



Legislation Text

File #: ID#19-6958, Version: 1

SUBJECT/RECOMMENDATION:

Provide direction on the proposed second amendment to an existing Development Agreement between Triprop Clearwater, LLC and M E M PC Properties Inc. (as assigned by Alanik Properties; Anco Holdings, LLC; Nikana Holdings, LLC) (the property owners) and the City of Clearwater for property located at 401, 411, 421, 425 and 431 South Gulfview Boulevard, which adds Exhibit A-1 to provide an updated legal description to include parcel 07-29-15-52380-000-0780 to the subject site and replaces Exhibit B with Exhibit B-1 to provide new conceptual site plans and elevations, updates Exhibits C and D regarding any references to the legal description and proposed number overall hotel units, adds Exhibit E which provides specific language germane to the pedestrian bridge regarding construction and maintenance and sets a new date by which time site plan approval must be obtained and confirm a second public hearing in City Council Chambers before City Council on November 21, 2019 at 6:00 p.m., or as soon thereafter as may be heard. (HDA2014-06004A)

SUMMARY:

Site Location and Existing Conditions:

The 2.416-acre site is bound by South Gulfview Boulevard (west), Coronado Drive (east), and Fifth Street (north). The subject property is comprised of four parcels with a frontage of approximately 540 feet along South Gulfview Boulevard, 450 feet along Coronado Drive and 213 feet of frontage along Fifth Street. The site is occupied by two hotels with a combined total of 127 hotel rooms, a restaurant and a small retail store. The subject property is zoned Tourist (T) District with an underlying Future Land Use designation of Resort Facilities High (RFH). The subject property is also located within the Beach Walk District of *Beach by Design*.

Access to the site is generally provided by several driveways along South Gulfview Boulevard (including the South Gulfview Boulevard frontage road) and Coronado Drive. A drop curb along Fifth Street runs along the north side of the site providing parking spaces which exist partially within and back out into the Fifth Street right-of-way. Building frontage is generally located along South Gulfview Boulevard (and its frontage road) and Fifth Street.

The surrounding 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 two to 15 story hotels. A five-story attached dwelling is located at the northeast corner of Bayside Drive and Hamden Drive. Detached dwellings are located farther along the length of Bayside Drive. The properties located along Hamden Drive are developed with attached dwellings and overnight accommodation uses. The City's Beach Walk project, adjacent to the west, has transformed South Gulfview Boulevard to the north and south of this site into a winding beachside promenade with lush landscaping, artistic touches and clear views to Clearwater's award-winning beach and the water beyond. Coronado Drive has largely been improved as envisioned in *Beach by Design*.

Site History:

- On September 20, 2005, the Community Development Board (CDB) approved Case No. FLD2005-07068 which included, among other items, a request for a Termination of Status of Nonconformity to permit

127 hotel units (63.69 units per acre) to be considered conforming when the otherwise permitted number of hotel units was 97 units (50 units per acre). That portion of the request is considered vested.

- On September 19, 2014, the City Council approved the allocation of up to 100 units from the Hotel Density Reserve under *Beach by Design* (Case No. HDA2014-06004) and adopted a resolution to the same effect (Res. No. 14-29). The owners proposed to develop the site with a 227-unit (114 units per acre) overnight accommodations use as related to case FLD2005-07068. This agreement has since been amended by HDA2015-06001 and is attached to the resolution as Exhibit 1.
- On March 17, 2015, the Community Development Board (CDB) approved Case No. FLD2015-09036 to permit a 227-unit overnight accommodation use in the Tourist (T) District. This approval is still valid through June 11, 2021 via four separate extension requests.
- On August 20, 2015, the City Council approved the first amendment to HDA2014-06004 (HDA2015-06001) and adopted a resolution to the same effect (Res. No. 15-19). This is attached to the resolution as Exhibit 2. Please note that the Planning and Development Department had not implemented the current policy of using the original case number supplemented, alphabetically (A, B, C, D, etc.) to represent the application amendment and, rather, assigned a new case number to this first amendment. The owners continued to propose to utilize the existing 127 hotel units and incorporate an additional 100 units from the Hotel Density Reserve through *Beach by Design* resulting in a total of 227 units (114 units per acre). The amendment included a new conceptual site plan and accompanying building elevations (Exhibit B) and changes to the Development Agreement. The changes to the Development Agreement are listed below:
 - Section 4.4: Increases the height of the building from approximately 140 feet to 150 feet.
 - Section 6.1.3.2: Changes the date by which site plan approval must be obtained to six months from approval of the amended Development Agreement.

This agreement is still valid.

- On May 10, 2016, the applicant's representative sent a Notice of Assignment of Development Agreement by Alanik Properties, LLC, et.al, to Triprop Clearwater, LLC to the City. Copies of the Assignment and Joinder (signed on May 6 and May 9, 2016) as well as a release of Developer's Obligation under Hotel Density Reserve Development Agreement were dated July 22, 2016 were subsequently submitted to the City.

Development Proposal:

The current proposal, attached to the resolution as Exhibit 3, includes the demolition of all structures on the site and to redevelop the site with a 248-unit hotel (increased from a 227-unit hotel) utilizing the existing 127 hotel units and incorporating an additional 100 units allocated from the Hotel Density Reserve through *Beach by Design* as currently approved through HDA2014-06004 and amended by HDA2015-06001. The original site, consisting of 1.99 acres, is, through this current proposal, increased by 0.426 acres providing for a total of 2.416 acres. The additional acreage permits an additional 21 permitted hotel units to the proposal which, when added to the previously-proposed 227 units (114 units per acre) results in a total of 248 units (102.649 units per acre) which includes 100 hotel units as originally-allocated through the approval of HDA2014-06004. It should be noted that the overall density of the site decreases from 114 units per acre to approximately 103 units per acre. The current request includes a new conceptual site plan and accompanying building elevations (Exhibit B-1) and appropriate changes to the Development Agreement. The changes to the Development

Agreement are listed below; however, the conceptual site plan and building elevations have been updated to reflect the addition of the 0.426-acre parcel at the southwest quadrant of the site.

Development Agreement

- Section 4.1: Increases the total number of hotel units from 227 to 248.
- Section 4.2: Increases the number of parking spaces required from 272 to 298.
- Section 4.4: Decreases the proposed density of units from 114 units per acre to 103 units per acre.
- Section 4.5: Adds the provision of a pedestrian overpass bridge connecting to the Opal Sands resort to the west across South Gulfview Boulevard.
- Section 6.1.3.4: Requires an amendment to FLD2013-04015 which approved the hotel located at 430 South Gulfview Boulevard.

Exhibit A-1

- Exhibit A-1 is added to provide the legal description for the additional property at the southwest quadrant of the site.

Exhibit B-1

- Exhibit B-1 replaces Exhibit B and provides updated site plans, elevations and floor plans.

Exhibits C and D

- These exhibits were not resubmitted because few changes are proposed. Section 5 of the Statement of Agreement provides that both Exhibits are amended to reflect the increase in the total number of hotel units from 227 to 248 and the addition of the parcel as described in Exhibit A-1.

Exhibit E

- Exhibit E is added which provides specific language specific to the pedestrian bridge regarding construction and maintenance.

The current proposal, as noted, is to demolish all structures on the site and build a single 15-floor hotel with 248 hotel rooms. The building will be 150 feet (from Base Flood Elevation) to flat roof with structured parking on the first floor of the hotel building. An eight-floor parking garage component will be attached to the hotel building on the south side of the site. The parking spaces on the eighth floor of the parking garage are uncovered. The proposal includes a tropical modern architecture, which is consistent with and complements the tropical vernacular envisioned in *Beach by Design*.

The site will be accessed via six driveways. Three driveways provide access to the parking component of the project with a two-way driveway located along Coronado Drive at the southeast corner of the site, a one-way (egress-only) driveway along South Gulfview Boulevard at the southwest corner of the site and a second egress-only driveway centrally located along the north side of the along Fifth Street. A southbound one-way drop-off is located along Coronado Drive constitutes two more driveways. The sixth driveway is located along Fifth Street at the northeast corner of the site and is a dedicated service driveway provided access to a loading

zone and solid waste component both under the building.

The primary entrance and lobby of the building will be located along South Gulfview Boulevard on the second floor. Much of the ground floor of the hotel along Gulfview Boulevard and Beach Walk will consist of storefronts (a proposed mix of retail and restaurant although the exact tenants have not yet been secured) directly connected to Beach Walk. A patio intended for outdoor dining is proposed at the northwest corner of the site and will exist partially within the South Gulfview Boulevard right-of-way. This component will need to be reviewed and approved later through the development review process.

As noted, the first floor of the hotel building will contain a parking garage. In addition to parking, the ground floor also includes various back-of-house service uses and mechanical equipment as well as 9,800 square feet of retail space. As a point of clarification, the site and floor plans call out the ground floor of parking as Level 0000 (Sheet A-0.06) with the second floor above grade called out as Level 0100 (Sheet A-0.07). For the sake of consistency, this memo will use the same nomenclature. Level 0100 includes various back-of-house service uses as well as the main check-in lobby, and approximately 6,100 square feet of café, bar and restaurant space. This level also includes an exterior pool and patio at the northwest corner of the building. Level 0200 includes additional support services and hotel office space as well as a ballroom (17,000 square feet) and eight meeting rooms (5,600 square feet). A proposed pedestrian bridge connecting to the Opal Sands Resort (430 South Gulfview Boulevard) to the southwest across South Gulfview Boulevard is also shown on Level 0200. Level 0300 includes a fitness center (1,500 square feet) a spa (3,100 square feet), a small exterior pool and patio located on the east side of the building and 17 hotel rooms. Level 0300 also marks the beginning of the tower component of the building. The remaining floors will include primarily hotel rooms along with various back-of-house components.

The total amount of accessory space shown is approximately 43,257 square feet or 11.58 percent of the total gross floor area of the hotel which is less than the 15 percent maximum permitted as part of a Level I Flexible Standard Development application (CDC Section 2-802.N.10.b) and also at which point additional parking is required as part of a Level II Flexible Development application (CDC Section 2-803.k.11.a).

The proposal also modifies the previously approved site plan with a pedestrian overpass over South Gulfview Boulevard. The proposed pedestrian bridge will be located at the southwest quadrant of the site and will be located entirely within the South Gulfview Boulevard right-of-way. The bridge will stretch from the second floor along the west façade of the building across South Gulfview Boulevard to the second floor of 430 South Gulfview Boulevard (The Opal Sands Resort). The bridge will be a minimum of 17 feet above South Gulfview Boulevard and approximately 12 feet in width. It is important to note that this component requires the granting of an easement for air rights by the City over the South Gulfview Boulevard right-of-way. In addition, an application replacing or revising, as applicable, FLD2013-04015 which granted site plan approval for the existing hotel located at 430 South Gulfview Boulevard will be required.

In summary, the changes to the conceptual site plan and elevations are:

- The addition of 0.426 acres (parcel 07-29-15-52380-000-0780) at the southwest quadrant of the site.
- A reorientation of the parking garage.
- A reallocation of most of the proposed parking spaces from under the hotel tower to the parking garage.
- The addition of a pedestrian bridge connecting the subject site with 430 South Gulfview Boulevard to the west across South Gulfview Boulevard.

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 105,445 square feet in area and approximately 540 feet wide. The site is consistent with these Code provisions.

Minimum Setbacks:

The conceptual site plan depicts setbacks of zero feet along the front (west) along South Gulfview Boulevard/Beach Walk, 15 feet along the front (north and east) along Fifth Street and Coronado Drive, respectively, side (south) setbacks of between six and 13 feet. 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. The proposal provides for a building 150 feet in height as measured from BFE where a height of up to 150 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* as pertaining to buildings which exceed 100 feet in height.

The proposal provides for a building which exceeds 100 feet in height. The applicant has demonstrated that portions of any structures which exceed 100 feet in height are spaced at least 100 feet apart (Sheet A-0.03) and that there are no more than four structures which exceed 100 feet within 800 feet (Sheet A-0.22) thereby fulfilling the height requirements of Option 2 of *Beach by Design* section VII.B.2.

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

Minimum Off-Street Parking:

The 248-room overnight accommodation use requires a minimum of 298 off-street parking spaces. A parking garage located on the ground level of the hotel building and within an attached eight-floor parking garage component attached to the south side of the hotel will provide a minimum of 298 spaces. Currently, the proposal includes 556 parking spaces (although that number could fluctuate as construction details are finalized through the development process) which provides 258 parking spaces above that as otherwise required. The applicant has provided that any spaces in excess of the minimum required will be available for use to the public. 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 street frontages. 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. Staff has noted that there are instances where the tower component of the project exceeds 100 linear feet without an offset of greater than five feet contrary to Section C.2 of the *Beach by Design* Design Guidelines. One instance occurs on the east façade facing Coronado Drive. Two other instances occur along the west façade at the ground level (147 feet) and the west façade of the tower. The Design Guidelines provide that they are intended to be administered in a flexible manner to achieve the high-quality built environment for the beach. Staff believes that the design solution is acceptable because the portions of the building which directly relate to the pedestrian realms surrounding the site include an extensive use of windows, doors and landscaping providing a great deal of articulation and/or visual interest, that the tower incorporates a curve which, over its entirety, constitutes a deviation of at least five feet and finally, that the tower will be mostly viewed and appreciated from a greater distance than the base where the longer building planes associated with the tower are proportionally appropriate.

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 at acceptable levels of service.

Standards for Development Agreements:

The proposal is compliant 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 first amended and restated amendment to the existing 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 no change in the number of units (100 units) allocated from the Hotel Density Reserve (previously approved as part of HDA2014-06004/Resolution No. 14-29 and amended by HDA2015-06001/Resolution No. 15-19);
- Adds Exhibit A-1 by to provide a legal description for the added parcel;
- Revises Exhibit B which includes new conceptual site plans, architectural drawings, elevations and perspectives and renames that exhibit to "Exhibit B-1";
- Exhibits C and D were not resubmitted because no significant changes are proposed to these components except for updates to the total number of proposed hotel units and to include the legal description of the added parcel as provided by Exhibit A-1. This is referenced in Section 5 of the Statement of Agreement.
- Adds Exhibit E providing specific language pertaining construction and maintenance regarding the

proposed pedestrian bridge

- Requires the developer to obtain building permits within one year of approval of the amended and restated Development Agreement 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.