City of Clearwater

Legislation Details (With Text)

File #:	ID#18-5443	**Version:** 2	**Name:**	Continue 1st rdg to 1/17/2019: 850 Bayway Boulevard; HDA2018-10002; Res. 18-18
Type:	Action Item		**Status:**	Passed
File created:	11/15/2018		**In control:**	Planning & Development
On agenda:	1/17/2019		**Final action:**	1/17/2019
Title:	Provide direction on the proposed Development Agreement between Decade Properties, Inc. (the property owner) and the City of Clearwater, providing for the allocation of 27 units from the Hotel Density Reserve under Beach by Design and confirm a second public hearing in City Council Chambers before City Council on February 7, 2019 at 6:00 p.m., or as soon thereafter as may be heard. (HDA2018-10002; 850 Bayway Boulevard).			
Sponsors:				
Indexes:				
Code sections:				
Attachments:	1. 01 Bayway 850 Development Agreement, 2. 02 Bayway 850 Exhibit B Site Plans, Archs and Elevations, 3. 03 Bayway 850 Survey, 4. 04 Bayway 850 Narrative, 5. 05 Bayway 850Exhibit C Hurricane Evac., 6. 06 Bayway 850 Traffic Impact Study, 7. 07 Bayway 850 HDA Res 18-18, 8. 08 Hotel Density Reserve - Distribution Log 2018_1108, 9. 851 bayway HDA Untitled (005).pdf, 10. bechakas objection email.pdf, 11. camposeo objection email.pdf, 12. HDA2018-10002.pdf, 13. petitions re HDA on Bayway.pdf, 14. Ali Letter_Statement in Opposition to 850 Bayway Blvd.pdf, 15. Ali presentation_SBW Powerpoint in Opposition.pdf, 16. Behan_Bayway HDA_Memo Style.pdf, 17. panagiola_Bayway HDA_Memo Style.pdf, 18. Re HDA on Bayway_CP LETTER.pdf, 19. Anotnio_Memo Style.pdf, 20. barry_Memo Style.pdf, 21. Carla_Memo Style.pdf, 22. chris s_Memo Style.pdf, 23. Chris_Memo Style.pdf, 24. Darrah_Memo Style.pdf, 25. dimas_Memo Style.pdf, 26. george_Memo Style.pdf, 27. gina_Memo Style.pdf, 28. jackie_Memo Style.pdf, 29. Janis_Memo Style.pdf, 30. Jarmila_Memo Style.pdf, 31. Jean_Memo Style.pdf, 32. Jim_Memo Style.pdf, 33. Krystyna_Memo Style.pdf, 34. lucy_Memo Style.pdf, 35. Michael_Memo Style.pdf, 36. Munther_Memo Style.pdf, 37. osolemio_Memo Style.pdf, 38. paul_Memo Style.pdf, 39. Ramses_Memo Style.pdf, 40. ronnie_Memo Style.pdf, 41. rudy_Memo Style.pdf, 42. Tom_Mayor Cretekos and City Council-011619.pdf			

Date	Ver.	Action By	Action	Result
1/17/2019	2	City Council		
1/14/2019	2	Council Work Session		
12/6/2018	1	City Council		
12/3/2018	1	Council Work Session		

SUBJECT/RECOMMENDATION:

Provide direction on the proposed Development Agreement between Decade Properties, Inc. (the property owner) and the City of Clearwater, providing for the allocation of 27 units from the Hotel Density Reserve under Beach by Design and confirm a second public hearing in City Council Chambers before City Council on February 7, 2019 at 6:00 p.m., or as soon thereafter as may be heard. (HDA2018-10002; 850 Bayway Boulevard).

SUMMARY:

Development Proposal:

The current proposal is to demolish all structures on the 0.661-acre site and build a single seven-floor hotel with 60 hotel rooms (91 units per acre). The 60 proposed units include 33 units otherwise permitted by the Resort Facilities High Future Land Use classification and an additional 27 units from the Hotel Density Reserve through *Beach by Design*. The building will be 80 feet (from Base Flood Elevation) to roof. 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. The primary entrance and lobby of the building will be located along Bay Way on the second floor.

The ground floor and the first four floors of the building will contain all 80 required parking spaces. Please note that the applicant has provided that floor one is the first floor over ground level parking in other words the floors run as ground, 1, 2, 3, 4, 5, 6 and 7. The ground floor includes 27 parking spaces. Floors one through three will include six hotel units as well as 14 parking spaces, each. The fourth floor will also include six units along with 11 parking spaces. Floors five through seven will include 12 hotel units each. A lobby/registration area is located on the ground floor at the northwest corner of the building. A small pool and patio area is provided on the fifth floor on the south side of the building. No additional amenities are proposed.

The existing 26-slip dock is proposed to remain with 10 of the slips available only for hotel guests. The remaining 16 slips will be available for lease by the general public. This will result in two uses being established on the property; a hotel and a marina facility. A marina facility is defined in the Community Development Code (Article 8) as 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. A marina is defined as 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. The Development Agreement includes specific language to limit the specific activities which may take place on the site ensuring that the "marina facility" component of the site will be compatible with the overnight accommodations component of the site 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 28,800 square feet in area and approximately 240 feet wide. The proposed lot area and width may be approved as part of a Level One Flexible Standard development (FLS) application, subject to meeting the applicable flexibility criteria of the Community Development Code

Minimum Setbacks:

The conceptual site plan depicts setbacks to building of 15 feet along the front (south) along Bayway Boulevard, side (east and west) setbacks of 10 feet and a rear (south) setback of five feet (all to building). 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.

Maximum Height:

The proposal provides for a building 80 feet in height as measured from BFE where a height of up to 100 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 60-room overnight accommodation use with a 16-slip marina facility requires a minimum of 80 off-street parking spaces with 1.2 spaces per unit (72 spaces) for the hotel component and one space per two slips (eight spaces) for the 16-slip marina facility component. A parking garage component located on the ground and first four levels of the building will provide a minimum of 80 spaces where 80 spaces are required. 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*:

Clearwater Pass District

No specific development parameters are provided within the Clearwater Pass district section of *Beach by Design*.

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 27 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;
▪ 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 no hotel room in a hotel allocated units from the Reserve will have a full kitchen;
▪ 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; 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.

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.