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**Meeting Name:** Town Council Meeting  
**Meeting Date:** December 13, 2023  
**Prepared By:** L. Rubin, Town Attorney  
**Item Title:** Resolution 2023-22 (revising the legal description for the Caretta Project set forth in Resolution No. 2022-09 and correcting the references to the original approval in Resolution No. 2023-12)

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#### **DISCUSSION:**

Through the adoption of Resolution No. 2022-09 on August 24, 2022, the Town Council approved a request for Site Plan and Appearance Review and for Special Exception approval to utilize the Site Area Development Modification and to establish a restaurant use for the Caretta mixed-use development located at the northwest corner of Donald Ross Road and U.S. Highway One. The legal description attached as Exhibit “A” to the Resolution was taken from a survey submitted to the Town. However, the Applicant has requested that Resolution No. 2022-09 be amended to reflect the most accurate legal description as set forth in a Corrective Special Warranty Deed dated August 16, 2023.

Additionally, through the adoption of Resolution No. 2023-12 on August 23, 2023, the Town Council approved a major amendment to the approval Site Plan and Appearance Approval to: divide one residential unit into two units; reduce and reconfigure the size of the garage; utilize shared parking on the site; utilize valet parking on the site; and reduce the outdoor dining area. This Resolution referenced Resolution 2022-06 as the initial project approval when it should have referenced Resolution No. 2022-09.

The attached Resolution amends Resolution No. 2022-09 to revise the legal description and amends Resolution 2023-12 to correct the references to the initial project approval. These revisions are purely ministerial in nature.

#### **RECOMMENDATION:**

Staff recommends that the Town Council adopt Resolution No. 2023-22