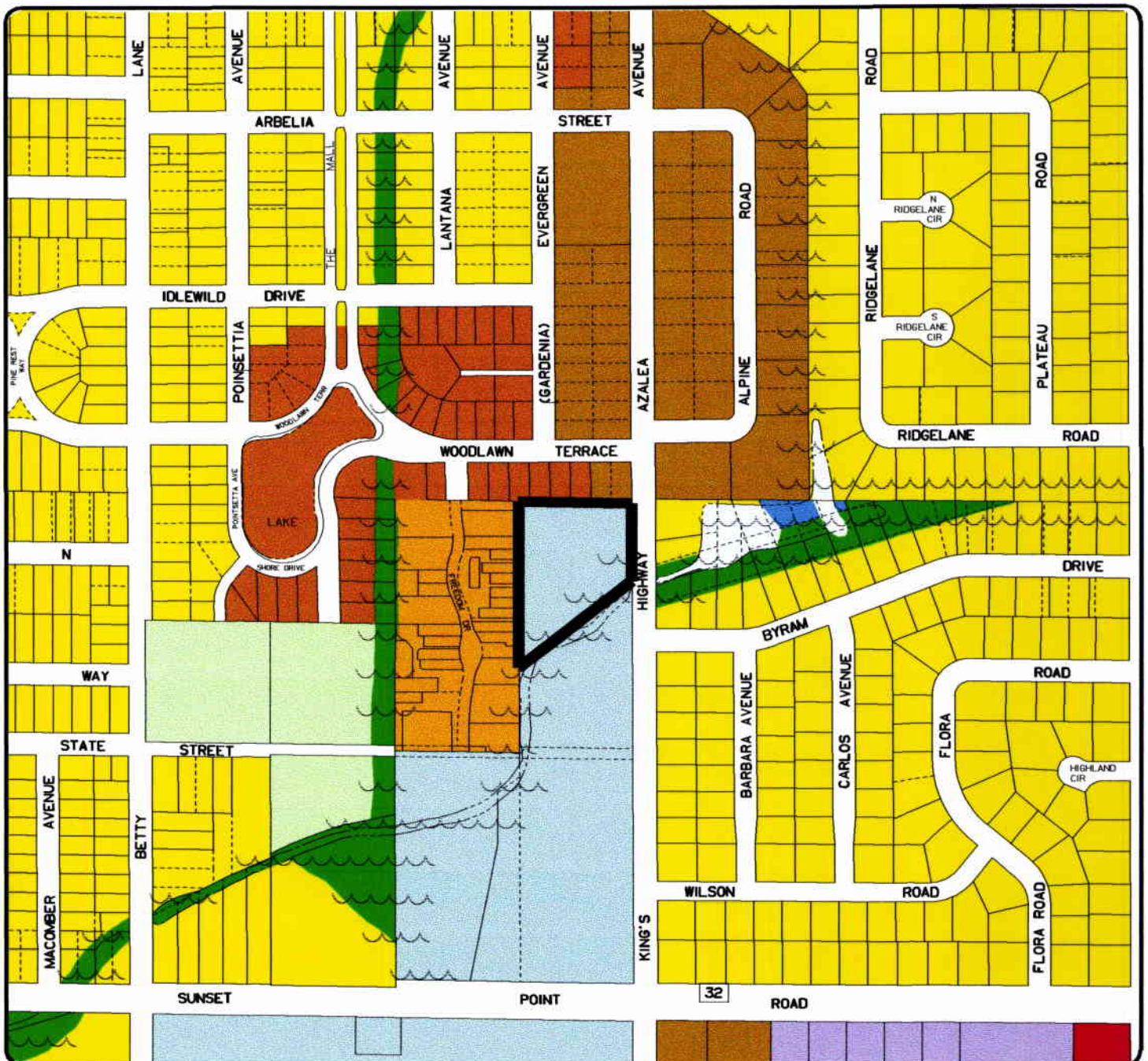
GRAPHICS PREPARED BY THE OFFICE OF PINELLAS COUNTY PROPERTY APPRAISER, JIM SMITH  
 GRAPHICS CREATED USING MEDIT VERSION 2.1 @



**CASE NO. CW07-09**  
**MAP 3**



**NOT TO SCALE**



**LEGEND**

**RESIDENTIAL**

- RESIDENTIAL RURAL
- RESIDENTIAL ESTATE
- RESIDENTIAL SUBURBAN
- RESIDENTIAL LOW
- RESIDENTIAL URBAN
- RESIDENTIAL LOW MEDIUM
- RESIDENTIAL MEDIUM
- RESIDENTIAL HIGH
- RESIDENTIAL VERY HIGH

**MIXED USE**

- RESIDENTIAL/OFFICE LIMITED
- RESIDENTIAL/OFFICE GENERAL
- RESIDENTIAL/OFFICE/RETAIL
- RESORT FACILITIES OVERLAY
- RESORT FACILITIES MEDIUM
- RESORT FACILITIES HIGH

**COMMERCIAL**

- COMMERCIAL NEIGHBORHOOD
- COMMERCIAL LIMITED
- COMMERCIAL RECREATION
- COMMERCIAL GENERAL

**INDUSTRIAL**

- INDUSTRIAL LIMITED
- INDUSTRIAL GENERAL

**PUBLIC/SEMI-PUBLIC**

- PRESERVATION
- RECREATION/OPEN SPACE
- INSTITUTIONAL
- TRANSPORTATION/UTILITY

**SPECIAL DESIGNATION**

- WATER/DRAINAGE FEATURE
- SCENIC/NON-COMMERCIAL CORRIDOR
- ACTIVITY CENTER
- COMMUNITY REDEVELOPMENT DISTRICT
- CENTRAL BUSINESS DISTRICT

**FROM:**

**INS**  
INSTITUTIONAL

**TO:**

**RM**  
RESIDENTIAL MEDIUM

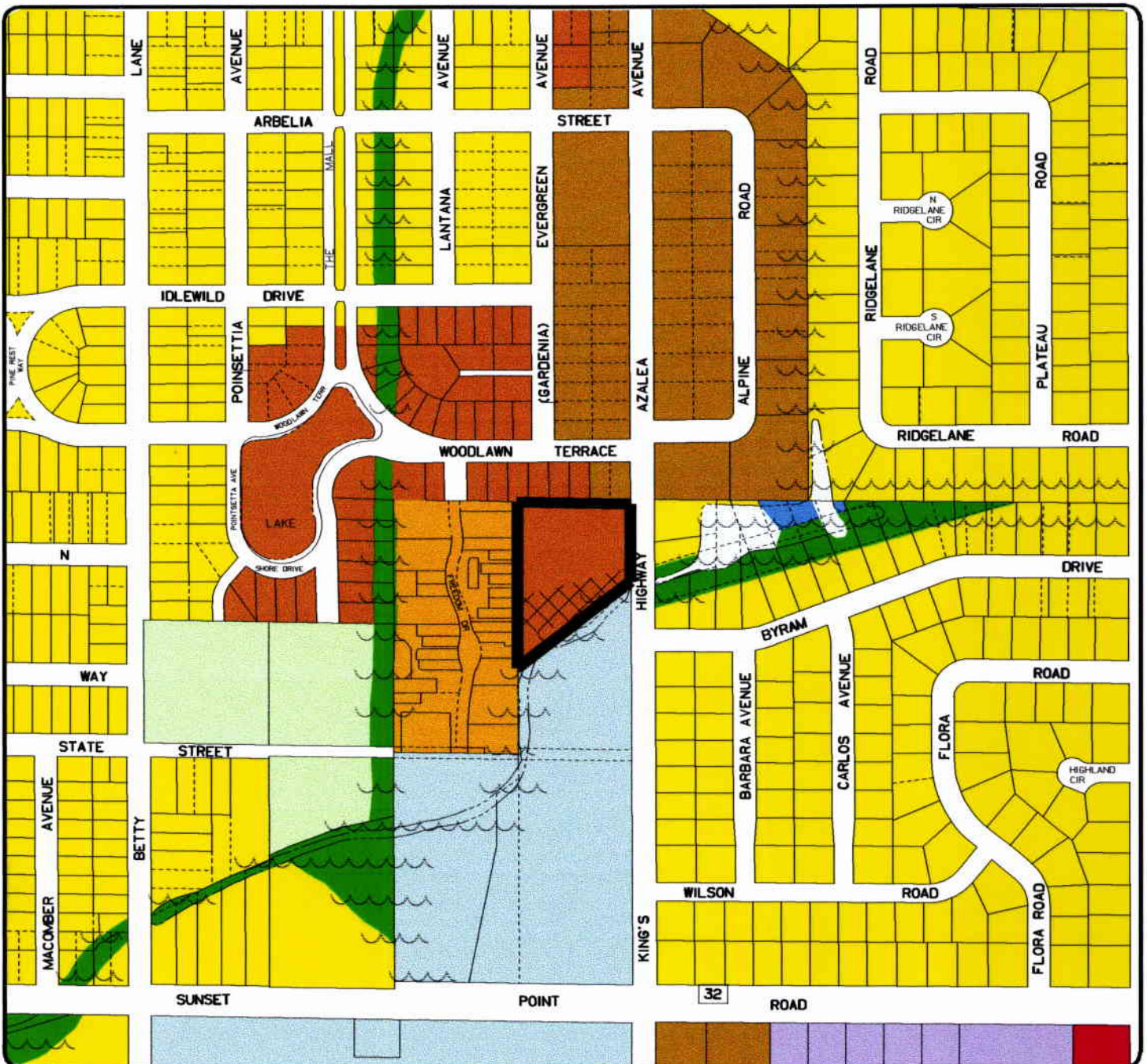
**ACREAGE: 2.2**

SCALE 1" = 400'

**MAP 4**  
**CASE NO. CW07-09**

**PINELLAS PLANNING COUNCIL**

GRAPHICS PREPARED BY THE OFFICE OF THE  
PINELLAS COUNTY PROPERTY APPRAISER, JIM SMITH  
GRAPHICS PREPARED USING MEDIT VERSION 2.1 ©



**LEGEND**

RESIDENTIAL		MIXED USE		COMMERCIAL		PUBLIC/SEMI-PUBLIC		SPECIAL DESIGNATION			
	RESIDENTIAL RURAL		RESIDENTIAL LOW MEDIUM		RESIDENTIAL/OFFICE LIMITED		COMMERCIAL NEIGHBORHOOD		PRESERVATION		WATER/ DRAINAGE FEATURE
	RESIDENTIAL ESTATE		RESIDENTIAL MEDIUM		RESIDENTIAL/OFFICE GENERAL		COMMERCIAL LIMITED		RECREATION/ OPEN SPACE		SCENIC/ NON-COMMERCIAL CORRIDOR
	RESIDENTIAL SUBURBAN		RESIDENTIAL HIGH		RESIDENTIAL/OFFICE/RETAIL		COMMERCIAL RECREATION		INSTITUTIONAL		ACTIVITY CENTER
	RESIDENTIAL SUBURBAN		RESIDENTIAL VERY HIGH		RESORT FACILITIES OVERLAY		COMMERCIAL GENERAL		TRANSPORTATION/ UTILITY		COMMUNITY REDEVELOPMENT DISTRICT
	RESIDENTIAL URBAN				RESORT FACILITIES MEDIUM						CENTRAL BUSINESS DISTRICT
					RESORT FACILITIES HIGH						
						<b>INDUSTRIAL</b>					
							INDUSTRIAL LIMITED				
							INDUSTRIAL GENERAL				

**MAP 5  
CW07-09  
ALTERNATIVE COMPROMISE  
RECOMMENDATION**

**PINELLAS PLANNING COUNCIL**  
 GRAPHICS PREPARED BY THE OFFICE OF THE  
 PINELLAS COUNTY PROPERTY APPRAISER, JIM SMITH  
 GRAPHICS PREPARED USING MEDIT VERSION 2.1 ©

SCALE 1" = 400'

**Council Staff Analysis  
Case CW 07-09: City of Clearwater  
February 21, 2007, PPC Meeting**

**Relevant Countywide Considerations:**

- 1) **Consistency with the Countywide Plan and Rules** – The proposed Residential Medium (RM) category is generally consistent with the purpose statement and the locational characteristics enumerated by the Countywide Rules. However, the subject property contains a City drainage easement and Progress Energy utility lines (as noted in the agenda memorandum). It is for this reason that Council staff is recommending that in the alternative to approving the amendment of the entire 2.2 acre site to RM as requested, that the Countywide Plan Map be amended in conformance with the attached Map 5 Alternative Compromise Recommendation, to recognize both the drainage easement and utility lines.

The Countywide Rules state that the RM designation should: *“depict those areas of the County that are now developed, or appropriate to be developed, in a moderately intensive residential manner; and to recognize such areas as primarily well-suited for residential uses that are consistent with the urban qualities, transportation facilities and natural resource characteristics of such areas.”*

The Countywide Rules also state that: *“this category is generally appropriate to locations within or in close proximity to urban activity centers; in areas where use and development characteristics are medium density residential in nature; and in areas serving as a transition between less urban and more urban residential and mixed use areas. These areas are typically in close proximity to and may have direct access from the arterial and thoroughfare highway network.”*

In summary, with the exception of the site not serving as a transition between less urban and more urban residential areas and not being located within close proximity to an activity center, the proposed RM category can be considered generally consistent with the Countywide Rules for the following reasons: 1) the site’s close proximity to Sunset Point Road (a Minor Arterial Road); and 2) the site’s adjacency to other medium/high density residential uses and RLM, RM, and RH Countywide Plan Map categories.

Additionally, for these above reasons and due to the two easements on-site, Council staff is recommending approval of the Alternative Compromise Recommendation of Residential Medium, Residential Medium with Transportation/Utility Overlay, and Residential Medium with Water/Drainage Feature categories.

Therefore, the Council staff's Alternative Compromise Recommendation can be considered consistent with this Relevant Countywide Consideration.

- 2) **Adopted Roadway Level of Service (LOS) Standard** – The amendment is not located on a roadway whose LOS is below “D”, nor will the amendment if approved cause the LOS to fall below “D”.
- 3) **Location on a Scenic/Non-Commercial Corridor (SNCC)** – The amendment area is not located on a SNCC, so these policies are not applicable.
- 4) **Coastal High Hazard Areas (CHHA)** – The amendment area is not located in a CHHA, so these policies are not applicable.
- 5) **Designated Development/Redevelopment Areas** – The amendment area is not located in, nor does it impact, a designated development or redevelopment area.
- 6) **Adjacent To or Impacting An Adjoining Jurisdiction or Public Educational Facility** – The amendment is not adjacent to, nor does it impact, another jurisdiction or a public educational facility.



APPLICATION FOR COUNTYWIDE FUTURE LAND USE PLAN AMENDMENT

Please complete all the information below as accurately as possible to ensure that the application for the land use plan amendment can be processed efficiently. Processing of the application will not be started until this form has been completed. If additional space is needed, please number and attach additional sheets.

I. Countywide FLUP Map Amendment Information

- 1. Current Countywide FLUP Designation I
- 2. Proposed Countywide FLUP Designation RM

II. Local Plan Map Amendment Information

- 1. Local Plan Map Amendment Case Number LUZ2006-08004
- 2. Current Local Plan Designation(s) I/CITY
- 3. Current Local Zoning Designation(s) I/CITY
- 4. Proposed Local Plan Designation(s) RMCITY
- 5. Proposed Local Zoning Designation(s) MDR/CITY

III. Site Description

- 1. Parcel number(s) of area(s) proposed to be amended 03-29-15-55548-000-0091  
(include Section/Twp/Rng/Sub/Blk/Lot)
- 2. Acreage 2.21
- 3. Location 1980 KINGS HIGHWAY
- 4. Existing use VACANT
- 5. Existing density 12.5 DWELLING UNITS/ACRE
- 6. Name of project (if applicable) N/A

IV. Verification of Local Action

1. Verification of local action to approve amendment to local plan and transmittal of amendment to Countywide Plan Map; and/or copy of local ordinance proposing/approving plan amendment authorizing request for amendment of Countywide Plan Map.

V. Other Pertinent Information

- 1. Submittal letter from the local jurisdiction to the Executive Director requesting amendment to the Countywide FLUP. X
- 2. Disclosure of Interest Statement with names and addresses of the application/representative and property owner. X
- 3. Proposed local ordinance number and status. X
- 4. Staff report and local action to date. X
- 5. Attach local plan and zoning maps. X
- 6. Include proposed demarcation line for environmentally sensitive areas (if applicable). X
- 7. Legal description. X
- 8. Map clearly indicating amendment location. X
- 9. Plan Amendment Application. X

ORDINANCE NO. 7729-07

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, AMENDING THE FUTURE LAND USE PLAN ELEMENT OF THE COMPREHENSIVE PLAN OF THE CITY, TO CHANGE THE LAND USE DESIGNATION FOR CERTAIN REAL PROPERTY LOCATED APPROXIMATELY 110 FEET SOUTH FROM THE INTERSECTION OF WOODLAWN TERRACE AND KINGS HIGHWAY, CONSISTING OF A PORTION OF LOT 9, E.A. MARSHALL SUBDIVISION, WHOSE POST OFFICE ADDRESS IS 1980 KINGS HIGHWAY, FROM INSTITUTIONAL TO RESIDENTIAL MEDIUM; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the amendment to the future land use plan element of the comprehensive plan of the City as set forth in this ordinance is found to be reasonable, proper and appropriate, and is consistent with the City's comprehensive plan; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. The future land use plan element of the comprehensive plan of the City of Clearwater is amended by designating the land use category for the hereinafter described property as follows:

<u>Property</u>	<u>Land Use Category</u>
See attached legal description	From: Institutional
(LUZ2006-08004)	To: Residential Medium

Section 2. The City Council does hereby certify that this ordinance is consistent with the City's comprehensive plan.

Section 3. This ordinance shall take effect immediately upon adoption, subject to the approval of the land use designation by the Pinellas County Board of County Commissioners, and subject to a determination by the State of Florida, as appropriate, of compliance with the applicable requirements of the Local Government Comprehensive Planning and Land Development Regulation Act, pursuant to § 163.3189, Florida Statutes. The Community Development Coordinator is authorized to transmit to the Pinellas County Planning Council an application to amend the Countywide Plan in order to achieve consistency with the Future Land Use Plan Element of the City's Comprehensive Plan as amended by this ordinance.

PASSED ON FIRST READING

\_\_\_\_\_

PASSED ON SECOND AND FINAL READING AND ADOPTED

\_\_\_\_\_

\_\_\_\_\_  
Frank V. Hibbard  
Mayor

Approved as to form:

Attest:

\_\_\_\_\_  
Leslie K. Dougall-Sides  
Assistant City Attorney

\_\_\_\_\_  
Cynthia E. Goudeau  
City Clerk

Legal Description for LUZ2006-08004

A PORTION OF LOT 9, LESS THE EAST 30 FEET THEREOF, E.A. MARSHALL SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 44, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA: BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 9; RUN NORTH 89°15'17" WEST ALONG THE NORTH LINE OF SAID LOT 9; 30.00 FEET TO THE POINT OF BEGINNING: THENCE SOUTH 00°16'06" EAST BEING 30' WEST AND PARALLEL TO THE EAST LINE OF LOT 9, 205.00 FEET: THENCE SOUTH 52°29'00" WEST, 375.75 FEET TO THE WEST LINE OF LOT 9; THENCE NORTH 00°15'36" WEST, ALONG SAID WEST LINE OF LOT 9, 437.72 FEET TO THE NORTHWEST CORNER OF LOT 9, THENCE SOUTH 89°15'17" EAST, ALONG THE NORTH LINE OF SAID LOT 9, 299.09 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.2 ACRES MOL