



Legislation Details (With Text)

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| File #: | ID#19-6781 | Version: | 1 | Name: | 40 Devon Drive; HDA2014-07004A; Resolution 19-18 |
| Type: | Action Item | Status: | Passed | | |
| File created: | 9/6/2019 | In control: | Planning & Development | | |
| On agenda: | 9/19/2019 | Final action: | 9/19/2019 | | |

Title: Approve the first amendment to an existing Hotel Development Agreement (HDA2014-07004) between Decade Sea Captain, LLC (the property owner) and the City of Clearwater for property located at 40 Devon Drive, which replaces Exhibit A to provide an updated legal description and replaces Exhibit B to provide new conceptual site plans and elevations, reduce the overall height of the proposed hotel building, add a detached dwelling to the portion of the property within the Low Medium Density Residential (LMDR) District; adopt Resolution 19-18, and authorize the appropriate officials to execute same. (HDA2014-07004A)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 01_Exhibit_1_Original_Agreement.pdf, 2. 02_Exhibit_2_First_Amdt_Dev_Agrmnt.pdf, 3. 03_Amended_Exhibit_A_Legals.pdf, 4. 04_Amended_Exhibit_B_Plans_Elev.pdf, 5. 05_Res_19-18.pdf, 6. 06_Survey.pdf, 7. 07_Hotel_Density_Reserve_Log.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------|--------|--------|
| 9/19/2019 | 1 | City Council | | |
| 9/16/2019 | 1 | Council Work Session | | |

SUBJECT/RECOMMENDATION:

Approve the first amendment to an existing Hotel Development Agreement (HDA2014-07004) between Decade Sea Captain, LLC (the property owner) and the City of Clearwater for property located at 40 Devon Drive, which replaces Exhibit A to provide an updated legal description and replaces Exhibit B to provide new conceptual site plans and elevations, reduce the overall height of the proposed hotel building, add a detached dwelling to the portion of the property within the Low Medium Density Residential (LMDR) District; adopt Resolution 19-18, and authorize the appropriate officials to execute same. (HDA2014-07004A)

SUMMARY:

Site History:

December 21, 2010: Case FLD2010-08004 approved to permit an 85-unit overnight accommodation use. Status: expired.

January 13, 2011: DVA2010-08001 approved the allocation of up to 53 units from the Hotel Density Reserve for an 85-unit overnight accommodations use as related to case FLD2010-08004. Status: expired.

May 21, 2013: Case FLD2013-02007 approved to permit an 85-unit overnight accommodation use in the Tourist (T) District. Status: expired.

June 19, 2013: DVA2010-08001A approved. Status: expired.

October 15, 2014: HDA2014-07004 approved the allocation of up to 66 units from the Hotel Density for a 98-unit overnight accommodations use related to case FLD2015-02006. Status: valid. The current proposal under consideration is to amend this Development Agreement.

April 21, 2015: Case FLD2015-02006 approved to permit a 98-unit overnight accommodation use. Status: valid although unconstructed.

September 14, 2018: A minor revision to FLD2015-02006 was submitted and administratively approved pursuant to CDC Section 4-405.A.1 through 9 and a Development Order to that effect was issued on September 24, 2018.

September 18, 2018: Case FLD2018-06020 approved to permit a parking garage in the for the properties located at 101 Coronado Drive and 41 Devon Drive. This application is peripherally related to the subject site as it provides 118 parking spaces for the proposed hotel. Status: valid although unconstructed.

October 15, 2019: Case FLD2015-02006A which amends case FLD2015-02006 to be consistent with the current, proposed Hotel Development Agreement amendment (HDA2014-07004A) is scheduled for review by the Community Development Board.

Development Proposal:

No changes have been made to the Development Proposal presented at the September 5, 2019 Council meeting.

The owners continue to propose to construct a 98-unit hotel including 66 units allocated from the Hotel Density Reserve through *Beach by Design* as previously approved by City Council on October 15, 2014 as part of a Level III Development Agreement (HDA2014-07004/Resolution 14-32). The proposal also includes constructing a detached dwelling in the portion of the site within the LMDR District.

The proposal, in short, updates the legal description (Exhibit A) includes a new conceptual site plan and accompanying building elevations (Exhibit B) as well as changes to the Development Agreement. No changes to the hotel component beyond that as otherwise approved through the noted minor amendment are proposed.

The changes to the Development Agreement are listed below:

- Section 4.1: Adds the proposed detached dwelling as a use to the site in addition to the 98-unit hotel and specifies that the hotel component is only located on the T District portion of the site and the detached dwelling component is only located on the LMDR District portion of the site.
- Section 4.4: Decreases the height of the building from 100 feet to 77 feet.
- Section 4.5: Clarifies that the intensity of use within the LMDR District portion of the site is limited to one dwelling unit, specifies a height of the detached dwelling of 30 feet from BFE.
- Section 6.1.7: Clarifies that no unit within the T District portion of the site shall have a complete kitchen facility as defined by the Community Development Code. This is to allow the detached dwelling to include a full kitchen as allowed by the Community Development Code.

Consistency with the Community Development Code:

No changes have been made to the Conceptual Site Plan presented at the September 5, 2019 Council meeting. The Conceptual Site Plan continues to appear to be consistent with the CDC regarding:

- 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 and Elevations presented at the September 5, 2019 Council meeting. The Conceptual Site Plan and Elevations continue to appear to be consistent with the *Beach by Design* regarding:

- Design Guidelines
- Hotel Density Reserve

Standards for Development Agreements:

The proposal is compliant 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 10 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 no change in the number of units (66 units) allocated from the Hotel Density Reserve (previously approved as part of HDA2014-07004/Resolution 14-32);
- Clarifies that a full kitchen is permissible for the proposed detached dwelling;
- Clarifies that the rental period for the detached dwelling shall not include rentals for periods of less than 31 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place rented for periods of less than 31 days or one calendar month, whichever is less;
- Limits the proposed height of the detached dwelling to no more than 30 feet;
- Revises Exhibit A which updates the legal description;
- Revises Exhibit B which includes new conceptual site plans, architectural drawings, elevations and perspectives;
- Requires the developer to obtain site plan approval pursuant to a Level One or Level Two development application within one year of approval of the amended and restated Development Agreement and 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;
- For units allocated from the Hotel Density Reserve, prohibits the conversion of any hotel unit to a residential use and requires the recording of a covenant restricting use of such hotel units to overnight accommodation usage;
- 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 CDC Section 4-406,. 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 first amendment to an existing Development Agreement which the allocated up to 66 units from the Hotel Density Reserve under *Beach by Design*, amends Exhibit A (legal description) and amends Exhibit B (site plans and elevations).