

City Commission Meeting
December 5, 2023
5:00 p.m.

ELECTED OFFICIALS PRESENT:

Adrian Petrila, Mayor
Mark Grill, Vice Mayor, Commissioner, District 2
Chris Graus, Commissioner, District 1
Ward Friszolowski, Commissioner, District 3
Chris Marone, Commissioner, District 4

STAFF PRESENT:

Andrew Dickman, City Attorney
Wayne Saunders, City Manager
Amber LaRowe, City Clerk
Matthew McConnell, Assistant City Attorney
Jennifer McMahon, Chief Operating Officer
Mike Clarke, Public Works Director
Brandon Berry, Senior Planner
Kristin Coman, Senior Planner

Mayor Petrila called the meeting to order at 5:00 p.m., followed by the Pledge of Allegiance.

1. APPROVAL OF THE AGENDA

Mayor Petrila requested a discussion before the audience comments portion of tonight's agenda to talk about the procedure of Conditional Use Permit application acceptance and, due to some recent information, if this application is valid. It was decided to add that to the Agenda after the approval and to not take public comment on that due to no action being taken.

Motion: Vice Mayor Grill moved, Commissioner Marone seconded, and the motion carried 5-0 to approve the December 5, 2023 City Commission agenda with the addition.

a. DISCUSSION ON PROCEDURAL ISSUES:

The procedural issues discussed encompassed the community meetings that were held in April by the applicant prior to submitting a Conditional Use Application. The comment card/question card/speaker card submittal to the Clerk was discussed with some discrepancies on whether the cards they turned in met the three-day requirement as stated in the Code. After the community meetings and initial filing of the Conditional Use Permit Application, an amendment was made to include a rooftop pool/dining and music. This amendment went to the Technical Review Committee in November. Mayor Petrila questioned the community meetings in April being valid because they did not include this amendment that was presented in November.

Attorney Dickman read the Comprehensive Plan and the Land Development Code which mentions the requirements for Community Meetings and the Conditional Use Permit process. The applicant must hold a community meeting at least 30 days before submitting their application for administrative approval of their site plan. The Applicant for the Permit tonight has not applied for review of their site plan, which will be done later in the process should this Permit be approved. What the City has initiated as practice for the Conditional Use Permits in the Community Redevelopment District is to require the applicants to go ahead and hold the community meeting before the Permit comes to the Commission for approval so that the applicant can address some community concerns in their site plan and Conditional Use request.

Concerning the comment card question that has been posed numerous times, Attorney Dickman reiterated his

opinion that was emailed to the Commission a while back stating that he does not see a fatal flaw with their submission of question cards in July. He opined that this application does not need to go back to the Community for another meeting.

Attorney Elise Batsel, for the applicant, cited the City's Land Development Code 39.17 and stated that the applicant can hold another community meeting in compliance with this Section if that is the ask of the Commission.

2. AUDIENCE COMMENTS

City Clerk LaRowe informed the Commission and the applicant for Resolution 2023-21 that one video submission of public comment was received. Attorney Elise Batsel, for the applicant, objected to the playing of the video due to Florida State Statute rules regarding the applicant being allowed to ask questions of those who speak on a quasi-judicial matter.

Resident John Kurzman gave public comment regarding the City's current Comprehensive Plan.

3. RESOLUTIONS

a. Resolution 2023-21 (Conditional Use Permit #23053): 5300, 5350, 5380, 5390

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, APPROVING A CONDITIONAL USE PERMIT, PURSUANT TO SECTIONS 35.3.(b)(1) AND 35.4.(b) OF THE LAND DEVELOPMENT CODE, TO ALLOW THE CONSTRUCTION OF A 290 TEMPORARY LODGING UNIT, TEN STORY, 115'-6"-TALL HOTEL WITH ROOFTOP FEATURES NOT TO EXCEED 127'-6" IN TOTAL HEIGHT FROM BASE FLOOD ELEVATION ON THE NORTHERN PORTION OF THE SITE, AND A 130 TEMPORARY LODGING UNIT, EIGHT STORY, 88'-6"-TALL HOTEL WITH ROOFTOP FEATURES NOT TO EXCEED 100'-6" FROM BASE FLOOD ELEVATION HOTEL ON THE SOUTHERN PORTION OF THE SITE, ALONG WITH ANCILLARY AND ACCESSORY STRUCTURES, AND PERMIT A ROOFTOP DINING AND DRINKING AMENITY THAT INCLUDES THE PLAYING OF OUTDOOR MUSIC, TO PARCEL #06- 32-16-80172-000-0010, WITH ADDRESSES OF 5300, 5350, 5380, AND 5390 GULF BOULEVARD; INCORPORATING THE CONDITIONS OUTLINED HEREIN; AND PROVIDING FOR CORRECTION OF SCRIVENER'S ERROR AND AN EFFECTIVE DATE.

All those intending to address the City Commission were duly sworn.

Attorney Dickman reviewed the quasi-judicial process with the Commission, reminding them of the requirements for this type of meeting. He asked each of the elected officials to announce any ex-parte communication they have had regarding this Conditional Use Permit.

- Mayor Petrila
 - Attending the applicant meeting, attended the Planning Board meeting last month.
 - Has reviewed: all documents submitted, the Land Development Code, and the Comprehensive Plan.
 - Met with staff, and FDOT staff, read the emails from residents, and had phone calls with residents.
 - Met in various locations to talk with the public. Has met with the applicant and their attorney.
- Vice Mayor Grill
 - Has reviewed all the emails received along with the traffic studies.

- Has had discussions with: City Attorney, Planning Board members, property owner, and many residents.
 - Attended community meetings.
 - Spoke with residents at Seamark.
 - Any lobbyist contact has been reported on his quarterly lobbyist contact form.
- Commissioner Friszolowski
 - Read the emails from the residents and met with staff.
 - Any contact with the individuals for the Sirata has been reported on his quarterly lobbyist reports.
- Commissioner Graus
 - Attended community meetings.
 - Has received and reviewed many emails from the residents.
 - Has met with the applicant and has reported all lobbyist contacts on his quarterly report.
- Commissioner Marone
 - Met with some individuals regarding the Sirata and their Counsel – noted on his quarterly lobbying report.
 - Familiar with the property. Has read the emails that have been sent to him including the packet of information provided by resident Lisa Robinson that had a traffic study attached. He has also spoken with staff Brandon Berry.

Attorney Dickman noted that he met with Protect St. Pete Beach advocacy group on Zoom to discuss the quasi-judicial process; about 4-5 people were in attendance. He will continue to make himself available.

Attorney Elise Batsel requested information from the Mayor regarding a presentation he made at a community association. Mayor Petrila stated that no formal presentation was made.

Commissioner Friszolowski noted that he would make a decision based on the cumulative information from all angles to include tonight's meeting, presentation, and discussion.

Brandon Berry, Senior Planner, made a presentation to the Commission that is made a part of the record. The presentation included the following information:

- Timeline
- Map of subject property
- The requests and renderings
- Criteria for analysis as outlined in City Code
- Staff recommendation
- Recommended conditions

Vice Mayor Grill questioned the metering of the reclaimed water. Mr. Berry stated that the City can make that a requirement and per the discussion of the Planning Board, it was decided to add that to the conditions on the Permit.

Concerning stormwater, Mr. Berry stated that solid waste, potable water, transportation, and stormwater are part of the concurrency review that is handled at the site plan stage. Vice Mayor opined that concurrency should be reviewed now, not later down the road; Mr. Berry further explained the process that staff goes into for concurrency and site plan review.

Vice Mayor Grill commented on the cell phone towers on the top of Seamark and questioned if a study has been done to see what if any, impact on City cell service there will be due to the height of Sirata versus Seamark. Vice Mayor Grill continued expressing some concerns regarding beach access, Brightwater Beach Estates easement,

tax services, and improvements to businesses. Mr. Berry stated that the easement by Brightwater Beach Estates has been addressed prior to tonight and will be addressed by the applicant during their presentation.

Vice Mayor Grill discussed the construction start time of 7:00 a.m. versus the Code that states 7:30 a.m. and the offsite premise parking.

Commissioner Friszolowski commented on the decibel level for rooftop music and the standard for new development. He then mentioned the easement along the beach mean high water line. Mr. Berry addressed the condition in the Permit that fulfills the requirement; the intent is whichever is most beneficial to the public (wherever there is wet sand 15 feet up from there).

The Commission mentioned dune walkovers with gaps, taxable value versus taxes being paid – will this adequately cover the City services needed or will it create a burden on the resident taxpayers? City Manager Saunders stated that there is no assurance because the City can never know what the assessments will be in the future; further, City services increase every year with or without development. Having more people contribute to the cost of those services will help to keep the tax rate down.

Commissioner Marone suggested a study that can provide the City with recommendations to say how much more it will add to the sewer infrastructure, and this is the cost for that. He discussed mobility services payment by the applicant for \$100,000/year for 5 years – is this in perpetuity? City Manager Saunders stated that there is nothing in the Code that requires the applicant to conduct a study; discussions have been had between staff and the applicant acknowledging the traffic issues and that is how the contribution to Freebee or whatever mobility service is in the City came to be.

Mr. Berry stated that the applicant mentioned the Gulf Boulevard Safety Study and that the applicant will be contributing to a proportionate share of this study. City Manager Saunders confirmed and stated that the Florida Department of Transportation will require the applicant to do something regarding Gulf Boulevard.

Stormwater was discussed with Mr. Saunders explaining that the applicant will have to meet the City's code as well as the Southwest Florida Water Management District's requirements.

Regarding Mayor Petrila's questions about outdoor lighting and compliance, Mr. Berry confirmed that it has been included in their list of conditions as part of the Permit if approved.

Mayor Petrila questioned the brand of hotel that has been chosen and any franchise agreements; Mr. Berry deferred to the applicant to address during their presentation.

A discussion was had regarding subdivision and platted lots. Mr. Berry stated that this depends on the division and various elements that will be evaluated at the site plan stage. The lot is one parcel per the Pinellas County Property Appraiser. Portions of platted lots can be combined via a unity of title or a covenant. Attorney Dickman stated that there may be reasons to do a restricted covenant in place of unity of title; the Conditional Use Permit will apply to all properties if approved.

Mayor Petrila questioned the amenities. Mr. Berry stated that there will be a restaurant, conference space, and office space; other amenities will be addressed during the site plan phase. The hotel on the south side has limited amenities as well such as a small restaurant and office space. Commissioner Friszolowski requested assurance that this will function as one site.

Regarding landscape, Mr. Berry confirmed that staff has requested a nice balance of Florida native trees and other

landscape buffering; the City Commission may make other recommendations.

The Commission mentioned the vague renderings, the roof of the J.W. Marriott, height restrictions, and a schematic of what the rooftop will look like from the street when complete.

Mike Clarke, Public Works Director, discussed the sanitary sewer system and displayed an overhead graphic that is made a part of the minutes. He mentioned the capacity and will be working with the applicant to develop some solutions to the City's requirements. He expressed no concerns at this time about this development. Mr. Clarke explained how he arrived at the numbers shown here tonight. The stormwater plan complies with the City's Code.

Jim Kilpatrick, Fire Chief, read into the record the definition of the master plan which is made a part of the record. He discussed the project from a Fire/EMS perspective. The County controls the evacuation plan which is enforced by the Sheriff's Office in conjunction with the Fire Department. He is unsure what the penalties are; however, he said that hotels are required to begin the evacuation earlier when a hurricane warning is issued.

Regarding emergency access to the beach, Fire Chief Kilpatrick stated that the access points are preliminary now and finalized during the site review process. Fire Marshall Kelly Intzes assured the Commission that all is appropriately designed.

Call volume over the last 5-7 years was discussed with Fire Chief Kilpatrick reading the statistics from fiscal year 2019 to fiscal year 2022; most calls are within the hotel district with 80 percent EMS and 20 percent fire.

Chief Kilpatrick uses the master plan to define projections of adequate staffing, no matter the project. He is not able to say whether or not the City has adequate staffing at this time.

Mayor Petrila recessed the City Commission meeting at 7:53 p.m.

Mayor Petrila reconvened the City Commission meeting at 8:10 p.m.

Attorney Elise Batsel of Stearns, Weaver, Miller, representing the applicant, gave a presentation to the City Commission. A copy of the presentation is made a part of the record.

She asked Joe Yung, Director of Development, Columbia Sussex, to discuss the financial and technical aspects of the project.

Joe Yung provided the Commission with a history of the organization and when it was created. He outlined the ownership, noting that this is a family-owned and operated business. He addressed the LLC question posed by Vice Mayor Grill and touched on the process of corporations versus LLC, etc. as it relates to financing for the project.

The applicant agreed to have the J.W. Marriott brand added as a condition of the Permit with Attorney Batsel clarifying that the applicant will agree to J.W. Marriott or a similar luxury brand as a condition. Regarding the branding of the other hotel, Mr. Yung stated the intent is for it to be a Hampton or a brand similar to that.

Attorney Batsel continued the presentation, noting that if the Commission would like, the applicant would be amenable to a condition added for a site plan covenant to indicate the parcel to be developed as one large piece.

Cynthia Spidell, Associate Director of Planning, Stearns, Weaver, Miller, gave an overview of the planning report and findings that are included in the presentation. She discussed compatibility, zoning, community benefits and

the financial implications as it pertains to what is outlined in the Land Development Code.

The Commission and Ms. Spidell discussed the 88/12 financial impact split, privacy, and Seamark views current versus when development is complete.

Jim Stapleton, Architect, presented information to the Commission on the development. His presentation is a part of the record.

Commissioner Friszolowski expressed his disdain for the design and found it unacceptable considering that when he met with the applicant team this past summer, he identified the areas that he would like to see improved as it relates to the parking garage and hotel designs. He would like to see the parking garage redesigned to have a better façade and not look like a garage; the same is true for the hotel renderings. If this is approved, Commissioner Friszolowski requested that the site plans be brought back to the Commission to be approved.

The request for a wind study was discussed with the applicant's team opining that it is unnecessary.

Vibration testing was discussed. The applicant will be doing a structural assessment of the Seamark as a condition with auger piling as a condition as well.

Regarding views, Mr. Stapleton stated that the team has worked very hard on maximizing the views for Seamark.

Brad Cochran, Sirata's General Manager, discussed the status of sea turtle lighting compliance. All the lights have been corrected, and he is working on tinting for the hotel as well.

David Perry, Landscape Architect, discussed the landscape plans for the development. Attorney Batsel stated that the plans will be updated to reflect the requirements of landscape, trees, shading, etc.

Motion: Commissioner Friszolowski moved, Commissioner Graus seconded, and the motion carried 5-0 to extend the meeting until 12:00 a.m. (midnight).

Mayor Petrila recessed the City Commission meeting at 9:57 p.m.

Mayor Petrila reconvened the City Commission meeting at 10:10 p.m.

Becca Bond, Transportation Engineer with Kimley-Horn, gave a presentation on transportation and analysis for the project. This presentation is part of the record.

Ms. Bond discussed trips, timing, etc. that were used as part of the analysis that has been completed. She explained the software that is used and updated by the Florida Department of Transportation that assists with the analysis and data.

Vice Mayor Grill questioned if the removal of the Central Area Transit (CAT) was taken into consideration in the study.

Mayor Petrila questioned why the study shows Pasadena Avenue as six lanes as opposed to the four. Ms. Bond stated that is what was provided by the Metropolitan Planning Organization (MPO), the applicant will research this with the MPO and update the data.

Driveways present across from and adjacent to the property were included in the study. Ms. Bond stated that the

applicant is required to match their data with the MPO.

Attorney Batsel spoke about concurrency and how many layers of transportation concurrency must be completed with the City and other agencies.

Scott Gilner, Civil Engineer with Kimley-Horn, gave a presentation that is made a part of the record. He discussed the proposed stormwater plan.

Dune restoration was mentioned along with dune crossovers and fire access; this could be a condition if the Commission would like to add it.

The applicant has had a meeting with the Florida Department of Transportation regarding driveway alignments and crosswalks.

Attorney Batsel gave factual testimony to the Commission on operations that are expressed under the City Code. Pools are required to close by 11:00 p.m. which is the intent of the applicant; the applicant will be happy to add that as a condition if so desired by the Commission.

Mayor Petrila stated that he would like to have more questions answered by the applicant based on the questions and comments by the Commission. A discussion continued on continuing the meeting with various reasons expressed.

Motion: Vice Mayor Grill moved, Commissioner Graus seconded, and the motion carried 4-1 to extend the meeting to 2:00 a.m. Mayor Petrila voted no.

Mayor Petrila recessed the Commission meeting at 12:00 a.m.

Mayor Petrila reconvened the Commission meeting at 12:10 a.m.

City staff addressed the continuation and suggested a special meeting on January 10, 2024. The Commission decided to ask the City's expert to speak and take a few members of the public who wanted to speak tonight that may not be able to return on the continued date.

Jerry Traverso, George F. Young, a transportation expert for the City, reviewed the traffic report prepared by Kimley-Horn and did not have anything opposing to add.

The Commission discussed the various requests from the public asking for more time to speak, such as an attorney representing a non-profit and an expert for the non-profit. Attorney Batsel objected to an extensive amount of time being afforded to the public.

Ed Stapor, representing Brightwater Beach Estates, reviewed the presentation by the applicant and spoke in opposition to various aspects of it.

The following residents spoke in opposition:

- Linda Lewallan
- Ted Teele
- Jody Powell

Attorney Batsel commented on the historical and archaeological opinions expressed by the public stating that it

deals with the site, not the area.

Motion: Commissioner Marone moved, Vice Mayor Grill seconded, and the motion carried 5-0 to continue the hearing on Conditional Use Permit 23053 to January 10, 2024, at 4:00 p.m.

Mayor Petrila adjourned the meeting at 12:55 a.m. on December 6, 2023.

MINUTES APPROVED: JANUARY 9, 2024



AMBER LAROWE
CITY CLERK



ADRIAN PETRILA
MAYOR