1. Roll Call.

2. Pledge to the Flag.

3. Approval of August 8, 2017 meeting minutes.

4. Quasi-judicial requiring disclosure of ex parte communication:
   Application #3087 – APPLICATION FOR REPLACEMENT OF A NON-CONFORMING USE IN THE
   R-1 (RURAL RESIDENTIAL) DISTRICT – request for a replacement of an existing mobile home. 63
   Malacompra Road; Parcel Number: 20-10-31-3050-00030-0190; 0.189 acres. Owner/Applicant:
   Grace L. Lee and Debra Anne Lee, Joint Trust with Right of Survivorship.
   Project #2017070039 (TRC, PDB)

5. Legislative not requiring disclosure of ex parte communication:
   Application #3090 – APPLICATION FOR FUTURE LAND USE MAP AMENDMENT LESS THAN
   TEN ACRES – request for a Future Land Use Map Amendment for less than ten acres from MUH
   (Mixed Use High Intensity) to RMD (Residential Medium Density) at 2942 North Oceanshore
   Boulevard and 4 Westmayer Place. Parcel Numbers 26-11-31-5450-00000-0080 and 26-11-31-
   5450-00000-0090; 0.47+/- acres. Owners: Thomas W. and Sandra E. Kluba/Applicant: Dennis K.
   Bayer, Esq.
   Project #2017080010 (TRC, PDB, BCC)

6. Quasi-judicial requiring disclosure of ex parte communication:
   Application #3086 – APPLICATION FOR REZONING – request for Rezoning from C-2 (General
   Commercial and Shopping Center) to R-1C (Urban Single-family Residential) at 2942 North
   Oceanshore Boulevard and 4 Westmayer Place. Parcel Numbers 26-11-31-5450-00000-0080 and
   26-11-31-5450-00000-0090; 0.47+/- acres. Owners: Thomas W. and Sandra E. Kluba/Applicant:
   Dennis K. Bayer, Esq.
   Project #2017090009 (TRC, PDB, BCC)
7. Quasi-judicial requiring disclosure of ex parte communication:
   Application #3088 – APPLICATION FOR SITE DEVELOPMENT PLAN REVIEW IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT – request for review of a Site Development Plan in the PUD District for Surfview. Parcel Number 37-10-31-1550-0000-0153; 1.01 acres. Owners: Robert J. Falconetti and Diane D. Falconetti, husband and wife, and John J. Falconetti and Robert John Falconetti/Applicant: Matthew Lahti, P.E., with Gulfstream Design Group, LLC.
   Project #2017070040 (TRC, PDB, BCC)

8. Quasi-judicial requiring disclosure of ex parte communication:
   Application #3085 – APPLICATION FOR PRELIMINARY PLAT IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT – request for review of a Preliminary Plat in the PUD for Surfview. Parcel Number 37-10-31-1550-0000-0153; 1.01 acres. Owners: Robert J. Falconetti and Diane D. Falconetti, husband and wife, and John J. Falconetti and Robert John Falconetti/Applicant: Matthew Lahti, P.E., with Gulfstream Design Group, LLC.
   Project #2017070008 (TRC, PDB, BCC)

9. Quasi-judicial requiring disclosure of ex parte communication:
   Project #2017060024 (TRC, PDB, BCC)

10. Quasi-judicial requiring disclosure of ex parte communication:
    Application #3078 – APPLICATION FOR PRELIMINARY PLAT IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT – request for preliminary plat for Los Lagos I subdivision. Parcel Number: 37-10-31-1550-00000-0151; 15.0 acres. Owner: LR5A-JV, LP/Applicant: Duval Realty Trust, LLC.
    Project #2017060020 (TRC, PDB, BCC)

11. Quasi-judicial requiring disclosure of ex parte communication:
    Application #3079 – APPLICATION FOR PRELIMINARY PLAT IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT – request for preliminary plat for Los Lagos II subdivision. Parcel Number: 37-10-31-1550-00000-0155; 8.3 acres. Owner: LR5A-JV, LP/Applicant: Duval Realty Trust, LLC.
    Project #2017060021 (TRC, PDB, BCC)

12. Quasi-judicial requiring disclosure of ex parte communication:
    Application #3081 – APPLICATION FOR SITE DEVELOPMENT PLAN REVIEW IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT – request for review of a Site Development Plan in the PUD District for Las Casitas. Parcel Numbers: 37-10-31-3725-00000-00G0, 37-10-31-1550-00000-0154, and 37-10-31-3725-00000-003A; 24.6 acres. Owners: Matanzas Shores Owners Association and LR5A-JV, LP/Applicant: Duval Realty Trust, LLC.
    Project #2017060023 (TRC, PDB, BCC)
13. Quasi-judicial requiring disclosure of ex parte communication:
   Application #3080 – APPLICATION FOR PRELIMINARY PLAT IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT – request for preliminary plat for Las Casitas subdivision. Parcel Numbers: 37-10-31-3725-00000-00G0, 37-10-31-1550-00000-0154, and 37-10-31-3725-00000-003A; 24.6 acres. Owners: Matanzas Shores Owners Association and LR5A-JV, LP/Applicant: Duval Realty Trust, LLC.
   Project #2017060022 (TRC, PDB, BCC)

14. Quasi-judicial requiring disclosure of ex parte communication:
   Application #3092 – APPLICATION FOR REVIEW IN A PUD (PLANNED UNIT DEVELOPMENT) – AMENDMENT TO DEVELOPMENT AGREEMENT – request to amend the development agreement of Huntington Woods PUD. Parcel Numbers 22-14-31-0000-01010-0030 and 22-14-31-0000-01010-0040; 29.97+/- acres. Owner: BADC Huntington Communities, LLC/Applicant: Michael J. Woods, Esq.
   Project #2017080017 (TRC, PDB, BCC)

15. Quasi-judicial requiring disclosure of ex parte communication:
   Application #3094 – APPLICATION FOR SIDE SETBACK VARIANCE IN THE R-1 (RURAL RESIDENTIAL DISTRICT) – request for a 2.5 foot side setback variance from the 7.5 foot minimum setback requirement at 94 Hernandez Avenue; 0.31 acres. Parcel Number 40-10-31-0010-00100-0020. Owner/Applicant: David P. and Angela L. Bailus, husband and wife.
   Project #2017080003 (TRC, PDB)

16. Quasi-judicial requiring disclosure of ex parte communication:
   Application #3095 – APPLICATION FOR SPECIAL EXCEPTION IN THE AC (AGRICULTURE) DISTRICT – request for a Special Exception for a Land Clearing, Debris Disposal, Storage and Processing Facility at 449 County Road 304; Parcel Number 36-12-30-0650-000A0-0112; 29.71 acres. Owner/Applicant: Darrell Cone Dozer Service, Inc.
   Project #2017080024 (TRC, PDB)

17. Legislative not requiring disclosure of ex parte communication:
   Application #3097 – APPLICATION FOR FUTURE LAND USE MAP AMENDMENT GREATER THAN TEN ACRES – request for a Future Land Use Map Amendment for greater than ten acres from AC (Agriculture Timberlands) to RLSF (Residential Low Density/Single Family). Parcel Number 22-12-31-0000-01010-0011; 202.2+/- acres. Owner: Venture 8, LLC/Applicant: Michael D. Chiumento III, Esq.
   Project #2017090007 (TRC, PDB, BCC, DEO)

18. Quasi-judicial requiring disclosure of ex parte communication:
   Application #3098 – APPLICATION FOR REZONING – request for Rezoning from AC (Agriculture) to PUD (Planned Unit Development). Parcel Number 22-12-31-0000-01010-0011; 202.2+/-acres. Owner: Venture 8, LLC/Applicant: Michael D. Chiumento III, Esq.
   Project #2017090008 (TRC, PDB, BCC)

19. Staff Comments.

20. Board Comments.
21. 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.

22. Adjournment.

PLEASE TAKE NOTICE THAT INDIVIDUAL COMMISSIONERS OF THE BOARD OF COUNTY COMMISSIONERS MAY ATTEND THIS EVENT. THE COMMISSIONERS WHO ATTEND WILL NOT TAKE ANY ACTION OR TAKE ANY VOTE AT THIS MEETING. THIS IS NOT AN OFFICIAL MEETING 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.
MEMBERS PRESENT: Chairman Robert Dickinson, Arthur Barr, Michael Boyd, Troy Dubose, Michael Duggins, Laureen Kornel and Mark Langello

MEMBERS ABSENT: None

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

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 June 13, 2017 regular meeting

   Motion to approve made by Mr. Boyd and seconded by Mr. Langello.
   Motion approved unanimously.

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

   Chairman Dickinson called for disclosure of exparte communications, none reported.

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

   Chairman Dickinson opened the public hearing.
Gary McCullough, 2982 N Oceanshore Blvd Lot 33, Applicant gave a brief overview of his business.

Ms. Kornel inquired if there was outdoor storage.

Mr. McCullough responded that all equipment is kept in a shed.

Chairman Dickinson opened the public hearing.

Ms. Gabriella Francis, 2996 Painters Walk, asked if this would affect the entire trailer park.

Mr. Mengel answered Ms. Francis by stating that this is specific to Mr. McCullough.

Motion to approve per staff recommendation made by Mr. Boyd, seconded by Ms. Kornel. Motion approved unanimously.

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.

Mr. Mengel presented the staff report and recommendation to the Board of County Commissioners.

Dennis Clark, 5784 N Oceanshore Blvd., provided a handout to the Board and read it into the record; this document is attached to these minutes.

Mr. Langello asked if this had always been applied by parcel basis.

Mr. Mengel stated that that has been the case during his tenure and that of his immediate predecessor.

Mr. Langello is in support of the using the entire area for the calculation of the mixed use.

Chairman Dickinson feels that the intention was to keep the beauty of the Hammock.

Mr. Mengel added this interpretation will not remove the need for the special exception for any commercial use.

Chairman Dickinson asked if there was anyone in the audience would like to speak.
Mr. Brent Bruns, Hammock Coastal Real Estate, 102 Yacht Harbor Dr., Unit #161, spoke of a project he is proposing within the Hammock and that this change would be good for the area.

Mr. Barr stated that whenever there is simplifying of regulations it is commendable.

Mr. Clark spoke of the advantages of the village center.

Mr. Barr asked if this is a work in progress.

Mr. Mengel stated that this would be an interpretation and would be part of the support for the EAR update.

Mr. Langello asked will this change when the Board makes an interpretation or when the EAR process begins.

Mr. Mengel responded this will be implemented when the Board makes an interpretation.

Motion to approve as provided by staff made by Mr. Barr and seconded by Mr. Langello.

Motion approved unanimously.

6. Board Comments

Mr. Duggins shared that he will not be returning as a Board Member. He has been on the Board for seven years and he would like to let someone else have a try.

7. Public Comments

None.

8. Adjournment

Motion to adjourn made by Mr. Boyd at 7:07 p.m.

Minutes drafted by Wendy Hickey.

Minutes reviewed By Adam Mengel.

These minutes are unofficial until adopted by the Planning and Development Board.
R/C District and Mixed-Use Low Intensity Land Use in the Scenic Corridor Overlay
by Dennis Clark for the 8/8/17 Planning and Development Board meeting.

This mixed-use low intensity land use designation is tied to the R/C zoning district that is applied to most of the parcels along A1A in the Hammock.

It's been unwieldy to implement the Residential requirement but there are several factors to consider:
1. It provides long-term rentals for working class people who may work in the Hammock but cannot afford to buy a residence in the Hammock. Currently there are only a handful of apartments for rent.
2. It is a deterrent to building a business on a small parcel, since parking and septic are required for the residence as well as the business. Also, it adds building expense.
3. It may add incentive to rent an existing building for a new business. There are several that are available.
4. It may add incentive to build in one of the two office parks - Cinnamon Beach and Hammock Business Park.
5. It is not clear how much residential is required and if/how it may be traded with another landowner.
6. Is an apartment a commercial or residential component?

The Hammock Community Association along with Scenic A1A PRIDE has been looking at long-term growth potential since 2002 with several efforts:
- 2003 - Flagler County Scenic Highway Charrette a public workshop run by the Treasure Coast Regional Planning Council.
- 2006 - Future Land Use Group run by myself to map out commercial districts in the Hammock and look for incentives to build commercial in specific areas (and not in others).
- 2016 - HCA Long-Range Planning Committee formed and test survey implemented.

The Swindermans, owners of the Hammock Thrift Shop, are glad that they built the upstairs apartment but it may not be a profit-making addition.

Potential Solutions
1. No change. If a business does not want to build the residence, apply for rezoning and land use change at a cost of about $1,300. Minimum parcel size for C-1 increases from 9,000 SF (0.206 acres) to 20,000 (0.459 acre).
2. Remove the residential requirement in the Comp Plan. Will allow anyone along A1A with a quarter acre to convert a home into business.
3. Add a minimum lot size requirement of 0.5 for commercial application to allow for parking. Do not allow deceleration lanes for these small businesses.
4. Create a "commercial zone" by incentivizing certain areas for commercial while de-incentivizing other areas. I.e. create a downtown Hammock from 16 Rd to the Bridge.
5. Consider how to manage the R and C component of the Scenic Corridor in some other workable manner.

I suggest that we give it some thought before making a decision that we may regret later.
Flagler County Government  
Planning and Zoning Department  
Staff Report  

TO: Chairman and Planning and Development Board Members  
FROM: Planning and Zoning Department  
DATE: October 10, 2017  
SUBJECT: Application #3087 – Nonconforming Use in the R-1 (Rural Residential) District

I. Requested Action & Purpose: The request is for a replacement Mobile Home as a Nonconforming Use in the R-1 (Rural Residential) District.

II. Location and Legal Description: The subject is located at 63 Malacompra Road, described as Lot 19, Block 3 of Johnson Beach Subdivision (Plat Book 5, Page 9, Public Records of Flagler County, Florida); Parcel #20-10-31-3050-00030-0190.

III. Owner/Applicant: Grace L. Lee and Debra Anne Lee, JTWROS

IV. Parcel Size: 0.189 +/- acres (8,232 sf.)

V. Existing Zoning & Future Land Use Classification:  
Zoning: R-1 (Rural Residential) District  
Future Land Use: Residential Low Density/Rural Estate

VI. Future Land Use Map Classification / Zoning of Surrounding Land:  
North: Residential Low Density/Rural Estate / R-1 (Rural Residential) District  
East: Residential Low Density/Rural Estate / R-1 (Rural Residential) District  
South: Mixed Use Low Intensity / PUD (Planned Unit Development) District  
West: Residential Low Density/Rural Estate / R-1 (Rural Residential) District

VII. Land Development Code Sections Affected:  
Flagler County Land Development Code (LDC) subsection 3.02.04.E, Restoration of damaged buildings (as these relate to the LDC main section on Nonconformance)

VIII. Report in Brief: On July 27, 2017, the Applicant filed an application with the Planning and Zoning Department for the replacement of a damaged nonconforming use for a mobile home within the R-1 zoning district. This request was prompted by damage sustained to the existing mobile home during Hurricane Matthew. Subsection 3.02.04.E of the LDC does provide some relief for property owners allowing for the construction and the restoration of any nonconforming building or structure with the approval of the Planning and Development Board:
“Restoration of damaged buildings. A nonconforming building, structure, or improvement which is hereafter damaged or destroyed to an extent exceeding fifty (50) percent of the reasonable estimated replacement cost of the structure (as determined by the property appraiser), building or improvement may not be reconstructed or restored to the same nonconforming use except upon approval of the Planning and Development Board.” (LDC Sec. 3.02.04.E).

IX. Background: The subject property has been developed since 1974 with a 1,334 square foot mobile home with an additional 252 square foot porch, a 480 square foot detached garage, and a 192 square foot carport, with the accessory structures built in 1975 according to Flagler County Property Appraiser records. The home has been inhabitable since Hurricane Matthew when flood waters damaged the flooring. The proposed new mobile home is 1,369 square feet in area and will be placed primarily using the footprint of the existing home.

The new home will meet all current building code requirements.

The applicant met with the Technical Review Committee on August 20, 2017. Staff comments have been satisfactorily addressed by the applicant in advance of the Planning and Development Board meeting.

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

X. Staff Analysis: No specific criteria are listed in the Land Development Code for consideration of nonconforming uses by the Planning and Development Board. In lieu of specific criteria, staff offers several facts for consideration by the Planning and Development Board in determining whether to approve the replacement of the mobile home.

1. Based on information provided in the County records, the property has continued in this condition with the single wide mobile home dwelling, its attached porch and accessory garage and carport for 42 years, since 1975.

2. Consideration of the value of the mobile home is not necessary as the property owner does not intend to repair but to replace the mobile home.

3. There is no adjoining owner that is adversely impacted by the approval of the replacement mobile home.

4. This parcel is developed as a single family residential lot and would otherwise meet the requirements of the Land Development Code as a Lot of Record in the MH-1 (Rural Mobile Home) district.
5. This does not set a precedent since each request is viewed individually and on its own merits.

XI. **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.

XII. **Staff Recommendation:** Based on the provided application and the supplemental information, the Planning Department recommends that the Planning and Development Board make a finding that the new mobile home at 63 Malacompra Road is the same nonconforming use as the previous mobile home.

XIII. **Suggested Motion Language:** The Planning and Development Board approves Application #3087, Nonconforming Use for the replacement of a nonconforming mobile home based on the testimony and evidence presented that the new mobile home is determined to be the same nonconforming use as the previous mobile home at 63 Malacompra Road (Parcel #20-10-31-3050-00030-0190).

**Attachments**
1. Notification list and map
2. Application and supporting documents
3. TRC comments
Map Series
Aerial Photograph

Subject Parcel
Future Land Use Map (FLUM)
Zoning Map
<table>
<thead>
<tr>
<th>ParcelId</th>
<th>Owner Name</th>
<th>Mailing Address</th>
<th>City State</th>
<th>Zip</th>
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<tbody>
<tr>
<td>20-10-31-3050-00020-0190</td>
<td>SHELIA A MILLER</td>
<td>P.O. BOX 168</td>
<td>PALESTINE, WV</td>
<td>26160</td>
</tr>
<tr>
<td>20-10-31-3050-00030-0190</td>
<td>GRACE L &amp; DEBRA ANNE LEE</td>
<td>63 MALA COMPRA ROAD</td>
<td>PALM COAST, FL</td>
<td>32137</td>
</tr>
<tr>
<td>20-10-31-3050-00040-0010</td>
<td>PATRICIA MCVY &amp; TERESA MOOD</td>
<td>5308 18TH AVENUE WEST</td>
<td>BRADENTON, FL</td>
<td>34209</td>
</tr>
<tr>
<td>20-10-31-3050-00040-0190</td>
<td>DAVID G &amp; LUCY G HUDSON</td>
<td>5810 FOLEY ST</td>
<td>ALEXANDRIA, VA</td>
<td>22303-1725</td>
</tr>
<tr>
<td>20-10-31-3050-00010-0100</td>
<td>FLAGLER COUNTY BOCC</td>
<td>1769 E MOODY BLVD BLDG 2 SUITE 302</td>
<td>BUNNELL, FL</td>
<td>32110</td>
</tr>
<tr>
<td>04-11-31-2984-00000-00A2</td>
<td>COUNTY OF FLAGLER BOCC</td>
<td>1769 E MOODY BLVD BLDG 2 SUITE 302</td>
<td>BUNNELL, FL</td>
<td>32110</td>
</tr>
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</table>

I hereby affirm mailed notice to each owner on September 20, 2017 for the Planning & Development Board meeting on October 10, 2017 at 6pm.

Wendy Hickey, Planner

Hasler
09/20/2017
US POSTAGE $00.00
ZIP 32110
011D11646866
# Application for Non-Conforming Use - (LDC, Section 3.02.04)

**Extension / Change / Restoration**

**Application / Project #:** 267/00707 0039

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**Property Owner(s):**

<table>
<thead>
<tr>
<th>Name(s):</th>
<th>Grace L. Lee &amp; Debra Anne</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>63 Malacompra Road</td>
</tr>
<tr>
<td>City:</td>
<td>Palm Coast</td>
</tr>
<tr>
<td>State:</td>
<td>FL</td>
</tr>
<tr>
<td>Zip:</td>
<td>32137</td>
</tr>
<tr>
<td>Telephone Number:</td>
<td>(386) 569-1690</td>
</tr>
<tr>
<td>Email:</td>
<td><a href="mailto:chasingkittycats@gmail.com">chasingkittycats@gmail.com</a></td>
</tr>
</tbody>
</table>

**Applicant/Agent:**

| Name(s): | Grace L. Lee |
| Mailing Address: | 53 Smith Trail (please mail here) |
| City: | Palm Coast |
| State: | FL |
| Zip: | 32164 |
| Telephone Number: | (386) 569-1690 |
| Email: | chasingkittycats@gmail.com |

---

**Site Location (Street Address):**

| 63 Malacompra Road |

**Legal Description:** (Briefly describe, do not use "see attached")

| JOHNSON BEACH SUB LOT 19 BL-3 OR 56 PG 341 RP TAG # 275, 276 |

**Parcel # (Tax ID #):**

| 20-10-31-3050-00030-0190 |

**Parcel Size:**

| 0.189 Acres |

**Identify / describe Non-conforming Use:**

| Placement of a new manufactured home |

**Zoning District:**

| N MALACOMPA DRAINAGE DISTRICT (UNINC WMC) (District 2) |

**Rural Residential**

---

**Purpose of Submission:**

To replace home destroyed by Hurricane Matthew with a new senior upgraded manufactured home available in weeks vs. several months to repair current mobile home or build new house

---

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

Grace L. Lee

7/26/2017

---

**"OFFICIAL USE ONLY"**

**Planning Board Recommendation / Action:**

---

**Signature of Chairman:**

---

**Approved [ ]**

**Approved with Conditions [ ]**

**Denied [ ]**

---

**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. 4/16
Date: July 26th, 2017  
Applicant: Grace L. Lee  
Address: 63 MalaCompra Road, Palm Coast, FL 32137

Lot Area: 0.189 Acres  
Water Line: 4 feet  
(2) trees, keeping trees as is  
Existing building built in 1974, 1,334 SF + 252 SF Enclosed Porch 23.4' x 65'  
Proposed Building: 1,369 SF 28' x 52'  
Lot lines, easements and public right of ways outlined in attached documents.

Dear Board Members,

I would like to appeal for special consideration in replacing my home that was destroyed by flooding from Hurricane Matthew. After waiting nine months for an estimate for repair I found it would cost almost as much as purchasing a brand new manufactured home and would take several additional months to wait until they had time to do the repair plus the actual repair time. It seems it would take even longer to build a traditional home so I decided to purchase a new manufactured home as it would be set up and ready to move in within a few weeks and be cost effective for my limited income. This type of home can easily be built higher to accommodate the new flood line rather than having to fill in 4+ feet of dirt for a slab without burying my garage and with such a small lot it would leave me only enough room to build a tiny house because the septic tank is in front of the garage so that space is also unusable. The garage did not incur any damage so I would be leaving it as it is to have a place to park the car.

I am 89 years old and a Gold Star wife, I would like to move back to my home where I lived for 42 years. I do not know my way around Seminole Woods where I am staying with my daughter and it is very stressful for me. The amount of traffic and closeness of neighbors is not what I am used to and she does not have enough room to accommodate all of my stuff which is still in my garage at home. My best friend Paul lives with me and takes care of the house and the grounds diligently, he is also displaced staying in my daughter’s guest room. We are both living out of suitcases for 10 months now. My new manufactured home is nearly the same size as my previous home. It includes senior upgrades like walk-in showers with handles, senior accessibility and is ENERGY STAR certified to make my last years comfortable. I was looking forward to moving into my new home in just a few weeks.

Thank you,

Grace L. Lee
This Quit Claim Deed, Executed the 21st day of August, 2007, by
LEE, ARTHUR D. & GRACE L. (ARTHUR D. DECEASED)
first party, to
GRACE L. LEE & DEBRA ANNE LEE STWOS
whose post office address is 63 MALACOMPA RD, PALM COAST FL 32137
second party.

Witnisseseth, That the first party, for and in consideration of the sum of $0.00,
hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remis, release, and quit-
claim unto the second party forever, all the right, title, interest, claim and demand which the said first party has in and to
the following described lot, piece or parcel of land, situate, lying and being in the County of FLAGLER,
State of FLORIDA,

JOHNSON BEACH SUB LOT 19 BL.3 OR 56 PG 341 RP TAG # 275, 276

To Have and to Hold, The same together with all and singular the appurtenances thereunto belonging or in
anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party,
either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

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

Signed, sealed and delivered in the presence of:

[Signatures]

STATE OF Florida
COUNTY OF Flagler

I hereby Certify that on this day, before me, an officer duly authorized
to administer oaths and take acknowledgments, personally appeared
know to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that
executed the same, and as much whereof as said same herein contained is true and correct to me. I said oaths and seals according
the following type of identification:

[Identification Information]

Witness my hand and official seal in the County and State last aforesaid this
31 day of August, A.D. 2022

[Notary Seal]

[Notary Signature]
**Parcel Summary**

- **Parcel ID**: 20-10-31-0050-00030-0010
- **Location Address**: 63 Malacoampa Rd
- **Brief Tax Description**: JOHNSON BEACH 10-D LOT 19 RL-3 OR 56 PG 345 RP TAG # 273, 276 OR 370 PG 855-5A OR 161 PG 319
- **Property Use Code**: MOBILE HOME 30000000
- **District**: MALACOMPA DRAINAGE DISTRICT (UNINC.
- **Millage Rate**: 15.1437
- **Acreage**: 0.189
- **Homestead**: Y
- **Age**: 18
- **Fest (GSD)**: 7813.01

**Valuation**

<table>
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<th></th>
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<td>Building Value</td>
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<td>$16,088</td>
<td>$14,632</td>
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<td>$2,467</td>
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<td>Land Agricultural Value</td>
<td>$0</td>
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<td>Agricultural Market Value</td>
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<td>Just Market Value</td>
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<td>Taxable Value</td>
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<td>$7,945</td>
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**Residential Buildings**

- **Building 1**
  - **Type**: MOBILE FAM
  - **Total Area**: 1,054
  - **Heated Area**: 1,334
  - **Exterior Walls**: WOOD/STG
  - **Roof Cover**: ASP/CO45 SH
  - **Interior Walls**: PLY:W:PN
  - **Frame Type**: WOOD / FRAME
  - **Floor Cover**: CARPET/VINYL TILE
  - **Heat**: FG AIR OGT
  - **Air Conditioning**: CENTRAL
  - **Bathrooms**: 2
  - **Actual Year Built**: 2976
  - **Effective Year Built**: 1904

**Sketches**
PLANNING
FLAGLER COUNTY, FL

RECEIVED
JUL 27, 2017

1,369 SQ.FT. (STD PLAN "CONDITIONED")
N/A SQ.FT. (W/OPT. PORCH/RECESS "CONDITIONED")

CMH MANUFACTURING
Model #: CMH5252A
Date: 2/4
Scale: N 30/M 4

Product Designer: Alex Whaley
28x52 Filodran Caribbean

LINO CUTS

This image contains a floor plan of a house layout, including rooms such as Master Bedroom, Great Room, Bedroom 2, Bedroom 3, Kitchen, Dining Room, and Master Bath. The dimensions of each room are specified.
NOTES:
1. ALL CIRCUITS SHOWN ARE FOR REFERENCE AND MAY BE CHANGED BASED ON OPTIONAL COMPONENTS INSTALLED IN THE HOME.
2. REFER TO EL SECTION OF THE DAPA FOR SYMBOL CHART.
3. EITHER LIGHT OR RECEPTACLE MUST CONNECT TO SWITCH.
4. EF-1= 50 CFM EXHAUST FAN REQUIRED FOR THERMAL ZONE II THERMAL ZONE I & II MAY USE FAN OR WINDOW W/1.5 SQ. FT. OPENABLE GLASS.
5. ET-2= 50 CFM EXHAUST FAN REQUIRED THERMAL ZONE I, II, AND III.
6. EF-3= 100 CFM RANGE EXHAUST FAN, SWITCH AT HOOD.
7. EF-4= WHOLE HOUSE VENTILATION PER REQUIREMENTS IN S-HV-10 & 10A OR M-HV-11 & 11A OF DAPA.
8. REFER TO EL SECTION OF THE DAPA OR THE MFG. INSTALLATION INSTRUCTIONS FOR PROPER WIRE SIZE AND BREAKER SIZE FOR SPECIFIC APPLIANCE AND MODEL BEING INSTALLED.
9. ALL SMOKE ALARMS TO BE LOCATED ON THE CEILING.
10. DIMENSIONS SHOWN ON PRINT ARE APPROXIMATE AND TO BE USED ONLY AS A GUIDELINE.
**Description of Materials**

Public reporting burden for this collection of information is estimated to average 90 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

The National Housing Act (12 USC 1703) authorizes insuring financial institutions against default losses on single family mortgages. HUD must evaluate the acceptability and value of properties to be insured. The information collected here will be used to determine if proposed construction meets regulatory requirements and if the property is suitable for mortgage insurance. Response to this information collection is mandatory. No assurance of confidentiality is provided.

- Proposed Construction
- Under Construction

**Property address (Include City and State)**

**Name and address of Mortgagor or Sponsor**

**Name and address of Contractor or Builder**

---

**Instructions**

1. For additional information on how this form is to be submitted, number of copies, etc., see the instructions applicable to the HUD Application for Mortgage Insurance, VA Request for Determination of Reasonable Value, or FmHA Property Information and Appraisal Report, as the case may be.

2. Describe all materials and equipment to be used, whether or not shown on the drawings, by marking an X in each appropriate check-box and entering the information called for each space. If space is inadequate, enter "See misc." and describe under item 27 or on an attached sheet. **The use of paint containing more than the percentage of lead by weight permitted by law is prohibited.**

3. Work not specifically described or shown will not be considered unless required, then the minimum acceptable will be assumed. Work exceeding minimum requirements cannot be considered unless specifically described.

4. Include no alternates, "or equal" phrases, or contradictory items. (Consideration of a request for acceptance of substitute materials or equipment is not thereby precluded.)

5. Include signatures required at the end of this form.

6. The construction shall be completed in compliance with the related drawings and specifications, as amended during processing. The specifications include this Description of Materials and the applicable Minimum Property Standards.

---

**1. Excavation**

Bearing soil, type

---

**2. Foundations**

<table>
<thead>
<tr>
<th>Footings</th>
<th>concrete mix</th>
<th>strength psi</th>
<th>Reinforcing</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Foundation wall material</th>
<th>Reinforcing</th>
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</thead>
</table>

<table>
<thead>
<tr>
<th>Interior foundation wall material</th>
<th>Party foundation wall</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Columns material and sizes</th>
<th>Piers material and reinforcing</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Girders material and sizes</th>
<th>Sills material</th>
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</table>

<table>
<thead>
<tr>
<th>Basement entrance way area</th>
<th>Window areaways</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Waterproofing</th>
<th>Footing drains</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Termite protection</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Basementless space ground cover</th>
<th>insulation</th>
<th>foundation vents</th>
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</table>

<table>
<thead>
<tr>
<th>Special foundations</th>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Additional information</th>
</tr>
</thead>
</table>

---

**3. Chimneys**

Material | Prefabricated (make and size)

<table>
<thead>
<tr>
<th>Flue lining material</th>
<th>Heater flue size</th>
<th>Fireplace flue size</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Vents (material and size) gas or oil heater</th>
<th>water heater</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Additional information</th>
</tr>
</thead>
</table>

---

**4. Fireplaces**

Type

- solid fuel
- gas-burning
- circulator (make and size)

<table>
<thead>
<tr>
<th>Ash dump and clean-out</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Fireplace facing</th>
<th>lining</th>
<th>hearth</th>
<th>mantel</th>
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</thead>
</table>

<table>
<thead>
<tr>
<th>Additional information</th>
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</thead>
</table>

---

Retain this record for three years

Page 1 of 6

ref. HUD Handbook 4145.1 & 4950.1 form HUD-92005 (10/84) VA Form 20-192 and form FmHA 424-2
5. Exterior Walls

Wood frame wood grade, and species ____________ 2x4 SPF #3 min

<table>
<thead>
<tr>
<th>Sheathing</th>
<th>O.S.B.</th>
<th>thickness 7/16&quot;</th>
<th>width 4&quot;</th>
<th>○ solid ○ spaced o.c. ○ diagonal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Siding</td>
<td>Vinyl</td>
<td>grade</td>
<td>type Dutch</td>
<td>size 4 1/2&quot; exposure 1</td>
</tr>
<tr>
<td>Shingles</td>
<td>Fiberglass</td>
<td>grade UL Class 1</td>
<td>type 3 tab</td>
<td>size 36&quot; exposure WZ 2</td>
</tr>
<tr>
<td>Stucco</td>
<td>thickness</td>
<td>Lath</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Masonry veneer ____________ Sills ____________ Lintels ____________ Base flashing ____________

Masonry ○ solid ○ faced ○ stuccoed total wall thickness ____________ facing thickness ____________ facing material ____________

Backup material ____________ thickness bonding ____________

Door sills ____________ Window sills ____________ Lintels ____________ Base flashing ____________

Interior surfaces damp proofing, ____________ coats of ____________ furring ____________

Additional information

Exterior painting material ____________ number of coats ____________

Gable wall construction ○ same as main walls ○ other construction ____________

6. Floor Framing

Joists wood, grade, and species 2x6 #3 min other ____________ bridging ____________ anchors ____________

Concrete slab ○ basement floor ○ first floor ○ ground supported ○ self-supporting mix ____________ thickness ____________

reinforcing ____________ insulation R-22 ____________ membrane ____________

Fill under slab material ____________ thickness ____________

Additional information

7. Subflooring (Describe underflooring for special floors under Item 21)

Material grade and species OSB Exposure 1 size 19/32" type Tongue & groove

Laid ○ first floor ○ second floor ○ attic ____________ sq. ft. ○ diagonal ○ right angles ____________

Additional information

8. Finish Flooring (Wood only. Describe other finish flooring under Item 21)

<table>
<thead>
<tr>
<th>Location</th>
<th>Rooms</th>
<th>Grade</th>
<th>Species</th>
<th>Thickness</th>
<th>Width</th>
<th>Bldg. Paper</th>
<th>Finish</th>
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<tbody>
<tr>
<td>First floor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Second floor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attic floor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Additional information

9. Partition Framing

Studs wood, grade, and species SPF #3 min ____________ size and spacing 2x3 min @ 24" O.C. max Other ____________

Additional information

10. Ceiling Framing

Joists wood, grade, and species ____________ Other ____________ Bridging ____________

Additional information

11. Roof Framing

Rafters wood, grade, and species ____________ Roof trusses (see detail) grade and species See attached ____________

Additional information

12. Roofing

Sheathing wood, grade, and species OSB Exposure 1 ____________

<table>
<thead>
<tr>
<th>Roofing</th>
<th>grade</th>
<th>size</th>
<th>type</th>
<th>○ solid ○ spaced o.c.</th>
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<tbody>
<tr>
<td>Underlay Aquabar weight or thickness 15 lb size 96&quot; fastening 12&quot; perimeter number of plies</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Built-up roofing surfaced material</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flashing material gage or weight 50 lb</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Additional information

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JUL 27 2017

ret. HUD Handbook 4145.1 & 4950.1 form HUD-92005 (10/84)
VA Form 26-1852 and form FmHA 424-2
13. Gutters and Downspouts
Gutters material ______________________ gage or weight _______ size _______ shape _______
Downspouts material __________________ gage or weight _______ size _______ shape _______
Downspouts connected to: ☐ Storm sewer ☐ sanitary sewer ☐ dry-well ☐ Splash blocks material and size
Additional information

14. Lath and Plaster
Lath [ ] walls [ ] ceilings material __________________ weight or thickness _______ Plaster coats _______ finish _______
Dry-walls [ ] walls [ ] ceilings material Sheetrock thickness 1/2” finish flat/knockdown
Joint treatment

15. Decorating (Paint, wallpaper, etc.)

<table>
<thead>
<tr>
<th>Rooms</th>
<th>Wall Finish Material and Application</th>
<th>Ceiling Finish Material and Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kitchen</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bath</td>
<td>4x8 Pre-wrapped sheetrock</td>
<td></td>
</tr>
<tr>
<td>Other Utility</td>
<td>4x8 Pre-wrapped sheetrock</td>
<td></td>
</tr>
<tr>
<td>Bedroom 2&amp;3</td>
<td>4x8 Pre-wrapped sheetrock</td>
<td></td>
</tr>
</tbody>
</table>

Additional information

16. Interior Doors and Trim
Doors type: ☐ panel raised ☐ panel raised material MDF/Luanes thickness 1 1/4”
Door trim type: ☐ premolded ☐ premolded material MDF Base type: ☐ premolded material MDF size 6”
Finish doors: ☐ trim ☐ trim number coats ☐
Other trim (item, type and location):

Additional information

17. Windows
Windows type: ☐ Thermopane ☐ make Clayton material Vinyl sash thickness 1”
Glass grade: ☐ Low E ☐ sash weights ☐ balances, type ☐ head flashing ☐
Trim type: ☐ material ☐ Paint number coats ☐
Weatherstripping type: ☐ material ☐ Storm sash, number ☐
Screens: ☐ full ☐ half type ☐ number 9 ☐ screen cloth material plastic mesh ☐
Basement windows type: ☐ material ☐ screens, number ☐ Storm sash, number ☐
Special windows: ☐

Additional information

18. Entrances and Exterior Detail
Main entrance door material: Steel width 38” thickness 1 3/4” Frame material: wood thickness 3/4”
Other entrance doors material: Fiberglass width 34” thickness 1” Frame material: aluminum thickness 1/4”
Head flashing: ☐ Weatherstripping type: ☐ saddles ☐
Screen doors thickness number ☐ screen cloth material ☐ Storm doors thickness 3/4” number 1 ☐
Combination storm and screen doors thickness number ☐ screen cloth material ☐
Shutters: ☐ hinged ☐ fixed Railings: ☐ Attic louvers: ☐
Exterior millwork grade and species: ☐ Paint number coats ☐

Additional information

19. Cabinets and Interior Detail
Kitchen cabinets, wall units material: Paper finish MDF box, Hardwood cabinet doors linear feet of shelves 24.75 shelf width 12”
Base units material: ☐ counter top Formica edging Formica
Back and end splash: ☐ Ceramic tile Finish of cabinets ☐ number coats ☐
Medicine cabinets make: ☐ model ☐
Other cabinets and built-in furniture: Utility cabinets with mop sink - 20 linear feet of shelves

Additional information
# 20. Stairs

<table>
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<tr>
<th>Stair</th>
<th>Treads</th>
<th></th>
<th></th>
<th>Risers</th>
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<th></th>
<th></th>
<th>Strings</th>
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<th></th>
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<th>Handrail</th>
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<th>Calculators</th>
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<td>Thickness</td>
<td>Material</td>
<td>Size</td>
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<td>Attic</td>
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</table>

Disappearing make and model number
Additional information

# 21. Special Floors and Wainscot (Describe Carpet as listed in Certified Products Directory)

<table>
<thead>
<tr>
<th>Floors</th>
<th>Location</th>
<th>Material, Color, Border, Sizes, Gage, Etc.</th>
<th>Threshold</th>
<th>Wall Base</th>
<th>Underfloor</th>
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<tbody>
<tr>
<td></td>
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<td>Material</td>
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<td>Material</td>
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<td></td>
<td></td>
<td>Thickness</td>
<td>Thickness</td>
<td>Thickness</td>
</tr>
<tr>
<td>Kitchen</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bath</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Wainscot</th>
<th>Location</th>
<th>Material, Color, Border, Cap. Sizes, Gage, Etc.</th>
<th>Height</th>
<th>Height</th>
<th>Height</th>
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</thead>
<tbody>
<tr>
<td>Bath</td>
<td></td>
<td></td>
<td>From Floor</td>
<td></td>
<td></td>
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Additional information

# 22. Plumbing

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<tr>
<th>Fixture</th>
<th>Number</th>
<th>Location</th>
<th>Make</th>
<th>MFR's Fixture Identification No.</th>
<th>Size</th>
<th>Color</th>
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</thead>
<tbody>
<tr>
<td>Sink</td>
<td>1</td>
<td>Kitchen</td>
<td>Teka</td>
<td>330036</td>
<td>33x19x8</td>
<td>Stainless</td>
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<tr>
<td>Lavatory</td>
<td>2</td>
<td>Baths</td>
<td>Bootz</td>
<td>140212445M00W</td>
<td>17x20</td>
<td>White</td>
</tr>
<tr>
<td>Water closet</td>
<td>2</td>
<td>Baths</td>
<td>Bristol Bay</td>
<td>VCAF-004-CS</td>
<td>Raised/Elongated</td>
<td>White</td>
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<tr>
<td>Bathtub</td>
<td>1</td>
<td>Masterbath</td>
<td>Kinro Composite</td>
<td>W3672P</td>
<td>36x72</td>
<td>White</td>
</tr>
<tr>
<td>Shower over tub</td>
<td>1</td>
<td>Hall Bath</td>
<td>Bathcraft</td>
<td>6002D</td>
<td>30x60</td>
<td>White</td>
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<tr>
<td>Stall shower</td>
<td>1</td>
<td>Masterbath</td>
<td>Bathcraft</td>
<td>4802</td>
<td>46x35x72</td>
<td>White</td>
</tr>
</tbody>
</table>

Bathroom accessories | Recessed material number | Attached material number |

Additional information

- Curtain rod
- Door
- Shower pan material

* (Show and describe individual system in complete detail in separate drawings and specifications according to requirements.)

Water supply
- O public
- O community system
- O individual (private) system*

Sewage disposal
- O public
- O community system
- O individual (private) system*

House drain (inside)
- O cast iron
- O tile
- O other

House sewer (outside)
- O cast iron
- O tile
- O other

Water piping
- O galvanized steel
- O copper tubing
- O other

Ribco - Pex
Sill cocks, number 1

Domestic water heater type
- Electric
- Make and model Rheem E402RH95
- Heating capacity 62 gph. 100° rise.

Storage tank material
- Glass
- Capacity 40 gallons

Gas service
- O utility company
- O liq. pet. gas
- O other

Gas piping
- O cooking
- O house heating

Footing drains connected to
- O storm sewer
- O sanitary sewer
- O dry well
- O Sump pump make and model
- Capacity
- Discharges into

Additional information
23. Heating
- Hot water  ○ Steam  ○ Vapor  ○ One-pipe system  ○ Two-pipe system
- Radiators  ○ Conectors  ○ Baseboard radiation  ○ Make and model
- Radiant panel  ○ floor  ○ wall  ○ ceiling  ○ Panel coil material
- Circulator  ○ Return pump  ○ Make and model
- Boiler make and model  ____________________________ Output  ______________ Btu/h, net rating  ______________ Btu/h.

Additional information
- Warm air  ○ Gravity  ○ Forced  Type of system  Static pressure
- Duct material supply  ○ Fiberglass  ○ return flexible fiberglass  Insulation  R-8  thickness  __________  ○ Outside air intake
- Furnace: make and model  ____________________________ Input  ______________ Btu/h, output  ______________ Btu/h.

Additional information
- Space heater  ○ floor furnace  ○ wall heater  Input  ______________ Btu/h, output  ______________ Btu/h, number units  __________
- Make, model  ____________________________

Additional information
- Controls make and types  ____________________________

Additional information
- Fuel:  ○ Coal  ○ oil  ○ gas  ○ liq. pet. gas  ○ electric  ○ other  ______________ storage capacity  ______________

Additional information
- Firing equipment furnished separately  ○ Gas burner, conversion type  ○ Stoker hopper feed  ○ bin feed
- Oil burner  ○ pressure atomizing  ○ vaporizing  ____________________________
- Make and model  ____________________________

Control  ____________________________

Additional information
- Electric heating system type  ____________________________ Input  ______________ watts  @  ______________ volts  output  ______________ Btu/h.

Additional information
- Ventilating equipment  ○ attic fan, make and model  ____________________________ capacity  ______________ cfm.
- ☑ kitchen exhaust fan, make and model  Posey Supply - Stainless/Glass Rangehood / WG0190

Other heating, ventilating, or cooling equipment  ____________________________

Additional information

24. Electric Wiring
- Service  ○ overhead  ○ underground  Panel  ○ fuse box  ○ circuit-breaker  make  Cutler-Hammer  AMP's 200  No. circuits 28
- Wiring  ○ conduit  ○ armored cable  ○ nonmetallic cable  ○ knob and tube  ○ other  ____________________________
- Special outlets  ○ range  ○ water heater  ○ other  Dryer
- Doorbell  ○ Chimes  ○ Push-button locations  ____________________________

Additional information

25. Lighting Fixtures
- Total number of fixtures  21  Total allowance for fixtures, typical installation, $  ______________
- Nontypical installation  ____________________________

Additional information

ref. HUD Handbook 4145.1 & 4950.1 form HUD-22005 (10/84)
VA Form 26-1852 and form FmHA 424-2

Retain this record for three years  Page 5 of 6  Gillee 16
26. **Insulation**

<table>
<thead>
<tr>
<th>Location</th>
<th>Thickness</th>
<th>Material, Type, and Method of Installation</th>
<th>Vapor Barrier</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roof</td>
<td>R-33R</td>
<td>Blown fiberglass</td>
<td>Sprayed texture</td>
</tr>
<tr>
<td>Wall</td>
<td>R-11</td>
<td>Batten fiberglass</td>
<td>kraft back</td>
</tr>
<tr>
<td>Floor</td>
<td>R-22</td>
<td>Blanket fiberglass</td>
<td>bottomboard</td>
</tr>
</tbody>
</table>

27. **Miscellaneous**: (Describe any main dwelling materials, equipment, or construction items not shown elsewhere; or use to provide additional information where the space provided was inadequate. Always reference by item number to correspond to numbering used on this form.)

**Hardware** (make, material, and finish.)

**Special Equipment** (State material or make, model and quantity. Include only equipment and appliances which are acceptable by local law, custom and applicable FHA standards. Do not include items which, by established custom, are supplied by occupant and removed when he vacates premises or chattels prohibited by law from becoming reality.)

**Porches**

**Terraces**

**Garages**

**Walks and Driveways**

- Driveway width __________ base material _______ thickness ______ suracing material _______ thickness ______
- Front walk width _______ material _______ thickness ______ Service walk width _______ material _______ thickness ______
- Steps material _______ treads _______ risers _______ Cheek walls _______

**Other Onsite Improvements**

(Specify all exterior onsite improvements not described elsewhere, including items such as unusual grading, drainage structures, retaining walls, fence, railings, and accessory structures.)

**Landscaping, Planting, and Finish Grading**

- Topsoil _______ thick □ front yard □ side yards □ rear yard to __________ feet behind main building
- Lawns (seeded, sodded, or sprigged) □ front yard _______ □ side yards _______ □ rear yard _______
- Planting □ as specified and shown on drawings □ as follows:
  - Shade trees deciduous _______ caliber
  - Evergreen trees _______ to _______ B & B
  - Low flowering trees deciduous _______ to _______ B & B
  - High-growing shrubs deciduous _______ to _______ Vines, 2-year
  - Medium-growing shrubs deciduous _______ to _______ Other
  - Low-growing shrubs deciduous _______ to _______

**Identification**—This exhibit shall be identified by the signature of the builder, or sponsor, and/or the proposed mortgagor if the latter is known at the time of application.

Date (mm/dd/yyyy) __________________________ Signature __________________________

---

**RECEIVED**

**JUL 27 2017**

**PLANNING**

**FLAGLER COUNTY, FL**
*Measurements are approximate

Lot = 60x125
Driveway = 28x20
Garage = 20x20
Carport = 20x8
House = 28x52

NEW HOUSE #63

MALACOMPRA ROAD
FLAGLER COUNTY

TECHNICAL REVIEW COMMITTEE COMMENTS

MEETING DATE: 8/16/2017

#3087 LEE NON-CONFORMING USE REPLACEMENT MOBILE HOME

OWNER/APPLICANT: LEE, GRACE L & DEBRA ANNE

Distribution date: Friday, August 11, 2017

Project #: 2017070039

Application #: 3087

Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. Any questions regarding any of the comments should be addressed to the department providing the comment.

Flagler County Building Department 386-313-4002
Flagler County Planning Department 386-313-4009
Flagler County Development Engineering 386-313-4082
Flagler County General Services (Utilities) 386-313-4184
County Attorney 386-313-4005
Flagler County Fire Services 386-313-4258
E-911 GIS Specialist 386-313-4274
Environmental Health Department 386-437-7358
Flagler County School Board 386-586-2386
REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

"The applicant shall apply for an Existing Septic System Approval from the Florida Department of Health in Flagler County prior to mobile home replacement. Please note that any increase in bedrooms from the existing house will result in system modification or replacement."

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

This office has no comments at this time.

REVIEWING DEPARTMENT: FIRE INSPECTOR

No Comments at this time

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

1. Please provide the measurement between the existing garage and the proposed mobile home. Separation requirements between structures is 10 feet.

2. Is there a porch or ramp proposed?
*MEASUREMENTS ARE APPROXIMATE

NEW HOUSE #63

lot = 60x125
driveway = 28x20
garage = 20x20
carport = 20x8
house = 28x52

SIDEWALK

MALACOMPRA ROAD
TO: Chairman and Planning Board Members
FROM: Planning and Zoning Department
DATE: October 10, 2017
SUBJECT: Application #3090, FUTURE LAND USE MAP AMENDMENT FROM MIXED USE: HIGH INTENSITY, MEDIUM/HIGH DENSITY TO RESIDENTIAL: MEDIUM DENSITY

I. Requested Action & Purpose: This legislative request is for approval of a Future Land Use Map amendment from Mixed Use: High Intensity, Medium/High Density to Residential: Medium Density.

II. Related Applications: Application #3086 – Rezoning from C-2 (General Commercial and Shopping Center) District to R-1c (Urban Single-Family Residential) District.

III. Location and Legal Description: The subject parcel is on the West side of North Oceanshore Boulevard (a/k/a State Road A1A), South of Westmayer Place, lying within Section 26, Township 11 South, Range 31 East, Flagler County, Florida; Parcel #26-11-31-5450-00000-0080 and 26-11-31-5450-00000-0090, approximately 0.47 acres.

IV. Owner and Applicant/Agent:
Owner: Thomas W. and Sandra E. Kluba
Applicant/Agent: Dennis K. Bayer, Esq.

V. Existing Zoning and Land Use Classification:
Zoning: C-2 (General Commercial and Shopping Center) District
Land Use: Mixed Use: High Intensity, Medium/High Density

VI. Future Land Use Map Classification/Zoning of Surrounding Land:
North: Mixed Use: Low Intensity, Low/Medium Density / R/C (Residential/Limited Commercial Use) District
East: Mixed Use: Low Intensity, Low/Medium Density / R/C (Residential/Limited Commercial Use) District
South: Mixed Use: Low Intensity, Low/Medium Density / R/C (Residential/Limited Commercial Use) District
West: Residential: Low Density / Rural Estate / R-1 (Rural Residential) District
VII. **Land Development Code Sections Affected:** Land Development Code (LDC) subsection 2.02.05.2: “The Planning and Development Board shall review and act upon applications for development review pursuant to the County Land Development Code and other applicable county ordinances.”

VIII. **Report in Brief:** On August 10, 2017, Mr. and Mrs. Kluba, submitted an application for a Future Land Use amendment (Application #3090) for the 0.47 acres located West of North Oceanshore Boulevard (a/k/a State Road A1A) and South of Westmayer Place. This application followed the July 6, 2017 rezoning application (Application #3086).

The Klubas purchased the subject parcel on August 5, 2014 (recorded on August 7, 2014 at Official Records Book 2017, Page 1673, Public Records of Flagler County, Florida). After reviewing several options for redevelopment of the parcel, including discussions with prospective purchasers, the Klubas are now seeking the Future Land Use Map amendment to remove the infeasible commercial development from the parcel and establish an appropriate residential development entitlement consistent with the remainder of the Seaside Manor subdivision plat.

The applicant met with the Technical Review Committee on July 19, 2017 regarding the rezoning application: the subsequent Future Land Use amendment application was not routed through the Technical Review Committee following review of the rezoning request.

The A1A Scenic PRIDE Committee reviewed this request at their August 25, 2017 meeting and issued its letter of support (attached) that “the down-zoning from Mixed-Use High Intensity with C-2 zoning to Residential Medium Density with R-1c zoning… is compatible with the goals of the Scenic Byway and is more consistent with the residential characteristics of the area.”

Public notice has been provided for this application according to LDC Section 2.07.00 and Section 125.66 and Chapter 163, Florida Statutes.

IX. **Standards for Review:**

Consistent with Comprehensive Plan Policy A.1.1.3(2)(b), development on this parcel with the Mixed Use High (MUH) designation would be limited as follows:

“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.”
Trip generation in this analysis is based primarily on the residential component, since the commercial use component of the MUH is unknown (although a commercial office or retail use would be likely). Applying the maximum density (10 units/acre) under the Mixed Use High designation to the 0.47 acres yields 5 dwelling units, resulting in 48 daily trips (based on 9.57 average weekday trips generated by a single-family detached dwelling unit; Land Use 210, ITE Trip Generation, 8th Edition). The amendment to Residential Medium Density (RMD) drops the maximum density by three units to seven units per acre and likewise decreases the dwelling units from 5 to 3 and the trip count from 48 to 29 daily trips. Since the applicant is proposing two lots – the already platted Lots 8 and 9 of Seaside Manor – on the 0.47 acres, daily trips further decrease to 19 trips, a decrease of 29 daily trips from the maximum residential component that could be developed today on the 0.47 acres under the MUH designation. Again, these calculations do not include any commercial component that would accompany the MUH designation, which is eliminated in its entirety in through the RMD designation.

The Future Land Use amendment to Residential Medium Density would permit a lower intensity of use and potential development than the presently approved Mixed Use: High Intensity, Medium/High Density designation. As a small scale amendment and due to the decrease in development potential on this parcel, staff believes that the amendment request is appropriate for the neighborhood and would not conflict with the use and development of surrounding parcels.

Analysis of Consistency with Florida Statutes
The proposed amendment has been evaluated by staff for its consistency with Section 163.3177(6) of Florida Statutes:

“2. The future land use plan and plan amendments shall be based upon surveys, studies, and data regarding the area, as applicable, including:
   a. The amount of land required to accommodate anticipated growth.”

   This request is not related to any studies of future growth; this amendment decreases the development potential on this parcel consistent with the applicant’s request.

“b. The projected permanent and seasonal population of the area.”

   The amendment would represent a permanent decrease in population in the area of 7 persons, using 2.4 persons per household (pph) for the reduction from 5 dwelling units (12 persons) to two dwelling units (5 persons).

“c. The character of undeveloped land.”
The land is steeply sloped away from North Oceanshore, with previous development as a commercial bar. Drainage is swift, with appropriate soils permitting adsorption of surface waters.

“d. The availability of water supplies, public facilities, and services.”

Potable water and sanitary sewer are provided by Flagler County Utilities through the Beverly Beach system.

“e. The need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community.”

This amendment is not facilitated by a need for redevelopment, but is instead prompted by the applicant’s request as the owner of the parcel. Arguably, this amendment removes a blighted area – the former Adam’s Rib – but does not eliminate nonconforming uses since the parcels are collectively zoned for commercial uses at this time. It is indisputable that further commercial development would be challenged based on current development requirements; this Future Land Use amendment paired with the rezoning request eliminates the potential for future incompatible commercial development.

“f. The compatibility of uses on lands adjacent to or closely proximate to military installations.”

Not applicable – the subject parcel is not adjacent or proximate to a military installation.

“g. The compatibility of uses on lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.”

Not applicable – the subject parcel is not adjacent to an airport.

“h. The discouragement of urban sprawl.”

Urban sprawl is not relevant here; this request decreases the intensity of development on this parcel.

“i. The need for job creation, capital investment, and economic development that will strengthen and diversify the community’s economy.”
Not applicable – this request will only generate employment for the duration of the construction activity. However, the economic activity and benefit from construction is a net positive for the area, along with the tax benefit resulting from coastal homes who historically contribute greater property taxes relative to their public service needs.

“j. The need to modify land uses and development patterns within antiquated subdivisions.”

Not applicable – while this request is part of an antiquated subdivision plat, the amendment request is not linked to or caused by the plat.

“8. Future land use map amendments shall be based upon the following analyses:
   a. An analysis of the availability of facilities and services.”

   *This report and the attached analyses provide a preliminary analysis of the availability of facilities and services. Final determination of the availability of facilities and services will be made at the time of permit issuance.*

   “b. An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.”

   *No site characteristics – aside from the significant slope away from North Oceanshore Boulevard – would hinder development of the parcel.*

   “c. An analysis of the minimum amount of land needed as determined by the local government.”

   *Not applicable – this amendment is discretionary as to the amount included by the applicant and based on the parcel size composed of the two lots.*

“9. The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.
   a. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:
I. Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.

II. Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

III. Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

IV. Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

V. Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

VI. Fails to maximize use of existing public facilities and services.

VII. Fails to maximize use of future public facilities and services.

VIII. Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

IX. Fails to provide a clear separation between rural and urban uses.

X. Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

XI. Fails to encourage a functional mix of uses.

XII. Results in poor accessibility among linked or related land uses.

XIII. Results in the loss of significant amounts of functional open space."

Staff concludes that this request neither results in the 13 sprawl indicators being met or not met; the approval of the request would have an overall de minimis impact on the sprawl indicators.

“b. The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:
(I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

(II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

(III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

(IV) Promotes conservation of water and energy.

(V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

(VI) Preserves open space and natural lands and provides for public open space and recreation needs.

(VII) Creates a balance of land uses based upon demands of residential population for the nonresidential needs of an area.

(VIII) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.”

Staff concludes that this request neither results in the eight “anti-sprawl” objectives being met or not met; the approval of the request would have an overall de minimis impact on the sprawl indicators. The present MUH Future Land Use designation would not permit the rezoning to R-1c, hence necessitating the RMD amendment request.

Analysis of Consistency with the Comprehensive Plan

The proposed amendment has been evaluated by staff for its consistency with the Comprehensive Plan:

“Policy A.1.2.2: The Flagler County Planning and Zoning Department shall maintain consistency between the Land Development Regulations (LDRs) and the Comprehensive Plan by the following means:

(1) Parcels being considered for amendment to the Future Land Use Map shall be concurrently evaluated for rezoning to the most appropriate zoning district.

(2) Parcels seeking site plan approval shall continue to be designed, developed and used for activities allowed by the appropriate zoning district.
Property owners will be asked to conform to pending land use/zoning regulations as they request development approval."

The owner is seeking a concurrent rezoning under Application #3086 to R-1c, a consistent zoning designation for the Residential Medium Density Future Land Use designation.

"Policy A.1.4.1: During the review of requests for plan amendments, topography, vegetation, wildlife habitat, flood hazard, the 100-year flood plain, and soils for the areas to be amended will be analyzed and specific findings made as part of the plan amendment process."

No site characteristics are present on this parcel that would impact the requested amendment.

"Policy A.6.1.1: Land use plan amendments shall be reviewed under the criteria established in the Coastal Management Element, Transportation Element, and other applicable standards contained in the adopted Flagler County Comprehensive Plan."

This analysis satisfies this Policy’s requirements.

"Policy A.7.3.6: All requests for amendments to the Future Land Use Map shall include an analysis of the level of service for public facilities, including an analysis of the potable water supply. Applications for land use map amendments shall be provided to the appropriate potable water supplier and the St. Johns River Water Management District (SJRWMD) for their review."

This analysis satisfies this Policy’s requirements. Potable water requirements are satisfied through permitting by the County for this use.

Analysis of Compatibility with the Land Development Code
The requested small scale amendment has been evaluated by staff for its compatibility with the Land Development Code:

"8.04.00.: Plan amendments. A report shall be prepared by county staff as required and forwarded as part of the major plan amendment process to the long range planning and land development review board, planning board and the board of county commissioners. The report shall indicate the anticipated impact of the administrative action on the levels of service adopted in this ordinance. This report is intended to be a general analysis and should identify corrective actions and any responsibility for the cost of those actions."
This request is considered a minor plan amendment. Staff has addressed the concurrency-related requirements of Florida Statutes, the Comprehensive Plan, and this section of the LDC through this staff report and the accompanying materials.

Ultimately, the plan amendment process provides a “forward look” at concurrency issues, with the LDC requiring concurrency to be met or programmed at the time of final plat approval or permit issuance, as applicable.

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

XI. **Staff Recommendation:** Staff recommends that the Planning and Development Board recommend to the Board of County Commissioners approval of Application #3090 a Future Land Use Map amendment from Mixed Use: High Intensity, Medium/High Density to Residential: Medium Density for 0.47+/- acres consisting of Parcel #26-11-31-5450-00000-0080 and Parcel #26-11-31-5450-00000-0090.

XII. **Suggested Motion Language:** The Planning and Development Board finds that the Future Land Use Map amendment is consistent with the Goals, Objectives, and Policies of the adopted Comprehensive Plan and recommends approval of Application #3090 a Future Land Use Map amendment from Mixed Use: High Intensity, Medium/High Density to Residential: Medium Density for 0.47+/- acres consisting of Parcel #26-11-31-5450-00000-0080 and Parcel #26-11-31-5450-00000-0090.

**Attachments**
1. FLUM Amendment Analysis
2. Public notice
3. Application and supporting materials
4. Draft ordinance
Aerial Map
Future Land Use Map
Transportation Impacts:

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Land Use Designation</th>
<th>Maximum Allowed Intensity</th>
<th>ITE Land Use Code</th>
<th>Size of Development</th>
<th>Daily Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing</td>
<td>Mixed Use: High Intensity, Medium/High Density</td>
<td>10 dwelling units per acre</td>
<td>210</td>
<td>0.47</td>
<td>5 units</td>
</tr>
<tr>
<td>Proposed</td>
<td>Residential: Medium Density</td>
<td>7 dwelling units per acre</td>
<td>210</td>
<td>0.47</td>
<td>3 units</td>
</tr>
<tr>
<td>Change in Daily Trips</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>-19 trips</td>
</tr>
</tbody>
</table>

Note: For ease of analysis, the commercial component of the MUH land use scenario has been eliminated.
**FUTURE LAND USE AMENDMENT**  
**SUMMARY FOR APPLICATION #3090**

### Potable Water:

**Water Supply Impacts of Parcels Affected by FLUA #3090**

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Land Use Designation</th>
<th>Maximum Allowed Intensity</th>
<th>Criterion</th>
<th>Size of Development</th>
<th>Daily Potable Water Demand</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing</td>
<td>Mixed Use: High Intensity, Medium/High Density</td>
<td>10 dwelling units per acre</td>
<td>125 gals per capita per day</td>
<td>0.47</td>
<td>5 units</td>
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<tr>
<td>Proposed</td>
<td>Residential: Medium Density</td>
<td>7 dwelling units per acre</td>
<td>125 gals per capita per day</td>
<td>0.47</td>
<td>3 units</td>
</tr>
</tbody>
</table>

**Change in Potable Water Demand**  
-625 gallons

Note: Single-family demand based on 2.4 pph.

### Sanitary Sewer:

**Sanitary Sewer Impacts of Parcels Affected by FLUA #3090**

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Land Use Designation</th>
<th>Maximum Allowed Intensity</th>
<th>Criterion</th>
<th>Size of Development</th>
<th>Daily Sanitary Sewer Demand</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing</td>
<td>Mixed Use: High Intensity, Medium/High Density</td>
<td>10 dwelling units per acre</td>
<td>110 gals per capita per day</td>
<td>0.47</td>
<td>5 units</td>
</tr>
<tr>
<td>Proposed</td>
<td>Residential: Medium Density</td>
<td>7 dwelling units per acre</td>
<td>110 gals per capita per day</td>
<td>0.47</td>
<td>3 units</td>
</tr>
</tbody>
</table>

**Change in Sanitary Sewer Demand**  
-550 gallons

Note: Single-family demand based on 2.4 pph.
### Solid Waste:

#### Solid Waste Impacts of Parcels Affected by FLUA #3090

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Land Use Designation</th>
<th>Maximum Allowed Intensity</th>
<th>Criterion</th>
<th>Size of Development</th>
<th>Daily Solid Waste Demand</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing</td>
<td>Mixed Use: High Intensity, Medium/High Density</td>
<td>7 dwelling units per acre</td>
<td>9.3 pounds per capita per day</td>
<td>0.47</td>
<td>5 units</td>
</tr>
<tr>
<td>Proposed</td>
<td>Residential: Medium Density</td>
<td>3 dwelling units per acre</td>
<td>9.3 pounds per capita per day</td>
<td>0.47</td>
<td>3 units</td>
</tr>
</tbody>
</table>

Change in Solid Waste Demand: -47 pounds

Note: Single-family demand based on 2.4 pph.

### Parks and Recreation:

#### Parks and Recreation Impacts of Parcels Affected by FLUA #3090

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Land Use Designation</th>
<th>Maximum Allowed Intensity</th>
<th>Criterion</th>
<th>Size of Development</th>
<th>Parks and Recreation Demand</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing</td>
<td>Mixed Use: High Intensity, Medium/High Density</td>
<td>7 dwelling units per acre</td>
<td>Resident population</td>
<td>0.47</td>
<td>5 units</td>
</tr>
<tr>
<td>Proposed</td>
<td>Residential: Medium Density</td>
<td>3 dwelling units per acre</td>
<td>Resident population</td>
<td>0.47</td>
<td>3 units</td>
</tr>
</tbody>
</table>

Change in Parks and Recreation Demand: -5 persons

Note: Parks and recreation LOS demand is based on aggregated population counts.
## Educational Facilities:

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Land Use Designation</th>
<th>Maximum Allowed Intensity</th>
<th>Criterion</th>
<th>Size of Development</th>
<th>Educational Facilities Demand</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing</td>
<td>Mixed Use: High Intensity, Medium/High Density</td>
<td>7 dwelling units per acre</td>
<td>FTE</td>
<td>0.47</td>
<td>5 units</td>
</tr>
<tr>
<td>Proposed</td>
<td>Residential: Medium Density</td>
<td>3 dwelling units per acre</td>
<td>FTE</td>
<td>0.47</td>
<td>3 units</td>
</tr>
</tbody>
</table>

**Change in Educational Facilities Demand**
-1 student

Note: Educational facilities LOS demand is based on FTE counts determined within Concurrency Service Areas (CSAs). This project is located within CSA Number 1. No deficiencies in service have been indicted through the most recent District Work Plan.
<table>
<thead>
<tr>
<th>ParcelId</th>
<th>Owner Name</th>
<th>Mailing Address</th>
<th>City and State</th>
<th>Zip</th>
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</thead>
<tbody>
<tr>
<td>26-11-31-0000-01010-0000</td>
<td>FLAGLER ENTERPRISES LLC</td>
<td>309 S CLAY ST APT A</td>
<td>ZELIENOPLE, PA</td>
<td>16063</td>
</tr>
<tr>
<td>26-11-31-0000-01090-0000</td>
<td>WES &amp; HEIDI BONNETT</td>
<td>PO BOX 541</td>
<td>LAKE HAMILTON, FL</td>
<td>33851</td>
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<tr>
<td>26-11-31-0000-01160-0000</td>
<td>BAHIA BEACH PROPERTIES LLC</td>
<td>PO BOX 1601</td>
<td>PALATKA, FL</td>
<td>32178</td>
</tr>
<tr>
<td>26-11-31-0000-01130-0000</td>
<td>AVISO ENTERPRISES LLC</td>
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<tr>
<td>26-11-31-5450-00000-0150</td>
<td>BEACH CAPITAL VENTURES LLC</td>
<td>1548 THE GREEN WAY, STE 6</td>
<td>JACKSONVILLE BEACH, FL</td>
<td>32250</td>
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<tr>
<td>26-11-31-5450-00000-0260</td>
<td>NATALYA SHVETS</td>
<td>2801 EMMONS AVE APT 5E</td>
<td>BROOKLYN, NY</td>
<td>11235</td>
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<tr>
<td>26-11-31-5450-00000-0140</td>
<td>CHRISTINA M GREENLEE</td>
<td>14 WESTMAYER PLACE</td>
<td>FLAGLER BEACH, FL</td>
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<tr>
<td>26-11-31-5450-00000-0270</td>
<td>TIMOTHY JAMES TROTTER</td>
<td>1524 OAK RIDGE DRIVE WEST</td>
<td>JACKSONVILLE, FL</td>
<td>32225</td>
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<td>26-11-31-5450-00000-0280</td>
<td>LYNN R KENCHEL</td>
<td>4317 BURLINGTON AVE</td>
<td>ST PETERSBURG, FL</td>
<td>33713</td>
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<tr>
<td>26-11-31-5450-00000-0120</td>
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<td>CRESCENT CITY, FL</td>
<td>32112-4539</td>
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<td>26-11-31-5450-00000-0290</td>
<td>ANNIE L TAYLOR</td>
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<td>26-11-31-5450-00000-0110</td>
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<td>26-11-31-5450-00000-0070</td>
<td>TRACY L SVOBODA</td>
<td>3600 SOUTH OCEANSHORE BLVD #713</td>
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<tr>
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<td>THOMAS W &amp; SANDRA E KLUBA</td>
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<td>TITUSVILLE, FL</td>
<td>32796</td>
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<tr>
<td>26-11-31-5450-00000-0080</td>
<td>THOMAS W &amp; SANDRA E KLUBA</td>
<td>849 TRAILWOOD AVENUE</td>
<td>TITUSVILLE, FL</td>
<td>32796</td>
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<tr>
<td>26-11-31-0000-01080-0000</td>
<td>LUKE &amp; CAROLINE S IRACE</td>
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<tr>
<td>26-11-31-0000-01080-0020</td>
<td>EUGENE L &amp; KATHERINE IRACE</td>
<td>63 COMMERCIAL AVENUE</td>
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<td>FRANK R BRYAN</td>
<td>848 SE 7TH STREET</td>
<td>BOYNTON BEACH, FL</td>
<td>33435</td>
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<tr>
<td>26-11-31-5450-00000-0050</td>
<td>DALE J &amp; KAY L MATEJKA</td>
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<tr>
<td>26-11-31-5450-00000-0010</td>
<td>JOAN &amp; CURTIS SHERROD</td>
<td>21750 GLADES CUT OFF RD</td>
<td>PORT ST LUCIE, FL</td>
<td>34987</td>
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<tr>
<td>26-11-31-5450-00000-0020</td>
<td>JOHN M &amp; CAROL HOEPNER</td>
<td>2943 N OCEANSHORE BLVD</td>
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<tr>
<td>26-11-31-5450-00000-0060</td>
<td>E.ROBERTS &amp; R. DRESSER</td>
<td>2948 N OCEANA SHORE BLVD</td>
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<tr>
<td>26-11-31-0000-01100-0000</td>
<td>BARNHILL BEVERLY BEACH LLC</td>
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<td>32136</td>
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<tr>
<td>26-11-31-0000-01090-0010</td>
<td>HOME PLATE PROPERTIES LLC</td>
<td>500 COUNTRY PINE LANE SUITE 1</td>
<td>BATTLE CREEK, MI</td>
<td>49015</td>
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<tr>
<td>26-11-31-5450-00000-0130</td>
<td>ROGER &amp; KATHLEEN CARLSON</td>
<td>12 WESTMAYER PLACE</td>
<td>FLAGLER BEACH, FL</td>
<td>32136</td>
</tr>
</tbody>
</table>

I hereby affirm mailed notice to each owner on September 20, 2017 for the Planning & Development Board Meeting on October 10, 2017 at 6 pm.
THE NEWS-JOURNAL
Published Daily and Sunday
Daytona Beach, Volusia County, Florida

State of Florida,
County of Volusia

Before the undersigned authority personally appeared

Cynthia Anderson

who, on oath says that she is .........................................

LEGAL COORDINATOR

of The News-Journal, a daily and Sunday newspaper,
published at Daytona Beach in Volusia County, Florida; the
attached copy of advertisement, being a

.................................................................

PUBLIC NOTICE

L 2261773

in the Court,
was published in said newspaper in the issues..............

SEPTEMBER 22, 2017

Affiant further says that The News-Journal is a newspaper
published at Daytona Beach, in said Volusia County, Florida,
and that the said newspaper has heretofore been continuously
published in said Volusia County, Florida, each day and
Sunday and has been entered as second-class mail matter at
the post office in Daytona Beach, in said Volusia County,
Florida, for a period of one year next preceding the first
publication of the attached copy of advertisement; and affiant
further says that he has neither paid nor promised any person,
firm or corporation any discount, rebate, commission or
refund for the purpose of securing this advertisement for
publication in the said newspaper

.................................................................

Sworn to and subscribed before me

This 22ND of SEPTEMBER

A.D. 2017

.................................................................

NOTICE OF SMALL SCALE FUTURE
LAND USE MAP AMENDMENT

Pursuant to Florida Statute, Sections 163.3187 and 163.3187 and Flagler

County Land Development Code, Section

207.00, the Flagler County Board of

County Commissioners hereby provide

notice of consideration of Application

#009 submitted by Dennis K. Bayer, Esq., with Bayer & Maguire, as agent

for the owners, Thomas W. Kluba and

Sandra E. Kluba, and possible adoption

of an Ordinance similar to

AN ORDINANCE OF THE BOARD OF
COUNTRY COMMISSIONERS OF
FLAGLER COUNTY, FLORIDA
AMENDING THE FUTURE LAND USE
DESIGNATION OF A TOTAL OF 0.46
ACRES, MORE OR LESS, LYING IN
SECTION 26, TOWNSHIP 11 SOUTH,
RANGE 31 EAST; FROM MIXED USE;
HIGH INTENSITY TO RESIDENTIAL;
MEDIUM DENSITY; PROVIDING FOR
FINDINGS; AND PROVIDING FOR AN
EFFECTIVE DATE.

Public hearing on the above-captioned
matter will be held as follows:
FLAGLER COUNTY PLANNING AND
DEVELOPMENT BOARD - October 10,
2017 at 6:00 p.m. at the Flagler County
Government Services Building, Board
Chambers, 1769 E. Moody Boulevard,
Building 2, Bunnell, Florida.

All interested persons are urged to
attend the public hearing and be heard.

Anyone wishing to express their opinion
may attend; telephone 386-313-4648 or
write to: Flagler County Planning
Department, 1769 E. Moody Blvd.,
Building 2, Bunnell, FL 32110 or email to
planning@flaglercounty.org. Copies of
the proposal, supporting data and
analysis, staff reports and other pertinent
information are available for review at
the Flagler County Planning & Zoning
Dept., 1769 East Moody Boulevard, Bldg.
2, Bunnell, Florida 32110.

IF A PERSON DECIDES TO APPEAL ANY
DECISION MADE BY THE BOARD OF
COUNTRY COMMISSIONERS WITH
RESPECT TO ANY MATTER
CONSIDERED AT THE MEETING, A
RECORD OF THE PROCEEDINGS
MAY BE NEEDED AND, FOR SUCH
PURPOSES, THE PERSON MAY NEED
TO ENSURE THAT A FULL RECORD
IS MADE, WHICH RECORD
INCLUDES THE TESTIMONY AND
EVIDENCE UPON WHICH APPEAL IS TO
BE BASED. IN ACCORDANCE WITH THE
AMERICANS WITH DISABILITIES ACT,
PERSONS NEEDING ASSISTANCE TO
PARTICIPATE IN ANY OF THESE
PROCEEDINGS SHOULD CONTACT THE
PLANNING DEPARTMENT AT LEAST 48
HOURS PRIOR TO THE MEETING.
L2261773, Sep. 22, 2017

DEBORAH LYNN KEEGER
Notary Public - State of Florida
Commission # GG 115276
My Comm., Expires Jul 15, 2021
Issued through Judicial Notary Assn.
# APPLICATION FOR

**FUTURE LAND USE MAP AMENDMENT**

**LESS THAN TEN ACRES**

**FLAGLER COUNTY, FLORIDA**

1769 E. Moody Blvd. Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4099 Fax: (386) 313-4109

Application/Project #: 3090/20117070009

---

**PROPERTY OWNER(S)**

<table>
<thead>
<tr>
<th>Name(s):</th>
<th>Thomas W. Kluba and Sandra E. Kluba</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>849 Trailwood Ave</td>
</tr>
<tr>
<td>City:</td>
<td>Titusville</td>
</tr>
<tr>
<td>State:</td>
<td>FL</td>
</tr>
<tr>
<td>Zip:</td>
<td>32796</td>
</tr>
<tr>
<td>Telephone Number</td>
<td>(321) 385-3886</td>
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**APPLICANT/AGENT**

<table>
<thead>
<tr>
<th>Name(s):</th>
<th>Dennis K. Bayer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>109 S. 6th Street</td>
</tr>
<tr>
<td>City:</td>
<td>Flagler Beach</td>
</tr>
<tr>
<td>State:</td>
<td>FL</td>
</tr>
<tr>
<td>Zip:</td>
<td>32136</td>
</tr>
<tr>
<td>Telephone Number</td>
<td>(386) 439-2332</td>
</tr>
<tr>
<td>Fax Number</td>
<td>(386) 439-6522</td>
</tr>
<tr>
<td>E-Mail Address:</td>
<td><a href="mailto:dennisb@bayermaguirelegal.com">dennisb@bayermaguirelegal.com</a></td>
</tr>
</tbody>
</table>

**SITE LOCATION (street address):**

4 Westmayer Place & 2942 N. Ocean Shore Blvd. Palm Coast, FL 32164

**LEGAL DESCRIPTION:**

Lots 8 and 9 of Seaside Manor, per plat thereof as recorded in Plat Book 5, page 10, of the public records of Flagler County, Florida.

**Parcel # (tax ID #):**

26-11-31-5450-00000-0090 & 26-11-31-5450-00000-0080

**Parcel Size:**

0.46 acres

---

**FUTURE LAND USE DESIGNATION**

<table>
<thead>
<tr>
<th>Present Future Land Use Designation(s) Provide acreage of each classification.</th>
<th>Mixed use High Intensity with C-2 0.46 acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Future Land Use Designation (s) Provide acreage of each classification.</td>
<td>Medium Density Residential 0.46 acres</td>
</tr>
</tbody>
</table>

---


Rev 05/08
<table>
<thead>
<tr>
<th>POPULATION ASSUMPTIONS</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Maximum population of site under current land use:</td>
<td></td>
</tr>
<tr>
<td>Maximum population of site under proposed land use: (2.4 \text{ PPH} \times (\text{gross acres} \times \text{maximum density}))</td>
<td></td>
</tr>
</tbody>
</table>

A Traffic Impact Study (TIS) is required to be prepared by a transportation engineer to evaluate the impact of the proposed amendment on segments and intersections of the affected regional transportation network. The horizon year for the analysis shall be 2010. The study area will include all arterial and collector roadway segments and intersections within a two-mile radius of the external boundary of the FLUM parcel. Existing traffic counts shall be for the preceding calendar year and based upon FDOT, Flagler County or City of Palm Coast published data. If the traffic engineer conducts counts, they must be for a minimum of 72 consecutive hours during M-F and be adjusted to AADT using FDOT seasonal adjustment factors. Intersection turning counts shall be made during weekday peak hour. Trip generation of existing and proposed uses shall be based upon the applicable ITE land use code. Residential density is measured in maximum number of units per acre times the gross acreage. Non-residential FAR's are .3 comm. low, .4 comm. high and .5 industrial. The adopted LOS of the applicable comprehensive plan, County or City, shall be used and capacity determined by reference to FDOT Level of Service Manual for road segments and the Highway Capacity Manual for intersections.

Trip distribution to determine the directional flow of traffic associated with the proposed FLUM shall be based upon FSUTMS using the Flagler County model set. The annual growth rate for traffic shall be calculated by calculating the previous 10 year's traffic counts or by using the following: U.S. 1 - 4.7%, I-95 - 4.6%, S.R. 100 - 10%, all other segments - 5%. Committed improvements must be underway, subject of a binding development agreement or funding in a State, County or municipal capital budget. The TIS concludes with an analysis of 2010 conditions in the study area with and without the proposed FLUM and any recommendations to mitigate the impact of increased traffic on the operational efficiency of the regional transportation network.

Traffic Impact Study Prepared by: N/A

Name:  
Address:  
City/State/Zip:  

Rev 05/08

<table>
<thead>
<tr>
<th>RECREATION AND OPEN SPACE</th>
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<tbody>
<tr>
<td>Facilities immediately serving site:</td>
</tr>
<tr>
<td>Is this site within a targeted Park Land?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>WATER</th>
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<tbody>
<tr>
<td>Method (check one)</td>
</tr>
<tr>
<td>Attach completed SJRWMD Consumptive Use Worksheet and supporting information concerning growth projection or committee capacity.</td>
</tr>
<tr>
<td>If Central Water, provide name and address of facility:</td>
</tr>
<tr>
<td>Name: City of Palm Coast</td>
</tr>
<tr>
<td>Address:</td>
</tr>
<tr>
<td>City/State/Zip</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>SEWER</th>
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<tbody>
<tr>
<td>Method (check one)</td>
</tr>
<tr>
<td>Attach completed FDEP operating information for previous 12 months.</td>
</tr>
<tr>
<td>If Central Sewer, provide name and address of facility:</td>
</tr>
<tr>
<td>Name: City of Palm Coast</td>
</tr>
<tr>
<td>Address:</td>
</tr>
<tr>
<td>City/State/Zip</td>
</tr>
</tbody>
</table>

Rev 05/08

if proposed land use amendment is for other
than residential land use

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<tr>
<th>Type</th>
<th>Square Footage</th>
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<tbody>
<tr>
<td>Commercial</td>
<td>N/A</td>
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<tr>
<td>Industrial</td>
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</tbody>
</table>

Detention/Retention facilities immediately
serving the site
Available downstream facilities: N/A

Is site situated within a known floodplain
area? Identify FIRM panel.
YES [ ] NO [x]

Signature of All Property Owners

Signature of All Property Owners

The foregoing was acknowledged before me this day of ____________, 20__, by
personally known to me or who has produced __________________________ as identification, and
who (did) / (did not) take an oath.

Signature of Notary Public

**OFFICIAL USE ONLY**

PLANNING BOARD RECOMMENDATION/ACTION:

Signature of Chairman: __________________________

Date: __________________________ approved with conditions, see attached.

**OFFICIAL USE ONLY**

BOARD OF COUNTY COMMISSIONERS ACTION:

Signature of Chairman: __________________________

Date: __________________________ approved with conditions, see attached.

August 4, 2017

Adam Mengel
Planning Director, Flagler County
1769 E. Moody Blvd, Bldg #2
Bunnell, FL 32110
amengel@flaglercounty.org
Via U.S. mail and email

RE: Kluba Rezoning and FLUM Amendment

Dear Mr. Mengel,

On behalf of Mr. and Mrs. Kluba, this firm is supplementing the prior rezoning application with this application to amend the Future Land Use Map. Enclosed is the check for the application fee. The prior submittal for rezoning indicated that the FLUM for the subject lots was commercial. Apparently the correct designation is Mixed Use High Intensity with C-2 zoning district. The survey previously submitted shows the size of the subject parcels (0.46 acres) which my clients intend to market for residential use. The surrounding properties are predominantly residential in nature and commercial usage would have a negative impact.

Please find enclosed the Application for the map amendment for 4 Westmayer Place and 2942 N. Ocean Shore Blvd, Palm Coast, FL 32164 along with the Owner’s Authorization, Survey, copy of the owner’s recorded deed and the Application Fee. Also enclosed is Appendix A to the Application for the Map Amendment with the requested information.

As previously explained my client is seeking to down zone the property from commercial to residential which is more consistent with the residential characteristics of the area. The neighboring property owners have indicated that they approve the proposed changes. The impacts on traffic and utilities would be minimal and clearly less intensive than the currently allowed level of development. The properties are served by central water and sewer. As was discussed with staff, due to the small size of the property and the requested less intensive use of the site, none of the impact studies are required.

Please contact my office with any questions.
DKB:km
Enc.

Sincerely,

Dennis K. Bayer
<table>
<thead>
<tr>
<th>Parcel ID</th>
<th>Owner</th>
<th>Land Value</th>
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<td>26-11-31-5450-00000-0090</td>
<td>KLUBA THOMAS W &amp; SANDRA E HSW</td>
<td>$55,000</td>
<td>Date</td>
<td>MLS</td>
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<tr>
<td>Class Code</td>
<td>Taxing Dist</td>
<td>Ag Land Value</td>
<td>Price</td>
<td>Reason</td>
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<tr>
<td>VACANT COM</td>
<td>FLAGLER BEACH</td>
<td>$0</td>
<td>8/5/2014</td>
<td>UNQUAL/NONMKT FINANC OR LEASE</td>
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<tr>
<td>Approx. Acreage</td>
<td>Address</td>
<td>Building Value</td>
<td>12/16/2006</td>
<td>QUAL/CREDIBLE,VERIF/DOC/EVIDEN</td>
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<td>0.23</td>
<td>WESTMAYER PL</td>
<td>$0</td>
<td>$150,000</td>
<td>U</td>
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</table>

Date created: 8/4/2017
Last Data Uploaded: 8/4/2017 2:34:57 AM

Developed by The Schneider Corporation
Attachment “B”

Legal Description

Lots 8 and 9 of Seaside Manor, a subdivision according to the plat thereof as recorded in Plat Book 5 page 10, of the public records of Flagler County, Florida.
ORDINANCE NO. 2017 - ___

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA AMENDING THE FUTURE LAND USE DESIGNATION OF A TOTAL OF 0.46 ACRES, MORE OR LESS, LYING IN SECTION 26, TOWNSHIP 11 SOUTH, RANGE 31 EAST; FROM MIXED USE: HIGH INTENSITY TO RESIDENTIAL: MEDIUM DENSITY; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Thomas W. and Sandra E. Kluba are the owners of Parcel # 26-11-31-5450-00000-0080 and 26-11-31-5450-00000-0090, contiguous parcels which together total 0.46 acres, more or less, in size; and

WHEREAS, the Klubas are seeking the amendment of the Future Land Use designation of the lands described herein; and

WHEREAS, on October 10, 2017, the Planning and Development Board conducted a public hearing on this amendment and voted to recommend approval; and

WHEREAS, on ______________ ____, 2017, the Flagler County Board of County Commissioners, also sitting in their capacity as the Local Planning Agency, conducted a public hearing on this amendment and voted to adopt the proposed amendment; and

WHEREAS, public notice of this action has been provided in accordance with Sections 125.66(2)(a), 163.3184(11) and 163.3187, Florida Statutes, and Section 2.07.00, Flagler County Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS:

SECTION 1. FINDINGS

a. The Board of County Commissioners finds that the proposed Future Land Use Map amendment is consistent with the goals, objectives, and policies of the Flagler County Comprehensive Plan.

b. This ordinance is adopted in compliance with and pursuant to the Community Planning Act, Sections 163.3161-163.3217, Florida Statutes.

SECTION 2. FUTURE LAND USE MAP AMENDMENT

The real property containing approximately 0.46 acres, more or less, and legally described herein is hereby amended from Mixed Use: High Intensity, Medium/High Density to Residential: Medium Density, as graphically shown on Exhibit “A” attached hereto. The 2010-2035 Future Land Use Map of the adopted Comprehensive Plan shall
be amended to reflect this amendment. The legal description of the subject property to be amended through this application is:

Lots 8 and 9, Seaside Manor, a subdivision according to the plat or map thereof described in Plat Book 5, Page 10, of the Public Records of Flagler County, Florida.

SECTION 3. EFFECTIVE DATE
The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after adoption. If challenged within 30 days after adoption, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA THIS ____ DAY OF __________________, 2017.

BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA

_______________________________
Nate McLaughlin, Chairman

ATTEST:

_______________________________
Tom Bexley, Clerk of the Circuit Court and Comptroller

APPROVED AS TO FORM:

_______________________________
Al Hadeed, County Attorney
Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. **Any questions regarding any of the comments should be addressed to the department providing the comment.**
REVIEWING DEPARTMENT: PLANNING DEPARTMENT

No comments at this time.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

No comments at this time.

REVIEWING DEPARTMENT: FIRE INSPECTOR

No comments at this time.

REVIEWING DEPARTMENT: E-911 STAFF

No Comments

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

No Comments

REVIEWING DEPARTMENT: COUNTY ATTORNEY

No comments at this time.
TO: Chairman and Planning Board Members

FROM: Planning and Zoning Department

DATE: October 10, 2017

SUBJECT: Application #3086, REZONING FROM C-2 (GENERAL COMMERCIAL AND SHOPPING CENTER) DISTRICT TO R-1C (URBAN SINGLE-FAMILY RESIDENTIAL) DISTRICT

I. Requested Action & Purpose: This quasi-judicial request is for approval of a Rezoning from C-2 (General Commercial and Shopping Center) District to R-1c (Urban Single-Family Residential) District.

II. Related Applications: Application #3090 – Future Land Use Map Amendment from Mixed Use: High Intensity, Medium/High Density to Residential: Medium Density.

III. Location and Legal Description: The subject parcel is on the West side of North Oceanshore Boulevard (a/k/a State Road A1A), South of Westmayer Place, lying within Section 26, Township 11 South, Range 31 East, Flagler County, Florida; Parcel #26-11-31-5450-00000-0080 and 26-11-31-5450-00000-0090, approximately 0.46 acres.

IV. Owner and Applicant/Agent: Thomas W. and Sandra E. Kluba

V. Existing Zoning and Land Use Classification:
Zoning: C-2 (General Commercial and Shopping Center) District
Land Use: Mixed Use: High Intensity, Medium/High Density

VI. Future Land Use Map Classification/Zoning of Surrounding Land:
North: Mixed Use: Low Intensity, Low/Medium Density / R/C (Residential/Limited Commercial Use) District
East: Mixed Use: Low Intensity, Low/Medium Density / R/C (Residential/Limited Commercial Use) District
South: Mixed Use: Low Intensity, Low/Medium Density / R/C (Residential/Limited Commercial Use) District
West: Residential: Low Density / Rural Estate / R-1 (Rural Residential) District
VII. Land Development Code Sections Affected: Land Development Code (LDC) Section 3.07.05, Rezoning

VIII. Report in Brief: On July 6, 2017, Mr. and Mrs. Kluba submitted an application for rezoning (Application #3086) for the 0.46 acres located on the West side of North Oceanshore Boulevard (a/k/a State Road A1A), South of Westmayer Place, and described as Lots 8 and 9 of the Seaside Manor subdivision. This rezoning application preceded the related Future Land Use Map amendment application, which was determined to be necessary by staff as part of the rezoning application review.

The Klubas purchased the subject parcel on August 5, 2014 (recorded on August 7, 2014 at Official Records Book 2017, Page 1673, Public Records of Flagler County, Florida). Attempts by the prior owner, Mr. Hall, to redevelop the parcel commercially had been challenging; the Klubas encountered similar challenges as prospective purchasers developed alternative schemes for development. Mr. Hall’s 2008 demolition permit (2008050089) removed much of the former Adam’s Rib Bar, while the slab and lower parking level was removed by the Klubas through a 2016 demolition permit (2016010153).

After reviewing several alternatives, the Klubas opted to proceed with the Future Land Use amendment and rezoning to allow residential development on each of the lots. As proposed, the lots would not be redesigned, instead conforming to the platted limits of the Seaside Manor plat. The availability of central water and sanitary sewer make the rezoning to R-1c possible. The R-1c district lists, as its dimensional requirements (LDC subsection 3.03.06.D):

1. Minimum lot size:
   Area—Seven thousand (7,500) square feet.
   Width—Seventy (70) feet.
2. Minimum setback requirements for structures:
   Front yard: Twenty-five (25) feet.
   Saltwater front lots—Twenty (20) feet.
   Rear yard: Twenty (20) feet.
   Swimming pools only—Ten (10) feet.
   Side yard:
   Interior lot—Seven and one-half (7.5) feet.
   Abutting any street—Twenty-five (25) feet.
   Swimming pools—Side setback:
   If the proposed use encroaches on the twenty (20) feet rear setback requirement, the minimum side yard setback shall be ten (10) feet.
If the proposed use does not encroach on the ten (10) feet rear setback requirement, the minimum side yard setback shall be seven and one-half (7.5) feet.

4. Maximum lot coverage: The total lot area covered with principal and accessory buildings shall not exceed thirty-five (35) percent.
5. Minimum pervious area: Thirty (30) percent.
6. Minimum living area: Seven hundred (700) square feet.”

While both Lot 8 and 9 have frontage along Westmayer Place of only 62.5 feet, each lot widens out as the lot depth increases, with both lots having a rear lot line of 111.23 feet. The 75 foot minimum lot width required in the R-1c district would be met by each lot at the front building line, with each lot also exceeding the 7,500 square foot minimum lot area requirement. Setbacks are equivalent to those for the R-1 lot of record, the same as the remainder of Seaside Manor, with the exception of the R/C zoned Lots 6 and 7. For reference, the R/C (Residential/Limited Commercial) zoning district was considered as an alternative zoning, but these lots are oriented North-South instead of Lots 6 and 7, both of which are oriented East-West with frontage on North Oceanshore, making the R/C zoning appropriate for Lots 6 and 7, and less so for Lots 8 and 9.

The applicant met with the Technical Review Committee on July 19, 2017. All staff comments have been satisfactorily addressed by the applicant in advance of the Planning and Development Board meeting.

The A1A Scenic PRIDE Committee reviewed this request at their August 25, 2017 meeting and issued its letter of support (attached) that “the down-zoning from Mixed-Use High Intensity with C-2 zoning to Residential Medium Density with R-1c zoning… is compatible with the goals of the Scenic Byway and is more consistent with the residential characteristics of the area.”

Public notice has been provided for this application according to LDC Section 2.07.00 and Section 125.66, Florida Statutes.

IX. **Standards for Review:** LDC Section 3.07.05 Rezoning - action by the Planning and Development Board and Board of County Commissioners. The Flagler County Planning and Development Board may recommend and the Flagler County Commission may enact an ordinance amending the zoning classification of the subject parcel. The adopted Flagler County Land Development Code lacks specific standards for review of a rezoning request; however, generally a request should be consistent with the adopted Comprehensive Plan and the following suggested standards:
A. For all rezoning requests, the requested zoning designation must be consistent with the Future Land Use designation of the parcel as depicted on the adopted Future Land Use Map and as described in the Future Land Use Element of the adopted Flagler County Comprehensive Plan.

The R-1c (Urban single-family residential) zoning district is consistent with the proposed Residential Medium Density Future Land Use designation. The resulting density, consistent with the two platted lots, will approximate an equivalent of 4 units per acre. Provision of central water and sanitary sewer is the prerequisite for the R-1c zoning district and will be required for any development occurring on these lots.

B. The requested zoning designation must be consistent with the goals, objectives, and policies of the Flagler County Comprehensive Plan.

The requested rezoning is consistent with the adopted Comprehensive Plan. The rezoning paired with the Future Land Use amendment reduces the intensity and density of development of this parcel. The present Mixed Use: High Intensity designation supports a greater intensity and density of development than would be compatible with the surrounding area.

C. The requested zoning designation must be compatible with the adjacent and surrounding land uses. Land uses shall include, but not be limited to permitted uses, structures, and activities allowed within the Future Land Use category and zoning district. Compatibility shall be based on characteristics which can impact adjacent or surrounding uses including type of use, height, appearance, aesthetics, odors, noise, smoke, dust, vibration, traffic, sanitation, drainage, fire risk, environmental impacts, maintenance of public infrastructure, availability of potable water and sanitary sewer, and other necessary public services.

The proposed R-1c zoning for the subject property is compatible with the surrounding area. The availability of central potable water and sanitary sewer to these lots makes the rezoning to R-1c possible. The reduction in intensity and density more appropriately matches the characteristics of the surrounding and adjacent residential development.

Consideration should also be given to the prohibition on “spot” zoning requests. In this instance, as it had been similarly determined for the Hendershot and Newman rezoning requests, the requested R-1c zoning is compatible with the surrounding zoning and single-family residential development. As was discussed extensively with Application #2975 (Frontier Land Development, LLC), development of the commercial aspect of the mixed use in this area is problematic; eliminating the commercial aspect – as is the request here – appears to be both in the public interest and consistent with previous decisions.
Finally, the R/C, R-1, and R-1b (less so for R-1c) zoning districts are found contiguous to each other within the Hammock. Staff believes that these districts are not mutually exclusive, but are instead complimentary, reflecting the needs of each portion of the Hammock and the desires of individual landowners. Each of these districts – R/C, R-1, and R-1b – are single-family residential districts, with the majority designation, the R-1, for the most part corresponding to lot which are nonconforming to the R-1 district’s minimum one acre lot size. It is anticipated that as the availability of utilities becomes more prevalent in the Hammock, that either the R-1 zoning will be amended to reduce the lot size (and make more parcels conform) or that there will be more requests to rezone to R-1b or R-1c and their smaller minimum lot sizes.

D. The requested zoning will not adversely impact or exceed the capacity or the fiscal ability of Flagler County to provide available public facilities, including transportation, water and sewer, solid waste, drainage, recreation, education, fire protection, library service and other similar public facilities.

Should this request be approved, the two resulting single-family lots will not impact or exceed the public facilities necessary to support the resulting residential development.

E. The requested zoning shall not be approved if any of the proposed permitted uses or activities result in a public nuisance.

The proposed single-family residential uses should not result in a public nuisance.

F. The requested zoning shall not be approved if any of the proposed traffic flow of the permitted uses have an unreasonable impact on the contiguous and surrounding area; or if the proposed traffic has an unreasonable impact upon the projected wear and tear of any public roadway designed to carry lighter traffic than proposed with the rezoning; or if the proposed traffic results in an unreasonable danger to the safety of other traffic, pedestrians, and bicyclists.

The requested R-1c rezoning as applied to the subject parcel is de minimis in its impacts; there will be negligible impacts due to the development of this parcel. Eventual development will be consistent with the R-1 lots (lot of record) within the Seaside Manor subdivision.

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 recommend to the Board of County Commissioners approval of Application #3086, rezoning from C-2 to R-1c for 0.46+/- acres consisting of Parcel #26-11-31-5450-00000-0080 and Parcel #26-11-31-5450-00000-0090, finding that the rezoning is consistent with the adopted Comprehensive Plan and the Land Development Code and that the County’s rezoning standards have been met, and conditioned that the rezoning will not become effective until the Future Land Use amendment considered under Application #3090 becomes effective.

XII. Suggested Motion Language: The Planning and Development Board finds that the rezoning is consistent with the adopted Comprehensive Plan and the Land Development Code and that the County’s rezoning standards have been met and recommends approval of Application #3086, Rezoning from C-2 to R-1c for 0.46+/- acres consisting of Parcel #26-11-31-5450-00000-0080 and Parcel #26-11-31-5450-00000-0090, subject to the Future Land Use amendment considered under Application #3090 becoming effective.

Attachments
1. Public notice
2. Application and supporting materials
3. Draft ordinance
Future Land Use Map
Zoning Map
APPLICATION FOR REZONING
FLAGLER COUNTY, FLORIDA
1769 E. Moody Boulevard, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009  Fax: (386) 313-4108

Application/Project #: 3086/2017070009

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<tr>
<td>Name(s):</td>
<td>Thomas W. Kluba and Sandra E. Kluba</td>
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<td>849 Trailwood Ave</td>
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<td>Titusville</td>
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<td>Telephone Number</td>
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<td>Dennis K. Bayer</td>
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<tr>
<td>Email Address</td>
<td><a href="mailto:dennish@bayermaguirelegal.com">dennish@bayermaguirelegal.com</a></td>
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| SITE LOCATION (street address): | 4 Westmayer Place & 2942 N. Ocean Shore Blvd, Palm Coast, FL 32164 |
| LEGAL DESCRIPTION:              | Lots 8 and 9 of Seaside Manor, Plat Book 5 page 10. |
| Parcel # (tax ID #):            | 26-11-31-5450-00000-0090 & 26-11-31-5450-00000-0080 |
| Parcel Size:                    | 0.46 acres |
| Subject to A1A Scenic Corridor IDO? | ☑ NO |

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**OFFICIAL USE ONLY**

PLANNING BOARD RECOMMENDATION/ACTION:

Signature of Chairman: __________________________
Date: __________________________ *approved with conditions, see attached.

BOARD OF COUNTY COMMISSIONERS ACTION:

Signature of Chairman: __________________________
Date: __________________________ *approved with conditions, see attached.

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. 05/08
Appendix A

1. Present land use classification: Commercial.
4. Names of abutting property owners: A1Net, LLC and Home Plate Properties, LLC.
5. Legal Description of Property: Lots 8 and 9, Seaside Manor, a subdivision according to the plat thereof described in Plat Book 5 page 10, of the public records of Flagler County, Florida.
6. Survey attached. Note: Property Appraiser’s site shows no buildings on abutting properties.
7. Owner: Thomas W. Kluba and Sandra E. Kluba.
THIS WARRANTY DEED made the ___ day of August, 2014 by

Alan M. Hall

whose street address is PO Box 431742, Big Pine Key, Florida 33043

hereinafter called the grantor*, to

Thomas W. Kluba and Sandra E. Kluba, husband and wife

whose street address is 849 Trailwood Avenue, Titusville, Florida 32786

hereinafter called the grantee*:

(Wherever used herein the terms "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 AND NO/100 DOLLARS ($10.00) and other valuable considerations to said grantees in hand paid by said grantees, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed unto the grantee and grantee's heirs forever the following described land situate in County of Flagler, State of Florida, to wit:

Lot 8 and 9, Seaside Manor, a subdivision according to the plat or map thereof described in Plat Book 5, Page 10, of the Public Records of Flagler County, Florida.

GRANTOR WARRANTS THAT THIS IS NOT HOMESTEAD PROPERTY.

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

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

And the grantor hereby covenants with the 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, and hereby 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 31st, 2013. FURTHER SUBJECT TO Restrictions, Reservations, Covenants, Dedication, Resolutions, Conditions and Easements of record, if any, however this reference shall not operate to re impose same.

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

Signed, sealed and delivered in the presence of:

Witness 1 Signature
Isadora M. Akialis
Printed or Typed Name

Witness 2 Signature
Jessica D. Westbrook
Printed or Typed Name

STATE OF FLORIDA
COUNTY OF Flagler

The foregoing instrument was acknowledged before me this ___ day of August, 2014, by Alan M. Hall who is personally known to me or who produced Florida Driver's License as identification and who did/did not take an oath.

Notary Public
My Commission Expires: 5/15/2010

[Stamp]

/Alan M. Hall

/Isadora M. Akialis

/3/8/14

*Note: The asterisk (*) indicates the term used for the party granting the property.
Owner's Authorization for Applicant/Agent

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

Application/Project #___________________________

Dennis K. Bayer is hereby authorized TO ACT ON BEHALF OF Thomas W. Kluba and Sandra E. Kluba, the owner(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to Flagler County, Florida for an application for rezoning.

(ALL PERSONS, WHO'S NAMES APPEAR ON THE DEED MUST SIGN)

By: ____________________________
Signature of Owner

Thomas W. Kluba
Printed Name of Owner / Title (if owner is corporation or partnership)

Sandra E. Kluba
Signature of Owner

Sandra E. Kluba
Printed Name of Owner

Address of Owner: 849 Trailwood Ave

Mailing Address

Titusville FL 32796
City State Zip

Telephone Number (incl. area code) (321) 385-3886

STATE OF Florida
COUNTY OF Brevard

The foregoing was acknowledged before me this 31 day of May, 2017, by Thomas W. Kluba and Sandra E. Kluba who is/are personally known to me or who has produced as identification, and who (did) / (did not) take an oath.

Signature of Notary Public

Lola H. Payne
Notary Public, State of Florida
Commission No. FF 242287
My Commission Expires 07/10/19


Revised 5/08
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**PAY**

Four Hundred Thirty One 50/100

**DESCRIPTION**

1799

**PAY TO THE ORDER OF**

17517 Flagler County

**CHECK NO.**

1799

**DOLLARS**

431.50

**AUTHORIZED SIGNATURE**
Official Receipt - Flagler County
CDPR103 - Official Receipt

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Address: 109 S 6TH STREET  FLAGLER BEACH FL 32136  
Proj Name: #3086 KULBA REZONING  
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Subdiv Nbr:  
Project Nbr: 2017070009  
Payor: DENNIS K BAYER

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Memo:  
Cashier/location: CPR12 / 3  
User:CPR12
June 22, 2017

Adam Mengel  
Planning Director, Flagler County  
1769 E. Moody Blvd, Bldg #2  
Bunnell, FL 32110  
amengel@flaglercounty.org  
Via U.S. mail and email  

RE: Kluba Rezoning  

Dear Adam,  

Please find enclosed the Application for Rezoning for 4 Westmayer Place and 2942 N. Ocean Shore Blvd, Palm Coast, FL 32164 along with the Owner’s Authorization, Survey, copy of the owner’s recorded deed and the Application Fee.  

Also enclosed is Appendix A to the Application for Rezoning with the requested information.  

Basically, my client is seeking to down zone the property from commercial to residential which is more consistent with the residential characteristics of the area. The neighboring property owners have indicated that they approve the proposed rezoning.  

Please contact my office with any questions.  

Sincerely,  

DKB:km  
Enc.  

UNSKR  
Dennis K. Bayer
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I hereby affirm mailed notice to each owner on September 20, 2017 for the Planning & Development Board Meeting on October 10, 2017 at 6 pm.

Wendy Hickey, Planner
THE NEWS-JOURNAL
Published Daily and Sunday
Daytona Beach, Volusia County, Florida

State of Florida,
County of Volusia

Before the undersigned authority personally appeared

Cynthia Anderson

who, on oath says that she is ...................................................

LEGAL COORDINATOR

of The News-Journal, a daily and Sunday newspaper, published at Daytona Beach in Volusia County, Florida; the attached copy of advertisement, being a

.................................................................

PUBLIC NOTICE

L 2261774

in the Court, was published in said newspaper in the issues

SEPTEMBER 22, 2017

Affiant further says that The News-Journal is a newspaper published at Daytona Beach, in said Volusia County, Florida, and that the said newspaper has heretofore been continuously published in said Volusia County, Florida, each day and Sunday and has been entered as second-class mail matter at the post office in Daytona Beach, in said Volusia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper

.................................................................

Sworn to and subscribed before me

This 22ND of SEPTEMBER

A.D. 2017

[Signature]

DEBORAH LYNN KEESIE
Notary Public – State of Florida
Commission #11376
My Comm. Expires Jul 15, 2021
Bonded through National Notary Assn.

NOTICE OF REZONING

Pursuant to Section 2.07.00, Flagler County Land Development Code, the Flagler County Board of County Commissioners hereby give notice of consideration of Application #3086 submitted by Dennis K. Bayer, Exec., with Bayer & Magrino, as agent for the owners, Thomas W. Kluba and Sandra E. Kluba, and possible adoption of an Ordinance, filed similar to:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA AMENDING THE ZONING CLASSIFICATION OF A TOTAL OF 0.46 ACRES, MORE OR LESS, LOCATED ON THE WEST SIDE OF NORTH OCEANSHORE BOULEVARD (A/K/A: STATE ROAD 40) PARCEL NUMBERS 26-16-35-0010-0030, 0030-0000-0030, FROM C-2 (GENERAL COMMERCIAL AND SHOPPING CENTER) TO R-4 (URBAN SINGLE FAMILY RESIDENTIAL) DISTRICT, PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE:

Public hearing on the above-captioned matter will be held as follows:

FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD: October 10, 2017 at 6:00 p.m. or as soon thereafter as possible in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Boulevard, Building 2, Bunnell, Florida. All interested persons are urged to attend the public hearing and be heard.

Anyone wishing to express their opinion may attend, telephone 386-333-0009 or write to Flagler County Planning Department, 1769 E. Moody Blvd., Building 2, Bunnell, FL 32110 or email to mmercer@flaglercounty.org. Copies of the proposal, supporting data and analysis, staff reports and other pertinent information are available for review at the Flagler County Planning & Zoning Dept., 1769 East Moody Boulevard, Bldg. 2, Bunnell, Florida 32110.

If a person decides to appeal any decision made by the Board of County Commissioners, with respect to any matter considered at this meeting, a record of the proceedings may be needed, and, for such purposes, the person may need to ensure that a verbatim record is made, which record includes the testimony and evidence upon which appeal is to be based. In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the Planning Department at least 48 hours prior to the meeting.

L2261774 Sep 22, 2017 N
August 26, 2017

Mr. Adam Mengel
Flagler County Planning Dept.
1769 E. Moody Blvd, Bldg 2
Bunnell, FL  32110

RE: #3090 Kluba FLU Amendment. Project # 2017080010

Dear Mr. Mengel,

At the August 25 meeting of Scenic A1A PRIDE, we reviewed the Future Land Use Amendment and zoning change of 2942 N Oceanshore Blvd and 4 Westmayer Place (lots 8 & 9 of Seaside Manor). Scenic A1A PRIDE supports the down-zoning from Mixed Use High Intensity with C-2 zoning to Residential Medium Density with R-1c zoning in that it is compatible with the goals of the Scenic Byway and is more consistent with the residential characteristics of the area.

Sincerely,

Dennis Clark, Chair
SCENIC A1A PRIDE
5784 N. Oceanshore Blvd, Palm Coast, FL 32137

c.c. Dennis Bayer (dennisb@bayermaguirelegal.com)
Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. Any questions regarding any of the comments should be addressed to the department providing the comment.

Flagler County Building Department 386-313-4002
Flagler County Planning Department 386-313-4009
Flagler County Development Engineering 386-313-4082
Flagler County General Services (Utilities) 386-313-4184
County Attorney 386-313-4005
Flagler County Fire Services 386-313-4258
E-911 GIS Specialist 386-313-4274
Environmental Health Department 386-437-7358
Flagler County School Board 386-586-2386
REVIEWING DEPARTMENT: PLANNING DEPARTMENT

Comments by Adam Mengel

1. Rezoning application cannot proceed without Future Land Use Map (Small Scale) amendment. Present FLUM designation is Mixed Use: High Intensity with the C-2 (General commercial and shopping center) zoning district. An application to amend the Future Land Use to Residential: Medium Density should be submitted to proceed simultaneously with the request to rezone from C-2 to R-1c (Urban single-family residential) zoning district.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

This office has not comments at this time.

REVIEWING DEPARTMENT: FIRE INSPECTOR

No Comments at this time.
TO: Chairman and Planning Board Members  
FROM: Planning and Zoning Department  
DATE: October 10, 2017  
SUBJECT: Application #3088, Site Development Plan (SDP) Review in a Planned Unit Development (PUD)

I. Requested Action & Purpose: This quasi-judicial request is for approval of a Site Development Plan in the Planned Unit Development (PUD) zoning district for the Surfview at Matanzas Shores PUD.

II. Location and Legal Description: 1.01 +/- acres located on the East side of North Oceanshore Boulevard (a/k/a State Road A1A), formerly part of the Matanzas Shores Development of Regional Impact (DRI); Parcel: 37-10-31-1550-00000-0153.

III. Owner and Applicant/Agent:  
Owners: Robert J. Falconetti and Diane D. Falconetti, husband and wife, and John J. Falconetti and Robert John Falconetti  
Agent: Ken Atlee, Duval Realty Trust, LLC; and Matt Lahti, P.E., Gulfstream Design Group, LLC

IV. Existing Zoning and Future Land Use Classification:  
Zoning: PUD (Planned Unit Development) District  
Future Land Use: Mixed Use: Low Intensity

V. Future Land Use Map Classification/Zoning of Surrounding Land:  
North: Mixed Use: Low Intensity / PUD (Planned Unit Development) District  
East: Mixed Use: Low Intensity / PUD (Planned Unit Development) District  
South: Mixed Use: Low Intensity / PUD (Planned Unit Development) District  
West: State Road A1A; Mixed Use: Low Intensity / PUD (Planned Unit Development) District

VI. Land Development Code Sections Affected: Land Development Code Section 2.02.05(2): “The Planning Board shall review and act upon applications for development review pursuant to the County Land Development Code and other applicable county ordinances.”
VII. **Report in Brief:** On July 27, 2017, Ken Atlee, on behalf of the parcel owners, the Falconettis, submitted an application for a Site Development Plan (SDP) Review in a PUD for the development of a 5-lot single family residential subdivision on approximately 1.01 acres to be known as Surfview. If approved, the Site Development Plan will ultimately be adopted by ordinance by the Board of County Commissioners.

The proposed Surfview subdivision follows the adoption of Ordinance No. 2017-04 by the Board of County Commissioners on May 15, 2017, which amended the Future Land Use designation of this parcel from Mixed Use Low Intensity to Residential Medium Density. This step was necessary since within the former Matanzas Shores Development of Regional Impact (DRI), this parcel had been previously designated for Business Office/Commercial development. A subsequent rezoning to PUD (Planned Unit Development) was unnecessary since the adoption of the Matanzas Shores DRI through Resolution No. 85-2, as adopted on February 21, 1985.

Subsequent development within Matanzas Shores proceeded following the established review procedures for successive plats; this development is no different in this approach, requiring review and approval prior to ultimate platting.

The applicant met with the Technical Review Committee on July 19, 2017 and on August 16, 2017. All staff comments have been satisfactorily addressed by the applicant in advance of the Planning and Development Board meeting.

Public notice has been provided for this application according to LDC Section 2.07.00. No comments have been received for this application request as a result of the public notice.

VIII. **Staff Analysis:** The PUD Site Development Plan consists of one sheet received on July 27, 2017.

Site development requirements listed on the PUD Site Development Plan provide for the following requirements:

<table>
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<th>Table of Site Development Requirements</th>
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<tr>
<td>Minimum front setback</td>
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<tr>
<td>Minimum rear setback</td>
</tr>
<tr>
<td>Minimum side yard setback</td>
</tr>
<tr>
<td>Maximum building height</td>
</tr>
<tr>
<td>Maximum lot coverage</td>
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<tr>
<td>Maximum living area</td>
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</table>
Access is proposed by easement across the front (West) side of each lot, with the access drive connecting to the existing Surfview Drive at the South end of the project.

While it is anticipated that the project will develop as a single phase, the agreement as drafted provides for the development to be completed in multiple phases, provided that all associated infrastructure and emergency access requirements are met for each respective phase. Variances are considered consistent with the LDC’s requirements, with other requirements not specifically mentioned in the Agreement also deferring to the provisions of the LDC.

**Stormwater**
Stormwater will be provided through curb and gutter and an underground pipe system to retention ponds located on the West side of North Oceanshore and maintained by the Matanzas Shores Owners Association. Design and capacity will meet St. Johns River Water Management District permit requirements.

**Roadways**
Maintenance of the common easement will be provided by the lot owners through a Homeowners Association or similar mechanism.

**Landscaping**
No specific landscaping areas are proposed.

**Signage**
Any signage should be described and depicted as part of the platting process. Signs, if provided, may be lighted, and can be no higher than six feet tall with a message area no greater than 32 square feet. All signs will be setback to preserve view angles consistent with the LDC.

**Entry Features**
Emergency vehicle access will be provided through the connection to Surfview Drive.

**Lighting**
Street lighting is not anticipated to be provided; if provided, lighting will be required to meet Flagler County Marine Turtle Lighting requirements of the Land Development Code.

**Emergency Services**
A hydrant is proposed along North Oceanshore that will service this project, with the final location to be identified on the construction plans submitted as part of the preliminary plat. Roadway width will be verified as part of the final plat approval process for meeting County and applicable standards.
Wetlands
No wetlands are present within the boundaries of the subject parcel.

Utilities
Utilities are to be placed within the utility easements dedicated for utility purposes at the time of final plat approval. The City of Palm Coast will provide water and the Matanzas Shores Owners Association will provide wastewater services.

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

X. Staff Recommendation: Staff recommends that the Planning and Development Board recommend to the Board of County Commissioners approval of Application #3088, Site Development Plan for Surfview PUD, finding that the proposed PUD Site Development Plan and PUD Development Agreement are consistent with the Comprehensive Plan and the Flagler County Land Development Code.

XI. Suggested Adoption Language: The Planning and Development Board recommends to the Board of County Commissioners approval of Application #3088, Site Development Plan for Surfview PUD, finding that the proposed PUD Site Development Plan and PUD Development Agreement are consistent with the Comprehensive Plan and the Flagler County Land Development Code.

Attachments
1. Notification map and list
2. Application and supporting documents
3. Draft Ordinance
4. PUD Site Development Plan
MAP SERIES
Property Appraiser Aerial
Future Land Use Map
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## #3088 Surfview Site Development Plan in a PUD

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I hereby affirm mailed notice to each owner on September 20, 2017 for the Planning & Development Board meeting on October 10, 2017 at 6:00 pm

Wendy Hickey, Planner
AN ORDINANCE OF THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS, FLAGLER COUNTY, FLORIDA ADOPTING THE PUD (PLANNED UNIT DEVELOPMENT) DEVELOPMENT AGREEMENT FOR SURFVIEW; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Robert J. Falconetti and Diane D. Falconetti, husband and wife, and John J. Falconetti and Robert John Falconetti, are the owners of Parcel #37-10-31-1550-00000-0153, which is 1.01 acres, more or less, in size as more particularly described in Exhibit “A” attached hereto and made a part hereof; and

WHEREAS, the owners of the above-listed parcel are seeking the approval of this Ordinance creating the Surfview Planned Unit Development (PUD); and

WHEREAS, this Ordinance and its attached Exhibits shall serve as the PUD Development Agreement for the Surfview PUD; and

WHEREAS, on October 10, 2017, the Planning and Development Board conducted a public hearing on this request and voted to recommend approval; and

WHEREAS, on _________________ ____, 2017, the Flagler County Board of County Commissioners held a public hearing on this request and voted to ______________ the Surfview PUD; and

WHEREAS, public notice of this action has been provided in accordance with Section 125.66, Florida Statutes, and Section 2.07.00, Flagler County Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS:

SECTION 1. FINDINGS
A. The Board of County Commissioners, pursuant Section 3.04.02 of the Flagler County Land Development Code, finds as follows:

1. The proposed Surfview Planned Unit Development (PUD) does not adversely affect the orderly development of Flagler County and complies with applicable Comprehensive Plan goals, objectives and policies; and

2. The proposed Surfview PUD will not adversely affect the health and safety of residents or workers in the area and will not be detrimental to the use of adjacent properties or the general neighborhood.
Section 2. ADOPTION OF DEVELOPMENT AGREEMENT

A. This Ordinance and its Exhibits attached hereto shall serve as the PUD Development Agreement for the Surfview Planned Unit Development (PUD).

B. The Board of County Commissioners hereby adopts the PUD Development Agreement for the Surfview PUD, the boundaries of said PUD as depicted in the legal description included at Exhibit “A” and attached hereto.

C. Development within the boundaries of the Surfview PUD as approved shall take place consistent with the Flagler County Land Development Code as may be modified or amended, this Ordinance, and the PUD Site Development Plan included at Exhibit “B” and attached hereto. The requirements of this Ordinance supersede any inconsistent provisions of the Flagler County Land Development Code or other ordinances of the County.

D. Uses within the Surfview PUD as herein established shall rely on those uses and requirements listed within the R-1c (Urban single-family residential) district, with the exception of the following dimensional requirements which shall vary from those listed for the R-1c district:

- Minimum lot size: 6,500 square feet
- Minimum lot width: 50 feet
- Minimum front setback: 20 feet
- Minimum rear setback: 10 feet
- Minimum side setback (interior lot): 5 feet
- Minimum accessory structure setback: 5 feet
- Minimum setback for pools, hot tubs, decks, screen rooms, and patios: 5 feet
- Maximum building height: 35 feet
- Maximum lot coverage: 49%

E. The Surfview PUD will require final plat approval prior to the sale of individual lots. The subdivision may be developed in multiple phases. All infrastructure necessary to support each phase shall be constructed within that phase or sufficient surety provided in the form of a performance bond or other instrument as approved by the County Attorney as a condition of this PUD approval. Adequate emergency vehicle access and turn-arounds shall be provided at all times.

F. The Finished Floor Elevation for lots shall be those depicted on the PUD Site Development Plan at Exhibit “B” and based on the National Geodetic Vertical Datum of 1929 (NGVD 29). Any variation shall be subject to the approval of the County Development Engineer at the time of building permit application.

G. Construction trailers may be permitted on any lot within the subdivision prior to final plat approval in conjunction with the issuance and
continuation of a land development permit. Construction trailers may not remain within the subdivision following expiration or completion of a land development permit.

H. Model homes may be permitted following final plat approval. A maximum of two of the lots may be used as a model home; the model homes may also be used as temporary sales centers.

I. Variances shall be subject to the County's variance procedures as provided in the Land Development Code.

J. The provisions of this Ordinance shall be binding upon successors and assigns, including individual successor lot owners, to the extent applicable.

K. This Ordinance shall be effective as of the date provided herein and shall remain effective until amended or rescinded.

Section 3. **EFFECTIVE DATE**
This Ordinance shall take effect upon Official Acknowledgement by the Secretary of State that the Ordinance has been filed.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA THIS ____ DAY OF ______________________, 2017.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

By: ____________________________
  Nate McLaughlin, Chair

ATTEST:  

Approved as to Form:

By: ____________________________
  Tom Bexley, Clerk of the Circuit Court and Comptroller

By: ____________________________
  Albert J. Hadeed, County Attorney
**APPLICATION FOR SITE DEVELOPMENT**

**PLAN REVIEW IN A PUD**

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

Application/Project #: 3088

<table>
<thead>
<tr>
<th>PROPERTY OWNER(S)</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name(s):</td>
<td>Ken Atlee</td>
<td></td>
</tr>
<tr>
<td>Mailing Address:</td>
<td>5851 Timuquan Rd</td>
<td></td>
</tr>
<tr>
<td>City:</td>
<td>Jacksonville</td>
<td>State: FL</td>
</tr>
<tr>
<td>Telephone Number</td>
<td>904-838-9342</td>
<td>Zip: 32210</td>
</tr>
<tr>
<td>Fax Number:</td>
<td>N/A</td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>APPLICANT/AGENT</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name(s):</td>
<td>Gulfstream Design Group, LLC / Matthew H. Lahti, P.E.</td>
<td></td>
</tr>
<tr>
<td>Mailing Address:</td>
<td>906 Anastasia Blvd. Suite A</td>
<td></td>
</tr>
<tr>
<td>City:</td>
<td>St. Augustine</td>
<td>State: FL</td>
</tr>
<tr>
<td>Telephone Number</td>
<td>904-794-4231</td>
<td>Zip: 32080</td>
</tr>
<tr>
<td>Email Address:</td>
<td><a href="mailto:matt@gulfstreamdesign.com">matt@gulfstreamdesign.com</a></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SITE LOCATION (street address):</th>
<th>SR A1A and Surfview Drive</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEGAL DESCRIPTION: (briefly describe, do not use &quot;see attached&quot;)</td>
<td>1.01 AC #767 PARCEL BOUNDED ORG BY A1A, ON S BY BEACH CLUB, ON E BY FL 3157.000, W BY PARCEL #553; ORG 3156.000, N BY PARCEL #553; ORG 3156.000, E BY PARCEL #553; ORG 3156.000, S BY PARCEL #553; ORG 3156.000, W BY PARCEL</td>
</tr>
<tr>
<td>Parcel # (tax ID #):</td>
<td>37-10-31-1550-00000-0153</td>
</tr>
<tr>
<td>Parcel Size:</td>
<td>1.01 Acres</td>
</tr>
<tr>
<td>Current Zoning Classification:</td>
<td>PUD</td>
</tr>
<tr>
<td>Current Future Land Use Designation:</td>
<td>PUD</td>
</tr>
<tr>
<td>Subject to A1A Scenic Corridor IDO?</td>
<td>☑ NO</td>
</tr>
</tbody>
</table>

**PURPOSE OF SUBMISSION / PROJECT DATA:**

Construction of a 5 lot single family subdivision

**OFFICIAL USE ONLY**

PLANNING BOARD RECOMMENDATION/ACTION:

Signature of Chairman: ________________________________

Date: ________________________________ *approved with conditions, see attached.

BOARD OF COUNTY COMMISSIONERS ACTION:

Signature of Chairman: ________________________________

Date: ________________________________ *approved with conditions, see attached.

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. 05/08
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

COMMITMENT

Schedule A

Fund File Number: 441935

Effective Date: April 17, 2017 at 11:00 PM

Agent's File Reference: 17-0426

Premium:

Proposed Amount of Insurance: $625,000.00

1. Policy or Policies to be issued:

OWNER'S: ALTA Owner's Policy (06/17/06), (With Florida Modifications)

Proposed Insured: Duval Realty Trust, LLC

MORTGAGEE:

Proposed Insured:

MORTGAGEE:

Proposed Insured:

2. The estate or interest in the Land described or referred to in this Commitment is

FEE SIMPLE

3. Title to the FEE SIMPLE estate or interest in the Land is at the Effective Date vested in:

Robert J. Falconetti and Diane D. Falconetti and John J. Falconetti and Robert John Falconetti

4. The Land referred to in this Commitment is described as follows:

See Exhibit A

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

400 Second Avenue South, Minneapolis, MN 55401. (612) 371-1111

Issuing Agent:

Duane C. Romanello

Duane C. Romanello P.A., 1919 Blanding Boulevard

Suite 8

Jacksonville, FL 32210

Agent No.: 2510100

Agent's Signature

Duane C. Romanello

Form CF6-SCH.-A (rev. 12/10) (With Florida Modifications)

Page 1 of 4
I. The following are the requirements to be complied with:

1. Payment of the full consideration to, or for the account of, the grantors or mortgagors.

2. Instruments creating the estate or interest to be insured which must be executed, delivered and filed for record:
   A. Warranty Deed from Robert J. Falconetti and Diane D. Falconetti, husband and wife, and John J. Falconetti and Robert John Falconetti, joined by spouse(s), if married, or non-homestead clause to the proposed insured purchaser(s).

3. Satisfactory evidence must be furnished establishing that Duval Realty Trust, LLC is duly organized, validly existing, and in good standing under the laws of Florida (at date of acquisition of the interest or lien on the insured property and at the present time, or at date of purchase and at date of sale).

4. FOR INFORMATIONAL PURPOSES NOTE: Taxes for the year 2016 are shown as paid under receipt number 98143280001, on 11/23/2016, as to folio/parcel/account Number 371031155000000153, the gross amount being $1,166.46.

5. The Company has no liability under this commitment for the issuance of a mortgagee policy until an endorsement is issued stating the name of the proposed insured mortgagee. The Company reserves the right to make additional requirements, including but not limited to, review of additional documentation regarding the proposed insured purchaser.

6. FOR INFORMATIONAL PURPOSES ONLY, the following constitutes a 24-month Chain of Title preceding the effective date hereof and constitutes conveyances and transfers of ownership only: None. The last conveyance of record was recorded 3/31/2003 in O.R. Book 5044, Page 1533, of the Public Records of Flagler County, Florida.

7. A search commencing with the effective date of this commitment must be performed at or shortly prior to the closing of this transaction. If this search reveals a title defect or other objectionable matters, an endorsement will be issued requiring that this defect or objection be cleared on or before closing.
II. Schedule B of the Policy or Policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching subsequent to the Effective Date hereof but prior to the date the Proposed Insured acquires for value of record the estate or interest or Mortgage thereon covered by this Commitment.

2. a. General or special taxes and assessments required to be paid in the year 2017 and subsequent years.
   b. Rights or claims of parties in possession not recorded in the Public Records.
   c. Any encroachment, encumbrance, violation, variation, or adverse circumstance that would be disclosed by an inspection or an accurate and complete land survey of the Land and inspection of the Land.
   d. Easements, or claims of easements, not recorded in the Public Records.
   e. Any lien or right to a lien, for services, labor or material furnished, imposed by law and not recorded in the Public Records.

3. Any Owner Policy issued pursuant hereto will contain under Schedule B the following exception: Any adverse ownership claim by the State of Florida by right of sovereignty to any portion of the Lands insured hereunder, including submerged, filled and artificially exposed lands, and lands accreted to such lands.

4. Any lien provided by County Ordinance or by Chapter 159, F.S., in favor of any city, town, village or port authority, for unpaid service charges for services by any water systems, sewer systems or gas systems serving the land described herein; and any lien for waste fees in favor of any county or municipality.

5. All matters as contained on the Plat of Section 88, Tall Palms Country Club, Old Kings Farms at Palm Coast, as recorded in Plat Book 26, Page 4, of the Public Records of Flagler County, Florida.


7. Terms and conditions of Palm Coast Utility Corporation Service Availability Agreement as recorded in O.R. Book 444, Page 1108, of the Public Records of Flagler County, Florida.

8. Easement to Florida Power and Light Company recorded in O.R. Book 434, Page 1465, of the Public Records of Flagler County, Florida.

9. Easement to Florida Power and Light Company recorded in O.R. Book 434, Page 1556, of the Public Records of Flagler County, Florida.

10. Drainage Easement in favor of the State of Florida Department of Transportation as recorded in O.R. Book 388, Page 104, of the Public Records of Flagler County, Florida.

11. Easement in favor of Palm Coast Utility Corporation, contained in instrument recorded in O.R. Book 361, Page 225, of the Public Records of Flagler County, Florida.

12. The rights, if any, of the public to use as a public beach or recreation area any part of the land lying between the body of water abutting the subject property and the natural line of vegetation, bluff, extreme high water line, or other apparent boundary lines separating the publicly used area from the upland private area.

13. Rights of the lessees under unrecorded leases.
The following Legal Description prepared by Clyde W. Roesch, Palm Coast Engineering and Design Services, Inc. 1 Corporate Drive, Palm Coast, Florida. Date; March 13, 1996.

Parcel 707    Commercial site, Matanzas Shores.

DESCRIPTION:
A parcel of land lying in Government Section 38, Township 10 South, Range 31 East, being a portion of the “Subdivision Plat Section 88, Palm Coast” recorded in Map Book 26, Pages 4 and 5 of the Public Records of Flagler, county, Florida, being more particularly described as follows;

A POINT OF REFERENCE being the intersection of the Southerly line of said Government Section 38 extended Westerly to the Easterly right-of-way line of the Intracoastal Waterway (500' R/W); thence North 17°14'46" West along said right-of-way line a distance of 2801.75 feet, thence North 15°28'50" West along said right-of-way line a distance of 1506.16 feet, thence departing said Intracoastal waterway North 69°39'14" East along the Northerly boundary of said Plat "Section 88" a distance of 3166.37 feet to a Point on the Easterly right-of-way line of State Road A-1-A as recorded in Official Records Book 388, Pages 110 through 112, thence South 20°21'28" East along said right-of-way line a distance of 420.80 feet, thence South 10°17'52"West along said right-of-way line a distance of 211.82 feet to the POINT OF BEGINNING of this description, thence departing said right-of-way South 20°21'28" East a distance of 349.50 feet, thence South 69°38'32" West a distance of 194.31 feet, thence North 80°07'31" West a distance of 33.00 feet to a Point on said Easterly right-of-way line of State Road A-1-A, thence North 09°52'29" East along said right-of-way line 276.42 feet, thence North 21°17'09" East along said right-of-way line a distance of 125.87 feet to the POINT OF BEGINNING.

Subject to a drainage easement to the State of Florida, recorded in Official Records Book 388, Pages 104 through 107, of the Public Records of Flagler County, Florida.

Bearings refer to the Transverse Mercator Grid System of the East Zone of Florida and locally referenced to the East right-of-way line of the intracoastal waterway near the South line of Government Section 38, Township 10 South, Range 31 East, being North 17°14'46" West.
DRAINAGE EASEMENT

THIS EASEMENT made this 3rd day of April, 1989, between J.T.T. COMMUNITY DEVELOPMENT CORPORATION, a corporation organized and existing under the laws of the State of Florida, as the first party, and the STATE OF FLORIDA, for the use and benefit of the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, as the second party.

WITNESSETH: That the first party, in consideration of the sum of One Dollar and other valuable considerations paid, the receipt of which is hereby acknowledged, hereby grants unto the second party, its successors and assigns, a perpetual easement and right of way for the purpose of clearing, constructing and maintaining outfall and drainage ditches and drains in, upon and through the following described land in Flagler County, Florida, to wit:

PARCEL NO. 800  
SECTION 73030-RISC.

LATERAL DITCH RIGHT (NORTHEAST) STATION 25+00.00

That part of:

"Subdivision Plat Section 80" as recorded in Map Book 26, Pages 4 and 5, public records, Flagler County, Florida;

lying within 10 feet on each side of the following described ditch centerline:

Commence on the South line of Section 38, Township 10 South, Range 31 East, at a point 244.44 feet North 67°46'01" East along said line from the Northeast corner of Section 39, said Township and Range, and run North 05°22'10" East a distance of 105.27 feet to the beginning of a curve concave to the Westerly and having a radius of 1,041.74 feet; thence along said curve through a central angle of 46°45'57" a distance of 850.29 feet to the end of said curve; thence North 41°23'47" West, a distance of 501.01 feet; thence North 48°36'13" East, a distance of 90 feet to the Eastern right of way line of relocated State Road A-1-A, and the POINT OF BEGINNING of this centerline description; thence continue North 48°36'13" East, a distance of 20 feet to the end of this centerline description; containing 400 square feet, more or less.

ALSO, LATERAL DITCH LEFT (SOUTHWEST) STATION 26+05.70

That part of:

"Subdivision Plat Section 80" as recorded in Map Book 26, Pages 4 and 5, public records, Flagler County, Florida;

lying within 10 feet on each side of the following described ditch centerline:

Commence on the South line of Section 38, Township 10 South, Range 31 East, at a point 264.44 feet North 67°46'01" East along said line from the Northeast corner of Section 39, said Township and Range, and run North 05°22'10" East a distance of 105.27 feet to the beginning of a curve concave to the Westerly and having a radius of 1,041.74 feet; thence along said curve through a central angle of 46°45'57" a distance of 850.29 feet to the end of said curve; thence North 41°23'47" West, a distance of 501.01 feet; thence South 48°36'13" West, a distance of 90 feet to the Western right of way line of relocated State Road A-1-A; thence continue South 48°36'13" West, a distance of 2.08 feet; thence South 03°36'12" East, a distance of 23.42 feet to the POINT OF BEGINNING of this centerline description; thence North 03°36'12" East, a distance of 23.42 feet; thence North 59°24'58" West, a distance of 165.21 feet to the end of this centerline description; containing 3,395 square feet.
more or less, exclusive of area within the 180 foot right of way for Relocated State Road A-1-A.

ALSO, LATERAL DITCH LEFT (WESTERLY) STATION 31+50.00

That part of:

"Subdivision Plat Section 88" as recorded in Map Book 26, Pages 4 and 5, public records, Flagler County, Florida;

lying within 10 feet on each side of the following described ditch centerline:

Commence on the South line of Section 38, Township 10 South, Range 31 East, at a point 244.44 feet North 67°46'01" East along said line from the Northeast corner of Section 39, said Township and Range, and run North 05°22'10" East a distance of 109.27 feet to the beginning of a curve concave to the Wasterly and having a radius of 1,041.74 feet; thence along said curve through a central angle of 46°45'57" a distance of 550.29 feet to the end of said curve; thence North 41°22'47" West, a distance of 1,019.01 feet to the beginning of a curve concave to the Easterly and having a radius of 1,273.24 feet; thence along said curve through a central angle of 2°20'24" a distance of 52.00 feet to Station 31+50.00 and the POINT OF BEGINNING of this centerline description; thence South 59°48'36" West, a distance of 139.96 feet to the end of this centerline description; containing 599 square feet, more or less, exclusive of area within the 180 foot right of way for relocated State Road A-1-A.

ALSO, LATERAL DITCH RIGHT (EASTERN) STATION 31+50.00

That part of:

"Subdivision Plat Section 88" as recorded in Map Book 26, Pages 4 and 5, public records, Flagler County, Florida;

lying within 10 feet on each side of the following described ditch centerline:

Commence on the South line of Section 38, Township 10 South, Range 31 East, at a point 244.44 feet North 67°46'01" East along said line from the Northeast corner of Section 39, said Township and Range, and run North 05°22'10" East a distance of 109.27 feet to the beginning of a curve concave to the Wasterly and having a radius of 1,041.74 feet; thence along said curve through a central angle of 46°45'57" a distance of 550.29 feet to the end of said curve; thence North 41°22'47" West, a distance of 1,019.01 feet to the beginning of a curve concave to the Easterly and having a radius of 1,273.24 feet; thence along said curve through a central angle of 2°20'24" a distance of 52.00 feet to Station 31+50.00 and the POINT OF BEGINNING of this centerline description; thence North 59°48'36" West, a distance of 140.04 feet to the end of this centerline description; containing 1,001 square feet, more or less, exclusive of area within the 180 foot right of way for relocated State Road A-1-A.

ALSO, LATERAL DITCH LEFT (WESTERLY) STATION 42+00.00

That part of:

"Subdivision Plat Section 88" as recorded in Map Book 26, Pages 4 and 5, public records, Flagler County, Florida;

lying within 10 feet on each side of the following described ditch centerline:

Commence on the South line of Section 38, Township 10 South, Range 31 East, at a point 244.44 feet North 67°46'01" East along said line from the Northeast corner of Section 39, said Township and Range, and run North 05°22'10" East a distance of 109.27 feet to the beginning of a curve concave to the Wasterly and having a radius of 1,041.74 feet; thence along said curve through a central angle of 46°45'57" a distance of 550.29 feet to the end of said curve; thence North 41°22'47" West, a distance of 1,019.01 feet to the beginning of a curve concave to the Easterly and having a radius of 1,273.24 feet; thence along said curve through a central angle of 2°20'24" a distance of 52.00 feet to Station 31+50.00 and the POINT OF BEGINNING of this centerline description; thence North 59°48'36" West, a distance of 119.96 feet to the end of this centerline description; containing 599 square feet, more or less, exclusive of area within the 180 foot right of way for relocated State Road A-1-A.
ALSO, LATERAL DITCH LEFT (WESTERLY) STATION 46+06.59

That part of:
"Subdivision Plat Section 88" as recorded in Map Book 26, Pages 4
and 5, public records, Flagler County, Florida;

lying within 10 feet on each side of the following described ditch centerline:

Commence on the South line of Section 38, Township 10 South, Range 31 East, at a
point 244.44 feet North 67°46'01" East along said line from the Northeast corner of
Section 39, said Township and Range, and run North 00°22'10" East a distance of
108.27 feet to the beginning of a curve concave to the Westerly and having a radius
of 1,041.74 feet; thence along said curve through a central angle of 46°45'53" a
distance of 850.29 feet to the end of said curve; thence North 41°23'47" West, a
distance of 1,018.01 feet to the beginning of a curve concave to the East and
having a radius of 1,273.24 feet; thence along said curve through a central angle of
51°18'16" a distance of 1,139.36 feet to the end of said curve; thence North
09°52'29" East, a distance of 302.23 feet to Station 46+06.59; thence North 80°07'31"
West a distance of 90 feet to the East right of way line of Relocated State Road
A-1-A and the Point of Beginning of this centerline description; thence South
35°00'19" West, a distance of 121.47 feet to the end of this entire centerline
description; containing 2,425 square feet, more or less.

ALSO, LATERAL DITCH RIGHT (EASTERLY) STATION 46+30.00

That part of:
"Subdivision Plat Section 88" as recorded in Map Book 26, Pages 4
and 5, public records, Flagler County, Florida;

lying within 10 feet on each side of the following described ditch centerline:

Commence on the South line of Section 38, Township 10 South, Range 31 East, at a
point 244.44 feet North 67°46'01" East along said line from the Northeast corner of
Section 39, said Township and Range, and run North 00°22'10" East a distance of
108.27 feet to the beginning of a curve concave to the Westerly and having a radius
of 1,041.74 feet; thence along said curve through a central angle of 46°45'53" a
distance of 850.29 feet to the end of said curve; thence North 41°23'47" West, a
distance of 1,018.01 feet to the beginning of a curve concave to the East and
having a radius of 1,273.24 feet; thence along said curve through a central angle of
51°18'16" a distance of 1,139.36 feet to the end of said curve; thence North
09°52'29" East, a distance of 302.23 feet to Station 46+06.59; thence North 80°07'31"
West a distance of 90 feet to the East right of way line of Relocated State Road
A-1-A and the Point of Beginning; thence continue South 80°07'31" East a distance of
90 feet to the end of this centerline description; containing 400 square feet, more or
less.

The lands herein described contain in the aggregate 9,223 square feet (0.212 acre),
more or less.

TO HAVE AND TO HOLD the same unto the second party, its successors and
assigns, together with the title of the second party, its successors or
assigns from all claim for damage, if any, arising from or growing out of
such construction and/or maintenance to the lands, if any, owned by the
first party, lying adjacent or contiguous to the lands hereinabove
described and the party of the first part will defend the title to said
lands against all persons claiming by, through or under the said party of
the first part.
IN WITNESS WHEREOF, the first party has caused these presents to be duly executed in its name by its [Name] President, and its corporate seal to be hereon affixed, attested by its [Name] Secretary, on the date first above written.

Signed, sealed and delivered in the presence of:

[Signature]

(CORPORATE SEAL)

STATE OF

COUNTY OF

The foregoing instrument was acknowledged before me this 3rd day of April, 1989, by [Name] of [Company], Delaware Corporation, on behalf of the Corporation.

[Signature]

Notary Public in and for the County and State aforesaid.

[Notary Public Information]
EASEMENT

The undersigned, owner(s) of the premises described below, in consideration of the payment of $1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its successors, agents, successors, and assigns, an easement forever for the construction, operation and maintenance of underground or overhead electric utility facilities (including wires, poles, structures, conduits and appurtenant equipment) to be installed from time to time, with the right to reconstruct, improve, add to, enlarge, change the size of and remove such facilities or any of them, on the property described as follows:

See Exhibit A, attached hereto

Together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and by cable and conduit within the right of way and to operate the same for communications purposes with the right of ingress and egress to said premises at all times, to clear the land and keep it clear of all trees, underbrush or other obstructions and to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or branches outside of the easement area which might threaten or fall upon the wires or system of communications or power transmission or distribution, in any event or cause, to the fullest extent the undersigned has the power to grant, if it be, any and all such matters granted as the land hereinafter described, over, along and under the roads, streets or highways adjoining or through said property.

IN WITNESS WHEREOF, the undersigned have signed and sealed this agreement on May 14, 1990.

Signed, sealed and delivered in the presence of:

[Signatures]

STATE OF FLORIDA AND COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this 14th day of May, 1990, by James E. Gardner and Robert G. Cuff, respectively the President and Secretary of ITT Community Development Corporation Delaware corporation, on behalf of the corporation.

[Signature]

STATE OF FLORIDA AND COUNTY OF

The foregoing instrument was acknowledged before me this day of

by

[Signature]

The undersigned, in consideration of the payment of $1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its licensees, agents, successors, and assigns, an easement forever for the construction, location, operation and maintenance of overhead and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant equipment) to be installed from time to time with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within an easement area 50 feet in width described as follows:

SEE EXHIBIT A ATTACHED HERETO

Together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for communications purposes; the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the land hereinafore described, over, along, under and across the roads, streets or highways adjoining or through said property.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on June 23, 1956.

Signed, sealed and delivered in the presence of:

[Signatures]

STATE OF FLORIDA AND COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this 29th day of June, 1956, by James E. Garner, President and Robert G. Coff, Secretary of ITA Community Development Corporation, a Delaware corporation, on behalf of said corporation.

[Notary Public Seal]
BY
PROVIDE ENGINEER'S CERTIFICATION TO OWNER WITH AS-BUILT PLANS.

ENGINEER AND THE OWNER BEFORE THE CONTRACTOR PROCEEDS WITH THE EXTRA WORK.

TEMPORARY

TALLAHASSEE,

NOTICE

MINIMUM

ALL

THE

HOURS

PVC

IN

LOCATED

THE

BE

SURVEY

THE

EQUIPMENT

AND

ACCEPTABILITY.

EQUAL TO THE PRODUCTS SPECIFIED ABOVE.  FLAGLER COUNTY DEVELOPMENT ENGINEER AND FDOT FOR

EXTRA

REPORT

OR GLUE DOWN MATS; STAMPED CONCRETE OR ANY VARIATION OTHER THAN WHAT IS SPECIFIED ABOVE

AND/OR

A

MIXED

(FLORIDA)

COUNTY

CONSTRUCTION.

RAMPS

CURB

SIDEWALK

DETECTABLE

IN

THE

ALL

OWNER

GENERAL NOTES

THE

SHOULD BE 36"X 36".  ALL SPEED LIMIT SIGNS SHALL BE 36" X 48".

THE

SHALL BE AT THE RIVER BANK.

6.

US

VS.

ELECT

OWNER

2

IS

CONSIST

THE

HEREIN

PROJECT.

THE

PLANT

A

LIMITED

A

BACKFLOW

TO

RIVER

INCLUDING

PROJECT.

THE

COUNTY

ADDITIONAL

(5)

FACILITIES

WATER

BUFFERS,

ENGINEER.

THE

AND

ANY

OF

THE

PROTECTION

OF

DEPARTMENT

THE

RIVER

AND

IN

THE

PASS

OF

THE

SHALL BE PROVIDED AND CERTIFIED BY A FLORIDA LICENSED SURVEYOR.

7.

HEREIN

IS

SHALL

ONLY

GOODS

TO

SHOULD

BE

SUITS

THE

ENGINEER

OF

THE

ADDITIONAL

IN

THE

NOTICE

Previous Page

1/10

Next Page
Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. **Any questions regarding any of the comments should be addressed to the department providing the comment.**
REVIEWING DEPARTMENT: PLANNING DEPARTMENT

No comments at this time.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

TRC comments
Standard Comments for Preliminary Plat/ PUD submittal, for informational and future use:
The Applicant is to provide technically complete and approved Site Development Plans that comply with the Land Development Code. Existing elevations and proposed grading must be included within the plan. A Plat and associated Plat documents (Engineers Estimate of Cost to Construct, Surety Bonds, Maintenance Bond) have to or may have to be submitted.
Once all of the comments have been resolved, submit three (3) sets of complete signed and sealed Site Development Plans, if more then one copy of the approved plan is desired furnish additional copies.
Re submission fees and Right of Way Utilization fees will be charged pursuant to the Flagler County Fee Schedule. The cost associated with the Reviewing Survey are to be paid by the applicant.
Proof of the payment of all fee's and Real Estate Taxes must be provided.
An Attorney’s Opinion of Title must be furnished prior to Preliminary and Final Plat Approval. Prior to submittal of Final Plat documents, they must be reviewed and approved by a reviewing surveyor under contract with the County. This project will be assigned to Robert M. Angas Associates as reviewing surveyor. Prior to the the submittal of Final plat documents the applicant should contact the reviewing surveyor regarding the documents required for their review.

Contact information is as follows:
14785 Old St Augustine Rd, Jacksonville, FL 32258

Prior to project completion approval and issuance of a Certificate of Occupancy an "AS-BUILT" survey and an Engineer's Certification of Completion must be provided.

All provisions of the Flagler County Code must be adhered to. The notes used on the Plat must comply with the Public Works Manual. The Plat must be in the State Plane Coordinate system with ties to two control monuments. The location of driveways must be in accordance with the County's Right of Access Management Ordinance. A separate Site Plan will be required as part of building permit application. Turn lanes and/or deceleration tapers may be required for site entrances.

Construction Plans:

General Notes Sheet 2.1:
Paving, Grading and Drainage Plan Notes:

1. Note 12 remove the last sentence.

Existing Conditions/Demolition / Erosion Sheet 3.1:

2. Provide a soil tracking prevention device at the entrance, reference FDOT standard index 106. Indicate the location on the plans.

3. Flagler County Land Development Code requires vertical Datum to be in NGVD, please revise all elevations to NGVD datum.

4. Please note the complete removal of the northern most run of existing sanitary sewer.

Site Utility Plan Sheet 4.1:

5. It is understood that San. MH #3 is proposed; will it be constructed on 55 LF of the existing line that is there or new gravity main? Please clarify on the plans.

6. Please depict the specific limits of the removal / repair of the existing asphalt pavement at the entrance to the site and on Seaview Dr. Also, thank you for the open cut detail, please provide a MOT plans to handle the traffic during construction.

7. Provide all elevations in NGVD Datum.

8. What type of BFP device will be required on the irrigation service.

Paving and Grading Plan Sheet 5.1

9. Provide a cross section of the driveway. Please clarify how the yard drains will convey the runoff to the existing stormwater system. Indicate how the existing inlet on the north side of the Seaview Drive is connected to the existing stormwater system.

10. Provide a spot grades as necessary to fully depict how the lots will be graded to convey all of the runoff to the front of the homes and the driveway will drain.

11. Where is section B-B located?

12. Provide a detail / notes on how the HDPE stormdrain will connect to the existing Inlet.

13. There are flow arrows that indicate the there will be some runoff that will discharge offsite at the D/W by Lot 1. Please indicate on the plans how this runoff is conveyed into the existing system.

Detail Sheet 6.1

14. The minimum concrete base thickness for a paver driveway is 4", please revise the detail as necessary.
15. Provide a detail for the connection of the sanitary sewer main to the existing sanitary manhole.

16. Further comments may be provided upon subsequent submittals.

REVIEWING DEPARTMENT: FIRE INSPECTOR

Fire hydrant needs to be at the corner of Surfview Dr and the entrance to this property. The one out on A1A is too far away and will close down Surfview Dr if it is used.

REVIEWING DEPARTMENT: COUNTY ATTORNEY

No comments at this time.
TO: Chairman and Planning Board Members
FROM: Planning and Zoning Department
DATE: October 10, 2017
SUBJECT: Application #3085, Application for a Preliminary Plat in a Planned Unit Development (PUD)

I. Requested Action & Purpose: This quasi-judicial request is for approval of the preliminary plat in the Planned Unit Development (PUD) zoning district for Surfview PUD.

II. Location and Legal Description: 1.01 +/- acres located on the East side of North Oceanshore Boulevard (a/k/a State Road A1A), formerly part of the Matanzas Shores Development of Regional Impact (DRI); Parcel: 37-10-31-1550-00000-0153.

III. Owner and Applicant/Agent:
Owners: Robert J. Falconetti and Diane D. Falconetti, husband and wife, and John J. Falconetti and Robert John Falconetti
Agent: Ken Atlee, Duval Realty Trust, LLC; and Matt Lahti, P.E., Gulfstream Design Group, LLC

IV. Existing Zoning and Future Land Use Classification:
Zoning: PUD (Planned Unit Development) District
Future Land Use: Mixed Use: Low Intensity

V. Future Land Use Map Classification/Zoning of Surrounding Land:
North: Mixed Use: Low Intensity / PUD (Planned Unit Development) District
East: Mixed Use: Low Intensity / PUD (Planned Unit Development) District
South: Mixed Use: Low Intensity / PUD (Planned Unit Development) District
West: State Road A1A; Mixed Use: Low Intensity / PUD (Planned Unit Development) District

VI. Land Development Code Sections Affected: Land Development Code Section 4.05.02, Preliminary plat and construction plan review.

VII. Report in Brief: On July 5, 2017, Gulfstream Design Group, on behalf of the parcel owner, the Falconettis, submitted an application for Preliminary Plat approval in a PUD for the development of a 5-lot single family residential
A subdivision on approximately 1.01 acres to be known as Surfview at Matanzas Shores. Accompanying the two sheet preliminary plat is the six sheet construction plan package (not including a one page survey), both of which are subject to review and approval by the Board of County Commissioners.

The proposed Surfview at Matanzas Shores subdivision is located on the Business Office/Commercial site previously designated through the Matanzas Shores Development of Regional Impact. The smallest lot is 0.15 +/- acres (6,520 s.f.) in size (Lot 2), while the largest is 0.24 +/- acres (10,612 s.f.) in size (Lot 5).

Ultimately, approval of the preliminary plat by the Board of County Commissioners cannot occur until the PUD is approved by the Board.

The applicant met with the Technical Review Committee on July 19, 2017 and on August 16, 2017. All staff comments have been satisfactorily addressed by the applicant in advance of the Planning and Development Board meeting.

Public notice has been provided for this application according to LDC Section 2.07.00. No comments have been received for this application request as a result of the public notice.

VIII. Staff Analysis:

Lots
Five lots are depicted, with frontage along North Oceanshore, but direct access prohibited through a five-foot wide non-vehicular access easement. Each lot abuts at their rear lot lines the Scrub Jay parcel, which was set aside as part of the Matanzas Shores DRI.

Easements
Access, drainage, and utilities are provided to each lot through a 20-foot wide easement running along the West portion of each lot, while an additional 10-foot wide utility easement is depicted adjoining the East easement line of the access easement.

Stormwater
Design will meet St. Johns River Water Management District requirements and maintenance responsibility will be assumed by the Matanzas Shores Owners Association, Inc.

The preliminary plat generally meets the applicable requirements and is consistent with accompanying PUD Site Development Plan.
IX. **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.

X. **Staff Recommendation:** Staff recommends that the Planning and Development Board recommend to the Board of County Commissioners approval of Application #3085, Preliminary Plat for Surfview at Matanzas Shores, finding that the proposed preliminary plat is consistent with Chapter 177 of Florida Statutes, the Flagler County Comprehensive Plan, the Flagler County Land Development Code, and the Surfview PUD, subject to satisfaction of outstanding Development Engineering comments and approval of construction plans.

XI. **Suggested Adoption Language:** The Planning and Development Board recommends to the Board of County Commissioners approval of Application #3085, Preliminary Plat for Surfview at Matanzas Shores, finding that the proposed preliminary plat is consistent with Chapter 177 of Florida Statutes, the Flagler County Comprehensive Plan, the Flagler County Land Development Code, and the Surfview PUD, subject to satisfaction of outstanding Development Engineering comments and approval of construction plans.

**Attachments**

1. Notification map and list
2. Application and supporting documents
3. Preliminary Plat
4. Construction Plans
MAP SERIES
Property Appraiser Aerial
Future Land Use Map
Official Zoning Map
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#3085 Surfview Preliminary Plat

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I hereby affirm mailed notice to each owner on September 20, 2017 for the Planning & Development Board meeting on October 10, 2017 at 6:00 pm

Wendy Hickey, Planner

Hasler
09/20/2017
US POSTAGE
$00.00
ZIP 32110
011D11646866
# Application for Preliminary Plat

**Flagler County, Florida**  
1769 E. Moody Blvd, Suite 105  
Bunnell, FL 32110  
Telephone: (386) 313-4009 Fax: (386) 313-4109

**Application/Project #: 3085/201707001**

## Property Owner(s)

<table>
<thead>
<tr>
<th>Name(s):</th>
<th>Ken Atlee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>5851 Timuquana Rd</td>
</tr>
<tr>
<td>City:</td>
<td>Jacksonville</td>
</tr>
<tr>
<td>State:</td>
<td>FL</td>
</tr>
<tr>
<td>Zip:</td>
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</tr>
<tr>
<td>Email:</td>
<td><a href="mailto:ken@atleegroup.net">ken@atleegroup.net</a></td>
</tr>
<tr>
<td>Telephone #:</td>
<td>904-838-9342</td>
</tr>
<tr>
<td>Fax #:</td>
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## Applicant/Agent

<table>
<thead>
<tr>
<th>Name(s):</th>
<th>Gulfstream Design Group, LLC / Matthew H. Lahti, P.E.</th>
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</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>906 Anastasia Blvd Suite A</td>
</tr>
<tr>
<td>City:</td>
<td>St. Augustine</td>
</tr>
<tr>
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<td>FL</td>
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<tr>
<td>Zip:</td>
<td>32080</td>
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<tr>
<td>Email:</td>
<td><a href="mailto:matt@gulfstreamdesign.com">matt@gulfstreamdesign.com</a></td>
</tr>
<tr>
<td>Telephone #:</td>
<td>904-794-4231</td>
</tr>
<tr>
<td>Fax #:</td>
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## Site Location (Street Address)

SR A1A and Surfview Drive

## Legal Description (briefly describe, do not use “see attached”)

Parcel #: 37-10-31-1550-00000-0153

## Subject Property

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<th>Parcel Size:</th>
<th>1.01 Acres</th>
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<td>Current Zoning Classification:</td>
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<td>Current Future Land Use Designation:</td>
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<tr>
<td>Subject to A1A Scenic Corridor IDO?:</td>
<td>YES [X]</td>
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## Purpose of Submission / Project Data:

Construction of a 5 lot single family subdivision.

**7/5/2017**

**Official Use Only**

## Planning Board Recommendation/Action:

- *Approved with conditions, see attached.*

## Board of County Commissioners Action:

- *Approved with conditions, see attached.*

**Signature of Owner(s) or Applicant/Agent:**  
(If Owner Authorization form attached)

**Signature of Chairman:**  
(approved with conditions, see attached.)

**Date:**

**Signature of Chairman:**  
(approved with conditions, see attached.)

**Date:**
AGENT AUTHORIZATION

GDG #: 17-038
Project: Surfview / Falconetti Ocean Front Parcel

To Whom It May Concern:

Please be advised that Gulfstream Design Group, LLC / Matthew H. Lahti, P.E. is hereby authorized to act on behalf of Ken Atlee, for and with all regulatory agencies (SJWRMD, FDEP, FDOT, ETC.), as well as City of Palm Coast / Flagler County departments and their respective personnel, in an effort to receive all governmental approvals and permits necessary for the construction and development of property located at SR A1A and Survie Drive, Palm Coast, Florida.

By: ___________________________ Date: ______________________
(Name) Kenyon S. Atlee, Member

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 29th day of June, 2017, by Kenyon S. Atlee. He is personally known to me OR has produced __________________________ as identification and did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 29th day of June, 2017.

Notary Public

My commission expires: ________________________
July 5, 2017

Flagler County
1769 E. Moody Blvd. Suite 105
Bunnell, FL 32110

Re: Surfview
GDG: #17-038
Preliminary Plat Application

To Whom It May Concern:

Please find the following documents in support of our Application for Preliminary Plat for the Surfview project located on N. Ocean Shore Blvd in Flagler County, Florida:

- One (1) Application for Preliminary Plat
- One (1) Owners Authorization
- Fifteen (15) Sets of Plans (Signed and Sealed)
- One (1) Fee in amount of $2,890.00 (Check #1368)

If you have any questions or need additional information at this time, please do not hesitate to contact me via email: kyler@gulfstreamdesign.com.

Sincerely,

Kyler Mazur
Project Administrator
Gulfstream Design Group

 RECEIVED  

MHL/kcm
Cc: John Kiddy
    Matthew H. Lahti, P.E.
    file

Civil Site Design  Permitting  1  Land Development  Consulting
## APPLICATION FOR PRELIMINARY PLAT

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<td>#3085/2017070008</td>
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<td>Based on Number of Acres:</td>
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<td>Roadway Fee based on Miles:</td>
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<td><strong>only add $100 if located in A1A Scenic Corridor</strong></td>
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Sub Total: **$1,800.00**

*Plus cost of newspaper ad(s) and postage*

## Subdivision Construction Plans Review Fees due at TRC Meeting

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Sub Total: **$1,090.00**

TOTAL FEE: **$2,890.00**

## Subdivision Construction Inspection Fees due at Land Development Permit

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Sub Total: **$500.00**

Final Inspection **$500.00**

Total Const Insp Fees **$1,000.00**

Less credit **$4,388.40**

Total amount Due **$(3,388.40)**
May 26, 2017

Flagler County
1769 E. Moody Blvd, Suite 105
Bunnell, FL 32110

Dear Ms. Pay:

On behalf of my clients, Robert J, Diane D, John J, and Robert John Falconetti, please find enclosed the following information in response to additional information requested from comments dated August 1, 2017:

- One (1) Submittal Cover Letter
- Ten (10) Sets of signed and sealed plans

Reviewing Department: Planning Department

1. Forward-looking comment: performance bond will be needed for setting PRMs and PCPs based on Surveyor's Certificate.

   *GDG: Noted. Final plat will be provided in a future submittal.*

2. Mortgagee's Joinder and Consent should be correct to provide for any specific mortgages recorded in Flagler County. Mortgages should be provided on title search. Last sentence in Joinder references Los Lagos I; please correct

   *GDG: The plat has been revised as requested.*

3. Dedication and Reservation identifies owner as Duval Realty Trust, LLC, a Florida Limited Liability Company, while the Title Certification identifies title as vested to Atlee Development Group, Inc., a Florida Corporation. These should both reference Duval Realty Trust as record owner. Staff acknowledges Atlee Development Group as managing member of Duval Realty Trust: see Owner's Certificate block. However, as of July 14, 2017, ownership of the parcel appears to remain with the Falconettis. When will the conveyance to Duval Realty Trust, LLC, occur?

   *GDG: Plat revised as requested. Conveyance to Duval Realty Trust, LLC will occur prior to final plat.*

4. Please correct "pagees" in the Legal Description, here and on Sheet 2 of the Plat, on the Boundary Survey, and on the Cover Sheet for the Design Plans.

   *GDG: Plat revised as requested.*
5. The variable width non-vehicular access easement does not appear to vary in width in the Design Plans where it is depicted as five feet wide; please correct. Flagler County TRC Comments Page 3 of 7 Pages.

**GDG: The “Variable Width Non-vehicular Access Easement” will be revised to be a “5’ Non-vehicular Access Easement”**.

6. In the Acknowledgement by Flagler County for utility dedications and/or restrictions to the utility (right side of sheet, midway down), the County is not providing any utilities; this Acknowledgement should be revised to reference the County’s five-foot non-vehicular access easement.

**GDG: It has been noted that the county will not be providing and utilities for this project.**

7. Is an Acknowledgement from the master association, the Matanzas Shores Owners' Association, needed for stormwater and sanitary sewer? Plat -- Sheet 2 of 2

**GDG: Yes, an acknowledgement from the master association, the Matanzas Shores Owners’ Home Owner’s Association, for the use of the stormwater and sanitary sewer will be provided.**

8. Plat sketch should match legal description by including Point of Reference and adding the label to the sketch for the Point of Beginning.

**GDG: Plat revised as requested.**

9. In plat sketch, add bold for font in label for last call, N 21 degrees 17 minutes 09 seconds East 125.87 feet.

**GDG: Plat revised as requested.**

10. In plat sketch, provide the width of the non-vehicular access easement (based on the Design Plans, the width is five feet).

**GDG: Plat revised as requested.**

11. In plat sketch, the Access & Utility Easement is labeled as having a 20 foot width, but at its North terminus at Lot 1 this width appears to be 10 feet. Should this easement be labeled as varying in width or similar?

**GDG: The plat has been revised to specify the “20’ Access & Utility Easement” as being a “Varying Width Access and Utility Easement”**.

12. According to the line table, line L4 is 11.60 feet in length, but within the Design Plans, this width appears to be 10 feet. Is this sufficient width for access? The County’s typical minimum driveway width is 14 feet. Please correct any discrepancies.
GDG: The plans have been revised to provide a 14' wide driveway width at its terminus into Lot 1.


GDG: Yes, the Access and Utility Easement has been revised to include drainage.

14. In sketch, correct spelling of "enterance."

GDG: Plat revised as requested.

15. In sketch, existing electrical lines and telephone lines are shown outside of proposed platted easements, on the West side of proposed Lot 5 and adjacent to SR A1A along the West side of Lots 1 through 5; will easements be provided?

GDG: Yes, an easement has been added to the plans for this area. The easement will include Drainage, Access, Signage, Maintenance and Utilities for the City of Palm Coast, FPL, the Matanzas Shores HOA, the Surfview Estates HOA and Flagler County.

16. In sketch, the existing entrance sign and landscaping are within the limits of proposed Lot 5; will a sign and landscape easement by provided to the responsible entity for ownership and maintenance of the sign and landscaping?

GDG: Yes, an easement has been added to the plans for this area. The easement will include Drainage, Access, Signage, Maintenance and Utilities for the City of Palm Coast, FPL, the Matanzas Shores HOA, the Surfview Estates HOA and Flagler County.

Reviewing Department: Development Engineering

1. The Applicant is to provide technically complete and approved Site Development Plans that comply with the Land Development Code. Existing elevations and proposed grading must be included within the plan. A Plat and associated Plat documents (Engineers Estimate of Cost to Construct, Surety Bonds, Maintenance Bond) have to or may have to be submitted.

GDG: Opinion of probable cost included with resubmittal.

2. Once all of the comments have been resolved, submit three (3) sets of complete signed and Flagler County TRC Comments Page 4 of 7.

GDG: This has been provided with this submittal.

3. Pages sealed Site Development Plans, if more than one copy of the approved plan is desired furnish additional copies.
GDG: Three (3) sets of plans have been included with the resubmittal.

4. Re submission fees and Right of Way Utilization fees will be charged pursuant to the Flagler County Fee Schedule. The cost associated with the Reviewing Survey are to be paid by the applicant. Proof of the payment of all fee's and Real Estate Taxes must be provided.

GDG: Noted. Please invoice Duval Realty Trust, LLC.

5. An Attorney's Opinion of Title must be furnished prior to Preliminary and Final Plat Approval.

GDG: Included with submittal.

6. Prior to submittal of Final Plat documents, they must be reviewed and approved by a reviewing surveyor under contract with the County. This project will be assigned to Robert M. Angas Associates as reviewing surveyor. Prior to the submittal of Final plat documents the applicant should contact the reviewing surveyor regarding the documents required for their review.

Contact information is as follows:

14785 Old St Augustine Rd, Jacksonville, FL 32258

GDG: Noted. Upon completion of construction, the final PLAT will be provided.

7. Prior to project completion approval and issuance of a Certificate of Occupancy an "AS-BUILT" survey and an Engineer's Certification of Completion must be provided.

GDG: Noted.

8. All provisions of the Flagler County Code must be adhered to. The notes used on the Plat must comply with the Public Works Manual. The Plat must be in the State Plane Coordinate system with ties to two control monuments. The location of driveways must be in accordance with the County's Right of Access Management Ordinance. A separate Site Plan will be required as part of building permit application. Turn lanes and/or deceleration tapers may be required for site entrances.

GDG: Noted.

Construction Plans:

Cover Sheet 1.1:

1. The Owner labeled as Atlee Development Group, LLC; please correct to Duval Realty Group, LLC. [Note: Ownership presently is listed as Falconettis in the Property Appraiser records.]
2. Cable is: Spectrum 2323 N. State St., Bunnell, Florida 32110
   Telephone is: ATT 900 N. Nova Road, STE 100A, Daytona Beach, Florida 32117.

   **GDG: Revised as requested.**

**General Notes Sheet 2.1:**

3. Overall Site Geometry Notes
   a. Note 1: Remove the reference to St. Johns County in the first line.

   **GDG: Return as Requested.**

4. Paving, Grading and Drainage Plan Notes:
   a. Note 12 references St. Johns County. Please correct “Count” in the first sentence of Note 12 to “County."

   **GDG: Return as Requested.**

   b. There is also reference to Flagler County LDC 6.04.02C, Section 6.04.02 of the Flagler County LDC refers to the Definition portion of Floodplain Management. Please clarify.

   **GDG: Reference Removal.**

   c. In the last paragraph, add " and FDOT to what will not be accepted by Flagler County and the FDOT.

   **GDG: Return as Requested.**

   d. In the last sentence of the paragraph, remove "County Engineer and Chief Engineer for Development Services" and replace with Flagler County Development Engineer and FDOT.

   **GDG: Return as Requested.**

5. Note 13 replace reference to “St. Johns County Standards” to “City of Palm Coast and Mantanzas Shores HOA”, or “Utility Providers”.

   **GDG: Noted. Return as Requested.**

6. Note 17 - I believe that you are referencing HDPE in Lieu of HOE.

   **GDG: Correct. Plans revised.**

**GDG: Revised as requested.**

7. Overall Utility Notes:
   Civil Site Design   Permitting   Land Development   Consulting
a. Note 2 verify that the Matanzas Shores HOA utilizes the Palm Coast Waste Water standards, revise the note if needed.

GDG: Coordination efforts are currently underway.

b. Note 3 Remove the reference to "St Johns County Development Review Committee" and reference "Flagler County Central Permitting".

GDG: Removed for plans.

Existing Conditions/Demolition / Erosion Sheet 3.2:

8. Flagler County Land Development Code requires vertical Datum to be in NGVD.

GDG: Noted. A conversion has been provided on the plans where applicable.

9. SMH 3 appears to be new but on the grading plan it appears that it is existing, clarify.

GDG: SMH 3 is new.

Site Utility Plan Sheet 4.1:

10. The non-vehicular access easement is shown on this sheet as five (5) FT. Plat sheet 2 calls out the easement but does not show a dimension, but scales to ten(10) ft. Clarify.

GDG: 5’ is the new access easement.

11. Please provide the paver driveway detail as indicated in the Keynotes as 4-1.

GDG: Detail provided on sheet 6.1.

12. The existing FH indicated as 6-2, appears too light on the sheet. Please clearly show the existing FH and its proximity to the proposed subdivision.

GDG: The sheets have been revised to more clearly depict the existing hydrant.

13. The minimum sewer size is 8” as indicated in the details, the plan view calls out 6”, please clarify.

GDG: 6” PVC service 8” gravity main.

14. Indicate on the plan how the connection will be made to the existing watermain. Flagler County TRC Comments Page 6 of 7 Pages

GDG: Detail shown on sheet 6.1.
15. What will be placed at the terminus end of the watermain.

   **GDG: Blow off R hydrant.**

16. The proposed SMH #3 will be placed where there is existing pavement. Please provide details of the pavement repair/resurfacing and a maintenance of traffic plan.

   **GDG: A detail has been added to the plans showing how this work is to be performed.**

17. How will irrigation be handled? Paving and grading sheet 5.1

   **GDG: An Irrigation stub-outs from the water main have been provided with the potable services.**

18. Graphic scale at 1"=20' does not appear correct. Scale of sketch appears to match 1"=30' on Sheet 4.1. Please verify and correct as needed.

   **GDG: 1:30 is correct scale.**

19. Add elevations in NGVD 1929.

   **GDG: FFE shown in NGVD 29.**

20. Clarify how the grading on the driveway is intended and where the runoff is to be directed. It would be helpful if the driveway detail would be put on this sheet as well as sheet 4.1.

   **GDG: A more detailed grading plan has been included with this submittal showing the flow path of the stormwater.**

21. Provide complete grading of the lots on this sheet. If side yard swales are proposed, will there be drainage easements along the lot lines? Runoff from the residential units must be directed to the front of the homes and into the existing drainage system. Please provide additional information that specifically depicts this on the plan.

   **GDG: Stemwall/ Piling construction proposal**

22. Is the reason the FF El. on Lot 5 is higher than the other is due to the existing grades on the Lot? Detail Sheet 6.1

   **GDG: Correct. Minimize earthwork.**

23. The water Meter label includes "Water meter per SJC standards", this should be revised to "City of Palm Coast standards" and confirm that the meter is consistent with the City standards.

   **GDG: The meter detail has been updated to the City of Palm Coast Meter detail.**
24. Standard Sanitary MH for Pipes 8" - 21" detail is provided. Plan view calls out for 6" PVC. Please indicate the standard that allows the 6" line for a public gravity sewer.

**GDG: The gravity main has been revised to an 8” line.**

25. Provide City of Palm Coast utility notes and any details that would need revised.

**GDG: The City of Palm Coast Utility Notes and details have been provided.**

26. Provide a detail for the connection to the existing SMH.

**GDG: Stub provided**

27. Further comments may be provided upon subsequent submittals.

**GDG: It is understood that more comments may follow.**

**Reviewing Department: Fire Inspector**

1. Fire hydrant on the corner of surfview and the entrance to their property.

**GDG: The existing hydrant has been added to the plans.**

2. House’s need to be sprinkled. Due to reduced access to the property.

**GDG: The requirement for sprinklers in the residential units has been noted on the plans.**

If you have any additional questions or require additional information, please do not hesitate to email me at matt@gulfstreamdesign.com.

Sincerely,

Matthew H. Lahti, P.E.
President
Gulfstream Design Group, LLC
SURFVIEW AT MATANZAS SHORES
A REPLET OF A PORTION OF THE SUBDIVISION PLAT SECTION 88, PALM COAST, AS RECORDED IN MAP BOOK 26, PAGES 4 & 5, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, LOCATED IN GOVERNMENT SECTION 38, TOWNSHIP 10 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA

DEDICATION AND RESERVATION
NOW ALL AND BY THESE PRESENTS THAT JORGE R. B. REYES, A FLORIDA LIMITED LIABILITY CORPORATION, hereafter referred to as "Lender", and JORGE R. B. REYES, a Florida Corporation, hereafter referred to as "Borrower", being the persons who made dedication or reservation of the property herein described, do hereby dedicated or reserve unto the State of Florida County, for the use and purpose of public parks, recreation areas, or similar uses as herein provided.

LEGAL DESCRIPTION
A PART OF THE LAND IN GOVERNMENT SECTION 38, TOWNSHIP 10 SOUTH, RANGE 31 EAST, BEING A PORTION OF THE SUBDIVISION PLAT SECTION 88, PALM COAST, AS RECORDED IN MAP BOOK 26, PAGES 4 & 5, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

STATE OF FLORIDA, COUNTY OF FLAGLER
A. A REPLET OF A PORTION OF THE SUBDIVISION PLAT SECTION 88, PALM COAST, AS RECORDED IN MAP BOOK 26, PAGES 4 & 5, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, LOCATED IN GOVERNMENT SECTION 38, TOWNSHIP 10 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA

ACKNOWLEDGEMENT - FLAGLER COUNTY BOARD OF COMMISSIONERS - STATE OF FLORIDA - COUNTY OF FLAGLER
LARRY ADAMS, a citizen of the State of Florida, does hereby accept the dedication of the herein described real property as a public park. Dated this 1st day of January, 2017.

ACCEPTANCE OF RESERVATIONS - MAINTAINING SHORES PROPERTY OWNERS ASSOCIATION, INC. - STATE OF FLORIDA - COUNTY OF FLAGLER
Surfview at Matanzas Shores Property Owners Association, Inc. hereby accepts the dedication and/or reservations to the State of Florida as recorded herein and hereby accepts the maintenance obligations for the State of Florida.

ACCEPTANCE OF RESERVATIONS - FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION - STATE OF FLORIDA - COUNTY OF FLAGLER
The Florida Department of Environmental Protection hereby accepts the dedication and/or reservations to the State of Florida as recorded herein and hereby accepts the maintenance obligations for the State of Florida.

JURISDICTION AND CONSENT
The undersigned, a Florida limited liability corporation, hereby consents to the jurisdiction of the Circuit Court of Flagler County, Florida, for the purpose of determining the validity and enforceability of any mortgages, judgments, liens, or other encumbrances upon the real property hereby described and for all matters relating thereto.

WITNESSES:

MORTGAGED:

CERTIFICATE OF REVIEW
This certificate of review is made in accordance with the provisions of section 68-20, Revised Florida Statutes, and Chapter 177, Florida Statutes, and the rules and regulations of the Florida Department of Environmental Protection, and is issued in connection with the recording of the foregoing document in the public records of the State of Florida, County of Flagler.

KENNETH J. JUHA, P.G.S., FLORIDA PROFESSIONAL SURVEYOR AND MAPPER CERTIFICATE NO. JH001108

ATTEST:

STATE OF FLORIDA, COUNTY OF.FLAGLER
BEFORE ME, an officer duly authorized to administer oaths in the State of Florida, personally appeared

who, being first duly sworn, deposited with me all the instruments in my possession which are referred to in the foregoing reference and who, being duly sworn, deposited the same for safekeeping, to wit:

KISHAN SURVEYING AND MAPPLNE, INC.
771 SOUTHERN OAKS DRIVE, MOUNT DORA, FL. 32757
904-363-1010    321-832-2221
ISD: 01-2011    ISS: 02-2011
ISSUE DATE: JUNE 2016
PUBLISHED: JUNE 2016

RECEIVED

JUNE 22, 2016

SHIET 1 OF 2
DESIGN PLANS FOR
SURFVIEW AT MATANZAS SHORES
FLAGLER COUNTY, FLORIDA

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LEGAL DESCRIPTION:

A Plat of Location of the proposed Surfview at Matanzas Shores Subdivision, located in Flagler County, Florida, is attached hereto. The Plat is subject to all applicable laws of the State of Florida, the United States Federal Government, and Flagler County, Florida. The Plat includes all easements, rights of way, and other restrictive covenants that apply to the property depicted on the Plat. The Plat is intended to be used as a reference for the location of the property and is not intended to replace any legal description. The Plat is for informational purposes only and does not constitute an offer to sell or lease any property.
7.1 Site Layout Plan Notes:
1. All dimensions to the face of pavement utilizes otherwise noted
2. Existing utility location map to be on front of surveyor's signature page
3. All dimensions are based on DIA in feet and decimals
4. grids assigned to the project area are to be left undefined unless noted otherwise on the construction documents.
5. It shall be the responsibility of the contractor to have all protective vegetation temporarily removed prior to commencement of construction. The contractor shall be responsible for the removal of protective vegetation at completion of construction. Protective vegetation shall be removed at the contractor's own expense. Further, it shall be the responsibility of the contractor to maintain all erosion control devices that are to be installed as a part of the project. Maintenance shall include periodic inspection and removal of debris about erosion control devices.
6. Prior to the installation of any fuel tanks, wooden objects shall be inspected for fire hazard. All fuel tanks shall be installed in accordance with the National Fuel Gas Code, ANSI Z223.1-1984.
7. The removal of all vegetation and topsoil on the property hereinafter, parking and building lot area and as required to be removed prior to the placement on all on the areas. The topsoil may be temporarily stockpiled and used as topsoil over proposed open areas such as plant beds, sidewalks and areas where topsoil is stockpiled or placed.
8. All fuel storage located beneath structures and pavement tanks shall consist of concrete or similar materials that shall comply with all applicable codes and standards. All water tanks shall be placed in unused fire lids and concrete to the approximate depth.
9. Prior to site excavation, it shall be required to be removed and replaced with a suitable material that is properly filled, compacted, and tested using ASTM I-200, compacted to a density of 95%
10. All existing fauna, exotic species shall be removed from site prior to planning for the site layout.
11. The contractor is required to provide the specifications for the detection of exotic species.
12. The contractor shall be responsible for all debris removal and disposal of site layout plans prior to the site being placed.
13. Site surveys to be included in the drawings. Unofficial representation of clearing limits and site fence is designated for permanent, purposes only.
14. Site surveys to be placed at the perimeter of the entire site to be cleared.
15. The contractor is responsible for all survey and site completion during the site layout. Copy of all site surveys to be provided to the owner with all necessary pay requests.

GROUND GEOMETRY NOTES:
1. All construction shall be in accordance with the Florida county land development code, the US department of the interior, land management, and the FDOT
2. Paving and site work shall be in accordance with Florida road and traffic design standards and shall be based on grade in accordance with Florida elevation limits. 
3. The contractor shall be responsible for locating and identifying all utilities unseen or not shown on plans prior to commencement of construction. The contractor shall be responsible for protecting and coordinating the relocation of existing utilities. This shall include all utilities seen on plans and not shown on plans.
4. Where new or other changeable material is used, it shall be replaced by building quality materials.
5. The contractor shall be responsible for the site work and all other items that are part of the site work.
6. The contractor shall be responsible for all site work and all other items that are part of the site work.
7. The contractor shall be responsible for the site work and all other items that are part of the site work.
8. The contractor shall be responsible for the site work and all other items that are part of the site work.
9. The contractor shall be responsible for the site work and all other items that are part of the site work.
10. The contractor shall be responsible for the site work and all other items that are part of the site work.

FLORIDA, GRADES, AND DRAINAGE PLAN NOTES:
1. Pin lines using known grade points to delineate between centroids of drainage structures.
2. Existing coordination grade points to delineate between centroids of drainage structures.
3. All concrete pin points to be marked with a wide "X" of equal size.
4. All previously grading drainage structures and site work were otherwise noted.
5. All concrete pin points to be marked with a wide "X" of equal size.
6. All construction shall be in accordance with the Florida county land development code, the US department of the interior, land management, and the FDOT.
7. The contractor shall be responsible for all necessary survey work and all other items that are part of the site work.
8. The contractor shall be responsible for the site work and all other items that are part of the site work.
9. The contractor shall be responsible for the site work and all other items that are part of the site work.
10. The contractor shall be responsible for the site work and all other items that are part of the site work.

SYMMETRY AND REVIEW PLAN NOTES:
1. The storm drainage system shall be free of debris, sand, and debris prior to final acceptance.
2. Membrane and/or concrete structure shall be cut to fit into the existing structure.
3. These noted sections shall be cut to fit into the existing structure.
4. The contractor shall be responsible for obtaining an independent geotechnical studies report.
5. The storm drainage system shall be free of debris, sand, and debris prior to final acceptance.
6. All construction shall be in accordance with the Florida county land development code, the US department of the interior, land management, and the FDOT.
7. The contractor shall be responsible for all necessary survey work and all other items that are part of the site work.
8. The contractor shall be responsible for the site work and all other items that are part of the site work.
9. The contractor shall be responsible for the site work and all other items that are part of the site work.
10. The contractor shall be responsible for the site work and all other items that are part of the site work.
Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. Any questions regarding any of the comments should be addressed to the department providing the comment.

Flagler County Building Department  386-313-4002
Flagler County Planning Department  386-313-4009
Flagler County Development Engineering  386-313-4082
Flagler County General Services (Utilities)  386-313-4184
County Attorney  386-313-4005
Flagler County Fire Services  386-313-4258
E-911 GIS Specialist  386-313-4274
Environmental Health Department  386-437-7358
Flagler County School Board  386-586-2386
**REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING**

Standard Comments for Preliminary Plat/ PUD submittal, for informational and future use:

The Applicant is to provide technically complete and approved Site Development Plans that comply with the Land Development Code. Existing elevations and proposed grading must be included within the plan. A Plat and associated Plat documents (Engineers Estimate of Cost to Construct, Surety Bonds, Maintenance Bond) have to or may have to be submitted.

Once all of the comments have been resolved, submit three (3) sets of complete signed and sealed Site Development Plans, if more then one copy of the approved plan is desired furnish additional copies. Re submission fees and Right of Way Utilization fees will be charged pursuant to the Flagler County Fee Schedule. The cost associated with the Reviewing Survey are to be paid by the applicant.

Proof of the payment of all fee’s and Real Estate Taxes must be provided.

An Attorney's Opinion of Title must be furnished prior to Preliminary and Final Plat Approval.

Prior to submittal of Final Plat documents, they must be reviewed and approved by a reviewing surveyor under contract with the County. This project will be assigned to Robert M. Angas Associates as reviewing surveyor. Prior to the the submittal of Final plat documents the applicant should contact the reviewing surveyor regarding the documents required for their review.

Contact information is as follows:
14785 Old St Augustine Rd, Jacksonville, FL 32258

Prior to project completion approval and issuance of a Certificate of Occupancy an "AS-BUILT" survey and an Engineer's Certification of Completion must be provided.

All provisions of the Flagler County Code must be adhered to. The notes used on the Plat must comply with the Public Works Manual. The Plat must be in the State Plane Coordinate system with ties to two control monuments. The location of driveways must be in accordance with the County's Right of Access Management Ordinance. A separate Site Plan will be required as part of building permit application. Turn lanes and/or deceleration tapers may be required for site entrances.

Construction Plans:
General Notes Sheet 2.1:

Paving, Grading and Drainage Plan Notes:
1. Note 12 remove the last sentence.

Existing Conditions/Demolition / Erosion Sheet 3.1:

2. Provide a soil tracking prevention device at the entrance, reference FDOT standard index 106. Indicate the location on the plans.

3. Flagler County Land Development Code requires vertical Datum to be in NGVD, please revise all elevations to NGVD datum.

4. Please note the complete removal of the northern most run of existing sanitary sewer.

Site Utility Plan Sheet 4.1:

5. It is understood that San. MH #3 is proposed; will it be constructed on 55 LF of the existing line that is there or new gravity main? Please clarify on the plans.

6. Please depict the specific limits of the removal / repair of the existing asphalt pavement at the entrance to the site and on Seaview Dr. Also, thank you for the open cut detail, please provide a MOT plans to handle the traffic during construction.

7. Provide all elevations in NGVD Datum.

8. What type of BFP device will be required on the irrigation service.

Paving and Grading Plan Sheet 5.1

9. Provide a cross section of the driveway. Please clarify how the yard drains will convey the runoff to the existing stormwater system. Indicate how the existing inlet on the north side of the Seaview Drive is connected to the existing stormwater system.

10. Provide a spot grades as necessary to fully depict how the lots will be graded to convey all of the runoff to the front of the homes and the driveway will drain.

11. Where is section B-B located?

12. Provide a detail / notes on how the HDPE stormdrain will connect to the existing Inlet.

13. There are flow arrows that indicate the there will be some runoff that will discharge offsite at the D/W by Lot 1. Please indicate on the plans how this runoff is conveyed into the existing system.

Detail Sheet 6.1

14. The minimum concrete base thickness for a paver driveway is 4“, please revise the detail as necessary.

15. Provide a detail for the connection of the sanitary sewer main to the existing sanitary
manhole.

16. Further comments may be provided upon subsequent submittals.

REVIEWING DEPARTMENT: FIRE INSPECTOR
No comments at this time.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT
No comments at this time.

REVIEWING DEPARTMENT: COUNTY ATTORNEY
No comments at this time.
Flagler County Government  
Planning and Zoning Department  
Staff Report

TO: Chairman and Planning Board Members
FROM: Planning and Zoning Department
DATE: October 10, 2017
SUBJECT: Application #3082, Site Development Plan (SDP) Review in a Planned Unit Development (PUD)

I. Requested Action & Purpose: This quasi-judicial request is for approval of a Site Development Plan in the Planned Unit Development (PUD) zoning district for the Los Lagos PUD.

II. Location and Legal Description: 23.3+/- acres located on the West side of North Oceanshore Boulevard (a/k/a State Road A1A), formerly part of the Matanzas Shores Development of Regional Impact (DRI); Parcel Numbers: 37-10-31-1550-00000-0151 and 37-10-31-1550-00000-0155.

III. Owner and Applicant/Agent:
Owners: LR5A-JV, LP
Agent: Ken Atlee, Duval Realty Trust, LLC; and Brett Witte, P.E., Singhofen & Associates, Inc.

IV. Existing Zoning and Future Land Use Classification:
Zoning: PUD (Planned Unit Development) District
Future Land Use: Mixed Use: Low Intensity

V. Future Land Use Map Classification/Zoning of Surrounding Land:
North: Beach Haven PUD; Mixed Use: Low Intensity / PUD (Planned Unit Development) District
East: North Oceanshore Boulevard; Mixed Use: Low Intensity / PUD (Planned Unit Development) District
South: Mixed Use: Low Intensity / PUD (Planned Unit Development) District
West: Matanzas Shores sewage treatment package plant; Mixed Use: Low Intensity / PUD (Planned Unit Development) District

VI. Land Development Code Sections Affected: Land Development Code Section 2.02.05(2): “The Planning Board shall review and act upon applications for development review pursuant to the County Land Development Code and other applicable county ordinances.”
VII. **Report in Brief:** Singhofen & Associates, on behalf of the parcel owner, LR5A-JV, LP, submitted an application for Site Development Plan approval in a PUD for the development of a 88-lot single family residential subdivision on approximately 23.3 acres to be known as Los Lagos. If approved, the Site Development Plan will ultimately be adopted by ordinance by the Board of County Commissioners.

The proposed Los Lagos subdivision is located on former Cluster 5 designated through the Matanzas Shores Development of Regional Impact. This Cluster consisted of 23 residential acres with a maximum allowed dwelling unit count of 320 units, identified as a “Cloverleaf Design Condominium Units in Two (2) 5 Story Buildings with a 9 Hole Golf Course” with a density range of 12-20 units and a cluster density identified as 13.7 units per acre (and an overall density within the DRI of 5.2 units per acre). As proposed, the 88 lots on 23.3 acres corresponds to a density of 3.78 units per acre. It should be noted that the Mixed Use: Low Intensity, Low to Medium Density Future Land Use designation permits a maximum density of 7 units per acre (Policy A.1.1.3(2)(a), Flagler County 2010-2035 Comprehensive Plan). Cluster 5 was additionally identified with a 5 story maximum building height.

This project adjoins the Beach Haven subdivision along its North boundary, which is an approved single-family subdivision.

A rezoning to PUD (Planned Unit Development) was unnecessary since the adoption of the Matanzas Shores DRI through Resolution No. 85-2, as adopted on February 21, 1985.

Subsequent development within Matanzas Shores proceeded following the established review procedures for successive plats; this development is no different in this approach, requiring review and approval prior to ultimate platting.

The applicant met with the Technical Review Committee on July 19, 2017 and on August 16, 2017. All staff comments have been satisfactorily addressed by the applicant in advance of the Planning and Development Board meeting.

The Scenic A1A PRIDE Committee reviewed this request at their August 25, 2017 regular meeting. The Committee issued a comment letter (attached) which included the following concerns:

- The height and tight spacing of the three story (over ground level parking) homes backing up to A1A may create a wall effect on both ends of the development.
- New homes will not be consistent with the single story homes they surround.
- Vegetative buffers on the north side (Los Lagos) along A1A were not shown.
- The temporary construction entrance on the north end was not fully determined.
Public notice has been provided for this application according to LDC Section 2.07.00. Public comments have been compiled and are presented within this item’s backup. Along with the public comments, the agent for the applicant, Sidney Ansbacher, Esq., has included a packet supplemental to the applications. For purposes of the Board’s review, please consider both the public comments and the applicant’s comments attached to this item as comments submitted relative to Agenda Items 9 through 13.

VIII. Staff Analysis: The PUD Site Development Plan consists of two sheets received on August 31, 2017.

Site development requirements listed on the PUD Site Development Plan provide for the following requirements:

<table>
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<th>Table of Site Development Requirements</th>
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<tr>
<td>Minimum lot width</td>
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<td>37 feet (except 25 feet for flag lots)</td>
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<td>Minimum lot area</td>
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<td>4,722 s.f.</td>
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<td>Minimum front setback</td>
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<td>20 feet</td>
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<td>Minimum rear setback</td>
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<td>10 feet (except for lots abutting A1A, then 30 feet)</td>
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<td>Minimum side yard setback</td>
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<tr>
<td>5 feet</td>
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<td>Minimum side yard setback (street side)</td>
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<td>20 feet</td>
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<tr>
<td>Maximum building height</td>
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<tr>
<td>Three stories over ground parking</td>
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<tr>
<td>Maximum impervious</td>
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<td>60%</td>
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Access to lots is provided through private roadway tracts, linking directly with San Juan Drive, a private roadway with an existing connection/driveway to North Oceanshore Boulevard. Review of this subdivision will be subject to approval of the driveway connection (for any needed improvements based on the increased trips) by the Florida Department of Transportation.

While it is anticipated that the project will develop as a single phase, the agreement as drafted provides for the development to be completed in multiple phases, provided that all associated infrastructure and emergency access requirements are met for each respective phase. Variances are considered consistent with the LDC’s requirements, with other requirements not specifically mentioned in the Agreement also deferring to the provisions of the LDC.
Stormwater
Stormwater will be provided through curb and gutter and an underground pipe system to retention ponds to be maintained by the respective Los Lagos Property Owners Association, Inc. Design and capacity will meet St. Johns River Water Management District permit requirements.

Roadways
Maintenance of the roadway tracts will also be provided by the respective Los Lagos Property Owners Association, Inc. through the dedication on the plat.

Landscaping
No specific landscaping is proposed; however, a one-foot wide non-vehicular access easement has been provided at the rear (East) lot line of Lots 25 through 39, except for the portion of the Southern Bell easement located within Lot 25.

Signage
Any signage should be described and depicted as part of the platting process. Signs, if provided, may be lighted, and can be no higher than six feet tall with a message area no greater than 32 square feet. All signs will be setback to preserve view angles consistent with the LDC.

Entry Features
Emergency vehicle access will be provided through the looped private roadway tracts connecting to San Juan Drive and in turn connecting to North Oceanshore Boulevard.

Lighting
Street lighting is not anticipated to be provided; if provided, lighting will be required to meet Flagler County Marine Turtle Lighting requirements of the Land Development Code.

Emergency Services
Roadway width will be verified as part of the final plat approval process for meeting County and applicable standards.

Wetlands
No wetlands are present within the boundaries of the subject parcel.

Utilities
Utilities are to be placed within the utility easements dedicated for utility purposes at the time of final plat approval. The City of Palm Coast will provide water and the Matanzas Shores Owners Association will provide wastewater services.
IX. **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.

X. **Staff Recommendation:** Staff recommends that the Planning and Development Board recommend to the Board of County Commissioners approval of Application #3082, Site Development Plan for Los Lagos PUD, finding that the proposed PUD Site Development Plan and PUD Development Agreement are consistent with the Comprehensive Plan and the Flagler County Land Development Code.

XI. **Suggested Adoption Language:** The Planning and Development Board recommends to the Board of County Commissioners approval of Application #3082, Site Development Plan for Los Lagos PUD, finding that the proposed PUD Site Development Plan and PUD Development Agreement are consistent with the Comprehensive Plan and the Flagler County Land Development Code.

**Attachments**
1. Notification map and list
2. Application and supporting documents
3. Draft Ordinance
4. PUD Site Development Plan
5. Public comments
6. Applicant’s comments
MAP SERIES
Property Appraiser Aerial
Future Land Use Map
Official Zoning Map
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<td>SUSAN D MARANO</td>
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<td>Owner 1</td>
<td>Owner 2</td>
<td>Address 1</td>
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<td>LAKESIDE BY THE SEA HOMEOWNERS</td>
<td></td>
<td>P.O. BOX 350808</td>
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I hereby affirm mailed notice to each owner on September 22, 2017 for the Planning & Development Board Meeting on October 10, 2017 at 6 pm

Wendy Hickey, Planner
STATE OF FLORIDA,  
COUNTY OF VOLUSIA

BEFORE THE UNDERSIGNED AUTHORITY PERSONALLY APPEARED

CYNTHIA ANDERSON

who, on oath says that she is ...........................................

LEGAL COORDINATOR

of THE NEWS-JOURNAL, a daily and Sunday newspaper, 
published at Daytona Beach in Volusia County, Florida; the 
attached copy of advertisement, being a 

PUBLIC NOTICE

L 2261778

in the Court, 
was published in said newspaper in the issues ............

SEPTEMBER 22, 2017

AFFIANT FURTHER SAYS THAT THE NEWS-JOURNAL IS A NEWSPAPER 
published at Daytona Beach, in said Volusia County, Florida, 
and that the said newspaper has heretofore been continuously 
published in said Volusia County, Florida, each day and 
Sunday and has been entered as second-class mail matter at 
the post office in Daytona Beach, in said Volusia County, 
Florida, for a period of one year next preceding the first 
publication of the attached copy of advertisement; and affiant 
further says that he has neither paid nor promised any person, 
firm or corporation any discount, rebate, commission or 
refund for the purpose of securing this advertisement for 
publishation in the said newspaper.

GREGG ANDERSON

Sworn to and subscribed before me

This 22ND of SEPTEMBER

A.D. 2017

DEBORAH LYNN KESEY
MORNING UNION, STAFF OF FLORIDA
COMMISSIONER #631376
My Comm. Expires July 15, 2023
Bounded through National Registry Assn.
AN ORDINANCE OF THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS, FLAGLER COUNTY, FLORIDA ADOPTING THE PUD (PLANNED UNIT DEVELOPMENT) DEVELOPMENT AGREEMENT FOR LOS LAGOS; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, LR5A-JV, LP, are the owners of Parcel #37-10-31-1550-00000-0151 and Parcel #37-10-1550-00000-0155, which together total 23.34 acres, more or less, in size as more particularly described in Exhibit “A” attached hereto and made a part hereof; and

WHEREAS, the owners of the above-listed parcel are seeking the approval of this Ordinance creating the Los Lagos Planned Unit Development (PUD); and

WHEREAS, this Ordinance and its attached Exhibits shall serve as the PUD Development Agreement for the Los Lagos PUD; and

WHEREAS, on October 10, 2017, the Planning and Development Board conducted a public hearing on this request and voted to recommend approval; and

WHEREAS, on _______________ ____, 2017, the Flagler County Board of County Commissioners held a public hearing on this request and voted to ______________ the Los Lagos PUD; and

WHEREAS, public notice of this action has been provided in accordance with Section 125.66, Florida Statutes, and Section 2.07.00, Flagler County Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS:

SECTION 1. FINDINGS
A. The Board of County Commissioners, pursuant Section 3.04.02 of the Flagler County Land Development Code, finds as follows:

1. The proposed Los Lagos Planned Unit Development (PUD) does not adversely affect the orderly development of Flagler County and complies with applicable Comprehensive Plan goals, objectives and policies; and

2. The proposed Los Lagos PUD will not adversely affect the health and safety of residents or workers in the area and will not be detrimental to the use of adjacent properties or the general neighborhood.
Section 2.  **ADOPTION OF DEVELOPMENT AGREEMENT**

A.  This Ordinance and its Exhibits attached hereto shall serve as the PUD Development Agreement for the Los Lagos Planned Unit Development (PUD).

B.  The Board of County Commissioners hereby adopts the PUD Development Agreement for the Los Lagos PUD, the boundaries of said PUD as depicted in the legal description included at Exhibit “A” and attached hereto.

C.  Development within the boundaries of the Los Lagos PUD as approved shall take place consistent with the Flagler County Land Development Code as may be modified or amended, this Ordinance, and the PUD Site Development Plan included at Exhibit “B” and attached hereto.  The requirements of this Ordinance supersede any inconsistent provisions of the Flagler County Land Development Code or other ordinances of the County.

D.  Uses within the Los Lagos PUD as herein established shall rely on those uses and requirements listed within the R-1c (Urban single-family residential) district, with the exception of the following dimensional requirements which shall vary from those listed for the R-1c district:

   Minimum lot size: 4,722 square feet  
   Minimum lot width: 37 feet, except for flag lots (Lots 10 and 25) with a minimum lot width of 25 feet measured at right-of-way  
   Minimum front setback: 20 feet  
   Minimum rear setback: 10 feet, except that the minimum rear setback to the A1A right-of-way shall be 30 feet  
   Minimum side setback (interior lot): 5 feet  
   Minimum side setbacks (street side): 20 feet  
   Minimum accessory structure setback: 5 feet  
   Minimum setback for pools, hot tubs, decks, screen rooms, and patios: 5 feet  
   Maximum building height: Three stories over ground level parking  
   Maximum impervious: 60%

E.  The Los Lagos PUD will require final plat approval prior to the sale of individual lots.  The subdivision may be developed in multiple phases.  All infrastructure necessary to support each phase shall be constructed within that phase or sufficient surety provided in the form of a performance bond or other instrument as approved by the County Attorney as a condition of this PUD approval.  Adequate emergency vehicle access and turn-arounds shall be provided at all times.
F. The Finished Floor Elevation for lots shall be a minimum of one foot above the crown of the adjacent roadway or one foot above the base flood elevation (for lots located within the Special Flood Hazard Area), as applicable. Any variation shall be subject to the approval of the County Development Engineer at the time of building permit application.

G. Construction trailers may be permitted on any lot within the subdivision prior to final plat approval in conjunction with the issuance and continuation of a land development permit. Construction trailers may not remain within the subdivision following expiration or completion of a land development permit.

H. Model homes may be permitted following final plat approval. A maximum of five of the lots may be used as a model homes. A maximum of two of the model homes may also be used as temporary sales centers.

I. Variances shall be subject to the County’s variance procedures as provided in the Land Development Code.

J. The provisions of this Ordinance shall be binding upon successors and assigns, including individual successor lot owners, to the extent applicable.

K. This Ordinance shall be effective as of the date provided herein and shall remain effective until amended or rescinded.

Section 3. EFFECTIVE DATE
This Ordinance shall take effect upon Official Acknowledgement by the Secretary of State that the Ordinance has been filed.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA THIS ___ DAY OF ______________________, 2017.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

By: ____________________________
    Nate McLaughlin, Chair

ATTEST:                             Approved as to Form:

By: ____________________________
    Tom Bexley, Clerk of the Circuit Court and Comptroller

By: ____________________________
    Albert J. Hadeed, County Attorney
APPLICATION FOR REVIEW
FLAGLER COUNTY, FLORIDA
1769 E. Moody Boulevard, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109
Application/Project #: 3082/20170024

<table>
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<tr>
<th>PROPERTY OWNERS:</th>
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<tr>
<td>Name(s): DP2000 Corp.</td>
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<tr>
<td>Mailing Address: 40 William Street, Suite G90</td>
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<tr>
<td>City: Wellesley Hills</td>
</tr>
<tr>
<td>Telephone Number</td>
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<th>APPLICANT(S):</th>
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<tr>
<td>Name(s): Duval Realty Trust, LLC</td>
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<tr>
<td>Mailing Address: 5851 Timuquana Road, Suite 301</td>
</tr>
<tr>
<td>City: Jacksonville</td>
</tr>
<tr>
<td>Telephone Number: 904-838-9342</td>
</tr>
<tr>
<td>E-Mail Address: <a href="mailto:ken@atleegroup.net">ken@atleegroup.net</a></td>
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<th>SUBJECT PROPERTY:</th>
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<tr>
<td>SITE LOCATION (street address): San Juan Drive</td>
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<tr>
<td>LEGAL DESCRIPTION: MB26 PG4-5</td>
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<tr>
<td>Parcel # (tax ID #): 37-10-31-1550-00000-0151 and 37-10-31-1550-00000-0155</td>
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<tr>
<td>Parcel Size: 23.3 ac</td>
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<tr>
<td>Current Zoning Classification: PUD</td>
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<tr>
<td>Current Future Land Use Designation: Mixed use low density</td>
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Subject to A1A Scenic Corridor? [ ] YES [ ] NO

PURPOSE OF SUBMISSION / PROJECT DATA:
Modification of the expired PUD

[Signature of Owner(s) or Applicant/Agent]
[Date: 6/8/17]

**OFFICIAL USE ONLY**

PLANNING BOARD RECOMMENDATION/ACTION:

<table>
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<tr>
<th>APPROVED [ ]</th>
<th>*APPROVED WITH CONDITIONS [ ]</th>
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</table>

Signature of Chairman:

Date: [ ] *approved with conditions, see attached.

**OFFICIAL USE ONLY**

BOARD OF COUNTY COMMISSIONERS ACTION:

<table>
<thead>
<tr>
<th>APPROVED [ ]</th>
<th>*APPROVED WITH CONDITIONS [ ]</th>
</tr>
</thead>
</table>

Signature of Chairman:

Date: [ ] *approved with conditions, see attached.
IN THE CIRCUIT COURT OF THE 7TH JUDICIAL CIRCUIT IN AND FOR FLAGLER COUNTY, FLORIDA

CIVIL DIVISION
CASE NO. 07-CA-001246

LR5A-JV, LP, a Massachusetts Limited Partnership,

v.

LITTLE HOUSE, LLC, a Florida Limited Liability Company, et. al., etc.,

Defendants.

_______________________________________/

CERTIFICATE OF TITLE

The undersigned clerk of the court certifies that he or she executed and filed a certificate of sale in this action on April 28, 2011, for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections.

The following property in Flagler County, Florida

Please see Exhibit “A” attached.

was sold to LR5A-JV, LP, c/o Realty Financial Partners, 40 William Street, Suite 120, Wellesley, MA 02481.

WITNESS my hand and seal of this Court on June 15, 2011.

GAIL WADSWORTH
Clerk of Circuit Court

By: ___________________________ Deputy Clerk
Parcel 4-B Mantanzas Shores

A parcel of land lying in Government Section 38, Township 10 South, Range 31 East, being a portion of the SUBDIVISION PLAT SECTION 88, PALM COAST, recorded in Map Book 26, Pages 4 and 5 of the Public Records of Flagler County, Florida, being more particularly described as follows:

A point of reference being the intersection of the Southerly line of said Government Section 38 with the Easterly right-of-way line of the Intracoastal Waterway (500 foot RW), hence North 17 degrees 14 minutes 48 seconds West along said right-of-way line a distance of 2801.75 feet, hence North 16 degrees 28 minutes 50 seconds West along said right-of-way line a distance of 1506.16 feet, hence departing said Intracoastal Waterway North 69 degrees 39 minutes 14 seconds East along the Northerly boundary of said Plat Section 88 a distance of 2813.46 feet, hence departing said boundary, hence South 23 degrees 20 minutes 48 seconds East a distance of 886.36 feet, to the Point of Beginning of this description, thence South 35 degrees 07 minutes 31 seconds East a distance of 45.25 feet to a point on the Westerly right-of-way line of State Road A-1-A as recorded in Official Records Book 388, Pages 110 through 112, Public Records of Flagler County, Florida, thence South 09 degrees 52 minutes 29 seconds West along said right-of-way line a distance of 278.56 feet to a point of curvature, thence 128.73 feet along a curve to the left (Concave Easterly) having a central angle of 05 degrees 24 minutes 37 seconds, a radius of 1303.24 feet, a chord bearing of South 07 degrees 10 minutes 11 seconds West and a chord distance of 128.68 feet, thence departing said right-of-way and curve North 85 degrees 32 minutes 08 seconds West along a radial line 445.59 feet, thence South 59 degrees 45 minutes 37 seconds West a distance of 191.75 feet, thence South 78 degrees 50 minutes 18 seconds West a distance of 110.00 feet, thence North 11 degrees 09 minutes 42 seconds West a distance of 223.31 feet to a point of curvature, thence 222.06 feet along a curve to the right (Concave South Easterly) having a central angle of 49 degrees 56 minutes 02 seconds, a radius of 254.00 feet, a chord bearing of North 13 degrees 48 minutes 19 seconds East and a chord distance of 215.10 feet to a point of compound curvature, thence 451.25 feet along a curve to the right (Concave South Easterly) having a central angle of 61 degrees 06 minutes 09 seconds, a radius of 423.14 feet, a chord bearing of North 09 degrees 19 minutes 25 seconds East and a chord distance of 430.17 feet to a point of tangency, thence South 90 degrees 07 minutes 31 seconds East a distance of 349.98 feet to the Point of Beginning.

Parcel 5-A Mantanzas Shores

A parcel of land lying in Government Section 38, Township 10 South, Range 31 East, being a portion of the SUBDIVISION PLAT SECTION 88, PALM COAST, recorded in Map Book 26, Pages 4 and 5 of the Public Records of Flagler County, Florida, being more particularly described as follows:

A point of reference being the intersection of the Southerly line of said Government Section 38 with the Easterly right-of-way line of the Intracoastal Waterway (600 foot RW), thence North 17 degrees 14 minutes 46 seconds West along said right-of-way line a distance of 2801.75 feet, thence North 16 degrees 28 minutes 50 seconds West along said right-of-way line a distance of 1506.16 feet, thence departing said Intracoastal Waterway North 69 degrees 39 minutes 14 seconds East along the Northerly boundary of said Plat Section 88 a distance of 2441.56 feet to the Point of Beginning of this description, thence continue North 69 degrees 39 minutes 14 seconds East along said boundary a distance of 544.82 feet to a point on the Westerly right-of-way line of State Road A-1-A recorded in Official Records Book 388, Pages 110 through 112, Public Records of Flagler County, Florida, said point being on a curve, thence Southerly along said right-of-way 624.37 feet along a curve to the right (Concave Westerly) having a central angle of 30 degrees 14 minutes 02 seconds, a radius of 1183.24 feet, a chord bearing of South 05 degrees 14 minutes 32 seconds East and a chord distance of 617.15 feet to a point of tangency, thence South 09 degrees 52 minutes 29 seconds West along said right-of-way a distance of 274.44 feet, thence departing said Westerly right-of-way South 34 degrees 52 minutes 29 seconds West a distance of 45.25 feet, thence North 60 degrees 07 minutes 31 seconds West a distance of 290.63 feet, thence North 09 degrees 52 minutes 29 seconds East a distance of 171.12 feet, thence North 24 degrees 12 minutes 15 seconds West a distance of 551.62 feet, to the Point of Beginning.

Parcel 5-B Mantanzas Shores

A parcel of land lying in Government Section 38, Township 10 South, Range 31 East, being a portion of the SUBDIVISION PLAT SECTION 88, PALM COAST, recorded in Map Book 26, Pages 4 and 5 of the Public Records of Flagler County, Florida, being more particularly described as follows:

A point of reference being the intersection of the Southerly line of said Government Section 38 with the Easterly right-of-way line of the Intracoastal Waterway (600 foot RW), thence North 17 degrees 14 minutes 46 seconds West along said right-of-way line a distance of 2801.75 feet, thence North 16 degrees 28 minutes 50 seconds West along said right-of-way line a distance of 1506.16 feet, thence departing said Intracoastal Waterway North 69 degrees 39 minutes 14 seconds East along the Northerly boundary of said Plat Section 88 a distance of 2441.56 feet to the Point of Beginning of this description, thence continue North 69 degrees 39 minutes 14 seconds East along said boundary a distance of 544.82 feet to a point on the Westerly right-of-way line of State Road A-1-A recorded in Official Records Book 388, Pages 110 through 112, Public Records of Flagler County, Florida, said point being on a curve, thence Southerly along said right-of-way 624.37 feet along a curve to the right (Concave Westerly) having a central angle of 30 degrees 14 minutes 02 seconds, a radius of 1183.24 feet, a chord bearing of South 05 degrees 14 minutes 32 seconds East and a chord distance of 617.15 feet to a point of tangency, thence South 09 degrees 52 minutes 29 seconds West along said right-of-way a distance of 274.44 feet, thence departing said Westerly right-of-way South 34 degrees 52 minutes 29 seconds West a distance of 45.25 feet, thence North 60 degrees 07 minutes 31 seconds West a distance of 290.63 feet, thence North 09 degrees 52 minutes 29 seconds East a distance of 171.12 feet, thence North 24 degrees 12 minutes 15 seconds West a distance of 551.62 feet, to the Point of Beginning.

Policy G41-0008038 [ALTA Loan 1992]
Records of Flagler County, Florida, being more particularly described as follows:

A point of reference being the intersection of the Southerly line of said Government Section 38 with the Easterly right-of-way line of the Intracoastal Waterway (500 foot R/W), thence North 17 degrees 14 minutes 46 seconds West along said right-of-way line a distance of 2801.75 feet, thence North 16 degrees 28 minutes 59 seconds West along said right-of-way line a distance of 1506.16 feet, thence departing said Intracoastal Waterway North 69 degrees 39 minutes 14 seconds East along the Northerly boundary of said Plat Section 88 a distance of 1998.62 feet to the Point of Beginning of this description, thence continue North 69 degrees 39 minutes 14 seconds East along said boundary a distance of 442.93 feet, thence departing said boundary South 24 degrees 12 minutes 15 seconds East a distance of 651.02 feet, thence South 08 degrees 52 minutes 23 seconds West a distance of 171.12 feet, thence North 60 degrees 07 minutes 31 seconds West a distance of 59.35 feet to a point of curvature, thence 403.58 feet along a curve to the left (concave Southerly) having a central angle of 47 degrees 51 minutes 40 seconds, a radius of 483.14 feet, a chord bearing of South 75 degrees 86 minutes 39 seconds West and a chord distance of 391.55 feet, thence departing said curve North 16 degrees 03 minutes 07 seconds West along a non-radial line a distance of 627.17 feet, to the Point of Beginning.

PARCEL B:

A parcel of land situated in Section 38, Township 10 South, Range 31 East, Flagler County, Florida, and being more particularly described as follows:

As a point of reference, commence at the Northeast corner of Section 39, Township 10 South, Range 31 East, run thence North 67°46'01" East along the South line of Section 38, a distance of 95.49 feet; thence North 8° 22'10" East a distance of 108.28 feet; thence along the westerly line of State Road A-1-A and along a curve to the left having a central angle of 2°17'35", a radius of 1173.24 feet, an arc length of 251.72 feet, a chord length of 251.24 feet, and a chord bearing of North 0°46'38" West, thence South 67°45'57" West, a distance of 469.92 feet to the Point of Beginning of this description; thence, South 57°46'01" West, a distance of 1288.90 feet to a point; thence North 20°20'54" West, a distance of 180.20 feet to a point; thence, North 89°39'06" East, a distance of 174.23 feet to a point; thence, North 21°13'05" West, a distance of 272.50 feet to a point; thence North 23°14'42" East, a distance of 193.43 feet to a point; thence North 57°46'01" West, a distance of 273.62 feet to a point of a non-tangent curve running Northeasterly and to the left having a radius of 450.00 feet, an arc length of 213.65 feet, through a central angle of 27°12'12", a chord bearing North 76°35'26" East, and a chord distance of 211.65 feet to a point non-tangency of a connecting curve running Northerly and to the left having a radius of 400.00 feet, an arc length of 147.30 feet, through a central angle of 21°05'57", a chord bearing North 13°38'30" East, and a chord distance of 146.47 feet to a point of a non-tangent curve running Northeasterly and to the left, having a radius of 150.00 feet, an arc length of 86.14 feet, through a central angle of 35°15'16", a chord bearing North 75°43'06" East, and a chord distance of 84.79 feet to a point; thence South 14°25'46" West, a distance of 11.48 feet to a point of a non-tangent curve running Southerly and Easterly to the left having a radius of 180.00, an arc length of 433.23 feet, through a central angle of 137°54'09", a chord bearing South 54°31'18" East, and a chord distance of 335.98 feet to a point of a connecting curve to the left, having a radius of 295.39 feet, an arc length of 39.31 feet, through a central angle of 7°37'28", a chord bearing North 52°42'53" East, and a chord distance of 38.28 feet to a point; thence South 41°05'51" East, a distance of 33.80 feet to a point of curvature of a curve running Southeasterly and to the left having a radius of 50.00 feet, an arc length of 20.68 feet through a central angle of 30°34'12", a chord bearing South 56°22'57" East, a chord distance of 26.36 feet to a point; thence South 71°40'03" East, a distance of 272.36 feet to a point of a non-tangent curve running Southeasterly and to the left having a radius of 300.00 feet, an arc length of 128.49 feet, through a central angle of 24°32'25", a chord bearing South 08°04'41" East, and a chord distance of 127.51 feet to a point; thence South 20°20'54" East, a distance of 138.51 feet to a point; thence, North 69°39'05" East a distance of 70.42 feet to a point; thence South 20°21'03" East, a distance of 137.80 feet to the Point of Beginning.
Agent Authorization and Owners Affidavit

Date: May 22, 2017

City of Palm Coast
Community Development Department
160 Lake Avenue
Palm Coast, FL 32164

Flagler County, Florida
Planning Department
1769 E. Moody Blvd., Suite 105
Bunnell, FL 32210

St Johns River Water Management District
P.O. Box 1429
Palatka, FL 32178-1429

FL Dept Environmental Protection
8800 Baymeadows Way West
Jacksonville, FL 32256

Matanzas Shores Owners Association
110 E. Collector Road
Palm Coast, FL 32137

Re: Agent Authorization for the following site location:
Parcel# 37-10-31-3725-00000-003A (Parcel 3A- 8.31 acres); Parcel#37-10-31-1550-00000-0154 (Parcel 154- 9.799 acres); Parcel# 37-10-31-1550-00000-0155 (Parcel 155 – 8.309 acres) and Parcel# 37-10-31-1550-00000-0151 (Parcel# 151-15 acres)

Gentleman:
You are hereby advised that the undersigned is the owner of the following properties described in Exhibit I attached hereto. Said owner hereby authorizes and empowers Robert H. Hendricks and Kenyon S. Atlee of Duval Realty Trust, LLC, whose address is 5851 Timuquana Rd, Suite 301, Jacksonville, FL 32210 to act as agent to file any and all application(s), submit all plan(s), permit(s) and plat for approvals with the City of Palm Coast, Flagler County Florida, Florida Department Environmental Protection, Saint Johns River Water Management District and Matanzas Shores Owners Association for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested changes.

LR5A-JV Limited Partnership, a Massachusetts limited partnership
By: LR5A-JV Corp., its General Partner
Print Name: David S. Allen, President

STATE OF _____________
COUNTY OF _____________

The foregoing affidavit was sworn and subscribed before me this 22 day of May, 2017 by David S. Allen, President of LR5A-JV Corp., the General Partner for LR5A-JV Limited Partnership, a Massachusetts limited partnership who is personally known to me or has produced __________________________ as identification.

________________________
(Notary Signature)

SARA GOODMAN
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires November 18, 2022

Page 1 of 4
IN THE CIRCUIT COURT OF THE 7TH
JUDICIAL CIRCUIT IN AND FOR FLAGLER
COUNTY, FLORIDA

CIVIL DIVISION
CASE NO. 07-CA-001246

LR5A-JV, LP, a Massachusetts Limited Partnership,

Plaintiff,

v.

LITTLE HOUSE, LLC, a Florida Limited Liability
Company, et. al., etc.,

Defendants.

CERTIFICATE OF TITLE

The undersigned clerk of the court certifies that he or she executed and filed a certificate
of sale in this action on April 28, 2011, for the property described herein and that no objections
to the sale have been filed within the time allowed for filing objections.

The following property in Flagler County, Florida

Please see Exhibit “A” attached.

was sold to LR5A-JV, LP, c/o Realty Financial Partners, 40 William Street, Suite 120,
Wellesley, MA 02481.

WITNESS my hand and seal of this Court on June 15, 2011.

GAIL WADSWORTH
Clerk of Circuit Court

By: Deputy Clerk
Parcel 4-B Mantanzas Shores

A parcel of land lying in Government Section 38, Township 10 South, Range 31 East, being a portion of the SUBDIVISION PLAT SECTION 88, PALM COAST, recorded in Map Book 26, Pages 4 and 50 of the Public Records of Flagler County, Florida, being more particularly described as follows:

A point of reference being the intersection of the Southerly line of said Government Section 38 with the Easernly right-of-way line of the Intracoastal Waterway (500 foot RW), thence North 17 degrees 14 minutes 46 seconds West along said right-of-way line a distance of 2801.75 feet, thence North 16 degrees 28 minutes 50 seconds West along said right-of-way line a distance of 1500.16 feet, thence departing said Intracoastal Waterway North 69 degrees 39 minutes 14 seconds East along the Northerly boundary of said Plat Section 88 a distance of 2613.46 feet, thence departing said boundary, thence South 20 degrees 20 minutes 46 seconds East a distance of 866.36 feet, to the Point of Beginning of this description, thence South 35 degrees 07 minutes 31 seconds East a distance of 45.25 feet to a point on the Westerly right-of-way line of State Road A-1-A as recorded in Official Records Book 388, Pages 110 through 142, Public Records of Flagler County, Florida, thence South 09 degrees 52 minutes 28 seconds West along said right-of-way line a distance of 276.56 feet to a point of curvature, thence 128.73 feet along a curve to the left (Concave Eastward) having a central angle of 05 degrees 24 minutes 37 seconds, a radius of 1363.24 feet, a chord bearing of South 07 degrees 10 minutes 11 seconds West and a chord distance of 128.68 feet, thence departing said right-of-way and curve North 85 degrees 32 minutes 08 seconds West along a radial line 445.59 feet, thence South 59 degrees 46 minutes 37 seconds West a distance of 181.75 feet, thence South 78 degrees 50 minutes 18 seconds West a distance of 110.00 feet, thence North 11 degrees 09 minutes 42 seconds West a distance of 223.61 feet to a point of curvature, thence 222.06 feet along a curve to the right (Concave Southward) having a central angle of 49 degrees 58 minutes 02 seconds, a radius of 254.80 feet, a chord bearing of North 13 degrees 45 minutes 18 seconds East and a chord distance of 215.10 feet to a point of compound curvature, thence 451.25 feet along a curve to the right (Concave Southerly) having central angle of 61 degrees 00 minutes 09 seconds, a radius of 423.14 feet, a chord bearing of North 69 degrees 19 minutes 25 seconds East and a chord distance of 340.17 feet to a point of tangency, thence South 80 degrees 07 minutes 31 seconds East a distance of 349.98 feet to the Point of Beginning.

Parcel 5-A Mantanzas Shores

A parcel of land lying in Government Section 38, Township 10 South, Range 31 East, being a portion of the SUBDIVISION PLAT SECTION 88, PALM COAST, recorded in Map Book 26, Pages 4 and 50 of the Public Records of Flagler County, Florida, being more particularly described as follows:

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Parcel 5-B Mantanzas Shores

A parcel of land lying in Government Section 38, Township 10 South, Range 31 East, being a portion of the SUBDIVISION PLAT SECTION 88, PALM COAST, recorded in Map Book 26, Pages 4 and 50 of the Public Records of Flagler County, Florida, being more particularly described as follows:

Policy G41-0008038 [ALTA Loan 1992]
Records of Flagler County, Florida, being more particularly described as follows:

A point of reference being the intersection of the Southerly line of said Government Section 38 with the Easterly right-of-way line of the Intracoastal Waterway (500 foot R/W), thence North 17 degrees 14 minutes 46 seconds West along said right-of-way line a distance of 2801.75 feet, thence North 16 degrees 28 minutes 50 seconds West along said right-of-way line a distance of 1506.18 feet, thence departing said Intracoastal Waterway North 69 degrees 39 minutes 14 seconds East along the Northerly boundary of said Plat Section 88 a distance of 1998.62 feet to the Point of Beginning of this description, thence continue North 69 degrees 39 minutes 14 seconds East along said boundary a distance of 442.93 feet, thence departing said boundary South 24 degrees 12 minutes 15 seconds East a distance of 551.62 feet, thence South 09 degrees 52 minutes 23 seconds West a distance of 171.12 feet, thence North 80 degrees 07 minutes 31 seconds West a distance of 59.35 feet to a point of curvature, thence 403.58 feet along a curve to the left (concave Southerly) having a central angle of 47 degrees 51 minutes 40 seconds, a radius of 483.14 feet, a chord bearing of South 75 degrees 56 minutes 39 seconds West and a chord distance of 391.55 feet, thence departing said curve North 16 degrees 03 minutes 07 seconds West along a non-radial line a distance of 627.17 feet, to the Point of Beginning.

PARCEL B:

A parcel of land situated in Section 38, Township 10 South, Range 31 East, Flagler County, Florida, and being more particularly described as follows:

As a point of reference, commence at the Northeast corner of Section 39, Township 10 South, Range 31 East, run thence North 67°46'01" East along the South line of Section 38, a distance of 95.49 feet, thence North 5°22'10" East a distance of 108.28 feet, thence along the westerly line of State Road A-1-A and along a curve to the left having a central angle of 12°17'35", a radius of 1173.24 feet, an arc length of 251.72 feet, a chord length of 251.24 feet, and a chord bearing of North 0°46'38" West, thence South 67°45'57" West, a distance of 489.92 feet to the Point of Beginning of this description; thence, South 57°46'01" West, a distance of 1286.90 feet to a point; thence North 20°20'54" West, a distance of 180.28 feet to a point; thence, North 69°39'06" East, a distance of 174.23 feet to a point; thence, North 21°13'05" West, a distance of 272.50 feet to a point; thence North 23°14'42" East, a distance of 165.43 feet to a point; thence North 67°11'35" West, a distance of 273.62 feet to a point of a non-tangential curve running Northeastward and to the left having a radius of 450.00 feet, an arc length of 213.65 feet, through a central angle of 27°12'12", a chord bearing North 76°35'26" East, and a chord distance of 211.65 feet to a point non-tangency of a connecting curve running Northerly and to the left having a radius of 400.00 feet, an arc length of 147.30 feet, through a central angle of 21°05'57", a chord bearing North 13°38'30" East, and a chord distance of 146.47 feet to a point of a non-tangential curve running Northeastward and to the left, having a radius of 150.00 feet, an arc length of 60.06 feet, a central angle of 30°34'55", a chord bearing North 73°22'56" East, and a chord distance of 79.12 feet to a point; thence North 58°05'28" East, a distance of 128.88 feet to a point of curvature of a curve running Easterly and to the right, having a radius of 140.00 feet, an arc length of 88.14 feet, through a central angle of 35°19'15", a chord bearing North 75°43'06" East, and a chord distance of 64.79 feet to a point; thence South 14°29'46" West, a distance of 11.48 feet to a point of a non-tangential curve running Southerly and Easterly to the left having a radius of 180.00, an arc length of 433.23 feet, through a central angle of 137°54'09", a chord bearing South 54°31'18" East, and a chord distance of 335.98 feet to a point of a connecting curve to the left, having a radius of 295.39 feet, an arc length of 39.31 feet, through a central angle of 7°37'28", a chord bearing North 52°42'53" East, and a chord distance of 39.28 feet to a point; thence South 41°05'51" East, a distance of 33.80 feet to a point of curvature of a curve running Southeastward and to the left having a radius of 60.00 feet, an arc length of 28.68 feet through a central angle of 30°34'12", a chord bearing South 56°22'57" East, a chord distance of 26.36 feet to a point; thence South 71°40'03" East, a distance of 272.36 feet to a point of a non-tangential curve running Southeastward and to the left having a radius of 300.00 feet, an arc length of 128.49 feet, through a central angle of 24°32'25", a chord bearing South 08°04'41" East, and a chord distance of 127.51 feet to a point; thence South 20°20'54" East, a distance of 136.61 feet to a point; thence, North 69°39'06" East a distance of 70.42 feet to a point; thence South 20°21'03" East, a distance of 137.60 feet to the Point of Beginning.
Agent Authorization and Owners Affidavit

Date: May 22, 2017

City of Palm Coast
Community Development Department
160 Lake Avenue
Palm Coast, FL 32164

Flagler County, Florida
Planning Department
1769 E. Moody Blvd., Suite 105
Bunnell, FL 32210

St Johns River Water Management District
P.O. Box 1429
Palatka, FL 32178-1429

FL Dept Environmental Protection
8800 Baymeadows Way West
Jacksonville, FL 32256

Matanzas Shores Owners Association
110 E. Collector Road
Palm Coast, FL 32137

Re: Agent Authorization for the following site location:
Parcel# 37-10-31-3725-00000-003A (Parcel 3A 8.31 acres); Parcel#37-10-31-1550-00000-0154 (Parcel 154 9.799 acres); Parcel# 37-10-31-1550-00000-0155 (Parcel 155 8.309 acres) and Parcel# 37-10-31-1550-00000-0151 (Parcel# 151-15 acres)

Gentleman:
You are hereby advised that the undersigned is the owner of the following properties described in Exhibit I attached hereto. Said owner hereby authorizes and empowers Robert H. Hendricks and Kenyon S. Atlee of Duval Realty Trust, LLC, whose address is 5851 Timuquana Rd, Suite 301, Jacksonville, FL 32210 to act as agent to file any and all application(s), submit all plan(s), permit(s) and plat for approvals with the City of Palm Coast, Flagler County Florida, Florida Department Environmental Protection, Saint Johns River Water Management District and Matanzas Shores Owners Association for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested changes.

LR5A-JV Limited Partnership, a Massachusetts limited partnership
By: LR5A-JV Corp., its General Partner
Print Name: David S. Allen, President

STATE OF Massachusetts
COUNTY OF Norfolk

The foregoing affidavit was sworn and subscribed before me this 22nd day of May, 2017 by David S. Allen, President of LR5A-JV Corp., the General Partner for LR5A-JV Limited Partnership, a Massachusetts limited partnership who is personally known to me or has produced _________________________________ as identification.

(Notary Signature)

SARA GOODMAN
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires November 18, 2022

Page 1 of 1
IN THE CIRCUIT COURT OF THE 7TH
JUDICIAL CIRCUIT IN AND FOR FLAGLER
COUNTY, FLORIDA

CIVIL DIVISION
CASE NO. 07-CA-001246

LR5A-JV, LP, a Massachusetts Limited Partnership,

Plaintiff,

v.

LITTLE HOUSE, LLC, a Florida Limited Liability
Company, et. al., etc.,

Defendants.

CERTIFICATE OF TITLE

The undersigned clerk of the court certifies that he or she executed and filed a certificate
of sale in this action on April 28, 2011, for the property described herein and that no objections
to the sale have been filed within the time allowed for filing objections.

The following property in Flagler County, Florida

Please see Exhibit “A” attached.

was sold to LR5A-JV, LP, c/o Realty Financial Partners, 40 William Street, Suite 120,
Wellesley, MA 02481.

WITNESS my hand and seal of this Court on June 15, 2011.

GAIL WADSWORTH
Clerk of Circuit Court

By: Deputy Clerk

FILED IN THE OFFICE OF THE
CLERK OF CIRCUIT COURT
Flagler County, Florida

JUN 15 2011

By ___________ Deputy Clerk
Paper No. ___________
Parcel 4-B Mantanzas Shores

A parcel of land lying in Government Section 38, Township 10 South, Range 31 East, being a portion of the SUBDIVISION PLAT SECTION 88, PALM COAST, recorded in Map Book 26, Pages 4 and 50 of the Public Records of Flagler County, Florida, being more particularly described as follows:

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Parcel 5-A Mantanzas Shores

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Parcel 5-B Mantanzas Shores

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Policy G41-0008038 [ALTA Loan 1992]
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PARCEL B:

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Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. **Any questions regarding any of the comments should be addressed to the department providing the comment.**

Flagler County Building Department 386-313-4002
Flagler County Planning Department 386-313-4009
Flagler County Development Engineering 386-313-4082
Flagler County General Services (Utilities) 386-313-4184
County Attorney 386-313-4005
Flagler County Fire Services 386-313-4258
E-911 GIS Specialist 386-313-4274
Environmental Health Department 386-437-7358
Flagler County School Board 386-586-2386
REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

Comments from Susan Graham:

Notes regarding the finished floor elevations will need to state the "1' above FEMA Base Flood".

Please provide additional information to include:

Length of Roadway.
Signage information.
Abutting Land Uses
Density proposed.
Address common areas
Utility providers
Sidewalks should be minimum of 5ft. width

Further comments may be provided upon additional reviews.

REVIEWING DEPARTMENT: FIRE INSPECTOR

No comments at this time

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

Proposed plot plan must be graphically depicted on the Site Development Plan Sheet. Additional comments may be generated at the meeting.

REVIEWING DEPARTMENT: COUNTY ATTORNEY

No comments at this time.
We are in receipt of your comments from the Technical Review Committee (TRC) addressed to Duval Realty Trust LLC dated August 11, 2017. Our responses to your comments are listed below. We have repeated your comments in italicized text with our responses in bold text to help facilitate your review.

**REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING**

Comments from Susan Graham:
1. Notes regarding the finished floor elevations will need to state the "1' above FEMA Base Flood".

   The PUD plans have been revised as requested.

2. Please provide additional information to include:
   - Length of Roadway
   - Signage information
   - Abutting Land Uses
   - Density proposed
   - Address common areas
   - Utility providers
   - Sidewalks should be minimum of 5ft. width

   The PUD plans have been revised to include this information. The construction plans have been revised to how 5-ft wide sidewalks.

**REVIEWING DEPARTMENT: PLANNING DEPARTMENT**

Proposed plot plan must be graphically depicted on the Site Development Plan Sheet.
Additional comments may be generated at the meeting:

   The conceptual site layout detail has been added to the PUD plans.

**REVIEWING DEPARTMENT: COUNTY ATTORNEY**

No comments at this time.

I hope this letter addresses all of your comments. Please do not hesitate to contact me directly should you need further assistance.

Sincerely,

SINGHOFEN & ASSOCIATES, INC.

Brett Witte, P.E.
Project Engineer

Cc: Duval Realty Trust, LLC
August 28, 2017

Mr. Adam Mengel
Flagler County Planning Dept.
1769 E. Moody Blvd, Bldg 2
Bunnell, FL  32110

RE: Los Lagos, Las Casitas Review. Project # 2017060020-24

Dear Mr. Mengel,

At the August 25 meeting of Scenic A1A PRIDE, we reviewed the Los Lagos and Las Casitas Site Plans. The plans include the addition of 190 residential units to both the north and south ends of the Lakeside Development. Since we were not contacted in advance by the developer, we were not fully prepared for the review.

Concerns were stated as follows:

- The height and tight spacing of the three story (over ground level parking) homes backing up to A1A may create a wall effect on both ends of the development.
- New homes will not be consistent with the single story homes they surround.
- Vegetative buffers on the north side (Los Lagos) along A1A were not shown.
- The temporary construction entrance on the north end was not fully determined.

We realize that this is a PUD and therefore setbacks, buffers, and building heights (of max 35 feet) are not required to conform to Scenic Byway Overlay constraints. This is a disappointment and we hope it will be addressed in the next FCLDC. We did not review signage, landscape, or building architecture (elevation plans), or Surfview site plans.

Sincerely,

Dennis Clark, Chair
SCENIC A1A PRIDE
5784 N. Oceanshore Blvd, Palm Coast, FL 32137

c.c. Ken Atlee, Duval Realty (ken@atleegroup.net)
     John Kiddy, Duval Realty (johnkiddyas@gmail.com)
October 5, 2017

VIA EMAIL (amengel@flaglercounty.org)

Mr. Adam Mengel
Planning and Zoning Director
Flagler County Planning and Zoning Department
1769 E. Moody Blvd., Building 2, Suite 105
Bunnell, Florida 32110

Re: Planning and Development Board Hearing of October 10, 2017
Duval Realty Trust Application (Duval; Applicant)

Dear Adam:

I write on behalf of the Applicant. The record shows: 1: the density of single family development requested is equal to or slightly over half of the density authorized for the Las Casitas and Los Palmos parcels under each of (a) the unexpired Matanzas Shores Development of Regional Impact (DRI) Development Order (DO); (b) unexpired Planned Unit Development (PUD); and (c) the applicable Comprehensive Plan Future Land Use Plan designation. Further, 2: I enclose an agreement signed by William Clay on behalf of Lakeside by the Sea, and implementing private documents showing that his demands were implemented in final private agreement documents between Duval and the master association. While the County lacks authority to enforce private agreements, I enclose these documents to show Duval’s good faith efforts to ensure its single-family subdivisions are compatible with the adjacent single-family development.

1. Our clients seek about half the prior density in the previously approved Las Casitas and Los Palmos parcels (435 to 220 units) (an additional 5 have been transferred to the Surfview parcel across A-1-A).

2. I am prepared to introduce as composite Exhibit, 2004 minutes of Flagler County Commission meetings when, among others, both current County Attorney Al Hadeed, on behalf of Scenic A-1-A, and Lakeside representative William Clay, opposed the establishment of the multi-family development at Las Casitas and Los Palmos. Their primary opposition was the increased density and intensity of multi-family buildings adjacent to existing single-family.
3. The Matanzas Shores Development of Regional Impact (DRI) Development Order (DO), has no expiration date.

4. The Planned Unit Development approvals (PUD; PUDs) for the parcels likewise have no expiration dates.

5. The Future Land Use Element (FLUE) Mixed Use Low designation for the parcels authorizes development density of up to 7 residential units per gross acre.

6. The proposed densities are about half of the 7 unit densities under the DRI and PUDs, or the density cap allowed under the FLUE at about 3.5 units per gross acre.

7. The proposed densities are substantially identical to the adjacent Lakeside subdivision.

8. The applicant has promised to perform, and has already begun performing at great expense, numerous tasks originally demanded by, inter alia, Mr. Clay, Exhibit A, and the master association, Exhibit B, consistent with the master association covenant of good faith cooperation with this development at paragraph 5 of Exhibit C, and paragraph 4 of Exhibit D.

Thank you for your consideration of this packet. We request you put it in all Duval agenda items for the October 10, 2017, PDB hearing. We demand formal evidentiary process, including right of cross-examination and court reporter.

Sincerely,

Sidney F. Ansbacher

SFA/cs
Enclosures

cc: Al Hadeed, Esq. (w/encl.)
AGREEMENT
by and between MATANZAS SHORES AND DUVAL REALTY TRUST, LLC.

1) Exchange perk pond 3 to Developer for the reduction of development from 433 units to not more that 225 single family units, pool improvements, WWTP improvements and additional Developer land to expand perk pond 1 and 2 as required by DEP.

2) Gates:
   - South Entrance - Developer to construct a gated entrance and MSOA to maintain.
   - North Entrance – Option one: stays the same
   - Option two: Developer constructs guard house to be MSOA maintained including guard

3) No dune walkover shall be constructed on South end of ocean front.

4) Construct walkway from A1A along the south boundary of Surf Club 3, then North along the west side of shrubbery/preserve line to connect to dune walkover in front of Surf Club 3.

5) Connect South Development to Lakeside area with driveable road and a sidewalk.

6) Developer to contribute money, mutually to be agreed upon, to enhance beach club area and to construct a new pool by Developer. Should MSOA want to add money to enhance the new pool they may.

7) Note that when the County approves Development for any parcel(s), the weighted vote count for the affected parcels is automatically adjusted to that number for Parcel Owner voting (which is consistent with the Master’s governing documents).

8) Similarly, the number of WWTP units for each parcel shall be equal to the number of units that are approved by the County for that parcel.

9) Developer shall pay a fee of $3000 per unit, based on County approved site plan which shall be used to add 2nd clarifier, other WWTP improvements and expansion of perk pond 1 and 2 as required by DEP. Developer shall control these funds and upon completion of above improvements, if any funds left over, half will go to MSOA and half to Developer, monies to be set aside at closing in escrow account.

10) If annexed property is acquired, proposed Development must be approved by MSOA for that Development to both be a member of North Tract and/or utilize the WWTP.

11) Developer shall contribute $25,000 to MSOA to enhance the boat house and kayak storage

12) All of these items herein are contingent upon approval of DEP approving Developer’s efforts to eliminate perk pond 3 and improve perk pond 1 and 2, and make improvements to WWTP.

13) Lot size – not less than 40’ wide, 3 story maximum height and maintain a Mediterranean exterior style.
14) Developer shall provide a construction entrance to North and South parcel subject to DOT permit approval.
15) Developer shall retain rights for the 433 units less what is developed, provided they are not used to develop within Matanzas Shores North tract.
16) Modification of common area size or transferring of maintenance to MSOA must be approved by the MSOA board.
17) Submit a letter to LR5 that the Developer approves and recommends adoption of the two amendments as voted for by the parcel owners on April 16, 2016. One amendment specified changes in the election procedure for voting for MSOA directors and the second specified the settlement agreement between MSOA and LR5.
18) This agreement is contingent on (a) LR5 settling the lawsuit with MSOA and that all existing litigation by both parties is forthwith terminated and (b) that the two referenced amendment have been approved/adopted by the Parcel Owners and the MSOA board and are acceptable to LR5.
19) #17 and #18 shall be effective only if Duval Realty Trust, LLC closes and shall be executed by LR5 at closing.

Duval Realty Trust, LLC.
a Florida limited liability Co.

[Signature]
Print Name: Robert H. Hendricks
Title: Managing Member

Surfside 1, Surfside 2, Las Brisas and Lakeside

[Signature]
Print Name: William Curry
Title: President
LAKESIDE BY THE SEA

[Signature]
Print Name: 
Title: Pres Club Board President

State of Florida
County of Duval

THE FOREGOING INSTRUMENT was acknowledged before me this 11th day of May, 2016, by William Curry and David Sources of Surfside 1, Surfside 2, Las Brisas and Lakeside Board Members, on behalf of the corporation who has produced driver's license as identification.

[Signature]
Notary Public

Print Notary name
My commission expires:
State of Florida  
County of Duval

THE FOREGOING INSTRUMENT was acknowledged before me this 11th day of May, 2016, by Robert H. Hendricks of Duval Realty Trust, LLC, a limited liability company, on behalf of the company who is personally known to me.

Notary Public

Print Notary name  
My commission expires:
DEVELOPMENT AGREEMENT

This Development Agreement, by and between MATANZAS SHORES OWNER’S ASSOCIATION, INC. ("MSOA") and DUVAL REALTY TRUST LLC ("DUVAL") (collectively, the "Parties"), effective as of the date of the last of the Parties to sign, and made in exchange for valuable consideration, shall be made according to the following terms:

RECITALS

WHEREAS, MSOA is a homeowners’ association (also known as a “master association”) governing the property subject to the Declaration of Covenants, Conditions, and Restrictions for Matanzas Shores (the “Property”); and

WHEREAS, certain parcels within the Property are still undeveloped and DUVAL desires to develop those parcels; and

WHEREAS, the developable parcels were the subject of previous litigation which has been resolved and resulted in the recording of a Memorandum of Agreement in Book 2154, Page 804 the Official Records of Flagler County Florida; and

WHEREAS, the Parties acknowledge that the Memorandum of Agreement provides for a four-year grace period during which the owner of the Undeveloped Parcels (as defined in the Memorandum of Agreement) will not be liable for assessments, unless a certificate of occupancy or equivalent instrument is issued for a dwelling on the Undeveloped Parcels; and

NOW, THEREFORE, the Parties desire to enter into this Development Agreement to facilitate the development of the Undeveloped Parcels for their mutual benefit.

TERMS

1. Percolation Ponds & Density Reduction. MSOA agrees to convey the portion of the Property referred to as percolation pond 3, which abuts N. Ocean Shore Blvd. (S.R. A1A) and bears the Parcel Id No.: 37-10-31-3725-00000-00G10 to DUVAL. In exchange, DUVAL agrees to reduce its total density from 433 units to not more than 225 single-family units and to contribute financially to the expansion of the other existing percolation ponds (as necessary), wastewater treatment plant improvements, and amenity improvements. MSOA’s obligation to convey percolation pond 3 to DUVAL shall be contingent upon receiving all requisite approvals, including, but not limited to, Flagler County Site Plan approval for the developable parcels defined herein, approval of the St. Johns River Water Management District, and approval of the Florida Department of Environmental Protection (DEP) including any permits necessary to relocate or expand percolation ponds 1 or 2, or both. MSOA’s obligation to convey percolation pond 3 to DUVAL shall be further contingent upon DUVAL obtaining bids for the work required by the DEP permit indicating that the Infrastructure Improvement Fee will be sufficient to construct any improvements or modify any existing improvements as may be required by the DEP or other governmental authority as conditions for the conveyance of percolation pond 3 to DUVAL for development. If the Infrastructure Improvement Fee will not be sufficient according to the bids

Page 1 of 6
Development Agreement
obtained, DUVAL shall either fund any deficit in advance or obtain a bond to secure payment as a condition precedent to MSOA’s obligation to convey percolation pond 3 to Duval. The financial obligation to satisfy any conditions imposed by any governmental authority necessary to convey percolation pond 3 to DUVAL and convert it to developable land shall be borne by DUVAL and not by MSOA. DUVAL shall also be responsible for applying for any necessary permits.

2. Entrance Gates. DUVAL shall construct a gated entrance to be used to access the southern portions of the North Tract within Matanzas Shores (“South Gate”). MSOA agrees to accept title to the portion of the real property on which the gate is constructed, if desired by DUVAL, and also agrees to accept the maintenance responsibility for the South Gate. With regard to the North Entrance, DUVAL shall also perform one of the following, at DUVAL’s option: (a) allow it to remain as it presently exists (do nothing); or (b) construct a guard house at its initial expense, and after construction, delegate the obligation to maintain it and pay for any guard service to MSOA, which MSOA agrees to accept.

3. No Dune Walkover. DUVAL shall not construct a dune walkover toward the beach in any location south of the existing dune walkover adjacent to Surf Club III Condominium (“Surf Club III”).

4. Construction of Walkway. DUVAL shall construct a walkway (i.e., a sidewalk) from S.R. A1A along the south boundary of Surf Club III, then north along the boundary of Surf Club III but west of the preserve property line to connect to the dune walkover adjacent to Surf Club III.

5. Construction of Roads and Sidewalk. DUVAL shall connect the southern developable parcels to Lakeside by the Sea, the Boat Club (Parcel Id. No: 37-10-31-3725-00000-0010), and the Recreation Club (Parcel Id. No.: 37-10-31-3725-00000-00E0) by constructing a drivable road and sidewalk. After construction, the responsibility to maintain, repair, and replace the road and sidewalk may be delegated to a parcel association created by DUVAL or to MSOA.

6. Construction of Pool Amenity. DUVAL shall contribute two-hundred thousand dollars ($200,000.00) to be used to construct a pool amenity facility at a location to be determined by mutual agreement of DUVAL and MSOA. MSOA may, but shall not be obligated to, contribute financially to enhance the proposed pool amenity facility. After the location has been determined, DUVAL shall coordinate the construction of the pool amenity facility. Construction of the pool amenity facility shall commence no later than the closing of the sale of half of the units or lots in the developable parcels as approved in a development order issued by Flagler County (subject to reduction in accordance with Section 1 of this agreement).

7. Voting Rights. Upon entry of a development order by Flagler County for the developable parcels, the voting rights for members of MSOA shall be automatically adjusted in accordance with the Declaration of Covenants, Conditions, and Restrictions for Matanzas Shores.

8. Wastewater Treatment Plant Units. Upon entry of a development order by Flagler County for the developable parcels, the number of units for the purposes of calculating the financial obligation for each member of MSOA shall be automatically adjusted in accordance with
the Declaration of Covenants, Conditions, and Restrictions for Matanzas Shores. However, the financial obligation to pay assessments for operation and maintenance of the wastewater treatment plant shall not commence until the earlier of four years after the sale of the Undeveloped Parcels or issuance of a certificate of occupancy or equivalent instrument, as provided by the Memorandum of Agreement.

9. **Contribution for Infrastructure Improvement.** DUVAL shall pay three-thousand dollars ($3,000.00) per unit or lot into an escrow account based on the total number of units or lots permitted to be constructed by the development order issued by Flagler County (the “Infrastructure Improvement Fee”). However, if Flagler County would otherwise permit a density of greater than 225 dwellings, DUVAL shall only be obligated to contribute the Infrastructure Improvement Fee based on a total of 225 dwellings to the extent DUVAL has agreed to reduce its density according to Section 1 of this agreement. The Infrastructure Improvement Fee shall be collected and placed into escrow at the closing of the initial sale of each unit or lot. The funds shall be used to improve the wastewater treatment plant as reasonably necessary to accommodate the development and increased use (adding additional clarifier if required) and to take action as necessary to obtain the approval of the DEP or appropriate governmental authority to convey percolation pond 3 to DUVAL for development (including expansion of the existing percolation ponds, if necessary). If any funds remain in escrow upon completion of any necessary improvements to the wastewater treatment plant, they shall be divided equally and distributed to MSOA and DUVAL. However, if the Infrastructure Improvement Fee would be insufficient to fully fund any action required by the DEP or other governmental authority to convey percolation pond 3 to DUVAL, convert it into developable land, and reasonably accommodate the increased use of the wastewater treatment plant, DUVAL shall be obligated to contribute any additional funds necessary. In no event shall MSOA be obligated to contribute financially to undertake any action that may be required by the DEP or other governmental authority to convey percolation pond 3 to DUVAL and convert it into developable land.

10. **Annexation of Additional Land.** If DUVAL acquires any additional property and desires to annex it into any Property within Matanzas Shores, MSOA must approve the annexation and may condition its approval on requiring such property to be considered within the North Tract and subject to North Tract and Wastewater Treatment Plant assessments.

11. **Amenity Improvement Contribution.** DUVAL shall pay MSOA twenty-five thousand dollars ($25,000.00) to be used to improve existing amenities within Matanzas Shores. MSOA anticipates using the funds to improve the Boat Club. The Amenity Improvement Contribution shall be payable no later than upon the closing of the sale of half of the units or lots permitted to be constructed by the development order issued by Flagler County (subject to reduction in accordance with Section 1 of this Agreement).

12. **Harmonious Development.** DUVAL shall ensure that the development is aesthetically harmonious with the existing communities within Matanzas Shores and shall promulgate architectural guidelines and obligate builders to comply with them. Lot sizes may not be less than forty feet (40’) wide and buildings may not exceed three (3) stories in height.
13. **Construction Entrances.** To reduce wear on existing roads within Matanzas Shores, DUVAL shall create construction entrances to the northern and southern developable parcels, subject to the approval of the Department of Transportation or other appropriate governmental authority.

14. **Retention of Rights.** DUVAL shall retain its rights to construct 433 units, less the number of units actually developed, in accordance with the most-recently approved development order provided the additional units in excess of those permitted by Section 1 of this Agreement are not constructed within the Matanzas Shores North Tract.

15. **Modification of Common Area & Maintenance Delegation.** Any modification to the boundaries or size of the common area within Matanzas Shores, and the transferring of any maintenance responsibility to MSOA, shall require the approval of MSOA’s Board of Directors.

16. **Conditions Precedent to Effectiveness Agreement.** This Agreement shall be contingent on DUVAL’s ability to acquire percolation pond 3 for development. If DUVAL is not willing or able to contribute the funds required to comply with any conditions necessary to convert percolation pond 3 into developable land and convey it to DUVAL, whether such conditions are imposed by a DEP permit or any other governmental authority, then MSOA shall not be obligated to convey percolation pond 3 to DUVAL and this Agreement shall be null and void.

17. **General Provisions.**

   a. **Successors & Assigns.** When used herein the terms DUVAL and MSOA shall include each of the Parties’ successors, heirs, employees, agents, and assigns.

   b. **Modification & Amendment.** This Agreement may only be modified or amended by a subsequent, written agreement signed by the Parties.

   c. **Integration.** This Agreement constitutes the full, final, and entire understanding between the Parties shall supersede any prior discussions, negotiations, understandings, or agreements, whether oral or written, with respect to the subject matter of this Agreement.

   d. **Interpretation & Severability.** This Agreement shall be construed in an impartial, equally balanced, and non-deferential manner and shall not be construed against the drafting party or the party seeking to enforce this Agreement. If any provision of this Agreement shall for any reason be held invalid, illegal, or unenforceable, such provision shall not affect the validity or enforceability of any other provision of this Agreement. Any such provision shall be construed in the broadest manner possible to effectuate the intended purpose of the provision while avoiding the invalid, illegal, or unenforceable portion thereof to the narrowest extent possible to effectuate the intended purpose. In any such event, the remaining provisions of this Agreement shall remain valid and enforceable.

   e. **Time is of the Essence:** Time is of the essence with regard to all obligations contemplated by this Agreement and shall be deemed material to all such obligations.
f. **No Agency or Joint Venture Relationship.** Nothing herein shall be deemed to constitute an agency or joint-venture relationship between the Parties.

g. **Dispute Resolution & Attorneys’ Fees.** Any dispute arising out of the performance of any obligation contemplated by this Agreement may be mediated upon mutual agreement of the Parties to the dispute and the costs thereof shall be equally apportioned among the Parties unless otherwise agreed. Aside from mediation, the prevailing party in any dispute shall be entitled to recover costs and reasonable attorneys’ fees. Whenever used herein, the term “attorneys’ fees” shall include, but not be limited to, fees charged for work performed by a law firm, attorneys, paralegals, and legal assistants along with all fees and costs associated with the dispute, including, but not limited to, demands, negotiations, investigation, pre-suit preparation, and litigation, irrespective of the forum in which the dispute was resolved, including all trial and appellate levels. Florida law shall govern all disputes and exclusive, mandatory resolution of any dispute shall occur in a venue within the jurisdictional boundaries of Florida.

h. **Impossibility to Perform – Third Party Approval.** Except as provided in Section 16, if any of the obligations contemplated by this Agreement are contingent upon the approval of a third party, such as a governmental authority, and are incapable of being performed as a result of a third party’s failure to provide approval or consent, then any such obligations shall be deemed eliminated from this Agreement but all other provisions shall remain in full force and effect. If the approval of a third party is necessary to satisfy any obligation contemplated by this Agreement, then the obligor shall undertake reasonable efforts to secure the third party’s approval or consent prior to the obligation being deemed eliminated from this Agreement.

i. **Authority to Execute.** By signing below, the signatory represents and warrants that he or she has the authority to execute this Agreement and bind the entity for whom he or she is signing.

j. **Counterparts.** This Agreement may be executed in any one or more counterparts and each signed copy shall constitute one original, enforceable instrument.

**IN WITNESS WHEREOF,** the Parties have caused this Development Agreement to be executed by their duly authorized representatives as of the dates written below.

**Duval Realty Trust LLC.**

[Signature, Authorized Representative]

[Print Name & Title]

Date

Date: 1/31/16

Page 5 of 6
Development Agreement
MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT is made as of the date of the last of the Parties to sign below to memorialize the agreement between Matanzas Shores Owners Association, Inc., a Florida not-for-profit corporation, LR5A-JV, LP, a Massachusetts Limited Partnership, Little Lakes, LLC, and RFM Matanzas Holding Co., LLC (collectively, the "Parties").

Preamble. The following provisions are the product of a resolution of a dispute lasting several years concerning the property within Matanzas Shores identified as Parcel 37-10-31-3725-00000-003A ("Parcel 3A"), Parcel 37-10-31-1550-00000-0154 ("Parcel 154"), Parcel 37-10-31-1550-00000-0155 ("Parcel 155"), and Parcel 37-10-31-1550-00000-0151 ("Parcel 151") (all Parcels collectively, "Undeveloped Parcels"), as more particularly described on Exhibit A attached hereto. The nature of the dispute concerns the commencement of assessment liability and the disposition of the Declarant rights for the Undeveloped Parcels, and rather than pursuing a resolution through litigation, the parties to the dispute have agreed to the substance of the following terms. The Board of Directors considers the resolution of the dispute and following provisions to be in the best interests of the Association because it will reduce the Association's exposure to risks associated with litigation, allow the Undeveloped Parcels to become developed, and should ultimately result in a financial benefit to the Association and its members to the extent that additional members will be contributing proportionately to the common expenses once the Undeveloped Parcels become developed.

Section 1. Payment Due On Sale. Upon the sale of the Undeveloped Parcels, a total payment in the amount of one hundred fifty thousand dollars ($150,000.00) shall be delivered to the Association ("Total Payment"). The Association shall have a lien against the Undeveloped Parcels to secure the Total Payment, which shall be evidenced by a recorded claim of lien. The recorded lien shall constitute an amendment to the lien previously recorded at Flagler County Official Records Book 1922, Page 255 and Book 1922, Page 257 and shall not accrue interest, fees, or other amounts and shall exclusively secure the Total Payment. As portions of the Undeveloped Parcels are sold, the owner of the Undeveloped Parcels, or any successors in title, shall remit a pro-rata share of the Total Payment in accordance with the following formula:

\[
\text{(Total Payment} - \text{Total Payment or pro-rata portion thereof previously paid)} \div \text{Number of Remaining Unsold Parcels}
\]

In no event shall the Total Payment be more or less than a total of one hundred fifty thousand dollars ($150,000.00) upon the sale of all portions of the Undeveloped Parcels. The owner of the Undeveloped Parcels, or any successors in title, shall be entitled to the recodulation of a release of lien within fifteen (15) calendar days after the Association's receipt of cleared payment of the Total Payment, or alternatively shall be entitled to a partial release of lien against the Parcel or portion thereof being sold in exchange for the pro-rata share of the Total Payment in accordance with the foregoing formula. For the purposes of this provision, the word "sale," or any derivative of it, shall mean any transfer, conveyance, disposition, or change in ownership whatsoever, whether voluntary or involuntary, including but not limited to an exchange for consideration, gift,
or transfer incident to bankruptcy or otherwise. The obligation to make the Deferred Payment, if unpaid at the time of closing, shall inure to purchasers of the Undeveloped Parcels and shall constitute a lien upon the portions of the Undeveloped Parcels for which the Total Payment or pro-rata portion thereof has not been made. If the Total Payment, or portion thereof as the case may be, is not delivered to the Association within fifteen (15) calendar days of a sale, the Association shall be entitled to provide a Notice of Intent to Foreclose to the property owner and institute a foreclosure proceeding for the Undeveloped Parcel, or portion thereof as the case may be, no sooner than forty-five (45) days thereafter unless the Total Payment or appropriate portion thereof is delivered to the Association prior to the expiration of the foregoing time period. The foregoing remedy shall be in addition to any other remedies available at law or in equity.

Section 2. Assessment Obligation Prior to Sale. Prior to any sale, as that term is defined in Section 1 of this Article, the owner of the Undeveloped Parcels at the time of the recording of the Declaration amendment creating this Article ("Current Owner") shall have no obligation to pay any assessments (including, but not limited to, monthly assessments, special assessments, North Tract assessments, Wastewater assessments, or any other charge levied by the Association, hereinafter “Assessments”) that come due prior to the sale of the Undeveloped Parcels, other than the Total Payment contemplated in Section 1 of this Article.

Section 3. Assessment Obligation Subsequent to Sale. Subsequent to the sale of the Undeveloped Parcels, or portions thereof as the case may be, from the Current Owner, the party or parties to whom the Undeveloped Parcels or portions thereof are sold ("Future Owners") shall have no liability to pay Assessments until the earlier of: (i) a period of four (4) years after the sale of each of the Undeveloped Parcels, or portions thereof as the case may be, has expired; or (ii) a Certificate of Occupancy or similar instrument permitting occupancy of a unit or dwelling constructed on a portion of the Undeveloped Parcels is issued. In the event that a Certificate of Occupancy or equivalent instrument is issued (each, a “CO Unit”), Assessments for the CO Unit will become due from the owner of the CO Unit in accordance with the other provisions of this Declaration governing assessment liability beginning on the calendar month immediately following the month in which the Certificate of Occupancy or equivalent instrument is issued. Any remaining portions of the Undeveloped Parcels for which a Certificate of Occupancy or other equivalent instrument has not been issued shall continue to have no Assessment obligation until such time as the earlier of (i) and (ii) of this Section shall occur.

In the event that the Undeveloped Parcels are developed in a manner that does not provide for issuance of certificates of occupancy for individual dwellings but otherwise allows portions of the Undeveloped Parcels to be occupied by a consumer for residential purposes, then the Assessment obligation shall commence upon the earlier of: (i) the first month in which any such dwelling is sold to, or occupied by, a person other than the Future Owners; or (ii) a period of four (4) years after the sale of each of the Undeveloped Parcels from the Current Owner to the Future Owner, or portions thereof as the case may be, has expired. After the expiration of four (4) years from the sale of the Undeveloped Parcels from the Current Owner to the Future Owners, or portions thereof as the case may be, Assessments shall be due and calculated based on the Association’s annual per-unit budget multiplied by the total approved density for the Undeveloped Parcels, or portions thereof as the case may be, as approved in the most recent DRI, PUD, or other authoritative zoning document issued by the appropriate governing authority, unless the Future
Owner furnishes an affidavit to the Association stating that all development of dwellings or other spaces that are able to be occupied for residential purposes has concluded and no further spaces to be occupied for residential purposes shall be created. In the event that the Future Owner furnishes an affidavit in accordance with the foregoing, then Assessments shall be due based on the per-unit budget adopted by the Association multiplied by the number of spaces that are able to be occupied for residential purposes beginning on the date on which the affidavit is received, unless no dwellings that are able to be occupied have been constructed. For example, if the Future Owner builds an apartment building, retains ownership of the portion of the Undeveloped Parcels on which the apartment building is located, and leases a unit to another party, then Assessments shall be due from the Future Owner for the leased apartment unit and for all other units if a certificate of occupancy or equivalent instrument has been issued. Further, if the Future Owner constructs an apartment building containing fifty (50) dwelling units but the most recently approved zoning document would permit a density of one-hundred (100) dwelling units, and the Future Owner thereafter furnishes an affidavit to the Association stating that no further development of residential dwellings will be undertaken, then Assessments shall only be due based on the fifty (50) constructed dwelling units and Assessments shall not be due on the permitted, but unconstructed, dwelling units from the date of receipt of the affidavit and thereafter. However, if further development of a residential dwelling is subsequently undertaken contrary to the affidavit, then Assessments will be due beginning from four (4) years after the sale to the Future Owner and for all time thereafter based on the approved density as appearing in the most recently approved zoning document. The foregoing example shall apply in all instances involving a development in which lots or dwelling units are not sold by the Future Owner to an ultimate consumer (resident) or other development structure that allows portions of the Undeveloped Parcels to be leased to, or otherwise occupied by, an ultimate consumer (resident).

It is the intent of this Section to fairly apportion the Assessment obligation based on the number of dwellings that are able to be occupied irrespective of the legal form of ownership of the interests in the Undeveloped Parcels. It is also the intent of this Section to provide the party to whom the Undeveloped Parcels are initially sold, who is presumed will be a property developer, an incentive to purchase the Undeveloped Parcels and develop them by alleviating the Assessment burden for a stated period of time while maintaining the assessment obligation for any CO Unit. Without alleviating the Assessment burden, it is doubtful that any party will consider it economically feasible to purchase and develop the Undeveloped Parcels as originally anticipated when Matanzas Shores was originally developed.

Section 4. The Association acknowledges the existence and validity of certain Declarant rights, which appear throughout this Declaration, and which are necessary to develop the Undeveloped Parcels. However, notwithstanding the foregoing, and as part of the resolution of the dispute, the holder of the Declarant rights has agreed that Declarant (including any future holder of Declarant rights) shall not have the right to unilaterally amend this Declaration. In addition, the current holder of Declarant rights has also agreed that no Declarant shall have the right to construct, or approve the construction or development through control of the New Construction Review Board or otherwise, mobile homes or trailers (except as may be desirable for temporary construction offices), campgrounds, or cooperative associations on the Undeveloped Parcels or any part of the Property comprising Matanzas Shores. The Association shall not impede or prevent
the transfer, delegation, or exercise of the Declarant rights in a manner consistent with this Declaration.

Section 5. Cooperation with Declarant. The Association shall cooperate with the Current Owner and future purchasers in their efforts to market, sell, and develop the Undeveloped Parcels so long as it the action undertaken by the Current Owner and future purchasers are consistent with this Declaration. The Association shall cooperate in efforts to make reasonable zoning changes, including changes to the type of residential units that may be built on particular parcels, provided that no such changes shall allow for the construction of commercial units or increase the total density above that which is permitted by the most recently approved DRI for Matanzas Shores. In no event shall the Association’s cooperation require it to spend common funds for the benefit of the Current Owner or any future purchaser of the Undeveloped Parcels and nothing herein shall be construed as creating a partnership, joint venture, or agency relationship between the Association and any other party or entity. The Association will agree to execute any consent required by a municipality or administrative agency in furtherance of the any developed planned in accordance with the terms of this Declaration but it shall not have the obligation to otherwise solicit approval of any other persons for any requests made by any owner of the Undeveloped Parcels. In addition, the Association will agree to the resulting adjustment of the total units relating to the Undeveloped Property, including adjustment of the percentage share of each unit governed by the Association for corresponding obligations to the Association. The Association shall also agree to any necessary amendments to the governing documents to reset the total number of units or lots under Association control and the percentage obligations of each unit as each unit receives a Certificate of Occupancy or equivalent instrument.

Section 6. Voting Rights. None of the provisions of this Article shall affect the voting rights with respect to any of the Undeveloped Parcels. For so long as all payments required by this Article and as otherwise provided by this Declaration are timely made, the votes attributable to the Undeveloped Parcels shall be exercisable in the manner as otherwise provided by the governing documents.

Section 7. Validity and Enforcement. The provisions of this Article are conditioned upon the occurrence of certain conditions precedent identified in a Settlement Agreement entered into between the Association and other parties to the dispute referenced above. In the event that any condition precedent identified therein is not satisfied, this Article shall be null and void. If any party is in doubt regarding the validity of this Article due to uncertainty as to whether the conditions precedent have occurred, any such party may request a representation from the Association regarding whether the conditions precedent have occurred and may rely on such representation if in writing and signed by the Association’s President. In the event of breach of this Article, or in the event that an action to foreclose the claim of lien referenced above is instituted, the prevailing party shall be entitled to reasonable attorneys’ fees and costs, including fees for any administrative staff and paralegals, whether incurred pre-suit or after a lawsuit is filed, and through all appellate stages, including fees incurred to litigate over the amount and reasonableness of fees to be awarded, and irrespective of the forum in which the dispute is resolved.
Section 8. Binding on Successors in Title. The provisions of this Memorandum of Agreement constitute covenants at law and equitable servitudes running with the land as described in Exhibit A attached hereto. All successors in title to the Undeveloped Parcels shall be bound by the terms of this memorandum and shall be deemed to have agreed to these terms upon acquisition of an interest in the Undeveloped Parcels (except a security interest).

IN WITNESS WHEREOF, the Parties have executed this Memorandum of Agreement on the dates below written.

Witnesses

Signature of Witness 1
Emily Jones
Printed
Ruth A. Harp
Signature of Witness 2
Ruth A. Harp
Printed

Matanzas Shores Owners Association, Inc.

John Barber
Signature of President

Printed

STATE OF FLORIDA
COUNTY OF Duval

The foregoing instrument was acknowledged before me this 15th day of August, 2016, by John Barber, as President of Matanzas Shores Owners Association, Inc.

(Dianna L. Hodges)
(Signature of Notary Public – State of Florida)
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known or Produced Identification
Type of Identification Produced: ____________________________

Page 5 of 6
Witnesses

Signature of Witness 1

[Signature]

Printed

Signature of Witness 2

[Signature]

Printed

LR5A-JV, LP
By: LR5A-JV, Corp., its General Partner

By:
Print Name: David Allen
Its: President

RFM MATANZAS HOLDING CO., LLC
By: LR5A-JV, Corp., its Manager

By:
Print Name: David Allen
Its: President

LITTLE LAKES, LLC
By: DILL Manager, LLC, its Manager
By: LR5A-JV, Corp., its Manager

By:
Print Name: David Allen
Its: President

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF NORFOLK

The foregoing instrument was acknowledged before me this 16th day of
August, 2016, by David Allen, as President of LR5A-JV, Corp.

(Signature of Notary Public – Commonwealth of Massachusetts)
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known or Produced Identification
Type of Identification Produced: personally known

SARA GOODMAN
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires November 18, 2022

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SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is made as of the date of the last of the parties to sign below (the "Effective Date"), by and between LR5A-JV, LP ("LR5A"), RFM MATANZAS HOLDING CO., LLC ("RFM"), LITTLE LAKES, LLC ("Little Lakes"), and MATANZAS SHORES OWNER’S ASSOCIATION, INC. (the "Association"). LR5A, RFM, Little Lakes, and the Association are collectively referred to as "the Parties" and each is referred to as a "Party."

RECITALS

WHEREAS, LR5A is the owner of certain unimproved real property identified as Parcel 37-10-31-3725-00000-003A ("Parcel 3A"), Parcel 37-10-31-1550-00000-0154 ("Parcel 154" which together with Parcel 3A may be referred to as the "South Parcel"), Parcel 37-10-31-1550-00000-0155 ("Parcel 155"), and Parcel 37-10-31-1550-00000-0151 ("Parcel 151" which together with Parcel 155 may be referred to as the "North Parcel") (the South Parcel and the North Parcel are collectively referred to as the "Property"); pursuant to that certain Certificate of Title dated June 15, 2011 and recorded on June 17, 2011, in Official Records Book 1821 at Page 248 of the Public Records of Flagler County, Florida.

WHEREAS, the Property is subject to that certain Declaration of Covenants, Conditions, and Restrictions for Matanzas Shores dated August 23, 1989, and recorded in Official Records Book 0403 at Page 0928 of the Public Records of Flagler County, Florida, and all amendments thereto (the "Declaration");

WHEREAS, the Association has demanded certain monetary assessments from LR5A, allegedly pursuant to the Declaration;

WHEREAS, LR5A denies that any assessments are due to the Association;

WHEREAS, on September 25, 2012, LR5A filed a civil action against the Association in the Circuit Court of the Seventh Judicial Circuit in and for Flagler County, Florida, styled as LR5A-JV, LP v. Matanzas Shores Owner’s Association, Inc., Case No. 2012 CA 001349, (the "Lawsuit"), seeking the Court’s declaration that no assessments are due to the Association;

WHEREAS, the Association has disputed LR5A’s allegations and has filed certain counterclaims against LR5A, and has joined RFM and Little Lakes to the Lawsuit;

WHEREAS, LR5A, RFM, and Little Lakes deny the allegations of the counterclaim;

WHEREAS, the Parties recognize that it would be beneficial if LR5A were able to sell the Property to one or more third parties, and it is anticipated that the sale of the Property will occur at some unknown future date; and

WHEREAS, the Parties have determined that it is in their mutual best interest to avoid further litigation and desire to amicably and finally resolve all issues and claims between and among them.
NOW, THEREFORE, in consideration of the foregoing, the mutual covenants and conditions contained in this Agreement, and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged and conclusively established, the Parties agree as follows:

1. **Recitals.** The recitals set forth above are true and are incorporated into this Agreement by reference.

2. **Payments.**

   2.1. **Initial Payment.** After full execution of this agreement by the Parties, and within thirty (30) calendar days following the recordation of a memorandum of agreement or other document reflecting the terms of this Agreement, LR5A shall deliver to the Association the sum of one hundred fifty thousand dollars ($150,000.00) (the "Initial Payment").

   2.2. **Deferred Payment.** Upon the closing of the sale of each of the North Parcel and the South Parcel, LR5A shall deliver to the Association the sum of seventy-five thousand dollars ($75,000.00) per closing for a total deferred payment in the amount of one hundred fifty thousand ($150,000.00) (the "Deferred Payment"). In the event that there is any further subdivision of the Property, the amount of the Deferred Payment shall be calculated pro-rata at the time of subdivision in accordance with the following formula:

   \[
   \frac{\text{(Deferred Payment} - \text{Deferred Payment or pro-rata portion thereof previously paid)}}{\text{Number of Remaining Unsold Parcels}}
   \]

   In no event shall the total Deferred Payment be more or less than a total of one hundred fifty thousand $150,000.00 upon the sale of all portions of the Property. For the purposes of this Agreement, "sale" shall mean any transfer, conveyance, disposition, or change in ownership whatsoever, whether voluntary or involuntary, including but not limited to an exchange for consideration, gift, or transfer incident to bankruptcy or otherwise. The obligation to make the Deferred Payment, if unpaid at the time of closing in breach of this Agreement, shall inure to future purchasers of the Property and shall constitute a lien upon the portions of the Property for which the Deferred Payment has not been made. The Association shall be entitled to record a claim of lien against the Property to secure the Deferred Payment and LR5A, or any successors in title, shall be entitled to the recordation of a release of lien within fifteen (15) calendar days after the Association's receipt of cleared payment of the Deferred Payment for the Property or portions thereof as pro-rata portions of the Deferred Payment are received by the Association.

2.3. **Waiver of Past-Due Amounts.** Upon full execution of this Agreement, recordation of a memorandum of agreement or other document reflecting the terms of this Agreement, and receipt of cleared payment of the Initial Payment, all of which shall be conditions precedent to the effectiveness of any waivers contemplated by this Agreement, the Association shall thereby waive any and all amounts due or claimed to be due relating to the Property from the Parties, including, without limitation, any claims
arising under the Declaration, from the beginning of the world to the date of this Agreement, including, but not limited to, assessments, late fees, interest, and attorney’s fees, except for the sums described in paragraphs 2.1, 2.2, and 2.4 of this Agreement.

2.4. Waiver of Future Amounts. Upon full execution of this Agreement, recordation of a memorandum of agreement or other document reflecting the terms of this Agreement, and receipt of cleared payment of the Initial Payment, all of which shall be conditions precedent to the effectiveness of any waivers contemplated by this Agreement, the Association thereby agrees to waive any future assessments (including, but not limited to, monthly assessments, special assessments, North Tract assessments, Wastewater Assessments, and/or any other charge levied by the Association) (hereinafter, “Assessments”) that come due prior to LR5A’s sale of the Property. The Association shall also waive all Assessments for a period of four (4) years after the closing of the sale of each of the North Parcel and South Parcel, or portions thereof as the case may be, commencing on the date of recordation of the conveyancing deed(s) or other muniments of title, unless a Certificate of Occupancy (or other similar instrument permitting occupancy) is issued for any individual (to be constructed) unit(s) or dwellings on the Property. In the event a Certificate of Occupancy (or other similar instrument permitting occupancy) is issued for any individual (to be constructed) unit(s) or other dwelling on the Property (each, a “CO Unit”), assessments for the CO Unit will become due from the owner of the CO Unit in accordance with the provisions of the Declaration beginning on the calendar month immediately following the month in which the Certificate of Occupancy or equivalent instrument is issued. Any remaining portions of the Property for which a Certificate of Occupancy (or other equivalent instrument permitting occupancy) has not been issued shall remain entitled to the waiver of assessments for up to four years after LR5A’s sale thereof.

2.5. No Other Payments. Other than the payments outlined in this Section 2, LR5A, RFM, and Little Lakes shall have no further obligation to pay any assessments to the Association arising out of or related to ownership of the Property or any rights associated with the Property; provided, however, that in the event that LR5A, RFM, or Little Lakes engage in any development action, which for the purposes of this Agreement shall include the commencement of construction of any building or improvement on the Property whatsoever, such Party shall be obligated to pay assessments pursuant to the Declaration commencing on the first day of the calendar month following the month in which the development action was undertaken. This provision excludes for all purposes, any individual or entity who purchases one or more of the Parcels, which constitute the Property, as the rights and obligations of such purchasers are controlled by the provisions of Section 2.4 above.

3. Declarant Rights. Upon full execution of this Agreement, recordation of a memorandum of agreement or other document reflecting the terms of this Agreement, and receipt of cleared payment of the Initial Payment, all of which shall be conditions precedent to the effectiveness of any waivers contemplated by this Agreement, the Association shall dismiss, with prejudice, all claims that the developer or Declarant rights for the Property have been terminated or extinguished. The Association, upon satisfaction of the conditions precedent, affirmatively acknowledges that the developer or Declarant rights to the Property are in full force
and effect, except that the Parties acknowledge and hereby agree that the Declarant (including any future Declarants or assignees of Declarant Rights) shall not have the right to unilaterally amend the Declaration. In addition, the parties hereby agree that the Declarant may control the New Construction Review Board ("NCRB") as contemplated by Article X of the Declaration; provided, however, that the parties agree that the NCRB shall not have the right to approve the construction or development of, nor shall any future purchaser of the Property be permitted to construct or develop, mobile homes or trailers (except as may be desirable for temporary construction offices), campgrounds, or cooperative associations on the Property. The Parties agree to the preparation and recordation of a document reflecting the limitations contained in this paragraph and the terms of this Agreement with the understanding that all future purchasers of the Property or portions thereof, as the case may be, will be bound by the terms of this Agreement as will be reflected in the recorded document. Such document may be in the form of a memorandum of agreement or independent document and its recordation shall be a condition precedent to the effectiveness of any waivers contemplated by this Agreement. The Association shall not take any action to impede or otherwise prevent the transfer, delegation or exercise of the development or Declarant rights to the Property in a manner consistent with the Declaration and this Agreement.

4. **Cooperation.** The Association shall cooperate with LR5A in all reasonable efforts to market and sell the Property. The Association shall cooperate with any purchaser of the Property (or any parcel therein or portions thereof) in its efforts to develop the Property subject to any limitations imposed by the Declaration and this Agreement. In connection therewith, the Association shall agree to cooperate with any effort to make reasonable zoning changes, including, but not limited to, changing the type of residential units that can be built on particular parcels, provided that no such changes will allow for the construction of commercial units or increase the total density above that which is permitted in the most recently approved DRI for Matanzas Shores. In no event shall cooperation on the Association’s part require the Association to expend common funds for the benefit of any future purchaser of the property and nothing herein shall be construed as creating a partnership, joint venture, or agency relationship between the Association and any other party or entity. The Association will agree to execute any consent required by a municipality or administrative agency in furtherance of any development planned in accordance with the terms of this Agreement, but the Association shall not have the obligation to otherwise solicit approval of any other persons for any requests made by any owner of the Property. In addition, the Association will agree to the resulting adjustment of total units relating to the rezoned property, including the modification of the percentage share of each unit governed by the Association for corresponding obligations to the Association. The Association shall also agree to any necessary amendments to the Declaration and any other Association governing documents to reset the total number of units under Association control and the percentage obligations of each unit as each unit receives a Certificate of Occupancy.

5. **Joint Stipulation for Dismissal.** Within fifteen (15) calendar days after full execution of this Agreement, recordation of a memorandum of agreement or other document reflecting the terms of this Agreement, and receipt of cleared payment of the Initial Payment, all of which shall be conditions precedent to the effectiveness of any waivers contemplated by this Agreement, the Parties shall file a Joint Stipulation for Voluntary Dismissal in the Lawsuit, with each Party dismissing its claims with prejudice and bearing its own attorney's fees and costs for the Lawsuit. LR5A's counsel shall submit to the Court for entry an Order dismissing the
Lawsuit with prejudice but retaining jurisdiction to enforce the terms of the Stipulation and this Agreement, the specific terms of which shall be subject to approval of the Parties.

6. Release and Discharge of Liens. As provided in Section 2.2 of this Agreement, the Association shall be entitled to record a claim of lien to secure the Deferred Payment, to which the Parties consent by execution of this Agreement. Within fifteen (15) calendar days after full execution of this Agreement, recordation of a memorandum of agreement or other document reflecting the terms of this Agreement, and receipt of cleared payment of the Initial Payment, all of which shall be conditions precedent to the effectiveness of any waivers contemplated by this Agreement, the Association shall be entitled to record an amended claim of lien for the amount of one-hundred fifty-thousand dollars ($150,000.00) against the Property to secure the Deferred Payment. The amounts subject to any claim of lien hereunder shall not accrue any interest and no additional fees or other sums above the outstanding Deferred Payment shall be sought by the Association. The amended claim of lien shall specifically reference that it is amending the claims of lien recorded at Official Records Book 1922, Page 255 and Book 1922, Page 257 of the Official Records of Flagler County, Florida. After full satisfaction of the conditions precedent referenced above, and within fifteen (15) calendar days after receipt of cleared payment of the Deferred Payment, or portions thereof as may be applicable, the Association shall record a satisfaction of lien for the Property or portions thereof if a pro-rata payment is made incident to the sale of a portion of the Property.

7. Representations and WARRANTIES.

7.1. The undersigned signatories represent that they are vested with the authority to execute and enter into this Agreement on behalf of the respective Parties, and that in the case of the Association all required votes have been procured from members of the Association and/or its Board of Directors to vest the undersigned President with full authority to bind the Association.

7.2. Each Party acknowledges that prior to entering into this Agreement, it has been advised to seek and has had an opportunity to obtain independent counsel to represent its interests in connection with the entering into this Agreement, including the potential income tax, legal, and business consequences of this Agreement. Each Party acknowledges that by its execution of this Agreement, it has either obtained such independent counsel or has waived its right to do so.

7.3. The Parties represent and warrant that no other person or entity has, or has had, any interest in the claims, demands, obligations, or causes of action referred to in the Agreement, except as otherwise set forth in this Agreement; that each Party has the authority to execute this Agreement and the sole and exclusive right to receive the sums specified in it; and that no Party has sold, assigned, transferred, conveyed or otherwise disposed of any of the claims, demands, obligations or causes of action referred to in this Agreement. Notwithstanding the foregoing, the Parties acknowledge that the Association has no control over the ability or right, if any, of the individual members of the Association to bring claims or causes of action against the Association or other Parties for issues related to this Agreement but in no event will the Association encourage any such action or provide any funding in support of such action.
8. **Mutual Release.** Except for the obligations required by this Agreement, and subject to the conditions precedent stated herein, each Party hereby presently, fully and finally, releases, acquits, and forever discharges every other Party and their attorneys, insurers, assignees, transferees, transferees, principals, partners, officers, directors, employees, servants, as well as their past and present parent companies, affiliates, sister corporations, subsidiaries, shareholders, directors, employees, agents, representatives, predecessors, successors, assigns, attorneys, and all persons acting by, through or under them, or any of them, from any and all claims, manner of action and actions, cause and causes of action, suits, debts, sums of money, accounts, covenants, contracts, controversies, agreements, promises, claims, demands, damages, liens, levies and executions, whether known or unknown, liquidated or unliquidated, fixed, contingent, direct or indirect, in law or in equity, which each Party ever had, now have, or which any successor or assign of the Party hereafter can, shall or may have, upon or by reason of any manner, cause or thing whatsoever, from the beginning of the world to the date of this Agreement concerning, relating to and/or arising out of the Lawsuit.

9. **Future Obligations of Association as to Certification of No Assessments.** At any time following the Effective Date, upon fifteen (15) calendar days’ prior written request of LR5A (or its designee), and so long as LR5A or RFM is not in breach of this Agreement and has otherwise paid all amounts then due hereunder, the Association shall provide written confirmation, in form and substance to conform with the Declaration and applicable Florida law, that all Assessments have been paid in full and that there are no delinquencies. If amounts remain due to the Association, the Association’s written response shall state the amounts due.

10. **Counterparts.** This Agreement may be executed in one or more counterparts and each counterpart shall be deemed to be an original. If any Party signs a facsimile copy or provides a .pdf of an executed counterpart of this Agreement, such copies shall be deemed originals.

11. **Mutual Authorship.** The Parties affirm that this Agreement is the product of negotiation and agree that it shall not be construed against any Party on the basis of sole authorship.

12. **Voluntary Agreement.** The parties are voluntarily, with full knowledge and without coercion or duress of any kind, entering into this Agreement. The Parties are not relying on any representation, either written or oral, express or implied, made by any other Party other than as set forth in this Agreement, and received actual and adequate consideration to enter into this Agreement.

13. **Nothing in this Agreement is to Act as an Admission.** Neither this Agreement nor anything in it shall act as or constitute an admission by any Party that any Party, or any of their respective past or present agents, employees, independent contractors, accountants or attorneys, committed any wrongful act, or violated or breached the terms of any agreement or duty owed, whether statutory or otherwise.

14. **Entire Agreement; Amendment; Waiver; and Severability.** Except as stated in this Agreement, this Agreement embodies the final, entire agreement among the Parties and supersedes any and all prior commitments, agreements, representations and understandings,
whether written or oral, relating to the subject matter of this Agreement and may not be contradicted or varied by evidence of prior, contemporaneous or subsequent oral agreements or discussions of the Parties. This Agreement may be amended or modified only by a written instrument signed by the Parties. The Parties agree that the failure of a Party at any time to require performance of any obligation of this Agreement shall not affect, diminish, obviate or void in any way the other Party's right or ability to require full performance of the same or any other obligation of this Agreement. This Agreement is intended to be severable. Should any portion, term, or provision of this Agreement be declared or determined by any court to be illegal, invalid, or unenforceable, the validity of the remaining portions, terms, and provisions, and the application of such portion, term, or provision in circumstances other than those as to which it is so declared illegal or unenforceable, shall not be affected, and the illegal, invalid, or unenforceable portion, term, or provision shall be valid and enforceable to the fullest extent permitted by applicable law.

15. **Assignability.** No Party shall assign or delegate their obligations under this Agreement without the other Party's consent, which consent shall not be unreasonably withheld; provided, however, the Parties confirm and agree that any owner of the Property shall have the right to fully enforce the agreements and obligations of the Association without having to procure any prior consent of the Association.

16. **Successors and Assigns.** This Agreement is binding upon, and inures to the benefit of, the Parties and their respective permitted successors and assigns.

17. **Time Periods.** In the event any time period or date under this Agreement shall end on a Saturday, Sunday or legal holiday, the applicable date or period shall be extended to the first business day following such Saturday, Sunday or legal holiday.

18. **Attorneys' Fees.** Other than as provided below, the Parties shall be responsible for paying their own attorneys' fees, costs and expenses arising out of or connected with the Lawsuit, including but not limited to the preparation and execution of this Agreement.

19. **Governing Law, Venue and Jurisdiction.** This Agreement shall be governed by, construed and interpreted in accordance with the laws of the State of Florida without regard to any applicable conflict of law principles. In any action between or among the Parties hereto arising out of or relating to this Agreement or any of the transactions contemplated by this Agreement, each Party irrevocably and unconditionally: (i) consents and submits to the exclusive jurisdiction and venue of the state court located in Flagler County, Florida, or the U.S. District Court for the Middle District of Florida; and (ii) waives any objection which s/he has to the laying of venue of any such suit, action or proceeding in such court.

20. **Breach and Enforcement Action.** In the event any Party brings an action to interpret or enforce any of the provisions of this Agreement in the event of a dispute, the Party prevailing in any such action shall be entitled to recover, and the losing Party shall be obligated to pay to the prevailing Party, the reasonable attorneys' fees and costs incurred in such proceeding, including attorneys' fees and costs incurred in any appellate proceedings and including attorneys' fees associated with any hearings to determine the amount and reasonableness of attorneys' fees incurred.
21. **Estoppel.** Upon request, the Association shall provide an estoppel certificate, in a form in which a prospective purchaser of any portion of the Property may rely, confirming compliance by LR5A, RFM, and Little Lakes with this Agreement, if the foregoing Parties are in fact in compliance. If not, the Association’s response shall state the alleged basis for noncompliance.

22. **Jury Trial.** ALL PARTIES KNOWINGLY AND VOLUNTARILY WAIVE TO THE FULLEST EXTENT PERMITTED BY LAW RIGHTS TO ANY TRIAL BY JURY IN ANY ACTION RELATING TO OR ARISING OUT OF THIS AGREEMENT.
IN WITNESS WHEREOF, the Parties have executed or duly caused the execution of this Settlement Agreement as of the dates written below.

LR5A-JV, L.P
By: LR5A-JV, Corp., its General Partner

By: 
Print Name: David Allen
Its: President

Date: 8/16/16

RFM MATANZAS HOLDING CO., LLC
By: LR5A-JV, Corp., its Manager

By: 
Print Name: David Allen
Its: President

Date: 8/16/16

LITTLE LAKES, LLC
By: LHLL Manager, LLC, its Manager
By: LR5A-JV, Corp., its Manager

By: 
Print Name: David Allen
Its: President

Date: 8/16/16

MATANZAS SHORES OWNER'S ASSOCIATION, INC.

By: 
Print Name: John Barber
Its: President

Date: 8/16/16
Citizen Comments

For Items # 9-13
September 22, 2017

Flagler County Planning and Development Board
℅ Adam Mengel
1769 E Moody Blvd Bldg 2
Bunnell FL 32110

Subject: Matanzas Shores/Duval Realty development proposal

My name is Bill Clay, my wife and I have been residents of Matanzas Shores for ten years. We have been involved in our community for most of those years.

I have been a member of the MSOA BOD and currently I am President of Lakeside by the Sea. Lakeside is one of the communities within Matanzas Shores.

For eight years I was the board person in charge of our Waste Water Treatment Plant which serves about 1,000 homes. This includes Sea Colony which is just down A1A from Matanzas Shores. During those eight years there was an ongoing battle to get our plant up to our standards and correct problems left by ITT. We eventually spent $1.4 million on this project and had a special assessment to pay for it.

For ten years Lakeside has been battling with the MSOA BOD to completed the Storm Water Collection System under the St. Johns Water District permit 18442. During Hurricane Matthew, Lakeside homes came within inches of being flooded. Our home which will be next to the Las Casitas Project had water inside our enclosed porch. This same flooding happened again during Irma. This storm water is coming from the South into our community.

Naturally, after Matthew the battle to complete this storm water collector system intensified and the discharge structure was completed.
What we are concerned about is the plan that Duval has submitted to the county.

We believe this plan is dangerous and unsafe for us and our homes. We begged both the Water District and the County Engineer to please require a second outfall to the intercostal to give our community a chance to survive. I am sure you are aware that the Storm Water collection system only discharges at low tide. This new development which will have 65% impervious land cover is going to add a lot more water to our system, it removes Perk Pond #3 which has been filling with storm water and the storm water coming from South of us, from unknown sources. The differences in home elevations puts us at the bottom of the bath tub. We believe this plan and our most current history is going to guarantee a flooded “Lakeside By The Sea”.

As to the Water Water Treatment Plant (WWTP) we have an agreement with Duval to make some necessary improvement, without any discussion or chance to voice our concerns, a plan was submitted to the Florida DEP. Having previous discussed these improvement with the DEP, it was a sure thing as far as we were concerned. What was approved was the minimum standards verses best practices. Duval agreed to a $3,000 hookup fee/unit to the WWTP, why would anyone not want a first class operation? I guess it would be the PROFIT MOTIVE!

Thank you for reviewing my concerns and hope that what I have said makes some sense to you as a county resident. Please keep this in mind as you consider this project.

I am not against this project, but want to make sure our homes are protected as best they can.

William Clay
5 San Diego Lane
Palm Coast FL. 32137
As a long time resident of Lakeside by the Sea, Matanzas Shores, I have several concerns regarding Duval's application for development adjacent to Lakeside. I am unable to attend the Oct. 10th Hearing, but perhaps the Board members will consider that elevation requirements of current residential construction are 2 feet higher than the existing Lakeside development. This could result in excessive flooding into the Lakeside community in the event of an ocean surge as experienced during hurricane Matthew in 2016. This condition is especially exacerbated with the reduction of perc pond surface area that is part of the proposed new development. Suddenly, we live downhill and with new development to our south side as well as the north side, Lakeside will be in a valley.

I'm sure that numerous other concerns will be addressed by those in attendance Oct. 10th. Thank you for your consideration in this matter.

Bernie Zuckerman
20 San Rafael Ct.
445-9254
September 27, 2017

Flagler County Florida Planning and Development Board
Robert Dickinson, Chairman
Michael Boyd
Arthur Barr
Michael Duggins
Lauren Kornel
Mark Langello
c/o Adam Mengel, Planning and Zoning
1769 E Moody Blvd, Bldg 2
Bunnell, FL 32110

Re: Application: Duval proposal for development of Los Lagos and Las Casitas at Matanzas Shores

Dear Sirs/Madam,

My wife and I are seasonal residents of Lakeside by the Sea in Matanzas Shores. We own our home and do not rent it at all. We plan to make Lakeside our permanent residence in the next few years. We are blessed to have wonderful neighbors in Lakeside that help us to take care of our home. We are very concerned about the proposed development referenced above. Along with the other concerns that you will hear about from Lakeside permanent residents, our overriding concern is that the proposed development will almost certainly result in catastrophic flooding in Lakeside within the foreseeable future.

During Hurricane Matthew, the dunes breach in Washington Oaks Park resulted in salt water getting perilously close to the inside of homes in Lakeside by the Sea. A neighbor who rode it out provided a photograph of the salt water two thirds of the way up our driveways. Our lawns and streets became temporary ponds. The proposed new development will basically surround Lakeside with homes elevated two feet higher than the homes in Lakeside. The new homes will be packed in with insufficient drainage and swale areas to prevent even a modest storm from flooding the homes in Lakeside. If we could elevate Lakeside by the Sea to accommodate the proposed development, that might make the development feasible, but as far as I know, elevating Lakeside by the Sea is impossible.

Until storm surge and flooding are adequately addressed and resolved, the proposed development should not be approved. Many fewer new homes and much more land dedicated to flood control, especially land between Lakeside and the proposed development, might be a start. Thank you for your consideration.

Sincerely,

Paul Groschadl

Name: ____________________________________________

Address: __________________________________________

5462114: { }
September 27, 2017
Flagler County Florida Planning and Development Board
Robert Dickinson, Chairman
Michael Boyd
Arthur Barr
Michael Duggins
Lauren Kornel
Mark Langello
c/o Adam Mengel, Planning and Zoning
1769 E Moody Blvd, Bldg 2
Bunnell, FL 32110

Re: Application: Duval proposal for development of Los Lagos and Las Casitas at Matanzas Shores

Dear Sirs/Madam,

I am a Florida voter and resident of Matanzas Shores. I have some serious concerns about the above subject which is apparently being brought before the Board on October 10, 2017. I am opposed to the approval of these applications as submitted for the following reasons:

A primary goal of the Planning Board should be the health and safety of citizens first and economic development in cooperation with developers should be subordinate to that goal. Many of the homeowners within the Lakeside parcel are elderly retirees on a fixed income who have lived here quietly and harmoniously for decades. The proposed plans will seriously impact their quiet enjoyment of their retirement homes and potentially make them homeless if the development is allowed to progress as presently envisioned and catastrophic flooding occurs as a result.

The single family homes within Matanzas Shores narrowly escaped flooding during Hurricanes Matthew and Irma. This Planning Board will be severely criticized, face legal ramifications and ultimately be held responsible if they allow a developer to move existing structures meant to alleviate flooding in order to maximize profits to those developers, many of whom will be gone before the full damage they have done will be apparent. Surrounding properties at Marineland and Washington Oaks have not yet recovered from the combined effects of Matthew and Irma. This planning board knows, or should know, that this development is not acceptable for the area.

The plan calls for the developer to use existing Lakeside by the Sea roads to access certain facilities. This will cause major safety concerns. The roadways are already overcrowded and in many instances there are no sidewalks so pedestrians need to walk in the street to get around the development. In addition, the Lakeside roadways are often crowded with bike riders, dog walkers, and service vehicles such as landscaping trucks. The developer should plan to access facilities such as the Boat House and the Sports Club from its own parcel and not overburden the Lakeside parcel. It is also imperative that there be construction roads that do not utilize the existing roadways within Lakeside by the Sea. Asking Lakeside residents to put up with prolonged construction noise, traffic, and dust is unconscionable.

The proposed development is not harmonious with the existing Matanzas Shores architectural standards nor does it comport with Scenic A1A standards. There will be inadequate buffer zones and greenspace especially in the areas where the developer wishes to put houses directly backing up to Route A1A and the waste water treatment plant (WWTP). The height and design of the proposed structures are not in
keeping with natural beauty of this area which is the prime reason people buy in this area. Moreover, the sample floor plans show 6 and 7 bedrooms which would seem to indicate that the target market is absentee owners/investors interested in short term vacation rentals which will undoubtedly increase the burden on the existing parcel owners and adversely affect their ability to enjoy the common elements.

The proposed plans call for housing with elevations that exceed those of the existing Lakeside homes, i.e., 11 feet versus 9 feet. Additionally, the developer proposes to move existing retention ponds and substantially reduce them and replace them with “massed” homes on paved streets with 60% impermeable surfaces. Perk pond 3, which flooded during Irma, will be covered with dense development. The proposed development does not adequately consider, and plan for, the combined effect of ocean surge and terrestrial flooding on the existing neighboring communities. Any plans should be reviewed more thoroughly with those contingencies in mind. The engineering firm (Singhofen and Associates, Inc.) from Orlando engaged to provide these calculations are missing the reality of this community since their calculations are based on rain fall and include nothing for storm surge. The prior two named storms were inches away major home flooding. Granting approval to proceed with the plans as submitted will almost assuredly result in catastrophic property damage or personal injury to other Matanzas Shores parcel owners due to the areas existing propensity to flood.

Developer is piggybacking onto existing Matanzas Shores’ facilities and amenities but doesn’t want to pay for that right until sometime in the future. Developer wants to take all of the rights and benefits of a Declarant with no corresponding obligations. At a minimum, the developer should be required to install adequate retention ditches and drainage infrastructure improvements and post a bond with Matanzas Shores as a named insured to assure that these obligations do not hereafter become the responsibility of the existing non developer homeowners.

While legalities need to be further explored, it appears that many of the provisions within the Development Agreement and the Amendment to the Covenants are not in compliance with Florida Statutes governing homeowners associations and Not for Profit Corporations. Matanzas Shores is a not for profit corporation. As presently structured, the non-developing members of Matanzas Shores are being asked to accept the risk that the developer will ultimately be successful with its development. The non-developing members of Matanzas Shores should not be asked to subsidize the profit making purpose of developer.

It is premature for the Planning Board to recommend approval of these Proposals until many of these important issues are clarified to the reasonable satisfaction of all parties concerned, especially the Lakeside homeowners who will be the parties most seriously affected by the proposed development. Accordingly, I respectively request that you do not approve the Proposals to go forward to the Board of County Commissioners.

Sincerely,

Name: Philip & Jenna Jones

Address: 33 San Jose Drive, Palm Coast, FL 32137
September 27, 2017

Flagler County Florida Planning and Development Board

Robert Dickinson, Chairman
Michael Boyd
Arthur Barr
Michael Dubbins
Lauren Kornel
Mark Langello
c/o Adam Mengel, Planning and Zoning
1769 E Moody Blvd, Bldg 2
Bunnell, FL 32110

Re: Application by Duval to Alter Existing Lakes, Property at Matanzas Shores

Dear Sirs,

I am a homeowner at Matanzas Shores in Palm Coast. My husband and I made this our home since September, 1997. (He has since passed away.) I am a Florida voter. One of the main reasons we decided to make our permanent home in Lakeside/Matanzas Shores was the good drainage system we witnessed when there was a tropical storm that dumped 13 inches of rain and nowhere in Lakeside was flooded due to the initial planning of the developers of Matanzas Shores homes.

I have serious concerns about the proposed development which is apparently being brought before the Board on October 10, 2017. I am totally opposed to the approval of this application as submitted for the following reasons:

- The proposed development does not adequately consider, and plan for, the combined effect of ocean surge and terrestrial flooding on the existing neighboring communities. Because we have been hit by 2 hurricanes in 11 months, plans must be reviewed more thoroughly.
- The single-family homes within Matanzas Shores narrowly escaped flooding during Hurricane Matthew. Because of the size of the lakes and draining of the lake levels based on Matthew damage and the potential to be worse with Irma, our homes were spared.
This Planning Board **MUST** address the flooding potential **before** they approve the plans as submitted. Changes must be made to minimize flooding potential.

We recently witnessed unprecedented flooding in Huston TX due, in part, to poor planning for flooding potential.

The Planning Board will be severely criticized and ultimately held responsible if they allow a developer to move existing structures meant to alleviate flooding in order to maximize profits to those developers, many of whom will be gone before the full damage they have done will be apparent.

A primary goal of the Planning Board should be **the health and safety of citizens** first and economic development in cooperation with developers should be less important.

Many of the provisions within the Development Agreement and the Amendment to the Covenants are **not** in compliance with Florida Statutes governing homeowners associations.

Developer wants to take all of the rights and benefits of a Declarant with no corresponding obligations. The developer should be required to post a bond in favor of Matanzas Shores to assure that these obligations do not hereafter become the responsibility of the existing non developer homeowners.

It is premature for the Planning Board to recommend approval of this Proposal until these potentially dangerous issues are clarified to the reasonable satisfaction of all parties concerned.

I respectively request that you **do not** approve the current Proposal to go forward to the Board of County Commissioners.

Sincerely,

*Nancy H. Miller*

Homeowner/Voter
September 28, 2017

Flagler County Florida Planning and Development Board
Robert Dickinson, Chairman
Michael Boyd
Arthur Barr
Michael Duggins
Lauren Kornel
Mark Langello
c/o Adam Mengel, Planning and Zoning
1769 E Moody Blvd, Bldg 2
Bunnell, FL 32110

Re: Application: Duval proposal for development of Los Lagos and Las Casitas at Matanzas Shores

Dear Sirs/Madam,

I am an eighteen year resident of Lakeside by the Sea, and one who stands to be most impacted by the proposed Duval development of the parcel of land south of Lakeside’s main south gate. We are a gated community of 126 single family homes that are primarily permanent residents. Our community houses two of the primary amenities shared already by four condos and residents of Lakeside. Near the south entrance gate on San Jose Dr is the Sports Club, and this amenity consists of a small pool, clubhouse, and tennis and pickle ball courts. At the north entrance is the only road to the Boat Club on the Intracoastal Waterway off San Jose Dr. These two streets are also the only access to A1A. A proposed construction entrance, that would eventually be converted to a permanent entrance for the Duval development, is directly across from my driveway on a narrow street that is already heavily travelled and is very close to a blind curve in the road. Because of the potential traffic already on San Carlos Dr, there is a stretch of sidewalk which will possibly be eliminated to allow the developer’s heavy equipment wider access to the entrance. These roads within Lakeside are totally paid for and maintained by Lakeside residents, not Flagler County, and the developer is offering no money for the wear and tear of these streets during the lengthy construction period.

There is a significant safety issue involved with this development. Our streets are narrow and because of the lack of sidewalks, residents will be walking in the streets, children will be walking to the school bus stop right near this proposed entrance. There is a lift station for Sea Colony sewage and numerous electrical grids and panels located just to the left of this entrance. There are frequent workers inspecting the lift station and electrical components as well as lawn care crews and trucks, not to mention people coming to the Sports Club from A1A. All vendors and other service workers must come through our single entrance gate past this proposed construction entrance. Our residents must also pass this construction entrance on their way to our south beach access across A1A.
In good faith, how can a Planning and Zoning Board allow a developer to destroy the safety and well-being of a 25 year old, established community with 190 new homes packed into this small amount of property? What was envisioned in the 1980’s to satisfy potential developer’s greed does not seem sensible or humane in 2017.

Accordingly, I respectively request that you do not approve the Proposals to go forward to the Board of County Commissioners.

Sincerely,

Name: Martha H. Mockler

Address: 22 San Carlos Drive
September 28, 2017

Flagler County Florida Planning and Development Board
Robert Dickinson, Chairman
Michael Boyd
Arthur Barr
Michael Duggins
Lauren Kornel
Mark Langello
c/o Adam Mengel, Planning and Zoning
1769 E Moody Blvd, Bldg 2
Bunnell, FL 32110

Re: Application: Duval proposal for development of Los Lagos and Las Casitas at Matanzas Shores

Dear Sirs/Madam,

I am a Florida voter and a full time resident of Matanzas Shores. I have some serious concerns about the above subject which is apparently being brought before the Board on October 10, 2017. I am opposed to the approval of these applications as submitted for the following reasons:

A primary goal of the Planning Board should be the health and safety of citizens first and economic development in cooperation with developers should be subordinate to that goal. Many of the homeowners within the Lakeside parcel are elderly retirees on a fixed income who have lived here quietly and harmoniously for decades. The proposed plans will seriously impact their quiet enjoyment of their retirement homes and potentially make them homeless if the development is allowed to progress as presently envisioned and catastrophic flooding occurs as a result.

The single family homes within Matanzas Shores narrowly escaped flooding during Hurricanes Matthew and Irma. This Planning Board will be severely criticized and ultimately held responsible if they allow a developer to move existing structures meant to alleviate flooding in order to maximize profits to those developers, many of whom will be gone before the full damage they have done will be apparent. Surrounding properties at Marineland and Washington Oaks have not yet recovered from the combined effects of Matthew and Irma. This planning board knows, or should know, that this development is not acceptable for the area.

The plan calls for the developer to use existing Lakeside by the Sea roads to access certain facilities. This will cause major safety concerns. The roadways are already overcrowded and in many instances there are no sidewalks so pedestrians need to walk in the street to get around the development. In addition, the Lakeside roadways are often crowded with bike riders, dog walkers, and service vehicles such as landscaping trucks. The developer should plan to access facilities such as the Boat House and the Sports Club from its own parcel and not overburden the Lakeside parcel. It is also imperative that there be construction roads that do not utilize the existing roadways within Lakeside by the Sea. Asking Lakeside residents to put up with prolonged construction noise, traffic, and dust is unconscionable.
The proposed development is not harmonious with the existing Matanzas Shores architectural standards nor does it comport with Scenic A1A standards. There will be inadequate buffer zones and greenspace especially in the areas where the developer wishes to put houses directly backing up to Route A1A and the waste water treatment plant (WWTP). The height and design of the proposed structures are not in keeping with natural beauty of this area which is the prime reason people buy in this area. Moreover, the sample floor plans show 6 and 7 bedrooms which would seem to indicate that the target market is absentee owners/investors interested in short term vacation rentals which will undoubtedly increase the burden on the existing parcel owners and adversely affect their ability to enjoy the common elements.

The proposed plans call for housing with elevations that exceed those of the existing Lakeside homes, i.e., 11 feet versus 9 feet. Additionally, the developer proposes to move existing retention ponds and substantially reduce them and replace them with "massed" homes on paved streets with 60% impermeable surfaces. Perk pond 3, which flooded during Irma, will be covered with dense development. The proposed development does not adequately consider, and plan for, the combined effect of ocean surge and terrestrial flooding on the existing neighboring communities. Any plans should be reviewed more thoroughly with those contingencies in mind. Granting approval to proceed with the plans as submitted will almost assuredly result in catastrophic property damage or personal injury to other Matanzas Shores parcel owners due to the areas existing propensity to flood.

Developer is piggybacking onto existing Matanzas Shores’ facilities and amenities but doesn’t want to pay for that right until sometime in the future. Developer wants to take all of the rights and benefits of a Declarant with no corresponding obligations. At a minimum, the developer should be required to install adequate retention ditches and drainage infrastructure improvements and post a bond with Matanzas Shores as a named insured to assure that these obligations do not hereafter become the responsibility of the existing non developer homeowners.

While legalities need to be further explored, it appears that many of the provisions within the Development Agreement and the Amendment to the Covenants are not in compliance with Florida Statutes governing homeowners associations and Not for Profit Corporations. Matanzas Shores is a not for profit corporation. As presently structured, the non-developing members of Matanzas Shores are being asked to accept the risk that the developer will ultimately be successful with its development. The non-developing members of Matanzas Shores should not be asked to subsidize the profit making purpose of developer.

It is premature for the Planning Board to recommend approval of these Proposals until many of these important issues are clarified to the reasonable satisfaction of all parties concerned, especially the Lakeside homeowners who will be the parties most seriously affected by the proposed development. Accordingly, I respectively request that you do not approve the Proposals to go forward to the Board of County Commissioners.

Sincerely,

Alan D. Whelpley

Name: ____________________________________________________________

Address: 9 San Luis Lane, Palm Coast, FL 32137
September 27, 2017

Flagler County Florida Planning and Development Board
Robert Dickinson, Chairman
Michael Boyd
Arthur Barr
Michael Duggins
Lauren Kornel
Mark Langello

c/o Adam Mengel, Planning and Zoning
1769 E Moody Blvd, Bldg 2
Bunnell, FL 32110

Re: Application: Duval proposal for development of Los Lagos and Las Casitas at Matanzas Shores

Dear Sirs/Madam,

We are homeowners at Lakeside-by-the-Sea and are very concerned for several reasons about the subject proposal that is now being considered for your approval. Our home is located within 300 feet of the proposed Las Casitas development on San Carlos Drive, a thoroughfare through Lakeside in between Las Casitas and Los Lagos, as proposed. We want to make it clear to the Board that we do not oppose any development of this property, but we stand in strong opposition to this specific plan for many reasons, including the following:

1. **Overall Lack of Transparency:** The agreement between the Matanzas Shores Owners Association and Duval, the developer, was negotiated and finalized without any meaningful input from or participation by the residents of Lakeside, a separate parcel within Matanzas Shores. More than any other parcels of Matanzas Shores, the lives of Lakeside residents will be impacted by these proposed developments in many ways and for many years to come.

2. **Inadequate Financial Security** has been posted by the developer in the event that it or its successors/assigns (future developers) cannot perform, which places the homeowners of ALL Matanzas Shores parcels, including Lakeside, at an extreme economic disadvantage with unconscionable financial risk. This by itself is a breach of the Matanzas Shores fiduciary responsibility to its members.

3. **Serious Storm Water Drainage Issues:** During Hurricane Matthew only 12 months ago, flood waters literally approached the doors of many of the houses at Lakeside. If the storm produced only a small amount of additional rain, the flood waters would have entered our homes. Although the engineers at the St. Johns River Water Management District have apparently approved of these developments, much to our amazement, we do not trust their opinions any longer. The thousands of residents in Houston whose homes were so recently flooded by Hurricane Harvey lived in developments that were originally approved by engineers, and we have witnessed the disastrous results. The plan for Las Casitas will substitute one of our wastewater percolation ponds (“Perc Pond Number 3” to the south of Lakeside along Highway a1a) with densely “massed” homes of 60% impermeable surfaces per lot. The fact is that “Perc Pond Number 3” flooded during Hurricane Irma a few weeks ago. What can we expect in the
future when “Perc Pond 3” is replaced by densely massed homes with impermeable surfaces of 60%? Perhaps a disaster.

Furthermore, the current plan substitutes most of the two existing retention ponds at both ends of Lakeside, north and south, with densely massed homes and paved streets. In this scenario, where will the flood waters go? Into our homes.

In addition, the plan calls for the new homes to be at a higher elevation than the existing homes at Lakeside, which would cause any flood waters to flow into our community and into our homes.

4. Waste Water Treatment Plant Issues: Although we are not engineers, there is an existing odor problem with the Matanzas Shores Waste Water Treatment Plant that apparently can’t be resolved. How will 190 additional users contribute to a current problem that currently cannot be resolved?

5. Quality of Life Issues: Aside from the urgent storm water and waste water issues, there are numerous negative impacts on the quality of our lives at Lakeside including:

a. Inharmonious Architectural and Aesthetic Style: Although “Term Number 12” of the current MSOA-Duval agreement states that “Duval shall ensure that the development is aesthetically harmonious with the existing communities within Matanzas Shores,” lot sizes of 40 feet and houses of three stories are not at all “harmonious” with Lakeside’s predominantly one story homes on lots that are at least twice the size. Furthermore, Lakeside has very strict covenants regarding its Mediterranean architectural style, including the exterior colors, red tile roofs, and other building materials. How does the developer specifically plan to comply with those covenants? As the only single family home community within Matanzas Shores, Lakeside’s architectural rules serve as the standard for all of Matanzas Shores. There is no indication in the agreement or the applications that the existing, strict Lakeside architectural standards will be followed as they must be.

Furthermore, the only floor plan provided in the applications indicates a home with 6 or 7 bedrooms. How is this harmonious with a community that consists entirely of 2 and 3 bedroom homes? Many of these homes will directly back to Highway a1a and to the Wastewater Treatment Plant without an adequate vegetative buffer zone. What is the developer’s target market? Who will buy these homes? Absentee investors who will have no personal interest in the future of this community and who will most likely provide short-term rentals to vacationers and weekend partygoers. This is NOT harmonious with the existing community! As proposed, the floorplans and the density of the proposed developments threaten the essential character of this community.

b. The Overburdening of Existing Common Elements: The developer is not required to contribute $200,000 toward a new swimming pool and $25,000 toward Boat House improvements until half of the 190 units are sold. How long will this take? Until that indefinite period of time, these existing common elements, which are already fully utilized, will be stretched beyond their normal capacity and beyond their ability to be enjoyed by the residents of Lakeside.
c. **Prolonged Burden of Construction:** “Term #13” of the current agreement concerning “construction entrances” do not adequately protect Lakeside homeowners from the misery of noise, traffic, and dust as a result of a prolonged period of construction. This term only states that a separate construction entrance to the south parcel will be provided only “upon approval by the appropriate authorities”. This term does nothing to protect Lakeside homeowners from the burden of a prolonged period of construction. As with so many other aspects of this development plan, the burden of construction is entirely upon the residents of Lakeside without any adequate responsibilities on the part of the developer concerning restrictions to construction so that the normal, everyday lives of the residents are not seriously disrupted.

d. **Dangerous, Increased Traffic on Very Narrow, Winding Lakeside Roads:** The through streets within Lakeside, primarily San Carlos, San Jose, and San Juan Drives, are extremely narrow with very few sidewalks. Even without very disruptive construction traffic between the two developments on each side of Lakeside, the additional residential traffic pouring from Las Casitas into Lakeside to the shared Boat Club will pose very dangerous conditions to the existing communities. The roads of Lakeside are entirely inadequate for this additional traffic, which poses a very serious safety threat to the community.

6. **General Environmental Issues Concerning Our Fragile, Vulnerable Barrier Island:** The very serious storm water, waste water, and quality of life issues previously enumerated do not only affect the immediate Lakeside community but the well-being of this entire barrier island. The houses that back to Highway a1a will create an unsightly “wall of development” on both sides of Lakeside that will seriously harm the special, unique beauty of the “Scenic a1a” roadway. These developments will pose serious traffic hazards on a segment of a1a that is already plagued by growing congestion and by vehicles that regularly exceed the posted speed limits.

For all of the reasons above, we are strongly opposed to the developments as currently proposed by Duval and urge the Board to reject the applications as they exist in their entirety.

Thank you for your kind attention to this very important matter.

Sincerely,

Frank and Virginia Wiener

33 San Carlos Drive

Palm Coast, Florida 32137

(386) 597-7802
September 28, 2017

Flagler County Florida Planning and Development Board
Robert Dickinson, Chairman
Michael Boyd
Arthur Barr
Michael Duggins
Lauren Kornel
Mark Langello
c/o Adam Mengel, Planning and Zoning
1769 E Moody Blvd, Bldg 2
Bunnell, FL 32110

Re: Application: Duval proposal for development of Los Lagos and Las Casitas at Matanzas Shores

Dear Sirs/Madam,

I am a Florida voter and a full time resident of Matanzas Shores. I have some serious concerns about the above subject which is apparently being brought before the Board on October 10, 2017. I am opposed to the approval of these applications as submitted for the following reasons:

A primary goal of the Planning Board should be the health and safety of citizens first and economic development in cooperation with developers should be subordinate to that goal. Many of the homeowners within the Lakeside parcel are elderly retirees on a fixed income who have lived here quietly and harmoniously for decades. The proposed plans will seriously impact their quiet enjoyment of their retirement homes and potentially make them homeless if the development is allowed to progress as presently envisioned and catastrophic flooding occurs as a result.

The single family homes within Matanzas Shores narrowly escaped flooding during Hurricanes Matthew and Irma. This Planning Board will be severely criticized and ultimately held responsible if they allow a developer to move existing structures meant to alleviate flooding in order to maximize profits to those developers, many of whom will be gone before the full damage they have done will be apparent. Surrounding properties at Marineland and Washington Oaks have not yet recovered from the combined effects of Matthew and Irma. This planning board knows, or should know, that this development is not acceptable for the area.

The plan calls for the developer to use existing Lakeside by the Sea roads to access certain facilities. This will cause major safety concerns. The roadways are already overcrowded and in many instances there are no sidewalks so pedestrians need to walk in the street to get around the development. In addition, the Lakeside roadways are often crowded with bike riders, dog walkers, and service vehicles such as landscaping trucks. The developer should plan to access facilities such as the Boat House and the Sports Club from its own parcel and not overburden the Lakeside parcel. It is also imperative that there be construction roads that do not utilize the existing roadways within Lakeside by the Sea. Asking Lakeside residents to put up with prolonged construction noise, traffic, and dust is unconscionable.
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Developer is piggybacking onto existing Matanzas Shores’ facilities and amenities but doesn’t want to pay for that right until sometime in the future. Developer wants to take all of the rights and benefits of a Declarant with no corresponding obligations. At a minimum, the developer should be required to install adequate retention ditches and drainage infrastructure improvements and post a bond with Matanzas Shores as a named insured to assure that these obligations do not hereafter become the responsibility of the existing non-developer homeowners.

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It is premature for the Planning Board to recommend approval of these Proposals until many of these important issues are clarified to the reasonable satisfaction of all parties concerned, especially the Lakeside homeowners who will be the parties most seriously affected by the proposed development. Accordingly, I respectively request that you do not approve the Proposals to go forward to the Board of County Commissioners.

Sincerely,

[Signature]

Name: Phyllis Dietz

Address: 45 San Carlos Dr Palm Coast
September 28, 2017

Flagler County Florida Planning and Development Board
Robert Dickinson, Chairman
Michael Boyd
Arthur Barr
Michael Duggins
Lauren Kornel
Mark Langello
c/o Adam Mengel, Planning and Zoning
1769 E Moody Blvd, Bldg 2
Bunnell, FL 32110

Re: Application: Duval proposal for development of Los Lagos and Las Casitas at Matanzas Shores

Dear Sirs/Madam,

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A primary goal of the Planning Board should be the health and safety of citizens first and economic development in cooperation with developers should be subordinate to that goal. Many of the homeowners within the Lakeside parcel are elderly retirees on a fixed income who have lived here quietly and harmoniously for decades. The proposed plans will seriously impact their quiet enjoyment of their retirement homes and potentially make them homeless if the development is allowed to progress as presently envisioned and catastrophic flooding occurs as a result.

The single family homes within Matanzas Shores narrowly escaped flooding during Hurricanes Matthew and Irma. This Planning Board will be severely criticized and ultimately held responsible if they allow a developer to move existing structures meant to alleviate flooding in order to maximize profits to those developers, many of whom will be gone before the full damage they have done will be apparent.

Surrounding properties at Marineland and Washington Oaks have not yet recovered from the combined effects of Matthew and Irma. This planning board knows, or should know, that this development is not acceptable for the area.

The plan calls for the developer to use existing Lakeside by the Sea roads to access certain facilities. This will cause major safety concerns. The roadways are already overcrowded and in many instances there are no sidewalks so pedestrians need to walk in the street to get around the development. In addition, the Lakeside roadways are often crowded with bike riders, dog walkers, and service vehicles such as landscaping trucks. The developer should plan to access facilities such as the Boat House and the Sports Club from its own parcel and not overburden the Lakeside parcel. It is also imperative that there be construction roads that do not utilize the existing roadways within Lakeside by the Sea. Asking Lakeside residents to put up with prolonged construction noise, traffic, and dust is unconscionable.
The proposed development is not harmonious with the existing Matanzas Shores architectural standards nor does it comport with Scenic A1A standards. There will be inadequate buffer zones and greenspace especially in the areas where the developer wishes to put houses directly backing up to Route A1A and the waste water treatment plant (WWTP). The height and design of the proposed structures are not in keeping with natural beauty of this area which is the prime reason people buy in this area. Moreover, the sample floor plans show 6 and 7 bedrooms which would seem to indicate that the target market is absentee owners/investors interested in short term vacation rentals which will undoubtedly increase the burden on the existing parcel owners and adversely affect their ability to enjoy the common elements.

The proposed plans call for housing with elevations that exceed those of the existing Lakeside homes, i.e., 11 feet versus 9 feet. Additionally, the developer proposes to move existing retention ponds and substantially reduce them and replace them with “massed” homes on paved streets with 60% impermeable surfaces. Perk pond 3, which flooded during Irma, will be covered with dense development. The proposed development does not adequately consider, and plan for, the combined effect of ocean surge and terrestrial flooding on the existing neighboring communities. Any plans should be reviewed more thoroughly with those contingencies in mind. Granting approval to proceed with the plans as submitted will almost assuredly result in catastrophic property damage or personal injury to other Matanzas Shores parcel owners due to the areas existing propensity to flood.

Developer is piggybacking onto existing Matanzas Shores’ facilities and amenities but doesn’t want to pay for that right until sometime in the future. Developer wants to take all of the rights and benefits of a Declarant with no corresponding obligations. At a minimum, the developer should be required to install adequate retention ditches and drainage infrastructure improvements and post a bond with Matanzas Shores as a named insured to assure that these obligations do not hereafter become the responsibility of the existing non developer homeowners.

While legalities need to be further explored, it appears that many of the provisions within the Development Agreement and the Amendment to the Covenants are not in compliance with Florida Statutes governing homeowners associations and Not for Profit Corporations. Matanzas Shores is a not for profit corporation. As presently structured, the non-developing members of Matanzas Shores are being asked to accept the risk that the developer will ultimately be successful with its development. The non-developing members of Matanzas Shores should not be asked to subsidize the profit making purpose of developer.

It is premature for the Planning Board to recommend approval of these Proposals until many of these important issues are clarified to the reasonable satisfaction of all parties concerned, especially the Lakeside homeowners who will be the parties most seriously affected by the proposed development. Accordingly, I respectively request that you do not approve the Proposals to go forward to the Board of County Commissioners.

Sincerely,

[Signature]

Name:

Address: 45 San Carlos Dr, Palm Coast
September 28, 2017

Flagler County Florida Planning and Development Board
Robert Dickinson, Chairman
Michael Boyd
Arthur Barr
Michael Duggins
Lauren Kornel
Mark Langello
c/o Adam Mengel, Planning and Zoning
1769 E Moody Blvd, Bldg 2
Bunnell, FL 32110

Re: Application: Duval proposal for development of Los Lagos and Las Casitas at Matanzas Shores

Dear Sirs/Madam,

I am a Florida voter and a full time resident of Matanzas Shores. I have some serious concerns about the above subject which is apparently being brought before the Board on October 10, 2017. I am opposed to the approval of these applications as submitted for the following reasons:

A primary goal of the Planning Board should be the health and safety of citizens first and economic development in cooperation with developers should be subordinate to that goal. Many of the homeowners within the Lakeside parcel are elderly retirees on a fixed income who have lived here quietly and harmoniously for decades. The proposed plans will seriously impact their quiet enjoyment of their retirement homes and potentially make them homeless if the development is allowed to progress as presently envisioned and catastrophic flooding occurs as a result.

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Sincerely,

Name: Robert and Kathleen Fischer

Address: 9 San Diego Lane, Palm Coast 32137
To The Flagler County Planning Board:

Please submit my comments into your Public Hearing record regarding Los Lagos I Project #:2017060020, Application #: 3078.
Marilyn Bagdonas
MSOA
12 San Rafael Ct.
Palm Coast, 32137

re: Project Name: Preliminary Plat For 15.0 Ac. **Los Lagos I Project #:2017060020, Application #: 3078**

Page 2 of 4

~~~2. Is there consent of all owners?
Yes, an Agent Authorization letter from LR5A-JV and a Development Agreement Letter from the Matanzas Shores Owners Association are included in this submittal.

**comment:**
1. No there is not consent of all owners/members of MSOA.

~~~Development Agreement pg. 3 of 6
12. Harmonious Development
Duval shall ensure that the development is aesthetically harmonious with the existing communities within MSOA and shall promulgate architectural guidelines and obligate builders to comply with them.

„„„„may not exceed 3 stories in height.

**comment:**
1. Is the developer even aware of the strict Lakeside covenants regarding architectural and aesthetic standards?
2. Lakeside consists of 1-2 story houses Mediterranean style. Will the proposed development be harmonious with Lakeside?
3. I am questioning the word “shall” and “may” in this paragraph and wondering why “must” (only word that imposes a legal obligation) was not used.

Please address the legal obligation using the word “shall” and “may”.
comment:
All flooding protections must be in place in the plans as submitted. Changes must be made to minimize flooding potential.

Marilyn Bagdonas
Adam Mengel

From: Glenn Greenwald <greenwald.glenn1983@gmail.com>
Sent: Friday, September 29, 2017 1:23 PM
To: Adam Mengel
Cc: Faith Alkhatib; Chou Fang; Jessica Beach; Erin Gawera; Glenn Greenwald; Daniel Brazzano; matanzashores
Subject: Los Lagos & Las Casitas Projects

Dear Mr. Mengel:

After conducting a review of the proposed Los Lagos (Application #3078) and Las Casitas (Application #3081) development projects, I am strongly in opposition to approval of these projects. My opposition is primarily based on numerous safety and environmental concerns, including the ones outlined below:

1) The currently developed 42-acre Lakeside-by-the Seas development has 11.9 acres of impervious lands. This equates to 28% impervious land. As indicated during Hurricane Irma, which locally only produced a modest amount of rainfall, the currently-installed stormwater drainage system cannot handle higher flow rates. The recently-installed flood control structure, which connects Storm Water Detention Basin B ("Main Pond") to the Intracoastal Waterway (ICW) via a 30-inch outfall pipeline, functioned during Hurricane Irma to allow water to drain to the ICW. However, despite this drainage of stormwater into the ICW, three days after the rains of Hurricane Irma ceased, the detention basin level actually rose by an inch or two. Accordingly, the stormwater system, despite previous flow rate calculations, is under functioning. A likely cause of this under functioning is a) high water levels that occur from storm surge, and b) increased rainfall in and near the ICW immediately before, during, and after hurricanes and other major storms. These typically-occurring high ICW water levels restrict or prohibit gravity-feed drainage from the Lakeside stormwater drainage system into the ICW. Therefore, adding larger or additional outfall pipelines into the ICW would likely not be a viable solution to the existing flood drainage problems.

The proposed 48-acre project area would include about 61% (~29 acres) of impervious land. Adding 29 acres of impervious lands (an increase of 244%) to an already under-functioning flood control system seems like a potentially dangerous concept. Based on recently-observed field conditions for storm water drainage, the addition of 244% more impervious ground could be catastrophic.

2) Figure 2 (Design Conditions Nodal Network Map) is not labelled sufficiently or explained sufficiently in the text to allow the general public to understand its implications. Without providing additional explanation, the pipelines that are illustrated running under houses, roadways, and ponds are confusing. This figure needs to clearly explain, both in the text and in the figure itself.

3) The proposed project describes reshaping and other alterations of existing ponds. However, a clear summation of the total loss or gain in pond surface areas and volumes was not presented. Will the surface areas and volumes of these altered ponds be decreased or increased?

4) Section 404 of the Clean Water Act (CWA) establishes a program to regulate the discharge of dredged or fill material into "waters of the United States", including wetlands. However, there does not appear to be any mention of permits to remove or place fill into wetlands in this project. Were any wetland delineations performed to determine if "waters of the United States" would be impacted, or if any of the affected wetlands are considered jurisdictional by the US Army Corps of Engineers (COE)? Was the COE contacted about the proposed project?

5) Have any biological surveys been conducted on the proposed project area? The trees along the shoreline of Stormwater Detention Basin A (North Pond) provide habitat for a large number of birds, including great blue heron, great egret, tricolored heron, snowy egret, anhinga, common loon, and osprey. Many of these birds rely upon the shoreline trees for nighttime roosting. Many of these birds are migratory, and are protected under the federal Migratory Bird Treaty Act of 1918 (MBTA). Have any surveys been conducted to determine if bird nesting would likely be occurring in these trees or in other parts of the proposed project area during construction activities? Has anyone determined if any
provisions of the MBTA would be violated? Has the Florida Fish and Wildlife Commission and the US Fish and Wildlife Service been notified about this proposed project and about its potential to harm migratory birds and other wildlife?

6) The Treatment Calculations (Section 3.0, Appendix A) did not seem to indicate if elevated water levels in the ICW were considered when modeling stormwater drainage. Were elevated water levels in the ICW considered in this modeling?

7) Since 1991, the North American Vertical Datum 1988 (NAVD 88) has been the standard vertical control datum of orthometric height for vertical control surveying (such as ground and water level elevations) in the United States. However, the proposed project appears to present most of the vertical control data (elevations) in the outdated National Geodetic Vertical Datum 1929 (NGVD 29; previously known as the Sea Level Datum of 1929). There is a substantial difference in measured elevations between these two systems. To avoid confusion and to update proposed project information, all vertical control data should be converted to the current standard of NAVD 88 before proceeding any further. This conversion is especially critical, due to the proposed project being located in a flood zone, where the gain or loss of every inch of elevation may mean a home becoming flooded or not.

8) The hydraulic responses to storms for the study area were modeled in 1994 using the Interconnected Channel and Pond Routing Model (ICPR, Version 3.10, Service Pack 11). However, as of July 1, 2016, Version 3 of ICPR (ICPR3) is no longer sold or supported. ICPR4 is the new, supported version. Given the importance of obtaining accurate stormwater models, it would seem prudent to re-model the proposed project using up-to-date software. Also, relying on a model that was calculated more than 23 years ago seems to be unwise.

Would there be a substantial difference in stormwater flow determination if the new, supported version of ICPR was now used? Further, since the time that ICPR3 was used to model hydraulic stormwater responses, have there been any changes in the Matanzas Shores stormwater system or alterations to SR A1A, other roadways, percolation ponds, or other structures that would substantially change the hydraulic modelling results?

9) Has there been any modeling to determine the number of truck hauls per day to complete this project? In particular, has any determination been made to calculate how much volume and how many truckloads of fill will be needed to excavate and fill the stormwater ponds that are proposed to be altered? Given the size and volume of these ponds, this seems like a large amount of fill to be moved, and would require thousands of truck hauls to accomplish the pond alterations. This high volume of truck traffic presents serious safety and noise problems.

Would the developer replace the (already-worn-out) roads that will be decimated by the heavy truck traffic? Would trucks and heavy equipment use the narrow, already-congested residential neighborhood roads (such as San Jose Drive) to travel between the Los Lagos and Las Casitas developments, or would they be required to only use SR A1A?

10) The increased number of homes and area of developed land in the Matanzas Shores watershed would increase the amount of pesticides, fertilizers, and dog waste that is contained in surface runoff into the stormwater ponds and groundwater. This increased load of nutrients and other pollutants would cause a decrease in water quality and an increase in algal blooms and vascular aquatic weeds in the ponds. In turn, a greater herbicide volume would be needed to control aquatic growth in these ponds. Lowered water quality, especially during summer months, could easily lead to fish kills. Have any provisions been proposed to reduce or mitigate for this increased load of pollutants?

11) According to Term 12 of the Development Agreement, the proposed development would be built in a manner that is “harmonious” with the existing Matanzas Shores developments. However, the proposed three-story homes would not be harmonious with the existing two-story homes at Lakeside-by-the-Sea. Further, taller-built structures are more prone to wind damage than lower-built structures during storm events. Debris torn from damaged buildings adds to the number of projectiles that are carried by high winds, and to the amount of water-borne debris that is carried by storm surges and flood waters. Also, recent information from the developer of the proposed project indicates that the proposed homes would be constructed using wooden “stick built” construction. In addition to not being harmonious with the concrete-block-and-stucco homes that have been previously built at Lakeside-by-the-Sea, such “stick built” construction is not as sturdy. If allowed to be developed, the presence of adjacent “stick built” homes would present a serious safety hazard to the entire community.

12) Due to being in the planning stages for so long (nearly 30 years?), the documentation for the proposed projects is voluminous, convoluted, and confusing. Accordingly, an updated summary report with updated figures, tables, and
appendices, is urgently needed to allow all parties involved to clearly understand the scope and potential impacts of the proposed projects. Without such an updated summary, understanding these projects is extremely difficult.

Based on these and other serious concerns, please do not approve the proposed Los Lagos and Las Casitas projects. Also, if you are not the POC for these projects, would you please forward my comments to the proper person?

Sincerely,

Glenn M. Greenwald

Consulting Ecologist
US Fish and Wildlife Service, Retired
Dear Mr. Mengel:

I am a FL resident and owner of the property immediately south of Las Casitas and own multiple lots between Las Casitas and Old A1A [about 4-5 acres + or-]. Eleven of the proposed building lots back up to my northern border and I want to go on record as having severe concerns that must be addressed prior to approval by County authorities. More specifically they are as follows:

1. No buffer is planned and the rear yards of 11 homes back up to my property [Lots 1-3, Lots 90-97 plus 1 lot without any number on it]. I keep my personal collection of valuable antique cars at my home there which is an "attractive nuisance" and draw for people who could just step onto my property at any time. I have enjoyed my privacy there since building my place in 2003.

2. Hurricane Matthew caused about $100,000 worth of damage to this property due to flooding. I'm most concerned about the additional impermeable infrastructure that will go in causing even more water runoff than ever before. I wouldn't feel safe unless a good sized runoff ditch separated my property from these 11 proposed building lots. I propose this ditch or underground piping direct runoff water away from my property on the north and west sides. My Hurricane Matthew episode caused over a $100,000 loss which was only covered by 50% by flood insurance after "depreciation", deductibles and items not covered by my insurance. I don't wish to experience this again, or something even more damaging.

3. Tying into #2 above, I understand these homes are to be built at an elevation of 11'. My property is built at 10', and we all know water runs downhill. I will "catch the runoff" of all these lots. My cars are very valuable and the total value of the collection is well into the seven figures. Some of my cars are the best example of the marque or the only one in the world. Some are over a hundred years old and can't be replaced. Hurricane Matthew almost wiped me out and I'm downhill of this development which exposes me more than ever.

4. Another concern is the overall height proposed for these homes. They would all be "looking down" on my property. I would prefer for them to be consistent with the other homes in the area.

I have talked to Mr. Ken Atlee, the developer, who was very pleasant and agreed to "consider" my concerns. He explained that the homes would be 3 or 4 bedrooms, not 6 or 7 as is the rumor and that is a relief. He also agreed to "look into" the highest solid fence permissible to separate our properties. I think this would be necessary.

We are currently on vacation in ME and cannot attend the upcoming October meeting and wanted to go on record with these concerns. We own multiple properties in Palm Coast. We hope that you and the Flagler County Planning Board give our concerns serious consideration. Thank you.

Sincerely,

F. Christian & Kathleen Koch
6656 N. Oceanshore Blvd.
Palm Coast, FL 32137
Dear Sirs/Madam,

I am a Florida voter and a full time resident of Lakeside of Matanzas Shores. I have some serious concerns about the aforementioned application being brought before the Board on October 10, 2017. I am opposed to the approval of these applications as submitted for the following reasons:

- A primary goal of the Planning Board should be the health and safety of citizen’s first and economic development in cooperation with developers should be subordinate to that goal. Like my husband and me, many of the Lakeside homeowners are elderly retirees on a fixed incomes who have lived here quietly and harmoniously for decades. The proposed plans will seriously impact our quiet enjoyment of our retirement homes and potentially render us homeless if the development is allowed to progress as presented and catastrophic flooding occurs as a result.

- The single family homes within Matanzas Shores narrowly escaped flooding during Hurricanes Matthew and Irma. This Planning Board will be severely criticized and ultimately held responsible if they allow a developer to move existing structures meant to alleviate flooding to maximize profits to those developers, many of whom will be gone before the full damage they have created will be apparent. Surrounding properties at Marineland and Washington Oaks have not yet recovered from the combined effects of Matthew and Irma. This planning board should know that this development is not acceptable for the area.

- The plan calls for the developer to use existing Lakeside by the Sea roads to access certain facilities. This will cause major safety concerns. The roadways are already overcrowded and in many instances there are no sidewalks, so pedestrians walk in the street to get around the neighborhood. In addition, the Lakeside roadways are often crowded with bike riders, dog walkers, and service vehicles. The developer should plan to access facilities such as the Boat House and the Sports Club from its own parcel and not overburden the Lakeside parcel. It is also imperative that there be construction roads that do not utilize the existing roadways within Lakeside. Asking Lakeside residents to put up with prolonged construction noise, traffic, and dirt is unacceptable.

- The proposed development is not harmonious with the existing Matanzas Shores architectural standards nor does it work with Scenic A1A standards. There will be inadequate buffer zones and green space especially in the areas where the developer wishes to put houses directly backing up to A1A and the waste water treatment plant (WWTP). The height and design of the proposed structures are not in keeping with natural beauty of this area, which is the prime reason people buy here. Moreover, the sample floor plans show 6 and 7 bedrooms which
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- The developer is piggybacking onto existing Matanzas Shores’ facilities and amenities but doesn’t want to pay for that right until sometime in the future. The developer wants to take all of the rights and benefits of a Declarant with no corresponding obligations. At a minimum, the developer should be required to install adequate retention ditches and drainage infrastructure improvements and post a bond with Matanzas Shores as a named insured to assure that these obligations do not become the responsibility of the existing non-developer homeowners.

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We submit that it is premature for the Planning Board to recommend approval of these Proposals until many of these important issues are clarified to the reasonable satisfaction of all parties concerned, especially the Lakeside homeowners that will be most seriously affected by the proposed development. Accordingly, I respectively request that you do not approve the application to go forward to the Board of County Commissioners.

Sincerely,

Name: Karen Rogers & Dennis Martin

Address: 16 San Carlos Drive, Palm Coast FL, 32137
September 28, 2017

Flagler County Florida Planning and Development Board
Robert Dickinson, Chairman
Michael Boyd
Arthur Barr
Michael Duggins
Lauren Kornel
Mark Langello
c/o Adam Mengel, Planning and Zoning
1769 E Moody Blvd, Bldg 2
Bunnell, FL 32110

Re: Application: Duval proposal for development of Los Lagos and Las Casitas at Matanzas Shores

Dear Sirs/Madam,

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Sincerely,

[Signature]

Name: Jan Wilrich

Address: 2062 N Oceashore Blvd, Palm Coast, FL 32137
September 28, 2017

Flagler County Florida Planning and Development Board
Robert Dickinson, Chairman
Michael Boyd
Arthur Barr
Michael Duggins
Lauren Kornel
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The plan calls for the developer to use existing Lakeside by the Sea roads to access certain facilities. This will cause major safety concerns. The roadways are already overcrowded and in many instances there are no sidewalks so pedestrians need to walk in the street to get around the development. In addition, the Lakeside roadways are often crowded with bike riders, dog walkers, and service vehicles such as landscaping trucks. The developer should plan to access facilities such as the Boat House and the Sports Club from its own parcel and not overburden the Lakeside parcel. It is also imperative that there be construction roads that do not utilize the existing roadways within Lakeside by the Sea. Asking Lakeside residents to put up with prolonged construction noise, traffic, and dust is unconscionable.
The proposed development is not harmonious with the existing Matanzas Shores architectural standards nor does it comport with Scenic A1A standards. There will be inadequate buffer zones and greenspace especially in the areas where the developer wishes to put houses directly backing up to Route A1A and the waste water treatment plant (WWTP). The height and design of the proposed structures are not in keeping with natural beauty of this area which is the prime reason people buy in this area. Moreover, the sample floor plans show 6 and 7 bedrooms which would seem to indicate that the target market is absentee owners/investors interested in short term vacation rentals which will undoubtedly increase the burden on the existing parcel owners and adversely affect their ability to enjoy the common elements.

The proposed plans call for housing with elevations that exceed those of the existing Lakeside homes, i.e., 11 feet versus 9 feet. Additionally, the developer proposes to move existing retention ponds and substantially reduce them and replace them with “massed” homes on paved streets with 60% impermeable surfaces. Perk pond 3, which flooded during Irma, will be covered with dense development. The proposed development does not adequately consider, and plan for, the combined effect of ocean surge and terrestrial flooding on the existing neighboring communities. Any plans should be reviewed more thoroughly with those contingencies in mind. Granting approval to proceed with the plans as submitted will almost assuredly result in catastrophic property damage or personal injury to other Matanzas Shores parcel owners due to the areas existing propensity to flood.

Developer is piggybacking onto existing Matanzas Shores’ facilities and amenities but doesn’t want to pay for that right until sometime in the future. Developer wants to take all of the rights and benefits of a Declarant with no corresponding obligations. At a minimum, the developer should be required to install adequate retention ditches and drainage infrastructure improvements and post a bond with Matanzas Shores as a named insured to assure that these obligations do not hereafter become the responsibility of the existing non developer homeowners.

While legalities need to be further explored, it appears that many of the provisions within the Development Agreement and the Amendment to the Covenants are not in compliance with Florida Statutes governing homeowners associations and Not for Profit Corporations. Matanzas Shores is a not for profit corporation. As presently structured, the non-developing members of Matanzas Shores are being asked to accept the risk that the developer will ultimately be successful with its development. The non-developing members of Matanzas Shores should not be asked to subsidize the profit making purpose of developer.

It is premature for the Planning Board to recommend approval of these Proposals until many of these important issues are clarified to the reasonable satisfaction of all parties concerned, especially the Lakeside homeowners who will be the parties most seriously affected by the proposed development. Accordingly, I respectively request that you do not approve the Proposals to go forward to the Board of County Commissioners.

Sincerely,

Name:  
Address:  7062 N Oceanshore Blvd  Palm Coast, 32137
September 6, 2017

Flagler County Florida Planning and Development Board

Robert Dickinson, Chairman
Michael Boyd
Arthur Barr
Michael Dubbins
Lauren Kornel
Mark Langello

c/o Adam Mengel, Planning and Zoning
1769 E Moody Blvd, Bldg 2
Bunnell, FL 32110

Re: The Application of the Duval Corporation for Development in the Matanzas Shore Area.

Dear Sirs,

I am a homeowner within the Matanzas Shores Complex in Palm Coast. I have made this my home since January, 2016. As a Florida voter, I wish to express my serious concerns about the above subject which is apparently being brought before the Board on October 10, 2017. While I am not against the development of the property in question, I am opposed to the approval of this application as submitted for the following reasons:

- The Project application is based upon an expired PUD which was approved based upon 1989 data and an antiquated 100 year storm.
- The Project proposed fails to comply with the current motive of single story, Mediterranean style homes on lots of a minimum of 50 feet. Rather, three stories will be erected on 40 foot lots with up to 7 bedrooms. These homes are being built for the sole purpose of short term rentals, and that is a topic we oppose.
- The proposed homes are being built 1.5 feet higher than current homes, meaning that runoff from these lots, with 60% impermeable surfaces, will contribute to and exacerbate the flooding experienced in Matthew and Irma.
- The proposed development is not harmonious with the existing Matanzas Shores architectural standards, nor does it comport with Scenic A1A standards. The height and design of the proposed structures are not in keeping with natural beauty of this area which is the prime reason people buy in this area.
• The proposed development does not adequately consider, and plan for, the combined effect of ocean surge and terrestrial flooding on the existing neighboring communities. Any plans should be reviewed more thoroughly with those contingencies in mind.

• The single family homes within Matanzas Shores narrowly escaped flooding during Hurricane Matthew. This Planning Board will be severely criticized and ultimately held responsible if they allow a developer to move existing structures meant to alleviate flooding in order to maximize profits to those developers, many of whom will be gone before the full damage they have done will be apparent.

• A primary goal of the Planning Board should be the health and safety of citizen’s first and economic development in cooperation with developers should be subordinate to that goal.

• The plan calls for the developer to use existing Lakeside by the Sea roads to access certain facilities. These will cause major safety concerns. The roadways are already overcrowded (and no or very limited traffic studies have been conducted) and in many instances there are no sidewalks so pedestrians need to walk in the street to get around the development. The developer should plan to access facilities such as the Boat House and the Sports Club from its own parcel and not overburden the Lakeside parcel.

• Many of the provisions within the Development Agreement and the Amendment to the Covenants are not compliant with Florida Statutes governing homeowners associations.

• We have serious questions regarding the agreements Duval has reached with the Matanzas Shores Home Owners Association, while ignoring the five other HOA’s-the associations with ACTUAL residents. It is to be determined whether these negotiations and resulting agreements were in fact Ultra Vires Act and if they were totally in compliance with Florida Statutes.

• The developer is piggybacking onto existing Matanzas Shores’ facilities and amenities but doesn’t want to pay for that right until sometime in the future. Developer wants to take all of the rights and benefits of a Declarant with no corresponding obligations. The developer should be required to post a bond in favor of Matanzas Shores to assure that these obligations do not hereafter become the responsibility of the existing non developer homeowners.

• Can you say Houston and Louisiana? The planning commissions there are now discovering that failing to consider the overall potentials, including the more than 100 year floods, can be deadly and devastating.

It is premature for the Planning Board to recommend approval of this Proposal until many of these issues are clarified to the reasonable satisfaction of all parties concerned. Accordingly, I respectively request that you do not approve the Proposal to go forward to the Board of County Commissioners.

Sincerely,

Ronnie D. Wilson

Nancy M. Wilson
September 28, 2017

Flagler County Florida Planning and Development Board

Robert Dickinson, Chairman
Michael Boyd
Arthur Barr
Michael Duggins
Lauren Kornel
Mark Langello
c/o Adam Mengel, Planning and Zoning
1769 E Moody Blvd, Bldg 2
Bunnell, FL 32110

Re: Application: Duval proposal for development of Los Lagos and Las Casitas at Matanzas Shores

Dear Sirs/Madam,

I am a Florida voter and a full time resident of Matanzas Shores. I have some serious concerns about the above subject, which is apparently being brought before the Board on October 10, 2017. I am opposed to the approval of these applications as submitted for the following reasons:

A primary goal of the Planning Board should be the health and safety of citizens first and economic development in cooperation with developers should be subordinate to that goal. Many of the homeowners within the Lakeside parcel are elderly retirees on a fixed income who have lived here quietly and harmoniously for decades. The proposed plans will seriously impact their quiet enjoyment of their retirement homes and potentially make them homeless if the development is allowed to progress as presently envisioned and catastrophic flooding occurs as a result.

The single-family homes within Matanzas Shores narrowly escaped flooding during Hurricanes Matthew and Irma. This Planning Board will be severely criticized and ultimately held responsible if they allow a developer to move existing structures meant to alleviate flooding in order to maximize profits to those developers, many of whom will be gone before the full damage they have done will be apparent. Surrounding properties at Marineland and Washington Oaks have not yet recovered from the combined effects of Matthew and Irma. This planning board knows, or should know, that this development is not acceptable for the area.

The plan calls for the developer to use existing Lakeside by the Sea roads to access certain facilities. This will cause major safety concerns. The roadways are already overcrowded and in many instances there are no sidewalks so pedestrians need to walk in the street to get around the development. In addition, the Lakeside roadways are often crowded with bike riders, dog walkers, and service vehicles such as landscaping trucks. The developer should plan to access facilities such as the Boat House and the Sports Club from its own parcel and not overburden the Lakeside parcel. It is also imperative that there be construction roads that do not utilize the existing roadways within Lakeside by the Sea. Asking Lakeside residents to put up with prolonged construction noise, traffic, and dust is unconscionable.
The proposed development is not harmonious with the existing Matanzas Shores architectural standards nor does it comport with Scenic A1A standards. There will be inadequate buffer zones and greenspace especially in the areas where the developer wishes to put houses directly backing up to Route A1A and the waste water treatment plant (WWTP). The height and design of the proposed structures are not in keeping with natural beauty of this area which is the prime reason people buy in this area. Moreover, the sample floor plans show 6 and 7 bedrooms which would seem to indicate that the target market is absentee owners/investors interested in short term vacation rentals which will undoubtedly increase the burden on the existing parcel owners and adversely affect their ability to enjoy the common elements.

The proposed plans call for housing with elevations that exceed those of the existing Lakeside homes, i.e., 11 feet versus 9 feet. Additionally, the developer proposes to move existing retention ponds and substantially reduce them and replace them with “massed” homes on paved streets with 60% impermeable surfaces. Perk pond 3, which flooded during Irma, will be covered with dense development. The proposed development does not adequately consider, and plan for, the combined effect of ocean surge and terrestrial flooding on the existing neighboring communities. Any plans should be reviewed more thoroughly with those contingencies in mind. Granting approval to proceed with the plans as submitted will almost assuredly result in catastrophic property damage or personal injury to other Matanzas Shores parcel owners due to the areas existing propensity to flood.

Developer is piggybacking onto existing Matanzas Shores’ facilities and amenities but doesn’t want to pay for that right until sometime in the future. Developer wants to take all of the rights and benefits of a Declarant with no corresponding obligations. At a minimum, the developer should be required to install adequate retention ditches and drainage infrastructure improvements and post a bond with Matanzas Shores as a named insured to assure that these obligations do not hereafter become the responsibility of the existing non-developer homeowners.

While legalities need to be further explored, it appears that many of the provisions within the Development Agreement and the Amendment to the Covenants are not in compliance with Florida Statutes governing homeowners associations and Not for Profit Corporations. Matanzas Shores is a not for profit corporation. As presently structured, the non-developing members of Matanzas Shores are being asked to accept the risk that the developer will ultimately be successful with its development. The non-developing members of Matanzas Shores should not be asked to subsidize the profit making purpose of developer.

It is premature for the Planning Board to recommend approval of these Proposals until many of these important issues are clarified to the reasonable satisfaction of all parties concerned, especially the Lakeside homeowners who will be the parties most seriously affected by the proposed development. Accordingly, I respectively request that you do not approve the Proposals to go forward to the Board of County Commissioners.

Sincerely,

Name: Diana Baer

Address: 36 San Jose Dr. P.G. FL
The proposed development is not harmonious with the existing Matanzas Shores architectural standards nor does it comport with Scenic A1A standards. There will be inadequate buffer zones and greenspace especially in the areas where the developer wishes to put houses directly backing up to Route A1A and the waste water treatment plant (WWTP). The height and design of the proposed structures are not in keeping with natural beauty of this area which is the prime reason people buy in this area. Moreover, the sample floor plans show 6 and 7 bedrooms which would seem to indicate that the target market is absentee owners/investors interested in short term vacation rentals which will undoubtedly increase the burden on the existing parcel owners and adversely affect their ability to enjoy the common elements.

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It is premature for the Planning Board to recommend approval of these Proposals until many of these important issues are clarified to the reasonable satisfaction of all parties concerned, especially the Lakeside homeowners who will be the parties most seriously affected by the proposed development. Accordingly, I respectively request that you do not approve the Proposals to go forward to the Board of County Commissioners.

Sincerely,

Name:  Yuriy V. Bolkov

Address: 7 San José Dr., Palm Coast
The proposed development is not harmonious with the existing Matanzas Shores architectural standards nor does it comport with Scenic A1A standards. There will be inadequate buffer zones and greenspace especially in the areas where the developer wishes to put houses directly backing up to Route A1A and the waste water treatment plant (WWTP). The height and design of the proposed structures are not in keeping with natural beauty of this area which is the prime reason people buy in this area. Moreover, the sample floor plans show 6 and 7 bedrooms which would seem to indicate that the target market is absentee owners/investors interested in short term vacation rentals which will undoubtedly increase the burden on the existing parcel owners and adversely affect their ability to enjoy the common elements.

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While legalities need to be further explored, it appears that many of the provisions within the Development Agreement and the Amendment to the Covenants are not in compliance with Florida Statutes governing homeowners associations and Not for Profit Corporations. Matanzas Shores is a not for profit corporation. As presently structured, the non-developing members of Matanzas Shores are being asked to accept the risk that the developer will ultimately be successful with its development. The non-developing members of Matanzas Shores should not be asked to subsidize the profit making purpose of developer.

It is premature for the Planning Board to recommend approval of these Proposals until many of these important issues are clarified to the reasonable satisfaction of all parties concerned, especially the Lakeside homeowners who will be the parties most seriously affected by the proposed development. Accordingly, I respectively request that you do not approve the Proposals to go forward to the Board of County Commissioners.

Sincerely,

Name: Kenneth E. & Carmen Cognetta

Address: 35 San Jose Dr
          Palm Coast, Fl, 32137
The proposed development is not harmonious with the existing Matanzas Shores architectural standards nor does it comport with Scenic A1A standards. There will be inadequate buffer zones and greenspace especially in the areas where the developer wishes to put houses directly backing up to Route A1A and the waste water treatment plant (WWTP). The height and design of the proposed structures are not in keeping with natural beauty of this area which is the prime reason people buy in this area. Moreover, the sample floor plans show 6 and 7 bedrooms which would seem to indicate that the target market is absentee owners/investors interested in short term vacation rentals which will undoubtedly increase the burden on the existing parcel owners and adversely affect their ability to enjoy the common elements.

The proposed plans call for housing with elevations that exceed those of the existing Lakeside homes, i.e., 11 feet versus 9 feet. Additionally, the developer proposes to move existing retention ponds and substantially reduce them and replace them with “massed” homes on paved streets with 60% impermeable surfaces. Perk pond 3, which flooded during Irma, will be covered with dense development. The proposed development does not adequately consider, and plan for, the combined effect of ocean surge and terrestrial flooding on the existing neighboring communities. Any plans should be reviewed more thoroughly with those contingencies in mind. Granting approval to proceed with the plans as submitted will almost assuredly result in catastrophic property damage or personal injury to other Matanzas Shores parcel owners due to the areas existing propensity to flood.

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While legalities need to be further explored, it appears that many of the provisions within the Development Agreement and the Amendment to the Covenants are not in compliance with Florida Statutes governing homeowners associations and Not for Profit Corporations. Matanzas Shores is a not for profit corporation. As presently structured, the non-developing members of Matanzas Shores are being asked to accept the risk that the developer will ultimately be successful with its development. The non-developing members of Matanzas Shores should not be asked to subsidize the profit making purpose of developer.

It is premature for the Planning Board to recommend approval of these Proposals until many of these important issues are clarified to the reasonable satisfaction of all parties concerned, especially the Lakeside homeowners who will be the parties most seriously affected by the proposed development. Accordingly, I respectfully request that you do not approve the Proposals to go forward to the Board of County Commissioners.

Sincerely,

Name: Lynda Carroll

Address: 63 San Jose Dr

Fleming Island, Fl.

Lynda Carroll
The proposed development is not harmonious with the existing Matanzas Shores architectural standards nor does it comport with Scenic A1A standards. There will be inadequate buffer zones and greenspace especially in the areas where the developer wishes to put houses directly backing up to Route A1A and the waste water treatment plant (WWTP). The height and design of the proposed structures are not in keeping with natural beauty of this area which is the prime reason people buy in this area. Moreover, the sample floor plans show 6 and 7 bedrooms which would seem to indicate that the target market is absentee owners/investors interested in short term vacation rentals which will undoubtedly increase the burden on the existing parcel owners and adversely affect their ability to enjoy the common elements.

The proposed plans call for housing with elevations that exceed those of the existing Lakeside homes, i.e., 11 feet versus 9 feet. Additionally, the developer proposes to move existing retention ponds and substantially reduce them and replace them with “massed” homes on paved streets with 60% impermeable surfaces. Perk pond 3, which flooded during Irma, will be covered with dense development. The proposed development does not adequately consider, and plan for, the combined effect of ocean surge and terrestrial flooding on the existing neighboring communities. Any plans should be reviewed more thoroughly with those contingencies in mind. Granting approval to proceed with the plans as submitted will almost assuredly result in catastrophic property damage or personal injury to other Matanzas Shores parcel owners due to the areas existing propensity to flood.

Developer is piggybacking onto existing Matanzas Shores’ facilities and amenities but doesn’t want to pay for that right until sometime in the future. Developer wants to take all of the rights and benefits of a Declarant with no corresponding obligations. At a minimum, the developer should be required to install adequate retention ditches and drainage infrastructure improvements and post a bond with Matanzas Shores as a named insured to assure that these obligations do not hereafter become the responsibility of the existing non-developer homeowners.

While legalities need to be further explored, it appears that many of the provisions within the Development Agreement and the Amendment to the Covenants are not in compliance with Florida Statutes governing homeowners associations and Not for Profit Corporations. Matanzas Shores is a not for profit corporation. As presently structured, the non-developing members of Matanzas Shores are being asked to accept the risk that the developer will ultimately be successful with its development. The non-developing members of Matanzas Shores should not be asked to subsidize the profit making purpose of developer.

It is premature for the Planning Board to recommend approval of these Proposals until many of these important issues are clarified to the reasonable satisfaction of all parties concerned, especially the Lakeside homeowners who will be the parties most seriously affected by the proposed development. Accordingly, I respectively request that you do not approve the Proposals to go forward to the Board of County Commissioners.

Sincerely,

Name: __________ Janet Chappell

Address: __________ 14 San Jose Dr.

Palm Coast, FL 32137

September 27, 2017.
this area which is the prime reason people buy in this area. Moreover, the sample floor plans show 6 and 7 bedrooms which would seem to indicate that the target market is absentee owners/investors interested in short term vacation rentals which will undoubtedly increase the burden on the existing parcel owners and adversely affect their ability to enjoy the common elements.

The proposed plans call for housing with elevations that exceed those of the existing Lakeside homes, i.e., 11 feet versus 9 feet. Additionally, the developer proposes to move existing retention ponds and substantially reduce them and replace them with “massed” homes on paved streets with 60% impermeable surfaces. Perk pond 3, which flooded during Irma, will be covered with dense development. The proposed development does not adequately consider, and plan for, the combined effect of ocean surge and terrestrial flooding on the existing neighboring communities. Any plans should be reviewed more thoroughly with those contingencies in mind. Granting approval to proceed with the plans as submitted will almost assuredly result in catastrophic property damage or personal injury to other Matanzas Shores parcel owners due to the areas existing propensity to flood.

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While legalities need to be further explored, it appears that many of the provisions within the Development Agreement and the Amendment to the Covenants are not in compliance with Florida Statutes governing homeowners associations and Not for Profit Corporations. Matanzas Shores is a not for profit corporation. Moreover, it is not apparent that there has been adequate consideration paid for any of the concessions that Matanzas Shores members are being asked to accept. As presently structured, the non-developing members of Matanzas Shores are being asked to accept the risk that the developer will ultimately be successful with its development. The non-developing members of Matanzas Shores, which is a not-for-profit corporation, should not be asked to subsidize the profit making purpose of developer.

It is premature for the Planning Board to recommend approval of these Proposals until many of these important issues are clarified to the reasonable satisfaction of all parties concerned, especially the Lakeside homeowners who will be the parties most seriously affected by the proposed development. Accordingly, I respectively request that you do not approve the Proposals to go forward to the Board of County Commissioners.

Sincerely,

Name: [Signature]

Address: 2 SAN PABLO CT.
The proposed development is not harmonious with the existing Matanzas Shores architectural standards nor does it comport with Scenic A1A standards. There will be inadequate buffer zones and greenspace especially in the areas where the developer wishes to put houses directly backing up to Route A1A and the waste water treatment plant (WWTP). The height and design of the proposed structures are not in keeping with natural beauty of this area which is the prime reason people buy in this area. Moreover, the sample floor plans show 6 and 7 bedrooms which would seem to indicate that the target market is absentee owners/investors interested in short term vacation rentals which will undoubtedly increase the burden on the existing parcel owners and adversely affect their ability to enjoy the common elements.

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It is premature for the Planning Board to recommend approval of these Proposals until many of these important issues are clarified to the reasonable satisfaction of all parties concerned, especially the Lakeside homeowners who will be the parties most seriously affected by the proposed development. Accordingly, I respectfully request that you do not approve the Proposals to go forward to the Board of County Commissioners.

Sincerely,

Barbara K. Dubie

Name:

Address: 37 San Jose Drive

Palm Coast, FL 32137
The proposed development is not harmonious with the existing Matanzas Shores architectural standards nor does it comport with Scenic A1A standards. There will be inadequate buffer zones and greenspace especially in the areas where the developer wishes to put houses directly backing up to Route A1A and the waste water treatment plant (WWTP). The height and design of the proposed structures are not in keeping with natural beauty of this area which is the prime reason people buy in this area. Moreover, the sample floor plans show 6 and 7 bedrooms which would seem to indicate that the target market is absentee owners/investors interested in short term vacation rentals which will undoubtedly increase the burden on the existing parcel owners and adversely affect their ability to enjoy the common elements.

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It is premature for the Planning Board to recommend approval of these Proposals until many of these important issues are clarified to the reasonable satisfaction of all parties concerned, especially the Lakeside homeowners who will be the parties most seriously affected by the proposed development. Accordingly, I respectively request that you do not approve the Proposals to go forward to the Board of County Commissioners.

Sincerely,

Name: Stacey Fabris
Address: 5 Son Pablo et
Hammock 32137

(Palm Coast)
The proposed development is not harmonious with the existing Matanzas Shores architectural standards nor does it comport with Scenic A1A standards. There will be inadequate buffer zones and greenspace especially in the areas where the developer wishes to put houses directly backing up to Route A1A and the waste water treatment plant (WWTP). The height and design of the proposed structures are not in keeping with natural beauty of this area which is the prime reason people buy in this area. Moreover, the sample floor plans show 6 and 7 bedrooms which would seem to indicate that the target market is absentee owners/investors interested in short term vacation rentals which will undoubtedly increase the burden on the existing parcel owners and adversely affect their ability to enjoy the common elements.

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Sincerely,

[Signature]

Name: Susan J. Fucello

Address: 79 San Jose Dr, Palm Coast, FL
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Sincerely,

Name: [Signatures]
Address: [Address]

Palm Coast, FL 32137
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Sincerely,

Name: [Signature]
Address: 70 San Juan Dr, D109, Palm Coast, FL
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Name: [Signature]
Address: 11 San Jose Drive
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Sincerely,

Name: Rose M. Preston
Address: 21 San Jose Dr, Palm Coast, FL 32137
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Sincerely,

Name: Sergei Tkachenko
Address: 85 San Juan Drive, Palm Coast, FL 32137
September 28, 2017

Flagler County Florida Planning and Development Board
Robert Dickinson, Chairman
Michael Boyd
Arthur Barr
Michael Duggins
Lauren Kornel
Mark Langello
c/o Adam Mengel, Planning and Zoning
1769 E Moody Blvd, Bldg 2
Bunnell, FL 32110

Re: Application: Duval proposal for development of Los Lagos and Las Casitas at Matanzas Shores

Dear Sirs/Madam,

I am a Florida voter and a full time resident of Matanzas Shores. I have some serious concerns about the above subject which is apparently being brought before the Board on October 10, 2017. I am opposed to the approval of these applications as submitted for the following reasons:

A primary goal of the Planning Board should be the health and safety of citizens first and economic development in cooperation with developers should be subordinate to that goal. Many of the homeowners within the Lakeside parcel are elderly retirees on a fixed income who have lived here quietly and harmoniously for decades. The proposed plans will seriously impact their quiet enjoyment of their retirement homes and potentially make them homeless if the development is allowed to progress as presently envisioned and catastrophic flooding occurs as a result.

The single family homes within Matanzas Shores narrowly escaped flooding during Hurricanes Matthew and Irma. This Planning Board will be severely criticized and ultimately held responsible if they allow a developer to move existing structures meant to alleviate flooding in order to maximize profits to those developers, many of whom will be gone before the full damage they have done will be apparent. Surrounding properties at Marineland and Washington Oaks have not yet recovered from the combined effects of Matthew and Irma. This planning board knows, or should know, that this development is not acceptable for the area.

The plan calls for the developer to use existing Lakeside by the Sea roads to access certain facilities. These will cause major safety concerns. The roadways are already overcrowded and in many instances there are no sidewalks so pedestrians need to walk in the street to get around the development. In addition, the Lakeside roadways are often crowded with bike riders, dog walkers, and service vehicles such as landscaping trucks. The developer should plan to access facilities such as the Boat House and the Sports Club from its own parcel and not overburden the Lakeside parcel. It is also imperative that there be construction roads that do not utilize the existing roadways within Lakeside by the Sea. Asking Lakeside residents to put up with prolonged construction noise, traffic, and dust is unconscionable.

The proposed development is not harmonious with the existing Matanzas Shores architectural standards nor does it comport with Scenic A1A standards. There will be inadequate buffer zones and greenspace especially in the areas where the developer wishes to put houses directly backing up to Route A1A and the WWTP. The height and design of the proposed structures are not in keeping with natural beauty of
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Sincerely,

[Signature]

Name: Sadie Barrow

Address: 3333 Peachtree Road NE, Atlanta, GA 30319

[Signature]

Name: Glenn M. Greenwald
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Sincerely,

Name: Kathryn Callaghan
Address: 7 San Diego Lane, Palm Coast Fl
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[Signature]

[Name: Deborah W. Childers]

[Address: 14 San Pablo Court]
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Sincerely,

Name: Caroline Ciels

Address: 51 San Carlos Dr, Palm Coast FL 32137
The proposed development is not harmonious with the existing Matanzas Shores architectural standards nor does it comport with Scenic A1A standards. There will be inadequate buffer zones and greenspace especially in the areas where the developer wishes to put houses directly backing up to Route A1A and the waste water treatment plant (WWTP). The height and design of the proposed structures are not in keeping with natural beauty of this area which is the prime reason people buy in this area. Moreover, the sample floor plans show 6 and 7 bedrooms which would seem to indicate that the target market is absentee owners/investors interested in short term vacation rentals which will undoubtedly increase the burden on the existing parcel owners and adversely affect their ability to enjoy the common elements.

The proposed plans call for housing with elevations that exceed those of the existing Lakeside homes, i.e., 11 feet versus 9 feet. Additionally, the developer proposes to move existing retention ponds and substantially reduce them and replace them with “massed” homes on paved streets with 60% impermeable surfaces. Perk pond 3, which flooded during Irma, will be covered with dense development. The proposed development does not adequately consider, and plan for, the combined effect of ocean surge and terrestrial flooding on the existing neighboring communities. Any plans should be reviewed more thoroughly with those contingencies in mind. Granting approval to proceed with the plans as submitted will almost assuredly result in catastrophic property damage or personal injury to other Matanzas Shores parcel owners due to the areas existing propensity to flood.

Developer is piggybacking onto existing Matanzas Shores’ facilities and amenities but doesn’t want to pay for that right until sometime in the future. Developer wants to take all of the rights and benefits of a Declarant with no corresponding obligations. At a minimum, the developer should be required to install adequate retention ditches and drainage infrastructure improvements and post a bond with Matanzas Shores as a named insured to assure that these obligations do not hereafter become the responsibility of the existing non developer homeowners.

While legalities need to be further explored, it appears that many of the provisions within the Development Agreement and the Amendment to the Covenants are not in compliance with Florida Statutes governing homeowners associations and Not for Profit Corporations. Matanzas Shores is a not for profit corporation. As presently structured, the non-developing members of Matanzas Shores are being asked to accept the risk that the developer will ultimately be successful with its development. The non-developing members of Matanzas Shores should not be asked to subsidize the profit making purpose of developer.

It is premature for the Planning Board to recommend approval of these Proposals until many of these important issues are clarified to the reasonable satisfaction of all parties concerned, especially the Lakeside homeowners who will be the parties most seriously affected by the proposed development. Accordingly, I respectively request that you do not approve the Proposals to go forward to the Board of County Commissioners.

Sincerely,

Name: Frank Ciels

Address: 57 San Carlos Dr., Palm Coast, FL 32137
The proposed development is not harmonious with the existing Matanzas Shores architectural standards nor does it comport with Scenic A1A standards. There will be inadequate buffer zones and greenspace especially in the areas where the developer wishes to put houses directly backing up to Route A1A and the waste water treatment plant (WWTP). The height and design of the proposed structures are not in keeping with natural beauty of this area which is the prime reason people buy in this area. Moreover, the sample floor plans show 6 and 7 bedrooms which would seem to indicate that the target market is absentee owners/investors interested in short term vacation rentals which will undoubtedly increase the burden on the existing parcel owners and adversely affect their ability to enjoy the common elements.

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Sincerely,

Renee Dussole

Name: Renee Dussole

Address: 10 San Luis, Palm Coast, FL 32137
The proposed development is not harmonious with the existing Matanzas Shores architectural standards nor does it comport with Scenic A1A standards. There will be inadequate buffer zones and greenspace especially in the areas where the developer wishes to put houses directly backing up to Route A1A and the waste water treatment plant (WWTP). The height and design of the proposed structures are not in keeping with natural beauty of this area which is the prime reason people buy in this area. Moreover, the sample floor plans show 6 and 7 bedrooms which would seem to indicate that the target market is absentee owners/investors interested in short term vacation rentals which will undoubtedly increase the burden on the existing parcel owners and adversely affect their ability to enjoy the common elements.

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Sincerely,

Name: Jim Prisco

Address: 10 San Luis Lane 32137
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Sincerely,

Name:  
Address:  

9/27/17

Paul Dymont
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Sincerely,

Name: Franklin Flowers (Flowers)

Address: 3 San Diego Lane, Palm Coast
this area which is the prime reason people buy in this area. Moreover, the sample floor plans show 6 and 7 bedrooms which would seem to indicate that the target market is absentee owners/investors interested in short term vacation rentals which will undoubtedly increase the burden on the existing parcel owners and adversely affect their ability to enjoy the common elements.

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Sincerely,

[Signature]

Name: [Signature]

Address: [Signature]
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Sincerely,

[Signature]

Name: Inki & Neil Harris

Address: 18 San Miguel Court
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Sincerely,

Annette Jones

Name: Annette Jones

Address: 11 San Miguel Court, Palm Coast, FL 32137
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Sincerely,

Name: Robert H. Klenk
Address: 19 San Jose Dr., Palm Coast, FL 32137
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Sincerely,

Name: Pete A. Zagana
Address: 24 San Carlos Dr.
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Sincerely,

Name: Theresa McKeel

Address: 4 San Pablo Ct
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Sincerely,

Name: Lyne H. Mudd
Address: 12 San Carlos
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It is premature for the Planning Board to recommend approval of these Proposals until many of these important issues are clarified to the reasonable satisfaction of all parties concerned, especially the Lakeside homeowners who will be the parties most seriously affected by the proposed development. Accordingly, I respectively request that you do not approve the Proposals to go forward to the Board of County Commissioners.

Sincerely,

Martin Regan, Director
Manatee Brothers LLC
13 San Jose Drive, Palm Coast Florida 32137
The proposed development is not harmonious with the existing Matanzas Shores architectural standards nor does it comport with Scenic A1A standards. There will be inadequate buffer zones and greenspace especially in the areas where the developer wishes to put houses directly backing up to Route A1A and the waste water treatment plant (WWTP). The height and design of the proposed structures are not in keeping with natural beauty of this area which is the prime reason people buy in this area. Moreover, the sample floor plans show 6 and 7 bedrooms which would seem to indicate that the target market is absentee owners/investors interested in short term vacation rentals which will undoubtedly increase the burden on the existing parcel owners and adversely affect their ability to enjoy the common elements.

The proposed plans call for housing with elevations that exceed those of the existing Lakeside homes, i.e., 11 feet versus 9 feet. Additionally, the developer proposes to move existing retention ponds and substantially reduce them and replace them with “massed” homes on paved streets with 60% impermeable surfaces. Perk pond 3, which flooded during Irma, will be covered with dense development. The proposed development does not adequately consider, and plan for, the combined effect of ocean surge and terrestrial flooding on the existing neighboring communities. Any plans should be reviewed more thoroughly with those contingencies in mind. Granting approval to proceed with the plans as submitted will almost assuredly result in catastrophic property damage or personal injury to other Matanzas Shores parcel owners due to the areas existing propensity to flood.

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Sincerely,

[Signature]

Name: [Name]

Address: 16 San Miguel Ct. - Palm Coast

"Lakeside By The Sea" FL 32137

[Signature]
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Sincerely,

Name: Robert & Virginia Sanders
Address: 32 Seagles Dr. - Palm Coast, FL
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Sincerely,

Name: [Signature]

Address: 7 Spy Island Court
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Sincerely,

Name: Ann Walsh
Address: 456 Casa Dora
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Sincerely,

Name: John Walsh
Address: 48 S Key Marco Rd, Key Marco, FL, 33040
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Sincerely,

Name: ROBERT WETZEL

Address: 16 SAU PABLO CT. P.C. 32137
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Sincerely,

Name: Alan Whelpley
Address: 9 SAN LUIS LANE, PALM COAST, FL 32137
Dear Mr. Mengel - Please forward these comments to the Planning Board.

Re: Los Lagos and Las Casitas at Matanzas Shores Building Project

Please note that I wish to express my opposition to the plans for the above-mentioned project.

I have been a resident in the Lakeside area of Matanzas Shores within the Hammock for more than sixteen years. I am presently on the board of the Hammock Community Association and Scenic A1A Pride, thus, understanding the desire of those two entities to promote preserving this beautiful area.

We must maintain responsible growth that will enhance and be compatible with the environment of the A1A corridor at Matanzas Shores. It seems the construction plans do not meet this philosophy, due to the proposed housing plans not meeting the Lakeside architectural and aesthetic standards, the massing of buildings and ignoring the buffer zones.

The A1A corridor must be protected from irresponsible overbuilding, which would detract visitors from our unique and fragile greenway.

Sincerely,
Carol E. Scott
Adam Mengel

From: Chris Koch <chriskoch6565@gmail.com>
Sent: Monday, October 2, 2017 8:47 PM
To: Adam Mengel
Cc: Ken Atlee
Subject: Applications #3080 & #3081 - Site Development Plan - Las Casitas PUD

Dear Mr. Mengel:

I wish to amend my email below as I received some disturbing information today and IF it is true, it is most upsetting. I understand that the developer and the County have made a "side deal" to allow a rental policy of only one week for owners of Las Casitas and Los Lagos while the policy for Lakeside and the Surf Club properties are a minimum of six months! This changes the complexion of these developments, if this is true. I think this is a "non-starter", again, if true. I'm very much against this idea.

In light of the recent rain storm and hurricane, the present retention basin is currently full, I am told. My lands are only "feet" from the current basin, and now that basin is to be "relocated". I suffered about a $100,000 in damage from hurricane Matthew a year ago from flooding. Las Casitas is scheduled to be built at a higher elevation than my buildings which house millions of dollars of valuable vintage antique automobiles. The runoff could potentially destroy my building and contents.

My wife and I will not be able to attend the meeting as we are out of state then. Mr. and Mrs. Dick Kirtley of Surf Club III will be attending to represent our interests on these matters.

Thank you for your consideration,

Chris & Kathleen Koch, property owners
[all the property between "Las Casitas" and Old A1A including 6565 Old A1A]

______________________________

Dear Mr. Mengel:

I am a FL resident and owner of the property immediately south of Las Casitas and own multiple lots between Las Casitas and Old A1A [about 4-5 acres + or-]. Eleven of the proposed building lots back up to my northern border and I want to go on record as having severe concerns that must be addressed prior to approval by County authorities. More specifically they are as follows:

1. No buffer is planned and the rear yards of 11 homes back up to my property [Lots 1-3, Lots 90-97 plus 1 lot without any number on it]. I keep my personal collection of valuable antique cars at my home there which is an "attractive nuisance" and draw for people who could just step onto my property at any time. I have enjoyed my privacy there since building my place in 2003.
2. Hurricane Matthew caused about $100,000 worth of damage to this property due to flooding. I'm most concerned about the additional impermeable infrastructure that will go in causing even more water runoff than ever before. I wouldn't feel safe unless a good sized runoff ditch separated my property from these 11 proposed building lots. I propose this ditch or underground piping direct runoff water away from my property on the north and west sides. My Hurricane Matthew episode caused over a $100,000 loss which was only covered by 50% by flood insurance after "depreciation", deductibles and items not covered by my insurance. I don't wish to experience this again, or something even more damaging.

3. Tying into #2 above, I understand these homes are to be built at an elevation of 11'. My property is built at 10', and we all know water runs downhill. I will "catch the runoff" of all these lots. My cars are very valuable and the total value of the collection is well into the seven figures. Some of my cars are the best example of the marque or the only one in the world. Some are over a hundred years old and can't be replaced. Hurricane Matthew almost wiped me out and I'm downhill of this development which exposes me more than ever.

4. Another concern is the overall height proposed for these homes. They would all be "looking down" on my property. I would prefer for them to be consistent with the other homes in the area.

   I have talked to Mr. Ken Atlee, the developer, who was very pleasant and agreed to "consider" my concerns. He explained that the homes would be 3 or 4 bedrooms, not 6 or 7 as is the rumor and that is a relief. He also agreed to "look into" the highest solid fence permissible to separate our properties. I think this would be necessary.

   We are currently on vacation in ME and cannot attend the upcoming October meeting and wanted to go on record with these concerns. We own multiple properties in Palm Coast. We hope that you and the Flagler County Planning Board give our concerns serious consideration. Thank you.

Sincerely,

F. Christian & Kathleen Koch
6656 N. Oceanshore Blvd.
Palm Coast, FL 32137
October 1, 2017

Flagler County Florida Planning and Development Board
Robert Dickinson, Chairman, Michael Boyd, Arthur Barr, Michael Duggins, Lauren Kornel, and Mark Langello
c/o Adam Mengel, Planning and Zoning
1769 E Moody Blvd, Bldg 2
Bunnell, FL 32110

Re: Application: Duval development of Los Lagos and Las Casitas at Matanzas Shores

Dear Sirs/Madam,

"Let them eat cake!" That infamous quote attributed to Marie Antoinette (upon learning that the peasants had no flour to make bread) recently came to mind at the Matanzas Shores Board Meeting of last Friday, September 29th. I was reminded of that quote when the outgoing President of Matanzas Shores responded "Get flood insurance!" to the numerous concerned residents in attendance. That callous statement epitomizes the dismissive nature that the Matanzas Shores Board has evidenced for the very real issues that residents have been raising over this proposed development. Most of the residents within the Lakeside by the Sea parcel are full time Florida residents (and voters). We are also mostly retirees for whom this is our one and only home. Flood insurance (aside from being too costly a proposition for most) will not make one whole nor can it make up for the loss of life or possessions collected and cherished over that lifetime. Just ask the folks of Houston.

As I am writing this letter, I am nervously looking out my window as my swales are filling with water from the rain of the past 24 hours. All around us (from Marineland to Washington Oaks Park) water is rising and the surrounding area is flooding. This is not storm surge but pure terrestrial flooding due to heavy rain. How can the Planning Board and other governmental organizations even contemplate allowing any further development in this area using data and plans developed almost 30 years ago? A recent September 24th episode of "Sixty Minutes" explored the correct approach to coastal development in the wake of Hurricane Harvey. Sam Brody, an expert on coastal development studies at Texas A & M University, told Scott Pelley: "Hurricane Harvey was a human contrived disaster. If we have flooding, that is a natural process. A disaster is human induced because we've put so many people in the flood prone areas." If allowed to proceed this development will cause a disaster.

The proposed development does not adequately consider, and plan for, regular terrestrial flooding let alone the combined effect of ocean surge and terrestrial flooding. There are newer scientific models that will do such an analysis and the planning board and developers need to look at those more recent models and then incorporate appropriate mitigation projects into any development. Granting approval to proceed with the plans as submitted will almost assuredly result in catastrophic property damage or personal injury to other Matanzas Shores parcel owners due to the areas existing propensity to flood.

Many residents also have concerns about the manner in which negotiations were conducted with Duval. At the last Matanzas Shores Board meeting of August 25th, the outgoing President of our Matanzas Board disclosed that he had previously been a consultant to the developer (Duval). In the minds of many residents, the President should have recused himself from dealing with Duval because of this potential conflict. Even if he did not recuse himself he nonetheless should have disclosed the potential conflict and obtained a waiver of the conflict from the Board of Directors which waiver should have been reflected in the Minutes of the Board of Directors. After reviewing the Minutes of the Board from
2015 to the present, we could find no mention of the disclosure of this conflict or a waiver of the conflict by the Board. In fact, the outgoing Board President was the primary contact with Duval on the negotiations and indeed the sole signature on a number of documents with Duval notwithstanding that the Matanzas Shores’ By Laws require the signature of two officers to any contracts.

As far back as January 2016, residents were asking for details concerning the settlement but we were told that the details were “confidential”. Vague general updates were given periodically but the specific details were not fully disclosed until after documents were signed. When the details were finally revealed, it appeared that the objections of many owners (in particular, the Lakeside owners who are the ones to be most severely impacted by the development) were ignored. I will not mention those concerns here because I believe other residents will address them at the hearing or in their letters.

We are in the process of obtaining legal representation to assure that all of the provisions within the various documents (i.e., Settlement Agreement, Development Agreement and the proposed Amendment to the Covenants) comply with Florida Statutes governing Homeowners Associations and Not for Profit Corporations. One such provision waives the developer’s assessment fees for a period of 4 years. Such a provision would have been against public policy in violation of Florida Statute Section 720.308 (b) if done by the original declarant so it should not be acceptable for any successors in interest to assert such a right. The end result is that this one provision alone materially shifts economic burdens from the developer to the existing non-developer members. The non-developing members of Matanzas Shores should not be asked to subsidize the profit-making purpose of developer in this manner.

There is also the question of adequate consideration for Matanzas’ promise to transfer Perc Pond 3. The only stated consideration for this promise is Duval’s agreement to reduce the “total density from 433 units to not more than 225 single family units”. However, Duval hasn’t really reduced the number from 433 units at all. They still assert the right to that number of units as long as they are not “in the North Tract”. The agreement was for “single family homes”; however, the plans submitted by Duval to the Planning Board are for homes with six and seven bedrooms in each. These units would be better described as “mini-motels” rather than single family units. Condensing more people in larger homes does not reduce total density. The developer is only obligated to pay the infrastructure improvement fee in the future as each lot is sold. If the developer guesses wrong and the lots don’t sell, Matanzas Shores doesn’t get any compensation although by that time they would have fully performed. The infrastructure improvement fees (if any) go into an escrow account but there are no details as to how the money is supposed to come out of the escrow account. I believe that certain speakers will address the deficiencies of the waste water treatment plant and why a lump sum to upgrade the waste treatment plant needs to be paid in full and in advance. Any upgrade should also be a 100% obligation of developer and not merely a “contribution”.

It is premature for the Planning Board to recommend approval of these Proposals until many of these important issues are clarified. Accordingly, I respectively request that you do not approve the Proposals to go forward to the Board of County Commissioners.

Sincerely,

Name: Catherine M Regan

Address: 31 San Jose Drive Palm Coast FL 32137
Franklin Wiener

Wednesday, October 04, 2017 12:11 PM

Christie L. Mayer <cmayer@flaglercounty.org>

Dense Development Planned North of Wash Oaks

Mr. Craig Coffey, Administrator
Flagler County
1769 E. Moody Boulevard
Bunnell, Florida 32110

Dear Mr. Coffey:

It was a pleasure to meet you at last night's meeting in the Hammock. I am a resident and board member of Lakeside-by-the Sea, a community of 136 single family homes north of Washington Oaks that is a parcel of the Matanzas Shores Owners Association. Attached is my recent letter to the Flagler County Planning Board in strong opposition to three dense, urban developments that are now being planned by Duval for the areas directly to the north and south of Lakeside.

During Hurricane Matthew, flood waters came only inches from our homes. We were very fortunate, but we can't rely on luck alone in the future.

The Planning Board will be holding a hearing on Tuesday, October 10, regarding 5 applications by Duval to construct these three separate developments, known as Las Casitas, Los Lagos I, and Los Lagos II. Although the owners of Lakeside have been excluded from most of the negotiations and agreements with Duval to date, we are the people who will be most seriously impacted by these developments in many different ways for many years to come. The decisions have been made by part-time residents of the Surf Club high-rise projects across the street, also part of the Matanzas Shores Owners Association, who will not be seriously affected by any disaster that may result from these new developments.

In relation to last night's meeting, what is most significant is that Duval plans to replace most of two retention ponds to the north and south of Lakeside with densely packed houses of 60% impervious surface on higher elevations than our own homes. Furthermore, the developer plans to replace one of the percolation ponds of our waste water treatment plant, which recently flooded during Hurricane Irma, with the same dense, urban development. In consideration of what the Hammock has experienced recently as the result of three different storms in twelve months, how could the engineers at the St. John's Water Management District approve of this? Aside from Lakeside, how will the flooded citizens to the south of Washington Oaks be adversely affected by these dense, urban developments? The approval by SJWMD makes absolutely no sense to me.
Thank you very much for your kind attention to this very important matter.

Sincerely,

Frank Wiener
33 San Carlos Drive
Palm Coast, Florida 32137
386-597-7802
frankwiener@bellsouth.ne
October 3, 2017

Sent via e-mail: c/o Adam Mengel, Planning and Zoning

Flagler County Florida Planning and Development Board
Robert Dickinson, Chairman, Michael Boyd, Arthur Barr, Michael Duggins, Lauren Kornel, Mark Langello
1769 E Moody Blvd, Bldg 2
Bunnell, FL 32110

Re: Application-Duval proposal for development of Los Lagos and Las Casitas at Matanzas Shores

Dear Flagler Planning Board Chair and Members,

I am a newer homeowner and full-time resident within the Matanzas Shores development (Matanzas Shores), Lakeside by the Sea (Lakeside). A Florida voter since 2016, I write to inform you that I am opposed to the above applications that have been submitted for the development of Matanzas Shores. I purchased my home in March 2016, knowing Lakeside was well established for 20 years, and was not informed about any new construction within its gates. I bought to live in a quiet, residential and safe area, not a construction zone and congested area. The Duval proposals pose serious safety and financial risks, which significantly diverge from the vision of the community presented to me.

Please consider the following in your review and decision making, as we approach the October 10, 2017, Flagler County Planning Board meeting. There has been a lack of transparency associated with the negotiation and execution of the Development Agreement with Duval that has raised some serious questions concerning potential conflicts of interest and additional legalities must now be explored. The one-sided nature of the final Development Agreement I first became aware of in August 2017, and dated 10/31/16, is particularly troubling to me and many residents of Matanzas Shores. These proposals pose the following real and significant risks to our property, lives and livelihoods here at Lakeside:

• Duval proposals as written put Lakeside at an almost guaranteed risk for catastrophic flooding, increasing impervious land from ~28% to ~61%.

• Drainage problems exist today (see numerous photographic evidence to that effect in presentation from Lakeside to Flagler County Planning Board for 10/10/17 meeting). Regardless if the developer builds 225 units or 433 units, the development plan has inadequate drainage without making substantial modifications to the existing system and creating new flooding mitigation devices to accommodate the new development. The end result for Lakeside will be disaster.

• Proposed plans have not been reviewed with neighboring communities (which repeatedly flood) and risk mitigation and contingencies are not outlined and apparent in development contracts for accountability and to understand who bears financial and legal responsibility for this.

• I’m not convinced Lakeside waste water treatment plant (WWTP) will perform when burdened by this additional development. The WWTP already has shortcomings which need attention, and I know of no plans for its flood management under a 433-home build scenario.
• Proposals present new and significantly increased financial risks for Lakeside residents, which could create undo financial hardship for existing owners, and financial risks can compound the health and safety risks.

  Matanzas Shores has a history of failed developers – at least two, which I have just learned. The Development Agreement puts Lakesiders in a position of subsidizing (or even underwriting) the developers’ (Duval and its owners’) risk. This makes me question the developers’ financial standing and capacity, along with the developers’ true willingness to commitment to and stick with a development project. Also, if homes are built and do not sell, we could have multiple problems to remedy.

  Have we been set up for financial disaster? The community has sound financials now and steadied costs, another reason I bought. **We have been kept in the dark on development plans, which exempt the developer from assessments for four years.** This agreement really could cost us dearly. No owner I know signed up to be in this predicament.

• The proposals jeopardize owners’ and citizens’ safety putting Lakeside right in the middle of active construction zones for possibly years. There is no committed construction timing, and the agreement allows developer to use existing Lakeside roads to access certain facilities and overburden Lakeside with increased traffic by potentially thousands of people. Moreover, after completion the developer intends to use existing Lakeside roads to access certain amenities and this will be extremely dangerous and completely overburden the Lakeside community.

The Planning Board’s primary concern should first be for the health and safety of citizens whereas these proposals seem to only consider how to maximize the developers’ profits. The Planning Board has a legal, and I believe moral, responsibility to act now and ensure citizens’ safety. The concerns above indicate how our safety is at risk under proposed agreements. **The proposed development robs us of our current surroundings and existing infrastructure, which have worked for the Lakeside community for more than 20 years, alleviating flooding and maintaining citizens’ safety.**

Existing Lakeside owners have rights which should be respected and upheld. Lakeside voices were muted while agreements were made, and as we learn the details of this and come to understand how it will **adversely affect our lives, and indeed actually threaten them,** we ask that you **hear our voice, protect us, our health, safety and wellbeing, and deny the proposals** as submitted.

Respectfully,

Megan Tobin

34 San Jose Dr., Palm Coast, FL 32137
Flagler County Government  
Planning and Zoning Department  
Staff Report

TO: Chairman and Planning Board Members  
FROM: Planning and Zoning Department  
DATE: October 10, 2017  
SUBJECT: Application #3078, Application for a Preliminary Plat in a Planned Unit Development (PUD)

I. Requested Action & Purpose: This quasi-judicial request is for approval of the preliminary plat in the Planned Unit Development (PUD) zoning district for Los Lagos I.

II. Location and Legal Description: 15.04+/- acres located on the West side of North Oceanshore Boulevard (a/k/a State Road A1A), formerly part of the Matanzas Shores Development of Regional Impact (DRI); Parcel Number: 37-10-31-1550-00000-0151.

III. Owner and Applicant/Agent:  
Owners: LR5A-JV, LP  
Agent: Ken Atlee, Duval Realty Trust, LLC; and Brett Witte, P.E., Singhofen & Associates, Inc.

IV. Existing Zoning and Future Land Use Classification:  
Zoning: PUD (Planned Unit Development) District  
Future Land Use: Mixed Use: Low Intensity

V. Future Land Use Map Classification/Zoning of Surrounding Land:  
North: Beach Haven PUD; Mixed Use: Low Intensity / PUD (Planned Unit Development) District  
East: North Oceanshore Boulevard; Mixed Use: Low Intensity / PUD (Planned Unit Development) District  
South: Matanzas Shores sewage treatment package plant; Mixed Use: Low Intensity / PUD (Planned Unit Development) District

VI. Land Development Code Sections Affected: Land Development Code Section 4.05.02, Preliminary plat and construction plan review.

VII. Report in Brief: Singhofen & Associates, on behalf of the parcel owner, LR5A-JV, LP, submitted an application for Preliminary Plat approval in a PUD for the
development of a 88-lot single family residential subdivision on approximately 23.3 acres to be known as Los Lagos. Accompanying the two sheet preliminary plat – for Los Lagos I, the 65-lot portion of the subdivision lying North of San Juan Drive – is the combined construction plan package for Las Casitas and Los Lagos; both the preliminary plat and the construction plans are subject to review and approval by the Board of County Commissioners.

The proposed Los Lagos subdivision is located on former Cluster 5 designated through the Matanzas Shores Development of Regional Impact. This Cluster consisted of 23 residential acres with a maximum allowed dwelling unit count of 320 units, identified as a “Cloverleaf Design Condominium Units in Two (2) 5 Story Buildings with a 9 Hole Golf Course” with a density range of 12-20 units and a cluster density identified as 13.7 units per acre (and an overall density within the DRI of 5.2 units per acre). As proposed, the 88 lots on 23.3 acres corresponds to a density of 3.78 units per acre. It should be noted that the Mixed Use: Low Intensity, Low to Medium Density Future Land Use designation permits a maximum density of 7 units per acre (Policy A.1.1.3(2)(a), Flagler County 2010-2035 Comprehensive Plan). Cluster 5 was additionally identified with a 5 story maximum building height.

This project adjoins the Beach Haven subdivision along its North boundary, which is an approved single-family subdivision.

The smallest lot is 0.11+/- acres (4,722 s.f.) in size (Lot 59), while the largest is 0.40+/- acres (17,509.6 s.f.) in size (Lot 49). The majority of lots are approximately 5,500 s.f. in area.

Ultimately, approval of the preliminary plat by the Board of County Commissioners cannot occur until the PUD is approved by the Board.

The applicant met with the Technical Review Committee on July 19, 2017 and on August 16, 2017. All staff comments have been satisfactorily addressed by the applicant in advance of the Planning and Development Board meeting.

Public notice has been provided for this application according to LDC Section 2.07.00. Public comments have been compiled and presented at Agenda Item 9.

VIII. Staff Analysis:

Lots
Sixty-five lots are depicted, with frontage along Tract “A”, a private roadway tract.

Tracts
Two tracts – Tracts “A” and “B” – are specifically dedicated on the plat, to be owned and maintained by the Los Lagos I Property Owners Association, Inc. Tract
“A” is the roadway tract, dedicated for private vehicular access, utilities, drainage, signage, and landscaping purposes, while Tract “B” is dedicated for drainage and stormwater purposes.

**Easements**

Ten foot wide utility easements are depicted along the front of each lot adjoining Tract “A”. In addition, several 15-foot – 7.5 feet wide on each lot – wide drainage easements are depicted that convey stormwater away from Tract “A” and into Tract “B”.

**Stormwater**

Design will meet St. Johns River Water Management District requirements and maintenance responsibility will be assumed by the Los Lagos I Property Owners Association, Inc.

The preliminary plat generally meets the applicable requirements and is consistent with accompanying PUD Site Development Plan.

**IX. 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.

**X. Staff Recommendation:** Staff recommends that the Planning and Development Board recommend to the Board of County Commissioners approval of Application #3078, Preliminary Plat for Los Lagos I, finding that the proposed preliminary plat is consistent with Chapter 177 of Florida Statutes, the Flagler County Comprehensive Plan, the Flagler County Land Development Code, and the Los Lagos PUD, subject to satisfaction of outstanding Development Engineering comments and approval of construction plans.

**XI. Suggested Adoption Language:** The Planning and Development Board recommends to the Board of County Commissioners approval of Application #3078, Preliminary Plat for Los Lagos I, finding that the proposed preliminary plat is consistent with Chapter 177 of Florida Statutes, the Flagler County Comprehensive Plan, the Flagler County Land Development Code, and the Los Lagos PUD, subject to satisfaction of outstanding Development Engineering comments and approval of construction plans.

**Attachments**

1. Notification map and list
2. Application and supporting documents
3. Preliminary Plat
4. Construction Plans
MAP SERIES
Property Appraiser Aerial
Future Land Use Map
Official Zoning Map
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I hereby affirm mailed notice to each owner on September 22, 2017 for the Planning & Development Board Meeting on October 10, 2017 at 6pm

Wendy Hickey, Planner
APPLICATION FOR PRELIMINARY PLAT
FLAGLER COUNTY, FLORIDA
1769 E. Moody Blvd, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009  Fax: (386) 313-4109
Application/Project #: 3078 1/2017060020

**APPLICATION INFORMATION**

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<tr>
<td>Email:</td>
<td><a href="mailto:ken@atleeingroup.net">ken@atleeingroup.net</a></td>
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<tr>
<td>Telephone #:</td>
<td>904-838-9342</td>
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<tr>
<td>Number of Miles of New Road(s):</td>
<td>0.3</td>
</tr>
<tr>
<td>Current Zoning Classification:</td>
<td>PUD</td>
</tr>
<tr>
<td>Current Future Land Use Designation:</td>
<td>Mixed Use Low Intensity</td>
</tr>
<tr>
<td>Subject to A1A Scenic Corridor IDO?</td>
<td>YES [ ] NO [ ]</td>
</tr>
</tbody>
</table>

**PURPOSE OF SUBMISSION / PROJECT DATA:**
Subdivision of property into single family residential lots

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

Signature: [Signature]
Date: 5/22/2017

**OFFICIAL USE ONLY**

PLANNING BOARD RECOMMENDATION/ACTION:
- APPROVED [ ]
- APPROVED WITH CONDITIONS [ ]
- DENIED [ ]

Signature of Chairman: ____________________________
Date: ____________________________
*approved with conditions, see attached.

BOARD OF COUNTY COMMISSIONERS ACTION:
- APPROVED [ ]
- APPROVED WITH CONDITIONS [ ]
- DENIED [ ]

Signature of Chairman: ____________________________
Date: ____________________________
*approved with conditions, see attached.

[Handwritten notes]

icted
Agent Authorization and Owners Affidavit

Date: May 22, 2017

City of Palm Coast
Community Development Department
160 Lake Avenue
Palm Coast, FL 32164

Flagler County, Florida
Planning Department
1769 E. Moody Blvd., Suite 105
Bunnell, FL 32210

St Johns River Water Management District
P.O. Box 1429
Palatka, FL 32178-1429

FL Dept Environmental Protection
8800 Baymeadows Way West
Jacksonville, FL 32256

Matanzas Shores Owners Association
110 E. Collector Road
Palm Coast, FL 32137

Re: Agent Authorization for the following site location:
Parcel# 37-10-31-3725-00000-003A (Parcel 3A-8.31 acres); Parcel#37-10-31-1550-00000-0154 (Parcel 154-9.799 acres); Parcel# 37-10-31-1550-00000-0155 (Parcel 155-8.309 acres) and Parcel# 37-10-31-1550-00000-0151 (Parcel# 151-15 acres)

Gentleman:
You are hereby advised that the undersigned is the owner of the following properties described in Exhibit I attached hereto. Said owner hereby authorizes and empowers Robert H. Hendricks and Kenyon S. Atlee of Duval Realty Trust, LLC, whose address is 5851 Timuquana Rd, Suite 301, Jacksonville, FL 32210 to act as agent to file any and all application(s), submit all plan(s), permit(s) and plat for approvals with the City of Palm Coast, Flagler County Florida, Florida Department Environmental Protection, Saint Johns River Water Management District and Matanzas Shores Owners Association for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested changes.

LR5A-JV Limited Partnership, a Massachusetts limited partnership
By: LR5A-JV Corp., its General Partner
Print Name: David S. Allen, President

STATE OF Massachusetts
COUNTY OF Norfolk

The foregoing affidavit was sworn and subscribed before me this 22A day of May, 2017 by David S. Allen, President of LR5A-JV Corp., the General Partner for LR5A-JV Limited Partnership, a Massachusetts limited partnership who is personally known to me or has produced ____________________________ as identification.

(Notary Signature)

SARA GOODMAN
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires November 18, 2022

Page 1 of 1
IN THE CIRCUIT COURT OF THE 7TH
JUDICIAL CIRCUIT IN AND FOR FLAGLER
COUNTY, FLORIDA
CIVIL DIVISION
CASE NO. 07-CA-001246

LR5A-JV, LP, a Massachusetts Limited Partnership,

Plaintiff,

v.

LITTLE HOUSE, LLC, a Florida Limited Liability
Company, et. al., etc.,

Defendants.

CERTIFICATE OF TITLE

The undersigned clerk of the court certifies that he or she executed and filed a certificate
of sale in this action on April 28, 2011, for the property described herein and that no objections
to the sale have been filed within the time allowed for filing objections.

The following property in Flagler County, Florida

Please see Exhibit "A" attached.

was sold to LR5A-JV, LP, c/o Realty Financial Partners, 40 William Street, Suite 120,
Wellesley, MA 02481.

WITNESS my hand and seal of this Court on June 15, 2011.

GAIL WADSWORTH
Clerk of Circuit Court

By: Deputy Clerk
Parcel 4-B Mantanzas Shores

A parcel of land lying in Government Section 38, Township 10 South, Range 31 East, being a portion of the SUBDIVISION PLAT SECTION 88, PALM COAST, recorded in Map Book 26, Pages 4 and 5 of the Public Records of Flagler County, Florida, being more particularly described as follows:

A point of reference being the intersection of the Southerly line of said Government Section 38 with the Easterly right-of-way line of the Intracoastal Waterway (500 foot RW), thence North 17 degrees 14 minutes 46 seconds West along said right-of-way line a distance of 2801.75 feet, thence North 16 degrees 28 minutes 50 seconds West along said right-of-way line a distance of 1500.16 feet, thence departing said Intracoastal Waterway North 69 degrees 39 minutes 14 seconds East along the Northerly boundary of said Plat Section 88 a distance of 2813.46 feet, thence departing said boundary, thence South 20 degrees 20 minutes 46 seconds East a distance of 896.36 feet, to the Point of Beginning of this description, thence South 35 degrees 07 minutes 31 seconds East a distance of 45.25 feet to a point on the Wastely right-of-way line of State Road A-1-A as recorded in Official Records Book 388, Pages 110 through 112, Public Records of Flagler County, Florida, thence South 09 degrees 52 minutes 28 seconds West along said right-of-way line a distance of 276.66 feet to a point of curvature, thence 128.73 feet along a curve to the left (Concave Easterly) having a central angle of 05 degrees 24 minutes 37 seconds, a radius of 1363.24 feet, a chord bearing of South 07 degrees 10 minutes 11 seconds West and a chord distance of 126.68 feet, thence departing said right-of-way and curve North 85 degrees 32 minutes 08 seconds West along a radial line 445.59 feet, thence South 59 degrees 45 minutes 37 seconds West a distance of 181.75 feet, thence South 76 degrees 50 minutes 18 seconds West a distance of 110.00 feet, thence North 11 degrees 09 minutes 42 seconds West a distance of 223.81 feet to a point of curvature, thence 222.06 feet along a curve to the right (Concave Southwesterly) having a central angle of 48 degrees 55 minutes 02 seconds, a radius of 254.80 feet, a chord bearing of North 13 degrees 48 minutes 15 seconds East and a chord distance of 215.10 feet to a point of compound curvature, thence 451.25 feet along a curve to the right (Concave Southwesterly) having central angle of 61 degrees 06 minutes 09 seconds, a radius of 423.14 feet, a chord bearing of North 68 degrees 19 minutes 25 seconds East and a chord distance of 340.17 feet to a point of tangency, thence South 80 degrees 07 minutes 31 seconds East a distance of 349.98 feet to the Point of Beginning.

Parcel 5-A Mantanzas Shores

A parcel of land lying in Government Section 38, Township 10 South, Range 31 East, being a portion of the SUBDIVISION PLAT SECTION 88, PALM COAST, recorded in Map Book 26, Pages 4 and 5 of the Public Records of Flagler County, Florida, being more particularly described as follows:

A point of reference being the intersection of the Southerly line of said Government Section 38 with the Easterly right-of-way line of the Intracoastal Waterway (500 foot RW), thence North 17 degrees 14 minutes 46 seconds West along said right-of-way line a distance of 2801.75 feet, thence North 16 degrees 28 minutes 50 seconds West along said right-of-way line a distance of 1500.16 feet, thence departing said Intracoastal Waterway North 69 degrees 39 minutes 14 seconds East along the Northerly boundary of said Plat Section 88 a distance of 2441.52 feet to the Point of Beginning of this description, thence continue North 69 degrees 39 minutes 14 seconds East along said boundary a distance of 544.82 feet to a point on the Wastely right-of-way line of State Road A-1-A recorded in Official Records Book 388, Pages 110 through 112, Public Records of Flagler County, Florida, said point being on a curve, thence Southerly along said right-of-way 624.37 feet along a curve to the right (Concave Westerly) having a central angle of 30 degrees 14 minutes 02 seconds, a radius of 1183.23 feet, a chord bearing of South 05 degrees 14 minutes 32 seconds East and a chord distance of 617.15 feet to a point of tangency, thence South 09 degrees 52 minutes 28 seconds West along said right-of-way a distance of 274.44 feet, thence departing said Wastely right-of-way South 64 degrees 52 minutes 29 seconds West a distance of 45.25 feet, thence North 80 degrees 07 minutes 31 seconds West a distance of 250.63 feet, thence North 08 degrees 52 minutes 29 seconds East a distance of 171.12 feet, thence North 24 degrees 12 minutes 15 seconds West a distance of 551.62 feet, to the Point of Beginning.

Parcel 5-B Mantanzas Shores

A parcel of land lying in Government Section 38, Township 10 South, Range 31 East, being a portion of the SUBDIVISION PLAT SECTION 88, PALM COAST, recorded in Map Book 26, Pages 4 and 5 of the Public Records of Flagler County, Florida, being more particularly described as follows:

Policy G41-0008038 [ALTA Loan 1992]
Records of Flagler County, Florida, being more particularly described as follows:

A point of reference being the intersection of the Southerly line of said Government Section 38 with the Easterly right-of-way line of the Intracoastal Waterway (500 foot RW), thence North 17 degrees 14 minutes 46 seconds West along said right-of-way line a distance of 2801.75 feet, thence North 16 degrees 28 minutes 50 seconds West along said right-of-way line a distance of 1506.18 feet, thence departing said Intracoastal Waterway North 69 degrees 39 minutes 14 seconds East along the Northerly boundary of said Plat Section 86 a distance of 1998.62 feet to the Point of Beginning of this description, thence continue North 69 degrees 39 minutes 14 seconds East along said boundary a distance of 442.93 feet, thence departing said boundary South 24 degrees 12 minutes 15 seconds East a distance of 551.82 feet, thence South 09 degrees 52 minutes 23 seconds West a distance of 171.12 feet, thence North 80 degrees 07 minutes 31 seconds West a distance of 59.35 feet to a point of curvature, thence 403.56 feet along a curve to the left (concave Southerly) having a central angle of 47 degrees 51 minutes 40 seconds, a radius of 483.14 feet, a chord bearing of South 75 degrees 06 minutes 39 seconds West and a chord distance of 391.85 feet, thence departing said curve North 16 degrees 03 minutes 07 seconds West along a non-radial line a distance of 627.17 feet, to the Point of Beginning.

PARCEL B:

A parcel of land situated in Section 38, Township 10 South, Range 31 East, Flagler County, Florida, and being more particularly described as follows:

As a point of reference, commence at the Northeast corner of Section 39, Township 10 South, Range 31 East, run thence North 67°46'01" East along the South line of Section 38, a distance of 95.49 feet, thence North 5° 22'10" East a distance of 108.28 feet, thence along the westerly line of State Road A-1-A and along a curve to the left having a central angle of 79°17'35", a radius of 1173.24 feet, an arc length of 251.72 feet, a chord length of 251.24 feet, and a chord bearing of North 0°46'38" West, thence South 67°45'57" West, a distance of 489.92 feet to the Point of Beginning of this description; thence South 57°46'01" West, a distance of 1288.90 feet to a point; thence North 20°20'54" West, a distance of 180.28 feet to a point; thence, North 69°39'06" East, a distance of 174.23 feet to a point; thence, North 21°13'05" West, a distance of 272.50 feet to a point; thence North 23°14'42" East, a distance of 100.43 feet to a point; thence North 7°11'35" West, a distance of 273.62 feet to a point of a non-tangent curve running Northeastery and to the left having a radius of 450.00 feet, an arc length of 213.65 feet, through a central angle of 27°12'12", a chord bearing North 76°35'26" East, and a chord distance of 211.65 feet to a point non-tangency of a connecting curve running Northerly and to the left having a radius of 400.00 feet, an arc length of 147.30 feet, through a central angle of 21°05'57", a chord bearing North 13°38'30" East, and a chord distance of 146.47 feet to a point of a non-tangent curve running Northeastery and to the left, having a radius of 150.00 feet, an arc length of 60.96 feet, a central angle of 30°34'55", a chord bearing North 73°22'56" East, and a chord distance of 79.12 feet to a point; thence North 58°05'28" East, a distance of 128.88 feet to a point of curvature of a curve running Easterly and to the right, having a radius of 140.00 feet, an arc length of 86.14 feet, through a central angle of 35°16'15", a chord bearing North 75°43'06" East, and a chord distance of 64.79 feet to a point; thence South 14°26'46" West, a distance of 11.46 feet to a point of a non-tangent curve running Southerly and Easterly to the left, having a radius of 180.00, an arc length of 433.23 feet, through a central angle of 137°54'09", a chord bearing South 54°31'18" East, and a chord distance of 335.98 feet to a point of a connecting curve to the left, having a radius of 295.39 feet, an arc length of 39.31 feet, through a central angle of 7°37'28", a chord bearing North 52°42'53" East, and a chord distance of 39.28 feet to a point; thence South 41° 05'51" East, a distance of 33.80 feet to a point of curvature of a curve running Southeastern to and to the left having a radius of 50.00 feet, an arc length of 28.68 feet through a central angle of 30°34'12", a chord bearing South 56° 22'57" East, a chord distance of 26.36 feet to a point; thence South 71°40'03" East, a distance of 272.36 feet to a point of a non-tangent curve running Southeastern to and to the left having a radius of 300.00 feet, an arc length of 128.49 feet, through a central angle of 24°32'25", a chord bearing South 08°04'41" East, and a chord distance of 127.51 feet to a point; thence South 20°20'54" East, a distance of 138.61 feet to a point; thence, North 66°39'06" East a distance of 70.42 feet to a point; thence South 20°21'03" East, a distance of 137.80 feet to the Point of Beginning.

Policy G41-0080838 [ALTA Loan 1992]
IN THE CIRCUIT COURT OF THE 7TH
JUDICIAL CIRCUIT IN AND FOR FLAGLER
COUNTY, FLORIDA

CIVIL DIVISION
CASE NO. 07-CA-001246

LR5A-JV, LP, a Massachusetts Limited Partnership,

Plaintiff,

v.

LITTLE HOUSE, LLC, a Florida Limited Liability
Company, et. al., etc.,

Defendants.

CERTIFICATE OF TITLE

The undersigned clerk of the court certifies that he or she executed and filed a certificate
of sale in this action on April 28, 2011, for the property described herein and that no objections
to the sale have been filed within the time allowed for filing objections.

The following property in Flagler County, Florida

Please see Exhibit “A” attached.

was sold to LR5A-JV, LP, c/o Realty Financial Partners, 40 William Street, Suite 120,
Wellesley, MA 02481.

WITNESS my hand and seal of this Court on June 15, 2011.

GAIL WADSWORTH
Clerk of Circuit Court

By: Deputy Clerk
Parcel 4-B Mantanzas Shores

A parcel of land lying in Government Section 38, Township 10 South, Range 31 East, being a portion of the SUBDIVISION PLAT SECTION 88, PALM COAST, recorded in Map Book 26, Pages 4 and 56sf of the Public Records of Flagler County, Florida, being more particularly described as follows:

A point of reference being the intersection of the Southerly line of said Government Section 38 with the Easerry right-of-way line of the Intracoastal Waterway (500 foot RW), thence North 17 degrees 14 minutes 48 seconds West along said right-of-way line a distance of 2801.75 feet, thence North 16 degrees 28 minutes 50 seconds West along said right-of-way line a distance of 1506.16 feet, thence departing said Intracoastal Waterway North 69 degrees 39 minutes 14 seconds East along the Northerly boundary of said Plat Section 88 a distance of 2813.46 feet, thence departing said boundary, thence South 20 degrees 20 minutes 48 seconds East a distance of 866.38 feet, to the Point of Beginning of this description, thence South 35 degrees 07 minutes 31 seconds East a distance of 45.25 feet to a point on the Westerry right-of-way line of State Road A-1-A as recorded in Official Records Book 386, Pages 110 through 142, Public Records of Flagler County, Florida, thence South 09 degrees 52 minutes 29 seconds West along said right-of-way line a distance of 278.56 feet to a point of curvature, thence 128.73 feet along a curve to the left (Concave Easterly) having a central angle of 05 degrees 24 minutes 37 seconds, a radius of 1363.24 feet, a chord bearing of South 07 degrees 10 minutes 11 seconds West and a chord distance of 128.68 feet, thence departing said right-of-way and curve North 85 degrees 32 minutes 08 seconds West along a radial line 445.59 feet, thence South 59 degrees 45 minutes 37 seconds West a distance of 191.75 feet, thence South 78 degrees 50 minutes 18 seconds West a distance of 110.00 feet, thence North 11 degrees 09 minutes 42 seconds West a distance of 223.51 feet to a point of curvature, thence 222.06 feet along a curve to the right (Concave Southwesterly) having a central angle of 46 degrees 56 minutes 02 seconds, a radius of 254.60 feet, a chord bearing of North 13 degrees 46 minutes 19 seconds East and a chord distance of 215.10 feet to a point of compound curvature, thence 451.25 feet along a curve to the right (Concave Southwerry) having a central angle of 61 degrees 06 minutes 09 seconds, a radius of 428.14 feet, a chord bearing of North 59 degrees 19 minutes 25 seconds East and a chord distance of 430.17 feet to a point of tangency, thence South 09 degrees 07 minutes 31 seconds East a distance of 349.98 feet to the Point of Beginning.

Parcel 5-A Mantanzas Shores

A parcel of land lying in Government Section 38, Township 10 South, Range 31 East, being a portion of the SUBDIVISION PLAT SECTION 88, PALM COAST, recorded in Map Book 26, Pages 4 and 56sf of the Public Records of Flagler County, Florida, being more particularly described as follows:

A point of reference being the intersection of the Southerly line of said Government Section 38 with the Easterly right-of-way line of the Intracoastal Waterway (600 foot RW), thence North 17 degrees 14 minutes 46 seconds West along said right-of-way line a distance of 2801.75 feet, thence North 16 degrees 28 minutes 50 seconds West along said right-of-way line a distance of 1506.16 feet, thence departing said Intracoastal Waterway North 69 degrees 39 minutes 14 seconds East along the Northerly boundary of said Plat Section 88 a distance of 2813.46 feet, thence departing said boundary, thence South 20 degrees 20 minutes 48 seconds East a distance of 866.38 feet, to the Point of Beginning of this description, thence South 35 degrees 07 minutes 31 seconds East a distance of 45.25 feet to a point along the Westerry right-of-way line of State Road A-1-A as recorded in Official Records Book 384, Pages 110 through 142, Public Records of Flagler County, Florida, said point being on a curve, thence Southwerry along said right-of-way 624.37 feet along a curve to the right (Concave Westerry) having a central angle of 30 degrees 14 minutes 02 seconds, a radius of 1183.24 feet, a chord bearing of South 05 degrees 14 minutes 32 seconds East and a chord distance of 817.15 feet to a point of tangency, thence South 09 degrees 52 minutes 29 seconds West along said right-of-way a distance of 274.44 feet, thence departing said Westerry right-of-way South 54 degrees 52 minutes 29 seconds West a distance of 45.25 feet, thence North 80 degrees 07 minutes 31 seconds West a distance of 290.63 feet, thence North 09 degrees 52 minutes 29 seconds East a distance of 171.12 feet, thence North 24 degrees 12 minutes 15 seconds West a distance of 581.62 feet, to the Point of Beginning.

Parcel 5-B Mantanzas Shores

A parcel of land lying in Government Section 38, Township 10 South, Range 31 East, being a portion of the SUBDIVISION PLAT SECTION 88, PALM COAST, recorded in Map Book 26, Pages 4 and 56sf of the Public

Policy G41-0008038 [ALTA Loan 1992]
Records of Flagler County, Florida, being more particularly described as follows:

A point of reference being the intersection of the Southerly line of said Government Section 38 with the Easterly right-of-way line of the Intracoastal Waterway (500 foot ROW), thence North 17 degrees 14 minutes 46 seconds West along said right-of-way line a distance of 2801.75 feet, thence North 16 degrees 28 minutes 50 seconds West along said right-of-way line a distance of 1506.16 feet, thence departing said Intracoastal Waterway North 69 degrees 39 minutes 14 seconds East along the Northern boundary of said Plat Section 88 a distance of 1996.82 feet to the Point of Beginning of this description, thence continue North 69 degrees 39 minutes 14 seconds East along said boundary a distance of 442.93 feet, thence departing said boundary South 24 degrees 12 minutes 15 seconds East a distance of 651.92 feet, thence South 09 degrees 52 minutes 23 seconds West a distance of 171.12 feet, thence North 60 degrees 07 minutes 31 seconds West a distance of 59.35 feet to a point of curvature, thence 403.56 feet along a curve to the left (concave Southerly) having a central angle of 47 degrees 51 minutes 40 seconds, a radius of 483.14 feet, a chord bearing of South 75 degrees 86 minutes 39 seconds West and a chord distance of 391.55 feet, thence departing said curve North 16 degrees 03 minutes 07 seconds West along a non-radial line a distance of 627.17 feet, to the Point of Beginning.

PARCEL B:

A parcel of land situated in Section 38, Township 10 South, Range 31 East, Flagler County, Florida, and being more particularly described as follows:

As a point of reference, commence at the Northeast corner of Section 39, Township 10 South, Range 31 East, run thence North 67°45'01" East along the South line of Section 38, a distance of 95.49 feet; thence North 5°22'10" East a distance of 108.28 feet; thence along the westerly line of State Road A-1-A and along a curve to the left having a central angle of 2°21'36", a radius of 1173.24 feet, an arc length of 251.72 feet, a chord length of 251.24 feet, and a chord bearing of North 0°46'38" West; thence South 67°45'57" West, a distance of 469.92 feet to the Point of Beginning of this description; thence, South 57°46'01" West, a distance of 1288.90 feet to a point; thence North 20°20'54" West, a distance of 180.00 feet to a point; thence, North 89°39'06" East, a distance of 174.23 feet to a point; thence, North 21°13'05" West, a distance of 272.50 feet to a point; thence North 23°14'42" East, a distance of 193.43 feet to a point; thence North 87°11'25" West, a distance of 273.62 feet to a point of a non-tangent curve running Northeasterly and to the left having a radius of 450.00 feet, an arc length of 213.65 feet, through a central angle of 27°12'12", a chord bearing North 76°35'26" East, and a chord distance of 211.65 feet to a point non-tangency of a connecting curve running Northerly and to the left having a radius of 400.00 feet, an arc length of 147.30 feet, through a central angle of 21°05'57", a chord bearing North 89°39'30" East, and a chord distance of 146.47 feet to a point of a non-tangent curve running Northeasterly and to the left, having a radius of 150.00 feet, an arc length of 86.14 feet, through a central angle of 35°15'16", a chord bearing North 75°43'06" East, and a chord distance of 84.79 feet to a point; thence South 14°25'48" West, a distance of 11.46 feet to a point of a non-tangent curve running Southerly and Easterly to the left having a radius of 180.00, an arc length of 433.23 feet, through a central angle of 137°54'09", a chord bearing South 54°31'18" East, and a chord distance of 335.98 feet to a point of a connecting curve to the left, having a radius of 295.39 feet, an arc length of 39.31 feet, through a central angle of 7°37'28", a chord bearing North 52°42'53" East, and a chord distance of 38.28 feet to a point; thence South 41°05'51" East, a distance of 33.80 feet to a point of curvature of a curve running Southeasterly and to the left having a radius of 50.00 feet, an arc length of 20.68 feet through a central angle of 30°34'12", a chord bearing South 56°22'57" East, a chord distance of 26.38 feet to a point; thence South 71°40'03" East, a distance of 272.36 feet to a point of a non-tangent curve running Southeasterly and to the left having a radius of 300.00 feet, an arc length of 128.49 feet, through a central angle of 24°32'25", a chord bearing South 08°04'41" East, and a chord distance of 127.51 feet to a point; thence South 20°20'54" East, a distance of 138.61 feet to a point; thence, North 69°39'05" East a distance of 70.42 feet to a point; thence South 20°21'03" East, a distance of 137.80 feet to the Point of Beginning.
FLAGLER COUNTY

TECHNICAL REVIEW COMMITTEE COMMENTS

MEETING DATE: 8/16/2017

APP #3078 PRELIMINARY PLAT FOR 15.0 AC. LOS LAGOS I

APPLICANT: DUVAL REALTY TRUST, LLC OWNER: LR50-JV CORP

Distribution date: Friday, August 11, 2017

Project #: 2017060020

Application #: 3078

Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. Any questions regarding any of the comments should be addressed to the department providing the comment.

Flagler County Building Department 386-313-4002
Flagler County Planning Department 386-313-4009
Flagler County Development Engineering 386-313-4082
Flagler County General Services (Utilities) 386-313-4184
County Attorney 386-313-4005
Flagler County Fire Services 386-313-4258
E-911 GIS Specialist 386-313-4274
Environmental Health Department 386-437-7358
Flagler County School Board 386-586-2386
REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

General Comments:

The Applicant is to provide technically complete and approved Site Development Plans that comply with the Land Development Code. Existing elevations and proposed grading must be included within the plan. A Plat and associated Plat documents (Engineers Estimate of Cost to Construct, Surety Bonds, Maintenance Bond) have to or may have to be submitted.

Resubmission fees will be charged pursuant to the Flagler County Fee Schedule. The cost associated with the Reviewing Survey are to be paid by the applicant.

Proof of the payment of all fee's and Real Estate Taxes must be provided.

An Attorney's Opinion of Title must be furnished prior to Preliminary and Final Plat Approval.

Prior to submittal of Final Plat documents, they must be reviewed and approved by a reviewing surveyor under contract with the County. This project will be assigned to Morgan & Eklund Inc. as reviewing surveyor. Prior to the submittal of Final plat documents the applicant should contact the reviewing surveyor regarding the documents required for their review.

Contact information is as follows:

8745 US Highway 1, Sebastian, FL 32976, 772-388-5364

Prior to project completion approval an "AS-BUILT" survey and an Engineer's Certification of Completion must be provided.

All provisions of the Flagler County Code must be adhered to. The notes used on the Plat must comply with the Public Works Manual. The Plat must be in the State Plane Coordinate system with ties to two control monuments.

Specific Comments:

The cost estimate that was provided does not include a cost for any sidewalk.

Further comments may be provided upon completion of approval.
REVIEWING DEPARTMENT: FIRE INSPECTOR

No comments at this time.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

Proposed plot plan must be graphically depicted on the Site Development Plan Sheet. Additional comments may be generated at the meeting.

REVIEWING DEPARTMENT: COUNTY ATTORNEY

No comments at this time.

REVIEWING DEPARTMENT: SCHOOL DISTRICT

No comments at this time
DEVELOPMENT AGREEMENT

This Development Agreement, by and between MATANZAS SHORES OWNER’S ASSOCIATION, INC. (“MSOA”) and DUVAL REALTY TRUST LLC (“DUVAL”) (collectively, the “Parties”), effective as of the date of the last of the Parties to sign, and made in exchange for valuable consideration, shall be made according to the following terms:

RECITALS

WHEREAS, MSOA is a homeowners’ association (also known as a “master association”) governing the property subject to the Declaration of Covenants, Conditions, and Restrictions for Matanzas Shores (the “Property”); and

WHEREAS, certain parcels within the Property are still undeveloped and DUVAL desires to develop those parcels; and

WHEREAS, the developable parcels were the subject of previous litigation which has been resolved and resulted in the recording of a Memorandum of Agreement in Book 2154, Page 804 the Official Records of Flagler County Florida; and

WHEREAS, the Parties acknowledge that the Memorandum of Agreement provides for a four-year grace period during which the owner of the Undeveloped Parcels (as defined in the Memorandum of Agreement) will not be liable for assessments, unless a certificate of occupancy or equivalent instrument is issued for a dwelling on the Undeveloped Parcels; and

NOW, THEREFORE, the Parties desire to enter into this Development Agreement to facilitate the development of the Undeveloped Parcels for their mutual benefit.

TERMS

1. Percolation Ponds & Density Reduction. MSOA agrees to convey the portion of the Property referred to as percolation pond 3, which abuts N. Ocean Shore Blvd. (S.R. A1A) and bears the Parcel Id No.: 37-10-31-3725-00000-00G0 to DUVAL. In exchange, DUVAL agrees to reduce its total density from 433 units to not more than 225 single-family units and to contribute financially to the expansion of the other existing percolation ponds (as necessary), wastewater treatment plant improvements, and amenity improvements. MSOA’s obligation to convey percolation pond 3 to DUVAL shall be contingent upon receiving all requisite approvals, including, but not limited to, Flagler County Site Plan approval for the developable parcels defined herein, approval of the St. Johns River Water Management District, and approval of the Florida Department of Environmental Protection (DEP) including any permits necessary to relocate or expand percolation ponds 1 or 2, or both. MSOA’s obligation to convey percolation pond 3 to DUVAL shall be further contingent upon DUVAL obtaining bids for the work required by the DEP permit indicating that the Infrastructure Improvement Fee will be sufficient to construct any improvements or modify any existing improvements as may be required by the DEP or other governmental authority as conditions for the conveyance of percolation pond 3 to DUVAL for development. If the Infrastructure Improvement Fee will not be sufficient according to the bids
obtained, DUVAL shall either fund any deficit in advance or obtain a bond to secure payment as a condition precedent to MSOA’s obligation to convey percolation pond 3 to Duval. The financial obligation to satisfy any conditions imposed by any governmental authority necessary to convey percolation pond 3 to DUVAL and convert it to developable land shall be borne by DUVAL and not by MSOA. DUVAL shall also be responsible for applying for any necessary permits.

2. **Entrance Gates.** DUVAL shall construct a gated entrance to be used to access the southern portions of the North Tract within Matanzas Shores (“South Gate”). MSOA agrees to accept title to the portion of the real property on which the gate is constructed, if desired by DUVAL, and also agrees to accept the maintenance responsibility for the South Gate. With regard to the North Entrance, DUVAL shall also perform one of the following, at DUVAL’s option: (a) allow it to remain as it presently exists (do nothing); or (b) construct a guard house at its initial expense, and after construction, delegate the obligation to maintain it and pay for any guard service to MSOA, which MSOA agrees to accept.

3. **No Dune Walkover.** DUVAL shall not construct a dune walkover toward the beach in any location south of the existing dune walkover adjacent to Surf Club III Condominium (“Surf Club III”).

4. **Construction of Walkway.** DUVAL shall construct a walkway (i.e., a sidewalk) from S.R. A1A along the south boundary of Surf Club III, then north along the boundary of Surf Club III but west of the preserve property line to connect to the dune walkover adjacent to Surf Club III.

5. **Construction of Roads and Sidewalk.** DUVAL shall connect the southern developable parcels to Lakeside by the Sea, the Boat Club (Parcel Id. No: 37-10-31-3725-00000-0010), and the Recreation Club (Parcel Id. No.: 37-10-31-3725-00000-00E0) by constructing a drivable road and sidewalk. After construction, the responsibility to maintain, repair, and replace the road and sidewalk may be delegated to a parcel association created by DUVAL or to MSOA.

6. **Construction of Pool Amenity.** DUVAL shall contribute two-hundred thousand dollars ($200,000.00) to be used to construct a pool amenity facility at a location to be determined by mutual agreement of DUVAL and MSOA. MSOA may, but shall not be obligated to, contribute financially to enhance the proposed pool amenity facility. After the location has been determined, DUVAL shall coordinate the construction of the pool amenity facility. Construction of the pool amenity facility shall commence no later than the closing of the sale of half of the units or lots in the developable parcels as approved in a development order issued by Flagler County (subject to reduction in accordance with Section 1 of this agreement).

7. **Voting Rights.** Upon entry of a development order by Flagler County for the developable parcels, the voting rights for members of MSOA shall be automatically adjusted in accordance with the Declaration of Covenants, Conditions, and Restrictions for Matanzas Shores.

8. **Wastewater Treatment Plant Units.** Upon entry of a development order by Flagler County for the developable parcels, the number of units for the purposes of calculating the financial obligation for each member of MSOA shall be automatically adjusted in accordance with
the Declaration of Covenants, Conditions, and Restrictions for Matanzas Shores. However, the financial obligation to pay assessments for operation and maintenance of the wastewater treatment plant shall not commence until the earlier of four years after the sale of the Undeveloped Parcels or issuance of a certificate of occupancy or equivalent instrument, as provided by the Memorandum of Agreement.

9. Contribution for Infrastructure Improvement. DUVAL shall pay three-thousand dollars ($3,000.00) per unit or lot into an escrow account based on the total number of units or lots permitted to be constructed by the development order issued by Flagler County (the "Infrastructure Improvement Fee"). However, if Flagler County would otherwise permit a density of greater than 225 dwellings, DUVAL shall only be obligated to contribute the Infrastructure Improvement Fee based on a total of 225 dwellings to the extent DUVAL has agreed to reduce its density according to Section 1 of this agreement. The Infrastructure Improvement Fee shall be collected and placed into escrow at the closing of the initial sale of each unit or lot. The funds shall be used to improve the wastewater treatment plant as reasonably necessary to accommodate the development and increased use (adding additional clarifier if required) and to take action as necessary to obtain the approval of the DEP or appropriate governmental authority to convey percolation pond 3 to DUVAL for development (including expansion of the existing percolation ponds, if necessary). If any funds remain in escrow upon completion of any necessary improvements to the wastewater treatment plant, they shall be divided equally and distributed to MSOA and DUVAL. However, if the Infrastructure Improvement Fee would be insufficient to fully fund any action required by the DEP or other governmental authority to convey percolation pond 3 to DUVAL, convert it into developable land, and reasonably accommodate the increased use of the wastewater treatment plant, DUVAL shall be obligated to contribute any additional funds necessary. In no event shall MSOA be obligated to contribute financially to undertake any action that may be required by the DEP or other governmental authority to convey percolation pond 3 to DUVAL and convert it into developable land.

10. Annexation of Additional Land. If DUVAL acquires any additional property and desires to annex it into any Property within Matanzas Shores, MSOA must approve the annexation and may condition its approval on requiring such property to be considered within the North Tract and subject to North Tract and Wastewater Treatment Plant assessments.

11. Amenity Improvement Contribution. DUVAL shall pay MSOA twenty-five thousand dollars ($25,000.00) to be used to improve existing amenities within Matanzas Shores. MSOA anticipates using the funds to improve the Boat Club. The Amenity Improvement Contribution shall be payable no later than upon the closing of the sale of half of the units or lots permitted to be constructed by the development order issued by Flagler County (subject to reduction in accordance with Section 1 of this Agreement).

12. Harmonious Development. DUVAL shall ensure that the development is aesthetically harmonious with the existing communities within Matanzas Shores and shall promulgate architectural guidelines and obligate builders to comply with them. Lot sizes may not be less than forty feet (40') wide and buildings may not exceed three (3) stories in height.
13. **Construction Entrances.** To reduce wear on existing roads within Matanzas Shores, DUVAL shall create construction entrances to the northern and southern developable parcels, subject to the approval of the Department of Transportation or other appropriate governmental authority.

14. **Retention of Rights.** DUVAL shall retain its rights to construct 433 units, less the number of units actually developed, in accordance with the most-recently approved development order provided the additional units in excess of those permitted by Section 1 of this Agreement are not constructed within the Matanzas Shores North Tract.

15. **Modification of Common Area & Maintenance Delegation.** Any modification to the boundaries or size of the common area within Matanzas Shores, and the transferring of any maintenance responsibility to MSOA, shall require the approval of MSOA’s Board of Directors.

16. **Conditions Precedent to Effectiveness Agreement.** This Agreement shall be contingent on DUVAL’s ability to acquire percolation pond 3 for development. If DUVAL is not willing or able to contribute the funds required to comply with any conditions necessary to convert percolation pond 3 into developable land and convey it to DUVAL, whether such conditions are imposed by a DEP permit or any other governmental authority, then MSOA shall not be obligated to convey percolation pond 3 to DUVAL and this Agreement shall be null and void.

17. **General Provisions.**

   a. **Successors & Assigns.** When used herein the terms DUVAL and MSOA shall include each of the Parties’ successors, heirs, employees, agents, and assigns.

   b. **Modification & Amendment.** This Agreement may only be modified or amended by a subsequent, written agreement signed by the Parties.

   c. **Integration.** This Agreement constitutes the full, final, and entire understanding between the Parties shall supersede any prior discussions, negotiations, understandings, or agreements, whether oral or written, with respect to the subject matter of this Agreement.

   d. **Interpretation & Severability.** This Agreement shall be construed in an impartial, equally balanced, and non-deferential manner and shall not be construed against the drafting party or the party seeking to enforce this Agreement. If any provision of this Agreement shall for any reason be held invalid, illegal, or unenforceable, such provision shall not affect the validity or enforceability of any other provision of this Agreement. Any such provision shall be construed in the broadest manner possible to effectuate the intended purpose of the provision while avoiding the invalid, illegal, or unenforceable portion thereof to the narrowest extent possible to effectuate the intended purpose. In any such event, the remaining provisions of this Agreement shall remain valid and enforceable.

   e. **Time is of the Essence:** Time is of the essence with regard to all obligations contemplated by this Agreement and shall be deemed material to all such obligations.
f. **No Agency or Joint Venture Relationship.** Nothing herein shall be deemed to constitute an agency or joint-venture relationship between the Parties.

g. **Dispute Resolution & Attorneys’ Fees.** Any dispute arising out of the performance of any obligation contemplated by this Agreement may be mediated upon mutual agreement of the Parties to the dispute and the costs thereof shall be equally apportioned among the Parties unless otherwise agreed. Aside from mediation, the prevailing party in any dispute shall be entitled to recover costs and reasonable attorneys’ fees. Whenever used herein, the term “attorneys’ fees” shall include, but not be limited to, fees charged for work performed by a law firm, attorneys, paralegals, and legal assistants along with all fees and costs associated with the dispute, including, but not limited to, demands, negotiations, investigation, pre-suit preparation, and litigation, irrespective of the forum in which the dispute was resolved, including all trial and appellate levels. Florida law shall govern all disputes and exclusive, mandatory resolution of any dispute shall occur in a venue within the jurisdictional boundaries of Florida.

h. **Impossibility to Perform – Third Party Approval.** Except as provided in Section 16, if any of the obligations contemplated by this Agreement are contingent upon the approval of a third party, such as a governmental authority, and are incapable of being performed as a result of a third party’s failure to provide approval or consent, then any such obligations shall be deemed eliminated from this Agreement but all other provisions shall remain in full force and effect. If the approval of a third party is necessary to satisfy any obligation contemplated by this Agreement, then the obligor shall undertake reasonable efforts to secure the third party’s approval or consent prior to the obligation being deemed eliminated from this Agreement.

i. **Authority to Execute.** By signing below, the signatory represents and warrants that he or she has the authority to execute this Agreement and bind the entity for whom he or she is signing.

j. **Counterparts.** This Agreement may be executed in any one or more counterparts and each signed copy shall constitute one original, enforceable instrument.

**IN WITNESS WHEREOF,** the Parties have caused this Development Agreement to be executed by their duly authorized representatives as of the dates written below.

**DUVAL REALTY TRUST LLC**

†

Signature, Authorized Representative

MANAGING MEMBER

Print Name & Title

Date

Page 5 of 6
Development Agreement
MATANZAS SHORES OWNER'S ASSOCIATION, INC.

Signature, Authorized Representative
John w. Barber, President
Print Name & Title
10/31/16
Date
We are in receipt of your comments from the Technical Review Committee (TRC) addressed to Duval Realty Trust LLC dated August 11, 2017. Our responses to your comments are listed below. We have repeated your comments in italicized text with our responses in bold text to help facilitate your review.

**REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING**

**Comments prepared by Susan Graham:**

**General Comments:**

1. The Applicant is to provide technically complete and approved Site Development Plans that comply with the Land Development Code. Existing elevations and proposed grading must be included within the plan. A Plat and associated Plat documents (Engineers Estimate of Cost to Construct, Surety Bonds, Maintenance Bond) have to or may have to be submitted.

   The construction plans have been revised to include existing elevations and proposed grading. The Preliminary Plat and Engineers Cost Estimate have been updated and are included in this submittal package.

2. Resubmission fees will be charged pursuant to the Flagler County Fee Schedule. The cost associated with the Reviewing Survey are to be paid by the applicant.

   Understood. Resubmission fees will be paid if required.

3. Proof of the payment of all fee’s and Real Estate Taxes must be provided.

   There are currently unpaid taxes on the properties. When the developer closes on the property, all fees will be paid in order to clear the title.

4. An Attorney’s Opinion of Title must be furnished prior to Preliminary and Final Plat Approval.

   An Opinion of Title is included with this submittal.

5. Prior to submittal of Final Plat documents, they must be reviewed and approved by a reviewing surveyor under contract with the County. This project will be assigned to Morgan & Eklund Inc. as reviewing surveyor. Prior to the submittal of Final plat documents the applicant should contact the reviewing surveyor regarding the documents required for their review.

   Contact information is as follows:
   8745 US Highway 1, Sebastian, FL 32976
   772-388-5364
Noted. The surveyor (Kuhar) has been in contact with M&E, Inc. with regard to coordination of the Chapter 177 review and should have this item completed at the time of preparation of Final Plat documents.

6. Prior to project completion approval an "AS-BUILT" survey and an Engineer's Certification of Completion must be provided.

Understood.

7. All provisions of the Flagler County Code must be adhered to. The notes used on the Plat must comply with the Public Works Manual. The Plat must be in the State Plane Coordinate system with ties to two control monuments.

The plat has been prepared in accordance with the Flagler County Code and Public Works Manual.

Specific Comments
8. The cost estimate that was provided does not include a cost for any sidewalk.

The cost estimates have been revised. As discussed at TRC, a separate cost estimate for the future sidewalk has been prepared and is included in this submittal.

REVIEWING DEPARTMENT: FIRE INSPECTOR
No comments at this time.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT
Proposed plot plan must be graphically depicted on the Site Development Plan Sheet. Additional comments may be generated at the meeting.

The PUD plans have been revised to include the lot layout detail.

REVIEWING DEPARTMENT: COUNTY ATTORNEY
No comments at this time.

REVIEWING DEPARTMENT: SCHOOL DISTRICT
No comments at this time.

I hope this letter addresses all of your comments. Please do not hesitate to contact me directly should you need further assistance.

Sincerely,
SINGHOFEN & ASSOCIATES, INC.

Brett Witte, P.E.
Project Engineer

Cc: Duval Realty Trust, LLC
Order No.: 6472948  
Customer Reference: 17-0742

1. Effective Date: July 24, 2017 at 5:00 PM

2. Policy or Policies to be issued:  
   Premium: $TBD
   
   A. ALTA Owners 2006 with Florida Modifications  
      Proposed Insured: Duval Realty Trust LLC  
      Proposed Amount of Insurance: $4,300,000.00

3. The estate or interest in the land described or referred to in this Commitment is:  
   Fee Simple

4. Title to the Fee Simple estate or interest in the land is at the Effective Date vested in:  
   LR5A-JV, LP

5. The land referred to in this Commitment is described in Exhibit "A" attached hereto and made part hereof.

Countersigned:

BY: [Signature]
Authorized Officer or Agent
The following are requirements to be complied with:

1. Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

2. Instrument(s) creating the estate or interest to be insured must be properly executed, delivered and filed for record:
   
   A. Warranty Deed from LR5A-JV, LP to Duval Realty Trust LLC.

   The Company will require, to be attached thereto, an Affidavit from the general partner(s) of LR5A-JV, PL, in accordance with Florida Statutes Section 689.045(3) establishing: (1) the names of the general partners and their authority to execute the documents to be insured on behalf of the Limited Partnership, (2) reflecting that the Limited Partnership has not been dissolved; (3) that the Limited Partnership Agreement has not been revoked or amended to prohibit the subject transaction; (4) that the partners executing the instruments on behalf of the limited partnership are not a Debtor in a bankruptcy proceeding; (5) proof also to be furnished that the Limited Partnership is currently (and as of the date of being vested in title) in good standing with the Massachusetts Secretary of State. (Note: If the general partner is a business entity, proof of the good standing of said entity and proof as to the person(s) who are authorized to execute on behalf of said entity should be required)

3. Proof of payment of any outstanding assessments in favor of Flagler County, Florida, any special taxing district and any municipality. NOTE: If this requirement is not satisfied the following exception will appear on Schedule B:

   Any outstanding assessments in favor of Flagler County, Florida, any special taxing district and any municipality.

4. Proof of payment of service charges for water, sewer, waste and gas, if any, through the date of closing. NOTE: If this requirement is not met the following exception will appear on Schedule B:

   Any lien provided for by Florida Statutes in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer, waste or gas system supplying the insured land or service facilities.


7. Submit proof from Matanzas Shores Owners Association, Inc., that any outstanding assessments and/or maintenance fees have been paid in full and that there are no delinquencies.

8. Compliance with terms and conditions as set forth in Memorandum of Agreement recorded in Official Records Book 2154, Page 804.
9. Proof of redemption of the tax certificate(s) Number 2016-902, for taxes for the year of 2015.
10. Proof of redemption of the tax certificate(s) Number 2017-955, for taxes for the year of 2016.
11. Proof of redemption of the tax certificate(s) Number 2016-900, for taxes for the year of 2015.
12. Proof of redemption of the tax certificate(s) Number 2017-953, for taxes for the year of 2016.
13. Proof of redemption of the tax certificate(s) Number 2016-903, for taxes for the year of 2015.
14. Proof of redemption of the tax certificate(s) Number 2017-956, for taxes for the year of 2016.
15. Proof of redemption of the tax certificate(s) Number 2016-901, for taxes for the year of 2015.
16. Proof of redemption of the tax certificate(s) Number 2017-954, for taxes for the year of 2016.

NOTE: 2016 Real Property Taxes in the gross amount of $6,940.87 are Unpaid. Homestead Exemption: no. Tax I.D. 37-10-31-1550-00000-0155. (Parcel 4B)


NOTE: 2016 Real Property Taxes in the gross amount of $8,116.48 are Unpaid. Homestead Exemption: no. Tax I.D. 37-10-31-3725-00000-003A. (Parcel 3A)

NOTE: 2016 Real Property Taxes in the gross amount of $9,969.81 are Unpaid. Homestead Exemption: no. Tax I.D. 37-10-31-1550-00000-0154. (Parcel 4A)


NOTE: No open mortgage(s) were found of record. Agent must confirm with the owner that the property is free and clear.

END OF SCHEDULE B  SECTION I
SCHEDULE B SECTION II
EXCEPTIONS

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

2. Taxes and assessments for the year 2017 and subsequent years, which are not yet due and payable.

3. Standard Exceptions:

   A. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.

   B. Rights or claims of parties in possession not shown by the public records.

   C. Any lien, or right to a lien, for services, labor, or materials heretofore or hereafter furnished, imposed by law and not shown by the public records.

   D. Taxes or assessments which are not shown as existing liens in the public records.

4. Any claim that any portion of the insured land is sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands accreted to such land.

5. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer or gas system supplying the insured land.

6. Rights of tenant(s) in possession, if any, under lease(s) not recorded in the Public Records.


NOTE: but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.

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ALTA Commitment (6/17/08) (with FL Modifications)
11. Restrictions, covenants, conditions and easements as set forth in that certain Warranty Deed recorded in Official Records Book 403, Page 1009.
   NOTE: but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.

12. Restrictions, covenants, conditions, easements and other matters as contained on the Plat of Tall Palms Country Club - Section 88 Old Kings Farms at Palm Coast, recorded in Map Book 26, Page 4 and 5, of the Public Records of Flagler County, Florida.


15. The nature, extent or existence of riparian rights are not insured.

16. Easement(s) granted to Florida Power and Light Company, recorded in Official Records Book 434, Page 1465.

17. Easement(s) as shown in Plat Book 3, Page 34.


19. Easement(s) granted to Southern Bell Telephone and Telegraph Company, recorded in Official Records Book 357, Page 961.


NOTE: Exception 1 above shall be deemed deleted as of the time the settlement funds or proceeds of the loan to be secured by the insured mortgage, as applicable, are disbursed by the Company or its authorized agent. Neither the Company nor its agent shall, however, be under any duty to disburse any sum except upon a determination that no such adverse intervening matters have appeared of record or occurred.

NOTES ON STANDARD EXCEPTIONS:
SCHEDULE B SECTION II
EXCEPTIONS

Item 3A will be deleted from the policy(ies) upon receipt of an accurate survey of the Land acceptable to the Company. Exception will be made for any encroachment, setback line violation, overlap, boundary line dispute or other adverse matter disclosed by the survey.

Items 3B, 3C, and 3D will be deleted from the policy(ies) upon receipt of an affidavit acceptable to the Company, affirming that, except as disclosed therein (i) no parties in possession of the Land exist other than the record owner(s); (ii) no improvements have been made to the Land within 90 days prior to closing which have not have been paid for in full; and (iii) no unpaid taxes or assessments are against the Land which are not shown as existing liens in the public records. Exception will be made for matters disclosed in the affidavit.

NOTE: All recording references in this commitment/policy shall refer to the public records of Flagler County, Florida, unless otherwise noted.

NOTE: In accordance with Florida Statutes section 627.4131, please be advised that the insured hereunder may present inquiries, obtain information about coverage, or receive assistance in resolving complaints, by contacting Chicago Title Insurance Company, 6420 Southpoint Parkway, Suite 100, Jacksonville, FL 32216; Telephone 904-633-9494.

Searched By: D Sampson

END OF SCHEDULE B SECTION II
EXHIBIT "A"

Parcel 4-B Mantanzas Shores (I. D. 37-10-31-1550-00000-0155)
A parcel of land lying in Government Section 38, Township 10 South, Range 31 East, being a portion of the SUBDIVISION PLAT SECTION 88, PALM COAST, recorded in Map Book 26, Pages 4 and 5 of the Public Records of Flagler County, Florida, being more particularly described as follows: A point of reference being the intersection of the Southerly line of said Government Section 38 with the Easterly right-of-way line of the Intracoastal Waterway (500 foot R/W), thence North 17 degrees 14 minutes 46 seconds West along said right-of-way line a distance of 2801.75 feet, thence North 16 degrees 28 minutes 50 seconds West along said right-of-way line a distance of 1506.16 feet, thence departing said Intracoastal Waterway North 69 degrees 39 minutes 14 seconds East along the Northerly boundary of said Plat Section 88 a distance of 2613.46 feet, thence departing said boundary, thence South 20 degrees 20 minutes 46 seconds East a distance of 896.36 feet, to the POINT OF BEGINNING of this description, thence South 35 degrees 07 minutes 31 seconds East a distance of 45.25 feet to a point on the Westerly right-of-way line of State Road A-1-A as recorded in Official Records Book 388, Pages 110 through 112, Public Records of Flagler County, Florida, thence South 09 degrees 52 minutes 29 seconds West along said right-of-way line a distance of 276.56 feet to a point of curvature, thence 128.73 feet along a curve to the left (concave Easterly) having a central angle of 05 degrees 24 minutes 37 seconds, a radius of 1363.24 feet, a chord bearing of South 07 degrees 10 minutes 11 seconds West and a chord distance of 128.68 feet, thence departing said right-of-way and curve North 85 degrees 32 minutes 08 seconds West along a radial line 445.59 feet, thence South 59 degrees 45 minutes 37 seconds West a distance of 191.75 feet, thence South 78 degrees 50 minutes 18 seconds West a distance of 110.00 feet, thence North 11 degrees 09 minutes 42 seconds West a distance of 223.81 feet to a point of curvature, thence 222.06 feet along a curve to the right (Concave Southeasterly) having a central angle of 49 degrees 56 minutes 02 seconds, a radius of 254.80 feet, a chord bearing of North 13 degrees 48 minutes 19 seconds East and a chord distance of 215.10 feet to a point of compound curvature, thence 451.25 feet along a curve to the right (concave Southerly) having central angle of 61 degrees 06 minutes 09 seconds, a radius of 423.14 feet, a chord bearing of North 69 degrees 19 minutes 25 seconds East and a chord distance of 430.17 feet to a point of tangency, thence South 80 degrees 07 minutes 31 seconds East a distance of 349.98 feet to the POINT OF BEGINNING.

Parcel 5-A Mantanzas Shores (I. D. 37-10-31-1550-00000-0151)
A parcel of land lying in Government Section 38, Township 10 South, Range 31 East, being a portion of the SUBDIVISION PLAT SECTION 88, PALM COAST, recorded in Map Book 26, Pages 4 and 5 of the Public Records of Flagler County, Florida, being more particularly described as follows: A point of reference being the intersection of the Southerly line of said Government Section 38 with the Easterly right-of-way line of the Intracoastal Waterway (500 foot R/W), thence North 17 degrees 14 minutes 46 seconds West along said right-of-way line a distance of 2801.75 feet, thence North 16 degrees 28 minutes 50 West along said right-of-way line a distance of 1506.16 feet, thence departing said Intracoastal Waterway North 69 degrees 39 minutes 14 seconds East along the Northerly boundary of said Plat Section 88 a distance of 2441.55 feet to the POINT OF BEGINNING of this description, thence continue North 69 degrees 39 minutes 14 seconds East along said boundary a distance of 544.82 feet to a point on the Westerly right-of-way line of State Road A-1-A recorded in Official Records Book 388, Pages 110 through 112, Public Records of Flagler County, Florida, said point being on a curve, thence Southerly along said right-of-way 624.37 feet along a curve to the right (concave Westerly) having a central angle of 30 degrees 14 minutes 02 seconds, a radius of 1183.24 feet, a chord bearing of South 05 degrees 14 minutes 32 seconds East and a chord distance of 617.15 feet to a point of tangency, thence South 09 degrees 52 minutes 29 seconds West along said right-of-way a distance of 274.44 feet, thence departing said Westerly right-of-way South 54 degrees 52 minutes 29 seconds West a distance of 45.25 feet, thence North 80 degrees 07 minutes 31 seconds West a distance of 290.63 feet, thence North 09 degrees 52 minutes 29 seconds East a distance of 171.12 feet, thence North 24 degrees 12 minutes 15 seconds West a distance of 551.62 feet, to the POINT OF BEGINNING.
Exhibit "A" continued

Parcel 5-B Mantanzas Shores (I. D. 37-10-31-1550-00000-0151)
A parcel of land lying in Government Section 38, Township 10 South, Range 31 East, being a portion of the SUBDIVISION PLAT SECTION 88, PALM COAST, recorded in Map Book 26, Pages 4 and 5 of the Public Records of Flagler County, Florida, being more particularly described as follows:
A point of reference being the intersection of the Southerly line of said Government Section 38 with the Easterly right-of-way line of the Intracoastal Waterway (500 foot R/W), thence North 17 degrees 14 minutes 46 seconds West along said right-of-way line a distance of 2801.75 feet, thence North 16 degrees 28 minutes 50 seconds West along said right-of-way line a distance of 1506.16 feet, thence departing said Intracoastal Waterway North 69 degrees 39 minutes 14 seconds East along the Northerly boundary of said Plat Section 88 a distance of 1998.62 feet to the POINT OF BEGINNING of this description, thence continue North 69 degrees 39 minutes 14 seconds East along said boundary a distance of 442.93 feet, thence departing said boundary South 24 degrees 12 minutes 15 seconds East a distance of 551.62 feet, thence South 09 degrees 52 minutes 29 seconds West a distance of 171.12 feet, thence North 80 degrees 07 minutes 31 seconds West a distance of 59.35 feet to a point of curvature, thence 403.58 feet along a curve to the left (concave Southerly) having a central angle of 47 degrees 51 minutes 40 seconds, a radius of 483.14 feet, a chord bearing of South 75 degrees 56 minutes 39 seconds West and a chord distance of 391.95 feet, thence departing said curve North 16 degrees 03 minutes 07 seconds West along a non-radial line a distance of 627.17 feet, to the POINT OF BEGINNING.

PARCEL B:
A parcel of land situated in Section 38, Township 10 South, Range 31 East, Flagler County, Florida, and being more particularly described as follows:
As a point of reference, commence at the Northeast corner of Section 39, Township 10 South, Range 31 East, run thence North 67°46’01” East along the South line of Section 38, a distance of 95.49 feet; thence North 5°22’10” East a distance of 108.28 feet; thence along the westerly line of State Road A-1-A and along a curve to the left having a central angle of 12°17’35”, a radius of 1173.24 feet, an arc length of 251.72 feet, a chord length of 251.24 feet, and a chord bearing of North 0°46’38” West, thence South 67°45’57” West, a distance of 489.92 feet to the POINT OF BEGINNING of this description; thence, South 67°46’01” West, a distance of 1288.90 feet to a point; thence North 20°20’54” West, a distance of 180.20 feet to a point; thence, North 69°39’06” East, a distance of 174.23 feet to a point; thence, North 21°13’05” West, a distance of 272.50 feet to a point; thence North 23°14’42” East, a distance of 163.43 feet to a point; thence North 37°11’25” West, a distance of 273.62 feet to a point of a non-tangent curve running Northeasterly and to the left having a radius of 450.00 feet, an arc length of 213.65 feet, through a central angle of 27°12’12”, a chord bearing North 76°35’26” East, and a chord distance of 211.65 feet to a point non-tangency of a connecting curve running Northerly and to the left having a radius of 400.00 feet, an arc length of 147.30 feet, through the central angle of 21°05’57”, a chord bearing North 13°38’30” East, and a chord distance of 164.71 feet to a point of a non-tangent curve running Northeasterly and to the left, having a radius of 150.00 feet, an arc length of 80.06 feet, a central angle of 30°34’55”, a chord bearing North 73°22’56” East, and a chord distance of 79.12 feet to a point; thence North 58°05’28” East, a distance of 128.88 feet to a point of curvature of a curve running Easterly and to the right, having a radius of 140.00 feet, an arc length of 86.14 feet, through a central angle of 35°15’15”, a chord bearing North 75°43’06” East, and a chord distance of 84.79 feet to a point; thence South 14°25’46” West, a distance of 11.48 feet to a point of a non-tangent curve running Southerly and Easterly to the left having a radius of 180.00, an arc length of 433.23 feet, through a central angle of 173°54’09”, a chord bearing South 54°31’18” East, and a chord distance of 335.98 feet to a point of a connecting curve to the left, having a radius of 295.39 feet, an arc length of 39.31 feet, through a central angle of 7°37’28”, a chord bearing North 52°42’53” East, and a chord distance of 39.28 feet to a point; thence South 41°05’51” East, a

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ALTA Commitment (6-17-06)
distance of 33.80 feet to a point of curvature of a curve running Southeasterly and to the left having a radius of 50.00 feet, an arc length of 26.68 feet through a central angle of 30°34'12", a chord bearing South 56°22'57" East, a chord distance of 26.36 feet to a point; thence South 71°40'03" East, a distance of 272.36 feet to a point of a non-tangent curve running Southeasterly and to the left having a radius of 300.00 feet, an arc length of 128.49 feet, through a central angle of 24°32'25", a chord bearing South 08°04'41" East, and a chord distance of 127.51 feet to a point; thence South 20°20'54" East, a distance of 136.61 feet to a point; thence, North 69°39'06" East a distance of 70.42 feet to a point; thence South 20°21'03" East, a distance of 137.80 feet to the POINT OF BEGINNING. Also known as Parcel 3A (I. D. 37-10-31-3725-00000-003A) and Parcel 4A (I. D. 37-10-31-1550-00000-0154)
LOS LAGOS I

A replat of a portion of the Subdivision Plat Section 88, Palm Coast, as recorded in Map Book 26, Pages 4 & 5, of the Public Records of Flagler County, Florida, located in Government Section 38, Township 10 South, Range 31 East, Flagler County, Florida.

GENERAL NOTES:


CASH ADVANCE CHECKS AS A CONDITION OF ACCEPTANCE, ALL DEPOSITS TO BE MADE IN THE NAME OF THE OWNER OR THEIR AGENT.

MAP BOOK ___ PAGE ___

Certificate of Review

Certificate of Revision

Revised December 23, 1987

Certificate of Subdivision

THERE IS RECORD OF THIS SUBDIVISION, BUT IT IS NOT COORDINATED TO THE COORDINATE SYSTEM OF THE SUBDIVISION OF THE COUNTY.

Los Lagos I, Flagler County, Florida.

Certifying Officer:

M. A. A. S. M.

Florida Professional Surveyor and Mapper

Certificate No. 4071

MAP BOOK ___ PAGE ___
A REPLY OF A PORTION OF THE SUBDIVISION FLAT SECTION 88, PALM COAST, AS RECORDED IN MAP BOOK 26, PAGES 4 & 5, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, LOCATED IN GOVERNMENT SECTION 38, TOWNSHIP 10 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA.
TYPICAL ROADWAY SECTION

TYPICAL CURB DETAIL

TYPICAL PAVEMENT RESTORATION DETAIL

TYPICAL BACKSLOPE AT PROPERTY LINE

1. THE PAVEMENT CROWN SHALL BE AT THE CENTERLINE OF THE ROAD.

2. EXISTING CURB & GUTTERS, SIDEWALK, AND DRIVEWAYS THAT ARE REMOVED OR DAMAGED DURING CONSTRUCTION SHALL BE REPLACED.

3. EXISTING PAVEMENT REMOVED FOR CONSTRUCTION SHALL BE REPLACED AT THE SAME ELEVATION OR LOWER THAN EXISTING EOP.

4. THE CROSS SLOPE MAY BE VARIED FROM A MINIMUM OF 1.5% TO A MAXIMUM OF 4% AS REQUIRED TO MATCH THE EXISTING EOP.

5. EXISTING PAVEMENT SHALL BE SAW CUT.

NOTE:

DBPR No. 5112

Phone: (407) 679-3001

Orlando, Florida 32817

11723 Orpington Street, Suite 100

Fax: (407) 679-2691

SINGHOFEN & ASSOCIATES, INC.

STORMWATER MANAGEMENT AND CIVIL ENGINEERING

SHEET

Designed by:

Checked by:

Drawn by:

DuVAL REALTY TRUST, LLC

LOS LAGOS AND LAS CASITAS

AT MATANZAS SHORES

TYPICAL SECTIONS AND DETAILS
**Legend**

- Existing Contour
- Proposed Contour
- Storm Sewer Structure Designation
- Town Grade Trench Location
- 3 ft.
- 3 ft.
- 3 ft.
- 3 ft.

**Revision**

- Existing Conservation Easement Area

**Date**

- 8/28/17

**Project No.**

- 2016-033.10

**Abbreviations**

- TRACT C
- TRACT E
- TRACT F
- POND D2
- POND D1

**Maps**

- Matanzas Shores
- AT Matanzas Shores
- Secondary Drainage System Plan

**Locations**

- Orlando, Florida 32817
- Fax: (407) 679-2691

**Contact Information**

- DBPR No. 5112
- RBG
- 50 S-78
- 40 S-102
- 39 S-100
- 38 S-112
- 37 S-76
- 36 S-72
- 35 S-92
- 34 S-90
- 33 S-74
- 32 S-70
- 31 S-66
- 30 S-62
- 29 S-58
- 28 S-54
- 27 S-50
- 26 S-46
- 25 S-42
- 24 S-38
- 23 S-34
- 22 S-30
- 21 S-26
- 20 S-22
- 19 S-18
- 18 S-14
- 17 S-10
- 16 S-6
- 15 S-2
- 14 S-8
- 13 S-12
- 12 S-16
- 11 S-20
- 10 S-24
- 9 S-28
- 8 S-32
- 7 S-36
- 6 S-40
- 5 S-44
- 4 S-48
- 3 S-52
- 2 S-56
- 1 S-60

**Table**

<table>
<thead>
<tr>
<th>BASIN ID</th>
<th>AREA (sq ft)</th>
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**Address**

- S-112
- S-110
- S-108
- S-106
- S-104
- S-102
- S-100
- S-98
- S-96
- S-94
- S-92
- S-90
- S-88
- S-86
- S-84
- S-82
- S-80
- S-78
- S-76
- S-74
- S-72
- S-70
- S-68
- S-66
- S-64
- S-62
- S-60
- S-58
- S-56
- S-54
- S-52
- S-50
- S-48
- S-46
- S-44
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- S-38
- S-36
- S-34
- S-32
- S-30
- S-28
- S-26
- S-24
- S-22
- S-20
- S-18
- S-16
- S-14
- S-12
- S-10
- S-8
- S-6
- S-4
- S-2

**Sites**

- 00153-2016-033.10
WASTEWATER SYSTEM PLAN

POND A

EXISTING POND B

LOS LAGOS I
TRACT A

LOS LAGOS I
TRACT B

EXISTING SANITARY MAIN
CONNECT NEW SAN. MAIN TO
OPEN CUT EXISTING ROADWAY
MANHOLE

CONTRACTOR SHALL PLUG EXISTING
REMOVE EXISTING SAN. STUB-OUT.

LOS CASITAS

TRACT B

LOS LAGOS II

REMOVED EXISTING SAN. STUB-OUT.

EXISTING SANITARY MAIN
CONNECT NEW MANHOLE TO
OPEN CUT EXISTING ROADWAY
MANHOLE

CONTRACTOR SHALL PLUG EXISTING
REMOVE EXISTING SAN. STUB-OUT.

LOS LAGOS
WASTEWATER SYSTEM PLAN

DUVAL REALTY TRUST, LLC

LOS LAGOS AND LAS CASITAS
AT MATANZAS SHORES

INNOVATION & ASSOCIATES INC.
STORMWATER MANAGEMENT AND CIVIL ENGINEERING

SHEET 13

Project No. 2016-033.10

Orlando, Florida 32817
11723 Orpington Street, Suite 100
Fax: (407) 679-2691
Ph: (407) 679-3001
DBPR No. 5112
This area contains buildings to exist with wet tap.

Existing sanitary main to connect new sanitary main and contractor to field locate.

Refer to detail on sheet 37.

Drain E-4 to FDOT.

San. Main @ Inv. -3.45 +/-.
Approved K: Matanzas Shores DGN M S-P 6.d gn
S-112
24" INV. 1.72

PER COUNTY COMMENTS
8/28/17
INV. 7.00
GROUT
SEAL ALL OPENINGS w/ NON-SHRINK
EXISTING MANHOLE @ INV. -2.50
CORE DRILL EXISTING MANHOLE AND
w/ CURB RAMP PER FDOT INDEX 304
CONST. 4 SY~4" CONC. S/W
CONNECT NEW WM TO EXISTING WM
EXISTING 10" WM
CONTRACTOR TO FIELD LOCATE
AND 45'~ EX. SAN. MAIN
REMOVE 75'~ EXISTING FM

MATCHELINE - REFER TO PREVIOUS SHEET

PERIOD 360
2016-033.10

HSCALE 1'' = 40'

M P L 5 .7 4
407-679-2691
Orlando, Florida 32817

GPD 7 .4 8
(407) 679-2691

Viable
Project No.
20
2016-033.10

PERIOD 360
**Intersection Details**

**SANTA ROSA WAY**

- **EOP 7.37**
- **EOP 7.37**
- **EOP 7.66**
- **EOP 7.66**
- **EOP 7.09**
- **EOP 6.97**

**R/W**

- **CENTERLINE OF ROADWAY**

**SCALE 1'' = 10'**

**Remove 260'~ Storm Pipe**

**Structures to Remain**

- **Existing Storm Pipes and 10' Utility ESM**

**Match Existing Pavement**

- **INV = 0.11**
- **TOP OF PIPE 2.91**
- **END OF 30'' x 50'' ERCP**

- **INV = 0.09**
- **TOP 6.80**
- **STORM INLET**

- **INV = 1.89**
- **TOP 6.81**
- **STORM INLET**

**PGL 7.48**

**Pavement SAW CUT EXISTING**

**DUVAL REALTY TRUST, LLC**

**LOS LAGOS AND LAS CASITAS**

**AT MATANZAS SHORES**

**INTERSECTION DETAILS**
19. All elevations shown on these drawings refer to National Geodetic Vertical Datum (NGVD), 1988.

17. The disposal of any excess earthwork material shall be the responsibility of the contractor.

10. All fasteners shall be manufactured of non-corrosive materials. When stainless steel is required, 304 S.S. shall be pressure class 160 and ASTM Standard D3350, D2837 PE 3408. Pipe; pressure class 250 for pipe larger than 12-inches in diameter unless noted otherwise.

48-inches shall conform to AWWA Standard C905 (DR18) unless noted otherwise.

25. PVC pipe 4-inches through 12-inches shall conform to AWWA Standard C900 (DR18); PVC pipe 14-inches through 24-inches shall conform to AWWA Standard C901 (DR9) pressure class 200 and standard M14, "Backflow Prevention and Cross Connection Control" and the City of Palm Coast "Cross Connection Control Manual".

9. All proposed ductile iron pipe, fittings and restraints within fifty (50) feet of an existing gas main shall be used for all buried applications and 316 S.S. shall be used for above ground or corrosive environments.

7. All fittings for buried piping 4-inches and larger, shall be ductile iron mechanical joint (D.I.M.J) bitumen coated.

4. The contractor shall notify fiberoptics companies seven (7) working days prior to any construction activity in their construction areas.

2. Soil type: SP

TABLE APPLIES TO DUCTILE IRON FOR FOLLOWING CONDITIONS:

<table>
<thead>
<tr>
<th>Size (inches)</th>
<th>Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>12-24</td>
<td>1.5</td>
</tr>
<tr>
<td>25-40</td>
<td>1.75</td>
</tr>
</tbody>
</table>

3. Depth of cover: 30”

4. Safety factor: 1.5

BACTERIOLOGICAL TESTS FOR 2 CONSECUTIVE DAYS SHALL BE APPROVED PRIOR TO PLACING SYSTEM INTO SERVICE.

HYDROSTATIC TESTING FOR PVC MAINS SHALL BE 150 PSI FOR MINIMUM OF 2 HOURS AND MEET AWWA STANDARD C605. DUCTILE IRON MAINS shall comply with ASTM D2466 and D2855.

31. Fittings for both PVC and ductile iron pipe shall be ductile iron compact fittings conforming to the requirements of A21.4/C104.

39. All water mains shall be continuously underlain with 10 gage solid strand, thin marking wire. The wire shall have a standard marking interval of 12 inches and shall be yellow for gas main, blue for water and black for sanitary water.

35. PVC potable water mains shall be solid blue in color. Ductile iron mains shall incorporate 3 blue stripes.

33. Proper backflow prevention assemblies shall be provided in accordance with Rule 62-555.360, F.A.C. and AWWA manual M14, "Backflow Prevention and Cross Connection Control" and the city of Palm Coast "Cross Connection Control Manual".

32. All water mains shall be continuously underlain with 10 gage solid strand, thin marking wire. The wire shall have a standard marking interval of 12 inches and shall be yellow for gas main, blue for water and black for sanitary water.

38. All water mains shall have an "early warning" protection tape installed continuously along the entire length. The tape shall incorporate a continuous yellow marking strip with a width of 1.5 inches and shall be spaced 18 inches apart.

37. PVC mains shall be painted solid blue in color. Ductile iron mains shall incorporate 3 blue stripes.

36. All water mains shall have an "early warning" protection tape installed continuously along the entire length. The tape shall incorporate a continuous yellow marking strip with a width of 1.5 inches and shall be spaced 18 inches apart.

34. All water mains shall be continuously underlain with 10 gage solid strand, thin marking wire. The wire shall have a standard marking interval of 12 inches and shall be yellow for gas main, blue for water and black for sanitary water.

6. A laid-down connection between HDPE and PVC/DIP, utilizing a solid transition sleeve, shall be considered a zero (0) degree bend.
NOTES:

1. GATE VALVES SHALL BE DUCTILE IRON RESILIENT WEDGE TYPE, RATED AT 200 P.S.I. AND SHALL COMPLY WITH ANSI/AWWA C509.

2. TAPPING SLEEVES SHALL BE STAINLESS STEEL.

3. SELF-CENTERING ALIGNMENT RING EQUIVALENT TO AMERICAN FLOW CONTROL.

4. BUTTERFLY VALVES SHALL NOT BE INSTALLED DIRECTLY TO HDPE PIPE.

5. BUTTERFLY VALVES SHALL BE INSTALLED ON EXIST. UTILITY SLEEVE.

6. VALVES 16" AND LARGER SHALL BE INSTALLED HORIZONTALLY.

7. VALVES 18" AND LARGER SHALL INCLUDE A NRS BYPASS VALVE.

BAD CORPORATION
AWWA TYPE
METERS 1 INCH AND SMALLER SHALL BE INSTALLED BY CITY OF PALM COAST PERSONNEL BURIED ONE FOOT DEEP AT THE EDGE OF THE POST.

EACH SERVICE SHALL TERMINATE WITH A CURB STOP. THE SERVICES SHALL BE CLEARLY MARKED WITH A PRESSURE TREATED 4" x 4", 8-FEET LONG, 3-FOOT ABOVE GRADE WITH THE TOP PAINTED BLUE AND MARKED WITH THE LOT NUMBERS. THE CURB STOP AND POLY TUBING SHALL BE BURIED ONE FOOT DEEP.

SERVICE TUBING SHALL BE BLUE POLYETHYLENE ENDOT "ENDOPURE" OR APPROVED EQUAL.

CUTTING A THREE (3) INCH MINIMUM "W" IN THE CURB. THE CURB STOP AND POLY TUBING SHALL BE BURIED ONE FOOT DEEP AT THE EDGE OF THE POST.

ALL FITTINGS SHALL BE BRASS WITH COMPRESSION/PACK JOINT TYPE CONNECTIONS.
1. The tops of manhole frame and covers shall be between the influent sewer and manhole invert.

2. No penetrating holes through manholes.

3. Bottom slab shall be designed by a Florida registered professional engineer and submitted for approval by the county.

4. Joint detail seen joint #57, rock MIN. 6".

5. A concrete fillet, slide or PVC flume shall be provided between the inlet sewer and manhole invert.


7. Etch a 3-inch minimum "S" in the curb & gutter to denote service location.

8. Clean-out (shown dashed) shall be installed by the plumber to final finished grade. (Note: other work performed by plumber.)


10. Service lateral piping and fittings shall be 6" SDR35 PVC unless otherwise noted.

11. Double service lateral to be used only when both building slabs are not within 4" elevation difference.

12. Installation of pressure treated 4"x4", 8-foot long, 3-feet above grade, (top of clean-out) to be noted.

13. Service lateral piping and fittings shall be 6" SDR35 PVC unless otherwise noted.

14. Lot line raised 1 1/2" letters.

15. Stormwater management and civil engineering notes.


17. Flex boot connector and clamp steel band stainless steel.

18. Flexible boot connector.

19. Core drill opening as required.

20. Flex boot connector.


22. Joint surface inside wall.

23. Pre-molded plastic joint detail.

24. Pre-primed joint sides.

25. Joint sealer inside wall.

26. Squeeze out inside wall.

27. Pre-molded plastic joint detail.

28. Pre-primed joint sides.

29. Joint sealer inside wall.

30. Squeeze out inside wall.

31. Pre-molded plastic joint detail.

32. Pre-primed joint sides.

33. Joint sealer inside wall.

34. Squeeze out inside wall.

35. Pre-molded plastic joint detail.

36. Pre-primed joint sides.
GENERAL NOTES:

1. Special Conditions may be required in accordance with these notes and the following sheets.

A. Railroad Crossings:
- If an active railroad crossing is located closer to the Work Area than the queue length plus 300 feet, extend the Buffer Space as shown on Sheet 3.
- If the queuing of vehicles across an active railroad crossing cannot be avoided, provide a uniformed traffic control officer or flagger at the highway-rail grade crossing to prevent vehicles from stopping within the high-rail grade crossing. If automatic train warning devices are in place, reduce the posted speed when appropriate.

B. Speed limit is 45 mph or less.
C. There are no sight obstructions to vehicles approaching the work area for a distance equal to the Buffer Space shown in Table 1.
D. Vehicles in the work area have high-intensity, rotating, flashing, oscillating, or strobe lights operating.
E. Volume and complexity of the roadway has been considered.
F. If a railroad crossing is present, vehicles will not queue across rail tracks.
G. AFADs are not in use.
H. When Buffer Space cannot be attained due to geometric constraints, use flashing, oscillating, or strobe lights operating.
I. Volume and complexity of the roadway has been considered.
J. Volume and complexity of the roadway has been considered.
K. Volume and complexity of the roadway has been considered.
L. Volume and complexity of the roadway has been considered.
M. Volume and complexity of the roadway has been considered.

2. Temporary Raised Rumble Strips:
- Use when both of the following conditions are met concurrently:
  - Existing Posted Speed is 55 mph or greater;
  - The greatest attainable length, not less than 200 ft, for posted speeds greater than 25 mph.

3. Additional one-way control may be provided by the following means:
- A. Flag-carrying vehicle;
- B. Official vehicle;
- C. Pilot vehicles;
- D. Traffic signals.

When flaggers are the sole means of one-way control, the flaggers must be in sight of each other or in direct communication at all times.

4. When a side road intersects the highway within the TTC zone, place additional TTC devices in accordance with other applicable TCZ Indexes.

5. The two channelizing devices directly in front of the work area may be omitted provided vehicles in the work area have high-intensity rotating, flashing, oscillating, or strobe lights operating.

6. When Buffer Space cannot be attained due to geometric constraints, use flashing, oscillating, or strobe lights operating. The two channelizing devices directly in front of the work area may be omitted provided vehicles in the work area have high-intensity rotating, flashing, oscillating, or strobe lights operating.

7. ROAD WORK AHEAD and the BE PREPARED TO STOP signs may be omitted if all of the following conditions are not met:
- A. Work operations are 60 minutes or less.
- B. Existing Posted Speed is 35 mph or greater.
- C. There are no sight obstructions to vehicles approaching the work area for a distance equal to the Buffer Space shown in Table 1.
- D. Vehicles in the work area have high-intensity rotating, flashing, oscillating, or strobe lights operating.
- E. Volume and complexity of the roadway has been considered.
- F. If a railroad crossing is present, vehicles will not queue across rail tracks.
- G. AFADs are not in use.
- H. See Index 600 for general TCZ requirements and additional information.

9. Automated Flagger Assistance Devices (AFADs) may be used in accordance with Specifications Section 102, 990 and the APL vendor drawings.

CONDITIONS
WHERE ANY VEHICLE, EQUIPMENT, WORKERS OR THEIR ACTIVITIES ENCROACH THE AREA BETWEEN THE CENTERLINE AND A LINE 2 FOOT OUTSIDE THE EDGE OF TRAVEL WAY.

---

**Table 1:**

<table>
<thead>
<tr>
<th>Device Spacing</th>
<th>Maximum Spacing of Type I or Type II Barricades/Panels/Drums</th>
<th>Distance Between Signs</th>
<th>Buffer Space</th>
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<tbody>
<tr>
<td>Posted Speed</td>
<td>On a Tangent</td>
<td>On a Tangent</td>
<td>On a Tangent</td>
</tr>
<tr>
<td>25</td>
<td>20</td>
<td>30</td>
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</tr>
<tr>
<td>70</td>
<td>20</td>
<td>30</td>
<td>20</td>
</tr>
</tbody>
</table>

**Symbols:**
- Work Area
- Channelizing Device (See Index No. 600)
- Work Zone Sign
- Flagger
- Lane Identification + Direction of Traffic
### Los Lagos I
#### Engineer’s Opinion of Probable Cost

#### 100% Construction Plans

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
<th>QTY.</th>
<th>UNIT</th>
<th>UNIT PRICE</th>
<th>PRICE</th>
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<td>MOBILIZATION (5% OF BASE BID)</td>
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<td>MAINTENANCE OF TRAFFIC</td>
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<td>104-14</td>
<td>PREVENTION, CONTROL, AND ABATEMENT OF EROSION AND WATER POLLUTION</td>
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<td>110-1-1</td>
<td>CLEARING &amp; GRUBBING</td>
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<td>TYPE B STABILIZATION</td>
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<td>425-1-321</td>
<td>INLETS, CURB, TYPE P-2, &lt;10'</td>
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Subtotal = $1,814,985.15

Contingency (rounded to nearest $100) = 20% $363,000.00

Total (rounded to nearest $100) = $2,178,000.00

Notes:

Unit prices from project bids received 6/9/2017 plus 10% increase.
### Los Lagos II

**Engineer’s Opinion of Probable Cost**

**100% Construction Plans**

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
<th>QTY.</th>
<th>UNIT</th>
<th>UNIT PRICE</th>
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Subtotal = $482,985.77

Contingency (rounded to nearest $100) = 20% $96,600.00

Total (rounded to nearest $100) = $579,600.00

**Notes:**

Unit prices from project bids received 6/9/2017 plus 10% increase.
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<thead>
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<th>ITEM NO.</th>
<th>DESCRIPTION</th>
<th>QTY.</th>
<th>UNIT</th>
<th>UNIT PRICE</th>
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Subtotal = $2,715,493.13
Contingency (rounded to nearest $100) = 20% $543,100.00
Total (rounded to nearest $100) = $3,258,600.00

Notes:
Unit prices from project bids received 6/9/2017 plus 10% increase.
Los Lagos I at Matanzas Shores  
Engineer's Opinion of Probable Cost  
Future Sidewalk

<table>
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<th>ITEM NO.</th>
<th>DESCRIPTION</th>
<th>QTY.</th>
<th>UNIT</th>
<th>UNIT PRICE</th>
<th>PRICE</th>
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Subtotal = $37,028.19  
Contingency (rounded to nearest $100) = 20% $7,400.00  
Total (rounded to nearest $100) = $44,400.00

Notes:  
Includes construction of future 5' wide sidewalks along streets.
Los Lagos II at Matanzas Shores
Engineer's Opinion of Probable Cost
Future Sidewalk

<table>
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Subtotal = $13,401.28
Contingency (rounded to nearest $100) = 20% $2,700.00
Total (rounded to nearest $100) = $16,100.00

Notes:
- Includes construction of future 5' wide sidewalks along streets.
## Las Casitas at Matanzas Shores
### Engineer's Opinion of Probable Cost
#### Future Sidewalk

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<th>ITEM NO.</th>
<th>DESCRIPTION</th>
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Subtotal = $58,447.13

Contingency (rounded to nearest $100) = 20% $11,700.00

Total (rounded to nearest $100) = $70,100.00

Notes:
- Includes construction of future 5' wide sidewalks along streets.
Flagler County Government
Planning and Zoning Department
Staff Report

TO: Chairman and Planning Board Members
FROM: Planning and Zoning Department
DATE: October 10, 2017
SUBJECT: Application #3079, Application for a Preliminary Plat in a Planned Unit Development (PUD)

I. Requested Action & Purpose: This quasi-judicial request is for approval of the preliminary plat in the Planned Unit Development (PUD) zoning district for Los Lagos II.

II. Location and Legal Description: 8.30+/- acres located on the West side of North Oceanshore Boulevard (a/k/a State Road A1A), formerly part of the Matanzas Shores Development of Regional Impact (DRI); Parcel Number: 37-10-31-1550-00000-0155.

III. Owner and Applicant/Agent:
Owners: LR5A-JV, LP
Agent: Ken Atlee, Duval Realty Trust, LLC; and Brett Witte, P.E., Singhofen & Associates, Inc.

IV. Existing Zoning and Future Land Use Classification:
Zoning: PUD (Planned Unit Development) District
Future Land Use: Mixed Use: Low Intensity

V. Future Land Use Map Classification/Zoning of Surrounding Land:
North: Beach Haven PUD; Mixed Use: Low Intensity / PUD (Planned Unit Development) District
East: North Oceanshore Boulevard; Mixed Use: Low Intensity / PUD (Planned Unit Development) District
South: Mixed Use: Low Intensity / PUD (Planned Unit Development) District
West: Matanzas Shores sewage treatment package plant; Mixed Use: Low Intensity / PUD (Planned Unit Development) District

VI. Land Development Code Sections Affected: Land Development Code Section 4.05.02, Preliminary plat and construction plan review.

VII. Report in Brief: Singhofen & Associates, on behalf of the parcel owner, LR5A-JV, LP, submitted an application for Preliminary Plat approval in a PUD for the
development of a 88-lot single family residential subdivision on approximately 23.3 acres to be known as Los Lagos. Accompanying the two sheet preliminary plat – for Los Lagos II, the 23-lot portion of the subdivision lying South of San Juan Drive – is the combined construction plan package for Las Casitas and Los Lagos; both the preliminary plat and the construction plans are subject to review and approval by the Board of County Commissioners.

The proposed Los Lagos subdivision is located on former Cluster 5 designated through the Matanzas Shores Development of Regional Impact. This Cluster consisted of 23 residential acres with a maximum allowed dwelling unit count of 320 units, identified as a “Cloverleaf Design Condominium Units in Two (2) 5 Story Buildings with a 9 Hole Golf Course” with a density range of 12-20 units and a cluster density identified as 13.7 units per acre (and an overall density within the DRI of 5.2 units per acre). As proposed, the 88 lots on 23.3 acres corresponds to a density of 3.78 units per acre. It should be noted that the Mixed Use: Low Intensity, Low to Medium Density Future Land Use designation permits a maximum density of 7 units per acre (Policy A.1.1.3(2)(a), Flagler County 2010-2035 Comprehensive Plan). Cluster 5 was additionally identified with a 5 story maximum building height.

This project adjoins the Beach Haven subdivision along its North boundary, which is an approved single-family subdivision.

The smallest lot in Los Lagos II is 0.13+/- acres (5,759 s.f.) in size (Lot 73), while the largest is 0.32+/- acres (14,066 s.f.) in size (Lot 85). The majority of lots in Los Lagos II are approximately 7,000 s.f. in area.

Ultimately, approval of the preliminary plat by the Board of County Commissioners cannot occur until the PUD is approved by the Board.

The applicant met with the Technical Review Committee on July 19, 2017 and on August 16, 2017. All staff comments have been satisfactorily addressed by the applicant in advance of the Planning and Development Board meeting.

Public notice has been provided for this application according to LDC Section 2.07.00. Public comments have been compiled and presented at Agenda Item 9.

**VIII. Staff Analysis:**

**Lots**

Twenty-three lots are depicted, with frontage along Tract “A”, a private roadway tract.
Tracts
Two tracts – Tracts “A” and “B” – are specifically dedicated on the plat, to be owned and maintained by the Los Lagos II Property Owners Association, Inc. Tract “A” is the roadway tract, dedicated for private vehicular access, utilities, drainage, signage, and landscaping purposes, while Tract “B” is dedicated for drainage and stormwater purposes.

Easements
Ten foot wide utility easements are depicted along the front of each lot adjoining Tract “A”. In addition, several 15-foot – 7.5 feet wide on each lot – wide drainage easements are depicted that convey stormwater away from Tract “A” and into Tract “B”.

Stormwater
Design will meet St. Johns River Water Management District requirements and maintenance responsibility will be assumed by the Los Lagos II Property Owners Association, Inc.

The preliminary plat generally meets the applicable requirements and is consistent with accompanying PUD Site Development Plan.

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

X. Staff Recommendation: Staff recommends that the Planning and Development Board recommend to the Board of County Commissioners approval of Application #3079, Preliminary Plat for Los Lagos II, finding that the proposed preliminary plat is consistent with Chapter 177 of Florida Statutes, the Flagler County Comprehensive Plan, the Flagler County Land Development Code, and the Los Lagos PUD, subject to satisfaction of outstanding Development Engineering comments and approval of construction plans.

XI. Suggested Adoption Language: The Planning and Development Board recommends to the Board of County Commissioners approval of Application #3079, Preliminary Plat for Los Lagos II, finding that the proposed preliminary plat is consistent with Chapter 177 of Florida Statutes, the Flagler County Comprehensive Plan, the Flagler County Land Development Code, and the Los Lagos PUD, subject to satisfaction of outstanding Development Engineering comments and approval of construction plans.

Attachments
1. Notification map and list
2. Application and supporting documents
3. Preliminary Plat
4. Construction Plans

MAP SERIES
Property Appraiser Aerial
Future Land Use Map
Official Zoning Map
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I hereby affirm mailed notice to each owner on September 22, 2017 for the Planning & Development Board Meeting on October 10, 2017 at 6pm

Wendy Hickey, Planner

Hasler

09/22/2017

US POSTAGE $00.00

ZIP 32110
011D11646866
### Application for Preliminary Plat

**Flagler County, Florida**

**1769 E. Moody Blvd, Suite 105**

**Sunnell, FL 32110**

**Telephone:** (386) 313-4009  **Fax:** (386) 313-4109

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<th>LR50-JV Corp.</th>
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<tbody>
<tr>
<td>Mailing Address:</td>
<td>40 William Street, Suite G90</td>
</tr>
<tr>
<td>City:</td>
<td>Wellesley Hills</td>
</tr>
<tr>
<td>State:</td>
<td>MA</td>
</tr>
<tr>
<td>Zip:</td>
<td>02481</td>
</tr>
<tr>
<td>Email:</td>
<td><a href="mailto:ken@atleegroup.net">ken@atleegroup.net</a></td>
</tr>
<tr>
<td>Telephone #:</td>
<td>904-838-9342</td>
</tr>
<tr>
<td>Fax #:</td>
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<tr>
<th>Name(s):</th>
<th>Duval Realty Trust, LLC</th>
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<tr>
<td>Mailing Address:</td>
<td>5851 Timuquana Road, Suite 301</td>
</tr>
<tr>
<td>City:</td>
<td>Jacksonville</td>
</tr>
<tr>
<td>State:</td>
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<td>Zip:</td>
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<td>Email:</td>
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<td>904-838-9342</td>
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### Site Location (street address):

San Juan Drive

### Legal Description:

MB26 PG4-5

### Parcel # (tax ID #):

37-10-31-1590-00000-0155

### Parcel Size:

8.3 ac

### Number of Miles of New Road(s):

0.1

### Current Zoning Classification:

PUD

### Current Future Land Use Designation:

Mixed Use Low Intensity

### Subject to A1A Scenic Corridor IDO?

YES [ ] NO [ ]

### Purpose of Submission / Project Data:

Subdivision of property into single family residential lots (Los Lagos II)

5/22/2017

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

---

**Official Use Only**

**Planning Board Recommendation/Action:**  
*Approved [ ]*  
*Approved with Conditions [ ]*  
*Denied [ ]*

Signature of Chairman: ___________________________  
*Approved with conditions, see attached.*

Date: ___________________________

**Board of County Commissioners Action:**  
*Approved [ ]*  
*Approved with Conditions [ ]*  
*Denied [ ]*

Signature of Chairman: ___________________________  
*Approved with conditions, see attached.*

Date: ___________________________
Agent Authorization and Owners Affidavit

Date: May 22, 2017

City of Palm Coast
Community Development Department
160 Lake Avenue
Palm Coast, FL 32164

Flagler County, Florida
Planning Department
1769 E. Moody Blvd., Suite 105
Bunnell, FL 32210

St Johns River Water Management District
P.O. Box 1429
Palatka, FL 32178-1429

FL Dept Environmental Protection
8800 Baymeadows Way West
Jacksonville, FL 32256

Matanzas Shores Owners Association
110 E. Collector Road
Palm Coast, FL 32137

Re: Agent Authorization for the following site location:
Parcel# 37-10-31-3725-00000-003A (Parcel 3A- 8.31 acres); Parcel#37-10-31-1550-00000-0154 (Parcel 154- 9.799 acres); Parcel# 37-10-31-1550-00000-0155 (Parcel 155 - 8.309 acres) and Parcel# 37-10-31-1550-00000-0151 (Parcel# 151-15 acres)

Gentleman:
You are hereby advised that the undersigned is the owner of the following properties described in Exhibit I attached hereto. Said owner hereby authorizes and empowers Robert H. Hendricks and Kenyon S. Atlee of Duval Realty Trust, LLC, whose address is 5851 Timuquana Rd, Suite 301, Jacksonville, FL 32210 to act as agent to file any and all application(s), submit all plan(s), permit(s) and plat for approvals with the City of Palm Coast, Flagler County Florida, Florida Department Environmental Protection, Saint Johns River Water Management District and Matanzas Shores Owners Association for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested changes.

LR5A-JV Limited Partnership, a Massachusetts limited partnership
By: LR5A-JV Corp., its General Partner
Print Name: David S. Allen, President

STATE OF MASSACHUSETTS
COUNTY OF NO. DOLIC

The foregoing affidavit was sworn and subscribed before me this 22 day of May, 2017 by David S. Allen, President of LR5A-JV Corp., the General Partner for LR5A-JV Limited Partnership, a Massachusetts limited partnership who is personally known to me or has produced as identification.

(Notary Signature)

SARA GOODMAN
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires November 18, 2022

Page 1 of 4
IN THE CIRCUIT COURT OF THE 7TH
JUDICIAL CIRCUIT IN AND FOR FLAGLER
COUNTY, FLORIDA

CIVIL DIVISION
CASE NO. 07-CA-001246

LR5A-JV, LP, a Massachusetts Limited Partnership,

Plaintiff,

v.

LITTLE HOUSE, LLC, a Florida Limited Liability
Company, et. al., etc.,

Defendants.

CERTIFICATE OF TITLE

The undersigned clerk of the court certifies that he or she executed and filed a certificate
of sale in this action on April 28, 2011, for the property described herein and that no objections
to the sale have been filed within the time allowed for filing objections.

The following property in Flagler County, Florida

Please see Exhibit “A” attached.

was sold to LR5A-JV, LP, c/o Realty Financial Partners, 40 William Street, Suite 120,
Wellesley, MA 02481.

WITNESS my hand and seal of this Court on June 15, 2011.

GAIL WADSWORTH
Clerk of Circuit Court

By: Deputy Clerk

Printed Name: GAIL WADSWORTH

Seal: Clerk of Circuit Court

Flagler County, Florida

Signature: __________________________
Policy Number: 041-0008038

Parcel 4-E Mantanzas Shores

A parcel of land lying in Government Section 38, Township 10 South, Range 31 East, being a portion of the SUBDIVISION PLAT SECTION 88, PALM COAST, recorded in Map Book 26, Pages 4 and 50 of the Public Records of Flagler County, Florida, being more particularly described as follows:

A point of reference being the intersection of the Southerly line of said Government Section 38 with the Easterly right-of-way line of the Intracoastal Waterway (500 foot RW), thence North 17 degrees 14 minutes 48 seconds West along said right-of-way line a distance of 2801.75 feet, thence North 16 degrees 28 minutes 50 seconds West along said right-of-way line a distance of 1506.16 feet, thence departing said Intracoastal Waterway North 69 degrees 39 minutes 14 seconds East along the Northerly boundary of said Plat Section 88 a distance of 2813.46 feet, thence departing said boundary, thence South 20 degrees 20 minutes 46 seconds East a distance of 896.36 feet, to the Point of Beginning of this description, thence South 35 degrees 07 minutes 31 seconds East a distance of 45.25 feet to a point on the Easterly right-of-way line of State Road A-1-A as recorded in Official Records Book 388, Pages 110 through 112, Public Records of Flagler County, Florida, thence South 08 degrees 52 minutes 28 seconds West along said right-of-way line a distance of 276.58 feet to a point of curvature, thence 128.73 feet along a curve to the left (Concave Easterly) having a central angle of 05 degrees 24 minutes 37 seconds, a radius of 1363.24 feet, a chord bearing of South 07 degrees 10 minutes 11 seconds West and a chord distance of 128.68 feet, thence departing said right-of-way and curve North 85 degrees 32 minutes 08 seconds West along a radial line 445.59 feet, thence South 59 degrees 45 minutes 37 seconds West a distance of 181.75 feet, thence South 78 degrees 50 minutes 18 seconds West a distance of 110.00 feet, thence North 11 degrees 09 minutes 42 seconds West a distance of 223.81 feet to a point of curvature, thence 222.06 feet along a curve to the right (Concave Southeasterly) having a central angle of 49 degrees 58 minutes 02 seconds, a radius of 254.80 feet, a chord bearing of North 13 degrees 46 minutes 18 seconds East and a chord distance of 215.10 feet to a point of compound curvature, thence 451.25 feet along a curve to the right (Concave Southerly) having a central angle of 61 degrees 06 minutes 09 seconds, a radius of 423.14 feet, a chord bearing of North 69 degrees 19 minutes 25 seconds East and a chord distance of 349.88 feet to the Point of Beginning.

Parcel 5-A Mantanzas Shores

A parcel of land lying in Government Section 38, Township 10 South, Range 31 East, being a portion of the SUBDIVISION PLAT SECTION 88, PALM COAST, recorded in Map Book 26, Pages 4 and 50 of the Public Records of Flagler County, Florida, being more particularly described as follows:

A point of reference being the intersection of the Southerly line of said Government Section 38 with the Easterly right-of-way line of the Intracoastal Waterway (500 foot RW), thence North 17 degrees 14 minutes 46 seconds West along said right-of-way line a distance of 2801.75 feet, thence North 16 degrees 28 minutes 50 West along said right-of-way line a distance of 1506.16 feet, thence departing said Intracoastal Waterway North 69 degrees 39 minutes 14 seconds East along the Northerly boundary of said Plat Section 88 a distance of 2441.55 feet to the Point of Beginning of this description, thence continue North 69 degrees 39 minutes 14 seconds East along said boundary a distance of 544.82 feet to a point on the Easterly right-of-way line of State Road A-1-A recorded in Official Records Book 388, Pages 110 through 112, Public Records of Flagler County, Florida, said point being on a curve, thence Southerly along said right-of-way 624.37 feet along a curve to the right (Concave Westerly) having a central angle of 30 degrees 14 minutes 02 seconds, a radius of 1183.24 feet, a chord bearing of South 05 degrees 14 minutes 32 seconds East and a chord distance of 617.15 feet to a point of tangency, thence South 08 degrees 52 minutes 28 seconds West along said right-of-way a distance of 274.44 feet, thence departing said Westerly right-of-way South 64 degrees 52 minutes 29 seconds West a distance of 45.25 feet, thence North 80 degrees 07 minutes 31 seconds West a distance of 290.63 feet, thence North 08 degrees 52 minutes 29 seconds West a distance of 171.12 feet, thence North 24 degrees 12 minutes 15 seconds West a distance of 551.62 feet, to the Point of Beginning.

Parcel 5-B Mantanzas Shores

A parcel of land lying in Government Section 38, Township 10 South, Range 31 East, being a portion of the SUBDIVISION PLAT SECTION 88, PALM COAST, recorded in Map Book 26, Pages 4 and 50 of the Public Records of Flagler County, Florida, being more particularly described as follows:

Policy G41-0008038 [ALTA Loan 1992]
Records of Flagler County, Florida, being more particularly described as follows:

A point of reference being the intersection of the Southerly line of said Government Section 38 with the Easterly right-of-way line of the Intracoastal Waterway (500 foot R/W), thence North 17 degrees 14 minutes 46 seconds West along said right-of-way line a distance of 2801.75 feet, thence North 16 degrees 28 minutes 50 seconds West along said right-of-way line a distance of 1506.16 feet, thence departing said Intracoastal Waterway North 69 degrees 39 minutes 14 seconds East along the Northerly boundary of said Plat Section 86 a distance of 1998.62 feet to the Point of Beginning of this description, thence continue North 69 degrees 39 minutes 14 seconds East along said boundary a distance of 442.53 feet, thence departing said boundary South 24 degrees 12 minutes 15 seconds East a distance of 551.62 feet, thence South 09 degrees 52 minutes 29 seconds West a distance of 171.12 feet, thence North 80 degrees 07 minutes 31 seconds West a distance of 59.35 feet to a point of curvature, thence 403.56 feet along a curve to the left (concave Southerly) having a central angle of 47 degrees 51 minutes 40 seconds, a radius of 483.14 feet, a chord bearing of South 75 degrees 56 minutes 39 seconds West and a chord distance of 391.65 feet, thence departing said curve North 16 degrees 03 minutes 07 seconds West along a non-radial line a distance of 827.17 feet, to the Point of Beginning.

PARCEL B:

A parcel of land situated in Section 38, Township 10 South, Range 31 East, Flagler County, Florida, and being more particularly described as follows:

As a point of reference, commence at the Northeast corner of Section 39, Township 10 South, Range 31 East, run thence North 67°46'01" East along the South line of Section 38, a distance of 95.49 feet, thence North 5°22'10" East a distance of 108.28 feet, thence along the westerly line of State Road A-1-A and along a curve to the left having a central angle of 12°17'35", a radius of 1173.24 feet, an arc length of 251.72 feet, a chord length of 251.24 feet, and a chord bearing of North 0°46'38" West, thence South 67°45'57" West, a distance of 489.92 feet to the Point of Beginning of this description; thence, South 57°46'01" West, a distance of 1288.90 feet to a point; thence North 20°20'54" West, a distance of 180.28 feet to a point; thence, North 69°39'06" East, a distance of 174.23 feet to a point; thence, North 21°13'05" East, a distance of 272.50 feet to a point; thence North 23°14'42" East, a distance of 163.43 feet to a point; thence North 57°11'35" West, a distance of 273.62 feet to a point of a non-tangent curve running Northeastly and to the left having a radius of 450.00 feet, an arc length of 213.65 feet, through a central angle of 27°12'12", a chord bearing North 76°35'26" East, and a chord distance of 211.65 feet to a point non-tangency of a connecting curve running Northerly and to the left having a radius of 400.00 feet, an arc length of 147.30 feet, through a central angle of 21°05'57", a chord bearing North 33°38'30" East, and a chord distance of 146.47 feet to a point of a non-tangent curve running Northeastly and to the left, having a radius of 150.00 feet, an arc length of 60.96 feet, a central angle of 30°34'55", a chord bearing North 73°22'58" East, and a chord distance of 79.12 feet to a point; thence North 58°05'28" East, a distance of 128.88 feet to a point of curvature of a curve running Easterly and to the right, having a radius of 140.00 feet, an arc length of 88.14 feet, through a central angle of 35°15'15", a chord bearing North 75°43'06" East, and a chord distance of 84.79 feet to a point; thence South 14°26'46" West, a distance of 11.48 feet to a point of a non-tangent curve running Southerly and Easterly to the left, having a radius of 180.00, an arc length of 433.23 feet, through a central angle of 137°54'09" a chord bearing South 54°31'18" East, and a chord distance of 335.98 feet to a point of a connecting curve to the left, having a radius of 295.39 feet, an arc length of 39.31 feet, through a central angle of 7°37'28", a chord bearing North 52°42'53" East, and a chord distance of 80.28 feet to a point; thence South 41°05'51" East, a distance of 33.80 feet to a point of curvature of a curve running Southeast and to the left, having a radius of 60.00 feet, an arc length of 26.69 feet through a central angle of 30°34'12", a chord bearing South 56°22'57" East, a chord distance of 26.36 feet to a point; thence South 71°40'03" East, a distance of 272.36 feet to a point of a non-tangent curve running Southeastern and to the left having a radius of 300.00 feet, an arc length of 128.49 feet, through a central angle of 24°32'26", a chord bearing South 08°04'41" East, and a chord distance of 127.51 feet to a point; thence South 20°20'54" East, a distance of 138.51 feet to a point; thence, North 68°39'06" East a distance of 70.42 feet to a point; thence South 20°21'03" East, a distance of 137.60 feet to the Point of Beginning.

Policy G41-0008038 [ALTA Loan 1992]
Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. **Any questions regarding any of the comments should be addressed to the department providing the comment.**
REVIEWING DEPARTMENT: COUNTY ATTORNEY

No comments at this time

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

Comments prepared by Susan Graham:

General Comments:

The Applicant is to provide technically complete and approved Site Development Plans that comply with the Land Development Code. Existing elevations and proposed grading must be included within the plan. A Plat and associated Plat documents (Engineers Estimate of Cost to Construct, Surety Bonds, Maintenance Bond) have to or may have to be submitted.

Resubmission fees will be charged pursuant to the Flagler County Fee Schedule. The cost associated with the Reviewing Survey are to be paid by the applicant.

Proof of the payment of all fee's and Real Estate Taxes must be provided.

An Attorney's Opinion of Title must be furnished prior to Preliminary and Final Plat Approval.

Prior to submittal of Final Plat documents, they must be reviewed and approved by a reviewing surveyor under contract with the County. This project will be assigned to Morgan & Eklund Inc. as reviewing surveyor. Prior to the the submittal of Final plat documents the applicant should contact the reviewing surveyor regarding the documents required for their review.

Contact information is as follows:

8745 US Highway 1, Sebastian, FL 32976, 772-388-5364

Prior to project completion approval an "AS-BUILT" survey and an Engineer's Certification of Completion must be provided.

All provisions of the Flagler County Code must be adhered to. The notes used on the Plat must comply with the Public Works Manual. The Plat must be in the State Plane Coordinate system with ties to two control monuments.
Specific Comments:

The sidewalk needs to be included within the cost estimate.

REVIEWING DEPARTMENT: SCHOOL DISTRICT

No comments at this time.

REVIEWING DEPARTMENT: FIRE INSPECTOR

No comments at this time

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

Proposed plot plan must be graphically depicted on the Site Development Plan Sheet. Additional comments may be generated at the meeting.
Flagler County Technical Review Committee  
1769 East Moody Boulevard Building 2  
Bunnell, FL 32110

We are in receipt of your comments from the Technical Review Committee (TRC) addressed to Duval Realty Trust LLC dated August 11, 2017. Our responses to your comments are listed below. We have repeated your comments in italicized text with our responses in bold text to help facilitate your review.

REVIEWING DEPARTMENT: COUNTY ATTORNEY  
No comments at this time

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING  
Comments prepared by Susan Graham:

General Comments:

1. The Applicant is to provide technically complete and approved Site Development Plans that comply with the Land Development Code. Existing elevations and proposed grading must be included within the plan. A Plat and associated Plat documents (Engineers Estimate of Cost to Construct, Surety Bonds, Maintenance Bond) have to or may have to be submitted.

   The construction plans have been revised to include existing elevations and proposed grading. The Preliminary Plat and Engineers Cost Estimate have been updated and are included in this submittal package.

2. Resubmission fees will be charged pursuant to the Flagler County Fee Schedule. The cost associated with the Reviewing Survey are to be paid by the applicant.

   Understood. Resubmission fees will be paid if required.

3. Proof of the payment of all fee’s and Real Estate Taxes must be provided.

   There are currently unpaid taxes on the properties. When the developer closes on the property, all fees will be paid in order to clear the title.

4. An Attorney’s Opinion of Title must be furnished prior to Preliminary and Final Plat Approval.

   An Opinion of Title is included with this submittal.

5. Prior to submittal of Final Plat documents, they must be reviewed and approved by a reviewing surveyor under contract with the County. This project will be assigned to Morgan & Eklund Inc. as reviewing surveyor. Prior to the submittal of Final plat documents the applicant should contact the reviewing surveyor regarding the documents required for their review.

   Contact information is as follows:
8745 US Highway 1, Sebastian, FL 32976
772-388-5364

Noted. The surveyor (Kuhar) has been in contact with M&E, Inc. with regard to coordination of the Chapter 177 review and should have this item completed at the time of preparation of Final Plat documents.

6. Prior to project completion approval an "AS-BUILT" survey and an Engineer's Certification of Completion must be provided.

Understood.

7. All provisions of the Flagler County Code must be adhered to. The notes used on the Plat must comply with the Public Works Manual. The Plat must be in the State Plane Coordinate system with ties to two control monuments.

The plat has been prepared in accordance with the Flagler County Code and Public Works Manual.

Specific Comments:
8. The sidewalk needs to be included within the cost estimate.

The cost estimates have been revised. As discussed at TRC, a separate cost estimate for the future sidewalk has been prepared and is included in this submittal.

REVIEWING DEPARTMENT: SCHOOL DISTRICT
No comments at this time.

REVIEWING DEPARTMENT: FIRE INSPECTOR
No comments at this time.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT
Proposed plot plan must be graphically depicted on the Site Development Plan Sheet. Additional comments may be generated at the meeting.

The PUD plans have been revised to include the lot layout detail.

I hope this letter addresses all of your comments. Please do not hesitate to contact me directly should you need further assistance.

Sincerely,

SINGHOFEN & ASSOCIATES, INC.

Brett Witte, P.E.
Project Engineer

Cc: Duval Realty Trust, LLC
Flagler County Government
Planning and Zoning Department
Staff Report

TO: Chairman and Planning Board Members
FROM: Planning and Zoning Department
DATE: October 10, 2017
SUBJECT: Application #3081, Site Development Plan (SDP) Review in a Planned Unit Development (PUD)

I. Requested Action & Purpose: This quasi-judicial request is for approval of a Site Development Plan in the Planned Unit Development (PUD) zoning district for the Las Casitas PUD.

II. Location and Legal Description: 24.6 +/- acres located on the West side of North Oceanshore Boulevard (a/k/a State Road A1A), formerly part of the Matanzas Shores Development of Regional Impact (DRI); Parcel Numbers: 37-10-31-3725-00000-00G0, 37-10-31-1550-00000-0154, and 37-10-31-3725-00000-003A.

III. Owner and Applicant/Agent:
Owners: Matanzas Shores Owners Association and LR5A-JV, LP
Agent: Ken Atlee, Duval Realty Trust, LLC; and Brett Witte, P.E., Singhofen & Associates, Inc.

IV. Existing Zoning and Future Land Use Classification:
Zoning: PUD (Planned Unit Development) District
Future Land Use: Mixed Use: Low Intensity

V. Future Land Use Map Classification/Zoning of Surrounding Land:
North: Mixed Use: Low Intensity / PUD (Planned Unit Development) District
East: North Oceanshore Boulevard; Mixed Use: Low Intensity / PUD (Planned Unit Development) District
South: Residential Low Density: Rural Estate / R-1 (Rural Residential) District
West: Conservation / PUD (Planned Unit Development) District

VI. Land Development Code Sections Affected: Land Development Code Section 2.02.05(2): “The Planning Board shall review and act upon applications for development review pursuant to the County Land Development Code and other applicable county ordinances.”

VII. Report in Brief: Singhofen & Associates, on behalf of the parcel owners, the Matanzas Shores Owners Association and LR5A-JV, LP, submitted an application
for Site Development Plan approval in a PUD for the development of a 97-lot single family residential subdivision on approximately 24.6 acres to be known as Las Casitas. If approved, the Site Development Plan will ultimately be adopted by ordinance by the Board of County Commissioners.

The proposed Las Casitas subdivision is located on former Cluster 4 designated through the Matanzas Shores Development of Regional Impact. This Cluster consisted of 20 residential acres with a maximum allowed dwelling unit count of 151 units, identified as a “Shared Estate Development” with a density range of 6-12 units and a cluster density identified as 7.7 units per acre (and an overall density within the DRI of 5.2 units per acre). As proposed, the 97 lots on 24.6 acres corresponds to a density of 3.94 units per acre. It should be noted that the Mixed Use: Low Intensity, Low to Medium Density Future Land Use designation permits a maximum density of 7 units per acre (Policy A.1.1.3(2)(a), Flagler County 2010-2035 Comprehensive Plan). Cluster 4 was additionally identified with a 5 story maximum building height.

This project does adjoin Plaza Del Playa, a Business Office/Commercial parcel, which had previously received site plan approval and which had been previously developed as a commercial realty office.

A rezoning to PUD (Planned Unit Development) was unnecessary since the adoption of the Matanzas Shores DRI through Resolution No. 85-2, as adopted on February 21, 1985.

Subsequent development within Matanzas Shores proceeded following the established review procedures for successive plats; this development is no different in this approach, requiring review and approval prior to ultimate platting.

The applicant met with the Technical Review Committee on July 19, 2017 and on August 16, 2017. All staff comments have been satisfactorily addressed by the applicant in advance of the Planning and Development Board meeting.

The Scenic A1A PRIDE Committee reviewed this request at their August 25, 2017 regular meeting. The Committee issued a comment letter (attached) which included the following concerns:

- The height and tight spacing of the three story (over ground level parking) homes backing up to A1A may create a wall effect on both ends of the development.
- New homes will not be consistent with the single story homes they surround.
- Vegetative buffers on the north side (Los Lagos) along A1A were not shown.
- The temporary construction entrance on the north end was not fully determined.

Public notice has been provided for this application according to LDC Section 2.07.00. Public comments have been compiled and presented at Agenda Item 9.

**VIII. Staff Analysis:** The PUD Site Development Plan consists of two sheets received on August 31, 2017.

Site development requirements listed on the PUD Site Development Plan provide for the following requirements:

<table>
<thead>
<tr>
<th>Minimum lot width</th>
<th>37 feet (except 25 feet for flag lots)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot area</td>
<td>5,193 s.f.</td>
</tr>
<tr>
<td>Minimum front setback</td>
<td>20 feet</td>
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<tr>
<td>Minimum rear setback</td>
<td>10 feet</td>
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<td>Minimum side yard setback</td>
<td>5 feet</td>
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<tr>
<td>Minimum side yard setback (street side)</td>
<td>20 feet</td>
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<tr>
<td>Maximum building height</td>
<td>Three stories over ground parking</td>
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<tr>
<td>Maximum impervious</td>
<td>60%</td>
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</table>

Access to lots is provided through a private roadway tract, linking directly with North Oceanshore Boulevard, subject to approval of the driveway connection by the Florida Department of Transportation.

While it is anticipated that the project will develop as a single phase, the agreement as drafted provides for the development to be completed in multiple phases, provided that all associated infrastructure and emergency access requirements are met for each respective phase. Variances are considered consistent with the LDC’s requirements, with other requirements not specifically mentioned in the Agreement also deferring to the provisions of the LDC.

**Stormwater**

Stormwater will be provided through curb and gutter and an underground pipe system to retention ponds to be maintained by the Las Casitas Property Owners Association, Inc. Design and capacity will meet St. Johns River Water Management District permit requirements.
Roadways
Maintenance of the roadway tract will also be provided by the Las Casitas Property Owners Association, Inc. through the dedication on the plat.

Landscaping
Tract “D” adjacent to the West right-of-way line of North Oceanshore Boulevard is identified as a buffer tract.

Signage
Any signage should be described and depicted as part of the platting process. Signs, if provided, may be lighted, and can be no higher than six feet tall with a message area no greater than 32 square feet. All signs will be setback to preserve view angles consistent with the LDC.

Entry Features
Emergency vehicle access will be provided through the connection to North Oceanshore Boulevard, with cross-access provided through the connection to roadways within Lakeside.

Lighting
Street lighting is not anticipated to be provided; if provided, lighting will be required to meet Flagler County Marine Turtle Lighting requirements of the Land Development Code.

Emergency Services
Roadway width will be verified as part of the final plat approval process for meeting County and applicable standards.

Wetlands
No wetlands are present within the boundaries of the subject parcel.

Utilities
Utilities are to be placed within the utility easements dedicated for utility purposes at the time of final plat approval. The City of Palm Coast will provide water and the Matanzas Shores Owners Association will provide wastewater services.

IX. 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.

X. Staff Recommendation: Staff recommends that the Planning and Development Board recommend to the Board of County Commissioners approval of Application #3081, Site Development Plan for Las Casitas PUD, finding that the proposed
PUD Site Development Plan and PUD Development Agreement are consistent with the Comprehensive Plan and the Flagler County Land Development Code.

XI. **Suggested Adoption Language:** The Planning and Development Board recommends to the Board of County Commissioners approval of Application #3081, Site Development Plan for Las Casitas PUD, finding that the proposed PUD Site Development Plan and PUD Development Agreement are consistent with the Comprehensive Plan and the Flagler County Land Development Code.

**Attachments**
1. Notification map and list
2. Application and supporting documents
3. Draft Ordinance
4. PUD Site Development Plan
MAP SERIES
Property Appraiser Aerial
Future Land Use Map
Official Zoning Map
<table>
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<th>ParcelId</th>
<th>Owner Name</th>
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<td>37-10-31-3725-000000-00H0</td>
<td>MATANZAS SHORES OWNERS ASSN</td>
<td>110 E. COLLECTORS ROAD</td>
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<td>37-10-31-3725-000000-0280</td>
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<td>25700 SW 194TH AVE</td>
<td>HOMESTEAD, FL 33031</td>
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<td>SARAH P &amp; DONALD R MCNEAL</td>
<td>PO BOX 1712</td>
<td>HAWTHORNE, FL 32640</td>
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<td>LOXAHATCHEE, FL 33470</td>
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<td>ANDREW BETTINGER &amp; KATRINA BENNETT</td>
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<td>KANSAS CITY, KS 66109</td>
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<td>JACK I &amp; MARTHA N BOOTH</td>
<td>PO BOX 16834</td>
<td>FERNANDINA BEACH, FL 3203531</td>
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<td>TRUMBULL, CT 06611</td>
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<td>MICHAEL &amp; THERESA BUSCH</td>
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<td>PONTE VEDRA BEACH, FL 32082</td>
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<td>RANDALL WILLIAM ODELL TRUSTEE</td>
<td>612 TALL PINE RIDGE</td>
<td>KALISPELL, MT 59901</td>
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<td>37-10-31-3725-000000-1350</td>
<td>NATHAN &amp; JUDY MARIE SHAPIRO</td>
<td>2256 NORTHLAKE PKWY STE 215</td>
<td>TUCKER, GA 30084</td>
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<td>37-10-31-3731-00030-5170</td>
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<tr>
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<td>Name</td>
<td>Address</td>
<td>City, State</td>
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<tr>
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<td>37-10-31</td>
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<td>37-10-31</td>
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<td>512 SEBASTIAN SQUARE</td>
<td>ST AUGUSTINE, FL 32095</td>
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<tr>
<td>37-10-31</td>
<td>KAREN P NELSON TRUSTEE</td>
<td>PO BOX 591</td>
<td>KEYSTONE HEIGHTS, FL 32656</td>
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<td>JAMES H &amp; JACQUELIN A POST</td>
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<td>TIMOTHY M &amp; SANDRA K BIRKMIRE</td>
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# 3081 Las Casitas
SDP in a PUD

I hereby affirm mailed notice to each owner on September 22, 2017 for the Planning & Development Board Meeting on October 10, 2017 at 6:00 pm.

Wendy Hickey, Planner

Hasler
09/22/2017
US POSTAGE $00.00
ZIP 32110
011D11646866
THE NEWS-JOURNAL
Published Daily and Sunday
Daytona Beach, Volusia County, Florida

State of Florida,
County of Volusia

Before the undersigned authority personally appeared

Cynthia Anderson

who, on oath says that she is ...........................................

LEGAL COORDINATOR

of The News-Journal, a daily and Sunday newspaper, published at Daytona Beach in Volusia County, Florida; the attached copy of advertisement, being a

PUBLIC NOTICE

L 2261777

in the Court, was published in said newspaper in the issues...............

SEPTEMBER 22, 2017

Affiant further says that The News-Journal is a newspaper published at Daytona Beach, in said Volusia County, Florida, and that the said newspaper has heretofore been continuously published in said Volusia County, Florida, each day and Sunday and has been entered as second-class mail matter at the post office in Daytona Beach, in said Volusia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper

[Signature]

Sworn to and subscribed before me

This 22ND of SEPTEMBER
A.D. 2017

[Signature]

NOTICE OF ADOPTION OF PLANNED UNIT DEVELOPMENT AGREEMENT

Pursuant to Chapter 125, Florida Statutes, the Flagler County Board of County Commissioners hereby provide notice of consideration of Application #5061, submitted by Davey Realty Trust, LLC, as agent to the owners, Matanzas Shores Officers Association and JRSA-IV, LP, and possible adoption of an Ordinance similar to:

AN ORDINANCE OF THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS, FLAGLER COUNTY, FLORIDA ADOPTING THE PUD (PLANNED UNIT DEVELOPMENT) DEVELOPMENT AGREEMENT FOR LAS CASITAS; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

Public hearing on the above-captioned matter will be held as follows:

FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD - October 10, 2017 at 6:00 p.m. or as soon thereafter as possible in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Boulevard, Building 2, Bunnell, Florida.

All interested persons are urged to attend the public hearing and be heard. Anyone wishing to express their opinion may attend, telephone 386-312-4000 or write to: Flagler County Planning Department, 1769 E. Moody Blvd., Building 2, Bunnell, FL 32110 or email to anghel@flaglercounty.org. Copies of the proposal, supporting data and analysis, staff reports and other pertinent information are available for review at the Flagler County Planning & Zoning Dept, 1769 East Moody Boulevard, Bldg. 2, Bunnell, Florida 32110.

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD OF COUNTY COMMISSIONERS WITH RESPECT TO ANY MATTER CONSIDERED AT THE HEARING, A RECORD OF THE PROCEEDINGS MAY BE NEEDED AND, FOR SUCH PURPOSES, THE PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH APPEAL IS TO BE BASED. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE PLANNING DEPARTMENT AT LEAST 48 HOURS PRIOR TO THE MEETING.

[Signature]

STATE OF FLORIDA

Notary Public - State of Florida
Commission # 115276
My Comm. Expires: July 13, 2022
Bonded through National Notary Assn.
AN ORDINANCE OF THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS, FLAGLER COUNTY, FLORIDA ADOPTING THE PUD (PLANNED UNIT DEVELOPMENT) DEVELOPMENT AGREEMENT FOR LAS CASITAS; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Matanzas Shores Owners Association is the owner of Parcel #37-10-31-3725-00000-00G0 and LR5A-JV, LP, are the owners of Parcel #37-10-31-1550-00000-0154 and Parcel #37-10-31-3725-00000-003A, together totaling 24.69 acres, more or less, in size as more particularly described in Exhibit “A” attached hereto and made a part hereof; and

WHEREAS, the owners of the above-listed parcels are seeking the approval of this Ordinance creating the Las Casitas Planned Unit Development (PUD); and

WHEREAS, this Ordinance and its attached Exhibits shall serve as the PUD Development Agreement for the Las Casitas PUD; and

WHEREAS, on October 10, 2017, the Planning and Development Board conducted a public hearing on this request and voted to recommend approval; and

WHEREAS, on ______________________, 2017, the Flagler County Board of County Commissioners held a public hearing on this request and voted to _________________ the Las Casitas PUD; and

WHEREAS, public notice of this action has been provided in accordance with Section 125.66, Florida Statutes, and Section 2.07.00, Flagler County Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS:

SECTION 1. FINDINGS
A. The Board of County Commissioners, pursuant Section 3.04.02 of the Flagler County Land Development Code, finds as follows:

1. The proposed Las Casitas Planned Unit Development (PUD) does not adversely affect the orderly development of Flagler County and complies with applicable Comprehensive Plan goals, objectives and policies; and

2. The proposed Las Casitas PUD will not adversely affect the health and safety of residents or workers in the area and will not be detrimental to the use of adjacent properties or the general neighborhood.
Section 2. ADOPTION OF DEVELOPMENT AGREEMENT

A. This Ordinance and its Exhibits attached hereto shall serve as the PUD Development Agreement for the Las Casitas Planned Unit Development (PUD).

B. The Board of County Commissioners hereby adopts the PUD Development Agreement for the Las Casitas PUD, the boundaries of said PUD as depicted in the legal description included at Exhibit “A” and attached hereto.

C. Development within the boundaries of the Las Casitas PUD as approved shall take place consistent with the Flagler County Land Development Code as may be modified or amended, this Ordinance, and the PUD Site Development Plan included at Exhibit “B” and attached hereto. The requirements of this Ordinance supersede any inconsistent provisions of the Flagler County Land Development Code or other ordinances of the County.

D. Uses within the Las Casitas PUD as herein established shall rely on those uses and requirements listed within the R-1c (Urban single-family residential) district, with the exception of the following dimensional requirements which shall vary from those listed for the R-1c district:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Requirement Details</th>
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<tbody>
<tr>
<td>Minimum lot size</td>
<td>5,193 square feet</td>
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<tr>
<td>Minimum lot width</td>
<td>37 feet, except for flag lots (Lots 48 and 49) with a minimum lot width of 25 feet measured at right-of-way</td>
</tr>
<tr>
<td>Minimum front setback</td>
<td>20 feet</td>
</tr>
<tr>
<td>Minimum rear setback</td>
<td>10 feet</td>
</tr>
<tr>
<td>Minimum side setback (interior lot)</td>
<td>5 feet</td>
</tr>
<tr>
<td>Minimum side setbacks (street side)</td>
<td>20 feet</td>
</tr>
<tr>
<td>Minimum accessory structure setback</td>
<td>5 feet</td>
</tr>
<tr>
<td>Minimum setback for pools, hot tubs, decks, screen rooms, and patios</td>
<td>5 feet</td>
</tr>
<tr>
<td>Maximum building height</td>
<td>Three stories over ground level parking</td>
</tr>
<tr>
<td>Maximum impervious</td>
<td>60%</td>
</tr>
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</table>

E. The Las Casitas PUD will require final plat approval prior to the sale of individual lots. The subdivision may be developed in multiple phases. All infrastructure necessary to support each phase shall be constructed within that phase or sufficient surety provided in the form of a performance bond or other instrument as approved by the County Attorney as a condition of this PUD approval. Adequate emergency vehicle access and turn-arounds shall be provided at all times.

F. The Finished Floor Elevation for lots shall be a minimum of one foot above the crown of the adjacent roadway or one foot above the base flood
elevation (for lots located within the Special Flood Hazard Area), as applicable. Any variation shall be subject to the approval of the County Development Engineer at the time of building permit application.

G. Construction trailers may be permitted on any lot within the subdivision prior to final plat approval in conjunction with the issuance and continuation of a land development permit. Construction trailers may not remain within the subdivision following expiration or completion of a land development permit.

H. Model homes may be permitted following final plat approval. A maximum of five of the lots may be used as a model homes. A maximum of two of the model homes may also be used as temporary sales centers.

I. Variances shall be subject to the County’s variance procedures as provided in the Land Development Code.

J. The provisions of this Ordinance shall be binding upon successors and assigns, including individual successor lot owners, to the extent applicable.

K. This Ordinance shall be effective as of the date provided herein and shall remain effective until amended or rescinded.

Section 3. EFFECTIVE DATE
This Ordinance shall take effect upon Official Acknowledgement by the Secretary of State that the Ordinance has been filed.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA THIS ___ DAY OF ________________________, 2017.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

By: ____________________________
    Nate McLaughlin, Chair

ATTEST:                           Approved as to Form:

By: ____________________________
    Tom Bexley, Clerk of the Circuit Court and Comptroller

By: ____________________________
    Albert J. Hadeed, County Attorney
# Application for Review

**Flagler County, Florida**  
1769 E. Moody Boulevard, Suite 105  
Bunnell, FL 32110  
Telephone: (386) 313-4009  
Fax: (386) 313-4109  
Application/Project #: __________

## Property Owner(s):  
Name(s): LR50-JV Corp.  
Mailing Address: 40 William Street, Suite G90  
City: Wellesley Hills  
State: MA  
Zip: 02481  
Telephone Number:  
Fax Number: 

## Applicant(s):  
Name(s): Duval Realty Trust, LLC  
Mailing Address: 5851 Timuquana Road, Suite 301  
City: Jacksonville  
State: FL  
Zip: 32210  
Telephone Number: 904-838-9342  
Fax Number:  
E-Mail Address: ken@atleeportfolio.net

## Site Location (street address):  
San Juan Drive

## Legal Description:  
MB26 PG4-5

## Parcel # (tax ID #):  
37-10-31-1550-00000-0151 and 37-10-31-1550-00000-0155

## Parcel Size:  
24.6 ac

## Current Zoning Classification:  
PUD

## Current Future Land Use Designation:  
Mixed use low density

## Subject to A1A Scenic Corridor?  
☑ YES  
☐ NO

## Purpose of Submission / Project Data:  
Amendment to previously approved PUD Site Development Plan

[Signature of Owner(s) or Applicant/Agent]  
If Owner Authorization form attached

Date: 5/30/17

**Official Use Only**

## Planning Board Recommendation/Action:  
*APPROVED [ ]  
*APPROVED WITH CONDITIONS [ ]  
DENIED [ ]

[Signature of Chairman]  
Date: ____________  
*approved with conditions, see attached.

**Official Use Only**

## Board of County Commissioners Action:  
*APPROVED [ ]  
*APPROVED WITH CONDITIONS [ ]  
DENIED [ ]

[Signature of Chairman]  
Date: ____________  
*approved with conditions, see attached.
Agent Authorization and Owners Affidavit

Date: May 22, 2017

City of Palm Coast
Community Development Department
160 Lake Avenue
Palm Coast, FL 32164

Flagler County, Florida
Planning Department
1769 E. Moody Blvd., Suite 105
Bunnell, FL 32210

St Johns River Water Management District
P.O. Box 1429
Palatka, FL 32178-1429

FL Dept Environmental Protection
8800 Baymeadows Way West
Jacksonville, FL 32256

Matanzas Shores Owners Association
110 E. Collector Road
Palm Coast, FL 32137

Re: Agent Authorization for the following site location:
Parcel# 37-10-31-3725-00000-003A (Parcel 3A- 8.31 acres); Parcel#37-10-31-1550-00000-0154 (Parcel 154- 9.799 acres); Parcel# 37-10-31-1550-00000-0155 (Parcel 155 – 8.309 acres) and Parcel# 37-10-31-1550-00000-0151 (Parcel# 151-15 acres)

Gentleman:
You are hereby advised that the undersigned is the owner of the following properties described in Exhibit I attached hereto. Said owner hereby authorizes and empowers Robert H. Hendricks and Kenyon S. Atlee of Duval Realty Trust, LLC, whose address is 5851 Timuquana Rd, Suite 301, Jacksonville, FL 32210 to act as agent to file any and all application(s), submit all plan(s), permit(s) and plat for approvals with the City of Palm Coast, Flagler County Florida, Florida Department Environmental Protection, Saint Johns River Water Management District and Matanzas Shores Owners Association for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested changes.

LR5A-JV Limited Partnership, a Massachusetts limited partnership
By: LR5A-JV Corp., its General Partner
Print Name: David S. Allen, President

STATE OF Massachusetts
COUNTY OF Norfolk

The foregoing affidavit was sworn and subscribed before me this 22nd day of May, 2017 by David S. Allen, President of LR5A-JV Corp., the General Partner for LR5A-JV Limited Partnership, a Massachusetts limited partnership who is personally known to me or has produced ___________________________ as identification.

(Notary Signature)

SARA GOODMAN
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires November 18, 2022

Page 1 of 4
IN THE CIRCUIT COURT OF THE 7TH
JUDICIAL CIRCUIT IN AND FOR FLAGLER
COUNTY, FLORIDA

CIVIL DIVISION
CASE NO. 07-CA-001246

LR5A-JV, LP, a Massachusetts Limited Partnership,

Plaintiff,

v.

LITTLE HOUSE, LLC, a Florida Limited Liability
Company, et. al., etc.,

Defendants.

FILED IN THE OFFICE OF THE
CLERK OF CIRCUIT COURT
Flagler County, Florida

JUN 15 2011

By ___________ Deputy Clerk
Paper No. _______________________

CERTIFICATE OF TITLE

The undersigned clerk of the court certifies that he or she executed and filed a certificate
of sale in this action on April 28, 2011, for the property described herein and that no objections
to the sale have been filed within the time allowed for filing objections.

The following property in Flagler County, Florida

Please see Exhibit “A” attached.

was sold to LR5A-JV, LP, c/o Realty Financial Partners, 40 William Street, Suite 120,
Wellesley, MA 02481.

WITNESS my hand and seal of this Court on ______________.

________________________
GAIL WADSWORTH
Clerk of Circuit Court

By: _____________________

Deputy Clerk
Parcel 4-B Mantanzas Shores

A parcel of land lying in Government Section 38, Township 10 South, Range 31 East, being a portion of the SUBDIVISION PLAT SECTION 88, PALM COAST, recorded in Map Book 26, Pages 4 and 5 of the Public Records of Flagler County, Florida, being more particularly described as follows:

A point of reference being the intersection of the Southerly line of said Government Section 38 with the Easterly right-of-way line of the Intracoastal Waterway (500 foot RW), thence North 17 degrees 14 minutes 46 seconds West along said right-of-way line a distance of 2801.75 feet, thence North 16 degrees 28 minutes 50 seconds West along said right-of-way line a distance of 1506.16 feet, thence departing said Intracoastal Waterway North 69 degrees 39 minutes 14 seconds East along the Northerly boundary of said Plat Section 88 a distance of 2813.46 feet, thence departing said boundary, thence South 20 degrees 20 minutes 48 seconds East a distance of 896.36 feet, to the Point of Beginning of this description, thence South 35 degrees 07 minutes 31 seconds East a distance of 45.25 feet to a point on the Northerly right-of-way line of State Road A-1-A as recorded in Official Records Book 388, Pages 110 through 442, Public Records of Flagler County, Florida, thence South 09 degrees 52 minutes 28 seconds West along said right-of-way line a distance of 276.56 feet to a point of curvature, thence 128.73 feet along a curve to the left (Concave Easterly) having a central angle of 05 degrees 24 minutes 37 seconds, a radius of 1363.24 feet, a chord bearing of South 07 degrees 10 minutes 11 seconds West and a chord distance of 128.68 feet, thence departing said right-of-way and curve North 85 degrees 32 minutes 08 seconds West along a radial line 445.59 feet, thence South 59 degrees 45 minutes 37 seconds West a distance of 181.75 feet, thence South 78 degrees 50 minutes 18 seconds West a distance of 110.00 feet, thence North 11 degrees 09 minutes 42 seconds West a distance of 223.81 feet to a point of curvature, thence 222.06 feet along a curve to the right (Concave Southwesterly) having a central angle of 49 degrees 58 minutes 02 seconds, a radius of 254.80 feet, a chord bearing of North 13 degrees 45 minutes 18 seconds East and a chord distance of 215.10 feet to a point of compound curvature, thence 451.25 feet along a curve to the right (Concave Southerly) having central angle of 61 degrees 06 minutes 09 seconds, a radius of 423.14 feet, a chord bearing of North 69 degrees 19 minutes 25 seconds East and a chord distance of 343.17 feet to a point of tangency, thence South 80 degrees 07 minutes 31 seconds East a distance of 349.98 feet to the Point of Beginning.

Parcel 5-A Mantanzas Shores

A parcel of land lying in Government Section 38, Township 10 South, Range 31 East, being a portion of the SUBDIVISION PLAT SECTION 88, PALM COAST, recorded in Map Book 26, Pages 4 and 5 of the Public Records of Flagler County, Florida, being more particularly described as follows:

A point of reference being the intersection of the Southerly line of said Government Section 38 with the Easterly right-of-way line of the Intracoastal Waterway (500 foot RW), thence North 17 degrees 14 minutes 46 seconds West along said right-of-way line a distance of 2801.75 feet, thence North 16 degrees 28 minutes 50 seconds West along said right-of-way line a distance of 1506.16 feet, thence departing said Intracoastal Waterway North 69 degrees 39 minutes 14 seconds East along the Northerly boundary of said Plat Section 88 a distance of 2441.52 feet to the Point of Beginning of this description, thence continue North 69 degrees 39 minutes 14 seconds East along said boundary a distance of 544.82 feet to a point on the Westerly right-of-way line of State Road A-1-A recorded in Official Records Book 388, Pages 110 through 112, Public Records of Flagler County, Florida, said point being on a curve, thence Southerly along said right-of-way 624.37 feet along a curve to the right (Concave Westerly) having a central angle of 30 degrees 14 minutes 02 seconds, a radius of 1183.24 feet, a chord bearing of South 05 degrees 14 minutes 32 seconds East and a chord distance of 617.15 feet to a point of tangency, thence South 09 degrees 52 minutes 28 seconds West along said right-of-way a distance of 274.44 feet, thence departing said Westerly right-of-way South 64 degrees 52 minutes 29 seconds West a distance of 45.25 feet, thence North 80 degrees 07 minutes 31 seconds West a distance of 290.63 feet, thence North 08 degrees 52 minutes 29 seconds West a distance of 171.12 feet, thence North 24 degrees 12 minutes 15 seconds West a distance of 551.62 feet, to the Point of Beginning.

Parcel 5-B Mantanzas Shores

A parcel of land lying in Government Section 38, Township 10 South, Range 31 East, being a portion of the SUBDIVISION PLAT SECTION 88, PALM COAST, recorded in Map Book 26, Pages 4 and 5 of the Public Records of Flagler County, Florida, being more particularly described as follows:

Policy G41-0008038 [ALTA Loan 1992]
Records of Flagler County, Florida, being more particularly described as follows:

A point of reference being the intersection of the Southerly line of said Government Section 38 with the Easterly right-of-way line of the Intracoastal Waterway (500 foot R/W), thence North 17 degrees 14 minutes 46 seconds West along said right-of-way line a distance of 2801.75 feet, thence North 16 degrees 28 minutes 50 seconds West along said right-of-way line a distance of 1506.18 feet, thence departing said Intracoastal Waterway North 69 degrees 39 minutes 14 seconds East along the Northerly boundary of said Plat Section 86 a distance of 1998.62 feet to the Point of Beginning of this description, thence continue North 69 degrees 39 minutes 14 seconds East along said boundary a distance of 442.53 feet, thence departing said boundary South 24 degrees 12 minutes 15 seconds East a distance of 551.62 feet, thence South 09 degrees 52 minutes 23 seconds West a distance of 171.12 feet, thence North 80 degrees 07 minutes 31 seconds West a distance of 59.35 feet to a point of curvature, thence 403.56 feet along a curve to the left (concave Southerly) having a central angle of 47 degrees 51 minutes 40 seconds, a radius of 483.14 feet, a chord bearing of South 75 degrees 56 minutes 39 seconds West and a chord distance of 391.85 feet, thence departing said curve North 16 degrees 03 minutes 07 seconds West along a non-radial line a distance of 827.17 feet, to the Point of Beginning.

PARCEL B:

A parcel of land situated in Section 38, Township 10 South, Range 31 East, Flagler County, Florida, and being more particularly described as follows:

As a point of reference, commence at the Northeast corner of Section 39, Township 10 South, Range 31 East, run thence North 67°46'01" East along the South line of Section 38, a distance of 95.49 feet, thence North 5°22'10" East a distance of 108.28 feet, thence along the westerly line of State Road A-1-A and along a curve to the left having a central angle of 12°17'35", a radius of 1173.24 feet, an arc length of 251.72 feet, a chord length of 251.24 feet, and a chord bearing of North 0°46'38" West, thence South 67°45'57" West, a distance of 489.92 feet to the Point of Beginning of this description; thence South 57°46'01" West, a distance of 1288.90 feet to a point; thence North 20°20'54" West, a distance of 180.28 feet to a point; thence, North 09°39'06" East, a distance of 174.23 feet to a point; thence, North 21°30'05" West, a distance of 272.50 feet to a point; thence North 23°14'42" East, a distance of 165.43 feet to a point; thence North 7°11'35" West, a distance of 273.62 feet to a point of a non-tangent curve running Northeastwardly and to the left having a radius of 450.00 feet, an arc length of 213.65 feet, through a central angle of 27°12'12", a chord bearing North 76°35'26" East, and a chord distance of 211.65 feet to a point non-tangency of a connecting curve running Northwardly and to the left having a radius of 400.00 feet, an arc length of 147.30 feet, through a central angle of 21°05'57", a chord bearing North 13°38'30" East, and a chord distance of 146.47 feet to a point of a non-tangent curve running Northeastwardly and to the left, having a radius of 150.00 feet, an arc length of 80.06 feet, a central angle of 30°34'55", a chord bearing North 73°22'56" East, and a chord distance of 79.12 feet to a point; thence North 58°05'28" East, a distance of 128.88 feet to a point of curvature of a curve running Easterly and to the right, having a radius of 140.00 feet, an arc length of 86.14 feet, through a central angle of 35°15'15", a chord bearing North 75°43'06" East, and a chord distance of 64.79 feet to a point; thence South 14°25'46" West, a distance of 11.48 feet to a point of a non-tangent curve running Southwardly and Easterly to the left having a radius of 180.00, an arc length of 433.23 feet, through a central angle of 137°54'09", a chord bearing South 54°31'18" East, and a chord distance of 335.98 feet to a point of a connecting curve to the left, having a radius of 295.39 feet, an arc length of 39.31 feet, through a central angle of 7°37'28", a chord bearing North 52°42'53" East, and a chord distance of 38.28 feet to a point; thence South 41°05'51" East, a distance of 33.80 feet to a point of curvature of a curve running Southeasterly and to the left having a radius of 60.00 feet, an arc length of 28.68 feet through a central angle of 30°34'12", a chord bearing South 56°22'57" East, a chord distance of 26.36 feet to a point; thence South 71°40'03" East, a distance of 272.36 feet to a point of a non-tangent curve running Southeasterly and to the left having a radius of 300.00 feet, an arc length of 128.49 feet, through a central angle of 24°32'26", a chord bearing South 08°04'41" East, and a chord distance of 127.51 feet to a point; thence South 20°20'54" East, a distance of 138.01 feet to a point; thence, North 68°39'06" East a distance of 70.42 feet to a point; thence South 20°21'03" East, a distance of 137.60 feet to the Point of Beginning.
Distribution date:  Friday, August 11, 2017

Project #: 2017060023

Application #: 3081

Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. Any questions regarding any of the comments should be addressed to the department providing the comment.

Flagler County Building Department  386-313-4002
Flagler County Planning Department  386-313-4009
Flagler County Development Engineering  386-313-4082
Flagler County General Services (Utilities)  386-313-4184
County Attorney  386-313-4005
Flagler County Fire Services  386-313-4258
E-911 GIS Specialist  386-313-4274
Environmental Health Department  386-437-7358
Flagler County School Board  386-586-2386
REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

8/11/17, Amendment to SDP in a PUD
Los Laos I and II
Las Casitas

Construction Documents:

Overall Comments:

Per the Flagler County Public Works Manual the sidewalk will need to be a minimum of 5 Ft.

Cover Sheet:

1. It is referenced that the Elevations refer to the NAVD 1988. Please revise to NGVD 1929.

Typical Sections & Details Sheet 3:

2. Provide the dimension from the BOC to the sidewalk.

Coordinate Geometry Plan Sheet 5:

3. The west intersection of Matanzas Way North and San Juan Dr. is not consistent between the construction plans and the Plat. Revise as necessary.

Clearing and grading Plan Sheets 7 and 8:

4. The proposed lot grading indicates that construction will need to be stem wall construction. This will need to be clarified during the platting process for clarity during residential construction.

Wastewater System Plan 13:

5. Areas where there will be connections within the existing San Juan Drive will need to be clearly detailed/noted on the plans as well as providing a MOT plan.

6. At Lot 71 when the existing sanitary service is removed it should be plugged or grouted at the manhole, please provide notes on the plans.

7. Add a note at SMH 20 to connect to existing service (is it stubbed up?).
Plan and Profile Sheets 15:

8. The TC at SMH #10 appears to be out of pavement. Please clarify.

9. Clarify the pipe length between SMH 4 and SMH 6. Modify inverts if necessary.

Plan and Profile Sheet 16:

10. Check the pipe length between S - 14 and S - 12.

Plan and Profile Sheet 18:

11. Check the pipe length at existing SMH 26 to SMH 28. Modify the inverts as necessary.

12. Provide specific notes/ detail the connection to the existing pavement at all locations.

Plan and Profile Sheet 19:

13. Provide specific notes/ details for the pavement connection at the entrance.

14. Add pipe length between S - 80 and S - 86.

Plan and profile Sheet 22:

15. Add the road name to the Plan.

16. The sidewalk between lots 10 and 11 should be placed in an easement.

Cross Sections Sheets 23 - 29:

17. Add the road names along with the stationing on all of the sections provided.

18. Show the distance from BOC to the sidewalk in the sections that depict a sidewalk.

Intersections Sheet 30:

19. Provide specific details for the pavement connections at the entrance.

Stormwater Pond A Sheet 31:

20. Show the lots for clarity.

21. From calculations provided it appears that the roadway will be impacted by the 25yr storm event in several areas. Please revise as necessary.

Stormwater Pond A Sheet 32:

22. From calculations provided it appears that the roadway will be impacted by the 25yr storm event in several areas. Please revise as necessary.
Additional comments may be provided upon completion of the review.

**REVIEWING DEPARTMENT: FIRE INSPECTOR**

No Comments at this time

**REVIEWING DEPARTMENT: PLANNING DEPARTMENT**

Proposed plot plan must be graphically depicted on the Site Development Plan Sheet. Additional comments may be generated at the meeting.

**REVIEWING DEPARTMENT: COUNTY ATTORNEY**

No comments at this time
We are in receipt of your comments from the Technical Review Committee (TRC) addressed to Duval Realty Trust LLC dated August 11, 2017. Our responses to your comments are listed below. We have repeated your comments in italicized text with our responses in bold text to help facilitate your review.

**REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING**
8/11/17, Amendment to SDP in a PUD Los Laos I and II, Las Casitas

**Construction Documents:**

**Overall Comment:**
Per the Flagler County Public Works Manual the sidewalk will need to be a minimum of 5 Ft.

Sidewalks have been revised to be 5-feet wide.

**Cover Sheet:**
1. It is referenced that the Elevations refer to the NAVD 1988. Please revise to NGVD 1929.

   Elevations in the construction plans reference NAVD 88. The cover sheet has been correct.

**Typical Sections & Details Sheet 3:**
2. Provide the dimension from the BOC to the sidewalk.

   The typical section has been revised.

**Coordinate Geometry Plan Sheet 5:**
3. The west intersection of Matanzas Way North and San Juan Dr. is not consistent between the construction plans and the Plat. Revise as necessary.

   The plat has been revised for consistency.

**Clearing and grading Plan Sheets 7 and 8:**
4. The proposed lot grading indicates that construction will need to be stem wall construction. This will need to be clarified during the platting process for clarity during residential construction.
A note has been added to Sheets 7 and 8 requiring all earthwork for construction of future buildings shall be maintained on the individual lot and may require stem walls.

Wastewater System Plan 13:
5. Areas where there will be connections within the existing San Juan Drive will need to be clearly detailed/noted on the plans as well as providing a MOT plan.

Maintenance of traffic details have been added to the plan set.

6. At Lot 71 when the existing sanitary service is removed it should be plugged or grouted at the manhole, please provide notes on the plans.

The note has been revised as requested.

7. Add a note at SMH 20 to connect to existing service (is it stubbed up?).

The note has been added as requested.

Plan and Profile Sheets 15:
8. The TC at SMH #10 appears to be out of pavement. Please clarify.

The profile for sanitary manhole #2 has been corrected.

9. Clarify the pipe length between SMH 4 and SMH 6. Modify inverts if necessary.

The pipe length listed in the plans is correct (97').

Plan and Profile Sheet 16:
10. Check the pipe length between S - 14 and S - 12.

The pipe length has been corrected.

Plan and Profile Sheet 18:
11. Check the pipe length at existing SMH 26 to SMH 28. Modify the inverts as necessary.

The pipe length listed in the plans is correct (243'), however the slope has been revised.

12. Provide specific notes/ detail the connection to the existing pavement at all locations.

A typical pavement restoration detail has been added to Sheet 3.

Plan and Profile Sheet 19:
13. Provide specific notes/ details for the pavement connection at the entrance

A typical pavement restoration detail has been added to Sheet 3.

14. Add pipe length between S - 80 and S - 86.

The call out has been revised as requested.
Plan and profile Sheet 22:
15. Add the road name to the Plan.

The road name has been added as requested.

16. The sidewalk between lots 10 and 11 should be placed in an easement.

An easement has been added as requested.

Cross Sections Sheets 23 - 29:
17. Add the road names along with the stationing on all of the sections provided.

Road names have been added to the cross sections.

18. Show the distance from BOC to the sidewalk in the sections that depict a sidewalk.

Dimensions for the distance from the BOC to the sidewalk has been added to the applicable sections.

Intersections Sheet 30:
19. Provide specific details for the pavement connections at the entrance.

The plan has been revised to include a note to saw cut existing pavement.

Stormwater Pond A Sheet 31:
20. Show the lots for clarity.

The lot lines have been added as requested.

21. From calculations provided it appears that the roadway will be impacted by the 25yr storm event in several areas. Please revise as necessary.

The profile grade line for Los Lagos Boulevard is above the peak stage for 25-year storm.

Stormwater Pond A Sheet 32:
22. From calculations provided it appears that the roadway will be impacted by the 25yr storm event in several areas. Please revise as necessary.

The profile for Las Casitas Boulevard has been revised.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT
1. Proposed plot plan must be graphically depicted on the Site Development Plan Sheet.

The conceptual lot layout detail has been added to the PUD Site Plans.

2. Additional comments may be generated at the meeting:
REVIEWING DEPARTMENT: FIRE INSPECTOR
No comments at this time.

REVIEWING DEPARTMENT: COUNTY ATTORNEY
No comments at this time.

I hope this letter addresses all of your comments. Please do not hesitate to contact me directly should you need further assistance.

Sincerely,
SINGHOFEN & ASSOCIATES, INC.

Brett Witte, P.E.
Project Engineer

Cc: Duval Realty Trust, LLC

k:\matanzas_shores\permits\county\pud modification\2017_0811_sdp_rai_rsptocmts\2017_0815_3081_las casitas_responsetocomments_pud_2.docx
August 28, 2017

Mr. Adam Mengel
Flagler County Planning Dept.
1769 E. Moody Blvd, Bldg 2
Bunnell, FL  32110

RE: Los Lagos, Las Casitas Review. Project # 2017060020-24

Dear Mr. Mengel,

At the August 25 meeting of Scenic A1A PRIDE, we reviewed the Los Lagos and Las Casitas Site Plans. The plans include the addition of 190 residential units to both the north and south ends of the Lakeside Development. Since we were not contacted in advance by the developer, we were not fully prepared for the review.

Concerns were stated as follows:

- The height and tight spacing of the three story (over ground level parking) homes backing up to A1A may create a wall effect on both ends of the development.
- New homes will not be consistent with the single story homes they surround.
- Vegetative buffers on the north side (Los Lagos) along A1A were not shown.
- The temporary construction entrance on the north end was not fully determined.

We realize that this is a PUD and therefore setbacks, buffers, and building heights (of max 35 feet) are not required to conform to Scenic Byway Overlay constraints. This is a disappointment and we hope it will be addressed in the next FCLDC. We did not review signage, landscape, or building architecture (elevation plans), or Surfview site plans.

Sincerely,

Dennis Clark, Chair
SCENIC A1A PRIDE
5784 N. Oceanshore Blvd, Palm Coast, FL 32137

c.c. Ken Atlee, Duval Realty (ken@atleegroup.net)
John Kiddy, Duval Realty (johnkiddyas@gmail.com)
TO: Chairman and Planning Board Members
FROM: Planning and Zoning Department
DATE: October 10, 2017
SUBJECT: Application #3080, Application for a Preliminary Plat in a Planned Unit Development (PUD)

I. Requested Action & Purpose: This quasi-judicial request is for approval of the preliminary plat in the Planned Unit Development (PUD) zoning district for Las Casitas.

II. Location and Legal Description: 24.6 +/- acres located on the West side of North Oceanshore Boulevard (a/k/a State Road A1A), formerly part of the Matanzas Shores Development of Regional Impact (DRI); Parcel Numbers: 37-10-31-3725-00000-00G0, 37-10-31-1550-00000-0154, and 37-10-31-3725-00000-003A.

III. Owner and Applicant/Agent:
Owners: Matanzas Shores Owners Association and LR5A-JV, LP
Agent: Ken Atlee, Duval Realty Trust, LLC; and Brett Witte, P.E., Singhofen & Associates, Inc.

IV. Existing Zoning and Future Land Use Classification:
Zoning: PUD (Planned Unit Development) District
Future Land Use: Mixed Use: Low Intensity

V. Future Land Use Map Classification/Zoning of Surrounding Land:
North: Mixed Use: Low Intensity / PUD (Planned Unit Development) District
East: North Oceanshore Boulevard; Mixed Use: Low Intensity / PUD (Planned Unit Development) District
South: Residential Low Density: Rural Estate / R-1 (Rural Residential) District
West: Conservation / PUD (Planned Unit Development) District

VI. Land Development Code Sections Affected: Land Development Code Section 4.05.02, Preliminary plat and construction plan review.

VII. Report in Brief: Singhofen & Associates, on behalf of the parcel owners, the Matanzas Shores Owners Association and LR5A-JV, LP, submitted an application for Preliminary Plat approval in a PUD for the development of a 97-lot single family residential subdivision on approximately 24.6 acres to be known as
Las Casitas. Accompanying the three sheet preliminary plat is the combined construction plan package for Las Casitas and Los Lagos; both the preliminary plat and the construction plans are subject to review and approval by the Board of County Commissioners.

The proposed Las Casitas subdivision is located on former Cluster 4 designated through the Matanzas Shores Development of Regional Impact. This Cluster consisted of 20 residential acres with a maximum allowed dwelling unit count of 151 units, identified as a “Shared Estate Development” with a density range of 6-12 units and a cluster density identified as 7.7 units per acre (and an overall density within the DRI of 5.2 units per acre). As proposed, the 97 lots on 24.6 acres corresponds to a density of 3.94 units per acre. It should be noted that the Mixed Use: Low Intensity, Low to Medium Density Future Land Use designation permits a maximum density of 7 units per acre (Policy A.1.1.3(2)(a), Flagler County 2010-2035 Comprehensive Plan). Cluster 4 was additionally identified with a 5 story maximum building height.

The smallest lot is 0.12 +/- acres (5,193 s.f.) in size (Lot 78), while the largest is 0.74 +/- acres (32,277 s.f.) in size (Lot 49). The majority of lots are approximately 5,500 s.f. in area.

Ultimately, approval of the preliminary plat by the Board of County Commissioners cannot occur until the PUD is approved by the Board.

The applicant met with the Technical Review Committee on July 19, 2017 and on August 16, 2017. All staff comments have been satisfactorily addressed by the applicant in advance of the Planning and Development Board meeting.

Public notice has been provided for this application according to LDC Section 2.07.00. Public comments have been compiled and presented at Agenda Item 9.

VIII. Staff Analysis:

Lots
Ninety-seven lots are depicted, with frontage along Tract “A”, a private roadway tract.

Tracts
Five tracts – Tracts “A”, “B”, “C”, “D”, and “E” – are specifically dedicated, with all tracts except “C” to be owned and maintained by the Las Casitas Property Owners Association, Inc. Tract “C” is to be owned and maintained by the Matanzas Shores Property Owners Association, Inc., for common area purposes. Tract “A” is the roadway tract, dedicated for private vehicular access, utilities, drainage, signage, and landscaping purposes. Tracts “B” and “E” are drainage and stormwater tracts, while Tract “D” will serve as a buffer and sidewalk tract.
Easements
Ten foot wide utility easement are depicted along the front of each lot adjoining Tract “A”. In addition, several 15-foot – 7.5 feet wide on each lot – wide drainage easements are depicted that convey stormwater away from Tract “A” and into stormwater tracts.

Stormwater
Design will meet St. Johns River Water Management District requirements and maintenance responsibility will be assumed by the Las Casitas Property Owners Association, Inc.

The preliminary plat generally meets the applicable requirements and is consistent with accompanying PUD Site Development Plan.

IX. 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.

X. Staff Recommendation: Staff recommends that the Planning and Development Board recommend to the Board of County Commissioners approval of Application #3080, Preliminary Plat for Las Casitas, finding that the proposed preliminary plat is consistent with Chapter 177 of Florida Statutes, the Flagler County Comprehensive Plan, the Flagler County Land Development Code, and the Las Casitas PUD, subject to satisfaction of outstanding Development Engineering comments and approval of construction plans.

XI. Suggested Adoption Language: The Planning and Development Board recommends to the Board of County Commissioners approval of Application #3080, Preliminary Plat for Las Casitas, finding that the proposed preliminary plat is consistent with Chapter 177 of Florida Statutes, the Flagler County Comprehensive Plan, the Flagler County Land Development Code, and the Las Casitas PUD, subject to satisfaction of outstanding Development Engineering comments and approval of construction plans.

Attachments
1. Notification map and list
2. Application and supporting documents
3. Preliminary Plat
4. Construction Plans
Future Land Use Map
Official Zoning Map
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<th>City, State Zip</th>
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<td>HOMESTEAD, FL 33031</td>
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<td>5 DEBRA LANE</td>
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<tr>
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<td>SARAH P &amp; DONALD R MCNEAL</td>
<td>PO BOX 1712</td>
<td>HAWTHORNE, FL 32640</td>
</tr>
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I hereby affirm mailed notice to each owner on September 22, 2017 for the Planning & Development Board Meeting on October 10, 2017 at 6:00 pm.

Wendy Hickey, Planner
# APPLICATION FOR PRELIMINARY PLAT

**FLAGLER COUNTY, FLORIDA**  
1769 E. Moody Blvd, Suite 105  
Bunnell, FL 32110  
Telephone: (386) 313-4009  Fax: (386) 313-4109

**Application/Project #:**

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<td>LR50-JV Corp.</td>
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<td><strong>Mailing Address:</strong></td>
<td>40 William Street, Suite G90</td>
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</tr>
<tr>
<td><strong>State:</strong></td>
<td>MA</td>
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<tr>
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<td>02481</td>
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<td><strong>Email:</strong></td>
<td>Telephone #</td>
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<tr>
<td><strong>Fax #:</strong></td>
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<td><strong>Name(s):</strong></td>
<td>Duval Realty Trust, LLC</td>
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<tr>
<td><strong>Mailing Address:</strong></td>
<td>5851 Timuquana Road, Suite 301</td>
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<tr>
<td><strong>City:</strong></td>
<td>Jacksonville</td>
</tr>
<tr>
<td><strong>State:</strong></td>
<td>FL</td>
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<tr>
<td><strong>Zip:</strong></td>
<td>32210</td>
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<tr>
<td><strong>Email:</strong></td>
<td><a href="mailto:ken@atlee-group.net">ken@atlee-group.net</a></td>
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<tr>
<td><strong>Telephone #:</strong></td>
<td>904-838-9342</td>
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<td><strong>LEGAL DESCRIPTION: (briefly describe, do not use &quot;see attached&quot;)</strong></td>
<td>MB26 PG4-5 37-10-31-1550-00000.0151</td>
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<td><strong>Current Future Land Use Designation:</strong></td>
<td>Mixed Use Low Intensity</td>
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<td><strong>Subject to A1A Scenic Corridor IDO?</strong></td>
<td>YES [ ]  NO [ ]</td>
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**PURPOSE OF SUBMISSION / PROJECT DATA:**  
Subdivision of property into single family residential lots

**Signature of Owner(s) or Applicant/Agent**  
if Owner Authorization form attached  
5/22/17  
**Date**

**OFFICIAL USE ONLY**

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**Signature of Chairman:**  
*approved with conditions, see attached.*

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**Signature of Chairman:**  
*approved with conditions, see attached.*

<table>
<thead>
<tr>
<th><strong>Date:</strong></th>
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</table>
IN THE CIRCUIT COURT OF THE 7TH JUDICIAL CIRCUIT IN AND FOR FLAGLER COUNTY, FLORIDA

CIVIL DIVISION
CASE NO. 07-CA-001246

LR5A-JV, LP, a Massachusetts Limited Partnership,

v.

LITTLE HOUSE, LLC, a Florida Limited Liability Company, et. al., etc.,

Defendants.

CERTIFICATE OF TITLE

The undersigned clerk of the court certifies that he or she executed and filed a certificate of sale in this action on April 28, 2011, for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections.

The following property in Flagler County, Florida

Please see Exhibit “A” attached.

was sold to LR5A-JV, LP, c/o Realty Financial Partners, 40 William Street, Suite 120, Wellesley, MA 02481.

WITNESS my hand and seal of this Court on June 15, 2011.

GAIL WADSWORTH
Clerk of Circuit Court

By: Deputy Clerk

JUN 15 2011
By_________________________Deputy Clerk
Paper No.________________________
Parcel 4-B Mantanzas Shores

A parcel of land lying in Government Section 38, Township 10 South, Range 31 East, being a portion of the SUBDIVISION PLAT SECTION 88, PALM COAST, recorded in Map Book 26, Pages 4 and 5 of the Public Records of Flagler County, Florida, being more particularly described as follows:

A point of reference being the intersection of the Southerly line of said Government Section 38 with the Easterly right-of-way line of the Intracoastal Waterway (500 foot RW), thence North 17 degrees 14 minutes 48 seconds West along said right-of-way line a distance of 2801.75 feet, thence North 16 degrees 28 minutes 50 seconds West along said right-of-way line a distance of 1496.16 feet, thence departing said boundary, thence South 23 degrees 20 minutes 48 seconds East a distance of 884.76 feet, to the Point of Beginning of this description, thence South 35 degrees 07 minutes 31 seconds East a distance of 45.25 feet to a point on the Westerly right-of-way line of State Road A-1-A as recorded in Official Records Book 268, Pages 110 through 112, Public Records of Flagler County, Florida, thence South 09 degrees 52 minutes 29 seconds West along said right-of-way line a distance of 278.55 feet to a point of curvature, thence 128.73 feet along a curve to the left (Concave Easterly) having a central angle of 05 degrees 24 minutes 37 seconds, a radius of 1303.24 feet, a chord bearing of South 07 degrees 10 minutes 11 seconds West and a chord distance of 128.68 feet, thence departing said right-of-way and curve North 85 degrees 32 minutes 08 seconds West along a radial line 445.59 feet, thence South 59 degrees 45 minutes 37 seconds West a distance of 191.75 feet, thence South 78 degrees 50 minutes 18 seconds West a distance of 110.00 feet, thence North 11 degrees 09 minutes 42 seconds West a distance of 223.51 feet to a point of curvature, thence 222.05 feet along a curve to the right (Concave South Easterly) having a central angle of 49 degrees 56 minutes 02 seconds, a radius of 254.60 feet, a chord bearing of North 13 degrees 48 minutes 18 seconds East and a chord distance of 215.10 feet to a point of compound curvature, thence 451.25 feet along a curve to the right (Concave South Easterly) having a central angle of 61 degrees 06 minutes 09 seconds, a radius of 423.14 feet, a chord bearing of North 09 degrees 19 minutes 25 seconds East and a chord distance of 430.17 feet to a point of tangency, thence South 80 degrees 07 minutes 31 seconds East a distance of 348.98 feet to the Point of Beginning.

Parcel 5-A Mantanzas Shores

A parcel of land lying in Government Section 38, Township 10 South, Range 31 East, being a portion of the SUBDIVISION PLAT SECTION 88, PALM COAST, recorded in Map Book 26, Pages 4 and 5 of the Public Records of Flagler County, Florida, being more particularly described as follows:

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Parcel 5-B Mantanzas Shores

A parcel of land lying in Government Section 38, Township 10 South, Range 31 East, being a portion of the SUBDIVISION PLAT SECTION 88, PALM COAST, recorded in Map Book 26, Pages 4 and 5 of the Public Records of Flagler County, Florida, being more particularly described as follows:

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Policy G41-0008038 [ALTA Loan 1992]
Records of Flagler County, Florida, being more particularly described as follows:

A point of reference being the intersection of the Southerly line of said Government Section 38 with the Easterly right-of-way line of the Intracoastal Waterway (500 foot ROW), thence North 17 degrees 14 minutes 46 seconds West along said right-of-way line a distance of 2801.75 feet, thence North 16 degrees 28 minutes 50 seconds West along said right-of-way line a distance of 1506.16 feet, thence departing said Intracoastal Waterway North 69 degrees 39 minutes 14 seconds East along the Northerly boundary of said Plat Section 88 a distance of 1998.62 feet to the Point of Beginning of this description, thence continue North 69 degrees 39 minutes 14 seconds East along said boundary a distance of 442.93 feet, thence departing said boundary South 24 degrees 12 minutes 15 seconds East a distance of 651.92 feet, thence South 08 degrees 55 minutes 21 seconds West a distance of 171.12 feet, thence North 60 degrees 07 minutes 31 seconds West a distance of 59.35 feet to a point of curvature, thence 403.56 feet along a curve to the left (concave Southerly) having a central angle of 47 degrees 51 minutes 40 seconds, a radius of 483.14 feet, a chord bearing of South 75 degrees 86 minutes 39 seconds West and a chord distance of 391.55 feet, thence departing said curve North 16 degrees 03 minutes 07 seconds West along a non-radial line a distance of 627.17 feet, to the Point of Beginning.

PARCEL B:

A parcel of land situated in Section 38, Township 10 South, Range 31 East, Flagler County, Florida, and being more particularly described as follows:

As a point of reference, commence at the Northeast corner of Section 39, Township 10 South, Range 31 East, run thence North 67°45'01" East along the South line of Section 38, a distance of 95.49 feet; thence North 5° 22'10" East a distance of 108.28 feet; thence along the westerly line of State Road A-1-A and along a curve to the left having a central angle of 2°21'36", a radius of 1173.24 feet, an arc length of 251.72 feet, a chord length of 251.24 feet, and a chord bearing of North 0°46'38" West; thence South 67°45'57" West, a distance of 489.92 feet to the Point of Beginning of this description; thence South 57°46'01" West, a distance of 1288.90 feet to a point; thence North 20°20'54" West, a distance of 180.20 feet to a point; thence, North 89°39'06" East, a distance of 174.23 feet to a point; thence, North 21°13'05" West, a distance of 272.50 feet to a point; thence North 23°14'42" East, a distance of 163.43 feet to a point; thence North 5° 11'25" West, a distance of 273.62 feet to a point of a non-tangent curve running Northeasterly and to the left having a radius of 450.00 feet, an arc length of 213.65 feet, through a central angle of 27°12'12", a chord bearing North 76°35'26" East, and a chord distance of 211.65 feet to a point non-tangency of a connecting curve running Northerly and to the left having a radius of 400.00 feet, an arc length of 147.30 feet, through a central angle of 21°05'37", a chord bearing North 13°38'30" East, and a chord distance of 146.47 feet to a point of a non-tangent curve running Northeasterly and to the left, having a radius of 150.00 feet, an arc length of 86.14 feet, through a central angle of 35°15'16", a chord bearing North 75°43'06" East, and a chord distance of 84.79 feet to a point; thence South 14°25'45" West, a distance of 11.48 feet to a point of a non-tangent curve running Southerly and Easterly to the left having a radius of 180.00 feet, an arc length of 433.23 feet, through a central angle of 157°54'09", a chord bearing South 54°31'18" East, and a chord distance of 335.98 feet to a point of a connecting curve to the left, having a radius of 295.39 feet, an arc length of 39.31 feet, through a central angle of 7°37'28", a chord bearing North 52°42'53" East, and a chord distance of 36.28 feet to a point; thence South 41° 05'51" East, a distance of 33.80 feet to a point of curvature of a curve running Southeastery and to the left having a radius of 60.00 feet, an arc length of 20.68 feet through a central angle of 30°34'12", a chord bearing South 56° 22'57" East, a chord distance of 26.36 feet to a point; thence South 71°40'09" East, a distance of 272.36 feet to a point of a non-tangent curve running Southeastery and to the left having a radius of 300.00 feet, an arc length of 128.49 feet, through a central angle of 24°32'25", a chord bearing South 08°04'41" East, and a chord distance of 127.51 feet to a point; thence South 20°20'54" East, a distance of 138.61 feet to a point; thence, North 69°39'06" East a distance of 70.42 feet to a point; thence South 20°21'03" East, a distance of 137.80 feet to the Point of Beginning.
Agent Authorization and Owners Affidavit

Date: May 22, 2017

City of Palm Coast
Community Development Department
160 Lake Avenue
Palm Coast, FL 32164

Flagler County, Florida
Planning Department
1769 E. Moody Blvd., Suite 105
Bunnell, FL 32210

St Johns River Water Management District
P.O. Box 1429
Palatka, FL 32178-1429

FL Dept Environmental Protection
8800 Baymeadows Way West
Jacksonville, FL 32256

Matanzas Shores Owners Association
110 E. Collector Road
Palm Coast, FL 32137

Re: Agent Authorization for the following site location:
Parcel# 37-10-31-3725-00000-003A (Parcel 3A- 8.31 acres); Parcel#37-10-31-1550-00000-0154 (Parcel 154- 9.799 acres); Parcel# 37-10-31-1550-00000-0155 (Parcel 155 – 8.309 acres) and Parcel# 37-10-31-1550-00000-0151 (Parcel# 151-15 acres)

Gentleman:
You are hereby advised that the undersigned is the owner of the following properties described in Exhibit I attached hereto. Said owner hereby authorizes and empowers Robert H. Hendricks and Kenyon S. Atlee of Duval Realty Trust, LLC, whose address is 5851 Timuquana Rd, Suite 301, Jacksonville, FL 32210 to act as agent to file any and all application(s), submit all plan(s), permit(s) and plat for approvals with the City of Palm Coast, Flagler County Florida, Florida Department Environmental Protection, Saint Johns River Water Management District and Matanzas Shores Owners Association for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested changes.

LR5A-JV Limited Partnership, a Massachusetts limited partnership
By: LR5A-JV Corp., its General Partner
Print Name: David S. Allen, President

STATE OF Massachusetts
COUNTY OF Norfolk

The foregoing affidavit was sworn and subscribed before me this 22 day of May, 2017 by David S. Allen, President of LR5A-JV Corp., the General Partner for LR5A-JV Limited Partnership, a Massachusetts limited partnership who is personally known to me or has produced as identification.

(Notary Signature)

SARA GOODMAN
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires
November 18, 2022

Page 1 of 4
IN THE CIRCUIT COURT OF THE 7TH
JUDICIAL CIRCUIT IN AND FOR FLAGLER
COUNTY, FLORIDA

CIVIL DIVISION
CASE NO. 07-CA-001246

LR5A-JV, LP, a Massachusetts Limited Partnership,

Plaintiff,

v.

LITTLE HOUSE, LLC, a Florida Limited Liability
Company, et. al., etc.,

Defendants.

CERTIFICATE OF TITLE

The undersigned clerk of the court certifies that he or she executed and filed a certificate
of sale in this action on April 28, 2011, for the property described herein and that no objections
to the sale have been filed within the time allowed for filing objections.

The following property in Flagler County, Florida

Please see Exhibit "A" attached.

was sold to LR5A-JV, LP, c/o Realty Financial Partners, 40 William Street, Suite 120,
Wellesley, MA 02481.

WITNESS my hand and seal of this Court on June 15, 2011.

GAIL WADSWORTH
Clerk of Circuit Court

By: Deputy Clerk

[Stamp]
Parcel 4-B Mantanzas Shores

A parcel of land lying in Government Section 38, Township 10 South, Range 31 East, being a portion of the SUBDIVISION PLAT SECTION 88, PALM COAST, recorded in Map Book 26, Pages 4 and 50 of the Public Records of Flagler County, Florida, being more particularly described as follows:

A point of reference being the intersection of the Southerly line of said Government Section 38 with the Easterly right-of-way line of the Intracoastal Waterway (500 foot RW), thence North 17 degrees 14 minutes 48 seconds West along said right-of-way line a distance of 2801.75 feet, thence North 16 degrees 28 minutes 50 seconds West along said right-of-way line a distance of 1500.16 feet, thence departing said Intracoastal Waterway North 69 degrees 39 minutes 14 seconds East along the Northerly boundary of said Plat Section 88 a distance of 2813.46 feet, thence departing said boundary, thence South 20 degrees 20 minutes 46 seconds East a distance of 866.36 feet, to the Point of Beginning of this description, thence South 35 degrees 07 minutes 31 seconds East a distance of 45.25 feet to a point on the Westerly right-of-way line of State Road A1-A as recorded in Official Records Book 388, Pages 110 through 142, Public Records of Flagler County, Florida, thence South 08 degrees 52 minutes 28 seconds West along said right-of-way line a distance of 276.56 feet to a point of curvature, thence 128.73 feet along a curve to the left (Concave Easterly) having a central angle of 05 degrees 24 minutes 37 seconds, a radius of 1363.24 feet, a chord bearing of South 07 degrees 10 minutes 11 seconds West and a chord distance of 128.68 feet, thence departing said right-of-way and curve North 85 degrees 32 minutes 08 seconds West along a radial line 445.59 feet, thence South 59 degrees 45 minutes 37 seconds West a distance of 181.75 feet, thence South 78 degrees 50 minutes 18 seconds West a distance of 110.00 feet, thence North 11 degrees 09 minutes 42 seconds West a distance of 223.81 feet to a point of curvature, thence 222.06 feet along a curve to the right (Concave Southwesterly) having a central angle of 49 degrees 58 minutes 02 seconds, a radius of 254.80 feet, a chord bearing of North 13 degrees 46 minutes 18 seconds East and a chord distance of 215.10 feet to a point of compound curvature, thence 451.25 feet along a curve to the right (Concave Southwesterly) having a central angle of 61 degrees 06 minutes 09 seconds, a radius of 423.14 feet, a chord bearing of North 69 degrees 19 minutes 25 seconds East and a chord distance of 340.17 feet to a point of tangency, thence South 80 degrees 07 minutes 31 seconds East a distance of 349.98 feet to the Point of Beginning.

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Parcel 5-B Mantanzas Shores

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Policy G41-0008038 (ALTA Loan 1992)
Records of Flagler County, Florida, being more particularly described as follows:

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As a point of reference, commence at the Northeast corner of Section 39, Township 10 South, Range 31 East, run thence North 67°46'01" East along the South line of Section 38, a distance of 95.49 feet, thence North 5°22'10" East a distance of 108.28 feet, thence along the westerly line of State Road A-1-A and along a curve to the left having a central angle of 12°17'35", a radius of 1173.24 feet, an arc length of 251.72 feet, a chord length of 251.24 feet, and a chord bearing of North 0°46'38" West, thence South 67°45'57" West, a distance of 489.92 feet to the Point of Beginning of this description; thence South 57°46'01" West, a distance of 1288.90 feet to a point; thence North 20°20'54" West, a distance of 180.28 feet to a point; thence, North 69°39'06" East, a distance of 174.23 feet to a point; thence, North 21°13'05" West, a distance of 272.50 feet to a point; thence North 23°14'42" East, a distance of 103.43 feet to a point; thence North 7°11'25" West, a distance of 273.62 feet to a point of a non-tangent curve running Northeast and to the left having a radius of 450.00 feet, an arc length of 213.65 feet, through a central angle of 27°12'12", a chord bearing North 76°35'26" East, and a chord distance of 211.65 feet to a point non- tangency of a connecting curve running Northerly and to the left having a radius of 400.00 feet, an arc length of 147.30 feet, through a central angle of 21°05'57", a chord bearing North 13°38'30" East, and a chord distance of 146.47 feet to a point of a non-tangent curve running Northeast and to the left, having a radius of 150.00 feet, an arc length of 60.96 feet, a central angle of 30°34'55", a chord bearing North 73°22'56" East, and a chord distance of 79.12 feet to a point; thence North 58°05'28" East, a distance of 128.88 feet to a point of curvature of a curve running Easterly and to the right, having a radius of 140.00 feet, an arc length of 86.14 feet, through a central angle of 35°15'15", a chord bearing North 75°43'06" East, and a chord distance of 64.79 feet to a point; thence South 14°29'46" West, a distance of 11.48 feet to a point of a non-tangent curve running Southery and Easterly to the left having a radius of 180.00, an arc length of 433.23 feet, through a central angle of 137°54'09", a chord bearing South 54°31'18" East, and a chord distance of 335.98 feet to a point of a connecting curve to the left, having a radius of 295.39 feet, an arc length of 39.31 feet, through a central angle of 7°37'26", a chord bearing North 52°42'53" East, and a chord distance of 38.28 feet to a point; thence South 41°05'51" East, a distance of 33.80 feet to a point of curvature of a curve running Southeast and to the left, having a radius of 60.00 feet, an arc length of 26.68 feet through a central angle of 30°34'12", a chord bearing South 56°22'57" East, a chord distance of 26.36 feet to a point; thence 71°40'03" East, a distance of 272.36 feet to a point of a non-tangent curve running Southeast and to the left having a radius of 300.00 feet, an arc length of 128.49 feet, through a central angle of 24°32'25", a chord bearing South 08°04'41" East, and a chord distance of 127.51 feet to a point; thence South 20°20'54" East, a distance of 138.61 feet to a point; thence, North 68°39'06" East a distance of 70.42 feet to a point; thence South 20°21'03" East, a distance of 137.80 feet to the Point of Beginning.

Policy G41-0008038 [ALTA Loan 1992]
## Los Lagos I

### Engineer's Opinion of Probable Cost

#### 100% Construction Plans

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<td>FIRE HYDRANT, F&amp;I, STD, 2 HOSE, 6”</td>
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<td>EA</td>
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**Subtotal** = $1,814,985.15

**Contingency** (rounded to nearest $100) = 20% $363,000.00

**Total** (rounded to nearest $100) = $2,178,000.00

### Notes:

Unit prices from project bids received 6/9/2017 plus 10% increase.
## Los Lagos II

**Engineer's Opinion of Probable Cost**

**100% Construction Plans**

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
<th>QTY.</th>
<th>UNIT</th>
<th>UNIT PRICE</th>
<th>PRICE</th>
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Subtotal = $482,985.77

Contingency (rounded to nearest $100) = 20% $96,600.00

Total (rounded to nearest $100) = $579,600.00

Notes:

Unit prices from project bids received 6/9/2017 plus 10% increase.
### Las Casitas

**Engineer’s Opinion of Probable Cost**

**100% Construction Plans**

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
<th>QTY.</th>
<th>UNIT</th>
<th>UNIT PRICE</th>
<th>PRICE</th>
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<tr>
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<td>1060-11-212</td>
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<td>1080-11-201W</td>
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<td>1644-113-08</td>
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**Subtotal** = $2,715,493.13

**Contingency (rounded to nearest $100)** = 20% $543,100.00

**Total (rounded to nearest $100)** = $3,258,600.00

---

Notes:

Unit prices from project bids received 6/9/2017 plus 10% increase.
## Engineer's Opinion of Probable Cost

### Future Sidewalk

<table>
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<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
<th>QTY.</th>
<th>UNIT</th>
<th>UNIT PRICE</th>
<th>PRICE</th>
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<tr>
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<td>MOBILIZATION (5% OF BASE BID)</td>
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Subtotal = $37,028.19

Contingency (rounded to nearest $100) = 20% $7,400.00

Total (rounded to nearest $100) = $44,400.00

Notes:
Includes construction of future 5' wide sidewalks along streets.
Los Lagos II at Matanzas Shores  
Engineer’s Opinion of Probable Cost  
Future Sidewalk

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
<th>QTY.</th>
<th>UNIT</th>
<th>UNIT PRICE</th>
<th>PRICE</th>
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Subtotal = $13,401.28  
Contingency (rounded to nearest $100) = 20% $2,700.00  
Total (rounded to nearest $100) = $16,100.00

Notes:  
Includes construction of future 5’ wide sidewalks along streets.
Las Casitas at Matanzas Shores  
Engineer's Opinion of Probable Cost  
Future Sidewalk

<table>
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<tr>
<th>ITEM NO.</th>
<th>DESCRIPTION</th>
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<td>522-1</td>
<td>FUTURE CONCRETE SIDEWALK, 4&quot;</td>
<td>1,567</td>
<td>SY</td>
<td>$35.48</td>
<td>$55,601.15</td>
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<tr>
<td>570-1-2</td>
<td>PERFORMANCE TURF, SOD</td>
<td>139</td>
<td>SY</td>
<td>$0.33</td>
<td>$45.98</td>
</tr>
</tbody>
</table>

Subtotal = $58,447.13
Contingency (rounded to nearest $100) = 20% $11,700.00
Total (rounded to nearest $100) = $70,100.00

Notes:
Includes construction of future 5' wide sidewalks along streets.
COMMITMENT FOR TITLE INSURANCE
SCHEDULE A

Order No.: 6472948
Customer Reference: 17-0742

1. Effective Date: July 24, 2017 at 5:00 PM

2. Policy or Policies to be issued: Premium: $TBD
   A. ALTA Owners 2006 with Florida Modifications
      Proposed Insured: Duval Realty Trust LLC
      Proposed Amount of Insurance: $4,300,000.00

3. The estate or interest in the land described or referred to in this Commitment is:
   Fee Simple

4. Title to the Fee Simple estate or interest in the land is at the Effective Date vested in:
   LR5A-JV, LP

5. The land referred to in this Commitment is described in Exhibit "A" attached hereto and
   made part hereof.

Countersigned:

BY: ____________________________
Authorized Officer or Agent

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ALTA Commitment (6/17/06) (with FL Modifications)
SCHEDULE B SECTION I
REQUIREMENTS

The following are requirements to be complied with:

1. Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

2. Instrument(s) creating the estate or interest to be insured must be properly executed, delivered and filed for record:
   
   A. Warranty Deed from LR5A-JV, LP to Duval Realty Trust LLC.

   The Company will require, to be attached thereto, an Affidavit from the general partner(s) of LR5A-JV, PL, in accordance with Florida Statues Section 689.045(3) establishing: (1) the names of the general partners and their authority to execute the documents to be insured on behalf of the Limited Partnership, (2) reflecting that the Limited Partnership has not been dissolved; (3) that the Limited Partnership Agreement has not been revoked or amended to prohibit the subject transaction; (4) that the partners executing the instruments on behalf of the limited partnership are not a debtor in a bankruptcy proceeding; (5) proof also to be furnished that the Limited Partnership is currently (and as of the date of being vested in title) in good standing with the Massachusetts Secretary of State. (Note: If the general partner is a business entity, proof of the good standing of said entity and proof as to the person(s) who are authorized to execute on behalf of said entity should be required)

3. Proof of payment of any outstanding assessments in favor of Flagler County, Florida, any special taxing district and any municipality. NOTE: If this requirement is not satisfied the following exception will appear on Schedule B:

   Any outstanding assessments in favor of Flagler County, Florida, any special taxing district and any municipality.

4. Proof of payment of service charges for water, sewer, waste and gas, if any, through the date of closing. NOTE: If this requirement is not met the following exception will appear on Schedule B:

   Any lien provided for by Florida Statutes in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer, waste or gas system supplying the insured land or service facilities.


7. Submit proof from Matanzas Shores Owners Association, Inc., that any outstanding assessments and/or maintenance fees have been paid in full and that there are no delinquencies.

8. Compliance with terms and conditions as set forth in Memorandum of Agreement recorded in Official Records Book 2154, Page 804.
9. Proof of redemption of the tax certificate(s) Number 2016-902, for taxes for the year of 2015.
10. Proof of redemption of the tax certificate(s) Number 2017-955, for taxes for the year of 2016.
11. Proof of redemption of the tax certificate(s) Number 2016-900, for taxes for the year of 2015.
12. Proof of redemption of the tax certificate(s) Number 2017-953, for taxes for the year of 2016.
13. Proof of redemption of the tax certificate(s) Number 2016-903, for taxes for the year of 2015.
14. Proof of redemption of the tax certificate(s) Number 2017-956, for taxes for the year of 2016.
15. Proof of redemption of the tax certificate(s) Number 2016-901, for taxes for the year of 2015.
16. Proof of redemption of the tax certificate(s) Number 2017-954, for taxes for the year of 2016.

NOTE: 2016 Real Property Taxes in the gross amount of $6,940.87 are Unpaid. Homestead Exemption: no. Tax I.D. 37-10-31-1550-00000-0155. (Parcel 4B)


NOTE: 2016 Real Property Taxes in the gross amount of $8,116.48 are Unpaid. Homestead Exemption: no. Tax I.D. 37-10-31-3725-00000-003A. (Parcel 3A)

NOTE: 2016 Real Property Taxes in the gross amount of $9,969.81 are Unpaid. Homestead Exemption: no. Tax I.D. 37-10-31-1550-00000-0154. (Parcel 4A)


NOTE: No open mortgage(s) were found of record. Agent must confirm with the owner that the property is free and clear.

END OF SCHEDULE B  SECTION I
SCHEDULE B SECTION II
EXCEPTIONS

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the
same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the
   public records or attaching subsequent to the effective date hereof but prior to the date the proposed
   insured acquires for value of record the estate or interest or mortgage thereon covered by this
   Commitment.

2. Taxes and assessments for the year 2017 and subsequent years, which are not yet due and payable.

3. Standard Exceptions:
   A. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title
      that would be disclosed by an accurate and complete land survey of the Land.
   B. Rights or claims of parties in possession not shown by the public records.
   C. Any lien, or right to a lien, for services, labor, or materials heretofore or hereafter furnished, imposed
      by law and not shown by the public records.
   D. Taxes or assessments which are not shown as existing liens in the public records.

4. Any claim that any portion of the insured land is sovereign lands of the State of Florida, including
   submerged, filled or artificially exposed lands accreted to such land.

5. Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town,
   village or port authority for unpaid service charges for service by any water, sewer or gas system
   supplying the insured land.

6. Rights of tenant(s) in possession, if any, under lease(s) not recorded in the Public Records.


8. Acceptance of Planned Unit Development Designation for Mantanzas Shores DRI as recorded in Official
   Records Book 252, Page 463.

9. Drainage Easement to the State of Florida Department of Transportation recorded in Official Records
   Book 388, Page 104.

10. Restrictions, covenants, conditions and easements, as contained in that certain Declaration of Covenants,
    Conditions, and Restrictions for Mantanzas Shores recorded in Official Records Book 403, Page 928;
    together with Amendments recorded in Official Records Book 633, Page 1838; Official Records Book 642,
    Page 633 and Official Records Book 813, page 430; and as affected by Assignments recorded in Official
    146, and Official Records Book 1899, Page 1263.
    NOTE: but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual
    orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of
    income, as set forth in applicable state or federal laws, except to the extent that said covenant or
    restriction is permitted by applicable law.

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ALTA Commitment (6/17/08) (with FL Modifications)
11. Restrictions, covenants, conditions and easements as set forth in that certain Warranty Deed recorded in Official Records Book 403, Page 1009. NOTE: but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.

12. Restrictions, covenants, conditions, easements and other matters as contained on the Plat of Tall Palms Country Club - Section 88 Old Kings Farms at Palm Coast, recorded in Map Book 26, Page 4 and 5, of the Public Records of Flagler County, Florida.


15. The nature, extent or existence of riparian rights are not insured.

16. Easement(s) granted to Florida Power and Light Company, recorded in Official Records Book 434, Page 1465.

17. Easement(s) as shown in Plat Book 3, Page 34.


19. Easement(s) granted to Southern Bell Telephone and Telegraph Company, recorded in Official Records Book 357, Page 961.


NOTE: Exception 1 above shall be deemed deleted as of the time the settlement funds or proceeds of the loan to be secured by the insured mortgage, as applicable, are disbursed by the Company or its authorized agent. Neither the Company nor its agent shall, however, be under any duty to disburse any sum except upon a determination that no such adverse intervening matters have appeared of record or occurred.

NOTES ON STANDARD EXCEPTIONS:
SCHEDULE B SECTION II
EXCEPTIONS

Item 3A will be deleted from the policy(ies) upon receipt of an accurate survey of the Land acceptable to the Company. Exception will be made for any encroachment, setback line violation, overlap, boundary line dispute or other adverse matter disclosed by the survey.

Items 3B, 3C, and 3D will be deleted from the policy(ies) upon receipt of an affidavit acceptable to the Company, affirming that, except as disclosed therein (i) no parties in possession of the Land exist other than the record owner(s); (ii) no improvements have been made to the Land within 90 days prior to closing which have not have been paid for in full; and (iii) no unpaid taxes or assessments are against the Land which are not shown as existing liens in the public records. Exception will be made for matters disclosed in the affidavit.

NOTE: All recording references in this commitment/policy shall refer to the public records of Flagler County, Florida, unless otherwise noted.

NOTE: In accordance with Florida Statutes section 627.4131, please be advised that the insured hereunder may present inquiries, obtain information about coverage, or receive assistance in resolving complaints, by contacting Chicago Title Insurance Company, 6420 Southpoint Parkway, Suite 100, Jacksonville, FL 32216; Telephone 904-633-9494.

Searched By: D Sampson

END OF SCHEDULE B SECTION II
EXHIBIT "A"

Parcel 4-B Mantanzas Shores (I. D. 37-10-31-1550-00000-0155)
A parcel of land lying in Government Section 38, Township 10 South, Range 31 East, being a portion of the SUBDIVISION PLAT SECTION 88, PALM COAST, recorded in Map Book 26, Pages 4 and 5 of the Public Records of Flagler County, Florida, being more particularly described as follows: A point of reference being the intersection of the Southerly line of said Government Section 38 with the Easterly right-of-way line of the Intracoastal Waterway (500 foot R/W), thence North 17 degrees 14 minutes 46 seconds West along said right-of-way line a distance of 2801.75 feet, thence North 16 degrees 28 minutes 50 seconds West along said right-of-way line a distance of 1506.16 feet, thence departing said Intracoastal Waterway North 69 degrees 39 minutes 14 seconds East along the Northerly boundary of said Plat Section 88 a distance of 2613.46 feet, thence departing said boundary, thence South 20 degrees 20 minutes 46 seconds East a distance of 896.36 feet, to the POINT OF BEGINNING of this description, thence South 35 degrees 07 minutes 31 seconds East a distance of 45.25 feet to a point on the Westerly right-of-way line of State Road A-1-A as recorded in Official Records Book 388, Pages 110 through 112, Public Records of Flagler County, Florida, thence South 09 degrees 52 minutes 29 seconds West along said right-of-way line a distance of 276.56 feet to a point of curvature, thence 128.73 feet along a curve to the left (concave Easterly) having a central angle of 05 degrees 24 minutes 37 seconds, a radius of 1363.24 feet, a chord bearing of South 07 degrees 10 minutes 11 seconds West and a chord distance of 128.68 feet, thence departing said right-of-way and curve North 85 degrees 32 minutes 08 seconds West along a radial line 445.59 feet, thence South 59 degrees 45 minutes 37 seconds West a distance of 191.75 feet, thence South 78 degrees 50 minutes 18 seconds West a distance of 110.00 feet, thence North 11 degrees 09 minutes 42 seconds West a distance of 223.81 feet to a point of curvature, thence 222.06 feet along a curve to the right (Concave Southerly) having a central angle of 49 degrees 56 minutes 02 seconds, a radius of 254.80 feet, a chord bearing of North 13 degrees 48 minutes 19 seconds East and a chord distance of 215.10 feet to a point of compound curvature, thence 451.25 feet along a curve to the right (concave Southerly) having central angle of 61 degrees 06 minutes 09 seconds, a radius of 423.14 feet, a chord bearing of North 69 degrees 19 minutes 25 seconds East and a chord distance of 430.17 feet to a point of tangency, thence South 80 degrees 07 minutes 31 seconds East a distance of 349.98 feet to the POINT OF BEGINNING.

Parcel 5-A Mantanzas Shores (I. D. 37-10-31-1550-00000-0151)
A parcel of land lying in Government Section 38, Township 10 South, Range 31 East, being a portion of the SUBDIVISION PLAT SECTION 88, PALM COAST, recorded in Map Book 26, Pages 4 and 5 of the Public Records of Flagler County, Florida, being more particularly described as follows: A point of reference being the intersection of the Southerly line of said Government Section 38 with the Easterly right-of-way line of the Intracoastal Waterway (500 foot R/W), thence North 17 degrees 14 minutes 46 seconds West along said right-of-way line a distance of 2801.75 feet, thence North 16 degrees 28 minutes 50 seconds West along said right-of-way line a distance of 1506.16 feet, thence departing said Intracoastal Waterway North 69 degrees 39 minutes 14 seconds East along the Northerly boundary of said Plat Section 88 a distance of 2441.55 feet to the POINT OF BEGINNING of this description, thence continue North 69 degrees 39 minutes 14 seconds East along said boundary a distance of 544.82 feet to a point on the Westerly right-of-way line of State Road A-1-A recorded in Official Records Book 388, Pages 110 through 112, Public Records of Flagler County, Florida, said point being on a curve, thence Southerly along said right-of-way 624.37 feet along a curve to the right (concave Westerly) having a central angle of 30 degrees 14 minutes 02 seconds, a radius of 1183.24 feet, a chord bearing of South 05 degrees 14 minutes 32 seconds East and a chord distance of 617.15 feet to a point of tangency, thence South 09 degrees 52 minutes 29 seconds West along said right-of-way a distance of 274.44 feet, thence departing said Westerly right-of-way South 54 degrees 52 minutes 29 seconds West a distance of 45.25 feet, thence North 80 degrees 07 minutes 31 seconds West a distance of 290.63 feet, thence North 09 degrees 52 minutes 29 seconds East a distance of 171.12 feet, thence North 24 degrees 12 minutes 15 seconds West a distance of 551.62 feet, to the POINT OF BEGINNING.
Exhibit "A" continued

Parcel 5-B Mantazas Shores (I. D. 37-10-31-1550-00000-0151)
A parcel of land lying in Government Section 38, Township 10 South, Range 31 East, being a portion of the SUBDIVISION PLAT SECTION 88, PALM COAST, recorded in Map Book 26, Pages 4 and 5 of the Public Records of Flagler County, Florida, being more particularly described as follows:
A point of reference being the intersection of the Southerly line of said Government Section 38 with the Easterly right-of-way line of the Intracoastal Waterway (500 foot R/W), thence North 17 degrees 14 minutes 46 seconds West along said right-of-way line a distance of 2801.75 feet, thence North 16 degrees 28 minutes 50 seconds West along said right-of-way line a distance of 1500.16 feet, thence departing said Intracoastal Waterway North 69 degrees 39 minutes 14 seconds East along the Northerly boundary of said Plat Section 88 a distance of 1998.62 feet to the POINT OF BEGINNING of this description, thence continue North 69 degrees 39 minutes 14 seconds East along said boundary a distance of 442.93 feet, thence departing said boundary South 24 degrees 12 minutes 15 seconds East a distance of 551.62 feet, thence South 09 degrees 52 minutes 29 seconds West a distance of 171.12 feet, thence North 80 degrees 07 minutes 31 seconds West a distance of 59.35 feet to a point of curvature, thence 403.58 feet along a curve to the left (concave Southerly) having a central angle of 47 degrees 51 minutes 40 seconds, a radius of 483.14 feet, a chord bearing of South 75 degrees 56 minutes 39 seconds West and a chord distance of 391.95 feet, thence departing said curve North 16 degrees 03 minutes 07 seconds West along a non-radial line a distance of 627.17 feet, to the POINT OF BEGINNING.

PARCEL B:
A parcel of land situated in Section 38, Township 10 South, Range 31 East, Flagler County, Florida, and being more particularly described as follows:
As a point of reference, commence at the Northeast corner of Section 39, Township 10 South, Range 31 East, run thence North 67°46'01" East along the South line of Section 38, a distance of 95.49 feet; thence North 5°22'10" East a distance of 108.28 feet; thence along the westerly line of State Road A-1-A and along a curve to the left having a central angle of 12°17'35"", a radius of 1173.24 feet, an arc length of 251.72 feet, a chord length of 251.24 feet, and a chord bearing of North 0°46'38" West, thence South 67°45'57" West, a distance of 489.92 feet to the POINT OF BEGINNING of this description; thence, South 67°46'01" West, a distance of 1288.90 feet to a point; thence North 20°20'54" West, a distance of 180.20 feet to a point; thence, North 69°39'06" East, a distance of 174.23 feet to a point; thence, North 21°13'05" West, a distance of 272.50 feet to a point; thence North 23°14'42" East, a distance of 163.43 feet to a point; thence North 37°11'25" West, a distance of 273.62 feet to a point of a non-tangent curve running Northeasterly and to the left having a radius of 450.00 feet, an arc length of 213.65 feet, through a central angle of 27°12'12", a chord bearing North 76°35'26" East, and a chord distance of 211.65 feet to a point non-tangency of a connecting curve running Northerly and to the left having a radius of 400.00 feet, an arc length of 147.30 feet, through a central angle of 21°05'57", a chord bearing North 13°38'30" East, and a chord distance of 146.47 feet to a point of a non-tangent curve running Northeasterly and to the left, having a radius of 150.00 feet, an arc length of 80.06 feet, a central angle of 30°34'55", a chord bearing North 73°22'56" East, and a chord distance of 79.12 feet to a point; thence North 58°05'28" East, a distance of 128.88 feet to a point of curvature of a curve running Easterly and to the right, having a radius of 140.00 feet, an arc length of 86.14 feet, through a central angle of 35°15'15", a chord bearing North 75°43'06" East, and a chord distance of 84.79 feet to a point; thence South 14°25'46" West, a distance of 11.48 feet to a point of a non-tangent curve running Southerly and Easterly to the left having a radius of 180.00, an arc length of 433.23 feet, through a central angle of 137°54'09", a chord bearing South 54°31'18" East, and a chord distance of 335.98 feet to a point of a connecting curve to the left, having a radius of 295.39 feet, an arc length of 39.31 feet, through a central angle of 7°37'28", a chord bearing North 52°42'53" East, and a chord distance of 39.28 feet to a point; thence South 41°05'51" East, a
Exhibit "A" continued

distance of 33.80 feet to a point of curvature of a curve running Southeasterly and to the left having a radius of 50.00 feet, an arc length of 26.68 feet through a central angle of 30°34'12", a chord bearing South 56°22'57" East, a chord distance of 26.36 feet to a point; thence South 71°40'03" East, a distance of 272.36 feet to a point of a non-tangent curve running Southeasterly and to the left having a radius of 300.00 feet, an arc length of 128.49 feet, through a central angle of 24°32'25", a chord bearing South 08°04'41" East, and a chord distance of 127.51 feet to a point; thence South 20°20'54" East, a distance of 136.61 feet to a point; thence, North 69°39'06" East a distance of 70.42 feet to a point; thence South 20°21'03" East, a distance of 137.80 feet to the POINT OF BEGINNING. Also known as Parcel 3A (I. D. 37-10-31-3725-00000-003A) and Parcel 4A (I. D. 37-10-31-1550-00000-0154)
Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. **Any questions regarding any of the comments should be addressed to the department providing the comment.**

Flagler County Building Department  386-313-4002  
Flagler County Planning Department  386-313-4009  
Flagler County Development Engineering  386-313-4082  
Flagler County General Services (Utilities)  386-313-4184  
County Attorney  386-313-4005  
Flagler County Fire Services  386-313-4258  
E-911 GIS Specialist  386-313-4274  
Environmental Health Department  386-437-7358  
Flagler County School Board  386-586-2386
REVIEWING DEPARTMENT: COUNTY ATTORNEY

No comments a this time

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

Comments prepared by Susan Graham:

General Comments:

The Applicant is to provide technically complete and approved Site Development Plans that comply with the Land Development Code. Existing elevations and proposed grading must be included within the plan. A Plat and associated Plat documents (Engineer's Estimate of Cost to Construct, Surety Bonds, Maintenance Bond) have to or may have to be submitted.

Once all of the comments have been resolved, submit three (3) sets of complete signed and sealed Site Development Plans, if more then one copy of the approved plan is desired furnish additional copies.

Resubmission fees will be charged pursuant to the Flagler County Fee Schedule. The cost associated with the Reviewing Survey are to be paid by the applicant.

Proof of the payment of all fee's and Real Estate Taxes must be provided.

An Attorney's Opinion of Title must be furnished prior to Preliminary and Final Plat Approval.

Prior to submittal of Final Plat documents, they must be reviewed and approved by a reviewing surveyor under contract with the County. This project will be assigned to Morgan & Eklund Inc. will be the reviewing surveyor. Prior to the the submittal of Final plat documents the applicant should contact the reviewing surveyor regarding the documents required for their review.

Contact information is as follows:

8745 Us Highway 1, Sebastian, FL 32976,
772-388-5364

Prior to project completion approval an "AS-BUILT" survey and an Engineer's Certification of Completion must be provided.
All provisions of the Flagler County Code must be adhered to. The notes used on the Plat must comply with the Public Works Manual. The Plat must be in the State Plane Coordinate system with ties to two control monuments.

Specific Comments:

Tract D should have sidewalk included within the language.

REVIEWING DEPARTMENT: SCHOOL DISTRICT

School District review comments for final plat
No comments at this time.

REVIEWING DEPARTMENT: FIRE INSPECTOR

No comments at this time.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

Proposed plot plan must be graphically depicted on the Site Development Plan Sheet. Additional comments may be generated at the meeting.
We are in receipt of your comments from the Technical Review Committee (TRC) addressed to Duval Realty Trust LLC dated August 11, 2017. Our responses to your comments are listed below. We have repeated your comments in italicized text with our responses in bold text to help facilitate your review.

REVIEWING DEPARTMENT: COUNTY ATTORNEY
No comments at this time

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING
Comments prepared by Susan Graham:
General Comments:
1. The Applicant is to provide technically complete and approved Site Development Plans that comply with the Land Development Code. Existing elevations and proposed grading must be included within the plan. A Plat and associated Plat documents (Engineers Estimate of Cost to Construct, Surety Bonds, Maintenance Bond) have to or may have to be submitted.

The construction plans have been revised to include existing elevations and proposed grading. The Preliminary Plat and Engineers Cost Estimate have been updated and are included in this submittal package.

2. Once all of the comments have been resolved, submit three (3) sets of complete signed and sealed Site Development Plans, if more then one copy of the approved plan is desired furnish additional copies.

Signed & sealed plans will be provided upon request.

3. Resubmission fees will be charged pursuant to the Flagler County Fee Schedule. The cost associated with the Reviewing Survey are to be paid by the applicant.

Understood. Resubmission fees will be paid if required.

4. Proof of the payment of all fee's and Real Estate Taxes must be provided.

There are currently unpaid taxes on the properties. When the developer closes on the property, all fees will be paid in order to clear the title.

5. An Attorney’s Opinion of Title must be furnished prior to Preliminary and Final Plat Approval.

An Opinion of Title is included with this submittal.

6. Prior to submittal of Final Plat documents, they must be reviewed and approved by a reviewing surveyor under contract with the County. This project will be assigned to Morgan & Eklund Inc. will be the reviewing surveyor. Prior to the the submittal of Final plat documents the applicant should contact the reviewing surveyor regarding the documents required for their review.
Contact information is as follows:
8745 Us Highway 1, Sebastian, FL 32976, 772-388-5364

The surveyor (Kuhar) has been in contact with M&E, Inc. with regard to coordination of the Chapter 177 review and should have this item completed at the time of preparation of Final Plat documents.

7. Prior to project completion approval an "AS-BUILT" survey and an Engineer's Certification of Completion must be provided.

Understood.

8. All provisions of the Flagler County Code must be adhered to. The notes used on the Plat must comply with the Public Works Manual. The Plat must be in the State Plane Coordinate system with ties to two control monuments.

The plat has been prepared in accordance with the Flagler County Code and Public Works Manual.

Specific Comments:
9. Tract D should have sidewalk included within the language.

The plat has been revised to include the requested language.

REVIEWING DEPARTMENT: SCHOOL DISTRICT
No comments at this time.

REVIEWING DEPARTMENT: FIRE INSPECTOR
No comments at this time.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT
Proposed plot plan must be graphically depicted on the Site Development Plan Sheet. Additional comments may be generated at the meeting.

The PUD plans have been revised to include the lot layout detail.

I hope this letter addresses all of your comments. Please do not hesitate to contact me directly should you need further assistance.

Sincerely,
SINGHOFEN & ASSOCIATES, INC.

Brett Witte, P.E.
Project Engineer

Cc: Duval Realty Trust, LLC
LAS CASITAS
A REPLAT OF A PORTION OF THE SUBDIVISION PLAT SECTION 8B, PALM COAST, AS RECORDED IN MAP BOOK 26, PAGES 4 & 5, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, LOCATED IN GOVERNMENT SECTION 38, TOWNSHIP 10 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA.
To: Chairman and Planning and Development Board Members

From: Planning and Zoning Department

Date: October 10, 2017

Subject: Application #3092 – Amendment to Planned Unit Development (PUD) Development Agreement for Huntington Woods at Hunter’s Ridge

I. Requested Action and Purpose: The request is QUASI-JUDICIAL, for an amendment to the Development Agreement in a PUD for Huntington Woods. The owner is seeking to amend the development agreement to provide for a smaller minimum lot size, a greater amount of lot coverage, and to add a maximum impervious area, along with other changes that eliminate obsolete sections of the Agreement.

II. Location and Legal Description: Within the Hunter’s Ridge Development of Regional Impact (DRI), located South of Airport Road and West of Hunter’s Ridge Boulevard; the area affected by this amendment includes all of the Huntington Woods at Hunter’s Ridge – Phase I subdivision plat as recorded at Map Book 37, Page 65, Public Records of Flagler County, Florida.

III. Owner: BADC Huntington Communities, LLC
Applicant: Michael J. Woods, Esq., Cobb Cole

IV. Parcel Size: 24.26+/- acres

V. Existing Zoning & Land Use(s):
Zoning: PUD (Planned Unit Development) District
Land Use: Mixed Use: Low Intensity, Low/Medium Density (MUL)

VI. Future Land Use Map Classification / Zoning of Surrounding Land:
North: PUD/MUL
East: Hunter’s Ridge Boulevard, PUD/MUL
South: PUD/MUL
West: PUD/MUL

VII. Land Development Code Sections Affected: Land Development Code 2.04.04: “The Planning Board shall review and act upon applications for development review pursuant to the County Land Development Code and other applicable county ordinances.”
VIII. **Report in Brief:** The amendments to the Development Agreement are somewhat ministerial in nature, with a cleanup of Section 2.2 (as amended through Ordinance No. 2014-02), deleting the temporary sales and preview center text, along with the temporary model home and sales center language from the original 2008 agreement adopted through Ordinance No. 2008-26. In addition to this change, this Amended and Restated Agreement eliminates Section 4.10, which provided additional conditions related to the platting of Huntington Woods. These conditions have been met and the platting of the subdivision has occurred, with the platting of Phase II – the replatting of Tracts M and N from the Phase I plat – anticipated to occur at the Board of County Commissioners’ next available meeting when this item may be considered.

Most importantly to the developer, this amendment will also amend the Table of Site Development Requirements (as provided in the Agreement text at Section 5.3(a)) as follows (added text in double-underline format, deleted text in strike-through):

<table>
<thead>
<tr>
<th>Table of Site Development Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot size</td>
</tr>
<tr>
<td>Minimum lot width</td>
</tr>
<tr>
<td>Minimum front setback</td>
</tr>
<tr>
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<td>Maximum lot coverage</td>
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<td>Minimum living area</td>
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<td>Maximum impervious area</td>
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While initially a higher maximum lot coverage and maximum impervious area was proposed through this requested amendment, prior permitting through the St. Johns River Water Management District established the upward limit of impervious area for each of the lots based on the overall stormwater system design for the Woods project. The 43.6% maximum cannot be exceeded unless the stormwater system was modified, which would require extensive engineering and subsequent site work. This increase, while seemingly minor, will provide additional impervious area for both existing home owners and future lot development. In the end, with lot coverage being the sum of all principal and accessory structures, and total impervious inclusive of not only all structures, but additionally all paved driveways, walks, pool decks, patios, pools, etc., these two calculations should not coincide: the maximum lot coverage should be less than the maximum impervious. However, there may be a situation where these could be equal, or where the lot coverage may exceed 40%, but not exceed the 43.6%
maximum impervious: either way, the 43.6% will become the maximum for both lot coverage and impervious area if this amendment is adopted.

This amendment request was reviewed by the Technical Review Committee on September 20, 2017. Public notice has been provided for this application according to LDC, Section 2.07.00, and Chapter 125, Florida Statutes.

IX. **Staff Recommendation:** Staff recommends that the Planning and Development Board recommend to the Board of County Commissioners, approval of Application #3092, amendment to the Development Agreement in a PUD for Huntington Woods at Hunter’s Ridge, finding that the requested change is consistent with the Comprehensive Plan and the Land Development Code.

X. **Suggested Motion:** The Planning and Development Board recommends to the Board of County Commissioners approval of Application #3092, amendment to the Development Agreement in a PUD for Huntington Woods at Hunter’s Ridge, finding that the requested change is consistent with the Comprehensive Plan and the Land Development Code.

**Attachments**
1. Application and supporting documents
2. Draft Ordinance with attached Development Agreement
Aerial Map
Future Land Use Map
Zoning Map
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I hereby affirm mailed notice to each owner on September 22, 2017 for the Planning & Development Board Meeting on October 10, 2017 at 6pm

Wendy Hickey, Planner
APPLICATION FOR REVIEW
FLAGLER COUNTY, FLORIDA
1769 E. Moody Boulevard, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109
Application/Project #: 3092/2014080017

PROPERTY OWNERS:
Name(s): BADC Huntington Communities, LLC
Mailing Address: 6 Huntington Place
City: Ormond Beach State: FL Zip: 32174
Telephone Number (386) 673-0001 Fax Number

APPLICANT(S):
Name(s): Michael J. Woods, Esq.
Mailing Address: 351 E. New York Ave., Suite 200
City: DeLand State: FL Zip: 32724
Telephone Number (386) 736-7700 Fax Number (386) 785-1549
E-Mail Address: Michael.Woods@cobbcole.com

SITE LOCATION (street address): West of Hunter's Ridge Boulevard, South of Airport Road ext.
LEGAL DESCRIPTION: Huntington Woods Phase 1, recorded in Map Book 37, Page 65
Parcel # (tax ID #): 22-14-31-0000-01010-0030 & 22-14-31-0000-01010-0040
Parcel Size: 27.97 +/- acres
Current Zoning Classification: PUD
Current Future Land Use Designation: MUL
Subject to A1A Scenic Corridor? YES NO

PURPOSE OF SUBMISSION / PROJECT DATA:
Amend paragraph 5.3(a) of the Huntington Woods PUD Development Agreement-Ordinance 2008-26

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

**OFFICIAL USE ONLY**
PLANNING BOARD RECOMMENDATION/ACTION:
*APPROVED [ ] *APPROVED WITH CONDITIONS [ ] DENIED [ ]

Signature of Chairman: ____________________________
Date: ____________________________ *approved with conditions, see attached.

**OFFICIAL USE ONLY**
BOARD OF COUNTY COMMISSIONERS ACTION:
*APPROVED [ ] *APPROVED WITH CONDITIONS [ ] DENIED [ ]

Signature of Chairman: ____________________________
Date: ____________________________ *approved with conditions, see attached.
Owner's Authorization for Applicant/Agent

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

Application/Project #__________________

Mark A. Wells, Esq. or Michael J. Woods, Esq., is hereby authorized TO ACT ON BEHALF
OF BADC Huntington Communities, LLC, the owner(s) of those lands described
within the attached application, and as described in the attached deed or other such
proof of ownership as may be required, in applying to Flagler County, Florida for an
application for Site Development Plan Review in a PUD /Application for Review

(ALL PERSONS WHO'S NAMES APPEAR ON THE DEED MUST SIGN)

By:

Signature of Owner

Howard Lefkowitz, Manager
Printed Name of Owner / Title (if owner is corporation or partnership)

Signature of Owner

Printed Name of Owner

Address of Owner:

6 Huntington Place

Mailing Address

Ormond Beach Florida 32174

City State Zip

STATE OF Florida

COUNTY OF Orange

The foregoing was acknowledged before me this 15th day of August, 2019, by Howard Lefkowitz and
who is/are personally known to me or who has produced
as identification, and who (did) / (did not) take an oath.

(Nancy Potvin)
Signature of Notary Public

Revised 5/08
Parcel ID Number: multi parcels

Warranty Deed

This Indenture, made this 18th day of December, 2013 A.D., between TP Investments, LLC, a Florida limited liability company of the County of Volusia, State of Florida, grantor, and BADC Huntington Communities, LLC, a Florida limited liability company existing under the laws of the State of Florida, whose address is: 9500 Arboretum Blvd. #370, Austin, Texas 78759 of the County of Texas, State of Texas, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of $250,000.00 and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate, lying and being in the County of Flagler, State of Florida, to wit:

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

Subject to restrictions, reservations and easements of record, if any, and taxes due for the year 2014 and subsequent years.

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whosoever.
Warranty Deed - Page 2

Parcel ID Number: multi parcels

In Witness Whereof, the grantor has hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]
Printed Name: Janet C. Benton
Witness

[Signature]
Printed Name: Robert K. Rom
Witness

By: Timothy W. Phillips
Managing Member
P.O. Address: 3701 Olson Drive, Daytona Beach, FL 32124

By: William T. Phillips
Managing Member
P.O. Address: 3701 Olson Drive, Daytona Beach, FL 32124

(State of Florida)
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 18 day of December, 2013, by Timothy W. Phillips, Managing Member and William T. Phillips, Managing Member of TP Investments, LLC, a Florida limited liability company on behalf of the corporation who are personally known to me or to whom I have been shown to be the person whose signature above appears.

[Signature]
Printed Name: Notary Public
My Commission Expires: 6/2/2014

[Seal]
JANET BENTON
MY COMMISSION # DO 679257
EXPIRES: June 2, 2014
Bonded thru Notary Public Underwriters

2013-265
EXHIBIT A

PARCEL A (OR 1424/42):

PORTION OF SECTION 21 AND SECTION 22, TOWNSHIP 14 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE COMMENCE AT THE SOUTH 1/4 CORNER OF SAID SECTION 22, THENCE ALONG THE SOUTH LINE OF SAID SECTION 22, SOUTH 88°20'11" SECONDS WEST, FOR A DISTANCE OF 254.17 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE DEPARTING SAID SOUTH LINE OF SECTION 22, NORTH 35°02'05" WEST, FOR A DISTANCE OF 2032.48 FEET; THENCE SOUTH 28°44'58" WEST FOR A DISTANCE OF 92.61 FEET; THENCE SOUTH 27°21'03" WEST, FOR A DISTANCE OF 35.48 FEET; THENCE SOUTH 09°40'44" WEST, FOR A DISTANCE OF 35.95 FEET; THENCE SOUTH 46°22'05" EAST, FOR A DISTANCE OF 33.71 FEET; THENCE SOUTH 08°59'09" EAST, FOR A DISTANCE OF 110.27 FEET; THENCE SOUTH 25°29'08" WEST, FOR A DISTANCE OF 37.62 FEET; THENCE SOUTH 72°36'51" WEST, FOR A DISTANCE OF 175.45 FEET; THENCE NORTH 28°39'12" WEST, FOR A DISTANCE OF 223.87 FEET; TO A POINT OF CURVATURE OF A CURVE TO THE LEFT CONCAVE SOUTHWESTERLY WITH AN ARC LENGTH OF 477.35 FEET, HAVING A CENTRAL ANGLE OF 23°16'37", A RADIUS OF 1175.00 FEET, A CHORD BEARING OF NORTH 40°17'30" WEST, AND A CHORD DISTANCE OF 474.08 FEET; THENCE NORTH 44°16'51" WEST, FOR A DISTANCE OF 145.74 FEET; THENCE NORTH 30°58'16" WEST FOR A DISTANCE OF 50.00 FEET; THENCE SOUTH 59°01'44" WEST FOR A DISTANCE OF 349.67 FEET; THENCE NORTH 42°15'29" WEST, FOR A DISTANCE OF 307.67 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF AIRPORT ROAD (A 100 FOOT RIGHT OF WAY), AS INTENDED; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY LINE SOUTH 54°30'43" WEST FOR A DISTANCE OF 802.46 FEET; TO A POINT OF CURVATURE OF A CURVE TO THE LEFT CONCAVE SOUTHEASTERLY WITH AN ARC LENGTH OF 176.76 FEET, HAVING A CENTRAL ANGLE OF 3°45'03", A RADIUS OF 2070.00 FEET, A CHORD BEARING OF SOUTH 52°38'11" WEST, AND A CHORD DISTANCE OF 176.73 FEET; THENCE DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE, SOUTH 43°21'02" EAST, FOR A DISTANCE OF 1644.15 FEET; TO A POINT OF CURVATURE OF A CURVE TO THE LEFT CONCAVE NORTHEASTERLY WITH AN ARC LENGTH OF 440.53 FEET, HAVING A CENTRAL ANGLE OF 32°35'38", A RADIUS OF 774.39 FEET, A CHORD BEARING OF SOUTH 60°09'58" EAST, AND A CHORD DISTANCE OF 434.61 FEET; TO A POINT OF CURVATURE OF A REVERSE CURVE TO THE RIGHT CONCAVE SOUTHWESTERLY WITH AN ARC LENGTH OF 266.96 FEET, HAVING A CENTRAL ANGLE OF 20°35'04", A RADIUS OF 743.08 FEET, A CHORD BEARING OF SOUTH 65°47'59" EAST, AND A CHORD DISTANCE OF 265.53 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 22; THENCE ALONG SAID SOUTH LINE OF SECTION 22, NORTH 88°20'11" EAST, FOR A DISTANCE OF 1470.13 FEET TO THE POINT OF BEGINNING.

PARCEL B (OR 1437/955):

LEGAL DESCRIPTION: PROPOSED BARRINGTON-WILTSHEIRE (BY SURVEYOR)

A PORTION OF LAND LYING IN SECTION 22, TOWNSHIP 14 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTH 1/4 CORNER OF SAID SECTION 22; THENCE NORTH 88°22'23" EAST ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 22, A DISTANCE OF 801.67 FEET TO THE INTERSECTION OF THE SAID SOUTH LINE OF THE SOUTHEAST 1/4 AND THE EAST RIGHT-OF-WAY LINE OF HUNTER'S RIDGE BOULEVARD (A 80' PRIVATE RIGHT-OF-WAY) AND THE POINT-OF-BEGINNING; SAID POINT ALSO BEING THE BEGINNING OF A NON TANGENT CIRCULAR CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 467.57 FEET AND A CENTRAL ANGLE OF 43°55'04"; THENCE FROM A TANGENT BEARING OF NORTH 02°28'18" EAST RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE AND SAID WEST RIGHT-OF-WAY LINE FOR THE FOLLOWING EIGHT CALLS AN ARC DISTANCE OF 358.40 FEET; THENCE NORTH 41°26'46" WEST, A DISTANCE OF 167.07 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 360.00 FEET, AND A CENTRAL ANGLE OF 15°24'34"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AN ARC DISTANCE OF 96.82 FEET; THENCE NORTH 26°02'12" WEST, A DISTANCE OF 912.32 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1,200.00 FEET, AND A CENTRAL ANGLE OF 07°03'32"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE AN ARC DISTANCE OF 147.84 FEET; THENCE NORTH 33°05'44" WEST, A DISTANCE OF 146.49 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 1,175.00 FEET, AND A CENTRAL ANGLE OF 29°37'08"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE AN ARC DISTANCE OF 607.42 FEET; THENCE NORTH 03°28'35" WEST, A DISTANCE OF 325.50 FEET; THENCE SOUTH 48°40'37" EAST, A DISTANCE OF 62.22 FEET; THENCE NORTH 86°44'13" EAST, A DISTANCE OF 105.93 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CIRCULAR CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 700.87 FEET, AND A CENTRAL ANGLE OF 08°59'23"; THENCE FROM A TANGENT BEARING OF SOUTH 89°59'42" EAST, RUN EASTERLY ALONG THE ARC OF SAID CURVE AN ARC DISTANCE OF 109.97 FEET; THENCE SOUTH 81°00'19" EAST, A DISTANCE OF 27.37 FEET; THENCE SOUTH 80°30'36" EAST, A DISTANCE OF 105.62 FEET TO THE POINT OF CURVATURE OF A NON TANGENT CIRCULAR CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 113.43 FEET, AND A CENTRAL ANGLE OF 32°55'39"; THENCE FROM A TANGENT BEARING OF SOUTH 81°52'02" EAST, RUN EASTERLY ALONG THE ARC OF SAID CURVE AN ARC DISTANCE OF 65.19 FEET; THENCE NORTH 65°12'19" EAST, A DISTANCE OF 80.94 FEET; THENCE NORTH 24°16'39" WEST, A DISTANCE OF 115.58 FEET; THENCE NORTH 65°56'34" EAST, A DISTANCE OF 219.53 FEET; THENCE SOUTH 23°51'30" EAST, A DISTANCE OF 147.86 FEET; THENCE SOUTH 84°41'14" EAST, A DISTANCE OF 32.53 FEET; THENCE SOUTH 76°52'13" EAST, A DISTANCE OF 50.00 FEET; THENCE SOUTH 78°20'10" EAST, A DISTANCE OF 32.00 FEET; THENCE NORTH 74°32'29" EAST, A DISTANCE OF 39.23 FEET; THENCE NORTH 73°20'42" EAST A DISTANCE OF 34.36 FEET; THENCE NORTH 63°48'20" EAST, A DISTANCE OF 26.83 FEET; THENCE NORTH 58°40'13" EAST, A DISTANCE OF 34.27 FEET; THENCE NORTH 53°02'55" EAST, A DISTANCE OF 47.26 FEET; THENCE NORTH 52°59'29" EAST, A DISTANCE OF 16.89 FEET TO THE WEST LINE OF A 236' WIDE FLORIDA POWER AND LIGHT COMPANY EASEMENT; THENCE SOUTH 00°59'50" EAST ALONG SAID WEST LINE, A DISTANCE OF 2,606.02 FEET TO THE SAID SOUTH LINE OF THE SOUTHEAST 1/4; THENCE SOUTH 88°22'23" WEST ALONG SAID SOUTHEAST 1/4, A DISTANCE OF 33.78 FEET TO THE POINT-OF-BEGINNING.

TOGETHER WITH THE FOLLOWING DESCRIBED ADDITIONAL LANDS:

THAT PORTION OF SECTION 22, TOWNSHIP 14 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, LYING EASTERLY OF THE EASTERLY RIGHT OF WAY LINE OF AIRPORT ROAD/HUNTER'S RIDGE BOULEVARD EXTENSION AS RECORDED IN MAP BOOK 37, PAGES 38 & 39 OF THE PUBLIC RECORDS OF FLAGLER COUNTY FLORIDA AND WESTERLY OF THAT PROPERTY DESCRIBED AS BARRINGTON-WILTSHIRE PROPERTY IN DEED RECORDED IN OFFICIAL RECORDS BOOK 1437, PAGES 955-959, SAID PROPERTY BEING DESCRIBED ON PAGE
EXCEPTING THEREFROM ANY PORTION OF THE ABOVE PARCEL B, WHICH LIES WITHIN THE
RIGHT OF WAY OF HUNTERS RIDGE BOULEVARD, ACCORDING TO THE PLAT OF AIRPORT
ROAD/HUNTER'S RIDGE BOULEVARD EXTENSION RECORDED IN PLAT BOOK 37, PAGE 38,
PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

PARCEL C (OR 1447/947):

A PORTION OF SECTION 22, TOWNSHIP 14 SOUTH, RANGE 31 EAST, FLAGLER COUNTY,
FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE COMMENCE AT THE SOUTH 1/4 CORNER OF SAID SECTION 22,
THENCE ALONG THE SOUTH LINE OF SECTION 22 RUN NORTH 87 DEGREES 43 MINUTES 21
SECONDS EAST A DISTANCE OF 721.46 FEET TO THE WESTERLY RIGHT OF WAY LINE OF
HUNTERS RIDGE BOULEVARD, AN 80 FOOT RIGHT-OF-WAY AS SHOWN ON THE PLAT OF
SHADOW CROSSINGS, UNIT I, OF HUNTER'S RIDGE SUBDIVISION, PHASE I, AS RECORDED IN
PLAT BOOK 43, PAGES 77-81 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA,
THENCE DEPARTING SAID SOUTH SECTION LINE, NORTH 01 DEGREES 49 MINUTES 28
SECONDS EAST, A DISTANCE OF 5.74 FEET; TO THE BEGINNING OF A CURVE, CONCAVE
WESTERLY, HAVING A RADIUS OF 338.57 FEET AND A CENTRAL ANGLE OF 43 DEGREES 55
MINUTES 33 SECONDS; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT,
A DISTANCE OF 297.13 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS NORTH 20
DEGREES 08 MINUTES 18 SECONDS WEST, A DISTANCE OF 289.91 FEET TO THE END OF SAID
CURVE; THENCE NORTH 42 DEGREES 06 MINUTES 05 SECONDS WEST, 167.07 FEET TO THE
BEGINNING OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 440.00 FEET
AND A CENTRAL ANGLE OF 15 DEGREES 24 MINUTES 34 SECONDS; THENCE
NORTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 118.34
FEET; SAID ARC SUBTENDED BY A CHORD WHICH BEARS NORTH 34 DEGREES 23 MINUTES 48
SECONDS WEST, A DISTANCE OF 117.98 FEET TO THE END OF SAID CURVE; THENCE NORTH 26
DEGREES 41 MINUTES 31 SECONDS WEST, 912.32 FEET TO THE BEGINNING OF A CURVE.
CONCAVE WESTERLY, HAVING A RADIUS OF 1120.00 FEET AND A CENTRAL ANGLE OF 07
DEGREES 03 MINUTES 32 SECONDS; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE
TO THE LEFT, A DISTANCE OF 137.98 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS
NORTH 30 DEGREES 13 MINUTES 17 SECONDS WEST, A DISTANCE OF 137.90 FEET TO THE END
OF SAID CURVE; THENCE NORTH 33 DEGREES 45 MINUTES 03 SECONDS WEST, 146.49 FEET TO
THE BEGINNING OF A CURVE, CONCAVE EASTERLY HAVING A RADIUS OF 1255.00 FEET AND
A CENTRAL ANGLE OF 27 DEGREES 31 MINUTES 53 SECONDS; THENCE NORTHERLY ALONG
THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 603.05 FEET, SAID ARC SUBTENDED
BY A CHORD WHICH BEARS NORTH 19 DEGREES 59 MINUTES 06 SECONDS WEST, A DISTANCE
OF 597.26 FEET TO A POINT ON SAID CURVE AND THE POINT OF BEGINNING OF THIS
DESCRIPTION; THENCE DEPARTING SAID CURVE SOUTH 85 DEGREES 52 MINUTES 06
SECONDS WEST A DISTANCE OF 281.67 FEET; THENCE NORTH 45 DEGREES 07 MINUTES 06
SECONDS WEST FOR A DISTANCE OF 115.76 FEET; THENCE NORTH 04 DEGREES 07 MINUTES 54
SECONDS WEST FOR A DISTANCE OF 62.61 FEET; THENCE SOUTH 85 DEGREES 52 MINUTES 06
SECONDS WEST FOR A DISTANCE OF 519.49 FEET; THENCE SOUTH 27 DEGREES 42 MINUTES 18
SECONDS WEST FOR A DISTANCE OF 57.36 FEET; THENCE SOUTH 04 DEGREES 52 MINUTES 37
SECONDS EAST FOR A DISTANCE OF 52.23 FEET; THENCE SOUTH 07 DEGREES 06 MINUTES 28
SECONDS WEST FOR A DISTANCE OF 76.24 FEET; THENCE SOUTH 04 DEGREES 00 MINUTES 53
SECONDS FOR A DISTANCE OF 62.24 FEET; THENCE SOUTH 29 DEGREES 52 MINUTES 30 SECONDS EAST FOR A DISTANCE OF 65.66 FEET; THENCE SOUTH 31 DEGREES 38 MINUTES 21 SECONDS EAST FOR A DISTANCE OF 72.55 FEET; THENCE NORTH 74 DEGREES 46 MINUTES 04 SECONDS EAST FOR A DISTANCE OF 63.04 FEET; THENCE SOUTH 75 DEGREES 18 MINUTES 50 SECONDS EAST FOR A DISTANCE OF 29.68 FEET; THENCE SOUTH 21 DEGREES 37 MINUTES 04 SECONDS EAST FOR A DISTANCE OF 100.88 FEET; THENCE SOUTH 43 DEGREES 05 MINUTES 06 SECONDS WEST FOR A DISTANCE OF 163.67 FEET; THENCE NORTH 66 DEGREES 07 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 5.62 FEET; THENCE NORTH 52 DEGREES 17 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 73.82 FEET; THENCE SOUTH 79 DEGREES 03 MINUTES 18 SECONDS WEST FOR A DISTANCE OF 129.91 FEET; THENCE SOUTH 63 DEGREES 20 MINUTES 17 SECONDS WEST FOR A DISTANCE OF 78.48 FEET; THENCE SOUTH 28 DEGREES 44 MINUTES 58 SECONDS WEST FOR A DISTANCE OF 92.01 FEET; THENCE SOUTH 27 DEGREES 21 MINUTES 03 SECONDS WEST FOR A DISTANCE OF 35.48 FEET; THENCE SOUTH 09 DEGREES 40 MINUTES 44 SECONDS WEST FOR A DISTANCE OF 35.95 FEET; THENCE SOUTH 46 DEGREES 22 MINUTES 05 SECONDS EAST FOR A DISTANCE OF 33.71 FEET; THENCE SOUTH 08 DEGREES 59 MINUTES 09 SECONDS EAST FOR A DISTANCE OF 110.27 FEET; THENCE SOUTH 25 DEGREES 29 MINUTES 08 SECONDS WEST FOR A DISTANCE OF 37.62 FEET; THENCE SOUTH 72 DEGREES 36 MINUTES 51 SECONDS WEST FOR A DISTANCE OF 175.45 FEET; THENCE NORTH 28 DEGREES 39 MINUTES 12 SECONDS WEST FOR A DISTANCE OF 223.87 FEET TO THE BEGINNING OF A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 1175.00 FEET AND A CENTRAL ANGLE OF 23 DEGREES 16 MINUTES 37 SECONDS; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 477.35 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS NORTH 40 DEGREES 17 MINUTES 30 SECONDS WEST, A DISTANCE OF 474.08 FEET TO THE END OF SAID CURVE; THENCE NORTH 44 DEGREES 16 MINUTES 51 SECONDS WEST FOR A DISTANCE OF 145.74 FEET; THENCE NORTH 30 DEGREES 58 MINUTES 16 SECONDS WEST FOR A DISTANCE OF 50.00 FEET; THENCE NORTH 59 DEGREES 01 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 236.45 FEET; THENCE NORTH 30 DEGREES 58 MINUTES 16 SECONDS WEST FOR A DISTANCE OF 130.00 FEET; THENCE NORTH 59 DEGREES 01 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 660.60 FEET; THENCE SOUTH 30 DEGREES 58 MINUTES 16 SECONDS EAST FOR A DISTANCE OF 157.59 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHERLY HAVING A RADIUS OF 775.00 FEET AND A CENTRAL ANGLE OF 11 DEGREES 30 MINUTES 15 SECONDS; THENCE EASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 155.61 FEET SAID ARC SUBTENDED BY A CHORD WHICH BEARS NORTH 80 DEGREES 06 MINUTES 59 SECONDS EAST, A DISTANCE OF 155.35 FEET TO THE END OF SAID CURVE; THENCE NORTH 85 DEGREES 52 MINUTES 06 SECONDS EAST FOR A DISTANCE OF 243.72 FEET; THENCE NORTH 04 DEGREES 07 MINUTES 54 SECONDS WEST FOR A DISTANCE OF 135.00 FEET; THENCE NORTH 85 DEGREES 52 MINUTES 06 SECONDS EAST FOR A DISTANCE OF 255.50 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 660.00 FEET AND A CENTRAL ANGLE OF 18 DEGREES 43 MINUTES 30 SECONDS; THENCE EASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 215.70 FEET SAID ARC SUBTENDED BY A CHORD WHICH BEARS SOUTH 84 DEGREES 46 MINUTES 09 SECONDS EAST, A DISTANCE OF 214.74 FEET TO THE BEGINNING OF A REVERSE CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 440.00 FEET AND A CENTRAL ANGLE OF 18 DEGREES 43 MINUTES 30 SECONDS; THENCE EASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 143.80 FEET SAID ARC SUBTENDED BY A CHORD WHICH BEARS SOUTH 84 DEGREES 46 MINUTES 09 SECONDS EAST, A DISTANCE OF 143.16 FEET TO THE END OF SAID CURVE; THENCE NORTH 85 DEGREES 52 MINUTES 06 SECONDS EAST FOR A DISTANCE OF 34.83 FEET; THENCE SOUTH 04 DEGREES 07 MINUTES 54 SECONDS EAST FOR A DISTANCE OF 416.76 FEET TO THE BEGINNING OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 1255.00 FEET AND A CENTRAL ANGLE OF 01 DEGREES 49 MINUTES 35 SECONDS; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 40.01 FEET TO A POINT ON SAID CURVE AND THE POINT OF BEGINNING OF THIS DESCRIPTION.
EXCEPTING THEREFROM ANY PORTION OF THE ABOVE PARCEL C, WHICH LIES WITHIN THE RIGHT OF WAY OF HUNTERS RIDGE BOULEVARD, ACCORDING TO THE PLAT OF AIRPORT ROAD/HUNTER'S RIDGE BOULEVARD EXTENSION RECORDED IN PLAT BOOK 37, PAGE 38, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

NOTE: A PORTION OF THE PROPERTY DESCRIBED HEREIN INCLUDES THAT PARCEL OF LAND WHICH HAS BEEN PLATTED AND NOW KNOWN AS HUNTINGTON WOODS AT HUNTER'S RIDGE - PHASE I, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 37, PAGES 65 THROUGH 69, INCLUSIVE, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.
SECOND AMENDMENT TO THE HUNTINGTON WOODS AT HUNTER'S RIDGE DEVELOPMENT AGREEMENT

This Second Amendment to the Huntington Woods at Hunter's Ridge Development Agreement (the "Amendment") is made this _____ day of __________, 2017 by and between the COUNTY OF FLAGLER, a political subdivision of the State of Florida (the "County"), whose address is 1769 E. Moody Boulevard, Building 2, Bunnell, FL 32110 and the owner of the subject property, BADC HUNTINGTON COMMUNITIES, LLC, a Florida limited liability company, whose address is 6 Huntington Place, Ormond Beach, FL 32174 ("BADC").

WHEREAS, the County previously approved the Huntington Woods at Hunter's Ridge Development Agreement (the "Development Agreement") by approving Ordinance No. 2008-26, as recorded in Official Records Book 1677, Page 1391, Public Records of Flagler County, Florida; and

WHEREAS, the Development Agreement provides for certain terms and conditions for the development of a residential subdivision in part of the Hunter's Ridge Development of Regional Impact known as "Huntington Woods"; and

WHEREAS, the County subsequently approved the First Amendment to the Huntington Woods at Hunter’s Ridge Development Agreement ("First Amendment") by approving Ordinance No. 2014-02 as recorded in Official Records Book 2012, Page 825, Public Records of Flagler County, Florida; and

WHEREAS, the First Amendment provides for the placement of a temporary sales center on Lots 49 and 50 as depicted on the plat of Huntington Woods at Hunter’s Ridge – Phase 1, recorded at Map Book 37, Page 65, Public Records of Flagler County, Florida; and

WHEREAS, BADC is the current owner of the property included within authority of the Development Agreement; and

WHEREAS, BADC has requested a second modification to the Development Agreement to allow for a change in the impervious limit and a revision to the setbacks that will serve the Huntington Woods subdivision; and

NOW THEREFORE, the parties hereto acknowledge and agree to the additions shown as underlined and deletions shown as strikethrough in the following paragraphs:

5.3 Site Development Requirements.

(a) The following table lists the site development requirements that are applicable within Subdivision. Variances may be granted by the County in accordance with the LDC.
Table of Site Development Requirements

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<th>Requirement</th>
<th>Requirement Value</th>
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<td>Minimum lot size</td>
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<td>Minimum lot width</td>
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<td>Minimum front setback</td>
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<td>Maximum building height</td>
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IN WITNESS WHEREOF, the County and BADC have caused this Second Amendment to Huntington Woods at Hunter's Ridge Development Agreement to be duly executed by their authorized representative(s) as of the date first above written.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

By: ____________________________________________
Nate McLaughlin, Chairman

ATTEST: ________________________________________
Tom Bexley, Clerk of the Circuit Court and Comptroller

APPROVED AS TO FORM: ___________________________
Albert Hadeed,
County Attorney
BADC HUNTINGTON COMMUNITIES, LLC,
a Florida limited liability company

By: BADC ASSET MANAGERS, INC.,
a Florida corporation
Its: Manager

By: __________________________
Name: Howard B. Lefkowitz
Title: Vice President

STATE OF FLORIDA
COUNTY OF __________

The foregoing instrument was acknowledged before me this ___ day of
___________, 2017 by Howard B. Lefkowitz, Vice President of BADC Asset Managers, Inc.,
who is personally known to me or has produced a driver's license as identification.

(Seal)

Notary Public

Print Name

Commission Expires _______________
**Flagler County Tax Collector**

**Tax Record**

Last Update: 8/16/2017 1:24:46 PM EDT

**Ad Valorem Taxes and Non-Ad Valorem Assessments**

The information contained herein does not constitute a title search and should not be relied on as such.

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<td>2016</td>
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**Mailing Address**

BADC HUNTINGTON COMMUNITIES LLC
6 HUNTINGTON PLACE
ORMOND BEACH FL 32174

**Exempt Amount**

See Below

**Taxable Value**

See Below

**Exemption Detail**

Millage Code 005

**Legal Description**

67.81 AC DES AS LYING IN SW 1/4 OF SEC DES IN OR 1424/42 OR 1386/1306 OR 1982/911

**Ad Valorem Taxes**

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**Total Millage**  15.9042  **Total Taxes**  $9,826.12

**Non-Ad Valorem Assessments**

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<tr>
<th>Code</th>
<th>Levying Authority</th>
<th>Amount</th>
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**Total Assessments**  $0.00

**Taxes & Assessments**  $9,826.12

**If Paid By**

Amount Due  $0.00

http://fl-flagler-taxcollector.governmax.com/collectmax/tab_collect_mvptaxV5.6a.asp?Pr... 8/16/2017
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Flagler County Tax Collector

Tax Record

Last Update: 8/16/2017 1:25:55 PM EDT

Ad Valorem Taxes and Non-Ad Valorem Assessments
The information contained herein does not constitute a title search and should not be relied on as such.

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Mailing Address
BADC HUNTINGTON COMMUNITIES
LLC
6 HUNTINGTON PLACE
ORMOND BEACH FL 32174

Exempt Amount

See Below

Taxable Value

See Below

Exemption Detail | Millage Code | Escrow Code |
-----------------|-------------|-------------|
NO EXEMPTIONS    | 005         |             |

Legal Description

Ad Valorem Taxes

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Total Millage: 15.9042
Total Taxes: $6,823.62

Non-Ad Valorem Assessments

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<th>Code</th>
<th>Levying Authority</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
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Total Assessments: $0.00
Taxes & Assessments: $6,823.62

http://fl-flagler-taxcollector.governmax.com/collectmax/tab_collect_mvptaxV5.6a.asp?Pri...  8/16/2017
Date Paid | Transaction | Receipt | Year | Amount Paid
---|---|---|---|---
12/21/2016 | PAYMENT | 9822061.0018 | 2016 | $9,531.34

Prior Years Payment History

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<th>Prior Year Taxes Due</th>
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<tr>
<td>NO DELINQUENT TAXES</td>
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ORDINANCE NO. 2017 – ___

AN ORDINANCE OF THE FLAGLER COUNTY BOARD OF
COUNTY COMMISSIONERS, FLAGLER COUNTY, FLORIDA
AMENDING ORDINANCE NUMBERS 2008-26 AND 2014-02;
AMENDING THE PUD (PLANNED UNIT DEVELOPMENT)
DEVELOPMENT AGREEMENT FOR HUNTINGTON WOODS AT
HUNTER’S RIDGE; PROVIDING FOR FINDINGS; AND
PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Flagler County Board of County Commissioners (the
"County") previously approved the Huntington Woods at Hunter's Ridge
Development Agreement (the "Development Agreement") by approving
Ordinance No. 2008-26, as recorded in Official Records Book 1677, Page 1391,
Public Records of Flagler County, Florida; and

WHEREAS, the Development Agreement provides for certain terms and
conditions for the development of a residential subdivision in part of the Hunter's
Ridge Development of Regional Impact known as Huntington Woods; and

WHEREAS, the County subsequently approved the First Amendment to
the Huntington Woods at Hunter's Ridge Development Agreement ("First
Amendment") by approving Ordinance No. 2014-02 as recorded in Official
Records Book 2012, Page 825, Public Records of Flagler County, Florida; and

WHEREAS, the First Amendment provided for the placement of a
temporary sales center on Lots 49 and 50 as depicted on the plat of Huntington
Woods at Hunter's Ridge – Phase I, recorded in Map Book 37, Page 65, Public
Records of Flagler County, Florida; and

WHEREAS, BADC Huntington Communities, LLC ("BADC") is the current
owner of the property included within authority of the Development Agreement;
and

WHEREAS, BADC has requested to amend and restate the Huntington
Woods at Hunter's Ridge Development Agreement to eliminate the expired
provisions of the First Amendment relating to the placement of the temporary
sales center on Lots 49 and 50 as depicted on the plat of Huntington Woods at
Hunter's Ridge – Phase I, recorded in Map Book 37, Page 65, Public Records of
Flagler County, Florida; and

WHEREAS, BADC has requested to amend and restate the Huntington
Woods at Hunter's Ridge Development Agreement to allow for a change in the
impervious limit and a revision to the setbacks that will serve the Huntington
Woods subdivision; and

WHEREAS, on October 10, 2017, the Planning and Development Board
conducted a public hearing on this request and voted to recommend approval; and
WHEREAS, on _____________, 2017, the Flagler County Board of County Commissioners held a public hearing on this request and voted to approve the Amended and Restated PUD Development Agreement for the Huntington Woods at Hunter’s Ridge PUD; and

WHEREAS, public notice of this action has been provided in accordance with Section 125.66, Florida Statutes, and Section 2.07.00, Flagler County Land Development Code.

NOW, THEREFORE, BE IT ORDAINED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS:

SECTION 1. FINDINGS
A. The Board of County Commissioners, pursuant Section 3.04.02 of the Flagler County Land Development Code, finds as follows:

1. The Huntington Woods at Hunter’s Ridge Planned Unit Development (PUD) does not adversely affect the orderly development of Flagler County and complies with applicable Comprehensive Plan goals, objectives and policies, and the Hunter’s Ridge Development of Regional Impact (DRI) Development Order; and

2. The Huntington Woods at Hunter’s Ridge PUD will not adversely affect the health and safety of residents or workers in the area and will not be detrimental to the use of adjacent properties or the general neighborhood.

Section 2. ADOPTION OF AMENDED AND RESTATED DEVELOPMENT AGREEMENT
A. This Ordinance and its Exhibits attached hereto shall serve as the PUD Development Agreement for the Huntington Woods at Hunter’s Ridge Planned Unit Development (PUD).

B. The Board of County Commissioners hereby adopts the Amended and Restated Huntington Woods at Hunter’s Ridge PUD Development Agreement, as attached hereto as Exhibit 1, the boundaries of said PUD as described in the legal description included at Exhibit “A” and attached hereto.

C. Development within the boundaries of the Huntington Woods at Hunter’s Ridge PUD as approved shall take place consistent with the Flagler County Land Development Code as may be modified or amended, this Ordinance, the Hunter’s Ridge Development of Regional Impact (DRI) Development Order, and the PUD Site Development Plan included at Exhibit “B” and attached hereto. The requirements of this Ordinance supersede any inconsistent provisions of the Flagler County Land Development Code or other ordinances of the County.
Section 3. **EFFECTIVE DATE**
This Ordinance shall take effect upon Official Acknowledgement by the Secretary of State that the Ordinance has been filed.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA THIS ____ DAY OF __________________________, 2017.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

By: ________________________________
   Nate McLaughlin, Chair

ATTEST:

By: ________________________________
   Tom Bexley, Clerk of the Circuit Court and Comptroller

Approved as to Form:

By: ________________________________
   Albert J. Hadeed, County Attorney
AMENDED AND RESTATED HUNTINGTON WOODS
AT HUNTER'S RIDGE DEVELOPMENT AGREEMENT

This Amended and Restated Huntington Woods at Hunter's Ridge Development Agreement (the "Amendment") is made this _____ day of ________________, 2017 by and between the COUNTY OF FLAGLER, a political subdivision of the State of Florida (the "County"), whose address is 1769 E. Moody Boulevard, Building 2, Bunnell, FL 32110 and the owner of the subject property, BADC HUNTINGTON COMMUNITIES, LLC, a Florida limited liability company, whose address is 6 Huntington Place, Ormond Beach, FL 32174 ("BADC").

1.0 INTRODUCTION:

This Amended and Restated Huntington Woods at Hunter's Ridge Development Agreement (the "Amendment") governs Huntington Woods at Hunter's Ridge (Subdivision) on approximately twenty-four (24.26) acres of land generally located on the westerly side of Hunter's Ridge Boulevard, 1020 feet south of Airport Road and more particularly described in Exhibit "A" hereto (the Property). The Property is owned by BADC Huntington Communities, LLC, whose address is 6 Huntington Place, Ormond Beach, FL 32174.

2.0 PROJECT DESCRIPTION:

2.1 Low Density Single Family Residential. The project is currently part of the Hunter's Ridge Development of Regional Impact (DRI) and consistent with said DRI, the subject property shall be developed as a rural, single family community containing private common areas with non-gated entry features and with public roads and streets. The project shall consist of a maximum seventy (70) single family detached residential units subject to available water and wastewater capacity. The development plan for Huntington Woods at Hunter's Ridge is generally outlined below and depicted on the Site Plan, which is attached as Exhibit "B" thereto (Site Plan).

2.2 Common Areas. Common areas (labeled as Tracts on the PUD Site Plan) are located throughout the Subdivision and shall include open space, landscape areas, recreation (active and passive), conservation areas, required buffers and retention ponds and may include entrance features and roads. Common areas shall be maintained by the Homeowners Association for Huntington Woods.

2.3 Variances. Variance requests shall be subject to the County's variance procedures as provided for in the Land Development Code.

3.0 DEVELOPMENT PLAN:

3.1 Plan Overview.

(a) The Site Plan, Exhibit "B", depicts the general layout of the entire development plan. The exact location of structures, lot lines, roadways, internal landscape buffers,
drainage facilities, and other improvements shown on the Site Plan may be modified during review of the site development plans and plat(s).

(b) Adjustments to the Site Plan are anticipated to occur during the site plan and plat review processes. Revisions that meet the intent and purpose of the DRI and the County's Comprehensive Plan and Land Development Code may be approved by the County Administrator or designee, as long as the substantial integrity of the original Site Plan and the development standards contained herein are maintained. Any modification to the Site Plan that increases the density or types of development or reduces the total amount or type of open space, or decreases the size of the buffer, shall require the approval of the Flagler County Commission following the review and recommendation of the County Planning and Development Board.

(c) The Subdivision may be developed in multiple phases. All infrastructure necessary to support each phase of the Subdivision shall be constructed within that phase as a condition of site plan approval. Adequate emergency vehicle access and turn-arounds shall be provided at all times.

4.0 LAND DEVELOPMENT CODE APPLICABILITY:

4.1 Except as otherwise set forth in the DRI and in this Agreement, the Flagler County Land Development Code (FCLDC) shall apply to development of the Property. The requirements of the Hunter's Ridge DRI shall be adhered to. The requirements of this Agreement supersede any inconsistent provisions of the FCLDC or other ordinances of the County.

4.2 Stormwater. Stormwater runoff from the development will be conveyed to on-site storm water retention systems by means of grassed swales and an underground drainage pip system.

4.3 Roadways/Rights-Of-Way. Internal access to all residential structures shall be provided by open, public roads and rights-of-way. Internal streets shall have a minimum right-of-way width of fifty (50) feet unless otherwise approved by the County. Roadway pavement widths shall be a minimum of twenty (20) feet. A single entrance road off Hunter's Ridge Boulevard shall be provided as indicated on Exhibit "B". Each applicant for a building permit within the Subdivision is required to pay applicable transportation impact fees to Flagler County in addition to an assessment fee by Volusia County equal to Volusia County's impact fee.

4.4 Landscaping. Efforts to preserve and enhance the existing landscape will be achieved through supplemental landscaping that will blend with the natural vegetation while also accentuating the residential areas, entrances and other common spaces. The Owner shall plant and maintain a minimum of two oaks for every dwelling unit constructed. All reasonable efforts shall be made to preserve existing native oak trees and vegetation on the site. Index tree protection shall comply with Section 6.01 of the Land Development Code. General landscaping around lots, roadways, entrances, residential buildings, and other common areas will be landscaped with native plant materials in accordance with the FCLDC and the Hunter's Ridge DRI as adopted or amended. All landscape areas will have supplemental irrigation. Flexibility of this site development plan allows for further
refinement of site development, landscaping and preservation of existing vegetation. Water wise landscaping shall be used.

4.5 **Signage.** Huntington Woods at Hunter's Ridge signage shall be designed, constructed and located as reflected in attached site plan and such signs may be lighted (with lighting directed away from traffic), and shall be a maximum of eight feet (8') tall, with a message area no greater than thirty-two (32) square feet in size for the main entrance. Secondary entrance signs shall not exceed sixteen (16) square feet and not exceed six feet (6') in height. Signs shall be set back from adjacent roadways sufficient to protect public safety and view angles consistent with provisions in the LDC.

4.6 **Site Development Requirements.** The dimensional requirements within the Subdivision will be as set forth in the table at Section 5.3 below.

4.7 **Entry Features.** The entrance/exit road to the development shall be constructed from Hunter's Ridge Boulevard in the approximate location as shown on the Site Plan, Exhibit "B". An emergency vehicle access shall be located off of Hunter's Ridge Boulevard as shown on Exhibit "B". Vehicular access shall be designed to accommodate emergency vehicle access at these locations, pursuant to dimensional requirements defined by application of FCLDC.

4.8 **Recreation.** A system of pedestrian/bicycle paths shall be incorporated into the project as reflected in the attached site and shall be 5' wide on each side of internal streets.

4.9 **Lighting.** Decorative pole mounted lighting fixtures shall be provided throughout the PUD. Additional landscape lighting may include low-level lighting and occasional accent lighting. The locations of such fixtures shall be determined at the time of site plan approval.

**5.0 SITE DEVELOPMENT PLAN:**

5.1 **Plan Overview.** The Site Plan, Exhibit "B", depicts the general layout of Subdivision, including the location of roads and development areas. All roads, utilities and stormwater structures shall be constructed within two (2) years from the Owner being authorized to commence construction on said improvements.

5.2 **Zoning and Future Land Use Map (FLUM) Category.** The County's Comprehensive Plan designates the Huntington Woods Property as mixed use-low intensity, low-medium. The PUD zoning is consistent with this FLUM category.

5.3 **Site Development Requirements.**

(a) The following table lists the site development requirements that are applicable within Subdivision. Variances may be granted by the County in accordance with the LDC.
Table of Site Development Requirements

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<th>Requirement</th>
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<td>Minimum front setback</td>
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<td>Maximum impervious area</td>
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(b) Minimum finished floor elevation must meet the DRI requirement of two (2) feet above the hundred year flood elevation or centerline of the roadway, whichever is greater.

5.3.1 All accessory and ancillary structures (pools, gazebos, pavilions, etc.) shall be located in the rear or side yard. Screen enclosures and other accessory structures shall be set back a minimum of 10’ from rear property lines and shall comply with side yard building setbacks. No buildings or accessory structures shall be permitted within easements or buffers, regardless of the setback.

5.4 Emergency Services. Fire protection requirements for the site will be met through the use of hydrants installed on the site by the Applicant in accordance with County standards. The locations of wet hydrants will be shown on the final site construction plans.

5.5 Parking. A minimum of two parking spaces per unit will be provided within driveways with a minimum of eight (8) feet by twenty (20) feet per space, on individual lots. Driveways shall have a minimum side yard setback of five (5) feet with a centerline no closer than forty (40) feet to any street intersection. Circular driveways shall be allowed that comply with the County Right of Way Access Management Ordinance, as amended. Parking shall not be permitted within project rights-of-way.

5.6 Conservation Easement. Jurisdictional wetlands identified within the subdivision shall be dedicated to the County as a platted tract. The maintenance of the dedicated tract shall be performed by Hunters Ridge Wildlife/Water Management Association unless otherwise specified on the plat.

5.7 Wetland Buffer. Minimum 25’ upland buffer as shown on the Site Plan shall be provided around wetlands remaining on the site. The buffer areas shall be shown on final plat(s) and shall be maintained in their natural state free of structures.

5.8 Services. All services for telephone, electricity, cable television, water, sewer, reuse and storm water management shall be provided by the responsible parties. Said services shall be placed in easements or right-of-way granted at the time of final plat approval. Water and wastewater service shall be provided by Flagler County. Initially bulk capacity will be purchased by
Flagler County from the City of Ormond Beach. The Subdivision is part of the Hunter’s Ridge Municipal Services Taxing Unit (MSTU) which will levy non-ad valorem taxes and/or assessments for services provided. Pursuant to the Interlocal Agreement by and between Flagler County and the City of Ormond Beach, each applicant for a building permit within the Subdivision is required to pay all Flagler County rates, fees, charges and deposits as well as a per unit development fee equivalent to the City of Ormond Beach’s water and wastewater impact fee.

IN WITNESS WHEREOF, the County and BADC have caused this Amended and Restated Huntington Woods at Hunter’s Ridge Development Agreement to be duly executed by their authorized representative(s) as of the date first above written.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

By: ______________________________
Nate McLaughlin, Chairman

ATTEST:

APPROVED AS TO FORM:

______________________________
Tom Bexley, Clerk of the Circuit Court and Comptroller

______________________________
Albert Hadeed, County Attorney
OWNER'S / APPLICANT’S CONSENT AND COVENANT:

COMES NOW, the Owner on behalf of itself and its successors, assigns and transferees of any nature whatsoever, and consents to and agrees with the covenants set forth in this Agreement.

BADC HUNTINGTON COMMUNITIES, LLC
a Florida limited liability company

By:        BADC ASSET MANAGERS, INC.
a Florida corporation

Its:       Manager

By: __________________________

Name: Howard B. Lefkowitz
Title: Vice President

STATE OF FLORIDA
COUNTY OF ____________________

The foregoing instrument was acknowledged before me this _____ day of ____________, 2017 by Howard B. Lefkowitz, Vice President of BADC Asset Managers, Inc., who is personally known to me or has produced a driver's license as identification.

(Seal)

Notary Public

______________________________
Print Name

Commission Expires ____________
EXHIBIT "A"
Legal Description
EXHIBIT "B"
PUD Site Development Plan
Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. Any questions regarding any of the comments should be addressed to the department providing the comment.

Flagler County Building Department  386-313-4002
Flagler County Planning Department  386-313-4009
Flagler County Development Engineering  386-313-4082
Flagler County General Services (Utilities)  386-313-4184
County Attorney  386-313-4005
Flagler County Fire Services  386-313-4258
E-911 GIS Specialist  386-313-4274
Environmental Health Department  386-437-7358
Flagler County School Board  386-586-2386
REVIEWING DEPARTMENT: PLANNING DEPARTMENT

1. While the three changes to the PUD Development Agreement are minor and only impact the Table provided at Section 5.3(a), staff may opt for the amendment to instead both amend and restate the prior Agreement so as to create a single amended Agreement; if there is no opposition from the applicant, staff will pursue this approach.

2. Staff encourages the applicant to review the Agreement text for any other relevant changes that are necessary so as to complete these changes now.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

Comments 8/22/17

With the increase of the lot coverage / impervious each lot will still be required to maintain their own lot runoff on-site without impacting the adjacent property owners.

REVIEWING DEPARTMENT: COUNTY ATTORNEY

No comments at this time.
TO: Chairman and Planning and Development Board Members

FROM: Planning and Zoning Department

DATE: October 10, 2017

SUBJECT: Application #3094 – Variance in the R-1 (Rural Residential) district

I. Requested Action & Purpose: This request is quasi-judicial in nature (not legislative) and does require disclosure of ex parte communication. David and Angela Bailus are requesting a 2.5 foot side yard setback variance from the required 7.5 foot minimum for an existing single-family residence located on their lot of record parcel located at 94 Hernandez Avenue in the R-1 (Rural Residential) district.

II. Location and Legal Description: The subject parcel is located at 94 Hernandez Avenue, described as the southerly 50 feet of Lot 2, Block 10, Artesia Subdivision (Map Book 3, Page 21, Public Records of Flagler County Florida); Parcel #40-10-31-0010-00100-0020.

III. Owner/Applicant: David P. and Angela L. Bailus, Husband and Wife

IV. Parcel Size: 0.31+/- acres (13,413 square feet)

V. Existing Zoning & Future Land Use Classification:
   Zoning: R-1 (Rural Residential) district
   Future Land Use: Residential Low Density/Rural Estate

VI. Future Land Use Map Classification / Zoning of Surrounding Land:
   North: Residential Low Density/ Rural Estate / R-1 (Rural Residential) district
   South: Residential Low Density/ Rural Estate / R-1 (Rural Residential) district
   East: Residential Low Density/ Rural Estate / R-1 (Rural Residential) district
   West: Intracoastal Waterway

VII. Land Development Code Sections Affected:
   Section 3.07.03.E, Variance Guidelines; Section 3.02.04, Nonconformance; and Section 3.03.04, R-1 (Rural residential) district.

VIII. Report in Brief: This variance request is for relief of 2.5 feet from the 7.5 foot minimum side yard setback for a lot of record within the R-1 (Rural Residential) district. This variance request for the reduction of the minimum side yard setback is necessitated by the relocation of an existing home that currently lies approximately 6.25 inches beyond the southern (left) property line and onto the adjacent parcel. Upon approval of this request the applicant intends to move the home North onto the subject property, so that the encroachment onto the
neighboring parcel to the South is eliminated; however, relocation to conform to the 7.5 foot minimum setback is not possible since the home’s width is 37.50 feet, leaving a remaining 12.50 feet of available lot width – where 15 feet would be the minimum necessary to meet 7.5 feet on each side – based on a lot width of 50 feet. Moving the encroaching home to the North in order to meet a five foot minimum side setback on the South (left) side of this parcel would provide a minimum of 15 feet of separation between the subject residence and the home located to the South on Lot 3 (90 Hernandez Avenue); more importantly, moving the subject residence corrects the present encroachment onto Lot 3 and resolves this issue that so far has been elusive to remedy through other lesser remedies, including the granting of fee interest or an easement to maintain the encroachment to the extent of the dripline.

IX. Background: The subject parcel lies within the R-1 (Rural Residential) district. The subject parcel was originally part of Lot 2, Block 10, of the Artesia Subdivision, as recorded at Map Book 3, Page 21, Public Records of Flagler County, Florida. This subdivision adoption date is September 2, 1935. This lot is now described as the South 50 of Lot 2; as best can be determined, this lot is a lot of record created prior to the 1991 effective date of the Land Development Code. The next available documented activity for this property is 1965, when the existing home was built according to Flagler County Property Appraiser records. This date would have the subject single-family residence built prior to Flagler County Land Development Regulations, and prior to the County’s current permitting requirements including surveys.

Mr. and Mrs. Bailus took title through the Warranty Deed dated August 30, 2010 and recorded at Official Records Book 1785, Page 922, Public Records of Flagler County, Florida.

The applicant met with the Technical Review Committee on September 20, 2017 and discussed the application with the Committee. Public notice has been provided for this application according to Land Development Code Section 2.07.00.

X. Variance Criteria Analysis: Land Development Code (LDC) Section 3.07.03.E, Variance Guidelines, states that a variance may be granted only upon a finding by the Planning and Development Board that all of the criteria listed in the guidelines have been found in favor of the applicant and that a literal enforcement of the provisions of this article will result in an unnecessary hardship. These criteria are listed below followed by the applicant’s statements (included below and attached in their entirety) and staff’s analysis:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or in part, creates an unnecessary hardship; and
Applicant’s response: “The house was built in 1965 with the southeast corner lying 6.25 inches on the neighboring property of 90 Hernandez Avenue, which is not part of our parcel.”

Staff analysis: Staff concurs, the house was built prior to land development regulation and was built encroaching onto the neighboring parcel. This in itself is a hardship on the property owner, and the applicant is attempting to alleviate the situation by repositioning the home onto the subject parcel.

2. **Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and**

Applicant’s response: “The house was in the current position when we purchased it in 2010. Prior to the purchase, the neighbor at 90 Hernandez Avenue did not want to sell any portion of his property and stated we could draw something up and he would sign it. We hired a lawyer and a surveyor to propose an easement around the southeast corner of our house, but the easement was rejected by the neighbor. The 2010 sale was almost stopped by the neighbor. We have not been able to come to terms.”

Staff analysis: Staff finds that the home was built encroaching onto the neighboring property and was in its current location prior to the acquisition by the current owner. Moving the home will resolve the encroachment onto the neighboring parcel, but cannot conform to setbacks. The granting of the variance would allow for both parties to move on beyond the current encroachment and is equitable to all involved.

3. **The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and**

Applicant’s response: “The moving of the house will not be a detriment, in any way, to the public.”

Staff analysis: A single-family residential dwelling has been in this location since 1965 and the relocation will not be detrimental to the surrounding community. If granted, the variance would not cause substantial detriment to public health, safety, and morals; this variance does not set a precedent for future similar variances and is based on the unique circumstances present on the subject parcel.

4. **No variance may be granted for a use of land or building that is not permitted by this article.**

Applicant’s response: “The use of our home will not change.”
Staff analysis: The property will be used as it has been for the last 50 years as a single family residential lot.

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

Applicant’s response: “Currently, the South side of our house cannot be properly maintained. The same obstacles may prevent future sale of the property, or lower its value.”

Staff analysis: The requested variance is the minimum relief necessary to alleviate the hardship. Without the variance, the home will not be moved and the hardship – the encroachment onto the neighboring parcel – will likely continue until the home is replaced.

Quasi-judicial / Legislative Review: This agenda item is:
_____ Quasi-judicial, requiring disclosure of ex-parte communication; or
X_____ Legislative, not requiring formal disclosure of ex-parte communication.

XI. Staff Recommendation: Based on the provided application and supplemental information, the Planning Department recommends that the Planning and Development Board make a finding that all criteria as listed in the guidelines at LDC Section 3.07.03.E been met and therefore recommends approval of a 2.5 foot side yard setback variance for 94 Hernandez Avenue (Parcel #40-10-31-0010-00100-0020).

XII. Suggested Adoption Language: The Planning and Development Board finds that all variance criteria as listed in the guidelines at LDC Section 3.07.03.E have been met and therefore approves a 2.5 foot side yard setback variance for 94 Hernandez Avenue (Parcel #40-10-31-0010-00100-0020).

Attachments
1. Notification list and map
2. Application and supporting documents
   a. Application packet with survey
   b. Applicant’s response to variance criteria
   c. TRC Comments
MAP SERIES
Property Appraiser Aerial
Future Land Use Map
Official Zoning Map
<table>
<thead>
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<td>MICHAEL &amp; LINDA JAROSZ</td>
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<td>PALM COAST, FL 32137</td>
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<td>40-10-31-0010-00100-0010</td>
<td>RUBY D JAROSZ LIFE ESTATE</td>
<td>98 HERNANDEZ AVENUE</td>
<td>PALM COAST, FL 32137</td>
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<td>40-10-31-0010-00100-0021</td>
<td>FREIDA M WILSON</td>
<td>187 DUTCHMAN LANE</td>
<td>WINNSBORO, SC 29180</td>
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<tr>
<td>40-10-31-0010-00100-0020</td>
<td>DAVID P &amp; ANGELA L BAILUS</td>
<td>94 HERNANDEZ AVE</td>
<td>PALM COAST, FL 32137</td>
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<td>40-10-31-0010-00100-0030</td>
<td>STEPHEN J &amp; JANIE A RYAN</td>
<td>90 HERNANDEZ AVENUE</td>
<td>PALM COAST, FL 32137</td>
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<tr>
<td>40-10-31-0010-00100-0040</td>
<td>MICHELLE SLOAT &amp; SUSAN GORICK</td>
<td>86 HERNANDEZ AVENUE</td>
<td>PALM COAST, FL 32137</td>
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<td>40-10-31-0010-00090-0091</td>
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<td>40-10-31-0010-00050-0360</td>
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<td>40-10-31-0010-00060-0180</td>
<td>MICHELLE MINIAGI-FOSTER &amp; ANGELA MINIAG</td>
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<td>JENSEN BEACH, FL 34957</td>
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<td>40-10-31-0010-00060-0250</td>
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<td>40-10-31-0010-00060-0020</td>
<td>SEAN LEAHY</td>
<td>1716 N STONE STREET</td>
<td>DELAND, FL 32720</td>
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<td>40-10-31-0010-00060-0040</td>
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<td>40-10-31-0010-00060-0090</td>
<td>PHILIP K &amp; PATRICIA B PARSONS TRUSTEES</td>
<td>P.O. BOX 266</td>
<td>KEYSTONE HEIGHTS, FL 32656</td>
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I hereby affirm mailed notice to each owner on September 22, 2017 for the Planning & Development Board Meeting on October 10, 2017 at 6 pm

Wendy Hickey, Planner
**APPLICATION FOR VARIANCE**

**FLAGLER COUNTY, FLORIDA**

1769 E. Moody Blvd, Suite 105
Bunnell, FL 32110

Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project #: 3094 /2017080023

<table>
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<tr>
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<tr>
<td>Name(s):</td>
<td>David and Angela Bailus</td>
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<td>Mailing Address:</td>
<td>94 Hernandez Avenue (Hammock)</td>
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<td>City:</td>
<td>Palm Coast</td>
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<tr>
<td>State:</td>
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<td>Zip:</td>
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<td>David and Angela Bailus</td>
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<td><a href="mailto:abailus@att.net">abailus@att.net</a></td>
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<td>LEGAL DESCRIPTION:</td>
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<td>Parcel # (tax ID #):</td>
<td>40-10-31-0010-00100-0020</td>
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<td>Parcel Size:</td>
<td>0.31 acres</td>
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<tr>
<td>Current Zoning Classification:</td>
<td>R1</td>
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<tr>
<td>Current Future Land Use Designation</td>
<td>Residential low density</td>
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Subject to A1A Scenic Corridor IDO? ☑ NO

Relief Requested: Two and one half feet on south property line.

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

**SIGNATURE**

Date: Aug 20, 2017

**OFFICIAL USE ONLY**

PLANNING BOARD RECOMMENDATION/ACTION: *APPROVED WITH CONDITIONS*

Signature of Chairman: 

Date: 

*approved with conditions, see attached.

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. 09/16
APPLICATION FOR VARIANCE
FLAGLER COUNTY, FLORIDA
1769 E. Moody Blvd, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

Subject Property: 94 Hernandez Avenue

E. Variance guidelines. A variance may be granted, upon application, from the terms and provisions of this article as will not be contrary to the public health, safety, welfare and morals where, owing to special conditions, a literal enforcement of the provisions of this article will, in an individual case, result in unnecessary hardship. Such variances may be granted by the planning board in such individual case of unnecessary hardship upon a written finding that:

1. There are extraordinary and exceptional conditions pertaining to particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or part, creates an unnecessary hardship; and

House was built in 1965 with the southeast corner lying 6 1/4" on the neighboring property of 90 Hernandez Avenue, which is not part of our parcel.

2. Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and

House was in current position when we purchased it in 2010. Prior to purchase, neighbor at 90 Hernandez Avenue did not want to sell any portion of his property and stated we could draw something up and he would sign it. We hired a lawyer and a surveyor to propose an easement around the southeast corner of our house, but the easement was rejected by the neighbor. The 2010 sale was almost stopped by the neighbor. We have not been able to come to terms.

3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and

The moving of the house will not be a detriment, in any way, to the public.

4. No variance may be granted for a use of land or building that is not permitted by this article.

The use of our home will not change.

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

Currently, the south side of our house cannot be properly maintained. The same obstacles may prevent future sale of the property, or lower its value.

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. 09/16
DESCRIPTION EASEMENT

A PORTION OF LOT 3, BLOCK 10, MAP OF ARTESIA, A SUBDIVISION AS
RECORDED IN MAP BOOK 3, PAGE 21, OF THE PUBLIC RECORDS OF
FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

FROM THE NORTHWEST CORNER OF SAID LOT 3, BLOCK 10, BEAR
N1°02'01"E, ALONG THE NORTH LINE OF LOT 3, A DISTANCE OF 29.36'
TO THE POINT OF BEGINNING OF THIS DESCRIPTION, THENCE CONTINUE
N1°02'01"E ALONG THE NORTH LINE OF LOT 3, A DISTANCE OF 34.17',
THENCE S13°10'45"E, DEPARTING THE NORTH LINE OF LOT 3, A
DISTANCE OF 3.90', THENCE S76°40'15"W A DISTANCE OF 34.00',
THENCE N13°19'45"W A DISTANCE OF 0.54' TO THE NORTH LINE OF LOT
3, BLOCK 10 AND THE POINT OF BEGINNING OF THIS DESCRIPTION.

PARCEL CONTAINS 75.53 SQUARE FEET.

LOT 3
BLOCK 10
(UNIMPROVED)
RESIDENCE #90

LOT 2
BLOCK 10
(UNIMPROVED)
RESIDENCE #96
TYPE OF SURVEY: BOUNDARY & LOCATION

DESCRIPTION: SOUTH 1/2 LOT 2, BLOCK 10, MAP OF ARTESA, A SUBDIVISION AS RECORD
ED IN MAP BOOK 3, PAGE 21, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

LEGEND:

- IRAC: Iron Rod & Cap set
- L: Iron Rod & Cap located
- IP: Iron Pipe
- N/D: Nail and Disks set
- PDP: Permanent Control Point
- CM: Concrete Monument set
- C/L: Center Line
- E/P: Edge of Pavement
- R/W: Right of Way
- Delta
- R: Radius
- L: Length
- CB: Chord Bearing
- CH: Chord Distance
- PC: Point of Curvature
- PI: Point of Intersection
- MSL: Mean Sea Level
- C.M.P: Corrugated Metal Pipe
- C.B.S: Concrete Block & Stucco
- O.R: Official Records Book & Page
- N.A.V.D: National Geodetic Vertical Datum
- B.M: Bench Mark
- T.B.M: Temporary Bench Mark
- TOE: Toe of Embankment
- O/E: Overhead Electric
- P/E: Power Pole
- T/P: Top of Pipe
- M: Manhole
- DR: Television Riser
- R: Cable Television Riser
- EM: Electric Meter
- FH: Fire Hydrant
- C/S: Concrete Sub
- A/C: Air Conditioner Pad
- L: Licensed Business
- LS: Licensed Surveyor
- F.F: Finish Floor Elevation
- N.R: Non-Radius to Curve
- P.B: Plot Bearing & Distance
- P.O.B: Point of Beginning
- P.O.R: Point of Reference
- Conc. Concrete
- 4"X4" Concreted Monument

NOTES:
1. The entire map encompassing this survey is recorded in Map Book 3, Page 21.
2. No elevations shown on survey.
3. Improvements and utilities not located.
4. Bearings refer to north datum and to the centerline of HERNANDEZ AVENUE as being S18°57'59"E.
5. Property lies in Flood Zone "A" & "AC", (base flood elevation = 7.0') with reference to Map No. 1203520170, Effective Date: July 17, 2006. This location is based on maps prepared by the Federal Emergency Management Agency. Find location and flood zone determination rest with said agency.
6. Description provided by client.
7. No search for encumbering instruments was made by surveyor.
8. Error of closure meets or exceeds 1:7500 feet.

PREPARED FOR:
DAVID & ANGELA BAILUS
94 HERNANDEZ AVENUE
PALM COAST, FL 32137

STEPHENSON, WILCOX & ASSOCIATES, INC.
204 N. Railroad Street
PO Box 186
Bunnell FL 32110
Phone: 386.437.2363
Fax: 386.437.0030
Email: info.swa@gmail.com

CIVIL ENGINEERS • LAND SURVEYSORS • CONSULTANTS • PLANNERS

SHEET 1 of 1

I hereby certify that the survey represented hereon meets or exceeds the minimum standards established pursuant to Section 472.027, Florida Statutes, and adopted in Chapter 51-17 Florida Administrative Code.

DAVID A. WILCOX Jr., PSM No. 5749, PE No. 57633
DAN A. WILCOX, JR., PSM No. 5749, PE No. 57633

[Signature]
DAVID T. WILCOX, PSM No. 5871

Not valid without the signature and the original raised seal of a Florida Licensed surveyor and mapper.
WARRANTY DEED

This Warranty Deed Made the 30th day of August, 2010, by JOHN EDWARD BAKER and DOUGLASS RANDOLPH BAKER and JAMES CARL BAKER, AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP, hereinafter called the grantor,
whose post office address is: 221 Nellie Drive, Santa Rosa Beach, Florida 32459

unto DAVID P. BAILUS and ANGELA L. BAILUS, HUSBAND AND WIFE

whose post office address is: 1628 N. K Street, Lake Worth, FL 33460

hereinafter called the grantee,

WITNESSETH: That said grantor, for and in consideration of the sum of $10.00 Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, and conveys to the grantee, all that certain land situate in Flagler County, Florida, viz:

The Southerly 50 feet of Lot 2, Block 10, Artessa Subdivision, according to the Map or Plat thereof as recorded in Map Book 3, Page 21, of the Public Records of Flagler County, Florida.

Grantor(s) warrant that this property is not their homestead property as provided by the Florida Constitution.

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 2009, reservations, restrictions and easements of record, if any.

(The term "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

Page 1 of 2 pages
In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness #1 Signature: [Signature]
Witness #1 Printed Name: [Printed Name]
Witness #2 Signature: [Signature]
Witness #2 Printed Name: [Printed Name]

**TWO SEPARATE WITNESSES REQUIRED**

STATE OF North Carolina
COUNTY OF Mecklenburg

The foregoing instrument was acknowledged before me this 30th day of August, 2010, by JAMES CARL BAKER, who is/were personally known to me or who has/have produced driver license(s) as identification.

My Commission Expires: August 20 2011

Printed Name: [Printed Name]
Notary Public

(Notary Seal)

Page 2 of 2 pages
In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness #1 Signature: )
Witness #1 Printed Name: )
Witness #2 Signature: )
Witness #2 Printed Name: )

**TWO SEPARATE WITNESSES REQUIRED**

STATE OF Florida
COUNTY OF Walton

The foregoing instrument was acknowledged before me this 31 day of August, 2010, by JOHN EDWARD BAKER, who is/are personally known to me or who has/have produced driver license(s) as identification.

My Commission Expires: February 15, 2013

(Notary Seal) /

Printed Name: Pamela Davidson
Notary Public
In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness #1 Signature: [Signature]
Witness #1 Printed Name: Richard E. Hester

Witness #2 Signature: [Signature]
Witness #2 Printed Name: Michael D. Williams

**TWO SEPARATE WITNESSES REQUIRED**

STATE OF Pennsylvania
COUNTY OF Dauphin

The foregoing instrument was acknowledged before me this 30th day of August, 2010, by DOUGLASS RANDOLPH BAKER, who is/are personally known to me or who has/have produced driver license(s) as identification.

My Commission Expires: 5-29-14

[Notary Seal]

COMMONWEALTH OF PENNSYLVANIA

Laura A. Hester, Notary Public
Middletown Bar, Dauphin County
My Commission Expires May 29, 2014

Number: Pennsylvania Association of Notaries

Page 2 of 2 pages
Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. Any questions regarding any of the comments should be addressed to the department providing the comment.

Flagler County Building Department  386-313-4002
Flagler County Planning Department  386-313-4009
Flagler County Development Engineering  386-313-4082
Flagler County General Services (Utilities)  386-313-4184
County Attorney  386-313-4005
Flagler County Fire Services  386-313-4258
E-911 GIS Specialist  386-313-4274
Environmental Health Department  386-437-7358
Flagler County School Board  386-586-2386
REVIEWING DEPARTMENT: BUILDING DEPARTMENT

The new foundation will be required to be permitted and comply with the Florida Building Code 5th Edition.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

No comments at this time

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

No comments at this time.

REVIEWING DEPARTMENT: FIRE INSPECTOR

No Comments at this time

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

No comments at this time.
TO: Chairman and Planning and Development Board Members  
FROM: Planning and Zoning Department  
DATE: October 10, 2017  
SUBJECT: Application #3095 – Special Exception for a Class III Landfill (Resource Recovery) in the AC (Agriculture) District

I. Requested Action & Purpose: The request is for a Class III Landfill (Resource Recovery) in the AC (Agriculture) District.

II. Location and Legal Description: 449 County Road 304; Parcel #36-12-0650-00A0-0112.

III. Owner: Darrell Cone Dozer Service, Inc.

IV. Parcel Size: 29.79 +/- acres

V. Existing Zoning & Future Land Use Classification:
  Zoning: AC (Agriculture) District.
  Future Land Use: Agriculture & Timberlands

VI. Future Land Use Map Classification / Zoning of Surrounding Land:
  North: Agriculture & Timberlands/AC (Agriculture) district
  South: City of Bunnell – AG&S (Agriculture and Silviculture)/Flagler AC (Agriculture) district
  East: Agriculture & Timberlands/AC (Agriculture) district; and City of Bunnell – AG&S (Agriculture and Silviculture) and CON-1 (Conservation-1)/Flagler AC (Agriculture) district
  West: City of Bunnell – AG&S (Agriculture and Silviculture)/Flagler AC (Agriculture) district

VII. Land Development Code Sections Affected: Section 3.07.03.F, Special Exception Guidelines.

VIII. Report in Brief: The subject property is located approximately 0.3 miles South of County Road 304 and West of the Florida East Coast Railroad. It is the site of a former approved Soil Extraction (Application #459) and Class III Landfill (Application #460). The soil extraction is complete. During its operation, the Class III Landfill only accepted land clearing debris; the Special Exception approval for the landfill expired in 2002. Prior to the expiration of the landfill permit, the
applicant began resource recovery operations. In 2006, Application #2640 extended the previous Special Exception for the Class III Landfill and specifically referenced the resource recovery operation. In 2013, the applicant again applied and obtained via Application #2929 a second extension of the previous Special Exception for the Class III Landfill and the Resource Recovery Operation. This most recent Special Exception expired on July 31, 2017.

The applicant, Darrell Cone, d/b/a Darrell Cone Dozer Service, Inc., filed an application with the Planning Department on August 23, 2017 for review of a previously approved Special Exception for a Class III Landfill (operating as a resource recovery site) in the AC (Agriculture) zoning district. The purpose of this request is to continue the previously approved land clearing debris site and resource recovery operation. The conditions placed on the request in 2013 included an expiration of the approval on July 31, 2017. The applicant is requesting that the Special Exception be reestablished and the expiration date be extended. Since this request is after the expiration date, the request has been noticed as a new Special Exception request.

In June of 2013, Application #2929 was approved, subject to the following conditions:

1. Maintain the current 50’ buffer around project perimeter and all work limits shown on the SCS Engineering plan submitted with this request;
2. Maintain the current minimum 25’ buffer around all wetland areas. No storage (equipment or materials) may encroach into the wetland buffer;
3. Hours of operation to be 7 a.m. to 6 p.m., Monday through Saturday;
4. No outdoor storage of heavy equipment or trucks unless they are screened from view by fencing or natural vegetation;
5. Limit height of debris storage pile to 50’ maximum or as approved by DEP permit if less than 50’;
6. Maintain compliance with all other agency permits during period of special exception approval;
7. Applicant to provide necessary improvements within the public right-of-way to ensure safe traffic movement on and off CR 304 within 50’ of the center of the driveway shown on Sketch by Alpha Surveying submitted with request. No damage to pavement and/or drainage flow.
8. Expiration of Special Exception approval to be concurrent with DEP permits but no later than July 31, 2017.

Staff believes that the applicant met these conditions back in 2006 and continues to meet these conditions through their operations today. As best staff is aware, aside from the issuance of a new Florida Department of Environmental Protection (FDEP) permit, the applicant has maintained compliance with all State permit requirements and inspections. The applicant does continue to operate the facility – consisting primarily of land clearing (mostly for new construction), fill dirt hauling,
site grading and excavation – and became aware of the expiration of the previously approved Special Exception when he sought renewal of the FDEP permit. Approval of the Special Exception is necessary for the continued operation of the facility in a manner consistent with the Land Development Code.

The Florida Department of Environmental Protection acts as the regulatory authority for these types of uses and has issued an authorization for general permit to the applicant to operate a land clearing debris (LCD) disposal facility on the subject parcel; this permit (General Permit Number 18828-002-SO; Facility WACS ID Number 36667) was issued on June 29, 2012 and expired on June 29, 2017. This permit specifically prohibits the disposal of other types of solid waste; only land clearing debris disposal is permitted. Mr. Cone describes his operation – in his letter dated August 17, 2017 – as resource recovery, which “involves excavating material from the [land clearing] debris pile and running it through our trammel screen to remove the soil component.” Mixing of the materials occurs and the result is the processing “of the entire mound of land clearing debris into a useable product.” In addition to the LCD disposal facility permit, the applicant maintains annual registration with FDEP as a Yard Trash Recycling Facility.

The approval of this Special Exception request is the continuance of a legally conforming, previously approved use; however, this review provides an opportunity for the County to revisit conditions placed upon the continued operations at this location due to any changing neighborhood conditions.

Please note that in the conditions proposed by staff that an expiration date has again been included to generally coincide with the expiration of the FDEP permit for the LCD disposal facility. The proposed five-year duration corresponds to the permit duration, but if the Planning and Development Board instead opts to extend this period for a greater duration, staff has no opposition to this approach. The applicant has made a significant investment in this business and this site and staff would seek at least five year increments for any duration applied to this request.

Also, staff has repeated the minimum 25 foot wetland buffer condition from the previous approval, which is solely regulated by the County; FDEP through its permit specifically noted that the original 1992 general permit for this site does not include minimum wetland setbacks under the FDEP’s regulatory authority since “isolated wetlands were not within FDEP’s jurisdiction when the 1992 general permit was issued.”

This approval has also been proposed by staff to run with the land and be transferable to a subsequent owner or operator. The Board may opt instead to require approval of a new Special Exception application for any subsequent change in ownership and staff has no opposition to this alternative.
Additionally, the applicant is not presently open to the public; the materials brought to and from the site are transported by the applicant’s equipment. Staff believes that the lack of regular public traffic – realizing that occasional ancillary public use may occur, but is discouraged – is unique to this Special Exception approval and this site. Should the applicant instead desire to open the facility to the public, staff would require a revision to this Special Exception approval (as an Application for Review) prior to the change in operations.

Finally, it is staff’s intent that the applicant may seek renewal of this Special Exception prior to its expiration through a less onerous Application for Review process heard by the Planning and Development Board. The Application for Review process would afford the opportunity for the Board to review operations and the applicant’s compliance with the conditions without having to again demonstrate compliance with the Special Exception guidelines from the LDC. If instead this Special Exception expires before the applicant seeks its extension, then a new Special Exception shall again be necessary.

The Special Exception was reviewed by the Technical Review Committee on September 20, 2017. Public notice has been provided for this application according to LDC, Section 2.07.00.

IX. Special Exception Guideline Analysis: LDC Section 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:** The subject parcel is accessed via an easement from County Road 304 to the subject property. This easement is 30 feet in width with a 15 foot wide existing dirt road. Currently no sidewalks exist along County Road 304; the proposed use will not interfere with pedestrian access. The existing dirt road also provides access to an existing sod farm and office. The applicant has agreed to provide necessary improvements within the public right-of-way to ensure safe traffic movement on and off CR 304. In addition, the applicant is to prevent damage to pavement and/or drainage flow at the intersection of the driveway and CR 304.

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: The proposed resource recovery activity is approximately 0.3 miles away from the intersection of the access easement with County Road 304, so that all parking will be away from the point of ingress/egress (and will be off-street). The subject property is currently surrounded by farming activity and significant lighting will not be necessary due to the hours of operation, keeping impacts to adjacent properties to a minimum.

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

   Staff Analysis: Due to the subject property being away from the public road and surrounded by farming activities, refuse and services areas should not impact the neighboring parcels.

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

   Staff Analysis: Utility needs for the proposed use are at a minimum and may be provided through onsite, individual service.

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: The existing 50 foot buffer along the property boundary will be maintained. The reduction of the debris pile by the resource recovery process will improve the compatibility of the subject parcel with the surrounding parcels and any future uses.

6. Signs and exterior lighting, if any, shall maintain traffic safety and minimize glare and economic effects on adjacent and nearby properties.

   Staff Analysis: No lighted signage is proposed and no signage is to be provided except as required by FDEP permits.

7. Required yards and open spaces shall be provided.

   Staff Analysis: The existing 50 foot buffer along the property boundary as well as any wetland buffers will be maintained.

8. The height of structures shall be in harmony with that of adjacent and nearby uses and structures.
Staff Analysis: No structures are proposed with this request.

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

Staff Analysis: The process of reusing the land clearing debris reduces the existing debris pile while providing a useful product to be used as fill for yards and green areas.

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. Recommended Motion: The Planning and Development Board finds that Application #3095, Special Exception to allow a Class III Landfill (Resource Recovery) in the AC (Agriculture) District meets the Special Exception Guidelines and is therefore approved, conditioned upon the following:
   1. maintain the current 50 foot buffer around project perimeter and all work limits;
   2. maintain the current minimum 25 foot buffer round all wetland areas, with no storage (equipment or materials) permitted to encroach into the wetland buffer;
   3. hours of operation to be 7 a.m. to 6 p.m., Monday through Saturday;
   4. no outdoor storage of heavy equipment or trucks unless they are screened from view by fencing or natural vegetation;
   5. limit height of debris storage pile to 50 foot high maximum or as approved by DEP permit if less than 50 feet in height;
   6. maintain compliance with all other agency permits during the duration of the Special Exception approval;
   7. applicant to provide necessary improvements within the public right-of-way to ensure safe traffic movement on and off County Road 304, with no damage to pavement and/or drainage flow;
   8. these conditions run with the land and are transferrable to a subsequent owner or operator provided that these conditions continue to be met; and
   9. expiration of Special Exception approval to be concurrent with DEP permit expiration, or October 31, 2022, whichever occurs first.

Attachments

1. Notification list and map
2. Application and supporting documents.
3. TRC Comments
Aerial Map
Future Land Use Map
Zoning Map
<table>
<thead>
<tr>
<th>ParcelId</th>
<th>Owner Name</th>
<th>Mailing Address</th>
<th>City, State, Zip</th>
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<tr>
<td>25-12-30-1650-00090-0010</td>
<td>JERRY K &amp; ELIZABETH A WORLEY TURSTEES</td>
<td>460 S BANANA RIVER DR</td>
<td>MERRITT ISLAND, FL 32952</td>
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<td>DUPONT LAND &amp; RAILWAY CO LLC</td>
<td>5943 BROKEN BOW LANE</td>
<td>PORT ORANGE, FL 32127</td>
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<td>25-12-30-1650-00110-0000</td>
<td>NATHAN C &amp; JANENE P NEAL</td>
<td>100 PRYOR LANE</td>
<td>BUNNELL, FL 32110</td>
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<td>25-12-30-1650-0011A-0000</td>
<td>ARTHUR C &amp; LORNA H PRYOR</td>
<td>PO BOX 41</td>
<td>BUNNELL, FL 32110</td>
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<td>PORT ORANGE, FL 32127</td>
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<tr>
<td>36-12-30-0650-000A0-0112</td>
<td>DARRELL CONE DOZER SERVICE INC</td>
<td>P O BOX 627</td>
<td>BUNNELL, FL 32110</td>
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<td>DUPONT LANDHOLDING LLC TRUSTEE</td>
<td>PO BOX 550</td>
<td>BUNNELL, FL 32110</td>
</tr>
</tbody>
</table>

I hereby affix mailed notice to each owner on September 22, 2017 for the Planning & Development Board Meeting on October 10, 2017 at 6 pm

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 #: 3095/207080024**

## PROPERTY OWNER(S)
- Name(s): DARRELL CONE DOZER SERVICE INC.
- Mailing Address: P.O. BOX 627
- City: BUNNELL  State: FLORIDA  Zip: 32110
- Telephone Number: 386 437 5788
- Fax Number: 
- Email Address: DCDOZER@GMAIL.COM

## APPLICANT/AGENT
- Name(s): DARRELL CONE DOZER SERVICE INC
- Mailing Address: P.O. BOX 627
- City: BUNNELL  State: FLORIDA  Zip: 32110
- Telephone Number: 386 437 5788  Fax Number:
- Email Address: DCDOZER@GMAIL.COM

## SUBJECT PROPERTY
- **SITE LOCATION (street address):** 449 C.R. 304
- **LEGAL DESCRIPTION:** SEC 36 TOWNSHIP 12 S RANGE 30E
- **Parcel # (tax ID #):** 36 12 30 0050 000 A 00112
- **Parcel Size:** 21.34 ACRES
- **Current Zoning Classification:** A.C.
- **Current Future Land Use Designation:** AG & TIMBERLANDS
- **Subject to A1A Scenic Corridor IDO?** YES

**Requested Use:** LAND CLEARING DEBRIS DISPOSAL, STORAGE AND PROCESSING FACILITY

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

**PRESIDENT**  AUG 18, 2017

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**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

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Page 1 of 1
To: Flagler County Technical Review Committee
Re: Application for Special Exemption
August 17, 2017

Darrell Cone Dozer Service, Inc. (DCDS) has been in business in the Flagler and Volusia area since 1977. Our operation consists of land clearing, fill dirt hauling, site grading and excavation. In 1992, Darrell Cone Dozer Service relocated from Volusia County to Flagler County due to better service the increasing workload in the area.

Darrell Cone Dozer Service’s base of operation is a 21-acre parcel located approximately 1,900 feet off of County Road 304 approximately 1 mile west of U.S.-1. This property includes a landfill consisting exclusively of soils and organic land clearing debris. Trees, natural growth and distance barricade the site from public view.

In 1992, DCDS received from Flagler County, a Special Exception to designate the landfill as a Class III (C & D) which limits the landfill usage to organic clearing debris only. In 2003 Darrell Cone Dozer Service, Inc. began recycling and recovering resources from the landfill. Resource recovery involves excavating material from the debris pile, processing the material and hauling the processed material off-site as usable product. The landfill material is first processed through a trammel screen to separate the soil and larger organic debris. The wood and woody material that is separated is then processed through a grinder and turned into a mulch-like material. The mulch is then mixed with the soil then hauled off site to be used as yard and green area fill. By processing and mixing the products we are able to recycle and recover 100% of the material from the landfill. Darrell Cone Dozer Service, Inc. has the capability to eventually process all of the material in the landfill into a useable product.

The general terminology the FDEP uses to classify the landfill operation along with other operations similar and not so similar is a Land Clearing Debris Disposal Facility. The permit under this heading allows us to place the raw material on site. The other FDEP classification is called Yard Trash Processing Facility. Although we do not bring in “trash” from out clearing jobs, this registration allows us to process the debris into a useable product. Darrell Cone Dozer Service, Inc. is currently in the process of cutting and grading the landfill side slopes to bring them into compliance with the FDEP permit requirement of 3’ horizontal to 1’ vertical. The resource recovery operation remains under the observation and authorization process of the FDEP and it is our intent to remain fully licensed through their agency.

In June 2013, DCDS was granted a five-year extension to the Special Exception, which has expired in June of this year. Darrell Cone Dozer Service, Inc. is seeking a new Special Exception application in order to continue operation of the resource recovery operation as well as work to bring the landfill into compliance with the FDEP permit requirements.

Management and staff at Darrell Cone Dozer Service, Inc. would greatly appreciate your consideration in issuing us a new Special Exception which will allow us to continue providing site development services to the residents, builders, and developers of Flagler County as well as employment opportunities for its residents.

Sincerely,

[Signature]

Darrell Cone,
President
BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT ) IN THE OFFICE OF THE
OF ENVIRONMENTAL PROTECTION ) NORTHEAST DISTRICT
v. ) OGC FILE NO.: 17-0845
) DARRELL CONE DOZER SERVICE, INC.,
) _________________________________

CONSENT ORDER

This Consent Order ("Order") is entered into between the State of Florida Department of Environmental Protection ("Department") and Darrell Cone Dozer Service, Inc. ("Respondent") to reach settlement of certain matters at issue between the Department and Respondent.

The Department finds and Respondent neither admits nor denies the following:

1. The Department is the administrative agency of the State of Florida having the power and duty to administer and enforce the provisions of the Florida Resource Recovery and Management Act, Sections 403.702, et seq., Florida Statutes ("Fla. Stat."), and the rules promulgated and authorized in Title 62, Florida Administrative Code ("Fla. Admin. Code."). The Department has jurisdiction over the matters addressed in this Order.

2. Respondent is a "person" within the meaning of Sections 403.031(5) and 403.703(22), F.S.

3. Respondent is the operator of a Yard Trash Disposal Facility, located at 449 County Road 304, Bunnell, 32110, and further identified as Parcel ID Number 36-12-30-0650-000A0-0112, in Flagler County, Florida. The Facility's ID Number is 36667.
4. Respondent operates the Facility under General Permit Number 18828-003-SO, which expired on June 29, 2017.

5. The Department finds that the following violation occurred

   (a) Rule 62-701.803(4), Fla. Admin. Code, Yard trash shall be compacted and sloped as necessary to assure requirements of subsection (8) of this section can be met."

Subsection 8 provides “The side slopes of all above-graded disposal areas shall be no greater than three feet horizontal to one foot vertical rise.”

   (b) Rule 62-701.803(2)(c), Fla. Admin. Code, the owner or operator shall operate the facility only in accordance with the description and plans submitted with the notification.

Having reached a resolution of the matter Respondent and the Department mutually agree and it is

ORDERED:

6. Respondent shall comply with the following corrective actions within the stated time periods:

   (a) Respondents shall re-grade excessive slopes at the Facility to a maximum of three feet horizontal to one foot vertical within the timeframes specified below and in conjunction with Attachment A.
<table>
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<th>Debris Area Zones</th>
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<tr>
<td>Area 1</td>
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<td>June 1, 2021</td>
</tr>
<tr>
<td>Area 5</td>
<td>June 1, 2022</td>
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(b) Within 130 days of the effective date of this Order, Respondent shall install markers delineating the five Debris Area Zones identified in Attachment 1.

(c) Within 360 days of the effective date of this Order Respondent shall submit a report, certified by a Florida Licensed Professional Surveyor, detailing the slope of each of these five Debris Area Zones (the "Initial Report").

(d) Every six (6) months, following the Initial Report, Respondent shall submit to the Department a report detailing the percentage of each Debris Area Zone meeting the requirements for closure as specified by Rule 62-701.803(8), Fla. Admin. Code.

(e) On or before June 1, 2022, Respondent shall submit a notification of closure in accordance with Rule 62-701.800(9), Fla. Admin. Code. The Notification of Closure shall be signed and sealed by a Professional Engineer.
(f) If Respondent wishes to resume its operations in one or more of the Debris Area Zones before June 1, 2022, Respondent must: (1) comply with the schedule and requirements in paragraph 6(a), above; (b) satisfy the applicable requirements in Section 62-701.803, Fla. Admin. Code, for operating a yard trash disposal facility; and (c) request and receive the Department’s prior written approval for postponing the closure of any Debris Area Zone(s) that the Respondent wishes to use for such future operation.

7. Within 130 days of the effective date of this Order, Respondent shall submit a written estimate of the total cost of the corrective actions required by this Order to the Department. The written estimate shall identify the information the Respondent relied upon to provide the estimate.

8. Within 30 days of the effective date of this Order, Respondent shall pay the Department $2,250.00 in settlement of the regulatory matters addressed in this Order. This amount includes $2,000.00 for civil penalties and $250.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order. The civil penalty in this case includes 1 violation that warrants a penalty of $2,000.00 or more.

9. Respondent agrees to pay the Department stipulated penalties in the amount of $50.00 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraph 6 of this Order. The Department may demand stipulated penalties at any time after violations occur. Respondent shall pay stipulated penalties owed within 30
days of the Department’s issuance of written demand for payment, and shall do so as further described in paragraphs 10 and 11, below. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Order. Any stipulated penalties assessed under this paragraph shall be in addition to the civil penalties agreed to in paragraph 8 of this Order.

10. Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the “Department of Environmental Protection” and shall include both the OGC number assigned to this Order and the notation “Water Quality Assurance Trust Fund.” Online payments by e-check can be made by going to the DEP Business Portal at: http://www.fldepportal.com/go/pay/. It will take a number of days after this order becomes final and effective filed with the Clerk of the Department before ability to make online payment is available.

11. Except as otherwise provided, all submittals and payments required by this Order shall be sent to the Department of Environmental Protection, Northeast District Office, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida, 32256

12. Respondent shall allow all authorized representatives of the Department access to the Facility and the Property at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes administered by the Department.

13. In the event of a sale or conveyance of the Facility or of the Property upon which the Facility is located, if all of the requirements of this Order have not been fully satisfied,
Respondent shall, at least 30 days prior to the sale or conveyance of the Facility or Property, (a) notify the Department of such sale or conveyance, (b) provide the name and address of the purchaser, operator, or person(s) in control of the Facility, and (c) provide a copy of this Order with all attachments to the purchaser, operator, or person(s) in control of the Facility. The sale or conveyance of the Facility or the Property does not relieve Respondent of the obligations imposed in this Order.

14. If any event, including administrative or judicial challenges by third parties unrelated to Respondent, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by Respondent's due diligence. Neither economic circumstances nor the failure of a contractor, subcontractor, materialman, or other agent (collectively referred to as "contractor") to whom responsibility for performance is delegated to meet contractually imposed deadlines shall be considered circumstances beyond the control of Respondent (unless the cause of the contractor's late performance was also beyond the contractor's control). Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department by the next working day and shall, within seven calendar days notify the Department in writing of (a) the anticipated length and cause of the delay, (b) the measures taken or to be taken to prevent or minimize the delay, and (c) the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be
caused by circumstances beyond the reasonable control of Respondent, the time for
performance hereunder shall be extended. The agreement to extend compliance must identify
the provision or provisions extended, the new compliance date or dates, and the additional
measures Respondent must take to avoid or minimize the delay, if any. Failure of Respondent
to comply with the notice requirements of this paragraph in a timely manner constitutes a
waiver of Respondent's right to request an extension of time for compliance for those
circumstances.

15. The Department, for and in consideration of the complete and timely
performance by Respondent of all the obligations agreed to in this Order, hereby conditionally
waives its right to seek judicial imposition of damages or civil penalties for alleged violations
up to the date of the filing of this Order. This waiver is conditioned upon Respondent’s
complete compliance with all of the terms of this Order.

16. This Order is a settlement of the Department’s civil and administrative authority
arising under Florida law to resolve the matters addressed herein. This Order is not a
settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement
of any violation which may be prosecuted criminally or civilly under federal law. Entry of this
Order does not relieve Respondent of the need to comply with applicable federal, state, or
local laws, rules, or ordinances.

17. The Department hereby expressly reserves the right to initiate appropriate legal
action to address any violations of statutes or rules administered by the Department that are
not specifically resolved by this Order.
18. Respondent is fully aware that a violation of the terms of this Order may subject Respondent to judicial imposition of damages, civil penalties up to $10,000.00 per day per violation, and criminal penalties.

19. Respondent acknowledges and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, F.S., on the terms of this Order. Respondent also acknowledges and waives its right to appeal the terms of this Order pursuant to Section 120.68, F.S. However, Respondent does not waive its right to an administrative hearing pursuant to sections 120.569 and 120.57, F.S., to contest future actions by the Department, including but not limited to the Department’s interpretation or enforcement of this Order.

20. Electronic signatures or other versions of the parties’ signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

21. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to sections 120.69 and 403.121, F.S. Failure to comply with the terms of this Order constitutes a violation of section 403.161(1)(b), F.S.

22. This Consent Order is a final order of the Department pursuant to section 120.52(7), F.S., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, F.S. Upon the timely filing of a petition, this Consent Order will not be effective until further order of the Department.
STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF CONSENT ORDER

The Department of Environmental Protection ("Department") gives notice of agency action of entering into a Consent Order with DARRELL CONE DOZER SERVICE, INC. pursuant to section 120.57(4), Florida Statutes. The Consent Order addresses the operations and maintenance of a Yard Trash Disposal Facility at 449 County Road 304, Bunnell, Flagler County. The Consent Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Northeast District Office, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida, 32256.

Persons who are not parties to this Consent Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Consent Order means that the Department’s final action may be different from the position it has taken in the Consent Order.

The petition for administrative hearing must contain all of the following information:

a) The OGC Number assigned to this Consent Order;
b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner’s representative, if any, which shall be the address for service purposes during the course of the proceeding;

c) An explanation of how the petitioner’s substantial interests will be affected by the Consent Order;

d) A statement of when and how the petitioner received notice of the Consent Order;

e) Either a statement of all material facts disputed by the petitioner or a statement that the petitioner does not dispute any material facts;

f) A statement of the specific facts the petitioner contends warrant reversal or modification of the Consent Order;

g) A statement of the rules or statutes the petitioner contends require reversal or modification of the Consent Order; and

h) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Consent Order.

The petition must be filed (received) at the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within 21 days of receipt of this notice. A copy of the petition must also be mailed at the time of filing to the District Office at 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida, 32256-7590. Failure to file a petition within the 21-day period constitutes a person’s waiver of the right to request an administrative hearing and to participate as a party to this proceeding under sections 120.569 and 120.57, Florida Statutes. Before the deadline for filing a petition, a person whose substantial interests are affected by this Consent Order may choose to pursue mediation as an alternative remedy under section 120.573, Florida Statutes. Choosing mediation will not adversely affect such person’s right to request an administrative hearing if mediation does not result in a settlement. Additional information about mediation is provided in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.

FOR THE RESPONDENT:

_________________________________________ Date
Darrell Cone
President, Darrell Cone Dozer Service, Inc.

DONE AND ORDERED this ___ day of ______ 2017, in Duval, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

____________________________________
Gregory J. Strong
District Director
Northeast District

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

_____________________________ Date
Clerk

Copies furnished to:

Lea Crandall, Agency Clerk
Attacked are departmental comments regarding your submittal to Flagler County for the above referenced project. **Any questions regarding any of the comments should be addressed to the department providing the comment.**

Flagler County Building Department 386-313-4002  
Flagler County Planning Department 386-313-4009  
Flagler County Development Engineering 386-313-4082  
Flagler County General Services (Utilities) 386-313-4184  
County Attorney 386-313-4005  
Flagler County Fire Services 386-313-4258  
E-911 GIS Specialist 386-313-4274  
Environmental Health Department 386-437-7358  
Flagler County School Board 386-586-2386
REVIEWING DEPARTMENT: BUILDING DEPARTMENT
No comments at this time

REVIEWING DEPARTMENT: PLANNING DEPARTMENT
No comments at this time.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING
No comments at this time.

REVIEWING DEPARTMENT: FIRE INSPECTOR
No comments at this time.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT
No comments at this time.

REVIEWING DEPARTMENT: COUNTY ATTORNEY
No comments at this time.
October 3, 2017

Sent electronically to: dcdozzer@gmail.com

Mr. Darrell Cone, Owner/Operator
Darrell Cone Dozer Services, Inc.
Post Office Box 627
Bunnell, Florida 32135

RE: FDEP vs. Darrell Cone Dozer Services, Inc.
OGC File Number: 17-0845; WACS ID: 36667
Flagler County – Solid Waste Enforcement

Dear Mr. Cone:

Enclosed is the revised Consent Order to resolve the issues in the subject OGC File. Please review the Consent Order and, if you find it acceptable, sign and return the original document to this office within 14 days of receipt.

If you wish to modify the Consent Order, please respond to this office in writing within 14 days, explaining your concerns including any proposed changes.

If you have any questions concerning the Consent Order, please contact Jeff Schroer at (904) 256-1576, or at Jeffrey.Schroer@dep.state.fl.us. Your continued cooperation in the matter is greatly appreciated.

Sincerely,

James R. Maher, PE
Assistant Director

ec: Arlene Wilkinson, FDEP-NED
BEFORE THE STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION )

) IN THE OFFICE OF THE
) NORTHEAST DISTRICT

) OGC FILE NO.: 17-0845

) v.

) DARRELL CONE DOZER SERVICE, INC. ,

) _________________________________

) _________________________________

CONSENT ORDER

This Consent Order ("Order") is entered into between the State of Florida Department
of Environmental Protection ("Department") and Darrell Cone Dozer Service, Inc.
("Respondent") to reach settlement of certain matters at issue between the Department and
Respondent.

The Department finds and Respondent neither admits nor denies the following:

1. The Department is the administrative agency of the State of Florida having the
power and duty to administer and enforce the provisions of the Florida Resource Recovery
and Management Act, Sections 403.702, et seq., Florida Statutes ("Fla. Stat.") , and the rules
promulgated and authorized in Title 62, Florida Administrative Code ("Fla. Admin. Code.").

The Department has jurisdiction over the matters addressed in this Order.

2. Respondent is a "person" within the meaning of Sections 403.031(5) and
403.703(22), F.S.

3. Respondent is the operator of a Yard Trash Disposal Facility, located at 449
County Road 304, Bunnell, 32110, and further identified as Parcel ID Number 36-12-30-0650-
000A0-0112, in Flagler County, Florida. The Facility's ID Number is 36667.
FDEP vs. Darrell Cone Dozer Service, Inc.
Consent Order, OGC No.: 17-0845
Page 2 of 11

4. Respondent operates the Facility under General Permit Number 18828-003-SO, which expired on June 29, 2017.

5. The Department finds that the following violation occurred

   (a) Rule 62-701.803(4), Fla. Admin. Code, Yard trash shall be compacted and sloped as necessary to assure requirements of subsection (8) of this section can be met.”

Subsection 8 provides “The side slopes of all above-grade disposal areas shall be no greater than three feet horizontal to one foot vertical rise.”

   (b) Rule 62-701.803(2)(c), Fla. Admin. Code, the owner or operator shall operate the facility only in accordance with the description and plans submitted with the notification.

Having reached a resolution of the matter Respondent and the Department mutually agree and it is

ORDERED:

6. Respondent shall comply with the following corrective actions within the stated time periods:

   (a) Respondents shall re-grade the slopes at the Facility to a maximum of three feet horizontal to one foot vertical within the timeframes specified below and in conjunction with Attachment A.
(b) Within 30 days of the effective date of this Order, Respondent shall install markers delineating the five Debris Area Zones identified in Attachment 1.

(c) Within 60 days of the effective date of this Order Respondent shall submit a report, certified by a Florida Licensed Professional Surveyor, identifying the slope of each of these five Debris Area Zones (the “Initial Report”).

(d) Every six (6) months, following the Initial Report, Respondent shall submit to the Department a report identifying the percentage of each Debris Area Zone meeting the requirements for closure as specified by Rule 62-701.803(8), Fla. Admin. Code.

(e) On or before June 1, 2022, Respondent shall submit a notification of closure in accordance with Rule 62-701.800(9), Fla. Admin. Code. The Notification of Closure shall be signed and sealed by a Professional Engineer.

(f) If Respondent wishes to resume its operations in one or more of the Debris Area Zones before June 1, 2022, Respondent must: (1) comply with the schedule and
requirements in paragraph 6(a), above; (b) satisfy the applicable requirements in Section 62-701.803, Fla. Admin. Code, for operating a yard trash disposal facility; and (c) request and receive the Department's prior written approval for postponing the closure of any Debris Area Zone(s) that the Respondent wishes to use for such future operation.

7. Within 30 days of the effective date of this Order, Respondent shall submit a written estimate of the total cost of the corrective actions required by this Order to the Department. The written estimate shall identify the information the Respondent relied upon to provide the estimate.

8. Within 30 days of the effective date of this Order, Respondent shall pay the Department $2,250.00 in settlement of the regulatory matters addressed in this Order. This amount includes $2,000.00 for civil penalties and $250.00 for costs and expenses incurred by the Department during the investigation of this matter and the preparation and tracking of this Order. The civil penalty in this case includes 1 violation that warrants a penalty of $2,000.00 or more.

9. Respondent agrees to pay the Department stipulated penalties in the amount of $50.00 per day for each and every day Respondent fails to timely comply with any of the requirements of paragraph 6 of this Order. The Department may demand stipulated penalties at any time after violations occur. Respondent shall pay stipulated penalties owed within 30 days of the Department's issuance of written demand for payment, and shall do so as further described in paragraphs 10 and 11, below. Nothing in this paragraph shall prevent the Department from filing suit to specifically enforce any terms of this Order. Any stipulated
penalties assessed under this paragraph shall be in addition to the civil penalties agreed to in paragraph 8 of this Order.

10. Respondent shall make all payments required by this Order by cashier's check, money order or on-line payment. Cashier's check or money order shall be made payable to the "Department of Environmental Protection" and shall include both the OGC number assigned to this Order and the notation "Water Quality Assurance Trust Fund." Online payments by e-check can be made by going to the DEP Business Portal at: 

http://www.flddepportal.com/go/pay/. It will take a number of days after this order becomes final and effective filed with the Clerk of the Department before ability to make online payment is available.

11. Except as otherwise provided, all submittals and payments required by this Order shall be sent to the Department of Environmental Protection, Northeast District Office, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida, 32256

12. Respondent shall allow all authorized representatives of the Department access to the Facility and the Property at reasonable times for the purpose of determining compliance with the terms of this Order and the rules and statutes administered by the Department.

13. In the event of a sale or conveyance of the Facility or of the Property upon which the Facility is located, if all of the requirements of this Order have not been fully satisfied, Respondent shall, at least 30 days prior to the sale or conveyance of the Facility or Property, (a) notify the Department of such sale or conveyance, (b) provide the name and address of the purchaser, operator, or person(s) in control of the Facility, and (c) provide a copy of this Order with all attachments to the purchaser, operator, or person(s) in control of the Facility. The sale
or conveyance of the Facility or the Property does not relieve Respondent of the obligations imposed in this Order.

14. If any event, including administrative or judicial challenges by third parties unrelated to Respondent, occurs which causes delay or the reasonable likelihood of delay in complying with the requirements of this Order, Respondent shall have the burden of proving the delay was or will be caused by circumstances beyond the reasonable control of Respondent and could not have been or cannot be overcome by Respondent’s due diligence. Neither economic circumstances nor the failure of a contractor, subcontractor, materialman, or other agent (collectively referred to as “contractor”) to whom responsibility for performance is delegated to meet contractually imposed deadlines shall be considered circumstances beyond the control of Respondent (unless the cause of the contractor’s late performance was also beyond the contractor’s control). Upon occurrence of an event causing delay, or upon becoming aware of a potential for delay, Respondent shall notify the Department by the next working day and shall, within seven calendar days notify the Department in writing of (a) the anticipated length and cause of the delay, (b) the measures taken or to be taken to prevent or minimize the delay, and (c) the timetable by which Respondent intends to implement these measures. If the parties can agree that the delay or anticipated delay has been or will be caused by circumstances beyond the reasonable control of Respondent, the time for performance hereunder shall be extended. The agreement to extend compliance must identify the provision or provisions extended, the new compliance date or dates, and the additional measures Respondent must take to avoid or minimize the delay, if any. Failure of Respondent to comply with the notice requirements of this paragraph in a timely manner constitutes a
waiver of Respondent’s right to request an extension of time for compliance for those circumstances.

15. The Department, for and in consideration of the complete and timely performance by Respondent of all the obligations agreed to in this Order, hereby conditionally waives its right to seek judicial imposition of damages or civil penalties for alleged violations up to the date of the filing of this Order. This waiver is conditioned upon Respondent’s complete compliance with all of the terms of this Order.

16. This Order is a settlement of the Department’s civil and administrative authority arising under Florida law to resolve the matters addressed herein. This Order is not a settlement of any criminal liabilities which may arise under Florida law, nor is it a settlement of any violation which may be prosecuted criminally or civilly under federal law. Entry of this Order does not relieve Respondent of the need to comply with applicable federal, state, or local laws, rules, or ordinances.

17. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or rules administered by the Department that are not specifically resolved by this Order.

18. Respondent is fully aware that a violation of the terms of this Order may subject Respondent to judicial imposition of damages, civil penalties up to $10,000.00 per day per violation, and criminal penalties.

19. Respondent acknowledges and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, F.S., on the terms of this Order. Respondent also
acknowledges and waives its right to appeal the terms of this Order pursuant to Section 120.68, F.S.

20. Electronic signatures or other versions of the parties’ signatures, such as .pdf or facsimile, shall be valid and have the same force and effect as originals. No modifications of the terms of this Order will be effective until reduced to writing, executed by both Respondent and the Department, and filed with the clerk of the Department.

21. The terms and conditions set forth in this Order may be enforced in a court of competent jurisdiction pursuant to sections 120.69 and 403.121, F.S. Failure to comply with the terms of this Order constitutes a violation of section 403.161(1)(b), F.S.

22. This Consent Order is a final order of the Department pursuant to section 120.52(7), F.S., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is filed in accordance with Chapter 120, F.S. Upon the timely filing of a petition, this Consent Order will not be effective until further order of the Department.
STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF CONSENT ORDER

The Department of Environmental Protection ("Department") gives notice of agency action of entering into a Consent Order with DARRELL CONE DOZER SERVICE, INC. pursuant to section 120.57(4), Florida Statutes. The Consent Order addresses the operations and maintenance of a Yard Trash Disposal Facility at 449 County Road 304, Bunnell, Flagler County. The Consent Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Northeast District Office, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida, 32256.

Persons who are not parties to this Consent Order, but whose substantial interests are affected by it, have a right to petition for an administrative hearing under sections 120.569 and 120.57, Florida Statutes. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition concerning this Consent Order means that the Department's final action may be different from the position it has taken in the Consent Order.

The petition for administrative hearing must contain all of the following information:

a) The OGC Number assigned to this Consent Order;

b) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding;

c) An explanation of how the petitioner's substantial interests will be affected by the Consent Order;
d) A statement of when and how the petitioner received notice of the Consent Order;

e) Either a statement of all material facts disputed by the petitioner or a statement that
the petitioner does not dispute any material facts;

f) A statement of the specific facts the petitioner contends warrant reversal or
modification of the Consent Order;

g) A statement of the rules or statutes the petitioner contends require reversal or
modification of the Consent Order; and

h) A statement of the relief sought by the petitioner, stating precisely the action
petitioner wishes the Department to take with respect to the Consent Order.

The petition must be filed (received) at the Department's Office of General Counsel,
3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 within 21 days of
receipt of this notice. A copy of the petition must also be mailed at the time of filing to the
District Office at 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida, 32256-7590.

Failure to file a petition within the 21-day period constitutes a person's waiver of the right to
request an administrative hearing and to participate as a party to this proceeding under
sections 120.569 and 120.57, Florida Statutes. Before the deadline for filing a petition, a person
whose substantial interests are affected by this Consent Order may choose to pursue
mediation as an alternative remedy under section 120.573, Florida Statutes. Choosing
mediation will not adversely affect such person's right to request an administrative hearing if
mediation does not result in a settlement. Additional information about mediation is provided
in section 120.573, Florida Statutes and Rule 62-110.106(12), Florida Administrative Code.
23. Rules referenced in this Order are available at:


FOR THE RESPONDENT:

[Signature]
Darrell Cone
President, Darrell Cone Dozer Service, Inc.

Oct 5, 2017
Date

DONE AND ORDERED this ___ day of _____ 2017, in Duval, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

[Signature]
Gregory J. Strong
District Director
Northeast District

Filed, on this date, pursuant to section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

[Signature] [Signature]
Clerk Date

Copies furnished to:

Lea Crandall, Agency Clerk, Mail Station 35 (executed copy only)
Arlene Wilkinson, FDEP-NED
MEMORANDUM

TO: Chairperson and Planning and Development Board Members
FROM: Planning and Zoning Department
DATE: October 10, 2017
SUBJECT: Application #3097 – Future Land Use Map Amendment Greater than 10 Acres

County staff has provided the required public notice (legal advertisement, letters to surrounding owners within 300’ of subject property and sign posted) for the October 10, 2017 Planning and Development Board meeting for the above referenced application. To preserve public notice, staff respectfully requests that the Planning and Development Board take action through a motion to continue the public hearing regarding this request to a date and time certain, November 14, 2017 at 6:00 p.m. If anyone is present in the chambers to speak on this item, they may provide their comments for the record at the October 10th meeting.

The applicant has consented to this requested postponement of the Planning and Development Board.

Please contact staff with any questions.
MEMORANDUM

TO: Chairperson and Planning and Development Board Members
FROM: Planning and Zoning Department
DATE: October 10, 2017
SUBJECT: Application #3098 Rezoning from AC District to PUD

County staff has provided the required public notice (legal advertisement, letters to surrounding owners within 300’ of subject property and sign posted) for the October 10, 2017 Planning and Development Board meeting for the above referenced application. To preserve public notice, staff respectfully requests that the Planning and Development Board take action through a motion to continue the public hearing regarding this request to a date and time certain, November 14, 2017 at 6:00 p.m. If anyone is present in the chambers to speak on this item, they may provide their comments for the record at the October 10th meeting; however, this is discouraged since the quasi-judicial proceeding provides for cross-examination of witnesses, which cannot occur if all parties are not present.

The applicant has consented to this requested postponement of the Planning and Development Board.

Please contact staff with any questions.