




To: Community Development Board Members

From: Lauren Matzke, AICP, Assistant Planning and Development Director 

Date: February 8, 2024

RE: Development Order Time Extension Request, FLD2021-03004 / 205 South Martin Luther King, Jr. Avenue

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Peter H. Leach, President of SP Clearwater WFH LLC, submitted the attached request for a Development Order time extension for the above referenced project located at 205 South Martin Luther King, Jr. Avenue. The approved project is a 173-unit attached dwelling development (including six units allocated from the Public Amenities Incentive Pool) in the Downtown (D) District and the Prospect Lake Character District. The project will not exceed 65 feet in height (from grade) and includes a minimum of 173 off-street parking spaces for the residential use and an additional 42 off-street parking spaces available to the public. Flexibility from interior landscape, setbacks, finished floor elevation (FFE) and façade design and articulation standards was approved.

The Community Development Board approved this project on June 15, 2021, with a one-year Development Order, requiring a building permit application to be submitted by June 15, 2022. The Community Development Coordinator (Planning and Development Director) granted a one-year extension pursuant to Community Development Code Section 4-407, which would have expired June 15, 2023. A second extension was approved based on an Emergency Order issued in response to a Declaration of a State of Emergency by the Governor of Florida (EO 22-218 and 219 for Tropical Storm / Hurricane Ian). This extension tolled the Development Order for six months and 60 days, and currently the Development Order will expire on February 14, 2024. The extension request letter was received before the Development Order expiration date, and the project remains unchanged from the original approval; therefore, the item is being placed before you for consideration of a one-year time extension, and, if approved, the amended Development Order would expire on February 14, 2025.

Pursuant to Section 4-407, extensions of time “shall be for good cause shown and documented in writing.” The Code further states that good cause “may include but are not limited to an unexpected national crisis (acts of war, significant downturn in the national economy, etc.), excessive weather-related delays, and the like.” In this particular case, the applicant has indicated that the project has been delayed due to the rapid increase of interest rates and construction costs which have impacted the ability to complete construction drawings and apply for building permits.

*Attachments:*

- *Letter of Request*
- *Development Order and Time Extensions 1 and 2*
- *Planning and Development Department Staff Report (June 15, 2021)*

# SP Clearwater WFH LLC

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February 7, 2024

Gina L. Clayton  
Planning and Development Director  
City of Clearwater  
Municipal Services Building  
100 S Myrtle Avenue  
Clearwater, FL 33755

**Re: Development Order – Case FLD2021 – 03004  
205 South Martin Luther King, Jr. Avenue  
Time Extension Development Order #3**

Dear Ms. Clayton

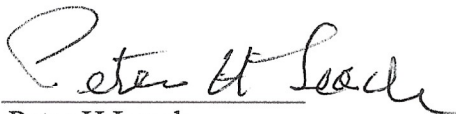
As the applicant for the Development Order – Case FLD2021 – 03004 (“DO-03004”), SP Clearwater WFH hereby requests that you extend the DO-03004 for one year from its current termination date in order to have the time to apply for building permits.

This request is required due to the rapid increase of interest rates and construction costs which has made it impossible to complete construction drawings and apply for building permits during the time allowed during DO-03004 Extension Period #2.

We appreciate you reviewing and approving this request for DO-03004 Extention Period #3.

Very truly yours,

SP Clearwater WFH LLC



By: Peter H Leach  
President

cc: Charles Lane  
Dylan Mayeux



# 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](mailto:mark.parry@myclearwater.com).

Sincerely,



Gina L. Clayton  
Planning and Development Director



# 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

Mr. Peter Leach  
5403 Gray Street  
Tampa, FL 33609

May 19, 2022

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

Dear Mr. Leach:

On June 15, 2021, the Community Development Board (CDB) approved, subject to conditions, the above referenced Flexible Development application to permit a 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).

Pursuant to CDC Section 4-407, and the CDB's Development Order the application for a building permit was required within one year of the date of approval (June 15, 2022).

On May 18, 2022, you submitted a request to the Community Development Coordinator to extend the deadline for the application by which time a building permit was to have been applied for.

In accordance CDC Section 4-407, I hereby **APPROVE** the requested one-year time extension until June 15, 2023, in which to make an application for a building permit to construct those improvements originally approved by the CDB and subject to the same conditions of approval. In order to facilitate the issuance of any permit affected by this approval, please be prepared to submit a copy of this letter with any response to any Planning and Development Department building permit comments.

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](mailto:mark.parry@myclearwater.com).

Respectfully,

Gina L. Clayton  
Planning and Development Director



# 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

Mr. Peter Leach  
5403 Gray Street  
Tampa, FL 33609

December 12, 2022

**RE: Development Order - Case FLD2021-03004  
205 South Martin Luther King, Jr. Avenue  
Time Extension Development Order #2**

Dear Mr. Leach:

On June 15, 2021, the Community Development Board (CDB) approved, subject to conditions, the above-referenced Flexible Development application for the construction of a 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.

Pursuant to CDC Section 4-407, and the CDB's Development Order the application for a building permit was required within one year of the date of approval (June 15, 2022).

On May 18, 2022, you submitted a request to the Community Development Coordinator to extend the deadline by which time a building permit application was to have been submitted. In accordance CDC Section 4-407, that request was granted, and Time Extension Development Order #1 was issued on May 19, 2022, extending the deadline by which time an application for a building permit was to have been submitted to June 15, 2023.

On November 4, 2022, you submitted a request to the Community Development Coordinator to extend the deadline by which time a building permit application must be submitted based on an EO issued in response to a Declaration of a State of Emergency made by the Governor.

The requested extension is based on the following EOs:

- EO 22-218 and 219 (Tropical Storm/Hurricane Ian; note that EO 22-219 amended EO 22-218 and provided that EO 22-219 shall expire upon the expiration of EO 22-218)

The Declaration of a State of Emergency by the Governor tolls the period remaining to exercise the rights under FLS2021-04014 for the duration of the emergency declaration, inclusive of all subsequent extensions to the original EO. Further, the emergency declaration extends the period remaining to exercise rights under FLS2021-04014 for 6 months in addition to the tolled period, pursuant to 252.363(1)(a), Florida Statutes.

Each EO tolls the period to exercise rights under a permit or authorization pursuant to emergencies declared, and each separate emergency declared is granted one six-month extension,



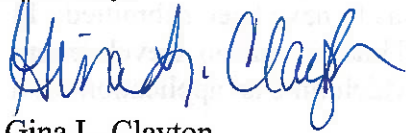
pursuant to Section 252.363(1), Florida Statutes. According to the Florida Department of Economic Opportunity (DEO), "When the period of tolling for two separate emergency events overlaps, the period of the overlap is counted only once and is not added together. The premise for tolling in this case is that the event may have rendered the development incapable of developing during the tolling period, but the incapability of developing during the emergencies cannot be measured twice for the same period of time. However, because the executive orders are separate orders for separate events, there are individual six-month extensions to the tolling periods for each emergency declaration." <http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/dri-buildout-extensions>. In other words, the 60-day tolling periods are not stackable where they do overlap. The six-month extension periods for each separate emergency are stackable.

In accordance with Section 252.363, Florida Statutes, I hereby **APPROVE** the above-referenced extension request totaling 60 days and six months until February 14, 2024, by which time an application for a building permit to construct those improvements originally approved by the CDB and subject to the same conditions of approval must be made.

In order to facilitate the issuance of any permit affected by this approval, please be prepared to submit a copy of this letter with any response to any Planning and Development Department building permit comments.

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](mailto:mark.parry@myclearwater.com).

Sincerely,



Gina L. Clayton  
Planning and Development Director



## PLANNING & DEVELOPMENT DEPARTMENT COMMUNITY DEVELOPMENT BOARD STAFF REPORT

**MEETING DATE:** June 15, 2021  
**AGENDA ITEM:** E.1.  
**CASE:** FLD2021-03004  
**REQUEST:** The Community Development Board (CDB) is reviewing 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).

### GENERAL DATA:

*Agent*..... Peter Leach, SP Clearwater WFH LLC.  
*Owner*..... Community Redev Agency of the City of Clrwtr FL  
*Location*..... 205 South Martin Luther King, Jr. Avenue; the property is bound by South Martin Luther King, Jr. Avenue (west), South Washington Avenue (east) and Gould Street (south).  
*Property Size*..... 3.358 acres  
*Future Land Use Plan*..... Central Business District (CBD).  
*Zoning*..... Downtown (D) Districts  
*Special Area Plan*..... Prospect Lake Character District  
*Adjacent Zoning*... *North:* Downtown (D) District  
*South:* Downtown (D) District  
*East:* Downtown (D) District  
*West:* Downtown (D) District  
*Existing Land Use*..... Vacant  
*Proposed Land Use*..... Attached dwellings

**ANALYSIS:**

**Location and Existing Conditions:**

The 3.358-acre property is bound by South Martin Luther King, Jr. Avenue (west), South Washington Avenue (east) and Gould Street (south). 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.

The parcel is vacant and has been the subject of environmental remediation through the City’s ongoing Brownfields program.

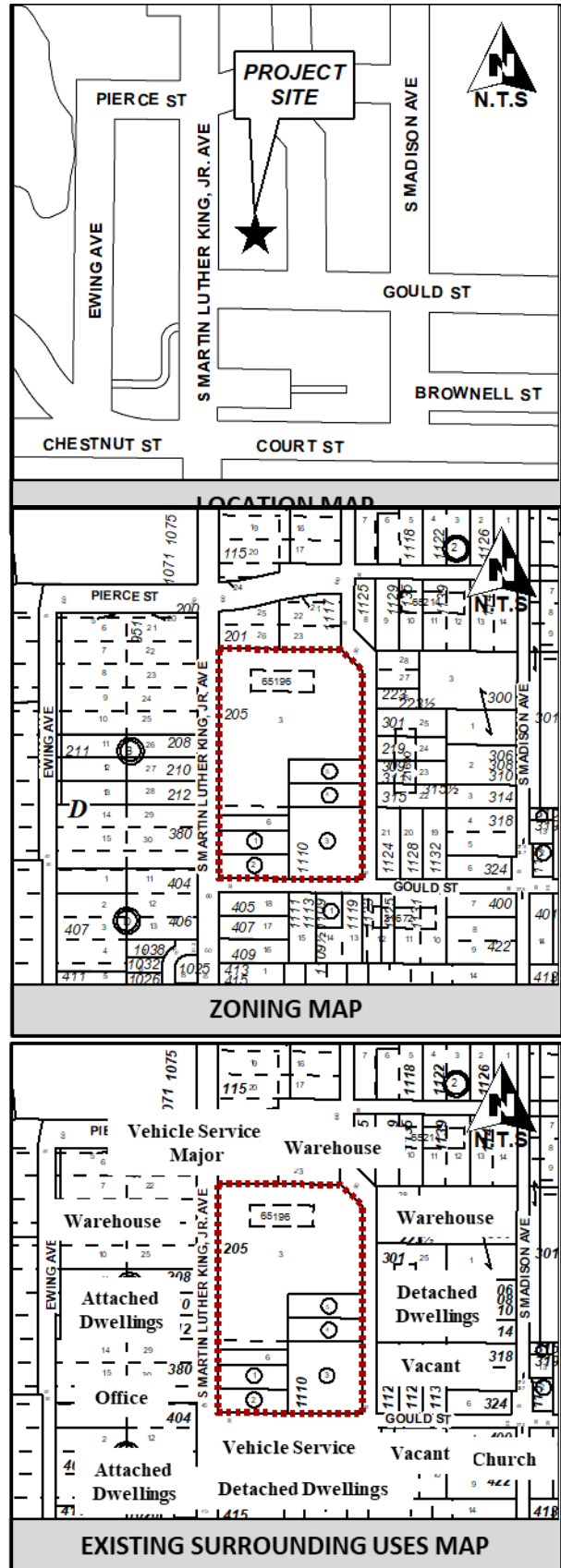
The immediate area is characterized by a variety of uses including detached dwellings, warehouses, retail sales and services, vehicle service, offices, and vacant buildings.

**Site History:**

The site is commonly known as the former Clearwater Auto site and most recently operated as an auto salvage yard. Prior to that, the site had also been used as a foundry and, at another point, on a portion of the site, had dry cleaning operations. The Community Redevelopment Agency (CRA) purchased the property in 2003 to clean the site up and provide for an opportunity for residential redevelopment. The site was assessed and cleaned up through Brownfield grants and other financial assistance addressing a multitude of environmental challenges. A Site Rehabilitation Completion Order was issued by the FDEP for the site in 2009.

**Code Compliance Analysis:**

There are no active Code Compliance cases for the subject property.



**Development Proposal:**

The request is for 173 attached dwelling units with a minimum of 173 off-street parking spaces, a building height of 65 feet to top of the parapet walls where the maximum permitted height is 75 feet in the Prospect Lake Character District in the Downtown (D) District. All proposed dwelling units will meet the requirements to be considered affordable or “workforce” housing.

This application includes a request for six dwelling units from the Public Amenities Incentive Pool (Pool). The Community Development Board may approve allocations of density and/or intensity from the Pool for projects that incorporate one or more improvements and/or fees in-lieu of certain improvements that provide a direct benefit to Downtown revitalization, consistent with the eligible amenities list in the Clearwater Downtown Redevelopment Plan.

The Prospect Lake Character District allows for attached dwellings as a permitted use without the requirements of a Level One or Level Two approval; such requests would typically apply for a building-construction permit (BCP). However, the request for six additional dwelling units from the Pool requires that the proposal be reviewed as part of a Level Two, Flexible Development application.

The proposal is, in short, to develop the currently vacant site with a four-story building with 173 attached dwellings all of which will meet the definition of affordable housing pursuant to CDC Article 8:

*Affordable housing unit means any residential dwelling unit leased or owned by a household with a household income of 120 percent or less of the adjusted area median family income for Pinellas County, Florida, as determined by the U.S. Department of Housing and Urban Development (HUD). The rental rates for leased workforce affordable housing units, as defined in Charter Section 2.01(d)(5)(i), shall not exceed the rates published by the Florida Housing Finance Corporation for annual "Maximum Rents by Number of Bedroom Unit" for the Tampa-St. Petersburg-Clearwater Metropolitan Statistical Area (MSA). For non-rental units, the sales price may not exceed 90 percent of the average area price for the Tampa-St. Petersburg-Clearwater MSA, as established by the annual revenue procedure which provides issuers of qualified mortgage bonds, as defined in Section 143(a) of the Internal Revenue Code, and issuers of mortgage credit certificates, as defined in Section 25(c) of the Internal Revenue Code, with the nationwide average purchase price for the residences located in the United States.*

The new building will occupy most of the site although its primary frontage will be along South Martin Luther King, Jr. Avenue. Access to the site will be via a single, two-way driveway located at the northeast corner of the site along South Washington Avenue. 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. A surface parking lot will be located along the north end of the site and will include 64 spaces. An additional 209 spaces are proposed within a two-story structured parking component integrated into the overall building envelope bringing the total parking count to 273 spaces. A minimum of 42 spaces will be allocated for use by the public.

Building access will be provided via three main entries with one each provided along the east, west and south facades. Secondary access points are also provided with three each along the east and west facades.

Most of the service/utility uses (loading, maintenance area and solid waste collection) will be located within the building at the northeast corner of the site. Tenant bicycle storage (to accommodate a minimum of 44 bicycles and 20 electric scooter/bicycle charging stations) is provided on the ground floor centrally located under and at the north end of the building. Other interior amenities include a yoga studio, storage space, fitness facilities, a game room, a community room as well as office space. Exterior amenities include a covered patio area, swimming pool, hot tub, splash pad and extensive patio and deck area.

### **Organization of Analysis**

Due to the many layers of Community Development Code sections that apply to this proposal as well as the Special Area Plans and City of Clearwater Comprehensive Plan, the analysis of this review has been organized as such:

#### **Special Area Plan: Clearwater Downtown Redevelopment Plan**

*Plan Vision*

*Plan Goals, Objectives, Policies*

*Character District*

*Public Amenities Incentive Pool*

#### **Community Development Code**

*Downtown Zoning District (Appendix C) Design Standards*

*General Purpose of Community Development Code*

*General Applicability for all Level One and Two Applications*

*Other Community Development Code Sections*

#### **City of Clearwater Comprehensive Plan**

#### **Special Area Plan: Clearwater Downtown Redevelopment Plan (2018)**

The subject property is located within the Clearwater Downtown Redevelopment Plan (2018) area the intent of which is to provide a flexible framework for the redevelopment of Downtown into a place that attracts people to live, work, shop and play. The Plan is divided into five character districts. The site is located within the Prospect Lake Character District, which is envisioned as a transitional area between the Downtown Core with the highest intensity of development and Downtown Gateway District which is primarily a mix of low scale housing and commercial development. This District is an emerging residential district, and further growth is anticipated and desired. A variety of densities and building styles are encouraged throughout the District, as well as opportunities to renovate existing older structures to facilitate a variety of residential development ranging from large-scale multi-family to smaller infill projects.

**Plan Vision:**

The intent of the Plan is to provide a flexible framework for the redevelopment of Downtown into a place that attracts people and businesses. The vision that guided the development of the Plan has been articulated into a series of guiding principles. The following principles support the development proposal:

- *The City will embrace an authentic urban environment focused on Downtown’s heritage as the urban core and neighborhoods as the heart of the community. The City will celebrate the achievements of the first 100 years and Downtown will continue as a vibrant place for public expression and celebration of the diversity in the City’s second century;*
- *The health and success of Downtown is linked to the health and success of the overall City. The City will utilize all tools and incentives available in the Community Redevelopment Agency to revitalize Downtown.*
- *The Downtown will be a community with an integrated mix of retail, residential, office and recreation uses. The development of a variety of residential projects will support individuals and families with diverse social and economic backgrounds and encourage the resurgence of residences to Downtown.*
- *All of Downtown must be developed with streets that are safe and attractive places that balance walking, biking, transit and driving a car. The public right-of-way will address the needs of all users as Complete Streets. To promote pedestrian-oriented development some automobile-oriented uses will not be permitted. Walkable block sizes and street grids are key for walkability and livability and will be developed and maintained throughout the Downtown Planning Area; and,*
- *Quality urban site development patterns and architectural design will be achieved through design standards to encourage development and events that activate the public realm, including streetscaping and improvements to the public right-of-way. Open spaces should be the public “living rooms” that foster a vibrant community.*

The development proposal achieves compliance with the vision of the Plan through the provision of a residential use in the downtown. The proposal also brings quality urban design into the area through the proposed building with architecture that is in compliance with the Downtown development standards in Appendix C of the CDC.

**Plan Goals, Objectives and Policies:**

In order to guide the revitalization of Downtown, four overriding goals are established with supporting Objectives and Policies developed to aid in reaching these goals. A review of these Goals, Objectives and Policies has been conducted with the following identified as being relevant to the development proposal:

***People Goal:*** *Downtown shall be a place that attracts residents, visitors, businesses and their employees and enables the development of community. The City shall encourage a vibrant and active public realm, recreation and entertainment opportunities, and support the community and neighborhoods.*

*Objective 1F: Allow for a variety of residential densities and housing types to provide for a range of affordability and mix of incomes consistent with the Character Districts.*

*Objective 1G: Continue to utilize a variety of incentives to encourage the construction of new residential uses to locate Downtown.*

*Objective 1I: Create, facilitate and maintain a safe Downtown environment for all residents, visitors, businesses and their employees by addressing real and perceived public safety issues.*

**Accessibility Goal:** *Downtown will have a connected network with mobility choices.*

*Objective 2A: Maintain and reclaim the Downtown street grid to provide multiple access points in and through Downtown. Vacations of streets and alleys are discouraged.*

*Objective 2C: Continue to implement the Master Streetscape and Wayfinding Plan to support pedestrian and bicycle activity.*

*Objective 2M: Create parking as infrastructure through a park once strategy that utilizes consolidated parking to serve all of Downtown and reduces the requirement for use-by-use on-site parking.*

**Urban Design Goal:** *Downtown will be a dynamic built environment of dense and livable patterns and active and attractive streets through the use of quality urban design and architecture.*

*Objective 4A: Encourage redevelopment that contains a variety of building forms and styles.*

*Objective 4B: Establish and utilize design standards and Character District requirements to ensure that development projects enhance the built environment.*

*Objective 4E: Provide shade trees as a critical element for walkable streets.*

*Policy 1: The City shall prioritize sidewalk construction within Downtown that enhances pedestrian linkages and/or completes a continuous sidewalk system on all streets.*

*Policy 10: The CRA may evaluate participating with the private sector in land assembly to facilitate projects consistent with this Plan.*

*Policy 11: The CRA may consider reimbursement of impact fees and permit fees as an incentive for redevelopment projects that are consistent with this Plan.*

*Policy 12: The City shall make use of Community Development Block Grant, HOME Investment Partnership Program, State Housing Initiatives Partnership program, and other federal, state, and county funds for Downtown infrastructure and increasing affordable housing options.*

- Policy 17: The Downtown zoning district will establish the quality and design features expected for renovation, redevelopment and new construction in Downtown.*
- Policy 18: The design of all projects in Downtown shall incorporate pedestrian-scale elements that create and maintain an inviting pedestrian environment.*
- Policy 19: The City shall maintain the Public Amenities Incentive Pool, established in 2004, that provides density and intensity increases for projects in excess of the allowable maximum development potential. The Pool is allotted based on a provision of selected public amenities.*
- Policy 27: Prior to the disposition of City and/or CRA-owned properties, a determination shall be made regarding the most appropriate use consistent with this Plan and may require certain uses and site design requirements.*

As mentioned previously, the development proposal provides for a residential use in the Downtown with 173 affordable housing units including six units requested to be allocated from the Pool. As noted in the Site History component of this report, the site was the subject to environmental remediation and was obtained by the CRA with the intent to pursue a residential redevelopment of the site. Therefore, the proposal will achieve compliance with those relevant objectives and policies referenced above. The proposal also provides for appropriate on-site public amenities and will be in compliance with the established Design Standards of the Downtown District & Design Standards. Because the Master Streetscape requirements are applicable to the subject site the applicant is proposing sidewalk and landscape improvements to help fulfill the intent of the Master Streetscape plan along all three frontages. The landscaping has been consolidated in larger foundation areas to allow for larger shade trees, rather than minimal areas on either side of a sidewalk and has been designed to have a seamless transition from public to private property.

**Prospect Lake Character District:**

The proposal is supported by the vision for Prospect Lake which identifies the District as an emerging residential district with further growth is anticipated and desired. It also envisions a variety of residential development ranging from large-scale multi-family to smaller. The addition of new residents in the Prospect Lake District will enliven Downtown and provide a market for new retail developments. A variety of office and commercial uses currently exist and are encouraged to continue. More specific to the subject property, the area between Myrtle and Prospect Avenues shall support a higher intensity and density than the remainder of the District. A review of the Policies set forth in the Prospect Lake Character District has been conducted and the following specific policy was found to be applicable to the development proposal although the development proposal does meet the overarching vision statement of the District.

Policy 2: Explore options to centrally locate parking to serve the District's commercial uses as infrastructure.



### **Public Amenities Incentive Pool**

To overcome the numerous constraints affecting redevelopment, the Downtown Plan establishes the Public Amenities Incentive Pool to provide an opportunity for the private sector to gain additional development potential while assisting the redevelopment goals for Downtown Clearwater.

The Plan further provides that all property within the Plan boundaries will be eligible to use the Public Amenities Incentive Pool. Allocations from the Pool will be available to projects that provide one or more improvements and/or fees in-lieu of certain improvements that provide a direct benefit to Downtown revitalization. There shall be a correlation between the bonus amount and the provided incentive. The allocation of increased density through the Pool shall be at the discretion of the Community Development Board. As per the Clearwater Downtown Redevelopment Plan, specifically Chapter Four, the types of amenities eligible for density/intensity bonuses may include, but are not limited to the following (emphasis added):

- ***Residential uses in the Downtown Plan area;***
- Ground floor retail in the Downtown Core Character District;
- Uses in particular locations and/or mixed-use projects that further the Plan's major redevelopment goals and character district vision;
- Day care facility;
- ***Portion of project reserved for Affordable Housing;***
- Significant Public Space on site;
- Public Art on site;
- Preservation of a historic building to the Secretary of Interior's Standards;
- ***Construction of public parking on site;***
- Cultural or Performing Arts Facility on site;
- Contributions to Master Streetscape and Wayfinding Plan;
- Contributions to Coachman Park or Station Square Master Plan;
- Contributions to Pinellas Trail or connector trails;
- ***Contributions to public parking facility; or***
- As determined by the City Commission.

The proposal includes a request for the development of a 173 dwelling unit project of which all units will be designated as affordable as well as providing for certain streetscape improvements along the property's frontage along South Martin Luther King, Jr. and South Washington Avenues and Gould Street all of which are designated as Commercial B Streets in the Master Streetscape Plan. In addition, a total of 231 spaces will be dedicated for the residential use (where a minimum of 173 spaces are required) with the remaining 42 spaces allocated for use by the public. The improvements include a six-foot-wide sidewalk along with palm and shade tree plantings contributing to a sense of pedestrian scale and experience along all adjacent street frontages. The final design and plant material selections be change subject to City Staff approval.

### **Community Development Code**

#### **Downtown District & Design Standards:**

The intent and purpose of the Downtown District and Development Standards in the Community Development Code (CDC) Appendix C is to guide the development and redevelopment of sites

in Downtown Clearwater consistent with the vision, guiding principles, goals, objectives and policies in the Clearwater Downtown Redevelopment Plan (2018) to achieve quality urban and architectural design throughout Downtown and provide regulatory clarity and predictability for property owners, investors, residents, and business owners. The standards are designed to accomplish the following:

- Encourage mixed use, pedestrian-oriented development;
- Promote context-sensitive forms, patterns, and intensities of development;
- Support a variety of new housing types to provide for a range of affordability and mix of incomes;
- Preserve and celebrate the unique features of Downtown's community and neighborhoods;
- Encourage the renovation, restoration and/or reuse of existing historic structures; and
- Provide for the design of safe, attractive, and accessible places for working, living, and shopping.

The Standards are organized into divisions. A thorough review of these Standards and divisions was conducted with the following applicable items identified:

*Division 2. Regulating Plan:*

This Division sets the character districts and street types as well as the location of Key Corners. The property is in the Prospect Lake Character District. The Prospect Lake Character District is intended for high-intensity residential and mixed-use development in buildings with street-facing entries opening onto pedestrian-friendly streetscapes and with active ground floor uses along many streets. Buildings are to be designed with façades aligned along public sidewalks with parking and service areas primarily located behind buildings. This Character District is intended to create a transition between higher intensity mixed-use areas in the Downtown Core Character District and residential areas to the east in the Downtown Gateway Character District. The west building façade is the primary façade along South Martin Luther King, Jr. Avenue although all three street-facing building façades are given equal architectural treatment and detailing. All three adjacent streets include a Street Type designation of D. The site does not include a Key Corner.

*Division 3. Character District Standards:*

This Division addresses topics including maximum development potential, height, permitted uses, minimum required number of off-street parking spaces, and bicycle parking/storage.

***Maximum Development Potential***

The proposal includes a 173 attached dwelling unit development. Attached dwellings are a permitted use in the Prospect Lake Character District; however, the request of six dwelling units from the Public Amenities Incentive Pool (Pool) requires that the application be reviewed as part of a Level II Flexible Development application approvable by the Community Development Board (CDB) (Section C-301.A.2).

The maximum residential development potential for this property is 50 units per acre which would permit 167 units on the 3.358-acre site. The application includes a request for six dwelling units to be allocated from the Public Amenities Incentive Pool. The Community

Development Coordinator has determined the requested number of units from the Pool is supportable based on the proposal providing 100 percent of the proposed dwelling units as affordable units.

### ***Maximum Building Height***

A maximum height of 75 feet is permitted where the proposal includes a height of a maximum of 65 feet to the top of parapet walls (from grade).

### ***Off-Street Parking***

This Division requires a minimum of one parking space per dwelling unit (173 spaces) where the proposal includes a minimum of 273 spaces of which 42 spaces will be allocated for public use.

Residential projects with 10 or more dwelling units are required to either provide dedicated bicycle parking space or private storage spaces. The proposal includes a minimum of 44 dedicated bicycle storage spaces under the building on the ground floor at the north end of the building where 43 are required. An additional 20 electric scooter/bicycle charging stations are also provided.

Pursuant to CDC Section C-303. Table 1, there are no Specific Use Criteria for attached dwellings.

### ***Division 4. Frontage Standards:***

This Division addresses topics including properties with multiple street frontages, key corner requirements, the relationship between Street Types and Frontage Types, further requirements regarding permitted uses, setbacks, space between buildings, front setback improvements, ground floor facades, finished floor elevations (FFE) and entries and parking location and treatment.

The subject site includes three street frontages along South Martin Luther King, Jr., and South Washington Avenues (west and east) and Gould Street (south). All three streets include a designation of Street Type D.

The Frontage Type consistent with Street Type D is Urban Residential 2 which is identified as appropriate for a mix of land uses and building types including attached dwellings. Development standards for this frontage require buildings aligned along adjacent streets, oriented to public sidewalks with residential ground floor uses with modest front setbacks, ground floors elevated above adjacent sidewalk grade, and parking to the rear of occupied building space.

Front setbacks between eight and 15 feet are required pursuant to Appendix C Division 4. The proposal includes just four instances where entries are recessed approximately 1.5 to two two feet resulting in up to an approximately 17-foot setback in limited areas. Flexibility to this provision is permitted pursuant to CDC Appendix Section 803-B.2 and is discussed in greater detail elsewhere in this report. The Code requires side setbacks of five foot, or as required by applicable building and fire codes. The side setback on the north side of the building is 71 feet to building and 10 feet to pavement as the parking is located in this area. This section (Appendix C Section 408.D.2.b) also requires that ground floor residential units along front setbacks shall be elevated 18 inches minimum, 36 inches maximum above the grade of adjacent sidewalks. There

are at four noted instances where these minimum and maximum differences are not met and addressed in greater detail elsewhere in this report.

The proposal is otherwise consistent with all other applicable provisions of this Division.

Division 5. Site Design Standards:

This Division requires that projects within the Downtown District be designed to advance goals for the creation of active, attractive, safe, and comfortable streets, streetscapes, and public spaces in Downtown Clearwater. Projects must be designed to contribute to and create a walkable urban environment with generally consistent setbacks along street frontages, active ground floor uses, front building entries, and attractive storefronts. Specifically, this Division provides standards relating to larger-scale development patterns such as street preservation, block and lot creation, new private drives as well as access and circulation. It also provides regulations for site features such as the treatment and location of parking, landscaping fences and walls, infrastructure and stormwater facilities, waterfront development and drive-through facilities.

The proposal provides for attached dwellings fronting along all three adjacent streets. Because the Master Streetscape requirements are applicable to the subject site the applicant is proposing streetscape improvements and an improved sidewalk along all adjacent streets to complement the intent of the Master Streetscape plan. No change to the existing street grid or block and lot pattern is proposed. The proposal includes only one two-way driveway at the northeast corner of the site along South Washington Avenue. Staff has determined that cross access to the north is not required as the adjacent uses are non-residential and such a connection is infeasible, impracticable, or undesired. 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.

The required pedestrian walkways have been provided to and through the parking lot to the side of the building. This provides adequate access to the parking lot. All other pedestrian entries into the building are from the adjacent streets. A continuous pedestrian network on and around the property is provided.

Surface parking and services areas shall be designed to meet the landscaping standards set forth in Article 3, Division 12 and the parking and loading standards set forth in Article 3, Division 14. Some of the interior landscape islands provided are less than the minimum width requirement of 17 feet from back of curb to back of curb. The applicant has included a Comprehensive Landscape Program application pursuant to CDC section 3-1202.G which requests flexibility from this Code requirement as follows:

1. Architectural theme.

- a. The landscaping in a comprehensive landscape program shall be designed as a part of the architectural theme of the principal buildings proposed or developed on the parcel proposed for development; or
- b. The design, character, location and/or materials of the landscape treatment proposed in the comprehensive landscape program shall be demonstrably more attractive than

landscaping otherwise permitted on the parcel proposed for development under the minimum landscape standards.

The proposal provides the maximum interior landscape island widths practicable while still maintaining an adequate number of parking spaces including 42 public spaces. Staff believes that the overall proposal will dramatically improve the appearance of the site and the neighborhood at large. The landscape plan includes a variety of shade, ornamental and palm trees (live oak, buttonwood, and sabal palm), as well as shrubs and ground covers. Therefore, the proposal meets the intent of this CDC section.

2. Lighting. Any lighting proposed as a part of a comprehensive landscape program is automatically controlled so that the lighting is turned off when the business is closed.

Because the use is residential and does not close this criterion is not strictly applicable to the proposal although the applicant has committed to meeting all provisions of CDC Article 3 Division 13. Outdoor Lighting.

3. Community character. The landscape treatment proposed in the comprehensive landscape program will enhance the community character of the City of Clearwater.

The proposal provides extensive landscaping around the perimeter as well as through the site. The proposal will dramatically improve the appearance of the site and is expected to dramatically improve the neighborhood at large. The landscape plan includes a variety of shade, ornamental and palm trees (live oak, buttonwood, and sabal palm), as well as shrubs and ground covers. Therefore, the proposal meets the intent of this CDC section.

4. Property values. The landscape treatment proposed in the comprehensive landscape program will have a beneficial impact on the value of property in the immediate vicinity of the parcel proposed for development.

The provided landscaping around and within the site will improve the aesthetics of the site, effectively screen surface parking and should have a beneficial impact on surrounding properties. Therefore, the proposal meets the intent of this CDC section.

5. Special area or scenic corridor plan. The landscape treatment proposed in the comprehensive landscape program is consistent with any special area or scenic corridor plan which the City of Clearwater has prepared and adopted for the area in which the parcel proposed for development is located.

The property is within a special area plan (Clearwater Downtown Redevelopment Plan (2018) and because the Master Streetscape requirements are applicable to the subject site the applicant is proposing streetscape improvements and an improved sidewalk along all adjacent streets to complement the intent of the Master Streetscape plan. The proposal provides for streetscape improvements along the property's frontage along South Martin Luther King, Jr. and South Washington Avenues and Gould Street all of which are designated as Commercial B Streets in the Master Streetscape Plan. Therefore, the proposal meets the intent of this CDC section.

Fencing will be provided along the north property line although such fencing is not required to screen from adjacent residential properties because there is no adjacent residential property.

The solid waste area will be in a trash room located within the northeast corner of the building. The maintenance personal will roll out the dumpster on trash collection days. This collection method has been approved by the Solid Waste Department.

The proposal is otherwise consistent with all applicable provisions of this Division.

*Division 6. Building Design Standards:*

This Division regulates the treatment of front building facades and other features related to the architectural design of buildings.

The proposed building provides well-defined building entries, changes in height, use of different materials, and articulated base around the entire building. The design theme or motif for the project is used on all the elevations, creating a consistent design and detailing of the whole project. The architectural design also emphasizes the corner through an accent color on the window spandrel, that complements a similar feature highlighting the residential access of the project.

The building design is a “traditional” design with a well-defined base, middle and cap. All facades include an extensive use of fenestration articulation.

The applicant is requesting flexibility from Appendix C Sections C-602.B.2, pursuant to Section 803-H which provides that flexibility in meeting the facade design and articulation standards may be approved where the alternative design treatment provides a varied and interesting design and the alternative treatment is integral to the building’s design and results in facades of equal or better quality than the standards would produce. This is addressed in greater detail elsewhere in this report.

*Division 7. Sign Standards:*

This divisions establishes specific standards for signs in the Downtown District. It establishes reasonable and improved sign standards for Downtown that encourages the use of a hierarchy of signs appropriately sized for a well-organized visual Downtown environment. It also ensures that signage is pedestrian oriented and appropriately scaled for the Downtown environment. This divisions also facilitates creative and innovative approaches to signs that exhibit a high degree of thoughtfulness, imagination and inventiveness. Signs are not reviewed at this time through this process; however, the requirements of the CDC will need to be met and any proposed signage will be reviewed for CDC compliance at time of permit submittal.

*Division 8. Flexibility:*

This Division provides specific instances of permitted flexibility for some of the Design Standards and the process by which such flexibility may be approved.

**C-803.B.2**

Front setbacks between eight and 15 feet are required pursuant to Appendix C Division 4. The proposal includes just four instances where entries are recessed approximately 1.5 to two two feet resulting in up to an approximately 17-foot setback in limited areas. Flexibility to this provision is permitted pursuant to CDC Appendix C Section 803-B.2 which provides that

flexibility in the application of front setback requirements may be approved to allow new development setbacks compatible with the traditional character of development on adjacent sites and block frontages. The extra although limited recessing of some of the entries results in a greater articulation of the fenestration resulting in a more varied and traditionally designed building.

### **C-803.D.3**

Pursuant to CDC Appendix C Division 4 ground floor residential units along front setbacks are required to be elevated 18 inches minimum, 36 inches maximum above the grade of adjacent sidewalks. There are at least four noted instances where these minimum and maximum differences are not met. The noted deviations include two maximum differences (43.32 inches and 37.20 inches) and two minimum differences (1.56 inches and 17.04 inches). These deviations are because the site includes a grade difference of over 14 feet from north to south. Flexibility is permitted pursuant to CDC Section C-803D.3 which states that flexibility in the application of finished floor elevation standards for residential buildings may be approved to accommodate projects on sloping sites or projects with innovative building types. Staff believes that the FFEs which deviate from the minimum and maximum elevation change are a direct result of the 10-foot grade change. Staff has determined that the affordable housing project and the slope of the site meet this criterion.

### **C-803.H**

Finally, the applicant is requesting flexibility from Appendix C Sections C-602.B.2, pursuant to Section 803-H which provides that flexibility in meeting the facade design and articulation standards may be approved where the alternative design treatment provides a varied and interesting design and the alternative treatment is integral to the building's design and results in facades of equal or better quality than the standards would produce. The requested flexibility includes minor deviations related to façade bay widths and entrance features. The applicant has diligently worked with City Staff to produce the submitted building elevations which Staff believes fully meets the intent of the CDC.

#### Division 9. Administration:

Division 9, Administration, provides direction regarding various levels of approval as well as the process by which the Regulating Plan may be amended. No amendments are proposed and the request of six dwelling units from the Pool necessitate the project be reviewed as a Level II Flexible Development application.

### **General Purposes of Community Development Code**

The following general purposes of the Community Development Code are applicable to the development proposal:

*Section 1-103.B.1. Allowing property owners to enhance the value of their property through innovative and creative redevelopment.*

*Section 1-103.B.2. Ensuring that development and redevelopment will not have a negative impact on the value of surrounding properties and wherever practicable promoting development and redevelopment which will enhance the value of surrounding properties.*

- Section 1-103.D. It is the further purpose of this Development Code to make the beautification of the city a matter of the highest priority and to require that existing and future uses and structures in the city are attractive and well-maintained to the maximum extent permitted by law.*
- Section 1-103.E.2. Protect the character and the social and economic stability of all parts of the city through the establishment of reasonable standards which encourage the orderly and beneficial development of land within the city.*
- Section 1-103.E.6. Provide for open spaces through efficient project design and layout that addresses appropriate relationships between buildings on the project site and adjoining properties, including public rights-of-way and other public places.*

The proposed development is consistent with the character of the area and is a targeted and desired use within the Prospect Lake Character District. Surrounding properties contain a wide variety of residential uses ranging from single-family dwellings, duplexes, and larger attached dwellings in a variety of forms from one-story dwellings to multi-story apartment-style buildings. The proposed use and form are consistent with the existing and, more importantly, the desired character of the area. Therefore, the proposal supports these Code sections.

**Compliance with General Applicability Standards:**

The proposal supports the General Applicability standards of this Code as follows:

- Section 3-914.A.1. The proposed development of the land will be in harmony with the scale, bulk, coverage, density and character of adjacent properties in which it is located.*
- Section 3-914.A.2. The proposed development will not hinder or discourage development and use of adjacent land and buildings or significantly impair the value thereof.*
- Section 3-914.A.3. The proposed development will not adversely affect the health or safety of persons residing or working in the neighborhood.*
- Section 3-914.A.4. The proposed development is designed to minimize traffic congestion.*
- Section 3-914.A.5. The proposed development is consistent with the community character of the immediate vicinity.*
- Section 3-914.A.6. The design of the proposed development minimizes adverse effects, including visual, acoustic and olfactory and hours of operation impacts on adjacent properties.*



The development proposal will be in harmony with and will neither hinder nor discourage development of adjacent properties. It is consistent with the envisioned character of the Prospect Lake Character District and Downtown in general. The proposal has limited any effects on traffic congestion by reducing the number of driveways entrances to one driveway along South Washington Avenue at the northeast corner of the site. 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. The site and building design, as explored in greater detail elsewhere in this report, are consistent with all applicable Design Standards of the Downtown Code. Accordingly, the development proposal meets each and every one of the aforementioned criteria in Section 3-914.A.

### **Other Applicable Development Parameters:**

It should be noted that several development parameters generally discussed in this section are detailed under Downtown District & Design Standards, elsewhere in this report, including Maximum Development Potential, Maximum Building Height, Off-Street Parking and Landscaping.

### Sight Visibility Triangles:

Pursuant to CDC Section 3-904.A, to minimize hazards at the intersection of streets and/or driveways, no structures or landscaping may be installed which will obstruct views at a level between 30 inches above grade and eight feet above grade within 20-foot sight visibility triangles. A portion of the sight visibility triangles appear to be occupied by the building however, this proposal has been reviewed by the City’s Traffic Engineering Department and been found to be acceptable. Landscaping located within the sight visibility triangles will need to be maintained to meet the Code requirements.

### Utilities:

Pursuant to CDC Section 3-912, for development that does not involve a subdivision, all utilities including individual distribution lines must be installed underground unless such undergrounding is not practicable. There is one overhead utility line adjacent to the site along the west side of site along South Martin Luther King, Jr. Avenue. Any distribution lines are required to be underground. All existing overhead utilities shall be placed underground unless found to be impracticable.

### Solid Waste:

A solid waste component will be located in a trash room located within the northeast corner of the building. The maintenance personal will roll out the dumpster on trash collection days. This collection method has been approved by the Solid Waste Department.

### Mechanical Equipment:

Pursuant to CDC Sections 3-201.D.1 and 3-903.I, all outside mechanical equipment must be screened so as not to be visible from public streets and/or abutting properties. Mechanical equipment will be located on top of and within the building. The equipment on the roof area will be adequately screened from view from adjacent properties and rights-of-way by solid screening. This screening of the mechanical equipment will also be reviewed at time of the building permit submission.

**Comprehensive Plan:**

A review of the Goals, Objectives and Policies of the City's Comprehensive Plan has been conducted with the following identified as being applicable to the development proposal:

- Policy A.2.2.2*      *Residential land uses shall be sited on well-drained soils, in proximity to parks, schools, mass transit and other neighborhood-serving land uses.*
- Goal A.3*            *The City of Clearwater shall ensure that all development or redevelopment initiatives meet the safety, environmental, and aesthetic needs of the city through consistent implementation of the Community Development Code.*
- Objective A.3.2*    *All development or redevelopment initiatives within the City of Clearwater shall meet the minimum landscaping / tree protection standards of the Community Development Code in order to promote the preservation of existing tree canopies, the expansion of that canopy, and the overall quality of development within the City; and*
- Policy A.3.2.1*     *All new development or redevelopment of property within the City of Clearwater shall meet all landscape requirements of the Community Development Code.*
- Objective A.5.5*    *Promote high quality design standards that support Clearwater's image and contribute to its identity.*
- Policy A.5.5.1*     *Development should be designed to maintain and support the existing or envisioned character of the neighborhood.*
- Goal A.6*            *The City of Clearwater shall utilize innovative and flexible Planning and engineering practices, and urban design standards in Order to protect historic resources, ensure neighborhood preservation, redevelop blighted areas, and encourage infill development;*
- Objective A.6.1*    *The redevelopment of blighted, substandard, inefficient and/or obsolete areas shall be a high priority and promoted through the implementation of redevelopment and special area plans, the construction of catalytic private projects, city investment, and continued emphasis on property maintenance standards; and*
- Policy A.6.1.1*     *Redevelopment shall be encouraged, where appropriate, by providing development incentives such as density bonuses for significant lot consolidation and/or catalytic projects, as well as the use of transfer of developments rights pursuant to approved special area plans and redevelopment plans.*
- Objective A.6.2*    *The City of Clearwater shall continue to support innovative planned development and mixed land use development techniques in order to*

*promote infill development that is consistent and compatible with the surrounding environment.*

*Policy A.6.2.1 On a continuing basis, the Community Development Code and the site plan approval process shall be utilized in promoting infill development and/or planned developments that are compatible.*

*Policy A.6.8.1 Build active, attractive communities that are designed at a human scale and encourage walking, cycling and use of mass transit.*

*Policy A.6.8.3 Where appropriate, development shall provide a sense of pedestrian scale on streets through minimal front setbacks, similar building heights, street trees and proportionality of building heights to street widths.*

*Policy A.6.8.4 Use native plants in landscaped areas, use xeriscaping wherever possible and protect natural features of a developing site.*

## Housing Element

*Goal C.1 An affordable variety of standard housing units in decent and safe neighborhoods to meet the needs of current and future residents regardless of race, nationality, age, marital status, handicap, or religion.*

*Objective C.1.2 Objective for Affordable Housing - The City of Clearwater shall continue to provide assistance and incentives for the development of housing that is affordable to very low, low, and moderate income households, including those with special needs, consistent with the level of growth in these income categories.*

*Policy C.1.2.5 Define Affordable Housing as any residential dwelling unit leased or owned by a household with a household income of one hundred twenty percent (120%) or less of the adjusted area median family income for Pinellas County, Florida, as determined by the U.S. Department of Housing and Urban Development (HUD). The rental rates for leased Workforce Affordable Housing Units shall not exceed the rates published by the Florida Housing Finance Corporation for annual "Maximum Rents by Number of Bedroom Unit" for the Tampa-St. Petersburg-Clearwater Metropolitan Statistical Area (MSA). For non-rental units, the sales price may not exceed ninety percent (90%) of the average area price for the Tampa- St. Petersburg-Clearwater MSA, as established by the annual revenue procedure which provides issuers of qualified mortgage bonds, as defined in Section 143(a) of the internal Revenue Code, and issuers of mortgage credit certificates, as defined in Section 25(c) of the Internal Revenue Code, with the nationwide average purchase price for the residences located in the United States.*

*Objective C.1.9      The City of Clearwater shall be proactive in incentivizing the construction of affordable housing.*

The proposal provides for a use permitted and encouraged in the Character District by the Downtown District & Development Standards and the Clearwater Downtown Redevelopment Plan. The site design and elevations are consistent with the requirements of both the Plan and CDC. Based upon the above, and the analysis provided in this report, the development proposal is in support of the noted, applicable sections of the Comprehensive Plan.

## **SUMMARY AND RECOMMENDATION:**

The Development Review Committee (DRC) reviewed the application and supporting materials at its meeting of April 1, 2021, and deemed the development proposal to be legally sufficient to move forward to the Community Development Board (CDB).

### **Findings of Fact:**

The Planning and Development Department, having reviewed all evidence submitted by the applicant and requirements of the Community Development Code, finds that there is substantial competent evidence to support the following 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:**

The Planning and Development Department, having made the above findings of fact, reaches the following 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).

The Planning and Development Department, having made the above findings of fact and conclusions of law, recommends **APPROVAL** of application FLD2021-03004, subject to the following conditions:

**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.

Prepared by Planning and Development Department Staff:



Mark T. Parry, AICP, Senior Planner

ATTACHMENTS: Resume, Photographs