

FLD2025-12029
RESPONSES TO DRC COMMENTS

- **ENGINEERING – Prior to CDB (Acknowledge) – General Comments**

- Please acknowledge each condition in your response:
 1. Written Acknowledgement of all Engineering (including Stormwater, Traffic, Utilities and Environmental) conditions/comments is required.
 - **Acknowledged.**
 2. Plans submitted have been reviewed for general engineering criteria only, additional comments (including Stormwater, Traffic, Utilities and Environmental) may be forthcoming upon submittal of a Building Permit Application.
 - **Acknowledged.**

- **ENVIRONMENTAL – Prior to CDB (Acknowledge) – Before issuance of Building Permit**

- A dock/dredge and fill permit may be required prior to conducting any additions. Contact Pinellas County Water and Navigation Authority at (727) 453-3385 for more information. Provide erosion control measures on plan sheet and provide notes detailing erosion control methods. Note: all silt fencing and other erosion control measures will be installed prior to the commencement of site work and maintained throughout the project.
 - **Acknowledged. This is an existing marina with existing docks so no dock/dredge and fill permit will be necessary.**

- **PLANNING – Prior to CBD (Acknowledge) General Comments**

- Please note that additional comments may be generated at or after the Development Review Committee (DRC) meeting based on responses to DRC comments. Substantial redesign or unresolved issues will delay the ability to receive a Development Order and another DRC meeting may be required.

All plans and supporting documents must match. Additionally, any changes to plans, elevations, and other supporting documents must be coordinated for consistency across all documentation to move forward.

Pursuant to Fla. Stat. § 166.033, “Within 120 days after the municipality has deemed the application complete, or 180 days for applications that require final action through a quasijudicial hearing or a public hearing, the municipality must approve, approve with conditions, or deny the application for a development permit or development order. Both parties may agree to a reasonable request for an extension of time, particularly in the event of a force majeure or other extraordinary circumstance.

Revised applications that are not timely resubmitted to address DRC conditions, or for which a request for an extension of time is not received and agreed upon in a timeframe consistent with Florida Statutes, may be denied.

- **Acknowledged.**

- **PLANNING – Prior to CDB: Lobby Area**
 - FLD2021-04011 shows lobby area and maintenance/storage space on the first floor where parking spaces 1-2 and 16-17 are located. Were these areas moved. Sheet A4 shows a small check-in area.
 - **There is no check-in area or maintenance area located on the 1st floor, just parking spaces, stormwater vault, and dumpster enclosure room. The jump lobby and check-in area are on the 2nd floor due to the 1st floor being unoccupiable based on flood requirements.**

- **PLANNING – Prior to CDB (Acknowledge) Planning comments**
 - All planning comments need to be fully addressed prior to development order.
 - **Acknowledged.**

- **PLANNING – Prior to CDB (Acknowledge) Flood Zone**
 - It has been determined that your proposed project is in a flood zone and will be required to be designed accordingly. The city has adopted higher standards which will impact your final building design flood elevations. Please verify the base flood elevation for your property as established on a Flood Insurance Rate Map (FIRM) and confirm if locally determined data from the Pinellas County Sea Level Rise and Storm Surge Vulnerability Assessment was used to establish more restrictive flood elevations. For properties that are affected by multiple flood zones the design should be based on the most stringent base flood elevation (FIRM or County Vulnerability Assessment) that intersects the proposed structure and include the required two (2') feet of additional elevation (i.e. freeboard) to determine your final design flood elevation. Flood related reference material may include, but is not limited to ASCE 24-14, FBC 1612, FBCR 322, the city's Flood Ordinance (i.e. Community Development Code Chapter 51 Flood damage prevention. Please contact our Floodplain Administrator or a Plans Examiner if you have any questions at 727-562-4567.
 - **Acknowledged.**

- **PLANNING – Prior to CDB: Additional Parking**
 - Please detail where the additional parking (four spaces) are provided.
 - **The 4 additional spaces are provided on the ground floor and are marked on the floor plans.**

 - Confirm the following changes from prior FLD approved floor plans to current floor plans: Floor one increased from 26 spaces to 30 spaces. Floors two through four decreased from 14 to 13 spaces. Floor five increased from 12 to 15 spaces.
 - **Confirmed. 3 spaces were relocated from floors 2-4 to the 5th floor and the additional 4 spaces were added to the ground floor.**

- **PLANNING – Prior to CDB: Approved SF**
 - Has the gross sf of the building changed? It looks like the area listed as "future office space" on A7 was shown as open area on the floor plans approved through FLD2021-04011.

- **No, the gross square footage of the building has not changed. Any added use would be accessory to the hotel use and would go through the permitting process in compliance with the Code and City requirements.**

- **STORMWATER – Prior to CDB (Acknowledge): General Condition**

➤ General conditions:

1. DRC review is a prerequisite for Building Permit Review; additional comments will be forthcoming upon submittal of a Building Permit Application.
 - **Acknowledged.**
2. All re-submittals shall be accompanied with a response letter detailing how each condition has been addressed.
 - **Acknowledged.**
3. Permits from other agencies such as SWFWMD and FDEP may be required. Applicant is responsible for obtaining such permits.
 - **Acknowledged.**

- **TRAFFIC ENGINEERING – Prior to CDB – Parking Calcs**

➤ Please provide a parking tabulation table reflecting provided and parking required with calculation rates on the plans.

Provided – G-30, 2-13, 3-13, 4-13, 5-15 – TOTAL = 84

Required – A minimum of 80 parking spaces was required under FLD2021-04011 with 4 excess spaces provided. Per Section 2-803 Marinas and Marina Facilities require parking at a rate of 1/2 slips. The repurposing of 1 excess parking space supports the addition of 2 boat slips for the specified usage. Resulting in a minimum of 81 parking spaces required to support 60-units (1.2/unit) and 18 public slips (1/2 slips) with 10 private slips (no parking requirement) for a total of 28 boat slips and 3 excess parking spaces (based on 84 provided).

- **See tabulation table shown on plans along with the above statement.**



CITY OF CLEARWATER

PLANNING & DEVELOPMENT DEPARTMENT
POST OFFICE BOX 4748, CLEARWATER, FLORIDA 33758-4748
MUNICIPAL SERVICES BUILDING, 100 S. MYRTLE AVENUE
TELEPHONE (727) 562-4567

Brian J. Aungst, Jr., Esq.
Macfarlane Ferguson & McMullen, P.A.
625 Court Street, Suite 200
Clearwater, FL 33756

September 22, 2021

**RE: Development Order - Case FLD2021-04011
850 Bayway Boulevard**

Dear Mr. Aungst:

This letter constitutes a Development Order pursuant to Community Development Code (CDC) Section 4-405. On September 21, 2021, the Community Development Board (CDB) reviewed your request for Flexible Development approval for a proposed 60-room overnight accommodations and a 16-slip Marina and Marina Facility in the Tourist (T) District and Clearwater Pass Character District of *Beach by Design* for the property located at 850 Bayway Boulevard. The project is 80 feet in height (from BFE), includes a minimum of 80 off-street parking spaces and requests allowable flexibility from setbacks and height requirements and includes a Commercial Dock (accessory; 10 slips)/Marina and Marina Facility (non-accessory; 16 slips) Community Development Code Sections 2-803.G, 2-803.K and 3-603.

The CDB **APPROVED** the application with the following Findings of Fact, Conclusions of Law and Conditions of Approval:

Findings of Fact

1. The 0.661-acre site is located on the north side of Bayway Boulevard approximately 500 feet east of Gulf Boulevard;
2. The site is occupied by a 26-unit overnight accommodation;
3. That the subject property is located within the Tourist (T) District and the Resort Facilities High (RFH) Future Land Use Plan category;
4. The subject property is located in the Clearwater Pass District of *Beach by Design*;
5. The subject property is comprised of one parcel with approximately 240 feet of frontage along Bayway Boulevard;
6. The proposal is to construct a new 60-unit hotel;
7. The proposal includes retaining the existing 26-slip dock where a maximum of 16 slips may be used as a marina facility;
8. The proposal includes a minimum of 80 parking spaces where 80 spaces are required;
9. The proposed hotel height is 80 feet;
10. The proposal includes a front (south) setback of 12 feet, side (east and west) setbacks of 10 feet and rear (north) setback of five feet (to building);
11. The approval of application HDA2018-10002 which allocated 27 units from the Reserve occurred on February 7, 2019;

12. That the approved Hotel Development Agreement (HDA2018-10002) includes the following provisions and restrictions:
 - a. The current proposal is consistent with the conceptual site plans and elevations included with the application approved as part of HDA2018-10002 approved February 7, 2019;
 - b. That the servicing, fueling, pumping-out, commercial chartering and/or and dry-storage of boats and boating equipment are prohibited (Agreement Section 6.1.14.1);
 - c. That the number of conveyable marina slips is limited to no more than 16 unless the Developer increases the number or parking spaces to meet compliance with the Community Development Code (Agreement Section 6.1.14.2);
 - d. That any conveyable marina slip for sale and/or lease is only for privately-owned boats rather than commercial vessels for hire (Agreement Section 6.1.14.3);
 - e. That outdoor amplified music at the Project at any time is prohibited (Agreement Section 6.1.10);
 - f. That any indoor or outdoor bar or lounge for the service of alcohol is prohibited and that alcoholic beverage sales shall be limited to incidental sales of beer and wine only (i.e. cooler sales) (Agreement Section 6.1.11);
 - g. That the use of all on-site parking spaces is for the sole use of hotel staff and/or guests and/or patrons of the 16-slip marina facility (Agreement Section 6.1.12);
 - h. That the establishment of any restaurant use located anywhere on the site except for basic food service such as a typical "Continental Breakfast" or the sale of prepackaged food such as sandwiches and snack for hotel guests only is prohibited (Agreement Section 6.1.13); and
13. There are no active Code Compliance cases for the subject property.

Conclusions of Law

1. That the development is consistent with applicable components of the City's Comprehensive Plan;
2. That the development is consistent with the Clearwater Pass District of *Beach by Design*;
3. That the development proposal is consistent with the Design Guidelines of *Beach by Design*;
4. That the development is consistent with the General Purposes of the CDC pursuant to CDC Section 1-103;
5. That the development proposal is consistent with the Standards pursuant to CDC Tables 2-801.1 and 2-803;
6. That the development proposal is consistent with the applicable Flexibility criteria pursuant to CDC Sections 2-803.G and K;
7. That the development proposal is consistent with the General Standards for Level One and Two Approvals pursuant to CDC Section 3-914.A;
8. That the development proposal is consistent with the applicable commercial dock criteria pursuant to CDC Section 3-601;
9. That the development proposal is consistent with the Marina Facility criteria pursuant to CDC Section 3-603; and,
10. That the application is consistent with the requirement for the submittal of substantial competent evidence pursuant to CDC Section 4-206.D.4.

Conditions of Approval:

General/Miscellaneous Conditions

1. That any future freestanding sign(s) be a monument-style sign and that all signs be designed to match the exterior materials and color of the building to the satisfaction of Planning Staff;
2. That all irrigation systems be connected to the City reclaimed water system where available per Clearwater Code of Ordinances, Article IX., Reclaimed Water System, Section 32.376. Reclaimed water lines are available in the Bayway Boulevard right-of-way to the satisfaction of Engineering Staff;
3. That any/all conditions of approval of the Development Agreement (HDA2018-10002, as may be amended) are adopted by reference;
4. That all amenity areas of the hotel including but not limited to the fifth-floor rooftop patio/terrace/pool be for the sole use of hotel occupants;

Timing Conditions - Prior to Issuance of Permit

5. That, prior to the issuance of any permits for construction except for clearing and grubbing, demolition or the provision of fill, adjacent aboveground utilities are shown to be placed underground unless undergrounding is shown to be impracticable pursuant to CDC Section 3-912 to the satisfaction of Planning Staff;
6. That, prior to the issuance of any permits for construction except for clearing and grubbing, demolition or the provision of fill, all applicable requirements of Chapter 31 of the Building Code be met to the satisfaction of Building Staff;
7. That, prior to the issuance of any buildings except for clearing and grubbing, demolition or the provision of fill, a site plan which indicates that where sidewalks cross driveways treatments such as pavers or textured paving are used and that the details of that treatment including but not limited to pattern, type and installation methodology be approved by Engineering Staff;
8. That, prior to the issuance of any permits for construction, except for clearing and grubbing, demolition or the provision of fill, the location and visibility of electric equipment (electric panels, boxes and meters) be reviewed and, if located exterior to the building where visible from any street frontage, be shown to be painted the same color as the portion of the building to which such features are attached to the satisfaction of Planning Staff;
9. That, prior to the issuance of any permits for construction, except for clearing and grubbing, demolition or the provision of fill, the Fire Department may require the provision of a Water Study performed by a Fire Protection Engineer in order to ensure that an adequate water supply is available and to determine if any upgrades are required by the developer due to the impact of the project. The water supply must be able to support the needs of any required fire sprinkler, standpipe and/or fire pump. If a fire pump is required, then the water supply must be able to supply 150 percent of its rated capacity;
10. That, prior to the issuance of any permits for construction, except for clearing and grubbing, demolition or the provision of fill, all sub-standard sidewalks and sidewalk ramps adjacent to or a part of the project shall be shown on plans to be improved to meet the requirement of Local, State and/or Federal standards including A.D.A. requirements (truncated domes per FDOT Index #304) to the satisfaction of Engineering Staff;
11. That prior to the issuance of any permits for construction a Hurricane Evacuation Plan be submitted to and approved by the City;

12. That, prior to the issuance of any permits for construction, except for clearing and grubbing, demolition or the provision of fill, the fit, finish, materials, the installation methodology of the sidewalks and any associated sidewalk amenities (such as bike racks, benches, trash receptacles, trees, lighting), as the case may be, be coordinated with and approved by Engineering Staff;
13. That, prior to the issuance of any building construction permit, excluding demolition and clearing and grubbing, a written narrative is submitted which fully clarifies how each condition of approval is met with any applicable permit submittal subject to any applicable timing requirement to the satisfaction of City Staff;
14. That, prior to the issuance of any building construction permit, excluding demolition and clearing and grubbing, a manatee protection plan will be submitted for review and approved by Engineering Staff;
15. That, prior to the issuance of any permits for construction except for clearing and grubbing, demolition or the provision of fill, all Open Space Recreation Impact Fees shall be paid;
16. That, prior to the granting of approval by the City of Clearwater of any permits for Pinellas County Water and Navigation as may be required to remove the two slips as noted in this report and in the applicant's submittal, and prior to the issuance of any permits by the City of Clearwater, except for clearing and grubbing, demolition or the provision of fill, deed restrictions and evidence of the recording of such with the Clerk of the Court or as otherwise required by Staff, is submitted to Planning Staff as consistent with Sections 6.1.14.1 through 6.1.14.3 of the Hotel Development Agreement approved as part of HDA2018-10002, as may be amended:
 - a. 6.1.14.1 The Developer agrees that activities such as servicing, fueling, pumping-out, commercial chartering and/or and dry-storage of boats and boating equipment is strictly prohibited.
 - b. 6.1.14.2 The Developer agrees that the number of conveyable marina slips shall be limited to no more than 16. The City acknowledges that there are 10 additional marina slips for the sole use of the hotel. The Developer may increase the number of conveyable marina slips only if the Developer increases the number or parking spaces to meet compliance with the Community Development Code.
 - c. 6.1.14.3 The Developer agrees that any conveyable marina slips shall be limited to sale and/or lease to privately-owned boats rather than commercial vessels for hire.
17. That, prior to the issuance of any building construction permit, excluding demolition and clearing and grubbing, deed restrictions and evidence of the recording of such with the Clerk of the Court or as otherwise required by Staff, is submitted to Planning Staff as consistent with Sections 6.1.10, 6.1.11, 6.1.12 and 6.1.13 of the Hotel Development Agreement approved as part of HDA2018-10002 as may be amended:
 - a. 6.1.10 Limitation on Amplified Music. Developer agrees that there shall be no outdoor amplified music at the Project at any time.
 - b. 6.1.11 Limitation on Bar Service. The Developer agrees that there shall be no indoor or outdoor bar or lounge for the service of alcohol. Alcoholic beverage sales shall be limited to incidental sales of beer and wine only (i.e. cooler sales).
 - c. 6.1.12 Availability of Parking Spaces. The Developer agrees that none of the on-site parking spaces will be available for sale or lease to the general public and that all parking spaces on the site will be for the sole use of hotel staff and/or guests and/or patrons of the 16-slip marina facility.

- d. 6.1.13 Limitation on Restaurant Service. The Developer agrees that there shall be no restaurant use located anywhere on the site at any time with the exception of basic food service such as a typical "Continental Breakfast" or the sale of prepackaged food such as sandwiches and snack for hotel guests only.

Timing Conditions - Prior to Issuance of Certificate of Occupancy

18. That, prior to the issuance of a Certificate of Occupancy, the sidewalks and any associated sidewalk amenities be installed to the satisfaction of Engineering Staff along any street frontages; and
19. That, prior to the issuance of any Certificate of Occupancy, all service lines onto the property and overhead utilities adjacent to the site shall be installed underground unless undergrounding is shown to be impracticable pursuant to CDC Section 3-912 to the satisfaction of Planning Staff.

Pursuant to CDC Section 4-407, an application for a building permit or other approvals shall be made within one year of the date of Flexible Development approval (by September 21, 2022). All required certificates of occupancy shall be obtained within two years of the date of issuance of the initial building permit. The building permit must be obtained within six months of the initial permit application. This timeframe to obtain the initial building permit may be extended for an additional six months for cause by the Community Development Coordinator. Time frames do not change with successive owners. The Community Development Coordinator may grant an extension of time for the Flexible Development approval for a period not to exceed one year and only within the original period of validity.

The issuance of this Development Order does not relieve you of the necessity to obtain any building permits or pay any impact fees that may be required. In order to facilitate the issuance of any permit or license affected by this approval, please bring a copy of this letter with you when applying for any permits or licenses that require this prior development approval.

Additionally, an appeal of a Level Two approval (Flexible Development) may be initiated pursuant to CDC Section 4-502.B by the applicant or by any person granted party status within 14 days of the date of the CDB meeting. The filing of an application/notice of appeal shall stay the effect of the decision pending the final determination of the case.

If you have any questions, please do not hesitate to call Mark T. Parry, AICP, Senior Planner, at 727-562-4741 or via email at mark.parry@myclearwater.com.

Sincerely,



Gina L. Clayton

Planning and Development Director

FLD2025-12029
RESPONSES TO LETTER OF INCOMPLETENESS

Applicant's responses to the comments in the Letter of Incompleteness for FLD2025-12029 dated January 2, 2026 are below in [blue](#).

1. Revise the "description of request" on page one of the application to include the specific code section pertaining to the flexibility specific criteria you must meet.
 - **This is not a flexibility request, it is a request to modify Condition #16 of the attached Development Order as contemplated in the Development Agreement, the Development Order, and the Deed Restrictions. The 28 slips are existing and have operated for many decades. We have been able to increase the parking for the marina use as agreed in the Development Agreement, Development Order, and Deed Restrictions and are simply seeking an amendment to the Development Order to acknowledge the use of the 28 total slips as opposed to shutting two of the existing slips.**

2. Provide a parking and traffic impact narrative that outlines the additional parking provided and any anticipated changes to previously approved parking layout and circulation. Ensure all 84 parking spaces are shown on the provided plans.
 - **See attached. The parking plan has not changed as we were able to fit the additional necessary parking spaces into the approved plan with no changes to the layout or circulation. This plan has already been permitted and the parking spaces and requested dock slips are existing.**

3. Provide dock plans and indicate which two slips are the subject of the application.
 - **A site plan showing the docks was provided as an attachment titled "*Marina Slips_850 Bayway_12.30.2025 (1)*". These plans differ from the approved Development Order by showing slips labeled as #26 and #27 as active whereas in the Development Order they were crossed out.**

4. Provide dock sections.
 - **This is a very old marina that has been operating with 28 slips for more than 40 years so we do not have specific dock plans.**

5. Provide a Utility Plan if the dock includes boat lifts and/or electrical components.
 - **The utilities are already in place for 28 slips as it is an existing 28-slip marina. 2 slips currently have boat lifts in them (see labeled as #26 and #27 on the attachment titled "*Marina Slips_850 Bayway_12.30.2025 (1)*") which we were going to close down but with the additional parking can re-open following approval per Condition #16 of the Development Order.**