

DRAFT ACTION AGENDA DEVELOPMENT REVIEW COMMITTEE

Thursday, October 07, 2021

8:30 AM - Staff Review

9:00 AM

Case number: FLD2009-02009 -- 443 EAST SHORE DR

Owner(s): Louis Developments Llc

630 S Gulfview Blvd Clearwater, FL 33767

PHONE: No phone, Fax: No fax, Email: No email

Applicant:

PHONE: No phone, Fax: No fax, Email: No email

Representative: Woods Consulting

Bill Woods 1714 Cr 1 Suite 22

Dunedin, FL 34698

PHONE: (727) 786-5747, Fax: (727) 786-7479, Email:

Billwoods@woodsconsulting.Org

Location: 0.98 acres located on the east side of East Shore Drive approximately 10 feet north

of the intersection of Papaya Street and East Shore Drive

Atlas Page: 267A

Zoning District: Tourist

Request:

Proposed Use: Marinas

Neighborhood Association(s):

Presenter: Matthew Jackson, Planner II

Workflow:

Review Name Task Status Status Date Last Name

The DRC reviewed this application with the following comments:

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Engineering Condition Prior to building permit:

This application is for a change to a existing DO. The proposed change is for

the boat slips only.

Engineering conditions remain to be the same as in the original DO. No change to the DO, condition of approval #3. All Landscape, Storm, Water, Traffic Engineering and Engineering conditions to be addressed prior to the

building permit.

Environmental Condition

No issues.

Note: All resubmittals shall be accompanied with a response letter addressing how each departmental condition has been met.

Landscape Oak trees must be at least 35 feet apart and planted at least five feet away

from pavement. Revise plans if oak trees are to be used or substitute accent

trees (two per one shade tree). Prior to building permit

Pursuant to Beach by Design "Marina District" parking areas should be screened from Clearwater Harbor. Augment landscaping on the east side. Where appropriate, one shade tree is required every 35 feet (not less) and

must be placed five feet from pavement.

Three palm trees may be used for one palm tree.

Ensure that the placement of oaks or other shade trees do not conflict with

the canopies of existing trees.

Prior to CDB

Planning Review Planning Review

Please revise the proposed language to the following:

That, no more than eight (8) of the 32 marina slips may be used for licensed charter vessels and no more than two (2) of the eight (8) slips may be used for licensed jet ski rentals (guided tours only) with multiple jet skis per slip. There shall be no public cleaning or commercial sale of fish or amplified

music at the marina.

Solid Waste Condition where will Solid Waste be disposed of from boats?

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Storm Water Condition The following shall be addressed prior to issuance of the building permit:

- 1. Please provide a minimum of 6" freeboard for the proposed pond.
- 2. Submit a copy of the approved SWFWMD ERP permit.

General note:

- 1. DRC review is a prerequisite for Building Permit Review; additional comments may be forthcoming upon submittal of a Building Permit Application.
- 2. At building permit application, applicant shall submit drainage report, soil report, and any other drainage related document for review and record.

Note: All resubmittals shall be accompanied with a response letter addressing how each departmental condition has been met.

Traffic Eng Condition Applicant shall comply with the current MIF (Multi-modal Impact Fee)

Ordinance and fee schedule. MIF shall be paid prior to receiving a

Certificate of Occupancy. The MIF amount for the proposed boat dock for 32

public slips - \$26,048.00.

Traffic Eng Review Traffic engineering has no condition(s) for this flexible development

application.

Plan Room Issues:

No Plan Room Issues on this case.

Plan Room Conditions:

No Plan Room Conditions on this case.

Plan Room Notes:

No Plan Room Notes on this case.

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Planning & Development Department
Post Office Box 4748, Clearwater, Florida 33758-4748
Municipal Services Building, 100 South Myrtle Avenue, Clearwater, Florida 33756
Telephone (727) 562-4567

9:10 AM

Case number: FLD2019-10029A -- 207 CORONADO DR

Owner(s): Pen Coronado Inc

176 Devon Dr

Clearwater, FL 33767-2438

PHONE: (727) 514-6606, Fax: No fax, Email: No email

Applicant: Sam Karamountzos

207 Coronado Drive Clearwater, FL 33767

PHONE: (727) 514-6606, Fax: No fax, Email: No email

Representative: Jaime Maier

Hill, Ward, & Henderson, P.A. 101 E Kenndedy Blvd., Suite 3700

Tampa, FL 33602

PHONE: No phone, Fax: No fax, Email: Jaime.Maier@hwhlaw.Com

Location: 0.13 acres located on the east side of Coronado Drive approximately 130 feet

south of the intersection with Devon Drive.

Atlas Page: 276A

Zoning District: Tourist

Request: The Development Review Committee (DRC) is reviewing a proposed amendment

to an approved Level II Flexible Development application (FLD2019-10029) in the Tourist (T) Zoning District and Small Motel Character District of Beach by Design for the property located at 207 Coronado Drive. The current amendment includes changes to architectural elevations, increase in height from 8 feet to 10 feet from BFE for a restaurant use and request flexibility from beach by design guidelines. The proposal includes amending the height and architectural elevations; requests zero off-street parking spaces and allowable flexibility to setbacks, parking,

landscaping and the Design Guidelines of Beach by Design (Community Development Code Section 2-803. D. and 3-1202. G. and Beach by Design).

(Description subject to change upon CDB resubmittal)

Proposed Use: Restaurants

Neighborhood

Association(s): Board of County Commissioners

Clearwater Neighborhood Coalition

Presenter: Vinod Kadu, Senior Planner

Workflow:

Review Name	Task Status	Status Date	Last Name
Determination of Completeness	Complete	09/09/2021	Kadu
Engineering Review	No Comments	09/15/2021	Seaman
Public Utilities Review	No Comments	09/15/2021	Seaman
Traffic Eng Review	No Comments	09/16/2021	Elbo
Environmental Review	No Comments	09/20/2021	Kessler
Stormwater Review	No Comments	09/20/2021	Vo
Fire Review	No Comments	09/28/2021	Hatten
Land Resource Review	No Comments	09/28/2021	Thomen
Parks and Rec Review	No Comments	09/30/2021	Kader
Route to Meeting	Ready for DRC	10/04/2021	Kadu
Planning Review	Comments	10/04/2021	Kadu
Solid Waste Review	No Comments	10/04/2021	Kadu
Status adjusted to "No Comments" after confirming with Mark Beery email with VSK on 10/04/2021			

The DRC reviewed this application with the following comments:

Plan Room Issues:

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PLANNING & DEVELOPMENT DEPARTMENT
POST OFFICE BOX 4748, CLEARWATER, FLORIDA 33758-4748
MUNICIPAL SERVICES BUILDING, 100 SOUTH MYRTLE AVENUE, CLEARWATER, FLORIDA 33756
TELEPHONE (727) 562-4567

ENGINEERING - Prior to CDB

Set to OPEN on 9/23/2021 7:55:55 AM

Issue created by Douglas Seaman on 9/23/2021 7:55:55 AM douglas.seaman@myclearwater.com - 727-562-4581

The site development plans were reviewed in FLD2019-10029. Stormwater and Traffic Engineering Conditions remain the same as in FLD201--10029 (2019) Additional Conditions are:

- 1) All resubmittals shall be accompanied with a response letter addressing how each departmental condition has been met.
- 2) The application included construction plans which were reviewed for general engineering criteria. The details provided in the plan set may have been necessary for other departmental reviews to provide flexible development conditions. Construction details shall be reviewed more thoroughly prior to receipt of the building permit.
- 3)That prior to issuance of any building permit except for clearing and grubbing, demolition or the provision of filling of the proposed site, a certified Maintenance of Traffic (MOT) plan will be required for any work in public ROW or easements. The plan must delineate all proposed traffic pattern changes, road closures and quantifiable impacts of of such upon the traffic system and surrounding area.
- 4) Provide stormwater and Traffic Reports reviewed and approved under FLD2019-10029

PLANNING - Beach by Design, Chapter VII.E.1, 60% transparency requirement

Set to OPEN on 9/30/2021 3:25:25 PM

Issue created by Vinod Kadu on 9/30/2021 3:25:25 PM vinod.kadu@myclearwater.com - 727-562-4504

12. As per Beach by Design, Chapter VII.E.1, , at least sixty percent (60%) of the street level facades of buildings used for nonresidential purposes which abut a public street or pedestrian access way, will be transparent OR landscaped or hardscaped courtyard or plazas, where street level facades are set back at least fifteen feet (15') from the edge of the sidewalk and the area between the sidewalk and the facade is a landscaped or hardscaped courtyard or plaza. Though, the sidewalk has a direct visual connection with the hardscaped plaza on the subject property, the building's openings do not have the required 60 percent transparency. Therefore, the project does not meet this criteria of the Beach by Design guidelines.

PLANNING - CDB approved elevations

Set to OPEN on 9/28/2021 11:58:59 AM

Issue created by Vinod Kadu on 9/28/2021 11:58:59 AM vinod.kadu@myclearwater.com - 727-562-4504

10. As per condition of approval number three in the development order "that elevations and landscape will be generally consistent with the CDB approved plans". Please clarify "modifications to the elevations that were approved". No modifications were approved which do not match the CDB submittal.

PLANNING - Change in CDB approved height

Set to OPEN on 9/28/2021 11:44:05 AM

Issue created by Vinod Kadu on 9/28/2021 11:44:05 AM vinod.kadu@myclearwater.com - 727-562-4504

8. Even though the current amendment proposal's height is substantially lower than as what is permissible as per CDC, it is changed and is higher than what was approved by CDB. The current amendment proposes height of the building as 10.5 feet from BFE as compared to CDB approved proposal's height of eight feet from BFE. Please clarify the change in height from what was approved.

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PLANNING - Correct CDB submittal drawings

Set to OPEN on 9/28/2021 11:38:49 AM

Issue created by Vinod Kadu on 9/28/2021 11:38:49 AM vinod.kadu@myclearwater.com - 727-562-4504

- 2. As a part of the Exhibit A, the submitted originally-approved floorplan does not match with the approved CDB plan. Please submit or compare with the correct CDB approved site plan and elevation drawings.
- 3. The originally approved site plan did not have a pergola on the northwest side. Please submit or compare with the correct CDB approved floorplan.
- 4. The originally approved site plan were approved with in ground landscape planters. Please submit or compare with the correct CDB approved floorplan.
- 5. The CDB approved elevations are different than the ones currently submitted. Please submit or compare with the correct CDB approved elevations.

PLANNING - Disclaimer

Set to OPEN on 9/30/2021 3:30:33 PM

Issue created by Vinod Kadu on 9/30/2021 3:30:33 PM vinod.kadu@myclearwater.com - 727-562-4504

- 1. Please be aware that additional comments may be generated at or after the DRC meeting based upon applicant response to DRC comments.
- 2. Please review the stated request closely. It is ultimately the responsibility of the applicant to ensure that the request and submitted proposal are accurate and consistent with each other.

PLANNING - Drawing Clarity

Set to OPEN on 9/30/2021 3:27:05 PM

Issue created by Vinod Kadu on 9/30/2021 3:27:05 PM vinod.kadu@myclearwater.com - 727-562-4504

14. The line weights of the east, north and south elevations are very thin and hence are not visible at all. Please revise and resubmit.

PLANNING - Elevation Transparency Requirement

Set to OPEN on 9/28/2021 12:00:27 PM

Issue created by Vinod Kadu on 9/28/2021 12:00:27 PM vinod.kadu@myclearwater.com - 727-562-4504

11. As per Beach by Design, Chapter VII.C.3, at least sixty percent (60%) of any elevation will be covered with windows or architectural decoration. The west façade area calculation shown on sheet A4 is 48 percent whereas 60 percent is required. Please clarify and revise. Similarly, the north elevation has just 41 percent is covered with windows and no architectural decoration which is significantly less than the required 60 percent. The north elevation transparency requirement was addressed as a condition of approval number five in the development order. In short, the project does not meet beach by Design guidelines. Please give us a brief narrative of how the proposal is going to meet Beach by Design guidelines.

PLANNING - Impervious Surface Ratio

Set to OPEN on 9/30/2021 3:27:39 PM

Issue created by Vinod Kadu on 9/30/2021 3:27:39 PM vinod.kadu@myclearwater.com - 727-562-4504

15. Existing ISR on sheet C.1 will be the current one and not as the site was existing as per case FLD2019-10029. Please revise to show the current existing ISR on site. The proposed ISR will be as per the site plan which was previously approved by CDB. Please revise the ISR and site plan to match what was approved by CDB. Also, in the current existing condition, there is no on-site parking. Please remove parking from the ISR table.

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PLANNING - Mechanical Equipment Screening Requirement

Set to OPEN on 9/30/2021 3:26:41 PM

Issue created by Vinod Kadu on 9/30/2021 3:26:41 PM vinod.kadu@myclearwater.com - 727-562-4504

13. As per CDC Section 3-204.D & 3-903.I: Mechanical equipment shall be screened from any public right-of-way and adjacent properties by landscaping, fencing, or architecturally-finished walls and/or enclosures designed to be compatible with the exterior façade of the building. As per condition of approval number eight in the development order of FLD2019-10029 states that mechanical equipment shall be appropriately screened. This was a repeated comment given during the building permit stage and yet, the as built site photos show the mechanical equipment is currently not screened. Please screen the mechanical equipment.

PLANNING - Modifying Conditions Of Approval

Set to OPEN on 9/28/2021 11:42:03 AM

Issue created by Vinod Kadu on 9/28/2021 11:42:03 AM vinod.kadu@myclearwater.com - 727-562-4504

- 6. The originally approved site plan was supposed to have no paving as per the original conditions before the restaurant was approved as a part of the FLD2019-10029. This was also conveyed as condition of approval number seven "That prior to the issuance of any building permit, the proposed hardscape area in the north setback will exactly match as to what is existing on the site as per survey with no new structure in the 10-foot north side setback" of the development order. The applicant is modifying the conditions of approval of FLD201-10029. No new development/paving is permitted in the 10 feet required side setback by Beach by Design in the north side setback, thus the project does not meet Beach by Design guidelines. Please clarify and revise the site plan and other drawings to reflect the approved CDB drawings and the condition of approval.
- 6.a. The proposed site plan drawing is supposed to be as built condition on the site. Whereas the submitted existing conditions survey does not match the CDB approved site plan.
- 7. Please clarify as to why the CDB approved conditions of approval are to be modified.

PLANNING - On-Site Decisions

Set to OPEN on 9/28/2021 11:53:50 AM

Issue created by Vinod Kadu on 9/28/2021 11:53:50 AM vinod.kadu@myclearwater.com - 727-562-4504

9. In the narrative, the applicant states that "During construction there were modifications to the elevations that were approved, but after buildout the modifications resulted in a difference between the as-built Site and the original FLD approval. Please clarify what onsite conditions resulted in the difference between as-built Site and the original FLD approved elevations.

PLANNING - Rear Setback dimension

Set to OPEN on 9/30/2021 3:29:21 PM

Issue created by Vinod Kadu on 9/30/2021 3:29:21 PM vinod.kadu@myclearwater.com - 727-562-4504

17. Please provide a callout dimension highlighting the rear setback from the building to the property line.

PLANNING - Request

Set to OPEN on 9/28/2021 11:33:13 AM

Issue created by Vinod Kadu on 9/28/2021 11:33:13 AM vinod.kadu@myclearwater.com - 727-562-4504

1. From the proposal narrative, it is not clear what the request is nor is it clear what is the applicant requesting flexibility from. It is ultimately the responsibility of the applicant to ensure that the request and submitted proposal are accurate and consistent with each other.

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PLANNING - Stormwater Narrative

Set to OPEN on 9/30/2021 3:30:05 PM

Issue created by Vinod Kadu on 9/30/2021 3:30:05 PM vinod.kadu@myclearwater.com - 727-562-4504

18. Even though this is an amendment of a prior approved FLD case, prior FLD's stormwater narrative and traffic study is required to make it a part of this development proposal. The current DRC submittal has traffic study included in it but the stormwater narrative is missing. Please submit the prior stormwater narrative.

PLANNING - Update Site Data Table

Set to OPEN on 9/30/2021 3:28:09 PM

Issue created by Vinod Kadu on 9/30/2021 3:28:09 PM vinod.kadu@myclearwater.com - 727-562-4504

16. Please update the site data table to reflect the current existing conditions.

PUBLIC UTILITIES - General Conditions

Set to OPEN on 9/30/2021 9:12:46 AM

Issue created by Douglas Seaman on 9/15/2021 1:12:57 PM douglas.seaman@myclearwater.com - 727-562-4581

Utility Services

Water, gravity and Reuse water is available to the property. If connection to these utilities will required a civil/utility plan to be submitted prior to the building permit.

Plan Room Conditions:

No Plan Room Conditions on this case.

Plan Room Notes:

No Plan Room Notes on this case.

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PLANNING & DEVELOPMENT DEPARTMENT
POST OFFICE BOX 4748, CLEARWATER, FLORIDA 33758-4748
MUNICIPAL SERVICES BUILDING, 100 SOUTH MYRTLE AVENUE, CLEARWATER, FLORIDA 33756
TELEPHONE (727) 562-4567

9:40 AM

Case number: FLD2021-07014 -- 12 IDLEWILD ST

Owner(s): Majestic Sand Llc 5641 Westshore Dr

New Port Richey, FL 34652-3034

PHONE: No phone, Fax: No fax, Email: No email

Applicant: Mehrdad Moshtagh

34266 Us 19 N

Palm Harbor, FL 34684

PHONE: (727) 946-6661, Fax: (727) 953-9864, Email: Flmanage@yahoo.Com

Representative: Mehrdad Moshtagh

Majestic Sand Llc 34266 Us 19 N

Palm Harbor, FL 34684

PHONE: (727) 946-6661, Fax: (727) 953-9864, Email: Flmanage@yahoo.Com

Location: 0.462-acres located on the north side of Idlewild Street approximately 150 feet west

of the intersection with Mandalay Avenue.

Atlas Page: 258A

Zoning District: T - Tourist

Request: The Community Development Board is reviewing a 14-unit attached dwelling use in

the Old Florida Character District of Beach by Design and the Tourist (T) District for property located at 12 Idlewild Street. The project is 65 feet in height (Design Flood

Elevation to roof), includes 28 parking spaces, requests allowable flexibility consistent with Community Development Code Sections 2-803.B and 3-1202.G; requests approval for construction seaward of the Coastal Construction Control Line in CDC Section 3-905 and a two-year Development Order under the

provisions of CDC Section 4-407.

Proposed Use: Attached Dwellings

Neighborhood

Association(s): Board of County Commissioners

Clearwater Neighborhood Coalition

Presenter: Melissa Hauck-Baker, Senior Planner

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Workflow:

Review Name	Task Status	Status Date	Last Name
Public Utilities Review	Comments	09/15/2021	Seaman
Stormwater Review	Comments	09/20/2021	Vo
Environmental Review	Comments	09/20/2021	Kessler
Traffic Eng Review	Comments	09/20/2021	Elbo
Engineering Review	Comments	09/28/2021	Seaman
Land Resource Review	No Comments	09/28/2021	Thomen
Planning Review	Comments	09/29/2021	Hauck-Baker
Parks and Rec Review	Comments	09/30/2021	Kader
Recreation Open Space Impermits. These fees can b with Art Kader at 727-562-4 understanding of how this fe	e substantial and impact the 824 or art.kader@myclearw	project. I urge the de	veloper to get in touch
Harbor Master Review	No Review Required	10/04/2021	Crandall
Fire Review	No Response	10/04/2021	Crandall
Route to Meeting	Ready for DRC	10/04/2021	Crandall
Solid Waste Review	Comments	10/04/2021	Crandall
Determination of Completeness	Complete	10/07/2021	Hauck-Baker

The DRC reviewed this application with the following comments:

Plan Room Issues:

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ENGINEERING - General Notes

Set to ANSWERED on 10/6/2021 9:46:55 AM

Issue created by Douglas Seaman on 9/28/2021 2:14:31 PM douglas.seaman@myclearwater.com - 727-562-4581

General Notes

- 1) All resubmittals shall be accompanied with a response letter addressing how each departmental condition has been met.
- 2) The application included construction plans which were reviewed for general engineering criteria. The details provided in the plan set may have been necessary for other departmental reviews to provide flexible development conditions. Construction details shall be reviewed more thoroughly prior to receipt of the building permit.
- 3) Work on city right-of-way shall require a right-of-way permit to include a certified MOT (maintenance of traffic) plan. The MOT plan shall be supported by a traffic impact analysis for road and/or lane closures. This plan must delineate all proposed traffic pattern changes, road closures and quantifiable impacts of such upon the traffic system and surrounding area.

mehrdad moshtagh on 10/6/2021 9:46:55 AM - ANSWERED

it is noted, this project was approved in 2018 and we have not changed any designs

ENGINEERING - Prior to Building Permit

Set to ANSWERED on 10/6/2021 9:27:43 AM

Issue created by Douglas Seaman on 9/15/2021 2:39:15 PM douglas.seaman@myclearwater.com - 727-562-4581

Prior to Building Permit

1) Revise the firetruck and garbage truck radius for inside the curb to be 30' radius per City of Clearwater std detail 106 sheet 1 and sheet 2

mehrdad moshtagh on 10/6/2021 9:27:43 AM - ANSWERED

Page C8 index 107 is referencing to the 30 foot radius

ENVIRONMENTAL - Prior to Building Permit:

Set to ANSWERED on 10/6/2021 9:37:50 AM

Issue created by Sarah Kessler on 9/20/2021 3:17:16 PM
Issue is attached to Plans on sheet A-0
sarah.kessler@myclearwater.com - 727-562-4897

Prior to issuance of Building Permit:

- 1. Continue to provide erosion control measures on plan sheet, and provide notes detailing erosion control methods.
- 2. No light shall be visible or extend in areas identified as Sea Turtle Nesting Areas during the nesting season (May 1 to October 31). Those areas where security and public safety require lighting, alternative light management approaches shall be applied. Provide evidence of sea turtle-friendly lighting in accordance with City code and state laws. Additional information is found on Florida Fish and Wildlife Conservation Commission's website including specific lighting guidelines (http://myfwc.com/media/418417/SeaTurtle_LightingGuidelines.pdf).

mehrdad moshtagh on 10/6/2021 9:37:50 AM - ANSWERED

Sara it is all noted as previously

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ENVIRONMENTAL - Prior to CDB:

Set to ANSWERED on 10/6/2021 9:38:33 AM

Issue created by Sarah Kessler on 9/20/2021 3:18:39 PM Issue is attached to Plans on sheet A-0 sarah.kessler@myclearwater.com - 727-562-4897

Acknowledge prior to CDB:

- 1. The property owner shall be advised that Florida Statute (Subsection 161.053) prohibits construction of structures seaward of the Coastal Construction Control Line (CCCL), excavation and removal of beach material, alteration of existing ground elevations, damaging sand dunes or vegetation growing on them. Any alteration or removal of dunes and/or beach vegetation requires approval from the City and a permit from the Florida Department of Environmental Protection (FDEP).
- 2. No light shall be visible or extend in areas identified as Sea Turtle Nesting Areas during the nesting season (May 1 to October 31). Those areas where security and public safety require lighting, alternative light management approaches shall be applied. Provide evidence of sea turtle-friendly lighting in accordance with City code and state laws. Additional information is found on Florida Fish and Wildlife Conservation Commission's website including specific lighting guidelines (http://myfwc.com/media/418417/SeaTurtle_LightingGuidelines.pdf).

mehrdad moshtagh on 10/6/2021 9:38:33 AM - ANSWERED

All Noted as previously done so

PARKS AND REC - Recreation Open Space Impact Fees

Set to ANSWERED on 10/6/2021 9:50:58 AM

Issue created by Art Kader on 9/30/2021 1:41:59 PM art.kader@myclearwater.com - 727-562-4824

Recreation Open Space Impact Fees may be due and payable on this project prior to obtaining building permits. These fees can be substantial and impact the project. I urge the developer to get in touch with Art Kader at 727-562-4824 or art.kader@myclearwater.com as soon as possible for an understanding of how this fee will impact their project.

mehrdad moshtagh on 10/6/2021 9:50:58 AM - ANSWERED

during the process in 2018 it has been discussed and noted that the fee should be paid before CO

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Post Office Box 4748, Clearwater, Florida 33758-4748

Municipal Services Building, 100 South Myrtle Avenue, Clearwater, Florida 33756

Telephone (727) 562-4567

PLANNING - Prior to CDB

Set to ANSWERED on 10/6/2021 9:48:55 AM

Issue created by Melissa Hauck-Baker on 9/29/2021 9:37:00 AM melissa.hauck-baker@myclearwater.com - 727-562-4567x2855

- 1. The proposed project was previously approved by the Community Development Board through case FLD2017-12025 on July 17, 2018 and is expired which has prompted the applicant to re-submit the current application which is identical to the previously approved project.
- 2. The proposed project is located in the Old Florida District of Beach by Design which supersede the requirements of the Design Guidelines within Beach by Design and the Community Development Code.
- 3. The Design Guidelines of Beach by Design supersede the requirements of the Community Development Code.
- 4. The Community Development Code is applicable to development within the Old Florida District when not in conflict with either the development parameters of the Old Florida District and/or the Design Guidelines of Beach by Design.
- 5. The proposal is consistent with the development parameters and requirements of the Old Florida District as follows:
- ? A building height of 65 feet which is consistent with the maximum of 65 feet.
- ? A setback of 15 feet along Idlewild Street.
- ? Side and rear setbacks of 10 feet.
- ? A building stepback of 15.75 feet along the building façade facing Idlewild Street at 35 feet above grade.
- ? A landscape buffer of 15 feet along Idlewild Street.
- ? A total of 28 parking spaces are provided for the proposed 14 unit development.
- 6. The Old Florida District requires that buildings greater than 35 feet in height and fronting along a street which is less than 46 feet in width, provide a stepback of one foot for each two feet of height above 35 feet (Old Florida District Section 3.f.1) which, in the case of the proposal, is 15 feet where 15.75 feet is proposed.
- 7. The Old Florida District also provides that a 15-foot setback is required along Idlewild Street (Old Florida District Section 2.a). This section also requires a 10-foot landscape buffer along Idlewild Street (Old Florida District Section 6) which is being exceeded by the 15-foot landscape buffer.
- 8. On August 24, 2021, the Federal Emergency Management Agency (FEMA) multi-year project to re-examine Pinellas County coastal flood zones was completed and the results were incorporated into updated digital Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study (FIS). While the new maps are based on revised coastal flood modeling and may affect owners of properties susceptible to flooding from the Gulf, Tampa Bay, and inland areas near waterways connected to the Gulf or Bay, Pinellas County is currently conducting a Vulnerability Assessment which will provide further guidance on impacts to properties and correlating proposed projects. Upon completion of the Vulnerability Assessment, local jurisdictions will need to incorporate the guidance into local codified ordinances, until such time it is recommended that projects do not proceed through any review phase.
- 9. The submitted plans reference an incorrect Base Flood Elevation which must be revised, any questions regarding this issue please contact Kevin Garriott, Building Official or Lauren Matzke, Assistant Director.

mehrdad moshtagh on 10/6/2021 9:48:55 AM - ANSWERED

I will contact kevin or lauren shortly

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PUBLIC UTILITIES - Prior to Building Permit

Set to ANSWERED on 10/6/2021 9:13:54 AM

Issue created by Douglas Seaman on 9/15/2021 1:39:52 PM douglas.seaman@myclearwater.com - 727-562-4581

Prior to Building Permit

- 1) Ensure all / if any remaining city utility services have been removed, cut and capped to avoid service interruptions
- 2) Civil plans, C-1 General notes will need to reference City of Clearwater technical and specifications requirements
- 3) Civil plans, C-3 Confirm that fire hydrant is not located in driveway apron and does not impact dumpster pick up

mehrdad moshtagh on 10/6/2021 9:13:54 AM - ANSWERED

- 1. The utility staff has been there in 2019 and checked that all lines has been capped.
- 2. the general notes specifies that work to be done according to the local regulatory agency which in this case it is city of clearwater
- 3. page C4 clearly shows the location of the FH is not in the apron nor impacting the dumpster

SOLID WASTE - General notes

Set to ANSWERED on 10/6/2021 9:49:23 AM

Issue created by Mark Beery on 9/30/2021 9:47:30 AM mark.beery@myclearwater.com - 727-562-4920

The outside enclosure is allowed to stage the containers for collection. See notes on page c-4

mehrdad moshtagh on 10/6/2021 9:49:23 AM - ANSWERED

noted

STORMWATER - Prior to Building Permit

Set to ANSWERED on 10/6/2021 9:34:26 AM

Issue created by Phuong Vo on 9/20/2021 11:15:15 AM phuong.vo@myclearwater.com - 727-562-4752

- 1) Provide a comprehensive drainage narrative with supporting drainage calculations and geotechnical report demonstrating that the City of Clearwater Drainage Criteria Manual are met for the proposed project.
- 2) Please note, the City allows only 50% of sustainable void spaces in stone layer of the proposed underground chamber be counted towards the required volume.
- 3) Provide stormwater vault specifications showing the vault provides water quality benefits, and provide a vault maintenance schedule that has been signed and accepted by the owner.

mehrdad moshtagh on 10/6/2021 9:34:26 AM - ANSWERED

page C5 shows all the drainage calculation. a copy of the geotechnical can be provided since we had to do this for the structural design.
all the notes on page C-11 has the specification of the vault system

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STORMWATER - Prior to CDB

Set to ANSWERED on 10/6/2021 9:36:27 AM

Issue created by Phuong Vo on 9/20/2021 12:08:05 PM phuong.vo@myclearwater.com - 727-562-4752

- 1) Provide a one page calculation demonstrating facilities can meet City of Clearwater Stormwater Design Regulations.
- 2) Please note that a comprehensive review of the submitted site plan was not performed at this time.

mehrdad moshtagh on 10/6/2021 9:36:27 AM - ANSWERED

calculations are done for drainage on page c-5 please take a note that this project was approved in 2018 . we have not changed any design

TRAFFIC ENG - Prior to building permit

Set to ANSWERED on 10/6/2021 9:44:57 AM

Issue created by Bennett Elbo on 9/20/2021 6:59:14 PM
Issue is attached to Plans on sheet A-1
bennett.elbo@myclearwater.com - 727-562-4775

1. Applicant shall comply with the current MIF (Multi-modal Impact Fee) Ordinance and fee schedule. MIF shall be paid prior to receiving a Certificate of Occupancy. The MIF amount for the proposed 14 unit condominium is \$12,444.00

mehrdad moshtagh on 10/6/2021 9:44:57 AM - ANSWERED

noted, confused as traffic engineering has impact for MIF at 17472.00

TRAFFIC ENG - Prior to CDB

Set to ANSWERED on 10/6/2021 9:43:23 AM

Issue created by Bennett Elbo on 9/20/2021 4:16:54 PM
Issue is attached to Plans on sheet A-1.1
bennett.elbo@myclearwater.com - 727-562-4775

- 1. Please provide sight visibility triangles at the driveway connection to Idlewild Street. There shall be no objects in the sight triangle which do not meet the City's acceptable vertical height criteria at a level between 30 inches above grade and eight feet above grade. (City's Community Development Code, Section 3-904).
- 2. Applicant shall contact the City Parking Department at 727-562-4750 regarding the existing parking spaces along the property frontage.

mehrdad moshtagh on 10/6/2021 9:43:23 AM - ANSWERED

civil engineering plan page C3 addresses the sight visibility triangle regarding the city parking it is noted and will be addressed before start of construction

Plan Room Conditions:

No Plan Room Conditions on this case.

Plan Room Notes:

No Plan Room Notes on this case.

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Planning & Development Department
Post Office Box 4748, Clearwater, Florida 33758-4748
Municipal Services Building, 100 South Myrtle Avenue, Clearwater, Florida 33756
Telephone (727) 562-4567

10:10 AM

Case number: FLD2020-12027 -- 622 LEMBO CIR

Owner(s): Canterbury Llc

5304 1st Ave N

St Petersburg, FL 33710-8106

PHONE: No phone, Fax: No fax, Email: No email

Applicant: Sandra Bradbury

300 South Belcher Road Clearwater, FL 33765

PHONE: (727) 443-2869, Fax: (727) 446-8036, Email:

Sandy@northsideengineering.Net

Representative: Sandra Bradbury

Northside Engineering, Inc. 300 South Belcher Road Clearwater, FL 33765

PHONE: (727) 443-2869, Fax: (727) 446-8036, Email:

Sandy@northsideengineering.Net

Location: two parcels on the west side of Lembo Circle approximately 210 feet west of South

Lincoln Avenue.

Atlas Page: 296B

Zoning District: MHDR - Medium High Density Residential

Request: Subject to change upon CDB resubmittal: The Community Development Board is

reviewing a proposed 10-unit attached dwelling development in the Medium High Density Residential (MHDR) District for the property located at 622 Lembo Circle. The proposal includes two buildings approximately 30 feet in height and requests allowable flexibility regarding lot width, setbacks and landscaping (Sections 2-404.F

and 3-1202.G).

Proposed Use: Attached Dwellings

Neighborhood

Association(s): Board of County Commissioners

Clearwater Neighborhood Coalition

Presenter: Mark Parry, Senior Planner

Workflow:

Review Name	Task Status	Status Date	Last Name
Determination of Completeness	Complete	12/10/2020	Parry
Plan Room Project Maintenance	Convert to Paper	12/18/2020	Crandall
Route to Meeting	Ready for DRC	12/30/2020	Parry
Development Review Committee	Insufficient for CDB	09/02/2021	Crandall
Awaiting Re-Submittal	DRC Review	09/02/2021	Crandall
Engineering Review	Comments	09/15/2021	Seaman
Traffic Eng Review	No Comments	09/16/2021	Elbo
Stormwater Review	Comments	09/20/2021	Vo
Fire Review	No Comments	09/28/2021	Hatten
Land Resource Review	Comments	09/28/2021	Thomen
Parks and Rec Review	No Comments	09/30/2021	Kader
Public Utilities Review	Comments	10/04/2021	Seaman

The DRC reviewed this application with the following comments:

Engineering Review General Notes

1) All resubmittals shall be accompanied with a response letter addressing

how each departmental condition has been met.

2) The application included construction plans which were reviewed for general engineering criteria. The details provided in the plan set may have been necessary for other departmental reviews to provide flexible

development conditions. Construction details shall be reviewed more

thoroughly prior to receipt of the building permit.

3) At the time of construction, the applicant shall obtain a ROW permit from

other jurisdictional for work in the adjacent ROW.

Engineering Review Prior to issuance of Building Permit:

1) The discharge flume under the sidewalk is not acceptable as a point of discharge.

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Environmental Review

General Notes:

1. Offsite discharge of produced groundwater from dewatering shall comply with dewatering guidelines from Florida Department of Environmental Protection (FDEP), F.A.C. 62-621.300(2).

Land Resources Review Land Resources Review

Please change the crape myrtle to a different accent tree on the landscape

plan.

Parks and Recreation

Review

Parks and Recreation Impact Fees are due and payable no later than date of issuance of building permit or final record plat, whichever comes first. Please contact Tara Elswick at 727-562-4818 or Tara. Elswick@myclearwater.com to

calculate the assessment.

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Planning Review

- 1. Application:
- a. Revise the "description of request" response on page one of five of the application to include the actual request which appears to a reduction in lot width, front and rear setbacks and elimination of interior landscape area.

2. Elevations

On the front elevation, there is a label that provides that the entry door is painted light grey – the arrow appears to point to a blank wall – please correct and clarify.

3. Disclaimer

Please note that additional comments may be generated at or after the DRC meeting based on responses to DRC comments.

Please carefully review the listed request. It is ultimately the responsibility of the applicant to ensure that the request reflects what is wanted.

In order to be reviewed by the CDB on November 16, 2021, 10 complete sets (revised as needed, folded and collated) and one electronic version (uploaded) must be submitted no later than noon October 14, 2021 (tentative depending on COVID-19 directives).

All the Planning Comments need to be fully addressed to proceed to CDB.

Failure to fully and completely address all Planning comments WILL delay your application or result in a recommendation of denial.

Failure to coordinate narratives, plans, elevations and all documents with each other WILL delay your application.

Failure to meet deadlines WILL delay your application.

Finally, please be aware that City Staff will no longer organize, collate or otherwise piece together this or any other application. The responsibility of providing a complete, collated and organized submittal rests solely with the applicant.

Public Utilities Review

Prior to CDB, acknowledge the following to be addressed prior to submitting Building Permit Application:

- 1) An existing 4" water main exists within the circle, If a fire hydrant or a 6" fire line is required, the the main may need to be upsized.
- 2) Impact fees for potable water and sanitary sewer may apply
- 3) Reclaimed water is not available to this site
- 4) Page C1. 2 General notes will need to reference the City of Clearwater technical and specifications requirements.
- 5) Refer to city engineering sewer details, no dog house manhole permitted

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Stormwater Review Prior to Building Permit:

Provide a comprehensive drainage narrative with supporting drainage calculations and geotechnical report demonstrating that the City of Clearwater Drainage Criteria Manual are met for the proposed project.

Prior to CO:

- 1) Submit an operation and maintenance agreement signed and accepted by the facility's maintenance entity for the proposed stormwater system.
- 2) Submit signed and sealed record drawings and certified letter by the EOR certifying the stormwater management system project was constructed as per permitted design and will not cause any adverse impact to others. (5 sets).

Traffic Eng Review General Note(s):

Applicant shall comply with the current MIF (Multi-modal Impact Fee) Ordinance and fee schedule. MIF shall be paid prior to receiving a Certificate of Occupancy. The MIF amount for the proposed 10 unit

townhome is \$10,414.

Plan Room Issues:

No Plan Room Issues on this case.

Plan Room Conditions:

No Plan Room Conditions on this case.

Plan Room Notes:

No Plan Room Notes on this case.

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Planning & Development Department
Post Office Box 4748, Clearwater, Florida 33758-4748
Municipal Services Building, 100 South Myrtle Avenue, Clearwater, Florida 33756
Telephone (727) 562-4567

10:40 AM

Case number: <u>HDA2019-03001B -- 409 EAST SHORE DR</u>

Owner(s): 411 E S

2753 State Road 580 Ste 110 Clearwater, FL 33761-3351

PHONE: (727) 441-8966, Fax: No fax, Email: No email

Applicant: 411 E S

2753 State Road 580 Ste 110 Clearwater, FL 33761-3351

PHONE: (727) 441-8966, Fax: No fax, Email: No email

Representative: Brian Aungst, Jr., Esq.

Macfarlane Ferguson & Mcmullen, P.A.

625 Court Street

Suite 200

Clearwater, FL 33756

PHONE: No phone, Fax: No fax, Email: Bja@macfar.Com

Location: 400/405/408/409/411 East Shore Drive; located on the east and west sides of East

Shore Drive approximately 250 feet north of the Memorial Causeway.

Atlas Page: 267A

Zoning District: Tourist

Request: Subject to change upon CC resubmittal: Proposed second amendment to an

existing Development Agreement between the City of Clearwater and 411ES, LLC which provides for certain changes to the conceptual site plan and elevations and increases the overall number of hotel units and height proposed for the subject site

Proposed Use: Overnight Accomodations

Neighborhood

Association(s): Board of County Commissioners

Clearwater Neighborhood Coalition

Presenter: Mark Parry, Senior Planner

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Workflow:

Review Name	Task Status	Status Date	Last Name
Determination of Completeness	Complete	06/08/2021	Parry
Planning Review	Comments	06/08/2021	Parry
Traffic Engineering Review	No Comments	06/11/2021	Elbo
Stormwater Review	No Comments	06/17/2021	Vo
Land Resource Review	No Comments	06/23/2021	Crandall
Engineering Review	No Comments	06/24/2021	Seaman
Environmental Review	No Comments	06/24/2021	Kessler
Parks and Rec Review	Comments	06/25/2021	Kader
Prior to the issuance of Buildi payable. These fees may be art.kader@myclearwater.com to be approved on this project	e substantial. Contact All. In addition public boa	rt Kader at 727-562-4824 o	r email
Harbor Master Review	No Response	06/27/2021	Crandall
Fire Review	No Response	06/27/2021	Crandall
Public Utilities Review	No Response	06/27/2021	Crandall
Solid Waste Review	No Response	09/07/2021	Crandall
Route to Meeting	Ready for DRC	10/04/2021	Crandall

The DRC reviewed this application with the following comments:

Engineering Review Engineering has no conditions
Engineering Review Stormwater Prior to Building

1) Provide stormwater vault specifications showing the vault provides water quality benefits, and provide a vault maintenance schedule that has been

signed and accepted by the owner.

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Environmental Review

Prior to issuance of Building Permit:

- 1. An Asbestos Survey is usually required prior to conducting any demolition or renovations. Contact Pinellas County Air Quality (727/464-4422) for more information.
- 2. A dock/dredge and fill permit may be required prior to conducting any additions. Contact Pinellas County Water and Navigation Authority at (727) 453-3385 for more information.
- 3. Provide erosion control measures on plan sheet, and provide notes detailing erosion control methods.

Parks and Recreation Review

Parks and Recreation Review

Prior to the issuance of Building Permit Open Space Recreation Facility Impact Fees are due and

payable. These fees may be substantial. Contact Art Kader at 727-562-4824

or email

art.kader@myclearwater.com. In addition public boardwalk and public

boardwalk easements will need to be approved on this project

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Planning Review

General Site Plan and Application Comments

- 1. Application:
- a. The application lists the ISR as 0.78 where the site plan data table lists it as 0.75. Please correct one or the other.
- 2. All site Plan Sheets including Sheets C-2, C-3, C-4, C-5, A-101, A-111 and A-112:
- a. Please clarify which slips are accessory to the hotel (Commercial Dock) and which are available to the general public (Marina Facility). I assume the slips labeled as "M" on Dock Sheet 3 are the eight Marina Facility slips but the CDB should not have to hunt for that information in addition, there's no key on Dock Sheet 3 which confirms my assumption. Please make sure everything is clearly labeled.
- b. Please revise the parking layout. Pursuant to CDC Section 3-1402.K only overnight accommodations may incorporate stall dimensions of 8.5 feet by 16 feet, double stacked spaces and/or with spaces on one side of a drive aisle. The eight spaces associated with the Marina Facility must be nine feet by 18 feet with a 24 foot back-out aisle, non-double stacked in other words, those four spaces must be standard spaces.
- c. Please provide a dimension for the walkway on the north side of the site.
- d. Please include a setback dimension to the walkway on the north side of the site.
- e. Please include setback dimensions to parking on the south side of the east parcel.
- f. Please clarify that brick pavers, stamped paving or similar technique will be used where sidewalks cross a driveway.
- g. Please include an indication of traffic movement within the parking garage as well as dimensions for all drive aisles. On that note, please add that same information for all site plan sheets including Sheets C-2, C-3, C-4, C-5, A-101, A-111 and A-112 (yes, I see that the south garage driveway is dimensioned at 24 feet but realistically you can subtract 8.5' off that figure due to your parking layout. You need to do the same thing on the north driveway). The point being; please don't make your intended audience (City Council) hunt for data.
- h. Clarify how 42 accessory slips (commercial dock) will serve a 92-unit hotel. Clarify the proposed uses/intensity of for those 42 slips.
- i. Clarify what sorts of appliances are proposed for each unit.
- Detail sheets:
- a. Detail sheets are not required at this point. Please remove sheets C-6 through 9.

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PLANNING & DEVELOPMENT DEPARTMENT Post Office Box 4748, Clearwater, Florida 33758-4748 MUNICIPAL SERVICES BUILDING, 100 SOUTH MYRTLE AVENUE, CLEARWATER, FLORIDA 33756 Telephone (727) 562-4567

Planning Review

Beach by Design Comments

4. B.3: You've erroneously included a bit from C.4 relating to volumetric measurements. You can remove this bit keep it with Section C.4. 5. C.1 and 2: Please include dimensions on the massing diagrams on sheets A-910 through 913.

6. E.1 and Marina District: Additional detailing along the east and west facades is required to meet the requirements of this criterion. Specifically, this criterion requires that when a parking garage abuts a public road or other public place, it will be designed such that the function of the building is not readily apparent except at points of ingress and egress. In addition, the Marina District requires that The design of facades fronting Clearwater Harbor is critical in creating the atmosphere along the public boardwalk. These facades should receive a high level of design treatment incorporating elements such as changes in plane, architectural details, variety in color, materials and textures, defined entrances, doors and windows and other appropriate details based on the architectural style of the building. 7. G. Signage is done under separate approval – please remove all signage

from all elevations and perspectives.

Planning Review

Development Agreement Comments

- 8. The HDA application needs to have the proposed use on pages 1, 2 and 4 changed to "92-unit hotel with 42-slip (minimum) accessory commercial dock and an eight-slip (maximum) Marina Facility.
- 9. Recital 4: This is a bit confusing. Maybe break it down to something like

WHEREAS, on November 17, 2020, the Community Development Board approved the Developer's site plan as part of application FLD2020-05012 and a Transfer of Development Rights ("TDR") as part of application TDR2020-07002 which included the use of 11 transferred hotel units. WHEREAS, the current proposed includes the use of an additional 18 units yielding a total of 29 transferred hotel units.

WHEREAS, as a condition of approval of applications FLD2020-05012/TDR2020-07002 (condition 6), the Developer is required to file amended TDR and FLD applications in order to use any more than seven transferred hotel development units;

- 10. Recital 5: I think that this should probably be removed or perhaps changed to something like, "WHEREAS, the Developer intends to submit amended TDR and FLD applications to construct a total of 29 transferred hotel units increasing the total number of overnight accommodation units from 74 units to 92 units."
- 11. Recital 8: I think that this recital should probably read, "WHEREAS, upon completion the planned hotel will contain 92 overnight accommodation units, which includes eight units previously allocated from the Hotel Density Reserve ("Reserve Units"); and 29 transferred hotel units of which 11 have been approved for use (FLD2020-05012/TDR2020-05001) and 18 will need to be approved for use by amending applications FLD2020-05012 and TDR2020-05001."
- 12. Section 4.2: I think we can change the number of required parking spaces a minimum of 114 rather than 115; unless my math is wrong I come up with 110 spaces for 92 units based on 1.2 spaces per room and four spaces for eight slips based on one space per two slips.
- 13. Add a Section 6.1.12: Limitation on Lock Out Rooms. At no point shall lock out or lock off rooms be constructed, provided or otherwise made available.

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Planning Review

Disclaimer

14. Please be aware that additional comments may be generated at or after the DRC meeting based upon applicant response to DRC comments.

Please review the stated request closely. It is ultimately the responsibility of the applicant to ensure that the request and submitted proposal are accurate and consistent with each other.

Please be prepared to make changes to the Development Agreement site plans, elevations and/or your request based on direction provided by the Council at first reading.

One hard copy and an electronic version of the complete application and all supporting material (revised as needed) are due by October 14, 2021, noon for the November 18, 2021, first Council meeting (tentative depending on COVID-19 directives and whether or not Staff believes, after the DRC meeting, that the application is ready for Council review). The second Council meeting will be scheduled for December 2, 2021. It is the applicant's responsibility to contact the City Clerk's office to coordinate submittal of a signed Agreement subsequent to the first Council meeting and prior to the second Council meeting.

Solid Waste Review

Solid Waste Review

Prior to City Council provide an outside staging area or a street-side accessible roll-up door.

Plan Room Issues:

No Plan Room Issues on this case.

Plan Room Conditions:

No Plan Room Conditions on this case.

Plan Room Notes:

No Plan Room Notes on this case.



PLANNING & DEVELOPMENT DEPARTMENT

POST OFFICE BOX 4748, CLEARWATER, FLORIDA 33758-4748

MUNICIPAL SERVICES BUILDING, 100 SOUTH MYRTLE AVENUE, CLEARWATER, FLORIDA 33756

TELEPHONE (727) 562-4567

11:40 AM

Case number: <u>ANX2021-09015 -- 1882 LAKEVIEW RD</u>

Owner(s): Christopher T Purdy 1882 Lakeview Rd

Clearwater, FL 33764

PHONE: (727) 742-1248, Fax: No fax, Email: No email

Applicant: Christopher Purdy

1882 Lakeview Rd Clearwater, FL 33764

PHONE: (727) 742-1248, Fax: No fax, Email: No email

Location: 0.249 acres located on the north side of Lakeview Road approximately 435 feet

east of Brookside Drive.

Atlas Page: 308A

Zoning District: LMDR - Low Medium Density Residential

Request: This voluntary annexation petition involves one parcel of land totaling 0.249 acres.

It is proposed that the initial Future Land Use Map category assigned be

Residential Low (RL) and the initial zoning designation assigned be Low Medium

Density Residential (LDMR)>

Proposed Use: Detached Dwellings

Neighborhood

Association(s): Board of County Commissioners

Clearwater Neighborhood Coalition

Presenter: Kyle Brotherton, Senior Planner

Workflow:

Review Name	Task Status	Status Date	Last Name
Determination of Completeness	Complete	09/07/2021	Brotherton
Planning Review	No Comments	09/07/2021	Brotherton
Engineering Review	Comments	09/15/2021	Seaman
Environmental Review	No Comments	09/20/2021	Kessler
Traffic Eng Review	No Comments	09/22/2021	Elbo
Parks and Rec Review	No Comments	09/30/2021	Kader
Public Utilities Review	Comments	10/04/2021	Seaman
Stormwater Review	No Comments	10/04/2021	Seaman

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The DRC reviewed this application with the following comments:

Plan Room Issues:

No Plan Room Issues on this case.

Plan Room Conditions:

No Plan Room Conditions on this case.

Plan Room Notes:

No Plan Room Notes on this case.

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