

City of Clearwater

City Hall
112 S. Osceola Avenue
Clearwater, FL 33756



Meeting Minutes

Thursday, September 4, 2014

6:00 PM

Council Chambers

City Council

Roll Call

Present: 5 - Mayor George N. Cretkos, Vice Mayor Doreen Hock-DiPolito, Councilmember Bill Jonson, Councilmember Hoyt Hamilton and Councilmember Jay E. Polglaze

Also Present: William B. Horne II - City Manager, Jill S. Silverboard - Assistant City Manager, Pamela K. Akin - City Attorney, Rosemarie Call - City Clerk, Nicole Sprague - Official Records and Legislative Services Coordinator

To provide continuity for research, items are listed in agenda order although not necessarily discussed in that order.

Unapproved

- 1. Call to Order - Mayor Cretkos**
- 2. Invocation - Pastor Philip Burggraff from Clearwater Community Church**
- 3. Pledge of Allegiance - Councilmember Jonson**
- 4. Special recognitions and awards (Proclamations, service awards, or other special recognitions) - Given.**

- 4.1 2014 MiLB Mascot Mania - Phinley
- 4.2 Hispanic Heritage Month Proclamation, September 15, 2014 - October 15, 2014 - Dr. Stan Vittetoe, SPC Clearwater Campus Provost, Sandra Lyth, Intercultural Advocacy Institute CEO, and Maria Edmonds, Hispanic Leadership Council Chair
- 4.3 Sickle Cell Awareness Proclamation, September 2014 - Tony Hinson, Sickle Cell Disease Association of Upper Pinellas, Pasco and Hernando Counties
- 4.4 PTA Reflections Week Proclamation, September 7-13, 2014 - Tracy Joyce, Plumb Elementary PTA President; Karla Moreno, VP Programs; and Judi Hurst, Reflections Chairperson
- 4.5 International Day of Peace Proclamation, September 21, 2014 - Bill Houser, Words of Peace Global Foundation
- 4.6 Industry Recognition Awards to Clearwater Gas System - Chuck Warrington, Clearwater Gas System Managing Director

Clearwater Gas System (CGS) was recently recognized with the following

awards:

- The American Public Gas Association (APGA), which represents over 1,000 publicly-owned natural gas utilities across the United States, honored CGS with the prestigious APGA System Operational Achievement Recognition (SOAR) Award. CGS was one of only 21 public gas systems recognized for this distinction, which is based on demonstrated excellence in system integrity, system improvement, employee safety and workforce development.
- APGA also recognized CGS with the 2013 APGA Safety Award. This is awarded based on meeting goals for demonstrated employee and public safety and integrity of our gas system.
- The American Gas Association (AGA), which represents all of the investor and public gas systems in America, recognized CGS with the 2013 Industry Leader Accident Prevention Award. This is based on achieving an accident incidence rate below the industry average.

Clearwater Gas is proud to be recognized as a leader in our industry in these operational excellence awards which demonstrate the commitment that we have for the safety of our employees and the public.

5. Approval of Minutes

5.1 Approve the minutes of the August 20, 2014 City Council meeting as submitted in written summation by the City Clerk.

Vice Mayor Hock-DiPolito moved to approve the minutes of the August 20, 2014 City Council meeting as submitted in written summation by the City Clerk. The motion was duly seconded and carried unanimously.

6. Citizens to be heard re items not on the agenda

Jeff Gibson said he represented David and Aileen Bair in a dispute against the City and is willing and able to settle the matter.

Tom Nocera commented on a news story regarding grant money the Pinellas Suncoast Transit Authority (PSTA) used inappropriately and requested Councilmember Jonson to ask for the resignation of Brad Miller at the next PSTA board meeting.

Tom Petersen said it has been one and a half years since the

Clearwater Marine Aquarium (CMA) requested to use the City Hall site for the new facility and have yet to release the feasibility study.

Joe Corvino expressed concerns with the CMA changing its original mission of rescue, rehabilitate, and release to fundraising.

7. Consent Agenda - Approved as submitted.

- 7.1 Award a contract (blanket purchase order) to Pinellas County Solid Waste in the amount of \$250,000 for the disposal of solid waste at the Pinellas County waste to energy plant/landfill for the period October 1, 2014 through September 30, 2015, as provided in the City's Code of Ordinances, Section 2.564(1)(d), Services provided by Other Governmental Entities and authorize the appropriate officials to execute same. (consent)
- 7.2 Approve a Traffic Enforcement Agreement between the City of Clearwater and Coachman Reserve Condominium Association, Inc. to provide the City of Clearwater traffic control jurisdiction of the private roads within the Coachman Reserve Condominium property to authorize Clearwater Police Officers to enforce Florida Uniform Traffic Control Laws and authorize the appropriate officials to execute same. (consent)
- 7.3 Approve the purchase of excess liability, excess workers compensation, and numerous specialty insurance policies from October 1, 2014 through September 30, 2015 at an amount not-to-exceed \$695,000, and authorize the appropriate officials to execute same. (consent)

Councilmember Polglaze moved to approve the Consent Agenda as submitted and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

Public Hearings - Not before 6:00 PM

8. Administrative Public Hearings

- 8.1 Set final millage rate of 5.1550 mills for fiscal year 2014/15 against non-exempt real and personal property within the City of Clearwater and pass Ordinance 8584-14 on first reading.

In accordance with Chapter 200 of the Florida Statutes, which defines requirements for the Determination of Millage and the rules governing Truth in Millage (TRIM) compliance, the City Council must hold two public hearings to adopt a final millage rate for the new fiscal year. The adoption of this ordinance to establish the millage rate and the two related budget ordinances

are an integral part of fulfilling these requirements.

The City Council set a tentative millage rate of 5.1550 mills on July 17, 2014, which is the rate that appeared on the TRIM bill notices mailed to taxpayers in August. The millage rate of 5.1550 mills represents a 5.92% increase from the rolled back rate of 4.8667 mills.

Ordinance 8584-14 is presented in order to adopt the millage rate of 5.1550 mills to support the operating and capital improvement budgets for the 2014/15 fiscal year.

Budget Director Tina Wilson provided a PowerPoint presentation.

Ms. Wilson said approximately \$2 million the City receives in property taxes is for the road millage. The City does not have any general obligation debt.

One individual requested consideration to continue funding downtown streetscaping and landscaping throughout Cleveland Street.

Councilmember Hamilton moved to set final millage rate of 5.1550 mills for fiscal year 2014/15 against non-exempt real and personal property within the City of Clearwater. The motion was duly seconded and carried unanimously.

Ordinance 8584-14 was presented and read in full. Councilmember Jonson moved to pass Ordinance 8584-14 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretekos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

8.2 Approve the City of Clearwater Annual Operating Budget for the 2014/15 fiscal year and pass Ordinance 8585-14 on first reading.

In accordance with Chapter 200 of the Florida Statutes and the rules governing Truth in Millage (TRIM) compliance, the City Council must hold two public hearings to adopt the budget. The adoption of this ordinance and the related ordinances adopting the 2014/15 millage rate and the Capital Improvement Budget are an integral part of fulfilling these requirements.

On June 30, 2014, the City Manager provided the City Council with a Preliminary Annual Operating and Capital Improvement Budget that outlined proposed estimates of revenues and expenditures for the 2014/15 fiscal year. On July 14, 2014, the City Manager presented the preliminary budget at the work session for Council discussion. The preliminary budget was also

presented at the July 17, 2014 council meeting for citizen input.

After the Preliminary budget was released, updated property value estimates were received from the Pinellas County Property Appraiser on July 1st which results in the recognition of additional general property tax revenues. Upon Council action at the August 20, 2014 meeting, expanded Library hours were added for the Beach Library for fiscal year 2014/15, and expanded pool hours were added for fiscal year 2014/15 at each outdoor pool for weekends through the end of September. These are the only changes to the preliminary budget at this time.

A worksheet detailing the changes made to date on the final budget for fiscal year 2014/15 is available.

Vice Mayor Hock-DiPolito moved to approve the City of Clearwater Annual Operating Budget for the 2014/15 fiscal year. The motion was duly seconded and carried unanimously.

Ordinance 8585-14 was presented and read by title only. Councilmember Hamilton moved to pass Ordinance 8585-14 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

8.3 Approve the Fiscal Year 2014/15 Annual Capital Improvement Budget and establish a six-year plan for the Capital Improvement Program (CIP) and pass Ordinance 8586-14 on first reading.

In accordance with Chapter 200 of the Florida Statutes and the rules governing Truth in Millage (TRIM) compliance, the City Council must hold two public hearings to adopt the final budget. The adoption of this ordinance and the related ordinances adopting the 2014/15 millage rate and operating budget are an integral part of fulfilling these requirements.

On June 30, 2014, the City Manager provided the City Council with a Preliminary Annual Operating and Capital Improvement that outlined estimates of revenues and expenditures for the 2014/15 fiscal year. On July 14, 2014 the City Manager presented the preliminary budget at the work session for Council discussion. The preliminary budget was also presented at the July 17, 2014 council meeting for citizen input.

No changes have been made to the preliminary plan as presented.

Councilmember Jonson moved to approve the Fiscal Year 2014/15

Annual Capital Improvement Budget and establish a six-year plan for the Capital Improvement Program (CIP). The motion was duly seconded and carried unanimously.

Ordinance 8586-14 was presented and read by title only. Vice Mayor Hock-DiPolito moved to pass Ordinance 8586-14 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretekos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

8.4 Approve the recommended Penny for Pinellas project list, as revised for Fiscal Years 2014/15 through 2019/20.

On March 6, 1997, the City Council adopted Ordinance 6137-97. The ordinance established the requirement for a special hearing prior to adoption of the capital improvement budget to discuss the use of Penny for Pinellas tax, and at any time in which there is any proposed change to the Penny for Pinellas project funding of \$500,000 or more.

Changes to the Penny for Pinellas projects that meet this criteria in the proposed 2014/15 capital improvement budget and six-year plan include the following:

- The Police Range Improvement project has been established in the amount of \$1,700,000 for the reconstruction of the Police firing range.
- The New AC System/Chiller for Police and MSB Facilities project has been established in the amount of \$1,750,000.
- The Hangar "C" Replacement project has been established in the amount of \$240,000 providing for the demolition and rebuilding of this hangar at the City's Clearwater Airpark.
- The Fire Engine Replacement project has been increased in the amount of \$549,830 to include the replacement of one of the City's front line fire engines.

Councilmember Polglaze moved to approve the recommended Penny for Pinellas project list, as revised for Fiscal Years 2014/15 through 2019/20. The motion was duly seconded and carried unanimously.

8.5 Approve State Housing Initiatives Partnership (SHIP) Program annual reports for fiscal years 2011-2012, 2012-2013 and 2013-2014.

The Florida Legislature enacted the William E. Sadowski Affordable Housing Act (Act) in 1992. The Act created a dedicated revenue source for state and local housing trust funds. This dedicated revenue source funds state and local housing programs and assists local governments in meeting the housing needs of its population. The Act created the State Housing Initiatives Partnership (SHIP) Program. Given the state's budget shortfalls, funding for the SHIP Program was drastically reduced during these fiscal years.

The City received \$96,986 for Fiscal Year (FY) 2011-2012, \$42,274 for FY 2012-2013 and \$158,624 for FY 2013-2014. The City received program income of \$201,727.57 for FY 2011-2012, \$129,794.44 for FY 2012-2013 and \$128,960.13 for FY 2013-2014. We mainly use SHIP funds and SHIP program income to match federal program dollars to continue existing housing programs.

All local governments receiving SHIP funds must submit to the Florida Housing Finance Corporation their annual reports by September 15 of every year. The annual reports provide details of expended funds, encumbered funds and a proposal of any unused funds. The reports also provide information on the strategies funded, the number of households served, income category, age, family size, race and data regarding any special needs populations such as homeless persons, persons with disabilities and the elderly. The report is submitted electronically to the State.

Through the SHIP Program, Economic Development and Housing has provided funding for the following housing activities: down payment and closing costs assistance, the rehabilitation of owner-occupied single-family dwellings, and the acquisition and rehabilitation of two rental-properties.

For FY 2011-2012 (the close-out year), the City assisted 14 households through its down payment assistance and rehabilitation strategies. The City also assisted 4 more clients through matching contributions for the rehabilitation of Norton Apartments and for the acquisition and rehabilitation of a single-family dwelling for Kimberly Home.

For FYs 2012-2013 and 2013-2014, projects are still ongoing. SHIP funding is important to the City's economy as evidenced by FY 2011-2012 report where the City expended \$301,344 in SHIP dollars to leverage the following funds:

- \$436,055 in other public funds
- \$1,152,643 private funds

- \$49,331 owner contribution

This shows a ratio of every \$1 of SHIP funding; the City leverages \$5.43 in other funding sources. Specifically, for every \$1 of SHIP funding, there are almost \$4 in private dollars.

In response to a question, Economic Development and Housing Director Geri Campos Lopez said the State allows three years to closeout projects as some projects may take more than one year to complete. Staff is submitting a status report for Fiscal Year 2012/2013 and Fiscal Year 2013/2014. Staff is closing out the report for Fiscal Year 2011/2012.

Councilmember Hamilton moved to approve State Housing Initiatives Partnership (SHIP) Program annual reports for fiscal years 2011-2012, 2012-2013 and 2013-2014. The motion was duly seconded and carried unanimously.

8.6 Provide direction on the proposed Development Agreement between Mainstream Partners VIII, LTD. (the property owner) and the City of Clearwater, providing for the allocation of 100 units from the Hotel Density Reserve under Beach by Design and confirm a second public hearing in City Council Chambers before City Council on September 18, 2014 at 6:00 p.m., or as soon thereafter as may be heard. (HDA2013-08006; 405 Coronado Drive)

Site Location and Existing Conditions:

The 1.32-acre site is bound by Coronado Drive (west), Hamden Drive (east) 5th Street (north) at the intersection Hamden Drive and Bayside Drive. The subject property is comprised of five parcels with a frontage of approximately 400 feet along Coronado Drive and 175 feet of frontage along Hamden Drive. The site is occupied by a parking lot along 5th Street (recently constructed) and the Gulf Beach Inn (along Coronado Drive) a 22 unit overnight accommodation use built in 1960 (according to Pinellas County Property Appraiser records). The subject property is zoned Tourist (T) District with an underlying Future Land Use Plan (FLUP) category of Resort Facilities High (RFH). The subject property is also located within the Small Motel District of Beach by Design.

Access to the site is generally provided by a drop curb along Fifth Street along the north side of the site. Non-compliant parking is provided along Hamden Drive. These parking spaces exist partially or wholly within and back out into the Hamden Drive right-of-way. The remaining buildings are located along Coronado Drive.

The larger area is characterized by a variety of uses including overnight accommodation, retail, outdoor recreation and entertainment, restaurant and

attached dwelling uses with heights ranging from one to 15 stories. The immediate area is characterized by one to two story hotels. A five-story attached dwelling is located at the northeast corner of Bayside Drive and Hamden Drive. Detached dwellings are located farther along the length of Bayside Drive. The properties located along Hamden Drive around which the subject site wraps are developed with attached dwellings and overnight accommodation uses. The City's Beach Walk project, to the west, has been constructed transforming South Gulfview Boulevard to the north of this site into a winding beachside promenade with lush landscaping, artistic touches and clear views to Clearwater's award-winning beach and the water beyond. Coronado Drive has largely been improved according to *Beach by Design*.

Development Proposal:

The owners propose to utilize the otherwise permitted density of 50 units per acre or 66 units and incorporate an additional 100 units from the Hotel Density Reserve through *Beach by Design* resulting in a total of 166 units (126 units per acre).

The current proposal is to demolish all structures on the site and redevelop the site with a 166-unit overnight accommodation use (126 rooms per acre, including the allocation of 100 rooms from the Hotel Density Reserve). The building will be 100 feet (from Base Flood Elevation) to flat roof with the parking on the first three levels. The proposal includes a tropical modern architecture, which is consistent with and complements the tropical vernacular envisioned in *Beach by Design*.

The site will be accessed via a two-way driveway at the southeast corner of the property which will provide access to the parking garage component of the development. A one-way drop-off is provided along the north side of the site along 5th Street. The entrance is located at the northwest corner of the site and the drop-off exits into the parking garage driveway.

The northwest corner of the building at the ground floor will consist of retail space and the lobby will be located at the north side of the building. As noted, the first three floors of the building will contain a parking garage as well as miscellaneous back-of-house components such as maintenance rooms and laundry facilities. The fourth floor will include a pool and pool deck (over parking at the southwest quadrant of the building). The remainder of the floor will be dedicated to dining, meeting space, exercise room, an upper lobby, six hotel rooms and miscellaneous back-of-house components. Floors five through nine will be dedicated almost entirely to hotel rooms (32 per floor).

Consistency with the Community Development Code (CDC):**Minimum Lot Area and Width:**

Pursuant to CDC Table 2-802, the minimum required lot area and width for an Overnight Accommodation use is 20,000 square feet and between 100 and 150 feet, respectively. The subject property is 57,499 square feet in area and approximately 400 feet wide. The site is consistent with these Code provisions.

Minimum Setbacks:

The conceptual site plan depicts setbacks of 15 feet along the front (north and east) along 5th Street and Hamden Drive, respectively and 10 feet to building along all other remaining sides of the site including along Coronado Drive. The proposed setbacks may be approved as part of a Level One (FLS) application, subject to meeting the applicable flexibility criteria of the Community Development Code.

Maximum Height:

Section B of the Design Guidelines within *Beach by Design* specifically addresses height. The proposal provides for a building 100 feet in height as measured from BFE where a height of up to 100 feet is permitted as prescribed by the CDC (subject to meeting the applicable flexibility criteria of the CDC and as approved as part of a Level II Flexible Development application) and limited by *Beach by Design*,

This section also requires that portions of any structures which exceed 100 feet are spaced at least 100 feet apart. This section also includes overall separation requirements for structures over 100 feet in height as two options: (1) no more than two structures which exceed 100 feet within 500 feet; or (2) no more than four structures which exceed 100 feet within 800 feet.

The proposal provides for a building which does not exceed 100 feet in height.

The height of the proposed building is consistent with the guidelines of *Beach by Design*.

Minimum Off-Street Parking:

The 166-room overnight accommodation use requires a minimum of 199 off-street parking spaces. A parking garage located on the first three levels of the building will provide 199 spaces. This is consistent with the applicable Sections of the CDC.

Landscape:

While a formal landscape plan is not required to be submitted for review at this time, the conceptual landscape areas depicted on the site plan show that adequate spaces for foundation landscaping will be provided along all sides of the building. Since no perimeter landscape buffers are required in the Tourist (T) District, the proposed landscape areas meet or exceed what is required. It is noted, however, that flexibility may be requested/necessary as part of a Comprehensive Landscape Program which would be reviewed at time of formal site plan approval.

Consistency with Beach by Design:**Design Guidelines:**

A review of the provided architectural elevations and massing study was conducted and the proposed building does appear to be generally consistent with the applicable Design Guidelines established in *Beach by Design*. It is noted, however, that a more formal review of these Guidelines will need to be

conducted as part of the final site plan approval process.

Hotel Density Reserve:

The project has been reviewed for compliance with those criteria established within *Beach by Design* concerning the allocation of hotel rooms from the Reserve. The project appears to be generally consistent with those criteria, including that the development comply with the Metropolitan Planning Organization's (MPO) countywide approach to the application of traffic concurrency management for transportation facilities. The submitted Traffic Impact Study concludes that traffic operations at nearby intersections and on adjacent roadways would continue at acceptable levels of service.

Standards for Development Agreements:

The proposal is in compliance with the standards for development agreements, is consistent with the Comprehensive Plan and furthers the vision of beach redevelopment set forth in *Beach by Design*. The proposed Development Agreement will be in effect for a period not to exceed ten years, meets the criteria for the allocation of rooms from the Hotel Density Reserve under *Beach by Design* and includes the following main provisions:

- Provides for the allocation of 100 units from the Hotel Density Reserve;
- Requires the developer to obtain building permits and certificates of occupancy in accordance with Community Development Code (CDC) Section 4-407;
- Requires the return of any hotel unit obtained from the Hotel Density Reserve that is not constructed;
- For units allocated from the Hotel Density Reserve, prohibits the

conversion of any hotel unit to a residential use and requires the recording of a covenant restricting use of such hotel units to overnight accommodation usage; and

- Requires a legally enforceable mandatory evacuation/closure covenant that the hotel will be closed as soon as practicable after a hurricane watch that includes Clearwater Beach is posted by the National Hurricane Center.

Changes to Development Agreements:

Pursuant to Section 4-606.I., CDC, a Development Agreement may be amended by mutual consent of the parties, provided the notice and public hearing requirements of Section 4-206 are followed. Revisions to conceptual site plans and/or architectural elevations attached as exhibits to this Development Agreement shall be governed by the provisions of Section 4-406, CDC. Minor revisions to such plans may be approved by the Community Development Coordinator. Other revisions not specified as minor shall require an amendment to this Development Agreement.

In response to questions, Planner Mark Parry said the agreement

requires site approval within one year. The sidewalks will be 10 ft. wide.

Applicant representative Ed Hooper reviewed the proposal and confirmed that the sidewalks will be 10 ft.

One individual spoke in support.

The second public hearing before the City Council was confirmed for September 18, 2014.

8.7 Provide direction on the proposed Development Agreement between Alanik Properties; Anco Holdings, LLC; Nikana Holdings, LLC (the property owners) and the City of Clearwater, providing for the allocation of 100 units from the Hotel Density Reserve under Beach by Design and confirm a second public hearing in City Council Chambers before City Council on September 18, 2014 at 6:00 p.m., or as soon thereafter as may be heard. (HDA2014-06004)

Site Location and Existing Conditions:

The 1.994-acre site is bound by South Gulfview Boulevard (west), Coronado Drive (east), and 5th Street (north). The subject property is comprised of five parcels with a frontage of approximately 350 feet along South Gulfview Boulevard, 450 feet along Coronado Drive and 213 feet of frontage along 5th Street. The site is occupied by two hotels with a combined total of 227 hotel rooms and a small retail store. The subject property is zoned Tourist (T) District with an underlying Future Land Use Plan (FLUP) category of Resort Facilities High (RFH). The subject property is also located within the Beach Walk District of Beach by Design.

Access to the site is generally provided by several driveways along South Gulfview Boulevard (including the South Gulfview Boulevard frontage road) and Coronado Drive. A drop curb along 5th Street runs along the north side of the site providing to parking spaces which existing partially within and back out into the 5th Street right-of-way. Building frontage is generally located along South Gulfview Boulevard (and its frontage road) and 5th Street.

The larger area is characterized by a variety of uses including overnight accommodation, retail, outdoor recreation and entertainment, restaurant and attached dwelling uses with heights ranging from one to 15 stories. The immediate area is characterized by two to four story hotels. A five-story attached dwelling is located at the northeast corner of Bayside Drive and Hamden Drive. Detached dwellings are located farther along the length of Bayside Drive. The properties located along Hamden Drive are developed with attached dwellings and overnight accommodation uses. The City's Beach Walk project, to the west, has been constructed transforming South Gulfview

Boulevard to the north of this site into a winding beachside promenade with lush landscaping, artistic touches and clear views to Clearwater's award-winning beach and the water beyond. Coronado Drive has largely been improved according to Beach by Design.

Development Proposal:

The site was the subject of the Level II Flexible Development request approval (FLD2005-07068) which included, among other items, a request for a Termination of Status of Nonconformity to permit 127 hotel units (63.69 units per acre) to be considered conforming when the otherwise permitted number of hotel units was 97 units (50 units per acre). That portion of the request is considered vested. The owners propose to utilize the existing 127 hotel units and incorporate an additional 100 units from the Hotel Density Reserve through Beach by Design resulting in a total of 227 units (114 units per acre).

The current proposal is to demolish all structures on the site and build a single 13-floor hotel with a 227 hotel rooms. The building will be 140 feet (from Base Flood Elevation) to flat roof with the parking on the first four levels. The proposal includes a tropical modern architecture, which is consistent with and complements the tropical vernacular envisioned in Beach by Design.

The site will be accessed via two, two-way driveways with one located at the southeast corner of the property along Coronado Drive and a second at the northwest corner of the site along 5th Street which will provide access to the parking garage component of the development. A service drive is located at the northeast corner of the building along Coronado Drive. The primary entrance and lobby of the building will be located along Coronado on the second floor.

As noted, the first four floors of the building will contain a parking garage as well as miscellaneous back-of-house components such as maintenance rooms and laundry facilities. The lobby, restaurant, ballroom, pool and pool deck are located on second floor. In addition to parking spaces the third floor includes a variety of offices and back of house uses such as storage and an employee lounge. The fourth floor will include 14 hotel units, meeting space and an exercise room for guests in addition to parking spaces. The remaining floors will consist almost entirely of hotel units with floors five through 10 containing 28 hotel rooms each and floors 11 through 13 with 15 rooms each.

Consistency with the Community Development Code (CDC):**Minimum Lot Area and Width:**

Pursuant to CDC Table 2-802, the minimum required lot area and width for an Overnight Accommodation use is 20,000 square feet and between 100 and 150 feet, respectively. The subject property is 86,880 square feet in area and

approximately 450 feet wide. The site is consistent with these Code provisions.

Minimum Setbacks:

The conceptual site plan depicts setbacks of 15 feet along the front (north and east) along 5th Street and Hamden Drive, respectively and 10 feet to building along all other remaining sides of the site including along Coronado Drive. The proposed setbacks may be approved as part of a Level One (FLS) application, subject to meeting the applicable flexibility criteria of the Community Development Code.

Maximum Height:

Section B of the Design Guidelines within *Beach by Design* specifically addresses height. The proposal provides for a building 140 feet in height as measured from BFE where a height of up to 150 feet is permitted as prescribed by the CDC (subject to meeting the applicable flexibility criteria of the CDC and as approved as part of a Level II Flexible Development application) and limited by *Beach by Design*.

The proposal provides for a building which exceeds 100 feet in height. The applicant has demonstrated that there are no more than two structures which exceed 100 feet within 500 feet thereby fulfilling the requirements of Option 1, above. In addition, the applicant has demonstrated that there are no more than four structures which exceed 100 feet within 800 feet thereby fulfilling the requirements of Option 2, above.

The height of the proposed building is consistent with the guidelines of *Beach by Design*.

Minimum Off-Street Parking:

The 227-room overnight accommodation use requires a minimum of 272 off-street parking spaces. A parking garage located on the first four levels of the building will provide a minimum of 272 spaces. This is consistent with the applicable Sections of the CDC.

Landscaping:

While a formal landscape plan is not required to be submitted for review at this time, the conceptual landscape areas depicted on the site plan show that adequate spaces for foundation landscaping will be provided along all street frontages. Since no perimeter landscape buffers are required in the Tourist (T) District, the proposed landscape areas meet or exceed what is required. It is noted, however, that flexibility may be requested/necessary as part of a Comprehensive Landscape Program which would be reviewed at time of formal site plan approval.

Consistency with *Beach by Design*:**Design Guidelines:**

A review of the provided architectural elevations and massing study was conducted and the proposed building does appear to be generally consistent with the applicable Design Guidelines established in *Beach by Design*. It is noted, however, that a more formal review of these Guidelines will need to be conducted as part of the final site plan approval process.

Hotel Density Reserve:

The project has been reviewed for compliance with those criteria established within *Beach by Design* concerning the allocation of hotel rooms from the Reserve. The project appears to be generally consistent with those criteria, including that the development comply with the Metropolitan Planning Organization's (MPO) countywide approach to the application of traffic concurrency management for transportation facilities. The submitted Traffic Impact Study concludes that traffic operations at nearby intersections and on adjacent roadways would continue at acceptable levels of service.

Standards for Development Agreements:

The proposal is in compliance with the standards for development agreements, is consistent with the Comprehensive Plan and furthers the vision of beach redevelopment set forth in *Beach by Design*. The proposed Development Agreement will be in effect for a period not to exceed ten years, meets the criteria for the allocation of rooms from the Hotel Density Reserve under *Beach by Design* and includes the following main provisions:

- Provides for the allocation of 100 units from the Hotel Density Reserve;
- Requires the developer to obtain building permits and certificates of occupancy in accordance with Community Development Code (CDC) Section 4-407;
- Requires the return of any hotel unit obtained from the Hotel Density Reserve that is not constructed;
- For units allocated from the Hotel Density Reserve, prohibits the conversion of any hotel unit to a residential use and requires the recording of a covenant restricting use of such hotel units to overnight accommodation usage; and
- Requires a legally enforceable mandatory evacuation/closure covenant that the hotel will be closed as soon as practicable after a hurricane watch that includes Clearwater Beach is posted by the National Hurricane Center.

Changes to Development Agreements:

Pursuant to Section 4-606.I., CDC, a Development Agreement may be amended by mutual consent of the parties, provided the notice and public

hearing requirements of Section 4-206 are followed. Revisions to conceptual site plans and/or architectural elevations attached as exhibits to this Development Agreement shall be governed by the provisions of Section 4-406, CDC. Minor revisions to such plans may be approved by the Community Development Coordinator. Other revisions not specified as minor shall require an amendment to this Development Agreement.

In response to a question, Planner Mark Parry said the sidewalks will be 10 ft. wide.

Applicant representative Ed Hooper reviewed the proposal. Properties north of this site typically are 35 ft. westward to the center line of the old S. Gulfview Boulevard. If the applicant obtains a portion of the right-of-way, the site acreage increases, which will reduce the total number of allowed hotel units. This is a perfect opportunity for the City to have a pocket park or a shaded area at the end of Beachwalk. There will be 1.2 parking spaces per unit, for a total of 272 parking spaces.

In response to questions, Architect Istvan Peteranecz said multi-purpose meetings rooms typically are 3,000 to 6,000 sq. ft. Fire code requires egress for the total amount of potential people. Mr. Hooper said the proposed project is a perfect hotel for a business conference or chamber event for individuals staying at the hotel.

Discussion ensued with a suggestion made that staff research the ability for the applicant to landscape a portion of old S. Gulfview to the center line, which is currently owned by the City.

The City Attorney said Beach by Design allows the City to vacate that portion of old S. Gulfview and remove the pavement, but that will increase the applicant's acreage and decrease their density. Or, the City can leave it as right-of-way and turn it into green space. The City Manager said staff will meet with the Applicant and return with a proposal.

In response to a suggestion, the City Attorney said having the applicant pay for the landscape can be discussed during the negotiation process.

The second public hearing before the City Council was confirmed for September 18, 2014.

9. Second Readings - Public Hearing

- 9.1** Adopt Ordinance 8573-14 on second reading, amending the future land use plan element of the Comprehensive Plan of the city to change the land use designation for

certain real property whose post office addresses are 3049 Cleveland Street, 3053 Cleveland Street, 3048 Cherry Lane, and 3054 Cherry Lane, Clearwater, Florida 33759, from Residential Urban (RU) to Institutional (I).

Ordinance 8573-14 was presented and read by title only.

Councilmember Polglaze moved to adopt Ordinance 8573-14 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

9.2 Adopt Ordinance 8574-14 on second reading, amending the Zoning Atlas of the city by rezoning certain real property whose post office addresses are 3049 Cleveland Street, 3053 Cleveland Street, 3048 Cherry Lane, and 3054 Cherry Lane, Clearwater, Florida 33759, from Low Medium Density Residential (LMDR) to Institutional (I).

Ordinance 8574-14 was presented and read by title only.

Councilmember Hamilton moved to adopt Ordinance 8574-14 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

9.3 Adopt Ordinance 8575-14 on second reading, amending Appendix A relating to Parks, Beaches, and Recreation Schedule of Fees, Rates and Charges Section XI, to establish definitions for purposes of applying park facility user fees including amending the definition of family to include domestic partnerships as registered with the City of Clearwater or Pinellas County.

Ordinance 8575-14 was presented and read by title only.

Councilmember Jonson moved to Ordinance 8575-14 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

9.4 Adopt Ordinance 8576-14 on second reading, annexing certain real property whose post office addresses are 2723/2725 South Drive, 2741 South Drive, 2738 Woodring Drive, 2709 Woodring Drive, 2700 Morningside Drive, 2715 Morningside Drive, 2718 Terrace Drive, and 1752 Evans Drive, and 1813 Carlton Drive, all in Clearwater,

Florida 33769, together with certain rights of way of: South Drive, Woodring Drive, Morningside Drive, Evans Drive and Terrace Drive, into the corporate limits of the city and redefining the boundary lines of the city to include said additions.

Ordinance 8576-14 was presented and read by title only. Vice Mayor Hock-DiPolito moved to adopt Ordinance 8576-14 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretekos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

9.5 Adopt Ordinance 8577-14 on second reading, amending the future land use plan element of the Comprehensive Plan of the city to designate the land use for certain real property whose post office addresses are 2723/2725 South Drive, 2741 South Drive, 2738 Woodring Drive, 2709 Woodring Drive, 2700 Morningside Drive, 2715 Morningside Drive, 2718 Terrace Drive, and 1752 Evans Drive, and 1813 Carlton Drive, all in Clearwater, Florida 33769, together with certain rights of way of: South Drive, Woodring Drive, Morningside Drive, Evans Drive and Terrace Drive, upon annexation into the City of Clearwater, as Residential Low (RL), Residential Medium (RM), Preservation (P), and Drainage Feature Overlay.

Ordinance 8577-14 was presented and read by title only. Councilmember Hamilton moved to adopt Ordinance 8577-14 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretekos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

Council recessed from 7:52 p.m. to 7:56 p.m.

9.6 Adopt Ordinance 8578-14 on second reading, amending the Zoning Atlas by zoning certain real property whose post office addresses are 2723/2725 South Drive, 2741 South Drive, 2738 Woodring Drive, 2709 Woodring Drive, 2700 Morningside Drive, 2715 Morningside Drive, 2718 Terrace Drive, and 1752 Evans Drive, and 1813 Carlton Drive, all in Clearwater, Florida 33769, together with certain rights of way of: South Drive, Woodring Drive, Morningside Drive, Evans Drive and Terrace Drive, upon annexation into the City of Clearwater, as Low Medium Density Residential (LMDR), Medium Density Residential (MDR), and Preservation (P).

Ordinance 8578-14 was presented and read by title only. Councilmember Jonson moved to adopt Ordinance 8578-14 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretekos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

9.7 Adopt Ordinance 8579-14 on second reading, vacating utility easements located along the rear five feet and the side five feet of Lots 3, 4, 5, 6, and 7 of Block "D" in Brooklawn Subdivision, as recorded in the Public Records of Pinellas County Subdivision Plat Book 13, Page 59, lying in the Northeast $\frac{1}{4}$ of Section 3, Township 29 South, Range 15 East.

Ordinance 8579-14 was presented and read by title only. Vice Mayor Hock-DiPolito moved to adopt Ordinance 8579-14 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretekos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

9.8 Adopt Ordinance 8580-14 on second reading, amending Section 22.35 of the City of Clearwater Code of Ordinances, to clarify areas where fishing on public beaches is restricted.

Ordinance 8580-14 was presented and read by title only. Vice Mayor Hock-DiPolito moved to adopt Ordinance 8580-14 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretekos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

10. City Manager Reports

10.1 No Item.

10.2 Provide City Council with Planning and Development Staff's substantive comments regarding the updated Countywide Plan Map and request approval to transmit to the Pinellas Planning Council.

The new Countywide Plan was mandated by a revision of the Special Act governing the Pinellas Planning Council (Chapter 2012-245) adopted by the Florida Legislation in 2012. The Act provides for the replacement of the existing Countywide Plan and Rules with a new policy-based Countywide Plan. On June 1, 2014, local governments were provided with a 90-day period to review and comment on the new Countywide Plan Map.

On July 17, 2014, Linda Fisher, Pinellas Planning Council (PPC) Principal Planner presented an overview of the proposed updates to the Countywide Plan Map. The PPC has transmitted the proposed Countywide Plan Map for a 90-day review and comment period, which ends September 2, 2014. Michael Crawford, PPC Interim Executive Director, has agreed to accept the City of Clearwater's comments on September 5 in order to allow staff the time to update City Council and receive formal approval of the substantive comments provided within the memo.

Staff has identified four policy issues, and two additional substantive comments related to the following topics:

1. Legacy Entitlements
2. Transit-Oriented Land Use Vision Map and Countywide Plan Map Series
3. Coastal High Hazard Area (CHHA) Residential Density Limits
4. Corridors Depicted on the Vision Map
5. Scenic/Noncommercial Corridor Map
6. South Myrtle Avenue, Palmetto Street, and North Betty Lane as Secondary Corridors

In addition to the aforementioned memo, the updated Countywide Map series and summary of the Legacy Entitlements resulting from the conversion of the future land use classifications to the proposed standard categories are available.

In response to questions, Planning and Development Assistant Director Gina Clayton said this was a request for Council to approve and submit the comments to the Pinellas Planning Council (PPC). Staff has submitted draft comments to Executive Director Michael Crawford. Ms. Clayton said she has discussed issues related to the coastal high hazard area and Gulf to Bay Boulevard with his staff, as well as the need to have higher residential densities and intensities as that is what currently exists in Clearwater. Ms. Clayton said there will be some changes to the plan after the County receives all the comments from all the communities.

Vice Mayor Hock-Dipolito moved to approve the substantive comments regarding the updated Countywide Plan Map and approve the transmittal to the Pinellas Planning Council. The motion was duly seconded and carried unanimously.

10.3 Authorize the City Attorney to allocate an additional \$25,000 to cover outside counsel costs in the appeal of the case of Thomas Petersen and Inge Spatuzzi v. City of Clearwater, Case No. 13-008224-CI.

The City was sued by Petersen (a resident of Waters Edge) and Spatuzzi (a resident of Pierce 100). Their complaint sought declaratory and injunctive relief in the form of a ruling that (1) the ballot question that seeks to authorize a long term lease of the “bluff” where City Hall is presently located, to the Clearwater Marine Aquarium, is misleading and fails to comport to statutory requirements, (2) the Memorandum of Understanding between the City and CMA constitutes an unlawful pledge of credit by a municipality to a private entity, and (3) the proposed aquarium does not serve a valid municipal purpose, and that, therefore, the City could not place the referendum question on the ballot in the November 2013 election. The referendum question was placed on the ballot and approved by the voters of the City.

The defense of this case was assigned to Alan Zimmet, Esq. of Bryant, Miller, Olive, with an initial budget in the amount of \$40,000.00. The total amount billed for the case was \$40,067.11. The Clearwater Marine Aquarium has reimbursed the City for this amount.

On June 24, 2014, the Judge entered an order granting Final Summary Judgment in favor of the City, stating that the referendum question was not misleading and satisfied statutory requirements.

On July 18, 2014, the Plaintiffs, Spatuzzi and Petersen, appealed that ruling to the Second District Court of Appeal. The City Attorney is requesting an initial allocation of \$25,000.00 for Mr. Zimmet to defend this appeal.

APPROPRIATION CODE AND AMOUNT:

Funds are available in the City Attorney's Professional Services Fund 010-09600-5301-514-000-0000 to fund this representation.

In response to a question, the City Attorney said the Clearwater Marine Aquarium has been reimbursing the City for costs associated with the litigation, but Council still needs to approve the budget expense and hiring of outside counsel.

Councilmember Polglaze moved to authorize the City Attorney to allocate an additional \$25,000 to cover outside counsel costs in the appeal of the case of Thomas Petersen and Inge Spatuzzi v. City of Clearwater, Case No. 13-008224-CI. The motion was duly seconded and carried unanimously.

11. City Attorney Reports - None.**12. Other Council Action - None.****13. Closing comments by Councilmembers (limited to 3 minutes)**

Councilmember Jonson said the Pinellas Suncoast Transit Authority (PSTA) received a grant in December 2011 from the Department of Homeland Security Administration (DHSA) for advertisement related to transit and transit security. DHSA informed PSTA on July 30, 2014 that the advertisement purchased with the grant funds were inappropriate for the particular grant program. PSTA reimbursed the funds to DHSA from savings that were internally generated. Councilmember Jonson said the advertisements were legitimate to PSTA's mission. He provided copies of the Metropolitan Planning Organization's Prioritization of County Roads.

Vice Mayor Hock-DiPolito said she has been meeting with staff regarding the new projects listed on the Prioritization of County Roads and thanked staff for their presentation on Agenda Item 10.2.

Councilmember Hamilton thanked the Police Department for their efforts on Clearwater Beach during the Labor Day weekend.

14. Closing Comments by Mayor

Mayor Cretekos reviewed recent and upcoming events.

15. Adjourn

The meeting adjourned at 8:25 p.m.

Attest

Mayor
City of Clearwater

City Clerk