



PLANNING & DEVELOPMENT DEPARTMENT COMMUNITY DEVELOPMENT BOARD STAFF REPORT

MEETING DATE: August 19, 2025
AGENDA ITEM: ID#25-0714
CASE: FLD2025-05009
REQUEST: Flexible Development approval for a 1,745 square foot commercial dock accessory to a nine-unit resort attached dwelling within the Tourist (T) District and the Old Florida Character District of Beach by Design for the properties located at 685 & 689 Bay Esplanade. Requested is flexibility for a commercial dock. (Community Development Code Sections 3-601.C.2-3)

GENERAL DATA:

Agent..... Albert Carrier, Terra Mare Consulting
Owners..... Peter Pan Development & Somerset Place Inc.
Location..... 685 & 689 Bay Esplanade with unaddressed submerged lands; consisting of three parcels located at the southeast corner of Bay Esplanade and Somerset Street
Property Size..... 2.37 acres (0.31 acres upland), total of the three parcels
Future Land Use..... Resort Facilities High (RFH) and Preservation (P)
Zoning..... Tourist (T) and Preservation (P)
Special Area Plan..... Beach by Design (Old Florida District)
Adjacent Zoning... *North:* Tourist (T) and Preservation (P)
South: Tourist (T) and Preservation (P)
East: Preservation (P)
West: Tourist (T)
Existing Land Use..... Nine-unit Resort Attached Dwellings (Approved, not constructed)
Proposed Land Use..... Dock

BACKGROUND

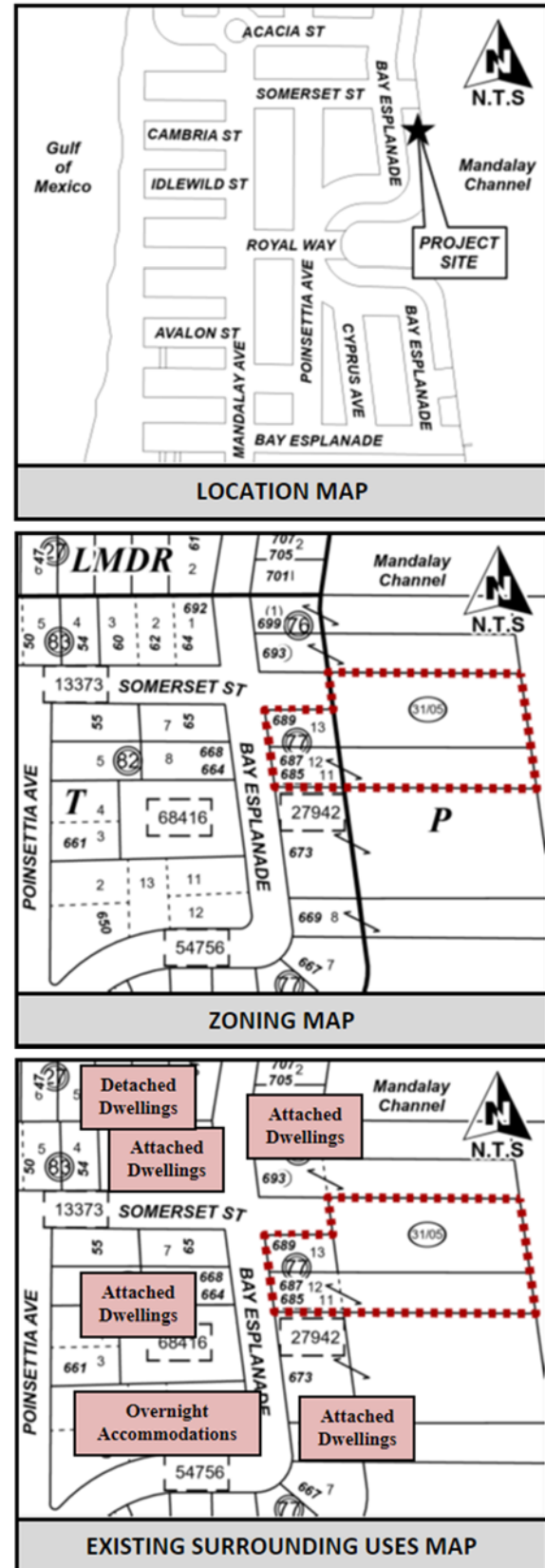
Location and Existing Conditions:

The 2.37-acre (0.31-acre upland) project site is located on the southeast corner of Bay Esplanade and Somerset Street. The project site consists of three parcels with a frontage of 124 feet along the east side of Bay Esplanade, 110 feet along the south side of Somerset Street and 182.69 feet, a waterfront property, along Mandalay Channel.

The upland portions of the project site are located within the Tourist (T) District and the Old Florida Character District of *Beach by Design* with a Resort Facilities High (RFH) future land use designation. The submerged portions of the project site containing the proposed dock are in the Preservation (P) District with a Preservation (P) future land use designation. The project is within the *Beach by Design* special area plan, which envisions the redevelopment of this area primarily with overnight accommodation and attached dwelling with retail/commercial and mixed-use developments along Mandalay Avenue. There are existing docks located at 685 Bay Esplanade and 689 Bay Esplanade; both will be demolished as part of the project.

The immediate vicinity is characterized by a variety of overnight accommodations, resort and attached dwellings, retail sales/services, restaurants, bars, and outdoor recreation uses. The surrounding development pattern consists of one-story and multi-story attached dwellings located to the west, north and south, all of which have docks along the Mandalay Channel. The Five Palms, located at 673 Bay Esplanade, is a two-story attached dwelling development constructed in 1951 with a 13-slip, 1,040 square-foot, multi-use dock which was expanded over multiple decades prior to the adoption of the current code.

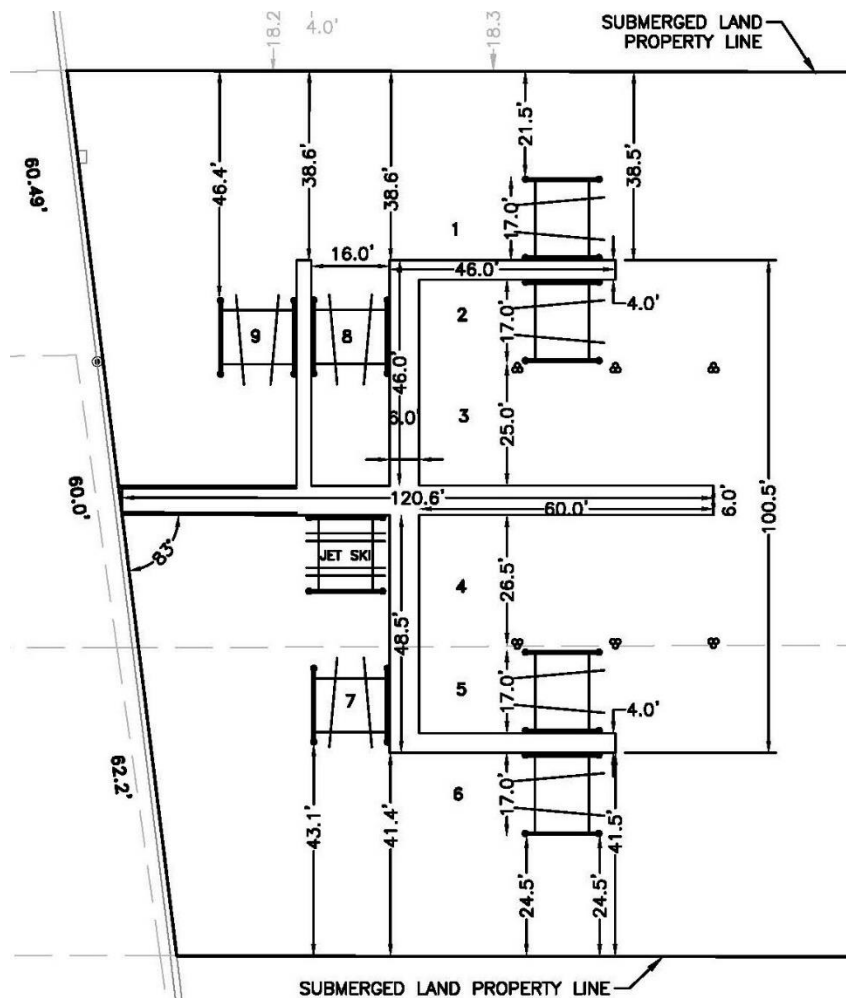
The Pinellas County Department of Water and Navigation is the issuing entity for all dock and marina permits within Pinellas County. Each local jurisdiction is charged with reviewing all proposed dock and marina projects against the local jurisdictional codified ordinances prior to the submittal with the county.



- On November 15, 2005, the Community Development Board (CDB) approved FLD2005-08088 which included a request to permit eight attached dwellings. This approval expired.
- On December 18, 2007, the CDB approved FLD2007-03007 which included a request for a 3,182 square foot multi-use dock facility to provide 14 slips as an amenity to a proposed 16-unit attached dwelling. This approval expired. (The scope of the project included the two parcels on the north side of Somerset Street, 693 Bay Esplanade and 699 Bay Esplanade.)
- On October 15, 2024, the CDB approved FLD2023-05011, which included a request for the construction of a six-story, nine-unit resort attached dwelling development.

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

The proposal is to construct a 1,745 square foot commercial dock with a total of nine boat slips with seven boatlifts, two wet slips and one jet-ski lift. The six-foot-wide main walkout extends a total of 120.6 feet east of the seawall. Based on the project site and the existing 182.69-foot waterfrontage, the required setbacks are 10 percent, or 18.3 feet and the maximum dock width and length is 75 percent or 137 feet, respectively. The north-south walkout branches of the dock feature a setback of 38.6 feet to the north and 41.4 feet to the south. The minimum permitted setback for a boatlift or catwalk is 10 feet and the project includes a boatlift/catwalk setback of 21.5 feet to the north and 24.5 feet to the south. The overall width of the dock will be 100.5 feet and features three catwalks providing access to Slips 1-2 on the north branch, Slips 5-6 on the south branch and Slips 8-9 on the catwalk extending north from the main walkout. Slips 3-4 are accessed from the main walkout, the jet-ski lift is on the south side of the dock and the two wet slips are proposed eastward of end of the dock.



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ANALYSIS

Beach by Design - Special Area Plan Governing Clearwater Beach

As indicated above, the site is in the Old Florida District of *Beach by Design*. This District is envisioned to remain a transitional area between the single-family neighborhood north of Acacia Street and the more intense tourist/resort areas located farther to the south. The Old Florida District provides a set of development parameters addressing building height, minimum setbacks, required building setbacks, landscape buffers, and parking/vehicular access. These development parameters supersede any conflicting statements contained within the Design Guidelines of *Beach by Design* and the Community Development Code. Furthermore, the Design Guidelines of *Beach by Design* provide that “Any issue not addressed in [the] Design Guidelines shall be governed by the requirements of the Community Development Code.” The Old Florida District and the Design Guidelines of *Beach by Design* are silent with respect to dock facilities, therefore, the Community Development Code applies to the proposed project.

Community Development Code Section 3-601.C.3.a-g. – Commercial Dock Criteria

As stated previously, any new multi-use dock with a deck area exceeding 500 square feet shall be assessed as a commercial dock and shall be reviewed for compliance with the following criteria.

a. Use and compatibility.

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

The proposed dock will serve the nine-unit Channel Club Resort and is intended to enhance the overall use and character of the property by providing convenient vessel dockage. Designed as an amenity, the dock will improve comfort, accessibility, and enjoyment for both residents and guests. The project is compatible with the established character of adjacent waterfront properties within the Tourist Zoning District. Furthermore, the size and scale of the proposed docking facility are consistent with the existing dock structures on the neighboring property to the south located at 673 Bay Esplanade, which precedes the existing code.

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

The proposed dock facility will serve as transient dockage for members and guests of the upland development. The design complies with all dimensional standards set forth in the City of Clearwater Code. The applicant is not seeking any flexibility related to dock length, setbacks, or density. The waterward-most piling will be equipped with reflective tape to aid in nighttime navigation. The dock is located within a designated “Slow Speed Minimum Wake Zone” and will not impede navigation of the waterway. The Harbormaster has reviewed the proposal and confirmed that it will not obstruct navigational routes.

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

The project will not negatively impact navigation, as the proposed dock length is 120.6 feet where 137 feet is the maximum permitted by-right based on the length of the waterfront property. Furthermore, the Harbormaster has reviewed the proposal and determined that it will not result in any adverse impacts to the waterway.

- d. *Impacts on marine environment.***

- i) Docks shall be sited to ensure that boat access routes avoid injury to marine grassbeds or other aquatic resources in the surrounding areas.**
- ii) Docks shall not have an adverse impact upon natural marine habitats, grass flats suitable as nursery feeding grounds for marine life, or established marine soil suitable for producing plant growth of a type useful as nursery or feeding grounds for marine life; manatee sanctuaries; natural reefs and any such artificial reef which has developed an associated flora and fauna which have been determined to be approaching a typical natural assemblage structure in both density and diversity; oyster beds; clam beds; known sea turtle nesting site; commercial or sport fisheries or shell fisheries areas; and habitats desirable as juvenile fish habitat.**

The Benthic Survey submitted by the applicant identified seagrass beds to the north of the proposed dock facility, along with seven environmentally sensitive areas located near the seawall. The dock has been designed with a 54.6-foot main walkout placing the bulk of the dock easterly of the seagrass beds so that it will have no impact on these sensitive areas. The study determined that seagrass is only present adjacent to Somerset Street and does not extend into the proposed construction area. Of the transects surveyed, those containing seagrass averaged a score of approximately 4 on the BBCC (Benthic Bio-Community Condition) index. Additionally, multiple adult coral colonies were observed attached to various substrates, primarily man-made structures or debris. To mitigate any potential environmental impact, manatee awareness signage will be installed at the dock, and updated notices will be posted to alert transient boaters of potential manatee interactions. During construction, the contractor will be required to follow established manatee protection protocols in the event that a manatee is observed in the vicinity of the work area.

- e. *Impacts on water quality.***

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

The applicant proposes to construct a dock supported by 8-inch to 10-inch wooden pilings in an area with adequate water depths suitable for motorized boating. The site is adjacent to a navigation channel and is located within an open bay that experiences sufficient tidal flow, ensuring adequate water circulation. The dock is designed to accommodate vessels with motors and associated boat slips in the vicinity. To protect water quality during construction, turbidity curtains will be installed around

the work area prior to commencement. The dock and slips are located outside the influence of storm drains, and no detrimental effects to water quality are anticipated from the proposed activity.

f. Impacts on natural resources.

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

The proposed dock walkways will vary in width (3, 4, and 6 feet), and the 8-inch to 10-inch wooden support pilings are minimal in size, posing no significant adverse effects on surrounding habitats. A submerged aquatic vegetation survey (SAV) was conducted on June 5, 2024, to assess the presence and extent of seagrass within the project area. According to the applicant, the survey confirmed that seagrass does not extend into the proposed construction zone. Several adult coral colonies were identified, primarily attached to man-made substrates. All transect quadrats containing benthic resources were documented, and the organisms observed are classified within the benthic report. Photo documentation is included within the applicant's documentation and quadrats with benthic organisms are properly labeled and mapped. Based on the findings, impacts to marine resources are expected to be minimal. The proposed slips have adequate depth to support mooring. Educational signage will be incorporated as appropriate during the State permitting process. The dock is not located within any area officially designated by City, County, State, or Federal agencies as environmentally significant. There are no protected aquatic or shoreline resources in the project area. The uplands are developed, and there are no designated preservation areas, national wildlife refuges, bird sanctuaries, or other environmentally protected zones.

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

The main walkout of the project is designed to place the active portions of the dock to the east of the sensitive seagrass beds. The project will not impact any surrounding upland areas and there are no existing wetlands habitats within the project vicinity.

h. Dimensional standards.

The table below summarizes the dimensional standards applicable to the requested dock.

DIMENSIONAL STANDARD	COMPLIANCE WITH STANDARD
<p><u><i>Setbacks for commercial and/or multi-use docks – 3-601.C.3.h.(i)</i></u></p> <p>a) If the commercial or multi-use dock is located adjacent to a waterfront property occupied by a detached dwelling or two-unit attached dwelling use and the use of said property conforms to the zoning district, the setback adjacent to the residential property line as extended into the water shall be a minimum of one-third of the applicant's waterfront property width measured from the side property lines;</p> <p>b) If a commercial or multi-use dock located on non-residentially zoned property is adjacent to any waterfront residentially zoned property, the setback adjacent to the residentially zoned property line as extended into the water shall be a minimum of 20 percent of the applicant's waterfront property width measured from the side property lines;</p> <p>c) In all other circumstances, commercial and multi-use docks shall be located so that the setback from any property line as extended into the water shall be a minimum of ten percent of the applicant's waterfront property width measured from the side property lines.</p>	<p>a) Not Applicable.</p> <p>b) Not Applicable.</p> <p>c) The waterfront property length is 182.69 feet and the required setback of ten percent equals 18.3 feet. The proposed setbacks will be 38.5 feet to the north and 41.4 feet to the south, which exceeds the minimum requirement.</p>
<p><u><i>Length of commercial and/or multi-use docks – 3-601.C.3.h.(ii)</i></u></p> <p>The length of commercial and multi-use docks shall not extend from the mean high-water line or seawall of the applicant's property more than 75 percent of the width of the applicant's property measured at the waterfront property line, up to a maximum of 250 feet. Tie poles may extend beyond the dock provided such poles do not project into the navigable portion of the waterway by more than an additional 50 feet or 25 percent of such waterway, whichever is less, and do not constitute a navigational hazard.</p>	<p>The maximum length permitted is 75% of 182.69 feet which equals 137 feet, and the code allows a maximum length of up to 250 feet. The proposed length will be 120.6 feet which meets the maximum dock length requirement.</p>
<p><u><i>Width of commercial and/or multi-use docks – 3-601.C.3.h.(iii)</i></u></p> <p>The width of commercial and multi-use docks shall not extend 75 percent of the width of the applicant's property measured at the waterfront property line.</p>	<p>The maximum width permitted is 75% of 182.69 feet which equals 137 feet. The proposed width will be 100.5 feet which meets the maximum dock width requirement.</p>

i. Deviations. Applications for deviations to the dimensional standards set forth in Section C-301.C.3.h. may be approved by the Community Development Board based on the following:

The proposed dock will meet all dimensional standards and does not require any deviations from this section.

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 3-914.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 proposed development is in the heart of the transitional Old Florida District which includes a variety of commercial uses and overnight accommodations and attached dwellings such as condominiums. The proposed slips are for use by the residents of the approved nine-unit resort attached dwelling, and no commercial vessels will use the dock. The proposed dock is comparable in size to other commercial docks serving multi-family developments in the immediate area and meets the required dimensional standards.
<i>Section 3-914.A.2. The proposed development will not hinder or discourage development and use of adjacent land and buildings or significantly impair the value thereof.</i>	The proposed development complies with all of the commercial dock standards and will not hinder or discourage the development of adjacent properties.
<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 proposed docking facility will provide transient dockage for members of the future Channel Club Resort. The design and scale of the dock is consistent with the character of the surrounding waterfront neighborhood. As a safety measure, the outermost waterward piling will be fitted with reflective tape to enhance visibility and aid in nighttime navigation. The proposed dock is not expected to have any adverse effect on the health, safety, or well-being of the surrounding community.
<i>Section 3-914.A.4. The proposed development is designed to minimize traffic congestion.</i>	The dock facility is intended to serve as transient dockage for members of the future Channel Club Resort. The proposed construction will expand the available dockage capacity, offering an alternative mode of transportation to the Resort by water. This is expected to help reduce local vehicle traffic congestion by encouraging waterborne access.
<i>Section 3-914.A.5. The proposed development is consistent with the community character of the immediate vicinity.</i>	The proposed upland development is a residential use, less intensive than otherwise allowed, and the dock is a common accessory use which complies with the requirements of the CDC. It is consistent with the community character of this transitional area of Clearwater Beach.
<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 dock improvements have been designed to minimize potential impacts on adjacent properties by locating the majority of the enhancements within the permitted docking footprint. The proposed dock will not alter the hours of operation of the Channel Club or interfere with its normal day-to-day functions. The dock is intended to enhance vessel access to the Club, providing greater convenience for members arriving by water.

RECOMMENDATION

The Development Review Committee (DRC) reviewed the application and supporting materials at the DRC meeting of July 3, 2025. 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 2.37-acre (0.31-acre upland) project site is located at the southeast corner of Bay Esplanade and Somerset Street.
2. The project site is located within the Tourist (T) District of the Old Florida Character District of Beach by Design special plan area and the compatible Resort Facilities High (RFH) future land use category as well as the submerged lands are located in the Preservation (P) District and the consistent Preservation (P) future land use category.
3. The project site received prior approval for a nine-unit resort attached dwelling development of the upland areas through case FLD2023-05011.
4. CDC Section 3-601.A requires that, "No dock may be constructed, added to, or structurally altered without first obtaining approval by the city and a permit from the Pinellas County Water and Navigation Control Authority."
5. CDC Section 3-601.C.3 requires that a multi-use dock exceeding 500 square feet must be reviewed as a commercial dock through a Level Two, Flexible Development review process.
6. The proposed dock includes compliant side, north and south, setbacks of 38.5 feet and 41.4 feet, respectively, where 18.3 feet is required based on 10 percent of the 182.69-foot waterfront property consistent with CDC Section 3-601.C.3.h.(i)(c).
7. The proposed dock length of 120.6 feet, where 137 feet is the maximum permitted based on 75 percent of the 182.69-foot waterfront property and is consistent with CDC Section 3-601.C.3.h.(ii).
8. The proposed dock width of 100.5 feet, where 137 feet is the maximum permitted based on 75 percent the 182.69-foot waterfront property and is consistent with CDC Section 3-601.C.3.h.(iii).
9. The project site includes the submerged lands and features environmentally sensitive seagrass beds. The main walkout of 54.6 feet avoids these seagrass beds. The resulting dock length of 100.5 feet remains under 137 feet which is the maximum dock length permitted.
10. There are no proposed changes to the previously approved upland site plan from case FLD2023-05011.
11. There are no active Code Compliance cases for the subject properties.

Recommended Conclusions of Law

1. The development proposal is consistent with the uses and density permitted for the Resort Facilities High (RFH) and Preservation (P) future land use categories in the city's Comprehensive Plan
2. The development proposal is consistent with criteria for commercial docks pursuant to CDC Sections 3-601.C.2 and 3.
3. The development proposal is consistent with the General Standards for Level One and Two Approvals pursuant to CDC Section 3-914.A.

Based on the above recommended findings of fact and conclusions of law, the Planning and Development Department recommends **APPROVAL** of application FLD2025-05009, subject to the following conditions:

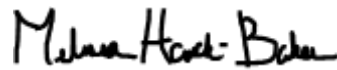
Conditions of Approval***General/Miscellaneous Conditions***

1. An application for a building permit be submitted no later than August 19, 2026, unless time extensions are granted pursuant to CDC Section 4-407.
2. A written narrative is submitted which fully clarifies how each condition of approval is met with any applicable permit submittal subject to any applicable timing requirement to the satisfaction of City Staff.
3. The dock shall be designed, located, and constructed as approved by the Community Development Board.
4. No portion of the dock is permitted to be leased to non-residents of the upland development.
5. 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.
6. Consolidate the existing parcels through a Unity of Title.

Timing Conditions - Prior to Issuance of Permit, Excluding Demolition and Clearing and Grubbing or the Provision of Fill

7. The proposed Pinellas County Water/Navigation dock application shall not be approved by the City until the upland development for the resort attached dwellings has an active building construction permit which has passed a tie in survey.
8. All other applicable local, state and/or federal permits be obtained and evidence of such be submitted to city staff.

Prepared by Planning and Development Department Staff:



Melissa Hauck-Baker, AICP, Planner III

ATTACHMENTS: Resume, Photographs

Melissa Hauck-Baker, AICP, NJPP
100 South Myrtle Avenue
Clearwater, Florida 33756
727.562.4567 x2855
melissa.hauck-baker@myclearwater.com

PROFESSIONAL EXPERIENCE

- **Senior Planner, Development Review Division**

City of Clearwater, FL

July 2013 – Present

Provide professional urban planning services to citizens, City Officials and businesses regarding Land Development Review procedures and legal requirements of the Community Development Code for the City. Assist in the day to day planning and zoning operations as well as long range planning initiatives, interdepartmental cooperation and assistance. Conduct plan reviews, site investigations, report preparation, meeting attendance and presentation of findings as relating to proposed development projects and required regulatory review procedures.

- **Professional Planner Consultant**

City of Clearwater, FL

March 2010 to June 2013

Provide consulting services to clients as requested for various residential and commercial scale projects as relating to the necessary zoning and planning review processes required by the specific governing entity. Supervise the preparation of reports and plans, conduct site visits, attend and present findings at municipal and all related public meetings, coordinate with applicant, various municipal staff and related professional consultants.

- **Senior Associate**

January 2005 to March 2010

- **Project Manager**

KEPG, LLC, Atlantic City, NJ

April 2001 to January 2005

Oversee consulting services provided to municipal clients in the area of zoning, planning, master planning and redevelopment planning. Review all proposed projects before any required municipal board, authority and commission as well as any additional jurisdictional requirement of other local, state and federal entities. Provide professional guidance regarding planning and zoning concepts, zoning ordinance development, urban design issues, master plans, and redevelopment plans as outlined within the New Jersey Municipal Land Use Law. Supervise the preparation of reports and plans, conduct site visits, attend and present findings at municipal and all related public meetings, coordinate with firm staff, various municipal staff and related consultants to effectuate an efficient and thorough review process.

- **Zoning Administrator**

June 1998 to April 2001

- **City Planner**

November 1994 to May 1998

- **Historic Preservation Specialist**

City of Reading, PA

September 1993 to October 1994

Staff liaison and administrator to the Zoning Hearing Board, Planning Commission, Historic Architectural Review Board, Reading Redevelopment Authority and Fine Arts Board. Enforcement, interpretation and regulatory cooperation of the following ordinances; subdivision, land development, historic preservation, redevelopment and zoning. Provide assistance with downtown, neighborhood, comprehensive master plan, parks, recreation, and public property planning. Conduct site inspections, process violations, and pursue cases through the court system. Assist with review of proposed development projects in conjunction with planning, engineering, and building code staff as well as with the preparation of the Comprehensive Master Plan. Generate graphics for various presentations as required by the department.

EDUCATION

Bachelor of Landscape Architecture, Magna Cum Laude, State University of New York, Syracuse, 1993

LICENSES AND ASSOCIATION MEMBERSHIPS

American Institute of Certified Planners #023351 (2009 to Present) American Planning Association (2001 to Present)

Florida Chapter (2013 to Present) New Jersey Chapter (2001 to 2012)

Licensed New Jersey Professional Planner #33LD0609500 (2009 to Present)



Looking SE along Bay Esplanade.



Looking SE along Bay Esplanade.



Looking E along Somerset Street towards the Mandalay Channel.



Looking SE along the Mandalay Channel.



Looking S along the seawall towards the project site and existing docks.



Looking S along the seawall towards the project site and existing docks.