



CITY OF MADEIRA BEACH
PLANNING & ZONING DEPARTMENT
300 MUNICIPAL DRIVE ♦ MADEIRA BEACH, FLORIDA 33708
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Email to: planning@madeirabeachfl.gov



SPECIAL MAGISTRATE – ARTICLE IV. - SPECIAL EXCEPTION USES

Application Request for Special Exception Use

Applicant Name:

UPP Global

Property Owner Name:

JPV HOTEL PROPERTY, LLC

Applicant Address:

496 Congress St.
Portland, ME 04101

Property Owner Address:

410 150th Avenue, Suite H,
Madeira Beach, FL 33708

Telephone: 727-330-4703

Email: bbrookins@uppglobal.com

Telephone: 727-367-3000

Email: wkarns@karnsenterprises.com

Application for the property located at: (Street Address or location of the vacant lot)

Lots 14-20 on 129th Avenue East (no street address) and Lots 2-9 on Boardwalk Place East, including 146, 204, 206, 210, and 214 Boardwalk Place East

Legal Description: Lots 2, 3, 4, 5, 6, 7, 8, 9, 14, 15, 16, 17, 18, 19, 20, Block 1, Mitchell's Beach John's Pass, Plat Book 3, Page 54

Zoning District: C-1

**PLEASE ATTACH REQUIRED SUPPORTING MATERIALS:
SITE PLAN, ANSWERS TO CRITERIA QUESTIONS, PICTURES, DEED, SURVEYOR'S SKETCH, DRAWINGS, ETC.**

Special Magistrate Case #: SE 2023-01

****For City of Madeira Beach Use Only****

Fee: \$1,800.00 Check # 9824 Cash Receipt # _____

Date Received: 3/30/2023 Received by: Alex Selvarajah

Special Magistrate Case # Assigned: SE 2023-01

Special Magistrate Hearing Date: _____ Approved Denied

[Signature] Date: 4-4-23

Community Development Staff

Date: _____

Robin Gomez, City Manager

This Special exception use application to the Special Magistrate is requesting permission to:

Allow a stand-alone parking lot as a principal use pursuant to Section 110-259(5) upon compliance with other requirements of the City Code related to off-street parking areas.

CERTIFICATION

I hereby authorize permission for the Special Magistrate, Building Official and Planning & Zoning Director to enter upon the above referenced premises for purposes of inspection related to this petition.

I hereby certify that I have read and understand the contents of this application, and that this application, together with all supplemental data and information, is a true representation of the facts concerning this request; that this application is made with my approval, as owner and applicant, as evidenced by my signature below.

It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request; and further, if the request is approved, I will obtain all the necessary permits and comply with all applicable orders, codes, conditions, rules and regulations pertaining to the subject property.

I have received a copy of the Special Magistrate Requirements and Procedures (attached), read and understand the reasons necessary for granting a variance and the procedure, which will take place at the Public Hearing.

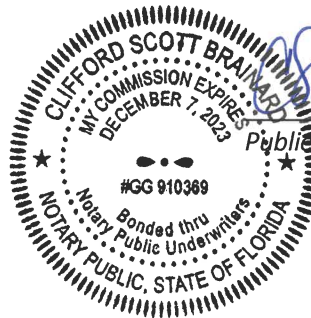
Appeals. (City Code, Sec. 2-109) An aggrieved party, including the local governing authority, may appeal a final administrative order of the Special Magistrate to the circuit court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed.

Property Owner's Signature William F. Karns, Manager 3-29-2023
Date

STATE OF FLORIDA
COUNTY OF PINELLAS

Before me this 29th day of March, 2023, William F. Karns, Manager
appeared in person who, being sworn, deposes and says that the foregoing is true and correct certification and is personally known to me or has produced _____ as identification.

[SEAL]



Public Notary Signature

NOTICE: Persons are advised that, if they decide to appeal any decision made at this hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Sec. 2-506. Special exception uses.

- (a) The special magistrate shall hear and decide special exception uses; decide such questions as are involved in determining if special exception uses should be granted; and grant special exception uses with appropriate conditions and safeguards; or to deny special exception uses when not in harmony with the purpose and intent of the city land development regulations.
- (b) In considering an application for special exception use, the special magistrate shall consider the "specific requirements" as outlined in chapter 110, article IV.
- (c) In granting any special exception use, the special magistrate shall find that such grant will not adversely affect the public interest and that it meets all conditions set for the requested special exception throughout the Land Development Code. Such decision shall be reached only after receipt of a written report from the city planning official and after the holding of a public hearing. Failure of the city planning official to submit a written report within 30 days after a referral from the special magistrate shall be deemed as recommendation of no objection to the application by the city planning official. In granting any special exception use, the special magistrate, in addition to the standards enumerated in chapter 110, article IV, may prescribe appropriate conditions and safeguards in conformity with this division. Violation of such conditions and safeguards, when made a part of the terms under which the special exception use is granted, shall be deemed a violation of this Code. The special magistrate may prescribe a reasonable time limit within which the action for which the special exception use is required shall begin or be completed or both.

(Ord. No. 1019, § 1, 5-25-04; Ord. No. 1050, § 3, 8-9-05; Ord. No. 1071, § 3(Exh. A, § 2), 2-28-06; Ord. No. 2019-16, § 1, 6-10-20)

ARTICLE IV. - SPECIAL EXCEPTION USES

Sec. 110-121. – Authorization by special magistrate.

Special exception uses shall be permitted only upon authorization by the special magistrate.

Sec. 110-122. – Denial.

The special magistrate may deny special exception uses when not in harmony with the purpose and intent of the City land development regulations as outlined in this article.

Sec. 110-123. – Reimbursement of expenses.

The applicant shall provide for reimbursement of all expenses incurred by the City, deemed necessary by the city manager or his/her designee, to review and process a special exception use request.

Expenses may include, but are not limited to, any technical, engineering, planning, landscaping, surveying, legal or architectural services, and advertising.

Within 30 days of the date of receipt of any invoice for such services, the applicant shall reimburse the City for such costs. Failure by the applicant to make such reimbursement when due shall delay the release of a development permit until paid.

Sec. 110-124. – Standards and requirements.

- (a) In consideration of granting any special exception use, the special magistrate shall find that such grant will not adversely affect the public interest. The local planning agency shall issue a written report within 30 days after consideration by the local planning agency. In granting any special exception use, the special magistrate, in addition to the standards enumerated in this article, may prescribe appropriate conditions and safeguards, when made a part of the terms under which the special exception use is granted, shall be deemed a violation of

the land development regulations. The special magistrate may prescribe a reasonable time limit within which the action for which the special exception use is required shall commence, be completed, or both.

- (b) Such uses shall be found by the special magistrate to comply with the following requirements and other applicable requirements:
- (1) That the use is a permitted special use.
 - (2) That the use is so designed, located, and proposed to be operated that the public health, safety, welfare, and convenience will be protected.
 - (3) That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
 - (4) That the use will be compatible with adjoining development and the proposed character of the district where it is to be located.
 - (5) That adequate landscaping and screening is provided as required in the land development regulations, or otherwise required.
 - (6) That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.
 - (7) That the use conforms with all applicable regulations governing the district where located, except as may otherwise be allowable for planned unit developments.
 - (8) If a variance is also desired, and/or required, a separate application shall be submitted concurrently with the special exception application.
 - (9) Special exception use will not grant to the land more privilege than the best use available in a zone where that special exception use would be a principal permitted use.
 - (10) No application for special exception use shall be considered by the special magistrate until the applicant has paid in full any outstanding charges, fees, interest, fines for penalties owed to the City by the applicant of the owner or possessor of the property under any section of the code.

Special Magistrate Case #SE2023-1

The subject Property consists of 15 platted lots described as follows:

Lots 2, 3, 4, 5, 6, 7, 8, 9, 14, 15, 16, 17, 18, 19 and 20, Block 1, Mitchell's Beach John's Pass, according to the plat thereof recorded in Plat Book 3, Page 54, of the Public Records of Pinellas County, Florida. Lot 9 has a street address of 146 Boardwalk Place East, and Lot 5 has a street address assigned as 206 Boardwalk Place East. All the other lots are vacant lots. Some have previously assigned street addresses, but others not, and all are vacant.

A copy of a survey delineating the lots is attached to this document.

Responses to Madeira Beach City Code Sec. 110-124(b) - Standards and requirements:

(1) **That the use is a permitted special use:** Section 110-259(6) allows a Special Exception use in the C-1 tourist commercial district for stand-alone parking lots and parking garages as a principal use.

(2) **That the use is so designed, located, and proposed to be operated that the public health, safety, welfare, and convenience will be protected:** Much of the subject Property has been used as a public parking lot for decades. By 2014, all but Lots 2, 4 and 5 had been cleared of buildings that had fallen into disrepair and were vacant, all being used as a parking lot. In 2021, the current owner purchased the Property and cleared Lot 4 of the building that was no longer usable for retail or other commercial purposes and began using that lot for parking. Lots 2 and 5 still have buildings located on them and are used by tenants of those lots. The John's Pass Village and Boardwalk entertainment development is a tourist commercial/retail development housing dozens of tourism-related businesses which thrive only when patrons can visit the development. Parking within John's Pass Village and the general surrounding area is in short supply, and customers have to make decisions concerning their visit to the development based largely on whether they can find parking convenient to the businesses. Without this parking lot, many visitors would have to park in remote parking lots across Gulf Boulevard, and then cross Gulf Boulevard on foot to access the businesses and facilities within John's Pass Village, both putting pedestrians in harm's way and interrupting the flow of traffic on a major roadway. The use of this Property as a parking lot not only protects,

but promotes public health, safety, welfare and convenience, by making safe and accessible parking available to visitors within the development and close to the businesses and facilities of John's Pass Village.

(3) **That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located:** The properties surrounding the subject Property are all tourism-related business establishments that rely on public visitors and thrive only if there is sufficient accessible parking for potential customers. Not only does the use of the Property for parking not cause substantial injury to the value of other property in the neighborhood, it significantly enhances that value of the businesses being operated on those properties.

(4) **That the use will be compatible with adjoining development and the proposed character of the district where it is to be located:** The adjoining development and character of John's Pass Village and Boardwalk is tourism-related business and entertainment activities. Very few of the properties within the district have any on-site parking, so parking for visitors is crucial to the success of the district. Use of the subject Property for public parking for visitors to the district is not only compatible with, but critical to, the existing uses in the development.

(5) **That adequate landscaping and screening is provided as required in the land development regulations, or otherwise required:** All requirements of the City's land development regulations with regard to the maintenance of a parking lot will be followed, including all landscaping and screening requirements.

(6) **That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets:** The use of the subject Property is for off-street parking, and there is adequate loading provided to allow vehicles to exit the public streets. There are several locations of ingress and egress into and out of the parking lot along 129th Avenue and Boardwalk Place East, which allow for minimum interference with traffic on those streets.

(7) **That the use conforms with all applicable regulations governing the district where located, except as may otherwise be allowable for planned unit developments:** The use of the subject Property as a parking lot conforms with all applicable regulations governing the C-1 tourist commercial district.

(8) **If a variance is also desired, and/or required, a separate application shall be submitted concurrently with the special exception application:** No variance from district regulations is being requested.

(9) **Special exception use will not grant to the land more privilege than the best use available in a zone where the special exception use would be a principal permitted use:** The applicant is not requesting any privilege that would be beyond the best use available in the C-1 Zoning district.

(10) **No application for special exception use shall be considered by the special magistrate until the applicant has paid in full any outstanding charges, fees, interest, fines for penalties owed to the City by the applicant or the owner or possessor of the property under any section of the code:** Neither the applicant, nor the owner of the subject Property is delinquent in payment of any charges, fees, interest, fines for penalties owed to the City.

