



Legislation Details (With Text)

File #:	ID#19-7109	Version:	1	Name:	HDA2014-06004A; 401, 411, 421, 425 and 431 South Gulfview Boulevard; Resolution: 19-23
Type:	Action Item	Status:		Status:	Passed
File created:	11/4/2019	In control:		In control:	Planning & Development
On agenda:	11/21/2019	Final action:		Final action:	11/21/2019
Title:	Approve the second amendment to an existing Development Agreement between Triprop Clearwater, LLC (as assigned by Alanik Properties; Anco Holdings, LLC; Nikana Holdings, LLC) (the property owner) and the City of Clearwater for property located at 401, 411, 421, 425 and 431 South Gulfview Boulevard, which adds Exhibit A-1 to provide an updated legal description to include parcel 07-29-15-52380-000-0780 to the subject site and replaces Exhibit B with Exhibit B-1 to provide new conceptual site plans and elevations, updates Exhibits C and D regarding any references to the legal description and proposed number of overall hotel units, adds Exhibit E which provides specific language germane to the pedestrian bridge regarding construction and maintenance and sets a new date by which time site plan approval must be obtained, authorize the appropriate officials to execute same and adopt Resolution 19-23. (HDA2014-06004A)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. 01 Gulfview 421 Res 19-23.pdf, 2. 02 Gulfview 421 Exhibit 1 to Resolution.pdf, 3. 03 Gulfview 421 Exhibit 2 to Resolution.pdf, 4. 04 Gulfview 421 Exhibit 3 to Resolution.pdf, 5. 05 Gulfview 421 Survey.pdf, 6. 06 Gulfview 421 Narrative.pdf, 7. 07 Gulfview 421 Traffic Impact Study.pdf, 8. 08 Hotel Density Reserve - Distribution Log 2019_1023.pdf				

Date	Ver.	Action By	Action	Result
11/21/2019	1	City Council		
11/18/2019	1	Council Work Session		

SUBJECT/RECOMMENDATION:

Approve the second amendment to an existing Development Agreement between Triprop Clearwater, LLC (as assigned by Alanik Properties; Anco Holdings, LLC; Nikana Holdings, LLC) (the property owner) and the City of Clearwater for property located at 401, 411, 421, 425 and 431 South Gulfview Boulevard, which adds Exhibit A-1 to provide an updated legal description to include parcel 07-29-15-52380-000-0780 to the subject site and replaces Exhibit B with Exhibit B-1 to provide new conceptual site plans and elevations, updates Exhibits C and D regarding any references to the legal description and proposed number of overall hotel units, adds Exhibit E which provides specific language germane to the pedestrian bridge regarding construction and maintenance and sets a new date by which time site plan approval must be obtained, authorize the appropriate officials to execute same and adopt Resolution 19-23. (HDA2014-06004A)

SUMMARY:

Development Proposal:

No changes have been made to the Development Proposal presented at the November 7, 2019 Council meeting although two changes have been made regarding the Development Agreement:

1. A minimum number of parking spaces to be made available to the public above and beyond those otherwise required by the CDC is included with Section 4.2; and
2. Section 6.1.3.5 is added which specifies that access to the public right-of-way from the pedestrian

bridge is prohibited.

These changes are also reflected in the general listing of the changes to the Development Agreement, below.

In addition, two changes have been made to the recitals of the Second Amendment to reflect the fact that the applicant has, in the last few weeks, closed on parcel 07-29-15-52380-000-0780. Therefore, the eighth recital has been amended to show this change of ownership and the ninth recital is removed.

The owners continue to propose to demolish all structures on the site and redevelop the site with a 248-unit hotel (increased from a 227-unit hotel) utilizing the existing 127 hotel units and incorporating an additional 100 units allocated from the Hotel Density Reserve through *Beach by Design* as currently approved through HDA2014-06004 and amended by HDA2015-06001. The original site, consisting of 1.99 acres, is, through this current proposal, increased by 0.426 acres providing for a total of 2.416 acres. The additional acreage brings a total of 21.3 permitted hotel units to the proposal which, when added to the previously-proposed 227 units (114 units per acre) results in a total of 248 units (102.649 units per acre) which includes 100 hotel units as originally-allocated through the approval of HDA2014-06004. It should be noted that the overall density of the site decreases from 114 units per acre to approximately 103 units per acre. The current request includes a new conceptual site plan and accompanying building elevations (Exhibit B-1) and appropriate changes to the Development Agreement. The changes to the Development Agreement are listed below however; the conceptual site plan and building elevations have been updated to reflect the addition of the 0.426-acre parcel at the southwest quadrant of the site.

The proposal also modifies the previously approved site plan with a pedestrian overpass over South Gulfview Boulevard. The proposed pedestrian bridge will be located at the southwest quadrant of the site and will be located entirely within the South Gulfview Boulevard right-of-way. The bridge will stretch from the second floor along the west façade of the building across South Gulfview Boulevard to the second floor of 430 South Gulfview Boulevard (The Opal Sands Resort). The proposal bridge will extend seaward of the Coastal Construction Control Line (CCCL). The bridge will be a minimum of 17 feet above South Gulfview Boulevard and approximately 12 feet in width. It is important to note that this component requires the granting of an easement for air rights by the City over the South Gulfview Boulevard right-of-way. In addition, an application for the amendment of FLD2013-04015 which granted site plan approval for the existing hotel located at 430 South Gulfview Boulevard will be required.

In summary, the changes to the conceptual site plan and elevations are:

- The addition of 0.426 acres (parcel 07-29-15-52380-000-0780) at the southwest quadrant of the site.
- A reorientation of the parking garage.
- A reallocation of most of the proposed parking spaces from under the hotel tower to the parking garage.
- The addition of a pedestrian bridge connecting the subject site with 430 South Gulfview Boulevard to the west across South Gulfview Boulevard.

The changes to the Development Agreement include:

- Section 4.1: Increases the total number of hotel units from 227 to 248.
- Section 4.2: Increases the number of parking spaces required from 272 to 298 and specifies that a minimum of 230 spaces in addition to the otherwise minimum number of required parking spaces.
- Section 4.4: Decreases the proposed density of units from 114 units per acre to 103 units per acre.
- Section 4.5: Adds the provision of a pedestrian overpass bridge connecting to the Opal Sands resort to the west across South Gulfview Boulevard.
- Section 6.1.3.4: Requires an amendment to FLD2013-04015 which approved the hotel located at 430 South Gulfview Boulevard.
- Section 6.1.3.5: Adds a prohibition on providing direct access from the pedestrian bridge to the public right-of-way.

Exhibit A-1

- Exhibit A-1 is added to provide the legal description for the additional property at the southwest quadrant of the site.

Exhibit B-1

- Exhibit B-1 replaces Exhibit B and provides updated site plans, elevations and floor plans.

Exhibits C and D

- These exhibits were not resubmitted because few changes are proposed. Section 5 of the Statement of Agreement provides that both Exhibits are amended to reflect the increase in the total number of hotel units from 227 to 248 and the addition of the parcel as described in Exhibit A-1.

Exhibit E

- Exhibit E is added which provides specific language specific to the pedestrian bridge regarding construction and maintenance.

Consistency with the Community Development Code:

No changes have been made to the Conceptual Site Plan presented at the November 7, 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 presented at the November 7, 2019 Council meeting. The Conceptual Site Plan continues 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, is consistent with the Comprehensive Plan and furthers the vision of beach redevelopment set forth in *Beach by Design*. The proposed first amended and restated amendment to the existing 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 no change in the number of units (100 units) allocated from the Hotel Density Reserve (previously approved as part of HDA2014-06004/Resolution No. 14-29 and amended by HDA2015-06001/Resolution No. 15-19);
- Adds Exhibit A-1 by to provide a legal description for the added parcel;
- Revises Exhibit B which includes new conceptual site plans, architectural drawings, elevations and perspectives and renames that exhibit to "Exhibit B-1";
- Exhibits C and D were not resubmitted because no significant changes are proposed to these components except for updates to the total number of proposed hotel units and to include the legal description of the added parcel as provided by Exhibit A-1. This is referenced in Section 5 of the Statement of Agreement.
- Adds Exhibit E providing specific language pertaining construction and maintenance regarding the proposed pedestrian bridge
- Requires the developer to obtain building permits within one year of approval of the amended and restated Development Agreement 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; 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.
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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 second amendment to an existing Development Agreement for the allocation of up to 100 units from the Hotel Density Reserve under *Beach by Design*.