

## EXHIBIT “A”

### TO SETTLEMENT AGREEMENT AND MUTUAL RELEASE OF CLAIMS *Shawn T. Kaleta et al. v. City of Holmes Beach, Case No. 8:22-cv-02472-MSS-JSS*

Conditions of minor site plan approval, Bali Hai JV, LLC:

1. In accordance with City Land Development Code Section 6.6 (F) (2) (a) (2) (a), the spa shall be permitted as an accessory use open by appointment only and open only to guests of the resort. For a period of three (3) years from the date of approval of this site plan, the property owner shall be required twice annually upon request to present to the City’s Community Development Director appointment records confirming compliance with this condition. The spa shall not be advertised by the property owner or any associated person or company as being open to any other patrons or guests, including those staying at properties owned by or related to the property owner, any company associated with the property owner, or Shawn T. Kaleta, including but not limited to the Anna Maria Island Inn and vacation rentals of AMI Locals.
2. In accordance with LDC Section 6.6 (F) (2) (a) (2) (b), the bar/lounge is permitted only within the existing multi-use building as an accessory use, which bar/lounge shall be open only to paying guests of the resort who are staying in one of the guest rooms at the resort. No sale or service of alcohol is permitted outside the confines of the bar/lounge except as otherwise explicitly stated in these conditions.
3. As access to the bar/lounge and service of alcohol must be maintained internal to the property for guests of the resort staying in one of the guest rooms, the door for entry into the bar/lounge must be contained within the gated area of the property, either by re-location of bar/lounge door or by extension of the gate. This gate shall remain closed and equipped with a keypad for entry; no public access shall be allowed.
4. A minimum of one parking space shall be allocated and marked for employees of the spa. Parking shall also be provided for employees of the bar/lounge at the rate of one parking space for each two employees, said spaces to be appropriately marked for use by such employees. The resort shall have and maintain at all times sixty-one (61) parking spaces, including three (3) ADA-compliant spaces, for the use of resort guests and employees.
5. All laundry carts or housekeeping materials must be stored inside, or otherwise screened or covered so as not to be visible to guests or neighboring property owners. The adequacy of the type of the screening or covering shall be reasonably determined by the City’s Community Development Director or designee.
6. Due to the overutilization of the property, temporary uses, including wedding services and other special events, shall require review by the City for a temporary use permit as set forth in LDC Section 6.7(Z). Temporary uses shall be reviewed on a case-by-case basis and may be approved, denied, approved with conditions, or submitted to the City Commission as set forth in LDC Section 6.7(Z). Each event shall require a separate

- temporary use permit unless otherwise authorized in the same manner as all other businesses in the City.
7. The bar/lounge's operating hours shall be limited to 6:00am to 10:00pm and services shall be available only to paying guests of the resort who are staying on the property in one of the guest rooms and to employees and agents working on the property for the resort. Delivery of food and beverage from the bar/lounge is permitted only to guest rooms as room service or to the pool area. Other delivery of food or beverage from the bar/lounge is prohibited.
  8. Alcoholic beverages may only be purchased within the confines of the bar/lounge and the front office/reception area between the hours of 7:00am and 10:00pm and may be purchased only by a guest of the resort by showing his/her room key, with purchases being charged to the room.
  9. Each guest room may be provided with a mini fridge stocked with a limited supply of non-alcoholic or alcoholic beverages and food. The cost of any beverage/food by a guest shall be charged to the room.
  10. Alcoholic beverages may only be delivered by room service until 10:00pm.
  11. Poolside consumption of alcoholic beverages purchased in the bar/lounge area shall be limited to no later than 10:00pm.
  12. In accordance with City Code Section 6.6 (F) (2) (a) (2) (b), service or consumption of alcoholic beverages beyond the boundaries of the resort property is prohibited. Bali Hai shall post signs along its western property line stating, "No Alcoholic Beverages Beyond This Point."
  13. There shall be no further unauthorized or unpermitted construction at or modifications to the property. Any further construction or modifications conducted on site are to be done after submittal and approval of a revised site plan by the City, should one be required.
  14. The resort may not have outdoor amplified music of any kind (live bands, disc jockeys, etc.) unless otherwise authorized by the approval of a special event or temporary use permit.
  15. The former owner's apartment, if used as it was previously as a residential use, would be considered a nonconforming use according to LDC Section 4.6(B). Since that space has been discontinued as a residential use for a period of at least 180 days, it shall henceforth be limited only to storage or internal office hotel use, unless another use is specifically approved in this or a subsequent site plan approval.
  16. Each guest room shall have only one exterior door to access the room, exclusive of any sliding glass doors with access to a patio/balcony.

17. On-site rental of automobiles, golf carts, or any other type or kind of vehicle is prohibited. Bicycles may be rented only to paying guests of the resort with payment charged to the guest room. Bicycles may not be parked in any parking space unless there is an excess of parking provided over that required under this site plan approval.
18. The pool operation shall be limited to 7:00am to 10:00pm with unamplified background music ending not later than 10:00pm. No live bands, disc jockeys, or other live music is permitted unless authorized pursuant to a temporary use or special event permit secured by the property owner or third party for an event located on the property, and all speakers must be directed toward the guest units. Enforcement of this provision shall be pursuant to the City's noise ordinance.
19. Seasonal tourist unit density at this site is already nonconforming to the maximum density allowed by the City's Comprehensive Plan and LDC. Additional guest units may not be added and the forty-two (42) units that have existed may not be modified in any way which increases the number of guest units. Any modifications that have been made to existing units which have created additional guest units must be remediated within thirty (30) days of the City's approval of this site plan.
20. On October 13, 2020, the property owner through its agent applied for a building permit which showed an additional employee breakroom/storage space/workout room and full bathroom in the courtyard building. This additional unit is not permitted due to its impact on the legally nonconforming density for the property.