

# **THE CITY OF MADEIRA BEACH, FLORIDA**

## **AGENDA**

### **PLANNING COMMISSION/LOCAL PLANNING AGENCY**

The Planning Commission, serving as the Local Planning Agency of the City of Madeira Beach, Florida will meet in City Hall located at 300 Municipal Drive, Madeira Beach, Florida to conduct Public Hearings on the following City business listed and at the time indicated below.

**7:00 P.M.**

**MONDAY, MARCH 11, 2013**

**AUDITORIUM**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF THE MINUTES – None**
- IV. NEW BUSINESS:**

#### **A. FIRST PUBLIC HEARING RELATING TO A DEVELOPMENT AGREEMENT**

**DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MADEIRA BEACH AND GULFWATERS LAND DEVELOPMENT, LLC.: THE CITY OF MADEIRA BEACH INTENDS TO ENTER INTO A DEVELOPMENT AGREEMENT WITH GULFWATERS LAND DEVELOPMENT, LLC, TO BUILD A RESTAURANT ON PROPERTY GENERALLY LOCATED AT 14080 GULF BOULEVARD, MADEIRA BEACH, FL 33708, [PARCEL I.D. #10-31-15-34344-001-0010], AND LEGALLY DESCRIBED IN EXHIBIT A. THE PROPOSED BUILDING HEIGHT IS 32.83 FEET ABOVE THE BASE FLOOD ELEVATION (BFE). THE PROPOSED BUILDING IS ONE OCCUPANCY LEVEL OVER PARKING. THE DEVELOPMENT INTENSITIES OF THE SITE ARE AS FOLLOWS: A MAXIMUM GROSS BUILDING AREA OF 47.7%, A FLOOR AREA RATIO OF 49.2%, AN IMPREVIOUS SURFACE RATIO OF 64.9%, AN OPEN SPACE AREA OF 52.3%, A VEHICULAR USE AREA OF 51.5%, AND A LANDSCAPE AREA OF 22.3%. A TOTAL OF 54 PARKING SPACES ARE REQUIRED AND WILL BE PROVIDED ON-SITE AND THROUGH APPROVED OFF-SITE PARKING ARRANGEMENTS.**

**Notification Letters: 94**

- V. MISCELLANEOUS**
- VI. ADJOURNMENT**

Any person who decides to appeal any decision of the Planning Commission serving as the Local Planning Agency with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes 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. The law does not require the City Clerk to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring reasonable accommodation in order to participate in this meeting should call 727-391-9951 or fax a written request to 727-399-1131. Notice Posted: February 22, 2013

**THIS MEETING IS TELEVISED LIVE ON CHANNEL 615**

## **EXHIBIT "A"**

LOT A, BLOCK A, SECOND ADDN. TO GULF SHORES, AS RECORDED IN PLAT BOOK 21, PAGE(S) 23-24, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, LESS THE SOUTHEASTERLY 63.66' TOGETHER WITH LAND, IF ANY THERE BE, LYING BETWEEN THE SIDELINE OF LOT A, (LESS THE SOUTHEAST 63 2/3 FEET THEREOF WHICH IS ADJACENT TO AND PARALLEL WITH THE NORTHWESTERLY LINE OF LOT 25, BLOCK "A") BLOCK "A", SECOND ADDN TO GULF SHORES, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 21, PAGES 23 AND 24, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, AS EXTENDED TO THE MEAN HIGH WATER LINE OF THE GULF OF MEXICO AS IT MAY EXIST FROM TIME TO TIME. AS RECORDED IN THE QUITCLAIM DEED, OFFICIAL RECORDS BOOK 14144, PAGE(S) 2327, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

## **Rosetti, Lynn**

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**Modified:**

Wed 2/20/2013 12:32 PM

Spoke with Jack Bodziak and Dennis at his office several times this morning. Went over the legal ad and the site data table with them between 10 and 10:30 a.m. to ensure correctness re the site plan. Told them I had until noon to get this info to the Tmes for the ad. Promised me review and updates within the hour. Did not hear from them and started calling at 11:40 a.m. No one answered either the office or Jack's cell phones. Ad went to the Times as required without revisions and/or clarifications. As of now, I have still not heard from Jack's office.

Called the Times and have assurances from them that I have until press proof review to make any changes.

# DEUEL & ASSOCIATES

CONSULTING ENGINEERS \* LAND SURVEYORS \* LAND PLANNERS

## CORPORATE OFFICE

565 South Hercules Avenue  
Clearwater, FL 33764  
Office (727) 822-4151  
Fax (727) 821-7255

## BRANCH OFFICE

Zephyrhills, FL 33541  
Office (813) 782-6717

PLEASE REPLY TO CLEARWATER OFFICE

February 5, 2013

Lynn Rosetti, AICP  
Community Development Director  
City of Madeira Beach  
300 Municipal Drive  
Madeira Beach, Florida, 33708

RE: Madeira Beach Grille  
Gulf Blvd. at 141 Street  
Madeira Beach, FL.

Ms. Rosetti:

In response to the City's request for a review of plans for the proposed construction of a 5,604 SF Restaurant/Bar on Gulf Blvd. at 141 Street (PIN 10-31-15-34344-001-0010) and prepared by John A. Bodziak, we offer the following comments:

1. Please indicate on the plans that site improvements to the two parcels are to be done under separate permits.  

➤ **02/05/2013 This has not been met.**
2. Is the address for the Restaurant/Bar parcel 14100 Gulf Boulevard as shown in the Parking Calculations on sheet A-0.0? If yes then this address should be on the Cover Page.  

➤ **02/05/2013 Completed**
3. The required certified boundary survey must have been completed within one (1) year prior to filing and signed and sealed by a Florida Registered Professional Surveyor. Submitted survey prepared by R. L. Penny and Associates, Inc. is signed by John Bodziak, Architect.  

➤ **02/05/2013 Not Included in Re-Submittal**
4. Where are the, 12 minimum, off-site parking spaces?  

➤ **02/05/2013 Not Included in Re-Submittal**
5. Silt fences and other soil erosion control measures are required to be shown on the plans.

- **02/05/2013 These are required to be shown on the plans, not just a blank statement that they are required during construction. Not Included in Re-Submittal.**
- 6. Submit drainage calculations prepared, signed and sealed by a Florida Registered Engineer.
  - **02/05/2013 Not Included in Re-Submittal**
- 7. Approved SWFWMD permit is required.
  - **02/05/2013 Not Included in Re-Submittal**
- 8. Stormwater discharge to Gulf Boulevard will require an FDOT Drainage permit.
  - **02/05/2013 Not Included in Re-Submittal**
- 9. Stormwater outfall must not extend beyond the Coastal Construction Control Line.
  - **02/05/2013 Has been met**
- 10. Submit a Civil Site Plan with dimensions prepared, signed and sealed by a Florida Registered Engineer.
  - **02/05/2013 Civil Site Plan was not signed and sealed by a Florida Registered Engineer as required.**
- 11. Submit a site Lighting Plan to show the direction of illumination and light details.
  - **02/05/2013 Has Been Met**
- 12. Landscape calculations are required.
  - **02/05/2013 Not met; see Chapter 106 of the City's Code of Ordinances. Plan sheet L-0.0: what are the 'E', 'N' and 'R' next to the plant symbols?**
- 13. Show Visibility Triangles at egress/ingress to Gulf Blvd.
  - **02/05/2013 Visibility Triangles are now shown but nothing is visible below them (cad draworder).**
- 14. Sheet A-0.0: Please indicate on the plans what the "Proposed 5'-0" Easement To City" is for.
  - **02/05/2013 This has not been addressed.**
- 15. ALL utilities serving the proposed facility must be underground, please add a note to the plans and show connectivity.

- **02/05/2013 This has not been address or is unclear on the plans.**
- 16. A letter from the potable water provider stating that adequate capacity is available for the fire sprinkler demand requirements is required.
  - **02/05/2013 No letter was provided.**
- 17. A letter from the sanitary sewer service provider stating there is adequate capacity is required.
  - **02/05/2013 No letter was provided.**
- 18. Stacked parking spaces are not permitted.
  - **02/05/2013 This has not been addressed.**
- 19. Madeira incorrectly spelled on Cover Sheet.
  - **02/05/2013 Spelling has not been corrected.**
- 20. Additional comments 02/05/2013 :
  - **Parking Calculations: The space for the dumpster enclosure and the space in front of the enclosure cannot be used towards the parking count. Therefore, only 20 on-site spaces are provided rather than 22 as shown on plans.**
  - **Bicycle spaces need to be dimensioned.**
  - **Data table: Pervious concrete surface = 1,340.06 sf. In 'Site Area Calculations' Pervious concrete areas = 1,523.61 sf. Please clarify.**
  - **Site Area Calculations: Impervious Concrete Areas: What are 1,865.44 and 6,468 values?**
  - **ADA cross walks required along Gulf Blvd.**
  - **Offsite site grades required to demonstrate no impact to adjacent properties and positive drainage to beach.**
  - **Addition dimensions required on site plan.**
  - **Building Ties do not inconsistent**
  - **Stormwater outfall control structure details, percolation test, pond cross sections and stage storage calculations required.**
  - **Bathroom Pavilion encroaches adjacent property.**

- **Show the irrigation connection to the existing reclaim service.**
- **Irrigation Plan shows 3 zones but the site appears to have 4 zones.**

If you have any questions, or need additional information, please call me at (727) 822-4151.

Sincerely,  
DEUEL & ASSOCIATES

A handwritten signature in black ink, appearing to read "Albert Carrier". The signature is fluid and cursive, with the first name "Albert" being more prominent than the last name "Carrier".

Albert Carrier, P.E., PSM  
Principal

## **MADEIRA BEACH BOARD OF COMMISSIONERS**

**August 15, 2012 – AGENDA REPORT**

**PREPARED BY:** Lynn Rosetti, AICP, Community Development Director

**SUBJECT:** **Update and review of the preliminary site plan regarding the proposed Madeira Beach Restaurant / Bar and Grille at 14100 Gulf Boulevard.**

**BACKGROUND:** A number of months ago, the Board of Commissioners and Jack Bodziak representing the ownership of 14100 Gulf Boulevard began discussions this property as a restaurant / bar and grill. The preliminary site plan included with this report is the result of these on-going discussions. This preliminary site plan has been reviewed for zoning and civil engineering compliance, and the applicant has modified the preliminary site plan based on these comments. It has been attached for discussion purposes.

**DISCUSSION:** During the preliminary site plan review process, comments were provided to the applicant and corrections were made. One of the issues involves inadequate on-site parking. The applicant is preparing an off-site parking proposal for 10 parking spaces on commercial property owned by the applicant across the street from 14100 Gulf Boulevard. At this time, variance to the parking requirements will be necessary because of the site constraints at 14100 Gulf Boulevard.

In addition, over the past few months, the applicant has been discussing offering the City a five-foot easement on the south side in order to provide for upgraded parking facilities at the adjoining Kitty Stuart Park. These discussions have included the applicant's willingness to provide Kitty Stuart Park upgrades to parking, landscaping, and public restroom facilities.

It has been determined by the City Attorney that the finalization of this site plan should include the preparation of a development agreement between the applicant and the City specific to this project. In this manner, all of the issues relating to specific conditions of approval, off-site parking, adequate parking for the proposed restaurant / bar and grille, the five-foot easement, and Kitty Stuart Park upgrades can be adequately and properly addressed through the development agreement process.

### **STAFF**

**RECOMMENDATION:** Staff recommends that the Board of Commissioners provide direction to staff regarding the preparation of a development agreement relating to the development of a restaurant / bar and grille at 14100 Gulf Boulevard. Such a development would be



prepared in accordance with F.S. 163.3227 and Madeira Beach Ordinance 1181 pertaining to development agreements.

**ATTACHMENTS:**

Preliminary site plan for a restaurant / bar and grille at 14100 Gulf Boulevard.

**AGENDA ITEM:** 4I

**SITE PLAN REVIEW COMMENTS  
MADEIRA BEACH GRILLE  
14100 GULF BOULEVARD**

**Cover Page (Page CO)**

Cabanas are shown on the cover illustration. Please address if these are an anticipated part of the restaurant/bar being proposed as it may equate to additional parking requirements based on either the square footage or seats provided.

Replace survey shown with new survey to avoid confusion.

In the title, please add "**Avenue**" after 141<sup>st</sup> (it looks like you are saying 141 St.)

**Architectural Site Plan (Page A-0.0)**

Correct **ownership box** – some of the **letters are unreadable**.

**Data Table:**

- Lot Area "Allowed" for restaurant/bar usage is **5,000 S.F. minimum** rather than 4,000 S.F. minimum.
- Please add percentages under proposed:
 

Building Footprint	<b>39.7%</b>
Gross Building Area	<b>37.1%</b>
Usable Building Area	<b>34.5%</b>

**Site Data Table:**

- Setbacks please add:
 

East Side ( <b>front</b> )
West Side ( <b>rear</b> )
South Side ( <b>side</b> )
North Side ( <b>side</b> )
- Please add a notation regarding the total width required is 33% of the lot width which in this case equates to the following (Section 110-231)(b)(2):
 

Total Lot Width:	117.17 feet
Total Side Setback:	38.66 feet required
	38.56 feet provided (currently)

**Pervious Concrete:** Not sure of the allowance you may have here – will defer to civil engineer's review. If this can count for anything, please note the percent of permeability ascribed to it. In my experience, this has not been afforded much permeability because over time the permeability decreases.

**Parking**

- Restaurant Use – the required parking is based on seats rather than square footage. The formula is one(1) parking space per four (4) seats.

- Kitty Stuart Park – I am not sure how this will be accomplished. It seems like the applicant will need a shared parking agreement with the City pursuant to Section 110-956, *Shared Parking Facilities*.
- What and where are the existing residential spaces?
- Motorcycle Parking Spaces – these are not provided for in the parking regulations. As such, you cannot use them as credit related to the number of spaces being provided, unless it is agreed upon through other means, such as a development agreement.
- Off-site parking will need to be specified and provided for as outlined in Section 110-955, *Method of providing required parking*, of the City Code.
- Pool and Deck area fall under Recreation Areas Associated With Private Facilities in parking calculation table. The parking ratio is one (1) parking space per 200 square feet of pool and deck area. Although not addressed specifically, the cabana area may also need to be looked at as an extension of the pool deck area.

#### **Civil and Utility Plan (Page C-0.0) and Proposed Drainage Plan (Page D-1)**

To be provided by Al Carrier, Deuel and Associates. I am expecting those comments this afternoon as discussed.

#### **Landscape Plan (Page L-0.0)**

What ground cover material is being provided? I do not recommend St. Augustine grass as it is not salt tolerant. Both Bermuda and Bahia grasses are both native and salt tolerant. They are also much more drought tolerant than St. Augustine.

I need to finish working out the native/drought tolerant percentages as required by code. Will send further landscape comments relating to species shortly.

# DEUEL & ASSOCIATES

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Sincerely,  
DEUEL & ASSOCIATES

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Albert Carrier, P.E., PSM  
Principal

**SPR 2013-01: GULF GRILL ON MADEIRA**

**Site Plan Review:** Gulf Grill on Madeira Beach  
14080 Gulf Boulevard  
Madeira Beach, FL 33708

**Property Owner:** Anchorage Bay, LLC  
13336 Central Avenue  
Tampa, FL 33612

**Developer:** Gulfwaters Land Development, LLC ~~(A Florida LLC)~~  
  
Tampa, FL 33612

**Request:** Site Plan Review for a 6,923.6 sq. ft. beach front restaurant

**Location:** 14080 Gulf Boulevard

**Zoning:** R-3, Medium Density Multifamily Residential

**Adjacent Property Uses:** North: Arena de Madeira (a residential condominium)  
South: Kitty Stuart Park (City Park)  
East: Gulf Boulevard / Varied Commercial Uses  
West: Public Beach / Gulf of Mexico

**Site Area:** Approximately 14,059 sq. ft. / 0.32 acres MOL

**Flood Zone:** VE, Elevations 13 and 14, and AE, Elevation 13. Community Panel No. 125127-0191-G. Revised Map Dated September 3, 2003.

**Site Legal:** Lot A, Block A, Second Addition to Gulf Shores, as recorded in Plat Book 21, page(s) 23-24, Public Records or Pinellas County, Florida, less the southeasterly 63.66 feet together with land, if any there be, lying between the sideline of Lot A (less the southeast 63 2/3 feet thereof which is adjacent to and parallel with the northwesterly line of Lot 25, Block "A"), Block "A", second addition to Gulf Shores, according to the plat thereof recorded in Plat Book 21, pages 23 and 24, Public Records of Pinellas County, Florida, as extended to the mean high water line of the Gulf of Mexico as it may exist from time to time. As recorded in the Quitclaim Deed, Official Records Book 14144, Page(s) 2327, Public Records of Pinellas Country, FL. Parcel I.D. #10-31-15-34344-001-0010

**Description:** Applicant is seeking to develop subject property as a 6,583 square foot restaurant. The Planning Commission is scheduled to hold its review and the first public hearing on this proposed development agreement on March 11, 2013 at 7:00 p.m. The Board of Commissioners is scheduled to hold its review and the second public hearing on this development agreement on April 9, 2012 at 6:00 p.m.

Professional civil plan review services have been provided by the following consultant on behalf of the City of Madeira Beach:

Albert Carrier, PE, PSM  
Principal Engineer  
Deuel & Associates  
Clearwater, Florida

**Site Information:**

The following site data table comes from the reviewed site plan and provides an encapsulated overview of the proposed project.

**Site Data Table**

	Existing Conditions Allowed /Required Minimum Regulations	R-3 Regulations Allowed/Required	R-3 Regulations Proposed
<b>Zoning</b>	R-3 Medium Density Multifamily Residential	R-3 Medium Density Multifamily Residential	R-3 Medium Density Multifamily Residential
<b>Future Land Use</b>	RFM Resort Facilities Medium	RFM Resort Facilities Medium	RFM Resort Facilities Medium
<b>Usage</b>	Vacant Property	Restaurant (Permitted Use)	Restaurant (6,923.6 square feet area)
<b>Lot Area</b>	14,059 sq. ft. 0.32 acres	14,059 sq. ft. 0.32 acres	14,059 sq. ft. 0.32 acres
<b>Lot Width</b>	117.17 ft. (Existing)	40.0 ft. (Minimum Required)	117.17 ft. (Provided)
<b>Lot Depth</b>	120.0 ft. (Existing)	80.0 ft. (Minimum Required)	120.0 ft. (Provided)
<b>Building Coverage (sq. ft. &amp; % of gross site)</b>	Vacant	7,732.45 sq. ft. 55.0 % (Maximum)	6,703.3 sq. ft. 47.7 %
<b>Gross Floor Area (Sq. ft.) FAR (Floor Area Ratio)</b>	Vacant	7,732.45 sq. ft. 0.55% FAR (Maximum)	6,923.6 sq. ft. 49.2% FAR
<b>Setbacks:</b>			
<b>Front (north)</b>	25 ft.	25 ft.	25.0 ft.
<b>Side (south)</b>	20 ft.	20 ft. min/see*	15.9 ft./Hotel 235 ft./Hotel
<b>Side (north)</b>	20 ft.	20 ft. min/see*	246 ft.
<b>Side (east)</b>	20 ft.	20 ft. min/see*	
<b>Total side combined*</b>	38.67 ft. total / 10 ft. minimum	38.67 ft. total / 10 ft. minimum	38.67 ft. total
<b>Rear (south)</b>	Setback shall be landward of the CCCL	Setback shall be landward of the CCCL	12.42 ft. landward of the CCCL
<b>Building Height</b>	Vacant (40 ft./3 stories - BFE)	40 ft. or 3 stories above BFE	32. (Allowed)
<b>Vehicular Use Area (V.U.A.)</b>	2,207 sq. ft. 3%	6,698 sq. ft. 10% minimum	23,107 sq. ft. 34%
<b>Impervious Surface Area (ISR)</b>	0sq. ft. 0.00 ISR	9,489.9 sq. ft. 0.67.5 ISR	56,721 sq. ft. 0.85 ISR
<b>Open Space (sq. ft. and % Of gross site)</b>	14,059 sq. ft. 100%	sq. ft. %	sq. ft. %
<b>Parking Lot Interior Landscape (sq. ft. and % of V.U.A.)</b>	Vacant (Not Applicable)	sq. ft. %	sq. ft. %
<b>Parking</b>	0 spaces required	54 spaces required	spaces provided
<b>Parking Calculations/Notes:</b> 90 tourist room/suite @ 1 space/room = 90 spaces 26 boat slips @ 0.5 spaces/boat slip (non-live aboard) = 13 spaces 103 spaces required Allowable compact spaces = 20% (106 x 20%) = 21.2 spaces allowed			

**Boat Slips: 26 Boat Slips are allowed and completed with a certificate of occupancy.**

**Ancillary Restaurant: typical and customary limited food service for hotel guests for their convenience.**

**Conditions of Approval:**

1. Approval of the related development agreement pertaining to the site development of the subject property as described and depicted in the approved site plan (SPR-2013-01).
2. Where necessary to accommodate proposed development, the applicant shall be responsible for the removal and/or relocation of any and all public utilities located on the subject site, including the granting of easements as may be required. This is regardless of whether the public utilities are known at the time of site plan approval or discovered subsequent to such approval. Any required relocation will require approval from the City's Community Services Department.
3. All construction associated with this project shall be subject to the current requirements of the Florida Building Code, Madeira Beach's land development regulations, the Florida Fire Prevention Code, all other technical codes adopted by the City of Madeira Beach, and FEMA.
4. All on-site construction activities related to erosion control shall be applied as required by the Florida Building Code and the Madeira Beach Code of Ordinances.
5. Proof of SWFWMD approval or exemption of the drainage retention plan is required prior to building permits being issued.
6. Final approval of the City's consulting engineer of the site plan prior to building permits being issued.
7. Final approval of the Community Services Director of the plans for solid waste collection prior to building permits being issued.
8. The dedication of a five (5) foot easement to the City of Madeira Beach for the expansion of additional City metered parking at Kitty Stuart Park by the developer. Proof of recordation of the approved easement is required prior to a Certificate of Occupancy being issued. The developer shall be responsible for the costs associated with the related improvements on City parkland including but not limited to paving and landscaping.
9. Final approval of the Community Development Department and the City's consulting civil engineer for the site's compliance with the approved site plan prior to the Certificate of Occupancy being issued.
10. The developer shall provide revised plans or redline current plans to adjust ... The developer shall also provide revised plans or redline current plans in response to the City's consulting reviewer's comments which were submitted to the developers on ... Such revisions are required to be provided to the Community Development Department no later than March 29, 2013. *[Provided September 19, 2012.]*
11. The proposed restaurant – liquor license stuff / define restaurant with 60% food to 40% alcoholic beverage requirement. *[Show the Code citation.]*
12. Regarding the abutting Kitty Stuart Park, please note that this is a metered parking lot developed for public use. The park and parking lot hours for Kitty Stuart Park, at 141st Avenue and Gulf Boulevard, will be from 6 a.m. to 10 p.m. and subject to the regulations listed in section 66-72 with the exception of subsections (4) and (6). *[Show Code citation.]*



Approved \_\_\_\_\_

Date \_\_\_\_\_

**Sec. 110-527. - Classifications.**

(d) *Restaurants.* A restaurant is an establishment where beer, or beer and wine, or beer, wine and liquor are sold for consumption on the premises, or for consumption on the premises and package sales, in connection with a restaurant business wherein the combined gross sales of the business operation are more than 60 percent attributable to the sale of food and nonalcoholic items.

**Sec. 110-530. - Alcoholic beverage districts, restrictions and distance requirements.**

(b) *R-3 districts.* Only restaurant establishments as defined in section 110-527 shall be allowed in any district zoned R-3 within the city.

**Sec. 110-531. - Application for zoning of lot for sale of alcoholic beverages.**

Whenever any owner, lessee or tenant desires to have any lot, plot or tract of land zoned for the sale of alcoholic beverages, such person shall complete and file their application form with the city manager or his designate, which application shall contain the following:

(1) The name and address of the applicant, and the owner's written approval if property ownership is other than the applicant. The name and address of the owner of the alcoholic beverage license, if any.

(2) The legal description or survey of property describing the portion of the lot, plot or tract of land to be utilized for the sale of alcoholic beverages.

(3) A site plan shall be submitted with the application which shall show the proposed building location, size and height, off-street parking facilities and ingress and egress from adjoining streets. The applicant shall also submit a frontal (street side) elevation or an architectural rendering or recent photograph of the main structure.

(4) A signed certificate and drawing prepared by a state registered engineer or land surveyor depicting the location of an established church, synagogue, temple or place of religious worship, public or private school operated for the instruction of minors, and youth recreation (community) centers within 500 feet. The drawing shall carry the following certification:

"This is to certify that all the measurements are in compliance with the provisions of this Code and are true and accurate portrayals of all actual distances."

This requirement shall also apply only to package stores (beer and wine), package stores (beer, wine and liquor), clubs, and bars.

(5) The alcoholic beverage classification desired for the lot, plot or tract shall be one of the classifications set forth in section 110-527

(6) Payment of a non-refundable \$500.00 application fee.

(7) At the time of application, the applicant shall address in writing the five factors enumerated in section 110-532

**Sec. 110-532. - Consideration of alcoholic beverage application.**

When considering the alcoholic beverage application, the board of commissioners shall consider the following factors:

- (1) The extent to which the location and the extent to which the proposed alcoholic beverage request will adversely affect the character of the existing neighborhood.
- (2) The extent to which traffic generated as a result of the location of the proposed alcoholic beverage request will create congestion or present a safety hazard.
- (3) Whether or not the proposed use is compatible with the particular location for which it is proposed.
- (4) Whether or not the proposed use will adversely affect the public safety.
- (5) No application for review under this section shall be considered until the applicant has paid in full any outstanding charges, fees, interest, fines or penalties owed by the applicant to the city under any section of the Code.

**Sec. 110-539. - Application processing and fees.**

(a) When and at such time as the application has been accepted, the city clerk shall notify abutting property owners within 300 feet of the property, setting forth the time, date and place of the application consideration by the board of commissioners. This notice will be 15 days prior to the regular meeting of the board of commissioners. Notice shall also be posted on the property itself in the same manner. Failure to notify all of the abutting property owners as shown on the records of the county property appraiser office shall not constitute grounds for re-advertising, conducting additional meetings, and shall not affect any action or proceeding on the application for alcoholic beverage sales.

(b) The city manager is authorized to charge an application fee of \$500.00 for processing the application.