

**City Commission Special Meeting
February 21, 2024 - 4:00 p.m.
City Hall Commission Chambers**

ELECTED OFFICIALS PRESENT:

Adrian Petrilă, Mayor
Karen Marriott, Commissioner, District 1
Nick Filtz, Commissioner, District 2
Betty Rzewnicki, Commissioner, District 3
Rich Lorenzen, Vice Mayor, Commissioner, District 4

STAFF PRESENT:

Andrew Dickman, City Attorney
Wayne Saunders, City Manager
Ginny Bodkin, Deputy City Clerk
Brandon Berry, Senior Planner
Mike Clarke, Public Works Director

Mayor Petrilă called the meeting to order at 4:00 p.m., followed by the Pledge of Allegiance.

1. APPROVAL OF THE AGENDA

Motion: **Commissioner Filtz moved, Commissioner Rzewnicki seconded, and the motion carried 5-0 to approve the February 21, 2024 Special City Commission Agenda.**

2. AUDIENCE COMMENTS

There were no general comments.

3. RESOLUTIONS

a. Quasi-Judicial Hearing on Resolution 2023-21 (Conditional Use Permit #23053): 5300, 5350, 5380, 5390 Gulf Boulevard (Sirata St. Pete Beach)

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 #0632-16-80172-000-0010, 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.

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

- Commissioner Marriott disclosed her ex-parte communications, including that she met and spoke with a

number of residents and some members of Protect St. Pete Beach (PSPB), spoke to some lawyers for the development and a representative of Seamark Condo on their site, and read dozens of emails from residents and parties.

- Commissioner Filtz had walked the property, researched Columbia Sussex (and associated individuals) and JW Marriott, spoke with Planning and other board members, reviewed the Comp Plan and LDC, watched previous meetings including December 5th, met with staff, met with lobbyists, reviewed emails from PSPB, reviewed PSPB website, met with Applicant's counsel and spoke with their architect and Applicants counsel, met with residents, condo and homeowners, met with VP at seamark, spoke to Lisa Reich of Wildlife Now and many residents, and reviewed many emails.
- Commissioner Rzewnicki had attended all of the related Commission meetings and heard testimony, met with the Applicant's team and counsel, met with city staff, attended many city property association meetings, did a walk through at Seamark, met with VP, walked Sirata property, and read multiple emails old and new.
- Vice Mayor Lorenzen watched the December 5th Commission and Planning Board meetings, spoke with Historic Board members, viewed the Sirata property several times, met with JoLynn Lawson of PSPB, met with Sirata counsel, and Seamark representative and walked the property, and held a meet and greet for District 4, where the topic came up.
- Mayor Petrila attended the Applicant's Community Meeting, the December 5th meeting, the Planning Board meeting, reviewed Applicant documents from the Technical Review Committee and Planning Board, reviewed the LDC and Comp Plan, reviewed documents submitted for this hearing, had several conversations with city staff and current and former FDOT staff, read hundreds of emails from the public, met with members of the public individually and in groups, been to community association and HOA meetings, met with an advocacy group, met with the Applicant and their counsel, and received several emails from the Applicants attorney, their lobbyists and staff.

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

Senior Planner Brandon Berry reviewed the staff presentation, which is part of the meeting record. The presentation included a timeline, map, site plan and renderings of the subject property, Applicant responses to staff concerns, project requirements, and updates since the 12/5/23 hearing. Staff found that the Applicant had supplied adequate support for the twenty conditional use permit criteria, and recommended approval with conditions, subject to the Applicant resolving any Commission concerns. Mr. Berry reviewed the forty-one conditions that staff recommended.

Attorney Dickman explained that violations of the conditions of the Conditional Use Permit (CUP) will need to be addressed by the owner/Applicant or management and/or come back before the City Commission for modification or revocation.

Questions and concerns that Mr. Berry addressed included:

- The large Resort District does restrict mixing partial residential/partial lodging; there is not a limitation the number of buildings, but there is for lot coverage, floor area, setbacks, height, and other features.
- Mr. Berry will revise the language of condition #21 to clarify one monument sign per hotel in case of subdivision.
- The Sirata needs to become compliant with sea turtle lighting requirements now, not at time of occupancy.
- The entire site should be at a Silver Leadership in Energy and Environmental Design (LEED) standard.

- The deed for the easement area is held by Brightwater Beach Estates Subdivision; discussion with them would be at the direction of the City Commission. When a decision is made, discussion can begin with them immediately.
- The Applicant's agreement to pay \$100,000 per year for 5 years for mobility services, facilities and/or improvements is based upon staff review of increased Freebee trip demands/expansion and additional improvements. Expansion beyond 5 years can be deliberated on.
- Parking facility screening is specific to the street level view, but there are design requirements that apply to all facades.
- The Large Resort District has 10% side setbacks up until the lot becomes three hundred feet wide, then remains at 30 feet thereafter.

The Applicant's Attorney Elise Batsel estimated the time that they would need for their presentation. Public comment time was discussed with consideration of time for Applicant rebuttal. The Commission decided by consensus to hear the organization's comments first and judge the length of time permitted for each.

Mayor Petrila called a recess at 5:32 pm. The meeting was reconvened at 5:45 PM.

Attorney George Vinci, Jr. of Spector, Gadon, Rosen, Vinci appeared on behalf of the Applicant regarding a letter that he sent to City Attorney Dickman making a formal request that the Mayor recuse himself from the proceedings. Attorney Dickman explained voting conflicts to the Commission. The Mayor stated that he had no voting conflicts and would not be recusing himself. Mr. Vinci expanded on the contents of his letter regarding bias, organizational affiliations, and inability to be impartial. The Mayor declared that he is not affiliated with Protect St. Pete Beach, although he spoke with the Chair of that organization as did the other Commissioners. Mayor Petrila explained that he did attend a Semark HOA meeting via Zoom, answered questions and left the call; he had no part of any recommendations or presentations there.

Attorney Dickman asked Mayor Petrila for the record if he felt that he could be impartial, unbiased and oversee the hearing under his obligation as Mayor and he replied affirmatively. Following that discussion, Mr. Vinci requested that the City abide by their resolution that would allow individuals representing a group 10 minutes of comment time.

Elise Batsel of Stearns Weaver Miller introduced herself on behalf Columbia Sussex and CP St. Pete LLC. Columbia Sussex is the parent company of CP St. Pete LLC, who is the Applicant under this application. Ms. Batsel reviewed the Applicant's presentation, which is part of the meeting record.

Her portion of the presentation included maps of the Districts, buildings to be demolished (this will be a fully integrated site), a project summary, a complete eight-point review of the site plan, heights, details of the Conditional Use request, the basis for decision on LDC criteria that have been met, and CUP process and criteria.

Cynthia Spidell, AICP Certified Planner Cynthia Spidell gave an overview of her Planning Report, which is part of the presentation. She discussed compatibility, consistency, Character Districts, Conditional Use criteria, conditions, and operations.

Jim Stapleton of PIVOT Studio, provided an architectural review of the project including:

- Described project design, style, and appearance
- Water savings and conservation – 35% reduction over baseline, LEED certifications
- Reviewed shadow study and renderings
- Reviewed parking structure as redesigned/modified
- His professional, expert opinion was that the application is consistent with the City's Land Development

Code (LDC), compatible with the surrounding area, and satisfies the requirements of 4.12(a)(4) His presentation is part of the meeting record.

David Perry, Landscape Architect of Perry Becker reviewed a project landscape presentation; his presentation is part of the meeting record:

- He reviewed the Florida native, drought tolerant vegetation usage
- There will be full dune restoration
- Described the irrigation system and flow sensors
- His expert professional opinion was that the landscaping plan will meet or exceed the LDC requirements

Becca Bond of Kimley Horn, Transportation Engineer for project reviewed her presentation of the Traffic Impact Analysis (TIA) that was completed for the CUP application:

- Typical process of a traffic impact study and timeline
- Methodology used for the Sirata Beach Resort - approach and procedures used for trip generation, analysis, distribution, growth rate
- Roadway segments and intersections that were analyzed
- Sources of existing traffic volumes – turning movement counts and directional roadway volumes
- Future Traffic
- Analysis Results reviewed – weekday and weekend study area roadway volume
- LDC Sec. 4.4(a)(3) transportation requirements
- LDC Sec. 4.12(a)(2) site transportation requirements
- Peer review results George F. Young and FDOT
- Her expert professional opinion was that the transportation system is capable of adequately supporting the proposed use in addition to the existing and that the infrastructure is sufficient. The proposal satisfies LDC requirements

Scott Gilner, Engineer with Kimley Horn, Franklin Street, Tampa provided an engineering review, which is part of the meeting record:

- Stormwater design requirements – City, SWFWMD, FDOT; the proposal complies with all
- Existing vs. proposed offsite discharge and the improvements proposed
- Percolation, treatment, attenuation proposal; stormwater vault design and operation
- Erosion control, resiliency – Dunes create a natural barrier; sand from vault dig reclamation will be used
- Resiliency and dune restoration
- Driveway alignment – existing and proposed to reduce conflicts
- Enhanced pedestrian safety, beach access, connectivity and integration
- Parking/loading exceeds LDC 4.4(a)(4) requirements with proper functionality of queueing
- Utility review – sewer capacity is not an issue; potable water, solid waste, electric, gas, and telecom services meet all LDC requirements.
- Meets 4.12(a)(5) Open space and ISR requirements
- 4.12(a)(9)a Views – reviewed existing conditions and proposed improvements which meet requirements
- Lighting and Noise- Will meet FDEP/FWC sea turtle lighting requirements
- Emergency Management review
- Public Beach Access walkovers would meet permitting through FDEP
- His expert professional opinion was that the proposal is consistent with applicable provisions of LDC and the Comp Plan

Attorney Elise Batsel spoke about views/vistas in a legal framework. Land use regulations must be viewed in totality and context in Codes. She reviewed the City's CUP timeline from the creation of the LDC CUP Criteria in 2005 through the 2020 amendment to the Large Resort District modifying the maximum density. She reviewed

a map from the meeting packet showing the remaining properties that would be eligible to come before the Commission for redevelopment.

Attorney Batsel reviewed the community benefits of the CUP/project proposal as presented. The project meets all requirements of Codes 4.4 and 4.12 per staff and Planning Board.

Mayor Petrila called for recess at 7:26 PM and reconvened the meeting at 7:42 PM.

The Commissioners began questioning the Applicant experts, owner and attorney:

- Compatibility is defined in the Comp Plan.
- Joe Yung, Edgewood Kentucky, owner of Columbia Sussex, provided details of the 100% family-owned company, how the project emerged, meeting with Seamark Condominiums and complying with their requests. He answered questions on corporate finances; they had one bankruptcy on the Tropicana project in 2008 and there have been other forfeitures/foreclosures. Mr. Yung provided details on other multi-hotel projects the company has completed. The resort will have no objection to beach renourishment.
- Scott Gilner described vibration monitoring in detail. He explained curb cuts and balancing multiple requests and minimizing impacts to Seamark.
- A rendering of what the properties will look like in totality north and south was not available, but the beach side rendering was in the meeting packet
- Cohesive flow is a concern. Commissions can express which parking garage design they prefer.
- Public Works Director Mike Clarke provided details on lift stations and sequencing
- The open bottom vault plan has been submitted to SWFWMD, and then resubmitted with the suggested adjustments. The City, SWFMD and FDOT will all be part of that permitting.
- Ms. Bond answered traffic study questions; traffic analysis of north and southbound flows and capacity were discussed. Each development is required to adhere to traffic study standards which include capacity and Level of Service (LOS). LOS in Pinellas is set by FDOT tables. Most jurisdictions are LOS D. She provided a document from January of 2023 showing the projected LOS at the buildout of the Sirata project, which is part of the meeting record; it is a mixture of C and D. Thresholds were discussed.
- The Applicant looked at how they could improve daily experience overall; how to pull cars off of Gulf Blvd. by encouraging them to walk within the site, wider sidewalks, on site queueing, and micromobility, A shuttle service will be available at the resort and a ridesharing point; that is in conditions.
- Mr. Berry confirmed upcoming development status – there has been a community meeting for Windward Pass, the only other application at this point. DonCesar will not be adding any units.
- Fire Chief Jim Kilpatrick testified that he cannot predict how many additional calls could possibly occur; that could only be done after the fact. He does not see any serious issues at this point.
- The Beach walkover will be for an emergency vehicular drive over – must be able to accommodate.
- Scott Gilner explained their method of calculating the views from Seamark. The Code governs how to do that. Properties on the beach have a right to the view.
- Fire Marshall Kelly Intzes explained that the dune crossover at the property will need to meet the requirements for an emergency vehicular drive-over; it will need to be designed to support the heaviest load of the fire apparatus that will be crossing over in width and weight. That will be part of the site plan review with the Applicant's engineering team.

Mayor Petrila called a recess at 10:00 PM and reconvened at 10:10 PM.

PUBLIC COMMENT

Ken Barnes for the Seamark Condominiums spoke representing nine people who identified themselves. He reviewed a presentation of why they feel the Sirata CUP project does not meet the character district and issues

with obstructed views. His presentation is part of the meeting record.

Motion: Commissioner Filtz moved, Commissioner Rzewnicki seconded, and the motion carried 5-0 to continue the Special City Commission meeting until 1:00 AM.

Ed Stapor for Brightwater Estates spoke for six people who identified themselves. He reviewed a presentation against the Sirata CUP request, including how they feel residents have been ignored. His presentation is on the meeting video.

Attorney Jane Graham of Sunshine City Law testified on behalf of the Protect St. Pete Beach advocacy group, describing their interest in protecting the City from the impacts the Sirata CUP and development. Those who own property and live in the area have a legitimate and protectable interest in the character of their neighborhood. A copy of her letter to the Commission on comments in opposition to Resolution 2023-21 was entered into the record. Charles Gauthier of FAICP, LLC, testified on the compatibility and impacts of the proposed development. A letter he had sent to the Commission was entered into the record. Drew Roark of Alex Roark Engineering for Protect St Pete Beach testified to his opinions in opposition to the Sirata CUP request. A letter he had written to Lisa Robinson was entered into the record.

Attorney Batsel stated that the Applicant's team wanted to cross examine some speakers. Attorney Dickman found that per Code, Protect St. Pete Beach is not a party intervenor and could cross examine with the permission of the Commission. Attorney Jessica Icerman of Stearns Miller Weaver cited the Jenings and Carillon cases giving the parties a right to cross examine.

Ms. Icerman cross examined Mr. Gauthier on the details of his experience and asked him to read page 11, paragraph 52 of the Final Judgment of Collier County Circuit Court Case 11-2020-CA-000780-0001, which is part of the meeting record. Mr. Gauthier testified that the court rejected all of his opinions on the County's Comprehensive Plan in that case.

Mayor Petrila called a recess at 11:39 PM and reconvened the meeting at 11:47 PM.

The following individuals spoke in opposition to the Sirata CUP:

Dana Richardson - 5830 Bahama Way S.

Sandy Spalitto - 5301 Gulf Blvd.

Jody Powell - 5930 Bahama Way N.

Deborah Schechner - Boca Ciega Isle Drive

Ted Teele - 2871 Alton Drive

Lisa Reich - 78th Ave., spoke about sea turtle protection on St. Pete Beach

Joanne Zovac - 225 S Tessier

Ruta Hance - 7711 Coquina Way

Pamela Harris - Boca Sands 5301 Gulf Blvd.

Cindy Perry - 1126 Boca Ciega Isle Dr.

Julie Causey - 132 Punta Vista Drive

Suzy Bogdan - Sailboat Key S. Pasadena

Lisa Robinson - 7100 Boca Ciega Dr.

Wendy Fruland - 3rd Palm Point

Claudine Reece - Vina del Mar

Linda Lewallen - 2802 Pass-A-Grille Way

Jo Lynn Lawson - Leilani Drive, Director of Protect St. Pete Beach - provided the results of their petitions

John Kurzman - Bahia Honda Way

Mayor Petrila closed public comment.

Motion: Commissioner Filtz motioned to continue with the hearing until 3AM. The motion died for lack of a second.

Commission Filtz amended his motion to continue the hearing until 2:00AM. The motion was seconded by Vice Mayor Lorenzen and carried 5-0.

Mayor Petrila called a recess at 12:56 AM and reconvened the meeting at 1:05 AM.

Scott Gilner rebutted some of the public comment:

- The storm vault is planned under the JW Marriott and is a typical system with SWFMD. There will be no issues with Seamark or their pool.
- Telecom is a network; all of the towers work in a network.
- Sea turtle conditions to the CUP are if the project is approved. The property is not compliant right now but not sure how to become compliant. Would like to meet with City and walk through with Lisa Reich.

Becca Bond rebutted some of the public comment:

- The City's traffic engineering consultant reviewed and approved the Applicant's TIA and found that it met the City's Code
- She submitted a Peer Traffic Study Review
- She addressed the impact of distribution (output), and project driveway volume data collection was described in detail
- Updated capacity calculations were detailed

Attorney Elise Batsel reviewed the level of community engagement that the Applicant's team completed, including community meetings, phone conferences, zoom meetings, emails, and follow ups. She covered again that the site is fully integrated per Code. City Code specifies using proximity and Coastal Construction Control Line in development controls, which the Applicant had done.

Attorney Batsel expressed that there is too much economic investment by the developer to go back and start at ground zero for a new plan. When they brought the property, they looked at the Land Development District and Large Resort District. They met with the City and Commissioners, and received positive feedback moved forward. If this CUP does not go forward, Plan B is to develop under the Live Local Act. Ms. Batsel explained the Live Local Act (passed in 2023), which requires that a local government must approve a qualifying project (no hearings, no variances, no Comp Plan required) which would include affordable housing. The Act allows development at the highest density in the jurisdiction (they have preliminary plans). She showed the potential massing of an allowed project. The project can be completely residential or mixed use (65% residential 35% can be commercial, hotel, retail). 40% of the 64% residential must be affordable housing.

City Attorney Dickman stated that the City has not evaluated how the Live Local Act would apply to the site.

Attorney Batsel summarized their presentations and her opinion that the experts that testified found that the proposed project meets the CUP criteria. She presented the three proposed conditions to address building style and flow between the hotels, which is part of the meeting record.

Commission questions continued.

- A condition can be added to the application for space for emergency vehicles during storms

- The County may demand closure of the hotel during storms
- The Applicant would be amendable to no large toys (i.e., slides) on the beach and there will be no rental of beach vehicles
- A 5-25% discount will be offered to residents on food and amenities at owner discretion and access to park in the garage during storms; a valid local driver's license would be considered proof of residency
- The resort will cooperate on the St. Pete Beach Classic event

Commissioner Rzewnicki stressed to Mr. Yung the importance of safety, wind mitigation, minimizing the impact to neighbors, and adhering to environmentally friendly features as much as possible. She requested specifics on the plan for the dune crossover and inquired about the potential for a boardwalk/beachwalk, which the Applicant had already suggested to the City. Mr. Yung said that he conferred with the wind study consultants, and they explained that the addition of three floors would have no additional effects.

Motion: Commissioner Filtz moved, and Commissioner Rzewnicki seconded to continue the hearing until 2:30 AM. The motion carried 4-1 with Mayor Petrila voting no.

After it was determined that there were no further questions for the Applicant, discussion ensued on whether to move on to deliberation, or continue the hearing to another day and time for deliberation, allowing staff time to research the Live Local Act. The Commissioners reviewed their availability and it was determined that all could be available to continue the hearing at the next scheduled Commission meeting; the Applicant's attorney confirmed their availability.

The City Manager answered Commission questions regarding impacts fees and taxes; budget season is upcoming. Ad valorem taxes would be significant from this project.

The City Manager Wayne explained that the additional conditions and changes to the existing conditions need to be assembled by staff and the resolution for the CUP to be continued to the February 27th Commission meeting at 6:00 PM. The hearing will be the first item on the agenda, for Commission deliberation only with no further public comment. Owner Joe Yung may appear by Zoom.

Motion: Commissioner Rzewnicki moved, and Commissioner Lorenzen seconded to adjourn at 2:30 AM, with all in favor.

Mayor Petrila adjourned the meeting at 2:30 AM.

MINUTES APPROVED: 3/26/24

GINNY KEETER-BODKIN
DEPUTY CITY CLERK



ADRIAN PETRILA
MAYOR