

RESOLUTION 2016-03

A RESOLUTION CONFIRMING THE STATUS OF THE ZONING OF THE CORRY COASTAL PROPERTIES INC. TRACT BETWEEN 33<sup>RD</sup> AND 34<sup>TH</sup> STREET, MEXICO BEACH, FLORIDA, PARCELS 04612-000-000, 04613-000-000, 04615-000-000, AND 04616-000-000 (THE "PROPERTY"); CLARIFYING THE STATUS OF A 1999 EFFORT TO ACHIEVE PLANNED UNIT DEVELOPMENT STATUS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in March 1999, Corry Coastal Properties Inc. ("Corry") requested that the Planning and Zoning Board of Mexico Beach consider a plan for a Planned Unit Development ("PUD") on the Property; and

WHEREAS, the plan presented in 1999 included a two-story motel of 24 units, four two-story four-plexes, a small retail area on US 98, and other site features such as a pool, cabana and beach access; and

WHEREAS, the Planning and Zoning Board of Mexico Beach heard the Corry plan on April 6, 1999, acknowledged that the Property was under five acres, recommended approval of the plan with conditions despite that the Property was under five acres, and clarified that its recommendation was not a recommendation regarding rezoning of the Property; and

WHEREAS, on April 13, 1999, the City Council of Mexico Beach reviewed the Corry plan to develop the Property and approved the Planning and Zoning Board's recommendations; and

WHEREAS, the City Council subsequently passed Ordinance 359 on June 8, 1999 regarding PUD development, including a city-wide change in the minimum size for a PUD from five acres to "a typical City block in Mexico Beach and deemed acceptable by the City Council;" and

WHEREAS, by a letter dated September 27, 2012, City Attorney Paul Komarek provided an opinion that the PUD approval was still in effect, which he clarified during the April 14, 2015 City Council meeting by explaining that his opinion was limited to the issue of expiration and "whatever they did; I don't know what they did; but whatever they did did not expire."

WHEREAS there is no record of a complete Concept Plan Information Package, which met the requirements of the Land Development Regulations (a complete application package including a formal PUD Concept Plan and other required information), being submitted to the

City following the April 6, 1999 Planning and Zoning Board meeting or the April 13, 1999 approval by the City Council.

NOW THEREFORE BE IT RESOLVED:

1. The current zoning of the Property is Tourist Commercial and Tourist Residential as depicted by the Official Zoning Map.
2. Corry completed the Preapplication Conference requirement under Section 2.04.04 of the Land Development Regulations as they existed in 1999 ("the 1999 LDR") and other preliminary tasks needed to pursue a zoning change to PUD Concept.
3. Due to the unique nature of the prior approvals and prior representations by City representatives, the Corry application is still considered pending and Corry may continue the PUD application process under the 1999 LDR.
4. For the pending application, the five acre minimum size requirement for a PUD shall not apply, but all other requirement of the 1999 LDR shall apply including, but not limited to, the Concept Plan Information Package requirements pursuant to Section 2.04.03 of the 1999 LDR.
5. A Concept Plan that differs unreasonably from the plan presented in 1999 will not be considered a continuation of the pending application and may be denied by the City.
6. This resolution shall be effective immediately upon passage.

RESOLVED this 1<sup>st</sup> day of February, 2016 by the City Council of the City of Mexico Beach.


CITY OF MEXICO BEACH, FLORIDA



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Tom Bailey, Mayor

ATTEST:



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Adrian Welle, City Clerk