



Legislation Text

File #: ID#17-3258, **Version:** 1

SUBJECT/RECOMMENDATION:

Approve a Development Agreement between North Clearwater Beach Development, LLC (the property owner) and the City of Clearwater, providing for the allocation of 10 units from the Hotel Density Reserve under *Beach by Design*, adopt Resolution 17-01, and authorize the appropriate officials to execute same. (HDA2016-09001)

SUMMARY:

Development Proposal:

Since the Council Work Session on Monday the applicant has revised Sheet A2 of their submittal (the second floor layout of the building) which eliminates a bedroom from one of the units and replaces that space with a lobby/front desk area. This area is located near the elevator. A note is included on the sheet near the front desk area which provides that the space will be attended 24 hours a day, seven days a week.

Staff no longer objects to the request and believes that, as submitted, it is consistent with all applicable sections of *Beach by Design*. Staff is now recommending approval of HDA2016-09001.

The owners propose to utilize the 17 hotel units otherwise permitted by the Resort Facilities High (RFH) Future Land Use classification and incorporate an additional 10 units from the Hotel Density Reserve through *Beach by Design* resulting in a total of 27 units (78 units per acre).

Consistency with the Community Development Code:

With the noted exception of the aforementioned changes, no other changes have been made to the Conceptual Site Plan presented at the February 16, 2017 Council meeting. The Conceptual Site Plan continues 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:

With the noted exception of the aforementioned changes, no other changes have been made to the

Conceptual Site Plan presented at the February 16, 2017 Council meeting. As noted, changes have been made to Sheet A2 of their submittal (the second floor layout of the building) which eliminates a bedroom from one of the units and replaces that space with a lobby/front desk area. The Conceptual Site Plan is now consistent with Beach by Design because the criterion which requires the provision of a typical lobby arrangement has been met.

Standards for Development Agreements:

The proposal, with the aforementioned changes, 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 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 10 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; 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 CDC Section 4-606.I., a Development Agreement may be amended by mutual consent of the parties, provided the notice and public hearing requirements of CDC 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 Development Agreement for the allocation of up to 10 units from the Hotel Density Reserve under *Beach by Design*.

APPROPRIATION CODE AND AMOUNT:

USE OF RESERVE FUNDS: