

# City of Flagler Beach

## Planning and Architectural Review Board

Tuesday, April 10, 2012 at 5:30 p.m.

City Hall Commission Chambers

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### Agenda

1. Call the meeting to order.
2. Call the roll.
3. Pledge of Allegiance.
4. Approve the minutes of the Regular Meeting of March 6, 2012.
5. Old Business:
  - A. Discussion and recommendation of an ordinance of the City of Flagler Beach, Florida, amending Section 2.04.02.8 of the *Land Development Regulations* to allow motorcycle sales as a special exception use within the Highway Commercial zoning district; amending Section 2.02.00 of the *Land Development Regulations* to provide a definition of motorcycle sales; creating Section 2.06.08.9 to provide additional criteria for grant of a special exception use for motorcycle sales in the Highway Commercial zoning district; providing for codification, severability, and repeal of conflicting ordinances, and establishing an effective date.
6. New Business:
  - A. Application #OE 12-04-01  
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(DMUO), General Commercial (Downtown Mixed Use Overlay) zoning district.  
Applicant: Mercedes Delgado  
210 South Central Avenue  
Property Owner: Erik H. and Brenda L. Melton
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 April 5, 2012

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### Planning and Building Department

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

FLAGLER BEACH PLANNING AND ARCHITECTURAL REVIEW BOARD  
TUESDAY, MARCH 6, 2012 AT 5:30 P.M  
MINUTES

PRESENT: Chairman Don Deal, Dan Bayerl, Theodore Johnson, Roseanne Stocker, Joseph Pozzuoli, City Planner Chad Lingenfelter, Board Secretary Kate Settle.

ABSENT: Lea Stokes, Cathy Feind.

1. CALL THE MEETING TO ORDER: Chairman Deal called the meeting to order at 5:31 p.m.
2. CALL THE ROLL: Ms. Settle called the roll.
3. PLEDGE OF ALLEGIANCE: Attorney Smith led the pledge.
4. APPROVE THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 7, 2011: Motion by Ted Johnson, seconded by Roseanne Stocker, the minutes of February 7<sup>th</sup> be approved. The motion carried unanimously.

5. NEW BUSINESS:

- A. APPLICATION #OE 12-03-01: 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 TC, TOURIST COMMERCIAL ZONING DISTRICT.

APPLICANT:                 JOHN R. DAVIS  
  1005 NORTH OCEAN SHORE BOULEVARD

PROPERTY OWNER: ROSSIS DEVELOPMENT GROUP, LLC: Mr. Deal read the title of the item into the record. Mr. Pozzuoli recused himself as he designed approved deck for the structure. Mr. Davis explained the nature of his request. He explained the history of outdoor entertainment associated with his establishment and the neighborhood. Mr. Davis explained that the deck is being designed to buffer sound from the adjoining neighborhood. Members of the PAR Board asked for clarification in description of materials and placement of speakers. The public hearing was opened. The following citizens gave their concerns, suggestions and opinions: Rusty Place. The public hearing was closed. Motion by Roseanne Stocker, seconded by Ted Johnson that we recommend approval of the outdoor entertainment permit for Application #OE 12-03-01. Mr. Deal asked Mr. Lingenfelter if the placement of the speakers be included in the motion. The motion and the second were amended to include the stipulation that a revised drawing showing the speakers facing the ocean be included with the permit application before it goes to the City Commission. The motion carried unanimously.

- B. DISCUSSION AND RECOMMENDATION OF AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING SECTION 2.04.02.8 OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW MOTORCYCLES SALES A PRINCIPAL PERMITTED USE WITHIN THE HIGHWAY COMMERCIAL ZONING DISTRICT AND TO ALLOW MOTORCYCLE SALES AS A SPECIAL EXCEPTION USE WITHIN THE GENERAL COMMERCIAL ZONING DISTRICT; AMENDING SECTION 2.02.00 OF THE LAND DEVELOPMENT REGULATIONS TO PROVIDE A DEFINITION OF MOTORCYCLE SALES; CREATING SECTION 2.06.08.9 TO PROVIDE

FLAGLER BEACH PLANNING AND ARCHITECTURAL REVIEW BOARD

TUESDAY, MARCH 6, 2012 AT 5:30 P.M

MINUTES

ADDITIONAL CRITERIA FOR GRANT OF A SPECIAL EXCEPTION USE FOR MOTORCYCLE SALES IN THE GENERAL COMMERCIAL: Mr. Lingenfelter reviewed the memo distributed to the PAR Board outlining the uses of the zoning and the types of business one might find in those zoning categories. Mr. Deal spoke of his interpretation of the City Commission's thoughts about the shop at a recent meeting and his preference was to think of allowing a special exception in the Highway Commercial zoning district rather than a principal permitted use. He thought it would provide appropriate screening for such a business entering the city. Mr. Johnson referred to the term "power sport products" in a section of the ordinance and the items that would fall under the category. Ms. Stocker was more comfortable as the use being a special exception in General Commercial zoning district. Messrs. Pozzuoli and Bayerl agreed with Ms. Stocker. The public hearing was opened. Jim Cristos of DHC Global explained to the Board his and the owner plans for a particular site in General Commercial. He also explained that he would have to abide to the requirements and standards of a dealership. Mr. Deal asked for clarification regarding their current establishment in the Food Lion Plaza. Ms. Stocker was concerned about "power sports" being included within the ordinance and referred to jet skis and jet boats. Mr. Cristos assured they would primarily be selling motorcycles. The public hearing was opened. The following citizens came forward to give their concerns, opinions and suggestions: Rusty Place, Jane Mealy, Rudy Andre, Dick Ricardi, JoAnne Ricardi. The public hearing was closed. Mr. Lingenfelter reminded the Board that the item before them was not a site specific request. Roseanne Stocker clarified the task at hand was not only to decide the zoning and whether the use would be a special exception or not but also the definition. It was the consensus of the PAR Board not to allow the use in General Commercial. It was the consensus of the PAR Board was in favor of the use being in Highway Commercial as a Special Exception. It was the consensus of the PAR Board to work on the definition at the next regularly scheduled PAR Board Meeting.

The Board gave the following direction to Mr. Lingenfelter in crafting a definition: to leave power sports in the definition; to be displayed inside; striking the need for special insurances; to keep 3,000 square foot show room; to keep Item 2 in the proposed ordinance and for staff to research timeframes for hours of operation.

6. PARB MEMBER COMMENTS: Mr. Lingenfelter asked that the April PAR Board Meeting be changed from April 3 to April 10. Mr. Deal brought the abundance of signage of the businesses in the Food Lion Plaza and asked the board members to take a look at them. Mr. Lingenfelter indicated they are being addressed by Code Enforcement. Mr. Johnson inquired about the tree ordinance. Mr. Lingenfelter indicated it had been brought for first reading but had been deferred. He stated he has asked the City Manager to place the tree ordinance on a future City Commission agenda.

7. ADJOURNMENT: Motion by Dan Bayerl, seconded by Ted Johnson to adjourn the meeting at 7:02 p.m.



# City of Flagler Beach

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

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

**RE:** Motorcycle Sales within the HC, Highway Commercial Zoning District

**DATE:** April 5, 2012

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**Applicant:** City of Flagler Beach, P.O. Box 70, Flagler Beach, Florida 32136

## Summary

Discussion and recommendation of an ordinance of the City of Flagler Beach, Florida, amending Section 2.04.02.8 of the *Land Development Regulations* to allow motorcycle sales as a special exception use within the Highway Commercial zoning district; amending Section 2.02.00 of the *Land Development Regulations* to provide a definition of motorcycle sales; creating Section 2.06.08.9 to provide additional criteria for grant of a special exception use for motorcycle sales in the Highway Commercial zoning district; providing for codification, severability, and repeal of conflicting ordinances, and establishing an effective date.

## Analysis

The HC, Highway Commercial zoning districts can only be applied to properties that are designated Commercial on the Future Land Use Map in the *Comprehensive Plan*. The Future Land Requirements section of the *Comprehensive Plan* Future Land Use Element includes the following excerpt from the Commercial and Services future land use category:

- [The intersection of State Road 100 (Moody Boulevard) and County Road 201 (John Anderson Highway)] will be the first glimpse most visitors get of the City and it should be designed to create a good impression. The viability and growth of both [this area] and the State Road A1A (Ocean Shore Boulevard) corridor is important to the City as this growth will help broaden the tax base which is now overly dependent on residential properties."

The City of Flagler Beach *Land Development Regulations* state that the provisions of the HC, Highway Commercial zoning district are intended to complement the Commercial designation of the Future Land Use Map by providing a variety of commercial uses indigenous with the category. The activities permitted are oriented to the need of vehicular uses. These include activities that generate traffic volumes and require high demand parking considerations. The vehicle-centric uses permitted in this district are principal automotive retail parts stores, automotive service stations and repair centers each without major mechanical repairs, and car washes; accessory automobile parking structures; and automotive service stations, repair centers, and lube shops abutting any residential zoning district, restaurants and financial institutions with drive-thru window service by special exception.

A special exception is a permission or approval granted an applicant to use land in a district for a purpose other than that generally permitted outright in that district. The permission or special exception is granted by the City Commission in accordance with the standards contained in the *Land Development Regulations*, provided generally that the specific application of the use would not prove injurious to the public interest. It is important to realize that the term special exception is a misnomer. It is neither special nor is it an exception. It is not a deviation from the *Land Development Regulations*. An applicant for a special exception is following the *Land Development Regulations*. A special exception is a use envisioned by the *Land Development Regulations*, and, if the express standards and criteria established by the *Land Development Regulations* are met, the use is one permitted by the *Land Development Regulations*.

The City of Flagler Beach *Land Development Regulations* do not define vehicle sales or list vehicle sales as a permitted principal, accessory, or special exception use within any of the zoning districts. Staff has interpreted that since vehicle sales are not specifically permitted and, therefore, are prohibited.

Michael E. Stevens approached the City Manager and City Planner and requested the allowance of motorcycle sales within the GC, General Commercial zoning district. He stated that the operation would include the wholesale and retail of motorcycles and power-sports products in a facility that is a minimum of 3,000 square feet total area, a valid Dealer's license issued by the state of Florida to sell motorcycles, valid policy of garage liability and comprehensive insurance with a minimum of \$250,000, a minimum of one (1) motorcycle franchised product, all display and sales of motorcycles will be consummated inside the facility, and repairs, assembly, preparation, modification, and service will be done, if any, inside in a special designated area within the said facility.

On January 27, 2012, the City Commission directed staff to explore a definition of motorcycle sales and consider adding the use to the Zoning Schedule of Use Controls for the GC, General Commercial and HC, Highway Commercial zoning districts.

On March 6, 2012, the Planning and Architectural Review Board reviewed a definition of motorcycle sales and an ordinance adding motorcycle sales to the Zoning Schedule of Use Controls for the GC, General Commercial zoning district and HC, Highway Commercial zoning districts as a special exception use and principal use, respectively. The Planning and Architectural Review Board continued the item until their April 10, 2012, meeting and directed staff to add motorcycle sales to the Zoning Schedule of Use Controls for the HC, Highway Commercial zoning district as a special exception use and change the criteria in the proposed Section 2.06.08.9 by deleting the insurance requirement and adding hours of operation.

### **Recommendation**

Since motorcycle sales are oriented to the needs of vehicular uses, staff requests that the Planning and Architectural Review Board recommend that the City Commission consider an amendment to the *Land Development Regulations* to add a definition for motorcycle sales and add the permitted use to the Zoning Schedule of Use Controls for the HC, Highway Commercial zoning district as a special exception, as outlined in the enclosed ordinance.

**Enclosure:** Proposed Ordinance

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3 **ORDINANCE NO. 2012-XXXX**

4 **AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA,**  
5 **AMENDING SECTION 2.04.02.8 OF THE LAND DEVELOPMENT**  
6 **REGULATIONS TO ALLOW MOTORCYCLE SALES AS A SPECIAL**  
7 **EXCEPTION USE WITHIN THE HIGHWAY COMMERCIAL ZONING**  
8 **DISTRICT; AMENDING SECTION 2.02.00 OF THE LAND**  
9 **DEVELOPMENT REGULATIONS TO PROVIDE A DEFINITION OF**  
10 **MOTORCYCLE SALES; CREATING SECTION 2.06.08.9 TO PROVIDE**  
11 **ADDITIONAL CRITERIA FOR GRANT OF A SPECIAL EXCEPTION**  
12 **USE FOR MOTORCYCLE SALES IN THE HIGHWAY COMMERCIAL**  
13 **ZONING DISTRICT; PROVIDING FOR CODIFICATION,**  
14 **SEVERABILITY, AND REPEAL OF CONFLICTING ORDINANCES,**  
15 **AND ESTABLISHING AN EFFECTIVE DATE.**

16 **WHEREAS,** the City Commission of Flagler Beach hereby finds it desirable and  
17 necessary to amend Section 2.04.02.8 of the Land Development Regulations to allow Motorcycle  
18 Sales as a special exception use within the City’s Highway Commercial Zoning District; and  
19

20 **WHEREAS,** the City Commission finds it in the best interest of the health, safety and  
21 welfare of the citizens of the City of Flagler Beach and to the aesthetic quality of the City of  
22 Flagler Beach to limit the repairs, assembly, display, preparation, modification, service and sales  
23 of motorcycles for sale in the Highway Commercial Zoning District to interior facilities and to  
24 require that facilities used for motorcycle sales contain at least 3,000 square feet of interior  
25 space; and  
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27 **WHEREAS,** the City Commission finds it desirable and necessary to amend Section  
28 2.04.02.8 of the Land Development Regulations to allow Motorcycle Sales as a special exception  
29 use within the City’s Highway Commercial Zoning District; and  
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31 **WHEREAS,** based on the recommendation of the Planning and Architectural Review  
32 Board, sitting as the City’s local planning agency, the Commission finds and determines that this  
33 Ordinance is consistent with the City’s Comprehensive Plan; and  
34

35 (NOTE: underline text denotes additions, ~~strikethrough~~ text denotes deletions and  
36 asterisks “\* \* \*” denote sections of the existing Ordinance which remain unaltered and not  
37 reprinted herein).  
38

39 **NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY**  
40 **OF FLAGLER BEACH, FLORIDA:**  
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42 **SECTION 1. Legislative findings and intent.** The findings set forth in the recitals  
43 above are hereby adopted as legislative findings pertaining to this Ordinance.  
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45 **SECTION 2.** Section 2.02.00, “Definitions,” of the Land Development Regulations  
46 shall be amended as follows:

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\* \* \*

Motorcycle Sales –An establishment dedicated primarily to the wholesale and retail of motorcycles and power-sports products.

\* \* \*

**SECTION 3.** The Zoning Schedule of Use Controls for the General Commercial District contained in Section 2.04.02.8 of the Land Development Regulations shall be amended as follows:

\* \* \*

SCHEDULE ONE ZONING SCHEDULE OF USE CONTROLS CITY OF FLAGLER BEACH			
CATEGORY OF USE	USES PERMITTED		
	UNRESTRICTED USES		SPECIAL EXCEPTION USES
	PRINCIPAL	ACCESSORY	
<p><b>HC - HIGHWAY COMMERCIAL</b></p> <p>a. The provisions of this district are intended to complement the Commercial designation of the Future Land Use Map by providing a variety of commercial uses indigenous with the category. The activities permitted are oriented to the need of vehicular uses. These include activities that generate traffic volumes and require high demand parking considerations.</p> <p>b. Each parcel shall be developed so that pedestrian and vehicular circulation is coordinated with the circulation patterns of adjacent properties. To</p>	<p>1. Automotive retail parts store.</p> <p>2. Automotive service stations without major mechanical repairs.</p> <p>3. Automotive repair centers, tire sales and service without major mechanical repairs.</p> <p>4. Car wash to include self wash and/or drive-thru.</p> <p>5. Bars, Cocktail lounges, taverns and nightclubs within a principal building or as an accessory to hotels and motels.</p> <p>6. Financial institutions without drive-thru windows.</p> <p>7. Health clubs.</p> <p>8. Outdoor eating facilities and service associated with, and on the same property of an</p>	<p>1. Automobile parking structures.</p> <p>2. Customary uses and structures clearly incidental to one (1) or more permitted uses or structures.</p> <p>3. Monopole communication towers and communication antennas which do not exceed the established height limitations.</p>	<p>1. Commercial recreational facilities (e.g. bowling alley, billiard parlor).</p> <p>2. Hotel, motels and inns.</p> <p>3. Automotive service stations, automotive repair centers, and lube shops if abutting any residential zoning district.</p> <p>4. Bars, cocktail lounges, taverns and the like with outdoor entertainment.</p> <p>5. Restaurants with drive-thru window service.</p> <p>6. Financial institutions with drive-thru</p>

<p>minimize vehicular, pedestrian and bicycle conflict, cross access drives and internal oriented ingress, egress to individual parcels shall be employed, where applicable.</p> <p>NOTE: All commercial uses in existence at the time of the adoption date of Ordinance 2006-13, which are not in conformance with Schedule Two, Lot, Yard, and Bulk Regulations, shall hereby be deemed conforming uses.</p>	<p>enclosed restaurant. There shall be no outdoor music or entertainment.</p> <p>9. Personal services.</p> <p>10. Personal storage facilities conducted within a totally enclosed structure.</p> <p>11. Professional and business services including but not limited to:</p> <p>a. Medical services and facilities without overnight care of patients.</p> <p>b. Veterinary offices. There shall be no overnight stays of animals, except for emergency care.</p> <p>c. Veterinary hospitals or clinics wholly within a noise-attenuated structure with no overnight stays of animals, except for emergency care.</p> <p>12. Retail building supplies.</p> <p>13. Retail sales and services.</p> <p>14. Restaurants.</p> <p>15. Shopping centers providing retail sales of food, hardware and other household items normally required to serve the residents of the community.</p> <p>16. Sexually oriented businesses as defined in Chapter 4, Article II; City Code subject to the following:</p> <p>a. All such sexually oriented businesses, as</p>		<p>windows.</p> <p><u>7. Motorcycle Sales</u></p> <p>NOTE: All Special Exception uses are subject to Section 2.03.00 Establishment of Districts, and Section 2.06.01, Special Exception uses.</p>
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	<p>defined in Ordinance 2006-15, shall maintain a minimum 200 foot setback from the following:</p> <ol style="list-style-type: none"> <li>1. An area zoned within the county, municipality or adjoining municipality for residential use.</li> <li>2. Areas designated as a category that permits residential uses on the Future Land Use Map of the city/, adjoining city or county.</li> <li>3. Preexisting residence.</li> <li>4. Preexisting religious institution.</li> <li>5. Preexisting park.</li> <li>6. Preexisting education facility.</li> </ol> <p>b. The distance from a proposed sexually oriented business to the aforementioned residential areas and other uses shall be measured by drawing a straight line between the closest property line of said residential areas or other uses and the closest exterior wall of any building in which the sexually oriented business is licensed to operate.</p> <ol style="list-style-type: none"> <li>17. Adult Arcades, as permitted in Chapter 4 of the Code of Ordinances.</li> </ol>		
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**SECTION 4.** Section 2.06.08.9, “Motorcycle sales,” is hereby created in the Land Development Regulations as follows:

Section 2.06.08.9 Motorcycle sales in Highway Commercial Zoning District.

- 64  
65 a) In addition to the criteria for the granting of a special exception provided in Section  
66 2.06.01, an applicant for a special exception use for motorcycle sales has the burden  
67 of satisfying the following minimum criteria by competent substantial evidence:  
68  
69 1) The motorcycle sales shall be conducted entirely within an fully enclosed  
70 structure containing at least 3,000 square feet of interior space;  
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72 2) The applicant possesses a valid Dealer’s license issued by the State of Florida  
73 to sell motorcycles;  
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75 3) The applicant markets at least one (1) motorcycle franchised product; and  
76  
77 4) The applicant can and shall conduct all repairs, assembly, display, preparation,  
78 modification, service and sales of motorcycles only within fully enclosed  
79 interior space and between 9:00 a.m. to 7:00 p.m.  
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81 b) Once the applicant has met this burden, the burden shifts to any opposing party to  
82 demonstrate by competent substantial evidence that the special exception does not  
83 meet the minimum criteria or is adverse to the public interest. After consideration of  
84 a special exception application for motorcycle sales, the city commission may  
85 approve, approve with modifications, approve with conditions, or deny the  
86 application based on the considerations contained in Section 2.06.01 and herein.  
87  
88 c) A special exception granted pursuant to this section may be subject to review at any  
89 time and may be revoked after notice to the owner and any lessee at a public hearing  
90 by the city commission. The city commission may revoke the special exception  
91 permit upon a finding that there have been material violations of any of the criteria set  
92 forth in this section or material violations of any conditions of approval, or that the  
93 conduct of the owner and any lessee constitutes a public nuisance. The city may  
94 institute legal or equitable proceedings to revoke a special exception permit. No  
95 applicant who has had a special exception permit revoked shall be allowed to apply  
96 for another special exception permit for two (2) years after the revocation date.  
97

98 **SECTION 5. Codification.** It is the intent of the City Commission of the City of  
99 Flagler Beach that the provisions of this Ordinance shall be codified. The codifier is granted  
100 broad and liberal authority in codifying the provisions of this Ordinance and renumbering  
101 subsections consistent with this Ordinance.  
102

103 **SECTION 6. Severability.** If any section, sentence, clause or phrase of this Ordinance  
104 is held to be invalid or unconstitutional by a Court of competent jurisdiction, then said holding  
105 shall in no way affect the validity of the remaining portions of this Ordinance.  
106

107 **SECTION 7. Repeal of conflicting ordinances.** In any case where a provision of this  
108 Ordinance is found to be in conflict with provisions of any other ordinance of this City, the  
109 conflicting provisions of the previous ordinance shall be repealed by this Ordinance.

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**SECTION 7. Effective date.** This Ordinance shall take effect immediately upon adoption as provided by the Charter of the City of Flagler Beach.

PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.  
PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

CITY OF FLAGLER BEACH, FLORIDA  
CITY COMMISSION

\_\_\_\_\_  
Linda Provenchar, Mayor

ATTEST:

\_\_\_\_\_  
Penny Overstreet, City Clerk



# City of Flagler Beach

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**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 12-04-01 – 210 South Central Avenue Outdoor Entertainment Permit

**DATE:** April 5, 2012

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**Applicant:** Mercedes Delgado, 210 South Central Avenue, Flagler Beach 32136

**Property Owner:** Erik H. and Brenda L. Melton, 4112 Palos Verdes Drive South, Rancho Palos Verdes, California 90275 6076

**Property:** 210 South Central Avenue – 12-12-31-4500-00330-0080

**Future Land Use:** Commercial

**Zoning District:** General Commercial (Downtown Mixed Use Overlay)

## 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(DMUO), General Commercial (Downtown Mixed Use Overlay), contains approximately 0.23 acre, and is generally located northwest of the intersection of 2<sup>nd</sup> Street South and South Central Avenue. The subject property is occupied by Pan Con Todo Cuban Cafe.

## 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.

**Recommendation**

Staff recommends that the Planning and Architectural Review Board recommend that the City Commission approve the outdoor entertainment permit to allow amplified and non-amplified events consisting of music, spoken words and/or other forms of entertainment as depicted in the submitted diagram.

**Enclosure:** Outdoor Entertainment Permit Application Packet

April 10<sup>th</sup> Parb  
April 26<sup>th</sup> CC

**OFFICE USE ONLY:**

DATE REC'D 3-28-12

FEE REC'D \$ 150.<sup>00</sup>

INITIALS: P.O.

APPROVED

DISAPPROVED

SENT PARB  4-10-12

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: Pan Con Todo Cuban Cafe

Contact Person: Mercedes Delgado

Address: 210 So. Central Ave

City: Flagler Beach State: FL Zip: 32136

Work Phone: 386-693-4939 Home Phone: 386-569-2169  
cell

Fax: \_\_\_\_\_ Mobile Phone: \_\_\_\_\_

E-Mail Address: Cristalmami baby@aol.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:

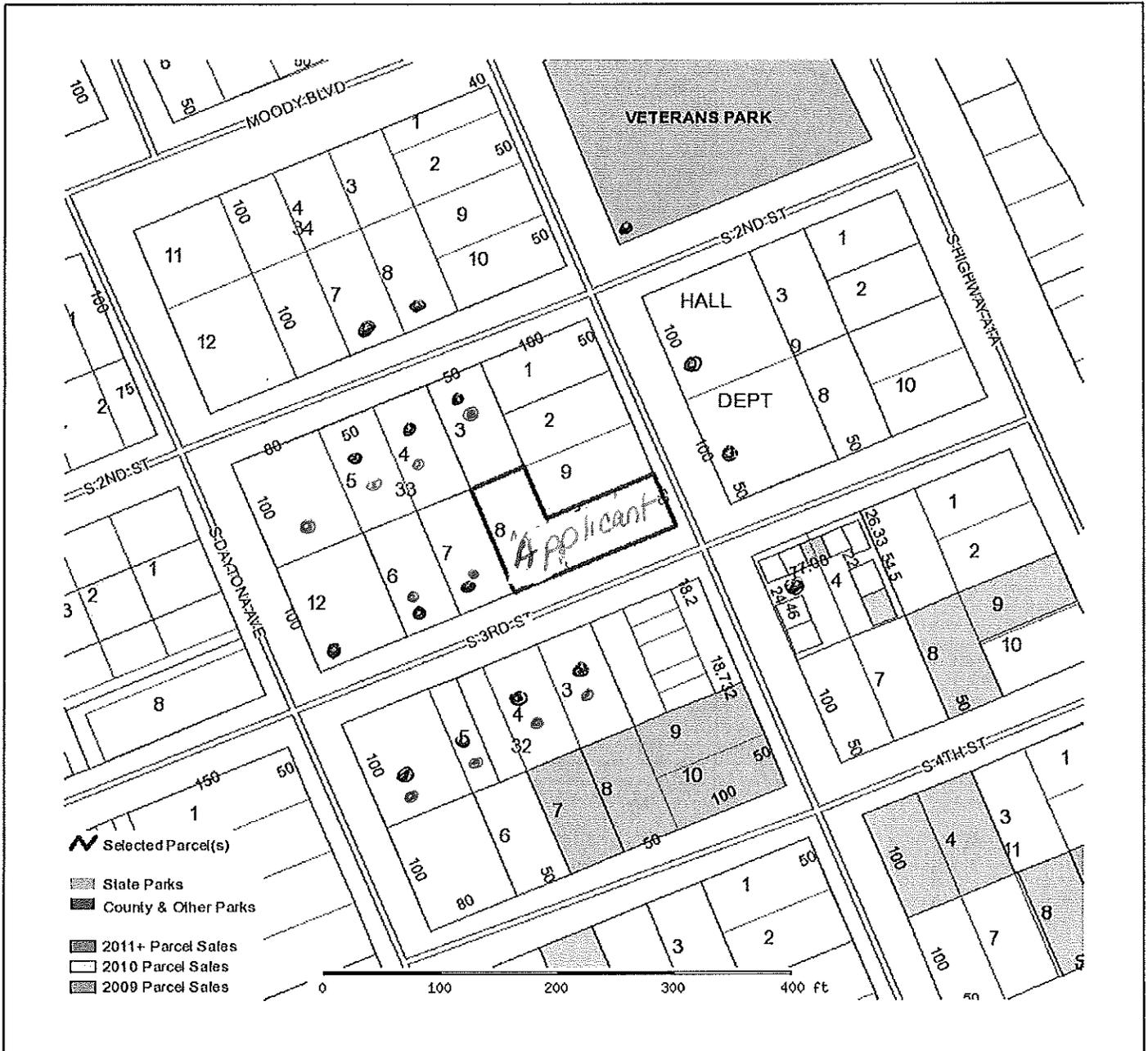
- This is an application only and does not obligate the City in any fashion to issuing a permit or approve an event.
- I have included my application fee and understand that my application will not be processed without the application fee.
- In no case shall the City's Noise Ordinance be violated.
- 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 Mercedes Delgado Date 3-28-12

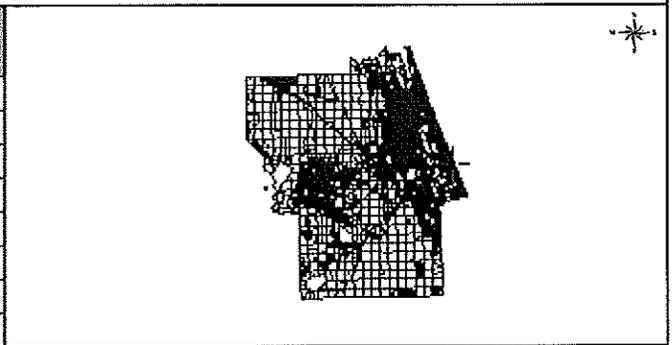
Title of Applicant Owner

Affiliation Pan Con Todo Cuban Cafe

- |                |                        |                      |
|----------------|------------------------|----------------------|
| 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 |

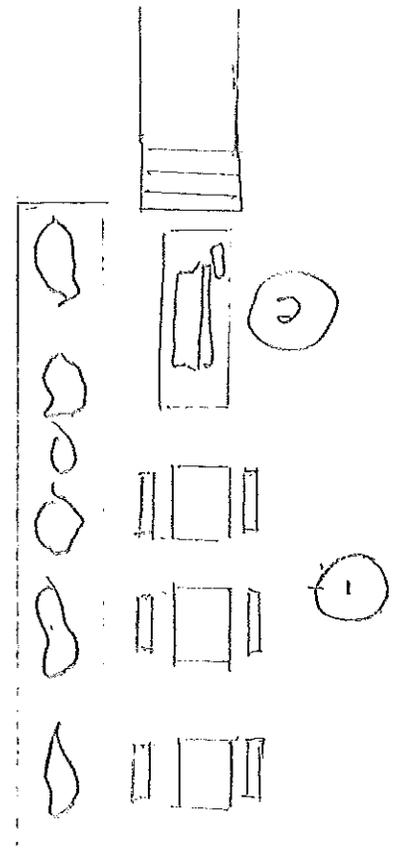
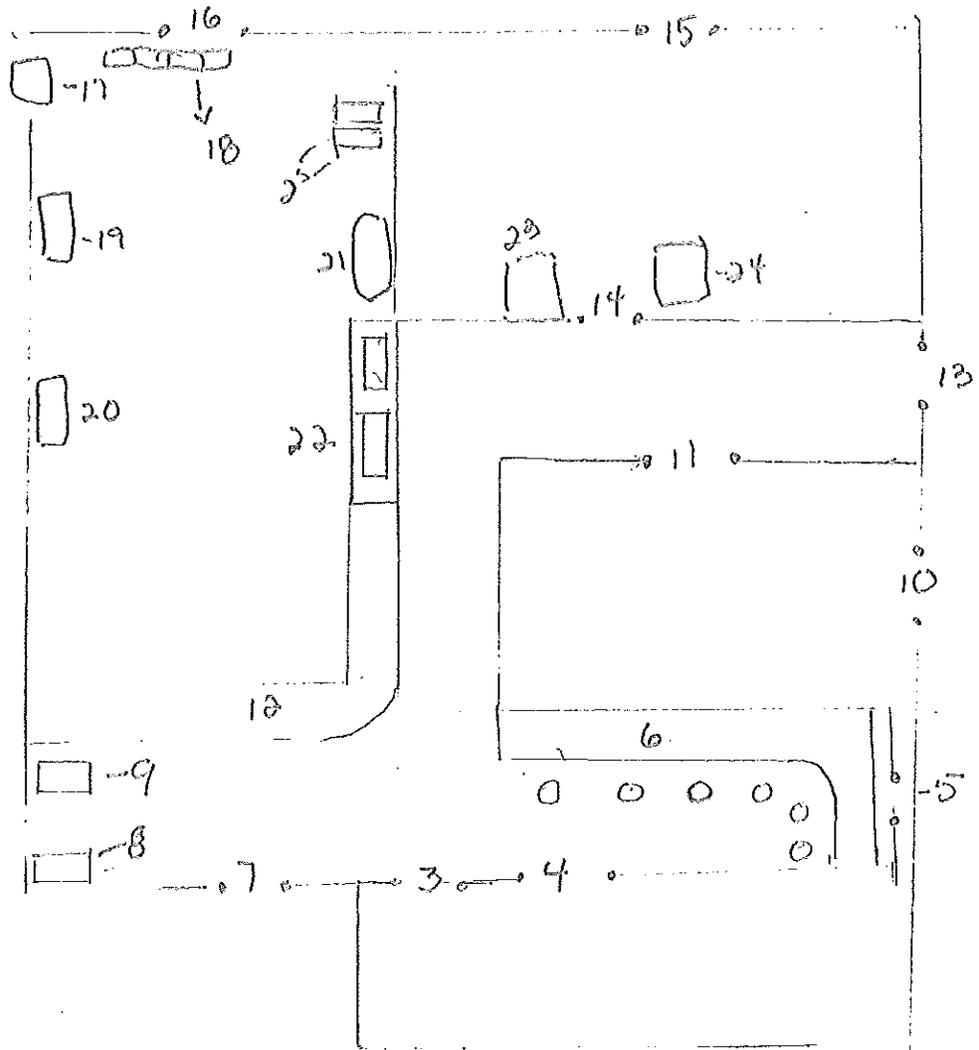


Flagler County Property Appraiser			
Parcel: 12-12-31-4500-00330-0080 Sqft: 10002			
Name:	MELTON ERIK H & BRENDA L H&W	Land Value:	105,021
Site:	212 CENTRAL AVE S	Building Value:	59,038
Sale:	\$0 on 04-2006 Vacant=N Qual=U	Misc Value:	10,490
Mail:	4112 PALOS VERDES DR S RCH PALOS VRD, CA 902756076	Just Value:	174,549
		Assessed Value:	174,549
		Exempt Value:	0
		Taxable Value:	174,549



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: 03/29/12 : 08:54:05



dan Con Foto Pura di Cafe  
 dan to ... ..

Pan CAN 1800 Cuban Cafe.  
210 So. Central Ave.  
Little Rock, AR 72202

1. Picnic Tables
2. BBQ Stand
3. Front Door
4. Window (Front)
5. Side Rt Window
6. Counter 6 stools
7. Front Left window
8. Frige for Soda
9. Frige for Beer
10. Bathroom window
11. Bathroom Door
12. Front Counter
13. Rear Rt side window
14. Door to back
15. Rt rear window
16. Left rear window
17. Floor wash sink
18. Sanitizer Sinks 2 parts.
19. Freezer
20. Freezer
21. Microwave & work Area.
22. work area
23. office
24. closet
25. Freezer + frige



# City of Flagler Beach

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

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

March 29, 2012

RE: Outdoor Entertainment Permit Application Review

Dear Sir or Madam:

This letter is to advise you the City is in receipt of a request from "Pan Con Todo Cuban" located at 210 S. Central Avenue 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 of when the request will be reviewed by the Planning & Architectural Review Board and the date the City Commission will make a final decision. The request will be reviewed by the Planning & Architectural Review Board on April 10, 2012; meeting begins at 5:30 p.m. The request will be before the City Commission for consideration on April 26, 2012 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 concerns or approval of the requested activity. Should you have any 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 if you wish to view the application.

Sincerely,

Kate Settle  
Deputy City Clerk

CC: Bruce Campbell, City Manager  
Chad Lingenfelter, Planner  
Mercedes Delgado, applicant