

**STATEMENT IN OPPOSITION TO  
THE PROPOSED DEVELOPMENT AT 850 BAYWAY BLVD.  
(Case No. HDA2018-10002)**

The proposal before this Council regarding the development at 850 Bayway Boulevard requests the approval of an additional 27 rooms to be allocated to the proposed development from the Clearwater Beach by Design Hotel Density Reserve (“HDR”). Such a proposal should be rejected by this Council for two reasons, first, the development in question does not lie in the area designated by the City’s Comprehensive Plan as being able to draw from the HDR, and second, the character of Clearwater Point would be radically altered *in contravention of Beach by Design* by allowing such a development.

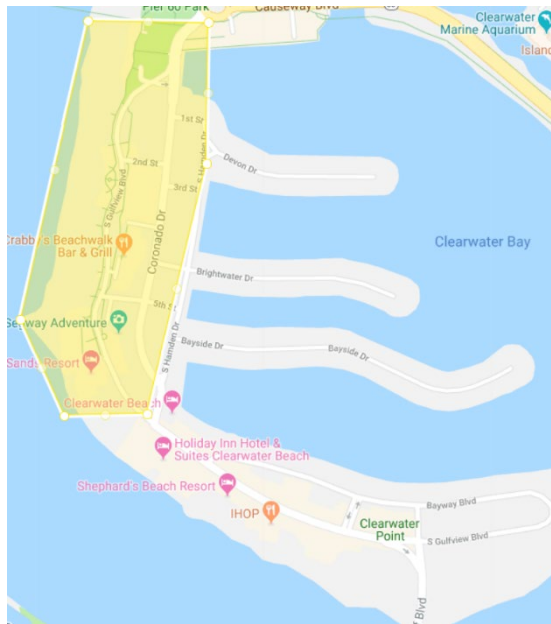
***I. The Development in Question Does Not Lie in the Area Designated as being able to Draw from the HDR***

In 2008, the City of Clearwater issued its Comprehensive Plan for the continued development of Clearwater Beach. As part of this, the City created the *Beach by Design: A Preliminary Design for Clearwater Beach and Design Guidelines* (“Beach by Design”). Beach by Design aimed to encourage redevelopment by providing development incentives and the establishment of distinct districts within Clearwater Beach. (Comprehensive Plan A.6.1.1 and A.6.1.2). Beach by Design also called for, amongst other things, the enhancement of public rights of way and transportation improvements, as well as prioritizing and preserving high-quality residential housing with a premier quality of life. (Comprehensive Plan A.6.1.2; Beach by Design p. 39). Clearwater Beach was divided into several districts pursuant to Beach by Design to which Beach by Design applied. (Comprehensive Plan A.6.1.3) These areas would become subject to certain building specifications and requirements under Beach by Design.



**Figure 1 – Beach by Design Application and Land Use Districts**

As one of the incentives for redevelopment, Beach by Design established the HDR. The HDR was designed as a “density pool of additional hotel rooms” established to entice redevelopment. The use of the HDR was to be limited to the following areas: 1. The land located between Mandalay Avenue and the Gulf of Mexico between Rockaway Street and Papaya Street; and 2. The land located south of the Pier 60 parking lot and north of the southerly lot lines of Lots 77 and 126 of the Lloyd-White-Skinner Subdivision between South Gulfview Boulevard and Coronado Drive. (Comprehensive Plan A.6.1.4).



**Figure 2 – Clearwater Beach with Area HDR Use Permitted Per Comprehensive Plan Shaded**

A plain reading of the Comprehensive Plan provided a clear mandate that the availability of the HDR rooms was to be limited to the shaded area above. Thus, by the plain language of the Comprehensive Plan, Beach by Design *would not permit* the HDR to be used at 850 Bayway Blvd. Simply put and as evidenced in Figure 3, the proposed development is not within the area permitted by the plain language of the Comprehensive Plan to draw from the HDR.



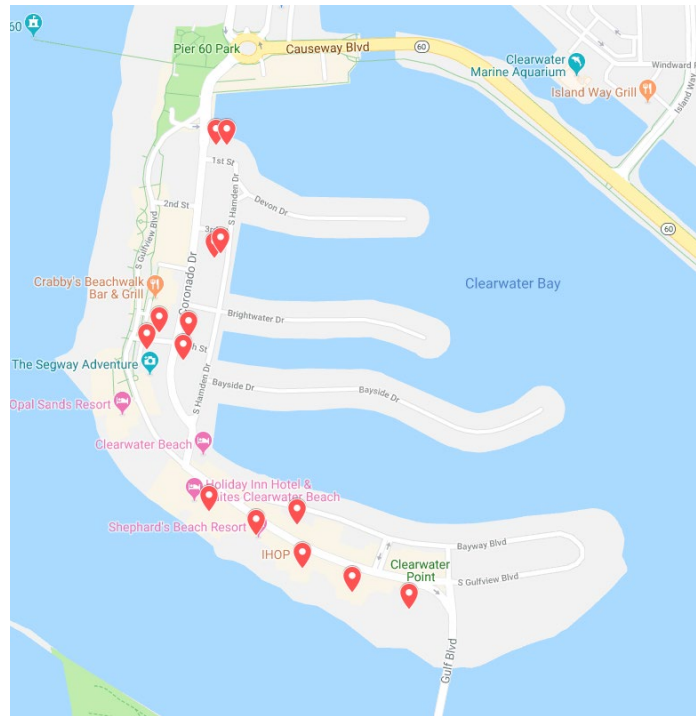
**Figure 3 – Plain Language Reading of A.6.1.4 with Proposed Development Marked**

While the plain language of A.6.1.4 is clear, if read differently, one may determine that the southern boundary runs to Gulf Boulevard, following a theoretical extension of Coronado Drive.

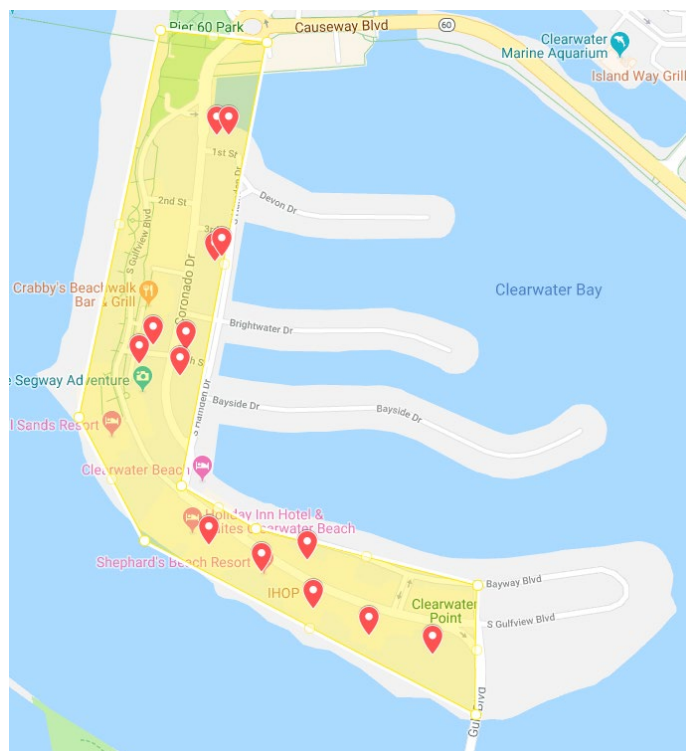


**Figure 4 – Theoretical Expansion of Coronado Drive  
HDR Use Permitted Area Shaded**

Indeed, it appears that this reading has taken effect more than the plain language reading. When one looks at the use of the HDR rooms to date, the majority have fallen into the plain language reading, yet several have been located in the corridor south of Gulfview and west of Gulf Boulevard.

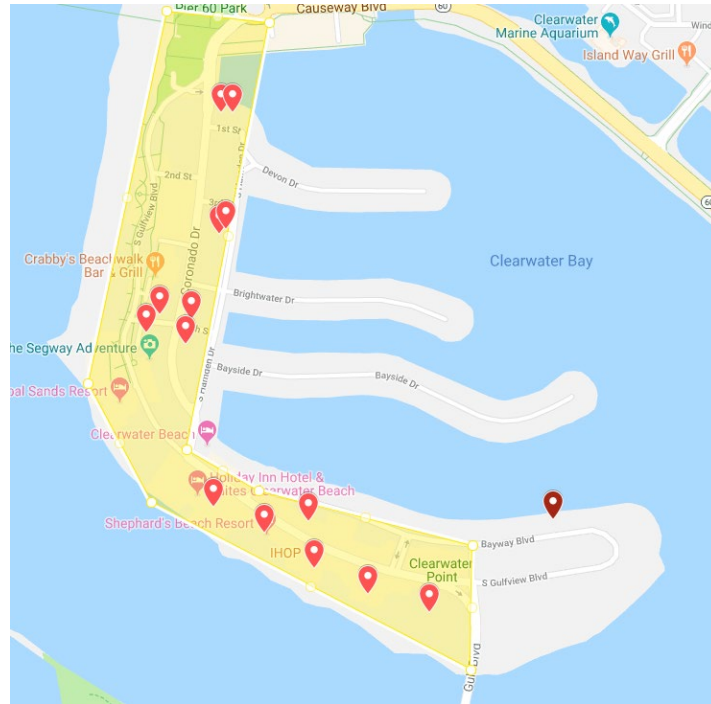


**Figure 5 – Usage of the HDR Rooms through 2018**



**Figure 6 – Usage of the HDR Rooms through 2018 with Coronado Drive Reading Overlay**

Even under the reading which this Council has appeared to follow in the past, the “Extended Coronado Drive” reading, *each and every use* of the HDR south of Pier 60 falls in the zone shaded above. The proposed development will not.



**Figure 7 – “Extended Coronado Drive” Reading of A.6.1.4 with Proposed Development Marked**

For the duration of the HDR, this council has *never* approved a development that fell outside of the “Extended Coronado Drive” reading. It has consistently stayed within the confines of the Comprehensive Plan that the City developed in order to ensure the character of Clearwater Point remains the same. Such was outlined in the Beach by Design plan itself. This council should not take this opportunity, practically the last of the hotel density reserve rooms, to grant a development that would contravene the law and this council’s practice.

## ***II. Permitting the Development would Alter the Character of Clearwater Point in Contravention of Beach by Design***

Beach by Design was adopted by the City seeking to strike a fine balance between Clearwater Beach as a tourist destination and a residential area. (Beach by Design p. 39). “The residents on the Barrier Islands represent a fiscal benefit to the City; that is they pay more in taxes than they demand in services.” *Id.* Equally important, Clearwater’s attractiveness as a business location, is, as is every other city in Florida, directly related to the availability of accessible, high-quality housing with a premier quality of life. *Id.* If the proposed application is denied, the City will have maintained its stated goals when adopting Beach by Design and issuing the Comprehensive Plan in 2008. The City has never permitted any reserve



density units in the residential areas carved out in the Comprehensive Plan. If the proposed application is granted, however, the City will have for the first time chosen to ignore its stated goal of maintaining and enhancing the residential areas of the Beach.

Make no mistake, the peninsula to the east of the Sand Key Bridge (commonly “Clearwater Point”) is residential in nature. Clearwater Point was developed in the 1970s to establish a residential condominium community of quiet and peaceful enjoyment. The Clearwater Yacht Club and The Chart House are no exceptions. The Chart House was not only originally created to support the condominium residents on Clearwater Point, but it has operated to support the residential setting by offering suites in a quiet, laid back setting commonly utilized by residents to house visiting family and guests. Indeed, The Chart House is marketed by the applicant as “pleasantly removed from the hustle and bustle of popular tourist areas.” For the past 45 years, the City has preserved Clearwater Point as a residential area and has maintained the residents’ quality of life by discouraging major traffic, limiting excessive noise and lighting, and preserving the green space enjoyed by the residents and their families. The City has discouraged the interruption of Clearwater Point residents’ peace and quiet enjoyment by discontinuing metered parking at Bayway Blvd. and Gulf Blvd. SW, discontinuing holiday decorations where Clearwater Point begins and placing a “traffic control device” expressly discouraging tourists from entering Clearwater Point (Figure 8). Maintaining the quiet enjoyment of this residential neighborhood must remain a priority.



**Figure 8 – Sign: “No Motels or Beaches Beyond This Point”  
Gulview and Gulf Blvd. SE**

In addition to the adverse impact on the resident’s peaceful enjoyment, the allocation of HDR units to Clearwater Point will negatively impact the residents’ safety and security, residential traffic, the value of the condominiums/townhomes owned by the 465+ Clearwater Point families (with tax implications for Pinellas County and Pinellas County Schools), and will likely require costly infrastructure and growth management. The last remaining HDR units should be allocated in a way to benefit all City residents without the negative impacts this project inevitably interjects.

Permitting the transformation a boutique suite hotel into a high-density tourist attraction will negatively impact the safety and security of the 465+ families and the common elements enjoyed by them as condominium/townhome owners. The Clearwater Point residences already pay for security to protect them, their three private pools, beach, tennis courts, shuffleboard court, and a grilling and picnic area. Additional security will be required in order to prevent unauthorized access to these locations and the quiet peace and enjoyment will be compromised even if additional security measures are taken.

Further, the additional traffic congestion on Bayway Blvd. not only causes a safety concern during emergency situations and potential evacuations, but the day-to-day life of the residences entering and exiting Clearwater Point will be negatively impacted. During construction, much of Bayway Blvd. will inevitably be blocked by construction vehicles and equipment. More to the point, daily congestion will result from loading and unloading supplies to a high density resort hotel. For example, trucks loading on Coronado Drive block the center turn lane of the road. (See Figure 9).

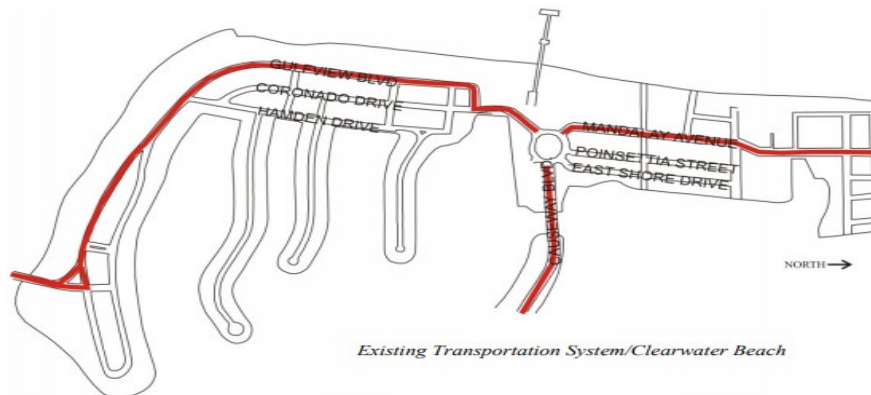


**Figure 9 - Three trucks loading on Coronado Drive.**



**Figure 10 - Garbage truck on Bayway Blvd.**

On Bayway Blvd., however, as depicted in Figure 10 above, the two-way streets are susceptible to complete blockage as a result of loading vehicles. There is no turning lane for the loading trucks to use and traffic will come to a standstill during critical commuting hours. Allocating HDR units will likely require costly infrastructure and growth management. No HDR units have been allocated on Clearwater Point and the streets, sewer service, potable water, drainage, as well as fire and crime protection will be affected. Notably, the existing transportation system for the Beach does not extend to the east of Sand Key Bridge into Clearwater Point. (See Figure 11). Conversely, the roads are designed to support a residential neighborhood and have not been designed to provide support to a tourist destination.



**Figure 11 – Existing Transportation System/Clearwater Beach**



Additionally, the market values and assessed values of the townhomes and condominiums will be negatively impacted by placing and approving a high-density hotel on Clearwater Point. Not only will the decreased view of the water drive values down for many residents, but the proposed high-density hotel will make this residential area far less attractive to prospective purchasers. Brokers have estimated up to a 20% decrease in value as a result of the high-density hotel. HDR units are designed to support the City's goals, not defeat them for the sake of a single project.

The City should deny Decade Properties, Inc.'s application for allocation of 27 units from the HDR under Beach by Design and preserve Clearwater Point's residential character.

Respectfully submitted on behalf of the Residents of Clearwater Point,

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