

## 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:** October 13, 2021

**MEETING DATE:** October 20, 2021

**SUBJECT:** 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**

The Commission will base its decision on competent and substantial testimony provided at this meeting.

### **Background**

At their October 6, 2021 Special Meeting, the Town Commission held first reading and public hearing on Ordinance 2021-12 (Planned Unit Development/Outline Development Plan) and considered Resolution 2021-21 (Final Site Plan). The Town Commission forwarded Ordinance 2021-12 (4-1 vote) to the October 20, 2021 Special Meeting for second reading and public hearing; and continued Resolution 2021-21 (3-2 vote) for public hearing at the October 20, 2021 Special Meeting.

The Town Commission heard presentations from staff and the applicant, in addition to hearing input from the public at the first public hearing. The Town Commission discussed various aspects of the Planned Unit Development/Outline Development Plan/Final Site Plan applications prior to moving the items forward to a second public hearing on Ordinance 2021-12 and a continued public hearing on Resolution 2021-21.

In preparing materials for the October 20, 2021 Town Commission Special Meeting, staff discovered an issue with the allocation of parking for the entire project. While the overall total parking provided for the project appeared to have met the Town Code requirements (405 spaces required and provided), the allocation between the hotel and the residential units resulted in a parking surplus for the residential component of the project, and a deficit for the hotel component and its accessory commercial uses. The summary of proposed parking is provided below:

- Required Total Parking: 405 parking spaces
  - Required Residential Parking: 107 parking spaces
  - Required Hotel Parking: 298 parking spaces
- Provided Total Parking: 405 parking spaces
  - Provided Residential Parking: 169 parking spaces
  - Provided Hotel Parking: 236 parking spaces

Out of the 405 parking spaces, 169 were allocated to the residential units and 236 were allocated to the hotel. Because the residential units only require 107 parking spaces and the hotel and its accessory uses require 298 parking spaces, the allocation submitted by the applicant resulted in a deficiency of 62 parking spaces for the hotel. Initially, upon discovering the discrepancy, it wasn't clear if the applicant intended that some portion of the parking spaces in the residential area would be available for the hotel and its accessory uses.

Staff informed the applicant of these findings and the applicant responded by acknowledging the deficiency and submitting revised materials on October 12 and 13, 2021 depicting plan revisions incorporating the addition of mechanical car lift systems within the hotel's portion of the parking structure. The car lift system can double the number of vehicles that can be parked in an existing parking space, by allowing cars to be lifted above one another. The systems proposed for installation would provide an additional 62 parking spaces, which would meet the number of required parking spaces for the hotel and its accessory uses. The additional parking spaces also necessitated the addition of a handicapped space, which has been provided in area previously dedicated to mechanical space.

The car lifts will be placed in areas that are depicted as providing, 9'x18' stacked, parking spaces throughout the hotel's portion of the parking structure. The applicant provided revised plan sheets with manufacturer specifications and dimensions for the for the car lifts. The information provided by the applicant indicates that the manufacturer's specifications for the car lift that will be utilized (see Attachment F) require 10' 10" in height (with a typical low profile sedan on the lift), 18' 4" width for the lifts that allow for the placement of two lower-profile "standard" cars on a second level and 27' 7" width for the lifts that allow for the placement of three cars on a second level. Based upon the dimensions shown on the revised plan sheets (sheets A2-H-00A, A2-H-00B, A2-H-00C, A2-H-00D, and A3-H-25), it appears that the parking garage has the space to fit the proposed car lifts.

The Zoning Code allows the use of car lifts in parking garages. Per Section 158.128(C), *"Nothing in this Section is intended to prohibit the installation of a fully automatic parking facility in which the placement and removal of automobiles are accomplished wholly by machinery."*

While the Zoning Code allows for the use of car lifts, the utilization of the proposed car lifts, as required parking spaces, involves treating the lifts as parking spaces with dimensions that meet Zoning Code requirements. The applicant therefore is proposing to amend to Departures #14 and #15, which are related to the size of parking spaces and the stacking of parking spaces within the hotel structure, in order to treat the car lifts as required parking spaces. The analysis of revised Departures #14 and #15 are attached to this memorandum (Attachment A). Staff recommends approval of the revised Departures #14 and #15 and also recommends approval of the use of car lifts to meet the parking requirements for the hotel and its accessory uses.

The addition of the proposed car lifts would provide a new parking allocation for the project:

- Required Total Parking: 405 parking spaces
  - Required Residential Parking: 107 parking spaces
  - Required Hotel Parking: 298 parking spaces
- Provided Total Parking: 468 parking spaces
  - Provided Residential Parking: 169 parking spaces
  - Provided Hotel Parking: 299 parking spaces

The additional parking spaces created by the proposed car lifts would result in exceeding the total number of parking spaces required for the project (468 parking spaces provided and 405 parking spaces are *required*). It should be noted, however, that 62 of the 63 *additional* (i.e. in excess of Zoning Code requirements) parking spaces are allocated solely to the residential units and do not appear to be available for public use for the hotel and its accessory uses. Therefore, the utilization of the car lifts would allow the project to generally meet, and slightly exceed (by 1 parking space), the required number of parking spaces for the hotel portion of the project.

Because this is new information that was received subsequent to the Town Commission's first public hearing on October 6, 2021, the agenda materials include an additional draft Ordinance 2021-12 and Resolution 2021-21 (Attachments D and E, "Alternate Version with Additional Parking Approval") that have been revised to include updates to Departures #14 and #15, Condition #1 and Whereas clauses that recognize the utilization of the car lifts.

The summary below describes the issues that the Town Commission discussed at their October 6, 2021 Special Meeting, and the consensus that was reached on each item. The items below are in the same order as discussed during consensus votes during the Town Commission hearing.

- *Allocation of Tourism Units*: The Town Commission reached consensus to return nine (9) tourism units to the Tourism Units Pool and allocate a lesser amount of 156 tourism units to the project.
- *Condition #17*: The Town Commission reached consensus to accept the Applicant's proposed amendments to Condition #17, which allows for the emergency access lane to be 20 feet wide and limits the Town's broader maintenance related uses to the northern portion of the emergency access lane.
- *Condition #52*: The Town Commission reached consensus accepting the Planning & Zoning Board's recommended amendments to Condition #52, which states that the northbound and southbound turn lanes are subject to Florida Department of Transportation (FDOT) approval.
- *Departure #4 (Monkey Bar)*: The Town Commission discussed Departure #4, which would allow the Monkey Bar to maintain a setback of 108.3 feet

- from the Erosion Control Line (ECL), where 150 feet is required. The Town Commission voted 3-2 recommending approval of Departure #4.
- *Departure #5 (Event Pavilion):* The Town Commission discussed Departure #5, which would allow the Event Pavilion to maintain a setback of 73.9 feet from the ECL, where 150 feet is required. The Town Commission voted 3-2 to recommend denial of Departure #5.
  - *Parking:* The Town Commission discussed the Applicant's changes to the project's parking. The 2018 project provided 457 parking spaces, and the amended 2021 project provides the required amount of parking (405 parking spaces). The Town Commission voted 3-2 to accept the Final Site Plan changes, inclusive of the 405 parking spaces for the amended project. Note: This discussion item did not include staff's subsequent discovery of a parking allocation issue that results in a finding that the hotel portion of the project does not meet applicable parking requirements.
  - *Condition #15:* The Town Commission discussed Condition #15, which is related to the timing of the Certificates of Occupancy for the hotel tower and residential towers. Staff, Town Counsel, and the Applicant reached consensus on revised language for Condition #15. The revised condition would allow the Town to issue Certificates of Occupancy for the residential towers when the hotel tower reaches the following stages: the exterior is completed, water tight, and fully enclosed; interior drywall and stairwells are completed; and accessory structures are under construction. The Town Commission reached consensus to accept the revisions for Condition #15. Associated with the consensus revision to Condition #15 demonstrate, was the consensus to delete Condition #8 so as to avoid inconsistency within the ordinance/resolution.
  - *Addition of a new Condition #60:* The Town Commission expressed concern in regards to the more permanent (but moveable) beach shelters, for which a Departure is requested, during marine turtle nesting season. Town staff and Counsel proposed a condition to ensure that the project's beach shelters, furniture and equipment meet the standards of Chapter 100, Turtle Marine Protection, which may include removal or relocations. The Town Commission reached consensus to include a new Condition #60 in Ordinance 2021-12 and Resolution 2021-21.
  - *Condition #1:* The Applicant provided revised language to Condition #1, prior to the October 6, 2021 meeting seeking to ensure that any future modifications to the project that are not otherwise exempt under the site plan requirements of the then applicable Town Code are subject to the applicable Town Code in effect at the time of subsequent submittal. The Applicant and Town staff reached consensus on the revisions to Condition #1 and the Town Commission reached consensus on these revisions. Note: Condition #1 would also be updated to reflect the supplemental plan sheets depicting the 62 car lift spaces, received on October 13, 2021.

- *Inseverability*: The Applicant requested changing “inseverability” provisions in Ordinance 2021-21(Section 4) and Resolution 2021-21 (Section 3) expressing concerns over the possibility of the project having a legal challenge and having elements of the Ordinance and/or Resolution declared invalid and subsequently invalidating the entire approvals. The applicant stated their preference to provide some type of guarantee that the applicant would not challenge the approvals. The Town Commission discussed the implications of the inseverability provision and the different possibilities of legal challenges that could arise after the project is ultimately approved. The Town Commission voted 3-2 to keep the inseverability provisions in Ordinance 2021-12 and Resolution 2021-21.

The changes above have been incorporated into the “Final Versions” of Ordinance 2021-12 and Resolution 2021-21 and are highlighted in yellow.

Final Versions of Ordinance 2021-12 and Resolution 2021-21 are provided in Attachments B and C. As noted, staff has also provided Alternate Versions of the Ordinance and Resolution (Attachments D and E) reflecting the applicant’s proposed changes to the internal hotel parking, and approval of the utilization of car lifts for 62 vehicles, inclusive of revisions to Departures #14, and #15, Condition #1 and the addition of a Whereas statement noting the use of car lift spaces. These changes are highlighted in blue in the Alternate Versions.

The staff presentation at the second hearing will focus on this updated information. There was a question during the hearing about the location of beach structures on the adjoining property. Staff will also respond to that issue in our presentation. Note: Prior materials are not included, but are a part of the record, and available for review in the Town Clerk’s Office.

### **Attachments**

- A. Staff analysis of amendments to Departures #14 and #15
- B. Ordinance 2021-12 (Final Version)
- C. Resolution 2021-21(Final Version)
- D. Ordinance 2021-12 (Alternate Version with Additional Parking Approval)
- E. Resolution 2021-21 (Alternate Version with Additional Parking Approval)
- F. Applicant’s Supplemental Submittals Received October 12, 2021 and October 13, 2021
- G. Correspondence from the Public
- H. PowerPoint Presentation