



SPECIAL MAGISTRATE – SPECIAL EXCEPTION USE REQUEST

SE 2025-02

Staff Report and Recommendation Special Magistrate Meeting – September 16, 2025

Application:	SE 2025-02 Fruit Float Cafe
Applicant:	Hannah Nygren
Property Owner(s):	Vuhuy Tonthat
Property Address(s):	13050 Gulf Boulevard Madeira Beach, Florida
Parcel ID(s):	15-31-15-58320-004-0240
Legal Description:	MITCHELL'S BEACH REVISED BLK 4, LOT 24 LESS RD
Zoning/Future Land Use:	C-1, John's Pass Village Activity Center (John's Pass Resort Character District)/Activity Center

Applicants' Request: For the approval of a Special Exception Use to operate a cafe in the John's Pass Resort Character District of the C-1, John's Pass Village Activity Center Zoning District.

Specific Code Provision:

Section D-105. - Special exception uses. 3)John's Pass Resort: a. Retail commercial, restaurant, and personal service uses as a stand-alone use. Stand-alone commercial by special exception use can only front Gulf Boulevard.

I. Background

The applicant is requesting the approval of a Special Exception Use to operate a cafe in the John's Pass Resort Character District of the John's Pass Village Activity Center. The proposed business is named Fruit Float Cafe. The business would be selling fruit-related beverages, fresh-cut fruit, acai bowls, coffee, and toast.

II. Special Exception Use

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

Findings:

Retail commercial uses like a cafe require a special exception use in the John's Pass Resort Character District. The commercial use would need to be located along Gulf Boulevard. The John's Pass Resort Character District is a mix of mostly temporary lodging and residential uses with some limited commercial uses along Gulf Boulevard. The proposed commercial use would be compatible since the property that the business is located on has frontage along Gulf Boulevard. The proposed commercial use would have a relatively low impact and be compatible with the nearby temporary lodging and residential uses.

(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:

This property has had other previous retail commercial uses. The applicant did get a remodel permit to make improvements to the building including installing a kitchen. Fruit Float Cafe has a Florida Department of Business and Professional Regulation license for Permanent Food Service. The proposed special exception use for a cafe would operate in a manner that protects public health, safety, welfare, and convenience.

(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:

The proposed commercial use would not cause substantial injury to the value of other properties in the neighborhood. Smaller neighborhood style commercial uses are compatible with nearby residential and temporary lodging uses. The proposed cafe is across the street from John's Pass Village which is primarily commercial uses.

(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 John's Pass Resort Character district allows for limited commercial uses along Gulf Boulevard. Limited commercial uses would be commercial uses that would be neighborhood oriented, pedestrian friendly, and low intensity. These restrictions are to make sure that stand alone commercial uses have a minimal impact on nearby residential and temporary lodging properties. The proposed cafe would be compatible with the John's Pass Resort Character district since it would be focused on serving nearby residents and visitors.

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

Findings:

The applicant did add some landscaping to provide a minimal buffer between the proposed cafe and a neighboring triplex property. They also installed some potted plants in the front of the cafe. Since the proposed cafe would be considered a limited commercial use in an existing legally nonconforming building, the current landscaping and screening would be adequate.

(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 applicant has off-street parking on site. The applicant listed 8 seats and 2 employees, which would require 3 parking spaces. The current parking lot is asphalt overlayed with shell. The applicant will be providing an accessible parking space that meets the requirements in *Sec. 110-975. - Parking spaces for persons who have disabilities*. The proposed cafe would not cause significant interference with traffic on abutting streets. Since the property is in the John's Pass Village Activity Center, supporting walkability is important. The proposed Special Exception Use

for a cafe would support walkability because nearby residents and visitors would be within walking distance of the establishment.

(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 for a cafe conforms with the requirements of the John's Pass Resort Character District. Limited commercial uses are allowed along Gulf Boulevard within this character district. The proposed cafe would be compatible with the beachside theme of the John's Pass Resort Character District.

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

Findings: The applicant has not applied for a variance related to the proposed Special Exception Use.

(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: Other neighboring properties with frontage along Gulf Boulevard could apply for a commercial retail special exception use. The proposed Special Exception Use would not grant the land more privilege than the best use available in a zone where the 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: The applicant does not have any outstanding charges, fees, interest, fines, or penalties owed to the city.

III. Staff Recommendation:

Staff recommends the approval of SE 2025-02 with the following conditions:

- The applicant must provide one accessible parking space that meets the requirements in *Sec. 110-975. - Parking spaces for persons who have disabilities* within a timeframe to be determined at the public hearing.
- Landscaping installed near the fire hydrant must be corrected to provide a three-foot clearance for all directions so as to not impede access.
- The applicant must comply with public works requirements for trash service.

Submitted by: Andrew Morris, Long Range Planner, Madeira Beach Community Development Department

Attachments:

- 1) Application and Attachments
- 2) Public Notice Mailing and Posting Packet
- 3) Public Comments in support of SE 2025-02