



CITY OF CLEARWATER

PLANNING & DEVELOPMENT DEPARTMENT
POST OFFICE BOX 4748, CLEARWATER, FLORIDA 33758-4748
MUNICIPAL SERVICES BUILDING, 100 S. MYRTLE AVENUE
TELEPHONE (727) 562-4567

Peter Leach
5403 Gray Street
Tampa, FL 33609

June 16, 2021

**RE: Development Order - Case FLD2021-03004
205 South Martin Luther King, Jr. Avenue**

Dear Mr. Leach:

This letter constitutes a Development Order pursuant to Community Development Code (CDC) Section 4-405. On June 15, 2021, the Community Development Board (CDB) reviewed your request for a proposed 173-unit attached dwelling development (six units allocated from the Public Amenities Incentive Pool) in the Downtown (D) District and the Prospect Lake Character District for the property located at 205 South Martin Luther King, Jr. Avenue. The proposal includes a building height of 65 feet (from grade), a minimum of 173 off-street parking spaces for the residential use and an additional 42 off-street parking spaces available to the public, requests allowable flexibility from interior landscape, setbacks, finished floor elevation (FFE) and façade design and articulation standards, and requests an allocation of six units from the Public Amenities Incentive Pool. (Clearwater Downtown Redevelopment Plan, Community Development Code (CDC) Appendix C Sections C-301.A.2, C-803.B.2, C-803.D.3 and H, and CDC Section 3-1202.G). The CDB **APPROVED** the application with the following Findings of Fact, Conclusions of Law and Conditions of Approval:

Findings of Fact:

1. The 3.358-acre vacant property is bound by South Martin Luther King, Jr. Avenue (west), South Washington Avenue (east) and Gould Street (south);
2. The property area to be redeveloped through this application is comprised of seven parcels with three frontages; approximately 308 feet along Gould Street and 500 feet along South Martin Luther King, Jr. and South Washington Avenues;
3. The project consists of seven parcels ID# 15-29-15-65196-000-0030; 15-29-15-65196-000-0035; 15-29-15-65196-000-0034; 15-29-15-65196-000-0063; 15-29-15-65196-000-0060; 15-29-15-65196-000-0061; and 15-29-15-65196-000-0062;
4. The site is within the Downtown (D) District with a future land use designation of Central Business District (CBD), in the Prospect Lake Character District in the Clearwater Downtown Redevelopment Plan (Plan);
5. The proposal includes 173 dwelling units all of which are intended to be classified as affordable within a four-story building 65 feet in height;

6. The bulk of the parking spaces will be located within an architecturally integrated parking structure;
7. The proposal includes a request for six dwelling units from the Public Amenities Incentive Pool pursuant to CDC Appendix C Section 301.A.2;
8. The applicant is requesting permitted flexibility from CDC Appendix C Sections 408-B.1.a, 602.B.1, 602.B.2, 602.B.3, 602.E.1, and 602.E.2 regarding building design standards pursuant to CDC Appendix C Section 803.B.2, D.3 and H;
9. The building design it complies with all applicable standards in the Downtown District and Development Standards;
10. The project proposes a minimum of 173 off-street parking spaces for the attached dwellings where 173 off-street parking spaces are required and a minimum of an additional 42 spaces to be allocated for use by the public;
11. The project includes a minimum of 43 bicycle spaces where 43 spaces are required;
12. An emergency, egress-only driveway will be provided at the northwest corner of the site along South Martin Luther King, Jr. Avenue. This access point will be gated and controlled by a "Knox Box" and will only be used in the event of an emergency requiring Fire Department access; and
13. There are no active Code Compliance cases for the subject property.

Conclusions of Law:

1. That the development proposal is consistent with CDC Section 1-103 (General Purpose); That the development proposal is consistent with the Plan Vision of the Clearwater Downtown Redevelopment Plan (2018) and the applicable Goals, Objectives, and Policies of the Clearwater Downtown Redevelopment Plan (2018);
2. That the development proposal is consistent with the applicable Downtown District & Development Standards (Appendix C);
3. That the development proposal is consistent with applicable flexibility provisions pursuant to CDC Sections 803.B.2, D.3 and H (Appendix C);
4. That the development proposal is consistent with applicable components of the City's Comprehensive Plan;
5. That the application meets the requirements for allocation of intensity of use (six dwelling units) from the Public Amenities Incentive Pool; and
6. That the development proposal is consistent with CDC Section 3-914.A. (General Standards for Level One and Two Approvals).

Conditions of Approval:

General/Miscellaneous Conditions

1. That the final design, color, and elevations of the proposed buildings be generally consistent with the conceptual design, color, and elevations approved by the CDB to the satisfaction of Planning Staff;
2. That an application for a building permit be submitted no later than June 15, 2022, unless time extensions are granted pursuant to CDC Section 4-407;
3. That the driveway proposed at the northwest corner of the site be a gated, "Knox Box"-controlled emergency, egress-only driveway and will only be used in the event of an emergency requiring Fire Department access as required by the City's Fire Department.

Timing Conditions - Prior to Issuance of Permit

4. That, prior to the issuance of any building construction permit, excluding demolition and clearing and grubbing, a written narrative is submitted which fully clarifies how each condition of approval is met with any applicable permit submittal subject to any applicable timing requirement to the satisfaction of City Staff;
5. That, prior to the issuance of any building permit except for clearing and grubbing, a revised site plan which includes correctly placed sight visibility triangles at each driveway (along the driveway edges and property lines) and at each street intersection along the property lines to the satisfaction of Engineering Staff;
6. That, prior to the issuance of any building permit except for clearing and grubbing, demolition or the provision of fill, the applicant shall obtain a right-of way from the City of Clearwater for improvements in all three adjacent rights-of-way to the satisfaction of Engineering Staff;
7. That, prior to the issuance of any building permit except for clearing and grubbing the location and visibility of electric equipment (electric panels, boxes and meters) be reviewed and, if located exterior to the building where visible from any street frontage, be shown to be painted the same color as the portion of the building to which such features are attached to the satisfaction of Planning Staff;
8. That, prior to the issuance of any building permit except for clearing and grubbing, demolition or the provision of fill, the Fire Department may require the provision of a Water Study performed by a Fire Protection Engineer in order to ensure that an adequate water supply is available and to determine if any upgrades are required by the developer due to the impact of the project. The water supply must be able to support the needs of any required fire sprinkler, standpipe and/or fire pump. If a fire pump is required, then the water supply must be able to supply 150 percent of its rated capacity;
9. That, prior to the issuance of any building permit except for clearing and grubbing, demolition or the provision of fill, all sub-standard sidewalks and sidewalk ramps adjacent to or a part of the project shall be shown on plans to be improved to meet the requirement of Local, State and/or Federal standards including A.D.A. requirements (truncated domes per FDOT Index #304) to the satisfaction of Engineering Staff;
10. That, prior to the issuance of any building permit except for clearing and grubbing, demolition or the provision of fill, the fit, finish, materials, installation methodology of the sidewalk and associated sidewalk amenities (such as benches, trash receptacles, trees, lighting) be coordinated with and approved by Engineering Staff;
11. That, prior to the issuance of any building permit except for clearing and grubbing, demolition or the provision of fill, the applicant confirms and provides appropriate notes on the elevations that is it understood that the use of reflective, translucent, fritted, and other forms of non-transparent glass in wall and window systems on ground floor facades is prohibited to the satisfaction of Planning Staff;
12. That, prior to the issuance of any permits, except for clearing and grubbing, demolition or the provision of fill, evidence of the filing of a Unity of Title with the Clerk of the Court be submitted to Planning Staff;
13. That, prior to the issuance of any permits, except for clearing and grubbing, demolition or the provision of fill, evidence of the filing of a Lot Combination form with the Pinellas County Property Appraiser's office be submitted to Planning Staff;

Timing Conditions - Prior to Issuance of Certificate of Occupancy

14. That, prior to the issuance of a Certificate of Occupancy, the project shall pass a landscape final to the satisfaction of Planning Staff;
15. That, prior to the issuance of a Certificate of Occupancy, evidence of filing of a deed restriction which provides that 42 parking spaces will be available for public parking for the lifetime of the development be submitted to Planning Staff; and
16. That, prior to the issuance of any Certificate of Occupancy, all service lines onto the property shall be installed underground unless found to be impracticable to the satisfaction of Planning Staff.

Pursuant to CDC Section 4-407, an application for a building permit or other approvals shall be made within one year of the date of Flexible Development approval (by June 15, 2022). All required certificates of occupancy shall be obtained within two years of the date of issuance of the initial building permit. The building permit must be obtained within six months of the initial permit application. This timeframe to obtain the initial building permit may be extended for an additional six months for cause by the Community Development Coordinator. Time frames do not change with successive owners. The Community Development Coordinator may grant an extension of time for the Flexible Development approval for a period not to exceed one year and only within the original period of validity.

The issuance of this Development Order does not relieve you of the necessity to obtain any building permits or pay any impact fees that may be required. In order to facilitate the issuance of any permit or license affected by this approval, please bring a copy of this letter with you when applying for any permits or licenses that require this prior development approval.

Additionally, an appeal of a Level Two approval (Flexible Development) may be initiated pursuant to CDC Section 4-502.B by the applicant or by any person granted party status within 14 days of the date of the CDB meeting. The filing of an application/notice of appeal shall stay the effect of the decision pending the final determination of the case.

If you have any questions, please do not hesitate to call Mark T. Parry, Senior Planner, at 727-562-4741 or via email at mark.parry@myclearwater.com.

Sincerely,



Gina L. Clayton
Planning and Development Director