

**NOTICE OF HEARING
MUNICIPAL CODE ENFORCEMENT BOARD
CITY OF CLEARWATER, FLORIDA
Case 105-18**

**Certified Mail
May 30, 2018**

Owner: **BWCW Hospitality LLC
5847 San Felipe St Ste 4600
Houston, TX 77057-3000**

Violation Address: **301 S Gulfview Blvd., Clearwater
Aqualea Commercial Condo Spa**

Dear Sir/Madam:

You are hereby formally notified that on **Wednesday, June 27, 2018, at 1:30 p.m.** there will be a public hearing before the Municipal Code Enforcement Board in the Council Chambers, 3rd floor, City Hall at 112 South Osceola Avenue, Clearwater, Florida, concerning violation of Section **3-1806.A** of the Clearwater City Community Development Code. (See attached Affidavit of Violation).

You are hereby ordered to appear before the Municipal Code Enforcement Board on that date to answer these charges and to present your side of the case. Failure to appear may result in the Board proceeding in your absence. Should you desire, you have the right to obtain an attorney, at your own expense, to represent you before the Board. If you are absent and represented at the hearing, that person must present to the Board your letter stating your approval of such representation. You will have the opportunity to present witnesses as well as question witnesses against you prior to the Board making a determination. Please be prepared to present evidence at this meeting concerning the amount of time necessary to correct the alleged violations, should you be found to be in violation of the City Code.

The case shall be presented to the Board even if the violations described in the attached Affidavit(s) of Violation are corrected prior to the Board hearing.

Should you be found in violation of the City code, the Municipal Code Enforcement Board has the power by law to levy fines of up to \$250 a day per violation against you and your property for every day each violation continues beyond the date for compliance set in an order of the Board.

If you wish to have any witnesses subpoenaed, please contact the Secretary of the Municipal Code Enforcement Board within five (5) days at 727-562-4097. If you have any questions regarding the cited violations or if the violations are corrected prior to the hearing, please contact the Inspector whose name appears on the affidavit(s) of violation.

Sincerely,



SECRETARY TO THE MUNICIPAL CODE ENFORCEMENT BOARD

The Municipal Code Enforcement Board was created pursuant to General Act 80-300, General Laws of Florida, 1979, and Ordinance 2169-80 of the City of Clearwater. The purpose of this quasi-judicial Board of seven citizens is to quickly and fairly render decisions and facilitate enforcement of certain codes of the City of Clearwater.

The City of Clearwater strongly supports and fully complies with the Americans with Disabilities Act (ADA). Please advise us at least 48 hours prior to the meeting if you require special accommodations at 727-562-4090. Assisted Listening Devices are available. Kindly refrain from electronic devices during the meeting.

FLORIDA STATUTE 286.0105 STATES THAT ANY PERSON APPEALING A DECISION OF THIS BOARD WILL NEED A RECORD OF THE PROCEEDINGS.

MUNICIPAL CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER, FLORIDA
AFFIDAVIT OF VIOLATION AND REQUEST FOR HEARING

NAME OF VIOLATOR: B W C W HOSPITALITY LLC
MAILING ADDRESS: 5847 SAN FELIPE ST STE 4600
HOUSTON, TX 77057-3000

CITY CASE#: BIZ2018-00148

VIOLATION ADDRESS: 301 S GULFVIEW BLVD
CLEARWATER, FL

DATE OF OFFICIAL NOTICE OF VIOLATION: 3/7/2018

LEGAL DESCRIPTION OF PROPERTY: AQUALEA COMMERCIAL CONDO SPA

PARCEL #: 07-29-15-01335-000-0701

DATE OF INSPECTION: 5/19/2018 1:09:00 PM

SECTION(S) OF THE CITY CODE WHICH HAVE BEEN VIOLATED: CODE
SECTION VIOLATED

3-1806.A. ** TEMPORARY SIGNS ** Within its zoning districts and subject to any applicable provisions with Section 3-1806, general provisions for signs, the city shall allow temporary signs that meet the criteria and limitations set forth in Table 3-1806.1a and Table 3-1806.1b, shown below.

TABLE 3-1806.1a. ** CRITERIA AND LIMITATIONS FOR SIDEWALK SIGNS ** Please see the enclosed copy of Table 3-1806.1a.

SPECIFICALLY,

One sidewalk sign is allowed to be erected at the property per business at the property as long as it is of approved style, permitted and follow all other criteria and limitations set forth by Table 3-1806.1a. At the property the "Hyatt" has erected multiple sidewalk signs advertising for parking without being permitted. Compliance can be met by either removing all sidewalk signs that are not permitted at the property or try to apply for and obtain a sidewalk sign for the sidewalk sign wanted to be erected at the property and then follow all other criteria and limitations set forth in Table 3-1806.1a. To avoid fines starting at \$143.00 or having this case brought in front of the Municipal Code Enforcement Board please meet compliance by the compliance date. Please contact me with any questions. Thank you.

A violation exists and a request for hearing is being made.


Daniel Knight

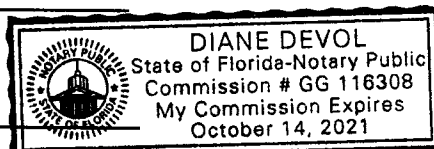
SWORN AND SUBSCRIBED before me on this 21th day of May, 2018, by Daniel Knight.

STATE OF FLORIDA
COUNTY OF PINELLAS

☒ PERSONALLY KNOWN TO ME
☐ PRODUCED AS IDENTIFICATION

Type of Identification


(Notary Signature)



Name of Notary (typed, printed, stamped)

FILED THIS 30th DAY OF May, 20 18

MCEB CASE NO. 105-18

Chloe Sprague

Secretary, Municipal Code Enforcement Board



CITY OF CLEARWATER

PLANNING & DEVELOPMENT DEPARTMENT
POST OFFICE BOX 4748, CLEARWATER, FLORIDA 33758-4748
MUNICIPAL SERVICES BUILDING, 100 SOUTH MYRTLE AVENUE, CLEARWATER, FLORIDA 33756
TELEPHONE (727) 562-4720 FAX (727) 562-4735

Notice of Violation

B W C W HOSPITALITY LLC
5847 SAN FELIPE ST STE 4600
HOUSTON, TX 77057-3000

BIZ2018-00148

ADDRESS OR LOCATION OF VIOLATION: **301 S GULFVIEW BLVD**

LEGAL DESCRIPTION: AQUALEA COMMERCIAL CONDO SPA

DATE OF INSPECTION: 3/1/2018

PARCEL: 07-29-15-01335-000-0701

Section of City Code Violated:

3-1806.A. ** TEMPORARY SIGNS ** Within its zoning districts and subject to any applicable provisions with Section 3-1806, general provisions for signs, the city shall allow temporary signs that meet the criteria and limitations set forth in Table 3-1806.1a and Table 3-1806.1b, shown below.

TABLE 3-1806.1a. ** CRITERIA AND LIMITATIONS FOR SIDEWALK SIGNS ** Please see the enclosed copy of Table 3-1806.1a.

Specifically: One sidewalk sign is allowed to be erected at the property per business at the property as long as it is of approved style, permitted and follow all other criteria and limitations set forth by Table 3-1806.1a. At the property the "Hyatt" has erected multiple sidewalk signs advertising for parking without being permitted. Compliance can be met by either removing all sidewalk signs that are not permitted at the property or try to apply for and obtain a sidewalk sign for the sidewalk sign wanted to be erected at the property and then follow all other criteria and limitations set forth in Table 3-1806.1a. To avoid fines starting at \$143.00 or having this case brought in front of the Municipal Code Enforcement Board please meet compliance by the compliance date. Please contact me with any questions. Thank you.

THIS VIOLATION CITED ABOVE MUST BE CORRECTED PRIOR TO 4/9/2018. FAILURE TO CORRECT THE ABOVE LISTED VIOLATION BY THE DATE INDICATED, OR RECURRENCE OF THE VIOLATION AFTER CORRECTION, WILL RESULT IN A LEGAL ACTION BY THE CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER OR BY THE PINELLAS COUNTY COURT. SUCH ACTION MAY RESULT IN A FINE. THE ALLEGED VIOLATOR MAY BE LIABLE FOR THE REASONABLE COSTS OF THE INVESTIGATION, PROSECUTION AND THE ADMINISTRATIVE HEARING SHOULD THIS PERSON BE FOUND GUILTY OF THE VIOLATION.

Inspector: Daniel Knight
Inspector Phone: 727-562-4732

Date Printed: 3/7/2018

CC: 301 S. Gulfview Blvd.

**TABLE 3-1806.1a. CRITERIA AND LIMITATIONS FOR
SIDEWALK SIGNS**

<u>Location</u>	<u>In front of primary retail and restaurants within the linear footage of the storefront. Also in the immediate vicinity of parking garages/lots and valet stands.¹</u>
<u>Maximum Number of Signs</u>	<u>1 per business</u>
<u>Maximum Width</u>	<u>2 feet</u>
<u>Maximum Height</u>	<u>3-1/2 feet</u>
<u>Maximum Distance from Building Wall (as measured at the nearest point of sidewalk sign)</u>	<u>2 feet, except 5 feet in the Cleveland Street Café District in the Downtown zoning District and 2 feet from the entryway of a parking garage/lot and valet stands.</u>
<u>Maximum Width of Public Sidewalk that the Sign May Obstruct</u>	<u>4 foot clear path on the sidewalk shall be maintained</u>
<u>Duration Allowed</u>	<u>Only during hours while business or valet service is operating</u>
<u>Allowed on Public Property and Right-of-Way</u>	<u>Yes</u>
<u>Allowed in a Sight Visibility Triangle</u>	<u>No</u>
<u>Design Criteria</u>	<u>Restricted²</u>
<u>Permit Required</u>	<u>Yes³</u>

¹ Properties adjacent to a public construction project scheduled to last 180 days may also erect sidewalk signs in compliance with the following:

- a. No more than two sidewalk signs per parcels.
- b. Parcels with multiple businesses shall coordinate copy on the signs.
- c. Sign size is limited to 4 feet in height and 8 square feet in area.
- d. Signs must be constructed in a professional and workmanlike manner from treated wood or other durable material. Sign copy shall not be spray painted onto the signs.
- e. No sidewalk sign shall block any public right-of-way, shall maintain a 4 foot clear path and shall not be located within the visibility triangle of intersections or driveways.
- f. Sidewalk signs shall be removed within 7 days after City's final acceptance of the improvements or completion of the public project.

² Design Criteria

- a. All sidewalk sign frames shall:
 - i. be made of durable wood, plastic, or metal only and shall present a finished appearance, and the color of such frames shall be limited to metallic silver/grey, black, white or stained wood.
 - ii. support only black or green colored chalk boards, black, wet marker boards or professional design advertisement/posters made of durable material with clear, non-glare protective covering.
- b. Sidewalk signs shall not be illuminated or incorporate fluorescent colors.
- c. Sidewalk signs shall not be attached to any structure, pole, object, building, or other sign or contain moving parts or have balloons, streamers, pennants or similar adornment attached.
- d. Only wind signs may be allowed to have wheels.
- e. Flexibility with regard to sign style and size may be considered, provided the sign is designed as part of the architectural theme of the property and/or use using similar and coordinated design features, materials, and colors.

³ Permit Information

- a. A permit shall be obtained on a yearly basis.
- b. A sketch, photo or drawing of the proposed sidewalk sign, along with the required fee, shall be submitted and approved prior to the placement of the sidewalk sign.
- c. If proposed to be placed in a public right-of-way, evidence of general liability insurance in the amount of \$1,000,000 in a form acceptable to the city, with the city named as additional insured shall also be provided.

Section 3-1806. -- Temporary signs.

A. Within its zoning districts and subject to any applicable provisions with Section 3-1806, general provisions for signs, the city shall allow temporary signs that meet the criteria and limitations set forth in Table 3-1806.1a and Table 3-1806.1b, shown below.

B. A temporary sign displayed on a window surface must be displayed on the inside of the window surface, shall cover no more than twenty-five (25%) of the aggregate window surface area, and shall not be illuminated. This temporary sign allowance shall be reduced by any window surface area already covered by signage allowed in Section 3-1805.O.

**TABLE 3-1806.1a. CRITERIA AND LIMITATIONS FOR
SIDEWALK SIGNS**

<u>Location</u>	<u>In front of primary retail and restaurants within the linear footage of the storefront. Also in the immediate vicinity of parking garages/lots and valet stands.</u> ¹
<u>Maximum Number of Signs</u>	<u>1 per business</u>
<u>Maximum Width</u>	<u>2 feet</u>
<u>Maximum Height</u>	<u>3-1/2 feet</u>
<u>Maximum Distance from Building Wall (as measured at the nearest point of sidewalk sign)</u>	<u>2 feet, except 5 feet in the Cleveland Street Café District in the Downtown zoning District and 2 feet from the entryway of a parking garage/lot and valet stands.</u>
<u>Maximum Width of Public Sidewalk that the Sign May Obstruct</u>	<u>4 foot clear path on the sidewalk shall be maintained</u>
<u>Duration Allowed</u>	<u>Only during hours while business or valet service is operating</u>
<u>Allowed on Public Property and Right-of-Way</u>	<u>Yes</u>
<u>Allowed in a Sight Visibility Triangle</u>	<u>No</u>
<u>Design Criteria</u>	<u>Restricted</u> ²
<u>Permit Required</u>	<u>Yes</u> ³

¹ Properties adjacent to a public construction project scheduled to last 180 days may also erect sidewalk signs in compliance with the following:

- a. No more than two sidewalk signs per parcels.
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- d. Signs must be constructed in a professional and workmanlike manner from treated wood or other durable material. Sign copy shall not be spray painted onto the signs.
- e. No sidewalk sign shall block any public right-of-way, shall maintain a 4 foot clear path and shall not be located within the visibility triangle of intersections or driveways.
- f. Sidewalk signs shall be removed within 7 days after City's final acceptance of the improvements or completion of the public project.

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- a. All sidewalk sign frames shall:
 - i. be made of durable wood, plastic, or metal only and shall present a finished appearance, and the color of such frames shall be limited to metallic silver/grey, black, white or stained wood.
 - ii. support only black or green colored chalk boards, black, wet marker boards or professional design advertisement/posters made of durable material with clear, non-glare protective covering.
- b. Sidewalk signs shall not be illuminated or incorporate fluorescent colors.
- c. Sidewalk signs shall not be attached to any structure, pole, object, building, or other sign or contain moving parts or have balloons, streamers, pennants or similar adornment attached.
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- e. Flexibility with regard to sign style and size may be considered, provided the sign is designed as part of the architectural theme of the property and/or use using similar and coordinated design features, materials, and colors.

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- a. A permit shall be obtained on a yearly basis.
- b. A sketch, photo or drawing of the proposed sidewalk sign, along with the required fee, shall be submitted and approved prior to the placement of the sidewalk sign.
- c. If proposed to be placed in a public right-of-way, evidence of general liability insurance in the amount of \$1,000,000 in a form acceptable to the city, with the city named as additional insured shall also be provided.

[Interactive Map of this parcel](#) [Sales Query](#) [Back to Query Results](#) [New Search](#) [Tax Collector Home Page](#) [Contact Us](#) [WM](#)

07-29-15-01335-000-0701

Compact Property Record Card

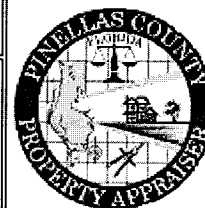
[Tax Estimator](#)

Updated May 19,
2018

[Email](#) [Print](#) [Radius Search](#)

[FEMA/WLM](#)

Ownership/Mailing Address Change Mailing Address	Site Address
B W C W HOSPITALITY LLC C/O WESTMONT HOSPITALITY GROUP 5847 SAN FELIPE ST STE 4600 HOUSTON TX 77057-3426	301 S GULFVIEW BLVD CLEARWATER



[Property Use](#): 3944 (Condo Hotel and Motel)

Living Units:

[click here to hide] **Legal Description**
AQUALEA COMMERCIAL CONDO SPA

Mortgage Letter ☐ **File for Homestead**
Exemption

2018 Parcel Use

Exemption	2018	2019
Homestead:	No	No
Government:	No	No
Institutional:	No	No
Historic:	No	No

Homestead Use Percentage: 0.00%
Non-Homestead Use Percentage: 100.00%
Classified Agricultural: No

Parcel Information **Latest Notice of Proposed Property Taxes (TRIM Notice)**

Most Recent Recording	<u>Sales Comparison</u>	<u>Census Tract</u>	Evacuation Zone (NOT the same as a FEMA Flood Zone)	Plat Book/Page
19071/1476	Sales Query	121030260023	A	

2017 Final Value Information

Year	<u>Just/Market Value</u>	<u>Assessed Value/ SOH Cap</u>	<u>County Taxable Value</u>	<u>School Taxable Value</u>	<u>Municipal Taxable Value</u>
2017	\$1,843,932	\$1,843,932	\$1,843,932	\$1,843,932	\$1,843,932

[click here to hide] **Value History as Certified (yellow indicates correction on file)**

Year	<u>Homestead Exemption</u>	<u>Just/Market Value</u>	<u>Assessed Value/ SOH Cap</u>	<u>County Taxable Value</u>	<u>School Taxable Value</u>	<u>Municipal Taxable Value</u>
2017	No	\$1,843,932	\$1,843,932	\$1,843,932	\$1,843,932	\$1,843,932

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

BWCW Hospitality LLC
5847 San Felipe St. STE 4600
Houston, TX 77057

REF: 301 S. Gulfview Blvd.



9590 9403 0274 5155 0118 95

2. Article Number (Transfer from service label)

7016 3010 0000 8831 6503

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

M. Motes

C. Date of Delivery

3/3/18

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☒ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Insured Mail

☐ Insured Mail Restricted Delivery

(over \$500)

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Return Receipt for Merchandise

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Capitol Corporate Services Inc.
515 East Park Ave
2nd FL
Tallahassee, FL 32301

REF: 301 S. Gulfview Blvd (RH)



9590 9402 2656 6336 6310 81

2. Article Number (Transfer from service label)

7016 3010 0000 8831 6510

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Ryan Hart

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☒ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Insured Mail

☐ Insured Mail Restricted Delivery

(over \$500)

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Return Receipt for Merchandise

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage

\$

Total Postage and Fees

\$

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

Postmark
Here

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage

\$

Total Postage and Fees

\$

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

Postmark
Here

7016 3010 0000 8831 6510

7016 3010 0000 8831 6510