



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

PLANNING DEPARTMENT

5/17/2024

See Attachment "A"

S. Elise Batsel c/o Stearns Weaver Miller
401 E. Jackson St., Suite 2100
Tampa, FL 33602

Re: City Commission Case No: 23033

Address: 5600, 5700, 5750, 0, 5800, 5900, 6000 Gulf Blvd

Parcel Numbers: 06-32-16-00000-230-0300, 06-32-16-00000-230-0200, 01-32-15-00000-110-0600, 01-32-15-00000-110-0610, 01-32-15-18142-000-0000, 01-32-15-18142-000-0001, 01-32-15-00000-110-0500, & 01-32-15-00000-110-0400

At the April 15 and April 23, 2024 hearing of the City of St. Pete Beach City Commission, your request for a Conditional Use Permit (CUP) was **approved with forty (40) conditions**. Please find enclosed Development Order issued in connection with your case.

The next step is to apply for a site plan for Phase I of the development approved under CUP No. 23033.

Section 3.14 of the LDC establishes the appeal process for any person or persons, jointly or severally, aggrieved by any decision of the City Commission and all appeals must be filed within 30 days after issuance of the final development order.

If there are any questions on this case, do not hesitate to contact me at 727-363-9229.

Respectfully,

Brandon Berry
Senior Planner

Cc: City Commission Attorney (*via email*)



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401 E. Jackson St., Suite 2100
Tampa, FL 33602

DEVELOPMENT ORDER Conditional Use Permit Case No: 23033

The City Commission reviewed and conducted a public hearing on an application for a Conditional Use Permit in the above-captioned case on April 15 and April 23, 2024. It was determined that substantial and competent evidence was presented to satisfy the Conditional Use Permit criteria.

Address: 5600, 5700, 5750, 5800, 0 5900, 6000 Gulf Blvd, St. Pete Beach, FL 33706

Parcel Numbers: 06-32-16-00000-230-0300, 06-32-16-00000-230-0200, 01-32-15-00000-110-0600, 01-32-15-00000-110-0610, 01-32-15-18142-000-0000, 01-32-15-18142-000-0001, 01-32-15-00000-110-0500, & 01-32-15-00000-110-0400

Request:

- 1) Permit the construction of a four-phase temporary lodging redevelopment that will include 1,596 total temporary lodging units (63.18 units per buildable acre) of which 629 units are additional above existing, 59,895 sq. ft. of meeting space of which 14,303 sq. ft. is additional above existing, 79,126 sq. ft. of retail and restaurant space of which 42,964 sq. ft. is additional above existing, 31,105 sq. ft. of office space of which 10,486 sq. ft. is additional above existing, and develop new lodging, accessory and amenity structures containing the aforementioned units, accessory spaces and amenities, as well as outdoor amenities and parking garages, that will extend up to 116 feet in height above base flood elevation (BFE) to the roofline and 128 feet in height above BFE when including rooftop amenities or decorative features, that will proceed as follows:

Phase 1 – Construction of a twelve-story guest tower of 116 feet in height above BFE containing 154 temporary lodging units, a six-story parking garage of 46 feet in height above BFE, a two-story beach front restaurant of 17 feet in height above BFE, and outdoor pool and guest amenities, that will increase total site unit count to 1,121 lodging units (44.38 units per buildable acre);

Phase 2 – Construction of an eleven-story guest tower of 116 feet in height above BFE with roof deck amenities extending to 128 feet in height above BFE containing 261 temporary lodging units (240 unit increase after demolition of 21 existing lodging units) along with interior retail/restaurant and office space, a two-story building of 37.7 feet in height above BFE containing meeting space, a one-story building of eight feet in height above BFE containing frontage retail, five- and seven-story parking garages of 34 and 54 feet in height above BFE respectively, and outdoor pool and guest amenities, that will increase total site unit count to 1,361 lodging units (53.88 units per buildable acre);



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Phase 3 – Construction of a twelve-story guest tower of 112.34 feet in height above BFE containing 235 temporary lodging units, a one-story building of eight feet in height above BFE containing frontage retail, a four-story parking garage of 24 feet in height above BFE, and outdoor pool and guest amenities, that will increase total site unit count to 1,596 lodging units (63.18 units per buildable acre).

Phase 4 – Construction of a two-story office and lobby building of 13 feet in height above BFE, and outdoor guest amenities, with no increase in site unit count above Phase 3 (63.18 units per buildable acre).

At completion of buildout, the request above is expected to increase the transient population during peak season by 974 additional guests.

The request above is made pursuant to LDC Sec. 35.3.(b)(1);

- 2) Permit a rooftop dining and drinking amenity on the hotel rooftop of Phase 2 that include the playing of outdoor music (LDC Sec. 35.4.(b)).

IT IS HEREBY ORDERED:

Case Number **23033** is hereby **Approved with Conditions:**

Approval Contingency Condition

- 1) The approval of this request is contingent on the passage of the companion development agreement. Should the companion development agreement be denied, any approval of CUP #23033 through Resolution 2023-27 shall be considered void. Should consideration of the companion development agreement be continued, the applicant may not proceed with any development permission afforded under CUP #23033 or Resolution 2023-27 until such time as the development agreement is approved. The applicant's violation of any term of the companion development agreement is considered a violation of this conditional use permit and renders this conditional use permit subject to re-review by the City Commission at the City Commission's discretion.

Rooftop Dining and Music Conditions

- 2) Approval is granted for rooftop dining and music only on the rooftop of the hotel constructed in phase 2. Any other rooftop dining, drinking, or rooftop playing of music from amplified equipment later established shall require amendment of this conditional use permit. The applicant may establish and operate ground level music areas pursuant to LDC Sec. 39.6.(f), subject to the conditions herein.
- 3) All amplification equipment installed or utilized at any rooftop dining area of the site shall be permanent, and no temporary equipment from visiting musicians shall be used.
- 4) Prior to certificate of occupancy for phase 2, the applicant shall coordinate with staff for up to two rooftop dining area noise tests to be performed. These tests shall involve city staff measuring the sound level increase above ambient, if any, from the side property line abutting 5396 Gulf Blvd, the property frontage, and the public beach, while music is being played through amplifiers or instruments that naturally produce significant low frequency noises such as drums. The applicant shall install decibel limiting software or hardware such that a sound reading with rooftop music playing does not exceed three decibels above a preceding or following ambient reading with



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the music turned off, nor adopted decibel standards in the Code of Ordinances, at the aforementioned locations. Access to the software or hardware shall be limited to a designated manager or other position whose direct contact information shall be made available and maintained with City Code Enforcement staff. The designated employee(s) shall be on duty at all times music is being played from rooftop amplification equipment. In cases where sound pressure changes or other events make it such that sound can be heard from amplification equipment at any of the locations specified above, following a substantiated complaint to the Sheriff's Office or Code Enforcement, or when new outdoor music areas are established, the hotel operator shall make reasonable accommodations to allow for sound tests to be performed and the set decibel level to be reevaluated.

Resort Development: Administrative and Project Review/Construction Requirements

- 5) Prior to phase 1 site plan approval, the applicant shall prepare a Declaration of Unified Site Plan Covenants or alternative document determined by the City Attorney to be sufficient to declare that the entire subject property is regarded as, and declared to be unified under one indivisible building site, also known as a zoning lot for the purposes of development as defined in Division 2, Section 2.1 of the Land Development Code of the City of St. Pete Beach; and, constitutes a single zoning lot for the purposed of development. Those terms ensure that any service, amenity, operational or occupancy-based restriction, Transportation Management Plan strategy, or other element which is essential to this CUP approval, but not individually provided within each developed building or phase on this property, is permanently maintained across the development. This requirement shall apply regardless of subdivision and/or later changes in ownership in some or all portions of the zoning lot for which development is permitted under this approval.
- 6) The positive finding of 1754 Properties and affiliates' demonstrated ability to financially and technically complete the improvements and mitigation necessitated by the development is exclusive within the scope of this approval and is not transferrable by right to another applicant except by authorization of the City Commission. Should fee simple title to the property (with the exception of the Coral Reef condominium property) be transferred during the scope of development requested herein, the City Commission retains the right to request reevaluation via public hearing of the new applicant's capacity to complete proposed improvements pursuant to LDC Sec. 4.4.(a)(6).
- 7) The following commitments made by the applicant to the City as it pertains to impacts to the SeaMark are made conditions of this request:
 - a. A preconstruction assessment of SeaMark will be performed by the applicant;
 - b. The applicant shall utilize electrostatic participators or other effective scrubbers to prevent cooking, smoke and other potentially-irritating smells from being evident to a person of normal senses standing at the property line between the phase 1 restaurant and SeaMark property.
- 8) All construction staging shall take place on the subject property.
- 9) At time of permitting for the phase 1 hotel, the applicant shall supply the city and county emergency managers with an amended Hurricane Closure and Evacuation Plan that adequately details how the hotel will evacuate guests prior to evacuation notice for Zone A residents. This plan may be negotiated if needed to achieve the intent of the city's Comprehensive Plan and Sec. 5.2.2. of the Forward Pinellas Countywide Rules. Within 90 days of certificate of occupancy, or prior to the first day of hurricane season if any new lodging development is proposed to open within 90 days of hurricane season, the applicant shall record a legally-enforceable mandatory evacuation/closure covenant for the subject development, stating that the temporary lodging use will be closed as soon as practicable after a hurricane watch is posted for Pinellas County by the National Hurricane Center. This language shall also be updated in the applicant's existing policy and procedure book. The city may review this criteria at permitting for



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each new phase to ensure that its intent is met for subsequent development, and require subsequent covenants or other documents if necessary.

Resort Development: Operational and Design Requirements

- 10) The rooftop public view terrace proposed for phase 2 shall remain open from sunrise to sunset with limitations placed only with the intent of protecting health, safety and welfare after consultation with the City Manager. The terrace shall be available free of charge for visitors over the life of the development and accessible via at least one direct elevator connection from the ground level that is oriented toward pedestrian pathways and prominent from both a building design and wayfinding signage standpoint. As determined by the City Attorney, covenants or other legal documents necessary to maintain the intent of this space and condition may be required. If required, these documents shall be approved and recorded no later than permit issuance for the hotel proposed under phase 2.
- 11) Upon completion of the phases, all newly-constructed hotel buildings subject to this approval shall be constructed to and contain the amenities associated with a "four diamond"-rated lodging, or better, in the AAA Travel Guide or by a rating agency of similar authority. In the case that such designation cannot be affirmed by the rating agency prior to certificate of occupancy for the subject building(s), the applicant shall submit a signed statement from a professional with experience in hotel quality consultation services, such as the project architect, confirming that the building(s) have been constructed to achieve such ratings, and providing a list of amenities and features of that or those building(s) which will allow for such an achievement referenced to the AAA Travel Guide or equivalent rating system.
- 12) The applicant shall demonstrate compliance with the relevant requirements of LDC Sec. 39.10., 39.11., 39.12., 39.13., and 39.14., which relate to site design and improvements, at time of site plan issuance for each phase. The applicant shall demonstrate compliance with relevant requirements of LDC Sec. 39.7., 39.8., and 39.9., which relate to building design and green building requirements, at time of building permit issuance for each phase. The development shall also comply with relevant provisions of LDC Sec. 39.5. and 39.6., pertaining to lodging operation standards and general operational and aesthetic requirements, at relevant parts of the permitting and operations process. These standards are in addition to other standards imposed within the property's zoning district, parking and coastal construction requirements, and other requirements of the LDC and Comprehensive Plan.
- 13) Site and building plans for all phases shall be substantially similar to the conceptual site and elevation plans submitted for this request. Any increase in overall building height, density, or number of floors, any encroachment into a required setback, any alteration to a buffer that reduces the total vegetation count below the amount permitted without administrative waiver, any reduction in width of the frontage sidewalk, any reduction in the number or width of the pedestrian beach access points, as well as all other items not listed in LDC Sec. 4.10.(a), shall require this request to return to the City Commission for reevaluation. However, this condition excludes any changes explicitly made to any of the aforementioned elements by the City Commission through other conditions during the initial approval for this request.
- 14) The applicant shall prepare renderings that preserve the same isometric orientation as those submitted for the conditional use permit for review at the relevant building permit stage, which shall be made a requirement of permit issuance for the corresponding stage(s). With the exception of the Phase 1 restaurant, these renderings shall be substantially similar to the renderings submitted and reviewed by the City Commission at the approval hearing, and shall reference any changes in building massing, scale, ornamentation, planar offsets, façade materials or colors, or changes in total window or architectural decoration percentages, between the renderings submitted for the CUP and those submitted for the building permit. The rendering shall also accurately depict the species and



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planting height of vegetation planted for phase 1 of the project. Any significant deviations between the CUP and building permit renderings, as determined by the City Manager, shall require the plans to be returned to the City Commission. However, this condition excludes any changes explicitly made to any of the aforementioned elements by the City Commission through other conditions during the initial approval for this request.

- 15) The applicant shall design and offer a resident discount program to residents of the City of St. Pete Beach. The applicant shall recognize a resident as a person with a state-issued driver's license or other proof of residency within the City limits of St. Pete Beach. The applicant shall submit, at time of site plan permitting, the details and discounts to be offered under the program, including any acceptable proof of residency determined.
- 16) All unloading to the Island Grand, Breckenridge, and new phase 1 development shall take place on site by the completion of phase 1-A (parking garage). All unloading to any other development within the subject property shall take place on site by completion of phase 2.
- 17) All deliveries from vehicles exceeding two axles shall take place between the hours of 7:30 AM and 10 PM.
- 18) The applicant shall not make application for or introduce any new long-term beach recreational amenities for use seaward of the CCCL, including but not limited to large inflatable structures, stages, or similar amenities not explicitly permitted in Land Development Code Sec. 6.12, the city's beach ordinance as amended, or other relevant sections of the Code of Ordinances and Land Development Code. This condition shall not be interpreted to prohibit temporary structures allowable for authorized special events or otherwise authorized under the city's codes and ordinances. If the applicant substantially improves any structure or accessory structure currently located seaward of the CCCL, the applicant shall be required to bring the structure into compliance with applicable codes.
- 19) The phase 1 pool and deck area located immediately north of the property line shared with SeaMark Condominium shall close to guests at 9 pm.
- 20) The applicant shall educate and promote to the development's guests the airport shuttle services required by the Comprehensive Plan for large-scale temporary lodging uses.
- 21) Prior to Phase I Tower site plan approval and if the cell tower provider shall complain of diminished service, the applicant shall provide the signed opinion of a licensed engineer with experience in the design of rooftop telecommunications equipment installations, or telecommunications lessee, pertaining to the anticipated signal strength or quality degradation, if any, resulting from the construction of Phase I Tower on telecommunications service within the City of St. Pete Beach. Should the engineer find that strength or service will be significantly degraded, the applicant shall propose construction techniques, the installation of signal extending hardware, or other mitigation demonstrated to generally preserve telecommunications service strength and quality for the City of St. Pete Beach at time of Phase I Tower building permit submittal.

Resort Development: Landscaping Requirements

- 22) The applicant shall submit a conceptual landscaping plan for the entire development during phase 1 site plan permitting, demonstrating compliance with the city's minimum greenspace standards. Deviation from this plan in later phases shall require the applicant to submit an amended plan showing that compliance is maintained. Under no circumstances shall there be an overall reduction in buffer volume, total tree count or landscaping quality standards below that demonstrated in the conceptual CUP landscaping plan.
- 23) At least 50% of trees and palms by count, and groundcovers by square footage, installed on the site and installed by phase shall be Florida-friendly, as referenced in Land Development Code Sec. 22.4, the University of Florida Florida-Friendly Landscaping™ Plant Guide, or reference material of similar authority. At least 50% of the trees in



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required buffer areas shall be Florida native adapted for local Zone 10b conditions, or recommended species found in the Land Development Code. During site plan review the applicant shall demonstrate through the landscaping plan that landscaping has been generally grouped by water consumption habits to reduce the need for excessive irrigation, and employs at least one technique that is assessed to reduce volume or overall need for irrigation, such as utilization of highly drought-resistant tree species or rain barrels. Additionally, the applicant shall work with Dune Savers to address non-native vegetation that may impact dune areas.

- 24) The applicant shall establish and maintain connection to the public reclaimed water system for landscaping irrigation, and such usage shall be metered. The irrigation system shall include pressure-regulated systems and there shall be monitoring devices installed to address leaks from lines and equipment.

Resort Development: Site Improvement Requirements

- 25) All pedestrian crossings of the frontage road shall be raised to promote pedestrian priority, or otherwise constructed in an alternative manner to meet this intent subject to approval by the City Manager.
- 26) With the exception of the at grade crossings as already permitted by FDEP, all other dune crossovers will be elevated structure dune crossing to prevent excessive dune impact.
- 27) The beach walkover installed in phase 1 that functions as a fire truck turnaround shall be permitted by the FDEP. In the instance that the walkover is not approved, the applicant shall accommodate a turnaround landward of the CCCL, which may require relocation of proposed accessory amenities. If applicable, such relocation shall be reviewed as part of the site plan approval process.
- 28) The applicant shall make all nonconforming signage that has not received a variance to remain compliant with the sign ordinance when that sign is located within an active phase of the project. Replacement signage shall be indicated on the signage plan submitted with the relevant site plan.
- 29) The applicant shall install and be responsible for emptying trash cans along the southern, center and northern beach accesses. These cans shall be placed at least every 100 feet.
- 30) All proposed pedestrian pathways, open-air surface parking spaces, and other paved non-structural or non-traffic rated surfaces shall be installed with permeable pavers, asphalt and/or concrete, turf block with interspersed vegetation, or similar except where accessibility, building or fire codes require impermeable surfaces. These areas shall be maintained so the surface continues to provide permeability, and the City may request periodic maintenance updates from the applicant if necessary to ensure the intent of this condition prevails.
- 31) The applicant shall establish an efficient path for guests of hotel 1 to reach the frontage sidewalk. The path shall be of a quality surface material that complements its surroundings.
- 32) The applicant shall demonstrate adequate landscape screening or other garage elements at each phase to ensure that headlights do not shine to the south or east toward residential dwellings. High quality and durable synthetic landscaping shall be used.
- 33) The applicant shall provide at least one dedicated spot for rideshare vehicles, including the city's circulator, within 200 feet of the phase 1 and 3 hotels' primary guest entrances or parking garage entrances, unless a greater distance is approved by staff during site plan permitting. Two spaces shall be provided for the phase 2 hotel subject to the same distancing requirement. The spaces shall be marked prominently to indicate that they are the pickup and drop-off spot for the circulator, and information shall be provided to guests at check-in or via in-room documentation directing them to the spot for circulator access.



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- 34) One canopy tree or equivalent shall be installed for every 200 square feet of separately-landscaped area surrounding any surface parking lot area remaining on the site, by phase.

Resort Development: Energy and Environmental Requirements

- 35) The applicant shall achieve and maintain Florida Green Lodging Program "Three Palms" certification and LEED Silver certification for each new building throughout the life of the development. Demonstration that the certifications are active shall be a requirement for site plan and building permit approval for any subsequent phase of the project. Should either certification program be discontinued during the life of this development, the applicant shall provide for an alternative certification, including a crosswalk table of standards if requested by staff to ensure criteria are of similar integrity.
- 36) The applicant shall achieve at least a 35% water use reduction below federal baseline in plumbing fixtures for each new building. This achievement shall be certified to staff through notation on the building permit and through inclusion of a list of fixtures proposed for installation under each building permit phase, with certification provided prior to CO that the reductions were attained.
- 37) Through the site plan process, the applicant shall demonstrate no net cubic volume or surface area increase of accessory or ornamental water features site-wide. The applicant shall demonstrate a commitment to water reuse and water saving features such as water cycling, water treatment, and landscaping placement regarding outdoor water features at time of site plan permitting.
- 38) For newly constructed buildings, except for areas of the rooftops reserved for use as parking spaces, drive aisles or required to be left open for maintenance purposes, the applicant shall install green roofs or utilize another technique demonstrated to reduce the heat island effect and improve thermal performance (by way of example, the installation of "cool roof materials").

General Conditions

- 39) A violation of any of the above-stated conditions may allow the City Commission to rescind or modify the Conditional Use Permit as it pertains to the request under which the condition is classified. Prior to any modification or rescission, the applicant shall be provided notice of said violation and a reasonable opportunity to cure, not to exceed 90 days.
- 40) The City Commission may review the Conditional Use Permit periodically to determine whether the order is in compliance with the terms and conditions herein.

5/17/2024

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.



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Attachment "A"

Listed property owners for Conditional Use Permit #23033 are as follows:

Address: 5600 Gulf Blvd [Parcel # 06-32-16-00000-230-0300]

5500-5600 Gulf Blvd IG LLC
c/o 1754 Properties LLC
5600 Gulf Blvd
St. Pete Beach, FL 33706

Address: 5700 Gulf Blvd [Parcel # 06-32-16-00000-230-0200]

5700 Gulf Blvd BR LLC
c/o 1754 Properties LLC
5600 Gulf Blvd
St. Pete Beach, FL 33706

Address: 5750 Gulf Blvd [Parcel # 01-32-15-00000-110-0600]

5750 Gulf Blvd CR LLC
c/o 1754 Properties LLC
5600 Gulf Blvd
St. Pete Beach, FL 33706

Address: 0 Gulf Blvd [Parcel # 01-32-15-00000-110-0610]

Reef Resort Condominium Association, Inc.
c/o Hamilton, Theodore J. Esq.
5800 Gulf Blvd
St. Pete Beach, FL 33706-2243

Address: 5800 Gulf Blvd [Parcel #s 01-32-15-18142-000-0000 & 01-32-15-18142-000-0001]

Reef Resort Condominium Association, Inc.
5800 Gulf Blvd
St. Pete Beach, FL 33706-2243



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Address: 5900 Gulf Blvd [Parcel # 01-32-15-00000-110-0500]

5750 Gulf Blvd CR LLC
c/o 1754 Properties LLC
1825 Main St
Weston, FL 33326-3683

Address: 6000 Gulf Blvd [Parcel # 01-32-15-00000-110-0400]

6000 Gulf Blvd SP LLC
c/o 1754 Properties LLC
5600 Gulf Blvd
St. Pete Beach, FL 33706