



## Legislation Details (With Text)

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**Title:** Provide direction on the proposed Development Agreement between North Clearwater Beach Development, LLC (the property owner) and the City of Clearwater, providing for the allocation of 10 units from the Hotel Density Reserve under Beach by Design and confirm a second public hearing in City Council Chambers before City Council on March 2, 2017 at 6:00 p.m., or as soon thereafter as may be heard. (HDA2016-09001)

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. 01 Bay Esplanade 657 Development Agreement, 2. 02 Bay Esplanade 657 Site Plans and Architecturals, 3. 03 Bay Esplanade 657 Survey, 4. 04 Bay Esplanade 657 Narrative, 5. 05 Bay Esplanade 657 Traffic Impact Study, 6. 06 Hotel Density Reserve - Distribution Log 2016 01-17

Date	Ver.	Action By	Action	Result
2/16/2017	1	City Council		
2/13/2017	1	Council Work Session		

### SUBJECT/RECOMMENDATION:

Provide direction on the proposed Development Agreement between North Clearwater Beach Development, LLC (the property owner) and the City of Clearwater, providing for the allocation of 10 units from the Hotel Density Reserve under *Beach by Design* and confirm a second public hearing in City Council Chambers before City Council on March 2, 2017 at 6:00 p.m., or as soon thereafter as may be heard. (HDA2016-09001)

### SUMMARY:

#### Site Location and Existing Conditions:

The 0.35-acre site is located on the south side of Bay Esplanade approximately 230 feet east of Poinsettia Avenue. The subject property is comprised of two parcels with a frontage of approximately 130 feet along Bay Esplanade. The site is occupied by 11 attached dwellings within two buildings; a one-story and two-story. The subject property is zoned Tourist (T) District with an underlying Future Land Use Plan (FLUP) category of Resort Facilities High (RFH). The subject property is also located within the Old Florida District of *Beach by Design*.

Vehicular access to the site is generally provided by a drop curb along Bay Esplanade which runs along the entire north side of the site providing access to parking spaces which exist at least partially if not entirely within and back out into the Bay Esplanade right-of-way. Building frontage is generally located along Bay Esplanade.

The larger area is characterized generally by overnight accommodation and attached dwelling uses with heights ranging from one to four stories. A hotel 75 feet in height is under construction immediately to the north of the site across Bay Esplanade.

A dock with five slips is located along the south side of the site. It should be noted that the dock will only be

permitted to be used as an accessory use to the hotel and limited to use by to registered hotel guests only.

### **Development Proposal:**

The current proposal is to demolish all structures on the site and build a single seven-floor hotel with 27 hotel rooms (78 units per acre). The 27 proposed units include 17 units otherwise permitted by the Resort Facilities High Future Land Use classification and an additional 10 units from the Hotel Density Reserve through *Beach by Design*. The building will be 75 feet (from Base Flood Elevation) to roof with the parking on the first floor. The proposal includes a tropical modern architecture, which is consistent with and complements the tropical vernacular envisioned in *Beach by Design*.

The site will be accessed via two driveways with one two-way driveway located at the northeast corner of the property and the second driveway (an ingress-only) located at the northwest corner. A service drive is located at the northeast corner of the building along Bay Esplanade. The primary entrance and lobby of the building will be located along Bay Esplanade on the second floor.

As noted, the first (ground) floor of the building will contain all 32 required parking spaces as well as a solid waste component. The second through fourth floors contain five hotel units each with the remaining three floors containing four rooms each. The fifth floor also includes an open veranda. The roof level (available for guests only) includes a pool, dog run, fitness room, restroom, a small bar and a variety of seating and lounging areas.

The existing dock is proposed to remain and will function as an accessory use to the proposed hotel and will be available only for hotel guests.

It should be noted that the proposal includes the provision of an atypical lobby arrangement where a small office/registration area is provided at the northwest corner of the second floor. The registration area will be staffed between 9:00 a.m. and 1:00 p.m. Monday through Friday. The applicant has provided that an agent will otherwise be available via telephone 24 hours a day/seven days a week. In short, the proposed lobby consists of a small office area tucked into a corner of the second floor which will, for the most part, be unstaffed. This point, specifically, is in direct conflict with the provision of Section V.B.2 of *Beach by Design* which provides 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”.

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

#### Minimum Lot Area and Width:

The subject property is 15,175 square feet in area and approximately 130 feet wide. The proposed lot area and width may be approved as part of a Level Two (FLD) application, subject to meeting the applicable flexibility criteria of the Community Development Code

#### Minimum Setbacks:

The conceptual site plan depicts setbacks to building of 16 feet along the front (north) along Bay Esplanade and five feet along all other remaining sides of the site. The conceptual site plan depicts setbacks to pavement of 10 feet along the front (north) along Bay Esplanade and zero feet along all other remaining sides

of the site. The proposed setbacks may be approved as part of a Level One (FLS) application, subject to meeting the applicable flexibility criteria of the Community Development Code.

**Maximum Height:**

Section A.1.c of the Old Florida District within *Beach by Design* specifically addresses height. The proposal provides for a building 75 feet in height as measured from BFE where a height of up to 75 feet is permitted for overnight accommodations. 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 II Flexible Development application and as otherwise limited by *Beach by Design*.

The height of the proposed building is consistent with the guidelines of *Beach by Design*.

**Minimum Off-Street Parking:**

The 27-room overnight accommodation use requires a minimum of 32 off-street parking spaces. A parking garage located on the first levels of the building will provide a minimum of 32 spaces. 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 spaces for foundation landscaping will be provided along the street frontage as required by Section A.6 of the Old Florida District 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 may be requested/necessary as part of a Comprehensive Landscape Program which would be reviewed at time of formal site plan approval.

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

**Old Florida District**

Section A.1 specifies that overnight accommodations may be permitted up to a height of 75 feet (except for those properties located along Somerset Street). The property is not located along Somerset Street and a height of 75 feet is proposed.

Section A.2 specifies that a 15 foot front setback is required as are 10 foot side and rear setbacks. All setbacks are specifically to building. Section A.4 provides that a maximum reduction of five feet from any required setback (to building) may be possible. The proposal includes a front setback of 16 feet and five foot setback on all other sides.

Section A.3 provides requirements for stepbacks and setbacks for building exceeding 35 feet in height. Any development exceeding 35 feet in height shall be required to incorporate a building stepback on at least one side of the building (at a point of 35 feet). In the case of the subject property, the stepback is required along the north side of the building along Bay Esplanade. This section also specifies that a stepback/setback ratio, for this property is one foot for every 2.5 feet in building height above 35 feet. The additional stepback/setback for the proposed building is 16 feet. The total required stepback/setback distance for this project from the front (north) property line is between 26 and 31 feet (depending on if a reduction of five feet along the front property were requested as provided for in Section A.2). The applicant has provided a 16 foot setback (to building) and

a 15 foot stepback at 35 feet for a total stepback/setback distance of 31 feet.

Section A.6 requires a 10 foot landscape buffer is along all street frontages where the proposal includes a landscape buffer area of 10 feet along Bay Esplanade.

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 is inconsistent with the criterion which requires the provision of a typical lobby arrangement. The proposed lobby consists of a small office tucked into a corner of the second floor which will, for the most part, be unstaffed. Other criteria are met, 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 and is consistent with the Comprehensive Plan. However, the proposal is in direct conflict with the provision of Section V.B.2 of *Beach by Design* which provides 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".

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 10 units from the Hotel Density Reserve;
- Requires the developer to obtain building permits and certificates of occupancy in accordance with Community Development Code (CDC) Section 4-407;
- Requires the return of any hotel unit obtained from the Hotel Density Reserve that is not constructed;
- password
- 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; and
- 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.