

**City Commission Meeting
February 27, 2024 - 6:00 p.m.
City Hall Commission Chambers**

ELECTED OFFICIALS PRESENT:

Adrian Petrilu, 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:

Wayne Saunders, City Manager
Andrew Dickman, City Attorney
Matthew McConnell, Assistant City Attorney
Ginny Bodkin, Deputy City Clerk
Brandon Berry, Senior Planner

Mayor Petrilu called the meeting to order at 6:00 p.m., followed by the Pledge of Allegiance.

1. APPROVAL OF THE AGENDA

Motion: Commissioner Marriott moved, Commissioner Filtz seconded, and the motion carried 5-0 to approve the February 27, 2024 City Commission Agenda.

2. AUDIENCE COMMENTS

Prior to opening public comment, City Attorney Andrew Dickman explained that at the 2/21/24 hearing, the Commissioners agreed that public comment, presentations, and questions on Resolution 2023-21 had ended; any public comment heard will be on non-agenda items.

Tom Rask of Unincorporated Pinellas County commented that he filed a lawsuit against the City alleging violations of the Florida Public Records Law and the Sunshine Law. He spoke about process and pervasive bias. He entered a copy of the City Attorney's bio from his website into the record.

JoLynn Lawson 5407 Leilani Drive, Director of Protect St. Pete Beach advocacy group, spoke about the City's positive features and development done right for legacy, the environment, and families.

Theresa Schefstad 555 Gulf Way commented on the underwriting process for Conditional Use Permits.

Deborah Schechner Boca Ciega Isle Drive provided the Commissioners an article on tourist tax impact and development costs to the City.

Juli Causey 132 Punta Vista Dr. commented on pedestrian, cyclist, and driver safety and full density.

Tricia Brogan 902 Boca Ciega Isle Drive commented on current traffic and future concerns.

Terri Grocott 2841 Alton Drive commented on the Comp Plan and redevelopment.

Lisa Robinson 7100 Boca Ciega Drive commented on the Comp Plan review, Live Local Act, and a building moratorium.

Ruta Hance – 7711 Coquina Way commented on saltwater damage to landscaping and costs, and an update to pumps and sewers in keeping with the commercial districts.

John Kurzman Bahia Honda Way S. commented on increasing public scrutiny of conditional use.

Dana Richardson 3850 Bahama Way S. commented on a cohesive look to beach community, suggested architectural review committee, and offered to serve.

Wendy Fruland 6361 3rd Palm Point commented on the City's small town feel and pride in that.

3. CONSENT

- a. City Commission meeting minutes: February 6, 2024 Executive Session; February 13, 2024 City Commission meeting
- b. Island Festival Event 2024
- c. Hurricane Idalia FEMA Agreement
- d. Don Cesar Place and Belle Vista Neighborhoods Historic Survey

Motion: Vice Mayor Lorenzen moved, Commissioner Filtz seconded, and the motion carried 5-0 to approve the February 27, 2024 City Commission Consent Agenda.

4. 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 spoke regarding process. The Commissioners are to share any ex-parte communications or independent research conducted since the February 21st hearing. He commented on the work that city staff has done under the City Manager's direction to accommodate the public - in the Commission Chambers, conference rooms, and parking lot; accommodations were made for everyone to participate in the public hearing on 2/21. He commended the Commissioners for their attentiveness during that 10 ½ hour hearing and for accommodating hours of public comment including extra time for groups. Ample time was provided for the Applicant to present and for rebuttal. Since the Commission completed their questioning of the Applicant's experts, the entire team is not present, but staff are available. The Commission now has time to deliberate amongst themselves on the conditional use and decide to deny, approve, or approve with conditions.

EX PARTE COMMUNICATION

- Vice Mayor Lorenzen had conversations with some residents and received emails.
- Commissioner Rzewnicki spoke with staff, with residents including Mike Gordon from Seamark and Deb Rothenberger from Dune Savers, received emails from residents, spoke with State Rep. Linda Chaney, and researched SB 102.
- Mayor Petrila reviewed the meeting packet, LDC, and Comp Plan, met with residents, received emails from residents, staff, and the Applicant.
- Commissioner Filtz spoke with members of the community city staff, and reviewed the meeting packet, Comp Plan, LDC and as many texts, voicemails and emails as possible.
- Commissioner Marriott spoke to numerous residents and business owners, city staff and the Applicant's counsel.

Attorney Dickman reminded anyone speaking that they were still operating under oath from the last meeting, or they could be sworn in tonight.

The Commission began their process by reviewing the updates (red-lined beginning on page 5) to the Conditions (Exhibit "A") to Resolution 2023-21 that staff provided based on discussion at the February 21st meeting.

- William Yung, President of Columbia Sussex was present and confirmed that the two hotels will be Marriott and Hampton Inn.

Attorney Jane Graham objected, for the record, that the Commission was reviewing specifics of the resolution after the public hearing was closed.

- In the Whereas clauses of the resolution, Derek Haught's name needs to be updated to Alan Smallwood.
- The Commission had no changes to Conditions 1-7 as presented.
- Condition #8 Telecommunications – the Applicant will be obtaining the engineer opinion. Attorney Dickman reminded the Commissioners that there is still a Site Plan approval following any decision made by the Commission on the resolution. The Applicant's attorney, Elise Batsel, distributed their proposed modifications to Condition 8, which Scott Gilner of Kimley Horn reviewed. The Commissioners had no objections to their modified condition.
- Condition #9 Wind Study – Attorney Batsel stated that the Applicant is not willing to conduct a wind study and they have an expert letter saying that it is not warranted in this situation. Columbia Sussex Vice President Joe Yung appeared via Zoom with further explanation. Following discussion, the Commission agreed by consensus to eliminate this condition.
- Condition #18 Rideshare – Access ways must be approved by FDOT; the Applicant will meet with FDOT and will follow what they prescribe. This will be approved administratively prior to the Site Plan.
- Condition #19 Boardwalk – City Manager Wayne Saunders confirmed that the City would design and permit the beach walk not just for this property but for the extent of that area that has been discussed in the past; the Applicant would pay for their share of that and the easement. The Applicant and the Commission approved as provided.
- Condition #21 Façade Consistency – The desire for consistency, quality of architecture, and cohesiveness of the entire property were discussed. 21.a. and b. give staff directions to utilize at the Site Plan stage. 21.c. The Commission approved that they would choose the parking garage façade for Hotel 3 after

receiving community input from the neighborhood information meeting that the Applicant will be hosting prior to Site Plan approval. As many renderings as possible should be presented.

- Condition #22 Signs – Following discussion, the Commission agreed by consensus to the condition as presented in the updated resolution.
- Condition #23 Beach Amenities – Mr. Berry explained that the City already prohibits any new motorized watersports. The Commission and Applicant accepted Condition 23 as presented.

Mayor called recess at 7:56 PM and reconvened the meeting at 8:06 PM.

- Condition #24 Micromobility – The Commissioner and Applicant accepted as presented.
- Condition #25 Hurricane Storage – Attorney Batsel clarified that if space is left after city vehicles are in place and/or if guests must evacuate, then resident parking would be available in the upper levels of Hotel 1 and 3 parking garages. The Commission and Applicant accepted the condition as presented
- Condition #26(k.) – Mr. Berry explained that any currently non-compliant signs must become compliant with the Land Development Code; the Commissioners accepted as presented.
- Condition #28 – Potable water use reduction – The Commissioners accepted as presented.
- Condition #31 – LEED Rating - Attorney Batsel stated that the Applicant does not agree with the changed condition; it would be prohibitively expensive. Mayor Petrila and Commissioner Rzewnicki referenced sustainability requirements in the Comp Plan. The Commission accepted reverting back to the original condition (certified for Hotel 1, and Silver for Hotel 3) by a majority consensus.
- Condition #32 Water Reuse and saving – The Commission and Applicant approved as presented.
- Condition #33 Permeable pavers – The Applicant's attorney distributed their proposed modifications to the condition language as to 'all proposed' pedestrian walkways, 'open-air' surface parking and 'non-traffic' rate surfaces. The Commissioner accepted the Applicant's modified condition.
- Condition #34 - Attorney Batsel explained that the Applicant has a problem with this condition; there is solar lighting on top of the JW Marriott and it is not feasible to place a green roof because the solid soil trays put tremendous weight on the structure. City Manager Saunders suggested a change of language to 'utilize other techniques' to reduce heat island effect. The Commission accepted the condition with removing the green roof requirement and change to 'using other techniques.' The Applicant accepted .
- Condition #35 - Porte cochere landscaping - Attorney Batsel distributed their proposed modification to the condition to provide a solid wall and landscaped screen of at least 120' wide and 16' tall to mitigate sound, with landscaping similar to the Gulf Blvd. screen walls for consistency. The Commission accepted the condition as presented by the Applicant.
- Condition #42 Canopy trees - Applicant's attorney distributed their proposed language on this condition to install in-ground canopy trees every 30 feet adjacent to the expanded frontage sidewalk and to not conflict with overhead utility lines; above-ground planters would be used where planting would conflict with underground utilities. due to overhead utility lines. The Commission accepted the condition as presented by the Applicant.

The Commission then went back to address any other conditions they needed clarification on.

- Condition #40 Landscaping buffer – The Commission discussed; the Applicant explained that this is open space; they would be amenable to public beach access by removing some landscaping. Attorney Dickman clarified that the language of the condition will control whatever is submitted subsequently.
- Condition #26(i.) Dunes – Engineer Scott Gilner clarified that the dune area is 100 feet.

Commissioner Rzewnicki asked for a condition for water pre-treatment and post-treatment from the underground vault. Engineer Scott Gilner of Kimley Horn explained that it is being pre-treated by percolation.

Mr. Berry confirmed that primarily median improvements are proposed by FDOT for Gulf Blvd., and a recommendation for a potential mid-block crossing at 50th Avenue, but nothing in front of this property. Engineer Scott Gilner confirmed that they have met with FDOT and are doing a mid-block crossing (push button) at the 15-foot beach access point.

- Condition #36 Florida-Friendly landscaping – Attorney Batsel explained that a native tree percentage increase is not as visually appealing. The City can administratively waive height and caliber to meet a greater percentage of Florida -friendly ground covers based on the LDC.

Commissioner Rzewnicki commented on some of the conditions in the application that could be improved - a higher percentage of native, non-invasive landscaping, improvements to safety on the Gulf Blvd. sidewalk, reduction in curb cuts and having one main and one ancillary entry. Ms. Batsel confirmed that they met with FDOT once and will meet again within 60 days and propose safety measures; changes can be made during Site Plan approval. Mr. Gilner reviewed their curb cut plans again with primary and auxiliary access and agreed that pedestrian safety is the priority. Commissioner Rzewnicki pointed out that Derek Haught is no longer the Applicant/Owner; that needs to be updated to the current signatory in the resolution. Columbia Sussex owns and is the parent company. Attorney Batsel will send a letter that Columbia Sussex is the parent company of CP St. Pete LLC.

Mayor Petrila called a recess at 9:39 PM and reconvened the meeting at 9:50 PM.

Following the recess, the Commissioners continued to speak about their interpretation of the facts, expert testimonies, and the application of the conditions on which they would base their decisions.

Commissioner Filtz found an overall lot of good in the project and that great efforts have been made by the Applicant. He questioned compliance with LDC Sec. 39.7, street-level facades and garages. The City Manager explained that the four garage renderings presented would go to the community meeting and come back to the Commission. Commissioner Filtz also questioned compliance with the proximity of adjacent residential buildings to the Florida Coastal Construction Control Line and maintaining open waterfront views, particularly Seamark. He questioned whether the Applicant did everything possible to meet aesthetic and architectural criteria.

Mayor Petrila spoke about the project overall and the basis for decision making. The maintenance of views and vistas is mentioned three times in City Codes; they are important. The LDC and Comp Plan speak to a single integrated development; this is three separate hotels. He expressed that the Applicant had not provided all of the requested renderings and that the resident's concerns have been dismissed. The purpose of Conditional Use Permits in Sec. 4.1 of the LDC says there should be minimum impact – the residents agree that the impact will not be minimal. The smaller hotel could have been situated near the Seamark to not obstruct views. The Comp

Plan stresses a green initiative, but some of the requested conditions were not agreed to. The LDC says if concerns cannot be met, you must deny. The Applicant had not met the burden of proof to meet the criteria and the project maximizes negative impact, disproportionately so for Seamark. He did not believe that the community was given adequate input.

Motion: Commissioner Marriott moved, and Commissioner Filtz seconded to continue the meeting until 11:30 PM; the motion carried 5-0.

Commissioner Lorenzen commented that the Large Resort District in the Comp Plan does encourage redevelopment, and something eventually would be going in the Sirata space. Columbia Sussex has put over \$200 million dollars and up to another \$250 million to follow for redevelopment. He expressed that much of the public opinion has been qualitative, not quantitative, on the reasons on the project not meeting CUP requirements, and fear and emotion are involved. He has heard both pro and con from residents. The Comp Plan asks to increase revenue from hotels and taxes/bed taxes should be considered. Traffic has already exploded; the increase in new residents will only continue. Business owners and residents must both be considered. The Comp Plan is the guiding document that we have; city staff and the Planning Board have recommended approval based on the criteria.

Commissioner Marriott spoke about some of the benefits to the project such as beach easements and access, boardwalk, wider sidewalks, improving stormwater runoff, and dune restoration. Having a diversity of lodging options for tourists is a good thing. The Applicant has followed the Comp Plan and LDC requirements. Staff findings were that the Applicant complied with the rules, and staff is qualified to do so. Commissioner Marriott expressed that she was the staff recommendation. She added that property owners have the right to do to their property what is allowed in Code.

Motion: Commissioner Marriott moved, Commissioner Lorenzen seconded, and the motion carried 3-2 to approve Resolution 2023-21 with the conditions as discussed. Mayor Petrila and Commissioner Filtz voted no.

Assistant City Attorney McConnell walked through the proposed changes to the Conditions (Exhibit "A") to Resolution 2023-21 that staff had submitted, for Commission confirmation and clarity for preparation of the final resolution.

5. ITEMS FOR DISCUSSION

a. Update on Pass-A-Grill Alleyway Garbage Pickup

City Manager Saunders explained that the expected garbage pickup service date from 22nd to 16th Avenues and the western alley behind the Seahorse is March 11. Work has begun on the second phase.

6. CITY CLERK, CITY MANAGER, CITY ATTORNEY, AND CITY COMMISSION REPORTS

City Clerk – asked for clarification from Commissioners Marriott and Rzewnicki on whether they will be attending the March 12th meeting. Commissioner Marriott will now be in town and able to attend in person. Commissioner Rzewnicki requested to appear via Zoom on 3/12/24 and the Commission had no objections.

City Attorney - confirmed the Rask lawsuit. Mr. Rask is representing himself and the insurance carrier has been notified according to protocol and updates will be provided as they develop.

Commissioner Lorenzen - may be naming a Planning Board appointee in the next few days.

Commissioner Rzewnicki - thanked staff for all of the work that goes into the meetings.

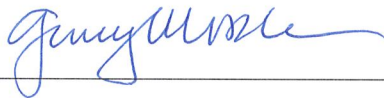
Commissioner Filtz - is seeking a Parks and Recreation Advisor Board appointee; he also thanked Staff and his fellow Commissioners for their work.

Commissioner Marriott – thanked the Commissioners for the hours of time spent on this decision.

Mayor Petrila adjourned the meeting at 11:30 PM.

MINUTES APPROVED: 3/26/24

GINNY KEETER-BODKIN
DEPUTY CITY CLERK



ADRIAN PETRILA
MAYOR