PLANNING BOARD MEETING

CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

June 27, 2017
4:00

Call to Order
Pledge of Allegiance
Roll Call

1. **Changes to the Agenda –** Agenda items to be added, moved or deleted will be addressed at this time. Items added will be assigned agenda item numbers and items that are moved will retain the same item numbers. A notation will be made that those items will be taken out of order.

2. **Audience Comments** – Comments shall be limited to three minutes per person to issues not on the agenda.

3. **Approval of Minutes**

4. **Election of Chair and Vice Chair**

5. **Agenda Items**

   a. **Comprehensive Plan Amendment CPA 01-17** – An amendment to the City of St. Pete Beach Comprehensive Plan BR district by creating a BR-1 District with an increased density and amending the map accordingly.

6. Adjournment

APPEAL

APPEAL: Florida Statutes 286.0105 Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission, or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AMERICANS WITH DISABILITIES ACT: Florida Statutes 286.26. Accessibility of public meetings to the physically handicapped. In accordance with the Americans with Disabilities Act and Florida Statutes, persons needing special accommodations to participate in a meeting should contact City Hall at (727) 367-2735 no later than forty-eight (48) hours prior to the meeting for assistance.

Electronic media must be submitted a minimum of 24 hours in advance to cityclerk@stpetebeach.org

The public is cordially invited to attend.

All agenda material is available for review at City Hall.

PLANNING BOARD MINUTES

APRIL 18, 2017

4:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Tiffany Secka, Chairwoman
Jack Ohlhaber, Member
Marvin Shavlan, Member

ALSO PRESENT:

Andrew Dickman, City Attorney (via telephone)
Jennifer Bryla, Community Development Director
Mary Jo Murphy, Deputy City Clerk

1. **Changes to the Agenda**

There were no changes made to the agenda.

2. **Audience Comments**

There were no audience comments.

3. **Approval of Minutes**

a. Minutes for Acceptance: March 21, 2017

Member Shavlan made a motion to approve the minutes. The motion was seconded by Member Ohlhaber and unanimously approved by a roll call vote (3 yeses – 0 nos).

4. **Election of Chair and Vice Chair**

It was the consensus of the board to move the Election of Chair and Vice Chair to the next Planning Board meeting agenda in anticipation of having a full board present.

5. **Agenda Items**

a. Ordinance 2017-06

Ms. Bryla presented her staff report in regard to Ordinance 2017-06 to the Planning Board members.

Chairwoman Secka verified a change suggested by Member Shavlan in Ordinance 2017-06. Section 2, (a), (1), add "a.m." to the following: "… from 3:00 a.m. to 8:00 a.m. any day…"

Chairwoman Secka asked for public comment. Hearing none, Chairwoman Secka asked for a recommendation to approve Ordinance 2017-06.

Member Shavlan made a motion to recommend approval of Ordinance 2017-06 with the above-stated change of (a), (1) to 8:00 a.m. The motion was seconded by Member Ohlhaber and unanimously approved by a roll call vote (3 yeses – 0 nos).

b. Ordinance 2017-07

Ms. Bryla presented and reviewed the changes to a six-page document entitled "Scribner's Edits – Amendment for LDC – 3/29/17 Draft" with the Planning Board members.

Ms. Bryla noted an error in the above-mentioned document. Page 27, Sec. 46.7(c), change as follows: "…in sections 46.8.(a) and 46.7.(b) above, subject to a minimum…"

Chairwoman Secka asked for public comments.

Karen Marriott, 421 79th Avenue, business owner of North Beach Windsurfing, spoke in favor of the changes involving the water sports allowable use.

Chairwoman Secka asked for any additional discussion from the board. Hearing none, Chairwoman Secka asked for a recommendation of approval.

Member Ohlhaber made a motion to recommend approval with the correction of 46.7 that Ms. Bryla noted. The motion was seconded by Member Shavlan and unanimously approved by a roll call vote (3 yeses – 0 nos).

6. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 4:30 p.m.

Attest:

_____ _____

Rebecca C. Haynes, City Clerk Tiffany Secka, Chairwoman

Minutes approved on: _____

St. Pete Beach
Local Planning Agency

155 Corey Avenue
St. Pete Beach, FL 33706
727-367-2735

6/27/17

CPA #01-17

Applicant/Agent
Zamora Hospitality Group, LLC / Marilyn Healy, Esq.

Location
3701 Gulf Blvd.

Commission District
District 3

Staff Representative
Jennifer Bryla, AICP

Related Cases
As outlined on page 4

Findings:

In its review of the proposed application, staff has determined:

1. The proposed application is consistent with Florida Statutes.
2. The proposed application is consistent with the Pinellas County Plan.
3. The proposed application is not consistent with the intent of the Goals and Objectives of the St. Pete Beach Comprehensive Plan.

ITEM SUMMARY:

ITEM SUMMARY:

The Applicant is requesting a text change and Map amendment to the Bayou Residential (BR) Land Use Category of the City of St. Pete Beach Comprehensive Plan with the creation of a Bayou Residential-1 District (BR-1). The request is to allow for up to a maximum of 60 units to the acre in this new BR-1 District. This is an increase of 20 units to the acre for transient lodging units (TLU). This change would apply only to those lands that the Hotel Zamora sits on. The Applicant, in conjunction with this application is requesting changes in the Land Development Code that would implement the changes requested in the Comprehensive Plan amendment. Those LDC changes are under a separate application.

PUBLIC NOTICE:

Notice of public hearing has been advertised as required by State Statutes. As of the time of this report, no written comments have been received. Oral and written comments may be presented at the public hearing.

PROJECT DESCRIPTION:

The applicant is specifically requesting amendments to the following language in the Comprehensive Plan as outlined below. In addition, the applicant is required to provide a Developer's Agreement (DA) outlining the density and development restrictions on the land. This DA is reviewed and adopted by the Countywide Planning Authority per rule 5.2.1.3.1(A) of the Countywide rules. A draft of that DA is included as an exhibit herein.

TRC Review:
3/22/2017
No Comments.

Planning Board Review:
6/27/2017

City Commission Review anticipated:
7/11/2017

Staff Recommendation
Denial

Proposed Policy Changes to Future Land Use Element of the Comprehensive Plan

Objective 2.1

Policy 2.1.1:

****

Community Redevelopment District (CRD)
Density / Intensity Standards shall include the following:
***
Transient accommodation use – Shall not exceed 50 units per acre with the exception of the Bayou Residential-1 (BR_1) land use category with permits a maximum of 60 units per acre.

Objective 6.1

Policy 6.1.1

****

A. Definitions
The definitions set forth below are terms used in the Community redevelopment Plan and this Future Land Use Plan amendment that establishes a Community Redevelopment District containing two major redevelopment districts and ~~eleven~~ twelve character districts.

***

4) Character District – within the context of this Community Redevelopment Plan means one of ~~eleven~~ twelve sub-districts or sub-areas that together form the Community Redevelopment District as a whole.

***

A. Community Redevelopment District

***

There are a combined total of ~~eleven~~ twelve designated character districts within the Community Redevelopment District as a whole, including: ~~four~~ five (45) character districts in the Gulf Boulevard Redevelopment District…

a. The overall Gulf Boulevard Redevelopment District boundary is shown on Map 2, the following character districts within this Redevelopment District are shown:

1) Large Resort District
2) Boutique Hotel/Condo district
3) Activity Center District
4) Bayou Residential District
5) Bayou residential District -1

***

Bayou residential District -1 (BR-1)

(a) Location and Character. The Bayou Residential Character District is 1.26 Acres and is applicable to the Hotel Zamora property (Parcel #07-32-16-21852-029-0001) only.

(b) Purpose and Intent: The BR-1 District is intended to recognize the existing Hotel Zamora land use and permit all uses in the BR District as well as permitted a maximum density for temporary lodging uses up to a maximum of 60 units per acre.

Permitted Uses and Standards

(a) Primary uses - Residential and Temporary Lodging Uses.

(b) Secondary uses - Commercial uses only as a component of a mixed use residential or temporary lodging development.

(c) Density/Intensity and Height Standards.

1. Residential and Temporary Lodging use - shall not exceed:

a. 15 dwelling units per acre for an exclusively residential use.

b. 18 dwelling units per acre for multifamily residential mixed with a commercial use. The maximum floor area ratio for the commercial portion of the mixed use project is 0.3; or

c. 60 temporary lodging units per acre not to exceed the density pool allocated. The temporary lodging use can be mixed with a commercial use. The maximum floor area ratio for the commercial portion of a mixed use project is 0.3.

d. Variances to exceed the maximum density or intensity above as established in this Future Land Use Plan shall be prohibited.

2. Height shall not exceed, and shall be permitted up to the following, subject to any height limitations contained in the City's LDC:

a. Thirty-five (35) feet above base flood elevation for an exclusively residential use;

b. Fifty-four (54) feet above base flood elevation all other uses.

c. Any increases to, including variances to increase, any of the maximum heights set forth above for this Bayou Residential character district shall be prohibited.

3. The maximum impervious surface ratio shall not exceed:

a. 0.70 for exclusively residential uses. Maximum impervious surface ratio (ISR) for all other uses: 0.85; and

b. Variances to exceed the maximum impervious surface ratio above.

4. Temporary Lodging Unit Density Pool ("TLU Density Pool") – The maximum density permitted for Temporary Lodging uses on-site shall be 60 units per acre. The units shall be obtained for the already approved TLU Density Pool.

The requested Comprehensive Plan change would have a direct effect on the 1.26 acres of land that the Zamora Hotel sites on. The change would also have an impact on lands within the AC, TC-2 and BR districts as the density change removes entitled transient lodging density from the density pool, in those districts. Currently the Pool contains 275 of the established 325 total units for all the aforementioned districts to share on a first come first serve basis. The Hotel Zamora received its entitled allotment of 50 units from that pool based on its 1.26 acres in 2008. Currently there are approximately 2.79 acres of vacant land within the BR District; within the 3 zoning districts there are a total of approximately 8.21 acres of "greenfield". This equates to the potential for 328.4 TLU at 40 units to the acre. This total exceeds the amount available in the TLU density pool. This number also does not take into consideration other properties that may be considering re-development.

Increasing the density for one singular parcel or project lends itself to a precedent of "spot zoning". Spot Zoning is considered "*change in district*

boundaries, variances, and other amendments to the zoning code and use and area maps that violate sound principles of zoning and are characterized by the following: (a) Individuals seek to have property rezoned for their private use. (b) Usually the amount of land involved is small and limited to one or two ownerships. (c) The proposed rezoning would give privileges not generally extended to property similarly located in the area. (d) Applications usually show little or no evidence of, or interest in, consideration of the general welfare of the public, the effect on surrounding property (including adequate buffers), whether all uses permitted in the classification sought are appropriate in the locations proposed, or conformity to the comprehensive plan or to comprehensive planning principles (including alterations to the population density patterns and increase of load on utilities, schools, and traffic.)"[1]

BACKGROUND:

The BR District lies south of 44th Avenue and the AC (Activity Center) Special District. The BR District contains approximately 7.86 acres of which there is approximately 2.79 undeveloped green field. The District has frontage on Gulf Boulevard and abuts the McPherson Bayou. The Belle Vista Subdivision lies approximately 170 to 300' across the Bayou to the east of the BR District. The site previously had a small transient lodging facility, the Tropical Bay Motel, that was demolished in 2005. An outline of the approvals for the property is as follows:

- Site Plan approval for 18 condominium units with parking underneath. The approval was for two building with 9 units each.
- Demolition of the existing structures in June 14, 2005
- Building Permit for a 9 unit Condominium on March 9, 2007
- Approval of Site Plan for Villas CeSar Resort for 36 transient lodging units 2008.
- Building Permit for a 36 room hotel in a 5 story building on August 25, 2008.
- Conditional Use approval for 50 transient lodging units from the TLU density pool for AC, BR, TC-2 on January 22, 2013
- Site Plan approval for a 50 unit hotel facility and restaurant space on March 25, 2013.
- Certificate of Occupancy for the approved 50 unit hotel on May 30, 2014.

Through all of the previous listed reviews and approvals, no request was made regarding 72 units. The 72 units that are now being requested equates to the 36 two room suites, that were legally permitted, would be rented separately as single room units. These units were originally permitted to be built with "lock-out" doors between the rooms in the suite. Community Development's practice currently is not to permit "lock-out" units unless density is available for such. The applicant did request and receive the ability to have 50 transient lodging rooms from the 325 units that are available in the density pool. These 325 units were intended for all of the BR, AC, and TC-2 districts on a first come first serve basis as discussed previously.

The general direction of the Comprehensive Plan is that the City desires to preserve its heritage as a tourist destination and discourage the increase in permanent residential dwellings. The Bayou Residential (BR) district is on the east side of Gulf Boulevard, South of 44th Avenue and the Activity Center District, and is a small narrow area of land approximately 7.86 acres in size. The BR district is included in the Gulf Boulevard Redevelopment District, which also includes Activity Center, Boutique Hotel /Condo and the Large Resort districts. Prior to the Special Area Plan's adoption in 2008, the property had a Future Land Use Designation of RFM which permitted 30 units to the acre for temporary lodging. The current density allotment for the Bayou Residential district is 40 units to the acre. Recognizing that there is a large residential area surrounding the property any increase in intensity or density appears incompatible with the uses in close proximity.

INFRASTRUCTURE:

Transportation:

The BR District is accessed via Gulf Boulevard and is located on the southern end of the Community Redevelopment district and closer to the Pinellas Bayway Bridge than any other character district. The current level of service minimum within the City is "D". According to the MPO, the level of service for the segment Bayway to 44th Avenue is LOS "C". The potential increase in density has not been evaluated from a transportation perspective as it is an existing facility.

Public Parking

Except for some on-street parking that requires a "C" sticker, there is no public parking in the district. Currently a vacant lot just north of the subject property is being used as a parking lot for hotel overflow/valet parking through a variance request that will expire January 27th, 2018. The hotel itself received a Variance through Conditional Use #2013-0001 to the parking requirement from 81 spaces to 69 on-site spaces. This is the current condition of the facility

Sidewalks

The sidewalks along Gulf Boulevard are generally 5' wide and considered inadequate for the amount of pedestrian traffic that traverse them daily. To add, the sidewalks are directly adjacent to the back of Gulf Boulevard curb line and the 35 mph traffic in the street. The sidewalk also crosses many curb cuts along the road which adds to the hazardous conditions. The Comprehensive Plan encourages the reduction of curb cuts along Gulf Boulevard.

Water

The City has an interlocal agreement with Pinellas County to handle and distribute its potable water supply. St. Pete Beach's adopted level of service standard for potable water is 120 gallons per day per capita. This standard correlates to Pinellas County standards and is within their 5 year CIP. The potential increase in water consumption has not been evaluated for the proposed request as the facility is constructed and was evaluated as a

two room unit.

Wastewater

The City currently contracts with the City of St. Petersburg to provide its wastewater treatment. The adopted level of service is 149.50 gallons per day per capita (GPCD). Wastewater from St. Pete Beach is treated in St. Petersburg's Northwest water reclamation facility located at 7500 26th Avenue NW. This facility has the capacity to process 20 million gallons per day (mgd), and in 2015 was handling an average flow of 10 mgd, leaving an excess capacity of 10 mgd. The City is currently under a moratorium that prohibits any additional flow from being added to the system. . The potential increase in wastewater consumption has not been evaluated for the proposed request as the facility is constructed although the hotel was evaluated as containing 36 two room units and not 72 single room units.

Solid Waste

Waste management, including recycling, for residential customers, is provided through an agreement with Waste Services of Florida. Commercial customers obtain service under private contracts.

Stormwater

The City's stormwater collection system is made up of 740 catch basins, 182 discharges, 23 drop inlets, and 16 miles of pipe. The City is currently having all 182 discharges inspected and cleaned. Many of these discharges are plugged due to barnacle accumulation, debris build up and/or pipe collapse. Clearing all of these discharges will immediately improve drainage and even reduce flooding in some areas. The City is also in the process of updating the Stormwater Master Plan to prioritize all of the other needed stormwater improvements with the ultimate goal of improving stormwater drainage and treatment to protect our surrounding surface waters. When the property was originally provided entitlements, staff is unaware of any stormwater mitigation measures that were incorporated that accommodate the 24 hour / 25 year storm.

Emergency

The BR District is located in evacuation zone "A". The evacuation times in 2015 were: 13 hours to the closest shelter and 21 hours to a destination in the County but out of the evacuation zone. These times are for all residents' evacuation times.

Transient Lodging facilities allow the city to better plan for emergencies, if the need to evacuate should arise. The City has the ability to require hotels to close should the Hurricane Center post a hurricane warning for the area. This is not the case for residential properties. Oftentimes residents choose to "wait-it-out" in an effort to protect their properties. In addition, when a warning is issued, most hotel reservations are cancelled by hotel guests and hoteliers choose to close so as not to support service staff during such a situation.

Property Tax Values

The BR District (based on 2016 Property Appraiser data) has a just market value for all the property within the district to be $31,358,400.00. The

just market value for all commercial properties (9 parcels) within the district was $14,415,221 with the amount of taxes paid on the commercial properties to be just over $258,988.20.

JUSTIFICATION / TECHNICAL REVIEW

1. Consistency with the Countywide Plan

Staff offers the following for consistency with the Countywide Plan. The Countywide Planning Authority was created through a special Act of the Florida Legislature. The purpose of this organization's rules is "to provide for the formulation and execution of strategies necessary for the orderly growth, development and environmental protection of Pinellas county as a whole, with the focus on those issues deemed to have an impact countywide."[2]

ARTICLE 5 – OPTIONAL PROVISIONS
If a local government chooses to utilize such provisions, they shall be consistent with the applicable plan criteria and standard in the article.

Rule 5.2.1.3.1 – Alternative Density/Intensity
Local governments may utilize the standard temporary lodging densities and intensities specified within each Countywide Plan Map category that provides for such use; or may, in the alternative, utilize all, or any part of, the higher temporary lodging densities and associated intensities included in the accompanying Table3, subject to the following:

A. Amendment of the local government comprehensive plan and land development regulations to provide for all, or any portion of, the alternative densities and intensities in Table 3, based on a Development Agreement prepared and approved pursuant to Chapter 163, Sections. .3220-.3243, F.S., as amended.

Analysis: The proposed Countywide Plan does permit the local government to incorporate the alternative densities and intensities for transient lodging facilities but does not require the local government to do so. The City's Comprehensive Plan is to remain consistent with the Countywide Rules; however as the above rule is optional the City is not required to incorporate as it would conflict with the City's calculated densities. The intent of the Bayou Residential District is to serve as a transition area between higher intensity commercial uses along Gulf Boulevard and lower density residential neighborhoods to the east. Increasing the density for a single parcel directly adjacent to a built-out low intensity single family neighborhood does not support this intent.

2. Consistency with the City of St. Pete Beach Comprehensive Plan

Staff offers the following for consistency with the City's Comprehensive Plan

FUTURE LAND USE ELEMENT

Section I ,Citizen Input on Community Redevelopment, Pages 1 -2
…
(4) There is a strong desire by both residents and multi-generational local hotel and motel owners to preserve the heritage of our City as a tourist destination because it is the foundation of our local economy and it offers the residents a diversity of services and amenities as well as public access to our beaches

Analysis: The proposed Plan amendment is consistent with and will further these provisions through the continued support of the City as a tourist destination, Staff however has determined that singling out one transient lodging facility over another for an increase in density is not providing equitability to the City's other valued transient lodging partners. The proposed amendments do not materially change the development standards in this proposed new district but merely clarify an existing constructed condition.

Future Land Use Policies

GOAL 2: The City shall ensure that the residential character of the City of St. Pete Beach is maintained and protected while:
• Maximizing the potential for economic benefit resulting from the tourist trade and the enjoyment of natural and man-made resources by residents and visitors alike.
• Minimizing the threat to health, safety, and welfare posed by hazards nuisances, incompatible land uses and environmental degradation
• Maintaining the community's recreation, open space and beaches.

Objective 2.1

The integrity and quality of life throughout the City, including existing residential neighborhoods, as well as core commercial and resort areas, will be maintained through the enforcement of the land development regulations and shall be encouraged to be improved, and for those properties experiencing blighting conditions such as deterioration, degradation and distress shall be encouraged to redevelop through the use of land development regulations and other incentives, in accordance with the Future Land Use Element.

Policy 2.1.1
The following land use categories, including the stated residential densities and non-residential intensities of use standards, as administered through the land development regulations, shall be adopted for the City of St. Pete Beach:
…Community redevelopment District (CRD), where the densities and intensities shall be determined within the Community Redevelopment District as specified in each designated character district pursuant to the provisions set forth in Special Area Designation- Community Redevelopment District section of this Future Land use Element to encourage economic revitalization and redevelopment of properties and uses located within the CRD, with a particular emphasis on commercial, temporary lodging and mixed uses along the City's main transportation corridors, adjacent to waterfront or located within major community activity centers.

Analysis: The proposed Plan amendment may strengthen and support these policies. As mentioned above, the proposed project is already constructed under a building permit for 36 two room suite units, renting the two room units by the room will make a positive economic benefit to the tourist trade on the island, but may have a negative impact on the surrounding community.

Policy 2.3.5

The City shall encourage the maintenance of tourist lodging facilities in keeping with the character of the community.

Analysis: The proposed Plan amendment, as stated previously, is directly adjacent to a single family residential community zoned RU-2. The density in this district is 7.5 du/ac., directly across the bayou is the Belle Vista community zoned RU-1. The density of this district is 7.5 du/ac. This district requires a larger minimum lot size than the RU-2 district. Both these residential districts our established residential communities that were platted prior to the City's incorporation and their protection is consistent with the City's Comprehensive Plan.

Objective 2.13

The City shall promote the preservation and redevelopment of temporary lodging uses.

Policy 2.13.1

The City shall implement an on-going process of assessing the status of the City's temporary lodging unit inventory through review of zoning and permitting activities.

Analysis: As stated previously, the applicant applied for and received a permit to redevelop an 18 unit transient lodging facility to a 36-two room unit mixed use facility. The applicant then applied for and received 50 transient lodging units from the TLU density pool and a variance to on-site parking through a Conditional Use process. These permissions for redevelopment are consistent with the intent of the City's objective and policy and further the ability of the City to preserve the transient lodging units in the City.

SPECIAL DESIGNATION – COMMUNITY REDEVELOPMENT DISTRICT GENERAL REDEVELOPMENT GUIDELINES, STANDARDS AND INITIATIVES.

Objective 3.1(b)- Temporary Lodging Units Density Pools ("TLU Density Pools") - Generally

1. **The TLU Density Pools are intended to provide adequate and available temporary lodging unit density to those existing temporary lodging use properties to redevelop as economically viable resort facilities in the area of the City where they have traditionally existed for decades. The initial base density provided for the temporary lodging uses in the Gulf Boulevard Redevelopment District are intended to bring almost every existing resort hotel property back into conformity which will allow them to rebuild as a resort hotel in the event of a natural disaster or other catastrophic event. The density provided above the base level, including reserve or density pools, is intended to provide economic incentives to redevelop existing temporary lodging properties as resort projects rather than multi-family residential projects.**
2. **Limiting Overall Density. Realistically, not all existing resort properties can or will be redeveloped as such. In some cases, the existing density is not only higher than the 30 units per acre allowed under the existing land use designation is higher than the density allowed in the character districts providing for increased density for temporary lodging uses within the Community Redevelopment District. Therefore, rather than allowing every existing property the maximum potential density which would overestimate the need for density, and further, to ensure that almost every existing property first and foremost has the opportunity to become a conforming property in terms of use, TLU Density Pools shall be created to allow density to be utilized in meaningful ways in the areas of the City where temporary lodging uses currently exist. The goal and intent is to promote economic redevelopment but also**

provide an absolute overall maximum density cap to ensure that the overall approved density for the Community Redevelopment District is not exceeded and overdevelopment does not occur. Each TLU Density Pool shall have a maximum cap on the allocation of density on a project by project basis to ensure the redevelopment occurs on an orderly basis overtime throughout each character district and avoid a potential overdevelopment scenario that could arise without a cap and a program of first-come first-serve.

3. TLU Density Pools Established. TLU Density Pools shall be established in the following seven specific character districts*:

a. Boutique Hotel/Condo*

b. Town Center Core*

c. Upham Beach Village*

d. Town Center Core Corey Circle**

e. Town Center Core Coquina West**

f. Activity Center **

g. Bayou Residential**

The total number of temporary lodging units approved in 2005 as part of transient unit density pools for the three character districts designated with one asterisk* was 350 units. That 350 unit total for those three designated character districts* remains unchanged in this plan.

In the 2007 amendment, temporary lodging use density was reduced in the Large Resort District from 80 to 75 units per acre over 65.16 acres. The total temporary lodging unit decrease in the Large Resort District is 325 units. Therefore, these 325 units are available for redistribution to character districts with the potential for temporary lodging use redevelopment. These 325 available units are redistributed for potential use in the Town Center Core Corey Circle, Coquina West, Activity Center, and Bayou Residential Districts upon approval of a conditional use request and on a first come, first serve basis. These two additional character districts are identified as having temporary lodging use redevelopment potential as a result of their location at either terminus of the Corey Avenue main street corridor and proximity to waterfront.**

The TLU Density Pool for each character district was determined based upon the following factors:

a. The existing number of temporary lodging units in each district.

b. The degree of existing non-conforming densities.

c. The base temporary lodging density allowed in the specific character district.

d. The realistic number of units that may be potentially utilized to promote temporary lodging use redevelopment balancing both acreage and the actual number of existing temporary lodging facilities.

e. The potential to maintain waterfront access and views for the public.

f. The potential to redevelop temporary lodging uses in close proximity to entertainment, shopping, dining and activity centers.

4. TLU Density Pool Allocation. Any units allocated under this provision shall be by conditional use approval and shall be specific to each character district's existing temporary lodging use classifications (i.e., hotel, boutique hotel, motel, resort condominium, and bed & breakfast inn). The allocation of TLU density shall only be by ordinance of the City Commission approving a conditional use on a project by project basis. Such allocations shall not exceed the maximum allocation cap per project and further, shall not exceed total available remaining density in each TLU Density Pool for each of the character districts listed in subsection (b) 3 above. This limitation on density is absolute.

Analysis: The proposed request is inconsistent with the transient lodging density allocation policy that was envisioned for the Community Redevelopment District.

Transportation Element Objective 1.3

Through land development regulations, the City will provide for safe, convenient and efficient motorized and non-motorized vehicle parking and bicycle and pedestrian ways.

Policy 1.3.1
The City shall enforce parking standards which provide for safe and convenient on• site traffic flow

Policy 1.3.2
When feasible, the City shall require bicycle and pedestrian ways for connecting residential areas to recreation areas, schools, and shopping areas.

Analysis: The proposed Plan amendment applicant received a variance for a reduction in the City's parking standards from the required 81 spaces to 69 spaces with the 2008 Conditional Use approval of 50 transient lodging units from the TLU density pool. Adding additional density without additional parking availability is inconsistent with the policy.

3. Compatibility with Adjacent Uses

The proposed amendment for an increase in density would not be consistent and compatible with the adjacent single family residential properties as stated previously. The amendment is consistent with the properties to the North of the property as it is a relatively intense multi-family facility with an FAR of approximately 1.7.

4. Consistency with Florida Statues (F.S.)

The proposed Comprehensive Plan Amendment application will follow the requirements for comprehensive plan amendments as specified in F.S. Chapter 163.3174 F.S. The amendment will be heard by the Planning Board, acting as the Local Planning Agency, on July 19, 2016. Their recommendation will be presented to the City Commission at their meeting on August 9th, 2016 requesting transmittal to the Department of Economic Opportunity.

STAFF RECOMMENDATION:

Staff has reviewed the Countywide rules and the City's Comprehensive Plan and finds that the increase in density for the transient lodging facility is provided for in the Countywide Rules at the discretion of the local government. Staff also, in the review of the City's Comprehensive

Plan policies, finds that the increase in density is not warranted nor supported by the Plan. Further with approval, density would be permanently removed from the TLU density pool for the remaining 8.21 vacant lands. The request equates to spot zoning for a single user and parcel which is inconsistent with the holistic approach to density presented in the Community Redevelopment Plan and the City's Special Area Designation on the Countywide Map. Therefore Staff recommends denial of the Plan Amendment.

Staff recognizes that the facility is constructed; however the entitlements that were received at the applicant's request were granted and should be respected. If the applicant has the ability to secure an additional half acre of land adjacent to the existing facility they would be entitled to the additional units consistent with the policies identified in the Comprehensive Plan through a Conditional Use process.

ORDINANCE 2017-09

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, PROVIDING FOR AN AMENDMENT TO THE FUTURE LAND USE ELEMENT WITH THE CREATION OF THE BAYOU RESIDENTIAL – 1 DISTRICT; AMENDING OBJECTIVE 2.1, POLICY 2.1.1 AND OBJECTIVE 6.1, POLICY 6.1.1 AS OUTLINED IN EXHIBIT A; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of St. Pete Beach established the Community Redevelopment District in 2008; and

WHEREAS, the City of St. Pete Beach Comprehensive Plan encourages the redevelopment of aging transient lodging structures; and

WHEREAS, there is a strong desire by both the residents and hotel owners to preserve the heritage of St. Pete Beach as a tourist destination; and

WHEREAS, the City recognizes the unique qualities of each of the adopted character districts within the city; and

WHEREAS, THE City Commission finds this amendment to the Future Land Use Element to be in the best interest of the citizens of the City of St. Pete Beach.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, HEREBY ORDAINS:

Section 1. The Future Land Use Element of the City of St. Pete Beach Comprehensive Plan, is hereby amended as outlined in Exhibit "A":

Section 3. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 4. If any portion or part of this Ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

Section 5. This Ordinance shall become effective on September 24 or when the Florida Department of Economic Opportunity issues a final statement of "no objection".

MAYOR Alan Johnson

DRAFT

LPA PUBLIC HEARING:

PUBLISHED:

FIRST READING:

PUBLISHED:

SECOND READING / ADOPTION HEARING:

I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2016.

_____

Rebecca Haynes, City Clerk

DRAFT

ADAMS AND REESE LLP

Attorneys at Law
Alabama
Florida
Louisiana
Mississippi
South Carolina
Tennessee
Texas
Washington, DC

Marilyn Mullen Healy
Partner
Direct: 813.402.2865
E-Fax: 813.227.5603
marilyn.healy@arlaw.com

February 28, 2017

VIA HAND DELIVERY
Office of the City Clerk
155 Corey Avenue
St. Pete Beach, FL 33706
Attn: Zoning Department

Re: Hotel Zamora Text/Map Amendment
Our File No.: 021942-1

Dear Clerk:

Enclosed please find the following:

1. Application for Comprehensive Plan Text Amendment/Future Land Use Map Amendment, with two (2) Agent Authorization Forms;

2. Application for Land Development Code Text Amendment/Zoning Map Amendment, with two (2) Agent Authorization Forms; and

3. Check No.: 7047, payable to the City of St. Pete Beach in the amount of $5,800.00 for the filing fee.

If you have any questions or need anything further, please do not hesitate to contact me.

Very truly yours,

Ava B. Hill
Paralegal to Marilyn M. Healy

Enclosures

City of St. Pete Beach

Community Development Department
155 Corey Avenue
St. Pete Beach, Florida 33706
727-367-2735
www.stpetebeach.org

RECEIVED
FEB 28 2017
COMMUNITY DEVELOPMENT

APPLICATION FOR TEXT/MAP AMENDMENT

(Check appropriate boxes)

- [x] Comprehensive Plan Text Amendment
- [x] Future Land Use Map Amendment
- [ ] Land Development Code Text Amendment
- [ ] Zoning Map Amendment

Case Number: 2017-0009

SUBJECT PROPERTY (N/A for text amendments):

Legal Description: See attached Exhibit A

Address: 3701 Gulf Boulevard, St. Pete Beach

Parcel ID: 07-32-16-21852-029-0001

Current Zoning Category:	Proposed Zoning Category:	Current FLUM Category:	Proposed FLUM Category
		BR	BR-1

Lot area: 1.26 acres

APPLICANT:

Name: Zamora Hospitality Group, LLC
Address: 360 Blanca Avenue
City: Tampa State: FL
Zip: 33606 Telephone:

AGENT (must have agent authorization):

Name: Marilyn Mullen Healy
Address: 101 E. Kennedy Blvd., Suite 4000
City: Tampa State: FL
Zip: 33602 Telephone: (813) 402-2865

Text to be stricken and/or added (Add additional sheets if necessary):

See attached Exhibit B - Justification Statement and Exhibit C - text language

APPLICATION FEES

Land Development Code Text change	$800.00 plus direct mailing costs
Land Development Code Map change	$2000 plus direct mailing costs
Comprehensive Plan Amendment (not in CRD)	$2,500.00 plus direct mailing costs
Comprehensive Plan Amendment (in CRD)	$3,000.00 plus direct mailing costs

THE FOLLOWING ITEMS MUST BE INITIALED BY OWNER OR AGENT:

VD ___ I understand that the Planning Board's action is not final. It must be approved by the City Commission.

___ I understand that any person aggrieved by the final decision has the right to file a petition in the Pinellas County Circuit Court within **30 days** after the Commission decision; otherwise, the decision shall be final.

___ I understand that I, as the applicant, or an authorized representative must be present at all scheduled public meetings on the application.

Devanand Mayor
Owner / Agent Signature

February 27, 2017
Date

EXHIBIT A

Legal Description

LOT 30, BLOCK A, FIRST ADDITION TO BELLE VISTA BEACH, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 28; LESS AND EXCEPT THAT PORTION DEEDED TO THE STATE OF FLORIDA BY SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 1367, PAGE 115, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

ALSO DESCRIBED AS:

LOT 30, LESS THAT PORTION LYING WITHIN 40 FEET OF THE SURVEY LINE OF STATE ROAD 699, BLOCK A, FIRST ADDITION TO BELLE VISTA BEACH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 28, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

AND

ALL OF BLOCK "H", DON CE-SAR PLACE, ACCORDING TO PLAT BOOK 13, PAGE 15, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; LESS THAT PART LYING WITHIN 40 FEET OF THE SURVEY LINE OF SR 699, SECTION 15100, SAID SURVEY LINE BEING DESCRIBED AS FOLLOWS:

BEGIN ON THE EASTERLY EXTENSION OF THE NORTHERLY BOUNDARY OF LOT 9, BLOCK 4, DON CE-SAR PLACE, IN SECTION 7, TOWNSHIP 32 SOUTH, RANGE 16 EAST, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 13, PAGES 18 THROUGH 20, INCLUSIVE, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, AT A POINT 140.02 FEET NORTH 79°40'29" EAST OF THE NORTHWEST CORNER OF SAID LOT 9; RUN THENCE NORTH 10°20'31" WEST, 109.52 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 6875.50 FEET; THENCE NORTHERLY ALONG SAID CURVE 406.00 FEET THROUGH A CENTRAL ANGLE OF 3°23'00" TO THE END OF SAID CURVE; THENCE NORTH 13°43'31"WEST, 1903.41 FEET TO THE WESTERLY EXTENSION OF THE SOUTH BOUNDARY OF TRACT "A" OF LIDO BEACH SUBDIVISION IN SAID SECTION 7, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 34, PAGE 7, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, AT POINT 315.49 FEET NORTH 88°13'31" WEST OF THE SOUTHEAST CORNER OF SAID TRACT "A".

EXHIBIT B

Details of the Request

A text and map change to the City of St. Pete Beach's Land Development Code and Comprehensive Plan is requested by the Zamora Hospitality Group, LLC. to recognize the potential for 72 transient lodging units at the Hotel Zamora.

Background

As you know, the 72-room Hotel Zamora received its building permit in 2008. On January 22, 2013, the City approved a Conditional Use for 50 temporary lodging units (Development Order 2013-0001). The hotel is existing and operating in compliance with the City approvals. Due to the design of the rooms, the City has asserted that there is the potential to rent a maximum of 72 one-bedroom rooms. If this request is approved, no changes will be made to the existing permitted hotel room configuration and there will be no additional utility or traffic impacts.

Article 5 of the Countywide Rules clearly provides for an alternate density process for temporary lodging units, which can increase the density from 50 transient lodging units to 72 transient lodging units for the Hotel Zamora property. For purposes of consistency, the terms "temporary lodging unit" and "transient lodging unit" are one and the same. As allowed by the Countywide Rules, a text amendment for the City of St. Pete Beach's Special Area Plan, Land Development Code and Comprehensive Plan is being applied to that would create a new zoning district and Character District that would permit a maximum of 60 transient lodging units per acre for the Hotel Zamora property. A Development Agreement (Section 5.2.1.3.1) will also be processed to memorialize the density increase and development limitations to 72 transient lodging units, as well as recording a deed restriction on the Hotel Zamora property setting forth the development limitations of the Property.

Proposed Text and Map Amendment to City Land Development Code and Zoning Map and Future Land Use Element and Comprehensive Plan Map

Per the City's request, we have processed two applications: one to the City's Land Development Code text and Zoning map and the other to the Comprehensive Plan and Land Use map. The Forward Pinellas Countywide Rules Section 5.2.1.3 permit an alternative density for Temporary Lodging Use facilities. As the Hotel Zamora property is designated Activity Center on the Forward Pinellas Countywide map, an amendment to the Special Area Plan is proposed to mirror the alternative density provision found in the Countywide Rules and place them in the City of St. Pete Beach Comprehensive Plan and Land Development Code. Please see Exhibit A-1.

The provision will apply only to the Hotel Zamora property as we propose to create the Bayou Residential-1 zoning district and land use category applicable only to the Hotel Zamora property.

The BR-1 zoning district and land use category would permit a maximum of 60 transient lodging units per acre. This maximum was selected as a round number for the purpose of identifying maximum density. The Hotel Zamora property is 1.26 acres in size, which would equate to seventy-five (75) transient lodging units. Because the hotel is built and no interior changes are proposed, the Hotel Zamora would have a maximum of 72 transient lodging units.

Rationale

We believe that the request for the additional transient lodging unit density on the Hotel Zamora property is consistent with the alternative density provision in the Forward Pinellas Countywide Rules and recognizes the design of the existing and operating Hotel Zamora. The additional temporary lodging units that would be designated to the Hotel Zamora would come from the already approved Density Pool. These density pool units have been accounted for in the City's Comprehensive Plan in terms of infrastructure needs and therefore there is no impact to the City's Comprehensive Plan.

Additionally, there is no impact to the City's infrastructure as no new rooms and no new utilities are proposed. The hotel will continue operate just as it was approved and exists today, but will have additional flexibility of room configuration offered to the public.

FORWARD PINELLAS
P: (727) 464.8250
F: (727) 464.8212
forwardpinellas.org
310 Court Street
Clearwater, FL 33756

February 15, 2017

Marilyn Mullen Healy
Adams and Reese, LLP
101 East Kennedy Boulevard, Suite 4000
Tampa, FL 33602

RE: City of St. Pete Beach/Hotel Zamora Increase in Density

Dear Ms. Healy:

This letter is in follow-up to our conversation on February 8, 2017, in which you requested an evaluation of the letter dated January 26, 2017 to the City of St. Pete Beach regarding the process by which the City can increase transient lodging densities to resolve the Hotel Zamora issue. Special Area Plans (SAP) that were adopted prior to the August 7, 2015 are now considered Special Centers under the new Countywide Rules. Special Centers are a type of Activity Center as indicated on Table 2b and amendments to these Special Centers are governed by Section 6.5.4.3. Due to the varied nature of transient lodging densities and intensities that were authorized under the previous SAP process, a decision was made to not incorporate a maximum transient lodging allowance for Special Centers and other types of Activity Centers in the new Rules. This gives additional flexibility to the local government in planning for transient accommodations in these urban centers of Pinellas County. However, the City would need to follow our Tier II amendment process since this proposal would change the density and/or intensity standards applicable to the locally adopted character district.

Based on the information outlined above, it is our determination that the proposal contained in the January 26, 2017 letter is feasible so long as the City follows our Tier II amendment process consistent with Section 6.1.4.3. If you have any questions about our determination, please feel free to contact me at 727.464.8214 or rschatman@forwardpinellas.org.

Sincerely,

Rodney S. Chatman, AICP
Planning Division Manager

Cc: Whit Blanton, FAICP, Executive Director
Jennifer Bryla, AICP, Community Development Director
Tina Jablon, Administrative Secretary

Proposed Text Changes to the
City of St. Pete Beach Future Land Use Element

1. Objective 2.1, Policy 2.1.1:
Community Redevelopment District (CRD)
"Density/Intensity Standards shall include the following:
   - Transient accommodation use-Shall not exceed 50 units per acre with the exception of the Bayou Residential-1 (BR-1) land use category which permits a maximum of 60 units per acre."

2. Objective 6.1, Policy 6.1.1
Special Designation – Community Redevelopment District (CRD)
Introduction & Overview

A. Definitions

"The definitions set forth below are terms used in the Community Redevelopment Plan and this Future Land Use Plan amendment that establishes a Community Redevelopment District containing two major redevelopment districts and ~~eleven~~ **twelve** character districts."

4) "Character District – within the context of this Community Redevelopment Plan means one of ~~eleven~~ **twelve** sub-districts…"

B. Community Redevelopment District

"There are a combined ~~eleven~~ **twelve** designated character districts within the Community Redevelopment District as a whole, including: ~~four (4)~~ **five (5)** character districts in the Gulf Boulevard Redevelopment District…"

a. "The overall Gulf Boulevard Redevelopment District boundary is shown on Map 2, the following character districts within this Redevelopment District are shown:
   1) Large Resort District
   2) Boutique Hotel/Condo District
   3) Activity Center District
   4) Bayou Residential District
   5) Bayou Residential District-1"

3. Bayou Residential District-1 (BR-1)

(a) Location and Character. The Bayou Residential Character District is 1.26 acres and is applicable to the Hotel Zamora property (Parcel #07-32-16-21852-029-0001) only.

(b) Purpose and Intent: The BR-1 District is intended to recognize the existing Hotel Zamora land use and permit all uses in the BR District as well as permitted a maximum density for temporary lodging uses up to a maximum of 60 units per acre.

Permitted Uses and Standards

(a) Primary uses-Residential and Temporary Lodging Uses

(b) Secondary uses-Commercial uses only as a component of a mixed-use residential or temporary lodging development.

(c) Density/Intensity and Height Standards

1. Residential and Temporary Lodging use-shall not exceed:
   a. 15 dwelling units per acre for an exclusively residential use.
   b. 18 dwelling units per acre for multifamily residential mixed with a commercial use. The maximum floor area ratio for the commercial portion of the mixed-use project is 0.3.
   c. 60 temporary lodging units per acre not to exceed the density pool allocated. The temporary lodging use can be mixed with a commercial use. The maximum floor area ratio for the commercial portion of a mixed-use project is 0.3.
   d. Variance to exceed the maximum density or intensity above as established in the Future Land Use Plan shall be prohibited.
2. Height shall not exceed and shall be permitted up the following, subject to any height limitations contained in the City's LDC:
   a. Thirty-five (35) feet above base flood elevation for an exclusively residential use;
   b. Fifty-four (54) feet above base flood elevation for all other uses.
   c. Any increases to, including variances to increase, any of the maximum heights set forth above for the Bayou Residential-1 character district shall be prohibited.
3. The maximum impervious surface ratio (ISR) shall not exceed:
   a. 0.70 for exclusively residential uses. Maximum ISR for all other uses:0.85.
   b. Variances to exceed the maximum impervious surface ratio shall be prohibited.
4. Temporary Lodging Unit Density Pool (TLU Density Pool)-The maximum density permitted for Temporary Lodging uses on-site shall be 60 units per acre. The units shall be obtained for the already approved TLU Density Pool.

Agent Authorization Form

Community Development Department
City of St. Pete Beach, Florida

I/WE Zamora Hospitality Group, LLC
(print name of property owner)

hereby authorize Marilyn Mullen Healy, Esq. Adams and Reese, LLP
(print name of agent)

to represent me/us in an application for Zoning Map and Text Amendment; Comprehensive Plan Text Amendment and Future Land Use Map Amendment and related matters to Hotel Zamora
(type of application: variance, land use, zoning, special event, etc)

Signature of owner

Signature of owner

Print name of owner

Devanand Mangar
Print name of owner

The foregoing instrument was acknowledged before me this 27 **day of** Feb. **20**17**, by** Devanand Mangar. **who is personally known** X **or produced** Fl. Driver Lic. exp 1/30/2025 **as identification.**

Joanna M. Singleton — Feb. 27, 2017

(Notary Signature) **(Date)**

My commission expires Jan. 11, 2019.

JOANNA M. SINGLETON
MY COMMISSION # FF 183119
EXPIRES: January 11, 2019
Bonded Thru Notary Public Underwriters

45420931

Agent Authorization Form

Community Development Department
City of St. Pete Beach, Florida

I/WE Zamora Hospitality Group, LLC
(print name of property owner)

hereby authorize Susan M. Finch, AICP, Finch Planning Group, LLC
(print name of agent)

to represent me/us in an application for Zoning Map and Text Amendment; Comprehensive Plan Text Amendment and Future Land Use Map Amendment and related matters to Hotel Zamora
(type of application: variance, land use, zoning, special event, etc)

Signature of owner

Print name of owner

Devanand Mangar
Signature of owner

DEVANAND MANGAR
Print name of owner

The foregoing instrument was acknowledged before me this 27 **day of** Feb **20**17**, by** DEVANAND MANGAR. **who is personally known** X **or produced** Fl. Driver Lic. **as identification.** exp 1/30/2025

Joanna M. Singleton — Feb. 27, 2017.

(Notary Signature) **(Date)**

My commission expires Jan. 11, 2019

JOANNA M. SINGLETON
MY COMMISSION # FF 183119
EXPIRES: January 11, 2019
Bonded Thru Notary Public Underwriters

45444192

[DRAFT]

Prepared by and return to:
Marilyn Mullen Healy, Esq.
Adams and Reese LLP
101 E. Kennedy Boulevard, Suite 4000
Tampa, FL 33602

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT, is made and entered into this _____ day of _____, 2017 by and between **THE CITY OF ST. PETE BEACH**, a municipal corporation of the State of Florida, hereinafter referred to as "City," and **ZAMORA HOSPTIALITY GROUP, LLC,** a Florida limited liability company ("Zamora"), (together, the "Parties").

RECITALS:

WHEREAS, Florida Statute Sections 163.3220 – 163.3243, the Florida Local Government Development Agreement Act ("Act") authorizes the City to enter into binding development agreements with persons having a legal or interest in property located within the corporate limits of the City; and

WHEREAS, under Section 163.3223 of the Act, the City has adopted Section 45 of the Code establishing procedures and requirements to consider and enter into development agreements; and

WHEREAS, the City has adopted the "Comprehensive Plan of the City of St. Pete Beach, Florida (the "Comprehensive Plan"); and

WHEREAS, the City has adopted the "Code of Ordinances, City of St. Pete Beach (the "Code" or the "Land Development Regulations"); and

WHEREAS, Section 5.2.1.3.1 of the Forward Pinellas Countywide Rules provides for an alternate procedure to utilize temporary lodging unit densities; provided certain conditions and amendments to the City's Comprehensive Plan and City Code have been duly approved; and

WHEREAS, on _____, the City Commission duly adopted an amendment 2017-_____ to the City's Comprehensive Plan 2017 [define Text Amendment]; and

WHEREAS, on _____, the City Commission duly adopted an amendment to the City's Code [define 2017 City Zoning Map/Text Amendment]; and

WHEREAS, Zamora is the owner of a certain tract of land consisting of approximately 1.26 acres, located generally at 3701 Gulf Boulevard, within the City of St. Pete Beach, Pinellas County, Florida, hereinafter referred to as the "Zamora Property" or the "Property". The legal description of the Zamora Property is set forth on **Exhibit A,** attached hereto and incorporated herein; and

DRAFT

WHEREAS, the Property currently has a land use and zoning designation of Bayou Residential; and

WHEREAS, a hotel is an allowable use under the Bayou Residential category; and

WHEREAS, Zamora is the owner operator of a seventy-two (72) room boutique hotel in a "lock out room" configuration located on the Zamora Property (the "Hotel"); and

WHEREAS, the City granted a conditional use approval for 50 (fifty) Temporary Lodging Units of those Temporary Lodging Units collectively available to the Bayou Residential, Activity Center and Towne Center Core Districts Temporary Lodging Unit Density Pool, as established by the City's Comprehensive Plan to the Zamora Property on January 22, 2013; and

WHEREAS, the City issued a building permit in 2008 and again on March 27, 2013 for the Hotel in a "lock out room" configuration; and

WHEREAS, the City issued a Certificate of Occupancy for the seventy-two (72) room Hotel on May 30, 2014; and

WHEREAS, the City Commission granted a Conditional Use approval for an additional twenty two (22) Temporary Lodging Units to the Hotel on _____, 2017, [define 2017 Conditional Use] with a condition that twenty-four (24) parking spaces be provided by the Hotel through [an off-site parking arrangement, variance or alternative parking plan, with [docks] (the "2017 Conditional Use Approval"); and

WHEREAS, for the purposes of this Development Agreement, the term Temporary Lodging Unit shall have the same meaning as Temporary Lodging Unit; and

WHEREAS, as of the date of this Development Agreement, the City Commission has approved the 2017 Conditional Use. Approval of the additional twenty-two (22) Temporary Lodging Units was conditioned upon: (i) the execution of this Development Agreement; (ii) the recording of a restrictive covenant on the Property which would limit the amount of Temporary Lodging Units on the Zamora Property to seventy-two (72) Temporary Lodging Units; and (iii) compliance by Zamora with the terms hereof and with the other land development regulations of the City of St. Pete Beach, including all applicable governmental agencies regulations. The conditions regarding development of the Property set forth in the 2017 Conditional Use Approval are incorporated herein by reference and shall be fully complied with by Zamora and its successors and assigns in title as to any portion of the Property; and

WHEREAS, the City Commission has conducted such public hearings as are required by and in accordance with Florida Statutes Section 163.3225, and the City Land Development Regulations, and any other applicable law; and

DRAFT

WHEREAS, at a duly noticed and convened public meeting on _____, 2017, the City Commission duly approved this Development Agreement; and

WHEREAS, the City has determined that, as the of the date of this Development Agreement, a hotel consisting of seventy-two (72) Temporary Lodging Units is consistent with the City's Comprehensive Plan and Land Development Regulations; and

WHEREAS, approval of this Development Agreement is in the best interest of the City in furtherance of the City's goals as set forth in the City's Comprehensive Plan of promoting the preservation and redevelopment of temporary lodging units and of enhancing the economic revitalization of the resort community, with particular emphasis in temporary lodging units adjacent to the waterfront and in furtherance of the objectives of the City's Comprehensive Plan; and

WHEREAS, the City will, in due course and in accordance with the necessary procedural requirements, will do all other and necessary things to administer the appropriate applications and permissions necessary for the development and operation of the Hotel and of the Zamora Property in accordance and in compliance with this Development Agreement; and

WHEREAS, Zamora has approved this Development Agreement and has duly authorized certain individuals to execute this Development Agreement on Zamora's behalf.

AGREEMENTS BETWEEN THE PARTIES

1. Recitals. The foregoing recitals are true and correct and are incorporated herein by reference.

2. Authority. This Agreement is authorized by Section 163.3220, et seq., F.S. (1986) and Article 45 of the Comprehensive Zoning and Land Development Code of the City of St. Pete Beach (the "Land Development Code"), the City's Comprehensive Plan and Section 5.2.1.3.1C of the Forward Pinellas Countywide Rules (effective May 2016) (the "Countywide Rules"). The provisions of said Statute, the Land Development Code, the Countywide Rules, Resolution 2017 [comprehensive plan], and Resolution 2017-[zoning] are incorporated herein by reference, and in the event of any conflict between

DRAFT

the language of this Development Agreement and the above sections of the Code, such conflict will be resolved in favor of the language of this Development Agreement and the 2017 Conditional Use Approval. The Florida Statutes and the above-quoted provisions of the Land Development Code Regulations, as they now exist, are incorporated herein by reference, and shall govern the relationship of the parties under the terms of this Development Agreement. Any matters required by Florida law, the Florida Administrative Code or City ordinances which are not part of this Development Agreement shall, nevertheless, be complied with by the Parties.

3. Term/Effective Date. This Development Agreement shall be valid for a period of twenty (20) years from the Effective Date hereof, subject to the tolling provision set forth in Section 9 below. The "Effective Date" of this Development Agreement shall be the date on which the last party has executed it, but not later than forty-five (45) days from the date that the Board of Commissioners of the City of St. Pete Beach has formally approved execution of this Development Agreement by the City. Upon expiration of this Development Agreement, the 2017 Conditional Use shall remain in full force and effect.

4. Permitted Uses for the Property. Residential, Temporary Lodging Units, and Commercial uses are permitted uses as set forth in the City's Comprehensive Plan and Code.

5. Public Facilities/Services. Zamora has provided all necessary public facilities or services for fire protection, and potable water supply and sanitary sewer to meet commercial and fire flow levels of services as required by City appropriate to the development and operation of the Property as a seventy-two (72) room hotel - seventy-two (72) Temporary Lodging Units.

6. Permits. Except as noted herein, Zamora has received all necessary local, state and federal development permits for the Hotel including, but not limited to the following:

a) City of St. Pete Beach building permit;

b) City of St. Pete Beach sign and rooftop bar permits;

c) City of St. Pete Beach pool permit;

DRAFT

d) Southwest Florida Water Management District Surface Water Management Permit;

e) Florida Department of Transportation Driveway Connection Permit;

f) Conditional Use Permit for fifty (50) Temporary Lodging Units;

g) Conditional Use Permit approved by the City for an additional twenty-two (22) Temporary Lodging Units;

h) State of Florida Department of Business and Professional Regulation license for a 50 unit hotel;

i) State of Florida Department of Business and Professional Regulation license for a 72 unit hotel (to be obtained after approval of the Development Agreement); and

j) All other approvals or permits as required by existing or future governmental regulations as they now exist or as they may exist in the future.

7. Finding of Consistency. The City finds that the existing Zamora Hotel development and proposed addition of twenty-two (22) Temporary Lodging Units on the Property is consistent with the terms of this Development Agreement and is consistent with the City's Comprehensive Plan and the City Code.

8. Compliance with Law. Failure of this Development Agreement to address a particular permit, condition, term or restriction shall not relieve Zamora from the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions, and any matter or thing required to be done under existing ordinances of the City of St. Pete Beach and such regulation or ordinance shall not be otherwise amended, modified, or waived unless such modification, amendment or waiver is expressly provided for in this Agreement with specific reference to the Code provisions so waived, modified or amended. All subsequently adopted ordinances and policies of general application in the City shall be applicable to the Property subject to this Development Agreement and such

DRAFT

modifications are specifically anticipated in this Development Agreement in the same manner as is general applicable throughout the City.

9. Compliance/Tolling. The timeframes for compliance with the obligations described herein and the expiration of this Development Agreement shall be tolled day for day during: (i) pendency of any administrative or judicial challenge related to this Development Agreement or the 2017 Conditional Use Approval for the additional twenty-two (22) Temporary Lodging Units.

10. Recordation. Not later than fourteen (14) days after the Effective Date of this Development Agreement, the City shall record this Development Agreement with the Clerk of Circuit Court in Pinellas County, and a copy of the recorded Development Agreement shall be submitted to the State Land Planning Agency within fourteen (14) days after the date of recording.

11. Covenants Running with the Land. This Development Agreement shall constitute a covenant running with the land for the duration hereof and shall be binding upon Zamora and upon all persons deriving title by, through or under said Zamora and upon its assigns and successors in title. The burdens of this Development Agreement shall be binding upon, and the benefits of the Development Agreement shall inure to, all successors in interest to the Parties to this Development Agreement.

12. Notices. All notices and other communications required or permitted to be given hereunder shall be in writing and shall be mailed by certified or registered mail, postage prepaid, or by Federal Express, Airborne Express, or similar overnight delivery service, addressed as follows:

If to the City:
The City of St. Pete Beach
Attn: Wayne Saunders, City Manager
155 Corey Avenue
St. Pete Beach, FL 33706

If to Zamora:
Zamora Hospitality Group, LLC
Attn: Devanand Mangar, Authorized Representative
3701 Gulf Boulevard
St. Pete Beach, FL 33706

With a copy to:
Andrew Dickman, Esq.
Attorney for City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, FL 33706

With a copy to:
Marilyn Mullen Healy, Esq.
Adams and Reese LLP
101 E. Kennedy Boulevard, Suite 4000
Tampa, FL 33602

DRAFT

Properly addressed, postage prepaid, notices or communications shall be deemed delivered and received on the day of hand delivery, the next business day after deposit with an overnight courier service for the next day delivery, or on the third day following deposit in the United States mail, certified mail, return receipt requested. The Parties may change the addresses set forth above (including the addition of a mortgagee to receive copies of all notices) by notice in accordance with this Section.

13. Default. In the event either party is in default of any provision hereof, the non-defaulting party, as a condition precedent to the exercise of its remedies, shall be required to give the defaulting party written notice of the same pursuant to this Development Agreement. The defaulting party shall have thirty (30) working days from the receipt of such notice to cure the default. If the defaulting party timely cures the default, the default shall be deemed waived and this Development Agreement shall continue in full force and effect. If the defaulting party does not timely cure such default, the non-defaulting party shall be entitled to pursue its remedies available at law or equity.

14. Title/Ownership Representation and Warranty. Zamora represents and warrants that this Development Agreement has been executed by all persons having legal or equitable title in the Property.

15. Governing Law-Venue. This Development Agreement shall be governed by, and construed in accordance with the laws of the State of Florida. Venue for the enforcement of this Agreement shall be exclusively in Pinellas County, Florida.

16. Covenant of Cooperation. The Parties shall cooperate with and deal with each other in good faith and assist each other in the performance of the provisions of this Development Agreement.

17. Entire Agreement. This Development Agreement (including any and all City approvals, permits and the exhibits attached hereto all of which are part of this Development Agreement to the same extent as if such approvals, permits, and exhibits were set forth in for the body of this Development Agreement) constitutes the entire agreement between the Parties pertaining to the subject matter hereof. The Parties agree that there are no outstanding agreements of any kind other than are reflected herein and except as is otherwise specifically provided herein, the Property shall be subject to the laws, ordinances

DRAFT

and regulations of the City of St. Pete Beach as they exist as of the date of this Agreement. Any oral agreements, agreements created by written correspondence or any other matter previously discussed or agreed upon between the parties are merged herein.

18. Counterparts. This Development Agreement to be executed in counterparts, all of which together shall constitute one and the same instrument.

19. Amendment. This Development Agreement may be amended by mutual written consent of the City and Zamora, including any successors or assigns, so long as the amendment meets the requirements of the Act, applicable City ordinances, and Florida law.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

CITY OF ST. PETE BEACH, FLORIDA

By: _____
Mayor – Alan Johnson

ATTEST: By: _____
City Manager – Wayne Saunders

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

DRAFT

[SIGNATURES CONTINUED ON NEXT PAGE]

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by _____, the Mayor/Commissioner of the City of St. Pete Beach, who is personally known to me or has produced a Florida driver's license or _____ _____ as identification.

_____
Notary Public, State of Florida

_____
Print/type name of Notary Public

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by Wayne Saunders, the City Manager of the City of St. Pete Beach, who is personally known to me or has produced a Florida driver's license or _____ as identification.

_____
Notary Public, State of Florida

_____
Print/type name of Notary Public

Witnesses:

_____
Signature

_____
Print Name

_____
Signature

_____
Print Name

DRAFT

[SIGNATURES CONTINUED ON NEXT PAGE]

WITNESS OR ATTEST

ZAMORA HOSPITALITY GROUP, LLC,
a Florida limited liability company

By: DMMD XXXI, LLC,
a Florida limited liability
company

By: JACMAD MANAGEMENT, L.L.C.,
a Wyoming limited liability
company, its Manager

_____ By: _____

Print Name:_____ Devanand Mangar
Authorized Representative

_____

Print Name:_____ Date:_____

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2017, by Devanand Mangar, Authorized Representative of DMMD XXXI, LLC and JACMAD Management, L.L.C., Manager of Zamora Hospitality Group, LLC, on behalf of the company. He is personally known to me.

_____
Notary Public, State of Florida

_____
Print/type name of Notary Public

DRAFT

[SIGNATURES CONTINUED ON NEXT PAGE]

CITY OF ST. PETE BEACH
DEVELOPMENT AGREEMENT

Exhibit	Exhibit Name	Responsible Party	Status
A	Legal Description of the Zamora Parcel		Completed

DRAFT

EXHIBIT A

LEGAL DESCRIPTION OF THE ZAMORA PARCEL

DRAFT

THE SUNSET CAPITAL OF FLORIDA

CITY OF ST. PETE BEACH

Hotel Zamora
3701 & 3751 Gulf Boulevard
St. Pete Beach, Florida 33706

Ms. Marilyn Mullen-Healy
Adams and Reese LLP
101 East Kennedy Boulevard, Suite 4000
Tampa, Florida 33602

DEVELOPMENT ORDER 2013-0008
Site Plan Approval - March 25, 2013

Address: 3701and3751 Gulf Boulevard, Hotel Zamora
Parcel ID 07-32-16-21852-029-0000 and 07-32-16-07398-001-0300

Request: Site Plan approval for a 50-unit hotel facility and restaurant space

IT IS HEREBY ORDERED:

Case number 2013-0008 is hereby **APPROVED** with the following comments and/or conditions:

1. Prior to issuance of a Certificate of Occupancy, the applicant shall provide additional information and detail assuring compliance with Section 39.10(b)(6) of the Land Development Code including the requisite easement thereto.

2. Prior to installation, a sign package shall be submitted for review and City approval.

3. Applicant is responsible for working with FDOT as may be necessary and advising the City of requirements they might impose.

4. A transportation impact fee in the amount of $124,910 (based on 50 units) is due prior to the issuance of a Certificate of Occupancy.

5. The concurrency application that accompanied the site plan submission is incomplete. The application for concurrency must be fully completed and include appropriate LOS (level of service) information as noted on the second page. Concurrency review and approval shall be required within 120-days from the date of this development order.

Mike Bonfield, City Manager

3/25/13
Date

Failure to initiate project construction within 12 months of the issuance of a final development order shall invalidate the site plan approval and require re-submission of the plan. Initiation of construction shall be demonstrated by obtaining all required building permits for construction in accordance with the approved site plan. Such site plan approval shall terminate upon the expiration, without lawful reinstatement, of any building permits required for construction in accordance with the approved site plan.

CITY OF ST PETE BEACH
CERTIFICATE OF OCCUPANCY

This Certificate is issued pursuant to the requirements of the Florida Building Code and the Land Development Code, certifying that at the time of issuance, this structure was in compliance with the various ordinances of the City regulating building construction or use, for the following:

DESCRIPTION & ADDRESS OF BUILDING: 3701 Gulf Blvd

Tax Parcel ID #073216218520290000

USE CLASSIFICATION: Commercial Hotel and Restaurant

BUILDING PERMIT NUMBER: 20080921

OWNER: Zamora Hospitality Group LLC ADDRESS: PO Box 1839, Tampa, Florida 33601

CONTRACTOR: Tatro Construction Company LLC

Bruce Cooper, Building Official 5/30/14