

# City of Clearwater

*Main Library - Council Chambers  
100 N. Osceola Avenue  
Clearwater, FL 33755*



## Meeting Minutes

**Thursday, November 18, 2021**

**6:00 PM**

**Main Library - Council Chambers**

**City Council**

## **Roll Call**

**Present:** 5 - Mayor Frank Hibbard, Vice Mayor Hoyt Hamilton, Councilmember David Allbritton, Councilmember Mark Bunker and Councilmember Kathleen Beckman

**Also Present:** Jon Jennings – City Manager, Micah Maxwell – Assistant City Manager, Michael Delk – Assistant City Manager, David Margolis - City Attorney, Rosemarie Call – City Clerk, and Nicole Sprague – Deputy City Clerk.

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

### ***Unapproved***

#### **1. Call to Order – Mayor Hibbard**

*The meeting was called to order at 6:00 p.m.*

#### **2. Invocation**

#### **3. Pledge of Allegiance – Ministry Leader Jonathan Allen from New Destiny Worship Center.**

#### **4. Special recognitions and Presentations (Proclamations, service awards, or other special recognitions. Presentations by governmental agencies or groups providing formal updates to Council will be limited to ten minutes.) – Given.**

##### **4.1 Oath of Office for City Manager Jon Jennings**

*The City Clerk administered the Oath of Office to City Manager Jon Jennings.*

##### **4.2 November Service Awards**

*Two service awards were presented to city employees.*

*The October 2021 Employee of the Month Award was presented to David Wilson, Parks & Recreation.*

##### **4.3 Airpark Advisory Board Annual Presentation - Kelli O'Donnell, Chair**

*Ms. O'Donnell provided a brief history of the Clearwater Airpark and reviewed accomplishments from the past year. She said the Board would like to provide recommendations on what should be prioritized in the Master Plan, discuss where the new FBO should be located, provide recommendations to Planning staff concerning Airpark issues, and have the opportunity to review items concerning the Airpark before they are approved by Council. The Board also wishes to improve their relationship with the surrounding neighborhoods by receiving all resident complaints and praises that are currently sent to Council. She said the Board also wishes to see the Airpark highlighted more on the City's website and social media pages.*

*In response to questions, Ms. O'Donnell said items are brought before the Board after decisions have been made, such as the Landings re-purposing. The Board wishes to receive the complaints in order to discuss the items as a Board and provide Council with recommendations. Staff develops the meeting agendas. The FBO provides an update at every meeting. The Board is familiar with Greenprint 2.0 and discussed solar panels for the new hangar C and discussed increasing access to recycle containers with the FBO. The City Attorney said there is no legal issue with emails being shared with board members but all discussion must be held at a public meeting.*

#### **4.4 Environmental Advisory Board Annual Presentation - Jared Leone, Chair**

*Mr. Leone reviewed board accomplishments from the past year and discussion items for the upcoming year. The Board wishes to utilize video conferencing for future meetings to increase accessibility. The Board is requesting consideration to amending the meeting schedule to every other month and assigning the City's Sustainability Coordinator as the Board Liaison.*

*In response to questions, Mr. Leone said the Board feels initiatives have bypassed them and believe if the Board was reassigned to the Sustainability Division, there would be opportunity to provide feedback before decisions are made. The Board did not review the backyard chicken ordinance. He said all board members contribute to the agenda development process. He said he was not sure changing the meeting time would be effective to increasing attendance since there are advisory boards that meet later and lack attendance. The Board wishes to meet six times a year with two scheduled field trips.*

#### 4.5 Parks and Recreation Board Annual Presentation - Bruce Rector, Chair

*Mr. Rector reviewed the Board's accomplishments over the past year. He said the Board wishes to amend their meeting schedule to allow six meetings annually.*

*In response to questions, Mr. Rector said board members participate in the agenda process by visiting city parks, seeking input from residents, and bringing concerns for board discussions. Five of the seven board members have actively participated in building the meeting agendas. He said individuals are invited to meetings to present on several topics in an effort to increase meeting attendance. The Board has suggested to staff to create a QR code on signs in city parks for citizens to submit comments to the Board. Mr. Rector said the Board does not have the authority to manage or direct staff as it is an advisory board to the City Council. Managing or leading a team on matters identified in the strategic plan is difficult when board members cannot discuss items that could potentially come before them for action unless they are discussed at a public meeting.*

### **5. Approval of Minutes**

- 5.1** Approve the minutes of the November 4, 2021 City Council Meeting as submitted in written summation by the City Clerk.

**Vice Mayor Hamilton moved to approve the minutes of the November 4, 2021 City Council Meeting as submitted in written summation by the City Clerk. The motion was duly seconded and carried unanimously.**

### **6. Citizens to be heard re items not on the agenda**

*Patrick Raftery welcomed City Manager Jon Jennings to the City of Clearwater. He said the City is in good shape but at the cusp of change with his leadership.*

*Gloria Campbell welcomed City Manager Jon Jennings to the City of Clearwater. She thanked the City Council, former City Attorney Pamela Akin and former City Manager Bill Horne for supporting the Clearwater*

*Urban Coalition's efforts in pursuing a community redevelopment agency designation. She presented a plaque to William B. Horne II posthumously.*

*Leslie Lightsey expressed concerns with business signage regulations and lack of affordable housing in Clearwater. She urged Council to provide incentives for affordable housing and small businesses opening within city limits.*

*Jennifer Haithcock expressed concerns with Pinellas Safe Harbor and treatment of individuals seeking services at the facility.*

*Hunter Nash submitted an eComment regarding an appeal that was read into the record by the City Clerk (see page 20).*

## **7. Consent Agenda – Approved as submitted, less Item 7.8**

- 7.1** Approve an agreement and purchase order for professional services pursuant to RFP 48-21 to Vanasse Hangen Brustlin, Inc. (VHB) for the preparation of the North Greenwood Community Redevelopment Plan for a fee not to exceed \$161,500 and authorize the appropriate official to execute the same. (consent)
- 7.2** Approve Guaranteed Maximum Price proposals to Keystone Excavators, Inc. of Oldsmar, FL in an amount of \$109,450.00 and Khors Construction, Inc., of Pinellas Park, FL in an amount of \$121,561.10, each of which includes a 10% contingency, for renovations at the Enterprise Dog Park located at 2671 Enterprise Road pursuant to RFQ 40-20, Construction Manager at Risk (CMAR) Services for Continuing Contracts; approve a first quarter budget amendment to transfer \$40,000.00 from project 93286, Parking Lot/Bike Path Resurfacing, to project C2205, Enterprise Road Dog Park Renovation, and authorize the appropriate officials to execute same. (consent)
- 7.3** Approve purchase orders to Playmore West, Inc., of Fort Myers, FL, for \$149,892.20 and Rep Services, Inc., of Longwood, FL for \$124,621.97, each of which includes a 10% contingency, for the purchase and installation of playground equipment at the Long Center, pursuant to Clearwater Code of Ordinances Section 2.563(1)(c) Piggyback, and approve a first quarter budget amendment to transfer \$53,000.00 from project 93278, Long Center Infrastructure Repairs, to project 93637, Playground Equipment Purchase and Replacement, and authorize the appropriate officials to execute same. (consent)
- 7.4** Approve a Guaranteed Maximum Price proposal to J.O. DeLotto and Sons, Inc., of Tampa, FL for renovations and restoration of the stadium seating at BayCare Ballpark in an amount of \$191,025.00, which includes a 10% contingency, pursuant to RFQ 40-20,

Construction Manager at Risk for Continuing Contracts, and authorize the appropriate officials to execute same. (consent)

- 7.5** Approve a Joint Use Agreement between the School Board of Pinellas County and the City of Clearwater providing for the joint use of facilities, from January 1, 2022 through December 31, 2026, with additional five-year renewal options and authorize the appropriate officials to execute same. (consent)
- 7.6** Approve a Joint Land Utilization Agreement between the School Board of Pinellas County and the City of Clearwater, from January 1, 2022 through December 31, 2031, with additional five-year renewal options, to provide an outdoor recreation park consisting of basketball courts and recreation play areas at the southeast corner of Russell Street and Douglas Avenue and authorize the appropriate officials to execute same. (consent)
- 7.7** Approve acceptance of a United States Department of Justice, Office of Justice Programs (OJP), 2021 Bureau of Justice Assistance Fiscal Year 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation, grant award in the amount of \$27,900 for Axon Signal Vehicle equipment and authorize the appropriate officials to execute same. (consent)
- 7.8** Ratify an agreement between the City of Clearwater and Tampa Bay Psychology Associates, LLC, of Clearwater, Florida, for psychological and educational services, in a not to exceed amount of \$180,000.00, during the contract period concluding July 31, 2023, pursuant to Clearwater Code of Ordinances Section 2.563(1)(f) Professional services not subject to CCNA, and authorize the appropriate officials to execute same. (consent)

**See below.**

- 7.9** Approve Supplemental Work Order 3 from Ardurra Group, Inc. for East Water Reclamation Facility (WRF) Influent Pump Station Rehabilitation project (13-0016-UT) in the amount of \$187,966.00 for additional design, increasing the work order from \$168,965.00 to \$356,931.00, and authorize the appropriate officials to execute same. (consent)
- 7.10** Approve a Master Agreement with Black and Veatch of Tampa, FL, for the Water Reclamation Facility Master Plan project (17-0007-UT) in the amount of \$2,748,098 per Request for Qualifications (RFQ) 07-21 and authorize the appropriate officials to execute same. (consent)
- 7.11** Approve the conveyance of a Distribution Easement to Duke Energy Florida, LLC, d/b/a Duke Energy, for the installation, operation, and maintenance of electric facilities at the City's Northeast Water Reclamation Facility whose address is 3200 State Road 580 and authorize the appropriate officials to execute same. (consent)

- 7.12** Ratify and confirm authorization to increase Purchase Order No. 20001154 to Erickson Consulting Engineers (ECE) of Sarasota, FL, for Supplemental Work Order 1 for emergency repair design associated with the Clearwater Harbor Marina, in the amount of \$122,100.00 for a new design total of \$215,600.00 pursuant to RFQ 26-19, Engineer of Record, and authorize the appropriate officials to execute same. (consent)
- 7.13** Approve the 2022 City Council Meeting Schedule. (consent)

**Councilmember Allbritton moved to approve the Consent Agenda as submitted, less Item 7.8, and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.**

- 7.8** Ratify an agreement between the City of Clearwater and Tampa Bay Psychology Associates, LLC, of Clearwater, Florida, for psychological and educational services, in a not to exceed amount of \$180,000.00, during the contract period concluding July 31, 2023, pursuant to Clearwater Code of Ordinances Section 2.563(1)(f) Professional services not subject to CCNA, and authorize the appropriate officials to execute same. (consent)

In recent years, the mental health of law enforcement officers has become an increasing concern. There has been a nationwide increase in the rate of officer suicide, including several officer suicides which have occurred in the Tampa Bay area. Though the Clearwater Police Department (CPD) has not experienced such an incident, empirical research has demonstrated that occupational stress is directly attributed to higher rates of heart disease, divorce, alcohol abuse, and other psychological disorders such as depression and post-traumatic stress disorder. In 2019, CPD sought to proactively provide additional mental health resources to all CPD employees, sworn and professional staff, through an agreement with Tampa Bay Psychology Associates, LLC, which specializes in the mental health treatment of public safety employees. Tampa Bay Psychology Associates is utilized by several law enforcement agencies within the Tampa Bay region.

This 2019 agreement provided for the maintenance of a 24/7 resource telephone number (for continual employee access, if needed for a mental health concern), individual counseling services, mental health check-ins, fitness for duty evaluations, pre-employment evaluations, employee wellness and safety training, additional tailored training modules, and post-academy training.

The initial two-year agreement expired in July 2021 and based upon the success of this partnership, CPD sought to negotiate an extension of the

agreement. The new agreement expires in July 2023 and covers the same services as was outlined in the initial agreement.

The agreement was previously executed through the City Manager's Office but based upon the term of the agreement and amount potentially allotted to this vendor, CPD seeks Council ratification of the executed agreement.

**APPROPRIATION CODE AND AMOUNT:**

Budgeted funds for FY22 are available in CPD cost code 0101156-530100 - Professional Services.

*In response to questions, Police Chief Daniel Slaughter said the original 2019 contract was for a lesser amount. The current level is up to \$90,000 annually. He said that does not mean the Department will utilize the \$90,000; staff is using their experience over the past two years to gauge the amount. The service has been well utilized the first couple of years. The Department averages approximately 17 counseling session per month and four calls come in through the crisis line per month. He said the company is also used for in-service training and outreach efforts.*

**Councilmember Beckman moved to Ratify an agreement between the City of Clearwater and Tampa Bay Psychology Associates, LLC, of Clearwater, Florida, for psychological and educational services, in a not to exceed amount of \$180,000.00, during the contract period concluding July 31, 2023, pursuant to Clearwater Code of Ordinances Section 2.563(1)(f) Professional services not subject to CCNA, and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.**

**Public Hearings - Not before 6:00 PM**

**8. Administrative Public Hearings**

- 8.1** Approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 1882 Lakeview Road, and pass Ordinances 9509-21, 9510-21, and 9511-21 on first reading. (ANX2021-09015)

This voluntary annexation petition involves a 0.249-acre property consisting of one parcel of land occupied by a single-family dwelling. The property is located on the north side of Lakeview Road approximately 435 feet east of Brookside



Drive. The applicant is requesting annexation in order to receive sanitary sewer and solid waste service from the City. The property is located in an enclave and is contiguous to existing city boundaries to the east. It is proposed that the property be assigned a Future Land Use Map designation of Residential Low (RL) and a Zoning Atlas designation of Low Medium Density Residential (LMDR).

The Planning and Development Department determined that the proposed annexation is consistent with the provisions of Community Development Code Section 4-604.E as follows:

- The property currently receives water service from Pinellas County. The closest sanitary sewer line is located in the adjacent Lakeview Road right-of-way. The applicant has paid the City's sewer impact and assessment fees in full and is aware of the additional costs to extend City sewer service to this property. Collection of solid waste will be provided by the City of Clearwater. The property is located within Police District III and service will be administered through the district headquarters located at 2851 McMullen Booth Road. Fire and emergency medical services will be provided to this property by Station #47 located at 146 Lakeview Road. The City has adequate capacity to serve this property with sanitary sewer, solid waste, police, fire and EMS service. The property will continue to receive water service from Pinellas County. The proposed annexation will not have an adverse effect on public facilities and their levels of service; and
- The proposed annexation is consistent with and promotes the following objectives and policy of the Clearwater Comprehensive Plan:

Objective A.6.4 Due to the built-out character of the City of Clearwater, compact urban development within the urban service area shall be promoted through application of the Clearwater Community Development Code.

Objective A.7.2 Diversify and expand the City's tax base through the annexation of a variety of land uses located within the Clearwater Planning Area.

Policy A.7.2.3 Continue to process voluntary annexations for single-family residential properties upon request.

- The proposed Residential Low (RL) Future Land Use Map category is consistent with the current Countywide Plan designation of the property. This designation primarily permits residential uses at a density of 5 units per acre. The proposed zoning district to be assigned to the property is the Low Medium Density Residential (LMDR) District. The use of the subject property is consistent with the uses allowed in the District and the property exceeds the District's minimum dimensional requirements. The proposed annexation is therefore consistent with the Countywide Plan and the City's Comprehensive Plan and Community Development Code; and

- The property proposed for annexation is contiguous to existing city boundaries to the east; therefore, the annexation is consistent with Florida Statutes Chapter 171.044.

*In response to a question, Planning and Development Director Gina Clayton said the Applicant will remain on county water. The Applicant is annexing into the City for sewer service.*

**Councilmember Bunker moved to approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 1882 Lakeview Road. The motion was duly seconded and carried unanimously.**

**Ordinance 9509-21 was presented and read by title only. Vice Mayor Hamilton moved to pass Ordinance 9509-21 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Hibbard, Vice Mayor Hamilton, Councilmember Allbritton, Councilmember Bunker and Councilmember Beckman

**Ordinance 9510-21 was presented and read by title only. Councilmember Allbritton moved to pass Ordinance 9510-21 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Hibbard, Vice Mayor Hamilton, Councilmember Allbritton, Councilmember Bunker and Councilmember Beckman

**Ordinance 9511-21 was presented and read by title only. Councilmember Beckman moved to pass Ordinance 9511-21 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Hibbard, Vice Mayor Hamilton, Councilmember Allbritton, Councilmember Bunker and Councilmember Beckman

- 8.2** Provide direction on the proposed second amendment to an existing Development Agreement between the City of Clearwater and 411ES, LLC which provides for certain changes to the conceptual site plan and elevations and increases the overall number of hotel units and height proposed for the subject site and confirm a second public hearing in City Council Chambers before City Council on December 2, 2021, at 6:00 p.m., or as

soon thereafter as may be heard. (HDA2019-03001B; 400/405/408/409/411 East Shore Drive).

This is a request for a second amendment to the approved Hotel Development Agreement (HDA2019-03001) as amended (HDA2019-03001A) for the referenced project located at 400/405/408/409/411 East Shore Drive.

On July 18, 2019, the City Council approved a Development Agreement along with a concept plan and elevations as part of application HDA2019-03001.

Consistent with applicable Florida Statutes and the City's Community Development Code the agreement was transmitted to the Florida Department of Economic Opportunity on August 1, 2019, rendering the effective date August 31, 2019.

On October 1, 2020, the Council approved the first amendment to the approved Development Agreement (HDA2019-03001A) granting a one-year time extension request which amended Section 6.1.3.2. No changes to the conceptual site plan or elevations were proposed.

On November 17, 2020, the Community Development Board (CDB) approved companion applications FLD2020-05012 and TDR2020-05001 for a 74-unit overnight accommodation use consistent with the conceptual site plans and elevations approved as part of HDA2019-03001 (as amended).

The applicant is requesting a second amendment to the Development Agreement with the following main changes:

- An increase in the overall number of hotel units from 74 to 91.
- An increase in height from 65 feet to 80 feet.
- An overall decrease in the number of slips from 55 to 50 slips; a decrease in number of publicly accessible slips from 22 to eight and an increase in the number of commercial dock slips from 35 to 42 slips.
- An increase in parking from 100 spaces to a minimum of 113 spaces.

The current proposal is to demolish all structures on the 1.115-acre site and build a single, eight-floor hotel with 91 hotel rooms (81.64 units per acre) and a marina and marina facility with up to eight-slips. The applicant desires the ability and flexibility to be able to sell, rent or lease any or all of the eight noted slips to the general public, which would constitute a marina and marina facility, or, conversely, use any or all the slips as strictly accessory to the hotels which would render any such slip a commercial dock. The remaining 42 slips shown will be accessory to the hotel and considered a commercial dock. A maximum of 50 slips are proposed.

The following uses are defined in the Community Development Code (CDC) Article 8, which would be applicable to this application:

1. A commercial dock is any dock, pier, or wharf, including boatlifts, that is used in connection with a hotel, motel or restaurant where the slips are not rented, leased or sold. The CDC provides specific criteria applicable to

commercial docks in Section 3-603.C.3.

2. A marina is any structure constructed on pilings over open water or supported by flotation on the water which provides three or more boat slips for the purpose of sale or lease.
3. A marina facility is a use of land involved in the operation of a marina including structures and activities normally integral to the operation of a marina, such as servicing, fueling, pumping-out, chartering, launching, and dry-storage of boats and boating equipment. The CDC provides specific criteria applicable to marinas and marina facilities in Sections 2-803.G and 3-603.A through J.

The applicant has committed that any personal watercrafts (PWCs) stored at this facility will only be made available to guests of the hotel as an accessory use to the hotel and not to the general public. In addition, the applicant will maintain and oversee the use of all slips whether rented, sold or leased and will specifically prohibit the establishment of any commercial uses or enterprises. The 91 proposed units include 55 units otherwise permitted by the Resort Facilities High future land use category, eight units previously allocated from the Hotel Density Reserve through *Beach by Design* (HDA2019-03001) and a total of 28 transferred hotel units. Eleven units have previously been approved for use with the approval of TDR2020-05001 and were also included in the total room count of the original Development Agreement (HDA2019-03001, as amended). The applicant intends to submit a Level II Flexible Development application requesting approval for the use of an additional 17 transferred hotel units. It is important to note applications FLD2020-05012 and TDR2020-05001 will need to be amended.

The primary changes to the Development Agreement approved as HDA2019-03001 (as amended) are limited to the following components:

- Recitals: Updated to reflect the specifics of the requested amendment and to reflect pertinent prior events and approvals including the approvals of HDA2019-03001A, FLD2020-05012 and TDR2020-05001.
- Section 4.1: Updated to reflect the increase in total units from 74 to 91, the overall number of units to be derived from a transfer of development rights (28 hotel units) and a decrease in the number of publicly accessible slips from 22 to eight.
- Section 4.2: Updated to reflect an increase in the total number of provided parking spaces from 100 to a minimum of 113.
- Section 4.4: Updated to reflect the increase in height from 65 feet to 80 feet.
- Exhibit B: Updated with the revised conceptual site plan and elevations.

No other changes are proposed to the agreement. Specifically, no changes are made to any restriction placed on the property regarding operations of the

marina and marina facility component, the prohibition on full kitchens and limitations on amplified music. The agreement also continues to include specific language for the inclusion of the public boardwalk and public access walkway.

The building will be 80 feet in height (from the point at which minimum floor elevations have been established by law) to roof as otherwise permitted utilizing the Height Bonus Schedule for the Marina District of *Beach by Design* for property totaling one acre or more on both sides of East Shore Drive and the provision of a publicly accessible Boardwalk. The proposal includes a tropical modern architecture, which is consistent with and complements the tropical vernacular envisioned in *Beach by Design*.

The site consists of four parcels, three of which are located on the east side of East Shore Drive and one on the west side. All four parcels will need to be joined together through a unity of title and lot combination request prior to the issuance of any permits.

The parcels on the east side of East Shore will contain the 91-unit hotel, an eight-slip marina and marina facility, and a 42-slip commercial dock component. These parcels will be accessed via two driveways from East Shore Drive. An egress-only driveway will be located at the north side of the site and an ingress-only driveway is proposed at the south end of the site. The primary pedestrian entrance to the building will be centrally located along East Shore Drive on the ground floor.

The ground floor of the hotel building will also include bike racks, a solid waste component, storage space, mechanical equipment and 71 parking spaces all of which are valet only, and some of which extend out from under the footprint of the building. The ground floor will also include a patio and pool at the southeast corner of the site. A 15-foot wide publicly accessible boardwalk is proposed along the entire length of the property along Clearwater Harbor, consistent with *Beach by Design*, and a walkway between East Shore Drive and the boardwalk will be provided along the north side of the site. This boardwalk helps achieve the vision in *Beach by Design* and the Marina District.

The second floor will contain 10 hotel units, mechanical equipment rooms, a staffed lobby, a fitness room congregating/lounge area and an outdoor terrace. Floors three through eight will contain the remaining 81 hotel units. While the rooftop will be accessible by guests no additional structures of any kind (outside of permitted mechanical equipment rooms) are permitted. No additional amenities are proposed. The Marina District provisions of *Beach by Design* allow for a property located on Clearwater Harbor to request a height bonus of up to 80 feet when a 15-foot wide publicly accessible boardwalk is provided,

which the proposal is requesting.

The parcel on the west side of East Shore Drive will contain a 42-space surface parking lot accessed via a single driveway along East Shore Drive. Of the 42 spaces within the parking lot 38 spaces will be valet only and serving the hotel component with the remaining four spaces designated as reserved specifically for users of the marina and marina facility component. These spaces must be a minimum of nine feet wide, 18 feet deep and include a 24 foot back out aisle (as provided). Valet spaces serving a hotel use may differ in these dimensional standards, pursuant to CDC Section 3-1402.K, in that spaces may be 8.5 feet wide, 16 feet deep, may be tandem (stacked up to two spaces) and may include spaces within and one side only of the drive aisle (as provided).

All existing docks will be removed and replaced with two docks containing a total of 50 slips, eight of which will be made available for sale or lease to the general public (marina and marina facility). This will result in two uses being established on the property; a hotel with an accessory commercial dock (42 slips) and a marina and marina facility (eight slips). To be clear, all 42 commercial dock slips are accessory to the hotel and may be used only by hotel guests. None of these 42 slips may be sold, leased or rented to the general public. As noted, the Development Agreement continues to include language to limit the specific activities which may take place on the site ensuring that the marina and marina facility component will be compatible with the primary use as overnight accommodations, as well as adjacent and surrounding uses. Specifically, activities such as servicing, fueling, pumping-out, commercial chartering and/or and dry-storage of boats and boating equipment be strictly prohibited and that the marina slips shall be limited to sale and/or lease to privately-owned boats rather than commercial vessels for hire.

**Consistency with the Community Development Code (CDC):**

Minimum Lot Area and Width:

The subject property is 48,553 square feet in area (uplands) and approximately 300 feet wide. The proposed lot area and width exceed the requirements of the Community Development Code.

Minimum Setbacks:

The conceptual site plan depicts setbacks to building of five feet along the front (west) along East Shore Drive and side (north and south) setbacks of 36 and 25 feet, respectively. Rear setbacks are not necessarily applicable to the project because the subject site includes property lines which extend over 100 feet eastward of the seawall. Pursuant to CDC Article 8. Definitions, setback means the required horizontal distance between a property line and a structure. The proposed setbacks may be approved as part of a Level Two Flexible Development (FLD) application, subject to meeting the applicable flexibility

criteria of the Community Development Code. The Marina District of *Beach by Design* specifically permits front setbacks as low as zero feet for overnight accommodation uses.

**Maximum Height:**

*Beach by Design* Section II.C. Height Bonus Schedule for the Marina District within *Beach by Design* addresses height. The proposal provides for a building 80 feet in height as measured from the point at which minimum floor elevations have been established by law. A height of up to 80 feet is permitted for overnight accommodations on properties within the Marina District that are at least one acre in size, located on both sides of East Shore Drive, and which also provide a publicly accessible boardwalk as consistent with the Marina District of *Beach by Design*. The proposed height is also permitted by the CDC subject to meeting the applicable flexibility criteria of the CDC and as approved as part of a Level Two Flexible Development (FLD) application and as otherwise limited by *Beach by Design*.

The height of the proposed building is consistent with the design guidelines as well as the specific requirements pertaining to height contained within the Marina District section of *Beach by Design*.

**Minimum Off-Street Parking:**

The 91-room overnight accommodation use with an eight-slip marina and marina facility requires a minimum of 113 off-street parking spaces with 1.2 spaces per unit (109 spaces) for the hotel component and one space per two slips (four spaces) for the eight-slip marina and marina facility component. A minimum of 113 parking spaces will be provided, with 71 spaces located on the ground floor of the hotel building and 42 spaces located within a surface parking lot on the west side of East Shore Drive. This is consistent with the applicable Sections of the CDC.

**Landscaping:**

While a formal landscape plan is not required to be submitted for review at this time, the conceptual landscape areas depicted on the site plan show that adequate space for foundation landscaping will be provided along the street frontage and along the rights-of-way facing sides of the surface parking lot as required by Section VII.F of the Design Guidelines within *Beach by Design*. Since no perimeter landscape buffers are otherwise required in the Tourist (T) District, the proposed landscape areas meet or exceed what is required. It is noted, however, that flexibility, if necessary, may be requested as part of a Comprehensive Landscape Program which would be reviewed at time of formal site plan approval.

**Consistency with *Beach by Design*:**

**Marina District**

Specific development parameters provided within the Marina District section of *Beach by Design* address a range of items including a maximum height (80 feet for properties spanning both side of East Shore Drive and at least one acre in size), minimum building setbacks (zero feet along front property lines for overnight accommodation uses and at least 25 percent of the building height along sides which in this case equates to 20 feet), pavement setbacks (at least five feet).

*Design Guidelines:*

A review of the provided architectural elevations and massing study was conducted and the proposed building does appear to be generally consistent with the applicable Design Guidelines established in *Beach by Design*. It is noted, however, that a more formal review of these Guidelines will need to be conducted as part of the final site plan approval process.

*Hotel Density Reserve:*

The project has been reviewed for compliance with those criteria established within *Beach by Design* concerning the allocation of hotel rooms from the Reserve. The project appears to be generally consistent with those criteria, including that the development comply with the Metropolitan Planning Organization's (MPO) countywide approach to the application of traffic concurrency management for transportation facilities. The submitted Traffic Impact Study concludes that traffic operations at nearby intersections and on adjacent roadways would continue at acceptable levels of service.

**Standards for Development Agreements:**

The proposal is in compliance with the standards for development agreements, is consistent with the Comprehensive Plan and furthers the vision of beach redevelopment set forth in *Beach by Design*. The proposed Development Agreement will be in effect for a period not to exceed ten years, meets the criteria for the allocation of rooms from the Hotel Density Reserve under *Beach by Design* and includes the following main provisions:

- Provides for the allocation of eight units from the Hotel Density Reserve approved previously as part of HDA2019-03001;
- Requires the developer to obtain building permits and certificates of occupancy in accordance with Community Development Code (CDC) Section 4-407;
- Requires the developer to provide a 15-foot wide publicly accessible boardwalk to utilize the Height Bonus in accordance with *Beach by Design*;
- Requires the return of any hotel unit obtained from the Hotel Density Reserve that is not constructed;
- Prohibits the conversion of any hotel unit allocated from the Hotel Density Reserve to a residential use and requires the recording of a covenant restricting use of such hotel units to overnight accommodation usage;
- Provides evidence that the development complies with the Metropolitan Planning Organization's (MPO) countywide approach to the application of concurrency management for transportation facilities, and includes a



- transportation analysis conducted for the development;
- Provides that all units in a hotel receiving units from the Reserve shall be made available to the public as overnight transient hotel guests at all times through the required hotel reservation system;
- That a reservation system shall be required as an integral part of the hotel use and there shall be a lobby/front desk area that must be operated as a typical lobby/front desk area for a hotel would be operated;
- Requires a legally enforceable mandatory evacuation/closure covenant that the hotel will be closed as soon as practicable after a hurricane watch that includes Clearwater Beach is posted by the National Hurricane Center;
- Limits the operations and activities associated with the marina and marina facility component;
- Limits the use of amplified music; and
- Limits the provision of full kitchens in any unit within the hotel.

**Changes to Development Agreements:**

Pursuant to Section 4-606.I, CDC, a Development Agreement may be amended by mutual consent of the parties, provided the notice and public hearing requirements of Section 4-206 are followed. Revisions to conceptual site plans and/or architectural elevations attached as exhibits to this Development Agreement shall be governed by the provisions of Section 4-406, CDC. Minor revisions to such plans may be approved by the Community Development Coordinator. Other revisions not specified as minor shall require an amendment to this Development Agreement.

*In response to questions, Planning and Development Director Gina Clayton said a consultant was hired to conduct an extensive traffic analysis to determine at what point would the roundabout fail and what the water/sewer system could handle. The number of density units were derived from the traffic analysis, resulting in 1385 density units.*

*Applicant representative Brian Aungst reviewed the request and said the hotel density units were created by the City and are not transferrable, other than through the City. The applicant cannot sell, convey, lease, license, or give them away. Development agreements are for ten years and include deadlines. He said the development order is for two years and includes deadlines. Whenever the Florida Governor issues an executive order, the development orders are extended for the length of the executive order plus six months and can be invoked within 90 days of the expiration of the executive order. Mr. Aungst said the eight units from the hotel density reserve were given by the City Council to the project in 2019. The 28 base density units were obtained from transfer of development rights. He said per city code, development rights can be transferred or sold as a property right in any special area plan (i.e., Beach by Design, Downtown Plan, and US 19 Plan). He said the Applicant aims to transfer density rights from Somerset Street. The Boardwalk will be*

15 feet wide.

*One individual urged Council to require underground utilities.*

*One individual spoke in opposition and expressed concerns with the proposed parking configuration and proposed design.*

*One individual expressed concern with the proposed height.*

*In response to questions, Senior Planner Mark Parry said the proposed 80-foot height is not going to create wide-ranging precedence in the Marina District of Beach by Design because it is limited to properties on the water. The height is given for mixed-use development and overnight accommodations for properties that hit a certain acreage and provide a boardwalk. City code requires that certain developments, such as this one, place utilities underground unless it is impractical. He said the service lines onto properties need to be placed underground. Cost could make undergrounding utilities impractical but staff typically receives a letter from Duke Energy stating they do not want to underground the utilities. Ms. Clayton said a district wide plan is needed to accomplish the utility undergrounding. Mr. Aungst said even if there were the financial resources available, undergrounding the utilities will not be possible if Duke Energy does not want to pursue the undergrounding.*

**Councilmember Bunker moved to confirm a second public hearing in City Council Chambers before City Council on December 2, 2021, at 6:00 p.m., or as soon thereafter as may be heard. The motion was duly seconded and carried unanimously.**

## **9. City Manager Reports**

*The City Manager said he has enjoyed meeting many people over the last 11 days and thanked everyone for their kindness. He wished all a Happy Thanksgiving.*

## **10. City Attorney Reports – None.**

## **11. Closing comments by Councilmembers (limited to 3 minutes)**

*Vice Mayor Hamilton said Happy Thanksgiving, safe travels to all and cherish time with your families.*

*Councilmember Allbritton welcomed Jon Jennings and made a note about the Friends of the District meeting that occurred last night. Everyone had great things to say about Cleveland St. and what is being done in the 400 and 500 blocks. He said he hoped everyone has a safe Thanksgiving.*

*Councilmember Beckman thanked those who came to the meet and greet on Tuesday at the Countryside Recreation Center. She thanked the Police Department for their increased presence on Drew St. She said there is a lot of activities in the City this weekend. She hoped all had a great Thanksgiving.*

*Councilmember Bunker said he is impressed with the new City Attorney and City Manager who have hit the floor running. He said he would like to put C0\$ on the agenda to discuss recent property acquisitions and the effect on the city and what can be done about it. He said we are lucky to have Tracey McManus reporting on the Church of Scientology. She understands the organization and the way it behaves. He wished a Happy Thanksgiving to David Miscavige.*

## **12. Closing Comments by Mayor**

*The Mayor thanked those who attended the Veterans Day celebration and thanked the Veterans Alliance who did a great job. He said to slow down and enjoy your family this Thanksgiving. He said the City lost our greatest ambassador, Winter, who changed and improved everyone's life.*

## **13. Adjourn**

Attest

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor  
City of Clearwater

# City Council on 2021-11-18 6:00 PM

Meeting Time: 11-18-21 18:00

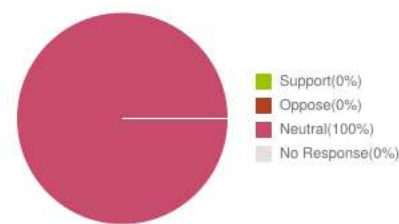
## eComments Report

Meetings	Meeting Time	Agenda Items	Comments	Support	Oppose	Neutral
City Council on 2021-11-18 6:00 PM	11-18-21 18:00	36	1	0	0	1

### Sentiments for All Meetings

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

#### Overall Sentiment



## City Council on 2021-11-18 6:00 PM

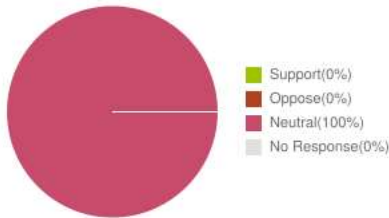
11-18-21 18:00

Agenda Name	Comments	Support	Oppose	Neutral
6. Citizens to be heard re items not on the agenda	1	0	0	1

### Sentiments for All Agenda Items

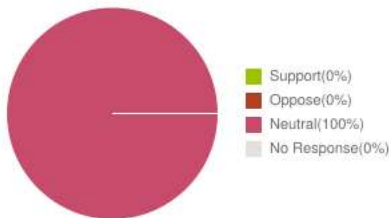
The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

#### Overall Sentiment



#### Agenda Item: eComments for 6. Citizens to be heard re items not on the agenda

#### Overall Sentiment



### hunter nash

Location:

Submitted At: 12:02pm 11-18-21

I represent the men and women of Project 91:2 (Ninety One Two), an emerging 501(c)4 Social Purpose organization. Congratulations to everyone receiving service awards this evening, and in particular Officer Christopher Fowler of the Clearwater Police Department for his five years of service. Officer Fowler, the public records show that you have submitted false statements in your reports. Given that evidence from the official record suggests that this City's Assistant Attorney at the time - Mr. Smith - not only blocked efforts to gain access to that official record, but also blocked an appeal filed with the City's Clerk in accordance with the laws and procedures of the state of Florida and the City of Clearwater, an act which is obviously outside his authority as the attorney for the police, the men and women I serve would like to ask you how it feels knowing that the city has your six?