

City of Clearwater

*Main Library - Council Chambers
100 N. Osceola Avenue
Clearwater, FL 33755*



Meeting Minutes

Thursday, July 16, 2026

6:00 PM

Main Library - Council Chambers

City Council

Roll Call

Present: 5 - Mayor Bruce Rector, Vice Mayor Ryan Cotton, Councilmember David Allbritton, Councilmember Lina Teixeira and Councilmember Michael Mannino

Also Present: Jennifer Poirrier – City Manager, Daniel Slaughter – Assistant City Manager, Al Battle – Assistant City Manager, Owen Kohler – Interim City Attorney, Rosemarie Call – City Clerk, and Nicole Sprague – Deputy City Clerk.

To provide continuity for research, items are listed in agenda order although not necessarily discussed in that order.

Unapproved

1. Call to Order – Mayor Rector

The meeting was called to order at 6:00 p.m.

2. Invocation

3. Pledge of Allegiance

4. Approval of Minutes

- 4.1 Approve the minutes of the June 18, 2026 City Council meeting as submitted in written summation by the City Clerk.

Councilmember Allbritton moved to approve the minutes of the June 18, 2026 City Council meeting as submitted in written summation by the City Clerk. The motion was duly seconded and carried unanimously.

5. Consent Agenda – Approved as submitted.

- 5.1 Authorize purchase orders to JB Edwards, Solseen LLC dba Big T Printing, Vampt Co., and Young Guns Embroidery Inc. for Citywide Custom Apparel Services in the cumulative annual amount of \$385,000.00, for initial term July 17, 2026 through July 16, 2027, with four, one-year renewal options pursuant to Request for Proposal (RFP) 14-26 and authorize the appropriate officials to execute same. (consent)
- 5.2 Approve a Work Order to Advanced Engineering and Design, Inc. of Pinellas Park, FL, to provide bidding, design, and permitting services for the 2026 Seawall Repairs project

(24-0077-EN) in the amount of \$128,097.56 pursuant to Request For Qualifications (RFQ) 34-23, Engineer of Record (EOR) Consulting Services and authorize the appropriate officials to execute same. (consent)

- 5.3** Award a construction contract to Keystone Excavators, Inc.-- of Oldsmar, Florida, for the 2026 Underdrain Improvement Project (26-0016-EN), in the initial not-to-exceed amount of \$1,709,581.50, with three one-year renewal options at the City's discretion in the annual amount of \$1,250,000.00 based upon unit pricing, pursuant to Invitation to Bid (ITB) 26-0016-EN, and authorize the appropriate officials to execute same. (consent)
- 5.4** Approve a purchase order to Temple, Inc. of Decatur, Alabama, for Rectangular Rapid-Flashing Beacon (RRFB) systems, enhanced pedestrian lighting, and associated equipment for pedestrian crosswalk enhancements, in the amount of \$107,895.00, pursuant to Clearwater Code of Ordinances Section 2.563(1)(a), Single Source, and authorize the appropriate officials to execute same. (consent)
- 5.5** Approve Temporary Right of Entry (ROE) Agreement with CSX Transportation, Inc., requiring indemnification, in support of the new City Hall project (22-0019-EN), and authorize appropriate officials to execute same. (consent)
- 5.6** Authorize purchase order(s) to multiple vendors for vehicle and equipment repair, maintenance, and collision services in the cumulative not-to-exceed amount of \$5,000,000.00 over the potential five-year term, consisting of an initial one year term beginning July 16, 2026, with the option for four additional one-year renewal terms at the City's discretion, pursuant to ITB 27-26, and authorize the appropriate officials to execute same. (consent)
- 5.7** Approve an Indemnification and Hold Harmless Agreement between City of Pinellas Park, in its capacity as agent for the owner of the premises known as Pinellas Park Fire Training Facility, located at 11350 43rd St. N. Clearwater, FL 33762, and the City of Clearwater Fire and Rescue Department for the purpose of fire training on time periods agreed upon, allow the City Manager to approve this agreement and any future training agreements, and authorize the appropriate officials to execute same. (consent)
- 5.8** Award a construction contract to JDS Pipe, Inc. for the FDEM-HMGP Lift Station Platforms project in the amount of \$6,336,305.80, pursuant to Invitation to Bid (ITB) 26-0022-UT; approve a time extension for the Federal Emergency Management Agency (FEMA) / Florida Division of Emergency Management (FDEM) Grant 4337-484-R Hazard Mitigation Grant Program and authorize the appropriate officials to execute same. (consent)
- 5.9** Authorize purchase orders to Carolina Filters, Inc., Core and Main LP, and Harrington Industrial Plastics, LLC for Reverse Osmosis Plant Cartridge Filters, in the cumulative annual not-to-exceed amount of \$160,000.00, for the period of July 17, 2026 through July

16, 2027, with the option for two one-year renewals at the City's discretion, pursuant to Invitation to Bid 23-26, Reverse Osmosis Plant Cartridge Filters; and authorize the appropriate officials to execute same. (consent)

5.10 Reappoint Robyn Fiel to the Neighborhood and Affordable Housing Advisory Board, as the citizen who is actively engaged in the banking/mortgage industry in connection with affordable housing, with a term expiring January 31, 2030. (consent)

5.11 Appoint Todd St. John-Fulton to the Neighborhood and Affordable Housing Advisory Board, as the Citizen who is actively engaged as a real estate professional in connection with affordable housing, with a term expiring July 16, 2030. (consent)

5.12 Reappoint Kinard Robinson to the North Greenwood Community Redevelopment Area Citizens Advisory Committee, as the Resident Representative, for a term expiring September 30, 2028. (consent)

5.13 Appoint Eleanor Nartker to the Sister Cities Advisory Board, as the Youth Member, with an unexpired term through October 31, 2028. (consent)

5.14 Appoint Stephanie Chill to the Sister Cities Advisory Board, as the resident with an arts education/professional background, with an unexpired term through October 31, 2027. (consent)

5.15 Appoint Natasa Karac to the Sister Cities Advisory Board, as the Pinellas County Schools employee, with an unexpired term through February 1, 2028. (consent)

5.16 Designate a Councilmember to serve as the City's official voting delegate at the Florida League of Cities' Annual Conference, August 13-15, 2026.

Councilmember Mannino moved to approve the Consent Agenda as submitted and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

Public Hearings - Not before 6:00 PM

6. Administrative Public Hearings

6.1 Approve a 30-year Franchise Agreement with Duke Energy Florida, LLC, for the purpose of providing electric and power services in the City of Clearwater, authorize the appropriate officials to execute same, and pass Ordinance 9929-26 on first reading.

Every ratepayer in Florida receives electricity from one of three distributors: either the electric utility is municipally owned, or it is an investor-owned utility (IOU), or it is a non-profit electric cooperative. The Public Service Commission

(PSC) grants each utility, regardless of ownership, a monopoly to serve as the sole distributor of electricity within a given service area. Water utilities and natural gas utilities operate in a similar way.

To enable private IOU's to access, and often excavate, the public right-of-way, IOU's typically enter into franchise agreements with local governments. These agreements can be customized in several ways, including provisions relating to franchise fees and tree trimming.

In December 1995, the City granted a 30-year electric franchise to the Florida Power Corporation. Florida Power was a Florida company. However, the franchise agreement allowed Florida Power to freely assign and transfer their rights to different entities. In the years that followed, Florida Power was acquired by Duke Energy, a publicly traded North Carolina company. Duke Energy has provided local electric service since 2012.

As the 30-year franchise agreement reached its conclusion, the City evaluated the financial and operational feasibility of the City distributing electricity directly to customers, similar to the way that Clearwater operates its water and sewer utility and the Clearwater Gas Company (CGS).

In 2024, the City hired NewGen to prepare a feasibility study to advise the City as to the infrastructure needed and probable cost for the municipalization of electric utilities. In September 2025, NewGen presented an electric feasibility presentation to City Council. Based on that presentation, City Council voted to move forward with an appraisal. In June 2026, the City received the appraisal from NewGen.

Since the expiration of the franchise agreement in December 2025, the City and Duke have been operating on a month-to-month basis under the provisions of that franchise agreement. During this time, City staff and Duke have engaged in negotiations for a new franchise agreement.

Under the proposed franchise agreement, Duke will continue to construct, operate, and maintain its electric utility facilities to the City and its residents. The new franchise agreement will be for a 30 year period. The City will continue to receive a 6% franchise fee.

In addition to the new franchise agreement, the City and Duke will enter into a memorandum of agreement. The duration of the memorandum will coincide with the term of the franchise agreement, and provides as follows:

- Create a Vision Community Action Plan, performed by Vision First Advisors (or another mutually agreed third party) at Duke

Energy's sole expense to best achieve its strategic goals. Provide ongoing Economic Development support in furtherance of the recommendations developed in the Action Plan in amounts of \$20,000.00 annually for the first five years of the Memorandum.

- Create a Downtown Retail Development Strategy, performed by Retail Strategies (or another mutually agreed third party). Provide funding of the Development Strategy through five installments of \$30,000.00, followed by a site readiness review based on the strategy, with all work coordinated to support the City's strategic goals.
- Assist with the City's increased infrastructure resiliency goals to further support economic growth and development of annual donations of \$100,000.00 for six consecutive years.
- Site-readiness evaluations of city-designated downtown areas and the Hercules Industrial Park, on schedules jointly determined by the Parties.
- Providing five annual payments of \$20,000.00 in economic development funding for the North Greenwood Community Redevelopment Agency through Grove @ 1105.
- Complete construction of a looped electrical feed for the City Police Headquarters at 645 Pierce Street.
- Donate \$10,000.00 annually for the first twenty 20 years of this Memorandum for the City's beautification efforts.
- Duke and the City will draft and execute a 20-year Naming-Rights Sponsorship Agreement (NRSA) for Coachman Park improvements, to include shade producing structures, with Duke contributing \$30,000.00 annually throughout the NRSA term.
- Provide annual updates identifying third-party users attached to Duke poles throughout the City, with coordination assistance as needed.
- Provide annual GIS updates of Duke's distribution network.
- Allow the City continued use of property adjacent to the Clearwater Beach Restoration Center, adjacent to the Countryside Recreation Complex and Library at 2191 Soule Road at no cost. Allow parking access within Duke's right-of-way at the Carpenter Complex and BayCare Ballpark.
- Leverage Duke-maintained attic stock of electrical equipment for City Manager-designated critical, time-sensitive projects.
- Duke quality assurance process to include ADA accessibility of power pole installation to comply with ADA requirements.
- Vegetation Management Plan.

- Appear annually at a regularly scheduled council meeting to provide information on resiliency plans within the city.

If Council passes this Ordinance on first reading, the memorandum would be approved by Council together with the second reading of this Ordinance tentatively scheduled for August 6, 2026.

Five individuals spoke in support.

Thirteen individuals spoke in opposition.

One individual suggested including language addressing the maintenance of beach transformers in the agreement and expressed concerns with above ground powerlines in Downtown.

One individual expressed concerns with the proposed length of the agreement.

One individual expressed concerns with Duke Energy's lack of response when a power pole falls on private property and showed pictures of her damaged roof.

One individual spoke in opposition and expressed concerns with the ability of hiring employees if the City created a municipal electric utility.

One individual submitted an eComment in support (see page 20-22).

Ordinance 9929-26 was presented and read by title only.

Vice Mayor Cotton moved to approve a 30-year Franchise Agreement with Duke Energy Florida, LLC, for the purpose of providing electric and power services in the City of Clearwater, authorize the appropriate officials to execute same, and pass Ordinance 9929-26 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Rector, Vice Mayor Cotton, Councilmember Allbritton, Councilmember Teixeira and Councilmember Mannino

- 6.2** Approve a tentative millage rate of 5.8850 mills for fiscal year 2026/27 and set public hearing dates on the budget for September 15, 2026, and September 21, 2026, to be held at 6:00 pm.

In accordance with the Truth in Millage (TRIM) process, the City Council must adopt a tentative millage rate and set public hearing dates prior to finalizing and adopting a budget. This information must be provided to the Pinellas County Property Appraiser and Tax Collector by July 28, 2026. The City's proposed millage rate and public hearing dates will be included on the TRIM notices mailed to taxpayers in August. This tentative rate cannot be increased without first-class mailing notification to each taxpayer at the expense of the City of Clearwater, not less than 10 days and not more than 15 days before the public hearing.

The City Manager's recommended millage rate is 5.8850 mills, the same as the current year. This rate is 0.13% more than the rolled-back rate of 5.8773 mills. The rolled-back rate is the millage rate that will provide the City with the same property tax revenue as was levied in the prior year. If the proposed millage rate of 5.8850 mills is adopted, the City's ordinance adopting the millage rate will reflect an 0.13% increase from the rolled-back rate of 5.8773 mills.

The proposed millage rate as well as other TRIM millage rates will be noted on the 2026 compliance forms as follows:

5.8850 mills - Tentative millage rate
5.8773 mills - Rolled-back millage rate
5.8773 mills - Maximum majority vote rate
6.4650 mills - Maximum two-thirds vote rate

A special budget work session is scheduled for Tuesday, August 11, 2026, at 1:30 pm to fully discuss the proposed budget.

STRATEGIC PRIORITY:

The budgeting process aligns resource allocation to the advancement of our community in all five strategic priorities: high performing government, economic and housing opportunity, community well-being, environmental stewardship, and superior public service.

Budget Director Kayleen Kastel provided a PowerPoint presentation. The City Manager said the proposed budget is a result of the council direction provided during the strategic planning meeting. Staff's goal was to maintain the millage rate and to identify opportunities to make improvements, efficiencies, and cost reductions. She thanked staff for taking the budget exercise seriously, as it increased the general fund expenditures by only three percent.

One individual expressed concerns with the negative impact Florida

Amendment 3 would have on municipalities if passed and suggested the City educate residents on how the Amendment would impact the city.

Discussion ensued with support expressed to providing taxpayers relief by adopting the roll back rate.

In response to a question, Ms. Kastel said the roll back rate is 5.8773.

Councilmember Teixeira moved to approve a tentative millage rate of 5.8773 mills for fiscal year 2026/27 and set public hearing dates on the budget for September 15, 2026, and September 21, 2026, to be held at 6:00 pm. The motion was duly seconded and carried unanimously.

6.3 Appoint ten members to the 2026 Affordable Housing Advisory Committee to include the appointment of a locally elected official and adopt Resolution 26-12.

Florida Statute Section 420.9076 states that counties and cities receiving State Housing Initiatives Partnership (SHIP) program funds are required to establish annually an Affordable Housing Advisory Committee (AHAC) and prepare a Local Housing Incentive Strategy (LHIS). The statute further provides that the committee be made up of eight to eleven members appointed by the City Council. The committee must consist of one locally elected official and one representative from at least six specific categories. The required categories and recommended individuals are listed below:

- Banking industry/mortgage: Robyn Fiel
- Area of labor engaged in home building: Frank Cornier
- Advocate for low-income person: Christine Bond
- Not-for-profit provider of affordable housing: Charessa Doty
- Representative of employers: Kelly A Batsford
- Clearwater resident: Linda Byers
- Member of the local planning agency: Michelle Chenault
- Essential Services representative: Cheri DeBlaere
- Locally elected official: Mike Mannino
- Area of residential home build with a connection to affordable housing: Richard Foxx

The duties of the Affordable Housing Advisory Committee shall include reviewing policies and procedures, ordinances, land development regulations and the City's adopted comprehensive plan and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value.

The LHIS must be submitted to City Council by December 31, 2026, and will

encompass the definition, vision, strategic focus areas, and action plan (including potential amendments to procedures and existing regulations) in order to facilitate the development of affordable housing in the city.

The City Clerk said the item must be continued to the next meeting as Ms. Byars, a current member of NAHAB, is no longer able to serve.

No Action.

The Council recessed from 8:18 p.m. to 8:26 p.m.

- 6.4** Declare as surplus certain real property located at 103 N. East Ave., Clearwater, Florida 33755, approve the transfer of said property to the City of Clearwater Community Redevelopment Agency, and authorize the appropriate officials to effectuate the transaction.(APH)

On June 14, 2026 notice was given that the City of Clearwater (City) would accept sealed letters of interests (LOIs), beginning on June 14, 2026 through July 15, 2026 at 10:00 A.M., Local Time, from persons and groups interested in purchasing the property located at 103 N. East Ave., Clearwater, Florida 33755 (Property).

Staff recommends declaring the Property surplus and transferring it to the City of Clearwater Community Redevelopment Agency for future redevelopment purposes within the Community Redevelopment Area. The Property is legally described as follows:

Lots 8, 9, 10, and 11, Block 15 of Gould and Ewing's 2nd Addition to Clearwater Harbor, according to the map or plat thereof as recorded in Plat Book 1, Page 52 of the Public Records of Hillsborough County, Florida, of which Pinellas was formerly a part.

Parcel I.D. No. 16-29-15-32292-015-0080

STRATEGIC PRIORITY:

2.1 Economic & Housing Opportunity: Strengthen public-private initiatives that attract, develop and retain diversified business sectors.

2.2 Cultivate a business climate that welcomes entrepreneurship, inspires local investment, supports Eco-friendly enterprises, and encourages high quality job growth.

3.2 Community Well-Being: Preserve community livability through responsible development standards, proactive code compliance and targeted revitalization.

Councilmember Allbritton moved to declare as surplus certain real property located at 103 N. East Ave., Clearwater, Florida 33755, approve the transfer of said property to the City of Clearwater Community Redevelopment Agency, and authorize the appropriate officials to effectuate the transaction. The motion was duly seconded and carried unanimously.

- 6.5** Provide direction on the proposed Development Agreement between MHG Palm Pavilion Hotel, LP, Sixth Flag Planted LLC and the City of Clearwater for property located at 10 Bay Esplanade and 18 Bay Esplanade, providing for the allocation of 91 units from the Hotel Density Reserve under Beach by Design, and confirm a second public hearing in City Council Chambers before City Council on August 20, 2026 at 6:00 p.m., or as soon thereafter as may be heard. (HDA2026-03001)

Site Location and Existing Conditions:

The subject property is a 1.06-acre parcel operating as a restaurant and hotel with frontage along Bay Esplanade and Kendall Street. (241 feet and 291 feet, respectively) It is located within the Tourist (T) District and the Old Florida District of Beach by Design with an underlying future land use designation of Resort Facilities High (RFH).

The surrounding area is characterized by a mix of uses including overnight accommodations (hotels), retail, outdoor recreation and entertainment, restaurants, and attached dwellings with heights ranging from one to eight stories. There is a one-story service station adjacent to the site and a one-story City Fire Station 46 located across Bay Esplanade at the northwest corner of Bay Esplanade and Mandalay Avenue. Mandalay Avenue to the east has largely been improved according to Beach by Design.

Site History:

The subject property consists of two portions developed in 1926. The west portion contains an existing 7,895-square-foot restaurant, while the east portion contains 30 overnight accommodation units. The restaurant is proposed to be preserved, whereas the existing hotel on the east portion is proposed to be demolished.

Although the overall size of the development site has not changed, the two previously separate parcels have been consolidated into a single condominium plat consisting of two ownership parcels.

The two portions of the site have distinct regulatory histories, summarized below:

West portion of the site (10 Bay Esplanade):

On February 19, 2019, the Community Development Board (CDB) approved a Level Two Flexible Development application (FLD2018-11028) for proposed roof replacement over an existing restaurant deck seaward of the Coastal Construction Control Line (CCCL).

East portion of the site (18 Bay Esplanade):

On August 8, 2024, the Community Development Board (CDB) approved a Level Two Flexible Development application (FLD2024-02007) for a termination of status of nonconformity to recognize the nonconforming hotel density of 30 units.

Development Proposal:

The proposal is to remove all the existing site improvements on the 1.06-acre site and to construct a hotel with 144 overnight accommodation units as well as the preservation of the existing restaurant as an accessory to the primary overnight accommodations use. The underlying Resort Facilities High (RFH) future land use designation allows for 50 overnight accommodations units per acre or 1.2 FAR for nonresidential uses.

To achieve the proposed number of units, the project utilizes 53 units from the property acreage, in addition to the requested 91-unit allocation from the Hotel Density Reserve (Reserve) through Beach by Design.

As stated, the request includes 144 rooms which equates to 136 units per acre. The building will be 75 feet in height as measured from the established design flood elevation to flat roof. The proposal includes a tropical modern architecture, which is consistent with and complements the tropical vernacular envisioned in Beach by Design. The request includes a conceptual site plan and accompanying building elevations (Exhibit B).

The site will be accessed via a two-way driveway from Bay Esplanade and Kendall Street at the south and north sides of the property, respectively, which will provide access to the parking garage component of the development. The primary pedestrian entrance will be located at the south side of the site and a secondary pedestrian entrance will be located at the north side of the site.

In addition to parking, the ground floor of the new building proposes contains an elevator to the lobby and a pedestrian access to the existing restaurant on the west side of the property. The first four floors of the new building will contain a parking garage as well as miscellaneous back-of-house components such as maintenance rooms, trash and laundry facilities. The fifth floor will include an amenity area. The sixth through ninth floors will be devoted entirely to guest rooms..

Proposal's Consistency with the Community Development Code (CDC):

Minimum Lot Area and Width:

Pursuant to CDC Table 2-802, the minimum required lot area and width for an overnight accommodations use is 20,000 square feet and between 100 and 150 feet in lot width, respectively. The subject property is 46,265 square feet in area and the minimum width of the property is approximately 241 feet wide. The site is consistent with these Code provisions.

Minimum Setbacks:

The conceptual site plan depicts a north front setback of 15 feet along Kendall Street, a south front setback of 10 feet along Bay Esplanade, an existing west side setback of zero adjacent to the beach and side setbacks of 5 feet along other property lines. The proposed setbacks and height may be approved as part of a Level Two (FLD) application, subject to meeting the applicable flexibility criteria of the Community Development Code.

Maximum Height:

Section B of the Design Guidelines within Beach by Design specifically addresses height. The proposal provides for a building 75 feet in height as measured from the design flood elevation where a height of up to 100 feet is permitted as prescribed by the CDC (subject to meeting the applicable flexibility criteria of the CDC and approved as part of a Level Two Flexible Development application) and as limited by any applicable Beach by Design requirements. The height of the proposed building is consistent with the guidelines of Beach by Design.

Minimum Off-Street Parking:

The 144-room overnight accommodations use requires a minimum of 173 off-street parking spaces. A parking garage located on the first four levels of the building will provide 173 spaces. This is consistent with the applicable Sections of the CDC.

Landscaping:

While a formal landscape plan is not required to be submitted for review at this time, the conceptual landscape areas depicted on the site plan show that adequate spaces for foundation landscaping will be provided along all street frontages. Since no perimeter landscape buffers are required in the Tourist (T) District, the proposed landscape areas meet or exceed what is required. It is noted, however, that flexibility may be requested/necessary as part of a Comprehensive Landscape Program which would be reviewed at time of formal site plan approval.

Proposal's Consistency with Beach by Design:*Design Guidelines:*

A review of the provided architectural elevations and massing study was conducted and the proposed building does appear to be generally consistent with the applicable Design Guidelines established in Beach by Design. However, a more formal review of these Guidelines will need to be conducted as part of the final site plan approval process.

Hotel Density Reserve:

The project has been reviewed for compliance with those criteria established within Beach by Design concerning the allocation of hotel rooms from the Reserve. The project appears to be generally consistent with those criteria, including that the development complies with the Metropolitan Planning Organization's (MPO) countywide approach to the application of traffic concurrency management for transportation facilities. The submitted Traffic Impact Study concludes that traffic operations at nearby intersections and on adjacent roadways would continue at acceptable levels of service. Staff believes that the proposal meets the intent of Beach by Design and approval of the request.

Standards for Development Agreements:

CDC Section 4-606 sets forth the procedures and criteria for reviewing development agreements. Specifically, development agreements shall be consistent with Clearwater 2045, the city's Comprehensive Plan. The proposal furthers the goals, objectives and policies of the Comprehensive Plan as provided below.

Goal QP 3: Support the on-going transformation of the Downtown and

Clearwater Beach Activity Centers as high intensity, walkable, and attractive regional centers for living, working, shopping, and entertainment.

Objective QP 3.3: Continue to use Beach by Design: A Preliminary Design for Clearwater Beach and Design Guidelines (Beach by Design) to guide development, redevelopment, and placemaking on Clearwater Beach.

Policy QP 3.3.4: Continue to utilize the Hotel Density Reserve allocation as established in Beach by Design to facilitate hotel development on Clearwater Beach..

The proposal is in compliance with the standards for development agreements, is consistent with the Comprehensive Plan and furthers the vision of beach redevelopment set forth in Beach by Design. The proposed Development Agreement will be in effect for a period not to exceed ten years, meets the criteria for the allocation of rooms from the Hotel Density Reserve under Beach by Design and includes the following main provisions:

- Includes conceptual site plans, architectural drawings, elevations and perspectives in Exhibit B that appear to be generally consistent with the applicable Design Guidelines established in Beach by Design;
- Requires the developer to obtain site plan approval within one year of approval, commence vertical construction within four years from the date of site plan approval, and obtain a certificate of occupancy within six years from the date of site plan approval;

- Requires the return of any hotel unit obtained from the Hotel Density Reserve that is not constructed;
- Prohibits the conversion of any hotel unit allocated from the Hotel Density Reserve to a residential use and requires the recording of a covenant restricting use of such hotel units to overnight accommodations usage; and
- Requires a legally enforceable mandatory evacuation/closure covenant that the hotel will be closed as soon as practicable after a hurricane watch that includes Clearwater Beach is posted by the National Hurricane Center.

Changes to Development Agreements:

Pursuant to Section 4-606.I, CDC, a Development Agreement may be amended by mutual consent of the parties, provided the notice and public hearing requirements of Section 4-206 are followed. Revisions to conceptual site plans and/or architectural elevations attached as exhibits to this Development Agreement shall be governed by the provisions of the CDC, Section 4-406. Minor revisions to such plans may be approved by the Community Development Coordinator. Other revisions not specified as minor shall require an amendment to this Development Agreement.

Summary and Recommendation:

The proposal appears to be generally consistent with applicable components of the Community Development Code and Beach by Design and the city's Comprehensive Plan. Staff is supportive of the request.

Applicant Representative Katie Cole provided a PowerPoint presentation.

Three individuals spoke in opposition, with two of the individuals suggesting the City pause the allocation of units from the Hotel Density Pool.

Five individuals submitted emails in opposition (see pages 23 to 63).

Councilmember Mannino moved to confirm a second public hearing in City Council Chambers before City Council on August 20, 2026 at 6:00 p.m., or as soon thereafter as may be heard. The motion was duly seconded and carried unanimously.

6.6 Appoint an individual to the Sister Cities Advisory Board, as the business community

representative, with an unexpired term through March 31, 2028.

APPOINTMENT WORKSHEET

BOARD: **Sister Cities Advisory Board**

TERM: 4 years

APPOINTED BY: Sister Cities Advisory Board

FINANCIAL DISCLOSURE: Not Required

RESIDENCY REQUIREMENT: One member of the City Council

MEMBERS: 6 + 1 At-large member

CHAIRPERSON: Robert Kantor

MEETING DATES: Quarterly

PLACE: Council Chambers

APPOINTMENTS NEEDED: 1

SPECIAL QUALIFICATIONS: Representatives of Clearwater Sister Cities, Inc., the local business community, the School Board's World Language Coordinator or designee, and the Clearwater Arts Alliance shall not be required to reside within the City of Clearwater.

THE FOLLOWING ADVISORY BOARD MEMBER HAS RESIGNED:

1. Martin D. Kelly - 1451 Sandy Lane, Clearwater, 33755 - Radio Show Co-Host
Appointed: 4/7/22

THE FOLLOWING INDIVIDUALS HAVE SUBMITTED AN APPLICATION FOR COUNCIL CONSIDERATION:

1. Cheryl Acton - 610 N Glenwood Ave, Clearwater, 33755 - Bookkeeper, Acton Arts, LLC
2. William Johnson - 2126 Druid Rd E, Clearwater, 33764 - Accounting Manager, Sandpearl Resort
3. Christine Michalek - 855 Bayway Blvd. # 707, Clearwater, 33767 - Retired AARP Consultant

Discussion ensued with support expressed to appoint Cheryl Acton.

Vice Mayor Cotton moved to appoint Cheryl Acton to the Sister Cities Advisory Board, as the business community representative, with an unexpired term through March 31, 2028. The motion was duly seconded and carried unanimously.

7. Second Readings - Public Hearing

- 7.1 Adopt Ordinance 9909-26 on second reading, amending Chapter 30 of the Code of Ordinances (Traffic and Motor Vehicles) to modernize parking operations, update enforcement procedures, and revise related fees.

Ordinance 9909-26 was presented and read by title only.

Councilmember Teixeira moved to adopt Ordinance 9909-26 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Rector, Vice Mayor Cotton, Councilmember Allbritton, Councilmember Teixeira and Councilmember Mannino

- 7.2** Adopt Ordinance 9888-26 on third reading, vacating city right of way, alley, drainage and utility easements as more particularly described and Recorded in the Bay View city Subdivision Plat Book 9, Page 43 and the abutting Bayview Terrace Subdivision as Recorded in Plat Book 12, Page 63 of the Public Records of Pinellas County.

Ordinance 9888-26 was presented and read by title only.

Councilmember Allbritton moved to adopt Ordinance 9888-26 on third and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Rector, Vice Mayor Cotton, Councilmember Allbritton, Councilmember Teixeira and Councilmember Mannino

- 7.3** Adopt Ordinance 9884-26 on third reading, annexing certain real property whose post office address is 1903 Douglas Avenue, Clearwater Florida, 33755, together with certain rights of way of Douglas Avenue and Sunset Point Road, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

Ordinance 9884-26 was presented and read by title only.

Councilmember Mannino moved to adopt Ordinance 9884-26 on third and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Rector, Vice Mayor Cotton, Councilmember Allbritton, Councilmember Teixeira and Councilmember Mannino

- 7.4** Adopt Ordinance 9885-26 on third reading, amending the future land use element of the Comprehensive Plan of the city to designate the land use for certain real property whose post office address is 1903 Douglas Avenue, Clearwater Florida, 33755, upon annexation into the City of Clearwater, as Commercial General (CG)

Ordinance 9885-26 was presented and read by title only.

Vice Mayor Cotton moved to adopt Ordinance 9885-26 on third and

final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Rector, Vice Mayor Cotton, Councilmember Allbritton, Councilmember Teixeira and Councilmember Mannino

- 7.5** Adopt Ordinance 9886-26 on third reading, amending the Zoning Atlas of the city by zoning certain real property whose post office address is 1903 Douglas Avenue, Clearwater Florida, 33755, upon annexation into the City of Clearwater, as Commercial (C).

Ordinance 9886-26 was presented and read by title only.

Councilmember Teixeira moved to adopt Ordinance 9886-26 on third and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Rector, Vice Mayor Cotton, Councilmember Allbritton, Councilmember Teixeira and Councilmember Mannino

8. Citizens to be Heard on topics pertaining to city business but not on the agenda.

Patrick Raftery said the Clearwater Neighborhoods Coalition will be discussing The Landings soon; he suggested Council request additional bids. He said Melissa Stamos had to leave the meeting but wanted to express her opposition to The Landings proposal.

Chelsea Gird said she was excited to see the development underway in Downtown and appreciates the developer's efforts to preserve the historic buildings.

9. City Manager Reports

The City Manager said, as it relates to educating the community on the proposed statewide amendment, staff is working with Legal and the Florida League of Cities regarding what the City is allowed to do. She said a community engagement session on the proposed budget will be held on August 1, 2026, at Morningside Recreation Center at 10:00 a.m.

10. City Attorney Reports – None.

11. Other Council Action

- 11.1** Discuss city attorney candidates and next steps.

The Council recessed from 9:19 p.m. to 9:21 p.m.

Mr. Kohler departed Chambers.

Discussion ensued with support expressed to appoint Owen Kohler as the City Attorney.

There was consensus for outside counsel to negotiate an agreement with Mr. Kohler.

12. Closing comments by Councilmembers (limited to 3 minutes)

Councilmember Teixeira reviewed recent events and recognized the Parks and Recreation Special Events Team efforts for the Independence Day festivities at Coachman Park.

Councilmember Mannino reviewed recent events and said the Long Center Pool will soon reopen after being closed for renovations, making it a generational project.

13. Closing Comments by Mayor

The Mayor expressed his condolences on the recent passing of Paul McMullen and Jack Latvala, their service to the community left indelible marks.

14. Adjourn

The meeting adjourned at 9:45 p.m.

Attest

Mayor
City of Clearwater

City Clerk

City Council on 2026-07-16 6:00 PM

Meeting Time: 07-16-26 18:00

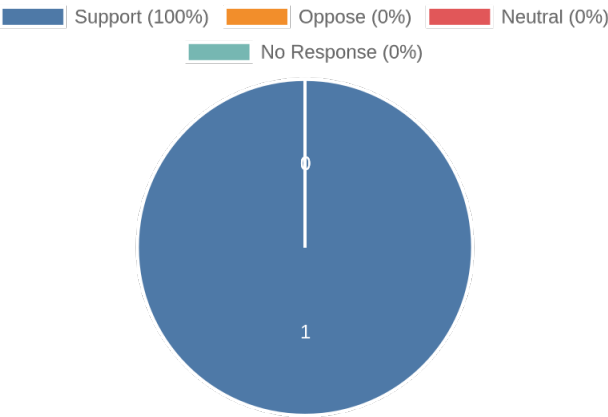
eComments Report

Meetings	Meeting Time	Agenda Items	Comments	Support	Oppose	Neutral
City Council on 2026-07-16 6:00 PM	07-16-26 18:00	45	1	1	0	0

Sentiments for All Meetings

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment

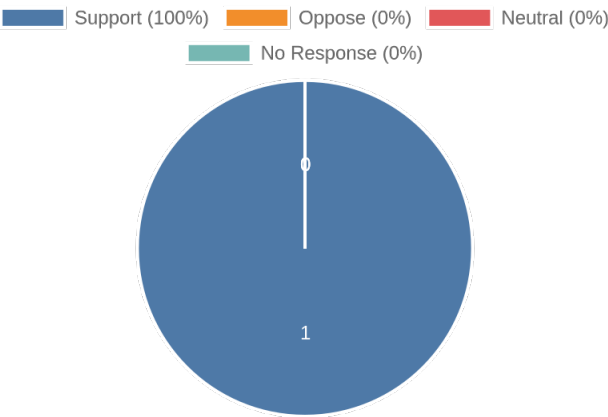


Agenda Name	Comments	Support	Oppose	Neutral
6.1 9929-26 Approve a 30-year Franchise Agreement with Duke Energy Florida, LLC, for the purpose of providing electric and power services in the City of Clearwater, authorize the appropriate officials to execute same, and pass Ordinance 9929-26 on first reading.	1	1	0	0

Sentiments for All Agenda Items

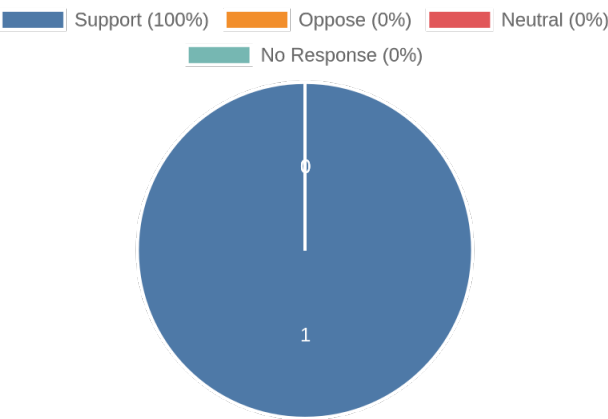
The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



Agenda Item: eComments for 6.1 9929-26 Approve a 30-year Franchise Agreement with Duke Energy Florida, LLC, for the purpose of providing electric and power services in the City of Clearwater, authorize the appropriate officials to execute same, and pass Ordinance 9929-26 on first reading.

Overall Sentiment



Dennis McDermott

Location:
Submitted At: 4:28pm 07-15-26

Excellent conclusion to a very contentious and emotionally charged topic. Thanks in particular to City Staff who worked with Duke to articulate a common-sense process regarding vegetation management which should provide benefits to the City and its residents and stakeholders for decades ahead.

Call, Rosemarie

From: Johnny Wheat <jwheat@go4b.com>
Sent: Tuesday, July 14, 2026 5:26 PM
To: Call, Rosemarie
Subject: FW: Public Comment – Palm Pavilion Redevelopment Proposal - Hearing July 16
Attachments: Palm Pavillion Inn Redevelopment proposal.pdf; Prior Planning Approval Reference.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Clearwater. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Rosemarie,

Could you confirm good receipt and inclusion in the public comments for this Thursday's meeting.
Thanks.

Johnny

From: Johnny Wheat
Sent: Monday, July 13, 2026 6:52 AM
To: 'Bruce.Rector@MyClearwater.com' <Bruce.Rector@MyClearwater.com>; 'Ryan.Cotton@MyClearwater.com' <Ryan.Cotton@MyClearwater.com>; 'Michael.Mannino@MyClearwater.com' <Michael.Mannino@MyClearwater.com>; 'David.Allbritton@MyClearwater.com' <David.Allbritton@MyClearwater.com>; 'Lina.Teixeira@MyClearwater.com' <Lina.Teixeira@MyClearwater.com>; 'Rosemarie.Call@MyClearwater.com' <Rosemarie.Call@MyClearwater.com>
Cc: 'ClearwaterCouncil@myclearwater.com.' <ClearwaterCouncil@myclearwater.com.>
Subject: Public Comment – Palm Pavilion Redevelopment Proposal - Hearing July 16

Dear Mayor Rector and councilmembers, hope all is well.

I am resubmitting my public comment letter for the rescheduled meeting / hearing on Thursday July 16th.
Please see attached.

Please confirm good receipt

Sincerely

Jonathan Wheat
Resident, Pura Vida Condominiums
North Clearwater Beach

From: Johnny Wheat
Sent: Wednesday, June 3, 2026 11:11 AM
To: Bruce.Rector@MyClearwater.com; Ryan.Cotton@MyClearwater.com; Michael.Mannino@MyClearwater.com;

Subject: Public Comment – Palm Pavilion Redevelopment Proposal

Dear Mayor and Councilmembers,

Please find attached my letter regarding the proposed hotel redevelopment project on North Clearwater Beach.

(File # 26-09b - Development Agreement Hotel Density Reserve HDA2026-03001)

My wife and I are residents of Pura Vida Condominiums, and I respectfully ask that this correspondence be included in the official public record for the upcoming hearing on Thursday June 4th and considered as part of the Council's review of this application.

I have also attached a copy of the prior planning record referenced in the letter for convenience.

Thank you for your time, consideration, and service to the Clearwater community.

Respectfully,

Jonathan Wheat
Resident, Pura Vida Condominiums
North Clearwater Beach

Mayor and Members of the Clearwater City Council
City of Clearwater
Clearwater, Florida

Dear Mayor and Councilmembers,

My wife and I have lived at Pura Vida Condominiums on North Clearwater Beach for the past five years. We chose this area because of its unique character, walkability, open coastal atmosphere, and the balance that currently exists between tourism and residential living. North Beach remains special because it still retains elements of the historic “Old Florida” character that many coastal communities have already lost.

I understand that redevelopment is part of the continued evolution of Clearwater Beach, and I am not opposed to redevelopment itself. However, I am concerned that the Palm Pavillion Inn redevelopment proposal represents a dramatic increase in intensity that goes far beyond simple redevelopment. The project would increase lodging from approximately 30 rooms to 144 rooms on just over one acre while also seeking 91 additional hotel units from the Hotel Density Reserve.

The prior city planning record for this property (which I have attached for convenience) acknowledged that the site was already significantly nonconforming in density, with 30 units existing where only 14 units were permitted. That approval was based on preserving the existing historic inn use on a constrained site — not on supporting a dramatic increase in scale and intensity through a 144-room, 9-story redevelopment.

One of the major concerns for residents in neighboring condominiums, including Pura Vida, is that the proposed height and massing of the structure would significantly alter existing southwest sightlines and views toward the beach and Gulf that are currently enjoyed by numerous residences. More broadly, this project risks changing the open coastal character and visual experience of the surrounding neighborhood.

In addition to the visual impact, I am concerned about the cumulative effects on traffic, congestion, pedestrian safety, rideshare and service activity, noise, evacuation capacity, infrastructure demand, and the overall quality of life for residents who live in this area year-round.

I am also concerned about whether the existing public infrastructure is capable of supporting a nearly fivefold increase in hotel occupancy on this site. Questions remain

regarding potential impacts on water pressure, sewer capacity, stormwater management, emergency access, fire suppression capability, and overall utility resilience during peak tourism periods and hurricane events.

The property is also located within the Beach by Design area and the Old Florida District. While thoughtful redevelopment can and should occur, I respectfully question whether a 9-story hotel of this scale is truly compatible with the planning principles, neighborhood character, and lower-scale coastal environment that have historically defined North Beach.

I am also concerned that a project of this scale may not be in the long-term best interests of Clearwater Beach or North Beach as a whole. The unique character, walkability, and lower-scale coastal environment of this area are part of what make Clearwater Beach attractive to both residents and visitors. Continued over-intensification risks eroding the very qualities that contribute to the community's identity and long-term appeal.

I respectfully ask the Council to consider whether granting such a significant density increase is truly consistent with the long-term vision of Clearwater Beach and whether sufficient public benefits are being provided in exchange for the additional development rights being requested.

I would also ask:

- Has a visual impact or view corridor analysis been performed for neighboring residential properties?
- Has a shadow study been completed, particularly regarding impacts on neighboring residences and mature trees?
- Has a utility capacity analysis been performed regarding water, sewer, stormwater, and fire suppression infrastructure?
- Has a traffic, rideshare, delivery, and pedestrian circulation analysis been completed for peak tourism conditions?
- Why is a project of this scale necessary for this particular site?
- What specific public benefits justify granting 91 additional hotel units from the Hotel Density Reserve?

This decision will not only affect one property. It may establish a meaningful precedent for future large-scale redevelopment requests throughout North Clearwater Beach. I encourage the Council to proceed cautiously and require a clear demonstration that the long-term public benefits outweigh the impacts on the surrounding residential community and the historic character of North Beach.

Thank you for your time and consideration.

Jonathan Wheat
Resident, Pura Vida Condominiums
North Clearwater Beach

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To: Rector, Bruce; Cotton, Ryan; Mannino, Michael; Allbritton, David; Teixeira, Lina; Call, Rosemarie
Cc: ClearwaterCouncil@myclearwater.com.
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Thank you for your time and consideration.

Jonathan Wheat
Resident, Pura Vida Condominiums
North Clearwater Beach



PLANNING & DEVELOPMENT DEPARTMENT COMMUNITY DEVELOPMENT BOARD STAFF REPORT

MEETING DATE: August 8, 2024
AGENDA ITEM: E.1
CASE: FLD2024-02007
REQUEST: Flexible Development approval for a termination of status of nonconformity to recognize the nonconforming hotel density of 30 units where 14 are permitted for property located at 18 Bay Esplanade in the Tourist District. A comprehensive landscaping program is proposed for perimeter buffer flexibility. (Community Development Code Sections 6-109.B.1, B.2,C and 3-1202.G)

GENERAL DATA:

Agent Brian J. Aungst, Jr., Macfarlane Ferguson & McMullen
Owners Palm Pavilion Inc.
Location 18 Bay Esplanade; located between Bay Esplanade and Kendall Street approximately 150 feet west of the intersection of Mandalay Avenue and Bay Esplanade
Property Size 0.299 acres
Future Land Use Resort Facilities High (RFH)
Zoning Tourist (T) District
Special Area Plan Beach by Design
Adjacent Zoning ... North: Tourist (T) District
South: Institutional (I) and Open Space/Recreation (OS/R) Districts
East: Tourist (T) District
West: Tourist (T) District
Existing Land Use Overnight Accommodations
Proposed Land Use Overnight Accommodations

Gina L. Clayton
100 South Myrtle Avenue
Clearwater, Florida 33756
727-562-4587
gina.clayton@myclearwater.com

PROFESSIONAL EXPERIENCE

- **Planning and Development Director**
City of Clearwater, FL July 2019 – to present
- **Planning and Development Director Interim**
City of Clearwater, FL May 2019 – July 2019

Responsible for the day-to-day planning, zoning, building and code compliance operations. Serve as staff to the Community Development Board, Municipal Code Enforcement Board and City Council.

- **Assistant Planning and Development Director** September 2009 to April 2019
- **Assistant Planning Director** April 2005 – September 2009
City of Clearwater, FL

Responsible for assisting the Planning and Development Director in directing the day-to-day planning, zoning, building and code compliance operations including the supervision of the Long Range Planning, Development Review Development Service Center and Code Compliance Managers, as well as the Building Official. Serve as staff to the Community Development Board, Municipal Code Enforcement Board and City Council. As Assistant Planning Director filled similar role, except only responsible for planning and zoning operations.

- **Long Range Planning Manager**
City of Clearwater, FL 2001 to 2005

Responsible for numerous aspects of the Growth Management Act of Florida including comprehensive planning, future land use plan amendments, rezonings, and annexations. Supervised long range planning staff. Served as staff to the Community Development Board and presented long range cases/issues to the City Council. Responsible for the preparation of special area plans and the site plan review process within the Downtown Plan area. Served as the city's representative on countywide and regional planning agency committees.

- **Senior Planner**
City of Clearwater, FL 1999 to 2001

Responsible for various long range planning projects/studies including the preparation of major amendments to the Community Development Code, updates of special area plans, and the development of neighborhood plans and text amendments to the Comprehensive Plan. Served as staff to the Community Development Board, presented projects to the City Council and served as the city's representative on the Pinellas Planning Council's Planners Advisory Committee.

- **Community Development Director**
City of Indian Rocks Beach, FL 1997 to 1999

Responsible for the administration of the city's planning, building and code enforcement functions. Served as staff to the City Commission, Planning and Zoning Board and Board of Adjustments and Appeals. Administered the land development regulations, processed future land use plan amendments and rezonings. Prepared numerous amendments to the land development code and conducted special planning studies. Responsible for the administration of the Community Rating System and the flood regulations. Served as the city's representative on countywide and regional planning agency committees.

- **Planner**
City of Solon, OH 1993 to 1996

Responsible for drafting significant portions of a new zoning code. Drafted a new sign ordinance and new driveway regulations. Prepared proposal for CDBG funding for downtown streetscape project and prepared requests for proposals for master land use plan and master recreation plan.

- **City Planner**
City of Avon Lake, OH 1991 to 1993

Responsible for the administration of the planning functions of the City. Served as staff to the City Council and as Secretary to the Planning Commission. Administered subdivision regulations and zoning code. Updated planning documents including the Future Land Use Plan and the Comprehensive Park and Recreation Plan. Revised sections of the Avon Lake Subdivision Regulations and zoning code.

- **Zoning Administrator** 1988 to 1991
General Development Planner 1987 to 1988
City of Cleveland Heights, OH

Responsible for administering the zoning code which included the preparation of all research, agendas, legal notices, action sheets and resolutions related to variance and special exception requests. Presented zoning cases to the Board of Zoning Appeals, Planning Commission, Board of Control and City Council. Supervised zoning secretary and intern. Prior to that responsible for preparing the City's first Strategic Development Plan. Compiled and analyzed demographic, housing, economic and land use data. Developed techniques for citizen participation and effective input from the Planning Commission in the strategic planning process. Conducted research on various issues including poverty, historic preservation and residential and commercial code enforcement methods.

EDUCATION

Master's Degree in Urban and Regional Planning, Virginia Polytechnic Institute and State University, 1986

Bachelor of Arts in History with a minor in Community Planning, Appalachian State University, 1984

PROFESSIONAL MEMBERSHIPS & ACTIVITIES

Pinellas County Historic Preservation Board - 2013 – 2019

Chair, Toolbox Committee, 2013 – 2019

Pinellas County Historic Preservation Advisory Board - 2009 – 2013

Chair, Toolbox Committee, 2010 – 2013

Urban Land Institute, 2013 - Present

American Planning Association, 1987 – Present

Florida Planning Association, 1997 – Present

Ohio Planning Conference (OPC), a Chapter of the American Planning Association, 1987-1996

Co-Director, Cleveland Section of OPC, 1994-1996

Chair of Annual Zoning Workshop, Cleveland Section of OPC, 1994 and 1995.

Coordinator and Moderator, "The Basics of Zoning and the Tools for Managing Change," 1995

Speaker, "Job of the Zoning Administrator," 1994



Looking north along Bay Esplanade .



Looking west along Bay Esplanade



Looking south into the site from Kendall Street .



Looking south into the site from Kendall Street



Looking north towards pool area from southeast corner of property



Looking southwest at property along Kendall Street.

BACKGROUND**Location and Existing Conditions**

The 0.299-acre property is comprised of one parcel of land located between Bay Esplanade and Kendall Street, approximately 150 feet west of Mandalay Avenue. Approximately 50 feet of lot frontage abuts Bay Esplanade and 100 feet abuts Kendall Street.

The property is located in the Tourist (T) zoning district and has a consistent future land use designation of Resort Facilities Hight (RFH). The property is also governed by the Clearwater Beach special area plan, *Beach by Design*, and is located in the Old Florida District. The subject property is surrounded by a mix of uses including overnight accommodations, attached dwellings, retail and restaurant uses, public parking, and a governmental use (fire station). Properties designated Tourist (T) District are adjacent to the west, north, and east. Institutional (I) and Open Space/Recreation (OS/R) zoned property is located to the south.

The site is located in the AE Flood Zone and includes two at-grade buildings. The three-story building fronting Bay Esplanade was constructed in 1951 and the one-story building was constructed in 1945. The site includes a swimming pool and has five parking spaces accessed from Kendall Street. A nonconforming pole sign is located on the north side of the property projecting into the Kendall Street right-of-way.

In 1985 the owner of the property filed a declaration of nonconforming density with the city indicating there were 28 hotel units plus three units that were being occupied by the manager. Based on this information it appears the hotel was constructed with 31 units.

Code Compliance Analysis

There are no active Code Compliance cases for the subject property.

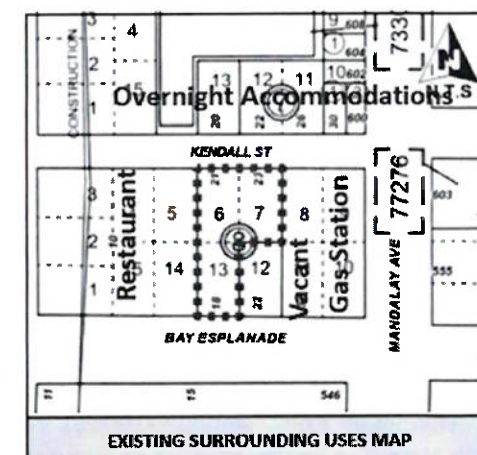
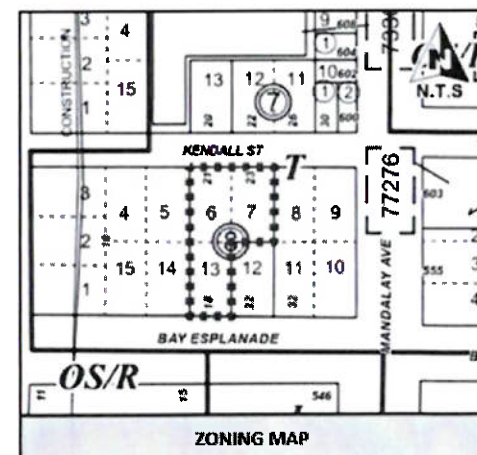
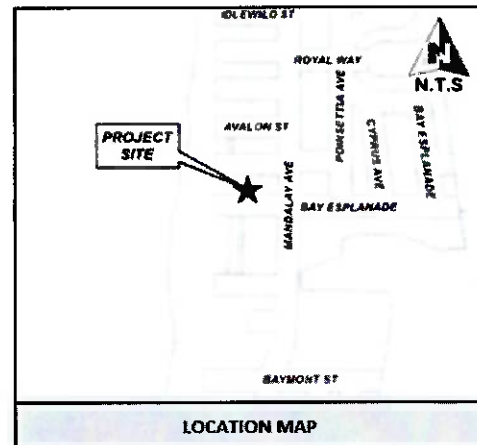
DEVELOPMENT PROPOSAL

The proposal is a termination of status of nonconformity for the existing overnight accommodation use. Based on the current land use and zoning, this property is allowed 14 overnight accommodation units. Today there are 30 units and the applicant is requesting to terminate the nonconforming density pursuant to Community Development Code Section 6-109.B. No redevelopment is being proposed at this time.

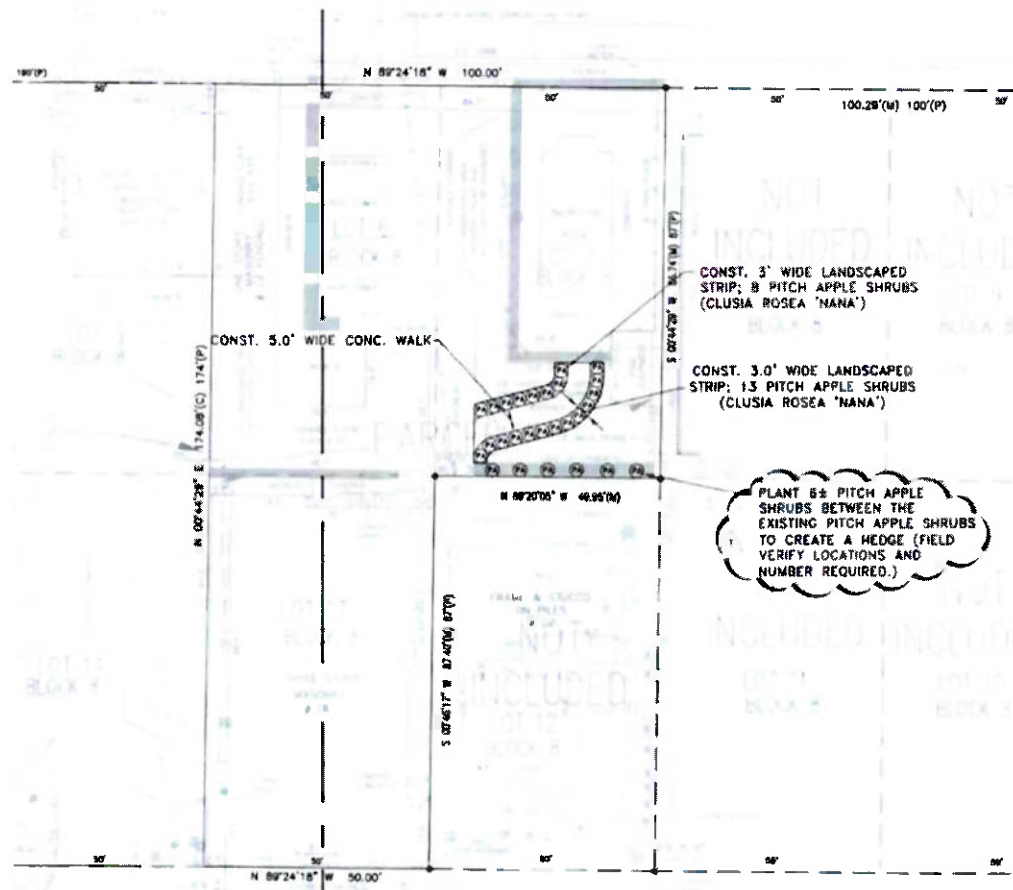
Because the buildings were constructed over 70 years ago, the site does not meet current setback/buffer requirements. As illustrated on the survey the existing site improvements are located less than one foot

Community Development Board – August 8, 2024

FLD2024-01003 – Page 2



from both the Bay Esplanade and Kendall Street rights-of-way precluding the addition of a perimeter landscaping buffer. The existing landscaping improvements adjacent to Kendall Street are located in the right-of-way. Due to these existing site conditions, the applicant has filed a Comprehensive Landscape Program application requesting flexibility from the buffer requirement as such improvements cannot be physically provided. To upgrade the site the applicant is proposing to remove some pavement to create a landscaped walkway to the pool, as well as provide additional landscaping to an existing planter located adjacent to the fence which is along the property boundary of what is Lot 7. Approximately 27 Pitch Apple shrubs are being added to the site. Additionally, the applicant is removing the nonconforming pole sign located on the north side of the property. Below is the landscaping plan which illustrates the improvements proposed for the site.



ANALYSIS

Termination of status of nonconformity requires a level two approval pursuant to Community Development Code Section 6-109.B.1. As the current building improvements are proposed to remain at this time, the applicant must demonstrate compliance with the provisions of Community Development Code Section 6-109.C which require improvements in perimeter buffers and parking lot landscaping requirements, as well as the removal of nonconforming signs, outdoor lighting, or other accessory structure/use. A Comprehensive Landscaping Program may be used to satisfy landscaping needs. Below is an analysis of these requirements.

Community Development Code Section 6-109.C - Termination of Status of A Nonconformity**1. Perimeter buffers conforming to the requirements of Section 3-1202(D) shall be installed.**

Community Development Code Section 3-1202(D) states that perimeter buffers for properties located within the Old Florida District are governed by *Beach by Design*. Section A.6.a of the Old Florida District requires a ten (10) foot landscape buffer along street frontages except that properties 35 feet and below in height may be granted flexibility in the required setback, in which case the entire setback shall be landscaped. The existing buildings are one and three stories in height and are less than 35 feet, therefore, flexibility is permitted.



Due to the existing site conditions, there is no space to accommodate the addition of a perimeter buffer. A landscaped planter exists in the public right-of-way that provides limited landscaping along a portion of Kendall Street. According to city records, this planter was a condition of a Planning and Zoning Board action related to a fence. In lieu of perimeter landscaping, some internal landscaping enhancements are proposed in the only area on the site where any new planting area could be installed.



2. Off-street parking lots shall be improved to meet the landscaping standards established in Section 3-1202.E

According to the site data table, the existing parking vehicular use area is 3,614 square feet in area. Community Development Code Section 3-1202.E requires parking lots greater than 4,000 square feet to provide certain landscaping standards. Based on the size of the parking lot, no improvements are required.

3. Any nonconforming signs, outdoor lighting or other accessory structure or accessory use located on the lot shall be terminated, removed or brought into conformity with this development code.

As noted earlier, there is an existing nonconforming pole sign on the property that will be removed to comply with this criterion. There is no outdoor lighting on the site.



4. The comprehensive landscaping and comprehensive sign program may be used to satisfy the requirement of this section.

As discussed above the comprehensive landscaping program is being requested to satisfy the requirements of the perimeter buffer requirements due to the location of existing site conditions.

5. The use and structure complies with the general standards for Level One and Level Two approvals set forth in Section 3-914.

See below for a discussion of compliance with the general applicability standards set forth in Community Development Code Section 3-914.

Comprehensive Landscaping Program

The applicant has applied for the comprehensive landscaping program according to Code Section 3-1202.G which allows modifications to landscaping requirements. The request is for flexibility to not provide a landscape buffer along the street frontages as required by Beach by Design as there is no physical space to provide any landscaping in these areas.

COMPREHENSIVE LANDSCAPING CRITERIA	FINDINGS
<i>Section – 3- 1202. G.1.a or b - Architectural Theme</i> <i>The design, character, location and/or materials of the landscape treatment proposed in the comprehensive landscape program shall be demonstrably more attractive than landscaping otherwise permitted on the parcel proposed for development under the minimum landscape standards.</i>	Not applicable as the existing building locations preclude the applicant's ability to provide any landscaping along the north or south perimeter of the property. There is a planter located between the pool and sidewalk along Kendall Street consisting of foxtail palms, and giant white birds of paradise located in the public right-of-way.
<i>Section 3-1202.G.2 Lighting</i> <i>Any lighting proposed as a part of a comprehensive landscape program is automatically controlled so that the lighting is turned off when the business is closed.</i>	Not applicable as no lighting is proposed nor exists on the property.
<i>Section 3-1202.G.3 Community character. The landscape treatment proposed in the comprehensive landscape program will enhance the community character of the City of Clearwater.</i>	The removal of pavement and the addition of landscaping in the interior of the site will provide a more attractive entry to the pool area and slightly reduce the site's total impervious area. The improvement enhances the visual aesthetics of this area of the site which will have a positive impact.
<i>Section 3-1202.4. Property values. The landscape treatment proposed in the comprehensive landscape program will have a beneficial impact on the value of property in the immediate vicinity of the parcel proposed for development.</i>	Additional new landscaping will enhance the visual impression of the site, in addition to providing investment in the property which will have a positive impact and therefore the perceived value of the adjacent properties.

Community Development Code Section 3-914. General Applicability Standards

The proposal supports the General Applicability standards of this Code as follows.

GENERAL APPLICABILITY STANDARDS	FINDINGS
<i>Section 914.A.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.</i>	The existing one and three-story buildings will continue to be used for overnight accommodations. The property is located in a mixed-use area with a variety of new and older improvements. No changes are currently proposed for the hotel so the existing site coverage and density will remain and are in harmony with the surrounding uses.
<i>Section 3-914.A.2. The proposed development will not hinder or discourage development and use of adjacent land and</i>	The site is located in the tourist area of Clearwater Beach and the surrounding properties are fully developed. The continued use of the site for overnight accommodation will not discourage uses or the redevelopment of any adjacent properties that are occupied by

<i>buildings or significantly impair the value thereof.</i>	overnight accommodations and attached dwellings to the north, a vacant restaurant and automobile service station to the east, Fire Station 47 and public parking lot to the south, and restaurant to the west.
<i>Section 3-914.A.3. The proposed development will not adversely affect the health or safety of persons residing or working in the neighborhood.</i>	The overnight accommodation use will continue to operate as it currently does and is compatible with the surrounding neighborhood. The continuance of the use is not anticipated to adversely affect the health and safety of the residents in the area.
<i>Section 3-914.A.4. The proposed development is designed to minimize traffic congestion.</i>	No changes are being made to the number of hotel units on the site or to the points of ingress/egress. The continued use of the hotel will not impact traffic in the area. Overflow parking will continue to be accommodated on the adjacent property to the west which is under the same ownership.
<i>Section 3-914.A.5. The proposed development is consistent with the community character of the immediate vicinity.</i>	Clearwater Beach is a mixed-use activity center, and this area of North Beach has a variety of uses. The hotel is a permitted use in the Tourist zoning district and is consistent with the community character.
<i>Section 3-914.A.6. The design of the proposed development minimizes adverse effects, including visual, acoustic and olfactory and hours of operation impacts on adjacent properties.</i>	The existing buildings are proposed to remain with no exterior changes proposed that would have adverse impacts on adjacent properties.

It should be noted that the Conservation and Coastal Management Policy CCM 5.1.5 of *Clearwater 2045* states the following:

Allow for the redevelopment of structures in the AE and V Zones where damage is greater than 50% of the assessed value prior to damages, consistent with adopted densities or as-built densities at the time of the storm damage and in accordance with applicable codes, the CDC, and FEMA requirements.

The proposed termination of the nonconforming density will enable the reconstruction of as-built density in the AE Flood Zone as contemplated by this Comprehensive Plan policy.

RECOMMENDATION

The Development Review Committee (DRC) reviewed the application and supporting materials at the DRC meeting on June 6, 2024. The Planning and Development Department, having reviewed all materials submitted by the applicant and the requirements of the Community Development Code, recommends the following findings of facts and conclusions of law.

Recommended Findings of Fact

1. The 0.229-acre site is located between Bay Esplanade and Kendall Street west of the intersection of Mandalay Avenue and Bay Esplanade.
2. The property is located in the Tourist (T) Zoning District and the Resort Facilities High (RFH) Future Land Use Category.
3. The property is located in the AE Flood Zone.
4. A total of 31 units were constructed on this site and currently 30 exist.
5. A substantial area of the site is occupied by buildings and pavement.
6. New landscaping is proposed for the paved area located south of the swimming pool.

Community Development Board – August 8, 2024

FLD2024-01003 – Page 7

7. There are no active Code Compliance cases for the subject property.

Recommended Conclusions of Law

1. The existing overnight accommodations use is permitted in the Tourist (T) District.
2. *Clearwater 2045*, the City's Comprehensive Plan contemplates the reconstruction of as-built densities in the AE and V Zones.
3. The development proposal is consistent with the criteria outlined in Code Section 6-109.C for termination of status as a nonconforming use.
4. The development proposal is consistent with the Comprehensive Landscaping Program criteria outlined in Code Section 3-1202.G
5. The development proposal is consistent with the General Standards for Level One and Two Approvals outlined in Code Section 3-914.

Based on the above-recommended findings of fact and conclusions of law, the Planning and Development Department recommends **APPROVAL** of application FLD2024-02007 subject to the following conditions:

Conditions of Approval**General/Miscellaneous Conditions**

1. Revise the proposed landscaped walkway layout to the satisfaction of the Planning and Development Staff (Land Resources) to ensure access to the pool equipment is maintained.
2. Provide additional plantings and replace the stones with mulch in the existing planter located in the Kendall Street right-of-way to the satisfaction of Planning and Development Staff (Land Resources) no later than August 8, 2025 pursuant to Community Development Code Section 6-109.B.3.
3. All landscaping and concrete areas shall present a neat and orderly appearance free from debris and weeds.
4. All applicable state or federal permits shall be obtained for the subject project prior to the commencement of development as defined under Fla. Stat. § 380.04.

Prepared by Planning & Development Department:


Gina L. Clayton,
Planning and Development Director

ATTACHMENTS: Resume, Photographs

Call, Rosemarie

From: Robert Lembersky <rblembesky@gmail.com>
Sent: Monday, July 13, 2026 9:37 PM
To: Rector, Bruce; Cotton, Ryan; Mannino, Michael; Allbritton, David; Teixeira, Lina; Call, Rosemarie; Kozak, Ted; Horanli, Alba
Subject: Formal Opposition – Resolution 26-09 / Development Agreement HDA2026-03001 (Palm Pavilion Hotel, 10 & 18 Bay Esplanade); Public Hearing July 16, 2026

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- This is their first email to your company.

Mark Safe

Report

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Mayor Bruce Rector and Members of the City Council
City of Clearwater
c/o Rosemarie Call, MPA, MMC, City Clerk
P.O. Box 4748, Clearwater, FL 33758-4748

RE: Formal Opposition – Resolution 26-09 / Development Agreement HDA2026-03001 (Palm Pavilion Hotel, 10 & 18 Bay Esplanade); Public Hearing July 16, 2026

Dear Mayor Rector and Members of the Council:

My wife and I are grateful to call Pura Vida on Clearwater Beach our home. We cherish the area's natural beauty, breathtaking sunsets, outstanding restaurants, and the unique sense of community that makes this such a special place to live.

We are deeply concerned about the proposed construction of a large hotel just across Kendall Street from us at the Palm Pavilion Inn. A development of this scale would fundamentally change the character of the area, bringing increased traffic, commercial activity, service operations, and a constant turnover of visitors that are inherent to a hotel.

We respectfully ask the City Council to consider its ability to deny—or at the very least significantly reduce the scale of—this project. We believe there is an opportunity to achieve a solution that benefits everyone. A thoughtfully scaled development could allow the developer to move forward with a successful project while preserving the qualities that make Clearwater Beach such a desirable place to live and visit.

We hope the voices of the residents who call this community home will be given meaningful consideration. With compromise and thoughtful planning, there can be a positive outcome for the developer, the City Council, and the residents alike.

Thank you for your attention to this matter,

Robert Lembersky, MD
15 Avalon Street, Unit 401
Clearwater Beach 33767

--

Robert Lembersky, MD
rblembersky@gmail.com

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Call, Rosemarie

From: ryan.zaborske@gmail.com
Sent: Wednesday, July 15, 2026 12:33 PM
To: ClearwaterCouncil
Cc: Rector, Bruce; Cotton, Ryan; Mannino, Michael; Allbritton, David; Teixeira, Lina; Call, Rosemarie
Subject: REVISED Written Public Comment (Supersedes My July 14 Submission) - Opposition to Resolution 26-09 / Development Agreement HDA2026-03001, Palm Pavilion Hotel - July 16, 2026 Public Hearing - Please Enter into the Record
Attachments: Ryan_Zaborske_Written_Comment_July16.pdf;
Palm_Pavilion_Impact_Assessment_July2026.pdf;
Palm_Pavilion_Oral_Statement_July16.pdf;
Palm_Pavilion_Hotel_Opposition_Slides_July2026.pdf

CAUTION: This email originated from outside of the City of Clearwater. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Rector and Councilmembers Cotton, Mannino, Allbritton, and Teixeira,

My name is Ryan Zaborske. I own Unit 803 at the Pura Vida Residences Condominium, 15 Avalon Street — the residential building directly across Kendall Street from the proposed Palm Pavilion Hotel site.

This submission revises and supersedes the written comment I emailed on July 14, 2026. I respectfully ask that you disregard that earlier version and, in its place, enter this correspondence and the attached materials into the official record for Resolution 26-09 / Development Agreement HDA2026-03001, for consideration at Thursday's July 16 public hearing. The attached materials are:

- 1) Written Public Comment (revised) — my opposition to the project in its current form, including the 14 → 30 → 144 unit escalation on a 0.299-acre parcel; the allocation of 91 of the roughly 110 remaining Hotel Density Reserve units with no published Reserve accounting; the Kendall Street garage and pedestrian conflict and still-incomplete traffic study; the residential/transient-use boundary the City enforces under its Community Development Code; the mailed-notice history of the 2024 and June 2026 proceedings; a new parking and over-densification point (173 spaces for 144 rooms is the City's bare minimum, yet meeting it requires four floors of structured parking); and corrected building heights taken from the applicant's own architectural elevation (87'-2" to roof; 102'-2" to the top of the mechanical penthouse).
- 2) Property Impact Assessment (July 2026) — the project's effects on adjacent residences, the prior planning record from Case FLD2024-02007, the outstanding study questions, and the fiscal comparison.
- 3) Statement for the Record — a concise statement of my opposition and the conditions I ask the Council to impose if it does not deny the resolution.
- 4) Supplemental Presentation (July 2026) — including three exhibits drawn from the applicant's own drawings: a scaled height comparison (today's roughly 25-foot low-rise buildings versus the proposed 102-foot hotel), an annotated photograph taken from my residence showing the full development

arrivals, valet staging, rideshare drop-offs, deliveries, and service vehicles would be funneled onto the same street residents must use to reach their homes — a street heavy beach pedestrian traffic crosses daily. To my knowledge, the project's traffic study and supporting infrastructure data remain incomplete and unavailable for public review.

- **Parking and overflow:** The project provides 173 parking spaces for 144 rooms — the City's bare minimum. Yet meeting even that minimum takes four full floors of structured parking, a garage podium roughly 38 feet tall before a single guest room begins. That is direct evidence that too much is being forced onto too little land: you cannot park this many units on a one-acre site without stacking cars four stories into the air. A code-minimum count also understates real demand. A full-service resort of this size, together with the retained Crabby's restaurant, employs dozens of workers per shift, and beach-area workers cannot afford to live on the beach, so they drive and park. I previously owned and operated Green Market, a restaurant beside the Edge Hotel on Clearwater Beach; parking was a constant constraint—it even impeded hiring—and every employee space taken was a customer space lost, with overflow pushed onto surrounding streets. Here that overflow lands on Kendall Street and our residential block.
- **Privacy:** south-facing Pura Vida homes and balconies would be directly overlooked, at close range, by hotel rooms and amenity areas.
- **Rooftop noise and lighting:** a nine-story amenity deck operating immediately adjacent to established residences means amplified sound, late-night activity, and light spill into bedrooms — every evening, not occasionally.
- **Views, light, and shadow:** the applicant's own elevation drawings show this building rising to +87 feet at the roof and +102 feet at the top of its mechanical penthouse — at or above the eighth-floor elevation of my home, not level with it as I had earlier understood. Its guest-room levels (floors 6–9) and its rooftop amenity deck would sit directly at the height of my residence and look straight across at it. The height and mass would permanently shadow adjacent residential properties and diminish the light and outlook of neighboring homes. No view corridor or shadow study has been presented. For direct context, my own building — Pura Vida, the tallest residence on this block — was approved by the City in 2015 (Case FLD2015-06024) at just 71.6 feet to its roofline, in this same Old Florida District of Beach by Design. The proposed hotel would top out roughly 30 feet above it, at nearly three times the residential density the City approved next door (about 136 units per acre versus 44) — in a district whose own guidelines call for lower-scale, historic coastal character.

The City's own code draws the line this project crosses.

Clearwater's Community Development Code (§3-1206) prohibits residential properties from being rented for periods of less than 31 days or one calendar month. Short-term, transient stays are a distinct overnight-accommodations use that a property must be specifically structured and approved to offer — which is why the neighboring Avalon Club operates through a condo-hotel management structure, while Pura Vida remains what it has always been: a long-term residential condominium in which stays under one month are not permitted. In other words, the City itself treats homes and transient lodging as fundamentally different uses and strictly enforces that boundary against homeowners. This proposal

Proposed Palm Pavilion Hotel A Community Perspective

City Council Public Hearing | Clearwater Beach, FL | July 2026
Presented by Pura Vida Residents & Neighbors

Resolution 26-09 / Development Agreement HDA2026-03001 — 144-Room, 9-Story Hotel at 10 & 18 Bay Esplanade — Public Hearing July 16, 2026

The Proposal at a Glance

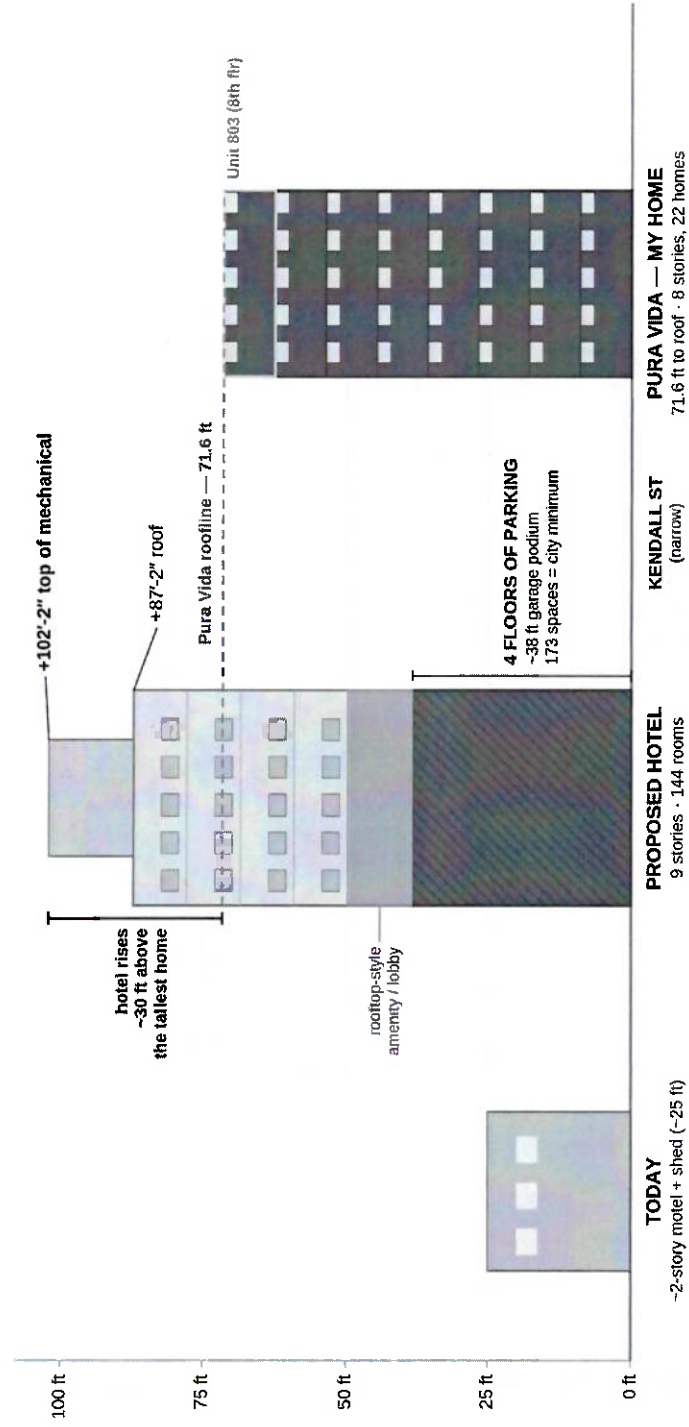
Floors 6-9	144 Guest Rooms
Floor 5	Amenity Deck / Pool
Floors 1-4	Parking Garage (173 spaces)

9 Stories / 87 ft (roof)

Location:	10 & 18 Bay Esplanade, Clearwater Beach (North Beach)
Developer:	MHG Palm Pavilion Hotel / Sixth Flag Planted
Rooms:	144 rooms — requiring 91 units from Hotel Density Reserve
Height:	87'-2" to roof; 102'-2" to top of mechanical (Beach by Design max: 100 ft) — ~30 ft above adjacent Pura Vida (71.6 ft), same Old Florida District
Replaces:	Historic 30-room Palm Pavilion Inn (demolished)
Preserved:	Crabby's Beachside Pavilion restaurant (west parcel)
Approval type:	Development Agreement — requires City Council vote
Timeline:	Site plan: 1 yr Vertical construction: 4 yrs CO: 6 yrs

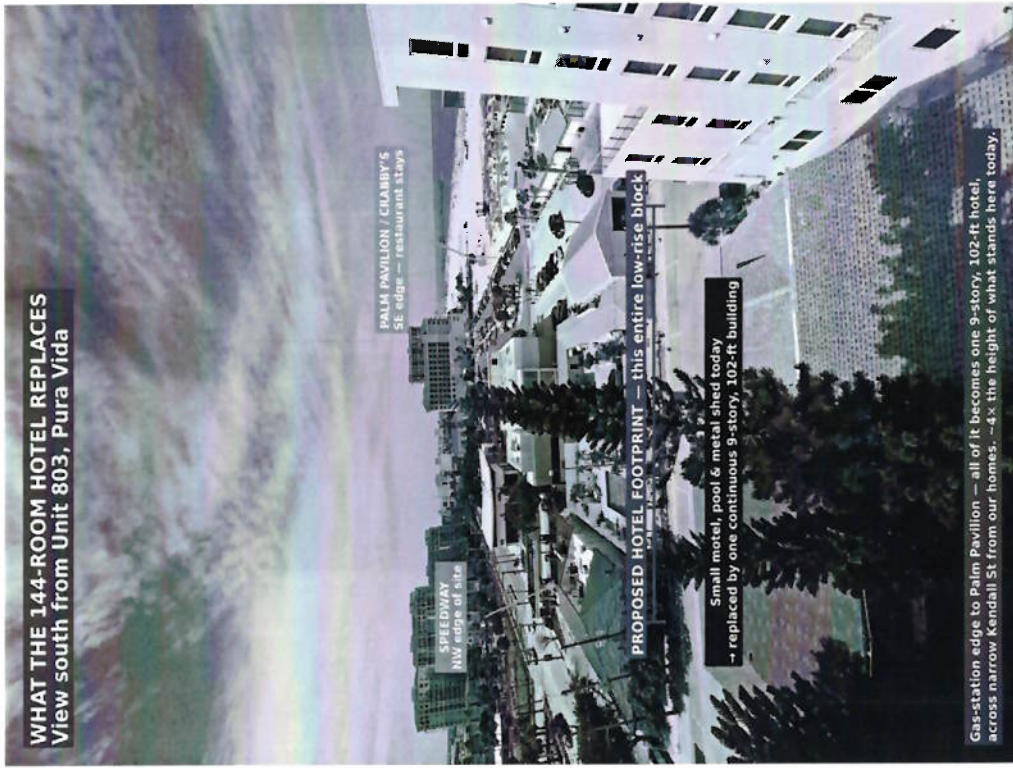
10 & 18 Bay Esplanade: what's there now vs. what's proposed

Heights from the applicant's own architectural elevation and Pura Vida's 2015 City Development Order. Same Old Florida District.



~4x taller than what stands here today (~25 ft) — and its bottom ~38 ft is parking.

It also tops out ~30 ft above Pura Vida (71.6 ft), the tallest home next door, in the same Old Florida District.



PROPOSED PALM PAVILION HOTEL — architect's street elevation



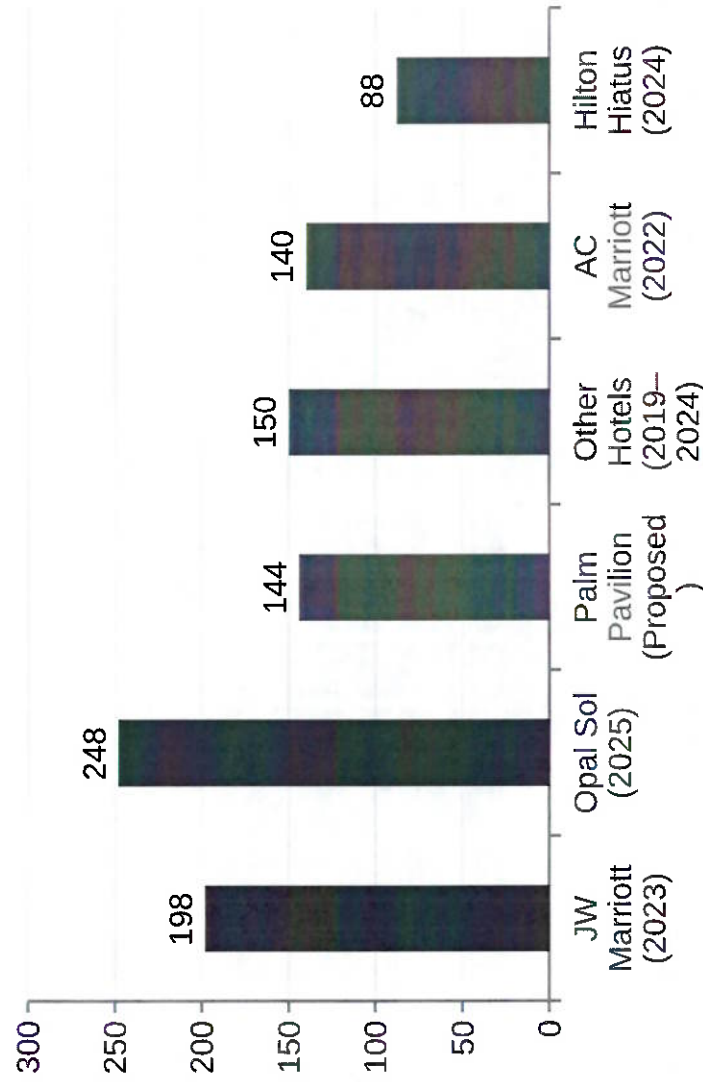
The surviving Palm Pavilion pavilion (right) is ~2 stories. The hotel beside it is 9 stories / ~102 ft.

2400 Seminole Drive S.
St. Petersburg FL 33712

7 Old Roswell Rd.
Alpharetta, GA 30009

Hotel Boom vs. Housing Drought: Clearwater Beach 2019-2026

New Hotel Rooms by Project



~780
new hotel rooms added
(Clearwater Beach, 2019-2026)

~120
new residential units
(mostly luxury condos)

6.5:1 ratio — hotels outpacing
homes by 6.5x on Clearwater Beach

The Hotel Density Reserve is Almost Gone

Beach by Design created the Hotel Density Reserve 20+ years ago to modernize aging motels. That mission is now complete — and the reserve is nearly depleted.

281 units USED

19
left

Hotel Density Reserve Utilization

91

Units requested
by this project alone

19

Units remaining
after approval

0

Units reserved
for future housing

The Prior Planning Record – What the City Already Approved

Density on 18 Bay Esplanade (0.299 acres)

14 units

Zoning allows

30 units

2024 approved (FLD2024-02007)

144 units

Now proposed

The 2024 Approval Was Never About Redevelopment

In August 2024, the city approved Case FLD2024-02007 — a "termination of nonconforming status" for the 30-room inn. The staff report explicitly stated: "No redevelopment is being proposed at this time." That approval was granted to preserve a constrained historic site. The developer has now used it as a springboard for a 144-room, 9-story hotel — a use never contemplated by the 2024 record.

Old Florida District: Wrong Place for a 9-Story Hotel

This property sits within Beach by Design's Old Florida District — a sub-area with specific guidelines emphasizing lower-scale, historic coastal character. The district was designed to protect the 'Old Florida' feel that distinguishes North Beach from the high-rise resort zone to the south. A 9-story, 144-room hotel is fundamentally incompatible with that vision and may not meet the intent of the district's planning principles.

Next Door, Not Nearby — Direct Impacts on Pura Vida Residents

22 homes sit directly across a narrow street from this site. These impacts are nightly and permanent — and several remain unstudied.

Kendall Street Garage Conflict
Two Garages, One Narrow Street

Pura Vida's garage entrance sits directly across Kendall Street from the hotel's garage and pedestrian entrances. Guest arrivals, valet staging, rideshare drop-offs, and deliveries would funnel onto the same street residents use to reach their homes — a street heavy beach foot traffic crosses daily.

The project's traffic study and supporting infrastructure data remain incomplete and unavailable for public review.

Rooftop Noise & Lighting
Every Night, Not Occasionally

A nine-story rooftop amenity deck would operate immediately adjacent to established residences — amplified sound, late-night activity, and light spill directly into neighboring bedrooms.

No enforceable conditions on rooftop noise, lighting, or hours of operation are currently proposed.

Privacy at Close Range
Hotel Rooms Facing Homes

South-facing Pura Vida homes and balconies would be directly overlooked, at close range, by 144 guest rooms and amenity areas.

No view corridor or shadow study has been presented — the record cannot say how much light, outlook, and privacy neighboring homes would lose.

Notice & Fairness
A Troubling Procedural Record

Residents next door received no mailed notice of the August 2024 hearing that created the 30-unit density baseline — nor of the June 4, 2026 hearing, which was postponed over defective notice.

The first mailed notice some adjacent owners ever received arrived only after formal objections were raised.

Critical Questions Not Yet Answered — From the Public Record

View & Shadow Studies

Has a visual impact or view corridor analysis been performed for neighboring residential properties? Has a shadow study been completed — particularly regarding impacts on adjacent residences and mature trees?

Utility Capacity

Has a utility capacity analysis been performed covering water pressure, sewer capacity, stormwater management, and fire suppression infrastructure during peak tourism periods and storm events?

Peak-Condition Traffic

Has a traffic analysis been completed for peak tourism conditions, including rideshare drop-offs, service deliveries, and pedestrian circulation — not just average daily traffic?

Flood Zone & Emergency Access

The site is in AE Flood Zone. Has a flood resiliency and emergency evacuation analysis been completed? Can North Beach roads support 144-room hotel traffic during a hurricane evacuation?

Public Benefit Justification

What specific public benefits justify granting 91 additional hotel units from the Density Reserve? What is the community receiving in exchange for this significant density allocation?

Precedent for North Beach

This decision may set the template for future large-scale redevelopment across North Clearwater Beach. Has the Council considered the precedent being established?

OFFICIAL BOARD OPPOSITION:

On July 13, 2026, the Pura Vida Condominium Association Board of Directors approved and submitted formal written opposition, citing the Kendall Street garage conflict, resident privacy, shadowing, a ten-fold density escalation, and incompatibility with the Old Florida District — urging the Council to deny the agreement or require substantial reductions.

Who Bears the Cost? Stakeholder Impact Analysis

Residents & Condo Owners
✓ Indirect area prestige (marginal) ✗ View loss, property value risk, noise, light, traffic, privacy — no compensation

Local Small Businesses
✓ More visitor foot traffic ✗ Hotel keeps guests on-premises; corporate amenities compete with independents

Workforce & Renters
✓ ~150 permanent hotel jobs created ✗ No affordable housing added; workers can't afford to live here; worsens commute

Tourism Industry
✓ Modern resort capacity; higher ADR; bed-tax revenue ✗ Potential off-peak oversupply; resort saturation; staff housing crisis

City of Clearwater
✓ Higher tax base; tourism revenue; Beach by Design vision advanced ✗ Infrastructure strain; no new housing stock; long-term community erosion

Anticipating the Developer – Claims vs. Reality

Developer Claim

"It meets Beach by Design — staff supports it."

"We're bringing jobs and tax revenue."

"We're saving the historic Palm Pavilion restaurant."

"Our traffic study shows no significant impact."

"The 2024 planning approval supports this project."

The Reality

Compliance ≠ obligation. Council has discretion on the reserve. The Old Florida District guidelines favor lower-scale development. With only 19 units left, now is the time to recalibrate.

Mostly low-wage hospitality jobs. Workers can't afford to live here — they commute, worsening traffic. A condo development would generate comparable property tax with permanent residents.

Crabby's was already sold, renovated, and reopened successfully in 2026 — independently of this hotel. Its survival does not offset the hotel's neighborhood impacts.

The study reflects average conditions, not peak tourism gridlock. No rideshare, delivery, or pedestrian circulation analysis for peak conditions has been presented. Council members acknowledged cumulative strain.

The 2024 approval (FLD2024-02007) explicitly stated 'no redevelopment is being proposed.' It recognized existing nonconforming density — it was never intended to authorize a 144-room, 9-story hotel.

Could This Be Done Differently? Scope Reduction Options

If outright rejection is not on the table, the Council can — and should — impose meaningful conditions.

Reduce the Building's Size & Height

Fewer Floors = Less Impact

The building is simply too big for its site. Fitting 144 rooms onto roughly one acre is what forces four stacked floors of parking and a mass reaching ~102 feet — the garage podium alone is four stories, and that is only the city minimum. The remedy is to reduce the overall program: fewer rooms let the parking, bulk, and height all come down together, so the building fits its footprint instead of overwhelming the block across Kendall Street. Fewer rooms = less parking, less traffic, less noise, and less view obstruction.

Developer pushback: "Economics don't pencil." Counter: They paid \$23M knowing the current rules. A smaller hotel is still a profitable hotel.

Require Meaningful Setbacks

Buffer the East Residential Side

Currently, no perimeter buffer is required in the Tourist District. The Council can condition approval on a minimum setback from the east property line (adjacent to Pura Vida) — preserving a view corridor and reducing shadow and privacy impacts.

Even a 15–20 ft setback on the residential side would be a meaningful concession that costs the developer little in room count but matters enormously to neighbors.

Upper-Floor Step-Backs

Reduce Visual Bulk on High Floors

Require the 7th–9th floors to step back from the building edge by 10–15 ft. This reduces the 'wall' effect from a neighbor's perspective, allows more skylight, and improves architectural character — consistent with Old Florida District principles.

This is a standard design requirement in many coastal cities and doesn't require redesigning from scratch — just terracing the upper stories.

Mixed-Use Alternative

Hotels AND Homes

What if the upper floors included residential condos rather than all hotel rooms? A mixed-use approach — hotel on floors 1–6, condos on 7–9 — would reduce transient density, add permanent residents, and still deliver economic value.

This is the model emerging in cities that recognize over-reliance on tourism erodes year-round community vitality. Clearwater Beach should consider it.

Our Ask to the Council

1

Vote NO on the current proposal

The project as designed is too large, too tall, and too impactful for its residential neighbors and the Old Florida District. With only 19 reserve units left, this is the wrong time for a maximalist hotel.

2

If approving, mandate a height reduction

Cap the hotel at 6–7 stories. Explore whether 3 parking floors can replace 4. Reducing height is the single most impactful condition for neighboring residents.

3

Require east-side setbacks, step-backs, and missing studies

Impose a 15-ft setback from the residential property line, upper-floor step-backs, enforceable rooftop noise/lighting/hours conditions, and require view, shadow, utility, and peak-condition traffic studies — including Kendall Street circulation and resident garage access — before any approval.

4

Pause and reassess the hotel density reserve

The City has acknowledged Reserve tracking remains unclear. Require a full, published accounting of the Hotel Density Reserve — and a review of Beach by Design's vision for North Beach — before committing the last available units.

Clearwater Beach Deserves Both: Tourism AND Community

We welcome thoughtful development. We oppose a maximalist hotel that treats our home as an afterthought.

Please vote to protect the residents who live here year-round.

"The measure of a great city is how it treats those who call it home — not just those who visit."

PROPERTY IMPACT ASSESSMENT

Proposed Palm Pavilion Hotel — 10 & 18 Bay Esplanade, Clearwater Beach

Prepared for: Pura Vida Condominiums, 8th Floor Owner | July 2026

1. THE PROPOSED PROJECT

Developer: MHG Palm Pavilion Hotel LP & Sixth Flag Planted LLC | **Location:** 10 & 18 Bay Esplanade, Clearwater Beach (North Beach)

Floor(s)	Use
Floors 6–9	144 guest rooms
Floor 5	Amenity deck / pool
Floors 1–4	Parking garage — 173 spaces (back-of-house, mechanical, trash & laundry)

Total height: 87'-2" to the roof and 102'-2" to the top of the mechanical penthouse (9 stories), per the applicant's own architectural elevation. Beach by Design permits up to 100 ft to roofline. For comparison, the adjacent Pura Vida Residences — the tallest building on this block — was approved by the City in 2015 (Case FLD2015-06024) at 71.6 feet to its flat roofline, on a 0.50-acre site with 22 units (about 44 units/acre) in this same Old Florida District. The proposed hotel would stand roughly 30 feet taller, at nearly three times that residential density (about 136 units/acre). **Approval:** City Council vote required to approve Development Agreement. Public hearing: Thursday, July 16, 2026, 6:00 PM (Resolution 26-09 / Development Agreement HDA2026-03001). The June 4, 2026 hearing was postponed after residents raised defective mailed notice.

Timeline if approved: Site plan within 1 year → vertical construction within 4 years → CO within 6 years of site plan approval.

2. WHAT THE PRIOR PLANNING RECORD REVEALS

The most important context for this project is what the City of Clearwater approved — and explicitly did not approve — in August 2024.

The 2024 Approval Was Not an Endorsement of Redevelopment

In August 2024, the city approved Case FLD2024-02007 — a "termination of status of nonconformity" for the east parcel at 18 Bay Esplanade. The planning staff report explicitly stated: "**No redevelopment is being proposed at this time.**" The approval was granted solely to recognize the existing 30-room inn as a legal nonconformity on a constrained historic site — not to authorize future intensification.

The developer has now used that administrative approval as a springboard for a 144-room, 9-story hotel — a use **never contemplated in the 2024 record**. This distinction is critical: the city's prior approval did not signal acceptance of large-scale redevelopment.

The Density Escalation Is Extreme — Even by the City's Own Standards

Scenario	Units	Notes
----------	-------	-------

Base zoning allows	14 units	Resort Facilities High @ 50 units/acre × 0.299 ac ≈ 14 units
2024 city approval (FLD2024-02007)	30 units	Recognized existing nonconformity — explicitly not a redevelopment approval
Currently proposed	144 units	Requires 91 additional units from Hotel Density Reserve; 10× the zoning baseline

Old Florida District Incompatibility

The property is located within Beach by Design's **Old Florida District** — a sub-area with specific guidelines emphasizing lower-scale, historic coastal character. The district was designed to preserve the architectural scale and atmosphere that distinguishes North Beach from the high-rise resort corridor to the south. A 9-story, 144-room hotel may be fundamentally incompatible with the intent and planning principles of that district.

3. CRITICAL QUESTIONS NOT YET ANSWERED

As documented in resident letters submitted to the Council, the following analyses have not been presented in the public record and should be required before any approval:

Study Missing	Why It Matters
View & shadow analysis	Has a visual impact or view corridor study been completed for neighboring residences? Has a shadow study been done — particularly regarding impacts on adjacent units and mature trees on the site?
Utility capacity analysis	Has water pressure, sewer capacity, stormwater management, and fire suppression infrastructure been evaluated for a nearly 5× increase in hotel occupancy, including peak tourism periods?
Peak-condition traffic study	The submitted traffic study reflects average daily conditions. Has an analysis been done for peak tourism scenarios, including rideshare drop-offs, service deliveries, and pedestrian circulation?
Flood zone & emergency access	The site is in the AE Flood Zone. Has a resiliency analysis been completed? Can North Beach's road network support 144-room hotel traffic load during a hurricane evacuation order?
Public benefit justification	What specific public benefits justify granting 91 of the last remaining Hotel Density Reserve units to a single private developer on a 0.299-acre site?

4. DIRECT IMPACT ANALYSIS: PURA VIDA 8TH FLOOR

Likely Negative Factors

Factor	Assessment
View Obstruction	At 87 ft to the roof and 102 ft to the top of its mechanical penthouse (9 stories), the hotel rises to — and above — the elevation of an 8th-floor unit. Depending on your unit's orientation toward Bay Esplanade, east- or north-facing views may be significantly blocked. No view corridor analysis has been conducted.

Shadow Impact	A building of this height and mass directly adjacent to a residential property will create significant shadow impacts — particularly in morning and early afternoon hours. No shadow study has been presented.
Noise	Hotel operations generate sustained noise: 144 rooms of guest traffic, daily service deliveries, trash pickup, HVAC rooftop equipment, and an active amenity deck on Floor 5. A near-fivefold increase over the prior 30-room inn.
Light Pollution	An amenity deck and four floors of guest rooms will introduce sustained nighttime lighting — especially from the pool and outdoor areas — directly facing neighboring residential windows.
Construction Disruption	Vertical construction could begin as early as 2027–2028 and last 2–3 years. Expect noise, crane activity, heavy truck traffic on adjacent residential streets, and reduced desirability during that period.
Traffic & Access	The hotel will generate hundreds of additional vehicle trips daily. North Beach roads are already congested at peak times. No peak-condition traffic analysis has been presented to the Council.
Flood Zone Risk	The site is in the AE Flood Zone. A 144-room hotel adds significant population density to a hurricane evacuation zone with limited road access. Emergency access implications have not been analyzed.

Neutral / Mixed Factors

Factor	Assessment
Reserve Depletion	This project claims 91 units from the Hotel Density Reserve, leaving only ~19 units remaining. This effectively limits future large-scale hotel development nearby — though it also signals that the reserve's purpose has been exhausted.
Self-Contained Parking	The 173-space garage meets code requirements. On-street parking spillover from hotel guests is unlikely to be a major issue.
Restaurant Preservation	Crabby's Beachside Pavilion (formerly the Palm Pavilion restaurant) is preserved on the west parcel. It was already sold, renovated, and reopened successfully in early 2026 — independently of this hotel project.

5. THE FISCAL ARGUMENT: HOTEL REVENUE IS NOT MATERIALLY BETTER THAN RESIDENTIAL

A common argument made in favor of hotel projects is that they generate more tax revenue for the city than residential development. This claim deserves scrutiny — particularly on a constrained, premium beachfront site like this one.

Property Tax: Comparable Between Uses

A 144-room, 9-story hotel on a \$23M land purchase will generate substantial property tax revenue. However, a comparable residential development — say, 30–50 luxury beachfront condominiums on the same footprint — would likely be assessed at **similar or higher per-unit valuations**, given that Clearwater Beach luxury condos regularly trade at \$800K–\$2M+ per unit. The tax base difference between a high-end hotel and high-end residential on this site is likely **negligible**.

Where Bed Tax Revenue Actually Goes

The developer's 'tax revenue' argument relies heavily on bed tax (tourist development tax) as a benefit to the city. The reality:

- Pinellas County bed tax is collected at the county level and allocated primarily to tourism marketing, beach maintenance, and capital projects — **not to the City of Clearwater's general fund.**
- The city's direct fiscal benefit from hotel operations is largely limited to property tax — which, as noted above, is comparable to what a residential development would produce.
- A residential development also produces **year-round, stable property tax revenue** with no seasonality — unlike hotel revenue, which fluctuates significantly with tourism cycles, economic downturns, and weather events.

Service Costs Offset Hotel Revenue

Hotels generate higher demands on city services than residential developments of comparable size: more public safety calls, more beach cleanup and maintenance, more traffic enforcement, and greater strain on utilities. Residential owners — particularly at the price point that Clearwater Beach commands — contribute to the tax base while generating lower per-capita service demands.

Sales Tax: Indirect and Diffuse

Hotel proponents often cite indirect economic activity (visitor spending at restaurants, retail, charters) as a city benefit. This spending generates state sales tax, only a fraction of which flows back to the municipality. Permanent residents also generate local spending — and they do so **year-round**, supporting local businesses during the off-season when tourism drops and the hotel's economic contribution is lowest.

FISCAL BOTTOM LINE: The net fiscal benefit of this hotel to the City of Clearwater — after accounting for service costs, the county-level destination of bed taxes, and the comparable property tax yield from a residential alternative — **is not materially greater than what a high-end residential development would produce.** The economic argument for approval does not withstand scrutiny on fiscal grounds alone.

6. BOTTOM LINE & PROPERTY VALUE ASSESSMENT

The most material risk to your unit's value is view obstruction — particularly if your unit faces east (bay-side) or north toward Bay Esplanade. At 87 feet to the roof (102 feet to the top of its mechanical penthouse), the hotel rises to and above your floor level. A unit with an unobstructed bay or northern view that is now partially or fully blocked could see a 5–15% reduction in resale value based on comparable beachfront condo research, with the most acute impact during construction and shortly after opening.

If your unit faces **west toward the Gulf**, impact is likely minimal, and the area-wide investment signal may modestly support values over the longer term.

Additional Risk Factors Identified in Uploaded Documents

- The site is in the AE Flood Zone — adding hotel density increases evacuation risk for the entire North Beach corridor.
- No shadow, view corridor, or utility impact studies have been conducted. These gaps represent unresolved risk to neighboring property owners.

- The Old Florida District character of North Beach is a key component of what makes this area desirable — and therefore what supports property values. Erosion of that character through oversized hotel development is a long-term value risk beyond just your specific unit.
- The Pura Vida Condominium Association Board approved and submitted formal written opposition on July 13, 2026, citing the Kendall Street garage conflict, privacy, shadowing, a ten-fold density escalation, and incompatibility with the Old Florida District — urging denial or substantial reduction.
- A prior resident letter (Wheat, Pura Vida) formally requests view/shadow/utility studies before approval — establishing a documented public record of unresolved concerns.

Recommended Next Steps

- **Review the site plan:** Pull the conceptual site plan from Item 8.5's agenda attachments to confirm the hotel's exact footprint relative to your unit's sightlines.
- **Attend the July 16 hearing:** Submit written comment or speak during public comment. Frame your concern around the missing studies and the 2024 planning record — not just personal impact.
- **Reference the prior planning approval:** Cite Case FLD2024-02007 and the explicit statement that 'no redevelopment is being proposed.' This is the strongest procedural argument in the record.
- **Consult a local appraiser:** Request a unit-specific valuation opinion from a Clearwater Beach appraiser familiar with beachfront condo comparables, ideally before and after the approval decision.
- **Coordinate with the Pura Vida Board:** The Board has already submitted formal opposition. Align your individual comment with the Board's documented concerns for maximum impact.

Sources: Tampa Bay Times / Beacon Media (July 2026); City of Clearwater planning staff report (Item 8.5 & Case FLD2024-02007, August 2024); Beach by Design / Old Florida District guidelines; Jonathan Wheat resident letter to Council (July 2026); Pura Vida Condominium Association Board letter (July 2026); Pura Vida owner research.

STATEMENT TO THE CLEARWATER CITY COUNCIL

Opposition to Resolution 26-09 / Development Agreement HDA2026-03001 — Palm Pavilion Hotel

Public Hearing — July 16, 2026 · Ryan Zaborske, Unit 803, Pura Vida Residences, 15 Avalon Street, Clearwater Beach

Mayor Rector and Councilmembers — my name is Ryan Zaborske. I own Unit 803 at the Pura Vida Residences, 15 Avalon Street, the residential building directly adjacent to this site. I ask you to deny Resolution 26-09, and I want to give you three numbers to explain why: 14, 30, and 144.

Fourteen is what the code allows on this parcel — less than a third of an acre. Thirty is what the Community Development Board recognized in August 2024, in an approval whose own staff report stated, “No redevelopment is being proposed at this time.” That approval existed to preserve the historic inn. And 144 is what is before you tonight — ten times the code, built on a baseline that was never meant to authorize expansion.

To reach 144 rooms, this agreement hands over 91 of the roughly 110 units left in the Hotel Density Reserve, leaving just 19 for the entire rest of the beach. This Council has itself acknowledged that Reserve tracking is unclear, and there is no published accounting. You are being asked to spend nearly everything left in a shared public account without a bank statement.

Since 2019, this beach has added more than 780 hotel rooms and fewer than 120 homes. That is not balance; it is a one-way march.

Consider what this means at my building. Our garage entrance is on Kendall Street, directly across a narrow street from the hotel's garage and pedestrian entrances. Every arrival, valet, rideshare, and delivery truck would funnel onto the street we use to get home, across the path beachgoers walk every day — and the traffic study is still not complete or public. South-facing homes would be overlooked at close range, and a rooftop amenity deck would operate beside our bedrooms every night.

There is one more number worth your attention: 173. That is the parking the code requires for 144 rooms — the bare minimum — and meeting even that minimum takes four floors of garage, nearly forty feet of concrete, before a single guest room begins. That alone shows this is too much building for the land. I previously owned and operated a restaurant beside the Edge Hotel on this beach; minimum parking never meant enough parking, and the overflow always landed on the surrounding streets — here, that street is where we live.

The building's true scale is larger than earlier descriptions suggested. The applicant's own architectural elevation shows it rising to 87 feet at the roof and 102 feet at the top of its

mechanical penthouse — at or above the eighth-floor elevation of my home, directly across Kendall Street. Its guest-room floors and rooftop deck would look straight into our residences. For perspective, my own building — the tallest home on this block — was approved by this City in 2015 at 71.6 feet to the roofline, in this same Old Florida District. This hotel would rise about thirty feet higher, at nearly three times the density the City approved directly next door.

For the record, I received no mailed notice of the 2024 hearing that created this density baseline, and none for the June 4 hearing, which was itself postponed over defective notice. The first notice I ever received came only after residents formally objected.

I respectfully ask you to deny Resolution 26-09. If the Council will not deny it, I ask that you impose real conditions before any approval: reduce the building's overall size and height so it fits its site; require residential-side setbacks and upper-floor step-backs; adopt enforceable limits on rooftop noise, lighting, and hours; require a completed, public traffic study covering Kendall Street and our garage access; and require a full Hotel Density Reserve accounting before another unit is allocated.

Thank you for your time and your service to Clearwater Beach.

Respectfully submitted,

Ryan Zaborske · Unit 803, Pura Vida Residences, 15 Avalon Street, Clearwater Beach, FL 33767 ·
ryan.zaborske@gmail.com · 813.335.4138

Call, Rosemarie

From: Kathy Bizoukas <kathy.bizoukas@gmail.com>
Sent: Wednesday, July 15, 2026 1:40 PM
To: ClearwaterCouncil
Cc: Kathy Bizoukas; Rector, Bruce; Cotton, Ryan; Mannino, Michael; Allbritton, David; Teixeira, Lina; Call, Rosemarie
Subject: Opposition-Resolution 26-09 / Palm Pavilion Hotel
Attachments: Palm Pavilion Hotel opposition.pdf

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Good Day,
Please accept my letter (attached) to be entered into the official record of the July 16, 2026 public hearing

Thank you,
Kathy Bizoukas
15 Avalon Unit 804
Clearwater Beach FL 33767
219-313-7005

July 15, 2026

Dear Mayor Rector and Members of the Council:

My name is Kathy Bizoukas, and my family owns Unit 804 at the Pura Vida Residences Condominium, 15 Avalon Street, Clearwater Beach — directly adjacent to the proposed Palm Pavilion Hotel site at 10 & 18 Bay Esplanade. I am writing to oppose Resolution 26-09 and Development Agreement HDA2026-03001, and I ask that this letter be entered into the official record of the July 16, 2026 public hearing.

I am writing to express our objection to, and extreme disappointment with the proposed 9-story Palm Pavilion project. In 2021, we purchased an 8th floor unit in the newly constructed Pura Vida development. We were drawn to this development, primarily for the beautiful, unobstructed views of the Gulf and intercoastal waterway. At that time, we were assured that any future developments in Clearwater Beach would be limited to 8-stories and there were no planned new developments to the south of our building.

Our objections to the proposed project are not limited to aforementioned negative impact on our view of the Gulf. Additional concerns and potential impact include:

- Decline in property value and marketability of all units with south exposure.
- Increase in population and foot traffic on North Beach. One of the attractions of being in North Beach is the peace and quiet we enjoy relative to residing further south.
- Increased vehicle traffic on the Island.
- Challenges it will create relative to dining in the area

I respectfully ask the Council to deny Resolution 26-09 and Development Agreement HDA2026-03001 in their current form. At a minimum, any approval should require a substantial reduction in height and density, real setbacks and upper-floor step-backs on the residential side, enforceable rooftop noise and lighting conditions, a completed public traffic study addressing Kendall Street, and a published accounting of the Hotel Density Reserve.

Thank you for your service and for giving the residents who live here year-round the weight we deserve in this decision.

Respectfully,
Kathy Bizoukas

Pura Vida Residences, Unit 804
15 Avalon Street,
Clearwater Beach, FL 33767

Kathy.bizoukas@gmail.com

219.313.7005

Call, Rosemarie

From: Brian Thompson <bthompson@metalroofingsystems.com>
Sent: Wednesday, July 15, 2026 8:39 AM
To: Call, Rosemarie
Subject: Palm Pavilion
Attachments: Brian and Amy Thompson - Letter in Opposition to Palm Pavilion Redevelopment Project.docx

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Sent from my iPhone

Brian Thompson

Division Production Manager
Stanley Branch
www.metalroofingsystems.com



METAL ROOFING
SYSTEMS

P: 704-820-3110
M: 704-622-1309

Mayor Bruce Rector and Members of the Clearwater City Council
City of Clearwater

Re: Opposition to Resolution 26-09 / Development Agreement HDA2026-03001 – Palm Pavilion Hotel Redevelopment

Dear Mayor Rector and Councilmembers,

My wife and I are residents of Pura Vida Condominiums, immediately adjacent to the proposed Palm Pavilion Hotel redevelopment. We respectfully ask that you deny this application in its current form.

We understand that Clearwater Beach will continue to evolve and that redevelopment is both necessary and appropriate. We are not opposed to redevelopment. We are opposed to the extraordinary size, density, and intensity of this particular proposal and the significant impact it will have on the people who already call North Clearwater Beach home.

Our condominium is one of the residences that will be most directly affected. Our two south-facing bedrooms and our balcony will sit directly across from a proposed hotel building approximately 100 feet in height. Instead of looking toward the beach and ocean, our home will face a massive commercial building filled with hotel rooms and balconies.

Our concerns extend well beyond the loss of a view.

We are deeply concerned about the loss of privacy that will result from hundreds of hotel guests having a direct line of sight into our bedrooms and outdoor living space. Our home should remain a place where we can enjoy privacy and quiet, and not have to deal with the noise and disruption that comes from such a massive resort located directly in our backyard.

We are also concerned about the increase in noise that inevitably accompanies a hotel of this size. Guests arriving late at night, balconies in constant use, delivery trucks, rideshare traffic, trash and other service vehicles, outdoor activity, and the general operation of a 144-room hotel will fundamentally change the peaceful residential environment that attracted us to North Clearwater Beach.

What is perhaps most difficult to understand is how this property has progressed to this point.

For years, the City's planning documents recognized that this site was appropriate for only 14 lodging units under the zoning regulations. The existing Palm Pavilion Inn was later allowed to continue operating with approximately 30 units because of its long-standing nonconforming status. Now, only a short time later, the applicant seeks approval for 144 hotel rooms—nearly five times the previously recognized density and more than ten times what the zoning originally contemplated.

That is not simply redevelopment; it is an extraordinary escalation in development intensity.

We respectfully ask the Council to consider whether a project of this magnitude truly belongs immediately adjacent to established residential homes. North Clearwater Beach has always been distinguished by its lower-scale character and the balance between visitors and permanent residents. Approving a hotel of this size risks permanently changing that balance.

Our concern is not with the Palm Pavilion property being improved. Our concern is that the proposed building is simply too large, too dense, and too close to existing homes.

We respectfully ask you to protect the residential character of our neighborhood and deny this application in its current form, or require a substantially smaller project that is compatible with the surrounding community.

Thank you for your time, your consideration, and your service to the residents of Clearwater.

Respectfully,

Brian Thompson
Amy Thompson
Owners, Pura Vida Condominiums
15 Avalon Street
Clearwater Beach, FL 33767