FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
Government Services Building
Board Chambers
1769 East Moody Blvd., Bldg 2, Bunnell, Florida 32110

MEETING

DATE – November 13, 2018            TIME – 6:00 P.M.

1. Roll Call.

2. Pledge to the Flag.

3. Approval of October 9, 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. Quasi-judicial requiring disclosure of ex parte communication:
   Application #3156 – APPLICATION FOR SITE DEVELOPMENT PLAN FOR A PUBLIC USE IN C-2 (GENERAL COMMERCIAL AND SHOPPING CENTER) DISTRICT – request for review of a Site Development Plan for a Public Use in the C-2 (General Commercial and Shopping Center) District located at 5862 North Oceanshore Blvd; Parcel Number: 40-10-31-3150-00000-0180; 7.45 +/- acres. Owner: Flagler County Board of County Commissioners/Applicant: Captain’s Bait, Tackle & BBQ, LLC.
   Project #2018090035 (TRC, PDB)

5. Staff Comments.

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

8. Adjournment

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, Timothy Conner and Anthony Lombardo.

MEMBERS ABSENT: Laureen Kornel (excused)

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

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 and August 14, 2018 regular meeting minutes.
   Motion to approve made by Mr. Connor seconded by Mr. Lombardo
   Motion carried unanimously

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

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

   Ms. Hickey, presented the staff report and recommendation.

   Staff recommends 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 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).
Mr. Coby Moore, of CM Custom Pool Design 1424 Ridgewood Ave, Holly Hill, applicant
gave an explanation of the situation and reasoning behind the variance request.

Chairman Langello opened the Public Hearing.

Ginette Foli, 221 Ashford Lakes Circle, spoke in support of the variance.

Tim Foli, 221 Ashford Lakes Circle, spoke in support of the variance.

Chairman Langello, closed the public hearing and asked if the Board had any questions.

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

Motion carried unanimously

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

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.

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

Mr. Mengel presented the staff report including a brief over view and recommendation.

Request the Planning and Development Board recommend to the Board of County
Commissioners:

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
Draft

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.
   c. the Board waives the secondary means of ingress and egress requirement (LDC Section 4.06.02M)

Steve Buswell P.E.; R.L.A, of Parker Mynchenberg & Associates, 1729 Ridgewood Ave. Holly Hill, thanked staff and stated he was available for questions.

Chairman Langello asked if the density had changed over the years and is the proposed location for the development sign depicted on the preliminary plat?

Mr. Mengel responded no, the density has not changed.

Mr. Buswell responded that there are designated signage tracts on the plat.

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

Chairman Langello asked for a motion.

Motion to approve with recommended conditions made by Mr. Lombardo, seconded by Mr. Boyd.

Motion carried unanimously.

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

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

Mr. Mengel presented the staff report including a brief overview and recommendation. Request the Planning and Development Board to recommend to the Board of County Commissioners 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.

Jerry Finley P.E., Finley Engineering Solutions 3959 S Nova Rd Port Orange, applicant stated he had David Haas representing the owner if there were any questions.

Mr. Connor asked this project has a continuing road that is to be barricaded and this is more than a quarter of a mile and even though it is not a cul de sac there is no secondary access at this point is fire suppression engineered into this project?

Mr. Finley, yes we are creating a 10 inch water main loop as we go and it comes off a 12 inch loop that is already in place coming from the water plat going throughout the community.

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

Chairman Langello asked for a motion.

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

Quasi-judicial requiring disclosure of ex parte communication:

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.

Mr. Mengel presented the staff report, a brief overview and recommendation

Request the Planning and Development Board recommend approval to the Board of County Commissioners 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.

Chairman Langello asked the status of the secondary access that was in question during the Site Development Plan application a few months earlier.

Mr. Mengel stated that the Board approved it and the County and Applicants’ attorney are working out the details which would most probably be in the form of an easement agreement. The site development plan was approved conditioned upon that agreement being in place. There will be no land development before that easement is in place.

Chairman Langello asked if the access will the access end at a certain time?

Mr. Mengel stated it will end on its temporary construction portion at the end of the horizontal improvements within the subdivision and inclusive of two model homes. At that point it becomes a permanent secondary ingress/egress it would have a Knox box or Knox gate it will have ongoing maintenance responsibility of the HOA. It will still be there and hopefully never needed.

Mr. Connor asked so this road will be available only for the horizontal and not the vertical construction.

Mr. Mengel replied yes

Robert Dickinson RLA, Dickinson Consulting, Inc. 33 Old Kings Rd North, Palm Coast, applicant stated Mr. Mengel’s presentation and his responses to Board comments was accurate and that he and the engineer are available for any questions.
Mr. Lombardo, asked if the lots would be ready for building

Mr. Dickinson, state the lots would be filled to grade per the construction plans.

Chairman Langello, asked about the definition of age restriction

Jay Livingston Esq., Livingston and Sword, P.A., 383 Palm Coast Pkwy. SW Palm Coast, attorney for the applicant age restrictions for a 55 plus community are based on Federal Law and went in to some detail about the requirements.

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

Chairman Langello asked for a motion.

Motion to approve with recommended conditions made by Mr. Connor, seconded by Mr. Boyd. Motion carried unanimously.

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

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/Agent: Jarrod Shupe, Flagler County Innovation Technology Director.

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

Mr. Mengel presented the staff report, a brief history of the progression of this request and 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;
Draft

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) tower lighting to be shielded so as to reduce downcast to the greatest extent possible.

Jarrod Shupe, Innovation Technology Director, Flagler County, applicant gave an overview
of the project noting how it has changed from the originally approved 199 foot tower.

Chairman Langello opened the Public Hearing.

David Haas, ICI Homes 100 Plantation Bay Drive, Ormond Beach, representing the Westlake
HOA and Master Developer of Plantation Bay. We did have concerns but they have been
addressed and we support the collaborative tower between Flagler and Volusia Counties and we
hope that they lease space to cell providers that provides limited service to Plantation Bay today
and that service will improve for all of Plantation Bay.

Chairman Langello asked for any other speakers. Seeing no one approach the podium he closed
the Public Hearing.

Chairman Langello asked for a motion.

Motion to approve with recommended conditions made by Mr. Connor and seconded by Mr.
Boyd
Motion carried unanimously.

9. Quasi-judicial requiring disclosure of ex parte communication:
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/Agent: Jarrod Shupe,
Flagler County Innovation Technology Director.

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

Mr. Mengel presented the staff report, a brief history of the progression of this request and
recommendation.

These minutes are unofficial until adopted by the Planning and Development Board.
The Planning and Development Board finds 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.

Mr. Mengel added that he did receive correspondence from Jane Gentile-Youd and provided it to the Board and staff and is attached to these minutes as Attachment ‘A” He also noted an inquiry about health effects and his discussion of the Telecommunications Act of 1996 has a preemption clause that preempts radio frequency communications and the regulation of those communication to the FCC. Local Governments cannot base any of their regulatory actions specifically from any allegation of any adverse health effects due to the radio telecommunications frequency or the radiation that comes from it.

Jarrod Shupe, Innovation Technology Director, Flagler County, applicant repeated his overview of the project noting how it has changed from the originally approved 199 foot tower.

Chairman Langello asked what wind load it can withstand and would it collapse upon itself.

Mr. Shupe stated a Cat 4- Cat5 hurricane and it would collapse upon itself noting a hinge on the tower about halfway up.

Chairman Langello opened the Public Hearing.

Roksolana Martyniouk, 240 Bayberry Village Rd. Bunnell, asked what are the setbacks for the tower from residential houses. Will the park will remain and if so the tower would be behind them. Would it be safe for the people to be in the park?

Chairman Langello, stated the tower would be in front of the park.

Mr. Mengel, the setback would be a 700 foot separation and we are asking for a variance of 425 feet

Chairman Langello, clarified that it is from the nearest residential property not a home and it would be further from a home
Mr. Mengel, yes the two houses are.

Mr. Boyd, asked so there are no homes within the setback distance?

Mr. Mengel, responded that is correct.

Chairman Langello, stated it appears like one is about 1200 feet and the other over well over 800 feet.

Mr. Mengel, this is based on the scale on the map in staff report graphic.

Chairman Langello asked for any other speakers. Seeing no one approach the podium he closed the Public Hearing.

Motion to approve made by Mr. Boyd and seconded by Mr. Lombardo
Motion carried unanimously.

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

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

Ms. Hickey, presented the staff report and recommendation.

Staff recommends 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 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):

Jay Livingston Esq., Livingston and Sword, P.A., 383 Palm Coast Pkwy. SW Palm Coast, representing the applicant, gave a brief overview of the project and the unique situation that creates the need for the variance.

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

1. Motion to approve made by Mr. Boyd and seconded by Mr. Connor
   Motion carried unanimously.

11. Staff Comments
   None.

12. Board Comments
   Chairman Langello stated that we need more Board Members.

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
   Motion made by Mr. Lombardo at 7:20 p.m.

Prepared by: Wendy Hickey
Reviewed by: Adam Mengel
Dear Mr. Mengel,

It’s been an ordeal with this tower – first the change in location – the light issue and now a new height, taller than ever. However, as long as the property owners who reside at least within the same distance as the height of the tower and then some have been advised and have no objections and as long it is built with the safest of FAA approved lighting that will not be an intrusion on the surrounding area and it is painted a deep forest green to blend in with the trees I would have to say --- I personally have no objection other than the price the county has decided to pay and that the builder takes 100% responsibility in case of any tower failure causing injury to any person(s) or property damage due to physical failure of the tower.

The proximity to the nearby local airport is far less of a danger with the, tower having top rated lighting. In today’s world everything (unfortunately) depends on cell towers including medical needs as well as communication needs in cases of emergency in our growing county. Please give me your assurances that those nearby homeowners and residents do not have a problem either.

Thank you for your hard work and trying your best, as always.

Sincerely,

Jane (Gentile-Youd)

You may include this e-mail in the record if you wish.
From: Jane Gentile-Youd <vote4jane@aol.com>
Sent: Tuesday, October 9, 2018 3:19 PM
To: Sally A. Sherman; Craig Coffey
Cc: Adam Mengel, AICP, LEED AP BD+C
Subject: Make sure the cost of the tower will be secured by executed contracts from cell companies guaranteeing long term leases

Sent from Mail for Windows 10
SUBJECT: QUASI-JUDICIAL – Application #3156 – Request for Site Development Plan approval for an existing Public Use in the C-2 (General Commercial and Shopping Center) District located at 5862 North Oceanshore Boulevard; Parcel Number: 40-10-31-3150-00000-0180; 7.45+/- acres. Owner: Flagler County Board of County Commissioners/Applicant: Captain’s Bait, Tackle & BBQ, LLC (Project #2018090035).

DATE OF MEETING: November 13, 2018

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. The request is for approval of a Site Development Plan for an existing Public Use in the C-2 (General Commercial and Shopping Center) District for development of a new restaurant building for Captain’s BBQ, the County’s tenant at Bing’s Landing Park. The subject parcel is 7.45+/- acres in size (with the proposed development area limited to 2 acres) and is located on the West side of North Oceanshore Boulevard (a/k/a State Road A1A):
The applicant submitted an application for site development plan review in September. The purpose of the submittal was to seek authorization to replace the existing restaurant building, which is structurally unsound, with a 25% larger building. The location of the proposed new building would allow the applicant to continue operations while the new restaurant building is constructed at the applicant’s expense (and would allow the County as the landlord to satisfy its terms of the existing lease). Modifications to park infrastructure, like utility services, water and septic systems, parking and signage, would be the responsibility of the County, along with the demolition of the existing structure once work on the new building is complete.

This application was reviewed by the Technical Review Committee at its October 17, 2018 regular meeting: all outstanding comments have been satisfactorily addressed prior to the Planning and Development Board’s consideration of this request. On October 26, 2018, the Scenic A1A PRIDE Committee considered this request and subsequently provided their recommendation to the County through their letter dated November 4, 2018 (attached), with Scenic A1A’s summary recommendation provided in part below:

“After a lengthy discussion, Scenic A1A PRIDE board voted 7-2 in favor of the proposal (G. Hansen and M. Goodman abstaining) with the provision that there will be no net loss of green space. Also included in the motion was the provision that any parking changes be reviewed by Scenic A1A PRIDE before implementation. During the meeting, it was clear that Scenic A1A PRIDE opposed any increase in building size or increased parking requirements as compared to the existing business. There was a strong recommendation that the footprint of the demolished building be converted to useable green space.” (original emphasis).

This agenda item is:

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

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

RECOMMENDATION: The Planning and Development Board approves Application #3156, adopting a Site Development Plan for a total of 7.45 acres, more or less, identified as Parcel Number 40-10-31-3150-00000-0180, and developed as Bing’s Landing Park, an existing Public Use in the C-2 (General Commercial and Shopping Center) District.

ATTACHMENTS:
1. Technical Staff Report
2. Site Development Plan
3. Application and supporting documents
4. TRC comments
5. A1A Scenic PRIDE recommendation letter
Project: Site Development Plan in an existing Public Use in the C-2 (General Commercial and Shopping Center) District

Project #/Application #: 3156/2018090035

Owner: Flagler County Board of County Commissioners

Applicant/Agent: Captain’s Bait, Tackle & BBQ, LLC

Parcel #: 40-10-31-3150-00000-0180

Parcel Size: 7.45+/− acres (development area limited to 2+/− acres)

Address: 5862 North Oceanshore Boulevard, Palm Coast

Existing Zoning and Land Use(s)
Zoning: C-2 (General Commercial and Shopping Center) District
Land Use: Recreation and Open Space

Future Land Use Map Classification/Zoning of Surrounding Land
North: Mixed Use: Low Intensity/MH-3 (Mobile Home Park) District
East: North Oceanshore Boulevard; Mixed Use: Low Intensity/R/C (Residential/Limited Commercial) District
South: Recreation and Open Space/R/C (Residential/Limited Commercial) District
West: Atlantic Intracoastal Waterway

Report in Brief
The Board of County Commissioners initially approved a lease agreement with Captain’s BBQ and Bait & Tackle on June 6, 2011 (Agenda Item #7B) for operation of the on-site concessions operation with bait and tackle at Bing’s Landing Park. On April 20, 2015, the Board amended (Agenda Item #9) the original five year lease agreement – beginning September 1, 2011 and ending on August 31, 2016 – with Captain’s Bait, Tackle and BBQ, LLC, by extending the lease for an additional five year term at the tenant’s option with a County-optional additional five year term so that the tenant could recoup over $100,000 in tenant improvements made to the concessionaire building, including: complete build-out of the interior space; installation of a grease trap; installation of a new HVAC system; adding an enclosed porch; expanding the food preparation area; adding a hood exhaust system; adding an enclosed cooking area; and outside site improvements including fencing, handicapped-accessible parking, and sidewalks.

However, unbeknownst to the County as the landlord and the applicant as the tenant, the pier foundation and load-bearing framing for the concessionaire building had deteriorated due to its wood-frame construction and the long-term accumulation of standing water beneath the building, leading to extensive rot which was only recently discovered. While
emergency repairs were completed to meet the terms of the lease and maintain operations at the restaurant, the present condition of the existing building – initially built in 1990 at 1,594 square feet and subsequently expanded to total 2,274 square feet according to the Property Appraiser, while the plan submittal indicates the existing building totals 4,157 square feet in size – calls for extensive repairs that would be more cost-effective to demolish the existing building and reconstruct.

Property Appraiser’s graphic of the footprint of the existing concessionaire building:

To satisfy the terms of the County’s lease, the tenant has proposed construction of a new 5,200 square foot restaurant building – to be privately financed and built by the tenant – to the North of the existing concessionaire building. This construction – if ultimately approved by the Planning and Development Board through this site plan request and subject to approval of an expanded lease by the Board of County Commissioners – would allow the existing operations to continue throughout the term of construction, with the existing building to be demolished following the completion of the new building. This construction schedule and plan would: maintain restaurant operations at the existing building; fulfill the lease obligations of the County/landlord; continue the terms of the lease for (and payments by) the applicant/tenant; and result in no lapse in other contractual obligations of the tenant (for its suppliers) and no reduction in staffing at the restaurant due to the continuing operations.
Land Development Code Sections Affected

Land Development Code (LDC) subsection 3.06.05.B.2: “Public or semipublic uses existing at the time of the effective date of this article and as indicated on the Land Use Map of 1985 are hereby legally established as conforming public and semipublic uses. Modifications that involve additional structures or improvements on existing or approved sites shall require site plan review by the planning board. Expansion of public or semipublic uses which include additional land shall require application and meet all requirements under this section 3.06.05.”

Standards for Review

The specific site plan requirements of Public, Semi-Public, and Special Uses are listed at subsection 3.06.05.E.1.(b):

“An application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the planning director. Such site plan shall include, as a minimum, the following:

(1) Lot dimensions with property line monuments located thereon.

(2) Location and size of existing and proposed structures.

(3) Easements (public and private), water courses, wetlands, existing and proposed fences, street names, and street right-of-way lines and such information regarding abutting property, as directly affects the application.”

Staff has determined that Bing’s Landing is a public use existing at the time of the effective date of this article [March 18, 1991] through the County’s purchase of Bing’s Landing on October 4, 1989 (and recorded on October 4, 1989 at Official Records Book 408, Page 596, Public Records of Flagler County, Florida. As a modification involving additional structures or improvements, site plan review by the Planning and Development Board is needed. For such purposes, a site plan has been prepared and submitted by the applicant for review by the Planning and Development Board.

The A1A Scenic corridor overlay district includes specific standards (at LDC subsection 3.06.11.B through G) for development within the limits of the overlay, which includes the Bing’s Landing Park parcel. Of note as these standards relate to the proposed development, the plan:

- does not include a commercial metal building;
- does not have a building length exceeding 200 feet;
- does not include a corporate signature or commercial prototype architecture, or exotic or out of character architectural style (the proposed style is a variant of Florida Cracker, with a metal roof and covered porch); and
- exterior walls are clad in horizontal siding elements with a metal roof.

The proposed plan meets the County’s A1A Scenic corridor overlay district requirements.
Archaeologic/Historic Preservation

While the County’s Land Development Code lacks specific historic preservation requirements, the 2010-2035 Comprehensive Plan includes, as part of its Conservation Element, a Historic Preservation Sub-Element which, among other things, requires preservation of historic sites. Since Bing’s Landing was acquired under the dual pretense of historic preservation (of the Hernandez MalaCompra Plantation site) and public recreation use (as a 20th Century fish camp and recreational vehicle park), should any archaeological features be found in the construction of the new building, the site will be specifically subject to the following Comprehensive Plan Policy:

“Policy F.1.13.2: As an alternative to preserving historic and archaeological sites, a site may be scientifically excavated, then development may proceed without preserving the site providing that it occurs in accordance with other State and Federal regulations governing historic and archaeological sites.”

Flood Zone

Contrary to the information provided on the site plan submittal, the location of the proposed building is within Zone AE, a Special Flood Hazard Area, according to FEMA Flood Insurance Rate Map (FIRM) Community Panel Number 12035C0127E effective June 6, 2018. Construction within Zone AE on this parcel will be required to have its finished floor elevation (FFE) a minimum of one foot above the base flood elevation (BFE) established at the proposed building site as 6 feet (NAVD 88). While the site plan incorrectly states that the building is outside of the Special Flood Hazard Area, the plan does depict the finished floor of the building at 8.0 feet, two feet above the base flood elevation. Based on the condition of the present building caused by standing water beneath the building, it is anticipated that the proposed building will be constructed with a stem-wall foundation on fill instead of a pier foundation. As a result of the building’s required minimum elevation, an accessible ramp – provided consistent with the accessibility requirements of the Florida Building Code – will be needed to provide an accessible route of travel for handicapped patrons/employees from the nearest handicapped-accessible parking space to the main entrance of the building.

Parking

As part of the site plan’s site data table, the applicant has summarized the parking requirements for the new building, applying the County’s minimum required off-street parking standard to the proposed use:

“Restaurant/bar use: One (1) space for each fifty (50) square feet of gross seating area, plus one (1) space for each employee per shift.” (LDC subsection 3.06.04.A.15).

According to the plan, the 5,200 square foot building will be limited to a dining area of 1,500 square feet and no more than 150 customers. Ultimately, occupancy limits will be set by the County’s Fire Marshal in accordance with applicable standards. Based on the applicant’s calculations, 35 parking spaces are required (and requiring two of those to be
handicapped-accessible spaces) based on the 1,500 square foot seating area and five employees per shift. As described on the plan submittal, 60 spaces (including three handicapped-accessible spaces) are provided on the Bing’s Landing Park site.

As provided in the A1A Scenic corridor overlay district standards, the County may – as part of the site plan review process – “allow minimum parking requirements to be reduced by up to twenty-five (25) percent for complementary uses (weekday and evening/weekend uses), when such uses can share their available parking areas, and such parking areas are convenient to the associated uses.” (LDC subsection 3.06.11.F.1). While Captain’s BBQ operates on a full-day service schedule, including breakfast several days a week, the applicability of “after dark” parking to accommodate dinner traffic when the Park is otherwise closed allows for some flexibility in the administration of the minimum parking requirements to this use.

Signage
While specific sign plans have not been provided, the submitted plans indicate that the existing monument sign will remain in its location South of the exit driveway on North Oceanshore Boulevard: no other monument signage is depicted. As for wall signage, three signs – one at the South (front) side, one to the right (East) side, and one to the rear (North) side – are depicted on the proposed building elevations, with each sign having a scaled dimension of 6 feet by 6 feet and an area of 36 square feet.

Tree Protection
As described in the site plan’s data table and depicted on the plan submittal, 71 inches of trees are intended to be removed through this request. It is unclear specifically which trees will be removed, with a 12-inch Oak located within the center of the proposed building – likely the largest hardwood tree intended for removal – and a 22-inch Oak nearby to the East in an area on the plan labeled as “Proposed smoker, firewood & buried propane tank area.” Multiple palms are also located within the footprint of the proposed structure; however, pines and palms are specifically excluded from the County’s Index Tree Removal and Protection requirements.

Wetlands
As depicted on the National Wetlands Inventory Map (provided below), the project site is not within an identified or presumed wetland.

Utilities
As is established within the A1A Scenic corridor overlay district, all utility service drops are to be installed underground and in a manner which protects index trees (LDC subsection 3.06.11.G).
Future Land Use Map
# APPLICATION FOR SITE DEVELOPMENT PLAN

## 5 ACRES OR LARGER

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

**Application/Project #:** 3156 / 2018090035

### PROPERTY OWNER(S)

- **Name(s):** 1769 E. Moody Blvd., Bldg. 2, Suite 302
- **Mailing Address:** 1769 E. Moody Blvd., Bldg. 2, Suite 302
- **City:** Bunnell  
  **State:** Florida  
  **Zip:** 32110
- **Telephone Number:** (386) 313-4001  
  **Fax Number:** (386) 313-4104

### APPLICANT - AGENT

- **Name(s):** Captain's Bait, Tackle & BBQ, LLC C/O Jay W. Livingston, Esq., Livingston & Sword P.A.
- **Mailing Address:** 393 Palm Coast Parkway SW #1
- **City:** Palm Coast  
  **State:** Florida  
  **Zip:** 32137
- **Telephone Number:** (386) 439-2945  
  **Fax Number:** (866) 896-5573
- **Email Address:** jay.livingston314@gmail.com

### SUBJECT PROPERTY

- **SITE LOCATION (street address):** 5862 N. Ocean Shore Blvd., Palm Coast, Florida 32137
- **LEGAL DESCRIPTION:** Jose Park Sub - Lots 18 thru 23
- **Parcel # (tax ID #):** 40-10-31-3150-00000-0180
- **Parcel Size:** Area impacted by new site plan 2 acres
- **Current Zoning Classification:** C-2
- **Current Future Land Use Designation:** Recreation & Open Space
- **Subject to A1A Scenic Corridor IDO?** YES

### PROJECT DATA:

Replacement of existing building at Bings Landing where Captain's Bait, Tackle & BBQ is located with new building.

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

**Date:** 9.24.2018

**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. 01/06**

Page 1 of 2
September 24, 2018

Gina Lemon
Flagler County
Planning Services
1769 E. Moody Blvd., Building 2, Suite 105
Bunnell, FL 32110

Subject: Captain’s BBQ Site Plan Application Greater than 5 Acres

Dear Ms. Lemon:

Please find enclosed 10 copies of the proposed site plan for the new building along with an application for Site Plan Application Greater than 5 Acres, which Adam Mengel advised we use for this matter. A list of all the enclosures are below. I did not include an owners’ authorization because Flagler County is the owner of Bings Landing as shown in the enclosed Warranty Deed.

Included with this resubmittal are the following:

1. Application for Site Development Plan 5 Acres or Larger
2. Area Calculation Map showing the portion of the park affected by the site plan (2 acres)
3. Ten (10) 24” x 36” copies of the conceptual site plan.
4. One (1) 11” x 17” copy of the conceptual site plan.
5. One (1) copy of the County’s Warranty Deed.
6. One (1) thumb drive containing copies of the above.

The application fee will be hand delivered to you before the close of business on Wednesday, September 26, 2018.

Please contact me if you have any questions, comments or require additional information.

Sincerely,

Jay W. Livingston

Enclosures
Note: Zoom in, or enter the address of your target start point. Then click on your start point on the map, followed by all the subsequent points along the outside edge of the shape you want to calculate the area of. As you add points the area will be updated below and converted into several measurements.

https://www.calcmaps.com/map-area/?&points=%5B%5B29.615453963627612%2C-8120415659206543%5D%5D%5D%5B29.615625351495662%2C-
WARRANTY DEED

THIS INDENTURE, MADE THIS 26th DAY OF OCTOBER, 1989 A.D.,

BETWEEN Charles Yant, joined by his wife, and Dolores Yant, as to a one-half interest and John Hesselden, a single man, as to a one-half interest

OF THE COUNTY OF FLAGLER, STATE OF FL, GRANTORS,

AND Flagler County Board of County Commissioners

GRAANTOR ID

WITNESSETH THAT THE GRANTORS, FOR AND IN CONSIDERATION OF THE SUM OF $10.00 AND OTHER GOOD AND VALUABLE CONSIDERATION TO GRANTORS IN HAND PAID BY GRANTEES, THE RECEIPT WHEREOF IS HEREBY ACKNOWLEDGED, HAVE GRANTED, BARGAINED AND SOLD TO THE SAID GRANTEES AND GRANTEES HEIRS AND Assigns FOREVER, THE FOLLOWING DESCRIBED LAND, SITUATE,

Tracts 18, 19, 20, 21, 22 and 23, Jose Park, Unit NO. 1, according to the plat of said subdivision on file in the office of the Clerk of the Circuit Court of Flagler County, Florida in Plat Book 3, Page 29. The above-described property located in Section 40, Township 10 South, Range 31 East.

TAX PARCEL ID: #40-10-31-3150-00000-0180/0200/0230

SUBJECT TO THE FOLLOWING: Taxes for the year 1989 and subsequent years. Restrictions, covenants, conditions, reservations and conditions of record, if any. Balances due on utility assessments, if any.

GRANTOR WARRANTS THAT THIS IS NOT HOMESTEAD PROPERTY.

AND THE GRANTORS DO HEREBY FULLY WARRANT THE TITLE TO SAID LAND AND WILL DEFEND THE SAME AGAINST LAWFUL CLAIMS OF ALL PERSONS, WHOMSOEVER.

IN WITNESS WHEREOF, THE GRANTORS HAVE HERETO SET THEIR HAND AND SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN. SIGNED, SEALD AND DELIVERED IN OUR PRESENCE:

[Signature]

WITNESS

[Signature]

[Signature]

WITNESS

[Signature]

STATE OF FLORIDA

I HEREBY CERTIFY THAT ON THIS DAY BEFORE ME, AN OFFICER DULY QUALIFIED TO TAKE ACKNOWLEDGMENTS, PERSONALLY APPEARED CHARLES YANT, JOINED BY HIS WIFE, AND DOLORES YANT, AS TO A ONE-HALF INTEREST TO ME KNOWN TO BE THE PERSON(S) DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT AND THEY ACKNOWLEDGED BEFORE ME THAT THEY EXECUTED THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL IN THE COUNTY AND STATE LAST SEEN OF OCTOBER, 1989.

[Seal]

[Signature]

OFFICIAL SEAL

[Seal]

[Signature]

[Signature]
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: BUILDING DEPARTMENT
At least 2 accessible parking spaces will be required per section 208.2 Florida Building Code - Accessibility. Please clarify the total number of parking spaces to be utilized.

REVIEWING DEPARTMENT: E-911 STAFF
No comments at this time.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING
Captains Bait Tackle & BBQ
Comments 10/10/18
1. Provide a demo plan.
2. Provide a proposed site development plan that depicts any existing features that will be incorporated into the plan as well as all of the proposed improvements.
3. Identify the building entrances and which will be ADA compliant.
4. Confirm that the City of Palm Coast has been notified that these changes are going to be made.
5. Will you be connecting to the existing septic system or is a new one planned?
6. Define all of the existing and proposed parking spaces on a table.
7. All Handicap spaces that are required for the building will need to be concrete and have accessibility to the building.
8. Specifically define the building and what the square footage called out on the plan is defining.
9. Provide the square footage of the existing building.
10. Provide the proposed finished floor elevation for the building.
11. Provide a grading and dimensioning plan.
12. What will be the proposed pervious surface in the parking area.

Further comments may be provided upon the receipt of revised plans.

REVIEWING DEPARTMENT: COUNTY ATTORNEY
No comments at this time.

REVIEWING DEPARTMENT: FIRE INSPECTOR
No comments at this time.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT
1. The site plan submittal should include as part of its data table: current and proposed impervious areas (as best these can be calculated); the square footage of the current building and the square footage of the proposed building, including the square footage of the present seating area and proposed seating area; the number of current and the number of proposed seats; and the number of current parking spaces (including those parking spaces at the North end of the Park) and the number of proposed parking spaces.

2. Provide square footage of proposed porch.

3. Label dimensions of building.

4. Provide dimensions of parking spaces (can be depicted on one space as typical).

5. Handicapped-accessible parking spaces should be located along the closest accessible route to the building entrance.

6. Are parking spaces intended to be pervious? Label proposed surface treatment for parking.

7. Verify the aisle width of the new 16 space parking area South of the proposed building: minimum aisle width should be 24 feet, but this width appears to scale at 20 feet.

8. Identify the solid line to the right of the South entrance of the proposed building; is this a sign? If so, provide dimensions and maximum sign copy area.

9. Depending on the finished floor elevation of the proposed building (requiring elevation of the finished floor to be a minimum of one foot above the base flood elevation), a ramp meeting the requirements of Section 405 of the 2017 Florida Building Code - Accessibility, Sixth Edition, may be needed.

10. Proposed signs should be depicted on the site plan, along with proposed refuse areas.

11. An index tree data table should be provided for index trees within the development area, identifying the current and proposed tree tabulation by type and diameter of each tree and the proposed post-construction tabulation of index trees to be removed. If any trees are to be added, provide the number and type in a data table, along with depicting the planting location on the site plan.

12. Site plan requires review and comment by Scenic A1A PRIDE Committee.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT
1- Existing septic system currently at maximum capacity. If seating capacity increases, a new septic system meeting current 64E-6 FAC code requirements will be required.

2- An Annual Operating Permit will continue to be required due to the generation of commercial wastewater.
October 24, 2018

Adam Mengel, Planning Director
Flagler County
1769 E. Moody Blvd., Bldg. 2
Bunnell, Florida 32110

Subject: RESUBMITTAL/RESPONSES TO TRC COMMENTS
Project #: 2018090035
APP #3156 SDP PU – Captain’s BBQ – Replace Existing Bait/Tackle/BBQ
Bldg. with New
Applicant: Captain’s Bait, Tackle & BBQ, LLC
Owner: Flagler, County Board of County Commissioners

Dear Mr. Mengel:

In addition to the fifteen (15) copies of the revised conceptual site development plan submitted for the Planning Board’s consideration, please find below the TRC comments from the October 17, 2018 restated along with the applicant’s responses.

REVIEWING DEPARTMENT: BUILDING DEPARTMENT
At least 2 accessible parking spaces will be required per section 208.2 Florida Building Code – Accessibility. Please clarify the total number of parking spaces to be utilized.

RESPONSE: The County is responsible for any changes or expansion to the parking lot. The applicant is solely responsible for the design, permitting and construction of the new building shown on the proposed plan. Pursuant to the applicable code the seating area in the restaurant will require 35 parking spaces, including 2 handicap accessible spaces as shown on the revised plan.

REVIEWING DEPARTMENT: E-911 STAFF
No comments at this time.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING
Captains Bait Tackle & BBQ
1. Provide a demo plan.
   RESPONSE: The County is responsible for the demolition of the existing building. Therefore, no demo plan will be provided by the applicant.

2. Provide a proposed site development plan that depicts any existing features that will be incorporated into the plan as well as all of the proposed improvements.
   RESPONSE: The revised site development plan labels proposed improvements as well as existing features that will be part of the relocated public use into the new building. The proposed parking has been removed from the plan to avoid confusion. There is adequate existing parking to meet the code requirement for the new restaurant.

3. Identify the building entrances and which will be ADA compliant.
   RESPONSE: The main entrance to the restaurant will be ADA compliant.

4. Confirm that the City of Palm Coast has been notified that these changes are going to be made.
   RESPONSE: The County is the customer for City utilities at Bings Landing and will notify the City of the proposed changes once they are approved by the BOCC as part of the revisions to the lease agreement.

5. Will you be connecting to the existing septic system or is a new one planned?
   RESPONSE: A new septic system for Bings Landing will be installed by the County. Wastewater and sewage from the new building will discharge into this new septic system.

6. Define all of the existing and proposed parking spaces on a table.
   RESPONSE: The changes to and expansion of the parking area is being handled by the County not the applicant. Any questions regarding the existing and proposed parking spaces should be directed to appropriate staff. Proposed parking has been removed since there is adequate existing parking to handle the proposed restaurant.

7. All Handicap spaces that are required for the building will need to be concrete and have accessibility to the building.
   RESPONSE: The County is responsible for the parking area, which will contain the required number of handicap spaces for the new building as well as the park as a whole.

8. Specifically define the building and what the square footage called out on the plan is defining.
   RESPONSE: The revised conceptual site development plan shows the proposed use and total square footage of the new building.

9. Provide the square footage of the existing building.
   RESPONSE: The square footage of the existing building is 4,157 sq.ft.
10. Provide the proposed finished floor elevation of the building.
   RESPONSE: The finished floor elevation of the new building is noted on the revised conceptual site development plan.

11. Provide a grading and dimensioning plan.
   RESPONSE: The applicant is responsible for the design, permitting and construction for the new building but will be working with the County for the site preparation and grading that will be required. Grading and dimension plans to be provided by County for all site work including parking, utilities, sidewalks, etc. Architectural plans will detail the building dimensions and specific building details.

12. What will be the proposed pervious surface of the parking area.
   RESPONSE: The County is responsible for the parking area. The surface will be consistent with the existing parking area surface. See responses #2 & #6 above.

Further comments may be provided upon the receipt of revised plans. NOTED

**REVIEWING DEPARTMENT: COUNTY ATTORNEY**
No comments at this time.

**REVIEWING DEPARTMENT: FIRE INSPECTOR**
No comments at this time.

**REVIEWING DEPARTMENT: PLANNING DEPARTMENT**

1. The site plan submittal should include as part of its data table: current and proposed impervious areas (as best these can be calculated); the square footage of the current building and the square footage of the proposed building, including the square footage of the present seating area and proposed seating area; the number of current and the number of proposed seats; and the number of current parking spaces (including those parking spaces at the North end of the Park) and the number of proposed parking spaces.

   RESPONSE: A data table has been added to the conceptual site plan containing the information requested. The data table specifies how many parking spaces will be required and the number of existing parking spaces. Data regarding proposed parking is not included. The County is responsible for changes and expansion of the parking area and there is adequate existing parking to handle the new restaurant.

2. Provide square footage of proposed porch.
   RESPONSE: The estimated square footage of the proposed porch is 640 sq.ft.

3. Label dimensions of building.
RESPONSE: The dimensions of the new building have been added to the proposed site plan.

4. Provide dimensions of parking spaces (can be depicted on one space as typical).
RESPONSE: The County is responsible for the changes and expansion of the proposed parking area. No proposed parking is being shown since there is adequate existing parking to handle the new restaurant.

5. Handicapped-accessible parking spaces should be located along the closest accessible route to the building entrance.
RESPONSE: The County is responsible for the changes and expansion of the proposed parking area. The parking area will be in compliance with all requirements applicable to handicapped-accessible parking spaces.

6. Are parking spaces intended to be pervious? Label proposed surface treatment for parking.
RESPONSE: The County is responsible for the parking area. Please check with appropriate staff regarding the proposed surface.

7. Verify the aisle width of new 16 space parking area South of the proposed building: minimum aisle width should be 24 feet, but this width appears to scale to 20 feet.
RESPONSE: The County is responsible for the parking area. Please check with appropriate staff regarding the aisle width. No proposed parking is being shown since there is adequate existing parking to handle the new restaurant.

8. Identify the solid line to the right of the South entrance of the proposed building; is this a sign? If so, provide dimensions and maximum sign copy area.
RESPONSE: The requested information has been added to the proposed site plan.

9. Depending on the finished floor elevation of the proposed building (requiring elevation of the finished floor to be a minimum of one foot above the base flood elevation), a ramp meeting the requirements of Section 405 of the 2017 Florida Building Code – Accessibility, Sixth Edition, may be needed.
RESPONSE: We have shown the FF elevation at 8.0 on the revised conceptual site plan.

10. Proposed signs should be depicted on the site plan, along with proposed refuse areas.
RESPONSE: There are not any new freestanding signs being proposed. The existing monument sign will remain as is. There is an existing dumpster shown on the plans. We have added a call-out for a fence to screen this dumpster. We aren’t showing any new dumpsters.

11. An index tree data table should be provided for index trees within the development area, identifying the current and proposed tree tabulation by type and diameter of each tree and the
proposed post-construction tabulation of index trees to be removed. If any trees are to be added, provide the number and type in a data table, along with depicting the planting location on the site plan.

RESPONSE: We have added a breakdown of the existing trees by type and inches (5,267”), total preserved inches (5,196”) and removed inches (7 trees totaling 71”). This exceeds the LDC requirements for tree mitigation (2,634” required) by a large amount. No new trees will be planted.

12. Site plan requires review and comment by Scenic A1A PRIDE Committee.

RESPONSE: The applicant will be presenting the proposed site plan to the Scenic A1A PRIDE Committee at its meeting scheduled for October 26, 2018.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

1- Existing septic system currently at maximum capacity. If seating capacity increases, a new septic system meeting current 64E-6 FAC code requirements will be required.

RESPONSE: A new septic system will be installed for Bings Landing, including the new building for the restaurant.

2- An Annual Operating Permit will continue to be required due to the generation of commercial wastewater.

RESPONSE: Noted.

Please contact me if you have any questions, comments or require additional information.

Sincerely,

Jay W. Livingston

CC: Client
    Michael Beebe
    David Swartz
November 4, 2018

Mr Adam Mengel  
Planning & Zoning Director  
1769 E Moody Blvd, Bldg 2  
Bunnell, FL 32110

re: Relocation of Captain's BBQ at Bings Landing (Project 2018090035)

Dear Mr Mengel,

This proposal was reviewed at the October 26, 2018 meeting of Scenic A1A PRIDE. Mr Jay Livingston explained that Captain's BBQ building, which is leased from Flagler County by Mr Mike Goodman, is "unsalvageable" and needs to be replaced as soon as possible. A new, slightly larger building with a higher roof elevation was shown as the proposed replacement, located between the current restaurant and the archeological pavilion. The proposed new location will allow Captain's BBQ to continue operating while the new facility is being erected.

The proposed new building footprint increases from 4,157 to 5,200 SF with a seating increase from 100 to 150. However, since the stated gross seating area remains at 1897 SF the calculated (50sf/space) minimum parking space requirement with five employees remains unchanged at 43.

After a lengthy discussion, Scenic A1A PRIDE board voted 7-2 in favor of the proposal (G. Hansen and M. Goodman abstaining) with the provision that there will be no net loss of green space. Also included in the motion was the provision that any parking changes be reviewed by Scenic A1A PRIDE before implementation. During the meeting, it was clear that Scenic A1A PRIDE opposed any increase in building size or increased parking requirements as compared to the existing business. There was a strong recommendation that the footprint of the demolished building be converted to useable green space.

Sincerely,

Dennis Clark, Chair  
SCENIC A1A PRIDE

Cc: Mike Goodman, Jay Livingston, Craig Coffey
Addendum - Captain's BBQ Relocation Proposal Summary:

As described during the meeting and shown in plan documents provided to Flagler County:

- Construct a new 5,200 SF building in the center of the park. The current building is 4,157 SF, plus about 1,000 SF of outside smoker area.
- Demolish the existing Captain's BBQ building due to recurring problem with rotting floors.
- Mike Goodman will pay for the new building (up to $1M) which will be donated to the County.
- Restaurant seating increases from 100 to 150. All seating is enclosed, with windows that can opened in good weather. The floor plan includes a bar area.
- The 1892 SF eating area requires 38 parking spaces plus 5 for employees = 43 total. It is nearly the same gross seating area as the current restaurant, so parking requirements do not change. As stated, "There is adequate existing parking to handle the proposed restaurant."
- Finished floor elevation proposed is eight feet. The height of building may be similar to the archeological pavilion. (It measures approximately 31 feet in the architectural drawings). Building colors will be in accordance with Flagler County park standards.
- Trees to be impacted (restaurant only): One Live Oak, one dead Live Oak, and 5 Palms. The previous plan showed removal of 25 trees, including 8 for parking. The County has a plan for relocating impacted Palm trees.
- Archeological techniques will be employed to save any artifacts discovered during construction.
- A new lease addendum, along with the site plan, will be need to be approved by the Board of County Commissioners, probably on Nov 19.
- Flagler County is responsible for demolition, additional parking, and installing a new septic, any of which may impact existing trees. Those plans were not reviewed.
- Craig Coffey showed interest in converting the septic system to an aerobic system for improved environmental considerations.
- Eight Oak trees are located within ten feet of the building. (To protect them, construction should employ a master arborist.)
- Per Craig Coffey, "Construction shouldn't impact the parking that's in the park now because the building will occur outside that footprint." The construction time period is not known.
- A fence will be added to screen the two dumpsters.
- No additional signage will be needed.
- Flagler County's costs for demolition, new septic system, new sidewalks, and parking changes were not discussed.