



## Legislation Text

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**File #:** ID#17-3654, **Version:** 1

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### **SUBJECT/RECOMMENDATION:**

Approval of a Development Agreement between Gulfview Lodging, LLP (the property owner) and the City of Clearwater, providing for the allocation of up to 59 units from the Hotel Density Reserve under Beach by Design, adopt Resolution 17-19 and authorize the appropriate officials to execute same. (HDA2017-04001)

### **SUMMARY:**

#### **Development Proposal:**

Since the City Council Meeting of Wednesday June 14, 2017 the applicant has revised Sheets A5\_2, 3, 6 and 7 of their submittal (elevations) to correct a few scrivener's errors. No other changes have been made to the submittal.

The current proposal is to demolish all structures on the site and build a seven-floor hotel with 88 hotel rooms (150 units per acre). It is important to note that the proposed number of units (88) is dependent on the vacation of 2,195 square feet of the South Gulfview Boulevard. This point is noted in Section 6.2.4 of the Development Agreement. This area is included in the total site area of 0.59 acres.

The applicant intends to request a Termination of Status of Nonconformity as part of a Level II Flexible Development application. Approval of that application (not yet submitted) would render the 32 existing units on the hotel parcel (where 18 are otherwise permitted at 50 units per acre) conforming. The north parcel yields 11 hotel units. Assuming approval of a Termination of Status of Nonconformity request the total number of permitted units would be 43. The 88 total proposed units include those 43 units and an additional 45 units from the Hotel Density Reserve through *Beach by Design*. The applicant is requesting 59 units from the Reserve in the event a Termination of Status of Nonconformity is either not requested or denied in order to maintain the designed density of 150 units per acre or 88 units.

#### **Consistency with the Community Development Code:**

No changes have been made to the Conceptual Site Plan presented at the June 14, 2017 City 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:**

No changes have been made to the Conceptual Site Plan presented at the June 14, 2017 City 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 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 59 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 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 59 units from the Hotel Density Reserve under *Beach by Design*.