

VanBlargan, Clara

From: Kenneth Weiss <kweiss1@tampabay.rr.com>
Sent: Wednesday, August 2, 2023 2:50 PM
To: jrostek@madeirabeachfl.gov; Ray Kerr; emcgeehen@madeirabeachfl.gov; abrooks@madeirabeachfl.gov; David Tagliarini
Cc: Robin Gomez; Tom Trask; VanBlargan, Clara
Subject: [e] Fwd: Setbacks for PD zoning
Attachments: Sec_110_389.___Procedure_for_approval_of_PD_zoning..docx; Untitled attachment 00012.htm

Commissioners, Can a PD rezoning reduce setbacks from those required by the City Code? Many residents have raised that question both publicly and privately. A lot of litigation with the city is based on the fact that Mr. Trask and the Community Planning department in reviewing the rezonings of the Schooner and the Madeira Beach Town Center have approved setbacks that do not comply with the City Code. Specifically, in the Schooner Rezoning, the setbacks were greatly reduced from that required by the City Code.

In my opinion, there is no provision to reduce setbacks in the PD zoning ordinance. Recently, Jennifer Rowan, at a commission meeting, advised the Commission that it is permissible to reduce setbacks from those otherwise required by the City Code in a PD rezoning. To date, Mr. Trask has failed, after several requests, including under oath in his deposition, to provide an opinion to that effect. Despite the fact that Mr. Trask has authorized that interpretation of the PD ordinance and that his law firm is being paid to defend that action, it would seem appropriate for Mr. Trask to provide an opinion. This is especially true based on Ms. Rowan's representation to the Commission that such reduction is authorized by the PD Ordinance.

I have asked for such opinion from Mr. Gomez and Mr. Trask on numerous occasions. Perhaps the Commission will make a direct request in order for the issue to be resolved.

Respectfully,

Kenneth L. Weiss

Begin forwarded message:

From: Kenneth Weiss <kweiss1@tampabay.rr.com>
Subject: Setbacks for PD zoning
Date: January 30, 2023 at 4:21:20 PM EST
To: Robin Gomez <rgomez@madeirabeachfl.gov>, Tom Trask <Tom@cityattorneys.legal>

Mr. Gomez, Ever since the Madeira Beach Town Center Plan was approved, the city has represented that there are no setback requirements for any PD zoning project. The experts in the MBTC said they can submit their own setbacks. Both Mr. Trask and Ms. Portal have been asked to provide the support for that premise.

I can only find actual setback information for zoning districts and a requirement in the PD zoning ordinance 110-388(2)(j) **"PD development plan detailing the manner in which the proposal furthers community goals and meets or exceeds existing comprehensive plan, land development code, and special district requirements and standards. A**

copy of the PD zoning ordinance is attached. I see no provision that permits the developer to choose his own setbacks.

Would you please ask Ms. Portal or Mr. Trask, the city's code provision that provides that there are no setback requirements (other than the City's zoning district setbacks) under PD zoning.

I would greatly appreciate a reasonably quick response since this has been an issue for years. When I asked Mr. Trask on one occasion, he said he couldn't tell me because he didn't have the ordinance in front of him.

If you don't get an answer, I suggest that is the problem.

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Sec. 110-389. Procedure for approval of PD zoning.

Submission requirements and process. The city will receive the application and distribute the application among city staff for review and comments. The city will compile the staff reviews and provide the applicant with comments, objections, and recommendations for applicant response and application amendment necessary to determine complete sufficiency to facilitate a full review and produce staff findings and a recommendation of approval, approval with conditions, or denial. Once the city determines the application is sufficient, the application, neighborhood meeting record, and staff recommendation will be scheduled for public hearing review and recommendation before the planning commission as the local planning agency (LPA). The formal legal notice of the LPA public hearing must be posted as least 15 days prior to the public hearing date. The LPA will issue findings to the board of commissioners that will include a recommendation of approval, approval with conditions, or denial.

(Ord. No. 1040, § 1, 4-26-05; Ord. No. 1050, § 12, 8-9-05; Ord. No. 2019-07 , § 1, 10-8-19)