

**PINELLAS PLANNING COUNCIL
AGENDA MEMORANDUM**

AGENDA ITEM: III B-4.

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 m.o.l
CASE #: CW 07-09
JURISDICTION: Clearwater
LOCATION: On the west side of Kings Highway, 130 feet south of Woodlawn Terrace.

RECOMMENDATION: Council Recommend Approval Of The Following (Refer To Attached Map 5): Residential Medium In Combination With Both The Transportation/Utility And The Water/Drainage Feature As Overlays To Recognize The Respective Easements On Site, As Per The Submitted Survey; Subject To The City Amending Its Comprehensive Plan And Land Development Regulations Through The Evaluation Appraisal Report Amendment Process To Establish The Transportation/Utility And Water/Drainage Feature Overlays As Necessary, And Subsequently Applying These Categories Consistent With This Countywide Plan Map Amendment.

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, the proposed request does not recognize the site's existing drainage area and Progress Energy utility lines. Therefore as noted above, Council staff has recommended that the requested amendment include the Transportation/Utility and Water/Drainage Feature categories as overlays to reflect the respective easements that are on the site.

PINELLAS PLANNING COUNCIL ACTION:

02/21/07: The Council recommended approval of the amendment from Institutional to Residential Medium in combination with both the Transportation/Utility and the Water/Drainage Feature as Overlays to recognize the respective easements on site, as per the submitted survey; subject to the above noted conditions (vote 11-0).

COUNTYWIDE PLANNING AUTHORITY ACTION:

03/13/07: The Board approved the Council's recommendation, subject to the above noted conditions, with the additional stipulation that the City notify the CPA when it has completed the amendments to its local Plan and provide documentation of these actions (vote 6-0).

At present, the City is unable to amend their Future Land Use Map to coincide with the above recommendation (refer to attach Map 5) and will at a later date amend their Comprehensive Plan and Land Development Regulations to adopt both the Transportation/Utility and Water/Drainage Feature as overlays so as to be available to be used in conjunction with the RM category.

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 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 approve the following (refer to attached Map 5): Residential Medium in**

SUBJECT: Case CW 07-09 – Clearwater

combination with both the Transportation/Utility and the Water/Drainage Feature as overlays to recognize the respective easements on site, as per the submitted survey; subject to the City amending its comprehensive plan and land development regulations through the evaluation appraisal report amendment process to establish the Transportation/Utility and Water/Drainage Feature overlays as necessary, and subsequently applying these categories consistent with this Countywide Plan Map amendment.

III. PLANNERS ADVISORY COMMITTEE (PAC)

At their meeting on February 12, 2007, the PAC discussed this case and recommended approval of the staff recommendation (vote 12-0). The draft PAC minutes relative to this case are included as Attachment 1.

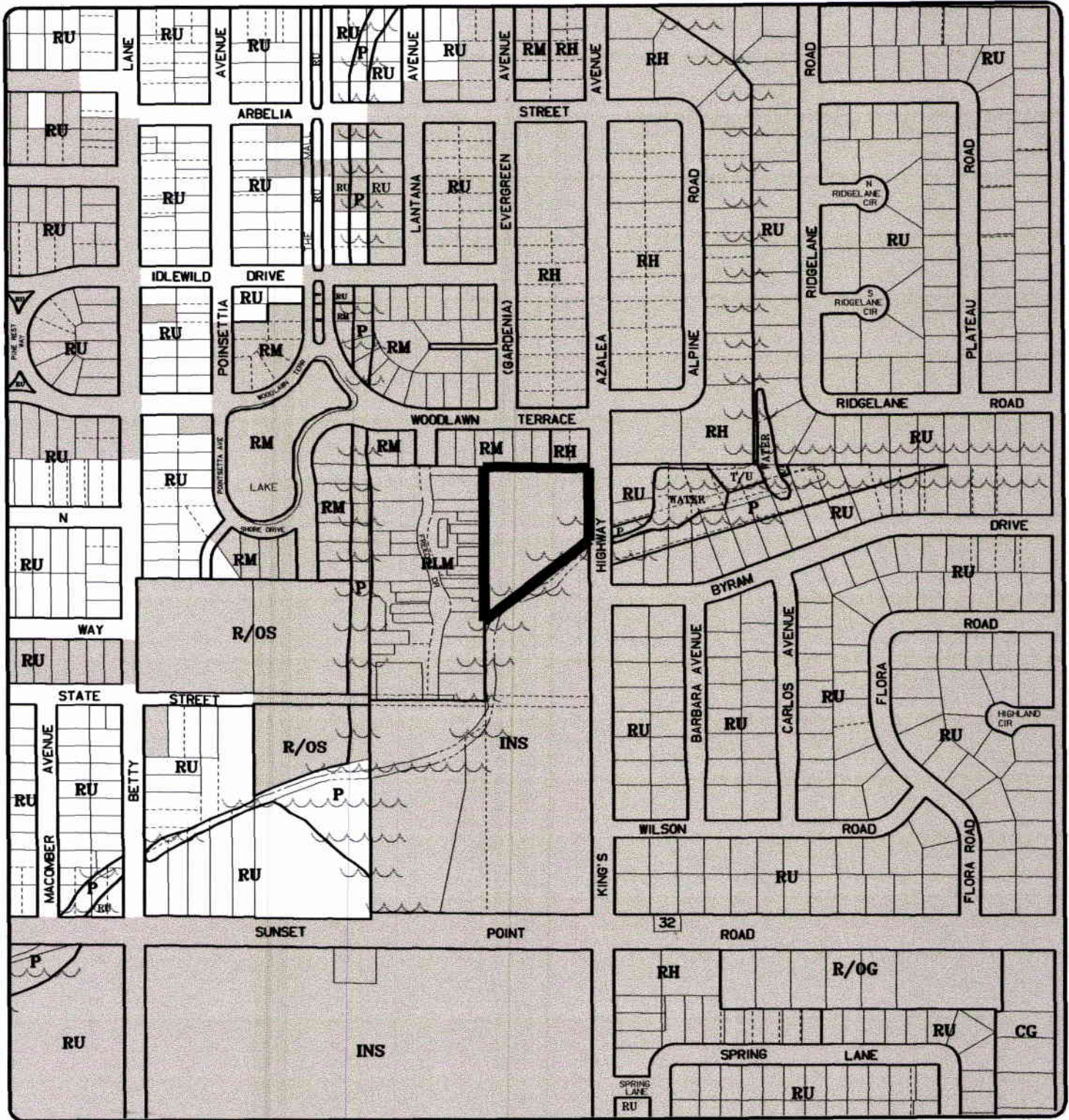
IV. LIST OF MAPS & ATTACHMENTS

Map 1	Location
Map 2	Current Countywide Plan Map & Jurisdictional Map – Black & White
Map 3	Aerial – Black & White
Map 4	Current Countywide Plan Map – Color
Map 5	Proposed Countywide Plan Map – Color

Attachment 1 Draft PAC Minutes

V. SUPPORT DOCUMENTS – available only at 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 2

PROPOSED AMENDMENT CASE NO. CW07-09

FROM: Institutional (INS)

TO: Residential Medium (RM)

ACREAGE: 2.2

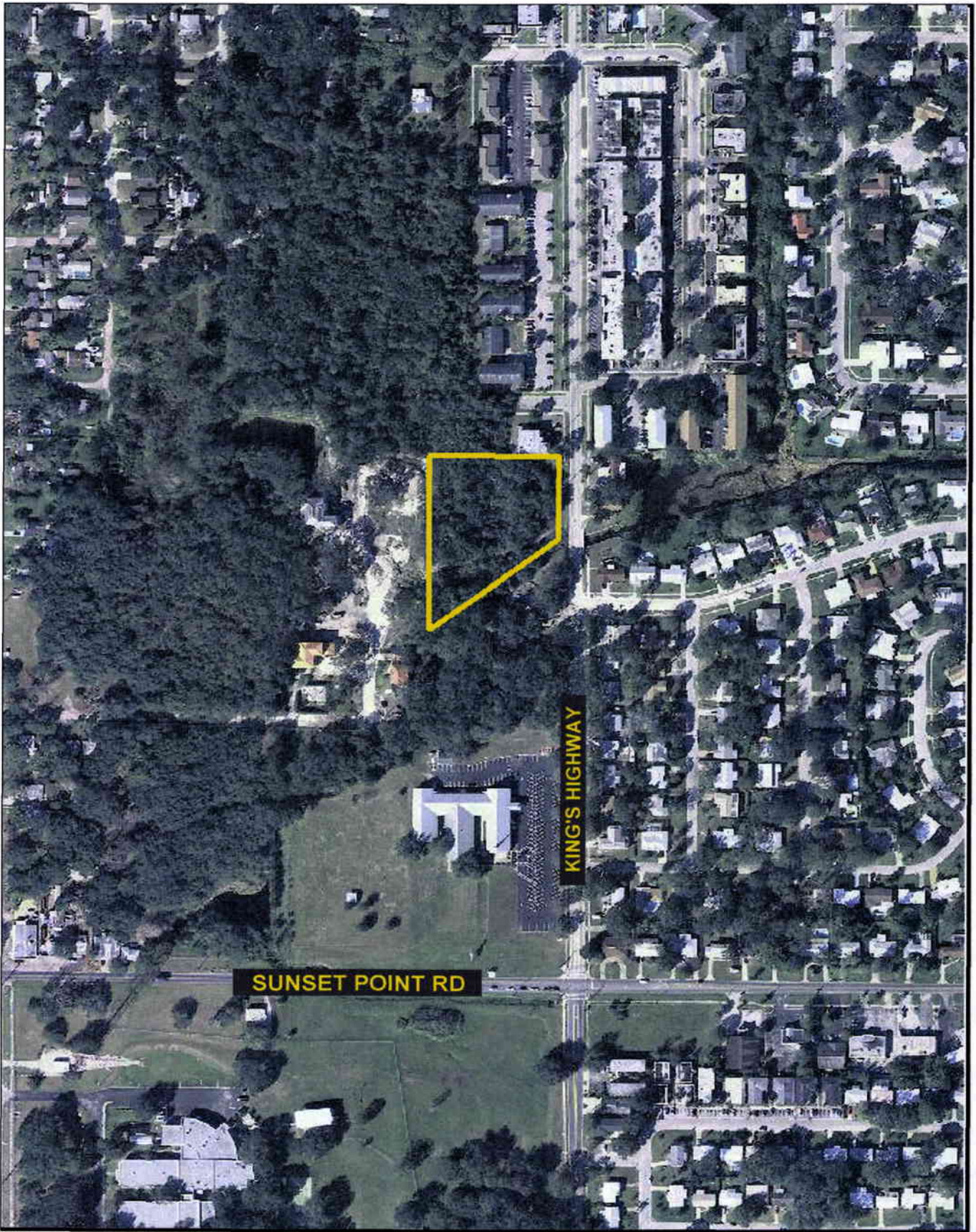


CITY OF CLEARWATER



PINELLAS PLANNING COUNCIL

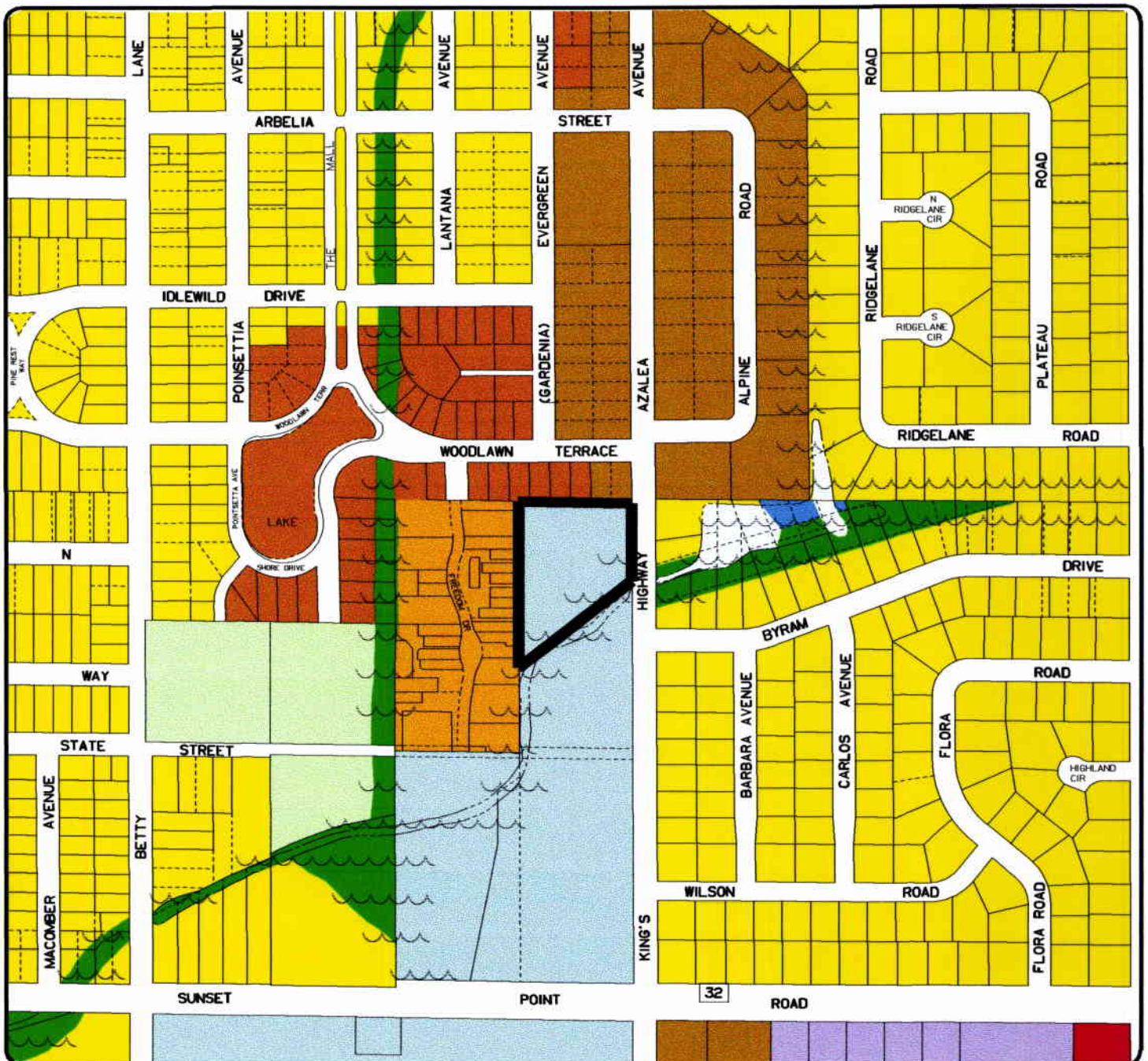
GRAPHICS PREPARED BY THE OFFICE OF PINELLAS COUNTY PROPERTY APPRAISER, JIM SMITH
 GRAPHICS CREATED USING MEDIT VERSION 2.1 @



CASE NO. CW07-09
MAP 3



NOT TO SCALE



LEGEND

RESIDENTIAL		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 LOW		RESIDENTIAL VERY HIGH		RESORT FACILITIES OVERLAY		COMMERCIAL GENERAL		TRANSPORTATION/ UTILITY		COMMUNITY REDEVELOPMENT DISTRICT
	RESIDENTIAL URBAN				RESORT FACILITIES MEDIUM						CENTRAL BUSINESS DISTRICT
					RESORT FACILITIES HIGH						
						INDUSTRIAL					
							INDUSTRIAL LIMITED				
							INDUSTRIAL GENERAL				

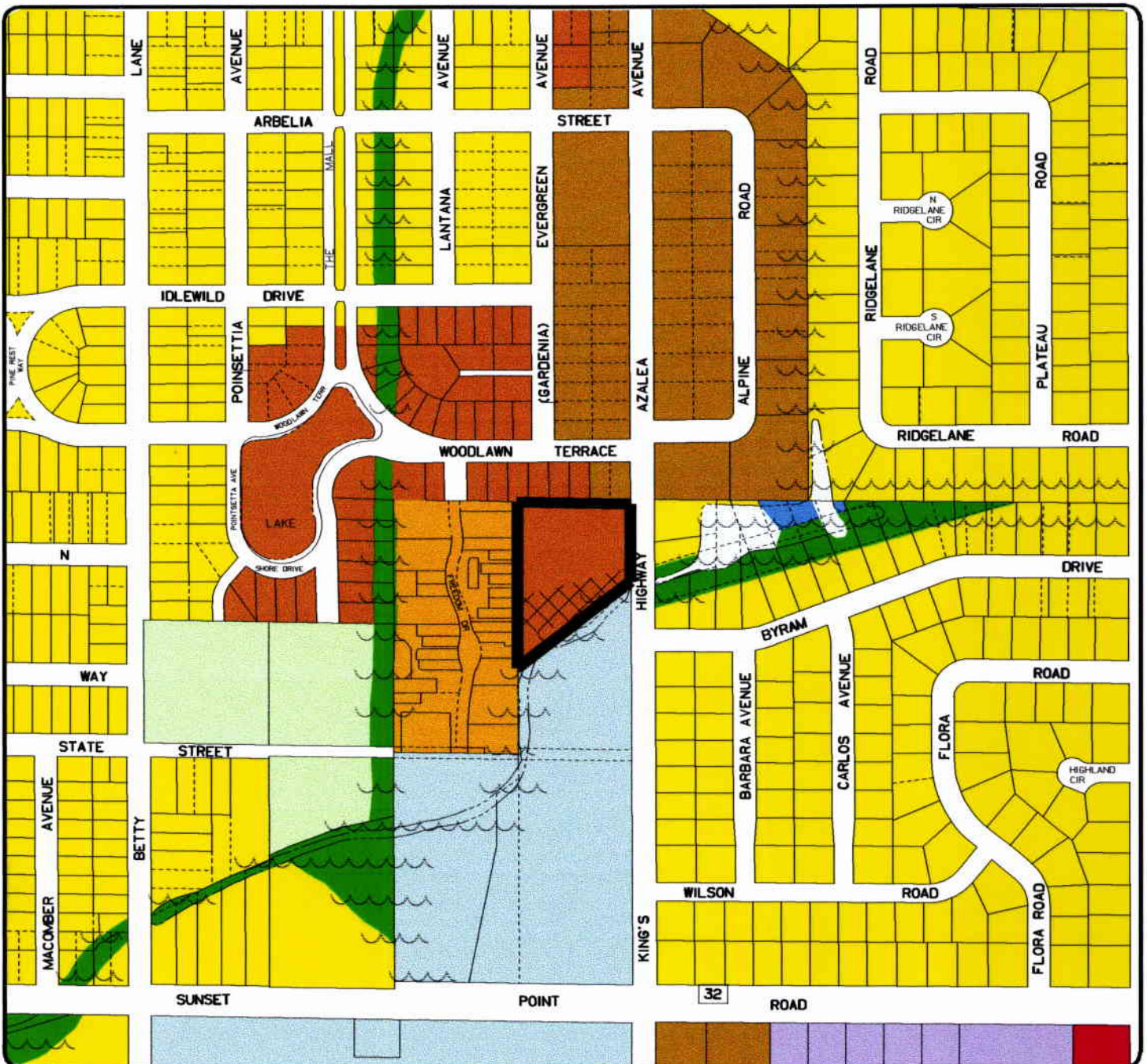
FROM:		INS	INSTITUTIONAL
TO:		RM	RESIDENTIAL MEDIUM

ACREAGE: 2.2

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 ©

SCALE 1" = 400'



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 LOW		RESIDENTIAL VERY HIGH		RESORT FACILITIES OVERLAY		COMMERCIAL GENERAL		TRANSPORTATION/ UTILITY		COMMUNITY REDEVELOPMENT DISTRICT
	RESIDENTIAL URBAN				RESORT FACILITIES MEDIUM						CENTRAL BUSINESS DISTRICT
					RESORT FACILITIES HIGH						
						INDUSTRIAL					
							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'

Draft PAC Minutes

February 12, 2007

Regular Amendment:

Case CW 07-09 – Clearwater

Mr. Crawford stated that this 2.2-acre site is located on the west side of Kings Highway, 130 feet south of Woodlawn Terrace. The proposed Countywide Plan Map amendment is a request to change the designation from Institutional – I to Residential Medium - RM.

Mr. Crawford noted that the subject site is undeveloped and contains both a City drainage and Progress Energy utility easement along its southern property line as identified in the submitted survey. He also stated that the request is to amend the entire site from Institutional to Residential Medium; however, Council staff is recommending approval of the Residential Medium, with the addition of Transportation/Utility (T/U) and Water/Drainage Feature (W/DF) categories used as overlays to recognize the respective easements on site, subject to the City of Clearwater adopting a Comprehensive Plan amendment as part of its EAR amendment process to include the overlay feature of the T/U and W/DF Future Land Use Plan categories, as necessary, in its continuum of uses, and secondly, to apply these categories to Clearwater's map for this parcel of property.

Mr. Brinson noted that 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; however, the proposal includes only 30 units and when subtracting the area under the utility line and the drainage easement, the potential buildable area for the site (1.55 acres), would yield an effective density of 19.4 upa.

Mr. Brinson reported that the immediate area north of the subject site is assigned two Countywide Plan Map designations, RM and RH (which allows up to 30 upa). He stated that the RM designated area is vacant, (which allows 15 upa), 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 residence. 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, which allows up to 10 upa.

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.

Dean Neal moved to approve staff recommendation of Residential Medium with the respective Transportation/Utility and Water/Drainage Feature overlay, subject to the City amending its Comprehensive Plan and land development regulations through the Evaluation Appraisal Report amendment process to establish the Transportation/Utility and Water/Drainage Feature overlay, as necessary, and subsequently applying these categories consistent with this Countywide Plan Map amendment; the motion was seconded by Gina Clayton and carried (Vote 12-0).

**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 request be amended in conformance with the attached Map 5, 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.

Therefore and for these above reasons, the proposed amendment 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.

DISCLOSURE OF INTEREST STATEMENT
PINELLAS COUNTY PLANNING COUNCIL CASE NUMBER *

SUBMITTING GOVERNMENT ENTITY: CITY OF CLEARWATER

PPC OR CITY/TOWN CASE NUMBER: LUZ2006-08004

PROPERTY OWNERS: CLEARWATER VILLAGE, LLC.

REPRESENTATIVE: MR. BERNARD K. REICHEL, JR.
1957 FREEDOM DRIVE
CLEARWATER, FLORIDA 33755

ANY OTHER PERSONS HAVING ANY OWNERSHIP INTEREST IN THE SUBJECT
PROPERTY: NO

Interests:
Contingent:
Absolute:
Name:
Specific Interest Held:

INDICATION AS TO WHETHER A CONTRACT EXISTS FOR SALE OF SUBJECT
PROPERTY, IF SO: NO

Contract is: Contingent: Absolute:

All Parties To Contract:

Name:

INDICATION AS TO WHETHER THERE ARE ANY OPTIONS TO PURCHASE SUBJECT
PROPERTY, IF SO: NO

All Parties To Option:

Name:

Name:

ANY OTHER PERTINENT INFORMATION WHICH APPLICANT MAY WISH TO SUBMIT
PERTAINING TO REQUESTED PLAN AMENDMENT:

* NUMBER TO BE ASSIGNED BY PLANNING COUNCIL STAFF

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