



## Legislation Details (With Text)

**File #:** ID#19-5646    **Version:** 1    **Name:** HDA2018-10002; 850 Bayway Boulevard; Res.19-03  
**Type:** Action Item    **Status:** Passed  
**File created:** 1/18/2019    **In control:** Planning & Development  
**On agenda:** 2/7/2019    **Final action:** 2/7/2019  
**Title:** Approve a Development Agreement between Decade Properties, Inc. (property owner) and the City of Clearwater, providing for the allocation of 27 units from the Hotel Density Reserve pursuant to Beach by Design; adopt Resolution 19-03, and authorize the appropriate officials to execute same. (HDA2018-10002)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 01 Bayway 850 Development Agreement 2019\_0118, 2. 02 Bayway 850 Exhibit B Site Plans, Archs and Elevations 2019\_0118, 3. 03 Bayway 850 Survey, 4. 04 Bayway 850 Narrative 2019\_0118, 5. 05 Bayway 850 Exhibit C Hurricane Evac. 2019\_0118, 6. 06 Bayway 850 Exhibit D Unified Use 2019\_0118, 7. 07 Bayway 850 Traffic Impact Study, 8. 08 Bayway 850 HDA Res 19-03, 9. 09 Hotel Density Reserve - Distribution Log 2019\_0118, 10. email from Aungst.pdf

Date	Ver.	Action By	Action	Result
2/7/2019	1	City Council		
2/4/2019	1	Council Work Session		

**SUBJECT/RECOMMENDATION:**

Approve a Development Agreement between Decade Properties, Inc. (property owner) and the City of Clearwater, providing for the allocation of 27 units from the Hotel Density Reserve pursuant to *Beach by Design*; adopt Resolution 19-03, and authorize the appropriate officials to execute same. (HDA2018-10002)

**SUMMARY:**

**Development Proposal:**

Changes to the Development Proposal based on direction from City Council include additional sheets to the concept site plans and revisions of the Development Agreement. The concept site plans include four additional sheets (sheets 12 through 15) highlighting the interior corridors which provide access to the hotel rooms. The Development Agreement has been changed with the following additions and revisions:

**Additions**

6.1.11 Limitation on Bar Service. The Developer agrees that there shall be no indoor or outdoor bar or lounge for the service of alcohol. Alcoholic beverage sales shall be limited to incidental sales of beer and wine only (i.e. cooler sales).

6.1.12 Availability of Parking Spaces. The Developer agrees that none of the on-site parking spaces will be available for sale or lease to the general public and that all parking spaces on the site will be for the sole use of hotel staff and/or guests and/or patrons of the 16-slip marina facility.

6.1.13 Limitation on Restaurant Service The Developer agrees that there shall be no restaurant use located anywhere on the site at any time with the exception of basic food service such as a typical “Continental Breakfast” or the sale of prepackaged food such as sandwiches and snacks for hotel guests only.

**Subsequent section to be renumbered accordingly.**

**Changes to Existing Language (underline and ~~strikeout~~ provided here for clarity)**

5.3 This Agreement shall continue in effect for ~~ten (10)~~ twenty (20) years unless earlier terminated as set forth herein.

6.1.10 Limitation on Amplified Music. Developer agrees that there shall be no outdoor amplified music at the Project at any time after 11:00 p.m. on Sunday through Thursday, or after 12:00 midnight on Friday and Saturday.

The owners propose to utilize the 33 hotel units otherwise permitted by the Resort Facilities High Future Land Use classification and incorporate an additional 27 units from the Hotel Density Reserve through *Beach by Design* resulting in a total of 60 units (91 units per acre).

**Consistency with the Community Development Code:**

No changes have been made to the Conceptual Site Plan (except to include four additional sheets to highlight the location of interior corridors providing access to hotel rooms) and Elevations presented at the January 17, 2019 Council meeting. The Conceptual Site Plan and Elevations continue to appear to be consistent with the CDC with regard to:

- Minimum Lot Area and Width
- Minimum Setbacks
- Maximum Height
- Minimum Off-Street Parking
- Landscaping

**Consistency with Beach by Design:**

No changes have been made to the Conceptual Site Plan (except to include four additional sheets to highlight the location of interior corridors providing access to hotel rooms) and Elevations presented at the January 17, 2019 Council meeting. The Conceptual Site Plan and Elevations continue to appear to be consistent with the *Beach by Design* with regard to:

- Design Guidelines
- Hotel Density Reserve

**Standards for Development Agreements:**

The proposal is in compliance with the standards for development agreements and is consistent with the Comprehensive Plan.

The proposed Development Agreement would be in effect for a period not to exceed 20 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.

The Planning and Development Department is recommending approval of this Development Agreement for the allocation of up to 27 units from the Hotel Density Reserve under *Beach by Design*.