



## PLANNING & DEVELOPMENT DEPARTMENT TRANSFER OF DEVELOPMENT RIGHTS

IT IS INCUMBENT UPON THE APPLICANT TO SUBMIT COMPLETE AND CORRECT INFORMATION. ANY MISLEADING, DECEPTIVE, INCOMPLETE OR INCORRECT INFORMATION MAY INVALIDATE YOUR APPLICATION.

ALL APPLICATIONS ARE TO BE FILLED OUT COMPLETELY AND CORRECTLY, AND SUBMITTED IN PERSON (NO FAX OR DELIVERIES) TO THE PLANNING & DEVELOPMENT DEPARTMENT BY NOON ON THE SCHEDULED DEADLINE DATE.

A TOTAL OF 11 COMPLETE SETS OF PLANS AND APPLICATION MATERIALS (1 ORIGINAL AND 10 COPIES) AS REQUIRED WITHIN ARE TO BE SUBMITTED FOR REVIEW BY THE DEVELOPMENT REVIEW COMMITTEE. SUBSEQUENT SUBMITTAL FOR THE COMMUNITY DEVELOPMENT BOARD WILL REQUIRE 15 COMPLETE SETS OF PLANS AND APPLICATION MATERIALS (1 ORIGINAL AND 14 COPIES). PLANS AND APPLICATIONS ARE REQUIRED TO BE COLLATED, STAPLED AND FOLDED INTO SETS.

THE APPLICANT, BY FILING THIS APPLICATION, AGREES TO COMPLY WITH ALL APPLICABLE REQUIREMENTS OF THE COMMUNITY DEVELOPMENT CODE.

AGENT OR REPRESENTATIVE: Brian J. Aungst, Jr.

MAILING ADDRESS: 625 Court Street, Suite 200, Clearwater, FL 33756

PHONE NUMBER: (727) 441-8966

EMAIL: bj@macfar.com

### SITE FROM WHICH THE DENSITY WILL BE TRANSFERRED (SENDER SITE)

PROPERTY OWNER (PER DEED): Mannion Brothers, LLC

MAILING ADDRESS: c/o Brian J. Aungst, Jr. - 625 Court Street, Suite 200, Clearwater, FL 33756

PHONE NUMBER: c/o Brian J. Aungst, Jr. - (727) 441-8966

EMAIL: c/o Brian J. Aungst, Jr. - bj@macfar.com

ADDRESS OF SUBJECT PROPERTY: 887 S Gulfview Boulevard, Clearwater, FL 33767

PARCEL NUMBER(S): 17-29-15-05076-001-0023

LEGAL DESCRIPTION: See Exhibit "A" attached hereto

SIZE OF PROPERTY: ~13,000 sq. ft.

0.30 acres

CURRENT USE OF PROPERTY: Single-family home

(0.22 acres zoned HDR)

*(Amount of Overnight Accommodation units, Dwelling Units, Commercial Floor Area, Vacant)*

HOW MANY DEVELOPMENT RIGHTS ARE ALLOCATED TO THIS SITE?

4 (6 total, 2 have been transferred)

HOW MANY DEVELOPMENT RIGHTS ARE PROPOSED TO BE TRANSFERRED?

3

HAVE DEVELOPMENT RIGHTS PREVIOUSLY BEEN TRANSFERRED TO OR FROM THIS SITE?

2

**SITE TO WHICH THE DENSITY WILL BE TRANSFERRED (RECEIVING SITE)**

PROPERTY OWNER (PER DEED): Decade Gulfcoast Hotel Partners Limited Partnership & JK Gulfview LLC

MAILING ADDRESS: 13555 Bishops Court, Suite 345, Brookfield, WI 53005

PHONE NUMBER: c/o Brian J. Aungst, Jr. - (727) 441-8966

EMAIL: c/o Brian J. Aungst, Jr. - bja@macfar.com

ADDRESS OF SUBJECT PROPERTY: 521 S Gulfview Boulevard, Clearwater, FL 33767 (Holiday Inn)

PARCEL NUMBER: 17-29-15-00000-220-0200

LEGAL DESCRIPTION: See Exhibit "A" attached hereto

SIZE OF PROPERTY: ~170,242.71 sq. ft. ~3.908 acres

CURRENT USE OF PROPERTY: 389 overnight accommodation units allocated between 2 hotels  
(Amount of Overnight Accommodation units, Dwelling Units, Commercial Floor Area, Vacant)

HOW MANY DEVELOPMENT RIGHTS ARE ALLOCATED TO THIS SITE? 389 overnight accommodation units

HOW MANY DEVELOPMENT RIGHTS ARE PROPOSED TO BE TRANSFERRED? 3 attached dwelling units

HAVE DEVELOPMENT RIGHTS PREVIOUSLY BEEN TRANSFERRED TO OR FROM THIS SITE? Yes

IF YES, THEN HOW MANY DEVELOPMENT RIGHTS HAVE BEEN TRANSFERRED? 15 attached dwelling units

**STATE OF FLORIDA, COUNTY OF PINELLAS**

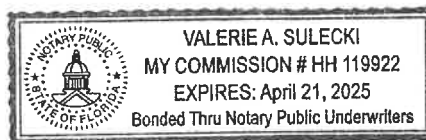
I, the undersigned, acknowledge that all representations made in this application are true and accurate to the best of my knowledge and authorize City representatives to visit and photograph the property described in this application.

  
Signature of property owner

Sworn to and subscribed before me this 28<sup>th</sup> day of March, 2025, to me and/or by Robert M. Mammion, who is personally known has produced FL Drivers License as identification.

  
Notary public,

My commission expires: 4/21/2025





## **PLANNING & DEVELOPMENT DEPARTMENT TRANSFER OF DEVELOPMENT RIGHTS**

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**IN ADDITION TO THE COMPLETED TRANSFER OF DEVELOPMENT RIGHTS APPLICATION, ALL APPLICATIONS SHALL INCLUDE THE FOLLOWING INFORMATION AND/OR DOCUMENTS:**

- ☐ Signed and sealed survey for both the sender and the receiver sites with the square footage or acreage of each site.
- ☐ Copy of the warranty deed of ownership or contract to purchase the receiver site.
- ☐ Statement that the deed of transfer will be recorded prior to the issuance of a building permit.
- ☐ Statement that the development rights reflected in the instrument of conveyance have not previously been conveyed to another person or entity.
- ☐ Statement that the development rights have not previously been used or exercised by another person or entity.

**Holiday Inn & Suites Clearwater Beach**  
**521 S Gulfview Boulevard, Clearwater, FL 33767**  
**Request for Flexible Development for the use of Transferred Density**

REQUEST: This request is for the approval of the use of three (3) attached dwelling units which are contracted to be transferred to the Holiday Inn & Suites (the “Receiver Site”) upon approval of this application (3 attached dwelling units equates to 5 overnight accommodation units based upon 30 residential units/acre versus 50 overnight accommodation units/acre). The Holiday Inn & Suites opened back in 1972 and has a number of oversized hotel rooms which the owner desires to split into 2 hotel rooms, resulting in an increase of density of 5 overnight accommodation units. Prior to issuance of a permit, the applicant will identify the rooms located in the Holiday Inn which will be split into 2 separate hotel rooms. The property has received 30 density units from the Resort Development Hotel Density Reserve and 45 overnight accommodation units pursuant to FLD2024-0818.

The Receiver Site currently has 389 overnight accommodation units on the property which requires a total of 467 parking spaces. An increase of 5 overnight accommodation units requires an additional 6 parking spaces. Using the current Code requirement of 1.0 – 1.2 parking spaces per hotel room, there is sufficient parking on the property to accommodate these 5 units (118 spaces where 6 are required). The Receiver Site utilizes valet-only parking (excepting the first floor of the parking garage because it is the entrance to the hotel which has a jump lobby) in order to maximize the number of parking spaces located on the property. All parking on the first floor is Code compliant with 19ft x 8ft parking spaces (as compared to the 16ft x 8ft valet spaces) and the garage includes a traffic arm so that only valet parkers can access the 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> floors for parking. Utilizing valet parking and an inventory of currently available spaces shows that the project includes a total of 585 parking spaces (which includes the 12 required handicap spaces, one of which is specifically designed for paraplegic drivers), which is a significant excess of 112 parking spaces available. As a note, the applicant intends to allow the public to use the parking garage and excess parking on site for the near future. The traffic calculations which were provided for FLD2024-0818 are also provided with this application to show that the estimated trip ends are far below the threshold required for a full traffic analysis.

The additional density is being transferred to the Receiver Site from 887 S Gulfview Boulevard, Clearwater, FL 33767 (the “Sending Site”). Density has previously been transferred from the Sending Site in the amount of two (2) attached dwelling units (equal to 3 overnight accommodation units) via TDR2021-08005. This is the only density which has previously been transferred from the Sending Site. Based upon previous correspondence with City staff regarding the density units located at the Sender Site, there is a potential of three (3) attached dwelling units (equal to 5 overnight accommodation units) available to transfer from the Sending Site.

The Receiver Site is in the process of adding a 25ft x 40ft mural on one of the exterior walls of the Edge Hotel (located on the same parcel as the Holiday Inn & Suites) adjacent to the neighboring

condominiums in an effort to beautify the site. As noted in the approved FLD2024-0818, the mural is being painted because the Receiver Site is some of the most heavily landscaped hotels (including the Edge Hotel) on Clearwater Beach and there is no room for additional landscaping on the property.

Section 4-1402 of the Clearwater Community Development Code (the “Code”) provides that units are freely transferrable but that the use of the units must be approved by the Community Development Board as a Level Two approval in accordance with the criteria outlined in section 4-1403. This criteria is met for this transfer as follows:

A. –

1. The development of the parcel proposed for development will not reduce the fair market value of abutting properties.
  - The use of the density on the Receiver Site will not reduce the fair market value of abutting properties as there are existing hotels which will not be altered significantly through the addition of this density. There are sufficient amenities and parking to include these five (5) overnight accommodation units in the pool of hotel rooms rented on the property.
2. The uses within the project are otherwise permitted in the City of Clearwater.
  - Overnight accommodations is a permitted use in the City and on the Receiver Site.
3. The uses or mix of uses within the project are compatible with adjacent land uses.
  - Overnight accommodations and the existing hotels are compatible with the adjacent hotels and condominiums.
4. The development of the parcel proposed for development will upgrade the immediate vicinity of the parcel proposed for development.
  - The increase in density on this parcel will not be visible to other properties, however, the prior development of this property into 2 resort hotels on Clearwater Beach has already significantly upgraded the immediate vicinity. The incorporation of these units will not modify the exterior or interior of the Receiver Site absent the addition of accessible doors from the hallway in which these rooms are located.
5. The design of the proposed project creates a form and function which enhances the community character of the immediate vicinity of the parcel proposed for development and the City of Clearwater as a whole.
  - The use of the units will not modify the form and function of the exterior design of the Receiver Site—rather, it will create the ability to better utilize existing rooms and maximize the rental possibility for these rooms.

- B. The use of transferable development rights shall not authorize uses not otherwise permitted in the City.
- The transferred development rights are being utilized in conjunction with existing hotels which are a permitted use within the City.
- C. The use of transferable development rights may be authorized to increase the permitted height of a building up to one and one-half times the maximum height otherwise permitted, provided that:
1. The sending site and the receiving site must be located within the City; and
  2. No building which exceeds 100 feet in height shall be located within 100 feet of any other building which exceeds 100 feet in height. No more than two buildings which exceed 100 feet in height shall be located within 500 feet of any building which exceeds 100 feet in height; and
  3. Appropriate view corridors are incorporated in the design of the parcel proposed for development and all design standards in Article 3, Division 5 are otherwise satisfied; and
  4. There shall be a reasonable relationship between the number of units transferred and any increases in building height. Compatibility with the surrounding area and feasibility of the project shall be considered when approving any increase in height.
- There is no request to increase the height of the existing building.
- D. No development right may be transferred to or from any parcel designated as Low Density Residential or Low Medium Density Residential in the Zoning Atlas Density averaging is permitted within residential use categories depicted on the future land use plan. The entire area under consideration must be considered as one project and the total dwelling unit count shall not exceed what is otherwise allowed under the future land use plan for the total area under consideration.
- The units are transferred from High Density Residential zoned property to Tourist zoned property—all located within the City's Beach by Design redevelopment area.
- E. The use of transferable development rights shall be consistent with the following:
1. Development rights transferred for the protection of environmental, open space, archaeological, historical or architecturally significant sites located on the mainland may be transferred to any parcel of land which is located on the mainland.
  - The transfer of rights is on the barrier island.
  2. Development rights transferred for the protection of environmental, open space, archaeological, historical or architecturally significant sites located on the barrier islands (any land west of the Memorial Causeway) may be transferred to any parcel of land located on the barrier islands.

- The transfer of rights is on the barrier island but not on an environmentally protected area.
- 3. Development rights transferred within a Community Redevelopment District, Central Business District, or other designated redevelopment area governed by an approved redevelopment or special area plan, may be transferred only to property located within the same designated redevelopment area.
  - The Sending Site and the Receiver Site are located within the City's Beach by Design redevelopment area.
- 4. There shall be no transfers of density/intensity from outside the coastal storm area into the coastal storm area.
  - The Sending Site and Receiver Site are not located in different storm areas.
- F. Development rights may be converted from one use to another on the basis of trip generation rates established by the most recent edition of the Institute of Transportation Engineers Trip Generation Manual.
  - The rights proposed to be transferred are residential units which are converted to hotel units pursuant to the Code's conversion ratio of 3 residential units:5 hotel units.
- G. An affidavit of ownership shall be filed with the Community Development Coordinator at least 30 days prior to the submission of an application for redevelopment approval that involves the use of a transferred development right.
  - The units are currently under contract pending approval of this Level Two application for the use of the units at which point, the Receiver Site will close on the purchase of the units. A condition to closing is the required affidavit, lender consents, etc., to meet the criteria in the Code for the closing of the units. Pursuant to Section 4-1403(G), an affidavit from the Sending Site will be provided to the City as currently, the applicant is the contract purchaser.
  - Specifically, (i) the Deeds of Transfer will be recorded prior to the issuance of a building permit; (ii) the development rights reflected in the deeds have not previously been conveyed to another person or entity; and (iii) the rights have not been used or exercised by another person or entity.
- H. The community development coordinator shall keep a record of such transfers and report them annually to the city commission and Pinellas Planning Council.
  - Upon recording of the transferred deeds, a copy will be provided to the City for its transfer log.





### **Flexible Development Approval for Use of Transferred Density Units**

The Applicant's request for approval of the use of units is consistent with the Code and Beach by Design. The Holiday Inn & Suites was opened in 1972 and has operated since opening. The garage located on the property is shared with the Edge Hotel and includes 585 parking spaces, 118 in excess of the required number of parking spaces. An increase of five (5) overnight accommodation units requires an additional 6 parking spaces. Using the current Code of 1.0 – 1.2 parking spaces per hotel room, there is sufficient parking on the property to accommodate these 5 units (118 spaces where 6 are required).

#### **Section 3-914—General standards for Level One and Level Two approvals.**

A. Level One applications, in order to be approved by the community development coordinator, and Level Two applications, in order to be approved by the community development board, shall meet each and every one of the following 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.
  - The use of the additional overnight accommodation units is in harmony with the scale, bulk, coverage, density and character of adjacent properties in which it is located as there is no change to the external property.
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.
  - The use of units will not hinder or discourage the development or use of adjacent land and buildings. Rather, it is incorporated into an existing property. There are ample parking spaces based on the publicly accessible parking which already create traffic to and from the Property so there is no impact here.
3. The proposed development will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.
  - There is no proposed impact to the neighborhood based on the existing use at a high density.
4. The proposed development is designed to minimize traffic congestion.
  - The proposed use of these units cluster them on S Gulfview Boulevard instead of the lesser traveled Brightwater Drive, thereby ensuring a traffic pattern that is similar to what exists today.
5. The proposed development is consistent with the community character of the immediate vicinity of the parcel proposed for development.

- The proposed use of units allows for the intensification of hotel rooms at a site which already has hotels located thereon and adds tourists to the Beach which is where the City has focused this use.
- 6. The design of the proposed development minimizes adverse effects, including visual, acoustic and olfactory and hours of operation impacts, on adjacent properties.
  - There is no proposed impact to the use of these units interior to the hotel. A draft floorplan is included which shows the floors and opportunities for use of these units. Upon approval,, the applicant will work with the architect to finalize these internal plans.
- B. In the event of an express conflict between a particular flexibility criterion and a provision of Article 3, the flexibility criterion shall govern unless the context clearly implies that the Article 3 provision should control.
  - ACKNOWLEDGED.
- C. The use of low impact development techniques for stormwater management, such as minimal land disturbance, the preservation of native vegetation, and the minimization of impervious cover, shall be required unless determined infeasible by the Engineering Department.
  - ACKNOWLEDGED.

#### Section 2-802(N)

1. With the exception of those properties located on Clearwater Beach, the parcel proposed for development shall front on but shall not involve direct access to a major arterial street unless no other means of access would be possible;
  - This parcel is located on Clearwater Beach and has previously been found to be consistent with Beach by Design.
2. *Height:* The increased height results in an improved site plan and/or improved design and appearance;
  - This parcel is located on Clearwater Beach and has previously been found to be consistent with Beach by Design.
  - No change to the height is proposed.
3. *Signs:* No sign of any kind is designed or located so that any portion of the sign is more than six feet above the finished grade of the front lot line of the parcel proposed for development unless such signage is a part of an approved Comprehensive Sign Program;
  - ACKNOWLEDGED.
4. *Front Setback:*

- a. The reduced setback shall contribute to a more active and dynamic street life;
  - No changes to setbacks are proposed.
- b. The reduced setback shall result in an improved site plan through the provision of a more efficient off-street parking area, and/or improved building design and appearance; and
  - No changes to setbacks are proposed.
- c. The reduced setback will not result in a loss of landscaped area, as those areas being diminished by the setback reduction will be accommodated for in other areas through a Comprehensive Landscape Plan.
  - No changes to setbacks are proposed. However, the applicant is in the process of adding a 25ft x 40ft mural on one of the exterior walls on the site adjacent to the neighboring condominiums in an effort to beautify the site as approved in FLD2024-0818.

5. *Side and rear setbacks:*

- a. The reduced setback does not prevent access to the rear of any building by emergency vehicles and/or personnel;
  - No changes to setbacks are proposed.
- b. The reduced setback results in an improved site plan through the provision of a more efficient off-street parking area, and/or improved building design and appearance; and
  - No changes to setbacks are proposed.
- c. The reduced setback will not result in a loss of landscaped area, as those areas being diminished by the setback reduction will be compensated for in other areas through a Comprehensive Landscape Plan.
  - No changes to setbacks are proposed. However, the applicant is in the process of adding a 25ft x 40ft mural on one of the exterior walls on the site adjacent to the neighboring condominiums in an effort to beautify the site as approved in FLD2024-0818.

- 6. The design of all buildings shall comply with the Tourist District site and architectural design guidelines in Section 3-501, as applicable;
  - This parcel is located on Clearwater Beach and has previously been found to be consistent with Beach by Design.
  - No changes to the design are proposed that will impact the architectural design.
- 7. *Lot width:* The reduced lot width shall not result in a building which is out of scale with existing buildings in the immediate vicinity; and

- This parcel is located on Clearwater Beach and has previously been found to be consistent with Beach by Design.
  - No changes to the exterior are proposed except for the addition of a mural to one of the exterior walls of the Edge Hotel.
8. The parcel proposed for development shall, if located within the Coastal Storm Area, have a hurricane evacuation plan requiring the use close when a hurricane watch is posted; and
- ACKNOWLEDGED.
9. A development agreement must be approved by the city council pursuant to F.S. §§ 163.3221—163.3243 and Community Development Code Section 4-606 if the development proposal exceeds the base density and/or base F.A.R. established for the underlying Future Land Use designation. The development agreement shall:
- a. Comply with all applicable requirements of the "Rules Concerning the Administration of the Countywide Future Land Use Plan" as they pertain to alternative density/intensity, and as amended from time to time;
  - b. Be recorded with the clerk of the circuit court pursuant to F.S. § 163.3239, with a copy filed with the property appraiser's office, and a copy submitted to the PPC and CPA for receipt and filing within 14 days after recording; and
  - c. Have its development limitations memorialized in a deed restriction, which shall be recorded in the Official Records of Pinellas County prior to the issuance of any building permit for the overnight accommodations use.
- The City has previously used a development agreement to establish the density and intensity of the site.
10. *Accessory uses:*
- a. Accessory uses must be incidental, subordinate, and customarily accessory to overnight accommodations;
  - This parcel is located on Clearwater Beach and has previously been found to be consistent with Beach by Design.
  - b. The maximum floor area for accessory uses located within the building interior shall be limited to 15 percent of the gross floor area of the development;
  - This parcel is located on Clearwater Beach and has previously been found to be consistent with Beach by Design.
  - c. Signage for any accessory use shall be subordinate to and incorporated into the primary freestanding signage for the overnight accommodation use. In no case shall more than 25 percent of the sign area be dedicated to the accessory uses;
  - This parcel is located on Clearwater Beach and has previously been found to be consistent with Beach by Design.

- d. Those developments that have obtained additional density from the Destination Resort Density Pool established in Beach by Design are not subject to the requirements set forth in Sections 2-802.K.10.a—c;
  - This parcel is located on Clearwater Beach and has previously been found to be consistent with Beach by Design.
  
- e. Overnight accommodations with fewer than 50 rooms that have a full service restaurant shall comply with the parking standards for the restaurant use as contained in Table 2-802. The lowest number of spaces allowed shall be used to calculate the additional amount of off-street parking required for the project.
  - This parcel is located on Clearwater Beach and has previously been found to be consistent with Beach by Design.