

City of Clearwater

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



Meeting Minutes

Thursday, June 4, 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 May 21, 2026 City Council meeting as submitted in written summation by the City Clerk.

Councilmember Allbritton moved to approve the minutes of the May 21, 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 Ratify and confirm an increase per change order No1 to Utility Work by Highway Contractor Agreement with the Florida Department of Transportation (FDOT) for the removal or abandonment and grouting of natural gas mains associated with roadway improvements along Alternate U.S. Highway 19, in the amount of \$80,369.73, for a revised estimated total cost of \$123,744.60. (consent).
- 5.2 Authorize a purchase order to Ten-8 Fire and Equipment, Inc, of Bradenton, FL for one Osage Warrior Type 1 Rescue mounted on a 2027 Ford F450 Crew Cab chassis in the

amount of \$387,920.45, pursuant to Clearwater Code of Ordinances Sections 2.563(1)(c), Piggyback, and 2.563(1)(d), Non-competitive Purchase (Impractical), and authorize the appropriate officials to execute same.

- 5.3** Approve a Revocable License Agreement between All Around Amusements, LLC (AAA) and the City of Clearwater to provide Beach Amusements and Activities at Pier 60 Park, for the term June 4, 2026 through June 3, 2031, pursuant to RFP 25-26 and authorize the appropriate officials to execute same. (consent)
- 5.4** Approve a first amendment to a Declaration of Covenants and Restrictions by Gulfview Blvd Owner LLC and authorize the appropriate officials to execute same. (consent)
- 5.5** Approve a purchase order with SHI International Corp. of Somerset, NJ, for Microsoft software, telephony and security licensing, software maintenance, and cloud storage services for a three-year term beginning July 1, 2026 through June 30, 2029, in the not-to-exceed amount of \$4,127,548.17 pursuant to Clearwater Code of Ordinances Section 2.563(1)(c), piggyback, and authorize the appropriate officials to execute same. (consent)
- 5.6** Approve the second phase of marina slip rate adjustments for recreational tenants consistent with the previously adopted Market Rate Study and affirm deferral of any additional slip rate increases for Beach Marina commercial tenants until completion of Beach Marina reconstruction and a subsequent rate study. (consent)
- 5.7** Authorize a purchase order to Shannon Chemical Corporation of Malvern, PA, for the supply of a dry-blended polyphosphate/orthophosphate corrosion control chemical in an annual not-to-exceed amount of \$150,000.00, for the period of May 22, 2026 through May 21, 2027, with the option for two one-year renewals at the City's discretion, pursuant to Invitation to Bid ITB 22-26 and authorize the appropriate officials to execute same. (consent)
- 5.8** Authorize purchase orders to Ferguson US Holdings, Inc. dba Ferguson Enterprises LLC of Newbury, FL, Badger Meter, Inc. of Milwaukee, WI, and Consolidated Pipe and Supply Company, Inc. of Birmingham, AL, for the supply of potable and reclaimed water meters, in an annual not-to-exceed amount of \$440,000.00 with the option for two, one-year extensions pursuant to Invitation to Bid No. 24-26, Potable and Reclaimed Water Meters, and authorize the appropriate officials to execute same. (consent)
- 5.9** Authorize a purchase order to Wastequip Manufacturing Company LLC of Charlotte, NC for the purchase of roll-off containers, compactors, and compactor parts in a not-to-exceed amount of \$1,260,000.00, for term June 3, 2026 through May 19, 2029, pursuant to Clearwater Code of Ordinances Section 2.563 (1)(c) - Piggyback purchasing, and authorize the appropriate officials to execute same. (consent)
- 5.10** Reappoint John Connolly to the Pension Investment Committee with a term to expire June

4, 2028. (consent)

5.11 Appoint Laurie Watson to the City of Clearwater Defined Contributions Plans Fiduciary Investment Committee with a term expiring June 4, 2030. (consent)

5.12 Appoint two individuals to the Community Development Board: Luis Serna with a term expiring June 4, 2030 and Hoyt Hamilton, as the Alternate Member, with a term expiring June 4, 2030.

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 recommended changes to Penny for Pinellas project funding, authorizing a transfer of \$750,000 from the existing PD Equipment Facility project to a new Main PD Parking Expansion project. (APH)

On March 6, 1997, the City Council adopted Ordinance 6137-97. The ordinance established the requirement for a special hearing prior to adoption of the capital improvement budget to discuss the use of Penny for Pinellas tax, and at any time in which there is any proposed change to the Penny for Pinellas project funding of \$500,000 or more.

Capital project C2206, PD Equipment Facility, was funded with \$750,000.00 in Penny for Pinellas revenues in fiscal year 2021/22. This project, originally created to provide a storage facility for the Police Department's oversized vehicles and equipment, is being changed in scope. Staff is requesting approval to transfer the previously allocated penny funds to a new project, Main PD Parking Expansion. This project supports Clearwater Police Departments need for additional secure parking spaces to support operations. This effort supports the new City Hall construction by freeing up parking spaces in the Municipal Services Parking Garage for incoming City Hall personnel.

STRATEGIC PRIORITY:

This project furthers the strategic priority of High Performing Government, to foster safe and healthy communities in Clearwater through first-class public safety and emergency response services.

Vice Mayor Cotton moved to approve recommended changes to

Penny for Pinellas project funding, authorizing a transfer of \$750,000 from the existing PD Equipment Facility project to a new Main PD Parking Expansion project. The motion was duly seconded and carried unanimously.

- 6.2** Amend the City's fiscal year 2025/26 operating and capital improvement budgets at mid-year and pass Ordinances 9921-26 and 9922-26 on first reading.

The fiscal year 2025/26 operating and capital improvement budgets were adopted in September 2025 by ordinances 9849-25 and 9850-25. Section 2.521 of the City's Code of Ordinances requires the City Manager to prepare a quarterly report detailing income, expenditure estimates, collections, the explanation of significant variances, as well as the financial status of all capital improvement projects.

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.

Ordinances 9921-26 and 9922-26 were presented and read by title only.

Councilmember Teixeira moved to amend the City's fiscal year 2025/26 operating and capital improvement budgets at mid-year and pass Ordinances 9921-26 and 9922-26 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

- 6.3** Accept Ordinance 2026-2339, an Interlocal Agreement/Gas Franchise with the City of New Port Richey, in order for CGS Energy to continue to provide natural gas service to the citizens of New Port Richey and adopt Resolution 26-08.

On May 5, 2026, the City of New Port Richey Commission approved and adopted on second reading Ordinance 2026-2339 which provides for an Interlocal Agreement with the City of Clearwater, setting forth the terms of a franchise for CGS Energy to provide natural gas service in City of New Port Richey. The previous franchise with City of New Port Richey was approved on February 1, 1996, and expired on December 31st, 2025.

Currently, CGS Energy is operating on a month-to-month basis under the provisions of that franchise agreement. The effective date for the new franchise shall be the 1st day of the month following approval of the Interlocal Agreement by the City of Clearwater. The Agreement provides the City of Clearwater a 30-year right to continue to construct, operate and maintain all facilities necessary to supply natural gas to the City of New Port Richey. The Interlocal Agreement provides for a 6% franchise fee to be paid by the consumers of natural gas within the City of New Port Richey.

STRATEGIC PRIORITY:

This item aligns with Objective 1.5 of the Strategic plan by embracing a culture of innovation that drives continuous improvement and successfully serves all our customer as well as Objective 2.1 by strengthening public-private initiatives that attract, develop, and retain diversified business sectors.

Resolution 26-08 was presented and read by title only.

Councilmember Allbritton moved to accept Ordinance 2026-2339, an Interlocal Agreement/Gas Franchise with the City of New Port Richey, in order for CGS Energy to continue to provide natural gas service to the citizens of New Port Richey and adopt Resolution 26-08. 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

- 6.4** Approve the Right-of-Way Vacation request from the Church of Scientology Flag Service Organization for the city right-of-way more particularly described as the southern portion of Garden Avenue abutting Lots 6-11 together with that portion abutting the vacated 15 foot alley lying between Lots 10 and 11 of Court Square Subdivision as recorded in Plat Book 5, Page 53 of the Public Records of Pinellas County, Florida, and pass Ordinance 9907-26 on first reading.

On April 17, 2026, the Church of Scientology Flag Service Organization submitted an application to vacate city Right-of-Way (ROW), located at South Garden Avenue between Court Street and Franklin Street.

The area proposed to be vacated contains .65 acres more or less, including 22 city-paid parking spaces.

A multi-departmental internal review was completed on May 15, 2026. The internal review identified the need for easements for existing city utility

infrastructure, code requirement to pay for removed public parking spaces in the ROW, traffic impact concerns, and excerpts from the Community Development Code, Mobility Policy, Downtown Redevelopment Plan, and Comprehensive Plan.

The Applicant seeks to vacate this ROW portion as part of an assemblage for development of an Entry Plaza and Performance Hall.

Conditions include: 1. Applicant shall obtain a certificate of occupancy for the primary structure of the development within 5 years of the execution of the Ordinance; 2. Applicant shall execute and return to the City within 30 calendar days any new easements as necessary to accommodate new or existing public utilities as appropriate; 3. Applicant will be responsible for the reasonable relocation of utilities within the Right-of-Way upon request and at no expense to the City; 4. Applicant will comply with the requirements of City Code 30.095(4) which will include payment of \$114,450.00 as permanent parking meter removal; 5. City may continue full use of Right-of-Way until such time as City issues a right-of-way permit, and City will not be required to issue the right-of-way permit until City has issued building permits authorizing construction supporting the development; 6. This vacation Ordinance would not take effect unless the conditions are satisfied.

STRATEGIC PRIORITY:

1. High Performing Government: Embrace a culture of innovation that rives continuous improvement
2. Preserve community livability through responsible development standards, proactive code compliance, and targeted revitalization.

Interim City Attorney said the Applicant has requested that Section 2 of the ordinance be amended to allow six years, instead of five, for them to obtain a Certificate of Occupancy for the primary structure. If Council approves the ordinance with the amendment, that means the conditions must be satisfied, if there is a second reading, by June 18, 2032. If the conditions are not satisfied, the right-of-way vacation never occurs. He said Council would then have two options: 1) execute a new ordinance to extend the timeline, or 2) take the Applicant to the Municipal Code Enforcement Board for code violations. He said there is no contract between the City and the Applicant for the land underneath Garden Avenue. Per the city charter, if the City owns a fee simple interest in the vacated right-of-way, the City would need to receive fair market value for the property. If the City does not own the fee simple interest in the land, then the City would not receive fair market value. In December 2025, the City received an Attorney General's Opinion regarding Garden Avenue that stated that the Church of Scientology most likely owns the fee simple interest in the land underneath the section of Garden Avenue at issue.

He said the Attorney General is the top legal advisor for the State of Florida; although his opinions are not binding, Florida courts have said they are highly persuasive. The CRA statute (F.S. 163.380) is not applicable because there is no contract for the sale of land underneath Garden Avenue between the City and the Applicant. The matter before Council is a right-of-way vacation; there is no disposition or conveyance of real property.

Applicant representative Robert Potter provided a PowerPoint presentation.

Eleven individuals spoke in support.

Eleven individuals spoke in opposition.

Council discussion ensued with consensus to extend public comment period.

Three individuals spoke in support.

Three individuals spoke in opposition.

The Council recessed from 7:45 p.m. to 7:55 p.m.

In response to questions, Mr. Potter said the project is fully funded. The road will not be closed until needed; the Applicant will not apply for the permit until needed. He said closure may occur early on in the construction as utilities need to be moved to the perimeter.

Theatre Projects Consultant/Design Team Leader Jim Niesel said the road is needed for the ingress/egress of the building for 3,500 people and to be compliant with Homeland Security entrance buffer guidelines for places of worship. Traffic Engineering Consultant Don Skelton said there are no current or future PSTA routes down this segment of Garden Avenue and PSTA has confirmed this portion of Garden Avenue is not needed. He said the peak hours analyzed showed that mid-day traffic in this area was higher than a.m. however, p.m. was the highest peak hour. At peak hours, there were only 17 trips down this segment of Garden Avenue that were not affiliated with the Church of Scientology. The traffic analysis has been updated within the last three years.

Discussion ensued with comments made based on the City's

precedence of past vacation requests, there is no compelling basis to deny the request. A concern was expressed that downtowns are designed to be accessible with a degree of shared public environment and that the request is inconsistent with the Downtown Redevelopment Plan.

Ordinance 9907-26 was presented and read by title only.

Councilmember Mannino moved to approve the Right-of-Way Vacation request from the Church of Scientology Flag Service Organization for the city right-of-way more particularly described as the southern portion of Garden Avenue abutting Lots 6-11 together with that portion abutting the vacated 15 foot alley lying between Lots 10 and 11 of Court Square Subdivision as recorded in Plat Book 5, Page 53 of the Public Records of Pinellas County, Florida, amend Section 2.1 of the Ordinance to allow six years to obtain the Certificate of Occupancy on the primary structure, and pass Ordinance 9907-26 on first reading. The motion was duly seconded and upon roll call, the motion carried as follows:

Ayes: 3 - Vice Mayor Cotton, Councilmember Allbritton and Councilmember Mannino

Nays: 2 - Mayor Rector and Councilmember Teixeira

- 6.5** Approve a 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; adopt Resolution 26-09, and authorize the appropriate officials to execute same. (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. (130 feet and 180 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 the 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:

- Provides for 91 units allocated from the Hotel Density Reserve;
- 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.

The City Clerk said Item 6.5 will be heard at a future date due to a noticing issue. The information obtained from Pinellas County was incorrect. Although the City advertised and noticed the hearing, the individuals who should have received notice were not included in the database. The Applicant has discussed the issue with Pinellas County.

One eComment was submitted in opposition (see page 24).

Three emails in opposition were received (see pages 28-50).

- 6.6** Appoint Nancy B. Mag, Esq. as a Special Magistrate pursuant to § 162.03, Florida Statutes and Section 5-406 and Article VII of the Clearwater Community Development Code, adopt Resolution 26-11, and approve a legal services agreement, authorizing the appropriate officials to execute same.

The City of Clearwater is authorized by state law and city code to use Special Magistrates to hear alleged code violations. By law, Special Magistrates have the same authorities and powers as a Municipal Code Enforcement Board. The intent of the Special Magistrate is to enhance the city's enforcement mechanisms. The Special Magistrate would be an additional enforcement path option alongside the Municipal Code Enforcement Board each month allowing for improved case timelines and prevent case backlog.

The implementation of a Special Magistrate would provide a second enforcement option that allows the department to differentiate between certain code violation types. By doing so, the department can reduce large, time-consuming agendas for the board and residents as well as segment technical or time-intensive cases. This is a part of an ongoing effort to enhance the efficiency of the enforcement process for both staff and the residents.

Attorney Nancy Mag has agreed to undertake the role of Special Magistrate pursuant to the attached agreement. It is recommended that the City Council appoint her as a Special Magistrate and authorize the Interim City Attorney to approve legal fee invoices up to the not-to-exceed amount of \$50,000.00

This procurement is exempt from bidding pursuant to Section 2.563(1)(g), Clearwater Code of Ordinances.

APPROPRIATION CODE AND AMOUNT:

Funds are available in cost codes of the Planning & Development department (Construction Services 0101430-530100 and Code Compliance 0101432-530100) to fund this agreement. The Planning & Development Department is funded by revenues from the General Fund.

Resolution 26-11 was presented and read by title only.

Vice Mayor Cotton moved to appoint Nancy B. Mag, Esq. as a Special Magistrate pursuant to § 162.03, Florida Statutes and Section 5-406 and Article VII of the Clearwater Community Development Code, adopt Resolution 26-11, and approve a legal services agreement, authorizing the appropriate officials to

execute same. 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

- 6.7** Approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 1554 Owen Drive and pass Ordinances 9903-26, 9904-26, and 9905-26 on first reading. (ANX2026-03005)

This voluntary annexation petition involves a 0.43-acre property consisting of one parcel of land occupied by a detached dwelling. The property is located on the west side of Owen Drive, approximately 597 feet south of State Road 590. The applicant is requesting annexation in order to receive sanitary sewer and solid waste service from the city. The property is located within an enclave and is contiguous to an existing city boundary to the west. The property is proposed to be assigned a Future Land Use Map designation of Residential Low (RL) and a Zoning Atlas designation of Low Medium Density Residential (LMDR).

The Planning and Development Department determined that the proposed annexation is consistent with the provisions of Community Development Code Section 4-604.E as follows:

- The city has adequate capacity to serve this property with sanitary sewer, solid waste, police, fire and EMS service. The closest sanitary sewer line is located in the adjacent Owen Drive right-of-way. The applicant will pay the city's sewer impact and assessment fees in order to be connected to the City's sewer system. Collection of solid waste will be provided by the city of Clearwater. The property is located within Police District III and service will be administered through the district headquarters located at 2851 McMullen Booth Road. Fire and emergency medical services will be provided to this property by Station #48 located at 1700 North Belcher Road. Therefore, the proposed annexation will not have an adverse effect on public services and their levels of service; and
- The proposed annexation is consistent with and promotes the following objective and policy of Clearwater 2045, the city's Comprehensive Plan:

Objective PI 9.1 Continue to work with Pinellas County in the orderly annexation of the city's existing enclaves.

Policy PI 9.1.2 Continue to process voluntary annexations for single-family residential properties upon request.

- The proposed Residential Low (RL) Future Land Use Map designation is consistent with the current Countywide Plan designation of the property. This designation primarily permits residential uses at a density of 5 units per acre. The proposed zoning district to be assigned to the property is the Low Medium Density Residential (LMDR) District. The use of the subject property is consistent with the uses allowed in the District and the property exceeds the District's minimum dimensional requirements. The proposed annexation is therefore consistent with the Countywide

Plan and the city's Comprehensive Plan and Community Development Code; and

- The property proposed for annexation is contiguous to existing city boundary to the west; therefore, the annexation is consistent with Florida Statutes Chapter 171.044.

STRATEGIC PRIORITY:

This annexation petition supports the Deliver Effective and Efficient Services by Optimizing City Assets and Resources goal of the city's Strategic Plan by reducing enclaves and delivering city services to properties within the city's service boundary. This petition also supports Ensure Exceptional Communities and Neighborhoods Where Everyone Can Thrive goal by better unifying neighborhoods and reducing issues with multiple jurisdictions.

Ordinances 9903-26, 9904-26, and 9905-26 were presented and read by title only.

Councilmember Teixeira moved to approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 1554 Owen Drive and pass Ordinances 9903-26, 9904-26, and 9905-26 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

6.8 Approve the annexation for 1399 Pineapple Lane and pass Ordinance 9896-26 on first reading. (ANX2026-02004)

This voluntary annexation petition involves one vacant parcel totaling 3.4 acres, located on the south side of the Pineapple Lane terminus, approximately 210 feet south of Navel Drive. The City of Clearwater is requesting annexation in order to bring this portion of the park into the City of Clearwater. The property is located within an enclave and is contiguous to existing City boundaries to the south, west, and east. The site is located northeast of Moccasin Lake Nature Park. The subject parcel was purchased by the City of Clearwater to expand the park. The intended use of the overall site is a parks and recreation facility and/or environmental park.

The applicant has also submitted applications to change the property's Future Land Use Map designation from Residential Low (RL) (Pinellas County) to Recreation/Open Space (R/OS) (LUP2026-02001) and to rezone the parcel from Residential Agriculture (R-A) (Pinellas County) to Open Space/Recreation (OS/R) (REZ2026-02001).

The Planning and Development Department has determined that the proposed annexation is consistent with the provisions of Community Development Code Section 4-604.E, as follows:

- The City has adequate capacity to serve this property with solid waste, police, fire, and EMS services. Collection of solid waste will be provided by the City of Clearwater. The property is located within Police District III, and service will be administered through the district headquarters located at 2851 North McMullen Booth Road. Fire and emergency medical services will be provided to this property by Station #49, located at 565 Sky Harbor Drive. Therefore, the proposed annexation will not have an adverse effect on public services or their levels of service; and
- The proposed annexation is consistent with and promotes the following objective of Clearwater 2045, the City's Comprehensive Plan:

Objective PI 9.1: Continue to work with Pinellas County in the orderly annexation of the City's existing enclaves.

- The property proposed for annexation is contiguous to existing City boundaries to the south, west, and east; therefore, the annexation is consistent with Florida Statutes Chapter 171.044.

STRATEGIC PRIORITY:

This annexation petition supports the "Deliver Effective and Efficient Services by Optimizing City Assets and Resources" goal of the City's Strategic Plan by reducing enclaves and delivering city services to properties within the City's service boundary. This petition also supports the "Ensure Exceptional

Communities and Neighborhoods Where Everyone Can Thrive” goal by better unifying neighborhoods and reducing issues associated with multiple jurisdictions.

Ordinance 9896-26 was presented and read by title only.

Councilmember Allbritton moved to approve the annexation for 1399 Pineapple Lane and pass Ordinance 9896-26 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

- 6.9** Approve a Future Land Use Map Amendment from the Residential Low (RL) category to the Recreation/Open Space (R/OS) category for 1399 Pineapple Lane and pass Ordinance 9899-26 on first reading. (LUP2026-02001)

This Future Land Use Map Amendment involves one vacant parcel totaling 3.4 acres, located on the south side of the Pineapple Lane terminus, approximately 210 feet south of Navel Drive. The City of Clearwater is requesting to amend the future land use category of the property from Residential Low (RL) to Recreation/Open Space (R/OS). A Zoning Atlas Amendment application (see REZ2026-02001) is being processed concurrently with this case.

The site is located northeast of Moccasin Lake Nature Park. The park is within the Recreation/Open Space (R/OS) Future Land Use category. The subject parcel was purchased by the City of Clearwater to expand the park. The intended use of the overall site is a parks and recreation facility and/or environmental park. A continuation of a shell trail is planned for this portion of the park.

The existing Residential Low (RL) category has a maximum density of 5 dwelling units per acre and a maximum floor area ratio (FAR) of 0.40. The Recreation/Open Space (R/OS) category has a maximum density of 0 units per acre and a maximum floor area ratio (FAR) of 0.25. The proposed amendment would allow the property to have a consistent future land use category of Recreation/Open Space (R/OS).

The Planning and Development Department has determined that the proposed future land use amendment is consistent with the provisions of the Clearwater Community Development Code as specified below:

- The proposed amendment is consistent with the Comprehensive Plan and the Countywide Plan Rules.
- The proposed amendment is compatible with the surrounding properties and character of the neighborhood.
- Sufficient public facilities are available to serve the property.
- The proposed amendment will not have an adverse impact on the natural environment.
- The proposed amendment will not have an adverse impact on the use of property in the immediate area.

The proposed City of Clearwater future land use category of Recreation/Open Space (R/OS) will necessitate an amendment of the *Countywide Plan Map* from the Residential Low (RL) category to the Recreation/Open Space (R/OS) category.

In accordance with the Countywide Plan Rules, the land use plan amendment is subject to the approval of Forward Pinellas, in its role as the Pinellas Planning Council, and the Board of County Commissioners acting as the Countywide Planning Authority. The application is a small-scale amendment so review and approval by the Florida Department of Commerce (DOC), formerly known as the Florida DEO, is not required.

The Community Development Board, in its capacity as the Local Planning Agency (LPA), reviewed the proposed amendment at its meeting on April 21, 2026 and unanimously recommended approval.

STAFF-REQUESTED REVISION FOR CITY COUNCIL:

Since the Community Development Board hearing, staff identified revisions to the staff report. These revisions do not change the overall intent of the request. The maps were revised to remove the annexation of adjacent right-of-way.

STRATEGIC PRIORITY:

This proposed amendment supports the Community Well-Being goal of the city's Strategic Plan by providing for targeted revitalization through responsible development standards.

Ordinance 9899-26 was presented and read by title only.

Councilmember Mannino moved to approve a Future Land Use Map Amendment from the Residential Low (RL) category to the Recreation/Open Space (R/OS) category for 1399 Pineapple Lane and pass Ordinance 9899-26 on first reading. The motion was duly seconded and carried unanimously.

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

7. Quasi-Judicial Public Hearings

- 7.1** Approve a Zoning Atlas Amendment from the Residential Agriculture (R-A) (Pinellas County) District to the Open Space/Recreation (OS/R) (City of Clearwater) District for 1399 Pineapple Lane and pass Ordinance 9900-26 on first reading. (REZ2026-02001)

This Zoning Atlas Amendment involves one vacant parcel totaling 3.4 acres, located on the south side of the Pineapple Lane terminus, approximately 210 feet south of Navel Drive. The City of Clearwater is requesting to amend the Zoning Atlas designation of the property from the Residential Agriculture (R-A) (Pinellas County) District to the Open Space/ Recreation (OS/R) (City of Clearwater) District. A Future Land Use Map Amendment application (LUP2026-02001) is being processed concurrently with this case.

The site is located northeast of Moccasin Lake Nature Park. The park is within the Open Space/Recreation (OS/R) zoning district. The subject parcel was purchased by the City of Clearwater to expand the park. The intended use of the overall site is a parks and recreation facility and/or environmental park. A continuation of a shell trail is planned for this portion of the park.

The proposed amendment would allow the property to have a consistent zoning district of Open Space/Recreation (OS/R).

The Planning and Development Department has determined that the proposed Zoning Atlas Amendment is consistent with the provisions of the Community Development Code as specified below:

- The proposed amendment is consistent with the Comprehensive Plan and the Community Development Code.
- The proposed amendment is compatible with the surrounding properties and character of the neighborhood.
- The available uses in the Open Space/Recreation (OS/R) District are compatible with the surrounding area.
- The proposed amendment will not adversely impact or unreasonably affect the use of other property in the area.
- The proposed amendment will not adversely burden public facilities, including traffic carrying capabilities of streets in an unreasonably or disproportionate manner, and

- The proposed Open Space/Recreation (OS/R) District boundaries are appropriately drawn in regard to location and classification of street, ownership lines, existing improvements and the natural environment.

The Community Development Board, in its capacity as the Local Planning Agency (LPA), reviewed the proposed amendment at its meeting on April 21, 2026 and unanimously recommended approval.

STAFF-REQUESTED REVISION FOR CITY COUNCIL:

Since the Community Development Board hearing, staff identified revisions to the staff report. These revisions do not change the overall intent of the request. The maps were revised to remove the annexation of adjacent right-of-way.

STRATEGIC PRIORITY:

This proposed amendment supports the Community Well-Being goal of the city's Strategic Plan by providing for targeted revitalization through responsible development standards.

Ordinance 9900-26 was presented and read by title only.

Vice Mayor Cotton moved to approve a Zoning Atlas Amendment from the Residential Agriculture (R-A) (Pinellas County) District to the Open Space/Recreation (OS/R) (City of Clearwater) District for 1399 Pineapple Lane and pass Ordinance 9900-26 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

8. Second Readings - Public Hearing

- 8.1** Adopt Ordinance 9881-26 on second reading, vacating the East 20 feet portion of Lot-12A, platted Lake Drainage and Utility easement shown therein, the Clearview Lake Estates subdivision, as Recorded in Plat Book 66, Page 37 of the Public Records of Pinellas County, Florida.

Ordinance 9881-26 was presented and read by title only.

Councilmember Teixeira moved to adopt Ordinance 9881-26 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

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

C. Culver questioned the City's response to the recent teen takeover at the beach and expressed concerns that Clearwater Police Department could not stop the gathering before it occurred like other agencies have.

10. City Manager Reports

11. City Attorney Reports

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

Councilmember Allbritton congratulated Assistant City Manager Daniel Slaughter for being inducted into the Florida Law Enforcement Hall of Fame.

Councilmember Mannino thanked Public Communications staff for their assistance this evening.

Vice Mayor Cotton thanked all who attended the meeting and said Council is actively engaged and working with the City Manager to ensure our officers have the legal tools needed to avoid a similar teen takeover in the future.

13. Closing Comments by Mayor

The Mayor said the Clearwater Police Department handled a very difficult situation as well as they could have given the number of individuals involved. Despite the ability to track who comes to the beach, it is still hard to keep the beach safe. He thanked Clearwater Police for their efforts and dedication.

14. Adjourn

The meeting adjourned at 9:13 p.m.

Attest

Mayor
City of Clearwater

City Clerk

Draft

City Council on 2026-06-04 6:00 PM

Meeting Time: 06-04-26 18:00

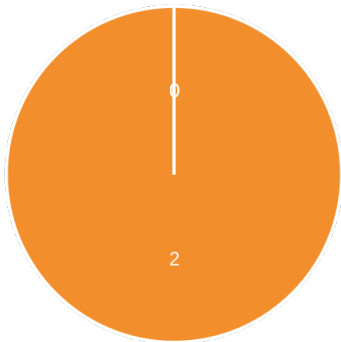
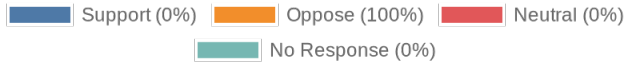
eComments Report

Meetings	Meeting Time	Agenda Items	Comments	Support	Oppose	Neutral
City Council on 2026-06-04 6:00 PM	06-04-26 18:00	40	2	0	2	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



City Council on 2026-06-04 6:00 PM

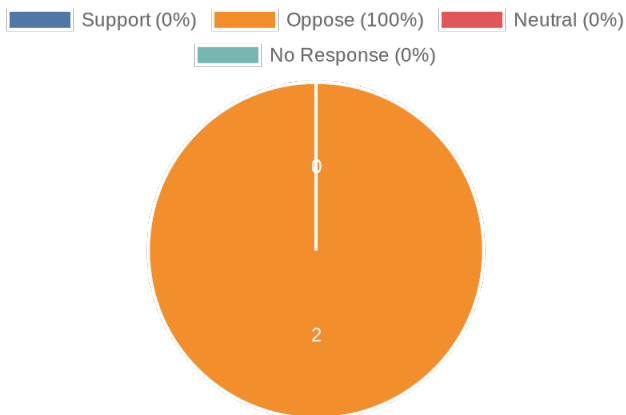
06-04-26 18:00

Agenda Name	Comments	Support	Oppose	Neutral
6.4 9907-26 Approve the Right-of-Way Vacation request from the Church of Scientology Flag Service Organization for the city right-of-way more particularly described as the southern portion of Garden Avenue abutting Lots 6-11 together with that portion abutting the vacated 15 foot alley lying between Lots 10 and 11 of Court Square Subdivision as recorded in Plat Book 5, Page 53 of the Public Records of Pinellas County, Florida, and pass Ordinance 9907-26 on first reading.	1	0	1	0
6.5 26-09b Approve a 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; adopt Resolution 26-09, and authorize the appropriate officials to execute same. (HDA2026-03001)	1	0	1	0

Sentiments for All Agenda Items

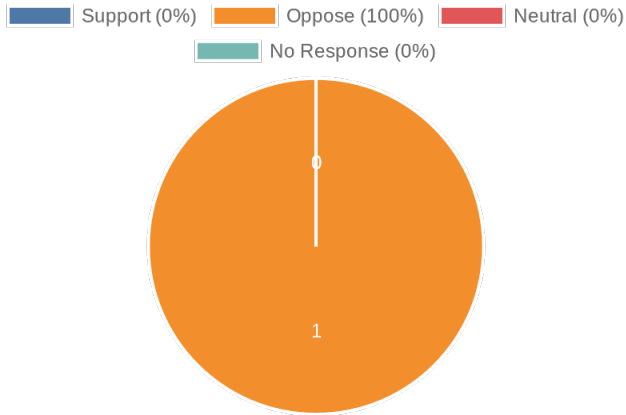
The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



Agenda Item: eComments for 6.4 9907-26 Approve the Right-of-Way Vacation request from the Church of Scientology Flag Service Organization for the city right-of-way more particularly described as the southern portion of Garden Avenue abutting Lots 6-11 together with that portion abutting the vacated 15 foot alley lying between Lots 10 and 11 of Court Square Subdivision as recorded in Plat Book 5, Page 53 of the Public Records of Pinellas County, Florida, and pass Ordinance 9907-26 on first reading.

Overall Sentiment



Vicki Lipsey

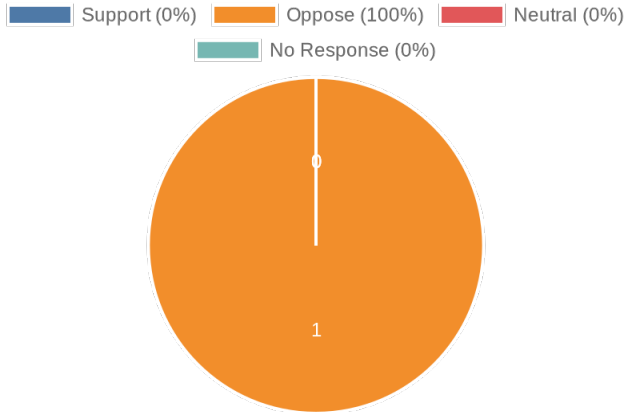
Location:

Submitted At: 1:33pm 06-03-26

I oppose vacating that portion of S Garden Ave because of the following:

- 1) most importantly, the street is in use by the public, including police and emergency vehicles
- 2) the street has been continuously maintained by the City using taxpayer funds
- 3) the street provides potential important egress from Court St.
- 4) that portion of S Garden Ave is currently the subject of a lawsuit filed by the ACLU and any vacation request should be put on hold rather than potentially wasting taxpayer money undoing a vacation should the suit be successful

Overall Sentiment



Dennis McDermott

Location:

Submitted At: 4:49pm 06-03-26

The analysis of this proposal by City Planning appears to be deficient.

Beach by Design, a plan approved and adopted in 2001 based on data gathered in the late 1990's, includes a robust discussion of Mobility issues related to the Beach.

Among other things, Beach by Design points out,

"...the primary mode of transportation on Clearwater Beach is the private automobile. Between 35,000 and 55,000 vehicles pass through the Beach Roundabout on a daily basis... a reflection of the lack of facilities to accommodate alternative modes of transportation like sidewalks and bicycle paths. The "Jolly Trolley" is, theoretically, an alternative mode of transportation; unfortunately, the Trolley is stuck in the same traffic as all of the other vehicles on Clearwater Beach."

Beach by Design also informs us that it is a holistic plan, tied into the assumption that, "... the City of Clearwater will... ration automobile access to Clearwater Beach, at least during periods of peak demand. Beach by Design projects that the City will implement road network improvements, alternative modes of transportation and access rationing..." (using a variety of suggested methodologies).

Until the City has completed its obligations under Beach by Design to appropriately address and solve the existing transportation/mobility morass related to the beach – including traffic issues on the mainland related to beach visits – I believe the City has no choice but to enact a development moratorium on the Beach and to immediately halt any further issuance or extension of "Hotel Density Reserve" units.

Please reject Pending Resolution 26-09, and enact an immediate moratorium on any further development on Clearwater Beach until a comprehensive and viable transportation/mobility plan has been completed and approved as contemplated in Beach by Design.

Call, Rosemarie

From: Johnny Wheat <jwheat@go4b.com>
Sent: Wednesday, June 3, 2026 4:47 PM
To: ClearwaterCouncil
Subject: FW: Public Comment – Palm Pavilion Redevelopment Proposal
Attachments: Palm Pavillion Inn Redevelopment proposal.pdf; Prior Planning Approval Reference.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.

This message needs your attention

- This is their first email to you.

Mark Safe

Report

Powered by Mimecast

I was just informed that this is the official email address for sending public comments to become part of the public record. I apologize if this is duplication.

Johnny

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

Call, Rosemarie

From: MARIANO LEGAZ <mariano.legaz@gmail.com>
Sent: Wednesday, June 3, 2026 5:49 PM
To: ClearwaterCouncil
Subject: Letter from Pura Vida Condo Association - Draft pending Board approval
Attachments: Pura Vida Board Letter to the City regarding the Palm Pavillion Inn redevelopment proposal.docx

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.

This message needs your attention

- This is their first email to your company.

Mark Safe

Report

Powered by Mimecast

Dear Members of the City Council,

Please find attached a formal letter from the Board of Directors on behalf of Pura Vida, located at 15 Avalon St, Clearwater Beach, Florida, 33767.

We are writing to formally share our community's concerns and recommendations regarding the Palm Pavilion Inn redevelopment proposal. As active constituents and property owners, we request that this correspondence be officially reviewed and entered into the public record for the upcoming council meeting on June 4th, 2026.

Thank you for your time, leadership, and dedication to our community. We look forward to your response.

Sincerely,

Mariano J. Legaz

Call, Rosemarie

From: ryan.zaborske@gmail.com
Sent: Thursday, June 4, 2026 12:07 AM
To: Rector, Bruce; Cotton, Ryan; Mannino, Michael; Allbritton, David; Teixeira, Lina; Call, Rosemarie; citycouncil@myclearwater.com
Cc: 'Melissa Ellingworth'; 'BOD Pura Vida'; City Clerk Department
Subject: ** Public Comment & Supplemental Materials for the Record - Item 8.5, Development Agreement HDA2026-03001 - Palm Pavilion Hotel (June 4, 2026 Public Hearing)
Attachments: PALM_P Oral argument.pdf; Palm_Pavilion_Impact_Assessment.pdf; Palm_Pavilion_Hotel_Opposition_Slides.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,

Please find attached my written public comment and supplemental materials regarding the proposed Palm Pavilion Hotel redevelopment project on North Clearwater Beach.
(File No. 26-09b — Development Agreement, Hotel Density Reserve — HDA2026-03001) (10 & 18 Bay Esplanade, Clearwater Beach — Agenda Item 8.5)

My name is Ryan Zaborske, and my wife and I are residents of Pura Vida Condominiums at 15 Avalon Street, directly neighboring the proposed project site. I respectfully request that this correspondence and all attached materials be included in the official public record for the public hearing scheduled for Thursday, June 4, 2026, and that they be considered as part of the Council's full review of this application.

The attached documents include:

1. **Property Impact Assessment** — A review of the project's anticipated effects on neighboring residential properties, including view, noise, traffic, and property value impacts.
2. **Written Public Comment** — My prepared remarks opposing the project in its current form, with specific requests for conditions the Council should consider if approval is pursued, including height reduction, residential-side setbacks, upper-floor step-backs, and a reassessment of the Hotel Density Reserve.
3. **Supplemental Presentation** — A slide deck summarizing the hotel development trend on Clearwater Beach versus residential development over the past six years, council member context, stakeholder impact analysis, and a direct response to anticipated developer arguments.

My central concern is not growth itself, but balance. Since 2019, Clearwater Beach has added over 780 new hotel rooms while adding fewer than 120 residential units. This project would claim 91 of the last remaining units in the Beach by Design Hotel Density Reserve, leaving only 19 units after approval. I believe this milestone warrants a deliberate pause to ask whether the current trajectory serves the long-term interests of the residents who call this beach home, not only those who visit.

I intend to speak during the public comment period on Thursday and respectfully ask for the Council's full consideration of these materials in advance.

Thank you for your time, your service, and your continued stewardship of Clearwater Beach.

Respectfully,

Ryan Zaborske

Pura Vida Condominiums, Unit 803, 15 Avalon Street, Clearwater Beach, FL ryan.zaborske@gmail.com

PROPERTY IMPACT ASSESSMENT

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

Prepared for: Pura Vida Condominiums, 8th Floor Owner | June 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: 75 feet (9 stories). Beach by Design permits up to 100 ft. **Approval:** City Council vote required to approve Development Agreement. Public hearing: Thursday, June 4, 2026.

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 75 ft / 9 stories, the hotel rises to roughly the same elevation as 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 75 feet, the hotel rises to approximately 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 has formally submitted written opposition, citing scale, density, flood-zone concerns, and incompatibility with the Old Florida District.
- 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 Thursday's 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 (June 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 (June 2026); Pura Vida Condominium Association Board letter (June 2026); Pura Vida owner research.

Proposed Palm Pavilion Hotel A Community Perspective

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

Item 8.5 — Development Agreement for 144-Room, 9-Story Hotel at 10 & 18 Bay Esplanade

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 / 75 ft

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:	75 feet (Beach by Design max: 100 ft)
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

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

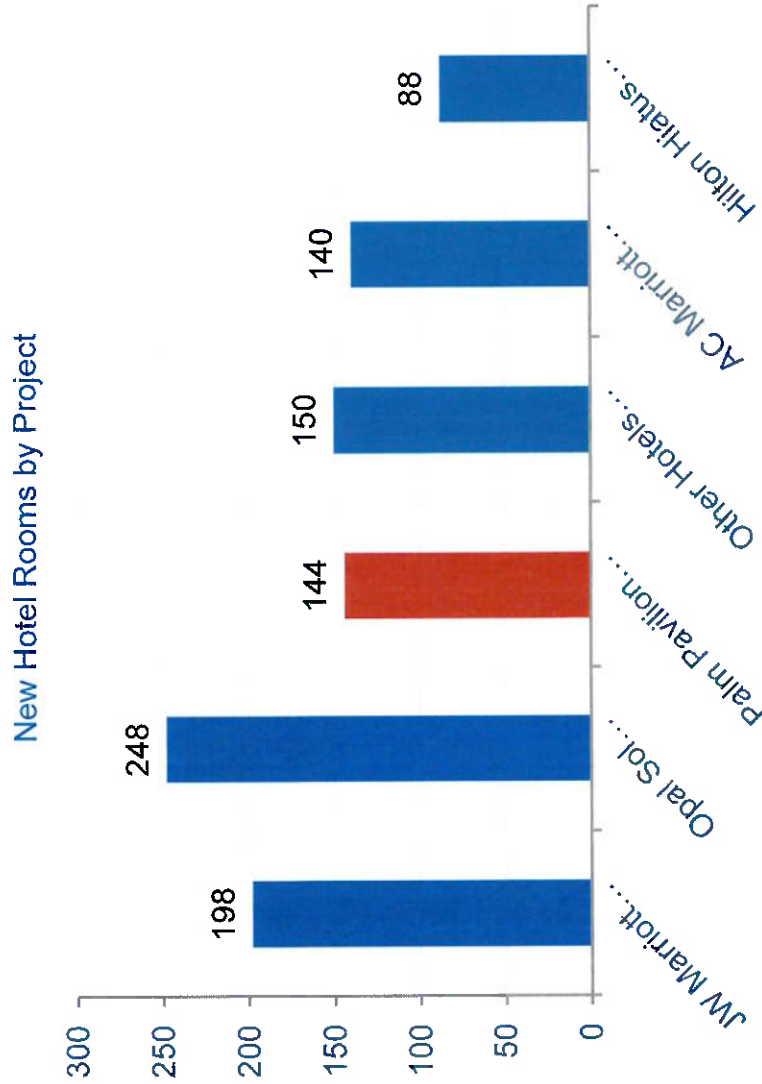
~780

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.

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: The Pura Vida Condominium Association Board of Directors has formally submitted written opposition citing scale, density, cumulative impacts, flood-zone resiliency, and incompatibility with the Old Florida District. The Board calls for a substantially reduced-scale alternative.

Who Bears the Cost? Stakeholder Impact Analysis

Residents & Condo Owners

- ✓ Indirect area prestige (marginal)
- X View loss, property value risk, noise, light, traffic, privacy — no compensation

Local Small Businesses

- ✓ More visitor foot traffic
- X Hotel keeps guests on-premises; corporate amenities compete with independents

Workforce & Renters

- ✓ ~150 permanent hotel jobs created
- X No affordable housing added; workers can't afford to live here; worsens commute

Tourism Industry

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

City of Clearwater

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

Anticipating the Developer — Claims vs. Reality

Developer Claim	The Reality
<i>"It meets Beach by Design — staff supports it."</i>	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.
<i>"We're bringing jobs and tax revenue."</i>	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.
<i>"We're saving the historic Palm Pavilion restaurant."</i>	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.
<i>"Our traffic study shows no significant impact."</i>	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.
<i>"The 2024 planning approval supports this project."</i>	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 Building Height

Fewer Floors = Less Impact

The hotel's 4 parking floors + 5 hotel floors = 9 stories. Could 3 parking levels serve the same need? Removing just 1 story brings the building below the 8th floor skyline of neighboring residences. Fewer floors = fewer rooms = 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.

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.

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.

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, and require view/shadow/utility/traffic studies before any approval — questions the record currently cannot answer.

4

Pause and reassess the hotel density reserve

With the reserve nearly exhausted and the Old Florida District's character at stake, ask staff to review 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."

Call, Rosemarie

From: ryan.zaborske@gmail.com
Sent: Thursday, June 4, 2026 12:23 AM
To: Rector, Bruce; Cotton, Ryan; Mannino, Michael; Allbritton, David; Teixeira, Lina; Call, Rosemarie; citycouncil@myclearwater.com
Cc: City Clerk Department; cityattorney@myclearwater.com
Subject: Formal Objection - Failure to Provide Required Statutory Notice to Affected Property Owners | Item 8.5 - Development Agreement HDA2026-03001 | Palm Pavilion Hotel, 10 & 18 Bay Esplanade

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.

This message needs your attention

- No employee in your company has ever replied to this person.

Mark Safe

Report

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Dear Mayor Rector and Councilmembers Cotton, Mannino, Allbritton, and Teixeira,
I am writing as a resident and property owner at Pura Vida Condominiums, 15 Avalon Street, Clearwater Beach — a property directly adjacent to the proposed Palm Pavilion Hotel redevelopment at 10 and 18 Bay Esplanade (Agenda Item 8.5, Development Agreement HDA2026-03001).

I am raising a formal procedural objection prior to Thursday's scheduled public hearing and respectfully requesting that the Council defer any vote on this Development Agreement until the issue described below is confirmed and, if necessary, remedied.

The Issue: Apparent Failure to Provide Required Statutory Notice

Florida Statute §163.3225 governs the public hearing requirements for all development agreements and states, unambiguously:

"Notice of intent to consider a development agreement shall also be mailed to all affected property owners before the first public hearing."

I, along with my neighbors at Pura Vida Condominiums, have received no such mailed notice at any point during this process — not before the May 18, 2026 work session, and not before the public hearing now scheduled for June 4, 2026.

Pura Vida Condominiums is located at 15 Avalon Street, directly neighboring the subject parcels. Our building is, to the best of my knowledge, well within the notification radius established by Clearwater Community Development Code Section 4-206, which governs the notice and public hearing procedures for development agreements and has been consistently cited as the applicable notice standard in prior Hotel Density Reserve cases before this Council.

If the May 18, 2026 work session constituted or served as the first public hearing for purposes of §163.3225, then the required mailed notice to affected property owners — including Pura Vida — should have been provided before that date. To my knowledge, it was not.

If Thursday's hearing is in fact the first public hearing under the statute, then proper mailed notice was required to be sent to all affected property owners before that hearing. Again, no such notice was received at our property.

In either case, the statutory requirement appears not to have been met with respect to our building and, I believe, other neighboring residential properties.

Why This Matters

The notice requirement in §163.3225 is not a procedural formality — it is a substantive due process protection for property owners whose interests are directly affected by a development agreement. Its purpose is precisely to ensure that residents like those at Pura Vida have adequate time and opportunity to review the proposal, consult with counsel, organize their response, and participate meaningfully in the public process.

A development agreement entered without proper statutory notice may be subject to legal challenge. More importantly, proceeding to a final vote before confirming notice compliance would deny the affected residential community the due process protections Florida law specifically provides for circumstances like this one.

Our Request

We respectfully request that the Council:

1. **Confirm on the record** at Thursday's hearing whether proper mailed notice was provided to all affected property owners — including Pura Vida Condominiums at 15 Avalon Street — prior to the first public hearing, as required by Florida Statute §163.3225 and CDC Section 4-206.
2. **Defer the vote** on Development Agreement HDA2026-03001 if it cannot be confirmed that all required notices were properly issued and received within the required timeframe.
3. **Direct staff** to verify the notice list and provide documentation of which properties were notified, on what date, and by what method.

We are not making this request to obstruct the development process. We are making it because the law exists to ensure that permanent residents — the people who live on this beach year-round and whose property values, quality of life, and neighborhood character are most directly affected — have a meaningful seat at the table. That opportunity appears to have been denied to us through the lack of proper notice.

A proposed nine-story, 144-room hotel that will rise directly adjacent to our residences, drawing 91 of the last remaining units from the Hotel Density Reserve, is precisely the kind of significant development action for which the Florida Legislature created mandatory notice requirements. We ask only that those requirements be honored. I am happy to provide any additional information and am available to speak at Thursday's hearing. I also intend to raise this matter formally during public comment.

Thank you for your attention to this issue and for your continued service to the Clearwater community.

Respectfully,

Ryan Zaborske Pura Vida Condominiums, Unit 803, 8th Floor 15 Avalon Street, Clearwater Beach, FL
ryan.zaborske@gmail.com 813.335.4138

Legal reference: Florida Statute §163.3225 (Public hearings — Development Agreements); Clearwater Community Development Code Section 4-206 (Notice and public hearing requirements); Clearwater CDC Section 4-606.1 (Development Agreement amendments — notice requirements).