



PLANNING & DEVELOPMENT DEPARTMENT COMMUNITY DEVELOPMENT BOARD STAFF REPORT

MEETING DATE: March 18, 2025
AGENDA ITEM: ID#25-0141
CASE: FLD2024-12026
REQUEST: Flexible Development approval to install a non-opaque sand fence located in the Low Medium Density Residential (LMDR) District for the property located at 710 Eldorado Avenue. The fence will not exceed four feet in height. Requested is flexibility to install a structure (fence) at a maximum distance of 30 feet seaward of the Coastal Construction Control Line (CCCL). (Community Development Code Section 3-905)

GENERAL DATA:

Agent..... Martha Burke
Owners..... Martha Posey Burke Trust
Location..... 710 Eldorado Avenue; west side of Eldorado Avenue approximately 660 feet south of the intersection of Eldorado Avenue and Bohemia Circle.
Property Size..... 0.18 acres
Future Land Use..... Residential Urban (RU)
Zoning..... Low Medium Density Residential (LMDR) District
Special Area Plan..... N/A
Adjacent Zoning... *North:* Low Medium Density Residential (LMDR) District
South: Low Medium Density Residential (LMDR) District
East: Low Medium Density Residential (LMDR) District
West: Open Space/Recreation (OS/R) District
Existing Land Use..... Detached Dwelling
Proposed Land Use..... Detached Dwelling

BACKGROUND:

Location and Existing Conditions:

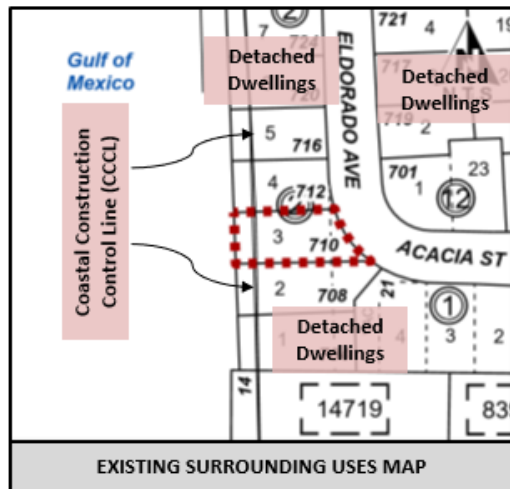
The 0.18-acre site is located on the west side of Eldorado Avenue approximately 660 feet south of the intersection of Eldorado Avenue and Bohemia Circle. The subject site consists of one parcel with approximately 60 feet of frontage along Eldorado Avenue. It is within the Low Medium Density Residential (LMDR) District with a Residential Urban (RU) Future Land Use designation. There is an existing three-story detached dwelling on the property, constructed 2020. All adjacent properties are developed with two and three story detached and attached dwellings. All waterfront properties in the area with frontage along the Gulf of Mexico are traversed, north to south, by the Coastal Construction Control Line (CCCL), which places limitations on proposed construction seaward of the CCCL.

Code Compliance Analysis:

There are no active Code Compliance cases for the subject property.

Development Proposal:

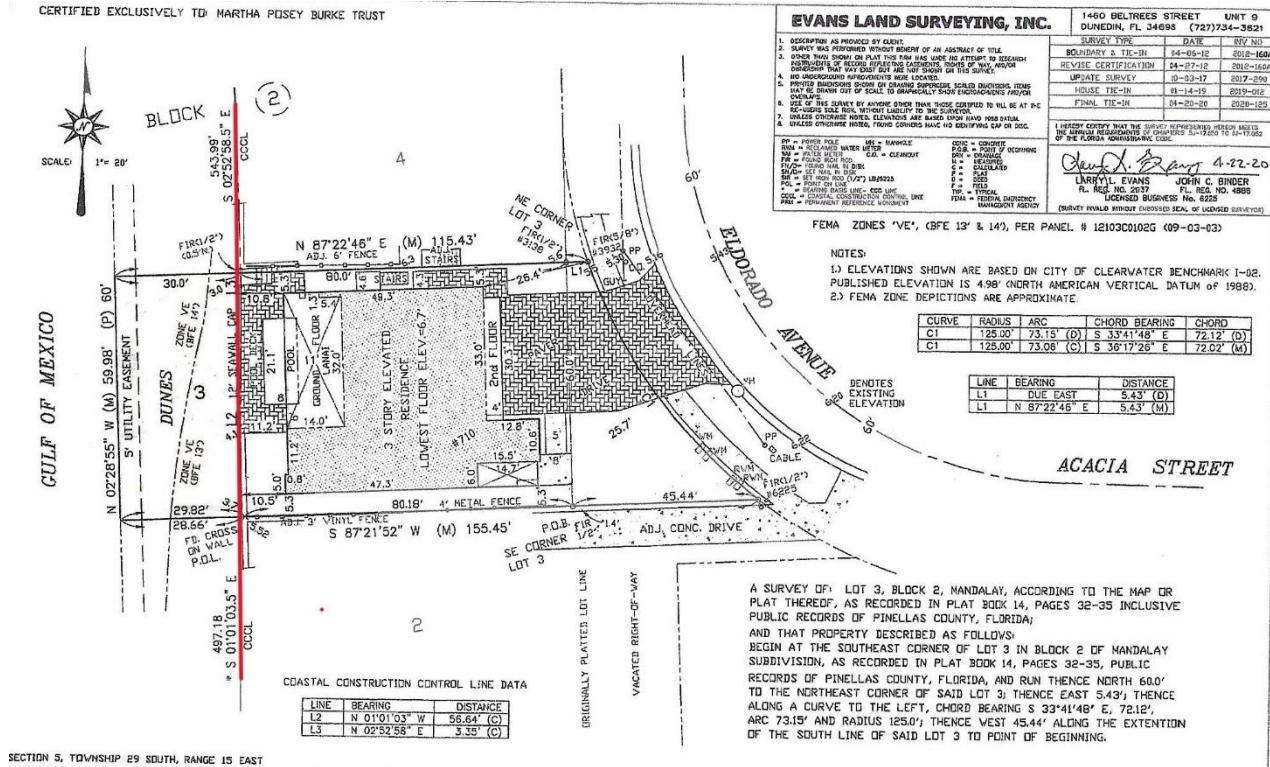
The proposal is to install a four-foot, non-opaque sand fence a maximum distance of 30 feet seaward of the CCCL, for the detached dwelling on the property. CDC Section 3-905 requires a Level Two, Flexible Development application for the location of any building or structure seaward of the CCCL. Additionally, CDC Section 3-905.B, states, "No building or structure shall be located seaward of the coastal construction control line unless approved by the State of Florida." The applicant has obtained a field permit, #8036715-PI, from the State of Florida, Department of Environmental Protection (FDEP) for the requested sand fence and sand dune vegetation restoration since the recent storms have decimated the previously existing sand dunes and vegetation. The applicant desires to replace the disturbed sand dune vegetation along with the addition of a sand fence to further reinforce the sand dunes. FDEP provides very specific guidelines for the construction and placement of a sand fence as well as the recommended native vegetation for dune restoration. The FDEP project location includes the area which is a maximum of 30 feet seaward of the CCCL. In addition, the FDEP project description identifies that sand fences are required to be separated into individual segments (spurs) which may not exceed a maximum length of 10 feet and a maximum



height of 4 feet. Spurs are required to be aligned diagonally facing the dominant wind direction, spaced a minimum of 7 feet apart along the project area.

Proposed Project Area

The submitted survey indicates the location of the CCCL, highlighted in red below, which traverses in a north to south direction approximately 30 feet to the east of the western property line, within the proposed location of the sand dune fencing and the dune vegetation. It is important to note that there is a 5-foot utility easement located along the western property line of which Public Works (Engineering) staff has indicated that the proposed sand fence will not negatively impact the easement.



ANALYSIS:

Comprehensive Plan:

The proposal is supported by applicable Goals, Objectives and/or Policies of the City's Comprehensive Plan as follows:

Future Land Use Plan Element:

Goal QP 5

Plan and regulate land use and development in the city to protect public health and safety and promote high quality development.

Objective QP 5.3

Continue to promote redevelopment and infill development that is consistent and compatible with the surrounding properties.

Conservation & Coastal Management:

- Goal CCM 1* Continue to protect, enhance, and conserve natural resources within the city to provide for the long-term accessibility, enhancement, safety, economic viability, and environmental integrity of those resources.
- Objective CCM 1.1* Continue to protect natural shorelines, dunes, and beaches from encroachment and development.
- Policy CCM 1.1.1* Continue to restore and enhance disturbed or degraded dune and beach areas using native vegetation plantings such as sea oats, seagrasses, mangroves, or other natural materials in lieu of hardened structures to provide stabilization, shoreline protection, and erosion control.
- Policy CCM 1.2.2* Continue to prohibit development seaward of the Coastal Construction Control Line unless approved by the Florida Department of Environmental Protection (FDEP) and the city.

Community Development Code (CDC) Section 1-103. Purpose, Intent, Objectives:

The proposal is supported by the general purpose, intent and basic planning objectives of this Code as follows:

- Section 1-103.B.1.* Allowing property owners to enhance the value of their property through innovative and creative redevelopment.
- Section 1-103.B.2.* Ensuring that development and redevelopment will not have a negative impact on the value of surrounding properties and wherever practicable promoting development and redevelopment which will enhance the value of surrounding properties.
- Section 1-103.D* It is the further purpose of this Development Code to make the beautification of the city a matter of the highest priority and to require that existing and future uses and structures in the city are attractive and well-maintained to the maximum extent permitted by law.
- Section 1-103.E.5.* Preserve the natural resources and aesthetic character of the community for both the resident and tourist population consistent with the city's economic underpinnings.

The proposal includes the installation of a 4-foot-high non-opaque sand fence and sand dune vegetation within the land area seaward of the CCCL, extending for 30 feet and terminating at the western property line. It will enhance the property through the installation of sand dune fencing and dune vegetation to provide future protection to the existing development along Clearwater Beach.

Community Development Code Section 2-201.1 – Maximum Development Potential

This property has a future land use designation of Residential Urban (RU) and is limited to a maximum density of 7.5 units per acre and limited to a maximum Impervious Surface Ratio (ISR) of 0.65. The proposed project will not impact the existing Maximum Development Potential of the subject property.

Community Development Code Article 3 – Development Standards

The following development standards are applicable from various subsections of Article 3 as outlined below.

DEVELOPMENT STANDARD	COMPLIANCE WITH STANDARD
<p><u>Sight Visibility Triangles – 3-904.B</u> <i>To enhance views of the water from waterfront property, no structure or landscaping may be installed within the sight visibility triangle described in the following figure, with the exception of an at-grade swimming pool, at-grade deck, and a non-opaque fence not to exceed 48 inches in height.</i></p>	<p>This provision is not applicable to the project as the proposed sand dune fencing, and dune vegetation will be installed seaward of the CCCL.</p>
<p><u>Coastal Construction Control Line – 3-905.A.Purpose.</u> <i>This section establishes within the city the coastal construction control line as the line of reference from which setbacks shall be measured along the Gulf of Mexico for buildings and structures pursuant to F.S. § 161.053 in order to protect the safety, economic, environmental, recreational and community appearance objectives of the city.</i></p>	<p>A. This provision is not applicable to the project as the proposed sand dune fencing, and dune vegetation will be installed seaward of the CCCL.</p>
<p><u>Coastal Construction Control Line – 3-905.B.Required Setback.</u> <i>No building or structure shall be located seaward of the coastal construction control line unless approved by the State of Florida</i></p>	<p>B. The applicant has obtained approval from FDEP, field permit #8036715-PI, for installation of sand dune fencing and dune vegetation seaward of the CCCL.</p>
<p><u>Coastal Construction Control Line – 3-905.C.Interpretaion.</u> <i>Nothing contained in this section shall be construed to conflict with or supersede the authority of the state in regard to establishing the location or relocation of the coastal construction control line, or any waiver or variance to the requirements relative thereto pursuant to F.S. ch. 161, or the requirements and authority of the city and the county construction licensing board pursuant to Chapter 47 and the city pursuant to Chapter 46. This section shall be administered according to the following requirements:</i></p> <ol style="list-style-type: none"> <i>1. Compliance with the provisions of this development code shall be independent of any action or authority of the State of Florida pursuant to Ch. 161 F.S. and no action by the state shall relieve any person from compliance with the requirements of this development code.</i> <i>2. Seawalls shall not be governed by the required setback identified in this section.</i> <i>3. Any request to modify the setback requirements contained in this section shall be considered as an application for a Level Two approval as provided for in Article 4 Division 4.</i> 	<p>C. 1. The applicant has obtained approval from FDEP, field permit #8036715-PI, for installation of sand dune fencing and dune vegetation seaward of the CCCL.</p> <p>2. There are no impacts proposed to the existing seawall through the proposal.</p> <p>3. The applicant has obtained approval from FDEP, field permit #8036715-PI and has requested Level Two approval through FLD2024-12026, for installation of sand dune fencing and dune vegetation seaward of the CCCL.</p>

Community Development Code Section 3-914. General Applicability Standards

The proposal supports the General Applicability standards of this Code as follows.

GENERAL APPLICABILITY STANDARDS	FINDINGS
<i>Section 914.A.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.</i>	The proposal will include sand dune fencing and dune vegetation installation seaward of the CCCL, recommended as a method of beach dune restoration. This will protect the existing structure on the subject property, which in turn is consistent with the existing character of the immediate vicinity.
<i>Section 3-914.A.2. The proposed development will not hinder or discourage development and use of adjacent land and buildings or significantly impair the value thereof.</i>	The proposal will be contained completely within the private property and will encourage the restoration of the beach dunes seaward of the CCCL. Beach dune restoration helps to protect the landward dwellings and development from storm event damages and will not hinder or discourage the development of adjacent properties.
<i>Section 3-914.A.3. The proposed development will not adversely affect the health or safety of persons residing or working in the neighborhood.</i>	The proposal will be one step in restoring the beach dunes and vegetation which serves as a barrier to the upland residential development and will not negatively impact the health or safety of persons in the neighborhood.
<i>Section 3-914.A.4. The proposed development is designed to minimize traffic congestion.</i>	No new building construction is proposed and therefore no additional traffic is anticipated.
<i>Section 3-914.A.5. The proposed development is consistent with the community character of the immediate vicinity.</i>	Only sand fencing and dune vegetation restoration is proposed, which will help to protect the existing residential dwelling(s). There will be no negative impact to the community character.
<i>Section 3-914.A.6. The design of the proposed development minimizes adverse effects, including visual, acoustic and olfactory and hours of operation impacts on adjacent properties.</i>	The proposal to install sand fencing and to plant native Florida beach and dune plants by the property owner will not negatively impact adjacent properties.

RECOMMENDATION

The Development Review Committee (DRC) reviewed the application and supporting materials at the DRC meeting of February 6, 2025. The Planning and Development Department, having reviewed all materials submitted by the applicant and the requirements of the Community Development Code, recommends the following findings of facts and conclusions of law.

Recommended Findings of Fact

1. The 0.18-acre site is located on the west side of Eldorado Avenue approximately 660 feet south of the intersection of Eldorado Avenue and Bohemia Circle.
2. The property is within the Low Medium Density Residential (LMDR) District with the consistent Residential Urban (RU) future land use designation.
3. The site is comprised of one parcel with a frontage of 73.5 feet along Eldorado Avenue and 60 feet along the Gulf of Mexico.
4. The proposal includes the installation of a 4-foot-high, non-opaque sand fencing with dune plant materials within the western 30 feet of property to the western property line, located seaward of the Coastal Construction Control Line (CCCL), pursuant to CDC Section 3-905.B.
5. The proposal was issued a State of Florida Department of Environmental Protection (FDEP) field permit #8036715-PI on January 8, 2025 for the proposed sand fencing and dune vegetation plantings to be located seaward of the CCCL for a maximum distance of 30 feet to the western property line.
6. The proposal enhances the community character of the surrounding vicinity.
7. There are no active Code Compliance cases.

Recommended Conclusions of Law

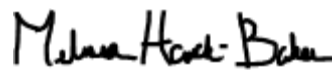
1. The development proposal is consistent with applicable components of the City's Comprehensive Plan.
2. The development proposal is consistent with the maximum development potential pursuant to CDC Table 2-201.1.
3. The development proposal is consistent with the Flexibility Criteria pursuant to CDC Section 3-905 for improvements west of the Coastal Construction Control Line.
4. The development proposal is consistent with the General Standards for Level One and Two Approvals pursuant to CDC Section 3-914.A.

Based on the above recommended findings of fact and conclusions of law, the Planning and Development Department recommends **APPROVAL** of application FLD2024-12026, subject to the following conditions:

Conditions of Approval***General/Miscellaneous Conditions***

1. An application for a building construction permit shall be submitted no later than March 18, 2026, unless time extensions are granted pursuant to CDC Section 4-407.
2. The project must remain generally consistent with the application and plans approved by the Community Development Board.
3. All applicable state or federal permits shall be obtained for the subject project prior to the commencement of the installation of fencing/ development as defined under Fla. Stat. § 380.04.

Prepared by Planning and Development Department Staff:



Melissa Hauck-Baker, AICP, Planner III

ATTACHMENTS: Resume, Photographs

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Clearwater, Florida 33756
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melissa.hauck-baker@myclearwater.com

PROFESSIONAL EXPERIENCE

- **Senior Planner, Development Review Division**

City of Clearwater, FL

July 2013 – Present

Provide professional urban planning services to citizens, City Officials and businesses regarding Land Development Review procedures and legal requirements of the Community Development Code for the City. Assist in the day to day planning and zoning operations as well as long range planning initiatives, interdepartmental cooperation and assistance. Conduct plan reviews, site investigations, report preparation, meeting attendance and presentation of findings as relating to proposed development projects and required regulatory review procedures.

- **Professional Planner Consultant**

City of Clearwater, FL

March 2010 to June 2013

Provide consulting services to clients as requested for various residential and commercial scale projects as relating to the necessary zoning and planning review processes required by the specific governing entity. Supervise the preparation of reports and plans, conduct site visits, attend and present findings at municipal and all related public meetings, coordinate with applicant, various municipal staff and related professional consultants.

- **Senior Associate**

January 2005 to March 2010

- **Project Manager**

April 2001 to January 2005

KEPG, LLC, Atlantic City, NJ

Oversee consulting services provided to municipal clients in the area of zoning, planning, master planning and redevelopment planning. Review all proposed projects before any required municipal board, authority and commission as well as any additional jurisdictional requirement of other local, state and federal entities. Provide professional guidance regarding planning and zoning concepts, zoning ordinance development, urban design issues, master plans, and redevelopment plans as outlined within the New Jersey Municipal Land Use Law. Supervise the preparation of reports and plans, conduct site visits, attend and present findings at municipal and all related public meetings, coordinate with firm staff, various municipal staff and related consultants to effectuate an efficient and thorough review process.

- **Zoning Administrator**

June 1998 to April 2001

- **City Planner**

November 1994 to May 1998

- **Historic Preservation Specialist**

September 1993 to October 1994

City of Reading, PA

Staff liaison and administrator to the Zoning Hearing Board, Planning Commission, Historic Architectural Review Board, Reading Redevelopment Authority and Fine Arts Board. Enforcement, interpretation and regulatory cooperation of the following ordinances; subdivision, land development, historic preservation, redevelopment and zoning. Provide assistance with downtown, neighborhood, comprehensive master plan, parks, recreation, and public property planning. Conduct site inspections, process violations, and pursue cases through the court system. Assist with review of proposed development projects in conjunction with planning, engineering, and building code staff as well as with the preparation of the Comprehensive Master Plan. Generate graphics for various presentations as required by the department.

EDUCATION

Bachelor of Landscape Architecture, Magna Cum Laude, State University of New York, Syracuse, 1993

LICENSES AND ASSOCIATION MEMBERSHIPS

American Institute of Certified Planners #023351 (2009 to Present) American Planning Association (2001 to Present)

Florida Chapter (2013 to Present) New Jersey Chapter (2001 to 2012)

Licensed New Jersey Professional Planner #33LI00609500 (2009 to Present)



Looking W toward Eldorado from Acacia.



Looking W along Eldorado.



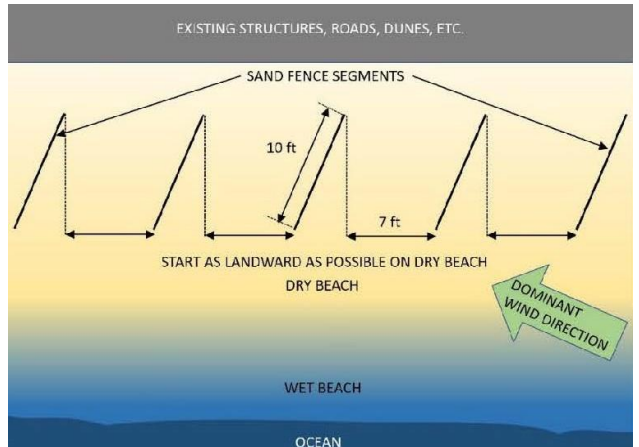
Application Exhibit-3 Pre-Storm Aerial.



Application Exhibit-3 Post-Storm Aerial.



FDEP Sand Fence Guidelines.



FDEP Sand Fence Guidelines.

710 Eldorado Avenue
FLD2024-12026