

M E M O R A N D U M

TO: Tom Harmer, Town Manager

FROM: Allen Parsons, AICP,
Director – Planning, Zoning and Building Department

REPORT DATE: September 21, 2021

MEETING DATE: October 6, 2021

SUBJECT: Proposed Ordinance 2021-12 and Resolution 2021-21, 1620 Gulf of Mexico Drive – St. Regis Hotel and Residences - Amendments to previously approved Planned Unit Development/Outline Development Plan and Final Site Plan

Recommended Action

Forward Ordinance 2021-12 and Resolution 2021-21 to the October 20, 2021 Special Meeting for second reading and public hearing.

Background

Unicorp National Development, Inc. (the “Applicant”), on behalf of itself and Brandon Commons, L.L.C., Lake Brandon Shoppes, L.L.C., Metro Pointe, L.L.C., Metro Plaza, L.L.C., WPT Outparcel, L.L.C., CW Family, LLLP, CW Family, LLC, and Unicorp Acquisitions II, LLC, is proposing to amend a previously approved Planned Unit Development (PUD)/Outline Development Plan (ODP) and Final Site Plan (FSP) for the redevelopment of the ±17.6 acres former Colony Beach and Tennis Resort site with a proposed mixed-use development called the St. Regis Hotel and Residences. The amended application also included a Special Exception request, associated with additional limited height increases for the project’s buildings’ rooftop mechanical equipment and screening, which was approved by the Planning & Zoning Board (P&Z Board) on September 17, 2021, subject to approval of the proposed amendments to the PUD/ODP/FSP applications.

There are several components that comprise the amendment to the PUD/ODP, including: additional and revised “Departures” associated with proposed changes to the project’s site design; a reduction in the allocation of units from the Town’s Tourism Units Pool; and a number of revisions and updates to the Conditions that were approved as part of Ordinance 2018-07.

The Final Site Plan component includes several major revisions to the project’s detailed site plans, including changes to the overall building square footage, open space provided and revisions to certain associated amenities that were approved by Resolution 2018-01.

Of note, the amendments are being analyzed and reviewed under the 2018 Zoning Code. This is because the project is being modified from its prior approvals in 2018 and has not been completely redesigned or otherwise significantly changed. In addition, a number of the conditions of the 2018 project approval have been completed, with substantial funds expended by the Applicant completing those

conditions, and establishing certain vested rights. A memorandum from the Applicant's attorney, Robert Lincoln, Esq., is included in the Applicant's application materials and contains more information regarding the vested rights treatment of the Applicant's submittal, the application, and use of the 2018 Town Zoning Code. Staff concurs with the continued utilization of the 2018 Town Zoning Code in the review of this project. Therefore, all Zoning Code references within the staff report are 2018 Town Zoning Code references.

At their September 17, 2021 Special Meeting, the Planning & Zoning Board (P&Z Board) considered Ordinance 2021-12 and Resolution 2021-21. As noted in the attached P&Z Board Staff Report (Attachment B), Staff recommended approval of all aspects of the proposed applications and subsequent amendments to conditions during the P&Z Board hearing, with the exception of a recommendation of denial of:

- Two applicant requested revisions to Ordinance 2021-12 and Resolution 2021-21 Conditions of Approval (Conditions #8 and 15). These conditions addressed the completion of the hotel project being tied to the completion of the residential portion of the project. Staff's recommendation for denial was associated with the importance that the Town Commission placed on the completion of the hotel portion of the project with the distribution of the remaining 165 Tourism Pool Units in 2018; and
- Two additional Applicant requested PUD Departures (#4 and 5) that seek amended Gulf waterfront yard setbacks for two new accessory commercial structures. Staff's recommendation for denial of Departures #4 and 5 primarily related to maintaining consistency with Town policy to reduce the potential for damage to structures within the Coastal High Hazard Area.

Staff also recommended returning nine (9) tourism units of unused site density to the Town's Tourism Units Pool and allocating a lesser amount of 156 tourism units to the project. The Applicant verbally agreed to this recommendation during the September 17, 2021 P&Z Board public hearing. The proposed total project density of 235 total units is distributed as follows: 156 tourism from the Tourism Units Pool (instead of the previously approved 165 tourism units), 12 tourism units from underlying base density, and 67 residential units from underlying base density.

The P&Z Board voted 7-0 to recommend approval of Ordinance 2021-12, inclusive of all applicant requested Departures and Conditions of Approval, and Resolution 2021-21, inclusive of all applicant requested Conditions of Approval. The summary of the P&Z Board's recommendations is described further in this memorandum.

The P&Z Board also voted 7-0 to approve Special Exception Order 2021-02, granting an increase in the total height of the hotel (up to 66'6") and the residential towers (up to 74'4"). The Special Exception was limited to the installation of enclosed elevator shafts and vestibules, enclosed stairwells and landings, and enclosed mechanical equipment areas and parapet walls, and is also conditioned upon Town Commission approval of the PUD/ODP/FSP.

Staff Recommendation

Planned Unit Development/Outline Development Plan (Ordinance 2021-12)

Staff recommends approval of the amended PUD and ODP, with 59 conditions and 16 out of 18 Departures. (Note: Staff is not recommending changes to Conditions #8 (timing of hotel completion) and #15 (coordination of timing of residential and hotel buildings completion), which were recommended for approval by the P&Z Board, as described below. Staff is also not recommending approval of Departures 4 and 5, which were recommended for approval by the P&Z Board, as described below.). Staff also recommends returning nine (9) tourism units to the Tourism Units Pool and allocating a lesser amount of 156 tourism units to the project.

Final Site Plan (Resolution 2021-21)

Staff recommends approval of the amended Final Site Plan (Resolution 2021-21), with the same recommendations regarding Conditions #8 and 15 that are mirrored from Ordinance 2021-12.

P&Z Board Recommendation

Planned Unit Development/Outline Development Plan (Ordinance 2021-12)

The P&Z Board voted 7-0 to recommend approval of the PUD and ODP, all requested Departures and with 59 conditions.

The P&Z Board recommended amendments to Conditions:

- # 8 and #15- timing of construction/completion of hotel and residential components);
- #17- emergency access lane;
- #52- northbound and southbound turn lanes; and
- #53- addition of Event Pavilion to the special events attendance condition.

The P&Z Board recommended returning nine (9) tourism units to the Tourism Units Pool and allocating a lesser amount of 156 tourism units to the project. Note: Among the eighteen (18) requested Departures, the P&Z Board recommended approval of all eighteen (18) Departures.

Final Site Plan (Resolution 2021-21)

The P&Z Board voted 7-0 to recommend approval of the Final Site Plan, with the same 59 Conditions of Approval that are found in Ordinance 2021-12.

A Table summarizing the specific Departures and Conditions of approval that have differing recommendations from the Staff and the P&Z Board is attached (Attachment A).

A full copy of the materials distributed to the P&Z Board, including the applicant's materials can be found in Attachment B. The P&Z Board draft minutes from the September 17, 2021 meeting are provided in Attachment C. And strikethrough/underline versions of Ordinance 2021-12 and Resolution 2021-21, reflecting the P&Z Board's recommendations are provided in Attachments D and E.

Attachments

- A. Table Summarizing Differences in Departure and Conditions of Approval Recommendations from the P&Z Board and Staff; (Available in Town Clerk's Office)
- B. Proposed Ordinance 2021-12 (strike through/underline, pursuant to P&Z Board recommendation); (Available in Town Clerk's Office)
- C. Proposed Resolution 2021-21 (strike through/underline, pursuant to P&Z Board recommendation); (Available in Town Clerk's Office)
- D. Materials Distributed to P&Z Board on September 17, 2021; (Available in Town Clerk's Office)
- E. September 17, 2021 P&Z Board Regular Meeting Minutes; (Available in Town Clerk's Office) and
- F. PowerPoint Presentation (Available in Town Clerk's Office).

End of Agenda Item