

CONSENT AGENDA
COMMUNITY DEVELOPMENT BOARD

Date: Tuesday, November 19, 2024
Time: 1:00 p.m.
Place: 100 North Osceola Avenue,
Clearwater, Florida, 33755
(City of Clearwater Main Library)

Present - Chair John Quattrocki, Vice Chair Michael Boutzoukas, Board Member Diane Achinelli, Board Member Aubrey Haudricourt, Board Member Andrew Park, Board Member Andrew Hupp, Board Member Michael Mastruserio, and Alternate Board Member Kurt Hinrichs

Also Present – Jay Daigneault – Attorney for the Board, Matthew Mytych – Assistant City Attorney, Gina Clayton – Planning & Development Director, and Rosemarie Call - City Clerk

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

Unapproved

A. CALL TO ORDER, PLEDGE OF ALLEGIANCE – Chair Quattrocki

The meeting was called to order at 1:00 p.m.

B. ROLL CALL

C. APPROVAL OF MINUTES FROM THE PRIOR MEETING OCTOBER 15, 2024

Board Member Mastruserio moved to approve the October 15, 2024 meeting minutes as presented. The motion was duly seconded and carried unanimously.

D. CITIZENS TO BE HEARD RE: ITEMS NOT ON THE AGENDA – NONE.

E. CONSENT AGENDA: The following cases are not contested by the applicant or city staff. If no objections are raised by a member of the public, and member(s) of the Board do not request to remove an item from the Consent Agenda, items will be approved by a single vote at the beginning of the meeting. (ITEMS 1-2)

- 1. Case: [FLD2024-08018/TDR2024-08001/TDR2024-08002](#) – 505-521 S. Gulfview Boulevard (receiving site); 830 Bayway Boulevard and 152 -188 Brightwater Drive (sending sites).**

Level Two Application

Owner/ Applicant: Owners (receiving sites): Decade Gulfcoast Hotel Partners, JK Gulfview; Owners (sending sites): Clearwater Yacht Club Inc., Brightwater Blue Residences, LLC

Representative: Brian J. Aungst, Jr., Macfarlane Ferguson & McMullen, 625 Court Street, Clearwater,

FL, 33756; phone: (727) 444-1403; email: bj@macfar.com

Location: South side of S. Gulfview Boulevard at the intersection of Hamden Drive. (505-521 S. Gulfview Boulevard, 3.91 upland acres - receiving site)

Request: Flexible Development approval to add 45 overnight accommodations (hotel) units to the existing hotels located at 505 and 521 S. Gulfview Boulevard in the Tourist (T) District and the South Beach/ Clearwater Pass Character District. The additional hotel units would be accommodated through interior renovations and no exterior work is proposed. The project will exceed the required 419 parking spaces through the provision of new valet parking spaces of the upper floors of the parking garage and existing parking spaces. (Community Development Code Section 2-803.K, Article 4, Division 14 and *Beach by Design*)

Associations: Clearwater Beach Association, Clearwater Neighborhoods Coalition, Board of County Commissioners, Pinellas County School Board, Clearwater Point Condo Association

Assigned Planner: Melissa Hauck-Baker, AICP, Planner III; email: Melissa.Hauckbaker@MyClearwater.com; phone: 727-444-8769

AND

2. Case: [FLD2016-06018A/TDR2023-05001](#) – 301 S. Gulfview Boulevard (receiving site); 830 Bayway Boulevard (sending site). *Level Two Application*

Owner/ Applicant: Owners (receiving site): Gulfview Boulevard Owners LLC; Owners (sending site): Clearwater Yacht Club Inc.

Representative: Katherine E. Cole, Hill Ward Henderson, 600 Cleveland Street, Suite 800, Clearwater, FL 33755; phone: (727) 259-6791; email: katie.cole@hwhlaw.com

Location: East side of S. Gulfview Boulevard, west side of Coronado Drive and south side of Second Street. (301 S. Gulfview Boulevard, 1.54 acres – receiving site)

Request: Flexible Development approval to add 25 overnight accommodations (hotel) units located at 301 S. Gulfview Boulevard in the Tourist (T) District and the Beach Walk Character District. The additional hotel units would be accommodated through interior renovations and no exterior work is proposed. The project will continue to exceed the required 360 parking spaces. (Community Development Code Sections 2-803.K, Article 4, Division 14 and *Beach by Design*)

Associations: Clearwater Beach Association, Clearwater Neighborhoods Coalition, Board of County Commissioners, Pinellas County School Board, Clearwater Point Condo Association

Assigned Planner: Ted Kozak, AICP, Development Review Planning Manager; email: Ted.Kozak@MyClearwater.com; phone: 727-444-8941

Board Member Haudricourt moved to approve Cases FLD2024-08018/TDR2024-08001/TDR2024-08002, 505-521 S. Gulfview Boulevard (receiving site) - 830 Bayway Boulevard and 152 -188 Brightwater Drive (sending site), and FLD2016-06018A/TDR2023-05001, 301 S. Gulfview Boulevard (receiving site) - 830 Bayway Boulevard (sending site), on today's Consent Agenda based on evidence in the record, including the application(s) and the Staff Report(s), and hereby adopt the Findings of Fact and Conclusions of Law stated in the Staff Report(s), with conditions of approval as listed. The motion was duly seconded and carried unanimously.

F. ITEMS CONTINUED FROM THE OCTOBER 15, 2024 MEETING (ITEMS 1-2):

1. Case: TA2024-07002 – Amendments to the Community Development Code

Level Three Application

Applicant: City of Clearwater, Planning and Development Department

Request: Amendments to the Community Development Code to establish standards for artificial turf, require landscaped areas in front yards for residentially zoned properties, clarify the use of nonliving landscape materials, and make other associated updates.

Associations: Clearwater Neighborhoods Coalition, Board of County Commissioners, Pinellas County School Board

Assigned Planner: Jayme Lopko, Long Range Planning Manager; email: jayme.lopko@myclearwater.com; phone: 727-444-8776

Planning Division Manager Jayme Lopko said the proposed ordinance was not included in the board member hard-copy agenda packs but posted online. The agenda packs only included the staff report. She said the Board may move forward today with the staff presentation or continue the item to the next meeting.

Attorney Daigneault said the Board is charged with reviewing the ordinance as part of the Local Planning Agency's responsibilities. He suggested that the Board may 1) move forward if it had the opportunity to review the ordinance, 2) continue the item to the next meeting if additional time is needed, or 3) recess to review hard copies of the proposed ordinance.

Discussion ensued with consensus to take a brief recess to review the ordinance.

The Board recessed from 1:13 p.m. to 1:27 p.m.

Attorney Daigneault requested a motion from the Board that members feel sufficient to continue with the hearing.

Vice Chair Boutzoukas moved to proceed with staff's presentation after reviewing the proposed ordinance. The motion was duly seconded and carried unanimously.

Ms. Lopko provided a PowerPoint presentation.

In response to questions, Ms. Lopko said for any existing single family and two-family lots, any additions or improvements to the lots exceeding 200 sq. ft. will require full compliance with the tree provision. The required landscape area for residential properties is 25% for new construction, front yard improvements, or installing or replacing artificial turf. She said living plant material includes sod. Development Services Division Manager Scott Kurleman said the main reason for prohibiting stone and shell under the drip lines of trees is because it absorbs a lot of heat and fries the roots of the trees. He said organic mulch is preferred. There are fine absorbing roots in the upper 6-10 in. of the soil that absorb the water and

nutrients to keep the tree alive. Increasing the heat in these roots causes stress in the tree, which may be exhibited immediately or later, depending on the tree species. Planning and Development Director Gina Clayton said the Board can make a recommendation to City Council to strike the language due to enforceability concerns or request that staff provide language clarifying that it would be applicable to new development. She said staff found that while inspecting the landscape final on new developments, rocks or shell were identified all around the landscaping that were not included in the approved landscape plans. Mr. Kurleman said the current code prohibits rock, gravel or shell to be used as mulch, except in extreme washout areas (i.e., a gutter with a spout). Ms. Lopko said the City's ordinance is similar to the City of Tampa's policy, instituting an application, required specifications, and verification form for installers and contractors for the installation to be considered pervious. The intent of allowing a pervious installation was to ensure the city's drainage and stormwater systems were not negatively impacted by runoff or creating a runoff issue for neighboring properties. She said artificial turf installers do not have any professional licensing. There is a synthetic turf council that has an artificial turf installer certification program. City Engineer Tara Kivett said originally staff suggested requiring signed and sealed plans, but that would prohibit home installers. Ms. Lopko said artificial turf is permitted for parks but not for personal yards; if more than 100 sq. ft. is used, a permit is required. She said nonliving materials cannot be used for parking or driving surface.

Discussion ensued with concerns expressed regarding how the proposed ordinance will be enforced. It was stated that the proposed ordinance is a good starting point but additional feedback is needed. It was suggested the item be continued to the next meeting.

One individual spoke in support and recommended that different types of artificial turf, such as putting greens and pet grass, be allowed.

In response to questions, Forever Lawn Representative Chris Powell said white artificial turf blades do not retain heat; the darker the grass, the hotter it will get. The heat the blades emit is due to direct sunlight. If the light source is taken away, the blades cool within 8 seconds. The turf is pervious; the minimum rating is 37 in. per hour. He said crushed concrete will harden and restrict waterflow, but washed granite, limestone or shell is permeable. Manufacturers will have certified installers in the area. He said independent installers who are not aligned with a manufacturer will likely not have the manufacturer certification. Mr. Kurleman said a certified arborist typically prepares a tree preservation plan; anything excavating a tree requires a clearing and grubbing permit through the City for \$10, which allows a city arborist to assess the situation and determine if the tree will be impacted. He said to make artificial turf permeable under a tree, one must remove 6.5 to 7.5 in. of soil and a majority of the absorbing roots of that tree.

Discussion ensued with comments made that more time was needed to review the ordinance.

Board Member Park moved to continue the vote to the January 2025 meeting. The motion was duly seconded and carried unanimously.

Attorney Daigneault suggested placing the item on the December agenda as workshop item to seek board direction.

2. Case: [FLD2024-07017](#) – 691 Harbor Island *Level Two Application*
Owner/Applicant: Brooke Enterprises, LLC
Representative: Brian J. Aungst, Jr., Macfarlane Ferguson & McMullen, 625 Court Street, Clearwater, FL, 33756; phone: (727) 444-1403; email: bj@macfar.com
Location: East side of Harbor Island approximately 650 feet north of Harbor Passage. (0.257 acres)
Request: Flexible Development approval to construct a 548 square foot dock, 95-feet in length with two covered boatlifts as accessory to the detached dwelling use located in the Low Medium Density Residential/Island Estates Neighborhood Conservation Overlay (LMDR/IENCOD) District for the property located at 691 Harbor Island. The requested flexibility is for a deviation of maximum dock length and setback to boatlift (Community Development Code Section 3-601.C.1.g)
Associations: Island Estates Civic Association, Clearwater Neighborhoods Coalition, Board of County Commissioners, Pinellas County School Board
Assigned Planner: Melissa Hauck-Baker, AICP, Planner III; email: Melissa.Hauckbaker@MyClearwater.com; phone: 727-444-8769

Planning and Development Director Gina Clayton said staff received a request from the applicant to continue the hearing to the March 2025 meeting.

Applicant Representative Brian Aungst said he confirmed nonobjection from the neighbor to the north this morning but shortly afterwards received notification from the City that the neighbor to the south rescinded her nonobjection. The neighbor to the south is located where the setback deviation is requested and is the most impacted person. He said the Applicant has decided to redesign the dock and remove the setback request, while addressing any other concerns raised during the process. The request will need to go back to DRC in February.

Vice Chair Boutzoukas to continue FLD2024-07017, 691 Harbor Island. The motion was duly seconded and carried unanimously.

G. DIRECTOR'S ITEMS (1-1)

1. Discuss Potential Use of Electronic CDB Agenda

Ms. Clayton said staff has been working with the City Clerk Department to transition the Board to an electronic agenda pack via Granicus. Staff will provide the Board a demonstration next month and distribute iPads to Board Members.

She said she is retiring December 6, 2024 and thanked the Board for their service to the

community.

Board Members thanked Ms. Clayton for her dedication and service and wished her a happy retirement.

Board Member Mastruserio requested consideration to bring back the practice of opening meetings with a prayer.

Attorney Daigneault recommended that the Board not reinstitute the prayer as it puts some legal exposure on the Board and creates First Amendment and equal protection issues.

In response to a question, Attorney Mytych said he would discuss the matter with the City Attorney and report back to the Board at the next meeting.

A. ADJOURNMENT

The meeting adjourned at 2:56 p.m.

Chair, Community Development Board

Attest:

City Clerk