



Memorandum

Meeting Details: December 13, 2023 – BOC Regular Meeting

Prepared For: Hon. Mayor Rostek and Board of Commissioners

From: Community Development Department

Subject: Public hearing for **2COP ALCOHOLIC BEVERAGE LICENSE APPLICATION ABP 2023-06** with stated intent to sell beer and wine for consumption on premises at Barefoot Beach Club located at 13220 Gulf Blvd, 13220 Gulf Blvd #1, 13220 Gulf Blvd #2 Madeira Beach, Florida, 33708.

Background:

Pursuant to Land Development Code Article VI, Division 6, Alcoholic Beverages, the applicant for ABP 2023-06 is requesting authorization from the Board of Commissioners for the approval of a (2COP) Alcoholic Beverage License with the intent to sell beer and wine for consumption on premises at Barefoot Beach Club located at 13220 Gulf Blvd, 13220 Gulf Blvd #1, 13220 Gulf Blvd #2 Madeira Beach, Florida, 33708. As required in Section 110-539, the Notice of Public Hearing was properly sent to all property owners within 300 feet of the subject property 15 days prior to the scheduled consideration by the Board of Commissioners. Such notice has also been posted on the subject property, City Hall, City Website, and the Gulf Beaches Public Library.

Discussion:

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.**

Barefoot Beach Club has the Future Land Use Category of Resort Facilities Medium (RFM) and the Zoning Category of Planned Development. The surrounding properties to the hotel are zoned R-3 Medium Density Multifamily Residential. The R-3 Zoning District is a mix of tourist accommodations and single-family and multi-family residential properties. The only alcohol use allowed in the R-3 Zoning District is for restaurants that meet the requirements in Section 110-

527 of the Madeira Beach Code of Ordinances. The Development Agreement previously approved for Barefoot Beach Club stated that the restaurant use would be ancillary and for hotel guests only. The applicants' proposed alcohol use would meet the requirements for restaurants located in Section 110-527 and would be compatible with the alcohol use limitations for the neighboring properties that are in the R-3 Medium Density Multifamily Residential Zoning District.

(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.

The proposed alcohol use at the restaurant would be ancillary to the main use of the property, which is used as a hotel. The alcohol would be sold alongside food and would only be sold to hotel guests. The applicants are applying for a 2COP license which is restricted to just beer and wine. The proposed alcohol use will need to meet the restaurant requirements in Section 110-527 of the Madeira Beach Code of Ordinances. Since the proposed alcohol use would be for an ancillary restaurant for hotel guests, additional congestion would not be expected.

(3) Whether or not the proposed use is compatible with the particular location for which it is proposed.

This establishment is not located within three hundred feet of a church, synagogue, temple, or place of religious worship, public or private school operated for the instruction of minors, or youth recreation (community) center. Barefoot Beach Club was rezoned to a Planned Development and the properties surrounding it are zoned R-3 Medium Density Multifamily Zoning District. Both Barefoot Beach Club and the surrounding properties have the Future Land Use of Resort Facilities Medium (RFM). This future land use category allows for ancillary non-residential uses, but the primary use of the property would need to be either temporary lodging uses or residential uses. Alcohol for an ancillary restaurant would be compatible since it would not be the primary use of the property.

(4) Whether or not the proposed use will adversely affect the public safety.

The proposed alcoholic beverage license use would not adversely affect public safety. The proposed alcohol use is compatible with the Planned Development zoning for the property and the surrounding properties located in the R-3 Medium Density Multifamily Residential Zoning District. The primary use of the property would continue to be a hotel. At least 60% of the gross

sales of the ancillary restaurant would need to come from non-alcohol related items. Sec. 110-538 of the Madeira Beach Code of Ordinances requires establishments classified as restaurants shall maintain books and records reflecting the gross sale of food and nonalcoholic items and the gross sale of alcoholic beverages and shall provide such books and records to the city within 30 days upon request. Failure to keep the books and records required in this section shall be adequate grounds for the board of commissioners to revoke the alcoholic beverage zoning classification of the property upon which the business operates.

(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.

The applicant has no outstanding fines, or penalties owed to the City under any section of the Code.

Fiscal Impact: N/A

Recommendation(s): City Staff is not providing a recommendation on this application. Should the Board of Commissioners approve the application, City Staff recommends the following conditions:

1. Only hotel guests can consume alcohol on the property.
2. To be classified as a restaurant use, at least 60% of the gross sales needs to be attributable to the sale of food and nonalcoholic items.
3. Alcohol can only be sold on the property to hotel guests.
4. Alcohol cannot be sold to people that are not hotel guests.
5. Alcohol cannot be sold or consumed on the beach or sand.
6. The facilities to sell food would need to be completed before alcohol could be sold.
7. This alcohol use cannot be used for events at the hotel or on the beach or sand.
8. The hotel needs signage on property that states the ancillary restaurant will be for hotel guests only.
9. No special events are allowed on the hotel property including the roof top/roof deck. Special events include planned gatherings of 11 or more people including weddings, anniversaries, birthday parties, graduation parties, etc., that normally generate projected noise by conversations and/or live or other types of music.

The goals of these conditions are to protect nearby residential properties, preserve existing neighborhood character, and minimize the impact of the proposed alcohol use. The Board of Commissioners also have the right to enforce Sec. 110-538 of the Madeira Beach Code of Ordinances which requires establishments classified as restaurants to maintain books and records reflecting the gross sale of food and nonalcoholic items and the gross sale of alcoholic beverages and shall provide such books and records to the city within 30 days upon request. Failure to keep the books and records required in this section shall be adequate grounds for the board of commissioners to revoke the alcoholic beverage zoning classification of the property upon which the business operates. If the applicants fail to meet the following conditions or violate Sec. 110-538 of the Madeira Beach Code of Ordinances, City Staff recommends the Board of Commissioners to revoke the alcoholic beverage zoning classification for the property.

Attachments:

- Application
- February 23, 2022 Staff Letter For ABP 2021-08 Barefoot Beach Club Alcohol Beverage Permit Application
- Public Notice Mailing and Posting
- Pictures of the Property