



## Legislation Text

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**File #:** ID#18-5046, **Version:** 1

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### **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 pursuant to *Beach by Design*; adopt Resolution 18-11, and authorize the appropriate officials to execute same. (HDA2018-04001)

### **Site History:**

The City Council approved a Development Agreement for this property along with a concept plan and elevations on March 2, 2017 as part of application HDA2016-09001. That approval was valid until March 9, 2018 by which time site plan approval was supposed to have been obtained pursuant to Development Agreement Section 6.1.3.2. Unfortunately, the applicant allowed the extension deadline to pass without submitting an application for site plan approval and the approval of the Development Agreement expired.

### **Development Proposal:**

No changes have been made to the Development Proposal presented at the August 14, 2018 council meeting.

The owners propose to utilize the 17 hotel units otherwise permitted by the Resort Facilities High 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:**

No changes have been made to the Conceptual Site Plan presented at the August 14, 2018 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 August 14, 2018 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 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;
- Provides evidence that the development complies with the Metropolitan Planning Organization's (MPO) countywide approach to the application of concurrency management for transportation facilities, and includes a transportation analysis conducted for the development;
- Provides that all units in a hotel receiving units from the Reserve shall be made available to the public as overnight transient hotel guests at all times through the required hotel reservation system;
- That no hotel room in a hotel allocated units from the Reserve will have a full kitchen;
- That a reservation system shall be required as an integral part of the hotel use and there shall be a lobby/front desk area that must be operated as a typical lobby/front desk area for a hotel would be operated; 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 (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 Development Agreement for the allocation of up to 10 units from the Hotel Density Reserve under *Beach by Design*.