

## **M E M O R A N D U M**

**TO:** Howard Tipton, Town Manager

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

**REPORT DATE:** June 7, 2023

**MEETING DATE:** June 20, 2023

**SUBJECT:** Revised Ordinance 2023-07 and Resolution 2023-12, 1621 Gulf of Mexico Drive – St. Regis Hotel and Residences – Providing for approval in part and denial in part of the Applicant’s Amendments to previously approved Planned Unit Development/Outline Development Plan and Final Site Plan

### **Recommended Action**

Adopt revised Ordinance 2023-07 and Resolution 2023-12, inclusive of Exhibits A and B.

### **Background**

The Applicant filed an application to amend the PUD/ODP/Final Site Plan provided for in Ordinance 2021-12 and Resolution 2021-21 on January 5, 2023, and amended and supplemented such applications with the last submittal received by the Town on April 3, 2023.

At their June 5, 2023, Town Commission Regular Meeting, the Town Commission (Commission) held first reading and public hearing on the Applicant’s PUD/ODP/Final Site Plan amendments and considered Ordinance 2023-07 and Resolution 2023-12. The Town Commission directed that the Ordinance and Resolution be forwarded and revised for second reading, public hearing and final adoption on June 20, 2023. In so doing, the Town Commission expressed a preliminary indication that the Town Commission was inclined to partially grant and partially deny portions of the Applicant’s requests based upon the competent substantial evidence placed in the record, applicable Town Code and the Comprehensive Plan.

Specifically, the Town Commission indicated they were inclined to deny the portion of the Applicant’s request that eliminates 62 mechanical lift parking spaces (within the approved hotel parking podium) and the portion that proposes the development of a new free-standing (two-story) parking structure located on the northeast corner of the project site (inclusive of Departure requests for the dimensions of parking spaces within the proposed parking structure and the building separation requirement between the proposed parking structure and approved hotel building).

The Town Commission indicated they were inclined to approve requested revisions to a limited number of Final Site Plan changes that were associated

with Departure requests (a summary of the previously approved and revised listing of Departures is included as Attachment 'A') including:

- An increase in the Gulf Waterfront setback distance for two patio heater structures;
- An increase in the Gulf Waterfront setback distance for the Emergency/Fire Lane;
- Deletion of two Departures, the first of which was associated with separation requirements between previously approved beach shelters and the second allowed for an increase in the maximum dimensions of a previously approved Tiki Hut accessory structure in the waterfront yard. These features have been removed from the Final Site Plan by the applicant.

All other existing previously approved Departures will remain as codified in the previous PUD/ODP approval (Ordinance 2021-12).

Minor changes to the Conditions of Approval have been incorporated into Ordinance 2023-07 and Resolution 2023-12. These changes are limited to:

- Condition #1- To reflect the date of the most recent PUD/ODP/Final Site Plan applications submittal and approvals.
- Condition #2- To reflect that the prior obligation to obtain Special Exception approval from the Planning and Zoning Board has been accomplished and that the condition's status is, "Condition Completed."
- Condition #26- To reflect that obligation to preserve prior existing mature trees is not being superseded by a new Condition #63.
- Condition #32- To reflect that there will be no new Condition #63 and that the landscape buffer installation ("at the earliest point in project") will be consistent with the landscaping plans referenced in Condition #27.
- Restoration of Condition #61 (as previously provided for in the Ordinance 2021-21 and Resolution 2021-21) that addresses that the vehicle lift equipment shall not protrude into any drive aisle or parking space in the podium garage.
- Deletion of previously proposed recommended Conditions 62-64, which were associated with landscaping and screening of the proposed parking structure, which is not approved.
- Renumbering of previously numbered Condition #65 to become Condition #62, which requires that owners of the two potential tourism units, within the residential towers, register for a Business Tax Receipt and Residential Rental Certificate of Registration, as required by Town Code, if those units are used as tourism units.

Ordinance 2023-07 (approving certain amendments to the St. Regis Hotel and Residences, Planned Unit Development/Outline Development Plan) and Resolution 2023-12 (approving certain amendments to the St. Regis Hotel and Residences, Final Site Plan) have been updated and revised to reflect the Commission's preliminary direction and non-final action (6-0) taken on June 5, 2023. Ordinance 2023-07 and Resolution 2023-12 have also been updated to incorporate Denial Orders reflecting the Findings of Fact and Conclusions of Law (incorporated as Exhibit 'B' in each) that articulate the basis for the denial of a portion of the Applicant's requests.

Materials distributed for the June 5, 2023 First Reading and Public Hearing are a part of the record and are not being distributed again.

**Staff Recommendation**

Adopt revised Ordinance 2023-07 and Resolution 2023-12 providing for the approval in part and denial in part of the Applicant's amended PUD/ODP/Final Site Plan applications filed on January 5, 2023 as amended and revised.

**P&Z Board Recommendation**

The P&Z Board voted 5-2 to recommend approval of Ordinance 2023-07, inclusive of all applicant requested Departures and Conditions of Approval, and Resolution 2023-12.

**Attachments**

- A. Departures Summary Table (Available in Town Clerk's Office)
- B. Ordinance 2023-07 (Available in Town Clerk's Office)
- C. Resolution 2023-12 (Available in Town Clerk's Office)
- D. Correspondence from the public June 5, 2023 – June 13, 2023 (Available in Town Clerk's Office)

**End of Agenda Item**