



PLANNING & DEVELOPMENT DEPARTMENT COMMUNITY DEVELOPMENT BOARD STAFF REPORT

MEETING DATE: September 18, 2018
AGENDA ITEM: G.2.
CASE: DVA2009-00001A (related to FLD2009-03013 and FLD2018-06020)
REQUEST: The Community Development Board (CDB) is reviewing a termination of the Development Agreement between Decade Companies Income Properties (the property owner) and the City of Clearwater, which provided for the allocation of 72 units from the Hotel Density Reserve under *Beach by Design* for the property located at 101 Coronado Drive because the applicant has successfully met the obligations of the agreement and that the development of the property is consistent with conceptual site plans that were part that agreement (Section 18 of the Development Agreement), and making a recommendation to the City Council.

GENERAL DATA:

Agent..... Michael J. Palmer, P.E.; Synergy Civil Engineering, Inc.
Owner..... Decade Companies Income Properties and Decade Sea Captain LLC.
Location..... 101 Coronado Drive; the southeast and northeast corners of Coronado and Devon Drives.
Site Size..... 0.72-acres

Future Land Use Plan..... Resort Facilities High (RFH)
Zoning..... Tourist (T) District
Special Area Plan..... *Beach by Design* (Small Motel District)
Adjacent Zoning... *North:* Tourist (T) District
 South: Tourist (T) District
 East: Tourist (T) District
 West: Tourist (T) District
Existing Land Use..... Hotel

Proposed Land Use..... Hotel (no change)

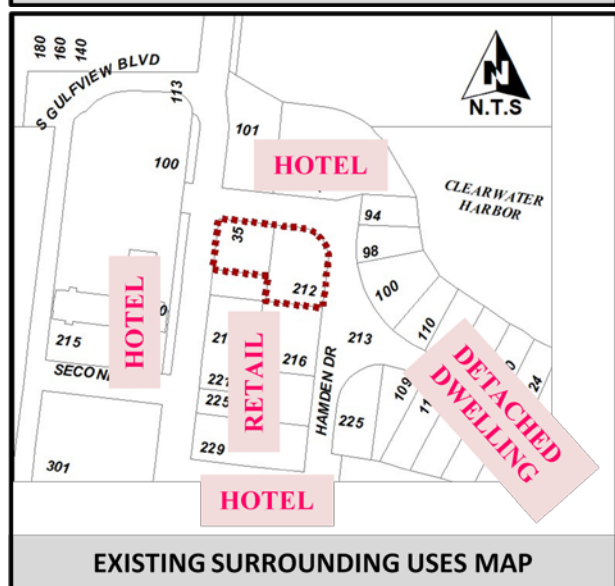
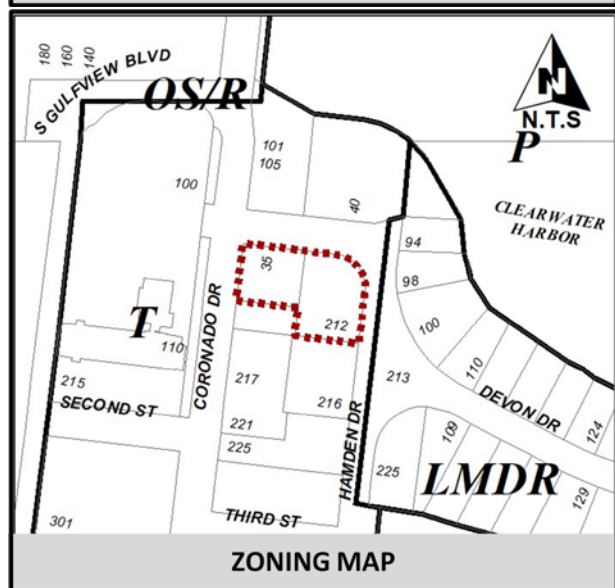
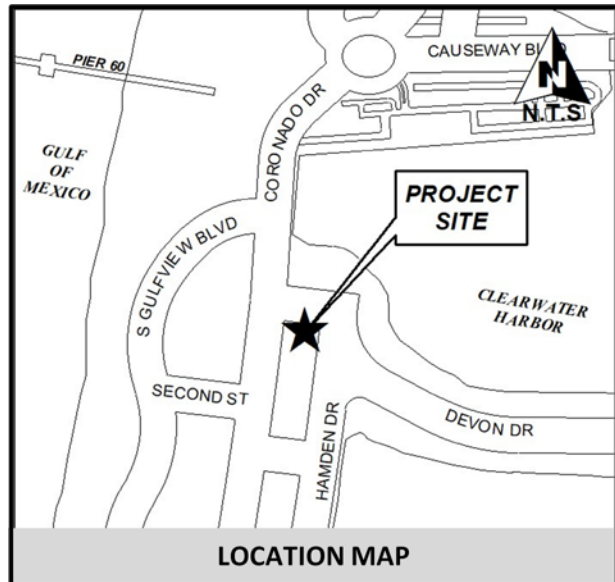
ANALYSIS:

Location and Existing Conditions:

The 0.72-acre subject site is located at the southeast and northeast corners of Coronado and Devon Drives. The subject site is comprised of one parcel with a frontage of approximately 320 feet along Coronado Drive and 100 feet along Devon Drive. The south portion of the parcel (on the south side of Devon Drive) is occupied by an 18-space surface parking lot. The north portion (on the north side of Devon Drive) is occupied by a 108-room hotel (Pier House 60 Clearwater Beach Marina Hotel). The property is zoned Tourist (T) District with an underlying Future Land Use Plan (FLUP) category of Resort Facilities High (RFH) and is located within the Small Motel District of *Beach by Design*.

Vehicular access to the site is provided via two curb cuts along the north side of the site along Devon Drive and a third curb cut along the south side of Devon Drive to the surface parking lot.

The immediate area is characterized by a variety of uses including overnight accommodation, retail, outdoor recreation/entertainment, restaurant and attached and detached dwelling uses. The City’s Beach Walk project has transformed South Gulfview Boulevard farther to the west of the 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 also been improved over the last several years with City-installed sidewalks, decorative brick edging and details, crosswalks, lighting and street trees.



Site History:

- On November 15, 2005, the Community Development Board (CDB) approved, with three conditions, Case No. FLD2005-08089 to permit the parking lot located at 41 Devon Drive (east parcel). This application is considered vested because all conditions of approval have been met and the project has been constructed.
- On May 19, 2009, the Community Development Board (CDB) approved, with 13 conditions, Case No. FLD2009-03013 (related to DVA2009-00001) to permit the parking lot and hotel at 101 Coronado Drive (west parcel). This application is considered vested because all conditions of approval have been met and the project has been constructed.
- On October 6, 2009, the City Council approved a Development Agreement (DVA2009-00001) providing for the allocation of units from the Hotel Density Reserve (related to FLD2009-03013).

It is important to note that the development agreement (DVA2009-00001) expires on October 6, 2019. The conceptual site plan approved as part of that agreement (and also subsequently as part of the related and approved Level Two Flexible Development application, FLD2009-03013) has been constructed. The applicant has, concurrent with this request to terminate the development agreement, submitted a Level Two Flexible Development application (FLD2018-06020). That request includes the replacement of the surface parking lot on the subject site as well as the surface parking on the adjacent site to the east (41 Devon Drive) with a five-story parking garage. The applicant has opted to terminate the existing Development Agreement rather than amend it because the requirements of the Development Agreement have been fulfilled as pursuant to Section 18 of the agreement. No changes of any kind are proposed to any portion of the site on the north side of Devon Drive.

Development Proposal:

The proposal is to demolish the existing surface parking lots on the site and build a five-floor parking garage with a total of 174 spaces, 24 of which will be dedicated to general public parking. The remaining 150 spaces will be dedicated to the existing Pier 60 Marina Hotel (17 spaces) and the approved (although not yet constructed) hotel at 40 Devon Drive (118 spaces) leaving an additional unassigned 15 spaces. The parking garage will be located generally where the existing surface parking lot is located as well as where the surface parking lot is located on the adjacent site to the east.

The building height will be 45 feet (from Base Flood Elevation) to roof deck.

A full analysis of the parking garage is included as part of the review of the companion Level Two Flexible Development application (FLD2018-06020).

Development Agreement:

On October 6, 2009 a Development Agreement was made effective between the property owner and the City of Clearwater which provided 72 units from the Hotel Density Reserve (DVA2009-00001/Resolution 09-03).

Section 6.1.3.1 of the Development Agreement required the Property Owner to develop the Property in substantial conformance with the conceptual site plan attached to the Agreement.

Section 6.1.6 provides that all units in the hotel shall be made available to the public as overnight transient hotel guests at all times through the required hotel reservation system. Occupancy in the hotel is limited to a term of less than one (1) month or thirty-one (31) consecutive days, whichever is less. Units in the hotel shall not be used as a primary or permanent residence.

After receiving approval of DVA2009-00001 the applicant submitted the associated site plan for approval as part of a Level II Flexible Development application (FLD2009-03013). This application was approved by the Community Development Board on May 19, 2009. Permits (BCP2011-02294 and BCP2011-02294A, et.al) for site and building construction were submitted on February 18, 2011 and June 10, 2011, respectively. All permits have been listed as completed and a Certificate of Occupancy was issued on November 15, 2012 effectively closing out the project.

The City has determined that the Property Owner has successfully met the obligations of the Agreement and that the development of the property is consistent with conceptual site plans that were part that agreement.

The applicant has submitted a request to terminate the Development Agreement pursuant to Section 18 of the agreement.

The Community Development Board (CDB) has been provided with the most recent Development Agreement.

The CDB has also been provided the proposed site plan and elevations as part of FLD2018-06020.

SUMMARY AND RECOMMENDATION:

The Development Review Committee (DRC) reviewed the application and supporting materials at its meeting of August 2, 2018, and deemed the development proposal to be legally sufficient to move forward to the Community Development Board (CDB).

Findings of Fact:

The Planning and Development Department, having reviewed all evidence submitted by the applicant and requirements of the Community Development Code, finds that there is substantial competent evidence to support the following findings of fact:

1. The 0.72-acre subject site is located at the southeast and northeast corners of Coronado and Devon Drives;
2. The site is occupied by a 108-unit hotel (north portion of the parcel) and an 18-space surface parking lot (south portion of parcel);
3. On May 19, 2009, the Community Development Board (CDB) approved, with 13 conditions, Case No. FLD2009-03013 (related to DVA2009-00001) to permit the parking lot located and hotel at 101 Coronado Drive. This application is considered vested because all conditions of approval have been met and the project has been constructed;

4. On August 20, 2009, the City Council approved a Development Agreement (DVA2009-00001) providing for the allocation of units from the Hotel Density Reserve (related to FLD2009-03013);
5. The proposed is to terminate the Development Agreement approved as part of DVA2009-00001/Resolution 09-03 pursuant to Section 18 of the Agreement;
6. The subject property is zoned Tourist (T) District with an underlying Future Land Use Plan (FLUP) category of Resort Facilities High (RFH);
7. The subject site is located in the Small Motel District of *Beach by Design*; and,
8. The applicant has, concurrent with this request to terminate the development agreement, submitted a Level Two Flexible Development application (FLD2018-06020 which amends FLD2009-03013);
9. The proposal is to demolish the existing surface parking lots on the site and build a single five-floor parking garage with 174 spaces 24 of which will be dedicate to general public parking. The remaining 150 spaces will be dedicated to the existing Pier 60 Marina Hotel (17 spaces) and the approved (although un-built) hotel at 40 Devon Drive (118 spaces) leaving an additional unassigned 15 spaces. The parking garage will be located generally where the existing surface parking lot is located as well as where the surface parking lot is located on the adjacent site to the east.

Conclusions of Law:

The Planning and Development Department, having made the above findings of fact, reaches the following conclusions of law:

1. That the request is consistent with CDC Section 1-103 (General Purpose);
2. That the request complies with the standards and criteria of Section 4-606 of the Community Development Code; and
3. The applicant has opted to terminate the existing Development Agreement rather than amend it because the requirements of the Development Agreement have been fulfilled as pursuant to Section 18 of the agreement.

The Planning and Development Department, having made the above findings of fact and conclusions of law, recommends **APPROVAL** and recommendation of **APPROVAL** to the City Council, of the Termination of a Development Agreement between Decade Companies Income Properties (the property owner) and the City of Clearwater, for the property at 101 Coronado Drive.

Prepared by Planning and Development Department Staff: _____
Mark T. Parry, AICP, Senior Planner

ATTACHMENTS: Resume, Photographs