

**Palazzo
657 & 663 Bay Esplanade
Narrative**

Request

Approval of a Development Agreement for the allocation of 10 hotel units from the Hotel Density Reserve under *Beach by Design* to permit a 27-unit Overnight Accommodations use in the Tourist (T) District, under the provisions of CDC Section 4-606.C.1.

Proposal

The applicant proposes to redevelop the site at 657 and 663 Bay Esplanade with a new overnight accommodation use with 27 units. A total of 10 hotel units are requested to be allocated from the Hotel Density Reserve for this development. The site is presently developed with a total of 11 attached dwelling units, all which will be demolished for the new building and site improvements. There exists a dock with five slips on submerged land proposed to be retained as an accessory use to the hotel and for the sole use of its guests. The proposed hotel will offer a coastal modern architectural design for travelers looking for a mid-priced hotel with limited services. The design provides a seven-story hotel with six levels of hotel rooms over ground level parking at a building height of 75 feet from Base Flood Elevation (BFE). An accessory swimming pool with restrooms, fitness room and small bar/grill area for use of the hotel guests is located on the roof deck. Limited food service may be provided for guests only (not open to the general public). An office/registration desk with lobby is located on Floor 2. All guest rooms are accessed through internal corridors. A total of 32 parking spaces, meeting the required amount of parking spaces, are provided on the ground floor. This proposed hotel is expected to generate approximately 10 new jobs.

The site is located within the area designated by *Beach by Design* as the Old Florida District. *Beach by Design* identifies this area as an area of transition between resort uses in Central Beach to the low intensity residential neighborhoods to the north of Acacia Street. The mix of uses primarily includes residential, recreational, overnight accommodations and institutional uses. To that end, *Beach by Design* supports the development of new overnight accommodations, attached dwellings and resort attached dwellings throughout the District with limited retail/commercial and mixed use development fronting Mandalay Avenue between Bay Esplanade and Somerset Street. The proposed Overnight Accommodations project fits well into this vision of this District.

Site Location and Existing Conditions

The subject site is comprised of two platted lots with a total lot area of 0.348 acre. The site is located approximately 220 feet east of Poinsettia Avenue and 400 feet south of Somerset Street. The site has 132 feet of frontage. The subject site is currently developed with a total of 11 attached dwelling units, all which will be removed for the new structure. There exists a dock with five slips as an accessory use, which will remain with the proposed overnight accommodation use for the sole use of its guests. The subject property is zoned Tourist (T) District with a Future Land Use Plan (FLUP) category of Resort Facilities High (RFH) and is located in the Old Florida District of *Beach by Design*.

Compliance with the Flexible Development Standards of CDC Table 2-803 and other CDC Requirements

Density – The maximum density permissible for overnight accommodations in the Tourist (T) District is 50 units per acre. Based on this maximum permissible density of 50 units per acre and a lot area of 0.348 acre, this produces a maximum number of units of 17.4 units. The proposed Development Agreement requests 10 overnight accommodation units from the Hotel Density Reserve. The overall density with a total of 27 overnight accommodation units will be 77.6 units per acre, which is less than the 90 units per acre permitted under the Hotel Density Reserve.

Minimum Lot Area and Width – The minimum lot area for an overnight accommodation use is 10,000 – 20,000 square feet, pursuant to CDC Table 2-803. The subject site area is 15,175 square feet, which is within the lot area requirements of this standard for overnight accommodations. The minimum lot width for an overnight accommodation use is 100 – 150 feet, pursuant to CDC Table 2-803. The subject site has a lot width of 132 feet (measured at the front setback of 15 feet) along Bay Esplanade, which is within the lot width requirements of this standard for overnight accommodations.

Minimum Setbacks and Stepbacks – The setbacks for an overnight accommodation use pursuant to CDC Table 2-803 are a minimum front setback of 0 – 15 feet, a minimum side setback of 0 – 10 feet and a minimum rear setback of 0 – 20 feet. However, *Beach by Design* sets a minimum front setback of 15 feet, a side setback of 10 feet and a rear setback of 10 feet for all development in the Old Florida District, which governs over the CDC requirements. The Old Florida District provides a maximum reduction of five feet from any required setback if the decreased setback results in an improved site plan, landscaping areas in excess of the minimum required and/or improved design and appearance. Section D of the Design Guidelines of *Beach by Design* states that there should be a 12-foot setback to structures along local streets (which includes Bay Esplanade). The proposal includes a new building and site improvements with a front (north) setback of 16 feet to the building and 10 feet to pavement. The proposal also includes a side (east) setback of five feet to the building and pavement. A side (west) setback of five feet to the building and pavement is provided. Finally, the proposal includes a rear (south) setback of 10 feet to the building and five feet to pavement.

Bay Esplanade adjacent to this site is an east/west orientation requiring a building stepback on the either the east or west side (Section 3.c of the Old Florida District of *Beach by Design*). A building stepback, based on the proposed building height above 35 feet above Base Flood Elevation (BFE), of 10.8 feet is required and 11.5 feet is provided on the west side for floors 5 – 7. The Old Florida District also requires a stepback or an increased setback on the front of the building, where 16 feet is required for buildings over 35 feet in height above BFE. The proposal is for a front stepback of 15 feet to the building and, when combined with the provided setback of 16 feet, provides for a total stepback of 31 feet above the 35 feet in height above BFE, complying with the requirements.

Maximum Height – The maximum building height for an overnight accommodation use is between 35 – 100 feet, pursuant to CDC Table 2-803. The proposal includes a building height of 75 feet to the top of roof deck from BFE for the flat roofed restrooms, fitness room, architectural grid pergola and tent structure on the roof level of the proposed building, which is within the maximum allowable height range of Table 2-803. The maximum allowable height for overnight accommodation uses in the Old Florida District of *Beach by Design* is 75 feet above BFE, where the proposal does not exceed the maximum allowable.

Minimum Off-Street Parking – The minimum required parking for an overnight accommodation use is 1.0 – 1.2 parking spaces per unit. There are a total of 27 units proposed, with a requirement of between 27 – 32 parking spaces. A total of 32 parking spaces are proposed with this request. Most guests are anticipated to not bring a vehicle to the hotel, but will walk, use taxis or public transportation to access other areas of the beach and downtown while staying at the hotel. The Trolley traverses Bay Esplanade and currently picks up guests in front of this site.

Mechanical Equipment – Mechanical equipment will be located on the east and west sides of the building on the fourth level of hotel rooms (overall Level 5) and will be adequately screened from view from adjacent properties and rights-of-way by solid screening. The screening of mechanical equipment will be reviewed at time of the building permit submission.

Sight Visibility Triangles – CDC Section 3-904.A restricts structures and landscaping which will obstruct views at a level of 30 inches and eight feet above grade within 20-foot sight visibility triangles at driveways and street intersections. A two-way driveway is proposed on the east side of Bay Esplanade providing access to the ground-level parking area, as well as a one-way entrance on the west side of Bay Esplanade. The building is not located within the visibility triangles between 30 inches and eight feet above grade and planted landscaping will be maintained to meet this requirement. CDC Section 3-904.B requires a 20-foot waterfront sight visibility triangle at the southeast and southwest corners of the property. The proposed building does not encroach into the waterfront sight visibility triangles. Only a non-opaque fence will be provided and no landscaping other than sod will be planted within the waterfront sight visibility triangles in compliance with this Code provision.

Utilities – For development that does not involve a subdivision, CDC Section 3-912 requires all utilities including individual distribution lines to be installed underground unless such undergrounding is not practicable. This site is served by existing overhead utility lines located across Bay Esplanade adjacent to the hotel under construction at 650 Bay Esplanade, where the applicant is unaware of any requirement to underground these existing overhead utilities across Bay Esplanade. All on-site utilities serving this development will be placed underground. Undergrounding of the off-site overhead utilities along the site frontage is impracticable for this site and should rather be part of an overall, coordinated undergrounding of overhead utilities project for all affected properties along Bay Esplanade, where property owners would be assessed the cost of such undergrounding. Due to economies of scale, such coordinated undergrounding would be less expensive on an overall basis rather than property owners bearing the full cost of piecemeal undergrounding on an individual basis. The visual effect of piecemeal undergrounding would also be unappealing. No other property redeveloped under the provisions of the CDC along Bay Esplanade, or neither any property redeveloped under the provisions of the CDC along Brightwater Drive, nor any small, individual property in the entire City has been required to underground similar overhead utilities for their parcel. While undergrounding the overhead utilities for 132 feet may be “feasible”, such would be burdensome financially to the applicant and unfairly penalizes properties that redevelop in accordance with Code provisions. Those properties that never redevelop would never be required to underground adjacent overhead utilities, adding to the visually unappealing visual aspect of overhead utilities. A coordinated approach deals with all affected properties on an “equal” basis and improves the visual appeal of the entire area for the general welfare of the public. A coordinated approach has been utilized on other areas of the beach, such as South Gulfview Boulevard and Coronado Drive.

Landscaping – For developments in the Old Florida District of *Beach by Design*, the development requirements set forth in the Old Florida District supersede any conflicting standards in the Design

Guidelines of *Beach by Design* and the Community Development Code (CDC). The Old Florida District requires a 10-foot landscape buffer along the street frontage of Bay Esplanade. The proposal provides a 10-foot landscape buffer along the street frontage, in compliance with this Old Florida District requirement. It is important to note that there are otherwise no perimeter buffers required in the T District for this site, pursuant to CDC Section 3-1202.D. A six-foot high white vinyl fence is proposed along the east and west sides of the property, except within the waterfront visibility triangles where the fencing must be non-opaque. A one-foot landscape area is provided along the east and west property lines due to a required egress sidewalk from the stairwells, as well as the new six-foot high vinyl fence. The landscape area expands to five feet along the east and west property lines south of the required stairwell egress sidewalks. A landscape area of a minimum of five feet is provided along the south property line. Due to Fire Department requirements for access in the event of a fire, only sod is allowed along the east and west property lines. The landscape buffers along the east and west sides will be planted with palms, shrubs and ground covers, as allowed by the Fire Department, to soften the building facades and enhance the visual appeal of this site from the adjacent properties. Flexibility for setbacks required in the Old Florida District of *Beach by Design* allow for reduced setbacks where the proposal results in landscaping in excess of the minimum required. The only landscape buffer required is along the frontage of Bay Esplanade. Again, since there are no perimeter buffers required in the T District, the landscape areas along the east, west and south portions of the property could be planted with a minimum of grass. It is the applicant's position that the landscaping provided along the street frontage, as well as the south portion of the site, are being planted in excess of the minimum required landscaping and therefore justifies the requested reductions to setbacks (also due to Fire Department access requirements that restrict landscaping to only sod along the east and west sides).

Solid Waste – The proposal includes a trash room within the proposed building. Roll-out dumpsters will be moved to a dumpster staging area on trash collection days only. The trash staging area will not be fenced or walled. After the trash is collected by the City, the dumpsters will be returned to the trash room.

Signage – Only attached signage is proposed with this submittal. All proposed signage will meet all applicable requirements of the CDC and *Beach by Design*. If necessary, a Comprehensive Sign Program will be submitted prior to signage permits.

Compliance with the Standards of Section V.B.2 of *Beach By Design* for the Allocation of Hotel Units from the Hotel Density Reserve

1. Those properties and/or developments that have acquired density from the Destination Resort Density Pool are not eligible to have rooms allocated from the Reserve;

Response: The subject property has not previously received, nor is not requesting such with this application, density from the Destination Resort Density Pool. Therefore, this criterion is not applicable to this proposal.

2. Those properties and/or developments that have had density transferred off to another property and/or development(s) through an approved Transfer of Development Rights (TDR) application by the City after December 31, 2007, are not eligible to have rooms allocated from the Reserve;

Response: The subject property has not had any density transferred to another property and/or development. Therefore, this proposal is in compliance with this criterion.

3. The Hotel Density Reserve shall not be used to render nonconforming density conforming;

Response: The maximum density permissible for overnight accommodations in the Tourist (T) District is 50 units per acre. Based on this maximum permissible density of 50 units per acre and a lot area of 0.348 acre, this produces a maximum number of units of 17.4 units. The proposed Development Agreement requests 10 overnight accommodation units from the Hotel Density Reserve. The overall density of 27 overnight accommodation units will be 77.6 units per acre, which is less than the 90 units per acre permitted under the Hotel Density Reserve. Therefore, this proposal is in compliance with this criterion.

4. A maximum of 100 hotel rooms may be allocated from the Reserve to any development with a lot size less than 2.5 acres. Those developments with a lot size greater than or equal to 2.5 acres may use the Reserve to achieve a density of 90 hotel rooms per acre. However, in no instance shall the density of a parcel of land exceed 150 units per acre regardless of whether it has received benefit of transfers of development rights or units through a termination of status of nonconformity in addition to the Reserve, or not;

Response: The subject site is comprised of two platted lots with a total lot area of 0.348 acre. . A total of 10 hotel units are requested to be allocated from the Hotel Density Reserve for this development. Therefore, this proposal is in compliance with this criterion.

5. Accessory uses inconsistent with amenities typical of a mid-priced hotel shall require compliance with the base FAR requirements of the Resort Facilities High (RFH) Future Land Use category;

Response: Only a small fitness room, restrooms and small open-air bar/grill area are being provided on the roof level of this overnight accommodation use for use of the hotel guests. A roof-top pool is provided. Limited food service may be provided for guests only (not open to the general public). Storage lockers are being provided on hotel levels 3 and 4 to allow recurring guests to store beach chairs, umbrellas, skim boards and like personal items that will not be available to general hotel guests. Therefore, this proposal is in compliance with this criterion.

6. No hotel room allocated from the Reserve may be converted to a residential use (i.e. attached dwelling);

Response: The applicant acknowledges the requirement of this criterion. Therefore, this proposal is in compliance with this criterion.

7. 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. Occupancy in any hotel receiving units from the Reserve is limited to a term of less than one (1) month or thirty-one (31) consecutive days, whichever is less and units in such a hotel shall not be used as a primary or permanent residence;

Response: The applicant acknowledges and will comply with the requirement of this criterion for a hotel reservation system. Therefore, this proposal is in compliance with this criterion.

- 8. No hotel room in a hotel allocated units from the Reserve may have a full kitchen. Mini kitchens, defined as including reduced sized kitchen appliances, may be permitted;**

Response: Only kitchenettes will be provided in all units. Therefore, this proposal is in compliance with this criterion.

- 9. The maximum building heights of the various character districts cannot be increased to accommodate hotel rooms allocated from the Reserve;**

Response: The maximum building height in the Old Florida District for Overnight Accommodation uses is 75 feet. The proposed building height is 75 feet. Therefore, this proposal is in compliance with this criterion.

- 10. When both the allocation of hotel rooms from the Reserve and the transfer of development rights (TDR) are utilized as part of a development, only hotel rooms brought in to the project through the TDR process are eligible to be constructed above the otherwise maximum building height, but only provided that all TDR criteria are met;**

Response: The maximum building height in the Old Florida District for Overnight Accommodation uses is 75 feet. The proposed building height is 75 feet. There are no units being brought into the project through the TDR process, therefore this criterion is not applicable to this proposal.

- 11. A legally enforceable mandatory evacuation/closure covenant that the overnight accommodation use will be closed as soon as practicable after a hurricane watch that includes Clearwater Beach is posted by the National Hurricane Center;**

Response: The applicant will comply with this criterion prior to the issuance of a Certificate of Occupancy. Therefore, this proposal is in compliance with this criterion.

- 12. Access to overnight accommodation units must be provided through a lobby and internal corridors;**

Response: An office/registration desk and lobby/seating area is provided on the first level of the hotel units on the west side (Level 2) and all hotel units are accessed through internal corridors. Therefore, this proposal is in compliance with this criterion.

- 13. All hotel rooms obtained from the Reserve that are not constructed shall be returned to the Reserve;**

Response: The applicant acknowledges the requirement of this criterion. Therefore, this proposal is in compliance with this criterion.

- 14. The development shall comply with the Metropolitan Planning Organization's (MPO) countywide approach to the application of concurrency management for transportation**

facilities, and the transportation analysis conducted for the development shall include the following:

- ♣ Recognition of standard data sources as established by the MPO;
- ♣ Identification of level of service (LOS) standards for state and county roads as established by the MPO;
- ♣ Utilization of proportional fair-share requirements consistent with Florida Statutes and the MPO model ordinance;
- ♣ Utilization of the MPO Traffic Impact Study Methodology; and
- ♣ Recognition of the MPO designation of "Constrained Facilities" as set forth in the most current MPO Annual Level of Service Report.

Response: A Traffic Impact Study has been submitted and is in compliance with adopted Levels of Service. Therefore, this proposal is in compliance with this criterion.

- 15. 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; and**

Response: An office/front desk for check-in of guests has been provided on the first level of the hotel rooms (Level 2), along with a lobby and seating. A reservation system will be utilized as part of this hotel. Therefore, this proposal is in compliance with this criterion.

- 16. The books and records pertaining to use of each hotel room shall be open for inspection by authorized representatives of the City, upon reasonable notice, in order to confirm compliance with these regulations as allowed by general law.**

Response: The applicant will comply with this criterion. Therefore, this proposal is in compliance with this criterion.