



SPECIAL MAGISTRATE – SPECIAL EXCEPTION USE REQUEST

SE 2025-01

Staff Report and Recommendation Special Magistrate Meeting – April 28, 2025

Application:	SE 2025-01
Applicant:	Amanda Huffman
Property Owner(s):	Barefoot Beach Resort South LLC
Property Address(s):	13220 Gulf Boulevard, 13220 Gulf Boulevard # 1, 13220 Gulf Boulevard # 2, Madeira Beach, FL 33708
Parcel ID(s):	15-31-15-02741-000-0001, 15-31-15-02741-000-0010, 15-31-15-02741-000-0020
Legal Description:	LOTS 5, 6, 7, 8, 9, 11, 12, 13 AND 14, LESS THAT PART THEREOF DESCRIBED IN ORDER OF TAKING RECORDED JUNE 28, 1976 IN O.R. BOOK 4427, PAGE 201, BLOCK 6, MITCHELL'S BEACH, JOHNS PASS; ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 54 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; AND LOTS 15 AND 16, LESS THAT PART THEREOF DESCRIBED IN ORDER OF TAKING RECORDED SEPTEMBER 9, 1976 IN O.R. BOOK 4453, PAGE 1135; LOT 17, LESS THAT PART THEREOF DESCRIBED IN ORDER OF TAKING RECORDED JUNE 24, 1976 IN O.R. BOOK 4426, PAGE 489; LOT 18, LESS THAT PART THEREOF DESCRIBED IN ORDER OF TAKING RECORDED JULY 27, 1976 IN O.R. BOOK 4437, PAGE 1492, ALL IN BLOCK 6 OF MITCHELL'S BEACH, JOHNS PASS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 54 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA. TOGETHER WITH THAT PORTION OF VACATED GULF AVENUE ABUTTING SAID LOTS 5 THROUGH 9, PURSUANT TO RESOLUTION RECORDED SEPTEMBER 21, 1966 IN O.R. BOOK 2460, PAGE 571 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.
Zoning/Future Land Use:	C-1, John's Pass Village Activity Center (Transitional Character District)/Activity Center

Applicants' Request:

This special exception use request is for allowance of commercial use on an open rooftop under Section D-105(6)(c). The property owner intends to obtain a liquor license for the hotel on the property and serve drinks on the rooftop and pool deck for hotel guests, thus necessitating this request.

Specific Code Provision:

Section D-105. - Special exception uses. 6)Transitional: c. Open rooftop, balcony and elevated terrace use, if commercial use or accessible to more than one temporary lodging, vacation rental, or residential unit.

I. Background

Ordinance 2015-17 and the Barefoot Beach Club Development Agreement were adopted by the Madeira Beach Board of Commissioners on December 1st 2015. Ordinance 2015-17 rezoned the property to a Planned Development (PD) to allow for the construction of five (5) stories over parking structure with rooftop ancillary space. This new structure

brought the total number of hotel rooms for Barefoot Beach Club up to 73 rooms. The intent of the rooftop facility at the time of rezoning (2017) was an ancillary space exclusive for hotel guests. The development agreement allowed for ancillary uses like a restaurant to only serve the hotel guests. Page two of the development agreement states the “ancillary rooftop bar/sun deck/ fitness room with typical and customary limited food service for hotel guests for their convenience only.” Further, the development agreement states that the roof deck, fitness room, and bar area are intended for the convenience of the hotel guests only. The development agreement for the property expired when the construction of the project was completed, and the certificate of occupancy was completed.

The adoption of Ordinance 2024-09 and Ordinance 2024-11 rezoned Barefoot Beach Club from Planned Development (PD) to the C-1, John’s Pass Village Activity Center Zoning District Transitional Character District. The Transitional Character District west of Gulf Boulevard is a mix of residential uses and temporary lodging uses located in low to mid-rise buildings. On the west side of Gulf Boulevard, commercial uses like restaurants must be an accessory use to a permitted use of the property and can only be up to 20% of the building floor area ratio. The current regulations on the west side of Gulf Boulevard Transitional Character District are similar to the previous zoning district (R-3 Zoning District) that Barefoot Beach Club had prior to Planned Development (PD) Zoning.

Properties located on the west side of Gulf Boulevard are restricted to alcoholic beverage licenses that meet the definition for a restaurant as defined in Section 110-527. A restaurant must have more than 60% of its gross sales of non-alcoholic items. Even if the Development Agreement is expired, the proposed Special Exception Use would support what was previously approved in the Development Agreement and the original intent of the rooftop space.

II. Special Exception Use

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

Findings: Any property in the Transitional Character District of the C-1, John’s Pass Village Activity Center Zoning District can apply for a special exception use for open rooftop use. Section D-105(6)c. requires that “open rooftop, balcony and

elevated terrace use, if commercial use or accessible to more than one temporary lodging, vacation rental, or residential unit” must retain a special exception from the special magistrate. The open rooftop use at Barefoot Beach Club requires a special exception since all hotel guests have access to the area and the alcoholic beverage use would expand the current use of the open rooftop area.

(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: When Barefoot Beach Club’s Development Agreement and Planned Development (PD) rezoning were approved, the ancillary uses for the property were exclusively for hotel guests. This was included in the previous Development Agreement to mitigate the potential impact on nearby residential properties. Since the Development Agreement is now expired, City Staff is recommending conditions to the special exception use to continue the intent of the Development Agreement and to protect health, safety, welfare, and convenience for the neighborhood.

(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 structure with the rooftop spans between Gulf Boulevard, which is a commercial corridor, and Gulf Lane. The older portion of the hotel is located between Gulf Lane and the beach. Most nearby properties are either residential uses or temporary lodging uses along Gulf Lane. There are some single-family residential properties along Gulf Lane. The proposed rooftop commercial use and proposed city staff conditions would help protect property values of the surrounding neighborhood.

(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 primary permitted use of the property would remain temporary lodging. The open rooftop use would be ancillary to the hotel and only open for hotel guests. City staff are offering additional conditions that can be included in the Special Exception Use for additional mitigation to reduce the impact on nearby residential properties.

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

Findings: The rooftop has an enclosed area of air-conditioned space and a wall around the perimeter of the open rooftop. The property does have adequate landscaping and setbacks between the structure and nearby residential properties.

(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 property meets the parking requirements that were required when the Development Agreement and Planned Development (PD) were approved. This special exception use would support what was described in the Development Agreement. Any expansion of commercial use beyond the intent of the previous Development Agreement will require additional parking or a shared parking agreement.

(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 open rooftop use is an allowed special exception use for the C-1, Zoning District and Transitional 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: As of the date of this public hearing, a variance has not been requested. The applicant will be turning in an alcoholic beverage license permit application separately.

(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 could apply for an open roof top 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. The primary permitted use of the property would still be as a hotel.

(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 2025-01 with the following conditions:

1. No amplified music.
2. No events that include non-hotel guests (less than 50 people) and any special events (50 or more people) on the rooftop.
3. If an alcohol beverage license is approved the following conditions apply: the applicant must sell food, the applicant must meet the restaurant definition (60% of sales from non-alcoholic items) for an alcoholic beverage license, and the applicant

can only serve food and alcohol to hotel guests and cannot operate as a restaurant open to the public.

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

Attachments:

- 1) Application and Attachments
- 2) Development Agreement
- 3) Public Notice Mailing and Posting Packet