



PLANNING & DEVELOPMENT DEPARTMENT COMMUNITY DEVELOPMENT BOARD STAFF REPORT

MEETING DATE: October 21, 2025
AGENDA ITEM: ID#25-0965
CASE: FLD2025-07018
REQUEST: Flexible Development approval for a detached dwelling in the Low Medium Density Residential (LMDR) District as a Residential Infill Project for the property at 1035 Bay Esplanade. The building will not exceed 30 feet in height and includes three off-street parking spaces. Requested is flexibility from front setback requirements. (Community Development Code Section 2-204.E)

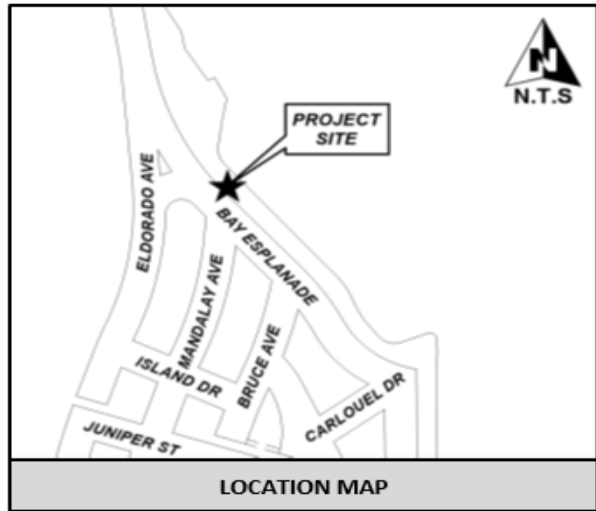
GENERAL DATA:

Agent..... Jordan Behar, Behar Peteranecz Inc.
Owners..... Legacy Real Estate DL, LLC
Location..... Southeast corner of Bay Esplanade and Palmer Street
Property Size..... 0.15 acres
Future Land Use..... Residential Urban (RU)
Zoning..... Low Medium Density Residential (LMDR)
Special Area Plan..... N/A
Adjacent Zoning... *North:* Low Medium Density Residential (LMDR)
South: Low Medium Density Residential (LMDR)
East: Preservation (P)
West: Low Medium Density Residential (LMDR)
Existing Land Uses..... Detached Dwelling
Proposed Land Use..... Detached Dwelling

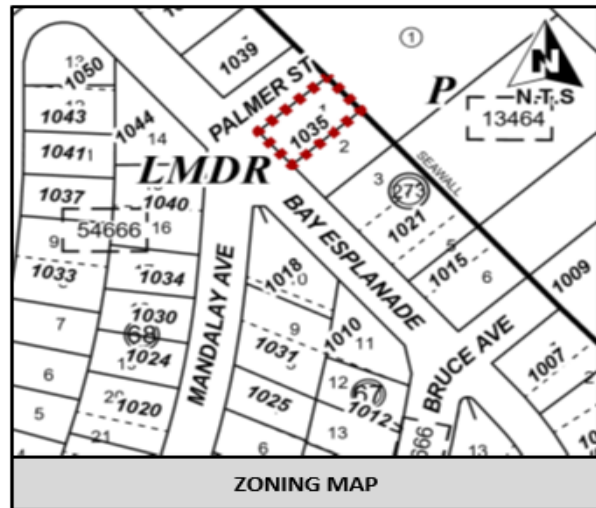
BACKGROUND:

Location and Existing Conditions:

The 0.15-acre site is located on the east side of Bay Esplanade at the southeast corner with Palmer Street. It consists of one parcel with approximately 60 feet of frontage along Bay Esplanade and 110 feet along Palmer Street, an undeveloped public right-of-way, and therefore is considered a corner lot. As a corner lot, the property is considered to have two front yards and two side yards. It is within the Low Medium Density Residential (LMDR) District with a Residential Urban (RU) future land use designation. Adjacent properties are developed with one, two and three story detached and attached dwellings.



Waterfront detached dwellings in the LMDR District must feature a 25-foot setback along the rear or in this case the side yard along the seawall at Clearwater Harbor. Existing landscaping includes sea grapes, shade trees and native palms. Properties to the north and south have varying setbacks, with rear setbacks between 15 and 20 feet, and front setbacks as low as 10 feet.

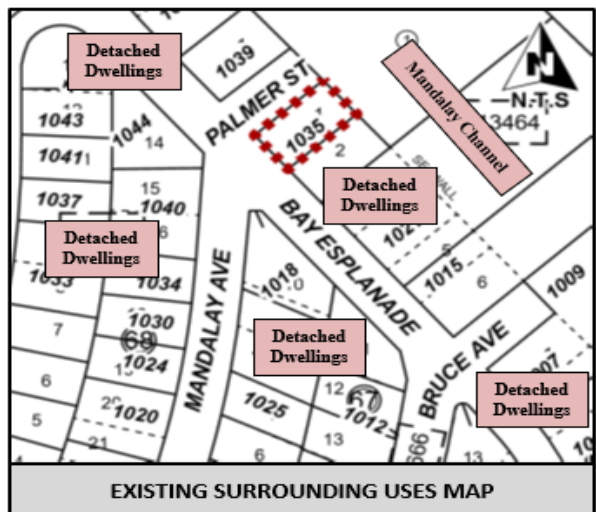


Site History:

- The former detached dwelling was constructed in 1941 as a one-story structure which sustained significant damage in the 2024 storm season and was recently demolished.
- Presently there are two active building permits related to the property, BCP2025-090116, for the installation of temporary electric and BCP2024-100795, for the demolition of the prior structure.

Code Compliance Analysis:

There is one active Code Compliance case, PNU2025-01063, for the subject property which is related to existing vegetation that will be removed as part of the proposed project.

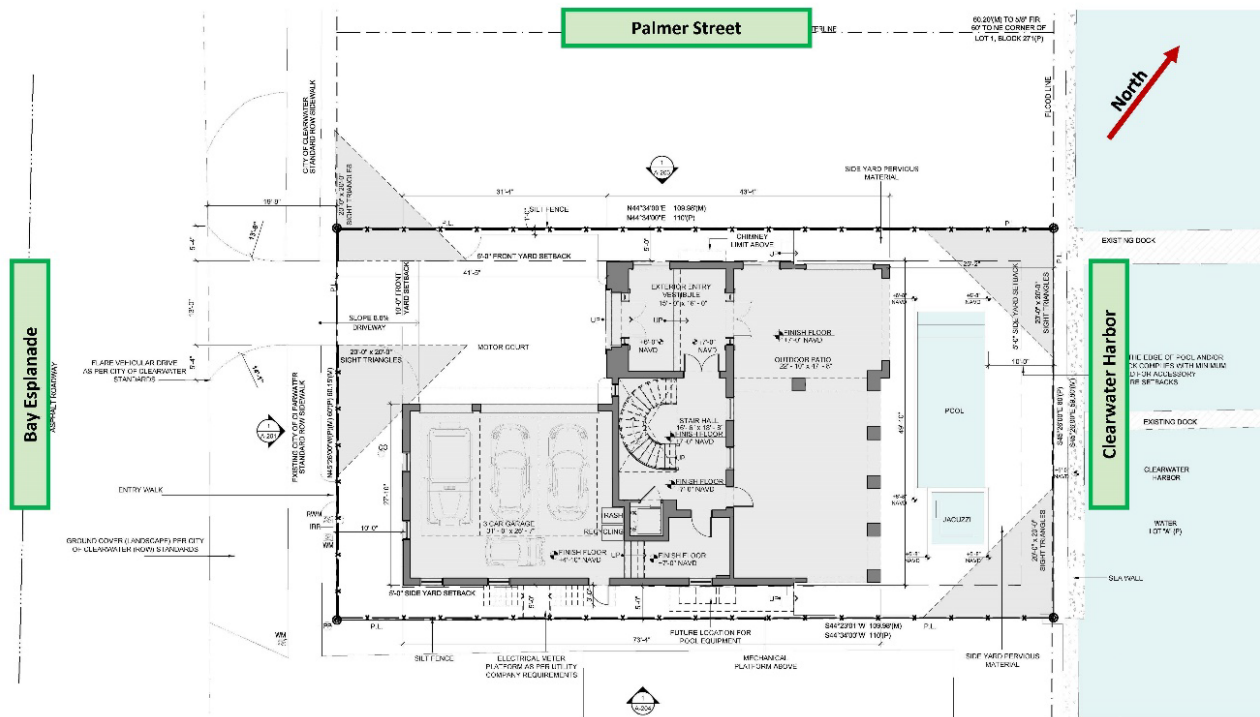


Development Proposal:

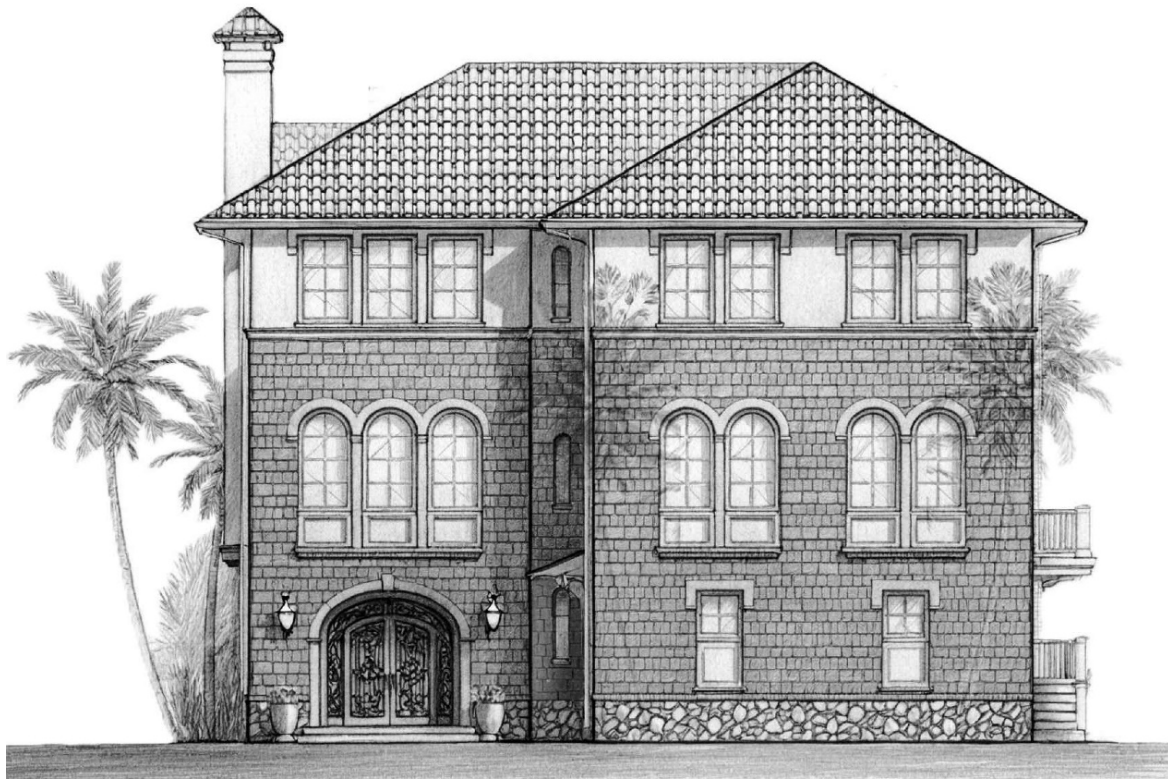
Requested is a Residential Infill Project to allow construction of a new detached dwelling replacing the demolished structure damaged by flooding during the 2024 hurricane season. The project will feature a reduced front setback of 10 feet along Bay Esplanade, a front setback of 5 feet along Palmer Street, a waterfront rear setback of 25 feet and a side setback of five feet. Pursuant to CDC Section 2-204, a Level Two – Flexible Development application is required for Residential Infill Projects requesting a front setback of less than 15 feet for detached dwellings. The proposed dwelling will be elevated to meet flood requirements which comply with the City’s Floodplain Management Ordinance (CDC Ch. 51). The interior of the ground floor will serve as garage and storage areas with elevated first and second floor habitable areas, without looking like a house situated on stilts. The exterior architectural detailing looks like a traditional three-story home with window and doorway openings, ornamental metal screens, and a barrel clay tile roofing material at the shed roof of the garage entrance, the main roof and the chimney cap. The proposed materials include a rough stone base, a cast stone water table and stone veneer with stucco finishing on the second-floor exterior. The dwelling will comply with the required five foot side setback for a detached dwelling in the LMDR District and will increase the non-conforming northwest front setback of 2.87 feet to five feet to Palmer Street for the now demolished legal non-conforming detached dwelling.

The exterior of the proposed dwelling will have complementary architectural details that provide visual interest, colors, materials and design treatments, integrated with the reduced front setback, which is compatible with the character of surrounding properties and the overall neighborhood. Therefore, as proposed, it will enhance community character and not create adverse impacts to adjacent homes.

Site Plan:



Southwest Elevation (Bay Esplanade):



Northwest Elevation (Palmer Street):



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:

<i>Policy QP 1.2</i>	Guide development and public investment in neighborhoods to preserve community character and promote strategic infill development and redevelopment.
<i>Policy QP 5.3.2</i>	Ensure compatibility with surrounding properties by encouraging development transitions between higher density and intensity development and surrounding residential neighborhoods.
<i>Policy QP 5.3.2</i>	Continue to promote redevelopment and infill development that is consistent and compatible with the surrounding properties.
<i>Policy QP 8.3.2</i>	Preserve and maintain public access to right-of-way ends that are protected by the city charter.
<i>Policy CCM 2.7.2</i>	Continue to enforce the Coastal Zone Protection Act of 1985 by prohibiting vacations of existing or future beach access ways and recognizing that all public access ways, street ends, waterfront parks, and parking areas are beach access easements.
<i>Policy CCM 1.2.3</i>	Ensure that any construction within the 100-year floodplain (Zones A and AE, Map CCM 1. Flood Zones) complies with all applicable building requirements and codes.
<i>Objective CCM 2.1</i>	Ensure proposed development or redevelopment follows applicable codes to reduce risk and losses due to flooding events and impacts of sea level rise.
<i>Policy CCM 2.1.2</i>	Continue to bring non-compliant structures into conformance with FEMA standards, applicable building codes, and the CDC.

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:

<i>Section 1-103.B.1.</i>	Allowing property owners to enhance the value of their property through innovative and creative redevelopment.
<i>Section 1-103.B.2.</i>	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.

Community Development Code Section 2-201.1 – Maximum Development Potential

This property has a future land use designation of Residential Urban (RU). This designation allows 7.5 dwelling units per acre and an Impervious Surface Ratio (ISR) of 0.65. The proposed one detached dwelling with an ISR of 0.63 is consistent with the maximum development potential of the subject property.

Community Development Code Section 2-204 Flexible Development Standards

As previously noted, a Residential Infill Project in the LMDR District is required for this request because of the desired reduction of the front setback to the southwest. The non-conforming front setback of 2.87 feet to the northwest will be increased to 5 feet. The following development standards are applicable from various subsections of Article 2 as outlined below:

DEVELOPMENT STANDARDS	Level Two Residential Infill Project CDC Sec 2-204.E	Proposed
<i>Minimum Lot Area</i>	Not specified	6,691 square feet
<i>Minimum Lot Width</i>	Not specified	60 feet (Southwest – Bay Esplanade)
<i>Maximum Height</i>	30 feet	30 feet
<i>Minimum Off-Street Parking</i>	Two per unit	Three off-street parking spaces
<i>Setbacks (in feet)</i>	Front: 10-25 feet, Side: 0-5 feet, Rear: 0-10 feet	Front: 10 feet (Southwest – Bay Esplanade), Front: 5 feet (Northwest - Palmer Street), Side: 5 feet (Southeast), Side: 25 feet (Northeast – Clearwater Harbor)

Community Development Code Section 2-204.E – Residential Infill Redevelopment Flexibility Criteria

DEVELOPMENT STANDARD	COMPLIANCE WITH STANDARD
<i>Section 2-204.E.1. The development or redevelopment of the parcel proposed for development is otherwise impractical without deviations from one or more of the following: intensity; other development standards.</i>	The request is for a detached dwelling elevated to meet the flood hazard zone and will increase a non-conforming front setback. The corner lot is subject to two front yard setbacks and features a shallow buildable depth. The frontage along unimproved Palmer Street further complicates the redevelopment of this constrained corner lot. The project will reduce the previous non-conforming front setback along the Palmer Street frontage from 2.87 feet to 5 feet.

<p><i>Section 2-204.E.2. The development of the parcel proposed for development as a Residential Infill project will not materially reduce the fair market value of abutting properties.</i></p>	<p>The redevelopment of the property will have a positive impact on adjacent properties and will result in a home that complies with current building codes. Many of the adjacent properties were damaged during the 2024 storms and are presently either rebuilding or renovating the detached dwellings. The new residence will enhance the overall quality of and add to the sustainability of the neighborhood.</p>
<p><i>Section 2-204.E.3. The uses within the Residential Infill project are otherwise permitted in the district.</i></p>	<p>A detached dwelling is permitted within this zoning district.</p>
<p><i>Section 2-204.E.4. The uses within the Residential Infill project are compatible with adjacent land uses.</i></p>	<p>The detached dwelling development as proposed is compatible with adjacent uses.</p>
<p><i>Section 2-204.E.5. The development of the parcel proposed for development as a Residential Infill project will upgrade the immediate vicinity of the parcel proposed for development.</i></p>	<p>The proposed development is consistent with and compatible with the character of the neighborhood. The previous detached dwelling was damaged during the 2024 storms and subsequently demolished. The new home represents renewed investment in the neighborhood.</p>
<p><i>Section 2-204.E.6. The design of the proposed Residential Infill project creates a form and function which enhances the community character of the immediate vicinity of the parcel proposed for development and the City of Clearwater as a whole.</i></p>	<p>The proposed traditional design and varied stone materials of the dwelling will blend in with adjacent dwellings. The proposed reduction in front setback along Bay Esplanade is consistent with the character of the vicinity and the overall development pattern of Clearwater Beach.</p>
<p><i>Section 2-204.E.7. Flexibility in regard to lot width, required setbacks, height, off-street parking, access or other development standards are justified by the benefits to community character and the immediate vicinity of the parcel proposed for development and the City of Clearwater as a whole.</i></p>	<p>Flexibility for reduced front setback along Bay Esplanade allows for reinvestment of the now vacant parcel in a neighborhood that was seriously impacted by hurricanes. The project includes high quality design consisting of varied exterior stone finishes, decorative window and door openings and clay tile roof materials that will enhance the vicinity and city.</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
<p><i>Section 3-914.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></p>	<p>The proposed development is consistent with the required flood hazard elevation as well as the scale, density, and character of surrounding properties. The waterfront project site is also a corner lot with three front yard setbacks required along Bay Esplanade, Palmer Street and Clearwater Harbor. The requested setback reduction along Bay Esplanade reflects typical residential projects in the</p>

	area and supports the established neighborhood pattern.
<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 proposed detached dwelling is permitted in the LMDR district and aligns with the Residential Urban land use. Its attractive, code-compliant design is expected to encourage nearby redevelopment and enhance neighborhood quality, benefiting adjacent property values.
<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>	As a replacement for a detached dwelling raised to meet flood hazard requirements, it poses no additional risks and will contribute to a more sustainable and resilient neighborhood.
<i>Section 3-914.A.4. The proposed development is designed to minimize traffic congestion.</i>	The proposed dwelling will have no impact on traffic since the design features a minimum of three off-street parking spaces. The driveway is situated on the southwest side of the property, opposite to the neighboring residence and away from the public access point.
<i>Section 3-914.A.5. The proposed development is consistent with the community character of the immediate vicinity.</i>	The proposed development is consistent with and respects the character of the immediate vicinity. The reduced front setback helps integrate the structure harmoniously with the established waterfront properties along Bay Esplanade and represents an increase to the non-conforming setback along Palmer Street. The design enhances the community by providing an updated, code-compliant residence that aligns with the area's overall 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 proposed design will have a similar impact on surrounding properties as the previous residence. All mechanical equipment, trash bins, and other potential sources of adverse effects will be properly maintained and screened from view as appropriate.

RECOMMENDATION

The Development Review Committee (DRC) reviewed the application and supporting materials at the DRC meeting of September 4, 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 0.15-acre site is located on the eastern side of Bay Esplanade at the southeast corner of Bay Esplanade and unimproved Palmer Street.
2. The property is within the Low Medium Density Residential (LMDR) District with a Residential Urban (RU) future land use designation.

3. The site proposed for development is 6,691 square feet in area, comprised of one parcel with a frontage of 60 feet along Bay Esplanade, 110 feet along Palmer Street and 60 feet of waterfront along Clearwater Harbor.
4. The proposal includes the construction of a detached dwelling elevated to meet flood zone requirements with a reduced front setback along Bay Esplanade and an increased front setback along unimproved Palmer Street.
5. The proposal includes a single detached dwelling with front setbacks of 10 feet along Bay Esplanade (southwest) and 5 feet along Palmer Street (northwest), and side setbacks of 25 feet to the northeast (waterfront) and 5 feet to the southeast.
6. The proposal includes an Impervious Surface Ratio (ISR) of 0.63.
7. The proposal includes three off-street parking spaces.
8. The materials and design of the proposed project create a form that enhances the community character of the surrounding vicinity.

Recommended Conclusions of Law

1. The development proposal is consistent with the applicable components of the City's Comprehensive Plan.
2. The development proposal is consistent with the maximum development potential set forth in CDC Section 2-201.1.
3. The development is consistent with the Flexible Development Standards pursuant to CDC Table 2-204.
4. The development is consistent with the Flexibility Criteria pursuant to Section 2-204.E. for a Residential Infill Redevelopment Project.
5. 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 FLD2025-07018, 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 October 21, 2026, unless time extensions are granted pursuant to CDC Section 4-407.
2. The project must remain generally consistent with the site plans and elevations 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 development as defined under Fla. Stat. § 380.04.
4. Acknowledge that each condition of approval will be met with any applicable permit submittal subject to any applicable timing requirement to the satisfaction of City Staff.

General Engineering

5. All irrigation systems shall be connected to the city reclaimed water system where available per Clearwater Code of Ordinances, Article IX., Reclaimed Water System, Section 32.376 to the satisfaction of Public Works (Engineering) Staff.
6. Right-of-way permits shall be obtained for all work within the City's right-of-way to the satisfaction of Public Works (Engineering) Staff.
7. A site plan shall be submitted that indicates where sidewalks cross driveways treatments, such as pavers or stamped paving, are to be used along with the details of the proposed treatment, including but not limited to, pattern, type, and installation methodology to the satisfaction of Public Works (Engineering) Staff.

Timing Conditions - Prior to Issuance of Permit, Excluding Demolition and Clearing and Grubbing or the Provision of Fill***Stormwater***

8. Per City of Clearwater Stormwater Drainage Criteria, construction plans shall show proposed lot grading including directing runoff to the designed destination to the satisfaction of Public Works (Stormwater Engineering) Staff, and said grading plan, when implemented, shall not adversely impact the adjoining properties.

Environmental

9. Erosion control measures shall be shown on plan sheet(s) and provide notes detailing erosion control methods to the satisfaction of Public Works (Environmental) Staff. All silt fencing and other erosion control measures will be installed prior to commencement of site work and maintained throughout the project.

Planning

10. All walkways and driveways shall be clearly dimensioned on the plan sheet(s).
11. The method for screening the mechanical equipment shall be shown on the building permit plans to the satisfaction of Planning and Development (Development Review) Staff.
12. The location and visibility of electric equipment (electric panels, boxes, and meters) shall be reviewed and, if located exterior to the building where visible from any street frontage, be shown to be painted the same color as the portion of the building to which such features are attached to the satisfaction of Planning and Development (Development Review) Staff.

Public Works

13. All sub-standard sidewalks and sidewalk ramps adjacent to or a part of the project shall be shown on plans to be improved to meet the requirement of Local, State, and/or Federal standards including A.D.A. requirements (truncated domes per FDOT Index #304) to the satisfaction of Public Works (Traffic Engineering) Staff.

Land Resources

14. All landscape plan(s) shall provide a statement that shell, rock, gravel, and any similar materials are note acceptable landscape materials per CDC 3-1204.B.
15. All landscaped areas must be covered with shrubs, ground cover, turf, three inches of organic mulch or other suitable material which permits percolation. Where mulch is used, it must be protected from washing out of the planting bed, landscape rock with a minimum size of ¾ inch to one inch in diameter shall be used to redirect stormwater gutter systems to prevent erosion. Plastic sheets / weed barrier shall not be installed under mulches.

Public Utilities

16. The contractor is to verify location of existing sanitary sewer laterals and inspect condition of pipes. If a new pipe is warranted, coordinate with the City regarding new connections and lateral abandonment processes.
17. The contractor shall exercise extreme caution when excavating in proximity to all utilities, existing utility's locations shown on the plans are not exact or guaranteed.

Timing Conditions - Prior to Issuance of Certificate of Occupancy***Planning***

18. All service lines onto the property and overhead utilities adjacent to the site shall be installed underground unless is determined to be impracticable pursuant to CDC Section 3-912 to the satisfaction of Planning and Development (Development Review) Staff.

Engineering

19. All sod, sidewalk, curb and sprinkler damage, if any, within the right-of-way shall be repaired/ replaced prior to Engineering final inspection.

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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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**

KEPG, LLC, Atlantic City, NJ

April 2001 to January 2005

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**

City of Reading, PA

September 1993 to October 1994

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 #33LJ00609500 (2009 to Present)



Facing north along Mandalay Avenue at the entrance to the Carlouel neighborhood



Facing northeast along Bay Esplanade at Palmer Street



Facing northwest along Bay Esplanade



Facing northeast along Bay Esplanade at the vacant lot



Facing southeast along Bay Esplanade



Facing southeast along Bay Esplanade at Mandalay Avenue

**1035 Bay Esplanade
FLD2025-07018**