

City of Flagler Beach

Planning and Architectural Review Board

Tuesday, February 7, 2012 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 January 3, 2012.
5. New 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 boutique wineries as a principal permitted use within the General Commercial zoning district; amending Section 2.02.00 of the *Land Development Regulations* to provide a definition and limitations for boutique winery; providing for codification, severability, and repeal of conflict ordinances, and establishing an effective date.
6. PARB Member Comments.
7. 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 February 2, 2012

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, JANUARY 3, 2012 AT 5:30 P.M
MINUTES

PRESENT: Chairman Don Deal, Dan Bayerl, Catherine Feind, Lea Stokes, Joseph Pozzuoli, City Planner Chad Lingenfelter, Board Secretary Kate Settle.

ABSENT: Roseanne Stocker, Theodore Johnson

1. CALL THE MEETING TO ORDER: Chairman Deal called the meeting to order at 5:32 p.m.
2. CALL THE ROLL: Ms. Settle called the roll.
3. PLEDGE OF ALLEGIANCE: Ms. Stokes led the pledge.
4. APPROVE THE MINUTES OF THE REGULAR MEETING OF DECEMBER 6, 2011: Ms. Feind asked that a correction be made to the minutes to add the word "not" in order to reflect her correct sentiments regarding pain clinics. **Motion** by Ms. Stokes, seconded by Dan Bayerl, to accept the minutes as amended. The **motion** carried unanimously.
5. ELECTION OF OFFICERS: **Motion** by Ms. Stokes, seconded by Ms. Feind to retain Mr. Deal as Chair and Mrs. Stocker as Vice Chair. The **motion** carried unanimously. Mr. Deal welcomed Joseph Pozzuoli to the PAR Board.
6. APPROVE THE 2012 REGULAR MEETING DATES: Mr. Lingenfelter reviewed the dates and pointed out specific dates that were rescheduled because of elections, holidays etc. **Motion** by Ms. Stokes, seconded by Ms. Feind, to approve. The **motion** carried unanimously.
7. OLD BUSINESS:
 - A. DISCUSSION AND RECOMMENDATION OF AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, ADDING MEASURABLE STANDARDS TO PREVENT GLARE OR EXCESSIVE LIGHT ON AN ADJACENT PROPERTY WITHIN RESIDENTIAL AREAS: Mr. Lingenfelter spoke to the history of the item. At the last PAR Board meeting, the Board had directed staff to incorporate some of the wording from Ormond Beach's ordinance. Ms. Feind felt the wording seemed to reflect more for uses in an industrial area as oppose to a residential area. Ms. Stokes wanted to ensure the ordinance would not prohibit landscape uplighting. Mr. Lingenfelter indicated it should not. The public hearing was opened. Mr. Lehr gave his concerns, opinions and suggestions. The public hearing was closed. Mr. Deal directed staff to clarify with legal staff the definition of "sky reflected glare." **Motion** by Ms. Stokes, seconded by Dan Bayerl, that we forward this onto the Commission and recommend they approve ordinance as presented. The **motion** carried four to one, with Ms. Feind voting no.
 - B. DISCUSSION AND RECOMMENDATION OF AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING SECTION 2.04.02.8., ZONING SCHEDULE ONE LAND USE CONTROLS, OF THE CITY OF FLAGLER BEACH LAND DEVELOPMENT REGULATIONS TO

FLAGLER BEACH PLANNING AND ARCHITECTURAL REVIEW BOARD
TUESDAY, JANUARY 3, 2012 AT 5:30 P.M
MINUTES

ADD BAR, COCKTAIL LOUNGE, SALOON, OR TAVERN TO THE SPECIAL EXCEPTION USES OF THE GC, GENERAL COMMERCIAL ZONING DISTRICT: Mr. Deal explained the item was discussed previous and the PAR Board's direction to staff was to bring the item to the Commission to ensure they wanted the Board to pursue it. Mr. Lingenfelter reviewed the history of the item for those board members not present. He spoke of other cities having a procedure in place for staff to suggest changes to land development regulations. The reason the issue was brought to the PAR Board's attention first because in 2009, the ordinance was amended and struck a line regarding certain duties. The Commission will be hearing the item and directing staff at some point in January. The public hearing was opened. No comments were received. The public hearing was closed. No action was taken on the item.

8. New Business:

A. APPLICATION #SE 12-01-01

SPECIAL EXCEPTION TO ALLOW A SINGLE-FAMILY DWELLING.

APPLICANT: JOHN LYNCH

1736 SOUTH OCEAN SHORE BOULEVARD

PROPERTY OWNER: HARRISON WILDER, JR.

Neither Messrs. Lynch nor Wilder were present at the meeting to discuss their request. Mr. Lingenfelter spoke of his review with Mr. Lynch and indicated that the City will require two parking spaces in the construction plans should the special exception be approved. **Motion** by Ms. Stokes, seconded by Ms. Feind, to approve the Special Exception. The public hearing was opened. No comments were received. The public hearing was closed. Mr. Deal asked staff to contact the Mr. Lynch to review the next steps. The **motion** carried unanimously.

9. PARB MEMBER COMMENTS: Ms. Stokes asked for an update regarding the Fanelli variance. Mr. Lingenfelter reported the Commission had unanimously denied the request.

10. ADJOURNMENT: Motion by Ms. Stokes, seconded by Mr. Bayerl, to adjourn the meeting at 6:09 p.m.



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: Boutique Winery within the GC, General Commercial Zoning District

DATE: February 2, 2011

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 boutique wineries as a principal permitted use within the General Commercial zoning district; amending Section 2.02.00 of the *Land Development Regulations* to provide a definition and limitations for boutique winery; providing for codification, severability, and repeal of conflict ordinances, and establishing an effective date.

Analysis

The GC, General Commercial zoning district 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 excerpts 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."
- At present there are a considerable number of short vehicular trips made on State Road A1A (Ocean Shore Boulevard) to purchase typical convenience store items. Small neighborhood convenience shopping areas should be developed approximately one mile to the north and south of the State Road A1A (Ocean Shore Boulevard) and State Road 100 (Moody Boulevard) intersection along State Road A1A to serve local and beach goers' needs thereby reducing trip demands on the State Road A1A arterial.

Chapter 3 of the *City of Flagler Beach Code of Ordinances* states the following regarding the sales of alcoholic beverages:

Article I. In General

Section 3-1. Hours.

- (a) It shall be unlawful for any business establishment to sell, dispense or distribute to the public any alcoholic beverage, as defined in F.S. chapter 561, except wine, beer and malt beverages, as defined in F.S. section 563.01, except during permitted hours of operation set forth as follows:
 - (1) From 7:00 a.m. to 2:00 a.m. the following morning, Monday through Saturday;
 - (2) From 1:00 p.m. Sunday to 2:00 a.m. Monday of each week.
- (b) Establishments holding beer and wine license only, under the state beverage department and the city, are permitted to sell beer and wine during the hours from 7:00 a.m. to 2:00 a.m. daily including Sunday.

Section 3-2. Location.

No person or business establishment shall be permitted to conduct sales of alcoholic beverages as defined in F.S. section 561.01 except for the sale of beer and malt beverages as defined in F.S. section 563.01 closer than three hundred (300) feet from any religious institution or educational institution as defined in F.S. chapter 205, the distance to be measured from main front portal to main front portal by proceeding along existing public rights-of-way. The provisions of this section shall not apply to existing business establishments conducting sales of alcoholic beverages on December 8, 1983, nor shall a business establishment lose a vested right due to a subsequent establishment of a religious institution or educational institution within three hundred (300) feet of such established business.

The City of Flagler Beach does not define "winery" or list a winery as a permitted use within any of the zoning districts. However, staff has interpreted that a winery does fall within the following definition of "bar, cocktail lounge, saloon, or tavern:"

"Any establishment devoted primarily to the retailing and on-premises drinking of malt, vinous, or other alcoholic beverages. All establishments requiring an SRX License shall conform to F.S. § 561.20(2)(a)(4) which requires fifty-one (51) percent of monthly receipts come from the sale of food and non-alcoholic beverages."

Furthermore, "cocktail lounges and bars which are accessory to and within a motel, hotel or restaurant" are permitted uses only when they are an accessory use to motel, hotel, or restaurant principal uses within the GC, General Commercial zoning district.

Kenneth Tarsitano approached the City Planner and requested the allowance of a winery operation within the GC, General Commercial zoning district. He stated that the operation would include fermentation tanks, bottling, tastings, retail sales, and the serving of wine by the glass for consumption on the premises. He is seeking a Series (a)-MW "Manufacturers License" to manufacture wines, as defined by Section 61A-1.013, *Florida Administrative Code*, and a Series 2COP license for consumption on premises. Since the Zoning Schedule of Use Controls for the GC, General Commercial zoning district does not include a standalone winery as a principal use, accessory use, or a special exception use, staff has interpreted that retail sales with tastings would be permitted as "retail sales." However, the manufacturing of wines and the on-premises consumption are not individually permitted uses.

On January 12, 2012, the City Commission directed staff to define a "Boutique Winery" and add the use to the Zoning Schedule of Use Controls for the GC, General Commercial zoning district.

Recommendation

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 a "Boutique Winery" and add the use to the Zoning Schedule of Use Controls for the GC, General Commercial zoning district as outlined in the enclosed ordinance.

Enclosures: Proposed Ordinance
 Maps of GC, General Commercial zoning districts

47
 48 Boutique Winery –A facility designed for fermenting, bottling and cellaring wine for
 49 predominantly retail sales that produces less than 100,000 gallons of wine per year. A Boutique
 50 Winery may serve wine and beer for on-premises consumption; however, no on-premises
 51 consumption of any other type of alcoholic beverage shall occur. A Boutique Winery must
 52 possess all necessary State licenses for any and all activities occurring at the Boutique Winery.

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

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SCHEDULE ONE ZONING SCHEDULE OF USE CONTROLS CITY OF FLAGLER BEACH			
CATEGORY OF USE	USES PERMITTED		
	UNRESTRICTED USES		SPECIAL EXCEPTION USES
	PRINCIPAL	ACCESSORY	
GC - GENERAL COMMERCIAL The provisions of this district are intended to serve the general commercial needs of the city, wherein a large variety of retail, commercial, governmental, financial, professional office services and other general commercial are permitted. The activities permitted are intended to be compatible with a pedestrian-oriented area, and uses not compatible with such an environment are discouraged. These include activities which require substantial parking requirements and generate traffic volumes which would be in conflict with the pedestrian character of the	1. Off-street parking facilities or structures. 2. Business and financial services. 3. Professional offices. 4. Funeral homes. 5. Automotive service stations. 6. Retail building supplies. 7. Restaurants. 8. Retail sales of food, hardware and other household items normally required to serve the residents of the community. 9. Medical services and facilities. 10. Public administrative	1. Automobile parking structures. 2. Cocktail lounges and bars which are accessory to and within a motel, hotel or restaurant. 3. Customary uses and structures clearly incidental to one (1) or more permitted uses or structures. 4. Residential uses accessory to a principal use, the maximum requirements of which are the same as in the MDR District. 5. Monopole communication towers and	1. Temporary structures as provided in the TC District. 2. All principal uses permitted in TC District. 3. Day care centers. 4. Commercial recreational facilities. 5. Zero lot line setbacks. 6a. Conversion of existing buildings lying within the defined boundary to combined use buildings. 6b. Combined use buildings outside of the defined boundary

<p>area.</p>	<p>facilities. 11. Essential public services and facilities. 12. Park and recreational facilities. 13. Private clubs. 14. Veterinary hospitals with no kennels. There shall be no overnight stays of animals, except for emergency care. 15. All principal uses permitted in the MDR District. 16. Mini-warehouses. 17. Combined use buildings within the defined boundary. 18. Resort dwellings. 19. Resort condominiums. <u>20. Boutique Winery</u></p>	<p>communication antennas which do not exceed the established height limitations.</p>	<p>excluding properties adjacent to A-1-A. 7. Adult Arcades, as permitted in Chapter 4 of the Code of Ordinances. (Ord. No. 2005-02, § 2, 3-24-05; Ord. No. 2005-15, § 1, 7-14-05; Ord. No. 2007-33, § 2, 10-25-07) NOTE: All special exception uses are subject to Section 2.03.00, Section 2.06.01 and additional specific requirements as noted.</p>
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SECTION 4. Codification. It is the intent of the City Commission of the City of Flagler Beach that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provisions of this Ordinance and renumbering subsections consistent with this Ordinance.

SECTION 5. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 6. Repeal of conflicting ordinances. In any case where a provision of this Ordinance is found to be in conflict with provisions of any other ordinance of this City, the conflicting provisions of the previous ordinance shall be repealed by this Ordinance.

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

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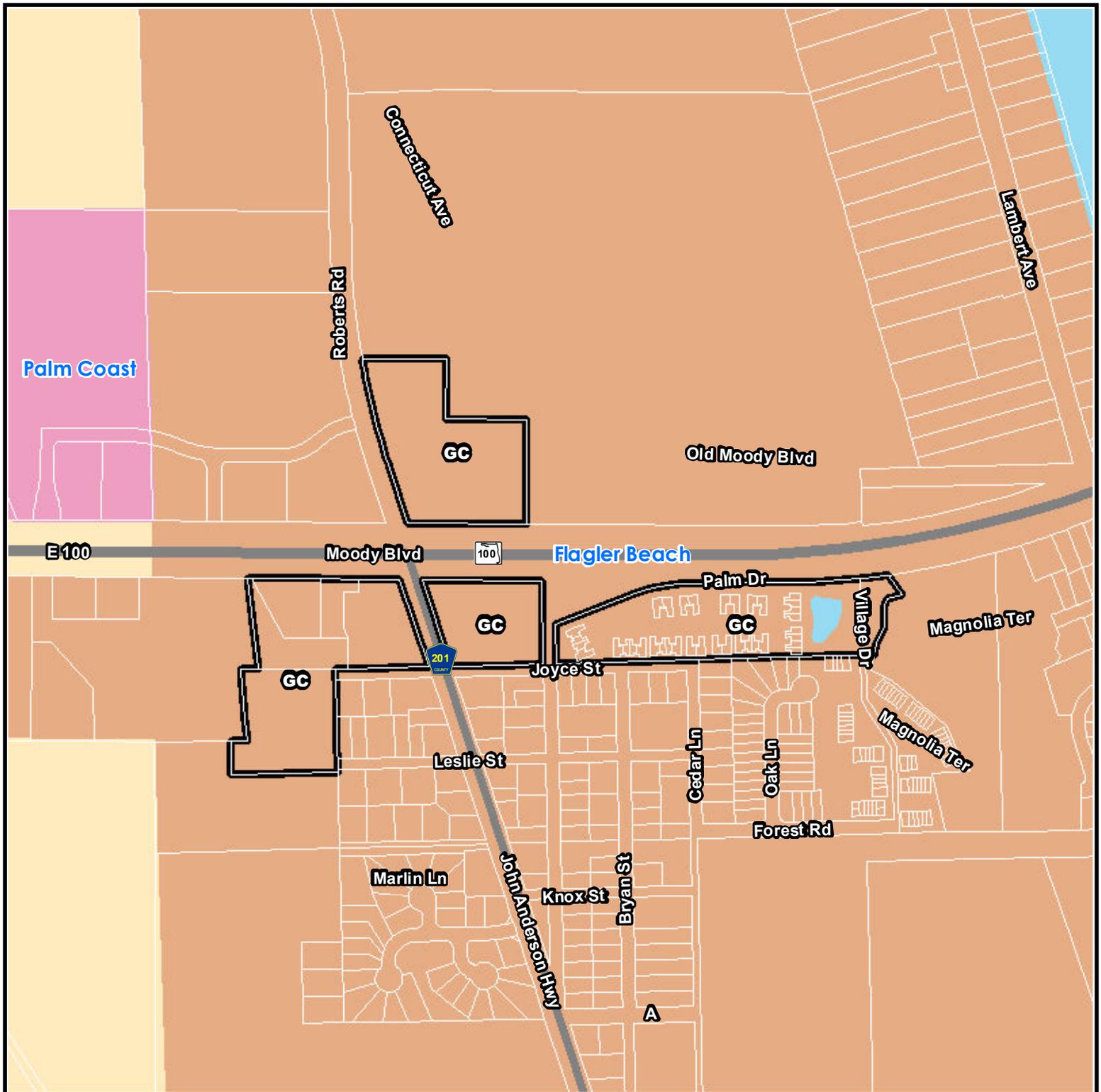
PASSED ON FIRST READING THIS _____ DAY OF _____, 2012.
PASSED AND ADOPTED THIS _____ DAY OF _____, 2012.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

_____, Mayor

ATTEST:

Penny Overstreet, City Clerk

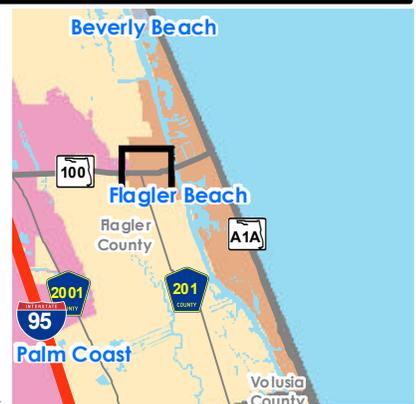


December 2, 2011

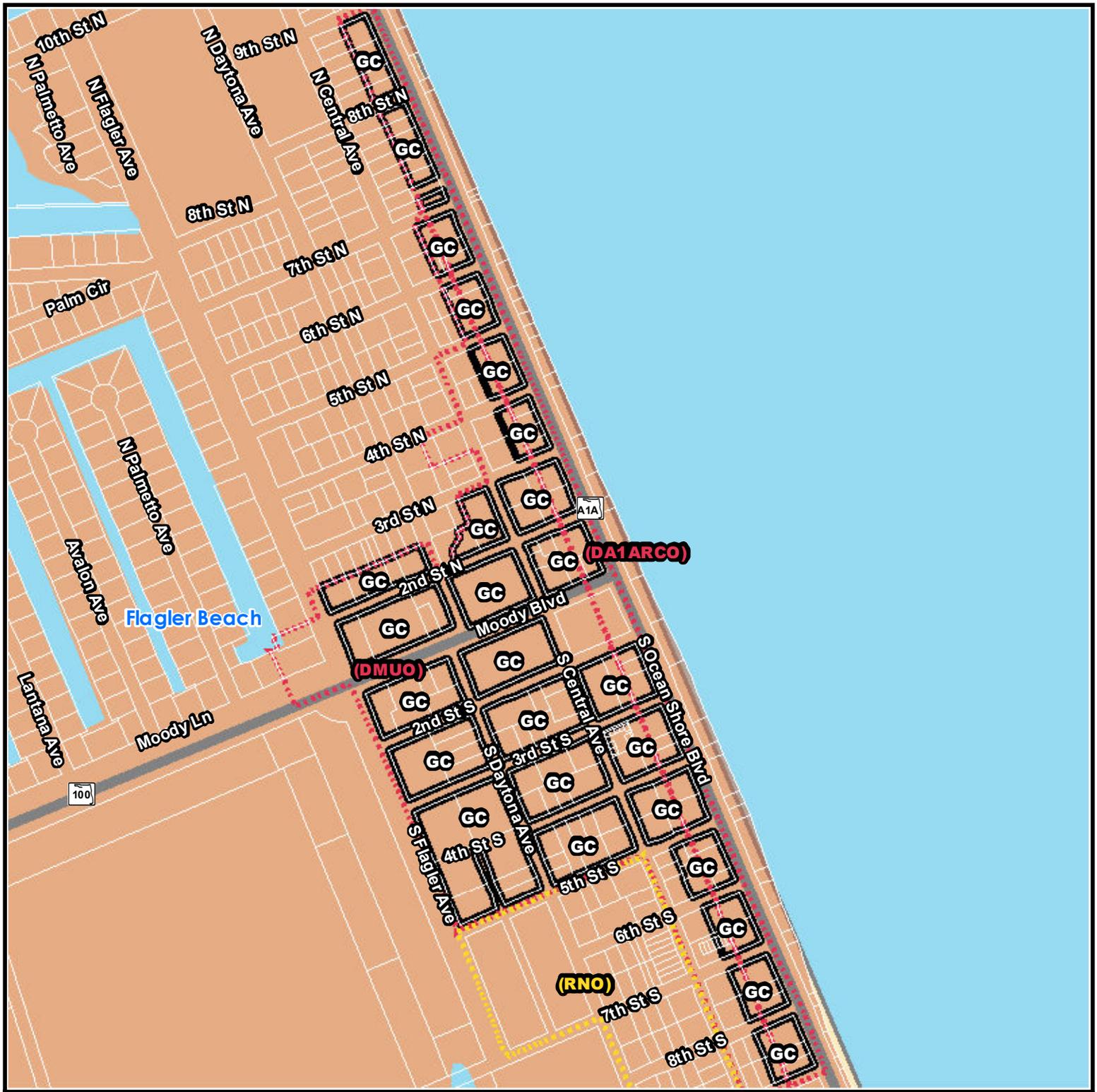


Legend

- | | | | |
|------------------------------|--|-------------|--|
| Parcels | | Interstate | |
| Zoning Overlays | | US Highway | |
| Downtown A1A Retail Corridor | | State Road | |
| Downtown Mixed-Use | | County Road | |
| Residential Neighborhood | | Street | |
| Zoning Districts | | Water | |
| GC, General Commercial | | Counties | |

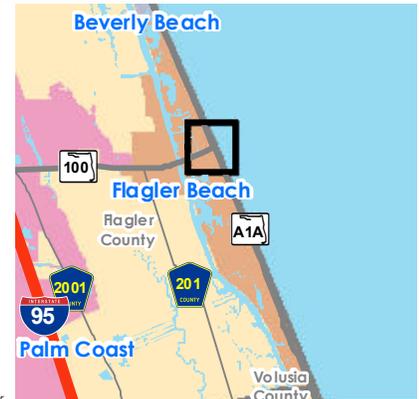


Sources: Flagler County Property Appraiser's Office, Florida Department of Transportation, and United States Geological Survey Earth Resources Observation Systems Data Center. The data contained in this map is provided "as is" without warranty or any representation of accuracy, timeliness, or completeness. The burden for determining accuracy, timeliness, completeness, merchantability, and fitness for a particular purpose lies with the user. The City of Flagler Beach makes no warranties, expressed or implied, as to the appropriate use of the data contained in this map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the data, including the fact that the data is dynamic and is in a constant state of maintenance, correction, and update.

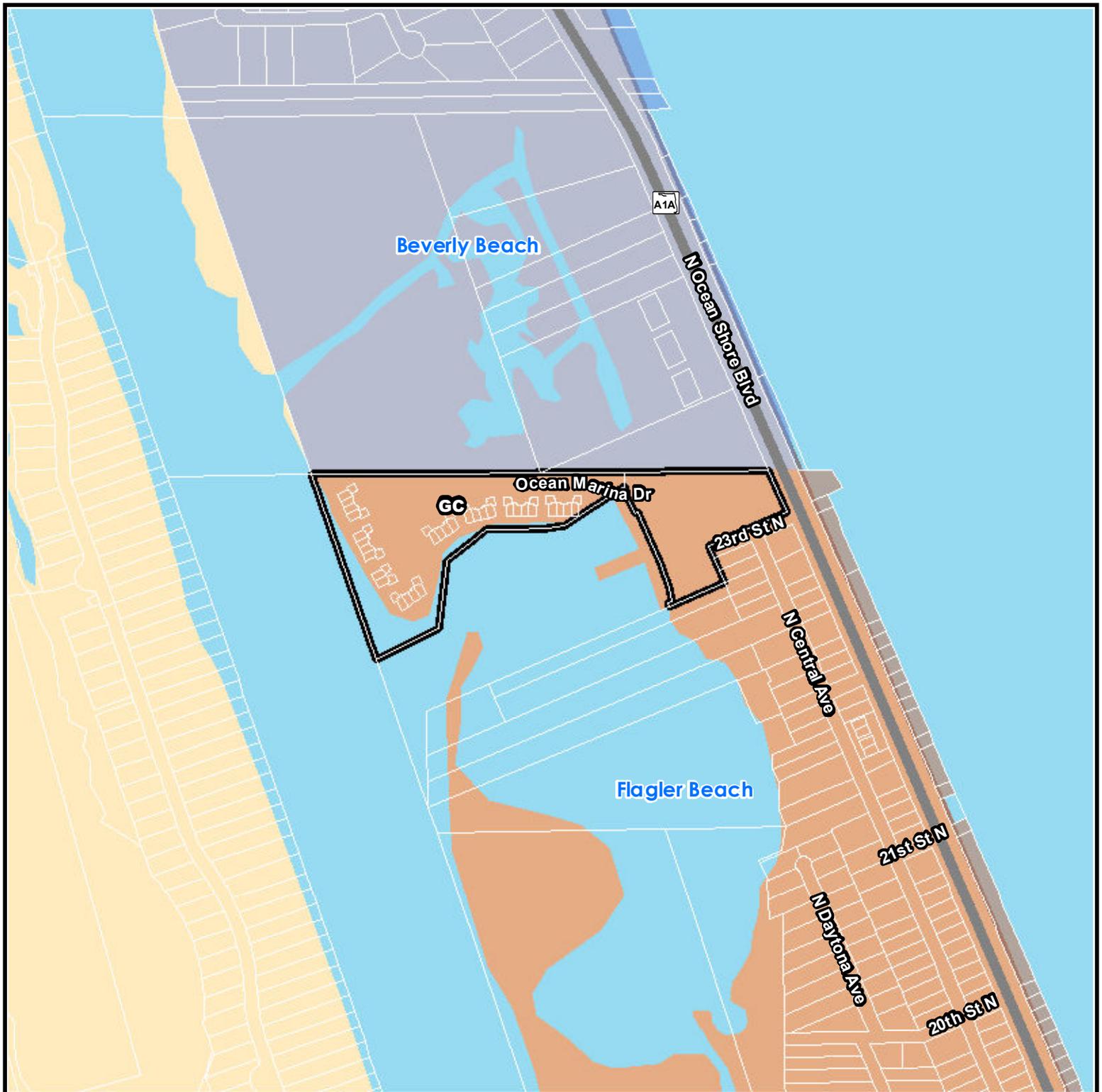


- ### Legend
- Parcels
 - Zoning Overlays
 - Downtown A1A Retail Corridor
 - Downtown Mixed-Use
 - Residential Neighborhood
 - Zoning Districts
 - GC, General Commercial

- Interstate
- US Highway
- State Road
- County Road
- Street
- Water
- Counties



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Legend

- Parcels
- Zoning Overlays**
 - Downtown A1A Retail Corridor
 - Downtown Mixed-Use
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Flagler Beach commission gives green light to winery

By AARON LONDON, Staff writer 

FLAGLER BEACH – Commissioners gave a thumbs up to a request to operate a winery, as long as the appropriate changes to city codes can be accomplished.

The request to operate a winery in the city's general commercial district would require a change to the city's land development regulations, said City Manager Bruce Campbell.

The city's code currently does not list or define "winery" and wineries are not included as a permitted use in the city.

"Ideally we would bring forward a text change to add the definition of a winery," City Planner Chad Lingenfelter told commissioners. "Or you interpret this type of use as being permitted in the general commercial district. It's not specifically stated and that's why we're bringing this issue to you."

The applicant, Kenneth Tarsitano, told commissioners he was excited at the prospect of opening a winery in the city.

"I'd love to bring a winery down here," he said, adding that he currently owns and operates a winery in Ohio.

Tarsitano said the idea is for a "small, upscale winery" on the beach.

"I think we can offer a lot to economic development," he said.

Commissioner Marshall Shupe said he was in favor of the idea.

"Overall I think this is an excellent selection for this quaint community," Shupe said. "It seems to me this would be a feather in our cap for the community if we can make this work."

Commissioner Steve Settle said because of the manufacturing aspect of the operation it could be seen as more of a light industrial use.

Tarsitano assured commissioners that he had no plans to produce wine on a large scale and was focused on production to "serve, sample and sell on premises" along with sales to local restaurants and stores.

"We're not trying to distribute to the world," he said. "We are going to look at getting into local restaurants if they'll have us."

Commissioner Jane Mealy expressed support for the proposal, but said it might be a good idea to stay away from the word "manufacture" in any text changes to the city code.

"I think it's a wonderful idea," she said.

Commission Chairman John Feind said in making the text change the city has to be careful to keep it focused on the specific use at hand.

"We don't want to make it fit, we want to make it a permitted use," he said. "We're not looking to open this up."

Joseph Pozzuoli, chairman of the Flagler Beach Chamber of Commerce, said the chamber as well as the Flagler County Chamber of Commerce & Affiliates supports the winery idea, calling it a "winning proposition for Flagler Beach."

The necessary changes to the city's land development regulations will be made by city staff and then come back to commissioners at a later date.

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