

**Special City Commission Meeting
April 15, 2024 - 4:00 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, Interim City Manager
Matthew McConnell, Assistant City Attorney
Ginny Bodkin, Deputy City Clerk
Jim Kilpatrick, Fire Chief
Mike Clarke, Public Works Director (via Zoom)

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

Mayor Petrilu advised the audience to be mindful of decorum, to remain quiet and orderly; offenders would be removed by the sheriff with no further notice.

1. APPROVAL OF THE AGENDA

Motion: Commissioner Marriott moved, Commissioner Filtz seconded, and the motion carried 5-0 to approve the April 15, 2024 City Commission Agenda.

2. AUDIENCE COMMENTS

Tom Rask of Unincorporated Pinellas County commented on St. Pete Beach government.

Mark Grill of 2nd Palm Point commented on the hiring process for the new City Manager.

3. RESOLUTIONS

a. Quasi-Judicial Hearing on Resolution 2023-27 (Conditional Use Permit #23033): Tradewinds Resort (5600, 5700, 5750, 5800, 5900, 6000 Gulf Blvd)

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 FOUR-PHASE TEMPORARY LODGING REDEVELOPMENT THAT WILL INCLUDE 1,596 TOTAL TEMPORARY LODGING UNITS, OR 63.18 UNITS PER BUILDABLE ACRE, OF WHICH 629 UNITS ARE ADDITIONAL ABOVE EXISTING, 59,895 SQ. FT. OF MEETING SPACE OF WHICH 14,303 SQ. FT. IS ADDITIONAL ABOVE EXISTING, 79,126 SQ. FT. OF RETAIL AND RESTAURANT SPACE OF WHICH 42,964 SQ. FT. IS ADDITIONAL ABOVE EXISTING, 31,105 SQ. FT. OF OFFICE SPACE OF WHICH 10,486 SQ. FT. IS ADDITIONAL ABOVE EXISTING, AND DEVELOP NEW LODGING, ACCESSORY AND AMENITY STRUCTURES CONTAINING THE AFOREMENTIONED UNITS, ACCESSORY SPACES AND AMENITIES, AS WELL AS OUTDOOR AMENITIES AND PARKING GARAGES, THAT WILL EXTEND

UP TO 116 FEET IN HEIGHT ABOVE BASE FLOOD ELEVATION (BFE) TO THE ROOFLINE AND 128 FEET IN HEIGHT ABOVE BFE WHEN INCLUDING ROOFTOP AMENITIES OR DECORATIVE FEATURES, AND PERMIT TWO ROOFTOP DINING AND DRINKING AMENITIES THAT INCLUDES THE PLAYING OF OUTDOOR MUSIC, TO PARCELS #06-32-16-00000-230-0300, 06-32-16-00000-230-0200, 01-32-15-00000-110-0600, 01-32-15-00000-110-0610, 01-32-15-18142-000-0000, 01-32-15-18142-000-0001, 01-32-15-00000-110-0500, AND 01-32-15-00000-110-0400 WITH ADDRESSES OF 5600, 5700, 5750, 5800, 5900, AND 6000 GULF BOULEVARD; INCORPORATING THE CONDITIONS OUTLINED HEREIN; AND PROVIDING FOR CORRECTION OF SCRIVENER'S ERROR AND AN EFFECTIVE DATE.

Assistant City Attorney Matthew McConnell reviewed the quasi-judicial process with the Commission, reminding them of requirements for this type of meeting. He cited letters received last night from Attorneys Jane Graham for Protect St. Pete Beach and Richard Dewitt for Seamark requesting intervenor-affected party status. Mr. McConnell indicated that as City Attorney Dickman had already opined, the Code and Statutes are silent on this; case law must be used to interpret. Without criteria in the Code, legal counsel advised against deeming anyone a party intervenor in this proceeding. Regarding Ms. Graham's reference to violations of Code Section 3.16, Ms. Reich is not an employee of the city, not a code enforcement officer, and has no legal authority to issue or determine a notice of violation. Code Enforcement Manager Peyt Dewar confirmed that no notice of violation had been issued for sea turtle lighting. Therefore, there are no procedural issues with moving forward. He entered FS §286.0115 into record (quasi-judicial proceedings on local government land use matters).

The Mayor and Commissioners disclosed their ex parte communications:

- Commissioner Marriott – received and read emails both for and against the project, spoke to residents, met with the applicant twice – regarding the project overall and their economic impact report.
- Commissioner Filtz – walked the property, spoke with city staff, spoke to, met with, and read emails from residents and Planning Board members, watched the Planning Board meeting, met with the applicant's counsel and Joe Smith of 1754 Properties.
- Commissioner Rzewnicki – attended the initial Tradewinds Community meeting, received and read emails for and against the project, spoke with residents, read comments on social media, spoke with resident owner Thomas Hughes, met with city staff, walked property, met at least two times with the development team and legal team, and watched the Planning Board meeting.
- Commissioner Lorenzen – met with Tradewinds counsel and owner, walked the property, spoke with residents, read emails and social media posts for and against, spoke with city staff.
- Mayor Petrila – attended the applicant's community meeting, watched the Planning Board meeting, reviewed Comp Plan and LDC, spoke with city staff and FDOT staff, reviewed resident and interested party emails, met member of the public individually and in meetings, met with one advocacy group, met with the applicant and their representatives, and received emails from the applicant's attorney, their lobbyist and staff.

Attorney McConnell asked the Commission if they wanted to address those who requested more than three minutes to speak; the Commission granted Attorney Jane Graham 15 minutes and JoLynn Lawson six minutes to speak.

All those who would be addressing the Commission were sworn in.

Senior Planner Brandon Berry reviewed the City's presentation, which is part of the meeting record. The presentation included a description of the applicant's two-part request as amended, a timeline, list of exhibits, definition of Conditional Use Permit (CUP), aerial map, site plans of the 4 phases, renderings and staff recommendation. Staff found the request to be consistent with the Comprehensive Plan and the CUP criteria, and

recommended approval with conditions.

Mr. Berry went on to review the criteria that had been addressed through Planning Board testimony and later submittals. If approved, the redevelopment contemplated under CUP #23033 is expected to take up to twenty years to complete. The applicant is considering redeveloping the site across four distinct phases, each of which triggers different requirements for public and private improvements.

Mr. Berry reviewed the staff recommended conditions, including those revised after the Planning Board meeting, for rooftop dining/music requirements, administrative/project review requirements, operation and design requirements, landscaping, site improvement, green building requirements, and general conditions – a total of 39 conditions, listed in the presentation.

Mr. Berry then reviewed a definition of Development Agreements. Mr. McConnell explained that these are companion items and will be heard together but require two separate motions. Mr. Berry reviewed Development Commitments and Approval Contingency and the staff recommended motion. City experts were available for questions.

Mr. Berry began a review of the Development Agreement presentation: Background, Proposed Commitments by the Developer (sidewalk and beachwalk questions were addressed), Proposed Commitments by the City, Concurrency (potable water, reclaimed water, sanitary sewer, stormwater, law enforcement/fire/EMS, solid waste/recycling, recreation/open space), and Transportation (sufficient for Phase I only tonight), and staff recommended motion (to approve the subject Development Agreement).

Mr. Berry and Mr. McConnell answered Commission questions, including criteria in the Comp Plan that triggers additional beach access points (added floor area specifics), pauses between phases, beach access becoming available within 30 days of the Certificate of Occupancy for each phase, the Coral Reef's status as a party, annual performance checks on the Development Agreement, the "diamond" ratings of the hotels and restaurants, and the effects that would result in from changes of ownership, lot splits, hotel/condo conversion (per Attorney McConnell, when the City has a recorded CUP document, notification is given to them).

Discussion followed on the prospect of entering into a 20-year development plan while the Comprehensive Plan is about to go under review. Mr. Berry indicated that there is a process outlined in Statute in which current standards can be brought into a Development Agreement but would require public hearing. Mr. Berry explained the history of the combination of lots at the subject properties, as well as start dates from time of Certificates of Occupancy for the project. The applicant's financial capacity was discussed, as well as the proposed median improvements (the applicant works with FDOT), total heights allowed (128 feet above BFE) where there are rooftop amenities, and alteration to dunes (would be addressed by FDEP).

Fire Chief Jim Kilpatrick appeared and testified that the Fire Marshall has been involved in site plan review; fire access is code compliant in the renderings. Alternative plans have been requested for the Southwest corner near the restaurant for a turnaround.

Mayor Petrila called a recess at 5:54 PM and reconvened the meeting at 6:05 PM.

Public Works Director Mike Clarke provided testimony to the Commission regarding force mains.

Applicant Attorney Elise Batsel of Stearns, Weaver Miller appeared and began the applicant's presentation, which is part of the meeting record. She reviewed the elements of the Developer's Agreement (public access, beach access, sidewalk, beachwalk, internal roadway, stormwater, mobility services, dune restoration, turtle

compliance); she showed the Unified Site Plan Covenant, Exhibit C to Development Agreement, that shows the property shall be considered a single zoning lot for the purposes of development; this would be a recorded document that runs with the land. Ms. Batsel addressed ownership of the Coral Reef (fee simple title).

Commissioner Rzewnicki referenced SB 154; Joe Smith, CEO of 1754 Properties, Westin, Florida, testified in response as to the ownership of the Breckenridge and Jacaranda buildings and what conditions would trigger condo association fees; he could not testify as to recent inspections of those buildings.

Mr. Smith went on to present information about 1754 Properties and answered Commissioner questions including how they are funded, remodeling for existing buildings, hotel diamond ratings through the course of the development (Ms. Batsel submitted proposed amended condition #12 into the record), and hotel room booking.

Ms. Batsel asked to add the applicant's experts resumes, legal memorandums and additional letters of support into the record and the Mayor agreed.

Ms. Batsel continued with the applicant's presentation with an aerial view of the CRD/GBRD/Large Resort District. Zoning/FLU, details of the request, a Phased Approach conceptual timeline (phases 1-4 including public benefits and building setbacks), and beach access. Mr. Smith testified that opening a temporary Phase 4 access point in advance would be considered. Attorney Kevin Reali of Stearns, Weaver, Miller added testimony as to the exact location of the mid-property walkway and the Commissioners expressed concerns that it meanders rather than a direct access. The City will have to have the beachwalk permitted through the FDEP; the applicant will pay for permitting and construction and the City will have design choice. The Integration of the resort was reviewed as part of the presentation. Water features were discussed.

Applicant expert testimony followed:

Traffic – Steven Henry, Transportation Engineer of Lincks and Associates, Tampa performed the traffic analysis and provided details on methodology, link and intersection results, peak hour volumes, and practical interpretation as part of the presentation. Commission questions followed. New analyses and evaluation will happen before each phase per the proposed agreement. Percentages of traffic flow were discussed. Data collection was questioned. Scott Eisenhart of Nunzio Desantis Architects testified to the number of parking spaces for Phase 1 and spaces at completion. Growth rates were discussed

Mayor Petrila called for recess at 7:53 p.m. and reconvened the meeting at 8:10 p.m.

Architecture - Scott Eisenhart, AIA of Nunzio Desantis Architects, Dallas, Texas reviewed that section of the presentation including the existing site, a full view rendering of the project from the beach (emphasizing cohesiveness, integration, and reasoning behind the design – massing is in the center of the property), full view of the project from Gulf Blvd., renderings of portions of proposed phase elements (changes have been made in response to Seamark and other neighbor requests), vehicular circulation, pedestrian circulation and loading diagrams, fire and security. Mr. Eisenhart also reviewed the view corridors and separation of existing and new construction, a shadow study, garage facades (three reference images), and energy saving techniques. He concluded with his architectural expert opinion that as conditioned, the CUP is consistent with the applicable provisions of the Comp Plan and LDC, and the CUP is compatible with the surrounding area.

Commission questions followed, including signage and view corridors and separation.

Landscape - Dave Perry, PLA, ASLA, Landscape Architect reviewed that portion of the applicant's presentation including landscape and irrigation, the Gulf Blvd. buffer, South buffer beach access, dune restoration (existing

gaps are to be infilled); he provided his professional expert opinion. Commission questions followed on fertilizers and planting non-invasive and more native plants

Engineering – Abdul Alkadry, P.E. of Harris Civil Engineers, Orlando, reviewed that portion of the applicant's presentation including Stormwater - existing conditions, proposed design, pre-treatment water quality (additional water treatment through an Up-Flo Filter), utilities, site circulation/design/layout, and access management. He provided his expert engineering opinion. The Commission asked questions including stormwater discharge, code compliance by phase. Stormwater system would be done in phases but must be designed as an overall system

Economy - Greg Pepitone, of Tourism Economics, Tampa, reviewed that portion of the applicant's presentation, including Tradewinds expansion impacts over a 20 year period, direct spending impacts, and St. Pete Beach estimated potential taxes generated and how other data was calculated.

Motion: Vice Mayor Lorenzen moved, and Commissioner Marriott seconded to extend the meeting until midnight; the motion carried 3-2 with Commissioners Filtz and Marriott voting no.

Mayor Petrila called a recess at 10:07 p.m. and reconvened the meeting at 10:20 p.m.

Commissioner Filtz commented that doing the best job as a listener is important to both the applicant and the public; after 6 ½ hours it becomes difficult to give the focus that this deserves.

Planning – Ken Metcalf, AICP, of Stearns, Miller, Weaver in Tallahassee, Planning Expert, spoke about his experience and reviewed that portion of the applicant's presentation including a CUP Summary (629 new units, three towers, over 25.26 acres landward of CCCL), statutory consistency requirement (how consistency is determined), Character District, CUP use and numeric consistency, front setbacks, the project's CUP Comp Plan consistency, consistency with Section 4.4(a), and 4.12(a) (no unreasonable or disproportionately negative impacts were found). He provided his expert opinion and answered Commission questions.

PUBLIC COMMENT

Attorney Jane Graham of Sunshine Law for Protect St. Pete Beach Advocacy Group was granted 10 minutes to speak by the Commission. Their request was to deny or delay approval of the requested CUP. Her presentation is part of the meeting record.

Jo Lynn Lawson, Director of Protect St. Pete Beach Advocacy Group spoke against the Tradewinds CUP; a copy of her comments were submitted as part of the meeting record.

The following individuals spoke in support of the Tradewinds CUP:

- Bob Fisher, 4780 Brittany Dr. S., and owner at the Jacaranda Resort.
- Avi Yesawich, 5122 Sandpiper Lane, Manager/Director of the Tradewinds; he submitted a petition signed by several hundred St. Pete Beach residents and community members in favor of the Tradewinds CUP.
- Paul Worsford, owner at the Jacaranda Resort
- Dale Schueneman, General Manager of the Coral Reef Resort
- Robin Miller, President & CEO of Tampa Bay Beaches Chamber on behalf of local businesses.
- Emily Schmoll, 8039 Boca Ciega Drive and Director of Bluegreen Vacations
- Dean Fortune, 1290 67th St. N.; his parents bought the Alden in 1957
- Aaron Grassman, 8911 Blind Pass Rd.
- Joe Jenio, 5445 Gulf Blvd.

- Travis Johnson, 1198 44th Ave. St. Pete and Tradewinds employee
- Raymond Brooks 3813 Gulf Blvd.
- Kelly Bellinger 83rd Ave. SPB
- Mark Arado, owner at the Jacaranda Resort (as long as it is safe and fair)

The following individuals spoke against the Tradewinds CUP

- Cindy Perry 1126 Boca Ciega Isle Dr.
- Linda Lewallen, 2802 Pass-A-Grille Way

Commission discussion followed on whether to continue or adjourn; consensus was to continue, close public comment, and then adjourn.

Motion: Commissioner Marriott moved and Vice Mayor Lorenzen to continue the meeting to 12:45 a.m. to finish public and close comment for Conditional Use Permit #23033; the motion carried 5-0.

Public comment continued.

- Lisa Robinson, 7100 Boca Ciega Drive
- Lisa Reich, 78th Ave.
- Tim Yarnell 5390 Gulf Blvd. and President of Seamark Condo Assoc.
- John Kurzman of Bahia Honda Way on behalf of Bahia Shores
- Terri Grocott, 2841 Alton Drive
- Dana Richardson, Bahama Way S.

The Commission discussed continuing the meeting to another date. The applicant's counsel agreed to continue the hearing to April 23rd at 6:00 p.m.

Vice Mayor Lorenzen moved, and Commissioner Filtz seconded to continue until April 23rd.

Motion: Vice Mayor Lorenzen, Commissioner Filtz seconded, and the motion carried 5-0 to amend the motion on the floor to include "the hearing of Resolution 2023-27 and corresponding Development Agreement to April 23, 2024 at 6:00 p.m.".

Motion: Vice Mayor Lorenzen, Commissioner Filtz seconded, and the motion carried 5-0 to continue the hearing of Resolution 2023-27 and corresponding Development Agreement to April 23, 2024 at 6:00 p.m.

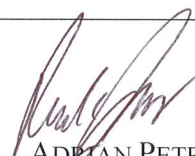
9. ADJOURNMENT

Mayor Petrila adjourned the meeting at 12:30 a.m.

MINUTES APPROVED: 5/14/2024



AMBER LAROWE
CITY CLERK



ADRIAN PETRILA
MAYOR