



Legislation Text

File #: HDA2013-08007, **Version:** 1

SUBJECT/RECOMMENDATION:

Provide direction on the termination of the Development Agreement between Ted and Maria Lenart, Trustees of Lenart Family Trust UTD December 20, 1991 (the property owner) and the City of Clearwater, which provided for the allocation of up to 69 units from the Hotel Density Reserve under *Beach by Design*, and confirm a second public hearing in City Council Chambers before City Council on March 16, 2017 at 6:00 p.m., or as soon thereafter as may be heard. (HDA2013-08007)

SUMMARY:

On December 4, 2013, a Development Agreement was made effective between the property owner and the City of Clearwater which provided 69 units from the Hotel Density Reserve (HDA2013-08007/Resolution 13-31).

Section 6.1.3.2 of the Agreement provides that the Developer shall obtain appropriate site plan approvals pursuant to a Level One or Level Two development application, within three years from the effective date of this Agreement (Commencement Date) (December 4, 2016) in accordance with the provisions of the Code.

Finally, Section 10.1 of the Agreement provides that if the Developer's obligations set forth in this Agreement are not followed in a timely manner, as reasonably determined by the City Manager, after notice to the Developer and an opportunity to be heard, existing permits shall be administratively suspended and issuance of new permits suspended until the Developer has fulfilled its obligations. Failure to timely fulfill its obligations may serve as a basis for termination of this Agreement by the City, at the discretion of the City and after notice to the Developer and an opportunity for the Developer to be heard.

As of December 4, 2016, site plans have not been submitted to the City for review, let alone approved as required, above. Therefore, the terms of the Development Agreement have not been met by the Developer.

Pursuant to Section 13 of the Agreement notices have been provided to:

1. Ted and Maria Lenart, Trustees of the Lenart
Family Trust, u/ t/d/ December 20, 1991
8556 W. Winnemac, Noridge
Chicago, IL 60656
2. Katherine E. Cole, Esq.
Hill Ward Henderson
311 Park Place, Suite 240
Clearwater, FL 33759