

ORDINANCE 2015-18

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 555 – 150TH AVENUE AND 565 – 150TH AVENUE FROM MARINE COMMERCIAL (C-4) TO PLANNED DEVELOPMENT (PD) DISTRICT; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

WHEREAS, the applicant has requested that said property be rezoned to become a Planned Development (PD) District; and

WHEREAS, The City of Madeira Beach Comprehensive Plan has been amended to establish the need and basis to further the tourism industry and provide additional flexibility for other types of land use; and the PD District is intended to accommodate integrated and well-designed developments in accordance with approved development plans; and

WHEREAS, the PD District is also intended to offer flexibility of design and to encourage imaginative, functional, high-quality land planning development for mixed uses and multiple buildings, which is compatible with adjacent and nearby lands and activities; and

WHEREAS, the land proposed for development under the PD District may contain a mixture of residential, commercial, temporary lodging, recreational and other uses, as permitted by the land use designation on the site; and

WHEREAS, the property owners of the subject property are currently under two related ownerships. Parcels 09-31-15-00000-140-0100 and 09-31-15-00000-140-0120 are owned by MHH Enterprises, Inc. and Parcel 09-31-15-00000-110-0100 is owned by C&T Enterprises, Inc.

WHEREAS, the property owners of the referenced parcels have applied for a change in zoning from C-4, Marine Commercial, to PD, Planned Development; and

WHEREAS, the Planning Commission serving as the Local Planning Agency of the City of Madeira Beach has duly considered the type of zoning on said real property, and has recommended that the zoning request be granted; and

WHEREAS, the Board of Commissioners has reviewed this rezoning request and finds that a rezoning of the subject property from C-4, Marine Commercial, to PD, Planned Development through an approved Development Agreement is consistent with the Comprehensive Plan and the Town Center Special Area Plan.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the following described properties be rezoned from C-4, Marine Commercial, to PD, Planned Development, and that any subsequent development of the following described properties development be regulated through the Development Agreement process:

Parcel 09-31-15-00000-140-0100

Parcel 09-31-15-00000-140-0120

Parcel 09-31-15-00000-110-0100

Section 2. That the provisions of this Ordinance shall be deemed severable. If any part of the Ordinance is deemed unconstitutional, it shall not affect the constitutionality of other portions of the Ordinance.

Section 3. That all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance be hereby repealed insofar as the same affect this Ordinance.

Section 4. That this Ordinance shall be in full force and effect upon adoption in the manner provided by law, and concurrent with an approved Development Agreement.

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APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH,
FLORIDA THIS 10th DAY OF MAY, 2016.

APPROVED AS TO FORM:


Thomas J. Trask, CITY ATTORNEY


Travis Palladeno, MAYOR

ATTEST:


Aimee Servedio, CITY CLERK

PUBLISHED:	<u>12/04/2015</u>
NEIGHBORHOOD MEETING:	<u>12/17/2015</u>
PLANNING COMMISSION FIRST READING (CANCELLED):	<u>12/21/2015</u>
PUBLISHED:	<u>12/27/2015</u>
NEIGHBORHOOD MEETING:	<u>01/07/2016</u>
PLANNING COMMISSION FIRST READING:	<u>01/11/2016</u>
PLANNING COMMISSION RECOMMENDATION:	<u>02/08/2016</u>
PUBLISHED:	<u>02/26/2016</u>
PASSED ON BOC FIRST READING:	<u>03/16/2016</u>
PUBLISHED:	<u>04/22/2016</u>
PASSED ON BOC SECOND READING:	<u>05/10/2016</u>

LEGAL NOTICE

**CITY OF MADEIRA BEACH,
FLORIDA
LOCAL PLANNING AGENCY
AND BOARD OF
COMMISSIONERS
NOTICE OF PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN that the LOCAL PLANNING AGENCY (THE PLANNING COMMISSION) of the City of Madeira Beach will hold a PUBLIC HEARING for the first reading on the Development Agreement for Holiday Isle Marina, in Madeira Beach City Hall, 300 Municipal Drive, Madeira Beach, Florida on Monday, December 21, 2015 at 7:00 p.m.

NOTICE IS HEREBY GIVEN, the Board of Commissioners of the City of Madeira Beach will conduct the first reading of Ordinance 2015-18, at Madeira Beach City Hall, 300 Municipal Drive, Madeira Beach, Florida on Tuesday December 22, 2015 at 6:00 p.m.

Upon the passage of Ordinance, NOTICE IS HEREBY GIVEN, the Board of Commissioners of the City of Madeira Beach will conduct the second and final reading of the Development Agreement for Holiday Isle Marina, and Ordinance 2015-18, at Madeira Beach City Hall, 300 Municipal Drive, Madeira Beach, Florida on Tuesday, January 12, 2016 at 6:00 p.m. Notice of such hearing will be provided as prescribed by Florida Statutory requirements and the Madeira Beach Code of Ordinances.

The title of the Development Agreement and said Ordinance are as follows:

DEVELOPMENT AGREEMENT between the City of Madeira Beach, and Holiday Isles Resort located at 555 150th Avenue and 565 150th Avenue, Madeira Beach, Florida 33708.

ORDINANCE 2015-18

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 555 150th AVENUE AND 565 150th AVENUE FROM MARINE COMMERCIAL (C-4) TO PLANNED DEVELOPMENT (PD) DISTRICT; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

DESCRIPTION:

PARCEL 1: A PARCEL OF LAND SITUATED, LYING AND BEING IN SECTIONS 9 AND 10, TOWNSHIP 31 SOUTH, RANGE 15 EAST, PINELLAS COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE INTERSECTION OF THE NORTH BOUNDARY OF GOVERNMENT LOT 2, SECTION 9, TOWNSHIP 31 SOUTH, RANGE 15 EAST, AND THE CENTERLINE OF STATE ROAD #233 AS SHOWN ON THE PLAT FILED IN DEED BOOK 682, PAGE 44, RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE NORTH 43°51'28" EAST, 1918.18 FEET ALONG THE CENTERLINE OF STATE ROAD #233; THENCE SOUTH 46°08'32" E, 50 FEET TO THE SOUTHERLY BOUNDARY OF STATE ROAD #233 AND THE POINT OF BEGINNING; THENCE SOUTH 46°08'32" EAST, 50 FEET; THENCE NORTH 43°51'28" EAST, 25 FEET; THENCE SOUTH 46°08'32" EAST, 550 FEET; THENCE NORTH 43°51'28" EAST, 331.0 FEET; THENCE NORTH 46°08'32" WEST, 300 FEET; THENCE SOUTH 43°51'28" WEST, 125.00 FEET; THENCE NORTH 46°08'32" WEST, 250.0 FEET; THENCE SOUTH 43°51'28" WEST, 40.0 FEET; THENCE NORTH 46°08'32" WEST, 60.0 FEET TO THE SOUTHERLY BOUNDARY OF STATE ROAD #233; THENCE SOUTH 43°51'28" WEST, 191.0 FEET ALONG SAID SOUTHERLY BOUNDARY TO THE POINT OF BEGINNING.

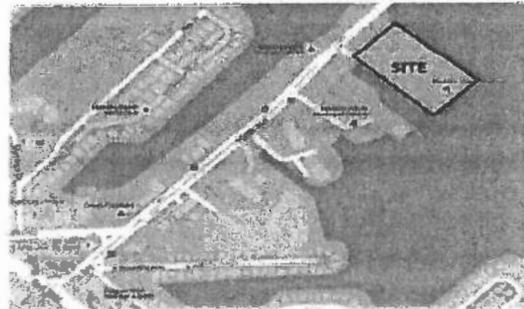
PARCEL 2: A PARCEL OF LAND SITUATED, LYING AND BEING IN SECTIONS 9 AND 10, TOWNSHIP 31 SOUTH, RANGE 15 EAST, PINELLAS COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

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4.58 ACRES MORE OR LESS.

FLOOD STATEMENT:

THIS PROPERTY LIES IN FLOOD ZONE AE (EL 10), ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP 12103C01B1G, EFFECTIVE DATE SEPTEMBER 3, 2003.



Copies of the proposed Development Agreement and Ordinance are available for inspection in the office of the City Clerk between the hours of 8 a.m. and 4:30 p.m. Monday through Friday.

All persons are hereby advised that any presentation they make to the Planning Commission or the Board of Commissioners will be encouraged to be as concise as possible and the Planning Commission and/or Board of Commissioners may limit the time of each individual to permit maximum participation by the public at large. Any person who decides to appeal any decision of the Planning Commission and/or the Board of Commissioners with respect to any matter considered at these hearings will need to ensure a record of proceedings, and for such purpose, 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-per Florida Statute 286.0105

Almee Servadio, City Clerk
City of Madeira Beach

CITY OF MADEIRA BEACH, FLORIDA LOCAL PLANNING AGENCY AND BOARD OF COMMISSIONERS NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the LOCAL PLANNING AGENCY (THE PLANNING COMMISSION) of the City of Madeira Beach will hold a PUBLIC HEARING for continuance of the local planning agency consideration of the Development Agreement for Holiday Isles Resort and Ordinance 2015-18, in Madeira Beach City Hall, 300 Municipal Drive, Madeira Beach, Florida on Monday, January 11, 2016 at 7:00 p.m.

NOTICE IS HEREBY GIVEN, the Board of Commissioners of the City of Madeira Beach will conduct the first reading of Ordinance 2015-18, at Madeira Beach City Hall, 300 Municipal Drive, Madeira Beach, Florida on Tuesday, January 12, 2016 at 6:00 p.m.

Upon the passage of Ordinance, **NOTICE IS HEREBY GIVEN**, the Board of Commissioners of the City of Madeira Beach will conduct the second and final reading of the Development Agreement for Holiday Isles Resort., and Ordinance 2015-18, at Madeira Beach City Hall, 300 Municipal Drive, Madeira Beach, Florida on Tuesday, February 9, 2016 at 6:00 p.m. Notice of such hearing will be provided as prescribed by Florida Statutory requirements and the Madeira Beach Code of Ordinances.

The title of the Development Agreement and said Ordinance are as follows:

DEVELOPMENT AGREEMENT between the City of Madeira Beach, and Holiday Isles Resort located at 555 150th Avenue and 565 150th Avenue, Madeira Beach, Florida 33708.

ORDINANCE 2015-18

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 555 150th AVENUE AND 565 150TH AVENUE FROM MARINE COMMERCIAL (C-4) TO PLANNED DEVELOPMENT (PD) DISTRICT; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

DESCRIPTION:

PARCEL I: A PARCEL OF LAND SITUATED, LYING AND BEING IN SECTIONS 9 AND 10, TOWNSHIP 31 SOUTH, RANGE 15 EAST, PINELLAS COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE INTERSECTION OF THE NORTH BOUNDARY OF GOVERNMENT LOT 2, SECTION 9, TOWNSHIP 31 SOUTH, RANGE 15 EAST, AND THE CENTERLINE OF STATE ROAD #233 AS SHOWN ON THE PLAT FILED IN DEED BOOK 662, PAGE 44, RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE NORTH 43°51'28" EAST, 1918.18 FEET ALONG THE CENTERLINE OF STATE ROAD #233; THENCE SOUTH 46°08'32" E., 50 FEET TO THE SOUTHERLY BOUNDARY OF STATE ROAD #233 AND THE POINT OF BEGINNING; THENCE SOUTH 46°08'32" EAST, 50 FEET; THENCE NORTH 43°51'28" EAST, 25 FEET; THENCE SOUTH 46°08'32" EAST, 550 FEET; THENCE NORTH 43°51'28" EAST, 331.0 FEET; THENCE NORTH 46°08'32" WEST, 300 FEET; THENCE SOUTH 43°51'28" WEST, 125.00 FEET; THENCE NORTH 46°08'32" WEST, 250.0 FEET; THENCE SOUTH 43°51'28" WEST, 40.0 FEET; THENCE NORTH 46°08'32" WEST, 50.0 FEET TO THE SOUTHERLY BOUNDARY OF STATE ROAD #233; THENCE SOUTH 43°51'28" WEST, 191.0 FEET ALONG SAID SOUTHERLY BOUNDARY TO THE POINT OF BEGINNING.

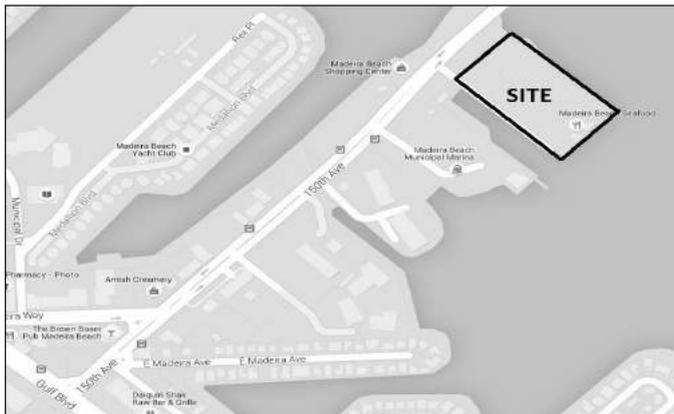
PARCEL II: A PARCEL OF LAND SITUATED, LYING AND BEING IN SECTIONS 9 AND 10, TOWNSHIP 31 SOUTH, RANGE 15 EAST, PINELLAS COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

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4.59 ACRES MORE OR LESS.

FLOOD STATEMENT:

THIS PROPERTY LIES IN FLOOD ZONE AE (EL 10), ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP 12103C0191G, EFFECTIVE DATE SEPTEMBER 3, 2003.



Copies of the proposed Development Agreement and Ordinance are available for inspection in the office of the City Clerk between the hours of 8 a.m. and 4:30 p.m. Monday through Friday.

All persons are hereby advised that any presentation they make to the Planning Commission or the Board of Commissioners will be encouraged to be as concise as possible and the Planning Commission and/or Board of Commissioners may limit the time of each individual to permit maximum participation by the public at large. Any person who decides to appeal any decision of the Planning Commission and/or the Board of Commissioners with respect to any matter considered at these hearings will need to ensure a record of proceedings, and for such purpose, 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-per Florida Statute 286.0105

Aimee Servedio
City Clerk
12/29/15

CITY OF MADEIRA BEACH, FLORIDA LOCAL PLANNING AGENCY AND BOARD OF COMMISSIONERS NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, the Board of Commissioners of the City of Madeira Beach will conduct the first reading of **Ordinance 2015-18**, at Madeira Beach City Hall, 300 Municipal Drive, Madeira Beach, Florida on **Wednesday March 16, 2016 at 6:00 p.m.**

Upon the passage of Ordinance, NOTICE IS HEREBY GIVEN, the Board of Commissioners of the City of Madeira Beach will conduct the second and final reading of the **Development Agreement for Holiday Isle Marina., and Ordinance 2015-18**, at Madeira Beach City Hall, 300 Municipal Drive, Madeira Beach, Florida on **Tuesday, April 12th, 2016 at 6:00 p.m.** Notice of such hearing will be provided as prescribed by Florida Statutory requirements and the Madeira Beach Code of Ordinances.

The title of the Development Agreement and said Ordinance are as follows:

DEVELOPMENT AGREEMENT between the **City of Madeira Beach**, and Holiday Isles Resort located at 555 150th Avenue and 565 150th Avenue, Madeira Beach, Florida 33708.

ORDINANCE 2015-18

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS 555 150TH AVENUE AND 565 150TH AVENUE FROM MARINE COMMERCIAL (C-4) TO PLANNED DEVELOPMENT (PD) DISTRICT; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

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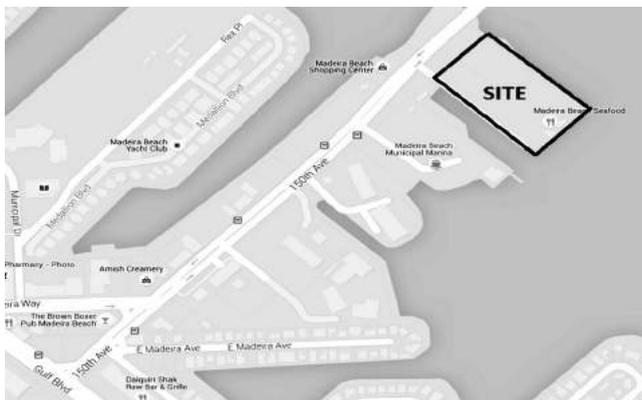
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4.59 ACRES MORE OR LESS.

FLOOD STATEMENT:

THIS PROPERTY LIES IN FLOOD ZONE AE (EL 10), ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP 12103C0191G, EFFECTIVE DATE SEPTEMBER 3, 2003.



Copies of the proposed Development Agreement and Ordinance are available for inspection in the office of the City Clerk between the hours of 8 a.m. and 4:30 p.m. Monday through Friday.

All persons are hereby advised that any presentation they make to the Planning Commission or the Board of Commissioners will be encouraged to be as concise as possible and the Planning Commission and/or Board of Commissioners may limit the time of each individual to permit maximum participation by the public at large. Any person who decides to appeal any decision of the Planning Commission and/or the Board of Commissioners with respect to any matter considered at these hearings will need to ensure a record of proceedings, and for such purpose, 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-per Florida Statute 286.0105

Aimee Servedio, City Clerk
City of Madeira Beach

NOTICE OF ZONING CHANGE AND CONSIDERATION OF DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MADEIRA BEACH, C&T ENTERPRISES, INC. AND MHH ENTERPRISES, INC. CITY OF MADEIRA BEACH, FLORIDA BOARD OF COMMISSIONERS

NOTICE IS HEREBY GIVEN, the Board of Commissioners of the City of Madeira Beach will conduct the second and final reading and proposes to adopt **Ordinance 2015-18** and will consider approval of the **Development Agreement between the City of Madeira Beach, C&T Enterprises, Inc. and MHH Enterprises, Inc.**, at Madeira Beach City Hall, 300 Municipal Drive, Madeira Beach, Florida on **Tuesday, May 10, 2016 at 6:00 p.m.**

Upon the passage of Ordinance 2015-18, NOTICE IS HEREBY GIVEN, the Board of Commissioners of the City of Madeira Beach will conduct an additional public hearing to consider the **Development Agreement between the City of Madeira Beach, C&T Enterprises, Inc. and MHH Enterprises, Inc.**, at Madeira Beach City Hall, 300 Municipal Drive, Madeira Beach, Florida on **Tuesday, June 14, 2016 at 6:00 p.m.** Notice of such hearings will be provided as prescribed by Florida Statutory requirements and the Madeira Beach Code of Ordinances.

The proposed **DEVELOPMENT AGREEMENT** between the **City of Madeira Beach, C&T Enterprises, Inc. and MHH Enterprises, Inc.** for property located at 555 150th Avenue and 565 150th Avenue, Madeira Beach, Florida 33708 provides for a 150 unit hotel no more than 90 feet in height, a 122 unit condo-hotel no more than 77 feet in height, three residential condominium buildings which total 68 units and are no more than 93 feet in height, a 25,000 square foot restaurant and dockmaster building no more than 34 feet in height, and ancillary boat slips and parking .

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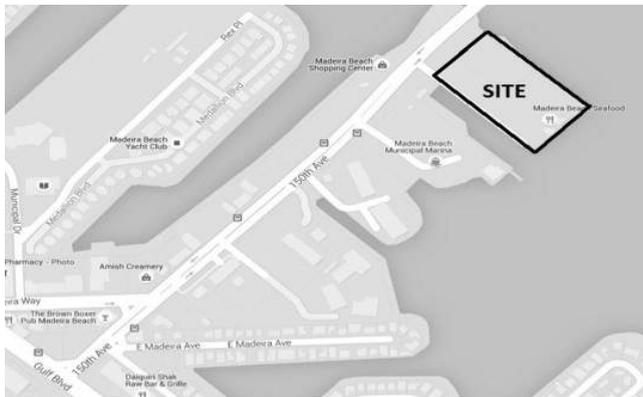
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4.59 ACRES MORE OR LESS.

FLOOD STATEMENT:

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Cheryl McGrady, Executive Assistant to the City Manager
City of Madeira Beach