

For Immediate Release:
July 26, 2021

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SIESTA KEY COALITION HAS CONCERNS ABOUT DUE PROCESS

Sarasota County Planning Process for New Hotels is Flawed

Siesta Key, Florida.

The Siesta Key Coalition, Inc. is very concerned about certain actions or inactions by our county leadership, especially the County Planning Services and Zoning Administration. We witnessed the ineffective and uninformative Neighborhood Workshops, which for the Calle Miramar/Beach Rd and Old Stickney Point hotels, were not led by the developers or architects, but instead were “managed” by their attorneys. They avoided giving any real answers; being accountable for any follow up on questions; or any genuine engagement with the community. During the review of four hotel applications, County Planning staff comments have been inconsistent and have allowed these two applications to proceed as “complete” with superficial and incomplete developer responses to staff, and traffic studies that lack veracity, having been adjusted from selective off-peak data. Staff appears to have been given clear direction to expedite these two hotels into the public process. **The County’s pattern has been to dedicate resources to developer applications, but not to the communication and online public record updates to resident stakeholders, which has been delayed or inaccurate.**

The original Comprehensive Plan regulations (from the 1999 Siesta Key Community Plan) and SKOD protective codes were adopted following significant interactive input and community workshops with the residents and stakeholders of Siesta Key and the County. However, in the current environment, despite our requests for input and dialogue, and calls for County-initiated impact studies, **County leaders have shown little interest in engaging with the community.**

We have just learned that the County did take the time to produce a 55-page report on how to make the permitting review process more efficient and effective, but despite requests going back a year ago from the Siesta Key Association, **no resident stakeholders were consulted for their input, only county staff, developers, and developer consultants.**

The Stickney Point developer attorney recently submitted a legal argument to County Planning Staff that they were not really required to seek an amendment to the Comprehensive Plan. This, even though the developer’s requirement to change the Comprehensive Plan policy has been understood as critically necessary by all parties for over a year, including the developers, the public, the County Planners, County Counsel, and the Board of Commissioners (who approved earlier this year to allocate resources for an out-of-cycle review specifically related to intended hotel Comprehensive Plan amendments). It has been a requirement for all four hotel applications since inception. Many of the recent Planning Staff comments were directed at asking the developer to demonstrate consistency with our Comprehensive Plan policies. Yet, as we had to discover through public records requests, our County Planning Staff decided to go beyond their code and plan review purview and write a letter to the developer attorney, agreeing with the argument and allowing them all to “withdraw” this amendment requirement. Why is Planning staff opining on this now, and why is this not

something that should be placed in the hands of the County Commissioners to decide, given its quasi-legislative nature? The effect of this, if it stands, is to streamline the developers process, avoid the requirement of a community-wide Workshop by the County, and circumvent the need for a super-majority vote threshold (4 out of 5) by the Commissioners. The County's Planning Development Services representative, Todd Dary, that wrote this consenting letter says he told the developer's attorney that they proceed at their own risk with this interpretation; yet his public letter has no such qualification. Thus, this surprising staff action in fact prejudices the process before it even goes to the Commissioners' hearings. And now, the Calle Miramar/Beach Road hotel attorney has also filed a "me too" withdrawal of this amendment requirement. **The Siesta Key Coalition fully disagrees with this position and plans to challenge this in the public process ahead.**

If this were not enough, since the Neighborhood Workshops months ago, we have been seeking clarification from the Planning Development Services staff, and the Zoning Administrator on why these developers have not been required to increase their building setbacks when adjacent to residential property, as clearly stated in the code [*UDC Article 6, Section 124-76, (3) Comm General, g.*]. A compliant height commercial development must be a minimum of 20 feet away from residentially zoned property. However, as with both developers, they must increase that minimum 20-foot setback by one foot for every four feet that they are seeking in excess height (above 35 feet allowed per code). The Calle Miramar/Beach hotel and the Old Stickney Point hotel are seeking 80-foot and 83-foot special exceptions for height, or 45 and 48 feet more than required limits respectively. Therefore, they should be 31.25 and 32 feet away from residential respectively. Initially, County Staff made this comment to the Old Stickney Point developer, but then in both cases, the Zoning Administrator informed the developers that now they only need 20 feet. **We are still waiting for a formal answer that explains any logical way to interpret this issue other than the clear and obvious intent of that code to require developers to increase their setback when they ask through special exception for added height next to residential.** We asked to meet with Zoning Administrator to get clarity and we were told we cannot due to quasi-judicial limitations.

Our Coalition is not opposed to the re-development of properties or even the potential for true boutique hotels on Siesta Key. In fact, we strongly favor economic growth on the island, but not if it involves revising and circumventing existing protective policies, which will result in adverse consequences. **If material changes of this precedent-setting importance to thousands on the Key and Mainland are to be considered, the County leaders should respond to our repeated requests for proactive community engagement and cumulative impact studies, not just allocating staff resources to serve the developers' processes.**