



Staff Report

File #: 16-106A, **Version:** 1

Agenda Date: 2/23/2016

Subject:

Case No. Q Z/LU-34-12-15 (Kamran & Dori Rouhani, Parviz Rouhani, A.E.C. 2159 LLC, and Emerald Garden Real Estate, Inc.)

A request for a land use change from Residential Suburban to Institutional and a zoning change from A-E, Agricultural Estate Residential & R-R, Rural Residential to IL-CO, Institutional Limited-Conditional Overlay, with the Conditional Overlay limiting the use of the property to an assisted living facility with a maximum of 60 beds, inclusive of services defined by the State as independent living, assisted living care, skilled nursing care, extended congregate care, long-term care and/or memory care, and including physical rehabilitative and physician support services for occupants of the 60 beds of the facility; provided, however, that no such services shall be provided for external patients who are not occupants of the facility on approximately 2.5 acres located 680 feet north of Union Street on the west side of McMullen Booth Road in the unincorporated area of Clearwater (street addresses: 2159, 2167, and 2175 McMullen Booth Road).

Recommended Action:

Adoption of Case No. Q Z/LU-34-12-15: An Ordinance approving the application of Kamran & Dori Rouhani, Parviz Rouhani, A.E.C. 2159 LLC, and Emerald Garden Real Estate, Inc. for a change in land use from Residential Suburban to Institutional and a Resolution approving a change in zoning from A-E, Agricultural Estate Residential & R-R, Rural Residential to IL-CO, Institutional Limited-Conditional Overlay with the Conditional Overlay limiting the use of the property to an assisted living facility with a maximum of 60 beds, inclusive of services defined by the State as independent living, assisted living care, skilled nursing care, extended congregate care, long-term care and/or memory care, and including physical rehabilitative and physician support services for occupants of the 60 beds of the facility; provided, however, that no such services shall be provided for external patients who are not occupants of the 60 beds of the facility on approximately 2.5 acres located 680 feet north of Union Street on the west side of McMullen Booth Road (street addresses being: 2159, 2167, and 2175 McMullen Booth Road).

Strategic Plan:

Foster Continual Economic Growth and Vitality

4.3 Catalyze redevelopment through planning and regulatory programs.

Deliver First Class Services to the Public and our Customers

5.2 Be responsible stewards of the public's resources.

Summary:

The proposed use within the 2.5-acre subject area is an assisted living/memory care facility (ALF/MCF) with skilled nursing, rehabilitative and physician support services to serve its occupants. To facilitate this use, the applicant is requesting a Future Land Use Map (FLUM) amendment from Residential Suburban to Institutional and a Zoning Atlas Amendment from A-E, Agricultural Estate Residential (on the south three lots) and Rural Residential (on the north lot) to IL-CO, Institutional

Limited with a Conditional Overlay. The applicant is proposing a Conditional Overlay to limit the use of the property to an assisted living facility with a maximum of 60 beds, inclusive of services defined by the State as independent living, assisted living care, skilled nursing care, extended congregate care, long-term care and/or memory care, and including physical rehabilitative and physician support services for occupants of the 60 beds of the facility; provided, however, that no such services shall be provided for external patients who are not occupants of the 60 beds of the facility. Without these restrictions, the property would be open to the full range of uses permitted by the IL zoning district and would permit a maximum of 94 beds.

The subject area's south parcel currently contains the two-story 20-bed Emerald Garden ALF that was permitted via a Special Exception granted by the Board of Adjustment in 1998. The north parcel contains a single family home and the two middle parcels are vacant. In 2013, the Board of Adjustment granted the applicant a second special exception that allowed for the expansion of the ALF via an ancillary building for physical therapy and doctors' offices in conjunction with the ALF. The proposed land use and zoning amendments including the Conditional Overlay, however, more accurately document the applicant's intended use of the subject area and provide the appropriate mechanism for permitting the intended use of the property. The proposed skilled nursing, rehabilitative and physician support services will be for occupants of the facility only and will not be a standalone medical office, a use that is not permitted within the IL zoning district. Other institutional-type uses along this stretch of McMullen Booth Road include places of worship and schools. The roadway is otherwise predominantly residential in nature with the exception of nodes of retail commercial and office uses generally located at major intersections.

The proposed 60-bed ALF/MCF could generate approximately 64 additional average daily trips (AADT) on McMullen Booth Road. In this location the roadway is operating at a peak hour level of service (LOS) F and is considered a constrained roadway with a volume-to-capacity ratio (V/CR) of 1.37. The 64 additional average daily trips are not expected to significantly impact the operational characteristics of McMullen Booth Road, however, as it represents a very small percentage of the overall traffic volume on the roadway (69,459 AADT as of 2014). The subject property is within the City of Clearwater's sanitary sewer service and potable water distribution areas. Approval of the request should not negatively impact the provision of solid waste, potable water and sanitary sewer services.

McMullen Booth Road is a designated Scenic/Non-Commercial Corridor (SNCC) as recognized by the Pinellas County Comprehensive Plan. Development other than low density residential is typically not encouraged along SNCCs. The proposed ALF, however, limited by the restrictions imposed by the Conditional Overlay, is felt to be consistent with Policy 1.10.2 of the Future Land Use and Quality Communities Element. Any future development on the site will be subject to additional landscaping requirements as necessitated by SNCC standards.

The proposed Institutional FLUM category and IL-CO zoning designation are appropriate based on the historic and current use as a 20-bed ALF on a portion of the site, compatibility with surrounding uses and consistency with the Pinellas County Comprehensive Plan.

Background Information:

The Local Planning Agency (LPA) unanimously recommended approval of the request during its

December 10, 2016 public hearing (Vote 6-0).

Fiscal Impact:

N/A

Staff Member Responsible:

Gordon Beardslee, Director, Planning

Partners:

N/A

Attachments:

LPA Report
Case Maps
Resolution
Legal Description
Ordinance
Legal Description
Impact Assessment
Traffic Analysis
Power Point Presentation
Ad
Ad Map
Correspondence

LOCAL PLANNING AGENCY (LPA) RECOMMENDATION to the
BOARD OF COUNTY COMMISSIONERS



Regarding: Case No. Z/LU-34-12-15

LPA Recommendation: The LPA finds that the proposed amendments are consistent with the Pinellas County Comprehensive Plan, and recommends approval of the proposed Zoning change and the Future Land Use Map amendment with a Conditional Overlay limiting the use of the property to an assisted living facility with a maximum of 60 beds, inclusive of services defined by the State as independent living, assisted living care, skilled nursing care, extended congregate care, long-term care and/or memory care, and including physical rehabilitative and physician support services for occupants of the 60 beds of the facility; provided, however, that no such services shall be provided for external patients who are not occupants of the 60 beds of the facility. (The vote was 6-0, in favor)

It was announced that this case would be heard by the Board of County Commissioners on February 23, 2016.

LPA Public Hearing: December 10, 2015

PLANNING STAFF RECOMMENDATION:

- **Staff recommends** that the LPA find that the proposed amendments to the Pinellas County Future Land Use Map (FLUM) and Zoning Atlas are consistent with the Pinellas County Comprehensive Plan based on the findings in this report; and
- **Staff further recommends** that the LPA recommend approval of the proposed FLUM and Zoning Atlas amendments to the Pinellas County Board of County Commissioners.

CASE SUMMARY

APPLICANT'S NAME: Kamran & Dori Rouhani & Parviz Rouhani, A. E. C. 2159 LLC and Emerald Garden Real Estate, Inc.

DISCLOSURE: Partners: Kamran & Dori Rouhani & Parviz Rouhani, A. E. C. 2159, LLC and Emerald Garden Real Estate, Inc.

REPRESENTED BY: Joel Tew, Esquire and Kamran Rouhani

	LAND USE CHANGE	ZONING CHANGE
FROM:	Residential Suburban	A-E, Agricultural Estate Residential & R-R, Rural Residential
TO:	Institutional	IL-CO, Institutional Limited-Conditional Overlay

Conditional Overlay limiting the use of the property to an assisted living facility with a maximum of 60 beds, inclusive of services defined by the State as independent living, assisted living care, skilled nursing care, extended congregate care, long-term care and/or memory care, and including rehabilitative and physician support services for occupants of the 60 beds of the facility; provided, however, that no such services shall be provided for external patients who are not occupants of the 60 beds of the facility.

PROPERTY DESCRIPTION: Approximately 2.5 acres located 680 feet north of Union Street on the west side of McMullen Booth Road in the unincorporated area of Clearwater (street addresses being: 2159, 2167, and 2175 McMullen Booth Road).

PARCEL ID(S): 33/28/16/00000/330/0400, 0500, 0510 & 0600

PROPOSED BCC HEARING DATE: February 23, 2016

CORRESPONDENCE RECEIVED TO DATE:

No correspondence received.

PERSONS APPEARING AT THE LOCAL PLANNING AGENCY HEARING:

Two persons appeared in opposition.

SURROUNDING ZONING AND LAND USE FACTS:

	Land Use Category	Zoning Designation	Existing Use
Subject Property:	Residential Suburban	A-E & R-R	Single Family Home, Vacant, and ALF
Adjacent Properties:			
North	Residential Suburban	A-E	Vacant
East	Institutional & Residential Urban	City of Safety Harbor	Church and Multi-Family Residential
South	Residential Suburban & Preservation	A-E	Single-Family Home
West	Residential Suburban	E-1 & A-E	Single Family Home & Birthing Clinic

STAFF DISCUSSION AND ANALYSIS

BACKGROUND AND COMPATIBILITY WITH SURROUNDING LAND USES

Covering approximately 2.5 acres, the subject property consists of four parcels with frontage along the west side of McMullen Booth Road, 680 feet north of Union Street. Single family homes exist to the south and west, vacant land is to the north and a birthing center (a verified nonconforming use) is to the northwest. Across McMullen Booth Road to the east within the City of Safety Harbor are a church and a multifamily residential development (Cypress Trace).

The proposed use is an assisted living/memory care facility (ALF/MCF) with skilled nursing, rehabilitative and physician support services to serve its occupants. To facilitate this use, the applicant is requesting a Future Land Use Map (FLUM) amendment from Residential Suburban to Institutional and a Zoning Atlas Amendment from A-E, Agricultural Estate Residential (on the south three lots) and Rural Residential (on the north lot) to IL-CO, Institutional Limited with a Conditional Overlay. The Conditional Overlay is an option adopted by the Board of County Commissioners in August 2015 that allows the imposition of certain restrictions on the potential uses and development intensity of a property in order to enhance its compatibility with the surrounding area. In this case the applicant is proposing a Conditional Overlay limiting the use of the property to an assisted living facility with a maximum of 60 beds, inclusive of services defined by the State as independent living, assisted living

care, skilled nursing care, extended congregate care, long-term care and/or memory care, and including rehabilitative and physician support services for occupants of the 60 beds of the facility; provided, however, that no such services shall be provided for external patients who are not occupants of the 60 beds of the facility. Without these restrictions, the property would be open to the full range of uses permitted by the Institutional Limited zoning district with a maximum 94 beds based on the property's overall acreage. These restrictions would require a Development Agreement if not for the Conditional Overlay option. The Conditional Overlay, if approved, could only be removed or modified by future Board of County Commissioner action at a public hearing.

The subject area's south parcel currently contains the two-story 20-bed Emerald Garden ALF that was permitted via a Special Exception granted by the Board of Adjustment in 1998. The north parcel contains a single family home that was built in 1925. The two middle parcels are vacant. In 2013, the Board of Adjustment (case # BA-2-1-13) granted the applicant a second special exception that allowed for the expansion of the ALF via an ancillary building for physical therapy and doctors' offices in conjunction with the ALF. The proposed land use and zoning amendments including the Conditional Overlay more accurately document the applicant's intended use of the subject area and provide the appropriate mechanism for permitting the intended use of the property. The proposed skilled nursing, rehabilitative and physician support services will be for occupants of the facility only and will not be a standalone medical office, a use that is not permitted within the IL zoning district. Other institutional-type uses along this stretch of McMullen Booth Road include places of worship and schools. The roadway is otherwise predominantly residential in nature with the exception of nodes of retail commercial and office uses generally located at major intersections.

TRANSPORTATION AND INFRASTRUCTURE IMPACTS

Comparing the current development potential of the subject site with the potential use associated with the proposed Institutional FLUM designation, the proposed 60-bed ALF/MCF could generate approximately 64 additional average daily trips (AADT) on McMullen Booth Road. In this location the roadway is operating at a peak hour level of service (LOS) F and is considered a constrained roadway with a volume-to-capacity ratio (V/CR) of 1.37. The 64 additional average daily trips are not expected to significantly impact the operational characteristics of McMullen Booth Road, however, as it represents a very small percentage of the overall traffic volume on the roadway (69,459 AADT as of 2014). The subject property is within the City of Clearwater's sanitary sewer service and potable water distribution areas. Approval of the request should not negatively impact the provision of solid waste, potable water and sanitary sewer services.

OTHER CONSIDERATIONS

McMullen Booth Road is a designated Scenic/Non-Commercial Corridor (SNCC) as recognized by the Pinellas County Comprehensive Plan. Development other than low density residential is typically not encouraged along SNCCs. The proposed ALF, however, limited by the restrictions imposed by the Conditional Overlay, is felt to be consistent with Policy 1.10.2 of the Future Land Use and Quality Communities Element. Any future development on the site will be subject to additional landscaping requirements as necessitated by SNCC standards.

SUMMARY

The proposed Institutional FLUM category and IL-CO zoning designation are appropriate based on the historic and current use as a 20-bed ALF on a portion of the site, compatibility with surrounding uses and consistency with the Pinellas County Comprehensive Plan. An ALF/MCF is a quiet use that generates little traffic. The restrictions proposed under the Conditional Overlay will prevent other uses normally permitted by the Institutional Limited zoning district and limit the density of the facility to 60 beds. The subject property's location along a six-lane divided arterial roadway will provide good access to the project and will pose minimal impacts to the carrying capacity of McMullen Booth Road.

**IMPLEMENTATION OF
THE PINELLAS COUNTY COMPREHENSIVE PLAN**

Staff finds that the proposed amendments are consistent with the following adopted objectives and policies of the Pinellas County Comprehensive Plan:

FUTURE LAND USE AND QUALITY COMMUNITIES ELEMENT

GOAL ONE: THE PATTERN OF LAND USE IN PINELLAS COUNTY SHALL PROVIDE A VARIETY OF URBAN ENVIRONMENTS TO MEET THE NEEDS OF A DIVERSE POPULATION AND THE LOCAL ECONOMY, CONSERVE AND LIMIT DEMANDS ON NATURAL AND ECONOMIC RESOURCES TO ENSURE SUSTAINABLE BUILT AND NATURAL ENVIRONMENTS, BE IN THE OVERALL PUBLIC INTEREST, AND EFFECTIVELY SERVE THE COMMUNITY AND ENVIRONMENTAL NEEDS OF THE POPULATION.

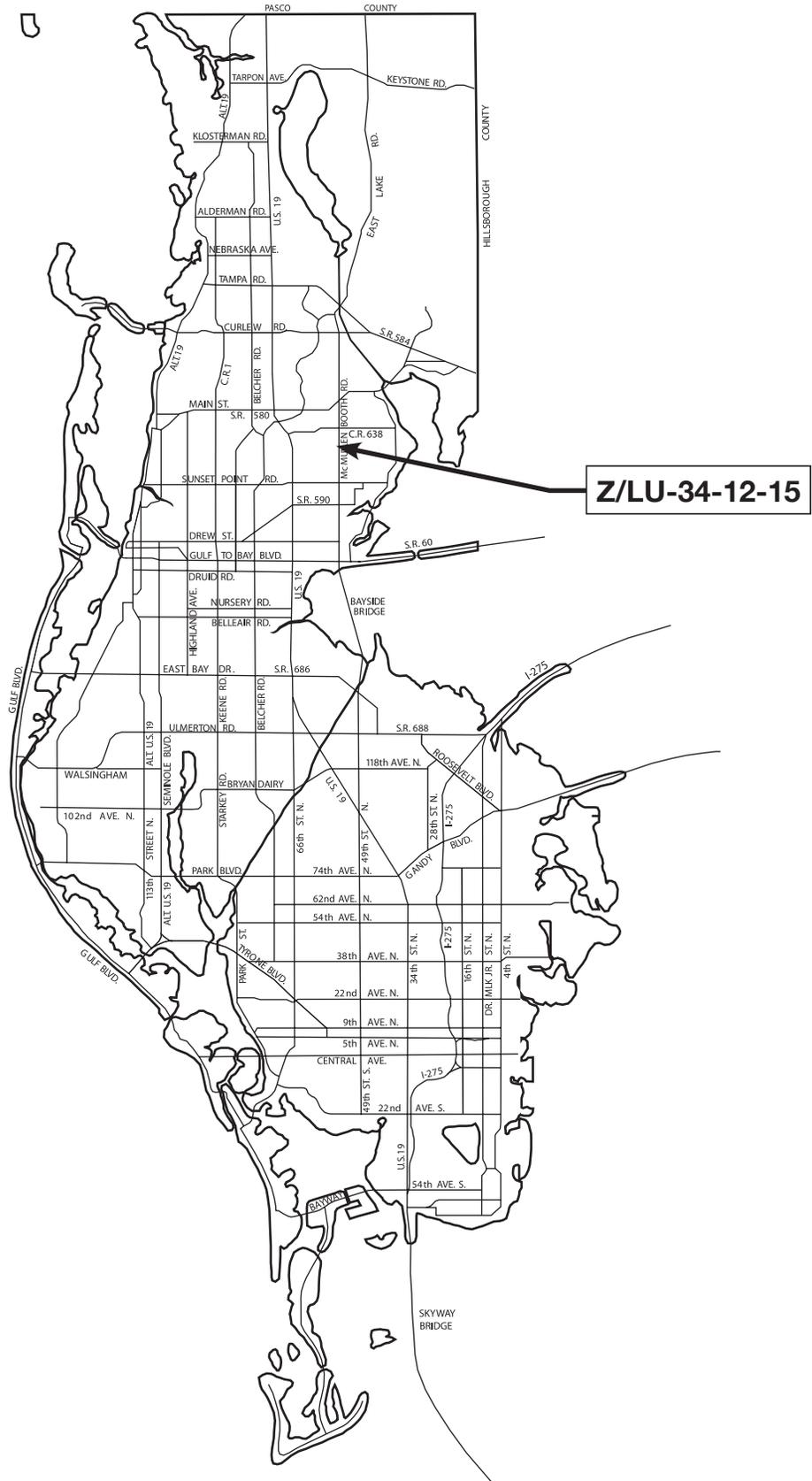
- 1.2. Objective: Establish development regulations that respond to the challenges of a mature urban county with established communities that are experiencing infill development and redevelopment activity.
- 1.2.3. Policy: Plan designations on the Future Land Use Map shall be compatible with the natural environment, support facilities and services, and the land uses in the surrounding area.
- 1.10.2 Policy: Low density residential development (0-5 units per acre) shall be the preferred land use along designated scenic/noncommercial corridors with the intent of keeping residential densities as low as possible within that range.

COUNTY DEVELOPMENT REGULATIONS

Approval of this request does not ensure that the site can meet County development regulations, including concurrency management regulations, which apply at the time of site plan review.

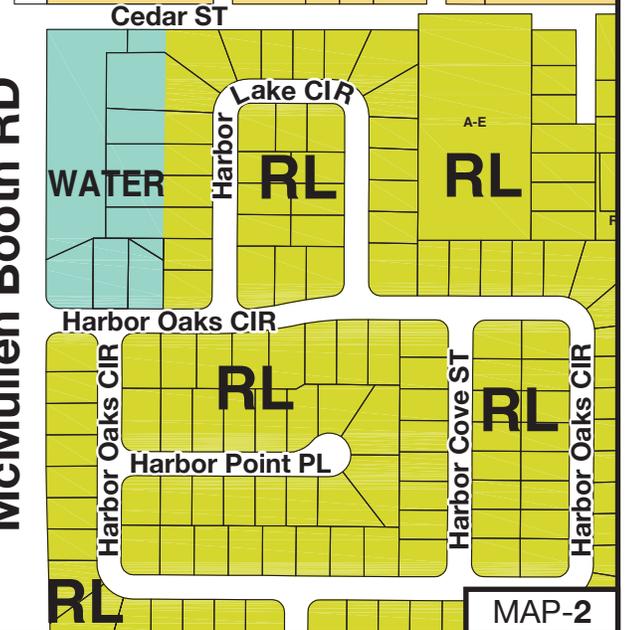
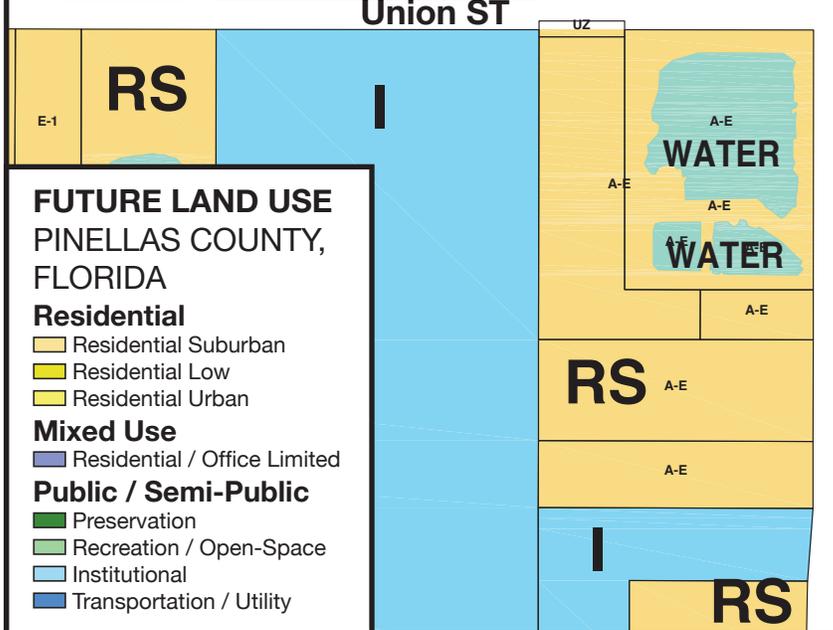
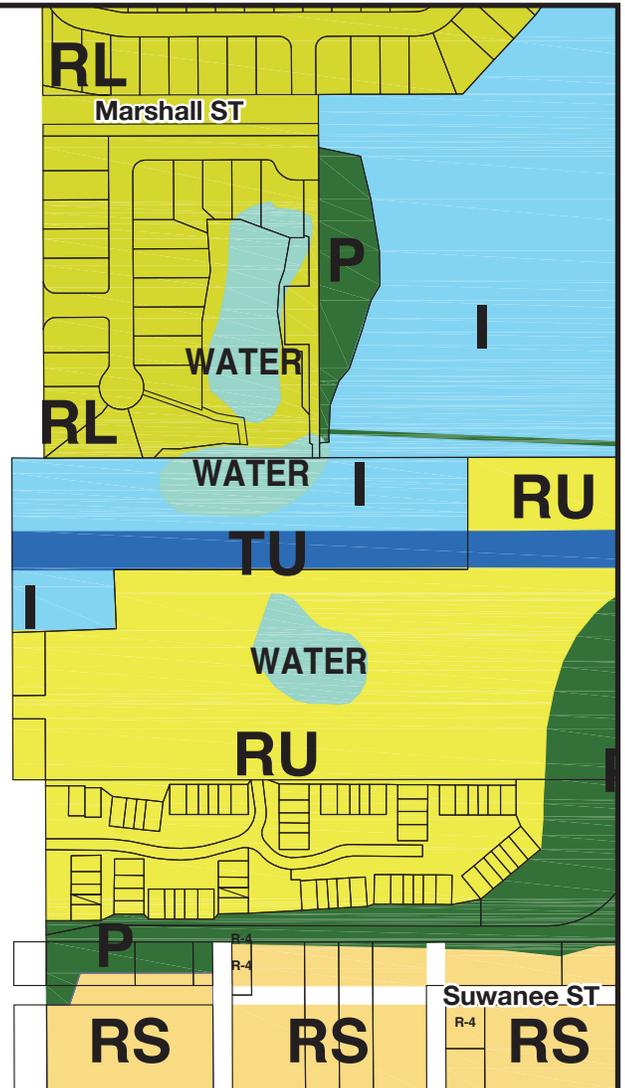
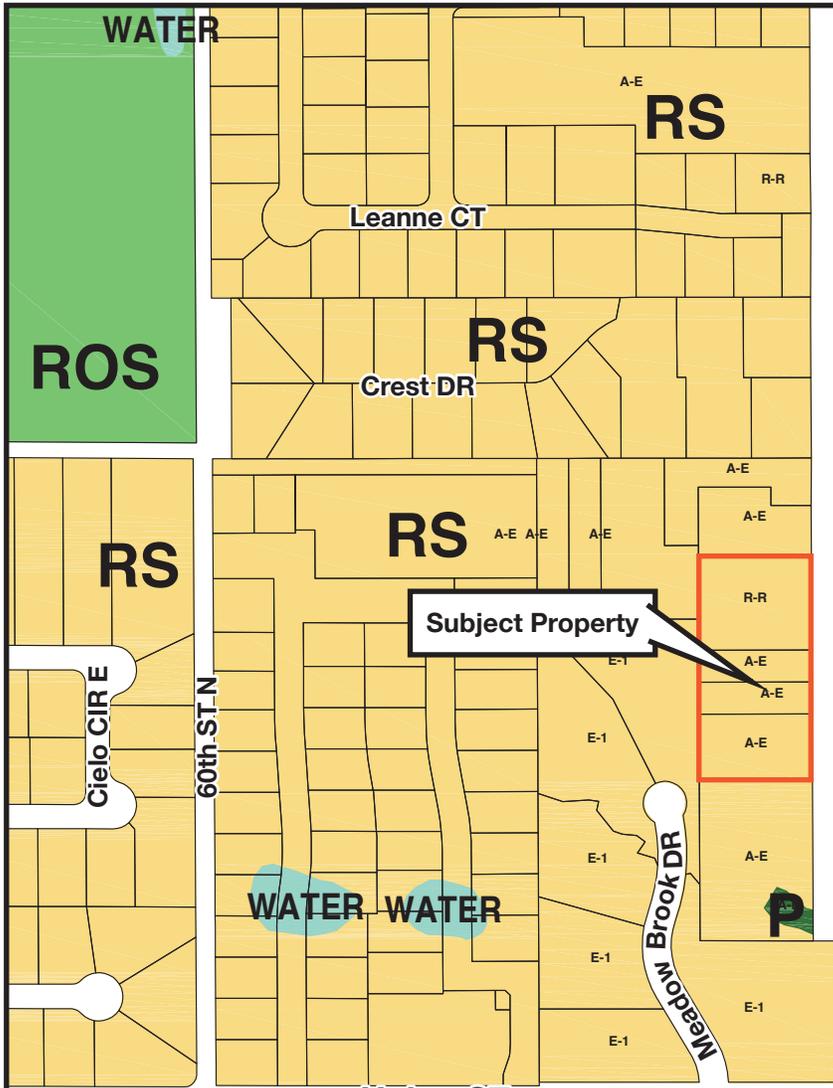
Attachment (Maps)

LOCATION MAP



MAP-1

<h2>Z/LU-34-12-15</h2>	Zoning From: A-From: A-E, Agricultural Estate Residential & R-R, Rural Residential To: IL-CO, Institutional Limited - Conditional Overlay	Conditional Overlay limiting the use of the property to an assisted living facility with a maximum of 60 beds, inclusive of services defined by the State as independent living, assisted living care, skilled nursing care, extended congregate care, long-term care and/or memory care, and including rehabilitative and physician support services for occupants of the 60 beds of the facility; provided, however, that no such services shall be provided for external patients who are not occupants of the 60 beds of the facility.	
	Land Use From: Residential Suburban To: Institutional		
Parcel I.D. 33/28/16/00000/330/0400, 0500, 0510 & 0600 Prepared by: Pinellas County Planning Department October 2015			



FUTURE LAND USE
PINELLAS COUNTY,
FLORIDA

Residential

- Residential Suburban
- Residential Low
- Residential Urban

Mixed Use

- Residential / Office Limited

Public / Semi-Public

- Preservation
- Recreation / Open-Space
- Institutional
- Transportation / Utility

MAP-2

Z/LU-34-12-15

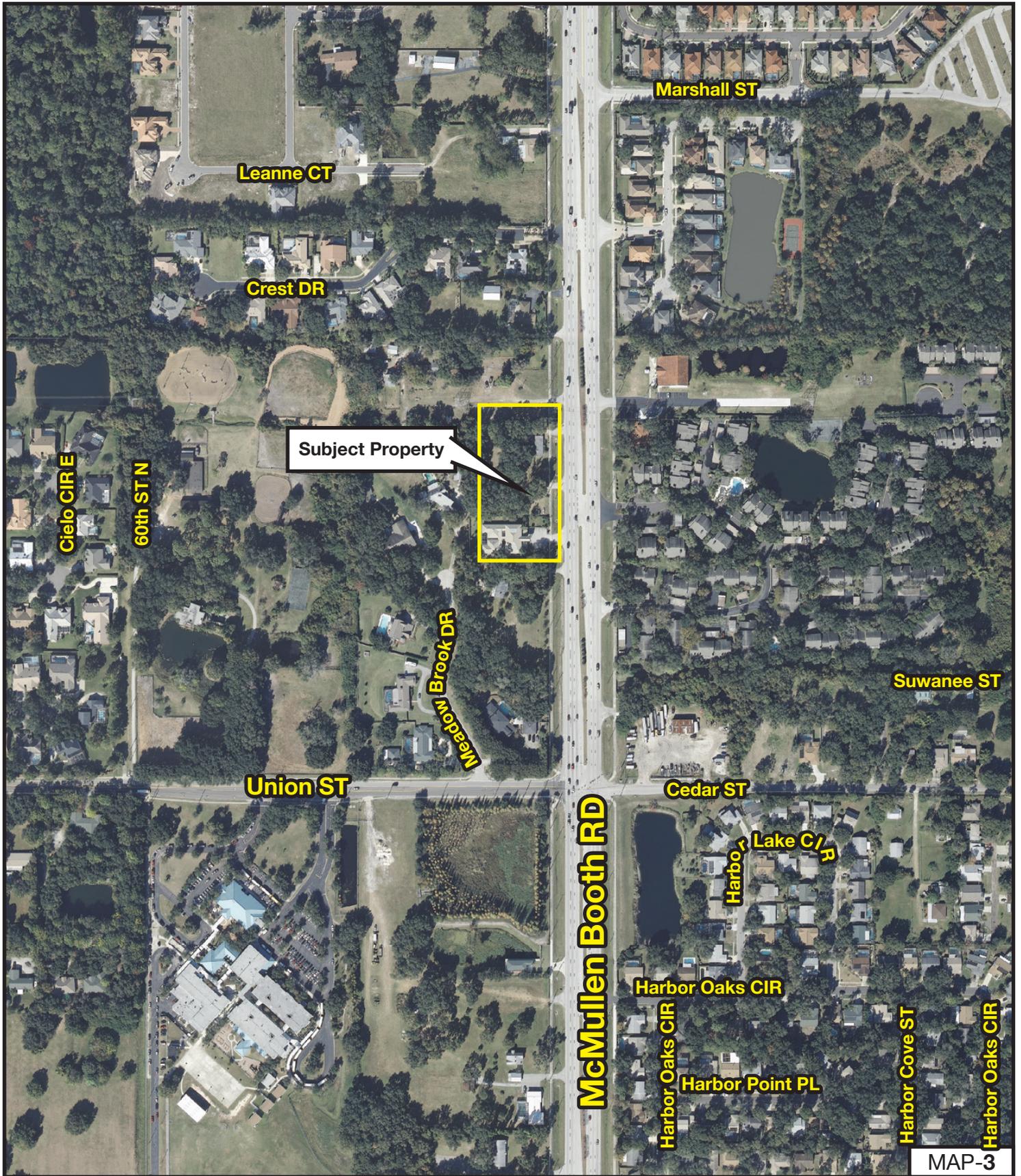
Zoning From: A-From: A-E, Agricultural Estate Residential & R-R, Rural Residential
 To: IL-CO, Institutional Limited - Conditional Overlay

Land Use From: Residential Suburban
 To: Institutional

Conditional Overlay limiting the use of the property to an assisted living facility with a maximum of 60 beds, inclusive of services defined by the State as independent living, assisted living care, skilled nursing care, extended congregate care, long-term care and/or memory care, and including rehabilitative and physician support services for occupants of the 60 beds of the facility; provided, however, that no such services shall be provided for external patients who are not occupants of the 60 beds of the facility.



Parcel I.D. 33/28/16/00000/330/0400, 0500, 0510 & 0600
 Prepared by: Pinellas County Planning Department October 2015



MAP-3

Z/LU-34-12-15

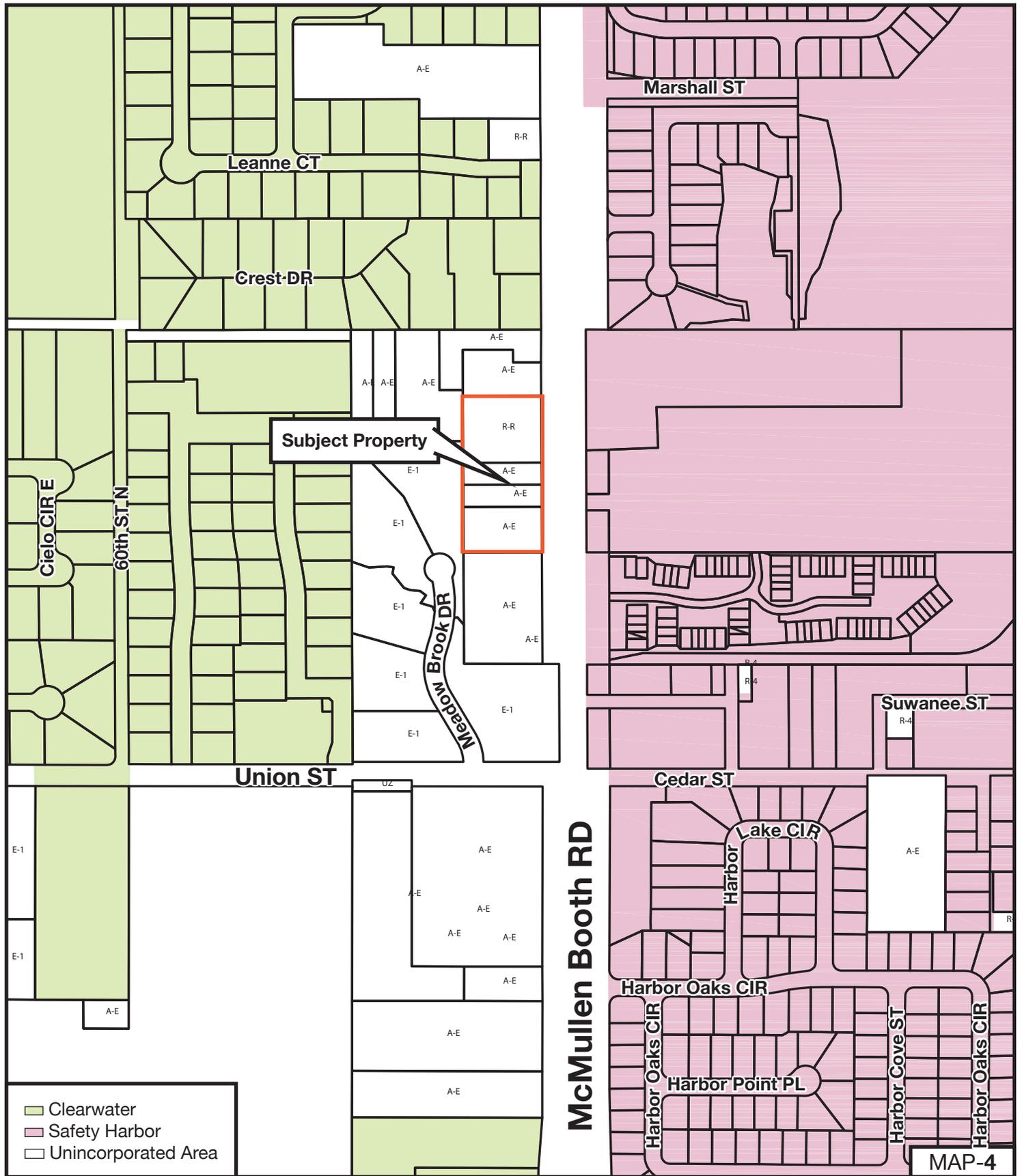
Zoning From: A-From: A-E, Agricultural Estate Residential & R-R, Rural Residential
 To: IL-CO, Institutional Limited - Conditional Overlay

Land Use From: Residential Suburban
 To: Institutional

Conditional Overlay limiting the use of the property to an assisted living facility with a maximum of 60 beds, inclusive of services defined by the State as independent living, assisted living care, skilled nursing care, extended congregate care, long-term care and/or memory care, and including rehabilitative and physician support services for occupants of the 60 beds of the facility; provided, however, that no such services shall be provided for external patients who are not occupants of the 60 beds of the facility.

Parcel I.D. 33/28/16/00000/330/0400, 0500, 0510 & 0600
 Prepared by: Pinellas County Planning Department October 2015





Z/LU-34-12-15

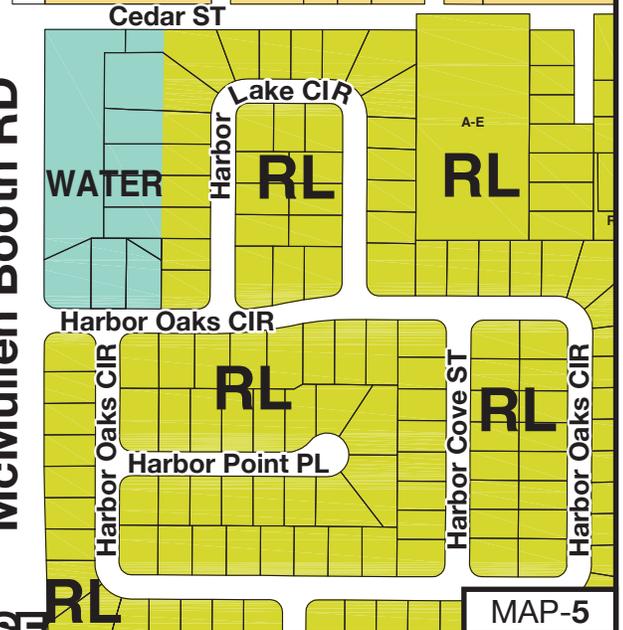
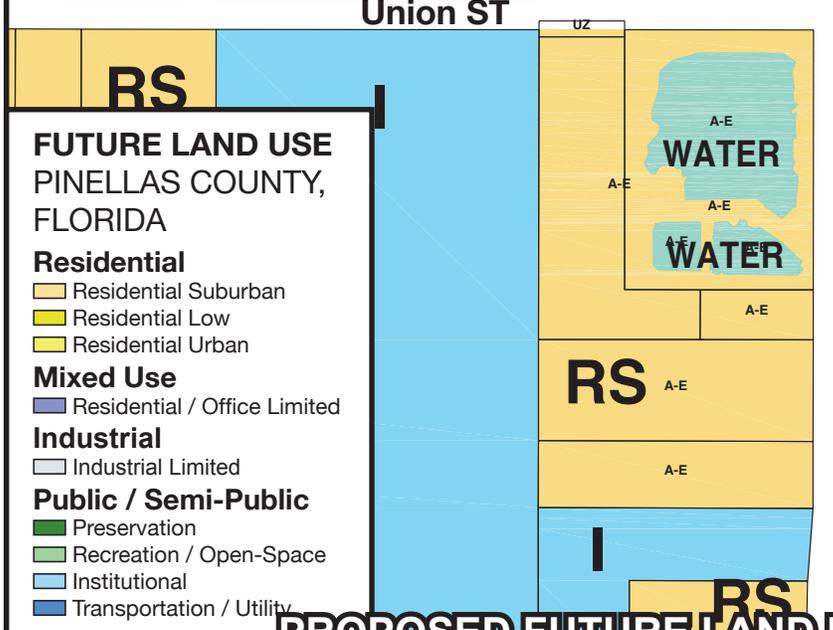
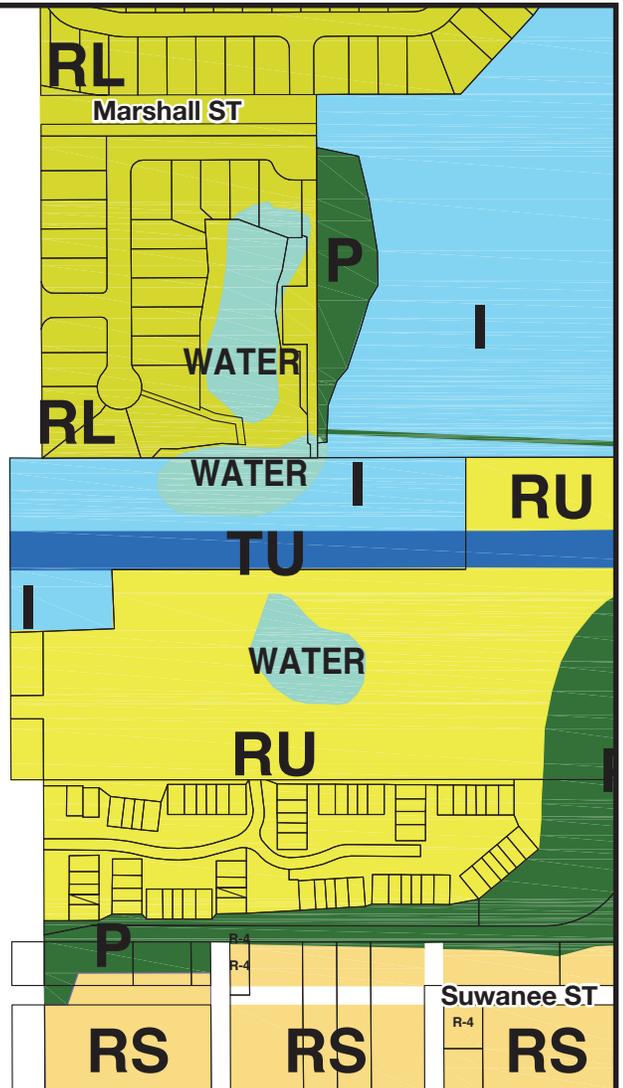
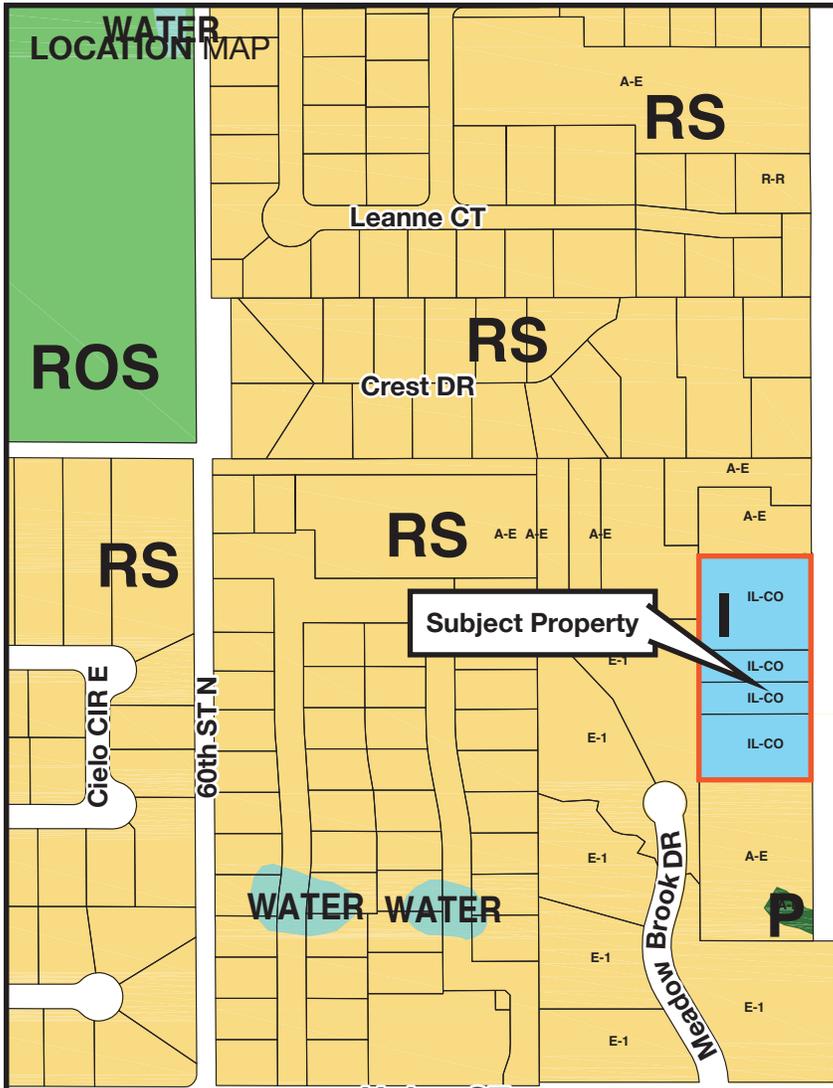
Zoning From: A-From: A-E, Agricultural Estate Residential & R-R, Rural Residential
 To: IL-CO, Institutional Limited - Conditional Overlay

Land Use From: Residential Suburban
 To: Institutional

Conditional Overlay limiting the use of the property to an assisted living facility with a maximum of 60 beds, inclusive of services defined by the State as independent living, assisted living care, skilled nursing care, extended congregate care, long-term care and/or memory care, and including rehabilitative and physician support services for occupants of the 60 beds of the facility; provided, however, that no such services shall be provided for external patients who are not occupants of the 60 beds of the facility.



Parcel I.D. 33/28/16/00000/330/0400, 0500, 0510 & 0600
 Prepared by: Pinellas County Planning Department October 2015



**FUTURE LAND USE
PINELLAS COUNTY,
FLORIDA**

Residential

- Residential Suburban
- Residential Low
- Residential Urban

Mixed Use

- Residential / Office Limited

Industrial

- Industrial Limited

Public / Semi-Public

- Preservation
- Recreation / Open-Space
- Institutional
- Transportation / Utility

PROPOSED FUTURE LAND USE

MAP-5

<p>Z/LU-34-12-15</p>	<p>Zoning From: A-From: A-E, Agricultural Estate Residential & R-R, Rural Residential To: IL-CO, Institutional Limited - Conditional Overlay</p>	<p>Conditional Overlay limiting the use of the property to an assisted living facility with a maximum of 60 beds, inclusive of services defined by the State as independent living, assisted living care, skilled nursing care, extended congregate care, long-term care and/or memory care, and including rehabilitative and physician support services for occupants of the 60 beds of the facility; provided, however, that no such services shall be provided for external patients who are not occupants of the 60 beds of the facility.</p>	
	<p>Land Use From: Residential Suburban To: Institutional</p>		
<p>Parcel I.D. 33/28/16/00000/330/0400, 0500, 0510 & 0600 Prepared by: Pinellas County Planning Department October 2015</p>			

RESOLUTION NO. _____

RESOLUTION CHANGING THE ZONING CLASSIFICATION OF APPROXIMATELY 2.5 ACRES LOCATED 680 FEET NORTH OF UNION STREET ON THE WEST SIDE OF MCMULLEN BOOTH ROAD IN THE UNINCORPORATED AREA OF CLEARWATER (STREET ADDRESSES BEING: 2159, 2167, AND 2175 MCMULLEN BOOTH ROAD); PAGE 638 OF THE ZONING ATLAS, AS BEING IN SECTION 33, TOWNSHIP 28, RANGE 16; FROM A-E, AGRICULTURAL ESTATE RESIDENTIAL & R-R, RURAL RESIDENTIAL TO IL-CO, INSTITUTIONAL LIMITED-CONDITIONAL OVERLAY WITH A CONDITIONAL OVERLAY LIMITING THE USE OF THE PROPERTY TO AN ASSISTED LIVING FACILITY WITH A MAXIMUM OF 60 BEDS, INCLUSIVE OF SERVICES DEFINED BY THE STATE AS INDEPENDENT LIVING, ASSISTED LIVING CARE, SKILLED NURSING CARE, EXTENDED CONGREGATE CARE, LONG-TERM CARE AND/OR MEMORY CARE, AND INCLUDING PHYSICAL REHABILITATIVE AND PHYSICIAN SUPPORT SERVICES FOR OCCUPANTS OF THE 60 BEDS OF THE FACILITY; PROVIDED, HOWEVER, THAT NO SUCH SERVICES SHALL BE PROVIDED FOR EXTERNAL PATIENTS WHO ARE NOT OCCUPANTS OF THE 60 BEDS OF THE FACILITY; UPON APPLICATION OF KAMRAN & DORI ROUHANI & PARVIZ ROUHANI, A. E. C. 2159 LLC, AND EMERALD GARDEN REAL ESTATE, INC. THROUGH KAMRAN ROUHANI, REPRESENTATIVE, Z/LU-34-12-15

WHEREAS, Kamran & Dori Rouhani, Parviz Rouhani, A.E.C. 2159 LLC, and Emerald Garden Real Estate, owners of the property hereinafter described, have petitioned the Board of County Commissioners of Pinellas County to change the zone classification of the real property hereinafter described from A-E, Agricultural Estate Residential & R-R, Rural Residential to IL-CO, Institutional Limited- Conditional Overlay with a Conditional Overlay limiting the use of the property to an assisted living facility with a maximum of 60 beds, inclusive of services defined by the state as independent living, assisted living care, skilled nursing care, extended congregate care, long-term care and/or memory care, and including physical rehabilitative and physician support services for occupants of the 60 beds of the facility; provided, however, that no such services shall be provided for external patients who are not occupants of the 60 beds of the facility; and

WHEREAS, legal notice of public hearing on such proposed change of zone classification was duly published as required by law, as evidenced by publisher's affidavit filed with the Clerk; and

WHEREAS, said public hearing has been held on the date and at the time specified in said published notice at which citizens and interested persons have been given opportunity to be heard, and all requirements of law and of rules promulgated by this Board have been complied with; and

WHEREAS, this Board has determined that the zone classification of said property should be changed.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pinellas County in regular session duly assembled this 23rd day of February 2016, that the zone classification of the following described real property in Pinellas County, Florida, to wit:

See attached – Exhibit “A”

be, and the same is hereby changed from A-E, Agricultural Estate Residential & R-R, Rural Residential to IL-CO, Institutional Limited – Conditional Overlay with a Conditional Overlay limiting the use of the property to an assisted living facility with a maximum of 60 beds, inclusive of services defined by the state as independent living, assisted living care, skilled nursing care, extended congregate care, long-term care and/or memory care, and including physical rehabilitative and physician support services for occupants of the 60 beds of the facility; provided, however, that no such services shall be provided for external patients who are not occupants of the 60 beds of the facility, subject to an amendment to the Pinellas County Future Land Use Map from Residential Suburban to Institutional, Z/LU-34-12-15.

Commissioner _____ offered the foregoing resolution and moved its adoption, which was seconded by Commissioner _____ upon the roll call the vote was:

Ayes:

Nays:

Absent and not voting:

APPROVED AS TO FORM

By: 

Office of the County Attorney

PARCEL DATA

October 19, 2015

Parcel 1:

**2167 North McMullen Booth Road
33/28/16/00000/330/0510**

Owners: Rouhani, Kamran, Rouhani, Dori, Rouhani, Parviz
Owner Mailing Address: 1815 Eagle Trace Boulevard, Palm Harbor, Florida 34685-3314

General

Municipality: UNINCORPORATED
Subdivison:
Tax District: CTF
Census Block: 1037
Census Tract: 026813
Zipcode: 33759
Acreage: .353

Zoning and Land Use

Land Use: RS, Residential Suburban

Zoning: A-E, Agricultural Estate Residential

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Legal Description:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 28 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA, AND RUN S.00°16'32"E., ALONG THE EAST BOUNDARY LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 33, 398.00 FEET; THENCE LEAVING SAID EAST BOUNDARY LINE, S.89°55'02"W., 100.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF MCMULLEN BOOTH ROAD FOR A POINT OF BEGINNING; THENCE S.00°16'32"E., ALONG SAID WEST RIGHT-OF-WAY LINE, 131.99 FEET; THENCE, LEAVING SAID WEST RIGHT-OF-WAY LINE, S.89°55'32"W., 233.27 FEET TO A POINT ON THE EAST BOUNDARY LINE OF LOT 3, MEADOW BROOK PLACE AS RECORDED IN PLAT BOOK 77, PAGE 86 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE N.00°18'19"W., ALONG THE WEST

BOUNDARY LINE OF THE EAST 1/2 OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 33 AND THE EAST BOUNDARY LINE OF LOT 3, 131.95 FEET; THENCE, LEAVING SAID EAST BOUNDARY LINE OF SAID LOT 3, N.89°55'02"E., 233.34 FEET TO THE POINT OF BEGINNING CONTAINING 0.707 ACRES MORE OR LESS.

Date Property Acquired: March 27, 2000
Existing Structures: None
Evacuation Zone: X, FEMA Map# 12103C 0127G, Eff. Date 09-03-2003

Parcel 2:

33/28/16/00000/330/0500

Owners: Rouhani, Kamran, Rouhani, Dori, Rouhani, Parviz
Owner Mailing Address: 1815 Eagle Trace Boulevard, Palm Harbor, Florida 34685-3314

General

Municipality: UNINCORPORATED
Subdivison:
Tax District: CTF
Census Block: 1037
Census Tract: 026813
Zipcode: 33759
Acreage: .353

Zoning and Land Use

Land Use
RS, Residential Suburban
Zoning
A-E, Agricultural Estate Residential

Legal Description:
Please see the description for Parcel 1.

Date Property Acquired: March 27, 2000
Existing Structures: None
Evacuation Zone: X, FEMA Map# 12103C 0127G, Eff. Date 09-03-2003

Parcel 3:

**2175 North McMullen Booth Road
33/28/16/00000/330/0400**

Owner: Emerald Garden Real Estate, Inc.
Owner mailing Address: 2159 McMullen Booth Road, Clearwater, Florida 33759-1418

General

Municipality: UNINCORPORATED
Subdivison:
Tax District: CTF
Census Block: 1037
Census Tract: 026813
Zipcode: 33759
Acreage: 1.059

Zoning and Land Use

Land Use
RS, Residential Suburban

Zoning

R-R, Rural Residential

Legal Description:

COMMENCE AT THE NE CORNER OF THE SW 1/4 OF THE SW 1/4, OF SECTION 33, TOWNSHIP 28 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA, AND RUN SOUTH 198 FEET MORE OR LESS, TO A POINT OF BEGINNING. THENCE

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RUN WEST 330 FEET MORE OR LESS, THENCE SOUTH 198 FEET MORE OR LESS, THENCE EAST 330 FEET MORE OR LESS, THENCE NORTH 198 FEET MORE OF LESS, TO THE P.O.B. LESS ROAD RIGHT OF WAY, ALL IN SECTION 33, TOWNSHIP 28 SOUTH, RANGE 16 EAST., ALSO LESS THAT PORTION CONVEYED IN O.R. BOOK 8232, PAGE 2333, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

Date Property Acquired: November 19, 2012
Existing Structures: One Single-family residential house
Evacuation Zone: X, FEMA Map# 12103C 0127G, Eff. Date 09-03-2003

Parcel 4:

**Emerald Garden
2159 NORTH MCMULLEN BOOTH RD
33/28/16/00000/330/0600**

Owner: A.E.C. 2159, LLC.
Owner Mailing Address: 2159 McMullen Booth Road, Clearwater, Florida 33759-1418

General

Municipality: UNINCORPORATED
Subdivison:
Tax District: CTF
Census Block: 1037
Census Tract: 026813
Zipcode: 33759
Acreage: .727

Zoning and Land Use

Land Use
RS, Residential Suburban
Zoning
A-E, Agricultural Estate Residential

Legal Description:
COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 33, TOWNSHIP 28 SOUTH, RANGE 16 EAST,

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF PINELLAS COUNTY, FLORIDA BY CHANGING THE LAND USE DESIGNATION OF APPROXIMATELY 2.5 ACRES LOCATED 680 FEET NORTH OF UNION STREET ON THE WEST SIDE OF MCMULLEN BOOTH ROAD IN THE UNINCORPORATED AREA OF CLEARWATER (STREET ADDRESSES BEING: 2159, 2167, AND 2175 MCMULLEN BOOTH ROAD) LOCATED IN SECTION 33, TOWNSHIP 28, RANGE 16; FROM RESIDENTIAL SUBURBAN TO INSTITUTIONAL

WHEREAS, the application for an amendment to the Future Land Use map of Pinellas County, Florida, hereinafter listed, has been presented to the Board of County Commissioners of Pinellas County; and

WHEREAS, notice of public hearings and advertisements have been given as required by Florida Law; and

WHEREAS, the comments and recommendation of the Local Planning Agency have been received and considered; and

WHEREAS, this is a small scale development amendment, as defined by Section 163.3187(1), Florida Statutes.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida in regular meeting duly assembled this 23rd day of February 2016 that;

Section 1. The Future Land Use Map of Pinellas County, Florida is amended by redesignating the property described as: Approximately 2.5 acres located 680 feet north of Union Street on the west side of McMullen Booth Road in the unincorporated area of Clearwater (street addresses being: 2159, 2167, and 2175 McMullen Booth Road). Referenced as Case Z/LU-34-12-15, and owned by Kamran & Dori Rouhani, Parviz Rouhani, A.E.C. 2159 LLC, and Emerald Garden Real Estate, from Residential Suburban to Institutional.

Section 2. This amendment shall be transmitted to the Pinellas Planning Council for action to amend the Countywide Future Land Use Plan, from Residential Low Medium to Public/Semi-Public to maintain consistency with the said Plan.

Section 3. This Ordinance shall take effect upon:

- a) Receipt of notice from the Secretary of State that the Ordinance has been filed is received; and
- b) Approval by the Countywide Planning Authority of the requisite amendment of the Countywide Future Land Use Plan submitted herein pursuant to Chapter 2012-245, Laws of Florida.
- c) Pursuant to Section 163.3187(5)(c), Florida Statutes, this amendment shall become effective upon 31 days following its adoption. If timely challenged, this amendment shall not become effective until the state land planning agency or the Administration Commission issues a final order determining the adopted small scale amendment is in compliance. No development orders, development permits, or land uses dependent on this Amendment may be issued or commence before the amendment has become effective.

APPROVED AS TO FORM

By: 

Office of the County Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF PINELLAS COUNTY, FLORIDA BY CHANGING THE LAND USE DESIGNATION OF APPROXIMATELY 2.5 ACRES LOCATED 680 FEET NORTH OF UNION STREET ON THE WEST SIDE OF MCMULLEN BOOTH ROAD IN THE UNINCORPORATED AREA OF CLEARWATER (STREET ADDRESSES BEING: 2159, 2167, AND 2175 MCMULLEN BOOTH ROAD) LOCATED IN SECTION 33, TOWNSHIP 28, RANGE 16; FROM RESIDENTIAL SUBURBAN TO INSTITUTIONAL

WHEREAS, the application for an amendment to the Future Land Use map of Pinellas County, Florida, hereinafter listed, has been presented to the Board of County Commissioners of Pinellas County; and

WHEREAS, notice of public hearings and advertisements have been given as required by Florida Law; and

WHEREAS, the comments and recommendation of the Local Planning Agency have been received and considered; and

WHEREAS, this is a small scale development amendment, as defined by Section 163.3187(1), Florida Statutes.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida in regular meeting duly assembled this 23rd day of February 2016 that;

Section 1. The Future Land Use Map of Pinellas County, Florida is amended by redesignating the property described as: Approximately 2.5 acres located 680 feet north of Union Street on the west side of McMullen Booth Road in the unincorporated area of Clearwater (street addresses being: 2159, 2167, and 2175 McMullen Booth Road). Referenced as Case Z/LU-34-12-15, and owned by Kamran & Dori Rouhani, Parviz Rouhani, A.E.C. 2159 LLC, and Emerald Garden Real Estate, from Residential Suburban to Institutional.

Section 2. This amendment shall be transmitted to the Pinellas Planning Council for action to amend the Countywide Future Land Use Plan, from Residential Low Medium to Public/Semi-Public to maintain consistency with the said Plan.

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- c) Pursuant to Section 163.3187(5)(c), Florida Statutes, this amendment shall become effective upon 31 days following its adoption. If timely challenged, this amendment shall not become effective until the state land planning agency or the Administration Commission issues a final order determining the adopted small scale amendment is in compliance. No development orders, development permits, or land uses dependent on this Amendment may be issued or commence before the amendment has become effective.

PARCEL DATA

October 19, 2015

Parcel 1:

**2167 North McMullen Booth Road
33/28/16/00000/330/0510**

Owners: Rouhani, Kamran, Rouhani, Dori, Rouhani, Parviz
Owner Mailing Address: 1815 Eagle Trace Boulevard, Palm Harbor, Florida 34685-3314

General

Municipality: UNINCORPORATED
Subdivison:
Tax District: CTF
Census Block: 1037
Census Tract: 026813
Zipcode: 33759
Acreage: .353

Zoning and Land Use

Land Use: RS, Residential Suburban

Zoning: A-E, Agricultural Estate Residential

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Legal Description:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 28 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA, AND RUN S.00°16'32"E., ALONG THE EAST BOUNDARY LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 33, 398.00 FEET; THENCE LEAVING SAID EAST BOUNDARY LINE, S.89°55'02"W., 100.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF MCMULLEN BOOTH ROAD FOR A POINT OF BEGINNING; THENCE S.00°16'32"E., ALONG SAID WEST RIGHT-OF-WAY LINE, 131.99 FEET; THENCE, LEAVING SAID WEST RIGHT-OF-WAY LINE, S.89°55'32"W., 233.27 FEET TO A POINT ON THE EAST BOUNDARY LINE OF LOT 3, MEADOW BROOK PLACE AS RECORDED IN PLAT BOOK 77, PAGE 86 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE N.00°18'19"W., ALONG THE WEST

BOUNDARY LINE OF THE EAST 1/2 OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 33 AND THE EAST BOUNDARY LINE OF LOT 3, 131.95 FEET; THENCE, LEAVING SAID EAST BOUNDARY LINE OF SAID LOT 3, N.89°55'02"E., 233.34 FEET TO THE POINT OF BEGINNING CONTAINING 0.707 ACRES MORE OR LESS.

Date Property Acquired: March 27, 2000
Existing Structures: None
Evacuation Zone: X, FEMA Map# 12103C 0127G, Eff. Date 09-03-2003

Parcel 2:

33/28/16/00000/330/0500

Owners: Rouhani, Kamran, Rouhani, Dori, Rouhani, Parviz
Owner Mailing Address: 1815 Eagle Trace Boulevard, Palm Harbor, Florida 34685-3314

General

Municipality: UNINCORPORATED
Subdivison:
Tax District: CTF
Census Block: 1037
Census Tract: 026813
Zipcode: 33759
Acreage: .353

Zoning and Land Use

Land Use
RS, Residential Suburban
Zoning
A-E, Agricultural Estate Residential

Legal Description:
Please see the description for Parcel 1.

Date Property Acquired: March 27, 2000
Existing Structures: None
Evacuation Zone: X, FEMA Map# 12103C 0127G, Eff. Date 09-03-2003

Parcel 3:

**2175 North McMullen Booth Road
33/28/16/00000/330/0400**

Owner: Emerald Garden Real Estate, Inc.
Owner mailing Address: 2159 McMullen Booth Road, Clearwater, Florida 33759-1418

General

Municipality: UNINCORPORATED
Subdivison:
Tax District: CTF
Census Block: 1037
Census Tract: 026813
Zipcode: 33759
Acreage: 1.059

Zoning and Land Use

Land Use
RS, Residential Suburban

Zoning

R-R, Rural Residential

Legal Description:

COMMENCE AT THE NE CORNER OF THE SW 1/4 OF THE SW 1/4, OF SECTION 33, TOWNSHIP 28 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA, AND RUN SOUTH 198 FEET MORE OR LESS, TO A POINT OF BEGINNING. THENCE

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RUN WEST 330 FEET MORE OR LESS, THENCE SOUTH 198 FEET MORE OR LESS, THENCE EAST 330 FEET MORE OR LESS, THENCE NORTH 198 FEET MORE OF LESS, TO THE P.O.B. LESS ROAD RIGHT OF WAY, ALL IN SECTION 33, TOWNSHIP 28 SOUTH, RANGE 16 EAST., ALSO LESS THAT PORTION CONVEYED IN O.R. BOOK 8232, PAGE 2333, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

Date Property Acquired: November 19, 2012
Existing Structures: One Single-family residential house
Evacuation Zone: X, FEMA Map# 12103C 0127G, Eff. Date 09-03-2003

Parcel 4:

**Emerald Garden
2159 NORTH MCMULLEN BOOTH RD
33/28/16/00000/330/0600**

Owner: A.E.C. 2159, LLC.
Owner Mailing Address: 2159 McMullen Booth Road, Clearwater, Florida 33759-1418

General

Municipality: UNINCORPORATED
Subdivison:
Tax District: CTF
Census Block: 1037
Census Tract: 026813
Zipcode: 33759
Acreage: .727

Zoning and Land Use

Land Use
RS, Residential Suburban
Zoning
A-E, Agricultural Estate Residential

Legal Description:
COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 33, TOWNSHIP 28 SOUTH, RANGE 16 EAST,

INFRASTRUCTURE IMPACTS
SOLID WASTE IMPACT ASSESSMENT

LAND USE DESIGNATIONS	SOLID WASTE Total Tons/Year *
EXISTING	
Residential Rural	2.5 acres x 2.5 dwelling units per acre= 6 single family units 6 x 1.66 tons/unit/year (residential factor) = 9.96 tons/year
PROPOSED	
Institutional	Proposed 60 Bed Assisted Living Facility 60 x 5.9 tons/unit/year (ALF factor)= 354 tons/year
NET DIFFERENCE	+344 tons/year

* (Non Residential) Gross Floor Area x Solid Waste Disposal Rate / 2,000 lbs = Total Tons per Year

* (Residential) Units x Annual Per Capita Rate = Total Tons per Year

Note: Based upon Solid Waste Disposal Rate determined by DUS Consultants for the Solid Waste Authority of Palm Beach County.

POTABLE WATER AND SANITARY SEWER IMPACT ASSESSMENT

LAND USE DESIGNATIONS	POTABLE WATER GPD *	WASTEWATER GPD*
EXISTING	City of Clearwater Service Area	City of Clearwater Service Area
Residential Rural	2.5 acres x 2.5 dwelling units per acre= 6 single family units 6 x 266 per unit (residential factor) = 1,596 GPD	2.5 acres x 2.5 dwelling units per acre=6 single family units 6 x 187.5 per unit (residential factor) = 1,125 GPD
PROPOSED		
Institutional	Proposed 60 Bed Assisted Living Facility 60 x 100 (institutional rate) = 6,000 GPD	Proposed 60 Bed Assisted Living Facility 60 x 100 (institutional rate) = 6,000 GPD
NET DIFFERENCE	+4,404 GPD	+4,875 GPD

* (Non Residential) Gross Floor Area x Consumption Rate = GPD

* (Residential) Number of Units x Consumption Rate = GPD

NOTE: GPD = Gallons per Day

TRANSPORTATION AND ROADWAY IMPACTS

	YES or NO	COMMENTS
Is the proposed amendment located within one half mile of a concurrency corridor (i.e., constrained, congestion containment, and/or long term concurrency management corridor)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See staff report for details.
Is the amendment located along a scenic/non-commercial corridor?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See staff report for details.

ENVIRONMENTAL AND SITE CONDITIONS

	YES or NO	COMMENTS
Identify any onsite soils. Are any classified as "very limited" or "subject to subsidence?"	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The site contains Myakka Soils & Urban Land, which has been classified as "very limited", but suitable for urban development.
Are there any threatened, endangered or listed habitats or species onsite (including species of special concern)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Identify onsite vegetation; does the site contain any significant native vegetative communities (e.g., sandhill).	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is the site located within the wellhead protection zone and/or aquifer recharge area?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Identify the watershed in which the site is located.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The subject area is located within the Mullet Creek watershed.
Is the site located within the 25 year floodplain?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is the site located within the 100 year floodplain?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Does the site contain, or is it adjacent to any wetlands, rivers, creeks, lakes, marshes, Tampa Bay or the Gulf of Mexico, etc.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

*The standard categories of soil classifications (i.e., severe, very severe etc.) have been replaced by Building Site Development Limitations (i.e., somewhat limited, very limited etc.)

PUBLIC SAFETY

	YES or NO	COMMENTS
Is the site located with the coastal storm area?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is the site located within a hurricane evacuation zone. If so, identify the zone.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Identify the Fire District serving the proposed development.		The subject site is located within the Clearwater Fire District.

COMMUNITY IMPACTS

	YES or NO	COMMENTS
Will approval of this amendment affect the provision of affordable housing; if so, explain the positive/negative impacts.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Has the applicant sought/been issued an affordable housing finding by Community Development?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Will the approval of the amendment result in the displacement of mobile home residents?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Will the approval of the amendment result in the elimination of a water-dependent land use such as a marina or boat ramp? If so, identify how many ramps/lanes or slips will be eliminated.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Would the amendment affect beach/waterfront accessibility?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is the amendment located within a County redevelopment/revitalization area; if so, is the amendment consistent with the community revitalization plan, vision, etc.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Would the amendment have a significant impact on an adjacent local government?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is the amendment located within a designated brownfield area?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Will the proposed amendment affect public school facilities?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Has the property been the subject of a previous amendment proposal within the last 12 months?

Yes No

Is the property within 200 feet of a property under same owner that has been amended within the past 12 months?

Yes No

ATTACH THE FOLLOWING:

- ___ Location Map
- ___ Future Land Use Map with zoning designations
- ___ Aerial

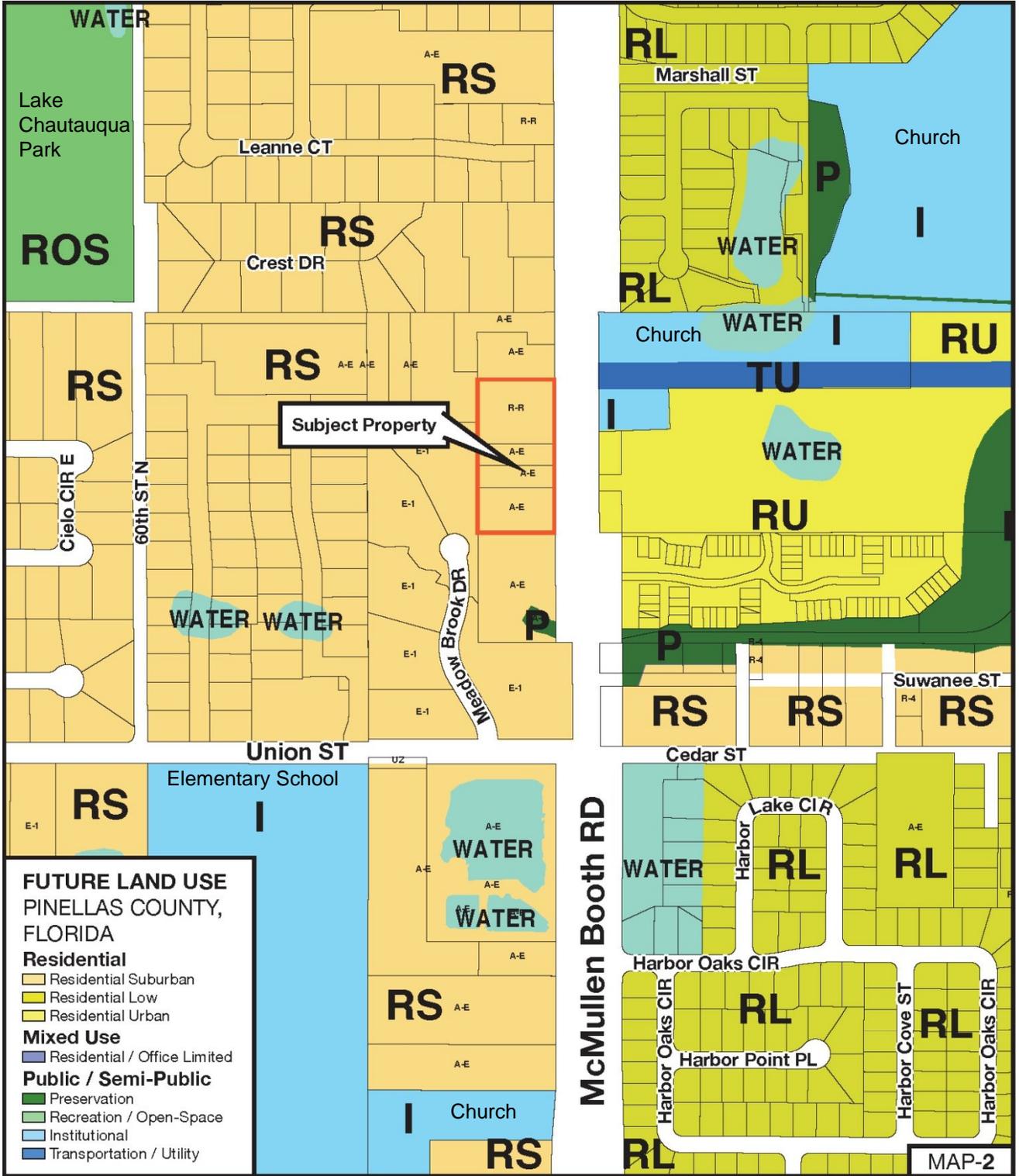
PINELLAS COUNTY PLANNING DEPARTMENT TRAFFIC ANALYSIS FOR A PROPOSED LAND USE CHANGE							
LU#: Z/LU-34-12-15		Received: 11/13/2015			Jurisdiction: Pinellas County		
Revised:					Signoff:		
SITE DATA							
Parcel Size: 2.50		Proposed for Amendment: 2.50					
Current Land Use Designation:		Residential Suburban					
Potential Use	sf/acre(s)	x(far)/(upa)	Units		x(tgr)	cap.	Proj. trips
(1) Single Family	2.5	2.50	6		9.6	1.00	60
							Total
							60
Proposed Land Use Designation:		Institutional					
Potential Use	sf/acre(s)	x(far)/(upa)	Beds**	sf/1,000	x(tgr)	cap.	Proj. trips
(1) ALF	N/A	N/A	60	N/A	2.80	0.74	124
							Total
							124
**Proposed number of Beds							
Potential Additional Daily Trips:		64					
ROADWAY IMPACT DATA - Trip Distribution							
Road(s)	% Distribution				Traffic Vol. (AADT)		
	2014	2035			2014	2035	
(1) McMullen Booth Rd.	64	64	existing		69,459	74,000	
Sunset Point Rd to SR 580	100	100	proposed		69,523	74,064	
Road(s)	2014 PH		2014 AADT		2035 AADT		
	LOS	V/CR	extg.	w/ chg.	extg.	w/ chg.	
(1) McMullen Booth Rd.	F	1.37	F	F	F	F	
Sunset Point Rd to SR 580							
Road(s)			Extg	Planned	Const.	Future	CMS
			Ln Cfg	Improv.	Year	Ln Cfg	Desig.
(1) McMullen Booth Rd	Sunset Point Rd to SR 580		6D	N/A	N/A	6D	CON
ABBREVIATIONS/NOTES							
AADT = Average Annual Daily Trips				Ln. = Lanes			
AC = Acres				LOS = Level of Service			
CAP = Capture Rate (i.e., % new trips)				LTCM = Long Term Concurrency Management Corridor			
CCC = Congestion Containment Corridor				MPO = Metropolitan Planning Organization			
CFG = Configuration				N/A = Not applicable			
CMS = Concurrency Management System				PC = Partially controlled access			
CON = Constrained County Corridor				PH = Peak Hour			
Const. = Construction				SF = Square Feet			
D/U = Divided/undivided				TGR = Trip Generation Rate			
E = Enhanced				UPA = Units Per Acre			
FAR = Floor Area Ratio				UTS = Units (dwelling)			
FDOT = Florida Department of Transportation				V/CR = Volume-to-Capacity Ratio			
DEF= Deficient State Road				MIS= Mitigating Improvement Scheduled			
2035 traffic volumes from MPO, adjusted FDOT Regional Transportation Analysis model output							
Average daily level of service based on Generalized Daily LOS Volume Tables from FDOT 2010 LOS Manual							

Proposed Amendments to the Pinellas County Future Land Use Map and Zoning Atlas (Z/LU-34-12-15)

Board of County Commissioners
February 23, 2016

Request

- Subject area
 - Four parcels covering 2.5 acres
 - West side of McMullen Booth Road 600 feet north of Union Street
- Future Land Use Map Amendment
 - From: Residential Suburban
 - To: Institutional
- Zoning Atlas Amendment
 - From: A-E and R-R
 - To: IL-CO
- Conditional Overlay
 - ALF with a maximum 60 beds (94 otherwise)
 - Rehabilitative and physician support services for occupants of the facility only
- Existing uses: 20-bed ALF and 1 SFD



Z/LU-34-12-15

Zoning From: A-From: A-E, Agricultural Estate Residential & R-R, Rural Residential
 To: IL-CO, Institutional Limited - Conditional Overlay

Land Use From: Residential Suburban
 To: Institutional

Conditional Overlay limiting the use of the property to an assisted living facility with a maximum of 60 beds, inclusive of services defined by the State as independent living, assisted living care, skilled nursing care, extended congregate care, long-term care and/or memory care, and including rehabilitative and physician support services for occupants of the 60 beds of the facility, provided, however, that no such services shall be provided for external patients who are not occupants of the 60 beds of the facility.

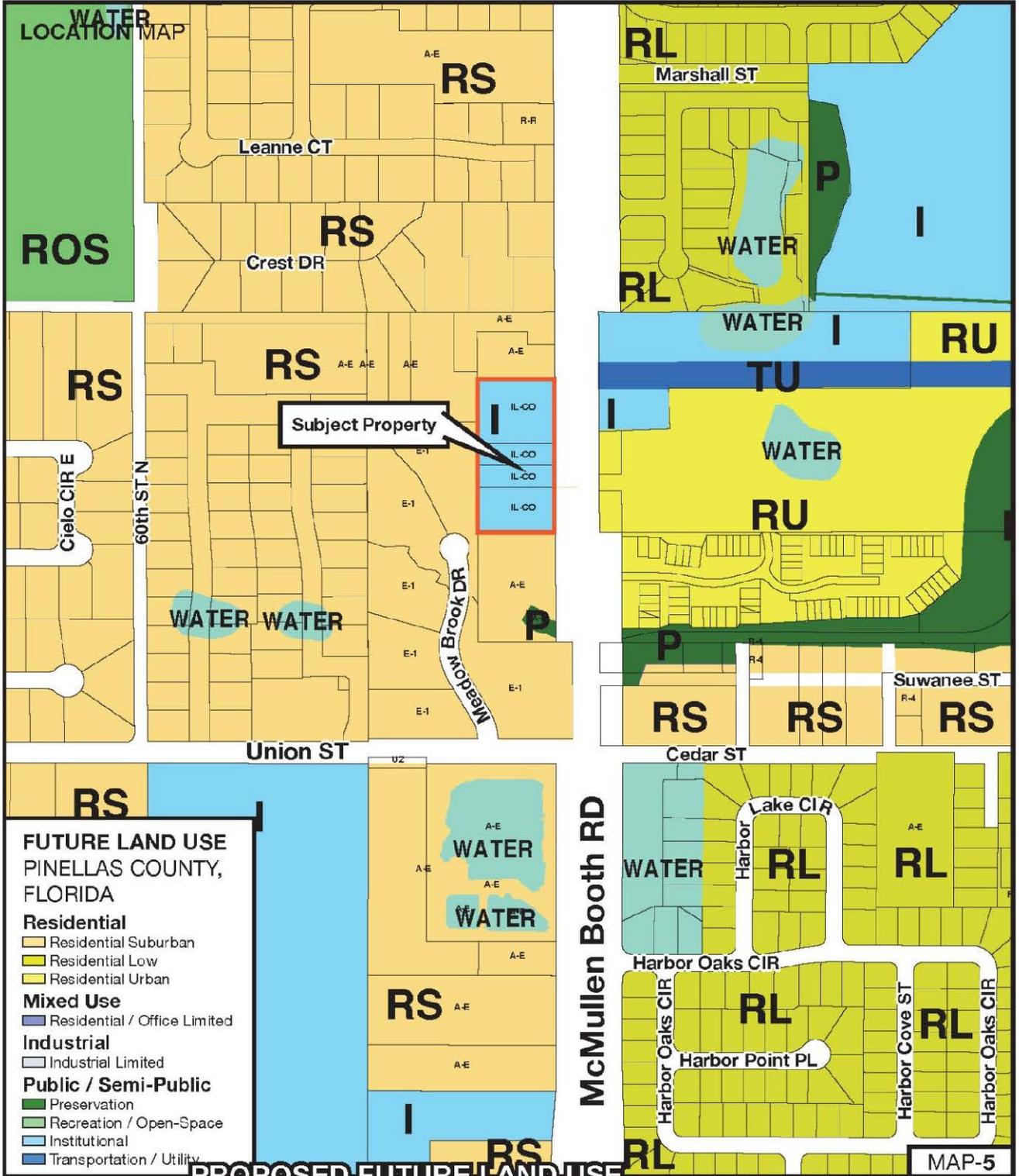
Parcel I.D. 33/28/16/00000/330/0400, 0500, 0510 & 0600
 Prepared by: Pinellas County Planning Department October 2015



MAP-2



Z/LU-34-12-15	Zoning	From: A-From: A-E, Agricultural Estate Residential & R-R, Rural Residential	Conditional Overlay limiting the use of the property to an assisted living facility with a maximum of 60 beds, inclusive of services defined by the State as independent living, assisted living care, skilled nursing care, extended congregate care, long-term care and/or memory care, and including rehabilitative and physician support services for occupants of the 60 beds of the facility; provided, however, that no such services shall be provided for external patients who are not occupants of the 60 beds of the facility.
		To: IL-CO, Institutional Limited - Conditional Overlay	
	Land Use	From: Residential Suburban	
		To: Institutional	
Parcel I.D. 33/28/16/00000/330/0400, 0500, 0510 & 0600 Prepared by: Pinellas County Planning Department October 2015			



Z/LU-34-12-15

Parcel I.D. 33/28/16/00000/330/0400, 0500, 0510 & 0600
 Prepared by: Pinellas County Planning Department October 2015

Zoning From: A-From: A-E, Agricultural Estate Residential & R-R, Rural Residential
 To: IL-CO, Institutional Limited - Conditional Overlay

Land Use From: Residential Suburban
 To: Institutional

Conditional Overlay limiting the use of the property to an assisted living facility with a maximum of 60 beds, inclusive of services defined by the State as independent living, assisted living care, skilled nursing care, extended congregate care, long-term care and/or memory care, and including rehabilitative and physician support services for occupants of the 60 beds of the facility, provided, however, that no such services shall be provided for externs patients who are not occupants of the 60 beds of the facility.





Background

- Existing ALF granted a Special Exception by the Board of Adjustment (BOA) in 1998.
- In 2013, the BOA granted a second Special Exception for an ancillary building for physical therapy and doctor's offices in conjunction with the ALF.
 - The land use and zoning request with the conditional overlay is a more appropriate mechanism for the intended use.
- The proposed skilled nursing, rehab and physician support services will be for occupants of the facility only.
 - Standalone medical office not permitted in the IL zoning district.

Additional Information

- McMullen Booth Road is a Scenic Non-Commercial Corridor (SNCC)
 - Additional landscaping required.
 - Low-density residential typically encouraged
 - ALF is a quiet residential use
- The proposed 60-bed ALF will pose minimal impacts to McMullen Booth Road
 - 64 potential additional daily trips
 - Peak hour level of service (LOS) F
 - 69,459 average daily trips (2014)

Staff Findings & Recommendation

- The proposed amendments are appropriate
 - Conditional Overlay restrictions
 - Other institutional uses in the area
 - Consistent with the Comprehensive Plan
 - Minimal impacts to McMullen Booth Road
- Staff recommends approval
- Local Planning Agency (LPA):
 - Recommended approval (6-0 vote)
- Pinellas Planning Council:
 - April 13, 2016

PROPOSED AMENDMENTS TO THE PINELLAS COUNTY FUTURE LAND USE MAP AND ZONING ATLAS

The Pinellas County Board of County Commissioners proposes to adopt the following amendments to the Pinellas County Future Land Use Map and Zoning Atlas. A public hearing on the Resolutions and Ordinances will be held **February 23, 2016 at 6:00 p.m.** in the County Commission Assembly Room, Fifth Floor, Pinellas County Courthouse, 315 Court Street, Clearwater FL 33756.

Interested parties may appear at the hearing and be heard regarding the proposed Resolutions and Ordinances:

A. PROPOSED RESOLUTIONS AND ORDINANCES AMENDING THE FUTURE LAND USE MAP AND ZONING ATLAS

1. Q Z-33-12-15 (Final Adoption)

Resolution changing the Zoning classification of approximately 10.3 acres located at 29582 US Highway 19 North in the unincorporated area of Dunedin; Page 609 of the Zoning Atlas, as being in Section 19, Township 28, Range 16; from A-E, Agricultural Estate Residential to PSP, Public/Semi-Public; upon application of Pinellas County through Gordon Beardslee, Planning Department, Representative.

2. Q Z/LU-34-12-15

Resolution changing the Zoning classification of approximately 2.5 acres located 680 feet north of Union Street on the west side of McMullen Booth Road in the unincorporated area of Clearwater (street addresses being: 2159, 2167, and 2175 McMullen Booth Road); Page 638 of the Zoning Atlas, as being in Section 33, Township 28, Range 16; from A-E, Agricultural Estate Residential & R-R, Rural Residential to IL-CO, Institutional Limited-Conditional Overlay with a Conditional Overlay limiting the use of the property to an assisted living facility with a maximum of 60 beds, inclusive of services defined by the State as independent living, assisted living care, skilled nursing care, extended congregate care, long-term care and/or memory care, and including physical rehabilitative and physician support services for occupants of the 60 beds of the facility; provided, however, that no such services shall be provided for external patients who are not occupants of the 60 beds of the facility; upon application of Kamran & Dori Rouhani & Parviz Rouhani, A. E. C. 2159 LLC, and Emerald Garden Real Estate, Inc. through Kamran Rouhani, Representative,
And

An Ordinance amending the Future Land Use Map of Pinellas County, Florida by changing the Land Use designation of approximately 2.5 acres located 680 feet north of Union Street on the west side of McMullen Booth Road in the unincorporated area of Clearwater (street addresses being: 2159, 2167, and 2175 McMullen Booth Road) located in Section 33, Township 28, Range 16; from Residential Suburban to Institutional, providing for other modifications that may arise from review of this Ordinance at the public hearing and/or with other responsible parties; and providing an effective date.

3. Q Z/LU-1-1-16

Resolution changing the Zoning classification of approximately 9.4 acres located on the north side of Keystone Road, 100 feet east of Ranch Road in East Lake Tarpon; page 522 of the Zoning Atlas, as being in Section 11, Township 27, Range 16; from A-E-W, Agricultural Estate Residential-Wellhead Protection Overlay to PSP-W-CO, Public/Semi-Public-Wellhead Protection Overlay-Conditional Overlay with a Conditional Overlay limiting the use of the property to a private school and related accessory uses for a maximum number of 400 students, and limiting the maximum building height to 35 feet; upon application of C & K Safety Harbor, LLC & Outbidya, Inc., through Richard J. Marcel or Jason D. Boyd, The Sustainability Group, LLC, Representative,
and

An Ordinance amending the Future Land Use Map of Pinellas County, Florida by changing the Land Use designation of approximately 9.4 acres located on the north side of Keystone Road, 100 feet east of Ranch Road in East Lake Tarpon, located in Section 11, Township 27, Range 16, from Residential Rural to Institutional Providing for other modifications that may arise from review of this Ordinance at the public hearing and/or with other responsible parties and providing an effective date.

4. Q Z-2-1-16

Resolution changing the Zoning classification of approximately 4.8 acres located on the east side of US Highway 19 N, 600 feet north of SR-580 in the unincorporated area of Clearwater; page 631 of the Zoning Atlas, as being in Section 30, Township 28, Range 16, from CP-1, Commercial Parkway to CP-2, Commercial Parkway, upon application of Fitzgerald Motors, Inc., through Richard J. Marcel or Jason D. Boyd, The Sustainability Group, LLC, Representative.

5. Q Z-3-1-16

Resolution changing the Zoning classification of approximately 0.7 acre located on the west side of US Highway 19 Alternate, 300 feet south of Brevard Street in Palm Harbor; page 51 of the Zoning Atlas, as being in Section 26, Township 27, Range 15, from R-4, One, Two & Three Family Residential to C-3, Commercial, Wholesale, Warehousing & Industrial Support, upon application of Providence Storage, LLC through Rod Collman, A. I. A., SDG Architecture, Representative.

Any written arguments, evidence, explanations, studies, reports, petitions or other documentation that an applicant, proponent or opponent wishes to be provided to the Board of County Commissioners for their consideration in support of, or in opposition to, any of the applications proposed above should be submitted to the attention of the Pinellas County Zoning Manager, 440 Court Street, Fourth Floor, Clearwater, Florida 33756. Materials must be submitted at least one week (7 days) in advance of the advertised hearing. Hard copy written comments must be submitted on 8½ × 11-inch paper.

The proposed Resolutions and Ordinances amending the Zoning Atlas and the Future Land Use Map can be inspected by the public in the Pinellas County Planning Department; Land Use and Zoning Division located at the address above, or at the Pinellas County Board Records located at 315 Court Street, Fifth Floor, Clearwater, Florida 33756. You can contact the Zoning Division at (727) 464-5047 with any questions, or email them at zoning@pinellascounty.org.

Persons are advised that, if they decide to appeal any decision made at this meeting/hearing, they will need a record of the proceedings, and, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE, PLEASE CONTACT THE OFFICE OF HUMAN RIGHTS, 400 SOUTH FORT HARRISON AVENUE, SUITE 500, CLEARWATER, FLORIDA 33756 (727) 464-4880 (VOICE) (727) 464-4062 (TDD).

KEN BURKE, CLERK TO THE
BOARD OF COUNTY COMMISSIONERS
By Norman D. Loy, Deputy Clerk

REQUEST FOR ADVERTISING FORM

Phone No. 464-8200

Fax No. 464-8201

To: Board Records

FROM: Tammy Swinton, Planning Department (February 23, 2016 BCC Hearing)

DATE: February 2, 2016

AD COPY ATTACHED: Yes X No WITH MAP

REQUIRES SPECIAL HANDLING: Yes No X

NEWSPAPER: St. Petersburg Times X

DATE(S) TO APPEAR: **February 12, 2016**

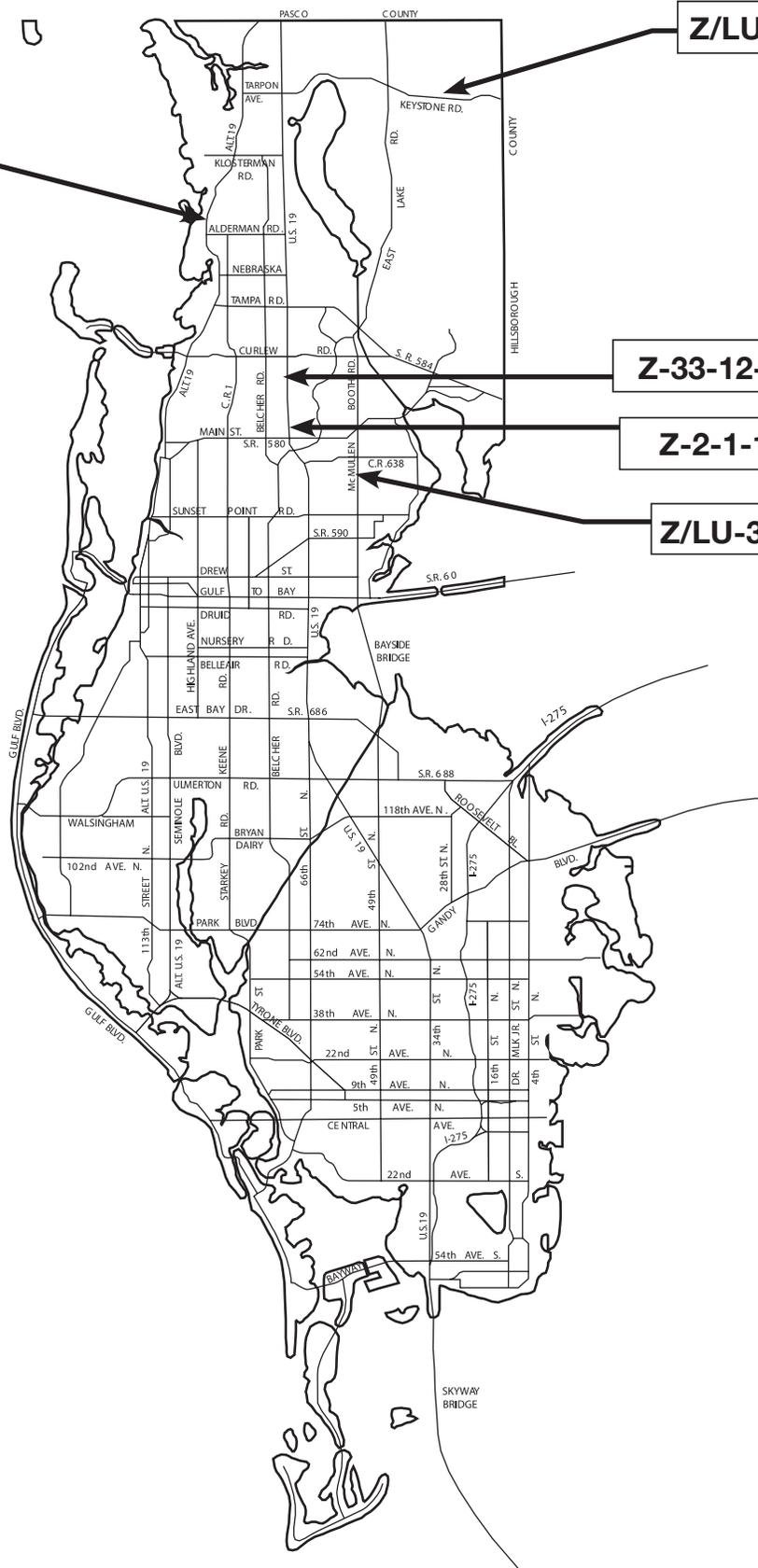
SIZE OF AD: **2 COLUMN BY 10 INCH AD (or quarter-page ad if necessary for legibility)**

SIZE OF HEADER: **18 Point Header**

SIZE OF PRINT: **N/A**

SPECIAL INSTRUCTIONS: **Do Not Print in Legal/Classified Section**

cc: Glenn Bailey, Planning Department
Gordon Beardslee, Planning Department
Tammy Swinton, Planning Department



Z-3-1-16

Z/LU-1-1-16

Z-33-12-15

Z-2-1-16

Z/LU-34-12-15



PINELLAS COUNTY
PLANNING DEPARTMENT ZONING DIVISION

Pinellas County Planning and Zoning Department

Development Review Service Department

440 Court Street 4th Pl

Clearwater Florida, 33759

Fax 727-453-3256

Email: Zoning@pinellascounty.org

 received
1-25-16

Z/LU-34-12-15

Subject: Case # 224-34-12-15

To the Zoning Board,

I am David Walker, the registered agent for Carlton Investment (the property owner next to Emerald Gardens Assisted Living Facility (EG)) the property was in the company's ownership since before Emerald Gardens was established.

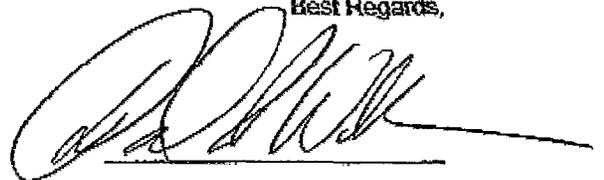
At the time of the proposed zoning for Emerald Gardens it was to be a 10 bed facility on two plus acres of land. Emerald Gardens then filed for 20 beds on the same two plus acres. Our company objected, however the zoning board still sided with Emerald Gardens. The increased capacity of the facility has contributed to an increase in traffic and use of emergency vehicles including fire services.

Now Emerald Gardens wants to expand the 20 bed facility on the original two plus acres, to a 60 bed facility with an additional two plus acres. So for a total of approximately 5 acres EG now wants to have 60+ beds on the same road access and add additional services and traffic to an already heavily used road now, in addition to the likely further increased utilization of emergency services.

It seems to our company that expanding from 10 beds to 20 beds and now 60 beds is out of line with the original planned 10 bed facility proposed by the developers of EG. We expect the Zoning department to realize the negative impact this will have on the surrounding properties and the negative impact on traffic on a very heavily used road already and will not grant the expansion that Emerald Gardens is seeking. When the county bends to every possible request for development, just for perceived growth at the expense of the long time property owners and citizens of the county then what is the purpose of a representative government with administrative departments like zoning?

Other property owners adjacent to Emerald Gardens are also against the proposed expansion of the facility to the wanted 60 bed increase, particularly when the original zoning plan was for 10 beds on two plus acres. At best this facility should be only 20 beds on approximately 5 acres. Thank you for your consideration in this matter, I hope that the county zoning board will side the consensus of the adjacent property owners and reject the proposed expansion of Emerald Gardens.

Best Regards,



David R. Walker

Pinellas County Planning and Zoning Department
Development Review Service Department
440 Court Street 4th Floor
Clearwater, FL 33759

FAXED
1-25-16

Subject: Case # 224-34-12-15

To the Zoning Board:

We, David and Betsy Walker, are owners of property next to Emerald Gardens Assisted Living Facility. Our property address is 2114 Meadow Brook Drive. We have owned this *residential property* and occupied our home since 1982, many years before Emerald Gardens was established.

At the time of the proposed zoning for Emerald Gardens, it was to be a *10-bed facility on two plus acres* of land. Emerald Gardens, then they filed for 20-beds on the same two plus acres - doubling the facility's size. As private property owners, we objected to having a *business adjacent to properties zoned for residential use only*, including ours. However, the zoning board at that time granted the owner of Emerald Gardens the zoning change. We have noticed that the increased capacity of the facility has contributed to an increase in traffic and use of emergency vehicles including fire services to the nearby residential properties.

Now Emerald Gardens wants to expand the 20-bed facility to a 60-bed facility with an additional two plus acres. As we understand it, Emerald Gardens now wishes to have 60-beds on 5 acres of land which will have the same road access it presently uses and add even more services and traffic to an already heavily used road now.

It seems to us that expanding from *10-beds* to 20-beds and now to *60-beds* is totally out of line with the originally planned *10-bed* facility proposed by the developers of Emerald Gardens. It is in fact, *six-fold* the original request. We respectfully ask the Zoning Department to realize the *negative impact* this will have on the surrounding residential properties by way of traffic on an already very heavily used road. We ask you *not to grant* the expansion that Emerald Gardens is seeking.

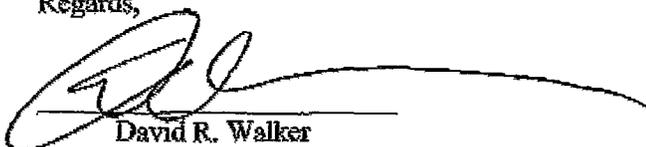
When the county bends to every possible request for development, just for perceived growth at the expense of the *long time private residential property owners and citizens of Pinellas County*, then what is the purpose of a representative government with administrative departments like zoning? We wish our voices to be heard and our concerns seriously heeded.

Other residential property owners adjacent to and/or near Emerald Gardens are also against the proposed expansion of the facility. There are *no other business zoned properties* any where near Emerald Gardens along the west side of McMullen Booth Road. Zoned residential properties begin *.2 miles south* of Enterprise Road and stretches *.75 miles* from there to Emerald Gardens. Zoned business properties to the south (toward Sunset Point Rd) begin more than *.5 miles* south of Emerald Garden. Emerald Gardens is the *ONLY business* within a *1.25 mile stretch* of the west side of Mc Mullen Booth Road; all other properties are residential, some since the early 1940's to present day. How did this happen?? Honestly, we still are stunned that the zoning board granted Emerald Garden the original business zoning in light of the fact there are no other businesses nearby; the area is 99.9% high-end residential properties and has been for many years.

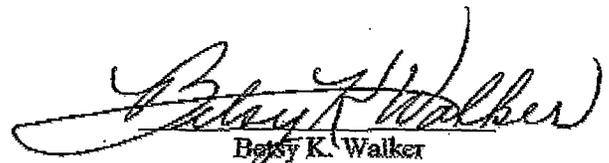
At best, this facility *only* should be a *20-bed facility* on approximately 5 acres. We request *no* zoning change.

Thank you for your consideration in this matter. We hope the zoning board will side with the consensus of the adjacent and/or nearby residential property owners and reject the expansion of Emerald Garden.

Regards,



David R. Walker
2114 Meadow Brook Dr.
Clearwater, FL 33759



Betsy K. Walker



CITY OF CLEARWATER

POST OFFICE BOX 4748, CLEARWATER, FLORIDA 33758-4748

MUNICIPAL SERVICES BUILDING, 100 SOUTH MYRTLE AVENUE, CLEARWATER, FLORIDA 33756

TELEPHONE (727) 562-4567 FAX (727) 562-4865

PLANNING & DEVELOPMENT

December 2, 2015

Glenn Bailey, AICP
Land Use & Zoning Manager
Pinellas County Planning Department, Zoning Division
440 Court Street, 4th Floor
Clearwater, FL 33756

RE: Case No. Z/LU-34-12-15

Dear Mr. Bailey:

The City of Clearwater Planning and Development Department has an interest in Case. No. Z/LU-34-12-15 because:

- the subject property is located within the City of Clearwater Planning Area;
- the City is the only water and sewer service provider for this property;
- the City has an existing agreement to annex (ATA) for one of the subject parcels.

The applicant is requesting a land use change from Residential Suburban to Institutional with the Conditional Overlay limiting the use of the property to an assisted living facility with a maximum of 60 beds, and a zoning change from A-E, Agricultural Estate Residential and R-R, Rural Residential, to IL-CO, Institutional Limited – Conditional Overlay for four parcels within unincorporated Pinellas County. The City of Clearwater does not oppose the proposed map amendments, but respectfully submits the following comments regarding City requirements which shall apply to the property owner(s) in order to receive city services.

There are existing Agreements to Annex (ATAs) recorded for the provision of City water and sewer service to the property located at 2159 North McMullen Booth Road (parcel 33-28-16-00000-330-0600). The City currently provides water, sewer, and natural gas service to the Emerald Garden Assisted Living Facility located at the aforementioned address. The subject parcels are all located within the City's service and planning areas; therefore, the property owner(s) of any additional parcels integrated into a new/expanded site plan for the facility would also need to sign ATAs. The existing ATAs are attached for reference.

The City has capacity to provide sewer and water service for 60 beds as proposed on the subject site. The City strongly encourages the applicant(s) to speak with the City's Engineering Department regarding the costs involved with expanding the existing sewer service for the subject property and to determine whether any upgrades will be required.

Recognizing that it is to the mutual benefit of the owner(s) and the City, in recognition of the eventual incorporation of the property within the City, to ensure the development of this property is consistent with the City's Codes, the City requires that site plans, including any related landscape and tree preservation plans, be reviewed and accepted by the City prior to the execution of an ATA. Any parcel receiving

service under an ATA with the City must be developed or redeveloped in accordance with all City requirements. The applicant can contact the City's Engineering Department to enter into an ATA with the City, and can contact the City's Planning and Development Department to coordinate the required review of any proposed site plans.

Thank you for the opportunity to comment on this case.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Delk', written in a cursive style.

Michael Delk, AICP
Planning & Development Director

Enclosures: ATA Signed 1985 (Water)
 ATA Signed 2005 (Sewer)

85266947

A G R E E M E N T
WATER ONLY

ATA 85-30-252
Receipt #M119335

THIS AGREEMENT, made and entered into this 9th day of December,
1985, by and between the CITY OF CLEARWATER, FLORIDA, a municipal
corporation, hereinafter referred to as "City", and

Rodney J. Bradley

hereinafter referred to as "Owner";

W I T N E S S E T H :

WHEREAS, the Owner now owns the following described real property,
located outside the municipal boundaries of the City of Clearwater but
within the City of Clearwater Service area:

Beginning at a point 528 feet South of the Northeast corner
of the Southwest 1/4 of the Southwest 1/4 and run thence
West 330 feet; thence South to the South line of the North-
east 1/4 of the Southwest 1/4 of the Southwest 1/4; thence
East to a point on the East line of the Southwest 1/4 of the
Southwest 1/4, thence North along said line to the point of
beginning; all in Section 33, Township 28 South Range 16
East, Pinellas County, Florida, Less the road right of way on
the East.

and

WHEREAS, the Owner desires to connect to the City sewer and/or water
main and is agreeable to signing an Agreement with the City for municipal
sewer and/or water services; and

WHEREAS, the City is agreeable to furnishing said services upon
certain conditions and considerations;

NOW, THEREFORE, the parties hereto hereby covenant and agree as
follows:

1. The City does hereby agree to provide sewer and/or water
services, subject to the terms of this Agreement, and to permit the
Owner to connect to its sanitary sewer and/or water main at the
Owner's expense.

RETURN TO:
CITY CLERK
P. O. BOX 4718
CLEARWATER, FLA. 33518-4718

This instrument was prepared by:
M. A. Galbraith, Jr.
City Attorney
City of Clearwater, P. O. Box 4718
Clearwater, FL 33518-4718

RECEIVED
VINEYARD
CLERK OF DISTRICT COURT
CLEARWATER, FLORIDA
Dec 18 5 04 PM '85

11 CHG 100070
COCL
40 Rec 17.00
46 Pos
Total 17.00

The City shall not be liable for any damage resulting from any unavoidable cessation of service caused by Act of God, necessary maintenance work, or any cause beyond the control of the City.

2. In consideration of the covenants contained in Paragraph one (1) immediately above on the part of the City, the Owner agrees:

(a) to pay the appropriate annexation fee when this Agreement is submitted for processing;

(b) to pay normal sewer and/or water connection charges and monthly sewer service and/or water charges to the City on the same basis as sewer service and/or water users outside the municipal boundaries are charged, as set out in the Code of Ordinances of the City of Clearwater, Florida;

(c) that all recreation land, recreation facilities and open space land dedication and/or fees will be due upon annexation in an amount and manner as prescribed in Ordinance Nos. 3128-83 and 3129-83. In particular, the owner shall either:

(1) pay the required recreation facilities fee when this is the only fee required by Ordinance No. 3128-83 at the time this Agreement is submitted for processing, or

(2) place in escrow such deed transferring title to land and/or promissory note made payable to the City of Clearwater as required by Ordinance Nos. 3218-83 and 3129-83, such deed and/or promissory note, copies of which are attached hereto as Exhibit A (if applicable) to be conveyed and/or paid prior to the second ordinance reading effectuating the annexation of the subject the annexation of the subject property;

(d) if it has not already been dedicated to Pinellas County, to dedicate that additional ⁶⁷ feet of ^{the} western half of the ultimate 200-foot ^{100-foot} right-of-way for McMullen Booth Road prior to the second reading of the ordinance effectuating the annexation of the subject property.

(e) that at such time as it becomes possible for the City to annex said real property, this Agreement will constitute an application to annex at that time, and the City will have the right, upon sixty (60) days' written notice to the property owner, to initiate action to annex the property to the City;

(f) that it is to the mutual benefit of the Owner and the City, in recognition of the eventual incorporation of the property within the City, to have site and building plans reviewed and accepted by the City in advance of obtaining any requisite permit from Pinellas County. Acceptance of such plans shall precede the execution of this Agreement by the City and any construction on this property shall comply with the Fire District requirements as set forth in Chapter Three (3), Standard Building Code, as duly adopted by the City of Clearwater;

(g) all property proposed to be subdivided or otherwise differentiated from the original parcel described in this Agreement shall be treated as a single parcel for the purposes of the subsequent annexation procedure, individual ownership notwithstanding;

(h) that the terms and provisions of this Agreement shall be binding upon its successors and assigns, and the City shall record this document;

(i) that the terms and provisions of this Agreement shall be a commitment and obligation which shall not only bind the present owner of said described real property, but shall be a covenant which shall run with the land and shall bind and be enforceable against all subsequent owners of said described real property whether or not it is mentioned in the Deed to said owners; and

(j) if the Owner or its successors, or assigns, or any subsequent owner, shall default in the performance of the terms and provisions of this Agreement, and the City shall institute legal proceedings to enforce the terms and provisions hereof, the Owner, its successors and assigns, covenant and agree to pay all costs of such proceedings including the payment of a reasonable attorney's fee in connection therewith.

3. All notices to be furnished hereunder shall be furnished to the City of Clearwater, to the City Manager, P. O. Box 4748, Clearwater, Florida 33518.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

CITY OF CLEARWATER, FLORIDA

Countersigned:

William F. Kelly
Mayor-Commissioner

By Anthony Shambler
City Manager

Approved as to form and correctness:

Ma Jaurant
City Attorney

Attest:

Cynthia E. Bouda
City Clerk

OWNER:

By [Signature]

Witnesses as to Owner:

Deanna K. Papston
Francis Kennedy

STATE OF FLORIDA)
COUNTY OF PINELLAS)

Subscribed and sworn to before me this 25th day of October, 1985.

My Commission Expires:

Notary Public, State of Florida
My Commission Expires Aug. 24, 1989
Bosch & Berg, Inc. Notary Service, Inc.

Jane M. Remy



AGREEMENT

(Sewer only)

THIS AGREEMENT, made and entered into this 30th day of November, 2005 by and between the **CITY OF CLEARWATER**, a municipal corporation, hereinafter referred to as "City," and Aviation Engineering Consultants, Inc., hereinafter referred to as "Owner";
A Florida Corporation

WITNESSETH:

WHEREAS, the Owner now owns the following described real property, located outside the municipal boundaries of the City of Clearwater:

See Attached Exhibit "A"

Also known as:

2159 McMullen Booth

Clearwater, Florida
and

WHEREAS, the Owner desires to connect to the City sewer main and is agreeable to signing an Agreement with the City for municipal sewer service; and

WHEREAS, the City is agreeable to furnishing sewer service upon certain conditions and considerations;

NOW THEREFORE, the parties hereto hereby covenant and agree as follows:

1. The City agrees to provide sewer service, subject to the terms of this Agreement, and to permit the Owner to connect to its sewer main at the Owner's expense.
2. The Owner agrees:
 - a) to pay the appropriate annexation fee when this Agreement is submitted for processing;
 - b) to pay normal sewer connection charges and monthly sewer service charges to the City on the same basis as sewer users outside the municipal boundaries are charged, as set out in the Code of Ordinances of the City, until the property is annexed;
 - c) that all recreation land, recreation facilities and open space land dedication and fees will be due upon annexation in an amount and manner as prescribed in Sections 116.40 through 116.51, Code of Ordinances. In particular, the owner shall either:
 - (1) pay the required recreation facilities fee if this is the only fee required at the time this Agreement is submitted for processing, or
 - (2) place in escrow a deed transferring title to land or a promissory note made payable to the City of Clearwater, or both as required, such deed and promissory note, copies of which are attached hereto as Exhibit A (if applicable) to be conveyed or paid prior to the second ordinance reading effectuating the annexation of the subject property;
 - (d) that at such time as it becomes possible for the City to annex said real property, this Agreement will constitute an application to annex at that time, and the City will have the right, upon sixty (60) days written notice to the property owner, to initiate action to annex the property to the City;
 - (e) that it is to the mutual benefit of the Owner and the City, in recognition of the eventual incorporation of the property within the City, to have site and building plans reviewed and accepted by

the City in advance of obtaining any requisite permit from Pinellas County. Acceptance of such plans shall precede the execution of this Agreement by the City and any construction on this property shall comply with the applicable building and fire codes in effect in the City of Clearwater;

(f) that all of the property described above shall be deemed a single parcel subject to annexation as provided herein, and any subparcels of the property described above which are created by subdivision or by any other means shall be included for the purposes of the subsequent annexation procedure, subsequent sale and individual ownership notwithstanding;

(g) that the terms and provisions of the Agreement shall be commitment and obligation which shall not only bind the present owner of said described real property, but shall be a covenant which shall run with the land and shall bind and be enforceable against the heirs, successors and assigns of the Owner; and

(h) if the Owner or the heirs, successors, and assigns of the Owner, shall default in the performance of the terms and provisions of this Agreement, and the City shall institute legal proceedings to enforce the terms and provisions hereof, the Owner or the heirs, successors, and assigns of the Owner shall pay all costs of such proceedings including the payment of a reasonable attorney's fee in connection therewith.

3. The City shall not be liable for any damage resulting from any unavoidable cessation of service caused by Act of God, necessary maintenance work, or any cause beyond the control of the City.

4. All notices to be furnished hereunder shall be furnished to the City of Clearwater, to the City Manager, P.O. Box 4748, Clearwater, Florida, 34618-4748 and to the Owner at the post office address for the property described above, at any other address which may be furnished by the Owner from time to time, or at the address for the Owner according to the property tax rolls of Pinellas County, Florida.

5. This Agreement shall be recorded in the public records of Pinellas County, Florida.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

WITNESS AS TO OWNER:

Christina M. Haney
Christina M. Haney

Jessica Smith
Jessica Smith

OWNER:

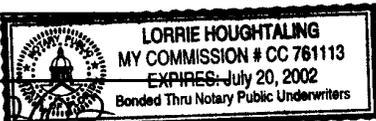
Kamran Rouhani
Kamran Rouhani

STATE OF FLORIDA)
COUNTY OF PINELLAS)

BEFORE ME personally appeared Kamran Rouhani,
to me known to be the individual(s) described in and who executed the foregoing instrument and severally acknowledged before me that they executed the same for the purposes herein expressed; and that said instrument is the free act and deed of said individual(s).

WITNESS my hand and official seal this 16th day of September, 1998.

Lorrie Houghtaling
Notary Public
Notary Name (print/type)



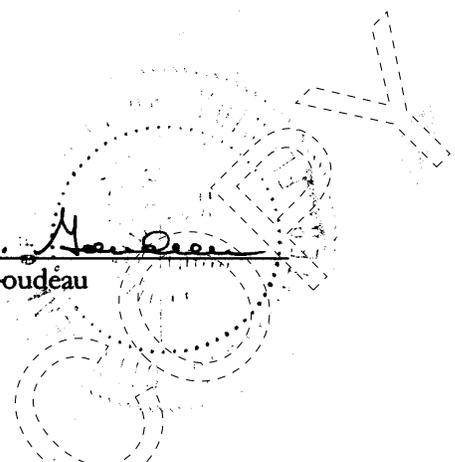
My Commission Expires: July 20, 2002

CITY OF CLEARWATER, FLORIDA

By: William B. Horne II
William B. Horne II
~~Interim~~ City Manager

Attest:

Cynthia E. Goudéau
Cynthia E. Goudéau
City Clerk

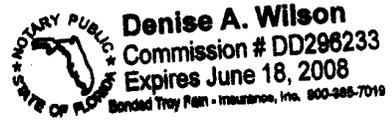


**STATE OF FLORIDA)
COUNTY OF PINELLAS)**

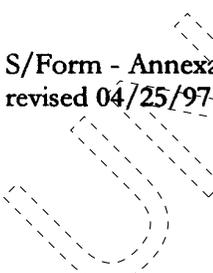
BEFORE ME personally appeared William B. Horne II, the ~~Interim~~ City Manager of the above-named City, who acknowledged that he executed the foregoing instrument. He is personally known to me and did not take an oath.

WITNESS my hand and official seal this 30 day of November, 2005.

Denise A. Wilson
Notary Public
Notary Name (print/type) Denise A. Wilson
My Commission Expires: 6/18/2008



Approved as to form
Leslie K. Dougall-Sides
Leslie Dougall-Sides
Assistant City Attorney



SCHEDULE "A"

PINELLAS COUNTY FLA.
OFF. REC. BK 10086 PG 1665

Commence at the Northeast corner of the Southwest 1/4 of the Southwest 1/4 of Section 33, Township 28 South, Range 16 East, Pinellas County, Florida and run South 00 deg. 16'32" East, along the East boundary line of the Southwest 1/4 of the Southwest 1/4 of said Section 33, 528.00 feet; thence South 89 deg. 55'32" West, 100.00 feet to the West right-of-way line of McMullen Booth Road for a Point of Beginning; thence South 00 deg. 16'32" East, along said West right of-way line, 135.98 feet to the South line of the Northeast 1/4 of the Southwest 1/4 of the Southwest 1/4 of said Section 33; thence South 89 deg. 56'04" West, along said South line, 233.20 feet to the West boundary line of the East 1/2 of the Southwest 1/4 of the Southwest 1/4 of said Section 33, said line also being the East boundary line of Lot 3, Meadow Brook Place as recorded in Plat Book 77, Page 86, of the Public Records of Pinellas County, Florida, thence North 00 deg. 10'19" West, along said West boundary line, 135.95 feet; thence North 89 deg. 55'32" East, 233.27 feet to the Point of Beginning.