

# APPROVAL OF CW-18-15

300 S. Duncan Ave./Gulf to Bay Blvd.



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ATTORNEYS & COUNSELORS AT LAW | EST. 1884

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## PLANNING & DEVELOPMENT DEPARTMENT STAFF REPORT

**CASE:** LUP2017-10011

**REQUEST:** To amend the Future Land Use Map designation from Residential/Office General (R/OG) to Commercial General (CG)

**GENERAL DATA:**

*Applicant* ..... Brian J. Aungst, Jr., Esq.

*Owner* ..... Rental Houses, LLC

*Location* ..... 300 South Duncan Avenue, located on the west side of South Duncan Avenue approximately 280 feet north of Gulf to Bay Boulevard

*Property Size* ..... 2.807-acre portion of a 3.196-acre property

### Background:

This case involves 2.807 acres of a 3.196-acre parcel located on the west side of South Duncan Avenue, approximately 280 feet north of Gulf to Bay Boulevard (SR 60). The property is owned by Rental Houses, LLC and is occupied by a three-story, 70,855 square foot (gross floor area) office building with ancillary off-street parking. The overall parcel is a flag lot, where the proposed amendment area has frontage on South Duncan Avenue (310 feet) and Rainbow Drive (396 feet). A narrow portion of the parcel extends to Gulf to Bay Boulevard (60 feet of frontage), approximately 345 feet west of South Duncan Avenue, providing access to the office (excluded from the proposed amendment). Maps 1 and 2 show the general location of the property and an aerial view of the amendment area.

The existing office was constructed in 1976. A development proposal to demolish the existing office and replace it with a 76,490 square foot self-storage warehouse consisting of 700 units spread across four buildings on the proposed amendment area and an 875 square foot sales office located on the remainder of the parcel has been submitted for review (continued case FLD2017-09018). The proposed self-storage warehouse use is not allowed within the property's current zoning district. The request is to change the Future Land Use Map designation of the proposed amendment area from Residential/Office General (R/OG) to Commercial General (CG), thereby establishing a uniform future land use designation across the parcel. A request to rezone the proposed amendment area from the Office (O) District to the Commercial (C) District is being processed concurrently with this case (see REZ2017-10012).



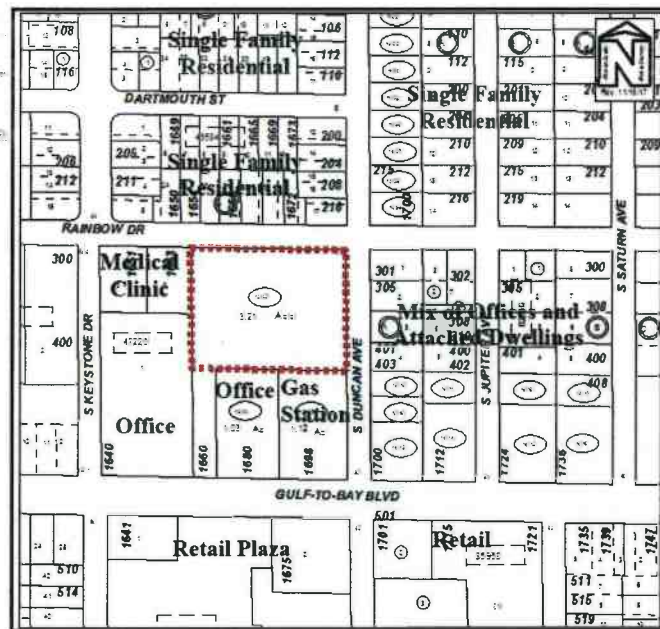
Map 1



Map 2

**Vicinity Characteristics:**

Map 3 shows the existing surrounding uses. The immediate area to the north across Rainbow Drive is developed with single-family houses. Abutting to the south is an office (Synovus Bank) and an automobile service station (Thorntons). The area to the east consists of offices, as well as attached dwellings and a single-family detached dwelling. The area to the west is a mixture of office and medical clinic uses.

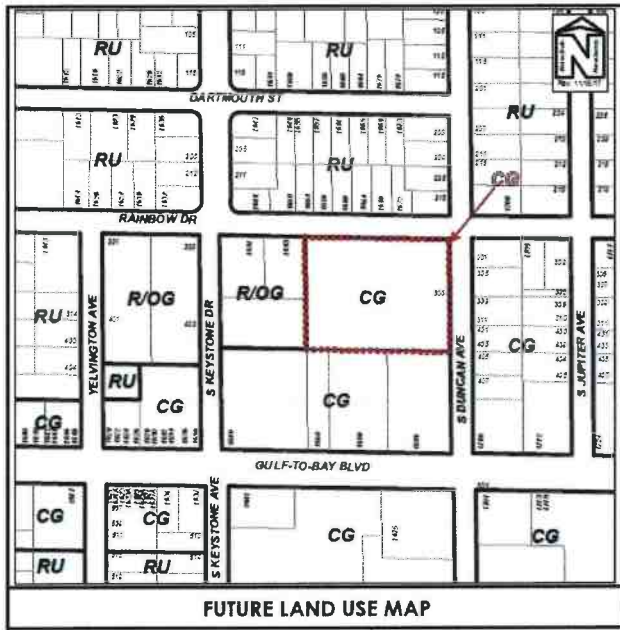


Map 3

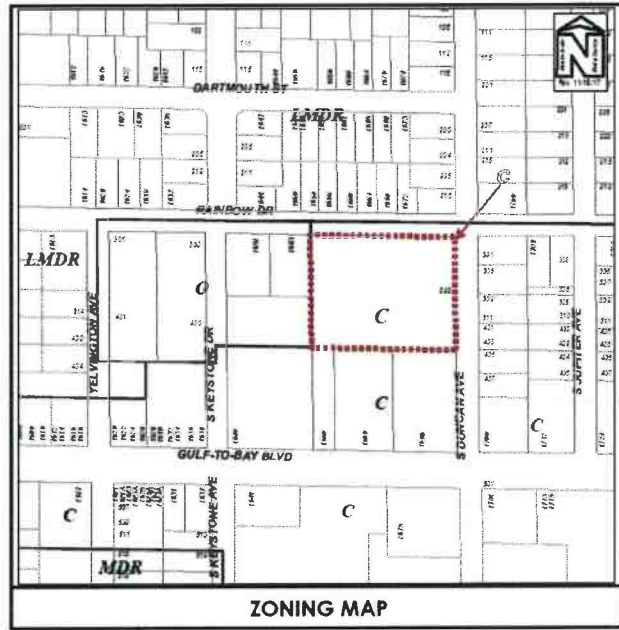
Community Development Board –December 19, 2017  
Revised for City Council Meeting – January 18, 2018  
Revised for Forward Pinellas – May 7, 2018  
LUP2017-10011 - Page 2 of 9

As shown on Map 4, the abutting future land use designations are Residential/Office General (R/OG) to the west and Commercial General (CG) to the south. To the north, across Rainbow Drive, is Residential Urban (RU) and to the east, across South Duncan Avenue, is Commercial General (CG). The surrounding vicinity has additional areas designated Residential Urban (RU) along the north and south sides of Rainbow Drive, and a mix of Residential/Office General (R/OG) and Commercial General (CG) along the south side of Rainbow Drive.

A comparison between the uses, densities and intensities allowed by the present and proposed Future Land Use Map designations appears in Table 1, along with the consistent zoning districts.



Map 4



Map 5

Table 1. Uses, Densities and Intensities Allowed by Present and Proposed Future Land Use Designations

|                                     | Present FLUM Designation<br>Residential/Office General (R/OG) | Requested FLUM Designation<br>Commercial General (CG)                 |
|-------------------------------------|---|---|
| <b>Primary Uses:</b>                | Medium Density Residential; Residential Equivalent; Office    | Office; Retail Sales and Service; Overnight Accommodations            |
| <b>Maximum Density:</b>             | 15 Dwelling Units Per Acre                                    | 24 Dwelling Units Per Acre; 40 Overnight Accommodation Units Per Acre |
| <b>Maximum Intensity:</b>           | FAR 0.50; ISR 0.75  | FAR 0.55; ISR 0.90  |
| <b>Consistent Zoning Districts:</b> | Medium Density Residential (MDR)<br>Office (O)                | Commercial (C)  |

**REVIEW CRITERIA:****Consistency with the Clearwater Comprehensive Plan [Sections 4-603.F.1 and 4-603.F.2]****Recommended Findings of Fact:**

*Applicable goal, objectives and policies of the Clearwater Comprehensive Plan which support the proposed amendment include:*

Goal A.2 A sufficient variety and amount of future land use categories shall be provided to accommodate public demand and promote infill development.

Goal A.4. The City shall work toward a land use pattern that can be supported by the available community and public facilities that would be required to serve the development.

Objective A.4.1 The City's Concurrency Management System will ensure that compatibility of all proposed development with the capacities of the existing and planned support facilities for which a level of service has been adopted.

Objective A.6.4 Due to the built-out character of the city of Clearwater, compact urban development within the urban service area shall be promoted through application of the Clearwater Community Development Code.

Objective B.1.5 The City shall specifically consider the existing and planned LOS the road network affected by a proposed development, when considering an amendment to the land use map, rezoning, subdivision plat, or site plan approval.

The property is currently developed with a multi-story office building. The applicant has indicated the intention to develop the property with a self-storage warehouse which would be possible through the proposed future land use change and companion rezoning. Although the proposed Commercial General (CG) designation allows for more intense development, the proposed use is less intense in terms of potential impacts than the current use. In addition, the proposal does not degrade the level of service for public facilities below the adopted standards (a detailed public facilities analysis follows in this report).

**Recommended Conclusions of Law:**

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

**Consistency with the Countywide Rules****Recommended Findings of Fact:**

The underlying *Countywide Plan Map* category on the proposed amendment area is Office (O), which is on the edge of two districts found on the south side of Rainbow Drive, with Retail & Services (R&S) located to the east of South Duncan Avenue and Office (O) located to the west of the subject property. The proposed City of Clearwater future land use designation of Commercial General (CG) will necessitate an amendment from the Office (O) category to the Retail & Services (R&S) category to maintain consistency between the City's Future Land Use Map and the *Countywide Plan Map*.

Section 2.3.3.7 of the *Countywide Rules* states that the Retail & Services (R&S) category is intended to depict areas developed with, or appropriate to be developed with, a mix of businesses that provide for the shopping and personal service needs of the community or region, provide for employment opportunities and accommodate target employment uses, and may include residential uses as part of the mix of uses.

The proposed amendment area is located across the Rainbow Drive right-of-way from single family homes to the north, to other office and medical clinic uses to the west, and across South Duncan Avenue from a mix of commercial and residential uses to the east. Retail & Services (R&S) is designated on properties to the south along Gulf to Bay Boulevard and east across South Duncan Avenue, and the Office (O) category is designated on the surrounding properties adjacent and to the west. Property along the north side of Rainbow Drive is designated Residential Low Medium (RLM).

The proposed use, as indicated by the applicant, is a self-storage warehouse, which is consistent with the proposed and surrounding *Countywide Plan Map* categories.

Recommended Conclusions of Law:

The proposed Future Land Use Map amendment is consistent with the purpose of the proposed category in the *Countywide Rules*.

**Compatibility with Surrounding Properties/Character of the City & Neighborhood [Section 4-603.F.3 and Section 4-603.F.6]**

Recommended Findings of Fact:

Existing surrounding uses consist primarily of single family residential (detached dwellings) (north) and offices and medical clinics (west and south). There is an assortment of offices and residential (attached dwellings) to the east, across South Duncan Avenue, and a gas station (south).

The proposed Commercial General (CG) future land use category primarily permits nonresidential development at an intensity of 0.55 FAR. Residential development is permitted at a density of 24 dwelling units per acre (allowed through mixed-use), and overnight accommodations are permitted at 40 overnight accommodation units per acre. The future land use designations of surrounding properties include Residential Urban (RU), Residential Office/General (R/OG) and Commercial General (CG).

The proposed Commercial General (CG) future land use category is consistent with the Commercial (C) zoning district, which permits a variety of commercial uses as minimum standard uses, including retail plazas, restaurants, offices, overnight accommodations, and vehicle sales/display. The proposed Commercial General (CG) future land use category is consistent with the future land use designations that exist to the east, south and west of the subject property. The proposed amendment will allow the site to be developed with a self-storage warehouse as proposed.



**Recommended Conclusions of Law:**

The proposed Commercial General (CG) future land use category is in character with the Future Land Use Map designations in the area. Further, the proposal is compatible with surrounding commercial and office uses on the surrounding properties.

**Sufficiency of Public Facilities [Section 4-603.F.4]**

**Recommended Findings of Fact:**

To assess the sufficiency of public facilities needed to support potential development on the proposed amendment area, the maximum development potential of the property under the present and requested City Future Land Use Map designations were analyzed.

*Table 2. Development Potential for Existing & Proposed FLUM Designations*

|   | <b>Present FLUM Designation<br/>"R/OG"</b>   | <b>Requested FLUM Designation<br/>"CG"</b>   | <b>Net Change</b>              |
|---|--|--|--------------------------------|
| Site Area   | 2.807 AC<br>(122,272 SF)                     | 2.807 AC<br>(122,272 SF)                     |                                |
| Maximum Development Potential   | 42 DUs <sup>1</sup><br>61,136 SF<br>0.50 FAR | 67 DUs <sup>2</sup><br>67,249 SF<br>0.55 FAR | 25 DUs<br>6,113 SF<br>0.15 FAR |
| Notes:<br>1. Residential uses permitted through consistent Office (O) District as part of mixed-use project.<br>2. Residential uses permitted through consistent Commercial (C) District as part of mixed-use project, or potentially through a Comprehensive Infill Redevelopment Project. |  |  |                                |
| Abbreviations:<br>FLUM – Future Land Use Map<br>AC – Acres<br>SF – Square feet<br>DUs – Dwelling Units<br>FAR – Floor Area Ratio  |  |  |                                |

As shown in the table, there is an increase in development potential across the amendment area which would increase demand on most public facilities, but would not degrade them below acceptable levels as detailed below. The following analysis compares the maximum potential development of the proposed Commercial General (CG) future land use developed with a self-storage use (67,249 square feet) to the maximum development potential of the existing Residential/Office General (R/OG) future land use category developed with an office use (61,136 square feet).

*Potable Water*

The increase in development potential from this amendment would result in an increase in potable water use of 612 gallons per day. This is determined by comparing the potential potable water utilization of the maximum square footage allowed by the proposed land use developed with a nonresidential use (6,725 gallons per day) to the potential utilization of a nonresidential use built out to the maximum square footage allowed by the current land use designation (6,113 gallons per day).

### *Wastewater*

The increase in development potential from this amendment would also result in an increase in wastewater production of 489 gallons per day. This is determined by comparing the potential wastewater generation of the proposed land use developed with a nonresidential use (5,379 gallons) to the potential wastewater generation of the current land use designation developed with a nonresidential use (4,890 gallons).

### *Solid Waste*

The proposed amendment could result in an increase of 70.3 tons per year of solid waste generated when comparing the amount of waste generated by a warehouse use to that of an office use. All solid waste disposal is handled by Pinellas County at the Pinellas County Waste-to-Energy Plant and the Bridgeway Acres Sanitary Landfill which has significant capacity. Additionally, the City provides a full-service citywide recycling program which diverts waste from the landfill, helping to extend the lifespan of Bridgeway Acres. There is excess solid waste capacity to serve the amendment area.

### *Parkland*

The City's adopted LOS for parkland acreage, which is 4 acres per 1,000 population, will not be impacted by this proposed amendment. Under both the existing and proposed land use, the LOS citywide will remain at 15.46 acres per 1,000 population.

### *Stormwater*

Site plan approval will be required before the property can be redeveloped. At that time, the stormwater management system for the site will be required to meet all City and SWFWMD stormwater management criteria.

### *Streets*

The subject property is located at the southwest side corner of South Duncan Avenue and Rainbow Avenue, approximately 280 feet north of Gulf to Bay Boulevard. To evaluate potential impacts to streets, the typical traffic impacts figure (trips per day per acre) in the *Countywide Rules* for the corresponding *Countywide Plan Map* categories (current and proposed) are compared. The current number of trips per day (250 trips) is calculated based on the typical traffic generation numbers for the Office (O) category (89 trips per day per acre). The proposed *Countywide Plan Map* category of Retail & Service (R&S) (433 trips per day per acre) would increase the number of trips per day to 1,215 trips per day. This is an increase of 965 trips per day compared to the number of trips under the current designation. The proposed self-storage use, if constructed, would generate fewer trips overall; however, evaluations of potential impacts are based on the maximum impacts possible through the proposed future land use changes.

### Recommended Conclusions of Law:

Based upon the findings of fact, it is determined that although the proposed change will result in increased demand on many public facilities, it will not result in the degradation of the existing levels of service for potable water, sanitary sewer, solid waste, parkland, stormwater management and streets.

**Impact on Natural Resources [Section 4-603.F.5]**Recommended Findings of Fact:

No wetlands appear to be located on the subject property. The City's codes require that development is compliant with the City's tree preservation, landscaping and stormwater management requirements.

The City's codes require that development is compliant with the City's tree preservation, landscaping and stormwater management requirements.

Recommended Conclusions of Law:

Based upon the findings of fact, it is determined that the proposed Future Land Use Map amendment will not negatively impact natural resources on the subject property.

**SUMMARY AND RECOMMENDATION:**

No amendment to the Comprehensive Plan or Future Land Use Map shall be recommended for approval or receive a final action of approval unless it complies with the standards contained in Section 4-603.F, Community Development Code. Table 3 below depicts the consistency of the proposed amendment with the standards pursuant to Section 4-603.F:

Table 3. Consistency with Community Development Code Standards for Review

| CDC Section 4-603 | Standard   | Consistent | Inconsistent |
|-------------------|--|------------|--------------|
| F.1               | The amendment will further implementation of the <i>Comprehensive Plan</i> consistent with the goals, policies and objectives contained in the Plan.                           | X          |              |
| F.2               | The amendment is not inconsistent with other provisions of the <i>Comprehensive Plan</i> .   | X          |              |
| F.3               | The available uses, if applicable, to which the properties may be put are appropriate to the properties in question and compatible with existing and planned uses in the area. | X          |              |
| F.4               | Sufficient public facilities are available to serve the properties.  | X          |              |
| F.5               | The amendment will not adversely affect the natural environment.   | X          |              |
| F.6               | The amendment will not adversely impact the use of properties in the immediate area.   | X          |              |

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

Recommend Approval of the Future Land Use Map Amendment designation from Residential/Office General (R/OG) to Commercial General (CG).

Prepared by Planning and Development Department Staff: \_\_\_\_\_

Lauren Matzke, AICP  
Long Range Planning Manager

ATTACHMENTS: Ordinance No. 9101-18  
Photographs of Site and Vicinity



Parcels

















Scenic/Noncommercial Corridors



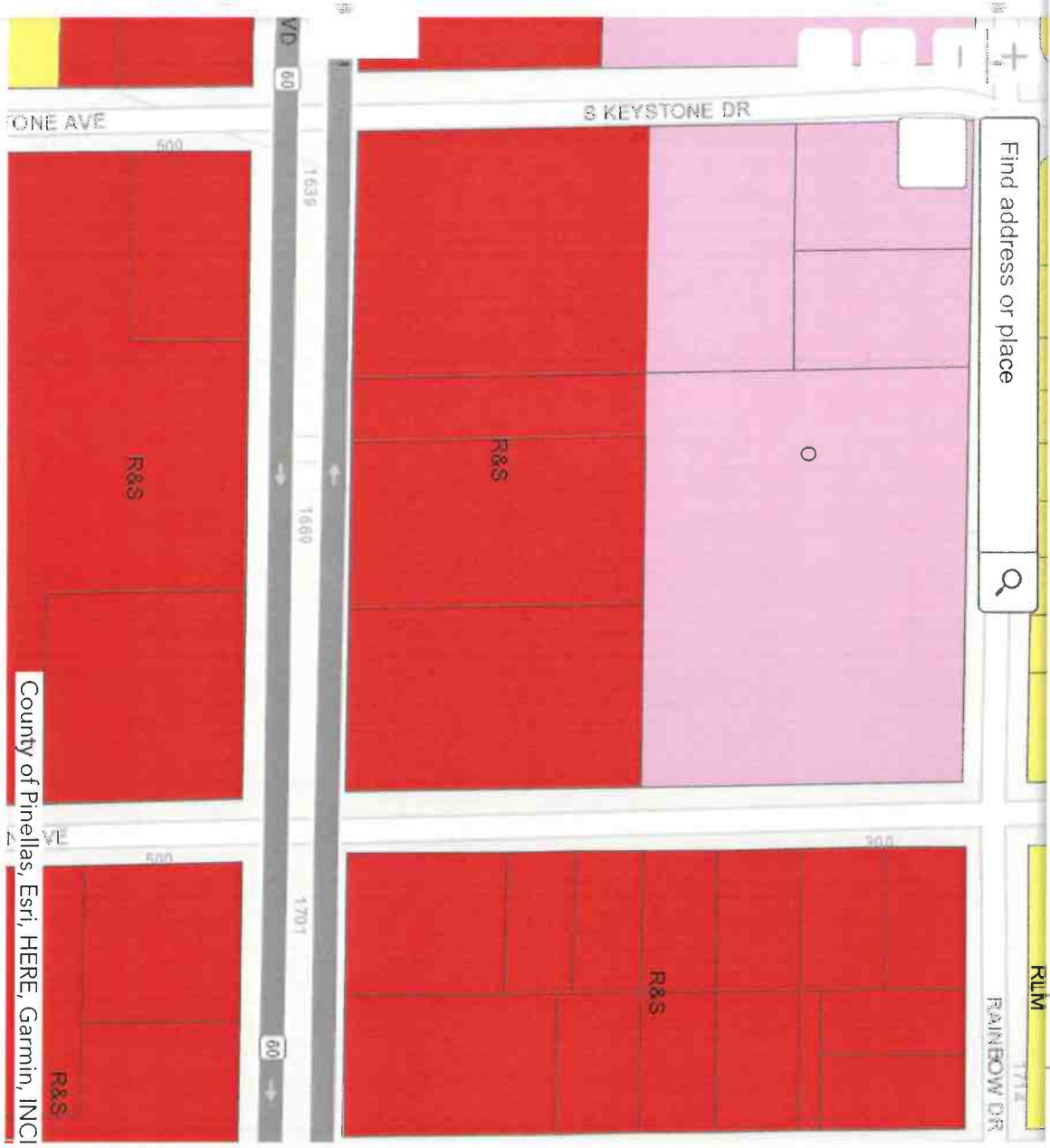
Target Employment Centers



Countywide Plan Map Categories

-  Residential Very Low (RVL)
-  Residential Low Medium (RLM)
-  Residential Medium (RM)
-  Residential High (RH)
-  Office (O)
-  Resort (R)
-  Retail & Services (R&S)
-  Employment (E)
-  Industrial (I)
-  Public/Semi-Public (P/SP)
-  Recreation/Open Space (R/OS)
-  Preservation (P)
-  Activity Center (AC)
-  Multimodal Corridor (MMC)

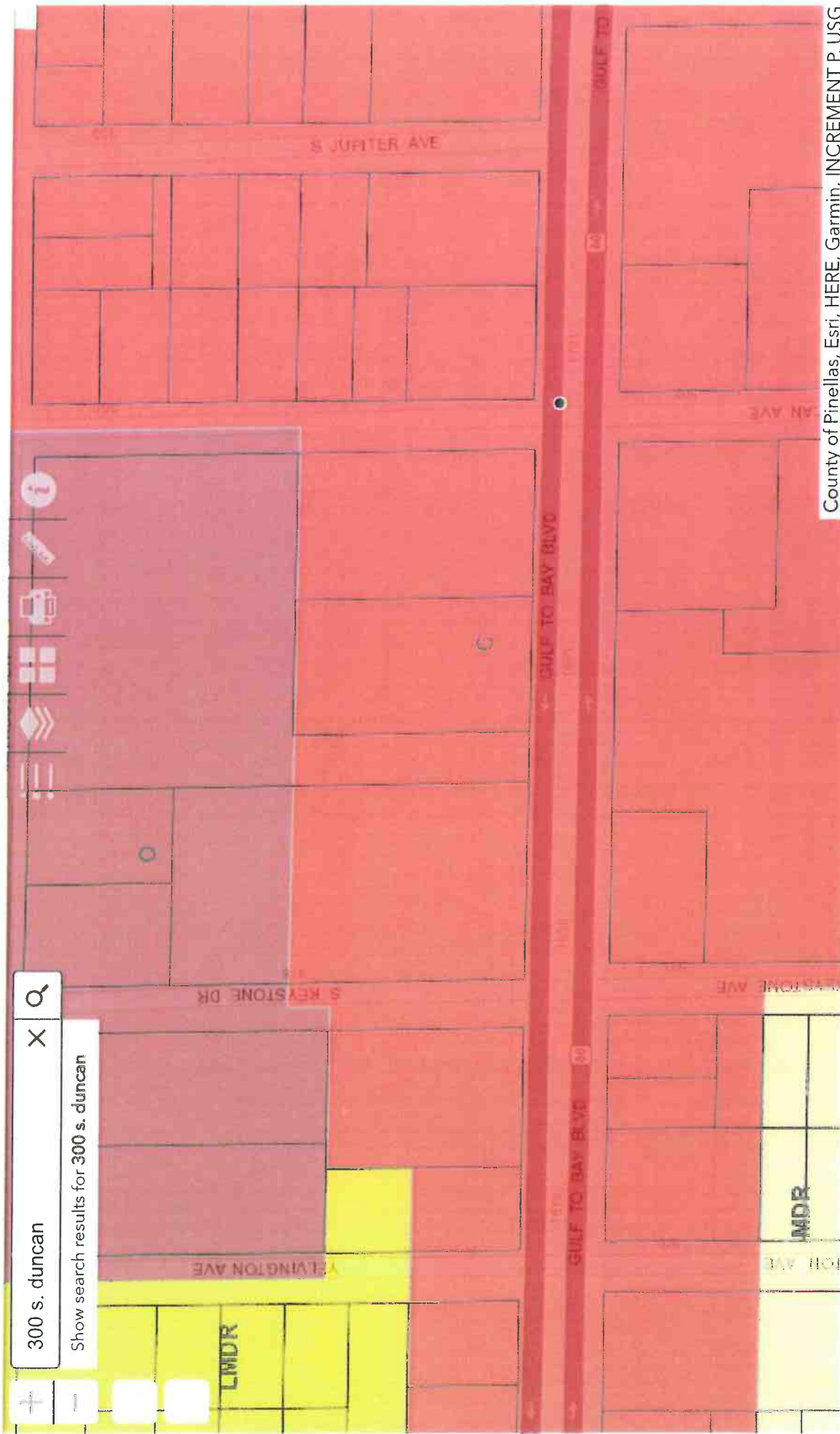
Find address or place





# Zoning and Future Land Use

City of Clearwater



County of Pinellas, Esri, HERE, Garmin, INCREMENT P, USG

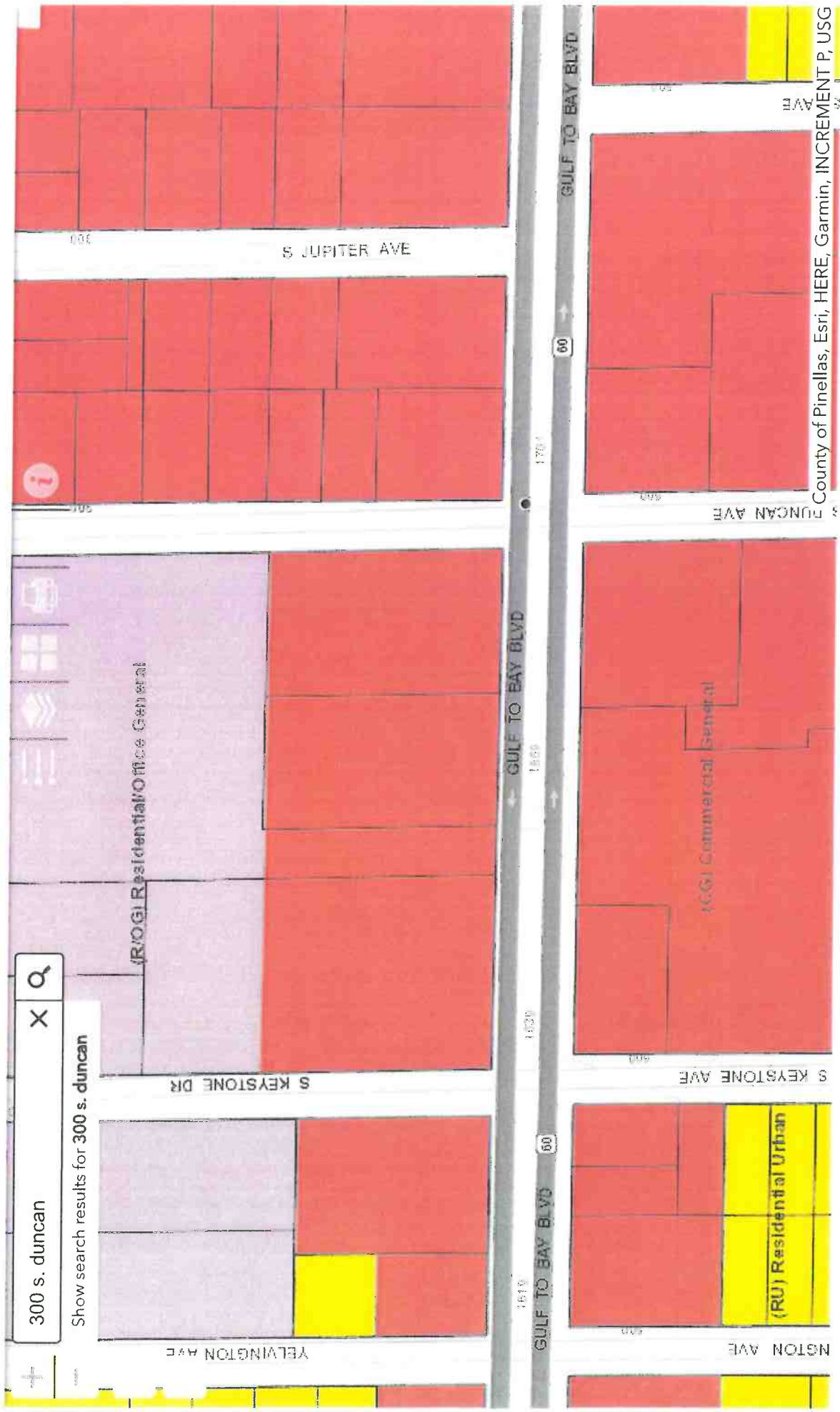
200ft

-82.767 27.961 Degree



# Zoning and Future Land Use

City of Clearwater



County of Pinellas, Esri, HERE, Garmin, INCREMENT P, USG



Parcels



Scenic/Noncommercial Corridors



Target Employment Centers



Countywide Plan Map Categories

Residential Very Low (RVL)

Residential Low Medium (RLM)

Residential Medium (RM)

Residential High (RH)

Office (O)

Resort (R)

Retail & Services (R&S)

Employment (E)

Industrial (I)

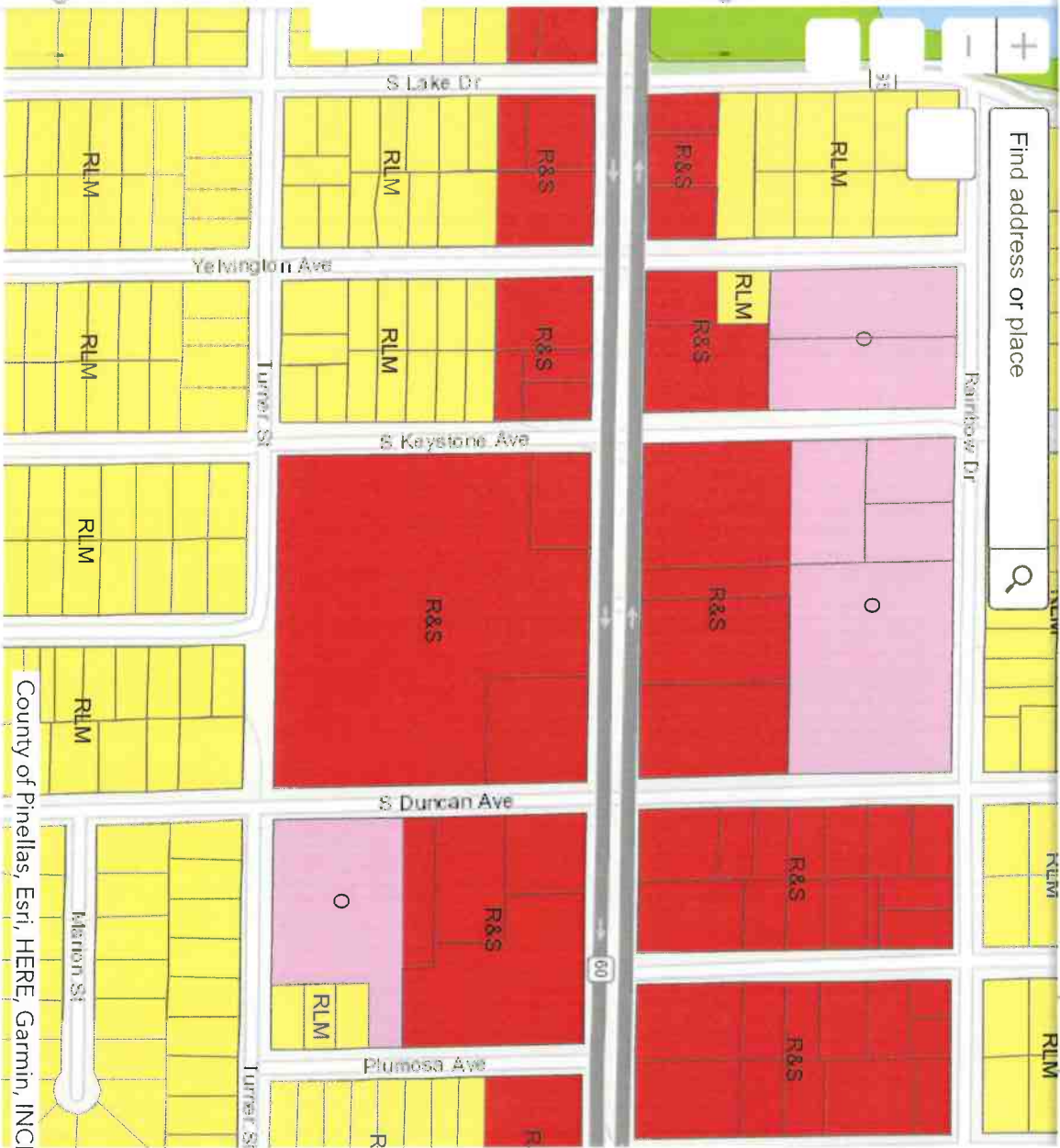
Public/Semi-Public (P/SP)

Recreation/Open Space (R/OS)

Preservation (P)

Activity Center (AC)

Multimodal Corridor (MMC)



County of Pinellas, Esri, HERE, Garmin, INCI

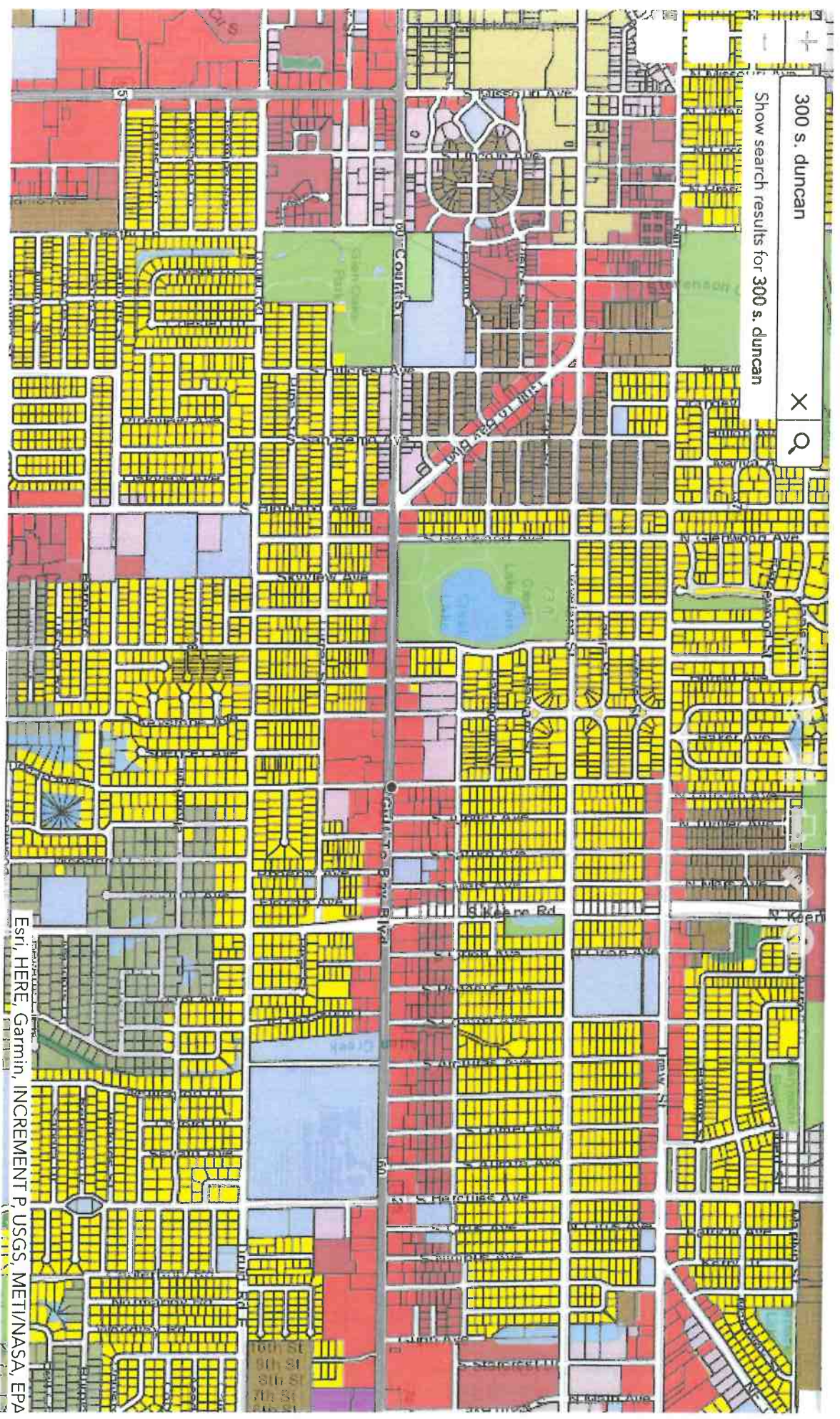


# Zoning and Future Land Use

City of Clearwater

300 s. duncan

Show search results for 300 s. duncan



Esri, HERE, Garmin, INCREMENT P, USGS, MET/NASA, EPA

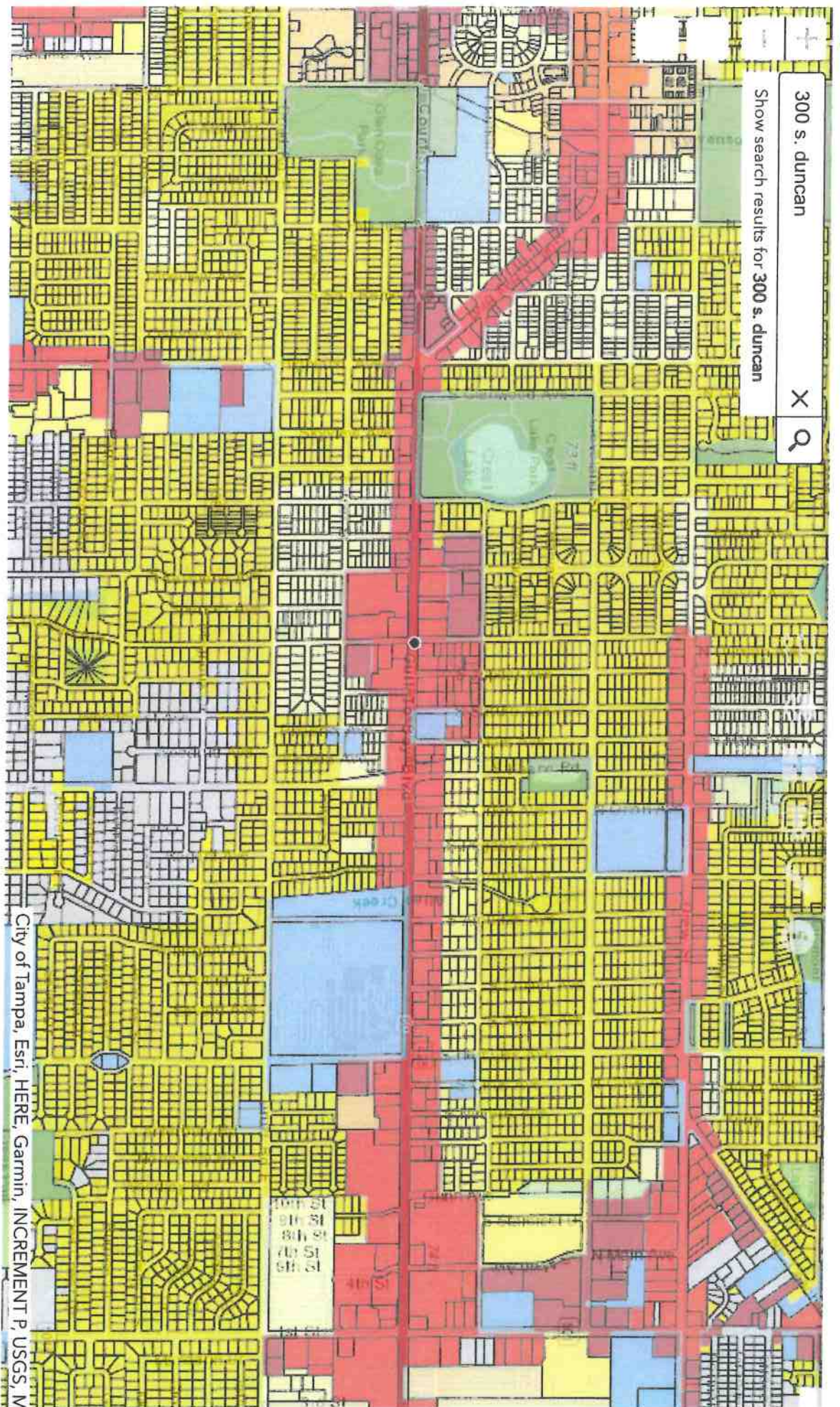
0.3mi

-82.759 27.039 Degrees



# Zoning and Future Land Use

City of Clearwater



0.3mi

-82.759 27.958 Degrees

### Scenic/Noncommercial Corridors

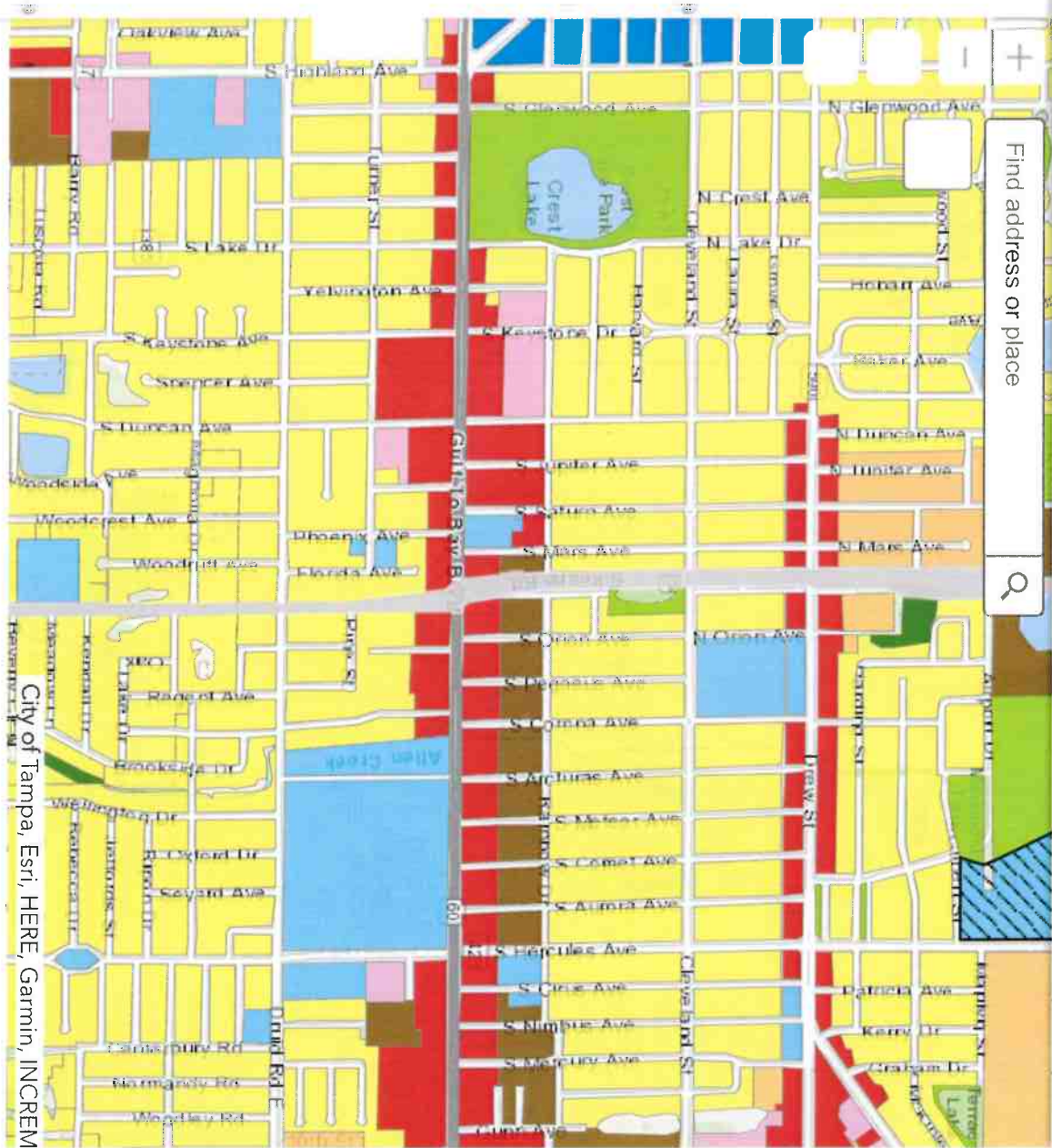


### Target Employment Centers

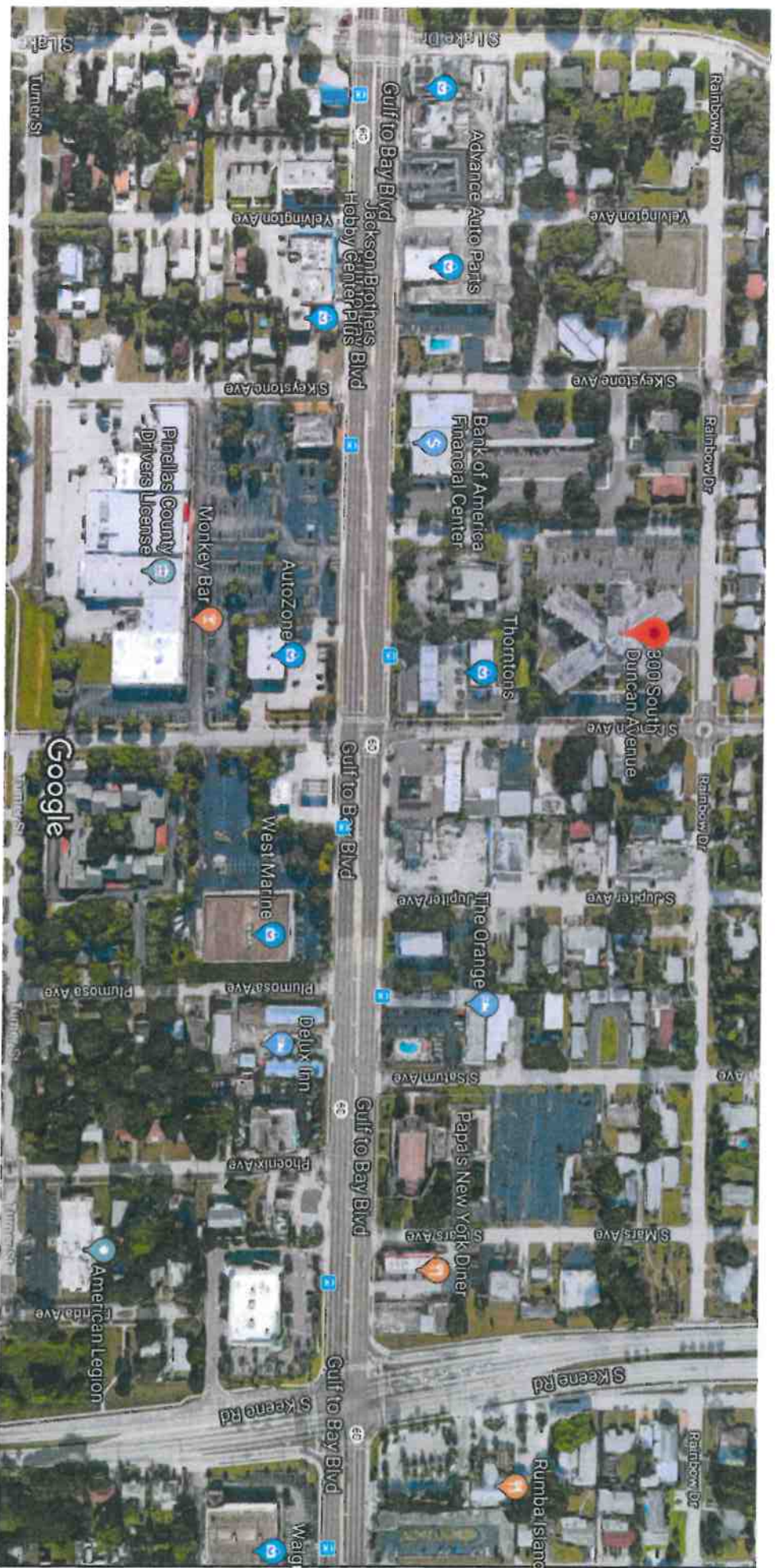


### Countywide Plan Map Categories

- Residential Very Low (RVL)
- Residential Low Medium (RLM)
- Residential Medium (RM)
- Residential High (RH)
- Office (O)
- Resort (R)
- Retail & Services (R&S)
- Employment (E)
- Industrial (I)
- Public/Semi-Public (P/SP)
- Recreation/Open Space (R/OS)
- Preservation (P)
- Activity Center (AC)
- Multimodal Corridor (MMC)



Google Maps 300 S Duncan Ave



Imagery ©2017 Google, Map data ©2017 Google

200 ft



The Florida Knee  
and Orthopedic  
Centers



1  
6  
6  
0

OFFICE SPACE  
FOR LEASE

Dee Dee Cornelius

461-7700

avita Medical Group

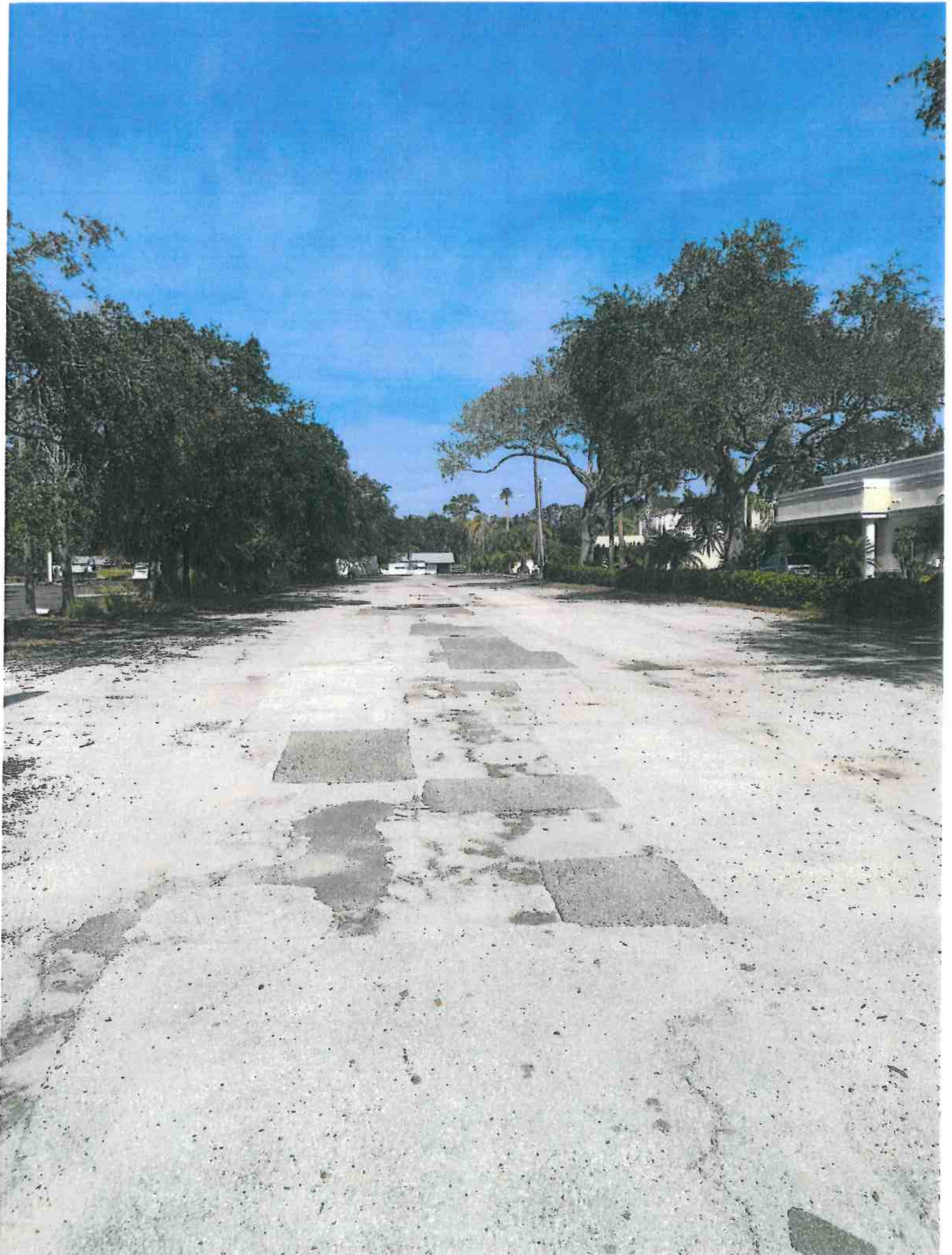
OFFICE SPACE  
FOR LEASE

727-461-7700

NOTICE OF PUBLIC HEARING  
PROPOSED LAND USE ACTION  
CITY OF CLEARWATER PLANNING &  
DEVELOPMENT DEPARTMENT FOR  
REGULATION 1-04  
TEXT: 727-461-7700  
DATE: 10/13/10

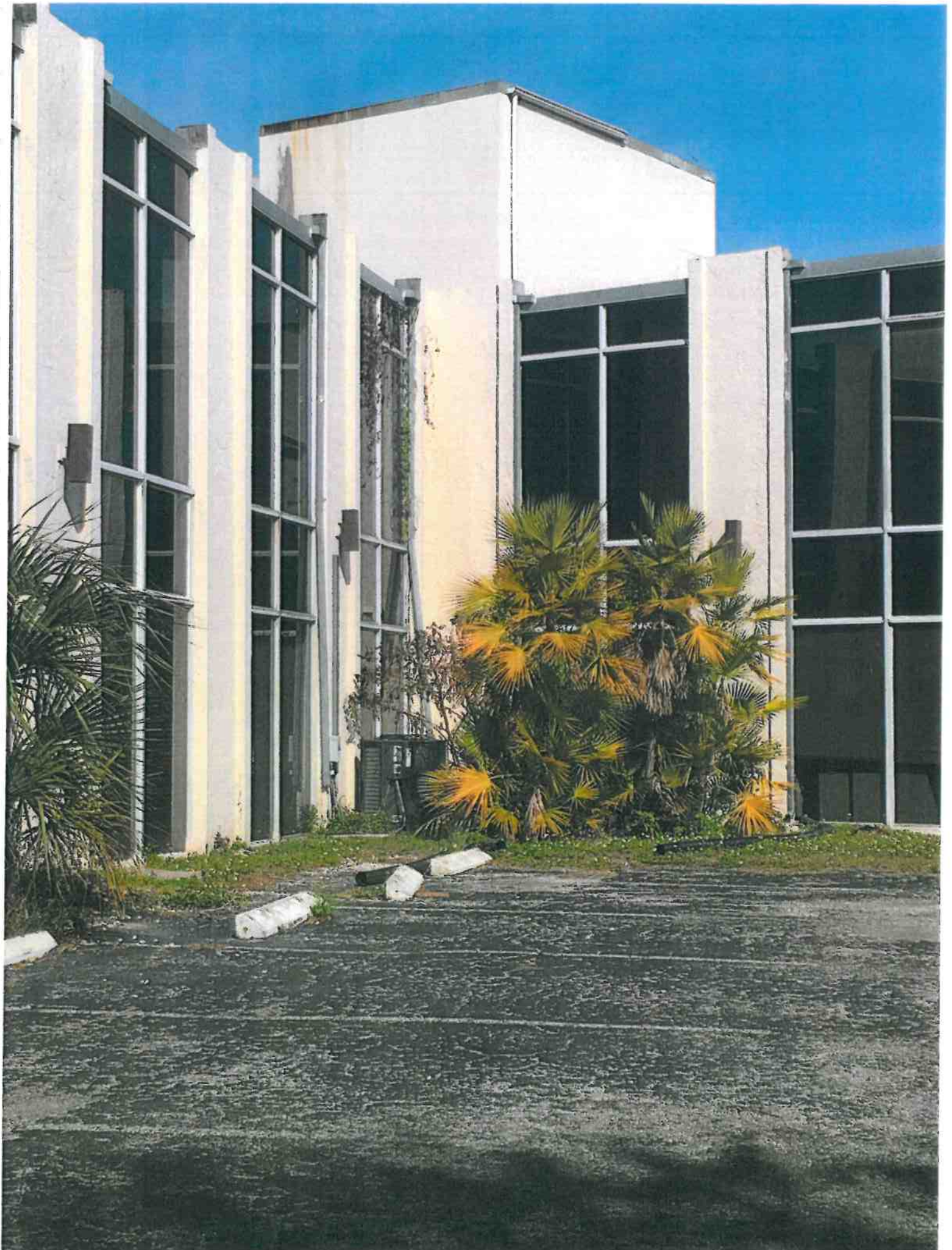
NOTICE OF PUBLIC HEARING  
PROPOSED LAND USE ACTION  
CITY OF CLEARWATER PLANNING &  
DEVELOPMENT DEPARTMENT FOR  
REGULATION 1-04  
TEXT: 727-461-7700  
DATE: 10/13/10

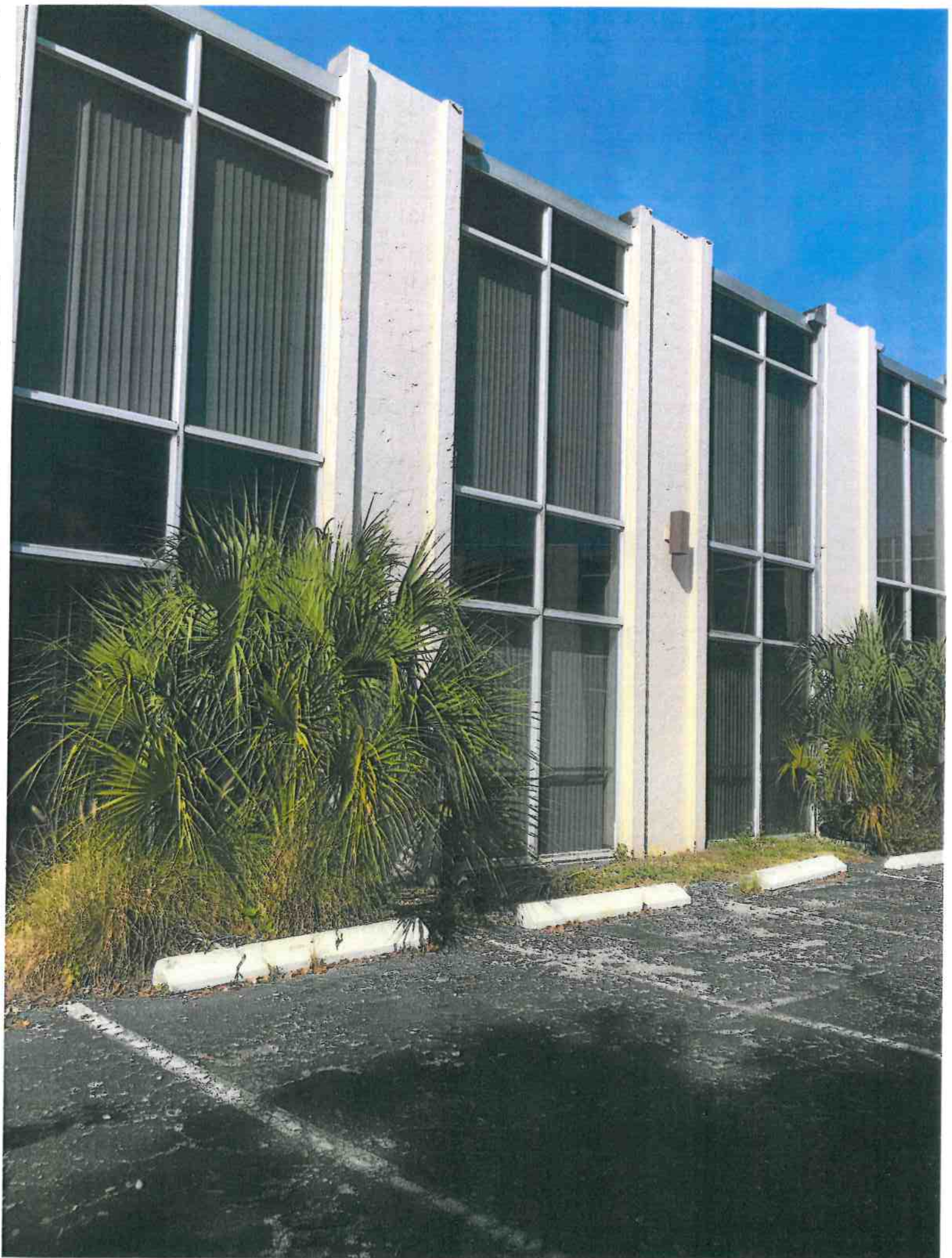




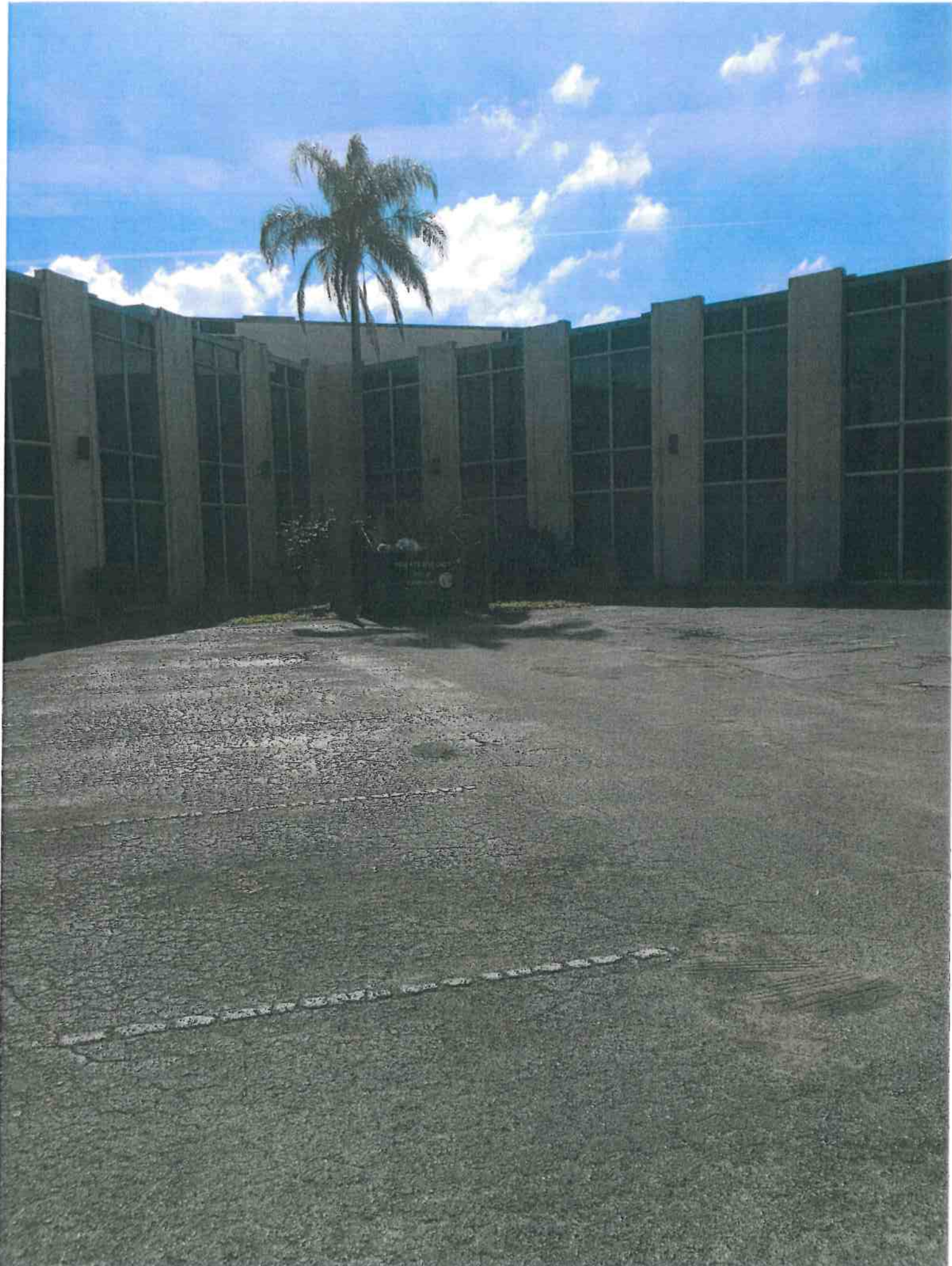












**OFFICE SPACE  
FOR LEASE**

Deedee Cornelius, Ekr.  
A.J.B. Management, Inc. 461-7700











Sealand Constructors  
General Contractors  
(334) 222-1111

Sealand Constructors  
General Contractors  
(334) 222-1111

SEASIDE ELECTRIC



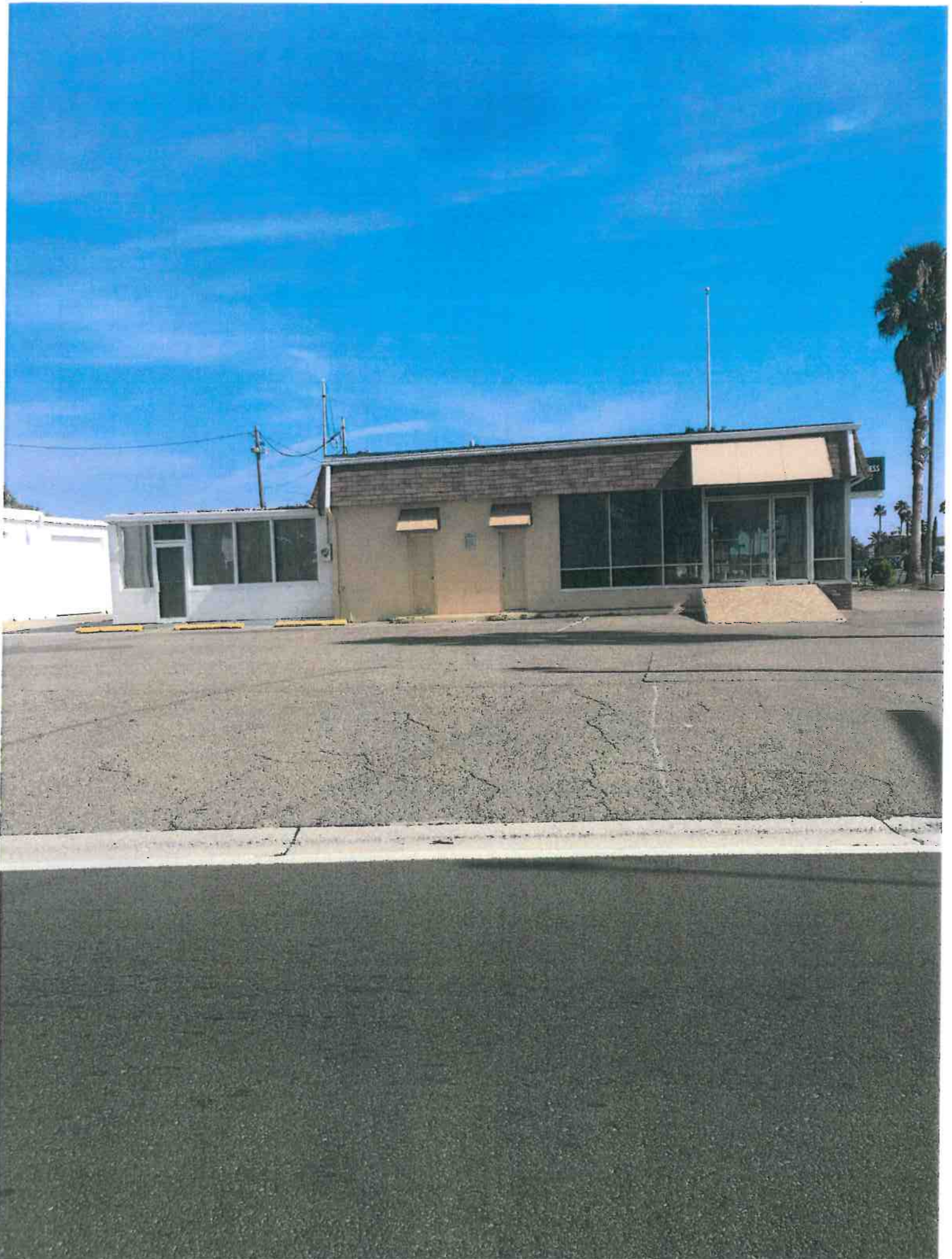


Townsend Constructors  
General Contractors

NO U  
TURN









## GULF TO BAY SELF STORAGE

|                                     | <u>CURRENT USE</u><br>Office     | <u>PROPOSED USE</u><br>Self Storage | <u>CHANGE</u>             |
|-------------------------------------|----------------------------------|-------------------------------------|---------------------------|
| <b><u>Traffic</u></b>               | ITE Code 710                     | ITE Code 151                        |                           |
| Daily Traffic                       | 11.01 trips/ksf <b>780 Trips</b> | 2.50 trips/ksf <b>191 Trips</b>     | <b>-589    -75%</b>       |
| Peak Hour Trips                     | 1.49 trips /ksf <b>106 Trips</b> | 0.26 trips/ksf <b>20 Trips</b>      | <b>-86    -81%</b>        |
| Driveways onto Rainbow Ave          | <b>3</b>                         | <b>None</b>                         | <b>-100%</b>              |
| <b><u>Building Area</u></b>         |                                  |                                     |                           |
| Floor Area Gross                    | <b>70,855 sf</b>                 | <b>76,490 sf</b>                    | 5,635 sf                  |
| <b><u>Site Coverage</u></b>         |                                  |                                     |                           |
| Building Coverage                   | 34,065 sf                        | 30,315 sf                           | -3,750 sf                 |
| <b>Pavement Area</b>                | <b>74,532 sf</b>                 | <b>43,145 sf</b>                    | <b>-31,387 sf    -42%</b> |
| Sidewalk Area                       | 2,520 sf                         | 4,200 sf                            | 1,680 sf                  |
| <b>Open Space</b>                   | <b>16,260 sf</b>                 | <b>56,577 sf</b>                    | <b>40,317 sf    46%</b>   |
| <u>Parking Area Open Space</u>      | <u>11,860 sf</u>                 | <u>5,000 sf</u>                     | <u>-6,860 sf</u>          |
| Total                               | 139,237 sf                       | 139,237 sf                          | 0 sf                      |
| <b><u>Stormwater Management</u></b> |                                  |                                     |                           |
| Stormwater Quality Treatment        | None                             | Current Standards                   | <b>100%</b>               |
| Stormwater Detention                | None                             | Current Standards                   | <b>100%</b>               |



# GULF TO BAY SELF STORAGE





**Market Analysis of NW/Quadrant of Gulf to Bay Blvd and S. Duncan Ave.  
300 S. Duncan Ave., Clearwater**

Subject is 3-story 43 year old 70,000 sf ± “X” shaped tenant occupied office building. It is 50% ± leased. Land is 3.21 acres.

***Physical Characteristics:***

Vestige of an office from decades ago. Suffers from significant deferred maintenance and needed capital improvements (HVAC replacements, roof, window leaks, parking lot, walls and carpet, etc.).

***Locational Characteristics:***

Frontage on 3 roads- Gulf to Bay Blvd, S. Duncan and Rainbow Dr. Gulf to Bay is predominantly retail with significant amounts of automotive use. **Recent/new developments are predominantly commercial retail in nature. Lack of recent/new developments of office. Indication of lack of demand for office space in immediate area.**

***Financial Characteristics:***

Subject rents for \$9-10 per sf gross mostly month-to-month. Asking rents of subject smallest spaces is \$12 per sf gross and \$9 per sf for larger spaces. Would take \$9 per sf for any. Market rents range from \$8-15 per sf gross, indicating maximum net market rent below \$10 per sf and near \$8 per sf.

***Feasibility Tests:***

| ITEM  | ACTUAL        | AT MARKET     | AT ASSESSED VALUE OF \$2,150,000 |
|---|---------------|---------------|----------------------------------|
| Rent per SF   | \$9.00        | \$10.00       | \$12.79                          |
| Potential Gross Income  | \$630,000     | \$700,000     | \$895,000                        |
| Vacancy & Collection  | 50%           | 10%           | 10%                              |
| Effective Gross Income  | \$315,000     | \$630,000     | \$805,000                        |
| Operating Expenses per SF   | \$560,000     | \$560,000     | \$560,000                        |
| Net Operating Income  | (\$245,000)   | \$70,000      | \$245,000                        |
| Indication If Cap Rate 7%   | -0-           | \$1,000,000   | \$3,500,000                      |
| Less Minimum Needed Deferred Maintenance and Capital Improvements | (\$1,000,000) | (\$1,000,000) | (\$1,000,000)                    |
| NET INDICATOR   | (\$1,245,000) | -0-           | \$2,500,000                      |

***Conclusion:***

**The subject office building has reached the end of its Economic Life and the site should be rezoned to allow for an alternative Commercial use.**

**300 S. Duncan Ave.**

**Clearwater, FL**

**Current Economic Data**

**The occupancy rate is only 50%.**

Of the 50% of space occupied, the Knee Center (just under 8,000 sf) has a lease that ends in 2018. There are two other tenants, one at 3,000 sf and one at 1,000 sf, that have leases until 2019. **Thus, only 12,000 sf or 17% of 69,000 sf is under a true lease aside from month to month. The rest, some 67% of the 50% occupied are month to month.**

The asking rent is and has been \$10 per sf Full Service, indicating a net rent less than \$5.00 per sf. In the past, the small spaces, those less than 500 sf each, would lease at \$12 per sf.

Historically the building was over 80% leased prior to 2008. In 2008, the occupancy fell to 80% and has continued to decline steadily to a now low mark of 50%.

The building was for sale for years, with the price constantly reduced. The latest asking price reported was under \$3.0 million and it took three years to get to a current buyer at the current contract price. This price is reduced almost 50% from the initial asking price when the parcel was placed on the market several years ago.



FRONT VIEW OF SUBJECT LOOKING WEST



REAR VIEW OF SUBJECT LOOKING SOUTH FROM RAINBOW DRIVE



INTERIOR VIEW



INTERIOR VIEW OF VACANT SPACE



COMMERCIAL USE TO THE IMMEDIATE EAST ACROSS DUNCAN AVE.



COMMERCIAL USE (HVAC REPAIR BUSINESS) ON RAINBOW DR TO EAST ONE BLOCK EAST

**300 S. Duncan Ave.**

**Clearwater, FL**

The following are my opinions regarding the objections by Clearwater staff as to the amending of the Future Land Use and Zoning of the existing office property. First, I will state the staff objection then offer by reply.

*Objection #1: The existing office is a strategic use.*

For the subject to be a strategic use in its current state, it would need to be an ethical and “efficient use”. Though legal and assumed ethical, it has not been an efficient use. Efficient use of an improved office property results in profit. The subject has not been profitable, thus, the financials prove it is not efficiently used. It has the needed criteria to be efficient: useable, on-site management, desirous ownership for profit, yet the market does not accept the subject as an efficient use. In addition, the occupants of the subject are not strategic businesses.

*Objection #2: The existing office use constitutes a higher economic use than self-storage.*

The existing office, as stated before, does not turn a profit to the owner. Thus, by the mere definition of Highest and Best Use, as improved, for it to be a higher economic use, it must be financially feasible and result in “highest value”. Since the subject land has a value, by deduction, the lack of profitability and potential profitability (via renovation) indicate that the office, as improved, has no value or a negative value. The office is 40+ years old and reflects that physically and economically.

*Objection #3: The existing office is not economically underutilized.*

The financials and physical condition of the subject prove it is economically underutilized. All properties, at some point in time, become economically underutilized. The vacancy rate of the subject office is well above that of the overall Clearwater office market. The existing and attainable rents of the subject office are far below the Clearwater office market. High vacancy and below market rents indicate a lack of economic viability.

*Objection #4: A change in use from office to self-storage will not expand or create jobs.*

The demolition of the subject and a change in use is a physical demolition not a job or economic demolition. The existing jobs and businesses will not cease to exist, they will relocate. The real estate market, as well as the economics of a community, are not static and unchanging. Businesses relocate, thus driving up occupancy rates in other office properties. It is supply and demand. Decreasing the supply of the subject’s 70,000 sf, will serve to increase demand and increase occupancy elsewhere in Clearwater.



*Objection #5: The subject land should be preserved for office.*

The subject is not a historic property. It does not have a particular characteristic that mandates its preservation for generations to come. It is a 40+ year old office without one single factor that meets typical governmental preservation standards (e.g. historic, archeology, conservation, building materials, architecture, etc.).

*Objection #6: There are other land uses in Clearwater to allow for self-storage.*

There are always other land uses for any other use. However, the market has driven the use of the subject away from its current use as an office (by its high vacancy and below market rents). Commercial land uses (like office, self-storage, retail, etc.) are not clustered into one single location. If so, then, for example, every single restaurant in Clearwater would exist in one single defined location block. Commercial uses are clustered in pods in different areas.

*Objection #7: The existing and/or another office on the site will create higher value jobs.*

As stated in reply to Objection #4, this is not a static environment. If the subject site was remotely viable as “another office” then in the past 5 or so years it would have been redeveloped into an office. Or at the least, it would have been renovated and brought up to a Class B office. Neither has occurred because the market has rejected the subject as an office. Higher valued jobs are not lost, they are simply relocated.

*Objection #8: The subject is “ripe for redevelopment” into Class “A” office.*

For the subject to be ripe for redevelopment into a Class A office it would have had to have been plucked for that very use by the market. Over the past few years, due to low interest rates, ample capital in the marketplace, and a sufficient number of real estate entrepreneurs, if the subject was actually ripe or even moderately financially feasible as a Class A office, it would have completed or development commencement as such. The market has proven by its own inactivity of redeveloping the subject that Objection # 8 is not accurate.

*Objection #9: There is reduced economic activity by reducing the number of employees on the site.*

Again, as stated in Objections # 4 and #7, the economic activity is not lost, it is simply relocated from Point A in Clearwater to Point B in Clearwater.

*Objection #10: This is a historic area of Clearwater.*

The entire City of Clearwater is historic in that it was incorporated in 1891, however, the subject office is not in a defined historic district (as in downtown).

*Objection #11: The market decline of the subject is due to the lack of maintenance of the subject.*

Actually, the opposite is true. The lack of market demand, thus rental income, resulted in the lack of funds available for continued maintenance of the subject. Generally, property owners maintain properties to the standard of the market so as to maintain competitiveness and thus maximize income. The subject's viability as an office has ended, thus the land has a greater value as vacant than as improved, as an office.



### **2.3.3.7 Category/Symbol – Retail & Services (R&S).**

**Purpose** – This plan category is intended to depict areas developed with, or appropriate to be developed with, a mix of businesses that provide for the shopping and personal service needs of the community or region, provide for employment opportunities and accommodate target employment uses, and may include residential uses as part of the mix of uses.

**Use Characteristics** - Those uses appropriate to and consistent with this category include:

- Permitted Uses Not Subject to Acreage Thresholds – Office; Personal Service/Office Support; Retail Commercial; Commercial/Business Service; Commercial Recreation, Residential; Residential Equivalent; Recreational Vehicle Park; Temporary Lodging; Research/Development-Light; Storage/Warehouse-Light; Manufacturing-Light; Recreation/Open Space; Community Garden.
- Permitted Uses Subject to Acreage Thresholds – Any contiguous use or combination of uses subject to the same acreage threshold specified below, alone or when added together, exceeding the acreage maximum shall require a map amendment to another land use category that permits the use(s):
  - Uses Subject to Three Acre Maximum – Manufacturing-Medium.
  - Uses Subject to Five Acre Maximum – Institutional; Transportation/Utility; Agricultural.
- Locational Characteristics – This category is generally appropriate to locations in and adjacent to activity centers where surrounding land uses support and are compatible with intensive commercial use; in areas in proximity to and with access to major transportation facilities, including transit; and on Multimodal Corridors depicted on the Transit-Oriented Land Use Vision Map, where its proximity to transit service supports the type and density/intensity of the proposed use characteristics.
- Scenic/Noncommercial Corridor (SNCC) – Amendments to Retail & Services in SNCCs are governed by Section 6.5.4.1.4, which restricts the category and its permitted uses to certain SNCC classifications.
- Traffic Generation Characteristics – The standard for the purpose of calculating typical traffic impacts relative to an amendment for this category shall be 433 trips per day per acre; which impacts may take into account the proximity and availability of transit service.

**Density/Intensity Standards** – Shall include the following:

- Residential Use – Shall not exceed 24 units per acre (UPA).
- Residential Equivalent Use – Shall not exceed an equivalent of 3.0 beds per permitted dwelling unit at 24 UPA.

- Recreational Vehicle Use – Shall not exceed 24 UPA.
- Temporary Lodging Use – Shall not exceed: 1) 40 UPA; or 2) in the alternative, upon adoption of provisions for compliance with Section 5.2.1.3, the density and intensity standards set forth in Table 3 therein.
- Nonresidential Use – Shall not exceed a floor area ratio (FAR) of .55, nor an impervious surface ratio (ISR) of .90.
- Mixed-Use – Shall not exceed, in combination, the respective number of UPA and FAR permitted, when allocated in their respective proportion to the net land area of the property.
- When located in a Target Employment Center – Shall not exceed an FAR of 1.1 for Manufacturing, Office, and Research/Development uses.