



Memorandum

Meeting Details: Board of Commissioners Meeting July 8, 2026, 6:00 p.m.
Prepared For: Board of Commissioners
From: Community Development Department
Subject: 2nd Reading / Public Hearing for Ordinance 2026-06
Vacation of Right-of-Way Request – Portion of Fisherman’s Alley

Request:

To vacate a portion of Fisherman’s Alley within the block located between 128th and 129th Avenues and between Village Boulevard and East End Lane. This vacation request is based on the Sketch and Legal Description dated December 2, 2025, prepared by GeoData Services and attached as Exhibit A to Ordinance 2026-06.

Applicant/Property Owner:

JPV Hotel Property, LLC/ JPV Hotel Property, LLC

Property Address:

125 129th Avenue East, Madeira Beach, Florida 33708

Parcel ID Numbers abutting the portion of right of way to be vacated:

15-31-15-58320-001-0020 15-31-15-58320-001-0040 15-31-15-58320-001-0050
15-31-15-58320-001-0060 15-31-15-58320-001-0070 15-31-15-58320-001-0140
15-31-15-58320-001-0160 15-31-15-58320-001-0170 15-31-15-58320-001-0190

Legal Description of Lots abutting the area to be vacated:

LOTS 2 THROUGH 7 AND LOTS 14 THROUGH 19, BLOCK 1, MITCHELL'S BEACH JOHNS PASS, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 54, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

Legal Description of the area to be vacated:

A PORTION OF FISHERMAN'S ALLEY, A 15 FOOT RIGHT-OF-WAY NOT NAMED ON THE PLAT, LYING IN BLOCK 1, MITCHELL'S BEACH JOHNS PASS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 54, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, FURTHER DESCRIBED AS FOLLOWS:

BEGIN AT THE MOST WESTERLY CORNER OF LOT 1, SAID BLOCK 1; THENCE SOUTH 45°01'26" WEST ALONG THE SOUTHEASTERLY RIGHT-OF-WAY OF FISHERMAN'S ALLEY, A DISTANCE OF 239.95 FEET TO THE MOST WESTERLY CORNER OF LOT 7, SAID BLOCK 1; THENCE LEAVING SAID SOUTHEASTERLY RIGHT-OF-WAY, NORTH 48°11'15" WEST, A DISTANCE OF 15.02 FEET TO THE MOST SOUTHERLY CORNER OF LOT 14, SAID BLOCK 1; THENCE NORTH 45°01'26" EAST, ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF FISHERMAN'S ALLEY, A DISTANCE OF 240.79 FEET; THENCE LEAVING SAID NORTHWESTERLY RIGHT-OF-WAY, SOUTH 44°58'34" EAST, A DISTANCE OF 15.00 FEET BACK TO THE POINT OF BEGINNING.
CONTAINING 3,604 SQUARE FEET OR 0.083 ACRE, MORE OR LESS.

Existing Zoning District:

C-1, John's Pass Village Activity Center

Future Land Use Category:

Activity Center

Proposed Zoning District (under separate application):

Planned Development (PD)

Background:

The applicant is proposing to vacate this portion of Fisherman's Alley in order to consolidate the land for redevelopment. The alley was platted in 1914 in the Mitchell's Beach John's Pass Subdivision.

Other items associated with this vacation of right-of-way request include a rezoning of the abutting lots from C-1 John's Pass Village Activity Center to Planned Development (PD) and the associated Development Agreement for the proposed hotel property.

The applicant has notified the listed utility companies and either received a letter of no objection, a request for relocation, a request for payment for relocation or is providing an easement to the respective utilities which would be in effect until all noted utilities are relocated or abandoned. In the case of the private easements to be provided, these are of a temporary nature and would then be vacated once the utilities are removed. See the application package attached for further details regarding each utility provider.

- Pinellas County Utilities has requested an easement over their facilities.
- TECO/Peoples Gas has no facilities within the area to be vacated.
- The City of Madeira Beach Public Works and Fire Departments have no objection to vacating this portion of the alley.
- Duke Energy Florida has no objections, yet the developer has proposed an easement over the vacated right-of-way. There are facilities within the portion of the alley proposed for vacation.
- Frontier Florida LLC has requested an easement over their facilities, while they are in the process of relocating.

- Charter Communications has facilities within the alley and has indicated that they would require payment for the relocation of these facilities. Charter then sent a revised request for an easement that protects their facilities.

Relevant Regulations:

Madeira Beach Comprehensive Plan

Objective 4.1.5: Ensure that new development and redevelopment occurs in accordance with the adopted 6.1a Madeira Beach Future Land Use Map.

Policy 4.1.5.3: Ensure the scale of proposed development is appropriate to the level of accessibility with more intensive development located in those areas with higher accessibility.

Policy 4.1.5.5: Promote pedestrian-oriented areas within concentrated development and activity areas.

Policy 4.1.5.7: Minimize existing and potential traffic hazards by coordinating land use and traffic circulation decisions.

Objective 4.1.9: Redevelopment that is designed and constructed as orderly, planned, mixed-use development featuring pedestrian friendly design and protection of the natural environment.

Policy 4.1.9.6: Recognize John's Pass Village for its unique opportunities for commerce, employment, housing, and tourism and encourage redevelopment and revitalization, and assist in maintaining the beach community theme.

Policy 4.1.9.9: Allow zero lot line, cluster, or other nontraditional lot layout or site design for redevelopment and revitalization of John's Pass Village.

Forward Pinellas Countywide Plan

The Countywide Rules

The plan category for the abutting property is Activity Center. An Activity Center is defined as a contiguous area designated with the Activity Center category on the Countywide Plan Map, which is governed by locally-adopted plan or code provisions that identify the area as a unified location, and which serves as an important, identifiable center of business, public, and residential activity that is the focal point of a community, designed to accommodate multiple modes of transportation including enhanced transit.

The Countywide Plan Strategies

Transportation Goal 6.0: Transit-Oriented Building and Site Design Transit-oriented urban design is needed to enhance the community identity of transit-oriented areas, and to make them attractive, safe, environmentally sustainable, and convenient places.

Strategy TR 6.5 Design surface parking in locations other than in front of buildings, with the exception of on-street parking in transit-oriented areas.

Strategy TR 6.7 Design parking structures include active uses on the ground floor street frontage in transit-oriented areas.

Strategy TR 6.9 Encourage unsightly elements associated with development, such as dumpsters, loading docks, service entrances, and outdoor storage, to be screened from pedestrian pathways and transit routes.

Madeira Beach Land Development Regulations

Chapter 110 – Zoning Regulations

Division 5. – C-1, John’s Pass Village Activity Center

Sec. 110-256. - Definition; purpose and intent.

The purpose and intent of the John's Pass Village Activity Center District is to encourage mixed-use, pedestrian-oriented development, promote context-sensitive forms, patterns, and intensities of development to preserve and enhance the unique features of the John's Pass Village area. John's Pass Village development standards are to encourage compatible design and enhance the built environment consistent with the vision, guiding principles, goals, objectives and policies set in the John's Pass Village Special Area Plan. The old Floridian fishing village aesthetic within the tourist centric area (Boardwalk, Traditional Village, and Commercial Core Character Districts) of the district should be maintained and at the forefront of all design. The C-1, John's Pass Village Activity Center Zoning District correlates with the Activity Center (AC) future land use category of the City of Madeira Beach Comprehensive Plan and Activity Center (AC) plan category in the countywide plan.

Sec. 110-257. - Permitted uses and development standards.

Permitted uses and development standards are established and set forth in Appendix D, John's Pass Village Zoning District Standards, of the Madeira Beach Code of Ordinances. All development pursuant to this Division 5 shall be governed by the zoning and development standards contained therein.

Appendix D. - John's Pass Village Activity Center Development Standards

Section D-101. - Definition; Purpose and Intent.

The John's Pass Village Activity Center Development Standards establishes the regulations and means to preserve and rebuild the existing character, uses, and density and intensity of John's Pass Village. The John's Pass Village Activity Center Development Standards are a comprehensive attempt to memorialize the character and function of this tourist, commercial, and cultural center, and to provide for future enhancement and revitalization.

Section D-102. - Relation to the Comprehensive Plan, Zoning District, and Character Districts.

The C-1 John's Pass Village Activity Center Zoning District correlates with the Activity Center future land use category of the City Madeira Beach Comprehensive Plan and Activity Center plan category in the Countywide Plan. The John's Pass Village Activity Center Zoning District has six Character Districts with specific regulations that reflect the uniqueness of each area.

Section D-113. Design Standards and Guidelines.

The following design standards and guidelines are only applicable to the Boardwalk, Commercial Core, and Traditional Village districts. Single family and duplex buildings are exempt from the following standards and guidelines. Standards are required while guidelines are recommended. If using the alternative temporary lodging use standards or rezoning to Planned Development with the future land use of Activity Center, the project shall conform to the entirety of Section D-113 including design standards and guidelines.

Building Facades. New and remodeled facades should conform to the general historical old Floridian fishing village architectural style of John's Pass Village. Decorative elements such as cornices, dormers and belt courses should be used to give scale and interest to the facades, to help

define the building elements (base, middle, and top), and to create three-dimensional richness to the facades.

Facade rhythms. The building facades should incorporate multiple rhythms or cadences (rather than a single repetitive rhythm) that is reflective of the pattern found in the area. This is accomplished with a rich variety of surface treatments such as architectural features, large storefront windows and door frames, projecting bay window displays, canopies above the door, awnings, etc. Individual storefront facades should be narrow and change often to add richness to the sidewalk, street, and neighborhood. The preferred width of the storefront is approximately 40 feet and should have a maximum width of 100 feet.

Corner treatment. In cases where buildings are on a corner special treatment is encouraged for the buildings at these locations. This includes such things as rounded or cut corners, articulated corner entrances, accented display windows, special corner roof features, etc.

1) Design Standards:

a. Any new mechanical units, including heating, ventilation and air conditioning equipment (HVAC) and exhaust and supply fans, shall be located in a visually inconspicuous area of a building, such as shielded on the roof, and not visible or shielded from public right-of-way.

b. Structured parking facades must blend into the built environment with a visual appearance from the public right-of-way as an occupied building.

c. Electric, gas service, public utility meters, satellite antennas, and associated services that are visible from the public right-of-way shall be located in the most inconspicuous location on a building, if the services must be located in a prominent visual location, screening with an enclosure may be required or painted to match the predominant facade color.

d. Window and door shutters must be appropriate for the size of window or door.

e. Awnings shall be below 14 feet in height, not less than 8 feet above the sidewalk. Internally lit or plastic awnings are not permitted. All awnings must comply with city codes.

f. All solid waste and recycling containers are required to be screened from the right-of-way and adjacent properties.

g. No single structure may be wider than 120 feet, paralleling to the right-of-way without providing a visual appearance of multiple buildings in increments of 40 to 100 feet.

2) Design Guidelines:

a. Materials guidelines:

i. Wood siding may have an unfinished or painted appearance.

ii. Synthetic siding should have a clapboard appearance.

iii. Brick and stone should remain unpainted.

iv. Stucco should cover over any exterior CMU construction.

v. Roofs that are not flat should be standing seam metal.

b. Outdoor cafés are encouraged to create a more pedestrian friendly environment.

c. Exterior lighting should enhance the old Floridian fishing village aesthetic such as caged and hooded metal light fixtures.

d. Storefront designs should incorporate large storefront windows typical of a main street and blank walls and small windows are discouraged.

e. Paint colors should enhance the old Floridian fishing village aesthetic, such as coastal colors and earthy tones.

- f. Gabled roofs with dormers are encouraged.

Chapter 112 - Vacations of Rights-of-Way and Easements

Article II. - Procedures for the Vacation of Rights-of-Way or Easements

Division 1. – Generally

Sec. 112-31. - Application process for vacation.

Requests for vacation of rights-of-way or easements shall be submitted to the city on an application form provided by the city, along with the required filing fee. The applicant shall provide notice, by certified mail/return receipt requested, to all owners of property abutting the right-of-way or easement to be vacated, notifying said abutting property owners that the applicant will be applying for the vacation of a right-of-way or easement and enclosing a copy of the application. The applicant shall provide documentation to the city that the applicant has complied with the notice requirements herein. If the applicant is the sole owner of all abutting property, such proof shall not be required. In the event the certified notice has been refused or not retrieved by an abutting property owner, the applicant shall provide documentation thereof and shall send the notice to the said property owner by U.S. Mail.

Sec. 112-32. - Utility releases.

The applicant shall include with the application for vacation utility releases from all affected telephone, electrical, gas, cable, water, sewer, reclaimed water, storm water utilities, etc.

Sec. 112-33. - Governmental notification of requested vacation.

The city will notify affected governmental agencies of the application for vacation and request recommendations. The various governmental agencies shall review the request for vacation and provide recommendations to the city. The various governmental agencies shall consider whether the right-of-way or easement is needed for existing or future public use. In the review of the application for a right-of-way, the city shall assess whether or not all or part of the right-of-way should be retained or converted to an easement. In reviewing the request for the vacation of an easement, the city shall assess whether or not all or part of the easement should be retained.

Sec. 112-34. - Third party experts.

The board of commissioners, city manager or his designee may determine that a third-party expert in the field of land planning, traffic engineering, engineering, real estate appraisal or other area of professional expertise is necessary to thoroughly review the application for vacation.

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 vacation of right-of-way or easement 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 recording of the vacation of right-of-way or easement in the public records until paid.

Division 3. - Rights-of-Way

Sec. 112-91. - Staff review.

The city staff shall prepare a staff report either recommending approval, approval with modification or denial of the vacation request.

Sec. 112-92. - Notification for board of commissioners review.

At least seven days prior to public hearing before the board of commissioners, the city staff shall provide notice by U.S. Mail to property owners within 150 feet of the application for vacation and the date, time and place of the hearing thereon. For purposes of this section notification shall be deemed complete upon mailing. The city shall also place an advertisement in a newspaper of general circulation in the city, which provides notice of the time and date of the public hearing and which identifies the case. Failure to notify all of the abutting property owners, as shown on the records of the Pinellas County Property Appraiser's Office shall not constitute grounds for re-advertising the public hearing or conducting additional public hearings, and shall not affect any action or proceeding on the application for vacation.

Sec. 112-93. - Action by the board of commissioners.

An ordinance shall be presented to the board of commissioners for their action to determine whether or not the request for vacation of right-of-way will be granted.

Sec. 112-94. - Payment for required public improvements.

When the rights-of way or easements are vacated, the applicant shall be required (unless the applicant is a duly organized governmental agency) as a condition to the vacation, to pay to each appropriate public agency and utility agency the cost of relocating its public facilities occasioned by the vacation.

Sec. 112-95. - Privilege fee.

(a) A privilege fee is hereby established, payable by any petitioner requesting the abandonment of the interest of any right-of-way under the jurisdiction and control of the board of commissioners. The privilege fee is to be used for the purpose of reimbursing the city's costs and expense incurred when acquiring real property for public use or making improvements to public rights-of-way.

(b) The privilege fee shall be determined and fixed by computing 100 percent of the total land value of the petitioned site.

(c) The total land value of the petition site, per square foot, shall be equal to the averaged square foot land value of the abutting property, as established by a current independent appraisal of the property, reflecting the then market value. This appraisal shall be conducted by an appraiser selected by the city and paid for by the applicant. This calculation shall be based upon the cumulative land value of the abutting properties (cumulative value), determining the average value of the properties on a square footage basis (square footage value), and multiplying the square footage value by the number of square feet of the petitioned site to ascertain the total land value of the petitioned site.

(d) Such privilege fee shall not apply to petitions submitted by the following:

- (1) The fee simple owner of the party subject to an easement;
- (2) The original gratuitous conveyor of all the public rights-of-way to be abandoned; or
- (3) When the petitioner is a duly organized governmental body.

(e) The privilege fee may not apply when the petitioner will convey necessary real property for rights-of-way designated on the city or county thoroughfare plan, which is equal to or more than the total square footage to be abandoned, as determined by the city manager or his designee.

Discussion:

The Community Development Department has reviewed the request to vacate a portion of Fisherman’s Alley. After reviewing the request, city staff find the request compatible with city and county adopted policies and regulations in consideration of the following:

Madeira Beach Comprehensive Plan

The purpose and intent of the John's Pass Village Activity Center District is to encourage mixed-use, pedestrian-oriented development, promote context-sensitive forms, patterns, and intensities of development to preserve and enhance the unique features of the John's Pass Village area. John's Pass Village development standards are to encourage compatible design and enhance the built environment consistent with the vision, guiding principles, goals, objectives and policies set in the John's Pass Village Special Area Plan.

There is no future land use designation for the right-of-way Fisherman’s Alley in this block. The abutting property has the Future Land Use Category of Activity Center. If the vacation is approved, the former right-of-way would be designated Activity Center.

Relevant Comprehensive Plan policies that would support the vacation of right-of-way include Objective 4.1.5 and Policies 4.1.5.3, 4.1.5.5 and 4.1.5.7 as well as objective 4.1.9 and associated Policies 4.1.9.6 and 4.1.9.9 as listed above.

Forward Pinellas Countywide Plan

Under the Countywide Rules the plan category for the abutting property is Activity Center. An Activity Center is defined in the Countywide Plan as a contiguous area designated with the Activity Center category on the Countywide Plan Map, which is governed by locally-adopted plan or code provisions that identify the area as a unified location, and which serves as an important, identifiable center of business, public, and residential activity that is the focal point of a community, designed to accommodate multiple modes of transportation including enhanced transit. If approved the former right-of-way would be designated as the Activity Center plan category and is supported by the Countywide Plan Strategies Transportation Goal Strategies of 6.0, 6.7 and 6.9.

Madeira Beach Land Development Regulations - Zoning

The city’s zoning regulations as shown for the C-1 zoning district and the related Appendix D standards requires hiding parking garages behind the facades of buildings as shown in Section D-113 which includes design standards and guidelines for the tourist commercial areas in John's Pass Village Activity Center. The existing lots without the vacated alley are 100 feet in depth, creating a very constrained building envelope and limiting the ability for an efficient parking garage. Vacation of the alley would be consistent with the requirement that “structured parking facades must blend into the built environment with a visual appearance from the public right-of-way as an occupied building”. Vacating the alley allows parking garage access to be internal to the site and to be hidden from all abutting streets by retail and restaurant spaces on the lower floors and hotel rooms on the upper floors of the proposed mixed use hotel development.

Maderia Beach Land Development Regulations - Vacation of Right-of-Way

The requirements for vacation of right-of-way in the Land Development Regulations deal with the process to vacate right-of-way, the requirements for protecting utilities within the right-of-way to be vacated, and the payment of a privilege fee. There are no specific conditions in the city code to evaluate when vacation of right-of-way is appropriate. The conditions of approval suggested in this memo and incorporated into the vacation ordinance would protect the utilities and ensure that the required fees are paid to the city.

The vacation of right-of-way would be compatible with the Madeira Beach Comprehensive Plan, Forward Pinellas Countywide Plan, and Madeira Beach Zoning and Vacation of Right-of-Way criteria.

Fiscal Impact or Other:

The applicant is required to pay a privilege fee for the land value of the vacated portion of the alley per Sec. 112-95 of the city's Land Development Regulations. The privilege fee is to be used for the purpose of reimbursing the city's costs and expense incurred when acquiring real property for public use or making improvements to public rights-of-way.

The city will no longer have the responsibility of maintaining the alley right-of-way once vacated and will have funds to be used for acquiring real property for public use.

At the first reading of the Ordinance by the Board of Commissioners held on June 10, 2026 the commission determined that the Privilege Fee outlined in *Sec. 112-95* would be satisfied by the dedication of the public easement over the privately owned extension of Pelican Lane.

Staff Recommendation(s):

Based on the criteria listed above, staff recommends approval of the vacation of right-of-way with the following conditions:

1. Prior to recording of the vacation ordinance, copies of the executed easements provided to utility providers Pinellas County, Duke Energy Florida and Frontier Florida LLC shall be provided to the City, so that they may be recorded immediately following the recordation of the right-of-way vacation.
2. Prior to recording of the vacation ordinance, the City shall be provided with a letter of no objection from Charter Communications indicating that all required relocation costs have been paid or, in lieu of such payment, that an agreement acceptable to Charter has been executed to Charter's satisfaction are submitted to the City.
3. Prior to recording of the vacation ordinance, reimburse the city for any costs as established in *Sec. 112-34* of the City's Land Development Regulations.

Suggested Motion:

I, Commissioner _____ make a motion to **Approve with Conditions/ Deny** approval of Ordinance 2026-06, vacating a portion of Fisherman's Alley.

Attachments

Ordinance 2026-06 with Sketch and Legal

Application
Application Vacation Exhibit A
Application Letters of no Objection
Charter Communications Revised Request 6.4.26