



# CITY OF CLEARWATER

POST OFFICE BOX 4748, CLEARWATER, FLORIDA 33758-4748

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

TELEPHONE (727) 562-4567 FAX (727) 562-4865

## PLANNING & DEVELOPMENT

Jennifer L. Grissom, PE  
Flourish Partners, LP  
2719 Letap Court, #102  
Land O'Lakes, FL 34638

August 22, 2019

**RE: Development Order - Case FLS2019-05019/PLT2019-03002  
3474 Aspen Trail – Parcel #18-28-16-00000-410-0000**

Dear Ms. Grissom:

This letter constitutes a Development Order pursuant to Community Development Code (CDC) Section 4-202.E. On June 6, 2019, the Development Review Committee (DRC) reviewed your request for a Residential Infill Redevelopment Project and a Preliminary Plat for a 33-lot, 33-unit detached dwelling development in the Low Density Residential (LDR) and Low Medium Density Residential (LMDR) Districts for property located at 3474 Aspen Trail. The dwellings will be 30 feet in height, provide two off-street parking spaces per dwelling and requests allowable flexibility from setback requirements (Sections 2-103.B, 2-203.C and Article 4, Division 7, Subdivision/Plats).

### **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 site is 24.46-acre property located on the west side of Lake Shore Lane, approximately 345 feet south of Curlew Road;
2. The subject property is located within the Low Density Residential (LDR) and Low Medium Density Residential (LMDR) Zoning Districts and the Residential Low (RL), Transportation/Utility (T/U) Overlay and Water Drainage Feature Future Land Use categories;
3. The Water Drainage Feature land use designation area is generally consistent with the existing location of the retention pond;
4. An Administrative Adjustment is included in the proposal to the Water Drainage Feature to reflect the revised boundary of the retention pond per CDC Section 1-108;
5. The Administrative Adjustment proposes to change the Future Land Use categories from the existing 10.50 acres of Water Drainage Feature to the proposed 10.56 acres Water Drainage Feature and from the existing 13.96 acres of Residential Low (inclusive of the Transportation



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Utility Overlay) to the proposed 13.90 acres of Residential Low (inclusive of the Transportation Utility Overlay);

6. The permitted density for Residential Low is 5 dwelling units per acre and based on the property size of 13.90-acres, excluding the acreage of the revised Water Drainage Feature Future Land Use category, provides a total of 69 units and the project is proposing 33 units as part of the 33 lot subdivision;
7. The proposed subdivision will create 33 lots for detached dwellings and the proposed setbacks are 15 feet front setback or 18 feet front setback for garages to guarantee off-street parking, 5 feet for side setback (except Lots 16, 17, 33 which will have 15 feet side setback from top of bank), and 7.5 feet for rear yard setback, except for waterfront properties where the rear yard setback is 25 feet from property line and 15 feet from top of bank, or properties with the Transportation Utility overlay where a 10 foot buffer is required;
8. The proposed development will provide the required landscape buffers of 15 feet along the north property line (Lots 27 and 28) and 10 feet along all remaining property lines (Lots 1, 2, 3, 26, 27, 28, 29, 30, 31, 32 and 33);
9. Proposed Lots 1, 2, 3, 4, 26 and 27 are required to have a 10-foot buffer adjacent to the Transportation/Utility Overlay as per CDC Section 3-907.B.;
10. Proposed Lots 20, 27, 31, 32 and 33 will have two front yard setbacks and Lots 28, 29, and 30 will have three front yard setbacks, all will be 15-foot setbacks;
11. Proposed Lots 1, 3, 4, 26, 27, 28,29, 30, 31, 32 and 33 include common areas of the development and those areas must be covered by an easement to ensure maintenance is conducted by the future homeowner's association;
12. The existing and proposed perimeter brick wall will be maintained and extended along the entire project perimeter with modifications for compliance with required sight distance triangles;
13. The subject property features several structures which are intended for demolition as well as extensive mature trees and retention pond;
14. The proposed development identifies that a total of 136 shade trees will be required within the proposed 33 single-family lots and specific tree locations will be handled at the time of building permit, however, there is an average of four trees per lot required;
15. The tree inventory identifies that 199 trees will be removed equating to a total of 2,211 inches of D.B.H. rated 3 or better, and that if equal replacement falls short, payment of \$48.00 per inch of any deficit;
16. The surrounding neighborhood is comprised of single family detached dwellings primarily in the City of Clearwater to the east, west and south of the subject property with the properties to the north located in Unincorporated Pinellas County with a variety of lot sizes and building setbacks; and,
17. The Impervious Surface Ratio of each lot, exclusive of Water Drainage Feature Future Land Use classification, will be at or less than the maximum permitted of 0.65.

#### **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);

2. That the development proposal is consistent with CDC Table 2-101.1 (Maximum Development Potential);
3. That the development proposal is consistent with applicable components of CDC Table 2-103 (Flexible Standard Development Standards);
4. That the development proposal is consistent with CDC Section 2-103.B (Flexibility Criteria)
5. That the development proposal is consistent with CDC Table 2-201.1 (Maximum Development Potential);
6. That the development proposal is consistent with applicable components of CDC Table 2-203 (Flexible Standard Development Standards);
7. That the development proposal is consistent with CDC Section 2-203.C (Flexibility Criteria);
8. That the development proposal is consistent with CDC Section 3-914.A (General Standards for Level One and Two Approvals);
9. That the development proposal is consistent with CDC Section 4-702 (Require Approvals);
10. That the development proposal is consistent with CDC Section 4-703.A (Preliminary Plat); and,
11. That the development proposal is consistent with applicable components of the City's Comprehensive Plan.

The DRC concurs with the above findings of fact and conclusions of law and **APPROVES** application FLS2019-05019 and PLT2019-03002, subject to the following conditions:

**Conditions of Approval:**

General/Miscellaneous Conditions

1. That an application for a building permit shall be submitted no later than August 22, 2020, unless time extensions are granted pursuant to CDC Section 4-407;
2. That the applicant submit the Final Plat to the Engineering Department consistent with CDC Sections 4-702 and 4-703.B, prior to August 22, 2020, to allow for the approval of the Final Plat prior to issuance of any building permits, unless time extensions for the submittal of a building permit are granted pursuant to CDC Section 4-407;
3. That all irrigation systems be connected to the City reclaimed water system where available per Clearwater Code of Ordinances, Article IX., Reclaimed Water System, Section 32.376;
4. That the applicant shall submit a recorded landscape maintenance agreement with all property owners who own a Tract of land considered a part of this Plat at time of submittal of recorded plat to staff;
5. That finalized inch for inch tree deficit be provided based on the proposed landscaping with individual lot layouts versus the removal included in the tree inventory of 199 trees which will be removed, equating to a total of 2,211 inches of D.B.H. rated 3 or better, and that if the equal replacement falls short, the payment of \$48.00 per inch of any deficit will be made into the city Tree Bank fund;

Timing Conditions - Prior to Issuance of Permit

6. That prior to any permits including, demolition and clearing/grubbing, an Administrative Adjustment of the Water Drainage Feature proposed through CDC 1-108, be completed and approved to the satisfaction of staff;
7. That the final plat includes easements for common areas including the perimeter wall, stormwater pond, landscaping, walking paths, etc., to the satisfaction of Planning and Engineering;

8. That any and all conditions and stipulations of all other city departments be fully satisfied and completed prior to the issuance of any building permits;
9. That prior to the issuance of any building permits a Final Plat be submitted to Engineering and approved consistent with CDC Sections 4-703.B, 4-706, 4-707 and 4-708;
10. That the applicant shall have install to the satisfaction of the city Engineer all of the required improvements in accordance with CDC Section 4-708 and as noted in the Preliminary Plat;
11. That the applicant submits a recorded copy of the Final Plat consistent with CDC Section 4-703.B;
12. That, prior to the issuance of any building permits, except for clearing and grubbing, applicant shall apply for driveway Right-of-Way permits for the connection to Lake Shore Lane;
13. That, prior to the issuance of any building permits, the applicant must provide assurance to the satisfaction of the Engineering staff that drainage is routed in a manner that will not adversely affect adjacent properties, confirm that the proposed development has adequate slope and flow path to the designated discharge point by showing appropriate spot elevations/swales on site plan;
14. That, prior to the issuance of any building permits, the applicant provide an erosion control plan to the satisfaction of city staff;
15. That prior to the issuance of any building permit for a single family home the applicant shall provide a variety of building façade materials and detailing consistent with the approved elevations such as or similar to stone veneer, decorative brackets, decorative shutters, dimensional shingles, and staggered edge panel siding;
16. That prior to the issuance of any building permits for a single family home the applicant shall provide a site plan noting the placement of the required number of shade trees per lot based on CDC 3-1205.D.2. with a minimum of one shade tree in the front yard located a minimum of 10 feet from the building, 10 feet from the driveway, 10 feet from the Right-of-Way and five feet from adjacent property lines;
17. That prior to issuance of any building permits the applicant provide a finalized tree preservation plan and inches table clarifying the trees to be removed and the deficit to be replanted or paid into the city's tree fund;
18. That prior to the issuance of any building permits the applicant shall submit a landscape plan for common areas including the stormwater pond, the 10 foot buffer from the Transportation/Utility Overlay, the 20 foot common area along Cobalt Shores Lane and streetscape along Lake Shore Lane;

Timing Conditions - Prior to Issuance of any Certificate of Occupancy

19. That, prior to the issuance of any Certificate of Occupancy, all service lines onto the property shall be installed underground unless undergrounding is shown to be impracticable pursuant to CDC Section 3-912;
20. That prior to the issuance of the final Certificate of Occupancy the site work building permit shall pass all final inspections;

Timing Conditions – Prior to passing of Final Inspection on Site Work Building Permit

21. That prior to the passing of the final inspection on the site work building permit, the applicant shall permit and construct the repairs to the perimeter brick wall and modify the wall to be outside of the sight visibility triangle at the Lake Shore Lane and Curlew Road intersection as

well as all portions of repair and modification throughout the remainder of the perimeter wall; and,

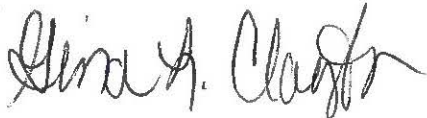
22. That prior to the passing of the final inspection on the site work building permit, the applicant shall pass a landscape final for the trees and landscaping to be planted in the 15 foot and 10 foot perimeter buffers and the common areas including the stormwater pond.
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Pursuant to CDC Section 4-303, an application for a building permit shall be made within one year of the Flexible Standard Development approval (by August 22, 2020). The building permit must be obtained within six months of the initial permit application. This time frame to obtain the initial building permit may be extended for an additional one year for cause by the Community Development Coordinator. Time frames do not change with successive owners. All required certificates of occupancy must be obtained within two years of the date of issuance of the building permit.

The issuance of this Development Order does not relieve you of the necessity to obtain building permits or pay 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.

If you have any questions, please do not hesitate to call Melissa Hauck-Baker, AICP, Senior Planner, at 727-562-4567, x-2855 or via email at [melissa.hauckbaker@myclearwater.com](mailto:melissa.hauckbaker@myclearwater.com).

Sincerely,



Gina L. Clayton  
Planning and Development Director

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