



PLANNING BOARD MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Monday, December 14, 2020
4:00 PM

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

1. Changes to the Agenda
2. Audience Comments - **Comments shall be limited to 3 minutes per person**
3. Approval of Minutes
 - a. **11-23-2020 Minutes**
4. Action Items
 - a. **Approval of 2021 Meeting Dates**
 - b. **Conditional Use Permit - Miramar Beach Resort** The Miramar Beach Resort is requesting approval to demolish and redevelopment the site to construct a new seven story transient accommodation hotel. The request requires a conditional use permit for the new temporary lodging use to exceed 50 feet in height, a density greater than 30 units per acre and to allocate additional units from the B/HC density pool, pursuant to Section 39.6(p) and Section 46.4(c) of the Land Development Code (LDC). The new temporary lodging use proposed is a 54-room hotel, with 78 parking spaces (21 of which are valet), interior lobby, amenity and dining area, and a rooftop bar and pool. The maximum height of the proposed structure is 76 feet.
 - c. **Ord. 2021-A Seawall Height** Ordinance 2021-A, amending the City's seawall measurement standards to utilize the North American Vertical datum mean sea level employed by FEMA.
 - d. **Ord. 2021-B Substantial Improvement Limit & Living Space Below BFE** Ordinance No. 2021-B, providing for an amendment to add the FEMA limit on livable square footage below the Base Flood Elevation and addressing Substantial Improvement

and Substantial Damage determinations pertaining to the time frame required between permits.

5. Discussion Items
6. Adjournment

APPEAL: In accordance with 286.0105, Florida Statute (Notices of meetings and hearings must advise that a record is required to appeal), if a person decides to appeal any decision made by this committee, board, agency, or commission with respect to any matter considered at this 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 (ADA): In accordance with the Americans with Disabilities Act and Florida Statutes, if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact City Hall at (727) 367-2735.

**The public is cordially invited to attend this meeting.
All agenda material is available for review at City Hall or www.stpetebeach.org.**

DRAFT PLANNING BOARD MEETING MINUTES

November 23, 2020 4:00 P.M.

PRESENT: Tiffany Secka, Chair
Tom DeYampert, Member
Mark Grill, Member
Bev Jackson, Member
Greg Premier, Member

STAFF PRESENT: Matthew McConnell, Dickman Law Firm
Ginny Keeter-Bodkin, Deputy City Clerk
Wesley Wright, Community Development Director
Jennifer McMahon, Parks and Recreation Director
Brandon Berry, Planner II

Chair Secka called the meeting to order at 4:00 PM. New appointee Greg Premier was welcomed by the Board members.

1. Changes to the Agenda – Mr. Wright asked to switch the order of Action Items 4a. and b. Member DeYampert asked to add two items on food trucks and commercial parking standards (4c. and d).

2. Audience Comments - There were no audience comments.

3. Approval of Minutes a. 10/19//2020

Member DeYampert moved and Member Grill seconded the approval of the minutes from the October 19, 2020 meeting as presented; the motion carried 5-0.

4. Action Items

- a. Outdoor Dining - Parklet Program** - The City of St Pete Beach's Pilot Parklet Program focuses on conversion of on-street parking spaces into publicly accessible open space on a temporary basis. The program provides a way for merchants to take individual actions in the development and beautification of the City's public spaces.

Mr. Wright indicated that this is the public property aspect of the Parklet Program, vs. the private property rights for outdoor dining, which is moving to a second reading with the Commission. Currently, during the COVID-19 pandemic, businesses can take up to four spaces of City-owned parking along 8th and Corey Avenues with an approved, temporary use permit space, free from fees.

Ms. McMahon explained that a permitting process needs to be established if the temporary Parklet Program continues beyond the pandemic/Emergency Order. Today is an overview and to address concerns that have been heard. She read a list of the benefits and program goals of the Parklet Program and reviewed photos of some of the existing, temporary parklets. She read the guidelines for parklets.

Ms. McMahon reviewed proposed design guidelines including site conditions, platforms, bolting, drainage and ADA Compliance. She also reviewed the proposed responsibilities of the Permittee, and application and permitting processes; proposed fees are being researched with other municipalities.

Board Q&A followed with Ms. McMahon. This may be considered as a seasonal program. Some of the topics raised were allowing parklets for retail establishments, potential parking issues by loss of space, and the consideration of parklets being removable vs. temporary vs. permanent with set standards. Board consensus was that there needs to be publicly accessible hearings on this prior to any action; business owners need the opportunity to share their opinions. Let the process determine what areas of the City this would be allowed in.

**b. Accessory Structure Review – Residential accessory structure review of
DIVISION - SUPPLEMENTAL REGULATIONS**

Mr. Wright referenced last month's fiscal year in review and the number of variance requests for the year – many of the standards have not been updated since 2003. Any Board input would be appreciated in the update process.

Mr. Berry explained that 50-70% of variance requests are for residential accessory structures and ancillary equipment. He reviewed the most common requests and proposed changes to standards for pools, spas and pool cages as well as decks and patios, gazebos, detached garages and sheds. He reviewed the Existing Standard – Ancillary Equipment (Section 6.14 - Encroachment) vs. the proposed Standard. Board members provided input and comments. An ordinance may return in January.

c. Food Trucks (added item) – Member DeYampert asked for clarification on what defines a food truck, how they are permitted, and whether a food truck can replace a brick and mortar restaurant. Mr. McConnell explained that all food trucks must be approved and permitted by the State, who would therefore define them. If qualified with the State, the City cannot prevent a truck (within the four allowable districts). Per the current ordinance, a food truck cannot stand alone and must be associated with a brick and mortar establishment.

d. Commercial Parking (added item) – Member DeYampert inquired whether the City is looking at the lease of public or private air space; i.e. parking garages, to maximize the use of land. Mr. Wright explained that the Transportation and Parking Director is in the process of reviewing parking standards, to possibly provide property commercial owners additional options.

6. Adjournment – Next Meeting 12/14/2020

There being no further business, Chair Secka adjourned the meeting at 5:45 PM.

These minutes will be considered for approval at the December 14, 2020 Planning Board meeting.

Notice of Meetings
Planning Board
2021

The Planning Board meets on the third Monday of the month in the Commission Chambers of City Hall, 155 Corey Avenue, St. Pete Beach, Florida.

<u>Meeting Date</u>	<u>Time</u>	<u>Agenda Packet Deadline</u>
January 25, 2021*	4:00 pm	January 18, 2021
February 22, 2021*	4:00 pm	February 15, 2021
March 15, 2021	4:00 pm	March 8, 2021
April 19, 2021	4:00 pm	April 12, 2021
May 17, 2021	4:00 pm	May 10, 2021
June 21, 2021	4:00 pm	June 14, 2021
July 19, 2021	4:00 pm	July 12, 2021
August 16, 2021	4:00 pm	August 9, 2021
September 20, 2021	4:00 pm	September 13, 2021
October 18, 2021	4:00 pm	October 11, 2021
November 15, 2021	4:00 pm	November 8, 2021
December 13, 2021	4:00 pm	December 6, 2021

Meeting to elect the Chair and Vice Chair will be on April 19, 2020.

*Rescheduled due to holidays

The Code of Ordinances pertaining to this board can be found at:

https://www.municode.com/library/fl/st._pete_beach/codes/code_of_ordinances?nodeId=PTIICOR_CH22BOCOCO_ARTVIIIPLBO

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Conditional Use Permit - Miramar Beach Resort

Date: December 14, 2020

Prepared By: Brandon Berry, Planner II

Through: Wesley Wright, Community Development Director

Summary of Issue: Redevelopment of a 1.15 acre site for the construction of an eight story (above parking), 54-unit transient accommodation hotel. The proposed building consists of 78 parking spaces (under a valet parking scheme), 1 truck loading space, solid waste area, on the ground floor, 6,700 SF of amenities on the second floor, five stories of transient units, and an amenity and pool deck on the rooftop level. The requested project density is 54 units, 39 units from base density (50 du/acre) with 15 units (20 du/acre) request from the density pool. Total proposed density is 69.2 du/acre.

Funding: N/A

Requested Motion: Recommendation of approval of the Conditional Use Permit for case #20090 for 4200 Gulf Boulevard to the City Commission.

Attachments:

1. Staff Report CU 20090
2. Site Plan Neighborhood Meeting Submission
3. 20090 CUP Application
4. Miramar Survey 7-17



**DEPARTMENT OF COMMUNITY DEVELOPMENT
CONDITIONAL USE AND VARIANCE APPLICATION
STAFF REPORT TO THE
CITY OF ST. PETE BEACH PLANNING BOARD**

APPLICATION NUMBER: CU #20090 and Variance #20091 – Kevin Bowden, Managing Partner of Miramar Resort St. Pete LLC

PREPARED BY: Community Development Staff

MEETING DATE: December 14, 2020

This application is a request for a Conditional Use Permit with Variance:

REQUEST:	The Miramar Beach Resort is requesting approval to demolish and redevelopment the site to construct a new seven story transient accommodation hotel. The request requires a conditional use permit for the new temporary lodging use to exceed 50 feet in height, a density greater than 30 units per acre and to allocate additional units from the B/HC density pool, pursuant to Section 39.6(p) and Section 46.4(c) of the Land Development Code (LDC). The new temporary lodging use proposed is a 54-room hotel, with 78 parking spaces (21 of which are valet), interior lobby, amenity and dining area, and a rooftop bar and pool. The maximum height of the proposed structure is 76 feet. Furthermore, an Unnecessary and Undue Hardship Variance from <u>LDC Sec. 23.5 – Number of parking spaces required</u> is requested to permit an under-building valet parking arrangement in lieu of the required number of permanent self-parking spaces to support the new development.
LOCATION:	4200 Gulf Blvd; BELLEVISTA BEACH LOTS 12 & 13 & LAND TO MHW & RIP RTS LESS RD; Parcel ID # 07-32-16-07380-000-0120.
ACREAGE:	Approximately 1.15 acres, of which 0.78 acres is landward of the Coastal Construction Control Line
EXISTING ZONING	BHC – Boutique Hotel/Condo District, landward of the Coastal Construction Control Line (CCCL), with P – Preservation District seaward of the CCCL
SURROUNDING ZONING and FUTURE LAND DESIGNATIONS:	North – BHC – Boutique Hotel/Condo District South – BHC – Boutique Hotel/Condo District East – Gulf Boulevard and BR – Bayou Residential District West – Beach and Gulf of Mexico
SURROUNDING EXISTING USES:	North – Mariner Beach Club (Resort Condominiums) South – Vistas on the Gulf (Resort Condominiums) East – Bank, Stores and Apartments West – Beach and the Gulf of Mexico

BACKGROUND

The property contains the existing Miramar Beach Resort that was constructed in 1953 according to Pinellas County Property Appraiser records. This temporary lodging use contains 27-rooms, with 18 parking spaces.

The applicant held a public community meeting on September 23, 2020 in the Boca Ciega Ballroom of the St. Pete Beach Recreation Center where the hotel proposal was presented and discussed with approximately twenty members of the community. Comments were received concerning the height of the hotel and rooftop bar, setbacks, parking and queuing arrangements, temporary lodging standards, hotel design, landscaping, and the hotel investors, among others.

The applications for a conditional use permit and variance were submitted to the Community Development Department on November 9, 2020. The case was reviewed at the December 2, 2020 Technical Review Committee meeting, where staff provided comments on site improvements, operational restrictions, and other items which have been made conditions of this report. The item has been scheduled for presentation to the Planning Board as an action item on December 14, 2020.

ANALYSIS

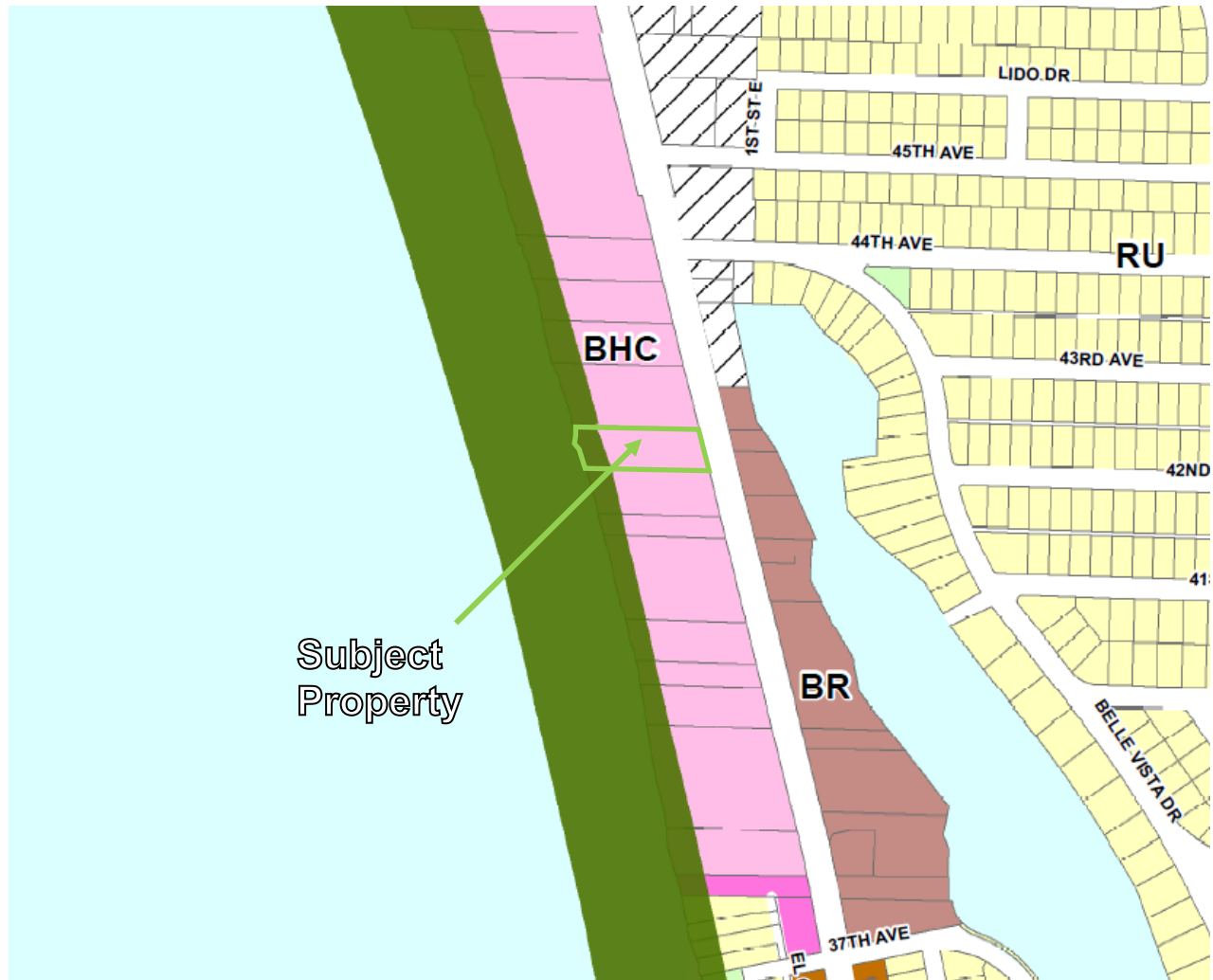
The applicant is seeking a density of 39 temporary lodging units pursuant to LDC Sec. 46.6(b), and an additional density of 15 temporary lodging units from the Boutique Hotel/Condo density pool pursuant to LDC Sec. 46.4(c), for a total site density of 54 hotel units. This is the maximum permittable for a site of 0.78 buildable acres in the BHC District. The applicant is also seeking a variance from LDC Sec. 23.5 to permit a valet parking arrangement in lieu of the required number of permanent self-parking spaces that meet the City's standards. No other variances are being sought with this request. As presented, the proposal meets the City's standards for height, setbacks, lot coverage, density, floor area ratio, and other standards to which variances cannot be sought under the City's Comprehensive Plan.

Density Pool Information			
District	Total Units Available	Total Units Utilized	Total Units Remaining
Boutique Hotel/Condo	125	0 15	125 110
Town Center Core	50	0	50
Upham Beach Village	175	0*	175
Town Center Core – Corey Circle	325	64	261
Town Center Core – Coquina West			
Activity Center			
Bayou Residential			
Total	675	64 79	611 596

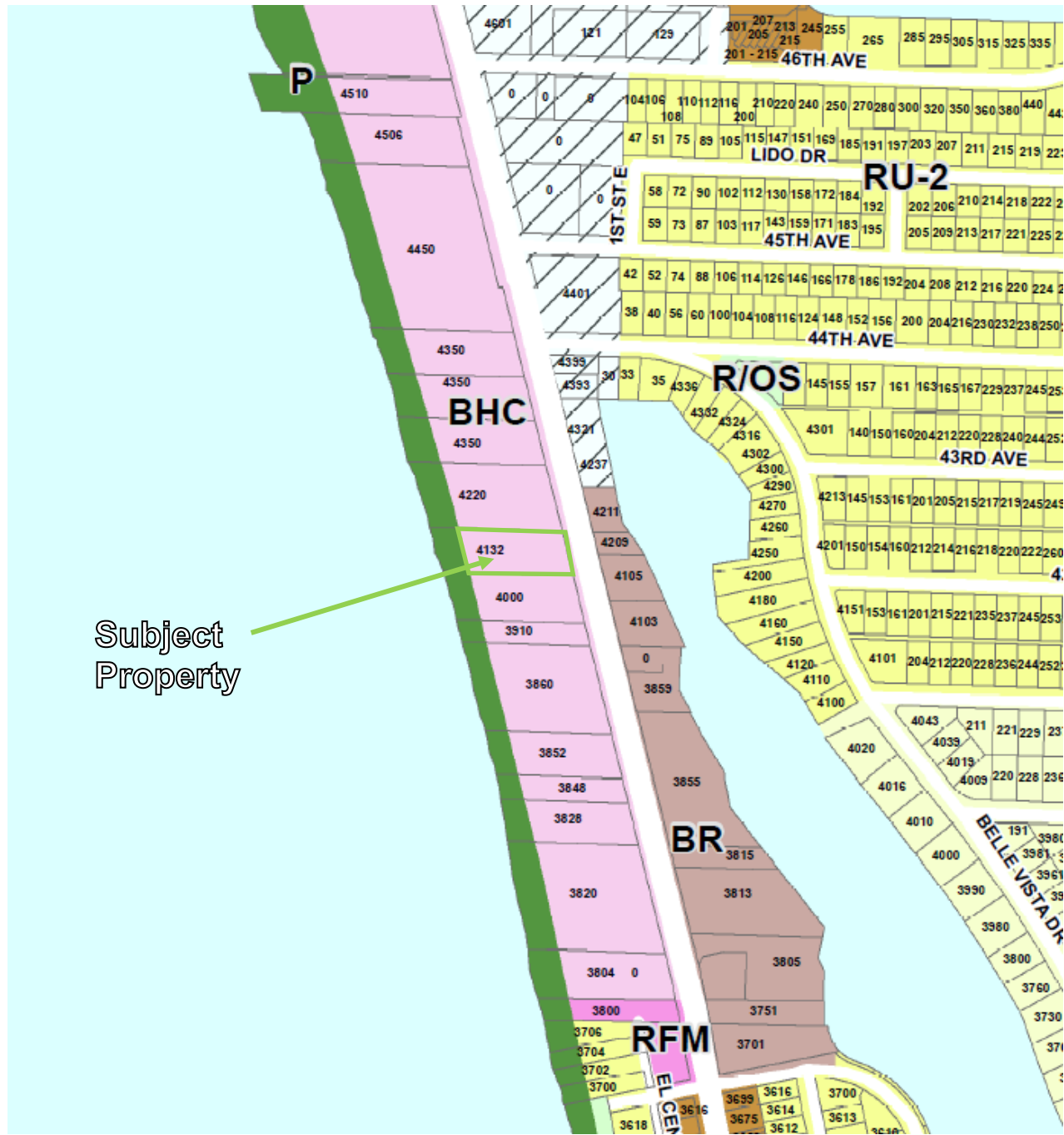
Prior to building permit issuance, the applicant will be required to submit a site plan meeting the minimum standards of LDC Division 5 -SITE PLAN APPROVAL PROCEDURES. Any requirements upon which approval is made conditional will be required to be reflected on the site plan, as applicable. The applicant will have to further comply with Code of Ordinances Chapter

106 – FLOOD CONTROL related to drainage, and supply concurrency statements and a transportation management plan as required.

FUTURE LAND USE MAP



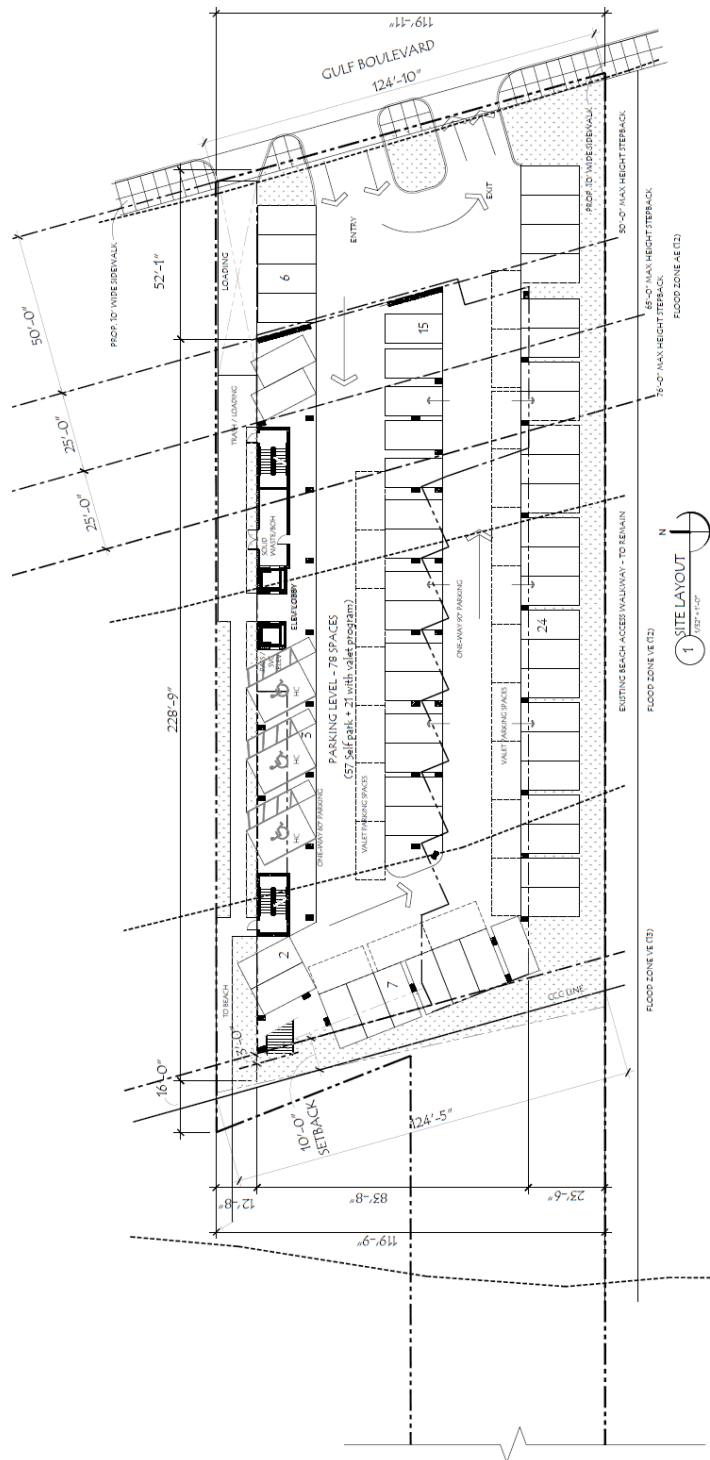
ZONING MAP



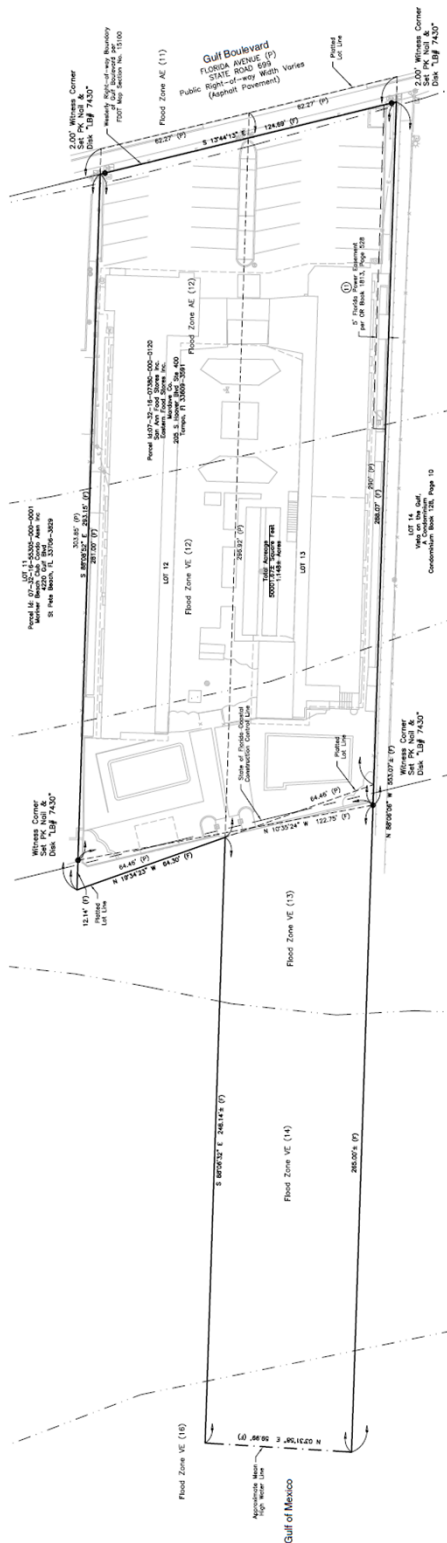
AERIAL MAP



SITE PLAN



SURVEY



CONDITIONAL USE PERMITS- 4.4 STANDARDS FOR REVIEW

When considering an application for approval of a conditional use, the City Commission review shall consider the following standards:

- (1) Whether the conditional use is consistent with the goals, objectives, and policies of the Comprehensive Plan, any adopted special area plan and these regulations;**

The conditional use request is consistent with the Comprehensive Plan in the following ways:

FUTURE LAND USE ELEMENT:

Quality Community - Planning To Stay (General Provisions)

- (c) Citywide Land Use Goals, Objectives and Policies. In furtherance of the overall goals, objectives, and policies contained in the Comprehensive Plan, the land use categories and their descriptions, beginning on the next page, are hereby adopted for the purpose of serving as the guide for the City of St. Pete Beach in continuing its heritage of quality residential living complemented by resort facilities that support a tourist-based economy by creating a vision for the City's future that ensures that the City will remain a desirable place to live and visit that includes overall quality land management and emphasis on strict management of redevelopment in designated strategic core areas of the City.

II. Future Land Use Plan Element

Future Land Use Policies - Green Practices, Residential Character and Introduction to Land Use Categories

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.

Objective 2.13

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

Special Designation – Community Redevelopment District (CRD)

C. Gulf Boulevard Redevelopment District

Goals, Objectives and Policies for the Gulf Boulevard Redevelopment District

GOAL 1:

Gulf Boulevard shall be a place that attracts people for living, employment and recreation. The City shall encourage the revitalization of Gulf Boulevard through commercial and temporary lodging redevelopment that will attract residents and visitors to the Gulf Boulevard core resort area as a recreation, entertainment, resort and shopping destination.

Objective 1.6

Public beach access will be preserved and expanded through redevelopment of temporary lodging uses.

GOAL 3:

Maintain and improve Gulf Boulevard as a memorable place to be enjoyed by residents and visitors that emphasizes pedestrian mobility, waterfront and Gulf beach access, a quality built environment that focuses on retail services and entertainment.

Objective 3.3

Redevelopment is encouraged to create a vibrant Gulf Boulevard core resort environment containing a variety of building forms and styles of exceptional architectural design and high quality finishes that respect the Gulf Boulevard resort character and heritage, increase Green space, reduce paved surface parking, increase side yard setbacks, increase setbacks from Gulf Boulevard, and provide amenities, retail services, restaurants and waterfront beach bars that serve guests and residents alike.

Policies

Policy 3:

The design of all projects in the Gulf Boulevard Redevelopment District shall make meaningful contributions to a safe and comfortable pedestrian environment through site and building design, internal connections between adjacent properties, and external connections to and along Gulf Boulevard.

Policy 11:

A Transportation Management Plan (TMP) shall be required on all development and redevelopment that increases density or intensity of development on a site. Physical and operational improvements and strategies should be considered as part of any project Transportation Management Plan.

Boutique Hotel/Condo District (B-HC)

Policies

Policy 3:

All development and redevelopment projects may be required to provide an easement to the City for unimproved public access landward of the mean high water line to provide a continuous, uninterrupted pedestrian beach system.

Policy 4:

Professional landscaping and design standards consistent with the standards contained in the LDC shall be the minimum required on the entire building site for new development that exceeds 75% of the buildable site, with particular emphasis on the Gulf Boulevard frontage and screening from any adjacent low-rise residential use that may include landscaping and privacy walls. Landscape design, including the type and quantity of plant material as well as creative tropical hardscape designs, shall be consistent with the quality and character of a high quality tropical resort destination

Policy 5:

Increased building setbacks from Gulf Boulevard shall be required for increases to building height allowed for temporary lodging uses.

(2) Whether the proposed use will be compatible with the character of the existing area, including existing structures and structures under construction, existing public facilities and public facilities under construction, and residential, commercial and/or service facilities available within the existing area. More specifically:

- a. **Whether the overall appearance and function of the area will be significantly affected. Consideration shall be given to the existence of other uses in the area, based on the number, size, and location of the uses and the intensity and scale of the proposed and existing uses in the area;**

The proposed hotel has a greater number of stories than either abutting property, with the property to the south having four stories above parking and the property to the north having two total stories. The property to the south appears to have a higher density per acre compared to that of the subject site, while the property to the north appears to have a lower density per acre. Staff find that the overall function of the area will not be significantly affected, given that the district and vicinity has historically featured boutique hotels and the three properties to the immediate south of the subject property feature structures of four-to-six stories above parking. Staff find that revitalization of temporary lodging properties in this district is a goal of the City and find the project would have a positive impact should potential concerns be mitigated.

- b. **Whether the application will preserve any city, state or federally designated historic, scenic, archaeological, or cultural resources;**

This application does not impact any known city, state or federally designated historic, scenic, archaeological, or cultural resources.

- c. **Whether the application will be compatible with adjacent development, if any, based on characteristics such as size, building style and scale; or whether such incompatibilities are mitigated through such means as screening, landscaping, setbacks, and other design features.**

The building contains more stories than the buildings to the north and south, although it appears to meet the City's step-back height standards for developments in the district as well as required setbacks from abutting properties. The applicant has indicated that landscaping will be installed along the southern end of the site, and limited landscaping will be installed along the northern side.

The building appears to be set more toward the northern end of the site than the south, and the southern side of the building only has a portion in which all five floors extend to the minimum setback; the remainder of the building is recessed, with only an elevated deck present at the minimum setback. The northern side extends to the minimum setback of 10% of the lot width, although this side does contain insets which somewhat recesses the upper stories of the building near the rear of the lot.

- (3) **Whether the application will have significant adverse impacts on the livability and usability of nearby land due to noise, dust, fumes, smoke, glare from lights, late-night operations, odors, vehicular traffic, truck and other delivery trips, the amount, location, and nature of any outside activities, potential for increased litter, or privacy and safety issues. Whether the transportation system is capable of adequately supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, if any, site access requirements, neighborhood impacts, and pedestrian safety;**

Staff are recommending conditions to mitigate noise from outdoor eating and drinking areas proposed for the resort and will require during site plan review that all vehicular areas are screened from adjacent properties through a fence, wall, or landscaping. Staff are also recommending the applicant explore alternatives to establishing an additional curb cut along Gulf Blvd for a loading area as depicted on the site plan. If the loading area remains, staff are proposing that a wall, fence or landscaping of sufficient height to prevent headlight glare on adjacent properties be installed along the northern side property line.

Customer areas at the resort appear to be relatively contained to elevated spaces, including an elevated deck, and staff do not anticipate issues with increased litter. With the exception of one unit per floor that is located on the northern side of the structure, the majority of lodging units are located along the southern enclosed end of the building which overlooks the on-site deck and parking lot rather than abutting properties.

The applicant shall be required to submit a Transportation Management Plan (TMP) prior to conditional use approval to demonstrate and mitigate any potential impacts on the local road network. The applicant shall also pay multimodal impact fees for increased intensity and density at the site, or demonstrate through an independent fee analysis that said fees are not required. Staff do not anticipate any impacts from on-street parking, as no such parking is proposed or eligible to be reserved for resort use. The applicant will be required to install a ten-foot sidewalk with pedestrian-scale lighting, amenities and shade trees, and staff are recommending that a pathway be established from the sidewalk to the front of the building to provide additional pedestrian comfort.

The City currently operates a "Freebee" shuttle service which is available to all properties south of the County Beach Parking Lot, which includes the subject property.

- (4) Whether the minimum off-street parking area required and the amount of space needed for the loading and unloading of trucks, if applicable, will be provided and will function properly and safely;**

The subject property is below the threshold required to provide an off-street loading area, but the applicant has proposed space and a separate curb cut on the site to accommodate a truck unloading area. The area appears to meet the city's dimensional standards for such a loading space. However, staff are recommending the applicant explore options to consolidate the proposed curb cut with the existing entrance so as to reduce the number of connections of the site to Gulf Boulevard.

The site does not provide a sufficient number of dedicated parking spaces that meet City code requirements to accommodate the proposed number of hotel units and amenity space. In lieu of self-service parking spaces, the applicant has proposed an under-building parking plan that will provide 78 spaces, the number required for the resort, with valet stacked parking. This request is explored in more detail in the accompanying variance request.

- (5) Whether generally, the public health, safety and welfare will be preserved, and any reasonable conditions necessary for such preservation have been made;**

Staff are recommending conditions related to mitigation of noise associated with outdoor uses such as restaurants, prohibiting the conversion or operation of the temporary lodging use as a residential use, vehicular area screening, and landscaping maintenance. Other conditions that preserve the health, safety and/or welfare may be imposed by the City Commission in the approval of this project.

- (6) Whether the applicant has demonstrated the financial and technical capacity to complete any improvements and mitigation necessitated by the development as proposed and has made adequate legal provision to guarantee the provision such improvements and mitigation;**

The applicant states that they have more than forty years of hospitality experience and recently completed a 125-room upscale hotel in Madeira Beach. They further state they have a financially strong and stable team of investors.

- (7) Whether the proposed use complies with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the regulations of the City of St. Pete Beach.**

Staff have been in contact with the applicant for several months and have discussed requirements imposed by the Land Development Code, many of which have been integrated into the site plan which accompanies this request. Staff will ensure that all criteria imposed by the Land Development Code, as well as any conditions of approval for this request, are evaluated and accepted at the appropriate time.

Sec. 4.12. - Criteria for review of conditional use applications.

(a) Conditional use applications within the community redevelopment district shall be evaluated upon the extent to which the applicant can demonstrate that the following issues are addressed in a manner consistent with the policies established in the community redevelopment plan for the district and that no unreasonable or disproportionately negative impacts are imposed upon adjacent or nearby properties:

- (1) Utility infrastructure, including sanitary sewer, reclaimed water, potable water, electric and natural gas services, and data transmission and telecommunications services;**

The applicant understands that the Certificate of Occupancy for new construction will be delayed until such time as the sewer project currently underway has been completed, and has stated to Staff that they will time their construction completion to coincide with the completion of the sewer. If the sewer meter is required to be expanded, impact fees will be collected at the time of permit issuance in accordance with the local fee schedule.

Staff have advised the applicant to delay the installation of the ten-foot sidewalk until utility services along Gulf Boulevard have been undergrounded, and have provided a three-year window for such installation. The applicant has indicated they intend to comply with the request.

- (2) Transportation infrastructure, including ingress and egress from public rights-of-way, traffic control devices and signalization, internal vehicle circulation of the site, design and function of parking areas, loading and unloading areas, pedestrian transit infrastructure and amenities, and public sidewalks and roadways;**

The under-building parking arrangement is not in compliance with City codes, necessitating a variance. Staff are further recommending the applicant seek an alternative for the truck loading arrangement proposed for the front of the site.

Pedestrian amenities, as required by Code, shall be reflected on the final site plan.

(3) Hydrological features and storm water management infrastructure;

The applicant shall be required to adhere to the City's standards for flood control and site drainage as found in Code of Ordinances Chapter 106.

(4) Aesthetic and architectural features of the development, including site layout, physical dimensions of structures such as height and massing, design and appearance of building facades, exterior building materials, advertising and directional signage and the provision and maintenance of Gulf and Bay views and vistas;

The applicant states they are committed to building an aesthetically pleasing hotel that features both modern amenities and versatility, and is compliant with all building requirements regarding design and appearance. The Land Development Code does not impose certain architectural styles on new developments within the Community Redevelopment District, but does provide select standards related to breaks in massing and building planes and requirements that elevations be covered in a certain percentage of windows or architectural decoration. Staff have indicated to the architect that these items will need to be affirmed on elevations provided during the site plan review process.

The building appears to meet the height step-back standards imposed by the Land Development Code for the district, as well as required setbacks. Unlike its neighboring Large Resort District, the Boutique Hotel/Condo District does not explicitly allow for the City Commission to increase side setbacks for building portions that exceed 50 feet in height when determined to be in the public interest.

The applicant is proposing two signs per the elevation renderings which will be required to meet size and lighting standards as applicable. A maximum of three exterior signs are permitted for the site.

(5) Site landscaping, open space provision and impervious surface limitations;

The applicant shall be required to provide a minimum eight-foot-wide landscaping zone at the front of the property adjacent the expanded sidewalk except for where driveways cross property lines. As the property abuts resort condominiums and timeshares landscaping buffering is not required along the side property lines as a result of the use, but adequate landscape or barrier screening of the parking lot shall be required on both the southern and northern ends of the site.

The site is limited to an absolute maximum impervious surface ratio of 0.85, which the applicant acknowledges is not variable.

(6) Operational and functional requirements of facilities, including hours of operation, provision of required services or amenities, lighting requirements, noise abatement requirements, residency limitations and facilities maintenance;

Staff have expressed to the applicant that the development shall comply with all local codes related to lighting, including marine turtle protection lighting standards imposed by both the city and county. The applicant shall be required to comply with operational and occupancy restrictions imposed by the Land Development Code, including the prohibition on conversion of units to residential at existing density and height, inability to use units for homesteading or home occupational licensing, and requirements for filing of covenants prohibiting conversion to permanent residential dwellings, as listed in the Land Development Code. Conditions for noise abatement have been proposed by staff. The applicant shall be responsible for facility upkeep as regulated in the Code of Ordinances.

(7) Fire suppression and facility security;

The applicant shall be required to follow site requirements for fire access to the structure, including provisions for an access road, a truck maneuverability exhibit, and other requirements of the Fire Marshal.

(8) Emergency management and hurricane evacuation provisions; and

The use shall comply with all county and local hurricane closure and evacuation procedures that will ensure orderly evacuation of guests and visitors prior to evacuation orders being issued for residents. The restrictions and procedures contained within the hurricane closure and evacuation plan shall apply to all on-site workforce living accommodations, as applicable.

(9) For temporary lodging uses taller than 50 feet in height or a density greater than 30 units per acre, the following additional issues shall be considered:

a. The amount of separation provided between the proposed temporary lodging use and any existing buildings on adjoining properties and resulting impact on sunlight and views; and

The building is proposed at a 12'-8" side setback on the northern side, and a 23'-6" side setback on the southern side, which complies with the BHC District standard of a combined side yards measurement of 30% of the lot width. As lot width is defined as "the average distance between the property lines connecting the front and rear zoning lot lines at each side of the zoning lot", the setback is slightly lesser (about half a foot) than it would be had the front and rear lot lines been completely perpendicular.

b. The proximity of any adjacent residential building to the Florida Coastal Construction Control Line and the degree to which the proposed temporary

lodging use and/or any accessory use or structure maintains an open view of the waterfront from neighboring properties.

The proposed rear setback of the structure from the CCCL, with 10' required to the building face and 7' to any open stairs or balconies, appears to be similar to the structure to the south and appears to encroach to a greater degree toward the CCCL than the structure to the north. However, the slant of the properties relative to the beach means that the impact on waterfront views of a property to the north appears to be lesser than one to the south, all else equal.

(b) Any of the foregoing elements may be omitted from the conditional use application upon agreement of the city commission.

(c) Content additional to the foregoing may be included in the application, so long as such content is consistent with the applicable requirements of this Code.

In addition per LDC Division 4, Conditional Use Permits, Section 4.11, Conditional uses in designated community redevelopment district:

It is the intent of the city that the aesthetic and functional characteristics of new development shall be regulated to insure consistency with the stated objectives of city redevelopment policy and that all new development is undertaken in a manner consistent with the best interests of the community. In instances of development projects which are of significant density or intensity, the complexity of the construction and operation of such projects require a higher than usual level of public security and technical review prior to permitting, and necessitate the articulation of specific requirements on the part of both the developer and the city to ensure that such developments are in harmony with community character and consistent with the policies of the community redevelopment plan. The provisions of this section are intended to supplement the stated requirements of this division and other divisions of the Land Development Code and provide for the incorporation of provisions into conditional use approvals which address issues of public concern.

Variance Requested

The following unnecessary and undue hardship variance is being requested as a part of this Conditional Use application:

- 1) Division 23, OFF-STREET PARKING AND LOADING, Sec. 39.5 – Number of parking spaces required, the requirement for 78 parking spaces due to room count and amenity space, to be reduced to 57 self-park spaces and 77 spaces with a valet program.

Unnecessary and undue hardship variance. Standards of review for an unnecessary and undue hardship variance. The appropriate board of authority shall approve an unnecessary and undue hardship variance only if the variance applicant demonstrates by substantial competent evidence that all of the following are met and satisfied:

- 1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district;**

The applicant appears to have essentially maximized the ground-level parking layout that can be sustained without impacting side buffer landscaping or drive lanes. The Land Development Code currently permits valet parking but does not provide standards for tandem parking or other stacked arrangements without a variance. Valet arrangements such as the one proposed are uncommon in the City, but have been approved for at least one other similarly-sized hotel in recent years. The applicant states that the width of the lot does not permit ground-level parking and an access ramp to additional levels of parking.

- 2. The special conditions and circumstances do not result from the actions of the applicant or a prior owner of the property;**

The conditions and circumstances arise from a desire to redevelop the property, requiring applicable compliance with the City's parking standards. However, the applicant is not seeking other approvals that exceed the scope of the Code for standards such as density or intensity that would result in the need for a variance from required number of parking spaces.

- 3. Literal interpretation of the provisions of the Land Development Code deprives the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Land Development Code and results in unnecessary and undue hardship on the applicant;**

Staff find that the development generally meets the merit-based criteria adopted by the City for allocation of density pool units, and that the valet arrangement is an acceptable solution for meeting the development's parking requirements. Staff do find that an additional valet space could be established on the site to eliminate the need for a parking variance, and recommend that all 78 required spaces be reflected on a final site plan.

- 4. The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the comprehensive plan or the Land Development Code, nor will it permit an increase in development density;**

The hardship will not establish a use or structure that is not otherwise consistent with the Comprehensive Plan or Land Development Code and will not permit an increase in development density above that established for the district.

- 5. An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute hardship;**

Staff do not find that achieving greater financial return forms the basis of the hardship.

- 6. Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district;**

There is at least one hotel in the vicinity with a similar stacked parking arrangement to what is proposed here. The applicant states these arrangements limit off-site parking.

7. The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure; and

The applicant states that this request minimizes the potential scale and bulk of the building. Staff find that additional parking levels may be capable of being accommodated on the site, but find the request reasonable given the scale of the project and the apparent inability to accommodate additional marked stalls at the ground floor that are not stacked.

8. The requested variance is in harmony with the general intent and purpose of the comprehensive plan and the Land Development Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood.

Staff find the request is generally in line with comprehensive plan policies to reduce large expanses of parking surfaces as a way of regulating impervious surface, as well as land development code standards to mask parking from abutting properties. Staff do not find the request incompatible with the neighborhood and find that, should valet service be continuously offered to guests of the hotel as a free amenity, and should under-building valet service be spaced so as to not cause queuing into Gulf Boulevard, should not have a negative impact on the neighborhood.

(2) When application is made to the city commission for approval of a conditional use permit, any necessary variances shall be considered by the commission at the same time as the conditional use permit request. Such variances may be approved or denied by the city commission without regard to the disposition of the conditional use permit request.

(3) Any variance granted hereunder shall expire one year from the date of the development order providing for such variance, unless a building permit for the construction authorized by such variance is obtained within such time and said building permit has not expired prior to the completion of construction in accordance therewith.

STAFF RECOMMENDATION

It has been determined that the reviewing body (City of St. Pete Beach City Commission) is empowered under the LDC to grant a Conditional Use for application #20090 and a Variance for application #20091. Granting this request will not adversely affect the public interest and would be generally compatible with adjacent properties and other properties in the district provided the conditions as proposed by staff are adhered to. Should the City Commission grant the Conditional Use, the application should be subject to the following conditions:

Administrative Approval Requirements

1. No building permits associated with new construction for this request shall be issued prior to site plan approval;
2. The fifteen (15) temporary lodging units awarded from the Boutique Hotel/Condo Density Pool in combination with this request shall be returned to the Pool should a building permit not be obtained within one (1) year of the date of this conditional use permit approval, or should "continual construction" as defined in Division 2 of the Land Development Code cease, unless extended by action of the City Commission;

3. Should condition #2 listed above occur, the floor area ratio (FAR) of the structure shall be reduced in compliance with the equation listed in LDC Sec. 46.6(c);
4. The structure's temporary lodging unit FAR shall be based on the whole-unit density awarded from the density pool to the property when combined with base conditional density, rather than any fractional maximum;
5. The formal site plan submittal to accompany this application shall include building elevations and identification of the design and façade requirements listed in LDC Sec. 39.7 and 39.8 as may apply to this development, and said features shall be identified by the designer;

Property Frontage & Public Amenity Requirements

6. The existing sidewalk along the Gulf Boulevard frontage of 4200 Gulf Blvd shall be removed and replaced at the applicant's expense to accommodate a ten-foot-wide sidewalk that allows for safe, unobstructed and efficient pedestrian flow in front of the property. Any portion of the ten-foot sidewalk that extends into the subject property shall be provided to the City as a permanent public pedestrian access easement. The condition for an expanded sidewalk shall only become effective upon the City entering into an agreement with the Florida Department of Transportation (FDOT) that transfers the easement to the FDOT for the expanded sidewalk. The owner shall provide a cost estimate for the sidewalk and letter of credit or bond to the City prior to issuance of any site plan approval for this request, and the sidewalk shall be installed within three (3) years of the issuance of said approval;
7. The applicant shall submit a unified landscaping plan reflecting, at a minimum, an eight-foot landscape zone at the property's front adjacent the sidewalk, which meets all of the criteria of Land Development Code Sec. 39.10(b);
8. If viable, the existing public beach access located adjacent the subject property to the south shall be expanded to a minimum of ten (10) feet in total width along the entirety of the southern portion of the subject property between Gulf Blvd and the beach. A permanent pedestrian access easement shall be supplied to the City for the portion of this beach access that expands onto the applicant's property, and the easement shall be approved by the City Attorney prior to the issuance of any site plan approval associated with this request;
9. The applicant shall provide a pedestrian pathway that links the expanded front sidewalk with the front of the building. The pathway shall be constructed with a distinctive and visually-interesting paving pattern such as pavers or stamped concrete, and the design shall be approved by the Community Development Department prior to site plan approval;
10. The Applicant shall dedicate to the City an unimproved public access easement landward of the mean high water line for any portion of private property which extends to said line. This unimproved public access easement shall be a minimum of 10 feet in width. This unimproved public access easement shall be dedicated to the City prior to the issuance of the any site plan approval for the redevelopment. The form and contents of the public access easement shall be acceptable to the City Attorney;

Additional Landscaping & Irrigation Requirements

11. All vehicular use areas viewable from adjacent property shall be screened in accordance with the landscaping standards of LDC Sec. 22.7(b), with interior landscaping provided in accordance with LDC Sec. 22.7(c)&(d). The expanded pedestrian beach walkway specified in comment #4 may be credited toward the required width of the landscaping buffer located along the southern end of the site. However, under no circumstance shall the landscape portion of said buffer be reduced below three (3) feet in width. When hardship exists, interior

landscaped areas of the site can be consolidated and/or relocated with the approval of the Community Development Department, but under no circumstances shall the total required area of interior landscaped areas be reduced below that required for the site;

12. All landscaped areas of the site, inclusive of those listed in conditions #2 and #5, shall be irrigated and maintained in accordance with LDC Sec. 39.13;

Operational & Construction Requirements

13. The applicant shall comply with all operational and occupancy restrictions, limitations and prohibitions listed in LDC Sec. 39.6;
14. Multimodal impact fees shall be collected prior to issuance of any site plan approval associated with this project, at the rate listed in the General Fee Schedule of Chapter 150, Article II of the Pinellas County Code of Ordinances at the time of said approval. The density and intensity of the existing use at this site shall be credited against the collection of any new impact fees;
15. A listing of all equipment associated with outdoor areas which are proposed for the playing of music, including any rooftop bars or eating and/or drinking areas, shall be supplied to the Community Development Department for review prior to issuance of a Certificate of Occupancy for the development. At-grade areas in which music is proposed shall be subject to the noise ordinance contained in the City's Code of Ordinances. All roof eating and drinking areas, as defined in the Land Development Code, shall also be subject to the City's noise ordinance, except that no music shall be played in these areas between the hours of 10 p.m. and 7 a.m.;
16. Variance approval for the valet parking request shall be conditioned on the valet service operating continually for the life of the arrangement, with free service offered to guests of the resort. The applicant shall also submit a plan for the queuing of vehicles underneath the structure for approval by the City's Transportation Director prior to site plan issuance. Discontinuation of the service shall require the applicant to acquire off-site parking equivalent to the number of non-code-compliant spaces lost in the discontinuation, through an arrangement approved by the city;
17. Construction of the temporary lodging use shall incorporate at least two (2) of the eight (8) energy and environmental design features listed in LDC Sec. 39.9 as are appropriate to this use. Other emerging green building standards, and other certifications for building design such as wellness, may be considered in lieu of those listed following review and approval by the Community Development Department;

Concurrency Management Requirements

18. Concurrency Management Statements shall be submitted for potable water, sanitary sewer, solid waste, transportation facilities, and stormwater, and a Transportation Management Plan shall be submitted, prior to conditional use permit approval;

Violation of Stated Conditions

19. Any violation of these conditions and companion variance shall entitle the City Commission to modify or revoke the Conditional Use and Variance.



ARCHITECTU

ISTVAN L. PETERANECZ
AR94533
FLORIDA

ISSUED DRAWING LOG:

PROJECT NO: _____

ISSUE DATE:

08.24.2020

DRAWING TITLE:

SITE PLAN

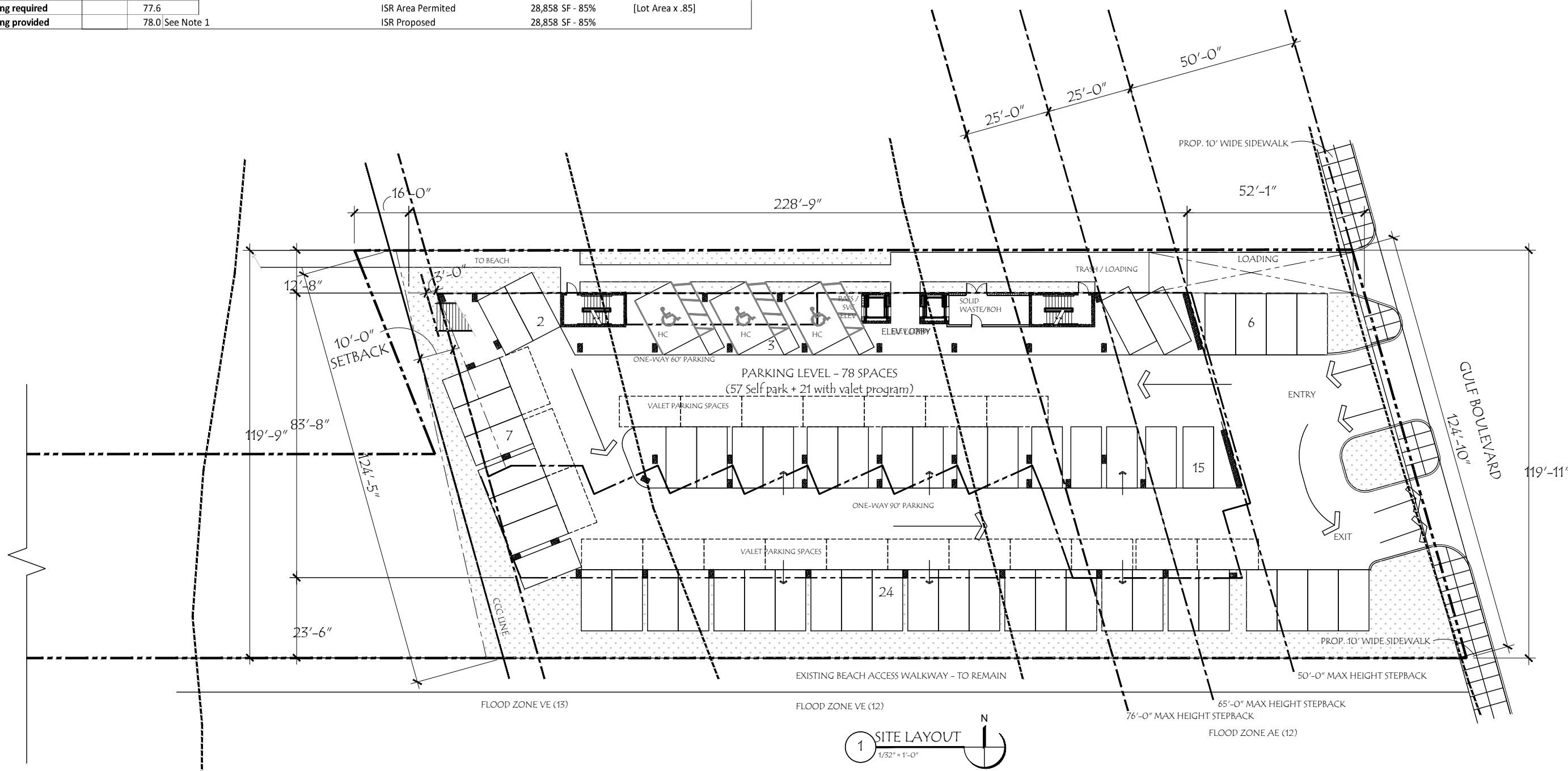
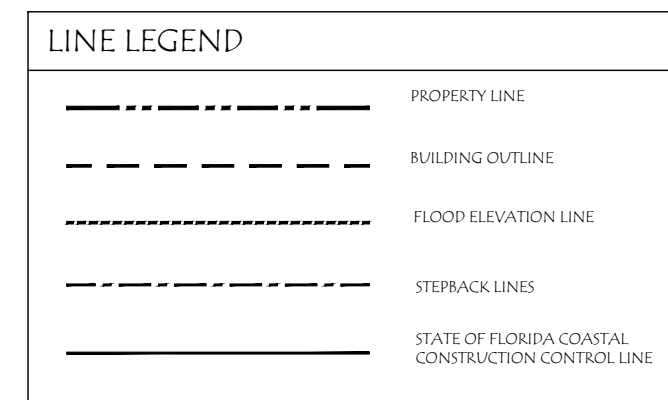
SHEET NUMBER:

A-101

EDITION:

Page 27 of 63

PARKING						
Transient Accommodations				Lot Area	33,950 SF	0.78 AC
1.1 per Unit	54	59.4		Units Permitted		54.56
Lobby, Conference, Fitness				Unit Area Permitted	40,920 SF	[54 x 750 SF + (750 SF x 0.56) = 40,920 SF]
1 per 1000 SF	3,190	3.2		Unit Area Proposed	40,911 SF	
Retail and restaurant				Amenity Area Permitted		
1 per 200 SF	1,800	9.0	Note 1.	0.2 FAR	6790 SF	
Office Space			57 spaces provided under self parking	Total Building Area Permitted	47,710 SF	[Unit Area + Amenity Area]
1 per 300 SF	1,800	6.0	77 spaces with valet parking program	Total Building Proposed	47,701 SF	
total parking required		77.6		ISR Area Permitted	28,858 SF - 85%	[Lot Area x .85]
total parking provided		78.0	See Note 1	ISR Proposed	28,858 SF - 85%	





THE INFORMATION HEREON IS THE PROPERTY OF BELMAN PETERANECEZ, INC. USE, DUPLICATION OR TRANSMITTAL WITHOUT WRITTEN PERMISSION IS PROHIBITED.

ISTVAN L. PETERANECEZ
AR94533
FLORIDA

MIREM

ISSUED DRAWING LOG:

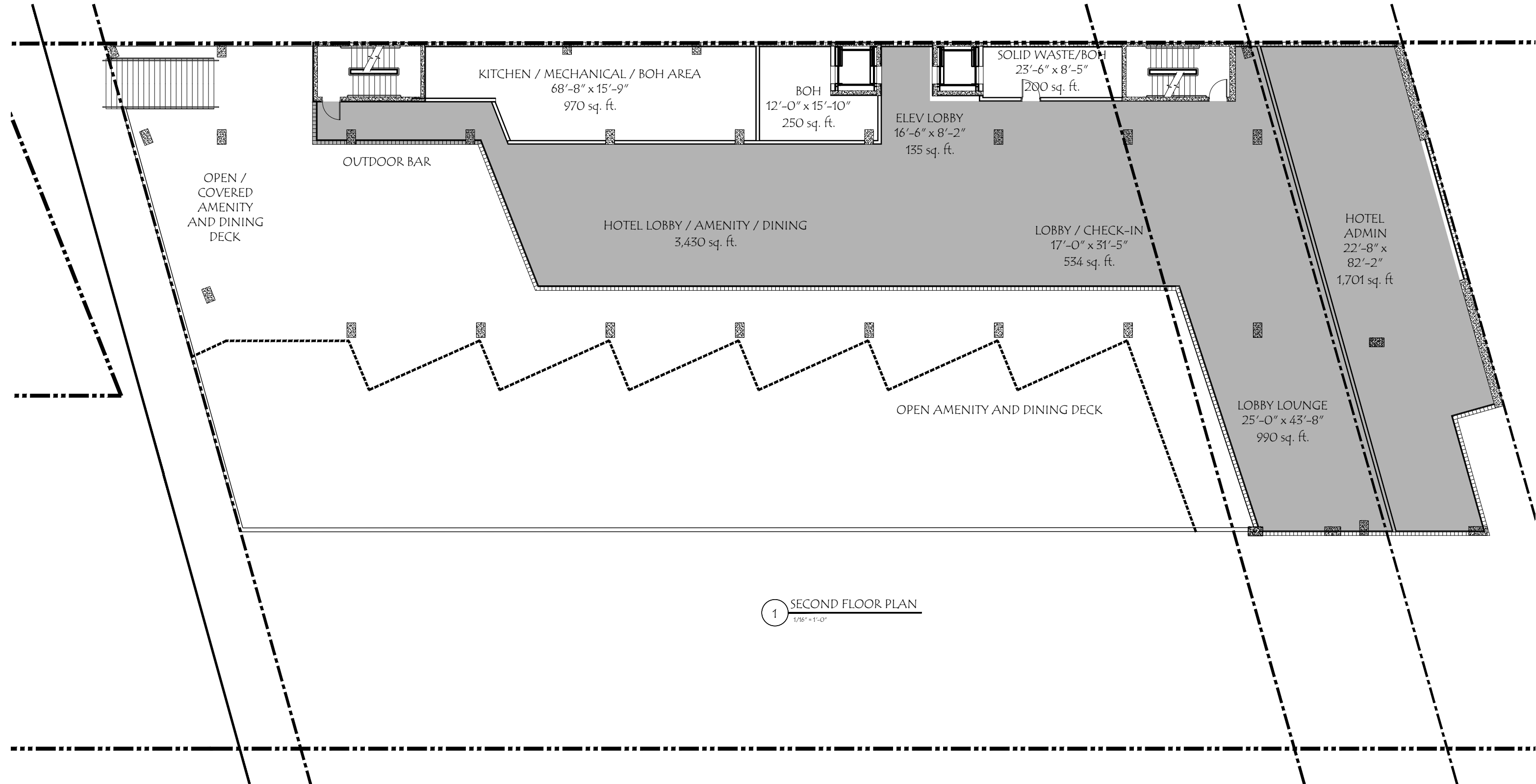
PROJECT NO: 19.11
ISSUE DATE: 08.24.2020
DRAWING TITLE:

SECOND FLOOR
PLAN

SHEET NUMBER:

A-102

EDITION:



1 SECOND FLOOR PLAN
1/16" = 1'-0"



AA26001704

Petera
ARCHITECTUR

Beban

THE INFORMATION HEREON IS THE PROPERTY OF BEBAN PETERANEZ, INC. USE, DUPLICATION OR TRANSMITTAL WITHOUT WRITTEN PERMISSION IS PROHIBITED.

ISTVAN L. PETERANEZ
AR94633
FLORIDA

MIRACLA

ISSUED DRAWING LOG:

PROJECT NO: 19.11

ISSUE DATE: 08.24.2020

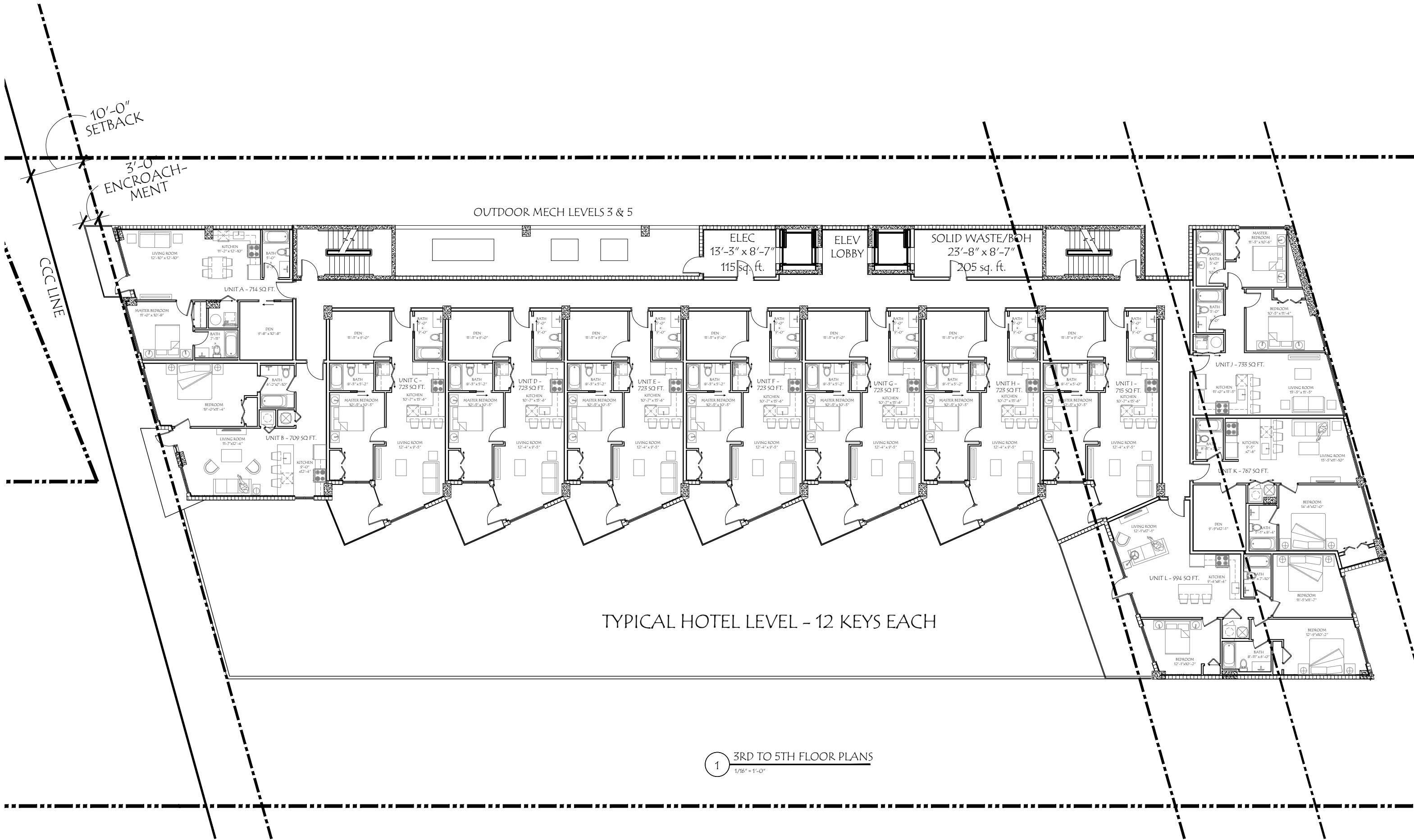
DRAWING TITLE:

THIRD TO FIFTH
FLOORS

SHEET NUMBER:

A-103

EDITION:





AA26001

Peteranez
ARCHITECT

Behar

THE INFORMATION HEREON IS THE PROPERTY OF BEHAR PETERANEZ, INC. USE, DUPLICATION OR TRANSMITTAL WITHOUT WRITTEN PERMISSION IS PROHIBITED.

ISTVAN L. PETERANEZ
AR94533
FLORIDA

MIRAGE

ISSUED DRAWING LOG:

△	
△	
△	
△	
△	
△	
△	
△	
△	
△	
△	

PROJECT NO: 19.11
ISSUE DATE: 08.24.2020
DRAWING TITLE:

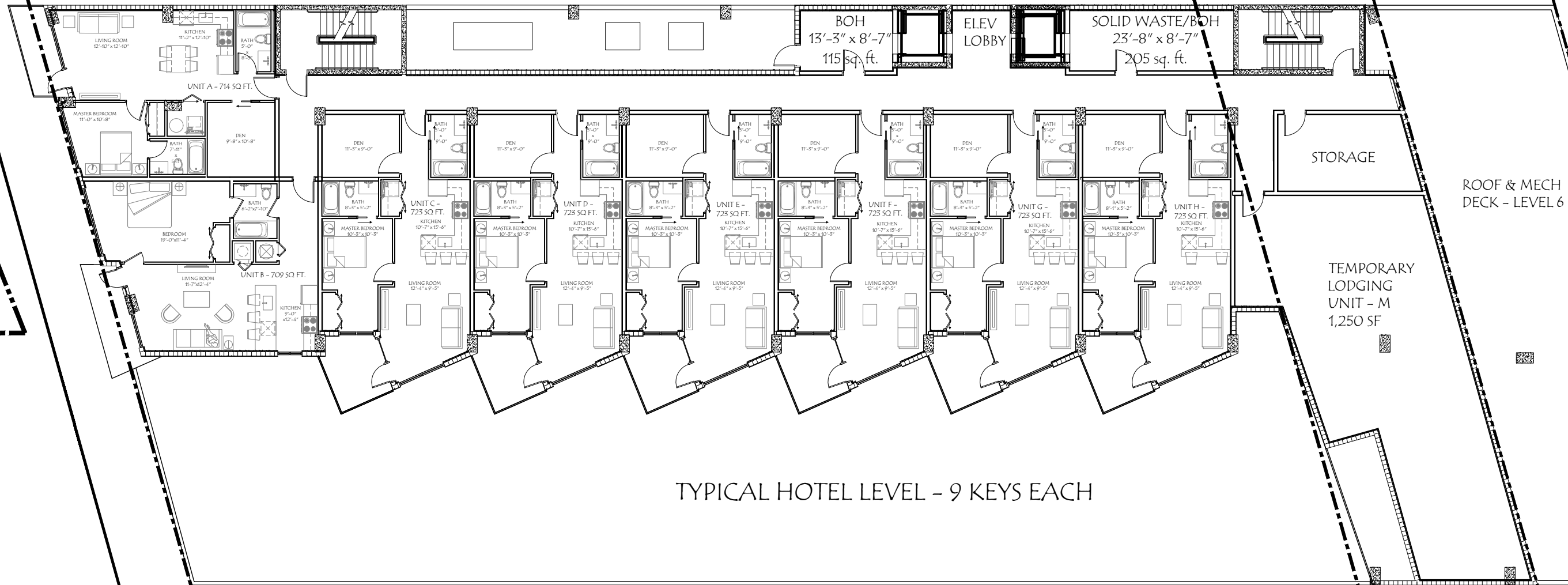
SIXTH AND SEVENTH FLOORS
SHEET NUMBER:

A-104

EDITION:

1 6TH & 7TH FLOOR PLANS
1/16" = 1'-0"

TYPICAL HOTEL LEVEL - 9 KEYS EACH





| AA26001

Peteranez

ARCHITECT

Behan

THE INFORMATION HEREON IS THE PROPERTY OF BEHAN PETERANEZ, INC. USE, DUPLICATION OR TRANSMITTAL WITHOUT WRITTEN PERMISSION IS PROHIBITED.

ISTVAN L. PETERANEZ
AR94533
FLORIDA

MIREANO

ISSUED DRAWING LOG:

△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____

PROJECT NO:

19.11

ISSUE DATE:

08.24.2020

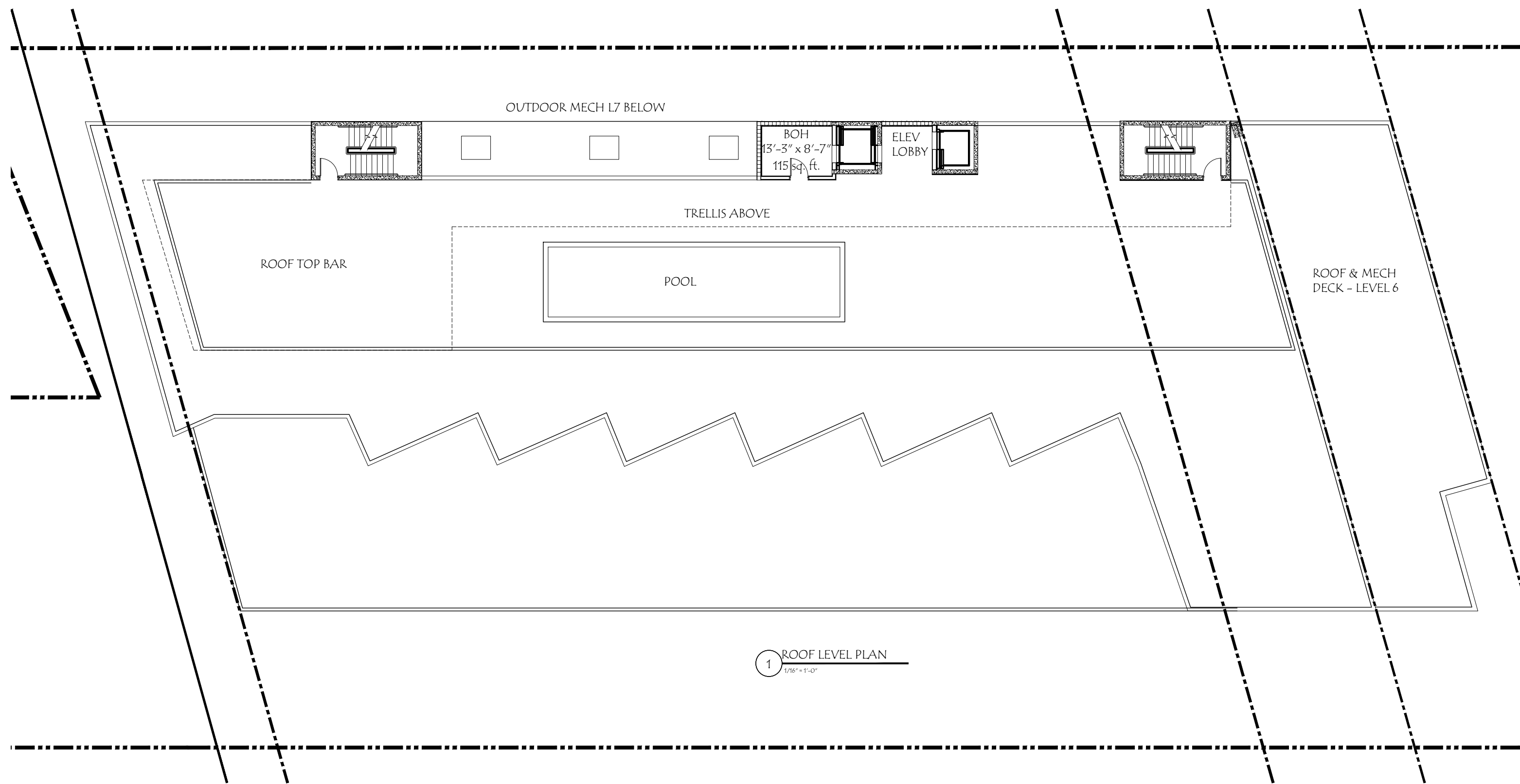
DRAWING TITLE:

ROOF LEVEL PLAN

SHEET NUMBER:

A-105

EDITION:





AA26001

Peteranez

ARCHITECT

Behan

THE INFORMATION HEREON IS THE PROPERTY OF BEHRN PETERANEZ, INC. USE, DUPLICATION OR TRANSMITTAL WITHOUT WRITTEN PERMISSION IS PROHIBITED.

ISTVAN L. PETERANEZ
AR94533
FLORIDA

MIRAMAR BEACH

ISSUED DRAWING LOG:

△	
△	
△	
△	
△	
△	
△	
△	
△	
△	

PROJECT NO: 19.11

ISSUE DATE: 08.24.2020

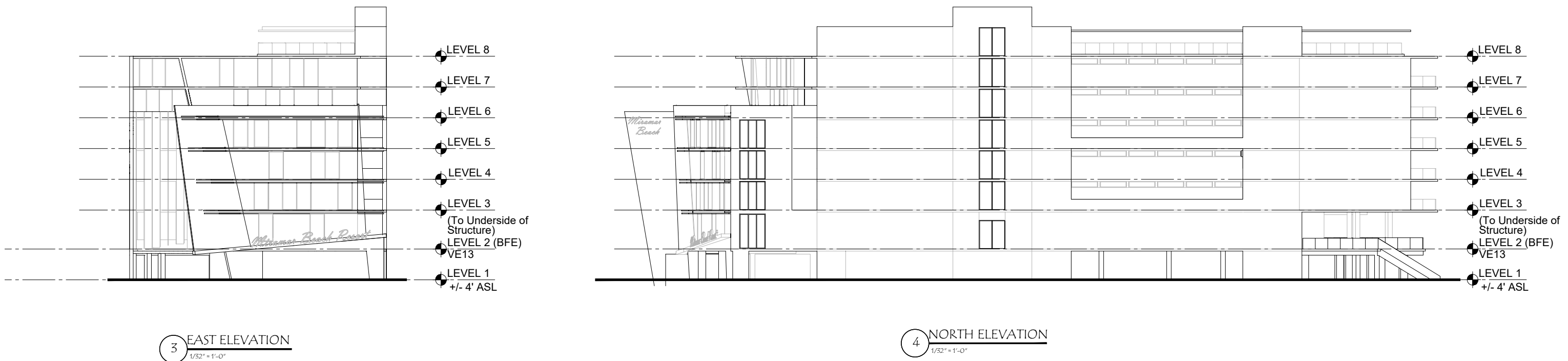
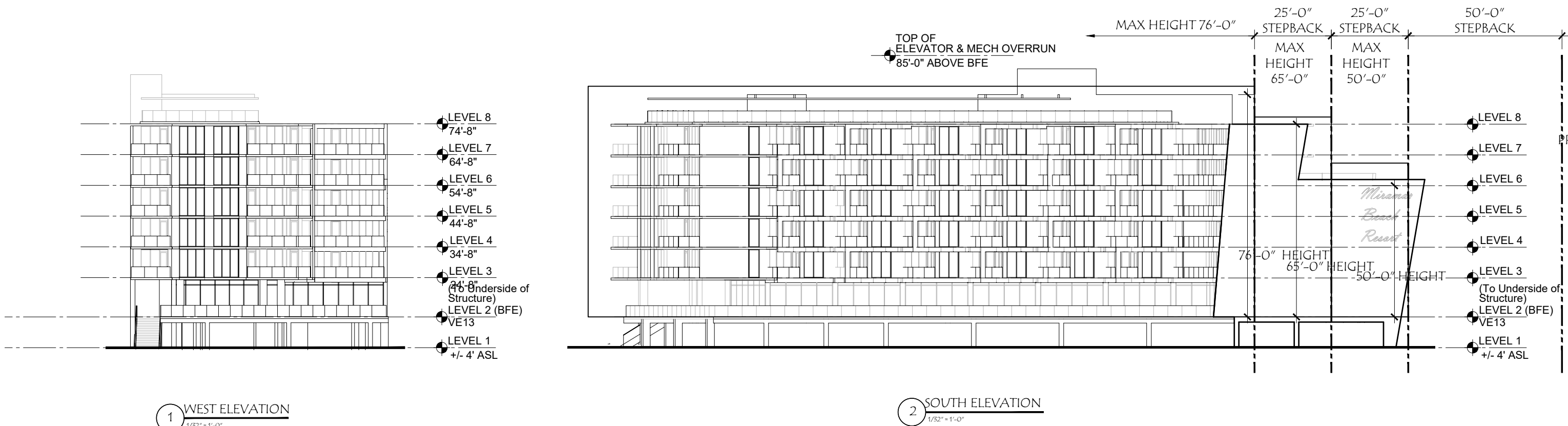
DRAWING TITLE:

EXTERIOR
ELEVATION

SHEET NUMBER:

A-201

EDITION:





1 NORTH-EAST AERIAL VIEW
NTS



2 SOUTH-EAST AERIAL VIEW
NTS



| AA26001

Petera

ARCHITECT

Behan

THE INFORMATION HEREON IS THE PROPERTY OF BERNARD PETERANECZ, INC. USE, DUPLICATION OR TRANSMITTAL WITHOUT WRITTEN PERMISSION IS PROHIBITED.

ISTVAN L. PETERANECZ
AR94533
FLORIDA

MIREANC

ISSUED DRAWING LOG:

△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____

PROJECT NO: 19.11

ISSUE DATE: 08.24.2020

DRAWING TITLE:

CONCEPTUAL
IMAGES

SHEET NUMBER:

A-301

EDITION:



1 EAST VIEW
NTS



2 WEST VIEW
NTS



| AA26001

Petera
ARCHITECT

Behan

THE INFORMATION HEREON IS THE PROPERTY OF BERNARD
PETERANECZ, INC. USE, DUPLICATION OR TRANSMITTAL
WITHOUT WRITTEN PERMISSION IS PROHIBITED.

ISTVAN L. PETERANECZ
AR94533
FLORIDA

MIREANC
7/20/2014

ISSUED DRAWING LOG:

△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____

PROJECT NO:

19.11

ISSUE DATE:

08.24.2020

DRAWING TITLE:

CONCEPTUAL
IMAGES

SHEET NUMBER:

A-302

EDITION:



1 NORTH-EAST STREET VIEW
NTS



2 NORTH-EAST AERIAL VIEW
NTS



| AA26001

Petera
ARCHITECT

Behan

THE INFORMATION HEREON IS THE PROPERTY OF BEHAN PETERANECZ, INC. USE, DUPLICATION OR TRANSMITTAL WITHOUT WRITTEN PERMISSION IS PROHIBITED.

ISTVAN L. PETERANECZ
AR94533
FLORIDA

MIREANC
7800 104

ISSUED DRAWING LOG:

△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____
△	_____	_____

PROJECT NO: 19.11

ISSUE DATE: 08.24.2020

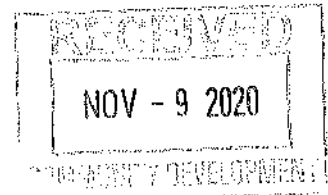
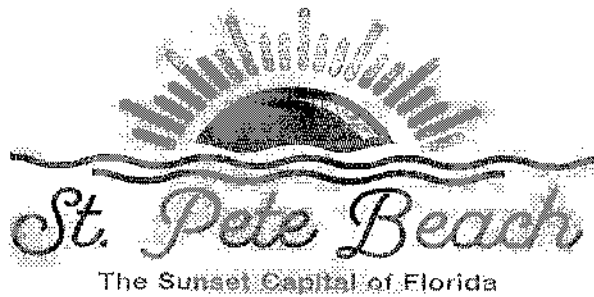
DRAWING TITLE:

CONCEPTUAL
IMAGES

SHEET NUMBER:

A-303

EDITION:



CONDITIONAL USE APPLICATION

Case Number: 20090

PROPERTY OWNER: Miramar Resort ST. Pete LLC APPLICANT/AGENT (Attach agent authorization form)

Name: Kevin Bowden, Managing Partner Name: _____

Address: 4729 Rue Bordeaux Address: _____

City: Lutz State: FL City: _____ State: _____

Zip: 33558 Telephone: 2072513815 Zip: _____ Telephone: _____

Email: kbowden077@gmail.com Email: _____

SUBJECT PROPERTY:

Address: 4200 Gulf Blvd Current Name of Business: Miramar Resort ST. Pete

Parcel ID: 073216073800000120 Name of Project: Miramar Resort

DETAILS OF THE REQUEST, INCLUDING APPLICABLE CODE SECTIONS AND ANY ASSOCIATED CASES (Add additional sheets if necessary):

The request is for an eight story (above parking), 54 Unit transient accommodation development. The proposed building consists of 78 parking spaces (under a valet parking scheme), 1 truck loading space solid waste area, on the ground floor,
6,700 SF of amenities on the second floor
five stories of transient units,
and an amenity and pool deck on the rooftop level.
The requested project density is 54 units, 39 units from base density (50 du/acre) with 15 units (20 du/acre) requested from the density pool. Total proposed density is 69.2 DU/Acre.

[Signature]
Signature of Applicant/Agent

11/9/20
Date

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

In order for an application for a conditional use to be approved or approved with conditions, the City Commission must make a positive finding with regard to each of the provisions below, pursuant to Division 4 of the City's Land Development (LDC). The applicant has the burden of proof demonstrating that the application for the conditional use complies with each of the requirements. Please explain in detail how your case meets these requirements (attach additional sheets if necessary):

1. LDC Sec 4.4(a)(1) Whether the conditional use is consistent with the goals, objectives, and policies of the Comprehensive Plan and any adopted special area plan.

The proposed development is in the B/HC Boutique Hotel District. The B/HC zone permits transient accommodations, anticipates heights up to 76 feet for temporary lodging (within required setbacks), and permits additional density(, up to 20 additional Density units, from a base of 50 DU/Acre), from the density pool.

2. LDC Sec 4.4(a)(2)a-d Whether the proposed use will be compatible with the character of the existing area, including existing structures and structures under construction, existing public facilities and public facilities under construction, and residential commercial and/or service facilities available within the existing area. More specifically:

- a. Whether the overall appearance and function of the area will be significantly affected. consideration shall be given to the existence of other uses in the area, based on the number, size, and location of the uses and the intensity and scale of the proposed and existing uses in the area;

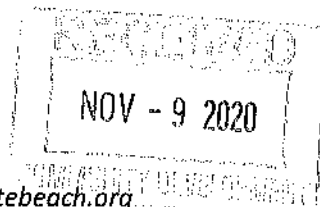
The proposed development is in character with the scale and uses within it's immediate neighborhood, and within the requirements and intent of the B/HC Boutique Hotel district. The immediate neighbors, to the south, are 4-8 Stories above garage.

Please see Exhibit B for more detail.

- b. Whether the application will preserve any city, state, or federally designated historic, scenic, archaeological, or cultural resources (check with Community Development to determine historic resource status);

N/A - There are no historic scenic, or cultural resources on site.

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



- c. Whether the application will be compatible with adjacent development, if any, based on characteristics such as size, building style and scale, or whether such incompatibilities are mitigated through such means as screening, landscaping, setbacks, and other design features;

The development is proposed as a 76 foot high condo-hotel development. The adjacent buildings are of similar height and are a mix of condominiums, condo-hotels, and transient accommodations. The architectural styles of the street vary greatly, from mid-century hotels to more modern condominium buildings. The primary style of the proposed project is a modernized take on mid-century modern, in keeping with the area.

- d. Whether the application will have significant adverse impacts on the livability and usability of nearby land due to noise, dust, fumes, smoke, glare from lights, late-night operations, odors, vehicular traffic, truck and other delivery trips, the amount, location, and nature of any outside activities, potential for increased litter, or privacy and safety issues;

The proposed project maintains will not adversely impact the livability or usability of the nearby area. The proposed uses are similar to the existing hotel uses and in keeping with the uses, intensity and type, of the adjacent properties.

Please See Exhibit C for more detail.

3. Whether the transportation system is capable of adequately supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, if any, site access requirements, neighborhood impacts, and pedestrian safety (a traffic study may be required);

Gulf Boulevard has been upgraded recently and the proposed project adds very few additional daily trips to the area.

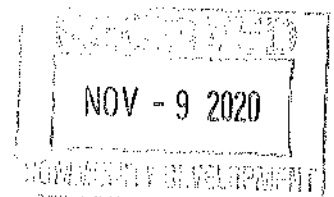
Please See Exhibit D for more detail.

4. Whether the minimum off-street parking area required and the amount of space needed for the loading and unloading of trucks, if applicable, will be provided and will function properly and safely (please provide current and proposed number of parking and loading spaces);

The current property has 24 parking spaces, trash dumpsters are adjacent to the public sidewalk, and loading is accommodated in the front access drives. The proposed design accommodates the required 78 parking spaces, within the ground floor of the building. We are requesting a variance in the parking via a valet parking program.

The One deliveries space and trash pick-up are behind the front building face and will be shielded from the adjacent properties.

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



5. Whether generally, the public health, safety and welfare will be preserved, and any reasonable conditions necessary for such preservation have been made;

The project will be constructed to all current building, ADA, and life-safety codes and standards.

6. Whether the applicant has demonstrated the financial and technical capacity to complete any improvements and mitigation necessitated by the development as proposed and has made adequate legal provision to guarantee the provision of such improvements and mitigation; and

Applicant has more than forty years of hospitality experience and recently completed a 125 room upscale hotel in Madeira Beach, FL. Our team of investors are financially strong + stable.

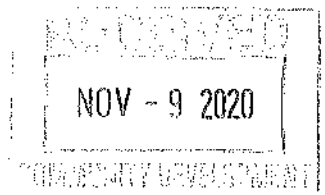
7. The proposed use complies with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the regulations of the City of St. Pete Beach.

In the planning of the proposed development, the applicant has worked with the City to ensure compliance with all local requirements and mandates.

Sec. 4.12 of the Land Development Code additionally requires conditional use applications within the community redevelopment district to be evaluated upon the extent to which the applicant can demonstrate that the following issues are addressed in a manner consistent with the policies established in the community redevelopment plan for the district and that no unreasonable or disproportionately negative impacts are imposed upon adjacent or nearby properties:

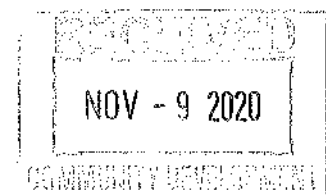
Please See Exhibit A

1. Utility infrastructure, including sanitary sewer, reclaimed water, potable water, electric and natural gas services, and data transmission and telecommunication services.
2. Transportation infrastructure, including ingress and egress from public right-of-way, traffic control devices and signalization, internal vehicle circulation of the site, design and function of parking areas, loading and unloading areas, pedestrian transit infrastructure and amenities, and public sidewalks and roadways.
3. Hydrological features and storm water management infrastructure.
4. Aesthetic and architectural features of the development, including site layout, physical dimensions of structures such as height and massing, design and appearance of building facades, exterior building materials, advertising and directional signage and the provision and maintenance of Gulf and Bay views and vistas.
5. Site landscaping, open space provision and impervious surface limitations.



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

6. Operational and functional requirements of facilities, including hours of operation, provision of required services or amenities, lighting requirements, noise abatement requirements, residency limitations and facilities maintenance.
7. Fire suppression and facility security.
8. Emergency management and hurricane evacuation provisions.
9. For temporary lodging uses taller than 50 feet in height or a density greater than 30 units per acre, the following additional issues shall be considered:
 - a. The amount of separation provided between the proposed temporary lodging use and any existing buildings on adjoining properties and resulting impact on sunlight and views; and
 - b. The proximity of any adjacent residential building to the Florida Coastal Construction Control Line and the degree to which the proposed temporary lodging use and/or any accessory use or structure maintains an open view of the waterfront from neighboring properties.



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

Exhibit A

Sec. 4.12

(1) We are aware the city is completing a upgrade to the sewer system that will service the property. We will not begin construction of said project until we can confirm the sewer project will be completed on time, and would not prevent us from receiving a C.O.

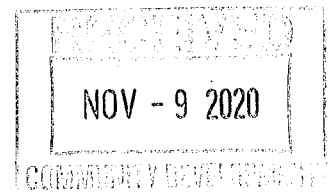
(2) The Site Plan calls for a 10 ft sidewalk for ingress and egress over the property.

(3) Applicant will be submitting a more detailed site plan at a later date, and all storm water drainage requirements

will be met.

(4) We have committed to building a aesthetically pleasing hotel that features both modern amenities and versatility, and is compliant with all building requirements regarding design and appearance.

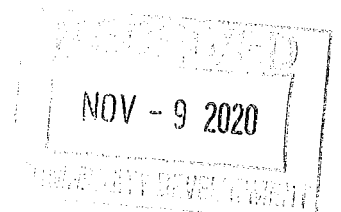
(5) We are aware that we are limited to 85% of impervious surfaces. And we are committed to providing a landscaping plan ~~throughout~~ throughout the property that meets all requirements of the Land Development Code.



(6) We pride ourselves on being good neighbors to the surrounding community. We are prepared to operate the facility within the rules and guidelines provided by the Land Development Code.

(7) We are prepared to follow and adhere to all fire suppression requirements and guidelines, as well as 24 hour camera surveillance security at every level of the building.

(8) We are prepared to enact an emergency management & hurricane evacuation plan that meets all local, state & federal laws.



(9)

(A) We have engineered and designed a hotel building that meets all setback requirements, and gave careful consideration to balcony placement ~~so~~ as to maximize sunlight and views without unnecessarily negatively impacting our neighbors to both the north and south.

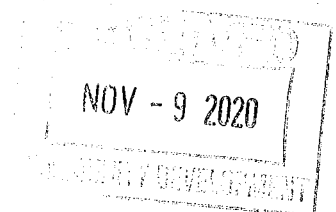
(B) The site plan layout and dimensions are in compliance with all zoning ordinances concerning the BHC. We designed a building that would reap the benefits of beautiful gulf views, while being careful + mindful not to obstruct open waterfront views of our adjacent neighbors.

NOV - 9 2020

Exhibit B

2 (b)

(a) ... and 2 stories above garage to the north. The proposed hotel building is stepped back on the south side with balcony views to preserve gulf views for both our guests and our immediate neighbor to the south. The north side of the building will be landscaped with cascading palm trees that do not impede views of the gulf.



2 (da)

Exhibit C

We recently opened a five story hotel in Madeira Beach that has a rooftop pool + bar. We were careful to choose lighting and paint colors that did not create glare issues, but yet provided safe, ambient lighting.

We have acoustic live entertainment on the roof from 6pm - 10pm Thursday through Saturday, and have had no noise complaints or issues with our surrounding neighbors. We are also controlling crowd size to mitigate potential noise issues.

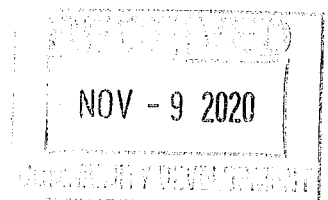


Exhibit D

(3) Although we are doubling the current number of units, from 27 to 54, several of the surrounding properties with similar uses are much larger.

If a traffic study is required of us then we will accommodate that request.

Additionally, we are happy to have discussions regarding expanding the width of the public beach access onto our property to improve public access.

The proposed building's parking needs and impact on the site are addressed under the Variance Application submitted more date.

NOV - 9 2020

CONDITIONAL USE APPLICATION

Applicants must acknowledge understanding of the following. Initial each of the statements below. If you do not understand any of these, staff will explain them to you.

KB I understand that the City will not accept or process an incomplete application.

KB I understand that a non-conforming use or structure in a particular zoning district does not, in any way, provide justification for the granting of a conditional use. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a conditional use.

KB On all conditional uses, a majority vote is required. Action on this application by the City Commission may be continued to a later meeting.

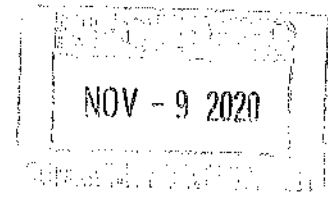
KB I understand that if a conditional use is approved by the City Commission, the applicant is required to obtain the appropriate building permits within 1 year from the date of the decision. If no permit is obtained within 1 year, the approval from the City Commission becomes voided.

KB 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 calendar days after the decision. Permits for construction may be granted prior to the expiration of this 30-day period, but an appeal will be grounds for revocation of the permit.

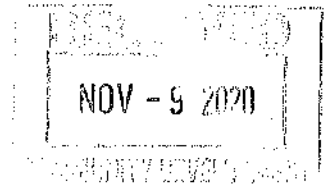
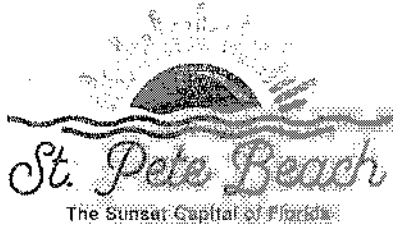
KB I understand that I, as the applicant, or my authorized representative must be present at all scheduled public meetings on the application.

After acknowledgement of these conditions, complete the application form on the following pages

X [Signature] 11/9/20
Signature of Applicant Date



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



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, Margaret Lasota + St Pete LLC, agrees to post the sign(s) in a conspicuous place, at the principal access to the property, in full view of the public, and not more than five (5) feet from the nearest street right of way or easement a minimum of seven (7) days in advance of the Public Hearing and remain in place until the requested action has been heard and decided. Multiple sign postings shall not be more than three hundred (300) feet apart. If the subject parcel(s) abut more than one (1) street, notices shall be posted along each street. When the subject parcel(s) does not front a public road, the sign shall be posted at the point on a public road by which the property is, or can be, reached.

The sign shall be maintained in good readable condition by the applicant. If the said sign is destroyed, lost, or becomes unreadable, the applicant or applicant's representative shall obtain a replacement sign. Any sign posted in accordance with these requirements shall be removed from the property and disposed of by the applicant or applicant's agent not later than 24 hours following the final decision.

Applicant/Agent (must fill out agent authorization form):

Name(print): Kevin Bowden

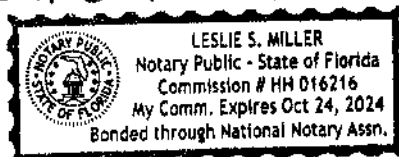
Address: 4729 Rue Bordeaux Lot 2 FL 33558

Signature: [Signature] Date: 11/9/20

STATE OF FLORIDA)
PINELLAS COUNTY) SS:

The foregoing instrument was acknowledged before me this 9th day of November 20 20 by Kevin Bowden, who appeared before me, and is personally known to me, or has produced _____ as identification, and did take an oath.

My commission expires: 10/24/2024



NOTARY: Leslie S. Miller
Print Name: Leslie S. Miller
Notary Public, State of Florida
(Notarial Seal)

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

Legend of Symbols & Abbreviations

- Set P.K. Nail & Disk
- (F)

Field Measurement
- (P)

Plat Reference
- (C)

Calculated Measurement
- TYP.

Typical
- P.S.M.

Professional Surveyor and Mapper
- ld.

Identification
- LB

Licensed Business
- OR

Official Records
- ⊕

Sign
- ☒

Air Conditioning Unit
- Square Post

⊕

Gas Valve

⊕

Gas Meter

⊕

Yard Drain

⊕

Fire Hydrant

⊕

Water Meter

⊕

Water Valve

⊕

Reclaim Water Valve

⊕

Electrical Pull Box

⊕

Electric Transformer

⊕

Electric Vault

⊕

Guy Wire

⊕

Light Pole

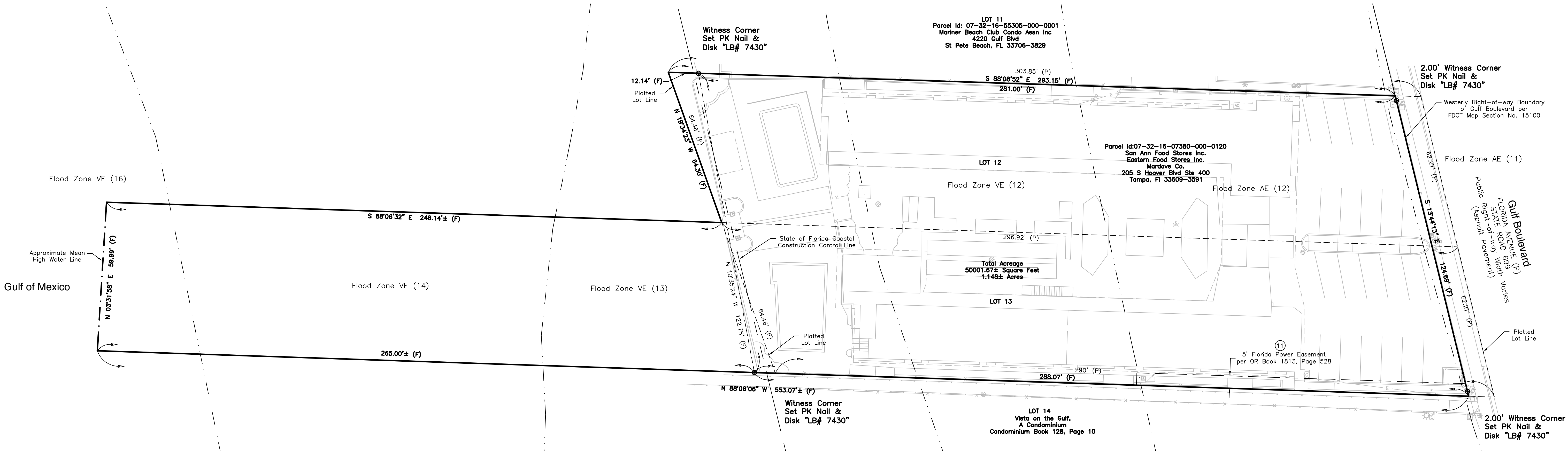
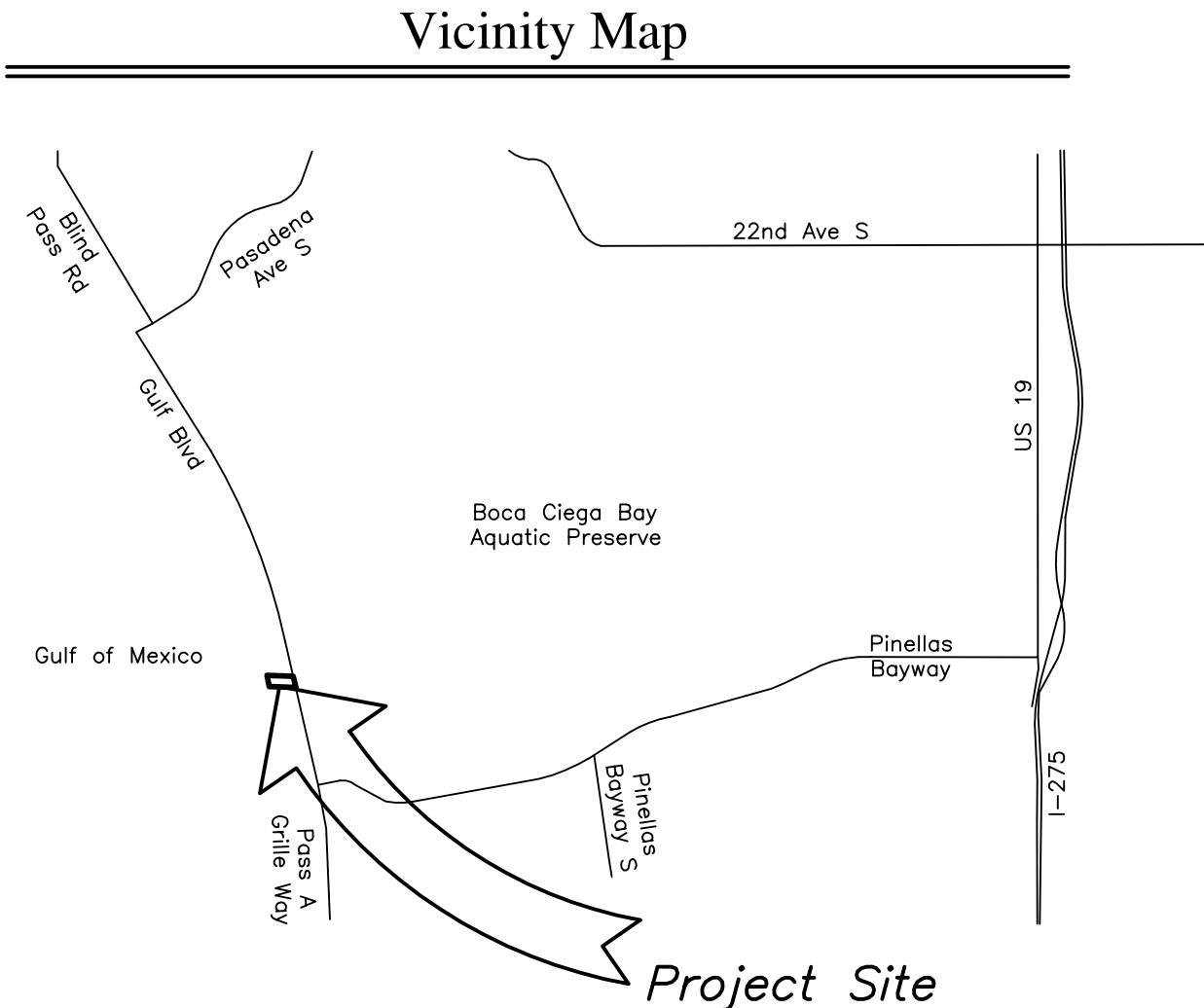
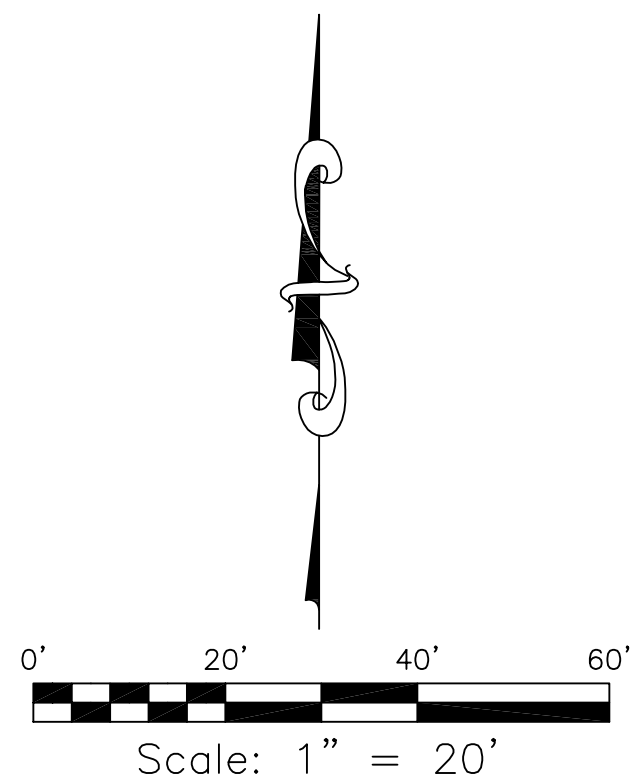
⊕

Power Pole

⊕

Round Post

ALTA/NSPS Land Title Survey
Miramar Resort
Section 7, Township 32 South, Range 16 East
Pinellas County, Florida



Statement of Potential Encroachments

- (A) Metal Shed encroaches over the South property line. (See Survey for extents)
- (B) Concrete wall is on the property line. (See Survey for extents)
- (C) Concrete wall is on the property line. (See Survey for extents)
- (D) Concrete wall at southeast corner of the property is over the line 0.1 foot.

Surveyor's Notes

- 1.) Not valid without the signature and original raised seal of a Florida Licensed Surveyor and Mapper.
- 2.) The bearing structure for this survey is based on a NAD 1983 Florida State Plane West Zone, bearing of S 13°44'13" E for the Easterly Boundary of Subject Property, also being the Westerly right-of-way boundary of Gulf Boulevard.
- 3.) The horizontal datum utilized for this project is NAD 1983 Florida West Zone, 2011 Adjustment, U.S. Survey Feet. Said datum was established by utilizing the Florida Permanent Reference Network (FPRN).
- 4.) No underground foundations or footers were excavated or located for this survey.
- 5.) Per Table A of the ALTA/NSPS requirements:
- a.) Item 6: a zoning report or letter was not provided to the surveyor by the client; therefore no zoning information is depicted hereon.
- b.) Item 11: All utilities depicted hereon are from visible evidence only. Surveyor did not contact subsurface utility locator service.
- c.) Item 16: there is no observable evidence of current earth moving work, building construction or building additions.
- d.) Item 17: there is no known proposed changes in street right-of-way and there is no observable evidence of recent street or sidewalk construction or repairs.
- 6.) Subject property has direct access to Gulf Boulevard, being a publicly dedicated Right-of-way.
- 7.) Parking spaces depicted hereon are shown only for reference.
- 8.) SurVtech was unable to find any property corners on site but was able to re-establish the property boundary by finding property corners along the right-of-way and using a previous survey, supplied by the client, to place the boundary. SurVtech also reviewed Condo Book 61, Page 4 and Condo Book 128, Page 11, for the adjoining properties, as a check.

Schedule B-2 Exceptions

per Title Commitment Order No. 6190576 issued by Fidelity National Title Insurance Company, bearing an effective date of January 25, 2017 at 5:00 PM.

Items not listed below are standard title exceptions and/or are not matters or issues that pertain to this survey.

- (11) Easement granted to Florida Power Corporation recorded in Official Records Book 1813, page 528. (Parcel II) Affects subject property as depicted hereon.
- (12) CATV Service Agreement recorded in Official Records Book 5082, page 1743. (Parcel II) Document does not provide a legal description of the premises. Surveyor is unable to determine if the document pertains to subject property. However, document is blank in nature.
- (13) Memorandum of Agreement by and between Paragon Communications and Milos Coso d/b/a Miramar Hotel recorded in Official Records Book 6990, page 707. (Parcel I) Affects subject property. Lot 12 only. Blank in nature, not plotted.

Legal Description

PARCEL I
Lot 12, Bellevista Beach, according to the plat thereof as recorded in Plat Book 7, page 34, Public Records of Pinellas County, Florida. Less and except that portion conveyed to the State of Florida by Deed recorded in Official Records Book 1347, page 248, Public Records of Pinellas County, Florida.

PARCEL II
Lot 13, together with all land lying between the West lot line and the high water mark of the Gulf of Mexico and between the Northerly and Southerly lines of said Lot 13, extended to the high water mark of the Gulf of Mexico, Bellevista Beach, according to the map or plat thereof as recorded in Plat Book 7, page 34, Public Records of Pinellas County, Florida. Less and except that portion conveyed to the State of Florida in Deed recorded in Official Records Book 1402, page 16, Public Records of Pinellas County, Florida.

The above description is the same as the one described per Title Commitment Order No. 6190576 issued by Fidelity National Title Insurance Company, bearing an effective date of January 25, 2017 at 5:00 PM.

****Not Valid Without The Signature And The Original Raised Seal Of A Florida Licensed Surveyor And Mapper****

ALTA/NSPS Land Title Survey

Miramar Resort
4200 Gulf Boulevard
St. Pete Beach, Florida 33706

Surveyor's Certification:
This is to certify to Fidelity National Title Insurance Company; Bryan W. Sykes, PA and Greg Hughes that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2016, and includes Items 1-4, 6(a), 6(b), 7(a), 7(b)(1), 8-9, 11, 13, 16 and 17 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Florida the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

Stacy L. Brown
Florida Professional Surveyor and Mapper No: 6516
SurVtech Solutions, Inc.
Florida Licensed Business No. 7340

NUMBER OF PROVIDED PARKING SPACES	
TYPE OF SPACE	TOTAL PROVIDED
REGULAR	18
HANDICAP	0
TOTAL	18

FLOOD NOTE:
By graphic plotting only, this property is in Flood Zones "VE" & "AE"
Flood Insurance Rate Map: 12103C
Panel No.: 0278 G
Community Name/No.: City of St. Pete Beach/125149
Effective Date: September 3, 2003
Subject Property is in a Special Flood Hazard Area.
No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.

REVISION	DATE	INITIALS

SURVEYING TODAY WITH TOMORROW'S TECHNOLOGY

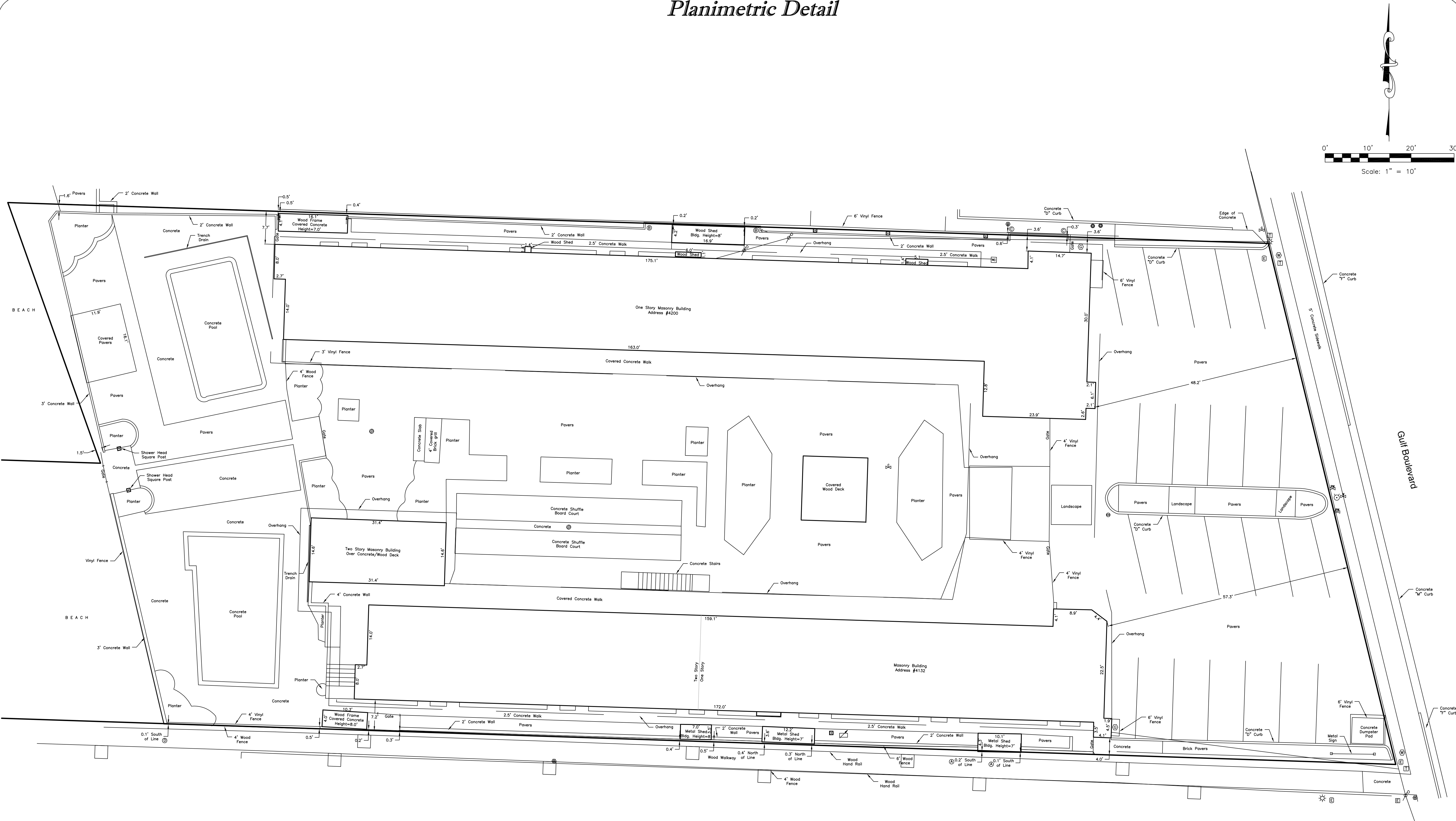
Drafted By: M. Rook
Date Drafted: 3/30/16
Approved By: S. Brown
Date Approved: 3/31/17

Drawing Name: 20170067_1A
Phase: 1
Field Date: 3/29/17
Field Book/Page: 17-08/36



SURVTECH SOLUTIONS, INC.
10220 U.S. Highway 92 East
Tampa, FL 33610
phone: (813)-621-4929
fax: (813)-621-7194
Licensed Business #7340
email: sbrown@survtechsolutions.com
http://www.survtechsolutions.com

Planimetric Detail



**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Ord. 2021-A Seawall Height

Date: December 14, 2020

Prepared By: Lynn Rosetti, Senior Planner

Through: Wesley Wright, Community Development Director

Summary of Issue: Ordinance 2021-A, amending the City's seawall measurement standards to adopt the North American Vertical datum mean sea level employed by FEMA, replacing the existing and outdated USCGS datum mean sea level.

Funding:

Requested Motion: A favorable recommendation of Ordinance 2021-A to the City Commission.

Attachments:

1. Cover memo Seawall Height Datum Change in COO
2. Ordinance-xx relating to seawall measurement datum Dec 2020 LR

CITY OF ST. PETE BEACH
PLANNING BOARD STAFF REPORT

TO: Planning Board

FROM: Lynn M. Rosetti, AICP, CFM, Senior Planner, Community Development Department

DATE: December 14, 2020

SUBJECT: Ordinance No. 2021-A providing for an amendment to modify the Code of Ordinances (COO) Article IV, Seawalls, Bulkheads and Retaining Walls, Section 98-100, Standards for seawalls, bulkheads and retaining walls not on the Gulf of Mexico, (1) Concrete seawalls, h; and Section 98-101, Standards for seawalls, bulkheads and retaining walls on the Gulf of Mexico relating to the specific elevation datum referenced in the Code.

BACKGROUND:

The use of the USCGS (U.S. Geodetic Survey) elevation datum for measuring seawalls is an outdated measure. Staff recommends modifying this measure to the North American Vertical datum which is in use by FEMA and is the preferred measure to ensure uniform measurement practices throughout the City, State, and Nation and to provide consistency with seawall measurement datum.

PLANNING BOARD:

Although this regulation is in the Code of Ordinances rather than the Land Development Regulations, thereby not requiring consistency review, the City is seeking the Planning Board's input prior to taking this Ordinance to the City Commission.

STAFF RECOMMENDATION:

Staff recommends the Planning Board acting in its capacity as the City's Land Planning Agency, recommend approval of Ordinance 2021-A which removes an outdated seawall height measurement and replaces it with the North American Vertical datum mean sea level measurement which will provided for consistent and updated seawall measurements going forward.

Attachment: Draft Ordinance 2021-A

ORDINANCE NO. 2021-A

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, AMENDING THE CODE OF ORDINANCES, ARTICLE IV – SEAWALLS, BULKHEADS, AND RETAINING WALLS, SECTION 98-100 – STANDARDS FOR SEAWALLS, BULKHEADS, AND RETAINING WALLS NOT ON THE GULF OF MEXICO, SUB-SECTION (1) CONCRETE SEAWALLS, PARAGRAPH H, PERTAINING TO ELEVATION DATUM FOR SEAWALLS; SECTION 98-101 – STANDARDS FOR SEAWALLS, BULKHEADS AND RETAINING WALLS ON GULF OF MEXICO; SUB-SECTION (8) PERTAINING TO ELEVATION DATUM FOR SEAWALLS, BULKHEADS AND RETAINING WALLS FRONTING THE GULF OF MEXICO; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, notice of this ordinance has been provided in accordance with applicable law; and

WHEREAS, the City Commission of the City of St. Pete Beach has determined that these amendments are a necessary update to the Code of Ordinances with respect to replacing current the City's standards for measuring the elevation of seawalls (U. S. National Geodetic Survey – USCGS – datum sea level), which is outdated, and utilize the North American Vertical datum mean sea level which is utilized by FEMA and is the preferred standard for measuring seawall height to ensure uniform measurement practices throughout the City, State and Nation and to provide consistency with seawall measurement datum.

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

SECTION 1. Recitals. The above recitals ("Whereas" clauses) hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. The provisions in this Section pertaining to the City's Code of Ordinances are amended as follows:

Sec. 98-100. - Standards for seawalls, bulkheads and retaining walls not on Gulf of Mexico.

- h. The elevation for all seawalls, bulkheads and retaining walls fronting on the bay shall be equal to or greater than elevation 5.0 USCGS North American Vertical datum mean sea level.

Sec. 98-101. - Standards for seawalls, bulkheads and retaining walls on Gulf of Mexico.

- (8) The elevation for all seawalls, bulkheads and retaining walls fronting on the Gulf of Mexico shall be equal to or greater than elevation 6.0 feet USCGS North American Vertical datum mean sea level.

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

SECTION 4. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect. It being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 6. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 7. Effective Date. This Ordinance shall take effect 60 days after adoption.

FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLI HEARING: _____

CITY COMMISSION, CITY OF ST. PETE
BEACH, FLORIA.

Alan Johnson, Mayor

**St. Pete Beach City Commission
Agenda Report**

Issue Considered: Ord. 2021-B Substantial Improvement Limit & Living Space Below BFE

Date: December 14, 2020

Prepared By: Lynn Rosetti, Senior Planner

Through: Wesley Wright, Community Development Director

Summary of Issue: Ordinance No. 2021-B, providing for an amendment to modify the Code of Ordinances (COO) pertaining to substantial improvement / substantial damage (50% rule) and allowed living area below the base flood elevation.

Funding:

Requested Motion: A favorable recommendation of Ordinance No. 2021-B to the City Commission.

Attachments:

1. Cover memo substantial improvement and living space below BFE
2. Ordinance-B substantial improvement and enclosed areas below BFE

CITY OF ST. PETE BEACH
PLANNING BOARD STAFF REPORT

TO: Planning Board

FROM: Lynn M. Rosetti, AICP, CFM, Senior Planner, Community Development Department

DATE: December 14, 2020

SUBJECT: Ordinance No. 2021-B providing for amendments to modify the Code of Ordinances (COO) pertaining to substantial improvement / substantial damage (50% rule) and allowable living area below the base flood elevation.

BACKGROUND:

With respect to the City's Floodplain Management regulations and the most recent Community Rating System 5-year review, the City found several areas worth reviewing. Specifically, they are as follows:

- The substantial improvement/substantial damage (50% rule) is an issue because on St. Pete Beach there is no time limit between permits in order to undertake building improvements. FEMA expressly prohibits "phasing" but on St. Pete Beach applicants can pull permits up to the allowed dollar amount, do the work and close out the project, and then come in even the next day and pull a new permit on the same property for additional work. According to building permit records, this has resulted in properties being greatly improved over time. Without adhering to FEMA's directives.
- Staff finds that the current method of permitting allows for back to back permits allow time between permits which potentially circumvents the FEMA rule on phasing with respect to the 50% rule. Therefore, staff is recommending there be additional time between in a cumulative manner that will establish a measurable standard that is enforceable and equitable.
- Include living area square footage allowed by FEMA below base flood elevation.

PLANNING BOARD:

Although this regulation is in the Code of Ordinances rather than the Land Development Regulations, thereby not requiring consistency review, the City is seeking the Planning Board's input prior to taking this Ordinance to the City Commission.

STAFF RECOMMENDATION:

Staff recommends the Planning Board recommend approval of Ordinance NO. 2020-xx relating to the substantial improvement / substantial damage (50% rule) and allowed living area below the base flood elevation.

ORDINANCE NO. 2021-B

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, AMENDING THE CODE OF ORDINANCES, ARTICLE I – IN GENERAL, SECTION 98-33 – FLORIDA BUILDING CODE, RESIDENTIAL; AMENDMENTS; SUB-SECTION (5) PERTAINING TO ELEVATION OF BUILDINGS AND ADDITION OF THE FEMA LIMIT ON LIVABLE SQUARE FOOTAGE BELOW THE BASE FLOOD ELEVATION; REVISING SECTION 98-122.4 – SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE DETERMINATIONS, PERTAINING TO THE TIME FRAME REQUIRED BETWEEN PERMITS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, notice of this ordinance has been provided in accordance with applicable law; and

WHEREAS, the City Commission has determined that buildings that are substantially improved (50% of the value of the existing structure) must be elevated (residential) or flood proofed (commercial) and therefore many property owners seek to make the maximum improvement possible without exceeding the 50% in order to avoid having to elevate or flood proof their buildings; and

WHEREAS, FEMA issues technical bulletins that give local enforcement officials guidance in interpreting and enforcing rules such as the 50% rule. FEMA's bulletin on the 50% rule strictly prohibits the phasing of an improvement in order to defeat the purpose of the 50% rule. This includes prohibiting the splitting of a renovation project that exceeds the 50% threshold into multiple building permits in order to avoid being considered a substantial improvement; and

WHEREAS, determining whether renovation projects are being phased requires a subjective determination and can be difficult to enforce without a specific adopted timeframe; and

WHEREAS, the adoption of a five (5) year time frame, providing that any further improvements undertaken within five (5) years cumulatively of when the permit is closed shall be presumed to be phase two of the same project, will establish a more objective standard and will be easier to enforce;

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

SECTION 1. Recitals. The above recitals (“Whereas” clauses) hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. The provisions in this Section pertaining to the City’s Code of Ordinances are amended as follows:

ARTICLE 1 – IN GENERAL

Sec. 98-33. - Florida Building Code, residential; amendments.

[The residential code, as adopted in section 98-26 is modified or amended as follows:]

Section R322.3.4 Walls below design flood elevation. Walls are permitted below the elevated floor, provided that such walls are not part of the structural support of the building or structure and:

1. Electrical, mechanical, and plumbing system components are not to be mounted on or penetrate through walls that are designed to break away under flood loads; and
2. Are constructed with insect screening or open lattice; or
3. Are designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such walls, framing and connections shall have a design safe loading resistance of not less than 10 (470 Pa) and no more than 20 pounds per square foot (958 Pa); or
4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), the construction documents shall include documentation prepared and sealed by a registered design professional that:
 - 4.1. The walls below the design flood elevation have been designed to collapse from a water load less than that which would occur during the design flood.
 - 4.2. The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the design flood. Wind loading values used shall be those required by this code.

Section R322.3.5 Enclosed areas below the design flood elevation. Enclosed areas below the design flood elevation shall be used solely for parking of vehicles, building access or storage. A maximum of 299 square feet below the design flood elevation may be utilized for living space. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators. The limitation on partitions does not apply to crawlspace foundations.

Storage shall be limited to items which otherwise would be stored outside a building or items normally used outside (e.g., grill, lawn mower, folding chairs, etc.). Access to enclosed areas shall be the minimum necessary to allow for permitted uses and limited to garage door and standard single exterior doors and one double entry door; sliding doors are permitted. All utilities such as electrical, heating, plumbing, and air conditioning equipment and other services facilities (including ductwork) must be elevated or floodproofed to the required elevation.

(Ord. No. 15-26, § 2, 9-22-15; Ord. No. 18-08, § 1, 2-26-19)

ARTICLE V – FLOOD HAZARD MITIGATION REGULATIONS, DIVISION 3, - ADMINISTRATION

Sec. 98-122.4. - Substantial improvement and substantial damage determinations.

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator shall:

- (1) Require the applicant to obtain an appraisal of the current market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this section is required.

For the purpose of making this determination, the cost to perform the improvements and the cost to perform the repairs shall ~~not be cumulative from project to project over a five-year period from the issuance date of the permit. Roofs and certain ancillary equipment, such as hot water heaters and AC systems, may be replaced as necessary as determined by the City's Floodplain Administrator.~~ Costs of improvements and costs of repairs shall include all costs attributed to a project and shall be determined:

- (1) By submission of a detailed cost estimate by a licensed contractor, provided such estimate includes all work required to complete the work described in the permit application;
- (2) By submission of a summation of the prevailing market cost for all materials and labor including all expenses normally charged or incurred if the work were performed by a contractor (e.g., construction supervision and management, insurance, overhead and profit, demolition, etc.); or
- (3) By the floodplain administrator if the applicant's submission and supporting data do not, in the opinion of the floodplain administrator, reasonably reflect the actual project cost; alternatively, the floodplain administrator may require submission of another estimate. If determined by the floodplain administrator the floodplain administrator may use (a) the most recent (at the start of construction) square foot valuation data for this area published by the International Code Council; (b) an estimated cost using current prices provided by Marshall and Swift; or (c) the replacement cost less the depreciation costs (at the start of construction) identified in a certified appraisal less than 12 months old.

(Ord. No. 15-26, § 1, 9-22-15; Ord. No. 18-08, § 2, 2-26-19)

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

SECTION 4. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect. It being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 6. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 7. Effective Date. This Ordinance shall take effect upon adoption.

FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLI HEARING: _____

CITY COMMISSION, CITY OF ST. PETE
BEACH, FLORIDA.

Alan Johnson, Mayor