

PLANNING BOARD MEETING MINUTES

September 16, 2024 4:00PM

MEMBERS PRESENT: Sam Angelides, Jr., Member
Terri Grocott, Member
David Hubbard, Member
Cindy Perry, Member
Shawn Rae, Member

STAFF PRESENT: Jennifer McMahon, Chief Operating Officer
Sharon Linsner, Attorney, Dickman Law Firm (via Zoom)
Ginny Bodkin, Deputy City Clerk
Brandon Berry, Senior Planner

Member Hubbard called the meeting to order at 4:00 PM, followed by the Pledge of Allegiance.

1. Approval of the Agenda –

Chief Operating Officer Jennifer McMahon welcomed newly appointed members Grocott, Perry and Rae. Member Hubbard asked to add additional discussion items: his continuing as Board liaison to the City Commission to advance the Comp Plan and Development Code efforts; the current state of the Comp Plan Consultant statement of work; and next steps for the Historic Preservation Board changes. The members were amenable to adding under Discussion Items.

Motion: Member Rae moved, and Member Angelides seconded to approve the September 16, 2024 agenda as amended: the motion passed unanimously.

2. Audience Comments –

None.

3. Approval of Minutes – July 15, 2024 Meeting

Member Grocott asked that the new Board members receive a copy of the Coastal Resiliency Planning discussion findings from the July meeting that staff was to send; Mr. Berry will send.

Motion: Member Perry moved, and Member Rae seconded, to approve the July 15, 2024, minutes as presented: the motion passed unanimously.

4. Action Items –

a. Election of Officers

Member Hubbard nominated himself as Board Chair.

Motion: Member Perry moved, and Member Angelides, Jr. seconded, to appoint David Hubbard as Board Chair for the remainder of 2024-25: the motion passed unanimously.

Member Angelides, Jr. indicated his willingness to serve as Vice Chair.

Motion: Member Rae moved, and Member Perry seconded, to appoint Sam Angelides, Jr., as Board Vice Chair for the remainder of 2024-25: the motion passed unanimously.

b. Planning Board Meeting Dates 2025

Chair Hubbard disclosed his unavailability for the February and March meetings as presented. The Board discussed alternative dates.

Motion: Member Rae moved, and Vice Chair Angelides seconded, to approve the 2025 meeting dates as presented with the exception of changing to February 10th and March 10th; the motion passed unanimously.

At 4:08 PM, Chair Hubbard adjourned the meeting as the Planning Board and called to order as the Local Planning Agency.

5. Ordinances –

a. Ordinance 2024-03: Permitting Attached Single-family Residential in the Resort Facilities Medium Zoning District and Adjusting Subdivision Lot Coverage Standards

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING THE CITY'S LAND DEVELOPMENT CODE DIVISION 14 – RFM RESORT FACILITIES MEDIUM DISTRICT, SECTION 14.2. – PERMITTED PRINCIPAL USES AND STRUCTURES, AND DIVISION 24 – SUBDIVISIONS, SECTION 24.9. – DEVELOPMENT AND SUBDIVISION OF SINGLE-FAMILY ATTACHED DWELLINGS; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

Senior Planner Brandon Berry reviewed a presentation on proposed Ordinance 2024-03 (a two-Part Land Development Code Text Change), which included the purpose of this privately-initiated request to allow attached single-family as a residential development type in the RFM District and allow "lot coverage" to be calculated at the attached single-family zoning lot level rather than individual parcel level. His presentation is part of the meeting record and included a site plan of the associated project at 3700 Gulf Blvd., expected impacts (low), and the staff recommendation for approval.

The Board asked questions of Mr. Berry which included the topics of pervious surface ratios, stormwater requirements, uniformity of design, short-term rentals, and code enforcement within the common elements of the proposed townhomes.

The Board declared their ex-parte communications: Member Grocott visited the site, Chair Hubbard interacted with the Applicant and Project Engineer briefly in a public setting and spoke the project conceptually, but not regarding today's business.

Attorney Katie Cole, of Hill, Ward, Henderson, testified for the Applicant. This would be limited to a text change vs. rezoning and their variance application has been before the Board of Adjustment. Ms. Cole added that Ely Payne, Engineer was present for questions.

Chair Hubbard voiced concerns about the Comprehensive (Comp) Plan soon coming under the review of a consultant. Member Perry expressed concerns regarding unintended consequences and the broadness of the change to the LDC.

Motion: Member Rae moved, and Vice Chair Angelides seconded, to recommend approval of Ordinance 2024-03 to the City Commission. The motion carried 3-2, with Member Perry and Chair Hubbard voting No.

b. Ordinance 2024-07: Awarding 12 Units From The Boutique Hotel/Condo District Temporary Lodging Unit Density Pool to 4200 Gulf Boulevard (Miramar Beach Resort)

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR THE ALLOCATION OF 12 UNITS OF TEMPORARY LODGING DENSITY UNDER THE PROVISIONS OF THE BOUTIQUE HOTEL/CONDO DISTRICT TEMPORARY LODGING UNIT DENSITY POOL, AS ESTABLISHED IN THE CITY OF ST. PETE BEACH COMPREHENSIVE PLAN, TO PROPERTY LOCATED AT 4200 GULF BLVD (MIRAMAR BEACH RESORT), AND REVERTING THE 15 TEMPORARY LODGING UNITS ALLOCATED UNDER ORDINANCE 2021-04 BACK TO THE NAMED DENSITY POOL; PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY; CORRECTION OF SCRIVENER'S ERROR; CONSTRUCTION; PUBLICATION; AND AN EFFECTIVE DATE.

Mr. Berry reviewed a combined presentation on Conditional Use Permit #24038 (Resolution 2024-08) and Ordinance 2024-07; his presentation is part of the meeting record. He summarized the request to partially redevelop an existing temporary lodging use, including construction of a new eight-story, 30-unit lodging tower with a rooftop restaurant, that will extend to 76'-0" in height with non-habitable overrun not to exceed 86'-0" in height and will increase total site density to 64.2 units per buildable acre. The CUP request was for 50 lodging units: 38 base units (Res. 2024-08) and 12 density pool units (Ord. 2024-07) with a new tower of 76'-0" to the top of the habitable roof. Associated requests were for limited interior commercial space (rooftop restaurant with bar); landscaping, pool, and parking lot improvements; and the renovation of the remaining 20 lodging units.

Mr. Berry reviewed plans of the Existing and Proposed Conditions and a table which compared the differences from the 2021 approval of Resolution and Ordinance 2021-04 to the current request. He reviewed the three items that staff would request Applicant testimony on, and a summary of the seventeen staff recommended conditions to Resolution 2024-08 which were included in the meeting packet as Exhibit A:

Density Contingency Condition

1) Approval of the temporary lodging unit count and floor area ratio of the subject development requested herein is contingent upon the passage of companion Ordinance 2024-07. Should Ordinance 2024-07 be denied, or reduced in unit count, the applicant shall be required to reduce the number of temporary lodging units and/or floor area ratio to provide compliance with the requirements of Land Development Code Division 46.

2) Should Resolution 2024-08 and companion Ordinance 2024-07 be approved by the City Commission, all bonus units awarded to the subject property under Ordinance 2021-04 shall be

considered divested and return to the Boutique Hotel/Condo Temporary Lodging Unit Density Pool immediately upon passage of both Ordinance 2024-07 and Resolution 2024-08.

Rooftop Operation Condition

3) The outdoor balcony space adjacent to the enclosed rooftop restaurant shall not be used for permanent seating without issuance of a subsequent conditional use permit. The use of any rooftop outdoor speakers shall be discontinued after 10 PM. Furthermore, music played indoors to the restaurant shall not be piped outdoors through the use of amplification equipment, speakers, or other equipment after 10 PM. Resort Development: Public Benefit Requirements

4) Prior to issuance of a site plan for the subject project, the applicant shall provide the following:

a. A pedestrian access easement, prepared to the satisfaction of the City Attorney, on the southern side of the property of sufficient size to expand the adjacent public beach access to at least ten feet in width from the front property line adjacent Gulf Boulevard to the mean high water line, high water mark, or existing watermark, as determined by the City Attorney.

b. Execution and recordation of an unimproved public beach access easement of at least fifteen feet in width along the sandy beach landward of the mean high water line, high water mark, or existing watermark, whichever is determined to achieve the intent of this condition, for any portion of private property which extends to said line.

c. Preliminary identification of the two green building standards to be pursued subject to LDC Sec. 39.9., including identification of any exterior site improvements necessary to achieve such certification.

d. Placement of a protected pedestrian pathway from the hotel exterior to the sidewalk or, if one is not viable such that it would reduce parking below the minimum for the use, or reduce the density of plantings, installation of a safe pathway through the parking lot using a differently-textured surface such as pavers.

e. Submission of a draft dunes plan if one is necessary to achieve compliance with City Code requirements for installation of an uninterrupted dune plan, or to achieve Florida Department of Environmental Protection compliance for best practices in dune planting, grading, or quality.

f. A draft pedestrian access sidewalk easement, prepared to the satisfaction of the Florida Department of Transportation (FDOT) and the City of St. Pete Beach, of sufficient size to allow the sidewalk along the property frontage to expand to ten feet in width except where approved driveway connection(s) cross the property line.

5) Prior to Certificate of Occupancy for the subject hotel tower, the applicant shall provide the following:

a. Demonstration of sitewide compliance with the City's standards for new beachfront development lighting, Pinellas County Coastal Construction Code, or Florida Department of Environmental Protection (FDEP) Coastal Construction Line Code standards as they pertain to protection of marine turtles, whichever is or are more stringent. At the discretion of the City, this may include coordination of a beachfront review by Turtle Trackers to ensure that standards have been met;

b. Grading, screening, and installation of all other improvement necessary to create a walkable pedestrian access of at least ten feet in width from the property line adjacent Gulf Boulevard to the mean high water line, which includes any land already provided for such purpose on the adjacent property;

c. Construction of a dune walkover across the southern property line where the path mentioned in subitem b. above crosses said dune, and any other dedicated guest access point, unless determined by the FDEP to be unnecessary to preserve the function of the restored system;

d. Construction of a ten-foot sidewalk, to the satisfaction of the FDOT, across the front of the property and adjacent right-of-way as demonstrated on the conceptual site plan, as well as transference of a pedestrian access easement to the FDOT for any portion of the sidewalk that extends onto the subject property;

e. Installation of all landscaping, irrigation, and other requirements of LDC Division 22 and 39, including installation of plant material as depicted in the conceptual site plan set or as may be amended;

f. Final certification from the reviewing agencies for achievement of the two green building standards selected from LDC Sec. 39.9., unless it can be demonstrated that such certification is guaranteed to be met contingent upon final administrative review of the project by outside agencies, and that all such improvements necessary for such certification have been completed.

Resort Development: Operational and Design Requirements

6) The finding of project consistency with Criteria 4.12.(a)(4) is found to extend to the project as presented through renderings and elevations submitted with this request at the final reading before the City Commission. Any significant alteration to the exterior color, façade material, massing, or window or feature placement, at the discretion of the City Manager, may require this request to be returned to the City Commission for reconsideration. These criteria shall be in addition to those listed in Land Development Code Section 4.10.

7) All hotel deliveries shall take place on site, with no deliveries to the hotel occurring from the center lane of Gulf Boulevard, by the issuance of the certificate of occupancy for the subject hotel tower.

8) Valet service shall be maintained for the life of the development. A valet plan, prepared to the standards of Land Development Code Division 23, shall be submitted at time of site plan application.

Resort Development: Landscaping Requirements

9) The quality, density, and amount of landscaping shown in the conceptual site plan shall be the minimum installed. If a Florida-friendly species is substituted it shall be with another Florida-friendly species. Landscaping caliper and height site-wide shall exceed minimum standards where viable, but with particular emphasis given to landscaping along the property frontage. Unless it would cause conflicts with existing utilities or other critical public infrastructure, any tree installed within the front buffer shall be a minimum of twelve feet in height and three inches in caliper measured 4.5 feet above the ground at time of planting.

10) The applicant shall establish and maintain connection to the public reclaimed water system for landscaping irrigation, and such usage shall be metered, if connections are available. The irrigation system shall include pressure-regulated systems and there shall be monitoring devices installed to address leaks from lines and equipment.

11) The applicant shall demonstrate compliance with the relevant requirements of LDC Sec. 39.10., 39.11., 39.12., 39.13., and 39.14., which relate to site design and improvements, at time of site plan issuance. The applicant shall demonstrate compliance with relevant requirements of LDC Sec. 39.7.

and 39.8., which relate to building design, at time of building permit issuance. The development shall also comply with relevant provisions of LDC Sec. 39.5. and 39.6., pertaining to lodging operation standards and general operational and aesthetic requirements, at relevant parts of the permitting and operations process. These standards are in addition to other standards imposed within the property's zoning district, parking and coastal construction requirements, and other requirements of the LDC and Comprehensive Plan.

12) Where viable and not in conflict with other requirements, the applicant shall plant trees with substantial canopies along the southern buffer to provide shade for users of the beach access.

Resort Development: Site Improvement Requirements

13) The applicant shall install and be responsible for emptying trash cans along the southern beach access. These cans shall be placed at least every 100 feet on the applicant's property.

14) All pedestrian pathways, surface parking spaces, and other paved non-structural surfaces shall be installed with permeable pavers, concrete or asphalt, turf block with interspersed vegetation, or similar except where accessibility or building or fire code requirements require impermeable surfaces. These areas shall be maintained so the surface continues to provide permeability, and the city may request periodic maintenance updates from the applicant if necessary to ensure the intent of this condition prevails.

Resort Development: Energy and Environmental Requirements

15) On the roof of the rooftop restaurant, the applicant shall install green roofs or utilize another technique demonstrated to reduce the heat island effect and improve thermal performance.

General Conditions

16) Any violation of the above-stated conditions will allow the City Commission to rescind or modify the Conditional Use Permit as it pertains to the request under which the condition is classified.

17) The City Commission may review the Conditional Use Permit periodically to determine whether the order is in compliance with the terms and conditions herein.

Following the presentation, the Board asked clarifying questions of Mr. Berry regarding outdoor music conditions (he indicated that decibel level restrictions are part of City Code, but additional recommendations could be made), substantial improvements to the existing structures, credits for impact fees, transportation impacts, and comments from the community meeting.

The Board declared their ex-parte communications on this application: Member Perry and Chair Hubbard attended the community meeting; Vice Chair Angelides did a walk-by inspection; Member Grocott attended the community meeting prior to being on this Board, spoke by phone with the Vistas property management, spoke with staff and Vice Mayor Moholland, and walked by the property.

Attorney Katie Cole, of Hill, Ward Henderson, testified for the Applicant. She showed a photo of the original approved project (litigated in 2021, with the settlement allowing for construction) to show the difference between that and the revised design shown today. The owner had reconsidered and

redesigned to better fit the community and reduced the amount of density units from 15 to 12. She explained that the Applicant would like clarification on the proposed condition regarding rescission of density units (no units divested until any appeal period has passed) for this property, as building permits have already been submitted.

Attorney Cole introduced property owner Kevin Bowden who testified to keeping with a scaled down motel feel. Finances have been approved. The rooftop is more of an inside venue with sliding door that will be closed after 8 or 9 PM.

Jack Bodziak, the Applicant's Architect, testified regarding redesigning the project as scaled down from the originally proposed. Mr. Bodziak reviewed various views of the property design. Parking will be all valet. He reviewed density, units, and the site plan from their presentation, which is part of the record. Ms. Cole summarized with the request for Board recommendation of approval for the density allocation and conditional use approval for increased density and height.

Attorney Cole reviewed the three conditions that the Applicant would like to modify:

Condition #2 –regarding timing of the granting of the units to change from “immediately upon passage” to “upon unappealable approval by the City Commission of both Ordinance and Resolution”;

Condition #3 – due to a Code change that requires specific authorization for outdoor rooftop use, the Applicant is asking for wording to delete “without issuance of a subsequent CUP” to “permanent seating unless approved by the City Commission” and keep it as part of this CUP; and

Condition #5.c. – asking for a wording change to reflect the same consideration given some other projects for the flexibility of working with city staff and potential assistance with construction funding, should the DEP allow for dune walkover with an exceptionally large dune near the public access point, using wording such as “construction a beach access across the southern property line that connects to the 15-foot easement”.

Ms. McMahon explained the City's goal of best making the area accessible to the easement for the public since there is currently heavy vegetation; options have been considered but DEP has the first say in the matter. Dunes and access were discussed with staff and Mr. Bowden; they are committed to granting access. Ms. McMahon suggested presenting the Commission with options on how the crossover will connect to the 15-foot easement after visiting the property with a surveyor.

Chair Hubbard called a 5-minute recess at 5:47 PM and reconvened at 5:54 PM.

The Board asked clarifying questions of Engineer Sean Cashen, Attorney Cole and staff who testified during deliberation:

- Condition #8 shall specify “Valet service shall be exclusively maintained”
- Mr. Cashen testified as to meeting with Fire Marshal Intzes and compliance with NFPA requirements for fire truck turning points
- Mr. Cashen testified to have adequate valet plans for weddings and large events to keep cars off of Gulf Blvd. (no contract yet on overflow parking)
- The LDC dictates storm evacuation
- Use of only small delivery vehicles on site and dedicated loading space
- Transportation peak trips is under the allowable threshold even with restaurant
- Staff can investigate an equitable multi-modal fee for Commission consideration
- Reclaimed water is available, and Applicant is agreeable to its use

- Upon completion of the City's review of the customary use ordinance, the Applicant would comply with permits for cabanas/beach bars/beach service as required
- The Applicant will comply with all required sea turtle lighting and window tinting for buildings both old and new and provide educational postings for guests

There was no public comment.

Motion: Vice Chair Angelides moved, and Member Rae seconded, to recommend approval of Ordinance 2024-07 to the City Commission. The motion carried 5-0.

6. Conditional Use Permits -

a. Resolution 2024-08 (Conditional Use Permit #24038): 4200 Gulf Blvd (Miramar Beach Resort) -

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, APPROVING A CONDITIONAL USE PERMIT, PURSUANT TO SECTIONS 39.6.(p) AND 46.4.(c) OF THE LAND DEVELOPMENT CODE, TO ALLOW THE PARTIAL REDEVELOPMENT OF A TEMPORARY LODGING USE THAT WILL INCLUDE 50 TOTAL TEMPORARY LODGING UNITS, OR 64.2 UNITS PER BUILDABLE ACRE, WITH NEW STRUCTURE THAT WILL EXTEND TO 76 FEET ABOVE BASE FLOOD ELEVATION WITH NON-HABITABLE OVERRUN NOT TO EXCEED 86 FEET ABOVE BASE FLOOD ELEVATION, TO PARCEL # 07-32-16-07380-000-0120 WITH ADDRESS OF 4200 GULF BOULEVARD; INCORPORATING THE CONDITIONS OUTLINED HEREIN; AND PROVIDING FOR CORRECTION OF SCRIVENER'S ERROR AND AN EFFECTIVE DATE.

The presentation and discussion of this item was combined with and included as part of Item 5.a., Ordinance 2024-03.

The Board did a final review of changes to the conditions.

Motion: Member Rae moved, and Vice Chair Angelides seconded to recommend approval of Resolution 2024-08 inclusive of staff recommendations and conditions as amended in this meeting, to the City Commission; the motion carried 5-0.

Chair Hubbard adjourned the meeting as the Local Planning Agency and reconvened as the Planning Board at 6:24 PM.

7. Discussion Items –

a. Board Liaison to City Commission (Added)

Chair Hubbard explained that in May, he became the Board liaison to the City Commission to encourage movement to perfect the Comp Plan and LDC; he asked for member feedback on his continuing in the role. Following discussion it was decided to table the item for another meeting to give members time to reach out to individual Commissioners.

b. Current State of Comp Plan (Added)

Ms. McMahon reported that this went to the Commission last Monday with the Planning Board recommendations and there were no changes. A discussion with a Land Use Attorney will take place a week from today and that may change the scope of work.

c. HPB Proposed Changes *(Added)*

Mr. Berry reported that he has the Board recommendations ready for their joint workshop with the Commission on 10/8/24; the result will likely come back to this Board for a vote.

8. Adjournment -

There being no further business, Chair Hubbard adjourned the meeting at 6:33 PM.

These minutes were approved at the October 21, 2024 meeting of the Planning Board.