



STAFF REPORT

Planning & Architectural Review Board

August 6, 2024

To: Planning & Architectural Review Board Members

From: Penny Overstreet, City Clerk

Date: July 09, 2024

Item Name: Application OE-24-08-01 – 105 N. Ocean Shore Blvd. - Outdoor Entertainment Permit, Flagler Sun & Seed

Background: Applicant: Flagler Sun & Seed 105 N. Ocean Shore Blvd., Flagler Beach, Florida 32136. The subject property is zoned General Commercial G.C. The applicant is seeking approval of an Annual Outdoor Entertainment Permit to allow amplified and non-amplified events consisting of music, spoken word and/or other forms of entertainment. Section 4-167, Review of Permit Application states, the City Commission, after receiving recommendation from the Planning and Architectural Review Board (PARB), 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 and has not presented competent substantial evidence that measures to prevent future violations will be implemented at the property.

- (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 PARB may recommend, or 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.

Fiscal Impact: N/A

Staff Recommendation: Consider the fourteen criteria when making your recommendation to approve or deny. Provide a recommendation for the City Commission to consider upon their review of the application on the August 22nd agenda.

Attachments: Application, letter to applicant, letter to surrounding properties within 200 feet of the subject property, list of properties notification letter was mailed, aerial of site, site plan.