

City of Flagler Beach

Planning and Architectural Review Board

Tuesday, June 4, 2013 at 5:30 p.m.

City Hall Commission Chambers

Agenda

1. Call the meeting to order.
2. Call the roll.
3. Pledge of Allegiance.
4. Approve the minutes of the Regular Meeting of May 7, 2013.
5. Old Business:
 - A. Discussion and recommendation of an ordinance of the City of Flagler Beach, Florida, amending Section 2.06.06 of the *Land Development Regulations* to modify the list of site plan review findings into multi-family and motel structure standards; amending Section 8.00.15 of the *Land Development Regulations* to modify the list of reasons for site plan denial by the Planning and Architectural Review Board; provide the standards and conditions essential to ensure that site plan applications contain sufficient information for review and approval; providing for codification, conflicts, and an effective date.
6. New Business:
 - A. Application #OE 13-06-01
Outdoor Entertainment to allow amplified and non-amplified events consisting of music, spoken words and/or other forms of entertainment on the subject property in the GC, General Commercial zoning district.
Applicant: Ken and Kelly Tarsitano for Flagler Beachfront Winery
611 North Ocean Shore Boulevard
Property Owner: Kenneth R. Tarsitano
 - B. Application #OE 13-06-02
Outdoor Entertainment to allow amplified and non-amplified events consisting of music, spoken words and/or other forms of entertainment on the subject property in the GC, General Commercial zoning district.
Applicant: Nicolas Kimball for Fuego del Mar
608 South Ocean Shore Boulevard
Property Owner: A1A Burrito Works, Inc.
 - C. Application #SP 13-06-01
Site Plan Review for Break-Awayz @ the Beach Outside Deck and Patio Additions.
Applicant: Tyler Ecker
819 North Ocean Shore Boulevard
Property Owner: D & N Mgmt., LLC
 - D. Discussion and recommendation of an ordinance of the City of Flagler Beach, Florida, amending the *City of Flagler Beach Code Of Ordinances, Appendix "A", Land Development Regulations, Article V, Development Design And Improvement Standards, Sections 5.03.17 and 5.03.53* to provide for pass-through of costs incurred by the city for extension of water and sewer pipes to properties without existing stub-ups; providing for codification, conflicts, and an effective date.
7. PARB Member Comments.
8. Adjournment.



RECORD REQUIRED TO APPEAL: In accordance with Florida Statute 286.0105 if you should decide to appeal any decision the Commission makes about any matter at this meeting, you will need a record of the proceedings. You are responsible for providing this record. You may hire a court reporter to make a verbatim transcript, or you may buy a CD of the meeting for \$3.00 at the City Clerk's office. Copies of CDs are only made upon request. The City is not responsible for any mechanical failure of the recording equipment.

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk at (386) 517-2000 ext. 235 at least 72 hours prior to the meeting.

Please take notice that individual Elected Officials of the City of Flagler Beach may attend this meeting. Those Elected Officials who attend will not take any action or take any vote at this committee meeting. This is not an official meeting of the Flagler Beach City Commission. This notice is being provided to meet the spirit of the Sunshine Law to inform the public that Elected Officials may be present at this committee meeting.

Posted May 29, 2013

Planning and Building Department

P.O. Box 70 • 116 3rd Street South, Flagler Beach, Florida 32136 • Phone (386) 517-2000 • Fax (386) 517-2016

44 site plan have been provided in accordance therewith. Before approving the site plan,
45 the planning and architectural review board shall make findings with respect to the
46 following:

47 1. ~~Traffic access—All proposed site traffic access ways are adequate, but not~~
48 ~~excessive in number, adequate in grade, width, alignment and visibility, and not~~
49 ~~located too near street corners, entrances to schools or places of public assembly~~
50 ~~and other similar considerations.~~

51 2. ~~Circulation and parking—That the interior circulation system is adequate and that~~
52 ~~all required parking spaces are provided and are easily accessible.~~

53 3. ~~Disposal of usable open space—That in accordance with the spirit and intent of~~
54 ~~this ordinance, wherever possible, usable open space is disposed of in such a way~~
55 ~~as to insure the safety and welfare of residents or guests.~~

56 4.1. ~~Arrangement of buildings—That adequate provision has been made for light, air,~~
57 ~~access and privacy in the arrangement of the buildings to each other. Each~~
58 ~~dwelling unit shall have a minimum of one (1) exterior exposure. Laundry~~
59 ~~facilities, including washing machines and clothes dryers, shall be available for~~
60 ~~multifamily dwellings on the premises for use by all occupants of the premises, if~~
61 ~~hookups for such facilities are not provided in each unit.~~

62 5. ~~Proper landscaping—That the proposed site is properly landscaped, the purpose~~
63 ~~of which is to further enhance the natural qualities of the land. As provided~~
64 ~~elsewhere in this section, proper screening and buffer zones may be required. The~~
65 ~~location and type of plants or materials shall be shown on the development plan.~~
66 ~~Furthermore, all landscaping shall comply with the criteria established in Section~~
67 ~~5.04.00 Landscaping/Trees.~~

68 6. ~~Supplemental controls—In reviewing the proposed site plan for one (1) or more~~
69 ~~multi-family or motel structures, the planning and architectural review board shall~~
70 ~~be guided by the following:~~

71 a2. ~~Maximum length—The maximum length of any group of attached structures shall~~
72 ~~not exceed one hundred fifty (150) feet. A building group may not be so arranged~~
73 ~~as to be inaccessible by emergency vehicles.~~

74 b3. ~~Distance between buildings—The front or rear of any building shall be no closer~~
75 ~~than thirty (30) feet to the front or rear of any other building. The side of any~~
76 ~~building shall be no closer than ten (10) feet to the side, front or rear of any other~~
77 ~~building.~~

78 e4. ~~Distance between buildings and driveways—No driveway or parking lot should~~
79 ~~be closer than ten (10) feet to the front of any building or less than five (5) feet to~~
80 ~~the side or rear of any building.~~

81 In the case of an enclosed garage or carport provided as a portion to the main
82 structure, distance requirements for driveways providing access to these
83 accommodations shall not apply.

84 d5. ~~Recreation space—There shall be provided on the site of a multi-family~~

85 development an area or other areas, either enclosed or unenclosed, devoted to the
86 joint recreational use of the residents thereof. Such recreation space shall consist
87 of not less than two hundred (200) square feet of space per dwelling unit. Each
88 such recreation space shall be developed with passive and active recreation
89 facilities.

90 There shall be provided on the site of a hotel or motel development an area or
91 areas devoted to the joint recreational use of the guests thereof.

92 e6. Off-street parking spaces—There shall be provided on the site of such
93 development an area or areas devoted to the storage of automobiles. The number
94 and their provision shall be provided for as required by Section 2.06.02.1.

95 **SECTION THREE.** Article VIII, “Administration and Enforcement,” of the *City of*
96 *Flagler Beach Land Development Regulations* is hereby amended as set forth below:

97 **ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT**

98 ***

99 Sec. 8.00.11. - Architectural approval.

100 Except as otherwise provided herein, no building or structure shall be erected and no
101 existing building or structure shall be moved, altered or enlarged, other than single- and
102 two-family residences, until architectural approval has been issued, in writing, by the
103 planning and architectural review board and then sent to the city commission for final
104 approval. Except upon a written order of the city commission, no such architectural
105 approval or certificate of occupancy shall be issued for any building where said
106 construction, addition or alteration or use thereof would be in violation of any of the
107 provisions of this ordinance. The city manager or designee may administratively approve
108 sign permits not associated with a site plan that are consistent with all provisions of this
109 Code.

110 ***

111 Sec. 8.00.15. - Denial of approval.

112 The planning and architectural review board shall have the right to disapprove any plans
113 and specifications submitted because of any of the following:

114 ~~1. Failure to include information in such plans and specifications as may have been~~
115 ~~requested;~~

116 ***

117 **Sec. 8.05.00. - Site Plan Approval.**

118 Section 8.05.01. In General.

119 The provisions of this article are in addition to those for the subdivision of land,
120 where sale of individual lots is also proposed.

121 Section 8.05.02. Site Plan Classification and Approval Responsibility.

122 1. Site plan required. Prior to issuing a building, stormwater management, or
123 tree and native vegetation removal permit, a site plan drawn to a scale no

124 smaller than 1"=50' must be submitted to the planning and building
125 department and approved by the reviewing entity as indicated below.

126 2. Site plan classification. There shall be two (2) categories of site plans to be
127 reviewed: minor site plans and major site plans. The description of each
128 classification of site plan and the entity responsible for reviewing and
129 approving the site plan is contained below. The city manager or designee
130 shall determine which site plan review and approval is required in case it is
131 not evident which review and approval procedure is appropriate for a
132 development.

133 A. Minor site plan. A minor site plan is required for the following
134 development:

- 135 (1) Erection of sign(s);
- 136 (2) Erection of fence(s);
- 137 (3) Construction of single-family residences;
- 138 (4) Construction of two-family residences;
- 139 (5) Interior remodeling to single-family and two-family residences;
- 140 (6) Structures accessory to single-family and two-family residences;
- 141 (7) Driveways and sidewalks for single-family and two-family
142 residences;
- 143 (8) Additions to single-family and two-family residences;
- 144 (9) Parking lots containing 16 or less automobile parking spaces that
145 are not associated with a structure requiring a major site plan
146 approval;
- 147 (10) Interior and exterior remodeling to existing non-residential or
148 multi-family residential structures;
- 149 (11) Additions or structures accessory to existing non-residential or
150 multi-family residential structures provided said addition or
151 accessory structure does not exceed ten percent of the existing
152 first floor building area or 500 square feet, whichever is greater;
- 153 (12) Conversion of a residential unit to a non-residential use not
154 associated with a structure requiring a major site plan approval;
155 and
- 156 (13) Change in use.

157 The planning and building department shall be the entity responsible
158 for reviewing and approving minor site plans

159 B. Major site plan. A major site plan is required for the following
160 development:

- 161 (1) Multi-family residential projects consisting of three (3) or more
162 units.

- 163 (2) Two-family projects consisting of two (2) or more two-family
164 buildings – four (4) units.
- 165 (3) New non-residential buildings or structures.
- 166 (4) Additions to any existing multi-family residential project or
167 existing non-residential structure, which do not meet the criteria
168 for a minor site plan approval.
- 169 (5) Accessory structures associated with any existing multi-family
170 residential project or existing non-residential structure, which
171 does not meet the criteria for a minor site plan approval.
- 172 (6) Conversion of a transient lodging facility that converts to multi-
173 family residential or non-residential.
- 174 (7) Parking lots containing more than 16 automobile parking spaces.
- 175 (8) Multi-family residential, commercial, and recreational patios and
176 decks.
- 177 The planning and architectural review board shall be the entity
178 responsible for reviewing and making a recommendation to the city
179 commission regarding the approval of major site plans.

180 Section 8.05.03. Approval Process.

181 1. Minor site plan.

182 A. The applicant shall submit to the planning and building department
183 two (2) sets of minor site plans. The following information shall be
184 included on a minor site plan:

- 185 (1) Outside dimensions of proposed structures;
- 186 (2) Dimensions of proposed structure(s) from property lines;
- 187 (3) Description of proposed structure(s);
- 188 (4) Height above finished grade of proposed structure(s);
- 189 (5) Number of square feet of proposed structure(s) in the building
190 footprints;
- 191 (6) Lot coverage of structure(s) in the building footprints;
- 192 (7) Lot dimensions;
- 193 (8) Indicate kitchen facilities;
- 194 (9) Location(s) and dimension(s) of accessory equipment (e.g.,
195 outside central air conditioning units);
- 196 (10) Number, location and dimension(s) of parking spaces (including
197 bumper stops);
- 198 (11) Location of jurisdictional wetlands boundary line if on or within
199 25 feet of subject property;

200 (12) Survey of property. An accurate survey shall be no more than
201 two (2) years old unless a structure was destroyed by an act of
202 nature;

203 (13) Stormwater management plan; and

204 (14) Topographic information.

205 B. Application and fee. Application for a minor site plan review shall be
206 on the form provided by the city for such development and shall be
207 accompanied by the fee established by the city commission.

208 2. Major site plan.

209 A. Pre-application conference. Prior to filing for major site plan
210 approval, the developer or the developer's representative must meet
211 with the city manager or designee in order to discuss potential issues
212 regarding the proposed projects. Comments made at the pre-
213 application meeting are advisory and intended to provide guidance and
214 are non-binding on the formal review of the site plan.

215 B. Application. Application for major site plan approval shall be made to
216 the planning and building department utilizing the form provided by
217 the department for that purpose, and accompanied by the appropriate
218 review fee as adopted by resolution of the city commission. Initial
219 application shall be accompanied by ten (10) copies of the proposed
220 site plan.

221 (1) Review of application materials. Within two working days of
222 the receipt of an application, the department shall determine
223 whether the application is complete. Incomplete applications
224 shall be returned to the applicant with the deficiencies noted in
225 writing. Re-application shall be accompanied by a re-application
226 fee as adopted by resolution of the city commission.

227 (2) Initiation of development review. When an application is
228 determined to be complete it shall be scheduled in accordance
229 with the adopted submittal deadline calendar for the
230 corresponding planning and architectural review board meeting,
231 and the applicant shall be so notified. All application packages
232 must be submitted by 5:00 p.m. on the deadline date in order to
233 be scheduled for the next available planning and architectural
234 review board meeting.

235 3. Site plans and exhibits.

236 A. A site plan, for the purposes of this section, shall include, but not
237 necessarily be limited to, the following requirements. The site plan
238 submittal shall include one (1) record set with original signatures,
239 dates, and seals and submitted with nine (9) copies that clearly indicate
240 the signatures, dates, and seals shown on the record set. One (1) of the
241 nine (9) copies shall be an eleven-inch by seventeen-inch (11" x 17")

242 size site plan including all the sheets of the site plan submittal, or an
243 electronic/digital complete plan set may be submitted in portable
244 document format (PDF). All supporting documents such as response
245 comments, traffic studies and stormwater reports shall be submitted in
246 PDF. All drawings on the record set shall be signed, dated, and sealed
247 by a registered civil engineer, architect, landscape architect or other
248 person as required under this Code or by state general law. The
249 required narrative text demonstrating compliance with Code
250 requirements may be provided on the illustrated sheets in tabular or
251 text Modifications in required submittals. The city manager or
252 designee may waive or modify requirements, information and specific
253 performance criteria for site plan review after rendering a finding in
254 writing that such requirements:

- 255 (1) Are not necessary prior to site plan approval in order to protect
256 the public interest or adjacent properties;
257 (2) Bear no relationship to the proposed project or its impacts; and
258 (3) Are found to be impractical based on the characteristics of the
259 use, including the proposed scale, density/intensity and
260 anticipated impacts on the environment, public facilities and
261 adjacent land uses.

262 B. Forms and documents. The following city forms shall be completed by
263 the applicant and submitted as part of the site plan:

- 264 (1) Site plan application, including form and payment.
265 (2) Special exception use / planned unit development application;
266 including form and payment, if applicable.
267 (3) Proof of ownership (warranty deed, tax bill, property assessor
268 printout or contract purchase agreement).
269 (4) Statement of intent; provide a paragraph statement describing in
270 detail the nature and intended use of the development.
271 (5) Drainage calculation form; all documents provided to the St.
272 Johns River Water Management District shall be provided
273 concurrently to the city.

274 (6) Tree mitigation form.

275 C. General site plan information.

- 276 (1) The plan size must be twenty-four inches by thirty-six inches
277 (24" x 36"), except for final plats, which shall be at a size as
278 required by the county.
279 (2) The project name must be shown on each sheet and must be
280 consistent with the application. Name changes shall indicate the
281 current name followed by "formerly known as (previous name)."

- 282 (3) The north arrow must appear on every sheet showing a portion of
283 the site.
- 284 (4) The scale must not be smaller than one inch equals 50 feet (1" =
285 50'), including graphic scale.
- 286 (5) The sheet number must show the particular number of that sheet
287 and the total number of sheets included, as well as, clearly
288 labeled match lines to show where other sheets match or adjoin.
- 289 (6) The date of the plans along with any subsequent revisions must
290 be denoted.
- 291 (7) The professional seal must be indicated on all sheets. All
292 drawings, specifications, plans, reports or documents prepared or
293 issued shall be signed, dated and stamped with the seal.
- 294 D. Engineered drawings, prepared by an architect or engineer registered
295 in the State of Florida and based on an exact survey of the property
296 showing the following:
- 297 (1) Cover sheet:
- 298 i. Project title;
- 299 ii. Project location map;
- 300 iii. Index showing the title of each sheet and page number in
301 consecutive order;
- 302 iv. Name(s) of property owner(s), project planner, engineer,
303 landscape architect and architect;
- 304 v. Number of residential or transient lodging units and density
305 per acre, if applicable;
- 306 vi. Overall building square footage, number of seats proposed,
307 and maximum number of occupants permitted by the fire
308 marshal, if applicable;
- 309 vii. Parking calculation showing the number of off-street
310 parking and loading spaces required and provided,
311 including handicapped parking;
- 312 (2) Overall site plan sheet:
- 313 i. Property dimensions, legal description, total gross acreage,
314 and zoning district of subject property and adjacent
315 property;
- 316 ii. If project is phased, dimensions and general location of
317 each phase;
- 318 iii. Location and dimensions of buildings, fences, docks, and
319 other structures and improvements on this proposed site
320 and on adjacent property within 50 feet perpendicular to

- 321 property lines;
- 322 iv. Common open space areas and improvements, if
323 applicable;
- 324 v. Location of screened garbage collection area(s) and detail
325 of proposed enclosure;
- 326 vi. Location and dimensions of easements, identified by type
327 (utility, drainage, etc.) or a note that no easements exist;
- 328 vii. Location of jurisdictional wetlands boundary line if on or
329 within 25 feet of the subject property, and the location of
330 the 25-foot-wide upland buffer.
- 331 (3) Paving, drainage and grading plans:
- 332 i. Existing and proposed topography at one foot contour
333 intervals;
- 334 ii. Dimensions of streets, driveways, sidewalks, entranceways,
335 and off-street parking areas;
- 336 iii. Each off-street parking space shall be consecutively
337 numbered;
- 338 iv. Location and dimension of the bumper stop or curb stop;
- 339 v. Crown elevation of nearest adjacent street(s);
- 340 vi. Finished floor elevation of proposed buildings;
- 341 vii. Erosion control plan.
- 342 (4) Utility plan.
- 343 (5) Tree survey showing the location of all trees six inches in
344 diameter or greater at four feet above ground level.
- 345 (6) Landscaping plan:
- 346 i. Tree removal and mitigation table providing the following
347 information;
- 348 ii. Type, size and cross-sectional diameter of each protected
349 tree that will be removed;
- 350 iii. Total cross-sectional diameter of all trees being removed;
- 351 iv. Calculation showing total square inches required to be
352 replaced; and
- 353 v. List of replacement tree types and sizes.
- 354 vi. Buffer planting table providing the following information:
- 355 vii. Length, width and total area of the required landscape
356 buffer along each property line;

- 357 viii. Calculation showing the square footage required for trees,
358 shrubs and groundcover; and
- 359 ix. Calculation showing the number and square footage of
360 trees and shrubs provided in each buffer area.
- 361 x. Interior parking lot landscaping table providing the
362 following information:
- 363 xi. Total paved area in parking spaces and drive aisles;
- 364 xii. Calculation showing the total square footage required for
365 interior parking lot landscaping; and
- 366 xiii. Calculation showing the total square footage provided for
367 interior parking lot landscaping.
- 368 (7) Photometric plan:
- 369 i. Location of parking area and other outside lighting;
- 370 ii. Detail of the lighting system showing style height, candlus
371 curve, and profile of the shielded non-glare fixture;
- 372 iii. Note indicating lighting to be shielded non-glare fixture.
- 373 (8) Architectural sheets:
- 374 i. Elevation drawings displaying all sides of the proposed
375 building(s), and specifying the construction materials used,
376 color, and height of building from grade to the highest
377 portion of the structure;
- 378 ii. Entrances and exits of buildings and structures.
- 379 (9) Copy of state or county driveway permits, if applicable.
- 380 (10) Copies of agreements between the owner of a hazardous waste
381 generating business and a licensed hazardous waste
382 transportation company and hazardous waste disposal company.
- 383 4. Planning and architectural review board action. The planning and
384 architectural review board shall consider the site plan at a regularly
385 scheduled meeting and determine if it meets the requirements of this Code.
386 The applicant or his/her authorized agent shall be present at the
387 consideration by the planning and architectural review board. Upon
388 consideration of the comments of the city manager or designee(s) and the
389 public, the board shall take one of the following actions:
- 390 A. Table the consideration of the project to the next regularly scheduled
391 meeting to allow for the resolution of outstanding issues;
- 392 B. Disapprove the proposed site plan;
- 393 C. Approve the proposed site plan; or
- 394 D. Approve the proposed site plan with conditions.

- 395 5. Appeals. Final planning and architectural review board action on a site plan
396 application may be appealed to the city commission request for appeal must
397 be filed with the planning and building department within 30 days of
398 planning and architectural review board action.
- 399 6. Failure to provide timely plan resubmissions. Failure to meet any of the
400 resubmission deadlines cited above shall require the applicant to pay late
401 fees or file a new application, including the appropriate review fees,
402 whichever is deemed applicable by the administrative official.
- 403 7. Extension of resubmittal deadlines. The city manager or designee may
404 extend the resubmission deadlines cited above, when warranted by
405 unforeseeable events. A request for extension must be filed in writing with
406 the planning and building department explaining the circumstances
407 justifying the extension and include a resubmittal extension fee as adopted
408 by resolution of the city commission.
- 409 8. Expiration. Major site plan approval shall expire two (2) years after the city
410 commission approves the site plan.
- 411 9. A site plan shall not expire so long as a building permit remains active
412 without interruption. However, if the owner abandons the site for a period
413 of six (6) months, or the owner fails to perform any meaningful or
414 significant work on the site for a period of six (6) months, or if the owner
415 fails to achieve substantial performance of the work described in the
416 building permit within two (2) years of the date of issuance, the site plan
417 approval shall expire. Meaningful or significant work shall mean work
418 performed in a workman like manner that is carried out in a manner that the
419 obvious purpose and intent of the work is to complete the site within the
420 customary period of time for the construction industry.
- 421 10. If a proposed site plan is to be constructed in phases, the applicant shall
422 include a phasing schedule with the application. If construction on the
423 initial phase begins within two years from the date of approval, the site plan
424 shall remain valid for the term of the approved phasing schedule.
- 425 11. Amendments to an approved site plan. No changes may be made to an
426 approved site plan except under the procedures provided below.
- 427 A. Minor changes in the location, siting and height of the buildings,
428 structures, parking spaces, utilities, or any other portion of the site
429 plan, may be authorized with the approval of the city manager or
430 designee and upon completion of the site plan change order procedure.
- 431 B. All other changes in the use, any rearrangement of parking areas,
432 buildings, lots, landscaping, any changes in the provisions of common
433 open space and all other amendments to the approved site plan must be
434 made by the entity that originally approved the site plan.
- 435 12. Enforcement. Following the issuance of a building permit, the chief
436 building official and city engineer shall be informed at each stage of
437 construction and shall inspect the project site to determine if there are any

438 variations between the approved site plan and actual construction. Any
439 variations shall be brought immediately to the attention of the project
440 supervisor, and if the variation is significantly different from the site plan,
441 the chief building official or city engineer shall immediately stop
442 construction and direct the developer to submit new plans indicating the
443 variations to the appropriate review body designated for minor or major site
444 plans and shall be approved by said body prior to resuming construction.

445 Section 8.05.04. Improvements Required.

- 446 1. All final site development plans for new construction, increases in the size
447 of a structure, or changing the use of structure, shall include all
448 improvements required by this Code and as outlined in this article.
- 449 2. Completion of improvements prior to issuance of certificate of occupancy.
450 A certificate of occupancy shall not be issued by the planning and building
451 department until required improvements have been inspected and accepted
452 by the responsible department or entity.
- 453 3. Adopted standard construction details. All construction shall comply with
454 standard construction details for utilities as adopted by the City of Flagler
455 Beach.
- 456 4. Improvement or expansion of existing development. No change to a site
457 shall allow any existing site improvements to be reduced in size or number
458 unless it meets the minimum requirements of this Code.
- 459 5. Upgrade of site improvements for existing development. Unless otherwise
460 noted herein the following activities shall require the upgrade of existing site
461 improvements to satisfy current code requirements. Such upgrade shall
462 include but not be limited to the provision of paved, curbed, and expanded
463 parking facilities, stormwater retention, landscaping and buffers, irrigation,
464 signage and architectural design as prescribed by this Code. The city
465 manager or designee may waive some or all of these required improvements
466 based upon the extent of the proposed activity and the condition of the
467 existing site development.
 - 468 A. Change of use as described by the building code, the Standard
469 Industrial Classification Manual or when determined to be of
470 significance by the administrative official.
 - 471 B. Re-use of any site development which has been abandoned as
472 described by this Code.
 - 473 C. Substantial improvement to the property which requires major site
474 plan approval.
 - 475 D. As a condition for granting approval of a special exception, variance,
476 or change of one non-conforming use to another non-conforming use
477 for existing site developments when appropriate.
- 478 6. Modification of approved final site development plans/existing site
479 developments to mitigate impacts of eminent domain actions.

- 480 A. The owners of any property that has been the subject of an eminent
481 domain action shall submit site development plans designed to
482 mitigate the impacts of such eminent domain actions on the right-of-
483 way buffer yards and parking/vehicular use areas within such property.
- 484 B. Mitigation requirements shall be as follows:
- 485 (1) Irrigation systems shall be provided as required by Section
486 5.04.00 of this Code.
- 487 (2) New parking/vehicular use areas, including revised or new
488 parking spaces, shall be provided in compliance with the
489 requirements of Section 5.04.00 of this Code.
- 490 (3) Right-of-way buffer landscaping and landscaping for vehicular
491 use/parking areas shall be provided as required by Section
492 5.04.00 of this Code.

493 Section 8.05.05. Minimum Site Improvements.

- 494 1. All site development plans shall reflect the installation of all improvements
495 required in this Code, in a manner consistent with standards of this Code.
496 Improvements include stormwater management systems, utilities, parking,
497 and loading areas, lighting, sidewalks, and landscaping and buffering, and
498 any other facility required by this Code.
- 499 2. Easements and miscellaneous dedications. The following minimum number
500 and size of easements and dedications shall be reflected on the site plan
501 drawing. Larger easements may be specifically required based on the size,
502 depth, or special maintenance requirements of a facility. All easements or
503 dedications shall be graphically depicted unless otherwise noted.
- 504 A. Drainage facilities. A drainage easement shall be granted to the city
505 where a proposed subdivision is traversed by any existing or proposed
506 watercourse, canal, ditch, storm sewer, or other drainage way.
507 Minimum size shall be as follows:
- 508 (1) Lake or retention areas shall be covered by an easement
509 extending to ten feet beyond the top of bank.
- 510 (2) Canals, watercourses, drainage ways, channels or streams shall
511 be covered by an easement extending to 20 feet beyond the top
512 of bank on one side and 20 feet beyond the top of bank on the
513 other side, if needed.
- 514 (3) Swales, or any other facility up to two and one-half feet deep and
515 with side slopes no greater than 3:1 shall be covered by an
516 easement extending to the top of bank.
- 517 (4) Storm sewer lines shall be covered by an easement of no less
518 than 20 feet, centered on the centerline of the pipe.
- 519 (5) The city may require the dedication of a drainage right-of-way
520 over major facilities providing area wide drainage.

521 B. Utilities. A utility easement shall be granted to the City of Flagler
522 Beach wherever a proposed utility line or other facility is planned or
523 located on or adjacent to any property not otherwise dedicated to or
524 owned by the city. The size and location of such easements shall be
525 determined by the city.

526 C. Conservation easements. Conservation easements shall be granted to
527 the city or other appropriate governmental agency as follows:

528 (1) Over all required tree preservation areas.

529 (2) Around all individual specimen trees required to be preserved.

530 (3) Over all wetlands, wetland buffers, and wetland mitigation areas.

531 Section 8.05.06. Issuance of Site Construction Permits.

532 1. Once a site plan development order has been issued, the developer may
533 request the issuance of site construction permits.

534 2. Pre-construction meeting. A pre-construction meeting is required prior to
535 the commencement of any construction activity, including clearing. Failure
536 to begin construction within 45 days after the pre-construction meeting will
537 require an additional pre-construction meeting. The requirements of this
538 subsection may be modified by the administrative official in cases where the
539 size, scope or relative lack of complexity of development plans suggests a
540 lesser need for coordination.

541 3. Attendance. Upon request of the developer, the planning and building
542 department shall schedule a pre-construction meeting to be attended by the
543 following individuals or their representatives:

544 A. Developer, developer's engineer(s), and developer's landscape
545 architect(s), as appropriate;

546 B. All contractors for the construction of the project improvements;

547 C. All franchised utility companies; and

548 D. City inspectors.

549 4. Agenda. The meeting shall include discussion of the construction schedule,
550 construction permit conditions imposed by the city and other agencies,
551 procedures for inspection and testing, coordination with the utilities
552 department and private utility companies, maintenance of existing drainage
553 ways, traffic maintenance, dewatering, access for construction stockpiling
554 areas, the general construction requirements for site development and other
555 details deemed necessary to assure safe construction in compliance with this
556 Code and with minimum disturbance to surrounding areas.

557 5. Pre-construction submittals required before scheduling. The following
558 exhibits or documents shall be submitted to the department one week prior
559 to scheduling the pre-construction meeting for the issuance of development
560 permits.

- 561 A. Development order.
- 562 B. Copies of all contracts for the construction of the improvements.
- 563 C. Copies of certificates of insurance for all contractors providing
564 workman's compensation as required by law and comprehensive
565 liability insurance covering bodily injury, death and property damage,
566 with limits of not less than \$100,000.00 per person and \$300,000.00
567 per occurrence, with the city listed as an additional insured and held
568 harmless, as approved by the city attorney.
- 569 D. Copies of all applicable federal, state, regional, and county agency
570 permits for construction.
- 571 6. Issuance of notice to proceed. Upon receipt of all required documents and
572 completion of the pre-construction meeting, the city manager or designee
573 shall issue a notice to proceed. The notice to proceed is contingent upon
574 compliance with the development order. In addition, the city manager or
575 designee may attach substantive and procedural contingencies on
576 construction based on the requirements specified at the pre-construction
577 meeting.

578 Section 8.05.07. Inspections and Acceptance.

- 579 1. Inspections. The city shall inspect construction for conformance with the
580 terms of the development permit. The city shall have the authority to reject
581 materials or suspend work when construction is not in conformity with the
582 terms of the development permit. The developer shall notify the city of the
583 commencement of major phases of construction as discussed in the pre-
584 construction meeting.
- 585 2. Testing. The developer shall provide laboratory tests to verify specifications
586 of materials as required by this Code. The city reserves the right to require
587 additional testing based on unusual circumstances encountered in the field.
- 588 3. Request for final inspection. Final inspection of site improvements shall be
589 scheduled no more than five working days after receipt of the following
590 documents, unless a later date is requested by the developer:
- 591 A. Certification of completion by the engineer of record and/or landscape
592 architect, as appropriate. Upon completion of the site improvements,
593 the developer's engineer and/or landscape architect, as appropriate,
594 shall submit a signed and sealed certificate stating that the work was
595 constructed under his supervision and has been completed in
596 substantial conformance with the approved development plans in
597 compliance with the requirements of this Code.
- 598 B. As-built drawings. One (1) mylar copy and one (1) electronic copy of
599 as-built drawings. The mylar copy shall be signed and sealed by the
600 architect or engineer of record, landscape architect as appropriate, and
601 surveyor.
- 602 C. Testing reports. Copies of all testing reports shall be submitted.

- 603 4. Final inspection report. A final inspection report will be issued by the city
604 noting any discrepancies for the development permit, corrective actions
605 required, and any site re-inspection fee required. In addition, the report shall
606 review final documentation required for acceptance of the site
607 improvements once any necessary corrections are made.
- 608 5. Re-inspection. Re-inspection may be requested at any time, subject to
609 remittance of a site re-inspection fee when required. Re-inspection will be
610 scheduled within three working days, and an inspection report issued if
611 necessary.
- 612 6. Acceptance of site improvements. Upon completion of any corrective
613 actions required upon inspection, site improvements shall be accepted by the
614 city upon receipt of the following:
- 615 A. All required certifications of completion under federal, state, regional,
616 and county agency permits.
- 617 B. Recording of any addition on or off-site easements required by the
618 development permit or this Code.

619 Section 8.05.08. Variances.

- 620 1. Jurisdiction. Variances to design or technical requirements of this Code
621 may be granted by the planning and architectural review board. Appeals
622 from the decision of the planning and architectural review board shall be
623 heard by the city commission.
- 624 2. Procedure. Application to vary from required improvements or design
625 criteria shall be as outlined in Section 8.04.16 of this Code.
- 626 3. Administrative variances to standard construction details. Variances to the
627 standard construction details, paving and drainage, and the standard utility
628 details may be granted by the city manager or designee for review of that
629 requirement. Administrative variances shall be limited to alternative
630 materials, technologies, techniques, or other means which are equivalent to
631 the materials, technologies, techniques or other means outlined in the
632 standard details.

633 Secs. 8.05.009—8.05.13. - Reserved.

634 ***

635 **SECTION FOUR. Codification.** It is the intent of the City Commission of the City of
636 Flagler Beach that the provisions of this Ordinance shall be codified. The codifier is
637 granted broad and liberal authority in codifying the provisions of this Ordinance.

638 **SECTION SIX. Conflicts.** In any case where a provision of this Ordinance is found to
639 be in conflict with provisions of any other ordinance of this City, the conflicting
640 provisions of the previous ordinance shall be repealed and superseded by this Ordinance.

641 **SECTION SEVEN. Effective date.** This Ordinance shall take effect immediately upon
642 adoption as provided by the Charter of the City of Flagler Beach.

643

644 PASSED ON FIRST READING THIS ____ DAY OF _____, 2013.

645

646 PASSED AND ADOPTED THIS ____ DAY OF _____, 2013.

647

648

649

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

650

651

652

Linda Provencher, Mayor

653

654 ATTEST:

655

656

Penny Overstreet, City Clerk

657

658

659



City of Flagler Beach

TO: Don Deal, Chairperson, Planning and Architectural Review Board
Planning and Architectural Review Board Members

FROM: Chad T. Lingenfelter, AICP, PTP, City Planner

RE: #OE 13-06-01 – 611 North Ocean Shore Boulevard Outdoor Entertainment Permit

DATE: May 29, 2013

Applicant: Ken and Kelly Tarsitano, 611 North Ocean Shore Boulevard, Flagler Beach, Florida 32136

Property Owner: Kenneth R. Tarsitano, 29 Bedford Drive, Palm Coast, Florida 32137

Property: 611 North Ocean Shore Boulevard – 12-12-31-4500-00020-0010

Future Land Use: Commercial

Zoning District: General Commercial

Summary

Pursuant to the *City of Flagler Beach Code of Ordinances* Chapter 4, Amusements and Entertainment, the applicant is requesting an outdoor entertainment permit to allow amplified and non-amplified events consisting of music, spoken words and/or other forms of entertainment. The subject property is zoned as GC, General Commercial, contains approximately 0.32 acre, and is generally located southwest of the intersection of 7th Street North and North Ocean Shore Boulevard. The subject property is occupied by Flagler Beachfront Winery.

Analysis

Section 4-167, Review of Permit Application, states that the City Commission, after receiving recommendation from the Planning and Architectural Review (PAR) Board, shall approve, approve with conditions, or deny a permit for outdoor entertainment activity based on any of the following grounds:

- (1) The activity would present an adverse impact to the health, safety or welfare of the applicant, participants, public employees or members of the public and/or fails to protect the city's environment.
- (2) The activity would unreasonably inconvenience the general public.
- (3) The proposed activity is prohibited by or inconsistent with the Flagler Beach Code of Ordinances or the Flagler Beach Comprehensive Plan.
- (4) The applicant cannot meet, or is unwilling to meet, all of the requirements of this article.
- (5) The activity is proposed for a site that does not have adequate parking to accommodate the activity.

-
- (6) The activity is proposed for a site that is inherently hazardous to the participants or the public.
 - (7) The event would have an adverse effect, and would unreasonably infringe upon, the rights of property owners within two hundred (200) feet of the property line of the subject property.
 - (8) The event would conflict with another proximate event or interfere with construction or maintenance work.
 - (9) The information furnished in the application is not materially complete and accurate.
 - (10) The applicant has violated a provision, restriction or condition of this article or an outdoor entertainment activity permit issued to the applicant within the past.
 - (11) The requirements identified by the city staff to ensure public health, safety and welfare have not been met.
 - (12) The comments and/or recommendations of the planning and architectural review board have not been addressed.
 - (13) The proposed event or activity is prohibited by federal, state, or local regulations.
 - (14) Other issues in the public interest as identified by the city commission.

In making a determination to approve a permit the City Commission may limit the type and number of temporary structures and the duration of the activity including the hours and the number of days of the activity conducted to minimize any adverse impact caused by the activity. Permits may be granted on an annual basis renewable yearly if the outdoor entertainment activity occurs twelve (12) or more times a year. Permits may be granted on a per event basis for outdoor entertainment activities that occur fewer than twelve (12) times a year. In no case shall the city's noise ordinance be violated.

Enclosure: Outdoor Entertainment Permit Application Packet



City of Flagler Beach Item Summary and Recommendation

SUBJECT: Consider a request for Annual Outdoor Entertainment, received from "Flagler Beachfront Winery" located at 611 North Oceanshore Boulevard.

BACKGROUND: Chapter 4, Article IV of the Code of Ordinance regulates the issuance of Annual Outdoor Entertainment Permits. Recently, the City Commission adopted Ordinance 2013-02 which amended the decibel table of Chapter 13, Article II Noise, for compliance standards. The ordinance also amended the renewal process of annual permits. This is the first request for annual permit from this business.

Per the requirements of the code, letters have been sent to the surrounding properties, and their owners within 200 feet of the business location, advising them of the request and the hearing dates. The applicants business location is zoned General Commercial, which meets the requirements of the code.

ATTACHMENTS: Application, site plan, letter to applicant, letter to residents.

SUBMITTED BY: Penny Overstreet, City Clerk

May 4, 2013

Flagler Beachfront Winery
611 North Oceanshore Blvd.
Flagler Beach, Florida 32136

RE: Outdoor Entertainment application

Dear Ken and Kelly:

This letter is to advise, your request for an Outdoor Entertainment Permit will be heard by the Planning and Architectural review Board on June 4, 2013 at 5:30 p.m. The Planning Boards recommendation will be heard by the City Commission and the final decision will be made at their June 13, 2013 meeting which begins at 5:30 p.m. I have enclosed a copy of the letter that has been mailed to the businesses and residents within 200 feet of your location. Should you have concerns or questions please contact me at povestreet@cityofflaglerbeach.com or 386-517-2000 ext. 235. You may also contact the Planner, Chad Lingenfelter at clingefelter@cityofflaglereach.com or 386-517-2000 ext. 230.

Sincerely,

Penny Overstreet
City Clerk

Cc: Chad Lingenfelter, Planner
Planning & Architectural Review Board
Elected Officials
Bruce Campbell, City Manager



City of Flagler Beach

P.O. Box 70 • 105 South 2nd Street
Flagler Beach, Florida 32136

Phone (386) 517-2000 • Fax (386) 517-2008

May 4, 2013

RE: Outdoor Entertainment Permit Application Review

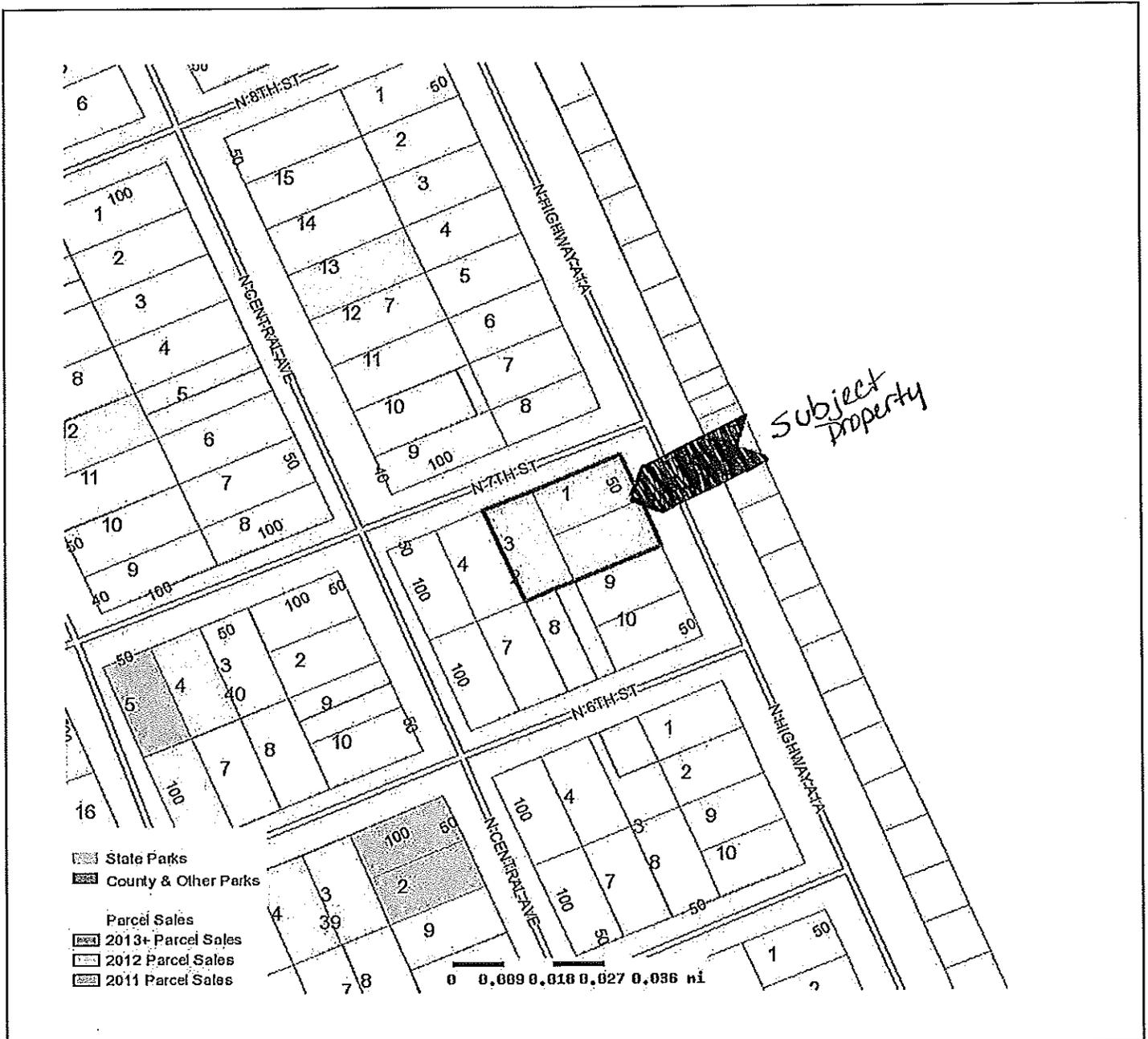
Dear Sir or Madam:

The purpose of this letter is to advise you, the City is in receipt of a request from "Flagler Beachfront Winery" located at 611 North Oceanshore Blvd. requesting an Annual Outdoor Entertainment Permit. Per Ordinance 2010-02 the office of the City Clerk is required to notify property owners in a two-hundred foot radius of the subject property of the meeting dates and times the request will be reviewed by the Planning & Architectural Review Board and the date the City Commission will have final review. The request will be reviewed by the Planning & Architectural Review Board on June 4, 2013; meeting begins at 5:30 p.m. The request will be before the City Commission for consideration on June 13, 2013 meeting begins at 5:30 p.m. The intent of this notice is to provide to you the opportunity to appear at the meeting(s) to voice your opinion of the requested activity. Should you have questions, please contact the Planning & Zoning Office at 386-517-2000 ext. 232 or the City Clerk's Office at 386-517-2000 ext. 235 or 236.

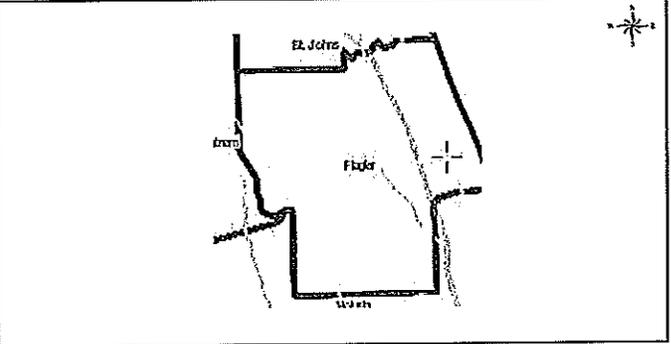
Sincerely,

Penny Overstreet
City Clerk

CC: Bruce Campbell, City Manager
Chad Lingenfelter, Planner



Flagler County Property Appraiser			
Parcel: 12-12-31-4500-00020-0010 Acres: 0.32			
Name:	TARSITANO KENNETH R	Land Value	280,520
Site:	611 OCEANSHORE BLVD N	Building Value	108,919
Sale:	\$399,000 on 03-2012 Vacant=N Qual=U	Misc Value	7,821
Mail:	29 BEDFORD DRIVE PALM COAST, FL 32137	Just Value	397,260
		Assessed Value	397,260
		Exempt Value	0
		Taxable Value	397,260



The Flagler County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER FLAGLER COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS --THIS IS NOT A SURVEY--
Date printed: 05/06/13 : 10:37:51

Favolacci
200 S. Oceanshore Blvd.
Flagler Beach, FL 32136

Current Resident
71 N. Oceanshore Blvd.
Flagler Beach, FL 32136

701 Ocean LLC
609 Shearwood
Flagler Beach, FL 32136

Marianne Warenfelt
700 N. Central Avenue
Flagler Beach, FL 32136

Elizabeth Stevens
712 N. Central Avenue
Flagler Beach, FL 32136

Theodore Deroche
701 N. Central Avenue
Flagler Beach, FL 32136

Cenan & Patricia Ozmeral
1975 Carmel Road
Charlotte, NC 28226

Richard & Michelle Stevens
600 N. Central Avenue
Flagler Beach, FL 32136

J Ryan Realty, LLC
C/O B. Ganns Management
18 E. 41st Street, Ste. 1906
New York, NY 10017

David Sloan
848 S. Second Street
Louisville, KY 40203

Current Resident
607 N. Oceanshore Blvd.
Flagler Beach, FL 32136

Kermit & Diana Bandt
4011 Mt. Diable Blvd.
Layfayette, CA 94549

Carolyn Cass-Lamore
P.O. Box 1289
Flagler Beach, FL 32136

Current Resident
511 N. Oceanshore Blvd.
Flagler Beach, FL 32136

Jerry Gottlieb
340 N. 11th Street
Flagler Beach, FL 32136

Current Resident
509 N. Oceanshore Blvd.
Flagler Beach, FL 32136

Joan Foley
107 N. 6th Street
Flagler Beach, FL 32136

Deborah McDaniel
111 N. 6th Street
Flagler Beach, FL 32136

Hyde & Mary Potter
9 Crow Court
Palm Coast, FL 32137

Current Resident
511 N. Central Avenue
Flagler Beach, FL 32136

William & Linda Millican
12190 W. Hwy. 100
Bunnell, FL 32110

Current Resident
201 N. 7th Street
Flagler Beach, FL 32136

Current Resident
609 N. Central Avenue
Flagler Beach, FL 32136

Henrietta Walters
605 N. Central Avenue
Flagler Beach, FL 32136

Lowe Palm Coast, INC
4 Old Kings Road , Suite B
Palm Coast, FL 32137

Kenneth & Kelly Tarsitano
611 N. Oceanshore Blvd.
Flagler Beach, FL 32136

OFFICE USE ONLY:

DATE REC'D 4-15-13

FEE REC'D \$ 150.00

INITIALS: P.D.

APPROVED

DISAPPROVED

SENT PARB

PERMIT ISSUED _____

INSTRUCTIONS:
Please print or type all information.
 The application must be filled out accurately and completely. Answer all questions. Do not leave an item blank. If an item does not apply, write N/A (not applicable). Incomplete applications may delay your request. All statements made on the application are subject to verification.

City of Flagler Beach
 APPLICATION FOR
 OUTDOOR ENTERTAINMENT



105 South 2nd Street,
 Post Office Box 70
 Flagler Beach, Florida 32136
 Phone (386) 517-2000 Fax (386) 517-2008

Please type or print legibly
Required Information

Business Name: Flagler Beachfront Winery

Contact Person: Ken & Kelly Tarsitano

Address: 611 N. Oceanshore Blvd.

City: Flagler Beach State: FL Zip: 32136

Work Phone: 386-693-4950 Home Phone: None

Fax: None Mobile Phone: 386-585-0721

E-Mail Address: Kelly @ flaglerbeachfrontwinery.com

What type of permit are you applying for? (check one)

Annual Permit (permit fee = \$150.00)

Per event that occurs fewer than 12 times a year (permit fee = \$75.00)
 (Please list dates and times for the events on the bottom of page 2)

One day event on Date _____ (permit fee = \$50.00)
 Start time _____ am\pm End time _____ am\pm

Will you utilize temporary structures at your event? No Yes
 (If yes, attach a sketch of the site showing the location of these structure and see note below)
 (Indicate number of each)

_____ Stages _____ Scaffolding _____ Fences _____ Other _____

_____ Tents Do any of the tents exceed 200 square feet? _____ No _____ Yes

Note: Special Permits are required for tents exceeding 200 square feet. Special Building permits are required for temporary structures 700 or more square feet in area and those that are four feet above grade.

PLEASE ATTACH A SITE PLAN REGARDING THE SET UP OF THE OUTDOOR ENTERTAINMENT. PLEASE ATTACH A CURRENT COPY OF YOUR LIABILITY INSURANCE TO THIS APPLICATION.

By signing below I understand:

- This is an application only and does not obligate the City in any fashion to issuing a permit or approve an event.
- I have included my application fee and understand that my application will not be processed without the application fee.
- In no case shall the City's Noise Ordinance be violated.
- The City Manager may reasonably limit the type and number of temporary structures and the duration of the activity including the hours and the number of days of the activity conducted.
- The event(s) may not be held until a permit is received.

Signature of Applicant Kathy Tarsitano Date 4/10/2013

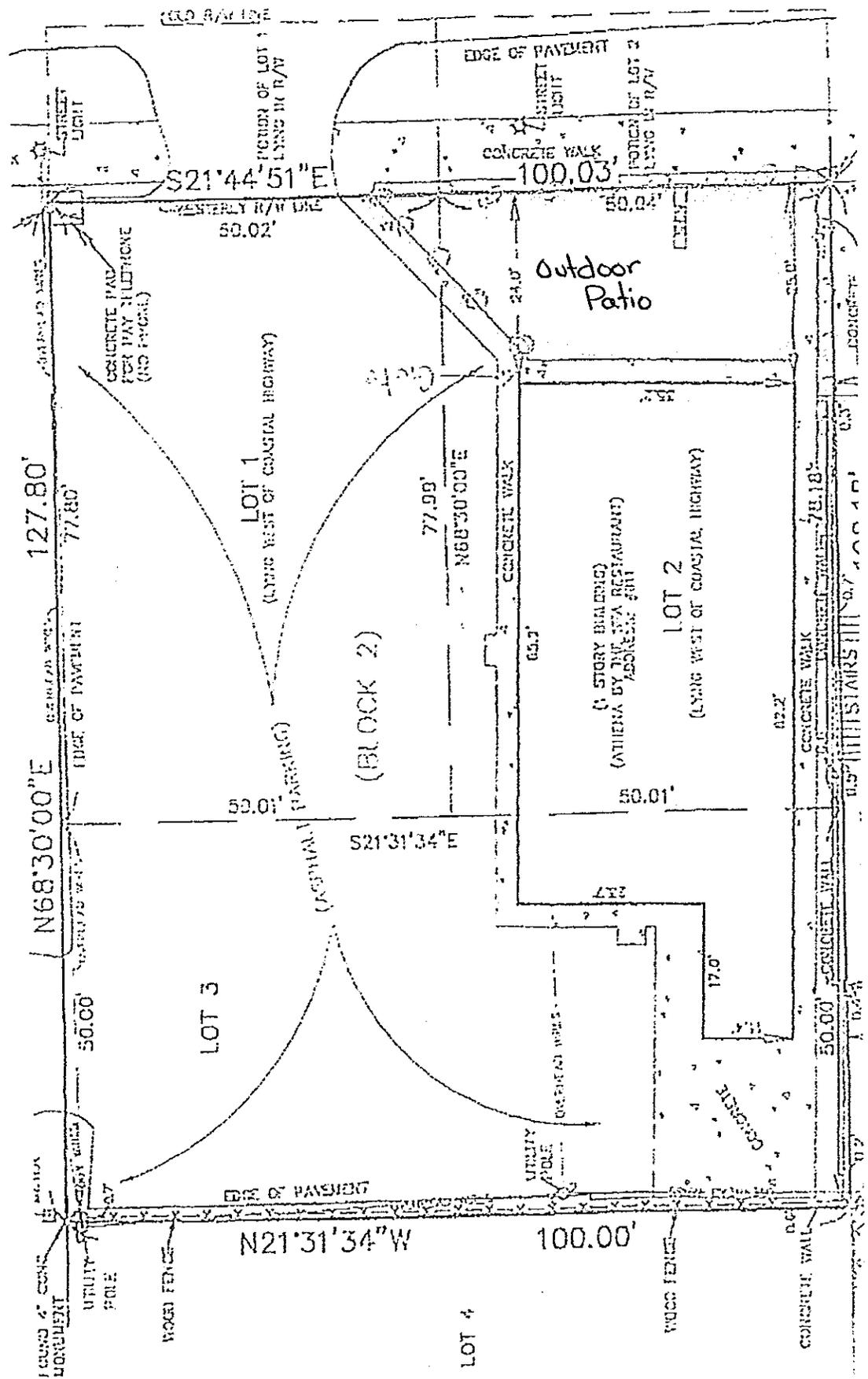
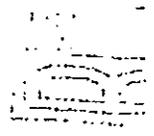
Title of Applicant Co-Owner Flagler Beachfront Winery

Affiliation _____

- | | | |
|----------------|------------------------|----------------------|
| 1. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 2. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 3. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 4. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 5. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 6. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 7. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 8. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 9. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 10. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 11. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 12. Date _____ | Start time _____ am\pm | End time _____ am\pm |

Flagler Beach front Winery
 386-693-4950
 611 N. Oceanshore Blvd.

(STATE ROAD No. A-1-A)
 COASTAL HIGHWAY
 (PAVED) 100' R/W



The attached copies are
of undeliverable mail
returned to City Hall,
related to the
application for Annual
Outdoor Entertainment
for Flagler Beachfront
Winery.



City of Flagler Beach

P.O. Box 70 • 105 South 2nd Street
Flagler Beach, FL 32136

Current Resident
201 N. 7th Street
Flagler Beach, FL 32136



CITY OF FLAGLER BEACH

MAY 19 2013

RECEIVED

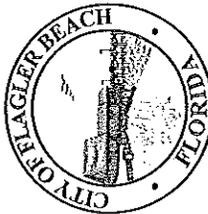
NIXIE 339 SE 1 00 05/08/13

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

BC: 32136007070 *0374-02328-05-44



Winery



City of Flagler Beach

P.O. Box 70 • 105 South 2nd Street
Flagler Beach, FL 32136

Current Resident
511 N. Central Avenue
Flagler Beach, FL 32136



CITY OF FLAGLER BEACH

MAY 19 2013

RECEIVED

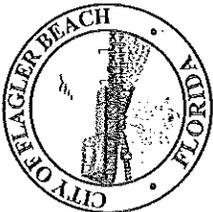
NIXIE 339 SE 1 00 05/08/13

RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD

BC: 32136007070 *0474-02172-05-44



Winery



City of Flagler Beach

P.O. Box 70 • 105 South 2nd Street
Flagler Beach, FL 32136

Current Resident
511 N. Oceanshore Blvd.
Flagler Beach, FL 32136



CITY OF FLAGLER BEACH

MAY 13 2013
RECEIVED

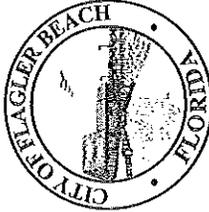
NIXIE 339 SE 1 00 05/08/13

RETURN TO SENDER
NO MAIL RECEIPTABLE
UNABLE TO FORWARD

BC: 3213-6007070 *0474-01Z94-06-44

32136007070

Winery



City of Flagler Beach

P.O. Box 70 • 105 South 2nd Street
Flagler Beach, FL 32136

Current Resident
71 N. Oceanshore Blvd.
Flagler Beach, FL 32136



CITY OF FLAGLER BEACH

MAY 13 2013
RECEIVED

Not 3

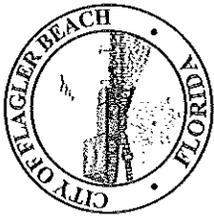
NIXIE 339 SE 1 00 05/08/13

RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD

BC: 3213-6007070 *0374-02Z50-06-44

32136007070

Winery



City of Flagler Beach

P.O. Box 70 • 105 South 2nd Street
Flagler Beach, FL 32136

Lowe Palm Coast, INC
4 Old Kings Road, Suite B
Palm Coast, FL 32137

CITY OF FLAGLER BEACH

MAY 13 2013

RECEIVED

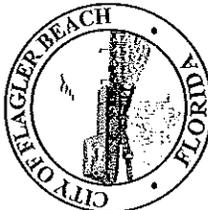
NIXIE 339 SE 1 00 05/08/13

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 32136007070 #0374-00441-05-44

32136007070

Winery



City of Flagler Beach

P.O. Box 70 • 105 South 2nd Street
Flagler Beach, FL 32136

Current Resident
609 N. Central Avenue
Flagler Beach, FL 32136

CITY OF FLAGLER BEACH

MAY 13 2013

RECEIVED

NIXIE 339 SE 1 02 05/09/13

RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD

BC: 32136007070 #0374-02315-05-44

32136007070

Winery





City of Flagler Beach

To: Don Deal, Chairperson, Planning and Architectural Review Board
Planning and Architectural Review Board Members

FROM: Chad T. Lingenfelter, AICP, PTP, City Planner

RE: #OE 13-06-02 – 608 South Ocean Shore Boulevard Outdoor Entertainment Permit

DATE: May 29, 2013

Applicant: Nicolas Kimball, 608 South Ocean Shore Boulevard, Flagler Beach, Florida 32136

Property Owner: A1A Burrito Works, Inc., 2333 South Central Avenue, Flagler Beach, Florida 32136

Property: 608 South Ocean Shore Boulevard – 12-12-31-4500-00130-0090

Future Land Use: Commercial

Zoning District: General Commercial

Summary

Pursuant to the *City of Flagler Beach Code of Ordinances* Chapter 4, Amusements and Entertainment, the applicant is requesting an outdoor entertainment permit to allow amplified and non-amplified events consisting of music, spoken words and/or other forms of entertainment. The subject property is zoned as GC, General Commercial, contains approximately 0.23 acre, and is generally located northwest of the intersection of 7th Street South and South Ocean Shore Boulevard. The subject property is occupied by Fuego del Mar.

Analysis

Section 4-167, Review of Permit Application, states that the City Commission, after receiving recommendation from the Planning and Architectural Review (PAR) Board, shall approve, approve with conditions, or deny a permit for outdoor entertainment activity based on any of the following grounds:

- (1) The activity would present an adverse impact to the health, safety or welfare of the applicant, participants, public employees or members of the public and/or fails to protect the city's environment.
- (2) The activity would unreasonably inconvenience the general public.
- (3) The proposed activity is prohibited by or inconsistent with the Flagler Beach Code of Ordinances or the Flagler Beach Comprehensive Plan.
- (4) The applicant cannot meet, or is unwilling to meet, all of the requirements of this article.
- (5) The activity is proposed for a site that does not have adequate parking to

accommodate the activity.

- (6) The activity is proposed for a site that is inherently hazardous to the participants or the public.
- (7) The event would have an adverse effect, and would unreasonably infringe upon, the rights of property owners within two hundred (200) feet of the property line of the subject property.
- (8) The event would conflict with another proximate event or interfere with construction or maintenance work.
- (9) The information furnished in the application is not materially complete and accurate.
- (10) The applicant has violated a provision, restriction or condition of this article or an outdoor entertainment activity permit issued to the applicant within the past.
- (11) The requirements identified by the city staff to ensure public health, safety and welfare have not been met.
- (12) The comments and/or recommendations of the planning and architectural review board have not been addressed.
- (13) The proposed event or activity is prohibited by federal, state, or local regulations.
- (14) Other issues in the public interest as identified by the city commission.

In making a determination to approve a permit the City Commission may limit the type and number of temporary structures and the duration of the activity including the hours and the number of days of the activity conducted to minimize any adverse impact caused by the activity. Permits may be granted on an annual basis renewable yearly if the outdoor entertainment activity occurs twelve (12) or more times a year. Permits may be granted on a per event basis for outdoor entertainment activities that occur fewer than twelve (12) times a year. In no case shall the city's noise ordinance be violated.

Enclosure: Outdoor Entertainment Permit Application Packet



City of Flagler Beach Item Summary and Recommendation

SUBJECT: Consider a request for Annual Outdoor Entertainment, received from "Fuego Del Mar" located at 608 South Oceanshore Boulevard.

BACKGROUND: Chapter 4, Article IV of the Code of Ordinance regulates the issuance of Annual Outdoor Entertainment Permits. Recently, the City Commission adopted Ordinance 2013-02 which amended the decibel table of Chapter 13, Article II Noise, for compliance standards. The ordinance also amended the renewal process of annual permits. This is the first request for annual permit from this business.

Per the requirements of the code, letters have been sent to the surrounding properties, and their owners within 200 feet of the business location, advising them of the request and the hearing dates. The applicants business location is zoned General Commercial, which meets the requirements of the code.

ATTACHMENTS: Application, site plan, letter to applicant, letter to residents.
SUBMITTED BY: Penny Overstreet, City Clerk

May 4, 2013

Fuego Del Mar
608 South Oceanshore Blvd.
Flagler Beach, Florida 32136

RE: Outdoor Entertainment application

Dear Nicolas:

This letter is to advise, your request for an Outdoor Entertainment Permit will be heard by the Planning and Architectural review Board on June 4, 2013 at 5:30 p.m. The Planning Boards recommendation will be heard by the City Commission and the final decision will be made at their June 13, 2013 meeting which begins at 5:30 p.m. I have enclosed a copy of the letter that has been mailed to the businesses and residents within 200 feet of your location. Should you have concerns or questions please contact me at povestreet@cityofflaglerbeach.com or 386-517-2000 ext. 235. You may also contact the Planner, Chad Lingenfelter at clingefelter@cityofflaglereach.com or 386-517-2000 ext. 230.

Sincerely,

Penny Overstreet
City Clerk

Cc: Chad Lingenfelter, Planner
Planning & Architectural Review Board
Elected Officials
Bruce Campbell, City Manager



City of Flagler Beach

P.O. Box 70 • 105 South 2nd Street
Flagler Beach, Florida 32136

Phone (386) 517-2000 • Fax (386) 517-2008

May 4, 2013

RE: Outdoor Entertainment Permit Application Review

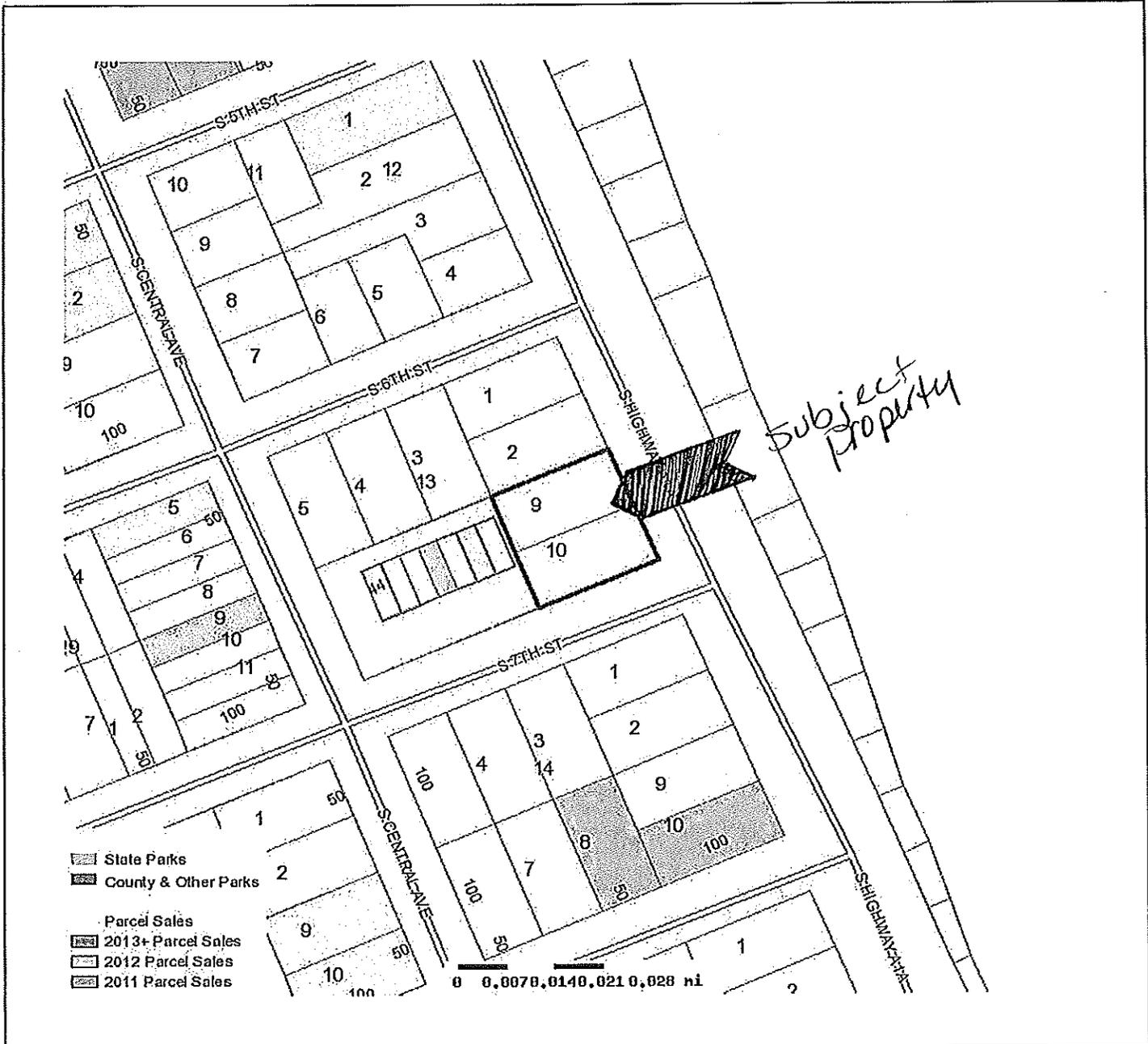
Dear Sir or Madam:

The purpose of this letter is to advise you, the City is in receipt of a request from "Fuego Del Mar" located at 608 South Oceanshore Blvd. requesting an Annual Outdoor Entertainment Permit. Per Ordinance 2010-02 the office of the City Clerk is required to notify property owners in a two-hundred foot radius of the subject property of the meeting dates and times the request will be reviewed by the Planning & Architectural Review Board and the date the City Commission will have final review. The request will be reviewed by the Planning & Architectural Review Board on June 4, 2013; meeting begins at 5:30 p.m. The request will be before the City Commission for consideration on June 13, 2013 meeting begins at 5:30 p.m. The intent of this notice is to provide to you the opportunity to appear at the meeting(s) to voice your opinion of the requested activity. Should you have questions, please contact the Planning & Zoning Office at 386-517-2000 ext. 232 or the City Clerk's Office at 386-517-2000 ext. 235 or 236.

Sincerely,

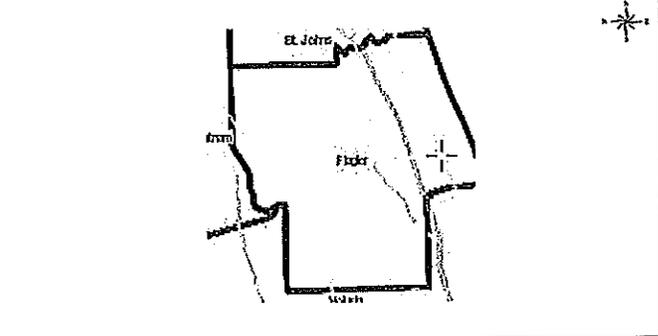
Penny Overstreet
City Clerk

CC: Bruce Campbell, City Manager
Chad Lingenfelter, Planner
Nicolas Kimball, Applicant



Subject Property

Flagler County Property Appraiser			
Parcel: 12-12-31-4500-00130-0090 Acres: 0.23			
Name:	A1A BURRITO WORKS INC	Land Value	200,120
Site:	608 OCEANSHORE BLVD S	Building Value	21,431
Sale:	\$447,000 on 07-2010 Vacant=N Qual=U	Misc Value	5,060
Mail:	2333 S CENTRAL AVE	Just Value	226,611
	FLAGLER BEACH, FL 32136	Assessed Value	226,611
		Exempt Value	0
		Taxable Value	226,611



The Flagler County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER FLAGLER COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS --THIS IS NOT A SURVEY--
 Date printed: 05/06/13 : 10:35:40

Mayo Condo HOA
112 South 6th Street
Flagler Beach, FL 32136

John Tanner
P.O. Box 1628
Flagler Beach, FL 32136

Current Resident
112 South 7th Street, #1
Flagler Beach, FL 32136

Arleen Branning Kaufmann
2668 SW 14th Dr.
Gainesville, FL 32608

Current Resident
112 S. 7th Street, #2
Flagler Beach, FL 32136

Jeanne Gruneberg
112 S. 7th Street, #3
Flagler Beach, FL 32136

Robert & Carol Stewart
4820 Arrowhead Drive
Kettering, OH 45440

Current Resident
112 S. 7th Street, #4
Flagler Beach, FL 32136

Robert Spagnola
1772 NE 18th Street
Fort Lauderdale, FL 33305

Current Resident
112 S. 7th Street, #6
Flagler Beach, FL 32136

Current Resident
112 S. 7th Street, #5
Flagler Beach, FL 32136

John Aligood
3580 S. Oceanshore Blvd. Unit #708
Flagler Beach, FL 32136

David & Linda Gillum
200 Canopy Walk #244
Palm Coast, FL 32137

Current Resident
112 S. 7th Street, #7
Flagler Beach, FL 32136

Frank & Marie Scofi
112 S. 7th Street, #8
Flagler Beach, FL 32136

Christine Condon
2801 Adams Mill Rd.
Washington, DC 20009

Current Resident
112 S. 7th Street, #9
Flagler Beach, FL 32136

Christine Condon & Mary Shaw
???
Rehoboth Beach, DE 19971

Current Resident
112 S. 7th Street, #10
Flagler Beach, FL 32136

Jack & Ann Wilson
5750 N. Oceanshore Blvd.
Palm Coast, FL 32137

Current Resident
112 S. 7th Street, #11
Flagler Beach, FL 32136

Robert Oehl
40 Francisan Lane
Palm Coast, FL 32137

Current Resident
112 S. 7th Street, #12
Flagler Beach, FL 32136

Charles Stotz
10 E. Oxford Street
Valhalla, NY 10595

Current Resident
112 S. 7th Street, #13
Flagler Beach, FL 32136

Steve & Olga OBrien
112 S. 7th Street, #14
Flagler Beach, FL 32136

Sadie Perry
P.O. Box 903
Flagler Beach, FL 32136

Current Resident
509 S. Central Ave.
Flagler Beach, FL 32136

LHP Scales, Inc.
P.O. Box 1207
Flagler Beach, FL 32136

MBDB Properties, LLC
104 S. 6th Street
Flagler Beach, FL 32136

Sally Pillitteri
P.O. Box 2141
Flagler Beach, FL 32136

Current Resident
601 S. Central Ave.
Flagler Beach, FL 32136

United We Stand, Inc
2 Spring Meadows Dr.
Ormond Beach, FL 32174

Current Resident
700 S. Oceanshore Blvd.
Flagler Beach, FL 32136

John & Marsha Tanner
P.O. Box 1629
Flagler Beach, FL 32136

Frank Rodrick
14205 W. 52nd Ave.
Arvada, CA 80002

Wykle Interests, LLC
HC77 Box 160
Hinton, WV 25951

Current Resident
600 S. Central Ave.
Flagler Beach, FL 32136

Silvio & Michele DiGrerorio
P.O. Box 96
Flagler Beach, FL 32136

Current Resident
602 S. Central Ave.
Flagler Beach, FL 32136

George & Donna Demeglio
604 S. Central Avenue
Flagler Beach, FL 32136

Linda Demeglio
333 Scola Rd.
Brookhaven, PA 19015

Current Resident
606 S. Central Ave.
Flagler Beach, FL 32136

Benjamin Deruyter
P.O. Box 727
Brester, MA 06231

Current Resident
608 S. Central Ave.
Flagler Beach, FL 32136

Randall & Barbara Smith
610 S. Central Ave.
Flagler Beach, FL 32136

Vincenzo Corrao
512 N. Daytona Ave
Flagler Beach, FL 32136

Current Resident
612 S. Central Ave.
Flagler Beach, FL 32136

David & Kathleen Laffitte
2155 Mills Rd.
Jacksonville, FL 32216

Current Resident
614 S. Central Ave.
Flagler Beach, FL 32136

A1A Burrito Works/Kimball
2333 S. Central Avenue
Flagler Beach, FL 32136

OFFICE USE ONLY: DATE REC'D <u>4-26-2013</u> FEE REC'D \$ <u>150.00</u> INITIALS: <u>P.O.</u> APPROVED <input type="checkbox"/> DISAPPROVED <input type="checkbox"/> SENT PARB <input checked="" type="checkbox"/> PERMIT ISSUED _____	INSTRUCTIONS: <i>Please print or type all information.</i> The application must be filled out accurately and completely. Answer all questions. Do not leave an item blank. If an item does not apply, write N/A (not applicable). Incomplete applications may delay your request. All statements made on the application are subject to verification.	City of Flagler Beach APPLICATION FOR OUTDOOR ENTERTAINMENT  105 South 2nd Street, Post Office Box 70 Flagler Beach, Florida 32136 Phone (386) 517-2000 Fax (386) 517-2008
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Please type or print legibly
Required Information

Business Name: FUEGO DEL MAR -

Contact Person: NICOLAS

Address: 608- SOCEANSHORE BLVD

City: FLAGLER BEACH State: FL Zip: 32136

Work Phone: 386-439-0098 Home Phone: _____

Fax: _____ Mobile Phone: 904-472-0304

E-Mail Address: NICOLAS KIMBALL@GMAIL.COM

What type of permit are you applying for? (check one)

Annual Permit (permit fee = \$150.00)

Per event that occurs fewer than 12 times a year: (permit fee = \$75.00)
 (Please list dates and times for the events on the bottom of page 2)

One day event on Date _____ (permit fee = \$50.00)
 Start time _____ am\pm End time _____ am\pm

Will you utilize temporary structures at your event? No Yes
 (If yes, attach a sketch of the site showing the location of these structure and see note below)
 (Indicate number of each)

_____ Stages _____ Scaffolding _____ Fences _____ Other _____

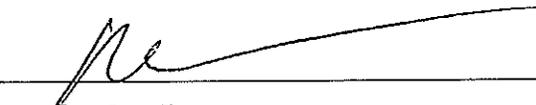
_____ Tents Do any of the tents exceed 200 square feet? _____ No _____ Yes

Note: Special Permits are required for tents exceeding 200 square feet. Special Building permits are required for temporary structures 700 or more square feet in area and those that are four feet above grade.

PLEASE ATTACH A SITE PLAN REGARDING THE SET UP OF THE OUTDOOR ENTERTAINMENT. PLEASE ATTACH A CURRENT COPY OF YOUR LIABILITY INSURANCE TO THIS APPLICATION.

By signing below I understand:

- This is an application only and does not obligate the City in any fashion to issuing a permit or approve an event.
- I have included my application fee and understand that my application will not be processed without the application fee.
- In no case shall the City's Noise Ordinance be violated.
- The City Manager may reasonably limit the type and number of temporary structures and the duration of the activity including the hours and the number of days of the activity conducted.
- The event(s) may not be held until a permit is received.

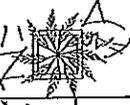
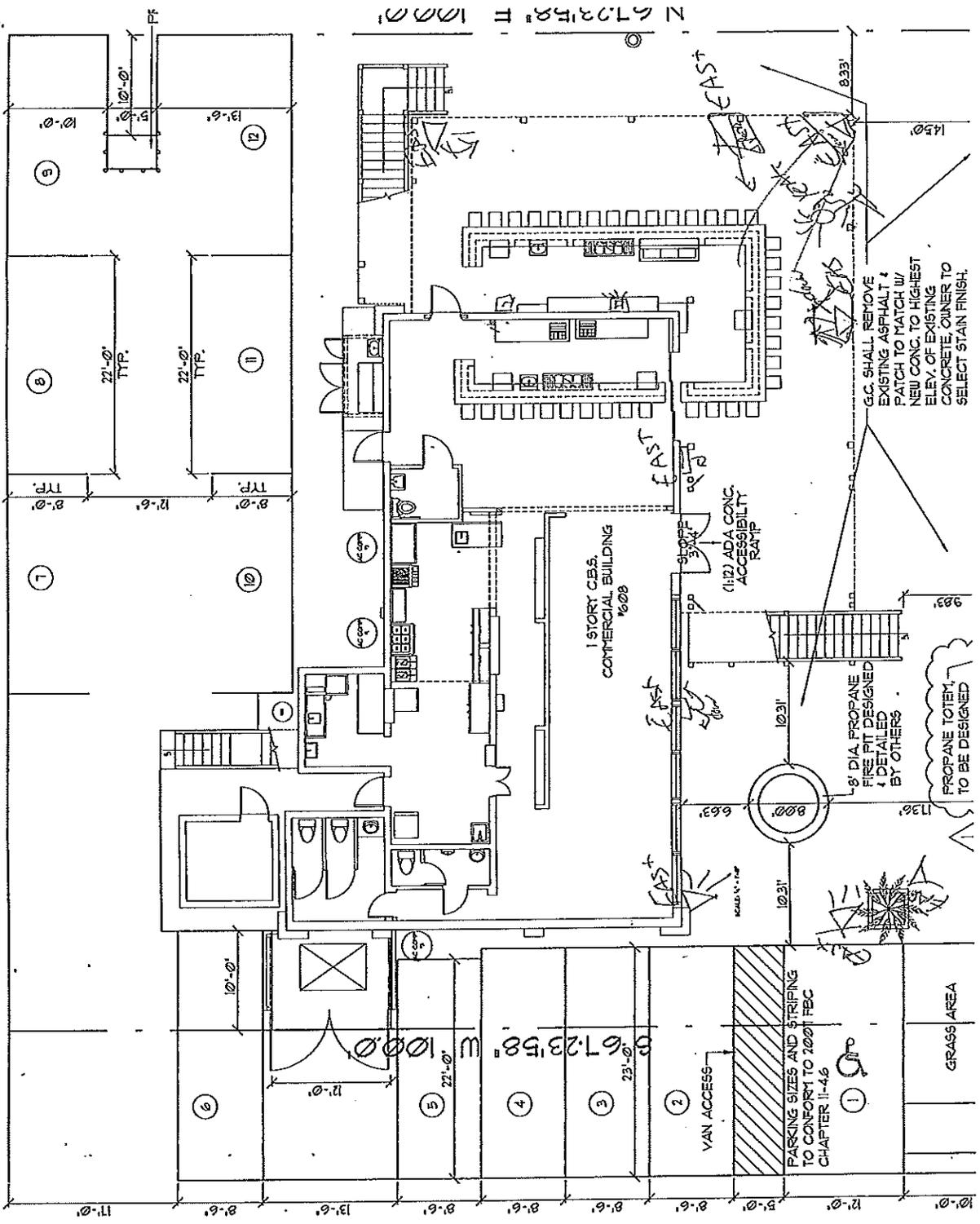
Signature of Applicant  Date 4/29/13
Title of Applicant CEO
Affiliation OWNER

- | | | |
|----------------|------------------------|----------------------|
| 1. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 2. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 3. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 4. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 5. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 6. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 7. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 8. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 9. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 10. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 11. Date _____ | Start time _____ am\pm | End time _____ am\pm |
| 12. Date _____ | Start time _____ am\pm | End time _____ am\pm |

SOUTH 7th STREET

N 22.36'02" W 100.0'

N 67.23'58" E 100.0'



PROPRANE TOTEY, TO BE DESIGNED BY OTHERS

G.C. SHALL REMOVE EXISTING ASPHALT & PATCH TO MATCH W/ NEW CONC. TO HIGHEST ELEV. OF EXISTING CONCRETE, OWNER TO SELECT STAIN FINISH.

(112) ADA CONC. ACCESSIBILITY RAMP

8" DIA. PROPANE FIRE FIT DESIGNED & DETAILED BY OTHERS

SCALE: 1/8" = 1'-0"

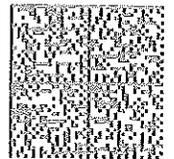
The attached copies are
of undeliverable mail
returned to City Hall,
related to the
application for Annual
Outdoor Entertainment
for Fuego Del Mar.



City of Flagler Beach

P.O. Box 70 • 105 South 2nd Street
Flagler Beach, FL 32136

MBDB
MBDB Properties, LLC
104 S. 6th Street
Flagler Beach, FL 32136.



UNITED STATES POSTAGE
PITNEY BOWES
02 1P \$000.460
0003162789 MAY 06 2013
MAILED FROM ZIP CODE 32136

CITY OF FLAGLER BEACH

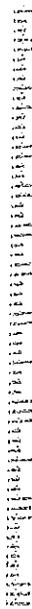
MAY 13 2013

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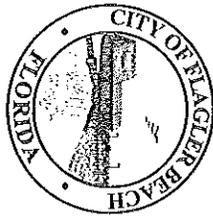
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RETURN TO SENDER
NO MAIL RECEPTACLE
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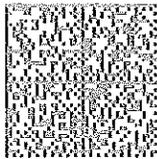
Forgo Del Mar



City of Flagler Beach

P.O. Box 70 • 105 South 2nd Street
Flagler Beach, FL 32136

Mayo Condo HOA
112 South 6th Street
Flagler Beach, FL 32136



UNITED STATES POSTAGE
PITNEY BOWES
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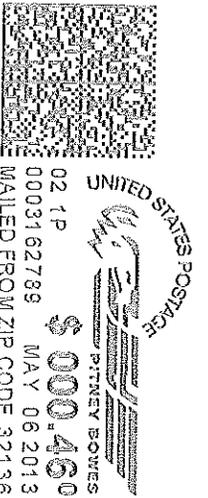
Lynn Hill Alder



City of Flagler Beach

P.O. Box 70 • 105 South 2nd Street
Flagler Beach, FL 32136

Current Resident
112 S. 7th Street, #10
Flagler Beach, FL 32136



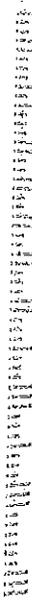
CITY OF FLAGLER BEACH

RECEIVED
MAY 13 2013

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RETURN TO SENDER
VACANT
UNABLE TO FORWARD

BC: 32136007070 *0374-01575-06-44



Fuego Del Mar

32136007070



City of Flagler Beach

P.O. Box 70 • 105 South 2nd Street
Flagler Beach, FL 32136

Current Resident
509 S. Central Ave.
Flagler Beach, FL 32136



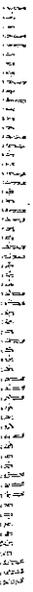
CITY OF FLAGLER BEACH

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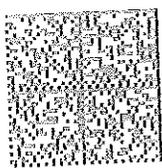


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Fuego Del Mar

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CITY OF FLAGLER BEACH
MAY 13 2013
RECEIVED
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02 1P
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MAILED FROM ZIP CODE 32136



Current Resident
614 S. Central Ave.
Flagler Beach, FL 32136

of Flagler Beach
Box 70 • 105 South 2nd Street
Flagler Beach, FL 32136

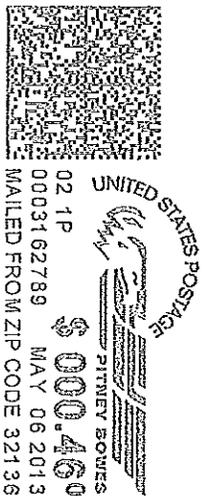
WAC



City of Flagler Beach

P.O. Box 70 • 105 South 2nd Street
Flagler Beach, FL 32136

Current Resident
112 South 7th Street, #1
Flagler Beach, FL 32136



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RETURN TO SENDER
UNABLE TO FORWARD

BC: 321366007070 *0474-01293-06-44
3213660070
3213660001



City of Flagler Beach

P.O. Box 70 • 105 South 2nd Street
Flagler Beach, FL 32136

Christine Condon & Mary Shaw
21182 Bald Eagle Road
Rehoboth Beach, DE 19971



NIXIE 176 SE 1 00 05/11/13
RETURN TO SENDER
INSUFFICIENT ADDRESS
UNABLE TO FORWARD

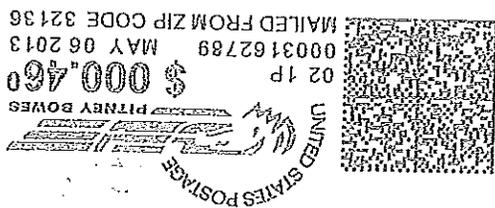
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Flagler Beach

105 South 2nd Street
Flagler Beach, FL 32136

Current Resident
112 S. 7th Street, #4
Flagler Beach, FL 32136

32136@070
321360004
BC: 321360070 * 0474-05580-06-44
RETURN TO SENDER
VACANT
UNABLE TO FORWARD
NIXIE 339 SE 1 00 05/08/13





City of Flagler Beach

To: Don Deal, Chairperson, Planning and Architectural Review Board
Planning and Architectural Review Board Members

FROM: Chad T. Lingenfelter, AICP, PTP, City Planner

RE: #SP 13-06-01 – Break-Awayz @ the Beach Outside Deck and Patio Additions
Site Plan Review

DATE: May 29, 2013

Applicant: Tyler Ecker, 819 North Ocean Shore Boulevard, Flagler Beach, Florida 32136

Property Owner: D & N Mgmt., LLC, 3054 Painters Walk, Flagler Beach, Florida 32136

Property: 819 North Ocean Shore Boulevard – 01-12-31-1100-00060-0010

Future Land Use: Commercial

Zoning District: General Commercial (Downtown A1A Retail Corridor Overlay)

Summary

Pursuant to the *City of Flagler Beach Code of Ordinances, Appendix A, Land Development Regulations, Article II., Zoning*, the applicant is requesting approval of a site plan for outside deck and patio additions totaling 787 square feet. The subject property is occupied by a 2,967 square foot commercial building and a 360 square foot accessory building. The commercial building is occupied by Europa Hair Salon, Florida Health Foods, Ship Shape Fitness, Toes in the Sand, and a dwelling unit. The proposed additions are adjacent to the approximate 1,000 square foot suite in the southeast corner of the building, addressed as "B."

Analysis

The applicant's application includes plans that indicate the size and architectural treatment of the proposed outside deck and patio additions. The proposed front deck additions will also bring uses of the building to be closer to the sidewalk, enhancing the pedestrian experience. The proposed outside deck addition will displace four (4) parking spaces to another location on the subject property. Therefore, the applicant has provided a site plan to create a parking lot to the rear of the building and convert one (1) parking space in the front into a handicapped accessible parking space. Consistent with the Downtown A1A Retail Corridor section of the Downtown Design Guidelines, this building addition will "maximize the street frontage of the building," and "accommodate a line of vision for vehicular traffic from two streets."

Pursuant to Section 2.06.06., Site Plan Review., "Before approving the site plan, the Planning and Architectural Review Board shall make findings with respect to the following:"

1. Traffic access – All proposed site traffic access ways are adequate, but not excessive in number, adequate in grade, width, alignment and visibility, and not located too near street corners, entrances to schools or places of public assembly and other similar considerations.

The proposed outside deck and patio additions do not affect any existing site access points.

2. Circulation and parking – That the interior circulation system is adequate and that all required parking spaces are provided and are easily accessible.

The subject property has eight (8) off-street parking spaces. The 2,967 square foot commercial building requires eight (8) off-street parking spaces. The subject property is within the Central Business District Exclusion, as described in Section 2.06.10., where the area is "...exempt from furnishing parking facilities, as required by this ordinance." However, Section 2.06.10(a) states, "The foregoing exclusion shall not apply to existing parking spaces. Property or business owners within the district cannot remove any existing parking spaces..."

The site plan provided by the applicant depicts 15 off-street parking spaces, including one (1) handicapped accessible parking space. The site plan exceeds the requirement that the property or business owners within the district cannot remove any existing parking spaces by relocating the displaced four (4) parking spaces. Since Section 2.06.02.1., Off-Street Parking, does not include an off-street parking requirement for an outdoor seating area (Section 2.06.02.1(5) states that "the Planning and Architectural Review Board shall interpret the minimum required number of off-street parking spaces for any use not listed in the schedule of off-street parking requirements."), the site plan also exceeds the off-street parking requirement when 926 square feet of the interior space is converted from "general business, commercial and personal service" (one [1] parking space per 350 square feet) to "restaurants, nightclubs or other eating places" with 22 seats (one [1] parking space per 150 square feet or one [1] parking space per three [3] fixed seats, whichever is greater). If the subject property was not within the Central Business District Exclusion, then 13 parking spaces would be required, unless the Planning and Architectural Review Board interprets a minimum required number of off-street parking spaces for an outdoor seating area.

3. Disposal of usable open space – That in accordance with the spirit and intent of this ordinance, wherever possible, usable open space is disposed of in such a way as to insure the safety and welfare of residents or guests.

The area proposed for the front patio renovation is presently paved, actively used by the business, and not available for disposal.

4. Arrangement of buildings – That adequate provision has been made for light, air, access and privacy in the arrangement of the buildings to each other. Each dwelling unit shall have a minimum of one (1) exterior exposure. Laundry facilities, including washing machines and clothes dryers, shall be available for multifamily dwellings on the premises for use by all occupants of the premises, if hookups for such facilities are not provided in each unit.

The proposed outside deck and patio additions is to the first floor, approximately at grade or two (2) feet above the existing grade, and a majority will be covered by a roof. Therefore, the proposed building addition will not impede the light, air, access and privacy of the adjacent buildings or property.

5. Proper landscaping – That the proposed site is properly landscaped, the purpose of which is to further enhance the natural qualities of the land. As provided elsewhere in this section, proper screening and buffer zones may be required. The location and type of plants or materials shall be shown on the development plan. Furthermore, all landscaping shall comply with the criteria established in Section 5.04.00 Landscaping/Trees.

The building site is presently improved and the site plan provided by the applicant depicts landscaping at the perimeter in compliance with Section 5.04.00.

6. Supplemental controls – In reviewing the proposed site plan for one (1) or more multi-family or motel structures, the Planning and Architectural Review Board shall be guided by the following:

This criterion is not applicable.

Recommendation

Staff recommends that the Planning and Architectural Review Board recommend that the City Commission approve the site plan of the proposed outside deck and patio additions on the subject property.

Enclosures: Application, Survey, Site Plan, and Elevations

SPR#: _____ DATE FILED: _____ PARB Date: _____ CC: _____

SITE PLAN REVIEW APPLICATION

PROJECT TITLE: Break-Awayz @ the Beach LLC

PROJECT ADDRESS: 819 Oceanshore Blvd N,

SUBDIVISION: Cochran Place BLOCK: 6 LOT(s): 1 & 2

TAX ID NUMBER: 01-12-31-1100-0006-0001 ZONING DISTRICT: GC

OWNERS INFORMATION:

OWNERS NAME: D & N MGMT, LLC
ADDRESS: 3054 Painters Walk Flagler Beach FL 32136
PHONE NUMBER: 386-793-1960 FAX NUMBER: _____
E-MAIL: Debecker1@aol.com
SIGNATURE OF OWNER: Debra Hecker

APPLICANTS INFORMATION:

APPLICANTS NAME (IF OTHER THAN OWNER): Break-Awayz @ the Beach, LLC
ADDRESS: 819 Oceanshore Blvd N, Flagler Beach, FL 32136
PHONE NUMBER: _____ FAX NUMBER: _____
E-MAIL: _____
SIGNATURE OF APPLICANT: je & jfu

REPRESENTATIVE:

NAME: JOSEPH Pozzoli; ARCHITECT
ADDRESS: 314 MOODY BLVD FS
PHONE NUMBER: 439 5650 FAX NUMBER: 439 5651
E-MAIL: JOSEPH@JAPLORIDA.COM
SIGNATURE OF REPRESENTATIVE: [Signature]



Prepared by and return to:

J. Doyle Tumbleson

Attorney at Law

Kinsey, Vincent, Pyle, P.L.

150 South Palmbeach Avenue Suite 300

Daytona Beach, FL 32114

386-252-1561

File Number: 8353-22469

Parcel Identification No. 0112311100000600010

.....[Space Above This Line For Recording Data].....

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 17th day of April, 2013 between Concetta Boyle, a single person, whose post office address is 22205 Ann's Choice Way, Warminster, PA 18974 of the County of Bucks, State of Pennsylvania, grantor*, and D & N Mgmt., LLC, a Florida limited liability company whose post office address is 3054 Painters Walk, Flagler Beach, FL 32136 of the County of Flagler, State of Florida, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Flagler County, Florida, to-wit:

Lots 1 and 2, Block 6, Cochran Place Addition, according to the map or plat thereof as recorded in Plat Book 1, Page 12, Public Records of Flagler County, Florida, less and except the Easterly 23.34 feet thereof.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:



J. Doyle Tumbleson

 (Seal)

Concetta Boyle
By: Michael D. Boyle, Attorney-In-Fact



pam clifton

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 17th day of April, 2013 by Michael D. Boyle, in his capacity as Attorney-In-Fact for Concetta Boyle, who is personally known.

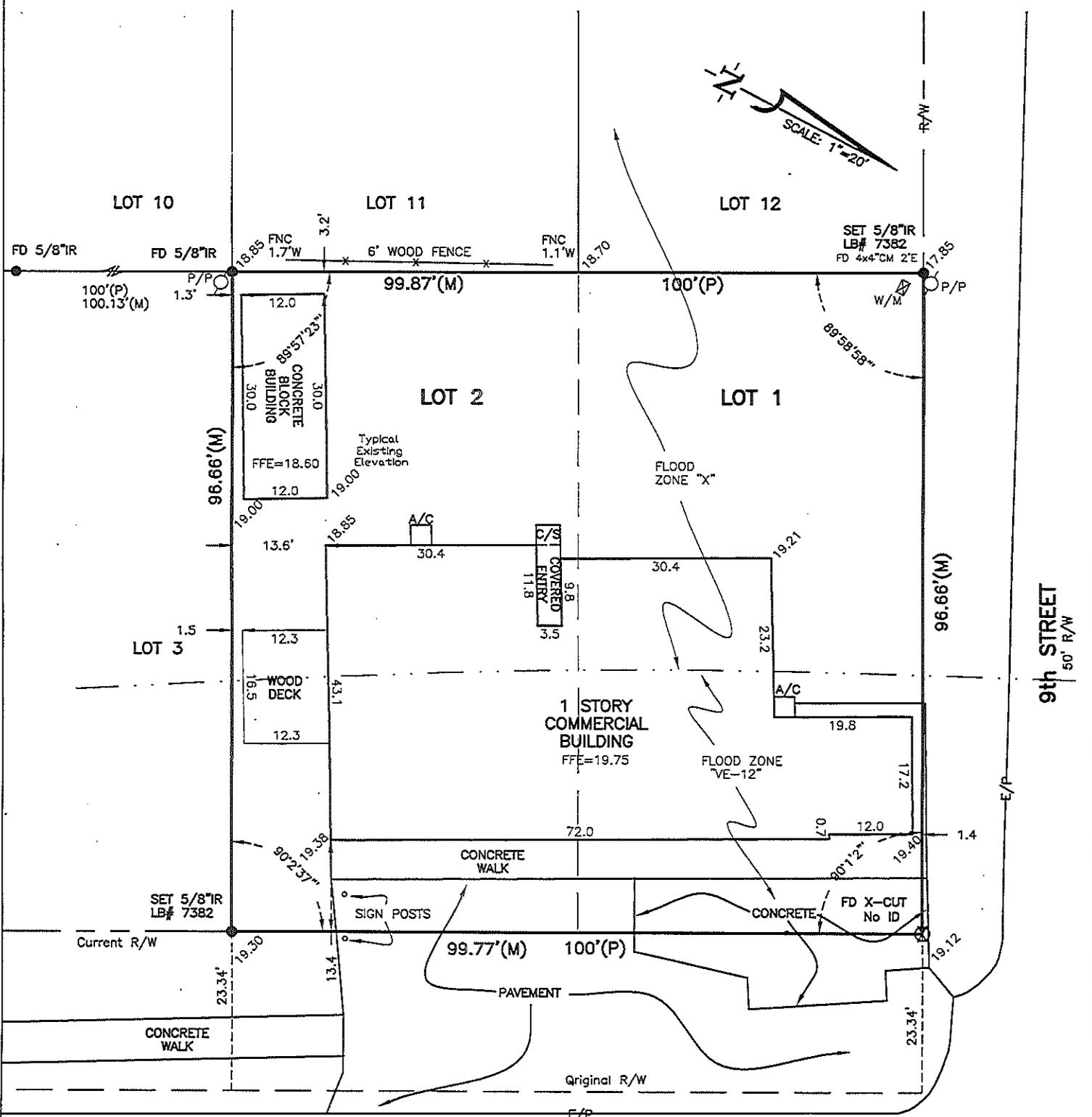
[Notary Seal]

NOTARY PUBLIC-STATE OF FLORIDA
Pam Clifton
Commission # DD935969
Expires: MAY 13, 2014
BONDED THRU ATLANTIC BONDING CO., INC.

Notary Public

Printed Name: pam clifton

My Commission Expires: _____



NORTH OCEANSHORE BOULEVARD
100' R/W

NOTES:

1. Description furnished by client. No title work provided.
2. Underground improvements and utilities are not located.
3. Bearings are assumed and are based on plat datum.
4. Dimension category is shown in parenthesis (), when they differ from record dimensions. Monuments that fall within the suburban closure of 1:5000 [as per 5J-17.051(3)15bii] are not differentiated.
5. Overhead electric not located unless shown.
6. Flood Zone X&VE, Community No. 120087, 7/17/06. flood zone from Flagler Co Property Appraisers web site isn't verified or certified by this organization or surveyor.
7. Elevations are based on the NGVD OF 1929. Elevations on natural ground have ±0.1' tolerance
8. Property containing 9649± sq ft.

LEGEND:

- FD Found
- C.M. Concrete Monument
- IR Iron Rod
- (P) Plat Bearing & Distance
- (M) Measured Bearing & Distance
- C/S Concrete Slab
- R/W Right of Way
- E/P Edge of Pavement
- LB. Licensed Business
- LS. Licensed Surveyor
- PSM Professional Surveyor & Mapper
- CONC Concrete
- ⊗ W/M Water Meter
- P/P Power Pole
- A/C Air Conditioner
- FNC Fence or fence corner
- N.G.V.D. National Geodetic Vertical Datum
- F.F.E. Finish Floor Elevation

DESCRIPTION:

LOTS 1 & 2, BLOCK 6, COCHRAN PLACE, A SUBDIVISION AS RECORDED IN MAP BOOK 1, PAGE 12, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA

PREPARED FOR:

- D & N MANAGEMENT
-
-
-

EAST COAST LAND SURVEYING

11 Coolidge Ave. Suite-J, Ormond Beach FL 32174
PHONE (386) 672-3633 or (386) 437-0123 FAX (386) 672-3635

THE FOREGOING PLAT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AS PER CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, AS PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

TYPE SURVEY: DATE OF FIELD-OFFICE WORK ORDER#
Boundary 04/29/13 04/29/13 1304050 ACS

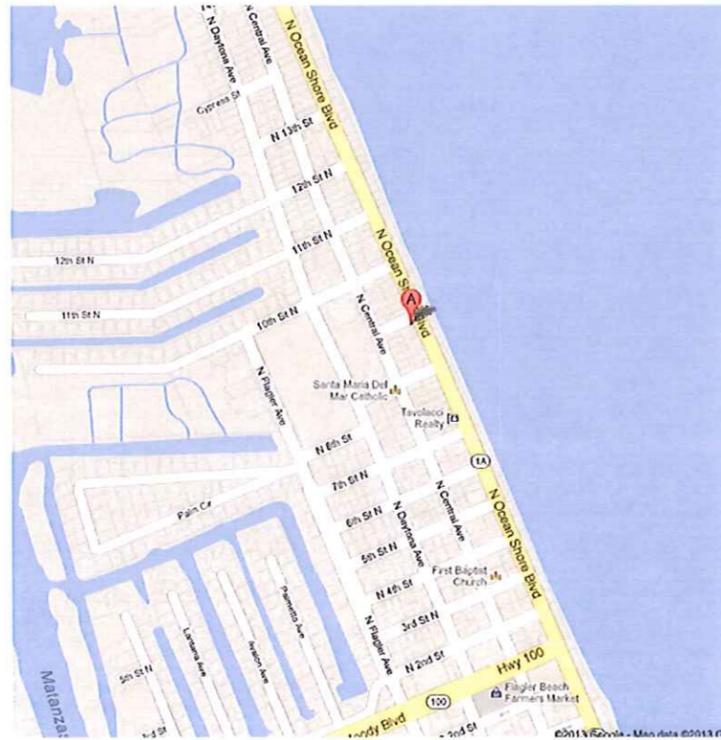
A Sanzone 4/29/13

ANTHONY SANZONE, PSM# 6309

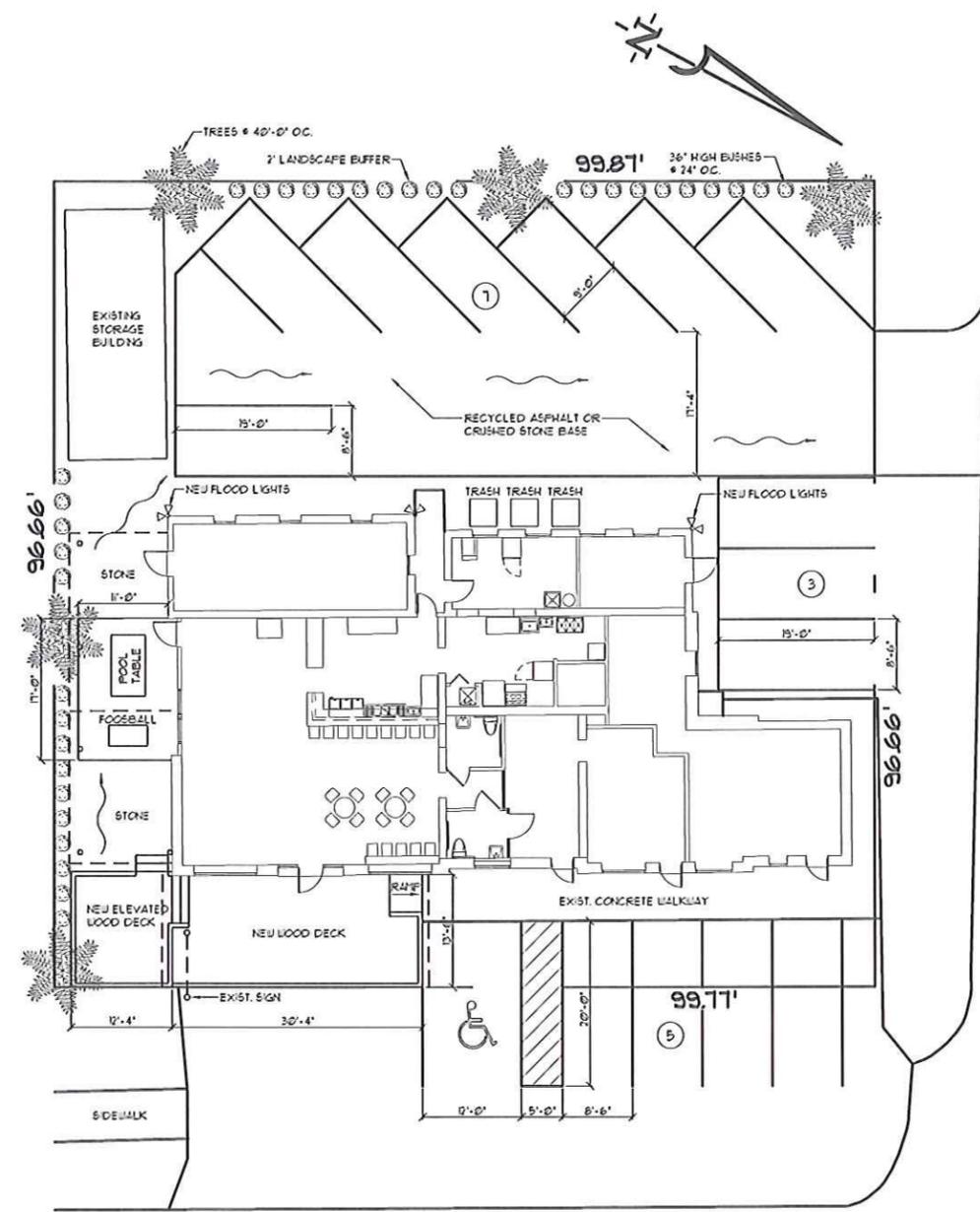
LB #7382

Revision: Add Utilities & Sign 5/15/13 JJD

Not valid without the signature and the original raised seal of a Florida Licensed surveyor and mapper.



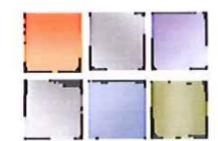
LOCATION MAP



SITE PLAN
SCALE: 1" = 10'-0"

PARKING REQUIREMENTS		SITE DATA	
EXISTING BUILDING 25671 / 3504	8 SPACES REQUIRED	ZONED:	GENERAL COMMERCIAL
25671 - 916 / 2041 / 3504	6 SPACES PROVIDED	MAX LOT COVERAGE	90%
SEATING 916 / 801	6 SPACES REQUIRED	LOT SQ. FT.	9649
	0 SPACES REQUIRED	MAX PFEROUS	N/A
		TOTAL BLDG FOOTPRINTS	3371
		BLDG LOT COVERAGE	34%
		NEW WOOD DECKS 1 SLAB	181
		PROPOSED LOT COVERAGE	49%
		PROPOSED PFEROUS AREA	505%
		INCREASED PFEROUS AREA	709
		SETBACKS:	FRONT 0'-0"
			SIDES 0'-0"
			REAR 0'-0"

DIRECTION OF DRAINAGE



JPA

JOSEPH POZZUOLI ARCHITECT
314 MOODY BOULEVARD
FLAGLER BEACH, FLORIDA 32136
T: (386) 439-5650 F: (386) 439-5651
AR13178 ID 4843



NEW WOOD DECKS AND METAL ROOFS FOR:
BREAK-AWAYZ @ THE BEACH
819 N. OCEANSHORE BLVD.
FLAGLER BEACH, FLORIDA 32136

SITE PLANS

REV #	DATE	ISSUE	REV #	DATE	ISSUE
1	5.15.13	PAR BOARD			

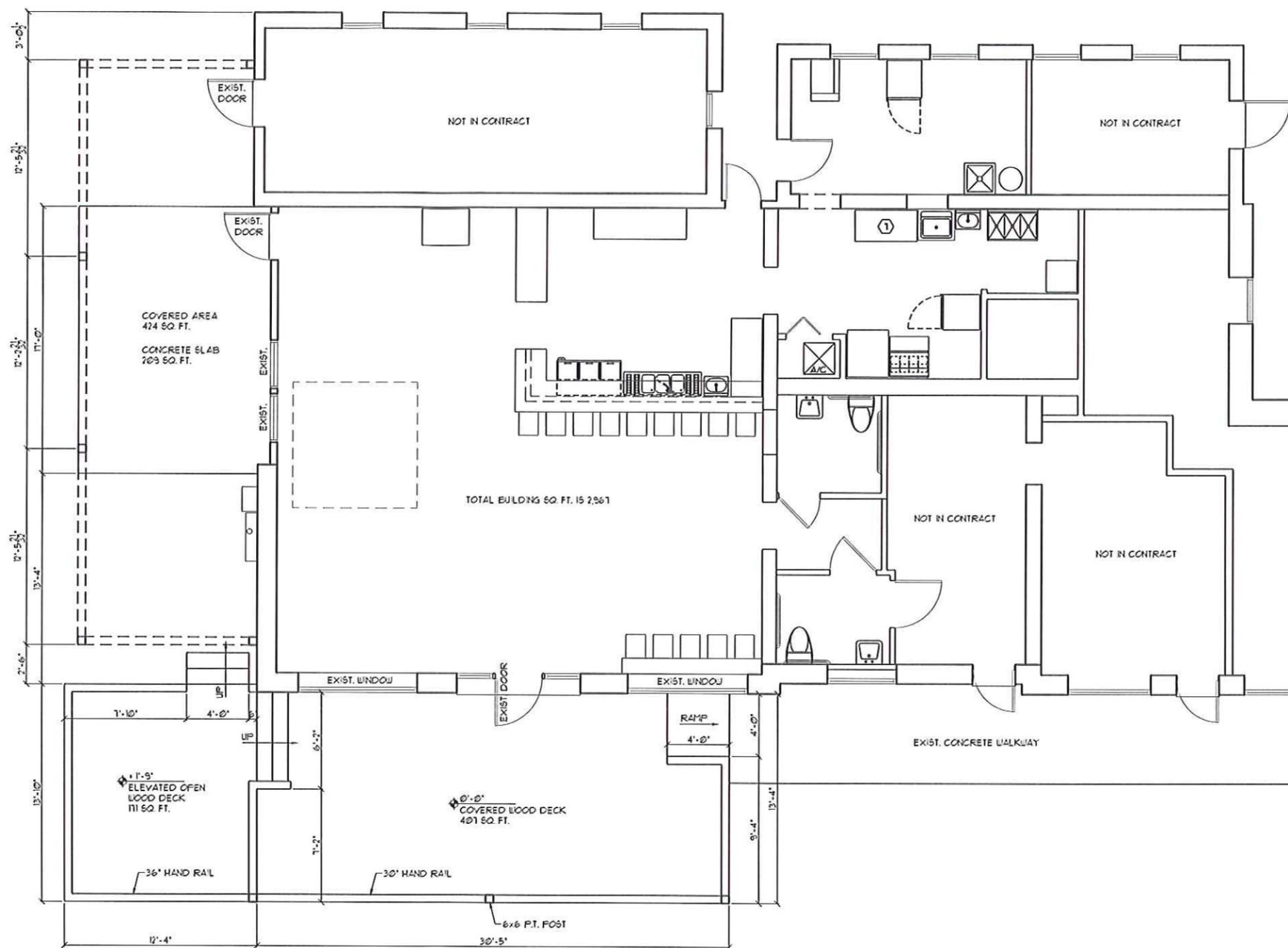
DATE:	4.5.2013	DRAWN:	DJS
JOB NO.:	213144	CHECKED:	JDP

S-1

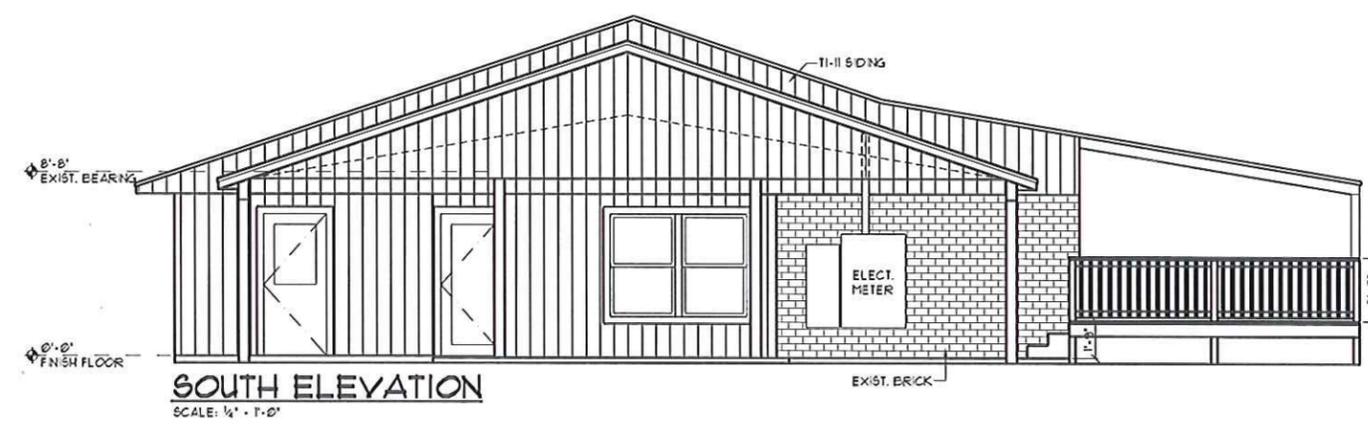


JPA

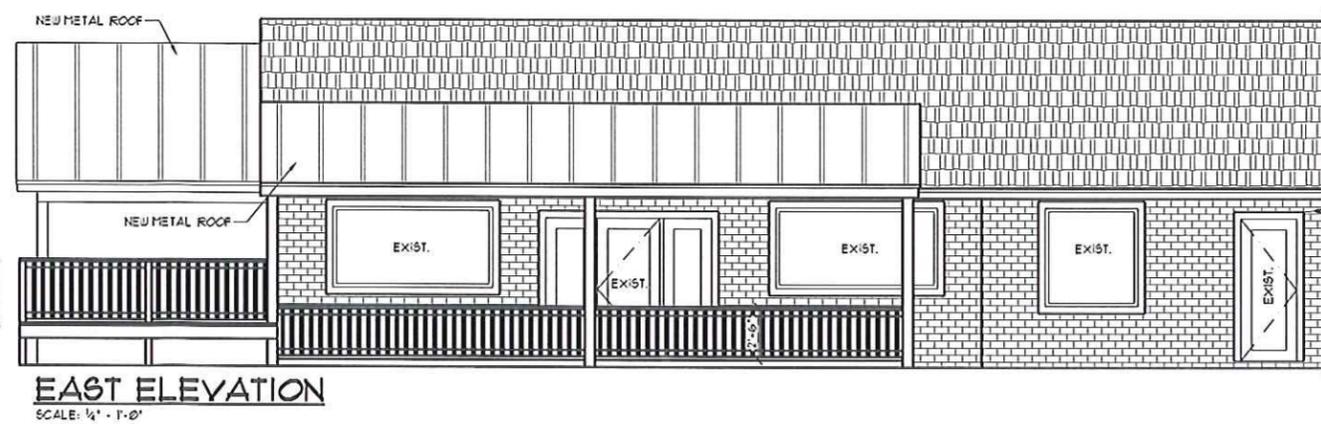
JOSEPH POZZI ARCHITECT
 314 MOODY BOULEVARD
 FLAGLER BEACH, FLORIDA 32136
 T: (386) 439-5650 F: (386) 439-5651
 AR13178 ID 4843



FLOOR PLAN
 SCALE: 1/4" = 1'-0"



SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"



EAST ELEVATION
 SCALE: 1/4" = 1'-0"

NEW WOOD DECKS AND METAL ROOFS FOR:
BREAK-AWAYZ @ THE BEACH
 819 N. OCEANSHORE BLVD.
 FLAGLER BEACH, FLORIDA 32136

FLOOR PLAN AND ELEVATIONS		REV #	DATE	ISSUE
			5.15.13	PAR BOARD
DATE:	4.5.2013	DRAWN:	DJS	
JOB NO.:	213144	CHECKED:	JDP	

A-1

PROPERTY OWNER AUTHORIZATION

FOR USE WHEN APPLICANT IS NOT THE OWNER OF SUBJECT PROPERTY:

Property Address: 819 Oceanshore N
Flagler Beach, FL 32134

Parcel ID: 01-12-31-1100-00060-0010

This is to certify that I am the owner of the subject property described above and that I authorize: (PRINT NAME)
Break Away @ the Beach, LLC to make and file the aforesaid application for site plan review.

OWNER'S SIGNATURE:

Debra H. Ecker

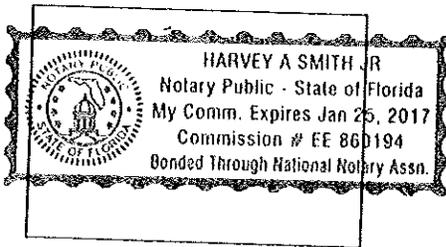
PRINT OWNER'S NAME:

Debra H. Ecker

Sworn to and subscribed before me this 15th day of MAY, 2013,
2013. Personally known to me or produced identification:

[Signature] (type) Notary Public:

My commission expires: 01/29/17



Notary Seal

SITE PLAN REVIEW
PROJECT DESCRIPTION

PRINT OR TYPE INFORMATION

- A. Provide a detailed description of the proposed project:
Tapa Restaurant with 2 post + beam covered
decks and one raised deck
regrade, restripe and Landscape Parking
- B. Provide the lot size (parcel) and square footage of all building(s):
100 wide x 96.6 deep
2967 sq. ft.
- C. Provide the size, height and proposed use of each building:
2967 sq. ft.
commercial - beauty salon
72' wide 43' deep 16' tall health food
restaurant
- D. Provide a detailed description of the following:
Exterior finish and color: brick + caribbean colors
Roof material and color: existing building asphalt shingle
New Covered patios - Red Metal Roofing
- E. Indicate the project floor area ratio or lot coverage (if applicable):
3 new decks equal 778 sq ft.
- F. Provide the total number of:
Required on-site parking spaces: 12/13
Proposed on-site parking spaces: 15
Required on-site Handicapped parking spaces: 1
Proposed on-site Handicapped Parking spaces: 1
- G. Any off-site parking spaces proposed? If yes, describe number, location, and distance from proposed project location:
CRA district

H. Will project be accomplished in phases? If Yes, describe phasing plans and timeframe:

2 phases - interior - Phase 1
site renovation - Phase 2

I. Describe the nature of any tree and native vegetation removal, if applicable:

N/A

J. If a Commercial use, describe the operational characteristics of the development (proposed hours of operation, any unique characteristics of the proposed use.

Tapas Restaurant
9 - 2 am

K. Provide other pertinent information regarding the proposed development:

None

Site Plan Review

Existing Conditions

A. Describe all previous uses or activities on the site:

title company
real estate

B. Describe all existing structures on the site in terms of their use, construction type, height, density, and size:

construction type height
S-B 16 ft. roofline ridge

density -

C. Describe the project site as it presently exists before the project in terms of:

o Site topography:

flat

o Plant life (existing trees, vegetative cover):

none

o Soil conditions:

typical for Flagler Beach

o Historic or cultural resources (if applicable):

N/A

D. Describe the land use and zoning of surrounding properties within 200 feet of project location:

North:

Commercial

South:

Commercial

East:

Ocean

West:

Residential

37 All buildings and sites requiring sanitary facilities shall be required to connect to and be served
38 by the city water system when such building or site is within two hundred (200) feet of the city
39 water distribution system. All such buildings or sites shall be subject to base charges and other
40 applicable fees whether connected to the water distribution system or not. Applicants for
41 development on properties without access to a stub-up to the city's water system shall be
42 responsible for all costs associated with extending water pipes to the subject property. In the
43 event the city extends pipes to the subject property's property line, the city shall mail by
44 certified mail an invoice to the owner of the subject property in an amount equal to the total
45 cost incurred by the city to extend the city's water system, including all materials, labor and
46 engineering costs. If the subject property owner fails to pay any such invoice within thirty days
47 of the date it is delivered to the property owner, the city shall record a lien against the subject
48 property for the total value of the unpaid invoices.

49 * * *

50 Sec. 5.03.53. - Connections required.

51 The owner of each lot or parcel of land within the city upon which lot or parcel of land any
52 building used as a dwelling is now situated or shall hereafter be situated for either residential,
53 commercial or industrial use, shall connect or cause such building or buildings to be connected
54 with the public sewer facilities of the municipal sewer system of the city and use such facilities
55 within six (6) months following notification to do so. Such notification shall be by way of
56 publication of such notice once a week for two (2) consecutive weeks in a newspaper of general
57 circulation in the city. Any new construction or unoccupied building shall be required to
58 connect to the sewer system upon occupancy. All such connections shall be made in
59 accordance with rules and regulations which shall be adopted from time to time by the city
60 commission, which rules and regulations shall provide for a charge for making any such
61 connections in such reasonable amount as the city commission may fix and determine. No
62 connection or connections shall be required where the sewer system or line is more than two
63 hundred (200) feet from such lot or parcel of land. Any new construction commencing
64 subsequent to the installation of the sewer system serving the particular property will be
65 required to pay a connection fee as outlined in Section 5.03.56. Applicants for development on
66 properties that do not have access to a stub up to the city's municipal sewer system shall be
67 responsible for all costs associated with extending sewer pipes to the subject property. In the
68 event the city extends pipes to the subject property's property line, the city shall mail by
69 certified mail an invoice to the owner of the subject property in an amount equal to the total
70 cost incurred by the city to extend the city's sewer system, including all materials, labor and
71 engineering costs. If the subject property owner fails to pay any such invoice within thirty days

72 of the date it is delivered to the property owner, the city shall record a lien against the subject
73 property for the total value of the unpaid invoices.

74 **SECTION 3. Codification.** It is the intent of the City Commission of the City of Flagler
75 Beach that the provisions of this Ordinance shall be codified. The codifier is granted broad and
76 liberal authority in codifying the provisions of this Ordinance and renumbering subsections
77 consistent with this Ordinance.

78 **SECTION 4. Severability.** If any section, sentence, clause or phrase of this Ordinance
79 is held to be invalid or unconstitutional by a Court of competent jurisdiction, then said holding
80 shall in no way affect the validity of the remaining portions of this Ordinance.

81 **SECTION 5. Repeal of conflicting ordinances.** In any case where a provision of this
82 Ordinance is found to be in conflict with provisions of any other ordinance of this City, the
83 conflicting provisions of the previous ordinance shall be repealed by this Ordinance.

84 **SECTION 6. Effective date.** This Ordinance shall take effect after final adoption as
85 provided by the Charter of the City of Flagler Beach.

86

87 PASSED ON FIRST READING THIS _____ DAY OF _____, 2013.

88 PASSED AND ADOPTED THIS _____ DAY OF _____, 2013.

89

90 CITY OF FLAGLER BEACH, FLORIDA

91 CITY COMMISSION

92

93 _____
94 Linda Provencher, Mayor
95

96 ATTEST:

97

98 _____
99 Penny Overstreet, City Clerk

100

101

102

103