1. Roll Call.

2. Pledge to the Flag.

3. Approval of July 10, 2018 and August 14, 2018 regular meeting minutes.

**Quasi-Judicial Process:** The audience should refrain from clapping, booing or shouts of approval or disagreement. To avoid potential legal ramification and possible overturning of a decision by the Courts, a public hearing must be fair in three respects: form, substance and appearance.

*Time limits will be observed:*

- **Staff** – 10 minute presentation.
- **Applicant** – 15 minute presentation (unless time extended by consensus of Board).
- **Public Comment** – 3 minutes per speaker, 5 minutes if speaking on behalf of a group.
- **Applicant Rebuttal and Closing Staff Comments** – 10 minutes each.
4. Application #3146 – VARIANCE IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT – request for a 2.15 foot rear yard setback variance from the 10 foot minimum rear yard setback for a single family home located at 223 Ashford Lakes Circle within Ashford Lakes Estates PUD subdivision; Parcel Number: 22-14-31-0250-00000-0620; 0.35 +/- acres. Owner: Christopher Guy and Sandra Lynn Higgs/Applicant: Colby Moore, CM Custom Pool Designs. Project #2018080020 (TRC, PDB)

5. Application #3089 – APPLICATION FOR REVIEW IN A PUD (PLANNED UNIT DEVELOPMENT) DISTRICT – request for review of a PUD Development Agreement and PUD Site Development Plan and Preliminary Plat in the PUD District for Deerfield Trace at Hunters Ridge. Parcel Number: 22-14-31-0000-01010-0100; 17.98 +/- acres. Owner: Royal Lions Gate, LLC/Applicant: Parker Mynchenberg & Associates, Inc. Project 2017080005 (TRC, PDB, BCC)

6. Application #3149 – APPLICATION FOR REVIEW IN A PUD (PLANNED UNIT DEVELOPMENT) DISTRICT – request for review of an amendment to the Plantation Bay Section 2AF, Unit 8 PUD (Planned Unit Development) Site Development Plan and Specific Development Standards. Part of Parcel Number: 03-13-31-0000-01010-0020; 55.0 +/- acres. Owner: WL Residential Land, LLC/Applicant: Jerry Finley, P.E., Finley Engineering Solutions, Inc. Project #2018080035 (TRC, PDB, BCC)

7. Application #3151 – APPLICATION FOR REVIEW IN A PUD (PLANNED UNIT DEVELOPMENT) DISTRICT – request for review of a Preliminary Plat in the PUD (Planned Unit Development) District for Renaissance at Hammock Dunes; Parcel Number: 04-11-31-2984-000E1-0180; 7.77 +/- acres. Owner: Oare Associates, LLC/Applicant: Robert E. Dickinson, RLA; Dickinson Consulting, Inc. Project #2018080034 (TRC, PDB, BCC)

8. Application #3152 – APPLICATION FOR SPECIAL USE – request for a special use for a 350 foot telecommunications tower within the R-1 (Rural Residential) and PUD (Planned Unit Development) Districts located at 1250 South Old Dixie Highway. Parcel Number: 04-13-31-0650-000D0-0040; 19.69 +/- acres. Owner/Applicant: Board of County Commissioners of Flagler County. Project # 2018090004 (TRC, PDB, BCC)

9. Application #3153 – VARIANCES IN THE R-1 (RURAL RESIDENTIAL) AND THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT – request for: a 200 foot variance from the 150 foot maximum height of a telecommunications tower within the R-1 (Rural Residential) and PUD (Planned Unit Development) Districts; and a 475 foot variance from the 700 foot minimum separation distance to the nearest off-site single-family residential zoning district; located at 1250 South Old Dixie Highway; Parcel Number: 04-13-31-0650-000D0-0040; 19.69 +/- acres. Owner/Applicant: Board of County Commissioners of Flagler County. Project #2018090011 (TRC, PDB)
10. Application #3155 – **VARIANCE IN THE C-2 (GENERAL COMMERCIAL AND SHOPPING CENTER) DISTRICT** – request for a 5 foot front landscape buffer variance from the 25 foot minimum front landscape buffer requirement on 54.75 +/- acres located East of Aviation Drive and South of State Road 100; Parcel Number: 08-12-31-0650-000B0-0070. Owner: Flagler Pines Properties, LLC/Applicant: Martin Heise, City Construction and Development. 

*Project #2018090033 (TRC, PDB)*

11. Staff Comments.

12. Board Comments.

13. 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.

14. 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 Mark Langello, Michael Boyd, Laureen Kornel, and Anthony Lombardo.

MEMBERS ABSENT: Timothy Conner (excused)

STAFF PRESENT: Gina Lemon, Development Review Planner III; and Wendy Hickey, Planner, Jarrod Shupe, Innovation Technology Director

CONSULTANT: Sally Sherman, of JMI Consulting

BOARD COUNSEL: Al Hadeed, County Attorney for Kate Stangle, of Broad and Cassel

Chairman Langello called the meeting to order

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

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

3. Approval of the June 12, 2018 regular meeting minutes
   Motion to approve made by Ms. Kornel, seconded by Mr. Lombardo

4. Quasi-judicial requiring disclosure of ex parte communication:
   Application #3138 – APPLICATION FOR A VARIANCE IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT – request for an 8-inch setback variance for the subdivision sign for Seaside Landings Subdivision; Parcel Number: 38-12-31-5445-0000-00A0; Owner: Seaside Landings Homeowners Association, Inc./ Applicant: Rabbit & Sons Construction Co., Inc.

Chairman Langello asked for ex-parte disclosures; no disclosures were made.

Ms. Wendy Hickey, Planner, presented the staff report giving a brief history of the project and staff recommendation that the Planning and Development Board find that the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03E specifically criteria 1 and 2 have not been met and therefore deny the 8-inch sign setback variance form the minimum 20 sign set back (parcel # 38-12-31-5445-00000-00A0).

Chairman Langello asked if the applicant would like to give a presentation.
Mr. Greg Rabitalle, Rabbit & Sons Construction Company, Inc. 22 Rio Pinar Trail, Ormond Beach applicant, gave a brief overview of the project and the issue at hand.

Chairman Langello opened the Public Hearing. Seeing no one approach the podium, he closed the Public Hearing.

Chairman Langello asked if the Board had any questions.

The Board, after review of the request and legal clarification it was determined that a variance was not needed and that the language within the PUD Development Agreement for Seaside Landings did not specify a minimum 20 foot setback requirement. And as such the Board through a motion will authorize the placement of the sign with a minimum of 19.4 feet setback.

Motion to authorize Placement of sign at 19.4 feet made by Mr. Boyd seconded by Ms. Kornel

Motion carried unanimously.

5. Quasi-judicial requiring disclosure of ex parte communication:
   Application #3140 – APPLICATION FOR A SPECIAL USE – request for a Special Use for a Public Safety Emergency Telecommunication Tower at 1250 South Old Dixie Highway within the R-1 (Rural Residential) and PUD (Planned Unit Development) District; Parcel #04-13-31-0650-000D0-0040; 19.69 +/- acres. Owner/Applicant: Board of County Commissioners of Flagler County; Agent: Jarrod Shupe, Innovation Technology Director.

Chairman Langello asked for ex-parte disclosures; no disclosures were made.

Ms. Hickey presented the staff report and the history for this request and the staff recommendation Request the Planning and Development Board recommend to the Board of County Commissioners that the special siting criteria have been met and recommend approval of a Special Use for a Public Safety Telecommunication Tower at 1250 South Old Dixie Highway subject to the following conditions:

1) tower to accommodate up to six (6) wireless service or communication providers/users;
2) issuance of FAA Determination of No Hazard to air navigation;
3) contractor to attempt to preserve index trees on site throughout site development;
4) elimination of the perimeter landscape buffer surrounding the fenced compound;
5) authorization to paint the lower 50 feet of the tower as either forest green or brown (“Java”), as previously approved by the Board of County Commissioners, with the remaining tower height to be painted with a non-contrasting blue or gray finish or galvanized finish;

6) a variance will be needed to allow the tower height to exceed 150 feet

Chairman Langello asked if the applicant would like to give a presentation.

Mr. Jarrod Shupe, Innovation Technology Director, Flagler County, gave a history and overview of the proposed project.

Chairman Langello opened the Public Hearing. Seeing no one approach the podium he closed the Public Hearing.

Motion to approve made by Mr. Boyd, seconded by Mr. Lombardo.

Motion carried unanimously.

6. Staff Comments

None.

7. Board Comments

None.

8. 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.

9. Adjournment

Motion made at 6:43 p.m.

Prepared by: Wendy Hickey
Reviewed by: Adam Mengel
MEMBERS PRESENT: Chairman Mark Langello, Timothy Conner, Laureen Kornel, and Anthony Lombardo.

MEMBERS ABSENT: Michael Boyd (excused)

STAFF PRESENT: Adam Mengel, Planning Director; Gina Lemon, Development Review Planner III; and Wendy Hickey, Planner.

CONSULTANT: Sally Sherman, of JMI Consulting

BOARD COUNSEL: Kate Stangle, of Broad and Cassel

Chairman Langello called the meeting to order

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

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

3. Approval of the July 10, 2018 regular meeting minutes will be postponed to the September 11, 2018 regular meeting.

4. Quasi-judicial requiring disclosure of ex parte communication:
   Application #3101 – APPLICATION FOR A SITE DEVELOPMENT PLAN OVER 5 ACRES IN THE AC (AGRICULTURE) DISTRICT – request for review of a site development plan in the AC (Agriculture) District at 2925 State Road 100 West. Parcel Number: 07-12-30-5550-00160-0030; 8.53+/- acres. Owner/Applicant: Polonia Society of Korona, Fla., Inc.; Agent: J. Brett Markovitz, Sr. VP, CPH, Inc.

Chairman Langello asked for ex-parte disclosures; no disclosures were made.

Mr. Adam Mengel, Planning Director, presented the staff report giving a brief history of the project and recommended that the Planning and Development Board approve Application #3101, a Site Development Plan Over 5 Acres in the AC (Agriculture) District for an approve Semi-Public Use as a Cultural Center for the Polonia Society of Korona, Fla., Inc. located at 2925 State Road 100 West, finding that the Site Development Plan meet the technical requirements of the Land Development Code.

Chairman Langello asked if the applicant would like to give a presentation.
Mr. J. Brent Markovitz, Senior Vice President, CPH Engineers Inc. 520 Palm Coast Parkway SW, Palm Coast, applicant, gave a brief overview of the project and thanked the staff for their help.

Chairman Langello opened the Public Hearing. Seeing no one approach the podium, he closed the Public Hearing.

Chairman Langello asked if the Board had any questions.

Motion to approve made by Mr. Connor, seconded by Ms. Kornel.

Motion carried unanimously.

5. Quasi-judicial requiring disclosure of ex parte communication:

Application #3141 – VARIANCE IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT – request for 3.46 foot side yard setback variance from the 7.5 foot minimum side yard setback for a single family home located at 42 Heron Drive within Palm Coast Plantation PUD Unit 3 subdivision. Parcel Number: 27-11-31-4893-00000-0180; Owner: William F. and Virginia L. McLeod H&W/Applicant: Saltwater Homes, Inc.

Chairman Langello asked for ex-parte disclosures; no disclosures were made.

Mr. Mengel presented the staff report and the history for this variance request and the staff recommendation that the Planning and Development Board find that all variance criteria as listed in the guidelines at the Land Development Code Section 3.07.03.E have been met and therefore approves a 3.46 foot variance from the minimum 7.5 foot side yard setback for a single family residence at 42 Heron Drive subject to the condition that the homeowner route the existing downspouts from the roof along the left (South) side of the home away from the side yard, directing the roof drainage to the rear of the property, with a yard drain added in the low spot between the center of the home and the rear of the parcel, with the yard drain then piped to the rear lot line to the West.

Chairman Langello asked if the applicant would like to give a presentation.

Nicolle Waltman of Saltwater Homes, Inc., 205 Palm Coast Parkway, NE, Suite 607, Palm Coast, applicant, described how during the building and construction process numerous surveys indicated that the home met the minimum setbacks and if it wasn’t for the new construction next door the error in the surveys may have never come to light. She noted that they as the contractor...
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have agreed to coordinate any permitting and installation of the County-requested drainage improvements.

William and Virginia McLeod, 42 Heron Drive, Palm Coast, property owners, stated they are working with the neighbors to address some encroaching shrubs.

Chairman Langello asked the applicant what did the original surveyor, the surveyor throughout the project, say was the error?

Ms. Waltman stated that he said the initial four property corners for the lot were not placed correctly, which created a domino effect and the house was not placed correctly on the lot.

Chairman Langello this lot is not a rectangle and is deep so it is unique.

Chairman Langello opened the Public Hearing. Seeing no one approach the podium he closed the Public Hearing.

Motion to approve made by Ms. Kornel, seconded by Mr. Lombardo.

Motion carried unanimously.

6. Quasi-judicial requiring disclosure of ex parte communication:
Application #3142 – VARIANCE IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT – request for a 2.6 foot rear yard setback variance from the 20 foot minimum rear yard setback for a single family home located at 21 Bristol Lane within the Sea Colony subdivision. Parcel Number: 20-10-31-5365-00010-1580; Owner: Barbara C. Jones/Agent: Dennis Bayer, Esq.

Chairman Langello asked for ex-parte disclosures; no disclosures were made.

Mr. Mengel presented the staff report and recommendation that the Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have not been met – specifically criterion 1 and 2 have not been met – and therefore denies the 2.6 foot rear yard setback variance from the minimum 20 foot rear yard setback for the expansion of living area at 21 Bristol Lane (Parcel #20-10-31-5365-00010-1580). The Board finds that the owner’s requested 2.6 foot rear yard setback variance is denied, since the property in question is not unique within the Sea Colony subdivision and the need for the variance is caused by the owner’s action extending the home’s living area into the rear setback.
He also provided the Board with Alternative Approval Language: The Planning and Development Board finds that all variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have not been met and therefore denies the rear yard setback variance for 21 Bristol Lane (Parcel #20-10-31-5365-00010-1580). The Board finds that: as to variance criterion 1, this lot is unique through the removal of the pool and deck and the decrease in impervious area through the porch addition; as to criterion 2, the conditions requiring the variance were not created by the affirmative actions of the owner and the owner acted at all times in good faith; as to criterion 3, the requested variance would not cause substantial detriment to the community or impair the purpose and intent of Article III of the Land development Code; and as to criterion 4, use of the lot as a single family residence is permitted by the Sea Colony Planned Unit Development (PUD).

Mr. Connor asked if the waterways in Sea Colony were pledged as density credits?

Mr. Mengel replied that he did not know.

Mr. Connor questioned there was no emergency access by water, asking if the Sea Colony development predated zoning?

Mr. Mengel replied no.

Dennis Bayer, Esq., 109 6th Street, Suite #200, Flagler Beach, for the applicant, stated that for this request he comes before the Board with the approval of all the neighbors and the HOA which is unusual. He also noted that the house does not sit square on the lot, and thinks that is unique to this property. He also acknowledged that there is some inconsistency in the application, noting his client completed the application. He stated that what his client is asking for is a setback of 17.8 feet from the rear property line. He also added that his client relied on the nature of the development in the neighborhood as to what would be allowed.

Chairman Langello opened the Public Hearing. Seeing no one approach the podium he closed the Public Hearing.

Chairman Langello asked about in the applicant’s narrative it talks about other variances granted in the area. Have there been any variances in the immediate area of this site and if so how many?

Mr. Bayer replied that he had been involved in a few variance requests, such as a rear porch addition.
Chairman Langello stated that maybe since the HOA is in favor and give approval for these things, maybe they should change the PUD allowing for maybe a 15 foot rear setback.

Mr. Lombardo stated that he was familiar with this development and the situation of the size of the properties.

Mr. Connor stated he thought that the developer should have drawn the lot lines to include the water since all it is being used for is stormwater retention. I find it hard to see how this meets criteria 2 of the variance requirement showing that the owners didn’t know they were coming to this situation. A minimum level of due diligence would have alerted the land owners that they had a small lot and it was going to be restricted for development.

Ms. Kornel stated that as a planner, she would ask about setbacks, but many lay people when they buy an old home and they look around the neighborhood they think it should be fine based on what they see in the area.

Motion to approve made by Ms. Kornel, seconded by Mr. Lombardo.

Motion carried unanimously.

7. Quasi-judicial requiring disclosure of ex parte communication:


Chairman Langello asked for ex-parte disclosures; no disclosures were made.

Mr. Mengel presented the staff report, a brief history of the parcel, and staff’s recommendation that the Planning and Development Board recommend approval of Application #3143 for a Semi-Public Use for a church at 7855 U.S. Highway 1 South finding that sufficient factual data has been presented, subject to the conditions:

1. This Semi-Public Use approval shall be binding upon the applicant and subject to all conditions as included within the applicants submittal package, including the application and site plan;
2. This Semi-Public Use shall run with the land and shall survive conveyance and transfer to another owner or owners provided, however that the conditions contained herein are maintained in perpetuity;
3. Obtaining all other agency permits prior to issuance of a Flagler County land development and/or building permit;
4. County staff will continue to monitor the site to ensure that health, safety and welfare of parishioners is maintained but not exceeding the maximum occupancy of any building while also verifying that off-street parking does not exceed the capacity provided on site; and
5. Any lighting on-site will be the minimum necessary and will be shielded and aimed downward so as to minimize the effects on adjacent properties.

Chairman Langello asked Ms. Stangle if there was anything special as it relates to churches. Ms. Kate Stangle, Esq., Planning Board Counsel, replied no, everything Adam has presented is valid, we do not want to treat this with bias or favoritism. Churches are allowed within this zoning category so you are not discriminating against it as long as it meets all the other requirements as an acceptable use.

Tuan Huynh, P.E., Project Manager, Upham Engineering, 265 Kenilworth Avenue, Ormond Beach, for the applicant, noted that the applicant accepts all the conditions and added that the assembly would occur two to three times per week so the impact would be very minimal as there is existing services and infrastructure to the property.

Chairman Langello asked about the assembly area, that it looks to be 2,100 square feet in area and the occupant load seemed to be low for the size. How do we determine the occupancy load?

Mr. Mengel replied that the project was reviewed by the Fire Marshal, the Life Safety Code has some calculations and the Fire Marshal was comfortable with the 88 persons noted in the application packet.

Mr. Huynh also added there is an additional access point in the rear of the building.

Chairman Langello stated that it was parking that was his concern.

Mr. Huynh responded that based on the 88 occupancy the parking requirement is 22 but has provided an additional 5 spaces and there is also a large amount of greenspace that if necessary could be used for overflow on the 3.58 acre property.

Chairman Langello opened the Public Hearing. Seeing no one approach the podium he closed the Public Hearing.

Motion to approve made by Ms. Kornel, seconded by Mr. Lombardo.

Motion carried unanimously.
8. Quasi-judicial requiring disclosure of ex parte communication:

Application #3145 – VARIANCE IN THE R-1 (RURAL RESIDENTIAL) AND THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT – request for a 49 foot variance from the 150 foot maximum height of a telecommunications tower within the R-1 (Rural Residential) and PUD (Planned Unit Development) Districts located at 1250 South Old Dixie Highway. Parcel Number: 04-13-31-0650-000D0-0040; 19.69+/ - acres. Owner/Applicant: Board of County Commissioners of Flagler County.

Chairman Langello asked for ex-parte disclosures; no disclosures were made.

Chairman Langello asked if Mr. Mengel was doing the presentation.

Mr. Mengel replied yes, but that Sally Sherman, the County’s consultant will represent Mr. Shupe our Innovation Technologies Director in his absence with any questions; she is very familiar with this project. So if you have any specific questions there I am not trying to advocate wrongly for the County even though I am a County employee.

Mr. Mengel stated that this had just gone through the Special Use approval. We didn’t have the variance timing for the notice to go out quick enough when the site was picked out, for the northwest corner of the property. The park property where we are going to put the tower sits in an R-1 zoning district. So, R-1 residential uses have a special criteria that is listed in our Special Use considerations for towers that says you can’t exceed 150 feet in height if you are constructing for two (2) or more users in a residential zoning district. So that is what has prompted this request. The request is specifically for a 49 foot height variance allowing for 199 foot total height emergency services telecommunications tower, being part of that overall network this being the tower that moved from the Plantation Bay Utility site. The FAA determination of No Hazard to Air Navigation is pending. The Special Use approval noted the FAA determination as a condition. I had a discussion with Ms. Jane Gentile-Youd, she is present to request additional lighting that is not required by FAA. FAA says 200 feet or greater you are marking the tower orange and white and you are also lighting the tower. When we went through the Special Use approval I showed the proximity to our airport and also the airport in Ormond. Staff’s recommendation is that the Planning and Development Board finds that based on the testimony and evidence presented that all variance guidelines have been met and approve Application #3145 for a 49 foot variance from the maximum tower height of 150 feet to permit a 199 foot self-supporting emergency services telecommunications tower within the R-1 (Rural Residential) district at 1250 South Old Dixie Highway.

Chairman Langello thanked staff for the presentation.
Ms. Sally Sherman, Consultant, JMI Consulting, for Flagler County as the applicant, we have been working on our telecommunications system for several years now and it is all based on that we have voids in our system as it relates to our law enforcement and our fire rescue personnel trying to communicate to each other in the field so this is a critical part of our infrastructure that is going to enable them to communicate by radio. I think one of the things that really came to light was as an example if a law enforcement officer is in a certain area of the county after a perp and they lose communication by radio, we have no way of knowing where they are and what is going on so we are trying to close those gaps and that is a very important aspect of that closure this location. We do follow the circulars that the FAA puts out and they don’t arbitrarily make changes to what they recommend or what they are proposing to give us guidance of because the flying population kind of dictates where they are because of tower height locations and if you were to sometime attach another system on to that then they assume they are at a certain height. We are committed to adhere to what FAA is going to require us to do and install lighting if required by them.

Chairman Langello asked if anyone on the Board had any questions for Ms. Sherman. Hearing none he then opened the Public Hearing.

Ms. Jane Gentile-Youd, 3 Magnolia Drive North, Ormond Beach, taxpayer and resident, stated we do need towers. Years ago I was against them, but we definitely need them, everybody needs them. The County said that a request for a lighting waiver is not needed as long as the tower is less than 200 feet in height. The County is going to be borrowing $13 million upfront to pay Motorola for the six towers, lighting is relatively inexpensive today. There is LED lighting, we don’t need to worry about blinding people the residents. Right behind the property there is ICI future Westlake, I don’t know if they even know about this. But the people are going to be living very, very, close now let me ask you, if you lived close by and you do with the county I don’t know does the FAA know that about a half a mile to the east is a five million dollar water plant? Does the FAA know that about a half a mile to the east is a five million dollar water plant? Does the FAA know that less than five miles to the north is an airport? An airport that has no radar at this time and we are leasing space to student pilots who fly at all times day and night. We are the lightning capital of the United States and for one foot we are not going to put up lights? I am going to call the FAA tomorrow and I am going to give them all the facts. It seems to me absolutely stupid and dangerous and look at the liability that tax payers we will face if a plane hits that tower we are going to say we didn’t need a light because the tower was one foot below 200 feet and there is a playground and homes and an airport with no radar and lighting is inexpensive and considering we are borrowing $13 million with interest at only 3½% over 20 years. Please make lighting mandatory.

Chairman Langello asked Ms. Gentile-Youd if she was against the variance or are you only asking them to put lighting on the tower?
Ms. Gentile-Youd replied absolutely, we need the tower. I just want them to be safe.

Mr. Mark Youd, 3 Magnolia Drive North, Ormond Beach, Flagler County resident, stated that making this tower 200 feet and not installing lights, I don’t know if it is a financial thing or an arrangement with Motorola. I have been in the aviation industry for over 35 years and I have seen my share of dumb, stupid and dangerous things. Does anyone really believe a tower at 199 feet is safer than one at 200 or 201 feet? I don’t think so. Last night the weather we had by 7:00 p.m., we had a thunderstorm I haven’t seen this bad in years. I couldn’t see 50 feet to my neighbor’s house. Do you think these conditions for a pilot flying in trouble struggling to maintain altitude and he’s got no tower and no radar. I’m sorry even if he has instrument readings he is not going to see a tower 200 feet up in the air if it doesn’t have any lighting in those conditions. I’m sorry, last night I couldn’t see my neighbor’s house. So I am asking for this to be denied based upon lack of lighting and at least delayed until the Flagler Airport gets a tower and radar installed.

Chairman Langello asked if the Board had any questions.

Ms. Kornel asked staff if the Board could move to approve the variance and put conditions on it?

Mr. Mengel replied yes.

Ms. Kornel responded okay, that’s all.

Chairman Langello asked that based on the public comments, in the building business, I often know this we have steps so when you get to this level, this triggers if you get below it you don’t trigger it and it is not uncommon in the public, I should say the private sector to look at that and we may do something up to the limit because we know if we go a little more we are going to trigger that thing, so in the private sector we often do that to save money.

Ms. Sherman commented that the tower height is the recommendation from the tower company we are working with, this is their recommendation for the height. As I had indicated Flagler County has been working on this for a number of years and this is not the first time we had tower requests that are 199 feet, this is what they had recommended. Also as I had indicated it is our goal and our desire to work with FAA with regard to their recommendations on what they want us to do with regard to the tower location and any proximity to any other location within Flagler County. As you may recall, when we came forward a number of years ago with cell towers there was a lot of outcry because people did not want lighting and so that was one the things that was taken into consideration as well as we moved forward with these current requests. But it is not related to a financial aspect. It is what is needed for the location and also working with FAA to determine what they would want to see in regard to lighting. Again it puts us in a difficult position, we are being dictated to do something that FAA may come back and say no it is not
allowed or we don’t want it in that location. We are not opposed to it. Again, we are working with
the FAA on it.

Chairman Langello asked Ms. Sherman that this lot has two (2) different zoning classifications
and if we were to place this thing in the rear, the variance would not be necessary?

Ms. Sherman replied you are absolutely correct.

Ms. Langello asked how many feet away are we from roughly from where it changes?

Ms. Sherman stated I think it was about 20 feet.

Mr. Mengel added, assuming we measure it out, I want to say it is about 200 feet deep so that as
Ms. Sherman had said there would be about another 20 feet further to the south then you have that
boundary line showing up.

Chairman Langello added that it is not practical to put it there obviously.

Ms. Sherman stated that is correct based on the recommendation of the engineer.

Chairman Langello replied I was saying to Adam that this is not the first time we have asked to
have a variance and the height of the towers and without getting into whether or not we meet all
this criteria that we do on all these variances. It would be nice again that staff would be looking
at this thing and maybe these tower heights aren’t correct anyway and need to be adjusted. If the
County needs that amount of height it is not unreasonable to believe that somebody else is going
to need it. So it would be nice if this issue was corrected. So, I would just wish you would correct
some of these issues instead of keep coming back for variances.

Chairman Langello asked for a motion.

Motion to approve with the condition that the tower be lit made by Ms. Kornel, seconded by Mr.
Lombardo.

Chairman Langello stated that he was not in favor of that only because he thought they should
get the variance. I don’t want to dictate whether the lighting is required.

Motion with the condition of lighting carried 3 ayes to 1 nay with Chairman Langello
dissenting.

Chairman Langello asked staff if there would be more people to sit on this Board soon.
Mr. Mengel replied yes sir, we have some things in the works.

Chairman Langello stated as you can see we are down again, we have not had a full five member of our seven member Board and if any other member didn’t show up we would not have had a meeting tonight.

9. Staff Comments
None.

10. Board Comments
None.

11. 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.

Ms. Jane Gentile-Youd, 3 Magnolia Drive North, Ormond Beach, added I want to say thank you. I wish that you would consider revisiting the C-2 Code. I am here and taking advantage of the three minutes. We have an antiquated C-2 code that really has a lot of people very concerned that the current C-2 code is so out of date and allows all types of businesses to have only a 50 foot buffer from single family homes including Bus Stations, Night Clubs, Assisted Living Facilities. If you look at the list under C-2, it looks to me like 1985 when this was written. In 1985, I was living in Dade County and I think that at that time the County was the Wild Wild West back then because the different uses listed are not consistent or compatible with the surrounding areas. At this point, the current C-2 zoning is inconsistent and incompatible with our quality of life. I hope you can revisit doing something with that C-2 code.

12. Adjournment
Motion made by Mr. Connor at 7:17 p.m.

Prepared by: Wendy Hickey
Reviewed by: Adam Mengel
SUBJECT: QUASI-JUDICIAL – Application #3146 – Request for Rear Yard Setback Variance in the PUD (Planned Unit Development) District at 223 Ashford Lakes Circle. Parcel #22-14-31-0250-00000-0620; 0.35+/-. Owner: Christopher & Sandra Higgs/Applicant: Coby Moore, CM Custom Pool Designs.

DATE OF MEETING: October 9, 2018

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. The request is for approval of a rear yard pool/spa setback variance in the PUD (Planned Unit Development) District for relief from the 10 foot minimum rear yard pool/spa setback. This parcel is 0.35+/- acres in size, identified as parcel # 22-14-31-0250-00000-0620, and is located on the south side of Ashford Lakes Circle midway between Ashford Lakes Drive and Sequoyah Court.

On August 14, 2018, Mr. Moore submitted an application for a rear yard pool/spa setback variance, requesting a 2.15 foot variance from the minimum 10 foot rear yard pool/spa setback for a spa. This is an after-the-fact request.

This application was discussed by the Technical Review Committee on September 19, 2018. All staff comments were 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.
This agenda item is:

[X] quasi-judicial, requiring disclosure of ex-parte communication; or

[ ] legislative, not requiring formal disclosure of ex-parte communication.

DEPT./CONTACT/PHONE #: Planning & Zoning/Adam Mengel/386-313-4065

RECOMMENDATION: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves a 2.15 foot variance from the minimum 10 foot rear yard setback for a pool/spa at 223 Ashford Lakes Circle (Parcel #22-14-31-0250-00000-0620).

Alternative Denial Language: The Planning and Development Board finds that all variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have not been met and therefore denies the rear yard pool/spa setback variance at 223 Ashford Lakes Circle (Parcel #22-14-31-0250-00000-0620).

ATTACHMENTS:
1. Technical Staff Report
2. Application and supporting documents
3. Public notice
Application #: 3146

Project #: 2018080020

Address: 223 Ashford Lakes Circle

Owner: Christopher Guy and Sandra Lynn Higgs

Applicant: Coby Moore, CM Custom Pool Designs

Parcel #: 22-14-31-0250-00000-0620

Parcel Size: 15,197 sq. ft. (0.35 acres)

Legal Description
Lot 62, Ashford Lakes Estates a subdivision according to the plat thereof as recorded at Plat Book 37, Pages 42 through 49, Public Records of Flagler County, Florida.

Existing Zoning and Land Use Classification:
Zoning: PUD (Planned Unit Development) District
Land Use: MUL (Mixed Use: Low Intensity, Low to Medium Density)

Future Land Use Map Classification/Zoning of Surrounding Land:
North: MUL (Mixed Use: Low Intensity, Low to Medium Density/PUD (Planned Unit Development) District
East: MUL (Mixed Use: Low Intensity, Low to Medium Density/PUD (Planned Unit Development) District
South: MUL (Mixed Use: Low Intensity, Low to Medium Density/PUD (Planned Unit Development) District
West: MUL (Mixed Use: Low Intensity, Low to Medium Density/ PUD (Planned Unit Development) District

Land Development Code Sections Affected: Land Development Code (LDC) Section 3.07.03, Procedure for variances and special exceptions, and Section 3.07.03.E, Variance guidelines.

Summary of Request: This is an after-the-fact variance request. Mr. Moore is seeking the variance for a spa constructed by his company through Permit #2017110006; the approved permit showed the minimum 10-foot rear pool/spa setback, but the final as-built survey placed the spa at 7.85 feet from the rear property line.

The development of the Ashford Lakes Estates subdivision was subject to a Development Agreement recorded at Official Records Book 1754, Pages 883 through 893, Public Records of Flagler County, Florida. Section 5.3.2 of the development agreement states:
5.3 **Site Development Requirements**

Front Yard - 30 feet from the front property line.

Rear Yard - 20 feet from the rear property line.

Side Yard - Minimum 8 feet with a total of 20 feet.  20 feet abutting any street.

5.3.2 All accessory and ancillary structures (pools, gazebos, pavilions, etc.) shall be located in the rear or side yards. Screen enclosures and other accessory structures shall be setback 10 feet from rear property line and shall comply with side yard setbacks. No Building shall be permitted within easements or buffers, regardless of setback.

**Variance Guideline Analysis**

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 in part 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:** “There is a large storm drain outside the rear property line. This project was located in its present position so as to reduce the sight of this storm drain area to the homeowner. The lot backs up to a large storm water management, drainage, open space, passive recreation area. There are no properties abutting the rear yard of this property."

   **Staff analysis:** The parcel itself is not unique. The unique condition is the large stormwater drain located just outside the rear property line of this lot.

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 Homeowners Association rules state that the setback is 7.5’. Mr. Higgs’ spa was located on the site survey with the 7.5’ setback. When the documents were submitted for permitting, we were informed that the County setback is 10’. The site survey was corrected and resubmitted with a 10’ setback and approved. Unfortunately, in the contractors files there were now 2 versions of Mr. Higgs’ site survey. The original site survey was inadvertently used to place the spa.”
Staff analysis: The applicant had applied and made the required corrections to the permit prior to issuance.

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 variance would not impact any neighboring property.”

   **Staff analysis:** The proposed variance, if granted, would not cause substantial detriment to public health, safety, and morals; this variance does not set a precedent for future similar variances.

4. No variance may be granted for a use of land or building that is not permitted by this article.

   **Applicant’s response:** “The variance requested is for a decrease in the setback for the spa at the rear of the property line of 2.15’.”

   **Staff analysis:** The property is zoned PUD (Planned Unit Development) and is developed with a one-story single family dwelling with an associated spa within the Ashford Lakes Estates PUD.

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 variances the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

   **Applicant’s response:** “The variance requested is for a decrease in the setback for the spa at the rear of the property line of 2.15’.”

   **Staff analysis:** While these statements are not criteria for the issuance of the variances, these are included in the LDC text as thematic statements providing the framework for the Planning and Development Board’s consideration of variance requests. Arguably this owner is not deprived of all reasonable use in the event of denial of this variance; however, denial of the variance will require removal of a portion of the spa.
Future Land Use Map
Zoning Map
# 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 #: 3146/2018080020

<table>
<thead>
<tr>
<th><strong>PROPERTY OWNER(S)</strong></th>
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<tbody>
<tr>
<td>Name(s): <strong>Christopher &amp; Sandra Higgins</strong></td>
</tr>
<tr>
<td>Mailing Address: 223 Ashford Lakes Circle</td>
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</table>
| City: Ormond Beach  
State: FL  
Zip: 32174 |  
| Telephone Number: 386-795-3260  
Fax Number: |  

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<tr>
<th><strong>APPLICANT/AGENT</strong></th>
</tr>
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<tbody>
<tr>
<td>Name(s): <strong>Coby Moore / CM Custom Pool Designs</strong></td>
</tr>
<tr>
<td>Mailing Address: 1424 Ridgewood Ave, Unit 5</td>
</tr>
</tbody>
</table>
| City: Holly Hill  
State: FL  
Zip: 32177 |  
| Telephone Number: 386-615-7425  
Fax Number: 386-947-7679 |  
| E-Mail Address: cmcustompooldesigns@gmail.com |  

<table>
<thead>
<tr>
<th><strong>SITE LOCATION (street address):</strong></th>
</tr>
</thead>
</table>
| 223 Ashford Lakes Circle  
Ormond Beach  
Lot 62 Ashford Lakes Estates, Plat Book 37  
Pages 42-49 |  

| **LEGAL DESCRIPTION:**  
*briefly describe, do not use "see attached"* |  
|----------------------------------------|  
| Lot 62 Ashford Lakes Estates, Plat Book 37  
Pages 42-49 |  

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<th><strong>Current Future Land Use Designation:</strong></th>
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<th><strong>Subject to A1A Scenic Corridor IDO?</strong></th>
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**Relief Requested:** variance on number of feet setback from spa to rear yard due to miscommunication of setback requirements of Homeowner's Association.

**Signature of Owner(s) or Applicant/Agent:**  

**Date:** 8/10/18  

**Project Complete**

**OFFICIAL USE ONLY**

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<th><strong>PLANNING BOARD RECOMMENDATION/ACTION:</strong></th>
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<td><em>APPROVED WITH CONDITIONS</em></td>
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**Signature of Chairman:**  

**Date:**  

*approved with conditions, see attached.

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**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: 223 Ashford Lakes Circle Ormond Beach FL 32174

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

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

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

4. No variance may be granted for a use of land or building that is not permitted by this article.

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.

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
Owner:
Christopher Higgs
223 Ashford Lake Circle
Ormond Beach FL 32174

Contractor:
Coby Moore/CM Custom Pool Designs
1424 Ridgewood Ave, Unit 5
Holly Hill, FL 32117
386-615-7425

1. There are no issues with the size or configuration of the lot.

2. C.M. Custom Pool Designs/Coby Moore contracted with the homeowner (Christopher Higgs) to build an in ground spa. The Homeowners Association rules state that the setback is 7.5'. Mr. Higgs’ spa was located on the site survey with the 7.5' setback.
   
   When the documents were submitted for permitting, we were informed that the County setback is 10’. The site survey was corrected and resubmitted with a 10’ setback and approved.
   
   Unfortunately, in the contractors files there were now 2 versions of Mr. Higgs’ site survey. The original site survey was inadvertently used to place the spa.
   
   The spa went through County inspections during the construction process on three different occasions, with the fencing in place, and the error was not noted at any of the inspections.
   
   The spa is located in the rear of Mr. Higgs’ property which abuts a storm water management, drainage, open space, passive recreation body of water.
   
   On the final survey, it locates the spa being 7.85' from the rear fence. Having to move the spa 2.15' will cause a significant construction project imposition to Mr. Higgs and a large financial burden to the contractor.

3. The variance would not impact any neighboring property.

4. The variance requested is for a decrease in the setback for the spa at the rear of the property line of 2.15'.
Special Warranty Deed

This Special Warranty Deed made this 18th day of September, 2017 between Landon Homes, LLC, a Florida limited liability company whose post office address is 6966 Business Park Blvd. N., Jacksonville, FL 32256, grantor, and Christopher Guy Higgs and Sandra Lynn Higgs, husband and wife whose post office address is 143 Deep Woods Way, Ormond Beach, FL 32174, grantee:

(Whenever 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, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Flagler County, Florida, to wit:

Lot 62, Ashford Lakes Estates, a subdivision according to the plat thereof recorded at Plat Book 37, Pages 42 through 49, in the Public Records of Flagler County, Florida.

Parcel Identification Number: 22-14-31-0250-00000-0620

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 claiming by, through or under grantors.

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:

[Signature]
Witness Name: [Name]

[Signature]
Witness Name: [Name]

Landon Homes, LLC, a Florida limited liability company

By: [Signature]
Chris Vanzant, Vice President of Finance

State of Florida
County of Duval

The foregoing instrument was acknowledged before me this 18th day of September, 2017 by Chris Vanzant, Vice President of Finance of Landon Homes, LLC, a Florida limited liability company, on behalf of said firm. He/she [ ] is personally known or [X] has produced a driver's license as identification.

[Signature]
Nicole Smagala
Notary Public

Printed Name: Nicole Smagala

My Commission Expires: 4/10/21
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: FIRE INSPECTOR

FIRE SERVICES COMMENTS FOR TRC REVIEW

No Issues

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

TRC comments

No comments at this time.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

Please indicate how this request meets the minimum requirement for a Variance.

Response to criteria 1 is not sufficient to meet this particular requirement.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

HEALTH DEPARTMENT

No comments or objections.
Answers to E. 1-4:

1. To relocate this spa would involve removing the entire spa and deck area and constructing a completely new spa and deck area. Not only would it involve tearing up the homeowner’s back yard for several more months, it would be a major financial burden to my company of approximately $50,000.

There is a large storm drain outside the rear property line. This project was located in its present position so as to reduce the sight of this storm drain area to the homeowner.

The lot backs up to a large storm water management, drainage, open space, passive recreation area. There are no properties abutting the rear yard of this property.

The neighborhood is located in a neighborhood where most properties are located in the municipality of the City of Ormond Beach which has a 5' setback for pool decks/7.5' setback for pools themselves. The homes in the County of Flagler are subject to a 10' setback requirement.

2. C.M. Custom Pool Designs/Coby Moore contracted with the homeowner (Christopher Higgs) to build an in ground spa. The Homeowners Association rules state that the setback is 7.5'. Mr. Higgs’ spa was located on the site survey with the 7.5' setback.

When the documents were submitted for permitting, we were informed that the County setback is 10'. The site survey was corrected and resubmitted with a 10' setback and approved.

Unfortunately, in the contractors files there were now 2 versions of Mr. Higgs’ site survey. The original site survey was inadvertently used to place the spa.

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On the final survey, it locates the spa being 7.85' from the rear fence. Having to move the spa 2.15' will cause a significant construction project imposition to Mr. Higgs and a large financial burden to the contractor.

3. The variance would not impact any neighboring property.

4. The variance requested is for a decrease in the setback for the spa at the rear of the property line of 2.15'.
STORM DRAIN AT REAR OF PROPERTY
VIEW OF DISTANCE BETWEEN SPA AND FENCE.
SPA

STORM DRAIN
VIEW OF SPA LOOKING TOWARD BACK OF HOME

STORM DRAIN
STORM DRAIN AT REAR OF PROPERTY
VIEW OF DISTANCE BETWEEN SPA AND FENCE.
VIEW OF SPA LOOKING TOWARD BACK OF HOME
VIEW OF SPA LOOKING TOWARD BACK OF HOME
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<td>RONALD REEVES JR</td>
<td>219 ASHFORD LAKES CIRCLE</td>
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I hereby affirm mailed notice to each owner on September 13, 2018 for the Planning & Development Board Meeting on October 9, 2018 at 6:00 pm.

Hasler
09/13/2018
US POSTAGE $000.00
ZIP 32110
011E11679462

Wendy Hickey, Planner
September 13, 2018

FLAGLER COUNTY BOCC
1769 E MOODY BLVD BLDG 2 SUITE 302
BUNNELL, FL 32110

RE: Application #3146 -Variance Request in the PUD (Planned Unit Development) Zoning District.

Dear Property Owner:

As an owner of property within 300’ of the property referenced herein, the Flagler County Planning Department, in accordance with Section 2.07.00 of the Flagler County Land Development Code, advises you that:

A request has been made by CM Custom Pool Designs for property owners Christopher & Sandra Higgs for a 2.5’ rear setback variance from the minimum 10’ foot rear setback requirement on .350 +/- acres located at 223 Ashford Lakes Circle Identified as parcel # 22-14-31-0250-00000-0620.

You are hereby notified that a public hearing before the Flagler County Planning and Development Board, required by law, will be held in the Flagler County Government Services Building, Board Chambers, at 1769 E. Moody Boulevard, Building 2, Bunnell, Florida, on October 9, 2018, beginning at 6:00 p.m., or as soon thereafter as possible.

You are welcome to attend and express your opinion.

Sincerely,

[Signature]

Wendy Hickey
Planner

NOTE: PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS. AND THAT, FOR SUCH PURPOSE, HE OR SHE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS ADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.
SUBJECT: QUASI-JUDICIAL – Application #3089 – Request for Approval of a PUD (Planned Unit Development) Development Agreement, PUD Site Development Plan, and Preliminary Plat in the PUD District for Deerfield Trace at Hunter’s Ridge. Parcel Number: 22-14-31-0000-01010-0100; 17.98 +/- acres. Owner: Royal Lions Gate, LLC/Applicant: Parker Mynchenberg & Associates, Inc. (Application #3089/Project #2017080005).

DATE OF MEETING: October 9, 2018

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. The subject parcel lies North of Ashton Look (and also being the Volusia County line) and East of Hunter’s Ridge Boulevard:

The agent on behalf of the owner filed an application and related documents with the County on August 7, 2017. This request seeks adoption of a PUD Site Development Plan through an ordinance also establishing the text of the PUD Development Agreement. In addition to the PUD Site Development Plan, this request also includes a Preliminary Plat.
and related construction plan submittal for review and approval. This project is the last of the Phase 1A developments within the Hunter's Ridge Development of Regional Impact (DRI) to advance through the PUD review process. The initial DRI established the Planned Unit Development (PUD) zoning district throughout Hunter’s Ridge; however, each individual subdivision will advance its own respective standards for development through its PUD Site Development Plan.

This application was discussed by the Technical Review Committee on September 19, 2018. The applicant has satisfactorily addressed staff’s comments in sufficient detail to advance to the Planning and Development Board. As is the County’s practice, the preliminary plat approval will be conditioned upon satisfaction of any outstanding Development Engineering comments.

BCC review authority: Section 3.04.03, LDC, requires that the Board of County Commissioners review and approve, modify or deny PUD Site Development Plans following consideration of the Planning and Development Board’s recommendations and the factual data presented during the public hearing in support of the request. Section 4.05.02 additionally applies to Preliminary Plats submitted for Board review.

This agenda item is:

X quasi-judicial, requiring disclosure of ex-parte communication; or

_____ legislative, not requiring formal disclosure of ex-parte communication.

Public Notice: Public notice has been provided in accordance with Section 2.07.00 of the LDC.

DEPT./CONTACT/PHONE #: Planning & Zoning/Adam Mengel/386-313-4065

RECOMMENDATION: Request the Planning and Development Board recommend:

1. approval of PUD Development Agreement and PUD Site Development Plan for Deerfield Trace at Hunter’s Ridge, finding that the proposed PUD is consistent with the Comprehensive Plan, the Land Development Code, and the Hunter’s Ridge DRI Development Order, and adopted through an ordinance titled similar to:

   AN ORDINANCE OF THE FLAGLER COUNTY BOARD OF COUNTY
   COMMISSIONERS, FLAGLER COUNTY, FLORIDA ADOPTING THE PUD
   (PLANNED UNIT DEVELOPMENT) DEVELOPMENT AGREEMENT FOR
   DEERFIELD TRACE SUBDIVISION AT HUNTER’S RIDGE; PROVIDING
   FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

   and

2. approval of a Preliminary Plat for Deerfield Trace at Hunter’s Ridge finding that the proposed plat is consistent with the Comprehensive Plan, the Land Development Code, and the Hunter’s Ridge DRI Development Order, subject to the following conditions:
   a. all development to be completed consistent with approved construction plans; and
   b. development not to commence until:
i. issuance by the City of Ormond Beach and Florida Department of Environmental Protection permits for extension of water and wastewater to service the subdivision;
ii. issuance of St. Johns River Water Management District permit(s); and
iii. issuance of a Flagler County land development permit following satisfaction of any outstanding Development Engineering comments.

ATTACHMENTS:
1. Technical Staff Report (TSR)
2. Ordinance
3. PUD Site Development Plan
4. Preliminary Plat
5. Application and supporting documents (including construction drawings)
6. Public notice
LDC Section 3.04.03 provides for minimum PUD Site Development Plan submittal requirements. Documents referenced below (including prior plan submittals) were submitted as part of the review of this application and are retained in Department files for review as necessary.

**PUD Site Development Plan Specific Review**

The specific requirements for the PUD Site Development Plan are listed in subsection 3.04.03.B of the Land Development Code. The PUD Site Development Plan meets the County’s requirements. Development is limited to 14 lots, all with frontage on a single cul-de-sac running generally North-to-South.

**DRI Obligations**

There are no outstanding DRI obligations related to Deerfield Trace. This development is the last of the Phase 1A developments.

Accompanying the two sheet preliminary plat is the construction plan package, both of which are subject to review and approval by the Board of County Commissioners. The lots range in size from 11,821 s.f. to 17,103 s.f. With the exception of correction of remaining minor Scrivener’s errors, the preliminary plat meets the applicable requirements and is consistent with accompanying PUD Site Development Plan. Ultimately, approval of the preliminary plat by the Board of County Commissioners cannot occur until the PUD Site Development Plan is approved by the Board.
Future Land Use Map
ORDINANCE NO. 2018 – ___

AN ORDINANCE OF THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS, FLAGLER COUNTY, FLORIDA ADOPTING THE PUD (PLANNED UNIT DEVELOPMENT) DEVELOPMENT AGREEMENT FOR DEERFIELD TRACE SUBDIVISION AT HUNTER’S RIDGE; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Royal Lion’s Gate LLC, is the owner of Parcel Number 22-14-31-0000-01010-0100, a part or all of these respective parcels totaling 17.98 acres, more or less, in size as more particularly described in Exhibit “A” attached hereto and made a part hereof; and

WHEREAS, the owner of the above-listed parcels is seeking the approval of this Ordinance creating the Deerfield Trace Subdivision at Hunter’s Ridge Planned Unit Development (PUD); and

WHEREAS, this Ordinance and its attached Exhibits shall serve as the PUD Development Agreement for the Deerfield Trace Subdivision at Hunter’s Ridge PUD; and

WHEREAS, the Deerfield Trace Subdivision at Hunter’s Ridge PUD is located within the Hunter’s Ridge Development of Regional Impact (DRI), which was initially established on January 25, 1990 and was subsequently amended through the Development Order approved by the Board of County Commissioners through Resolution No. 2010-61, approved on November 15, 2010 and recorded at Official Records Book 1803, Page 648, Public Records of Flagler County, Florida; and

WHEREAS, on October 9, 2018, the Planning and Development Board conducted a public hearing on this request and voted to recommend approval; and

WHEREAS, on October 15, 2018, the Flagler County Board of County Commissioners held a public hearing on this request and voted to approve the Deerfield Trace Subdivision 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 proposed Deerfield Trace Subdivision 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 proposed Deerfield Trace Subdivision 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 DEVELOPMENT AGREEMENT
A. This Ordinance and its Exhibits attached hereto shall serve as the PUD Development Agreement for the Deerfield Trace Subdivision at Hunter’s Ridge Planned Unit Development (PUD).

B. The Board of County Commissioners hereby adopts the PUD Development Agreement for the Deerfield Trace Subdivision at Hunter’s Ridge 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 Deerfield Trace Subdivision 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.

D. Uses within the Deerfield Trace Subdivision at Hunter’s Ridge PUD as herein established shall rely on those uses and requirements listed within the R-1b (Urban single-family residential) district, with the exception of the following dimensional requirements which shall vary from those listed for the R-1b district:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Requirement Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot size</td>
<td>10,000 square feet</td>
</tr>
<tr>
<td>Minimum lot width</td>
<td>70 feet</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>7.5 feet</td>
</tr>
<tr>
<td>Minimum side setback (street side)</td>
<td>20 feet</td>
</tr>
<tr>
<td>Minimum rear accessory structure setback</td>
<td>5 feet</td>
</tr>
<tr>
<td>Minimum rear setback for pools, hot tubs, decks, screen rooms, and patios</td>
<td>5 feet</td>
</tr>
<tr>
<td>Maximum building height</td>
<td>35 feet</td>
</tr>
<tr>
<td>Maximum impervious area</td>
<td>35.75% or 5,000 s.f. whichever is greater</td>
</tr>
<tr>
<td>Minimum living area</td>
<td>1,250 square feet</td>
</tr>
</tbody>
</table>
No structures shall encroach within or overhang any easements within the lots. (Maximum impervious area shall be the total lot area covered with the principal and accessory buildings).

E. Deerfield Trace Subdivision at Hunter’s Ridge is identified within the Hunter’s Ridge DRI Development Order as Cluster E of Phase 1A. The proposed density is 14 units on 17.98 acres or 0.78 du/ac. Indicated on the attached Site Development Plan attached as Exhibit “B” hereto, the intended density for Phase I of Deerfield Trace Subdivision at Hunter’s Ridge is 14 units.

F. The Deerfield Trace Subdivision at Hunter’s Ridge PUD will require final plat approval prior to the sale of individual lots. The subdivision shall be developed in a single phase. All infrastructure necessary to support the development shall be constructed 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.

G. Given that only 14 lots are proposed with the remaining surrounding land wetlands, the requirement for a secondary means of ingress/egress has been waived.

H. The Finished Floor Elevation for lots shall be those depicted on the PUD Site Development Plan at Exhibit “B” or the approved construction plans, as applicable, and based on the North American Vertical Datum of 1988 (NAVD 88). Any variation shall be subject to the approval of the County Development Engineer at the time of building permit application.

I. 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.

J. Model homes may be permitted following final plat approval. A maximum of five of the lots may be used for model homes and a maximum of three model homes may be used as temporary sales centers.

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

L. Royal Lion’s Gate LLC, has provided its consent to the terms and conditions of this PUD through the Owner’s Consent attached at Exhibit “C.” The provisions of this Ordinance shall be binding upon successors and assigns, including individual successor lot owners, to the extent applicable.

M. 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 15TH DAY OF OCTOBER, 2018.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

By: ________________________________
   Gregory L. Hansen, Chair

ATTEST:

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

Approved as to Form:

_______________________________
Albert J. Hadeed, County Attorney
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 SOUTHEAST CORNER OF SAID SECTION 22; THENCE SOUTH 88 DEGREES 22 MINUTES 40 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 22, A DISTANCE OF 681.37 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88 DEGREES 22 MINUTES 40 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 22, A DISTANCE OF 880.01 FEET TO THE EASTERLY LINE OF A 236 FOOT WIDE FLORIDA POWER & LIGHT EASEMENT; THENCE NORTH 01 DEGREES 00 MINUTES 05 SECONDS WEST ALONG SAID EASTERLY LINE OF A 236 FOOT WIDE FLORIDA POWER & LIGHT EASEMENT, A DISTANCE OF 1182.79 FEET; THENCE DEPARTING SAID EASTERLY LINE OF SAID EASEMENT SOUTH 55 DEGREES 00 MINUTES 17 SECONDS EAST, A DISTANCE OF 658.93 FEET; THENCE NORTH 88 DEGREES 22 MINUTES 40 SECONDS EAST, A DISTANCE OF 225.51 FEET; THENCE SOUTH 33 DEGREES 34 MINUTES 06 SECONDS EAST, A DISTANCE OF 326.31 FEET; THENCE SOUTH 48 DEGREES 43 MINUTES 34 SECONDS WEST, A DISTANCE OF 267.64 FEET; THENCE SOUTH 58 DEGREES 39 MINUTES 45 SECONDS EAST, A DISTANCE OF 7.01 FEET; THENCE NORTH 83 DEGREES 30 MINUTES 21 SECONDS EAST, A DISTANCE OF 60.26 FEET; THENCE SOUTH 56 DEGREES 40 MINUTES 34 SECONDS EAST, A DISTANCE OF 18.07 FEET; THENCE SOUTH 25 DEGREES 50 MINUTES 45 SECONDS EAST, A DISTANCE OF 36.88 FEET; THENCE SOUTH 82 DEGREES 17 MINUTES 34 SECONDS EAST, A DISTANCE OF 58.75 FEET; THENCE SOUTH 14 DEGREES 13 MINUTES 31 SECONDS EAST, A DISTANCE OF 80.79 FEET; THENCE SOUTH 02 DEGREES 50 MINUTES 25 SECONDS WEST, A DISTANCE OF 42.33 FEET; THENCE SOUTH 08 DEGREES 10 MINUTES 06 SECONDS EAST, A DISTANCE OF 38.96 FEET; THENCE SOUTH 52 DEGREES 30 MINUTES 47 SECONDS WEST, A DISTANCE OF 14.33 FEET; THENCE SOUTH 06 DEGREES 37 MINUTES 10 SECONDS WEST, A DISTANCE OF 60.63 FEET; THENCE SOUTH 12 DEGREES 20 MINUTES 34 SECONDS WEST, A DISTANCE OF 21.52 FEET; THENCE SOUTH 00 DEGREES 20 MINUTES 00 SECONDS EAST, A DISTANCE OF 40.77 FEET TO THE SOUTH LINE OF SAID SECTION 22 AND THE POINT OF BEGINNING.
EXHIBIT “C”
Owner’s Consent

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 to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Deerfield Trace Subdivision at Hunter’s Ridge PUD.

WITNESS my hand and official seal this ___ day of _____________, 20___.

WITNESSES:

___________________________
Stephen Thompson
Managing Member
Royal Lion’s Gate LLC

___________________________

STATE OF _____________)  
COUNTY OF _____________)

The foregoing instrument was acknowledged before me this ___ day of _____________, 20___, by Stephen Thompson, who is personally known to me and who did/did not take an oath.

WITNESS my hand and official seal this ___ day of _____________, 20___.

___________________________
Signature of Notary Public

___________________________
Printed Name

(SEAL)
# APPLICATION FOR PRELIMINARY PLAT

**FLAGLER COUNTY, FLORIDA**

1789 E. Moody Blvd, Suite 105
Runnell, FL 32110

Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project #: 3089/2017080005

## PROPERTY OWNER(S)

<table>
<thead>
<tr>
<th>Name(s):</th>
<th>Royal Lions Gate, LLC. Stephen Thompson, Managing Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>12 Twelve Oaks Trail</td>
</tr>
<tr>
<td>City: Ormond Beach</td>
<td>State: Florida Zip: 32174</td>
</tr>
<tr>
<td>Email: <a href="mailto:stcenturio@aol.com">stcenturio@aol.com</a></td>
<td>Telephone #: 386-295-1066 Fax #:</td>
</tr>
</tbody>
</table>

## APPLICANT/AGENT

<table>
<thead>
<tr>
<th>Name(s):</th>
<th>Parker Mynchenberg &amp; Associates, Inc. Steven R. Buswell, P.E., R.L.A., Project Engineer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>1729 Ridgewood Avenue</td>
</tr>
<tr>
<td>City: Holly Hill</td>
<td>State: Florida Zip: 32117</td>
</tr>
<tr>
<td>Email: <a href="mailto:sbuswell@parkermynchenberg.com">sbuswell@parkermynchenberg.com</a></td>
<td>Telephone #: 386-677-6891 Fax #: 386-677-7114</td>
</tr>
</tbody>
</table>

## SITE LOCATION (street address):

**LEGAL DESCRIPTION: (briefly describe, do not use “see attached”)**

<table>
<thead>
<tr>
<th>Parcel # (tax ID #):</th>
<th>22-14-01-0000-01010-0100</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel Size:</td>
<td>17.98 acres</td>
</tr>
<tr>
<td>Number of Miles of New Road(s):</td>
<td>± 0.13 miles</td>
</tr>
<tr>
<td>Current Zoning Classification:</td>
<td>PUD</td>
</tr>
<tr>
<td>Current Future Land Use Designation:</td>
<td>Mixed Use</td>
</tr>
</tbody>
</table>

**SUBJECT PROPERTY**

Subject to A1A Scenic Corridor IDO? NO

## PURPOSE OF SUBMISSION / PROJECT DATA:

Obtain approval for a 14 Lot Residential Subdivision.

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

**Date:** 4/11/16

**OFFICIAL USE ONLY**

PLANNING BOARD RECOMMENDATION/ACTION:

*APPROVED WITH CONDITIONS*

**Signature of Chairman:**

Date: ____________________________ *approved with conditions, see attached.

BOARD OF COUNTY COMMISSIONERS ACTION:

*APPROVED WITH CONDITIONS*

**Signature of Chairman:**

Date: ____________________________ *approved with conditions, see attached.
Warranty Deed

This Indenture, Made this 5th day of August, 2010 A.D., Between

SJT Investments, Inc., a Florida corporation

of the County of Volusia, State of Florida, grantor, and

Royal Lions Gate, LLC, a Florida limited liability company

whose address is 12 Twelve Oaks Trail, Ormond Beach, FL 32174

of the County of Volusia, State of Florida, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of

TEN DOLLARS ($10) -- ----------------------- DOLLARS,

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:

See Attached Exhibit "A" for Complete Legal Description.

Subject to taxes for the year 2010 and any subsequent years.

Subject to reservations, restrictions and easements of record, if any, the mention of which shall not serve to re impose the same.

The preparer of this instrument was neither furnished with, nor

requested to review, an abstract on the described property and therefore expresses no opinion as to condition of title.

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whatsoever.

In Witness Whereof, the grantor has hereunto set their hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Carolyn A. Dillon
Witness Only

Katherine E. Phillips
Witness Only

STATE OF Florida
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 5th day of August, 2010 by

Stephen J. Thompson, as President of SJT Investments, Inc., a Florida corporation

who is personally known to me.

Printed Name: CAROLYN ANN DILLON
Notary Public
My Commission Expires:

Rev. 9/1/2012
Expires 9/1/2012
License No.: 001-0000000000
My Commission Expires: 09/01/2012
Exhibit A

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 Southeast corner of said Section 22; thence South 88 degrees 22 minutes 40 seconds West along the South line of said Section 22, a distance of 681.37 feet to the POINT OF BEGINNING; thence continue South 88 degrees 22 minutes 40 seconds West along the South line of said Section 22, a distance of 880.01 feet to the Easterly line of a 236 foot wide Florida Power Easement; thence North 01 degrees 00 minutes 05 seconds West along said Easterly line of a 236 foot wide Florida Power Easement, a distance of 1182.79 feet; thence departing said Easterly line of said Easement South 55 degrees 00 minutes 17 seconds East, a distance of 658.93 feet; thence North 88 degrees 22 minutes 40 seconds East, a distance of 225.51 feet; thence South 33 degrees 34 minutes 06 seconds East, a distance of 326.31 feet; thence South 48 degrees 43 minutes 34 seconds West, a distance of 267.64 feet; thence South 58 degrees 39 minutes 45 seconds East, a distance of 7.01 feet; thence North 83 degrees 30 minutes 21 seconds East, a distance of 60.26 feet; thence South 56 degrees 40 minutes 34 seconds East, a distance of 18.07 feet; thence South 25 degrees 50 minutes 45 seconds East, a distance of 36.88 feet; thence South 82 degrees 17 minutes 34 seconds East, a distance of 89.75 feet; thence South 14 degrees 13 minutes 31 seconds East, a distance of 80.79 feet; thence South 02 degrees 50 minutes 25 seconds West, a distance of 42.33 feet; thence South 08 degrees 10 minutes 06 seconds East, a distance of 38.96 feet; thence South 52 degrees 30 minutes 47 seconds West, a distance of 14.33 feet; thence South 06 degrees 37 minutes 10 seconds West, a distance of 60.63 feet; thence South 12 degrees 20 minutes 24 seconds West, a distance of 21.52 feet; thence South 00 degrees 20 minutes 00 seconds East, a distance of 40.77 feet to the South line of said Section 22 and the POINT OF BEGINNING.—
LETTER OF AUTHORIZATION

Re: DEERFIELD TRACE SUBDIVISION

To Whom It May Concern:

By copy of this letter, I, Stephen Thompson, Managing Member of Royal Lions Gate, LLC., hereby authorize Parker Mynchenberg & Associates, Inc. to act on my behalf with regard to obtaining agency approvals, including, but not limited to:

1. City and County Plat and Site Plan Submittals (if applicable)
2. FDEP Water, Wastewater, and NPDES NOI Permit Applications (if applicable)
3. St Johns River Water Management District Permit Applications (if applicable)
4. FDOT Driveway, Drainage, and Utility Permit Applications (if applicable)
5. County Use Permit Applications (if applicable)

If you have any questions, please contact me at 386-295-1066.

Yours truly,

Stephen Thompson, Managing Member

Royal Lions Gate, LLC.
12 Twelve Oaks Trail
Ormond Beach, FL. 32174

STATE OF FLORIDA

COUNTY OF Volusia

Before me, the undersigned authority, this day personally appeared Stephen Thompson, well known to me to be Managing Member of Royal Lions Gate, LLC., and he acknowledges executing the foregoing Letter of Authorization under authority duly vested in him by said County as such officer and for the uses and purposes expressed therein.

WITNESS my hand and official seal this 11 day of April, 2010.

My Commission expires:

Angela Felderman
Notary Public, State of Florida at Large
NOTE: RECLAIMED WATER NOT AVAILABLE FOR THIS SITE
SEWAGE LIFT STATION DETAILS
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: E-911 STAFF

No comments at this time

REVIEWING DEPARTMENT: COUNTY ATTORNEY

No comments at this time

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

There is no title opinion, proof or payment of taxes, PUD agreement etc.

The City of Ormond Beach has not approved the master utility plan for Hunter's Ridge. Flagler County cannot approve any further subdivisions until the master utility plan has be approved by the City of Ormond Beach.

Upon preliminary review the following comments are offered:

TRC Comments 8/28/17

RE: Deerfield Trace @Hunter's Ridge

The City of Ormond Beach has not approved the master utility plan for Hunter's Ridge. Flagler County cannot approve any further subdivisions until the master utility plan has be approved by the City of Ormond Beach.

Upon preliminary review the following comments are offered:

1. The Applicant is to provide technically complete Preliminary Plat and associated Plat documents (Opinion of Title, Receipt of payment of taxes, any bonds that may be required) have to be submitted.

2. The Engineering Review fees for this project will be determined once the actual area of the plat is determined.

Resubmittal 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.

3. The reviewing surveyor for this project will be:
4. 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.

8. All provisions of the Flagler County Code must be adhered to. The notes used on the Plat must comply with the Certifications for Plats and Standard Forms Manual: http://www.flaglercounty.org/document_center/growth%20management/Certifications%20for%20Plats.pdf. 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.

Specific Comments:

Cover Sheet

1. Please note that the County requires a minimum of 12" above the crown on the roadway.

Plat Cover Sheet

2. Please revise the certificates to reflect the language of the Standard Forms Manual and Certifications for Plat as indicated in the link provided above.

3. The acknowledgements Certification should be placed under the dedication and reservation with the Acceptance of the Reservations placed under that.

4. Within the dedication and reservation the reference to the Hunters Ridge Environment and Wildlife Management Association will need to be changed to whatever entity will be responsible.

5. Parcel 1 The lift station in the dedication and reservation should be worded as follows:

Parcel 1 the lift station as shown hereon is hereby dedicated to the Hunter’s Ridge ______?, its successors and assigns, for utility purposes and perpetual maintenance subject to the simultaneous dedication of utility easement in perpetuity to the City of Ormond Beach(City of Ormond Beach Resolution 2008-136)and its successors and assigns for lift station related purposes

6. Tract Q in the dedication and reservation will need remove the Flagler County Board of County Commissioners as the dedicant. The Hunter's Ridge entity will maintain the Roadways and sidewalks. The City of Ormond Beach will provide and maintain the water and wastewater.

Plat Sheet 2

7. Provide a north arrow and graphic scale.

8. provide the acreages and the square footages of all tracts.
9. Call out the roadway tract as Q.

10. Please review curve C7.

11. The plat should show the point of commencement.

12. The legal description does not match the plat boundary.

Sheet 7 of 21

13. Add the silt fencing and solid tracking devices to the legend.

Sheet 8 of 21

14. The lot areas on the plat and this sheet conflict.

Sheet 9 of 21

15. Provide several cross sections at the rear property lines of the lots that back up to wetland areas to verify the grading will not encroach in to the wetland areas.

16. The lot 1 should have the rear areas draining into the proposed retention pond.

17. It appears that a pipe has been left off of three Junction MH'S. #'s 22, 25 and 14 or extra inverts have been left in place.

18. Provide additional grading in the cul-de-sac.

19. How will the orifice pipe be kept from clogging o the downstream ends.

Sheet 13 of 21

20. The storm inlet apron detail conflicts with the US foundry 6143 grate with regard to the elevations.

21. Please add the locations of the utilities in the Typical roadway section.

**REVIEWING DEPARTMENT: FIRE INSPECTOR**

No Comments at this time.

**REVIEWING DEPARTMENT: PLANNING DEPARTMENT**

1. A 2011 PUD Development Agreement submittal for Deerfield Estates never advanced
through Flagler County approvals. Applications for PUD Development Agreement and PUD Site Development Plan approval should be submitted now; once submitted, the preliminary plat application may advance through the review process simultaneously with the other applications.

Specific preliminary plat comments:
2. On the cover sheet for the submittal package, the Zoning Map appears to be out of date and incorrect: the area to the North in Hunter’s Ridge is zoned PUD now and the boundaries of the project appear much larger than the project’s 17 acres.

3. On Boundary/Topographic Survey Sheet 1, the North arrow is skewed northeasterly.

4. On Boundary/Topographic Survey Sheet 1, Surveyors Notes, Note 6 references the parcel as located within Zone X, while the Flood Map note on the cover sheet for the submittal references Zones X and A; please correct as needed. See also General Note 1 on the plat cover sheet.

5. On the plat cover sheet, in the Acceptance of Reservations certificate block, both the Hunter’s Ridge Water, Environmental and Wildlife Management Association, Inc., and the Hunter’s Ridge Master Homeowners Association are listed; however, only the Water, Environmental and Wildlife Association is mentioned in the Dedications and Reservations as a recipient of tracts and/or easements; please correct as needed. Please note that conveyance/dedication will also require completion of separate documents to be recorded simultaneously with the plat that coincide with the Dedications and Reservations.

6. On the plat cover sheet, General Notes, Note 12, including the setbacks here may need to be reconsidered: if an amendment to the setbacks is ever needed, then the amendment would require the consent of all lot owners and others affected by the plat holding a financial or ownership interest in the platted lands. This is treated as a plat amendment or replat and may be difficult if not impossible to change in the future.

7. On the plat cover sheet, ownership of the subject parcel is listed as Royal Lions Gate, LLC according to Property Appraiser records: the Dedications and Reservations identifies SJT Investments, Inc., as the owner, with the signatory for the Dedications provided as Deerfield Estates, LLC. Please correct as needed.

8. On the plat cover sheet in the Dedications and Reservations, Tracts "E" and "F" are dedicated separately for stormwater management, drainage, open space and passive recreation purposes, then dedicated again for "Conversations" [sic] and open space purposes, with the latter dedication also including mention of the St. Johns River Water Management District’s conservation easement. Please correct as needed.

9. On the plat cover sheet in the Dedications and Reservations, Parcel 1 is dedicated to the Water, Environmental and Wildlife Association, but its purpose is as a lift station parcel: should the dedication be to the City of Ormond Beach and should a certificate accepting the parcel be added to the plat for the City? Please correct as needed.

10. On the plat cover sheet in the Dedications and Reservations, the dedication for Tracts "A" and "B" appears to closely follow the initial dedication for Tracts "E" and "F." Is this correct?
11. On the plat cover sheet in the Dedications and Reservations, Tracts "G" and "H" are referred to as "sign easements tracts": there should likely be sign easements over these tracts,
with the tracts instead dedicated for open space purposes.

12. On the plat cover sheet in the Dedications and Reservations, Tract "O" is dedicated to Flagler County. Flagler County will not accept any roadways or roadway maintenance obligations. This tract should be dedicated to the appropriate association for ownership and maintenance purposes, with public access. Other recent plats within Hunter's Ridge can provide sample dedication language (see Huntington Woods Phase 1A).

13. On the plat cover sheet, Notary certificates need to be added where appropriate.

14. On Sheet 2 of 2 of the plat, please add a North arrow and graphic scale.

15. On Sheet 2 of 2 of the plat, please change labels of tracts to match Dedications and Reservations as to intended use.

16. On Sheet 2 of 2 of the plat, Parcel 1 appears to sit within a larger parcel (a box within a box); is this an easement within a tract? It is unclear what is going on here.

17. On Sheet 2 of 2 of the plat, Tracts "C" and "D" are omitted from the cover sheet: these tracts are labeled on Sheet 2 as common area/landscaping parcels. Please provide a dedication for Tracts "C" and "D" on the plat cover sheet, including intended owner and maintenance provisions.

18. On Sheet 2 of 2 of the plat, the 20-foot wide drainage easement running between Lots 12 and 13 drains into Tract "E" dedicated as a common area/conservation easement, while the other two drainage easements - between Lots 2 and 3 and between Lots 9 and 10 - appear to drain into tracts dedicated as common area/drainage easement (Tracts "B" and "A" respectively). Is Tract "E" intended for stormwater/drainage or conservation purposes?

19. Note that the 10-foot wide FPL easement (General Note 5) will not be continuous around Deerfield Court since the 15-wide drainage easement between Lots 7 and 8 intersects at the lot boundary and cul-de-sac line. A note regarding precedence of easements should be added to the plat to determine which easement prevails where easements coincide. From the County's Standard Forms Manual: "In those cases where easements of different types cross or otherwise coincide, drainage easements shall have first priority, utility easements shall have second priority, access easements shall have third priority, and all other easements shall be subordinate to these with their priorities being determined by the use rights granted."

**REVIEWING DEPARTMENT: SCHOOL DISTRICT**

**PRELIMINARY PLAT**

At this time FCSB does not have a School Capacity Availability Letter of Determination (SCALD) on file for 14 lots in Deerfield Trace. Prior to Final Plat or site plan a SCALD should be requested.

After the review with the Flagler County Schools Transportation Director it is requested that a bus stop be established (20X20 concrete slab) on the east side of Deerfield Court and north
side of Ashton Look.

See attachment "A" for proposed location of required school bus stop.
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: E-911 STAFF

1. 911 would like to have the street name changed to something that is not already established in the county. Please let me know if you need a list of suggested street names.

REVIEWING DEPARTMENT: SCHOOL DISTRICT

No comments

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

Conveyance of Tracts and Dedication of Easements should be completed through appropriate legal documents recorded in the public records in addition to the dedication and reservations on the Plat Cover Sheet.

Show the location of the project sign and demonstrate that it meets the vision clearance requirements.

Please note that a separate building permit is required for the construction of the project sign.

Upon review of the revised plans, the following comments are offered:

Cover Sheet

1. General note #14, add Development between County and Engineer.

2. General note #16, add and the City of Ormond Beach (water and sewer).

Plat Sheet 1:

3. Revise the 2017 to 2018.

4. The plat contains a Mortgagee's Consent Block, but the Title work provided by the Attorney indicates that there is no mortgage holder on the property. Please revise as necessary.

5. Please remove the dedication of Tracts C and D to Flagler County.

Sheet 7:

6. Provide notes that indicate that the initial construction will include the tree barricades, silt fencing and the temporary construction entrance. Please note that the entrance is within
Volusia County, Ormond Beach and may need a permit through their office.

7. Add the silt fencing and solid tracking devices to the legend.

Sheet 8:
8. The area noted on Lot 3 does not match the plat.

9. There is a drainage easement that is shown between lots 12 and 13, that does not show up on the plat. Please clarify.

Sheet 9:
10. There is a drainage easement that is shown between lots 12 and 13, that does not show up on the plat. Please clarify.

11. The mitered end sections are shown in the ponds at about elevation 17. The call outs indicate 23.0 and 23.50, revise as needed.

12. Provide additional grading within the cul-de-sac.

13. The inlets are called out with an offset of 15ft. This would put the center of the inlet behind the curbing. Do the proposed gutter inlet and frame sit at the edge of pavement? Provide a detail to clarify how the inlets are placed.

Sheet 13:
10. The valley gutter inlet detail is on the plan, the TC is shown but the dimensions from edge of pavement and elevations are not shown.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

1. A 2011 PUD Development Agreement submittal for Deerfield Estates never advanced through Flagler County approvals. Applications for PUD Development Agreement and PUD Site Development Plan approval should be submitted now; once submitted, the preliminary plat application may advance through the review process simultaneously with the other applications.

2. On the cover sheet for the submittal package, the Zoning Map appears to be out of date and incorrect: the area to the North in Hunter's Ridge is zoned PUD now and the boundaries of the project appear much larger than the project’s 17 acres.

March 16, 2018, Applicant responded that the Zoning Map has been corrected, however the map on the 3/13/18 revised plan set still incorrectly displays the zoning of the subject property.
The correct zoning is PUD, the CN district does not cross the southwest corner of the subject property.

Specific preliminary plat comments:
3. On the plat cover sheet Acceptance of Dedications statements shall be provided for each entity to whom tracts are dedicated. Each Acceptance of Dedications shall include a signature block with appropriate witness and acknowledgement signatures. Do not include all entities in a single acceptance statement with a single signature block. The Hunter's Ridge Master Homeowners Association, A Florida Corporation Not for Profit does not exist.

4. Provide a dedication for all easements, such as sign (S.E.), drainage easements (D.E.), conservation (C.E.), etc. and include statement of responsibility, i.e.: The drainage easements as shown hereon are hereby dedicated in perpetuity for drainage purposes. The maintenance of all drainage facilities located therein shall be the perpetual maintenance obligation of the (name of Property Owners' Association), its successors and assigns, without recourse to Flagler County.

5. On the plat cover sheet in the Dedications and Reservations, Tracts "G" and "H" are referred to as "sign easements tracts": there should likely be sign easements over these tracts, with the tracts instead dedicated for open space purposes. March response from applicant indicates that Tracts G & H have been revised to read "Common Area / Open Space" with a sign easement placed over the Tract." The 3/13/18 revised plat cover sheet does not refer to a sign easement. Please clarify.

6. Tracts "C" and "D" are shown for dedication to the Board of County Commissioners of Flagler County, Florida. These tracts are described as a 20 foot access, utility and well easement and therefore shall be dedicated to the utility provider for the subdivision, City of Ormond Beach, Florida.

7. Dedication of Tract "K" is incomplete in the title of the Homeowners Association to which the tract is being dedicated.

8. Dedication of Tract "K" attempts to include simultaneous dedication language; however the sentence for dedication is incomplete and the Community Development District 1 is incomplete in title.

9. Plat cover sheet includes Mortgagee's Consent, but the Title Opinion provided states that there is not a mortgagee for the subject property.

10. Plat cover sheet at Title Certification states that Old Republic Nation Title Insurance Company certifies that title is vested in Intervest at Plantation Bay, A Florida General Partnership. Correct the Title Certificate as necessary for the subject plat.

11. Plat sheet 2 of 2 - How is access provided to Tracts "A", "F", and "I"?

12. Plat Sheet 2 of 2 of the plat, the 20-foot wide drainage easement originally shown to run between Lots 12 and 13 has been removed from the plat but the construction plans for the subdivision maintain the 20' wide drainage area. Please clarify.

Specific Title Opinion comment:
13. The Title Opinion does not include the legal description of the subject property as required. Please provide.

Specific Construction Plan Comments:
14. Overall layout plan, paving, drainage and grading and the landscape plan are not consistent with Sheet 2 of 2 of the plat at Lots 12 and 13.

15. Specific PUD Agreement Comments:
16. Section 2D, add a statement that prohibits any structure from encroaching within or overhanging any easement. This is requested due to the minimum setbacks on rear or sides being less than the proposed easements within the lots.

17. Section 2D, Clarify the "maximum impervious lot coverage:" is this intended to be maximum impervious area on the lot or maximum footprint under roof. FCLDC recognizes "lot coverage" as the total lot area covered with principal and accessory buildings.

18. Is the 70% maximum impervious area per lot consistent with the SJRWMD approval for this subdivision? Adjust the maximum impervious area to be consistent with that percentage per lot in the ERP Permit for this subdivision. Recommendation impervious area is 35.75% or 5,000 square feet per lot whichever is greater.

19. Section 2K, correct typo Lino's [sic].

20. Include correct Overall Layout plan that is consistent with the subdivision plat.

21. FCLDC, Section 7.03.06(2) requires that permanent subdivision signs may be permitted by the Planning and Development Board and County Commission as part of the subdivision preview process. The proposed subdivision sign(s) should be included in the subdivision construction plans for review. A separate building permit will be required prior to construction of the subdivision sign(s).

REVIEWING DEPARTMENT: COUNTY ATTORNEY

No comments at this time

REVIEWING DEPARTMENT: FIRE INSPECTOR

No Comments at this time
Attended 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: FIRE INSPECTOR

No issues at this time

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

Provide a rear yard grading detail with a max back slope of 3:1.

Provide a minimum 7.5 foot side yard set back to allow for adequate drainage.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

1. On the plat cover sheet, separate Acceptance of Dedications statements shall be provided for each entity to whom tracts are dedicated, i.e. Hunters Ridge Community Development District 1 and Hunter's Ridge Homeowners Association of East Florida, Inc. For the next several comments, please refer to sample dedications provided in the Flagler County, Florida Certifications for Plats and Standard Forms Manual accessible from www.flaglercounty.org; Development Engineering page at http://www.flaglercounty.org/document_center/growth%20management/Certifications%20for%20Plats.pdf. Please refer to Form C-4 for guidelines for Dedications and Reservations. Forms C-1 through C-3 provide sample Dedications and Reservations.

2. On the plat cover sheet in the Dedications and Reservations, at Tracts "G" and "H" remove the text "a sign easement and are". The dedication and stated purpose on the tract on plat sheet 2 remain inconsistent. Clarify Sheet 2 of the plat at these tracts by changing the label from Tract ..... C.A./S.E. to Tract....C.A/O.S/S.

3. On the plat cover sheet in the Dedications and Reservations, Tracts "A", "B" and "L" are dedicated to HRHOAEFI for Stormwater Management, Drainage, Open Space and Passive Recreation. Page 2 of the plat labels the tracts as C.A./D.E. Please revise label and dedication to be consistent. If there is to be an easement on the tract for drainage purposes, please clarify in the dedication. Identify to whom the easement is to be dedicated to.

4. On the plat cover sheet in the Dedications and Reservations, Tracts "C" and "D" are identified as an easement, to the City of Ormond Beach; on page 2 of the plat the tracts are labeled as C.A./U.E./A.E. Please revise label and dedication to be consistent. If there is to be an easement on the tract for utility purposes, please clarify in the dedication. Identify to whom the easement is to be dedicated to.

5. On plat sheet 2, Tract "F" does not have access. There is an easement area shown on the East side/front of Lot 7 but this is not labeled: could this be the access easement for Tract "F"? Please correct as necessary.

6. On the plat cover sheet in the Dedications and Reservations, Tracts "J" and "K" are
dedicated to the City of Ormond Beach for well site purposes, however plat sheet 2 has the tracts labeled as common area. Please correct.

7. On plat sheet 2, should the 20' Utility Easement be identified on Tract C as is identified on Tract D?

Draft PUD Agreement and PUD Site Development Plan

8. The overall layout plan needs to include the items referenced at Flagler County LDC, Section 3.04.03(B)(2). Please add a lot count and table of dimensional requirements.

9. Label that portion of tract shown above match line consistent with the remainder of the tract.

10. The overall layout plan should be consistent with the plat for identification of lots, tracts and parcels, i.e. tracts C, D, I, J and L are not shown on layout plan.

11. Due to the request for the waiver for the provision of the secondary means of ingress/egress based on only 14 lots, the minimum lot size in the PUD Agreement should be increased to a minimum of 10,000 square feet to ensure the inability to allow a future lot split (i.e., if limited density is the justification for the waiver, then the minimum lot size in the PUD agreement should be prevent additional density).

12. While the draft PUD agreement utilized a sample agreement taken from elsewhere within Hunter's Ridge, the base zoning should likely be changed from R-1d to R-1b to reflect the 10,000 square foot minimum lot size. The developer and applicant should review the text of the LDC at Section 3.03.05 for R-1b and at Section 3.03.07 for R-1d to determine which of the County's base zoning districts best reflect the intended development.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

No additional comments at this time.
September 24, 2018

Mr. Adam Mengel, AICP
Director of Planning & Zoning
Flagler County Planning and Zoning Department
1769 E. Moody Boulevard, Building 2
Bunnell, FL. 32110

Re: DEERFIELD TRACE SUBDIVISION
Project # 2017080005 Application #3089 – Preliminary Plat
Response to TRC Comments dated September 19, 2018

Dear Adam:

Please find enclosed the following in connection with the above referenced project:

1. One (1) signed and sealed revised copy of the revised Preliminary Plat, Construction Plans, and Survey.
2. One (1) 11” x 17” copy of the revised Preliminary Plat, Construction Plans, and Survey.
3. Three (3) copies of the draft Clean PD Agreement with Exhibits.
4. One (1) CD containing PDF copies of the Plans and resubmittal package paperwork.

The following are in response to the September 19, 2018, request for additional information:

REVIEWING DEPARTMENT: FIRE INSPECTOR
No issues at this time.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING
1. Provide a rear yard grading detail with a max back slope of 3:1.
   Response: Please see revised plan for lot grading.

2. Provide a minimum 7.5-foot side yard setback to allow for adequate drainage.
   Response: The minimum side yard setback has been increased to 7.5 feet.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT
1. On the plat cover sheet, separate Acceptance of Dedications statements shall be provided for each entity to whom tracts are dedicated, i.e. Hunters Ridge Community Development District 1 and Hunter's Ridge Homeowners Association of East Florida, Inc. For the next several comments, please refer to sample dedications provided in the Flagler County, Florida Certifications for Plats and Standard Forms Manual accessible from [www.flaglercounty.org](http://www.flaglercounty.org) Development Engineering page at [http://www.flaglercounty.org/document_center/growth%20management/Certification s%20for%20Plats.pdf](http://www.flaglercounty.org/document_center/growth%20management/Certificatios%20for%20Plats.pdf). Please refer to Form C-4 for guidelines for Dedications and Reservations. Forms C1 through C-3 provide sample Dedications and Reservations.
   Response: See updated plat.
2. On the plat cover sheet in the Dedications and Reservations, at Tracts "G" and "H" remove the text 'a sign easement and are'. The dedication and stated purpose on the tract on plat sheet 2 remain inconsistent. Clarify Sheet 2 of the plat at these tracts by changing the label from Tract... C.A./S.E. to Tract... C.A/O.S/S.  
Response: The text has been removed and the Tract callout on Sheet 2 has been revised.

3. On the plat cover sheet in the Dedications and Reservations, Tracts "A", "B" and "L" are dedicated to HRHOAEFI for Stormwater Management, Drainage, Open Space and Passive Recreation. Page 2 of the plat labels the tracts as C.A./D.E. Please revise label and dedication to be consistent. If there is to be an easement on the tract for drainage purposes, please clarify in the dedication. Identify to whom the easement is to be dedicated to.  
Response: The words “open space and passive recreation” have been deleted.

4. On the plat cover sheet in the Dedications and Reservations, Tracts "C" and "D" are identified as an easement, to the City of Ormond Beach; on page 2 of the plat the tracts are labeled as C.A./U.E./A.E. Please revise label and dedication to be consistent. If there is to be an easement on the tract for utility purposes, please clarify in the dedication. Identify to whom the easement is to be dedicated to.  
Response: Please see the revised language associated with Tract “C” and “D”.

5. On plat sheet 2, Tract "F" does not have access. There is an easement area shown on the East side/front of Lot 7 but this is not labeled: could this be the access easement for Tract "F"? Please correct as necessary.  
Response: As discussed at the meeting, a 15-foot wide access easement exists near the Lot line between Lot 7 and 8.

6. On the plat cover sheet in the Dedications and Reservations, Tracts "J" and "K" are dedicated to the City of Ormond Beach for well site purposes, however plat sheet 2 has the tracts labeled as common area. Please correct.  
Response: Tracts J and I are no longer identified as Common Area.

7. On plat sheet 2, should the 20' Utility Easement be identified on Tract C as is identified on Tract D?  
Response: The 20-foot utility easement is identified on Tract C.

Draft PUD Agreement and PUD Site Development Plan
8. The overall layout plan needs to include the items referenced at Flagler County LDC, Section 3.04.03(B)(2). Please add a lot count and table of dimensional requirements.  
Response: The requested table has been added to the PUD Site Development Plan.

9. Label that portion of tract shown above match line consistent with the remainder of the tract.  
Response: The remaining portions of the tract above the matchline has been labeled.

10. The overall layout plan should be consistent with the plat for identification of lots, tracts and parcels, i.e. tracts C, D, I, J and L are not shown on layout plan.  
Response: Tracts C, D, I, J, and L have been added to the overall layout plan.
11. Due to the request for the waiver for the provision of the secondary means of ingress/egress based on only 14 lots, the minimum lot size in the PUD Agreement should be increased to a minimum of 10,000 square feet to ensure the inability to allow a future lot split (i.e., if limited density is the justification for the waiver, then the minimum lot size in the PUD agreement should be prevent additional density).

**Response:** The minimum area has been increased to 10,000 square feet.

12. While the draft PUD agreement utilized a sample agreement taken from elsewhere within Hunter’s Ridge, the base zoning should likely be changed from R-1d to R-1b to reflect the 10,000 square foot minimum lot size. The developer and applicant should review the text of the LDC at Section 3.03.05 for R-1b and at Section 3.03.07 for R-1d to determine which of the County’s base zoning districts best reflect the intended development.

**Response:** The base zoning has been updated to be more consistent with R-1d. Note the minimum width and front setback are 70 feet and 20 feet, respectively.

**REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT**

No additional comments at this time.

Should you have any questions or need additional information, please contact me at (386)677-6891.

Sincerely,

[Signature]

Steven R. Buswell, P.E., R.L.A.

SRB/af

Enclosures

cc: Mr. Stephen Thompson (stcenturio@aol.com)
AFFIDAVIT OF LEGAL NOTICE

I, the undersigned, being first duly sworn, do hereby state under oath and under penalty of perjury, that the following facts are true:

1. I am over the age of 18 and I am a resident of the State of Florida. I have personal knowledge of the facts herein and, if called as a witness, could testify competently thereto.

2. I either completed the legal notice described herein or it was completed under my responsible direction.

3. The facts herein relate specifically to Application # 3089 (Project # 2017JX0005).

4. Notice for this Application has been provided as stated herein for the (select as applicable):
   - Planning and Development Board meeting on October 9, 2018 [date]; and/or
   - Board of County Commissioners meeting on October 15, 2018 [date].

5. Newspaper publication (select one, proof of publication attached):
   - [ ] legal advertisement (Publication date: September 19, 2018)
   - [ ] 2 x 10 with map (Publication date: ______________________)
   - [ ] 2 x 10 without map (Publication date: ______________________)

6. Mailed notice: [ ] [number] letters were mailed out on September 21, 2018 [date] to parcel owners as listed within Property Appraiser records within 300 feet of the subject parcel(s)(copy of parcel list and sample notice letter attached).

7. [ ] [number] signs were posted on the subject parcel(s) on September 21, 2018 [date](photographs of posted signs attached).

   By: ____________________________
   Name: Wendy A. Hickey

Sworn and subscribed before me on October 2, 2018 [date] by

WENDY A. HICKEY [name] who (select one): [ ] is personally known to me or [ ] produced ______________________ [document] as identification and who took an oath.

________________________________________
NOTARY PUBLIC – STATE OF FLORIDA

Name: ADAM MENGEL

Commission No.: GG 132536

My Commission Expires: August 13, 2021
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 #3089 submitted by Parker Mynchenberg & Associates, Inc., as agent to the owner, Royal Lions Gate, LLC, 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 DEERFIELD TRACT AT HUNTER'S RIDGE, PROVIDING FOR FINDINGS, AND PROVIDING FOR AN EFFECTIVE DATE.

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

FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD – October 9, 2018 at 6:00 p.m., or as soon thereafter

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS – October 16, 2018 at 5:30 p.m., or as soon thereafter

All interested persons are urged to attend the public hearings and be heard. Anyone wishing to express their opinion may attend, telephone 386-313-4000 or write to: Flagler County Planning Department, 1769 E. Moody Boulevard, Building 2, Bunnell, Florida.

If a person decides to appeal any decision made by the Board of County 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 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.

NT2303442 Sept, 19, 2018
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<td>ORMOND BEACH, FL 321744842</td>
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<td>BUNNELL, FL 32110</td>
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<td>2300 GLADES ROAD STE 410W</td>
<td>BOCA RATON, FL 33431</td>
</tr>
</tbody>
</table>

I hereby affirm mailed notice to each owner on September 21, 2018 for the Planning & Development Board Meeting on October 9, 2018 at 6:00 pm and the Board of County Commissioners Meeting on October 15, 2018 at 5:30 pm.

Hasler
09/21/2018
US POSTAGE $000.00
ZIP 32110
011E11679462

Wendy Hickey, Planner
September 21, 2018

HUNTERS RIDGE RESIDENTIAL GOLF PROPERTIES
1 BEAGLES RST
ORMOND BEACH, FL  321742446

RE: Notice of Public Hearing – for a PUD Development Agreement, PUD Site Development Plan and Preliminary Plat in the PUD District – Application #3089

Dear Property Owner:

As an owner of land lying within 300’ of the Deerfield Trace at Hunters Ridge Planned Unit Development, Flagler County hereby gives notice of two public hearings for review and consideration of a request by Parker Mynchenberg & Associates, Inc for property owned by Royal Lions Gate, LLC for adoption of a Planned Unit Development Agreement, PUD Site Development Plan and Preliminary Plat in the PUD District identified as Parcel # 22-14-31-0000-01010-0100.

The public hearings for the application will be held in the Flagler County Government Services Building, Board Chambers, at 1769 E. Moody Boulevard, Building 2, Bunnell, Florida, and are scheduled as follows:

Planning Board Hearing on Tuesday, October 9, 2018 at 6:00 p.m.

Board of County Commissioners on Monday, October 15, 2018 at 5:30 p.m.

You are welcome to attend and express your opinion.

Sincerely,

Wendy Hickey
Planner

NOTE: PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE OR SHE WILL 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.
SUBJECT: QUASI-JUDICIAL – Application #3149 – Request for Approval of an Amendment to the PUD (Planned Unit Development) Site Development Plan and the Specific Development Standards for Plantation Bay Section 2A-F Unit 8. Owner: WL Residential Land, LLC; Agent: Jerry K. Finley, P.E., Finley Engineering Group (Application #3149/Project #2018080035).

DATE OF MEETING: October 9, 2018

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. The subject parcel lies South of Old Dixie Highway between U.S. Highway 1 to the West and Interstate-95 to the East:

The agent on behalf of the owner filed an application and related documents with the County on August 22, 2018. This request seeks an amendment to the Planned Unit Development (PUD) Site Development Plan (SDP) for Unit 8 which was approved by the
In addition to amending Unit 8’s PUD Site Development Plan, this application also seeks to amend the Specific Development Standards for Unit 8 as previously adopted by the Board through Ordinance No. 2007-16 and previously amended by Ordinance No. 2012-01 and Ordinance No. 2016-06. Please note that while the proposed substantive changes are only to Unit 8, staff has opted to restate the Specific Development Standards in their entirety through this ordinance, allowing for updating of the Standards for the other Units to reflect the updated adoption of Map H-1 for the Plantation Bay Development of Regional Impact (DRI).

The changes to Unit 8 specifically: increase the total lot count by 10 lots from 87 to 97 lots; reduce the minimum front and rear pool deck/screenroom setbacks by five feet from 25 to 20 feet and from 10 to 5 feet, respectively; and adopt a 60-foot and 70-foot minimum lot width to replace the original 73-foot minimum lot width, with a corresponding minimum lot size of 7,200 and 8,400 square feet replacing the original 9,490 square foot minimum lot size for the 73-foot wide minimum lot width. Overall, these changes conform to the needs of the market for the prevailing lot types that are in greatest demand; as has been seen with other developments, the trend is towards a smaller lot type. The reduction in the minimum front and rear setbacks conforms with the previous changes in other units in Westlake. It is noted that the minimum 20-foot front setback provides sufficient driveway depth for off-street parking, matching the County’s 9-foot by 20-foot parking stall dimensions.

The Plantation Bay Development of Regional Impact (DRI) Development Order (D.O.) states at Special Condition 13.4.b that allowable density “within each designated development area is calculated as the acreage of the parcel multiplied by the density range indicated on Map ‘H-1’.” Based on 55 total acres within the area designated as Unit 8, a density range of 55 to 220 dwelling units would be permitted. The 97 proposed units falls within this range, corresponding to a density of 1.8 units per acre. The previously calculated density of 3.9 units per acre was based on the previously approved 87 units per acre as applied to the 22.4 acres of the project designated for development as lots. The D.O. stipulates a maximum of 3,931 units in Flagler County, with a maximum overall density (inclusive of units in Volusia County) of 5,000 units.

The application for amendment of the PUD Site Development Plan was discussed by the Technical Review Committee on September 19, 2018. The applicant has satisfactorily addressed staff’s comments.

**BCC review authority:** Section 3.04.03, LDC, requires that the Board of County Commissioners review and approve, modify or deny PUD Site Development Plans following consideration of the Planning and Development Board’s recommendations and the factual data presented during the public hearing in support of the request.

This agenda item is:

- **X** quasi-judicial, requiring disclosure of ex-parte communication; or
- _____ legislative, not requiring formal disclosure of ex-parte communication.
Public Notice: Public notice has been provided in accordance with Section 2.07.00 of the LDC.

DEPT./CONTACT/PHONE #: Planning & Zoning/Adam Mengel/386-313-4065

RECOMMENDATION: Request the Planning and Development Board recommend approval of the amendment to the PUD Site Development Plan for Plantation Bay Section 2A-F Unit 8 and the amendment to the Specific Development Standards for Plantation Bay Section 2A-F Units 5, 6, 7, 8, and 9 adopted through an ordinance titled similar to:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA AMENDING ORDINANCE NO. 2007-16, ORDINANCE NO. 2012-01, AND ORDINANCE NO. 2016-06 BY AMENDING AND RESTATING IN ITS ENTIRETY THE SUPPLEMENTAL DEVELOPMENT CRITERIA FOR PLANTATION BAY, SECTION 2A-F, UNITS 5, 6, 7, 8, AND 9; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

ATTACHMENTS:
1. Technical Staff Report (TSR)
2. Proposed PUD Site Development Plan for Unit 8
3. Ordinance
4. Redlined Exhibit C – Specific Development Standards
5. Application and supporting documents
6. Public notice
LDC Section 3.04.03 provides for minimum PUD Site Development Plan submittal requirements. Documents referenced below (including prior plan submittals) were submitted as part of the review of this application and are retained in Department files for review as necessary.

Prior Action and Abbreviated Timeline for Unit 8

<table>
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<tr>
<th>Date</th>
<th>Action</th>
</tr>
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<tr>
<td>April 19, 2006</td>
<td>Technical Review Committee meeting – review of Application #2613 (PUD Site Plan) and Application #2612 (Preliminary Plat) for Unit 8</td>
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<tr>
<td>May 16, 2006</td>
<td>Planning Board regular meeting, Item #4 – unanimous (5-0) recommendation to approve Application #2613 (PUD Site Plan) for Unit 8 subject to the condition (as recommended by staff) that a turning lane be added to the road between Lots 51 and 52 and Stirling Bridge Road.</td>
</tr>
<tr>
<td>May 16, 2006</td>
<td>Planning Board regular meeting, Item #5 – unanimous (5-0) recommendation to approve Application #2612 (Preliminary Plat) for Unit 8 subject to compliance with the memorandum from the County Development Engineer dated May 11, 2006 and the condition that a turning lane be added to the road between Lots 51 and 52 and Sterling Bridge Road.</td>
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<tr>
<td>October 9, 2006</td>
<td>Board of County Commissioners regular meeting, Item #30 – unanimous (5-0) approval of Application #2613 (PUD Site Plan) for Unit 8 without the turning lanes between lots 51 and 52 and without the turning lane on Stirling Bridge Drive as recommended by staff.</td>
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<td>October 9, 2006</td>
<td>Board of County Commissioners regular meeting, Item #29 – unanimous (5-0) approval of Application #2612 (Preliminary Plat) for Unit 8 subject to compliance with the comments from the County Development Engineer dated September 8, 2006 and without the turning lanes between lots 51 and 52 and without the turning lane on Stirling Bridge Drive.</td>
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<tr>
<td>August 22, 2018</td>
<td>Application #3149 requesting an amendment to the PUD Site Plan and Specific Development Standards for Unit 8 received by Flagler County</td>
</tr>
<tr>
<td>September 19, 2018</td>
<td>Technical Review Committee meeting – review of Application #3149 amending the PUD Site Plan and Specific Development Standards for Unit 8</td>
</tr>
<tr>
<td>October 9, 2018</td>
<td>Planning and Development Board regular meeting – recommendation will be presented to Board of County Commissioners as part of staff’s presentation of the agenda item</td>
</tr>
</tbody>
</table>
PUD Site Development Plan Specific Review
The amendment limits the development in Unit 8 to 97 total units: 60 60-foot wide lots and 37 70-foot wide lots. Minimum lot size varies for each lot width, with the 60-foot wide lots having a minimum size of 7,200 square feet and the 70-foot wide lots having a minimum size of 8,400 square feet. The specific requirements for the PUD Site Development Plan are listed in subsection 3.04.03.B of the Land Development Code. The revised PUD Site Development Plan meets the County’s requirements.

DRI Obligations
There are no outstanding DRI obligations related to Unit 8. The construction of Bay Drive extension to connect with U.S. Highway 1 had been extended previously – through statutory extensions due to declared states of emergency issued by the Governor – until January 21, 2021, and additional time extensions are likely forthcoming.

Amendments to the Specific Development Standards
Amendments to the Specific Development Standards for the most part conform to other units in Westlake. Setbacks have been reduced where needed to reflect the current lot product and to accommodate the smaller lot sizes.

The attached ordinance (Attachment #3) reflects these changes. Attachment #4 is a redlined version of Exhibit C, the Specific Development Standards, provided in strikethrough and underline format for reference; Attachment #4 is not part of the ordinance in its redlined format, but is included within the agenda item for ease of review of the proposed changes.
ORDINANCE NO. 2018 - ___

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA AMENDING ORDINANCE NO. 2007-16, ORDINANCE NO. 2012-01, AND ORDINANCE NO. 2016-06 BY AMENDING AND RESTATING IN ITS ENTIRETY THE SUPPLEMENTAL DEVELOPMENT CRITERIA FOR PLANTATION BAY, SECTION 2A-F, UNITS 5, 6, 7, 8, AND 9; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Intervest at Plantation Bay (hereafter “Applicant”) is the owner and developer of the Plantation Bay Development of Regional Impact (DRI), consisting of multiple parcels within Flagler and Volusia Counties; and

WHEREAS, the Applicant’s parcels within Flagler County are designated as Mixed Use: Low Intensity, Low/Medium Density on the Flagler County Future Land Use Map; and

WHEREAS, the original Development Order (D.O.) for Plantation Bay classified Plantation Bay as a Planned Unit Development (PUD); and

WHEREAS, the original Development Order did not establish development criteria that is a requirement for the implementation and development of a PUD; and

WHEREAS, the development criteria for the implementation of Plantation Bay, Section A-F Units 5, 6, 7, 8 and 9 were initially adopted on November 19, 2007 by Flagler County Ordinance No. 2007-16; and

WHEREAS, the development criteria were subsequently amended, specific to reducing Unit 5’s minimum rear pool/screenroom setback for Parcel “J” on March 5, 2012 by Flagler County Ordinance No. 2012-01; and

WHEREAS, the development criteria were subsequently amended, specific to the minimum rear yard setback for pools/screenrooms within Units 5, 6 and 7 of Plantation Bay, Section 2A-F, and by amending Unit 7 to add single-family detached lots and development criteria for this lot type within Unit 7, all through adoption of Flagler County Ordinance No. 2016-06 on June 6, 2016; and

WHEREAS, the Applicant is seeking an amendment to the development criteria for Unit 8, consistent with changes to the final plat; and

WHEREAS, in addition to the amendment to the development criteria for Unit 8, the references to the Plantation Bay Development of Regional Impact’s Map H-1 are amended to reflect the adoption of the update to the Development Order as approved by the Board on March 5, 2018 through the adoption of Resolution No. 2018-23; and
WHEREAS, the County and the Applicant mutually desire to establish the development criteria through amendment and restatement of the attached Agreement and Exhibits for the purposes of site plan and plat preparation and commencement of construction in the Plantation Bay Section 2A-F, Unit 5, 6, 7, 8, and 9 Subdivisions; and

WHEREAS, the Planning and Development Board held a public hearing on October 9, 2018 to consider this amendment and unanimously recommended approval of the ordinance; and

WHEREAS, the Board of County Commissioners held a public hearing on October 15, 2018 to consider this request and approved this ordinance and amendment; and

WHEREAS, public notice of this action has been provided in accordance with Chapter 125.66, F.S. 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 3.04.04 of the Flagler County Land Development Code, finds as follows:

1. The existing PUD does not adversely affect the orderly development of Flagler County and complies with applicable Comprehensive Plan goals, objectives and policies; and

2. The existing PUD does 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; and

3. The existing PUD, while consistent with the adopted DRI D.O. and Comprehensive Plan, does not include specific development standards; and

4. The subject property is located within Plantation Bay and includes five (5) predominantly residential subdivisions generally depicted at Exhibit “A” of the attached Supplemental Development Agreement being Attachment 1 to this Ordinance.

5. This Ordinance, together with the Attachments and Exhibits thereto, shall constitute the entire Agreement between the Applicant and the County.

Section 2. ADOPTION

A. Development within the boundaries of the subject property shall take place in accord with the Plantation Bay DRI D.O., the Flagler County Land Development Code as may be modified or amended and the attached Supplemental PUD Development Agreement being Attachment 1 to this Ordinance.
B. The applicant shall signify its acceptance of this Supplemental PUD Development Agreement by filing its written acceptance with the Clerk of the Circuit Court within thirty (30) days.

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 GRANTED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA THIS 15TH DAY OF OCTOBER, 2018.

BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA

_______________________________
Gregory L. Hansen, Chair

ATTEST:

_______________________________
Tom Bexley, Clerk of the Circuit Court and Comptroller

APPROVED AS TO FORM:

_______________________________
Albert J. Hadeed, County Attorney
THIS AMENDED AND RESTATED SUPPLEMENTAL PUD DEVELOPMENT AGREEMENT (“Agreement”) is entered into as of this _____ day of October, 2018 by and between Intervest at Plantation Bay, a Florida general partnership (“Applicant”) and Flagler County, a political subdivision of the State of Florida.

RECITALS

WHEREAS, Applicant is the owner and developer of the Plantation Bay Development of Regional Impact, consisting of multiple parcels within Flagler and Volusia Counties; and

WHEREAS, the Applicant’s parcels within Flagler County are designated as Mixed Use: Low Intensity, Low/Medium Density on the Flagler County Future Land Use Map; and

WHEREAS, the original Development Order (D.O.) for Plantation Bay classified Plantation Bay as a Planned Unit Development; and

WHEREAS, the D.O. did not establish development criteria that is a requirement for the implementation of a PUD; and

WHEREAS, in cases such as this Flagler County formerly substituted the Plat Addendum for the Development Agreement however, plat addenda are no longer utilized; and

WHEREAS, subsequent action by the Board of County Commissioners provided approval of PUD Site Development Plans for Plantation Bay Section 2A-F, Units 5, 6, 7, 8, and 9, but did not consistently establish development criteria; and

WHEREAS, development criteria was subsequently established through a Supplemental PUD Development Agreement adopted by the County through Ordinance No. 2007-16, as amended by Ordinance No. 2012-01 and Ordinance No. 2016-06; and
WHEREAS, the County and the Applicant mutually desire to amend and supplement the previously established development criteria via this Agreement for the purposes of site plan and plat preparation and commencement of construction in the Plantation Bay Section 2A-F, Unit 5, 6, 7, 8, and 9 Subdivisions; and

WHEREAS, upon the execution of this Agreement by the County and the Applicant, the prior Supplemental PUD Development Agreement shall be deemed to be superseded and replaced in its entirety by this Agreement.

1. Introduction

The purpose of this Agreement is to establish development criteria within Plantation Bay Section 2A-F Westlake Units 5, 6, 7, 8, and 9 (the “Units”) and shown on Exhibit A attached hereto (the “Property”). The Property is owned by Applicant (also referred to herein as “Owner” and “Developer”). For purposes of this application, the Owner’s address is 2379 Beville Road, Daytona Beach, Florida 32119.

All building codes and applicable land development regulations of Flagler County (the “County”), and the Plantation Bay Development of Regional Impact (DRI) will be applicable to the Units unless otherwise stated herein. Applicant agrees that no final plat approval or building permits will be approved until Applicant is in compliance with all of the conditions set forth in Resolution No. 2004-125, (The Plantation Bay DRI Development Order). The Plantation Bay DRI Development Order shall prevail in case of conflict with County regulations.

2. Project Description

The Project consists of five (5) predominantly residential subdivision units within the Plantation Bay DRI. Each subdivision includes infrastructure consisting of underground utilities including water, sanitary sewer, electric, cable, and telephone, along with paved streets and an interconnecting sidewalk/bike path system linking each of the Units with shared amenity areas. Individual amenity areas, open space, and wetland parcels vary in the Project, with each Unit typically including substantial land areas reserved for these uses.
3. Development Plan and Land Development Code Applicability

The General Development Standards applicable within the Project area are included on Exhibit B, while the Specific Development Standards applicable to each Unit are included on Exhibit C. Each PUD Site Development Plan covering the Units and which was previously approved by the Board of County Commissioners is hereby incorporated by reference in this Agreement.

4. No Further Modification of PUD Site Development Plans/Conflicts

Except as specifically set forth in this Agreement, the PUD Site Development Plans covering the Units shall remain in full force and effect and shall not be modified or amended. To the extent that this Agreement is inconsistent with the PUD Site Development Plans or other development agreement governing the Units, the provisions of the Development Order for the Plantation Bay DRI shall control and if not addressed in the Development Order, then the PUD Site Development Plans shall control.

BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA

_______________________________
Gregory L. Hansen, Chair

ATTEST:

_______________________________
Tom Bexley, Clerk of the Circuit Court and Comptroller

APPROVED AS TO FORM:

_______________________________
Albert J. 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 to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Amended and Restated Supplemental PUD Development Agreement.

Intervest at Plantation Bay
By: Plan-Mor, Inc., its Managing General Partner

________________________________________
By: Morteza Hosseini-Kargar

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledge before me this ____ day of October, 2018 by Morteza Hosseini-Kargar who is personally known to me or have produced a driver’s license as identification

________________________________________
Notary Public
My commission expires:
1. This Supplemental PUD Development Agreement is applicable to Units 5, 6, 7, 8, and 9 (Units), all lying within Plantation Bay Section 2A-F – Westlake.

2. The Developer of the Units subject to this Supplemental PUD Development Agreement is Intervest at Plantation Bay, a Florida General Partnership.

3. Unless specifically dedicated otherwise by accepted and recorded final plat, the maintenance of roads and common areas will be the responsibility of the Tomoka Community Development District (CDD) and/or the Westlake at Plantation Bay Property Owners Association, Inc.

4. Provision of water for fire protection within the Units will be the responsibility of Flagler County operating as the Plantation Bay Utility Company.

5. Nothing contained herein shall render a covenant and restriction otherwise lawfully imposed and recorded within the Public Records of Flagler County, Florida to be null and void. The County’s limitation in enforcement of development standards shall be limited to those in the Plantation Bay Development of Regional Impact (DRI) Development Order (D.O.), the respective Unit PUD Site Development Plan, this Supplemental PUD Development Agreement, or the Flagler County Land Development Code. In instances of conflict between the various standards, those within the DRI D.O. shall take precedence.

6. The PUD Site Development Plan (SDP) for each Unit depicts the general layout of the subdivision plan. The exact location of structures, lot lines, roadway, internal landscape buffers, drainage facilities and other improvements shown on the Site Development Plan may be modified during review of the final site construction plans and plat(s).

7. Adjustments to an approved SDP are anticipated to occur during the final construction plan and plat review processes. Non-substantial revisions which meet the intent and purpose of the County’s Comprehensive Plan and Land Development Code may be approved, as long as the substantial integrity of the original SDP and the development standards contained herein are maintained for each Unit. Any modification to a SDP that increases the intensity or types of development or uses, reduces the amount or type of open space, or decreases the size of the buffer, within any Unit shall require the approval of the County Commission following the review and recommendation of the County Planning and Development Board.
8. Unless otherwise specifically modified by the terms of the Plantation Bay Development of Regional Impact (DRI) Development Order (D.O.), the respective Unit PUD Site Development Plan, or this Supplemental PUD Development Agreement, development of individual lots will comply with all applicable requirements of the Flagler County Land Development Code (LDC). These requirements include, but shall not be limited to, fence height, minimum landscaping requirements, and tree protection. Variance requests shall use the County’s existing variance procedures as provided for in the LDC.

9. After the parties have fully executed the Supplemental Development Agreement and prior to the completion of subdivision improvements in any Unit, the County shall issue building permits to Owner for the construction of as many as six (6) model homes/temporary sales offices in any single Unit for a time period not to exceed four (4) years from the date of issuance of a certificate of occupancy (C.O.), unless such time period is extended by the County Commission, provided however that such permits comply with applicable building codes and this Agreement. The Developer, through this Supplemental PUD Development Agreement, acknowledges and agrees that the County shall not issue a C.O. for any residence, including model homes, completed in any Unit until such time as the subdivision improvements have been completed and approved by the County. Sidewalks required on lots shall be allowed to be constructed at the time of house construction. Furthermore, the developer hereby covenants and agrees that it shall not permit any party to occupy any completed residence located on the property nor shall the developer allow any party to place any furniture or other personal belongings within such completed residence until and unless the subdivision improvements have been fully and finally completed and approved by the County, all appropriate parties shall be entitled to obtain building permits for purposes of constructing a residence on any lot located within any Unit.

10. Entry features within a Unit, to include, but not be limited to, hardscape improvements consisting of signage and decorative pavers, shall be generally constructed as proposed in Units where these features have been included as part of the PUD Site Development Plan submittal.

11. Street lighting shall be generally constructed as proposed in Units where lighting has been included as part of the PUD Site Development Plan submittal provided however that the exact location of street lighting fixtures shall be field adjusted based upon the Florida Power and Light (FPL) Electric Distribution Plan.
BOCC PUD Site Development Plan Approval: August 15, 2005

Development Thresholds:
- Total project acreage: 148.89
- Gross residential acreage: 48.4
- Dwelling Units (Single Family Detached): 140
- Density (Units per Acre): 2.9

Note: Unit 5 to consist of Low Density Residential (4-6 du/ac) per Map H-1, Master Development Plan for the Plantation Bay DRI revised November 30, 2017.

Site Plan Details:
- Revision Date: August 3, 2005
- Received by Planning: August 3, 2005

Minimum Setbacks:
- Front: 25 feet
- Side: 5 feet
- Side Street (a/k/a street side or side corner): 20 feet
- Rear: 20 feet
- Rear Pool Deck/Screenroom: 5 feet
- Rear Pool Deck/Screenroom (Parcel “J”): 15 feet

Other Criteria:
- Maximum Height: 3 stories
- Minimum Lot Size:
  - Lots 1 through 76: 8,100 s.f.
  - Lots 77 through 140: 9,300 s.f.
- Minimum Lot Width:
  - Lots 1 through 76: 60 feet
  - Lots 77 through 140: 73 feet

Note: Minimum lot width determined at front setback line.

Unit 5 Specific Developer Commitments:
- Construction of six foot wide sidewalk and bike path along north side of Bay Drive and along east side of Southlake Drive.
- Construction of five foot wide concrete sidewalk on west side of Elk River Drive.
- Entry features and signage to be constructed consistent with Sheets 4 through 6 of the PUD Site Development Plan bearing revision date of August 3, 2005.
EXHIBIT C
SPECIFIC DEVELOPMENT STANDARDS
PLANTATION BAY
SECTION 2A-F – WESTLAKE
UNIT 6

BOCC PUD Site Development Plan Approval: August 15, 2005

Development Thresholds:
- Total project acreage: 133.68
- Gross residential acreage: 24.7
- Dwelling Units (Single Family Detached): 73
- Density (Units per Acre): 3.0

Note: Unit 6 to consist of Single Family Residential (1-4 du/ac) per Map H-1, Master Development Plan for the Plantation Bay DRI revised November 30, 2017.

Site Plan Details:
- Revision Date: August 3, 2005
- Received by Planning: August 3, 2005

Note: Site Plan revised per BOCC action on August 15, 2005.

Lots 1 through 23 and 46 through 73:
- Minimum Setbacks:
  - Front: 25 feet
  - Side: 7.5 feet
  - Side Street (a/k/a street side or side corner): 20 feet
  - Rear: 20 feet
  - Rear Pool Deck/Screenroom: 5 feet

Other Criteria:
- Maximum Height: 3 stories
- Minimum Lot Size: 10,400 s.f.
- Minimum Lot Width: 80 feet

Note: Minimum lot width determined at front setback line.

Lots 24 through 45:
- Minimum Setbacks:
  - Front: 25 feet
  - Side: 5 feet
  - Side Street (a/k/a street side or side corner): 20 feet
  - Rear: 20 feet
  - Rear Pool Deck/Screenroom: 5 feet

Other Criteria:
- Maximum Height: 3 stories
- Minimum Lot Size: 7,500 s.f.
- Minimum Lot Width: 60 feet

Note: Minimum lot width determined at front setback line.

Unit 6 Specific Developer Commitments:
- Construction of sidewalk/bike path along west side of Stirling Bridge Drive.
- Clubhouse development to undergo Flagler County PUD Site Development Plan review and approval consistent with Section 12.3 of the DRI D.O. and the Flagler County LDC.
EXHIBIT C
SPECIFIC DEVELOPMENT STANDARDS
PLANTATION BAY
SECTION 2A-F – WESTLAKE
UNIT 7

BOCC PUD Site Development Plan Approval: June 6, 2016

Development Thresholds:
- Total project acreage: 96.38
- Gross residential acreage: 35.2
- Total Dwelling Units: 141
  - Single Family Attached: 60
  - Single Family Detached: 81
- Density (Units per Acre): 3.6

Note: Unit 7 to consist of both Low Density Residential (4-6 du/ac; approximately 12 acres) and Medium Density Residential (6-8 du/ac; approximately 29.5 acres) per Map H-1, Master Development Plan for the Plantation Bay DRI revised November 30, 2017.

Site Plan Details:
- Revision Date: March 28, 2016
- Received by Planning: March 28, 2016

Note: Site Plan revised per BOCC action on June 6, 2016.

Minimum Setbacks:
- Single Family Attached
  - Front: 20 feet
  - Side – between buildings, to exterior wall: 20 feet
  - Side interior units: 0 feet
  - Side Street (a/k/a street side or side corner): 15 feet
  - Rear: 20 feet
- Single Family Detached
  - Front: 20 feet
  - Side, to exterior wall: 5 feet
  - Side, to exterior wall adjacent to “occupied” easement: 5 feet
  - Rear: 20 feet
  - Rear (Adjoining Conservation Area): 10 feet
  - Rear Pool Deck/Screenroom: 5 feet
  - Rear Pool Deck/Screenroom (Adjoining Conservation Area): 5 feet

Other Criteria:
- Single Family Attached
  - Maximum Height: 3 stories
  - Minimum Lot Size: 3,600 s.f.
  - Minimum Lot Width, at front setback: 30 feet
  - Minimum Building Separation (exterior wall): 20 feet
- Single Family Detached
  - Maximum Height: 2 stories
  - Minimum Lot Size: 6,000 s.f.
  - Minimum Lot Width, at front setback: 50 feet
Unit 7 Specific Developer Commitments:
- Construction of eight foot wide concrete sidewalk on the north side of Bay Drive.
- Future park plan to include a minimum of two acres of passive open space located east of Bay Drive; existing open play area to be incorporated into the park as additional play area.
BOCC PUD Site Development Plan Approval: October 15, 2018

Development Thresholds:
- Total project acreage: 55.0
- Gross residential acreage: 22.4
- Dwelling Units (Single Family Detached): 97
- Density (Units per Acre): 1.8

*Note: Unit 8 to consist of Single Family Residential (1-4 du/ac) per Map H-1, Master Development Plan for the Plantation Bay DRI revised November 30, 2017.*

Site Plan Details:
- Revision Date: September 24, 2018
- Received by Planning: September 24, 2018

*Note: Site Plan revised per BOCC action on October 15, 2018.*

Minimum Setbacks:
- Front: 20 feet
- Side: 5 feet
- Side Street (a/k/a street side or side corner): 20 feet
- Rear: 20 feet
- Rear Pool Deck/Screenroom: 5 feet

Other Criteria:
- Maximum Height: 3 stories
- Minimum Lot Size:
  - Lots 17 through 76: 7,200 s.f.
  - Lots 1 through 16 and 77 through 97: 8,400 s.f.
- Minimum Lot Width:
  - Lots 17 through 76: 60 feet
  - Lots 1 through 16 and 77 through 97: 70 feet

*Note: Minimum lot width determined at restrictive setback line.*

Unit 8 Specific Developer Commitments:
- Construction of five foot wide sidewalk along south side of Stirling Bridge Drive.
- Landscaping of individual lots in accordance with “Typical Landscape for Westlake Phase 8” detail shown on Cover Sheet 1 of PUD Site Development Plan bearing revision date of September 21, 2018.
BOCC PUD Site Development Plan Approval: October 23, 2006

Development Thresholds:
Total project acreage: 121.2
Gross residential acreage: 43.3
Dwelling Units (Single Family Detached): 103
Density (Units per Acre): 2.4

Note: Unit 9 to consist of both Single Family Residential (1-4 du/ac; approximately 8.7 acres) and Low Density Residential (4-6 du/ac; approximately 34.6 acres) per Map H-1, Master Development Plan for the Plantation Bay DRI revised November 30, 2017.

Site Plan Details:
Revision Date: August 31, 2006
Received by Planning: October 9, 2006

Minimum Setbacks:
Front: 25 feet
Side: 5 feet
Side Street (a/k/a street side or side corner): 20 feet
Rear: 20 feet
Rear Pool Deck/Screenroom: 5 feet

Other Criteria:
Maximum Height: 3 stories
Minimum Lot Size:
Lots 1 through 41 7,800 s.f.
Lots 42 through 70 9,125 s.f.
 Lots 71 through 103 7,800 s.f.

Minimum Lot Width:
Lots 1 through 41 60 feet
Lots 42 through 70 73 feet
Lots 71 through 103 60 feet

Note: Minimum lot width determined at restrictive setback line.

Unit 9 Specific Developer Commitments:
• Construction of six foot wide concrete sidewalk along east side of Stirling Bridge Drive.
• Construction of eight foot wide concrete path from east line of the subdivision (near Englewood Drive) west to U.S. Highway 1.
• Construction of five foot wide sidewalk to be stubbed along north side of Turnberry Lane into “Low Density” Tract to be platted with Unit 9; in the future, a five foot wide sidewalk will be continued from Unit 13 to Bay Drive.
• Development of the “Low Density” Tract to undergo Flagler County PUD Site Development Plan review and approval consistent with the DRI D.O. and the Flagler County LDC.
• Landscaping of individual lots in accordance with “Proposed Landscape Criteria for Westlake Phase 9” detail shown on Cover Sheet 1 of PUD Site Development Plan bearing revision date of August 31, 2006.
EXHIBIT C
SPECIFIC DEVELOPMENT STANDARDS
PLANTATION BAY
SECTION 2A-F – WESTLAKE
UNIT 5

BOCC PUD Site Development Plan Approval: August 15, 2005

Development Thresholds:

- Total project acreage: 148.89
- Gross residential acreage: 48.4
- Dwelling Units (Single Family Detached): 140
- Density (Units per Acre): 2.9

*Note: Unit 5 to consist of Low Density Residential (4-6 du/ac) per Map H-1, Master Development Plan for the Plantation Bay DRI revised November 30, 2017/September 20, 2004.*

Site Plan Details:

- Revision Date: August 3, 2005
- Received by Planning: August 3, 2005

*Note: Site Plan revised per BOCC action on August 15, 2005.*

Minimum Setbacks:

- Front: 25 feet
- Side: 5 feet
- Side Street (a/k/a street side or side corner): 20 feet
- Rear: 20 feet
- Rear Pool Deck/Screenroom: 5 feet
- Rear Pool Deck/Screenroom (Parcel “J”): 15 feet

Other Criteria:

- Maximum Height: 3 stories
- Minimum Lot Size:
  - Lots 1 through 76: 8,100 s.f.
  - Lots 77 through 140: 9,300 s.f.
- Minimum Lot Width:
  - Lots 1 through 76: 60 feet
  - Lots 77 through 140: 73 feet

*Note: Minimum lot width determined at front setback line.*

Unit 5 Specific Developer Commitments:

- Construction of six foot wide sidewalk and bike path along north side of Bay Drive and along east side of Southlake Drive.
- Construction of five foot wide concrete sidewalk on west side of Elk River Drive.
- Entry features and signage to be constructed consistent with Sheets 4 through 6 of the PUD Site Development Plan bearing revision date of August 3, 2005.
EXHIBIT C
SPECIFIC DEVELOPMENT STANDARDS
PLANTATION BAY
SECTION 2A-F – WESTLAKE
UNIT 6

BOCC PUD Site Development Plan Approval: August 15, 2005

Development Thresholds:
- Total project acreage: 133.68
- Gross residential acreage: 24.7
- Dwelling Units (Single Family Detached): 73
- Density (Units per Acre): 3.0

Note: Unit 6 to consist of Single Family Residential (1-4 du/ac) and golf club house per Map H-1, Master Development Plan for the Plantation Bay DRI revised November 30, 2017/September 20, 2004.

Site Plan Details:
- Revision Date: August 3, 2005
- Received by Planning: August 3, 2005

Note: Site Plan revised per BOCC action on August 15, 2005.

Lots 1 through 23 and 46 through 73
Minimum Setbacks:
- Front: 25 feet
- Side: 7.5 feet
- Side Street (a/k/a street side or side corner): 20 feet
- Rear: 20 feet
- Rear Pool Deck/Screenroom: 5 feet

Other Criteria:
- Maximum Height: 3 stories
- Minimum Lot Size: 10,400 s.f.
- Minimum Lot Width: 80 feet

Note: Minimum lot width determined at front setback line.

Lots 24 through 45
Minimum Setbacks:
- Front: 25 feet
- Side: 5 feet
- Side Street (a/k/a street side or side corner): 20 feet
- Rear: 20 feet
- Rear Pool Deck/Screenroom: 5 feet

Other Criteria:
- Maximum Height: 3 stories
- Minimum Lot Size: 7,500 s.f.
- Minimum Lot Width: 60 feet

Note: Minimum lot width determined at front setback line.

Unit 6 Specific Developer Commitments:
- Construction of sidewalk/bike path along west side of Stirling Bridge Drive.
- Clubhouse development to undergo Flagler County PUD Site Development Plan review and approval consistent with Section 12.3 of the DRI D.O. and the Flagler County LDC.
EXHIBIT C
SPECIFIC DEVELOPMENT STANDARDS
PLANTATION BAY
SECTION 2A-F – WESTLAKE
UNIT 7

BOCC PUD Site Development Plan Approval: June 6, 2016

Development Thresholds:
  Total project acreage: 96.38
  Gross residential acreage: 35.2
  Total Dwelling Units: 141
  Single Family Attached: 60
  Single Family Detached: 81
  Density (Units per Acre): 3.6

Note: Unit 7 to consist of both Low Density Residential (4-6 du/ac; approximately 12 acres) and Medium Density Residential (6-8 du/ac; approximately 29.5 acres) per Map H-1, Master Development Plan for the Plantation Bay DRI revised November 30, 2017.

Site Plan Details:
  Revision Date: March 28, 2016
  Received by Planning: March 28, 2016

Note: Site Plan revised per BOCC action on June 6, 2016.

Minimum Setbacks:
  Single Family Attached
    Front: 20 feet
    Side – between buildings, to exterior wall: 20 feet
    Side interior units: 0 feet
    Side Street (a/k/a street side or side corner): 15 feet
    Rear: 20 feet
  Single Family Detached
    Front: 20 feet
    Side, to exterior wall: 5 feet
    Side, to exterior wall adjacent to “occupied” easement: 5 feet
    Rear: 20 feet
    Rear (Adjoining Conservation Area): 10 feet
    Rear Pool Deck/Screenroom: 5 feet
    Rear Pool Deck/Screenroom (Adjoining Conservation Area): 5 feet

Other Criteria:
  Single Family Attached
    Maximum Height: 3 stories
    Minimum Lot Size: 3,600 s.f.
    Minimum Lot Width, at front setback: 30 feet
    Minimum Building Separation (exterior wall): 20 feet
  Single Family Detached
    Maximum Height: 2 stories
    Minimum Lot Size: 6,000 s.f.
    Minimum Lot Width, at front setback: 50 feet
Unit 7 Specific Developer Commitments:
- Construction of eight foot wide concrete sidewalk on the north side of Bay Drive.
- Future park plan to include a minimum of two acres of passive open space located east of Bay Drive; existing open play area to be incorporated into the park as additional play area.
EXHIBIT C
SPECIFIC DEVELOPMENT STANDARDS
PLANTATION BAY
SECTION 2A-F – WESTLAKE
UNIT 8

BOCC PUD Site Development Plan Approval: October 15, 2018

Development Thresholds:
- Total project acreage: 55.0
- Gross residential acreage: 22.4
- Dwelling Units (Single Family Detached): 97
- Density (Units per Acre): 1.8


Site Plan Details:
- Revision Date: September 24, 2018
- Received by Planning: September 24, 2018

Note: Site Plan revised per BOCC action on October 15, 2018.

Minimum Setbacks:
- Front: 20 feet
- Side: 5 feet
- Side Street (a/k/a street side or side corner): 20 feet
- Rear: 20 feet
- Rear Pool Deck/Screenroom: 5 feet

Other Criteria:
- Maximum Height: 3 stories
- Minimum Lot Size: 9,490 sq. ft.
  - Lots 17 through 76: 7,200 sq. ft.
  - Lots 1 through 16 and 77 through 97: 8,400 sq. ft.
- Minimum Lot Width:
  - Lots 17 through 76: 60 feet
  - Lots 1 through 16 and 77 through 97: 70 feet

Note: Minimum lot width determined at restrictive setback line.

Unit 8 Specific Developer Commitments:
- Construction of five foot wide sidewalk along south side of Stirling Bridge Drive.
- Landscaping of individual lots in accordance with “Typical Proposed Landscape Criteria for Westlake Phase 8” detail shown on Cover Sheet 1 of PUD Site Development Plan bearing revision date of September 21, 2018 August 1, 2006.
EXHIBIT C
SPECIFIC DEVELOPMENT STANDARDS
PLANTATION BAY
SECTION 2A-F – WESTLAKE
UNIT 9

BOCC PUD Site Development Plan Approval: October 23, 2006

Development Thresholds:
Total project acreage: 121.2
Gross residential acreage: 43.3
Dwelling Units (Single Family Detached): 103
Density (Units per Acre): 2.4

Note: Unit 9 to consist of both Single Family Residential (1-4 du/ac; approximately 8.7 acres) and Low Density Residential (4-6 du/ac; approximately 34.6 acres) per Map H-1, Master Development Plan for the Plantation Bay DRI revised November 30, 2017, September 20, 2004.

Site Plan Details:
Revision Date: August 31, 2006
Received by Planning: October 9, 2006

Minimum Setbacks:
Front: 25 feet
Side: 5 feet
Side Street (a/k/a street side or side corner): 20 feet
Rear: 20 feet
Rear Pool Deck/Screenroom: 5 feet

Other Criteria:
Maximum Height: 3 stories
Minimum Lot Size:
- Lots 1 through 41: 7,800 s.f.
- Lots 42 through 70: 9,125 s.f.
- Lots 71 through 103: 7,800 s.f.

Minimum Lot Width:
- Lots 1 through 41: 60 feet
- Lots 42 through 70: 73 feet
- Lots 71 through 103: 60 feet

Note: Minimum lot width determined at restrictive setback line.

Unit 9 Specific Developer Commitments:
- Construction of six foot wide concrete sidewalk along east side of Stirling Bridge Drive.
- Construction of eight foot wide concrete path from east line of the subdivision (near Englewood Drive) west to U.S. Highway 1.
- Construction of five foot wide sidewalk to be stubbed along north side of Turnberry Lane into “Low Density” Tract to be platted with Unit 9; in the future, a five foot wide sidewalk will be continued from Unit 13 to Bay Drive.
- Development of the “Low Density” Tract to undergo Flagler County PUD Site Development Plan review and approval consistent with the DRI D.O. and the Flagler County LDC.
- Landscaping of individual lots in accordance with “Proposed Landscape Criteria for Westlake Phase 9B” detail shown on Cover Sheet 1 of PUD Site Development Plan bearing revision date of August 31, 2006.
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 #: 3149 / 2018080035

PROPERTY OWNER(S):
Name(s): WL Residential Land, LLC, by Hosselini Ventures LLLP, by West Duval Investments, Inc.
Mailing Address: 2370 Beville Road
City: Daytona Beach State: FL Zip: 32119
Telephone Number 386.236.4161 Fax Number

APPLICANT(S):
Name(s): SAME AS OWNER
Mailing Address:
City: State:
Zip:
Telephone Number Fax Number
E-Mail Address: DSMITH@ICIHOMES.COM

SITE LOCATION (street address): Sterling Bridge west of StrikeLand Canal
LEGAL DESCRIPTION: Plantation Bay Section 2A-F, Unit 8
(briefly describe, do not use "see attached")
Parcel #: (tax ID #):
Parcel Size: 55 0 acres
Current Zoning Classification: PUD
Current Future Land Use Designation
Subject to A1A Scenic Corridor? [ ] YES [ ] NO

PURPOSE OF SUBMISSION / PROJECT DATA:
Revise previously approved Site Plan in PUD For Plantation Bay Section 2A-F, Unit 8 (Westlake Unit 8)

CHARLENE B. IRLAND, VP
Signature of Owner(s) or Applicant/Agent
if Owner Authorization form attached

Date: 8-20-18

**OFFICIAL USE ONLY**
PLANNING BOARD RECOMMENDATION/ACTION: [ ] APPROVED [ ] DENIED
Signature of Chairman: ____________________________
Date: ____________________________ *approved with conditions, see attached.

**OFFICIAL USE ONLY**
BOARD OF COUNTY COMMISSIONERS ACTION: [ ] APPROVED [ ] DENIED
Signature of Chairman: ____________________________
Date: ____________________________ *approved with conditions, see attached.
August 22, 2018

Adam Mengel
Flagler County
1769 F. Moody Blvd.
Bunnell, Fl 32110

Re: Plantation Bay Section 2A-F, Unit 8

Adam:

Enclosed you will find the Application For Review, fees and the following exhibits for Plantation Bay Section 2A-F, Unit 8 (Westlake 8):

1. Ten copies of the Site Plan in a PUD
2. One 11” x 17” of the Site Plan
3. One DVD containing the Application and exhibits

It is my understanding that you are revising Exhibit “C” – Specific Development Standards for Unit 8, based on our Pre-application meeting.

Let me know if you need anything further for approval. Thank you for your assistance.

Sincerely,

Jerry K. Finley, P.E.
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

APPLICATION FOR REVIEW COMMENTS.

On some lots, with a 5 foot side yard setback it gets difficult to provide drainage as well as the mechanical equipment consider a 7.5 foot side yard setback.

No further comments at this time.

REVIEWING DEPARTMENT: FIRE INSPECTOR

FIRE SERVICES COMMENTS FOR TRC REVIEW
No comments at this time.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

No comments or objections.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

AMEND PUD SDP - PB, 2A-F, U-8
1. Correct building height to be consistent with PUD Development Agreement. Maximum Height: 3 Stories

2. Correct General Note 19 to reflect present utility provider, Flagler County.
AFFIDAVIT OF LEGAL NOTICE

I, the undersigned, being first duly sworn, do hereby state under oath and under penalty of perjury, that the following facts are true:

1. I am over the age of 18 and I am a resident of the State of Florida. I have personal knowledge of the facts herein and, if called as a witness, could testify competently thereto.

2. I either completed the legal notice described herein or it was completed under my responsible direction.

3. The facts herein relate specifically to Application #3149 (Project #201808035).

4. Notice for this Application has been provided as stated herein for the (select as applicable):
   ✔ Planning and Development Board meeting on 10/19/18 [date]; and/or
   ✔ Board of County Commissioners meeting on 10/15/18 [date].

5. ✔ Newspaper publication (select one, proof of publication attached):
   ✔ legal advertisement (Publication date: 9/19/18)
   ___ 2 x 10 with map (Publication date: _________________)
   ___ 2 x 10 without map (Publication date: _________________)

6. ✔ Mailed notice: 8 [number] letters were mailed out on
   9/12/18 [date] to parcel owners as listed within Property Appraiser records within 300 feet of the subject parcel(s)(copy of parcel list and sample notice letter attached).

7. ✔ Posted notice: 2 [number] signs were posted on the subject parcel(s) on
   9/21/18 [date](photographs of posted signs attached).

   By: ____________________________
   Name: WENDY A. HICKEY

Sworn and subscribed before me on OCTOBER 2, 2018 [date] by
WENDY A. HICKEY [name] who (select one): ✗ is personally known to me or __ produced __________________________ [document] as identification and who took an oath.

ADAM MENGEI
MY COMMISSION # GG 132536
EXPIRES: AUGUST 13, 2021
Bonded thru Notary Public Underwriters

NOTARY PUBLIC – STATE OF FLORIDA
Name: ADAM MENGEI
Commission No.: GG 132536
My Commission Expires: AUGUST 13, 2021

(SEAL)
NOTICE OF ADOPTION OF AMENDMENT TO PLANNED UNIT DEVELOPMENT AGREEMENT

Pursuant to Chapter 125, Florida Statutes, the Flagler County Board of County Commissioners hereby provide notice of consideration of Application #3149 submitted by Jerry Finley, P.E., Finley Engineering Solutions, Inc., on behalf of the owner, WL Residential Land, LLC, and possible adoption of the following Ordinance and titled similar to:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA AMENDING ORDINANCE NO. 2007-16, ORDINANCE NO. 2012-01 AND ORDINANCE NO. 2016-06 BY AMENDING AND RESTATING IN ITS ENTIRETY THE SUPPLEMENTAL DEVELOPMENT CRITERIA FOR PLANTATION BAY, SECTION 2A-F, UNITS 5, 6, 7, 8, AND 9; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD – October 9, 2018 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.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS – October 15, 2018 at 5:30 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 hearings and be heard. Anyone wishing to express their opinion may attend, telephone 386-313-4009 or write to: Flagler County Planning Department, 1769 E. Moody Blvd, Building 2, Bunnell, FL 32110 or email to amengel@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 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.

NT2303444 Sept. 18, 2018
<table>
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<tr>
<th>ParcelId</th>
<th>Owner</th>
<th>Address</th>
<th>City, State, Zip</th>
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<tbody>
<tr>
<td>04-13-31-0650-000D0-0030</td>
<td>CLARA S TOWNSEND ET AL. ATTN TAX DEPT.</td>
<td>100 PROFESSIONAL CENTER DR</td>
<td>BRUNSWICK, GA 31525</td>
</tr>
<tr>
<td>04-13-31-0650-000C0-0010</td>
<td>DONALD L &amp; CHRISTINE S DEAL</td>
<td>740 LAMBERT AVENUE</td>
<td>FLAGLER BEACH, FL 32136</td>
</tr>
<tr>
<td>03-13-31-0000-01010-0020</td>
<td>WL RESIDENTIAL LAND LLC</td>
<td>2379 BEVILLE RD</td>
<td>DAYTONA BEACH, FL 32119</td>
</tr>
<tr>
<td>10-13-31-5120-2AF06-0490</td>
<td>INTERVEST AT PLANTATION BAY</td>
<td>2379 BEVILLE RD</td>
<td>DAYTONA BEACH, FL 32119</td>
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<tr>
<td>10-13-31-5120-2AF06-00B0</td>
<td>FLAGLER COUNTY BOCC</td>
<td>1769 EAST MOODY BLVD BLDG 2</td>
<td>BUNNELL, FL 32110</td>
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<tr>
<td>10-13-31-5120-2AF06-00G0</td>
<td>TOMOKA COMMUNITY DEVELOPMENT DISTRICT</td>
<td>12051 CORPORATE BLVD</td>
<td>ORLANDO, FL 32817</td>
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<tr>
<td>10-13-31-5120-2AF06-00E0</td>
<td>WESTLAKE AT PLANTATION BAY POA, INC</td>
<td>103A NORTH LAKE DRIVE</td>
<td>ORMOND BEACH, FL 32174</td>
</tr>
<tr>
<td>03-13-31-0000-01010-0030</td>
<td>FLAGLER COUNTY BOCC</td>
<td>1769 EAST MOODY BLVD BLDG 2</td>
<td>BUNNELL, FL 32110</td>
</tr>
</tbody>
</table>

I hereby affirm mailed notice to each owner on September 21, 2018 for the Planning & Development Board Meeting on October 9, 2018 at 6:00 p.m. and the Board of County Commissioners Meeting on October 15, 2018 at 5:30 p.m.

Wendy Hickey, Planner
September 21, 2018

CLARA S TOWNSEND ET AL  ATTN TAX DEPT.
100 PROFESSIONAL CENTER DR
BRUNSWICK, GA  31525

RE:  Notice of Public Hearing – for an amendment to a, PUD Site Development Plan and Specific Development Standards in the PUD Development Agreement – Application #3149

Dear Property Owner:

As an owner of land lying within 300’ of Plantation Bay Section 2AF, Unit 8 PUD (Planned Unit Development), Flagler County hereby gives notice of two public hearings for review and consideration of a request by Finley Engineering Solutions, Inc for property owned by WL Residential Land, LLC for an amendment to the PUD Site Development Plan and Specific Development Standards in the Plantation Bay PUD Agreement identified as Parcel # 03-13-31-0000-01010-0020.

The public hearings for the application will be held in the Flagler County Government Services Building, Board Chambers, at 1769 E. Moody Boulevard, Building 2, Bunnell, Florida, and are scheduled as follows:

Planning Board Hearing on Tuesday, October 9, 2018 at 6:00 p.m.

Board of County Commissioners on Monday, October 15, 2018 at 5:30 p.m.

You are welcome to attend and express your opinion.

Sincerely,

Wendy Hickey
Planner

NOTE: PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE OR SHE WILL 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.

DATE OF MEETING: October 9, 2018

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. The request is for approval of a Preliminary Plat in the Planned Unit Development (PUD) zoning district for the Renaissance at Hammock Dunes PUD. This parcel is 7.77 acres in size, identified as parcel #04-11-31-2984-000E1-0180, and is located East of State Road A1A (a/k/a North Oceanshore Boulevard), South of Hammock Dunes Parkway and West of Camino del Mar Parkway:

Property Appraiser aerial photo (2017):
On August 22, 2018, Bob Dickinson, on behalf of the parcel owners, Oare Associates, LLC, submitted an application for a Preliminary Plat in a PUD for the development of a 29-lot single family residential subdivision on approximately 7.77 acres to be known as Renaissance at Hammock Dunes. Following the Planning and Development Board’s review and recommendation, the Preliminary Plat will ultimately be adopted by the Board of County Commissioners. The proposed Renaissance at Hammock Dunes subdivision follows the adoption of Ordinance No. 2018-12 amending the Future Land Use designation of this parcel from Mixed Use Low Intensity to Residential Medium Density and the adoption of Ordinance No. 2018-13 approving the PUD Site Development Plan.

This request was reviewed by the Technical Review Committee at their September 19, 2018 regular meeting. The bulk of staff’s comments have been addressed by the applicant; remaining comments specifically related to the construction plans will be addressed prior to issuance of a land development permit by the County.

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

This agenda item is:

- X quasi-judicial, requiring disclosure of ex-parte communication; or
- _____ legislative, not requiring formal disclosure of ex-parte communication.

**RECOMMENDATION:** Request the Planning and Development Board recommend approval of Application #3151, the Preliminary Plat and Construction Plans for Renaissance at Hammock Dunes, finding that the requested amendment is consistent with the Comprehensive Plan and the Land Development Code, subject to the following conditions:

1. all development to be completed consistent with approved construction plans, subject to resolution of outstanding Development Engineer comments; and

2. development not to commence until:
   a. issuance of a County land development permit; and
   b. execution and recording in the public records of the temporary construction and permanent secondary emergency easement through the County’s Greenway parcel.

**ATTACHMENTS:**

1. Technical Staff Report
2. Preliminary plat
3. Application and supporting documents (includes construction plans)
4. Public notice
Application #: 3151

Project #: 2018080034

Project Name
Preliminary Plat review in the PUD (Planned Unit Development) District for Renaissance at Hammock Dunes

Owner
Oare Associates, LLC

Agent
Robert Dickinson, RLA, Dickinson Consulting, Inc.

Parcel Size
7.77 +/- acres

Existing Zoning and Land Use(s)
Zoning: PUD (Planned Unit Development) District
Land Use: Residential Medium Density (RMD)

Future Land Use Map Classification/Zoning of Surrounding Land
North: Hammock Dunes Sales Center and Palm Coast Parkway; Mixed Use: Low Intensity/PUD (Planned Unit Development) District
East: Camino del Mar Parkway; Mixed Use: Low Intensity/PUD (Planned Unit Development) District
South: Hammock Dunes Golf Course; Mixed Use: Low Intensity/PUD (Planned Unit Development) District
West: County Greenway parcel and State Road A1A; Mixed Use: Low Intensity/PUD (Planned Unit Development) District

Related Applications
Application #3134 – Application for a Future Land Use amendment from MUL to RMD and Application #3133 – Application for a PUD Site Development Plan (SDP) in a PUD (Planned Unit Development) District

Report in Brief
This request seeks approval of a Preliminary Plat in the Planned Unit Development (PUD) zoning district for Renaissance at Hammock Dunes.

Standards for Review
LDC Section 4.05.02, Preliminary plat and construction plan review
Staff Analysis
The Preliminary Plat consists of two sheets and construction drawings consisting of 28 sheets dated August 21, 2018.

The lots range in area from 7,000 s.f. to 15,586 s.f. Access to all lots is provided through frontage on Tract G, a private roadway tract, to be maintained by the Renaissance Neighborhood Association, Inc. Draft Covenants and Restrictions have been submitted demonstrating maintenance obligations within the subdivision. Seven tracts are identified in addition to the lots:

<table>
<thead>
<tr>
<th>Tract Name and Size</th>
<th>Purpose</th>
<th>Dedicated To</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tract A 23,927 s.f.</td>
<td>Common Area (Utilities, wall/fence, signage, landscape and maintenance access purposes)</td>
<td>Renaissance Neighborhood Association, Inc.</td>
</tr>
<tr>
<td>Tract B 3,635 s.f.</td>
<td>Common Area (Utilities, wall/fence, signage, landscape and maintenance access purposes)</td>
<td>Renaissance Neighborhood Association, Inc.</td>
</tr>
<tr>
<td>Tract C 1.66 s.f.</td>
<td>Common Area (Utilities, landscape and maintenance access purposes)</td>
<td>Renaissance Neighborhood Association, Inc.</td>
</tr>
<tr>
<td>Tract D 5,209 s.f.</td>
<td>Common Area (Utilities and landscape purposes)</td>
<td>Renaissance Neighborhood Association, Inc.</td>
</tr>
<tr>
<td>Tract E 4,234 s.f.</td>
<td>Common Area (Utilities, landscape and maintenance access purposes)</td>
<td>Renaissance Neighborhood Association, Inc.</td>
</tr>
<tr>
<td>Tract F 900 s.f.</td>
<td>Lift Station (Lift station installation and maintenance and utility purposes)</td>
<td>Hammock Dunes CDD</td>
</tr>
</tbody>
</table>
Reference is also made on the plat to a temporary construction access through Tracts C and E as adopted through the Site Development Plan recorded at Official Records Book 2299, Page 384, Public Records of Flagler County, Florida. The County is seeking a formal dedication of an easement that will be annotated on the plat upon recordation. An additional easement – a 25-foot wide maintenance access and utility easement through Tract A is dedicated to the Hammock Dunes CDD to access Tract F, the lift station tract.

With the exception of correction of remaining minor Scrivener’s errors, the preliminary plat meets the applicable requirements and is consistent with accompanying PUD Site Development Plan. Ultimately, approval of the preliminary plat by the Board of County Commissioners cannot occur until the PUD Site Development Plan is approved by the Board. In addition to correction of Scrivener’s errors on the plat, there are additional comments reflected on the construction plans requiring correction prior to issuance of a land development permit: these corrections will need to be satisfactorily addressed as a condition of the approval of this Preliminary Plat.

The applicant met with the Technical Review Committee on September 19, 2018. Relevant 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 as a result of the public notice.
Future Land Use Map
(Note: Future Land Use Map not yet updated to reflect amendment to RMD)
**APPLICANT/AGENT**

<table>
<thead>
<tr>
<th>Name(s):</th>
<th>Robert E. Dickinson</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>33 Old Kings Road North, Suite 1</td>
</tr>
<tr>
<td>City:</td>
<td>Palm Coast</td>
</tr>
<tr>
<td>State:</td>
<td>Florida</td>
</tr>
<tr>
<td>Zip:</td>
<td>32137</td>
</tr>
<tr>
<td>Email:</td>
<td><a href="mailto:dickinsonci@aol.com">dickinsonci@aol.com</a></td>
</tr>
<tr>
<td>Telephone #:</td>
<td>386-031-2863</td>
</tr>
<tr>
<td>Fax #:</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**SITE LOCATION (street address):**

Camino del Mar

**LEGAL DESCRIPTION. (briefly describe, do not use "see attached")**

Hammock Dunes

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

04-11-31-2684-000E1-0180

**Parcel Size:**

7.77 acres

**Number of Miles of New Road(s):**

.26 miles

**Current Zoning Classification:**

PUD

**Current Future Land Use Designation:**

Residential Medium Density

**Subject to A1A Scenic Corridor IDO?**

YES [x] NO [ ]

**PURPOSE OF SUBMISSION / PROJECT DATA:**

Single Family Residential, 28 home sites on 7.77 acres.

Signature of Owner(s) or Applicant/Agent

if Owner Authorization form attached

Signature [Signature]

Date: [August 22, 2018]

**OFFICIAL USE ONLY**

**PLANNING BOARD RECOMMENDATION/ACTION:**

APPROVED [ ]

*APPROVED WITH CONDITIONS [ ]

DENIED [ ]

Signature of Chairman: [Signature]

Date: [ ]

*approved with conditions, see attached.

**BOARD OF COUNTY COMMISSIONERS ACTION:**

APPROVED [ ]

*APPROVED WITH CONDITIONS [ ]

DENIED [ ]

Signature of Chairman: [Signature]

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

Robert F. Dickinson, is hereby authorized TO ACT ON BEHALF OF Oase Associates, 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 Preliminary Plat of parcel 04-11-31-3984-000E1-0180.

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

By: 

Signature of Owner

Elizabeth O. Neale
Printed Name of Owner / Title (If owner is corporation or partnership)

Signature of Owner

Printed Name of Owner

Address of Owner: 203 E. Rich Avenue

Mailing Address

Deland Florida 32724

City State Zip

STATE OF Kentucky

COUNTY OF Jefferson

The foregoing was acknowledged before me this 20 day of August, 2018, by Elizabeth O. Neale, and who is/are personally known to me or who has produced State Issued Drivers License as identification, and who (did) / (did not) take an oath.

Signature of Notary Public


Revised 5/08
SPECIAL WARRANTY DEED (LIMITED PARTNERSHIP)

This SPECIAL WARRANTY DEED, dated 18th Day of May, 2005, by HD ASSOCIATES L.P., a Delaware limited partnership whose post office address is 2 Camino del Mar, Palm Coast, FL 32137 hereinafter called the GRANTOR, to OAKLAND ASSOCIATES, LLC, a Florida limited liability company whose post office address is 191 Island Estates Parkway, Palm Coast, FL 32137 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 $10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, assigns, sells, alienates, transfers, conveys and confers unto the GRANTEE, all that certain land situate in Flagler County, Florida, viz:

See Exhibit “A” Attached Hereto and Made a Part hereof.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any, taxes and assessments for the year 2005 and subsequent years, and to all applicable zoning ordinances and/or restrict prohibitions imposed by governmental authorities, if any,

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 does hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said GRANTOR, but against no other.

IN WITNESS WHEREOF, GRANTOR has signed and sealed this present instrument dated forth above.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

[Signatures and prints]

[Names and Titles]

[Location: Texas]

[County: Dallas]

THE FOREGOING INSTRUMENT was acknowledged before me on [Date: May 16, 2005] by [Signature: Katherine A. Brown] as identification and who did take an oath.

[Signature: Katherine A. Brown]

[Print Name: Katherine A. Brown]

[Notary Public]

[License Number: 092150]

[Commission Expires: 05/16/2007]
Exhibit "A"

LEGAL DESCRIPTION — COMMERCIAL LANDS PARCEL

A PARCEL OF LAND LYING IN A PORTION OF SECTION 38, TOWNSHIP 11 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

A POINT OF REFERENCE BEING THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF HAMMOCk DUNES PARKWAY WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF CAMINO DEL MAR, THENCE 56°32'54"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF CAMINO DEL MAR A DISTANCE OF 157.76 FEET TO A POINT OF CURVATURE, CONCave SOUTHEASTERLY, THENCE SOUTHEASTERLY A DISTANCE OF 225.11 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 23°37'20", A RADIUS OF 546.60 FEET, A CHORD BEARING OF S51°24'13"E AND A CHORD DISTANCE OF 223.52 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG A CURVE CONCAVE SOUTHEASTERLY, THENCE SOUTHEASTERLY A DISTANCE OF 39.81 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 04°10'41", A RADIUS OF 546.00 FEET, A CHORD BEARING OF S3°30'12"E AND A CHORD DISTANCE OF 38.81 FEET TO A POINT OF TANGENCY; THENCE S3°52'45"E, A DISTANCE OF 2.35.10 FEET TO A POINT OF CURVATURE, CONCave NORTHEASTERLY, THENCE NORTHEASTERLY A DISTANCE OF 183.20 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 12°41'20", A RADIUS OF 694.00 FEET, A CHORD BEARING OF S41°45'33"E AND A CHORD DISTANCE OF 153.38 FEET TO A NON-TANGENT LINE, THE WESTERLY LINE OF PARCEL GC-7 (GOLF COURSE) PER THE SUBDIVISION PLAT OF HAMMOCk DUNES PHASE 1, AS RECORDED IN MAP BOOK 30, PAGES 76 THROUGH 86, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE DEPARTING SAID CURVE AND SAID SOUTHERLY RIGHT-OF-WAY LINE OF CAMINO DEL MAR S47°15'49"W ALONG SAID WESTERLY LINE OF PARCEL GC-7 A DISTANCE OF 342.21 FEET; THENCE S3°18'05"W A DISTANCE OF 140.82 FEET; THENCE S2°14'29"W A DISTANCE OF 240.36 FEET; THENCE DEPARTING SAID WESTERLY LINE OF PARCEL GC-7, S59°00'09"W A DISTANCE OF 109.00 FEET; THENCE N85°22'25"W A DISTANCE OF 138.00 FEET; THENCE W89°24'35"W A DISTANCE OF 89.00 FEET; THENCE N20°55'27"W A DISTANCE OF 35.00 FEET TO A NON-TANGENT CURVE, CONCave WESTERLY; THENCE NORTHWESTERLY A DISTANCE OF 957.36 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 156°43'16", A RADIUS OF 305.00 FEET, A CHORD BEARING OF N85°57'05"W AND A CHORD DISTANCE OF 685.81 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF HAMMOCk DUNES PARKWAY AND A NON-TANGENT CURVE; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF HAMMOCk DUNES PARKWAY AND SAID NON-TANGENT CURVE CONCAVE NORTHWESTERLY A DISTANCE OF 179.20 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 08°42'01", A RADIUS OF 153.39 FEET, A CHORD BEARING OF N44°29'55"E AND A CHORD DISTANCE OF 179.10 FEET TO A NON-TANGENT LINE; THENCE DEPARTING SAID CURVE S49°38'24"E ALONG SAID NON-TANGENT LINE A DISTANCE OF 156.32 FEET; THENCE N65°01'34"E A DISTANCE OF 322.23 FEET; THENCE N48°28'41"E A DISTANCE OF 99.28 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.
August 15, 2018

Adam Mengel, Planning Director
Flagler County
1769 E. Moody Blvd., Suite 105
Bunnell, FL 32110

Subject: Title Opinion
Preliminary Plat of Parcel 04-11-31-2984-000E1-0180
Renaissance at Hammock Dunes

Dear Mr. Mengel:

I have examined the title with respect to the property described in EXHIBIT “A” (“Property”). Based on my examination it is my opinion that as of the date of this letter title to the Property is vested in Oare Associates, LLC, a Florida limited liability company, by virtue of that Special Warranty Deed recorded May 27, 2005 in Official Records Book 1254, Page 1949 of the Public Records of Flagler County, Florida, subject to the following matters:

1. Plat of Subdivision Plat of North Raffles Surf Club, Section 85, Palm Harbor at Palm Coast recorded in Plat Book 23, Pages 41 through 57, as affected by Flagler County Resolution No. 96-76 Vacating a Portion of Plat recorded December 20, 1996 in Official Records Book 571, Page 1916 and re-recorded January 31, 1997 in Official Records Book 574, Page 1402 of the Public Records of Flagler County, Florida.


3. Agreement by and between the Division of State Planning of the Department of Administration, State of Florida and ITT Community Development District, dated April


5. Terms, provisions and obligations contained in Connector Road Maintenance Agreement recorded December 23, 1996 in Official Records Book 572, Page 95; Amendment to Connector Road Maintenance Agreement recorded October 22, 1998 in Official Records Book 631, Page 435; and Assignment of Connector Road Maintenance Agreement recorded December 6, 1999 in Official Records Book 676, Page 1021; all of the Public Records of Flagler County, Florida.


10. Taxes and assessments for 2017 have been paid.

11. Subject to taxes and assessments for 2018 and subsequent years.

This title opinion is being provided in accordance with Section 177.041(2), F.S.

Sincerely,

[Signature]

Jay W. Livingston
EXHIBIT “A”

A Parcel of land lying in a portion of Section 38, Township 11 South, Range 31 East, Flagler County Florida, being described as follows:

A point of reference being the intersection of the Southerly Right-of-Way line of Hammock Dunes Parkway with the Southerly Right-of-Way line of Camino Del Mar, thence S 63°12’54” E along said Southerly Right-of-Way line of Camino Del Mar a distance of 157.76 feet to a point of curvature, concave Southwesterly, thence Southeasterly a distance of 225.11 feet along the arc of said curve to the right having a central angle of 23°37’20”, a radius of 546.00 feet, a chord bearing of S 51°24’13” E and a chord distance of 223.52 feet to the Point of Beginning; thence continue along a curve concave Southwesterly, thence Southeasterly a distance of 39.81 feet along the arc of said curve to the right having a central angle of 04°10’41”, a radius of 546.00 feet, a chord bearing of S 37°30’12” E and a chord distance of 39.81 feet to a Point of Tangency; thence S 35°24’53” E a distance of 235.10 feet to a point of curvature concave Northeastery, thence Southeasterly a distance of 153.70 feet along the arc of said curve to the left having a central angle of 12°41’20”, a radius of 694.00 feet, a chord bearing of S 41°45’33” E and a chord distance of 153.38 feet to a non-tangent line, the Westerly line of Parcel GC-7 (Golf Court) per the Subdivision Plat of Hammock Dunes Phase I, as recorded in Map Book 30, Pages 76 through 80, Public Records of Flagler County, Florida; thence departing said curve and said Southerly Right-of-Way line of Camino Del Mar S 47°15’49” W along said Westerly line of Parcel GC-7 a distance of 342.21 feet; thence S 33°18’05” W a distance of 140.82 feet; thence S 21°42’29” W a distance of 240.36 feet; thence departing said Westerly line of Parcel GC-7, S 89°00’09” W a distance of 109.00 feet; thence N 85°22’25” W a distance of 138.00 feet; thence S 69°24’33” W a distance of 89.00 feet; thence N 20°35’27” W a distance of 35.00 feet to a non-tangent Curve, Concave Westerly; thence Northwesterly a distance of 957.36 feet along the arc of said curve to the left having a central angle of 156°43’16”, a radius of 350.00 feet, a chord bearing of N 08°57’05” W and a chord distance of 685.61 feet to the Southerly Right-of-Way line of Hammock Dunes Parkway and a non-tangent Curve; thence along said Southerly Right-of-Way line of Hammock Dunes Parkway and said non-tangent Curve Concave Northwesterly, a distance 179.20 feet along the arc of said curve to the left having a central angle of 06°42’01” a radius of 1532 feet, a chord bearing of N 44°29’55” E and a chord distance of 179.10 feet to a non-tangent line; thence departing said curve S 49°58’24” E along said non-tangent line a distance of 156.32 feet; thence N 65°01’34” E a distance of 322.23 feet; thence N 48°05’41” E a distance of 89.28 feet to the aforementioned Point of Beginning.
HAMMOCK DUNES LINKS COURSE - HOLE #3

MALACOMPRA GREENWAY

NOTE ONLY TREES WITHIN PROJECT BOUNDARY ARE INCLUDED

- EXISTING TREE
- EXISTING TREE REMOVE
- EXISTING TREE EXEMPT
- EXISTING TREE RETAINED ON PROPERTY

August 15, 2018

Renaissance at Hammock Dunes Tree Summary (per Flagler County Code)

TOTAL CALIPER INCHES PER TREE SURVEY 3556 CAL. IN.
EXEMPT TREES WITHIN ROAD RIGHT OF WAY 941
TOTAL TREES SUBJECT TO PROTECTION 2617
PROTECTED TREES AT 40% 1047
RETAINED TREES 571
REQUIRED TREE PLANTING 476

DEVELOPER PLANTED TREES
SEE LANDSCAPE PLAN LS-2 7963", 11/42" 259*
HOMEOWNER PLANTED TREES 28 LOTS 6" 224
TOTAL PLANTED 483

*Developer will consider relocation of existing live oaks with tree spades.

SALES OFFICE
HAMMOCK DUNES PARKWAY
CAMINO DEL MAR

EXISTING TREE ANALYSIS
NEW FENCE CONNECTS TO NEW WALL
NEW ENTRY GATE
RELOCATED WALL
NEW CONNECTING SIDEWALK
EXISTING LIGHT

HAMMOCK DUNES PARKWAY
LS-1

NOTE
SCALE 1"=40'
N

ROBERT E. DICKINSON, RLA
33 Old Kings Road North, Suite 1
Palm Coast, FL 32137
Phone (M): 386.931.2853
Phone (txt): 386.931.2853
Email: Dickinsonci@aol.com

EXISTING TREE REMOVE
EXISTING TREE EXEMPT
EXISTING TREE RETAINED ON PROPERTY

SALES OFFICE
HAMMOCK DUNES PARKWAY
CAMINO DEL MAR

EXISTING TREE ANALYSIS
NEW FENCE CONNECTS TO NEW WALL
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HAMMOCK DUNES PARKWAY
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EXISTING TREE RETAINED ON PROPERTY

SALES OFFICE
HAMMOCK DUNES PARKWAY
CAMINO DEL MAR

EXISTING TREE ANALYSIS
NEW FENCE CONNECTS TO NEW WALL
NEW ENTRY GATE
RELOCATED WALL
NEW CONNECTING SIDEWALK
EXISTING LIGHT

HAMMOCK DUNES PARKWAY
LS-1

NOTE
SCALE 1"=40'
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SALES OFFICE
HAMMOCK DUNES PARKWAY
CAMINO DEL MAR

EXISTING TREE ANALYSIS
NEW FENCE CONNECTS TO NEW WALL
NEW ENTRY GATE
RELOCATED WALL
NEW CONNECTING SIDEWALK
EXISTING LIGHT

HAMMOCK DUNES PARKWAY
LS-1

NOTE
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HAMMOCK DUNES PARKWAY
CAMINO DEL MAR

EXISTING TREE ANALYSIS
NEW FENCE CONNECTS TO NEW WALL
NEW ENTRY GATE
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EXISTING LIGHT

HAMMOCK DUNES PARKWAY
LS-1

NOTE
SCALE 1"=40'
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Email: Dickinsonci@aol.com

EXISTING TREE REMOVE
EXISTING TREE EXEMPT
EXISTING TREE RETAINED ON PROPERTY

SALES OFFICE
HAMMOCK DUNES PARKWAY
CAMINO DEL MAR
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: DEVELOPMENT ENGINEERING

PRELIMINARY PLAT COMMENTS

Sheet C2

Provide the roadway names.

Provide a sidewalk.

Subdivision wall cannot be located within a residential lot.

The 5' utility easement along the front of the lots is not sufficient for all of the utilities provide a minimum 10' utility easement.

Sheet C5 and C6

Call out the utility easement on the front of the lots.

Call out the curbing.

Remove the wall from the residential lots.

Sheets C7 and C8

Provide specific notes at the entrance for the removal of the existing cubing and replacement of new curbing and pavement.

There is a call out for removing of a portion of an existing sidewalk. Please show where the sidewalk will be relocated and reconstructed.

Per the LDC, Section 4.06.06 E, the finished floor shall be one foot above the centerline grade opposite the building.

Provide historic permit material that verifies that this parcel is included within the master stormwater system as indicated in the documentation that was submitted.

Per the LDC, Section 4.06.02 H, 1 The minimum centerline grade for all roads utilizing curb and gutter shall be 0.3%.

To preserve the existing trees in the rear of lots 15 through 24, the lots should be gradied to drain from the rear to the front, Lot Grading type "A".
General note #3, include the FDOT and the utility provider to the list of attendees.

Sheets C9 and C10

Will there be an apron around the Type V inlet? Should the grading in the rear of lots 15 through 24 be changed the inlet 16 would no longer be required.

It appears that there is a reuse irrigation meter on the property, will reuse lines be extended for use.

Sheets C11 and C12

It appears that there are existing water and sewer stub outs for this property. If the existing stub outs are not going to be used, they should be removed and capped per the providing utility requirements.

Should reuse mains be extended their location should be included on these sheets.

Sheet C13

Note 12 should include ... "original condition and sodded." at the end.

Notes 15 and 16 should include all of the permitting agencies.

Sheets C14 through C17

The watermain at the entrance does not appear to connect to anything, clarify.

Show the stationing in the plan view.

Provide a detail of the required utility separations.

Provide the centerline grade percentages on the profile.

Check the pipe length at MH 1 to MH 2.

The profile ended at the manhole MH 5 and MH 9, continue the profile to the end of the cul-de-sac's.

The lift station should be in a Tract.

Sheets C18 through C28

Provide a detail of the Type V inlet.

Provide a sidewalk detail.

What type curbing is proposed.
Additional comments may be provided upon further submittals.

REVIEWING DEPARTMENT: COUNTY ATTORNEY

PRELIMINARY PLAT COMMENTS

No comments at this time.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

PRELIMINARY PLAT COMMENTS

Plat cover sheet

1. Revise vicinity map scale to be no smaller than 1" = 2,000'.

2. General Note 2 references sewer and water mains owned by Flagler County Board of County Commissioners, correct the statement to correct owner to Hammock Dunes Community Development District.

3. Delete General Note 8.

4. Provide Title Certification consistent with Form C-7 of the Flagler County Certifications for Plats and Standard Forms Manuals.

5. Delete Notes regarding tracts and easements; these Notes duplicate the text in the Dedication and Reservation.

6. Add General Note consistent with Form C-4(1) "In those cases where easements of different types cross or otherwise coincide, drainage easements shall have first priority, utility easements shall have second priority, access easements shall have third priority, and all other easements shall be subordinate to these with their priorities being determined by the use rights granted."

7. Adjust layout of cover sheet of plat to locate County signature blocks to left side of page in the following order: Growth Management Director; Planning and Development Board; County Attorney; Board of County Commissioners and Clerk.

8. Below Vicinity Map, locate Joinder and Consent with appropriate jurat; Title Certification; Surveyor Certificates and acceptance of Dedications and Reservations with appropriate jurat.

9. Correct Certificate of Surveyor to reference Flagler County, not City of Palm Coast.

10. Add an acceptance of Dedications and Reservations by the Hammock Dunes Community Development District and the Renaissance Neighborhood Association, Inc.
11. Remove access from the Dedication and Reservation for Tract D. If it is the applicant's intent to bond the subdivision improvements and receive final plat approval and recordation prior to construction of the subdivision, then the Dedication and Reservation for Tract D shall include reference to the temporary construction easement referenced at Section 2(F), Flagler County Ordinance 2018-13 and recorded at Official Records Book 2299, Page 384, Public Records of Flagler County, Florida.

12. Dedication and Reservation of each of the easements need to be edited for clarity as to easement location(s), i.e. reference the lots or tracts that the easements are located on/within in the dedication and reservation.

13. Remove Access from the Dedication and Reservation for 5’ Access and Utility Easement. Label of easement on Sheet 2, omits access. Will 5’ of easement width be sufficient area to accommodate water/sewer connection, electric, cable, telephone, irrigation/re-use and any other utility as may be included within subdivision?

14. Remove Dedication and Reservation for Easements for sewer service and water service stub-outs.

Plat Sheet 2

15. Provide lot square footage on each lot.

16. Provide overall line limit points and measurements between curves throughout, as presently drawn only some points are identified, i.e rear line of lots 25 - 28 and front line of lots 25 - 28.

17. Tract B, label purpose of tract consistent with Dedication and Reservation.

18. Tract A must be divided into two tracts since these physically are two separate tracts; each tract is to be labeled for purpose with Dedication and Reservation consistent with tract label.

19. Located within West Tract A (as presently shown) is a 30’x30’ Lift Station Tract as stated, but drawn as an easement? Will there be a Lift Station tract (tract within a tract?) or will there be an easement for the lift station within West Tract A? Provide Dedication and Reservation as appropriate if the Lift Station is to be in its own tract.

20. Provide a Dedication to the Hammock Dunes Community Development District for the 25’ Access and Utility Easement related to the Lift Station.

21. The roadways must be identified as a Tract, labeled for private roadway/street with Dedication and Reservation as appropriate on the cover sheet of the plat, including statement of maintenance responsibility, consistent with Form C-3, Certification for Plats and Standard Forms Manual, i.e. Tract _______, as shown hereon, is hereby reserved for the Renaissance Neighborhood Association, Inc., its successors and assigns, for private street purposes and other purposes not inconsistent with this reservation and is the perpetual maintenance obligation of said association, its successors and assigns, without recourse to Flagler County.
22. Label Tracts C, D, and E with purpose and provide Dedication and Reservation for each on cover sheet. See Comment 11 above regarding timing of construction of the subdivision and the reference for the temporary construction easement.

23. Thirty foot (15' each side of lot line) Landscape easement is drawn at lots 15 - 24 but described in Dedication and Reservation to be on lots 19 - 24, correct as necessary.

24. Common Area East Tract A (as presently drawn) is shown to include the 5' utility easement. The Dedication and Reservation does not provide for a 5' utility easement on Tracts. This 5' Utility easement does not extend to the roadway.

25. Remove the 5' Utility easement along Renaissance Court at Common Area East Tract A (as presently drawn).

26. Remove the 15’ Landscape Easement along the southeast line of Tract B.

27. Landscape/wall/fence North of Renaissance Drive shall be located within the common area tract. Subdivision improvements shall be wholly located within common area tracts with homeowners association maintenance and not located within individual lots.

28. Remove 6' landscape/wall/fence/access easement from lots 25 - 28 and remove easement dedication from cover sheet.

29. Fifteen foot landscape easement on lots 19 and 24 lacks dedication on cover sheet.

Future submittals may generate additional comments.

**REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT**

**PRELIMINARY PLAT COMMENTS**

No comments or objections.

**REVIEWING DEPARTMENT: FIRE INSPECTOR**

**PRELIMINARY PLAT COMMENTS**

We need one additional hydrant it the area of lot 20 - 24.
September 20, 2018
Flagler County Mr. Adam Mengel
Director of Planning and Zoning
1769 E. moody Blvd.Suite 105
Bunnell, Florida 32110

RE: Preliminary Plat – Renaissance Application 3151, Project # 2018080034
Responses to TRC Comments 9/19/18

Dear Mr Mengel,

The following are responses to TRC Comments for Renaissance Preliminary Plat Application.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

PRELIMINARY PLAT COMMENTS

Sheet C2

Provide the roadway names.
Response: Will provide roadway names.

Provide a sidewalk.
Response: As specified in the original approved master plan sidewalks will be provided on all arterial and collector roadways and not within specific neighborhoods.

Subdivision wall cannot be located within a residential lot.
Response: The proposed subdivision wall will be constructed within the “6 ft. LANDSCAPE/WALL/FENCE/MAINTENANCE ACCESS EASEMENT LOTS 25 TO 28” Due to the existing sidewalk location and the Homeowner’s Association requirements.

The 5’ utility easement along the front of the lots is not sufficient for all of the utilities provide a minimum 10’ utility easement.
Response: The utility easement will be revised to 10 feet as requested.

Sheet C5 and C6

Call out the utility easement on the front of the lots.
Response: Will revise as requested.

Call out the curbing.
Response: Will revise as requested.

Remove the wall from the residential lots.
Response: See response above.
Sheets C7 and C8

Provide specific notes at the entrance for the removal of the existing cubing and replacement of new curbing and pavement.
  Response : Will revise as requested.

There is a call out for removing of a portion of an existing sidewalk. Please show where the sidewalk will be relocated and reconstructed.
  Response : Will revise as requested.

Per the LDC, Section 4.06.06 E, the finished floor shall be one foot above the centerline grade opposite the building.
  Response : Will revise as requested with the exception of lot #1 due to existing grade conditions.

Provide historic permit material that verifies that this parcel is included within the master stormwater system as indicated in the documentation that was submitted.
  Response : Will provide documentation as requested.

Per the LDC, Section 4.06.02 H, 1 The minimum centerline grade for all roads utilizing curb and gutter shall be 0.3%.
  Response : Will revise as requested.

To preserve the existing trees in the rear of lots 15 through 24, the lots should be graded to drain from the rear to the front. Lot Grading type "A".
  Response : A secondary drainage design has been shown on sheet LS -3 to accommodate lot drainage as proposed, to maintain grade to preserve existing trees.

General note #3, include the FDOT and the utility provider to the list of attendees.
  Response : Will revise as requested.

Sheets C9 and C10

Will there be an apron around the Type V inlet?
  Response : There will not be an apron.

Should the grading in the rear of lots 15 through 24 be changed the inlet 16 would no longer be required.
  Response : Inlet will remain to accommodate new secondary drainage design.

It appears that there is a reuse irrigation meter on the property, will reuse lines be extended for use.
Sheets C11 and C12

It appears that there are existing water and sewer stub outs for this property. If the existing stub outs are not going to be used, they should be removed and capped per the providing utility requirements.

Response: The existing stubouts could not be located in the field and will not be used.

Should reuse mains be extended their location should be included on these sheets.

Response: Reuse mains will be shown on sheets C-11 and C-12 as depicted on LS-3.

Sheet C13

Note 12 should include ... "original condition and sodded." at the end.

Response: Will revise as requested.

Notes 15 and 16 should include all of the permitting agencies.

Response: Will revise as requested.

Sheets C14 through C17

The watermain at the entrance does not appear to connect to anything, clarify.

Response: We are connecting to the existing 10" water main in the sales center site near the existing fire hydrant as shown. The water main at the entrance is the end of the lot 1 service lateral. It does not connect to the existing system.

Show the stationing in the plan view.

Response: Will revise as requested.

Provide a detail of the required utility separations.

Response: Will provide as requested.

Provide the centerline grade percentages on the profile.

Response: Will provide as requested.

Check the pipe length at MH 1 to MH 2.

Response: Will verify is requested.

The profile ended at the manhole MH 5 and MH 9, continue the profile to the end of the cul-de-sac's.

Response: Will provide as requested.

The lift station should be in a Tract.

Response: The lift station has been revised to be in Tract F and roadways are now Tract G.
Sheets C18 through C28

Provide a detail of the Type V inlet.
   Response: Will provide as requested.

Provide a sidewalk detail.
   Response: Sidewalk detail is not required.

What type curbing is proposed.
   Response: FDOT Drop Curb as shown on sheet C-24.

REVIEWING DEPARTMENT: COUNTY ATTORNEY

PRELIMINARY PLAT COMMENTS No comments at this time.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

PRELIMINARY PLAT COMMENTS Plat cover sheet
1. Revise vicinity map scale to be no smaller than 1" = 2,000'.
   Response: Revised as requested.

2. General Note 2 references sewer and water mains owned by Flagler County Board of
   County Commissioners, correct the statement to correct owner to Hammock Dunes Community
   Development District.
   Response: Revised as requested.

3. Delete General Note 8.
   Response: Revised as requested.

4. Provide Title Certification consistent with Form C-7 of the Flagler County Certifications for
   Plats and Standard Forms Manuals.
   Response: Provided as requested.

5. Delete Notes regarding tracts and easements; these Notes duplicate the text in the
   Dedication and Reservation.
   Response: Revised as requested.

6. Add General Note consistent with Form C-4(1) "In those cases where easements of different
   types cross or otherwise coincide, drainage easements shall have first priority, utility easements
   shall have second priority, access easements shall have third priority, and all other easements
   shall be subordinate to these with their priorities being determined by the use rights granted."
   Response: Note added as requested.

7. Adjust layout of cover sheet of plat to locate County signature blocks to left side of page in
   the following order: Growth Management Director; Planning and Development Board; County
   Attorney; Board of County Commissioners and Clerk.
   Response: Revised as requested.
8. Below Vicinity Map, locate Joinder and Consent with appropriate jurat; Title Certification; Surveyor Certificates and acceptance of Dedications and Reservations with appropriate jurat.  
Response: Revised as requested.

9. Correct Certificate of Surveyor to reference Flagler County, not City of Palm Coast.  
Response: Revised as requested.

10. Add an acceptance of Dedications and Reservations by the Hammock Dunes Community Development District and the Renaissance Neighborhood Association, Inc.  
Response: Revised as requested.

11. Remove access from the Dedication and Reservation for Tract D. If it is the applicant’s intent to bond the subdivision improvements and receive final plat approval and recordation prior to construction of the subdivision, then the Dedication and Reservation for Tract D shall include reference to the temporary construction easement referenced at Section 2(F), Flagler County Ordinance 2018-13 and recorded at Official Records Book 2299, Page 384, Public Records of Flagler County, Florida.  
Response: Revised as requested.

12. Dedication and Reservation of each of the easements need to be edited for clarity as to easement location(s), i.e. reference the lots or tracts that the easements are located on/within in the dedication and reservation.  
Response: Revised as requested.

13. Remove Access from the Dedication and Reservation for 5’ Access and Utility Easement. Label of easement on Sheet 2, omits access. Will 5’ of easement width be sufficient area to accommodate water/sewer connection, electric, cable, telephone, irrigation/re-use and any other utility as may be included within subdivision?  
Response: Revised as requested and Easement revised to 10 feet.

14. Remove Dedication and Reservation for Easements for sewer service and water service stub-outs.  
Response: Revised as requested.

Plat Sheet 2

15. Provide lot square footage on each lot.  
Response: Provided as requested.

16. Provide overall line limit points and measurements between curves throughout, as presently drawn only some points are identified, i.e. rear line of lots 25 - 28 and front line of lots 25 - 28.  
Response: Provided as requested.

17. Tract B, label purpose of tract consistent with Dedication and Reservation.  
Response: Revised as requested.

18. Tract A must be divided into two tracts since these physically are two separate tracts; each tract is to be labeled for purpose with Dedication and Reservation consistent with tract label.  
Response: Detail has been added clarifying Tract A as one tract.
19. Located within West Tract A (as presently shown) is a 30'x30' Lift Station Tract as stated, but drawn as an easement? Will there be a Lift Station tract (tract within a tract?) or will there be an easement for the lift station within West Tract A? Provide Dedication and Reservation as appropriate if the Lift Station is to be in its own tract.
   Response: Lift Station has been revised into new Tract F.

20. Provide a Dedication to the Hammock Dunes Community Development District for the 25' Access and Utility Easement related to the Lift Station.
   Response: Provided as requested.

21. The roadways must be identified as a Tract, labeled for private roadway/street with Dedication and Reservation as appropriate on the cover sheet of the plat, including statement of maintenance responsibility, consistent with Form C-3, Certification for Plats and Standard Forms Manual, i.e. Tract __________, as shown hereon, is hereby reserved for the Renaissance Neighborhood Association, Inc., its successors and assigns, for private street purposes and other purposes not inconsistent with this reservation and is the perpetual maintenance obligation of said association, its successors and assigns, without recourse to Flagler County.
   Response: Revised as requested.

22. Label Tracts C, D, and E with purpose and provide Dedication and Reservation for each on cover sheet. See Comment 11 above regarding timing of construction of the subdivision and the reference for the temporary construction easement.
   Response: Revised as requested.

23. Thirty foot (15' each side of lot line) Landscape easement is drawn at lots 15 - 24 but described in Dedication and Reservation to be on lots 19 - 24, correct as necessary.
   Response: Revised as requested.

24. Common Area East Tract A (as presently drawn) is shown to include the 5' utility easement. The Dedication and Reservation does not provide for a 5' utility easement on Tracts. This 5' Utility easement does not extend to the roadway.
   Response: Revised as requested.

25. Remove the 5' Utility easement along Renaissance Court at Common Area East Tract A (as presently drawn).
   Response: Revised as requested.

26. Remove the 15' Landscape Easement along the southeast line of Tract B.
   Response: Revised as requested.

27. Landscape/wall/fence North of Renaissance Drive shall be located within the common area tract. Subdivision improvements shall be wholly located within common area tracts with homeowners association maintenance and not located within individual lots.
   Response: See previous response concerning this comment.
28. Remove 6' landscape/wall/fence/access easement from lots 25 - 28 and remove easement dedication from cover sheet.
   Response: See previous response concerning this comment.

29. Fifteen foot landscape easement on lots 19 and 24 lacks dedication on cover sheet.
   Response: Revised as requested.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

PRELIMINARY PLAT COMMENTS

No comments or objections.

REVIEWING DEPARTMENT: FIRE INSPECTOR

PRELIMINARY PLAT COMMENTS
We need one additional hydrant in the area of lot 20 - 24.
   Response: Will provide as requested.

Should you have any questions or require additional information feel free to contact me.

Sincerely,

Robert E Dickinson, RLA

Cc: John C. Donohue
    Jay Livingston
    Michael Beebe
    Ken Kuhar
TRC Comments 10-1-18

Renaissance at Hammock Dunes

Provide all drawings signed and sealed.

Sheet C2

Provide the roadway names.

The 5’ utility easement along the front of the lots is not sufficient for all of the utilities provide a minimum 10’ utility easement.

Sheet C5 and C6

Call out the utility easement on the front of the lots.

Call out the curbing.

Remove the wall from the residential lots.

Sheets C7 and C8

Provide the road names.

Provide specific notes at the entrance for the removal of the existing cubing and replacement of new curbing and pavement.

There is a call out for removing of a portion of an existing sidewalk. Please show where the sidewalk will be relocated and reconstructed.

Per the LDC, Section 4.06.06 E, the finished floor shall be one foot above the centerline grade opposite the building. Revise Lots 10, 27 and 28 as needed.

Provide historic permit material that verifies that this parcel is included within the master stormwater system as indicated in the documentation that was submitted.

Provide LS-3 in the construction plan set. One the grading plan sheets where this area is shown, refer to the sheet LS-3 for the grading in this area.

General note #3, include the FDOT and the utility provider to the list of attendees.

Sheets C9 and C10

Provide the road names.

Relocate SMH-4 outside of the limits of the curb.

It appears that there is a reuse irrigation meter on the property, provide all landscape plans within the construction set.

Sheets C11 and C12

Provide the roadway names.
It appears that there are existing water and sewer stub outs for this property. If the existing stub outs are not going to be used, they should be removed and capped per the providing utility requirements.

Sheet C13

Note 12 should include ... “original condition and sodded.” at the end.

Notes 15 and 16 should include all of the permitting agencies.

Sheets C14 through C17

Has the Hammock Dunes CDD approved the utility plans?

Show the stationing in the plan view.

Provide a detail of the required utility separations.

Provide the centerline grade percentages on the profile.

The profile ended at the manhole MH 5 and MH 9, continue the profile to the end of the cul-de-sac’s.

Sheets C18 through C28

There are details for Ditch bottom inlets Type C, D, E, and Manhole Type J. Provide a detail of the Type V inlet.

Drop curb will need to be called out on the plans. Verify the type of curbing used at the entrance.
DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS OF RENAISSANCE AT HAMMOCK DUNES NEIGHBORHOOD

This DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS OF RENAISSANCE AT HAMMOCK DUNES NEIGHBORHOOD is made this ___ day of ________, 2018 by __________, its successors and assigns (the “Declarant”).

RECITALS

WHEREAS, Declarant is the owner of certain real property located in Flagler County, Florida and more particularly described in Exhibit “A” (the “Land”).

WHEREAS, Declarant by this Declaration of Protective Covenants, Conditions and Restriction of Renaissance at Hammock Dunes (the “Declaration”) imposes the covenants, conditions and restrictions contained herein upon the Land.

WHEREAS, Declarant has determined that the Land is Committed Property, as that term is defined in the Declaration of Protective Covenants, Conditions and Restrictions for Hammock Dunes (the “Master Declaration”), and is subject to the specific Land Use Classifications as set forth in the Renaissance at Hammock Dunes Plan which is attached hereto and made a part hereof as Exhibit “B”; and

WHEREAS, Renaissance at Hammock Dunes is a Neighborhood pursuant to Article 7 of the Master Declaration;

WHEREAS, pursuant to Article 7 of the Master Declaration, there has been or will be delegated and assigned certain powers and duties of operation, administration, maintenance and repair of portions of the Renaissance at Hammock Dunes Neighborhood, and the collection and disbursement of Operating Expenses and Neighborhood Assessments, all as more particularly set forth herein and in the Master Declaration; and
WHEREAS, the Renaissance at Hammock Dunes Neighborhood is, for the purposes of this Declaration and the Master Declaration, a part of the Destination Resort Community.

NOW, THEREFORE, Declarant declares that the Land is and shall be owned, used, sold, conveyed, encumbered, demised and occupied subject to the provisions of this Declaration, which shall run with the Land and be binding on all parties having any right, title or interest in the Land or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each Owner thereof.

I. DEFINITIONS

A. The terms contained in this Declaration shall have the meanings, given such terms in the Master Declaration.
B. “Administrator” shall mean a member of the Board of Administrators elected or designated as set forth in the Articles or By-Laws of the Owners’ Association.
C. “Assessments” shall mean any assessments made by the Owners’ Association in accordance with the Master Documents, including, but not limited to, Base Assessments, Community Assessments, Neighborhood Assessments and Special Assessments.
D. “Base Assessments” shall mean those Assessments for which all Members of the Owner’s Association are responsible in the manner set forth in Article VIII(A)(1)(a) herein and in Article 10.01(c)(2) of the Master Declaration.
E. “Board of Administrators” or “Board” shall mean the governing body of the Owner’s Association.
F. “Budget” shall mean the budget adopted by the Board, as discussed in Article VIII of this Declaration, and more fully described in Article 10.01 of the Master Declaration.
G. “Clubs” shall mean and refer to Hammock Dunes Club, Inc., a Florida Corporation not for profit, and any other recreational-type club or country club which may be established in conjunction with the Total Property, as described further in Article 2 of the Master Declaration.
H. “Committed Property” shall mean those portions of the Total Property which are subjected to specific Land Use Classifications, including the Land.
I. “Common Area” shall mean the Land Use Classification assigned to all real property, including any improvements and fixtures thereon, owned by, leased to, or the use of which has been granted to the Owners’ Association as set forth in the Master Declaration. Common Areas have not been, and are not intended to be, submitted to the condominium form of ownership.
J. “Community” shall mean a portion of the Committed Property comprised of one or more Neighborhoods or Tracts or both and designated as such by Declarant, which may share certain services or facilities.
K. “Community Assessments” shall mean those Assessments due from Members of the Destination Resort Community for those Operating Expenses which have been incurred to benefit primarily the Members of the Destination Resort Community.
L. “Community Common Areas” shall mean all real property including any improvements and fixtures thereon owned by, leased to, or their use of which has been primarily granted to a community for the common use and enjoyment of the Owners in such Community.

M. “County” shall mean Flagler County, Florida.

N. “Declarant: shall mean __________, a Florida __________, its nominees, successors and/or assigns.

O. “Design Review Committee” shall mean the body established by the Board to administer the Development Codes to control the initial design and location of all Structures, and all alterations and modifications to existing Structures and improvements to the Committed Property as fully discussed in Article V(B) herein and in Article 6.02 of the Master Declaration.

P. “Design Review Manual for Renaissance at Hammock Dunes” shall mean the Development Codes established for Renaissance at Hammock Dunes.

Q. “Development Codes” shall mean the standards established from time to time by the Declarant and/or Board to control the design and location of all Structures and other work within the Committed Property, are more fully described in Article 6.02 of the Master Declaration, and Article V(B)(3) of this Declaration.

R. “Dwelling Unit” shall mean any residential dwelling unit or any portion of real property upon which a residential dwelling unit is intended to be constructed and has been conveyed by a Land Segment Owner to a Person intended as an abode for one family constructed on a portion of the Land including, without limitation, a detached, single-family home which has received a certificate of occupancy from the applicable governmental authority.

S. “Golf Course” shall mean that golf course of the Hammock Dunes Club which abuts portions of the Neighborhood Property.

T. “Renaissance at Hammock Dunes” shall mean that Neighborhood on the Total Property which is comprised of the Land.

U. “Renaissance at Hammock Dunes Property Plan” shall mean and refer to that property plan annexed hereto as Exhibit “B” and made a part hereof. The Renaissance at Hammock Dunes Property Plan shows and identifies, among other things, the pertinent Land Use Classifications of the Renaissance at Hammock Dunes Neighborhood, and each Lot.

V. “Hammock Dunes Club” shall mean the Hammock Dunes Club, Inc., a Florida corporation not for profit, as described further in Article 2 of the Master Declaration.

W. “Institutional Mortgagee” shall mean (a) any generally recognized lending institution having a first mortgage lien upon a unit including, but not limited to, any of the following institutions: a federal or state savings and loan or building and loan association; national, state or other bank or real estate investment trust; or mortgage banking company doing a subsidy of a holding company holding any of the foregoing Federal National Mortgage Association (FNMA), Government National Mortgage Association (GNMA), Federal Housing Administration (FHA), Veterans Administration (VA) and such other secondary mortgage institution as the Board shall hereafter approve in writing which have acquired a first mortgage upon a Unit; or (c) any and all investors or lenders, or the successors and assigns of such investors or lenders, which have loaned money to Declarant to acquire, or to construct improvements on the Committed Property and who have a mortgage lien on
or a portion of the Committed Property securing such loan; or (d) such other lenders as the
Board shall hereafter approve in writing which have acquired a first mortgage lien upon a
Unit.
X. “Land” shall mean the real property subject to this Declaration, as more fully described in
Exhibit “A” attached hereto.
Y. “Land Segment” shall mean a portion of the Committed Property which is designated by
Declarant in writing as a Land Segment, all as more fully described in Articles 8.04 and
10.01 of the Master Declaration.
Z. “Land Use Classification” shall mean one of the specific uses which Declarant has
determined to assign to Committed Property, which Land Use Classification are more
described in Article 5 of the Master Declaration.
AA. “Lot” shall mean that portion of the Committed Property upon which a Dwelling
Unit is to be built. Each Lot is shown on the Renaissance at Hammock Dunes Property
Plan, attached hereto as Exhibit “B”, as may be amended from time to time.
BB. “Master Declaration” shall mean and refer to the Declaration of Protective
Covenants, Conditions and Restrictions for Hammock Dunes.
CC. “Master Documents” shall mean the Master Declaration and the Articles of
Incorporation, By-Laws and the Rules of the Owner’s Association.
DD. “Members” shall mean members of the Owners’ Association.
EE. “Neighborhood” shall mean the Renaissance at Hammock Dunes Neighborhood.
FF. “Neighborhood Assessments” shall mean those Assessments due from Members of the
Renaissance at Hammock Dunes Neighborhood for those Operating Expenses which have
been incurred to benefit primarily the Members of the Renaissance at Hammock Dunes
Neighborhood.
GG. “Neighborhood Common Areas” shall mean all real property including any
improvements and fixtures thereon, the use of which has been primarily granted to the
Renaissance at Hammock Dunes Neighborhood for the common use and enjoyment of the
Owners in the Renaissance at Hammock Dunes Neighborhood.
HH. “Neighborhood Property” shall mean and refer to the Land and all improvements
thereon submitted to this Declaration and all easements and rights appurtenant thereto
intended for use in connection therewith.
II. “Operating Expenses” shall mean the expenses for which Members are liable to the
Owners’ Association and include, but are not limited to, the cost and expenses incurred by
the Owners’ Association in (a) fulfilling its obligations under the Master Documents and
under applicable law; (b) fulfilling obligations under the Order, and (c) administering,
operating, and owning the Common Areas and Neighborhood Common Areas, all as more
fully described in Article II(11) of the Master Declaration.
JJ. “Order” shall mean the Development Order for Hammock Dunes adopted pursuant to
Section 380.06(20), Florida Statutes, on March 30, 1984, by resolution of the Board of
County Commissioners of the County regarding the development of the Total Property.
KK. “Owner” shall mean a record owner of a fee interest in a Unit, but excluding those
having an interest in a Unit merely as security for the performance of an obligation.
LL. “Owners’ Association” shall mean the Hammock Dunes Owners’ Association, Inc., a Florida corporation not for profit, its successors or assigns. The Owners’ Association is NOT a condominium association.

MM. “Person” shall mean any individual, corporation governmental agency, business trust, estate trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

NN. “Rules” shall mean the rules and regulations promulgated by the Board in accordance with the provisions of this Declaration and the Master Documents.

OO. “Special Assessments” shall mean those Assessments more particularly described in Article VIII(A)(2) of this Declaration and Article 10.03 of the Master Declaration.

PP. “Structure” shall mean that which is built or constructed, or any work artificially built up or composed of parts joined together in some different manner, the use of which requires more or less permanent or temporary location on the ground, or which is attached to something having a permanent or temporary location on the ground. The term shall be construed as if followed by the words “or part thereof.”

QQ. “Subassociation” shall mean any homeowner’s association or such other entity, its successors and assigns, which may become responsible for administering the Renaissance at Hammock Dunes Neighborhood, but excluding the Owners’ Association.

RR. “Supplement” shall mean an instrument executed by Declarant for such purposes as are more fully described in this Declaration.

SS. “Total Property” shall mean the real property subject to the Master Declaration, as is legally described in the Master Declaration of which the Renaissance at Hammock Dunes Neighborhood is a part.

TT. “Tract” shall mean any specifically delineated portion of the Total Property designated by Declarant or as otherwise shown or fully discussed in the Master Declaration.

UU. “Turnover” shall mean a date no later than one hundred twenty (120) days after Declarant has conveyed ninety percent (90%) of the Dwelling Units permitted to be construed on the Total Property.

VV. “Unit” shall mean Dwelling Units, Tracts, and Land Segments.

WW. “Visitors” shall mean and refer to the family members, guests, invitees and lessees of Club members of the Hammock Dunes Club; the players or users of the Golf Course; and the spectators at golf tournaments.

XX. “Voting Member” shall mean the Person who shall represent the Dwelling Unit Owners of the Renaissance at Hammock Dunes Neighborhood at meetings of the Owners’ Association, as set forth more fully in the Articles and By-Laws of the Owners’ Association.

II. DESCRIPTION OF RENAISSANCE AT HAMMOCK DUNES NEIGHBORHOOD

A. Neighborhood Property. The Neighborhood Property will contain single-family detached residential Dwelling Units to be built upon each Lot.

B. Golf Course. The Golf Court is being developed as an integral part of the Declarant’s plan of development of the Total Property. The Golf Course, however, is not a part of the
Renaissance at Hammock Dunes Neighborhood. The Golf Course has been built as part of the Hammock Dunes Club. The Hammock Dunes Club is a private member equity club, and it is subject to those documents promulgated by the Hammock Dunes Club. It is Declarant’s belief that the development of the Hammock Dunes Club shall be in the best interest of the Renaissance at Hammock Dunes Neighborhood including the property values of the Renaissance at Hammock Dunes Neighborhood. The Persons who use the Golf Course shall be given use of the easement provided in Article IV(E) of this Declaration, as well as the easement provided in Article 12.07 of the Master Declaration. Moreover, Declarant reserves the right, by its act alone and without joinder of the Owners’ Association, or any Unit Owner being required, to impose upon the Neighborhood Common Areas such other easements which are required for the use and enjoyment of the Clubs. The location of a Lot within the Neighborhood Property may result in nuisances or hazards to persons and property on each Lot as a result of normal Golf Course operations. EACH LOT OWNER COVENANTS FOR ITSELF, ITS SUCCESSORS, SUCCESSORS IN TITLE, AND ASSIGNS THAT IT SHALL ASSUME ALL RISKS ASSOCIATED WITH SUCH LOCATION INCLUDING, BUT NOT LIMITED TO, THE RISK OF PROPERTY DAMAGE OR PERSONAL INJURY ARISING FROM STRAY GOLF BALLS OR ACTIONS INCIDENTAL TO SUCH GOLF COURSE ACTIVITIES AND SHALL INDEMNIFY AND HOLD HARMLESS THE OWNERS’ ASSOCIATION, DECLARANT AND THE HAMMOCK DUNES CLUB FROM ANY LIABILITY, CLAIMS OR EXPENSES, INCLUDING ATTORNEYS’ FEES, ARISING FROM SUCH PROPERTY DAMAGE OR PERSONAL INJURY. Any Lot Owner interested in membership in the Hammock Dunes Club should contact the Hammock Dunes Club.

C. Use of Golf Course. NOTWITHSTANDING ANYTHING CONTAINED HEREIN, THE OWNERSHIP OF A UNIT, OR MEMBERSHIP IN THE OWNERS’ ASSOCIATION, DOES NOT CONFER ANY OWNERSHIP INTEREST IN OR RIGHT TO USE ANY OF THE GOLF COURSE FACILITIES OR OTHER CLUB FACILITIES IN ANY MANNER.

D. Expansion of Neighborhood. Declarant shall have the right, but shall not be obligated, to designate additional real property as part of the Renaissance at Hammock Dunes Neighborhood by executing and recording a Supplement or other instrument intended to have the same effect in the Public Records of the County, without the consent of any Person. Declarant makes no representation regarding the size of such real property, if any. That portion of real property added by Declarant to the Renaissance at Hammock Dunes Neighborhood shall be subject to the provisions of this Declaration. Some of the effects of adding such real property to the Renaissance at Hammock Dunes Neighborhood may be to increase the number of Lots, the number of Persons using the Neighborhood Common Areas, the size of the Neighborhood Assessments and the total number of votes which may be cast pertaining to Neighborhood affairs. Notwithstanding anything provided herein, the maximum number of Dwelling Units to be constructed in the Renaissance at Hammock Dunes Neighborhood shall be twenty-nine (29).

III. HAMMOCK DUNES OWNERS’ ASSOCIATION, INC.
A. Duties and Responsibilities. The Owners’ Association manages and administers certain parts of the Total Property which may include the Neighborhood Common Areas. The duties and responsibilities of the Owners’ Association are more specifically set forth in the Master Documents. Moreover, the Owners’ Association may perform such functions for the Renaissance at Hammock Dunes Neighborhood which may typically be performed by Subassociation in other Neighborhoods in Hammock Dunes. Such functions may include but are not limited to, establishing and collecting Neighborhood Assessments, and promulgating rules and regulations for the Renaissance at Hammock Dunes Neighborhood.

B. Membership.

1. Every Lot Owner shall be a Member of the Owners’ Association. Membership shall be appurtenant to, and may not be separated from, ownership of a Lot. The votes of members other than Declarant shall be cast at meetings of the Members of the Owners’ Association by their Voting Members as set forth more fully herein and in the Master Documents.

2. The Voting Member shall have the same number of votes as the number of Lots in the Renaissance at Hammock Dunes Neighborhood and shall cast votes of the Members he represents as such Voting Member determines to be in the best interests of such Members at meetings of the Members called for such purpose. Nothing herein contained shall require that the Voting Member cast in the same manner all of the votes he is entitled to cast at the meetings of the Members of the Owners’ Association, and the Voting Member may cast fewer than the total number of votes possessed by the Members he represents.

3. The Voting Member of the Renaissance at Hammock Dunes Neighborhood shall be selected on an annual basis by the Dwelling Unit Owners and Land Segment Owners in Renaissance at Hammock Dunes Neighborhood at a meeting of those Owners called by the Owners’ Association for the purpose of electing the Voting Member. This meeting shall be held at least ninety (90) days, but no more than one hundred twenty (120) days, prior to the Annual Members’ Meeting of the Owners’ Association. Notice of this meeting shall be delivered or mailed by the Owners’ Association at least thirty (30) days, but not more than forty (40) days, in advance of the meeting. Notice may be given either personally or by sending a copy of the notice through the mail, postage prepaid, to the address of the Member appearing on the books of the Owners’ Association. The presence at this meeting of the Dwelling Unit Owners and Land Segment Owners entitled to cast one-quarter (1/4) of the votes possessed by the total number of all Lots located in the Renaissance at Hammock Dunes Neighborhood shall establish a quorum. If a Subassociation is created as set forth in paragraph D below, the Voting Member shall be elected as set forth in the Master Declaration.

4. At the Turnover meeting and thereafter, the Voting Member may cast his vote for Administrator only for the Administrator vacancy set aside for the Destination Resort Community. Notwithstanding anything provided herein, in electing an Administrator, the Voting Member is entitled to one (1) vote only, regardless of the total number of Members in the Renaissance at Hammock Dunes Neighborhood.
5. At all meetings of Members, Members may vote in person or by proxy. All proxies shall be in writing and filed with the Secretary of the Owners’ Association. No proxy shall extend beyond a period of eleven (11) months.

C. Master Documents. The Master Documents impose certain rights and obligations on the Unit Owners. The Master Documents set forth the manner in which the Unit Owners in the Neighborhood, their family members, guests, invitees and lessees may use and enjoy the Common Areas and the sharing of Operating Expenses. The Neighborhood Property and the provisions of this Declaration are subject to the Master Documents. Further, all the covenants set forth in the Master Documents, including, but not limited to the affirmative covenants and obligations to pay Operating Expenses, as therein set forth, shall run with the Neighborhood Property, and any assessments for Operating Expenses made pursuant to the Master Documents against any Unit shall be assessable against all of the Neighborhood Property as a whole.

D. Subassociation.

1. Declarant hereby reserves the right and the power but neither the duty nor the obligation, without the consent of any other Person being required, to create a Subassociation for the operation, administration and maintenance of the Renaissance at Hammock Dunes Neighborhood, which may be required to perform any of the duties and responsibilities of the Owners’ Association set forth in the Declaration. If Declarant creates such Subassociation, the Subassociation shall be subject to all rights and obligations of Subassociation as set forth in the Master Declaration.

2. Any Subassociation created in accordance with this Declaration shall administer the Renaissance at Hammock Dunes Neighborhood in accordance with this Declaration and the Articles of Incorporation and By-Laws of the Subassociation (the “Neighborhood Documents”). The Neighborhood Documents shall be approved in writing by Declarant and recorded in the Public Records of the County; provided, however that Declarant’s approval thereof shall not be a representation of Declaration that such Neighborhood Documents are in compliance with the Order.

3. If any Neighborhood Association does not perform any of its duties and responsibilities pursuant to this Declaration or the Neighborhood Documents, the Owners’ Association shall have the right to perform such duties and responsibilities, including any and all maintenance provisions, and obtaining the payment of the cost of such enforcement and maintenance. The Owners’ Association shall be entitled to reimbursement of attorneys’ fees and court costs incurred during the enforcement by it of the Neighborhood Documents.

IV. EASEMENTS

A. Perpetual Nonexclusive Easement to Public Ways. The walks and other rights-of-way on the Neighborhood Property shall be and the same are hereby declared and reserved to be subject to a perpetual nonexclusive easement over and across the same for ingress, egress and access to and from the public ways in favor of the Owners’ Association, the Declarant, and the Lot Owners for their use and for the use of their family, guests, invitees, and lessees...
and for all proper and normal purpose. The easement rights hereunder shall be used in a manner consistent with the structural design of any improvements on the Neighborhood Property and shall not be used in a manner so as to create a nuisance.

B. Easements and Cross-Easements on Common Elements. Declarant, for itself, its successors and assigns, and the Owners’ Association, reserves the right to impose upon the Common Areas or the Neighborhood Common Areas henceforth and from time to time such easements and cross-easements for ingress and egress and the installation, maintenance, construction and repair of facilities, including, but not limited to, electric power, telephone, governmental purposes and services, sewer, water, gas, drainage, irrigation, lighting, television transmission, limited access assurance services, garbage and waste removal and the like as it deems to be in the best interest of, and necessary and proper for, the Neighborhood Property and the remainder of the Total Property.

C. Easement for Encroachments. All of the Neighborhood Property shall be subject to easements for encroachments, which now or hereafter exist, caused by the settlement or movement of any improvements upon the Neighborhood Property or improvements contiguous thereto, or caused by minor inaccuracies in building or rebuilding of such improvements. The above easements shall continue until such encroachments no longer exist.

D. Easement of Enjoyment and Use. Every owner of a Lot in the Renaissance at Hammock Dunes Neighborhood shall have a non-exclusive right and easement of enjoyment and use in and to the Neighborhood Common Areas for their intended purposes, which right and easement shall be appurtenant to and shall pass with the title to the Lot, subject to the Master Documents, this Declaration, and all applicable governmental regulations.

E. Easement for Use of Golf Course. Portions of the Renaissance at Hammock Dunes Neighborhood abut and are adjacent to the Golf Course. Declarant, the Club members, all their family members, guests, invitees and lessees, the players or users of the Golf Course, and the Visitors, shall have a perpetual, non-exclusive easement in their favor to use the Roadways and Entranceways as necessary during any golf tournament being held on the Golf Course for the purposes of ingress, egress and access to such tournament. Declarant, the Club members, and the Visitors shall also have a perpetual, non-exclusive easement in their favor over the back twenty-five (25”) of the real property of any Lot abutting the Golf Course for the sole purpose of retrieving any golf ball(s). Any disputes as to the extent of any of these easements during the term of this Declaration shall be determined by Declarant in its sole and absolute discretion. Declarant reserves the right to impose upon the Neighborhood Common Areas such other easements as are required for the enjoyment of use of the Golf Course.

V. OCCUPANCY AND USE RESTRICTIONS

A. Structures.
   1. Use. All Lots are restricted to use for a single-family detached residence, designed for and occupied by one family. No more than one (1) Dwelling Unit with a private attached garage may be built on a Lot. No Dwelling Unit may exceed 35 feet in height.
Buildings accessory to the use of a Dwelling Unit may be erected, provided such accessory buildings are not used as living quarters and provided further that prior written approval is first obtained from the Design Review Committee. A construction shed or trailer may be temporarily placed upon a Lot and remain there during active construction of a residence for a period not to exceed six (6) months; otherwise, no portable buildings, tents, trailers or other temporary buildings may be placed upon a Lot. All building exteriors shall be completed within six (6) months from commencement of construction or issuance of a building permit, whichever comes first.

2. **Businesses.** No trade, business, professional office, or any other type of commercial activity shall be conducted on any Lot or in any Dwelling Unit; however, notwithstanding this restriction, Declarant and its assigns shall not be prohibited from operating sales models and/or a sales office on any Lot.

3. **Entity Ownership.** When legal title to a Lot is in the name of a corporation, trust, partnership or other than an individual or individuals, the Unit Owner shall, by certificate delivered to the Secretary of the Association, designated one (1) family or person as the occupant of the Dwelling Unit. Unless the Board of Administration approved, there may be no more than two (2) such designations in any twelve (12) month period. Except for the designated family or individual, no other family or individual may occupy the Dwelling Unit.

4. **Guests.** Two (2) occasional guests may be permitted to occupy any Dwelling Unit at any one time. The Owners’ Association shall be able to promulgate rules and regulations to specify the number of guests permitted and the lengths of their visits.

5. **Insurance Rates.** A Unit Owner shall not permit or suffer anything to be done or kept on his Lot which will increase the insurance rates on this Lot, the Common Areas or the Neighborhood Common Areas or which will obstruct or interfere with the right of the other Unit Owners or the Owners’ Association.

6. **Contractors.** All construction activity must be conducted or supervised by a contractor licensed in the State of Florida. All such contractors must meet the requirements for contractors set forth in the Design Review Manual for Renaissance at Hammock Dunes.

B. **Uses and Other Restrictions.**

1. **Rules and Regulations; Conduct.** The Owners Association shall, from time to time, promulgate rules and regulations with respect to the Renaissance at Hammock Dunes Neighborhood and the Unit Owners. No Unit Owner shall annoy other Unit Owners by unreasonable noises or otherwise, nor shall any Unit Owner commit or permit to be committed any nuisance or immoral or illegal act on his Lot or on the Neighborhood Common Areas.

2. **Pets.** A Unit Owner shall be allowed to keep or harbor domesticated household pets in his Unit, subject to the provisions immediately following. Such pet must be walked only in areas designated for such purpose; provided that such pet must be leashed whenever outside the Unit. Any Unit Owner having a pet shall also abide by any rules and regulations promulgated by the Board of Administrators in this regard. Violation of this paragraph or of any of said rules and regulations may result in the termination of the Unit Owner’s right to keep such pet. A Unit Owner shall not keep any livestock
or poultry in his Dwelling Unit or upon his Lot, nor may any of the same be raised, bred, or kept upon the Common Areas or any portion of the Neighborhood Property. A maximum of two (2) dogs, cats or other domesticated household pets may be kept on any Lot or Dwelling Unit. For purposes of this paragraph, a domesticated household pet is an animal which may traditionally be kept within one’s Dwelling Unit, such as a dog, cat, bird or hamster.

3. **Development Codes.** A Unit Owner shall be required to comply with the Development Codes, as more fully set forth in the Master Documents, provided, however, that the Board of Administrators may promulgate development codes pertaining solely to the Neighborhood Property (“Design Review Manual for Renaissance at Hammock Dunes”), subject to the Declarant’s approval prior to Turnover.

4. **Neighborhood Common Areas.** Nothing shall be stored, constructed within, or removed from the Neighborhood Common Areas other than by Declarant or the Owners’ Association, except with the prior written approval of Declarant or the Board of Administrators.

5. **Garages.** The garage door of any Dwelling Unit shall remain closed except when being used for access to or ingress from the garage.

6. **Parking.** No motor vehicle or trailer, including but not limited to pick-up trucks, vans, trucks over one tone capacity, trucks used for commercial purposes, boats, campers, motor homes or similar recreational vehicles may be parked or stored on any Lot unless same are parked or stored in an enclosed garage. Notwithstanding the above, personal passenger vehicles may be parked on the paved portion of a Lot, provided, however, that no personal passenger vehicle may be parked on the paved portion of a Lot if that vehicle contains any permanent lettering or signs thereon. On-street parking is prohibited.

7. **Signs.** No sign of any type shall be erected or displayed on any Lot provided, however, that a builder advertising his Lot or Dwelling Unit during the construction and sales period shall be permitted to have signs for those purposes if such signs have received the prior written approval of the Design Review Committee.

8. **Satellite Dishes and Antennae.** No electronic, satellite dishes or other type antenna or dish may be erected on a Lot or attached to any Dwelling Unit thereon. Provided, however, any such electronic or other type antenna or dish may be installed within the attic space of a Dwelling Unit.

9. **Swimming Pools.** Swimming pools (including their screen enclosures), deck area, patios, hot tubs and sun decks must be approved in writing by the Design Review Committee prior to construction. None of the Structures described in this paragraph shall be constructed closer than 30 feet from the rear Lot line where adjacent to the Golf Course, lake or marsh.

10. **Walls and Fences.** No wall, fence or hedge shall be erected or maintained on any Lot unless approved in writing by the Design Review Committee as to the type, style, location, material, height and color.
11. **Trees.** No Person, without the prior written consent of the Design Review Committee, shall remove any live tree with a trunk of three (3) inches or more in diameter (as measured four (4) feet from ground level) from any Lot.

12. **Lot Elevations.** To preserve and maintain prior drainage in the Renaissance at Hammock Dunes Neighborhood, no changes in grades or elevations of any portion of a Lot (including the swale areas) shall be made without the prior written approval of the Design Review Committee. Final floor elevations and all other applicable grades must be shown on the construction drawings and approved by the Design Review Committee prior to construction.

13. **Drainage Swales.** The Unit Owner shall maintain any drainage swales within the Owner’s Lot and/or adjacent to an Owner’s Lot where such drainage swale is part of the road right-of-way. The located, width, depth and invert grades of culverts and dipped driveways shall be established by the Design Review Committee from time to time. No driveway shall be constructed, maintained, altered or permitted to exist on any Lot if, in the opinion of the Design Review Committee, it obstructs, would obstruct or otherwise impede the flow of surface drainage.

14. **Road Rights-of-Way; Mailboxes.** No Person shall place any items, objects or shrubs in or on any road right-of-way, except with the prior written approval of the Design Review Committee. Provided, however, mailboxes may be installed at the edge of pavement in accord with U.S. Postal Service regulations and the requirements of the Design Review Committee.

15. **Drilling; Mining.** No oil drilling, oil development operations, oil refining, quarrying, natural gas or mining operations of any kind shall be permitted upon or in any Lot. To minimize the removal of ground and surface water in any appreciable quantities and avoid unnecessary saltwater intrusion or diminution or material alteration of the aquifer, the construction and/or use of individual wells for any purpose on any Lot is prohibited.

16. **Fertilizers.** Only biodegradable fertilizers, pesticides and fungicides approved by the Unit States Environmental Protection Agency and the Florida Department of Environmental Regulation shall be used within the Granada Estates Neighborhood.

17. **Power Lines.** All electric power lines or utility lines, including telephone and cable television, servicing the Dwelling Unit or any portion of the Lot shall be installed underground.

18. **Landscaping; Containers; Garbage.** All yards of Lots shall be sodded or otherwise appropriately landscaped and kept as a lawn which shall extent to the pavement line of the street. The Lot Owner shall maintain all lawns and landscaping on that Owner’s Lot to the edge of any pavement. No graveled, blacktopped or paved parking strips, except as approved in writing by the Design Review Committee, are permitted. All garbage containers, trash containers, oil tanks, gas tanks, and other similar types of receptacles must be hidden from view from adjoining properties and the road. All garbage and rubbish contained in a receptacle shall be placed at curbside or street edge on the morning designated for pickup service. All such receptacles shall be removed from curbside or street edge during the same day as said pickup service.
19. **Wetlands; Sanctuaries.** To reduce damage and prevent injury to the environment, no Wetlands or Sanctuaries may be cleared, filled or disturbed in any way unless done in accordance with the Order and the Master Documents, and then approved by the Design Review Committee.

C. **Age Restricted Community.** The Renaissance at Hammock Dunes Neighborhood shall be a single family residential community operating under the exemption requirements of the Fair Housing Act, 42 U.S.C. § 3607, as amended, as housing for older persons. At least eighty percent (80%) of the Residences shall be occupied by at least one (1) person fifty-five (55) years or older and the community complies with 24 C.F.R. §§ 100.305, 100.306 and 100.307, as amended. In furtherance of the foregoing the following restrictions shall apply:

1. No person under the age of eighteen (18) shall be allowed to permanently occupy any Dwelling Unit in the Renaissance at Hammock Dunes Neighborhood. Occupancy by a person in any Dwelling Unit for more than ninety (90) consecutive dates shall constitute “permanent” occupancy.

2. The Owners’ Association shall be responsible for enforcing the provisions of this Article V(C). In the event that the Owners’ Association discovers or receives notice that a Dwelling Unit is in violation of this Article V(C), the Owners’ Association shall have thirty (30) days from such discovery or receipt of notice to commence enforcement actions against the offending Dwelling Unit(s), including, without limitation, injunctive relief, and shall pursue such enforcement action.

3. If this Article V(C) is amended so that the Neighborhood is no longer age restricted prior to turnover of the Owners’ Association to the Owners, then the Declarant, or its successors and assigns, and the Owners shall be jointly and severally liable for payment of the school impact fees of the entire project in effect at the time. If such an amendment is approved after turnover of the Owners’ Association to the Owners, then the Owners’ Association and all the Owners shall be jointly and severally liable for payment of the school impact fees for the entire project in effect at the time.

4. The foregoing restrictions are for the benefit of the District School Board of Flagler County, who shall have the right to enforce violations of the foregoing restrictions by assessment of public school impact fees by any means legally available to the Owners’ Association, or by any other legal remedy, including, without limitation, injunctive relief and imposition and foreclosure of a lien for unpaid public school impact fees that become due pursuant to this Article V(C) from the Owner(s) of any offending Dwelling Unit. The District School Board of Flagler County shall be entitled to recover any attorney’s fees expended to enforce the foregoing restriction or to collect public school impact fees.

5. The Owners’ Association shall at all times maintain a register of the names and ages of all the Unit Owners and tenants of all Lots.

6. All contracts for purchase and sale or leases for any Lot or Dwelling Unit shall contain a provision asserting that at least one occupant of the Dwelling Unit will be fifty-five (55) years of age or older. No contract for the sale and purchase of a Lot or Dwelling Unit or lease agreement for a Dwelling Unit shall be valid until it is approved in writing.
by the Owners’ Association. To request approval for a proposed contract for the sale and purchase or lease the Owner of the Lot or Dwelling Unit shall submit a copy of the contract or lease to the Owners’ Association, along with a copy of one of the following forms of identification for all prospective purchasers, tenants or occupants:
(a) Driver’s license;
(b) Birth certificate;
(c) Passport;
(d) Immigration card;
(e) Military identification; or
(f) Any other state, local, national or international official documents containing a birth date of comparable reliability.

7. The Association shall at minimum conduct a survey every two years to confirm and verify the age of the occupants of any Lot or Dwelling Unit. By accepting a deed to a Lot or entering into a lease the owners or tenants agree, and provide further assurances, to cooperate with any and all surveys conducted by the Owners’ Association to verify the age of all occupants of a Lot or Dwelling Unit.

8. The Association may establish rules and regulations in order to ensure compliance with 24 C.F.R. §§ 100.305, 100.306 and 100.307, as amended.

VI. LEASES AND TENANTS

A. Application. This Declaration and the Master Documents shall apply not only to Unit Owners, but also to any lessee or tenant or the party who is occupying a Dwelling Unit by way of lease express or implied, license or invitation.

B. Leasing Requirements and Limitations. Each time a Unit Owner leases his Unit, he shall give written notice of such lease to the Owners’ Association together with the name and address of the lessee and such other information as the Owners’ Association may reasonably require on forms that are supplied by the Owners’ Association. No Unit Owner may lease his Dwelling Unit for a term of less than three (3) months or for a term of more than two (2) years. A Unit Owner may only lease his Dwelling Unit once in any twelve (12) month period. However, if a tenant defaults under the terms of a lease and the lease is therefore prematurely terminated, the Board of Administrators may, in its sole discretion, permit a second lease within such twelve (12) month period.

C. Failure to Notify. Failure of a Unit Owner to notify any person of the existence of the provisions of this Declaration shall not in any way act to limit the right of the Owners’ Association to enforcement of the provisions of this Declaration against such person.

D. Enforcement. The Owners’ Association may enforce the provisions of this Declaration against any person occupying a Unit whether Unit Owner, lessee, tenant, invitee, guest or other person. Further, each Unit Owner hereby irrevocably delegates to the Owners’ Association the power for the Owners’ Association to enforce any provisions of any lease or license or other agreement permitting occupancy of the Dwelling Unit to the extent it may against a Unit Owner. The right of enforcement includes the right to evict such lessee, tenant, invitee, guest or other such person pursuant to Florida Statutes, in the event any
such person violates any of the provisions of this Declaration. Declarant shall be entitled
to all costs thereof including, but not limited to, attorneys’ fees.

E. Right to Use Facilities. During any period when Unit Owner has leased his Dwelling Unit
or otherwise permitted his Dwelling Unit to be occupied only by someone other than Unit
Owner, the Unit Owner’s right to use any of the recreational facilities otherwise available
to Unit Owners shall be suspended.

VII. MAINTENANCE, REPAIRS AND ALTERATIONS

A. Unit Owners.
1. Except as set forth below in this Article VII, each Unit Owner shall maintain in good
condition and repair and replace at his expense when necessary all portions of his Lot
and Dwelling Unit.
2. Each Unit Owner must perform promptly all such maintenance and repairs which, if
not performed, would affect a Dwelling Unit or Lot belonging to any other Unit Owner
or the Neighborhood Property. Each Unit Owner shall be liable for any damages that
arise due to his failure to perform the above maintenance, repairs and replacement.
Each Lot and Dwelling Unit shall be maintained and repaired in accordance with the
Development Codes. Each Unit Owner shall pay for any utilities which are separately
metered and charged to his Lot or Dwelling Unit.
3. No Unit Owner shall make any alteration in or on the Neighborhood Common Areas,
or the portions of a Lot or Dwelling Unit which may be maintained by the Owners’
Association, remove any portion thereof, make any additions thereto or do anything
which shall or may jeopardize or impair the safety or soundness of the Neighborhood
Property or which in the sole opinion of the Board of Administrators, would
detrimentally affect the architectural design of the Neighborhood Property. Any
alteration or addition to the Neighborhood Property by a Unit Owner shall be deemed
to be detrimentally affect the architectural design of the Neighborhood Property, unless
made pursuant to the Development Codes.
4. No Unit Owner shall paint, stain, alter, decorate, enclose or change the Neighborhood
Common Areas.
5. Each Unit Owner shall promptly report to the Owners’ Association or its agents any
defect or need for repair on the Neighborhood Property for which the Owners’
Association is responsible to maintain and repair upon the Unit Owner being aware of
such defect or need.
6. Each Unit Owner acknowledges and recognizes that any officer of the Owners’
Association or any agent of the Board of Administrators shall have the irrevocable right
to have access to each Lot and Dwelling Unit from time to time during reasonable hours
as may be necessary for emergency repairs to prevent damage to the Neighborhood
Common Areas, or to another Lot or Dwelling Unit.

B. The Owners’ Association.
1. Except as required of Unit Owners in Paragraph A above, or in the Master Documents, the Owners’ Association shall repair, maintain and replace as necessary the Neighborhood Common Areas.

2. The Owners’ Association shall have the right to make or cause to be made structural changes and improvements of the Neighborhood Common Areas which are approved by the Board of Administrators and which do not prejudice the right of any Unit Owner or any Institutional Mortgagee; provided, however, except in the case of an emergency, if the cost of the same shall exceed Five Thousand and No/100 Dollars ($5,000.00), the affirmative vote representing seventy-five percent (75%) of the Lots shall be required in addition to such Board approval, and the cost of such alterations and improvements shall be assessed against the Unit Owners in the manner provided in the By-Laws.

C. Community Walls. Declarant may construct walls or fences within the Property ("Community Walls"). A Community Wall shall hereinafter be defined as any wall or fence built by Declarant or the Association, in any Common Area, easement, or elsewhere on the Property as a visual barrier, decorative, architectural, or safety feature, or for any other reason at the said discretion of the Declarant or the Board of Administrators for the benefit of the Owners’ Association. To the extent that any Community Wall, as actually constructed or maintained by the Declarant or the Owners’ Association, encroaches on any Lot, such encroachment shall be allowed to continue and shall be deemed to be an easement in favor of the Association for the maintenance and reconstruction of such portion of any Community Wall. The Owners Association shall be responsible for the maintenance of Community Walls.

VIII. NEIGHBORHOOD ASSESSMENTS, OPERATING EXPENSES AND OTHER ASSESSMENTS

A. Annual and Special Assessments.

1. Annual Assessments. (a) The Owners’ Association, by the Board of Administrators, shall prepare and adopt in accordance with the By-Laws annual budgets (the “Budget”), which shall also set forth those Community Assessments and Neighborhood Assessments attributable to the Renaissance at Hammock Dunes Neighborhood, which are those Operating Expenses which have been incurred to benefit primarily the Members of the Renaissance at Hammock Dunes Neighborhood. The Budget shall also disclose the Unit Owner’s shares of the Base Assessments. A Unit Owner’s share of the Renaissance at Hammock Dunes Neighborhood Assessments shall be assessed against each Unit Owner annually as part of the Annual Assessment. The Annual Assessment shall also include, in addition to the Neighborhood Assessment, such Unit Owner’s applicable portion of the Base Assessments, and such Unit Owner’s applicable portion of Community Assessments. (b) Each Renaissance at Hammock Dunes Dwelling Unit’s share of the Renaissance at Hammock Dunes Neighborhood Assessments shall be the product arrived at by multiplying that portion of the total anticipated Operating Expenses reflected by the Budget which is properly the subject to the Renaissance at Hammock Dunes Neighborhood Assessments, other than those
Operating Expenses which are subject to a Special Assessment, by a fraction, the numerator of which is one (1), and the denominator of which shall be the total number of Dwelling Units in the Renaissance at Hammock Dunes Neighborhood as of the date the Budget was adopted. (c) Each Renaissance at Hammock Dunes Dwelling Unit’s share of the Community Assessments shall be determined as set forth in the Master Declaration. (d) The Board of Administrators may, but is not obligated to, require that the Neighborhood Assessment shall include the funds necessary to establish an adequate reserve fund (the “Reserves”) for depreciation or deferred maintenance of the Neighborhood Common Areas and the Structures thereon in an amount determined by the Owners’ Structures thereon in an amount determined by the Owners’ Association. The Reserves shall be deposited in a separate account in the name of the Owners’ Association. The monies collected by the Owners’ Association on account of Reserves shall be and shall remain the exclusive property of the Owners’ Association, and no Owner shall have any interest, claim or right to such Reserves or any fund composed of same.

2. Special Assessments. The Unit Owners shall be obligated to pay such Special Assessments as shall be levied in addition to the Annual Assessment by the Board of Administrators against their Unit or Units, whether as result of (a) extraordinary items of expense, (b) the failure or refusal of other Unit Owners to pay their Annual Assessment, (c) such other reason or basis determined by the Board of Administrators which is not inconsistent with the terms of the Master Documents or the Neighborhood Documents, or (d) special assessments levied by the Owners’ Association pursuant to the Master Documents. Special Assessments may be assessed against individual Units, a particular group of Units, or all Units within the Renaissance at Hammock Dunes Neighborhood.

B. Liability for Assessments.

1. The record owners for each Unit shall be personally liable, jointly and severally, to the Owners’ Association, or to any Subassociation created pursuant to Article III(D) hereof, for the payment of the Annual Assessment or of any Special Assessments levied against their Unit and for all costs of collecting such Assessments, including but not limited to, interest, late fees and court costs and attorneys’ fees at all trial and appellate levels. Annual Assessments shall be payable in monthly installments in advance during the year in which such Annual Assessments apply. In the event of a default by a Unit Owner in the payment of an installment or an Annual Assessment or in the payment of a Special Assessment, the Board of Administrators, or any Subassociation created pursuant to Article III(D) hereof, may accelerate any remaining installments or any portion thereof of such Unit Owner, and upon written notice thereof to such Unit Owner, the entire unpaid balance of the Annual Assessment shall become due upon the unpaid balance of the Annual Assessment shall become due upon the unpaid balance of the Annual Assessment shall become due upon the date stated in such notice, which date shall not be less than ten (10) days after the date of such notice. If any Special Assessment, installment of an Annual Assessment or accelerated Annual Assessment (hereinafter collectively referred to as “Assessments”) is not paid within twenty (20)
days after its respective due date, the Owners’ Association, by action of the Board of Administrators, or any Subassociation created pursuant to Article III(D) hereof, may proceed to enforce and collect any of such delinquent Assessments or any portion thereof against the Unit Owner owing the same in any manner provided for under Florida law, including foreclosure and sale of the Unit.

2. The Owners’ Association may at any time require Unit Owners to maintain with the Owners’ Association a deposit to cover future Assessments.

3. The Owners’ Association shall have all of the powers, rights, privileges and may avail itself of any and all of the legal remedies provided for by Florida law, including a lien upon a Unit for any unpaid Assessment and interest thereon owed by the Unit Owner of such Unit and the right to collect from such Unit Owner reasonable attorneys’ fees at all trial and appellate levels incurred by the Owners’ Association incident to the collection of such Assessments or the enforcement of such lien. Assessments (including installments thereon) not paid when due shall bear interest from the date when due until paid up at the highest rate permitted under law.

4. No lien for Assessments under this Declaration shall be effective until recorded amongst the Public Records of Flagler County, Florida.

5. Annexed hereto as Exhibit “C” is a schedule of the Renaissance at Hammock Dunes Neighborhood Assessments (“Original Neighborhood Assessments”) for the period commencing with the date hereof and ending on _________ (“Original Assessment Period”). Notwithstanding the foregoing, Declarant reserves the right in its sole and absolute discretion, to extend the Original Assessment Period beyond _________, and thereafter no one or more occasions to against extend it. Declarant shall advise the Owners’ Association in a written notice of any such extension of Neighborhood Assessment at least thirty (30) days prior to the termination of the Original Assessment Period. Thereafter, the amount of such Neighborhood Assessment during such extended Original Assessment Period shall be the amount set forth by Declarant in the notice to the Association. Notwithstanding anything contained herein, the Original Assessment Period shall terminate on Turnover. Declarant states that during any Original Assessment Period, the Original Neighborhood Assessments will not be increased, except as set forth in this subparagraph 5, and Declarant will pay all Neighborhood Assessments not paid for by Original Neighborhood Assessments assessed against Unit Owners other than Declarant (“Declarant’s Payment”). In no event, however, shall the Original Neighborhood Assessments include any amount attributable to a Special Assessment, casualty loss, or against Units owned by Declarant during the Original Assessment Period or any extension thereof. Upon the termination of Declarant’s Payment, Assessments shall be determined as provided in Paragraph A of this Article VIII, the other subparagraphs of this Paragraph B, and the Master Documents.

6. Any rights or duties of the Owners’ Association pertaining to the collection of Assessments may be assigned, in whole or in part, to any Subassociation created pursuant to Article III(D) hereof.
C. **Working Capital Fund.** The initial grantee of any Dwelling Unit shall be required to pay to the Owners’ Association for that Dwelling Unit an amount equal to one-sixth (1/6) of the Annual Neighborhood Assessments due for that Unit. Each Unit’s share of the working capital fund must be collected and transferred to the Owners’ Association at the time of closing of each Unit and maintained in an account for the use and benefit of the Neighborhood. The purpose of the fund is to insure that the Owners’ Association Board will have cash available to meet unforeseen expenditures or to acquire additional equipment or services deemed necessary or desirable by the Board of Administrators for the use and benefit of the Neighborhood. Amounts paid into the working capital fund are not to be considered as advance payment of regular Assessments, or as payment of a portion of the Original Neighborhood Assessments.

**IX. LIABILITY INSURANCE**

A. The Board of Administrators shall obtain liability insurance in such amounts as it may determine from time to time for the purpose of providing liability insurance coverage for all Neighborhood Common Areas; provided, however, that such policy or policies shall have limits of not less than One Million Dollars ($1,000,000.00) covering all claims for personal injury and One Hundred Thousand Dollars ($100,000.00) for property damage arising out of a single occurrence. The Board of Administrators shall collect and enforce the payment of a share of the premium for such insurance from each Unit Owner as a part of the Annual Assessment. Said insurance shall include, but not be limited to, legal liability for property damage, bodily injuries and deaths of persons in connection with the operation, maintenance or use of any property or improvements within the Neighborhood Common Areas, legal liability arising out of lawsuits related to employment contracts of the Owners’ Association, water damage, liability for hazards related to usage, and liability for property of others, hired automobile, non-owned automobile and off-premises employee coverage. All such policies shall name the Owners’ Association (and Declarant, so long as Declarant shall own any Lot or Dwelling Unit, as their respective interests may appear) as the insured under such policy or policies. The original or a true copy of each policy shall be held in the office of the Owners’ Association. The insurance purchased shall contain a “severability of interest endorsement”, or equivalent coverage, which would preclude the insurer from denying the claim of a Unit Owner because of the negligent acts of either the Owners’ Association, Declarant or any other Unit Owners or deny the claim of either Declarant or the Owners’ Association because of the negligent acts of the other or the negligent acts of a Unit Owner. All liability insurance shall contain cross liability endorsements to cover liabilities of the Unit Owners as a group to a Unit Owner. Each Unit Owner shall be responsible for the purchasing of liability insurance for accidents occurring in his own Unit and, if the Unit Owner so determines, for supplementing any insurance purchased by the Owners’ Association.

B. All insurance policies purchased pursuant to this Article shall provide that they may not be cancelled without at least ten (10) days’ prior written notice to the Owners’ Association and to Listed Mortgagees.
X. CASUALTY INSURANCE AND DESTRUCTION OF IMPROVEMENTS

A. Each Unit Owner shall be responsible for the purchase of casualty insurance for all of his personal property and his Unit. The Owners’ Association shall obtain casualty insurance with such coverage and in such amounts as it may determine from time to time for the purpose of providing casualty insurance coverage for the Neighborhood Common Areas, including fire and extended coverage insurance, vandalism and malicious mischief insurance and, if the Owners’ Association so determines, flood insurance sponsored by the Federal government, all of which insurance shall insure all of the insurable improvements on and within the Neighborhood Common Areas, including personal property owned by the Owners’ Association, in and fore the interest of the Owners’ Association, all Unit Owners, the Neighborhood, and Institutional Mortgagees, as their interests may appear, in a company acceptable to the standards set by the Board of Administrators. The Owners’ Association shall purchase insurance for any Structure located within the Neighborhood Common Areas in an amount equal to the one hundred percent (100%) of the “replacement value” thereof. The term “Replacement Value” shall mean one hundred percent (100%) of the current replacement costs exclusive of land, foundation, excavation, items of personal property and other items normally excluded from coverage as determined annually by the Board of Administrators. The Board of Administrators may determine the kind of coverage and property and adequate amount of insurance. The casualty insurance shall contain an “agreed amount endorsement” or its equivalent, “inflation guard endorsement”, and if determined necessary, an “increased cost of construction endorsement”, or “continuant liability from operation of building laws endorsement” or a “demolition endorsement” or the equivalent. The casualty insurance shall insure any Structure located within the Neighborhood Common Areas from loss or damage caused by or resulting from at least the following: fire and other hazards covered by the standard extended coverage endorsement and by sprinkler leakage, windstorm, vandalism, malicious mischief, flood and/or water damage, debris removal and demolition, and such other risks as shall customarily be covered with respect to projects or developments similar to the structure in construction, location and use.

The Owners’ Association may, to the extent possible and not inconsistent with the foregoing, obtain one (1) policy to insure all of the insurable improvements within the Neighborhood Common Areas. The premiums for such coverage and other expenses in connection with such insurance shall be paid by other expenses in connection with such insurance shall be paid by the Owners’ Association and charged to Unit Owners as part of the Neighborhood Assessments. The company or companies with which the Owners’ Association shall place its insurance coverage, as provided in this Declaration, and the insurance agent or agents placing such insurance must be authorized to do business in the State of Florida. The Owners’ Association shall have the right to designate an insurance trustee (the “Insurance Trustee”) to act a an insurance trustee in the manner provided in this Declaration, which Insurance Trustee shall be a commercial bank or trust company.
which is authorized to do business in the State of Florida and, thereafter at any time and from time to time, the Owners’ Association shall have the right to change the Insurance Trustee to another such bank or trust company provided such Insurance Trustee shall be acceptable to the Listed Mortgagees holding first mortgages encumbering fifty-one percent (51%) of the Dwelling Units encumbered by first mortgages held by Listed Mortgagees.

B. All such aforesaid policies shall provide that they may not be cancelled without at least ten (10) days’ prior written notice to the Owners’ Association and Listed Mortgagees and insurance purchased by the Owners’ Association shall be deposited with the Insurance Trustee upon its written acknowledgement that the policies and any proceeds thereof will be held in accordance with the terms hereof. Said policies shall provide that all insurance proceeds payable on account of loss or damage shall be payable to the Insurance Trustee, and the Insurance Trustee may deduct from the insurance proceeds collected a reasonable fee for its services as Insurance Trustee. The Board of Administrators is hereby irrevocably appointed agent for each Unit Owner to adjust all claims arising under insurance policies purchased by the Owners’ Association in which Unit Owners have or may have an interest. The Insurance Trustee shall not be liable in any manner for the payment of any premiums on policies, the renewal of policies, the sufficiency of any such policies or any failure to collect any insurance proceeds under any policies.

C. In the event of any damage to the Neighborhood Common Areas, no mortgagee shall have any right to participate in the determination of whether the Neighborhood Common Areas are to be rebuilt nor shall any mortgagee have the right to apply insurance proceeds received by the Insurance Trustee to the repayment of its loan, unless such proceeds are distributed to Unit Owners and/or their respective mortgagees.

D. The duty of the Insurance Trustee shall be to receive any and all proceeds from the insurance policies held by it as such Insurance Trustee and to hold such proceeds in trust for the Owners’ Association, Unit Owners and Institutional Mortgagees under the following terms:

1. If a loss of Five Thousand Dollars ($5,000.00) or less as determined by detailed estimates or bids for repair and reconstruction obtained by the Board of Administrators occurs to any Neighborhood Common Area or to any Lots and Neighborhood Common Area which are contiguous, the Insurance Trustee shall pay the proceeds received as a result of such loss to the Owners’ Association. Upon receipt of such proceeds, the Owners’ Association shall promptly cause the necessary repairs to be made to the Neighborhood Common Areas and to any such damaged contiguous Lots. In such event, should the insurance proceeds be insufficient for the repair of all of the damage to the Lots contiguous thereto, the proceeds shall be applied first to completely repair the Neighborhood Common Areas, and the balance of the funds shall be apportioned by the Owners’ Association to repair the damage to the Lots, which apportionment shall be made to each Unit in accordance with the proportion of damage sustained by each of such Lots as estimated by the insurance companies whose policies covers such damages. Any deficiency between such proceeds apportioned to a damaged Lot and the cost of the repair of such damaged Lot shall be borne by the Lot Owner. Upon satisfactory completion of such repairs, the Owners’ Association shall provide the
Institutional Mortgagee holding the highest dollar indebtedness encumbering the Neighborhood Common Areas with an affidavit stating that the repairs have been completed in a manner acceptable to the Owners’ Association.

2. If the Insurance Trustee receives proceeds in excess of Five Thousand Dollars ($5,000.00) as a result of damages to any Neighborhood Common Areas or to any Lots and Neighborhood Common Areas which are contiguous, then the Insurance Trustee shall hold in trust all insurance proceeds received with respect to such damages together with any and all other monies paid to Insurance Trustee pursuant to the following subparagraph 2(c) and shall distribute such funds in the following manner:

(a) The Board of Administrators shall obtain detailed estimates or bids for the cost of rebuilding and reconstruction of such damaged property for the purpose of determining whether such insurance proceeds are sufficient to pay for the same;

(b) If the insurance proceeds are sufficient to rebuild and reconstruct all of such damaged improvements or if the insurance proceeds together with the funds described in subparagraph 2(c) below are sufficient for such purpose, then such damaged improvements shall be completely repaired and restored. The Board of Administrators shall negotiate for the repair and restoration of such damaged Neighborhood Common Areas and the Owners’ Association shall negotiate and enter into a construction contract with a contractor to do the work on a fixed price basis or any other reasonable terms acceptable to the Board of Administrators, which contractor shall post a performance and payment bond with respect to such work. The Insurance Trustee shall disburse the insurance proceeds and other applicable funds held in trust in accordance with provisions for progress payments to be contained in such construction contract; provided, however, prior to any payment of such funds, the payees of such funds shall deliver to the Insurance Trustee any paid bills, waivers of liens under any lien laws and executed affidavits required by law, the Owners’ Association or any respective Institutional Mortgagees.

(c) If the insurance proceeds are insufficient to repair and replace all of the damaged improvements within the Neighborhood Common Areas alone or to Neighborhood Common Areas, the Board of Administrators shall hold a special meeting to determine a Special Assessment against all of the Unit Owners to obtain any necessary funds to repair and to restore such damaged improvements. Such Special Assessment need not be uniform as to all Lots, but may be in accordance with such factors as the Board of Administrators shall consider to be fair and equitable under the circumstances. Upon the determination by the Board of the amount of such Special Assessment, the Board of Administrators shall immediately levy such Special Assessment against the respective Dwelling Units setting forth the date or dates of payment of the same, and any and all funds received from the Unit Owners pursuant to such Special Assessment shall be the Unit Owners pursuant to such Special Assessment shall be delivered to the Insurance Trustee and disbursed as provided in subparagraph 2(b) immediately preceding. If the deficiency between the estimated cost of the repair and replacement of the damaged Neighborhood
Common Areas and the insurance proceeds exceed the sum of Fifty Thousand ($50,000.00) Dollars, and Owners of three-fourth (3/4) of the Lots advise the Board of Administrators in writing on or before the date for the first payment thereof that they are opposed to a Special Assessment, then the Insurance Trustee shall divide the net insurance proceeds into as many shares as there are Lots existing in the Neighborhood and shall promptly pay each share of such proceeds to the Unit Owners and Institutional Mortgagees of record as their interests may appear (an “Insurance Proceeds Distribution”). In making such distribution to the Unit Owners and the Institutional Mortgagees, the Insurance Trustee may rely upon a certificate of an abstract company as to the names of the then Unit Owners and their respective Institutional Mortgagees. Any Insurance Proceeds Distribution shall also require the approval of Listed Mortgagees holding first mortgages encumbering fifty-one percent (51%) of the Units encumbered by first mortgages held by Listed Mortgagees.

3. If after the completion of and payment for the repair and reconstruction of the damage to the Neighborhood Common Areas, and after the payment of the Insurance Trustee’s fee with respect thereto, any excess insurance proceeds remain in the hands of the Insurance Trustee, then such excess shall be disbursed in the manner of the Insurance Proceeds Distribution. However, if such repairs and replacements were paid for by any Special Assessment as well as by the insurance proceeds, then it shall be presumed that the monies disbursed in payment of any repair, replacement or reconstruction were first disbursed from insurance proceeds and any remaining funds held by the Insurance Trustee shall be distributed to the Unit Owners in proportion to their contribution by way of Special Assessment.

4. If the Insurance Trustee has on hand, within ninety (90) days after any casualty or loss, insurance proceeds and, if necessary, funds from any Special Assessments sufficient to pay for any required restoration and repair with respect to such casualty or loss, then no mortgagee shall have the right to require the application of any insurance proceeds or Special Assessment to the payment of its loan. Any provision contained herein for the benefit of any Institutional Mortgagee may be enforced by an Institutional Mortgagee.

5. Any repair, rebuilding or reconstruction of damaged Neighborhood Common Areas shall be substantially in accordance with the architectural plans and specifications for (a) the originally constructed Neighborhood Common Areas, (b) reconstructed Neighborhood Common Areas or (c) new plans and specifications approved by the Board of Administrators from the plans and specifications or previously constructed Neighborhood Common Areas shall require approval by Listed Mortgagees holding first mortgages encumbering fifty-one (51%) of the Units encumbered by first mortgage held by Listed Mortgagees.

6. The Board of Administrators shall determine, in its sole and absolute discretion, whether damage or loss has occurred to improvements within Lots or Neighborhood Common Areas along or to improvements within Neighborhood Common Areas and Lots contiguous thereto.
XI. INTERPRETATION

A. Article, paragraph and subparagraph titles in this Declaration are intended only for convenience and in no way to such titles define, limit, or in any way affect this Declaration or the meaning or contents of any material contained herein.

B. Whenever the context so requires, the use of any gender shall be deemed to include all genders, the use of the plural shall include the singular and the use of the singular shall include the plural.

C. If any court should hereafter determine that any provision of this Declaration is in violation of the rule of property known as the “rule against perpetuities” or any other rule of law because of the duration of a time period, such provision shall not thereby become invalid, but instead the period allowed under such rule of law, and in the event the determination of the duration of such time period requires measuring lives such measuring lives shall be those of the incorporators of the Owners’ Association.

XII. PROVISIONS FOR ALTERATIONS OF LOTS AND NEIGHBORHOOD COMMON AREAS BY DECLARANT

A. Declarant reserves the right to combine (2) or more Lots into one (1) Lot, or to sever any Lot into (2) or more Lots as long as Declarant owns the Lots so altered; and to make aesthetic alterations to the exterior of the Neighborhood Common Areas, which, in Declarant’s reasonable discretion, is in the best interest of the Neighborhood (which alterations made by Declarant are hereinafter referred to as the “Alterations”).

B. After the time sixty-five (65%) percent of all Dwelling Units to be built in the Renaissance at Hammock Dunes Neighborhood have been conveyed to Persons other than Declarant, any Alteration which will alter the boundaries of the Neighborhood Common Areas will first require an amendment to this Declaration in the manner provided in Article XIII hereof.

C. If the Alterations do not require an amendment in accordance with the provisions of Paragraph B above, then an amendment of this Declaration shall be filed by Declarant in accordance with the provisions of this Paragraph C. Such amendment (“Declarant’s Amendment”) need be signed and acknowledged only by Declarant and shall not require approval of the Owners’ Association, other Unit Owners or lienors or mortgagees of the Dwelling Units, whether or not such approvals are elsewhere required for an amendment of this Declaration. This amendment shall adjust the voting rights and assessment obligations attributable to the Lots or Dwelling Units being affected by the Alterations and may be made as a Declarant’s Amendment as long as Declarant owns the Lots for which the shares are being so adjusted.

XIII. AMENDMENTS OF THE DECLARATION
A. Except as to matters described in Paragraphs B, C, D, E and F of this Article XIII, Article II(B), Article III(D), Article IV (E), Declarant’s Amendment and as may be provided elsewhere in this Declaration and the Master Declaration, this Declaration may be amended by the affirmative vote of not less than the Owners of two-thirds (2/3) of all Lots within the Renaissance at Hammock Dunes Neighborhood. Such vote shall be taken at any regular or special meeting of the Unit Owners called and held in accordance with the By-Laws; provided, however, that any such amendment shall also be approved or ratified by a majority of the Board of Administrators. Such amendment shall be evidenced by a certificate executed by the Owners’ Association in recordable form, and a true copy of such amendment shall be mailed via certified mail by the Owners’ Association to the Declarant. The amendment shall become effective upon the recording of such certificate amongst the Public Records of Flagler County, Florida; provided, however, such certificate shall not be so recorded until thirty (30) days after the mailing of a copy thereof to Declarant unless such thirty (30) day period is waived in writing by Declarant.

B. Whenever it shall appear to the Board of Administrators that there is a defect, error or omission in this Declaration or any other documentation required by law to establish this Declaration, the Owners’ Association through its Board of Administrators, shall immediately call a special meeting of the Unit Owners to consider amending the Declaration or such other documents. Upon the affirmative vote of the Owners of at least one-fourth (1/4) of the Lots within the Renaissance at Hammock Dunes Neighborhood, with more such affirmative votes than negative votes, the Owners’ Association shall amend the appropriate documents to correct such defect. Error or omission, and a true copy of such amendment shall be mailed by the Owners’ Association to Declarant. Such amendment shall become effective upon the recording of the certificate amongst the Public Records of Flagler Count, Florida, but such certificate shall not be recorded until thirty (3) days after the mailing of a copy thereof to Declarant, unless such thirty (30) days period is waived in writing by Declarant.

C. Prior to the time sixty-five percent (65%) of all Dwelling Units to be built in the Renaissance at Hammock Dunes Neighborhood have been conveyed to Persons other than Declarant, Declarant along may amend this Declaration in order to correct a scrivener’s error or other minor defect or omission without the consent of the Unit Owners or the Board of Administrators, provided that such amendment does not materially and adversely affect a Unit Owner’s property rights. This amendment shall be signed by Declaration along and a copy of the amendment shall be furnished to each Owner of a Lot within the Renaissance at Hammock Dunes Neighborhood, the Owners’ Association as soon after recording thereof amongst the Public Records of Flagler County, Florida as practicable.

D. No amendment of this Declaration or any Article of portion hereof shall be passed which shall impair or prejudice the rights or priorities of Declarant or Institutional Mortgagees or prejudice the Owners’ Association or the Hammock Dunes Club without the specific written approval of Declarant or the Institutional Mortgagees or the Owners’ Association or the Hammock Dunes Club, as the case may be.

E. Supplements are not amendments and need only be executed by Declarant alone.
F. Declarant may, in its sole discretion, amend this Declaration if necessary to do so for purposes of fulfilling the requirements of any governmental or quasi-governmental entity, including, but not limited to, the Federal National Mortgage Association (FNMA), the Federal Home Loan Mortgage Corporation (FHLMC), the Department of Housing or Urban Development (HUD), the Veterans Administration (VA), and the Federal Housing Administration (FHA). Noting contained herein, however, shall require Declarant to amend this Declaration for any purpose whatsoever.

XIV. RIGHT OF DECLARANT TO TRANSACT BUSINESS AND TO SELL AND LEASE UNITS OWNED BY IT FREE OF RESTRICTIONS SET FORTH IN ARTICLES V AND VI

A. The provisions, restrictions, terms and conditions of Articles V and VI hereof shall not apply to Declarant as a Unit Owner, and in the event and so long as Declarant shall own any Lot, whether by reacquisition or otherwise, Declarant shall have the absolute right to lease, sell, convey, transfer, mortgage or encumber in any way any such Lot upon any terms and conditions as it shall deem to be in its own best interests.

B. Notwithstanding the other provisions of this Declaration, Declarant reserves and Declarant and its nominees shall have the right to enter into and transact on the Renaissance at Hammock Dunes Neighborhood any and all business necessary to consummate the sale, lease or encumbrance of Lots or real property on the Total Property, including, but not limited to, the right to maintain models, a sales area and a sales office, place signs, employ sales personnel, use the Neighborhood Common Areas and show Lots or Dwelling Units, and Declarant reserves and shall have the right to make repairs and carry on construction activity. Declarant and its nominees may exercise the foregoing rights without notifying the Owners’ Association. Any such models, sales area, sales office, signs and any other items pertaining to such sales and construction efforts shall not be considered a part of the Neighborhood Common Areas and shall remain the property of Declarant. Paragraphs A and B of this Article may not be suspended, superseded or modified in any manner by any amendment to this Declaration unless such amendment is consented to in writing by Declarant. This right of use and transaction of business as set forth in this Paragraph B, the provisions of Paragraph A of this Article and the other rights reserved by Declarant in the Neighborhood Documents may be assigned in writing by Declarant in whole or in part.

XV. RIGHTS OF INSTITUTIONAL MORTGAGEES

A. The Owners’ Association shall be required to make available for inspection upon request, during normal business hours or under reasonable circumstances, the Declaration and the books, records and financial statements of the Owners’ Association to the Unit Owners and Institutional Mortgagees. In addition, evidence of insurance shall be issued to each Unit Owner and mortgagee holding a mortgage encumbering a Unit upon written request to the Owners’ Association.
B. Upon written request to the Owners’ Association, any Institutional Mortgagee shall be entitled to financial statements for the immediately preceding fiscal year to be given within a reasonable time period.

C. Upon written request to the Owners’ Association, identifying the name and address of the Institutional Mortgagee and the legal description of such Unit, the Owners’ Association shall provide such Institutional Mortgagee with timely written notice of the following:
1. Any condemnation, loss or casualty loss which affects any material portion of the Neighborhood Common Area;
2. Any lapse, cancellation or material modification of any insurance policy or fidelity bond maintained by the Owners’ Association;
3. Any proposed action which would require the consent of mortgagees holding a mortgage encumbering a Unit;
4. Any failure by a Unit Owner owning a Unit encumbered by a mortgage held, insured or guaranteed by an Institutional Mortgagee to perform his obligations under this Declaration, including, but not limited to, any delinquency in the payment of Annual Assessments or Special Assessments, or any other charge owed to the Owners Association by said Unit Owner when such failure or delinquency has continued for a period of sixty (60) days.

D. Declarant and any Institutional Mortgagee shall have the right, but not obligation, jointly or singularity, and at their sole option, to pay any of the assessments which are in default and which may or have become a charge against any Unit. Further, Declarant and any Institutional Mortgagees shall have the right, but not the obligation, jointly or singularly, and at their sole option, to pay insurance premiums or fidelity bond premiums on behalf of the Owners’ Association when, in regard to insurance premiums, the premiums are overdue and when lapses in policies may or have occurred. Declarant and any Institutional Mortgagees paying insurance premiums on behalf of the Owners’ Association as set forth above shall be entitled to immediate reimbursement from the Owners’ Association plus any costs of collection, including, but not limited to, reasonable attorneys’ fees at all trial and appellate levels.

XVI. GENERAL AND PROCEDURAL PROVISIONS

A. Declaration Runs with Committed Property. The covenants, reservations, restrictions and other provisions of this Declaration shall run with and bind the Land and shall insure to the benefit of Declarant and all Owners, their respective legal representatives, heirs, successors and assigns, for a term of ninety-nine (99) years from the date this Declaration is recorded, after which time this Declaration shall automatically be extended for successive periods of ten (10) years, unless an instrument signed by the Owners of at least two-thirds (2/3) of all Lots within the Renaissance at Hammock Dunes Neighborhood has been recorded agreeing to change or terminate (if not prohibited by other provisions of this Declaration or the Master Declaration) this Declaration in whole or in part; provided, however, that the Board of Administrators must first approve such termination by a vote of two-thirds (2/3) of the
entire Board of Administrators taken at a special meeting called for that purpose, which meeting must be held prior to the obtaining of written consent from the Unit Owner.

B. Condemnation. If the Owners’ Association receives any award or payment arising from any taking of the Neighborhood Common Areas or any part thereof as a result of the exercise of the right of condemnation or eminent domain, the net proceeds thereof shall first be applied to the restoration of the remaining Neighborhood Commons Areas and improvements thereof to the extent deemed advisable by the Owners’ Association and the remaining balance of such net proceeds, if any, shall then be held by the Owners’ Association for the use of the Owners’ Association.

C. Non-liability of Declarant. Declarant shall not in any way or manner be held liable or responsible for any violation of this Declaration by any Person other than Declarant.

D. Enforcement.

1. Declarant reserves unto itself and its designees the right and the power (i) to enforce the covenants, conditions, restrictions, and other provisions of this Declaration, and (ii) to delegate or assign, either exclusively or non-exclusively, any or all of its rights, powers, duties or privileges hereunder to the Owners’ Association, or Subassociation, Owner, or to any other designee.

2. If Declarant does not enforce the covenants, conditions, restrictions or other provisions of this Declaration, then the following parties may in the following priority enforce same as hereinafter set forth: (i) the Owners’ Association; (ii) a Subassociation established pursuant to Article III(D) hereof; or (iii) an Owner. If a party with a lesser priority desires to enforce this Declaration, then that party must first give thirty (30) days written notice to the parties with higher priority, starting first with Declarant, that the noticing party intends to initiate enforcement upon the expiration of such thirty (30) days, and if during such period the parties with the higher priority do not initiate enforcement procedures when the party of the lesser party may so initiate such enforcement procedures. A party not initiating enforcement procedures shall incur no liability whatsoever for such non-enforcement.

3. Declarant, its designees or any other party having the right to enforce this Declaration, if any, pursuant to subparagraph 2 above, shall have the right and the power to enforce the covenants, conditions, restrictions and other provisions imposed by this Declaration by any proceeding at law or in equity against any Person or entity violating or attempting violation of such provisions, and to enforce any lien created by this Declaration or the Master Declaration. Failure by Declarant, or the Owners’ Association, or a Subassociation, to enforce any of such provision shall in no event be deemed a waiver of its rights to do so thereafter.

4. The cost and attorneys’ fees, including those resulting from any appellate proceedings, incurred by Declarant or its designees or party having the right to enforce this Declaration, if any, pursuant to subparagraph 2 above, who prevails in any such enforcement action, and any action against a Person or entity to enforce any provisions this Master Declaration shall be a personal obligation of such Person which shall be paid by such Person.
E. **Fines.** In addition to all other remedies provided for in this Declaration and the Master Declaration, the Owners’ Association shall have the right to impose a fine on an Owner or Subassociation for failure of an Owner, his family members, guests, invitees, tenants and licenses, or Subassociation to comply with any provisions of this Declaration; provided, however, the Owners’ Association grants reasonable notice and opportunity to be heard. The decisions of the Owners’ Association shall be final. Fines shall be in such reasonable amounts as the Owners’ Association shall determine. Fines shall be considered as Special Assessments against the Owners’ Unit or other common properties of such Subassociation, if any, as appropriate. The Owners’ Association shall have the right to collect fines in the same manner as set forth in Article 9.03 of the Master Declaration.

F. **Severability.** If any provisions of this Declaration is held to be invalid in whole or in part by any court of competent jurisdiction, then such holdings shall in no way affect the validity of the remaining provisions of this Declaration, all of which shall remain in full force and effect, and such holdings shall be limited to its most narrow application.

G. **Dissolution.** In the event of a dissolution of the Owners’ Association, or any Subassociation created to administer the Renaissance at Hammock Dunes Neighborhood, each Unit shall contribute to be subject to the Assessments specified in this Declaration and the Master Declaration, and each Member shall continue to be personally obligated to Declarant or the successors or assigns of the Owners’ Association, as the case may be, or such Assessments to the extent that such Assessments are required to enable Declarant or any such successors or assigns acquiring any real property previously owned by the Owners’ Association to properly maintain, operate and preserve it. The provisions of this paragraph shall only apply with regard to the maintenance, operation and preservation of property which has been Common Areas or Neighborhood Common Areas and continues to be so used for the common use and enjoyment of the Owners in the Renaissance at Hammock Dunes Neighborhood.

H. **Gender.** Wherever in this Declaration the context so requires, the singular number shall include the plural, and the converse; and the use of one gender shall be deemed to include the other gender.

I. **Construction.** The provisions of this Declaration shall be liberally interpreted and construed to provide maximum flexibility consistent with Declarant’s general plan for development of the Total Property and the Renaissance at Hammock Dunes Neighborhood and the purposes set forth herein, including the preamble.

IN WITNESS WHEREOF, Declarant has caused these presents to be signed in its name and on its behalf of its President and attested to by its Secretary and its corporate seal affixed this ___ day of __________, 2018.
GENERAL NOTE

CONTRACTOR SHALL PREPARE AND SUBMIT A NOTICE OF INTENT (NOI) TO OBTAIN COVERAGE UNDER THE NPDES GENERIC PERMIT FOR STORMWATER DISCHARGE FROM LARGE AND SMALL CONSTRUCTION ACTIVITIES (CGP). PRIOR TO SUBMITTING THE NOI, THE SITE OPERATOR SHALL PREPARE A STORMWATER POLLUTION PREVENTION PLAN (SWPPP) IN ACCORDANCE WITH THE FLORIDA EROSION AND SEDIMENT CONTROL DESIGNER AND REVIEWER MANUAL. A COPY OF THE SWPPP SHALL BE MAINTAINED ON SITE DURING CONSTRUCTION AND AVAILABLE FOR REVIEW BY FLAGLER COUNTY INSPECTORS UPON REQUEST.
GENERAL NOTE
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LEGEND
- SILT FENCE
- INLET PROTECTION
- TEMPORARY CONSTRUCTION ENTRANCE
- TREE REMOVAL
- TREE PROTECTION
- MATCHLINE

GRAPHIC SCALE
1 inch = 40 ft.

For County Use

2. ALL UTILITIES SHALL BE LOCATED UNDERGROUND.

3. CONTRACTOR TO ATTEND A MANDATORY PRE-CONSTRUCTION MEETING WITH COUNTY STAFF PRIOR TO ANY DISTURBANCE OF THE PROPERTY.

4. CONTRACTOR IS RESPONSIBLE FOR IMPLEMENTING APPROVED SWPPP.

5. CONTRACTOR REQUIRED TO SUBMIT DRAINAGE, CONTROL, WATER QUALITY PROTECTION PLAN & DEMOLITION PLAN TO COUNTY A MINIMUM OF 30 DAYS PRIOR TO COMMENCING CONSTRUCTION. ALL DEMOLITION MUST MEET STATE SURFACE WATER QUALITY STANDARDS.

6. CONTRACTOR REQUIRED TO OBTAIN ANY CONSTRUCTIVE USE PERMIT REQUIRED FOR DEMOLITION.

7. ALL LOT GRADE AT 3:1 SLOPE PRIOR TO DEMOLITION.

8. CONTRACTOR REQUIRED TO SUBMIT EROSION CONTROL STANDARDS PRIOR TO COMMENCING CONSTRUCTION. ALL EROSION CONTROL MEET STATE SURFACE WATER QUALITY STANDARDS.

9. CONTRACTOR REQUIRED TO SUBMIT EROSION CONTROL STANDARDS PRIOR TO COMMENCING CONSTRUCTION. ALL EROSION CONTROL MEET STATE SURFACE WATER QUALITY STANDARDS.

10. ALL LOT GRADE AT 3:1 SLOPE PRIOR TO DEMOLITION.

11. ALL LOT GRADE AT 3:1 SLOPE PRIOR TO DEMOLITION.

12. ALL LOT GRADE AT 3:1 SLOPE PRIOR TO DEMOLITION.

13. ALL LOT GRADE AT 3:1 SLOPE PRIOR TO DEMOLITION.

14. ALL LOT GRADE AT 3:1 SLOPE PRIOR TO DEMOLITION.

15. ALL LOT GRADE AT 3:1 SLOPE PRIOR TO DEMOLITION.

16. ALL LOT GRADE AT 3:1 SLOPE PRIOR TO DEMOLITION.
GENERAL NOTES


2. ALL UTILITIES SHALL BE LOCATED UNDERGROUND.

3. CONTRACTOR TO ATTEND A MANDATORY PRE-CONSTRUCTION MEETING WITH COUNTY STAFF PRIOR TO ANY DISTURBANCE OF THE PROPERTY.

4. CONTRACTOR IS RESPONSIBLE FOR IMPLEMENTING APPROVED SWPPP.

5. CONTRACTOR REQUIRED TO SUBMIT EROSION CONTROL / WATER QUALITY PROTECTION PLAN & DEWATERING PLAN TO SJRWMD A MINIMUM 14 DAYS PRIOR TO COMMENCING CONSTRUCTION. ALL DEWATERING MUST MEET STATE SURFACE WATER QUALITY STANDARDS.

6. CONTRACTOR REQUIRED TO OBTAIN ANY CONSUMPTIVE USE PERMIT REQUIRED FOR DEWATERING.

7. ALL LOT GRADING DEPICTED BY TYPE "A", "B", OR "C".

For County Use
1. CONTRACTOR SHALL VERIFY ALL PERTINENT FEATURES WHICH MAY AFFECT HIS BID PRIOR TO BIDDING THE PROJECT. DISCREPANCIES NOTED DURING CONSTRUCTION WILL NOT BE CONSIDERED CAUSE FOR EXTRA PAYMENT ON ANY OF THE PAY ITEMS IN THE CONTRACT.

2. UTILITIES MAY EXIST WHICH ARE NOT SHOWN ACCURATELY ON THESE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFICATION OF ALL UTILITY LOCATIONS PRIOR TO ANY CONSTRUCTION.

3. CONTRACTOR SHALL IMMEDIATELY NOTIFY DESIGN ENGINEER AND FDOT PERMIT MANAGER OF ANY DISCREPANCIES FOUND ON THE PLANS.

4. ANY PUBLIC LAND CORNER WITHIN THE LIMITS OF CONSTRUCTION IS TO BE PROTECTED. IF A CORNER MONUMENT IS IN DANGER OF BEING DESTROYED AND HAS NOT BEEN PROPERLY REFERENCED, THE CONTRACTOR SHOULD NOTIFY THE COUNTY WITHOUT DELAY.

5. MAINTENANCE OF TRAFFIC WILL BE IN ACCORDANCE OF THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS" & THE 2018 FDOT ROADWAY AND TRAFFIC DESIGN STANDARDS.

6. A MINIMUM OF ONE COMPACTION TEST PER 5,000 SF OF PAVED AREA IS REQUIRED. A COPY OF THE TEST REPORTS SHALL BE GIVEN TO THE FLAGLER COUNTY’S DESIGNATED INSPECTOR.

7. TEMPORARY DRAINAGE SHALL BE PROVIDED DURING CONSTRUCTION TO ELIMINATE ANY FLOODING OF PRIVATE PROPERTY.

8. UNSTABLE MATERIALS SHALL BE REMOVED FROM CONSTRUCTION AREAS AND BACKFILLED WITH SUITABLE MATERIALS.

9. CONSTRUCTION SHALL INCLUDE REPLACING, WITH MATCHING MATERIALS, THE DRIVEWAYS, WALKS, MAILBOXES, LANDSCAPING THAT ARE DAMAGED OR REMOVED DUE TO CONSTRUCTION. THIS WORK SHALL BE COORDINATED WITH PROPERTY OWNERS.

10. ALL STORM SEWER LINES AND INLETS SHALL BE CLEANED OF DEBRIS AT LAST STAGES OF CONSTRUCTION.

11. ANY DRAINAGE PROBLEMS CREATED BY CONSTRUCTION OR EXISTING BEFORE CONSTRUCTION AND NOT ALLEViated SHOULD BE BROUGHT TO THE ATTENTION OF FDOT, FLAGLER COUNTY AND THE DESIGN ENGINEER.

12. ALL AREAS DISTURBED DURING CONSTRUCTION SHALL BE RESTORED TO ORIGINAL CONDITION.

13. CONTRACTOR SHALL PROVIDED AN AS-BUILT SURVEY PREPARED BY A REGISTERED SURVEYOR. SURVEY SHALL INDICATE AS-BUILT OF ALL IMPROVEMENTS.

14. CONTRACTOR SHALL CALL FOR LOCATES TWO BUSINESS DAYS PRIOR TO STARTING CONSTRUCTION.

15. NO LAND SHALL BE CLEARED, EXCAVATED OR FILLED AND NO STRUCTURE SHALL BE ERECTED, REPAIRED OR DEMOLISHED WITHOUT PROPER PERMITS AS REQUIRED BY THE FDOT AND THE FLAGLER COUNTY.

16. ANY CONSTRUCTION CHANGES TO APPROVED PLANS SHALL BE SUBMITTED TO FDOT AND FLAGLER COUNTY PRIOR TO PERFORMING THE WORK.

17. A PRE-PAVING UTILITY INSPECTION MUST BE REQUESTED AND COMPLETED PRIOR TO THE PAVING OF ALL ROADS AND PARKING AREAS.

18. A FINAL INSPECTION, TO BE COMPLETED BY FDOT AND FLAGLER COUNTY, SHALL BE PERFORMED ON ALL CONSTRUCTION. THE DESIGN ENGINEER SHALL NOTIFY FLAGLER COUNTY ONCE AS-BUILT DRAWINGS AND CLEARANCES HAVE BEEN SUBMITTED.

19. A COMPLETE SET OF AS-BUILT DRAWINGS ARE REQUIRED TO BE SUBMITTED TO FLAGLER COUNTY PRIOR TO REQUESTING A FINAL INSPECTION.

20. ALL PAVEMENT MARKINGS AND STRIPING SHALL BE THERMOPLASTIC AND WILL BE INSTALLED IN ACCORDANCE WITH FDOT STANDARD INDEX #17346, VERSION 2015.
45° 8" MJDI BEND WATER UNDER OVER STORM PIPE
8" SDR-18 PVC WATER MAIN FROM BACK OF CURB (TYP.)

6" SANITARY SERVICE LATERAL w/ 4" x 4" POST (TYP.)

PROPOSED FIRE Hydrant (TYP.)

PROPOSED POTABLE WATER SERVICE (TYP.)

WATER UNDER STORM PIPE

STORM OVER SANITARY PIPE - USE DUCTILE IRON SEWER PIPE IN CONFLICT AREA

SANITARY MH-4
TOP: 10.65
INV (SW): 4.10
INV (NE): 4.05

SANITARY MH-5
TOP: 10.46
INV (NE): 5.05

8" SDR-26 PVC @ 0.4%

45° 8" MJDI BEND WATER UNDER OVER STORM PIPE

PROPOSED 1" POTABLE WATER SERVICE (TYP.)

8" SDR-18 PVC WATER MAIN - 4'
FROM BACK OF CURB (TYP.)

PROPOSED 45° 8" MJDI BEND WATER UNDER OVER STORM PIPE

STORM OVER SANITARY PIPE - USE DUCTILE IRON SEWER PIPE IN CONFLICT AREA

SANITARY MH-4
TOP: 10.65
INV (SW): 4.10
INV (NE): 4.05

SANITARY MH-5
TOP: 10.46
INV (NE): 5.05

8" SDR-26 PVC @ 0.4%
PRIVATE PARKING LOT/ROAD PAVEMENT DETAIL

DETECTABLE WARNING SURFACE

ASPHALT PAVEMENT:
- Minimum thickness of asphalt pavement is 2 inches.
- Gravel base shall conform to specifications and installation instructions.
- Inlet protection detail shall be used where applicable.

EXISTING SUBGRADE:
- Crushed stone or equivalent material shall be used for existing subgrade.
- Existing subgrade depth shall conform to specifications and installation instructions.

CRUSHED CONCRETE:
- Minimum thickness of crushed concrete is 2 inches.
- Gravel base shall conform to specifications and installation instructions.
- Inlet protection detail shall be used where applicable.

GENERAL NOTES:
- All detectable warning surfaces shall consist of raised truncated domes.
- Detectable warning surfaces shall start at back of curb, measure 24 inches, and cover the complete width of the ramp area.
- Detectable warning material color will be subject to approval by City staff.

INSTALLATION EXAMPLE:
- At Hammock Dunes, Flagler County, Florida.
- Asphalt pavement shall conform to plans and in accordance with manufacturer's specifications and installation instructions.

RECOMMENDED MAXIMUM PIPE SIZE:
- 2'-0" Wall - 36" Pipe
- 3'-0" Wall - 24" Pipe
- 3'-1" Wall - 24" Pipe
- 4'-1" Wall - 36" Pipe
- 4'-6" Wall - 36" Pipe

STORM SEWER J-1 MANHOLE:
- N.T.S.

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STORM SEWER J-1 MANHOLE:
- N.T.S.
AFFIDAVIT OF LEGAL NOTICE

I, the undersigned, being first duly sworn, do hereby state under oath and under penalty of perjury, that the following facts are true:

1. I am over the age of 18 and I am a resident of the State of Florida. I have personal knowledge of the facts herein and, if called as a witness, could testify competently thereto.

2. I either completed the legal notice described herein or it was completed under my responsible direction.

3. The facts herein relate specifically to Application #3151 (Project #2018080034).

4. Notice for this Application has been provided as stated herein for the (select as applicable):

   □ Planning and Development Board meeting on ___/___/___ [date]; and/or
   □ Board of County Commissioners meeting on ___/___/___ [date].

5. □ Newspaper publication (select one, proof of publication attached):
   □ legal advertisement (Publication date: ______________________)
   □ 2 x 10 with map (Publication date: ______________________)
   □ 2 x 10 without map (Publication date: ______________________)

6. □ Mailed notice: ___ [number] letters were mailed out on ___/___/___ [date] to parcel owners as listed within Property Appraiser records within 300 feet of the subject parcel(s)(copy of parcel list and sample notice letter attached).

7. □ Posted notice: ___ [number] signs were posted on the subject parcel(s) on ___/___/___ [date](photographs of posted signs attached).

   By: __________________________
   Name: ________________

Sworn and subscribed before me on ___/___/___ [date] by __________________________

WENDY A. HICKEY [name] who (select one): ☒ is personally known to me or __________________________
produced __________________________ [document] as identification and who took an oath.

______________________________
NOTARY PUBLIC – STATE OF FLORIDA

Name: __________________________
Commission No.: GG132536
My Commission Expires: ________________
<table>
<thead>
<tr>
<th>ParcelId</th>
<th>Owner</th>
<th>Address</th>
<th>City, State, Zip</th>
</tr>
</thead>
<tbody>
<tr>
<td>04-11-31-2984-00000-00D0</td>
<td>COUNTY OF FLAGLER BOCC</td>
<td>1769 E MOODY BLVD BLDG 2</td>
<td>BUNNELL, FL 32110</td>
</tr>
<tr>
<td>04-11-31-2984-000E1-0010</td>
<td>COUNTY OF FLAGLER BOCC</td>
<td>1769 E MOODY BLVD BLDG 2</td>
<td>BUNNELL, FL 32110</td>
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<tr>
<td>04-11-31-2984-000E1-0180</td>
<td>OARE ASSOCIATES LLC C/O J. MARTINEZ, ESQ.</td>
<td>203 EAST RICH AVENUE</td>
<td>DELAND, FL 32724</td>
</tr>
<tr>
<td>04-11-31-2984-000E1-0170</td>
<td>HAMMOCK DUNES OWNERS ASSOC, INC</td>
<td>PO BOX 353338</td>
<td>PALM COAST, FL 32135</td>
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<tr>
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<td>PALM COAST, FL 32135</td>
</tr>
<tr>
<td>04-11-31-2986-00070-0100</td>
<td>JACK A DIEH &amp; CONNIE A BRIDGE</td>
<td>24 SAN MARCO CT</td>
<td>PALM COAST, FL 32137</td>
</tr>
<tr>
<td>04-11-31-2986-000A0-0000</td>
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<td>PALM COAST, FL 32135</td>
</tr>
<tr>
<td>04-11-31-2986-00070-0110</td>
<td>RICHARD A &amp; ROSE HOTTINGER</td>
<td>25 SAN MARCO COURT</td>
<td>PALM COAST, FL 32137</td>
</tr>
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<td>04-11-31-2984-000P8-0010</td>
<td>HAMMOCK DUNES OWNERS ASSOC, INC</td>
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<td>PALM COAST, FL 32135</td>
</tr>
<tr>
<td>04-11-31-2984-00050-0000</td>
<td>DUNES COMMUNITY DEVELOPMENT DIST.</td>
<td>5000 PALM COAST PKWY</td>
<td>PALM COAST, FL 32137</td>
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<td>04-11-31-2985-00000-00A1</td>
<td>GRANADA ESTATES NEIGHBORHOOD</td>
<td>PO BOX 353338</td>
<td>PALM COAST, FL 321353338</td>
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<tr>
<td>04-11-31-2984-00030-0000</td>
<td>HAMMOCK DUNES CLUB INC</td>
<td>30 AVENUE ROYALE</td>
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<td>PO BOX 353338</td>
<td>PALM COAST, FL 32135</td>
</tr>
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<td>04-11-31-2984-00010-0000</td>
<td>DUNES COMMUNITY DEVELOPMENT DIST.</td>
<td>5000 PALM COAST PKWY</td>
<td>PALM COAST, FL 32137</td>
</tr>
</tbody>
</table>

I hereby affirm mailed notice to each owner on September 21, 2018 for the Planning & Development Board Meeting on October 9, 2018 at 6:00 pm and the Board of County Commissioners Meeting on October 15, 2018 at 5:30 pm.

Wendy Hickey, Planner
September 21, 2018

COUNTY OF FLAGLER BOCC
1769 E MOODY BLVD BLDG 2
BUNNELL, FL 32110

RE: Notice of Public Hearing – Application #3151 – Renaissance at Hammock Dunes Preliminary Plat

Dear Property Owner:

As an owner of land lying within 300’ of Renaissance at Hammock Dunes PUD (Planned Unit Development), Flagler County hereby gives notice of two public hearings to consider a request by Dickinson Consulting, Inc for property owned by Oare Associates, LLC for review and consideration of the Renaissance at Hammock Dunes Preliminary Plat in the PUD District identified as Parcel # 04-11-31-2984-000E1-0180.

The public hearings for the application will be held in the Flagler County Government Services Building, Board Chambers, at 1769 E. Moody Boulevard, Building 2, Bunnell, Florida, and are scheduled as follows:

   Planning Board Hearing on Tuesday, October 9, 2018 at 6:00 p.m.

   Board of County Commissioners on Monday, October 15, 2018 at 5:30 p.m.

You are welcome to attend and express your opinion.

Sincerely,

Wendy Hickey
Planner

NOTE: PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE OR SHE WILL 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.
FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
PUBLIC HEARING / AGENDA ITEM #8

SUBJECT: QUASI-JUDICIAL – Application #3152 – Special Use for a Public Safety Emergency Telecommunication Tower at 1250 South Old Dixie Highway within the R-1 (Rural Residential) and PUD (Planned Unit Development) District; Parcel #04-13-31-0650-000D0-0040; 19.69 +/- acres. Owner/Applicant: Board of County Commissioners of Flagler County/Agent: Jarrod Shupe, Flagler County Innovation Technology Director.

DATE OF MEETING: October 9, 2018

OVERVIEW/SUMMARY: This request is quasi-judicial and requires disclosure of ex parte communication. This request is for a Special Use approval for a telecommunication tower not to exceed 350 feet in height. The subject parcel is located:

Property Appraiser aerial photo (2017):

The Planning and Development Board previously reviewed and recommended approval of a Special Use for a 199-foot high tower at this location through Application #3140 at the Board’s
July 10, 2018 regular meeting. Recently, Volusia County staff contacted Flagler County regarding Volusia’s proposal to locate their own tower proximate to Flagler County’s tower. Rather than opting for two separate towers, the two counties are partnering with a taller tower installation at the Old Dixie Park site with Volusia County sharing in the initial construction cost and providing ongoing rent to offset maintenance expenses. The co-located tower provides optimal coverage for both counties, benefits from shared expenses due to the reduced start-up cost (versus each county building its own tower separately), and provides for greater interoperability of radio systems. Due to the increased tower height, two variances are needed and will be considered separately under Application #3153. Because of the increased height, this tower will require lighting consistent with FAA requirements; however, to the greatest extent possible, the County will shield any tower lighting so as to cast outward with minimal downward light impacts.

As previously reported, this tower is part of the County’s efforts to locate a network of self-supporting telecommunication towers that will principally accommodate the County’s emergency communications system. This network of tower sites is critical to the County’s current and future emergency digital communications network by providing not only for geographic coverage, but for signal penetration and optimal signal strength. Up to this point, there are areas of the County where public safety first responders have their signal dropped or the signal is weak, leaving both the public and our first responders at risk. Each of these tower sites are advantageous to the County because each parcel location is owned by the County, removing the need for continual lease negotiations. For this tower site (like its previously-approved County towers), the County proposes to develop a self-supporting tower within a 70 foot by 70 foot area enclosed by an 8-foot high fence and landscaping within the subject property, which will accommodate the compound area. The characteristics of this specific parcel are described in greater detail within the attached Technical Staff Report.

No existing towers are proximate to this location that would provide the signal coverage required by the County. The FAA Determination of No Hazard to air navigation is pending for this tower location. Consistent with the County’s special siting criteria, this tower’s design will incorporate a break point that will cause the tower to fall within a specified radius. This break-point design is described in the graphic in the attached Technical Staff Report.

The Technical Review Committee (TRC) reviewed this request at its September 19, 2018 meeting: all staff comments have been addressed prior to the Planning and Development Board meeting. The Planning and Development Board’s recommendation will be provided to the Board of County Commissioners as part of staff’s presentation at the Board’s October 15th regular meeting.

This agenda item is:

X quasi-judicial, requiring disclosure of ex-parte communication; or

_____ legislative, not requiring formal disclosure of ex-parte communication.

DEPT./CONTACT/PHONE #: Planning & Zoning/Adam Mengel/386-313-4065

RECOMMENDATION: Request the Planning and Development Board recommend to the Board of County Commissioners that the special siting criteria have been met and recommend approval of a Special Use for a 350-foot Public Safety Telecommunication Tower at 1250 South Old Dixie Highway subject to the following conditions: 1) tower to accommodate up to six (6) wireless service or communication providers/users; 2) issuance of FAA Determination of No Hazard to air
navigation; 3) contractor to attempt to preserve index trees on site throughout site development; 4) elimination of the perimeter landscape buffer surrounding the fenced compound; 5) authorization to paint the lower 50 feet of the tower as either forest green or brown (“Java”), as previously approved by the Board of County Commissioners, with the remaining tower height to be painted with a non-contrasting blue or gray finish or galvanized finish; and 6) tower lighting to be shielded so as to reduce downcast to the greatest extent possible.

ATTACHMENTS:
1. Technical Staff Report (TSR)
2. Application and Supplemental Materials, including Statement of Need
3. Public Notice
Location and Legal Description
1250 South Old Dixie Highway; subject parcel lying South of Old Dixie Highway and described as Tract 4 of Block D of the Bunnell Development Company subdivision (recorded at Map Book 1, Page 1, Public Records of Flagler County, Florida) in Section 4, Township 13 South, Range 31 East, Flagler County, Florida; within Parcel #04-13-31-0650-000D0-0040.

Aerial Photo (from site plan)

Fall Zone Radius
This self-supporting tower will not exceed 350 feet in overall height above grade. The Federal Aviation Administration (FAA) Determination of No Hazard to air navigation is pending. The tower’s design will incorporate a break point that will cause the tower to fall within a specified radius completely within the subject park parcel. This tower height (greater than 200 feet above grade) requires lighting in accordance with FAA requirements.
Existing Zoning and Land Use Classification
Zoning: R-1 (Rural Residential) and PUD (Planned Unit Development) District
Land Use: RLDRE (Residential Low Density: Rural Estate) and A&T (Agriculture & Timberlands)

Future Land Use Map Classification/Zoning of Surrounding Land
North: Old Dixie Highway; RLDRE (Residential Low Density: Rural Estate), CN (Conservation), and A&T (Agriculture & Timberlands)/R-1 (Rural Residential) and AC (Agriculture) District
South: MUL (Mixed Use: Low Intensity)/PUD (Planned Unit Development) District
East: RLDRE (Residential Low Density: Rural Estate) and MUL (Mixed Use: Low Intensity)/R-1 (Rural Residential) and AC (Agriculture) District
West: RLDRE (Residential Low Density: Rural Estate) and A&T (Agriculture & Timberlands)/R-1 (Rural Residential) and AC (Agriculture) District

Standards for Review
LDC Section 3.06.05, Public, Semi-Public and Special Uses, and specifically subsection 3.06.05(F), Special siting criteria for telecommunication towers.

Special uses may be permitted as follows:

LDC subsection 3.06.05(C)2: Major utility installations, including telephone and telegraph buildings over 1,000 square feet, electric transmission lines exceeding 115KV, natural and artificial gas production plants, radio and television stations and towers, water and sewer treatment plants, rapid infiltration basins, off-site potable water storage tanks, sewage and sludge disposal sites, electronic transmissions towers, wellfield installations and such similar major utility installations, may be permitted in any district, provided that application is made to the planning and development board for its review and recommendations to the county commission.

LDC subsection 3.06.05(F): Special siting criteria for telecommunication towers, identifies eight (8) compatibility factors to be considered in granting special use permits for telecommunication towers. In making its determination, the board shall be guided by the following land use compatibility factors to be considered in granting special use permits for telecommunication towers:

LDC subsection 3.06.05(F)(9)(a): Telecommunication towers shall be located and buffered to ensure compatibility with surrounding land uses. To help ensure such compatibility, the following will be considered:

The governing authority shall consider the following factors in determining whether to issue a special use permit, although the governing authority may waive or reduce the burden on the applicant of one (1) or more of these criteria if the governing authority concludes that the goals of this ordinance [subsection] are better served thereby:
1. Height of the proposed tower as measured according to subsection (8)(g);

**Analysis:** Section 3.06.05.F(8)(g) of the Flagler County Land Development Code limits the maximum height of telecommunication towers in residential zoning districts to no more than 150 feet in height if constructed for two (2) or more users. The Code states that the applicant must meet a two-part test to be considered to be constructed for more than one user: first, the applicant must demonstrate that the tower will be constructed to provide sufficient excess capacity for an additional user; and, secondly, the applicant must consent in writing to the County that one or more additional ‘comparable’ users will be allowed to use the tower where feasible.

The application submittal package demonstrates that the proposed tower will be constructed to provide capacity for a maximum of five users in addition to the County’s facilities, with an overall tower height not to exceed 350 feet. A variance will be needed – and will be considered separately by the Planning and Development Board – to allow the proposed tower to exceed the 150 foot maximum tower height in residential districts.

2. Proximity of the tower to residential structures and residential district boundaries;

**Analysis:** This tower is located within a residential district boundary, and adjoins the residential zoning district boundary that runs along both sides of Old Dixie Highway. The proposed tower would be located approximately 110 feet East of the nearest parcel developed with a residential use at 1060 South Old Dixie Highway (Parcel#04-13-31-0650-000D0-0050), with the home on this parcel located approximately 900 feet southwest of the proposed tower. The nearest home is located North of Old Dixie at 100 Bay Berry Village Road Parcel #04-13-31-0650-000A0-0080), approximately 680 feet northerly of the proposed tower, with the closest parcel line (also being the boundary of the nearest single-family residential zoning district) approximately 225 feet North of the proposed tower. A variance will be needed – and will be considered separately by the Planning and Development Board – to allow the proposed tower within 700 feet (two times the tower height) of the nearest off-site single-family residential zoning district boundary.

Environmental and health effects related to telecommunication tower siting are not to be considered by a local government in making a determination on a tower location. Specifically, 47 U.S. Code § 332 provides, at subpart (c)(7), that it is assumed that if a tower otherwise complies with Federal Communication Commission requirements regarding radiofrequency emissions, then a local government may not otherwise “regulate the placement, construction, and
 modification of personal wireless service facilities on the basis of the environmental effects of radiofrequency emissions”.

3. Nature of uses on adjacent and nearby properties;

   Analysis: The subject parcel is the County’s Old Dixie Park, with facilities for basketball, horseshoes, pickleball, tennis, and volleyball, along with a playground and a picnic pavilion. Predominantly, surrounding uses are either rural homesteads, undeveloped or utilized for agriculture purposes as pasture or silviculture.

4. Surrounding topography;

   Analysis: The subject parcel is relatively flat, and is surrounded by parcels that are relatively flat.

5. Surrounding tree coverage and foliage;

   Analysis: The park parcel is bordered by trees and vegetation to act as a natural buffer to adjacent properties, with the proposed tower site located within an area of dense mature tree growth. Due to the siting of the tower within this area of existing foliage, staff is recommending that the perimeter landscaping of the base of the tower not be required as a condition of approval of the Special Use.

6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

   Analysis: This tower, like the others previously approved by the Board, is described as self-supporting with a three-sided tripod configuration, but is not a lattice tower. The tripod configuration assumes that should a catastrophic failure occur that the tower will collapse by folding along the face opposite the failed leg of the tripod; structurally, this is the minimally intrusive, yet strongest tower design option. As designed, this tower will not be guyed, and camouflaging this tower is not feasible.

Specific FAA lighting requirements have not been determined at this time, although lighting is anticipated to be required since the tower exceeds 200-foot height threshold established by the FAA requiring tower lighting. The LDC at subsection (8)(i) requires the first fifty (50) feet of tower height above ground level to be painted forest green with the remaining tower height either left with a galvanized finish or painted with a non-contrasting blue or gray finish. Staff has recommended, consistent with previous County Commission tower approvals, that an applicant (in this case the County) may opt to instead paint the first 50 feet a brown (“Java”) color at their option.
7. Proposed ingress and egress; and

*Analysis*: The park’s existing access driveway connection will be utilized, with a driveway leading to the fenced tower yard turning to the West from the park driveway. No modification or new driveway connection is anticipated to be needed.

8. Availability of suitable existing towers and other structures as discussed in subsection (8)(p)2. of this ordinance [subsection].

*Analysis*: This provision of the LDC encourages co-location with an emphasis on cell towers. The County as the owner of this parcel and the intended first user (together with Volusia County) of the tower is seeking Special Use approval to ensure optimal coverage for emergency communications. Even if an existing tower had been located proximate to this site, the County Commission has opted through the approval of the previous Special Use requests that a hardened, County-owned tower is preferable to an option of siting County emergency services communications facilities on an older, leased tower where the County’s antenna is third- or fourth-tier in the hierarchy and the tower design may not meet current hurricane wind-load requirements.

Federal Aviation Administration (FAA) regulations:
FAA provides (through 14 CFR Part 77.9) minimum thresholds for notification and review of vertical obstructions to regulated airspace. The proximity of the proposed telecommunications tower to the nearest point of the nearest runway was calculated for both the Flagler Executive Airport (FIN) in Bunnell and the Ormond Beach Municipal Airport (OMN) in Ormond Beach, with the proposed tower 4.48 miles (23,654.4 feet) from FIN and 7.70 miles (40,656 feet) from OMN:
Zoning Map
Future Land Use Map
### APPLICATION FOR SPECIAL USE

**FLAGLER COUNTY, FLORIDA**

**1769 E. Moody Blvd, Suite 105**

**Bunnell, FL 32110**

**Telephone: (386) 313-4009  Fax: (386) 313-4109**

**Application/Project #: 3152/201809004**

---

### PROPERTY OWNER(S)

<table>
<thead>
<tr>
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<th>Flagler County</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>1769 E. Moody Blvd, Bldg #2</td>
</tr>
<tr>
<td>City: Bunnell</td>
<td>State: Florida</td>
</tr>
<tr>
<td>Zip: 32110</td>
<td></td>
</tr>
<tr>
<td>Telephone Number</td>
<td>Fax Number</td>
</tr>
<tr>
<td>386-313-4009</td>
<td>386-313-4109</td>
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### APPLICANT/AGENT

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<td>386-313-4009</td>
<td>386-313-4109</td>
</tr>
<tr>
<td>E-Mail Address:</td>
<td></td>
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### SUBJECT PROPERTY

<table>
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<tr>
<th>SITE LOCATION (street address):</th>
<th>1250 S OLD DIXIE HWY</th>
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<tbody>
<tr>
<td>LEGAL DESCRIPTION:</td>
<td>19.69 ACRES BLOCK D TRACT 4 OR 277 PG 854</td>
</tr>
<tr>
<td>Parcel #:</td>
<td>04-13-31-0650-00000-0040</td>
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<tr>
<td>Parcel Size:</td>
<td>19.69AC</td>
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<tr>
<td>Current Zoning Classification:</td>
<td>COUNTY (008600)</td>
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<tr>
<td>Current Future Land Use Designation:</td>
<td></td>
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<tr>
<td>Subject to A1A Scenic Corridor IDO?</td>
<td>NO</td>
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</tbody>
</table>

### Description of Use:

Communications Tower Facility

---

**Signature of Owner(s) or Applicant/Agent**

Date

**OFFICIAL USE ONLY**

**PLANNING BOARD RECOMMENDATION/ACTION:**

*APPROVED WITH CONDITIONS*

<table>
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**Signature of Chairman:**

Date: *approved with conditions, see attached.

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<th>DENIED</th>
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**BOARD OF COUNTY COMMISSIONERS ACTION:**

*APPROVED WITH CONDITIONS*

<table>
<thead>
<tr>
<th>APPROVED</th>
<th>DENIED</th>
</tr>
</thead>
</table>

**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.
Statement of Need

Flagler County is in the process of replacing its Public Safety Communication Network system. The Flagler County Public Safety Communication Network provides the sole radio communications capability for all law enforcement, fire services and emergency services officials in the County and city jurisdictions, in addition to the administrative uses such as public works, code enforcement, transportation, and road and bridge. As such, reliable and effective operation of this system is critical during both normal and emergency situations in support of the community.

In the spring of 2017, Flagler County contracted with an outside consultant, Omnicom Consulting Group, to design, plan, and implement a replacement of the County’s 11 year old Harris EDACS system with a new APCO P25 Phase 2 system. As part of this process radio coverage was analyzed. From that analysis a system design was created to provide the best radio coverage possible in the County, using the fewest amount of radio towers at the lowest height possible. From those requirements came a need to construct 5-6 new towers at County-owned property at 2355 Matanzas Woods Parkway, 1001 Justice Lane, 7570 County Road 304, 245 County Road 305, 1250 South Old Dixie Highway, and 1769 East Moody Boulevard.

Each of these proposed towers will host 800 MHz and microwave antennas in support of Flagler County’s Public Safety Communication System and will be installed in approximately the next year. Due to the Public Safety nature of this system, concerns regarding reliability and performance of the system and their life-safety implications are paramount to the County.

Recent hurricanes, maintenance, and repair efforts have caused significant concern with respect to the integrity of the existing towers. The new towers proposed will be self-supporting, therefore not requiring any guy wires/lines, as well as they will be built to withstand wind loads in excess of 140MPH. These self-supporting towers also have a theoretical zero fall zone, as annotated by the attached design.

Since our last meeting to approve the relocation of the tower from 1600 S. Old Dixie to 1250 S. Old Dixie and the subsequent approval of the variance to include a light on the tower, we were approached by Volusia County regarding co-locating on this tower. For this tower site to work for their needs, the additional height, up to 350’, is required. If we are not able to approve this new height, Volusia County will be forced to erect a similar tower on another piece of land .

District 1    District 2    District 3    District 4    District 5

http://www.flaglercounty.org
adjacent to Plantation Bay for their needs. Thus, we have both decided to work together at this site to lessen the number of towers needed, as well as allow for cost efficient interoperability between our counties.

Radio coverage expansion is needed in order to provide both an enlarged coverage footprint and additional signal into area that are poorly services due to the existing antenna height and locations. The submittal provides for the County to install antennas higher than existing towers – thereby providing significantly better signal in area currently experiencing poor coverage. The submittal also provides for the County to antennas in new locations – thereby also providing significantly better signal in area currently experiencing poor coverage.

Finally, the County is faced with the requirement to provide additional radio capability for inter-operability with area, regional and statewide resources, during times of emergency such as the 2011 wildfires, Hurricanes Matthew and Irma and plane crashes. Currently the County is paying approximately $170,000 for tower rent annually with annual increase. By building County-owned towers, we save those annual rent fees, as well as it allows us to rent out additional space on our towers for the use of other wireless providers or communications companies. This represents a significant cost savings to the County, in addition to the flexibility that the owned space allows for future needs.

Flagler County Innovation Technology, Omnicom Consulting Group, and Motorola Solutions has worked diligently to locate suitable infrastructure on existing towers, but none of the other alternatives meet all of the above requirements. The submittal was designed primarily for the County’s Public Safety requirements. Both geographic requirements and antenna coverage were the prime considerations in siting and height of the towers.

As part of the award of the RFP to Motorola Solutions for the Public Safety Communications Network, all necessary requirements will be met and documented upon application for a permit.

It is therefore our recommendation and request that the zoning variances are approved expeditiously, in support of the County’s Public Safety Communication network project.

Respectfully submitted,

Jarrod M. Shupe
Innovation Technology Director
Flagler County Board of County Commissioners
Distribution date: Friday, September 14, 2018

Project #: 2018090004

Application #: 3152

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: FIRE INSPECTOR

No comments at this time.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

Application is identical to previous approved Special Use with the exception that maximum tower height has changed from 199 feet to 350 feet. Per FAA regulations, tower will now be illuminated.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

No Comments

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

No comments at this time.

REVIEWING DEPARTMENT: COUNTY ATTORNEY

No comments at this time.
AFFIDAVIT OF LEGAL NOTICE

I, the undersigned, being first duly sworn, do hereby state under oath and under penalty of perjury, that the following facts are true:

1. I am over the age of 18 and I am a resident of the State of Florida. I have personal knowledge of the facts herein and, if called as a witness, could testify competently thereto.

2. I either completed the legal notice described herein or it was completed under my responsible direction.

3. The facts herein relate specifically to Application #3152 (Project #2018090004).

4. Notice for this Application has been provided as stated herein for the (select as applicable):
   - Planning and Development Board meeting on 10/9/18 [date]; and/or
   - Board of County Commissioners meeting on 10/15/18 [date].

5. Newspaper publication (select one, proof of publication attached):
   - [✓] legal advertisement (Publication date: 9/8/18)
   - 2 x 10 with map (Publication date:)
   - 2 x 10 without map (Publication date:)

6. [✓] Mailed notice: 7 [number] letters were mailed out on 9/8/18 [date] to parcel owners as listed within Property Appraiser records within 300 feet of the subject parcel(s)(copy of parcel list and sample notice letter attached).

7. [✓] Posted notice: 2 [number] signs were posted on the subject parcel(s) on 9/10/18 [date](photographs of posted signs attached).

By: ____________________________
Name: WENDY A. HICKLEY

Sworn and subscribed before me on OCTOBER 2, 2018 [date] by WENDY A. HICKLEY [name] who (select one): [✓] is personally known to me or [ ] produced __________________________ [document] as identification and who took an oath.

NOTARY PUBLIC – STATE OF FLORIDA

Name: ADAM MENGEL
Commission No.: GG 132536
My Commission Expires: AUGUST 13, 2021
NOTICE OF PUBLIC HEARING FOR
SPECIAL USE APPLICATION #3152
A request has been made by Flagler
County for a Special Use approval for
one 350 foot high Telecommunications
Tower on property owned by the Board
of County Commissioners of Flagler
County, Florida, containing
approximately 19.69+/- acres located at
1250 South Old Dixie Highway; within
Section 04, Township 13, Range 31 East,
Flagler County, Florida; being on a
portion of parcel #04-13-31-0650-000D0-
0040.
The subject property lies in the PUD
(Planned Unit Development) and R-1
(Rural Residential) District. Special Uses
may be permitted in any zoning district
provided application is made to the
Planning and Development Board for its
review and recommendation to the
County Commission for final decision.
Public hearings on the above-captioned
matter will be held as follows:
PLANNING AND DEVELOPMENT BOARD
– October 9, 2018 at 6:00 p.m. or as
soon thereafter as possible in the Flagler
County Government Services Building,
Board Chambers, 1769 E. Moody
Boulevard, Bunnell, Florida 32110 for
recommendation to the Board of County
Commissioners
and
BOARD OF COUNTY COMMISSIONERS
– October 15, 2018 at 5:30 p.m. or as soon
thereafter as possible in the Flagler
County Government Services Building,
Board Chambers, 1769 E. Moody
Boulevard, Bunnell, Florida 32110 for final
decision.
All interested persons are urged to
attend the public hearing and be heard.
Anyone wishing to express their opinion
may attend, telephone 386-313-4067 or
write to: Flagler County Planning
Department, 1769 E. Moody Blvd., Ste.
106, Bunnell, FL 32110 or email to
glemon@flaglercounty.org. Please
reference Application #3140. Copies of
the application, 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, Ste
105, Bunnell, Florida 32110 (386) 313-
4009.
IF A PERSON DECIDES TO APPEAL ANY
DECISION MADE BY THE BOARD OF
COUNTY 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 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.
L2302491 Sept. 8, 2018 It
#3152 Special Use
Flagler County

<table>
<thead>
<tr>
<th>ParcelId</th>
<th>Property Owner</th>
<th>Address</th>
<th>City, State &amp; Zip</th>
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<tbody>
<tr>
<td>04-13-31-0650-000D0-0030</td>
<td>CLARA S TOWNSEND ET AL</td>
<td>ATTN:TAX DEPT 100 PROFESSIONAL CENTER DR</td>
<td>BRUNSWICK, GA 31525</td>
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<tr>
<td>04-13-31-0650-000D0-0040</td>
<td>FLAGLER COUNTY BOCC</td>
<td>1769 E MOODY BLVD BLDG #2</td>
<td>BUNNELL, FL 32110</td>
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<td>04-13-31-0650-000D0-0060</td>
<td>J S &amp; ANNA ALDEN</td>
<td>270 CR 330</td>
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<td>04-13-31-0650-000D0-0050</td>
<td>CARL J MORRIS &amp; HELEN J SLOVAK</td>
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<td>04-13-31-0650-000A0-0080</td>
<td>STACEY &amp; JOANN PETERS</td>
<td>100 BAY BERRY VILLAGE ROAD</td>
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<td>BRUNSWICK, GA 31525</td>
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<td>03-13-31-0000-01010-0020</td>
<td>WL RESIDENTIAL LAND LLC</td>
<td>2379 BEVILLE ROAD</td>
<td>DAYTONA BEACH, FL 32119</td>
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I hereby affirm mailed notice to each owner on September 10, 2018 for the Planning & Development Board Meeting on October 9, 2018 at 6:00 pm and the Board of County Commissioners Meeting on October 15, 2018 at 5:30 pm

Wendy Hickey, Planner

Hasler
09/10/2018
$000.00
ZIP 32110
011E11679462
September 10, 2018

FLAGLER COUNTY BOCC
1769 E MOODY BLVD BLDG #2
BUNNELL, FL 32110

Re: Application #3152 – Special Use in the PUD (Planned Unit Development) and R-1 (Rural Residential) District

Dear Property Owner:
As an owner of property within 300’ of the property referenced herein, Flagler County hereby gives notice to two public hearings to consider approval of a request by Flagler County for a Special Use in the PUD (Planned Unit Development) and R-1 (Rural Residential District) for a proposed 350 foot high Telecommunication Tower on property owned by Flagler County at 1250 S. Old Dixie Hwy. being identified by parcel number 04-13-31-0650-000D0-00040.

The public hearings for the application will be held in the Flagler County Government Services Building, Board Chambers, at 1769 E. Moody Boulevard, Building 2, Bunnell, Florida, and are scheduled as follows:

Planning and Development Board public hearing on Tuesday, October 9, 2018 at 6:00 p.m.
Board of County Commissioners public hearing on Monday, October 15, 2018 at 5:30 p.m.

Flagler County Land Development Code provides that a Special Use is permitted in any zoning district provided application is made to the Planning Board for its review and recommendation. The Planning and Development Board recommendation will be forwarded to the County Commission for final decision.

You are welcome to attend and express your opinion.

Sincerely,

Wendy Hickey
Planner

NOTE: PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE OR SHE 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.
SUBJECT: QUASI-JUDICIAL – Application #3153 – Variances in the R-1 (Rural Residential) and PUD (Planned Unit Development) District for a 350 Foot Public Safety Emergency Telecommunication Tower at 1250 South Old Dixie Highway. Parcel #04-13-31-0650-000D0-0040; 19.69+/- acres. Owner/Applicant: Board of County Commissioners of Flagler County/Agent: Jarrod Shupe, Flagler County Innovation Technology Director.

DATE OF MEETING: October 9, 2018

OVERVIEW/SUMMARY: This request is quasi-judicial and requires disclosure of ex parte communication. This request is for a 200 foot height variance for a telecommunication tower from the maximum 150 foot tower height for a tower located within a residential zoning district and for a 475 foot variance from the 700 foot (two times the tower height) separation distance from the nearest off-site single-family residential zoning district. The subject parcel is located:
The Planning and Development Board – on August 14, 2018 through Application #3145 – had previously approved a variance to the maximum tower height allowing a 199-foot tower in the R-1 (Rural Residential) zoning district subject to tower lighting. The Special Use for the proposed 350-foot tower is also being reviewed on this agenda through Application #3152. The greater tower height is necessary to serve the needs of both Flagler and Volusia Counties who, through the approval of this tower, will both install essential emergency telecommunications services.

As previously described, this tower is part of the County’s efforts to locate a network of self-supporting telecommunication towers that will principally accommodate the County’s emergency communications system. This network of tower sites is critical to the County’s current and future emergency digital communications network by providing not only for geographic coverage, but for signal penetration and optimal signal strength. Up to this point, there are areas of the County where public safety first responders have their signal dropped or the signal is weak, leaving both the public and our first responders at risk. This tower site is advantageous to the County because this parcel location is owned by the County, removing the need for continual lease negotiations. For this tower site (like its previously-approved County towers), the County proposes to develop a self-supporting tower within a 70 foot by 70 foot area enclosed by an 8-foot high fence and landscaping within the subject property, which will accommodate the compound area. The characteristics of this specific parcel are described in greater detail within the attached Technical Staff Report.

No existing towers are proximate to this location that would provide the signal coverage required by the County. As for the previously-approved location to the East at 1600 South Old Dixie Highway, the determination was recently made that the tower could not be located on this site because of future utility conflicts resulting from water and sewer plant expansions. While the proposed site had not been considered optimal because of public park access, the County has no other option other than to locate the tower on this parcel. The FAA Determination of No Hazard to air navigation is pending for this tower location. Due to the tower height greater than 200 feet, the tower will have to be lighted consistent with FAA regulations. As described in the submittal, the tower is designed with a break point that results in collapse within a limited area generally at the base of the tower.

This variance was required based on the final location of the tower on this parcel, within the portion of the parcel designated as R-1 (Rural Residential) district. Within residential zoning districts, tower height cannot exceed 150 feet without issuance of a variance to exceed this height. Additionally, due to the increased tower height, a second variance for separation distance from adjoining single-family residential zoning districts is needed. These two variances are presented together through this report, with staff’s recommendation incorporating both requests; however, the Planning and Development Board may modify the recommendation to separately consider each variance through the terminal motion for this agenda item.

The Technical Review Committee (TRC) reviewed this request on September 19, 2018. There were no TRC staff comments.

This agenda item is:

X quasi-judicial, requiring disclosure of ex-parte communication; or

_____ legislative, not requiring formal disclosure of ex-parte communication.

DEPT./CONTACT/PHONE #: Planning & Zoning/Adam Mengel/386-313-4065
**RECOMMENDATION:** The Planning and Development Board finds that based on the testimony and evidence presented that all variance guidelines have been met to permit a 350 foot self-supporting emergency services telecommunication tower within the R-1 (Rural Residential) district at 1250 South Old Dixie Highway (Parcel #04-13-31-0650-000D0-0040) and approve Application #3153 for:

1. a 200 foot variance from the maximum tower height of 150 feet; and
2. a 475 foot variance from the 700 foot minimum separation distance to the nearest off-site single-family residential zoning district.

Alternatively, the Planning and Development Board may consider each of these variances separately or, opt to deny both variances with a finding that the variance guidelines have not been met.

**ATTACHMENTS:**
1. Technical Staff Report (TSR)
2. Application and Supplemental Materials
3. Public Notice
Application #: 3153

Project #: 2018090011

Address: 1250 South Old Dixie Highway

Owner/Applicant: Flagler County

 Parcel #: 04-13-31-0650-000D0-0040

Parcel Size: 19.69 Acres

Legal Description
Tract 4 of Block D of the Bunnell Development Company subdivision as recorded at Map Book 1, Page 1, Public Records of Flagler County, Florida

Existing Zoning and Land Use Classification:
Zoning: R-1 (Rural Residential) and PUD (Planned Unit Development) District
Land Use: RLDRE (Residential Low Density: Rural Estate) and A&T (Agriculture & Timelands)

Future Land Use Map Classification/Zoning of Surrounding Land:
North: Old Dixie Highway; RLDRE (Residential Low Density: Rural Estate), CN (Conservation), and A&T (Agriculture & Timelands)/R-1 (Rural Residential) and AC (Agriculture) District
East: RLDRE (Residential Low Density: Rural Estate) and MUL (Mixed Use: Low Intensity) /R-1 (Rural Residential) and AC (Agriculture) District
South: MUL (Mixed Use: Low Intensity, /PUD (Planned Unit Development) District
West: RLDRE (Residential Low Density: Rural Estate) and MUL (Mixed Use: Low Intensity) /R-1 (Rural Residential) and AC (Agriculture) District

Land Development Code Sections Affected: Land Development Code (LDC) subsection 3.06.05.F.(8)(g), Height restrictions and method of determining tower height, subsection 3.06.05.F.(8)(c), Table 1, Telecommunication Tower Separation from Nearest Off-Site Uses/Zoning Designated Lands, subsection 3.06.05.F.(8)(m), Variances, Section 3.07.03, Procedure for variances and special exceptions, and Section 3.07.03.E, Variance guidelines.

Summary of Request: The proposed location of the County’s 350 foot tall self-support emergency services telecommunication tower on the County’s Old Dixie Park parcel at 1250 South Old Dixie Highway is within an area zoned R-1 (Rural Residential) district. LDC subsection 3.06.05.F.(8)(g) limits the height of telecommunication towers in residential districts to no more than 150 feet in height if the tower is constructed for two or more users. This tower will allow colocation, with as many as six users allowed.
Through Table 1 at LDC subsection 3.06.05.F.(8)(c), there is a required minimum separation distance from the tower to the nearest off-site single-family or duplex residential units or zoning of the greater of either 300 feet or 200% of the height of the tower, with the separation distance measured from the base of the tower to the nearest off-site property line. In this instance, the nearest off-site single-family residential zoning district and use is located to the North, on the North side of Old Dixie Highway.

Where the County’s special siting criteria cannot be met or will be exceeded, a variance is required:

“Variances. Any request to deviate from any of the requirements of this section shall require variance approval from the planning board, and shall conform to the procedures and standards governing variances.” (LDC Section 3.06.05.F.(8)(m)).

**Variance Guideline Analysis**

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:** “There is a particular exceptional condition pertaining to the particular property in question being that this is the closest County owned property to fulfill the planned coverage and replacement of the Flagler County Public Safety Communication Network wireless facility that can support the proposed self-support tower structure. To maximize the effectiveness of the County’s Public Safety Communication Network and minimize the cost to the residents of Flagler County this unique feature needs to be exploited. Without granting the requested Variances, the owner will be deprived of providing this important use on this property, and the County would suffer an unnecessary hardship by depriving the general public of needed cost effective emergency service.”

   **Staff analysis:** The lone criterion of the uniqueness of this parcel is its County ownership, together with its relative proximity to a necessary antenna location. This parcel is not particularly unique so as to warrant a variance for parcel characteristics alone. The variance for height is necessary because of the underlying zoning for the location of the tower on this portion of the County’s Park site. Similarly, siting the tower in its proposed location along with the additional tower height requires the variance from the separation distance to neighboring single-family residential districts.
Locating the tower elsewhere on the Park parcel may remove the need for the variances, but would create other conflicts with recreational uses and the future buildout of the Park. The height is needed for signal strength and coverage considerations for both Flagler and Volusia County’s respective systems, and the location on this parcel is optimal because of the County’s ownership of this parcel and the parcel’s proximity to provide overall network coverage for this portion of the County.

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: “These conditions that require the applicant to seek Variances were not created by the affirmative actions of the applicant but rather by the precise specific needs of the County Public Safety Communication Network to maintain proper, safe, and economical communication systems throughout this portion of the County.”

Staff analysis: These variances are necessary because of the County’s intent to develop a telecommunications tower on this portion of the Park parcel which is zoned R-1 (Rural Residential). The need for these variances is prompted by the County’s placement of the 350-foot tower on this site at this location.

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 Variances, if granted, would cause to promote the public health, welfare, and safety, as well as the morals of the community. The proposed development, if approved through the issuance of the needed Variances would uphold the intent of the County’s Wireless Ordinance, the purpose of which is to enhance public health, safety, and welfare.”

Staff analysis: Approval of the requested variances would provide for improved emergency public safety communications. This location is optimal to serve the gap in current coverage in both Flagler and Volusia County. Additionally, for both counties, the area to be served by the increased communication coverage are the fastest growing areas with the greatest need for system improvements. No residences are proximate to the tower site, with the closest residence located approximately 700 feet to the North of the proposed tower site on the Park 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 proposed use is permitted by Article 3 of the FCLDC. Given the above facts, the Applicant respectfully requests the County’s approval of the required County Special Use Permit with applicable variances.”
Staff analysis: The property is zoned R-1 (Rural Residential) with an approved Special Use for a telecommunications tower, subject to the variances for height and separation.

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 variances the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

Staff analysis: While this item is not a specific variance criterion, it is the consideration reflecting the hardship: no hardship particularly exists if these variances are denied, but the siting of the tower in this location would no longer be feasible without the additional tower height and the separation variance. Instead, if the variances were denied, the County would likely be faced with finding another tower site in this vicinity – a site that is County-owned, but without residential zoning – or seek out multiple tower locations for shorter towers (more, shorter towers versus fewer, larger towers). Volusia County would likely also need to pursue their own tower proximate to this location, eliminating the need for the proposed partnership and likely creating a greater fiscal impact to Flagler County. If the variances are denied, the Park parcel will continue to be utilized as a Park, but an alternate site for the tower will need to be found. Due to the anticipated timing for this project, finding another site will present a financial and timing hardship for the County, and will expend additional taxpayer funds.
Zoning Map
# 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 #: 3153/2018090011

## PROPERTY OWNER(S)

<table>
<thead>
<tr>
<th>Name(s):</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>1769 E. Moody Blvd, Bldg #2</td>
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<tr>
<td>City:</td>
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<tr>
<td>State:</td>
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<tr>
<td>Zip:</td>
<td>32110</td>
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<tr>
<td>Telephone Number:</td>
<td>386-313-4009</td>
</tr>
<tr>
<td>Fax Number:</td>
<td>386-313-4109</td>
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## APPLICANT/AGENT

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<td>Fax Number:</td>
<td>386-313-4109</td>
</tr>
</tbody>
</table>

## SITE LOCATION (street address):

1250 S OLD DIXIE HWY

## LEGAL DESCRIPTION:

(briefly describe, do not use "see attached")

19.69 ACRES BLOCK D TRACT 4 OR 277 PG

## Parcel # (tax ID #):

04-13-31-0650-000D0-0040

## Parcel Size:

19.69 AC

## Current Zoning Classification:

COUNTY (008600)

## Current Future Land Use Designation:

Subject to A1A Scenic Corridor IDO? YES NO

Relief Requested: Communications Tower Facility

__________________________
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.

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
PROJECT-VARIANCE DESCRIPTION
1250 SOUTH OLD DIXIE HIGHWAY

WIRELESS TELECOMMUNICATION FACILITY

The proposed development is comprised of the construction, operation, and maintenance of a wireless telecommunication co-location facility for the purpose of providing Public Safety Communication Network service for the residents of the Flagler County.

The proposed wireless telecommunication facility will be designed for the co-location of up to six (6) wireless service or communication providers/users. This will enable additional Carriers to provide wireless service within this portion of the County without the need to construct additional tower structures.

The proposed facility includes a not to exceed 350’ self-support tower structure including a 25’ lightning rod within a 16.69 Acre +/- lease parcel containing an 70’ x 70’ gravel compound enclosed by an 8’ chain link fence. Additional construction activities include a gravel access road and the installation of electrical and telephone/communications services. Please note that the proposed development is an unmanned facility, all structures are non-habitable, and as such, potable water, sanitary sewer, and solid waste services are not required.

The proposed development is situated in a County (008600) Land Use area, and has been sited to facilitate the County’s needed antenna relocation.

The Applicant is seeking a variance is requested to permit a total height of 350 feet in place of the 150’ as required by FCLDC, Section 3.06.05(F)[8][g]. The Flagler County Public Safety Communication Network has demonstrated need for this facility through a certificate of need statement. The proposed improvements will benefit the residents of Flagler County by preserving the general health, safety, and welfare of the residents of the County.

The proposed facility awaits a determination of ‘no hazard’ to air traffic by the FAA; the proposed tower structure will also be engineered to fall within the Parent Tract given a catastrophic failure.

In accordance with FCLDC, Section 3.03.03(E), and in support of our Variance requests as enumerated above, we submit the following findings of fact:

A. There is a particular exceptional condition pertaining to the particular property in question being that this is the closest County owned property to fulfill the planned coverage and replacement of the Flagler County Public Safety Communication Network wireless facility that can support the proposed self-support tower structure. To maximize the effectiveness of the County’s Public Safety Communication Network and minimize the cost to the residents of Flagler County this unique feature needs to be exploited. Without granting the requested Variances, the owner will be deprived of providing this important use on this property, and the County would suffer an unnecessary hardship by depriving the general public of needed cost effective emergency service.

B. These conditions that require the applicant to seek Variances were not created by the affirmative actions of the applicant but rather by the precise specific needs of the County Public Safety
Communication Network to maintain proper, safe, and economical communication systems throughout this portion of the County.

C. The Variances, if granted, would cause to promote the public health, welfare, and safety, as well as the morals of the community. The proposed development, if approved through the issuance of the needed Variances would uphold the intent of the County’s Wireless Ordinance, the purpose of which is to enhance public health, safety, and welfare.

D. The proposed use is permitted by Article 3 of the FCLDC. Given the above facts, the Applicant respectfully requests the County’s approval of the required County Special Use Permit with applicable variances.
Statement of Need

Flagler County is in the process of replacing its Public Safety Communication Network system. The Flagler County Public Safety Communication Network provides the sole radio communications capability for all law enforcement, fire services and emergency services officials in the County and city jurisdictions, in addition to the administrative uses such as public works, code enforcement, transportation, and road and bridge. As such, reliable and effective operation of this system is critical during both normal and emergency situations in support of the community.

In the spring of 2017, Flagler County contracted with an outside consultant, Omnicom Consulting Group, to design, plan, and implement a replacement of the County’s 11 year old Harris EDACS system with a new APCO P25 Phase 2 system. As part of this process radio coverage was analyzed. From that analysis a system design was created to provide the best radio coverage possible in the County, using the fewest amount of radio towers at the lowest height possible. From those requirements came a need to construct 5-6 new towers at County-owned property at 2355 Matanzas Woods Parkway, 1001 Justice Lane, 7570 County Road 304, 245 County Road 305, 1250 South Old Dixie Highway, and 1769 East Moody Boulevard.

Each of these proposed towers will host 800 MHz and microwave antennas in support of Flagler County’s Public Safety Communication System and will be installed in approximately the next year. Due to the Public Safety nature of this system, concerns regarding reliability and performance of the system and their life-safety implications are paramount to the County.

Recent hurricanes, maintenance, and repair efforts have caused significant concern with respect to the integrity of the existing towers. The new towers proposed will be self-supporting, therefore not requiring any guy wires/lines, as well as they will be built to withstand wind loads in excess of 140MPH. These self-supporting towers also have a theoretical zero fall zone, as annotated by the attached design.

Since our last meeting to approve the relocation of the tower from 1600 S. Old Dixie to 1250 S. Old Dixie and the subsequent approval of the variance to include a light on the tower, we were approached by Volusia County regarding co-locating on this tower. For this tower site to work for their needs, the additional height, up to 350’, is required. If we are not able to approve this new height, Volusia County will be forced to erect a similar tower on another piece of land.

http://www.flaglercounty.org
adjacent to Plantation Bay for their needs. Thus, we have both decided to work together at this site to lessen the number of towers needed, as well as allow for cost efficient interoperability between our counties.

Radio coverage expansion is needed in order to provide both an enlarged coverage footprint and additional signal into area that are poorly services due to the existing antenna height and locations. The submittal provides for the County to install antennas higher than existing towers – thereby providing significantly better signal in area currently experiencing poor coverage. The submittal also provides for the County to antennas in new locations – thereby also providing significantly better signal in area currently experiencing poor coverage.

Finally, the County is faced with the requirement to provide additional radio capability for inter-operability with area, regional and statewide resources, during times of emergency such as the 2011 wildfires, Hurricanes Matthew and Irma and plane crashes. Currently the County is paying approximately $170,000 for tower rent annually with annual increase. By building County-owned towers, we save those annual rent fees, as well as it allows us to rent out additional space on our towers for the use of other wireless providers or communications companies. This represents a significant cost savings to the County, in addition to the flexibility that the owned space allows for future needs.

Flagler County Innovation Technology, Omnicom Consulting Group, and Motorola Solutions has worked diligently to locate suitable infrastructure on existing towers, but none of the other alternatives meet all of the above requirements. The submittal was designed primarily for the County’s Public Safety requirements. Both geographic requirements and antenna coverage were the prime considerations in siting and height of the towers.

As part of the award of the RFP to Motorola Solutions for the Public Safety Communications Network, all necessary requirements will be met and documented upon application for a permit.

It is therefore our recommendation and request that the zoning variances are approved expeditiously, in support of the County’s Public Safety Communication network project.

Respectfully submitted,

[Signature]

Jarrod M. Shupe
Innovation Technology Director
Flagler County Board of County Commissioners
Distribution date: Friday, September 14, 2018

Project #: 2018090011

Application #: 3153

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: FIRE INSPECTOR

No comments at this time

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

No comments at this time

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

Variances for height and proximity to nearest single-family residential district needed due to tower location and increased tower height. To aid Planning staff in staff report, information on colocation with Volusia should be provided as soon as possible.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

No comments
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<td>CLARA S TOWNSEND ET AL</td>
<td>ATTN: TAX DEPT 100 PROFESSIONAL CENTER DR</td>
<td>BRUNSWICK, GA 31525</td>
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<td>04-13-31-0650-000D0-0040</td>
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<td>04-13-31-0650-000D0-0060</td>
<td>J S &amp; ANNA ALDEN</td>
<td>270 CR 330</td>
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<td>04-13-31-0650-000D0-0050</td>
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<td>03-13-31-0000-01010-0020</td>
<td>WL RESIDENTIAL LAND LLC</td>
<td>2379 BEVILLE ROAD</td>
<td>DAYTONA BEACH, FL 32119</td>
</tr>
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</table>

I hereby affirm mailed notice to each owner on September 13, 2018 for the Planning & Development Board Meeting on October 9, 2018 at 6:00 pm

Wendy Hickey, Planner
September 13, 2018

FLAGLER COUNTY BOCC
1769 E MOODY BLVD BLDG #2
BUNNELL, FL 32110

Re: Application #3153 – Variance in the PUD (Planned Unit Development) and R-1 (Rural Residential) District

Dear Property Owner:

As an owner of property within 300’ of the property referenced herein, the Flagler County Planning Department in accordance with Section 2.07.00 of the Flagler County Land Development Code, advises you that:

A request has been made by Flagler County for a variance in the PUD (Planned Unit Development) and R-1 (Rural Residential District) for: a 200 foot variance from the 150 foot maximum height of a telecommunications tower within the R-1 (Rural Residential) and PUD (Planned Unit Development) Districts; and a 475 foot variance from the 700 foot minimum separation distance to the nearest off-site single-family residential zoning district; located at 1250 South Old Dixie Highway; Parcel Number: 04-13-31-0650-000D0-0040; 19.69 +/- acres.

You are hereby notified that a public hearing before the Flagler County Planning and Development Board, required by law, will be held in the Flagler County Government Services Building, Board Chambers, at 1769 E. Moody Boulevard, Building 2, Bunnell, Florida, on October 9, 2018 beginning at 6:00 p.m., or as soon thereafter as possible.

You are welcome to attend and express your opinion.

Sincerely,

Wendy Hickey
Planner

NOTE: PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE OR SHE 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.
APPLICATION # 3153

NOTICE OF PUBLIC HEARING

THE FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD WILL HOLD A PUBLIC HEARING AT:

FLAGLER COUNTY GOVERNMENT SERVICES BUILDING
BOARD CHAMBERS
1769 E. MOODY BOULEVARD, BLDG 2;
BUNNELL, FL 32110

OCTOBER 9, 2018 - 6:00 P.M.

REQUEST: VARIANCE
APPLICANT: FLAGLER COUNTY

Parcel Number: 04-13-31-0650-000D0-0040
Zoning District: PUD(PLANNED UNIT DEVELOPMENT) & R-1(RURAL RESIDENTIAL)

THE PUBLIC HEARING IS BEING HELD FOR THE PURPOSE OF HEARING ANY AND ALL INTERESTED PARTIES AND PERSONS WHO MAY BE FOR OR AGAINST THE APPLICATION, RELATIVE TO THE PROPERTY WHEREON THIS NOTICE IS POSTED.

For additional information visit web page at: www.flaglercounty.org or call Flagler County Planning & Zoning Department at (386) 313-4009.
DO NOT REMOVE THIS NOTICE PRIOR TO THE PUBLIC HEARING DATE ABOVE
SUBJECT: QUASI-JUDICIAL – Application #3155 – Request for a Front Landscape Buffer Variance in the C-2 (General Commercial and Shopping Center) District. Parcel # 08-12-31-0650-000B0-0070; 54.75+/- acres. Owner: Flagler Pines Properties, LLC; Applicant: Martin Heise, City Construction and Development.

DATE OF MEETING: October 9, 2018

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. The request is for approval of a front landscape buffer variance in the C-2 (General Commercial and Shopping Center) District. The request is for a 5 foot reduction from the 25 foot minimum front landscape buffer. This parcel is 54.75+/- acres in size, identified as parcel #08-12-31-0650-000B0-0070:

On March 28, 2018, Mr. Heise, submitted an application for approval of a Site Development Plan for the northwest corner of the subject parent parcel consisting of 3.83+/- acres and approximate frontage of 529.36 feet along State Road 100 and 247.01 feet along Aviation Drive. This Site Development Plan application was reviewed by the Technical Review Committee on April 18, 2018 and again on June 20, 2018. As is the City’s established practice, a pre-annexation agreement is required prior to connection to City utilities and annexation of this project is anticipated to occur following construction. The applicant has diligently worked with both the City and the County in their design, resulting in a need to provide planting beds – consistent with the City’s land development regulations – along the building frontage, but providing the planting beds requires a decrease in the front landscape buffer width to meet the parking depth and aisle width requirements for the parking lot. While the County requires a front perimeter landscape buffer width of 25 feet, the City’s standard in Town Center is 20 feet: the requested variance anticipates annexation of this project into the City limits, satisfies the City’s requirements, and meets the County’s standards through the issuance of this variance.
This variance request was submitted on September 24, 2018; there was no further review by the Technical Review Committee. The City of Palm Coast has submitted a letter of support for the variance.

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

This agenda item is:

___X___ quasi-judicial, requiring disclosure of ex-parte communication; or

_____ legislative, not requiring formal disclosure of ex-parte communication.

**DEPT./CONTACT/PHONE #:** Planning & Zoning/Adam Mengel/386-313-4065

**RECOMMENDATION:** The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves a 5 foot variance from the minimum 25 foot front landscape buffer for Airport Commons (a 3.83 +/- acre portion of Parcel #08-12-31-0650-000B0-0070):

Alternative Denial Language: The Planning and Development Board finds that all variance criteria as listed in the guidelines at LDC Section 3.07.03.E have not been met and therefore denies the variance for Airport Commons (a 3.83 +/- acre portion of Parcel #08-12-31-0650-000B0-0070).

**ATTACHMENTS:**
1. Technical Staff Report
2. Application and supporting documents
3. City of Palm Coast letter
4. Public notice
Application #: 3155

Project #: 2018090033

Owner: Flagler Pines Properties, LLC

Applicant: Martin Heise, City Construction and Development

Parcel size: 54.75+/-.acres; Project area of 3.83+/- acres

Legal Description
Part of the Bunnell Development Company subdivision of Section 8, Township 12 South, Range 31 East and lying South of State Road 100 and North of the Flagler Executive Airport more particularly described in Official Records Book 1387, Page 1869, Public Records of Flagler County, Florida. Also referenced as part of ITT Parcel 412 as described in Official Records Book 601, Page 1989, Public Records of Flagler County, Florida.

Existing Zoning and Land Use Classification:
Zoning: C-2 (General Commercial and Shopping Center) District
Land Use: CHI (Commercial High Intensity)/I (Industrial)

Future Land Use Map Classification/Zoning of Surrounding Land:
North: City of Palm Coast Industrial and Institutional/City COM-2 (General Commercial) District, MPD (Master Planned Development) District and PSP (Public/Semipublic) District
East: CHI (Commercial High Intensity) and I (Industrial)/PUD (Planned Unit Development) District
South: I (Industrial)/I (Industrial) District
West: I (Industrial)/I (Industrial) District

Related Application: Application #3135 – Site Development Plan Under 5 Acres. This parcel (and its adjoining parcel to the East also fronting along State Road 100) had been part of a commercial Planned Unit Development adopted through Ordinance No. 2008-36 (and recorded at Official Records Book 1707, Page 1278, Public Records of Flagler County, Florida). The adoption of the PUD ordinance fulfilled the requirements of a Future Land Use application which additionally adopted a parcel-specific limiting policy over the future use of these parcels:

“Policy A.1.1.10: Parcel Specific Limitations – Notwithstanding the maximum density and/or intensity permitted by this Future Land Use Plan, the following properties have proffered, and Flagler County agrees to implement a more limited yield:
(7) FLUM Application #2747, Flagler Airport Industrial, LLC and Flagler Pines Properties, L.L.C., approximately 89.493 acres designated as Industrial (54.05 acres) and Commercial High Intensity (35.443 acres) is limited to 17,166 daily trips and 1,613 peak hour trips. The 2008 tax parcel numbers of the subject properties are 08-12-31-0650-0000-0070, 08-12-31-0650-000B0-0071, and 08-12-31-0650-000D0-0050."

Similar to the review of the site plan, the PUD had been cooperatively reviewed by both the City and the County, with identified uses borrowing from both sets of land development regulations and resulting in a comprehensive PUD agreement that included, among its exhibits, a table of allowable uses and landscaping requirements. However, this PUD expired when the three year commencement date was reached without an extension. The zoning reverted to its pre-rezoning designation of C-2 (General Commercial and Shopping Center) District.

For reference, the traffic analysis by LTG Engineering & Planning dated March 22, 2018 and submitted in support of the site plan (assuming development of a shopping center and fast-food restaurant) reflected a total daily trip count of 3,465 trips with a P.M. peak hour count of 271 trips; including pass-by trips – limited to 20% of the volume – results in a new external trip count of 133 trips in the P.M. peak hour.

**Land Development Code Sections Affected:** Land Development Code (LDC) Section 5.01.04, Landscape development standards, Section 3.07.03, Procedure for variances and special exceptions, and Section 3.07.03.E, Variance guidelines. The specific section of the LDC from which relief through this variance application is sought is found at Section 5.01.04(5)(a)1:

> "Front perimeter landscape areas. An average ten-foot-wide strip of land, located between the front property line and abutting a building or vehicular use area shall be landscaped. Width of sidewalks shall not be included within the average ten-foot-wide front setback perimeter landscape area. The landscaped strip of land shall be increased to twenty-five (25) feet wide for properties abutting S.R. 100 or U.S. Highway 1."

**Variance Guideline Analysis**

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: “We are negotiating a Pre-Annexation Agreement with the City of Palm Coast and attempting to mitigate the differences between the City and the County LDC requirements. We are severely constrained by wetlands on site and tenant requirements. By reducing the front landscape buffer width from 25’ to 20’ we can shift the parking area forward and provide room for the foundation planting in front of the buildings as desired by the City LDC.”

Staff analysis: The County is aware of the ongoing annexation negotiations with the City and understands the site constraints due to the wetlands on the property. The area of the onsite wetlands and their location on the development site create the extraordinary and exceptional condition for this project: mitigation becomes the only viable alternative since minimization and avoidance of wetland impacts is infeasible. The location of the wetlands on this parcel along the frontage on State Road 100 and the need for mitigation for development as a commercial use poses the unnecessary hardship for development. The reduction of the front buffer would not require additional wetland impacts (due to shifting the entire project to the South) and would be consistent with the commercial developments in Palm Coast, in particular Palm Coast Landing which lies just North and West of this proposed development. This parcel should be treated similarly to others within the City limits due to its pending annexation.

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 current site plan meets the County LDC requirements, but falls short of the City’s [requirements]. Since the project will ultimately be in the City of Palm Coast, we are working to accommodate City Staff as much as possible.”

Staff analysis: Arguably the need for the variance request is the affirmative actions of the applicant in proposing this project for development on this parcel. As proposed, this project is a good fit for the landowner/seller of the parcel, the County as the owner and operator of the Flagler Executive Airport, and the City and its goals to create a visually-consistent commercial area meeting the needs of its residents and visitors and providing a diverse tax base. This applicant has brought forward a site plan that has met the minimum requirements of the County’s LDC. Staff is balancing the County’s interests with those of the City and the applicant in providing a project that links aesthetically with the City; staff appreciates the applicant’s wish to make this project conform as much as possible to the City’s regulations so as to not create an existing non-compliant property at the time of annexation. Throughout the County’s review processes and the pre-annexation negotiations, the applicant has acted at all times in good faith.

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 requested variance is aesthetic in nature and consistent with the suggestions of the City’s landscape architect.”

Staff analysis: The proposed variance, if granted, would not cause substantial detriment to public health, safety, and morals; this variance does not set a precedent for future similar variances. This variance provides consistency with current and future development along State Road 100 in the City of Palm Coast.

4. **No variance may be granted for a use of land or building that is not permitted by this article.**

   Applicant’s response: “The requested variance will essentially relocate some landscape area from the front buffer to the front of the building.”

   Staff analysis: The property is zoned C-2 (General Commercial and Shopping Center) and is to be developed with commercial buildings and uses consistent with the C-2 zoning district.

While not listed as one of the variance criterion, the LDC also provides a guiding statement as to the Board’s consideration of a variance request, limiting consideration through the variance process to the minimum relief necessary to alleviate the hardship:

   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 variances the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

   Applicant’s response: “The requested variance is part of a good faith effort by the Applicant, City Staff and County Staff to resolve numerous contested issues that will otherwise be addressed in additional legal proceedings. Such required additional legal action would deprive the land owner of all reasonable use of the property.”

   Staff analysis: The proposed variance reducing the landscape buffer by five feet from 25 feet to 20 feet is the minimum relief necessary to achieve consistency with the City’s regulations.
Future Land Use Map
Zoning Map
**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 #: _Project#: 2018090033 Application #: 3155

<table>
<thead>
<tr>
<th>PROPERTY OWNER(S)</th>
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<tbody>
<tr>
<td>Name(s): FLAGLER PINES PROPERTIES LLC (JAY GARDNER)</td>
</tr>
<tr>
<td>Mailing Address: 4 LAMBERT COVE</td>
</tr>
<tr>
<td>City: FLAGLER BEACH  State: FL  Zip: 32136</td>
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<td>Telephone Number  386-793-4740  Fax Number</td>
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<tr>
<th>APPLICANT/AGENT</th>
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<tr>
<td>Name(s): Marin Heise- City Construction and Development</td>
</tr>
<tr>
<td>Mailing Address: 3700 AIRPORT ROAD, SUITE 302</td>
</tr>
<tr>
<td>City: BOCA RATON  State: FLORIDA  Zip: 33431</td>
</tr>
<tr>
<td>Telephone Number  954-254-1025  Fax Number</td>
</tr>
<tr>
<td>E-Mail Address: <a href="mailto:MPH@CITYCONSTRUCTION.COM">MPH@CITYCONSTRUCTION.COM</a></td>
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<td>PROPOSED DEVELOPMENT IS APPROXIMATELY 4 ACRES</td>
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<td>Subject to A1A Scenic Corridor IDO?</td>
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Relief Requested: REDUCE FRONT LANDSCAPE BUFFER FROM 25' TO 20'

__________________________________________
Martin Heise
Signature of Owner(s) or Applicant/Agent
9/24/2018
Date

**OFFICIAL USE ONLY**

PLANNING BOARD RECOMMENDATION/ACTION:
*APPROVED |

Signature of Chairman: ________________________________
9/24/2018
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
Subject Property: 

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

We are negotiating a Pre-Annexation Agreement with the City of Palm Coast and attempting to mitigate the differences between the City and County LDC requirements. We are severely constrained by wetlands on site and tenant requirements. By reducing the front landscape buffer width from 25’ to 20’ we can shift the parking area forward and provide room for the foundation planting in front of the buildings as desired by the City LDC.

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

The current site plan meets the County LDC requirements, but falls short of the City’s. Since the project will ultimately be in the City of Palm Coast, we are working to accommodate City Staff as much as possible.

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 requested variance is aesthetic in nature and consistent with the suggestions of the City’s landscape architect.

4. No variance may be granted for a use of land or building that is not permitted by this article.

The requested variance will essentially relocate some landscape area from the front buffer to the front of the building.

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.

The requested variance is part of a good faith effort by the Applicant, City Staff and County Staff to resolve numerous contested issues that will otherwise be addressed in additional legal proceedings. Such required additional legal action would deprive the land owner of all reasonable use of the property.

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
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 #____________________

Martin Heise, City Construction and Development, is hereby authorized TO ACT ON BEHALF OF Flagler Pines Properties, 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 ____________________________.

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

By:

Signature of Owner

Jay Gardner / Member

Printed Name of Owner / Title (if owner is corporation or partnership)

Signature of Owner

Printed Name of Owner

Address of Owner: Telephone Number (incl. area code)

4 Lambert Cove 386-793-4740

Mailing Address

Flagler Beach FL 32136

City State Zip

STATE OF Florida

COUNTY OF Flagler

The foregoing was acknowledged before me this 29 day of March, 2018 by James Gardner, Jr. and 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


Revised 5/08
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 #

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_________ application for

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

By:

Signature of Owner

James E. Gardner, Jr.  Managing Member
Printed Name of Owner / Title (if owner is corporation or partnership)

__________________________
Signature of Owner

__________________________
Printed Name of Owner

Address of Owner:

4 Lambert Cove
Mailing Address

Flagler Bch, FL 32136
City State Zip

Telephone Number (incl. area code)  386 793 4740

STATE OF Florida
COUNTY OF Flagler

The foregoing was acknowledged before me this 22 day of February 2018 by James E. Gardner, Jr. and

who is/are personally known to me or who has produced

as identification, and who (did) / (did not) take an oath.

KAREN ANN BARNEY
Signature of Notary Public

Revised 5/08
PREPARED BY AND RETURN TO:
Michael D. Chiumento, Esquire
Chiumento & Associates, P.A.
4 Old Kings Road North
Palm Coast, Florida 32137
Attn: Kelly DeVore

Property Appraisers Parcel Identification Numbers
081231-0650-000B0-0070;

WARRANTY DEED

THIS INDENTURE, Made this 18th day of January, 2006, Florida Landmark Communities, Inc., a Florida corporation, successor by merger to Palm Coast Holdings, Inc., 1 Corporate Drive, Suite 3A, Palm Coast, FL 32137-4715, hereinafter called the Grantor, to Flagler Pines Properties, L.L.C., a Florida limited liability company, whose post office address is 5 Montilla Place, Palm Coast, FL 32137, hereinafter called the Grantee:

WITNESSETH. That said Grantor, for and in consideration of the sum of $10.00 and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the grantee, all that certain land situate in Flagler County, Florida, to-wit:

See attached Exhibit "A"

TOGETHER with all the tenements, hereditament and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

SUBJECT TO taxes for the year 2006 and subsequent years; Assessments or Owner Association, Covenants, Restrictions, Easements, Reservations and Limitations of Record, if any.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that 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 whomever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2005.
IN WITNESS WHEREOF, the Grantor has signed sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Florida Landmark Communities, Inc., a Florida corporation, successor by merger to Palm Coast Holdings, Inc.

By: William I. Livingston, Division President

(Corporate Seal)

State of Florida
County of Flagler

The foregoing instrument was acknowledged before me this 16th day of January, 2006 by William I. Livingston, Division President of Florida Landmark Communities, Inc., a Florida corporation, on behalf of the corporation. He/she [X] is personally known to me or [ ] has produced a driver's license as identification.

[Notary Seal]

Notary Public

Printed Name: Danielle M. Dahl

My Commission Expires: ____________________

DANIELLE M. DAHL
MY COMMISSION # 471422
EXPIRES: January 13, 2010
Notary Seal

Danielle M. Dahl
LEGAL DESCRIPTION

A PARCEL OF LAND IN GOVERNMENT SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST, BEING A PORTION OF PARCEL 412 RECORDED IN OFFICIAL RECORDS BOOK 601, PAGES 1989 THROUGH 2025, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A POINT OF REFERENCE BEING THE WEST QUARTER CORNER OF SAID SECTION 8, TOWNSHIP 12 SOUTH, RANGE 31 EAST, THENCE SOUTH 01°13'43" EAST ALONG THE WEST LINE OF SECTION 8 A DISTANCE OF 161.99 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 100, SAID POINT BEING THE POINT OF BEGINNING OF THIS DESCRIPTION, THENCE DEPARTING SAID WEST LINE OF SECTION 8 RUN NORTH 89°00'05" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 100 A DISTANCE OF 529.36 FEET TO THE NORTHWEST CORNER OF ALBANO'S PARCEL RECORDED IN OFFICIAL RECORDS BOOK 363, PAGES 319 AND 320, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, THENCE SOUTH 06°50'55" EAST A DISTANCE OF 415.00 FEET, THENCE NORTH 89°00'05" EAST ALONG THE SOUTH LINE OF ALBANO'S PARCEL, A DISTANCE OF 420.00 FEET, THENCE NORTH 06°50'55" WEST A DISTANCE OF 415.00 FEET TO THE NORTHEAST CORNER OF ALBANO'S PARCEL, SAID CORNER BEING ON THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 100, THENCE DEPARTING ALBANO'S PARCEL RUN NORTH 89°00'05" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD 100 A DISTANCE OF 1658.33 FEET TO A POINT BEING THE NORTHWEST CORNER OF LAND RECORDED IN OFFICIAL RECORDS BOOK 1109, PAGE 662, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, THENCE DEPARTING STATE ROAD 100 RUN SOUTH 02°27'02" EAST ALONG THE WESTERN BOUNDARY OF SAID LAND RECORDED IN BOOK 1109, PAGE 662, A DISTANCE OF 583.88 FEET, THENCE SOUTH 38°32'08" WEST A DISTANCE OF 410.00 FEET, THENCE SOUTH 06°30'07" EAST ALONG THE WESTERN BOUNDARY OF SAID LAND RECORDED IN BOOK 1109, PAGE 662, A DISTANCE OF 150.00 FEET TO A POINT ON THE NORTH BOUNDARY LINE OF THE FLAGLER COUNTY AIRPORT, THENCE DEPARTING SAID LAND RECORDED IN BOOK 1109, PAGE 662, RUN SOUTH 89°05'53" WEST ALONG THE NORTH BOUNDARY LINE OF THE FLAGLER COUNTY AIRPORT A DISTANCE OF 2357.55 FEET, THENCE NORTH 01°13'43" WEST ALONG THE AIRPORT BOUNDARY A DISTANCE OF 1059.82 FEET TO THE POINT OF BEGINNING, PARCEL CONTAINING 57.8236 ACRES MORE OR LESS.

SUBJECT TO A 30' WIDE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 548, PAGES 1477 THROUGH 1479, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

SUBJECT TO A 15 FOOT WIDE EASEMENT FOR PUBLIC ROAD ALONG EACH SIDE OF ALL SECTION AND HALF SECTION LINES ACCORDING TO PLAT OF BUNNELL DEVELOPMENT COMPANY'S LAND AT BUNNELL, FLAGLER COUNTY, FLORIDA, MAP BOOK 1, PAGE 1, FLAGLER COUNTY, RECORDS.

SUBJECT TO GLIDE PATH EASEMENT C-8, FLAGLER COUNTY AIRPORT.

SURVEYOR'S NOTES:

1. BEARINGS BASED ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 100 IN THE VICINITY OF THE DESCRIBED PARCEL, BEING NORTH 89°00'05" EAST.

2. THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS AND/OR OTHER MATTERS NOT SHOWN ON THIS DRAWING WHICH MAY BE FOUND IN THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

3. THIS IS NOT A BOUNDARY SURVEY.

SKETCH AND DESCRIPTION

ABBREVIATIONS

DW=DEED
R=RADIUS
L=LENGTH
C=CHAINAGE
CB=CHORD BEARING
PB=POINT OF BEGINNING
MC=MAP BOOK
PG=PAGE
PO=POINT OF CURVE
PL=POINT OF TANGENCY
CL=CENTER LINE
POB=POINT OF BEGINNING
N/T=NOW OR FORMERLY
PC=PERMANENT CONTROL POINT
PM=PERMANENT REFERENCE MONUMENT
CRD=OFFICIAL RECORD BOOK

TOMOKA ENGINEERING
CIVIL ENGINEERING & LAND SURVEYING SINCE 1976
DAYTONA BEACH
FLAGLER/PALM COAST
Main Office 805 S. Ridgewood Ave, Daytona Beach, FL 32114
Phone: 386-257-9801
Fax: 386-257-9807
email: tomokaeastcoast-eng@gmail.com
website: tomokaeastcoast-eng.com

DRAWING 1007P-412-W-SL
PROJECT NO. T1007PCI
REFERENCE NO.
DATE NOVEMBER 15, 2004
SHEET NO. 2 OF 2
Airport Commons

October 3, 2018

Wetlands

- Estuarine and Marine Deepwater
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.
September 28, 2018

Mr. Adam Mengel  
Planning Director  
Flagler County  
1769 E. Moody Blvd., Building 2, First Floor  
Bunnell, FL 32110

RE: Application #3155, a proposed landscape buffer variance in C-2 zoning, scheduled for consideration October 9, 2018.

Dear Mr. Mengel:

This letter is to express the City’s support for the application #3155 – a proposed landscape variance for the Airport Commons development, located at the intersection of Aviation Drive and SR 100.

The variance request, a five-foot landscape buffer variance from the minimum 25 feet, is a revision proposed in conjunction with enhanced foundation plantings and a wider sidewalk. In our opinion, the approval of the variance will allow for a better and more aesthetically pleasing site plan design. Further, it is consistent with the City’s recommendations relative to this project.

We are pleased with the direction this project is taking and appreciate the assistance you have extended to us throughout. If I can be of further assistance, you may contact me at 386-986-3746.

Sincerely,

Ray Tyner  
Planning Manager

cc: Beau Falgout, Interim City Manager  
Stephen Flanagan - Director of Community Development  
Ida Meehan - Senior Planner
#3155
Variance Airport Commons

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<td>6111 PEACHTREE DUNWOODY RD STE 102B</td>
<td>ATLANTA, GA 30328</td>
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<td>PALM COAST, FL 321352075</td>
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<td>WINDERMERE, FL 34786</td>
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<td>FLAGLER BEACH, FL 32136</td>
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<td>SLS LAND HOLDINGS LLC</td>
<td>PO BOX 354122</td>
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<td>08-12-31-6000-00020-0040</td>
<td>MARCIA J HUNDLEY</td>
<td>1509 S CENTRAL AVE</td>
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<td>08-12-31-0650-00080-0111</td>
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<td>KATHLEEN P MCGANN &amp; PASQUALE G DEVITO</td>
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<td>07-12-31-0650-000A0-0002</td>
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<td>08-12-31-4300-00000-0151</td>
<td>PALM WAGAS IV LLC</td>
<td>7940 VIA DELLAGIO WAY SUITE 200</td>
<td>ORLANDO, FL 32819</td>
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</table>

I hereby affirm mailed notice to each owner on September 24, 2018 for the Planning & Development Board Meeting on October 9, 2018 at 6:00 pm

Wendy Hickey, Planner
September 24, 2018

FLAGLER COUNTY
1769 E MOODY BLVD BLDG 2 SUITE 302
BUNNELL, FL 32110

RE: Application #3155 – Landscape Buffer Variance Request in the C-2 (General Commercial and Shopping Center) District.

Dear Property Owner:

As an owner of property within 300' of the property referenced herein, the Flagler County Planning Department, in accordance with Section 2.07.00 of the Flagler County Land Development Code, advises you that:

A request has been made by Martin Heise of City Construction and Development for property owner Flagler Pines Properties, LLC for a 5 foot front landscape buffer variance from the minimum 25 foot front landscape buffer requirement on 54.750 +/- acres located at the intersection of Aviation Drive and State Road 100 Identified as parcel #08-12-31-0650-000B0-0070.

You are hereby notified that a public hearing before the Flagler County Planning and Development Board, required by law, will be held in the Flagler County Government Services Building, Board Chambers, at 1769 E. Moody Boulevard, Building 2, Bunnell, Florida, on October 9, 2018, beginning at 6:00 p.m., or as soon thereafter as possible.

You are welcome to attend and express your opinion.

Sincerely,

Wendy Hickey
Planner

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