



STAFF REPORT

Regular City Commission Meeting

January 09, 2025

To: Elected Officials

From: Penny Overstreet, City Clerk

Date: December 17, 2024

Item Name: Application OE-25-01-01 Request for an Annual Outdoor Entertainment Permit – The Cajun Beach – 1112 S. Ocean Shore Blvd. -Applicant – Patrick McKinney.

Background: Applicant: Cajun Beach/Flojun, LLC., 1112 S. Ocean Shore Blvd., Flagler Beach, Florida 32136. The Planning Board and City Commission denied the applicants request at their October 17, 2024 with the following motion. *Motion by Commissioner Mealy, seconded by Commissioner Belhumeur to deny the permit based upon criteria number five. The motion carried four to zero, with Commissioner Spradley recusing himself from the vote and filed a Form 8b.*

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.
 - (a) 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.

The applicant questioned at the last review the Commission's decision to deny the request based on Criteria No. 5 "inadequate parking". It is staff's assumption that the applicants point of contention is there are other businesses with less parking that have permits. That is true. However, those businesses are in the Central Business District Exemption Area (see attached map, and section from the Land Development Regulations below)

Section 2.06.10.1 Central Business District Exemption Area.

(a) The following described area shall be known as the Central Business District Parking Exemption Area: A line commencing from the westerly right-of-way boundary of South Flagler Avenue at SR 100 going south to the centerline of South 5th Street then east on the centerline of South 5th Street, past South Central Avenue, then going south across the block to the point of the General Commercial Zoning, ending at the center line of South 10th Street, eastward to SR A1A and commencing from the middle of Flagler Avenue at SR 100 going north to the center line of North 3rd Street, then east to the point of the Commercial Zoning, then going north, ending at the centerline of North 10th Street, then east to SR A1A, according to the plat thereof recorded in Public Records of Flagler County, Florida.

I have attached the current list of Annual Outdoor Entertainment Permit holders, only one resides outside of the Central Business District, that is Oceanside Bar & Grill who have a total of 108 parking spaces on and off-site (aerial attached).

The applicant has 17 on-site parking spaces, and approximately 17 off-site for a total of 34.

I will provide an update with the PARB's recommendation after their January 7th meeting.

Staff Recommendation: After reviewing the application, testimony and recommendation from the Planning Board, motion to approve, approve with conditions, or deny the permit for outdoor entertainment activity based on the 14 criteria items from the Code of Ordinance.

Attachments:

- Application
- Map of surrounding property owners
- Complaints received since Applicant took over business.
- Central Business District Map
- Current list of Outdoor Entertainment Permit holders
- DBPR license print-out from Cajun Beach and Oceanside