

ORDINANCE NO. 9597-22

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, CALLING FOR AN ELECTION TO BE HELD ON NOVEMBER 8, 2022; SUBMITTING TO THE CITY ELECTORS A PROPOSED AMENDMENT TO THE CITY CHARTER TO ALLOW THE CITY TO NEGOTIATE THE REDEVELOPMENT AND SALE OF CERTAIN UNOCCUPIED DOWNTOWN PROPERTY IN THE DOWNTOWN CORE FOR THE PURPOSE OF CREATING A VIBRANT, MIXED USE DEVELOPMENT CONSISTING OF APARTMENTS, HOTEL, AND COMMERCIAL SPACE INCLUDING RESTAURANT DINING, CAFES, AND EVENT SPACE ACTIVATING THE AREA ADJACENT TO COACHMAN PARK.

WHEREAS, Clearwater's former City Hall, which is located on a portion of 112 S. Osceola Avenue, has remained a vacant structure since January 2019; and

WHEREAS, a new City Hall is planned for construction near the intersection of S. Myrtle Avenue and Pierce Street; and

WHEREAS, the unoccupied property contributes no taxable value to the City, nor does it provide housing, jobs, or amenities for Clearwater residents; and

WHEREAS, Clearwater residents amended the City Charter to adopt the Imagine Clearwater plan for Coachman Park, which identified potential complementary redevelopment of certain downtown core properties adjacent to Coachman Park and the intention is to create activation between Imagine Clearwater, the identified properties, and the downtown core; and

WHEREAS, the site of the former Harborview Center, which was located at 320 Cleveland Street, is a vacant property as defined by the Pinellas County Property Appraiser; and

WHEREAS, the property on which the former Harborview Center was located is being re-addressed to 50 N. Osceola Ave.; and

WHEREAS, the former Harborview Center also contributes neither taxable value nor housing, jobs, or amenities for Clearwater residents; and

WHEREAS, the Clearwater City Council would like to stimulate downtown redevelopment for the benefit of all Clearwater residents; and

WHEREAS, Gotham Property Acquisitions, LLC and The DeNunzio Group, LLC are willing and financially able to purchase both properties for the purpose of creating apartments and amenities at the unoccupied City Hall site, and a full-service hotel, retail, dining, and event space at the site of the former Harborview Center; and

WHEREAS, the City Council on June 16, 2022, unanimously selected Gotham Property Acquisitions, LLC and The DeNunzio Group, LLC, as the City's development partners following a competitive process under the Community Redevelopment Act; and

WHEREAS, the City Council has determined that Gotham Property Acquisitions, LLC and The DeNunzio Group, LLC are committed to the long-term success of this project and downtown Clearwater; and

WHEREAS, the Clearwater City Charter Section 2.01(d)(5), Real Property, contains certain restrictions on the Council's authority to sell or transfer City owned real property; and

WHEREAS, those restrictions require the City to publicly auction the property to the highest bidder who meets the terms established by Council; and

WHEREAS, the Clearwater City Council would like to ensure that the buyer of the unoccupied City Hall site and vacant site of the former Harborview Center develops the property in a way that provides long-term housing, jobs, and amenities for Clearwater residents; and

WHEREAS, the Clearwater City Charter Section 2.01(d)(7) regulates property bounded by Drew Street on the north, Osceola Avenue on the east, Pierce Street on the south, and Clearwater Harbor on the west, and prohibits the lease, sale, donation or use of the property for other than City facilities without a referendum; now therefore

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

Section 1. The foregoing prefatory clauses are hereby fully incorporated herein as findings of the City Council.

Section 2. In furtherance of the implementation of the project described in both the prefatory clauses and Section 3 of this ordinance, it is hereby proposed that Section 2.01(d) of the City Charter be amended to add a new Subsection (8) as follows:

Section 2.01 Commission; composition; powers.

* * * * *

(d) Limitations. The legislative power provided herein shall have the following limitations:

* * * * *

(8) Notwithstanding and as an exception to anything contained in section 2.01 herein, the City Council is authorized to:

(a) Negotiate, enter into purchase and development agreements with Gotham Property Acquisitions, LLC, The DeNunzio Group, LLC, or their affiliated entities for the purpose of redeveloping two properties in the downtown core, and convey said properties being more particularly described as follows:

- i. A portion of parcel identification number 16-29-15-20358-001-0040, known as the “Old City Hall Parcel,” not to exceed 2.7 acres in size.
- ii. A portion of parcel identification number 16-29-15-57996-000-0030, known as the “Former Harborview Site,” not to exceed 1.5 acres in size.

(b) The agreements described in subparagraph (a) must include, at a minimum, the following enforceable provisions:

- i. As to the Former Harborview Site, retail and dining amenities that remain accessible to Clearwater residents and visitors.
- ii. As to the Old City Hall Parcel, apartments that remain available for rent to the general public.
- iii. As to both sites, thoughtful and measurable sustainability provisions for environmental stewardship.
- iv. As to both sites, project timelines that offer reasonable assurance of timely completion.
- v. As to both sites, a long-term prohibition against any development of self-storage facilities and light assembly, even if such uses would otherwise be permissible within the downtown core.
- vi. A development agreement with an initial term of thirty (30) years.
- vii. A provision in the development agreement requiring the development agreement to be subject to the provisions in this charter.

Section 3. A City election is hereby called and will be held on November 8, 2022, for the consideration by the voters of the City of Clearwater of the proposed Charter Amendment. The question to appear on the referendum ballot shall be as follows:

Redevelopment of two government-owned properties located west of Osceola Avenue in the downtown core

Shall the Clearwater City Charter be amended to allow the City, instead of selling the vacant City Hall and a portion of the former Harborview sites to the highest bidder at a public auction, to sell the properties to Gotham Property Acquisitions and The DeNunzio Group; who will create approximately 600 apartments and 158-key hotel, retail, entertainment, restaurants and cultural uses available to all Clearwater residents, as further described and limited by City Ordinance 9597-22?

Yes _____

No _____

Section 4. The City Clerk is directed to notify the Pinellas County Supervisor of Elections that the referendum item provided above shall be considered in conjunction with the general election to be held on November 8, 2022.

Section 5. This ordinance shall take effect immediately upon adoption. The amendments to the City Charter provided for herein shall take effect only upon approval of a majority of the City electors voting at the referendum election on these issues and upon the filing of the Amended Charter with the Secretary of State.

PASSED ON FIRST READING _____

PASSED ON SECOND AND FINAL
READING AND ADOPTED _____

Frank Hibbard
Mayor

Approved as to form:

Attest:

David Margolis
City Attorney

Rosemarie Call
City Clerk