



# PLANNING AND DEVELOPMENT DEPARTMENT FLS & FLD APPLICATION

**THIS APPLICATION IS REQUIRED FOR ALL LEVEL ONE FLEXIBLE STANDARD DEVELOPMENT (FLS) AND LEVEL TWO FLEXIBLE DEVELOPMENT (FLD) APPLICATIONS. ALL APPLICATIONS MUST BE SUBMITTED ONLINE AT: [epermit.myclearwater.com](http://epermit.myclearwater.com)**

NOTE THAT THE APPLICANT AND/OR AGENT IS REQUIRED TO SUBMIT COMPLETE AND CORRECT INFORMATION AS INCLUDED IN THIS APPLICATION. THIS APPLICATION IS REQUIRED TO BE SUBMITTED IN PERSON OR ONLINE TO THE PLANNING & DEVELOPMENT DEPARTMENT (INCLUDING PLANS AND DOCUMENTS, UPLOADED, PROCESSED AND FINALIZED) BY NOON ON THE SCHEDULED DEADLINE DATE [SUBMITTAL CALENDAR](#). IF THE PROPERTY OWNER IS NOT A NATURAL PERSON, SUCH AS AN ORGANIZATION (COMPANY OR TRUST), THE NAME OF THE PERSON SIGNING ON BEHALF IS REQUIRED. IF THERE IS MORE THAN ONE AGENT OR REPRESENTATIVE, THE NAME OF EACH PERSON NEEDS TO BE PROVIDED. THE APPLICANT, BY FILING THIS APPLICATION, AGREES TO COMPLY WITH ALL APPLICABLE REQUIREMENTS OF THE COMMUNITY DEVELOPMENT CODE. [ADDITIONAL INFORMATION ON SUBMITTAL REQUIREMENTS INCLUDING WORKSHEETS AND HANDOUTS, ETC.](#)

**FIRE DEPARTMENT PRELIMINARY SITE PLAN REVIEW FEE:** \$200 (NOT APPLICABLE FOR DETACHED DWELLING OR DUPLEXES)

**APPLICATION FEES:** \$100 (FLS – ACCESSORY STRUCTURES ASSOCIATED WITH A SINGLE-FAMILY OR DUPLEXES)  
 \$200 (FLS – DETACHED DWELLINGS OR DUPLEXES)  
 \$475 (FLS – ATTACHED DWELLINGS, MIXED-USE, AND NONRESIDENTIAL USES)  
 \$300 (FLD – DETACHED DWELLINGS, DUPLEXES, AND THEIR ACCESSORY STRUCTURES)  
 \$1,205 (FLD – ATTACHED DWELLINGS, MIXED-USE, AND NONRESIDENTIAL USES)

**PROPERTY OWNER (PER DEED):** DECADE PROPERTIES INC.  
**MAILING ADDRESS:** 13555 Bishops Court, Suite 345, Brookfield, WI 53005-6218  
**PHONE NUMBER:** c/o Brian J. Aungst, Jr., Esq., (727) 444-1403  
**EMAIL:** c/o Brian J. Aungst, Jr., Esq., bja@macfar.com

**APPLICANT/PRIMARY CONTACT**  
**NAME:** Brian J. Aungst, Jr., Esq.  
**COMPANY NAME:** Macfarlane, Ferguson & McMullen, P.A.  
**MAILING ADDRESS:** 625 Court Street, Suite 200, Clearwater, FL 33756  
**PHONE NUMBER:** (727) 444-1403  
**EMAIL:** bja@macfar.com

**ADDRESS OF SUBJECT**  
**PROPERTY:** 850 Bayway Boulevard, Clearwater, FL 33767  
**PARCEL NUMBER (S):** 17-29-15-05058-004-0130  
**SITE AREA (SQUARE FEET AND ACRES):** Approx. 0.66-acres; 28,800 sqft.  
**ZONING:** Tourist (T)  
**FUTURE LAND USE:** Resort Facilities High (RFH)  
**DESCRIPTION OF REQUEST:** Amend Condition #16 of the approved Development Order for FLD2021-04011 to allow the number of permitted marina slips to increase to 28 due to the provision of additional parking (18 public use, 10 private hotel use)  
**(MUST INCLUDE USE, REQUESTED FLEXIBILITY, PARKING, HEIGHT, ETC)**



# PLANNING AND DEVELOPMENT DEPARTMENT FLS & FLD APPLICATION

## GENERAL INFORMATION

PROVIDE THE FOLLOWING GENERAL INFORMATION ON THE PROPOSED PROJECT. IF NOT APPLICABLE MARK N/A. THE MAXIMUM PERMITTED OR REQUIRED AMOUNTS ARE LISTED IN THE ZONING DISTRICT IN THE COMMUNITY DEVELOPMENT CODE WHICH IS AVAILABLE ONLINE AT:

[HTTPS://LIBRARY.MUNICODE.COM/FL/CLEARWATER/CODES/COMMUNITY DEVELOPMENT CODE](https://library.municode.com/fl/clearwater/codes/community_development_code)

### DWELLING UNITS:

A DWELLING UNIT IS A BUILDING OR PORTION OF A BUILDING PROVIDING INDEPENDENT LIVING FACILITIES FOR ONE FAMILY INCLUDING THE PROVISION FOR LIVING, SLEEPING, AND COMPLETE KITCHEN FACILITIES.

MAX. PERMITTED: N/A PROPOSED: N/A

### HOTEL ROOMS:

A HOTEL ROOM IS AN INDIVIDUAL ROOM, ROOMS OR SUITE WITHIN AN OVERNIGHT ACCOMMODATIONS USE DESIGNED TO BE OCCUPIED, OR HELD OUT TO BE OCCUPIED AS A SINGLE UNIT FOR TEMPORARY OCCUPANCY.

MAX. PERMITTED: 91 PROPOSED: 60

### PARKING:

LIST PARKING SPACES. PARKING SPACES MUST MEET THE REQUIREMENTS OF THE COMMUNITY DEVELOPMENT CODE (CDC) INCLUDING LOCATION, MATERIALS AND DIMENSIONS. BACK OUT PARKING IS PROHIBITED FOR MOST USES.

REQUIRED: 80 PROPOSED: 84

### FLOOR AREA RATIO (FAR):

DO NOT INCLUDE PARKING GARAGES, CARPORTS, STAIRWELLS AND ELEVATOR SHAFTS. AREA IS FOUND BY MULTIPLYING THE LENGTH TIMES THE WIDTH DIMENSION FOR EACH FLOOR AND SHOULD BE EXPRESSED IN SQUARE FEET. DO NOT INCLUDE PARKING GARAGES, CARPORTS, STAIRWELLS AND ELEVATOR SHAFTS. FAR IS NOT REQUIRED FOR RESIDENTIAL ONLY PROJECTS UNLESS IN US 19 ZONING DISTRICT.

MAX. PERMITTED: N/A PROPOSED: N/A

### IMPERVIOUS SURFACE RATIO (ISR):

ISR MEANS A MEASUREMENT OF INTENSITY OF HARD SURFACED DEVELOPMENT ON A SITE, BASICALLY ANY SURFACE THAT IS NOT GRASS OR LANDSCAPED AREAS ON PRIVATE PROPERTY. AN IMPERVIOUS SURFACE RATIO IS THE RELATIONSHIP BETWEEN THE TOTAL IMPERVIOUS VERSUS THE PERVIOUS AREAS OF THE TOTAL LOT AREA. [LINK TO ADDITIONAL INFORMATION INCLUDING ISR WORKSHEET.](#)

MAX. PERMITTED: 0.95 PROPOSED: 0.83 (23,904sf)  
PLEASE LIST PERCENTAGE % AND SQUARE FEET.



# PLANNING AND DEVELOPMENT DEPARTMENT FLS & FLD APPLICATION

## GENERAL APPLICABILITY CRITERIA

PROVIDE COMPLETE RESPONSES TO EACH OF THE SIX (6) GENERAL APPLICABILITY CRITERIA OF COMMUNITY DEVELOPMENT CODE SECTION 3-914.A.1 THROUGH 6, EXPLAINING HOW, IN DETAIL, THE CRITERIA IS MET. USE ADDITIONAL SHEETS AS NECESSARY:

- 1. THE PROPOSED DEVELOPMENT OF THE LAND WILL BE IN HARMONY WITH THE SCALE, BULK, COVERAGE, DENSITY AND CHARACTER OF ADJACENT PROPERTIES IN WHICH IT IS LOCATED.

Please see attached narrative responses.

- 2. THE PROPOSED DEVELOPMENT WILL NOT HINDER OR DISCOURAGE THE APPROPRIATE DEVELOPMENT AND USE OF ADJACENT LAND AND BUILDINGS OR SIGNIFICANTLY IMPAIR THE VALUE THEREOF.

Please see attached narrative responses.

- 3. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE HEALTH OR SAFETY OR PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD OF THE PROPOSED USE.

Please see attached narrative responses.

- 4. THE PROPOSED DEVELOPMENT IS DESIGNED TO MINIMIZE TRAFFIC CONGESTION.

Please see attached narrative responses.

- 5. THE PROPOSED DEVELOPMENT IS CONSISTENT WITH THE COMMUNITY CHARACTER OF THE IMMEDIATE VICINITY OF THE PARCEL PROPOSED FOR DEVELOPMENT.

Please see attached narrative responses.

- 6. THE DESIGN OF THE PROPOSED DEVELOPMENT MINIMIZES ADVERSE EFFECTS, INCLUDING VISUAL, ACOUSTIC, AND OLFACTORY AND HOURS OF OPERATION IMPACTS, ON ADJACENT PROPERTIES.

Please see attached narrative responses.





PLANNING AND DEVELOPMENT DEPARTMENT
AFFIDAVIT TO AUTHORIZE
AGENT/REPRESENTATIVE

1. Provide names of all property owners on deed – PRINT full names:

Jeffrey Keierleber President of Decade Properties, Inc.

2. That (I am/we are) the owner(s) and record title holder(s) of the following described property:

850 Bayway Boulevard, Clearwater, FL 33767

3. That this property constitutes the property for which a request for (describe request):

Amendment to Development Order for FLD2021-04011 to permit 28 marina slips where 26 are currently allowed

4. That the undersigned (has/have) appointed and (does/do) appoint:

Brian J. Aungst, Jr., Esq. as (his/their) agent(s) to execute any petitions or other documents necessary to affect such petition;

5. That this affidavit has been executed to induce the City of Clearwater, Florida to consider and act on the above described property;

6. That site visits to the property are necessary by City representatives in order to process this application and the owner authorizes City representatives to visit and photograph the property described in this application;

7. That (I/we), the undersigned authority, hereby certify that the foregoing is true and correct.

Handwritten signatures and printed names of Jeffrey Keierleber, as President of Decade Properties, Inc., and Property Owner/Registered Agent of Organization.

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me by means \* physical presence or \* online notarization, this 30th day of December, 2025 by ( ) as ( ) of ( ), who is/are personally known to me or who has/have produced a driver's license as identification.

NOTARY PUBLIC

Signature: Meghan Hamilton

My Commission expires: \_\_\_\_\_



**DECADE PROPERTIES, INC.**  
**850 Bayway Boulevard**  
**Clearwater, FL 33767**

**NARRATIVE—FLEXIBLE DEVELOPMENT APPLICATION**

Applicant is requesting flexible development (FLD) approval to amend Condition #16 of the Development Order permitted under FLD2021-04011 to allow for 28 marina slips (18 public use, 10 private use) where only 26 marina slips (16 public use, 10 private use) are currently approved. Condition #16 states that “*The Developer may increase the number of conveyable marina slips only if the Developer increases the number of parking spaces to meet compliance with the Community Development Code.*” Applicant has increased the number of parking spaces provided to 84 which permits the increase in the number of marina slips to 28 per the Community Development Code.

**GENERAL APPLICABILITY CRITERIA**

- 1. The proposed development of the land will be in harmony with the scale, bulk, coverage, density and character of adjacent properties in which it is located.**
  - a. The proposed boat slips are existing and will meet the City’s dimensional requirements with no variances being requested. The 26-slip marina was found compatible with the adjacent properties under FLD2021-04011 with Condition #16 allowing for an increase in the slips upon provision of increased parking which Applicant is now providing.
  
- 2. The proposed development will not hinder or discourage the appropriate development and use of adjacent land and buildings or significantly impair the value thereof.**
  - a. The 2 additional boat slips in the marina will not hinder or discourage appropriate development of adjacent land, nor will it the slips significantly impair the value thereof. As noted above, Condition #16 was included in the Development Order for FLD2021-04011 to allow for an increase in the boat slips if Applicant increased the parking on the property, which Applicant is now proposing.
  
- 3. The proposed development will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.**
  - a. The additional boat slips are in harmony with the surrounding waterfront neighborhood and will fit harmoniously in the approved 26-slip marina. These 2 boat slips will not have an adverse impact on the health or safety of the surrounding neighborhood.
  
- 4. The proposed development is designed to minimize traffic congestion.**
  - a. The approved marina facility provides 16 public use slips and 10 private use slips for upland development. Approval of the additional 2 slips will be for public use and will positively impact traffic congestion by providing additional means of docking boats to travel to the beach.
  
- 5. The proposed development is consistent with the community character of the immediate vicinity of the parcel proposed for development.**
  - a. The proposed boat slips in the approved marina facility is consistent with neighboring waterfront properties.

**6. The design of the proposed development minimizes adverse effects, including visual, acoustic and olfactory and hours of operation impacts, on adjacent properties.**

- a. The approved marina facilities were designed to minimize potential impacts to the adjacent properties. The proposed additional boat slips will be constructed within the City's dimensional requirements and will not affect adjacent properties or the neighborhood.

**FLEXIBILITY CRITERIA**

Commercial/multi-family docks. Any dock, pier, or wharf, including boatlifts, that is used in connection with a Condo hotel, motel or restaurant where the slips are not rented, leased or sold; or such facilities used in connection with a social or fraternal club or organization and used only by its membership; or such facilities constructed and maintained by the City of Clearwater, Pinellas County or by any state or federal agency; or any multi-use dock with a deck area exceeding 500 square feet which shall be treated as a commercial dock. Commercial/multi-family docks shall only permit as Level Two (flexible development) use, which requires approval by the Community Development Board (CDB). All commercial docks shall be reviewed for compliance with the following criteria.

**a. Use and compatibility.**

- i. **The proposed dock shall be subordinate to and contribute to the comfort, convenience or necessities of the users or the occupants of the principal use of the property.**
- ii. **The proposed dock shall be in harmony with the scale and character of adjacent properties and the neighborhood in general.**
- iii. **The proposed dock shall be compatible with dock patterns in the general vicinity.**

The approved marina will serve both the public and the upland development by providing vessel dockage. The size and scale of the proposed boat slips are compatible with the existing onsite docking structure and docking facilities in the same zoning district.

**b. Impacts on existing water recreation activities. The proposed dock/tie poles or use thereof, shall not adversely impact the health, safety or well being of persons currently using the adjacent waterways for recreational and/or commercial uses. Furthermore, the dock shall not preclude the existing uses of the adjacent waterway. Such uses include but are not limited to non-motorized boats and motorized boats.**

The approved marina will serve both the public and the upland development by providing vessel dockage. The 2 proposed slips will provide additional docking for public users and will not impede on the navigation of the waterway.

**c. Impacts on navigation. The existence and use of the proposed dock shall not have a detrimental effect on the use of adjacent waters for navigation, transportation, recreational or other public conveniences.**

The boat slips will be constructed within the approved marina and will have no additional impacts on the navigation of adjacent waterway. The length, width and size of the proposed boat slips meet the dimensional requirements of the City Code.

**d. Impacts on marine environment.**

- i. **Docks shall be sited to ensure that boat access routes avoid injury to marine grassbeds or other aquatic resources in the surrounding areas.**
- ii. **Docks shall not have an adverse impact upon natural marine habitats, grass flats suitable as nursery feeding grounds for marine life, or established marine soil suitable for**

**producing plant growth of a type useful as nursery or feeding grounds for marine life; manatee sanctuaries; natural reefs and any such artificial reef which has developed an associated flora and fauna which have been determined to be approaching a typical natural assemblage structure in both density and diversity; oyster beds; clam beds; known sea turtle nesting site; commercial or sport fisheries or shell fisheries areas; and habitats desirable as juvenile fish habitat.**

Submerged aquatic vegetation testing was performed for the approved marina and the slips were designed to mitigate impacts to natural marine environment. The proposed addition of 2 slips will not have an adverse impact on the marine environment.

**e. Impacts on water quality.**

- i. All turning basin, access channels, boat mooring areas and any other area associated with a dock shall have adequate circulation and existing water depths to ensure that a minimum of a one foot clearance is provided between the lowest member of a vessel (e.g. skegs, rudder, prop) and the bottom of the waterbody at mean or ordinary low water (-0.95 NGVD datum).**
- ii. The dock shall not effectively cause erosion, extraordinary storm drainage, shoaling of channels, or adversely affect the water quality presently existing in the area or limit progress that is being made toward improvement of water quality in the area in which the dock is proposed to be located.**

The proposed additional boat slips are in an area of adequate water depths suitable to motorized boating and is adjacent to a navigation channel. No additional impacts to water quality are anticipated by this request.

**f. Impacts on natural resources.**

- i. The dock shall not have a material adverse impact upon the conservation of wildlife, marine life, and other natural resources, including beaches and shores, so as to be contrary to the public interest**
- ii. The dock shall not have an adverse impact on vegetated areas; vegetative, terrestrial, or aquatic habitats critical to the support of listed species providing one or more of the requirements to sustain their existence, such as range, nesting or feeding grounds; habitats which display biological or physical attributes which would serve to make them rare within the confines of the city; designated preservation areas such as those identified in the comprehensive land use plan, national wildlife refuges, Florida outstanding waters or other designated preservation areas, and bird sanctuaries.**

The proposed additional boat slips will be within the approved marina which was designed to meet all City dimensional criteria and environmental impact avoidance. No additional impacts to the natural resources are anticipated.

**g. Impacts on wetlands habitat/uplands. The dock shall not have a material adverse affect upon the uplands surrounding.**

The proposed additional boat slips will be within the approved marina which was designed to meet all City dimensional criteria and environmental impact avoidance. No additional impacts to the resources are anticipated.

**h. Dimensional setbacks.**

**i. Setbacks for commercial and/or multi-use docks shall be as follows:**

- (a) If the commercial or multi-use dock is located adjacent to a waterfront property occupied by a detached dwelling or two-unit attached dwelling use [4] and the use of said property conforms to the zoning district, the setback adjacent to the residential property line as extended into the water shall be a minimum of one third of the applicant's waterfront property width measured from the side property lines.**
  - (b) If a commercial or multi-use dock located on non-residentially zoned property is adjacent to any waterfront residentially zoned property, the setback adjacent to the residentially zoned property line as extended into the water shall be a minimum of 20 percent of the applicant's waterfront property width measured from the side property lines.**
  - (c) In all other circumstances, commercial and multi-use docks shall be located so that the setback from any property line as extended into the water shall be a minimum of ten percent of the applicant's waterfront property width measured from the side property lines.**
- ii. Length.** The length of commercial and multi-use docks shall not extend from the mean high-water line or seawall of the applicant's property more than 75 percent of the width of the applicant's property measured at the waterfront property line, up to a maximum of 250 feet. Tie poles may extend beyond the dock provided such poles do not project into the navigable portion of the waterway by more than an additional 50 feet or 25 percent of such waterway, whichever is less, and do not constitute a navigational hazard.
- iii. Width.** The width of commercial and multi-use docking facilities shall not exceed 75 percent of the width of the applicant's property measured at the waterfront property line.

The additional 2 boat slips are within the approved marina which meets the City of Clearwater's dimensional requirements for length, width, and side setbacks. The proposed additional slips will meet all Code requirements for boat slips.

**i. Deviations.** Applications for deviations to the dimensional standards set forth in Section 3-601.C.3.h. may be approved by the Community Development Board through a Level Two (flexible development) approval process based on the following:

- i. A dock of lesser length poses a threat to the marine environment, natural resources, wetlands habitats or water quality; and**
- ii. The proposed dock location needs to be adjusted to minimize impacts relating to criteria set forth in Sections 3-601.C.3.b.—g.; and**
- iii. A literal enforcement of the provisions of this section would result in extreme hardship due to the unique nature of the project and the applicant's property; and**
- iv. The deviation sought to be granted is the minimum deviation that will make possible the reasonable use of the applicant's property. However, where an applicant demonstrates riparian or littoral rights which will affect the location of the dock, the minimum further deviation to provide for exercise of such rights shall be allowed; and**
- v. The granting of the requested deviation will be in harmony with the general intent and purpose of this section and will not be injurious to the area involved or otherwise detrimental or of adverse effect to the public interest and welfare; and**
- vi. No dock shall be allowed to deviate from the length requirements specified in Section 3-601.C.3.h. by more than an additional 50 percent of the allowable length or to project [5] into the navigable portion of the waterway by more than 25 percent of such waterway,**

**whichever length is less, except for those docks located on the east side of Clearwater Harbor adjacent to the mainland, which shall be allowed to deviate up to a maximum length equal to 25 percent of the navigable portion of the waterway.**

Not applicable, Applicant is not requesting any deviation from the Code.

- j. Covered boatlifts. Covered boatlifts are permitted provided a permanent and solid roof deck is constructed with material such as asphalt shingles, metal, tile or wood. Canvas and canvas like roof materials are prohibited. Vertical sidewalls are prohibited on any boatlift or dock.**

Not applicable, no covered boatlifts are proposed as part of this request.

- k. Publicly owned facilities. Roof structures shall be permitted on publicly owned boardwalks, observation platforms, elevated nature trails and other such structures not intended for use as a dock facility, however, vertical walls shall be prohibited.**

Not applicable, roof structures are proposed as part of this request.