1. Roll Call.

2. Pledge to the Flag.

3. Approval of February 12, 2019 regular meeting minutes.

**Quasi-Judicial Process:** The audience should refrain from clapping, booing or shouts of approval or disagreement. To avoid potential legal ramifications 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. **CONTINUED FROM February 12, 2019 REGULAR MEETING**

   Quasi-judicial requiring disclosure of ex parte communication:
   - **Application #3158** – **APPLICATION FOR SITE DEVELOPMENT PLAN IN PUD (PLANNED UNIT DEVELOPMENT) DISTRICT** – request for review of a PUD Site Development Plan in the PUD (Planned Unit Development) District for Beachwalk PUD located at 4931 North Oceanshore Boulevard; Parcel Number: 40-10-31-5137-000H0-0000; 12.44+/- acres. Owner: LRA RIO, LLC/Applicant: Atlee Development Group, Inc.
   - Project #2018100011 (TRC, PDB, BCC)
5. Quasi-judicial requiring disclosure of ex parte communication:
   Application #3167 – APPLICATION FOR A VARIANCE IN THE R/C (RESIDENTIAL/LIMITED COMMERCIAL) DISTRICT – request for a 25 foot rear yard setback variance in the R/C (Residential/Limited Commercial Use) District for a proposed building at 5047 N. Oceanshore Blvd; Parcel Number: 40-10-31-4050-00000-0270; 0.58 +/- acres. Owner: Hammock Enterprises, LLC/Applicant: Brent Bruns.
   Project #2019010018 (TRC, PDB)

6. Staff Comments.

7. Board Comments.

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

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.
Draft

MEMBERS PRESENT: Chair Michael Boyd, Timothy Conner, Jack Corbett, Michael Goodman, Laureen Kornel, Mark Langello, and Anthony Lombardo.

MEMBERS ABSENT: None

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

BOARD COUNSEL: Kate Stangle, with Nelson Mullins Broad and Cassel

Chair Boyd called the meeting to order.

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

2. Pledge of Allegiance.
   Chair Boyd led the Pledge of Allegiance to the Flag.

3. Approval of the January 8, 2019 regular meeting minutes
   Motion to approve made by Mr. Langello, seconded by Mr. Lombardo.
   Motion carried unanimously.

4. Quasi-judicial requiring disclosure of ex parte communication:
   Application #3165 – APPLICATION FOR A SPECIAL EXCEPTION IN THE AC (AGRICULTURE) DISTRICT – request for a Special Exception in the AC (Agriculture) District for Guest/Servant Quarters located at 870 County Road 65; Parcel Number: 13-12-29-5550-00140-0030; 5.23+/- acres. Owners/Applicants: Patricia L. Baird and Dorothy J. Magray, JTWROS.

Chair Boyd asked for ex-parte disclosures; no disclosures were made.

Mr. Mengel presented the staff report giving a brief history of the project and staff recommendation that the Planning and Development Board find that all special exception criteria as listed in the guidelines at Land Development Code Section 3.07.03F have been met and therefore approved the guest/servant quarters at 870 County Road 65, subject to the following conditions:
   1. The Special Exception runs with the land.
   2. Owner or contractor to obtain all permits prior to commencement of work.
3. The parcel shall remain under single ownership and not be subdivided.
4. Occupancy of the guest quarters is limited to family members and nonpaying guests of the occupants of the principal structure or a period of time not to exceed six (6) months per year.
5. While there are presently two electric meters serving the parcel, should there ever be cause to abandon or reconstruct the electric service, the Owner agrees to utilize a single meter and connection for power.
6. Maintain a single onsite sewage disposal system.

Chair Boyd asked if the applicant would like to give a presentation. Applicant responded no.

Chair Boyd opened the Public Hearing. Seeing no one approach the podium, he closed the Public Hearing.

Chair Boyd asked if the Board had any questions.

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

Mr. Corbett asked if the property had a caretaker would they be limited to six months?

Mr. Mengel responded that is how it is structured in our Code. It is intended not for someone who is living permanently on the property.

Chair Boyd asked for any other discussion. Seeing none, he called the question.

Motion carried unanimously.

5. Quasi-judicial requiring disclosure of ex parte communication:
Application #3166 – APPLICATION FOR A SPECIAL EXCEPTION IN THE C-2 (GENERAL COMMERCIAL AND SHOPPING CENTER) DISTRICT – request for a Special Exception in the C-2 (General Commercial and Shopping Center) District for a Contractor Storage Yard located at 5658 North Oceanshore Boulevard; Parcel Number: 40-10-31-3150-00000-0420; 4.26+/- acres. Owner: Hammock Harbour, LLC/Applicant: Phillip Wilson of Doctor Dredge, LLC.

Chair Boyd asked for ex-parte disclosures.

Mr. Goodman disclosed that he was in attendance at the Scenic A1A PRIDE Committee meeting that this item was on the agenda. He stated that he did not participate during that portion of the Committee meeting.
Mr. Mengel presented the staff report giving a detailed history of the site and the current request, along with staff recommendation that the Planning and Development Board finds all the special exception criteria as listed in the guidelines at Land Development Code Section 3.07.03.F have been met and therefore approved the contractor storage yard at 5658 North Oceanshore Boulevard subject to the following conditions:

1. The Special Exception runs with the land.
2. Owner or contractor to obtain all permits prior to commencement of work.
3. Landscape buffers and the stormwater system improvements are to be located within the 35-foot North and South buffers as previously approved through Application #2087, including:
   a. A six foot high wooden privacy fence installed along both North and South parcel lines, running a distance of 408+/- feet easterly from West parcel line at the Intracoastal Waterway; and
   b. Landscaping to be installed and maintained in perpetuity consistent with either;
      i. the Buffer Plan – bearing an 11-22-99 date by Donald E Burnett, ASLA – submitted with Application #2087; or
      ii. in the event that the then-existing trees as depicted on the Buffer Plan are no longer on site or viable due to the recent hurricanes, the landscaping shall meet the requirements of the FCLDC Sec. 5.01.04(6) (c) and (8) to be demonstrated through submittal of a landscape plan for staff review and approval with plan submittal and landscape material installation to occur no less than six (6) months following the date of the Planning and Development Board’s order.
4. As an existing developed site, the front perimeter landscape area (buffer) along North Oceanshore Boulevard shall be improved – and maintained in perpetuity for the duration of the use – with plant materials meeting the requirements of FCLDC Sec. 5.01.04 (8) so as to create a the desired 40- foot wide undulating, diversified non-uniform front perimeter buffer to be demonstrated through submittal of a landscape plan for staff review and approval, with plan submittal and landscape material installation to occur no less than six (6) months following the date of the Planning and Development Board’s order.
5. Outdoor storage will be limited to the 75-foot by 75-foot area depicted on the site plan sketch provided with the Special Exception application submittal.
6. Signage will be limited to no greater than six feet in height and with a sign area not to exceed 32 square feet, and the sign’s location meeting applicable minimum setbacks.
7. All onsite lighting will be shielded and aimed downward to comply with the County’s Marine Sea Turtle lighting requirements.
8. The dumpster enclosure shall be a minimum of six feet in height on three sides and be constructed in the location depicted on the site plan sketch, except that the enclosure shall...
be a minimum of 25 feet from the left (South) side parcel line adjoining the Hammock Hardware parcel.

9. Onsite bulk storage or disposal of hazardous materials is prohibited.

10. Future tenants and their uses will be evaluated on a case-by-case basis at the time of the business tax receipt (BTR) sign-off to ensure that adequate offstreet parking exists to accommodate all onsite uses. If additional parking is required, a site plan submittal will be necessary showing the location, number, and proposed surface treatment of the additional parking areas.

11. The fire sprinkler system in the main building and fire alarm system will be inspected, certified, and maintained in an operable condition for the duration of the use consistent with the applicable regulations.

12. The owner will install a Knox Box or Lock to provide afterhours access by the Fire Department in the event of an emergency.

Chair Boyd asked if the applicant would like to give a presentation.

Chair Boyd opened the Public Hearing.

Dennis Clark, 5784 N. Oceanshore Boulevard, Palm Coast, Scenic A1A Pride Committee Chair, stated that when the A1A Committee had reviewed this project the applicant had stated no sign nor dumpster was planned. He was surprised to see these as part of the plan. There is not a problem with the dumpster but the sign would have to be setback significantly because of the driveway.

Jim Buckley, 2891 John Anderson Drive, Ormond Beach, Property Owner, stated that they are not changing anything. There is no sign anticipated at this time and the dumpster was corrected by the tenant: the type he will be using will be kept in the building and will be able to roll out for pickup. He also ensured as this progresses all requirements will be adhered to.

Chair Boyd closed the Public Hearing and asked for Board comments.

Mr. Langello pointed out to the applicant that based on Florida and Federal ADA requirements the handicapped parking space must be as close as possible including a flat paved path to the entrance of the business.

Mr. Conner asked if structures constructed in 1999 were grandfathered as it related to the A1A Overlay and would that include any improvements within the front 40 foot buffer.

Mr. Mengel responded in the affirmative.
Ms. Kornel asked what was the discrepancy between the applicant and Scenic A1A about the sign?

Mr. Mengel stated that after the applicant met with Scenic A1A staff had requested the applicant add anything to the plan as it may apply to any future tenant. The location of the sign is depicted within 50 feet of the driveway and would have to be setback 20 feet from the front property line. He also noted that if and when a sign is proposed it will have to meet the Scenic A1A Overlay requirements for size and location.

Motion to approve with the correction made to the conditions changing no less than six months in Condition 3.b.ii. to no more than six months, made by Mr. Lombardo, seconded by Mr. Conner.

Motion carried unanimously.

6. Quasi-judicial requiring disclosure of ex parte communication:
Application #3163 – APPLICATION FOR REVIEW IN A PUD (PLANNED UNIT DEVELOPMENT) TO AMEND AND RESTATE DEVELOPMENT AGREEMENT – request to amend and restate the Development Agreement for Huntington Villas at Hunter’s Ridge PUD. Owner: BADC Huntington Communities, LLC/Applicant: Mark Watts, Esq., and Michael J. Woods, Esq., of Cobb Cole P.A.

Chair Boyd asked for ex-parte disclosures; no disclosures were made.

Mr. Mengel presented the staff report giving a detailed history of the development and the current request to reduce the amenity area and add additional lots. He then went on to give the staff recommendation that the Planning and Development Board recommend approval of the amendment and restating of the PUD Development Agreement for Huntington Villas PUD adopted through an ordinance titles similar to: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA; AMENDING AND RESTATING THE HUNTINGTON VILLAS AT HUNTER’S RIDGE DEVELOPMENT AGREEMENT FOR THE HUNTINGTON VILLAS PLANNED UNIT DEVELOPMENT; AMENDING FLAGLER COUNTY ORDINANCE

Chair Boyd asked the applicant if they would like to speak.

Mark Watts, Esq., of Cobb Cole P.A., 231 North Woodland Boulevard, Deland, Applicant, stated that what they are trying to do is pull all together and consolidate the changes that have been made since the original Development Agreement was approved and to add some changes that have become evident over the course of the project starting to develop. He spoke about the proposed changes to the amenity center and the reduction of the tract size. He discussed what the
original six million dollar amenity center was to contain and that the original plan was for this
amenity center to be a for-profit revenue source. The original plan was the amenity was to be
held within a separate holding company and sell memberships not only to the HOA but to others
outside so that it would be a profit center for the Developer. He spoke of how the current
developer acquired the property in 2013 and has since made some adjustments to make the project
viable in today’s market. The plan contains 250-300 units for which a six million dollar amenity
center would not be sustainable and not using the for-profit model it is not a feasible plan. He
also spoke of the multiple meetings between the developer and the HOA about the revised plan.
Describing that the new amenity package would be a three-quarters of a million dollar amenity
package that includes a fitness room, meeting room a pool area and other items. It would be
constructed and dedicated to the HOA as part of the development, paid for by the developer. Mr.
Watts showed on the overhead projector the original amenity center and the proposed amenity
center renderings, attached to these minutes as Attachment “A” and “B”, giving an overview of
each of the renderings and stating that the proposed amenity would be constructed this year.

Mr. Langello asked if the amenity center was to be open to the public, was there any benefit to
the homeowners? Getting a reduced membership fee? Were there any lots sold with that amenity
plan? Were they promised any amenity or advantage that they are no not getting?

Mr. Watts responded yes, there were lots sold and they are not getting the original amenity center,
and they are not having to pay for it. The structure was tiered-pricing for memberships so if you
were a resident within Huntington you had your HOA fees paid in part for a membership in the
club was a component, and they were higher than what they have come in with. He stated he
believes the HOA fees charged now are about $299 a month.

Howard Lefkowitz, Vice President, BADC Huntington Communities, LLC 300 Interchange
Boulevard, Suite D, Ormond Beach, Developer/Owner, clarified that the proposed meeting
room that was discussed is really an air conditioned exercise facility and there is not a specific
meeting room in the facility but there is an area about 50 feet along the side of the pool that at
some point can be enclosed as a meeting facility. He noted that several houses were sold
advertising the original amenity. He went on explain the original concept of that facility and how
after about two years into the project they realized that they couldn’t afford nor borrow the funds
for the amenity facility and if the facility was completed, the residents would have paid more
monthly fees and their fees would have been significantly higher. Yes, they were advertised with
that facility and yes, there were maybe 15-20 residents at the time. What has changed is the
facility is being built by the developer and given to the HOA, so they are coming out better. This
is for the economics of it and when you assess our market we do not have a highly physically
active group of people as you might find in Margaritaville. He went on discussing the pros and
cons of if this was part of the Community Development District and how this was better overall
for the residents of the community.
Chair Boyd asked if any of this had come up during the community meetings?

Mr. Lefkowitz responded yes, he provided copies of minutes to staff of the two community meetings (included as part of packet provided to Board for this meeting) that this item appeared on the agenda. They were fully informed and were even shown pictures. He went on to state that he feels everyone whom had a desire to know is well informed of the proposed changes.

Mr. Watts stated that 2017 was the first meeting the HOA annual meeting of the association, that is where we rolled out and showed the new amenity center, floor plan design etc. It happened again at the July 2018 HOA annual meeting and then again at the CDD meetings in December and January.

Mr. Langello stated the minutes were not clear of the residents’ reaction.

Chair Boyd opened the Public Hearing for this item.

Carol Hodak, 15 Huntington Place, spoke in opposition to the proposed change, noting the original amenities and what is proposed.

James Hodak, 15 Huntington Place, spoke in opposition to the proposed change. He does understand the financial aspects of the situation but feels this was not presented to the entire community.

Chair Boyd asked Mr. Hodak if he attended any community meetings?

Mr. Hodak responded he attended two community meetings.

Mr. Langello asked Mr. Hodak if he was aware that the original concept was to be a for-profit amenity.

Mr. Hodak responded that he was not.

Mr. Langello, asked if the proposal from the developer would offset what was expected? Stated he was trying to get where the community is on the concept.

Mr. Hodak read into the record what was to be included in the ninety eight dollar monthly fee charged for the community. He stated this was what was promised and that that is what we are looking for.
Mr. Corbett asked what was the total HOA fee promised?

Mr. Hodak responded about five hundred a month.

John Dockery, 17 Huntington Place, stated that he has been a resident since August of 2016, he had not been able to go to all the meetings, but the amenity has been downsized every time there was a meeting. He felt that this will have a negative impact on the value of his property. He also added that as of 5 p.m. today the developer is still advertising the original amenity. He questioned if the developer is aware they cannot build the amenity then why are they still advertising it as part of the development? The proposed 1,200 sq. ft. building will be 600 sq. ft. of bathrooms. They are adding this all to get two more duplexes in and more profit for them.

Tom Eldredge, 19 Huntington Place, spoke in opposition and is in agreement with the previous speakers.

Robert Heidorn, 21 Shear Water Trail, purchased a home in 2016, spoke in opposition and agrees with the previous speakers. But he feels that the developer should not benefit from the additional property and that the HOA should retain it for the future.

Chair Boyd asked if there was anyone else who wanted to speak; seeing none, he closed the Public Hearing.

Mr. Watts stated that the original amenity was to be a revenue stream for the developer. The developer would have been making additional profits from this. We are not increasing the number of units: 154 was what we have previously been approved for and 154 is what we have to be considered tonight. There are costs that are being taken over by the developer building the center without the prospect of future revenue. The requirement for recreation under the DRI (Development of Regional Impact) has been satisfied with the amenities in the Volusia County portion of the development. This amenity is not required under the DRI Development Order nor is it required through any zoning document. Within the original HOA documents there was a five thousand seven hundred dollar capital fee that was assessed for every house built that went to the amenity center. The fees were waived initially because there was not a feasible plan in place at the time. This amendment is for the zoning: the size of the property, the size and scope of the amenity center, is a matter between the developer and the HOA.

Mr. Lefkowitz stated that everything he had stated had been in black and white as the State mandates all documents are provided early on and become public record.

Mr. Corbett asked how much more property is available on the amenity area?
Mr. Watts stated it was reducing from 2.9 acres to 2.6 acres.

Mr. Langello at what point is this a civil matter?

Ms. Kate Stangle, Nelson Mullins Broad and Cassel, Planning and Development Board Counsel, stated this is a zoning application you should be looking at the zoning criteria within the Land Development Code and not promised amenities.

Chair Boyd asked according to staff if the minimum requirements have been met?

Mr. Mengel responded yes.

Chair Boyd asked if there was anyone else who wanted to speak; seeing none he closed the Public Hearing.

Motion made by Mr. Lombardo, seconded by Mr. Goodman.

Motion carried 6 to 1, with Mr. Langello dissenting.

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

Application #3150 – APPLICATION FOR REZONING FROM R/C (RESIDENTIAL/LIMITED COMMERCIAL) DISTRICT TO PUD (PLANNED UNIT DEVELOPMENT) DISTRICT – request for rezoning from R/C (Residential/Limited Commercial) District to PUD (Planned Unit Development) District located at 4931 North Oceanshore Boulevard; Parcel Number: 40-10-31-5137-000H0-0000; 12.44+/- acres. Owner: LRA RIO, LLC/Applicant: Atlee Development Group, Inc.

Chair Boyd asked for ex-parte disclosures.

Mr. Goodman stated that he was present at the Scenic A1A PRIDE committee board meeting.

Mr. Conner stated that he represents the owner of the property to the north of this project, but he and his client had not had any discussions about this project.

Mr. Mengel presented the staff report giving a detailed history and explanation of the proposed rezoning. Noting that since this item was postponed from last month’s meeting and the Hammock Dunes CDD voiced their opposition to private connection to Hammock Dunes Parkway, the revised plan does remove any propose connection to Hammock Dunes Parkway. Staff recommendation is the Planning and Development Board recommend to the Board of County Commissioners approval of Application #3150, amending the zoning classification of a total of
12.44 acres, more or less, identified as Parcel Number 40-10-31-5137-00H0-0000, from R/C (Residential/Limited Commercial Use) to PUD (Planned Unit Development) District, and approval of the Beachwalk Planned Unit Development, finding that the PUD is consistent with the Comprehensive Plan and the Land Development Code, and specifically finding that the proposed PUD does not affect adversely the orderly development of Flagler County and complies with the comprehensive plan adopted by the Flagler County Board of County Commissioners and the proposed PUD will not affect adversely 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, with the PUD rezoning ordinance titled as:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA AMENDING THE ZONING CLASSIFICATION OF A TOTAL OF 12.44 ACRES, MORE OR LESS, BEING PARCEL H AND I OF THE PROPERTY APPRAISER’S SUBDIVISION NUMBER 379, PARCEL NUMBER 40-10-31-5137-00H0-0000, FROM R/C (RESIDENTIAL/LIMITED COMMERCIAL USE) TO PUD (PLANNED UNIT DEVELOPMENT) DISTRICT; ADOPTING A PUD DEVELOPMENT AGREEMENT AND CONCEPTUAL PUD SITE DEVELOPMENT PLAN; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

Chair Boyd asked if the applicant would like to make a presentation.

Sidney Ansbacher, Esq., Upchurch Bailey and Upchurch 780 N Ponce De Leon Blvd. St. Augustine, counsel for the applicant, stated that Mr. Mengel covered much of what he was going to cover and he added that they were in constant conversation with staff and with the office of the County Attorney concerning not only compliance with the PUD but to go above and beyond, with 3,600 linear feet of sewer line proposed to be extended to serve this development and upsized for future connections within the Hammock consistent with the reduction of septic tanks within the Corridor. Mr. Hadeed as the County Attorney proposed second-hand through Adam late Friday requesting that we do an enhancement to Jungle Hut Road. There are two operative provisions within the Corridor plan, one adding educational facilities and two enhancing the existing corridor. The applicant’s proposal was met with some approval from staff knowing that it is your role as the recommending body and finally the Board of County Commissioners who determines sufficiency. We proposed a contribution of twenty five thousand dollars to be used along Jungle Hut in any combination of education and sidewalk or landscape facilities. We have agreed to an energy-efficient plan using Energy Star and Water Star consistent with FPL and the SJRWMD standards. We are also assessing aging in place to determine what age in place would mean for this project. He spoke of the other proposed amenities that the applicant is willing incorporate into the plan.

Ms. Kornel asked if there was ever a landscape analysis done?
Mr. Ansbacher responded no.

Chair Boyd opened the Public Hearing for this item.

Dennis Clark, 5784 N. Oceanshore Boulevard, read into the record a hand out that is attached to these minutes as Attachment “C” in which he shared his concerns related to the proposed development.

Dr. Lynn Bravo Rosewater, 200 Ocean Crest Drive #815, spoke in opposition to the proposed development, citing the proposed density on the property, the destruction of trees and the lack of innovation as it pertains to a PUD.

Chair Boyd asked if there was anyone else who wanted to speak; seeing none he closed the Public Hearing.

Mr. Ansbacher responded to the concerns of tree preservation and how the code would be followed.

Chair Boyd asked for comments by the Board.

Mr. Lombardo asked what is the maximum height and minimum square footage for the community? Will it be age restricted?

Mr. Mengel replied the maximum height will be 35 feet and the minimum area under roof may be 1,200 square feet. Age restriction is being considered, but no determination has been made at this time.

Mr. Conner asked if the County Attorney’s Office concerns that had been provided to us at the last meeting have been addressed.

Mr. Mengel responded that he had not coordinated with the County Attorney’s Office in regards specifically to the previous letter. The applicant’s attorney is correct that staff and the County Attorney’s Office have been in conversation regarding improvements to the Corridor.

Mr. Conner stated that was the reasoning for this item to be postponed until tonight. He asked if County Attorney’s Office letter is still a relevant part of the evidence before us or not?
Al Hadeed, Flagler County Attorney, stated that because the property lies within the A1A Corridor that special consideration should be taken in all development, especially compatibility with the area.

Mr. Conner asked why there were perimeter buffers only on three sides?

Mr. Mengel responded because to the north is a commercial plat. The commercial development would provide the buffer as an uncomplimentary use when and if the parcel to the north develops.

Mr. Goodman asked since a buffer along the north side is not needed, why can’t the developer take some of that area if it had been residential and have the developer add more greenspace?

Ms. Kornel stated tradeoffs are typical in PUD negotiations.

Mr. Goodman asked what is the buffer requirement for residential to residential?

Mr. Mengel responded that there is no requirement. There is a requirement when uses are uncomplimentary, like commercial to residential. The required buffer would be on the commercial parcel.

Ms. Kornel asked about the County Attorney’s Office memo and his reference to judicial precedent, what did that refer to?

Mr. Hadeed responded giving an overview of a case that referred to a proposed commercial hotel in 2011, and the need for the project to be consistent with the Comprehensive Plan and the Land Development Code, including the Corridor Management Plan.

Ms. Kornel spoke of the requirement for compliance with the Comprehensive Plan, especially the policies especially in the recreation element.

Chair Boyd asked staff if we had enough information to make a decision?

Mr. Mengel responded that he had provided as much information as possible to make a decision.

Ms. Stangle added that it is up to the Board to make sure it is consistent with the Comprehensive Plan and the Land Development Code.

Chair Boyd asked for a motion.
Motion to approve made by Mr. Langello. seconded by Mr. Lombardo, with the additional condition of a minimum home square footage of 1,800 sq. ft.

Motion carried 5 to 2, with Mr. Corbett and Ms. Kornel dissenting.

8. Quasi-judicial requiring disclosure of ex parte communication:
   Application #3158 – APPLICATION FOR SITE DEVELOPMENT PLAN IN PUD (PLANNED UNIT DEVELOPMENT) DISTRICT – request for review of a PUD Site Development Plan in the PUD (Planned Unit Development) District for Beachwalk PUD located at 4931 North Oceanshore Boulevard; Parcel Number: 40-10-31-5137-000H0-0000; 12.44+/- acres. Owner: LRA RIO, LLC/Applicant: Atlee Development Group, Inc.

Mr. Mengel presented the staff report giving a detailed history and explanation of the proposed Site Development Plan and gave the staff recommendation that the Planning and Development Board recommend to the Board of County Commissioners approval of Application # 3158, a PUD Site Development Plan consistent with the Flagler County Comprehensive Plan, the Flagler County Land Development Code, and the Beachwalk PUD Development Agreement, subject to the following conditions:

1. add a five foot (5’) wide landscape buffer tract along the East project boundary adjoining the County’s Greenway parcel;
2. identify and label the proposed roadway as a private roadway tract;
3. delete the clarifying footnote in the Dimensional Requirements Table referencing the measurement of minimum lot width;
4. add the twenty four foot (24’) wide cross-access and utility easement to coincide with the easement location within the Hammock Commercial Park subdivision, recorded at Map Book 37, Pages 10 and 11, Public Records of Flagler County, Florida;
5. add the 10 foot (10’) front easement to the Conceptual Lot Layout Detail graphic and label the purpose (utility, drainage, etc.) of the easement;
6. correct (or delete) the 110 foot (110’) typical lot depth label shown within Lot 39 – the minimum lot depth is 115 feet (115’), unless these lots are different from the others, then the Dimensional Requirements table and the Development Agreement needed to be amended to change the minimum lot depth from 115 feet to 100 feet; and
7. correct notes on the PUD Site Development Plan as follows:
   a. the maximum building height is stated in the Development Agreement as two stories above a garage, not to exceed 35 feet (35’) in height;
   b. add the roadway tract to the listing of maintenance responsibilities for the Homeowners Association;
c. delete fire services from the list of services provided by the City of Palm Coast and add Flagler County as the fire protection provider – Palm Coast will be the water and sewer utility provider, with Flagler County providing fire protection; and
d. delete references to the minimum tree planting requirement of 1 tree for every 3,000 square feet of lot area and the tree species and size requirement – these are listed in the Land Development Code and the added notes are no more restrictive than the LDC so the inclusion of the reference here is redundant.

Sidney Ansbacher, Esq., Upchurch Bailey and Upchurch, 780 N Ponce De Leon Blvd., St. Augustine, counsel for the applicant, requested that they bring back this item to the next scheduled meeting.

Mr. Langello, noted that the sidewalk and secondary exit was not shown or addressed on the current plan so that it will need to be addressed on the revised plan for next month.

Mr. Ansbacher responded that it will be addressed in some form prior to next meeting.

Chair Boyd opened the Public Hearing for this item; seeing none, he closed the Public Hearing.

Chair Boyd called the question.

Motion made by Ms. Kornel to continue Application # 3158 to March 12, 2019 at 6 p.m., seconded by Mr. Conner.

Motion Carried unanimously.

9. Staff Comments

No comments.

10. Board Comments

Mr. Conner discussed site visits.

Ms. Stangle discussed the County’s position.

Mr. Langello discussed his experience with site visits while on other Boards.

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.

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

1
2        None.
3
4
5 12. Adjournment
6        Motion made by Ms. Kornel.
7  Meeting adjourned at 9:15 p.m.
8
9        Prepared by: Wendy Hickey
10       Reviewed by: Adam Mengel
BEACHWALK

Dennis Clark - 5784 N Oceanshore Blvd

You may recall that three community members submitted their analysis of this project at the prior Planning Board meeting. I ask that all information submitted be carried forward into this proceeding. I will attempt not to repeat myself.

The decision that you have before you today is extremely important because it sets a precedent for similar developments in the future. This is the first time to my knowledge that a PUD is being considered which disregards the purpose and intent of a PUD.

Comparing these small lots to those in antiquated developments and with Hammock Dunes, Ocean Hammock, and others where homes were clustered in order to provide ample green space is not a valid comparison.

The fact that there is no tree survey in your package points out that meeting the 40% required tree preservation requirement is a problem. Stating that individual lot owners will be responsible is not really feasible. The statement that "the developer shall make every reasonable effort to preserve existing Southern live oaks" will be impossible to track or enforce.

In a many projects like this, a site plan review is done in conjunction with the PUD application to determine if the development plan is feasible. I think in this case, we would see that it is not.

Flagler County Legal has given you their opinion on this project, so you will be supported by them with your decision to deny both the rezoning and PUD development plan.

App # 3160 - Rec'd 2/12/19

Dennis Clark
FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
PUBLIC HEARING / AGENDA ITEM #4

SUBJECT: QUASI-JUDICIAL – Application #3158 – Request for Review of a PUD Site Development Plan in the PUD (Planned Unit Development) District for Beachwalk PUD located at 4931 North Oceanshore Boulevard; Parcel Number: 40-10-31-5137-000H0-0000; 12.44+/- acres. Owner: LRA Rio, LLC/Applicant: Atlee Development Group, Inc. (Project #2018100011).

DATE OF MEETING: March 12, 2019

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. This request is related to Application #3150, the rezoning request to PUD. The request is for review of a PUD Site Development Plan in the PUD (Planned Unit Development) District for development of a single-family subdivision. The subject parcel is 12.44+/- acres in size and is located North of Jungle Hut Road between North Oceanshore Boulevard (a/k/a State Road A1A) and Hammock Dunes Parkway:
In October, the applicant submitted a PUD Site Development Plan application to accompany the rezoning application to PUD (Planned Unit Development).

This application was reviewed by the Technical Review Committee at its October 17, 2018 regular meeting and at its November 21, 2018 regular meeting. On October 26, 2018, the Scenic A1A PRIDE Committee considered this request and subsequently provided their recommendation to the County through their letter dated October 31, 2018 (attached), with Scenic A1A’s summary concerns provided below:

“We are:
- Satisfied with the landscape buffers on SR-A1A and Jungle Hut Road, as long as they meet the landscaping buffer requirements in the LDC.
- Satisfied with the proposed entrance location on Jungle Hut Road.
- Satisfied that an emergency access will not adversely affect the bike path.
- Concerned that high density development in this section of the Hammock removes the most valuable characteristics of living under the trees.
- Concerned that each increase in residential density creates more need for traffic lights and adds to emergency evacuation times.
- Not satisfied that the 40% tree preservation requirement can be met with the density proposed.
- Concerned that the wildlife corridor will be narrowed to 20 feet.
- Supporting the proposed exclusion of short term vacation rentals in the HOA C&Rs.
- Suggesting that a green landscape buffer be added on the east side to shield the bike path and Hammock Dunes Parkway from the development.”

Staff concurs with several of the A1A PRIDE Committee’s recommendations, especially the observation that the index tree protection/replacement requirements can be met on an individual lot basis. As has been the County staff’s experience on other similarly situated, narrow lot subdivisions with substantial existing mature tree canopy, protection is impossible (due to tree density and grading/fill requirements) and replacement is problematic (because of narrow setbacks and limited resulting yard areas for replanting). As for the comment related to increased density and evacuation times, staff recognizes this request as less than the maximum permissible density and intensity of development permitted under the Mixed Use Low Future Land Use designation. Finally, staff has proposed adding the prohibition of short term vacation rentals to the Declaration of Covenants and Restrictions with enforcement authority to the County, along with a five foot (5’) wide landscape buffer along the East project boundary to ensure that subdivision uses do not encroach into the County’s Greenway parcel.

BCC review authority:  FCLDC Section 3.04.03 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.

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.

**PLANNING AND DEVELOPMENT BOARD RECOMMENDATION:** This request was continued from the Planning and Development Board’s January 8, 2019 regular meeting. The Planning and Development Board considered this request at their regular meeting on February 12, 2019, and tabled to its March 12, 2019 regular meeting.

As part of the February Planning and Development Board agenda, staff recommended approval of the PUD Site Development Plan, subject to the following conditions:

1. add a five foot (5’) wide landscape buffer tract along the East project boundary adjoining the County’s Greenway parcel;
2. identify and label the proposed roadway as a private roadway tract;
3. delete the clarifying footnote in the Dimensional Requirements Table referencing the measurement of minimum lot width;
4. add the twenty four foot (24’) wide cross-access and utility easement to coincide with the easement location within the Hammock Commercial Park subdivision, recorded at Map Book 37, Pages 10 and 11, Public Records of Flagler County, Florida;
5. add the 10 foot (10’) front easement to the Conceptual Lot Layout Detail graphic and label the purpose (utility, drainage, etc.) of the easement;
6. correct (or delete) the 110 foot (110’) typical lot depth label shown within Lot 39 – the minimum lot depth is 115 feet (115’), unless these lots are different from the others, then the Dimensional Requirements table and the Development Agreement needed to be amended to change the minimum lot depth from 115 feet to 100 feet; and
7. correct notes on the PUD Site Development Plan as follows:
   a. the maximum building height is stated in the Development Agreement as two stories above a garage, not to exceed 35 feet (35’) in height;
   b. add the roadway tract to the listing of maintenance responsibilities for the Homeowners Association;
   c. delete fire services from the list of services provided by the City of Palm Coast and add Flagler County as the fire protection provider – Palm Coast will be the water and sewer utility provider, with Flagler County providing fire protection; and
   d. delete references to the minimum tree planting requirement of 1 tree for every 3,000 square feet of lot area and the tree species and size requirement – these are listed in the Land Development Code and the added notes are no more restrictive than the LDC so the inclusion of the reference here is redundant.

As of the date of the drafting of this staff report, the applicant has agreed to these conditions and is amending the PUD Site Development Plan accordingly, with the exception of the inclusion of the cross-access easement on the site plan. The text in the PUD Development Agreement provides for several alternatives related to this easement and its original intent to link two non-residential developments so as to internally capture vehicular trips. The applicant will seek a waiver of the secondary access requirements if the cross-access easement is infeasible.

Due to the limited time between the March Planning and Development Board meeting and the Board of County Commissioners’ agenda publication deadlines, the Planning and
Development Board’s recommendation on this request will be presented to the Board of County Commissioners at the Board meeting, with a meeting summary of the discussion related to this request also presented at that time.

**OPTIONS FOR THE BOARD:**

1. **RECOMMEND APPROVAL OF THE REQUEST** – recommend approval of Application #3158, a PUD Site Development Plan for the Beachwalk PUD, finding that the proposed PUD Site Development Plan is consistent with the Flagler County Comprehensive Plan, the Flagler County Land Development Code, and the Beachwalk PUD Development Agreement.

2. **RECOMMEND APPROVAL OF THE REQUEST SUBJECT TO CONDITIONS** – the Board can recommend conditions of the approval to be incorporated into the PUD Site Development Plan.

3. **RECOMMEND DENIAL OF THE REQUEST** – recommend denial of the PUD Site Development Plan request, likely on the basis that the applicant has not demonstrated that the Land Development Code’s PUD Site Development Plan requirements have been met. [Note: The Board should include specific rationale for the recommendation for denial.]

4. **TABLE THE REQUEST** – table the request to a time and date certain pending additional information or deliberations by the Board.

**ATTACHMENTS:**

1. Technical Staff Report
2. Site Development Plan
3. Application and supporting documents
4. TRC comments
5. A1A Scenic PRIDE Committee recommendation letter
6. Public comments
7. Public notice
Project: PUD Site Development Plan in the PUD (Planned Unit Development) District for the Beachwalk PUD

Project #/Application #: 3158/2018100011

Owner: LRA Rio, LLC

Applicant/Agent: Atlee Development Group, LLC

Parcel #: 40-10-31-5137-000H0-0000

Address: 4931 North Oceanshore Boulevard, Palm Coast

Parcel Size: 12.44+/- acres

Existing Zoning and Land Use(s)
Zoning: R/C (Residential/Limited Commercial) District
Land Use: MUL (Mixed Use: Low Intensity, Low- to Medium-Density

Future Land Use Map Classification/Zoning of Surrounding Land
North: Mixed Use: Low Intensity/R/C (Residential/Limited Commercial) District
East: Mixed Use: Low Intensity/PUD (Planned Unit Development) District
South: Jungle Hut Road; Mixed Use: Low Intensity/ PUD (Planned Unit Development) District
West: North Oceanshore Boulevard; Mixed Use: Low Intensity/R/C (Residential/Limited Commercial) District and PUD (Planned Unit Development) District

Report in Brief
Through the rezoning request considered separately under Application #3150, the intended development of this parcel is as a single-family residential subdivision consisting of a maximum of 54 lots (4.67 units per acre) and associated infrastructure. The development proposes to connect to potable water and sanitary sewer through connections to City of Palm Coast utilities. A proposed lift station site – Tract A – is identified as a cut-out from Lot 14 and adjoining Jungle Hut Road. Buffer tracts – along State Road A1A (a/k/a North Oceanshore Boulevard) and Jungle Hut Road – are also depicted on the PUD Site Development Plan.

Standards for Review
LDC Section 3.04.03, Site development review of a PUD: “Following the enactment of an ordinance creating a PUD, a detailed site development plan shall be submitted to the technical review committee prior to the start of construction. The technical review committee shall review the site development plan to determine compliance with county development ordinances and consistency with the Flagler County Comprehensive Plan. The site development plan shall then be reviewed by the planning board. The planning
board will recommend approval or denial to the Flagler County Commission. The Flagler County Commission will make the final decision for approval or denial on the plan. Where the PUD is to be phased, the site development plan submitted may be for only that portion for which construction is pending.”

The PUD Site Development Plan identifies – through its site data table – the area of the subject parcel devoted to each use:

<table>
<thead>
<tr>
<th>Area (in acres)</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
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<td>12.44</td>
</tr>
<tr>
<td>Single Family Residential</td>
<td>7.73</td>
</tr>
<tr>
<td>Roadway</td>
<td>1.27</td>
</tr>
<tr>
<td>Open Space</td>
<td>3.44</td>
</tr>
<tr>
<td>Landscape Area</td>
<td>1.86</td>
</tr>
<tr>
<td>Stormwater Pond</td>
<td>1.58</td>
</tr>
</tbody>
</table>

Dimensional requirements, as provided in part on the PUD Site Development Plan, correspond to those provided in the PUD Development Agreement:

<table>
<thead>
<tr>
<th>Proposed Land Use</th>
<th>Single Family Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Proposed Lots</td>
<td>54</td>
</tr>
<tr>
<td>Minimum Lot Dimension</td>
<td>50’</td>
</tr>
<tr>
<td>Min. Width</td>
<td>110’</td>
</tr>
<tr>
<td>Min. Depth</td>
<td></td>
</tr>
<tr>
<td>Building Setbacks</td>
<td>20’</td>
</tr>
<tr>
<td>Front</td>
<td>5’</td>
</tr>
<tr>
<td>Side</td>
<td>10’</td>
</tr>
<tr>
<td>Rear</td>
<td></td>
</tr>
<tr>
<td>Maximum % Impervious</td>
<td>60%</td>
</tr>
</tbody>
</table>

A footnote is added to the minimum lot width stating that for flag lots – Lots 13, 14, 15, 21, 22, 36 and 37 – the minimum lot width is 25 feet as measured at the right-of-way. However, staff has previously advised the applicant that minimum lot width is measured as defined in the Land Development Code at Section 3.08.02:

“Lot width: The average distance between the side lot lines.”

The clarifying footnote is unnecessary since the minimum lot width is not measured at the front lot line and these lots are not flag lots (where a flag lot typically has a narrow driveway access at the street frontage and a wider “flag” lot width at its rear and most distant portion from the street frontage “flag pole”). Review of the PUD Site Development Plan – to be followed by subsequent review of the preliminary and final plats – will confirm that all lots meet the minimum lot width requirement.

The specific submittal requirements of FCLDC Section 3.04.03, Site development review of a PUD, have been provided by the applicant and serve as support for the development.
layout on the plan. While questions remain – like the location of the outfall for the stormwater system – the applicant has demonstrated satisfaction with the minimum PUD Site Development Plan requirements in sufficient detail so as to warrant the Planning and Development Board’s review and recommendation to the Board of County Commissioners. Staff have prepared a recommendation inclusive of conditions for the Planning and Development Board’s consideration, with the results to be presented to the Board of County Commissioners at the March 18, 2018 meeting.
Future Land Use Map
Zoning Map
March 4, 2019

Mr. Ken Atlee
Atlee Development Group, Inc.
5851 Timuquana Road #301
Jacksonville, FL 32210

RE: BEACHWALK SUBDIVISION
Flagler County, FL
Tree Survey Review
Survey by:
ARC Surveying and Mapping, Inc.
Project # 180907 dated 10/12/19

Per your request, I have reviewed the tree survey referenced above and completed my tree count and caliper take-off.

The trees shown on the survey were from the list of “Index Trees” for Flagler County, and were a minimum of 6” caliper DBH. Trees were shown to be preserved in two perimeter buffers, one to the west along A1A that is 30’ wide, the other buffer to the south along Jungle Hut Road at 10’ wide. Most of the other trees will need to be removed for site improvements. One large Live Oak of 45” caliper is being preserved in the southwest corner of the lot.

I can confirm there are 577 Index Trees on this property, 54 of which are located in the two described perimeter buffers.

I am a Landscape Architect registered in Florida, License No. LA0001363, and have been in the landscape design/build business since 1986. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

Mike Donnell
March 4, 2019

Mr. Ken Atlee
Atlee Development Group, Inc.
5851 Timuquana Road #301
Jacksonville, FL 32210

RE: BEACHWALK SUBDIVISION
Flagler County, FL

Ken – I have completed the calculations and tabulation for the required tree caliper for this project. Unfortunately, there will be quite a bit of tree caliper owed to offset 40% of the tree caliper to be removed.

Total caliper on site: 6678"
Required caliper:
6678" X .40 = 2671"
Deduct preserved caliper (762")
TOTAL caliper to be placed
On site 1909"

SEE ATTACHED TABLE

There are some trees slated to be removed that are just outside the preserved buffers, that if saved and left to remain on the lots can lower the caliper owed. These include a 36", 31" Live oak, a 14" Magnolia, a 23" Live oak, and two 18" Laurel oaks along Jungle Hut Road. Along the A1A buffer, additional trees that could be preserved are two 13" Live Oaks, a 28" Live oak, a 14" Magnolia, and 10" Magnolia. All of these trees are along the rear property lines of the adjacent residential lots, so they might be able to be preserved with minimal design effort. It may well be worth the extra effort to add trees to a few particular lots, and cut down on the total caliper owed.

I would be glad to work with you on any phase of this project, just let me know.

Thank you
<table>
<thead>
<tr>
<th>TREE SPECIES</th>
<th>CALIPER OF TREES REMOVED QUANTITY AND CALIPER</th>
<th>A1A OVERLAY OF TREES TO BE SAVED QUANTITY AND CALIPER</th>
<th>PERIMETER TREES TO BE SAVED QUANTITY AND CALIPER</th>
</tr>
</thead>
<tbody>
<tr>
<td>BLACK CHERRY</td>
<td>(6) 38”</td>
<td>(7) 129”</td>
<td>(5) 60”</td>
</tr>
<tr>
<td>CHERRY LAUREL</td>
<td>(1) 6”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HICKORY</td>
<td>(29) 395”</td>
<td>(13) 186”</td>
<td>(6) 62”</td>
</tr>
<tr>
<td>LAUREL OAK</td>
<td>(168) 2048”</td>
<td>(8) 140”</td>
<td></td>
</tr>
<tr>
<td>LIVE OAK</td>
<td>(254) 2787”</td>
<td>(13) 166”</td>
<td></td>
</tr>
<tr>
<td>MAGNOLIA</td>
<td>(63) 630”</td>
<td>(1) 8”</td>
<td></td>
</tr>
<tr>
<td>SWEETGUM</td>
<td>(2) 12”</td>
<td></td>
<td>(1) 11”</td>
</tr>
<tr>
<td>WATER OAK</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>(523) 5916”</td>
<td>(42) 629”</td>
<td>(12) 133”</td>
</tr>
</tbody>
</table>
SUBJECT: QUASI-JUDICIAL – Application #3158 – Request for Review of a PUD Site Development Plan in the PUD (Planned Unit Development) District for Beachwalk PUD located at 4931 North Oceanshore Boulevard; Parcel Number: 40-10-31-5137-000H0-0000; 12.44 +/- acres. Owner: LRA Rio, LLC/Applicant: Atlee Development Group, Inc. (Project #2018100011).

DATE OF MEETING: February 12, 2019

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. This request was continued from the Planning and Development Board’s January 8, 2019 regular meeting. This request is related to Application #3150, the rezoning request to PUD. The request is for review of a PUD Site Development Plan in the PUD (Planned Unit Development) District for development of a single-family subdivision. The subject parcel is 12.44 +/- acres in size and is located North of Jungle Hut Road between North Oceanshore Boulevard (a/k/a State Road A1A) and Hammock Dunes Parkway:

![Map of Beachwalk PUD Location]
In October, the applicant submitted a PUD Site Development Plan application to accompany the rezoning application to PUD (Planned Unit Development).

This application was reviewed by the Technical Review Committee at its October 17, 2018 regular meeting and at its November 21, 2018 regular meeting. On October 26, 2018, the Scenic A1A PRIDE Committee considered this request and subsequently provided their recommendation to the County through their letter dated October 31, 2018 (attached), with Scenic A1A’s summary concerns provided below:

“We are:
- Satisfied with the landscape buffers on SR-A1A and Jungle Hut Road, as long as they meet the landscaping buffer requirements in the LDC.
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Staff concurs with several of the A1A PRIDE Committee’s recommendations, especially the observation that the index tree protection/replacement requirements can be met on an individual lot basis. As has been the County staff’s experience on other similarly situated, narrow lot subdivisions with substantial existing mature tree canopy, protection is impossible (due to tree density and grading/fill requirements) and replacement is problematic (because of narrow setbacks and limited resulting yard areas for replanting). As for the comment related to increased density and evacuation times, staff recognizes this request as less than the maximum permissible density and intensity of development permitted under the Mixed Use Low Future Land Use designation. Finally, staff has proposed adding the prohibition of short term vacation rentals to the Declaration of Covenants and Restrictions with enforcement authority to the County, along with a five foot (5’) wide landscape buffer along the East project boundary to ensure that subdivision uses do not encroach into the County’s Greenway parcel.

Since the January Planning and Development Board meeting, the applicant has made no changes to the site development plan submittal. 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:** The Planning and Development Board recommends to the Board of County Commissioners approval of Application #3158, a PUD Site Development Plan for the Beachwalk PUD, finding that the proposed PUD Site Development Plan is consistent with the Flagler County Comprehensive Plan, the Flagler County Land Development Code, and the Beachwalk PUD Development Agreement, subject to the following conditions:

1. add a five foot (5') wide landscape buffer tract along the East project boundary adjoining the County’s Greenway parcel;
2. identify and label the proposed roadway as a private roadway tract;
3. delete the clarifying footnote in the Dimensional Requirements Table referencing the measurement of minimum lot width;
4. add the twenty four foot (24') wide cross-access and utility easement to coincide with the easement location within the Hammock Commercial Park subdivision, recorded at Map Book 37, Pages 10 and 11, Public Records of Flagler County, Florida;
5. add the 10 foot (10') front easement to the Conceptual Lot Layout Detail graphic and label the purpose (utility, drainage, etc.) of the easement;
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   c. delete fire services from the list of services provided by the City of Palm Coast and add Flagler County as the fire protection provider – Palm Coast will be the water and sewer utility provider, with Flagler County providing fire protection; and
   d. delete references to the minimum tree planting requirement of 1 tree for every 3,000 square feet of lot area and the tree species and size requirement – these are listed in the Land Development Code and the added notes are no more restrictive than the LDC so the inclusion of the reference here is redundant.

Alternatively, the Planning and Development Board could recommend denial, likely on the basis that the applicant has not demonstrated that the Land Development Code’s PUD Site Development Plan requirements have been met. The Board could also table the request to a time and date certain pending additional information or deliberations by the Board. While this agenda item is related to the PUD rezoning request, the Board cannot recommend denial of this application only because of a recommendation for denial of the PUD rezoning: there must be an evidentiary basis made on the record for the Planning and Development Board’s recommendation.

**ATTACHMENTS:**
1. Technical Staff Report
2. Site Development Plan
3. Application and supporting documents
4. TRC comments
5. A1A Scenic PRIDE Committee recommendation letter
APPLICATION #3158
PUD SITE DEVELOPMENT PLAN FOR BEACHWALK PUD
LRA RIO, LLC
TECHNICAL STAFF REPORT

Project: Site Development Plan in the PUD (Planned Unit Development) District for the Beachwalk PUD

Project #/Application #: 3158/2018100011

Owner: LRA Rio, LLC

Applicant/Agent: Atlee Development Group, LLC

Parcel #: 40-10-31-5137-000H0-0000

Address: 4931 North Oceanshore Boulevard, Palm Coast

Parcel Size: 12.44 +/- acres

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Report in Brief
Through the rezoning request considered separately under Application #3150, the intended development of this parcel is as a single-family residential subdivision consisting of a maximum of 54 lots (4.67 units per acre) and associated infrastructure. The development proposes to connect to potable water and sanitary sewer through connections to City of Palm Coast utilities. A proposed lift station site – Tract A – is identified as a cut-out from Lot 14 and adjoining Jungle Hut Road. Buffer tracts – along State Road A1A (a/k/a North Oceanshore Boulevard) and Jungle Hut Road – are also depicted on the PUD Site Development Plan.

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</tbody>
</table>

A footnote is added to the minimum lot width stating that for flag lots – Lots 13, 14, 15, 21, 22, 36 and 37 – the minimum lot width is 25 feet as measured at the right-of-way. However, staff has previously advised the applicant that minimum lot width is measured as defined in the Land Development Code at Section 3.08.02:

“Lot width: The average distance between the side lot lines.”

The clarifying footnote is unnecessary since the minimum lot width is not measured at the front lot line and these lots are not flag lots (where a flag lot typically has a narrow driveway access at the street frontage and a wider “flag” lot width at its rear and most distant portion from the street frontage “flag pole”). Review of the PUD Site Development Plan – to be followed by subsequent review of the preliminary and final plats – will confirm that all lots meet the minimum lot width requirement.

The specific submittal requirements of FCLDC Section 3.04.03, Site development review of a PUD, have been provided by the applicant and serve as support for the development
layout on the plan. While questions remain – like the location of the outfall for the stormwater system – the applicant has demonstrated satisfaction with the minimum PUD Site Development Plan requirements in sufficient detail so as to warrant the Planning and Development Board’s review and recommendation to the Board of County Commissioners. Staff have prepared a recommendation inclusive of conditions for the Planning and Development Board’s consideration.
Future Land Use Map
Zoning Map
Flood Zone
The maximum building height shall be 2 stories, not to exceed 30' in height.

Home Owners Association will be responsible for maintenance of the proposed ponds and stormwater system.

Sanitary, potable water, and fire services will be provided by the City of Palm Coast.

Each lot shall provide a minimum of 1 tree per 3,000 sf of lot area and is to be planted at the time of building construction.

The species and size shall meet minimum requirements as listed in the Flagler County LDC:

- Minimum lot area is 5,500 sq. ft.
- Average density: 4.3 units/acre
- Anticipated price: 100% of cost
- Tof lot with play equipment will be located as shown on the map.
APPLICATION FOR SITE DEVELOPMENT
PLAN REVIEW IN A PUD
1789 E. Moody Blvd, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project #: 3158/2018100011

<table>
<thead>
<tr>
<th>PROPERTY OWNER(S)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name(s):</td>
<td>LRA Rio, LLC</td>
</tr>
<tr>
<td>Mailing Address:</td>
<td>8390 Champions Gate Blvd</td>
</tr>
<tr>
<td>City: Gate</td>
<td>State: FL</td>
</tr>
<tr>
<td>Zip:</td>
<td>33896</td>
</tr>
<tr>
<td>Telephone Number</td>
<td>c/o Daniel Baker 386-246-5845 Fax Number</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>APPLICANT/AGENT</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name(s):</td>
<td>Atlee Development Group, Inc.</td>
</tr>
<tr>
<td>Mailing Address:</td>
<td>5851 Timuquana Rd # 301</td>
</tr>
<tr>
<td>City: Jacksonville</td>
<td>State: FL</td>
</tr>
<tr>
<td>Zip:</td>
<td>32210</td>
</tr>
<tr>
<td>Telephone Number</td>
<td>904-384-6964 Fax Number</td>
</tr>
<tr>
<td>Email Address:</td>
<td><a href="mailto:kelly@atleegroup.net">kelly@atleegroup.net</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SUBJECT PROPERTY</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>SITE LOCATION (street address):</td>
<td>4931 N Ocean Shore Blvd</td>
</tr>
<tr>
<td>LEGAL DESCRIPTION: (briefly describe, do not use &quot;see attached&quot;):</td>
<td>a part of S40, T10S,R30E meets &amp; bounds description</td>
</tr>
<tr>
<td>Parcel # (tax ID #):</td>
<td>40-10-31-5107-000H0-0000</td>
</tr>
<tr>
<td>Parcel Size:</td>
<td>12.44 acres</td>
</tr>
<tr>
<td>Current Zoning Classification:</td>
<td>RC</td>
</tr>
<tr>
<td>Current Future Land Use Designation:</td>
<td>Mixed use low density</td>
</tr>
<tr>
<td>Subject to A1A Scenic Corridor IDO?:</td>
<td>☑ YES</td>
</tr>
</tbody>
</table>

PURPOSE OF SUBMISSION / PROJECT DATA: To obtain a PUD that allows the lot sizes and setbacks requested since there is no current zoning to accommodate the minor variances requested

Signature of Owners/Agent 10/02/18

**OFFICIAL USE ONLY**

PLANNING BOARD RECOMMENDATION/ACTION:

Signature of Chairman:

Date: *approved with conditions, see attached.

BOARD OF COUNTY COMMISSIONERS ACTION:

Signature of Chairman:

Date: *approved with conditions, see attached.

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application.
SPECIAL WARRANTY DEED

This Special Warranty Deed made the 14th day of October, A.D. 2005, by Victor Galeone as Bishop of the Diocese of St. Augustine, a corporation sole, whose address is 11625 Old St. Augustine Road, Jacksonville, Florida 32258, hereinafter called grantor, to GINN-LA RIO LTD., LLC, a Georgia limited liability limited partnership, whose address is 215 Celebration Place, Suite 200, Celebration, FL 34747, hereinafter called the grantee:

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

Witnesseth: That the grantor, for and in consideration of TEN DOLLARS ($10.00), and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, alienes, releases, conveys and confirms unto the grantee, that certain land situate in St. Johns County, Florida, viz:

SEE EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF

except taxes accruing subsequent to December 31, 2004.

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 and agrees that the grantor is lawfully seized of an undivided interest in said land in fee simple, that the grantor has good right and lawful authority to sell and convey its undivided interest in said land, that the grantor hereby fully warrants the title to its undivided interest in said land and will defend the same against the lawful claims of all persons claiming by them or under the Grantor, but against none other; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2004.
IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

[Signatures]

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 14th day of October, 2005, by Victor Galeone as Bishop of the Diocese of St. Augustine, a corporation sole, who is personally known to me or who produced identification and who did/did not take an oath.

[Signature]

UNOFFICIAL DOCUMENT
EXHIBIT "A"

PARCEL 1

THE SOUTH 200 FEET, WHEN MEASURED AT RIGHT ANGLES TO SOUTH LINE THEREOF, OF THAT PART OF SECTION 40, TOWNSHIP 10 SOUTH OF RANGE 31 EAST, LYING EAST OF THE RIGHT OF WAY OF THE OCEAN SHORE BOULEVARD NOW DESIGNATED AS STATE ROAD A1A.

PARCEL 2

BEING A PART OF SECTION 40, TOWNSHIP 10 SOUTH OF RANGE 31 EAST, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHEAST CORNER OF THE SAID SECTION 40, AS A POINT OF REFERENCE AND RUNNING THENCE NORTH 19°57'45" WEST, ALONG THE EASTERLY BOUNDARY OF THE SAID SECTION 40, A DISTANCE 211.71 FEET, TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 89°11' WEST AND PARALLEL WITH THE SOUTH BOUNDARY OF SAID SECTION 40, A DISTANCE 1049.54 FEET, TO AN INTERSECTION WITH THE EASTERLY BOUNDARY OF THE 50 FOOT RIGHT OF WAY OF STATE ROAD NO A1A; THENCE NORTH 16°17'27" WEST, ALONG SAID EASTERLY RIGHT OF WAY BOUNDARY, A DISTANCE OF 362.74 FEET, THENCE NORTH 89°11' EAST, A DISTANCE OF 1024.95 FEET, TO AN INTERSECTION WITH THE EASTERLY BOUNDARY OF SAID SECTION 40; THENCE SOUTH 19°57'45" EAST, A DISTANCE OF 370.06 FEET, TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

LESS AND EXCEPT FROM THE FOREGOING ANY PORTION OF THE ABOVE DESCRIBED PROPERTY LYING WITHIN THE ROAD RIGHTS-OF-WAY OF STATE ROAD A1A AND HAMMOCK DUNES PARKWAY, AS REFLECTED ON SURVEY BY AMERICAN SURVEYING & MAPPING, JOB NO. ASM49883, DATED AUGUST 9, 2005, AS REVISED.
Flagler County Board of County Commissioner  
1769 East Moody Boulevard, Suite 105  
Bunnell, Florida 32110

Agency Authorization Agreement

With respect to the real property described in Exhibit A ("Property"), owned by LRA Rio, LLC ("Grantor"), exercising proper authority, Grantor hereby authorizes Atlee Development Group ("Agent") to act as limited agent on Grantor's behalf, for the sole purposes of making application and processing petitions as specified below (collectively, the "Submissions"):

a) Planned Unit Development Rezoning  
b) Site Development Plan  
c) Preliminary Plat

Grantor shall be provided with a copy of all applications, correspondence, and communications related to the Submissions. This Agency Authorization Agreement may be terminated by Grantor at its sole discretion at any time. Agent shall have the authority to negotiate and develop agreements related to the Submissions for Grantor's consideration, but does not have authority to execute orders, agreements, or binding letters on behalf of Grantor, which authority shall at all times remain with Grantor.

Date of execution: August 4, 2018

Printed name of executing party: ACP-Communities, LLC, its Authorized Representative

By: Daniel Baker

Signature of executing party:

Grantor name and address: LRA Rio, LLC  
200 Ocean Crest Drive, Suite 31  
Palm Coast, FL 32137

State of Florida  
County of Flagler

This Agreement was executed on this 14th day of August, 2018 by Daniel Baker, as VP of ACP-Communities, LLC, Authorized Representative of LRA Rio, LLC.

Notary Public

Name: Latisha Jackson

My commission expires: 12/22/20  
Affix stamp or seal: Latisha Jackson  
Commission # GG175155  
Expires: December 22, 2020  
Bonded thru Aaron Notary
EXHIBIT A
Property Description

PARCEL 1
THE SOUTH 200 FEET, WHEN MEASURED AT RIGHT ANGLES TO SOUTH LINE THEREOF, OF THAT PART OF
SECTION 40, TOWNSHIP 10 SOUTH OF RANGE 31 EAST, LYING EAST OF THE RIGHT OF WAY OF THE OCEAN
SHORE BOULEVARD NOW DESIGNATED AS STATE ROAD A1A.

PARCEL 2
BEING A PART OF SECTION 40, TOWNSHIP 10 SOUTH OF RANGE 31 EAST, AND MORE PARTICULARLY
DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHEAST CORNER OF THE SAID SECTION 40, AS A POINT
OF REFERENCE AND RUNNING THENCE NORTH 19°57’45” WEST, ALONG THE EASTERLY BOUNDARY OF
THE SAID SECTION 40, A DISTANCE 211.71 FEET, TO THE POINT OF BEGINNING OF THIS DESCRIPTION;
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DISTANCE 1049.54 FEET, TO AN INTERSECTION WITH THE EASTERLY BOUNDARY OF THE 50 FOOT RIGHT
OF WAY OF STATE ROAD NO. A1A; THENCE NORTH 16°17’27” WEST, ALONG SAID EASTERLY RIGHT OF
WAY BOUNDARY, A DISTANCE OF 362.74 FEET; THENCE NORTH 89°11’ EAST, A DISTANCE OF 1024.95 FEET,
TO AN INTERSECTION WITH THE EASTERLY BOUNDARY OF SAID SECTION 40; THENCE SOUTH 19°57’45”
EAST, A DISTANCE OF 370.06 FEET, TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

LESS AND EXCEPT FROM THE FOREGOING ANY PORTION OF THE ABOVE DESCRIBED PROPERTY LYING
WITHIN THE ROAD RIGHTS-OF-WAY OF STATE ROAD A1A AND HAMMOCK DUNES PARKWAY, AS
REFLECTED ON SURVEY BY AMERICAN SURVEYING & MAPPING, JOB NO. ASM49885, DATED AUGUST 9,
2005, AS REVISED.
Site Development Plan Review in a PUD
Attachment

3.04.03 B. Submittal requirements

2.(h) The Beachwalk property is a proposed single family residential subdivision within unincorporated Flagler County with a PUD zoning. The project is located at the northeast corner of the intersection of Jungle Hut Road and A1A, west of Hammock Dunes Pkwy and encompasses roughly 12.4 acres. Trip generation calculations have been conducted according to the ITE 8th Edition. A land use designation for single family homes used for the calculations which is equivalent to an ITE Code of 210. As demonstrated in the table below, the project proposes to generate a total of 517 daily trips, of which 55 of those are projected to be during the PM Peak Hour. Access to the sight will be provided via a new driveway of Jungle Hut Road with an emergency access location being provided to A1A near the northwest corner of the project site.

<table>
<thead>
<tr>
<th>Description / ITE Code</th>
<th>Units</th>
<th>Rate Weekday Traffic</th>
<th>PM Peak Period Rate</th>
<th>% PM In</th>
<th>% PM Out</th>
<th>Expected Units</th>
<th>Calculated Daily Trips</th>
<th>PM Peak Trips – Total</th>
<th>PM In</th>
<th>PM Out</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Home - 210</td>
<td>DU</td>
<td>9.57</td>
<td>1.01</td>
<td>63%</td>
<td>37%</td>
<td>54</td>
<td>517</td>
<td>55</td>
<td>34</td>
<td>20</td>
</tr>
</tbody>
</table>

(k) The Westerly boundary is A1A which is protected by the required 20' wide Scenic Highway designation as shown on the site plan. This area is densely vegetated with large trees and undergrowth. Jungle Hut Road is also included in the required buffer area. To the North is a stagnant commercial project. To the East is a parkway with sidewalk and tree canopy that helps protect the subject site from viewing the WWTP directly to the East of the site.

3. In addition to what is shown on the utility plan, the project Engineer, Brett Witte from Singhoffen is working with our office and the City of Palm Coast on the application package for the service extension. The offsite southerly 3600' right-of-way surveying is being finished this week and we should be able to complete the off-site Engineering and submit the application package to the City of Palm Coast within the next 2 weeks. The City of Palm Coast has expressed a willingness to cost share on the additional expenses associated with upsizing from a 4”-6” line to a 12” line and the upsizing of the force main. Others will have the availability to tie in later. Atlee Development Group and/or its assigns bears the cost of surveying and engineering now and the City will work out terms once the completed application package is submitted and reviewed.
4 and 5. The development will be single family detached units all developed in one phase. A Home Owners Association will be responsible for the areas that are designated as common areas within the development. The common area parcels will be deeded to the Association, after the plat is recorded. Covenants and Restrictions will be recorded for the development and the Association will be managed by a Community Association Management Company to maintain community standards.

6. Fire protection will be provided by City of Palm Coast via city water with the required fire hydrants spaced in accordance with code. The roads will be constructed to required standards, accepted and dedicated as public right-of-ways. The lift station will be dedicated to the City of Palm Coast.

7. The Developer shall contribute towards new playground or work out equipment to the Jungle Hut park across the street. The Developer is contributing to the community in cost sharing with the City of Palm Coast is providing availability of sewer to others along the 3600’ of sewer line extension.

8. The new homes will range from 1800 – 2600+ square feet to maintain high community standards. Currently there is one builder for all fifty-four single family homesites to maintain community aesthetics. Floorplans are provided for your reference. Community pricing shall range from the high $300’s to the mid $400’s.

9. I have attached a copy of the Executive Summary from the Cultural Resource Study which will be completed within the next week or so.
The maximum building height shall be 2 stories with a height restriction of 30' HCD.

- Home Owners Association shall be responsible for maintenance of the proposed ponds and stormwater systems.
- Sanitary, potable water, and fire services will be provided by the City of Palm Coast.
- Each lot shall provide a minimum of 1 tree per 2,000 sq. ft. of lot area and to be planted at the time of building construction.
- Trees species and size shall meet minimum requirements as listed in the Flagler County LDC.
- Minimum lot size is 5,750 sq. ft.
- Average density: 4.3 units/acre
- Anticipated price point: Right $100,000 to mid $400,000
- Developer shall add either playground equipment or workout equipment to the entry area of Jungle Huts Park.

Notes:
1. Minimum lot width excluding flag lots (Lots 14, 15, and 16). Minimum lot width for flag lots shall be 25' measured at right-of-way.
December 19, 2018

Mr. Adam Mengel
Director of Planning and Zoning
Flagler County
1769 East Moody Boulevard
Building 2, Suite 105
Bunnell, FL 32110

RE: Application #3150 – Rezoning to PUD- Beachwalk PUD
    Project # 2018080036
    Applicant: Atlee Development Group, Inc.
    Owner: LRA Rio, LLC

Dear Mr. Mengel,

Please see the attached responses to the Technical Review Committee Comments from November 21, 2018 along with corresponding exhibits.

Thank You,

Kenyon S. Atlee, President
TECHNICAL REVIEW COMMITTEE COMMENTS & RESPONSES

Fire - N/A

Planning Dept
(1) Survey is correct. The total acreage does not include the less & accepted acreage
(2) See site plan; open space is labeled
(3) Entry sign location; see site plan
(4) Road shall be approved for acceptance at time of platting
(5) See site plan; no flag lots
(6) See notes on site plan for height limit
(7) 7' sidewalk as requested shall be installed

Environmental Health Dept – N/A

Developing Engineering
(1) See site plan and survey submitted, excludes areas east and west of property
(2) The water main shall be as shown on final Engineers plans as approved by COPC
   and Flagler County
(3) Engineer will design storm water and outfall to conform to SJRWMD guidelines
(4) See COPC water and sewer availability letter. Engineer shall locate lift station
   where most practical. The Engineer shall provide site grading plans
(5) Engineer shall provide Finished floor elevations meeting Land Development
   Code requirements.
(6) Engineer shall design all road to County standards.
(7) Side yards of 5' are the same as other approved projects (ie) Las Casitas and Los
   Lagos and shall be designed for adequate drainage by Engineer. No mechanical
   equipment will be permitted in the side yard.

County Attorney
(1) Meeting with A1A Pride on Sept 26, 2018. Please see the included exhibit
   submitted showing a total of 1325 40-50' lots surrounding the subject property.
   PUD zoning is allowable to establish a parcel of land’s development criteria

E-911 Staff
(1) Parcel number is verified as 40-10-31-5137-000H0-0000
(2) 1 paper copy and an electronic copy of the final Heritage Services Report is
    attached
(3) Beachwalk Way East, Beachwalk Way West, Beachwalk Way North, and
    Beachwalk Way South
(4) Engineer shall design storm water system and outfall to comply with all
    SJRWMD requirements.
TECHNICAL REVIEW COMMITTEE COMMENTS & RESPONSES

Fire - N/A

Planning Dept
(1) Survey is correct. The total acreage does not include the less & accepted acreage
(2) See site plan; open space is labeled
(3) Entry sign location; see site plan
(4) Road shall be approved for acceptance at time of platting
(5) See site plan; no flag lots
(6) See notes on site plan for height limit
(7) 7’ sidewalk as requested shall be installed

Environmental Health Dept - N/A

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(1) See site plan and survey submitted, excludes areas east and west of property
(2) The water main shall be as shown on final Engineers plans as approved by COPC
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(4) See COPC water and sewer availability letter. Engineer shall locate lift station
where most practical. The Engineer shall provide site grading plans
(5) Engineer shall provide finished floor elevations meeting Land Development
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submitted showing a total of 1325 40-50’ lots surrounding the subject property.
PUD zoning is allowable to establish a parcel of land’s development criteria

E-911 Staff
(1) Parcel number is verified as 40-10-31-5137-000H0-0000
(2) 1 paper copy and an electronic copy of the final Heritage Services Report is
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(3) Beachwalk Way East, Beachwalk Way West, Beachwalk Way North, and
Beachwalk Way South
(4) Engineer shall design storm water system and outfall to comply with all
SJRWMD requirements.
FLAGLER COUNTY

TECHNICAL REVIEW COMMITTEE COMMENTS

MEETING DATE: NOVEMBER 31, 2018

APP #3158 - SDP IN PUD FOR BEACHWALK PUD

APPLICANT: ATLEE DEVELOPMENT GROUP, INC.
OWNER: LRA RIO, LLC

Distribution date: Friday, November 16, 2018

Project #: 2018100011
Application #: 3158

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
Development Engineer review comments on Site Dev Plan in PUD
October 17, 2018
1. The property area on the survey appears to include the excluded areas on the east and west side. Verify the acreage of the property shown on the survey is just the property owned.

2. There is a watermain inside the property that will need to be relocated.

3. The plan indicates that the stormwater will discharge onto the adjacent property. The survey indicates that the property drains to the east not onto the property to the north. It seems that the pond would serve better if it were located at the discharge point.

4. Has the City of Palm Coast approved this plan? If tract A could be relocated to along the west property line it would save running FM down Jungle Hut road.

5. Provide site grading plans.
6. Finished floor elevation must meet the LDC requirements.

7. Roads must be built per County standards.

8. Based on the plans submitted, there will not be sufficient area in the side yards for drainage, no mechanical equipment will be permitted in the side yard.

Further comments may be generated with future submittals.

November 21, 2018
1. The property area on the survey appears to include the excluded areas on the east and west side. Verify the acreage of the property shown on the survey is just the property owned.

2. If tract A could be relocated to along the west property line it would save running FM down Jungle Hut road.

3. Complete engineered construction plans will be required that meet the requirements of the Flagler County LDC.

4. Finished floor elevation must meet the LDC requirements.

5. Roads must be built per County standards.

6. Based on the plans submitted, there will not be sufficient area in the side yards for drainage, no mechanical equipment will be permitted in the side yard.

Further comments may be generated with future submittals.

REVIEWING DEPARTMENT: COUNTY ATTORNEY
October 17, 2108
County Attorney review comments on Site Dev Plan in a PUD

This project must be presented to A1A PRIDE for its recommendation.
The high density appears incompatible with nearby parcels that have been developed. There should be some comparative analysis of nearby densities. Ultimately, the proposed PUD must comply with the purposes of Zoning District Regulations and the Comp Plan. A PUD cannot be used as a vehicle to bypass density regulations otherwise required by zoning regulations or the Comp Plan. See Land Development Code, Sections 3.04.01.B and 3.04.02.E

November 21, 2018
1. The site plan must conform to the requirements of the A1A Scenic Corridor Overlay District found at Section 3.06.11 of the Land Development Code.

REVIEWING DEPARTMENT: FIRE INSPECTOR
October 17, 2018
No comments at this time.
November 21, 2018
No comments at this time.

REVIEWING DEPARTMENT: E-911 STAFF
October 17, 2018
1.) Please correct the parcel number for the project. I believe it should be 40-10-31-5137-000H0-0000, not 5167.

2.) The Heritages Services Report has inconsistencies in the geographic location of the surrounding roads. Probably does not matter.

3.) Will the developer be submitting a road name request or will the county be naming it? Typically NENA standards want a new road name with a 90 degree turn. Will they be naming each segment differently or is this proposed to be a loop?

4.) The drainage in the northeast corner of the property, is that flowing into Pond 1 on Tract B or out of? If out, where is it flowing to?
November 21, 2018
No additional comments provided.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT
October 17, 2018
1. There is a discrepancy in total project acreage between Property Appraiser records, submitted survey information, and the site plan: please verify and correct as needed.

2. Label open space areas on PUD site development plan.

3. Identify location of signs/entry feature on PUD site development plan.

4. Roadway tract should be privately maintained; as proposed, roadway is intended to be public with public maintenance. Acceptance of public maintenance requires Board approval at time of platting.

5. Remove reference to flag lots in Notes: minimum lot width to be measured at minimum front setback line (not based on roadway frontage).
6. Is the intended maximum height two stories above a garage? Typical height limit is 35 feet. If intent is to limit height to not more than two stories, the text should be something similar to: maximum height: two stories above garage, not to exceed 35 feet in height.

7. A five-foot wide sidewalk should be shown on the PUD site development plan along the South portion of the project boundary running within the Jungle Hut Road right-of-way from the multiuse path along the East side of State Road A1A and connecting to the multiuse path along the West side of Hammock Dunes Parkway, to be installed as part of the Beachwalk subdivision improvements.

November 21, 2018
1. Roadway tract should be privately maintained; as proposed, roadway is intended to be public with public maintenance. Acceptance of public maintenance requires Board approval at time of platting.

The applicant's response is that the "Road shall be approved for acceptance at time of platting". The applicant appears to indicate that the County "shall" accept the roadway as a public road. This acceptance is at the discretion of the Board of County Commissioners at the time of subdivision plat approval.

2. Label open space areas on PUD site development plan.

3. Remove reference to flag lots in Notes: minimum lot width to be measured at minimum front setback line (not based on roadway frontage).

4. A five-foot wide sidewalk should be shown on the PUD site development plan along the South portion of the project boundary running within the Jungle Hut Road right-of-way from the multiuse path along the East side of State Road A1A and connecting to the multiuse path along the West side of Hammock Dunes Parkway, to be installed as part of the Beachwalk subdivision improvements.

5. The proposed 10' wide emergency access route does not connect to a road. There is a landscape/buffer conservation area parcel lying between the east boundary of the subject property and the private roadway tract, Hammock Dunes Parkway. The 10' wide path is insufficient to meet the minimum subdivision criteria at Section 4.06.02(A)(4) requiring that any subdivision with 50 or more lots shall have at least 2 points of ingress/egress by a paved road that connects to the county road system.

6. Correct the reference to "commercial zoning" on the adjacent parcel lying north of the subject property. The correct zoning for the adjacent parcel is R/C Zoning.

7. Identify the zoning of the parcel lying adjacent to and east of the subject property.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT
October 17, 2018
No comments or objections providing that development will not be serviced by individual septic systems.
November 21, 2018
No additional comments provided.
October 31, 2018

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

re: Beachwalk PUD Rezoning and Preliminary Site Plan Review
Projects 2018080036 and 2018100011

Dear Mr. Mengel,

At the October 26, 2018 meeting of Scenic A1A PRIDE, Mr. Ken Atlee presented the Beachwalk PUD Rezoning Request and preliminary Site Development Plan. Scenic A1A PRIDE made the following observations. We are:

• Satisfied with the landscape buffers on SR-A1A and Jungle Hut Road, as long as they meet the landscaping buffer requirements in the LDC.
• Satisfied with the proposed entrance location on Jungle Hut Road.
• Satisfied that an emergency access will not adversely affect the bike path.
• Concerned that high density development in this section of the Hammock removes the most valuable characteristics of living under the trees.
• Concerned that each increase in residential density creates more need for traffic lights and adds to emergency evacuation times.
• Not satisfied that the 40% tree preservation requirement can be met with the density proposed.
• Concerned that the wildlife corridor will be narrowed to 20 feet.
• Supporting the proposed exclusion of short term vacation rentals in the HOA C&Rs.
• Suggesting that a green landscape buffer be added on the east side to shield the bike path and Hammock Dunes Parkway from the development.

Yours Sincerely,

Dennis Clark, Chair
SCENIC A1A PRIDE

Cc: Ken Atlee, Gina Lemon, Al Hadeed
Adam Mengel, AICP, LEED AP BD+C

From:          Dennis Clark <denrclark@gmail.com>
Sent:          Thursday, November 8, 2018 5:54 AM
To:            Adam Mengel, AICP, LEED AP BD+C
Cc:            Sally A. Sherman; Gina Lemon; Al Hadeed; Craig Coffey
Subject:       Beachwalk PUD concerns

Adam,

After the Scenic A1A PRIDE meeting, I continued to have concerns about the Beachwalk PUD application and did some research on my own to get more input from land planner experts.

These concerns were not part of the Scenic A1A PRIDE discussion but I thought they would be pertinent to the Planning and Development Board for the proposed rezoning hearing. If any of these concerns are not strictly defined in our current LDC requirements, they should be considered for the next revision.

1. Sidewalks should not be optional, but required. A PUD should be held to a higher standard.

2. The lots are crammed into the development in a rigid geometrical way that is not conducive to a sustainable and liveable community. Cookie-cutter lots and homes. The property is heavily treed and all those trees will be lost in this design, with little room for new trees. Driveways and streets will dominate this development. If this density is allowable the development should be clustered in the form of attached housing, which will allow for tree preservation areas. The 25% open space should be strictly upheld and should apply to tree preservation areas, not barren and unusable stormwater areas.

3. The stormwater pond should be designed to resemble more of a natural feature with curvilinear boundaries. Low impact development stormwater techniques should be required such as bioswales, rain gardens, bioretention, etc.

4. Not being a vacation rental community should be written into the PUD.

5. The entire development should be buffered from surrounding properties and roads with an opaque tree buffer. No buffer is shown on the north side. The east side has 35 feet of Flagler County greenway separating the development from the HD Parkway bike path. This may not be enough of a buffer for public use.

6. The PUD criteria in the Flagler County LDC is not being met in this design: "improved use of land, protection of valuable natural features in the community, desirable land use mix, open space."

Best Regards,
Dennis Clark
5784 N Oceanshore Blvd
Adam,

We have a critical community meeting with Commissioner Hansen tonight, preventing me and other interested parties from attending the Planning Board for the Beachwalk proposed rezoning and site plan review. I was hoping that the Beachwalk project could be rescheduled for another time, but I understand the noticing constraints.

If Beachwalk is discussed, I have just a few comments/questions I'd like to present:

1. **Density**: Why have a zoning district if it can be changed so easily purely for the benefit of the developer?
   - I believe that R/C zoning would allow about two thirds of the requested lots, or 34 homes with 75-foot wide lots. Of course they could implement multi-family dwellings or mixed-use, but that is not what they are planning.

2. **Tree Preservation**: In Section 3-P, the following statement has no real requirements to keep 40% of the index tree caliper inches.
   
   "…the developer shall make every reasonable effort to preserve existing Southern live oaks (Quercus virginiana) and Sand live oaks (Quercus geminata) with a diameter at breast height (DBH) of ten inches (10”) or greater."

3. **Open Space** (page 2 of 3): The 25% open space requirement should not be removed because there is no longer a commercial component required in the R/C district. It is just as important to have open space whether there is commercial or not. Also, the stormwater retention pond is already counted as a component and should not be double-counted as open space.

As always, thank you for getting my message out.

Dennis Clark
January 9, 2019

Mr. Craig Coffey
Flagler County Administrator
1769 E. Moody Blvd., Bldg. 2
Bunnell, FL 32110

RE: Additional Entrances on Hammock Dunes Parkway for Commercial or Private Use

Dear Mr. Coffey:

Hammock Dunes Parkway is a public thoroughfare that is owned and maintained by the Dunes Community Development District. As such, the Dunes Community Development District does not support any additional private or commercial entrances or curb cuts on Hammock Dunes Parkway.

Sincerely,

John G. Leckie, Jr.
Chairman
Board of Supervisors – Seat 2

c: Mr. Adam Mengel – Planning and Zoning Director
URGENT!!!

ARCHAEOLOGICAL SITE DESTRUCTION HEARING JAN. 14, 19
REGARDING THIS PARCEL,

THIS SITE IS AN IMPORTANT ARCHAEOLOGICAL SITE. IT CONTAINS NATIVE AMERICAN GRAVES AND SHELL MOUNDS (DEPOSITS OF COQUINA, POTTERY, BONE, AND TOOLS). THE SITE CONTAINS THIS FROM THE CORNER #4 OF JUNGLE HUT TO THE FIRST HOUSE OFF A1A HEADING NORTH. THIS INFORMATION WAS PASSED ON BY FAMILY OF EARLIER SETTLERS. I HAVE SEEN
Evidence of such with my own eyes I held in my own hands. I will be notifying the State of Florida. Disturbing such an area is a State and Federal crime. We have notified the State.

RECEIVED

JAN 14 2019

PLANNING
FLAGLER COUNTY, FL
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 # 3158 (Project # 2018-10001).

4. Notice for this Application has been provided as stated herein for the (select as applicable):
   □ Planning and Development Board meeting on Nov 13, 2018 [date]; and/or
   □ Board of County Commissioners meeting on Nov 19, 2018 [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: 20 [number] letters were mailed out on Oct 29, 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. □ Posted notice: 2 [number] signs were posted on the subject parcel(s) on Oct 29, 2018 - Nov 1, 2018 [date] (photographs of posted signs attached).

By: __________________________

Name: WENDY A. HICKEY

Sworn and subscribed before me on November 1, 2018 [date] by

___________________________ [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 MENGE

Commission No.: GG 132536

My Commission Expires: AUGUST 13, 2021
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<th>City, State, Zip</th>
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<td>BUNNELL, FL 32110</td>
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<tr>
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<td>3 LAGUNA COURT</td>
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<td>BUNNELL, FL 32110</td>
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</table>

I hereby affirm notice to each owner on October 29, 2018 for the Planning & Development Board Meeting on November 13, 2018 at 6:00 p.m. and the Board of County Commissioners Meeting on November 19, 2018 at 5:30 p.m.

Wendy Hickey, Planner
October 29, 2018

LRA RIO LLC
8390 CHAMPIONS GATE BLVD SUITE 110
CHAMPIONS GATE, FL 33896

Re: Application #3158- Site Development Plan in a PUD (Planned Unit Development).

Parcel # 40-10-31-5137-000H0-0000

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 LRA Rio, LLC for a Site Development Plan in a PUD (Planned Unit Development) on approximately 11.57+- acres at 4931 North Oceanshore Boulevard being identified as parcel number 40-10-31-5137-000H0-0000.

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

Planning and Development Board public hearing on Tuesday, November 13, 2018 at 6:00 p.m.

Board of County Commissioners public hearing on Monday, November 19, 2018 at 5:30 p.m.

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 MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.
Flagler County Government
Planning and Zoning Department
Staff Report

TO: Chair and Planning and Development Board Members
FROM: Planning and Zoning Department
DATE: March 12, 2019
SUBJECT: Application #3167 – REAR YARD SETBACK VARIANCE IN THE R/C (RESIDENTIAL/LIMITED COMMERCIAL) DISTRICT

I. Requested Action & Purpose: This is a quasi-judicial request for a rear yard setback variance in the R/C (Residential/Limited Commercial Use) District.

II. Location and Legal Description: 5047 North Oceanshore Boulevard; on the East side of North Oceanshore Boulevard (a/k/a State Road A1A), South of Magnolia Road, lying within Section 40, Township 10 South, Range 31 East, Flagler County, Florida; Parcel #40-10-31-4050-00000-0270; and containing 0.58+/- acres.

III. Owner/Applicant: Brent D. Bruns, Sr./Kim Buck, P.E., and Melissa Tincher, E.I., Alann Engineering Group, Inc.

IV. Parcel Size: 25,151 sq. ft. (0.58+/- acres)

V. Existing Zoning & Future Land Use Classification:
Zoning: R/C (Residential/Limited Commercial Use) District
Future Land Use: Mixed Use: Low Intensity

VI. Future Land Use Map Classification/Zoning of Surrounding Land:
North: Mixed Use: Low Intensity, Low/Medium Density/R/C (Residential/Limited Commercial Use) District
South: Mixed Use: Low Intensity, Low/Medium Density/R/C (Residential/Limited Commercial Use) District
East: Residential: Low Density/Rural Estate/MH-1 (Rural Mobile Home) District
West: State Road A1A; Mixed Use: Low Intensity, Low/Medium Density/R/C (Residential/Limited Commercial) District

VII. Land Development Code Sections Affected: Flagler County Land Development Code (FCLDC) subsection 3.07.03.E, Variance Guidelines.

VIII. Report in Brief: The Applicant filed an application with the Planning and Zoning Department for a Variance to locate a cave and waterfall feature for a restaurant within the R/C zoning district on January 12, 2019. The R/C zoning district requires a minimum rear yard setback of 25 feet for structures for Special Exception uses.
This is a before-the-fact variance request. This request is for a reduction and relief from the 25 foot wide minimum rear yard setback for non-residential Special Exception uses in the R/C District.

On January 9, 2018, the Planning and Development Board approved Application #3122 for a Special Exception for a Restaurant with conditions as outlined in Order No. 3122 and recorded at Official Records Book 2257, Page 1496, Public Records of Flagler County, Florida. At this same Planning and Development Board meeting, the Board also approved a landscape buffer variance between uncomplimentary land uses (see Order No. 3120, recorded at Official Records Book 2257, Page 1494, Public Records of Flagler County, Florida). The owner subsequently revised the proposed plan through several iterations – consistent with the Special Exception and Variance approvals – with the most recent submittal including a cave-like structure enclosing a seating area and a waterfall, proposed at 12 feet in height, both located along the east parcel line. The east parcel line adjoins Live Oak Road for approximately 100 feet from the north lot line heading south, with the remaining south 90 feet of the east lot line adjoining Lot 28: the south 90 feet of the rear lot line of Lot 27 (the subject parcel) adjoins the right side (west) lot line of Lot 28. Lot 28 is presently undeveloped, zoned MH-1 (Rural Mobile Home) District, and would observe a minimum side yard setback of 15 feet unless the siting of the home on the lot required the application of the reduced lot of record setbacks, which would apply a 7.5 foot minimum side yard setback.

As a roofed structure, the proposed cave would be required to observe the minimum 25 foot rear yard setback, while the waterfall feature would be closest to a wall in its outward appearance to the neighboring parcels. The closest that an accessory structure could be located proximate to a rear lot line is 10 feet for a residential accessory building 12 feet or less in height (see FCLDC Section 3.06.08). For walls and fences, height is limited to six feet (see FCLDC Section 3.06.07.C).

IX. **Background:** The subject parcel lies within the R/C (Residential/Limited Commercial) district and was platted as Lot 27, Unit 1, in the Magnolia Manor Subdivision as recorded at Map Book 5 Pages 32, Public Records of Flagler County Florida, on October 10, 1958.

Mr. Bruns d/b/a Hammock Enterprises, LLC, a Florida limited liability company purchased the subject parcel on December 11, 2017 (recorded on December 28, 2017 at Official Records Book 2249, Page 1023, Public Records of Flagler County, Florida). Hammock Enterprises, LLC has conveyed the property to Brent D. Bruns, Sr. through Quit Claim Deed on January 11, 2019 recorded at Official Records Book 2329, Page 1556, Public Records of Flagler County, Florida.
Mr. Bruns met with the Technical Review Committee on February 20, 2019 regarding this variance request. Committee comments are attached at the end of this report.

This Variance request has been presented to the A1A Scenic PRIDE Committee and the Committee has provided a comment letter related to this variance request. A copy of the Committee's review letter is attached to this report.

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

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

1. 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;

   **Applicant's response:** Hammock Enterprises, LLC proposes to change an existing residential home into a fine dining restaurant and bar establishment. This establishment will focus on ambiance and natural beauty through caves, waterfalls, and water features which will meander through the site amidst the large number of preserved specimen trees. Because the focus of this establishment is tree preservation and natural beauty, the design of the site has been severely limited to work around the number of large trees to remain on site. The current parking has been reconfigured multiple times to allow the preservation these trees. Where it is now cannot be altered to allow placement of the requested variance features within the setbacks without removing specimen trees. The drainfield is another limiting feature of the site. This drainfield has been meticulously designed to allow for the preservation of the trees on site, and is located without room for change in any direction. Because of this, the waterfall and caves cannot be placed any closer inside the property line without violating the required 5 ft septic setback. Because of these design constraints, we are requesting a variance to the rear yard building setback from 25' to 0'.

   **Staff analysis:** This property has been developed for several decades with an approved commercial use through a previous Special Exception approval. This request arguably is a greater intensity of use than the previous commercial use, but retains the same structures as the previous development. The addition of
the cave and waterfall structure at the east property line generates the need for the setback variance.

As was previously stated as part of the Future Land Use amendment and rezoning applications (subsequently amended to a Special Exception application) considered at the Board’s December 2017 regular meeting, staff’s greatest concern is the buffering of the use, its lighting and sound impacts, from adjacent parcels. Maintaining the fence is a prerequisite condition to the approval of this variance. Then, provision of the fence together with ongoing maintenance of existing vegetation, inclusive of the bamboo stand located along the East property line, will shield the adjacent parcels from undue impacts associated with this use.

The size and shape of the parcel is unique, along with its frontage on two roadways. However, the uniqueness of the parcel is not a justification for the variance in that the owner purchased the lot with their intended development in mind: the size of the parcel, its shape, and the present structures on the parcel are not justification for the variance to reduce the rear yard setback for additional structures. The owner should work within the limits of this parcel, or seek another parcel that meets his requirements.

2. Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith;

Applicant’s response: The applicant has worked to preserve the trees on the site as first priority. Because of this care for the Hammock’s natural beauty, the limitations on the site have been severe, and difficult to work with from an engineering and design perspective. As stated above, all aspects of site design have been analyzed extensively to find potential workarounds to this variance request. As no such options can be found, we use this form to request a variance to the rear yard setback.

Staff analysis: The site was platted in 1958 and developed in 1959, all structures on site were constructed between 1940 and 2001, per Flagler County Property Appraiser records. The conditions on the parcel were for the most part pre-existing prior to the present owner’s purchase of the parcel. The requested variance is to add additional structures that would not meet the minimum setback requirements, an owner-created hardship caused by the additional proposed structures.

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;
Applicant’s response: It is not anticipated that the construction of these features would inhibit public health, welfare, safety, or morals in any way.

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. While the granting of the variance would impact the public right-of-way and the undeveloped lot to the rear, it is not anticipated that the additional structures located on the lot line observing a zero rear setback would impact public health, welfare, safety or morals.

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

Applicant’s response: The use of land and building is for a restaurant.

Staff analysis: The property is zoned R/C (Residential/Limited Commercial Use) and is developed with a single-family residence and accessory building. Through the approval of the Special Exception for a restaurant the property will be redeveloped as a restaurant. Proposed structures would conform to the Special Exception (non-residential) dimensional requirements of the R/C District.

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

Applicant’s response: The variance requested is the minimum that would allow creation of the required features for the vision of the restaurant.

Staff analysis: While this final consideration is not one of the variance criteria, it does guide the County’s philosophy in granting variances, limited to the minimum relief necessary to alleviate the hardship. The previous review history for this restaurant use on this parcel demonstrates the County’s willingness to follow the owner’s vision; however, there are limits that have likely been reached, following the previous Special Exception (and its conditions) and the previous variance request related to the landscape buffers. The consideration of an additional variance now for additional structures beyond those proposed through the earlier applications – together with the original Special Exception’s substantial discussion related to outdoor seating – leans towards expanding what had previously been limited. Availability of central sanitary sewer connection will substantially change the present limitations on this parcel. For the time-being and aside from the size and shape of the parcel, the combination of septic and parking remain the principal limitations on the proposed
restaurant. A request of this type may be more favorably viewed once the operation is underway and conditions – like the provision of central sewer – change warranting a future review. For now, the previous actions together reflect the minimum relief needed and, in staff’s opinion, no additional relief is needed through a variance at this time because no hardship exists.

X. Quasi-judicial / Legislative Review: This agenda item is:

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

XI. Staff Recommendation: Based on the provided application and supplemental information, the Planning Department recommends that the Planning and Development Board make a finding that the criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have not been met and therefore denies a 25 foot rear yard setback variance for Lot 27, Unit 1, Magnolia Manor Subdivision, as recorded at Map Book 5, Page 32, Public Records of Flagler County, Florida.

XIII. Options for the Board: Following the public hearing, based on the evidence and testimony provided by staff through the staff report, the applicant through their submittal and presentation, public comments, and the Board’s deliberations, the Board may:

1. APPROVE THE REQUEST - The Planning and Development Board makes a finding 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 the 25 feet rear yard setback variance (reducing the minimum rear yard setback to zero feet) for Lot 27, Unit 1, Magnolia Manor Subdivision, as recorded at Map Book 5, Page 32, Public Records of Flagler County, Florida.

2. APPROVE A MODIFICATION TO THE REQUEST - The Planning and Development Board makes a finding 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 rear yard setback variance less than what had been requested by the owner – likely granting a 15 foot variance for a minimum 10 foot rear yard setback for the cave and waterfall structures, provided that the overall height of the cave and waterfall does not exceed 12 feet – for Lot 27, Unit 1, Magnolia Manor Subdivision, as recorded at Map Book 5, Page 32, Public Records of Flagler County, Florida. [Note: This option applies the minimum rear yard setback for a residential accessory structure to a non-residential accessory structure in a residential (R/C) zoning district with an approved non-residential Special Exception.]

3. DENY THE REQUEST - The Planning and Development Board makes a
finding that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have not been met. The Board identifies which guidelines have not been met – likely the first and second guideline, that the parcel is not unique and that the owner has created the hardship for which the variance is being sought – and denies the 25 feet rear yard setback variance for Lot 27, Unit 1, Magnolia Manor Subdivision, as recorded at Map Book 5, Page 32, Public Records of Flagler County, Florida.

4. TABLE THE REQUEST – The Planning and Development Board makes a determination that sufficient factual data has not been presented and tables the request to a time and date certain pending additional information and deliberations by the Board. [This option assumes that additional information is necessary for the Board to be able to make a determination; this should not be used to delay an action where no additional information is anticipated to be provided by an applicant, staff, or the public.]

Attachments
1. Public notice
2. Application and supporting documents
3. Site plan
Map Series
Aerial Photograph
Future Land Use Map (FLUM)
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<td>DIANE S LIKINS</td>
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<td>THEODORA MERENDINO &amp; FRED MENNA</td>
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<td>40-10-31-5136-00010-0020</td>
<td>GEORGE W WALLS JR C/O KENDALL BROWN</td>
<td>2320 WOODLAIR WAY</td>
<td>SIGNAL MOUNTAIN, TN 37377</td>
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<tr>
<td>40-10-31-4050-00000-0260</td>
<td>D.HENNESY,A. MINIAGI,M. MINIAGI, F &amp; L.MA</td>
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<td>BUNNELL, FL 32110</td>
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<td>40-10-31-4050-00000-0270</td>
<td>BRENT D BRUNS SR</td>
<td>102 YACHT HARBOR DRIVE #161</td>
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<td>537 NE 1ST ST SUITE 5</td>
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<tr>
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<td>US BANK C/O RUSHMORE LOAN</td>
<td>15480 LAGUNA CAYON RD STE 100</td>
<td>IRVINE, CA 92618</td>
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<tr>
<td>40-10-31-4050-00000-0261</td>
<td>GREGORY C KUENZIG</td>
<td>5071 WALNUT AVENUE</td>
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<tr>
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<td>GAINESVILLE, FL 32601</td>
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<td>CAROL BATEMAN</td>
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<tr>
<td>40-10-31-5136-00010-0060</td>
<td>REBEKA POURCHOT</td>
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<td>40-10-31-4050-00000-0060</td>
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<td>40-10-31-5136-00010-0070</td>
<td>SARAH BETTINGER</td>
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<td>JAMES GARCIA</td>
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<td>40-10-31-5136-00010-0080</td>
<td>JERRY A &amp; JOAN M GALASSO</td>
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<td>ALEXEI NIZELSKYI &amp; LUDMILA HAUSTOVA</td>
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<td>40-10-31-4050-00000-0080</td>
<td>THOMAS J &amp; BARBARA V MCDONNELL</td>
<td>2003 N DAYTONA AVENUE</td>
<td>FLAGLER BEACH, FL 321362835</td>
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<tr>
<td>40-10-31-4050-00000-0230</td>
<td>RAYMOND BARTOSEK</td>
<td>309 N 6TH ST</td>
<td>FLAGLER BEACH, FL 321363363</td>
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<tr>
<td>40-10-31-4050-00000-0300</td>
<td>DEBORAH M GIBSON LO PRESTI</td>
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<tr>
<td>40-10-31-4050-00000-0090</td>
<td>DAVID P &amp; KIM M CAPICSSONI</td>
<td>PO BOX 141</td>
<td>TROUT CREEK, NY 13847</td>
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<tr>
<td>40-10-31-4050-00000-0220</td>
<td>SCOTT WUNDERLE</td>
<td>148 EUCLID AVENUE #386</td>
<td>LAKE COMO, FL 32157</td>
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<td>40-10-31-4050-00000-0310</td>
<td>BRIAN &amp; PAGE HASSON</td>
<td>2901 HEADLEYS HILL RD</td>
<td>PATAKSKA, OH 43062</td>
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<td>40-10-31-4050-00000-0210</td>
<td>GUS E JR &amp; TRACY R LIVADITIS</td>
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<td>SUWANEE, GA 30024</td>
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<tr>
<td>40-10-31-4050-00000-0320</td>
<td>DEBBIE CHRISTOPHER &amp; MARK PALMER</td>
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<td>EMMITT F &amp; MYRA L GRIFFIN LIFE ESTATE</td>
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<tr>
<td>Certificate No.</td>
<td>Name of Owner</td>
<td>Address</td>
<td>City, State ZIP Code</td>
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<td>VINCENT E K &amp; SUSAN G NAGY</td>
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<td>40-10-31-4050-00000-0330</td>
<td>WILLIAM C HARRELL LIFE ESTATE</td>
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<td>40-10-31-5136-00010-0010</td>
<td>ANGLE CARE INC</td>
<td>3900 WIMBLEDON DRIVE</td>
<td>LAKE MARY, FL 32746</td>
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<td>40-10-31-5135-00040-0020</td>
<td>TIMOTHY &amp; SHARON GOERLICH</td>
<td>4 PAMELA PARKWAY</td>
<td>PALM COAST, FL 32137</td>
</tr>
</tbody>
</table>

I hereby affirm mailed notice to each owner on February 25, 2019 for the Planning & Development Board Meeting on March 12, 2019 at 6 pm.

[Signature]

Wendy Hickey, Planner
February 25, 2019

SELECT REALTY OF FLAGLER COUNTY, INC
250 PALM COAST PKWY NE UNIT 407
PALM COAST, FL 32137

RE: Application #3167 - Variance Request in the R/C (Residential Limited Commercial) 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 property owner Brent D. Bruns Sr. for a 25 foot rear setback variance from the minimum 25 foot setback requirement for an accessory structure on .58 +/- acres located at 5047 N. Oceanshore Boulevard, Identified as parcel #40-10-31-4050-00000-0270.

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 March 12, 2019, 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.
# Application for Variance

**Flagler County, Florida**

1769 E. Moody Blvd, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4069 Fax: (386) 313-4109

Application/Project #: 3167 / 2019010018

## Property Owner(s)

<table>
<thead>
<tr>
<th>Name(s):</th>
<th>Hammock Ent. LLC c/o Brent Bruns</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>102 Yacht Harbor Drive, Suite 161</td>
</tr>
<tr>
<td>City:</td>
<td>Palm Coast</td>
</tr>
<tr>
<td>State:</td>
<td>FL</td>
</tr>
<tr>
<td>Zip:</td>
<td>32137</td>
</tr>
<tr>
<td>Telephone Number</td>
<td>386-986-8207</td>
</tr>
<tr>
<td>Fax Number</td>
<td></td>
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## Applicant/Agent

<table>
<thead>
<tr>
<th>Name(s):</th>
<th>Brent Bruns</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>102 Yacht Harbor Drive, Suite 161</td>
</tr>
<tr>
<td>City:</td>
<td>Palm Coast</td>
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<td>State:</td>
<td>FL</td>
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<td>Zip:</td>
<td>32137</td>
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<tr>
<td>Telephone Number</td>
<td>386-986-8207</td>
</tr>
<tr>
<td>E-Mail Address:</td>
<td><a href="mailto:brendbruns@gmail.com">brendbruns@gmail.com</a></td>
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## Subject Property

<table>
<thead>
<tr>
<th>Site Location (street address):</th>
<th>5047 N. Ocean Shore Dr.</th>
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<tbody>
<tr>
<td>Legal Description:</td>
<td>Matanzas Manor Subdivision LOT 21 UNIT #1 OR 133 PG 61 OR 330 PG 16 OR 411 PG 380 OR 433 PG 1414 OR 433 PG 1415 OR 433 PG 1416</td>
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<tr>
<td>Parcel #: (tax ID #):</td>
<td>40-10-31-4056-00000-0270</td>
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<tr>
<td>Parcel Size:</td>
<td>0.58 AC</td>
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<td>Current Zoning Classification:</td>
<td>R/C</td>
</tr>
<tr>
<td>Current Future Land Use Designation</td>
<td>Mixed Use, Low Intensity</td>
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### Relief Requested:
Relief requested from rear yard building setback from 25 ft to 0 ft

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

**Date:** 1/12/2019

**Official Use Only**

**PLANNING BOARD RECOMMENDATION/ACTION:**

- **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
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: 5047 N. Ocean Shore Dr.

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

Hammock Enterprises, LLC proposes to change an existing residential home into a fine dining restaurant and bar establishment. This establishment will focus on ambiance and natural beauty through caves, waterfalls, and water features which will meander through the site amongst the large number of preserved specimen trees. Because of this care for the Hammock’s natural beauty, the limitations on the site have been severe, and difficult to work with from an engineering and design perspective. As stated above, all aspects of site design have been analyzed extensively to find potential work arounds to this variance request. As no such options can be found, we use this form to request a variance to the rear yard building setback.

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 applicant has worked to preserve the trees on the site as first priority. Because of this care for the Hammock’s natural beauty, the limitations on the site have been severe, and difficult to work with from an engineering and design perspective. As stated above, all aspects of site design have been analyzed extensively to find potential work arounds to this variance request. As no such options can be found, we use this form to request a variance to the rear yard setback.

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

It is not anticipated that the construction of these features would inhibit public health, welfare, safety, or morals in any way.

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

The use of land and building is for a restaurant

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 variance requested is the minimum that would allow creation of the required features for the vision of the restaurant.

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
Prepared by and return to:
Seth D Corneal
Attorney at Law
Seth D. Corneal, LLC d/b/a The Corneal Law Firm
509 Anastasia Blvd
Anastasia Island, FL 32080
904-819-5333
File Number: 17-015

Parcel Identification No. 40-10-31-4050-00000-0270

[Space Above This Line For Recording Data]

Warranty Deed
(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 11th day of December, 2017 between Rhonda J. West, a/k/a Rhonda West James, whose post office address is 426 Porpoise Drive, Saint Augustine, FL 32084 of the County of Saint Johns, State of Florida, grantor*, and Hammock Enterprises, LLC, a Florida limited liability company whose post office address is 102 Yacht Harbor Drive, Unit 161, Palm Coast, FL 32137 of the County of Flagler, State of Florida, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of 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 27, Magnolia Manor, according to the map or plat thereof as recorded in Plat Book 5, Page 31, Public Records of Flagler County, Florida.

Grantor warrants that the real property described herein is not her homestead property, nor is it contiguous to her homestead property.

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

* “Grantor” and “Grantee” are used for singular or plural, as context requires.

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

Signed, sealed and delivered in our presence:

Witness Name: SETH D. CORNEAL

Witness Name: JAMES McHugh

Rhonda J. West a/k/a Rhonda West James

DoubleTime®
State of Florida  
County of Saint Johns

The foregoing instrument was acknowledged before me this 8th day of December, 2017 by Rhonda J. West a/k/a Rhonda West James, who [ ] are personally known or [X] have produced a driver's license as identification.

Notary Public

Printed Name: Seth D. Corneal

My Commission Expires: 4/30/2018
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
1. The parallel parking lot next to the cave and the waterfall building may be hard to access and is too close to the cave wall.
2. How is the Cave to be accessed from the west side of the lagoon?
3. Access to the Cave adjacent to the waterfall building must meet ADA requirements.
4. Has the exemption status with the Water Management District been maintained with the proposed additional improvements?
5. How does the River/lagoon function? Where will the proposed equipment be housed? Please depict on the plan.
6. Provide enough space behind the large waterfall in the rear for maintenance and cleaning.
7. Further comments may be generated with additional submittals.

REVIEWING DEPARTMENT: FIRE INSPECTOR
1. Plans need to include firefighter access to the outside bar area and the cave area.
2. With the cave area and the waterfall along the back edge of the property fire fighters will not have ingress or egress to those areas.
3. What is going to be the wall and ceiling covering in the cave area?

REVIEWING DEPARTMENT: PLANNING DEPARTMENT
1. Justification statements 1 and 2 need to be revised to identify the hardship preventing the location of the structures in compliance with the required setback. As presented, the justification is related to the vision of the proposed business rather than the attempt to design according to the required criteria. Has there been an attempt to modify parking locations to locate the cave within the setbacks? Is the proposed location chosen to preserve existing index trees?
2. Remove fence from vision clearance area at driveway intersection with the right-of-way of N. Oceanshore Blvd.
3. It is assumed that there will be a need for equipment pads for mechanical equipment related to the lagoon/river and waterfall features. If correct, please locate the equipment pads on the site plan.
4. Provide site data table on plan for variance. Include new building and impervious surfaces related to water features and cave.
5. Provide parking calculation in data table inclusive of statement related to limitations on seating.
6. What will be the height of the cave?
7. Show the pedestrian path from the building to the cave.
8. Further comments may be generated with additional submittals.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT
1. Application #3167 (Project # 2018010018) - Hammock Ent. LLC/Brent Bruns - Variance - 5047 N. Oceanshore Blvd.
   - No objection to rear yard setback variance; however the following comments apply to the overall project:
     - A State DOH variance will be required to allow any portion of the septic system (dosing/transmission lines) to be placed underneath the proposed water feature. A five
foot setback would otherwise be required. Please note that variance applications require a hardship.

- Please include the accurate location of the newly installed septic system for the rear structure. It appears that the proposed water feature will adversely impact this system.

- Please include the location of the industrial waste holding tank that will hold the waste from the proposed brewing operation.

- Please note that industrial waste may not be pumped by a regular septage hauler and must be handled by a licensed industrial waste disposal service.

- Please note that Engineered designed septic system specifications will be reviewed after a septic system construction permit has been applied for and a soil evaluation has been performed. This cannot be adequately reviewed at this time. Ensure the 2 drainfield areas equal to each other in size as possible.

- An annual operating permit will be required due to both commercial and industrial waste generation. An annual fee of $150.00 and annual inspection will be required.

REVIEWING DEPARTMENT: BUILDING DEPARTMENT
No comments.
REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING
1. The parallel parking lot next to the cave and the waterfall building may be hard to access and is too close to the cave wall.
   Response: The parking space is 3' off the cave wall and access to the cave from this location is limited to maintenance access only.

2. How is the Cave to be accessed from the west side of the lagoon?
   Response: The west lagoon entrance is solely for service and maintenance and will not be accessible to the public.

3. Access to the Cave adjacent to the waterfall building must meet ADA requirements.
   Response: According to the applicant, the pedestrian walk areas will be ADA compliant to provide ADA access to the cave from the main front public access. The ADA compliant bridges have been shown on the revised Variance Exhibit.

4. Has the exemption status with the Water Management District been maintained with the proposed additional improvements?
   Response: No, we have not yet settled on anything final for a design. SJRWMD permits will be updated when a design is selected, and the appropriate variances obtained.

5. How does the River/lagoon function? Where will the proposed equipment be housed? Please depict on the plan.
   Response: The waterfalls and river will function via pumps housed within each of the two waterfalls. The 24' high waterfall will house the appropriate mechanisms for operation via a maintenance access door on the rear of the waterfall. The 12' high waterfall will have an access door on the south side, with a walkway to the opposite end of the internal waterfall structure. This internal area will house the appropriate equipment for operation.

6. Provide enough space behind the large waterfall in the rear for maintenance and cleaning.
   Response: The mechanisms for the waterfall will be housed internally, with an access door. Therefore, no rear access is anticipated to be necessary.

7. Further comments may be generated with additional submittals.
   Response: Noted.

REVIEWING DEPARTMENT: FIRE INSPECTOR
1. Plans need to include firefighter access to the outside bar area and the cave area.
   Response: The pedestrian walkways noted on the plan provide access to all for the abovementioned areas.

2. With the cave area and the waterfall along the back edge of the property fire fighters will not have ingress or egress to those areas.
   Response: The waterfall is constructed of concrete block and will house equipment internally. Therefore, fire access is anticipated to be provided through this internal access.

3. What is going to be the wall and ceiling covering in the cave area?
   Response: The construction of the cave is proposed to be concrete block. Additional
**building information is attached to this submittal.**

**REVIEWING DEPARTMENT: PLANNING DEPARTMENT**

1. Justification statements 1 and 2 need to be revised to identify the hardship preventing the location of the structures in compliance with the required setback. As presented, the justification is related to the vision of the proposed business rather than the attempt to design according to the required criteria. Has there been an attempt to modify parking locations to locate the cave within the setbacks? Is the proposed location chosen to preserve existing index trees?

   **Response:** Justification statements will be revised and are attached.

2. Remove fence from vision clearance area at driveway intersection with the right-of-way of N. Oceanshore Blvd.

   **Response:** Fence has been removed

3. It is assumed that there will be a need for equipment pads for mechanical equipment related to the lagoon/river and waterfall features. If correct, please locate the equipment pads on the site plan.

   **Response:** This is correct. As stated above, the equipment pads, mechanical equipment, and pumps will all be housed within the proposed waterfall structures. Access doors will be provided. Please see detailed building plans for more information.

4. Provide site data table on plan for variance. Include new building and impervious surfaces related to water features and cave.

   **Response:** Site data table has been updated

5. Provide parking calculation in data table inclusive of statement related to limitations on seating.

   **Response:** Site data table has been updated to require that seat count does not exceed the allowable per the final septic design.

6. What will be the height of the cave?

   **Response:** Detailed building plans have been provided with this submittal. As shown in those plans, the cave is proposed 11’ high.

7. Show the pedestrian path from the building to the cave.

   **Response:** Pedestrian Path has been shown.

8. Further comments may be generated with additional submittals.

   **Response:** Noted
REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT
1. Application #3167 (Project # 2018010018) - Hammock Ent. LLC/Brent Bruns - Variance
   - 5047 N. Oceanshore Blvd.
   - No objection to rear yard setback variance; however the following comments apply to
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       (dosing/transmission lines) to be placed underneath the proposed water feature. A five
       foot setback would otherwise be required. Please note that variance applications require
       a hardship.
     - Please include the accurate location of the newly installed septic system for the rear
       structure. It appears that the proposed water feature will adversely impact this system.
     - Please include the location of the industrial waste holding tank that will hold the waste
       from the proposed brewing operation.
     - Please note that industrial waste may not be pumped by a regular septage hauler and
       must be handled by a licensed industrial waste disposal service.
     - Please note that Engineered designed septic system specifications will be reviewed
       after a septic system construction permit has been applied for and a soil evaluation has
       been performed. This cannot be adequately reviewed at this time. Ensure the 2
       drainfield areas equal to each other in size as possible.
     - An annual operating permit will be required due to both commercial and industrial
       waste generation. An annual fee of $150.00 and annual inspection will be required.

Response: These comments have been noted and as stated, will be addressed should
this layout be approved, and the Site Plan process restarted.

REVIEWING DEPARTMENT: BUILDING DEPARTMENT
No comments.
Hammock Playgarden & Ocean Shore Brewery

5047 N Ocean Shore Blvd.
Palm Coast, FL 32137

OWNER/APPLICANT:
Hammock Enterprises, LLC
102 Yacht Harbor Drive Suite 161
Palm Coast, FL 32137
386-986-8207
BRENT@BRENTBRAUN.COM

ENGINEER:
The Alan Enns Engineering Group, Inc.
880 Airport Road, Ste. 113
Palm Coast, FL 32137
Phone: (386) 673-7640
Email: ALAN@AENNS.COM

SURVEYOR:
Erino Survey Group Inc.
475 S. Blue Lake Avenue
Ormond Beach, FL 32174
Phone: (386) 740-8144
Email: LARRY@ERINOSURVEYING.COM

LANDSCAPE ARCHITECT:
EFIRD SURVEYING GROUP, INC.
32374
Flagler County, FL 32137
Palm Coast, FL 32137
Phone: (386) 911-1250
Email: MIKE@EFIRDGROUP.COM

SPECIFICATIONS:

1. Contractor shall use all pertinent features which may affect his bid prior to bidding - the project. Failure to do so will be cause for rejection. Contractor must not consider as extra payment or work done outside the plan.

2. Utilities may exist which are not shown accurately on their plans. The contractor shall be responsible for any damage done by his construction.

3. In order to be in compliance with the approved visual exception criteria, all utility service drops shall be in accordance with the standards set forth by the standards set forth by the Flagler County Public Works Department.

4. Contractor shall immediately notify design engineer and site permit manager of any discrepancies found on the plans.

5. Any public land corner within the limits of construction is to be protected. If a corner maintains it in any public land corner it is to be maintained. Contractor should notify the County engineer of any disturbance.

6. Maintenance of transportable traffic control devices for streets and sidewalks, & the 2015 FDOT and Flagler County Traffic Control Standards.

7. A member of O.I. Construction Test for the 2015 Florida R & R Design is required. A copy of the test report shall be sent to the FDOT Public Works Department.

8. Temporary pavement shall be provided either to construct or to maintain any clearings of private property.

9. Unpaved materials shall be removed or replaced with similar materials.

10. All construction shall be performed with reference to the approved traffic control devices for streets and sidewalks, & the 2015 FDOT and Flagler County Traffic Control Standards.

11. A member of O.I. Construction Test for the 2015 Florida R & R Design is required. A copy of the test report shall be sent to the FDOT Public Works Department.

12. All drainage problems created by construction or existing before construction and not allocated shall be brought to the attention of FDOT, Flagler County and the design engineer.

13. All asphalt, concrete, or paving shall be installed according to the approved specifications.

14. All asphalt, concrete, or paving shall be installed according to the approved specifications.

15. The contractor shall be responsible for all other construction equipment and materials.

16. All concrete shall be an approved FDOT mix design of 2,000 psi.

17. All materials installed within existing right-of-way shall be subject to those on the FDOT's qualified products list or approved product list of traffic control devices, materials, and services.

18. Notify the County at least 1 day prior to the start of construction for any work to be done within existing right-of-way requiring any permits not listed in existing right-of-way requiring any permits.

STATEMENT OF INTENT:

To the Flagler County, Florida, and to the State of Florida.

The above project is subject to compliances with FDOT & Flagler County land use code section 6-C.01 - remarks and permits.

LEGAL DESCRIPTION:

The legal description of property subject to this permit is: "For the purpose of this permit, the property is subject to compliances with FDOT & Flagler County land use code section 6-C.01 - remarks and permits."

CONTRACTOR:

Hammock Enterprises, LLC
102 Yacht Harbor Drive Suite 161
Palm Coast, FL 32137

PHOTOGRAPHIC SURVEYOR:

Brent Brunns
BRENT@BRENTBRAUN.COM

SITE DATA:

FLIP MAP

ZONING MAP

DIMENSION PLAN

PAVING & GRADING PLAN

SEPTIC & UTILITY PLAN

PLAK MAPPING
March 5, 2019

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

25 foot Rear Setback Variance for Cave at Hammock Playgarden, Project # 2019010018

Dear Mr. Mengel,

Scenic A1A PRIDE reviewed this variance application at our February 22 meeting. We have no objection to this variance as it pertains to the A1A Scenic Corridor and we see the unique attributes of this plan. However, it may not meet the specific criteria for a variance as specified in the Land Development Code.

We understand that nearby neighbors will be notified of the variance when it is scheduled for the Planning and Development Board review. We also understand that an additional approval is required for the planned valet parking.

Sincerely,

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

c.c. Brent Bruns (brentdbruns@gmail.com)
1. backyard backing up to right-of-way
   This is the location of the proposed cave for eating showing the large bamboo overhanging the fence which is located in the DOT right-of-way, which will overhang over the cave as well as the rear lot line.

2. DOT 25 ft right-of-way
   This is a picture from the road behind the property towards where the cave would be but on the other side showing the large amount of bamboo hiding both the cave and waterfall. To keep all the trees and not remove a single one on the property, the cave is being designed such that any trees will protrude through the roof of the cave.

3. The top of the rear lot line where the waterfall would be will have a large planter located on top of the waterfall which will be filled with plants, small trees and vines to further block any views of the waterfall from the property to the rear of my property.