



**PLANNING BOARD MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

155 Corey Avenue
St. Pete Beach, FL 33706

Monday, December 16, 2024
3:00 PM

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

1. Approval of the Agenda -

Action Request: Motion to approve the December 16, 2024 agenda.

2. Audience Comments -

Comments shall be limited to 3 minutes for general and agenda item comments. Public comment on agenda items will be allowed when that item is called. Please complete and submit a comment card to the Clerk.

3. Approval of Minutes

a. November 18, 2024 Meeting

4. Action Items -

a. Recommendation of Resolution 2024-12 (Conditional Use Permit #23085) to the City Commission for the Development of Windward Pass Resort [Parcel #s 07-32-16-18143-001-0010, 07-32-16-18143-001-0020, 07-32-16-07398-001-0170, & 07-32-16-07398-001-0230]

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, APPROVING A CONDITIONAL USE PERMIT, PURSUANT TO SECTIONS 39.6.(p), AND 42.4(b), (d), (g), & (h) OF THE LAND DEVELOPMENT CODE, TO ALLOW FOR THE DEVELOPMENT OF A 104 UNIT CONDO HOTEL, (38.8 UNITS PER ACRE), WITHIN A NEW SIX-STORY LODGING STRUCTURE THAT WILL EXTEND TO 54 FEET ABOVE BASE FLOOD ELEVATION WITH NON-HABITABLE OVERRUN NOT TO EXCEED 64 FEET ABOVE BASE FLOOD ELEVATION, AND INCLUDE AS SITE AMENITIES OUTDOOR MINI-GOLF, QUIET AND FEATURE POOLS, AND 12-SLIP

CLASS A LODGING DOCK, INCLUDE AS HOTEL BUILDING AMENITIES GROUND-FLOOR AND OUTDOOR SIXTH-FLOOR BARS AND SEATING AREAS, INDOOR BALLROOM AND RESTAURANT, AND INCLUDE IN A SEPARATE BUILDING AN ARCADE AND THREE-LEVEL GARAGE WITH SECOND AND THIRD-FLOOR OUTDOOR SEATING AREAS, TO PROPERTY WITH PARCEL NUMBERS OF 07-32-16-18143-001-0010, 07-32-16-18143-001-0020, 07-32-16-07398-001-0170, & 07-32-16-07398-001-0230; INCORPORATING THE CONDITIONS OUTLINED HEREIN; AND PROVIDING OF CORRECTION OF SCRIVENER'S ERROR AND AN EFFECTIVE DATE.

Action Options: Motion to recommend [approval/approval with conditions/denial] of Resolution 2024-12 to the City Commission.

b. Recommendation of Ordinance 2024-08 to allocate 104 units of temporary lodging density from the Town Center Corey Circle and Coquina West, Activity Center, and Bayou Residential Districts Temporary Lodging Unit Density Pool to property with parcel numbers of 07-32-16-18143-001-0010, 07-32-16-18143-001-0020, 07-32-16-07398-001-0170, & 07-32-16-07398-001-0230 (Windward Pass Resort)

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR THE ALLOCATION OF 104 UNITS OF TEMPORARY LODGING DENSITY UNDER THE PROVISIONS OF THE TOWN CENTER COREY CIRCLE, COQUINA WEST, ACTIVITY CENTER, AND BAYOU RESIDENTIAL DISTRICTS TEMPORARY LODGING UNIT DENSITY POOL, AS ESTABLISHED IN THE CITY OF ST. PETE BEACH COMPREHENSIVE PLAN, TO PROPERTY WITH PARCEL NUMBERS OF 07-32-16-07398-001-0170, 07-32-16-07398-001-0230, 07-32-16-18143-001-0010, 07-32-16-18143-001-0020; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

Action Options: Motion to recommend [approval/approval with modification/denial] of Ordinance 2024-08 to the City Commission.

c. Recommendation of Ordinance 2024-18, permitting substantial improvement exceptions for locally-designated historic resources that do not alter the exterior of the structure, to the City Commission.

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING THE CITY'S LAND DEVELOPMENT CODE DIVISION 28 – HISTORIC PRESERVATION, SECTION 28.5 – ORDINARY MAINTENANCE AND REPAIR, TO ALLOW FOR ADMINISTRATIVE EXEMPTIONS FROM THE SUBSTANTIAL IMPROVEMENT REQUIREMENTS FOR SUBSTANTIAL MAINTENANCE AND REPAIR TO HISTORIC STRUCTURES; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

Action Options: Motion to recommend [approval/approval with modification/denial] of Ordinance 2024-18 to the City Commission.

5. Discussion Items

a. Continued Discussion: Artificial Turf

Continued discussion on the use of artificial turf on property in St. Pete Beach.

6. Adjournment - Next meeting January 27, 2025 -

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 BOARD OF ADJUSTMENT MINUTES
November 20, 2024 – 2:00 P.M.
Commission Chambers

PRESENT: Denise Chase, Chair
Kathy Garchow, Vice Chair
Chris Core, Member
Dan Small, Member

ABSENT: Al Causey, Member

STAFF PRESENT: Kristin Coman, Senior Planner; Nancy Stuparich, Interim City Attorney, Vose Law; Ginny Bodkin, Deputy City Clerk; Brandon Berry, Senior Planner; Adam Poirrier, Acting Assistant City Manager

Chair Chase called the meeting to order at 2:00 P.M.

1. Approval of the Agenda -

Motion: Chair Chase moved, and Member Small seconded the approval of the November 20, 2024 agenda as presented; the motion carried unanimously.

2. Audience Comments – There were no comments.

3. Approval of Minutes – October 30, 2024

Motion: Vice Chair Garchow moved, and Member Core seconded the approval of the October 30, 2024 meeting minutes as presented; the motion carried unanimously.

The Deputy Clerk swore in all those who would be testifying before the Board.

4. Action Items

a. Case No. 24061 - 1950 Pass-a-Grille Way

Continued from October 30, 2024 meeting

Unnecessary and Undue Hardship Variances: Dustin Ballard, P.E. of Kimley Horn and Associates Inc. for the City of St. Pete Beach requests a five-part variance to:

a) reduce the front building setback along 20th Avenue to 1.5 feet 1.2 feet where 25 feet is required, the secondary front building setback along Pass A Grille Way to 2 feet 8.4 feet where 15 feet is required, the western side building setback to one foot where 10 feet is required, and the southern rear building setback to 0.5 feet where 15 feet is required, to permit the construction of a new two-story fire station (LDC Sec. 17.7); b) permit the site impervious surface coverage to be no greater than 85% of the lot area where no greater than 80% is permitted (LDC Sec. 17.12); c) permit the property-wide vegetated coverage to be 14% Page 1 of 71 where 16% minimum is required (LDC Sec. 22.4.(f)); d) Reduce the required northern frontage landscaping buffer to zero feet along a portion where five feet is required, and the required southern landscaping buffer adjacent the driveway to 2.5 feet along a portion where six feet is required (LDC Sec. 22.7.(a)(1) & (b)(1)), and; e)

Permit the rooftop chimney training element to be located at 15 feet above the maximum height of the roof, or 45 feet above required design flood elevation, where 10 feet and 40 feet respectively is the maximum allowable (LDC Sec. 7.2.(k)).

Senior Planner Kristin Coman summarized that during the course of the October hearing, some necessary alterations to the primary and secondary front yard setbacks were identified due to the design changes; today's hearing is to ensure that the appropriate setback variance requests are on the record. She confirmed that necessary noticing was completed for today. Attorney Stuparich added that as this is a continuation, the testimony that was heard in October is part of this record.

Chair Chase testified that she watched the video of the part of the October meeting that took place after she left and declared no ex-parte communications. Vice Chair Garchow visited the site again and spoke to some of the City Commissioners regarding the project.

Ms. Coman explained to the Board that the staff findings in the meeting packet were updated slightly from the previous month to update the requested setbacks.

Architect Cole Mears of Sweet Sparkman entered a presentation and additional exhibits for the Applicant into the record to show how the design will impact the streetscape. Dustin Ballard of Kimley Horn Engineering appeared with him. The exhibits and presentation are part of the meeting record. Messrs. Mears and Ballard reviewed the updates and new exhibits:

- Setbacks - Northeast corner overhang
- Impervious surface ratio (ISR) at Northeast corner (driveway shrunk by 6" and landscaping added)
- General massing of the project is constrained with setbacks
- Existing and proposed street views looking North and West

Board questions followed. Acting Assistant City Manager Poirrier explained that State appropriations of approximately \$2 million dedicated to this project have been received and since the hurricanes other funding sources are being identified and will be evaluated in the coming weeks. Mr. Mears testified that the greenspace on the roof will be up to or above building standards for hurricanes. Mr. Berry addressed Vice Chair Garchow's concerns about reduced setbacks.

Mr. Mears used the scale model they brought to illustrate the actual layout. The alleyway is still useable.

Resident Maria Contreras of 104 20th Ave. was sworn in and expressed concerns on the visual impact and massiveness and fears a precedent for residents to reduce their setbacks. She also had concerns for privacy.

Resident Mickey Parson of 102 20th Ave., the closest home to the project, supports a rebuild, but expressed concerns about the multiple variances from Code and reduced property values; their property will be overshadowed on three sides.

Architect Todd Sweet was sworn in and requested to respond to some of the concerns expressed. The current North setback is 1.5' and will remain so and they are within the ISR of what was originally on the site. Nothing in the sizing of the building is non-permissible.

Mr. Mears testified that given the program requirements of this building and the lot as it is, a building the same size will not work and therefore the only option is to build up. The proposal is not exceeding height requirements except the training tower; the remainder of the building is within code for massing standards in terms of height limitations.

Mr. Poirrier testified that the current building is more unsafe to the neighborhood as it stands because it does not meet the modern code for fire suppression.

The Chair closed public hearing and opened Board deliberation. Concerns were expressed about the impact of the size of the building.

Ms. Coman reviewed the staff recommended conditions:

- 1) The applicant shall provide a green roof, cool roof, or additional frontage landscaping of at least five percent of the lot area (538 square feet).
- 2) Unless demonstrated to be technically unviable, the applicant shall pursue “Sustainable Sites” credit through LEED Silver certification at the time of building permitting.
- 3) Due to significant façade alterations since the request was shared with the Historic Preservation Board, this item shall be re-presented to the Board at time of site plan permitting for design consideration. Alterations from the plan set shared April 2023 shall be clearly noted and recommendations from the Historic Preservation Board that are not contrary to the Land Development Code or any variance approved through Development Order 24061 shall be included to the extent viable.

Ms. Coman read the five requested variances:

- 1) Reduce the front building setback along 20th Avenue to 1.2 feet 1.5 feet where 25 feet is required, the secondary front building setback along Pass A Grille Way to 8.4 feet 2 feet where 15 feet is required, the western side building setback to one foot where 10 feet is required, and the southern rear building setback to 0.5 feet where 15 feet is required, to permit the construction of a new two-story fire station (LDC Sec. 17.7);
- 2) Permit the site impervious surface coverage to be no greater than 85% of the lot area where no greater than 80% is permitted (LDC Sec. 17.12);
- 3) Permit the property-wide vegetated coverage to be 14% where 16% minimum is required (LDC Sec. 22.4.(f));
- 4) Reduce the required northern frontage landscaping buffer to zero feet along a portion where five feet is required, and the required southern landscaping buffer adjacent the driveway to 2.5 feet along a portion where six feet is required (LDC Sec. 22.7.(a)(1) & (b)(1)), and;
- 5) Permit the rooftop training tower element to be located at 15 feet above the maximum height of the roof, or 45 feet above required design flood elevation, where 10 feet and 40 feet respectively is the maximum allowable (LDC Sec. 7.2.(k)).

Motion: Member Small moved and Chair Chase seconded to approve the five variances requested for Case #24061 with the three recommended conditions in the staff report; motion carried 3-1 with Vice Chair Garchow voting No.

5. Items for Discussion – There were none.

A discussion led by Attorney Stuparich followed regarding rules and procedures for the Board of Adjustment. Absent official procedures, the Board would follow Roberts Rules. Ms. Stuparich indicated that she would be able to create simple procedural rules for the Board. The previous Board training workshops were discussed. It was decided to add rules and procedures to the January agenda and Ms. Stuparich will follow up on a City-wide Ethics and Sunshine training with management.

6. Adjournment – The next meeting is scheduled for January 29, 2025 as there were no cases for December.

Vice Chair Garchow moved to adjourn at 2:50 PM; all were in favor.

These minutes will be considered for approval at the January 29, 2025 Board of Adjustment meeting.

**PLANNING BOARD MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

Agenda Title Name: Recommendation of Resolution 2024-12 (Conditional Use Permit #23085) to the City Commission for the Development of Windward Pass Resort [Parcel #s 07-32-16-18143-001-0010, 07-32-16-18143-001-0020, 07-32-16-07398-001-0170, & 07-32-16-07398-001-0230]

Action Request: Motion to recommend [approval/approval with conditions/denial] of Resolution 2024-12 to the City Commission.

Strategic Objective:

Date: December 16, 2024

Prepared By: Brandon Berry, Senior Planner

Through: Denise Sanderson, Community Development Director

Summary of Issue: **Conditional Use Permit #23085 (Resolution 2024-12)**

Construct a 104-unit, six-story condo hotel that will increase total site density to 38.8 lodging units per acre and extend to 54 feet above base flood elevation with non-habitable overrun not to exceed 64 feet above base flood elevation. This project will include as site amenities an outdoor mini golf course, quiet and feature pools, and a 12-slip "Class A" lodging dock with rental of water sports equipment (paddle boards and peddle boats), include as hotel building amenities ground-floor and sixth-floor outdoor bars and seating areas, indoor ballroom, fitness center and restaurant, and include in a separate building a game room and three-floor garage with second- and third-floor seating areas, pursuant to Land Development Code Sec. 39.6.(p), 42.4.(b), (d), (g), & (h).

Unnecessary & Undue Hardship Variance #24058*

Request to construct quiet and feature pools that encroach to 31'-6" from the southern side property line where a 65'-0" side setback is required (LDC Sec. 42.7.).

* This variance request is subject to review by the City Commission as a component of the Conditional Use Permit and does not require action by the Planning Board. It is presented here for completeness, as the pools are a component of the conditional use permit considerations from a use perspective.

Funding: N/A

Attachments:

1. Resolution 2024-12
2. Staff Report
3. CUP #23085 Application
4. Property Survey
5. Conditional Use Permit Architectural Plans
6. Conditional Use Permit Civil Plans
7. Simplified Site Plan
8. Conditional Use Permit Renderings
9. Comment Response Letter
10. Approved Conceptual Civil Plans - Fire
11. Public Comments Received as of 12/9/24

RESOLUTION 2024-12

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, APPROVING A CONDITIONAL USE PERMIT, PURSUANT TO SECTIONS 39.6.(p), AND 42.4.(b), (d), (g), & (h) OF THE LAND DEVELOPMENT CODE, TO ALLOW FOR THE DEVELOPMENT OF A 104 UNIT CONDO HOTEL (38.8 UNITS PER ACRE), WITHIN A NEW SIX-STORY LODGING STRUCTURE THAT WILL EXTEND TO 54 FEET ABOVE BASE FLOOD ELEVATION WITH NON-HABITABLE OVERRUN NOT TO EXCEED 64 FEET ABOVE BASE FLOOD ELEVATION, AND INCLUDE AS SITE AMENITIES OUTDOOR MINI-GOLF, QUIET AND FEATURE POOLS, AND 12-SLIP CLASS A LODGING DOCK, INCLUDE AS HOTEL BUILDING AMENITIES GROUND-FLOOR AND OUTDOOR SIXTH-FLOOR BARS AND SEATING AREAS, INDOOR BALLROOM AND RESTAURANT, AND INCLUDE IN A SEPARATE BUILDING AN ARCADE AND THREE-LEVEL GARAGE WITH SECOND AND THIRD-FLOOR OUTDOOR SEATING AREAS, TO PROPERTY WITH PARCEL NUMBERS OF 07-32-16-18143-001-0010, 07-32-16-18143-001-0020, 07-32-16-07398-001-0170, & 07-32-16-07398-001-0230; INCORPORATING THE CONDITIONS OUTLINED HEREIN; AND PROVIDING OF CORRECTION OF SCRIVENER'S ERROR AND AN EFFECTIVE DATE.

WHEREAS, Section 4.7 of the City of St. Pete Beach's Land Development Code (LDC) requires the City Commission to adopt conditional use permits by resolution.

WHEREAS, Section 39.6.(p) requires any new project in the Community Redevelopment District proposed to be developed or redeveloped at a density greater than 30 units per acre or 50 feet in height to obtain a conditional use permit with Planning Board review.

WHEREAS, John A. Bodziak, Architect, AIA, is the agent for this request.

WHEREAS, Beth A Morean of SUNGOLD LLC is the owner for this project.

WHEREAS, "applicant" or "owner" as used herein shall include successors, assigns, and legal representatives.

WHEREAS, on September 8, 2023, the applicant held a noticed community meeting for this request at the St. Pete Beach Recreation Center Ballroom that met the community meeting requirements of LDC Section 39.17.

WHEREAS, on February 16 and August 7, 2024, Staff held Technical Review Committee meetings to discuss the initial submittal of the project and resubmitted significant revisions to the plans, respectively.

WHEREAS, on November 6, 2024, Staff issued a letter of completeness for the subject conditional use permit submittal and accompanying variance application.

WHEREAS, on December 16, 2024, the Planning Board held a public hearing to consider recommendation of the subject request and [recommended approval/recommended approval with conditions/recommended denial] of the subject request to the City Commission at a vote of [] to [].

WHEREAS, the City Commission has the authority to approve none, some, or all of the requested conditional uses.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, THAT:

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

SECTION 2. The City Commission hereby approves the requested conditional use permit application number #23085 submitted by John A. Bodziak, Architect, AIA for Beth Morean of SUNGOLD LLC, incorporated herein by reference, and with the list of conditions enumerated in Exhibit “A” incorporated herein.

SECTION 3. Scrivener’s Error. The City Attorney may correct scrivener’s errors found in this Resolution by filing a corrected copy of this Resolution with the City Clerk.

SECTION 4. Effective Date. This resolution shall take effect immediately upon adoption.

PASSED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, THIS _____ DAY OF _____, 2025.

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

Adrian Petrila, Mayor

ATTEST:

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Ralf Brookes, City Attorney

EXHIBIT “A”**Conditions*****Density Contingency Conditions***

- 1) Approval of the temporary lodging unit count of the subject development requested herein is contingent upon the passage of companion Ordinance 2024-08. Should Ordinance 2024-08 be reduced in unit count, the applicant shall be required to reduce the number of temporary lodging units contained within the lodging building to be consistent with the units awarded. Should Ordinance 2024-08 be denied, this Resolution shall be considered null and void.
- 2) Should companion Ordinance 2024-08 be approved by the City Commission, all lodging units awarded to the subject property shall be divested to the density pool should the applicant fail to obtain a building permit within one year of the non-appealable passage of Ordinance 2024-08 or Resolution 2024-12, whichever occurs later.

Outdoor Music Operation Conditions

- 3) All outdoor speakers, amplifiers, and other equipment utilized in the first- and sixth-floor outdoor bar areas, and any other area of the site where outdoor music is established, shall be permanent and no portable amplification equipment shall be used.
- 4) The use of all outdoor music amplification equipment and outdoor playing of live music shall cease between the hours of 10 PM and 7:30 AM.
- 5) Prior to operation of any outdoor area where amplification equipment is utilized, the applicant shall permit up to two noise tests if deemed necessary by the City Manager to ensure that the intent of Land Development Code Section 39.5.(a) is met. The tests shall involve City Staff measuring the sound level increase above ambient, if any, from the side property line abutting 3813 Gulf Boulevard, from residential property or the right-of-way as requested to the east of the property in Belle Vista, and from the property frontage along Gulf Boulevard, while music is being played through amplification equipment. The applicant shall install decibel limiting software or hardware such that a sound reading with rooftop music playing does not exceed three decibels above a preceding or following ambient reading with the music turned off, nor adopted decibel standards in the Code of Ordinances, at the aforementioned locations. Access to the software or hardware shall be limited to a designated manager or other positions whose direct contact information shall be made available and maintained with City Code Enforcement staff. The designated employee(s) shall be on duty at all times music is being played from outdoor amplification equipment. In cases where sound pressure changes or other events make it such that sound can be heard from amplification equipment at any of the location specified above, following a substantiated complaint to the Sheriff’s Office or Code Enforcement, or where new outdoor music areas are established, the operator shall make reasonable accommodations to allow for sound tests to be performed and the decibel level set to be reevaluated.

Resort Development: Public Benefit Requirements

- 6) Prior to issuance of a site plan for the subject project, the applicant shall provide the following:

- a. Modification of the site plan to provide for a dedicated rideshare or circulator drop-off area.
- b. Modification of the frontage sidewalk on the site plan to reflect at least an eight-foot width.
- c. Modification of the pedestrian access approach from the sidewalk on the sidewalk to provide direct and protected access for guests to the primary entrance of the elevated lobby level.
- d. Relocation of delivery vehicle spaces to the service elevator area, or modification of the loading space area to provide the ability for delivery vehicles to back up on the site without entering the sidewalk or Gulf Boulevard roadway with the maneuver, as viable.
- e. Expansion of the landscaping buffer along the game room building frontage to provide at least eight feet or depth to the buffer with appropriate canopy or understory trees placed at least every thirty feet, and modification of the impacted parking area to meet code requirements.
- f. Preliminary identification of the two green building standards to be pursued subject to LDC Sec. 39.9., including identification of any exterior site improvements necessary to achieve such certification.
- g. If necessary, a draft pedestrian access sidewalk easement, prepared to the satisfaction of the Florida Department of Transportation (FDOT) and the City of St. Pete Beach. The easement shall be of sufficient size to allow the sidewalk along the property frontage to expand to at least eight feet in walkable width as specified in Condition 7)a., except where approved driveway connection(s) cross the property line.
- h. A draft covenant or other legal instrument deemed appropriate by the City Attorney providing for maintenance responsibilities of landscaping and common area elements deemed to be public benefits of the project, including but not limited to the pedestrian promenade, frontage sidewalk, landscaping, pedestrian amenities, and lighting elements, to ensure that condominium conversion does not release any maintenance responsibilities of private elements to the City or other public entities, and to ensure that the promenade continues to function as a publicly-accessible benefit.
- i. Preparation of a Declaration of Unified Site Plan Covenants or alternative document determined by the City Attorney to be sufficient to declare that the entire property is regarded as, and declared to be unified under one indivisible building site, also known as a zoning lot for the purposes of development as defined in Division 2, Section 2.1 of the Land Development Code of the City of St. Pete Beach; and (ii) constitutes a single zoning lot for the purposed of development.
- j. Preparation of a unified sign plan for the site, including reference to signs at the promenade entrances from Gulf Boulevard demonstrating the promenade as a publicly-accessible feature.
- k. Identification on the site plan of easements necessary to accommodate aerial utility

undergrounding and placement of associated above-ground elements at the property frontage, including installation of sufficient landscaping to provide adequate screening of said elements pursuant to requirements of Land Development Code Divisions 22 and 39, following consultation with the City Manager or designee.

- l. A draft easement document, prepared to the satisfaction of the City Attorney, to execute the utility undergrounding referenced in 6)k. preceding.
 - m. A plan for the storage of unsecured outside furniture, equipment and vessels, including but not limited to tables, chairs, and water sports equipment, at time of issuance of a tropical storm or hurricane watch.
- 7) Prior to Certificate of Occupancy for the subject lodging tower, the applicant shall provide the following:
- a. Construction of a sidewalk of at least eight feet of walkable width if curblane landscaping shown on the site plan is installed, or ten feet if the curblane landscaping is not installed, across the front of the property and adjacent right-of-way as demonstrated on the conceptual site plan.
 - b. Transference of a pedestrian access easement to the FDOT, as requested. for any portion of the sidewalk referenced in Condition 7)b.. that extends onto the subject property.
 - c. Installation of frontage landscaping of at least eight feet in depth across the front of the site, except where approved accessory elements of the mini golf course and pedestrian walkway and seating areas are already demonstrated, subject to the requirement of condition 6)e. above.
 - d. Installation of all landscaping, irrigation, and other requirements of LDC Division 22 and 39, including installation of plant material as depicted in the conceptual site plan set as may be amended.
 - e. Final certification from the reviewing agencies for achievement of the two green building standards selected from LDC Sec. 39.9., unless it can be demonstrated that such certification is guaranteed to be met contingent upon final administrative review of the project by outside agencies, and that all such improvements necessary for such certification have been completed.
 - f. Implementation of the pedestrian promenade and frontage pedestrian amenity areas in generally the same location, and with the same general width to the pathways, as reflected on the conceptual plan.
 - g. Execution and recording of the legal documents and easements listed in Condition 6, above, following acceptance by the City, with timing of execution and recording to be determined in consultation with the City Manager or designee at time of site plan review.
- 8) The applicant shall provide to the City a proportionate cost, not to exceed \$30,000 of future planning study/documents for the fire department to ensure a continued appropriate

emergency services level for the residents and visitors of St. Pete Beach. This payment shall be collected when the study is approved to commence.

The first such study/document, anticipated to be completed during 2025, will be a Comprehensive Master Plan.

A Master Plan is an organizational planning document that draws from public engagement as well as a thorough assessment of the operational environment to frame resource allocation decisions. Organizations of all types utilize these documents to proactively guide decision-makers and to develop effective strategies to address challenges related to sustainability, funding, and resource allocation. This document will include specific areas such as service demand trends that will analyze items such as concurrency.

Resort Development: Operational and Design Requirements

- 9) To ensure that the accessory uses of the site function as permitted under the Land Development Code, the operation of any accessory amenity of the development, including but not limited to the mini-golf course, pools, game room or seating area, or Class A docks, shall be permitted and licensed only after the issuance of a Certificate of Occupancy for the primary lodging building.
- 10) The pedestrian promenade, as shown through the conceptual architectural plan, shall be considered a minimum passive amenity of project approval and be maintained as publicly-accessible by the owner for the life of the development. If modified or limited, the promenade shall continue to provide public access for walking, seating and viewing along the property's waterfront in the same general location and with the same walkway width as shown on the concept plan, and direct access from the property frontage to the waterfront promenade shall be maintained. All modifications to the promenade location or width shall be reviewed through site plan permitting, and returned to the City Commission at the discretion of the City Manager or designee.
- 11) There shall be no night swimming or night operations of the feature pool amenities without amendment of this Conditional Use Permit. The feature pool and associated water slide amenities shall not operate or be occupied by guests between 30 minutes following sunset and sunrise of the following day.
- 12) Any significant alteration to the exterior color, façade material, massing, or window or feature placement, at the discretion of the City Manager, may require this request to be returned to the City Commission for reconsideration. These criteria shall be in addition to those listed in Land Development Code Section 4.10.
- 13) All deliveries shall take place on site, with no deliveries to the lodging development or other buildings occurring from the center lane of Gulf Boulevard.
- 14) The Class A dock slips shall be permitted mooring of paddle boards, peddle boats, and other non-motorized water sports equipment for commercial rental purposes, except that slips may be reserved for the mooring of visiting customer vessels. Any introduction of motorized watersports equipment, including but not limited to jet skis, operation of motorized amenities from the dock such as charters, or function of the slips for long-term

storage of vessels, shall require amendment of this Conditional Use Permit.

- 15) The applicant shall prepare renderings that preserve the same isometric orientation as those submitted for the conditional use permit for review at the relevant building permit stage, which shall be made a requirement of permit issuance for the corresponding stage(s). These renderings shall be substantially similar to the renderings submitted and reviewed by the City Commission at the approval hearing, and shall reference any changes in building massing, scale, ornamentation, planar offsets, façade materials or colors, changes in total window or architectural decoration percentages, or landscaping, between the renderings submitted for the CUP and those submitted for the building permit. Any significant deviations between the CUP and building permit renderings, as determined by the City Manager, shall require the plans to be returned to the City Commission.
- 16) At time of permitting, the applicant shall supply the city and county emergency managers with a Hurricane Closure and Evacuation Plan that adequately details how the lodging use will evacuate guests prior to evacuation notice for Zone A residents. This plan may be negotiated if needed to achieve the intent of the city's Comprehensive Plan and Sec. 5.2.2. of the Forward Pinellas Countywide Rules. Within 90 days of certificate of occupancy, or prior to the first day of hurricane season if the new lodging development is proposed to open within 90 days of hurricane season, the applicant shall record a legally-enforceable mandatory evacuation/closure covenant, stating that the temporary lodging use will be closed as soon as practicable after a hurricane watch is posted for Pinellas County by the National Hurricane Center.
- 17) In instances where the applicant requires off-site improvements that involve the placement of new utility structures, the applicant shall be responsible for installation and maintenance of the structures' landscaping screening in compliance with Land Development Code requirements.

Resort Development: Landscaping Requirements

- 18) The quality, density, and amount of landscaping shown in the conceptual site plan shall be the minimum installed. At least 50 percent of the trees installed on the site shall be Florida friendly as defined by the UF Florida-Friendly Landscaping Program, or other organization catalog of similar authority, and no Class II invasive plantings shall be permitted. All existing invasive vegetation on the site shall be removed prior to certificate of occupancy. Unless it would cause conflicts with existing utilities or other critical public infrastructure, any tree installed within the front buffer shall be a minimum of twelve feet in height and three inches in caliper measured 4.5 feet above the ground at time of planting. Front buffer plantings that produce substantial shade shall be preferred where viable, particularly around the pedestrian amenity areas.
- 19) The applicant shall establish and maintain connection to the public reclaimed water system for landscaping irrigation, and such usage shall be metered. The irrigation system shall include pressure-regulated systems and there shall be monitoring devices installed to address leaks from lines and equipment.
- 20) The applicant shall demonstrate compliance with the relevant requirements of LDC Sec. 39.10., 39.11., 39.12., 39.13., and 39.14., which relate to site design and improvements, at time of site plan issuance. The applicant shall demonstrate compliance with relevant

requirements of LDC Sec. 39.7. and 39.8., which relate to building design, at time of building permit issuance. The development shall also comply with relevant provisions of LDC Sec. 39.5. and 39.6., pertaining to lodging operation standards and general operational and aesthetic requirements, at relevant parts of the permitting and operations process. These standards are in addition to other standards imposed within the property's zoning district, parking requirements, and other requirements of the LDC and Comprehensive Plan.

- 21) Along the portion of the side property line that abuts the feature pool, the applicant shall install and maintain a screen of at least six feet in height comprised of at least one of the following: a) sound-attenuating fencing; b) hedges like viburnum or similar, or; c) other sound-reducing materials that can be demonstrated through product specifications or studies to reduce pass-through sound levels by at least 15 decibels and that complement the proposed landscaping design.

Resort Development: Site Improvement Requirements

- 22) The applicant shall install and be responsible for the provision and emptying of trash cans along the pedestrian promenade. At least one trash can shall be installed every 150 feet.
- 23) All pedestrian pathways, surface parking spaces, and other paved non-structural surfaces shall be installed with permeable pavers, concrete or asphalt, turf block with interspersed vegetation, or similar except where accessibility or building or fire code requirements require impermeable surfaces. These areas shall be maintained so the surface continues to provide permeability, and the city may request periodic maintenance updates from the applicant if necessary to ensure the intent of this condition prevails.
- 24) The applicant shall provide payment to the City or FDOT for the cost of the short- and mid-term solutions identified in the Gulf Boulevard Safety Study, as adopted through Resolution 2024-05 or subsequently amended, that are in the right-of-way in front of their development's street frontage. Payment shall be based upon any improvement that is not provided by the applicant during the development process. This fee shall be independent from and unaffected by any multimodal impact fee adjustment that may be referenced in Chapter 150 of the Pinellas County Code of Ordinances or FL Stat. 163.3180.
- 25) The applicant is responsible for the actual and documented cost of any off-site improvements necessary to accommodate their increased sewer flows, as determined by the City manager or designee. No building permit associated with this request may be issued until such improvements have been identified and corresponding payments or improvements have been provided. The applicant shall be responsible for the cost of the upgrade(s) required, which the City shall perform.
- 26) The positive finding of the applicant's demonstrated ability to financially and technically complete the improvements and mitigation necessitated by the development is exclusive within the scope of this approval and is not transferrable by right to another applicant except by authorization of the City Commission. Should the property sell during the scope of development requested herein, or change developers, the City Commission retains the right to request reevaluation via public hearing of the new applicant's capacity to complete proposed improvements pursuant to LDC Sec. 4.4.(a)(6).

Resort Development: Energy and Environmental Requirements

- 27) All roof areas not otherwise utilized as customer spaces shall be planted with green roofs, utilize cool roof materials, or be undertaken with similar improvements that reduce energy demand and/or reduce the heat island effect.
- 28) The frontage fountain and any other accessory water feature shall utilize rain and leak sensors to mitigate water loss.

General Conditions

- 29) Any violation of the above-stated conditions will allow the City Commission to rescind or modify the Conditional Use Permit as it pertains to the request under which the condition is classified.
- 30) The City Commission may review the Conditional Use Permit periodically to determine whether the order is in compliance with the terms and conditions herein.



**PLANNING DIVISION
CONDITIONAL USE APPLICATION
STAFF REPORT TO THE
CITY OF ST. PETE BEACH PLANNING BOARD**

CASE NOS.: 23085

MEETING DATE: December 16, 2024

OWNER/APPLICANTS: Jack Bodziak of Bodziak Hayes Architects for Beth Morean of SUNGOLD LLC

PREPARED BY: Brandon Berry, Planner

These applications are a series of requests for a Conditional Use Permit, Unnecessary and Undue Hardship Variance, and Allocation from the TC-2, AC, and BR Districts Temporary Lodging Unit Density Pool:

REQUEST:	<u>Conditional Use Permit #23085 (Resolution 2024-12)</u> Construct a 104-unit, six-story condo hotel that will increase total site density to 38.8 lodging units per acre and extend to 54 feet above base flood elevation with non-habitable overrun not to exceed 64 feet above base flood elevation. This project will include as site amenities an outdoor mini golf course, quiet and feature pools, and a 12-slip "Class A" lodging dock with rental of water sports equipment (paddle boards and peddle boats), include as hotel building amenities ground-floor and sixth-floor outdoor bars and seating areas, indoor ballroom, fitness center and restaurant, and include in a separate building a game room and three-floor garage with second- and third-floor seating areas, pursuant to Land Development Code Sec. 39.6.(p), 42.4.(b), (d), (g), & (h). <u>Unnecessary & Undue Hardship Variance #24058¹</u> Request to construct quiet and feature pools that encroach to 31'-6" from the southern side property line where a 65'-0" side setback is required (LDC Sec. 42.7.). <u>Density Pool Request Ordinance 2024-08</u> A request to draw 104 of the 104 requested temporary lodging units from the Town Center Corey Circle and Coquina West, Activity Center, and Boutique Hotel/Condo Districts Temporary Lodging Unit Density Pool for use at the subject property.
LOCATION:	0 (formerly 3815, 3855, 3859, and 3861) Gulf Blvd; BELLE VISTA BEACH 1ST ADD BLK A, LOTS 17 THROUGH 23 LESS ROAD RIGHT-OF-WAY AND CORAZZA SUB BLOCK 1, LOTS 1 AND 2; Parcel #s 07-32-16-18143-001-0010, 07-32-16-18143-001-0020, 07-32-16-07398-001-0170, & 07-32-16-07398-001-0230.
ACREAGE:	2.68 acres (116,657 sq. ft.)
EXISTING LAND USE & ZONING	BR - Bayou Residential (Zoning & Future Land Use)
SURROUNDING FUTURE LAND DESIGNATIONS:	North: Bayou Residential (BR) South: Bayou Residential (BR) East: McPherson Bayou & Residential Urban (RU) West: Gulf Blvd & Boutique Hotel/Condo (BH/C)
SURROUNDING ZONING MAP DESIGNATIONS	North: Bayou Residential South: Bayou Residential East: McPherson Bayou & Residential (RU-1 and -2) West: Gulf Blvd & Boutique Hotel/Condo

¹ Variance requests included as a component of the Conditional Use Permit review by the City Commission but is not subject to recommendation from the Planning Board. The request is included here for completeness, and the pools remain a component of the subject conditional use permit consideration from a use perspective.

SURROUNDING EXISTING USES:	North: Condominiums South: Apartments East: Water & Single-family Residential West: Residential Condos & Lodging Facilities
---------------------------------------	--

BACKGROUND

The four subject properties, heretofore referred to as the “site”, are currently vacant, having been used periodically since at least 2018 as an unimproved overflow parking for lodging facilities in St. Pete Beach (Resolutions 2019-02, 2021-11, & 2021-22), with all approvals having expired pursuant to LDC Sec. 23.4. The site has been vacant with the exception of the use and extant docking facilities along the waterfront rear of the site since the mid-2000s, where it had previously contained buildings housing an 11-unit inn, a restaurant, and apartments with commercial retail space.

The applicant held a noticed community meeting on September 8, 2023 in the ballroom of the St. Pete Beach Recreation Center, which Staff estimates was attended by approximately 70 people. At the time the design contained considerably more wet slips along the seawall (28-30), contained frontage commercial facilities that would have required a variance to construct at the setback proposed, and contained a building of bulkier design. Questions and concerns expressed by attendees included the following:

- 1) Concerns about the increased boat traffic, number of slips, privacy for Belle Vista residents due to the docks, Bayou depth, and ecological vulnerability;
- 2) General development standard compatibility (note: present plans have been modified);
- 3) Timelines for development requests;
- 4) Traffic study timing;
- 5) Volume control for music;
- 6) Minimum development standards for the developer;
- 7) Cost of units;
- 8) Concerns about the intensity of development;
- 9) Plans for excess parking, including use of excess parking for commercial rental;
- 10) Sewer impacts;
- 11) Loading space for large trucks and deliveries;
- 12) Offering of the mini golf and water park area (herein referred to as “feature pool”) to the public as well as guests.

A Technical Review Committee for the conditional use permit review of this request was held twice, once in February 2024 and once in August 2024, with a review of the requested side setback variance for the pool in September 2024. Comments generally pertained to the following:

- 1) Compliance with zoning setbacks;
- 2) Fire access;
- 3) Development intensity, particularly related to the docks and limitation on rooftop bar noise;
- 4) Traffic study requirements;
- 5) Building design, particularly building scale;
- 6) Concurrency requirements, including sewer and drainage;
- 7) Construction staging;
- 8) Tandem parking arrangements;
- 9) Green building standards.

Subject Property

BHC

R/O/S

BR

RFM

44TH AVE

43RD AVE

42ND AVE

41ST AVE

40TH AVE

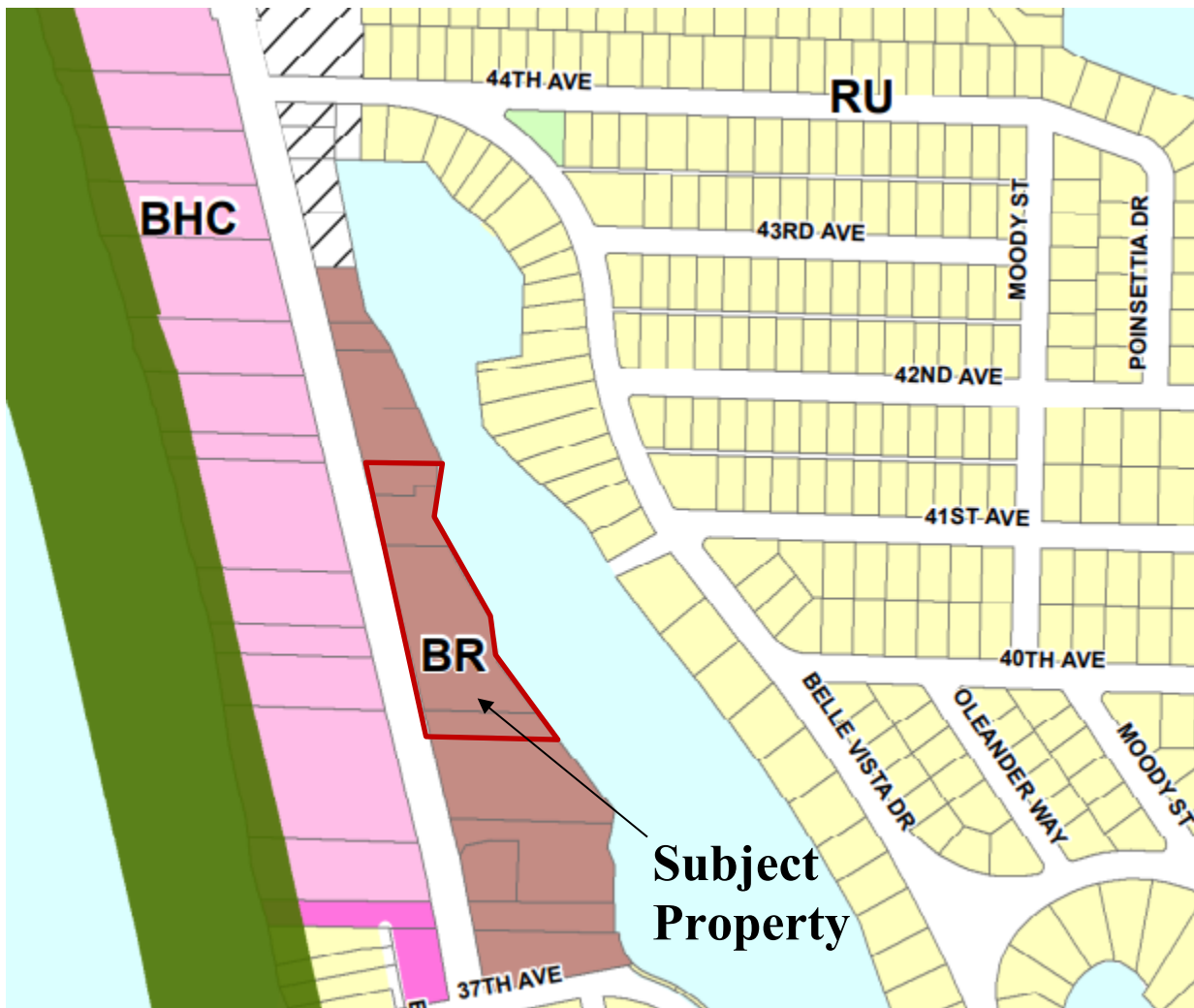
MOODY ST

BELLE VISTA DR

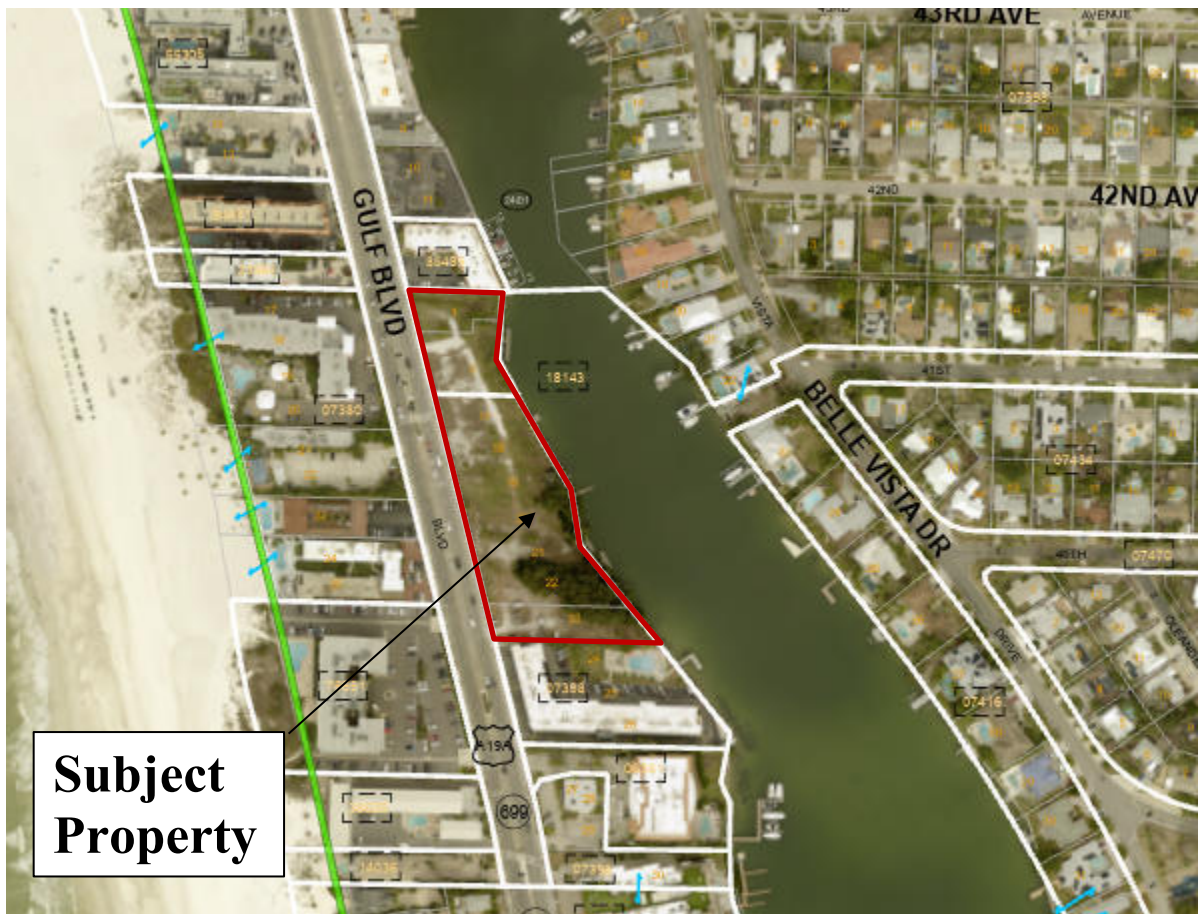
OLEANDER WAY

3855

FUTURE LAND USE MAP



AERIAL MAP



SITE REQUEST

The subject property is currently vacant, containing only unutilized dock slips from a former development.

The applicant is requesting 104 temporary lodging units from a 325-unit lodging pool made available to the TC-2, AC, and BR Districts on a case-by-case basis through a conditional use permit and associated ordinance for allocation of the requested density pool units. A total of 64 of these units have been claimed, all by the Hotel Zamora which shares the same zoning as the subject site, with 261 remaining. Additionally, the applicant is requesting both outdoor and indoor amenities associated with the condo hotel development, to include in the primary building a 1,310 square foot ballroom, 1,472 square foot restaurant, fitness center, first level bar near the pool area and sixth-level bar along the northern side of the hotel building, with a separate building to the north containing a three-level parking garage with game room and rooftop seating area. Outdoor amenities include a mini golf course on the northern side of the site, and feature and quiet pools along the southern side. The applicant is also seeking twelve "Class A" (lodging) dock slips along the seawall, a significant reduction from the 28-30 proposed at the community meeting.

Unlike developments on the western side of Gulf Boulevard between 37th and 64th Avenues, where lodging is a permitted use with higher-density and height projects subject to a conditional use permit process and where only certain highest densities require density pool allocation, the Bayou Residential District does not permit any temporary lodging density as a use by right. Therefore, all 104 units requested for this project must be allocated from the density pool via conditional use permit, and all accessory commercial uses and spaces on the site are subject to review under the primary lodging use.

ANALYSIS

The table below details current Land Development Code requirements and the improvements the applicant is proposing under the subject request.

General Development Requirements			
	Required	Proposed (Subject Project)	Standard Met?
Density (Lodging Units)	Not to exceed 40 units per acre or the district density pool (currently containing 261 units)	38.8 units/acre	Yes – sufficient units are available in the density pool
Impervious Surface Ratio	Not to exceed 85% impervious (99,158 sq. ft.)	81.4% (94,926 sq. ft.)	Yes
Vegetative Greenspace Ratio	At least 12% of buildable property acreage (13,998 sq. ft.)	18.6% (21,731 sq. ft.)	Yes
Floor Area Ratio	Commercial only: Not to exceed 30% of site area (34,997 sq. ft.) Stricter parking requirements apply when commercial FAR is greater than 20% of the site area (23,331 sq. ft.)	13% of the site area (15,227 sq. ft.)	Yes – commercial facilities are considered secondary, accessory uses of the lodging facility (LDC Sec. 6.6.).
Parking spaces	0.81 spaces/unit for lodging (85 required) 0.9 space/200 sq. ft. for restaurant (18 required) 0.9 space/600 sq. ft. for ballroom and conference space (3 required)	Required: 106 spaces Provided: 175 spaces	Yes
Loading spaces	One per 10,000 SF of new meeting or conference space, plus food service space (Four spaces)	None required: 6,421 sq. ft. of restaurant, bar and kitchen space proposed 1,310 sq. ft. of ballroom proposed Total: 7,731 sq. ft.	Yes

		Two provided	
Height	54 feet above base flood elevation, plus another 10 feet for non-habitable overruns like elevator shaft enclosures.	54 feet to top of roof 62.5 feet to top of stair tower (highest element)	Yes

Yard Requirements			
	Required	Proposed (Subject Project)	Requirement Met?
Front Yard	40 feet	40 feet	Yes
Side Yard	10% of lot width on each side (65 feet)	65 feet (north) 68 feet (south – estimated) 31.5 feet (south – pool)	Yes, for buildings No, for pool (variance required)
Rear Yard	20 feet, excluding pedestrian features	20 feet	Yes

As detailed above, the applicant is requesting slightly fewer (104) than the maximum (107) number of units available for the property under this conditional use permit and density pool request. They are also requesting a structure of the maximum height, at 54 feet measured above the base flood elevation to the top of the habitable roof. The impervious surface ratio of the lot and amount of greenspace provided is more favorable than required by Code, and the applicant is utilizing significantly less of the commercial floor area than permissible. However, this floor area ratio by definition excludes the significant outdoor features proposed in the form of mini golf, quiet and feature pools, and Class A lodging dock slips, that can provide additional intensity to the site but do not ultimately count toward the maximum floor area ratio.

Public Benefit and Amenity Analysis

Unlike resort developments on the western side of Gulf Boulevard, resort developments in the Bayou Residential District are not subject to equivalent requirements for pedestrian-centric features like access easements to the beach. However, the applicant is proposing a substantial pedestrian promenade around the site. They also generally demonstrate compliance with the minimum public amenities, albeit with jogs in the widened frontage sidewalk to provide for landscaping along the curb line, and with a narrow buffer in front of the parking garage building that Staff would like to see expanded.

Community Redevelopment District – General Requirements				
	Required	Proposed	Requirement Met?	Requirement Exceeded?
Sidewalk along Gulf Blvd	6' (minimum) to 10' (default) in width	5 to 9.5 feet as measured	Yes, but with landscaping shy zones.	No
Frontage landscaping buffer	5' (minimum) to 8' (default) in width	Variable – generally 9'+ feet	Yes	No
Pedestrian amenities in landscaping buffer	One amenity per 100' of frontage (seven total)	Fountain, plaza with seating area	Unclear	N/A
Pedestrian lighting fixtures at frontage	Spaced every 30'	None shown	Requirement relayed to applicant	N/A
Green building standards	Two listed green building standards	Required at building permit stage	Requirement relayed to applicant	N/A

Economic Impact Analysis

The applicant did not provide an economic impact analysis for this project. They are encouraged to provide details on the expected construction costs and taxable value increases expected.

Impact Fees

In addition to ad valorem fees, the City receives one-time transportation impact and connection fees when corresponding building permits are issued. The transportation impact fee is shared with the county. Estimated fees for the proposed application are detailed in the table below.

	Rate	Number	Total Fee
Transportation			
<i>Resort hotel rooms</i>	\$3,208.00/unit	93 units (new)	\$298,344.00
<i>Retail & Restaurant</i>	\$8,205.00/1,000 sq. ft.	6,421 sq. ft.	\$52,684.31
Sewer Connection			
<i>Water meter</i>	Unknown		

It should be noted that the transportation impact fees may fluctuate based on additional amenities provided by the applicant, submission of an approved transportation impact study that shows a reduction impact compared with county rates, and pending final use determination of interior commercial and office spaces. Impact fee rates are calculated as static numbers from the General Fee Schedule of Chapter 150, Pinellas County Code of Ordinances. Rates above are estimates, subject to revisions to the General Fee Schedule between the drafting of this report and building permit issuance.

Transportation Analysis

Due to on-site amenities, the use is most comparable to a resort hotel, which according to the International Transportation Engineer's Manual is differentiated from a hotel by offering a greater variety of amenities like recreational facilities rather than large amounts of conference and meeting space. Based upon this estimation, the resort use is expected to generate 33.3 evening peak hour trips, which is below the 51 trip threshold at which the Comprehensive Plan Transportation Element provides discretion for Staff to request a traffic study. Utilizing instead the hotel use code, the estimate is 61 trips, which is below the 301 trip threshold to mandate a traffic study, but for which a transportation management plan (TMP) is necessary. TMPs require strategies to mitigate the impact of a development on the City's multimodal systems, including provision or contribution toward circulator service, on-site trails, ridesharing and similar improvements to reduce personal vehicle usage.

The applicant states that they will be submitting a traffic study after the Planning Board meeting, prior to the first hearing of this request before the City Commission.

Health, Safety and Welfare Analysis

Information has been requested pertaining to the impact of new development on public services, including public safety entities. This information for 2023 and 2024 is detailed below.

	2024	2023
SPB Fire Calls	0	0
Code Enforcement Cases	1	1

City Code Enforcement received one complaint in 2024 related to a broken fence and debris that was addressed and closed (Case #20240247). The prior year included a case for overgrown vegetation that has also since been closed (Case #20230457).

Staff visited the site on December 5, 2024 for posting of notices and noted the frontage to contain substantial amounts of dead vegetation, with some debris on the site. The City has provided a limited grace period due to the impacts of Hurricanes Helene and Milton, which will be ending in later December. The applicant is put on notice that code violations on the subject property may prevent the case from moving forward until they are resolved subject to Land Development Code Sec. 3.16.(c).

Landscaping Analysis

The Land Development Code lacks any requirement for transient accommodation use landscaping buffers when adjacent to condominium or apartment developments, as is the case for the subject property. However, the applicant is required buffers based on the surface parking and frontage buffer requirements, which are analyzed below.

	Minimum	Provided	Standard Met?
Sec. 22.7. – Development standards			
Vehicle use area screening – North side yard	Solid barrier (fence/wall) or a landscaped buffer of six feet with one tree every 30 linear feet.	North – 3.5 foot buffer with one tree every 24 feet, plus mini golf course landscaping (3+ feet) South – 6 foot buffer with one tree every 13.5 feet	Yes.
Interior landscaping areas	20 square feet for each surface parking space not facing a perimeter buffer or in a garage (420 sq. ft.)	Approximately 700 square feet around surface parking spaces	Yes
Sec. 39.10 – Streetscape design required elements			
Size	8' depth	Varies – 4.5 to 15'+ feet	Exceeded on average, but deficient at certain areas (near northern surface parking)
One tree required every 30 linear feet	30' spacing	One tree every 25' (accounting for driveways)	Exceeded
Pedestrian amenities – Two per 200' linear feet	Seven amenities	Fountain, pedestrian seating area (five tables)	Must show compliance at time of site plan issuance
Pedestrian-scale lighting fixtures	Spaced every 30 feet	Not shown	Not met, but acknowledged by applicant

Land Development Code Sec. 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;**

Staff finds that the conditional use request is generally consistent with the goals, objectives and policies (GOPs) of the Comprehensive Plan, particularly the following pertaining to the Community Redevelopment Districts:

Future Land Use Plan Element: Goals, Objectives, and Policies for Special Planning Area 1 (SPA-1)

GOAL 1:

To support achieving a quality sustainable community through livable community design standards as well as Green building, site design and operation strategies.

Objective 1.1

Promote a sustainable community by requiring the use of Green standards and practices for all development and redevelopment within the Community Redevelopment District by establishing minimum Green building and site design standards that benefit the quality and sustainability of the environment and:

- Conserve water and other natural resources.
- Reduce energy consumption.
- Improve air quality by reducing Greenhouse gas emissions.
- Reduce impacts on infrastructure by participating in ride sharing and shuttle service programs.
- Reduce urban heat by reducing paved surfaces, reduce the need for parking by participating in shared parking plans, employer ride-share and shuttle service programs.
- Reduce urban heat and encourage pedestrian mobility by planting additional shade trees.
- Reduce waste through efficient design and recycling programs.
- Promote a walkable environment by providing on-site pedestrian pathways that link to adjacent properties and off-site sidewalks to reduce traffic impacts and Greenhouse gas emissions.
- Provide trolley stops or improve existing trolley stops as a comfortable, safe, convenient and attractive experience that encourages mass transit use.

Policy 1.1.1

Require minimum Green standards and encourage the use of Green redevelopment practices that exceed minimum standards for public and private development.

Staff Comment: *The applicant will need to achieve two green building standards in developing the two structures if approved, which can include LEED, Florida Green Building Coalition, and Florida Green Lodging Program certification as appropriate to the use type. These programs are intended to minimize both the structural and site-based impacts of new development by providing for energy-efficient lighting and water usage, high quality and Florida-friendly landscaping, and implementation of green practices like recycling.*

Policy 1.1.4

Encourage site design that promotes safe, comfortable pedestrian pathways internally within the site and provides externally pedestrian pathway linkages to activity centers, shopping, dining and entertainment.

Staff Comment: *As a public benefit, the applicant has proposed a pedestrian promenade around the perimeter of the development which includes seating and landscaped areas. Staff finds the design to be inviting and unique for the area, which lacks any kind of significant public park in the immediate vicinity despite the sizeable residential population. The promenade appears to be largely for lower-intensity recreation like walking as it does not directly link up to any significant recreational activities for non-guests, with the exception of the dock area in the rear which is intended for commercial recreation. However, the feature does promote this policy.*

GOAL 2:

To meet the needs of residents and further the ideal of quality communities as a function of living, working, and recreation opportunities, the design and functionality of Special Planning Area 1 will have a renewed focus on livable community strategies that focus more on people and less on the auto with community improvements and site design that values connectivity, safe and attractive gathering places, functional and attractive design, and alternative safe mobility options.

Objective 2.2

Parking lots and driveways should be designed to support pedestrian safety, connections and comfort by reducing the number of curb cuts and providing interconnectivity between and through sites.

Policy 2.2.2

New commercial, office, and retail buildings and centers should be planned to reduce the number of curb cuts and driveways. Where possible, projects should share driveways and parking access with adjacent sites to provide an interconnected system of auto and service access points.

Staff comment: *This development consolidates four substantial parcels of the Bayou Residential zoning district, and the only current large vacant area of land along Gulf Boulevard. If approved, this development will consolidate roughly one-third of the district into a single development and contain only two curb cuts. Reducing curb cuts, while promoting on-site circulation that protects pedestrians from vehicular areas, is one of means of reducing multimodal conflict and danger to pedestrians. Looking northward to 44th Avenue, there is on average one curb cut for existing development less than every 100 feet. This development will contain one curb cut only every 300 feet, for a total of two where seven exist presently. Additionally, the development will relocate the cuts interior to the site, away from the perimeter of the property where they exist presently.*

Policy 2.2.4

Parking lots and driveways should provide pedestrian connections to entrances. Dedicated walkways through parking lots should be included in the design.

Staff comment: *The applicant provides logical pathways for pedestrians through the interior of the site as well as around the perimeter promenade. Staff would like to see more direct pathways to the main commercial level of the site through the primary pedestrian access, which is addressed later in this report.*

Policy 2.2.5

Parking lots should include trees to provide shade and reduce temperature for pedestrians.

Staff comment: *The applicant provides the adequate number of landscaping island trees for the limited surface parking provided, with most parking contained either under the primary building or in the three-level separate garage associated with the game room for which interior landscaping is not required.*

GOAL 3:

Rebuild the core commercial and resort areas of the City utilizing Green practices, strategies, and technologies.

Objective 3.1

Implement building and site design construction and operation practices that support long-term environmental sustainability by: protecting and conserving water resources; constructing energy efficient buildings; using Florida-Friendly landscape plant materials and design; recycling construction materials and debris; reducing urban heat through innovative building and site design; reducing pollutant run-off; protecting further degradation of the beach dune system and coastal wildlife species habitat and restoring or enhancing existing conditions through dune restoration measures, lighting, and refuse controls and other measures.

Policy 3.1.3

All development within Special Planning Area 1 shall be encouraged to implement as many livable community design and operation strategies to promote safe and comfortable pedestrian, bicycle and mass transit mobility that will reduce the consumption of nonrenewable resources, reduce the need for parking and thus reduce urban heat and polluted run-off, and reduce greenhouse gas emissions.

Staff comment: *As noted previously, the applicant is both expanding the sidewalk along the property frontage in which landscaping islands are proposed to provide refuge for pedestrians, and providing a pedestrian promenade around the perimeter of the development. By relocating the bulk of the surface parking to underneath the primary hotel building and within the game room parking garage, the applicant is able to provide additional greenspace and permeable surfaces across the site.*

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 1.1

All development and redevelopment within the Gulf Boulevard Redevelopment District shall further the goals, objectives, and policies of the Special Planning Area, this District, and each character district within which development occurs; and shall comply with the design guidelines and the applicable Land Development Code for the respective character district.

Staff comment: *The applicant has generally shown compliance with the minimum adopted standards of the Land Development Code as it applies to building design, uses, landscaping, and other recommended elements. Details and deviations are noted elsewhere in this report.*

Objective 1.3

The Gulf Boulevard Redevelopment District shall maintain, and where practical, expand parks and recreational activities, including waterfront recreation that serves residents and visitors.

Staff comment: *Although the promenade proposed does not itself provide an active recreational use, it does expand access to the waterfront for commercial water recreation opportunities, which are provided.*

Objective 1.4

The Gulf Boulevard Redevelopment District shall be a safe environment for both residents and visitors, and real and perceived public safety issues will be addressed including improved lighting, improved pedestrian circulation on the east and west sides of Gulf Boulevard and crossing Gulf Boulevard, improved bicycle lanes for safer circulation for all modes of non-vehicular transportation, and shall consider traffic flow devices and improvements to assist in daily traffic flow and emergency evacuation.

Staff comment: *The subject property's frontage is proposed as an area of focus for safety improvements under the accepted Gulf Boulevard Safety Study, which includes potential installation of medians. Staff recommends as a condition of approval that the applicant be responsible for the implementation of short- and mid-term improvements along their frontage associated with this study.*

Objective 1.7

All new building construction shall comply with current Building and Safety Codes, FEMA, and National Flood Insurance program regulations to maximize protection of the City's built infrastructure from all manner of hazards, natural disasters, and flooding. The City shall ensure compliance not only through the building permit process but through Code Enforcement and inspections as necessary to maintain the highest FEMA rating achievable for a coastal barrier island.

Staff comment: *Compliance with listed codes is mandatory for any new development.*

GOAL 2:

Create a quality livable community where people and vehicles can circulate in the Gulf Boulevard Redevelopment District area safely, comfortably, and efficiently.

Objective 2.2

Temporary lodging redevelopment shall be required to file an enforceable mandatory closure and evacuation plan that complies with County Emergency evacuation and management procedures and local emergency management rules and procedures, which shall be updated and amended as may be required by the County and/or City, from time to time.

Staff comment: *As has been proposed for other recent development, Staff is recommending as a condition of approval that the applicant be required to commit to an evacuation plan that evacuates guests at time of hurricane watch, to free up City resources to focus on residents when hurricane warnings take effect and mandatory evacuations are ordered.*

Objective 2.4

A variety of parking solutions for motorized and non-motorized vehicles shall be pursued to support redevelopment, while maintaining ease of access and adequate parking throughout the Gulf Boulevard Redevelopment District.

Staff comment: *The site provides for more than adequate parking, and promotes pedestrian access along the perimeter. There is a well-designed protected pedestrian accessway at the front of the site in the center around the fountain, providing prominent access to the stairs to access upper floors of the building, as well as a pedestrian seating area on the southwest frontage of the site. However, neither pathway leads directly to the lobby or other interior or exterior amenities, instead leading to a guestroom corridor and what appears to be a fenced area in front of the amenity*

pool, respectively. For the former, Staff requests that the applicant establish a more direct pathway to the amenity section of the elevated commercial first floor for pedestrians.

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.

Staff comment: *Staff expresses concerns elsewhere in this report related to the visual width of the building, especially when viewed from the eastern side in Belle Vista. However, Staff does find the development to increase greenspace compared with the minimum standard, consolidating the substantial majority of the parking into garages rather than developing it on the surface, providing substantial building side yard setbacks from Gulf Boulevard that substantially exceed what would be required on any individual parcel of this development, and provide for amenities that serve local guests and residents. Furthermore, Staff finds that the buildings generally meet the design criteria required for development in the Gulf Boulevard Redevelopment District and the design to reflect a consistent coastal art moderne styling. The applicant has also effectively designed the parking garage to be both architecturally complementary with the primary building, and to generally mask its purpose as promoted by Code.*

Policy 1

All development shall be consistent with building and site design guidelines and standards that establish the quality of design features expected for renovation, redevelopment, and new construction in the Gulf Boulevard Redevelopment District.

Staff comment: *These guidelines and standards are generally met for the development. The applicant will be required to demonstrate compliance at the site plan stage if this use is approved. Staff has made recommendations if the use is approved that are intended to promote reduced impervious surface, noise, and late night operations.*

Policy 2

The character of each district shall be reinforced through the site plan review and approval process. Projects shall be consistent with and contribute positively to the vision of the character district in which they are located.

Staff comment: *The applicant will be required to apply for a site plan, with concurrency review, if this use is approved. The project will not be permitted to proceed to permit issuance unless the applicant has demonstrated compliance with the minimum required district standards and has shown that facilities are available to meet minimum standards for facility concurrency at the time of site plan issuance.*

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.

Staff comment: *There is no logical means to connect the subject property with adjacent properties given the existing and private nature of the abutting uses, but Staff is supportive of the full-site redevelopment and internal pedestrian and vehicle circulation improvements the applicant is proposing. Staff would like to see a more direct connection from the frontage sidewalk to the commercial portion of the hotel floor for pedestrians, but the reduction in curb cuts as well as the full-site pedestrian promenade is a public benefit from a safety and waterfront access standpoint.*

Policy 5

Utility and sidewalk easements along Gulf Boulevard may be required as part of all development projects if the existing site conditions and redevelopment plans permit the location of such easements that can be integrated into the redevelopment site plan without undue hardship to the property owner. The City may also require the construction of a sidewalk along Gulf Boulevard in a location that can be coordinated with existing off-site sidewalks and integrated with the proposed site plan to provide a continuous safe pedestrian pathways.

Staff comment: *The applicant is providing an expanded sidewalk, which carries a requirement for provision and transference of an access easement if the sidewalk encroaches into private property. In conversation with the applicant in early December, they also stated they would work with the City to provide frontage aerial utility undergrounding easements if the use is approved. The City has obtained adjacent property easements for undergrounding of utility lines, with this stretch of property a prominent gap for later-phase undergrounding.*

Staff finds the internal promenades of the site to be logically connected with, and reasonable priority provided for, access between the buildings and the frontage sidewalk. However, Staff would like to see a more logical connection between first floor's commercial area and the frontage sidewalk.

Policy 6

Property owners/developers are encouraged to meet with area neighborhood associations/business groups prior to submitting a major redevelopment project for City review.

Staff comment: *The applicant held a noticed community meeting in late 2023 which was well attended. However, the applicant should note if any additional engagement has been undertaken with area associations or abutting property owners.*

Policy 8

Shared parking for commercial, office and mixed-uses shall be accomplished wherever possible.

Staff comment: *The applicant has provided shared parking for the on-site uses in the form of two parking garages and limited surface parking.*

Policy 9

All new development and redevelopment shall mitigate potential flood, hurricane, and tropical cyclone hazards.

Staff comment: *The development will be required to meet all wind, flood, building, and fire codes in effect at time of permitting.*

Policy 10

To improve traffic flow and reduce pedestrian/bicyclist - vehicular conflict, vehicular curb cuts to access Gulf Boulevard shall be minimized, shared access driveways should be pursued, and internal connectivity between adjacent properties should be encouraged, to the practical extent feasible to allow reasonable, adequate, and safe ingress and egress to new development.

Staff comment: *Given the 625 linear feet of frontage and two curb cuts proposed, Staff finds the curb cuts to be reasonably minimized when considering logical on-site circulation. The subject development substantially improves the ratio of curb cuts per linear foot compared with existing development north of the property, which can improve safety by reducing conflict points for pedestrians and vehicles.*

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.

Staff comment: *The applicant has agreed to provide a traffic study, of which a TMP is a component. The study will be provided prior to the first City Commission hearing for this request.*

Policy 13

Increased setbacks from Gulf Boulevard for any building exceeding fifty (50) above based flood elevation.

Staff comment: *The applicant is meeting required front setbacks for the development.*

Policy 14

The assembly of smaller parcels into larger development sites will be encouraged.

Staff comment: *This project consolidates four parcels, each of which could be developed independently, and binds together the only remaining vacant parcels in this zoning district as well as one of the few remaining large vacant commercial parcels in the City.*

Policy 15

All new development or redevelopment shall be required to obtain administrative site plan approval prior to construction.

Staff comment: *A site plan is required prior to issuance of any associated building permits if this use is approved.*

I.IV Bayou Residential District (BR)

Policy 1

Architectural design features that provide visual interest, are aesthetically pleasing and relate to the human scale at ground level are equally important for both the street and water-side of buildings. Blank wall facades shall be prohibited.

Staff comment: *Staff finds the design to be of quality, with consistent art moderne features that reflect a mid-rise coastal design and color scheme. Staff does have concern with the visual width of the building as expressed elsewhere in this report, but finds the design itself to generally meet the required design criteria for the district. This is particularly the case for the game room and three-level parking garage, which Staff finds to be designed to effectively mask its purpose from the street and integrate effectively with the primary lodging structure.*

Policy 2

Increased setbacks from Gulf Boulevard will be required for increases in building height.

Staff comment: The applicant meets the currently-adopted required front setback standard.

Policy 3

Professional landscaping and design standards consistent with the standards contained in the LDC shall be the minimum required on the entire building site where any development will occur, with particular emphasis on the Gulf Boulevard frontage.

Staff comment: *The applicant generally meets the sitewide landscaping requirements, and substantially exceeds them along the southern property line to provide screening of the feature pool area from the abutting apartment building. Staff would like to see elimination of frontage surface parking to provide additional greenspace given that the development greatly exceeds its required number of parking spaces.*

Transportation Element

GOAL 1:

Provide for a safe, convenient and energy efficient multimodal transportation system that shall be available for all residents and visitors to the City, that serves to increase mobility, reduce the incidence of single-occupant vehicles, and efficiently utilize roadway capacity.

Objective 1.1

The operational Level of Service (LOS) D peak hour shall be the minimum standard for all arterial roads within the City.

Policy 1.1.1.

The City shall review all proposed development or redevelopment for consistency with this Element and any potential impacts upon the adopted LOS standards.

Staff comment: *The applicant is required to maintain the level of service standard for transportation as with all other mandatorily-assessed facilities such as sewer and potable water, as established in the Comprehensive Plan. A certificate of concurrency must be issued at the site plan stage if this conditional use permit request is approved to ensure that there are adequate facilities in place at the time of development. The subject request is only the first step of the development process – if there is not adequate roadway capacity available at the time of development, independent of payment of multimodal impact fees, the applicant may be responsible for proportionate fair share payments or improvements, intensity reductions, or other means of mitigating project impacts.*

Policy 1.1.3

The City shall assess new development or redevelopment an equitable pro rata share of the costs to provide multimodal improvements to serve the development or redevelopment, as established by the Pinellas County impact fee schedule.

Staff comment: *The developer is responsible for payment of one-time impact fees for the development, which were estimated earlier in this report. The County is undertaking a reevaluation of its multimodal impact fee schedule, which has not been updated in several years. If the study results in a higher cost per density unit or square footage of accessory structure being assessed prior to development, the applicant will be responsible for that higher cost.*

Objective 1.4

The City's transportation system shall emphasize accessibility, sustainability, and aesthetics for all transportation users.

Policy 1.4.1

The City shall encourage the implementation and maintenance of landscaping within the rights-of-way.

Staff comment: *The applicant is proposing an expanded sidewalk with curb-adjacent landscaping. This improvement, along with other safety-related improvements along Gulf Boulevard, are proposed to be the responsibility of the developer.*

Policy 1.4.3

The City shall utilize developer agreements to ensure new development and redevelopment projects provide safe and adequate access to the development. Agreements shall be utilized to acquire and expand existing and new transportation facilities. These facilities may include sidewalks, street lighting, right-of-way needs, roadways and bridges, intersection or roadway improvements, traffic signal improvements, bus shelters, and bicycle facilities.

Staff comment: *The applicant will be responsible for provision of easements or agreements with the City to ensure that the lots are adequately bound together and that the owner is perpetually responsible for maintenance responsibilities when they both occur on property and are necessary to preserve multimodal safety. This may also include easements to ensure the sidewalk can be expanded and maintained.*

Policy 1.4.5

The City shall consider the needs of its aging and disabled populations to enable the mobility of residents of all abilities and encourage aging-in-place, consistent with the AARP Network of Age-

Friendly Communities initiative. Mobility improvements may include longer pedestrian crossing times, leading pedestrian intervals (LPI), wider sidewalks, ADA compliant curb ramps, and seating and shelters at transit stops.

Staff comment: *The applicant is proposing wider sidewalks, and there appears to be adequate frontage space to support a bus stop or other feature if later recommended by PSTA and approved by the City.*

Objective 1.5

The City shall encourage and promote the utilization of a multimodal transportation system.

Policy 1.5.3

The City shall review all proposed development and redevelopment site plans for the accommodation of bicycle, pedestrian, and transit needs when applicable.

Staff comment: *The applicant is providing for significant on-site pedestrian improvements to provide waterfront access, and expanding the frontage sidewalk. Additionally, Staff is recommending that the applicant be responsible for frontage improvements recommended by the Gulf Boulevard Safety Study if implemented. However, no dedicated on-site bicycle lanes or other features are proposed.*

Objective 1.7

The City's transportation system shall prioritize safety and shall strive to eliminate traffic/transportation-related deaths and serious injuries.

Policy 1.7.3

The City shall use a Safe Systems approach to implement Vision Zero as outlined and maintained by Forward Pinellas.

Staff comment: *Much of Vision Zero is based around multimodal user education and enforcement, as well as engineering of existing and new roadways. However, components addressing land use and urban design as shared in the 2021 Safe Streets Pinellas Action Plan are addressable and generally supported through the site design. The site provides for protected pedestrian areas at the frontage, cross-parcel access, especially when compared with the prior development patterns, that promotes driveway consolidation and cross-access, and frontage landscaping for shade that can promote pedestrian comfort.²*

Infrastructure Element

GOAL 1:

Provide necessary sanitary sewer, solid waste, and potable water services by a safe, efficient, and cost-effective system which maintains adequate facilities and provides for orderly growth and expansion.

Objective 1.1

² Forward Pinellas. (2021, March 10). *Safe Streets Pinellas Action Plan*, pg. 83-86. Retrieved from https://forwardpinellas.org/safestreets/wp-content/uploads/2023/02/action_plan_V7_2-3-23_508_Compliant-2.pdf.

The City shall continue to implement procedures, in cooperation with its sanitary sewer, solid waste, and potable water system providers such that development permits are issued only when adequate facility capacity is available to serve the development.

Policy 1.1.6

The City shall maintain standards within the LDC to confirm that all adopted levels of service are maintained. All new development and redevelopment proposals shall be reviewed for compliance with the Level of Service standards as established in this Element.

Staff comment: *This policy cumulatively addresses development review requirements addressed elsewhere in this Element. The City's Land Development Code Division 29 provides requirements for concurrency analysis, which for the subject project includes sewage, stormwater, and transportation, which are evaluated by the City, and potable water and solid waste, which are evaluated by the County. The applicant will not be permitted to proceed with development if there is not adequate capacity available among all five facilities at time of site plan issuance. Capacity is both assessed and committed for the development at that time.*

Coastal and Conservation Element

GOAL 1:

Conserve, protect, appropriately manage, and, where appropriate, restore, or enhance the City's natural resources (aquatic, wetland, air, and terrestrial) to ensure the highest environmental quality possible.

Objective 1.1

The City shall continue to conserve, appropriately use, and protect the quality and quantity of current waters that flow into estuarine waters or oceanic waters and protect from activities and land uses known to adversely affect the quality and quantity of identified water sources.

Policy 1.1.3

The City shall continue to support and implement the standards and regulations set forth in the Pinellas County and Boca Ciega Bay Aquatic Preserve Management Plan (FDEP, 2018) or most current management plan to protect and enhance the water quality of Boca Ciega Bay.

Staff comment: *The 2018 plan is primarily developed to outline City and County responsibilities, such as debris removal and education, but provides for public-private involvement among uses that are water-based, such as the docking facilities proposed at the subject site. This can include on-site seagrass education boards at the waterfront, garbage cans along the promenade to reduce risk of waste entering the Bay, and a general reduction in commercial boating traffic which could disturb sensitive areas, or the Bay generally, which the applicant has undertaken through a significant reduction in the number of slips proposed for the site as well as a substantial reduction in the total width of docking facilities.*

Policy 1.1.4

The City shall require all new development and redevelopment comply with the requirements maintained within the Land Development Code to maintain or improve water quality within Boca Ciega Bay and the Gulf of Mexico.

Staff comment: *The City currently has few special limitations on development adjacent Boca Ciega Bay, but such limitations will be enforced at time of site plan review or permitting.*

Objective 1.2

Regulations for development within the 100-year flood plain, as defined by the Federal Emergency Management Agency (FEMA), shall be strictly enforced and maintained within the Land Development Code.

Policy 1.2.1

New development or redevelopment approvals shall require that post-development run-off rates, volumes and pollutant loads do not exceed predevelopment conditions, as maintained within the Land Development Code.

Staff comment: *The applicant will be required to address this through their concurrency assessment at time of site plan review.*

Objective 1.4

The City shall conserve, appropriately use and protect native vegetation.

Policy 1.4.2

All new development and redevelopment shall incorporate Florida-Friendly Landscaping (FFL) principles.

Staff comment: *Staff is proposing a condition to require a minimum percentage of FFL landscaping on the site.*

Policy 1.4.4

The City shall encourage the removal of exotic invasive plants, as listed by Florida's Exotic Pest Plants Council, requiring removal at the time of development or redevelopment of a property having such vegetation.

Staff comment: *The site has a large cluster of Australian pines at the southern side, which will be eliminated during development.*

Objective 1.8

As an ongoing objective, the City shall make efforts to ensure that Boca Ciega Bay maintains the Outstanding Florida Waters designation as outlined in Chapter 62-302.700, F.A.C.

Policy 1.8.1

No new point sources shall be permitted to discharge from the City of St. Pete Beach into Boca Ciega Bay or into ditches or canals that flow into the bay.

Staff comment: *This will be assessed at the site plan stage.*

Staff finds that additional support should be provided through applicant testimony to support the following policies, to which the project could be adverse if proper safeguards are not put in place during planning review and/or development:

GOAL 1:

Ensure that the residential character of the City is maintained and protected while:

- a. 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;
- b. Minimizing the threat to health, safety, and welfare posed by hazards, nuisances, incompatible land uses, and environmental degradation; and
- c. Maintaining the community's recreational resources, open spaces, and beaches.

Objective 1.3

New commercial development shall be required to be compatible with environmental and economic resources through the enforcement of the Land Development Code.

Policy 1.3.4

The Land Development Code shall ensure that commercial land uses are located in a manner which ensures their compatibility with the type and scale of surrounding land uses and where existing or programmed public facilities shall not be overburdened.

Staff comment: *At six stories and approximately 58 feet in height above grade, the primary structure itself is not significantly taller than other buildings in the same zoning district to the property's south, including the recently-developed Hotel Zamora. However, the width of the building is substantial, with the primary building approximately 325 feet in width and the parking garage with gameroom approximately 150 feet across. The applicant has made changes to lessen the bulk of the building when viewed from the frontage and Belle Vista, but it remains significantly wider than other buildings in the same zoning district, which prevails despite this design in part being due to the shallow lot depth that affects the site.*

The proposed use with 38.8 units per acre is not more dense than other developments in the vicinity, including the 64-unit Hotel Zamora which was granted approval in 2020 to expand to 64 units (39.7 lodging units per acre), or the existing Sand Cove Apartments to the property's south, which contains an estimated 50 residential units per acre. However, the overall development is proposed to have a higher number of outdoor features than any other development in the vicinity, containing a mini golf course, outdoor amenity pool, two outdoor bars, and twelve wet slips proposed for nonmotorized commercial water sports. The slips are a significant reduction from the original request and were requested by Staff to maintain the waterfront intensity of the development at a general equivalence with the permitted number of slips for the residences to the east, but the upper-level bar and outdoor feature pool been identified as amenities that, due to noise potential and proximity to nearby development, should be conditioned to prevent nuisance to nearby residents and businesses.

Objective 1.7

Consistent with this Comprehensive Plan, as amended, Level of Service (LOS) standards set forth in this Plan shall not be degraded.

Policy 1.7.6

Consistent with this Comprehensive Plan, as amended, building permits for new construction, additions, or certificates of occupancy for a change in use shall be issued only if public facilities necessary to meet the adopted LOS standards are available concurrent with the impacts of the development.

Staff comment: *Staff does not find this development request adverse to this policy, as the applicant is ultimately responsible for demonstrating concurrency for all tracked facilities prior to site plan issuance. However, the ability of the developer to meet these standards has not yet been demonstrated. The applicant is proposing to prepare a traffic study prior to the City Commission hearing for this request, which will address expected impact on that facility, with other facility capacity to be demonstrated at the site plan stage.*

GOAL 2:

Support rebuilding and maintaining a sustainable carbon-neutral community by adopting and implementing land development and building regulations that: protect and conserve water resources; promote energy efficient buildings; encourage environmentally-sensitive site and building design; facilitate recycling of construction materials and debris; support innovative building and site design that recognizes the complexities and environmental sensitivities of our coastal environment and its vulnerability to storms; and protect and enhance the overall environmental quality of our City.

Objective 2.2

The City shall promote flexibility and mixed-use, by incorporating economic and environmentally sustainable standards and the principles of Smart Growth, in the Land Development Code.

Policy 2.2.7

The City shall encourage fountains and water features that promote water conservation methods and technologies.

Staff comment: *Staff supports the activation of the street-front of this development, which the applicants has made strides toward with the inclusion of outdoor seating and patio areas that connect to a perimeter walking promenade. However, there is a prominent fountain at the frontage, and despite the region exiting a stage one drought in early 2024 Staff would like to see the feature mitigated through the use of water-saving technology and techniques such as splash and rain sensors.*

Goals, Objectives, and Policies for Special Planning Area 1 (SPA-1)

SPA-1 GOAL 2:

To meet the needs of residents and further the ideal of quality communities as a function of living, working, and recreation opportunities, the design and functionality of Special Planning Area 1 will have a renewed focus on livable community strategies that focus more on people and less on the auto with community improvements and site design that values connectivity, safe and attractive gathering places, functional and attractive design, and alternative safe mobility options.

Objective 2.1

Create livable, healthy streets that are designed and oriented towards safe pedestrian and bicycle movement.

Policy 2.1.1

Where appropriate, development and redevelopment should include the following pedestrian-friendly design features:

- a. continuous sidewalks with a minimum width of ten feet, buffered from traffic by on-street parking and/or landscaping, and that include pedestrian amenities such as benches, trash receptacles, trolley shelters, and pedestrian-scale street lighting.

[...]

Staff comment: *The applicant is showing a sidewalk of approximately 10 feet in width, but there are significant curblane plantings that reduce the width to approximately five feet at standard intervals. The landscaping shown is atypical and not part of a master boulevard plan. Staff requests the sidewalk be maintained at eight feet or greater in width along its entire span, which may result in encroachment into the property frontage resulting in need for public easement, to maintain consistency with abutting properties and promote comfortable passing of pedestrians along the sidewalk.*

SPA-1 GOAL 3:

Rebuild the core commercial and resort areas of the City utilizing Green practices, strategies, and technologies.

Objective 3.1

Implement building and site design construction and operation practices that support long-term environmental sustainability by: protecting and conserving water resources; constructing energy efficient buildings; using Florida-Friendly landscape plant materials and design; recycling construction materials and debris; reducing urban heat through innovative building and site design; reducing pollutant run-off; protecting further degradation of the beach dune system and coastal wildlife species habitat and restoring or enhancing existing conditions through dune restoration measures, lighting, and refuse controls and other measures.

Policy 3.1.1

All development within Special Planning Area 1 shall comply with a minimum of two (2) environmental standards that will be established in Division 39 of the Land Development Code, as amended.

Staff comment: *As noted with other criteria, the applicant has simply not provided any consideration of this criteria to Staff as of the drafting of this report. Due to the condo operation of the lodging and the apparent lack of extensive on-site operational facilities outside of the restaurants and small lobby area, Staff is recommending this requirement be met through criteria that rely on site and construction criteria, rather than operational criteria, to ensure that the development's environmental impact is optimally mitigated. Programs that prioritize operation, such as the Florida Green Lodging Program, may be less effective in smaller developments where there are fewer staff to implement recycling programs, waste reduction, and reduction in use of single-use polymer product initiatives than in larger resort-style developments.*

- (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;**

Staff finds the density of the development requested will not significantly affect the appearance or function of the area, as the vicinity supports uses of similar or higher density than is proposed for the subject development. With the exception of Bella Marguerite Condominiums, which has 19 units spread over an approximately one-acre property, the requested density of the subject development is in line with others in the same zoning district, all of which contain in the vicinity of 40 to 50 units per acre. This is in relative alignment with the densities reserved for the land use category, and less in potential density than the developments in the Boutique Hotel/Condo District to the west, which supports densities of 50-70 units per acre. The subject development is also not significantly taller than other developments in the same zoning, most of which are five stories. Hotel Zamora is also built at the maximum height allowed for the district as is proposed for the subject request, albeit with “penthouse” rooftop facilities that are stepped back from the top enclosed story of the building to lessen the visual impact.

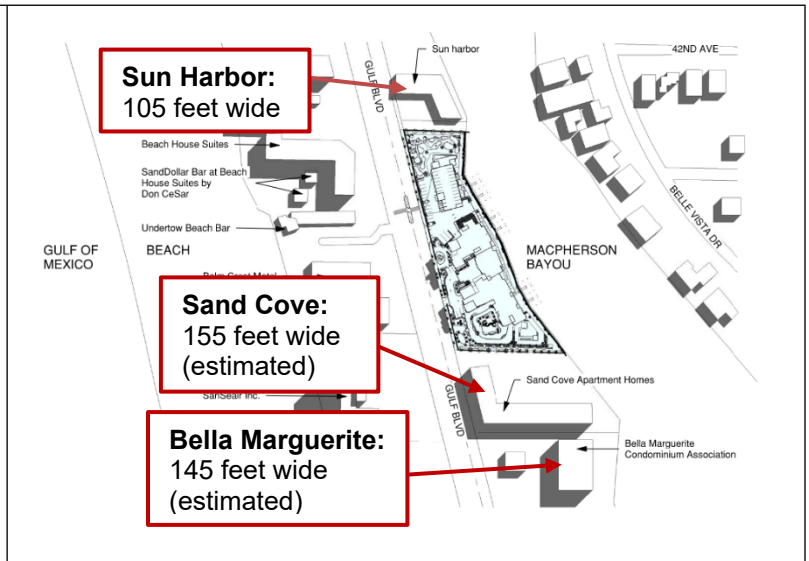
However, the intensity of the commercial component of the proposed development is greater than the majority of other uses in the vicinity, particularly with regard to the outdoor facilities. Despite being described in the Future Land Use Element as a “transition” area between the higher intensity development along Gulf Boulevard and the single-family residential areas to the east, the Bayou Residential District does not specify the type of commercial uses allowable as a component of a mixed-use lodging development. Instead, the uses fall under the consideration of the lodging development itself, which is a conditional use permit with density pool allocation. Staff has limited concern about the quiet pool or mini golf course, the first of which is an expected feature and the latter which can be relatively limited in intensity by restrictions on late-night operations and the realistic operational limitations of such a use. However, the rooftop bar is a concern given amplified noise impacts from other lodging uses in the vicinity on nearby residents in the past, and the amenity pool abutting a residential development. Staff finds both of those amenities should be conditioned to limit impact on neighboring residents.

In terms of the development slotting in within a “transitional” area between higher-intensity commercial along Gulf Boulevard and single-family zoning, Staff finds the development does not exceed the intensity or density thresholds available to properties in the nearby Activity Center or Boutique Hotel/Condo Districts. Both districts allow for recreational facilities as uses by right, with those in the Boutique Hotel/Condo District allowed only as ancillary uses for lodging developments but without any site area restrictions. Eating and drinking establishments are also permitted uses in these districts, either as accessory to lodging or standalone, all of which require conditional use permits to operate when located above the first floor of the development. Finally, commercial docks are also permissible, subject to a conditional use review, in the Activity Center District.

Staff’s architecture review consultant expressed some concerns about the scale and width of the building, which was not found to be consistent with abutting development. The City’s design codes for the Gulf Boulevard Redevelopment District do not require breaks in buildings at certain distances, only jogs in the building plane, which the conceptual plan generally demonstrates. However, the structure is of significant mass and width compared with other developments, particularly when viewing the rear of the structure from Belle Vista or the front from Gulf Boulevard. The applicant has made some roofline modifications to assist with this scale issue since those comments were shared, but the issue is largely extant. The applicant has rounded balconies and modified other features to provide additional consistency to the design, but did not undertake a recommendation to provide physical

separation at the center of the building to assist with the scaling concerns, which could provide space to locate accessory uses more interior to the site.

Right: The primary building on the property scales at approximately 325 feet in width. This is not prohibited by Code, but does affect the building's scale relative to other development in the vicinity. Other developments in the same zoning are significantly narrower, although many are built with similar relative setbacks to their lot lines as the subject development.



- b. **Whether the application will preserve any city, state or federally designated historic, scenic, archaeological, or cultural resources;** *There are no known historic, archaeological or cultural resources on the property. The City's conditional use criteria generally promote the maintenance of water views and vistas as a scenic resource, and the applicant is preserving over 150 linear feet of the site as a viewshed, including a setback of 65 feet on each side where no building will be located. Despite aforementioned scaling issues, this does help preserve view of the water for motorists. Additionally, the public promenade provides for pedestrian access to the water regardless of whether they are a guest of the resort, which is a beneficial feature for residents in the vicinity who lack any dedicated walking and leisure trails removed from Gulf Boulevard.*
- 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.** *As noted previously, the structure is not significantly taller or more voluminous relative to the site area compared with other properties in the vicinity, but is significantly wider than other developments in the BR District. This is due in part to the significant lot consolidation being undertaken for this development, with the site three to five times wider than other properties with similar uses in the same zoning. Lot consolidation is promoted in this zoning district, and the applicant does face constraints related to the shallowness of the lot, particularly at the northern end. The Land Development Code does not require breaks in the building, and there are other similar developments to the northern part of the City that provide the same visual massing when viewed from abutting neighborhoods, such as Sunrise Resort and Sylvette Condo which also abut single-family neighborhoods to the east and Gulf Boulevard to the west. However, this is still a consideration relative to the criteria under review.*

Staff finds the design of the building to be generally compatible with the criteria listed in the code. There is no mandated architectural style for developments in this zoning district, with the only recent development subject to any design criteria, being Hotel Zamora, featuring a mediterranean style. The designer of this structure has opted for a coastal art moderne styling. Staff finds the design to be generally internally consistent and not contain significant

incongruous elements, reflecting expected color and details. The building appears to generally meet the design requirements of the Land Development Code, particularly as it relates to screening of the parking garage. These features will be evaluated at permitting.

- 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.** *Staff does not expect additional adverse impacts from dust, fumes, smoke, or odors, due to the nature of the uses under consideration. The main structure will contain a small restaurant, but it will not be oriented where cooking smells from exhausts are expected to impact surrounding residences.*

Noise is a concern given the proximity of residences in Belle Vista to the area where the sixth-level bar will be located, and the location of the amenity pool adjacent to the apartment residences on the southern lot. Staff has seen successful balancing of noise levels on rooftop uses in the vicinity through setting decibel and hour limitations for outdoor music, which is found to be an appropriate condition for this use as well. Noise from the feature pool area may be more difficult to control given the proximity of the use to the property line, but the applicant has proposed a substantive buffer along the south side, and Staff has discussed with the applicant hour limitations on the use. The combination of both would assist to prevent significant late-night disturbance to abutting residences.

Renderings show that the applicant has proposed effective landscaping for surface-level parking that is oriented west or east, and has barriers in place at the three-level parking garage, to prevent glare from headlights affecting abutting properties. There appears to be only limited landscaping at the rear of the lot facing the seawall, and Staff would like to ensure that hedges, shrubs or another element is planted at an effective height to prevent glare. In other cases, the Land Development Code prevents light spillover beyond the property line, which can be assessed through a photometrics plan at time of permitting.

The development is expected to produce both more overall trips and more frequent hour-by-hour trips when compared with the preceding parking lot use and the developed uses on the site that were largely demolished in the mid-2000s. The recent use of the parking lots was largely for employee overflow parking during peak season, which meant that cars were generally exiting and entering the lots at specific periods and utilized infrequently. A lodging use will have more frequent exiting and entering of vehicles. However, regardless of development classification, the use is substantially below the threshold of 301 peak hour trips and a traffic study is not required by code. The applicant has voluntarily chosen to supply one, which is expected prior to City Commission review of this request.

The use is below the threshold for providing a dedicated off-site loading space, with the two bars, restaurant, and small conference room space largely accessory to the site's use as a lodging facility and much smaller in extent than other recent developments approved through this process. However, the applicant has explained that there is adequate space within the primary structure's parking area for a truck to load and unload. Staff recommends a condition that all loading and unloading be conducted on site, and that the two spaces shown near the primary entrance be relocated if viable to reduce the risk of a truck backing into the entrance or sidewalk to leave the site.

The development will introduce numerous outdoor activities, including the public promenade, mini-golf course, and quiet and feature pools. The property owner previously received state approval to maintain numerous slips, and the docking facilities are proposed to be redeveloped as a series of twelve wet slips that will be operated in a "Class A" lodging dock fashion, with only paddle boards and peddle boats rented. This is a significant reduction in number of slips and intensity from the proposal shown at the community meeting, and was suggested by Staff to provide relative parity between the number of slips on the subject property and the number of slips available to residents adjacent the development in Belle Vista, who will further not face the self-imposed motorized vessel limitations of the subject development. The applicant has agreed to address staff concerns on late-night operations, including tentatively agreeing to decibel limitations on outdoor spaces that play music, limiting outdoor food service operations to 10 PM, and discussing with Staff operating hour restrictions on the feature pool. These limitations will help to limit late-night nuisances from impacting abutting properties.

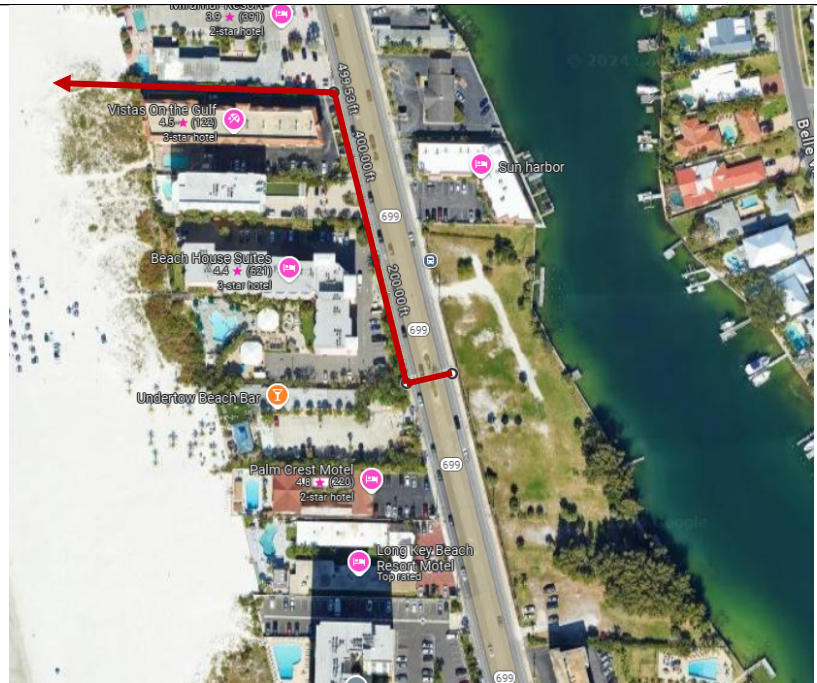
There is potential for increased litter, particularly from the pedestrian promenade if not adequately managed. Regardless of whether the area is maintained through easements, Staff requests a condition that makes the property owner responsible for provision and emptying of trash cans along the promenade.

Staff has concerns about the safety of late-night operations of the pools and usage of the perimeter promenade. Staff would like to limit the hours of the feature pool to sunset to both mitigate nuisances and promote safety, and for the applicant to limit promenade hours as well through signage and enforcement.

- (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;**

The applicant has not submitted a traffic study or transportation management plan as of the drafting of this report. The study will be evaluated to ensure the cumulative impacts of other recently-approved projects, including Tradewinds, Sirata, and the 2021 approval for the Miramar, are accounted for at the time of development. These reports are typically evaluated at the site plan stage, where the City determines adequacy of facilities. Approval of this request for a conditional use permit does not vest the applicant for project concurrency, which as of this time has not been evaluated. It is still the responsibility of the applicant to demonstrate that adequate capacity exists, or will be created, at the time that the impacts of development come online.

Right: The closest public beach access to the project, adjacent Vistas on the Gulf and Miramar Resort, is approximately 500 feet as measured from the property frontage's intersection with the Gulf Boulevard pedestrian crossing. Aerial obtained from Google Maps.



The portion of Gulf Boulevard adjacent to the subject site has a level of service classification of D based upon the 2024 Forward Pinellas Annual Level of Service Report, which uses data collected in early 2023. The road segment has a volume-to-capacity ratio of 0.75, based upon a physical capacity of 1,630 trips. This is not a significant increase from the ratio presented in the 2023 report. Treating this development as a resort hotel use, the estimated trip rate is 43 trips at weekday evening peak hour. Adding in an 18-hole mini golf course would raise the number of trips by six to 49 trips per estimates of the Institute of Transportation Engineers Trip Generation Web App. Neither of these numbers passes the City's threshold to require a transportation study, although the applicant will be responsible for a transportation management plan to provide strategies to offset the vehicular trips impact of the development.

The site is serviced by the Sunrunner at the Beach Access, approximately half a mile north. The site is also accessible for users of the City's circulator, Freebee. The proposal does not include a designated drop-off zone for circulator services, which Staff generally recommends for new lodging development to help with customer drop-off and pick-up efficiency. The applicant has also not at this time proposed any contributions toward circulator service.

No on-street parking impacts or neighborhood impacts resulting from parking are anticipated. The site significantly exceeds the parking requirements of the Land Development Code and is not expected to need to utilize on-street parking in the vicinity to service guests.

Staff finds the applicant has reasonably minimized the number of curb cuts on the property, having far fewer per 100 feet of frontage than the average for the district. The code promotes property consolidation in this district, in part to reduce the number of curb cuts and increase on site cross-access to improve safety and reduce vehicular-pedestrian conflicts.

- (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 development is shown to be compliant with the parking minimums required by the Land Development Code. There is a loading area shown to the north of the main building containing

two regulation-sized loading spaces. However, as with the pedestrian building access, the spaces do not appear to be logically located relative to the service elevator. The applicant may wish to explore alternative locations for both spaces, unless their primary purpose is for delivery to the accessory building.

- (5) **Whether generally, the public health, safety and welfare will be preserved, and any reasonable conditions necessary for such preservation have been made;** *Staff is recommending conditions pertaining to late-night operations, decibel levels of outdoor music, limitation on operation of the Class A dock slips, and increased landscaping, to assist with preservation of the public health, safety and welfare.*
- (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 agent for the request has provided a basic statement that the landowner and applicants are financially and technically capable of completing the improvements, but no additional support has been submitted. Staff requests the applicant, who serves as the architect for the project and noted in correspondence in early December 2024 will also act as developer, to submit a portfolio demonstrating management capacity to complete similar mixed-use resort developments. The applicant has noted that they are holding an \$8.5 million loan, but it is not clear whether that is a loan for site improvements or for a different project, and what the expected cost of the subject development will be.*
- (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.** *The applicant has been put on notice that the project will be required to demonstrate compliance with the green building standards, landscaping quality standards, building and fire codes, and temporary lodging operation requirements, at time of site or building permit issuance as relevant. A concurrency certificate for these facilities will be necessary at site plan issuance as well.*

The applicant successfully held a code-compliant community meeting in the fall of 2023. A subsequent meeting is not necessary as of the drafting of this report.

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;**

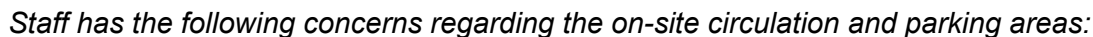
The City's engineer has accepted preliminary calculations showing an estimated peak flow of 43.44 gallons per minute. The development is contingent upon the applicant demonstrating compliance with stormwater concurrency requirements at the site plan stage if this use is approved.

Reclaimed water is available in the area and preferable for use for landscaping irrigation where viable.

Potable water service is provided by Pinellas County. Potable water is one of the facilities the City will verify meets county level of service standards at time of site plan issuance.

(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;

Right: If the recommendations of the Gulf Boulevard Safety Study are implemented, more than half of the property's frontage will face median improvements, including the southern egress. Graphic in red shows the two estimated median improvement locations overlaid on the applicant's conceptual plan. Staff is recommending the applicant be responsible for funding these improvements if the use is approved.

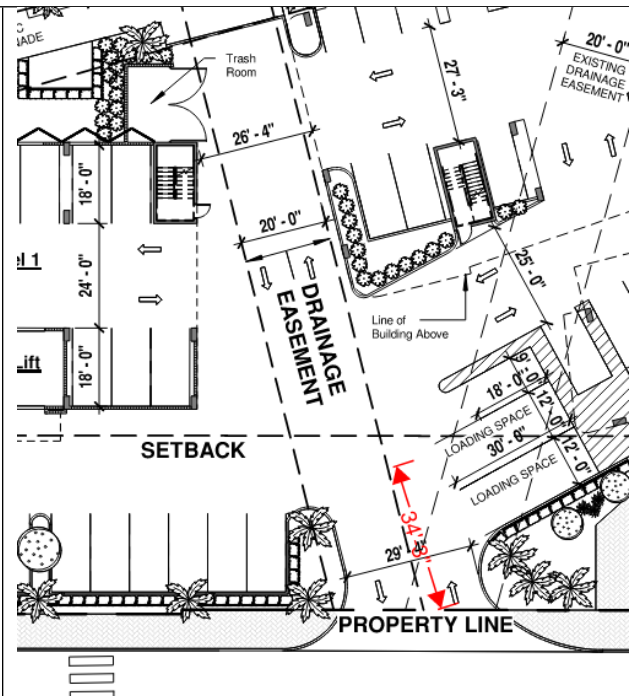


- Page 50 of 200

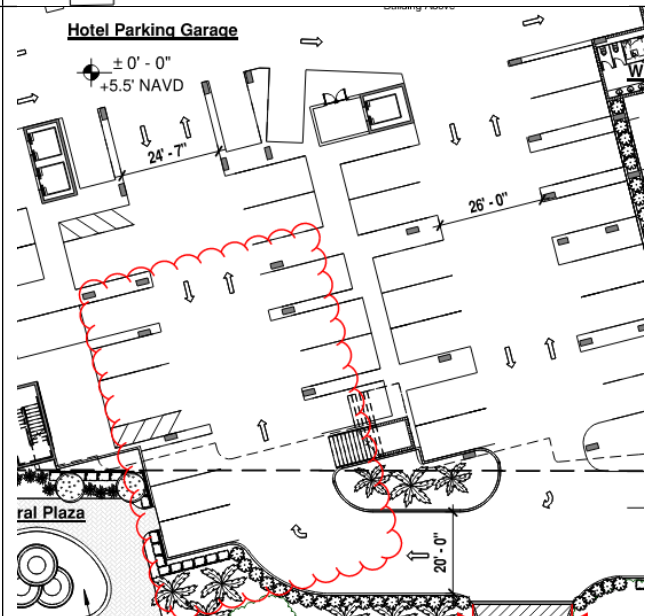
around at this location if all spaces are taken, except for making a multiple-point turn in the center of the aisle. Staff would prefer the entire southern and center hotel aisle circulation made uni-directional to more safely route vehicles through this area of the garage.

- 3) The applicant shows several parking spaces on the site as 18x9' in size. City regulations require 20x9' for at least 75% of the parking spaces. Although it appears this could be accommodated, especially if staff recommendations are followed, Staff would like to see this reflected in the final site plan.

Right: The northern entrance to the site provides limited space for a driver to determine whether they are turning north or continuing east, which could be exacerbated by conflicts with truck traffic if the loading spaces are frequently utilized.



Right: The center lane of the parking garage does not have a logical turnaround point for guests who are not able to find parking prior to exiting to the frontage lane. Staff would like to see the circulation made one way to assist with this, which will also help with logical routing for those entering from Gulf Boulevard.



As with other developments, staff recommends the applicant provide a logical space for dropoff of guests utilizing Freebee or other ride share circulation, potentially in front of the arcade building if a recommendation to modify this parking area to provide additional greenspace is followed.

The applicant is not conveying any public roadways through this development. Any portion of the expanded sidewalk that expands on to the property will need to be provided to the FDOT as an easement for maintenance purposes.

(3) Hydrological features and storm water management infrastructure;

The conceptual plans refer to underground vaulting of stormwater up to a 24 hour, 25 year storm event, at which point stormwater is treated and released to the Bayou under a Southwest Florida Water Management District permit. The development cannot increase runoff relative to an undeveloped state, which is a higher standard than enforced in many municipalities. The applicant should address whether there are even greater heightened retention or detention requirements through other agencies' approvals that exceed those required by St. Pete Beach. Stormwater concurrency must be demonstrated at time of site plan issuance.

Staff is not aware of any remaining natural hydrological features on the site. Storm water is to be vaulted to meet minimum code requirements, which will be demonstrated at time of site plan submittal.

(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;

Staff has already expressed concerns elsewhere in this report about the visual massing of the buildings, which are not reiterated in detail here. Approximately 25% of the waterfront is still visible from the frontage, and the applicant has provided a pedestrian promenade, which does increase general public access to the water.

In terms of other aesthetic and architectural considerations, Staff finds the layout to be in general preservation of the aesthetic standards for the Gulf Boulevard Redevelopment District, although also directly in line with minimum code requirements in most cases. The height of the building is consistent with other mid-rise buildings in the area, such as the Beach House Suites also at six stories, and the abutting Sand Cove Apartments at five stories. The development is one story taller than Hotel Zamora and Bella Marguerite's five enclosed stories, although Hotel Zamora has recessed roof features that are developed at the same height as the subject proposal.

Staff finds the exterior design of the structure to be of high quality, with a visually consistent art moderne style and coastal colors that are suitable for its location. Staff particularly supports the design of the parking garage, which effectively obscures its purpose through the use of architectural screening. The development appears to meet the minimum architectural standards required by the Land Development Code, including the visual minimization of entrance and exit areas for parking garages, planar offsets, and high percentages of windows and visual decoration.

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

The applicant is showing compliance with the 85% minimum impervious surface ratio limitation. To increase frontage buffering and improve parking circulation, Staff is also recommending increased buffering along the frontage of the game room area, which should provide as much as one percentage point in additional greenspace.

Staff finds the side lot buffers in particular to significantly exceed the requirements of the Land Development Code, while the frontage buffer, particularly in front of the game room, is near an approvable depth but not to the same quality standards as the side buffers. The applicant has not provided a detailed landscaping schedule but appears to be largely utilizing palms along the frontage, with a mixture of palms and standard canopy or under-story trees along the perimeter. Some limited landscaping is provided along the pedestrian promenade to the east, although the closeness of the building to the water precludes most additional landscaping without it becoming a hindrance to water views.

(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 is recommending hour of operation restrictions for the feature pool if approved, to mitigate noise spillover to the abutting residence from guest use. Staff is also recommending decibel and hour limitations on use of music in the rooftop and ground-level bars, which has been effectively used elsewhere in the same zoning district to mitigate noise spillover issues for residents in Belle Vista.

The applicant should address whether they plan to operate the mini-golf course late at night and, if so, how lighting will be arranged to prevent spillover to nearby developments and Gulf Boulevard.

As with all lodging developments, occupancy is limited to 30 days or less, which is cumulative for condo development owners over a year period. The owners may be required to file covenants or other assurances to this effect at time of development.

Limited information has been shared on facilities maintenance. It is assumed the condominium association will be responsible for upkeep of grounds and facilities, but such proposal has not yet been filed. The applicant should address this through their testimony.

(7) Fire suppression and facility security;

As of the publication of this support, the City's fire marshal has found that there is adequate on-site access for remaining considerations, like fire hydrant location, to be addressed at the site plan stage. The applicant has not prepared building plans at this time, but fire suppression and more will be addressed prior to issuance of any building permits.

(8) Emergency management and hurricane evacuation provisions;

The applicant has not provided a hurricane management plan, which is a requirement for new lodging developments and will be evaluated at the site plan or building permit stage, as relevant. As noted previously, the development will be required to evacuate guests at time of a hurricane watch being issued.

(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 Bayou Residential District is one of a handful of zoning districts that lack any maximum side setback, requiring for the subject site the maintenance of a side setback of 65 feet on each side, or approximately the width of one platted lot within the property's zoning district. Staff finds this, combined with the 20 foot rear setback required, adequately preserves views for abutting properties. The southeasterly jog of the waterline in the Bayou Residential District generally favors properties to the south, although the rear of the northern Sun Harbor development extends further into the bayou than the applicant's abutting parcel, which maintains favorable viewsheds for both properties.

- 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 property to the south of the subject development is residential in nature, but the Florida CCCL is located to the west, along the beach.

SUMMARY OF STAFF FINDINGS

Staff finds the following project impacts as supporting the goals, objectives and policies of the Comprehensive Plan:

- 1) The applicant is proposing a public promenade around the perimeter of the development, increasing scenic amenities and access to the waterfront which is a Citywide policy to implement a goal of the Comprehensive Plan;
- 2) The development will consolidate four historically-disparate properties and limit the property to just two curb cuts, which fulfills an objective of the City and allows for a more pedestrian-friendly frontage environment along with additional landscaping. These curb cuts are also oriented across from lower-intensity commercial developments, and a significant distance from abutting residential driveway egress, to reduce conflict points with surrounding development.
- 3) Despite concerns about the massing of the development, Staff finds the architectural design to be of a high quality and appropriate for a mid-rise coastal lodging building. The parking garages place most parking interior to the development and away from the frontage, increasing greenspace and reducing dedicated impervious land area for parking. The design of the three-level parking garage is particularly effective at screening the purpose of the building while complementing adjacent development.
- 4) The applicant has agreed to significantly reduce the intensity of the dock, more than halving the number of slips compared with what was presented at the community meeting and limiting the development to non-motorized water sports amenities only. This feature was noted by Staff to be the most criticized element of the development at the community meeting in fall 2023, and Staff finds the proposal in its current iteration to be an acceptable compromise given the concerns shared.
- 5) The development introduces family-oriented amenities at the southern end of the resort and commercial districts, which are limited in this area. The design of the site also makes those amenities more inviting to day visitors of the site than they may be in a more walled garden-style resort. Although the land use description provides limited detail on what is considered appropriate commercial uses for the zoning, most appear to be of moderate intensity and appropriate either as submitted or with conditions.
- 6) Staff finds the development to meet items (3) related to additional public amenities, and (8) related to additional landscaping, of LDC Sec. 4.12.(d) pertaining to density pool allocation considerations.

Staff seeks additional applicant testimony on the following element for which either partial support was provided in the application, or Staff identifies as elements that could more effectively promote the Comprehensive Plan:

- 1) Staff does not find the agent to have submitted adequate information, as of the drafting of this report, pertaining to the technical and financial capacity of the applicant to complete the requested improvements. The applicant has stated they plan to be involved with the project development, but it is unclear if the project is funded, and Staff requests the applicant provide a portfolio showing successful undertaking of similarly-complex projects in the past. While no development approval is impervious to economic downturns, the request includes allocation from a density pool, which is a limited City resource. Staff would like to have reasonable assurance that the units will not be tied up in a development that never ultimately moves forward if approved, preventing mid-term development of another project whose developer may have the financial and technical wherewithal to move the project forward.
- 2) The massing and scale of the building is more significant than other existing developments in the same zoning. Staff understands the limitations faced by the applicant, with the site as presented one of the more unusual in the City due to its oblong aspect, but Staff would like to see additional visual breaks in the building when viewed from the rear to lessen its visual impact when viewed from Belle Vista.
- 3) Staff requests additional information from the applicant pertaining to the need for the feature pool as an essential element of the development, and whether the feature could be redesigned to move the element closer to the interior of the site, away from the abutting residential property, and/or whether the applicant agrees with staff recommendations to close the feature shortly after sunset.
- 4) The layout of the frontage elements is logical and multimodal in nature, but the primary mid-section pedestrian access to the site from the sidewalk appears to route visitors through a sub-optimal area of the parking garage, and there are numerous concerns with vehicular routing through the site that Staff has expressed elsewhere in this report. Staff would like to see modifications to the site plan at the time of

development, including greater buffer in front of the gameroom, uni-directional routing of vehicles through the site, and loading space modification, to ensure the interior of the site functions safely.

- 5) The applicant should address how the pedestrian promenade will be maintained, either through public easements or as a private amenity with owner responsibility for maintenance.
- 6) As a traffic study has not yet been presented, the applicant should address any Transportation Management Plan elements to be included in the development, including contributions toward or separate operation of a circulator.

STAFF RECOMMENDED CONDITIONS

Should the Planning Board find support for the project through the relevant criteria in Division 4 of the Land Development Code and the Goals, Objectives and Policies of the Comprehensive Plan, and choose to recommend approval for allocation of temporary lodging units from the TC-2, AC, and BR Districts Temporary Lodging Unit Density Pool for the subject project, Staff recommends at least the following conditions to mitigate potential project impacts and protect the public health, safety and welfare:

Density Contingency Conditions

- 1) Approval of the temporary lodging unit count of the subject development requested herein is contingent upon the passage of companion Ordinance 2024-08. Should Ordinance 2024-08 be reduced in unit count, the applicant shall be required to reduce the number of temporary lodging units contained within the lodging building to be consistent with the units awarded. Should Ordinance 2024-08 be denied, this Resolution shall be considered null and void.
- 2) Should companion Ordinance 2024-08 be approved by the City Commission, all lodging units awarded to the subject property shall be divested to the density pool should the applicant fail to obtain a building permit within one year of the non-appealable passage of Ordinance 2024-08 or Resolution 2024-12, whichever occurs later.

Outdoor Music Operation Conditions

- 3) All outdoor speakers, amplifiers, and other equipment utilized in the first- and sixth-floor outdoor bar areas, and any other area of the site where outdoor music is established, shall be permanent and no portable amplification equipment shall be used.
- 4) The use of all outdoor music amplification equipment and outdoor playing of live music shall cease between the hours of 10 PM and 7:30 AM.
- 5) Prior to operation of any outdoor area where amplification equipment is utilized, the applicant shall permit up to two noise tests if deemed necessary by the City Manager to ensure that the intent of Land Development Code Section 39.5.(a) is met. The tests shall involve City Staff measuring the sound level increase above ambient, if any, from the side property line abutting 3813 Gulf Boulevard, from residential property or the right-of-way as requested to the east of the property in Belle Vista, and from the property frontage along Gulf Boulevard, while music is being played through amplification equipment. The applicant shall install decibel limiting software or hardware such that a sound reading with rooftop music playing does not exceed three decibels above a preceding or following ambient reading with the music turned off, nor adopted decibel standards in the Code of Ordinances, at the aforementioned locations. Access to the software or hardware shall be limited to a designated manager or other positions whose direct contact information shall be made available and maintained with City Code Enforcement staff. The designated employee(s) shall be on duty at all times music is being played from outdoor amplification equipment. In cases where sound pressure changes or other events make it such that sound can be heard from amplification equipment at any of the location specified above, following a substantiated complaint to the Sheriff's Office or Code Enforcement, or where new outdoor music areas are established, the operator shall make reasonable accommodations to allow for sound tests to be performed and the decibel level set to be reevaluated.

Resort Development: Public Benefit Requirements

- 6) Prior to issuance of a site plan for the subject project, the applicant shall provide the following:

- a. Modification of the site plan to provide for a dedicated rideshare or circulator drop-off area.
- b. Modification of the frontage sidewalk on the site plan to reflect at least an eight-foot width.
- c. Modification of the pedestrian access approach from the sidewalk on the sidewalk to provide direct and protected access for guests to the primary entrance of the elevated lobby level.
- d. Relocation of delivery vehicle spaces to the service elevator area, or modification of the loading space area to provide the ability for delivery vehicles to back up on the site without entering the sidewalk or Gulf Boulevard roadway with the maneuver, as viable.
- e. Expansion of the landscaping buffer along the game room building frontage to provide at least eight feet or depth to the buffer with appropriate canopy or under-story trees placed at least every thirty feet, and modification of the impacted parking area to meet code requirements.
- f. Preliminary identification of the two green building standards to be pursued subject to LDC Sec. 39.9., including identification of any exterior site improvements necessary to achieve such certification.
- g. If necessary, a draft pedestrian access sidewalk easement, prepared to the satisfaction of the Florida Department of Transportation (FDOT) and the City of St. Pete Beach. The easement shall be of sufficient size to allow the sidewalk along the property frontage to expand to at least eight feet in walkable width as specified in Condition 7)a., except where approved driveway connection(s) cross the property line.
- h. A draft covenant or other legal instrument deemed appropriate by the City Attorney providing for maintenance responsibilities of landscaping and common area elements deemed to be public benefits of the project, including but not limited to the pedestrian promenade, frontage sidewalk, landscaping, pedestrian amenities, and lighting elements, to ensure that condominium conversion does not release any maintenance responsibilities of private elements to the City or other public entities, and to ensure that the promenade continues to function as a publicly-accessible benefit.
- i. Preparation of a Declaration of Unified Site Plan Covenants or alternative document determined by the City Attorney to be sufficient to declare that the entire property is regarded as, and declared to be unified under one indivisible building site, also known as a zoning lot for the purposes of development as defined in Division 2, Section 2.1 of the Land Development Code of the City of St. Pete Beach; and (ii) constitutes a single zoning lot for the purposed of development.
- j. Preparation of a unified sign plan for the site, including reference to signs at the promenade entrances from Gulf Boulevard demonstrating the promenade as a publicly-accessible feature.
- k. Identification on the site plan of easements necessary to accommodate aerial utility undergrounding and placement of associated above-ground elements at the property frontage, including installation of sufficient landscaping to provide adequate screening of said elements pursuant to requirements of Land Development Code Divisions 22 and 39, following consultation with the City Manager or designee.
- l. A draft easement document, prepared to the satisfaction of the City Attorney, to execute the utility undergrounding referenced in 6)k. preceding.
- m. A plan for the storage of unsecured outside furniture, equipment and vessels, including but not limited to tables, chairs, and water sports equipment, at time of issuance of a tropical storm or hurricane watch.

7) Prior to Certificate of Occupancy for the subject lodging tower, the applicant shall provide the following:

- a. Construction of a sidewalk of at least eight feet of walkable width if curblin landscaping shown on the site plan is installed, or ten feet if the curblin landscaping is not installed, across the front of the property and adjacent right-of-way as demonstrated on the conceptual site plan.
- b. Transference of a pedestrian access easement to the FDOT, as requested. for any portion of the sidewalk referenced in Condition 7)b.. that extends onto the subject property.
- c. Installation of frontage landscaping of at least eight feet in depth across the front of the site,

except where approved accessory elements of the mini golf course and pedestrian walkway and seating areas are already demonstrated, subject to the requirement of condition 6)e. above.

- d. Installation of all landscaping, irrigation, and other requirements of LDC Division 22 and 39, including installation of plant material as depicted in the conceptual site plan set as may be amended.
 - e. Final certification from the reviewing agencies for achievement of the two green building standards selected from LDC Sec. 39.9., unless it can be demonstrated that such certification is guaranteed to be met contingent upon final administrative review of the project by outside agencies, and that all such improvements necessary for such certification have been completed.
 - f. Implementation of the pedestrian promenade and frontage pedestrian amenity areas in generally the same location, and with the same general width to the pathways, as reflected on the conceptual plan.
 - g. Execution and recording of the legal documents and easements listed in Condition 6, above, following acceptance by the City, with timing of execution and recording to be determined in consultation with the City Manager or designee at time of site plan review.
- 8) The applicant shall provide to the City a proportionate cost, not to exceed \$30,000 of future planning study/documents for the fire department to ensure a continued appropriate emergency services level for the residents and visitors of St. Pete Beach. This payment shall be collected when the study is approved to commence.

The first such study/document, anticipated to be completed during 2025, will be a Comprehensive Master Plan.

A Master Plan is an organizational planning document that draws from public engagement as well as a thorough assessment of the operational environment to frame resource allocation decisions. Organizations of all types utilize these documents to proactively guide decision-makers and to develop effective strategies to address challenges related to sustainability, funding, and resource allocation. This document will include specific areas such as service demand trends that will analyze items such as concurrency.

Resort Development: Operational and Design Requirements

- 9) To ensure that the accessory uses of the site function as permitted under the Land Development Code, the operation of any accessory amenity of the development, including but not limited to the mini-golf course, pools, game room or seating area, or Class A docks, shall be permitted and licensed only after the issuance of a Certificate of Occupancy for the primary lodging building.
- 10) The pedestrian promenade, as shown through the conceptual architectural plan, shall be considered a minimum passive amenity of project approval and be maintained as publicly-accessible by the owner for the life of the development. If modified or limited, the promenade shall continue to provide public access for walking, seating and viewing along the property's waterfront in the same general location and with the same walkway width as shown on the concept plan, and direct access from the property frontage to the waterfront promenade shall be maintained. All modifications to the promenade location or width shall be reviewed through site plan permitting, and returned to the City Commission at the discretion of the City Manager or designee.
- 11) There shall be no night swimming or night operations of the feature pool amenities without amendment of this Conditional Use Permit. The feature pool and associated water slide amenities shall not operate or be occupied by guests between 30 minutes following sunset and sunrise of the following day.
- 12) Any significant alteration to the exterior color, façade material, massing, or window or feature placement, at the discretion of the City Manager, may require this request to be returned to the City Commission for reconsideration. These criteria shall be in addition to those listed in Land Development Code Section 4.10.
- 13) All deliveries shall take place on site, with no deliveries to the lodging development or other buildings

occurring from the center lane of Gulf Boulevard.

- 14) The Class A dock slips shall be permitted mooring of paddle boards, peddle boats, and other non-motorized water sports equipment for commercial rental purposes, except that slips may be reserved for the mooring of visiting customer vessels. Any introduction of motorized watersports equipment, including but not limited to jet skis, operation of motorized amenities from the dock such as charters, or function of the slips for long-term storage of vessels, shall require amendment of this Conditional Use Permit.
- 15) The applicant shall prepare renderings that preserve the same isometric orientation as those submitted for the conditional use permit for review at the relevant building permit stage, which shall be made a requirement of permit issuance for the corresponding stage(s). These renderings shall be substantially similar to the renderings submitted and reviewed by the City Commission at the approval hearing, and shall reference any changes in building massing, scale, ornamentation, planar offsets, façade materials or colors, changes in total window or architectural decoration percentages, or landscaping, between the renderings submitted for the CUP and those submitted for the building permit. Any significant deviations between the CUP and building permit renderings, as determined by the City Manager, shall require the plans to be returned to the City Commission.
- 16) At time of permitting, the applicant shall supply the city and county emergency managers with a Hurricane Closure and Evacuation Plan that adequately details how the lodging use will evacuate guests prior to evacuation notice for Zone A residents. This plan may be negotiated if needed to achieve the intent of the city's Comprehensive Plan and Sec. 5.2.2. of the Forward Pinellas Countywide Rules. Within 90 days of certificate of occupancy, or prior to the first day of hurricane season if the new lodging development is proposed to open within 90 days of hurricane season, the applicant shall record a legally-enforceable mandatory evacuation/closure covenant, stating that the temporary lodging use will be closed as soon as practicable after a hurricane watch is posted for Pinellas County by the National Hurricane Center.
- 17) In instances where the applicant requires off-site improvements that involve the placement of new utility structures, the applicant shall be responsible for installation and maintenance of the structures' landscaping screening in compliance with Land Development Code requirements.

Resort Development: Landscaping Requirements

- 18) The quality, density, and amount of landscaping shown in the conceptual site plan shall be the minimum installed. At least 50 percent of the trees installed on the site shall be Florida friendly as defined by the UF Florida-Friendly Landscaping Program, or other organization catalog of similar authority, and no Class II invasive plantings shall be permitted. All existing invasive vegetation on the site shall be removed prior to certificate of occupancy. Unless it would cause conflicts with existing utilities or other critical public infrastructure, any tree installed within the front buffer shall be a minimum of twelve feet in height and three inches in caliper measured 4.5 feet above the ground at time of planting. Front buffer plantings that produce substantial shade shall be preferred where viable, particularly around the pedestrian amenity areas.
- 19) The applicant shall establish and maintain connection to the public reclaimed water system for landscaping irrigation, and such usage shall be metered. The irrigation system shall include pressure-regulated systems and there shall be monitoring devices installed to address leaks from lines and equipment.
- 20) The applicant shall demonstrate compliance with the relevant requirements of LDC Sec. 39.10., 39.11., 39.12., 39.13., and 39.14., which relate to site design and improvements, at time of site plan issuance. The applicant shall demonstrate compliance with relevant requirements of LDC Sec. 39.7. and 39.8., which relate to building design, at time of building permit issuance. The development shall also comply with relevant provisions of LDC Sec. 39.5. and 39.6., pertaining to lodging operation standards and general operational and aesthetic requirements, at relevant parts of the permitting and operations process. These standards are in addition to other standards imposed within the property's zoning district, parking requirements, and other requirements of the LDC and Comprehensive Plan.
- 21) Along the portion of the side property line that abuts the feature pool, the applicant shall install and maintain a screen of at least six feet in height comprised of at least one of the following: a) sound-attenuating fencing; b) hedges like viburnum or similar, or; c) other sound-reducing materials that can be

demonstrated through product specifications or studies to reduce pass-through sound levels by at least 15 decibels and that complement the proposed landscaping design.

Resort Development: Site Improvement Requirements

- 22) The applicant shall install and be responsible for the provision and emptying of trash cans along the pedestrian promenade. At least one trash can shall be installed every 150 feet.
- 23) All pedestrian pathways, surface parking spaces, and other paved non-structural surfaces shall be installed with permeable pavers, concrete or asphalt, turf block with interspersed vegetation, or similar except where accessibility or building or fire code requirements require impermeable surfaces. These areas shall be maintained so the surface continues to provide permeability, and the city may request periodic maintenance updates from the applicant if necessary to ensure the intent of this condition prevails.
- 24) The applicant shall provide payment to the City or FDOT for the cost of the short- and mid-term solutions identified in the Gulf Boulevard Safety Study, as adopted through Resolution 2024-05 or subsequently amended, that are in the right-of-way in front of their development's street frontage. Payment shall be based upon any improvement that is not provided by the applicant during the development process. This fee shall be independent from and unaffected by any multimodal impact fee adjustment that may be referenced in Chapter 150 of the Pinellas County Code of Ordinances or FL Stat. 163.3180.
- 25) The applicant is responsible for the actual and documented cost of any off-site improvements necessary to accommodate their increased sewer flows, as determined by the City manager or designee. No building permit associated with this request may be issued until such improvements have been identified and corresponding payments or improvements have been provided. The applicant shall be responsible for the cost of the upgrade(s) required, which the City shall perform.
- 26) The positive finding of the applicant's demonstrated ability to financially and technically complete the improvements and mitigation necessitated by the development is exclusive within the scope of this approval and is not transferrable by right to another applicant except by authorization of the City Commission. Should the property sell during the scope of development requested herein, or change developers, the City Commission retains the right to request reevaluation via public hearing of the new applicant's capacity to complete proposed improvements pursuant to LDC Sec. 4.4.(a)(6).

Resort Development: Energy and Environmental Requirements

- 27) All roof areas not otherwise utilized as customer spaces shall be planted with green roofs, utilize cool roof materials, or be undertaken with similar improvements that reduce energy demand and/or reduce the heat island effect.
- 28) The frontage fountain and any other accessory water feature shall utilize rain and leak sensors to mitigate water loss.

General Conditions

- 29) Any violation of the above-stated conditions will allow the City Commission to rescind or modify the Conditional Use Permit as it pertains to the request under which the condition is classified.
- 30) The City Commission may review the Conditional Use Permit periodically to determine whether the order is in compliance with the terms and conditions herein.

Motion Options

Motions should be made separately for both items contemplated in this report:

- 1) Motion to recommend [approval/approval with conditions/denial] of Resolution 2024-12 to the City Commission.
- 2) Motion to recommend [approval/approval with modification/denial] of Ordinance 2024-08 to the City Commission.

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.

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

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.

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

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.

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.

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

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



CONDITIONAL USE APPLICATION

Case Number: 23085

PROPERTY OWNER: Sungold LLC

Name: Beth Morean

Address: 3618 El Centro St

City: St. Pete Beach State: Florida

Zip: 33706 Telephone: Not disclosable

Email: Not disclosable

APPLICANT/AGENT (Attach agent authorization form)

Name: John A Bodiak, Architect

Address: 5665 Central Ave

City: Saint Petersburg State: Florida

Zip: 33710 Telephone: 727-327-1966

Email: jack@jabodziak.com

SUBJECT PROPERTY:

Address: 3815, 3855, 3859 & 3861 Gulf Blvd Current Name of Business: N/A

Parcel ID: 07-32-16-07398-001-0170

07-32-16-07398-001-0230

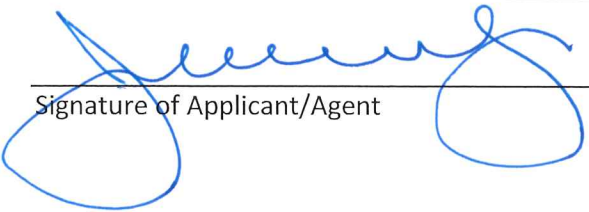
07-32-16-18143-001-0010

07-32-16-18143-001-0020

Name of Project: Windward Pass Resort

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

See Exhibit "B" attached hereto.


Signature of Applicant/Agent

9-30-2024
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):

See Exhibit "B" attached hereto.

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.

See Exhibit "B" attached hereto.

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;

See Exhibit "B" attached hereto.

- 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);

See Exhibit "B" attached hereto.

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;

See Exhibit "B" attached hereto.

- 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;

See Exhibit "B" attached hereto.

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);

See Exhibit "B" attached hereto.

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);

See Exhibit "B" attached hereto.

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;

See Exhibit "B" attached hereto.

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,

See Exhibit "B" attached hereto.

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.

See Exhibit "B" attached hereto.

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:

1. Utility infrastructure, including sanitary sewer, reclaimed water, potable water, electric and natural gas services, and data transmission and telecommunication services.

See Exhibit "B" attached hereto.

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.

See Exhibit "B" attached hereto.

3. Hydrological features and storm water management infrastructure.

See Exhibit "B" attached hereto.

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.

See Exhibit "B" attached hereto.

5. Site landscaping, open space provision and impervious surface limitations.

See Exhibit "B" attached hereto.

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.
See Exhibit "B" attached hereto.
7. Fire suppression and facility security.
See Exhibit "B" attached hereto.
8. Emergency management and hurricane evacuation provisions.
See Exhibit "B" attached hereto.
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.

See Exhibit "B" attached hereto.

Community Development Department
City of St. Pete Beach, Florida

Page 66 of 200



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, John A. Bodziak, Architect, 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): John A. Bodziak, Architect

Address: 743 49th Street N, St. Petersburg, FL 33710

[Signature]

October 16, 2023
Date

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this 16 day of October 20 23 by John A. Bodziak, who appeared before me, and is personally known to me, or has produced _____ as identification, and did take an oath.

My commission expires: 10-22-2023



[Signature]
NOTARY:
Print Name: Cynthia D. Armsden
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

DEAR APPLICANT:

PLEASE COMPLETE THE ATTACHED AFFIDAVIT WHEN PUBLIC HEARING DATES HAVE BEEN DETERMINED FOR YOUR APPLICATION. PRESENT THE COMPLETED NOTARIZED AFFIDAVIT TO COMMUNITY DEVELOPMENT AND YOU WILL BE GIVEN THE SIGN(S) TO POST ON THE SUBJECT PROPERTY.

It is your responsibility 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. The sign(s) must remain in place until the requested action has been heard and decided by the City Commission, Planning Board, Board of Adjustment, Historic Preservation Board or withdrawn. Multiple sign postings cannot 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.

You must maintain the sign(s) in good readable condition. If the said sign is destroyed, lost, or becomes unreadable, you or your 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 representative not later than 24 hours following the final decision by the City Commission, Planning Board, or Board of Adjustment, Historic Preservation Board.

A Notary Public is available in City Hall; 155 Corey Avenue.

Exhibit "A"

Resort Name	Property Owner	Property Address	City, State Zip	Parcel ID	Vesting Deed Information
Sand Cove	SD-SAND COVE LLC, an Indiana Limited Liability Company	3813 GULF BLVD	St. Pete Beach, FL 33706	07-32-16-07398-001-0240	OR 22227, Page 856
Bella Marguerite	BELLA MARGUERITE CONDOMINIUM ASSOCIATION, INC., a Florida Not for Profit Organization	3805 Gulf Blvd.	St. Pete Beach, FL 33706	07-32-16-06361-000-0001	OR 16008, Page 1428
Sanseair	SANSEAIR INC, a Florida Not for Profit Corporation	3820 Gulf Blvd.	St. Pete Beach, FL 33706	07-32-16-78651-000-0001	OR 4213, Page 1025
Long Key Beach Resort	LONG KEY BEACH RESORT INC, a Florida Profit Corporation	3828 GULF BLVD	St. Pete Beach, FL 33706	07-32-16-07380-000-0250	OR 10144, Page 1001
Beach House Suites	HHR BEACH HOUSE LLC, a Delaware Limited Liability Company	3860 GULF BLVD	St. Pete Beach, FL 33706	07-32-16-07380-000-0170	OR 19524, Page 1969
Palm Crest Resort Motel	PALM CREST RESORT MOTEL INC, a Florida Profit Corporation	3848 GULF BLVD.	St. Pete Beach, FL 33706	07-32-16-07380-000-0230	OR 10131, Page 1645
The Dunes on the Beach	THE DUNES ON THE BEACH CONDO ASSN INC, a Florida Not for Profit Corporation	3910 GULF BLVD.	St. Pete Beach, FL 33706	07-32-16-23564-000-0001	OR 13643, Page 2585
Sun Harbor	SUN HARBOR CONDO ASSN OF ST PETE BEACH INC, a Florida Not for Profit Corp	4103 Gulf Blvd.	St. Pete Beach, FL 33706	07-32-16-86485-000-0010	OR 19885, Page 0265

EXHIBIT "B"

Conditional Use Application Narrative

Property Information

The property includes parcel identification numbers:

07-32-16-07398-001-0170

07-32-16-07398-001-0230

07-32-16-18143-001-0010

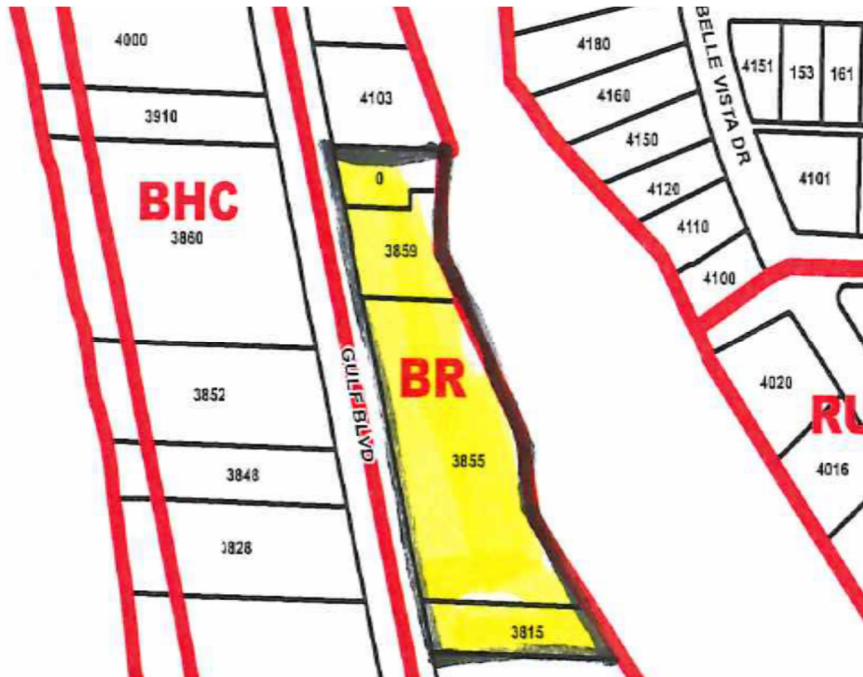
07-32-16-18143-001-0020

(collectively, the "**Property**"). The Property is comprised of +/- 2.67 acres located along Gulf Boulevard. The Property is located in the City of St. Pete Beach (the **City**). The Property is zoned Bayou Residential, and the Future Land Use category of the Property is also in the Bayou Residential District.

Aerial Image



Zoning Map



Future Land Use Map



Conditional Use Request

The applicant request a Conditional Use Permit ("**CUP**") as follows:

1. Permit development of 104 transient accommodation units and (12) Marina Slips with Paddle Boards, Pedal Boats Rentals, a small Feature Pool with Water Slide and Lazy River, located to sound shelter from Residential. A Quiet Pool with Sun Shelf, Sun Decks and a Poolside Swim-up Bar. Miniature Putt-Putt Golf Course, Children's Game Room, on-site premium Restaurant, and Parking Garage on the 2.67 acres of the Property located East of Gulf Boulevard in accordance with Sec. 42.4.
2. Permit development of the Property at a building height 54 feet to Roof Deck above BFE elevation with allowances for decorative features and rooftop amenities in accordance with Sec. 39.5(h).

Property

The CUP approval would permit the Development of the Windward Pass Resort with One-hundred-four (104) new one (1) and two (2) Bedroom Transient Hotel accommodation units in five stories above parking with added additional accessory uses i.e.,
a (12) Marina slips with Paddle Boards, Pedal Boats Rentals, small Feature Pool with Water Slide and Lazy River, strategically located to sound shelter from Residential, Quiet Pool with Sun Shelf, Sun Decks, and a Poolside Swim-up Bar,
Miniature Putt-Putt Golf Course, a Roof Top Tiki Club, Children's Game Room,
On-Site premium Restaurant, Pedestrian Promenade around the perimeter of the Property with covered Seating Pods to enjoy Waterfront Views, all having Public Access, throughout the Property (the "**Project**").

The applicant proposes to develop the Property. Currently the Property is vacant.

Narrative

Waterfront Projects typically create a barrier of Parking and/or Landscaping, inhibiting intended view corridors and denying Public Access and Use of Resort Facilities. The Windward Pass Resort project creates use of it's Side Yard and Waterfront Setbacks providing and promoting continuous path for public access with low profile Side and Waterfront Walkways and Seating Areas, as well as creating extensive Resort Facilities not found within most Beach Communities.

The Design provided creates a with public access to Features and Seating Areas. Side Yard Setbacks have low profile features with pervious surfaces to underground Drainage Retention disguised under nonstructural elements respecting Side Yard open view corridors, more commonly filled with unattractive paved Parking Lots in the intended view corridor.

The 2.67-acre Windward Pass Resort Project is located within the 7.86 acres of the Bayou Residential District, as stated, the Site is a long but moderately narrow in places with 671 feet of Frontage on Gulf Blvd and 731 feet Fronting on McPherson Bayou.

The Project proposes very closely the type of development envisioned for the Bayou Residential District in the Comprehensive Plan. Development options are limited to primarily multi-family residential as a result of the lot depths; however, to encourage parcel assembly and a more unified redevelopment opportunity because of the district's direct access to Gulf Boulevard.

This development district was established "to encourage redevelopment in a physically constrained area that is primarily vacant" and be a "transition area between higher intensity commercial uses along Gulf Boulevard and lower density residential neighborhoods to the east". Our Project was intentionally designed with varying height in keeping with District guidelines and avoiding residential development overtaking the City's Gulf beaches "as it has in most other beach communities in the State."

The required Building setback of 40'-0" from Gulf Boulevard and all required setbacks have been maintained, as required on the proposed Plan.

The Project proposes a varying plan which the character district seeks. We have attempted to utilize the maximum allowable density as permitted for mixed use projects, since the four (4) parcels combined are greater than two acres, in order "to encourage more comprehensive and unified redevelopment, reduce trip generation, increase pedestrian linkages to neighborhood services and reduce curb cuts along Gulf Boulevard." All of which are specific stated goals of the Bayou Residential District.

The Project promotes all three policies of the Bayou Residential District as set forth below.

Policy 1: The Project includes aesthetically pleasing architectural design features that protect neighboring properties, and ensure facades are varied, are "aesthetically pleasing and relate to the human scale at ground level" on "both the street and waterside of buildings." The Project will include areas that shield support uses from the ground level. In addition, there are no monolithic structures or blank walls in the Project. From the street, the pedestrian experience will be greatly enhanced with a surrounding promenade, welcoming courtyard and lush landscaping.

Policy 2: Increased setbacks from Gulf Boulevard have been calculated for proposed building height.

Policy 3: Professional landscaping, designed to comply with the Land Development Code (the "LDC"), will be provided along Gulf Boulevard, within the Project, and at certain areas adjacent to the accessory uses.

The Project complies with all limitations set forth in the Bayou Residential District regulations.

The Project will comply with all impervious surface, height, buffering, and setback requirements. In summary, the Project is **exactly** the type of development the Bayou Residential District was designed to attract and complies with all requirements and/or limitations.

Conditional Use Application Responses

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)(I) Whether the conditional use is consistent with the goals, objectives, and policies of the Comprehensive Plan and any adopted special area plan.

Response:

Waterfront Projects typically create a barrier of Parking and/or Landscaping within their Side Yard Setbacks, inhibiting intended view corridors and further denying Public Access, Views and Use of the Resort Facilities. The Windward Pass Resort project has exceptionally large (65ft) Setbacks which preserves exceptional Views and creates access Paths for continued Public enjoyment of the Property. Its Side Yard and Waterfront Setbacks provide and promote a continuous path for Public Access while preserving low profile Side Yard Areas, Public Waterfront Walkways with Seating Areas, as well as creating a new and accessible Resort Facility not typical within the Pinellas County Beach Communities.

The Design provided **creates and preserves** a Public Waterfront Access to Features and Seating Areas. Side Yard Setbacks have low profile features with pervious surfaces to underground Drainage Retention under nonstructural elements, that respect and create Side Yard open view corridors, not Setbacks filled with unattractive paved Parking Lots blocking access and view corridors.

This Site is located in the Bayou Residential District is a long and moderately varying width of land containing 2.67 acres with 671 feet of Frontage on Gulf Blvd and 731 feet Fronting on McPherson Bayou.

This proposed Project is a transitional area between numerous Beachfront high intensity commercial uses along Gulf Boulevard and lower density residential neighborhoods across the Bayou to the east. Our proposed Project is **not a High-Rise** development, but a 104 Unit Condo-Hotel Project designed at under 54'-0" above the Base Flood Elevation to the Roof Deck.

The required building setback of 40'-0" from Gulf Boulevard features Public Park with Fountains, Landscaping and, instead of allowable Parking. All required other setbacks have been maintained on the proposed Plan.

This Mixed-Use Project encourages more comprehensive and unified development, providing a "Destination Location", reducing trip generations, increasing neighborhood pedestrian linkages with a Public Waterfront Promenade, and one curb cut along Gulf Boulevard.

There is an existing Drainage Easement, to the Bayou, that we have discussed, with Engineering upgrading and relocating to accommodate our proposed Plan. We are presently in contact with F.D.O.T. in this regard.

As planned, it proposes a 104 Unit Transient Condo Hotel with a proposed Marina along the publicly accessible Waterfront Boardwalk and full Hotel Amenities with 175 Parking Spaces which have been created in a Parking Garage to avoid parking in the Setbacks, protecting view corridors.

The designer attempted to use the unusual shape and length of the site without Variances, within the maximum allowable height and setbacks of the prescribed building envelope. This approach created a building of visually pleasant proportions without use of an overwhelming and imposing building mass.

The Strong points of this are:

1. Proposed Design within Maximum available Building Height at 54'-0" above BFE.
2. Creation of Public Waterfront Access through large Setbacks creating expansive View corridors.
3. Public Waterfront Promenade around Site perimeter with Dockside Seating Pavilions and Seating areas.
4. Public Access within Land Uses and Public Courtyard with Public Park Areas Settings along Gulf Blvd.
5. A Marina with Public, as well as Hotel Access.
6. A complete Full-Service Facility Resort with Resident accessibility.

Our Plan Use is consistent with the goals, objectives, and policies of the City's Comprehensive Plan. The proposed Development provides a public engagement process focusing on use of Site perimeter and Seating Areas within the resort/destination environment while providing and preserving Public Access and enjoyment of the perimeter Areas and Waterfront, as well as unique Facilities and accessible Waterfront.

We are one of the fastest growing regions in the United States. According to a study conducted by **Forward Pinellas**, Pinellas County's population is projected to increase significantly between 2023 and 2050. The county has experienced substantial growth over the past decade, with approximately **42,610 new residents**. The surrounding cities and parts of unincorporated Pinellas County have exhibited the highest rates of growth, often without engagement of Public Access.

We are seeking to provide Visitors and existing Residents with Use of Waterfront Access typically disappearing, by not creating a barrier to Public enjoyment and providing Use of updated Facilities usually not openly accessible in existing Resort Facilities.

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;

Response:

The proposed Resort Facility is surrounded to the South and West with Facilities that match or exceed the proposed height. However, the Setbacks on surrounding Facilities are minimal, and are generally preventing **and denying Public Access and often not providing View Corridors** of any reasonable nature.

When most new Projects are constructed, Public Access and enjoyment of the Property and its Facilities is limited or denied.

- 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);

Response:

There are no City, State or Federally designated Historic, Scenic, Archaeological, or Cultural resources found on this Site.

- 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;

Response:

The Site is bordered by the varying adjacent developments:

- **To the East**, approximately 200 ft to 300 ft away, across the McPherson Bayou, there are two-story and three-story Single-Family Residences, which are generally non-FEMA compliant. There is a perimeter promenade with landscaped planters and Seating Areas. The hotel building is strategically situated to shield the residents from sound from the small Waterpark, with fencing and Landscaping to assist in reducing and minimizing any noise disturbance to the Bayou residents who are presently exposed to Parking and high-level Traffic noise from Gulf Blvd..

- **To the North**, the properties are somewhat narrow and have dated one-story and two-story Commercial and Mixed-Family Structures facing the Bayou with extremely limited View Corridors. The proposed development is buffered to the North with fencing, Landscaping and Promenade within the 65'-0" Building Setback.
- **To the West** are two (2) 2-story Gulffront Motels, a 12-story Condominium complex, a 6-story Hotel and a one-story Restaurant. The proposed development allows for open water views and Gulf Blvd Public Access to landscaped green space with the proposed Courtyard introducing human scale and a place for pedestrians to rest and enjoy.
- **To the South**, the adjacent Building is a dated 5-story Apartment Building. The proposed development is Buffered with Fencing, a 5'-0" walkway and a 5'-0" wide Landscaped buffer within the 65'-0" Building Setback.

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;*

Response:

The proposed Resort Facility has been designed to eliminate existing noise, dust, fumes, smoke and glare of lights, and minimize significant adverse impact on livability and Use of nearby properties. It will be the first new Facility compliant with latest FEMA Regulations and all recent required enlarged Setbacks, environmentally compliant Facility as to dust, fumes, smoke, glare and odors.

The Valet and Structured Parking create a vehicular access layout. Restricted Operating Hours will also avoid problems with vehicular traffic, trucks, deliveries and control of outside activities, litter, as well as privacy and safety issues.

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);*

Response:

The proposed Plans provide in excess of the required Parking for all proposed Uses and there are presently no factors as to street capacity, access or level of service proposed, which would push transportation and recently upgraded utilities beyond capacity.

The Site has been licensed by City and used in recent years as an unlandscaped, dusty, and poorly maintained Parking Lot with multiple outdated Gulf Blvd access.

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);*

Response:

Parking, loading, truck, and service access meets and in fact, substantially exceeds City requirements. Also, replacing an unpaved and hazardous Parking Lot with Code compliant Facilities which have professionally controlled parking, truck and vehicular access. As proposed, 175 Parking Spaces (replacing at times, over 200 spaces on dirt-based Parking) is an improvement over a non-compliant poorly controlled existing Use.

Also, the ability for adding additional Parking above required, may be a rare occurrence in the future.

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

Response:

Maintaining existing conditions is not in the interest of the public, nor is it compatible with any FEMA Public Health, Safety and Environmentally Mandated Codes, Regulations, or standards and allows the Owner to utilize a Site within allowable Codes, which presently meets and provides no compliant Public Health or Welfare conditions to be preserved or which are compatible to surrounding conditions.

The proposed Facility would be compliant to and improve on **all of these** 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,*

Response:

Applicants and Landowner are financially, technically, and professionally capable of completing all required elements of Construction and Operation of the proposed improvements.

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.*

Response:

The proposed Use complies with, exceeds, and provides elements that comply and exceeds all applicable Requirements and Regulations of the City of St. Pete Beach, as outlined in the applicable BR Zoning.

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:

1. *Utility infrastructure, including sanitary sewer, reclaimed water, potable water, electric and natural gas services, and data transmission and telecommunication services.*

Response:

We have confirmed availability of Utility Infrastructure, Sanitary, Reclaimed Water, Potable Water, Electric and Natural Gas Services, and Data Transmission and Telecommunication Services with our Civil Engineers and City Records and Officials.

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.*

Response:

The proposed project has been designed with a single controlled access and meets or exceeds all 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 (which exceed required minimums), loading and unloading areas, Pedestrian Transit Infrastructure and Amenities, and Public Sidewalks and Waterfront Walkways, Public Parks and Landscaped Areas buffering the roadways, instead of attempting to utilize those areas internally.

3. *Hydrological features and storm water management infrastructure.*

Response:

There are presently no hydrological, Stormwater or dust controls on this vacant underutilized Site. The Site Developer and their Civil Engineer will provide a complete and compliant Storm-Tech Water Retention System consisting of the latest underground Storm-Tech System.

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.*

Response:

The proposed building can be characterized as a contemporary take on traditional styling, with the restrained expressions of clean lines and unadorned surfaces. Finishes incorporating stucco finish, with Stone decorative feature panels, articulation of the fenestration using balconies, tinted glass and other finish treatments commonly found in traditional contemporary vernacular which adds to the visual interest. Building colors mimic beach tones of cool blues, light greens, and whites resulting in a calming aesthetic

5. *Site landscaping, open space provision and impervious surface limitations.*

Response:

Pursuant to **Sec. 42.8.** of the **LDC**, the maximum Impervious Surface Ratio (ISR) for all other uses, other than residential Uses: 0.85.

The proposed Landscaping and Recreational Uses located in the Side Yard Setbacks are not invasive or Impervious as is the usual case, since Parking and paved Areas are often utilized in adjacent properties' Side Yard Setbacks.

The proposed Development's Site Landscaping and Open Space provision offers restorative areas. Public Access to green space and open water views can assist in reducing the stress of high-density living. The proposed perimeter Promenade and Courtyards introduce a place for pedestrians to rest and enjoy.

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.*

Response:

The hours of operation for all outdoor Food Service will vary in openings from 8:00am to 9:00am and will end at 10:00pm. Indoor Food Service hours of operation will conform to Industry Standards, Room Service from 6:00am to 10:00pm. Typically, Food Service and Indoor Bars 11:00am to midnight.

Music will be limited and controlled to meet all City Standards as to noise volume and hours of operation.

7. *Fire suppression and facility security.*

Response:

Fire suppression - the building will be equipped with the latest premium Fire Sprinkler Systems, and top-of-the-line Fire Alarm Systems which includes (even though the building is not a High-Rise) the latest Fire Communication System in Stair Towers, as typically found in High-Rise construction.

Facility Security - will begin with Professional Valet Control of On-Site Traffic with the assistance of Security Patrolling under Hotel Management by a designated 24-hour Security Officer, and Video Security Observation transmitting to multiple locations.

8. *Emergency management and hurricane evacuation provisions.*

Response:

The proposed Building will become one of the few new FEMA-compliant Buildings on the Gulf Beaches designed to the most effective new Codes as to Building Elevation, Construction, Wind Mitigation, Flood Proofing, and a Storm Management plan, all of which will be part of the Safety and Emergency Management Plans, absent from most of the existing functionally outdated non-compliant Beach Buildings.

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*

Response:

The proposed Building Facility is separated from existing Buildings adjacent to the

North and South by a 65'-0" Side Yard Setback at each Side Yard. The adjacent Buildings have minimal Side Yard Setbacks.

The Buildings across Gulf Blvd are a minimum of 100 feet away from the proposed Development's Western property line. The Single Family Residential to the East across McPherson Bayou, at its closest, is a minimum of approximately 200 feet from the proposed Facility.

- 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.*

Response:

We are not a Gulf front project. The Florida Coastal Construction Control Line is approximately 350 feet to the West of our most Westerly Property Line, and across Gulf Blvd.

Conditional Use Request Code References Submitted via Response Letter (11/06/24)

1. ***Class A - commercial docks (LDC Sec. 42.4.(b))***
2. ***Temporary lodging use (LDC Sec. 42.4.(d))***
3. ***Roof dining and drinking (LDC Sec. 42.4.(h))***

Sec. 42.4. - Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the Bayou Residential District are as follows.

(b) Docks, commercial: Class A

In keeping with:

*Pinellas County, Florida - Code of Ordinances Chapter 58 - ENVIRONMENT
ARTICLE XV. - WATER AND NAVIGATION REGULATIONS, Sec. 58-501. –*

Definitions:

Commercial dock, class A means any dock, pier, wharf, or mooring field used in connection with a hotel, motel or restaurant and where the slips are not rented, leased or sold, but utilized as an enhancement to the principal function of the basic facility.

Response:

The Windward Pass Resort will be implementing Commercial Class A Docks as indicated in Sec. 5-501 Definitions where the slips will not be rented, leased or sold, but utilized as an enhancement to the principal function of the basic facility. After consideration of Public Comments and from Neighborhood across McPherson Bayou, we are no longer allowing a Jet-Ski Rental Facility in the Marina Space.

- (d) Temporary Lodging with or without a commercial component, awarded on a case-by-case basis, with evaluation through criteria specified in this Code, to come from the density pool established in the Comprehensive Plan (325 available units for potential use in the Town Center Core***

Corey Circle, Coquina West, Activity Center, and Bayou Residential Districts).

Response:

The proposed Windward Pass Resort will not be seeking additional potential Units from the Density Pool and recognize that any Approval is subject to the provisions or restrictions contained within this Section and elsewhere within the Code..

- (h) *Outdoor dining and/or drinking areas that provide for outdoor music, or roof dining and/or drinking areas, except as permitted in [section 39.6\(f\)](#) of this Code, subject to [section 6.24](#) of this Code as may be applicable.*

Response:

See Responses to above referenced [Section 39.6\(f\)](#) and [Section 6.24](#) below.

Sec. 39.6. - Temporary lodging use operational and occupancy restrictions, limitations and prohibitions.

To ensure that temporary lodging use development authorized and approved within the Community Redevelopment District are built, function, operate, and are occupied exclusively as temporary lodging and adhere to mandatory closure and evacuation procedures, the following restrictions shall apply to temporary lodging use:

- (a) *No temporary lodging unit shall be occupied as a permanent residential dwelling unit.*

Response:

We Acknowledge that no Unit in the proposed Windward Pass Resort Development shall be occupied as a permanent residential dwelling unit and Units will be built, function and be occupied exclusively as temporary lodging Units and adhere to all applicable procedures and Codes.

- (b) *All temporary lodging units must be offered, advertised and occupied on a temporary basis for 30 consecutive days or less for temporary lodging guests and no more than 30 days cumulatively on an annual basis for a resort condominium unit owner to ensure that any temporary lodging use does not function as a permanent residential use. The thirty days is measured beginning on the first day of any occupancy until 365 days from that date. The city may require affidavits of compliance with this requirement from each temporary lodging use and/or unit owner. Seller of temporary lodging unit shall be responsible for advising the purchaser of this requirement. Any seller of a resort condominium project or temporary lodging unit shall record a covenant in the public records of Pinellas County, Florida, agreeing to said restriction prior to conveyance.*

Response:

Acknowledged and agreed that Occupancy and Use are restricted to thirty (30) days of less cumulatively an annual basis as a Resort Condominiums adhering to all temporary lodging occupancy restriction, limitations and prohibitions per Sec 39.6.

- (c) *Temporary lodging units shall not qualify or be used for homesteading purposes or home occupational licensing.*

Response:

Acknowledged. Units shall not qualify or be used for homesteading purposes or home occupational licensing.

- (d) *All temporary lodging units must be included in the inventory of units that are available within a temporary lodging use.*

Response:

Acknowledged. All temporary lodging units will be included in the inventory of units that are available for Occupancy and Rental within a temporary lodging use.

- (e) *Conversion of a temporary lodging unit to permanent residential unit shall be prohibited unless the conversion is in compliance with the density and intensity standards and regulations applicable to the property and all other required city approvals are obtained prior to the conversion and provided said conversion does not violate any other legally enforceable agreement or restriction, law or local ordinance prohibiting such conversion.*

Response:

There will be no conversion of temporary lodging units to permanent residential units.

- (f) *A temporary lodging use may include accessory uses, such as recreational facilities, restaurants, bars, personal service uses, retail uses, meeting space, fitness centers, spa facilities, parking structures, affordable housing or other workforce living accommodations, and other uses commonly associated with temporary lodging uses. New outdoor dining and/or drinking areas associated with accessory restaurants and bars shall be permitted to provide for outdoor music, provided that the area meets all of the yard requirements for the property and the property does not abut a single- or two-family residential development or a residential development outside of the Community Redevelopment District, in which case any new outdoor dining and/or drinking area shall require a conditional use permit subject to [Division 4](#) of this Code. Any new or expanded roof dining and/or drinking area shall also require a conditional use permit subject to [Division 4](#) of this Code.*

Response:

The temporary lodging accessory uses, such as recreational facilities, restaurants, bars, personal service uses, retail uses, meeting space, fitness centers, spa facilities, parking structures, including the outdoor dining and/or drinking areas associated with the accessory restaurants and bars that will provide outdoor music, will be in accordance with **Sec. 6.24**.

The proposed project development area meets all of the yard requirements for the property development. The property does not abut a single- or two-family residential development or a residential development outside of the Community Redevelopment District.

Applicant acknowledges that any new outdoor dining and/or drinking area shall require a conditional use permit subject to [Division 4](#) of this Code. Any new or expanded roof dining and/or drinking area shall also require a conditional use permit subject to [Division 4](#) of this Code and comply with all applicable regulations as to Music, Noise control, Licensing and Limits and Regulations per [Division 4](#) of this Code.

- (g) *Proper licensing, including occupational licensing, by the state, county and local government and agencies, shall be required of all temporary lodging uses through all applicable agencies that license hotels and motels prior to any certificate of occupancy being issued. All licenses must be kept current.*

Response:

Acknowledged. All applicable segments of the Licensing by the State, County and local Government Agencies.

- (h) *Temporary lodging uses shall be subject to all applicable tourist development tax collections.*

Response:

Acknowledged. Any and all temporary Uses will be subject to all applicable tourist development tax collections.

- (i) *All temporary lodging uses shall include a reservation system and a lobby/front desk area that is necessary to operate the temporary lodging facility and service its guests.*

Response:

The proposed temporary lodging project will include a reservation system and a 24 hour lobby/front desk area, and security as necessary to operate the temporary lodging Resort facility and properly service its guests.

- (j) *Temporary lodging uses must have sufficient signage viewable by the public designating the use as a temporary lodging use that also complies with local codes.*

Response:

The proposed Windward Pass Resort project will have sufficient Code compliant signage viewable by the public designating the use as a temporary lodging use which also complies with all local codes.

- (k) *The applicable local government may require affidavits of compliance with this section that includes reasonable supporting documentation that does not violate privacy laws for each temporary lodging use, guests and/or unit owners.*

Response:

Acknowledged. Any reasonable affidavits of compliance and/or supporting documents will be provided if required by local government.

- (l) *All temporary lodging uses 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.*

Response:

The proposed Windward Pass Resort project will comply with all county and local hurricane closure and evacuation procedures that will ensure orderly evacuation of guests and visitors in compliance with all evacuation orders being issued for residents.

- (m) *The restrictions set forth above shall be made a condition of site plan approval.*

Response:

Acknowledged. All Conditions, Responses and Restrictions outlined in this Response and applicable Codes and Regulations will be a condition of Site Plan Approval.

- (n) *The restrictions set forth in subsections (a), (b), and (d) relating to prohibitions on conversion or use of a temporary lodging unit as a permanent residential dwelling shall be contained in*

a covenant or other legally enforceable recordable instrument that shall be approved as to content, form and legality by the city and shall be recorded in the public records of Pinellas County at the time of building permit approval.

Response:

Acknowledged. The restrictions set forth in subsections (a), (b), and (d) relating to prohibitions on conversion or use of a temporary lodging unit as a permanent residential dwelling shall be contained in a covenant or other legally enforceable recordable instrument that shall be approved as to content, form and legality by the city and shall be recorded in the public records of Pinellas County at the time of building permit approval.

- (o) *All large-scale development and redevelopment projects approved under scenario 2 as defined under Permitted Uses & Standards for the Large Resort character district category 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 along the Gulf of Mexico prior to a building permit being issued.*

Response:

N/A. The proposed Windward Pass Resort project is not located in the Large Resort character district.

- (p) *All new temporary lodging uses that exceed 50 feet in height or a density greater than 30 units per acre shall be required to obtain a conditional use permit pursuant to [Division 4](#) of this Code.*

Response:

Acknowledged. We recognize that the requested Conditional Use Permit will require obtaining a Conditional Use Permit per [Division 4](#) of this Code.

Sec. 6.24. - Outdoor dining and outdoor drinking areas.

A full or limited-service restaurant may establish an outdoor dining area and a bar/lounge may establish an outdoor drinking area pursuant to the requirements of this section or as outlined within each zoning district. If an outdoor drinking and/or dining area is required to obtain conditional use approval as outlined in the zoning districts herein, it shall be pursuant to the review and approval procedures provided under [Division 4](#) of this Code. If public consumption of alcohol is proposed to occur on any public street, sidewalk or private sand beach area in connection with the outdoor dining or outdoor drinking area, approval by the city commission is required pursuant to [Chapter 6](#) of the City Code of Ordinances. Provided, however, that the regulations below shall not apply to outdoor dining or drinking approved in tandem with a City parklet program permit, nor shall specified regulations apply when temporarily waived by the City Commission while the City is under a state of emergency.

(a) General requirements.

- (1) All outdoor dining and outdoor drinking areas located on private property shall comply with the following requirements:*

- a. A landscape buffer and opaque wall or fence constructed at the maximum height allowed by this Code shall be required along the lot line of any yard containing an outdoor dining or outdoor drinking area when the lot line of said yard adjoins a property that is occupied by a residential use to effectively screen and mitigate external impacts as determined through the conditional use permitting process.*

Response:

A 5'-0" landscape buffer, and a Public 5'-0" promenade walkway with a 6'-0" high opaque fence is proposed along the North and South Side Yards, which adjoins property to the North and South occupied by residential use, to effectively screen and mitigate external impacts.

- b. *Outside food and beverage consumption shall not extend beyond the permitted area.*

Response:

Acknowledged. Outside food and beverage consumption will not extend beyond the permitted area.

- c. *No outdoor food preparation is permitted.*

Response:

Acknowledged. No outdoor food preparation is proposed.

- d. *Suitable protective barriers shall be installed when an outdoor dining area or outdoor drinking area is located adjacent to a vehicular use area as determined by the building official.*

Response:

Acknowledged. Although none appear on the Plans, Suitable protective barriers are reflected installed and will be with City Approval when and if a future outdoor dining area or outdoor drinking area is located adjacent to a vehicular use area, as determined by the building official.

- e. *Upon the issuance of a tropical storm or hurricane warning, all tables, chairs and other equipment shall be securely stored inside.*

Response:

Acknowledged. Upon the issuance of a tropical storm or hurricane warning, all tables, chairs and other equipment will be securely stored inside.

- (2) *In addition to the above requirements, the following requirements shall be met for outdoor dining or outdoor drinking areas located within city-owned public right(s)-of-way:*

- a. *Outdoor dining or outdoor drinking areas shall only be authorized when adjoining sidewalk has a continuous minimum width of eight feet unless the Technical Review Committee determines that the area can be reasonably accommodated by a narrower sidewalk width.*

Response:

Acknowledged. No outdoor dining or outdoor drinking areas are proposed on City Right-of-Ways

- b. *A minimum four feet of contiguous and unobstructed corridor space must be maintained at all times to ensure a clear pedestrian passageway. The pedestrian passageway shall be a straight line, parallel to the building face and curb line, for the entire length of the outdoor dining or outdoor drinking area.*

Response:

Acknowledged. However, none are proposed within City Right-of-Ways.

- c. *The outdoor dining or drinking area shall not extend beyond the sidewalk frontage of the associated business establishment unless otherwise approved by the city commission.*

Response:

Acknowledged. None are requested or proposed.

- d. *All furnishings shall be of good design and made of quality materials and be maintained in a clean and attractive appearance and shall be in good repair at all times.*

Response:

Acknowledged. All of the proposed Windward Pass Resort project's furnishings will be of good design and made of quality materials and will be maintained in a clean and attractive appearance and will be in good repair at all times.

- e. *In addition to suitable protective barriers being installed, the interior perimeter around the outdoor dining or outdoor drinking area may be delineated using nonpermanent fixtures such as planters, decorative chains or other fixtures no less than thirty (30) inches and no greater than forty-two (42) inches in height as may be approved by the building official.*

Response:

Acknowledged. All of our Outdoor Dining Areas are located On-Site and will accordingly be Code compliant.

- f. *City commission approval is required for public consumption of alcoholic beverages within public rights-of-way pursuant to [Chapter 6](#) of the City Code of Ordinances.*

Response:

No public Right-of-Way drink or dining Use is a part of this Submittal.

- (b) *Required Permit. All applicants for the establishment of an outdoor dining and/or drinking area associated with an eating and drinking establishment shall submit the following information to the City. If a conditional use permit is required for the establishment of the outdoor dining and/or drinking area as outlined in the district divisions herein, and for all new and expanded roof dining and/or drinking areas, a conditional use permit shall also be required in accordance with [Division 4](#) of this Code. The permit application shall include the following information:*

(1) Survey.

- (2) Site plan depicting the proposed outdoor dining area or outdoor drinking area drawn to scale. The plan shall include the following information:*

- a. Total square footage of the proposed outdoor dining area or outdoor drinking area.*
- b. Number and placement of all seating/table arrangements and other elements.*
- c. Distances between each seating/table arrangement, providing pedestrian clearance as required by the Florida Building Code and Florida Life Safety Code.*
- d. All points of egress.*
- e. Locations of signs prohibiting the removal of alcohol from the premises.*
- f. For tenants as applicants, a letter of authorization from the property owner.*

(3) Occupant load of principal business.

- (4) Number of existing men's and women's bathrooms and fixtures.*

- (5) Copy of applicant's liquor license(s).
- (6) For eating and drinking establishments providing for outdoor music, the following shall be provided:
 - a. The product specifications of any permanent speakers, amplifiers and other support equipment to be installed outdoors.
 - b. An explanation of the hours of operation of the outdoor dining and/or drinking area, including any special provisions or intentions for live music.
 - c. A description of how music will be regulated in accordance with the City's noise ordinance as found in [Chapter 46](#), Article IV of the Code of Ordinances.

Response:

Acknowledged. Although no public Right-of-Way outdoor dining or drinking areas are requested, all will submit for any required Conditional Use Permits and will comply with all Sections of outdoor Use, regulations, Codes and Licensing. See below re Chapter 46 Responses.

- (c) Insurance and indemnification. For outdoor dining or outdoor drinking areas using public right(s)-of-way, the following is required:
 - (1) By the use of any permit granted under this section, the operator agrees to indemnify, defend, save and hold harmless the city, its officers, agents and employees from any and all claims, liability, lawsuits, damages and causes of action which may arise out of the use of the public right(s)-of-way. The operator shall enter into a written agreement with the city to evidence this indemnification. Such agreement must have the written approval of the city attorney prior to issuance of a permit.
 - (2) The operator shall show evidence of:
 - a. Comprehensive general liability insurance on an "occurrence" basis in an amount not less than \$1,000,000 combined single limit bodily injury liability and property damage liability. The city is to be specifically included as additional insured on the policy.
 - b. Workers Compensation insurance applicable to its employees, if any, for statutory coverage limits in compliance with Florida laws, including employers' liability which meets all state and federal laws.
 - (3) The operator shall provide the city with the certificate(s) of insurance evidencing required coverages. Current certified copies of such required coverages shall be provided to the city when specifically requested in writing.
 - (4) All policies of insurance must be endorsed to provide the city with 30 days of notice of cancellation or restriction.

Response:

Acknowledged and agreed.

- (d) Revocation of permit. The city may revoke a permit for an outdoor dining or outdoor drinking area if it is found that:
 - (1) Any necessary business or health permit has been suspended or revoked; or
 - (2) Changing conditions of pedestrian or vehicular traffic cause congestion necessitating removal of the outdoor dining or outdoor drinking area when located within public right(s)-of-way. Such decision shall be based on the findings of the Technical Review Committee that the existing conditions represent a danger to the health, safety or

general welfare of the public and cannot be resolved through modification to the outdoor dining or outdoor drinking area layout; or

- (3) *The operator fails to comply with one or more requirements of the conditional use permit.*

Response:

Acknowledged and agreed, however, not applicable as no public Right-of-Way Use is requested as a part of this submittal..

- (e) *Removal or relocation of outdoor dining or outdoor drinking area and all related furnishings for right(s)-of-way repairs, emergency situations, or matters of public safety.*

- (1) *As necessitated by right(s)-of-way repairs, the city may require the temporary removal of outdoor dining or outdoor drinking area and all related furnishings. The operator shall be responsible for removing all furnishings at least 24 hours prior to the date identified in writing by the city. The city shall not be responsible for any costs associated with the removal or the return and installation of such furnishings.*

- (2) *The city may cause the immediate removal or relocation of all or any part of the outdoor dining or outdoor drinking area occupying public right(s)-of-way in emergency situations. The city, its officers, agents and employees shall not be responsible for any damages or loss of furnishings used in association with an outdoor dining or outdoor drinking area relocated during emergency situations and shall not be responsible for any costs associated with the removal or the return and installation of any such furnishings.*

- (3) *The city shall have the authority to secure or remove any furnishing(s) associated with the outdoor dining or outdoor drinking area occupying public right(s)-of-way if necessary, in the interest of public safety.*

Response:

Acknowledged, but does not apply to this submittal.

Chapter 46 - ARTICLE IV. - NOISE

Sec. 46-130. - Declaration of purpose.

- (a) *Excessive, unnecessary or unusually loud noise within the city limits is a condition, which has existed for some time. The amount, and intensity of such noise is increasing and is a detriment to the public health, comfort, convenience, safety, welfare and prosperity of city residents.*
- (b) *It is in the public interest that the regulations contained in this article be adopted as public policy to promote the public health, comfort, safety, welfare and repose of the city and its inhabitants.*

(Ord. No. 02-16, § 1, 9-18-02)

Sec. 46-131. - Definitions.

The following words and terms, when used in this ordinance, shall have the following meanings:

Ambient sound level is the total sound pressure level in the area of interest including the sound source of interest.

A-weighting is the electronic filtering in sound level meters that models human hearing frequency sensitivity.

Background sound level is the total sound pressure level in the area of interest excluding the sound-source of interest.

Commercial property is any property used for the sale of merchandise, service of food or for the performance of a professional or commercial service; provided commercial property shall not be defined to include property which includes as a use within the enterprise transient sleeping quarters.

Construction is any site preparation, assembly, erection, repair, alteration or similar action, or demolition of buildings or structures.

Decibel (dB) is the accepted unit of measurement for sound pressure level at a specified location.

dBA is the A-weighted unit of sound pressure level.

Emergency is any occurrence or set of circumstances involving actual or imminent physical trauma or property damage that demands immediate action.

Emergency work is any work or action performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency or any situation deemed as dangerous.

Impulsive sound is a sound having a duration of less than one second with an abrupt onset and rapid decay.

Institutional property is any property which is used for hospitals and schools.

Loud and raucous as defined in [section 46-133\(a\)](#).

Muffler, a sound-dissipating device or system for attenuating the sound of escaping gases of an internal combustion engine

Multi-family dwelling is any building that has been divided into separate residential living units, but shall not include any transient or tourist lodging facility as defined in the zoning code.

Noise disturbance. See definition "Loud and raucous".

Public space is any real property or structure thereon that is owned, leased, or controlled by a governmental entity.

Real property line is the line, including its vertical extension, that separates one parcel of real property from another.

Residential property is any property in which sleeping quarters are provided. Without limiting the scope of this definition, but by way of example, residential property shall include property on which commercial services may be provided together or mixed with transient sleeping quarters.

Sound level meter (SLM) is an instrument used to measure sound pressure levels conforming to Type 1 or Type 2 standards as specified in ANSI Standard S 1.4-1983 or the latest version thereof.

Sound pressure level (SPL) is 20 multiplied by the logarithm, to the base 10, of the measured sound pressure divided by the sound pressure associated with the threshold of human hearing, in units of decibels.

(Ord. No. 02-16, § 1, 9-18-02)

Sec. 46-132. - Sound level limitations.

(a) No person shall cause, suffer, allow, or permit the operation of any sound source in such a manner as to create a sound level that exceeds the sound level limits set forth in Table 1, using the slow response setting of a SLM, which sound source shall constitute a noise disturbance:

- (1) When measured at or within the real property line of the receiving property; or*
- (2) For property bordering on Gulf Blvd. between 75th Ave. and Hotel Place, Blind Pass Road, and 75th Ave., when measured at or behind a line 30 feet from the property line that runs*

- adjacent to said roadways, unless the area is occupied by a building, and in that instance, the sound level measurement shall be taken within the building that occupies the area.*
- (b) To determine the sound level from the sound source to be measured, the background sound shall be subtracted from the ambient sound level.*

Table 1. Sound Level Limits by Receiving Property

<i>Receiving Property Category</i>	<i>Time</i>	<i>Sound Level Limit (dBA)</i>
<i>Residential, Institutional, or Public Space</i>	<i>7:00 a.m.—10:00 p.m. 10:00 p.m.—7:00 a.m.</i>	<i>65 55</i>
<i>Commercial</i>	<i>At all times</i>	<i>65</i>

- (c) In a multi-family dwelling, no person shall cause, suffer, allow, or permit the operation of any sound source in such a manner as to create a sound level that exceeds the sound level limits set forth in Table 2:*

Table 2. Sound Level Limits Within Receiving Multi-Family Dwelling Unit

<i>Time</i>	<i>Sound Level Limit (dBA)</i>
<i>7:00 a.m.—10:00 p.m. 10:00 p.m.—7:00 a.m.</i>	<i>50 45</i>

- (d) If the sound is an impulsive sound, the fast response setting shall be used and the daytime (7:00 a.m.—10:00 p.m.) limits of Table 1 shall be increased by ten dBA.*
- (e) In addition to the limits of Tables 1 and 2 for any sound source which impacts residential, public or institutional property, the maximum allowable sound level limits for the individual octave bands whose centers are 63, 125, 250 and 500 Hertz shall not exceed 65 dB.*
- (Ord. No. 02-16, § 1, 9-18-02)*

Response:

[We acknowledge receipt and review of Sec 46-132 and all above definitions and sound limitation and will comply with all aspects which are applicable.](#)

Sec. 46-133. - Loud and raucous/enumeration.

- (a) Prohibited generally. It shall be unlawful for any person to willfully make, continue or cause to be made or continued any loud and raucous noise. Loud and raucous shall mean any sound that, because of its volume level, duration and character, annoys, disturbs, injures or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities.*
- (b) Noise from the following activities, if loud and raucous, are in violation of this article, unless exempt under [section 46-134](#).*
- (1) Exhaust from engines. The discharge into the open air of the exhaust of any steam engine or stationary internal combustion engine except through a muffler or other device that will effectively prevent loud and raucous noises therefrom.*

- (2) *Pile drivers, steam shovels. The operation between the hours of 6:00 p.m. and 7:00 a.m. on any day or at any time on Sunday of any pile driver, steam shovel, pneumatic hammer, derrick, dredge, steam or electric hoist or other appliance.*
 - (3) *Blowers, fans, engines. The operation of any blower, power fan or any internal combustion engine, which causes loud and raucous noise, unless the noise from such equipment has a muffler device sufficient to prevent loud and raucous noise.*
 - (4) *Radios, amplifiers, phonographs. The using, operation or permitting to be placed, used or operated any radio, amplifier, musical instrument, phonograph or other device for the producing or reproducing of sound in such manner as to cause loud and raucous noise.*
 - (5) *Yelling, shouting, whistling. Yelling, shouting, whistling or singing at any time or place so as to create a loud and raucous noise between the hours of 9:00 p.m. and 7:30 a.m. on any day*
 - (6) *Animals, birds. The keeping of any animal or bird which habitually causes a loud and raucous noise.*
 - (7) *Defect in vehicle or load. The use of any motor vehicle so out of repair, so loaded or in such manner as to create loud grating, grinding, rattling or other loud and raucous noise or which is not equipped with a muffler in a good working order and in constant operation as to prevent loud and raucous noise.*
 - (8) *Schools, public buildings, churches, hospitals. The creation of any loud and raucous noise heard within any school, public building, church, or the grounds thereof while in use, which interferes with the workings of such institution.*
 - (9) *Attracting attention. The use of any drum or other instrument or device to create a loud and raucous noise.*
 - (10) *Dumping. The dumping of bottles or cans into a dumpster between the hours of 9:00 p.m. and 7:30 a.m. resulting in loud and raucous noise.*
 - (11) *Noise from electric bass or drums either produced by a live band or through a sound system that is loud and raucous.*
- (Ord. No. 02-16, § 1, 9-18-02)

Response:

We acknowledge and will comply to all applicable Sections of Sec 46-133.

See 46-134. - Exemptions.

- (a) *The following are exempt from the sound level limits of [section 46-132](#) and the loud and raucous regulation of [section 46-133](#):*
 - (1) *Sound from emergency signaling devices.*
 - (2) *Sound from church bells and chimes when a part of a religious observance or service.*
 - (3) *Sound from landscape and yard equipment when operated between 7:30 a.m. and 9:00 p.m., provided all motorized equipment is equipped with functioning mufflers.*
 - (4) *Sound from waste disposal activity between 7:30 a.m. and 9:00 p.m.*
 - (5) *Sound from construction activity between 7:30 a.m. and 6:00 p.m., Monday through Saturday, provided all motorized equipment used in such activity is equipped with functioning mufflers.*
 - (6) *The generation of sound from the performance of emergency work.*
 - (7) *Sound generated from municipally sponsored or approved celebrations or events.*
 - (8) *Sound associated with state, county or city emergency repair or work related to public projects (e.g., road sewer construction or repair, beach re-nourishment, etc.) The city manager may also exempt the sound associated with any state, county or city construction or repair on a planned public project where he makes a written finding that the exemption is a necessary condition for allowing the construction project to proceed.*

(9) *The city manager may authorize suspension of the enforcement if these regulations would result in a violation of any life safety regulation.*

(Ord. No. 02-16, § 1, 9-18-02)

Response:

Acknowledged and will comply with all applicable Sections of Sec 46-134.

Sec. 46-135. - Motor vehicle horns.

The sounding of any motor vehicle horn or signaling device, except as a danger warning, is prohibited.

(Ord. No. 02-16, § 1, 9-18-02)

Response:

Acknowledged.

Sec. 46-136. - Construction noise.

Section 98-1 limits the hours of construction to prevent construction noise disturbance during certain hours.

(Ord. No. 02-16, § 1, 9-18-02)

Response:

Acknowledged and will comply with Section 98-1 to avoid Construction noise disturbances.

Sec. 46-137. - Penalty.

(a) *Any person, firm or corporation that violates any provision of this chapter shall, upon conviction, be subject to a fine in accordance with the schedule set forth herein. Each instance of a violation of these regulations shall constitute a separate offense.*

(1) *First violation\$150.00*

(2) *Second violation250.00*

(3) *Third or subsequent violation500.00*

(b) *Each instance of a violation shall constitute a separate offense.*

(c) *In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any of section of this Code or any ordinance shall be deemed a public nuisance and shall be subject to abatement by the city. Each day that such condition continues shall be regarded as a new and separate offense.*

(Ord. No. 02-16, § 1, 9-18-02)

Response:

Acknowledged.

Sec. 46-138 - Aiding and abetting

Whoever aids, abets, counsels, hires, induces or otherwise procures a violation of these regulations, and such violation is committed is subject to being charged, and punished as provided herein, whether that person is or is not actually or constructively present upon the violation of the regulations.

(Ord. No. 02-16, § 1, 9-18-02)

Response:

Acknowledged.

Sec. 46-139. - Injunctive relief.

In addition to the penalty provided for violating this article, the city commission is authorized to

initiate any appropriate civil action or proceeding, including suit for injunctive relief, in order to prevent or abate violations of this article. The prevailing party shall be entitled to recover attorney fees through any appellate proceedings.

(Ord. No. 02-16, § 1, 9-18-02)

[Response:](#)

[Acknowledged.](#)

Sec. 46-140. - Enforcement.

- (a) The provisions of this ordinance shall be enforced by a code enforcement officer or police officer of St. Pete Beach.*
- (b) In lieu of issuing a citation or notice of violation, the code enforcement officer or police officer may issue an order requiring immediate abatement of any sound source alleged to be in violation of [Chapter 46](#), Article IV.*

[Response:](#)

[Acknowledged.](#)

This Instrument Prepared By:
Tiana D. Brown
Action No. 43998
Bureau of Public Land Administration
3900 Commonwealth Boulevard
Mail Station No. 125
Tallahassee, Florida 32399

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA

SOVEREIGNTY SUBMERGED LANDS LEASE RENEWAL

BOT FILE NO. 520032393

THIS LEASE is hereby issued by the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, hereinafter referred to as the Lessor.

WITNESSETH: That for and in consideration of payment of the annual lease fees hereinafter provided and the faithful and timely performance of and compliance with all terms and conditions stated herein, the Lessor does hereby lease to Sungold, LLC, a Florida limited liability company, hereinafter referred to as the Lessee, the sovereignty lands described defined in 18-21.003, Florida Administrative Code, contained within the following legal description:

A parcel of sovereignty submerged land in Section 07,
Township 32 South, Range 16 East, in McPherson Bayou/Boca Ciega Bay,
Pinellas County, Florida, containing 9,058 square feet, more or less,
as is more particularly described and shown on Attachment A,
dated April 22, 2005.

TO HAVE THE USE OF the hereinabove described premises from November 13, 2021, the effective date of this lease renewal, through November 13, 2026, the expiration date of this lease renewal. The terms and conditions on and for which this lease renewal is granted are as follows:

1. **USE OF PROPERTY:** The Lessee is hereby authorized to operate an 8-slip commercial docking facility with a fishing dock to be used exclusively for the mooring of recreational vessels and passive recreational activities in conjunction with an upland commercial vacant lot, without fueling facilities, with a sewage pumpout facility if it meets the regulatory requirements of the State of Florida Department of Environmental Protection or State of Florida Department of Health, whichever agency has jurisdiction, and without liveaboards as defined in paragraph 27, as shown and conditioned in Attachment A. All of the foregoing subject to the remaining conditions of this lease.

2. LEASE FEES: The Lessee hereby agrees to pay to the Lessor an initial annual lease fee of \$1,688.41, plus sales tax pursuant to Section 212.031, Florida Statutes, if applicable, within 30 days of receipt of this fully executed lease. The annual fee for the remaining years of this lease shall be adjusted pursuant to provisions of Rule 18-21.011, Florida Administrative Code. The State of Florida Department of Environmental Protection, Division of State Lands (the "Division") will notify the Lessee in writing of the amount and the due date of each subsequent annual lease payment during the remaining term of this lease. All lease fees due hereunder shall be remitted to the Division, as agent for the Lessor.

3. WET SLIP RENTAL CERTIFICATION/SUPPLEMENTAL PAYMENT: (A) The Lessee shall provide upon request by the Lessor any and all information in a certified form needed to calculate the lease fee specified in paragraph two (2) above, including the income, as defined in subsection 18-21.003(32), Florida Administrative Code, derived directly or indirectly from the use of sovereignty submerged lands on an annual basis. When six percent (6%) of said annual income exceeds the base fee or minimum annual fee established pursuant to Rule 18-21.011, Florida Administrative Code, for any lease year during the term of this lease, the Lessor shall send the Lessee a supplemental invoice for the difference in the amounts for that lease year. (B) The instrument or agreement used by the Lessee to transfer or assign the right to use a wet slip at the docking facility to a third party shall include a provision that clearly notifies the wet slip renter/user/holder that if the wet slip renter/user/holder subsequently transfers his right to use said wet slip to another party, the instrument or agreement used to transfer said wet slip shall contain a provision that requires six percent (6%) of the annual gross income derived from said instrument or agreement for the use of said wet slip be paid to the Lessee who, upon receipt, shall report and transmit said amount to the Lessor. The instrument or agreement used by the Lessee to transfer a wet slip shall also include a provision that clearly notifies the wet slip renter/user/holder that no interest in said wet slip may be further transferred unless a substantially similar provision to the one contained in the preceding sentence is placed in each succeeding instrument or agreement used to transfer said wet slip to each new wet slip renter/user/holder. (C) The Lessee shall submit to the Lessor each instrument or agreement used by the Lessee to transfer or assign the right to use a wet slip at the docking facility to a third party annually at the same time the Lessee submits the required Annual Wet Slip Revenue Report to the Lessor. Any breach of this lease condition shall constitute a default under this lease.

4. LATE FEE ASSESSMENTS: The Lessee shall pay a late payment assessment for lease fees or other charges due under this lease which are not paid within 30 days after the due date. This assessment shall be computed at the rate of twelve percent (12%) per annum, calculated on a daily basis for every day the payment is late.

5. EXAMINATION OF LESSEE'S RECORDS: For purposes of this lease, the Lessor is hereby specifically authorized and empowered to examine, for the term of this lease including any extensions thereto plus three (3) additional years, at all reasonable hours, the books, records, contracts, and other documents confirming and pertaining to the computation of annual lease payments as specified in paragraph two (2) above.

6. MAINTENANCE OF LESSEE'S RECORDS: The Lessee shall maintain separate accounting records for: (i) the gross revenue derived directly from the use of the leased premises, (ii) the gross revenue derived indirectly from the use of the leased premises, and (iii) all other gross revenue derived from the Lessee's operations on the riparian upland property. The Lessee shall secure, maintain and keep all records for the entire term of this lease plus three (3) additional years. This period shall be extended for an additional two (2) years upon request for examination of all records and accounts for lease verification purposes by the Lessor.

7. AGREEMENT TO EXTENT OF USE: This lease is given to the Lessee to use or occupy the leased premises only for those activities specified herein. The Lessee shall not (i) change or add to the approved use of the leased premises as defined herein (e.g., from commercial to multi-family residential, from temporary mooring to rental of wet slips, from rental of wet slips to contractual agreement with third party for docking of cruise ships, from rental of recreational pleasure craft to rental or temporary mooring of charter/tour boats, from loading/offloading commercial to rental of wet slips, etc.); (ii) change activities in any manner that may have an environmental impact that was not considered in the original authorization or regulatory permit; or (iii) change the type of use of the riparian uplands or as permitted by the Lessee's interest in the riparian upland property that is more particularly described in Attachment B without first obtaining a regulatory permit/modified permit, if applicable, the Lessor's written authorization in the form of a modified lease, the payment of additional fees, if applicable, and, if applicable, the removal of any structures which may no longer qualify for authorization under the modified lease.

8. PROPERTY RIGHTS: The Lessee shall make no claim of title or interest to said lands hereinbefore described by reason of the occupancy or use thereof, and all title and interest to said land hereinbefore described is vested in the Lessor. The Lessee is prohibited from including, or making any claim that purports to include, said lands described or the Lessee's leasehold interest in said lands into any form of private ownership, including but not limited to any form of condominium or cooperative ownership. The Lessee is further prohibited from making any claim, including any advertisement, that said land, or the use thereof, may be purchased, sold, or re-sold.

9. INTEREST IN RIPARIAN UPLAND PROPERTY: During the term of this lease, the Lessee shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), Florida Administrative Code, in the riparian upland property that is more particularly described in Attachment B and by reference made a part hereof together with the riparian rights appurtenant thereto. If such interest is terminated or the Lessor determines that such interest did not exist on the effective date of this lease, this lease may be terminated at the option of the Lessor. If the Lessor terminates this lease, the Lessee agrees not to assert a claim or defense against the Lessor arising out of this lease. Prior to sale and/or termination of the Lessee's interest in the riparian upland property, the Lessee shall inform any potential buyer or transferee of the Lessee's interest in the riparian upland property and the existence of this lease and all its terms and conditions and shall complete and execute any documents required by the Lessor to effect an assignment of this lease, if consented to by the Lessor. Failure to do so will not relieve the Lessee from responsibility for full compliance with the terms and conditions of this lease which include, but are not limited to, payment of all fees and/or penalty assessments incurred prior to such act.

10. ASSIGNMENT OF LEASE: This lease shall not be assigned or otherwise transferred without prior written consent of the Lessor or its duly authorized agent. Such assignment or other transfer shall be subject to the terms, conditions and provisions of this lease, current management standards and applicable laws, rules and regulations in effect at that time. Any assignment or other transfer without prior written consent of the Lessor shall be null and void and without legal effect.

11. INDEMNIFICATION/INVESTIGATION OF ALL CLAIMS: The Lessee shall investigate all claims of every nature arising out of this lease at its expense, and shall indemnify, defend and save and hold harmless the Lessor and the State of Florida from all claims, actions, lawsuits and demands arising out of this lease.

12. NOTICES/COMPLIANCE/TERMINATION: The Lessee binds itself, its successors and assigns, to abide by the provisions and conditions herein set forth, and said provisions and conditions shall be deemed covenants of the Lessee, its successors and assigns. In the event the Lessee fails or refuses to comply with the provisions and conditions herein set forth, or in the event the Lessee violates any of the provisions and conditions herein set forth, and the Lessee fails or refuses to comply with any of said provisions or conditions within twenty (20) days of receipt of the Lessor's notice to correct, this lease may be terminated by the Lessor upon thirty (30) days written notice to the Lessee. If canceled, all of the above-described parcel of land shall revert to the Lessor. All notices required to be given to the Lessee by this lease or applicable law or administrative rules shall be sufficient if sent by U.S. Mail to the following address:

Sungold, LLC
Attention: Beth Ann Morean
3618 El Centro St
St. Pete Beach, FL 33706

The Lessee shall notify the Lessor by certified mail of any change to this address at least ten (10) days before the change is effective.

13. TAXES AND ASSESSMENTS: The Lessee shall assume all responsibility for liabilities that accrue to the subject property or to the improvements thereon, including any and all drainage or special assessments or taxes of every kind and description which are now or may be hereafter lawfully assessed and levied against the subject property during the effective period of this lease.

14. NUISANCES OR ILLEGAL OPERATIONS: The Lessee shall not permit the leased premises or any part thereof to be used or occupied for any purpose or business other than herein specified unless such proposed use and occupancy are consented to by the Lessor and the lease is modified accordingly, nor shall Lessee knowingly permit or suffer any nuisances or illegal operations of any kind on the leased premises.

15. MAINTENANCE OF FACILITY/RIGHT TO INSPECT: The Lessee shall maintain the leased premises in good condition, keeping the structures and equipment located thereon in a good state of repair in the interests of public health, safety and welfare. No dock or pier shall be constructed in any manner that would cause harm to wildlife. The leased premises shall be subject to inspection by the Lessor or its designated agent at any reasonable time.

16. NON-DISCRIMINATION: The Lessee shall not discriminate against any individual because of that individual's race, color, religion, sex, national origin, age, handicap, or marital status with respect to any activity occurring within the area subject to this lease or upon lands adjacent to and used as an adjunct of the leased area.

17. ENFORCEMENT OF PROVISIONS: No failure, or successive failures, on the part of the Lessor to enforce any provision, nor any waiver or successive waivers on its part of any provision herein, shall operate as a discharge thereof or render the same inoperative or impair the right of the Lessor to enforce the same upon any renewal thereof or in the event of subsequent breach or breaches.

18. PERMISSION GRANTED: Upon expiration or cancellation of this lease all permission granted hereunder shall cease and terminate.

19. RENEWAL PROVISIONS: Renewal of this lease shall be at the sole option of the Lessor. Such renewal shall be subject to the terms, conditions and provisions of management standards and applicable laws, rules and regulations in effect at that time. In the event that the Lessee is in full compliance with the terms of this lease, the Lessor will begin the renewal process. The term of any renewal granted by the Lessor shall commence on the last day of the previous lease term. In the event the Lessor does not grant a renewal, the Lessee shall vacate the leased premises and remove all structures and equipment occupying and erected thereon at its expense. The obligation to remove all structures authorized herein upon termination of this lease shall constitute an affirmative covenant upon the Lessee's interest in the riparian upland property more particularly described in Attachment B which shall run with the title to the Lessee's interest in said riparian upland property and shall be binding upon the Lessee and the Lessee's successors in title or successors in interest.

20. REMOVAL OF STRUCTURES/ADMINISTRATIVE FINES: If the Lessee does not remove said structures and equipment occupying and erected upon the leased premises after expiration or cancellation of this lease, such structures and equipment will be deemed forfeited to the Lessor, and the Lessor may authorize removal and may sell such forfeited structures and equipment after ten (10) days written notice by certified mail addressed to the Lessee at the address specified in Paragraph 12 or at such address on record as provided to the Lessor by the Lessee. However, such remedy shall be in addition to all other remedies available to the Lessor under applicable laws, rules and regulations including the right to compel removal of all structures and the right to impose administrative fines.

21. REMOVAL COSTS/LIEN ON RIPARIAN UPLAND PROPERTY: Subject to the noticing provisions of Paragraph 20 of this lease, any costs incurred by the Lessor in removal of any structures and equipment constructed or maintained on state lands shall be paid by Lessee and any unpaid costs and expenses shall constitute a lien upon the Lessee's interest in the riparian upland property that is more particularly described in Attachment B. This lien on the Lessee's interest in the riparian upland property shall be enforceable in summary proceedings as provided by law.

22. RIPARIAN RIGHTS/FINAL ADJUDICATION: In the event that any part of any structure authorized hereunder is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent riparian rights, Lessee agrees to either obtain written consent for the offending structure from the affected riparian owner or to remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply with this paragraph shall constitute a material breach of this lease agreement and shall be grounds for immediate termination of this lease agreement at the option of the Lessor.

23. AMENDMENTS/MODIFICATIONS: This lease is the entire and only agreement between the parties. Its provisions are not severable. Any amendment or modification to this lease must be in writing, must be accepted, acknowledged and executed by the Lessee and Lessor, and must comply with the rules and statutes in existence at the time of the execution of the modification or amendment. Notwithstanding the provisions of this paragraph, if mooring is authorized by this lease, the Lessee may install boatlifts within the leased premises without formal modification of the lease provided that (a) the Lessee obtains any state or local regulatory permit that may be required; and (b) the location or size of the lift does not increase the mooring capacity of the docking facility.

24. ADVERTISEMENT/SIGNS/NON-WATER DEPENDENT ACTIVITIES/ADDITIONAL ACTIVITIES/MINOR STRUCTURAL REPAIRS: No permanent or temporary signs directed to the boating public advertising the sale of alcoholic beverages shall be erected or placed within the leased premises. No restaurant or dining activities are to occur within the leased premises. The Lessee shall ensure that no permanent, temporary or floating structures, fences, docks, pilings or any structures whose use is not water-dependent shall be erected or conducted over sovereignty submerged lands without prior written consent from the Lessor. No additional structures and/or activities including dredging, relocation/realignment or major repairs or renovations to authorized structures, shall be erected or conducted on or over sovereignty, submerged lands without prior written consent from the Lessor. Unless specifically authorized in writing by the Lessor, such activities or structures shall be considered unauthorized and a violation of Chapter 253, Florida Statutes, and shall subject the Lessee to administrative fines under Chapter 18-14, Florida Administrative Code. This condition does not apply to minor structural repairs required to maintain the authorized structures in a good state of repair in the interests of public health, safety or welfare; provided, however, that such activities shall not exceed the activities authorized by this lease.

25. USACE AUTHORIZATION: Prior to commencement of construction and/or activities authorized herein, the Lessee shall obtain the U.S. Army Corps of Engineers (USACE) permit if it is required by the USACE. Any modifications to the construction and/or activities authorized herein that may be required by the USACE shall require consideration by and the prior written approval of the Lessor prior to the commencement of construction and/or any activities on sovereign, submerged lands.

26. COMPLIANCE WITH FLORIDA LAWS: On or in conjunction with the use of the leased premises, the Lessee shall at all times comply with all Florida Statutes and all administrative rules promulgated thereunder. Any unlawful activity which occurs on the leased premises or in conjunction with the use of the leased premises shall be grounds for the termination of this lease by the Lessor.

27. LIVEABOARDS: The term "liveaboard" is defined as a vessel docked at the facility and inhabited by a person or persons for any five (5) consecutive days or a total of ten (10) days within a thirty (30) day period. If liveaboards are authorized by paragraph one (1) of this lease, in no event shall such "liveaboard" status exceed six (6) months within any twelve (12) month period, nor shall any such vessel constitute a legal or primary residence.

28. GAMBLING VESSELS: During the term of this lease and any renewals, extensions, modifications or assignments thereof, Lessee shall prohibit the operation of or entry onto the leased premises of gambling cruise ships, or vessels that are used principally for the purpose of gambling, when these vessels are engaged in "cruises to nowhere," where the ships leave and return to the state of Florida without an intervening stop within another state or foreign country or waters within the jurisdiction of another state or foreign country, and any watercraft used to carry passengers to and from such gambling cruise ships.

29. FINANCIAL CAPABILITY: To assure the Lessor that the Lessee has the financial capability to undertake and operate the project authorized by this lease, the Lessee certifies to the Lessor as follows: (i) the Lessee is not the subject of a pending bankruptcy proceeding that would prohibit the Lessee from paying its lease fees, on or before the due date, with or without, as applicable, approval from the bankruptcy court or, if appointed, the bankruptcy trustee; (ii) the Lessee has no unsatisfied judgments entered against it that would impair the Lessee's financial capability to undertake and operate the project authorized by this lease; (iii) the Lessee has no delinquent state and local taxes for which it is responsible and that remain outstanding and not in dispute; and (iv) to the best of the Lessee's knowledge, there are no other matters pending or threatened against or affecting the Lessee or the Lessee's interest in the riparian upland property that would impair the Lessee's financial capability to undertake and operate the project authorized by this lease. Any breach of this lease condition shall constitute a default under this lease.

30. SPECIAL LEASE CONDITION: Should a field survey acceptable to the Lessor be required or obtained after the effective date of this lease, the annual lease fees due hereunder shall be adjusted to reflect the increase or decrease in the total preempted area shown by the survey. Any such adjustment shall be effective from the date of the acceptable survey and shall be prospective only. No reimbursement or credit shall be given to the Lessee by the Lessor for overages, and no charge shall be imposed by the Lessor for shortages unless the error resulted from inaccurate information supplied by the Lessee.

[Remainder of page intentionally left blank; Signature page follows]

IN WITNESS WHEREOF, the Lessor and the Lessee have executed this instrument on the day and year first above written.

WITNESSES:

Kathy C. Griffin
Original Signature

Kathy C. Griffin
Print/Type Name of Witness

Tiana D. Brown
Original Signature

Tiana D. Brown
Print/Type Name of Witness

BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND OF THE STATE
OF FLORIDA

(SEAL)

BY:

Brad Richardson
Brad Richardson, Chief, Bureau of Public Land Administration,
Division of State Lands, State of Florida Department of
Environmental Protection, as agent for and on behalf of the Board
of Trustees of the Internal Improvement Trust Fund of the
State of Florida.

"LESSOR"

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me by means of physical presence this 21st day of December, 2021, by Brad Richardson, Chief, Bureau of Public Land Administration, Division of State Lands, State of Florida Department of Environmental Protection, as agent for and on behalf of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida. He is personally known to me.

APPROVED SUBJECT TO PROPER EXECUTION:

[Signature]
DEP Attorney

9/15/2021

Date

Tiana D. Brown
Notary Public, State of Florida

Printed, Typed or Stamped Name

My Commission Expires:

Commission/Serial No.



WITNESSES:

Dianne DeButts
Original Signature

Dianne DeButts
Typed/Printed Name of Witness

Bruce Howry
Original Signature

Bruce Howry
Typed/Printed Name of Witness

STATE OF _____

COUNTY OF _____

22 The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this day of November, 2021, by Beth Ann Morean, who is the Manager of Sungold, LLC, a Florida limited liability company, on behalf of the limited liability company. She is personally known to me or has produced _____ as identification.

My Commission Expires: _____

Commission/Serial No. _____

Sungold, LLC.

a Florida limited liability company

(SEAL)

Beth Ann Morean
Original Signature of Executing Authority

Beth Ann Morean

Typed/Printed Name of Executing Authority

Manager

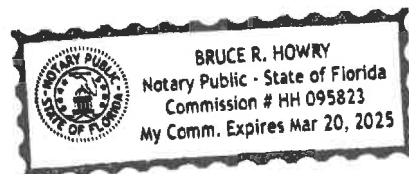
Title of Executing Authority

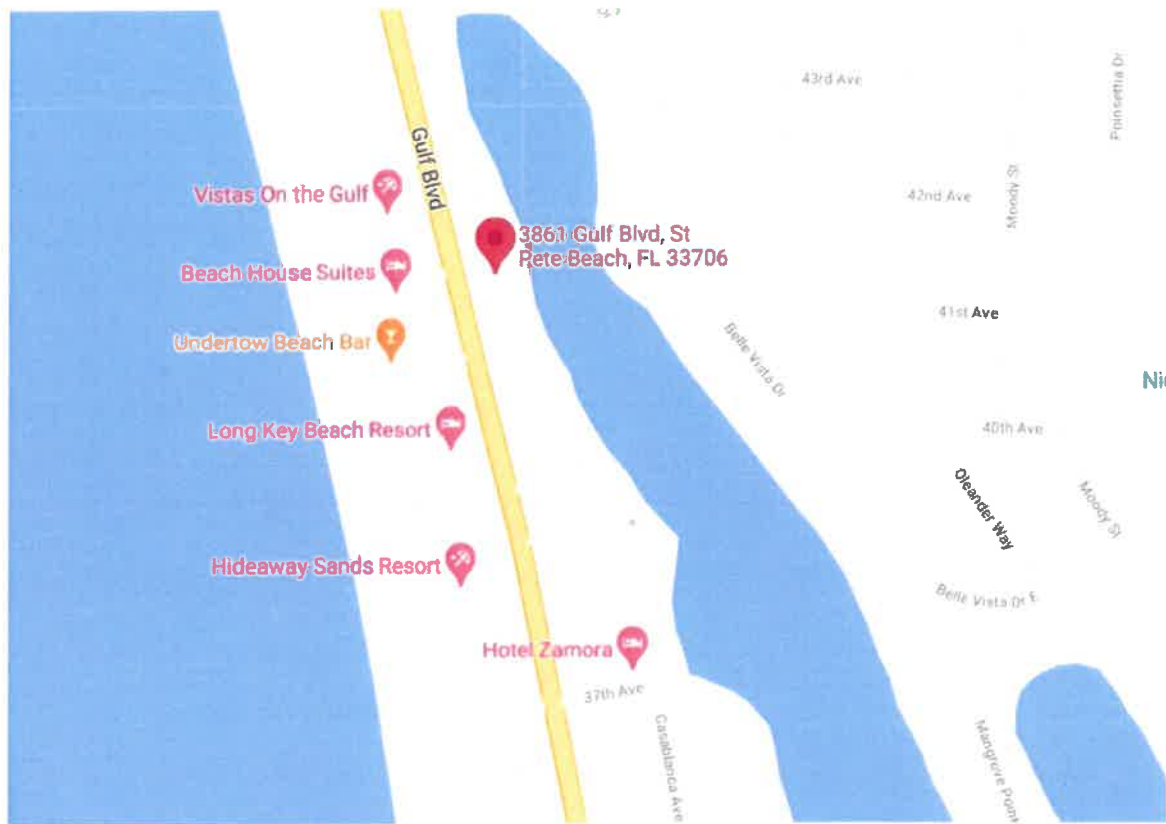
"LESSEE"

Bruce R. Howry
Signature of Notary Public

Notary Public, State of Florida

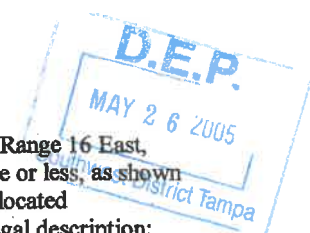
Printed, Typed or Stamped Name





Lease Area Description

A parcel of submerged land located in Section 7, Township 32 South, Range 16 East, Pinellas County, in Boca Ciega Bay containing 9,058 square feet, more or less, as shown on the attached sketch labeled as Exhibit A and dated April 22, 2005, located immediately waterward of that property with the following attached legal description:



PARCEL I

Lots 17 and 18, Block "A", Less the Westerly 10 feet of each Lot for State Road Department right of way taking per Official Records Book 1864, Page 161, FIRST ADDITION TO BELLE VISTA BEACH, according to the plat thereof, recorded in Plat Book 8, Page(s) 28, Public Records of Pinellas County, Florida.

PARCEL II

All of Lot 19 in Block "A", FIRST ADDITION TO BELLE VISTA BEACH, according to the plat thereof, as recorded in Plat Book 8, Page 28, Public Records of Pinellas County, Florida, less and except that part lying within 40 feet of the centerline of Gulf Boulevard and less and except that part described as follows: From the Northwest corner of said Lot 19, as platted, run East 10.38 feet along the North line of said Lot 19, for a Point of Beginning; thence continue East 78.92 feet along said North line; thence run South 0° 03'23" East, 60.00 feet to a Point on the South line of said Lot 19; thence run West 62.30 feet along said South line; thence North 15° 32'00" West, 62.27 feet along a line 40 feet Easterly of measured at right angles and parallel to the said centerline of Gulf Boulevard to the Point of Beginning.

Together with an easement for ingress and egress over and across the North 10 feet of the West 1/2 of Lot 19, less the right of way for Gulf Boulevard.

And

From the Northwest corner of said Lot 19, run East 10.38 feet along the North line of said Lot 19; continue thence East 78.92 feet along said North line; thence run South 0° 03'23" East, 8.50 feet to the Point of Beginning; thence run West 1.50 feet; thence South 0° 03'23" East, 15.00 feet; thence East 1.50 feet; thence North 0° 03'23" West, 15.00 feet to the Point of Beginning being a portion of Lot 19 in Block "A", FIRST ADDITION TO BELLE VISTA BEACH, Plat Book 8, Page 28, of the Public Records of Pinellas County, Florida.

And

That part of Lot 19, Block "A", FIRST ADDITION TO BELLE VISTA BEACH, according to the plat thereof recorded in Plat Book 8, Page 28, Public Records of Pinellas County, Florida, Less that part lying within 40 feet of the centerline of Gulf Boulevard, described as follows:

From the Northwest corner of said Lot 19, as platted, run East 10.38 feet along the North line of said Lot 19, for a Point of Beginning; continue thence East 78.92 feet along said North line; thence run South 0° 03'23" East, 8.50 feet; thence West 1.50 feet; thence South 0° 03'23" East, 15.00 feet; thence East 1.50 feet; thence South 0° 03'23" East, 36.50 feet to the Point on the South line of said Lot 19; thence run West 62.30 feet along said South line of said Lot 19; thence North 15° 32'00" West, 62.27 feet along a line of 40 feet Easterly of measured at right angles and parallel to the said centerline of Gulf Boulevard to the Point of Beginning; together with a 10 foot easement for access to Boca Ciega Bay over and across the South 10 feet of that part of said Lot 19, lying East of the East line of the above described portion of said Lot 19.

PARCEL III

Lot 20, Block "A", FIRST ADDITION TO BELLE VISTA BEACH, according to the plat thereof recorded in Plat Book 8, Page 28, Public Records of Pinellas County, Florida, less that part lying within 40 feet of the survey line of State Road 699, Section 15100, as described in Order of Taking recorded in Official Records Book 1533, Page 197, as Clerk's Instrument No. 685B, Pinellas County Records.

PARCEL IV

Lot 21, Block "A", FIRST ADDITION TO BELLE VISTA BEACH, according to the plat thereof recorded in Plat Book 8, Page 28, Public Records of Pinellas County, Florida, less that part lying within 40 feet of the survey line of State Road 699, Section 15100, as described in Order of Taking recorded in Official Records Book 1533, Page 197, as Clerk's Instrument No. 685B, Pinellas County Records.

PARCEL V

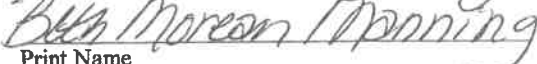
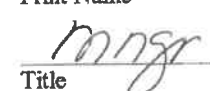
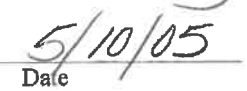
Lot 22, Block "A", FIRST ADDITION TO BELLE VISTA BEACH, according to the plat thereof as recorded in Plat Book 8, Page 28, Public Records of Pinellas County, Florida, less that part lying within 40 feet of the survey line of State Road 699, Section 15100, as described in Order of Taking recorded in Official Records Book 1533, Page 197, as Clerk's Instrument No. 685B, Pinellas County Records.

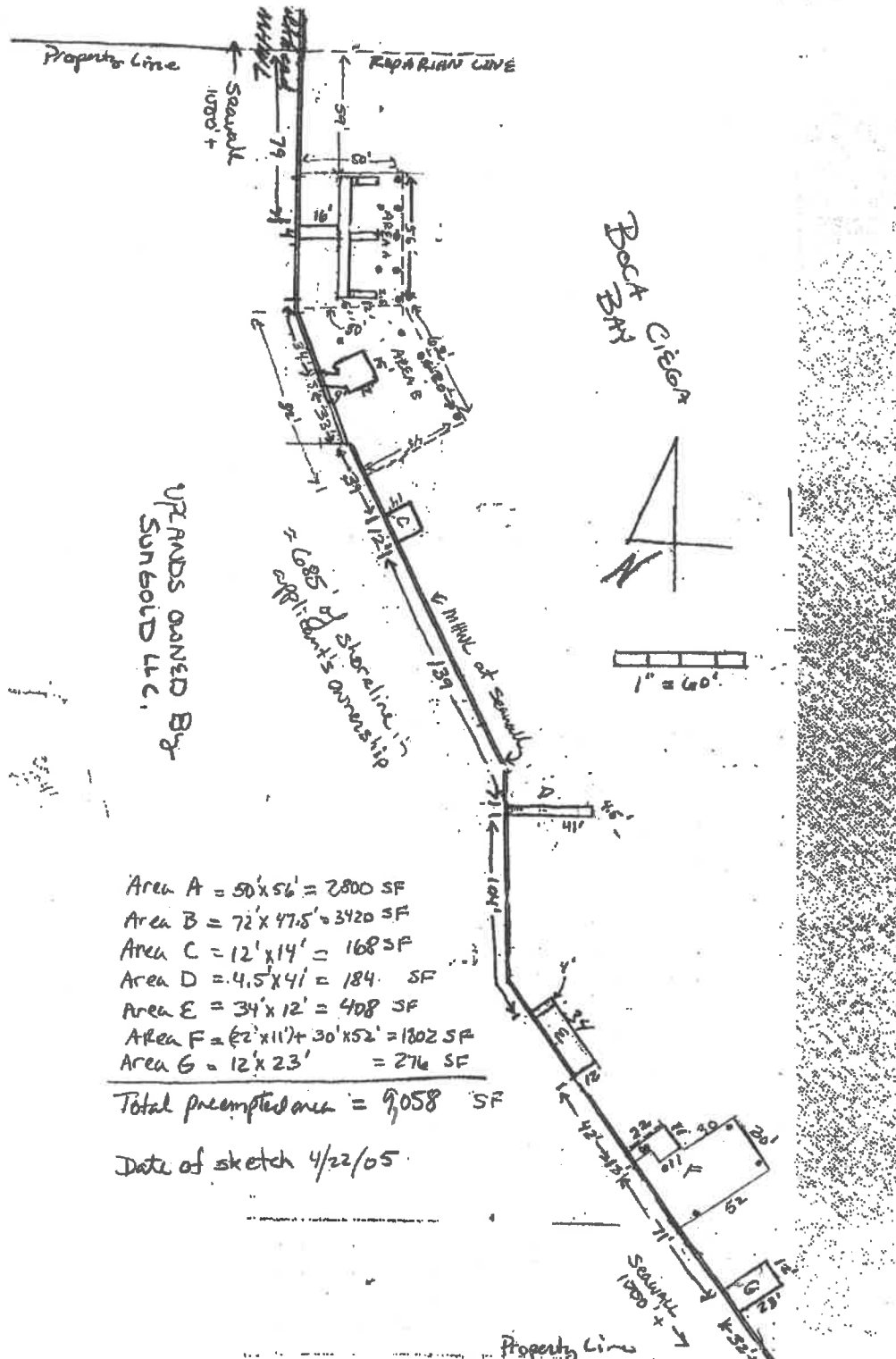
PARCEL VI

Lots 1 and 2, Block 1, CORAZZA SUBDIVISION, according to the map or plat thereof as recorded in Plat Book 113, Page 90, of the Public Records of Pinellas County, Florida.

Lot 23, Block A, FIRST ADDITION TO BELLE VISTA BEACH, according to the plat thereof recorded in Plat Book 8, Page 28, Public Records of Pinellas County, FL, LESS that part thereof lying within 40 feet of the survey line of SR 699, Section 15100, as it appears in OR Book 1851, Pages 582 and 583, Public Records of Pinellas County, FL

I certify that the above description and Exhibit A accurately represent the existing structures and the associated preempted area. I further acknowledge and agree that should a survey be required in the future that indicates the true preempted area is smaller than what has been estimated, fees would not be credited. Likewise, I acknowledge and agree that should a survey indicate that the true preempted area is larger than that which was originally estimated, fees in arrears would not be assessed unless the error resulted from inaccurate information supplied by me (applicant).


Signature of Upland Owner/ Authorized Entity

Print Name

Title

Date



**THIS INSTRUMENT PREPARED BY
AND RETURN TO:**

DENNIS E. MANELLI, ESQUIRE

Phelps Dunbar LLP
100 South Ashley Drive
Suite 1900
Tampa, Florida 33602

PARCEL ID #: 07-32-16-18143-001-0010;
07-32-16-18143-001-0020; and
07-32-16-07398-001-0170

RESERVED FOR CLERK

WARRANTY DEED

THIS INDENTURE, made this 24th day of August, 2004, between T&F REALTY LC, a Florida limited liability company, whose post office address is 11 Captain Theale Road, Bedford, New York 33706, grantor and SUNGOLD, LLC, a Florida limited liability company, whose post office address is 13618 El Centro Street, St. Pete Beach, Florida 33706, grantee.

WITNESSETH:

That said grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Pinellas County, Florida, to-wit:

See Exhibit "A" attached hereto and incorporated herein by reference.

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever, except current real property taxes, and all the encumbrances set forth on Exhibit "B" hereof.

IN WITNESS WHEREOF, grantor has hereunto set grantor's hand and seal the day and year first above written.

Attachment B
Page 12 of 18 Pages
SSLL No. 520032393

75517-1

Signed, sealed and delivered
in the presence of:

T&F REALTY LC, a Florida limited
liability company

Dennis E. Manelli
Print Name: Dennis E. Manelli

By: Antonio Bueti
ANTONIO BUETI
Its: Member/Manager

Suzanne J. Walker
Print Name: Suzanne J. Walker

By: Francesca Bueti
FRANCESCA BUETI
Its: Member/Manager

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing instrument was acknowledged before me this 27th day of August, 2004 by ANTONIO BUETI and FRANCESCA BUETI, Manager/Member of T&F Realty LC, a Florida limited liability company, on behalf of the company, ☒ who are personally known to me, or ☐ who have produced the following identification: _____ (check one).



Suzanne J. Walker
Name: _____ (print)
NOTARY PUBLIC
Commission No.: _____
Commission Expiration Date: _____

EXHIBIT "A"**[Real Property]****PARCEL I**

Lots 17 and 18, Block "A", Less the Westerly 10 feet of each Lot for State Road Department right of way taking per Official Records Book 1864, Page 161, FIRST ADDITION TO BELLE VISTA BEACH, according to the plat thereof, recorded in Plat Book 8, Page(s) 28, Public Records of Pinellas County, Florida.

PARCEL II

All of Lot 19 in Block "A", FIRST ADDITION TO BELLE VISTA BEACH, according to the plat thereof, as recorded in Plat Book 8, Page 28, Public Records of Pinellas County, Florida, less and except that part lying within 40 feet of the centerline of Gulf Boulevard and less and except that part described as follows: From the Northwest corner of said Lot 19, as platted, run East 10.38 feet along the North line of said Lot 19, for a Point of Beginning; thence continue East 78.92 feet along said North line; thence run South 0° 03'23" East, 60.00 feet to a Point on the South line of said Lot 19; thence run West 62.30 feet along said South line; thence North 15° 32'00" West, 62.27 feet along a line 40 feet Easterly of measured at right angles and parallel to the said centerline of Gulf Boulevard to the Point of Beginning.

Together with an easement for ingress and egress over and across the North 10 feet of the West 1/2 of Lot 19, less the right of way for Gulf Boulevard.

And

From the Northwest corner of said Lot 19, run East 10.38 feet along the North line of said Lot 19; continue thence East 78.92 feet along said North line; thence run South 0° 03'23" East, 8.50 feet to the Point of Beginning; thence run West 1.50 feet; thence South 0° 03'23" East, 15.00 feet; thence East 1.50 feet; thence North 0° 03'23" West, 15.00 feet to the Point of Beginning being a portion of Lot 19 in Block "A", FIRST ADDITION TO BELLE VISTA BEACH, Plat Book 8, Page 28, of the Public Records of Pinellas County, Florida.

And

That part of Lot 19, Block "A", FIRST ADDITION TO BELLE VISTA BEACH, according to the plat thereof recorded in Plat Book 8, Page 28, Public Records of Pinellas County, Florida, Less that part lying within 40 feet of the centerline of Gulf Boulevard, described as follows:

From the Northwest corner of said Lot 19, as platted, run East 10.38 feet along the North line of said Lot 19, for a Point of Beginning; continue thence East 78.92 feet along said North line; thence run South 0° 03'23" East, 8.50 feet; thence West 1.50 feet; thence South 0° 03'23" East, 15.00 feet; thence East 1.50 feet; thence South 0° 03'23" East, 36.50 feet to the Point on the South line of said Lot 19; thence run West 62.30 feet along said South line of said Lot 19; thence

Attachment B

Page 14 of 18 Pages

75517-1 SSLL No. 520032393

North $15^{\circ} 32' 00''$ West, 62.27 feet along a line of 40 feet Easterly of measured at right angles and parallel to the said centerline of Gulf Boulevard to the Point of Beginning; together with a 10 foot easement for access to Boca Ciega Bay over and across the South 10 feet of that part of said Lot 19, lying East of the East line of the above described portion of said Lot 19.

PARCEL III

Lot 20, Block "A", FIRST ADDITION TO BELLE VISTA BEACH, according to the plat thereof recorded in Plat Book 8, Page 28, Public Records of Pinellas County, Florida, less that part lying within 40 feet of the survey line of State Road 699, Section 15100, as described in Order of Taking recorded in Official Records Book 1533, Page 197, as Clerk's Instrument No. 685B, Pinellas County Records.

PARCEL IV

Lot 21, Block "A", FIRST ADDITION TO BELLE VISTA BEACH, according to the plat thereof recorded in Plat Book 8, Page 28, Public Records of Pinellas County, Florida, less that part lying within 40 feet of the survey line of State Road 699, Section 15100, as described in Order of Taking recorded in Official Records Book 1533, Page 197, as Clerk's Instrument No. 685B, Pinellas County Records.

PARCEL V

Lot 22, Block "A", FIRST ADDITION TO BELLE VISTA BEACH, according to the plat thereof as recorded in Plat Book 8, Page 28, Public Records of Pinellas County, Florida, less that part lying within 40 feet of the survey line of State Road 699, Section 15100, as described in Order of Taking recorded in Official Records Book 1533, Page 197, as Clerk's Instrument No. 685B, Pinellas County Records.

PARCEL VI

Lots 1 and 2, Block 1, CORAZZA SUBDIVISION, according to the map or plat thereof as recorded in Plat Book 113, Page 90, of the Public Records of Pinellas County, Florida.

EXHIBIT "B"**[Exceptions]**

1. All taxes for the year 2004 and all subsequent years, which are not yet due and payable.
2. Declaration of Covenants, Conditions, Restrictions and Easements, which contains provisions for a private charge or assessments, recorded in Deed Book 671, Page 515, as modified by Deed Book 715, Page 447, of the Public Records of Pinellas County, Florida.
3. Easement for ingress and egress, recorded in Book 7165, Page 1540, Book 4179, Page 980 and Book 6839, Page 1579, of the Public Records of Pinellas County, Florida.
4. Easement for Access to Boca Ciega Bay, recorded in Book 7165, Page 1540, Book 4341, Page 400, Book 4743, Page 1977, Book 5678, Page 889 and Book 6124, Page 1531, of the Public Records of Pinellas County, Florida.
5. Easement for drainage, recorded in Book 1533, Page 197, of the Public Records of Pinellas County, Florida.
6. Easement for drainage, recorded in Deed Book 1560, Page 609, of the Public Records of Pinellas County, Florida.
7. Easement recorded in Book 6125, Page 203, of the Public Records of Pinellas County, Florida.
8. Ordinance No. 85-18, for Parking Permits, etc. as recorded in Book 5986, Page 1528, of the Public Records of Pinellas County, Florida.
9. Easement for drainage, recorded in Book 1864, Page 161, of the Public Records of Pinellas County, Florida.
10. Terms and provisions of all agreements and franchises pertaining to the cost, installation, operation and maintenance of gas, water and/or sewer facilities.

11. All or part of the land described herein being artificially filled in land in what was formerly navigable waters, this policy is subject to the right of the United States Government and/or the State of Florida, arising by reason of the United States Government's control over navigable waters in the interest of navigation and commerce and/or the inalienable right of the State of Florida in the lands and/or waters of such character.

12. Matters appearing on the plat recorded in Plat Book 8, Page(s) 28 and Plat Book 113, Page 90, of the Public Records of Pinellas County, Florida, including, but not limited to, any building setback lines and/or easements lying within the lot(s) described in Exhibit "A".

13. Covenants, Conditions and Restrictions as set forth, recorded in Book 7566, Page 237, of the Public Records of Pinellas County, Florida.

Return to preparer:
Rolfe D. Duggar, Esq.
4699 Central Avenue
St. Petersburg, FL 33713

Parcel #: 07/32/16/07398/001/0230

WARRANTY DEED

THIS WARRANTY DEED made this 11th day of October 2004, by TLC INN, INC., a Florida corporation, whose address is 3815 Gulf Blvd., St Pete Beach, FL 33706, hereinafter called the Grantor, to SUNGOLD, LLC, a Florida limited liability company, whose address is 2817 Pass A Grille Way, St Pete Beach, FL 33706, hereinafter called Grantee:

(Wherever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the contest so admits or requires.)

WITNESSETH, that the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land situate in Pinellas County, FL, viz:

Lot 23, Block A, FIRST ADDITION TO BELLE VISTA BEACH, according to the plat thereof recorded in Plat Book 8, Page 28, Public Records of Pinellas County, FL, LESS that part thereof lying within 40 feet of the survey lien of SR 699, Section 15100, as it appears in OR-Book 1851, Pages 582 and 583, Public Records of Pinellas County, FL

SUBJECT TO MORTGAGE - NONE

SUBJECT TO REAL ESTATE TAXES FOR THE YEAR 2004 AND YEARS SUBSEQUENT THERETO.

SUBJECT TO EASEMENTS, RESTRICTIONS, AND RESERVATIONS OF RECORD.

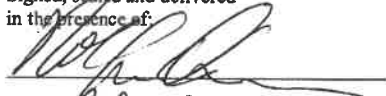
TOGETHER with all the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

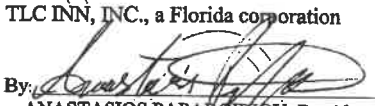
AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2003.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in the presence of:


Print name: Rolfe D. Duggar

TLC INN, INC., a Florida corporation

By: 
ANASTASIOS PAPARGIROU, President


Print name: Patricia P. Hayes

By: 
CLAIRE PAPARGIROU, Vice President

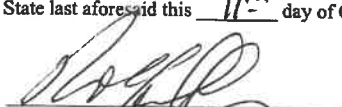
STATE OF FLORIDA
COUNTY OF PINELLAS

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared ANASTASIOS PAPARGIROU and CLAIRE PAPARGIROU who are personally known to me or who produced FL Drivers Licenses as identification and who did take an oath.

WITNESS my hand and seal in the County and State last aforesaid this 11th day of October 2004.

(SEAL)




Notary Public
Print name: Rolfe D. Duggar



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company
MBT MANAGEMENT LLC

Filing Information

Document Number L21000171713
FEI/EIN Number 87-2236825
Date Filed 04/13/2021
Effective Date 04/13/2021
State FL
Status ACTIVE

Principal Address

21218 ST. ANDREWS BLVD.
 #627
 BOCA RATON, FL 33433

Mailing Address

21218 ST. ANDREWS BLVD.
 #627
 BOCA RATON, FL 33433

Changed: 08/17/2022

Registered Agent Name & Address

KREIMER, LEONARD
 21218 ST. ANDREWS BLVD.
 #627
 BOCA RATON, FL 33433

Authorized Person(s) Detail

Name & Address

Title MGR

KREIMER, LEONARD
 21218 ST. ANDREWS BLVD. #627
 BOCA RATON, FL 33433

Annual Reports

Report Year	Filed Date
2022	03/08/2022

W.O. 6915

ADDRESS:
VACANT LAND GULF BOULEVARD
ST. PETE BEACH, FLORIDA

LEGAL DESCRIPTION:

PARCEL I
LOTS 17 AND 18, BLOCK A, LESS THE WESTERLY 10 FEET OF EACH LOT FOR STATE ROAD DEPARTMENT RIGHT OF WAY TAKING PER OFFICIAL RECORDS BOOK 1864, PAGE 161, FIRST ADDITION TO BELLE VISTA BEACH, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 8, PAGE 28, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

PARCEL II
ALL OF LOT 19, IN BLOCK A, FIRST ADDITION TO BELLE VISTA BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 28, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, LESS AND EXCEPT THAT PART LYING WITHIN 40 FEET OF THE CENTERLINE OF GULF BOULEVARD AND LESS AND EXCEPT THAT PART DESCRIBED AS FOLLOWS:
FROM THE NORTHWEST CORNER OF SAID LOT 19, AS PLATTED, RUN EAST 10.38 FEET ALONG THE NORTH LINE OF SAID LOT 19, FOR A POINT OF BEGINNING; THENCE CONTINUE EAST 78.92 FEET ALONG SAID NORTH LINE; THENCE RUN SOUTH 0°03'23" EAST, 60.00 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 19; THENCE RUN WEST 62.30 FEET ALONG SAID SOUTH LINE; THENCE NORTH 15°32'00" WEST, 62.27 FEET ALONG A LINE 40 FEET EASTERLY OF MEASURED AT RIGHT ANGLES AND PARALLEL TO THE SAID CENTERLINE OF GULF BOULEVARD TO THE POINT OF BEGINNING.
TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE NORTH 10 FEET OF THE WEST 1/2 OF LOT 19, LESS THE RIGHT OF WAY FOR GULF BOULEVARD.

AND
FROM THE NORTHWEST CORNER OF SAID LOT 19, RUN EAST 10.38 FEET ALONG THE NORTH LINE OF SAID LOT 19; CONTINUE THENCE EAST 78.92 FEET ALONG SAID NORTH LINE; THENCE RUN SOUTH 0°03'23" EAST, 8.50 FEET TO THE POINT OF BEGINNING; THENCE RUN WEST 1.50 FEET; THENCE SOUTH 0°03'23" EAST, 15.00 FEET; THENCE EAST 1.50 FEET; THENCE NORTH 0°03'23" WEST, 15.00 FEET TO THE POINT OF BEGINNING BEING A PORTION OF LOT 19 IN BLOCK A, FIRST ADDITION TO BELLE VISTA BEACH, PLAT BOOK 8, PAGE 28, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

AND
THAT PART OF LOT 19, BLOCK A, FIRST ADDITION TO BELLE VISTA BEACH, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 8, PAGE 28, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, LESS THAT PART LYING WITHIN 40 FEET OF THE CENTERLINE OF GULF BOULEVARD DESCRIBED AS FOLLOWS:
FROM THE NORTHWEST CORNER OF SAID LOT 19, AS PLATTED, RUN EAST 10.38 FEET ALONG THE NORTH LINE OF SAID LOT 19, FOR A POINT OF BEGINNING; CONTINUE THENCE EAST 78.92 FEET ALONG SAID NORTH LINE; THENCE RUN SOUTH 0°03'23" EAST, 8.50 FEET; THENCE WEST 1.50 FEET; THENCE SOUTH 0°03'23" EAST, 15.00 FEET; THENCE EAST 1/50 FEET; THENCE SOUTH 0°03'23" EAST, 36.50 FEET TO THE POINT ON THE SOUTH LINE OF SAID LOT 19; THENCE RUN WEST 62.30 FEET ALONG SAID SOUTH LINE OF SAID LOT 19; THENCE NORTH 15°32'00" WEST, 62.27 FEET ALONG A LINE OF 40 FEET EASTERLY OF MEASURED AT RIGHT ANGLES AND PARALLEL TO THE SAID CENTERLINE OF GULF BOULEVARD TO THE POINT OF BEGINNING, TOGETHER WITH A 10 FOOT EASEMENT FOR ACCESS TO BOCA CIEGA BAY OVER AND ACROSS THE SOUTH 10 FEET OF THAT PART OF SAID LOT 19, LYING EAST OF THE EAST LINE OF THE ABOVE DESCRIBED PORTION OF SAID LOT 19.

PARCEL III
LOT 20, BLOCK A, FIRST ADDITION TO BELLE VISTA BEACH, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 8, PAGE 28, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, LESS THAT PART LYING WITHIN 40 FEET OF THE SURVEY LINE OF STATE ROAD 699, SECTION 15100 AS DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 1533, PAGE 197, AS CLERK'S INSTRUMENT NO 685B, PINELLAS COUNTY RECORDS.

PARCEL IV
LOT 21, BLOCK A, FIRST ADDITION TO BELLE VISTA BEACH, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 8, PAGE 28, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, LESS THAT PART LYING WITHIN 40 FEET OF THE SURVEY LINE OF STATE ROAD 699, SECTION 15100, AS DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 1533, PAGE 197, AS CLERK'S INSTRUMENT NO. 685B, PINELLAS COUNTY RECORDS.

PARCEL V
LOT 22, BLOCK A, FIRST ADDITION TO BELLE VISTA BEACH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 28, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, LESS THAT PART LYING WITHIN 40 FEET OF THE SURVEY LINE OF STATE ROAD 699, SECTION 15100 AS DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 1533, PAGE 197, AS CLERK'S INSTRUMENT NO. 685B, PINELLAS COUNTY RECORDS.

PARCEL VI
LOTS 1 AND 2, BLOCK 1, CORAZZA SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 113, PAGE 90, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

PARCEL VII
LOT 23, BLOCK A, FIRST ADDITION TO BELLE VISTA BEACH, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 8, PAGE 28, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, LESS THAT PART THEREOF LYING WITHIN 40 FEET OF THE SURVEY LINE OF SR 699, SECTION 15100, AS IT APPEARS IN OFFICIAL RECORDS BOOK 1851, PAGE 582 AND 583, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

PARCEL VIII
A PARCEL OF LAND LYING EAST OF THE EAST BOUNDARY LINE OF THE FOLLOWING PARCELS AND WEST OF THE ADJACENT SEAWALL:
LOTS 17 AND 18, BLOCK A, LESS THE WESTERLY 10 FEET OF EACH LOT FOR STATE ROAD DEPARTMENT RIGHT OF WAY TAKING PER OFFICIAL RECORDS BOOK 1864, PAGE 161, FIRST ADDITION TO BELLE VISTA BEACH, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 8, PAGE 28, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA;

AND
ALL OF LOT 19, IN BLOCK A, FIRST ADDITION TO BELLE VISTA BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 8, PAGE 28, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, LESS AND EXCEPT THAT PART LYING WITHIN 40 FEET OF THE CENTERLINE OF GULF BOULEVARD AND LESS AND EXCEPT THAT PART DESCRIBED AS FOLLOWS:
FROM THE NORTHWEST CORNER OF SAID LOT 19, AS PLATTED, RUN EAST 10.38 FEET ALONG THE NORTH LINE OF SAID LOT 19, FOR A POINT OF BEGINNING; THENCE CONTINUE EAST 78.92 FEET ALONG SAID NORTH LINE; THENCE RUN SOUTH 0°03'23" EAST, 8.50 FEET; THENCE WEST 1.50 FEET; THENCE SOUTH 0°03'23" EAST, 15.00 FEET; THENCE EAST 1/50 FEET; THENCE SOUTH 0°03'23" EAST, 36.50 FEET TO THE POINT ON THE SOUTH LINE OF SAID LOT 19; THENCE RUN WEST 62.30 FEET ALONG SAID SOUTH LINE OF SAID LOT 19; THENCE NORTH 15°32'00" WEST, 62.27 FEET ALONG A LINE 40 FEET EASTERLY OF MEASURED AT RIGHT ANGLES AND PARALLEL TO THE SAID CENTERLINE OF GULF BOULEVARD TO THE POINT OF BEGINNING; TOGETHER WITH A 10 FOOT EASEMENT FOR ACCESS TO BOCA CIEGA BAY OVER AND ACROSS THE SOUTH 10 FEET OF THAT PART OF SAID LOT 19, LYING EAST OF THE EAST LINE OF THE ABOVE DESCRIBED PORTION OF SAID LOT 19;

AND
FROM THE NORTHWEST CORNER OF SAID LOT 19, RUN EAST 10.38 FEET ALONG THE NORTH LINE OF SAID LOT 19; CONTINUE THENCE EAST 78.92 FEET ALONG SAID NORTH LINE; THENCE RUN SOUTH 0°03'23" EAST, 8.50 FEET TO THE POINT OF BEGINNING; THENCE RUN WEST 1.50 FEET; THENCE SOUTH 0°03'23" EAST, 15.00 FEET; THENCE EAST 1.50 FEET; THENCE NORTH 0°03'23" WEST, 15.00 FEET TO THE POINT OF BEGINNING BEING A PORTION OF LOT 19 IN BLOCK A, FIRST ADDITION TO BELLE VISTA BEACH, PLAT BOOK 8, PAGE , OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

AND
THAT PART OF LOT 19, BLOCK A, FIRST ADDITION TO BELLE VISTA BEACH, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 8, PAGE 28, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, LESS THAT PART LYING WITHIN 40 FEET OF THE CENTERLINE OF GULF BOULEVARD DESCRIBED AS FOLLOWS:
FROM THE NORTHWEST CORNER OF SAID LOT 19, AS PLATTED, RUN EAST 10.38 FEET ALONG THE NORTH LINE OF SAID LOT 19, FOR A POINT OF BEGINNING; CONTINUE THENCE EAST 78.92 FEET ALONG SAID NORTH LINE; THENCE RUN SOUTH 0°03'23" EAST, 8.50 FEET; THENCE WEST 1.50 FEET; THENCE SOUTH 0°03'23" EAST, 15.00 FEET; THENCE EAST 1/50 FEET; THENCE SOUTH 0°03'23" EAST, 36.50 FEET TO THE POINT ON THE SOUTH LINE OF SAID LOT 19; THENCE RUN WEST 62.30 FEET ALONG SAID SOUTH LINE OF SAID LOT 19; THENCE NORTH 15°32'00" WEST, 62.27 FEET ALONG A LINE 40 FEET EASTERLY OF MEASURED AT RIGHT ANGLES AND PARALLEL TO THE SAID CENTERLINE OF GULF BOULEVARD TO THE POINT OF BEGINNING; TOGETHER WITH A 10 FOOT EASEMENT FOR ACCESS TO BOCA CIEGA BAY OVER AND ACROSS THE SOUTH 10 FEET OF THAT PART OF SAID LOT 19, LYING EAST OF THE EAST LINE OF THE ABOVE DESCRIBED PORTION OF SAID LOT 19;

AND
LOT 10, BLOCK A, FIRST ADDITION TO BELLE VISTA BEACH, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 8, PAGE 28, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, LESS THAT PART LYING WITHIN 40 FEET OF THE SURVEY LINE OF STATE ROAD 699, SECTION 15100 AS DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 1533, PAGE 197, AS CLERK'S INSTRUMENT NO 685B, PINELLAS COUNTY RECORDS;

AND
LOT 21, BLOCK A, FIRST ADDITION TO BELLE VISTA BEACH, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 8, PAGE, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, LESS THAT PART LYING WITHIN 40 FEET OF THE SURVEY LINE OF STATE ROAD 699, SECTION 15100, AS DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 1533, PAGE 197, AS CLERK'S INSTRUMENT NO. 685B, PINELLAS COUNTY RECORDS;

AND
LOT 22, BLOCK A, FIRST ADDITION TO BELLE VISTA BEACH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE , PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, LESS THAT PART LYING WITHIN 40 FEET OF THE SURVEY LINE OF STATE ROAD 699, SECTION 15100 AS DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 1533, PAGE 197, AS CLERK'S INSTRUMENT NO. 685B, PINELLAS COUNTY RECORDS;

AND
LOT 23, BLOCK A, FIRST ADDITION TO BELLE VISTA BEACH, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 8, PAGE 28, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, LESS THAT PART THEREOF LYING WITHIN 40 FEET OF THE SURVEY LINE OF STATE ROAD 699, SECTION 15100, AS IT APPEARS IN OFFICIAL RECORDS BOOK 1851, PAGE 582

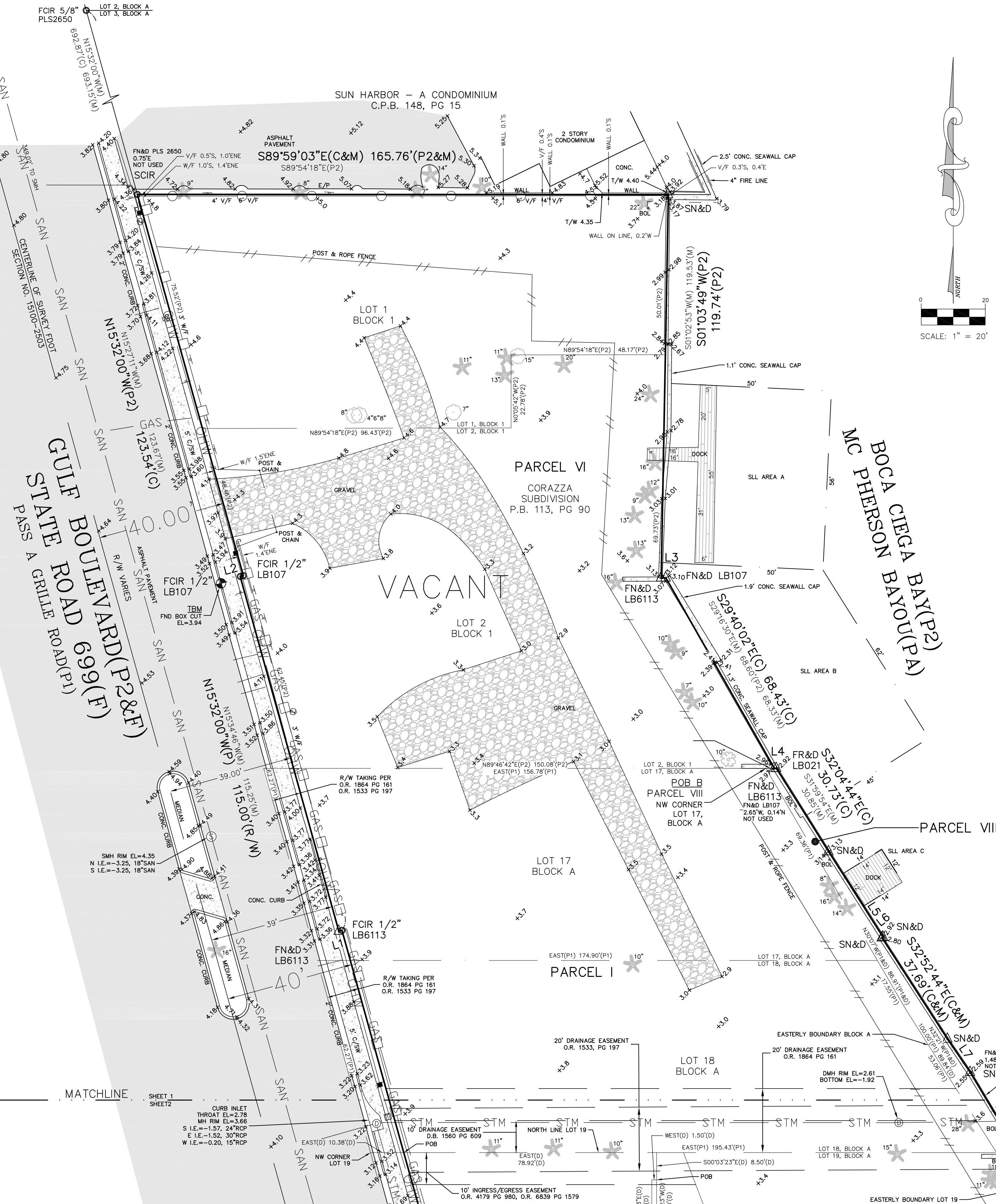
BEING FURTHER DESCRIBED AS FOLLOWS
LAND LYING EAST OF LOTS 17, 18, 19, 20, 21, 22 AND 23, ALL IN BLOCK A, FIRST ADDITION TO BELLE VISTA BEACH, AS PER PLAT BOOK 8, PAGE 28, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, AND WEST OF THE ADJACENT SEAWALL BEING FURTHER DESCRIBED AS FOLLOWS:
BEGIN AT THE SOUTHEAST CORNER OF LOT 23, SAID BLOCK A, FOR A POINT OF BEGINNING A; THENCE ALONG THE EASTERLY BOUNDARY OF SAID BLOCK A FOR THE FOLLOWING 2 COURSES: NORTH 39°59' WEST 217.17 FEET, NORTH 11°00' WEST 87.80 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID LOT 19 ON THE SEAWALL; THENCE ALONG SAID SEAWALL FOR THE FOLLOWING 15 COURSES: SOUTH 23°05'44" EAST 15.01 FEET, NORTH 66°35'46" EAST 0.41 FEET, SOUTH 23°32'52" EAST 28.33 FEET, SOUTH 21°53'17" EAST 18.49 FEET, SOUTH 18°44'55" EAST 18.49 FEET, SOUTH 32°28'40" EAST 22.37 FEET, SOUTH 30°36'35" EAST 22.37 FEET, SOUTH 30°00'07" EAST 24.63 FEET, SOUTH 41°57'15" EAST 11.89 FEET, SOUTH 41°16'40" EAST 11.89 FEET, SOUTH 40°15'55" EAST 17.83 FEET, SOUTH 38°21'51" EAST 17.83 FEET, SOUTH 38°14'04" EAST 18.68 FEET, SOUTH 40°35'39" EAST 44.99 FEET, SOUTH 38°12'33" EAST 32.80 FEET TO A POINT ON THE SOUTH BOUNDARY LINE EXTENDED OF SAID LOT 23; THENCE LEAVING SAID SEAWALL AND ALONG SAID SOUTH BOUNDARY LINE EXTENDED, NORTH 90°00'00" WEST 9.13 FEET BACK TO THE POINT OF BEGINNING.

AND
BEGIN AT THE NORTHEAST CORNER OF LOT 17, SAID BLOCK A, FOR A POINT OF BEGINNING B; THENCE ALONG THE NORTH BOUNDARY LINE EXTENDED OF SAID LOT 17 NORTH 90°00'00" EAST 3.29 FEET TO A POINT ON THE SEAWALL; THENCE LEAVING SAID NORTH LINE EXTENDED AND ALONG THE SEAWALL FOR THE FOLLOWING 8 COURSES: SOUTH 32°04'44" EAST 30.73 FEET, SOUTH 32°29'27" EAST 31.56 FEET, SOUTH 51°05'09" WEST 0.40 FEET, SOUTH 32°52'44" EAST 37.69 FEET, SOUTH 34°19'23" EAST 12.58 FEET, SOUTH 30°49'12" EAST 30.24 FEET, SOUTH 22°40'58" EAST 30.30 FEET, SOUTH 23°05'44" EAST 3.63 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID LOT 19; THENCE LEAVING SAID SEAWALL AND ALONG THE EASTERLY BOUNDARY OF SAID BLOCK A FOR THE FOLLOWING 2 COURSES: NORTH 32°21' WEST 89.84 FEET, NORTH 30°07' WEST 86.91 FEET BACK TO THE POINT OF BEGINNING.

CONTAINING 115,233 SQUARE FEET OR 2.645 ACRES, MORE OR LESS.

BOUNDARY & TOPOGRAPHIC SURVEY

SECTION 7, TOWNSHIP 32 SOUTH, RANGE 16 EAST
PINELLAS COUNTY, FLORIDA



LINE TABLE		
LINE	BEARING	LENGTH
L1(C)	S74°28'00"W	1.00'
L1(M)	S75°28'20"W	0.99'
L2(C)	N74°28'00"E	1.00'
L2(M)	S88°34'28"E	0.95'
L2(P2)	N89°59'51"E	1.04'
L3(P2)	N89°59'51"E	1.45'
L3(M)	S87°13'03"E	1.87'
L4(C)	N90°00'00"E	0.65'
L4(M)	N77°15'43"E	0.64'
L5(C&M)	S32°29'27"E	31.56'
L6(C&M)	S51°05'09"W	0.40'
L7(C&M)	S34°19'23"E	12.58'
L8(C&M)	S30°49'12"E	30.24'
L9(C&M)	S22°40'58"E	30.30'
L10(C)	S23°05'44"E	33.93'
L10(M)	S23°01'12"E	34.01'

LINE TABLE		
LINE	BEARING	LENGTH
L11(C)	N66°35'46"E	0.41'
L11(M)	N81°18'13"E	0.22'
L12(C)	S23°32'52"E	28.33'
L12(M)	S24°02'02"E	28.20'
L13(C&M)	S21°53'17"E	18.49'
L14(C&M)	S18°44'55"E	18.49'
L15(C&M)	S32°28'40"E	22.37'
L16(C&M)	S30°36'35"E	22.37'
L17(C)	S30°00'07"E	24.63'
L17(M)	S29°49'49"E	24.52'
L18(C)	S41°57'15"E	11.89'
L18(M)	S42°11'29"E	12.01'
L19(C&M)	S41°16'40"E	11.89'
L20(C&M)	S40°15'55"E	17.83'
L21(C&M)	S38°21'51"E	17.83'
L22(C&M)	S38°14'04"E	18.68'
L23(C&M)	S40°35'39"E	44.99'
L24(C&M)	S38°12'33"E	32.80'

TREE LEGEND

- OAK
- PALM
- SCHEFFLERA
- UNKNOWN
- AUSTRALIAN PINE
- LONG NEEDLE PINE

ABBREVIATION LEGEND

- (C) = Calculated Data
- (D) = Data per Description
- (F) = Field Determined
- (M) = Measured Data
- (P) = Data per Both Plats
- (P.B.) = Data per P.B. 8, PG. 28
- (P2) = Data per P.B. 113, PG. 90
- (PA) = Data per Property Appraiser
- (RW) = Data per Florida RW Map
- BFE = Base Flood Elevation
- BFP = Backflow Preventor
- BOL = Bolard
- C.P.B. = Condominium Plat Book
- C/C = Covered Concrete
- CS = Concrete Slab
- CSW = Concrete Sidewalk
- COV = Covered
- CONC = Concrete
- D.B. = Deed Book
- DMH = Drainage Manhole
- EP = Edge of Pavement
- EL = Elevation
- FCIR = Found Iron Rod & Cap
- FCM = Found Concrete Monument
 FDOT = Florida Department of Transportation | FFE = Finished Floor Elevation | FIP = Found Iron Pipe | FIR = Found Iron Rod - No Cap | FLA = Florida | FN&D = Found Nail & Disk | FR&D = Found Rivet & Disk | FRD = Found | FPP = Found Pinned Pipe | G.I. = Gate Inlet | GV = Gate Valve | HYD = Fire Hydrant | ID = Identification- IE = Invert Elevation - LB = Corporate Certificate Number - LFE = Lowest Floor Elevation - M/F = Metal Fence - M/L = More or Less - MH = Manhole - N&D = Nail & Disk - OCS = Outfall Control Structure - OWS = Overhead Wire - O.R. = Official Records Book - P.B. = Plat Book - RCP = Permanent Control Point - PG(e) = Page(s) - PLS = Professional Land Surveyor - POB = Point of Beginning - PRM = Permanent Reference Monument - R/W = Right-of-Way - RCP = Reinforced Concrete Pipe - RLS = Registered Land Surveyor - SAN = Sanitary Sewer - SCIR = Set Iron Rod & Cap 5/8" PLS #2865 - SN&D = Set Nail & Disk PLS #2865 - SMH = Sanitary Manhole - SL = Submerged Lands Lease - STM = Storm Pipe - TBM = Temporary Benchmark - T/G = Top of Grate - TW = Top of Wall Elevation - TYP = Typical - V/F = Vinyl Fence - W/F = With - W/F = Wood Fence - W.O. = Work Order |

SURVEYOR'S CERTIFICATION:

I, DENNIS J. EYRE, THE SURVEYOR IN RESPONSIBLE CHARGE, HEREBY CERTIFY THAT THE SURVEY REPRESENTED HEREON AND THAT SAID ABOVE GROUND SURVEY AND SKETCH ARE ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. SURVEY NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, OR ELECTRONIC DIGITAL SIGNATURE IN ACCORDANCE WITH STATE OF FLORIDA ADMINISTRATIVE CODE RULE 5J-17.062.

Dennis J Eyre
PLS 2865
Digitally signed by
Dennis J Eyre PLS
2865
Date: 2023.10.16
13:12:49 -04'00'
DENNIS J. EYRE, P.L.S., FLA. REG. NO. 2865
DATE: OCTOBER 16, 2023

THIS SURVEY IS COMPOSED OF 2 SHEETS, SURVEY NOT COMPLETE WITHOUT BOTH SHEETS. SEE SHEET 2 FOR SURVEY NOTES.
AN UNSIGNED SURVEY DRAWING IS FOR INFORMATIONAL PURPOSES ONLY.

W.O. 6915

FIELD DATE: AUGUST 9, 2023

DRAWN BY: HW

CHECKED BY: D.J.E.

SCALE: 1"=20'

FIELD BOOK / PAGE(S): 2-22/63-65

SHEET 1 OF 2

GEODATA SERVICES INC.
1166 KAPP DRIVE
CLEARWATER, FL 33765
PHONE: (727) 447-1763

LB 7466

© 2012 GEODATA SERVICES, INC.



W.O. 6915

BOUNDARY & TOPOGRAPHIC SURVEY

SECTION 7, TOWNSHIP 32 SOUTH, RANGE 16 EAST
PINELLAS COUNTY, FLORIDA

LINE TABLE		
LINE	BEARING	LENGTH
L1(C)	S74°28'00"W	1.00'
L1(M)	S75°28'20"W	0.99'
L2(C)	N74°28'00"E	1.00'
L2(M)	S88°34'28"E	0.95'
L2(P2)	N89°59'51"E	1.04'
L3(P2)	N89°59'51"E	1.45'
L3(M)	S87°13'03"E	1.87'
L4(C)	N90°00'00"E	0.65'
L4(M)	N77°15'43"E	0.64'
L5(C&M)	S32°29'27"E	31.56'
L6(C&M)	S51°05'09"W	0.40'
L7(C&M)	S34°19'23"E	12.58'
L8(C&M)	S30°49'12"E	30.24'
L9(C&M)	S22°40'58"E	30.30'
L10(C)	S23°05'44"E	33.93'
L10(M)	S23°01'12"E	34.01'
L11(C)	N66°35'46"E	0.41'
L11(M)	N81°18'13"E	0.22'
L12(C)	S23°32'52"E	28.33'
L12(M)	S24°02'02"E	28.20'
L13(C&M)	S21°53'17"E	18.49'
L14(C&M)	S18°44'55"E	18.49'
L15(C&M)	S32°28'40"E	22.37'
L16(C&M)	S30°36'35"E	22.37'
L17(C)	S30°00'07"E	24.63'
L17(M)	S29°49'49"E	24.52'
L18(C)	S41°57'15"E	11.89'
L18(M)	S42°11'29"E	12.01'
L19(C&M)	S41°16'40"E	11.89'
L20(C&M)	S40°15'55"E	17.83'
L21(C&M)	S38°21'51"E	17.83'
L22(C&M)	S38°14'04"E	18.68'
L23(C&M)	S40°35'39"E	44.99'
L24(C&M)	S38°12'33"E	32.80'

ABBREVIATION LEGEND

(C) = Calculated Data
(D) = Data per Description
(F) = Field Determined
(M) = Measured Data
(P1) = Data per Both Plats
(P2) = Data per P.B. 8, PG 28
(PA) = Data per Property Appraiser
(RW) = Data per Florida RW Map
BFE = Base Flood Elevation
BFP = Backflow Preventer
BOL = Bollard
C.P.B. = Condominium Plat Book
C/C = Covered Concrete
C/S = Concrete Slab
C/SW = Concrete Sidewalk
CONC. = Concrete
D.B. = Deed Book
DMH = Drainage Manhole
EIP = Edge of Pavement
EL = Elevation
FCIR = Found Iron Rod & Cap
FCM = Found Concrete Monument
FDOT = Florida Department of Transportation
FFE = Finished Floor Elevation
FIP = Found Iron Pipe
FIR = Found Iron Rod - No Cap
FLA. = Florida
FN&D = Found Nail & Disk
FR&D = Found Rivet & Disk
FND = Found
FPP = Found Pinned Pipe
G.I. = Gutter Inlet
GV = Gate Valve
HYD = Fire Hydrant
ID = Identification
I.E. = Invert Elevation
LB = Corporate Certificate Number
LFE = Lowest Floor Elevation
MF = Metal Fence
M.O.L. = More or Less
MH = Manhole
N&D = Nail & Disk
OCS = Outfall Control Structure
OHW = Overhead Wire
O.R. = Official Records Book
P.B. = Plat Book
PCP = Permanent Control Point
POS(s) = (Page(s))
PLS = Professional Land Surveyor
POB = Point of Beginning
PRM = Permanent Reference Monument
RAW = Right-of-Way
RCP = Reinforced Concrete Pipe
RLS = Registered Land Surveyor
SAN = Sanitary Sewer
SCIR = Set Iron Rod & Cap 6/6" PLS #2865
SN&D = Set Nail & Disk PLS #2865
SMH = Sanitary Manhole
SLL = Submerged Lands Lease
STM = Storm Pipe
TBM = Temporary Benchmark
TIG = Top of Gutter
TW = Top of Wall Elevation
TYP = Typical
VF = Vinyl Fence
W = With
W/F = Wood Fence
W.O. = Work Order

TREE LEGEND

OAK
PALM
SCHEFFLERA
UNKNOWN
AUSTRALIAN PINE
LONG NEEDLE PINE

SYMBOL LEGEND

Backflow Preventer
Centerline
Clearcut
Crosswalk Signal
Drainage Manhole
Fire Hydrant
Fire Department Control
Gas Marker
Guy Anchor
Light Pole
Light Post
Mailbox
Power Box
Reclaimed Water Meter
Reclaimed Water Stub
Sanitary Manhole
Sign
Spot Elevation
Telecommunication Box
Utility Pole (Concrete)
Utility Box
Utility Vault
Water Meter
Water Valve

SURVEY NOTES:

- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT, AND IS SUBJECT TO EASEMENTS, RIGHT-OF-WAY, AND OTHER MATTERS OF RECORD THAT A TITLE SEARCH MIGHT DISCLOSE.
- PLANIMETRIC FEATURES SHOWN HEREON WERE DETERMINED BY STANDARD FIELD SURVEYING METHODS.
- BEARING BASIS IS THE EASTERLY RIGHT-OF-WAY LINE OF GULF BOULEVARD BEING N15°32'00"W, PER PLATS.
- ALL INSTRUMENTS SHOWN HEREON ARE OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, UNLESS OTHERWISE SPECIFIED.
- UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON SURFACE MARKINGS AND OR STRUCTURES. NO EXCAVATION WAS PERFORMED FOR THE LOCATION OF SUCH UTILITIES.
- ADDITIONS OR DELETIONS TO THIS SURVEY MAP AND/OR REPORT BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- THIS PARCEL APPEARS TO BE IN FLOOD ZONE "AE (EL 10 FEET)", ACCORDING TO THE FLOOD INSURANCE RATE MAP, MAP NUMBER: 12103C0278H, MAP EFFECTIVE DATE: 08/24/2021, AS PROVIDED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
THIS MAP'S NOTES STATE THAT THE BASE FLOOD ELEVATIONS SHOWN REPRESENT ROUNDED WHOLE-FOOT ELEVATIONS AND THEREFORE MAY NOT EXACTLY REFLECT THE FLOOD ELEVATION DATA PRESENTED IN THE FLOOD INSURANCE STUDY (FIS) REPORT. THE FIS REPORT WAS NOT CONSULTED FOR THIS SURVEY.
THIS FLOOD ZONE NOTE IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY, AND ANY PROPOSED FINISHED FLOOR ELEVATIONS ARE TO BE DETERMINED BY THE PERMITTING AGENCY HAVING JURISDICTION.
- ELEVATION BASIS: NORTH AMERICAN VERTICAL DATUM 1988 (NAVD88) BENCHMARK UTILIZED: "196", PID NUMBER AG0101, ELEVATION = 3.24' AS PUBLISHED BY THE NATIONAL GEODETIC SURVEY.
- LOCATIONS OF TREES SHOWN HEREON WERE LIMITED TO TREES 4" DIAMETER AT BREAST HEIGHT (DBH) OR LARGER.
GEODATA SERVICES INC. CAN ACCEPT NO RESPONSIBILITY FOR THE IDENTIFICATION OF THE TREE SPECIES SHOWN HEREON, ALTHOUGH EVERY EFFORT HAS BEEN MADE TO PROPERLY IDENTIFY THE TREES SHOWN HEREON. TREE IDENTIFICATION IS OUTSIDE THE EXPERTISE OF A PROFESSIONAL LAND SURVEYOR. THE TREE TYPES SHOWN HEREON ARE FOR INFORMATIONAL PURPOSES ONLY AND SHOULD BE USED AFTER CONFIRMATION BY A CERTIFIED ARBORIST OR OTHER SUCH PROFESSIONAL.
- LOCATION OF THE SUBMERGED LANDS LEASE SHOWN HEREON IS APPROXIMATE DUE TO THE SKETCH PORTION OF ATTACHMENT A IN THE SOVEREIGNTY SUBMERGED LANDS LEASE RENEWAL, BOT FILE NO. 520032393, CONSISTING OF WHOLE FOOT MEASUREMENTS ONLY WITH NO BEARINGS.
- INFORMATION FROM THE STATE OF FLORIDA ROAD DEPARTMENT RIGHT OF WAY MAP SECTION NO. 15100-2503, ROAD NO. 699 WAS UTILIZED IN THE PREPERATION OF THIS SURVEY.
- INFORMATION FROM A SURVEY PREPARED BY POLARIS ASSOCIATES INC., JOB NO. 5436-01, DATED 03/27/23 WAS UTILIZED IN THE PREPARATION OF THIS SURVEY, INCLUDING, BUT NOT LIMITED TO, A DRAINAGE EASEMENT SUBMITTED TO THE STATE OF FLORIDA RECORDED IN DEED BOOK 1560, PAGE 609. (DOCUMENT WAS NOT PROVIDED TO THIS SURVEYOR)

THIS SURVEY IS COMPOSED OF 2 SHEETS. SURVEY NOT COMPLETE WITHOUT BOTH SHEETS.
AN UNSIGNED SURVEY DRAWING IS FOR INFORMATIONAL PURPOSES ONLY.

W.O. #6915	FIELD DATE: AUGUST 9, 2023
DRAWN BY: HW	
CHECKED BY: DJE	
SCALE: 1"=20'	
FIELD BOOK / PAGE(S): 2-22/63-65	
SHEET 2 OF 2	

GEODATA SERVICES INC.
1166 KAPP DRIVE
CLEARWATER, FL 33765
PHONE: (727) 447-1763



LB 7466

An aerial satellite view of a coastal area. A red circle highlights a specific location on the shoreline, near a cluster of buildings and a road. The surrounding area includes a large body of water, a golf course, and a residential development. The text "Google Earth" is visible in the bottom left corner.

[illegible]

ABBREVIATIONS

A.F.C.	ABOVE FINISH CEILING	IMAG.	IMAGE
A.F.F.	ABOVE FINISH FLOOR	INSUL.	INSULATION
A.C.T.	ACoustICAL CEILING TILE	JOINT	JOINT
ALUM.	ALUMINUM	K.O.	KNOCK OUT
B.R.	BLOCK	LO.	LOCK
BOTT.	BOTTOM	MANUF.	MANUFACTURER
BTL.	BOTTLE	M.C.	MEDICAL CLOSET
BLDG.	BUILDING	M.C.J.	MASONRY CONTROL JOINT
CLG.	CEILING	M.D.	MASONRY OPENING
CAR.	CARRIET	MAX.	MAXIMUM
C.C.	CERAMIC TILE	MECH.	MECHANICAL
C.B.	CHALK BOARD	METAL	METAL
COM.	COMIC	MN.	MINIMUM
CON.	CONCRETE	MIRR.	MIRROR
C.M.U.	CONCRETE MASONRY UNIT	N.	NORTH
D.	DOWN	N.I.C.	NOT IN CONTRACT
D.S.	DOWN SPOUT	N.O.S.	NOT TO SCALE
D.W.	DRAINAGE	N.	NUMBER
ELAST.	ELASTOMERIC	O.C.	ON CENTER
EQU.	EQUAL	PT.	PIANT
EXST.	EXISTING	P.L.	PLASTER
EXP.	EXPANSION	P.T.	PRESSURE TREATED
E.P.	EXPANSION JOINT	Q.T.	QUARRY TILE
EXT.	EXTENSION	R.	REFRIG
E.I.F.S.	EXTERIOR INSULATION & FINISH SYSTEM	REQD.	REQUIRED
EX.	EXISTING	R.D.	ROOF DRAIN
F.	FIRE	R.F.	ROOF FLASHING
F.E.	FIRE EXTINGUISHER	RM.	ROOM
F.A.	FIRE ALARM	R.T.	RUBBER TILE
P.	PLASTER	SPEC.	SPECIFICATIONS
F.	FLOOR	STL.	STEEL
FUR.	FLOOR	T.B.	TACK BOARD
FTG.	FOOTING	TYL	TYPICAL
F.C.	FOOT CURET	U.A.O.	UNLESS NOTED OTHERWISE
FDN.	FOUNDATION	V.C.T.	VERTICAL
GALV.	GALVANIZED	V.V.T.	VENT COMPOSITION TILE
G.A.	GARGE	WGT.	WEIGHT
G.W.B.	GYPSSUM WALL BOARD	W.C.	WATER CLOSET
H.W.	HARDWARE	WDM.	WINDOW
HGT.	HEIGHT	W.	WITH
H.M.	HOLLOW METAL	W.D.	WOOD



1. DOCK-DOCK CLASS I STANDPIPE SYSTEM SHALL BE PROVIDED TIED INTO BUILDING'S FIRE PROTECTION SYSTEM PER NFPA 1 2021ED SECTION 28.1.2.3.1

KEY PLAN

ISSUE TITLE

A0-010

[illegible]

ISSUE TITLE

PROJECT ADDRESS:

WINDWARD PASS
RESORT
3815, 3855, 3859 & 3861 Gulf Blvd

SHEET TITL

VICINITY MAP

PROJECT
022-032

SCALE

SCALE
1" = 100'-0"

DRAWN BY
II

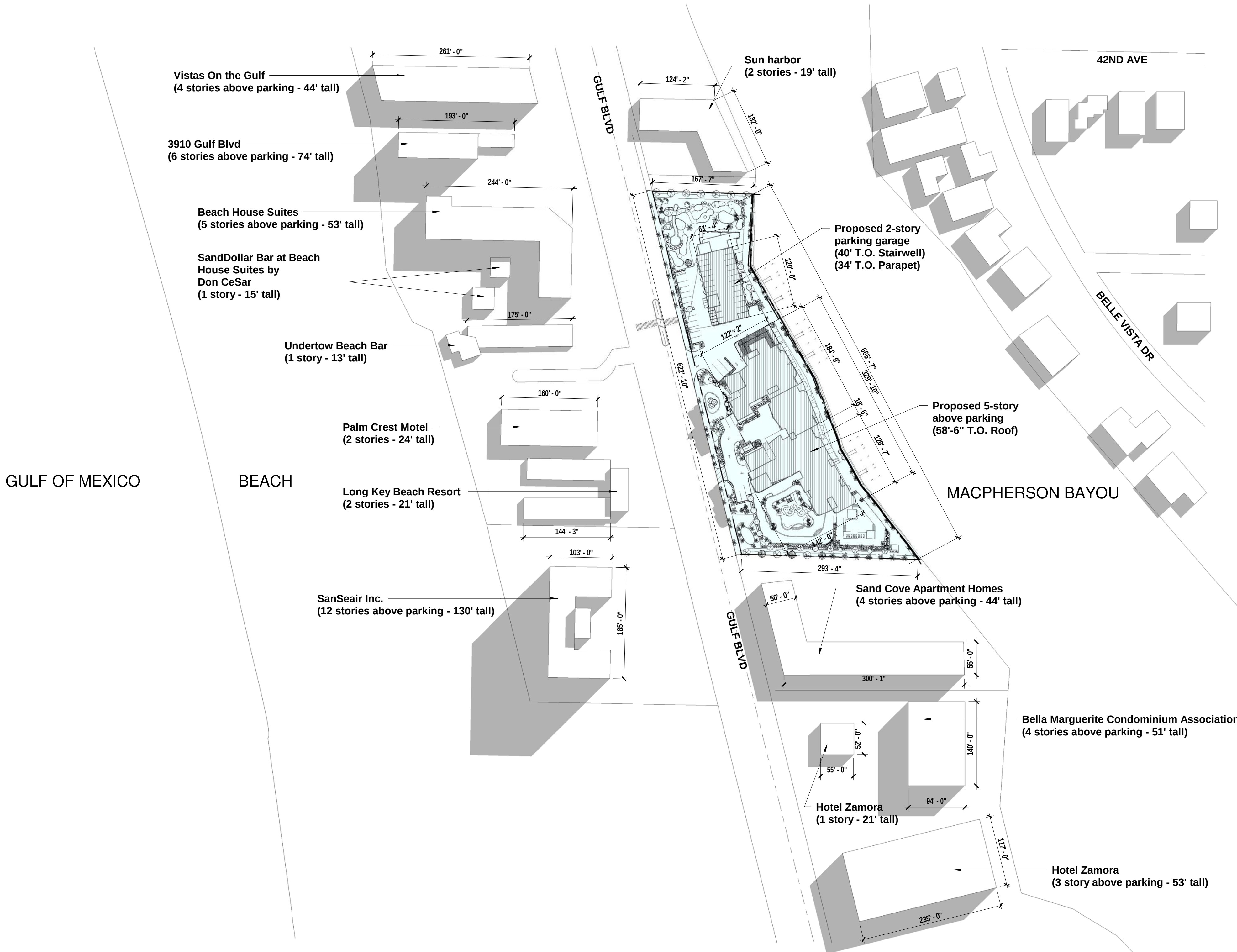
DATE
09/20/24

ORIGINAL SHE
SIZE : 24" X 36"

SHEET NUMBER

A1-011

© BODZIAK/HAYES ARCHITECTS, PLLC



1 Vicinity Map - Presentation

$$1'' = 100'-0''$$

[illegible]

ISSUE TITLE

PROJECT ADDRESS
**WINDWARD PASS
RESORT**
3815, 3855, 3859 & 3861 Gulf Blvd

SHEET TITLE

PROJECT
022-032

SCALE
1" = 30'-0"

DRAWN BY
II

DATE
09/20/24

ORIGINAL SIZE : 24" X 36"

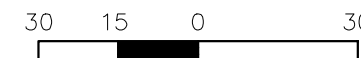
SHEET NUMBER

A1-100

© BODZIAK/HAYES ARCHITECTS, PLLC



- 1 **5-STORY HOTEL OVER OPEN PARKING GARAGE**
- 2 **PARKING GARAGE**
- 3 **2-STORY GAME ROOM**
- 4 **CENTRAL PLAZA**
- 5 **FEATURE POOL**
- 6 **QUIET POOL**
- 7 **12 BOAT SLIPS**
- 8 **PUBLIC SEATING AREA**
- 9 **ROOFTOP TIKI BAR**
- 10 **SOUTH PLAZA**
- 11 **PUBLIC PROMENADE**
- 12 **MINIATURE GOLF COURSE**
- 13 **LOADING**



SCALE: 1"=30'

1 LEVEL 1 SITE PLAN
1" = 30'-0"

[illegible]

ISSUE TITLE

PROJECT ADDRESS

WINDWA

3815, 3855, 3859 & 3861 Gulf Blvd

SHEET TITLE

PROJECT
022-032

SCALE
As indicated

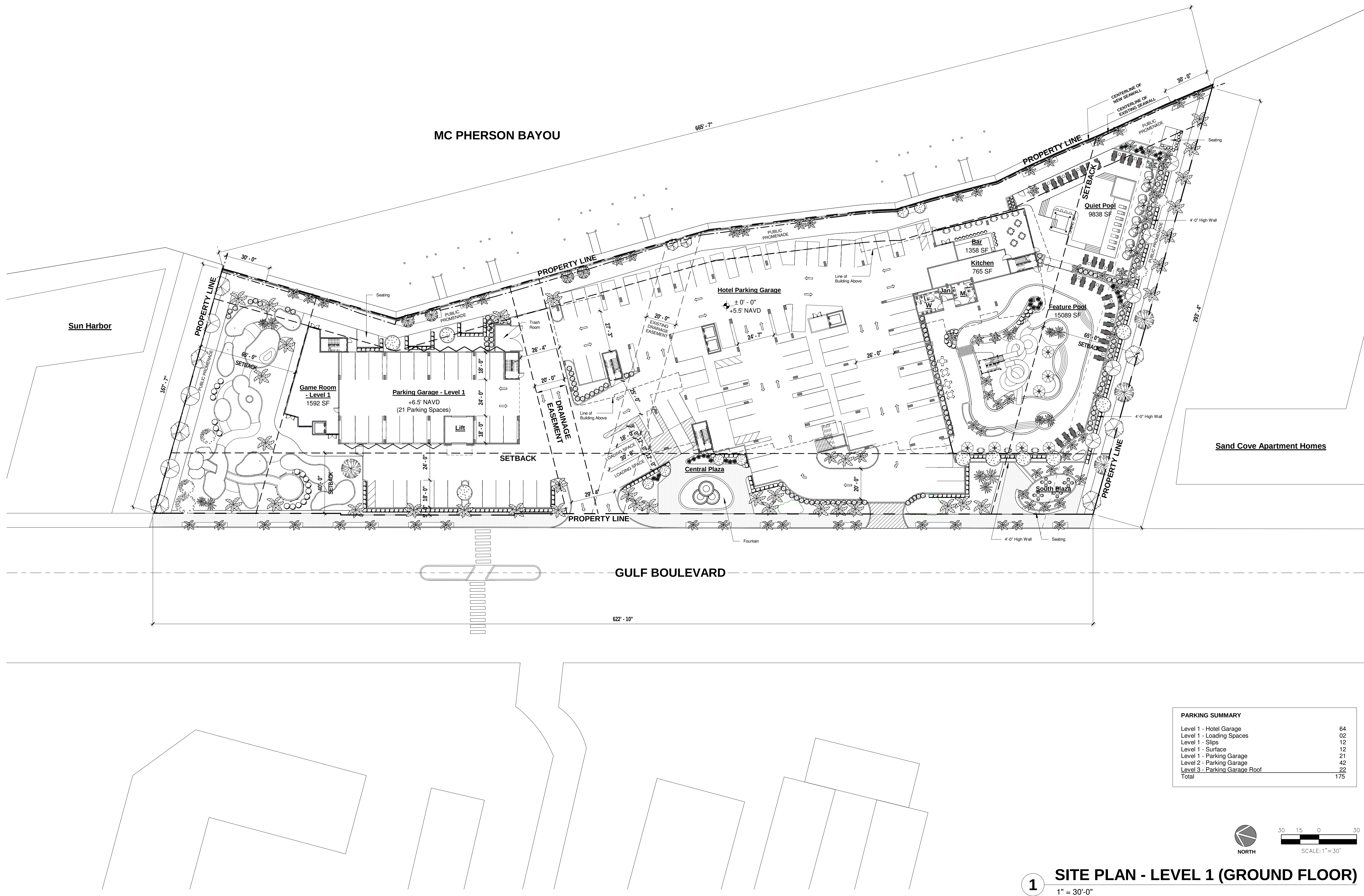
DRAWN BY
II

DATE
09/20/24

ORIGINAL SHEET
SIZE : 24" X 36"

SHEET NUMBER

A1-101



[illegible]

ISSUE TITLE

PROJECT ADDRESS

WINDW.

3815, 3855, 3859 & 3861 Gulf Blvd

SHEET TITLE

PROJECT

022-032

SCALE
As indicated

BRANNINSON

Π

DATE _____

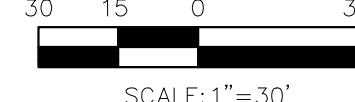
09/20/24

ORIGINAL
SIZE · 24"

SHEET NUMBER

A1-102

PARKING SUMMARY	
Level 1 - Hotel Garage	64
Level 1 - Loading Spaces	02
Level 1 - Slips	12
Level 1 - Surface	12
Level 1 - Parking Garage	21
Level 2 - Parking Garage	42
Level 3 - Parking Garage Roof	22
Total	175



2

1" = 30'-0"

[illegible]

ISSUE TITLE

PROJECT ADDRESS
WINDWARD PASS
RESORT
3815, 3855, 3859 & 3861 Gulf Blvd

SHEET TITLE

SITE CALCULATION DIAGRAM

PROJECT
022-032

SCALE

SCALE
1" = 30'-0"

DRAWN BY

Author

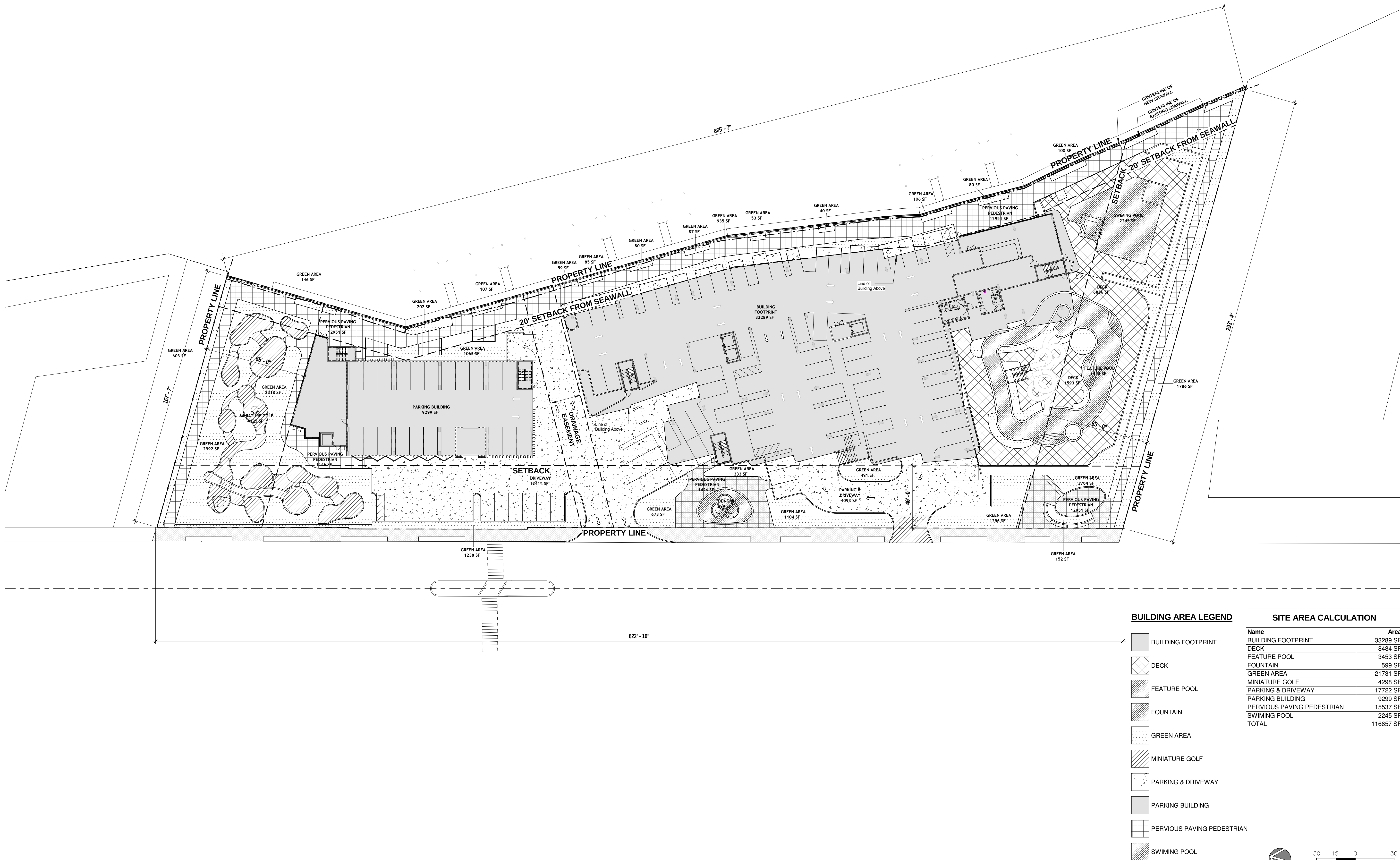
DATE
00/00/01

© 2004 Blackwell Publishing Ltd *Journal of Internal Medicine* 255: 105–112

SHEET NUMBER

A1-103

© BODZIAK/HAYES ARCHITECTS, PLLC



SITE CALCULATION DIAGRAM

$$1'' = 30'-0''$$

KEY PLAN

[illegible]

ISSUE TITLE

PROJECT ADDRESS

PROJECT ADDRESS

WINDWARD PASS
RESORT
3815, 3855, 3859 & 3861 Gulf Blvd

SHEET TITLE

FIRE ACCESS PLAN

PROJECT
022-032

SCALE
As indicated

DRAWN BY
II

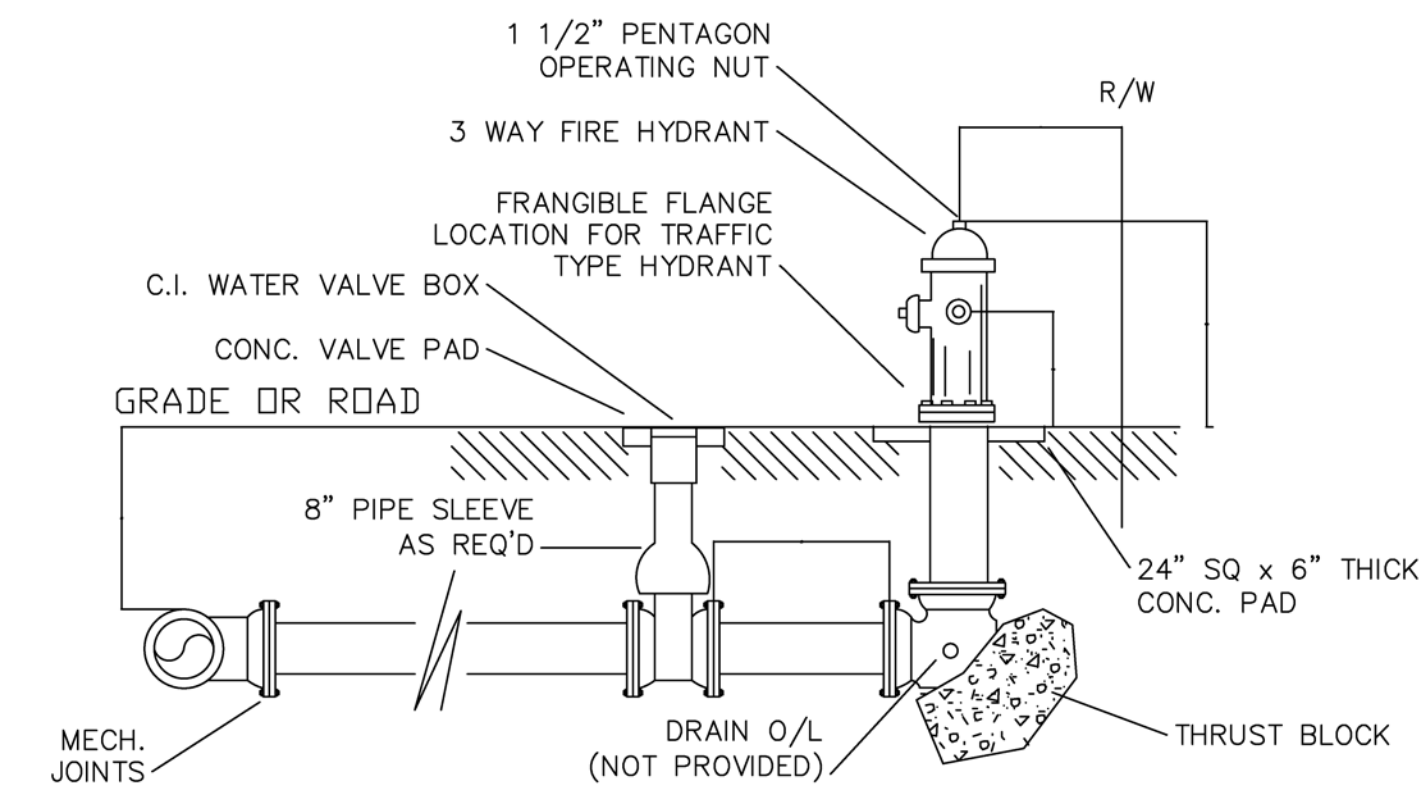
DATE
09/20/24

ORIGINAL SH
SIZE : 24" X 3

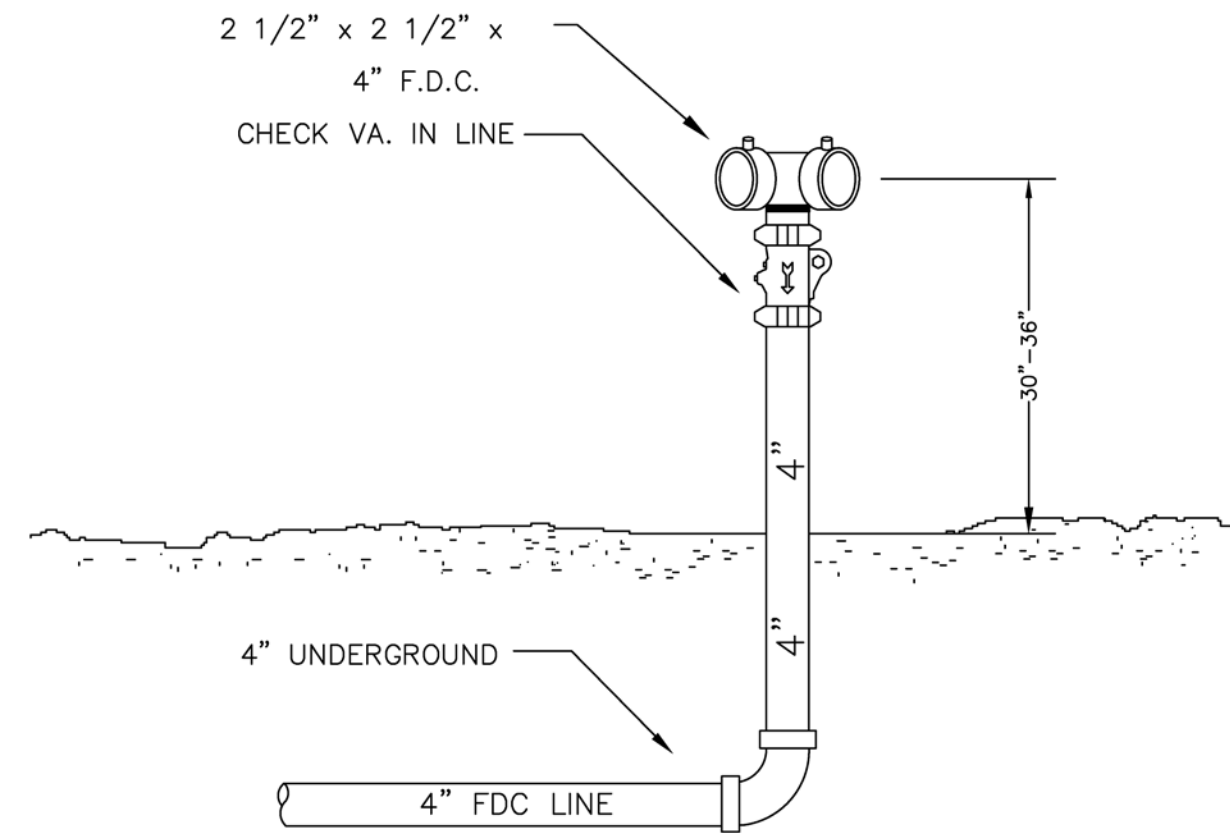
SHEET NUMBER

A1-104

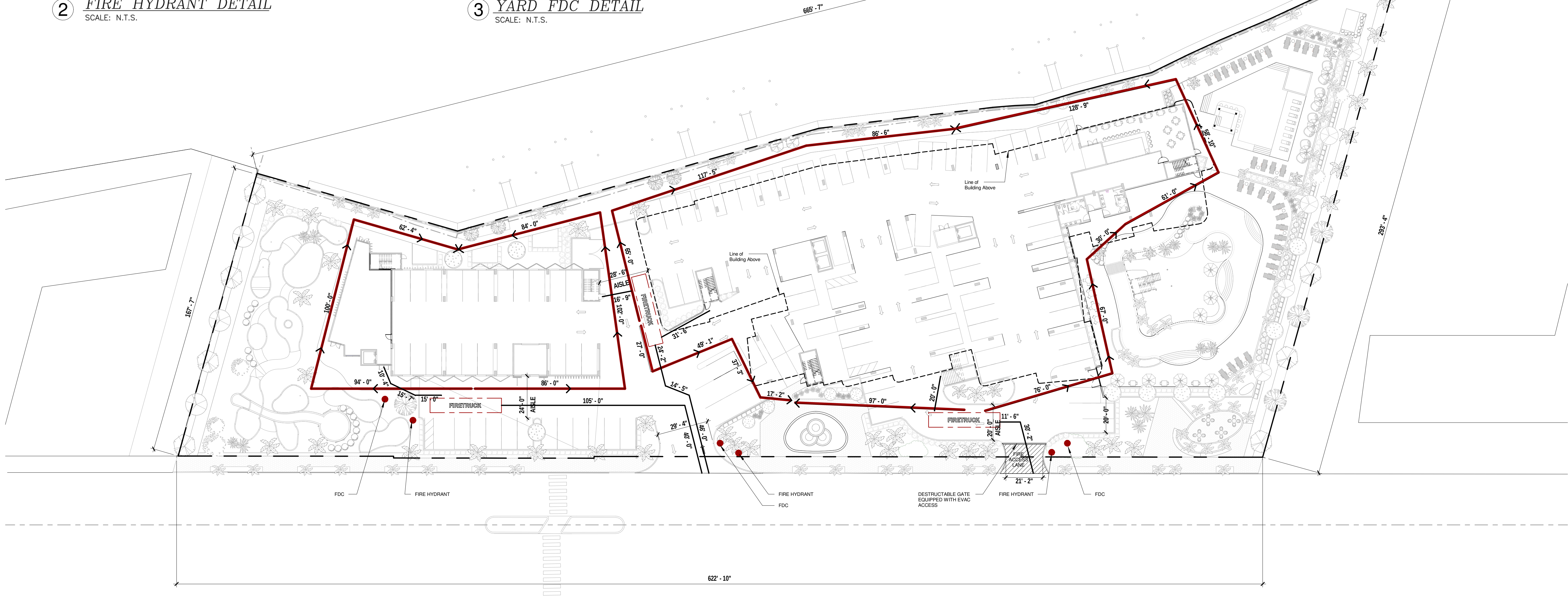
© BODZIAK/HAYES ARCHITECTS, PLLC



② FIRE HYDRANT DETAIL
SCALE: N.T.S.



3 YARD FDC DETAIL
SCALE: N.T.S.



1 FIRE ACCESS PLAN

$$1'' = 30'-0''$$

NOTES :

1. ALL FDCs SHALL BE PROVIDED WITH SIGNAGE STATING BUILDING BEING SERVED, LOCATION, AND FIRE PROTECTION SYSTEM
2. FIRE DEPARTMENT ACCESS ROADS SHALL BE DESIGNED AND MAINTAINED TO SUPPORT IMPOSED LOADS OF FIRE APPARATUS (70,000 LBS) AND SHALL BE PROVIDED WITH AN ALL-WEATHER DRIVING SURFACE
3. A 36" CLEAR SPACE SHALL BE MAINTAINED AROUND THE CIRCUMFERENCE OF FIRE HYDRANTS; A CLEAR SPACE OF NOT LESS THAN 60" SHALL BE PROVIDED IN FRONT OF EACH HYDRANT CONNECTION

[illegible]

ISSUE TITLE

CONDITIONAL USE PERMIT

PROJECT ADDRESS

WINDWARD PASS RESORT

38815, 38555, 3859 & 3861 Gulf Blvd

SHEET TITLE

LEVEL 1 FLOOR PLAN

PROJECT

022-032

SCALE

$$1/16^s = 1^s \cdot 0^s$$

DRAWN BY

π

DATE _____

09/20/24

ORIGINAL SHEET

SHEET NUMBER

A2-201



①

LEVEL 1 FLOOR PLAN

$$1/16'' = 1'-0''$$

[illegible]

CONDITIONAL USE PERMIT

WINDWARD PASS
RESORT
3815, 3855, 3859 & 3861 Gulf Blvd

LEVEL 2 FLOOR
PLAN

DATE
09/20/24

ORIGINAL SHEET
SIZE : 24" X 36"

A2-202



1 LEVEL 2 FLOOR PLAN
1/16" = 1'-0"

[illegible]

ISSUE TITLE

PROJECT ADDRESS

PROJECT ADDRESS

WINDWARD PASS
RESORT
3815, 3855, 3859 & 3861 Gulf Blvd

SHEET TITLE

LEVEL 3 FLOOR
PLAN

PROJECT
022-032

SCALE
1/16" = 1'-0"

DRAWN BY
II

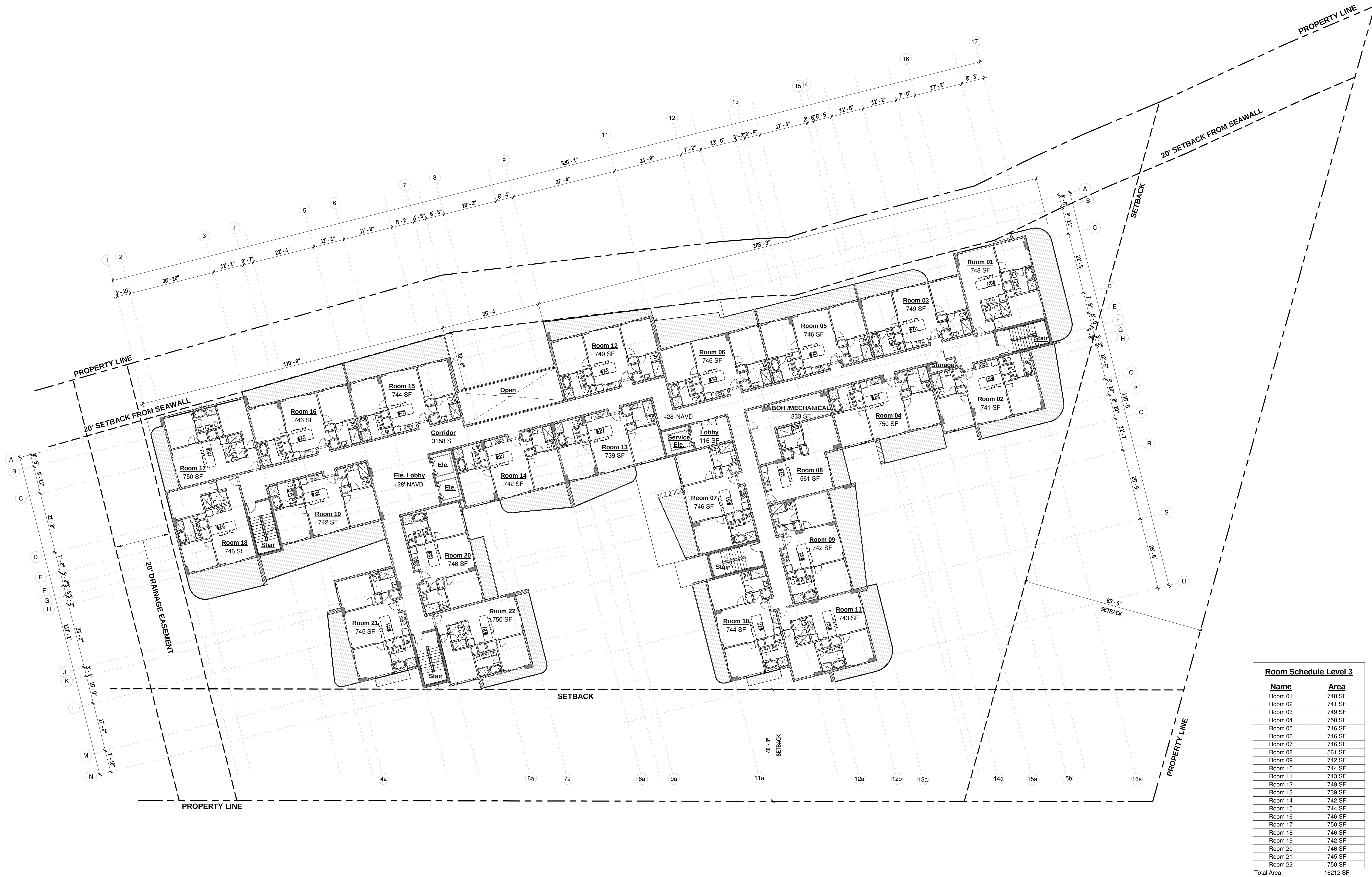
DATE
09/20/24

ORIGINAL SHEET
SIZE : 24" X 36"

SHEET NUMBER

A2-203

© BODZIAK/HAYES ARCHITECTS, PLLC



1

LEVEL 3 FLOOR PLAN

$$1/16'' = 1'-0''$$


[illegible]

ISSUE TITLE

PROJECT ADDRESS

WINDW.

3815, 3855, 3859 & 3861 Gulf Blvd

SHEET TITLE

PROJECT

022-032

SCALE

1/16 = 1-0

DRAWN BY
II

DATE _____

09/20/24

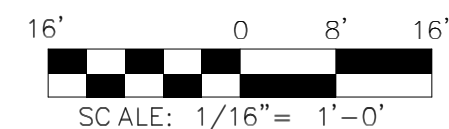
ORIGINAL SIZE: 24" X 36"

062 : 2478

SHEET NUMBER

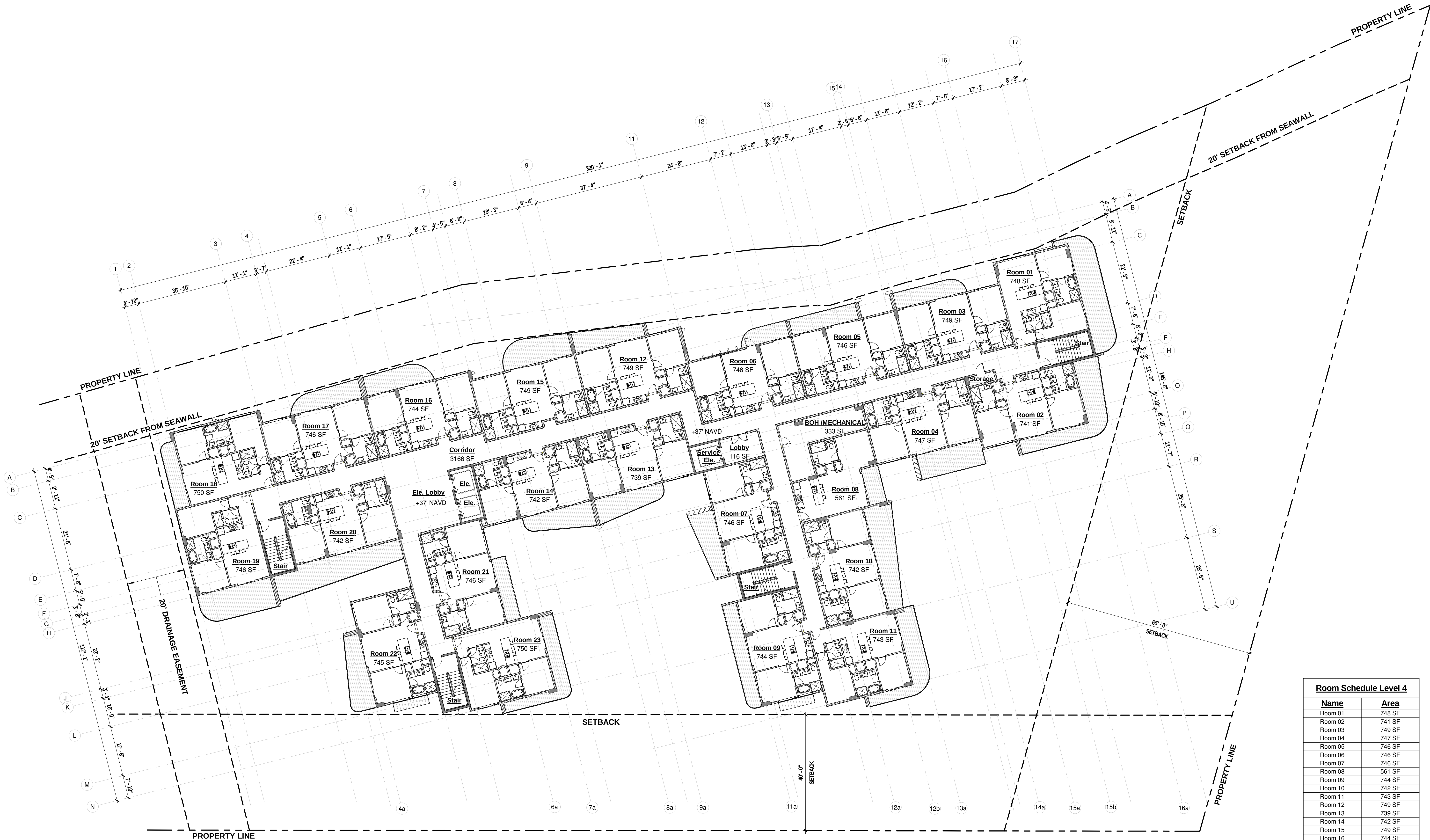
A2-204

NORTH



1/16" = 1'-0"

2



Room Schedule Level 4	
<u>Name</u>	<u>Area</u>
Room 01	748 SF
Room 02	741 SF
Room 03	747 SF
Room 04	747 SF
Room 05	746 SF
Room 06	746 SF
Room 07	746 SF
Room 08	561 SF
Room 09	744 SF
Room 10	742 SF
Room 11	743 SF
Room 12	749 SF
Room 13	739 SF
Room 14	742 SF
Room 15	749 SF
Room 16	744 SF
Room 17	746 SF
Room 18	750 SF
Room 19	746 SF
Room 20	742 SF
Room 21	746 SF
Room 22	745 SF
Room 23	750 SF
Total Area	16958 SF

[illegible]

ISSUE TITLE

PROJECT ADDRESS

**WINDWARD PASS
RESORT**

3815, 3855, 3859 & 3861 Gulf Blvd

SHEET TITLE

LEVEL 5 FLOOR
PLAN

PROJECT
022-032

SCALE
1/16" = 1'-0"

DRAWN BY
II

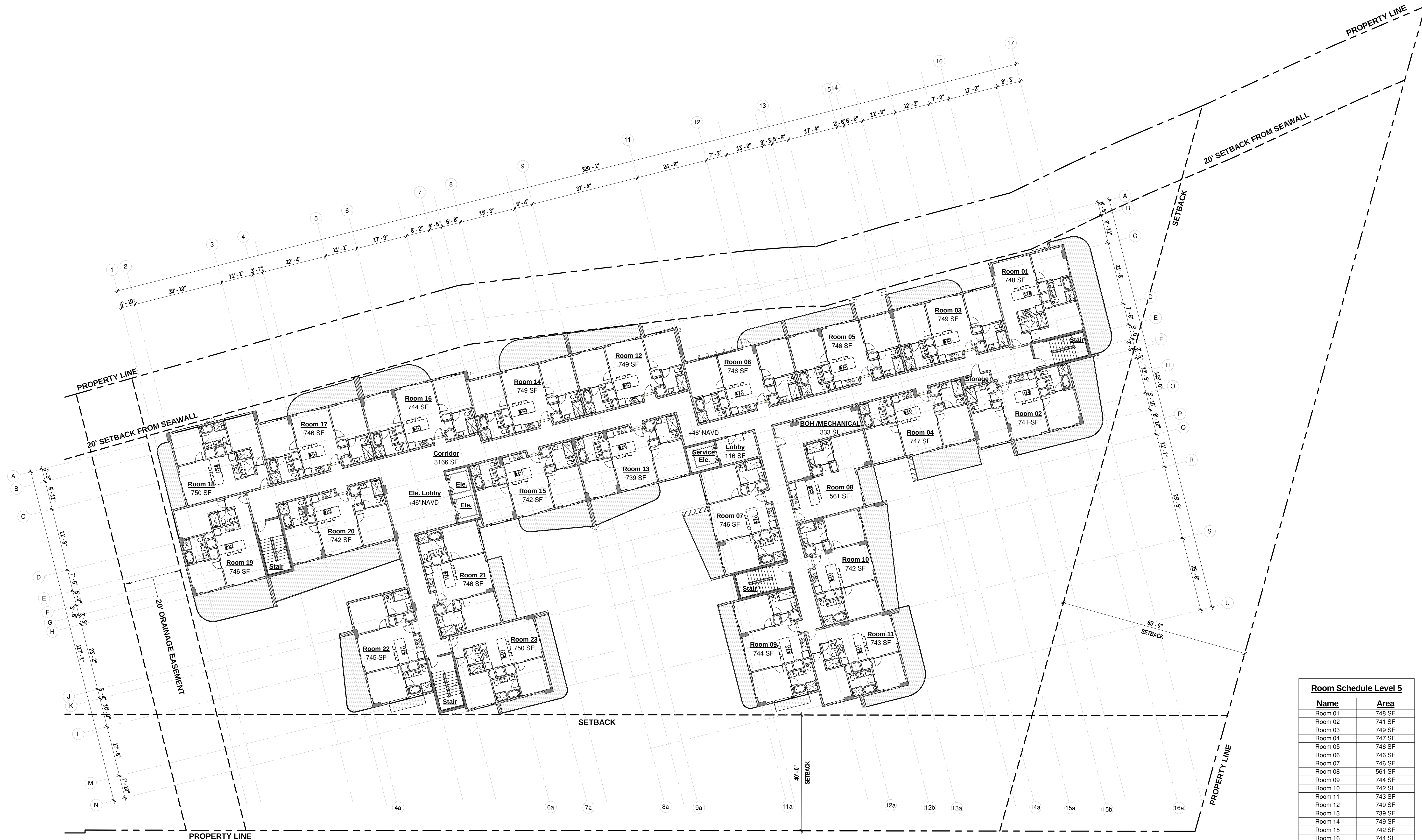
DATE
09/20/24

ORIGINAL SHEET
SIZE : 24" X 36"

SHEET NUMBER

A2-205

© BODZIAK/HAYES ARCHITECTS, PLLC



Room Schedule Level 5		
Name	Area	
Room 01	748 SF	
Room 02	741 SF	
Room 03	749 SF	
Room 04	747 SF	
Room 05	746 SF	
Room 06	746 SF	
Room 07	746 SF	
Room 08	561 SF	
Room 09	744 SF	
Room 10	742 SF	
Room 11	743 SF	
Room 12	749 SF	
Room 13	739 SF	
Room 14	749 SF	
Room 15	742 SF	
Room 16	747 SF	
Room 17	748 SF	
Room 18	750 SF	
Room 19	746 SF	
Room 20	742 SF	
Room 21	746 SF	
Room 22	745 SF	
Room 23	750 SF	
Total Area	16958 SF	



1

LEVEL 5 FLOOR PLAN

$$1/16'' = 1'-0''$$

[illegible]

ISSUE TITLE

PROJECT ADDRESS

WINDW.

3815, 3855, 3859 & 3861 Gulf Blvd

SHEET TITLE

LEVEL 6 FLOOR
PLAN

PROJECT
022-032

SCALE
1/16" = 1'-0"

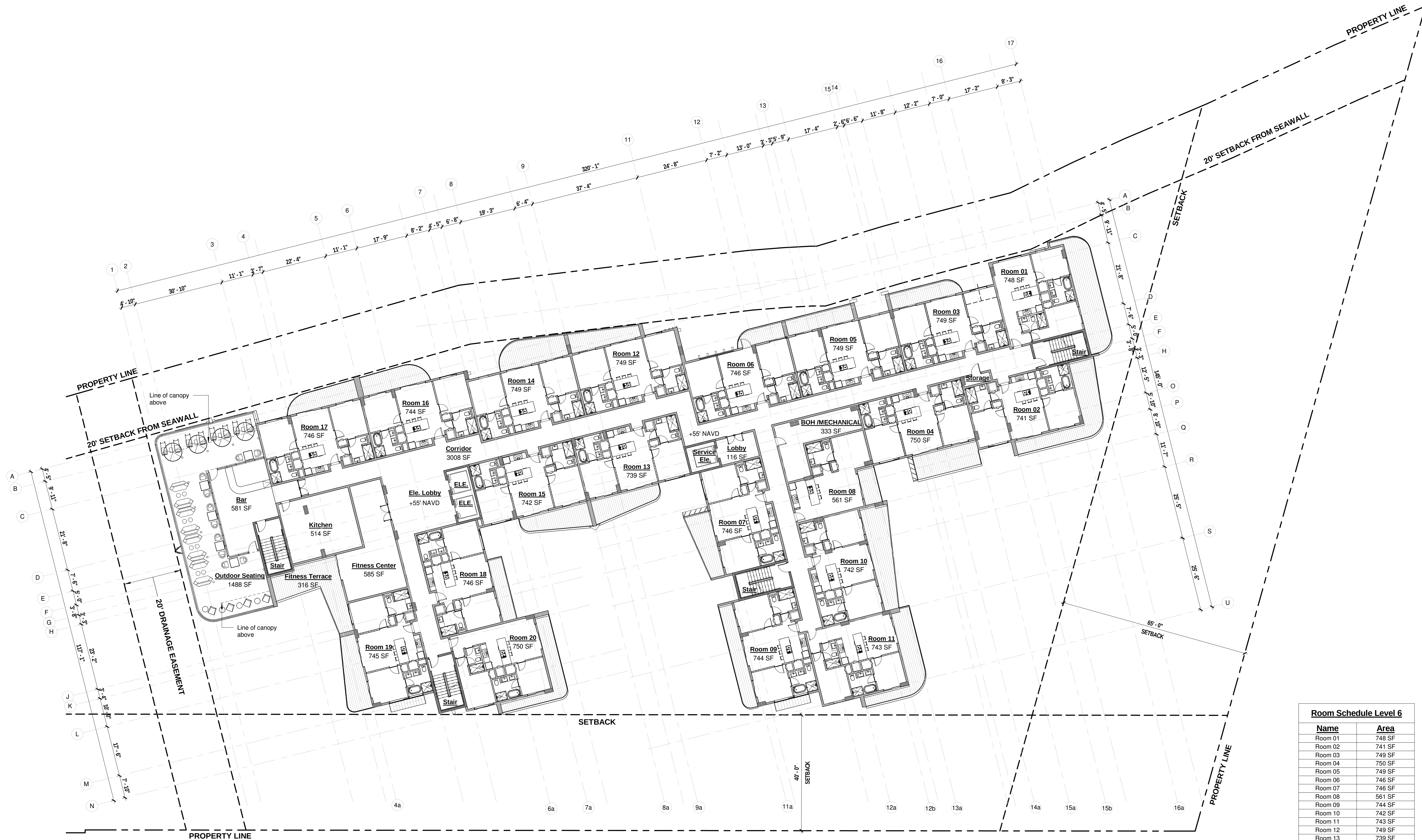
DRAWN BY
II

DATE
09/20/24

ORIGINAL SHEET
SIZE : 24" X 36"

SHEET NUMBER

A2-206



Room Schedule Level 6	
<u>Name</u>	<u>Area</u>
Room 01	748 SF
Room 02	741 SF
Room 03	749 SF
Room 04	750 SF
Room 05	749 SF
Room 06	748 SF
Room 07	746 SF
Room 08	561 SF
Room 09	744 SF
Room 10	742 SF
Room 11	743 SF
Room 12	749 SF
Room 13	739 SF
Room 14	749 SF
Room 15	742 SF
Room 16	744 SF
Room 17	746 SF
Room 18	746 SF
Room 19	745 SF
Room 20	750 SF
Total Area	14726 SF



1

LEVEL 6 FLOOR PLAN

$$1/16'' = 1'-0''$$

[illegible]

ISSUE TITLE

PROJECT ADDRESS

PROJECT ADDRESS

WINDWARD PASS
RESORT
3815, 3855, 3859 & 3861 Gulf Blvd

SHEET TITLE

PROJECT
022-032

SCALE

$$1/16^2 = 1^2 - 0^2$$

DRAWN BY

II

DATE _____

DATE
09/20/24

© 2006 The Authors
Journal compilation © 2006 Blackwell Publishing Ltd

SIZE : 24" X 3"

SHEET NUMBER

A2-207

© BODZIAK/HAYES ARCHITECTS, PLLC



1

ROOF PLAN

$$1/16'' = 1'-0''$$

ISSUE TITLE

SHEET TITLE

EXTERIOR
ELEVATIONS

ORIGINAL SHEET
SIZE : 24" X 36"

A3-100


$$1/16'' = 1'-0''$$

$$1/16'' = 1'-0''$$

PATRICIA P. MONTECKI P.E

5032 CHANCELLOR ST, SAINT
PETERSBURG, FL 33703
TEL: 727.235.1650

JOHN A. BODZAK & ASSOC., INC. HEREBY RESERVES ITS COMMON LAW COPYRIGHTS AND OTHER PROPERTY RIGHTS IN THESE PLANS, IDEAS AND DESIGN. THESE IDEAS, DESIGNS AND PLANS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MATTER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION AND CONSENT OF JOHN A. BODZAK & ASSOC., INC. JOHN A. BODZAK & ASSOC., INC. WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS. CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR DIMENSIONS AND CONDITIONS OF THE JOB AND JOHN A. BODZAK & ASSOC., INC. BE NOTIFIED IN WRITING OF ANY VARIATION FROM THE DIMENSIONS, CONDITIONS AND SPECIFICATIONS APPEARING ON THESE PLANS.

KEY PLAN

[illegible]

CONDITIONAL USE PERMIT

WINDWARD PASS
RESORT
3815, 3855, 3859 & 3861 Gulf Blvd

EXTERIOR ELEVATIONS

A3-101

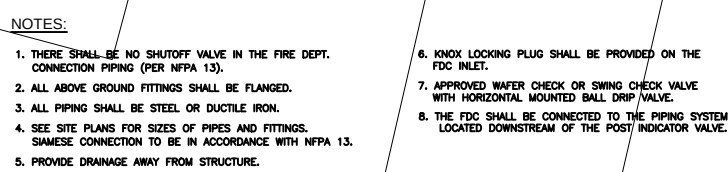
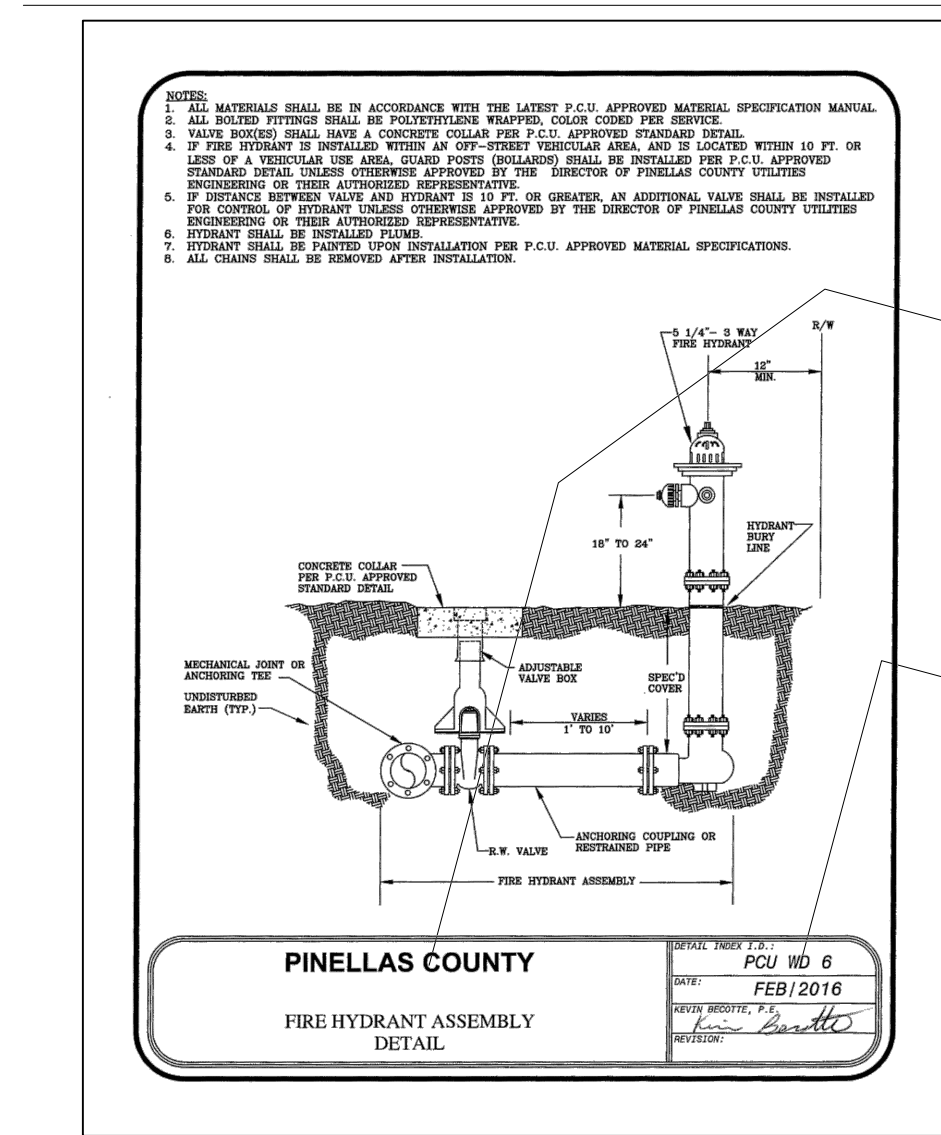


ISSUE TITLE

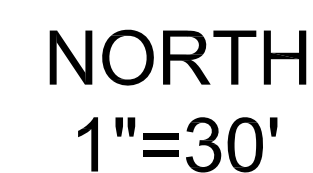
PROJECT ADDRESS

SHEET TITLE

PROJECT 022-032	SHEET NUMBER
SCALE As indicated	C-1
DRAWN BY CM	
DATE 04/04/24	
ORIGINAL SHEET SIZE : 24" X 36"	
	© BOOZAK/HAYES ARCHITECTS, PLLC



- ## NOTES



KEY PLAN

PROJECT ADDRESS

SHEET TITLE

© BODZIAK/HAYES ARCHITECTS, PLLC



[illegible]

ISSUE TITLE

PROJECT ADDRESS

WINDW.

WINDWARD PASS
RESORT
3815, 3855, 3859 & 3861 Gulf Blvd

SHEET TITLE

PROJECT
022-032

SCALE

SCALE

1" = 30'-0"

DRAWN BY

 π

DATE _____

09/20/24

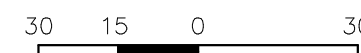
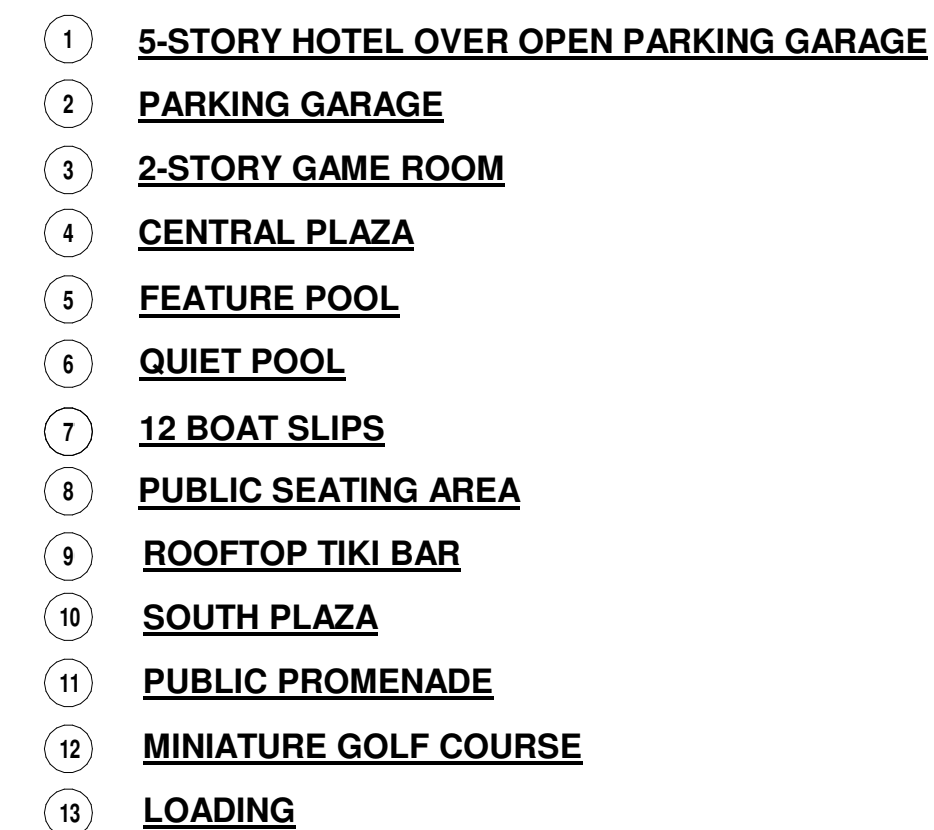
ORIGINAL:

SIZE : 24"

SHEET NUMBER

A1-100

© BODZIAK/HAYES ARCHITECTS, PLLC



SCALE: 1"=30'

1 **LEVEL 1 SITE PLAN**
1" = 30'-0"

$$1'' = 30'-0''$$



WINDWARD PASS RESORT

Conditional Use Permit
September 20, 2024

BODZIAK/
HAYES
ARCHITECTS

WINDWARD PASS RESORT



WINDWARD PASS RESORT



WINDWARD PASS RESORT



WINDWARD PASS RESORT



WINDWARD PASS RESORT



CONDITIONAL USE PERMIT APPLICATION - UPDATED SEPTEMBER 20, 2024

WINDWARD PASS RESORT



WINDWARD PASS RESORT



WINDWARD PASS RESORT



WINDWARD PASS RESORT



WINDWARD PASS RESORT



WINDWARD PASS RESORT



WINDWARD PASS RESORT



WINDWARD PASS RESORT



WINDWARD PASS RESORT



WINDWARD PASS RESORT



WINDWARD PASS RESORT



BODZIAK/HAYES

ARCHITECTS

September 20, 2024

City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, FL 33706

ATTN: Kelly Intzes, Fire Marshal
Brandon Berry, Planner

RE: Windward Pass Resort Conditional Use Permit & Density Pool Application #: 23085
Undue Hardship Variance Request #24058
Parcel ID: #07-32-16-07398-001-0170, 07-32-16-07398-001-0230,
07-32-16-18143-001-0010, 07-32-16-18143-001-0020] - Windward Pass Resort

Dear Brandon Berry and Kelly Intzes,

We are here-in responding to your technical review committee comments issued September 16, 2024 and the additional Fire Review comments received via email 9/18/2024. We are providing revised plans and rendered views that address these comments, as itemized below:

Planning & Zoning:

----- COMMENTS PERTAINING TO UNDUE HARDSHIP VARIANCE DATED 09/16/2024 -----

1. Zoning staff has no concerns about the quiet pool proposed setback. The amenity is reasonable for the scale of the project requested, of similar size, location relative to the property line, and operation compared with the apartment complex to the south, and seems logically-located given the constraints of the property.

[Response:](#)

Determination acknowledged.

2. The feature pool is larger than other similar developments in the vicinity and zoning district, and a more active use than any in the yard abutting the use to the south. Staff finds concerns about abutting property nuisance could be resolved through proposed landscaping for the development and hours of operation limitations, and recognizes the uniqueness of the property shape in creating on-site development challenges. However, the applicant should be prepared to either amend the application or provide additional testimony at the hearing on how this portion of the variance is the minimum necessary to "[make] possible the reasonable use of the land, building or structure" (question 7) as the feature is uncommon for the vicinity and district and staff does not currently find support for it being an essential component of the development from a minimum land use perspective.

[Response:](#)

The Undue Hardship Variance Exhibit "B" items #7 & 8 has been amended to address these comments. Additionally, we further modified the site plan to create a 10' additional landscape buffer, with substantial landscaping and trees for noise dampening purposes. As a consequence of providing the landscape buffer the feature pool setback was increased to 31'-6" from the property line, in parity with the setback originally proposed for the quiet pool.

3. The application for this development is complete and eligible to move forward to Board hearings. Staff will look at scheduling for either the October 21 or November 18 Planning Board meeting. Do

5665 CENTRAL AVENUE, ST. PETERSBURG, FL 33710
PHONE: (727) 327-1966 | FAX: 1 (727) 826-0968
JOHN A. BODZIAK, AIA, #AR0005065 | BRITT BROWNE HAYES, AIA, #AR102428

BODZIAK/HAYES

ARCHITECTS

you have a preference, and are you planning on submitting any application or plan modifications prior to the hearing?

Response:

Revised plans, revised Variance Exhibit "B", and updated rendered views are provided in this submittal. Per our Technical Review Committee meeting discussion, it is our preference to proceed with the Planning Board meeting on October 21st.

Fire:

----- COMMENTS PERTAINING TO CONDITIONAL USE PERMIT RECEIVED VIA EMAIL 09/18/2024 -----

4. The response letter reflects page A1-104 which was not included in this pdf.

Response:

A1-104 is included in this resubmittal for your reference.

5. Page C-2 only shows the fire truck pulling into the property but does not reflect exiting.

Response:

Vehicle movement exhibit sheet C-2 has been updated to show access & back out to all three proposed fire truck landing locations. The maneuverability is based on T23 truck specifications provided, which are also included on this sheet as a detail for clarity.

6. Page C-2 provide the dimensions for compliance with NFPA 1: 18.2.3.2.2.1.

Response:

C-2 has been updated to reflect the dimensions also shown on A1-104.

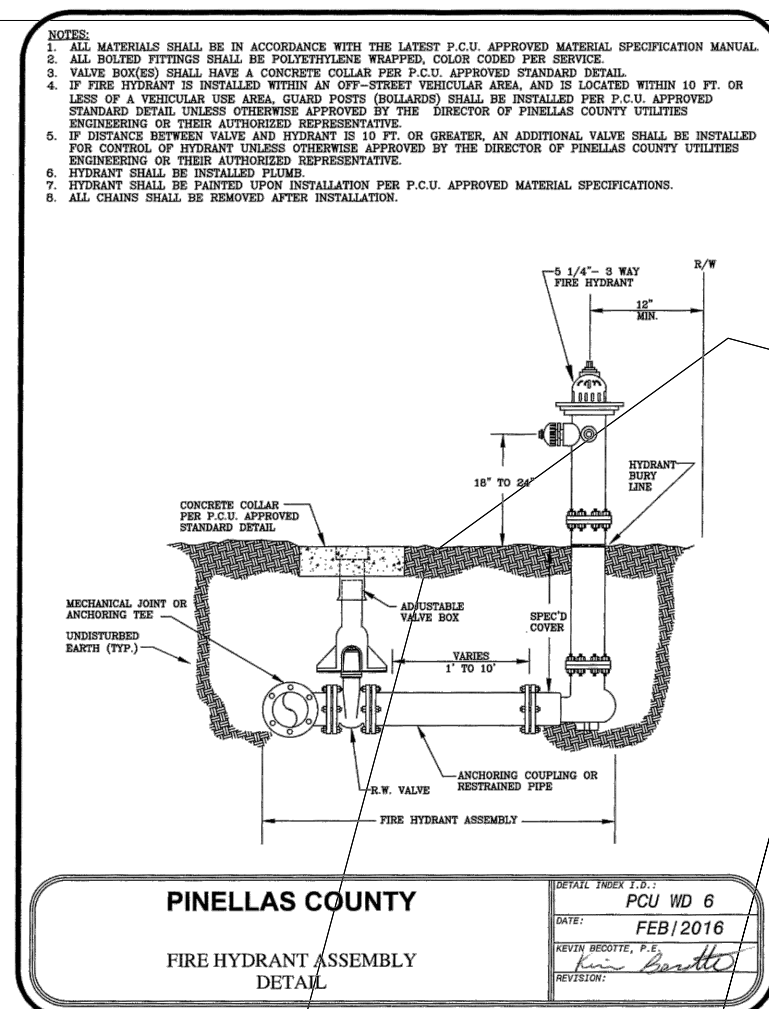
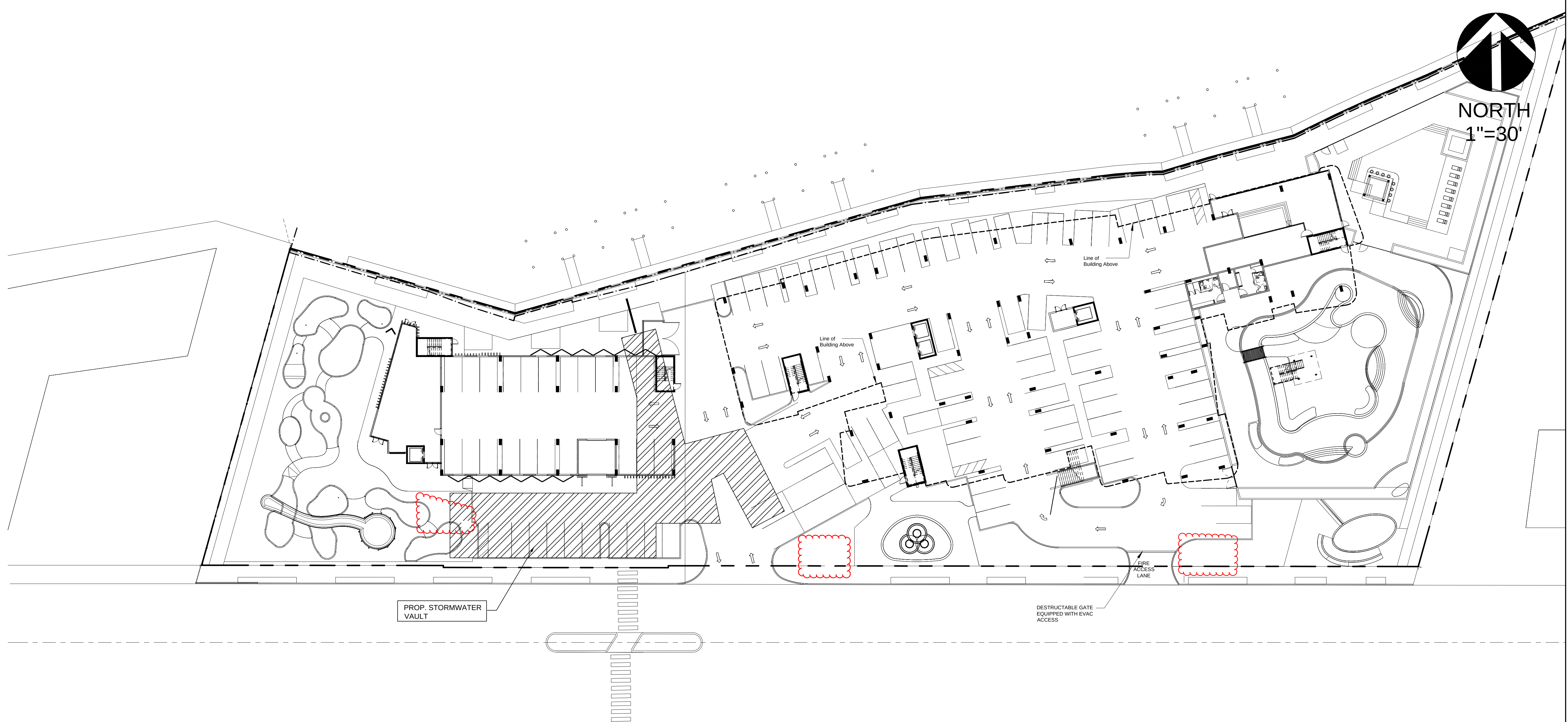
Thank you,



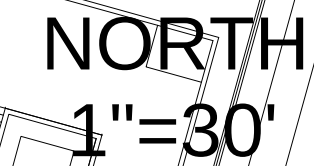
John A. Bodziak, Architect A.I.A.



Britt Hayes, Architect A.I.A.



- NOTES**
1. REQUIRED FIRE FLOW FROM TABLE NFPA 18.4.5.2.1: 3500 GPM FOR 3 HOUR DURATION.
 2. ESTIMATED SEWAGE FLOW (PER CHAPTER 62-6 TABLE I):
USE: RESORT HOTEL, 200 GPD/ROOM
ESTIMATED FLOW: 200 GPD/RM X 104 RMS = 20,800 GPD
ESTIMATED PEAK FLOW: 20,800 GPD X 3(PF) X 1DAY/24H X 1H/60 MIN = 43.44 GPM
 3. STORMWATER RETENTION WILL BE PROVIDED IN ACCORDANCE WITH SWFWMD, FDEP & CITY OF ST. PETE BEACH REQUIREMENTS. RUNOFF WILL BE CONVEYED TO AN ON SITE UNDERGROUND SYSTEM AND PERCOLATE INTO THE SOIL.
DISCHARGE WILL BE TO MCPHERSON BAYOU AT THE PRE-DEVELOPMENT RATE OF THE UNDEVELOPED SITE.
 4. PROPOSED FIRE HYDRANT AND FDC LOCATIONS TO BE ADDRESSED DURING SITE PLAN REVIEW.



ARCHITECT

BODZIAK / HAYES ARCHITECTS PLLC

JOHN A. BODZIAK, AIA, FL #AR0005065
BRITT HAYES AIA, FL #AR102428

5665 CENTRAL AVE,
SAINT PETERSBURG, FL 33710

TEL: 727-327-1966

FAX:

EMAIL: INFO@BODZIAKHAYES.COM

TAMPA HOME PRO INC.
110 CRENSHAW LAKE RD STE 200, LUTZ, FL
33548

S

M

**PATRICIA
MONTECKI, PE**

5032 CHANCELLOR ST NE
231 P.O. BOX 200 FL
(727) 235-1650

ARCHITECT'S / CONSULTANT'S STAMP

KEY PLAN

ISSUE TITLE

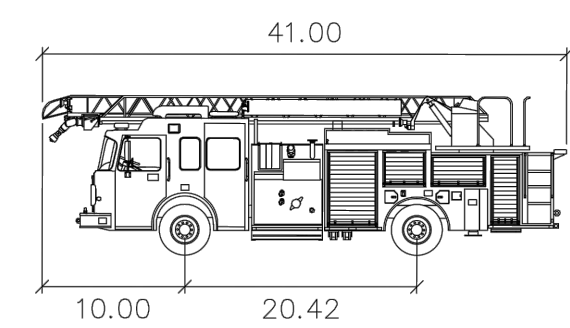
PROJECT ADDRESS

SHEET TITLE

SHEET NUMBER

C-2

COZIAK/HAYES ARCHITECTS, PLLC

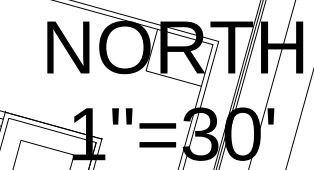


City of St Pete Beach Fire Aerial

	feet
Width	: 8.33
Track	: 7.03
Lock to Lock Time	: 6.0
Steering Angle	: 45.0

FIRE TRUCK ENTERING

FIRE TRUCK EXITING



ARCHITECT
BODZIAK / HAYES ARCHITECTS PLLC
JOHN A. BODZIAK AIA, FL #AR0005065
BRITT HAYES AIA, FL #AR102428
5665 CENTRAL AVE,
SAINT PETERSBURG, FL 33710
TEL: 727-327-1966
FAX:
EMAIL: INFO@BODZIAKHAYES.COM

Client Name

CONSULTANTS



ARCHITECT'S / CONSULTANT'S STAMP

KEY PLAN

ISSUE TITLE

PROJECT ADDRESS

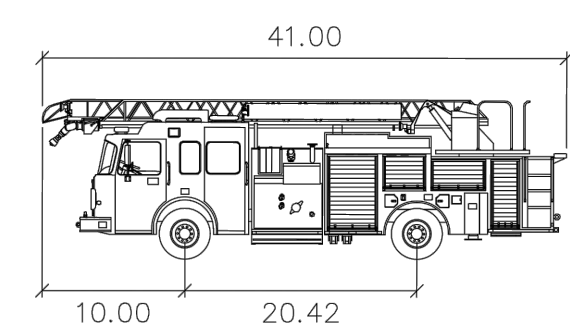
SHEET TITLE

PROJECT
022-032
SCALE
As indicated
DRAWN BY
CM
DATE
04/04/24
ORIGINAL SHEET
SIZE : 24" X 36"

SHEET NUMBER

C-3

DOZIAR/HAYES ARCHITECTS, PLLC



City of St Pete Beach Fire Aerial

	feet
Width	: 8.33
Track	: 7.03
Lock to Lock Time	: 6.0
Steering Angle	: 45.0

10 February 2024

Planning Board & Technical Review Committee
City of St. Pete Beach
155 Corey Avenue
St. Pete Beach, Florida 33706

Submitted via email to Planning Board Liaison Brandon Berry, Senior Planner, for Distribution to the Planning Board, Technical Review Committee and others as appropriate.

- Kelly Intzes, Fire Marshal
- Kristin Coman, Senior Planner
- Jennifer McMahon, Chief Operating Officer
- Luke Curtis, Building Official
- Peyt Dewar, Code Enforcement
- Alaina Grundy, Transportation Planner
- Brett Warner, Engineer

SUBJECT: Proposed Conditional Use Permit #23085 – Windward Pass Resort

Dear Mr. Berry and Committee Members:

I have been a Bella Vista resident since 1991. I am a Florida licensed Professional Engineer (PE), a Certified Floodplain Manager (CFM) and an Envision Sustainability Professional (ENV SP) with 30 years of professional experience with site design and development review. My clients have included both private and public entities in Florida and overseas. Thus, I am well qualified to provide a professional-level review of the subject conditional use permit (CUP) application.

Recommendation

I have reviewed the subject CUP application and the available Windward Pass Resort documents for consistency with City Codes and find that **it does not meet Code requirements in its present configuration**. Accordingly, I ask that the Technical Review Committee reject the application in its present form and request that applicant revise the plan to meet Code requirements.

Basis of Review

The site is zoned as a Bayou Residential (BR) District (Division 42 of City Code), which is the starting point for this review. City Codes establish various elements of design such as setback and building height requirements, permitted primary and secondary uses, allowable conditional uses, prohibited uses and structures, densities, impervious surface limits, and flood zone design. Stormwater treatment must be consistent with State and local standards. Docks must be consistent with Pinellas County Water and Navigation rule requirements (Section 58-556, Pinellas County Code).

The basis of review for the recommendation is detailed below. Table 1 summarizes how the proposed project compares to City Code requirements and whether or not the design element meets Code requirements.

Table 1 - Code Requirement Comparison

Design Element	Required or Allowable	Provided or Proposed	Pass / Fail	Code and Comments
Setbacks				
Front (Gulf Blvd)	40 feet	40 feet	Pass	Sect 42.7 of LDC
Side yard (North and south)	10% of lot width per side = 67.1 feet	60 feet	Fail	Sect 42.7 of LDC Check for inconsistencies in application and supporting materials: - CUP application states 671 feet Gulf Blvd frontage → $671' * 0.10 = 67.1$ feet setback - Plans show 622'-10" Gulf Blvd frontage → $622.8' * 0.10 = 62.3$ feet setback.
Rear yard (McPherson Bayou)	20 feet	Minimum provided is 8 to 10 feet	Fail	Sect 42.7 of LDC
Building Height	54 feet with a minimum setback of 40 feet from Gulf Blvd.	54 feet to roof deck above BFE	Pass	Sect 42.7 of LDC
	54 feet [10' parking + 4 floors * 11' each = 53' max]		Pass	Sect 39.16 - Story Standards, BR Zone Parking 10 feet height Floors 11 feet height
Density	40 temporary lodging units per acre not to exceed the density pool allocated.	104 units / 2.76 acre = 37.68 units / acre	Pass	Sect 42.6 of LDC
Flood Zone AE (BFE 10 feet)	BFE +1' (FEMA)	BFE + 6.5 feet = 16.5 feet for first habitable floor	Pass	FEMA standards are BFE +1 feet minimum
Impervious Surface Ratio (ISR)	0.85 ISR (2.76 ac * 0.85 = 2.35 ac impervious max)	No calculations provided	Fail	Sect 42.8 of LDC
Stormwater Management Design	Southwest Florida Water Management District Rules	No provision for stormwater management or treatment shown on the plans.	Fail	Chapter 106, City Code and Southwest Florida Water Management District Rules

Design Element	Required or Allowable	Provided or Proposed	Pass / Fail	Code and Comments
Site Grading and Drainage	Southwest Florida Water Management District Rules	No details provided.	Fail	Chapter 106, City Code and Southwest Florida Water Management District Rules
Landscape Design	Division 22 of LDC	Insufficient landscape plan details provided to make determination	Fail	Division 22 of LDC
Land Use				
Mini golf (classified as commercial recreation per City Code)	Not permitted in BR District.	Mini golf proposed.	Fail	Section 42.4 – Allowable conditional uses Section 42.5 – Prohibited uses and structures inconsistent with City Code because they are <u>not</u> of a nature specifically or provisionally permitted in the Bayou Residential District.
Water park (classified as commercial recreation per City Code)	Not permitted in BR District.	Water park proposed	Fail	Section 42.4 – Allowable conditional uses Section 42.5 – Prohibited uses and structures inconsistent with City Code because they are <u>not</u> of a nature specifically or provisionally permitted in the Bayou Residential District.
Game room (classified as commercial recreation per City Code)	Not permitted in BR District.	Game room proposed	Fail	Section 42.4 – Allowable conditional uses Section 42.5 – Prohibited uses and structures inconsistent with City Code because they are <u>not</u> of a nature specifically or provisionally permitted in the Bayou Residential District.
Decorative features and rooftop amenities.	Section 42.4(h), Outdoor dining and/or drinking areas that provide for outdoor music, or roof dining and/or drinking areas, except as permitted in section 39.6(f) of this Code, subject to section 6.24 of this Code as may be applicable.	Rooftop dining area	Pass	Section 42.4(h) – Allowable conditional uses Outdoor dining and/or drinking areas that provide for outdoor music, or roof dining and/or drinking areas, except as permitted in section 39.6(f) of this Code, subject to section 6.24 of this Code as may be applicable. <u>Note:</u> The application incorrectly cites Section 39.5(h) to support allowance of the rooftop amenities; however, this provision applies to the Community Redevelopment District and not the Bayou Residential District.

Design Element	Required or Allowable	Provided or Proposed	Pass / Fail	Code and Comments
Jet ski rentals (classified as commercial water sports per City Code)	Not permitted in BR District.	Not Proposed per addendum letter; however, still included in Conditional Use Request	Fail	Section 42.4(g) – Allowable conditional uses Clarify the application and supporting documentation so that it clearly states jet ski rentals are not proposed.
Retail buildings in the southwest corner of the site	Not permitted in BR District.	Not proposed	Pass	Section 42.4 – Allowable conditional uses (Retail buildings were shown in the Gulf Blvd setback area during community meeting but were subsequently removed.)
Docks				
Setback from adjacent riparian lines	Required setback = 1/3 per side 731 feet waterfront (per CUP application) 1/3 per side = 243.7 feet setback	Provided ~ 99 feet on north side ~ 162 feet on south side	Fail	Sec 58-556(b)(1), Pinellas County Water and Navigation rules Sovereign Submerged Land (SSL) Lease uses ~ 685 feet of shoreline in applicant's ownership.
	695 feet waterfront (scaling from survey) 1/3 per side = 231.7 feet setback	~99 feet on north side ~ 162 feet on south side	Fail	Sec 58-556(b)(1), Pinellas County Water and Navigation rules
Number of Slips per Sovereign Submerged Land Lease	8 slips	26 to 30 slips (per the CUP application)	Fail	SSL Lease, Board of Trustees File No. 520032393 SSL Lease allows 8 slip commercial docking facility for the mooring of recreational vessels and passive recreational activities.

The plan does not meet City Codes in its present configuration and needs substantial revision. There are encroachments into setbacks, including the proposed dock setback. **Numerous proposed uses are inconsistent with allowable uses because they are not of a nature specifically or provisionally permitted in the Bayou Residential District.** Some elements of the plan design could not be reviewed due to the lack of submitted information. For example, insufficient details were provided on the impervious surface ratio, stormwater management design, site grading and drainage, and landscape design; therefore, compliance with Code could not be determined. Many of these details should get refined as the design progresses.

Additional Comments

1. The seawall along the waterfront needs significant repairs. At least one area has a blowout that is spilling sediments into McPherson Bayou.
2. Numerous existing access easements traverse the property and it appears that the layout of the side obstructs these easements. Either the site layout or the easements need to be adjusted to avoid conflicts.
3. A Florida Department of Transportation (FDOT) drainage easement traverses the property. It is imperative that no permanent structures be located in this easement to allow access to and maintenance of critical Gulf Blvd drainage infrastructure.

Closing

Based on a review of the available Windward Pass Resort documents, the plan does not meet City Code requirements in its present configuration and needs substantial revision before a recommendation for approval could be issued. **I recommend that the Technical Review Committee reject the plan in its current form** and direct the applicant to revise the plan so that it conforms with City Code.

I also ask the City to keep the local residents informed of future submittals for this plan, and that we be provided with an opportunity to review and comment on subsequent submittals.

Respectfully,



Paul L. Miselis, PE, CFM, ENV SP
Belle Vista Resident, St Pete Beach
paultaps@gmail.com

Brandon Berry

From: Brandon Berry
Sent: Monday, September 16, 2024 11:58 AM
To: saintpetebeach@aol.com
Subject: Re: Variance #24058 - Windward Pass

Thank you. Your comment will be provided to the City Commission when the case is heard.

Get [Outlook for iOS](#)

From: saintpetebeach@aol.com <saintpetebeach@aol.com>
Sent: Monday, September 16, 2024 11:27:40 AM
To: Brandon Berry <bberry@stpetebeach.org>
Subject: Variance #24058 - Windward Pass

CAUTION: This message has originated from Outside of the Organization. Do Not Click on links or open attachments unless you are expecting the correspondence from the sender and know the content is safe

The variance for pool encroachments should be denied. New developments need to design their projects to fit in the required setbacks. The site is not irregularly shaped and there is no reason to encroach into setbacks just to fit in what they want. There is no hardship.

Donna Paleveda

Brandon Berry

From: Nancy Furey <nancymfurey@gmail.com>
Sent: Monday, April 29, 2024 5:02 PM
To: Brandon Berry
Subject: Windward Pass Resort

CAUTION: This message has originated from **Outside of the Organization**. **Do Not Click** on links or open attachments unless you are expecting the correspondence from the sender and know the content is safe

Dear Mr Berry:

After looking at the proposed scope of the Windward Pass Resort architectural plan, I am deeply concerned for the quality of life in the adjacent neighborhood as well as the preservation of the McPherson Bayou.

I am writing to strongly encourage your very close scrutiny of their plan. PLEASE do not concede on the code or the comprehensive plan or the "resort district" code! It is my belief that the current proposed plan is an over devolvement of the lot size and will seek variances and concessions on the code, comprehensive plan.

Another one of my concerns is in regards to the trucking deliveries. Apparently the old code currently on the books does not require a loading dock. Please try to get them to agree to a loading dock in order to prevent bottle necks so close to the busy intersection of the Bayway, the Don Caesar Hotel and Pass A Grille Way.

(I would support a referendum on the ballot of the next election to change the code and make a loading dock mandatory).

I am thankful that there has been agreed upon beach easements for public use.

Respectfully submitted,

Nancy Furey
3616 Casablanca Avenue
St. Pete Beach, FL 33706

March 11, 2024

Members of the Planning and Zoning Board:

I write you as one who has served in your capacity for a village in Ohio which is, like St. Pete Beach, under constant pressure from developers to abrogate some very restrictive zoning put in place to protect its historic residential and commercial districts. We undertake a mandatory Charter Review process every 5 years and I've worked on several of those as well.

You currently have at least two proposals to place new hotels in the Bayou Residential and Activity Center districts which do not meet the intent of your Land Development or Comprehensive Plans, and both should be denied summarily. The Wayward Pass proposal is the focus of this letter.

The Land Development Code for the Bayou Residential district has deliberately been written to both encourage commercial development (which brings revenue to the City) and protect the nearby residential development (across McPherson Bayou, for which it is named).

Whenever such ambiguity is introduced into a Plan, the Planners are guided by the Purpose and Intent provisions: They provide the "smell test" for proposed development.

"The BR Bayou Residential District is intended to support multi-family residential or temporary lodging projects with limited non-residential uses mixed with the residential uses."

"Primary Uses:

(a)

Residential uses - Attached single family, two family, and multi-family.

Secondary Uses:

(a)

Commercial uses as a mixed-use component with multi-family residential. Eating and drinking establishments may include outdoor dining and/or drinking areas provided they do not provide for outdoor music, subject to section 6.24 of this Code as may be applicable. “

The Windward Pass developers appear to have taken hope from the “allowable conditional uses” section of the Plan document. Taken in isolation, they imply a Hotel would be permitted so long as it met the setbacks and a density of 40 units per acre, so long as they could get a sufficient number of the (original) 325 units from the Comprehensive Plan density pool allocation for the Center Core Corey Circle, Coquina West, Activity Center, and Bayou Residential Districts.

“Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the Bayou Residential District are as follows.

(a)

Residential docks

(b)

Docks, commercial: Class A

(c)

Docks, commercial: Class B

(d)

Temporary Lodging with or without a commercial component, awarded on a case-by-case basis, with evaluation through criteria specified in this Code, to come from the density pool established in the Comprehensive Plan (325 available units for potential use in the Town Center Core Corey Circle, Coquina West, Activity Center, and Bayou Residential Districts).

(e)

Off-premises parking lot.

(f)

Commercial parking lot.

(g)

Commercial rental of non-motorized water sports equipment.

(h)

Outdoor dining and/or drinking areas that provide for outdoor music, or roof dining and/or drinking areas, except as permitted in section 39.6 (f) of this Code, subject to 6.24 of this Code as may be applicable.

All uses and structures not of a nature specifically or provisionally permitted herein are hereby prohibited in the Bayou Residential District.”

The City is under no obligation to release any of the reserved units from the Comprehensive Plan density pool allocation, ever. The attitude expressed by developers lately appears to be that they are there for the taking on a first-come, first-served basis. The Boards and Commission need to make that distinction very clearly immediately.

The recent withdrawal of the Corey Landing proposal further created the impression that the units allocated to that project were now “up for grabs” and created a time imperative for new proposals. There are now two proposals before you which identify plots in District 3 on the East side of Gulf Boulevard for new hotel development as a direct consequence.

Practically and politically this is a good time to apply the brakes to all hotel expansion outside the Large Resort District. Redevelopment of the Sirata and Tradewinds properties has been in the cards for over a decade as the lawsuits and infrastructure upgrades restrained them. Taken together they will add huge numbers to the temporary housing stock and only time will tell if the restrictions

on expansion were set too high. Personally, I believe the absolute number of units needs to be dictated strictly by sewer and traffic capacity and I see none of that in the written Plan: Hopefully it is given primacy in review of every development and redevelopment plan by the Board as part of your process.

I do not support the issuance of any variances for hotel development on properties not currently in use as hotels within the City. St. Pete Beach needed and needs to refresh some stock to remain competitive at the high end of tourist travel, and that is best accomplished by allowing the operators that have already invested in the City to receive your consideration first, and last.

You should take time now, before any more development plans come forward, to consider making changes to the counts and processes employed in releasing additional allocated units. It's time to schedule a Review here in St. Pete Beach, allowing for the current applications to be resolved and the consequences absorbed and evaluated. As one at least a little experienced in zoning codes and comprehensive planning, I find our Plan and code too ambiguous and that always, always, always results in lawsuits and a lot of wasted effort and money. Better to be very clear in writing and consistent in the application so everyone knows what is and isn't going to be considered.

The Wayward Pass developers clearly do not. My guess is they plan to take their proposal to referendum: It's way too far outside the bounds of the existing zoning, and they're hoping they can convince enough residents not directly impacted by the encroachment of the benefit of a new recreation facility to back them in overturning the restriction. Be prepared.

Thank you for your time and consideration,

Dr. John Tressler III
318 44th Avenue
St. Pete Beach

Brandon Berry

From: Andrew Barrett <andrew.barrett@rogers.com>
Sent: Friday, December 6, 2024 10:02 AM
To: Brandon Berry
Subject: Notice of Public Hearing - Resolution 2024-12 (CUP #23085)
Attachments: 2024-12-05 07-14.pdf

CAUTION: This message has originated from **Outside of the Organization**. **Do Not Click** on links or open attachments unless you are expecting the correspondence from the sender and know the content is safe

Resolution: 2024-12 (CUP #23085)
Meeting: Dec 16, 2024
Time: 3:00 pm
Place: City Hall St Pete Beach

To Whom It May Concern,

I will not be able to attend the meeting scheduled for Dec 16, 2024 as it is during the work day, but I would like my letter to be shared with the key individuals that are making these decisions, and ideally read aloud.

On behalf of myself, and the other owner of the Sanseair at 3820 Gulf Blvd, I wanted to express my displeasure in the idea of giving the a Corporation a large variance to build on the lot across from our building and create a lifestyle, safety and financial hurt to many of us living across the street.

When many of us bought in this building we purchased knowing that development on that empty lot would come some day, but we also did so knowing what the impact would be based on the existing by-laws (which I researched before buying in 2010), and I/We trusted that the City would not change these later to negatively affect us.

If the variance is granted there will be many lifestyle, safety and financial consequences for those that already live in the neighborhood.:

1) Lifestyle Impact the View - All unit owners above the 6th floor were confident with the current by-laws that when a building on that site would come someday that they would not be directly affected and would be able to look over the building to still see Boca Ciega and Blue Sky. If the variance is granted this view will be taken away from many unit owners above the 6th floor.

2) Lifestyle Impact the Noise - Already we have to put up with the noise from the roof top bar at the Zamora - on many nights we can hear the DJ/MC announcing people's names, telling wedding stories and hearing the music inside our condo with all the windows and doors closed as we try to go to sleep, we do not want to get it from another noise source across from our building.

3) Safety Impact the Traffic - Already it is difficult to pull in/out of our parking lot with all the traffic on Gulf Blvd, allowing more units in the new development that would be permitted by the variance would

add even more burden to a road system that can't handle it well today. We do not want to increase the danger for cars and pedestrians anymore than the current by-laws will allow.

4) Financial Impact - If the variances are granted and the view disrupted beyond expectation, combined with the noise of a roof top bar and water park are permitted, many unit owners above the 6th floor will experience a material devaluation of their condo unit's value, likely well in excess of \$100,000, as they will now stare into a building and not Boca Ciega and Blue Sky and have more sleep disturbing noise. This is meaningful to these owners. As an aside we would all petition the city to re-value our units for tax purposes.

In conclusion, the City should care first about the lifestyle, safety and financial well being of the current residents of the city first, and then consider how to support tourism and corporations secondarily. I urge the City to permit the development, but to do so within the current by-laws so that the impact is as was expected when we bought at the Sanseair, and not made worse by Corporate Greed and City carelessness if the variances are granted.

Andrew Barrett
Condo Owner at Sanseair 3820 Gulf Blvd 8th Floor
Board Member Sanseair 3820 Gulf Blvd

Brandon Berry

From: Rick Shuman <rpshuman@yahoo.com>
Sent: Friday, December 6, 2024 10:36 AM
To: Brandon Berry
Subject: Stop the Madness

CAUTION: This message has originated from **Outside of the Organization**. **Do Not Click** on links or open attachments unless you are expecting the correspondence from the sender and know the content is safe

As a resident who lives on Gulf Blvd, I find it hard to believe that the leadership of this city would allow further building expansion considering the state of our sewage system and crazy traffic. How in the hell will we ever turn north onto Gulf Blvd from 3820. Someone in a leadership position needs to make a stand to stop the madness.

Richard and Julie Shuman
3820 Gulf Blvd #1203

[Sent from Yahoo Mail for iPhone](#)

Brandon Berry

From: Tracy Smyth <tracy.luxuryinc@gmail.com>
Sent: Friday, December 6, 2024 11:49 AM
To: Andrew Barrett
Cc: Brandon Berry
Subject: Re: Notice of Public Hearing - Resolution 2024-12 (CUP #23085)

CAUTION: This message has originated from **Outside of the Organization**. Do Not Click on links or open attachments unless you are expecting the correspondence from the sender and know the content is safe

Hello, ph6 Luxury Leasing agrees with this letter pertaining to potential developments noted in this letter. We support this email. Tracy Smyth

On Fri, Dec 6, 2024, 10:02 AM Andrew Barrett <andrew.barrett@rogers.com> wrote:

Resolution: 2024-12 (CUP #23085)

Meeting: Dec 16, 2024

Time: 3:00 pm

Place: City Hall St Pete Beach

To Whom It May Concern,

I will not be able to attend the meeting scheduled for Dec 16, 2024 as it is during the work day, but I would like my letter to be shared with the key individuals that are making these decisions, and ideally read aloud.

On behalf of myself, and the other owner of the Sanseair at [3820 Gulf Blvd, I](#) wanted to express my displeasure in the idea of giving the a Corporation a large variance to build on the lot across from our building and create a lifestyle, safety and financial hurt to many of us living across the street.

When many of us bought in this building we purchased knowing that development on that empty lot would come some day, but we also did so knowing what the impact would be based on the existing by-laws (which I researched before buying in 2010), and I/We trusted that the City would not change these later to negatively affect us.

If the variance is granted there will be many lifestyle, safety and financial consequences for those that already live in the neighborhood.:

1) Lifestyle Impact the View - All unit owners above the 6th floor were confident with the current by-laws that when a building on that site would come someday that they would not be directly affected and would be able to look over the building to still see Boca Ciega and Blue Sky. If the variance is granted this view will be taken away from many unit owners above the 6th floor.

2) Lifestyle Impact the Noise - Already we have to put up with the noise from the roof top bar at the Zamora - on many nights we can hear the DJ/MC announcing people's names, telling wedding stories and hearing the music inside our condo with all the windows and doors closed as we try to go to sleep, we do not want to get it from another noise source across from our building.

3) Safety Impact the Traffic - Already it is difficult to pull in/out of our parking lot with all the traffic on Gulf Blvd, allowing more units in the new development that would be permitted by the variance would add even more burden to a road system that can't handle it well today. We do not want to increase the danger for cars and pedestrians anymore than the current by-laws will allow.

4) Financial Impact - If the variances are granted and the view disrupted beyond expectation, combined with the noise of a roof top bar and water park are permitted, many unit owners above the 6th floor will experience a material devaluation of their condo unit's value, likely well in excess of \$100,000, as they will now stare into a building and not Boca Ciega and Blue Sky and have more sleep disturbing noise. This is meaningful to these owners. As an aside we would all petition the city to re-value our units for tax purposes.

In conclusion, the City should care first about the lifestyle, safety and financial well being of the current residents of the city first, and then consider how to support tourism and corporations secondarily. I urge the City to permit the development, but to do so within the current by-laws so that the impact is as was expected when we bought at the Sanseair, and not made worse by Corporate Greed and City carelessness if the variances are granted.

Andrew Barrett
Condo Owner at Sanseair [3820 Gulf Blvd 8th Floor](#)
Board Member Sanseair [3820 Gulf Blvd](#)

Brandon Berry

From: Amanda Davis <amandatd@yahoo.com>
Sent: Friday, December 6, 2024 1:54 PM
To: Brandon Berry
Subject: CUP #23085 Resolution 2024-12 Objection to zoning exceptions and special treatment for the entity

CAUTION: This message has originated from **Outside of the Organization**. **Do Not Click** on links or open attachments unless you are expecting the correspondence from the sender and know the content is safe

Hi Berry,
Please pass along my objection to the planning committee
Thank you!
Amanda Davis

Resolution: 2024-12 (CUP #23085)
Meeting Date: December 16, 2024
Time: 3:00 PM
Location: City Hall, St. Pete Beach

Dear Planning Board,

Unfortunately, I will not be able to attend the meeting on December 16th to personally voice my opposition to the requests under consideration. However, I ask that you take my concerns into account as you deliberate.

As a nearby homeowner, I strongly oppose granting unwarranted exceptions to this entity. Doing so will negatively impact the quality of life for nearby residents through increased noise, traffic, and congestion. For instance, Gulf Blvd already experiences significant traffic delays, with residents like myself often waiting several minutes (I counted 8 minutes recently) just to turn onto the road. Adding a large commercial establishment across the street will exacerbate this issue, creating further frustration for residents. Increased foot traffic and jaywalking will only add to the hazards.

Additionally, past promises of restricted hours, noise limits, and capacity controls have not been upheld or enforced. The Zamora serves as a clear example of this failure, as residents continue to suffer from excessive rooftop noise and disturbances. There is no reason to believe the situation will be any different with this proposal.

Crucially, there is no demonstrated hardship requiring this property to deviate from existing zoning codes. The project could and should have been designed to meet current regulations. Our codes and rules exist to protect the integrity of the community, and overbuilding for the benefit of a single entity is unacceptable.

As a full-time resident, I chose to purchase my home in St. Pete Beach because of its unique character and sense of community. Constantly granting exceptions undermines the very atmosphere that makes this area special. Instead of fostering a vibrant community, such decisions risk turning our home into a strip of overcrowded, soulless developments.

Finally, this property is poorly suited for such intensive use. Many hours before Hurricane Helene flooded the island, this parcel was already underwater. Overpopulating this site and allowing for variances defies common sense and puts the safety and well-being of the community at risk. See below photo taken several hours before Helene breached the seawall on most of the island.

I urge the Planning Board to prioritize the needs and quality of life of St. Pete Beach residents. Please do not grant these unnecessary exceptions, which offer no real benefit but bring substantial harm to those of us who call this community home.

Thank you for your time and consideration.

Sincerely,
Amanda Davis
3820 Gulf Blvd, St. Pete Beach

Resident, Voter, and Home & Business Owner in St. Pete Beach since 2009



Brandon Berry

From: Christopher Noland <chriswnoland@yahoo.com>
Sent: Saturday, December 7, 2024 1:14 PM
To: Brandon Berry
Subject: Re: Resolution: 2024-12 (CUP #23085) Meeting: Dec 16, 2024

CAUTION: This message has originated from **Outside of the Organization**. **Do Not Click** on links or open attachments unless you are expecting the correspondence from the sender and know the content is safe

Hi Brandon,

Thanks for the quick response! I am concerned regarding the part of the project which I think will negatively impact many of the owners at SanSeair from a quality of life perspective. This applies to the variance being considered across the street from our building if I understand the parameters correctly. Some of the impacts which I believe would be detrimental are related to:

1. Increased traffic in a already busy and sometimes challenging area.
2. Negative impact on views for residents on the East side of the building,
3. Decreased property values resulting from 1 and 2.
4. Infrastructure concerns with the increased demands associated with the project (septic, water etc.)

Thank you for your kind consideration,

Christopher S.W. Noland, FACHE

On Saturday, December 7, 2024 at 09:47:03 AM PST, Brandon Berry <bberry@stpetebeach.org> wrote:

Thank you Christopher.

Just to clarify, the variance is only to allow the pools to be closer to the south side lot line than the code permits. The applicant is applying for a conditional use permit for the development itself, including the hotel building and other features. Are you only concerned about the pools or are you against the whole project?

From: Christopher Noland <chriswnoland@yahoo.com>
Sent: Saturday, December 7, 2024 12:32 PM
To: Brandon Berry <bberry@stpetebeach.org>
Subject: Resolution: 2024-12 (CUP #23085) Meeting: Dec 16, 2024

CAUTION: This message has originated from **Outside of the Organization**. **Do Not Click** on links or open attachments unless you are expecting the correspondence from the sender and know the content is safe

Please do not grant a variance for this project. It would be a detriment to the quality of life for the residents of SanSeair and the 100+ taxpaying owners.

Thank you for your wisdom in advance,

Christopher S.W. Noland, FACHE

SanSeair unit owner

The city of St. Pete Beach uses SeeClickFix for residents to submit issues to the city. To report an issue, please [click here](#).

All government correspondence is subject to the public records laws.

Concerning: Winward Pass Resort
Resolution: 2024-12 (CUP #23085)

Dear Mr. Berry, Mayor Petril & Council Woman Rzewnicki,

On behalf of myself, and many of the other owners within the Sanseair (3820 Gulf Blvd, St Pete Beach, FL). I want to express my deep concerns over the development project being proposed for 3815, 3855, 3859 & 3861 Gulf Blvd. The variances being proposed for this project will not only have a very negative impact on traffic, pedestrian and bicyclist safety, NOISE (as proven by the Zamora roof to bar). It will also disrupt views from a number of units and have a significant financial impact on property and business owners surrounding the Windward Pass Resort project.

Safety: In the 11 years that we have owned our property we have seen a minimum of 3 deaths on Gulf Blvd from tourists not crossing at cross walks. This project will increase density and foot traffic in an area with a limited number of beach access points and restaurants. As a result, more people to be walking greater distances on the already unsafe sidewalks of Gulf Blvd.

Noise: Where the Zamora has been a kinder neighbor over the last year or so, the noise from their Roof Top Bar causes nightly disruptions to our sleep and enjoyment of our property (namely sunsets). Within the last month, the noise has been ridiculous. (see attached file that was sent to Mayor Petril and Councilwoman Rzewnicki). Another 6th floor roof top bar competing with the Zamora will, no doubt, be excessive.

Density: Even with 85% occupancy, the resort will bring an additional 175 people (minimum 2 people per room and 104 rooms) and 70 -80 additional cars per day to this already limited area. And, that's not including the people that will come to play miniature golf, rent paddle boards and drink at the 2 proposed bars. Currently, trying to go north from our property is difficult. If this project is approved, the additional traffic will make exiting to the north impossible.

Variances: The 50% reduction request in the southside set back (65' to 31.6') alone should be the reason that you deny this request. Additionally, a 40' setback from Gulf Blvd with the expected amount of new traffic the resort will bring and a 20' setback from the seawall on Boca Ciega Bay are 2 more reasons.

In closing, via the last election, the Council already knows how the majority of St Pete Beach residents feel about our community and the reasons that we live here. We do not want to be another Clearwater! Please follow the City's Comprehensive Plan and reject the Windward Pass Project Proposal based on the variances, safety, noise, aesthetic and density issues listed above.

Please... PROTECT ST PETE BEACH!

Sincerely,

Russell & Tracey Maziarka
3820 Gulf Blvd Apt 701
St Pete Beach, FL 33706
612-205-5750

**PLANNING BOARD MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

Agenda Title Name: Recommendation of Ordinance 2024-08 to allocate 104 units of temporary lodging density from the Town Center Corey Circle and Coquina West, Activity Center, and Bayou Residential Districts Temporary Lodging Unit Density Pool to property with parcel numbers of 07-32-16-18143-001-0010, 07-32-16-18143-001-0020, 07-32-16-07398-001-0170, & 07-32-16-07398-001-0230 (Windward Pass Resort)

Action Request: Motion to recommend [approval/approval with modification/denial] of Ordinance 2024-08 to the City Commission.

Strategic Objective:

Date: December 16, 2024

Prepared By: Brandon Berry, Senior Planner

Through: Denise Sanderson, Community Development Director

Summary of Issue: The applicant is proposing a lodging project with commercial amenities on the subject site through accompanying Resolution 2024-12. Temporary lodging projects are permitted only through Conditional Use Permit with density pool allocation in this zoning district, with no base lodging density permitted. All 104 lodging units requested for the property must be requested through a density pool allocation. Approval of this ordinance would allocate the requested 104 units to the subject site for utilization under the separate project approval considered under the accompanying resolution.

Funding: N/A

Attachments: 1. Ordinance 2024-08

Ordinance 2024-08

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR THE ALLOCATION OF 104 UNITS OF TEMPORARY LODGING DENSITY UNDER THE PROVISIONS OF THE TOWN CENTER COREY CIRCLE, COQUINA WEST, ACTIVITY CENTER, AND BAYOU RESIDENTIAL DISTRICTS TEMPORARY LODGING UNIT DENSITY POOL, AS ESTABLISHED IN THE CITY OF ST. PETE BEACH COMPREHENSIVE PLAN, TO PROPERTY WITH PARCEL NUMBERS OF 07-32-16-07398-001-0170, 07-32-16-07398-001-0230, 07-32-16-18143-001-0010, 07-32-16-18143-001-0020; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

WHEREAS, the City Commission supports redevelopment projects that fit the character, context, and purpose and intent of the zoning district;

WHEREAS, the applicant held a noticed public meeting on September 8, 2023 at the St. Pete Beach Recreation Center Ballroom where the initial redevelopment proposal was presented and comments were solicited;

WHEREAS, the applicant made complete the application for accompanying Conditional Use Permit #23085 and Variance #24058 on November 6, 2024.

WHEREAS, the accompanying cases were reviewed at the February 16 and August 7, 2024 Technical Review Committees, where significant comments pertained to building design, on-site amenities, and site access.

WHEREAS, the associated project request made under accompanying Resolution 2024-12 has been reviewed and found consistent with the City's Comprehensive Plan and other related regulations in the Land Development Code.

WHEREAS, the Planning Board reviewed this request at the December 16, 2024 meeting and recommended [approval/approval with conditions/denial] of this Ordinance to the City Commission at a vote of [] to [].

WHEREAS, notice of this Ordinance has been provided in accordance with applicable law.

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

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

SECTION 2. John A. Bodziak, Architect, AIA for Beth Morean of SUNGOLD LLC, desires to develop the 2.68-acre buildable acre vacant site at the subject property with 104 temporary lodging units at a height of 54 feet above base flood elevation with a non-habitable overrun not to exceed 64 feet. The property is not eligible for any temporary lodging density without an allocation of units from the subject density pool, from which 104 units are requested.

SECTION 3. Unit Count. Upon this Ordinance becoming effective, and procedure detailed in SECTION 4 undertaken, there shall be 157 units remaining in the Town Center Corey Circle and Coquina West, Activity Center, and Bayou Residential Density Pool, as detailed in EXHIBIT A of this Ordinance.

SECTION 4. Reversion. The 104 units awarded by this ordinance shall revert back to the density pool should a building permit to undertake the construction of the 104-unit lodging structure proposed under Resolution 2024-12 (Conditional Use Permit #23085) not be obtained within one year of the later of the non-appealable passage of this Ordinance or associated Resolution 2024-12, or should “continual construction” as defined in Division 2 of the Land Development Code cease, unless extended by resolution of the City Commission.

SECTION 5. 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 as they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. Scrivener’s Error. The City Attorney may correct scrivener’s errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

SECTION 7. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 8. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 9. Effective Date. This ordinance shall take effect upon non-appealable approval of both this Ordinance and companion Resolution 2024-12.

SECTION 10. Reservation of Units. The 104 density pool units contemplated in this Ordinance shall be reserved for the period of any appeal of the approval granted under this Ordinance or companion Resolution 2024-12. Should the project approval be overturned on appeal, these 104 units shall be returned to the density pool. Should the approval be upheld, the time period provided in SECTION 4 above shall start at the date of the dismissal of the appeal.

FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLIC HEARING: _____

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

Adrian Petrilă, Mayor

I, Amber LaRowe, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2025.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Ralf Brookes, City Attorney

EXHIBIT A

Temporary Lodging Unit Density Pool Information			
<u>District</u>	<u>Total Units Available</u>	<u>Total Units Utilized</u>	<u>Total Units Remaining</u>
Boutique Hotel/Condo	125	15	110
Town Center Core	50	0	50
Upham Beach Village	175	3	172
Town Center – Corey Circle	325	64 <u>168</u>	261 <u>157</u>
Town Center – Coquina West			
Activity Center			
Bayou Residential			
Total	675	82 <u>186</u>	593 <u>489</u>

Residential Density Pool Information			
District	Total Units Available	Total Units Utilized	Total Units Remaining
Community Redevelopment District	195	150	45

**PLANNING BOARD MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

Agenda Title Name: Recommendation of Ordinance 2024-18, permitting substantial improvement exceptions for locally-designated historic resources that do not alter the exterior of the structure, to the City Commission.

Action Request: Motion to recommend approval of Ordinance 2024-18 to the City Commission.

Strategic Objective:

Date: December 16, 2024

Prepared By: Brandon Berry, Senior Planner

Through: Denise Sanderson, Community Development Director

Summary of Issue: The content of this ordinance is unchanged from Emergency Ordinance 2024-15, passed by the City Commission on November 19, 2024. The title has been updated to provide additional description.

As of October 2024, the City has 71 voluntarily-designated historic resources, and hundreds of additional structures that are either deemed contributing to the Pass A Grille National Register Historic District or have been assessed as potential inclusions in potential historic districts in the Don CeSar and Belle Vista neighborhoods. Many of these structures suffered significant damage during Hurricanes Helene and Milton. Based on staff discussions with property owners, many are simply seeking to restore the interior of their structures, or make minor exterior repair and maintenance that will restore the structure with the same materials as it possessed prior to the loss.

As approved under companion Emergency Ordinance 2024-15, Staff is proposing that locally-designated historic structures that are subject to the substantial improvement threshold, but are simply sought to be restored or repaired, with no additions, major alterations, or repairs that change material, design, or

outward appearance of the structure, to be eligible for administrative repair and maintenance approval through the permitting process. This process is enabled through the definitions in the City's code, but has heretofore been unutilized and lacks proper procedures. The Historic Preservation Board will still assess any alterations that exceed this established threshold through a FEMA variance public hearing process, such as when additions or facade changes are proposed.

44 CFR 59.1 includes in its definition of "historic structure" those structures individually-listed on a local inventory of historic places in communities, like St. Pete Beach, that have historic preservation programs certified by an approved state program as determined by the Secretary of the Interior.

Funding:

Attachments:

1. Ordinance 2024-18 - Clean
2. Ordinance 2024-18 - Markup

Ordinance 2024-18

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING THE CITY'S LAND DEVELOPMENT CODE DIVISION 28 – HISTORIC PRESERVATION, SECTION 28.5 – ORDINARY MAINTENANCE AND REPAIR, TO ALLOW FOR ADMINISTRATIVE EXEMPTIONS FROM THE SUBSTANTIAL IMPROVEMENT REQUIREMENTS FOR SUBSTANTIAL MAINTENANCE AND REPAIR TO HISTORIC STRUCTURES; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

WHEREAS, damage from Hurricanes Helene and Milton has been particularly apparent in Pass A Grille, where a majority of homes and businesses are designated as contributing to the neighborhood's National Register Historic District, and in other areas of the City that contain significant density of structures deemed or with potential to be deemed historically significant.

WHEREAS, the City's Comprehensive Plan promotes the protection of historic and architecturally-significant structures and resources.

WHEREAS, the City Commission finds that expediting approval of repair work that exceeds 50% of the depreciated value of the structure for structures that have been approved by the City's Certified Local Government for placement on the City's local inventory of historic places, when said work is clearly respectful of the historic nature of the structure and does not exceed existing permissions for minor repairs and maintenance permitted for such structures, is valuable for preventing further degradation to the City's remaining historic housing and commercial stock as well as providing for the public health and safety.

WHEREAS, the Historic Preservation Board recommended Emergency Ordinance 2024-15, which contained identical content to this Ordinance, to the City Commission on November 7, 2024 at a vote of 5-0.

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

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

SECTION 2. The Land Development Code is amended as shown in EXHIBIT A to this Ordinance.

SECTION 3. Codification. This Ordinance shall be codified in the Land Development Code of the City of St. Pete Beach.

SECTION 4. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 5. 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 as they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. Scrivener's Error. The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

SECTION 7. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 8. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 9. Effective Date. This ordinance shall take effect immediately upon adoption.

FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLIC HEARING: _____

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

Adrian Petrila, Mayor

I, Amber LaRowe, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2024.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Ralf Brookes, City Attorney

EXHIBIT A

Sec. 28.5. Ordinary maintenance and repair.

- (a) Nothing in this division shall be construed to prevent the ordinary maintenance or repair of any exterior feature of any historic building, structure or site which does not involve a substantive change in material, design or outer appearance.
- (b) Buildings or structures that have been designated pursuant to this Division at the time that the city was a certified local government and/or otherwise meet the criteria of Section 28.16.(a) may be excluded from the definition of substantial improvement when repairs, construction, rehabilitation, alteration, addition, or other improvements exceed the threshold established in Chapter 98 of the Code of Ordinances, subject to the following:
 - a. Improvement(s) are entirely interior and/or involve only ordinary maintenance or repair of an exterior feature as established in (a), above, as documented through material boards, product specifications, or other submittals deemed appropriate by the reviewer at time of permitting for the improvement(s);
 - b. The improvement(s) is or are independent from any addition or alteration that would otherwise be subject to the floodplain management regulation variance process established in Section 28.16.(b) of this Code;
 - c. The improvement(s) and alteration(s) are determined to not preclude the building or structure's continued designation as a historic resource.
- (c) Any improvement(s) to a historic building or structure that exceed(s) the threshold for substantial improvement and involves any exterior improvement that exceeds the threshold for ordinary maintenance or repair established in (a) above shall be subject to the variance process established in Section 28.16.(b) of this Code.

Ordinance 2024-18

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING THE CITY'S LAND DEVELOPMENT CODE DIVISION 28 – HISTORIC PRESERVATION, SECTION 28.5 – ORDINARY MAINTENANCE AND REPAIR, TO ALLOW FOR ADMINISTRATIVE EXEMPTIONS FROM THE SUBSTANTIAL IMPROVEMENT REQUIREMENTS FOR SUBSTANTIAL MAINTENANCE AND REPAIR TO HISTORIC STRUCTURES; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

WHEREAS, damage from Hurricanes Helene and Milton has been particularly apparent in Pass A Grille, where a majority of homes and businesses are designated as contributing to the neighborhood's National Register Historic District, and in other areas of the City that contain significant density of structures deemed or with potential to be deemed historically significant.

WHEREAS, the City's Comprehensive Plan promotes the protection of historic and architecturally-significant structures and resources.

WHEREAS, the City Commission finds that expediting approval of repair work that exceeds 50% of the depreciated value of the structure for structures that have been approved by the City's Certified Local Government for placement on the City's local inventory of historic places, when said work is clearly respectful of the historic nature of the structure and does not exceed existing permissions for minor repairs and maintenance permitted for such structures, is valuable for preventing further degradation to the City's remaining historic housing and commercial stock as well as providing for the public health and safety.

WHEREAS, the Historic Preservation Board recommended Emergency Ordinance 2024-15, which contained identical content to this Ordinance, to the City Commission on November 7, 2024 at a vote of 5-0.

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

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

SECTION 2. The Land Development Code is amended as shown in EXHIBIT A to this Ordinance.

SECTION 3. Codification. This Ordinance shall be codified in the Land Development Code of the City of St. Pete Beach.

SECTION 4. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 5. 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 as they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. Scrivener's Error. The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

SECTION 7. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 8. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 9. Effective Date. This ordinance shall take effect immediately upon adoption.

FIRST READING: _____
PUBLISHED: _____
SECOND READING: _____
PUBLIC HEARING: _____

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

Adrian Petrila, Mayor

I, Amber LaRowe, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this _____ day of _____, 2024.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Ralf Brookes, City Attorney

EXHIBIT A

Sec. 28.5. Ordinary maintenance and repair.

- (a) Nothing in this division shall be construed to prevent the ordinary maintenance or repair of any exterior feature of any historic building, structure or site which does not involve a substantive change in material, design or outer appearance.
- (b) Buildings or structures that have been designated pursuant to this Division at the time that the city was a certified local government and/or otherwise meet the criteria of Section 28.16.(a) may be excluded from the definition of substantial improvement when repairs, construction, rehabilitation, alteration, addition, or other improvements exceed the threshold established in Chapter 98 of the Code of Ordinances, subject to the following:
 - a. Improvement(s) are entirely interior and/or involve only ordinary maintenance or repair of an exterior feature as established in (a), above, as documented through material boards, product specifications, or other submittals deemed appropriate by the reviewer at time of permitting for the improvement(s);
 - b. The improvement(s) is or are independent from any addition or alteration that would otherwise be subject to the floodplain management regulation variance process established in Section 28.16.(b) of this Code;
 - c. The improvement(s) and alteration(s) are determined to not preclude the building or structure's continued designation as a historic resource.
- (c) Any improvement(s) to a historic building or structure that exceed(s) the threshold for substantial improvement and involves any exterior improvement that exceeds the threshold for ordinary maintenance or repair established in (a) above shall be subject to the variance process established in Section 28.16.(b) of this Code.

**PLANNING BOARD MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS**

Agenda Report

Agenda Title Name: Continued Discussion: Artificial Turf

Action Request: None - Staff would like to receive general Board consensus on the items shared in the agenda report, for preparation of an Ordinance to bring back in the future.

Strategic Objective:

Date: December 16, 2024

Prepared By: Brandon Berry, Senior Planner

Through: Denise Sanderson, Community Development Director

Summary of Issue: At the November meeting, the Planning Board discussed the use of and standards for artificial turf within the City. There appeared to be broad consensus that the City should consider higher standards than those currently in the Code, which currently limits turf to 20% of the 30% permeability ratio (6% of the lot area) required of most newly-developed or redeveloped residential projects, but has no higher product specification or placement standards. Planning Board members agreed to notate preferred standards from a spreadsheet prepared by Member Grocott for discussion at the December meeting.

Information was conveyed to Staff in various ways, but there appears to be broad consensus on the following:

- Permits must be submitted when turf is installed, and include product specifications that demonstrate the turf to be of high quality and porous material, emulate the look of natural grass with an eight-year no-fade warranty, be lead-free, and be certified as disposable at any US landfill station. Cross-sections should be included.
- Turf must be installed pursuant to manufacturer specifications, including subgrade porosity, and anchored to withstand wind.
- Turf must be separated from other, natural

landscaping areas through a mow strip, bender board, or otherwise to prevent leaching.

Staff requests further input and Board consensus on the following:

- Should artificial turf be permitted in drainage features and rights of way?
- Should turf be prohibited or otherwise regulated to percentages or location in certain redevelopment or preservation areas (Community Redevelopment District, Pass A Grille Historic District)?
- Must turf always be demonstrated as pervious, regardless of whether it is contributing to the impervious or pervious percentage of the site?
- If turf is demonstrated as sufficiently porous, with a porous subgrade, can it be calculated into the required pervious percentage of the site (typically 30% for residential)? If so, should there be a maximum percentage, or can turf be used for all or most areas of the property?*
- Should there be a minimum setback from seawalls, or must turf just be pinned or staked behind it?
- Must irrigation be capped if existing and oriented toward areas where turf is being installed?

*Per City of Tampa standards and turf best practices shared by the TBRPC, top layers should allow permeability of at least 10 inches/hour and have a permeable weed barrier. Minimum reservoir stone layers must be at least 4" in depth and stones sized for a minimum of FDOT #89 (3/8" and less gravel or crushed rock).

Staff requests the process be largely front-loaded, with material specifications shared by the homeowner or contractor and limited discretion provided to Staff due to lack of an engineering reviewer available for determinations on projects involving turf placement. Staff does support simple on-site inspection of turf, when placed.

Funding:

N/A

Attachments:

1. Artificial Turf Standards - PB Member Preferences

Artificial Turf Standards - Planning Board Member Preferences

Section/Standard	Member Votes
Definition	
Artificial turf or synthetic grass means an artificial grass mat manufactured with man made materials such as polypropylene, polyethylene, and/or other materials, which is used to replicate the appearance of natural grass	4
"A dense and continuous surface of synthetic fibers mounted on a permeable backing and of sufficient density and green color to replicate the appearance of healthy, natural grass"	4
Pervious or Impervious	
Impervious (Intent of the code for living vegetation to be considered pervious)	1
Middle ground option - Want to require turf be porous but not that it be factored into permeability ratio.	1
Impervious unless designed with a proper porous permeable underlying material like gravel - use standard engineering coefficients of permeability for mixed surfaces	2
Design/Material Standards	
Must appear green, lifelike with individual blades of grass that emulate natural turf	4
Min. pile height of 1.5 inches	3
Min. tufted weight of 56 oz per square yard	2
Min. permeability of 30 inches per hour per square yard	
Min. eight year manufacturer's warranty that protects against color fading and a decrease in pile height	3
Must be lead free	3
Must include test documentation declaring the turf yard and backing materials are disposable under normal conditions at any US landfill station (Total Content Leach Protocol (TCLP) test)	4
Must be manufactured from polyethylene monofilament, dual yard system	
Be affixed to permeable backing	3
Must be flame retardant	3
Material other than polyethylene monofilament may be approved by CM/designatee if the product is certified to meet applicable environmental and health regulations regarding lead content	2
Recognized as a fill in material, rather than as a planned element of the landscape	1
Installation/Maintenance Standards	
Must be installed according to manufacturer's specifications	3
Must be installed by a Florida-licensed general contractor or Florida-licensed landscape architect in a manner prescribed by the manufacturer	1
Must be anchored to ensure that turf will withstand the effects of wind	3

All seams must be nailed and glued, not sewn, and edges must be trimmed to fit against all regular and irregular edges to resemble a natural look	3
For seawalls, the artificial turf must be pinned or staked behind the seawall. None may be attached directly to or placed on a seawall or seawall cap	3
Must be visually leveled with the grain pointing in one direction	2
A solid barrier device (e.g. concrete mow strip, bender board) is required to separate living and nonliving landscape	2
Precautions for installation around trees may be restricted to ensure tree roots are not damaged or the overall health of the tree is not compromised	2
Must be installed over a subgrade prepared to provide positive drainage and an evenly graded mass of compacted, porous crushed rock aggregate material that is a minimum of three inches in depth	2
Underlying material (gravel, drainfield rock, sand setting, fabric, etc.) must be included in the design per the manufacturer's specifications to meet the min. rate of permeability	2
Backing of a uniform (every square inch) woven material, which precludes the use of a solid backed material with periodic holes	2
An infill medium consisting of clean silica sand or other mixture, pursuant to the manufacturer's specifications or as approved by the City Engineer, that shall (1) be brushed into the fibers to ensure that the fibers remain in an upright position, (2) provide ballast that will help hold the turf in place and (3) provide a cushioning effect	1
The City, City employees or its contractors are not responsible to repair or replace any synthetic turf located within the public ROW, swales, or easements damaged as a result of an associated city project or work order.	1
Replacement of turf material removed or damaged to repair or maintain roadways or utilities in the public ROW, swales, or easements is the responsibility of the property owner and such repairs shall be made within 30 days or result in a code compliance violation	1
Prohibited Uses	
Cannot be installed within 50 ft of any artificial or natural body of water	1
Prohibited within drainage features	2
Prohibited within Historic Preservation Districts	1
Use of indoor/outdoor plastic or nylon carpeting as artificial turf is prohibited	3
Synthetic turf is prohibited in the public right-of-way and swales	2
Placement on Residential Property	
Permitted on all properties	3
Separated from planter areas and tree wells by a concrete mow strip, bender board other other barrier with a minimum four-inch thickness to prevent the intrusion of living plant material into the synthetic turf	2
Irrigation system shall be directed away from the synthetic turf	2

An existing irrigation system that will not be utilized for the synthetic turf may remain, however, heads shall be removed and pipes shall be capped below ground	2
Separated from planter areas and tree wells by a concrete mow strip, bender board other other barrier with a minimum 3/8" thickness to prevent the intrusion of living plant material into the synthetic turf areas	2
Areas of living plant material shall be installed or maintained in conjunction with the installation of synthetic turf when utilized in the front yard area. Living plant material shall include shrubs, vines, trees and groundcovers in separate planter areas and tree wells	2
Process to Permit	
Requires engineering permit with typical supporting documentation (NOC, Owner/Builder Declaration)	1
Requires site plan showing easements, dimensions of turf, distance from property line and living vegetation for turf placement, ISR calculations, product specifications, erosion sediment	1
Anywhere on property so long as it meets ISR requirements if impervious and is not in ROW	1
Must be maintained as designed	1
Requires irrigation plan, brand of turf with product specifications and warranties, scaled cross-section of proposed material/installation including subgrade, drainage, leveling layer base, and infill, and signature from easement holders when turf is installed in the easement.	1