



## SPECIAL MAGISTRATE – SPECIAL EXCEPTION USE REQUEST

SE 2023-01

### Staff Report and Recommendation Special Magistrate Meeting – May 22, 2023

<b>Application:</b>	SE 2023-01
<b>Applicant:</b>	UPP Global, LLC
<b>Property Owner(s):</b>	JPV Hotel Property, LLC
<b>Property Address(s):</b>	129th Ave E, Boardwalk Pl E, 146 Boardwalk Pl E, 204 Boardwalk Pl E, 206 Boardwalk Pl E, 210 Boardwalk Pl E, 214 Boardwalk Pl E
<b>Parcel ID(s):</b>	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, 15-31-15-58320-001-0080, 15-31-15-58320-001-0090, 15-31-15-58320-001-0140, 15-31-15-58320-001-0160, 15-31-15-58320-001-0170, 15-31-15-58320-001-0190, 15-31-15-58320-001-0200
<b>Legal Description:</b>	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
<b>Zoning/Future Land Use:</b>	C-1, Tourist Commercial Zoning District/Commercial General

**Request:** The approval of SE 2023-01 to allow a stand-alone parking lot as a principal use pursuant to Sec. 110-259(6) upon compliance with other requirements of the Madeira Beach Code of Ordinances related to off-street parking areas.

**Specific Code Provision:** DIVISION 5. - C-1, TOURIST COMMERCIAL Sec. 110-259.  
- Special exception uses. (6) Stand-alone parking lots and parking garages as a principal use.

#### I. Background

The applicant, UPP Global, LLC is applying for a Special Exception Use to operate a stand-alone parking lot. The property is in the C-1, Tourist Commercial Zoning District

and has the Future Land Use of Commercial General. A parking lot as a primary use of the property is an allowed Special Exception Use in the C-1 Zoning District.

## **II. Special Exception Use**

### **(1) That the use is a permitted special use.**

**Findings:** In the Madeira Beach Code of Ordinances, Division 5. - C-1, Tourist Commercial Sec. 110-259. - Special exception uses. (6) allows for a stand-alone parking lot to be a permitted use with the approval of a Special Exception Use by the Special Magistrate.

### **(2) That the use is so designed, located and proposed to be operated that the public health, safety, welfare, and convenience will be protected.**

**Findings:** The C-1, Tourist Commercial Zoning District has commercial establishments focused on tourism and some temporary lodging dwelling units. A parking lot would not negatively impact public health, safety, welfare, and convenience. The applicant would be required to bring the parking lot into compliance with the drainage requirements in Chapter 98 – Natural Resources.

### **(3) That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.**

**Findings:** Most of the nearby properties are commercial uses and they are oriented towards tourism. A stand-alone parking lot as a primary use of the property would not hurt the value of other nearby properties. Many of the nearby properties have limited space for off-street parking. A stand-alone parking lot would help create additional off-street parking opportunities for customers using nearby businesses.

**(4) That the use will be compatible with adjoining development and the proposed character of the district where it is to be located.**

**Findings:** The nearby properties are commercial uses and oriented towards tourism. A stand-alone parking lot would be compatible with the adjoining development and fit the character of the C-1 Zoning District.

**(5) That adequate landscaping and screening is provided as required in the land development regulations, or otherwise required.**

**Findings:** The property owner will be required to bring the parking lot into compliance with the off-street parking requirements located in Chapter 110 – Zoning Article VII. - Off-Street Parking and Loading, and the landscaping requirements in Chapter 106 – Vegetation Article II. – Landscaping.

**(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.**

**Findings:** The primary use of the property would be for off-street parking. The parking lot must meet the driveway requirements in Chapter 58 – Streets, Sidewalks, and Other Public Places, Article II. -Sidewalks and Driveways.

**(7) That the use conforms with all applicable regulations governing the district where located, except as may otherwise be allowable for planned unit developments.**

**Findings:** The proposed Special Exception Use would conform with all applicable regulations governing the C-1 Zoning District. The applicants will be required to bring the parking lot into compliance with all of the applicable requirements for off-street parking areas and landscaping.

**(8) If a variance is also desired, and/or required, a separate application shall be submitted concurrently with the special exception application.**

**Findings:** An additional variance would not be needed for the proposed Special Exception Use. Stand-alone parking as a primary use of a property in the C-1 Zoning District is allowed with an approved Special Exception Use without needing an additional variance.

**(9) Special exception use will not grant the land more privilege than the best use available in a zone where that special exception use would be a principal permitted use.**

**Findings:** Any property within the C-1 Tourist Commercial Zoning District can apply for a Special Exception Use to allow for a stand-alone parking lot as a principal permitted use of the property. Granting a Special Exception Use would not grant the land more privilege than the best use available in a zone where the proposed 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, or penalties owed to the city by the applicant or the owner or possessor of the property under any section of the Code.**

**Findings:** There is currently an open code violation case for use and failure to comply with the off-street parking requirements. No fines have been levied because the applicant is in the process of resolving the code violation. The applicant must receive approval of the Special Exception Use to resolve the outstanding code violation and then the applicant would be able to apply for a building permit to bring the parking lot into compliance.

### **III. Staff Recommendation:**

Staff recommends the approval of SE 2023-01 subject to the following conditions:

- The stand-alone parking lot must be brought into compliance with the off-street parking requirements located in Chapter 110 – Zoning Article VII. - Off-Street Parking and Loading
- The parking lot must meet the landscaping requirements located in Chapter 106 – Vegetation Article II. – Landscaping. The Special Exception Use
- The stand-alone parking lot must adhere to the drainage requirements in Chapter 98 – Natural Resources.
- The stand-alone parking lot must meet the driveway requirements in Chapter 58 – Streets, Sidewalks, and Other Public Places, Article II. -Sidewalks and Driveways.
- An approved building permit will be required to bring the parking lot into compliance.

Submitted by:

Andrew Morris

Long Range Planner

Attachments:

1) Application and Attachments

2) Public Notice Mailing and Posting Packet