CITY COMMISSION MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS

155 Corey Avenue
St. Pete Beach, FL 33706

Tuesday, January 27, 2026
6:00 PM

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

1. Approval of the Agenda -

Action Request: Motion to approve the January 27, 2026 agenda.

2. Presentations -

a. Recognition of the Employees of the 1st Quarter

b. Legislative Update - Becker

c. Capital Improvement Plan Fiscal Year 2026 Quarter 1 Update
Staff will provide updates on Public Services' capital improvement plan projects through quarter 1 of fiscal year 2026 (Oct 2025 - Dec 2026)

d. Town Center: Coquina West (TC-2) Amendment Proposal

3. Audience Comments -
If you wish to speak, please complete and submit a speaker's card to the City Clerk. When called, approach the podium and state your name and address for the record. Comments are limited to 3 minutes for both general and agenda items. Public comment on agenda items will be taken when that item is called. Any presentation intended as part of public comment must be provided to the City Clerk at least 24 hours before the meeting.

4. Consent -

a. Approval of the January 13, 2026 City Commission Work Session and Regular Meeting Minutes

5. Ordinances -

a. Final Reading of Ordinance 2026-01: Amending Land Development Code standards pertaining to accessory structures, ancillary equipment, nonconforming uses and structures, stair and balcony encroachments, and providing for consistency in floodplain management regulations and definitions

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, AMENDING THE ST. PETE BEACH LAND DEVELOPMENT CODE SECTIONS 2.1., 3.10., 6.13., 6.14., 6.22., 7.4., 28.1., AND 28.5., TO INCREASE FRONT YARD STAIR ENCROACHMENTS FOR SPECIFIED RESIDENCES, ALLOW RETENTION OF NONCONFORMING BALCONY FOOTPRINTS AND SPECIFIED NONCONFORMING RESIDENTIAL ACCESSORY STRUCTURES FOLLOWING SUBSTANTIAL IMPROVEMENT TO THE PRIMARY RESIDENCE, CLARIFY RESTRICTIONS ON NONCONFORMING USES AND AMEND RESTRICTIONS ON ELEVATED AND SUBSTANTIALLY-IMPROVED NONCONFORMING STRUCTURES, MODIFY RESIDENTIAL STORAGE BUILDING STANDARDS, MODIFY RESIDENTIAL EQUIPMENT SETBACK STANDARDS, PROVIDE A FRONT YARD SETBACK LINE ALTERNATIVE FOR RESIDENTIAL CUL-DE-SAC AND CURVED STREET LOTS, AND AMEND DEFINITIONS AND CONTENT OF THE LAND DEVELOPMENT CODE TO PROVIDE CLARITY AND CONSISTENCY WITH CHAPTER 98 OF THE CODE OF ORDINANCES AND THE FLORIDA BUILDING CODE; PROVIDING FOR SEVERABILITY, CODIFICATION AND CORRECTION OF SCRIVENER'S ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.

Action Request: Motion to [adopt/adopt with modification/deny/continue to [specify date certain]] Ordinance 2026-01.

6. Action Items -

a. Resolution 2026-02: Retirement Healthcare Funding Plan
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, ADOPTING THE RETIREMENT HEALTHCARE FUNDING PLAN THROUGH THE NATIONAL PUBLIC PENSION FUND ASSOCIATION (NPPFA); AUTHORIZING EXECUTION OF RELATED DOCUMENTS AND AGREEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Action Request: Motion to approve Resolution 2026-02.

b. Resolution 2026-01: Vacating a three-foot easement located at the rear of Lots 5 and 6 of Block C of Sunset Park Replat as recorded in Plat Book 18, Page 6, of the Public Records of Pinellas County, Florida (103 24th Avenue)
A RESOLUTION OF THE CITY OF ST. PETE BEACH VACATING A THREE-FOOT PLATTED EASEMENT AT THE REAR OF LOTS 5 AND 6 OF BLOCK C OF SUNSET PARK REPLAT, RECORDED IN PLAT BOOK 18, PAGE 6, OF PINELLAS COUNTY PUBLIC RECORDS, LOCATED WITHIN THE PROPERTY BOUNDARIES OF 103 24TH AVENUE; AND PROVIDING FOR CONSTRUCTION, CORRECTION OF SCRIVENER'S ERROR, AND AN EFFECTIVE DATE.

Action Request: Motion to approve Resolution 2026-01.

c. Resolution 2026-03: Vacating two five-foot drainage and utility easements along the common side lot lines of Lots 1 and 2 of Block 79 of the plat of North Unit No. 1., as recorded in Book 21, Page 27, of the Public Records of Pinellas County, Florida (645 78th Avenue)
A RESOLUTION OF THE CITY OF ST. PETE BEACH VACATING TWO FIVE-FOOT PLATTED DRAINAGE AND UTILITY EASEMENTS AT THE COMMON SIDE PROPERTY LINES OF LOTS 1 AND 2 OF BLOCK 79 OF THE PLAT OF NORTH UNIT NO. 1, RECORDED IN PLAT BOOK 21, PAGE 27, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, LOCATED WITHIN THE PROPERTY BOUNDARIES OF 645 78TH AVENUE; AND PROVIDING FOR CONSTRUCTION, CORRECTION OF SCRIVENER'S ERROR, AND AN EFFECTIVE DATE.

d. Consider Special Magistrate Recommendation relating to mediation held under the Florida Land Use and Environmental Disputes Resolution Act, Sec. 70.51, Florida Statutes ("FLUEDRA") mediation (Sungold vs. City of St. Pete Beach)
Requesting a motion to approve, deny, or approve with conditions or modifications, a Special Magistrate recommendation to conclude a mediation between the City of St. Pete Beach and Sungold LLC for a modified proposal of the "Windward Pass" project generally

located at the 3800 block of Gulf Boulevard, which was reviewed under Conditional Use Permit 23085, Ordinance 2024-08, and Variance 24058 in May 2025.

7. Items for Discussion
8. City Clerk, City Manager, City Attorney and City Commission Reports
9. Adjournment

APPEAL: In accordance with 286.0105, Florida Statute (Notices of meetings and hearings must advise that a record is required to appeal), if a person decides to appeal any decision made by this committee, board, agency, or commission with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AMERICANS WITH DISABILITIES ACT (ADA): In accordance with the Americans with Disabilities Act and Florida Statutes, if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact City Hall at (727) 367-2735.

PUBLIC COMMENT INSTRUCTIONS FOR THOSE NOT PHYSICALLY PRESENT:
The City has made accommodations for those who cannot be physically present or do not feel comfortable appearing in person. If a member of the public would like to provide comments for the meetings, they may do so in the following ways:

- Email the City Clerk by 12:00 p.m. on the day of the meeting at cityclerk@stpetebeach.org
- Leave a voicemail message by calling **727.363.9225** by 12:00 p.m. the day of the meeting

In your three (3) minute or less comment, please be sure to include your name and address for the record.

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

CITY COMMISSION MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS

Agenda Report

Agenda Title Name: Recognition of the Employees of the 1st Quarter

Action Request: N/A

Strategic Objective: Operational Excellence

Date: January 27, 2026

Prepared By: Ariana Wilson, Assistant to the City Clerk

Through: Frances Robustelli, City Manager

Summary of Issue: The following individuals were nominated and selected by their peers as Employees of the 1st Quarter for the following Department Groups:

1. Residential Services — Lianna Grimes
2. Internal — Chris Tarkenton
3. Fire — Captain Lance Volpe
4. Community Development — Joanne Boland
5. Public Services — Luke Jacobsen

Funding: N/A

Attachments:

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2026 Federal Legislative Update

January 2026

The New Year Ahead

Congress and the Trump Administration enter 2026 facing an ambitious and complex agenda that includes preventing another government shutdown, addressing the expiration of key health care subsidies, advancing trade negotiations, and navigating ongoing geopolitical challenges. These priorities are unfolding in the lead-up to the November 2026 midterm elections, which could reshape control of Washington and potentially result in a divided government.

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Appropriations Update

Most federal agencies are currently operating under a short-term funding extension after Congress passed a stopgap spending measure in November, ending what became the longest government shutdown in U.S. history. This continuing resolution (CR) funds the government only through **January 30, 2026**, meaning Congress must act again before the end of the month to prevent another lapse in funding.

On that front, congressional appropriators have made meaningful progress toward a full-year funding agreement. Leadership in both parties and both chambers has released a bipartisan, bicameral “minibus” appropriations package covering several key bills, including Commerce–Justice–Science (CJS), Energy and Water, and Interior–Environment. This package represents a significant step toward restoring stability and predictability for federal programs, including those that support infrastructure, environmental resilience, and coastal communities. The House is expected to take up this minibus package later this week, after which it would move to the Senate for consideration.

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Appropriations Update cont.

However, negotiations remain ongoing for the remaining appropriations bills, which include funding for the Departments of Defense; Labor; Transportation; Housing and Urban Development (THUD); Health and Human Services; and Education. These bills are among the most complex and politically sensitive, and agreement has not yet been announced. If Congress is unable to finalize these measures before January 30th, lawmakers will need to pass another short-term extension to avoid another government shutdown.

What this means for St. Pete Beach:
While progress on several funding bills is encouraging, the uncertainty surrounding the remaining appropriations—particularly Transportation and HUD—could delay grant awards, slow agency decision-making, and compress timelines for FY26 funding opportunities. We are closely monitoring developments and engaging with appropriators to ensure local priorities remain well-positioned as negotiations continue.

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Restoring Affordable Care Act Subsidies

- Congress is actively considering legislation to restore the enhanced Affordable Care Act (ACA) premium subsidies that expired in December and became a flashpoint during the 2025 government shutdown.
- In December, House Republicans passed the *Lower Health Care Premiums for All Americans Act*, which funds cost-sharing reductions, reforms pharmacy benefit managers, and expands association health plans, with additional health care reforms expected in early 2026.
- Bipartisan proposals under negotiation would extend ACA subsidies for two to three years and expand eligibility by raising the family income threshold from 400% to as high as 700% of the federal poverty level.
- Other legislative approaches, including the *Save American Healthcare Act*, would fund extended ACA subsidies using tariff revenue rather than discretionary appropriations.

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FEMA Review Council

- The FEMA Review Council has not yet released its formal recommendations and is expected to meet later this month. The National Association of Counties (NACo) anticipates the Council will recommend shifting disaster cost-shares to 75% federal / 25% state, with a longer-term goal of moving toward a 50/50 cost-share model.

- The administration is evaluating a proposal to remove FEMA from the Department of Homeland Security and elevate it to a standalone, cabinet-level agency, potentially rebranding it as the National Office of Emergency Management (NOEM).

- Under the administration's framework, responsibility for FEMA Individual Assistance (IA) programs would increasingly shift to states, with the federal government providing funding through block grants rather than direct administration.

- A broader mitigation consolidation proposal would combine FEMA's mitigation programs and finance them by de-obligating approximately $20 billion in existing Hazard Mitigation Grant Program (HMGP) funds. Legislative momentum for the FEMA Act remains uncertain: House consideration has been delayed pending Review Council recommendations, Chairman Graves has indicated intent to advance the bill, and Senate prospects remain challenging due to opposition from Senator Rand Paul.

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Congressionally Directed Spending

- “Earmarking” is the process by which public agencies request that their Member of Congress include funding for their project priorities in the annual appropriations bills.

- A few years ago, Congress returned to the process of allowing Members of Congress to designate federal spending for projects in their state through the Congressional Appropriations Process, often called “earmarks,” and we’ve seen a number of public agencies find success in funding through this process.

- A public process, with a great deal of disclosure and transparency

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Earmark Process

Feb/March
Submission of Earmark Request

March/April
Members of Congress prioritize and send projects to appropriations subcommittee

May/June
Appropriations Subcommittees write and consider their bills, including funding for local

Fall/Winter
Passage into law, and 6-8 weeks later awardees can begin to drawdown funds

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Questions?

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Capital Improvement Plan
Fiscal Year 2026
Quarter 1 Update

January 27, 2026

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Overview

Fund	Budget	Encumbered	Remaining	Planned FY 26	Reappropriation FY 27
Capital Improvements	$ 30,837,467	$ 2,994,798	$ 27,842,669	$ 17,927,501	$ 9,915,168
Reclaimed Water	$ 700,000	$ 500,000	$ 200,000	$ 175,000	$ 25,000
Resiliency	$ 5,720,000	$ 16,500	$ 5,703,500	$ 4,949,763	$ 753,738
Stormwater	$ 3,875,000	$ 177,371	$ 3,697,629	$ 3,196,957	$ 500,672
Wastewater	$ 15,510,000	$ 6,729,021	$ 8,780,979	$ 6,516,320	$ 2,264,659
TOTAL	**$ 56,642,467**	**$ 10,417,690**	**$ 46,224,777**	**$ 32,765,540**	**$ 13,459,237**

Through Q1, the City has encumbered 24% of FY 2026 total planned spending

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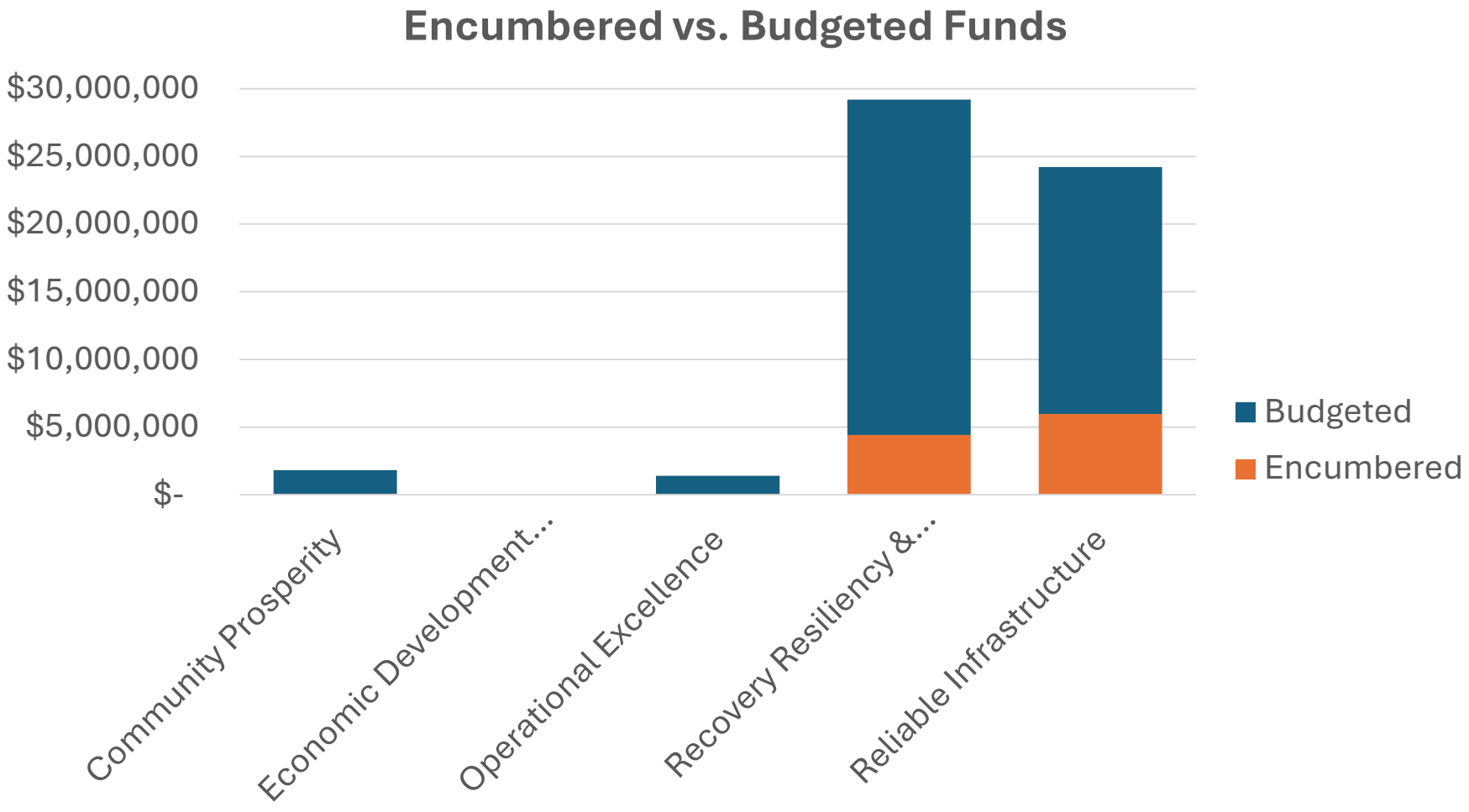
Strategic Initiatives



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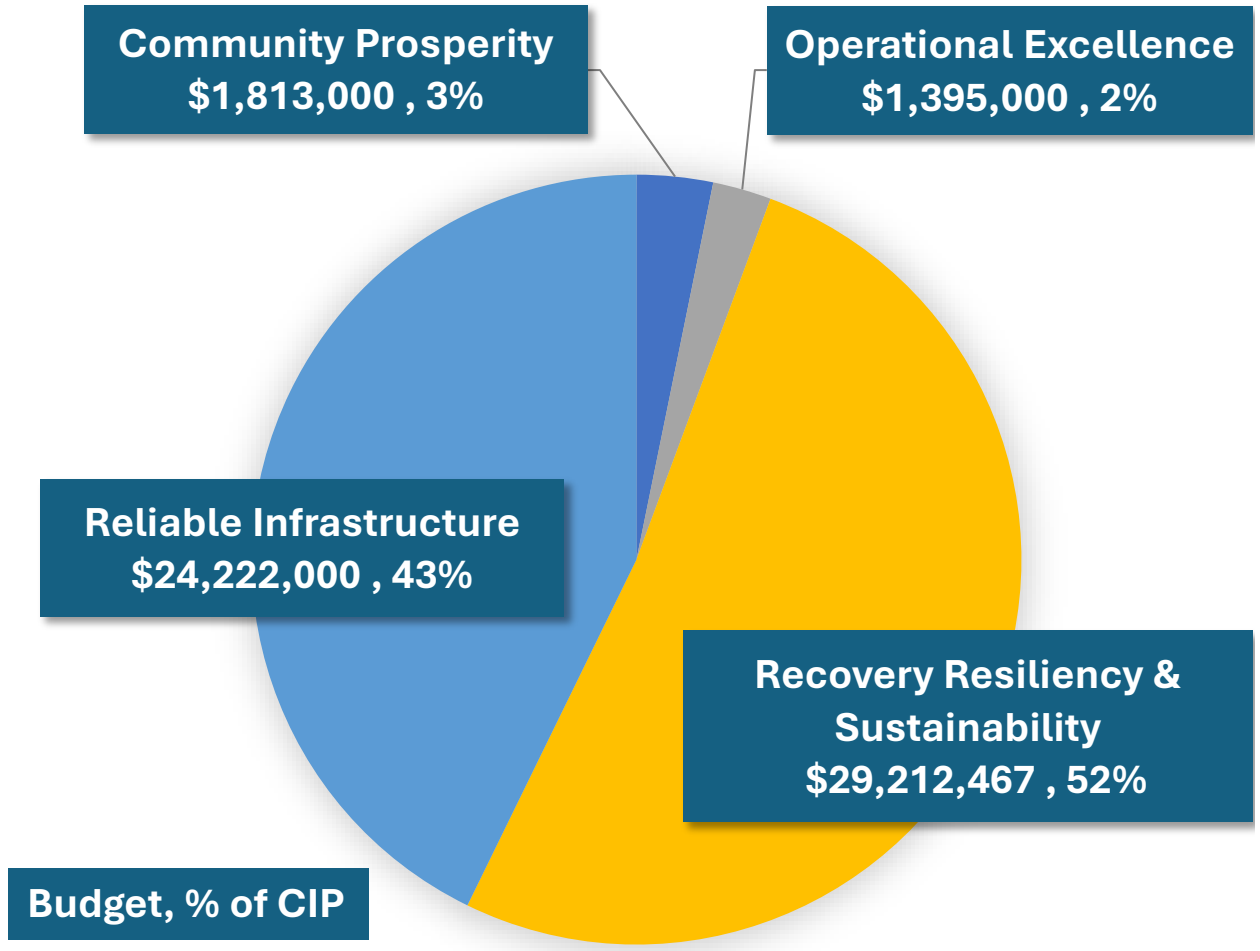
Strategic Initiatives



Strategic Initiative	# Projects
Community Prosperity	4
Economic Development & Smart Growth	0
Operational Excellence	3
Recovery Resiliency & Sustainability	24
Reliable Instructure	22
TOTAL	**53**

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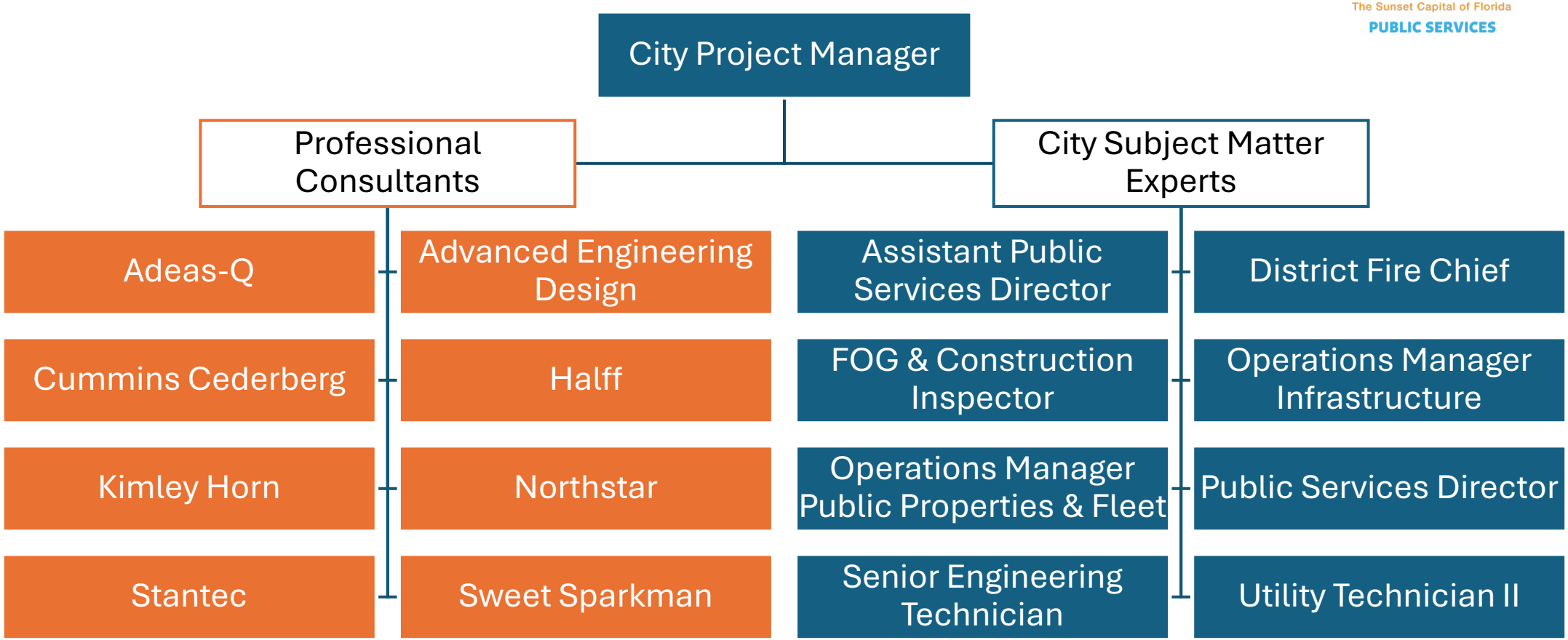
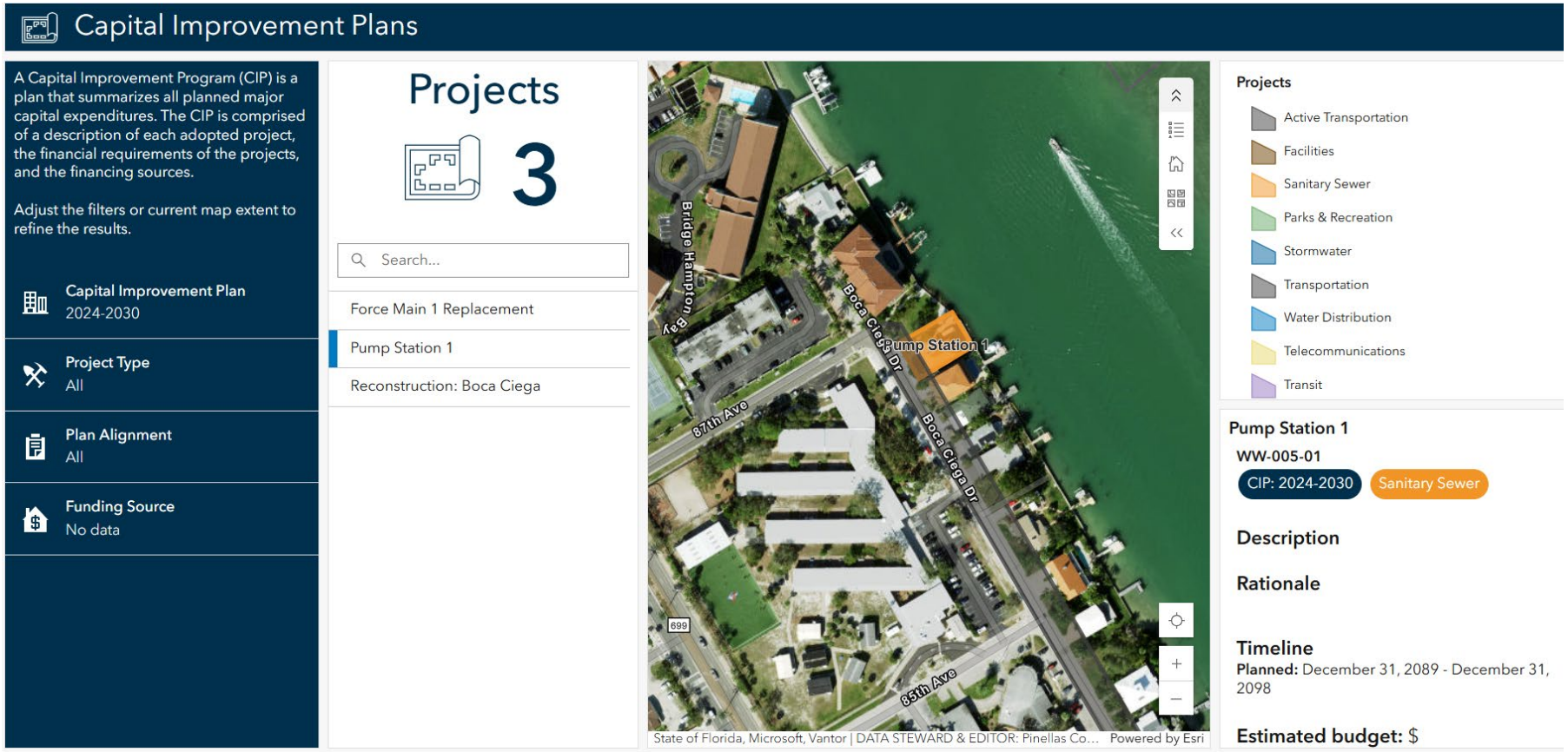
Project Management



Projects Tracker Dashboard



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Capital Improvement Plan Branding

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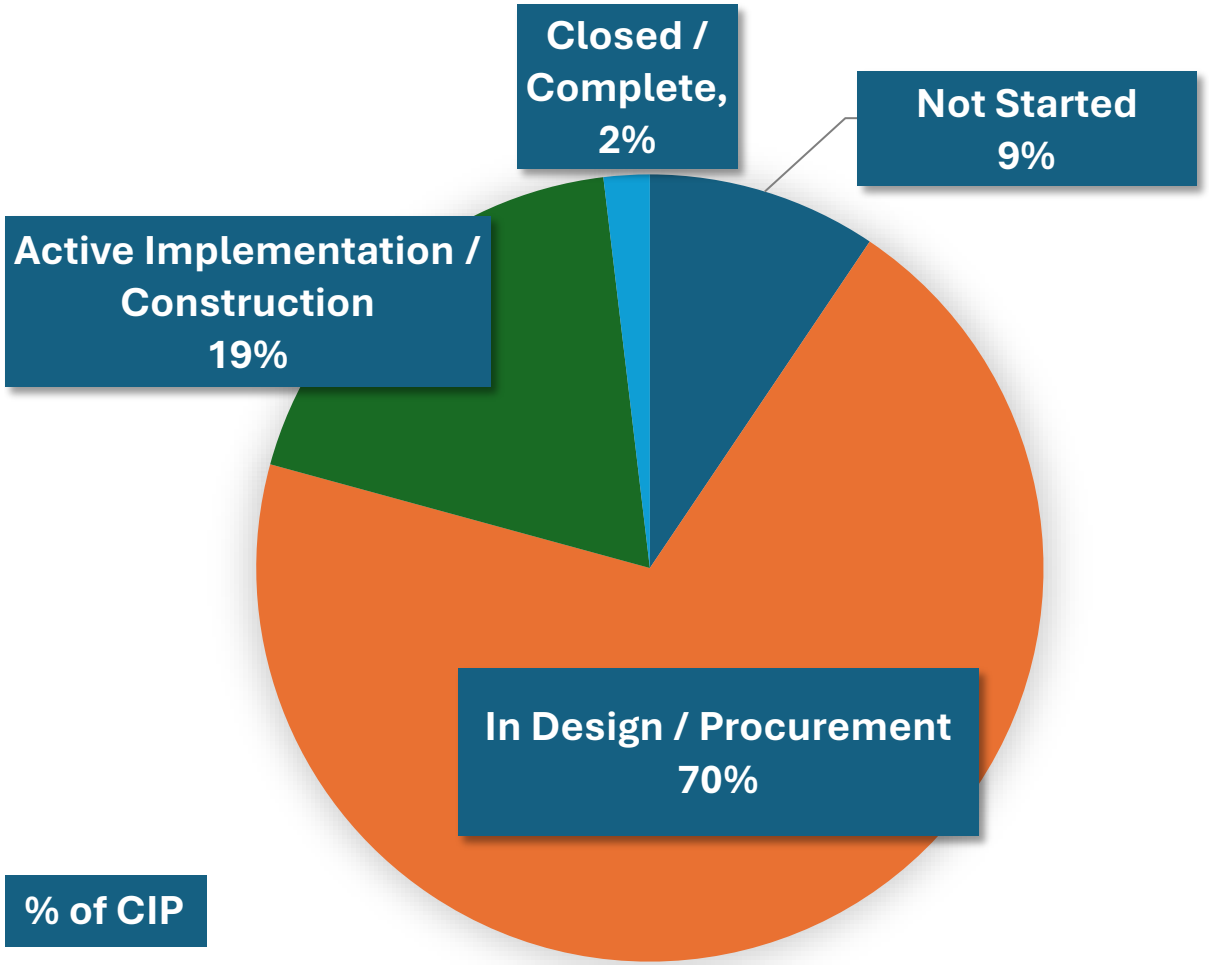
Quarter 1 Status (Oct 2025 – Dec 2026)



Status	# Projects
Not Started	5
In Design / Procurement	37
Active Implementation / Construction	10
Substantial Completion / Testing	0
Closed / Complete	1
On Hold	0
At Risk / Delayed	0
TOTAL	**53**

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36th Avenue Seawall Replacement

Strategic Initiative: Reliable Infrastructure

Budget: $652,000

Status: Active Implementation / Construction

- Construction contracts awarded
- Permits approved
- Materials procured/delivered
- City work pending Duke underground electrical relocation to be completed in February

Timeline: Completion May 2026

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Dune Walkover Replacements

Strategic Initiative: Recovery, Resiliency & Sustainability

Budget: $709,000

Status: Active Implementation / Construction

- Replacements at 2nd, 3rd, 4th, 6th, 7th, 51st, 52nd Avenues
- FEMA public assistance obligated
- Environmental permitting complete
- Construction starts in February

Timeline: Completion April 2026

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Facility Building Repairs

Strategic Initiative: Recovery, Resiliency & Sustainability

Budget: $2,100,000

Status: Active Implementation / Construction

- Don Vista – 33% complete
- Public Services – 28% complete
- Recreation & Aquatics Center – 31% complete
- Warren Webster – 31% complete

Timeline: Estimated completion Summer 2026

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Facility Elevators Rehabilitation

Strategic Initiative: Recovery, Resiliency & Sustainability

Budget: $307,500

Status: Active Implementation / Construction

- Community Center – pending material delivery
- Don Vista – 100% complete
- Fire Station 23 – pending material delivery
- Public Services – pending material delivery

Timeline: Estimated completion Summer 2026

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Facility Roof Replacements

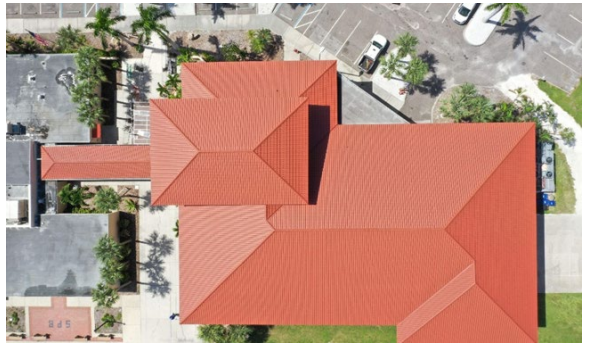
Strategic Initiative: Recovery, Resiliency & Sustainability

Budget: $2,200,000

Status: Active Implementation / Construction

- Aquatics Center – 100% complete
- City Hall – 100% complete
- Community Center & Breezeway – 100% complete
- Horan Park Pavillion – 100% complete
- Public Services – 30% complete
- Warren Webster – 100% complete

Timeline: Estimated completion Summer 2026



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Gulf Boulevard Utility Undergrounding

Strategic Initiative: Community Prosperity

Budget: $1,443,000

Status: Active Implementation / Construction

- Phase 1 (55th to 75th Ave) City construction complete
- Communication providers' relocating equipment before Duke completes conversions and pole removals
- Phase 2 (35th to 55th Ave) design in FDOT permitting review

Timeline: Phase 1 Spring 2026, Phase 2 TBD

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Pump Station 1 Rehabilitation

Strategic Initiative: Reliable Infrastructure

Budget: $6,250,000

Status: Active Implementation / Construction

- Phase 1 (Sep – Nov 2025) electrical coordination
- Phase 2 (Jan – Jul 2026) major construction
  - Odor control disconnected & generator powered
- Phase 3 (Oct – Nov 2026) generator install

Timeline: Estimated completion November 2026

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Shuffleboard Building Demolition

Strategic Initiative: Recovery, Resiliency & Sustainability

Budget: $82,938

Status: Active Implementation / Construction

- Demo contract awarded (PAW)
- Asbestos survey completed (Northstar)
- Utility disconnects underway (Rowland)

Timeline: Estimated completion February 2026

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Wastewater Collection System Improvements

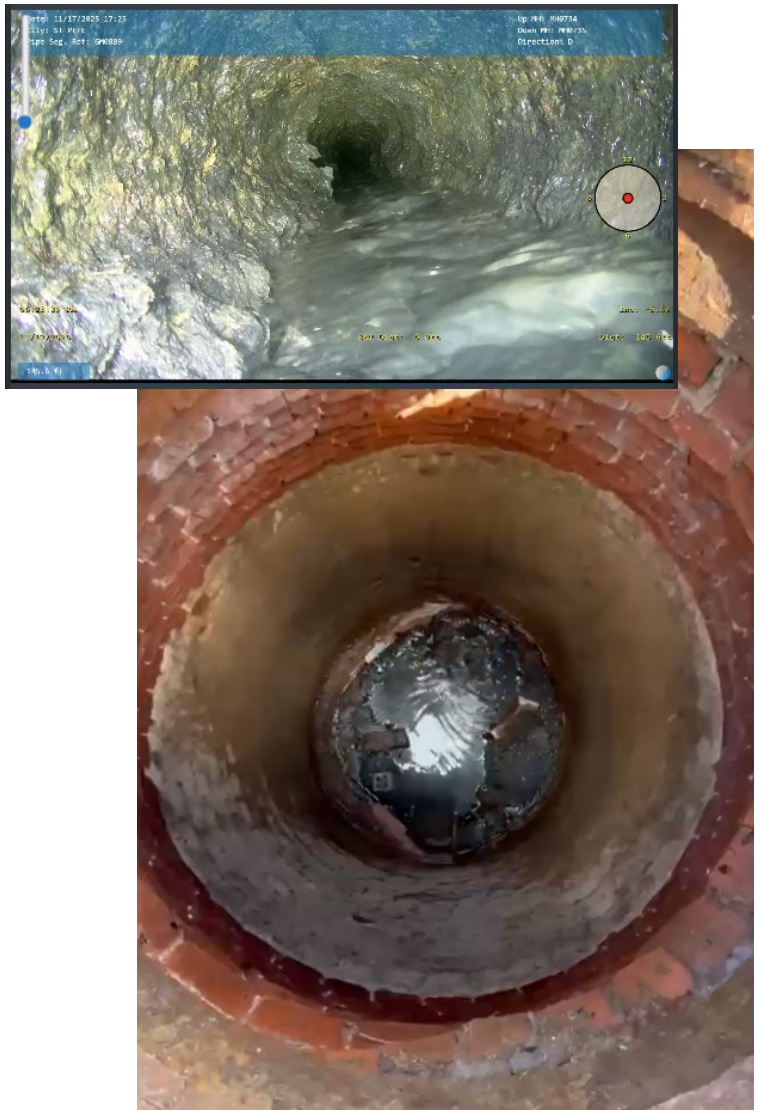
Strategic Initiative: Reliable Infrastructure

Budget: $1,900,000

Status: Active Implementation / Construction

- Manhole ring and cover replacements
- $250,000 pipe point repairs
- $250,000 manhole rehabilitations
- New wastewater system repairs RFP upcoming to include pipe lining

Timeline: Multiyear



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Wastewater System Cleaning & Inspection

Strategic Initiative: Recovery, Resiliency & Sustainability

Budget: $2,000,000

Status: Active Implementation / Construction

- Total project 12% complete
- Phases 1 & 2 (Pass-a-Grille, Vina Del Mar) mainlines completed; laterals and manholes underway
- Phases 3 & 4 (Don CeSar, Belle Vista) mainlines underway
- Future budget amendment for final phases

Timeline: Estimated completion November 2026

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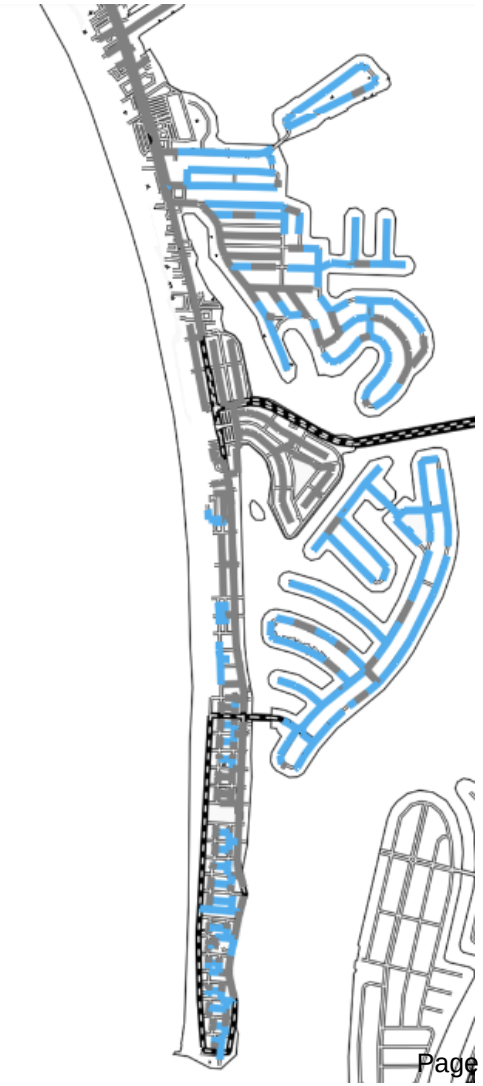

Projects Schedule

Project	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Pump Station 1 Rehabilitation												
Supervisory Control & Data Acquisition Conversion												
Pump & Lift Station Rehabilitations												
Wastewater Collection System Improvements												
Wastewater Transmission System Improvements												
Force Main 6 Replacement												
Wastewater System Cleaning & Inspection												
Asset Management Updates												
Force Main 17 Replacement												
Pump & Lift Station Pumps Overhaul												
Master Force Main 1 Replacement												
Wastewater Model Capacity Report Update												

Not Started	Closed / Complete
In Design / Procurement	On Hold
Active Implementation / Construction	At Risk / Delayed
Substantial Completion / Testing	

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Projects Schedule (cont.)

Project	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Lateral Service Pipe Replacements												
Pig Port Installation												
Watershed Management Master Plan												
Don CeSar & Boca Ciega Area Resiliency Adaptation												
Don CeSar Baffle Structures												
Belle Vista Baffle Structures												
45th Avenue Drainage Improvements												
Don CeSar Outfall Improvements Phase 2												
Pass-a-Grille Way Tide Check Valve Replacements												
Stormwater System Cleaning & Inspection												
Shoreline Protection Improvements												
Community Center Seawall Replacement												

Not Started	Closed / Complete
In Design / Procurement	On Hold
Active Implementation / Construction	At Risk / Delayed
Substantial Completion / Testing	

St. Pete Beach
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Projects Schedule (cont.)

Project	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Fire Station 22 Demolition + Construction												
Facility Building Repairs												
Facility Emergency Backup Power Generation												
Public Services Building Improvements												
VA Shuffleboard Building Demolition												
Facility Elevators Rehabilitation												
Merry Pier Bait Shack Demolition												
Facility Roof Replacements												
Public Restroom Improvements												
Upham Beach Concession Sanitary Sewer Pipe Replacement												
Public Services Operations Yard Expansion												
Fleet Mechanic Tools & Equipment												
Hurricane Damage Seawall Repairs												
80th Avenue Living Shoreline												

Not Started
In Design / Procurement
Active Implementation / Construction
Substantial Completion / Testing

Closed / Complete
On Hold
At Risk / Delayed

St. Pete Beach
The Sunset Capital of Florida
PUBLIC SERVICES

Projects Schedule (cont.)

Project	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
36th Avenue Seawall Replacement												
Pass-a-Grille Way Seawall Replacement												
Don CeSar Boat Ramp Replacement												
Bridges Rehabilitation												
Hurricane Damage Right-of-Way Rehabilitation												
Roadway Rehabilitation												
Right-of-Way Median Improvements												
Vina Del Mar Bridge Lighting Replacements												
Gulf Way Rehabilitation												
Gulf Boulevard Utility Undergrounding												
Boca Ciega Drive Reconstruction												
Dune Walkover Replacements												
Belle Vista Mini Park Improvements												
Fishing Piers Rehabilitation												
Egan Park Site Improvements												

Not Started	Closed / Complete
In Design / Procurement	On Hold
Active Implementation / Construction	At Risk / Delayed
Substantial Completion / Testing	

St. Pete Beach
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Current Grants

Agency	Use	Award Amount	Status
FDEP: Resilient Florida	Don CeSar Resilient Stormwater Outfall Structures	$625,000	Design and permitting
FDOT	Boca Ciega Drive Rehabilitation	$1,500,000	Design
FDEP: Resilient Coastlines	Update to St. Pete Beach Phase II Vulnerability Assessment	$64,000	Closeout
FDEO	Pump Station #1 Reconstruction	$2,000,000	ROI tracking
FDEM: HMGP Flood Control	Community Center Seawall Replacement (phase I)	$113,071	Design and permitting
FDEP: Resilient Florida	Community Center Seawall Replacement (phase II)	$750,000	Design and permitting
FDOT: Highway Landscape	Landscape installation: SR 699/Gulf Boulevard from 75th Ave. to SR 682/Pinellas Bayway	$186,340	Design submitted
	TOTAL	**$5,238,411**	

Submitted Grant Applications

Agency	Use	Requested Amount	Status
FDEM: HMGP Flood Control	Watershed Management Master Plan	$125,000	NOI submitted, RFI completed. Awaiting Notice of Award letter
FDEM: HMGP	Backup generator: Public Services	$412,500	Under review, RFIs
FDEM: HMGP	Backup generator: City Hall	$412,500	Under review, RFIs
FDEM: HMGP	Backup generator: Fire station 23	$468,750	Under review, RFIs
FDEM: HMGP	Don CeSar & Boca Ciega Area Resiliency Adaptation	$600,000	Under review, RFIs
FDEM: HMGP	Lido Neighborhood/45th Ave Stormwater Pump Station	$143,250	Under review, RFIs

Submitted Grant Applications (cont.)

Agency	Use	Requested Amount	Status
FDEM: FMA	Lift Stations 4, 7, and 10 Mitigation and Rehabilitation	$2,370,000	NOI submitted
FDEM: FMA	Gulf Way Rehabilitation	$2,250,000	NOI submitted
FDEM: FMA	Pass-a-Grille Way Seawall Replacement	$6,000,000	NOI submitted
FFWCC: Boating Improvement Program	Don CeSar Boat Ramp Phase I	$150,000	Submitted
FDEP: Resilient Florida	St. Pete Beach Shoreline Master Plan and Vulnerability Assessment Update	$450,000	Awarded $335,000, completing preliminary paperwork
FDEP: Resilient Florida	Don CeSar Area Resiliency - Phase I	$400,000	Not awarded
	TOTAL	**$13,782,000**	

Future/Anticipated Grants

Agency	Use	Requested Amount	Status
USDOT: BUILD Grant	Roadway projects	TBD	Application(s) due 2/24/2026
FFWCC: Boating Infrastructure Grant	Don CeSar Boat Ramp Phase I	$150,000	Application opens in early spring
FDOT: Beautification Grant	Retention pond, median beautification	TBD	Application opens in summer
NFWF: National Coastal Resilience Fund (NCRF)	Coastal resilience	TBD	Application opens in summer
FDEP: Resilient Florida	Coastal resilience	TBD	Application opens in summer
FDACS: Urban and Community Forestry Grant Program: Capacity Grants	Tree plantings	TBD	Application opens in fall

FEMA Public Assistance

Hurricane Helene (DR 4828)

- 74 projects
- $8,788,547.28 total cost
- $6,413,524.04 obligated
- $2,375,023.24 pending

Hurricane Milton (DR 4834)

- 12 projects
- $1,938,704.49 total cost
- $1,010,830.48 obligated
- $927,874.01 pending

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PUBLIC SERVICES

FY 26 Appropriation Requests

State

- Fire Station #22 – $3 Million
- Pass-a-Grille Wastewater – $2 Million
- Boca Ciega Drive Reconstruction – $1.825 Million

Federal

- None

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Questions?

Not Started	Closed / Complete
In Design / Procurement	On Hold
Active Implementation / Construction	At Risk / Delayed
Substantial Completion / Testing	

ID	Project	Status	Fiscal Year 2026 Schedule											
			October	November	December	January	February	March	April	May	June	July	August	September
3001	Pump Station 1 Rehabilitation	Active Implementation / Construction												
3002	Supervisory Control & Data Acquisition Conversion	In Design / Procurement												
3003	Pump & Lift Station Rehabilitations	In Design / Procurement												
3004	Wastewater Collection System Improvements	Active Implementation / Construction												
3005	Wastewater Transmission System Improvements	In Design / Procurement												
3006	Force Main 6 Replacement	In Design / Procurement												
3007	Wastewater System Cleaning & Inspection	Active Implementation / Construction												
3008	Asset Management Updates	Not Started												
3009	Force Main 17 Replacement	In Design / Procurement												
3010	Pump & Lift Station Pumps Overhaul	Not Started												
3011	Master Force Main 1 Replacement	In Design / Procurement												
3012	Wastewater Model Capacity Report Update	In Design / Procurement												
3013	Lateral Service Pipe Replacements	In Design / Procurement												
3014	Pig Port Installation	In Design / Procurement												
3015	Watershed Management Master Plan	In Design / Procurement												
3016	Don CeSar & Boca Ciega Area Resiliency Adaptation	In Design / Procurement												
3017	Don CeSar Baffle Structures	In Design / Procurement												
3018	Belle Vista Baffle Structures	In Design / Procurement												
3019	45th Avenue Drainage Improvements	In Design / Procurement												
3020	Don CeSar Outfall Improvements Phase 2	In Design / Procurement												
3021	Pass-a-Grille Way Tide Check Valve Replacements	In Design / Procurement												
3022	Stormwater System Cleaning & Inspection	In Design / Procurement												
4001	Shoreline Protection Improvements	In Design / Procurement												
4002	Community Center Seawall Replacement	In Design / Procurement												
4003	Fire Station 22 Demolition + Construction	In Design / Procurement												
4004	Facility Building Repairs	Active Implementation / Construction												
4005	Facility Emergency Backup Power Generation	In Design / Procurement												
4006	Public Services Building Improvements	In Design / Procurement												
4007	VA Shuffleboard Building Demolition	Active Implementation / Construction												
4008	Facility Elevators Rehabilitation	Active Implementation / Construction												
4009	Merry Pier Bait Shack Demolition	In Design / Procurement												
4010	Facility Roof Replacements	Active Implementation / Construction												
4011	Public Restroom Improvements	In Design / Procurement												
4012	Upham Beach Concession Sanitary Sewer Pipe Replacement	In Design / Procurement												
4013	Public Services Operations Yard Expansion	In Design / Procurement												
4014	Fleet Mechanic Tools & Equipment	Not Started												
4015	Hurricane Damage Seawall Repairs	In Design / Procurement												
4016	80th Avenue Living Shoreline	In Design / Procurement												
4017	36th Avenue Seawall Replacement	Active Implementation / Construction												
4018	Pass-a-Grille Way Seawall Replacement	In Design / Procurement												
4019	Don CeSar Boat Ramp Replacement	Not Started												
4020	Bridges Rehabilitation	Not Started												
4021	Hurricane Damage Right-of-Way Rehabilitation	In Design / Procurement												
4022	Roadway Rehabilitation	In Design / Procurement												
4023	Right-of-Way Median Improvements	In Design / Procurement												
4024	Vina Del Mar Bridge Lighting Replacements	In Design / Procurement												

Not Started	Closed / Complete
In Design / Procurement	On Hold
Active Implementation / Construction	At Risk / Delayed
Substantial Completion / Testing	

ID	Project	Status	Fiscal Year 2026 Schedule											
			October	November	December	January	February	March	April	May	June	July	August	September
4025	Gulf Way Rehabilitation	In Design / Procurement												
4026	Gulf Boulevard Utility Undergrounding	Active Implementation / Construction												
4027	Boca Ciega Drive Reconstruction	In Design / Procurement												
7001	Dune Walkover Replacements	Active Implementation / Construction												
7002	Belle Vista Mini Park Improvements	In Design / Procurement												
7003	Fishing Piers Rehabilitation	In Design / Procurement												
7004	Egan Park Site Improvements	Closed / Complete												

TC-2 Coquina West Concept Presentation

January 13, 2026

City Commission

Timeline

Current/Past Actions

October 9, 2025: Community Forum

November 3, 2025: Received direction on next steps from City Commission

January 13, 2026: Proposal presentation

Future Actions

Early 2026: Draft language with Planning Board

Early-Mid 2026: Ordinance first readings, and review by Forward Pinellas and Florida Commerce

Mid 2026: Adoption

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Goals

- Narrow focus: Allow limited development and redevelopment of multifamily and lodging uses.
  - Live Local Act considerations;
  - Avoid significantly disincentivizing property consolidation for mixed-use and prevents disruption of existing permissions that could be adverse to SB 180.
- Preserve density, intensity, scale and mass of the area
  - Surrounding area is 1-2 stories;
  - Proposal would limit redevelopment to a maximum of 3 stories on single lots to preserve scale;
  - No increase to allowable density.
- Efficient to implement
  - Conceptualized to undergo expedited state and county review.

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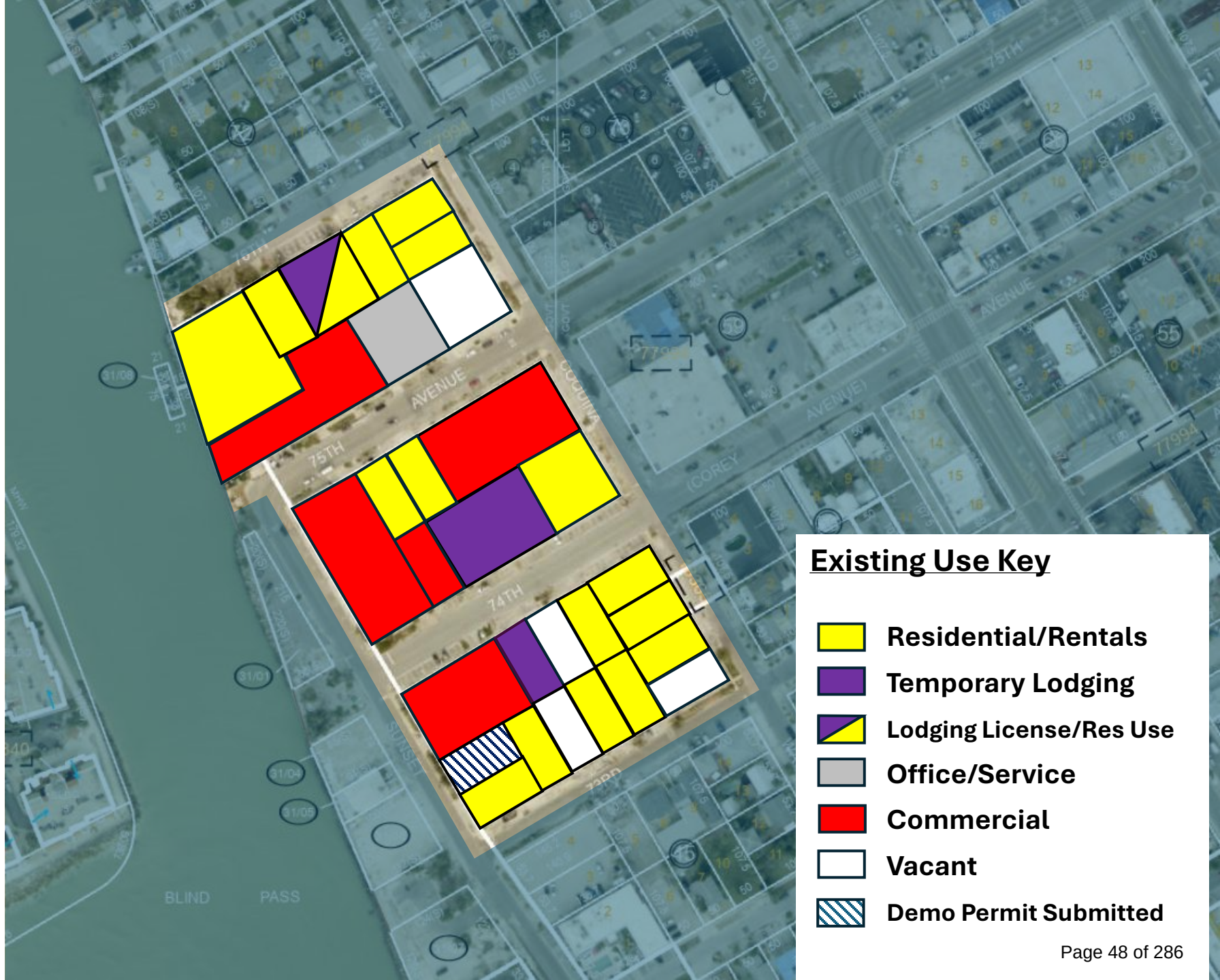
Current Use Mix



Use amendments: Standalone residential use proposal

Would allow standalone multifamily residential uses.

- Duplexes and single-family (attached or detached) remain prohibited.
- Limits burden on existing and future commercial development.
- Townhouse-style multifamily condo developments (e.g. Aegean Hide-A-Way) are permitted.

Height: Two stories over parking (28-30 feet above BFE + 1')

Density: 18 units per acre by right

- Additional units must be requested from existing residential density pool, subject to availability.

Floor Area: Maximum living unit square footage per unit is the higher of:

- 800 square feet; or,
- Existing living square footage plus 20%,

to maintain scale and mass of neighborhood to the extent viable (see calculations of "living square footage" on the next slide).

Zoning Requirements: On-site parking, landscaping buffers.

Design Requirements: Downtown design criteria (e.g. cupolas, gables, roofline variation, awnings, etc.) and green building standards.

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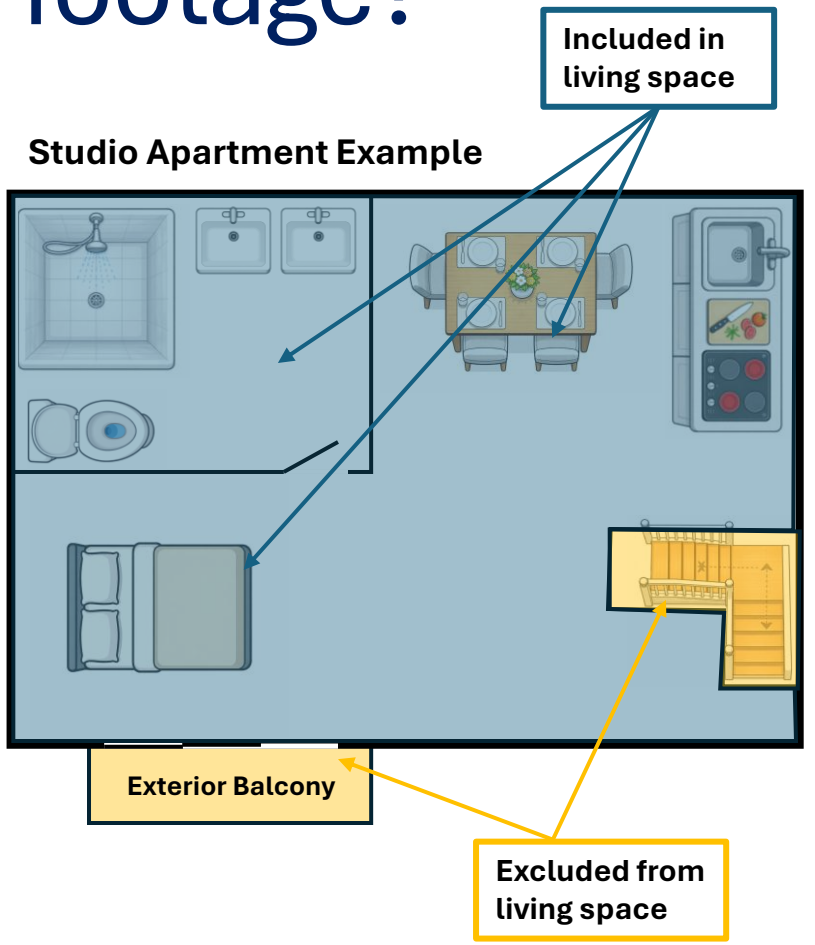
What is included in living square footage?

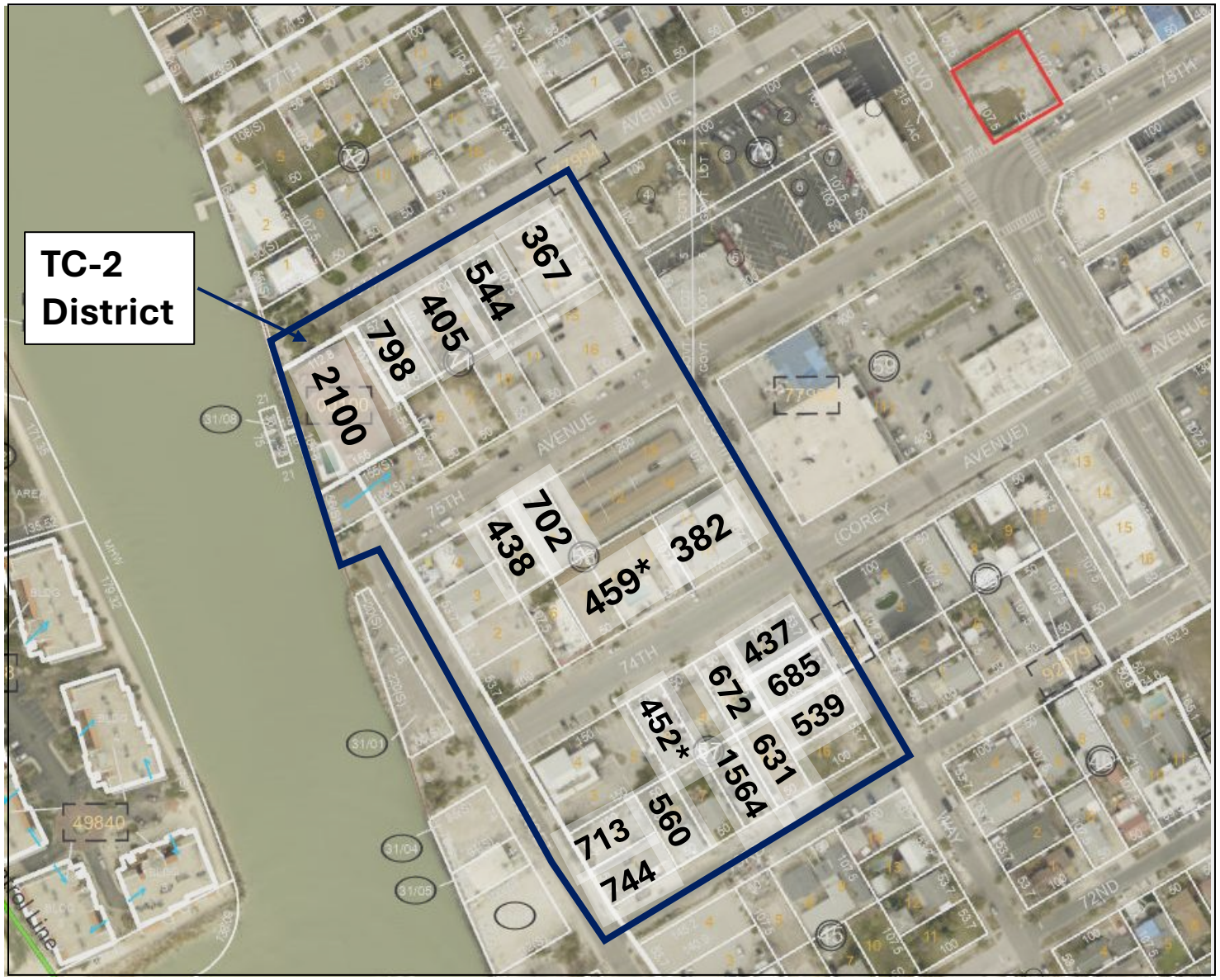
- Staff recommends limiting living square footage per unit to existing living square footage plus 20%, or 800 square feet, whichever is greater.
  - This provides redevelopment parity for most existing residential buildings.
  - This also preserves a partial incentive to consolidate properties into mixed-use projects, by allowing for larger residences only on consolidated developments.
- Living square footage excludes:
  - Ground floor space used solely for parking, storage and access;
  - Minimum required square footage for vertical circulation, whether exterior or interior to the structure (stairs and landing);
  - Exterior unwalled features like balconies and deck covers.
- Living square footage includes:
  - All interior habitable space (space used for living, cooking, eating, sleeping);
  - Bathrooms, closets and hallways.



Average Existing Living Area (sq. ft) per unit

Calculated by dividing living area square footage by number of units. Information from PCPAO.

Smallest	367 sq. ft.
Largest	2,100 sq. ft.
Mean (Per Unit)	622 sq. ft.
Existing Res. Units (District)	78
Existing Lodging Units (District)	17



Use amendments: Standalone lodging proposal

Staff proposes that lodging uses existing as of September 2024, only, may be redeveloped as standalone uses. New standalone lodging uses, including those existing uses not meeting adopted limitations, must meet mixed use thresholds.

Height: Maximum three stories (28-30 feet above BFE + 1')

Density: 30 units/acre or the existing unit count on the property, whichever is greater. All units are allocated from TC-2/AC/BR Density Pool through the Conditional Use Permit process.

Floor Area: Unit size limited to average existing plus 20%. Other indoor amenity and common areas (e.g. lobbies) may be an additional 20% of total building area.

Zoning Requirements: On-site parking, landscaping buffers.

Design Requirements: Downtown design criteria (e.g. cupolas, gables, roofline variation, awnings, etc.) and green building standards.

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Use amendments: Reduced threshold for mixed-use development

Comprehensive Plan currently requires full-block consolidation (1.8 acres) to develop a mixed-use redevelopment of up to 86 feet in height (nine stories).

To maintain incentive for mixed-use, Staff is proposing lowering the acreage and height as an additional option. Existing option will remain.

Maximum Height: 50 feet above Base Flood Elevation + 1' (estimated four stories over commercial or office, with required building stepback above two stories).

Minimum Acreage: 40,000 square feet (0.92 acre), or approximately half of one block.

Minimum Zoning Lot Dimensions: 200 feet in depth and width

- Prevents consolidation and development of narrow but long portions of property (e.g. all of one side of one Avenue).

Zoning Standards: Carries all other existing zoning, design, and landscaping standards applicable to other mixed-use developments (Corey Landings).

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Expected Challenge - Parking

- Properties facing Corey Ave have maximum front building setbacks, precluding front yard parking.
- All properties have front yard buffer requirements, precluding the entire front yard width from being used for parking.
- Staff expects there to be challenges on single lots that are required to provide parking under the building or in rear of the lot (see graphic on following slides).

Proposal

- Properties facing Corey Ave must place parking under building (screened with walls/lattice/etc.) or in rear of lot.
- Properties facing all other streets:
  - Single lots (~50x100') may place up to three parking spaces in the front yard;
  - Double lots, and lots requiring more than three parking spaces, must place parking under building or in rear yard.

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Expected Challenge - Density

- There is immense variation in density in the subject zoning district, from single-family homes on single lots (8 units/acre) to multifamily development on single or multiple lots (40-50 units/acre).
- There is no way to make whole every residential and lodging property in this district without:
  1) Increasing density;
  2) Drafting standards that allows existing residences to redevelop with existing density;
  3) Allocating units from the residential density pool.
- Options 1) and 2) preceding may or will have unintended Live Local Act impacts, and are outside the scope of what Staff has been directed to address.
- Staff proposes standalone residential redevelopment density at 18 units/acre. This will allow:
  - Expedited state and county reviews;
  - Retaining incentives for mixed-use property consolidation (e.g. Corey Landings), with mixed-uses allowing up to 24 units/acre (density) and no direct limit on living unit size (floor area);
  - Mitigate currently-unknown and unintended consequences.
- Standalone multifamily development would be eligible to request units from the residential density pool, subject to availability and City Commission approval.
- Redevelopment of the entire TC-2 Coquina West District's residential stock would require 37 units from the residential density pool, fewer than one-third the number of units returned by the Corey Landings revision approved in 2025.

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Density Pool Availability

	Project	Units Allocated	Units Remaining
Residential Density Pool (SPA-1)	Corey Landings	25	170
	TC-2 Coquina West Redevelopment	37*	113
TC-2, AC, and BR Temporary Lodging Density Pool	Hotel Zamora	64	261
	TC-2 Coquina West Redevelopment	16*	245

*Estimated, to allow for equivalent density to existing.

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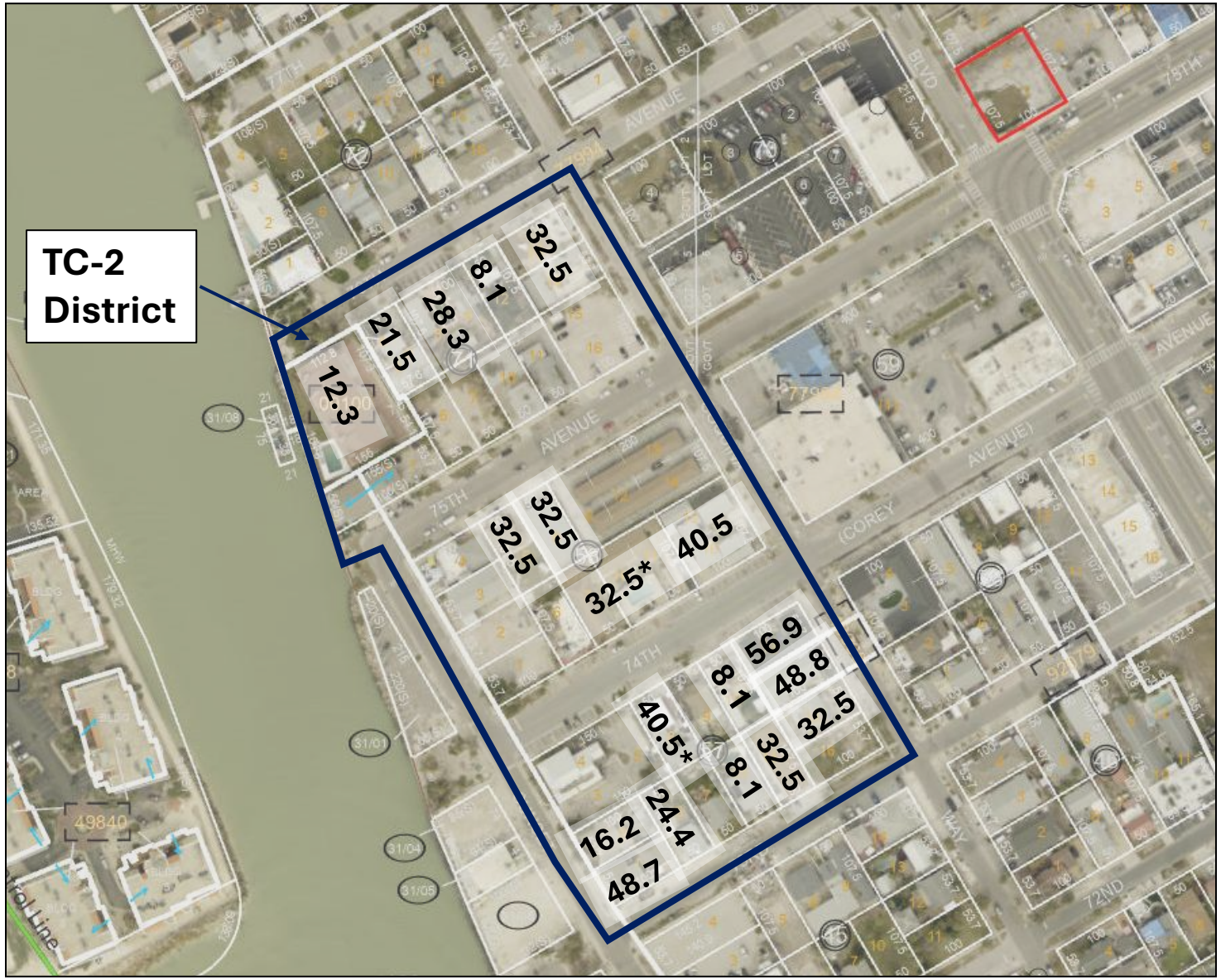
Existing Density – Units Per Acre

(Asterisk denotes a lodging use)

Lowest	8.1 units/acre
Highest	56.9 units/acre
Mean (By Property)	29.3 units/acre
Median (By Property)	32.5 units/acre
Total Res. Units Exceeding 24/acre, By Property	33 units



Expected Challenge - Noise

- The overwhelming majority of the City's noise complaints start from residential properties.
- Property owners and attendees at the TC-2 forum showed support for horizontal mixes of commercial and residential uses. However, as properties sell and units are condominiumized, future residents may have differing opinions.
- Staff is proposing standalone multifamily only, in part because commercial businesses adjacent to multifamily uses do not have significant setback or buffering requirements, as those adjacent single- and two-family uses do.
- Existing development is vested with its uses – for instance, existing roof dining areas in the TC-2 District do not require conditional use permits to continue operating.
- However, for future commercial uses, and expansion of existing commercial uses, there is increased potential for additional noise complaints as residences develop adjacent commercial businesses.

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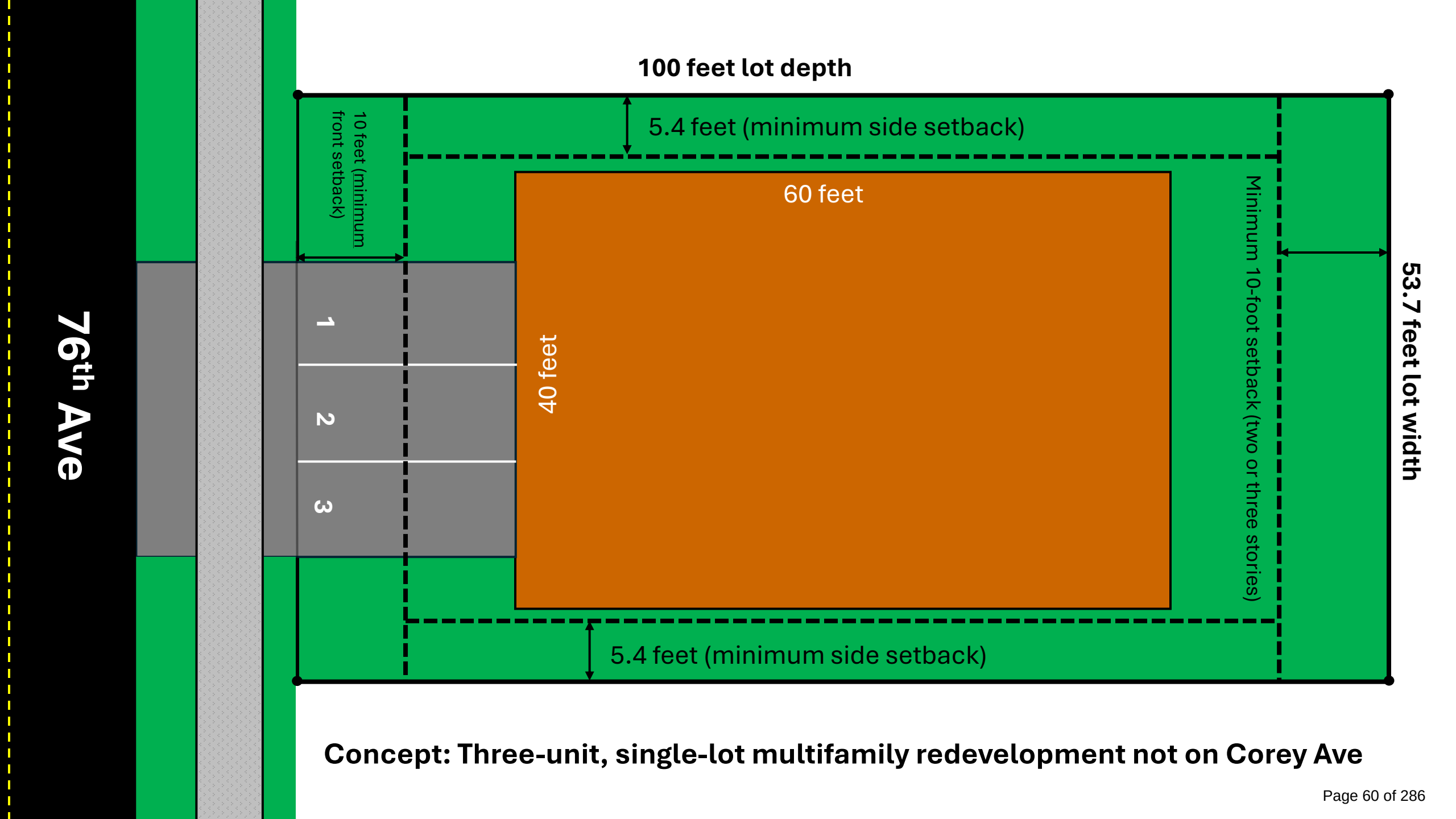
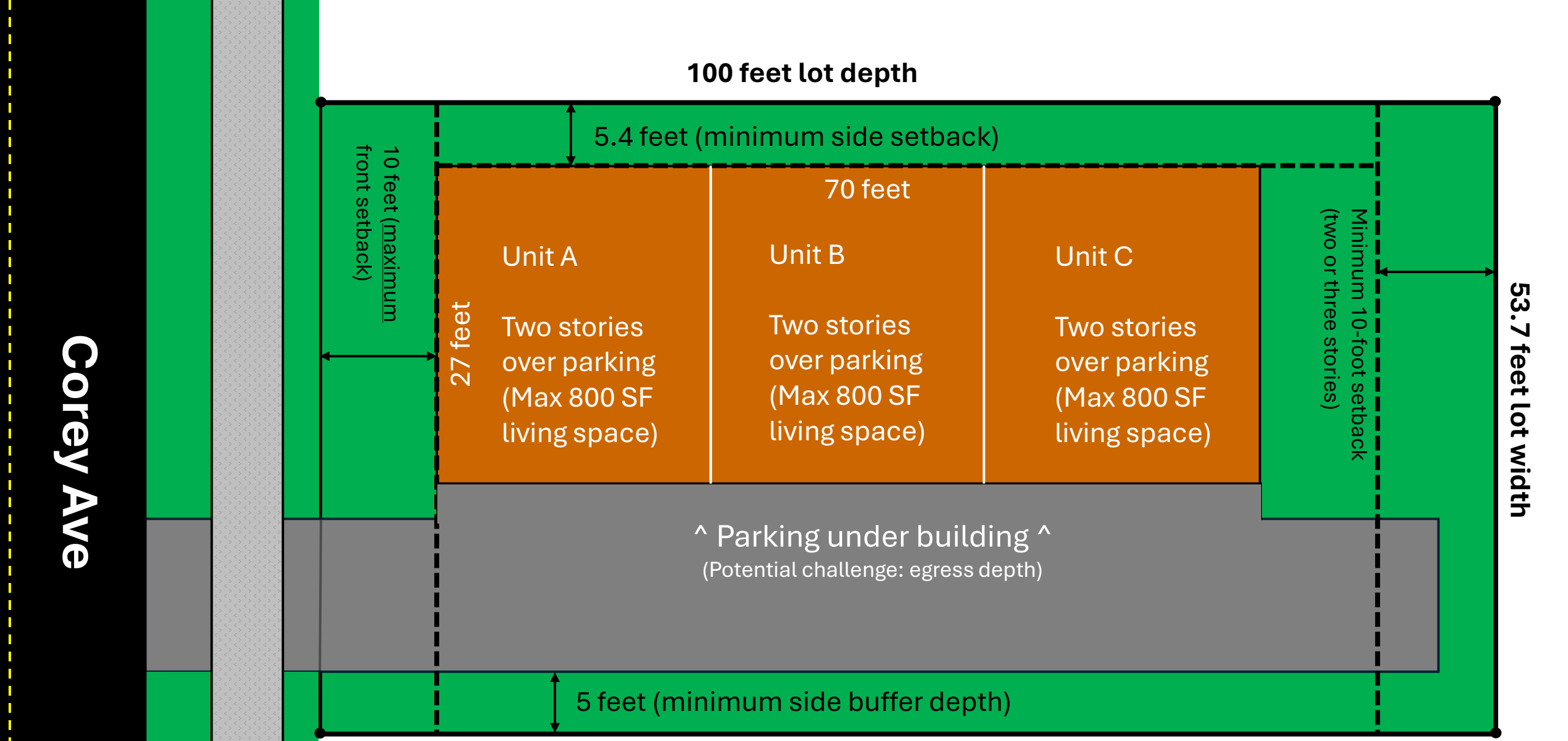
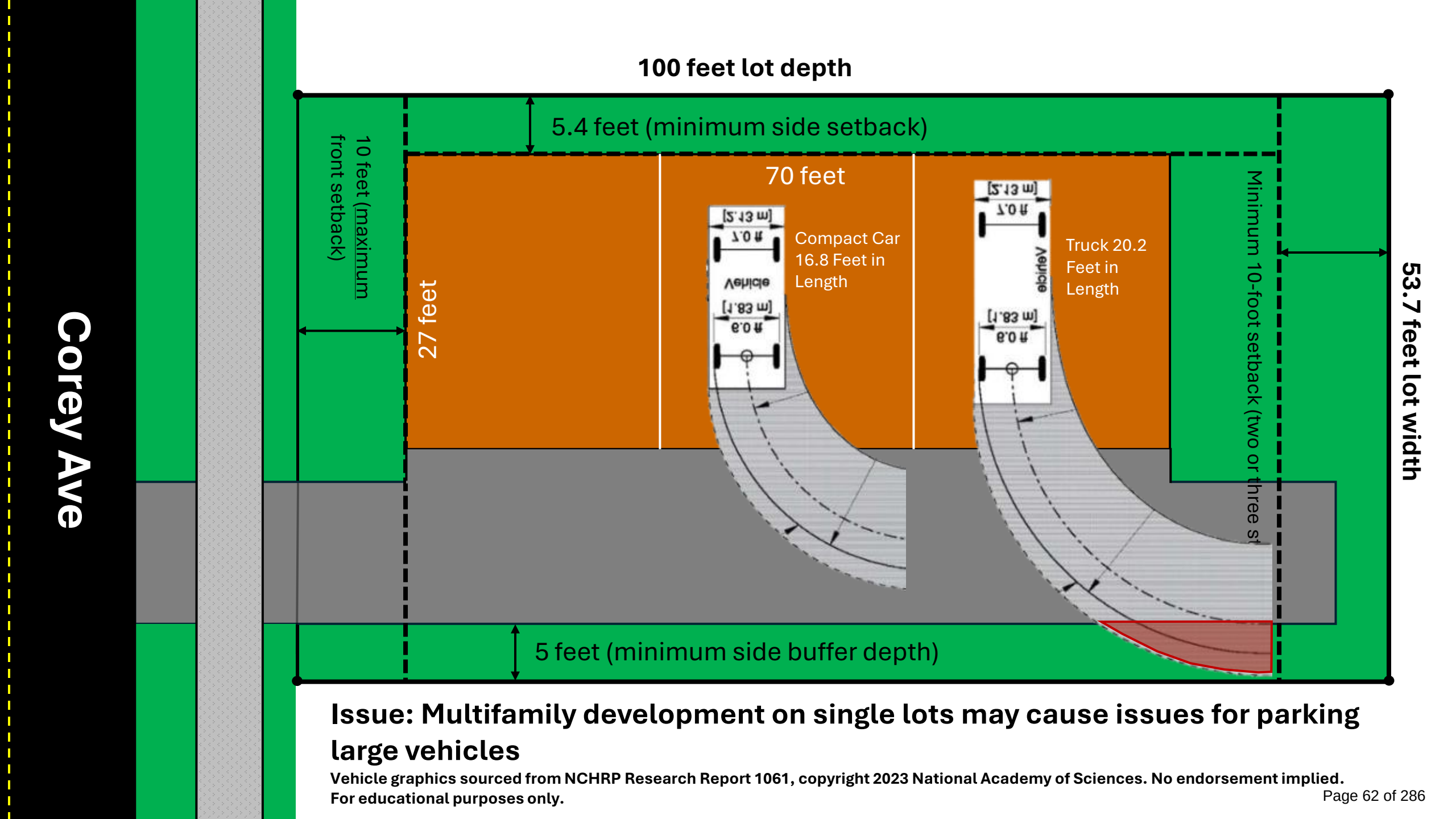
Example Single-Lot Development Options



Concept: Three-unit, single-lot multifamily redevelopment not on Corey Ave



Concept: Three-unit, single-lot multifamily redevelopment on Corey Avenue



Issue: Multifamily development on single lots may cause issues for parking large vehicles

Vehicle graphics sourced from NCHRP Research Report 1061, copyright 2023 National Academy of Sciences. No endorsement implied. For educational purposes only.

General Comments

- Staff has attempted only to generate modest and viable “make whole” options for residential and lodging property owners.
  - Florida Law (Bert J Harris Act) makes it hard to take back development rights once given.
  - It is typically better to start strict and logically relax regulations as development takes shape when potential end results are nebulous.
- These modifications are intended only as first steps in what may be a future Community Redevelopment District proposal or larger, more visionary land use reconsiderations that will require substantial, months-long, community engagement and analysis.
- This concept has not been rigorously tested for economic parity considerations and may have unintended consequences (e.g. incentivizing significant new residential redevelopment in TC-2 Coquina West).
- It is important that St. Pete Beach protects its commercial areas from incompatible residential encroachment, as it must protect its residential areas from incompatible commercial encroachment.

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Next Steps

- If directed to proceed, Staff will work with the Planning Board on refining concepts and bring back a first draft for action prior to review by Forward Pinellas and Florida Commerce.
- Staff met with Forward Pinellas in early December and expects the draft concept as currently proposed to proceed under expedited review.
  - No increase to density or intensity.
  - No introduction of discouraged uses.
  - Does not qualify as a small-scale amendment (fastest) under State review as proposal changes Downtown Redevelopment District Objectives and Policies, but still qualifies for expedited review.
- Potential to adopt refined amendments in mid-2026.

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City Commission Work Session
January 13, 2026
4:30 p.m.

ELECTED OFFICIALS PRESENT:
Adrian Petrila, Mayor
Karen Marriott, Vice Mayor, Commissioner, District 1
Lisa Robinson, Commissioner, District 2
Betty Rzewnicki, Commissioner, District 3
Jon Maldonado, Commissioner, District 4

STAFF PRESENT:
Frances Robustelli, City Manager
Ralf Brookes, City Attorney
Renee Rose, City Clerk
Jim Kilpatrick, Fire Chief
Devon Schmidt, Finance Director
Marc Portugal, Communications Manager
Adam Poirrier, Assistant City Manager
Candyce Galloway, Innovation & Technology Director
Laura Canary, Community Development Director
Camden Mills, Public Services Director
Mandy Edmunds, Recreation Services Director

Mayor Petrila called the meeting to order at 4:31 p.m.

1. ITEMS FOR DISCUSSION

a. Strategic Planning Update

City Manager Frances Robustelli provided an overview of the City's strategic planning process and next steps, noting that the priority work session originally scheduled for December was rescheduled to January due to a power outage. The purpose of the presentation is to confirm alignment between the City's five strategic initiatives and both CIP and non-CIP budgeted projects, ensure shared understanding of the planning and reporting process, and establish a framework for measuring performance going forward. She said Innovation & Technology Director Candyce Galloway led the collaborative, organization-wide process of incorporating prior Commission feedback from the priority setting session, Commissioner retreat, and surveys. The focus of this session was on process rather than reprioritizing individual projects. She noted that since July, 26 "items for discussion" have been referred to staff, highlighting the City's continued reactive workload, and the goal of moving toward a more proactive, disciplined approach to long-term planning.

Ms. Galloway reviewed the strategic planning framework, including the five strategic pillars: Operational Excellence; Recovery, Resiliency & Sustainability; Community Prosperity; Reliable Infrastructure; and Economic Development & Smart Growth, and discussed the shift toward outcome-based planning using clear objectives, key results, and key performance indicators (KPIs). Budgeted projects have been mapped to strategic initiatives, with an emphasis on defining measurable outcomes rather than simply tracking activities or expenditures. An overview of the current project mix was provided, showing that the majority of projects and funding are concentrated in Recovery, Resiliency & Sustainability and Reliable Infrastructure, reflecting ongoing post-storm conditions. She also presented examples of how projects will be evaluated using outcome-based measures, such as reductions in system failures, improved resilience, operational efficiencies, and service reliability. Her presentation highlighted the goal of increased transparency through project tracking, dashboards, and regular reporting to help the Commission and the public to better understand project status, use of public funds, and results achieved. This approach is a cultural shift toward data-driven decision-making, clearer accountability, and stronger collaboration across departments. She shared benchmarking efforts of other coastal and similarly situated cities to identify best practices in strategic planning, resiliency, transparency, and performance measurement. Next steps include completing the benchmarking analysis, finalizing department-level goals and KPIs, implementing reporting tools, providing regular updates to the Commission, and continuing to refine the process based on feedback and outcomes.

Discussion indicated support for the strategic planning framework. Staff were commended for advancing long-

term planning while managing ongoing recovery efforts. The discussion emphasized that the process represents a significant improvement over past practices, particularly in shifting the City from a reactive posture to a more proactive, strategic approach. Commissioners highlighted transparency as a critical goal, especially regarding project delivery and capital improvements. It was noted that both residents and commissioners sometimes lack an easy, centralized way to track project status, funding spent, remaining costs, timelines, and historical context. Discussion highlighted the value of publicly accessible dashboards, similar to those used by other cities, that visually display CIP projects, permits, and conditional use approvals to improve continuity, institutional memory, and public trust, as elected officials and staff change over time. The discussion also addressed performance measurement and accountability. Staff were encouraged to tie KPIs not only to project outcomes but also to employee engagement, including opportunities for staff self-assessment, supervisor feedback, and alignment with recognition or reward programs. Ms. Galloway confirmed that many benchmarked cities use similar dashboard tools and noted that the City already has much of the underlying data infrastructure in place. Commissioners acknowledged the need to balance aspirational goals with budget realities.

Discussion concluded with appreciation for the work staff has completed so far, affirmed the direction of the strategic planning process, and supported continued development of transparent, outcome-based reporting tools to help both the public and the Commission better understand progress, priorities, and tradeoffs.

Mayor Petrila adjourned the meeting at 5:06 p.m.

MINUTES APPROVED: JANUARY 27, 2026

RENEE ROSE	ADRIAN PETRILA
CITY CLERK	MAYOR

City Commission Meeting
January 13, 2026
6:00 p.m.

ELECTED OFFICIALS PRESENT:
Adrian Petrila, Mayor
Karen Marriott, Vice Mayor, Commissioner, District 1
Lisa Robinson, Commissioner, District 2
Betty Rzewnicki, Commissioner, District 3
Jon Maldonado, Commissioner, District 4

STAFF PRESENT:
Frances Robustelli, City Manager
Ralf Brookes, City Attorney
Renee Rose, City Clerk
Laura Canary, Community Development Director
Brandon Berry, Senior Planner
Kristin Coman, Planning Manager

Mayor Petrila called the meeting to order at 6:00 p.m., followed by the Pledge of Allegiance.

1. APPROVAL OF THE AGENDA

City Manager Robustelli requested the following changes: remove items 4b and 4c, continue item 5b to date certain of February 10, 2026, and continue items 2a and 6a to date certain of January 27, 2026. Commissioner Maldonado requested to remove slide 11 from the presentation on height and rezoning regarding 702 Pass-a-Grille Way and noted as Maldonado Question 2. City Attorney Brookes said the slide relates to a quasi-judicial item that will be heard separately and should not be included in the legislative review of height. Commissioner Rzewnicki requested to add two items for discussion: legislation and resources.

Motion: Vice Mayor Marriott moved, Commissioner Robinson seconded, and the motion carried 5-0 to approve the January 13, 2026 City Commission Agenda, as amended.

2. PRESENTATIONS

a. ~~Legislative Update - Becker~~

Item continued to January 27, 2026.

b. Building and Permitting Update

Laura Canary, Community Development Director, presented an update on building and permitting operations, outlining recent actions taken and a roadmap for continued process improvements in response to prior Commission and City Manager direction. Permitting is an interdisciplinary process involving Community Development, Fire, Public Services, Planning, and Zoning, and improvements are being approached holistically. Actions taken since December include initiating exit interviews and surveys with applicants and contractors, identifying common themes, and conducting additional outreach to internal and external stakeholders. Customer service and communication standards have been formalized through a new SOP. Same-day permits are being reevaluated for expansion, and designated time blocks have been established for the Building Official and Deputy Building Official to meet with applicants. Extended office hours until 5:30 p.m. on Wednesdays will begin January 21 on a trial basis. The 90-day roadmap includes compiling feedback from interviews, expanding same-day permits, implementing a single point of responsibility for permit intake, and evaluating consolidated multi-department reviews to reduce delays while maintaining transparency. Clearer and more predictable permit timelines are also being developed, combining statutory requirements with timelines for applicant expectations. Looking ahead through June 1, efforts will focus on technology and communication improvements, including cleanup and modernization of the permitting website, coordination across department webpages, and evaluation of the current permitting software platform. Staff is working toward issuing an RFP for a new permitting system that may include tools such as AI-assisted plan review and virtual inspections, while also looking for interim system improvements. Ongoing collaboration with Innovation and Technology and Communications staff was highlighted, along with continued internal cross-disciplinary meetings. Future updates to the Commission are planned for March and June. Ms. Canary concluded with appreciation for staff adaptability and engagement, and

an invitation for questions.

Discussion included the need to review obsolete or functionally ineffective codes and ordinances that may be hindering post-storm rebuilding, noting recurring issues raised by contractors, homeowners, and review boards. It was suggested that this review be incorporated into the work plan through June. Ms. Canary confirmed that updates on initial action items would be provided to the Commission in March. Discussion also noted appreciation for the flexibility and responsiveness of planning and building staff, particularly following the storms and during ongoing process changes. Additional comments emphasized evaluating whether certain permits or inspections are necessary at all, with the goal of eliminating requirements that do not meaningfully contribute to safety. The primary purpose of the permitting process is to ensure safe construction in compliance with the Florida Building Code, and that process efficiency should support that goal rather than create unnecessary obstacles.

c. <u>History of height and rezoning in the Community Redevelopment District – Eighth Avenue</u>

Brandon Berry, Senior Planner, provided a follow-up presentation reviewing the history, interpretation, and application of building height regulations, with a focus on the CRD–8th Avenue zoning district. The presentation traced the evolution of the City's height definition since adoption of the Land Development Code in 2003, noting amendments in 2015 and 2021 that clarified measurement from base flood elevation and later required design flood elevation. While the definition has changed over time, he said that the regulated height limit in the CRD–8th Avenue district has consistently been 35 feet above flood elevation, with no regulatory limit on the number of stories and no separate height definition specific to the district. He reviewed the intent and history of the 8th Avenue Special Area Plan, sharing that it is a policy and planning document rather than a regulatory one, and that the zoning regulations adopted in 2011 carried forward the preexisting 35-foot height standard. The presentation also addressed the allowance of non-habitable architectural overruns above the height limit in CRD–8th Avenue, which differs from the Pass-a-Grille Overlay District where such overruns are prohibited. Examples were provided to illustrate how changes to flood maps and elevation requirements have affected overall building height over time, noting that updated FEMA flood maps adopted in 2021 reduced base flood elevations in many areas, partially offsetting prior increases in allowable height. He also noted a recent trend toward buildings being constructed closer to the maximum allowable height, including more three-story structures and rooftop decks. Feedback from the Historic Preservation Board was summarized, including concerns that allowable height on 8th Avenue may have unintentionally shifted from a "from grade" standard to a "from flood elevation" standard, a recommendation that commercial and mixed-use buildings capable of floodproofing be limited to 35 feet above grade, and a request that future design review renderings more accurately depict surrounding building height, massing, and scale based on city data. City Attorney Brookes outlined the legal limitations affecting potential changes to height regulations. Senate Bill 180 currently prohibits the City from adopting new requirements or procedures that are more burdensome or restrictive until October 1, 2027, unless modified sooner by the Legislature. Any future amendments must also consider the Bert Harris Act, which allows property owners to seek compensation for a diminution in property value resulting from regulatory changes, even if no total taking occurs. Constitutional takings considerations under the Fifth Amendment were noted as less restrictive as long as reasonable economic use remains, and due process under the Fourteenth Amendment requires only a rational basis for regulation. He advised that Senate Bill 180 is the most limiting factor at present, followed by the Bert Harris Act. He recommended continuing to apply the LDC as written and avoiding any changes or reinterpretations while Senate Bill 180 remains in effect. Any future code changes would need to wait until after that moratorium expires and would also require careful analysis of potential Bert Harris Act impacts. However, staff can immediately improve the accuracy of project renderings and visual representations during application review to better reflect true building height, massing, and flood elevation data, which does not require any code change and is permissible under current law. Mr. Berry noted that the Historic Preservation Board has discussed height and code interpretation issues for several years and expressed that, while the technical code changes do not reflect an actual increase in allowed height, the Board's concern is that the original intent of earlier discussions may have been lost over time rather than incorrectly codified.

There was discussion regarding HPB recommendations and broader zoning considerations. It was agreed that

design review renderings showing surrounding building height, massing, and scale should be applied citywide, not limited to the CRD-8th Avenue area. Questions were raised about similarities and differences between the CRD-8th Avenue and the Town Center CRD, with a request for a future presentation comparing the two. The discussion also addressed the definition of "habitable," noting that it is defined by the Florida Building Code and supported by guidance from the American Planning Association, with no separate definition in the City Code. It was clarified that the current height definition excludes elevator shafts, chimneys, mechanical rooms, and other non-habitable areas, and that future consideration of a local definition could occur outside the constraints of Senate Bill 180.

Bill Loughery, 2405 Pass-a-Grille Way, spoke as the chair of the Historic Preservation Board. He thanked staff for their research and presentation and stated that, based on review of historic records and special area plans, the original intent for the CRD-8th Avenue area was to preserve existing scale, character, and architectural aesthetics, with particular concern for height and a general expectation of two to three stories. He raised concern that this preservation intent appeared to be lost when later code provisions emphasized encouragement of redevelopment rather than preservation, resulting in buildings that can now be significantly taller than what residents believed was intended. He questioned how and why this shift occurred, noted public confusion and concern over increased building heights and interpretation of "non-habitable" space, and urged continued staff review of historical records and intent, as well as broader discussion of building height interpretation citywide.

Commissioners thanked staff for the extensive research and presentation and acknowledged the complexity of the height interpretation issue, noting it could not be resolved during the meeting. There was support for holding a future workshop to further explore the issue, including historic intent, legal constraints, and recent public comments, without rushing decisions or violating due process or state law. Discussion focused on whether the original intent of the CRD-8th Avenue regulations, particularly regarding height, had been lost over time, and whether height had been misinterpreted rather than improperly amended. It was debated whether the issue should be examined only within the 8th Avenue CRD or citywide, noting the importance of understanding historical intent while avoiding unintended impacts on hurricane recovery and ongoing rebuilds. City Attorney Brookes explained that while the Commission is bound to apply the code as written, case law allows correction of prior misinterpretations on an application-by-application basis, but cautioned against adopting written interpretations or policies that could be viewed as amendments under Senate Bill 180. Mr. Berry clarified that flood elevation standards and maps are dynamic and have influenced building heights over time, particularly for single-family development, and that commercial and mixed-use structures operate under different constraints. Discussion continued on whether a formal workshop was necessary given the legal constraints of Senate Bill 180. The City Attorney advised that height issues must be addressed on a case-by-case basis using the code as written, rather than through a policy discussion that could be construed as an amendment. It was noted that the presentation was helpful in publicly explaining the history and definition of height for evaluating future applications within quasi-judicial hearings. It was agreed that height issues should continue to be evaluated on a case-by-case basis through the City's existing review and approval processes, rather than through any new written interpretation or policy, consistent with Senate Bill 180. It was noted that this is how applications are already handled and would continue to be handled by future commissions as matters come forward. A limited follow- presentation was requested, with the presentation focused narrowly on researching the 2009–2011 period surrounding the creation of Division 40, the shift in language from "preserve and promote" to "encourage," which was identified as a potential missing link in understanding original intent. The request was not to reinterpret the code or burden staff, but to synthesize historical records and HPB input to better understand intent. It was agreed this is not urgent, and that the issue could be addressed within normal operations, with the expectation that boards and committees would also consider the information discussed during this meeting when reviewing future applications.

3. PUBLIC COMMENT

Joe Smith, Tradewinds Resort, spoke in opposition of proposed changes to the beach/noise/lighting ordinances, stating that restrictions on lighting, noise, special events, fireworks, campfires, and a proposed bridge toll would

negatively impact local businesses, community events, tourism, and residents, and could result in job losses and reduced economic activity.
Jackie Hubbard, Boca Ciega Isle Dr, shared her gratitude to the City, staff, Fire Department, and Sheriff's Office for their service, praising the City's holiday events, particularly Santa and Sirens, for bringing joy and community spirit, and thanked public safety personnel for their responsiveness, engagement with children, and dedication to keeping residents safe.
Lyn Walker, Gulf Way, thanked City officials and staff for their service, expressed concern about the lack of beach and dune protection, and urged the City to prioritize shoreline preservation and storm resilience. She raised concerns about building height, neighborhood character, and protecting Pass-a-Grille's residential identity and natural resources.
Deborah Schechner, Boca Ciega Isle Dr, noted current drought conditions, urged water conservation, and advocated for stronger architectural guidance to preserve community character. She expressed concern about beach events during turtle nesting season and highlighted the need to prioritize wildlife, dune protection, and environmental stewardship.
Robert Czyszczon, Plaza Beach Hotel, shared tourism data highlighting the economic importance of tourism to the region, noting high statewide beach rankings and significant visitor spending that reduces the tax burden for residents. He emphasized the need for informed, positive rebuilding decisions in St. Pete Beach and encouraged commissioners to attend an upcoming tourism meeting to better understand the data.
Jay Anderson, Pass-a-Grille Way, noted that park benches removed from the dunes area along Gulf Way have remained stored for several months and suggested staff review their status. He asked the Commission to approve Item 6C, recommending that the hardship case for 702 Pass-a-Grille Way be forwarded to the Historic Preservation Board for review due to its importance to the historic character of Pass-a-Grille.

4. CONSENT

a. Approval of the December 2, 2025 and the December 16, 2025 City Commission Meeting Minutes
~~b. Ratification of the Fifth Trustee to the General Employees' Pension Board~~
~~c. Approval of a Flexible Work Policy~~
d. Authorize the Execution of a Professional Planning Services Agreement with Lynn Rosetti, AICP, CFM not to exceed the amount of $45,000.00 for the period of January 29, 2026 through January 29, 2027.
e. Approve the renewal of the City's Flood Insurance policies through Wright National Flood Insurance in the amount of $104,203.00.
f. Authorize the City Manager to Execute Change Order 4 for the Master Pump Station 1 Rehabilitation Project with TLC Diversified Inc. in the amount of $3,778.47.
g. Authorize the City Manager to execute the second services agreement amendment with Cotton Global Disaster Solutions, in the amount of $211,861.83 for various City building repairs damaged by Hurricanes Helene and Milton.

Motion: **Commissioner Robinson moved, Commissioner Vice Mayor Marriott seconded, and the motion carried 5-0 to approve the January 13, 2026 City Commission Consent Agenda, as amended.**

5. ORDINANCES

a. First Reading of Ordinance 2026-01: Amending the Land Development Code standards pertaining to accessory structures, ancillary equipment, nonconforming uses and struts, stair and balcony encroachments, and providing for consistency in floodplain management regulations and definitions.

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, AMENDING THE ST. PETE BEACH LAND DEVELOPMENT CODE SECTIONS 2.1., 3.10., 6.13., 6.14., 6.22., 7.4., 28.1., AND 28.5., TO INCREASE FRONT YARD STAIR ENCROACHMENTS FOR SPECIFIED RESIDENCES, ALLOW RETENTION OF NONCONFORMING BALCONY FOOTPRINTS AND SPECIFIED NONCONFORMING RESIDENTIAL ACCESSORY STRUCTURES FOLLOWING SUBSTANTIAL IMPROVEMENT TO THE PRIMARY

RESIDENCE, CLARIFY RESTRICTIONS ON NONCONFORMING USES AND AMEND RESTRICTIONS ON ELEVATED AND SUBSTANTIALLY-IMPROVED NONCONFORMING STRUCTURES, MODIFY RESIDENTIAL STORAGE BUILDING STANDARDS, MODIFY RESIDENTIAL EQUIPMENT SETBACK STANDARDS, PROVIDE A FRONT YARD SETBACK LINE ALTERNATIVE FOR RESIDENTIAL CUL-DE-SAC AND CURVED STREET LOTS, AND AMEND DEFINITIONS AND CONTENT OF THE LAND DEVELOPMENT CODE TO PROVIDE CLARITY AND CONSISTENCY WITH CHAPTER 98 OF THE CODE OF ORDINANCES AND THE FLORIDA BUILDING CODE; PROVIDING FOR SEVERABILITY, CODIFICATION AND CORRECTION OF SCRIVENER'S ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Brookes read Ordinance 2026-01 in title only.

Brandon Berry, Senior Planner, said there was no formal presentation because the item has been discussed previously. The ordinance consolidates the content of Ordinance 2025-21 with updated definitions, terminology, and references to ensure consistency between the City's Land Development Code, the Florida Building Code, and state requirements, as required under the agreement with the State related to adoption of the flood-damaged equipment elevation standards in advance of anticipated Florida Building Code amendments. He noted modifications beyond definition updates, including a clarification that historically designated structures with structurally connected additions, other than simple lateral additions, are considered substantial improvements, consistent with the Florida Building Code. No substantive policy changes beyond these updates were identified.

The discussion sought clarification on the purpose of the ordinance and confirmed that it incorporates revised language resulting from earlier City action taken ahead of the Florida Building Code following the hurricanes. Mr. Berry explained that the City had previously adopted a separate flood-damaged equipment elevation ordinance, which reduced equipment elevation to four feet above grade when a structure is not being elevated, and that part of the State agreement required subsequent amendments to the Land Development Code. He confirmed that the State has since updated its requirements and that the ordinance now consolidates those updates along with the prior ordinance content, bringing the City's code into alignment.

PUBLIC COMMENT

No members of the public came forward.

Motion: **Vice Mayor Marriott moved, Commissioner Robinson seconded, and the motion carried 5-0 to approve the first reading of Ordinance 2026-01.**

b. ~~Final Reading of Ordinance 2025-24: Revising Code of Ordinances Chapters 131 & 132 Pertaining to Communication and Small Wireless Facilities~~

Item continued to February 10, 2026.

6. ACTION ITEMS

a. ~~Resolution 2026-01: Vacating a three-foot easement located at the rear of Lots 5 and 6 of Block C of Sunset Park Replat as recorded in Plat Book 18, Page 6, Pinellas County Public Records (103 24th Avenue)~~

Item continued to January 27, 2026.

b. Approval of Settlement Agreement and Amended Development Order – Red, White, and Booze, LLC

City Attorney Brookes presented a proposed settlement agreement and amended development order for Red, White, and Booze LLC. The agreement memorializes the court's temporary injunction and incorporates its criteria into the conditional use approval. He said the likelihood of a successful appeal is low and recommended approval of the settlement to resolve the case.

PUBLIC COMMENT

No members of the public came forward.

Motion: **Commissioner Robinson moved, Commissioner Maldonado seconded, and the motion carried 5-0 to approve the Settlement Agreement and Release with Red, White & Booze, LLC, Charles L. Collom, and Helen Collom, and approve the associated Amended Development Order for Conditional Use Permit No. 23034.**

c. Assign Unnecessary & Undue Hardship Variance Case No. 25142 for 702 Pass-a-Grille Way to the Historic Preservation Board for recommendation to the Board of Adjustment, pursuant to Code of Ordinances Sec. 22-211.(d)(7) and (17).

Brandon Berry, Senior Planner, explained a request from the Historic Preservation Board, added to the agenda pursuant to Section 22-211 of the Code of Ordinances, which allows the Board to perform additional historic preservation-related duties as assigned by the City Commission. The Board is requesting authorization to review and provide a recommendation on an upcoming variance scheduled for consideration by the Board of Adjustment on January 28. He noted that a special meeting of the HPB would be required to meet the 10-day notice requirement if the Commission supports the request. The applicant's authorized agent was present.

PUBLIC COMMENT

Brandon Tecklenburg, owner, spoke in opposition to further HPB involvement in the variance for 702 Pass-a-Grille Way, stating that prior HPB comments were inaccurate and biased and have delayed closing on the property. He requested that the Commission review the July HPB meeting and allow the variance to proceed directly to the Board of Adjustment without an HPB recommendation.

Discussion focused on whether the HPB's requested review would apply only to the specific variance at 702 Pass-a-Grille Way or set a precedent for future cases. Staff and the City Attorney clarified that the request was project-specific and would apply only to this variance. A concern was raised that referring the item to the HPB would not provide new information, could create unnecessary delays for a property owner seeking a permit, and may be perceived by some residents as a rehearing of the entire project, when the variance request is limited solely to driveway access versus alley access. Discussion noted substantial resident support for HPB involvement and emphasized that the City Code outlines the purpose, powers, and duties of the HPB, including making recommendations on variance requests affecting historic resources or districts. It was highlighted that the City has an obligation to follow its adopted ordinances and consistently utilize boards and committees as intended, regardless of whether HPB review changes the outcome. The discussion concluded with differing perspectives on whether HPB review would meaningfully contribute to the decision-making process or add procedural hurdles.

Motion: **Commissioner Robinson moved, Commissioner Maldonado seconded, and the motion carried 4-1 to approve the Historic Preservation Board request to hold a noticed hearing to make objections, recommendations or comments pursuant to City Code Sec. 22-211 (d)(7) to the Board of Adjustment regarding a variance request for 702 Pass-a-Grille Way Board of Adjustment Case No. 25142 currently scheduled for January 28, 2026. Vice Mayor Marriott opposed.**

7. ITEMS FOR DISCUSSION

a. Discussion regarding legislation

Commissioner Rzewnicki shared information on the upcoming Florida League of Cities Legislative Action Days in Tallahassee, scheduled for January 26–28. She is interested in attending and explained that the event provides opportunities for municipal officials to meet with state legislators, either through coordinated meetings arranged by FLC or through individual meetings. Multiple commissioners may attend as long as they do not meet together or discuss City business collectively, in compliance with Sunshine Law requirements. She said participation could be beneficial for advocating on behalf of the City and sharing a unified set of priority issues or "talking points" with legislators, similar to practices used by other municipalities. The discussion included consideration of

potential logistics, timing constraints due to the Commission meeting scheduled during that week, and the value of coordinating key messages in advance. FLC provides a coordinated legislative agenda.

City Manager Robustelli said with the consensus of the Commission, a commissioner could represent the City at the Florida League of Cities Legislative Action Days as a member of FLC. The City could align those efforts with staff's legislative tracking and advocacy work, including coordination with the City's lobbyists. Ms. Robustelli said staff could prepare briefing materials and talking points in advance and recommended focusing on the City's appropriation requests as the top legislative priority. It was also noted that the event provides an opportunity to engage not only local legislators, but also other senators and representatives from across the state who will be voting on relevant legislation.

Mayor Petrila expressed support and indicated openness to joining the effort. He suggested coordinating with the City's lobbyists to help facilitate meetings and discussions, and noted the value of aligning advocacy efforts with issues raised by residents and the FLC, including pending legislation such as Senate Bill 180. The discussion highlighted opportunities to coordinate messaging with FLC and to advocate for City infrastructure funding with a broader group of legislators beyond local representatives.

b. Discussion regarding resources

Commissioner Rzewnicki provided a handout on expanding the City's volunteer programs as a way to supplement limited resources and reduce demands on staff. Examples from other municipalities, including Largo, were cited to illustrate structured volunteer programs supporting activities such as neighborhood observations, beach cleanups, litter reporting, assistance with short-term rental monitoring, and general reporting of issues through tools like SeeClickFix. The discussion emphasized that volunteers would not replace staff or perform enforcement functions but could serve as force multipliers by reporting issues and assisting with non-enforcement tasks. There was support for exploring expanded volunteer opportunities, noting existing successful volunteer use in the library, parks and recreation, and building departments. Concerns were raised about volunteer involvement in enforcement activities, including parking violations and patrol functions, due to safety, liability, and overlap with the Pinellas County Sheriff's Office. Discussion highlighted the importance of clear boundaries, training, and safety considerations. Suggestions included structuring volunteer efforts by department rather than as a single consolidated program, focusing on observation, reporting, pedestrian safety feedback, and community assistance rather than enforcement.

8. CITY CLERK, CITY MANAGER, CITY ATTORNEY, AND CITY COMMISSION REPORTS

Renee Rose, City Clerk – no report

Frances Robustelli, City Manager – She reported that Code Enforcement will focus on commercial in January and will provide updates to keep residents and businesses informed. Outreach efforts will include education on the recently updated sign ordinance and information on short-term rental regulations and impacts.

City Attorney Brookes – He will bring an update to the city attorney contract with no increases in fees for 2026.

Commissioner Maldonado – He reported that a shuffleboard structure community meeting will be held January 15 at 6pm at the Warren Webster.

Commissioner Rzewnicki – She reported two community association meetings: Lido is January 22 and the Don Cesar Property Owners annual meeting is February 24 in Chambers.

Commissioner Robinson – She reported on upcoming library programs, including a "Bad Art" program on Wednesday evening at 6pm, the Novel Ideal Book Club on Thursday at 2pm, a Good Fortune movie showing on Friday at noon, a presentation on the golden age of Japanese culture on Saturday at 10:30am, and a tech help session on Saturday at 2pm.

Vice Mayor Marriott – She reported that Sunshine State Tourism named Corey Ave the best small-town

shopping district in Florida. She reminded District 1 residents of an informational meeting on Pump Station 1 construction scheduled for January 21 at City Hall. She invited residents to meet her at Mastry's for Beer with a Commissioner on Tuesday, 1/20 and Tuesday 2/17. Beer drinking is optional.

Mayor Petrila – He reported that Hurricane Help Florida received a new $300,000 grant to assist homeowners with unmet storm-related needs, including mold remediation, roof and drywall repairs, and replacement of essential household items. Residents needing assistance, or those who know someone in need, were encouraged to apply through a simple, case-by-case process or contact him for information.

Mayor Petrila adjourned the meeting at 8:21pm

MINUTES APPROVED: JANUARY 27, 2026

RENEE ROSE
CITY CLERK

ADRIAN PETRILA
MAYOR

CITY COMMISSION MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS

Agenda Report

Agenda Title Name: Final Reading of Ordinance 2026-01: Amending Land Development Code standards pertaining to accessory structures, ancillary equipment, nonconforming uses and structures, stair and balcony encroachments, and providing for consistency in floodplain management regulations and definitions

Action Request: Motion to [adopt/adopt with modification/deny/continue to [specify date certain]] Ordinance 2026-01.

Strategic Objective: Recovery, Resiliency & Sustainability

Date: January 27, 2026

Prepared By: Brandon Berry, Senior Planner

Through: Frances Robustelli, City Manager

Summary of Issue: No changes have been made to this Ordinance since its first reading on January 13th. This item will be shared with the Local Planning Agency (Planning Board) on January 26th for a recommendation and finding of consistency with the St. Pete Beach Comprehensive Plan. Comments, if any, will be shared with the City Commission at the adoption hearing.

This ordinance is a consolidation and rewrite of Ordinance 2025-21, which provided amendments to standards for vested rights and nonconformities for substantially-improved and -damaged, homes, accessory structures, and uses, stair and balcony encroachments, ancillary equipment, accessory structures, and cul-de-sac lot setback line alternatives, with requests made by the State of Florida to provide consistency and clarity in the Land Development Code pertaining to floodplain management-related definitions and regulations.

Staff finds the content originally presented under

Ordinance 2025-21 has not been significantly modified in the revisions presented in the subject Ordinance 2026-02. Modifications largely pertain to consistency in language between the Land Development Code, Chapter 98 of the Code of Ordinances which regulates local standards for floodplain management, and the Florida Building Code as applicable. These changes are made at the request of the State of Florida under an agreement that permitted Ordinance 2025-17 to move forward earlier this year, which limited elevation of flood-damaged equipment for most homes built prior to the implementation of mandatory elevation requirements.

Changes presented in the subject ordinance that modify content presented under Ordinance 2025-21 includes the following:

- Reduction of the base openness requirement for stairs that encroach into the required front setback from 80% to 60%, to account for support requirements.
- Clarify that structurally-connected additions to historic structures that constitute a substantial improvement are not eligible for the historic structure floodplain ordinance compliance exception, consistent with the Florida Building Code. Repairs, alterations, non-substantial additions, and additions that are not structurally connected and are minimally finished (sometimes called lateral additions) are still permitted, subject to applicable criteria.
- Amending definitions to provide consistency with Chapter 98 of the Code of Ordinances.
- Provides consistency in reference to the ground floor, which is permitted to be located below the design flood elevation and not considered the "lowest floor" for floodplain purposes, when it contains only parking, storage, and access to the floor above.
- Amends Section 7.4. to defer to the higher of the Florida Building Code and Chapter 98 of the Code of Ordinances as the required finished floor elevation for new and substantially-improved construction.

Funding: N/A

Attachments: 1. Ordinance 2026-01 - Markup

ORDINANCE NO. 2026-01

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, AMENDING THE ST. PETE BEACH LAND DEVELOPMENT CODE SECTIONS 2.1., 3.10., 6.13., 6.14., 6.22., 7.4., 28.1., AND 28.5., TO INCREASE FRONT YARD STAIR ENCROACHMENTS FOR SPECIFIED RESIDENCES, ALLOW RETENTION OF NONCONFORMING BALCONY FOOTPRINTS AND SPECIFIED NONCONFORMING RESIDENTIAL ACCESSORY STRUCTURES FOLLOWING SUBSTANTIAL IMPROVEMENT TO THE PRIMARY RESIDENCE, CLARIFY RESTRICTIONS ON NONCONFORMING USES AND AMEND RESTRICTIONS ON ELEVATED AND SUBSTANTIALLY-IMPROVED NONCONFORMING STRUCTURES, MODIFY RESIDENTIAL STORAGE BUILDING STANDARDS, MODIFY RESIDENTIAL EQUIPMENT SETBACK STANDARDS, PROVIDE A FRONT YARD SETBACK LINE ALTERNATIVE FOR RESIDENTIAL CUL-DE-SAC AND CURVED STREET LOTS, AND AMEND DEFINITIONS AND CONTENT OF THE LAND DEVELOPMENT CODE TO PROVIDE CLARITY AND CONSISTENCY WITH CHAPTER 98 OF THE CODE OF ORDINANCES AND THE FLORIDA BUILDING CODE; PROVIDING FOR SEVERABILITY, CODIFICATION AND SCRIVENER'S ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of St. Pete Beach occasionally finds land development standards in need of updating.

WHEREAS, residential neighborhoods City-wide are experiencing significantly more redevelopment and both voluntary and mandatory elevation than any time in the past several decades due to effects of the 2024 hurricanes, which can carry significant challenges.

WHEREAS, the majority of content in this ordinance was originally presented and approved on first reading under Ordinance 2025-21, with the subject ordinance consolidating that content, including updates, with requests from the Florida Department of Emergency Management to alight definitions and regulations in the Land Development Code with Chapter 98 of the Code of Ordinances and the Florida Building Code.

Words ~~stricken~~ through shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

WHEREAS, the City Commission of the City of St. Pete Beach finds the proposed modifications to development standards are not of a nature that will create significant additional visual burden on abutting properties, are reasonable in scale and scope, and will assist with accelerating neighborhood reoccupancy, which promotes the public health and welfare.

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: _____

Words ~~stricken~~ through shall be deleted. Words <u>underscored</u> constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

PUBLISHED: _____
SECOND READING: _____
PUBLIC HEARING: _____

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

_____
Adrian Petrila, Mayor

I, Renee Rose, 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.

_____
Renee Rose, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
Ralf Brookes, City Attorney

Words ~~stricken~~ through shall be deleted. Words <u>underscored</u> constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

EXHIBIT A

Sec. 2.1. Words, terms and phrases defined.

All words used in this chapter shall carry their customary dictionary meanings, except the following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

***

Design Flood Elevation means the elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. For purposes of measuring height, this term shall refer to the Base flood Elevation plus required freeboard.

***

Freeboard means an additional amount of height above the Base Flood Elevation used as a factor of safety (e.g., one ~~feet~~foot above the Base Flood) in determining the level at which a structure's lowest floor must be elevated or floodproofed to be in accordance with the stricter of state or community floodplain management regulations.

***

Height means the vertical distance as specified below:

(1) When the structure is a residence located in the RU-1, RU-2, RLM-1, RLM-2, RM, or Pass-a-Grille Overlay Districts, this measurement shall be taken from a starting point as follows:

a. For any structure ~~with habitable space~~ that has a lower or ground floor used for any purpose other than parking, storage, and/or access ~~located~~ less than eight feet above natural grade, height shall be measured from the property's required Design Flood Elevation.

b. For any structure ~~with habitable space~~ that has a lower or ground floor used for any purpose other than parking, storage, and/or access ~~beginning~~ at or higher than eight feet above natural grade, height shall be measured from eight feet above natural grade.

(2) When the structure is an accessory structure, this measurement shall be taken from natural grade to the highest point of the roof unless otherwise specified in this Code;

(3) For all other structures, height is measured from the structure's required Design Flood Elevation to the highest point of the roof.

Words ~~stricken~~ through shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

The highest point of the roof is as follows:

a. The highest point of a flat roof.
b. The deck of a mansard roof.
c. The average height between the plate and ridge of gable or hip roofs.

This measurement shall not be inclusive of elevator shafts, chimneys, mechanical rooms or other non-habitable areas except for properties located in the Pass-a-Grille Overlay District.

***

Market value means, for the purposes of determining substantial improvement or substantial damage except for the purposes of Chapter 98, an acceptable estimate of the value of the structure as determined by a professional property appraiser or using the value of the structure as determined by the most recent available tax roll for the county property appraiser's office and adding 25 percent.

***

Substantial damage means damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred.

Substantial improvement means any combination of repairs, reconstruction, rehabilitation, alteration, addition or other improvements to a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started.

This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. This term does not include:

(1) Any project for the improvement of a structure to correct existing violations of state or local health, sanitation or safety code inspection which have been identified by the ~~local code enforcement~~ building official and which are the minimum necessary to assure safe living conditions, or

(2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

***

Sec. 3.10. Vested rights and nonconformities.

The purpose of this section is to regulate the continued existence of certain uses and structures established prior to the effective date of this Code that do not conform to these regulations. It is the intent of this Code to permit legally nonconforming uses and structures to continue in existence until they are removed or abandoned.

Words ~~stricken~~ through shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

To avoid undue hardship, nothing in this Code shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of this Code, or amendment thereto, and upon which actual building construction has continued unabated since inception of such construction, pursuant to valid building permits issued therefor.

(a) *Nonconforming lots.* In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Code, except as provided below, a single-family dwelling and customary accessory buildings may be erected on any lot of record as of the adoption date of this Code. This provision shall apply even though such lot fails to meet the requirements for lot width or area, or both, that are generally applicable to the district, provided that the building setbacks and other requirements shall conform to the regulations for the district in which the lot is located.

(b) *Nonconforming structures.* Where a lawful structure exists at the time of adoption or amendment of this Code which could no longer be built under the terms of this Code by reason of restrictions on lot area, impervious surface, height, or other such characteristics, such structure may continue to be used so long as it remains otherwise lawful, subject to the following provisions:

(1) No such structure may be enlarged, altered or improved in a manner which increases its nonconformity, except for the conditions set forth for elevating an existing structure in subsection (3)A. below.

(2) Any nonconforming structure which suffers substantial damage, as defined in this Code, shall only be repaired, restored or reconstructed in a manner which brings the entire structure into compliance with all requirements of this Code and other applicable codes of the city, except for residential properties when the primary residential structure is nonconforming solely to required yard setbacks, which may be elevated and moved in compliance with subsection (3) followingas provided in subsection (3)D. below.

(3) Should such nonconforming structure be elevated or moved, either vertically or horizontally, it shall comply with the following:

Aa. The structure may be elevated by raising the structure on a new foundation or extended foundation or by converting the ground floor to a floor used solely for parking, storage and/or access, with a vertical addition (replacement occupiable space) in compliance with the Florida Building Code and Chapter 98 of the Code of Ordinances, subject to the following:

Words stricken through shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

i. The footprint of the structure within the required yard setbacks is unchanged;

ii. The structure maintains or is moved horizontally to provide at least a three-foot setback from all property lines and is located out of all easements;

iii. The resulting structure does not exceed the maximum height allowed by the zoning district; and,

iv. The number of stories within the required yard setbacks does not increase by more than one, and that additional story is used solely for parking, storage, and/or access. ~~moved, vertically only, such that the lowest habitable floor is elevated above the required design flood elevation, as defined and established in the city's flood damage prevention regulations set forth in Chapter 98 of the Code of Ordinances. Additionally, the existing habitable ground floor of the structure beneath the required design flood elevation may be converted to parking, storage and building access if in compliance with the structure's flood zone and the habitable floor(s) are reconstructed, in the same footprint and the same floor height as the existing habitable floor(s), above. Compliance shall be as required for the structure's flood zone and degree of improvement or damage, including elevation on or conversion to open foundations comprised of piles, posts, piers, or columns for substantially-improved or damaged structures in the VE and Coastal A zones as applicable, and installation of flood vents and flood-resistant materials below the design flood elevation for substantially-improved or damaged structures in the AE zone as applicable. Under no circumstances shall the resulting structure exceed the maximum height allowed by the zoning district.~~

~~B~~b. The structure ~~shall~~ may be moved, horizontally ~~only~~, in compliance with the Florida Building Code and Chapter 98 of the Code of Ordinance and provided such that no additional nonconformities are created, and no existing non-conformities are increased, by such relocation; and ~~T~~the structure shall be located on the property so that there is a setback of at least three feet from the nearest property line on all sides of the structure.

~~C. Any additions to the structure made during or subsequent to the elevation or reconstruction of the structure, other than reconstruction of the habitable floor(s) of the structure above required design flood elevation when reconstruction is~~

Words ~~stricken~~ through shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.

~~undertaken, shall comply with the existing required setbacks for the structure's zoning district.~~

~~D. When a residential structure that is nonconforming solely by means of setback(s) suffers substantial damage and the requirements of subsections (3)A. through C. preceding can be met, the structure may be eligible for a vertical move, elevation or reconstruction as set forth above but shall comply with all applicable floodplain management regulations and building codes.~~

~~E~~c. ~~When subsection (3)A. or D. above is utilized, if the applicant cannot reasonably construct stairs to access the first living level without encroaching into the front setback, the applicant may be permitted to construct stairs without an independent roof overhang within the required front yard. Stairs shall not encroach more than ten feet into the required front yard unless additional encroachment is demonstrated as necessary to avoid conflict with garage access or correct a safety issue. Under no circumstances shall stairs authorized through this permission be located closer than three feet to any property line. This standard shall supersede other permissions and restrictions found elsewhere in this Code.~~ Residences elevated in compliance with subsection (3)a. preceding shall be permitted to have one exterior stairway that encroaches into the required front yard setback when the following criteria are met:

i. The structure is a single- or two-family residence; and

ii. The portion of the stairway and associated landings that encroach into the required front yard setback are not independently roofed or covered by an independent roofing system, are not enclosed except with a Florida Building Code-compliant railing or balustrade, and provide an open base of at least 70 percent transparency between the footing or landing, and the stair risers and treads ; and

iii. The stairway extends no higher than the top of the lowest floor used for any purpose other than parking, storage and/or access; and

iv. Landings that encroach into a required front yard setback are not wider than the greater of six feet or the minimum width required by the Florida Building Code; and

v. The stairway, with landings, projects no more than seven feet from the front wall of the residence adjacent the entry and encroaches no closer than ten feet to the front property line, or five feet to the front property line for stairs built at the front of residences constructed to the House-Large, House-Medium, or House-Small standards of the

Pass-A-Grille Overlay District, or those residences granted a Certificate of Appropriateness from the Historic Preservation Board pursuant to Section 28.8; or

vi. When a residential structure is elevated within the front yard setback such that stairs cannot be constructed pursuant to the permission in (3)d.v. preceding, stairs may encroach to the the existing and maintained front wall of the structure, or three feet, whichever provides a greater setback from the front property line.

d. Structures that comply with subsection (3)a. above, that have an existing balcony within a required front or rear yard setback that will be maintained in the elevation, may construct within the same footprint a balcony with the same openness and means of ground support as the existing balcony.

(4) Any nonconforming structure may be reinforced to make it resistant to hurricanes for the health safety and welfare of the public, provided that such reinforcements do not constitute a substantial improvement as defined in the Land Development Code. These improvements include the addition of hurricane shutters, impact windows and doors, and hurricane straps.

(5) Ordinary repairs and maintenance may be made to a nonconforming structure provided that such repairs or maintenance do not constitute a substantial improvement as defined in the Land Development Code.

(c) *Nonconforming uses.* Nonconforming uses of land, structures and premises which were lawfully established prior to the adoption of this Code, but which are not permitted or are otherwise currently prohibited by this Code, may continue to operate at their present location until such time as such use has been discontinued. If the use is discontinued for more than 90 consecutive days or a total of 180 calendar days within a one-year period, subsequent use of the premises shall conform to the district regulations. Continuance of nonconforming uses are subject to the following provisions:

(1) Uses nonconforming by the type of use are regulated as follows:

a. There shall be no increase of a nonconforming use by expansion of the use to adjacent properties, to other structures on the property, or to other portions of a multi-tenant structure within which the nonconforming use is located. No multi-tenant structure may be converted into a single-tenant structure for the purpose of expanding a nonconforming use.

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b. No structure in which a nonconforming use is located shall be enlarged, altered, substantially improved or relocated to occupy other portions of the lot upon which it is located or to increase the size of the structure.
c. When a structure which is occupied by a nonconforming use suffers substantial damage, said structure, if repaired, restored or reconstructed, shall only be occupied, upon completion, by uses which are allowed in the zoning district in which the structure is located.

(2) Uses that are nonconforming by reason of development density are regulated as follows:

a. The recognized number of units on such property shall be determined by the number shown in the property records on file with the city as of the date of adoption of this section.
b. There shall be no increase in the number of units by expansion or alteration of the use.
c. Except as provided for elsewhere in this Code, any property, upon which there are one or more buildings having such pre-existing nonconforming number of units shall be brought into conformity with the density requirements of this ordinance when any building is proposed to be substantially improved.

(d) *Grandfathered nonconforming residential uses.* Not withstanding the provisions of paragraph (c)(2) above and paragraph (e) following, nonconforming residential properties having a greater number of units than currently allowed under the provisions of the comprehensive plan and this Code that are ~~lost~~ destroyed or substantially damaged through a catastrophic event may be reconstructed with the same number of units as they had prior to the loss under the following conditions:

(1) For the purposes of this subsection only, transient accommodations shall be considered to be residential properties.
(2) The applicant can verify to the satisfaction of the city that the property contained the number of units, square footage and height that are proposed for replacement;
(3) The replacement structure(s) shall be no larger in square footage, nor taller than the original structure, except that structure height may be increased by the ~~height of the base flood elevation~~ minimal amount of additional elevation necessary to comply with the Florida Building Code and Chapter 98 of the Code of Ordinances~~where necessary to comply with flood hazard mitigation requirements~~;

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(4) Provided there are no conflicts with other codes and that no adverse impacts on adjacent properties will be created, the replacement structure(s) may be permitted to be constructed with the same footprint as the original structure(s);
(5) The replacement structure(s) shall meet all other local, state and federal requirements in place at the time of replacement; and
(6) Permits to rebuild under these provisions shall be obtained within one year of the catastrophic loss, or 60 days following the expiration of an executive order issued by the office of the governor that declared a state of emergency for the event that caused the substantial damage, whichever is later, unless a general extension of time has been granted by the city commission.

(e) *Nonconforming accessory structures.* No nonconforming accessory structure shall continue after the principal use or structure is terminated by abandonment, elective redevelopment, change of use, damage, or destruction, except as provided below. In addition to the other provisions of this section applicable to nonconforming structures, the following additional conditions shall apply to nonconforming accessory structures:

(1) Any nonconforming accessory structure shall be brought into conformity with these applicable regulations of the structure's zoning district and Section 6.13. of this Code whenever ~~a substantial improvement to~~ the accessory structure ~~or the principal structure on the property is proposed and approved~~ is substantially improved as defined in this Code. Nonconforming accessory structures shall also be brought into conformity with these regulations when the principal structure on the property is substantially improved, excepting those accessory structures associated with a detached single-family residence in the RU-1, RU-2, RLM-1, RLM-2, or RM zoning districts when the following are met:
a. The accessory structure is a deck cover, gazebo, or pool that has not sustained substantial damage as defined in this code, and is not proposed to be substantially improved in conjunction with or subsequent to the primary structure's substantial improvement; and
b. The principal residence is substantially improved through elevation or conversion of the existing ground floor of the residence to parking, storage, and/or access, with addition of a floor above; and
c. The substantial improvement of the principal residence does not add more than ten percent in living square footage in conjunction with or subsequent to the substantial improvement, provided that this ten percent maximum excludes any living space added through the finishing of an existing attached garage or

carport that shares the same roofline as the primary residence and is elevated or reconstructed; and

d. The accessory structure is not located within an easement and does not cross any zoning lot property boundary.

(2) Notwithstanding the foregoing, any accessory structure which is designated and constructed as a garage, the principle purpose of which is the storage of motor vehicles for single-family residential purposes, which is substantially damaged as the result of a catastrophic event as defined in the Code of Ordinances, may be reconstructed in accordance with the criteria set forth in subsection (d) hereof, as well as any applicable requirements of the Florida Building Code and Chapter 98 of the Code of Ordinances.

(~~2~~3) Any nonconforming accessory structure which is destroyed or substantially damaged, shall, upon replacement, conform to all requirements of this Code and other applicable codes of the city. Any part of a nonconforming accessory structure which is destroyed or damaged to less than 50 percent of the value of such accessory structure may be repaired or restored if a permit for the repair or restoration is issued within 12 months of the date of the damage.

(f) *Repairs and maintenance; maintaining safe condition.* Repairs and maintenance of nonconforming structures are ~~permitted~~allowed.

Sec. 6.13. Residential accessory structures.

Accessory residential structures may be permitted only on zoning lots having one or more existing residential dwelling units and shall be regulated as follows:

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(b) *Residential storage buildings.* Residential storage buildings may be permitted as an accessory on a residential property. Only one such residential storage building is allowed, and the residential storage building shall be further regulated as follows:

(1) The residential storage building shall be used exclusively for storage of household items, and no mechanical equipment such as window air conditioning units that could render the space as habitable or for use for any other purpose than storage shall be operated within or attached to such building.

(2) The placement of a residential storage building shall require a building permit, meet all applicable building codes, and shall be properly anchored. When the

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primary structure on a residential property undergoes substantial improvement or redevelopment and an existing residential storage building is proposed to be maintained on the property in compliance with these regulations, or a residential storage building is substantially improved, the storage building shall be subject to the same requirements as if it were newly constructed.

(3) All storm water runoff shall be directed and maintained on the property upon which the building is located.

(4) The residential storage building shall be located a minimum of 60 feet from the front property line and 20 feet from the secondary front yard, provided no residential storage building shall be permitted within the required yard for a waterfront yard.

(5) Residential storage buildings shall be subject to the following dimensional and required yard requirements.

a. *Maximum size:* ~~80~~120 square feet in area.

b. *Maximum height:* Eight feet in height as measured from grade to the highest point on the structure.

c. *Location:* May be located along any side or rear property line, except in secondary front yards and waterfront yards as provided in paragraph (4) above; and must be separated at least six feet from any other accessory structure.

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Sec. 6.14. Encroachment of certain specified ancillary residential equipment into required yards.

(a) For the purpose of these regulations, ancillary equipment shall include but not be limited to generators, air conditioning compressors, and swimming pool and spa filters and pumps.

(a~~b~~) ~~Ancillary residential equipment installed no more than two feet above grade, such as but not limited to air conditioning compressors when permitted, swimming pool and spa filters and pumps, etc. shall be allowed to encroach into any required yards up to four feet, provided that any such equipment located in front of the residence shall be adequately shielded from the adjoining property by either a solid enclosure or solid fence or wall and no resulting setback shall be less than 3 feet from any property line.~~ Any residential ancillary equipment installed more than two feet above grade in any location for the first time, and any equipment installed more than two feet above grade that is associated with new construction of the residence to

which it is associated, shall meet all required yard setbacks for the district in which it is located.

(~~b~~c) ~~Equipment newly installed more than two feet above grade shall not encroach into any required front or side yard setback.~~ New or replacement equipment that is eligible under the Florida Building Code and the floodplain management regulations of Chapter 98 of the Code of Ordinances to be installed at or near grade, including pool equipment where so authorized, may encroach into any required yard setback up to four feet provided that any equipment located in front of the residence is adequately shielded through a solid enclosure, fence or wall, and no remaining setback distance is less than three feet from any property line. When this permission is utilized, the equipment shall be elevated no more than two feet above grade.

(~~c~~d) ~~New elevated equipment on any new or substantially improved residential structures shall not encroach into any required yard setback. This shall apply to any equipment installed for new or substantially improved structures or to such items being installed for existing structures the first time.~~ When a residence is substantially improved and it is served by permitted existing ancillary equipment that encroaches into a required yard, and when permitted existing ancillary equipment encroaches into a required yard and is voluntarily or is required to be elevated, it may be elevated in place subject to the following:

~~(d) Change-outs or in-place elevation of existing residential equipment located in the required rear or side yard of a structure legally nonconforming to the current required design flood elevation, that has sustained damage from a flood and is required by the Florida Building Code to be elevated above the floodplain, shall be permitted to be elevated in place subject to the following criteria. Equipment required to be elevated shall be as applicable in section 701.3(2) of the Florida Building Code, Existing, as may be amended, and shall include condensers, generators, and other exterior residential equipment and appliances damaged by flood, but shall not include pool equipment when permitted by the Florida Building Code to be installed below the required flood elevation.~~

(1) The bottom of the equipment shall be elevated no higher than one foot above the top of the structure's lowest floor used for a purpose other than parking, storage and access, or the required design flood elevation plus one foot, whichever is higher.

(2) The equipment shall encroach no farther into the required yard than the equipment it is replacing, except that minimum additional encroachment may be permitted to avoid conflict with existing projections located on the structure and/or roof eaves.

(3) If on a column or pedestal, the equipment with column or pedestal shall be located no closer than three feet from the property line.

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(4) If on a bracket the equipment with bracket shall be located no closer than three feet from the property line or, if elevated on a bracket such that any projection is no lower than 6'-8" from adjacent grade, shall not encroach beyond the property line.

(5) The top of the equipment shall not exceed the height of the ridge of the roof of the structure to which it is attached or associated, unless additional height is required by the Florida Building Code or Chapter 98 of the Code of Ordinances, which shall supersede this limitation.

(6) ~~This provision shall not apply to residential structures that are new or substantially improved, which are regulated by (c), above.~~ The equipment, if located within the required front yard setback of the property, encroaches no more than five feet beyond the front wall of the residence.

Sec. 6.22. Yard and measurement requirements.

(a) *Required yards.* Examples of yards are shown in the illustration on the next page.

(b) *Encroachment of open balconies ~~and stairs~~.* Open balconies may be permitted to encroach into required front or rear yards a distance of three feet.

(c) Stairs that are independently roofed or covered by an independent overhang system shall meet all primary structure yard setback requirements for the zoning district in which they are located. Other stairs shall be permitted to encroach into required yards as follows:

(1) ~~Open~~ All stairs~~,~~ without independent roof or overhang systems~~,~~ may be permitted to encroach into any required yard setback a distance of three feet provided that no resulting setback shall be less than 2 feet from any property line.

(2) Residential single- or two-family homes possessing stairs meeting (1) preceding that also provide an open base between the footing and treads or landing, defined as a space that is at least 80 percent transparent when accounting for supports and any other structural or architectural component of the stairs, may encroach up to seven feet into the required front yard, provided the stairs are set no closer than two feet to the front property line. When the stairs include a landing that encroaches into the required front yard the landing shall be no wider than six feet, or the minimum width required by the Florida Building Code, whichever is greater.

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(g) *Front yard setbacks for lots located on the turning circle of a cul-de-sac or specified curved streets.* When a property is located on the turning circle of a cul-de-sac or a concave curved

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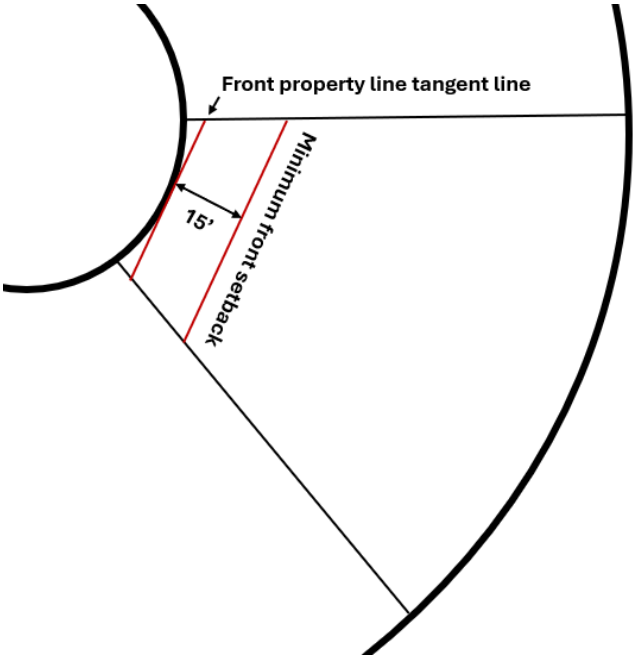
intersection of two streets and has a zoning of RU-1, RU-2, RLM-1, RLM-2, or RM, the front property line for setback purposes, only, may be established by drawing a tangent line connecting the side property lines at the midpoint of the front arc. When this standard is used, the front setback from the tangent line may be 15 feet, as illustrated in the following graphic. Additionally, permitted encroachments provided for in this section may be established relative to this 15-foot front setback.



Sec. 7.4. Establishment of minimum building finished floor elevations.

The minimum finished floor elevation for all new or relocated structures, and any structure being restored, renovated or improved such that the new construction is subject to the substantial improvement rules shall be ~~at an elevation to be determined by the city based upon the applicable local, state and federal flood hazard mitigation requirements~~meet the stricter of the elevations required by the Florida Building Code or Chapter 98 of the Code of Ordinances.

Sec. 28.1. Definitions.

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Substantial improvement means the same as defined under section ~~106-86~~98-128.4.

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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,~~ alterations, and changes of occupancy ~~addition, or other improvements~~ as permitted by Chapter 12 of *Florida Building Code, Existing*, 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.

RESOLUTION 2026-02

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, ADOPTING THE RETIREMENT HEALTHCARE FUNDING PLAN THROUGH THE NATIONAL PUBLIC PENSION FUND ASSOCIATION (NPPFA); AUTHORIZING EXECUTION OF RELATED DOCUMENTS AND AGREEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The CITY OF ST. PETE BEACH is a Municipal Corporation, organized as a Municipality and is a member of the National Public Pension Fund Association ("NPPFA");

WHEREAS, NPPFA has created a Retirement Healthcare Funding Plan (the "Plan") for the use of its member jurisdictions and offers the Plan for adoption by Governmental Employers for the benefit of their respective employees and beneficiaries;

WHEREAS, NPPFA has created for execution a Health and Welfare Document, and the corresponding Specifications;

WHEREAS, NPPFA, on behalf of sponsoring entities that adopt and maintain the Plan, has provided for coordinated investment management and administrative services for the accumulation phase of the Plan through an Administrative Services Agreement, hereto (the "Services Agreement"), pursuant to which Transamerica Retirement Solutions (the "Service Agent") has been appointed to provide certain record keeping and administrative services with respect to the Plan, as more specified in the Services Agreement and to provide investment management under a Group Mutual Fund Agreement ;

WHEREAS, the NPPFA has employees rendering valuable services to CITY OF ST. PETE BEACH and has, upon due deliberation, concluded that it would be prudent and appropriate to adopt and administer the Plan on behalf of such employees of the CITY OF ST. PETE BEACH who are subject to a Collective Bargaining Agreement with the CITY OF ST. PETE BEACH (as specified in schedule A of the Specifications) that requires inclusion in the Plan or have been designated as a covered class by the employer (as specified in schedule A of the Specifications) in order to allow such employees to provide for their retirement security and to serve the interest of the CITY OF ST. PETE BEACH in attracting and retaining competent personnel;

WHEREAS, the Corporate Authority has reviewed the Plan documents including, and the investment media via prospectus, and has found the NPPFA's arrangements to be reasonable and beneficial to the Plan and will serve the objectives of the CITY OF ST. PETE BEACH and its employees who participate in the Plan and;

WHEREAS, the CITY OF ST. PETE BEACH is empowered by the laws, rules and regulations of State of Florida to take on its behalf the actions contemplated by this Resolution;

NOW, THEREFORE, BE IT RESOLVED, that the CITY OF ST. PETE BEACH hereby adopts the Health and Welfare Document, and the corresponding Trust Agreement, and corresponding

Specifications and as may be amended from time to time to comply with any changes in applicable laws, rules and regulations or as otherwise necessary or appropriate;

FURTHER RESOLVED, that the CITY OF ST. PETE BEACH hereby authorizes the program coordinator to execute the BMI TRS Administrative Service Agreement, including without limitation which may be amended from time to time to comply with any changes in applicable laws, rules and regulations or as otherwise necessary or appropriate;

FURTHER RESOLVED, that the CITY OF ST. PETE BEACH hereby appoints State Street Bank and Trust as passive trustee of the plan pursuant to its master trustee agreement with Transamerica Retirement Solutions.

BE IT FURTHER RESOLVED that the CITY OF ST. PETE BEACH or his/her designee shall be the coordinator for this program; shall receive necessary reports, notices, etc. from BMI and Transamerica Retirement Solutions may assign administrative duties to carry out the Plan to the appropriate departments, and is authorized to execute all necessary agreements incidental to the administration of the Plan.

PASSED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA THIS _____ DAY OF _____, 2026.

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

_____
Adrian Petrila, Mayor

ATTEST:

_____
Renee Rose, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

_____
Ralf Brooks, City Attorney

ARTICLE 28: POST EMPLOYMENT HEALTH PLAN

28.1. General Terms.

During the terms of this contract, with a joint IAFF and City goal of October 1st, 2026, members will be afforded the option of entering into a Post employment Health Plan governed by the Internal Revenue Code. NPPFA Benefits will establish said program and shall administer the Retirement Healthcare Funding Plan (RHFP). It is, however, understood that the City will honor the unions funding agreement as stipulated in the union contract.

28.2. Participation

Upon implementation of the RHFP, members will be afforded a one-time, lifetime opt-out of participating in the plan. Upon approval of this benefit, a member will have a 30 day "opt-out" period. If a member fails to exercise the opt-out option within 30 days, in writing to the City, then the said member will be enrolled in the plan for the entirety of their career. All future members covered by this agreement will be mandatorily enrolled in the RHFP.

28.3. Funding Agreement.

A. At a member's cost, the union will develop groups and determine their contribution requirements as a percentage of their annual payroll by September 1st of each year for an October 1st implementation.

B. Employees can utilize a PTO buy back option annually to fund their Post Retirement Healthcare Plan up to a maximum PTO dollar value of $2,500.00.

C. Employees must maintain a minimum of 96 hours in their PTO bank.

D. Employees utilizing four (4) or more days of Unscheduled PTO in the previous twelve (12) month period prior to the PTO buy back are ineligible for this benefit.

CITY COMMISSION MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS

Agenda Report

Agenda Title Name: Resolution 2026-01: Vacating a three-foot easement located at the rear of Lots 5 and 6 of Block C of Sunset Park Replat as recorded in Plat Book 18, Page 6, of the Public Records of Pinellas County, Florida (103 24th Avenue)

Action Request: Motion to adopt Resolution 2026-01.

Strategic Objective: Recovery, Resiliency & Sustainability

Date: January 27, 2026

Prepared By: Brandon Berry, Senior Planner

Through: Frances Robustelli, City Manager

Summary of Issue: The Sunset Park area of Pass A Grille underwent replatting in 1926 and included numerous general easements on the replat, one of which runs along the rear of the four lots of Block C that face the currently-named Pass A Grille Way between 24th and 25th Avenues.

The property of 103 24th Avenue contains all of Lot 7 of Block C and the rear 22 feet of both Lots 5 and 6. The partial lots under ownership were platted with a three-foot unspecified-to-purpose easement at their rear. This property's ownership configuration has been in place since at least 1978, the earliest deed record readily available for the property. The owners of the property are seeking to redevelop the property with a new residence that will be located within the specified easement, and seek a vacation of the easement.

The owners have received letters of no conflict from Duke Energy, Frontier Communications, TECO Peoples Gas, and Pinellas County Utilities in support of the vacation request. Charter Communications (Spectrum) also provided a no conflict letter, stating that easements may be required on the subject property in the future to accommodate their facilities.

Staff has no concerns with the request. Although the original purpose of the easement is unspecified, the City has no present need for the easement to be maintained as a drainage easement, as the property will need to be swaled to direct water to the street when redeveloped which will fulfill the drainage improvement requirement applicable to new single-family homes. At the property's size and present zoning, it could not be permitted any use other than a single-family home, so it is unlikely that the property could be later developed with a more intensive use which would require a more robust drainage solution.

Approval of this request will permanently vacate the easement that currently intersects the eastern 19 feet of the property from the 50x100' Lot 7 that presently contains the 1925-built home, which is being contemplated for either demolition or relocation at the time of drafting this report. When the easement is vacated, the applicant will be able to proceed with development on the site to the typical zoning setback and lot coverage standards. The existing three-foot platted easement that runs along the entire rear (north side) of the Lot 7 portion of the property will remain unaffected.

The new residence has proceeded through design review with the Historic Preservation Board, and the permit authorizing the development of the new home is pending approval of the subject easement vacation request.

Pursuant to Sec. 1.03. of the St. Pete Beach Charter, the subject easement vacation requires an affirmative vote of at least four members of the City Commission to authorize. Notice has been provided to owners within 300 feet as required. The Planning Board will review and recommend the subject request at their January 26th meeting, and their recommendation will be shared at the adoption hearing.

Funding: No known fiscal impact to the City.

Attachments:

1. Resolution 2026-01
2. Sunset Park Replat
3. Pinellas County Utilities - Letter of No Objection
4. Duke Energy - Letter of No Objection
5. Frontier Communications - Letter of No Objection
6. TECO Peoples Gas - Letter of No Objection
7. Charter Communications - Conditional Letter of

No Objection
8. Survey Showing Easement Location
9. Proposed Site Plan

RESOLUTION NO. 2026-01

A RESOLUTION OF THE CITY OF ST. PETE BEACH VACATING A THREE-FOOT PLATTED EASEMENT AT THE REAR OF LOTS 5 AND 6 OF BLOCK C OF SUNSET PARK REPLAT, RECORDED IN PLAT BOOK 18, PAGE 6, OF PINELLAS COUNTY PUBLIC RECORDS, LOCATED WITHIN THE PROPERTY BOUNDARIES OF 103 24TH AVENUE; AND PROVIDING FOR CONSTRUCTION, CORRECTION OF SCRIVENER'S ERROR, AND AN EFFECTIVE DATE.

WHEREAS, the owners of the property at 103 24th Avenue desire to redevelop their property with a single-family residence and accessory structures.

WHEREAS, the property contains all of a single platted lot, and the western 22 feet of two platted lots that contain at their western rear boundary a three-foot unspecified easement that was designated on the Sunset Park Replat in 1926.

WHEREAS, the owner has obtained letters of no objection from Duke Energy, Pinellas County, Charter Communications (Spectrum), TECO Peoples Gas, and Frontier Communications for the proposed vacation, being the five utilities currently active in St. Pete Beach.

WHEREAS, Staff has no concerns regarding the vacation of the proposed easement and finds that single-family drainage improvements will be required for the new development regardless of the presence of the easement.

WHEREAS, the proposed new development on the subject property has been reviewed and accepted by the Historic Preservation Board, and its construction is contingent on the vacation of the subject easement.

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

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

SECTION 2. The City Commission authorizes the vacation of the subject three-foot easement, which has a length of 100 feet, width of three feet, and begins 19 feet from the eastern property boundary of 103 24th Avenue as depicted on the accompanying survey and recorded Sunset Park plat.

SECTION 3. This request does not vacate any of the platted three-foot-wide, 50-foot-long easement that runs along the northern side of Sunset Park Replat Block C, Lot 7, connecting with an easement of the same size on Lot 8 that leads to the right-of-way of Sunset Way.

SECTION 4. A copy of the accompanying development order to this request shall be recorded prior to issuance of any permit that will develop the land on which the easement is currently located.

SECTION 5. 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 6. Construction. This Resolution is to be liberally construed to accomplish its objectives.

SECTION 7. Effective Date. This Resolution shall be effective upon adoption.

PASSED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, THIS _____ DAY OF _____, 2026.

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

_____
Adrian Petrila, Mayor

ATTEST:

_____
Renee Rose, City Clerk

Approved as to form and legal sufficiency for the use and reliance of the City of St. Pete Beach only:

_____
Vose Law Firm LLP, City Attorney

Accepted for the City of Pass-a-Grille

E.K. Meredith Mayor Pro Tem.

T. E. Hallock Commissioner

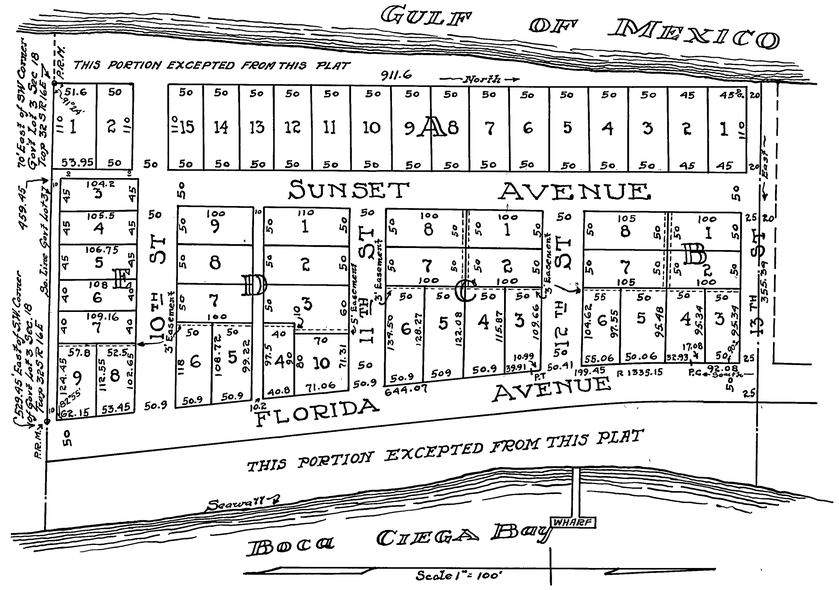
Commissioner

Commissioner

T. E. Hallock Clerk

I hereby certify that on this 14 day of April A.D. 1926 this property was surveyed and staked and that monuments were set as indicated and that the dimensions angles and lengths are correct. This replat made for the purpose of changeing the alignment of Florida Avenue.

D. F. Valentine
Reg Engr #462



A REPLAT OF SUNSET PARK

Pass-a-Grille in Pinellas County in Florida.

Being a replat of a portion of all lots in Blocks A.-B.-C.-D. and E of Sunset Park as filed in Book 13, Page 100 Pinellas County Records.

Further described as follows:

Beginning at a point 70 feet East of SW corner of Govt Lot 3, Sec. 18 - Twp 32 S - R. 16 E. run North 911.6 feet; thence East 355.34 feet; thence South 92.08 feet to P.C.; thence running on a curve to the left of radius 1335.15 feet a distance of 199.45 feet to P.T.; thence Southeasterly 644.07 feet to the South line of Govt lot 3; thence Westerly along South Line of Govt Lot 3 a distance of 459.45 feet to point of Beginning.

We the undersigned hereby certify that we are the owners in fee simple of the lands above described hereby platted as "A Replat of Sunset Park" that we hereby dedicate to the public all streets and public places shown on this plat of the sub-division of the same; it being stipulated that a right of way be reserved as shown for the location of public utilities including poles and conduits for wires and pipes, and that the sub-division is permanently marked upon the ground by concrete monuments in the locations shown on said plat and that the dimensions angles and lengths and the connections with and witness marks of monuments as shown are correct and entirely within the boundaries of said tract as above described.

Witness our hand and official seal at St Petersburg, Florida this day of A.D. 1926

Signed, sealed and delivered in presence of

E. M. Fisher (Witness)

M. M. Deaderick (Witness)

C. Lester Ford (Seal)

Elisabeth G. Ford (Seal)

C. E. Redington (Seal)

Hazel A. Redington (Seal)

Mary Lou Gray (Seal)

Erwin C. Price (Seal)

E. K. Meredith (Seal)

Trustees of School District #12 Pinellas County, Florida.

State of Florida, County of Pinellas.

I hereby certify, that on this 17th day of April A.D. 1926 before me, the undersigned authority, personally appeared C. Lester Ford and Elisabeth G. Ford, his wife, C. E. Redington and Hazel A. Redington, his wife for themselves and Erwin C. Price, E. K. Meredith, and Mary Lou Gray as Trustees of School District #12 Pinellas County, Florida, and severally acknowledged that they executed this plat of Sunset Park as and for their free act and deed, and the said Erwin C. Price, E. K. Meredith and Mary Lou Gray acknowledged that they executed the same in behalf of School District No. 12 Pinellas County, Florida.

I further certify that the said Elizabeth G. Ford, Hazel A. Redington wives of the said C. Lester Ford and C.E. Redington respectively, on an examination taken and made separately and apart from their said husbands, each acknowledged to me that she executed this instrument for the purpose of renouncing and relinquishing her dower and rights of dower and separate estate in and to the lands, tenements, and hereditaments herein described, and that she executed said instrument freely and voluntarily, and without any compulsion, constraint, apprehension or fear of or from her said husband.

Witness my hand and official seal the date aforesaid.

Monroe M. Deaderick
Notary Public State at large

My commission expires Dec 1 1928

Book 18 Page 6

FILED APR 24 1926 AT 2:00 O'CLOCK P.M. AND RECORDED IN THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA IN THE BOOK AND ON THE PAGES DESIGNATED ABOVE.

K. B. O'QUINN, Clerk Circuit Court

By ..... D.C.

August 27,2025

Att: Gina Pezza
Email: ginap@groundpros.com
103 24th Avenue, St. Pete Beach, Fl. 33706

Re: Letter of No Objection for the proposed vacation of the 3' public easement located along the East side of Lots 5 and 6, Block C, A Replat of SUNSET PARK (Plat Book 18, page 6),

Dear Property Owner,

We have received your request for a letter of no objection for the proposed vacation of the 3' public easement located along the East side of Lots 5 and 6, Block C, A Replat of SUNSET PARK (Plat Book 18, page 6), as depicted in the attached exhibit(s).

Pinellas County does not have any utilities, or stormwater facilities in the right-of-way and has no future plans for utilities, or stormwater facilitates in the easement. Therefore, Pinellas County has no objection to the proposed vacation.

If you have any questions, or if we may be of further assistance, please feel free to contact me at (727) 464-3169.

Sincerely,

Briana Dachniewicz
Development Project Manager I
Petition to Vacate Coordinator
Pinellas Building & Development Review Services

440 Court Street
Clearwater, FL 33756
Phone (727) 464-3888
V/TDD (727) 464-4062
www.pinellascounty.org

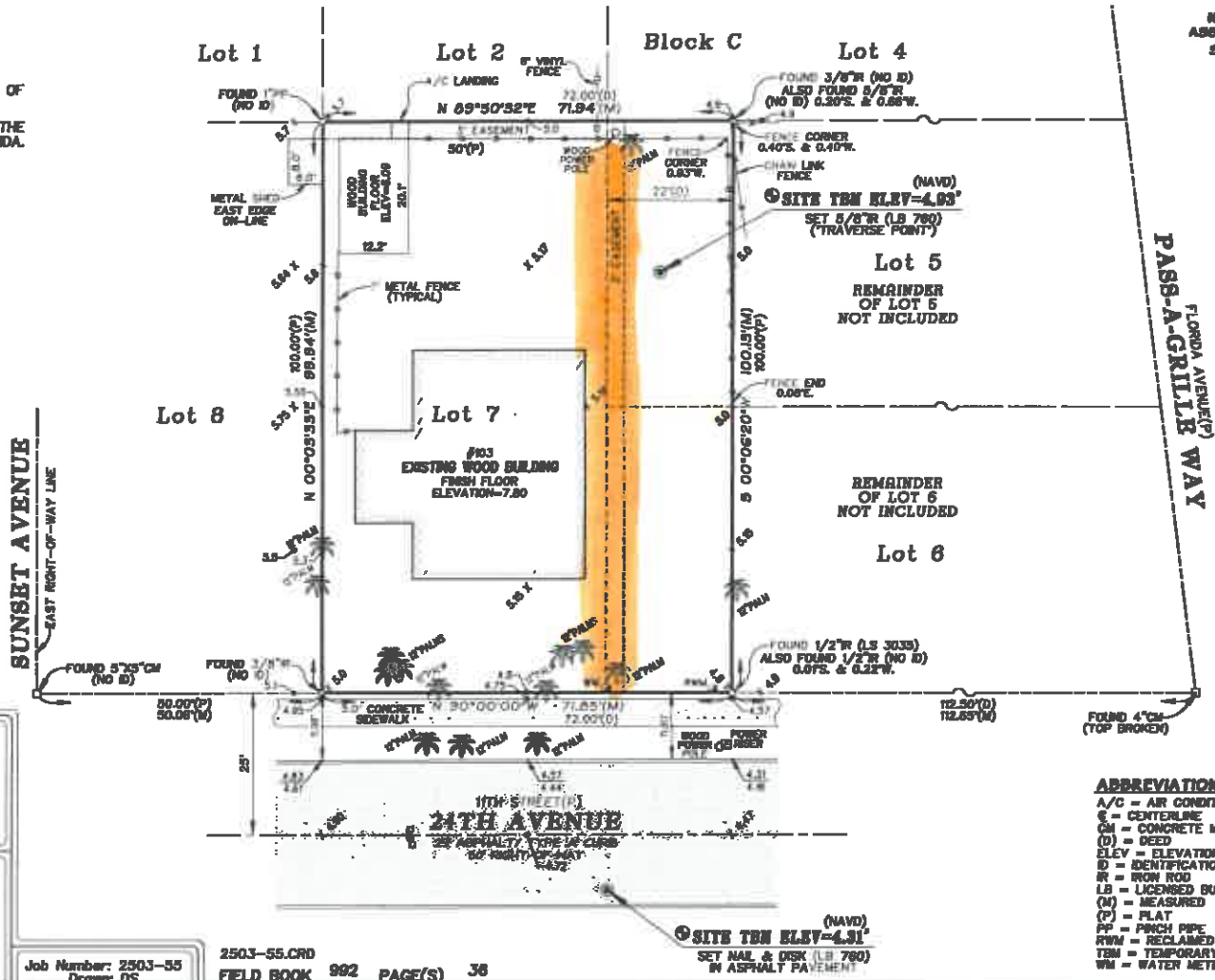
CERTIFIED TO:
MICHAEL J. PEZZA
GINA M. PEZZA
CSM CONSTRUCTION

SECTION 18, TOWNSHIP 32 SOUTH, RANGE 16 EAST

LEGAL DESCRIPTION

LOT 7 AND THE WEST 22 FEET OF LOTS 5 AND 6, BLOCK C, ACCORDING TO THE PLAT OF SUNSET PARK REPLAT AS RECORDED IN PLAT BOOK 18, PAGE 6 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

BOUNDARY AND TOPOGRAPHIC SURVEY
WITH TREE LOCATION – 5/12/25



Current FEMA Flood Zone Data:
FLOOD ZONE(S): AE(9')
DOES NOT LIE WITHIN COASTAL A ZONE
COMMUNITY PANEL #125148 12103C0278 H
REVISED 8/24/21

Assumed Basis of Bearings:
NORTH RIGHT-OF-WAY LINE OF 24TH AVENUE AS BEING N.89°00'00"W., ASSUMED. (NO RECORD PLAT BEARINGS)

Reference Benchmark:
PINELLAS COUNTY MAP #284 (NOAA 1973)
ELEV=7.566' NGVD, ADJUSTED TO
ELEV=6.82' NAVD, MSL=0.00'

This survey was prepared without the benefit of a title search and is subject to all easements, rights-of-way, and other matters of record.

Survey not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

This survey is made for the exclusive use of the current owners of the property and also those who purchase, mortgage or guarantee the title thereto within one (1) year from latest date shown hereon.

Prepared by:
JOHN C. BRENDLA AND ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS AND MAPPERS
402 62nd Avenue North
Pinellas Park, Florida 33781
phone (727) 526-7746

I hereby certify that the Survey represented hereon meets the requirements of Chapter 5J-17, Florida Administrative Code.

STATE OF FLORIDA
JOHN C. BRENDLA
Florida Surveyor & Mapper No. 4601
Certificate of Authorization No. 760

Job Number: 2503-55
Drawn: DS

2503-55.CRD
FIELD BOOK 992 PAGE(S) 36

ABBREVIATIONS:
A/C = AIR CONDITIONER
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(M) = MEASURED
(P) = PLAT
PP = PINCH PIPE
RWM = RECLAIMED WATER METER
TBM = TEMPORARY BENCHMARK
WM = WATER METER

2166 Palmetto Street
Clearwater, FL 33765
Mail Code: CWBAYG
Office-727-893-9262
Email: Jonathan.Kasper@Duke-Energy.com

August 29, 2024

PEZZA, MICHAEL J
PEZZA, GINA M

RE: Approval of a Platted Utility Easement Vacation
Parcel ID: 18-32-16-88056-003-0070
Address: 103 24TH AVE., ST PETE BEACH, FL 33706
Legal: SUNSET PARK REPLAT BLK C, LOT 7 & W 22FT OF LOTS 5 & 6

Dear Mr. and Mrs. Pezza,

Please be advised that Duke Energy Florida, LLC., *Distribution Department* and *Transmission Department* has **"NO OBJECTIONS"** to the 3' wide platted utility easement vacation, lying along the Westerly boundary of Lots 5 and 6, Block C, according to the plat thereof, referenced on SUNSET PARK REPLAT, Plat Book 18, Page 6, Public Records of Pinellas County Florida, further shown on accompanying exhibit.

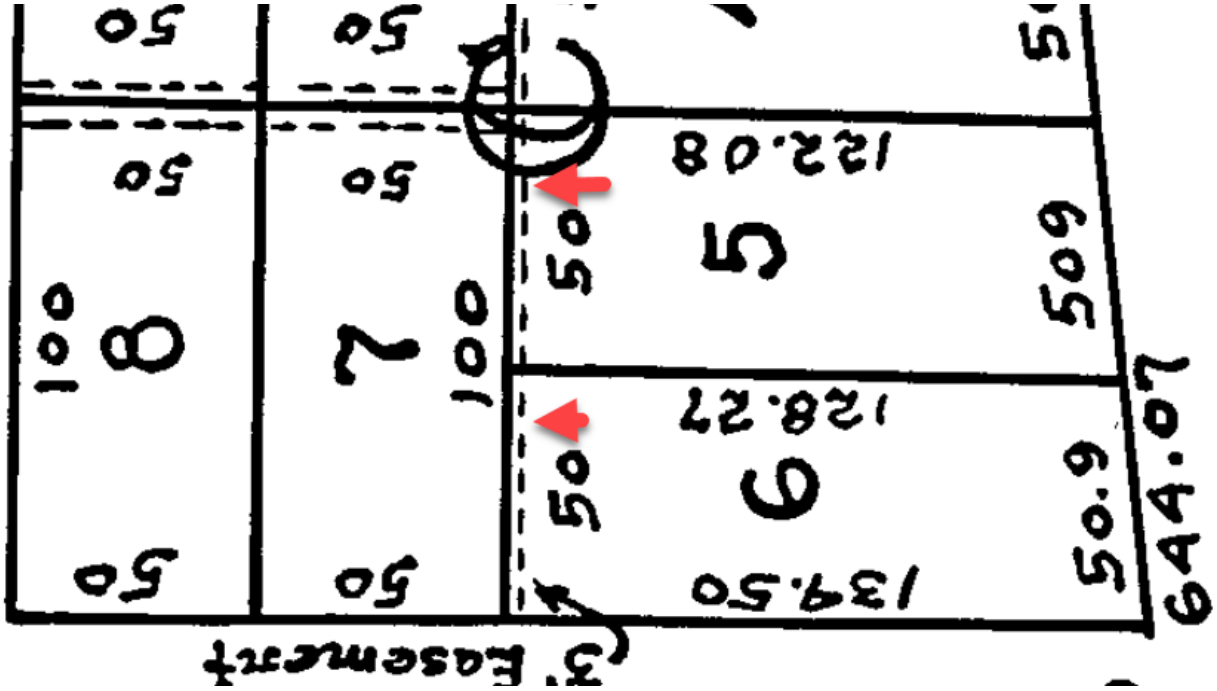
If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Jonathan Kasper

Jonathan Kasper
Real Estate Representative
Duke Energy Florida

Exhibit


50
50
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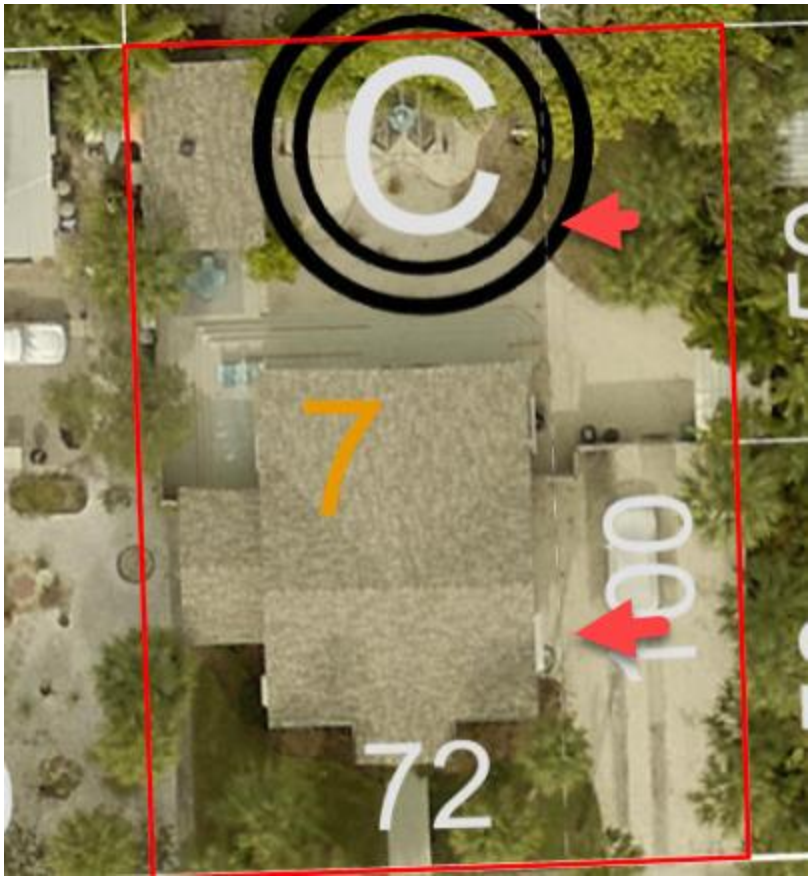
5
122.08
509
50
6
128.27
50.9
50
50
137.50
644.07
3' Easement


C
7
100
72

FRONTIER

2185 Range Rd
Clearwater, FL 33765
(941) 266-9218
stephen.waidley@ftr.com

11/17/2025

Attn: Briana Dachniewicz
Development Project Manager I
Pinellas County
440 Court St
Clearwater, FL 33756

RE: Vacation of Easement - 103 24th Ave, St Pete Beach, FL

Dear Ms. Dachniewicz,

☐ Our records do not indicate that there are Frontier facilities in the area of the Plat request as per the attachment provided.

☑ Frontier has no objection to the above referenced request as per the attachment.

☐ Frontier has facilities within the proposed vacate area. A recordable non-exclusive Easement in favor of Frontier will be required for Frontier facilities to remain in the proposed vacated R.O.W.

☐ Frontier has facilities in the area, which may be in conflict with your proposed construction plans. Please contact Sunshine 811 by dialing 811, 2 full business days prior to the start of your work to have these facilities located for you. Please take all necessary precautions to protect and avoid damage of these facilities during your construction.

☐ Frontier has facilities in the area, which may be in conflict with your proposed construction plans. Please send a set of construction plans and references to the Frontier Engineering Department with regards to the above project.

☐ Frontier has facilities in the area of your proposed construction. Prepayment is required to markup a set of construction plans in order to confirm and accurately depict Frontier facilities. There will also be a reimbursement of all costs required for relocation/adjustments of Frontier facilities needed to accommodate the proposed construction project.

Please call me if you have any questions or need any additional information at (941) 266-9218.

Sincerely,

Stephen Waidley

Stephen Waidley
Frontier Florida LLC
Regional Rights of Way & Municipal Affairs Manager

August 27,2025

Att: Gina Pezza
Email: ginap@groundpros.com
103 24th Avenue, St. Pete Beach, Fl. 33706

Re: Letter of No Objection for the proposed vacation of the 3' public easement located along the East side of Lots 5 and 6, Block C, A Replat of SUNSET PARK (Plat Book 18, page 6),

Dear Property Owner,

We have received your request for a letter of no objection for the proposed vacation of the 3' public easement located along the East side of Lots 5 and 6, Block C, A Replat of SUNSET PARK (Plat Book 18, page 6), as depicted in the attached exhibit(s).

Pinellas County does not have any utilities, or stormwater facilities in the right-of-way and has no future plans for utilities, or stormwater facilitates in the easement. Therefore, Pinellas County has no objection to the proposed vacation.

If you have any questions, or if we may be of further assistance, please feel free to contact me at (727) 464-3169.

Sincerely,

Briana Dachniewicz
Development Project Manager I
Petition to Vacate Coordinator
Pinellas Building & Development Review Services

440 Court Street
Clearwater, FL 33756
Phone (727) 464-3888
V/TDD (727) 464-4062
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CERTIFIED TO:
MICHAEL J. PEZZA
GINA M. PEZZA
CSM CONSTRUCTION

SECTION 18, TOWNSHIP 32 SOUTH, RANGE 16 EAST

LEGAL DESCRIPTION

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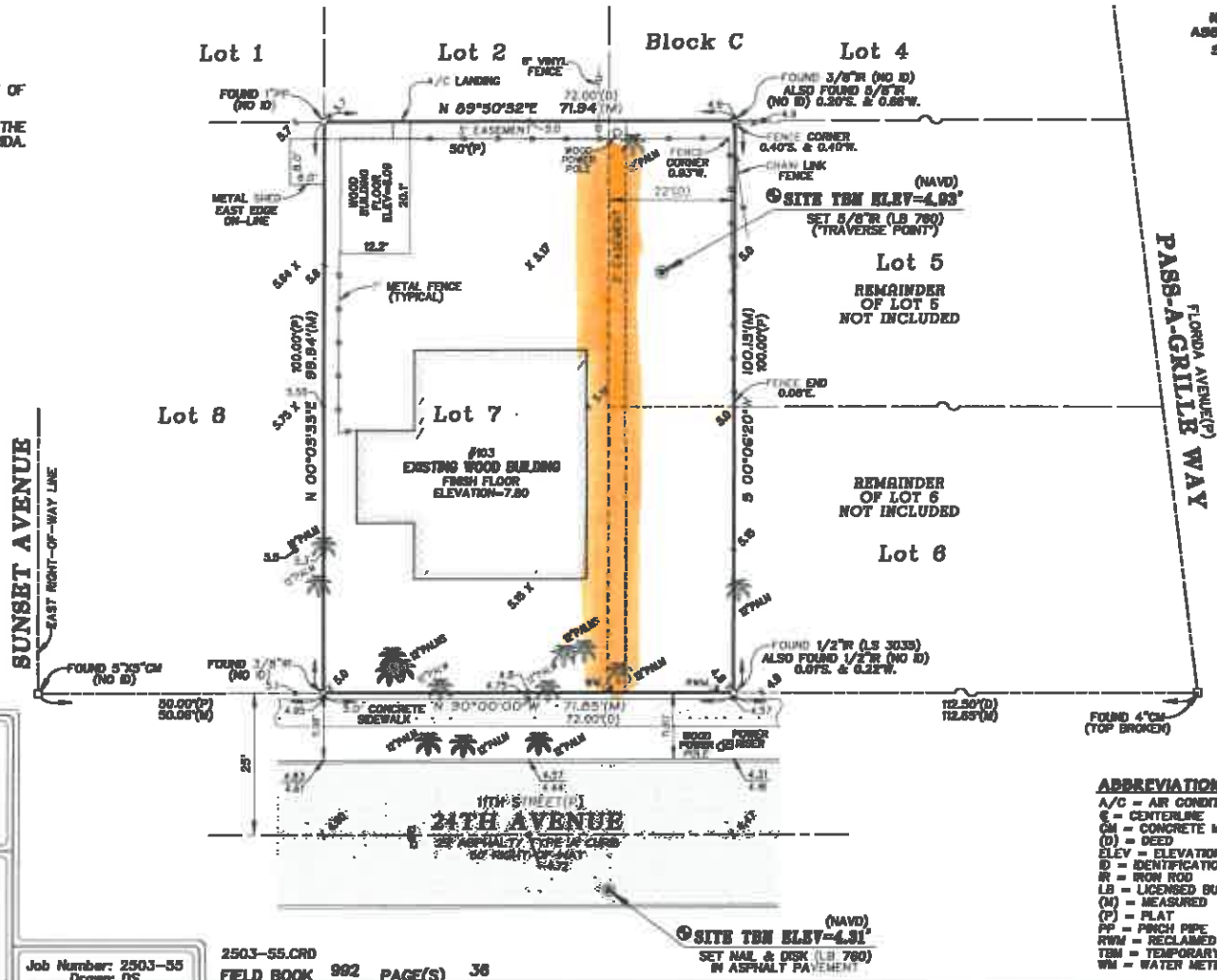
BOUNDARY AND TOPOGRAPHIC SURVEY
WITH TREE LOCATION – 5/12/25



NORTH BASED
ASSUMED MERIDIAN
SCALE: 1"=20'

Current FEMA Flood Zone Data:
FLOOD ZONE(S): AE(9')
DOES NOT LIE WITHIN COASTAL A ZONE
COMMUNITY PANEL #125149 12103C0278 H
REVISED 8/24/21

Assumed Basis of Bearings:
NORTH RIGHT-OF-WAY LINE OF 24TH AVENUE AS BEING N.89°00'00"W., ASSUMED. (NO RECORD PLAT BEARINGS)

Reference Benchmark:
PINELLAS COUNTY MAP #284 (NOAA 1973)
ELEV=7.566' NGVD, ADJUSTED TO
ELEV=6.82' NAVD, MSL=0.00'

This survey was prepared without the benefit of a title search and is subject to all easements, rights-of-way, and other matters of record.

Survey not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

This survey is made for the exclusive use of the current owners of the property and also those who purchase, mortgage or guarantee the title thereto within one (1) year from latest date shown hereon.

Prepared by:
JOHN C. BRENDLA AND ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS AND MAPPERS
4013 62nd Avenue North
Pinellas Park, Florida 33781
phone (727) 526-7446

I hereby certify that the Survey represented hereon meets the requirements of Chapter 5J-17, Florida Administrative Code.

STATE OF FLORIDA
JOHN C. BRENDLA
No. 4601
STATE OF FLORIDA
Professional Surveyor and Mapper
JOHN C. BRENDLA
Florida Surveyor & Registration No. 4601
Certificate of Authorization No. 780

Job Number: 2503-55
Drawn: DS

2503-55.CRD
FIELD BOOK 992 PAGE(S) 36

ABBREVIATIONS:
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(P) = PLAT
PP = PINCH PIPE
RWM = RECLAIMED WATER METER
TBM = TEMPORARY BENCHMARK
WM = WATER METER

Ticket Status Notification

To:
Email: MIKEP@GROUNDPROS.COM

Below lists utilities that were statused by USIC. Please note there may be other Utilities which include private facilities that may be present in the work area and are NOT the responsibility of USIC to locate or mark.

You are receiving this notification because your contact information is listed on the above ticket from the One Call System. If you have any questions regarding this notification, please contact USIC at 1-800-762-0592.

Ticket	Address
233502566	103 24TH AVE,ST PETE BEACH,FL

Utility	Locate Date /	Status	Detail
Charter-Time Warner Cab	09/22/25 04:32 PM	Not Marked	4 - Excavation Site Clear
Frontier Tel	09/22/25 04:32 PM	Not Marked	4 - Excavation Site Clear

---

Stay Up-to-Date with Real-Time Access to USIC's assigned Tickets through our DigCheck Pro App.
You will have the flexibility to see Open and Closed Tickets, Post Locate Photos, and Street Views!
There is no cost to access our DigCheck Pro App.

Sign up by emailing DigCheck@usicllc.com and provide your
First Name:
Last Name:
Company Name:
Email Address:
State or States:
Phone Number:

You can download DigCheck Pro from Apple App Store or Google Play Store Now!

It's Free!

Questions or Comments:

DigCheck@usicllc.com

January 6, 2026

To: Brandon Berry
Senior Planner
City of St. Pete Beach

Re: Vacate of Easement
Address: 103 24th Ave St Pete beach ,33706

To Whom It May Concern,

Thank you for contacting Peoples Gas System, Inc. ("PGS") regarding the vacate of easement at the above reference location. After reviewing the documents provided, TECO-PGS has NO objection to this request. TECO-PGS does not have any active facilities in this specified area.

If you have further questions, please do not hesitate to call.

Sincerely,

Briana Velez
Peoples Gas Systems- Engineering
8416 Palm River Rd, Tampa Fl 33619
Office: (813)275-3700 ext:53700
Cell: (813)460-2040

Charter
COMMUNICATIONS

Date: 12/31/25

Re: **Request for vacation of platted residential easement - 103 24th Avenue, St. Pete Beach, 33706**

XXX Charter Communications has no objections provided easements for our facilities are Retained / granted

_____ Charter Communications has facilities that would need to be relocated and the applicant would be responsible for this expense. Payment in full would be required to proceed with vacation of the easement.

_____ In order to properly evaluate this request, Charter Communications will need detailed plans of facilities proposed for subject areas.

_____ Charter Communications has facilities within this area, which may conflict with subject project please call 811 to have locating. **SEE NOTES**

_____ Charter Communications requires 30 days written notice prior to construction start date to relocate their facilities.

NOTES:

Sincerely,

Derrick Snyder

Construction Supervisor
Charter Communications
Pinellas County
Phone Number __727-329-2041__

CERTIFIED TO:
MICHAEL J. PEZZA
GINA M. PEZZA
CSM CONSTRUCTION

LEGAL DESCRIPTION

LOT 7 AND THE WEST 22 FEET OF LOTS
5 AND 6, BLOCK C, ACCORDING TO THE PLAT OF
SUNSET PARK REPLAT
AS RECORDED IN PLAT BOOK 18, PAGE 6 OF THE
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BOUNDARY AND TOPOGRAPHIC SURVEY
WITH TREE LOCATION – 5/12/25

Current FEMA Flood Zone Data:
FLOOD ZONE(S): AE(9')
DOES NOT LIE WITHIN COASTAL A ZONE
COMMUNITY PANEL #125149 12103C0278 H
REVISED 8/24/21

Assumed Basis of Bearings:
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This survey is made for the exclusive use of the current owners of the property and also those who purchase, mortgage or guarantee the title thereto within one (1) year from latest date shown hereon.

Prepared by:
JOHN C. BRENDLA AND ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS AND MAPPERS
4015 82nd Avenue North
Pinellas Park, Florida 33781
phone (727) 576-7546

I hereby certify that the survey represented hereon meets the requirements of Chapter 5J-17, Florida Administrative Code.

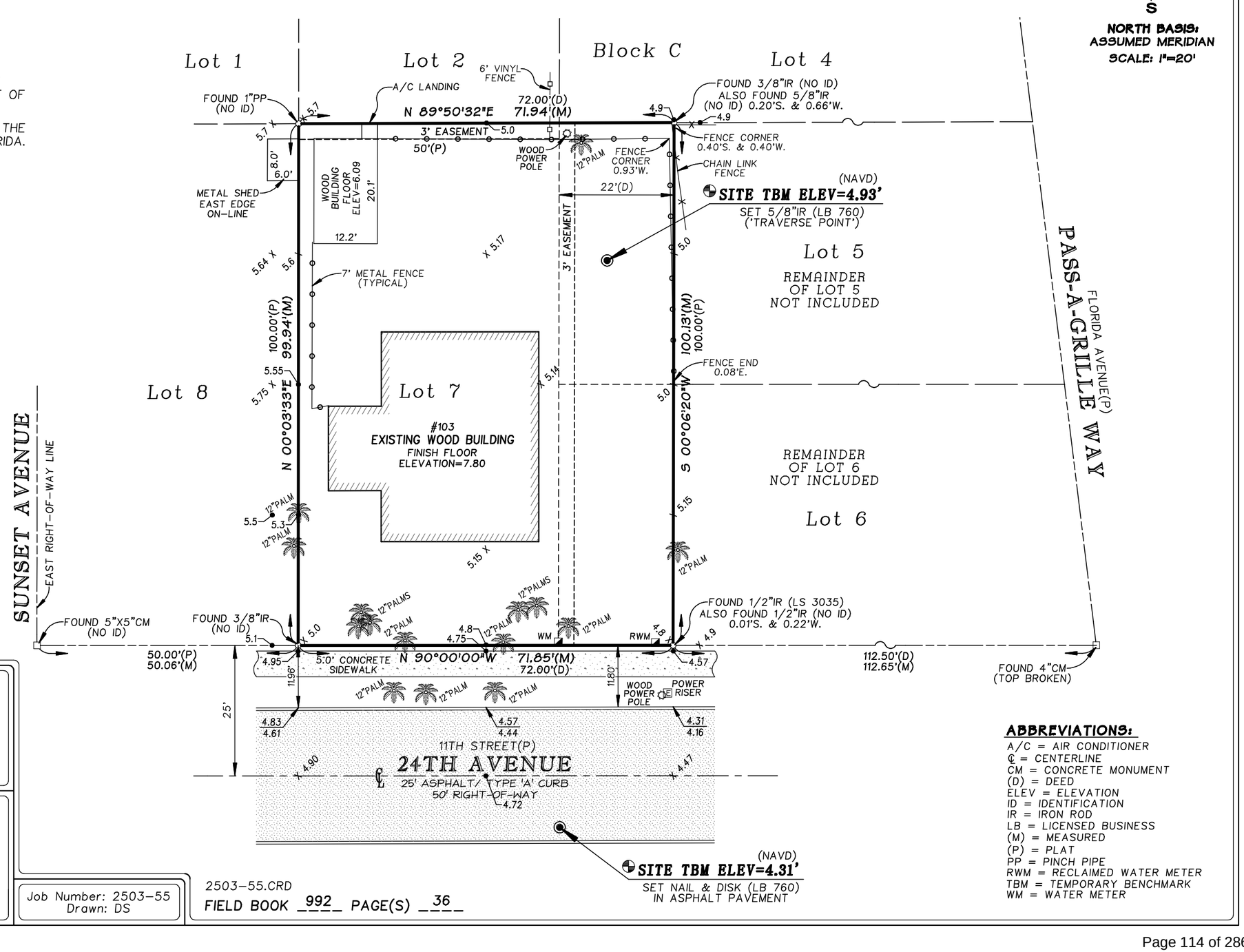
JOHN C. BRENDLA CERTIFICATE No. 4601 STATE OF FLORIDA REGISTERED SURVEYOR & MAPPER

No. 4601
STATE OF
JOHN O. BRENDLA
Florida Surveyor's Registration No. 4601
Certificate of Authorization No. 760

Job Number: 2503-55
Drawn: DS

2503-55.CRD
FIELD BOOK 992 PAGE(S) 36

SECTION 18, TOWNSHIP 32 SOUTH, RANGE 16 EAST



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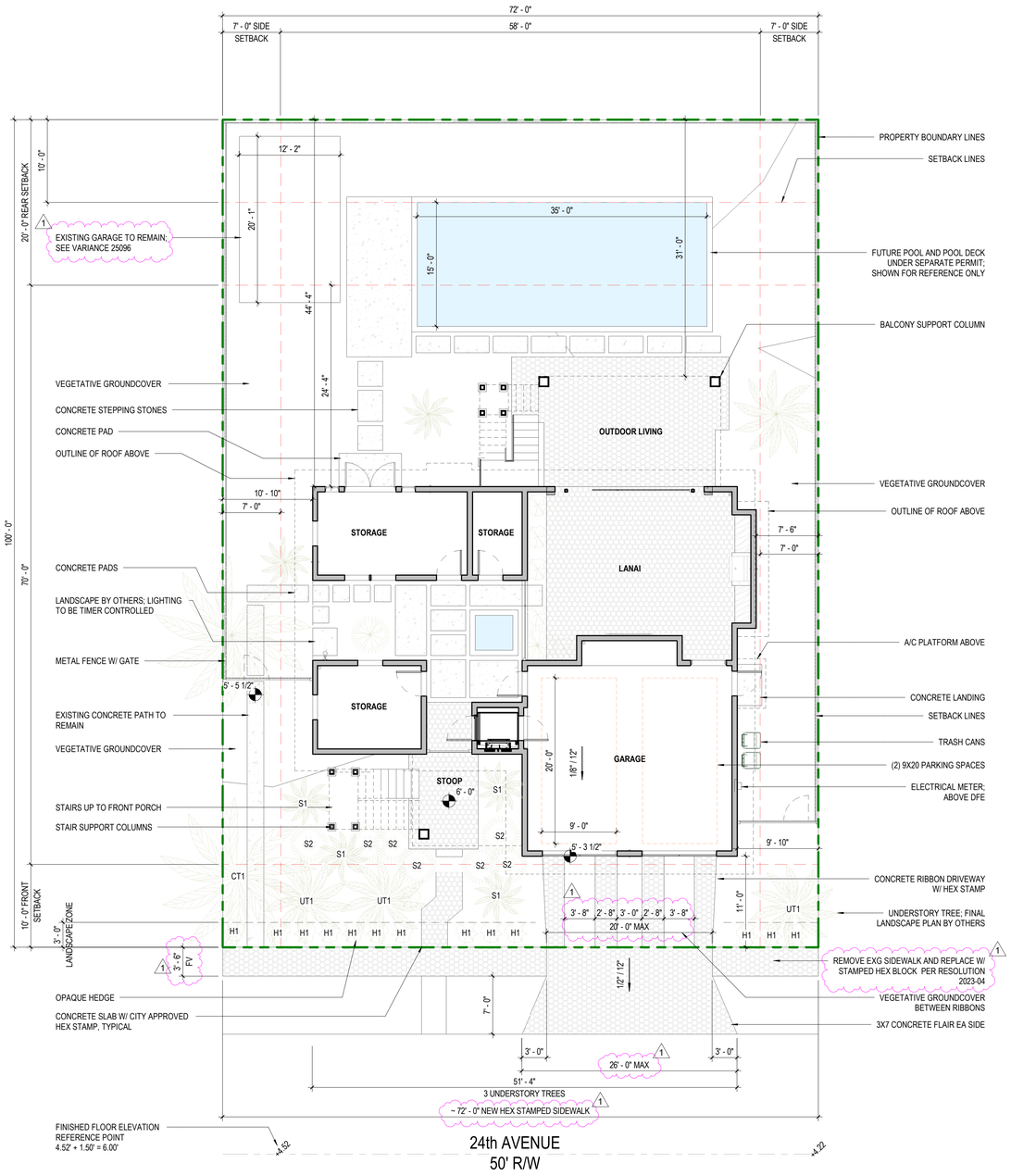

A1
A0.01

ARCHITECTURAL SITE PLAN

1/8" = 1'-0"

GENERAL NOTES - LANDSCAPING

1

1. LANDSCAPE PLAN IS SCHEMATIC. A COMPLETE PLAN IS TO BE PROVIDED BY OTHERS PRIOR TO FINAL ZONING INSPECTION.
2. SOD OR VEGETATIVE GROUNDCOVER TO BE 24% (1,728SF) OF THE LOT.
3. PROVIDE IRRIGATION TO ALL LANDSCAPED AREAS.
4. PLANT MATERIALS USED IN CONFORMANCE WITH THE PROVISIONS OF THIS ARTICLE SHALL CONFORM TO THE STANDARD FOR FLORIDA NO. 1 OR BETTER, AS GIVEN IN GRADES AND STANDARDS FOR NURSERY PLANTS, PART I, 1963, AND PART II, PUBLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE, OR EQUAL.
5. ALL TREES PLANTED UNDER THE PROVISIONS OF THIS CODE SHALL BE OF A SPECIES HAVING AN AVERAGE CROWN OF GREATER THAN 15 FEET AT MATURITY AND HAVING A TRUNK WHICH CAN BE MAINTAINED IN A CLEAN CONDITION, FREE OF BRANCHES, FROM GRADE TO FIVE FEET ABOVE GRADE.
6. CANOPY TREES SHALL HAVE A MINIMUM HEIGHT OF 12 FEET AND A DBH DIMENSION OF THREE INCHES AT THE TIME OF PLANTING.
7. ACCENT/UNDER-STORY TREES SHALL BE A MINIMUM OF EIGHT FEET IN OVERALL HEIGHT AND A TREE DBH DIMENSION OF TWO INCHES AT THE TIME OF PLANTING.
8. SHRUBS AND HEDGES SHALL BE A MINIMUM OF TWO FEET IN HEIGHT WHEN MEASURED IMMEDIATELY AFTER PLANTING.
9. VEGETATIVE GROUND COVERS IN LIEU OF GRASS, IN WHOLE OR IN PART, SHALL BE PLANTED IN SUCH A MANNER AS TO PRESENT A FINISHED APPEARANCE AND REASONABLY COMPLETE COVERAGE.
10. LANDSCAPE LIGHTING TO BE CONTROLLED BY TIMER.

ZONING DATA - SAINT PETE BEACH SEC. 20.20 LANDSCAPING STANDARDS

SEC. 20.21 SCREENING OF ELEVATED BUILDINGS
A - ARCHITECTURAL SCREENING SHALL:

1. CREATE A VISUAL CONTINUITY THAT IS INTEGRATED WITH THE OVERALL DESIGN AND ARCHITECTURE OF THE HOME USING DOORS, GARAGE DOORS, ENTRYWAYS, STAIRCASE AND/OR ARCHWAYS.

2. NO MORE THAN 20 PERCENT OF THE AREA BEING SCREENED CAN BE TRANSPARENT.

B - LANDSCAPE SCREENING SHALL BE INSTALLED:

1. A MINIMUM 3-FOOT-WIDE LANDSCAPE AREA.

2. ONE UNDERSTORY TREE PER 20 LINEAL FEET (OR PORTION THERE OF) OF THE ELEVATED BUILDING LENGTH/WIDTH VIEWED FROM PUBLIC RIGHTS-OF WAY.

3. PLANTED WITH SHRUBS, ORNAMENTAL GRASSES AND GROUNDCOVERS TO PROVIDE 100 PERCENT COVERAGE OF THE LANDSCAPE AREA WITHIN ONE GROWING SEASON. THE LANDSCAPE DESIGN SHALL (UNLESS SPATIALLY IMPRACTICAL) PROVIDE LAYERING OF PLANT MATERIALS THAT INCLUDES LARGER BACKGROUND SHRUBS AND LOW FOREGROUND GROUNDCOVERS. ALL PLANT MATERIAL SHOULD BE FLORIDA FRIENDLY PLANTINGS AS DEFINED AND IDENTIFIED BY UNIVERSITY OF FLORIDA/IFS HORTICULTURE EXPERTS.

4. PERMANENT MULCH MATERIALS, SUCH AS ORGANIC MULCHES, STONES, AND RECYCLED INORGANIC GROUNDCOVER MATERIALS ARE NOT PERMITTED IN LIEU OF VEGETATION, UNLESS THEY ARE PROVIDED AS ACCENT OR FOCAL POINTS THAT ENHANCE THE LANDSCAPE DESIGN.

SCHEDULE-IMPERVIOUS SURFACE

NAME	AREA
BUILDING FOOTPRINT	2449 SF
CONCRETE PADS	45 SF
DRIVEWAY	112 SF
1 EXISTING GARAGE	245 SF
POOL DECK	407 SF
POOL WATER SURFACE	525 SF
STAIRS	162 SF
WALKWAYS	183 SF
TOTAL IMPERVIOUS SURFACE	4127 SF

1 4,127SF / 7,200SF SITE AREA = 57% (60% MAX)

SCHEDULE-PERVIOUS SURFACE

NAME	AREA
PERVIOUS LANDSCAPE	3073 SF
1 TOTAL PERVIOUS SURFACE	3073 SF

1 3,073SF / 7,200SF = 43% PERVIOUS

SHELL GROUNDCOVER NOT TO EXCEED 20% OF REQUIRED PERVIOUS GROUNDCOVER.

SCHEDULE-PLANTS

MARK	COMMENTS
CT1	CANOPY TREE
H1	SHRUB, 3GAL MIN FORMING AN OPAQUE HEDGE
S1	SHRUB, 3GAL MIN
S2	SHRUB, 3GAL MIN
S3	SHRUB, 3GAL MIN
UT1	UNDERSTORY TREE

FINAL LANDSCAPE PLAN INCLUDING ALL PLANT AND VEGETATIVE GROUNDCOVER SPECIES AND SIZE TO BE PROVIDED BY OTHERS.

ZONING DATA - SAINT PETE BEACH PASS-A-GRILL (PAG) OVERLAY

SITE ADDRESS	103 24TH AVENUE SAINT PETE BEACH, FL 33602
LOT DIMENSIONS	FRONT 72' X 100'
FEMA MAP	12103C0278H EFFECTIVE 08/24/2021
ZONE	AE LEEWARD OF LIMWA LINE
BASE FLOOD ELEVATION (BFE)	9.0'
DESIGN FLOOD ELEVATION (DFE)	10.0'
LOWEST FLOOR (LEVEL 2)	16'-6 3/4"
EXISTING GRADE (SEE SURVEY)	LAG X' - HAG X'
ZONING DISTRICT SEC. 20.15	RLM-2 / HL (HOUSE LARGE)
SEC. 20.09 MAX IMPERVIOUS SURFACE RATIO (ISR)	---
	60% MAX
	7,200SF SITE AREA X 0.60 = 4,320SF MAX IMPERVIOUS
SEC. 20.15 PERMITTED BUILDING TYPES	HOUSE-LARGE
BUILDING ENVELOPE	---
STREET SETBACK	10FT MIN 15FT MAX
SECONDARY STREET SETBACK	7FT
SIDE SETBACK	7FT
REAR SETBACK (INTERIOR LOT)	15FT
GARAGE ADJACENT TO ALLEY	5FT
FRONTAGE BUILDOUT	50%

ACCESSORY STRUCTURE ENVELOPE	---
STREET SETBACK	10FT
SIDE SETBACK	25FT
REAR SETBACK (INTERIOR LOT)	80FT MAX
BUILDING FOOTPRINT	800SFT
ROOF HEIGHT AT 10FT SETBACK	14FT

STOOP	---
WIDTH	5FT MIN 10FT MAX
DEPTH	3FT MIN 8FT MAX
HEIGHT	18IN MIN 24IN MAX
SEC. 20.17 BUILDING HEIGHT	---
DESIGN FLOOD ELEVATION	10.0'
FINISHED GRADE	X' (SEE SURVEY)
HEIGHT OF FLOORS	8FT MIN 14FT MAX (LIVEABLE)
TOTAL HEIGHT	28-32FT (FROM 8FT ABOVE NATURAL GRADE)
SEC. 23.5 NUMBER OF PARKING SPACES REQUIRED	---
RESIDENTIAL SINGLE-FAMILY	2 SPACES PER UNIT
SEC. 23.11 PARKING CONSTRUCTION AND DESIGN REQ	---
90 DEGREE SPACES	9' X 20'
DRIVEWAY WIDTH	10FT MIN 20FT MAX AT PROPERTY LINE 26FT MAX AT CURB W/ 3X7 FLARES
NUMBER OF DRIVEWAYS (CORNER LOTS)	3
SEC. 6.13 RESIDENTIAL ACCESSORY STRUCTURES	---
ATTACHED GARAGE	SHARES 75% OF COMMON WALL

POOLS MEASURED FROM EDGE OF WATER	---
REAR SETBACK	5FT TO WATERS EDGE, 4FT TO COPING
FRONT AND SIDE SETBACKS	SEE PRINCIPAL STRUCTURE

FOUNTAINS AND WATERFALLS	5FT MAX HT 15FT MAX SETBACK ENCROACHMENT
SEC. 6.14 RESIDENTIAL EQUIPMENT ENCROACHMENTS	---
GRADE	4FT
ELEVATED	PROHIBITED
SEC. 6.15 FENCES AND WALLS	---
FRONT YARDS	4FT
MAX HEIGHT	8FT
SEC. 6.22 YARD AND MEASUREMENT REQUIREMENTS	---
OPEN BALCONIES	3FT FRONT / REAR ENCROACHMENT
OPEN STAIRS	3FT ENCROACHMENT
ORNAMENTAL COMPONENTS	1FT ENCROACHMENT
ROOF EAVES W/ GUTTERS	2FT ENCROACHMENT
SEC. 11.6 MIN ZONING LOT REQUIREMENTS	RLM-2
MAX RESIDENTIAL DENSITY	10 UNITS / ACRE
LOT AREA PER DWELLING UNIT	4,356SF
DWELLING UNITS ALLOWED	2 (7,000SF / 4,356SF = 1.6)

SEC. 20.22 GENERAL BUILDING DESIGN
A THE MASS OF A BUILDING MUST INCLUDE:
1 *PRIMARY MASS*. THE BUILDING SHALL HAVE A DISTINCT PRIMARY MASS.
2 *SECONDARY MASS*. A BUILDING SHOULD ALSO INCLUDE SECONDARY MASS (PRIVATE FRONTAGE REQUIREMENTS) THAT FORM THE FAÇADE OF THE BUILDING.
3 VOIDS THAT ALLOW FOR NATURAL BREAKS IN THE MASS.

B PROPORTIONAL DESIGN ELEMENTS SHALL INCLUDE:
1 WINDOWS IN VARYING, YET SIMILAR ARRANGEMENTS.
2 APPROPRIATE VERTICAL VISUAL CONSISTENCY AT THE CENTERLINE OF THE FAÇADE.
3 APPROPRIATE RATIOS OF VISUAL WIDTH BETWEEN TOP AND BOTTOM HALVES OF THE ELEVATION (BOTTOM ½ CLEARLY SUPPORTS THE TOP).
4 OVERALL DESIGN SHALL BE SYMMETRICALLY OR ASYMMETRICALLY BALANCED.

C DESIGN MUST INCLUDE THE FOLLOWING RHYTHMS:
1 PROXIMITY (OBJECTS CLOSE TOGETHER COMPLEMENT EACH OTHER).
2 SIMILARITY- COMMON TEXTURES, COLORS OR FEATURES.

NORTH

NJM ARCHITECT

5510 N BRANCH AVE
TAMPA, FL 33604
P: 813.713.6862
NJM.ARCHITECT@GMAIL.COM

CONSULTANT

SEAL

STATE OF FLORIDA
NATHANIEL J. MEYER
AR94919
REGISTERED ARCHITECT

NATHANIEL J MEYER, RA
FLORIDA # AR94919

PROJECT NAME

PEZZA RESIDENCE
103 24TH AVE
ST PETE BEACH, FL

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REVISIONS

MARK	DATE	DESC
1	10.09.2024	ZONING REVIEW

SHEET MANAGEMENT

DATE:	08.28.2025
PHASE:	PERMIT-100%

SHEET TITLE

ARCHITECTURAL SITE PLAN

SHEET NUMBER

A0.01

CITY COMMISSION MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS

Agenda Report

Agenda Title Name: Resolution 2026-03: Vacating two five-foot drainage and utility easements along the common side lot lines of Lots 1 and 2 of Block 79 of the plat of North Unit No. 1., as recorded in Book 21, Page 27, of the Public Records of Pinellas County, Florida (645 78th Avenue)

Action Request: Motion to adopt Resolution 2026-03.

Strategic Objective: Recovery, Resiliency & Sustainability

Date: January 27, 2026

Prepared By: Brandon Berry, Senior Planner

Through: Frances Robustelli, City Manager

Summary of Issue: The North Unit No. 1 plat was replatted in 1937 from an earlier replat named St Petersburg Beach Replat. On the plat are blanket five-foot drainage and utility easements along all side and rear lot lines of all platted lots, necessitating a vacation of the easements when an owner seeks to assemble all or part of multiple parcels for development and build across them. The owner of 645 78th Avenue, who owns Lots 1 and 2 of Block 79 of North Unit No. 1, is seeking to construct a single-family residence that is located partially within the easements and is seeking a vacation of both five-foot interior side property easements that intersect their property.

The owner has received letters of no objection from Pinellas County, Frontier Communications, and Duke Energy. Letters have been requested from TECO Peoples Gas and Charter Communications (Spectrum). Staff has no concerns with the subject vacation. The applicant will fulfill the applicable single-family drainage requirements during the new construction process, which will involve swaling runoff to the water or street.

Pursuant to Sec. 1.03. of the St. Pete Beach Charter, the subject easement vacation requires an affirmative vote of at least four members of the City Commission to

authorize. Notice has been provided to owners within 300 feet as required. The Planning Board will review and recommend the subject request at their January 26th meeting, and their recommendation will be shared at the adoption hearing.

Funding: No known fiscal impact to the City.

Attachments:

1. Resolution 2026-03
2. Plat - North Unit No 1
3. Survey
4. Application
5. Duke Energy No Objection
6. Frontier No Objection
7. Pinellas County No Objection

RESOLUTION NO. 2026-03

A RESOLUTION OF THE CITY OF ST. PETE BEACH VACATING TWO FIVE-FOOT PLATTED DRAINAGE AND UTILITY EASEMENTS AT THE COMMON SIDE PROPERTY LINES OF LOTS 1 AND 2 OF BLOCK 79 OF THE PLAT OF NORTH UNIT NO. 1, RECORDED IN PLAT BOOK 21, PAGE 27, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, LOCATED WITHIN THE PROPERTY BOUNDARIES OF 645 78TH AVENUE; AND PROVIDING FOR CONSTRUCTION, CORRECTION OF SCRIVENER'S ERROR, AND AN EFFECTIVE DATE.

WHEREAS, the owners of the property at 645 78th Avenue desire to redevelop their property with a single-family residence and accessory structures.

WHEREAS, the North Unit No. 1 plat, a replat of Block 77 of St. Petersburg Beach Replat, contains a reservation statement that a five-foot utility and drainage easement is located along the side and rear lot lines of each lot.

WHEREAS, the owner has obtained letters of no objection from Duke Energy, Pinellas County, Frontier Communications for the proposed vacation, and requests for letters of no objection have been submitted to Teco Peoples Gas and Charter Communications (Spectrum), being those five utilities active in St. Pete Beach.

WHEREAS, Staff has no concerns regarding the vacation of the proposed easement and finds that single-family drainage improvements will be required for the new development regardless of the presence of the easement.

WHEREAS, the proposed new development has been submitted for permitting and is partially constructed within the subject easements, necessitating vacation of these easements prior to issuance of the subject permit.

WHEREAS, this request is the third vacation request approved for the subject plat, with prior easement vacations occurring in September 1998 (O.R. Bk. 10230, Pg. 936) and September 1999 (O.R. Bk. 10645, Pg. 2201).

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

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

SECTION 2. The City Commission authorizes the vacation of both of the subject five-foot drainage and utility easements, which each have a length of 100 feet, width of five feet, and extend interior to the property from the common side lot line of the two properties as depicted on the accompanying survey and stated as a reservation of the recorded North Unit No. 1 plat.

SECTION 3. This request does not vacate any of the platted five-foot easement that runs along the northern rear of the subject Lots 1 and 2, nor the platted five-foot easement that runs along the eastern side of the subject Lot 2.

SECTION 4. A copy of the accompanying development order to this request shall be recorded prior to issuance of any permit that will develop the land on which the easement is currently located.

SECTION 5. 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 6. Construction. This Resolution is to be liberally construed to accomplish its objectives.

SECTION 7. Effective Date. This Resolution shall be effective upon adoption.

PASSED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, THIS _____ DAY OF _____, 2026.

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

_____
Adrian Petrila, Mayor

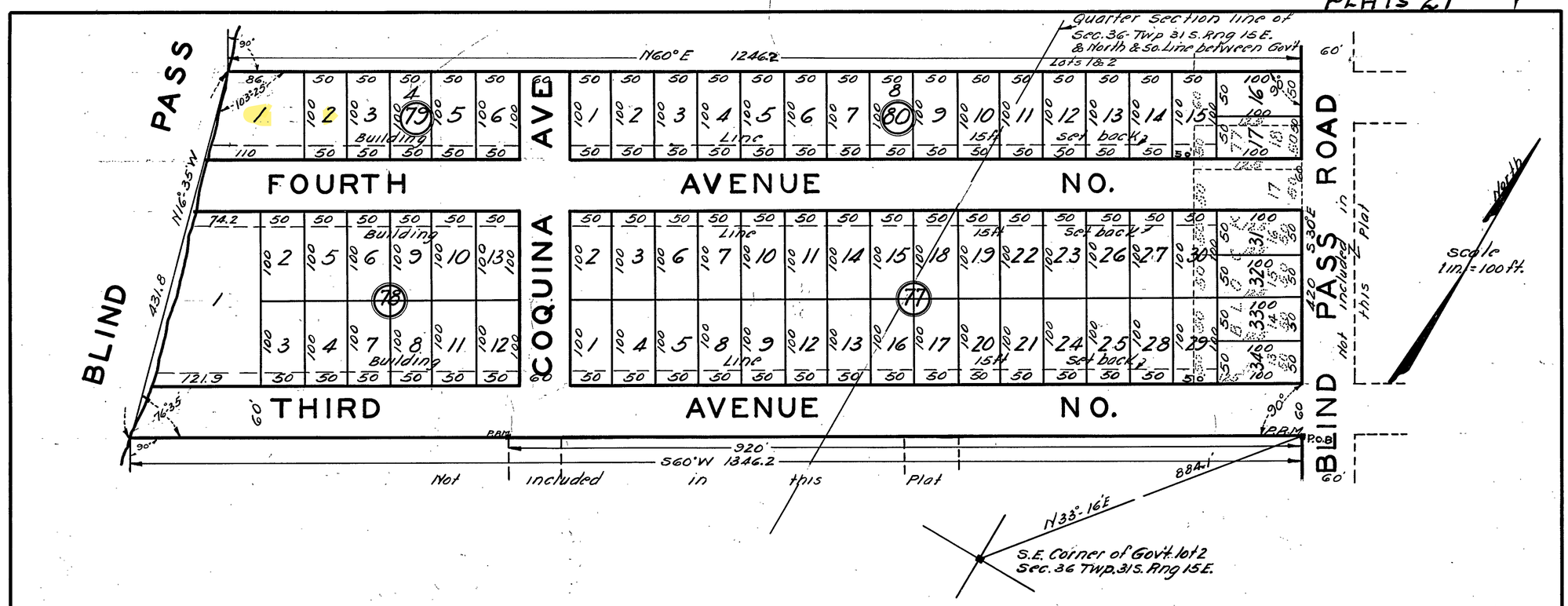
ATTEST:

_____
Renee Rose, City Clerk

Approved as to form and legal sufficiency for the use and reliance of the City of St. Pete Beach only:

_____
Vose Law Firm LLP, City Attorney

PLATS 21 27



NORTH UNIT Nº 1

BEING A RERLAT OF BLOCK 77 OF ST PETERSBURG BEACH REPLAT AS RECORDED IN BOOK 5 PAGES 28 & 29 RECORDS OF PINELLAS CO. AND IN ADDITION THERETO LANDS IN GOVERNMENT LOTS 1 & 2 SECTION 36 TOWNSHIP 31 SOUTH RANGE 15 EAST PINELLAS COUNTY FLORIDA

RESOLUTION OF PARTIAL VACATION OF North Unit 1
SUBDIVISION HAS BEEN RECORDED IN O.R. BOOK 10230 PAGE 936
ON 9-8 19 99
KARLEEN F. De BLAKER
Clerk of the Circuit Court
By: Janice Fairchild Deputy Clerk

RESOLUTION OF PARTIAL VACATION OF North Unit I
SUBDIVISION HAS BEEN RECORDED IN O.R. BOOK 10645 PAGE 2201
ON 9-1 19 99
KARLEEN F. De BLAKER
Clerk of the Circuit Court
By: Janice Fairchild Deputy Clerk

RESOLUTION OF PARTIAL VACATION OF North Unit 1
SUBDIVISION HAS BEEN RECORDED IN O.R. BOOK 12995 PAGE 370
ON 4-14 03
KARLEEN F. De BLAKER
Clerk of the Circuit Court
By: Janice Fairchild Deputy Clerk

Plat 11 pg. 27

Further described as follows-
Beginning at the southeast corner of Government Lot 2 section 36 Township 31 South Range 15 East. thence N33°16'E 884.1 ft to a point on the westerly line of Blind Pass Road and the P.O.B thence S60°W 1346.2' to the Waters of Blind Pass thence N16°35'W 431.8' along the waters of Blind Pass, thence N60°E 1246.2 ft to the westerly side of Blind Pass Road thence S30°E 420 ft to the P.O.B.

I hereby certify that on this 15 day of May A.D. 1937 the above described property was surveyed and staked and that monuments were set as indicated and that the angles and distances are correct

E. T. Young.
State Engineer's Registration № 231
State Surveyor's Registration № 100

Approved for the Board of County Commissioners of Pinellas County this 22nd day of Sept A.D. 1937

W. W. Mumford Jr.
County Engineer

Reservation:
An easement of 5' ft is hereby reserved on the side and rear lines of all lots for Utility and drainage purposes

Note: Building Line indicated thus - - - is 15ft back from street side lines

Dedication-
We the undersigned certify that we are the owners of the above described property hereby platted as NORTH UNIT Nº 1 and that we dedicate to the public, all streets, alleys and public places as shown on this plat of the subdivision of said land.

Attest: W. W. Upham — International Realty Associates Inc.
Assistant Secretary — N. J. Upham President

Witness
Larry S Conant
Attest Wm. M. Taliaferro
Secretary

Union Security & Investment Company Inc.
E. C. Schoch
President

Witness
Larry S Conant

State of Florida
County of Pinellas.

I hereby certify that on this 1st day of June A.D. 1937 before me personally appeared N. J. Upham, President and W. W. Upham, Assistant Secretary of the International Realty Associates Inc. under the laws of Delaware and E. C. Schoch President and Wm. M. Taliaferro, Secretary of the Union Security and investment Co. Inc. under the laws of the State of Florida to me known to be the persons described in and who executed the for going certificate and dedication and acknowledge the execution thereof to be their free act and deed for the uses and purposes therein mentioned and they affix there to the official seals of their respective Corporations and that the said instrument is the act and deed of their respective Corporations.

Witness my hand and official seal at St. Petersburg, County of Pinellas, State of Florida, the day and year aforesaid.

W. W. Upham
Notary Public, State of Florida at large

My commission Expires Dec 18, 1940.

NOTE THAT THIS DRAWING MAY HAVE BEEN ALTERED IN SCALE BY REPRODUCTION

W.O. 7149

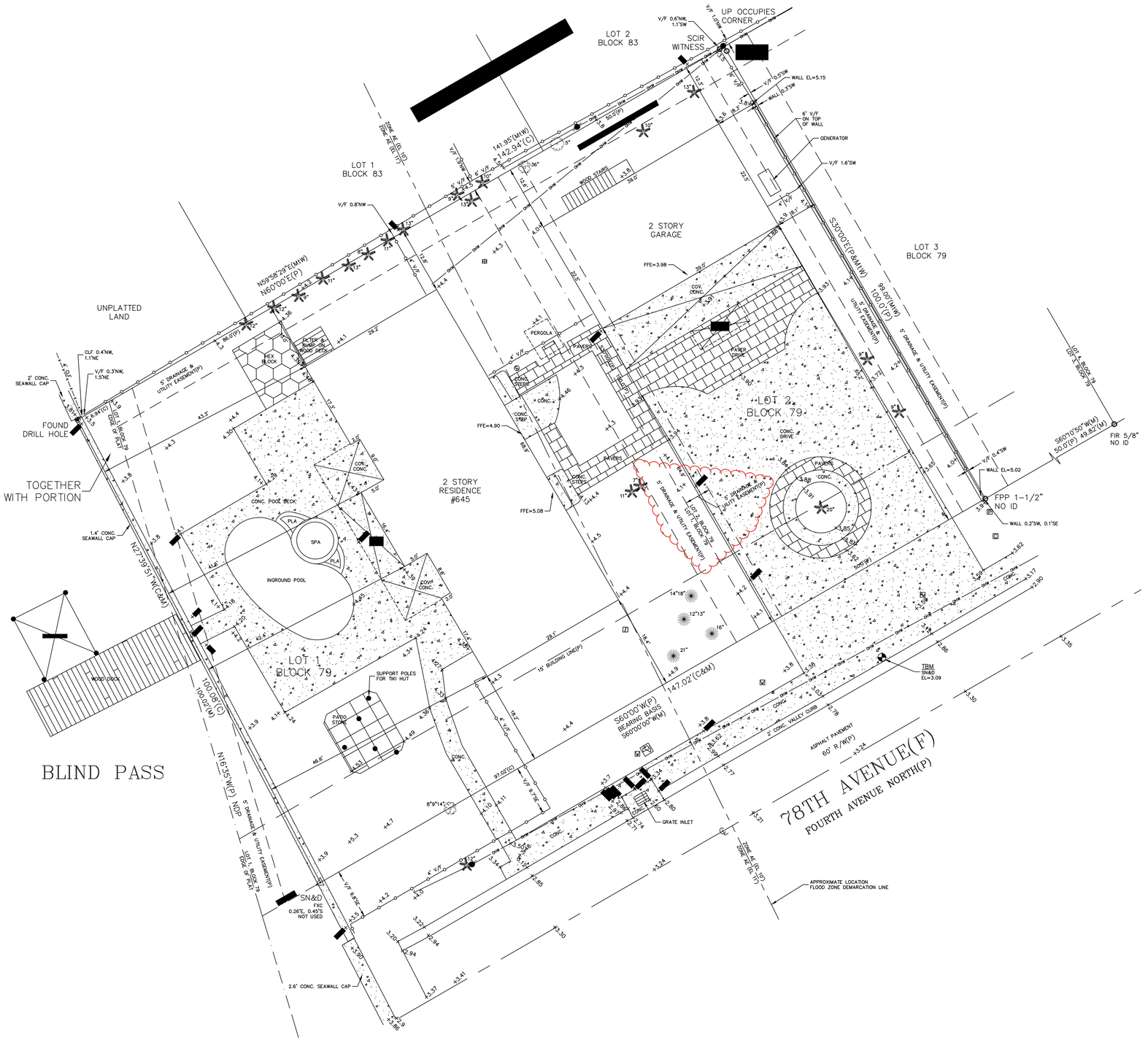
BOUNDARY & TOPOGRAPHIC SURVEY

SECTION 36, TOWNSHIP 31 SOUTH, RANGE 15 EAST
PINELLAS COUNTY, FLORIDA

ADDRESS:
645 78TH AVENUE
ST. PETE BEACH, FLORIDA

LEGAL DESCRIPTION: (O.R. 4939, PG 1652)
LOTS 1 AND 2, BLOCK 79, NORTH UNIT NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 21, AT PAGE 27, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA;

TOGETHER WITH ANY INTEREST THE GRANTORS HAVE IN THE LANDS LYING BETWEEN THE WESTERLY EXTENSIONS OF THE NORTH AND SOUTH BOUNDARY LINES OF LOT 1 AND THE WATERS OF BLIND PASS.


UNPLATTED LAND
LOT 1 BLOCK 83
LOT 2 BLOCK 83
UP OCCUPIES CORNER
SCIR WITNESS
2 STORY GARAGE
LOT 3 BLOCK 79
LOT 2 BLOCK 79
LOT 1 BLOCK 79
2 STORY RESIDENCE #645
INGROUND POOL
PATIO STONE
SUPPORT POLES FOR TKI HUT
PERGOLA
PAVERS
CONC. DRIVE
CONC. STEPS
WOOD STAIRS
GENERATOR
GRATE INLET
TRAV SN&D EL=3.09
FPP 1-1/2" NO ID
FIR 5/8" NO ID
SN&D FXC 0.26'E, 0.45'S NOT USED
2.6' CONC. SEAWALL CAP
1.4' CONC. SEAWALL CAP
FOUND DRILL HOLE
TOGETHER WITH PORTION
WOOD DOCK
BLIND PASS
78TH AVENUE(F)
FOURTH AVENUE NORTH(P)
ASPHALT PAVEMENT
60' R/W(P)
2" CONC. VALLEY CURB
5' DRAINAGE & UTILITY EASEMENT(P)
15' BUILDING LINE(P)
APPROXIMATE LOCATION FLOOD ZONE DEMARCATION LINE
ZONE AE (EL 11') ZONE AE (EL 10')
N59°58'29"E(M&W) N60°00'E(P) 141.95'(M&W) ±142.94'(C) 50.0'(P) S30°00'E(P)84'(M&W) 99.00'(M&W) 100.0'(P) S60°00'W(P) BEARING BASIS S60°00'00"W(M) 147.02'(C&M) S60°10'55"W(M) 50.0'(P) 49.82'(M) N27°59'51"W(C&M) 100.08'(C) 100.02'(M) N16°35'W(P) NDP 97.05'(C) 97.52'(M) 86.6'(M) 46.6' 43.3' 29.2' 29.1' 18.4' 17.5' 12.9' 22.5' 39.0' 39.0' 22.2' 4.0'+/- 4.3'+/- 4.4'+/- 4.5'+/- 4.6'+/- 4.7'+/- 4.8'+/- 4.9'+/- 5.0'+/- 5.3'+/- 5.4'+/- 5.5'+/- 5.6'+/- 5.7'+/- 5.8'+/- 5.9'+/- 6.0'+/- 6.1'+/- 6.2'+/- 6.3'+/- 6.4'+/- 6.5'+/- 6.6'+/- 6.7'+/- 6.8'+/- 6.9'+/- 7.0'+/- 7.1'+/- 7.2'+/- 7.3'+/- 7.4'+/- 7.5'+/- 7.6'+/- 7.7'+/- 7.8'+/- 7.9'+/- 8.0'+/- 8.1'+/- 8.2'+/- 8.3'+/- 8.4'+/- 8.5'+/- 8.6'+/- 8.7'+/- 8.8'+/- 8.9'+/- 9.0'+/- 9.1'+/- 9.2'+/-

Application #: _____ Fee: _____ Date Paid: _____

APPLICATION TO VACATE AN EASEMENT

1. Applicant and Owner Information

Owner Information		Applicant Information (If different from the Owner)	
Name:	Leanne Faris	**Name:**	Jesse Blackstock, PE
Mailing Address:	645 78th Ave N	**Mailing Address:**	1646 W Snow Ave
City / State / ZIP:	St. Pete Beach, FL 33706	**City / State / ZIP:**	Tampa, FL 33606
Phone:	813-455-2184	**Phone:**	813-455-2184
Email:	leannefaris@yahoo.com	**Email:**	jesse@blackstockeng.com

Note: If the applicant is not the property owner, a signed authorization letter from the property owner must be attached.

2. Property Information

Property Address: 645 78th Ave N

Parcel / Tax ID Number: 36-31-15-61524-079-0010

Subdivision / Lot Number (if applicable): NORTH UNIT NO. 1, Lots 1 & 2

Application #: _____ Fee: _____ Date Paid: _____

Zoning District: RU-1

3. Easement Information

Type of Easement to be Vacated (e.g., utility, drainage, access): Drainage & Utility

Width and Length (approximate dimensions): (2) 5'x100'

Location Description (attach map or survey): See attached survey

Reason for Request:

Construct new SFR within Lots 1 & 2 combined as one parcel

4. Required Attachments

1. Survey or Plat showing the easement area proposed for vacation.
2. Legal Description of the easement.
3. Proof of Ownership (copy of deed or title report).
4. Signed Letters of No Objection from all affected utility companies, including but not limited to:
   - Electric Utility: Duke Energy (Letter attached ☒)
   - Water Utility: Pinellas County (Letter attached ☒)
   - Sewer Utility: City of St. Pete Beach (Letter attached ☐)
   - Gas Utility: N/A (Letter attached ☐)
   - Telecommunications Provider: Frontier (Letter attached ☒)
5. Owner Authorization Letter (if applicant is not the owner).

5. Applicant and Owner Certification

By signing below, the undersigned certifies that all information provided herein is true and correct to the best of their knowledge and agrees to comply with all applicable local, state, and federal regulations.

Applicant Signature: Jesse Blackstock Digitally signed by Jesse Blackstock Date: 2025.12.01 11:01:53 -05'00' Date: _____

Owner Signature: Leanne Faris Date: 12-1-25

452 East Crown Point Road
Winter Garden, Florida 34787
Irma.Cuadra@duke-energy.com

407 905 3310

Dec. 29, 2025

Via email: jesse@blackstockeng.com

Mr. Jesse Blackstock, PE
BLACKSTOCK ENGINEERING UNLIMITED, INC.
1646 W Snow Avenue
Suite 174
Tampa, Florida 33606

RE: Vacation of a Platted Easement
645 78th Avenue, St. Petersburg
Pinellas County, Florida

Dear Mr. Blackstock

Please be advised that Duke Energy has **"no objection"** to the vacation and abandonment of the 5.00 foot Drainage & Utility Easement located between Lot 1 and Lot 2, Block 79, North Unit No. 1, as recorded in Plat Book 21, Page 27, of the Public Records of Pinellas County, Florida, more particularly as shown on the accompanying Boundry & Topographic Survey drawn by Geodata Seervices, W.O. # 7149, attached hereto and by this reference made a part hereof.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,
Irma Cuadra
Irma Cuadra
Senior Research Specialist

attachment

NOTE THAT THIS DRAWING MAY HAVE BEEN ALTERED IN SCALE BY REPRODUCTION

W.O. 7149

BOUNDARY & TOPOGRAPHIC SURVEY

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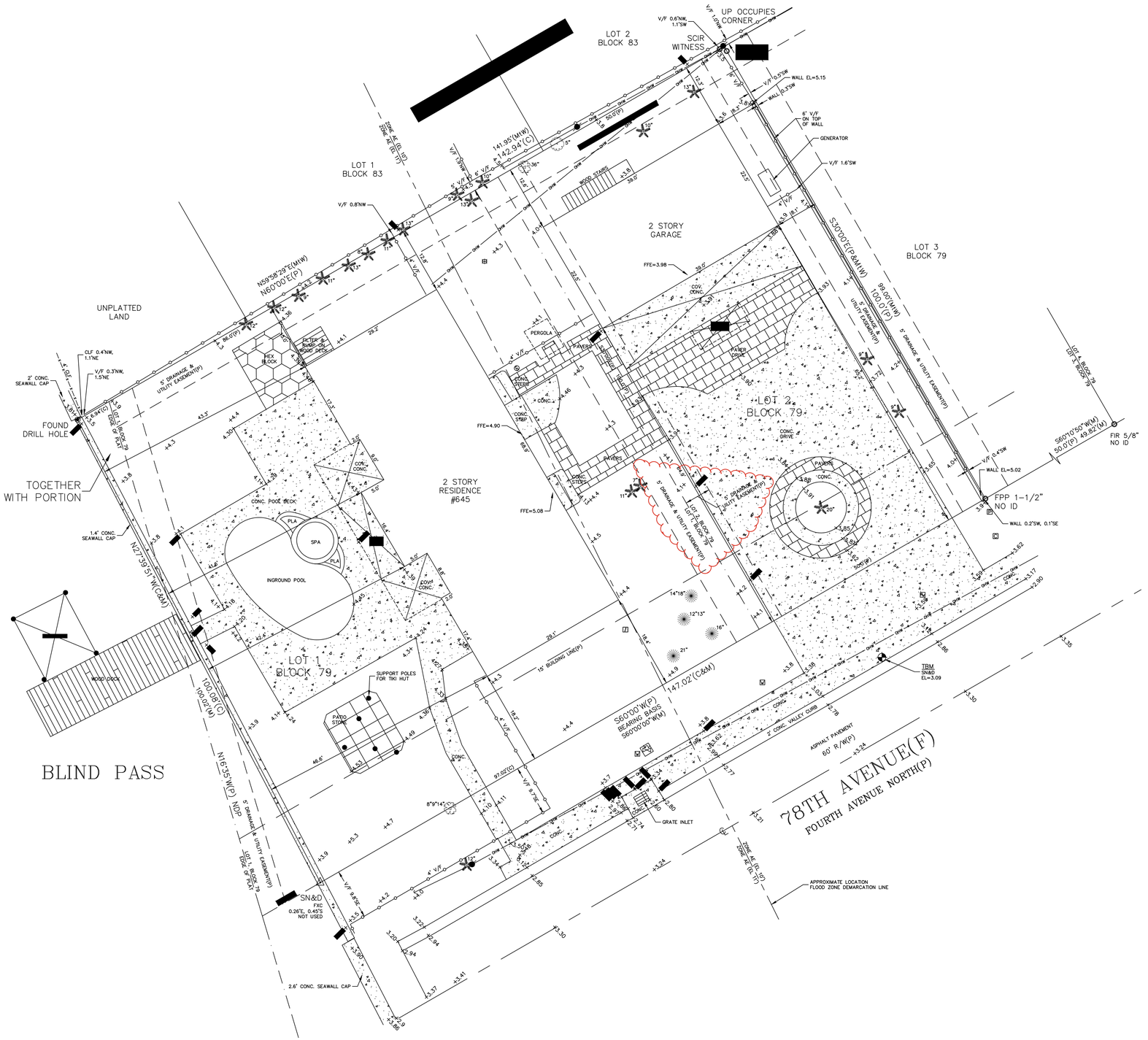

SCALE: 1" = 10'

SYMBOL LEGEND

- = Backflow Preventor
- = Cable Box
- = Centerline
- = Cleanout
- = Drainage Manhole
- = Fire Hydrant
- = Gas Fill
- = Guy Anchor
- = Irrigation Valve
- = Light Pole
- = Light Post
- = Mailbox
- = Power Box
- = Reclaimed Water Meter
- = Sanitary Manhole
- = Sign
- = Spot Elevation
- = Telecommunication Box
- = Utility Pole
- = Utility Box
- = Water Meter
- = Water Valve

TREE LEGEND

- OAK
- PALM
- PINE
- SCHEFFLERA

ABBREVIATION LEGEND

(C) = Calculated Data
(D) = Data per Description
(F) = Field Determined
(M) = Measured Data
(MW) = Measured to Witness Data
(P) = Data per Plat
± = Plus or Minus
AC/CS = Air Conditioner on C/S
BW/F = Barbed Wire Fence
BFE = Base Flood Elevation
BFP = Backflow Preventor
CB = Chord Bearing
CH = Chord
C.P.B. = Condominium Plat Book
C/C = Covered Concrete
C/S = Concrete Slab
C/SW = Concrete Sidewalk
CLF = Chain Link Fence
COV. = Covered
CLP = Concrete Light Pole
CMP = Corrugated Metal Pipe
CONC. = Concrete
Δ = Delta Angle
D.B. = Deed Book
D/W = Driveway
DMH = Drainage Manhole
DWM = Detectable Warning Mat
E/P = Edge of Pavement
EL = Elevation
EOW = Edge of Water
FCIR = Found Iron Rod & Cap
FCM = Found Concrete Monument
FFE = Finished Floor Elevation
FIP = Found Iron Pipe
FIR = Found Iron Rod - No Cap
FLA. = Florida
FN&D = Found Nail & Disk
FPP = Found Pinched Pipe
FXC = Found "X" Cut
G.I. = Grate Inlet
GV = Gate Valve
HYD = Fire Hydrant
ID = Identification
I.E. = Invert Elevation
LB = Corporate Certificate Number
LP = Light Pole
LFE = Lowest Floor Elevation
LMWA = Limit of Moderate Wave Action
M/F = Metal Fence
M.O.L. = More or Less
MES = Mitered End Section
N&D = Nail & Disk
NFND = Not Found and Not Set
OCS = Outfall Control Structure
O/HW = Overhead Wire
O.R. = Official Records Book
P.B. = Plat Book
PCP = Permanent Control Point
PG(s) = Page(s)
PLA = Planter
PLS = Professional Land Surveyor
POB = Point of Beginning
POC = Point of Commencement
PRC = Point of Reverse Curvature
PRM = Permanent Reference Monument
R = Radius
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R/W = Right-of-Way
RCP = Reinforced Concrete Pipe
SCM = Set Concrete Monument PLS #2865
SCIR = Set Iron Rod & Cap 5/8" PLS #2865
SN&D = Set Nail & Disk PLS #2865
SMH = Sanitary Manhole
STM = Storm Pipe
TBM = Temporary Benchmark
TOB = Top of Bank
TOS = Toe of Slope
TWP = Township
TYP = Typical
UB = Utility Box
UP = Utility Pole
V/F = Vinyl Fence
W/ = With
W/F = Wood Fence
WM = Water Meter
W.O. = Work Order
WV = Water Valve

SURVEY NOTES:

1. 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.

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3. BEARING BASIS IS THE NORTHERLY RIGHT-OF-WAY LINE OF 78TH AVENUE BEING S60°00'W, PER PLAT.

4. ALL HORIZONTAL AND VERTICAL MEASUREMENTS SHOWN ON THIS DRAWING ARE IN U.S. SURVEY FEET.

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7. 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.

8. THIS PARCEL APPEARS TO BE IN FLOOD ZONE "AE (EL 11 FEET)" AND "AE (EL 10 FEET)", ACCORDING TO THE FLOOD INSURANCE RATE MAP, MAP NUMBER: 12103C0257H, 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.
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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, P.L.S. FLA. REG. No. 2865
DATE: OCTOBER 1, 2024

AN UNSIGNED SURVEY DRAWING IS FOR INFORMATIONAL PURPOSES ONLY.

W.O. 7149	FIELD DATE: SEPTEMBER 16, 2024
DRAWN BY: HW	
CHECKED BY: DJE	
SCALE 1"=10'	
FIELD BOOK / PAGE(S): 6-23/51	
SHEET 1 OF 1	

GEODATA SYSTEMS INC. D/B/A
GEODATA SERVICES
1166 KAPP DRIVE
CLEARWATER, FL 33765
PHONE: (727) 447-1763
LB 7466

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NOTE THAT THIS DRAWING MAY HAVE BEEN ALTERED IN SIZE BY REPRODUCTION.

FRONTIER

2185 Range Rd
Clearwater, FL 33765
(941) 266-9218
stephen.waidley@ftr.com

12/1/2025

Attn: Jesse Blackstock, PE
Blackstock Engineering Unlimited, Inc.
1646 W Snow Ave, Suite 174
Tampa, FL 33606
(813) 455-2184

RE: Vacation of 2 side lot line Drainage/Utility Easements – 645 78th Ave N, St Pete Beach, FL

Dear Mr. Blackstock,

☐ Our records do not indicate that there are Frontier facilities in the area of the Plat request as per the attachment provided.

☑ Frontier has no objection to the above referenced request as per the attachment.

☐ Frontier has facilities within the proposed vacate area. A recordable non-exclusive Easement in favor of Frontier will be required for Frontier facilities to remain in the proposed vacated R.O.W.

☐ Frontier has facilities in the area, which may be in conflict with your proposed construction plans. Please contact Sunshine 811 by dialing 811, 2 full business days prior to the start of your work to have these facilities located for you. Please take all necessary precautions to protect and avoid damage of these facilities during your construction.

☐ Frontier has facilities in the area, which may be in conflict with your proposed construction plans. Please send a set of construction plans and references to the Frontier Engineering Department with regards to the above project.

☐ Frontier has facilities in the area of your proposed construction. Prepayment is required to markup a set of construction plans in order to confirm and accurately depict Frontier facilities. There will also be a reimbursement of all costs required for relocation/adjustments of Frontier facilities needed to accommodate the proposed construction project.

Please call me if you have any questions or need any additional information at (941) 266-9218.

Sincerely,

Stephen Waidley

Stephen Waidley
Frontier Florida LLC
Regional Rights of Way & Municipal Affairs Manager

Waidley, Stephen

From: Jesse Blackstock <jesse@blackstockeng.com>
Sent: Monday, December 1, 2025 10:31 AM
To: Waidley, Stephen; Jonathan.Kasper@duke-energy.com
Cc: leannefaris@yahoo.com; sarah@ashdevelopers.us; Robert Motley
Subject: 645 78th Ave N, St Pete Beach FL | Easement Vacation
Attachments: 7149-20240918-V2004-BTT.pdf

Categories: Easement

WARNING: External email. Please verify sender before opening attachments or clicking on links.

Stephen & Jonathan,

Please confirm there are no objections to vacating the two (2) 5'x100' drainage/utilities easements depicted on the attached survey. I have the existing easement clouded in red to highlight their location. Neither Frontier nor Duke have utilities there currently, but the City still requires a letter of no objection in order for us to vacate the two easements.

Thanks!

Best Regards,

Jesse Blackstock, PE

BE→U
BLACKSTOCK ENGINEERING UNLIMITED
CONNECT B2B • CREATE VALUE

BLACKSTOCK ENGINEERING UNLIMITED, INC.

1646 W Snow Avenue
Suite 174
Tampa, Florida 33606
C. 813.455.2184

CONNECT B2B - CREATE VALUE

NOTE THAT THIS DRAWING MAY HAVE BEEN ALTERED IN SCALE BY REPRODUCTION

W.O. 7149

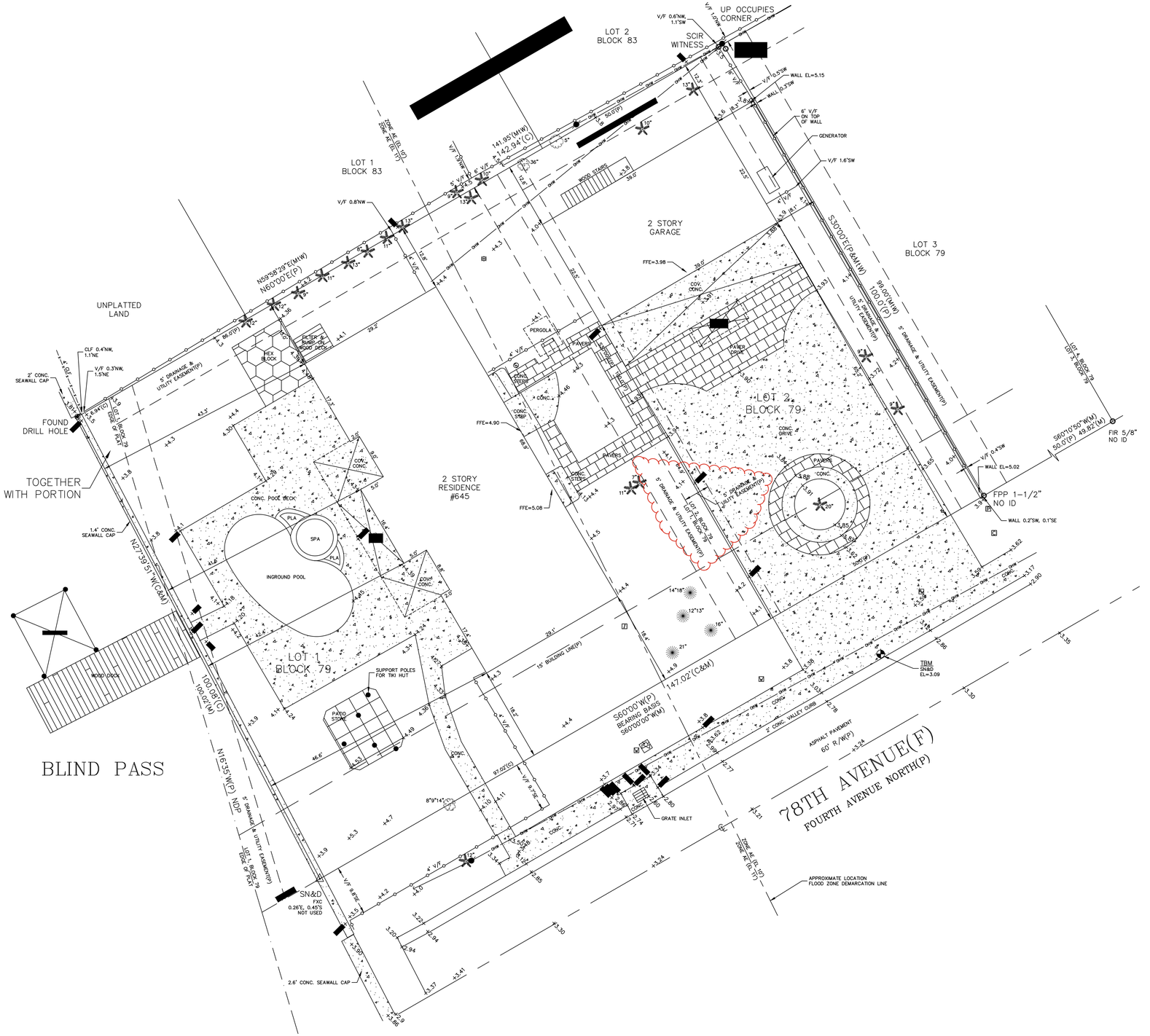
BOUNDARY & TOPOGRAPHIC SURVEY

SECTION 36, TOWNSHIP 31 SOUTH, RANGE 15 EAST
PINELLAS COUNTY, FLORIDA

ADDRESS:
645 78TH AVENUE
ST. PETE BEACH, FLORIDA

LEGAL DESCRIPTION: (O.R. 4939, PG 1652)
LOTS 1 AND 2, BLOCK 79, NORTH UNIT NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 21, AT PAGE 27, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA;

TOGETHER WITH ANY INTEREST THE GRANTORS HAVE IN THE LANDS LYING BETWEEN THE WESTERLY EXTENSIONS OF THE NORTH AND SOUTH BOUNDARY LINES OF LOT 1 AND THE WATERS OF BLIND PASS.



SCALE: 1" = 10'

SYMBOL LEGEND

- = Backflow Preventor
- = Cable Box
- = Centerline
- = Cleanout
- = Drainage Manhole
- = Fire Hydrant
- = Gas Fill
- = Guy Anchor
- = Irrigation Valve
- = Light Pole
- = Light Post
- = Mailbox
- = Power Box
- = Reclaimed Water Meter
- = Sanitary Manhole
- = Sign
- = Spot Elevation
- = Telecommunication Box
- = Utility Pole
- = Utility Box
- = Water Meter
- = Water Valve

ABBREVIATION LEGEND

- (C) = Calculated Data
- (D) = Data per Description
- (F) = Field Determined
- (M) = Measured Data
- (MW) = Measured to Witness Data
- (P) = Data per Plat
- ± = Plus or Minus
- AC/CS = Air Conditioner on C/S
- BW/F = Barbed Wire Fence
- BFE = Base Flood Elevation
- BFP = Backflow Preventor
- CB = Chord Bearing
- CH = Chord
- C.P.B. = Condominium Plat Book
- C/C = Covered Concrete
- C/S = Concrete Slab
- C/SW = Concrete Sidewalk
- CLF = Chain Link Fence
- COV. = Covered
- CLP = Concrete Light Pole
- CMP = Corrugated Metal Pipe
- CONC. = Concrete
- Δ = Delta Angle
- D.B. = Deed Book
- D/W = Driveway
- DMH = Drainage Manhole
- DWM = Detectable Warning Mat
- E/P = Edge of Pavement
- EL = Elevation
- EOW = Edge of Water
- FCIR = Found Iron Rod & Cap
- FCM = Found Concrete Monument
- FFE = Finished Floor Elevation
- FIP = Found Iron Pipe
- FIR = Found Iron Rod - No Cap
- FLA. = Florida
- FN&D = Found Nail & Disk
- FPP = Found Pinched Pipe
- FXC = Found "X" Cut
- G.I. = Grate Inlet
- GV = Gate Valve
- HYD = Fire Hydrant
- ID = Identification
- I.E. = Invert Elevation
- LB = Corporate Certificate Number
- LP = Light Pole
- LFE = Lowest Floor Elevation
- LMWA = Limit of Moderate Wave Action
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- W/F = Wood Fence
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- W.O. = Work Order
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TREE LEGEND

- OAK
- PALM
- PINE
- SCHEFFLERA

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DENNIS J. EYRE, P.L.S. FLA. REG. No. 2865
DATE: OCTOBER 1, 2024

AN UNSIGNED SURVEY DRAWING IS FOR INFORMATIONAL PURPOSES ONLY.

W.O. 7149	FIELD DATE: SEPTEMBER 16, 2024
DRAWN BY: HW	
CHECKED BY: DJE	
SCALE 1"=10'	
FIELD BOOK / PAGE(S): 6-23/51	
SHEET 1 OF 1	

GEODATA SYSTEMS INC. D/B/A
GEODATA SERVICES
1166 KAPP DRIVE
CLEARWATER, FL 33765
PHONE: (727) 447-1763
LB 7466

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NOTE THAT THIS DRAWING MAY HAVE BEEN ALTERED IN SIZE BY REPRODUCTION.

Pinellas County

Building & Development Review Services

January 9,2026

Attention: Leanne Faris
645 78th Avenue
St. Pete Beach, Florida 33706

Re: Letter of No Objection for the proposed vacation of Lots 1 and 2, Block 79, North Unit No.1, According to the plat thereof recorded in Plat Book 21, At Page 27, Of the Public Records of Pinellas County Florida. (Official Records Book(O.R.) 4939, Page (Pg 1652) Public Records of Pinellas County, Florida,

We have received your request for a letter of no objection for the proposed vacation of Lots 1 and 2, Block 79, North Unit No.1, According to the plat thereof recorded in Plat Book 21, At Page 27, Of the Public Records of Pinellas County Florida. (Official Records Book(O.R.) 4939, Page (Pg 1652) Public Records of Pinellas County, Florida, as depicted in the attached exhibit. Pinellas County does not have any utilities, or stormwater facilitates in the easement(s) and has no future plans for utilities or stormwater facilitates in the easement(s). Therefore, Pinellas County has no objection to the proposed vacation.

If you have any questions, or if we may be of further assistance, please feel free to contact me at (727) 464-5240.

Sincerely,

Briana Dachniewicz
Development Project Manager I
Petition to Vacate Coordinator
Pinellas County Building & Development Review Services

440 Court Street
Clearwater, FL 33756
Phone (727) 464-3888
V/TDD (727) 464-4062
www.pinellascounty.org

W.O. 7149

BOUNDARY & TOPOGRAPHIC SURVEY

SECTION 36, TOWNSHIP 31 SOUTH, RANGE 15 EAST
PINELLAS COUNTY, FLORIDA

ADDRESS:
[illegible] 78TH AVENUE
ST. PETE BEACH, FLORIDA

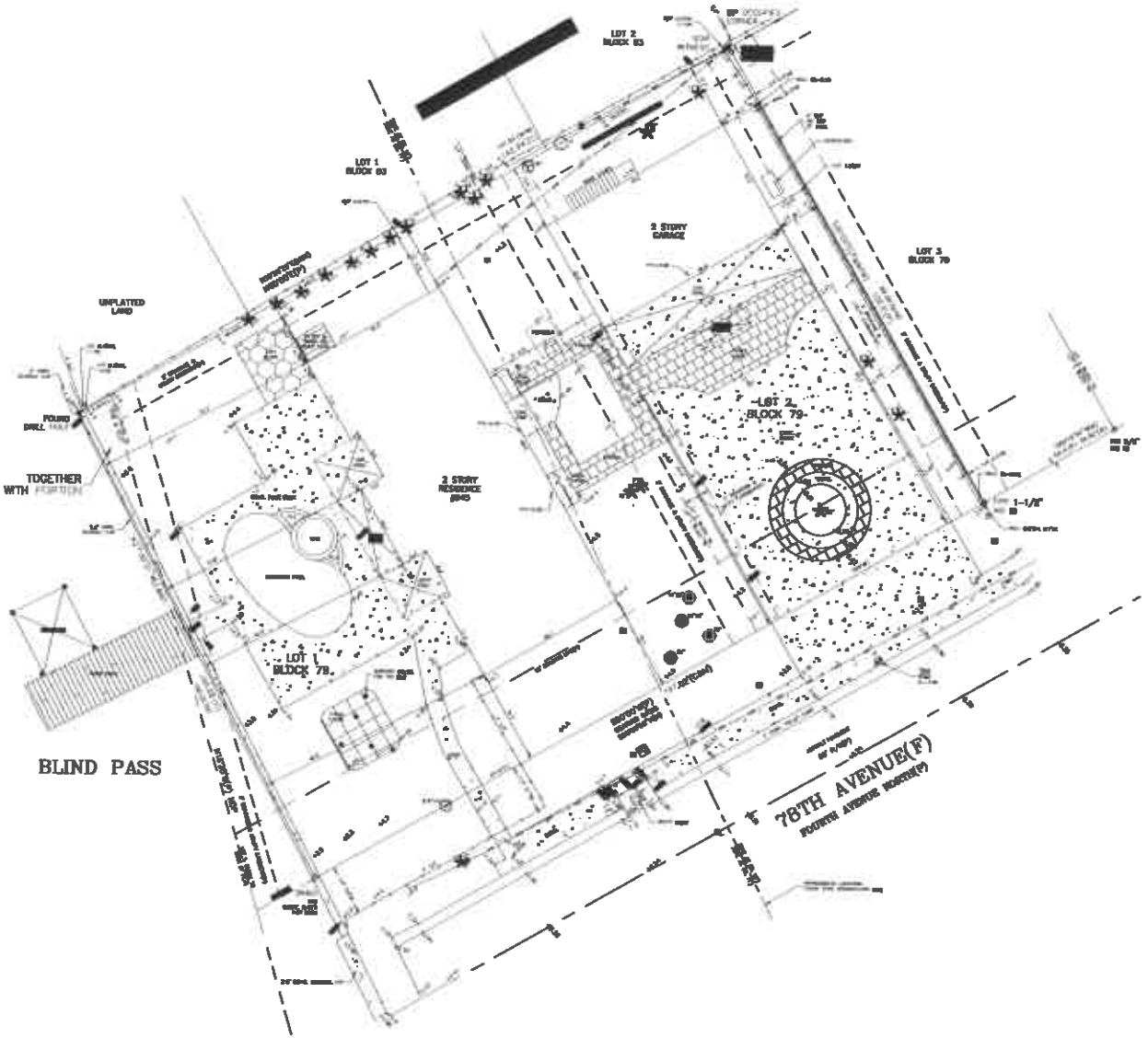
LEGAL DESCRIPTION: (O.R. 4999, PG 1693)
LOTS 1 AND 2, BLOCK 79, NORTH SHIP NO. 1, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 27, AT PAGE 27, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA;

TOGETHER WITH ANY INTEREST THE GRANTORS HAVE IN THE LANDS LYING BETWEEN THE WESTERLY EXTENSIONS OF THE NORTH AND SOUTH BOUNDARY LINES OF LOT 1 AND THE WATERS OF BLIND PASS.

SYMBOL LEGEND

ABBREVIATION LEGEND

TREE LEGEND
- OAK
- PALM
- PINE
- SCHEFFLERA



SURVEY NOTES:

1. [illegible]
2. [illegible]
3. [illegible]
4. [illegible]
5. [illegible]
6. [illegible]
7. [illegible]
8. [illegible]
9. [illegible]
10. [illegible]
11. [illegible]

SURVEYOR'S CERTIFICATION:

[illegible]

[illegible]

GEODATA SERVICES INC. D/B/A
GEODATA SERVICES
1166 KAPP DRIVE
CLEARWATER, FL 33765
LB 7488 PHONE: (727) 447-1763

CITY COMMISSION MEETING
CITY OF ST. PETE BEACH
COMMISSION CHAMBERS

Agenda Report

Agenda Title Name: Consider Special Magistrate Recommendation relating to mediation held under the Florida Land Use and Environmental Disputes Resolution Act, Sec. 70.51, Florida Statutes ("FLUEDRA") mediation (Sungold vs. City of St. Pete Beach)

Action Request: Motion to Approve, Deny or Approve with Conditions/Modifications

Strategic Objective: Operational Excellence

Date: January 27, 2026

Prepared By: Vose Law

Through: Frances Robustelli, City Manager

Summary of Issue: The subject request involves consideration of a special magistrate recommendation to resolve a mediation between Sungold LLC and the City of St. Pete Beach. The City Commission may approve the recommendation as proposed, approve with modification or conditions, or deny the recommendation as proposed.

Funding: N/A

Attachments:

1. Agenda Summary
2. RECOMMENDATION Sungold LLC v. City of St Pete Beach - Special Magistrate Recommendation
3. Request for Relief - CUP23085 Windward Pass
4. City's FLUEDRA Response

Agenda Item: Sungold vs. City of St. Pete Beach (FLUEDRA Request for Relief) - Consider Special Magistrate Recommendation in the Florida Land Use and Environmental Disputes Resolution Act, Sec. 70.51, Florida Statutes ("FLUEDRA")

Action Requested: Consider Special Magistrate's Recommendation in relation to FLUEDRA and (1) Approve; (2) Modify; or (3) Deny the Recommendation.

The subject of the FLUEDRA Special Magistrate proceeding was the unanimous denial of three applications as an alleged "dispute" raised by the applicant, Sungold, LLC ("Sungold"), of the City Commission's unanimous May 21, 2025 denial of three land use applications filed by Sungold – described as follows:

1. **Application for Unnecessary & Undue Hardship Variance (No. 24058)**: Request to approve a reduction of over 50% to the side yard setbacks, to allow a 31.5' setback where a 65' setback is required, to accommodate swimming pools.

2. **Application for Conditional Use (Resolution 2024-12, CUP No. 23085)**: Request to allow a temporary lodging mixed-use redevelopment of the subject property pursuant to Land Development Code Secs. 39.6.(p), and 42.4.(b), (d), (g), & (h). This was a combination of multiple independent conditional use requests: to allow lodging; to allow a "hotel" docking facility with water sports equipment rental of paddle boards and peddle boats, outdoor mini-golf, water slide, and other "commercial" amenities; and to allow a rooftop restaurant and bar.

3. **Application for density pool allocation (Ordinance No. 2024-08)**: Request for an allocation of 104 lodging units from the TC-2/AC/BR Districts' Temporary Lodging Unit Density Pool. The request for would significantly deplete the available City's density pool for lodging (by approximately 40%).

All three applications, and the Recommendation under consideration, relate to the following parcel numbers: 07-32-16-18143-001-0010, 07-32-16-18143-001-0020, 07-32-16-07398-001-0170, and 07-32-16-07398-001-0230 (collectively the "Property").

Following the City's denial, Sungold initiated dispute resolution proceedings under FLUEDRA, alleging that the City's denial of its three applications was "unreasonable or unfair burdens" the use of the Property.

Consistent with the statute, a mediator was selected and a FLUEDRA mediation was held before Special Magistrate Mark Bentley, Esq. ("Mediator"), on October 1, 2025.

The Special Magistrate's Recommendation includes the following key provisions:

- Elimination of any request for "watersport" rentals or 3rd party service providers, eliminating the Resolution 2024-12 conditional use permit request made pursuant to Land Development Code Sec. 42.4.(g)
- Elimination of the parking garage (street/ground parking only)
- Sungold drops request for units from 104 to 100 (see 3rd application listed above).
- Sungold agrees to relocate the swimming pool that was the subject of the variance request, eliminating the need for a variance (see 1st application listed above)
- Installation of "sound governors" for 1st floor and roof, for noise concerns
- "Attractive pavers" included in promenade surrounding the project. No other description is provided for this commitment, and no additional public benefits are included in the Recommendation.

Following the mediation, as part of the effort to work out details between the parties, staff determined that the proposed settlement terms were deficient in terms of public benefit relative to project impacts for the allotment of 100 (reduced from 104) units from the City's "bonus density allocation" pool. Notably the only benefit for the proposed project that would substantially deplete the City's density pool is the provision of a public access "promenade" surrounding the project.

Sungold was given the option of continuing with the mediation, to address the deficiency in public benefits relative to project impacts (including the significant request for density units). Sungold chose not to pursue further discussion. Instead, they requested that the Recommendation move forward for Commission consideration.

Under FLUEDRA, the Commission has three options:

1) **APPROVE** the Special Magistrate's Recommendation;

2) **MODIFY** the Special Magistrate's Recommendation with conditions, including accepting a revised application and scheduling public hearings before the Technical Review Committee (TRC), Planning Board, and the City Commission on a revised application incorporating the Special Magistrate's Recommendations. This modification would involve the same application review steps as a new project, with the exception of a new community meeting pursuant to Land Development Code Sec. 39.17., and does not commit the City Commission to any particular future action on this request; or

3) **DENY** the Special Magistrate's Recommendation. Even under FLUEDRA, the City Commission can simply DENY the application and the Applicant can then choose to either:
   a) seek judicial review of the denials or
   b) submit new application(s) at any time, since six (6) months have passed since the denials.

JOHNSON POPE BOKOR RUPPEL & BURNS, LLP
COUNSELORS AT LAW

Mark S. Bentley, Esq., B.C.S., AICP
400 North Ashley Drive, Suite 3100
Tampa, Florida 33602
Post Office Box 1100
Tampa, Florida 33601-1100
Telephone (813) 225-2500
Fax (813) 223-7118

TAMPA ▪ CLEARWATER ▪ ST. PETERSBURG

Email: MarkB@JPFirm.com
File No. 166165

December 22, 2025

Via E-mail

Luke Lirot, Esq.
Law Offices of Luke Lirot, P.A.
2240 Belleair Road, Suite 190
Clearwater, FL 33764
Luke@lirotlaw.com
Counsel for Sungold, LLC

Jeffrey Wright, Esq.
Henderson, Franklin, Starnes & Holt, P.A.
8889 Pelican Bay Blvd., Suite 400
Naples, FL 34108
Jeff.Wright@henlaw.com
Counsel for City of St. Pete Beach

Re: Sungold, LLC v. City of St. Pete Beach;
Special Magistrate Recommendation

Dear Messrs. Lirot and Wright:

As you are aware, the undersigned held a mediation settlement conference on October 1, 2025 in connection with the above referenced matter, and pursuant to § 70.51, Florida Statutes, known as the Florida Land Use and Environmental Dispute Resolution Act ("FLUEDRA"). Accordingly, please find enclosed herewith my Special Magistrate Recommendation to be presented to the City Commission.

Should you have any questions regarding the foregoing, please feel free to contact me.

Sincerely,

Mark Bentley

Mark Bentley, Esq., B.C.S., AICP

MB/ap
Enclos.

Cc: Mayor Adrian Petrila (apetrila@stpetebeach.org)
Ralf Brookes, City Attorney (ralfbrookes@gmail.com)

11319858.1

FLORIDA LAND USE AND ENVIRONMENTAL DISPUTE RESOLUTION ACT
SPECIAL MAGISTRATE PROCEEDING

SUNGOLD, LLC,
A Florida limited liability company

Petitioner,

v.

THE CITY OF ST. PETE BEACH,
A Florida municipal corporation

Respondent.

_____/

APPLICATION NUMBERS:
Unnecessary Hardship Variance 24058
Conditional Use Permit 23085
Density Transfer Ordinance 2024-08

SPECIAL MAGISTRATE RECOMMENDATION

I. Background

On June 13, 2025, a Request for Relief ("Request") was filed by Sungold, LLC ("Petitioner") with the City of St. Pete Beach ("City") in connection with the City's denial of three (3) development order applications involving properties identified as Pinellas County Property Appraiser parcel numbers 07-32-16-18143-001-0010, 07-32-16-18143-001-0020, 07-32-16-07398-001-0170 and 07-32-16-07398-001-0230 (collectively the "Property"). The Request was authorized by § 70.51, Florida Statutes, cited as the "Florida Land Use and Environmental Dispute Resolution Act" (the "Dispute Resolution Act"). The City's denial resulted in the publication of the Development Order of Denial dated May 21, 2025 (the "Denial Order"), a copy of which is attached hereto as **Exhibit "A".**

On June 25, 2025, the parties mutually agreed upon and selected the undersigned to serve as Special Magistrate pursuant to § 70.51(4), Florida Statutes. In accordance with § 70.51(17)(a), Florida Statutes, "[t]he first responsibility of the special magistrate is to facilitate a resolution of the conflict between the owner and governmental entities to the end that some modification of the owner's proposed use of the property or adjustment in the development order or enforcement action or regulatory efforts by one or more of the governmental parties may be reached. Accordingly, the special magistrate shall act as a facilitator or mediator between the parties in an effort to effect a mutually acceptable solution."

§ 70.51(17)(a), Florida Statutes, requires that "[t]he parties shall be represented at the mediation by persons with authority to bind their respective parties to a solution, or by persons with authority to recommend a solution directly with authority to bind their respective parties to a solution." On October 1, 2025, a mediation settlement conference was held at the City of St. Pete Beach offices. Attorney Luke Lirot represented the Petitioner, while attorneys Ralf Brookes and Jeffrey Wright represented the City. City representatives Laura Canary and Brandon Berry also participated. Below is a summary of these proceedings:

1. Petitioner initiated the proceeding by filing a Request for Relief with the Mayor of St. Pete Beach on June 13, 2025.
2. On July 2, 2025, Counsel for the City served the Response to Petitioner's § 70.51, Florida Statutes, Request for Relief.

3. The City also served a copy of the Request to all owners of real property contiguous to the Petitioner's Property at the address on the latest county tax roll and any substantially affected party who submitted oral or written testimony, sworn or unsworn, of a substantive nature which stated with particularity objections to or support for any development order at issue.
4. By agreement of the Parties, a Stipulation to Extended Deadlines Set Forth in § 70.51, Florida Statutes, was mutually agreed to.
5. The undersigned held a mediation hearing agreed to the parties on October 1, 2025. All necessary notice of the place, date, and time of the hearing was provided to all parties and any other persons who have requested such notice at least 40 days prior to the hearing.
6. The object of the hearing focused on the impact of the governmental action giving rise to the Request and explored alternatives to the development order or enforcement action and other regulatory efforts by the governmental entities in order to recommend relief, when appropriate, to the Petitioner.
7. The undersigned confirmed to the Parties that his responsibility was to facilitate a resolution of the conflict between the owner and governmental entities and explore modification of the proposed use of the property or adjustment in the development order.
8. Based on these efforts, an acceptable solution was reached by the parties.
9. Notably, no one spoke in opposition to the agreed upon settlement proposal.
10. I have considered the facts and circumstances set forth in the Petitioner's Request for Relief and City's Response and heard from all parties and witnesses necessary to an

understanding of the matter. I have weighed all information offered at the hearing, and considered all facts and circumstances necessary to render a recommendation.

11. The parties agreed to provide the undersigned an extension of time beyond 14 days after the conclusion of the hearing to prepare and file with all parties a written recommendation.

12. Based on the following agreed upon compromises, I recommend that the development orders at issue be considered for approval, with the following conditions:

    A. The proposed Sungold project will eliminate any request for "watersport" rentals or third party service providers.

    B. The proposed Sungold project will eliminate the proposed parking garage and modify the project site plan to reflect only street or ground parking.

    C. The proposed Sungold project will reduce the number of project units on its site plan from 104 to 100.

    D. The proposed Sungold project will relocate the swimming pool that was the subject of a variance request to a more internal location within the project, eliminating the need for a variance.

    E. The proposed Sungold project will include "sound governors" to measure the sound emanating from the first floor and the roof, to ensure that no sound emanating from these areas will cause any unreasonable noise or violation of the City's Noise Ordinance.

    F. The proposed Sungold project will include attractive pavers to be used in the promenade surrounding the project.

II. Conclusion and Recommendation

Pursuant to § 70.51(17)(a), Florida Statutes, the first responsibility of the Special Magistrate is to facilitate a resolution of the conflict between the parties. To that end, the mediation session was informal in nature and directed towards both a full and complete discussion of the issues and concerns raised by the City Council and members of the public during the public hearing. The mutually acceptable conditions to the requested development orders were agreed to by City's attorneys and staff, and the Petitioner, and satisfies the requirements of § 70.51, Florida Statutes.

Based on the facts, evidence and testimony I have reviewed and considered, I recommend the City Council approve the Petitioner's amended development orders to reflect the mutually agreed upon conditions set forth above, and adopt an order approving Petitioner's amended development orders to resolve all potential claims arising from the prior denial of the development orders, including, but not limited to, an appeal by petition for writ of certiorari and potential state and federal claims. It is in the Parties interest to resolve this matter.

RESPECTFULLY SUBMITTED this 22nd day of December, 2025.

/s/ Mark Bentley

MARK BENTLEY
Johnson Pope Bokor Ruppel & Burns, LLP
400 North Ashley Drive, Suite 3100
Tampa, Florida 33602
Tel: (813) 225-2500
E-mail Address:
markb@jpfirm.com

EXHIBIT A

City of St. Pete Beach· 155 Corey Avenue, St. Pete Beach, Florida 33706 727-367-2735 · www.stpetebeach.org

PLANNING DEPARTMENT

May 21, 2025

Beth Morean of Sungold LLC
3618 El Centro St
St. Pete Beach, FL 33706

John A Bodziak, Architect
5665 Central Ave
St. Petersburg, FL 33710

Re: **City Commission Case Nos. 23085 & 24058**
Addresses: 0 (Formerly 3815, 3855, 3859, & 3861 Gulf Blvd)
Parcel Numbers: 07-32-16-18143-001-0010, 07-32-16-18143-001-0020, 07-32-16-07398-001-0170, & 07-32-16-07398-001-0230

At the 5/13/2025 hearing of the City of St. Pete Beach City Commission, your requests for the following were **denied**:

1) **Ordinance 2024-08:** Allocation of 104 lodging units from the TC-2/AC/BR Districts Temporary Lodging Unit Density Pool to the above-described property. **DENIED.**
2) **Resolution 2024-12 (CUP No. 23085):** Construction of a 104-unit, 50-foot lodging tower with first- and sixth-floor bars, the latter which includes outdoor music, a 12-slip "Class A" lodging dock with rental of non-motorized water sports equipment (paddle boards and peddle boats), outdoor mini golf course, quiet and feature pools, 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 (LDC Sec. 39.6.(p), 42.4.(b), (d), (g), & (h)). **DENIED.**
3) **Unnecessary & Undue Hardship Variance No. 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.). *Note: Request for feature pool encroachment was reduced to 55'-0" by the applicant at the hearing.* **DENIED.**

Section 3.14 (b) of the LDC and the Florida Court Rules of Appellate Procedure establish the appeal process for any person or persons, jointly or severally, aggrieved by any decision of the City Commission "Section 3.14 (b) Any person aggrieved by a final order of the city commission or any appointed board may appeal the order to the circuit court. The appeal shall be filed with the circuit court on or before 30 days following the issuance of the final development order."

Section 3.6.(f) of the LDC prohibits filing of a subsequent application seeking substantially the same or similar approval within six months of the final decision on the original application, unless such application is denied without prejudice by the board hearing the request.

If there are any questions on this case, please contact me at bberry@stpetebeach.org or 727-363- 9229.

Respectfully,

Brandon Berry
Senior Planner
Cc: City Clerk, City Attorney *(via email)*

City of St. Pete Beach· 155 Corey Avenue, St. Pete Beach, Florida 33706 727-367-2735 · www.stpetebeach.org

PLANNING DEPARTMENT

May 21, 2025

Beth Morean of Sungold LLC
3618 El Centro St
St. Pete Beach, FL 33706

John A Bodziak, Architect
5665 Central Ave
St. Petersburg, FL 33710

DEVELOPMENT ORDER OF DENIAL
Density Pool Allocation Ord 2024-08; CUP 23085 & Hardship Variance 24058

The City Commission reviewed and conducted a duly noticed, public hearing on applications for Ordinance 2024-08 and Resolution 2024-12 (CUP No. 23085), and Variance No. 24058, and the City Commission determined that the applicant failed to satisfy the criteria for approval set forth in the City Land Development Code and that the proposed development was not consistent with the duly adopted Comprehensive Plan and therefore DENIED the following proposed development applications on May 13, 2025.

Address: 0 (Formerly 3815, 3855, 3859, & 3861 Gulf Blvd
Parcel Number: 07-32-16-18143-001-0010, 07-32-16-18143-001-0020, 07-32-16-07398-001-0170, & 07-32-16-07398-001-0230

Requests:

1) **Ordinance 2024-08:** Allocation of 104 lodging units from the TC-2/AC/BR Districts Temporary Lodging Unit Density Pool to the above-described property. **DENIED**. The City Commission found that the Applicant failed to meet the standards of review and criteria that must be met for a density pool allocation under LDC Sec. 4.12.(d) because the proposed allocation of 104 lodging units from the density pool for the proposed development did not meet the purpose and intent of the Bayou Residential District when considered within the contexts of the scale of the development proposal, the local and citywide impact of the proposal, the size and proportion of the density pool request, and the degree to which the benefits proposed and development itself advance the goals, objectives and/or policies of the district specifically" and was not consistent with comprehensive plan Future Land Use designation of the Bayou Residential District as described in the Future Land Use Element p. 2-62 because the proposed development for the 104 lodging units failed to provide an adequate "transition" area between the higher intensity development along Gulf Boulevard and the single-family residential areas to the east:

   Comprehensive Plan Future Land Use Element:
   "*Bayou Residential District (BR)*
   (a) Location and Character. The Bayou Residential character district is a small narrow strip of land containing 7.86 acres or approximately six-tenths (6/10ths) of 1% of the total land area of the City. This District is illustrated on the Special Planning Area 1 Character Districts Map (Map 1). The lot

depths are extremely narrow and preclude the potential of redeveloping prior existing temporary lodging uses that have long-since closed and have been demolished. Redevelopment 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 and the District's direct access to Gulf Boulevard, a small bonus commercial component will be allowed on a limited basis. Several properties are currently vacant and demolished.

(b) Purpose and Intent; Redevelopment Incentives and Deterrents. The following policies shall govern development in the Bayou Residential District to encourage redevelopment in a physically constrained area that is primarily vacant and is a transition area between higher intensity commercial uses along Gulf Boulevard and lower density residential neighborhoods to the east. High-rise residential development is prohibited. Height for exclusive residential use is decreased over existing permitted heights. Increased building setbacks are required from Gulf Boulevard. The maximum allowable density is permitted only for mixed-use projects located on parcels assembled that contain two or more acres to encourage more comprehensive and unified redevelopment, reduce trip generation, increase pedestrian linkages to neighborhood services and reduce curb cuts along Gulf Boulevard." Future Land Use Element p. 2-62

2) **Resolution 2024-12 (CUP No. 23085):** Construction of a 104-unit, 50-foot lodging tower with first- and sixth-floor bars, the latter which includes outdoor music, a 12-slip "Class A" lodging dock with rental of non-motorized water sports equipment (paddle boards and peddle boats), outdoor mini golf course, quiet and feature pools, 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 (LDC Sec. 39.6.(p), 42.4.(b), (d), (g), & (h)). **DENIED.** The City Commission found that the Applicant failed to meet the standards of review and criteria that must be met for a conditional use pursuant to LDC Section 4.4.(a) because the conditional use as proposed conditional use is not consistent with the location, character, purpose and intent for Bayou Residential as set forth in the Comprehensive Plan, and the proposed conditional use will not be compatible with the character of the existing area and the overall appearance and function of the area will be significantly adversely affected based on the location and character of the proposed site and based on the number, size, and location of the uses and the intensity and scale of the proposed and existing uses in the area the application will not be compatible with adjacent residential and other development based on characteristics such as size, building style and scale; and these impacts are not adequately mitigated; and the application will have significant adverse impacts on the livability and usability of nearby land due to noise, late-night operations, the amount, location, and nature of any outside activities, potential for privacy and safety issues. The City Commission further found that the Applicant failed to meet the standards of review and criteria that must be met for a conditional use pursuant to LDC Section 4.12.(a) because the proposed conditional use would have unreasonable or disproportionately negative impacts imposed upon adjacent or nearby properties. The proposed use of a 104-unit, 50-foot lodging tower with first-

and sixth-floor bars, the latter which includes outdoor music, a 12-slip "Class A" lodging dock with rental of non-motorized water sports equipment (paddle boards and peddle boats), outdoor mini golf course, quiet and feature pools, 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 does not provide an adequate "transition" area between the higher intensity development along Gulf Boulevard and the single-family residential areas to the east. The City Commission further found that the proposed conditional use is not consistent with comprehensive plan land use location, character, purpose and intent of the Future Land Use designation of the Bayou Residential District as described in the Future Land Use Element p. 2-62 because the proposed conditional use did not provide an adequate "transition" area between the higher intensity development along Gulf Boulevard and the single-family residential areas to the east, and pools, 104 lodging units, rooftop music, outdoor features, and use of the waterfront failed to meet the purpose and intent of the Bayou Residential District:

Comprehensive Plan Future Land Use Element:
"*Bayou Residential District (BR)*
(a) Location and Character. The Bayou Residential character district is a small narrow strip of land containing 7.86 acres or approximately six-tenths (6/10ths) of 1% of the total land area of the City. This District is illustrated on the Special Planning Area 1 Character Districts Map (Map 1). The lot depths are extremely narrow and preclude the potential of redeveloping prior existing temporary lodging uses that have long-since closed and have been demolished. Redevelopment 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 and the District's direct access to Gulf Boulevard, a small bonus commercial component will be allowed on a limited basis. Several properties are currently vacant and demolished.
(b) Purpose and Intent; Redevelopment Incentives and Deterrents. The following policies shall govern development in the Bayou Residential District to encourage redevelopment in a physically constrained area that is primarily vacant and is a transition area between higher intensity commercial uses along Gulf Boulevard and lower density residential neighborhoods to the east. High-rise residential development is prohibited. Height for exclusive residential use is decreased over existing permitted heights. Increased building setbacks are required from Gulf Boulevard. The maximum allowable density is permitted only for mixed-use projects located on parcels assembled that contain two or more acres to encourage more comprehensive and unified redevelopment, reduce trip generation, increase pedestrian linkages to neighborhood services and reduce curb cuts along Gulf Boulevard." Future Land Use Element p. 2-62

3) **Unnecessary & Undue Hardship Variance No. 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.). *Note: Request for feature pool encroachment was reduced to 55'-0" by the applicant at the hearing.* **DENIED.** The City Commission found that the Applicant did not meet all of the criteria for a unnecessary and undue hardship variance pursuant to LDC Sec. 3.12.(b)(1)a. The Applicant did not prove all of the following required criteria needed to obtain a hardship variance under:
"LDC Sec. 3.12.(b)(1)(a): Unnecessary and undue hardship variance. Standards of review for an unnecessary and undue hardship variance. The appropriate board of authority shall approve an unnecessary and undue hardship variance only if the variance applicant demonstrates by substantial competent evidence that all of the following are met and satisfied…." In particular, the Applicant did not meet criteria Sec. 3.12.(b)(1)(a 4. "*The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the comprehensive plan or the Land Development Code"* because the need for the variance was a self-created hardship arising from the scope, size and design of the 104 unit lodging building and facilities and two smaller pools could be accommodated even within the remaining project area as designed. The Applicant did not meet criteria Sec. 3.12.(b)(1)(a)(7) "*The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure*" because the application narrative and testimony offered at the public hearing did not adequately demonstrate sufficient hardship to justify the encroachment of one or both pools into the side yard because a smaller pool or pools could be designed and constructed to comply with existing setback requirements without the variance. Further, the requested variance was not the minimum variance necessary for a reasonable use the property because the applicant could design and build a smaller lodging building or less than 104 unit of lodging thereby allowing more space for one or both pools that could comply with existing side setbacks, or build up to a 49 dwelling unit multifamily residential project as currently zoned as of right, with adequate room remaining for one or more pool(s). Further Applicant did not meet criteria Sec. 3.12.(b)(1)(a) (8) "*The requested variance is in harmony with the general intent and purpose of the comprehensive plan and the Land Development Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood*" because the proposed variance would adversely impact the existing single-family residential areas to the east and is not consistent with the *intent and purpose of the comprehensive plan future land use district of BR:*

> Comprehensive Plan Future Land Use Element:
> "*Bayou Residential District (BR)*
> *(a) Location and Character. The Bayou Residential character district is a small narrow strip of land containing 7.86 acres or approximately six-tenths (6/10ths) of 1% of the total land area of the City. This District is illustrated on the Special Planning Area 1 Character Districts Map (Map 1). The lot depths are extremely narrow and preclude the potential of redeveloping prior existing temporary*

lodging uses that have long-since closed and have been demolished. Redevelopment 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 and the District's direct access to Gulf Boulevard, a small bonus commercial component will be allowed on a limited basis. Several properties are currently vacant and demolished.

(b) Purpose and Intent; Redevelopment Incentives and Deterrents. The following policies shall govern development in the Bayou Residential District to encourage redevelopment in a physically constrained area that is primarily vacant and is a transition area between higher intensity commercial uses along Gulf Boulevard and lower density residential neighborhoods to the east. High-rise residential development is prohibited. Height for exclusive residential use is decreased over existing permitted heights. Increased building setbacks are required from Gulf Boulevard. The maximum allowable density is permitted only for mixed-use projects located on parcels assembled that contain two or more acres to encourage more comprehensive and unified redevelopment, reduce trip generation, increase pedestrian linkages to neighborhood services and reduce curb cuts along Gulf Boulevard." Future Land Use Element p. 2-62

IT IS HEREBY ORDERED:

Case Numbers 23085, 24058, and Ordinance 2024-08, are hereby **DENIED.**

5/21/2025

Brandon Berry, Senior Planner Date

LDC Section 3.6(f) Subsequent applications. if any application filed under the provisions of this Code is denied, no subsequent application seeking substantially the same or similar approval shall be filed within six months of the final decision on the original application, unless such application is denied without prejudice by the board hearing the request. Applications which are withdrawn in writing at least 48, hours prior to the public hearing at which they are to be heard shall be considered to have been withdrawn without prejudice and may be resubmitted immediately.

LDC Section 3.14(b) Appeals. Any person aggrieved by this Order may appeal to the Circuit Court on or before thirty (30) days from the date of the Order.

BEFORE THE SPECIAL MAGISTRATE
IN AND FOR THE CITY OF ST. PETE BEACH, FLORIDA

RECEIVED
JUN 13 2025
CITY CLERK'S OFFICE

SUNGOLD, LLC, a
Florida Limited Liability Company,

Petitioner,

v.

THE CITY OF ST. PETE BEACH,
a Florida Municipal Corporation,

Respondent.

Application Numbers:
Unnecessary Hardship Variance 24058
Conditional Use Permit 23085
Density Transfer Ordinance 2024-08

1240
DATE: 6 13 25
SERVER: K
ID #: 0ps556025
ROBERT L JONES INC.

REQUEST FOR RELIEF PURSUANT TO FLORIDA STATUTE § 70.51

Petitioner, by and through its undersigned counsel, brings this action pursuant to Florida Statute §70.51 (2024), also known as the Florida Land Use and Environmental Dispute Resolution Act("FLUEDRA") and states as follows:

JURISDICTION AND PROCEDURAL INTRODUCTION

This action involves the above captioned applications for 1) an application for an Unnecessary Hardship Variance 24058, 2) an application for a Conditional Use Permit 23085, and 3) an application for approval of Density Transfer Ordinance 2024-08. All applications were denied, the justification for which is bizarre and questionable. Petitioner has chosen to seek initial review of these denials through the Florida Land Use and Environmental Dispute Resolution Act("FLUEDRA"), Section 70.51(3), Florida Statutes, 2024.

Section 70.511(3), Florida Statutes, 2024, provides in pertinent part:

> Any [real property] owner who believes that a development order, either separately or in conjunction with other development orders, ... is unreasonable or unfairly burdens the use of the owner's real property, may apply within 30 days after receipt of the order or notice of the governmental action for relief under this section.

Pursuant to the statute, the Special Magistrate's first duty pursuant to Section 70.51 is to serve as a mediator/facilitator and attempt to mediate "the dispute" created by the denial of properly presented applications such as those at issue herein, and try to bring about a mutually acceptable resolution of the matter. If mediation fails, the Special Magistrate is required to hold a Public Hearing on the request, after which:

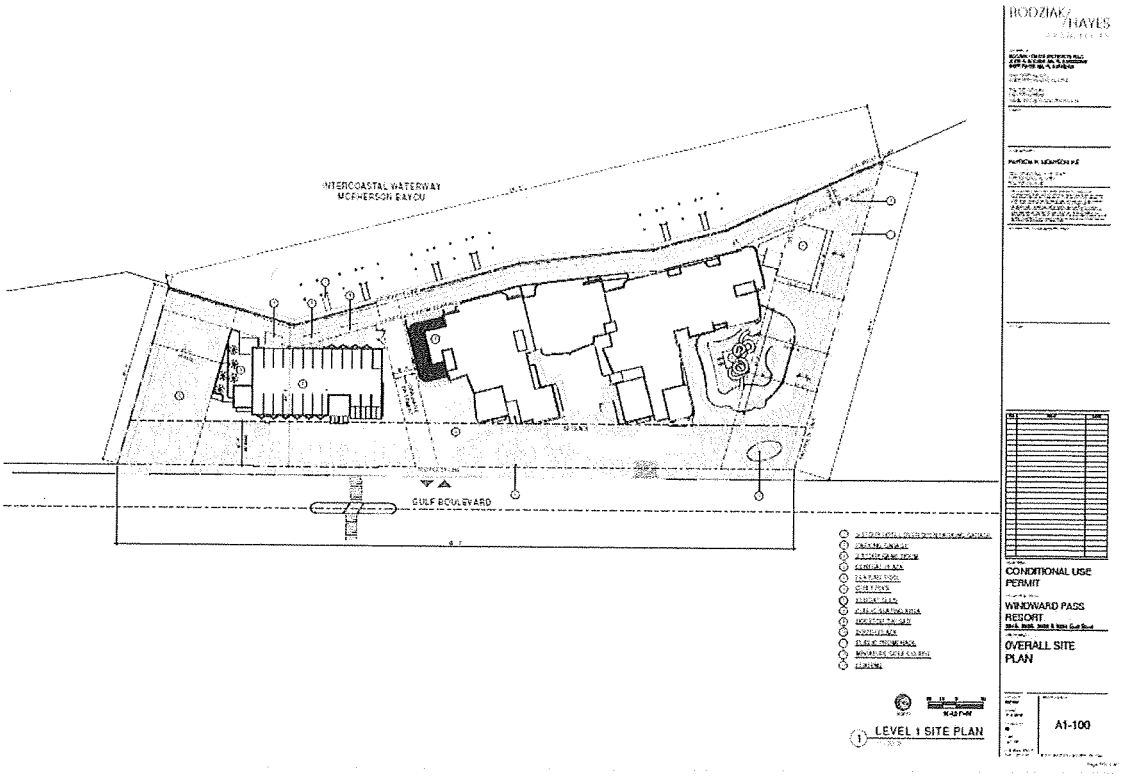
> (a) If the special magistrate finds that the development order at issue, or the development order or enforcement action in combination with the actions or regulations of other governmental entities, is not unreasonable or does not unfairly burden the use of the owner's property, the special magistrate must recommend that the development order or enforcement action remain undisturbed and the proceeding shall end, subject to the owner's retention of all other available remedies.
>
> (b) If the special magistrate finds that the development order or enforcement action, or the development order or enforcement action in combination with the actions or regulations of other governmental entities, is unreasonable or unfairly burdens use of the owner's property, the special magistrate, with the owner's consent to proceed, may recommend one or more alternatives that protect the public interest served by the development order or enforcement action and regulations at issue but allow for reduced restraints on the use of the owner's real property, including, but not limited to: ... (§ 70.51 (19)), F.S.

There are no non-judicial administrative appeals available to Petitioner. This effort to utilize Section 70.51 in the effort to seek a resolution of "the dispute" caused by the City's denial of the three applications described above is being pursued in good faith, and, respectfully, it would appear that Section 70.51 may well provide an opportunity for all parties to pursue a resolution outside of the area of overarching "political concerns," and focus on the exact characteristics of the project at issue.

PETITIONER'S PROPOSED USE OF PROPERTY [1]

The project that is the subject of the three applications at issue is a magnificent and aesthetically superior development that would be a stellar addition to the area of St. Pete Beach where is was sought to be developed. The shape of the lots on which the project was sought to be built is a very "unequal parallelogram" (see site plan) made up of totally unique shapes and different size lots bordered by other general development and highway construction to the North, East, and South, and the Gulf to the West (the "Property").

See Site Map:



[1] This Petition is based on materials in the St. Pete Beach City Commission Agenda Package for the May 13, 2025, City Commission meeting. The Agenda Package can be found at https://stpetebeachfl.portal.civicclerk.com/event/2797/files/agenda/6129. The analysis herein follows the Agenda Package which does not reflect the appropriate order of the applications or the order in which they were considered by the City Commission.

The applications are described by the City as follows, and give a clear indication of the design efforts required by the unique shape of the Property:

> VARIANCE (HARDSHIP) 24058
> Request:
> An unnecessary and undue hardship variance to allow the encroachment of quiet and feature pools to a 31'-6" side setback, where 65 feet is required (LDC Sec. 42.7.).
>
> CONDITIONAL USE 23085
> Applicant requests a three-part conditional use permit to: 1) Draw 104 of the 261 temporary lodging units remaining in the Town Center Corey Circle & Coquina West/Activity Center/Bayou Residential Temporary Lodging Unit Density Pool to allow for the development of a six-story lodging building inclusive of ground-floor parking garage, which will exceed 50 feet above base flood elevation at 54 feet [2] proposed and exceed 30 lodging units per acre at 37.7 lodging units per acre proposed, and include as amenities a water park, miniature putt-putt golf course, children's game room, restaurant, pool, sun decks, and swim-up bar (LDC Sec. 42.4.(d)); 2) Construct a commercial Class A (hotel) dock with 26-30 slips containing paddle boards and pedal boat rentals (LDC Sec. 42.4.(b)&(g)); 3) Permit the development of a roof dining and drinking amenity with or without outdoor music (LDC Sec. 42.4.(h)).
>
> DENSITY POOL REQUEST ORDINANCE 2024-08
> 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. (p. 664.)

Petitioner concurs with the City's description of the project and of the requested approvals. The project requires three non-discretionary, quasi-judicial approvals from the City:

- Approval of a setback variance for the project's swimming pools;
- Approval of a Conditional Use to permit certain aspects of the project; and

[2] Petitioner subsequently redesigned the building to a maximum height of 50 feet, thereby obviating the need for one aspect of the Conditional Use approval.

– Approval of the assignment of 104 units from a density pool for that part of the City to the subject site.

The project was the subject of a Neighborhood Meeting, two Technical Review Committee analyses, and a Public Hearing before the Planning Board, the latter resulting in a unanimous recommendation of denial of all three applications.

SUMMARY OF THE DEVELOPMENT ORDERS

The three requests described above were denied in a single Development Order dated May 23, 2025, and signed by Brandon Berry, the City's Senior Planner who handled the application. A copy of the Order is attached as Exhibit A. The Development Order simply states that each request – Unnecessary Hardship Variance 24058; Conditional Use Permit 23085 and Density Transfer Ordinance 2024-08 – was "DENIED."

A DESCRIPTION OF THE IMPACT OF THE DEVELOPMENT ORDERS

The decisions denying the Development applications at issue are unreasonable and totally devoid of legal or factual support for numerous reasons, including, but not limited to specific contents of the "record below."

The property is one of the few large (2.639 acres) parcels in the City (p. 642).[3] The property is flanked on the north and south by mid-rise, multi-family uses; on the west by transient accommodations, commercial uses and multi-family uses. To the north is a condominium (Sun Harbor) developed at approximately 44 units per acre and to the south is

[3] Page numbers (p. __) are those of the City Commission Agenda Package for May 13, 2025; page numbers (xp _____) are those of the transcript of the City Commission meeting of May 13. The transcript is filed herewith as Exhibit B. The transcript was prepared from the video of the City Commission meeting. Note that beginning on page 41 City Attorney Brookes is mis-identified as Commissioner Moholland except for page 105, lines 10 and 11; page 106, lines 6 and 11; page 108, lines 3 and 4; and page 109, lines 10, 19 and 20.

Sand Cove Apartments, a rental property developed at an estimated 50 units per acre (p. 695). To the east is McPherson Bayou which separates the higher intensity uses on Gulf Boulevard from the low density uses further east. The height of the proposed buildings is consistent with the heights of other buildings in the vicinity (p. 695).

The Petitioner provided competent, substantial evidence throughout the process – from written submittals in support of the applications to testimony in the various Public Hearings – to support approval of the Variance, the Conditional Use and the Density Transfer Ordinance, which evidence was unrebutted.

In particular, Petitioner's Architect, John Bodziak, an extremely competent and well known professional with decades of local experience, noted:

> This site, although an average width of 644 feet, is only 129.5' deep at its shallow point and an average of only 211.5' feet overall. With the significant lot length and shallow depth this creates a very limited buildable area, and proportionally creates a significant penalty for having significantly unusual proportions. (p. 643)

By the City's own admission, a similar request was approved for "... the Hotel Zamora which shares the same zoning as the subject site. ..." (p. 669).

With respect to the Land Development Code's requirements, again, the City admits **complete compliance** with the Code requirements except for the pool setbacks which are the subject of the variance request (pp. 669 - 670, Tables). Staff further found that the applicant had provided "reasonable support" for the variance request (xp 21).

Staff found the requested approvals to be "generally consistent" with the Goals, Objectives and Policies of the City's Comprehensive Plan (pp. 672 - 689). Of particular note is the Staff comment on a passive public recreation amenity to be provided by the development:

> 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. ... (p. 673).

Staff also notes favorably that this relatively large parcel will be served by only two curb cuts, a significant boon to pedestrian safety, (p. 674). On the issue of pedestrian safety, Staff notes:

> Components of *[Vision Zero]* ... are addressable and generally supported through the [project's] site design. The site provides for protected pedestrian areas at the frontage, cross-parcel access, especially when compared with the prior development patterns. ... (p. 682).

Although repeatedly stating concerns about the intensity of the non-residential components of the project (commercial uses, mini-golf, restaurants, game rooms, and a water park), Staff found:

> 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, above what is proposed for the subject facility, albeit with "penthouse" rooftop facilities that are stepped back from the top enclosed story of the building to lessen the visual impact. (p. 688)

Similarly, Staff's consideration of the governing criterion that the project serve as a "transitional" development supported granting the requested approvals:

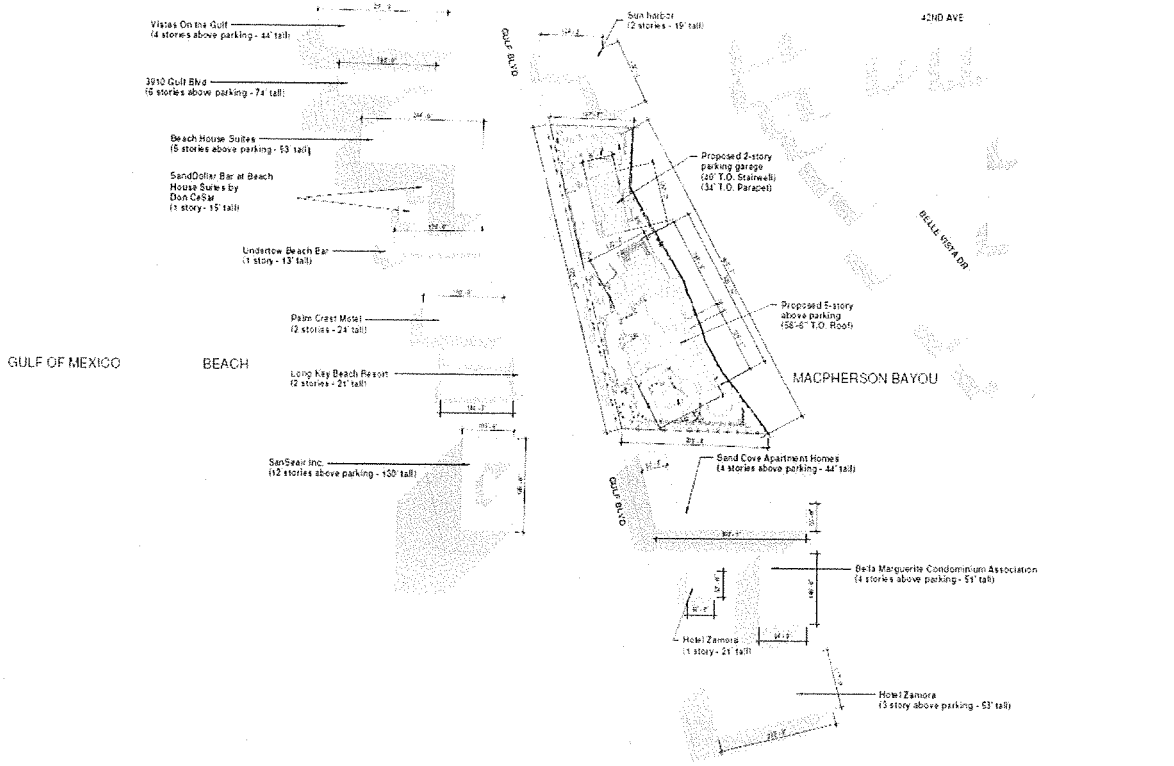
> In terms of the development slotting in within a "transitional" area between higher-intensity commercial along Gulf Boulevard and single-family zoning, Staff finds the development does not exceed the intensity or density thresholds available to properties in the nearby Activity Center or Boutique

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 permittable, subject to a conditional use review, in the Activity Center District. (p. 688).

See also the unrebutted competent, substantial evidence offered by the project Architect:

Across the street there are high rises, 10 – you know, 9-, 10-, 8-story high. So this could be considered transitional going towards the water in that it's only half the height of some of the surrounding buildings, including the adjacent property to the south. (xp. 66)

See Vicinity Map:



1 Vicinity Map - Presentation

Staff did express concern about the scale and width of the building (p. 688), but the project Architect's competent, substantial evidence rebutted these concerns:

> The property is so unusually shaped that with – when you – the setbacks that are aligned in the code are basically identified for typically rectangular or relatively regular parcels. This parcel is highly unusual and should – that should have been considered in their decision. And I'll give you an idea.
>
> ...
>
> The parcel is on 116,740 square feet. It's hard to believe, but when you – because of this unusual shape where the site goes from 293 feet on one end, to a very narrow width of 125 feet down here you see that parking lot, towards the far end of the thing, you can see the unusual shape. When you apply the setbacks – or in the criteria, the site is less than 50 percent buildable. And I could find no other site in the City of St. Petersburg Beach, in St. Pete Beach, that this – that were so unduly restricted by the setbacks where the configuration of the site was not taken into account.
>
> To further complicate that, if you look and see in that dotted line through the middle, to the right of those parking spaces, that's a 25-foot easement for drainage. And that's not counted in the area that you can't build on, in my figures. So actually, less than, or approximately 40 percent of this site is buildable. And if that's not a hardship in application of the regulations, I really don't know what one is. (xp 8 - 9).

Yet another "further complication" is that the St. Pete Beach Land Development Code establishes setback requirements as ***percentage*** of lot dimensions (xp. 26), making it even more difficult to deal with an irregularly shaped lot. Returning to the issue of compatibility, Staff found:

> 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 Architect of this development 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 parking garage screening. ... (pp. 689 - 690).

While noting that the project will provide, via the perimeter promenade, to the public at large, public waterfront access to the Intracoastal Waterway (p. 660) Staff was aware of concerns about the distance to the nearest beach access. Staff addressed these concerns, noting that public beach access is available approximately 500 feet north of the site (p. 690).

Staff then analyzed other development review factors, finding that no mandatory submittal requirements were unfulfilled; that many of the issues were to be resolved in the site plan approval process, and finding no obstacles to approval of a Conditional Use (pp. 690 - 693).

Staff then reviewed the Conditional Use approval criteria (pp. 693 - 697), finding issues to be resolved at the site plan approval stage, and suggesting some voluntary changes to the plans and the potential for the voluntary submittal of additional data, **but finding no noncompliance with the Conditional Use criteria.** This analysis constitutes competent, substantial evidence to support the approval of the subject applications (See *City of Hialeah Gardens v. Miami-Dade Foundation, Inc.*, 857 So.2d 202 (Fla. 3d DCA 2003)). Critically, since the analysis constitutes competent, substantial evidence, and since it was unrebutted, this fact mandate approval of the Conditional Use (See *Irvine v. Duval County Planning Commission*, 495 So.2d 167 (Fla. 1986),

agreeing with the dissent in *Irvine v. Duval County Planning Commission*, 466 So.2d 357, Fla. 1st DCA 1985); and *Irvine v. Duval County Planning Commission*, 504 So.2d 1265 (1st DCA 1986), a later decision adopting the previous dissent).

The Staff Report then considers the variance request, noting that the required side setback is **65 feet** (pp. 697 - 698). As noted above, in St. Pete Beach, setbacks are calculated based on lot dimensions and configurations, using those in the context of a "percentage," rather than a consistent and uniformly measured setback, as a basis for establishing a distance, and, in this case. resulting in a ridiculously huge required setback.

Staff then reviews the variance criteria, generally finding compliance with each criterion (pp. 698 - 700), reinforcing the applicant's finding of compliance with the variance criteria (p. 649 - 651). Staff then reviews their findings (pp. 700 - 701) generally finding compliance with the City's Comprehensive Plan and Land Development Code but seeking additional applicant testimony on some issues. Staff then proposed 31 conditions of approval (pp. 701 - 706) to be imposed if the development is approved. The analysis is then essentially repeated with respect to the Conditional Use application (pp. 707 - 717).

Included is a project narrative and criteria response from the project Architect (pp. 717 - 741), again providing competent, substantial evidence to support the approval of the Conditional Use. The project Architect summed up the public benefit of the project:

> Public access to the property, the improvement of a property that's sat in disrepair for years and then was then demolished, and a proposed use within the code. Tax base properties that are destroyed up and down the beach. ... it's a relevant use to the code…(xp 86).

After the advisory review by the Planning Board, the matter then proceeded to the *de*

novo May 13, 2025, Public Hearing before the City Commission. Several issues about that Public Hearing are noteworthy. First and foremost, the City Commission was acting on each application in **quasi-judicial capacity**, a capacity which requires impartiality, and a lack of bias. More evident in the video than the transcript, at least three Commissioners were remarkably hostile to the application and the Petitioner (the "applicant's") agent, Mr. Bodziak, however this hostility is even evident in the transcript (*e.g.* xp. 18, xp. 22, xp. 55) and was even "called out" by the applicant's agent (xp. 66). This hostility is abundantly evident from the video recording of the meeting. [4]

Further, it is clear beyond doubt that at least some members of the Commission had pre-judged the applications or had a discernible bias against them: (*e.g.* xp. 24, xp. 29, xp. 72). Such bias and pre-judgment is absolutely inappropriate for a quasi-judicial proceeding. The City Commission based its denials, in part, on the proceedings before the Planning Board. But the Planning Board paid little heed to the applicable criteria, instead basing its findings:

> Denial was based on some of the items that were brought up before lack of traffic study, concerns about increased in traffic density, the overall density of the development, the use of features by residents. There was concerns about increased Freebee use and costs. The waterway shallowness at the narrow end of the waterway concerns about access from this project over to the beach jaywalking and public safety. Cumulative noise from pools dining and balconies was brought up as another concern by the Planning Board and their recommendation of denial. (xp 47)

As set out above, Staff addressed those bases for denial that were based on the City's Comprehensive Plan or Land Development Code and concluded that the project was ***consistent with both*** the Comprehensive Plan and the Land Development Code. The remaining issues considered by the Planning Board were speculative, irrelevant, and, with all due respect, not even

[4] Available at https://stpetebeachfl.portal.civicclerk.com/event/2797/media

remotely germane to the applications at issue, which should have been granted because the project was ***consistent with both*** the Comprehensive Plan and the Land Development Code. These "reasons" are discussed below.

Certain Commissioners also expressed concern about the consolidation of four lots into a single project (*e.g.*, xp 38, xp 79), Staff disabused the Commissioners of this concern and pointed out that lot consolidation was beneficial with respect to curb cuts (p. 674), and was consistent with the relevant Comprehensive Plan policy: "The assembly of smaller parcels into larger development sites will be encouraged." (p. 679, xp 48, xp 76). Staff, thus, conclusively established that the lot consolidation did not equate to any "self-created hardship" that would preclude granting the requested variance.

Between the written Staff Report and the expert testimony of the Staff Planner, in conjunction with the evidence presented by the project Architect, Petitioner demonstrated, by competent, substantial evidence, complete compliance with each *lawful* variance criterion. The unusual source of the setback requirement and the unique configuration of the properly consolidated lot mandate granting the variance. The Development Order denying the variance is unreasonable.

Nonetheless, and notwithstanding the competent, substantial evidence of Staff in their Report, and the testimony of Staff and the project Architect, one hostile and biased Commissioner (who had clearly "pre-judged" the project,) purported to review the "variance criteria," but made comments (for pages) that completely ignored the specific "elements" relevant to a judicious consideration of the requested variance, and concocted a series of criticisms completely alien to any legitimate land use decision. Based on these creative but

inapplicable recitations, this biased Commissioner found that none of the "variance criteria" were met (xp. 37 - 39). Subsequently, a Motion to Deny the variance was made and approved unanimously (xp 40 - 41). On the recital of variance requirements, contrast the detailed Staff analysis in the Staff Report, providing more than three pages demonstrating compliance with the same variance criteria (pp. 697 - 700).

In the course of considering the Conditional Use and Density Transfer applications, rather than considering the actual criteria as set out the Staff Report, based on the City's Comprehensive Plan and Land Development Code, the Commission's purported to find pretextual reasons, not supported by the Plan or Code, to deny the applications. For example:

- That beach access is problematic (xp 92);
- That the *Sun Runner* transit service does not serve the site (xp 92);
- Issues with onsite traffic circulation (xp 92), whereas Staff found the internal circulation plan to be logical (p. 694);
- That the swimming pools and entertainment uses would cause unacceptable levels of noise (xp 93). Staff addressed this concern stating that limits on volume and hours of operation would preclude any problems with noise (*e.g.*, pp. 657, 662, 690, 702);
- The potential for the development to cause dangerous jaywalking (xp 98);
- The depth of McPherson Bayou (xp 100), clearly a non-issue for paddleboards and peddle boats.

Between the written Staff Report (pp. 672 - 697) and the expert testimony of the Staff Planner, and the evidence of the project Architect, Petitioner clearly demonstrated through

competent, substantial evidence, complete compliance with each lawful Conditional Use criterion and therefore entitlement to the requested density transfer. As a matter of Florida law, the burden of proving non-compliance with the Conditional Use criteria shifted to the City, however the City failed to meet that burden. The bottom line is that unrebutted evidence and testimony showing compliance with ***all*** Conditional Use criteria mandates approving the Conditional Use and the companion density transfer and the Development Order denying the Conditional Use and the density transfer is unreasonable.

REQUEST FOR RELIEF

As the denials of the Development Orders on Unnecessary Hardship Variance 24058, Conditional Use Permit 23085 and Density Transfer Ordinance 2024-08 are not supported by competent, substantial evidence, are not based on any legitimate consideration of the Comprehensive Plan or Land Development Code, and are tangibly unreasonable, Petitioner requests relief available under Florida Land Use and Environmental Dispute Resolution Act.

Dated: June 13, 2025

Respectfully submitted,

/s/ Luke Lirot
Luke Lirot, Esquire
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Clearwater, Florida 33764
Telephone: (727) 536-2100
Facsimile: (727) 536-2110
Email: luke2@lirotlaw.com
Alternate email addresses:
Team@lirotlaw.com
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a physical copy of this Petition, including Exhibits A and B, is being served on Adrian Petrila, Mayor, City of St. Pete Beach, 155 Corey Avenue, St. Pete Beach, Florida, 33706, by a process server certified to serve process in Pinellas County, **this 13th day of June 2025.** I further certify that a true and correct copy of this Petition, including Exhibits A and B, is being provided by electronic mail to Ralf Brookes, Esq,, Interim City Attorney, Ralf@RalfBrookesAttorney.com **this 13th day of June, 2025.**

/s/ Luke Lirot
Luke Lirot, Esquire
Florida Bar Number 714836

EXHIBIT A

City of St. Pete Beach· 155 Corey Avenue, St. Pete Beach, Florida 33706 727-367-2735 · www.stpetebeach.org

PLANNING DEPARTMENT

May 23, 2025

Beth Morean of Sungold LLC
3618 El Centro St
St. Pete Beach, FL 33706

John A Bodziak, Architect
5665 Central Ave
St. Petersburg, FL 33710

Re: **City Commission Case Nos. 23085 & 24058**
Addresses: 0 (Formerly 3815, 3855, 3859, & 3861 Gulf Blvd)
Parcel Numbers: 07-32-16-18143-001-0010, 07-32-16-18143-001-0020, 07-32-16-07398-001-0170, & 07-32-16-07398-001-0230

At the 5/13/2025 hearing of the City of St. Pete Beach City Commission, your requests for the following were **denied**:

1) **Ordinance 2024-08:** Allocation of 104 lodging units from the TC-2/AC/BR Districts Temporary Lodging Unit Density Pool to the above-described property. **DENIED.**
2) **Resolution 2024-12 (CUP No. 23085):** Construction of a 104-unit, 50-foot lodging tower with first- and sixth-floor bars, the latter which includes outdoor music, a 12-slip "Class A" lodging dock with rental of non-motorized water sports equipment (paddle boards and peddle boats), outdoor mini golf course, quiet and feature pools, 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 (LDC Sec. 39.6.(p), 42.4.(b), (d), (g), & (h)). **DENIED.**
3) **Unnecessary & Undue Hardship Variance No. 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.). *Note: Request for feature pool encroachment was reduced to 55'-0" by the applicant at the hearing.* **DENIED.**

Section 3.14 (b) of the LDC and the Florida Court Rules of Appellate Procedure establish the appeal process for any person or persons, jointly or severally, aggrieved by any decision of the City Commission "Section 3.14 (b) Any person aggrieved by a final order of the city commission or any appointed board may appeal the order to the circuit court. The appeal shall be filed with the circuit court on or before 30 days following the issuance of the final development order."

Section 3.6.(f) of the LDC prohibits filing of a subsequent application seeking substantially the same or similar approval within six months of the final decision on the original application, unless such application is denied without prejudice by the board hearing the request.

If there are any questions on this case, please contact me at bberry@stpetebeach.org or 727-363- 9229.

Respectfully,

Brandon Berry
Senior Planner
Cc: City Clerk, City Attorney *(via email)*

City of St. Pete Beach· 155 Corey Avenue, St. Pete Beach, Florida 33706 727-367-2735 · www.stpetebeach.org

PLANNING DEPARTMENT

May 21, 2025

Beth Morean of Sungold LLC
3618 El Centro St
St. Pete Beach, FL 33706

John A Bodziak, Architect
5665 Central Ave
St. Petersburg, FL 33710

DEVELOPMENT ORDER OF DENIAL
Density Pool Allocation Ord 2024-08; CUP 23085 & Hardship Variance 24058

The City Commission reviewed and conducted a duly noticed, public hearing on applications for Ordinance 2024-08 and Resolution 2024-12 (CUP No. 23085), and Variance No. 24058, and the City Commission determined that the applicant failed to satisfy the criteria for approval set forth in the City Land Development Code and that the proposed development was not consistent with the duly adopted Comprehensive Plan and therefore DENIED the following proposed development applications on May 13, 2025.

Address: 0 (Formerly 3815, 3855, 3859, & 3861 Gulf Blvd
Parcel Number: 07-32-16-18143-001-0010, 07-32-16-18143-001-0020, 07-32-16-07398-001-0170, & 07-32-16-07398-001-0230

Requests:

1) **Ordinance 2024-08:** Allocation of 104 lodging units from the TC-2/AC/BR Districts Temporary Lodging Unit Density Pool to the above-described property. **DENIED**. The City Commission found that the Applicant failed to meet the standards of review and criteria that must be met for a density pool allocation under LDC Sec. 4.12.(d) because the proposed allocation of 104 lodging units from the density pool for the proposed development did not meet the purpose and intent of the Bayou Residential District when considered within the contexts of the scale of the development proposal, the local and citywide impact of the proposal, the size and proportion of the density pool request, and the degree to which the benefits proposed and development itself advance the goals, objectives and/or policies of the district specifically" and was not consistent with comprehensive plan Future Land Use designation of the Bayou Residential District as described in the Future Land Use Element p. 2-62 because the proposed development for the 104 lodging units failed to provide an adequate "transition" area between the higher intensity development along Gulf Boulevard and the single-family residential areas to the east:

Comprehensive Plan Future Land Use Element:
"*Bayou Residential District (BR)*
(a) Location and Character. The Bayou Residential character district is a small narrow strip of land containing 7.86 acres or approximately six-tenths (6/10ths) of 1% of the total land area of the City. This District is illustrated on the Special Planning Area 1 Character Districts Map (Map 1). The lot

depths are extremely narrow and preclude the potential of redeveloping prior existing temporary lodging uses that have long-since closed and have been demolished. Redevelopment 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 and the District's direct access to Gulf Boulevard, a small bonus commercial component will be allowed on a limited basis. Several properties are currently vacant and demolished.

(b) Purpose and Intent; Redevelopment Incentives and Deterrents. The following policies shall govern development in the Bayou Residential District to encourage redevelopment in a physically constrained area that is primarily vacant and is a transition area between higher intensity commercial uses along Gulf Boulevard and lower density residential neighborhoods to the east. High-rise residential development is prohibited. Height for exclusive residential use is decreased over existing permitted heights. Increased building setbacks are required from Gulf Boulevard. The maximum allowable density is permitted only for mixed-use projects located on parcels assembled that contain two or more acres to encourage more comprehensive and unified redevelopment, reduce trip generation, increase pedestrian linkages to neighborhood services and reduce curb cuts along Gulf Boulevard." Future Land Use Element p. 2-62

2) **Resolution 2024-12 (CUP No. 23085):** Construction of a 104-unit, 50-foot lodging tower with first- and sixth-floor bars, the latter which includes outdoor music, a 12-slip "Class A" lodging dock with rental of non-motorized water sports equipment (paddle boards and peddle boats), outdoor mini golf course, quiet and feature pools, 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 (LDC Sec. 39.6.(p), 42.4.(b), (d), (g), & (h)). **DENIED.** The City Commission found that the Applicant failed to meet the standards of review and criteria that must be met for a conditional use pursuant to LDC Section 4.4.(a) because the conditional use as proposed conditional use is not consistent with the location, character, purpose and intent for Bayou Residential as set forth in the Comprehensive Plan, and the proposed conditional use will not be compatible with the character of the existing area and the overall appearance and function of the area will be significantly adversely affected based on the location and character of the proposed site and based on the number, size, and location of the uses and the intensity and scale of the proposed and existing uses in the area the application will not be compatible with adjacent residential and other development based on characteristics such as size, building style and scale; and these impacts are not adequately mitigated; and the application will have significant adverse impacts on the livability and usability of nearby land due to noise, late-night operations, the amount, location, and nature of any outside activities, potential for privacy and safety issues. The City Commission further found that the Applicant failed to meet the standards of review and criteria that must be met for a conditional use pursuant to LDC Section 4.12.(a) because the proposed conditional use would have unreasonable or disproportionately negative impacts imposed upon adjacent or nearby properties. The proposed use of a 104-unit, 50-foot lodging tower with first-

and sixth-floor bars, the latter which includes outdoor music, a 12-slip "Class A" lodging dock with rental of non-motorized water sports equipment (paddle boards and peddle boats), outdoor mini golf course, quiet and feature pools, 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 does not provide an adequate "transition" area between the higher intensity development along Gulf Boulevard and the single-family residential areas to the east. The City Commission further found that the proposed conditional use is not consistent with comprehensive plan land use location, character, purpose and intent of the Future Land Use designation of the Bayou Residential District as described in the Future Land Use Element p. 2-62 because the proposed conditional use did not provide an adequate "transition" area between the higher intensity development along Gulf Boulevard and the single-family residential areas to the east, and pools, 104 lodging units, rooftop music, outdoor features, and use of the waterfront failed to meet the purpose and intent of the Bayou Residential District:

Comprehensive Plan Future Land Use Element:
"*Bayou Residential District (BR)*
(a) Location and Character. The Bayou Residential character district is a small narrow strip of land containing 7.86 acres or approximately six-tenths (6/10ths) of 1% of the total land area of the City. This District is illustrated on the Special Planning Area 1 Character Districts Map (Map 1). The lot depths are extremely narrow and preclude the potential of redeveloping prior existing temporary lodging uses that have long-since closed and have been demolished. Redevelopment 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 and the District's direct access to Gulf Boulevard, a small bonus commercial component will be allowed on a limited basis. Several properties are currently vacant and demolished.
(b) Purpose and Intent; Redevelopment Incentives and Deterrents. The following policies shall govern development in the Bayou Residential District to encourage redevelopment in a physically constrained area that is primarily vacant and is a transition area between higher intensity commercial uses along Gulf Boulevard and lower density residential neighborhoods to the east. High-rise residential development is prohibited. Height for exclusive residential use is decreased over existing permitted heights. Increased building setbacks are required from Gulf Boulevard. The maximum allowable density is permitted only for mixed-use projects located on parcels assembled that contain two or more acres to encourage more comprehensive and unified redevelopment, reduce trip generation, increase pedestrian linkages to neighborhood services and reduce curb cuts along Gulf Boulevard." Future Land Use Element p. 2-62

3) **Unnecessary & Undue Hardship Variance No. 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.). *Note: Request for feature pool encroachment was reduced to 55'-0" by the applicant at the hearing.* **DENIED.** The City Commission found that the Applicant did not meet all of the criteria for a unnecessary and undue hardship variance pursuant to LDC Sec. 3.12.(b)(1)a. The Applicant did not prove all of the following required criteria needed to obtain a hardship variance under:

"LDC Sec. 3.12.(b)(1)(a): Unnecessary and undue hardship variance. Standards of review for an unnecessary and undue hardship variance. The appropriate board of authority shall approve an unnecessary and undue hardship variance only if the variance applicant demonstrates by substantial competent evidence that all of the following are met and satisfied...." In particular, the Applicant did not meet criteria Sec. 3.12.(b)(1)(a 4. *"The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the comprehensive plan or the Land Development Code"* because the need for the variance was a self-created hardship arising from the scope, size and design of the 104 unit lodging building and facilities and two smaller pools could be accommodated even within the remaining project area as designed. The Applicant did not meet criteria Sec. 3.12.(b)(1)(a)(7) *"The requested variance is the minimum variance that makes possible the reasonable use of the land, building, or structure"* because the application narrative and testimony offered at the public hearing did not adequately demonstrate sufficient hardship to justify the encroachment of one or both pools into the side yard because a smaller pool or pools could be designed and constructed to comply with existing setback requirements without the variance. Further, the requested variance was not the minimum variance necessary for a reasonable use the property because the applicant could design and build a smaller lodging building or less than 104 unit of lodging thereby allowing more space for one or both pools that could comply with existing side setbacks, or build up to a 49 dwelling unit multifamily residential project as currently zoned as of right, with adequate room remaining for one or more pool(s). Further Applicant did not meet criteria Sec. 3.12.(b)(1)(a) (8) *"The requested variance is in harmony with the general intent and purpose of the comprehensive plan and the Land Development Code, is not injurious to the neighborhood or otherwise detrimental to the public safety and welfare, is compatible with the neighborhood, and will not substantially diminish or impair property values within the neighborhood"* because the proposed variance would adversely impact the existing single-family residential areas to the east and is not consistent with the *intent and purpose of the comprehensive plan future land use district of BR:*

Comprehensive Plan Future Land Use Element:
"Bayou Residential District (BR)
(a) Location and Character. The Bayou Residential character district is a small narrow strip of land containing 7.86 acres or approximately six-tenths (6/10ths) of 1% of the total land area of the City. This District is illustrated on the Special Planning Area 1 Character Districts Map (Map 1). The lot depths are extremely narrow and preclude the potential of redeveloping prior existing temporary

lodging uses that have long-since closed and have been demolished. Redevelopment 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 and the District's direct access to Gulf Boulevard, a small bonus commercial component will be allowed on a limited basis. Several properties are currently vacant and demolished.

(b) Purpose and Intent; Redevelopment Incentives and Deterrents. The following policies shall govern development in the Bayou Residential District to encourage redevelopment in a physically constrained area that is primarily vacant and is a transition area between higher intensity commercial uses along Gulf Boulevard and lower density residential neighborhoods to the east. High-rise residential development is prohibited. Height for exclusive residential use is decreased over existing permitted heights. Increased building setbacks are required from Gulf Boulevard. The maximum allowable density is permitted only for mixed-use projects located on parcels assembled that contain two or more acres to encourage more comprehensive and unified redevelopment, reduce trip generation, increase pedestrian linkages to neighborhood services and reduce curb cuts along Gulf Boulevard." Future Land Use Element p. 2-62

IT IS HEREBY ORDERED:

Case Numbers 23085, 24058, and Ordinance 2024-08, are hereby **DENIED.**

Brandon Berry 5/23/2025

Brandon Berry, Senior Planner Date

LDC Section 3.6(f) Subsequent applications. if any application filed under the provisions of this Code is denied, no subsequent application seeking substantially the same or similar approval shall be filed within six months of the final decision on the original application, unless such application is denied without prejudice by the board hearing the request. Applications which are withdrawn in writing at least 48, hours prior to the public hearing at which they are to be heard shall be considered to have been withdrawn without prejudice and may be resubmitted immediately.

LDC Section 3.14(b) Appeals. Any person aggrieved by this Order may appeal to the Circuit Court on or before thirty (30) days from the date of the Order.

EXHIBIT B

The transcript was prepared from the video of the City Commission meeting. Note that beginning on page 41 City Attorney Brookes is mis-identified as Commissioner Moholland except for page 105, lines 10 and 11; page 106, lines 6 and 11; page 108, lines 3 and 4; and page 109, lines 10, 19 and 20.

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ORIGINAL

CITY OF ST. PETE BEACH CITY COMMISSION MEETING

WINDWARD PASS RESORT - CONDITIONAL USE PERMIT #23085

CITY OF ST. PETE BEACH

HARDSHIP VARIANCE NO.: 24058 - AUDIO TRANSCRIPT

DATE: MAY 13, 2025

PRESENT

KAREN MARRIOTT, VICE MAYOR, DISTRICT 1

LISA ROBINSON, DISTRICT 2

ADRIAN PETRILA, MAYOR

BETTY RZEWNICKI, DISTRICT 3

JOE MOHOLLAND, DISTRICT 4

RALF BROOKES, CITY ATTORNEY

FRANCES ROBUSTELLI, CITY MANAGER

JOHN BODZIAK, ARCHITECT

BRANDON BERRY, SENIOR PLANNER

CITY CLERK, UNNAMED

JOHN KURZMAN

FRANK QUILLIN

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PROCEEDINGS

MR. MOHOLLAND: Mr. Mayor, just to clarify, are we going to vote on this after we hear all the items associated with this, or are we going to vote on this before?

MR. PETRILA: I think the first thing we do is, we take a look at the hardship variance. And if the hardship variance passes, we proceed on to Items B and 7A.

MS. ROBUSTELLI: Also, one other technicality. So the applicant is going to present -- well, Brandon is going to open up all three items together. So you're going to kind of get a holistic presentation. Brandon will open it up. The applicant will present their case. And then Brandon will talk about some of the technicalities from a zoning and planning perspective. And then the mayor is correct, you would start voting in order, once you hear all items.

MR. BROOKES: And we'll take public comment after Brandon.

MS. ROBUSTELLI: Oh, thank you.

MR. BROOKES: They all involve the same project, so in the interest of not having them repeat themselves over and over again, we'll hear

the presentations altogether. So if the applicant -- if you can present all your information about the pools and the variances and the conditional use, and the density pool, all at the same time.

MR. BERRY: We have Jack Bodziak. He is the architect and the agent for this project. He does have a presentation, so I'll call him up.

MR. BROOKES: Okay. I guess because we have -- or we're going to take these, why don't I read the title and the ordinances out loud. It may take a minute but let me do that just so the public and their record is clear.

This first item is 6A, an unnecessary and undue hardship, Variance number 24058. Allowing for encroachment of feature and quiet pools into the required side setback in the development of Windward Pass Resort, Parcel numbers 07-32-16-07398-001-0170, 07-32-16-07398-001-0230, 07-32-16-18143-001-0010, and Parcel 07-32-16-18143-001-0020.

And then Item 6B is a Resolution of the City Commission of the City of St. Pete Beach, Florida, approving a conditional use permit pursuant to Sections 39.6, Subsection P, and Section 42.4, Subsections B, D, G, and H of the Land Development Code to allow for the development of a 104 unit

condo hotel at 38.8 units per acre, within a new six-story lodging structure, that will extend to 50 feet above base flood elevation, with non-inhabitable overrun not to exceed 60 feet above base flood elevation.

And include as site amenities, outdoor mini golf, quiet and feature pools, a 12 Slip Class A lodging dock, including -- include as hotel building amenities, ground floor and outdoor sixth floor bars and seating areas, indoor ballroom and restaurant, and including a separate building, an arcade, and three level garage with second and third floor outdoor seating areas. To property with Parcel numbers 07-32-16-18143-001-0010, Parcel 07-32-16-18143-001-0020, Parcel 07-32-16-07398- 001-0170, and Parcel 07-32-16-07398-001-0230, incorporating the conditions outlined herein and providing for correction of scrivener's errors and an effective date.

And then we'll also hear a presentation on Ordinance 7A, 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, Quarry Circle, Coquina West Activities Center and the Bayou

Residential District's temporary lodging unit density pool, as established in the City of St. Pete Beach Comprehensive Plan. To these parcels with the Parcel numbers, again, 07-32-16-07398- 001-0170, Parcel 07-32-16-07398-001-0230, and Parcel 07- 32-16-18143-001-0010, and Parcel 07-32-16-18143-001-0020, providing for codification conflict, severability, correction of scrivener's errors, construction, publication, and an effective date. Page 6.

MR. BODZIAK: I didn't memorize that. Jack Bodziak, architect. And I've been before you folks before. And I -- you know, I've been on this beach for 55 years. Hate to admit that again. But I'd like to address the City Attorney's items kind of one at a time.

The first one being the hardship that I believe -- and the reason I'm before you is not to be argumentative and try to tell you guys that, you know, we were wronged somehow, but you have to understand something. One of the primary things is precisely the hardship. And if you look at the reasons that this case was turned down, which I will repeat in a minute, per this -- the Planning Board ruling, the hardship was never considered. It was

turned down for a number of reasons that I think were totally off base.

But I will repeat, the biggest hardship on this site -- and I know you all have seen it, and it's been a -- in the process with this City for so many years. The property is so unusually shaped that with -- when you -- the setbacks that are aligned in the code are basically identified for typically rectangular or relatively regular parcels. This parcel is highly unusual and should -- that should have been considered in their decision. And I'll give you an idea.

The parcel is 116,000 square feet. Due to the -- I'm sorry. Oh, okay. I don't know that I can talk and do this at the same time, but I'll try to. Let me see if I can get to a site plan. This is -- is there a better site? Yeah, here you go.

The parcel is on 116,740 square feet. It's hard to believe, but when you -- because of this unusual shape where the site goes from 293 feet on one end, to a very narrow width of 125 feet down where you see that parking lot, towards the far end of the thing, you can see the unusual shape. When you apply the setbacks -- or in the criteria, the site is less than 50 percent buildable. And I could

find no other site in the City of St. Petersburg Beach, in St. Pete Beach, that this -- that were so unduly restricted by the setbacks where the configuration of the site was not taken into account.

To further complicate that, if you look and see in that dotted line through the middle, to the right of those parking spaces, that's a 25-foot easement for drainage. And that's not counted in the area that you can't build on, in my figures. So actually, less than, or approximately 40 percent of this site is buildable. And if that's not a hardship in application of the regulations, I really don't know what one is.

But in the outline of the reasons that we were turned down, they -- the outline stated, traffic study, which was not required at that time, traffic density, same as traffic study, the overall density use, which was mainly objected to by the residents that appeared -- that live -- the six houses that are across the waterway from us. There was -- the next thing was crazy, increased Freebee use. Is that a relevant thing to consider? The docks and the shallow waterway, that really has nothing to do with the zoning application. Jaywalking, I -- once

again, I'm not sure that's something that everybody on the beach doesn't have an issue with. And noise from the pools and the dining, and balconies.

To me, the Planning Board did not consider properly the aspect -- the biggest single aspect, which is the shape and usability of the property. That's what forced us to go to a five-story building. It is not that we were trying to abuse the site or take advantage of anything. I think that I am here to either properly have this thing considered, because the conditions that were acted as their concerns in their listed report to me, none of them are applicable to what we were presenting. And I don't think the site was given proper consideration.

I would defy you to find any site in the City of St. Pete that has gone under consideration for planning and zoning approval where 40 percent of the site was available for construction, due to these excessive setbacks. And when I say, "excessive" the 295 feet on this end, when you -- that's the biggest end of the site, and that's where 65 feet wide had to come out. That's just unreasonable and it's unheard of. I think that the -- that we -- it was not properly considered, and you'll find no place in

the report where the unusual shape and unusual buildability, if that's a word, of the site, is under consideration.

That's what I think the Planning Board should have addressed. And I mentioned that that night and it came to no avail. That's the hardship, I believe, you know, and I'd be glad to challenge anybody finding a site this challenged.

MR. MOHOLLAND: Sir, how long has the owner owned all these properties? Because it's -- I think it's four properties; is that correct?

MR. BODZIAK: I -- that -- I think there are actually five lots -- four or five lots, yeah. Beth has owned the properties for, I think around 20 years. I know I've worked on them for 15.

MR. MOHOLLAND: So did the easement and the setbacks not exist when she purchased the properties?

MR. BODZIAK: Well, there were buildings on the site that were not affected by the setbacks and -- you know?

MR. MOHOLLAND: So she's changed her plan or --

MR. BODZIAK: Well, no, the buildings were on there just like any other site.

MR. MOHOLLAND: Well, the previous buildings.

MR. BODZIAK: Yeah, there was an old restaurant.

MR. MOHOLLAND: Right.

MR. BODZIAK: There was some --

MR. MOHOLLAND: Right. And now --

MR. BODZIAK: The property was totally underutilized.

MR. MOHOLLAND: Right. And now essentially, you want to turn it into one property?

MR. BODZIAK: Well, it's been one property. It was two -- I think it was actually two parcels. There was a restaurant on one. There was a hotel. It might have been a third property involved in the purchase.

MR. MOHOLLAND: So you had mentioned the drain -- drainage easement being a particular issue. And I see it. I think it's next to the park, the south side of the parking garage; is that correct?

MR. BODZIAK: Yes, it is. Yeah.

MR. MOHOLLAND: So was that there when she purchased the property?

MR. BODZIAK: I'm not sure, but I believe it may have been. I don't -- I can't tell the -- I can't give you a definitive answer on that. She may have granted that. I can find that answer, but --

MR. MOHOLLAND: It's just, you know --

MR. BODZIAK: -- I'm prepared -- you know --

MR. MOHOLLAND: Yeah, I'd be curious to know because, you know, generally those easements are there for a long period of time. And most people, when they buy a property, they, you know, see what there is for easements and how it may impact their usage or whatever their planned usage is. So I -- I'm not sure that the easement is something that we shouldn't -- if it existed, when she bought it, that we should necessarily feel sympathetic about.

MR. BODZIAK: Well, then deduct that --

MR. MOHOLLAND: As you characterized it.

MR. BODZIAK: Yeah, deduct that. And we're still at 50 percent of the property is unusable because of easements -- of setbacks. Excuse me. And it's an unusually high situation. And I think we tried to emphasize the shape of the site as being a major factor. And it wasn't like we were coming out trying to build a 50 unit. You have -- it's basically broken into two sites. The bottleneck in the middle goes down -- it goes from -- it's so unusual. It's 295 -- excuse me. On the -- let me just get that property size right. Excuse me. I'm sorry. I turned the page.

It is 293 feet to the -- on the right-hand section, which is the south property line. It's 125 feet of the bow tie portion. And then it's 165 feet on the far end. So the configuration of the site to me, the Planning Board -- forget about the easement, that's part of what broke the site up. And the Planning Board could and should have taken into consideration, not the traffic -- well, traffic study was not that. The Freebee use, the docks, the jaywalking. I mean, there -- that's three of your five comments. The noise from the pools. I mean, noise in the pools is a factor on any of the hotels that the noise regulations are there to protect the City from that. And the hours of operation that we've submitted did not allow nighttime use.

So I think we attempted to be good citizens on that and properly develop the property. But I -- if you forget about the easement, the property is less than 50 percent usable.

MR. MOHOLLAND: When you say "nighttime use," I assume you mean after 10:00 p.m.?

MR. BODZIAK: Well, no. They basically had said nighttime use, and we had set up hours that were, you know, within a reasonable guideline of the City regulations.

MR. MOHOLLAND: You had shown some photos up there. Could you go back?

MR. BODZIAK: Yeah, sure.

MR. MOHOLLAND: There was a photo that showed -- it was a -- there you go.

MR. BODZIAK: Yes.

MR. MOHOLLAND: So yeah, that would do right there.

MR. BODZIAK: All right.

MR. MOHOLLAND: That's perfect. Do you happen to know how wide that canal is at that point where the building construction would be --

MR. BODZIAK: It's pretty --

MR. MOHOLLAND: -- from the R1 residences that are right across the bayou there?

MR. BODZIAK: Well, I can tell you that, that property -- the longest property line on our site is 200 and -- what did I say? 200 and -- oh, 293 feet. And that, if you can see where the cluster of green trees are, you can see where the bayou there is wider than that. So it's got to be in excess of 300 feet.

MR. MOHOLLAND: 300 feet?

MR. BODZIAK: Yeah, in excess of 300.

MR. MOHOLLAND: So you think the bayou is 300

feet across?

MR. BODZIAK: Well, if the property is 293, it's at least that wide going by --

MR. MOHOLLAND: Right.

MR. BODZIAK: -- if you look at it.

MR. MOHOLLAND: So and I think you proposed to have two bars on this property; is that right?

MR. BODZIAK: Well, we had a rooftop and a -- actually, the other bar was at the pool area, yeah.

MR. MOHOLLAND: The quiet pool?

MR. BODZIAK: Quiet pool.

MR. MOHOLLAND: Interesting name.

MR. BODZIAK: Well, it's quiet --

MR. MOHOLLAND: You're going to have a bar, but you call it "quiet pool."

MR. BODZIAK: Well, it is only a small indoor bar and it was a -- an adult only bar. It was around --

MR. MOHOLLAND: So will there be amplified music at both bars or just the rooftop bar?

MR. BODZIAK: No, we were not planning on providing music. And we planned on providing music on the upper level of the --

MR. MOHOLLAND: Right.

MR. BODZIAK: -- the rooftop.

MR. MOHOLLAND: Which is probably going to be 350 to 375 feet across open water to those residences across the way?

MR. BODZIAK: Yes.

MR. MOHOLLAND: Would that be accurate?

MR. BODZIAK: Yes.

MR. MOHOLLAND: Would you want to live there?

MR. BODZIAK: A matter of fact, I did live there for --

MR. MOHOLLAND: You did?

MR. BODZIAK: -- three years.

MR. MOHOLLAND: Okay.

MR. BODZIAK: And you can tell me about how narrow the canal is coming out. And I experienced that with my Mako when I came out of there to fish and I -- and days and nights. So yes, I did live there and when they were building the major hotels across the street, I understood that there were land uses and planning. And in the best interest of the City, there are uses that should be taken into account. I didn't think that the objections of single-family residents that bought across the canal from the busy St. Petersburg Beach, St. Pete Beach, you know, would be a major consideration.

MR. MOHOLLAND: Right. But I believe the

district that you are proposing to build a relatively large hotel in is considered the Bayou Residential --

MR. BODZIAK: Yes.

MR. MOHOLLAND: -- District. That's different than the large resort district that typically faces west, when you're talking about rooftop bars and amplified music, would you not agree with that?

MR. BODZIAK: I don't totally agree, because it exists already in locations.

MR. MOHOLLAND: Does that make it right?

MR. BODZIAK: Pardon me?

MR. MOHOLLAND: Does that make it right, sir?

MR. BODZIAK: Well, you can -- we -- if we make the does that make it right argument, can I make that on a couple things? Does it make it right to deny, you know, consideration of the proper -- consider the proper rulings and the proper zoning issues or do you take things like Freebee use as being a reason to deny this? Can -- I'd like to know, application of the proper considerations to me is a major portion.

MR. PETRILA: Mr. Bodziak, let's -- per your request, let's stick to the undue hardship variance and then we can discuss the merits of the CUP

should --

MR. BODZIAK: Yeah, sure.

MR. PETRILA: -- should it go beyond that. Would the Commissioners be opposed to that?

MS. ROBINSON: No.

MR. PETRILA: So let's stick with the hardship. So Commissioner Moholland, since you still have the floor, do you have any questions on the hardship? Any comments on that or questions?

MR. MOHOLLAND: As it -- the hardship, as it relates to, I don't have that in front of me. But I think the request is for side setback variance that grants a 51 percent reduction in the variance requirement, I think --

MR. BROOKES: We can have Brandon go through the criteria for variances. If you want to go one at a time, maybe hear the criteria and then you can discuss.

MR. PETRILA: I think we're --

MR. BROOKES: I thought we were going to do the whole project all at once, but it sounds like we're going to do the variance first.

MR. PETRILA: I mean, let's start with the first item. You know, if that moves forward, then we can move forward. If that doesn't move forward,

there's no point --

MR. BROOKES: Okay.

MR. PETRILA: -- there's nothing else to go onto, right?

MR. BROOKES: Do you want to call Brandon up to go through the criteria?

MR. PETRILA: Sure.

MR. BROOKES: Okay.

MR. BERRY: So I had a consolidated presentation. Brandon Berry, senior planner. But talking about the variance criteria, I wanted to specify, this is only for the pool setbacks. The building, the primary development, does meet the required setbacks. So denial of the variance would not prevent the remainder of the project from moving forward, should the Commission wish to take action on that portion of it.

Staff does recognize the challenge in the aspect of the site. It is very wide. There's a lot of variation in the depth of the site throughout the property. Consolidation of property is something that the City comprehensive plan does support, specifically in this district. It's even recognized in this zoning and in the future land use category that there is challenges related to the aspect of

these properties, in particular.

That being said, these are accessory features for the property. These are pools. They're not the primary building. The applicant can still develop, subject to resolution and ordinance approval, a lodging facility at this property without the variances in place. I will say there is a ubiquitous -- ubiquity to the quiet type of pool. I understand the concerns about the music. That is a separate consideration. And that's actually a separate conditional use permit under the scope, is the outdoor music at this property. The pool itself is something that resorts tend to have. I do understand the challenges that the applicant faces related to the aspect, the feature pool. Staff did have some concerns about just -- especially late-night operations. There were conditions that we recommended under the resolution, should that feature be approved, and the development be approved in tandem.

But it's -- the quiet pool, I do feel that the applicant has provided some reasonable support for. For the feature pool, we just had greater concerns related to the operation and the potential nuisance of that feature late at night. We've added

conditions, but if those are not adequate to the Commission, we would ask that action be taken separately for the quiet pool.

Be happy to answer any questions.

MS. RZEWNICKI: I have some.

MR. BERRY: Sure.

MS. RZEWNICKI: And this is a question for you, Brandon, because I am utterly confused as to how this can come to the Commission. If this is a Bayou Residential District, primary use for our -- a Bayou Residential is residential. Secondary use is limited commercial, okay? There are four separate lots with four separate tax bases, right? Property taxes.

At what point did this City unify these properties that you verbally are telling us that whether they eliminate the pool, they can still go on with this project? Doesn't unifying these lots have to come to Commission?

MR. BERRY: So the resolution and the conditional use permit are one and the same tonight. They're both the same action. And then the ordinance is for the allocation of density units. Those are all subject to review by the City Commission. You have the ability to approve the

project overall. You have the ability to review independently, the units being requested to allocate to the property. And then you have the variance, which is solely for the pool setback.

There is nothing in the comprehensive plan or the land development code that prevents property owners from consolidating properties and developing them with a permitted use. What's under review tonight is not a permitted use. It's conditional use. So if they had chose to move forward with a permitted use, they would be able to consolidate these properties. Multifamily, for example, a mixed-use, multifamily is a permitted use of this property. So they could take that option of consolidating.

Depending on how they do that, they might need to go forward for a subdivision. That is something that would come before the Commission. If they bound it through a covenant or a unity of title, those typically do not come forward to the Commission for that action. But in this case because there is a development project before you that requires a conditional use permit with density pool allocation, you have review powers over the scope of this project.

MS. RZEWNICKI: So therefore, if they were to change this project, then it would be a completely different use. You know, if -- because I can answer your question, is that there is no hardship because you have four separate lots. And we're trying to bring a commercial entity -- primary commercial entity into a residential community. There is no other property similar to this property in this area. There's none. Zero in this district.

In this application, we're comparing apples to oranges. We're mentioning boutique hotel district. We're -- you know, we're meant -- we're insinuating there are others out there, but there's none. Zamora is the only other hotel in the area, which is nowhere in the width of this property, nowhere, okay. And that particular property has had countless problems in the neighborhood.

And, you know, to think that this can come forward, knowing the amount of issues that we've had already, not only in Belle Vista, Don CeSar neighborhood, and across the street with noise, traffic, the lot itself, in the condition that it is currently, has had numerous issues. I mean, I'll leave it at there [sic], but I have five pages of reasons to give you as to why they shouldn't go

forward.

MR. PETRILA: Commissioner Robinson.

MS. ROBINSON: I have a question, Brandon. To your knowledge, how often does the City grant an encroachment request of 51.5 percent?

MR. BERRY: Of this magnitude, it's not very frequent. We don't typically see requests like this with this degree of property consolidation.

MS. ROBINSON: And that pool could be moved elsewhere?

MR. BERRY: Yes.

MS. ROBINSON: I mean, in -- you know, it's all about design. And if they choose not to do the pool, I mean, they could still come up here and try to get a variance to move that setback for the building to be there. And we could still say no or yes, or whatever. But very uncommon to see a 51.5 percent. And I know that it's very hard for residents to get anything on pools here, on variances in general, let alone a 51.5 percent would be crazy. Thank you.

MR. PETRILA: Do you know how many units are in this particular district, parcels, Tax ID numbers, roughly?

MR. BERRY: Not exactly, no.

MR. PETRILA: Okay. Just as a -- just on a -- on a yes and no basis, are the setback requirements for this property different from other properties in this district?

MR. BERRY: Yes.

MR. PETRILA: How so?

MR. BERRY: Significantly. Unlike other districts in the City, for example, some of the districts that the Commission had just recently reviewed projects under, they have a cap to the side setback. So there is a --

MR. PETRILA: Talking about other parcels in this same district?

MR. BERRY: Yes. Well, so the percentage is the same. It's 10 percent of the lot width, but because of the consolidation of the property, the actual setback is significantly greater, yes.

MR. PETRILA: Okay. So is it the same as every other property in this district?

MR. BERRY: It's 10 percent for all properties on this side, yes.

MR. PETRILA: So it's not -- we're not imposing anything differently on this parcel than any other parcel that's in this district?

MR. BERRY: It's -- that's the flat 10 percent,

yes.

MR. PETRILA: Okay. If they just wanted to build something, by-right, what could they build?

MR. BERRY: In terms of a primary use of the site?

MR. PETRILA: Well, we keep hearing that they're -- you know, they can't build on half the property. And so what can they build? How many units, what height?

MR. BERRY: So lodging is entirely subject to conditional use. So this type of development would not be permitted without a conditional use. In terms of a similarly sized development of a similar scope. Multifamily mixed-use is a permitted use at this property. It would not go through a conditional use. Provided that it's mixed-use, they would be permitted 18 residential units per acre, not subject to any kind of density pool. That would be a base permitted density.

MR. PETRILA: Okay. So when we're talking condotels here, right? That's technically residential, but it's kind of a skirting around the issue that it's actually really operating as a hotel disguised as a residential structure, right?

MR. BERRY: The City does classify it as

temporary lodging. It's a different ownership scheme, of course, than a hotel or motel, but it's treated the same in terms of length of stay and other requirements, yeah.

MR. PETRILA: So really, what we're asking for here is to build a hotel, not condos, not apartments, not anything residential.

MR. BERRY: I believe they'd be condo ownership, but they would be temporary lodging. They would be treated the same as hotels, yes.

MR. PETRILA: Okay. So would they be subject to the same short-term rental restrictions that a normal residence would be, or would they be daily, weekly?

MR. BERRY: They would be the opposite. They would be prohibited from rentals of greater than one month. So they would be on the other side, maximum one- month rentals.

MR. BROOKES: That's if they're -- if they do the lodging.

MR. BERRY: Correct. Correct.

MR. BROOKES: If they were multifamily units --

MR. PETRILA: They incorporate as a condo hotel.

MR. BROOKES: -- they start -- they get 49

multifamily units as a right that would -- they'd be prohibited from renting --

MR. PETRILA: Okay.

MR. BROOKES: -- for less than 30 days.

MR. PETRILA: Okay. So they're subject to the same setbacks and restrictions as every other parcel in this district, right? They're not asked to do anything different now. They may want to do something different. But wanting something and not being able to is not the same thing as having a real hardship, right? The hardship, if I'm looking at a hardship, you know, it's an undue burden, right? It's you being subjected to something that no one else has to endure, you know?

So I'm, you know, reading through their application, a lot of it was with all due respect, sir, it was a lot of -- I feel, I believe, I think, rather than providing concrete evidence of a hardship, the fact that you want to do something that isn't there by-right. That's all it is. It's just something that isn't there. It isn't -- it doesn't constitute an undue hardship. It doesn't, you know, I understand that doing it this way, certainly, you know, it extracts more value from the property than if you did just what you're, you know,

entitled to. But our responsibility is to look and see, is there a hardship? Is there something that's required of this property that isn't of the neighbors that you're subjected in some way to something more strenuous, something more restrictive than any other parcel in the street stick? And that doesn't seem to be the case, and our responsibility is to treat all parcels in onus fairly and equally.

And so by granting this, we actually would be treating you more favorably than anybody else rather than equally and impartially. But that's my opinion.

MR. MOHOLLAND: Mr. Berry, what in this package has changed since the Planning Board and I watched the -- I participated in the Planning Board meeting. And in reading the documents, it looked like the exact same presentation. Has there been some modification since then, some compromises since then or has it basically just been -- we feel the Planning Board didn't necessarily consider all the appropriate facts.

MR. BERRY: Well, it's not a staff determination. The applicant has the right to move their application forward. We did speak a month or two ago before resubmittal and discussed going back

to Planning Board. They had made one modification, which was reducing the height of the building from, it had been the maximum height. It was reduced down to 50 and we had discussed going back and they decided to move the case onto the City Commission for action.

In this case, the Planning Board is a recommending body. That was the major change. I understand. I spoke to the applicant earlier. He had modified the setback for the feature pool specifically in the scope of variance. And I believe he had a diagram discussing that it wasn't in the presentation that was shown on the screen. I believe the reduction was to 55 feet if I remember correctly, but he could speak to that. It would still require variance. It would still be an encroachment of 10 feet for that pool. But those were the two major changes to the scope of the project. Staff had added one recommended condition, which I'll talk about when we get to the resolution.

MR. MOHOLLAND: So other than a minor height adjustment, there's been really no, what you'd call material changes from what was presented to the Planning Board?

MR. BERRY: Correct.

MR. MOHOLLAND: Yeah, thank you. Commissioner Marriott?

MS. MARRIOTT: Yeah, I have a question for our City Attorney, I think, is who the question would be for in considering a hardship variance. Part of the consideration is what the use is going to be, correct? Or should the consideration of the variance be independent of what they're going to do with it. In other words, if somebody says, you know, this is an unusual lot and the side setbacks and the front setback make a large portion of the lot, not buildable. So I would like a variance from those setbacks and then I'm going to decide what my project is going to be. Is that a way to apply for a variance or is the -- or is part of the consideration of the variance based on what's going to be put within those setbacks?

MR. BROOKES: I'll go through the criteria, but before I go through the criteria, typically, if you're going to design, you want to design a project to fit within the Land Development Code. So if there's setbacks, you build a building of a certain size. And if you want to have a pool, you take area away from the building for the pool or you put the pool inside the building, or you put it somewhere,

or you can fit it, or you build a smaller pool. So this one has two pools, an activity pool and a quiet pool.

MS. MARRIOTT: Yeah, I understand that. But I mean, you know, I think that there is some truth to the fact that this is an odd lot, right? This is a little bit of an odd shaped and you know, an odd, shaped lot. And with the setbacks we have it does reduce the amount of buildable area.

MR. BROOKES: The typical case.

MS. MARRIOTT: So my question is, if somebody just came to us and said, "I would want to build something on this lot, but I would like to be able to use 70 percent of the lot instead of 50 percent of the lot, will you give me a variance," is the -- is part of the requirement of applying for the variance saying what you're going to do on that lot?

MR. BROOKES: So in law school, the typical example that they give you the hypothetical when a variance should be granted is if instead of a rectangular lot, you have a triangle lot and you have 50-foot setbacks on each corner, each part of the triangle that leaves you no area to build.

So you cannot use the property for the purpose that it's zoned. You can't build a house in there

or you can't build a hotel in there, then you would get a variance from those dimensional setbacks. This is a dimensional request. So if there's no way to build a pool within this area without the variance, that's a pool, it's not the primary use, which is the hotel.

But the criteria that we have that might be applicable is that hardship can't be self-created. There's no self-created hardships for variances. Those special conditions and circumstances do not result from the actions of the applicant or the prior owner of the property. Special conditions and circumstances exist, which are peculiar to the land structure or building involved and which are not applicable to other land structures or buildings in the same zoning district." So it could be the land, it could be the structure, or the building involved. In this case, they're asking for a variance for the pools, not for the buildings. "Three literal interpretations of the provision of the Land Development Code deprives the applicant of rights, commonly enjoyed by other property owners in the same zoning district under the terms of the Land Development Code and result in an unnecessary and undue hardship on the applicant.

The hardship has not been deliberately or knowingly created or suffered to establish a use or structure, which is not otherwise consistent with the comprehensive plan or the Land Development Code, nor will it permit an increase in development density. An applicant's desire or ability to achieve greater financial return or maximum financial return from his property does not constitute a hardship. Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings or structures in the same zoning district. The requested variance is the minimum variance that makes possible the reasonable use of land, building, or structure.

And the requested variance is in harmony with the general intent and purpose of the comprehensive plan and Land Development Code, is not injurious to the neighborhood or otherwise detrimental to the public's safety and welfare is compatible with the neighborhood and will not substantially diminish or impair property values in the neighborhood." And these are, if you want to look at them in writing while you're talking about them, they're on Page 698, 699 and 700 of the packet.

MS. MARRIOTT: And then if somebody was wanting to build, say they were building condos or something on this lot, that was absolutely allowed by-right in density and height and use and all those things where they weren't having to come ask us for permission for anything. But they wanted to put in a pool that encroached into the setback. Would that come before us, or would that come before the Board of Adjustment?

MR. BROOKES: So if they had as a right development and they maxed out the 49 multifamily units and they had a pool and they needed the variance, it would and it didn't need a conditional use, it would go to the Board of Adjustment, but they're asking for 104 units. I think originally at 54 feet, they had to come for the height for conditional use, but they took that down to 50. But they're here for the conditional use because they want to allow to use them for a condo hotel for lodging for short term, which they can't do unless they have a conditional use, and they also want outdoor music.

MS. MARRIOTT: Okay. Thank you.

MR. MOHOLLAND: Commissioner Rzewnicki.

MS. RZEWNICKI: City Attorney. I mean, as

you're reading the Land Development Code in the section, going one by one, number one, "Special conditions and circumstances exist," right? Nothing exists. There are four separate lots, okay? The hardship that you're claiming is that because you're combining these four. Now you've got an odd lot, but the fact is that there's four tax bases, okay? And there are four separate lots. Number one, failed. Two --

MR. PETRILA: That would be self-imposed, wouldn't it?

MS. RZEWNICKI: If they combined them?

MR. PETRILA: Yes.

MS. RZEWNICKI: Correct. But they're not combined.

MR. PETRILA: Well, I'm saying one of the criteria is the condition can't be self-imposed.

MS. RZEWNICKI: Correct. So they're self-imposing is what I'm saying. So fail. Two, "The special conditions and circumstances do not result from the actions of the applicant or the owner." Well, we just said if failed, because they're combining it. Three, "Literal interpretation of the provisions of the Land Development Code deprives the applicant of the rights commonly enjoyed by all

other properties in the same zoning district under the terms of the Land Development Code." It doesn't exist. You know, so more as unique, it's different, you know, and we're not here talking about that hotel, doesn't look nothing to what this proposed here. Four, "The hardship has not been deliberately or knowingly created or suffered to establish to use." I guess they're creating it, okay? It doesn't exist. "An applicant's desire or ability to achieve greater financial return." Well, I would question that, because that particular question in the application was very vague.

It was acknowledged. We still have no financial analysis. Why not just build the four lots separately to what it was prior. Why are we creating something different now? Is it because of more financial return? Don't know. Big question mark. Six, "Granting the variance application conveys the same treatment to the applicant as every other owner." We are treating you the same as others, right? There -- there's -- there is no hardship right now on that lot. You could build four separate or combine and build accordingly to the zone residential.

The requested variance is the minimum variance

that makes possible the reasonable use of the land, building, or structure. Again, you're creating it. The pool's not necessary. You have 65 setbacks because you're combining them. Okay. We and putting them towards a condominium, a so-called "quiet pool" and a slide, you know? So you know, how are you going to keep that quiet? I mean, it will echo across the Waterway. Eight, "The requested variance is in harmony with a general intent." Do you know how many e-mails I've received? How many videos I've received? There is no harmony, okay? You know, that's eight just there. And again, I have five pages, so I don't see the hardship. Thank you.

MR. PETRILA: Do we have any audience comments?

CITY CLERK: Yes. John Kurzman would like to speak on 6A and 6D.

MR. PETRILA: Would you please state your name and address for the record?

MR. KURZMAN: John Kurzman, Bahia Honda Way. I'm not going to beat this up, just really as more for understanding for the noise ordinance or other things. I've never heard of a quiet pool before. And I know that we've been concerned about a -- about noise in pools. So I'm just, you know,

wondering what a -- is that a pool that, like, you know, flowers float through or like, you know, people aren't a allowed to swim in it? What is a quiet pool and how would you enforce that? That's all.

MR. PETRILA: Thank you, Sir. Okay. City Attorney, is now the appropriate time to take action on Item 6A?

MR. MOHOLLAND: You can.

MR. PETRILA: Okay. Is there a motion for 6A, please?

MS. RZEWNICKI: I motion to deny Variance 24058.

MR. PETRILA: Is there a second?

MS. MARRIOTT: I second.

MR. PETRILA: City Clerk, if you please call role.

CITY CLERK: Commissioner Rzewnicki?

MS. RZEWNICKI: Yes.

CITY CLERK: Commissioner Moholland?

MR. MOHOLLAND: Yes.

CITY CLERK: Vice Mayor, Marriott?

MS. MARRIOTT: Yes.

CITY CLERK: Commissioner Robinson?

MS. ROBINSON: Yes.

CITY CLERK: And Mayor Petrila?

MR. PETRILA: Yes. Thank you. Next, we move on to Item 6B.

MR. KURZMAN: Thank you for your consideration.

MR. PETRILA: All right, which is still part of your -- this is the rest of the conditional use application. 6B is consideration of Resolution 2024-12. Mr. City Attorney, you already read this lengthy --

MR. BROOKES: Yep, I read the resolution into the record. You can begin the item.

MR. PETRILA: Okay.

MR. BROOKES: I don't know if the applicant or the staff wants to go first.

MR. BERRY: Staff can start with this item if we could pull up the third presentation. So a lot of these items have already been addressed.

MR. MOHOLLAND: Here we go.

MR. BERRY: So I will go through this quickly. The applicant is Jack Bodziak, architect for Sungold, LLC. The property owner of the four parcels under consideration for these requests. Two of the requests are linked together. They are relying on one another. The first is ordinance 2024-08, that is the density pool allocation that is

requested for the 104 temporary lodging units. Those would be allocated from the Town Center Quarry Circle in Coquina West, Activity Center and bio-residential district density pool. Second linked item is Resolution 2024-12, this is the actual conditional use permit itself.

This would be permission to construct the 104 unit 50-foot-tall condo hotel. It would contain indoor and outdoor amenities that include first and sixth floor, outdoor bars with outdoor music. 12 Class A, which are lodging dock slips, hosting commercial water sports, amenities, other accessory commercial amenities, the variance, which was not necessary for the other items to move forward. And it concerned the feature, and the quiet pools was just denied. So here's the timeline. This was submitted back in September 2023. It was revised a number of times. It did go to the Planning Board back in December, where it was recommended for denial at a vote of 5 to 0 to the City Commission. The applicant has already addressed that with the Commission.

Here's the list of exhibits. Property has the zoning of bio-residential as was mentioned previously. This is described in the City's

comprehensive plan as a transitional district from the higher intensity Commercial District to the west to the lower intensity residential districts to the east.

The first request is the ordinance. This is specifically the density pool allocation and up until 2012, these properties had a zoning of RFM Resort Facilities Medium. At that time, lodging was a permitted use by-right, it allows for lodging developments of up to 50 feet in height as a permitted use. That was changed. It was increased in density to up to 40 lodging units per acre, increased four feet in height, but the entire density pool allocation and the temporary use itself -- or temporary lodging use itself is now only permitted with a conditional use permit.

So regardless of the density of this project, if it were to be approved for a conditional -- sorry, a condo hotel, it would need to come forward to the Commission for a conditional use. All the units subject to this request must be allocated from the TC to ACN bio-residential district density pool. This pool originally had a unit count of 325. There are currently 261 units remaining in the pool. Those 64 units were allocated entirely to hotels and

more. The first allocation was for 50 units back in 2013. Another 14 were allocated in 2020. Were this request to be approved for the entire density that is requested, there would be approximately 50 percent of the units remaining in the pool, 157. The remainder would be an allocated, of course, to this project and hotel Zamora.

Moving on to the conditional use permit request, this is the actual construction, the actual development of this site. So it would include the actual development of the lodging use itself with those 104 units. These are not additional to the density pool allocation. Those are the 104 that would be allocated from the density pool under the ordinance. They're requesting a lodging building of 50 feet in height as it was mentioned before. This was revised from the December hearing last year, it would've removed it as one of the conditional use permit criteria. However, the density does exceed what is allowed by-right without a Planning Board hearing. So nothing has changed in that regard.

Separate from the lodging development is a separate conditional use permit request for 12 Class A, which are lodging dock slips. These are classified as a conditional use permit under the

bio-residential district regulations, they would offer non-motorized commercial water sports being pedal boats and paddle boards. Those are also an additional accessory conditional use permit. And as mentioned before the first and sixth floor bars with outdoor music, those are a separate conditional use permit as well. There would be accessory amenities to the hotel, condo hotel. If the condo hotel were to be permitted, the mini golf course, arcade game room and quiet and feature, water slide pools, independent of variances would fall under the allowable commercial component of the conditional use permit hotel.

So just showing across the site, the standalone requests starting at the south side of the site, which is the right side of the slide. You have the first-floor bar and the applicant did clarify this would not have outdoor music. So that would be an allowed accessory use. Looking to the back of the site, they're proposing those 12 wet slips with Class A lodging docks. The hotel itself, the primary building, is a 104-unit condo hotel building. It's 50 feet in height. It's six stories, five of which are habitable. That is a conditional use permit as well. And then on the north side, you have the

sixth-floor bar with outdoor music. The accessory structure request, which again would fall under the condo hotel development, starting from the south end, you have the quiet and featured pools they would need to be brought in to meet the setback as the variance was just denied.

And you can see that setback line that subsumes most of the quiet pool about half of the feature pool. In the structure itself, you have an indoor restaurant that's not a conditional use permit. That would be an allowed accessory use of the hotel. The same for the standalone parking garage. That's a three-floor garage on the north side of the site. That would have an indoor arcade. It would have outdoor seating, but there would not be outdoor music. So that would be an allowed accessory use. And then you would have a mini golf course as a commercial use. Again, allowed under the hotel at the very northern end of the site.

As mentioned before, I won't belabor the point. The Planning Board met to review this case in December, it was recommended denial, lead a vote of 5 to 0. There are cases in which the Planning Board sits as a local planning agency. They make consistency fines with the comprehensive plan for

future land use, map amendments, Land Development Code and comprehensive plan changes. In this case, they are a recommending body. So the applicant had the ability to move on to the City Commission. Denial was based on some of the items that were brought up before lack of traffic study, concerns about increased in traffic density, the overall density of the development, the use of features by residents. There was concerns about increased Freebee use and costs. The waterway shallowness at the narrow end of the waterway concerns about access from this project over to the beach jaywalking and public safety. Cumulative noise from pools dining and balconies was brought up as another concern by the Planning Board and their recommendation of denial.

The variance has already been reviewed. So I will not cover it. Staff in reviewing this request did find there to be some benefits for consideration. The first is the provision of a public promenade. These are features that are recommended in the City's comprehensive plan, in the Gulf Boulevard Redevelopment District, as well as generally throughout the districts of the Gulf Boulevard Development District of which the bio-

residential is a part. It doesn't increase water access. It would be a feature that is maintained with the development, and it's featured around the outside of this project. Property consolidation and curb cut reduction. That is not something that the applicant has actively undertaken. And it is something that would require, should this development move forward, whether through this scope or any other kind of development that permits a property consolidation. That is something that is directly promoted in the bio-residential district under the purpose and intent.

The City does promote property consolidation due in part due to the uniqueness of these properties and their aspect. Another benefit, something that came out of the City's recent comprehensive plan amendments, is that we now support the Vision Zero initiative to reduce and eliminate traffic deaths and serious injuries along Gulf Boulevard. Of course, we have unfortunately experienced some deaths and serious injuries in the last years. Reducing the curb cuts to these properties, that's a benefit that you would get through curb cut reduction. There is not a need for each of these standalone parcels to have a curb cut,

it would be reduced down to the two that the applicant is proposing. Not necessarily something that's related to the conditional use permit. There are uses that could be supported with the consolidated property, but that curb cut reduction would be a benefit. And it is something that is promoted through the County's Vision Zero strategies, as well as through our Land Development Code.

Staff did find the quality of the architecture to be high, particularly for the garage. I felt that they did do a good job screening the purpose of that garage on the north side. I felt that the development of the property and the architecture, both of the buildings relative to themselves and across the property, did reflect a relatively high-quality Coastal Art Moderna style. I felt that the applicant did a good job of the architecture and the project, which is, again, one of those policies that is supported in the bio-residential district. They have limited the intensity of the waterfront functions. This is a significant reduction from what was presented at the community meeting. I believe they were proposing something in the realm of 28 to 30 slips.

Now, all of those slips are conditional use permits independent of this approval. There is nothing that allocates any number of slips to this development. However, under a different redevelopment scenario, a residential redevelopment scenario, there could be by- right more slips at this property than what is being proposed here. So that is a limited intensity concern relative to a possible permitted use of the property. There are family-oriented amenities, which staff frequently hear. There is a deficit of in this area, and the applicant has increased public amenities and landscaping above the minimum code requirements.

Remaining concerns apply to the mass of the building. This was brought up at the Planning Board and nothing has changed in that regard. The mass of the building has not changed. Understanding the concerns about the aspect of the site, our consultant reviewer did have concerns about the overall scale of the building relative to other developments in the area. You can see. And this was a graphic out of the staff report comparison with some of the adjacent developments granted. This is a consolidation of multiple properties. There is nothing else like this in this district, but the

other adjacent developments do not have the mass in the scale of this development.

Staff had some interior access concerns related to vehicle circulation. This is something we feel could be adequately addressed to the site plan stage. Concerns about perpetual promenade maintenance, which was made a condition should this use be approved. And concerns about transportation management plan strategies, we have not received a traffic study or a transportation management plan. That is something that could be provided at the site plan if the use were to be approved.

So if the project is found consistent with the comprehensive plan, if the adequate conditions that are recommended are applied, the density pool is a case by case, the conditional use as with all the others that you've seen in the recent years must be evaluated on the basis of the 20 criteria. But with the density pool, you do have additional review powers related to some of the provisions of the project, other concerns related to the comprehensive plan that are outlined in the criteria. I did also want to reiterate that individual conditional use permit criteria within this request can be considered by the City Commission. It's not an all

or none if there are certain uses that you support. Others that you do not or have concerns about that need additional conditions, you can propose those for the lodging development, the Class A docs with the commercial water amenities, the outdoor bars and music.

Nothing has changed since the Planning Board on the staff side, except for one added condition. The applicant has not provided a traffic study based on staff estimates. I'm not a transportation engineer. I do find through the transportation manual that, it's expected that this project will produce fewer than the 49 trips. That is the minimum threshold adopted through our comprehensive plan for staff consideration of a traffic study. However, we would like to consult with a professional transportation consultant should this use move on to the site plan stage. If the consultant finds that this project may produce 51 or more peak hour trips, we would ask that the applicant prepare a full traffic study at that time. And that would be the basis for any concurrency approval that is issued for this development. I did speak to the applicant in advance of this hearing. I understand that they are agreeable to this condition.

And I'm just going to summarize the conditions. I'd be happy to go through them if the Commission would like, but you have seen many of these conditions before on other projects that they provide a wider sidewalk, make frontage safety improvements in line with the Gulf Boulevard Safety study, provide a minimum percentage of Florida friendly landscaping reduce impervious surfaces were permitted at the site plan stage and provide greener cool roofs. Limit nighttime hours for the outdoor features. Those would be for the amplified music, certainly on the sixth-floor bar. If they decide to move forward with the pools, that would be a condition as well. And overall decibel limitations on outdoor music in line with the ones that were proposed for the other recent developments specific to this project would be conditions pertaining to perpetual maintenance for the promenade and the public features that run along the outside of the site.

The onsite circulation improvements that were brought up before operation of accessory features, only following the certificate of occupancy for the primary development and limitation of slips for non-motorized water sports equipment and customer

vessels only. So staff would not administratively approve anything related to motorized vessels in the future.

So actions have already been taken on the variance. That was one of the three requests that is not essential to the overall project. We do ask that you take action on both. The first rating of ordinance 2024-08 as mentioned before that is the density pool allocation that would allow for any density to this project whatsoever.

We ask that you take action on the first rating of this request. Should this be approved, it would need to come back to you for second rating. And then the overall project approval that's inclusive of the hotel itself. Those other accessory conditional use requests as well as the accessory uses that would be permitted under the hotel. Those would all fall under Resolution 2024-12. So we ask for action independently on both of those items. That's all I have of staff, if you would like to.

MR. BROOKES: Brandon?

MR. BERRY: Yes.

MR. BROOKES: Did you print out the future land use district descriptions for the bio-residential district and the policies?

MR. BERRY: Yes, we do. And we'll be introducing those as the amendment. Our staff will be passing those out. And this will be the purpose, intent, and the policies of the bio-residential district. I would be happy to take any questions or if you have questions for the applicant.

MS. RZEWNICKI: I have a question for you.

MR. BERRY: Yes.

CITY CLERK: That's okay. Is it okay?

MR. BERRY: Sure.

CITY CLERK: Thank you.

MS. RZEWNICKI: Since the resolution mentions something particular that I, when I was reading throughout the whole application, the 12 Slip Class A Lodging Doc, when I read on Page 742 of our packet, the actual Sovereignty Submerged Land Lease from the State of Florida, which expires November 13th, 2026, that submerged land lease, Last Paragraph on Page 742 use of property, the lease is hereby authorized to operate an 8-slip commercial docking facility with the fishing dock, to be used exclusively for mowing of recreational vessels and passive recreational activities in conjunction with an upland commercial vacant lot without fuel. What does that mean? And do they have authority to get a

12 Slip Class A Lodging Dock?

MR. BROOKES: So you have to keep in mind that the State Sovereign Lands Lease is separate and apart from the zoning and land use approvals that we do as a City. So they would have to go to DEP Division of State Lands and the -- they're the staff or the Board of Trustees of the Internal Improvement Trust Fund. And they would have to amend it. They would have to amend it and get it.

MS. RZEWNICKI: Do they have it already, the amendment?

MR. BERRY: The applicant can speak to that. I'm not sure, but we do handle this process separately, and that would still be a condition of them building or operating any kind of dock at that property.

MR. BROOKES: And we're prohibited from -- preemptive from holding up our approval until they get the State approval. They're allowed to go and obtain them in the order they want --

MS. RZEWNICKI: Well, it's specific on property use.

MR. BROOKES: Yeah. No, they would have to get that amended by the State.

MS. RZEWNICKI: So they can get an approval

from us.

MR. BROOKES: If you deny this, then they can continue to use this as a vacant property and use the dock under their existing lease. But if they're going to get a hotel and you approve it here, they would have to go get --

MS. RZEWNICKI: So that would have to be a condition of approval of getting --

MR. BROOKES: It's separate but we usually say, you must obtain all federal and state permits, but you're not allowed to --

MS. RZEWNICKI: Got you.

MR. BROOKES: The State's legislature, again, preempted you a few years ago as a result of a rock mine that the City or the -- one of the counties, Levy County said, We're not going to approve your rock mine until you go get the Army Corps approval, and so the rock mine got lobbyists. They went to the legislature and the legislature said, You can no longer say that you have to get state and federal approvals first before you get your zoning approvals, so they have to all be considered independently now since that happened.

MS. RZEWNICKI: So that -- we really didn't need this attachment then, right? In this packet.

MR. BROOKES: It's not really relevant to what you're doing.

MS. RZEWNICKI: Because that Attachment A also shows an address of 3861 Gulf Boulevard which only talks about six parcels because it's an 8-parcel property so it -- they -- it's almost like it doesn't even match this -- you know? So it stood -- you know, it just stood out with me because I'm reading the packet --

MR. BROOKES: I think it's just like kind of evidence that they would be able to get a State Sovereign Submerged Land permit for a vessel. Here, they're just asking at the City level for paddle boards and non-motorized.

MR. BERRY: Quiet paddle boards or --

MR. BROOKES: But they still have to get the land lease to put the docking structure up.

MS. RZEWNICKI: I mean, I know in that bayou --

MR. BROOKES: That paddle boards --

MS. RZEWNICKI: -- there's been a lot of issues --

MR. BROOKES: -- paddle boards.

MS. RZEWNICKI: -- in getting --

MR. BROOKES: Oh, sorry.

MS. RZEWNICKI: -- even for our living

Shoreline Avenue 36. I mean, it was a lengthy process that -- I have a lot of environmental concerns with having commercial activity, whether it's the paddle boards and they're non-motorized, this is a breeding ground for manatees, okay? We have gazillion videos and pictures of this. It's a shallow area, you know. And I know from -- I'm hearing from you is that we can't put this as part of a condition but, you know, it's a big concern. I will just say so anyways. Just one point.

MR. BERRY: Commissioner Marriott?

MS. MARRIOTT: Yep. Brandon, could you go back to the slide or just refresh my memory on how many units they're asking for the density pool and how many there are?

MR. BERRY: They are asking for just under a third. They were asking for 104 units and there were 325 in the pool. There are now 261 and those were the units that were -- the difference is the -- units that were allocated to the Hotel Zamora. If this request were approved at the 104-unit density, it would be down to 157.

MS. MARRIOTT: And what are the other areas where people can or would need to ask from units for the density pool? It's Town Center 2 and the Bayou

Residential District. Those are the two?

MR. BERRY: As well as the Activity Center.

MS. MARRIOTT: Okay.

MR. BERRY: Yes.

MS. MARRIOTT: All right. Thank you. I -- and this -- the -- this switched from resort facilities medium to Bayou Residential in 2012, correct?

MR. BERRY: Correct. Yes.

MS. MARRIOTT: And -- okay. And so this project almost would have or maybe would have worked under the Resort Facilities Medium zoning?

MR. BERRY: It's very close --

MS. MARRIOTT: It's close, yeah.

MR. BERRY: It's very close to the 40 units per acre so they would be over -- they would be -- I think the sites were around two-thirds of an acre so they would be allowed closer to -- 80 units were developed back then so --

MS. MARRIOTT: Yeah.

MR. BERRY: -- and what was removed from the site was lower density than this but --

MS. MARRIOTT: Yeah, yeah. I want to acknowledge that I'm sure for the property owner, that's incredibly frustrating to have purchased property in -- and I think 2004 is what the tax

assessor's records show, and to have purchased it at a time when you could do one thing and then have the zoning change to be something else.

I'm certain that is an incredibly frustrating position to be in, particularly when -- for, you know, several years, four years leading up to that zoning change. The economics -- and the economy was such that developments really weren't happening.

So I want to acknowledge that for the property owner, I'm sure this is just an incredibly frustrating situation. But I will say that from my standpoint, I'm not comfortable giving that many units from the density pool to one project at potentially the cost of anything else that could happen, you know, in the Town Center 2 District, where I think there's a lot of potential for some good, small projects to happen. So that's my opinion about the density or the units from the density pool.

MR. PETRILA: Brandon, can you help us out with just -- what is the purpose of the Bayou Residential District? I think you mentioned it very early on and I think you just gave everybody a handout, but I think for the record, we should have it. Just so that we all know what we're talking about.

MR. BERRY: Sure. Well, there's a few different purposes. The first is to act as -- and what I believe I introduced at the beginning of the presentation is to act as a transitional district between the higher intensity commercial to the west and the lower, obviously, intensity, single-family uses over to the east.

MR. PETRILA: And so you mean the west would be the west side of Gulf Boulevard?

MR. BERRY: Correct. Yes --

MR. PETRILA: So roughly what are we talking? What's across the street from this property on the west side of Gulf Boulevard?

MR. BERRY: We have the San Seair Condominiums --

MR. PETRILA: Okay. So we have condos.

MR. BERRY: Uh-huh. We do have a few hotel projects in the vicinity.

MS. RZEWNICKI: Undertow --

MR. BERRY: Yes.

MS. RZEWNICKI: That's it.

MR. PETRILA: Okay. So we have -- so condos?

MR. BERRY: Uh-huh.

MR. PETRILA: : A few small motels?

MR. BERRY: Uh-huh.

MR. PETRILA: : Any large hotels?

MR. BERRY: Not in the immediate vicinity that I'm aware of.

MR. PETRILA: There is the Beach House though, right?

MR. BERRY: There is a Beach House to the North Road.

MR. PETRILA: So do any of these properties have a golf course?

MR. BERRY: No. No, they don't.

MR. PETRILA: Do they have rooftop bars?

MR. BERRY: No.

MR. PETRILA: Okay. Do they have water slides?

MR. BERRY: No.

MR. PETRILA: Do they have boat docks?

MR. BERRY: No, they won't have.

MR. PETRILA: Do they have a quiet pool? They have pools --

MR. BERRY: They have pools, right.

MR. PETRILA: -- almost all of them have pools just looking at -- okay. So they have pools. Do any of them have a CUP for live music, loud music, amplified music, anything else?

MR. BERRY: Not to my knowledge, no.

MR. PETRILA: Okay. So if -- and I'm just

reading here straight out. It says, "A transitional area between higher intensity commercial uses along Gulf Boulevard in the lower density, residential neighborhood on the east." Okay. So if the bar for high intensity is no golf, no bars, no slides, no boats, no rooftop bars, no music, no paddle boards so that's the threshold for high intensity. It seems like we're not going from high to low. It seems like we're going from low commercial. It's really low commercial. The only thing I see is some of them have pools and that's it, yeah.

So the threshold is condos, small motels. I think Palm Crest may have a bar, but I don't remember exactly.

MS. RZEWNICKI: Undertow.

MR. PETRILA: Undertow is --

MS. RZEWNICKI: A bar.

MR. PETRILA: -- is a bar, yeah. Okay. So if the -- if that's the threshold for high, this seems like we're going exponentially way higher and not to a medium level down to a no-level residential.

MR. BERRY: Sure. Based on existing uses, I could see a -- you know, certainly an increase in intensity looking especially right across the street. However, there is capaCity in those

districts. The City did not set any kind of cap on the type of uses that were envisioned in this area, just other than specifying that there's a commercial component but your point's taken.

MR. PETRILA: Sure. And we're simply talking about, hey, here's the purpose of this district. The purpose of this district is to be lower intensity than what's across the street. What's across the street is a couple of pools and two bars. So this would be lower to go to zero but what they're asking for is actually not congruent with what the Land Development Code and Comprehensive Plan have in place here for this district because they're asking for significantly -- something that is not envisioned by the zoning district.

MR. BERRY: I -- I'm --

MR. PETRILA: Just reading the plain text. I'm not --

MR. BERRY: Sure.

MR. PETRILA: We don't have to take any large leaps of reasoning here. It's just it's supposed to be a transition area between higher intensity commercial uses along Gulf Boulevard and the lower intensity residential. It's supposed to be kind of a buffer. Transitional area going from here to here.

MR. BROOKES: The comp plan also describes the character of the BR District and the Subsection A.

MR. PETRILA: Sure. And again, it talks primarily multi-family residential as a result of the lot depths, right? So it actually does take into consideration the size of the lots. Okay. Shall we hear from the applicant?

MR. BODZIAK: Yeah. Jack Bodziak, the architect. First, I'd like to say this is -- it's not out of reason as an architect or as a landowner to request something that's allowable under the code and I'm sorry that it meets with hostility in some cases but it's not out of consideration to make this kind of request. And I'm sorry that it offends you so dramatically. We are surrounded and transitional, too.

Across the street there are high rises, 10 -- you know, 9-, 10-, 8-story high. So this could be considered transitional going towards the water in that it's only half the height of some of the surrounding buildings, including the adjacent property to the south. The City -- my primary reason for coming for you was I felt that the review considerations -- nothing outside of the request was not an allowable use, so we weren't coming in asking

for something that wasn't in the code so I feel that it shouldn't be something would be outrageously, you know, looked upon.

We did have a them -- the -- it is -- it was intended use as a hotel. We had some interest from Marriott originally. That was back, you know, when we first started on this and the intent always has been to be a hotel. The lot combination, I'm sorry that the City has accepted, in several cases, surveys and lots that are under one ownership. This never came up in the entire review process. So I would suggest that the City check into with the City Attorney then, was this an improper acceptance of the application? Was -- is a legal survey not -- under one ownership not acceptable?

That is something that we should -- when it's accepted, we should not be questioned as though we we're trying to sneak something in. The lot combination is -- nothing requested was outside of the regulations with the exception of when we did have the extra four feet on the building, so we did not feel like we were coming in with an unreasonable request. Everything we requested was allowable under the code and I'm sorry that it was such an offensive submittal. But it was within the codes

and the allowable for the jurisdiction to review, consider, approve, deny. We didn't feel like we were coming in here to steal something.

The Planning Board, my purpose for coming for you wasn't anything -- meant hostility-wise. We've merely felt that the considerations of record by the Board and the recommendations and the review -- not recommendations but the review by staff supported what we were requesting well within the code. I'm sorry that it was so upsetting but I think the Planning Board basis for that denial is very weak.

I think that the request before you and before them was not totally unreasonable and done with any ill-gotten will, so I don't think that it was not reasonable for me to question the very weak -- and they're in your record, by the way. Very weak reasons for denial and we felt that it was not reviewed properly, and we felt that it was not an unreasonable request and that we even altered the pool to bring it further to within the regulations that are in existence.

So we did not feel like this was some crazy review that we should have never considered. We thoroughly reviewed and understood the code so I'm sorry that it's caused so much stir in some cases,

but I really think that the Planning Board denial had very weak basis and I was here to request that you consider the basis that we were denied on. Not, you know, the other criteria that I've heard tonight but I do appreciate your taking that into consideration.

MR. PETRILA: Mr. Bodziak, this is not in the appeals process, right? The Planning Board and City Attorney, please, by all means, correct me at any point. We're not here to adjudicate whether the Planning Board was correct or wrong because they don't actually make any decisions other than making a recommendation, so they don't approve a project. They simply say, we think it has merit, or we don't think it has merit. They simply make a recommendation to the Commission.

And the reason that we are here today is so that we can hear you and, you know, I haven't heard anyone here reference any of the criteria that you have mentioned, that you objected to, that the Planning Board did not recommend this project. In fact, what I've heard so far is from the Commissions that have spoken up, they have cited chapter verse of the Land Development Code, a comprehensive plan, and they've given, you know, thoughts and opinions

and interpretations of those codes as to why it may or may not fit and so, you know, my question to you then is, you know, I would appreciate a rebuttal, right? If you -- if we say, look, we doesn't -- so I -- I'll lay out the things that I said, right?

MR. BODZIAK: Right.

MR. PETRILA: And then you can, you know, give me a -- give me a counter so when I say, you know, this is designed to be a transitional area between high intensity commercial, not height but a commercial use. We're not talking about height here and the intensity across the street is six or seven pools and two bars, that is -- on your property alone is more than that, than all the other eight, nine projects combined and so I don't see how yours is a lower threshold.

In fact, you are asking for a lot of things that do not exist in the high intensity area, right? You are asking for a hardship when there's no documented hardship. I mean, wanting to have a higher ROI on your property is not considered a hardship. It's -- I mean, I'd love higher ROIs on my properties so I'm not -- I -- certainly, I am not offended by you being here and asking what you're asking nor am I offended by the owner.

I think it is well within your right to do that and ask for those things. But I do want to also comment on one of the things you said is it says you're not asking for anything that's not allowed. Well, you technically can ask for anything you want. There is no restriction on what you can ask for. The difference that we are talking about is, what is by-right and what can the Commission grant in it's -- the definition is in the words. The conditional use application, right? It's an application because it's not by-right. In fact, the very first lines of the comprehensive plan say so that, you know, this is not by use but it is by-right at the discretion of the Commission.

And so yes, you can ask for anything you want and I am certainly not -- in fact, people have asked for more than you have and I wasn't offended then either because, again, I'm not -- it's not like -- just because I may not agree, doesn't mean I don't understand. I understand why you would ask for this. I understand why you would want these amenities and if I was building a resort in a hotel, I would want those things as well most likely.

But the issue is you were asking for a resort in a hotel with the -- multiple pools with water

slides with boat slips and commercial activity, right? So having a rental place for paddle boards and kayaks, you know, having, you know, actual commercial activities, bars on site in a designated residential area, right?

Here's where some of that disconnect is. Can you ask for a -- you can ask for anything you want but it doesn't mean that just because the Commission doesn't agree with you that we're in some way offended by you or by your ask. Not at all. I think it's well within your right to ask for those things. It's just -- I think you are -- what we are asking -- looking for is give us your arguments on why you think this project conforms, you know, why it meets the criteria. You know, we've given you reasons why we may think it does not meet the criteria. Give us -- you know, give us a breakdown of, okay, here's why I think this conforms with Land Development, go in the comprehensive plan in the zoning for this district.

MR. BODZIAK: Okay. Well, first of all, it meets all the criteria and with the alterations we propose it's within the criteria that are outlined in this segment of the code and in the conditional use that allows the hotel density. The density to

be that we're requesting to be requested for this site so we're not requesting anything on this application that is not allowed by the code. So I think that's, A, number one, the first thing for consideration and I think that under all the considerations that the Planning Board can take, I think that the most egregious things are when you repeat or read the things that are in the City transcript as well. We -- everything we basically have requested was not outrageously outside the guidelines of the code as something we can -- we are allowed to request. But I think the considerations that I outlined and that are up on your screen -- were up on your screen --

MR. PETRILA: Sure. But the --

MR. BODZIAK: -- are --

MR. PETRILA: -- the Planning Board isn't the one making the decision. This Commission is making the decision and so far, I haven't heard from anybody on this Commission even mention any of the objections from the Planning Board. So for all intents and purposes, those objections were stated then. No one is repeating them, so no one's making a decision based on those objections as far as I can hear.

MR. BODZIAK: Well, I respect that --

MR. PETRILA: So --

MR. BODZIAK: -- but I am allowed also to when I see something that's like that we were turned down because I drove a Volkswagen or something, you know? There are egregious reasons that we can be turned down that I think are incorrect professional considerations by the Board -- the Planning Board and if you consider that Freebee use is a reason that the Planning Board can turn us down among the crazy ones that are outlined, then I -- we differ.

MR. PETRILA: Sure. So -- but we --

MR. BODZIAK: I was here today --

MR. PETRILA: I haven't heard anyone mention the Freebee up here.

MR. BODZIAK: Pardon me?

MR. PETRILA: I haven't heard anyone mention the Freebee up here.

MR. BODZIAK: No, I mentioned it because I came before you not to take your time and my time and go through all this in attempt. I feel like that the considerations at the Planning Board level were incorrect, improper, and not responsible to the code --

MR. PETRILA: Sure. And so --

MR. BODZIAK: -- and I think I had a reasonable --

MR. PETRILA: -- that's why we're here today --

MR. BODZIAK: -- question and I had a right to come before the Commission to voice this and I'm not here to get into a hostile argument or give -- but I do feel that the Board should be aware that we were, in my opinion, unreasonably turned down for reasons that have no connection to the code.

MR. PETRILA: So again, you're here, we're hearing you, and none of us have brought those things up and so whether we may or may not agree with those reasons, it's -- you know, you've had your chance at a second hearing, right?

MR. BODZIAK: And that's all I asked for --

MR. PETRILA: So --

MR. BODZIAK: I mean, I really am sorry that, you know, there is an interpretation of the lots that's not correct. Unfortunately, that should have probably come up at the submittal level --

MR. PETRILA: I don't think there was an interpretation. I think the Commissioner simply asked, you know, whether something is permitted. Just like I asked, what is the reason -- what is the purpose of this district?

MR. BODZIAK: Yeah.

MR. PETRILA: We're just simply asking the staff for clarification, which is why we have experts here like our staff so they can provide that clarification and, you know, it's -- it -- it's a -- it was a simple question. Can they combine? It turns out yes, you can combine. In fact, it says -- you know, in the purpose it says we encourage it, right? So again, it's -- no one was challenging. It was just a simple question, right? It's just because we ask a question doesn't mean I ask a lot of questions. It doesn't mean I --

MR. BODZIAK: And I respect --

MR. PETRILA: -- yeah.

MR. BODZIAK: -- the questions that are being asked. I --

MR. PETRILA: Sure.

MR. BODZIAK: -- I think that I, on the same page, have the right to question what I -- would in my opinion, professional opinion, is -- you know, and going all the way back to I did the original approval on Corey Avenue 20 years ago and that was a tough one that had tremendous issues with the citizens and it was a -- it met a very reasonable solution back at that time. It's not the one that's

out there now but it -- it's the original one that was approved, and I think '06 or '05, something like that. So I'm not here trying to argue my case. I'm here to simply say that I -- that we deserved reconsideration either -- if not back at that level, at this level, because I think that the reasons for denial are not related to the review process. I think there are reasons for denial that do not -- that are not relevant to the project as we submitted and was reviewed and that's the consideration I'm here on tonight to appeal that.

MR. PETRILA: Yeah.

MR. BODZIAK: So if -- I'm not here to argue anything or -- I think that's a reasonable request, you know? If an appeal process is not allowable then I stand corrected.

MR. PETRILA: Do you feel like you've not received a fair hearing today?

MR. BODZIAK: Pardon me?

MR. PETRILA: You feel like --

MR. BODZIAK: No, no. I --

MR. PETRILA: Okay.

MR. BODZIAK: -- I feel like I'm being questioned as to why I'm here to be quite honest and I'm here on the appeal process of feeling that the

reasons I put into the record are not justifiable reasons for us to have been denied and I think our --

MR. PETRILA: Uh-huh. If it makes you feel better, we ask every applicant why they're here.

MR. BODZIAK: Yeah. No, and I -- and I --

MR. PETRILA: All right? This was --

MR. BODZIAK: -- I respected that --

MR. PETRILA: -- for us to understand, okay, what is your purpose? What are you looking to accomplish? What do you want to do with this project? Where do you see it going? How does this enhance the community? How does it benefit the community? What value does it add to the surrounding neighborhood?

MR. BODZIAK: Uh-huh.

MR. PETRILA: Right? So I mean, these are questions we ask every applicant. In fact, I've been quite gentle with you --

MR. BODZIAK: And we are allowed to disagree --

MR. PETRILA: -- by comparison --

MR. BODZIAK: -- on your opinion. I mean, on all sides and my side and your side and I respect --

MR. PETRILA: Sure.

MR. BODZIAK: -- the fact that you are -- you

know, you're entitled to your, you know, your approval, denial, opinion but I feel like my right to be here is equal.

MR. PETRILA: Sure. Of course.

MR. BODZIAK: And I appreciate your consideration and it's unfortunate that we don't see the same way but, you know, we'll have to look at it and see what our alternatives are on the site.

MR. PETRILA: Well, we haven't made the decision yet, and I think some of the other Commissioners have questions for you as well so --

MR. BODZIAK: Yeah, yeah. That's fine.

MR. PETRILA: Commissioner Rzewnicki, I think you were first?

MS. RZEWNICKI: Yeah. I do have some questions on your application just for clarification because on Page 643, which is your first question, which is asking special conditions and circumstances that exist. Could you clarify, from what I heard, is you're saying because of how they're being combined is giving you a property that's not buildable.

MR. BODZIAK: The --

MS. RZEWNICKI: So the setbacks --

MR. BODZIAK: I feel that --

MS. RZEWNICKI: -- because of what you want to

propose, right? Because of what you all want to build.

MR. BODZIAK: Yes. I feel that the setbacks, although are -- they're -- the shape of the site -- to me, the Planning Board should be considering things other than -- and I'll read them just again just to be sure. The traffic -- a traffic study that was not required, the overall density, which is an allowable density, the Freebee use, whatever that is. I mean, these are actual responses from the reason for denial so I --

MS. RZEWNICKI: Well, and my question is not about the Planning Board. What I'm asking you, as the applicant, what do you feel is unusual? What -- what's unusual that the desire to build what you want to build is not matching the lot configuration?

MR. BODZIAK: No, I think the lot configuration is very difficult and I think to build anything on that configuration --

MS. RZEWNICKI: Was there something built there before?

MR. BODZIAK: There were -- well, that's -- yes, there also were houses across the street on the beach at one time so that's not a criteria for --

MS. RZEWNICKI: Yeah, but my question is: Was

there something there before?

MR. BODZIAK: Yeah, there was something there before.

MS. RZEWNICKI: On Page 650, number 7, you've mentioned multiple pools for Bayou District almost like that's not a big deal and you're comparing it to the Don CeSar Hotel on the application but the Don is in a medium resort district so it -- is there something that you can compare these multiple pools to that's within the same Bayou Residential District?

MR. BODZIAK: Well, if you're going to bring the Don CeSar up --

MS. RZEWNICKI: It -- you can't. It's not the same district --

MR. BODZIAK: -- are you going to be --

MS. RZEWNICKI: I want to know what's in the same district --

MR. BODZIAK: No, I understand but if you're allowed to compare in my -- I suppose I'm not allowed to, but I would say that it is not an unreasonable request given the size of the site. At 2.67 or 8 acres, it's one of the last substantial sites left within the City and with the investment that the owner has in the property, we have to

pursue uses that are allowable.

MS. RZEWNICKI: My question since you said the investor, who is the investor?

MR. BODZIAK: The owner of the property.

MS. RZEWNICKI: So the owner of the property is the one that's going to build this project?

MR. BODZIAK: The owner of the property, along with us, are the people that were going to build on this property, yes.

MS. RZEWNICKI: On the application, one of the questions is asking about the finances and it -- there, it doesn't show --

MR. BODZIAK: I've repeated that I had a commitment --

MS. RZEWNICKI: -- and since you mention the Planning Board, which I did watch, my understanding was your response at the Planning Board was that the current owner was not building this project.

MR. BODZIAK: The current -- that was a misunderstanding then. If that was in the record, it couldn't -- the owner and I have worked together on this property and have been working on this property for probably ten or 12 years, maybe 15 years.

So I have been working with the owner. Over

this entire period of time, we've had different varied people of interest coming into the thing with us and at times, with -- due to the economy, for example, people have reversed their course or required -- requested something that was outside the parameters of the code that we didn't want to go for variances that were excessive.

MS. RZEWNICKI: Okay. If the property were to sell during the scope of this development, then it would go with the applicant. I mean, we're making this property, from what I'm seeing, is more valuable, if you want to call it valuable because it -- you're selling it with the all these features, right? Again, I would have --

MR. BODZIAK: No, we were not --

MS. RZEWNICKI: -- I would have to go back and look and see because I clearly remember you stating that the current owner was not building this property. And also, one of the -- on one of the pages, Page 663, number 29 ask about current violations and complaints. Are there any current complaints on this lot?

MR. BODZIAK: I understand there was a complaint made. However, when the attorneys for the owner contacted the City and said that all permits

which there was a -- the -- what happened was the permit supposedly for the parking had expired during the hurricane recently and the attorney's contact I believe the City Attorney or somebody. I'm not sure who -- and I apologize, I'm not sure who it was and brought up the fact that all permits have been expired -- have been extended by the State or by the regulatory authorities because of the hurricane and that was the last I've heard of it. I have not heard anything else and perhaps the City Attorney can, you know, advise you on that.

MR. BROOKES: Brandon can come up and address it, but my understanding is that they had an approval to park cars for a certain purpose. And then because of the governor's executive order during the hurricanes, that not only the permit beginning but the permit expiration dates are also extended so they filed the required letter requesting the extension of the expiration.

MR. BERRY: That's correct. It was set to expire back in October. It was extended for now until the state of emergency ends. We are aware that there are maintenance issues with the lot. We've contacted the entity who is parking on the lot, and we've made them aware that we'll be

following up with them regardless of the outcome of this case. That is part of the conditional use permit. The conditions do still apply so there is a requirement regardless of what occurs tonight that the lot needs to be maintained and we're aware of that.

MS. RZEWNICKI: So this current conditional permit that's on this lot, is it being used to what the conditions were set by the Commission of that time?

MR. BERRY: It's being used for the use that was approved by the Commission at the time. There are maintenance issues that we are asking to be corrected. So one of the conditions relates to maintenance of the site. We have asked them to correct that. And if it becomes a recurring issue, the conditional use permit would be in jeopardy, just like any other that isn't following what was approved, so --

MS. RZEWNICKI: So -- and I know it's -- and I was here on that condition, but my point is, because when I saw there was a table on this application that shows that there was three years, only one violation per year. I guess that's a documented violation, right? So -- and the reason why I say

this is because we're -- you're here to come for a conditional application, yet the current lot has an application, a conditional permit, that has had violations.

So I just wanted to mention that. And again, this is trying to figure out who's building this property. Is it -- are we going to have the same ownership that's had current violations on a permit, conditional permit? On Page 658, thank you, Brandon, the public benefit requirements -- what are the public benefit requirements other than the -- I think the -- I don't know if it was called a promenade, but the sidewalk that goes around is to allow public to walk around this property. Is that the public benefit?

MR. BODZIAK: Public access to the property, the improvement of a property that's sat in disrepair for years and then was then demolished, and a proposed use within the code. Tax base properties that are destroyed up and down the beach. It's irrelevant. It is a relevant, not irrelevant, it's a relevant use to the code, and I don't think it's an unreasonable reason for us to request it. And once again, I'll repeat, the reason I'm here tonight is the basis for denial in the Planning

Board level. And I thought that I was coming for a reasonable appeal of that decision on the basis it was decided, is very -- is not in accordance with regulations, in my opinion.

MR. MOHOLLAND: Yeah, this is not an appeal. They just make a recommendation. They're only an Advisory Board. So the final decision is made here. So there -- there's been no decision. The Planning Board just makes a recommendation.

MR. BODZIAK: When they state the basis of their decision --

MR. MOHOLLAND: They didn't make a decision, they just make a recommendation. So this is a de novo hearing here, so it's not an appeal. These guys are looking at this fresh, or the City Council looks at it fresh. It doesn't matter what --

MR. BODZIAK: So it doesn't matter what basis they used for their decision as stated?

MR. MOHOLLAND: No, it matters what happens here in this hearing right now, this is the quasi-judicial hearing on the City Council. The final hearing.

MR. BODZIAK: Well, I don't think it would've gotten to this --

MR. MOHOLLAND: Or the first reading of the

ordinance.

MR. BODZIAK: Yep. Well, we were --

MR. MOHOLLAND: For conditional abuse, and then the decision on whether they want to, under 4.12D, allocate the lodging units from the density pool based on the criteria in 4.12D, which is a public benefit. So they'll weigh the public benefit here, and that's within their discretion to do that.

MR. BODZIAK: Well, I would repeat that my appeal was on the basis that was used to render this opinion that stated in writing, in this, and I believe the basis was wrong. If they, for example, had said, it's zoned wrong, and they were incorrect.

MR. MOHOLLAND: I'm not sure why you're not understanding, but this isn't -- this is not an appeal. You make your case fresh to this City Council. So you'll need to make your case fresh to the City Council, what is the public benefit? I think I've heard you do that, but it's not an appeal of the -- any mistakes you think the Planning Board made.

MR. BODZIAK: Well, I think when you're asked whether you want to withdraw your plan because of the denial by the Planning Board, or the recommendation from the Planning Board, you have to

make a decision, am I going to appeal it or, you know --

MR. MOHOLLAND: I haven't heard anyone recommend that you withdraw it here on City Council, so you certainly can come forward from --

MR. BODZIAK: No. No, the staff request was are you -- do you want to go and -- do you want to withdraw your petition since it's been denied, recommended denial, by the Planning Board? And our response was, no, we feel that the reason, whether it's the reason for the basis --

MR. MOHOLLAND: That's your right, yeah. It's your entitlement and --

MR. BODZIAK: I'm entitled to go forward and that's why I'm here. And I apologize that I've, you know, taken my right, I guess.

MS. RZEWNICKI: So do I keep asking these questions? I mean, I -- I'm trying to get clarification on your application, sir. So I'm not --

MR. BODZIAK: Yeah.

MS. RZEWNICKI: We're not appealing. This is not an appeal. And I heard you say you -- it was the recommendation from the Planning Board. It wasn't a final decision. So now we are looking at

your application, and I'm going through your application with some questions so you could help clarify.

MR. BODZIAK: Sure. Sure. And I -- I'm --

MS. RZEWNICKI: So on Page 683, the Goal 1 was -- and this is on your application. I don't -- and I know I'm citing pages, but I don't know --

MR. BODZIAK: -- yeah. I don't have them available, so I --

MS. RZEWNICKI: The goal is to conserve, protect, appropriately manage, and where appropriate, restore or enhance the City's natural resources, aquatic wetland, air, terrestrial, to ensure the highest environmental quality possible. When I looked at your plans, and, of course, the wanting of the use for watercraft, whether un-motorized or not, a -- and Brandon, you might have to correct me on this. From what my understanding on the code is that we cannot add more drainage, right, for storm water from this property. So you're using what's there already -- no additional areas to drain out, right? You have to use what's available. But how are you improving drainage? Are we filtering it? Are -- is there -- are we catching the storm water on site?

And the second part to that, that has to do with the environment on the sea wall. I know that sea wall -- I mean, like you said, they've owned this since the '20s I believe, or I think someone on the Commission, or the mayor, you might have --

MR. PETRILA: 2004.

MS. RZEWNICKI: Okay. 2004. I'm pretty sure that sea wall hasn't been rebuilt. So our new ordinance is a five nav, and I can't -- I don't know if that's part of this plan. Does it indicate a five nav on these plans? And if so -- and if not, then how is it going to be built? Because I have no other condominium. There's a condominium in the Don CeSar district that's having issues trying to get to the five nav, because the building is so close to the sea wall. How are you proposing to do the five nav and protect the bayou on discharge?

MR. BODZIAK: Well, the discharge plan, there was a civil plan submitted that would control the storm water, and the drainage, and the retention and treatment of the water flow. So right now, it's -- there is no control. And as to the sea wall, the sea wall was proposed to be totally reconstructed within the construction limitations of the project. So I think that on those two items, I mean, I think

that we did submit that we are -- the plan that we are, you know, controlling the drainage, setting up all -- according to the code and the State regulations, the control of the drainage to eliminate any runoff that presently may be running into the bayou or that is not controlled that well.

MS. RZEWNICKI: Okay. So the plans do indicate the five nav?

MR. BODZIAK: Yeah. Well, I believe they -- yes.

MS. RZEWNICKI: Okay. There was an error or two on Page 692 that said that the closest -- and I think this might have been a staff comment at this point, the closest public beach access is serviced by the Sun Runner, but the closest beach access is the one just north -- or, sorry, on the south end of the property of Miramar. And the Sun Runner doesn't serve that location. And I -- you know -- and I don't know if it's been addressed, but the staff had concerns about on onsite circulation. I know Brandon presented and talked about the curve cuts and just having the two, but that there's still concern about the circulation of traffic within the site as well. So again, trying to improve safety on Gulf Boulevard, not only circling within, so people

walking within the property, but then coming and going. So I did have concerns with that as well.

MR. BODZIAK: Well, I would question that there was anything that was not -- designed and properly addressed those situations on the property. I think staff review didn't bring any of that up as to specifics, and I think what was brought up, we did -- there were some items that we did correct during the process, because I recognize this process has gone on for some time now.

MS. RZEWNICKI: Yeah.

MR. BODZIAK: So we have always --

MS. RZEWNICKI: It's on Page 694, so --

MR. BODZIAK: We always -- well, we always have addressed any comments brought up by staff like that, and I'm sure that we addressed it.

MS. RZEWNICKI: Okay. I'm -- I didn't see it, so I'm asking for you to tell me, because I only see the comments. So like, for the -- Page 738 about -- for noise, how are we going to deal concerns of noise? The response is simply, "acknowledge."

MR. BODZIAK: Well, there was more of a specific response. We had submitted responses about the control of music, the control of -- you know, of those things, the hours on the -- what we call the

quiet pool, to ensure that there wasn't water -- there wasn't noise traveling across the water at night. I mean, it -- we did respond every time a question like this came up. And I would have to go back and bring those submittals or re-submittals, or those items that we did address. We did always address any question that came up.

MR. PETRILA: City Clerk, do we have any audience comments?

CITY CLERK: John Kurzman.

MR. PETRILA: Please state your name and address for the record.

MR. KURZMAN: John Kurzman, Bahia Honda Way. I am a beach steward, but I'm speaking purely for myself. My first question would be about beach access. There was mention of the Zamora. I know that the Zamora has been involved in discussions about beach access. And so I just, you know, residents, you know, go to the beach, but I think tourists would probably be more consistent in the number of days they would go to the beach. So I would, you know, just question that, where that beach access would be and how much. I also believe that there's been attempts earlier to have a paddleboard and go on in that area, and it was

denied. So I don't know why that would change now.

And this is not probably a constructive comment, although, you know, maybe there's a creative thing. You know, back in 2014 and '15, the City worked and came up with a plan for Corey Avenue, and they developed that plan, and it was to have commercial projects. And, you know, I hear what they're talking about for this Windward pass, and I go, what a terrific sounding project. But it's in a residential area, or it sounds like it is. And Corey Avenue, it sounds like perfect for, like, the Corey Landings spot. And then I hear what they're now talking about at Corey Landings, which sounds really residential. And I think, oh, that would just be perfect for Windward, you know, for that -- for the bio area, because that's where people just go and live. And it's just a shame that for whatever reason, I mean, we have a comprehensive plan, and I just don't know how these things happen. I mean, it's just what happens. But it just -- I just, you know, there's --

Corey Landings has -- it's set up for a big dock with lots of people to go, and it's right by all the shops and all this great stuff for tourism, and all of a sudden now we're getting the perfect

thing for Corey Landings at -- over on that -- on this project, and we're getting residential at Corey Landing, and I just don't get it. And I know we can't do anything about it, but I wish there was a way to trade it. Thank you.

MR. PETRILA: Thank you, Mr. Kurzman. And I think just for clarification and maybe Commissioner Rzewnicki, you can correct me. When you say "discussion" with Zamora, you mean a lawsuit, correct?

MR. KURZMAN: Oh, I don't know about that.

MS. RZEWNICKI: Yeah. If you're asking me, there's a current litigation going on with the Zamora. So I --

MR. PETRILA: About the beach access.

MS. RZEWNICKI: -- I don't have anything --

MR. KURZMAN: I didn't mean to step into that. I --

MR. PETRILA: Oh, no, no. I'm just simply saying that the discussions are actually a lawsuit.

MR. KURZMAN: Oh, that's --

MR. PETRILA: About beach access.

MS. RZEWNICKI: Uh-huh.

CITY CLERK: Frank Quillin.

MR. PETRILA: Good evening. If you'll please

state your name and address for the record.

MR. QUILLIN: Dr. Frank Quillin, 4160 Belle Vista Drive, St. Pete Beach. I've been there since 1956 at the -- at that location, right across from this way. Little McPherson Bay is called "little" because it's little. It's not 100 yards. It might be 50 yards at the -- in the middle, and larger down on the entrance way, but that's all settled in now, so you can't get in and out real easy. But we have manatees and manatee babies being born. There is a fresh water well at the end of the cul-de-sac. And they're in there all the time. I've got videos on my phone that will show you this, but we don't need paddle boards and jet boats rented out, going up and down. This is a residential area. Several years ago, there was a paddle board company on Gulf Boulevard that came and wanted to put paddleboards and train people, and we got that stopped because of the privacy that would be invaded by people going up and down the bay. Now we're coming along and wanting to put 12 piers, with boats being rented by people, and paddleboards and everything else on a private small inlet. Two boats can hardly get past each other in those areas, so I don't see any need for any boating activities at all from this project.

That's all I have to say.

MR. PETRILA: Thank you, sir.

CITY CLERK: That's all.

MR. PETRILA: That's all? Okay. Commissioners, questions, comments?

MS. ROBINSON: I will say that I appreciate you coming. It's an ask, CUP is an ask, variance is an ask. I raised my son and any of the other children in my life, I said, you have to ask. If you don't ask, it's a no. So I commend you on asking. Again, the Planning Board is an Advisory Board, decision is actually made here. Based on the zoning there, with the bayou residential, for me, I feel that the density intensity of 104 units as condo hotels with various amenities, that the noise issues that we currently have are a bit overwhelming, and to see more of that, I have a lot of concerns for, I have concerns on the environmental side of it as well. So I do have quite a few concerns on it.

The public safety aspect, we've had a -- people run across children, cross Gulf Boulevard, and in, with your beach access being over near the Miramar, which would be the closest one. It -- it's a ways up the road, and we could put a crosswalk over there. They're not going to go there. They're

going to go exactly right across the street. It's like playing frogger across Gulf Boulevard.

I'm concerned, again, traffic is another one with 104 units there. And I just have a lot of concerns on this. I just don't really see the benefit to the community, especially the residential community. And I agree that the density and intensity isn't -- doesn't seem transitional right there. It seems like it's more intense coming from the San Seair. The San Seair is not going anywhere. I don't -- they don't have a rooftop bar as well. So I just don't see that -- all that activity there being of benefit to the residential neighborhood, let alone the people on the other sides or the side that's going to have the splash pool and the quiet pool. I just feel that that's -- that is a very, very difficult item to say yes to.

MR. PETRILA: So looking at this project, I'd just refer back to Land Development Code, Section 4.1, which states, "The review conditional use applications, the purpose: Certain uses are conditional rather than uses by-right. They're subject to the conditional use regulations because they may, but not necessarily have, significant adverse effects on the environment." Between the

manatees, the rest of the waterways in that area being so shallow, having a commercial activity on that waterway, well, that certainly will have an adverse effect on that environment. It could have a significant adverse effect on public services, right? You know, does it conform to the character of the area? It is a commercial transient lodging facility in a residentially designated district.

So does it conform to the character? I don't see how it does. It could create a nuisance. Whatever we're going to call it, quiet pool or not, I've been to enough pools at enough resorts and enough hotels to know that it's not going to be quiet. I mean, we can call it what we want, but that's really not an option, right?

Having a rental facility for paddle boards, or for any kind of watercraft, you know, a couple 100 feet, maybe 200 feet, 300 feet from somebody's backside of their house, well, that can be a nuisance. That's going to be a nuisance, especially on a, you know, spring break weekend, any kind of weekend, you know, in season. Having a rooftop bar, having loud music. We just have to look at the neighbor, and they've been a nuisance to the people across the street. So a review of these uses is

necessary due to the impact that it may have on the surrounding area neighborhood, and specifically the Land Development Code and comprehensive plan are talking about the residents, the residential areas adjacent, they're close to.

And you first came today, and one of the very first things you said is, I can't believe we have to listen to what the people in the single-family homes have to say. When, in fact, the comprehensive plan has in mind the protection of the rights and the quiet enjoyment of those residents. It specifically states that three or four different times throughout the comprehensive plan, that one of the things that it wants to do is foster, you know, harmony between the commercial, the higher intensity, and the residential. And it takes that into consideration specifically, right? So you know, why are we looking at this? Because, you know, it is right next to residential, right? And the plan has that in place. So because it may impact the surrounding area neighborhood, the conditional uses review -- the conditional use review provides an opportunity, right? It's just this, it's an opportunity, to allow the use when there are minimal impacts, right, or to allow these uses when mitigation measures have

addressed the concerns.

So we've heard about all the different negative impacts it could have. The one thing that we haven't heard is, you know, how -- you know, what mitigating things we're going to use to offset the negatives, right? We've read the list of things that -- all the negative impacts, what we haven't heard from anyone is give any kind of explanation, okay, yes, we may have, you know, 30 people in the water creating havoc and, you know, endangering the manatees in the environment. But what no one has talked about, okay, how are we going to abate that, right? So in those circumstances, you know, if the Commission can't see how this doesn't have a negative impact, or if there is a negative impact on the environment, the neighbors, the surrounding area, and it's abated, in that case, it is up to the Commission to deny the use if the concerns cannot be resolved.

And so for my part, looking at the comprehensive plan, looking at the Land Development Code, I don't see how your project has addressed those issues. How it has provided any kind of -- you know, you're asking for significantly increased density. You've asked to push it out farther to the

margins than anywhere else. You've asked for significantly greater commercial use than any property on the island, really, that we have right now. There's not a property on the island right now that has all of the things that you're asking for. And the challenge I'm having is you haven't provided any argument, or any solution, or any ideas on how to address the concerns that are rightfully brought so by both the Commission and the residents that would have to live next door, which the comprehensive plan and Land Development Code specifically had in mind to protect. And in fact, it uses the word "protect" about two or three dozen times, specifically.

So I think that gives an idea which way I'm going to be voting. But the reason is because it does not meet the standards of the Land Development code and the Comprehensive Plan as outlined, as we've been instructed to review. And if the criteria doesn't fit, if it doesn't match, I don't see how I could vote for it. So we are on action, Commissioner.

MS. MARRIOTT: I ask your indulgence for just a minute because this is barely relevant, but I've been biting my tongue so hard, it's about to start

to bleed.

MR. PETRILA: Sure.

MS. MARRIOTT: And the gentleman who spoke on public comment about the paddleboard company that wanted to ruin McPherson Bayou, that's my company, and I was the one who wanted to rent paddleboards behind my business on McPherson Bayou. And I oftentimes have had people ask me why I'm -- appear to be so friendly towards businesses who come before the Commission for conditional uses, and it's because I was the one standing out there asking for a conditional use for something that was very reasonable, and not only was it very reasonable, it was something that I had already been doing for years, with zero complaints and no problems, before it was brought to my attention that I needed a conditional use to do that. And then had a room full of people fabricating stories about what the effect was going to be.

And so it's a little bit difficult for me to sit here and listen to people say that, you know, a half a dozen people paddle-boarding on McPherson Bayou is going to kill all the manatees, and ruin everyone's property values, and destroy their peace and quiet, because it's patently false. And so

again, thank you for indulging me. I know that it's only barely relevant to what we're discussing, but I couldn't bring myself to sit here without saying that. And so with that being said, unless somebody else has something very significant to say, I would like to make a Motion to Deny Ordinance 2024-08.

MS. ROBINSON: I second.

MR. PETRILA: City Clerk, if you'll please do a roll call.

CITY CLERK: Commissioner Moholland?

MR. MOHOLLAND: Yes.

CITY CLERK: Vice Mayor Marriott?

MS. MARRIOTT: Yes.

CITY CLERK: Commissioner Robinson?

MS. ROBINSON: Yes.

CITY CLERK: Commissioner Rzewnicki?

MS. RZEWNICKI: Yes.

CITY CLERK: Mayor Petrila?

MR. PETRILA: Yes.

Next, we move on to action item 6B, Consideration of Resolution 2024-12, Conditional Use Permit 23085, to allow for the development of Windward Pass. Did I read that again?

MS. RZEWNICKI: I think you did. Try that again.

MR. PETRILA: Sorry.

MS. RZEWNICKI: That's okay.

MR. MOHOLLAND: Hold on, let's make sure we understand where we're at right now, because I'm --

MS. RZEWNICKI: We did the conditioning --

MR. MOHOLLAND: What was 2024-08?

MS. ROBINSON: That was the ordinance.

MR. PETRILA: That was the ordinance --

MS. ROBINSON: That was the ordinance for units for temporary lodging density.

MR. MOHOLLAND: What number was that?

MS. ROBINSON: 7A.

CITY CLERK: I believe what we just passed was 7A.

MR. MOHOLLAND: Okay, so that was 7A. So now we need to go back to do Resolution number 2024-12, which is 6B.

MS. ROBINSON: Did we do 12 or A?

MS. MARRIOTT: Yeah, sorry. I did it out of order.

MR. MOHOLLAND: No, that's okay. You could do it in any order you wish. So let's go back now and we'll do Resolution 2024-12, entertain a motion on that.

MR. PETRILA: I'm sorry, the motion that

Commissioner Marriott made was to deny the conditional use application which --

MS. MARRIOTT: That was the reading of Ordinance 2024-08 for allocation of the density units.

MR. MOHOLLAND: That's the density pool units under 4.12 Subsection D.

MR. PETRILA: Would you mind indulging me just for fun? Because I remember her saying to deny that application. Let's just do both of them again.

MR. MOHOLLAND: Let's do both of them again to be clean.

MR. PETRILA: Let's just make sure that I don't want to come back and have to read the transcript and say that we've voted on the same thing twice and we skipped one.

MR. MOHOLLAND: Okay. Do you want to go in the order that they are on the agenda and take 6B?

MR. PETRILA: Let's do that.

MR. MOHOLLAND: Sure. That would be Resolution 2024-12, the Conditional Use Permit Application 23085.

MS. MARRIOTT: All right, so I will make a Motion to Deny Resolution 2024-12, Conditional Use Permit number 23085.

MS. ROBINSON: And I second.

MR. PETRILA: City Clerk?

CITY CLERK: Commissioner Moholland?

MR. MOHOLLAND: Yes.

CITY CLERK: Vice Mayor Marriott?

MS. MARRIOTT: Yes.

CITY CLERK: Commissioner Robinson?

MS. ROBINSON: Yes.

CITY CLERK: Commissioner Rzewnicki?

MS. RZEWNICKI: Yes.

CITY CLERK: Mayor Petrila?

MR. PETRILA: Yes.

Okay, next we have Ordinances 7A, first reading of Ordinance 2024-08. City Clerk, I believe -- sorry --

MR. MOHOLLAND: This is to allocate the 104 units of temporary lodging density from the density pool. Just to be clear. So we need a motion on that one.

MR. PETRILA: I'm saying you already read this item, correct?

MR. MOHOLLAND: Yes, yes.

MS. RZEWNICKI: Okay. I thought you read the motion.

MR. MOHOLLAND: I read all three of them.

MR. PETRILA: He read all of them. Okay, is there motion?

MS. RZEWNICKI: A Motion to Deny, let me make sure I got the right number -- to Deny the first reading of Ordinance 2024-08.

MR. MOHOLLAND: Deny at first reading, that way there won't be a second reading.

MS. RZEWNICKI: I Motion to Deny at first reading, Ordinance 2024-08.

MR. MOHOLLAND: Second.

MR. PETRILA: City Clerk, if you'll please do a roll call.

CITY CLERK: Vice Mayor Marriott?

MS. MARRIOTT: Yes.

CITY CLERK: Commissioner Robinson?

MS. ROBINSON: Yes.

CITY CLERK: Commissioner Rzewnicki?

MS. RZEWNICKI: Yes.

CITY CLERK: Commissioner Moholland?

MR. MOHOLLAND: Yes.

CITY CLERK: And Mayor Petrila?

MR. PETRILA: Yes. Okay.

(End of Recording)

CERTIFICATE OF TRANSCRIPTIONIST

STATE OF FLORIDA

COUNTY OF ORANGE

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Submitted on: June 9, 2025.

JBolinski

JACLYN BOLINSKI

IN RE: REQUEST FOR RELIEF PURSUANT TO SECTION 70.51, FLORIDA STATUTES (2024)

Sungold, LLC,

Petitioner,

v.

The City of St. Pete Beach,

Respondent.

_____/

RESPONSE TO PETITIONER'S SECTION 70.51, FLA. STAT., REQUEST FOR RELIEF

Respondent, City of St. Pete Beach ("City"), through the undersigned counsel serves the following Response to Request for Relief, responding to the Request for Relief under Section 70.51, Florida Statutes ("Request") filed by Sungold, LLC, Applicant/Petitioner ("Sungold") on or about June 13, 2025.

FACTS

Sungold is the owner of property located in the City of St. Pete Beach (the "Property"). The Property is an approximately 2.6-acre assemblage of parcels, formerly known as 3815, 3855, 3859, and 3861 Gulf Blvd. Sungold acquired title to the Property in 2004. As part of its recent plans to develop the Property, Sungold submitted three applications for approval:

1. **Application for Unnecessary & Undue Hardship Variance (No. 24058)**: This was a request to approve a reduction of over 50% to the side yard setbacks, to allow a 31.5' setback where a 65' setback is required, to accommodate swimming pools.
2. **Application for Conditional Use (Resolution 2024-12, CUP No. 23085)**: This proposal was to allow intensive commercial activity within a residential zoning district. Notably, the conditional use request was actually a combination of multiple independent conditional use requests: to allow lodging; to allow "hotel" docking facility with equipment rental, outdoor mini-golf, water slide, and other "commercial" amenities; and to allow a rooftop restaurant and bar.
3. **Application for density pool allocation (Ordinance No. 2024-08)**: This was a request for an allocation of 104 lodging units from the TC-2/AC/BR Districts Temporary Lodging Unit Density

Pool to the Property. The request for an allocation of 104 lodging units would have significantly depleted the City's available density pool for lodging (by approximately 40%). Sungold makes a conclusory allegation that the City's denial of the density request was "unreasonable" (*see* Request, p.15). Sungold does not articulate any details as to why, or how, the City's denial of a request for an outsized allocation of density was unreasonable or placed an unfair burden on the Property.

Each of the applications involved staff review, advisory board review and meetings, and ultimately, a hearing before the City Commission.[1] Because the applications required quasi-judicial hearing(s) before the City Commission, the three-pronged standard in *Deerfield Beach v. Vaillant*, 419 So.2d 624, 626 (Fla. 1982) would apply if Sungold were to seek judicial review. Under that standard, a reviewing court would determine (1) whether procedural due process is accorded, (2) whether the essential requirements of the law have been observed, and (3) whether the City's findings and decision are supported by competent substantial evidence.

Notably, Sungold does not allege any procedural due process violation, and they do not claim that the City failed to follow the essential requirements of the law. Rather, Sungold seems to focus their argument on the third prong: whether there was competent substantial evidence to support the denials.

During the public, quasi-judicial hearing before the City Commission, competent substantial evidence *was* presented to support a denial of the three applications. The hearing before the City Commission lasted approximately two hours, and the transcript from the meeting is over 100 pages long (*see* Request, Exhibit B). Staff and Sungold's representative provided testimony and argument, and answered extensive, pointed questions from the City Commission. Members of the public were given an opportunity to speak. The applications' backup, which is also part of the record, was replete with competent substantial evidence on which the Commission could base its decision. The City Commission members made every effort to ensure a fair hearing, and to consider applicable criteria for approval for each request, as well as compliance with the City's Comprehensive Plan ("Plan") and Land Development Code ("LDC").

Sungold boldly, yet inaccurately, claims that approval of their multiple applications is "mandated" because Sungold purportedly presented unrebutted competent substantial evidence to support *approval* of

[1] Agenda materials can be found at: https://stpetebeachfl.portal.civicclerk.com/event/2797/files/agenda/6129.

their applications (*see, e.g.,* Request, pp.10, 13, 15). However, that is a misstatement of the law: the question on *judicial* review would be whether there is competent substantial evidence in the record to support the City's *denial* of the applications. And clearly, the record includes sufficient competent substantial evidence to support the City's denials, including testimony from both staff and the Applicant, application backup, and the Planning Board's unanimous recommendation of denial.

Because Sungold cannot show that the City's decision failed to meet the applicable standard of legal review, the question for the FLUEDRA "dispute" is whether the City's denials were "unfair" or "unreasonably burdened" Sungold's Property. There is nothing in the record, nor in Sungold's Request, to support a finding that the City's unanimous denials of their "magnificent" plans was unfair or unreasonably burdened Sungold's Property.

The purpose of the quasi-judicial hearing before the City Commission was to apply existing regulations and determine whether to approve or deny the applications under applicable criteria in the Plan and LDC. The City Commission thoroughly considered Sungold's very ambitious requests – including the overall "magnificent" scope of Sungold's project (*see* Request, p.3), details of the proposal, and applicable Plan language and LDC criteria, including consistency with applicable law and compatibility with neighboring uses. The record also includes a unanimous recommendation of denial from the City's Planning Board on the applications. After giving Sungold's requests appropriate consideration, the City Commission unanimously denied all the requests, and provided written and detailed findings for their decision (*see* attached Exhibit A). More specifically, this included the following Plan excerpt and findings:

Comprehensive Plan Future Land Use Element p. 2-62 states (in pertinent part) as follows (Plan language in italics):

> *Bayou Residential District (BR)*
> (a) *Location and Character. The [BR] district is a small narrow strip of land containing 7.86 acres or approximately six-tenths (6/10ths) of 1% of the total land area of the City…. The lot depths are extremely narrow and preclude the potential of redeveloping prior existing temporary lodging uses that have long-since closed and have been demolished. Redevelopment 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, a small bonus commercial component will be allowed on a limited basis….*
>
> (b) *Purpose and Intent: Redevelopment Incentives and Deterrents. The following policies shall govern development in the [BR] District to encourage redevelopment in a physically constrained area that is primarily vacant and is a transition area between higher intensity commercial uses along Gulf Boulevard and lower density residential neighborhoods to the east. High-rise*

residential development is prohibited. Height for exclusive residential use is decreased over existing permitted heights. Increased building setbacks are required from Gulf Boulevard. The maximum allowable density is permitted only for mixed-use projects located on parcels assembled that contain two or more acres to encourage more comprehensive and unified redevelopment, reduce trip generation, increase pedestrian linkages to neighborhood services and reduce curb cuts along Gulf Boulevard.

(1) Unnecessary & Undue Hardship Variance No. 24058: The City Commission found that the Applicant failed to meet the applicable variance approval criteria under LDC Sec. 3.12.(b)(1)(a):

- The Applicant did not meet criteria Sec. 3.12.(b)(1)(a)(4) (self-created hardship), because the need for the variance was a self-created hardship arising from the scope, size and design of the 104-unit lodging building, and facilities and project features could be accommodated even within the remaining project area as designed.
- The Applicant did not meet criteria Sec. 3.12.(b)(1)(a)(7) (minimum variance required for reasonable use) because the application narrative and testimony offered at the public hearing did not demonstrate sufficient hardship to justify approval of an encroachment of either pool into the side yard, and the requested variance was not the minimum variance necessary for a reasonable use of the Property. The Applicant could design and build a smaller lodging building, or request fewer lodging units, thereby allowing more space for compliant pools, or build up to a 49 dwelling unit multifamily residential project as currently zoned as of right, with adequate room remaining for a pool(s).
- Finally, Applicant did not meet criteria Sec. 3.12.(b)(1)(a)(8) (in harmony with Plan and LDC and not harmful to neighborhood), because the proposed variance would adversely impact the existing single-family residential areas to the east and is inconsistent with the intent and purpose of the Plan's BR District.

(2) Application for Conditional Use (Resolution 2024-12, CUP No. 23085): The City Commission found that the Applicant failed to meet applicable standards of review and criteria pursuant to LDC Section 4.4.(a), because the proposed conditional use is inconsistent with the location, character, purpose and intent of the BR District, as set forth in the Plan, and the overall appearance and function of the area will be significantly adversely affected based on the location and character of the proposed site. Based on the number, size, intensity, style, and scale of the proposed and existing uses in the area, the proposal is not compatible with adjacent residential and other nearby development. Significant adverse impacts on livability and usability of nearby land due to noise, late-night operations, the amount, location, and nature of any outside activities, and privacy and safety concerns.

The City Commission also found that the Applicant failed to meet applicable standards of review and criteria pursuant to LDC Section 4.12(a), because the proposed conditional use would have unreasonable or disproportionately negative impacts upon adjacent or nearby properties. The proposed use of a 104-unit, 50-foot tall lodging tower with first- and sixth-floor bars, the latter which includes outdoor music, a 12-slip "Class A" lodging dock with rental of non-motorized water sports equipment (paddle boards and peddle boats), outdoor mini-golf course, quiet and feature pools, indoor ballroom, fitness center, and restaurant, and included in a separate building, a game room and three-floor garage with second- and third-floor seating areas, does not provide an adequate "transition" area between the higher intensity development along Gulf Boulevard and the single-family residential areas to the east. The Commission found that the proposed conditional use at this location and of this character is inconsistent with the purpose and intent of the BR District, because the proposal failed to provide an adequate "transition" between the higher intensity development along Gulf Boulevard and the single-family residential areas to the east.

(3) Application for density pool allocation (Ordinance No. 2024-08): The City Commission found that the Applicant failed to meet applicable standards and criteria for a density pool allocation under LDC Sec. 4.12.(d), because the proposed allocation of 104 lodging units did not meet the purpose and intent of

the BR District as to scale and impact of the proposal, size and proportion of the density pool request, and the degree to which the project's benefits advance the goals, objectives and/or policies of the BR District. The City Commission also found that the request was inconsistent with the Plan's Future Land Use designation (BR), because the proposed development, among other things, failed to provide an adequate "transition" between higher intensity development along Gulf Boulevard and single-family areas to the east.

Notably, between the Planning Board and the City Commission, not a single vote was cast in favor of *any* of Sungold's multiple requests.

THE CITY'S DENIAL OF THE APPLICATIONS IS REASONABLE AND DOES NOT UNFAIRLY BURDEN THE SUBJECT PROPERTY

Sungold does not specify which of their multiple applications' denial(s) was unreasonable or unfairly burdened their Property, instead taking a "collective" approach – i.e., that the entire project should (or must) have been approved because they presented evidence in support of the project. However, there is no basis in the record for finding that the denial of *any* of Sungold's several applications resulted in an unfair burden on their Property. Sungold received a fair and thorough hearing before the City Commission, with each application given separate, appropriate consideration at the hearing.[2] The Commission made every effort to give Sungold a fair hearing, and gave Sungold's representative every opportunity to present his case. Sungold may disagree with the outcome of the hearing, but they have not articulated any unfairness by the City in the consideration and denial of Sungold's applications. And most importantly for FLUEDRA purposes, they have not articulated any actual, unfair burden on the Property resulting from the denials.

There is also no basis in the record for a finding that the City's decision was unreasonable. Sungold's ambitious commercial project, as proposed, would have required a very large setback reduction; would have allowed greater and more intense commercial activity than anything currently allowed or approved in the vicinity; and would have required a huge allocation and depletion of density units.

Sungold does not provide specific support for their conclusion that the City's denial was unreasonable or unfairly burdened their Property. Their Request recites excerpts of the evidence they provided at the hearing, and argues that this was "competent" evidence that "mandated" approval. However, Sungold does not specify which of the several decisions was unreasonable or unfairly burdened their Property. They seem to argue that they provided competent evidence to support approval of every

[2] The meeting video is available at: https://www.youtube.com/watch?v=sixNKPzIR7E, beginning at approximately 1:10:00, and ending at approximately 3:11:00.

application presented, including a single application for conditional use permit that addressed multiple conditional uses.

In fact, Sungold was actually seeking five separate approvals – a relatively substantial variance, three separate conditional uses, and a request for over 100 units from the City's limited density allocation pool. All five requests were unanimously denied. Sungold does not bother to specify which of the five denials was unreasonable or unfairly burdened their Property, instead arguing that approval of their project is somehow "mandated". Though they claim that the City's decision is "bizarre" (*see* Request p.1) and "tangibly unreasonable" (*see* Request p.15), they provide little more on how or why the denials were unreasonable or how the denials unfairly burden their Property. Further, in determining whether the City action is unreasonable or unfairly burdens the Subject Property, a FLUEDRA Special Magistrate is directed to consider several factors, none of which were addressed by Sungold.

For example, Sections 70.51(18)(a)-(c), Florida Statutes, provide that the Special Magistrate must consider the Subject Property's history, when determining whether a government action is unreasonable or unfairly burdens property. In considering the Property's history, the Special magistrate must consider factors such as when it was purchased, how much was paid, where it is located, the nature of the title, the composition of the property, how it was initially used, what was developed on it and by whom, environmental protection and land use controls, and how and when those were prescribed. §70.51(18)(a)-(c), Fla. Stat.

Sungold's expectations at the time of acquisition of the various parcels assembled into the subject Property could only have been that transient hotel units, uses, and "as of right" densities were more limited in the transitional BR District located across from residential uses; that the Property had a unique configuration; the Property's unique configuration made the Property less valuable; that additional approvals would be required in order to develop the Property as a large-scale commercial development; that these additional approvals were not guaranteed; and that zoning changes were foreseeable during their extensive term of ownership.

Rather than pursuing residential use of the dwelling units, Sungold sought transient hotel primary and accessory uses that fail to provide an adequate transition from hotel and residential condominiums on the west side of Gulf Boulevard and the pre-existing residential uses to the east. Further, rather than designing to the applicable setback dimensions, Sungold instead assembled multiple parcels and sought

to exceed applicable setbacks, enlarging the project's footprint beyond that allowed by code for larger and more transient primary units and accessory uses, again failing to ensure an adequate transition to residential uses to the east. The City Commission stated that this project was not suitable in this location, as it failed to meet the characteristics and purpose of the BR District. The Property has the same uses and restrictions as other similar properties in the area, and Sungold was requesting special entitlement relative to similar properties in the zoning district.

SUMMARY

The City acted properly when it considered and denied Sungold's applications. The record clearly reflects that there was competent substantial evidence to support the City's decision, and Sungold has not shown that the City's decision was unreasonable or unfairly burdened the use of their Property. Therefore, Sungold is not entitled to the requested relief, and we respectfully request the conclusion of the FLUEDRA proceedings.

Respectfully submitted this 2nd day of July, 2025.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the instant RESPONSE TO PETITIONER'S SECTION 70.51, FLA. STAT., REQUEST FOR RELIEF was delivered via email on this 2nd day of July 2025, to Luke Lirot, Esq., whose mailing address is Luke Charles Lirot, P.A., 2240 Belleair Rd., Ste. 190, Clearwater, Florida 33764, at luke2@lirotlaw.com.

Jeff Wright, Attorney at Law
Florida Bar No. 20203