



## PLANNING AND DEVELOPMENT DEPARTMENT FLS & FLD APPLICATION

**THIS APPLICATION IS REQUIRED FOR ALL LEVEL ONE FLEXIBLE STANDARD DEVELOPMENT (FLS) AND LEVEL TWO FLEXIBLE DEVELOPMENT (FLD) APPLICATIONS. ALL APPLICATIONS MUST BE SUBMITTED ONLINE AT: [epermit.myclearwater.com](http://epermit.myclearwater.com)**

NOTE THAT THE APPLICANT AND/OR AGENT IS REQUIRED TO SUBMIT COMPLETE AND CORRECT INFORMATION AS INCLUDED IN THIS APPLICATION. THIS APPLICATION IS REQUIRED TO BE SUBMITTED IN PERSON OR ONLINE TO THE PLANNING & DEVELOPMENT DEPARTMENT (INCLUDING PLANS AND DOCUMENTS, UPLOADED, PROCESSED AND FINALIZED) BY NOON ON THE SCHEDULED DEADLINE DATE [SUBMITTAL CALENDAR](#). IF THE PROPERTY OWNER IS NOT A NATURAL PERSON, SUCH AS AN ORGANIZATION (COMPANY OR TRUST), THE NAME OF THE PERSON SIGNING ON BEHALF IS REQUIRED. IF THERE IS MORE THAN ONE AGENT OR REPRESENTATIVE, THE NAME OF EACH PERSON NEEDS TO BE PROVIDED. THE APPLICANT, BY FILING THIS APPLICATION, AGREES TO COMPLY WITH ALL APPLICABLE REQUIREMENTS OF THE COMMUNITY DEVELOPMENT CODE. [ADDITIONAL INFORMATION ON SUBMITTAL REQUIREMENTS INCLUDING WORKSHEETS AND HANDOUTS, ETC.](#)

### FIRE DEPARTMENT PRELIMINARY

<b>SITE PLAN REVIEW FEE:</b>	<b>\$200</b> (NOT APPLICABLE FOR DETACHED DWELLING OR DUPLEXES)
<b>APPLICATION FEES:</b>	<b>\$100</b> (FLS – ACCESSORY STRUCTURES ASSOCIATED WITH A SINGLE-FAMILY OR DUPLEXES) <b>\$200</b> (FLS – DETACHED DWELLINGS OR DUPLEXES) <b>\$475</b> (FLS – ATTACHED DWELLINGS, MIXED-USE, AND NONRESIDENTIAL USES) <b>\$300</b> (FLD – DETACHED DWELLINGS, DUPLEXES, AND THEIR ACCESSORY STRUCTURES) <b>\$1,205</b> (FLD – ATTACHED DWELLINGS, MIXED-USE, AND NONRESIDENTIAL USES)

<b>PROPERTY OWNER (PER DEED):</b>	Ogand LLC
<b>MAILING ADDRESS:</b>	28-20 214th Street, Bayside, New York 11360
<b>PHONE NUMBER:</b>	516-315-3468
<b>EMAIL:</b>	raposohomes@gmail.com

### APPLICANT/PRIMARY CONTACT

<b>NAME:</b>	Housh Ghovae, CEO
<b>COMPANY NAME:</b>	Northside Engineering, Inc.
<b>MAILING ADDRESS:</b>	300 South Belcher Road, Clearwater, Florida 33765
<b>PHONE NUMBER:</b>	727-443-2869
<b>EMAIL:</b>	housh@northsideengineering.net

### ADDRESS OF SUBJECT

<b>PROPERTY:</b>	612 Bay Esplanade
<b>PARCEL NUMBER (S):</b>	05-29-15-54756079-0110

<b>SITE AREA (SQUARE FEET AND ACRES):</b>	8,677.5sf/0.199acres
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<b>ZONING:</b>	T - Tourist
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<b>FUTURE LAND USE:</b>	RFH - Resort Facilities High
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<b>DESCRIPTION OF REQUEST:</b> <b>(MUST INCLUDE USE, REQUESTED FLEXIBILITY, PARKING, HEIGHT, ETC)</b>	Level 2 FLD approval for a single structure with 6 RAD (including one via TDR) with flexibility as to north front yard. Requested flexibility: partial reduction of north front yard from 15' to 10.9' for parking spaces and buffer wall only due to property configuration in relation to Bay Esplanade right-of-way. No flexibility sought as to building line.
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## PLANNING AND DEVELOPMENT DEPARTMENT FLS & FLD APPLICATION

### GENERAL INFORMATION

PROVIDE THE FOLLOWING GENERAL INFORMATION ON THE PROPOSED PROJECT. IF NOT APPLICABLE MARK N/A. THE MAXIMUM PERMITTED OR REQUIRED AMOUNTS ARE LISTED IN THE ZONING DISTRICT IN THE COMMUNITY DEVELOPMENT CODE WHICH IS AVAILABLE ONLINE AT:  
[HTTPS://LIBRARY.MUNICODE.COM/FL/CLEARWATER/CODES/COMMUNITY DEVELOPMENT CODE](https://library.municode.com/FL/CLEARWATER/CODES/COMMUNITY_DEVELOPMENT_CODE)

#### DWELLING UNITS:

A DWELLING UNIT IS A BUILDING OR PORTION OF A BUILDING PROVIDING INDEPENDENT LIVING FACILITIES FOR ONE FAMILY INCLUDING THE PROVISION FOR LIVING, SLEEPING, AND COMPLETE KITCHEN FACILITIES.

MAX. PERMITTED: 30upa PROPOSED: 6-units

#### HOTEL ROOMS:

A HOTEL ROOM IS AN INDIVIDUAL ROOM, ROOMS OR SUITE WITHIN AN OVERNIGHT ACCOMMODATIONS USE DESIGNED TO BE OCCUPIED, OR HELD OUT TO BE OCCUPIED AS A SINGLE UNIT FOR TEMPORARY OCCUPANCY.

MAX. PERMITTED: N/A PROPOSED: N/A

#### PARKING:

LIST PARKING SPACES. PARKING SPACES MUST MEET THE REQUIREMENTS OF THE COMMUNITY DEVELOPMENT CODE (CDC) INCLUDING LOCATION, MATERIALS AND DIMENSIONS. BACK OUT PARKING IS PROHIBITED FOR MOST USES.

REQUIRED: 9 PROPOSED: 9

#### FLOOR AREA RATIO (FAR):

DO NOT INCLUDE PARKING GARAGES, CARPORTS, STAIRWELLS AND ELEVATOR SHAFTS. AREA IS FOUND BY MULTIPLYING THE LENGTH TIMES THE WIDTH DIMENSION FOR EACH FLOOR AND SHOULD BE EXPRESSED IN SQUARE FEET. DO NOT INCLUDE PARKING GARAGES, CARPORTS, STAIRWELLS AND ELEVATOR SHAFTS. FAR IS NOT REQUIRED FOR RESIDENTIAL ONLY PROJECTS UNLESS IN US 19 ZONING DISTRICT.

MAX. PERMITTED: N/A PROPOSED: N/A

#### IMPERVIOUS SURFACE RATIO (ISR):

ISR MEANS A MEASUREMENT OF INTENSITY OF HARD SURFACED DEVELOPMENT ON A SITE, BASICALLY ANY SURFACE THAT IS NOT GRASS OR LANDSCAPED AREAS ON PRIVATE PROPERTY. AN IMPERVIOUS SURFACE RATIO IS THE RELATIONSHIP BETWEEN THE TOTAL IMPERVIOUS VERSUS THE PVIOUS AREAS OF THE TOTAL LOT AREA. [LINK TO ADDITIONAL INFORMATION INCLUDING ISR WORKSHEET](#).

MAX. PERMITTED: 0.95 PROPOSED: 0.67 / 5,820sf  
PLEASE LIST PERCENTAGE % AND SQUARE FEET.



## PLANNING AND DEVELOPMENT DEPARTMENT FLS & FLD APPLICATION

### GENERAL APPLICABILITY CRITERIA

PROVIDE COMPLETE RESPONSES TO EACH OF THE SIX (6) GENERAL APPLICABILITY CRITERIA OF COMMUNITY DEVELOPMENT CODE SECTION 3-914.A.1 THROUGH 6, EXPLAINING HOW, IN DETAIL, THE CRITERIA IS MET. USE ADDITIONAL SHEETS AS NECESSARY:

1. THE PROPOSED DEVELOPMENT OF THE LAND WILL BE IN HARMONY WITH THE SCALE, BULK, COVERAGE, DENSITY AND CHARACTER OF ADJACENT PROPERTIES IN WHICH IT IS LOCATED.

Please see narratives.

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2. THE PROPOSED DEVELOPMENT WILL NOT HINDER OR DISCOURAGE THE APPROPRIATE DEVELOPMENT AND USE OF ADJACENT LAND AND BUILDINGS OR SIGNIFICANTLY IMPAIR THE VALUE THEREOF.

Please see narratives.

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3. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE HEALTH OR SAFETY OR PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD OF THE PROPOSED USE.

Please see narratives.

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4. THE PROPOSED DEVELOPMENT IS DESIGNED TO MINIMIZE TRAFFIC CONGESTION.

Please see narratives.

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5. THE PROPOSED DEVELOPMENT IS CONSISTENT WITH THE COMMUNITY CHARACTER OF THE IMMEDIATE VICINITY OF THE PARCEL PROPOSED FOR DEVELOPMENT.

Please see narratives.

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6. THE DESIGN OF THE PROPOSED DEVELOPMENT MINIMIZES ADVERSE EFFECTS, INCLUDING VISUAL, ACOUSTIC, AND OLFACTORY AND HOURS OF OPERATION IMPACTS, ON ADJACENT PROPERTIES.

Please see narratives.

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# PLANNING AND DEVELOPMENT DEPARTMENT

## FLS & FLD APPLICATION

## **FLEXIBILITY CRITERIA OR USE SPECIFIC CRITERIA**

PROVIDE COMPLETE RESPONSES TO THE APPLICABLE FLEXIBILITY CRITERIA (OR USE SPECIFIC CRITERIA IN US 19 AND DOWNTOWN ZONING DISTRICTS). THESE CRITERIA ARE SPECIFIC TO THE USE AND THE ZONING DISTRICT OF THE SUBJECT PROPERTY AND ARE PART OF THE COMMUNITY DEVELOPMENT CODE AVAILABLE ONLINE AT MUNICODE.COM :

[HTTPS://LIBRARY.MUNICODE.COM/FL/CLEARWATER/CODES/COMMUNITY DEVELOPMENT CODE](https://library.municode.com/FL/CLEARWATER/CODES/COMMUNITY DEVELOPMENT CODE)

**IF YOU NEED HELP FINDING THE CRITERIA OR STANDARDS PLEASE CONTACT A DEVELOPMENT REVIEW PLANNER AT THE ZONING LINE 727-562-4604. USE ADDITIONAL SHEETS AS NECESSARY:**

Please see narratives.



## PLANNING AND DEVELOPMENT DEPARTMENT AFFIDAVIT TO AUTHORIZE AGENT/REPRESENTATIVE

1. Provide names of all property owners on deed – PRINT full names:

Ogand LLC (Octavio Raposo)

2. That (I am/we are) the owner(s) and record title holder(s) of the following described property:

Octavio Raposo, Managing Member

3. That this property constitutes the property for which a request for (describe request):

Level 2 FLD approval for a single structure with 6 RAD (including one via TDR) with flexibility as to north front yard. Requested flexibility: partial reduction of north front yard from 15' to 10.9' for parking spaces and buffer wall only due to property configuration in relation to Bay Esplanade right-of-way. No flexibility sought as to building line.

4. That the undersigned (has/have) appointed and (does/do) appoint:

Housh Ghovaee, CEO and Northside Engineering, Inc.

as (his/their) agent(s) to execute any petitions or other documents necessary to affect such petition;

5. That this affidavit has been executed to induce the City of Clearwater, Florida to consider and act on the above described property;

6. That site visits to the property are necessary by City representatives in order to process this application and the owner authorizes City representatives to visit and photograph the property described in this application;

7. That (I/we), the undersigned authority, hereby certify that the foregoing is true and correct.

  
Property Owner/ Registered Agent of Organization  
Octavio Raposo, Managing Member

Property Owner/ Registered Agent of Organization

Property Owner/ Registered Agent of Organization

Property Owner/ Registered Agent of Organization

STATE OF NEW YORK  
COUNTY OF QUEENS

The foregoing instrument was acknowledged before me by means \* physical presence or \* online notarization, this 7 day of August, 2025 by (Octavio Raposo) as (Managing member) of ( ), who        is/are personally known to me or        who has/have produced a driver's license as identification.

NOTARY PUBLIC

Signature: Ogand

My Commission expires: 10-10-26

AMARILIS A DE JESUS  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01DE6153611  
Qualified in Queens County  
My Commission Expires: 10-10-26



## PLANNING & DEVELOPMENT DEPARTMENT TRANSFER OF DEVELOPMENT RIGHTS

IT IS INCUMBENT UPON THE APPLICANT TO SUBMIT COMPLETE AND CORRECT INFORMATION. ANY MISLEADING, DECEPTIVE, INCOMPLETE OR INCORRECT INFORMATION MAY INVALIDATE YOUR APPLICATION.

ALL APPLICATIONS ARE TO BE FILLED OUT COMPLETELY AND CORRECTLY, AND SUBMITTED IN PERSON (NO FAX OR DELIVERIES) TO THE PLANNING & DEVELOPMENT DEPARTMENT BY NOON ON THE SCHEDULED DEADLINE DATE.

A TOTAL OF 11 COMPLETE SETS OF PLANS AND APPLICATION MATERIALS (1 ORIGINAL AND 10 COPIES) AS REQUIRED WITHIN ARE TO BE SUBMITTED FOR REVIEW BY THE DEVELOPMENT REVIEW COMMITTEE. SUBSEQUENT SUBMITTAL FOR THE COMMUNITY DEVELOPMENT BOARD WILL REQUIRE 15 COMPLETE SETS OF PLANS AND APPLICATION MATERIALS (1 ORIGINAL AND 14 COPIES). PLANS AND APPLICATIONS ARE REQUIRED TO BE COLLATED, STAPLED AND FOLDED INTO SETS.

THE APPLICANT, BY FILING THIS APPLICATION, AGREES TO COMPLY WITH ALL APPLICABLE REQUIREMENTS OF THE COMMUNITY DEVELOPMENT CODE.

AGENT OR REPRESENTATIVE: Northside Engineering, Inc.

MAILING ADDRESS: 300 South Belcher Road, Clearwater, Florida 33765

PHONE NUMBER: 727-443-2869

EMAIL: [housh@northsideengineering.net](mailto:housh@northsideengineering.net)

### SITE FROM WHICH THE DENSITY WILL BE TRANSFERRED (SENDER SITE)

PROPERTY OWNER (PER DEED): Clearwater JV II LLC

MAILING ADDRESS: 5391 Lakewood Ranch Boulevard, Suite 100, Sarasota, Florida 34240

PHONE NUMBER: 941-737-0041

EMAIL: [jhutchens@castinfo.com](mailto:jhutchens@castinfo.com)

ADDRESS OF SUBJECT PROPERTY: 692 Bay Esplanade

PARCEL NUMBER(S): 05-29-15-54756-083-0010

LEGAL DESCRIPTION: Please see attached Survey(s).

SIZE OF PROPERTY: 20,198 sq. ft. 0.46 acres

CURRENT USE OF PROPERTY: Vacant - Approved for three (3) resort attached units (FLS2022-01007).

(Amount of Overnight Accommodation units, Dwelling Units, Commercial Floor Area, Vacant)

HOW MANY DEVELOPMENT RIGHTS ARE ALLOCATED TO THIS SITE?

Allocated 12 ONA units, 4 RAD Units to be transferred one RAD

HOW MANY DEVELOPMENT RIGHTS ARE PROPOSED TO BE TRANSFERRED?

HAVE DEVELOPMENT RIGHTS PREVIOUSLY BEEN TRANSFERRED TO OR FROM THIS SITE?

Previously yes (TDR2018-06001).

**SITE TO WHICH THE DENSITY WILL BE TRANSFERRED (RECEIVING SITE)**

PROPERTY OWNER (PER DEED): OGAND LLC  
MAILING ADDRESS: 4705 104th Street, Corona, NY 11368  
PHONE NUMBER: 516-315- 3468  
EMAIL: raposohomes@gmail.com

ADDRESS OF SUBJECT PROPERTY: 612 Bay Esplanade  
PARCEL NUMBER: 05-29-15-54756-079-0110

LEGAL DESCRIPTION: Please see attached Survey(s).

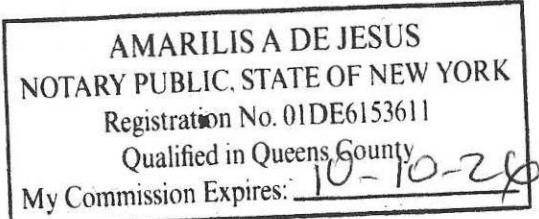
SIZE OF PROPERTY: 8,677 sq. ft. 0.20 acres

CURRENT USE OF PROPERTY: Residential

*(Amount of Overnight Accommodation units, Dwelling Units, Commercial Floor Area, Vacant)*

HOW MANY DEVELOPMENT RIGHTS ARE ALLOCATED TO THIS SITE? 9 RAD, 1 ONA  
HOW MANY DEVELOPMENT RIGHTS ARE PROPOSED TO BE TRANSFERRED? One RAD  
HAVE DEVELOPMENT RIGHTS PREVIOUSLY BEEN TRANSFERRED TO OR FROM THIS SITE? Yes  
IF YES, THEN HOW MANY DEVELOPMENT RIGHTS HAVE BEEN TRANSFERRED? 3

<b>STATE OF FLORIDA, COUNTY OF PINELLAS</b>	
I, the undersigned, acknowledge that all representations made in this application are true and accurate to the best of my knowledge and authorize City representatives to visit and photograph the property described in this application.	
	
Signature of property owner	
Sworn to and subscribed before me this <u>28<sup>th</sup></u> day of <u>June</u> , <u>2024</u> to me and/or by <u>Octavio Raposo</u> , who is personally known has produced <u>Drivers License</u> as identification.	
	
Notary public,	
My commission expires: <u>10-10-26</u>	





## PLANNING & DEVELOPMENT DEPARTMENT

### TRANSFER OF DEVELOPMENT RIGHTS

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IN ADDITION TO THE COMPLETED TRANSFER OF DEVELOPMENT RIGHTS APPLICATION, ALL APPLICATIONS SHALL INCLUDE THE FOLLOWING INFORMATION AND/OR DOCUMENTS:

- Signed and sealed survey for both the sender and the receiver sites with the square footage or acreage of each site.
- Copy of the warranty deed of ownership or contract to purchase the receiver site.
- Statement that the deed of transfer will be recorded prior to the issuance of a building permit.
- Statement that the development rights reflected in the instrument of conveyance have not previously been conveyed to another person or entity.
- Statement that the development rights have not previously been used or exercised by another person or entity.

STATEMENTS IN SUPPORT OF  
TRANSFER OF DEVELOPMENT RIGHTS  
692 BAY ESPLANADE TO 612 BAY ESPLANADE

On behalf of OGAND, LLC:

I agree to record the deed of transfer prior to issuance of any building permit;  
I affirm that the development rights to be referenced in the instrument of conveyance  
have not been previously transferred to any person or entity;  
I affirm that the development rights have not previously been or exercised by any person  
or entity;

## TRANSFER OF DEVELOPMENT RIGHTS (TDR) SUPPLEMENTAL CRITERIA RESPONSE

Pending contemporaneously with this application is an application for Level 2 Flexible Development (FLD) approval to permit the construction of the *Bay Esplanade Boutique Hotel*, a single structure project comprising six resort attached development units to be located on the 90° bend east of Cyprus Avenue and south of Royal Way in the Old Florida neighborhood of Clearwater Beach. This approval is sought pursuant to Clearwater Community Development Code (CDC), Part I, Division 14, Section 1402. The FLD application has been assigned application number FLD 2024-02006.

*With respect to the project's density, at six resort attached uses units the density of the project is 30 resort attached dwellings per acre. Thus, Bay Esplanade Resort Attached Dwellings, is within the density limits imposed by Beach by Design. The Transfer of Development Rights (TDR) is from other property located within the Clearwater Beach Redevelopment District, and does not exceed the maximum permitted density for residential development. Further, the proposed development fully complies with all requirements of the CDC and of Beach by Design. The project's compliance with the City's land development controls is demonstrated by:*

*The Project Narrative  
Beach by Design Compliance Analysis  
Criteria Responses*

The following criteria apply to the requested transfer:

Division 14. Transfer of Development Rights  
SECTION 4-1402. -Allocated development rights are freely transferable. Development rights of a parcel of land may be transferred to any parcel of land at any time, to the same extent and in the same manner as any other interest in real property provided such transfer is in compliance with the subsections 1, 2, 3, and are permitted only in circumstances outlined in either 4 or 5 below.

*The CDC makes development rights "freely transferable." This application implements that right and is in the public interest because it leads to the optimum utilization of the area's available infrastructure.*

1 1. Any mortgage holder of the sending parcel shall consent to the transfer of  
2 development rights. The sending site has provided an affidavit of authorization.  
3

4 *No mortgagee's consent is required for this transfer: the*  
5 *mortgagee's interest in the property is secured by the three resort*  
6 *attached units approved in FLS 2022-01007.*

7  
8 2. The sending parcel shall be in compliance with all property maintenance standards  
9 specified in Article 3 of this Code.  
10

11 *The sending site is in compliance with all property maintenance*  
12 *standards specified in Article 3 of the CDC.*  
13

14 3. The transfer shall be in the form of a special warranty deed, which shall specify the  
15 amount of transferable development rights which are being conveyed or sold and the real  
16 property from which the rights are transferred. Additionally, the special warranty deed  
17 shall contain a covenant restricting in perpetuity the use of the parcel from which the  
18 rights have been transferred and the remaining density/intensity available pursuant to the  
19 property's Future Land Use Plan designation. Determination of available remnant use and  
20 density/intensity shall be consistent with the Clearwater Comprehensive Plan,  
21 Countywide Plan Map and Rules and/or governing special area plan.  
22

23 *A special warranty deed approved by the buyer and seller is*  
24 *included with the TDR application. The special warranty deed is*  
25 *consistent with the requirements of this section.*  
26

27 4. For parcels receiving density/intensity transferred from a designated environmental,  
28 open space, archaeological, historical or architecturally significant site, density/intensity  
29 may not exceed 20 percent of the permitted development potential of the site prior to the  
30 transfer.  
31

32 *The proposed TDR complies with this criterion.*  
33

34 5. For parcels located within an area designated Central Business District (CBD) or  
35 Community Redevelopment District (CRD) on the Countywide Future Land Use Plan  
36 map or parcels governed by approved redevelopment or special area plans, a site may  
37 only receive density/intensity transferred from within the CBD, CRD, redevelopment plan  
38 area or special plan district from within the plan area or district in which the site is

1 located.

2       a. Transfer of development rights may be sent from vacant and/or existing  
3       developed parcels.  
4       b. For parcels receiving transferred density/intensity, the maximum applicable  
5       density/intensity may be exceeded pursuant to provisions set forth in such  
6       applicable special area plan or redevelopment plan.  
7       c. In the event such applicable special area plan or redevelopment plan does not  
8       specify the amount of density/intensity that can be received, the maximum  
9       permitted development potential shall not be exceeded by more than 20 percent.  
10      d. For parcels being developed with overnight accommodation uses on  
11       Clearwater Beach that are within the area governed by *Beach by Design*, there  
12       shall be no limit on the amount of density that can be received for the overnight  
13       accommodation uses provided that the project complies with all applicable code  
14       provisions and design guidelines.  
15      e. For mixed use projects located on Clearwater Beach and governed by *Beach by*  
16       *Design* that include overnight accommodation uses, the 20 percent limitation  
17       specified in Section 4-1402.5.b.above shall apply to the components of the project  
18       that do not include overnight accommodation uses.

19  
20      *The sending site and the receiving sites are within the Beach by*  
21      *Design special area plan which is consistent with the requirements*  
22      *of this section.*

23  
24      5. Where density/intensity cannot otherwise be determined for parcels designated as  
25       Preservation or Recreation/Open Space category on the City's Future Land Use Plan Map,  
26       such categories shall be assigned a maximum density/intensity of one dwelling unit per  
27       acre or five percent floor area ratio per acre, or both, as is applicable based on the use  
28       characteristics to be utilized in the receiving parcel.

29  
30      *Not applicable.*

31  
32      SECTION 4-1403. USE OF TRANSFERRED DEVELOPMENT RIGHTS.

33      A. Any development right which has been transferred may be used in the development of  
34       another parcel of land in the city if approved by the community development board as a  
35       Level Two approval in accordance with the applicable standards of the district and this  
36       section and the following criteria.

37  
38      *The proposed development fully complies with all requirements of the CDC and of Beach*

1 by Design. *The project's compliance with the City's land development controls is*  
2 *demonstrated by:*

3  
4 *The Project Narrative*  
5 *Beach by Design Compliance Analysis*  
6 *Criteria Responses*  
7

8 1. The development of the parcel proposed for development will not reduce the  
9 fair market value of abutting properties;

10  
11 *The proposed development is a similar use to neighboring*  
12 *properties, will not reduce the fair market value of said properties,*  
13 *and is being developed consistently with a the requirements of*  
14 *Beach by Design and the Community Development Code.*

15  
16 2. The uses within the project are otherwise permitted in the City  
17 of Clearwater;

18  
19 *The proposed resort attached dwellings are permitted by Beach by*  
20 *Design and the Tourist zoning district.*

21  
22 3. The uses or mix of uses within the project are compatible with adjacent land  
23 uses;

24  
25 *The proposed resort attached dwellings are compatible with*  
26 *neighboring properties which are zoned Tourist, (with new*  
27 *development subject to Beach by Design,) and are mostly tourist,*  
28 *resort, overnight accommodation and medium density residential*  
29 *in nature.*

30  
31 4. The development of the parcel proposed for development will upgrade the  
32 immediate vicinity of the parcel proposed for development; and

33  
34 *The proposed development will provide for the redevelopment of*  
35 *two underutilized parcels. The new resort attached dwellings*  
36 *project will create a continuity of design following the Beach by*  
37 *Design guidelines and will contribute to the redevelopment of the*  
38 *Old Florida District. In addition, the development will provide all*

1                   *new landscaping which will upgrade the aesthetic of the immediate*  
2                   *vicinity.*

3  
4                   5. The design of the proposed project creates a form and function which enhances  
5                   the community character of the immediate vicinity of the parcel proposed for  
6                   development and the City of Clearwater as a whole.  
7

8                   *The proposed project will enhance and optimize the property by*  
9                   *developing new resort attached dwellings on an underutilized*  
10                   *parcel in the Old Florida District. The project is being developed*  
11                   *to the design standards and requirements of Beach by Design and*  
12                   *the Community Development Code.*

13  
14                   B. The use of transferable development rights shall not authorize uses not otherwise  
15                   permitted in the city.  
16

17                   *The proposed uses are permitted by Beach by Design and the*  
18                   *Tourist zoning district.*

19  
20                   C. The use of transferable development rights may be authorized to increase the  
21                   permitted height of a building up to one and one-half times the maximum height  
22                   otherwise permitted, provided that:

23                   1. The sending site and the receiving site must be located within the city.  
24                   2. No building which exceeds 100 feet in height shall be located within 100 feet  
25                   of any other building which exceeds 100 feet in height. No more than two  
26                   buildings which exceed 100 feet in height shall be located within 500 feet of any  
27                   building which exceeds 100 feet in height; and  
28                   3. Appropriate view corridors are incorporated in the design of the parcel  
29                   proposed for development and all design standards in Article 3 Division 5 are  
30                   otherwise satisfied; and  
31                   4. There shall be a reasonable relationship between the number of units  
32                   transferred and any increases in building height. Compatibility with the  
33                   surrounding area and feasibility of the project shall be considered when approving  
34                   any increase in height.

35  
36                   *The proposed transfer is not being used to increase the allowable*  
37                   *height of the project which is governed by Beach by Design and*  
38                   *the Community Development Code.*

1  
2 D. No development right may be transferred to or from any parcel designated as Low  
3 Density Residential or Low Medium Density Residential in the Zoning Atlas. Density  
4 averaging is permitted within residential use categories depicted on the future land use  
5 plan. The entire area under consideration must be considered as one project and the total  
6 dwelling unit count shall not exceed what is otherwise allowed under the future land use  
7 plan for the total area under consideration.

8  
9 *Not applicable.*

10  
11 E. The use of transferable development rights shall be consistent with the following:  
12 1. Development rights transferred for the protection of environmental, open  
13 space, archaeological, historical or architecturally significant sites located on the  
14 mainland may be transferred to any parcel of land which is located on the  
15 mainland.  
16 2. Development rights transferred for the protection of environmental, open  
17 space, archaeological, historical or architecturally significant sites located on the  
18 barrier islands (any land west of the Memorial Causeway) may be transferred to  
19 any parcel of land located on the barrier islands.  
20 3. Development rights transferred within a Community Redevelopment District,  
21 Central Business District, or other designated redevelopment area governed by an  
22 approved redevelopment or special area plan, may be transferred only to property  
23 located within the same designated redevelopment area.  
24 4. There shall be no transfers of density/intensity from outside the coastal storm  
25 area into the coastal storm area.

26  
27 *The sending site and the receiving site are within the Beach by*  
28 *Design special area plan which is consistent with the requirements*  
29 *of this section. The proposed transfer complies with this*  
30 *prohibition.*

31  
32 F. Development rights may be converted from one use to another on the basis of trip  
33 generation rates established by the most recent edition of the Institute of Transportation  
34 Engineers Trip Generation Manual.

35  
36 *Not applicable.*

37  
38 G. An affidavit of ownership shall be filed with community development coordinator at

least 30 days prior to the submission of an application for development approval that involves the use of a transferred development right. Such affidavit shall contain:

1. Evidence of recording of the special warranty deed conveying the development rights or if the applicant has entered into an option agreement for the transfer of development rights, a statement that the deed of transfer will be recorded in the event that the application is approved prior to the issuance of a building permit.
2. A statement that the development rights reflected in the instrument of conveyance have not been conveyed to any person other than the applicant or his predecessor in title.
3. A statement that the development rights have not been previously used or exercised by any person on the parcel of land from which the development rights have been transferred or any other parcel of land.

*The required affidavits regarding the density rights are included with the TDR applications and the required affidavits of ownership will be filed with the Community Development Coordinator upon approval of the TDR application and prior to submittal of the building permit application.*

H. The community development coordinator shall keep a record of such transfers and report them annually to the city commission and Pinellas Planning Council.

### *Acknowledged.*

## A. THE REQUEST

The applicant requests Level 2 Flexible Standard Development (FLD) approval to permit the construction of the *Bay Esplanade Resort Attached Dwellings*, a single structure project comprising six resort attached dwellings to be located on the 90° turn of Bay Esplanade east of Cyprus Avenue and south of Royal Way in the Old Florida neighborhood of Clearwater Beach. This approval is sought pursuant to Clearwater Community Development Code (CDC), Part I, Article 2, Section 2-802 and Part I, Article 4.

The proposed development comprises a single structure providing six resort attached dwellings, replacing older multi-family units presently on site. With the exceptions noted below, the proposed development completely complies with all requirements of the applicable T (Tourist) Zoning District and with *Beach by Design*.<sup>1</sup>

## B. PROJECT DESCRIPTION

*Bay Esplanade Resort Attached Dwellings*, comprises Parcel 05-29-15-54756-079-0110 with the street address of 612 Bay Esplanade. The proposed use is six resort attached dwellings.

The site comprises 0.20 acres, (8,677 square feet), with approximately 182 feet of frontage on Bay Esplanade. The proposed building coverage is 4,585 square feet (52.8%) with no vehicle use area and a total impervious area of 5,820 square feet or an impervious surface ratio (ISR) of 0.67. The project density is 30 resort attached dwellings per acre.

The site layout is illustrated on the civil drawings accompanying this submittal. There are six resort attached dwellings in a single structure over parking. Applicable design standards<sup>2</sup> and compliance therewith are:

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<sup>1</sup> Consistent with a request by City Staff, compliance with *Beach by Design* is considered in a separate document submitted herewith.

<sup>2</sup> For the Old Florida District pursuant to *Beach By Design*.

1	YARDS	Required	Provided
2	Front (East)	15'	15'
3	Front (North)	10'	10'
4	Side (South)	10'	10'
5	Side (West)	20'	10'

6  
7 Access to the site is via a single driveway from the north-south segment of Bay Esplanade  
8 leading to the under building parking. All parking is under the building and there is no surface  
9 parking. One handicapped parking space is provided, centrally located under the building. The  
10 curb cut, driveway flare and driveway comply with the Clearwater CDC.

11  
12 The building is 5-story over parking with a projected height of 53 feet, measured in accordance  
13 with the City of Clearwater Community Development Code. The property is in Flood Zone AE  
14 with a base flood elevation of 11.7 feet and the building is designed to comply with the  
15 regulations applicable to the AE Flood Zone and the identified BFE.

16  
17 A detailed site plan is found on Sheet C3.1 and landscaping plans and details are found on Sheet  
18 L1.1 and L.1.2.

## 21 C. EXISTING CONDITIONS

22  
23 The site is currently in use with a small triplex providing a total of three units. Based on the  
24 Pinellas County Property Appraiser's data, the condition of the existing building is "Average."

25  
26 Existing land use in the area of the site is illustrated in the aerial photograph inset on sheet C1.1  
27 and is a mixture of tourist, low and moderate density residential uses.

28  
29 Therefore, the area is in mixed, residential and tourist use, with some multi-family uses, and  
30 predominantly investor-owned single family dwellings elsewhere. The proposed *Bay Esplanade*  
31 *Resort Attached Dwellings*, development is compatible with the existing land use pattern.

## **D. PLANNING CONTROLS AND COMPLIANCE**

### D.1 Comprehensive Plan

The subject site is in the Resort Facilities High (RFH) Future Land Use Designation, the designation which applies to the entire vicinity of the site. On Clearwater Beach, the RFH Designation permits resort attached uses at densities up to 30 units per acre. The Tourist (T) Zoning District applicable to the site is deemed to be consistent with the Comprehensive Plan.

The project density is 30 resort attached dwellings per acre and is consistent with and permitted by the City of Clearwater Comprehensive Plan and by *Beach by Design*.

### D.2 Community Development Code

#### D.2.1 Tourist Zoning District

Except as modified by *Beach by Design*, development of *Bay Esplanade Resort Attached Dwellings*, is governed by Part I, Article 3, Division 8 of the City of Clearwater Community Development Code. The proposed development is consistent with the Code as follows.

The Code permits 50 dwelling units per acre with a maximum impervious surface ratio of 0.95. The project density is 30 resort attached dwellings per acre with an impervious surface ratio of 0.667. Accordingly, *Bay Esplanade Resort Attached Dwellings*, is within the basic standards for the Tourist Zoning District.

Section 2-803 (Table 2-803) establishes the criteria for flexible development with a Level 2 review. *Bay Esplanade Resort Attached Dwellings*, complies with these criteria as follows:

- Resort attached uses are a permitted use on lots of at least 5,000 square feet with at least 50 feet of street frontage, not requiring flex as to the lot size;
- The maximum height is 35 to 50 feet subject to the interpretation of height exceptions for architectural features and for amenities and subject to an increased stepback.

1           – Building setback requirements are superceded by *Beach by Design*, as set out  
2           above; and  
3           – Parking is required at 1.5 spaces per unit; parking is provided at 1.5 spaces per  
4           unit.

5  
6           Section 2-803 L establishes flexibility criteria for resort attached uses under the flexible  
7           development process. *Bay Esplanade Resort Attached Dwellings*, complies with these criteria, as  
8           set out in the Supplemental Criteria Response.

9  
10           D.2.2 Other Community Development Code Issues

11           Section 3-912: electric power, telephone and cable television connections will be installed  
12           underground as required by this code section.

13           Article 3, Division 12: as demonstrated on the Landscaping Plan and Landscaping Details  
14           (Sheets L1.1 and L.1.2), the development of *Bay Esplanade Resort Attached Dwellings*, will  
15           fully comply with the Community Development Code's landscaping requirements.

16           Article 3, Division 18: subject to approval of the sign application package, one address sign as  
17           required by section 3-1805 K will be placed on the property along with a monument sign  
18           identifying the project as permitted by section 3-1807 A.2, with signage design complying with  
19           *Beach by Design* in that it will be creative, unique, simple and discrete.

20           Section 4-202: the proposed development does not displace any mobile homes. A simultaneous  
21           application for transfer of development rights (TDR 2025-07001) is pending.

22           City Code Chapter 32, Article VII: individual solid waste and recycling containers will be provided  
23           on the ground level and will be placed at curbside in accordance with the City's solid waste  
24           collection and management procedures and schedules.

## **GENERAL APPLICABILITY CRITERIA<sup>1</sup>**

### **SUPPLEMENTAL RESPONSE**

1. The proposed development of the land will be in harmony with the scale, bulk, coverage, density and character of adjacent properties in which it is located.

*The subject site is in a transitional area in the Old Florida neighborhood of Clearwater Beach, where the area is changing from 1950s era, lower quality, housing to modern, well planned housing and tourist uses that are significantly improving the area. Bay Esplanade Resort Attached Dwellings, is a permitted use at its location and within its general area, thereby demonstrating that it is in harmony with its area.*

*Replacement of the existing structures on-site will harmonize the property with the City's intentions for the area as expressed in Beach by Design.*

Accordingly, Bay Esplanade Resort Attached Dwellings, will be in harmony with the scale, bulk, coverage, density and character of the properties adjacent to it as proposed by the City in the City of Clearwater's Beach by Design.

2. The proposed development will not hinder or discourage the appropriate development and use of adjacent land and buildings or significantly impair the value thereof.

*For the same reasons that the project will be in harmony with its adjacent uses, it will not hinder or discourage the appropriate development and use of adjacent properties or impair their value. In fact, the commencement of development consistent with the City's Beach by Design is likely to improve the values of nearby properties.*

<sup>1</sup> Application page 3.

1       3. The proposed development will not adversely affect the health or safety or persons residing or  
2       working in the neighborhood of the proposed use.

3  
4       *Resort Attached development will not adversely affect the health or safety of  
5       persons residing or working in the neighborhood of the proposed use. Again, the  
6       development of the site in accordance with the City's Comprehensive Plan is  
7       likely to enhance the health and safety of nearby residents.*

8  
9       4. The proposed development is designed to minimize traffic congestion.

10  
11  
12       *Bay Esplanade Resort Attached Dwellings, is served by one curb cut. The curb  
13       cut, driveway flares and driveway comply with the Clearwater CDC. Further, the  
14       redevelopment of the site eliminates several ad hoc existing parking spaces that  
15       are illegally (at least in part), located on the adjacent public right-of-way. Thus,  
16       the design of Bay Esplanade Resort Attached Dwellings, minimizes potential  
17       traffic congestion.*

18  
19  
20       5. The proposed development is consistent with the community character of the immediate  
21       vicinity of the parcel proposed for development.

22  
23       *As set in the Project Narrative's discussion of the project's compliance with the  
24       City's Comprehensive Plan, Beach by Design, and Community Development  
25       Code, the project is consistent with, and will enhance, the community character of  
26       its neighborhood.*

27  
28  
29       6. The design of the proposed development minimizes adverse effects, including visual, acoustic  
30       and olfactory and hours of operation impacts, on adjacent properties.

1       *As a new resort attached development, Bay Esplanade Resort Attached Dwellings,*  
2       *will not generate any of these externalities. The design of the building is*  
3       *aesthetically pleasing and improvement over the existing structure. As a non-*  
4       *waterfront property, view corridors are not an issue. Signs will be posted in each*  
5       *unit and, consistent with the City's sign regulations, signs will be posted on the*  
6       *property, urging the occupants to be considerate of their neighbors in terms of*  
7       *noise generation. All mechanical equipment will be shielded by noise attenuation*  
8       *fixtures. Therefore, acoustic adverse effects will be minimized. There will be no*  
9       *bar-b-queing permitted and no other potential sources of odors*

10