



## Legislation Text

File #: ID#14-592, Version: 1

### SUBJECT/RECOMMENDATION:

Provide direction on the proposed Development Agreement between Elias Anastasopoulos and Anastasios Anastasopoulos (the property owners), Captain Bligh's Landing, Inc. (the Developer) and the City of Clearwater, providing for the allocation of 100 units from the Hotel Density Reserve under *Beach by Design* and confirm a second public hearing in City Council Chambers before City Council on November 20, 2014 at 6:30 p.m., or as soon thereafter as may be heard. (HDA2014-08007; 630 South Gulfview Boulevard)

### SUMMARY:

#### Site Location and Existing Conditions:

The 1.192-acre site is a double frontage lot bound by South Gulfview Boulevard on the south and Bayway Boulevard on the north approximately 240 feet east of the intersection of South Gulfview Boulevard and Bayway Boulevard. The subject property is comprised of two parcels with a frontage of approximately 286 feet along South Gulfview Boulevard and 280 feet along Bayway Boulevard. The site is occupied by an outdoor recreation and entertainment use (miniature golf) and a retail sales service use. 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 South Beach/Clearwater Pass District of *Beach by Design*.

The larger area is characterized by a variety of uses including overnight accommodation, retail, outdoor recreation and entertainment, restaurant and attached dwelling uses with heights ranging from one to 15 stories. The immediate area is characterized by one to 11 story buildings consisting mostly of retail, restaurant, overnight accommodations and attached dwellings.

#### Development Proposal:

The owners propose to utilize the otherwise permitted density of 50 units per acre or 59 units and incorporate an additional 100 units from the Hotel Density Reserve through *Beach by Design* resulting in a total of 159 units (134 units per acre).

The building will be 100 feet (from Base Flood Elevation) to flat roof with the parking on the first four levels. The proposal includes a Contemporary Tropical architecture, which is consistent with and complements the tropical vernacular envisioned in *Beach by Design*.

The site will be accessed via a single one-way driveway located at the southeast corner of the building along South Gulfview Boulevard and an ingress-only driveway at the northwest corner of the site and egress-only driveway at the northeast corner of the building along Bayway Boulevard. These three driveways will provide access to the parking garage component of the development.

A swimming pool will located on the 10<sup>th</sup> floor at the northwest corner of the building. Various other outdoor patios are located on the north and south sides of the building at the 5<sup>th</sup> floor. Retail, restaurant or other like amenities are proposed totaling 18,000 square feet (approximately 12 percent of the total floor area of the building). The retail uses will be located along South Gulfview Boulevard with the retail spaces at the southwest corner of the building accessible through an elevated sidewalk, located entirely on the subject property, three feet above grade. The ground floor will also include parking, lobby and assorted back of house

uses. Floors two through four will include just parking. The remaining floors will include all 159 hotel units.

Eight and five foot sidewalks exist along South Gulfview Boulevard and Bayway Boulevard, respectively. These sidewalks continue to the east and west of the subject property. They will be repaired/replaced as needed and will match the existing sidewalk with regard to width. Materials, fit, finish and installation methodology will be coordinated with City Staff. Bike racks are proposed along South Gulfview Boulevard and likewise, the materials, fit, finish and installation methodology will be coordinated with City Staff.

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

#### Minimum Lot Area and Width:

Pursuant to CDC Table 2-802, the minimum required lot area and width for an overnight accommodation use is 20,000 square feet and between 100 and 150 feet, respectively. The subject property is 51,862 square feet in area and approximately 280 feet wide. The site is consistent with these Code provisions.

#### Minimum Setbacks:

The conceptual site plan depicts setbacks of between zero and 15 feet along the front (south) to building and zero feet along the front (north) to building; 12 feet to building along the sides (east and west). The proposed setbacks may be approved as part of a Level Two (FLD) application, subject to meeting the applicable flexibility criteria of the Community Development Code.

#### Maximum Height:

Section B of the Design Guidelines within *Beach by Design* specifically addresses height and is delineated in three subsections. Sections B.1 and 2 impact development with heights between 100 and 150 feet. The proposal provides for a building 100 feet in height as measured from BFE where a height of up to 100 feet is permitted as prescribed 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 limited by *Beach by Design*. Therefore, these two sections are not applicable to the proposal.

Section B.3 provides that the floorplate of any portion of a building that exceeds 45 feet in height is limited as follows:

- a) Between 45 feet and 100 feet the floorplate will be no greater than 25,000 square feet except for parking structures open to the public; and
- b) Between 100 feet and 150 feet, the floorplate will be no greater than 10,000 square feet; and
- c) Deviations to the above floorplate requirements may be approved provided the mass and scale of the design creates a tiered effect and complies with the maximum building envelop allowance above 45 feet as described in Section C. 1.4 of the Design Guidelines.

The proposal meets this provision in that the floorplate above 45 feet is 23,070 square feet and there is no floorplate over 100 feet. Therefore, this section is supported by the proposal.

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

#### Minimum Off-Street Parking:

The 159-room overnight accommodation use requires a minimum of 191 off-street parking spaces. A parking garage located on the first four levels of the building will provide 243 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 all sides of the building. Since no perimeter landscape buffers are 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:**

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 to operate 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 up to 100 units from the Hotel Density Reserve or a maximum density of 134 units per acre;
- 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;
- 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.

**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.