

## RESOLUTION 2020-01

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, AUTHORIZING THE HOTEL ZAMORA TO INCREASE THE NUMBER OF TEMPORARY LODGING UNITS FROM 50 TO 64 FOR THE PROPERTY LOCATED AT 3701 GULF BOULEVARD; INCORPORATING THE CONDITIONS OUTLINED HEREIN AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission supports independently owned businesses within the City; and,

**WHEREAS**, the Hotel Zamora desires to increase the number of temporary lodging units at the property from 50 to 64 based on the acquisition of a 0.35 acre parcel at 3803 Gulf Boulevard and the allocation of 14 temporary lodging units from the Bayou Residential District Temporary Lodging Unit Density Pool established in the Comprehensive Plan; and,

**WHEREAS**, Marilyn Mullen Healy, Esq., Akerman LLP for Zamora Hospitality Group, LLC filed with the City an Application on October 17, 2019, for a Conditional Use Permit to acquire an additional 14 temporary lodging units for the property located at 3701 Gulf Boulevard, St. Pete Beach, Florida; and,

**WHEREAS**, the application for Conditional Use Permit was reviewed by the Technical Review Committee on November 6, 2019, and the recommended conditions appropriate to mitigate potential impacts imposed by the use were determined and are outlined in the associated staff report submitted to the City Commission; and

**WHEREAS**, the City Commission held a first reading of Ordinance 2019-24 on December 10, 2019, to allocate 14 temporary lodging units from the Bayou Residential District Temporary Lodging Unit Density Pool to 3701 Gulf Boulevard in accordance with the criteria listed in the City of St. Pete Beach Comprehensive Plan and Land Development Code; and

**WHEREAS**, the City Commission held a quasi-judicial public hearing on January 14, 2020, to consider the Conditional Use Permit Application in accordance with all the criteria listed in the City of St. Pete Beach Comprehensive Plan and Land Development Code, as well as to consider Ordinance 2019-24 on final reading.

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of St. Pete Beach, that:

Section One: The above recitals are true and correct and are incorporated herein by reference.

Section Two: The City Commission hereby incorporates the following conditions into

the Conditional Use permit:

Executorial Condition:

1. A unity of title or other document approved by the City Attorney legally binding together 3701/3751 and 3803 Gulf Boulevard shall be required and recorded prior to the issuance of a Certificate of Use for the approval for the increase in 14 units. This unity of title or other binding document may be released by the City Attorney if the number of individually-rentable rooms in the Hotel Zamora is reduced to or below 50 units, additional acreage is acquired to accommodate the increase to 14 units or part thereof and approved by the City Manager as valid for such maintenance of site density, or the temporary lodging use is discontinued.

Certificate of Use Conditions:

2. The existing sidewalk along the Gulf Boulevard frontage of 3803 Gulf Boulevard be removed and replaced at the applicant's expense to accommodate an eight-foot-wide sidewalk that allows for safe, unobstructed and efficient pedestrian flow in front of the property. Any portion of the eight-foot sidewalk that extends into the subject property shall be provided to the City as a permanent public pedestrian access easement. The condition for an expanded sidewalk shall only become effective upon the City entering into an agreement with the Florida Department of Transportation (FDOT) that transfers the easement to the FDOT for the expanded sidewalk. The owner shall provide a cost estimate for the sidewalk and letter of credit or bond to the City prior to issuance of a Certificate of Use for this request, and the sidewalk shall be installed within three (3) years of the issuance of a Certificate of Use for this request.
3. The parking lot at 3803 Gulf Boulevard shall be restriped to contain no fewer than the 16 parking spaces required to meet minimum parking standards for the additional 14 hotel units, and the existing fire lane on the southern end of the property shall be striped. No more than 25% of the resulting spaces on the zoning lot shall be compact, and the office use shall remain vacated or contain a use that does not require additional parking until such time as the zoning lot acquires additional parking to support the use.
4. Regardless of the resulting width of the remaining landscaping buffer following the sidewalk installation proposed under condition #2 above, the buffer in front of 3803 Gulf Boulevard shall be brought up to code standards regarding plantings, amenities, and other features specified in Land Development Code Sec. 39.10(b). A landscape plan depicting these features shall be required and features must be installed prior to issuance of a Certificate of Use.
5. A business tax receipt shall be required for the 64 temporary lodging units. All temporary lodging uses are approved with the stipulation that units must be offered, advertised, and occupied on a temporary basis for 30 consecutive days or less for temporary lodging guests.

6. Nonrefundable multimodal impact fees for the 14 additional resort hotel units (\$44,912.00) shall be collected prior to Certificate of Use issuance if the ordinance is approved, or the applicant shall provide an independent impact analysis as described in Land Development Code Division 41 to the City Manager for evaluation of a lower fee amount.

Operational Conditions:

7. Valet service shall be continuously operated by the hotel and must provide the City proof of insurance for the valet service along with the business tax receipt application, and proof of insurance shall be required at any time such insurance is renewed. All stopping, standing, and maneuvers incidental to the valet parking service on the Hotel Zamora site must take place on the hotel's property. Except in cases of emergency, there shall be no queuing or parking of guest vehicles on adjacent residential streets. Valet parking spaces shown in Zones 2, 3, 4 and 5 of the May 2, 2019 Hotel Zamora Parking Demand Study shall be striped in accordance with the plan as shown. The spaces shown in Zone 6 may remain unstriped. The seven valet spaces shown along 37<sup>th</sup> Ave and space located within the egress along Gulf Blvd in the study shall not be used for valet parking.
8. All amplified music shall be come from the onsite equipment and speakers. Amplified music will have no bass. Live music or bands shall be prohibited effective 04/01/2020. The Music Level Limits (dBA) shall not exceed the following levels:
  - Rooftop Location – West Side: 83 dBA between 7:00 a.m. – 10:00 p.m.;  
73 dBA between 10:00 p.m. – 11:00 p.m.;  
50 dBA between 11:00 p.m. – 1:00 a.m.;  
and no amplified music after 1:00 a.m.
  - Rooftop Location – East Side: 75 dBA between 7:00a – 10:00 p.m.; and  
no amplified music after 10 p.m.
  - Pool Area – No amplified music shall be played after 6 p.m.
  - Belle Vista Subdivision – The sound level limit, derived from the music at the Hotel Zamora, shall not exceed 45 dBA's for receiving properties in Belle Vista Subdivision.
  - West of McPherson Bayou – The sound level limit, derived from the music at the Hotel Zamora, shall not exceed 55 dBA's for receiving properties on the west side of McPherson Bayou.

The Sound Level Limitations outlined in Section 46-132 are in addition to the limits set above.

9. Deliveries shall take place onsite and shall not be from Gulf Boulevard or 37<sup>th</sup> Avenue. Deliveries shall be made between 7:30 a.m. and 5:00 p.m. This does not include mail deliveries USPS or other companies.

10. All existing and newly-installed lighting on the exterior of the hotel building shall be shielded such that glare is directed away from abutting properties.
11. The fourteen (14) units awarded by Ordinance 2019-024 shall revert back to the density pool if a Certificate of Use has not been issued within one (1) year of the date of the passing of the accompanying ordinance for this request, unless such time is extended by resolution of the City Commission.
12. Any Revocation or Modification. This conditional use permit is subject to revocation or modification at a duly noticed public hearing before the City Commission if the owner or applicant is duly defined by the City in violation of any operational condition more than three (3) times per calendar year. After the third collective violation of any operational condition, the City shall serve the owner with a warning letter describing the violation(s). The owner shall have reasonable time based on the type of violation from the date of the letter to cure the violation(s) to the satisfaction of the City. If the violation(s) is not cured, the City Manager shall place the matter on the City Commission agenda. The City shall have the burden of proving the violation(s) based on competent substantial evidence. Operational conditions include, but are not limited to, delivery trucks, noise, and valet parking (Operational Conditions, 7 – 12).

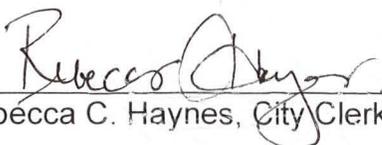
Section Three: This resolution will become effective immediately upon adoption.

**Passed this 14th day of January, 2020, by the City Commission of the City of St. Pete Beach, Florida.**

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Alan Johnson, Mayor

ATTEST:

  
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Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:

  
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Andrew Dickman, City Attorney