1. Roll Call.

2. Pledge to the Flag.

3. Approval of June 13, 2017 meeting minutes.

4. Quasi-judicial requiring disclosure of ex parte communication:
   Application #3083 – SPECIAL EXCEPTION IN THE MH-3 (MOBILE HOME PARK) DISTRICT FOR A HOME OCCUPATION – request for a Special Exception for a Home Occupation for a Handyman at 2982 North Oceanshore Boulevard; Parcel Number: 26-11-31-0000-01050-0000; Owner: Flagler by the Sea, Inc. / Applicant: Gary McCullough
   Project # 2017060036 (PDB)

5. Staff Comments.
   DISCUSSION ON R/C (RESIDENTIAL/LIMITED COMMERCIAL) DISTRICT – request for the Board to receive staff’s report and recommend to the Board of County Commissioners that the residential development thresholds of Comprehensive Plan Policy A.1.1.3(2)(a) and (b) have been met in the unincorporated areas of the barrier island and that the requirement for mixed use designated parcels to include a residential component will be eliminated through the Evaluation and Appraisal Report (EAR) process and its successive EAR-based amendments.

6. Board Comments.

7. Public Comments – Each speaker will be allowed up to three minutes to address the Planning and Development Board on any item or topic not on the agenda.

8. Adjournment
OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY. THIS NOTICE IS BEING PROVIDED TO MEET THE SPIRIT OF THE SUNSHINE LAW TO INFORM THE PUBLIC THAT COMMISSIONERS MAY BE PRESENT AT THESE DISCUSSIONS.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES STATES THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY A BOARD AGENCY, OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE PLANNING & ZONING DEPARTMENT AT (386) 313-4009 AT LEAST 48 HOURS PRIOR TO THE MEETING.
Draft

MEMBERS PRESENT: Chairman Robert Dickinson, Arthur Barr, Michael Boyd, Troy Dubose, Michael Duggins, and Mark Langello

MEMBERS ABSENT: Laureen Kornel

STAFF PRESENT: Sally Sherman, Deputy County Administrator and Growth Management Director; Adam Mengel, Planning Director; Wendy Hickey, Planner; and Gina Lemon, Development Review Planner

BOARD COUNSEL: Kate Stangle, with Broad and Cassel

Chairman Dickinson called the meeting to order at 6:00 p.m.

1. Roll Call.
   Attendance was confirmed by Ms. Lemon and a quorum was present.

2. Pledge of Allegiance.
   Chairman Dickinson led the Pledge of Allegiance to the Flag.

3. Approval of Minutes.
   Minutes of the May 9, 2017 regular meeting

   Mr. Barr noted a Scrivener’s error on page 9 of 11, line 36.

   Motion to approve as amended made by Mr. Langello and seconded by Mr. Boyd.
   Approved unanimously.

4. Quasi-judicial requiring disclosure of ex parte communication:
   Application #3073 – PUBLIC USE IN THE R-1 (RURAL RESIDENTIAL) AND PUD (PLANNED UNIT DEVELOPMENT) DISTRICTS – request for a passive park and beach access at 30 Bay Drive; Parcel Numbers: 17-10-31-0000-04090-0000, 20-10-31-0000-01010-0000 and 20-10-31-1750-00010-0020; Owner: Flagler County Board of County Commissioners / Applicant: Paul Ina, P.E.

   Chairman Dickinson called for disclosure of ex-part e communications; none were reported.

   Planning Director Adam Mengel presented the item and staff’s recommendation that this item to be submitted to the Board of County Commissioners for approval.

   Chairman Dickinson opened the Public Hearing.

   Wanda James-Christie, 7 Rollins Dunes Drive, Palm Coast – Ms. Christie advised she is opposed to the park project.
Peter Wentworth, Sea Colony, Palm Coast – Mr. Wentworth had questions regarding the dimensions of the buffer between Sea Colony and the lake, the possibility of a fence between Sea Colony and the park as well as a fence on the Rollins Dunes side right. He further inquired about a chain link fence that was compromised.

Mr. Mengel and Alexander Spiller, Project Manager, clarified the buffer is 25 ft. from the boundary to the road. They further advised it would be necessary to remove and replant the dead trees and augment with additional plantings. The goal is to use xeriscape Florida friendly landscape that would need little water to grow. There are no proposed fences at this time with the exception being a stormwater pond fence inside the park. Chairman Dickinson clarified the fence in question is owned by the Sea Colony HOA and not in the program to be paid for, repaired or enhanced as part of this County project.

Mike Christie, 7 Rollins Dunes Drive, Palm Coast - Mr. Christie is unhappy with the county and feels we are not getting anything done.

Dennis Clark, Chairman of Scenic A1A Pride Committee – Mr. Clark feels the design is one of the best he’s seen in Flagler County or anywhere nearby and believes this should be a flagship park. He believes there has been plenty of opportunity to ask questions and get answers. He further stated this will take a load off of Bing’s Landing.

Maria Elania Calabrese, 10 Medford Lane, Palm Coast – Ms. Calabrese is concerned with what the park will look like long-term and how the County plans to enforce park hours without fences. She further inquired about parking in the back and the paving of Bay Drive to reduce the dust from the traffic.

Fionnuala Dominquez, 713 Trotwood Trace Court, Jacksonville – Ms. Dominquez inquired about parking at the west end of the park.

Mr. Mengel advised there will not be parking at the west end. He further stated the park would have a gate and be closed from dusk to dawn. As for the dust caused by traffic he is not aware of it ever being an issue at other parks.

Mr. Spiller further advised paving is not budgeted at this time. However, it is planned in the future.

Theresa Krause, 4 Rollins Dune Drive, Palm Coast – Inquired about timing of tree removal.

Louis Guttmann, 61 Rollins Dunes Drive, Palm Coast – Mr. Guttmann has no objection to the project but inquired if funding is already in place.

Mr. Mengel advised funding is in place.
Draft

John Enright, 19 Nantucket Drive, Palm Coast – Mr. Enright inquired about an overflow pipe from the park into Nantucket Lake.

Mr. Spiller advised a new pipe will connect the lake into the stormwater line that is diverting to the Intracoastal Waterway.

Jennifer Zuberer, 241 King Arthur Court, St. Augustine – Ms. Zuberer owns 1 Central Avenue and is in support of the Bay Drive Park Project.

Beverly Bryant, Chair of the Lakes Committee and Sea Colony Drainage Committee – Ms. Bryant has concerns about park security and the drainage project.

Chairman Dickinson reminded the public the focus for this item is the Park and not the drainage issue. Mr. Dickinson called for public comment. Seeing no one he closed the Public Hearing and opened Board Comments.

Mr. Barr inquired about the water supply and fire protection for the park facilities and if it is sized for fire flow.

Mr. Spiller explained the potable line from Sea Colony will feed the fire hydrant and facility as well as confirmed it is sized for fire specifically.

Mr. Langello inquired about 25 ft. buffer asking for confirmation that the road is not 25 ft. from anyone’s house. He asked if the stormwater pond is this supposed to be an ancillary use, for the park or for any other purpose. Additionally, he asked if a study had been conducted addressing the need of the park.

Mr. Mengel advised the only exception to the 25 ft. buffer is in the area closest to the southwest boundary of the park. To address this a stronger buffer area is planned. Mr. Spiller confirmed the road is not within 25 ft. of any homes. He advised the stormwater pond has the benefit for both the park and for the Marineland Acres Stormwater overlay District. Mr. Mengel addressed Mr. Langello’s question regarding a study and advised this park was part of the ITT commitments on the overall development between Hammock Dunes and Matanzas Shores. This area was planned for a public park from the onset when it was dedicated by ITT to the County.

Mr. Duggins acknowledges some are not happy about the park but reminds the originals ESL rule is when you buy that property under ESL it has to have public access.

r. Debose asked Mr. Clark whose responsibility it would be to repair the dunes in front of this park.

Sally Sherman, Deputy County Administrator and Growth Management Director advises there are several issues being discussed. 1) The Marineland Acres flood mitigation project that was discussed prior to the hurricane and how to address the flooding in that area. 2) The Bay Drive Park due to needed stormwater improvements which the Board just approved Phase I improvements. 3) Dune restoration, the
entire coastline. This is a 25 million dollar overall project involving multiple agencies from local, state
and federal. Staff is working on a question and answer piece to post on our web site.

Mr. Langello asked how deep the pond would be, if sand was looked at for the dune, security and if the
gate was vehicle gate or a pedestrian gate.

Mr. Spiller stated he believes it is approximately 6 ft. at its deepest point. He further advised sand was
looked at but not suitable. Ms. Sherman addressed the security concern advising county parks hours are
posted and advises citizens to call law enforcement if people are in the park afterhours.

Mr. Duggins asked that they county use native plants so that they have a better chance of surviving.

Chairman Dickinson reports Sea Colony HOA has some concerns about vegetation in Sea Colony. He
encourages patience with existing vegetation, no fertilizing, no pruning or extra measures. Let nature
take its course and if you can get fresh water on it. Sea Colony is starting to see vegetation responding in
the last couple of weeks.

Chairman Dickinson asked if there was a motion.

Motion to approve with all staff recommendations made by Mr. Boyd and seconded by Mr. Barr.

Motion carried unanimously.

5. Quasi-judicial requiring disclosure of ex parte communication:
Application #3074 – SPECIAL EXCEPTION FOR A RESTAURANT IN THE R/C
(RESIDENTIAL/LIMITED COMMERCIAL) DISTRICT – request for a Special Exception at 5115
North Ocean Shore Boulevard (Lots 28, 29 and 30, Unit 2 Magnolia Manor, Map Book 5, Page 71,
Public Records of Flagler County, Florida); Parcel Number: 40-10-31-4100-00000-0280; Owner: Shirley
McCoy and Chester Lee Boggs / Applicant: William R. Odom.

Chairman Dickinson called for disclosure of ex-parte communications; none were reported.

Planning Director Adam Mengel presented the item and staff’s recommendation for approval.

Chairman Dickinson opened the public hearing.

Maria Elaina Calabrese 10 Medford Lane, Palm Coast asked what type of sewage system will be
used for this project.

Chairman Dickinson advised a septic system is shown on the proposed site plan.

Ms. Calabrese is concerned about new commercial development using septic systems.
Jay Livingston, Esq., representing several landowners in the Hammock and the Hammock Preserve, questioned the residential component of the project noting it was rather small and inquired how was it calculated. He spoke in favor of the project but felt there were items to be worked out before the Board should consider it.

Randy Odom, Applicant, advised the concerns of the Attorney have been previously worked through and will meet all the requirements of the code.

Mr. Mengel responded to the citizen concerns regarding septic tanks and residential component calculations in the R/C (residential Limited Commercial) district.

Chairman Dickinson closed the public hearing and opened Board comments.

Mr. Langello inquired about how required parking was calculated and if is there adequate parking. He was also concerned about the residential element of the project and the separation between the uses.

Mr. Odom advised a large portion of the business will be take-out and business is accessible by bicycle.

Chairman Dickinson stated based on his analysis of the parking it would be about 13 spaces and asked about Mr. Livingston’s calculation of 203 vs. 210 sq. ft.

Mr. Langello referred to the 32 foot buffer discussed by the applicant and wondered if this would require a variance to park in the buffer. He is concerned the applicant will not have sufficient parking for his use. He further inquired which would be more pertinent to the applicant and the neighborhood, a larger landscape buffer or additional parking.

Mr. Barr noted the plan shows a circular drive and people will park along this curve if necessary as long as other vehicles can pass safely.

Mr. Langello added that circular drive will not be approved due to FDOT spacing limitations.

Chairman Dickinson inquired about the status of the St. Johns River Water Management District permit.

Mr. Odom responded that is the next step after Board approval.

Chairman Dickinson asked if the stormwater ponds depicted on the plan are adequate at this time.

Mr. Langello stated that the threshold for SJWMD permit is 6,000 sq. feet of impervious and this does not qualify.

Chairman Dickinson asked for a motion.
Draft

Motion to approve made by Mr. Boyd with conditions noted in staff report and seconded by Mr. Dubose.

Motion passed 5/1 with Mr. Langello dissenting.

6. Staff Comments
   Mr. Mengel recognized Commissioner Hansen in the audience.

7. Board Comments
   None at this time.

8. Public Comments
   None at this time

9. Adjournment
   Motion to adjourn made by Mr. Boyd at 8:01 p.m.
I. Requested Action & Purpose: The request is for a Home Occupation as a Special Exception in the MH-3 (Mobile Home Park) District.

II. Location and Legal Description: 2982 North Oceanshore Blvd; Parcel #26-11-31-0000-01050-0000.

III. Owner/Agent: Flagler by the Sea, Inc. / Gary McCullough

IV. Parcel Size: 6.74+/- acres as listed by the Flagler County Property Appraiser

V. Future Land Use Classification / Zoning:
   Future Land Use: Residential Medium Density
   Zoning: Mobile Home Park (MH-3) District

VI. Future Land Use Map Classification / Zoning of Surrounding Land:
   North: Residential Low Density Rural Estate and Mixed Use Low Intensity / R-1b (Urban Single-Family Residential)
   East: Atlantic Ocean
   South: Residential Low Density Rural Estate and Mixed Use Low Intensity / R-1 (Rural Residential) and (R/C) Residential Limited Commercial
   West: Intracoastal Waterway

VII. Land Development Code Sections Affected:
    Subsection 3.03.12.C.1 and subsection 3.07.03.F, Special Exception Guidelines.

VIII. Report in Brief:
    On June 26, 2017, Mr. McCullough submitted an application to the Planning and Zoning Department for a Special Exception for a Home Occupation for a Handyman within the MH-3 (Mobile Home Park) District. Mr. McCullough rents a space – Lot #33 – in the Flagler by the Sea Mobile Home Park, located at 2982 North Oceanshore Boulevard. A home occupation requires Special Exception
approval in the MH-3 District (see FCLDC subsection 3.03.12.C.1). For reference, Flagler by the Sea is a continuing, nonconforming mobile home park approved for a maximum of 44 mobile homes and 31 recreational vehicle spaces. The park is nonconforming in that it does not have the minimum 10 acre site size required by FCLDC subsection 3.03.12.D.1. The establishment of Flagler by the Sea predated enactment of zoning by Flagler County.

This Special Exception request was prompted by Mr. McCullough’s request for the issuance of a Business Tax Receipt (BTR) (requiring County Planning and Zoning signoff prior to issuance) for him to operate as a handyman offsite. After reviewing multiple options, the Special Exception was the sole remaining track for him to follow to enable him to be issued the BTR and be employed offsite as a handyman.

Public notice has been provided for this application according to FCLDC Section 2.07.00.

IX. Special Exception Guideline Analysis: As provided in FCLDC subsection 3.07.03.F, the Planning and Development Board shall hear and decide upon requests for special exceptions as authorized by land classifications. The Board may approve, with conditions, requests which are in harmony with the intent and purpose of the regulations. In making its determination, the Board shall be guided by the following:

1. Ingress to and egress from the property shall provide for automotive and pedestrian safety and convenience, shall not unduly interfere with traffic flow and control, and shall provide access in case of fire or catastrophe.

Staff Analysis: This request is for a home occupation and as such must comply with FCLDC subsection 3.07.03.G.2(f) (the Special exception regulations for home occupations are attached in their entirety), which states:

“No traffic or parking shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.”

No additional traffic will be associated with this Special Exception. The request enables Mr. McCullough to operate offsite as a handyman; he agrees, as part of the conditions for operating as a home occupation, to abide by the home occupations regulations on a continuing basis for the duration of the use.

2. Offstreet parking and loading areas shall be provided as required, shall take into account relevant factors in subsection 1. preceding, and shall be located to minimize economic, noise, glare or odor effects on adjacent and nearby properties.
Staff Analysis: No additional parking or loading areas are required associated with this Special Exception request. This use will not generate the need for additional parking or loading areas.

3. Refuse and service areas shall be located with consideration for relevant factors in subsections 1. and 2. preceding.

   Staff Analysis: This a home occupation and will not generate any additional refuse for this location.

4. The proposed use shall be compatible with the availability and location of utility services, whether public or private.

   Staff Analysis: The home occupation will not create the need for additional utilities.

5. Screening and buffering shall be provided which preserves or improves compatibility and harmony of use and structure between the proposed use and adjacent and nearby properties, according to the type, dimensions and character of the proposed use.

   Staff Analysis: This request is for a home occupation and as such must comply FCLDC subsections 3.07.03.G.2(g) and (h), which state:

   “There shall be no exterior indication of the home occupation; no exterior signs shall be used; no other onsite advertising visible from the exterior shall be used that informs the public of the address of the home occupation.”

   and

   “No mechanical equipment shall be used or stored on the premises in connection with the home occupation except that which is normally used for purely domestic or household purposes or as specifically provided for in a special exception permit.”

   These conditions will be required to be met on an ongoing basis for the duration of the use. No screening or buffering will be necessary since all outward indications of this use will be use as a mobile home dwelling within the existing mobile home park.

6. Signs and exterior lighting, if any, shall maintain traffic safety and minimize glare and economic effects on adjacent and nearby properties.
Staff Analysis: There are no additional signs or exterior lighting associated with this use.

7. Required yards and open spaces shall be provided.

Staff Analysis: This is a home occupation and as such will not alter the existing residential appearance of the property including the need for additional yards and open space.

8. The height of structures shall be in harmony with that of adjacent and nearby uses and structures.

Staff Analysis: The structure is a single wide mobile home and is not being modified in any way for this special exception.

9. The economic effect of the proposed use on adjacent and nearby properties shall be positive.

Staff Analysis: This is a home occupation and shall adhere to the Special exception regulations for home occupations (FCLDC) 3.04.03.G) which will not affect the neighboring properties in a negative manner.

FCLDC subsection 3.07.03.G, Special exception regulations for home occupations, additionally requires at subpart 1., that: the applicant must demonstrate to the Planning and Development Board clear evidence that the proposed home occupation will not:

(a) Disturb the peace, quiet and domestic tranquility of the residential neighborhood;

Staff Analysis: This home occupation for Mr. McCullough’s offsite handyman services will not impact his neighbors in Flagler by the Sea.

(b) Create excessive odor, noise, parking or traffic above that of the residential neighborhood;

Staff Analysis: So long as the home occupation regulations are observed, no additional impacts will occur.

(c) Create a fire hazard or nuisance;

Staff Analysis: Offsite operation as a handyman will not create a potential for fire or nuisance.

(d) Use or generate toxic or hazardous materials or waste.
Staff Analysis: Any waste would be disposed of offsite at Mr. McCullough’s work location.

X. **Quasi-judicial / Legislative Review:** This agenda item is:
   - X quasi-judicial, requiring disclosure of ex-parte communication; or
   - ______ legislative, not requiring formal disclosure of ex-parte communication.

XI. **Staff Recommendation:** Staff recommends that the Planning and Development Board find that based on the testimony and evidence presented that all Special Exception guidelines have been met and that clear evidence has been demonstrated to the Board that the applicant will meet on an initial and ongoing basis the County’s Special Exception Regulations for Home Occupations, and therefore the Board approves Application #3083, a Special Exception in the MH-3 (Mobile Home Park) district for a Home Occupation at 2982 North Oceanshore Boulevard, subject to the following conditions:
   a. This Special Exception is specific to 2982 N. Oceanshore Boulevard and this specific applicant (i.e., this Special Exception shall not run with the land since the parcel consists of multiple tenants); and
   b. The applicant shall at all times comply with FCLDC subsection 3.07.03.G, *Special exception regulations for home occupations.*

XII. **Suggested Motion Language:** The Planning and Development Board finds that based on the testimony and evidence presented that all Special Exception guidelines have been met and that clear evidence has been demonstrated to the Board that the applicant will meet on an initial and ongoing basis the County’s Special Exception Regulations for Home Occupations, and therefore the Board approves Application #3083, a Special Exception in the MH-3 (Mobile Home Park) district for a Home Occupation at 2982 North Oceanshore Boulevard, subject to the following conditions:
   a. This Special Exception is specific to 2982 N. Oceanshore Boulevard and this specific applicant (i.e., this Special Exception shall not run with the land since the parcel consists of multiple tenants); and
   b. The applicant shall at all times comply with FCLDC subsection 3.07.03.G, *Special exception regulations for home occupations.*

**Attachments**
1. Notification list and map
2. Application and supporting documents
3. FCLDC subsection 3.07.03.G, *Special exception regulations for home occupations*
4. Handyman Guidelines

Property Appraiser aerial
08/08/2017 Planning and Development Board  
Application #3083 / Project #2017060036  
Special Exception in the MH-3 District  
Page 6 of 8
Future Land Use Map
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I hereby affirm mailed notice to each owner on July 24, 2017 for the Planning & Development Board on August 8, 2017 at 6pm.

Wendy Hickey, Planner
**APPLICATION FOR SPECIAL EXCEPTION**

**FLAGLER COUNTY, FLORIDA**

1769 E. Moody Boulevard, Suite 105
Bunnell, Fl. 32110
Telephone: (386) 313-4009  Fax: (386) 313-4109

Application/Project #: 3803 / 2017010036

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<tr>
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<tr>
<td>Email Address:</td>
<td><a href="mailto:EliteCleanse@yahoo.com">EliteCleanse@yahoo.com</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SITE LOCATION (street address):</th>
<th>2982 N Ocean Shore Blvd. Lot 33</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEGAL DESCRIPTION:</td>
<td>26-11-31-0000-0105-0000</td>
</tr>
<tr>
<td>Parcel # (tax ID #):</td>
<td>064-74-04</td>
</tr>
<tr>
<td>Parcel Size:</td>
<td></td>
</tr>
<tr>
<td>Current Zoning Classification:</td>
<td>MH-3</td>
</tr>
<tr>
<td>Current Future Land Use Designation:</td>
<td>Res-Med</td>
</tr>
<tr>
<td>Subject to A1A Scenic Corridor IDO?</td>
<td>YES</td>
</tr>
</tbody>
</table>

Requested Use: Home Address also for work

Signature of Owner(s) or Applicant/Agent if Owner Authorization form attached: ____________________________

Date: 6-26-17

**OFFICIAL USE ONLY**

PLANNING BOARD RECOMMENDATION/ACTION:

APPROVED

APPROVED WITH CONDITIONS

DENIED

Signature of Chairman: ____________________________

Date: ____________________________

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application. Rev. 08/14
PROPERTY OWNER AUTHORIZATION FOR HOME OCCUPATION

I, [MARK W. KRAMP], hereby affirm that I am the owner of the property located at [2982 N. OCEANSHIRE BLVD] and identified by Property Appraiser Parcel Number [26131000010500000]. The property is currently occupied by [GARY MCCULLOUGH] as their residence. I am aware that said resident is applying for a business tax receipt to conduct a home occupation from my property.

By: [Mark W. Kramp]
Signature of Property Owner(s)

[President, Flagler by the Sea Inc.]
Printed Name of Property Owner(s) / Title (if owner is corporation or partnership)

[2982 N. OCEANSHIRE BLVD] [904-687-5903]
Property Owner Mailing Address Telephone Number

FLAGLER BEACH, FL 32136
City State Zip

State of FLORIDA

County of [Duval]

The foregoing instrument was acknowledged by [Mark W. Kramp] before me this [5th] day of [June], 2017, [✓] who is personally known to me / [✓] who has produced as identification.

[Winifred A. Baughman]
Notary Public Signature

[Notary Stamp]
<table>
<thead>
<tr>
<th>Name</th>
<th>Land Value</th>
<th>Building Value</th>
<th>Misc Value</th>
<th>Just Value</th>
<th>Assessed Value</th>
<th>Exempt Value</th>
<th>Taxable Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>FLAGLER BY THE SEA INC</td>
<td>1,223,437</td>
<td>72,190</td>
<td>279,801</td>
<td>1,575,428</td>
<td>1,575,428</td>
<td>0</td>
<td>1,575,428</td>
</tr>
<tr>
<td>2602 N OCEAN SHORE BLVD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2602 N OCEAN SHORE BLVD</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FLAGLER BEACH, FL 32136</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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 tax roll. All data is subject to change before the next certified tax roll. 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: 06/05/17 : 16:12:32
General Warranty Deed

Made this 29th of August, 2003, by **Mark W. Kramp and Robert M. Barnes, II**, hereinafter called the grantor, to **Flagler by the Sea, Inc., a Florida corporation**, whose post office address is: 2982 North Ocean Shore Boulevard, Flagler Beach, Florida 32136, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

**Witnesseth**, that the grantor, for and in consideration of the sum of Ten Dollars, ($10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Flagler County, Florida, viz:

The North 250 feet of Government Lot 1, Section 26, Township 11 South, Range 31 East as recorded in Book 62, pages 210, 211 and 215 and 216 Official Records of Flagler County, Florida, being more particularly described as follows:

Beginning at a point where the Northerly line of said Government Lot 1 intersects with the Easterly right of way line of Florida Intracoastal Waterway and run thence North 88°40'34" East a distance of 1060.00 feet to the Westerly margin of the Atlantic Ocean; thence South 23°24'26" East along said Westerly margin a distance of 269.79 feet; thence South 88°40'34" West a distance of 1079.99 feet to the Easterly right of way line of Florida Intracoastal Waterway; thence North 19°22'03" West along said Easterly line a distance of 262.93 feet to the Point of Beginning of this description. EXCEPT the following for State Road A1A right of way described as follows: Commence at the Northeast corner of the above described property and run thence South 88°40'34" West a distance of 135.99 feet along the Northerly line of said Government Lot 1 to point of beginning; thence South 23°48'14" East along the Easterly line of said right of way a distance of 270.03 feet; thence South 88°40'34" West a distance of 108.22 feet to the Westerly line of said right of way; thence North 23°48'14" West along the Westerly line of said right of way a distance of 270.30 feet to the Northerly line of said Government Lot 1; thence North 88°40'34" East along said Northerly line a distance of 108.22 feet to the Point of Beginning.

Said property is not the homestead of the Grantor under the laws and Constitution of the State of Florida in that neither Grantor nor any members of the household of Grantor reside thereon.

Parcel ID Number: **26-11-31-0000-01050-0000**
Subject To taxes for the current year, covenants, restrictions and easements of record and by this reference shall not operate to reimpose the same.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2002.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]

Witness Printed Name: [Name]

Witness Printed Name: [Name]

Mark W. Kramp
Address: 728 Oceanfront
Neptune Beach, FL 32266

State of Florida
County of Duval

The foregoing instrument was acknowledged before me this [ ] day of August, 2003 by Mark W. Kramp, who is personally known to me or who has produced a driver's license as identification.

Charlotte T King
Notary Public Printed Name:

My Commission Expires: 7-29-04

Notary Seal:
The foregoing instrument was acknowledged before me this 27 day of August, 2003 by Robert M. Barnes, II, who is personally known to me or who has produced a driver's license as identification.
RENTAL AGREEMENT

THIS RENTAL AGREEMENT, made and entered into this ___ day of
May__________, 2015 by and between FLAGLER BY THE SEA, INC.,
hereinafter referred to as LANDLORD, and Gary McCullough
hereinafter referred to as TENANT.

WITNESSETH: That in consideration of the lot rental, covenants and agreements
to be kept and performed by tenant hereunder, landlord demises to tenant and
tenant leases from landlord that premises subject to the terms and conditions as
hereinafter set forth.

1. It is specifically understood and agreed by and between the parties
hereto that this is a bona fide offer to lease for a specified term upon the same
terms and conditions as rental agreements offered to other tenants in the Park,
excepting only lot rental variations based upon lot location and size of other
economic factors.

2. It is specifically understood and agreed by and between the parties
hereto that Chapter 723, Florida Statutes, governs Mobile Home Tenancies.

3. Landlord hereby leases to Tenant for installation thereon of Tenant's
mobile home the certain property described as: LOT# 3 to be occupied
solely as a private dwelling only by the Tenant and wife. In no
event shall the total number of occupants exceed that permitted by this
Agreement, Rules and Regulations of the Park, of applicable laws.

4. Tenant shall pay Landlord lot rent in the amount of $360, commencing
on the ___ day of May, 2015. Lot rental is due and payable without
notice on the first day of each month, and must be paid no later than the fifth day
of each month. All rental payments are payable to: FLAGLER BY THE SEA, INC.

5. NOTICE
Any notice required to be given to any party hereto shall be sufficient if mailed and
addressed as follows.
To Landlord: Flagler By The Sea, Inc. To Tenant: Gary McCullough
2982 N. Oceanshore Blvd. 1-44-23
Flagler Beach, FL 32136

Signed and Accepted:

Landlord/Agent

Tenant

Date

Date
PROSPECTUS TEXT

1) What is the name and address or location of the mobile home park?
   Name ____________________________ Flagler by the Sea __________
   Address or Location _______________ 2982 N. Oceanshore Blvd.
   City, State, & Zip ________________ Flagler Beach, Florida 32136

2) What is the name and address of the person authorized to receive notices
   and demands on the park owner's behalf?
   Name ____________________________ Emil W. Kramp
   Address ________________ 2982 N. Oceanshore Blvd
   City, State, & Zip ________________ Flagler Beach, Florida 32136

DESCRIPTION OF MOBILE HOME PARK PROPERTY

3) What is the number of lots in the park? __44__

4) Are all lots approximately the same size? Yes _____ No _____
   If yes, what is the approximate size of each lot? _____ ft. x _____ ft.
   If no, the following are the approximate sizes.
   Lot 1A, 16, 18, 19 sizes are 60' x 60'
   Lot 1 through 15 and Lot 17 are 60' x 44'
   Lot 20 through 44 are 40' x 60'
   A copy of the lot layout showing lot numbers will be delivered to each mobile
   home tenant.

5) What are the setback requirements required by law?
   7'6" back from paved drive
   25' front setback from State Road A1A
6) What are the minimum separation distances between the mobile homes as required by law?
   10' side to side
   8' end to side
   6' end to end horizontally

DESCRIPTION OF RECREATIONAL AND OTHER COMMON FACILITIES

7) Are there any recreational or common facilities available for use by the mobile home owners?  Yes______  No X______

   If yes, questions 8 through 15 apply.
   If no, please see the next section on Arrangements for Management of the Park.

8) Are there any buildings which are available for the use of the mobile home owners?  Yes______  No X______

   If yes, please provide the following information for each building.
   If no, please go to item 9.
   a) TYPE OF BUILDING__________________________________________
       Intended purpose__________________________________________
       Location___________ NA____________________
       Approximate floor area____________________________________
       Capacity in numbers of people_____________________________

9) Does the park contain a swimming pool?  Yes______  No X______

   If yes, please provide the following information
   a) General location_________________________________________
   b) Approximate size_______________________________________
10) Are there any other facilities or permanent improvements which will serve the mobile home owners?  Yes_______  No_______  
If yes, list and describe each one.

NA

11) Are there any items of personal property which will be available for the use of the mobile home owners?  Yes_______  No_______  
If yes, please provide a general description of each item.

NA

12) Please provide a general description of the days and hours that the facilities will be available for use.

NA

13) Are all improvements complete?  Yes_______  No_______  
If no, what is the estimated completion date?

14) What is the maximum number of lots that will use the recreational and other common facilities?  NA.
15) Will the number given in question #14 vary? Yes X No 
If yes, please provide an explanation. RV PARK and PREMISES

ARRANGEMENTS FOR MANAGEMENT OF THE PARK

16) What are the arrangements for management of the park?
   Emil W. Kramp is responsible as manager of the Park.

17) What are the arrangements for maintenance and operation of the park property?
   Emil W. Kramp does maintenance and operation through subcontractors.

18) What is the nature of the services provided by the park owner?
   Water, sewer, centrally located garbage container.

IMPROVEMENTS REQUIRED OF HOME OWNERS

19) Does the park owner require any improvements, whether temporary or permanent, to be installed by the mobile home owner as a condition of their occupancy? Yes X No 
If yes, list and describe each improvement.

Mobile home completely skirted.
Individual lot to be maintained in neat and orderly manner, grass mowed, weeds trimmed.
Section 723.011(3), Florida Statutes, prohibits the park owner from requiring tenants who resided in the park on June 4, 1984, from installing any permanent improvements. Rule 7D-31.01, Florida Administrative Code, states that this also applies to any assumptions of those tenancies.

UTILITIES AND OTHER SERVICES

<table>
<thead>
<tr>
<th>SERVICE</th>
<th>MANNER PROVIDED</th>
<th>PERSON OR ENTITY FURNISHING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sewage</td>
<td>On site treatment plant</td>
<td>Florida General Environmental Services</td>
</tr>
<tr>
<td>Waste Disposal</td>
<td>Private contractor</td>
<td>Waste Management of Ormond Beach</td>
</tr>
<tr>
<td>Cable Television</td>
<td>Underground cable</td>
<td>Bright House</td>
</tr>
<tr>
<td>Water Supply</td>
<td>RO-Water</td>
<td>Flagler Co. Utilities</td>
</tr>
<tr>
<td>Electricity</td>
<td>FPL Public Utilities</td>
<td>FPL</td>
</tr>
<tr>
<td>Storm Drainage</td>
<td>Underground storm drain lines to sewer pond</td>
<td>Flagler by the Sea</td>
</tr>
</tbody>
</table>

(a) The following utilities and services are paid by the park owner and are included in the lot rental amount: sewage, waste disposal, water supply, storm drainage. Furnishing entities bill separately for cable television, electricity.
RENTS AND OTHER CHARGES

Section 723.037, Florida Statutes, requires the park owner to deliver written notice to each mobile home owner at least 90 days prior to any lot rental increase.

21) An increase in one or more of the following factors may result in an increase in the home owner’s lot rent or other charges.

Cost of management and upkeep
Interest for mortgages on property
Repair costs
Prime location and oversize of individual lot
Extra persons, pets and additional vehicles
State or local imposed fees of any kind
Taxes
Insurance
Costs for upgrading the park
Legal fees and additional office hours, copies, postage due to new requirement imposed by federal, state or local government
Acts of God, storm, flood or damages which are not covered by insurance
Consumer Price Index United States City Average -- all items 1976 = 100 over the immediate preceding 12 months
Costs and fees involved for changing over to a public or other water and sewer supplier

22) Governmental and utility charges are those amounts, other than special use fees, which are itemized and charged separately from the rent and which represent the mobile home owner’s share of costs charged to the park owner.
by any state or local government or utility company. Is the home owner responsible for governmental and utility charges?

Yes______  No____X____

If yes, how will the governmental and utility charges be shared by the home owners?

23) The following is a list of all charges, including rent, special use fees, governmental and utility charges, fees, assessments, and other financial obligations of the home owner to the park owner relating to the tenancy. The current dollar amount must be written in prior to delivery to the home owner.

<table>
<thead>
<tr>
<th>TYPE</th>
<th>CURRENT DOLLAR AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rent</td>
<td>$360.00 Monthly</td>
</tr>
</tbody>
</table>

Rates based on 2 Persons and one pet
Additional charges per month:

Each additional Person: $55.00
Each additional Pet: $____

If visitors exceed 30 days within the Rental Period of 12 months, a charge of $2.00 per day per Person will be the additional charge.

A late charge of $10.00 will be due on rent received on the 6th day of each month and a charge of $2.00 per day will accrue thereafter.

Bad check charge for returned checks of $25.00

RULES AND REGULATIONS

24) The current park rules are attached as an exhibit to the prospectus and are incorporated by reference as a part of this disclosure document.
The park owner must give a 90-day written notice to each home owner when a rule is changed.

25) What is the manner in which rules and regulations will be sent, changed, or promulgated?

Rules and Regulations in effect adopted. Copy attached. Rules may be changed due to restrictions imposed by government entities to protect health, safety and welfare of residents and owner.

Rules may be changed for the good and welfare of the residents and owners.

Residents will be given 90 days written notice of any change of rules and regulations.

ZONING

26) What is the existing zoning classifications of the park property?

Mobile Home Park

27) What are the permitted uses under this classification?

Mobile Homes

28) What is the name of the zoning authority which has jurisdiction over this mobile home park?

Flagler County Commission
Bunnell, Florida 32010

29) Does the park owner have any definite future plans for changes in the use of the park property? Yes ___ X ___ No ______

If yes, please provide a detailed description of the future plans.

Potential changes into condominiums, townhouses, or single family homes, recreational vehicle park.

Mobile home park presently on the market for sale.
2001 PROPORTIONATE SHARE AMENDMENT

3C) Amendment regarding the definition of proportionate share used in assessing pass-through charges due to the 2001 changes to Chapter 723, Florida Statutes, effective July 1, 2001.

Notwithstanding anything to the contrary in this prospectus, including the rental agreement, rules and regulations or any other exhibits to the prospectus, the homeowner’s proportionate share of pass through charges shall be defined as:

"Proportionate share" for calculating pass-through charges is the amount calculated by dividing equally among the affected developed lots in the park the total costs for the necessary and actual direct costs and impact or hookup fees incurred for governmentally mandated capital improvements serving the recreational and common areas and all affected developed lots in the park.

Lot number to which this prospectus applies: 33

This prospectus was determined adequate to meet the requirements of Chapter 723, Florida Statutes on January 30, 1989

Approved July 18, 2001

PROSPECTUS IDENTIFICATION NUMBER:

PRM20000339-PA2171(F/K/A 1802171P86)

THE FORMAT OF THIS PROSPECTUS WAS PREPARED BY THE DIVISION PURSUANT TO SECTION 723.011(1), FLORIDA STATUTES. THE INFORMATION RELATING TO THE PARK AND THE TENANCY WAS COMPLETED BY THE PARK OWNER. THE DIVISION HAS NOT VERIFIED THE INFORMATION AND EXPRESSES NO OPINION AS TO THE MERITS OF THE OFFERING.
INDEX OF THE CONTENTS AND EXHIBITS

Name and Address of Park..............................................Page 1
Name and Address of Person Authorized to Receive Notices..................................................Page 1
Description of Mobile Home Park Property........................................................................Page 1
Description of Recreational and Other Common Facilities..................................................Page 2
Arrangements For Management of Park................................................................................Page 4
Description of All Improvements.........................................................................................Page 4
Utility and Other Services.....................................................................................................Page 5
Rents and Other Charges........................................................................................................Page 6
Park Rules and Regulations....................................................................................................Page 7
Zoning..................................................................................................................................Page 8
2001 Proportionate Share Amendment....................................................................................Page 9

EXHIBITS
Ground Lease or Other Underlying Leases.................................................................Page NA
Mobile Home Park Lot Layout.........................................................................................Page NA
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Rental Agreement................................................................................................................Page 10
Rules and Regulations.........................................................................................................Page 11
RULES AND REGULATIONS

FLAGLER BY THE SEA RESORT INC.
MOBILE HOME PARK
2982 N. OCEANSHORE BOULEVARD
FLAGLER BEACH, FLORIDA 32136

Effective March 1, 2002

The following rules and regulations are intended for the comfort, welfare, and safety of you and your visitors, and are to maintain the appearance and reputation of our Park. They may be amended from time to time to achieve this purpose. Your cooperation will be greatly appreciated. The management of this Park reserves the right to terminate the tenancy of any resident for violation of community rules and regulations. Additionally, rules which are posted at recreational facilities must be observed by all residents and guests.

1. **REGISTRATION.** All occupants, tenants, and guests must register at the Mobile Home Park Office upon arrival. If office is closed registration should be done when office opens following morning.

2. **RATES.** Minimum rates are predicated upon occupancy by up to two (2) persons and one (1) pet. Additional charges are made for more persons or pets. All pets must be declared upon registration. Management reserves the right to refuse such persons, or pets, as may, on the discretion and judgement of management, be incompatible with the Park and its residents. The Tenant also agrees to pay for all gas, light, heat, power, telephone and all other services except such services as may be hereinafter specifically provided for by the Landlord. The Landlord reserves the right to individually meter the premises for the purpose of transferring water and sewer charges directly to Tenant.

3. **PAYMENT.** All rents and fees are payable in advance for rental periods desired. A late charge of $10.00 will be due on rent received on the 6th day of the month and an additional charge of $2.00 per day will accrue thereafter. A bad check charge of $25.00 for returned checks. Lot Rental is based upon two persons per home. Permanent residents in excess of two persons shall be charged $5.00 per month per person.

4. **SUBLEASING.** Tenants shall not sub-let nor otherwise transfer, grant, nor convey any interest in the leased premises without prior written consent of the Park Management.

Under no circumstances are more than four people allowed to occupy a home at any one time and only with the presence of the underwriting Tenant. If visitors exceed 30 days within the rental period of 12 months an extra charge of $3.00 per person per day will be charged. Please see Park Manager.
5. **PARKING SITE.** Your vehicles must be parked on your own site. Please do not park on other sites or in other areas of the mobile home park unless arrangements have been made with site tenant or management. Recreational vehicle units may not be parked on sites.

6. **SOLICITING.** Soliciting and commercial enterprises are not permitted within the Mobile Home Park.

7. **TELEPHONE CALLS.** Telephone messages for tenants of the Park will be pinned on a public board at the Park Office. Management is not responsible for nondelivery, nor disclosure of confidential information.

8. **GARBAGE.** Residents are responsible to deliver their trash, placed in a closed plastic bag, in the Park central containers. No trash is to be left outside living units, nor outside the trash containers.

9. **EXTERIOR APPEARANCE.** Residents are required to keep their site clean at all times. Storage outside the units will be permitted only under the units when the units are skirted. All units must be completely skirted.

10. **REPAIRS.** Repairing of cars, boats, motors or RV units is not permitted at your site, except for emergency repairs for immediate removal.

11. **MAIL.** Mail will be delivered by the Post Office to your lot. You are responsible for maintaining a Government approved mailing receptacle.

12. **SPEED LIMIT.** All vehicles in the Park are restricted to five (5) miles per hour speed limit.

13. **CAMPFIRES.** Open campfires are not permitted.

14. **CLOTHESLINES.** Outside drying of clothing and laundry shall be done from lines placed inconspicuously on your site.

15. **CHILDREN.** Residents, and their guests, are strictly responsible for the conduct of guests and their children.

16. **NOISE.** Close quarters require consideration for your neighbors. Quiet hours are from 10:00 p.m. until 7:00 a.m.

17. **PETS.** Pets must be leased at all times, and attended, when outside the living unit. Pets owners are responsible for cleaning pet defecation immediately.

18. **WATER.** Conserve water. Car washing and watering of lawns is prohibited.
19. **BEACH FACILITIES.** Occupants of the Mobile Home Park are prohibited from using showers, restrooms and other facilities of Flagler By-The-Sea Campground located on the East side of A-1-A.

20. **IMPROVEMENTS.** Any and all improvements to site or dwelling unit must be approved in writing by the management prior to installation. This includes awnings, skirtings, patios and sheds, as well as other similar improvements. To avoid misunderstanding, please request approval of such improvements prior to installation.

21. **TRANSFERS OF OWNERSHIP.** Management reserves the right to approve, and disapprove, all transfers of ownership when the unit remains in the Park. A transfer is deemed not approved, when not approved in writing by the management in advance of the transaction.

22. **UTILITIES.** Your base lot rental amount includes only use of the site, water used at the site in accordance with these regulations, garbage pick up from common garbage containers, and sewer hookup. Park site residents must pay all other utility deposits and charges.

23. **DRUGS, ALCOHOL.** Use of alcohol to excess, drugs in any manner, or any other illegal activity is prohibited in the Park.

24. Pedestrians have the right-of-way. The speed limit for all vehicles in the Park is five (5) miles per hour. Exceeding the speed limit is dangerous and prohibited.

25. The decision of the management on any question arising that is not covered on the above regulations shall be final.

26. All complaints of any kind whatsoever regarding any aspect of the conduct or maintenance of the Park must be submitted to Management IN WRITING and dated and signed.

27. The rights of the Landlord contained herein are cumulative, and failure by the Landlord to exercise any right shall not operate to forfeit any other rights of the Landlord. No waiver by the landlord of any condition or covenant shall be deemed to constitute or imply a further waiver of any other conditions or covenants.

28. Tenants shall indemnify the Landlord and save it harmless from all costs and expenses, including attorney’s fees, for claims of liability, damages or all other claims or obligations because of or arising out of any actions of Tenant.

**NONCOMPLIANCE WITH REGULATIONS**

If a noncompliance with the foregoing regulations is of a nature that the tenant should not be given an opportunity to cure it, or if the noncompliance
constitutes a subsequent or continuing noncompliance within 12 months of a written warning by the management of similar violation, the management shall terminate the rental agreement. Examples of a noncompliance which are of a nature that the tenant should not be given an opportunity to cure include, but are not limited to, destruction, damage, or misuse of the manager's or other tenant's property by intentional act or a subsequent or continued unreasonable disturbance. In such event, the manager may terminate the rental agreement and the tenant shall have seven (7) days from the date that notice is delivered to the premises to vacate the premises.

If such noncompliance is of a nature that the tenant should be given an opportunity to cure it, management will deliver a written notice to the tenant specifying the noncompliance, including a note that, if the noncompliance is not corrected within seven (7) days from the date the written notice is delivered, the management shall terminate the rental agreement by reason thereof. Examples of such noncompliance, not requiring immediate termination, are, but are not limited to, such as having or permitting unauthorized pets, guests, vehicles, parking or failure to keep the premises clean and sanitary.

Tenant may be evicted, pursuant to the procedures of Fla. Law, for non-payment of lot rental amount; conviction of a federal or state law or local ordinance which violation may be deemed detrimental or offensive to the health, safety, welfare or peaceful enjoyment or other dwellers in the Mobile Home Park; violation of any rule or regulation established by the Park owners; a change in the use of land comprising part or all of the Mobile Home Park to some other use, upon one year notice.

The rental amounts are subject to change as deemed necessary by the Management pursuant to the factors set forth in Section VIII of the Park Prospectus, provided written notices are furnished to the Tenant ninety (90) days or more in advance of the rent increase.

These regulations are published in accordance with Florida Law. Thank you for abiding by the regulations. We welcome your recommendations for improvement of services.

E. W. Kramp
Resident Manager
To: Flagler By The Sea Tenants
From: Park Managers

All tenants have received a hand delivered list of 28 rules and regulations concerning the park, if you have misplaced your copy we have more available in the office.

Please review the following rules and abide by them!

#5 Parking
Your vehicles must be parked on your own site. Do not park in other areas of the mobile home park unless arrangements have been made with site tenant or management.

#8 Garbage
Residents are responsible to deliver their trash placed in a closed plastic bag in the park central containers. No trash is to be left neither outside the living units nor outside the trash containers. Do not put household garbage in the large open container, it is for wood/metal etc: only! Thank you for cleaning your flowerbeds and trimming your shrubs, please don’t leave your clippings in your yard or on the road.

#9 Exterior Appearance
Residents are required to keep their site clean at all times. All units must be completely skirted. If your unit is not skirted make an effort to have it done! All units must also be tied down. A fresh paint job sure does wonders on the appearance of a unit!!!!!

#17 Pets
Your pet must be leashed at ALL times, and attended when outside the living units. Pet owners are responsible for cleaning up after their pet immediately! (Even if it is in your own yard) Your pet is not excused!!!

#18 Water
Conserve water, car washing is prohibited! Please fix any leaks in your unit immediately.

The remaining 23 rules have not been highlighted in this memo, but please review them! Since March 1999 the new owners and managers have made many improvements to make this park a safe and attractive place for you, our tenants. During this time we have had to evict four families. We are not proud of it, it is not something we like to do, but it had to be done.

Thank you for your cooperation!

[Signature]
The Management
Flagler by the sea
1. THIS PROSPECTUS CONTAINS VERY IMPORTANT INFORMATION REGARDING YOUR LEGAL RIGHTS AND YOUR FINANCIAL OBLIGATIONS IN LEASING A MOBILE HOME LOT. MAKE SURE THAT YOU READ THE ENTIRE DOCUMENT AND SEEK LEGAL ADVICE IF YOU HAVE ANY QUESTIONS REGARDING THE INFORMATION SET FORTH IN THIS DOCUMENT.

2. THE STATEMENTS CONTAINED HEREIN ARE ONLY SUMMARY IN NATURE. A PROSPECTIVE LESSEE SHOULD REFER TO ALL REFERENCES, ALL EXHIBITS HERETO, THE CONTRACT DOCUMENTS, AND SALES MATERIALS.

3. ORAL REPRESENTATIONS SHOULD NOT BE RELIED UPON AS CORRECTLY STATING THE REPRESENTATIONS OF THE PARK OWNER OR OPERATOR. REFER TO THIS PROSPECTUS (OFFERING CIRCULAR) AND ITS EXHIBITS FOR CORRECT REPRESENTATIONS.

4. UPON DELIVERY OF THE PROSPECTUS TO A PROSPECTIVE LESSEE, THE RENTAL AGREEMENT IS VOIDABLE BY THE LESSEE FOR A PERIOD OF 15 DAYS.
Flagler County Land Development Code
Section 3.07.03. – Procedure for variances and special exceptions.

G. Special exception regulations for home occupations.

1. The applicant must demonstrate to the planning board clear evidence that the proposed home occupation will not:

   (a) Disturb the peace, quiet and domestic tranquility of the residential neighborhood;

   (b) Create excessive odor, noise, parking or traffic above that of the residential neighborhood;

   (c) Create a fire hazard or nuisance;

   (d) Use or generate toxic or hazardous materials or waste.

2. Special exceptions and permitted uses for home occupations are subject to the following regulations:

   (a) No more than one home occupation shall be permitted within any single dwelling unit (excluding cases where a person requires multiple professional or vocational licenses and the actual performance or work occurs somewhere other than the applicant's dwelling unit).

   (b) Permitted home occupations shall not include the employment of any persons not residing on the premises in the performance of the occupation.

   (c) No one other than residents of the dwelling shall be employed in the conduct of a home occupation (excluding those cases where actual performance of work occurs somewhere other than the applicant's dwelling unit).

   (d) No stock-in-trade shall be displayed or maintained on the premises, and no retail sales on the premises shall occur.

   (e) A home occupation shall produce no noise or obnoxious odors, vibrations, glare, fumes or electrical interference detectable to normal sensory perception.

   (f) No traffic or parking shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.

   (g) There shall be no exterior indication of the home occupation; no exterior signs shall be used; no other onsite advertising visible from the exterior shall be used that informs the public of the address of the home occupation.

   (h) No mechanical equipment shall be used or stored on the premises in connection with the home occupation except that which is normally used for purely domestic or household purposes or as specifically provided for in a special exception permit.
3. All special exceptions for home occupation land uses are subject to review and a rehearing of the approved special exception by the planning board upon written and justifiable complaints from surrounding property owners. Such rehearing may result in the revoking of the special exception or additional conditions for continued operation of a home occupation.

4. Home occupation uses shall be subject to all applicable county occupational licenses and other business taxes.

5. In the event that the applicant has not had an occupational license in effect for the duration of time that the applicant has been operating the business out of the home, as a condition of any special exception the applicant shall be required to pay all occupational license fees that would have been due plus the maximum statutory penalties and fees as prescribed by state and local law.
PROTECT YOURSELF!
Know what type of work a Business Tax Receipt will legally allow you to perform
CALL CONTRACTOR LICENSING BEFORE SIGNING ON THE DOTTED LINE

WITH A BUSINESS TAX RECEIPT YOU CAN PERFORM THE FOLLOWING SERVICES:

- Carpet and Linoleum Installation
- Install Ceiling Fans with a Plug Only
- Change Door Locks (Cannot install doors or windows)
- Change Light Bulbs
- Clean Gutters
- House Cleaning
- Lawn Maintenance and Tree Service (Cannot install or repair irrigation systems)
- Painting/Wall Papering
- Residential Landscaping (No Commercial Work)
- Trash Hauling (No Construction Debris)
- Rescreening (No installation of aluminum, wood or vinyl)
- Window Tinting
- Window Treatment Installation (i.e. blinds, verticals)
- Assembly of prefabricated items (i.e. shelves, bookcases)
- Replace Intake Air Handler Filter ONLY (No duct work or dismantling of the system)

WITH A BUSINESS TAX RECEIPT YOU CANNOT PERFORM THE FOLLOWING SERVICES:

- Acoustical and Installation
- Air Conditioning
- Aluminum
- Asphalt Paving or Coating
- Alarm System Installation
- Building Moving
- Commercial Landscaping
- Concrete or Masonry
- Door, Window or Garage Door Installation
- Drywall
- Demolition
- Elevator Installation
- Electrical
- Fence Installation
- Fire Systems
- Fill and Clearing
- General, Residential or Commercial Building or Glass or Glazing
- Garage Door Installer
- Hurricane Protection
- Irrigation
- Liquid Petroleum Gas
- Marine Construction
- Mechanical Contracting
- Pile Driving
- Paving/Pavers
- Plaster, Stucco and Spraycrete
- Plumbing
- Roofing
- Remodeling
- Shed Installation
- Sign Installation
- Structural, Cabinet or Trim Carpentry
- Swimming Pool Installation or Repair
- Swimming Pool and Spa Water Treatment
- SIDing, Window and Door Installer
- Underground Utilities
- Water Conditioner Installation
- Well Drilling

A LOCAL BUSINESS TAX RECEIPT IS NOT A LICENSE TO PRACTICE CONTRACTING. IT IS A TAX THAT IS PAID TO CONDUCT BUSINESS WITHIN A COUNTY OR MUNICIPALITY

This list is not inclusive and additional specialty contractors are described in Florida Statute 489.

You may end up being liable for personal or financial injuries to others. An unlicensed contractor typically is uninsured and will have no way to pay you back for any property damage.

Contractor Licensing
1769 E. Moody Blvd., Bldg#2
Bunnell, FL 32110
Phone: (386) 313-4076
Fax: (386) 313-4102
Ed Rodriguez

Revised 04/17
DATE: August 8, 2017

TO: Chairman and Planning and Development Board members

FROM: Adam Mengel, Planning Director

SUBJECT: Agenda Item 5 – Staff Comments – DISCUSSION ON R/C (RESIDENTIAL/LIMITED COMMERCIAL) DISTRICT – request for the Board to receive staff’s report and recommend to the Board of County Commissioners that the residential development thresholds of Comprehensive Plan Policy A.1.1.3(2)(a) and (b) have been met in the unincorporated areas of the barrier island and that the requirement for mixed use designated parcels to include a residential component will be eliminated through the Evaluation and Appraisal Report (EAR) process and its successive EAR-based amendments.

This discussion and its accompanying analysis follows public input after the recent Special Exception requests for limited commercial uses within the R/C (Residential/Limited Commercial) district. Through this public input, the R/C district was misidentified as the source of the County’s requirement of a residential component for Special Exception commercial use requests: this is incorrect since the basis of the requirement is the underlying mixed use Future Land Use designation. Specifically, Comprehensive Plan Policy A.1.1.3 requires the mix of uses on a “development area” basis where parcels are designated as either Mixed Use Low Intensity or Mixed Use High Intensity on the County’s 2010-2035 Future Land Use Map:

Policy A.1.1.3: The location and extent of low intensity and high intensity mixed land use categories in accordance with the Future Land Use Map and the policies and descriptions of type, sizes, densities, and intensities of land use are outlined below:

(1) Types of uses allowed in each mixed use category:
   (a) Mixed Use - Low Intensity - Low/Medium Density Residential: Low Intensity Professional Office and Neighborhood Commercial, Planned Unit Developments, and Public Uses.
   (b) Mixed Use - High Intensity - Medium/High Density Residential: High Intensity General Office and General Commercial, Planned Unit Developments and Public Uses.

(2) Density of each use:
   (a) Mixed Use - Low Intensity - 1.0 to 7.0 residential units per gross acre. Retail and office, maximum FAR of .2. Residential uses shall occupy a minimum of 15% and a maximum of 70% of the development area. Retail and office uses shall occupy a minimum of 15% and a maximum of 50% of the development area. Open space uses shall occupy a minimum of 25% of the development site.
   (b) Mixed Use - High Intensity - 3.1 to 10.0 residential units per gross acre. Retail and office, maximum FAR of .4. Residential uses shall occupy a minimum of 25% and a maximum of 60% of the development area. Retail and office uses shall occupy a minimum of 25% and a maximum of 50% of the development
area. Open space uses shall occupy a minimum of 25% of the development site.

(3) Composition and compatibility of each land use mix:
   (a) Mixed Use - Low Intensity Low/Medium Density Residential with supporting low intensity professional office and neighborhood commercial uses, supporting recreational and public facility uses, and Mixed Use Planned Unit Developments (PUDs).
   (b) Mixed use - High Intensity Medium high Density Residential, Mixed General Office and General Commercial Uses, Supporting Public Uses (high visibility), and Mixed Use Planned Unit Developments (PUDs).

Operationally, parcels designated as either Mixed Use Low Intensity or Mixed Use High Intensity have been required to demonstrate compliance with this policy through provision of a residential and commercial mix of uses. Aside from the majority of the State Road A1A frontage which pairs Mixed Use Low Intensity Future Land Use with the R/C zoning – a consistent zoning designation for the Mixed Use Low Intensity Future Land Use designation – the Mixed Use Low Intensity designation is also linked to the Hammock Dunes and Matanzas Shores Developments of Regional Impact (DRIs) and their respective Planned Unit Development (PUD) zoning designations. On the macro level, the DRIs provided their mix of uses through the residential and commercial designation of lands within their respective DRI boundaries. This mix is more challenging on a parcel-by-parcel basis for the single lot, lot-of-record parcels adjoining A1A. Compounding the practicalities of development is the lack of central sewer provision; lacking utilities, the application of the Comprehensive Plan-required mix of uses on a single parcel basis is difficult at best.

Public comment on the application of the mixed use’s residential requirement has been sporadic over the years, with the Planning Board discussing this in some detail at its May 11, 2004 regular meeting as Agenda Item #7 (minutes attached in relevant part). The R/C zoning was labeled then as the problem, much as it has again been misidentified today. It is important to recall that the listed permitted uses and structures in the R/C zoning (see FCLDC Section 3.03.13.B) are:
   1. Single-family dwellings, but not mobile home dwellings.
   2. Accessory uses normal and incidental to single-family dwellings.
   3. Home occupations (subject to those guidelines for home occupations in subsection 3.07.03G).
   4. Short-term vacation rentals.

Unfortunately, the R/C district continues to be misconstrued as permitting commercial development by right, where instead commercial development is only allowed as a Special Exception use and is further limited in scope to those office, retail, and service commercial uses that are compatible with adjacent single-family uses and structures as may occur.

Contemporaneous with the 2004 discussion, the County encouraged projects that could benefit from a swap of entitlements to do so through recorded restrictions. Four such projects completed these agreements, typically linked to commercial uses approved through Special Exceptions, whereby individual parcels swapped out their residential densities to develop solely as commercial uses, while their residential counterparts benefitted from the corresponding density bonuses. This symbiotic relationship remains available to land owners today, although none since the initial four projects have proposed a swap: instead, recent Special Exception
commercial developments have opted to develop a residential component to meet the Mixed Use Low Intensity requirements.

Promoted by the recent public input, Planning staff obtained Property Appraiser parcel use data for the unincorporated area of the barrier island (see attached map), recognizing that there are other areas of the County that are designated as Mixed Use Low Intensity and Mixed Use High Intensity; however, the development-related difficulties appear to be singular to the barrier island. Out of 6,528 unincorporated parcels on the barrier island, 2,374 parcels are developed as single-family residences. Another 186 parcels are developed with mobile homes. Parcels assessed as condominiums total 1,770. Finally, vacant parcels – the majority of which are undeveloped single-family lots – total 1,514 parcels. As a percentage of total unincorporated barrier island parcels, these counts represent:

<table>
<thead>
<tr>
<th>Parcel Use</th>
<th>Parcel Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family residential</td>
<td>2,374</td>
<td>36.37%</td>
</tr>
<tr>
<td>Mobile home</td>
<td>186</td>
<td>2.85%</td>
</tr>
<tr>
<td>Condominium</td>
<td>1,770</td>
<td>27.11%</td>
</tr>
<tr>
<td>Vacant</td>
<td>1,514</td>
<td>23.19%</td>
</tr>
</tbody>
</table>

The purpose of this analysis is to demonstrate that the intended desired outcome of the mixed use specific to the unincorporated area of the barrier island has been achieved: there is sufficient residential use to provide a population base for other non-residential uses, with well-over half of these parcels presently developed as residential and nearly a quarter more of these parcels intended for future residential development.

Staff’s proposal – based on this analysis – is for the Board of County Commissioners to determine that sufficient residential development has occurred or is intended for future development so that development of mixed use parcels in the unincorporated area of the barrier island will no longer be required to provide a residential component. It should be recognized that this does not change the R/C zoning in any way: the R/C zoning district’s permitted principal uses and structures remain residentially-focused, with limited commercial uses only possible through Special Exception review and approval by the Planning and Development Board. However, direction by the Board of County Commissioners as proposed will eliminate the required residential component for parcels designated as either Mixed Use Low Intensity or Mixed Use High Intensity in the unincorporated portion of the barrier island. This analysis and determination is also supported by Goals, Objectives, and Policies of the County’s Coastal Management Element intended to limit new residential development within the Coastal High Hazard Area (CHHA), the area encompassed within the barrier island.

The intended effect of this is that those limited commercial Special Exception uses that have been required to provide a residential component may now optionally develop or retain these residential dwelling units. Where these dwelling units have been previously developed and the intent now is to convert these areas to storage uses, no further zoning-related review or approval will be necessary (although building permits for conversion may be needed). Conversion of residential components into commercial use or to be incorporated into existing commercial floor space will require site plan review at a minimum to verify that sufficient parking is provided among other factors. If an amendment to a previously issued Special Exception is determined to be needed, then these requests will come before the Planning and Development Board for review and
determination. Where larger mixed use development projects have been required to propose or develop a residential component, as is the case for several mixed use PUDs, development or redevelopment of residential components may require additional reviews and approvals: these will be addressed on a case-by-case basis.

**Staff Recommendation:** Staff recommends that the Board receive staff’s report and recommend to the Board of County Commissioners that the residential development thresholds of Comprehensive Plan Policy A.1.1.3(2)(a) and (b) have been met in the unincorporated areas of the barrier island and that the requirement for mixed use designated parcels to include a residential component will be eliminated through the Evaluation and Appraisal Report (EAR) process and its successive EAR-based amendments.

**Suggested Motion Language:** The Planning and Development Board recommends to the Board of County Commissioners that the residential development thresholds of Comprehensive Plan Policy A.1.1.3(2)(a) and (b) have been met in the unincorporated areas of the barrier island and that the requirement for mixed use designated parcels to include a residential component will be eliminated through the Evaluation and Appraisal Report (EAR) process and its successive EAR-based amendments.
MEMBERS PRESENT:  Barbara S. Revels, Chair; Clyde Duensing, Jr., Vice-Chair; Betty Jo Strickland; Robert Sgroi; William Kogut; Dr. Benigno Ramirez

Excused Absence:  Dr. John Canakaris

STAFF PRESENT:  Walter Fufidio, Planning & Zoning Director; Gina Lemon, Planner III; Christina James, Planner I; and Patricia Powers, Recording Secretary

BOARD COUNSEL:  Patrick McCormack, Esq.

1. Roll Call

A quorum was obtained and Chairman Barbara Revels called the meeting to order at 7:35 p.m.

2. Approval of the April 13, 2004 Planning Board Minutes

A MOTION was made by Robert Sgroi and SECONDED by William Kogut to approve the April 13, 2004 Planning Board Minutes.

MOTION CARRIED unanimously.

3. Application #2385: PRELIMINARY PLAT IN A PUD FOR A 3-LOT SUBDIVISION FOR HAMMOCK DUNES PARCEL 14; lying north of Camino Del Ray and east of North Oceanshore Blvd.; a parcel of land lying within Government Section 4, Township 11 South, Range 31 East, Flagler County, Florida; Parcel # 04-11-31-2984-000E2-0010; containing 5.44± acres; Owner: HD Associates, L.P./Applicant –Robert Dickinson.

 Project #2004040017 (TRC, PB, BCC)

Walter Fufidio said the Development Order as amended allows up to nine units with a three-story height limitation. The proposed use is for three single-family residential lots and is consistent with the DRI. There is an extensive landscape area that will be left as is. The dedications need to be amended in Parcel A through C to reflect the usage and ownership of each of the parcels. One is a lake, one a large wetland area, and the third is landscaping. Each of these areas is to be owned by the Homeowners Association. The County Engineer has asked for a change of cost estimate. Staff is recommending the Planning Board approve this application to go to the Board of County Commissioners subject to resolution of the four TRC items identified in the report.

The Applicant’s representative, Michael Bebe said they are in agreement with Staff’s comments.

Ms. Revels asked about the tree survey.

Mr. Bebe said it has been completed and is in the packet before this Board.

Ms. Revels asked if there would be tree clearing done at the gate to the entrance in Parcel A & B.

Mr. Bebe said it would be dedicated as a Homeowners Association. Trees would not be cleared and it would be left in its natural state.

These minutes are unofficial until adopted by the Planning Board.
that an opaqueness level of between 80-90 percent as well as a minimum height be a requirement as part of the recommendation. He suggested a time frame be set as part of the recommendation.

Mr. McCormack pointed out to the Board that the drainage issue is addressed in IX Analysis, Items 3 and 4 of the Staff Report. The County has requested calculations that are part of the conditions to be part of the motion, if there is one. Staff has not seen the actual drainage calculations for the modified drainage system.

Mr. Duensing asked Staff to clarify some items about not clearing all the pre-existing trees in regard to the motion.

Mr. Fufidio said Staff is asking that if this Board approves this application, it should not approve Items 3 and 4 which is the clearing plan. This is to be calculated and decided upon at another time.

A MOTION was made by Clyde Duensing and SECONDED by Betty Joe Strickland to accept the following amendments to the Staff Report:

Item 4 will be changed to: No clearing or deposit of fill will commence until drainage plans and calculations are approved by the St Johns River Water Management District and Flagler County. The grading and drainage plan will ensure that Lakeside and Las Brisas stormwater systems will not be adversely impacted.

A new condition to be added as Item 8: Absent an absolute denial by FDOT or FDEP, a temporary access road will be constructed to connect the site to A1A during the period of active construction. All truck and worker traffic will utilize this access road. This access road will be closed by a secure gate between the hours of 6:00 PM and 7:00 AM Monday through Saturday and all day Sunday unless reasonably required for standard construction practice, e.g., pouring concrete in mid-summer.

A new condition to be added as Item 9: Adjacent to Lots 117 through 121, Lakeside by the Sea a planted buffer of no less than eight feet in height that achieves a minimum of 80% opacity within two years of the issuance of the first building permit must be installed the entire length.

MOTION CARRIED – 4 Ayes & 2 Nays  (William Kogut, Dr. Benigno Ramirez)

A MOTION was made by Clyde Duensing and SECONDED by Betty Joe Strickland to recommend to the Board of County Commissioners approval of Application 2382 Site Plan for the 113 unit Las Casitas Townhouse Condominium, subject to compliance with the conditions of Section IX of the Staff Report with the aforementioned amendments and to anything stated by the Applicant at this meeting as part of the public record that they are willing to do.

MOTION CARRIED – 4 Ayes & 2 Nays  (William Kogut, Dr. Benigno Ramirez)

Mr. Fufidio said Staff has researched records about the requirement of Mixed Use Low Intensity to provide a certain percentage of commercial and a certain percentage of residential per development parcel. “Development parcel” is not a defined term. The smaller the parcel the more difficult it becomes. The Board has the document before them indicating the origin of this to the Year 2000 when the Comprehensive Plan was amended.

Mr. Duensing asked if this was from the original book.

Mr. Fufidio said it was the book as it existed in late 1999 and early 2000. What is underlined is what was added. It is reflective of the current policy. What is struck through is what was deleted at that time. Since the term “development parcel” has not been defined, the broadest we can reasonably interpret as development area is one or multiple properties based on ownership. It is akin to a discussion of several months ago about the percentage of wetlands and how they are defined. Is it the property line, or is it the entire corridor?

Ms. Revels asked if the issue is density of each use, a minimum and a maximum percent?

Mr. Fufidio said this is the issue.

Ms. Strickland asked for clarification about whether it is harder to do this as an individual with a smaller parcel than if they come as a group.

Mr. Fufidio said it is untested ground. Staff will be supportive of that concept as long as the property is amalgamated through an agreement.

Ms. Revels disagreed. It is highly unlikely property owners would develop at the same time. If property owners entered into this type of agreement, it would lock them into either commercial or residential and could cause problems later if they decided to sell their property.

Mr. Fufidio said it would be recorded in the public records.

Mr. Duensing said the way the zoning is written on the R/C, the most combining that could be done would be one of each. There is no description for mixing one of each.

Mr. Fufido said the R/C has been in existence longer than the amendment to this policy, but where there is a conflict between the Comprehensive Plan and zoning regulations, the Comprehensive Plan takes priority.

Mr. Duensing suggested exempting one acre or smaller, and exempt permitting by owners of record who owned property prior to this coming into effect. In major developments, it might be necessary to maintain the amount of mix. That might be enough without actually getting into every little piece of land and trying to figure out how to do it. If you control those, and set some criteria, then use it within the ratios to keep near the middle of the balance, the rest could be left alone for people to do with them as they wish. Mr. Duensing suggested a quantitative evaluation of the Residential:Commercial ratio by Staff.

Ms. Revels asked if this is an R/C zoning that automatically dictates Mixed Use, rather than going under Special Exception.
Mr. Fufidio said Ordinances are often done incrementally to change one section without changing a corresponding section.

Ms. Revels said there are things that can be done to assist the property owners and it is important to find a way to do it.

Ms. Strickland said there were not a lot of these smaller lots, and it could be done on an individual basis.

Paul Kinney, Manager of the local Coldwell Banker Real Estate Office said the Board is doing what he hoped for by beginning to talk about this issue. He sited an example of how his company lost a sale a few months ago. A company wanted to move their office from St. Augustine and build on a lot that measures 200' x 200.' They were unable to get the appropriate zoning. There are many small lots along A1A that cannot meet the 70% requirement to become Commercial. The idea to join together is a good one, however, it probably will not work. It is hard to get neighbors to agree to anything. He is encouraged that this Board is trying to find a solution.

Al Esposito, a local realtor affirmed that the situation is currently a problem, and hopes the Board can offer a solution.

There was discussion among Board members, and it was agreed the situation needs to be addressed.

8. Board Member Items
   None

9. Staff Comments
   None

10. Adjournment

    The meeting was adjourned by consensus at 10:00 PM.