1. Roll Call.

2. Pledge to the Flag.

3. Approval of February 11, 2020 regular meeting minutes.

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

Time limits will be observed:
- **Staff** – 10 minute presentation.
- **Applicant** – 15 minute presentation (unless time extended by consensus of Board).
- **Public Comment** – 3 minutes per speaker, 5 minutes if speaking on behalf of a group.
- **Applicant Rebuttal and Closing Staff Comments** – 10 minutes each.

4. Legislative not requiring disclosure of ex parte communication:
   Application #3212 - **APPLICATION FOR SMALL SCALE FUTURE LAND USE MAP AMENDMENT** - request for a Future Land Use Map Amendment (Small Scale) from Agriculture & Timberlands to Residential Low Density/Rural Estate for 3.61+/- acres; 4691 and 4735 County Road 305; Parcel Numbers 34-12-29-3035-00000-0020 and 34-12-29-5550-00120-0031; Owner/Applicant: Johanna F. Ache.
   
   Project #COMP-000116-2020 (TRC, PDB, BCC)

5. Quasi-judicial requiring disclosure of ex parte communication:
   Application #3213 - **APPLICATION FOR REZONING** - request for a Rezoning from AC (Agriculture) District to MH-1 (Rural Mobile Home) District for 3.61+/- acres; 4691 and 4735
County Road 305; Parcel Numbers 34-12-29-3035-00000-0020 and 34-12-29-5550-00120-0031; Owner/Applicant: Johanna F. Ache. 
Project #RZNE-000117-2020 (TRC, PDB, BCC)

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.
MEMBERS PRESENT: Chairman Michael Boyd, Jack Corbett, Michael Goodman, Mark Langello, and Anthony Lombardo.

MEMBERS EXCUSED: Timothy Conner, and Laureen Kornel

STAFF PRESENT: Adam Mengel, Growth Management Director; Wendy Hickey, Planner

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

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

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

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

3. Election of Chairman
   Mr. Mengel, opened the floor for nominations
   
   Mr. Goodman nominated Mr. Conner for Chairman
   Hearing no other nominations
   A vote was called and passed unanimously

4. Election of Vice Chairman
   Mr. Mengel, opened the floor for nominations
   
   Mr. Langello nominated Mr. Lombardo for Vice Chairman
   Hearing no other nominations
   A vote was called and passed unanimously
Vice Chairman Lombardo took the Gavel

Approval of December 10, 2019 regular meeting minutes.

Motion to approve by Mr. Boyd, seconded by Mr. Corbett.

Motion carried unanimously.

Quasi-judicial requiring disclosure of ex parte communication:

Application #3208 – APPLICATION FOR A SPECIAL EXCEPTION IN THE R/C (RESIDENTIAL/LIMITED COMMERCIAL) DISTRICT – request is for Alternative Medical Practitioner and Yoga Studio in the R/C/ (Residential/Limited Commercial) district. Located at 2 Jungle Hut Road Parcel Number: 37-11-31-0000-02020-0000; 0.72 +/- acres; Owner/M. Kraus & Brothers, Inc. / Applicant: Thomas J. McDonnell.

Vice Chairman Lombardo, asked for ex-parte disclosures.

Mr. Goodman, disclosed he was at the Scenic A1A meeting where this item was discussed.

Mr. Mengel, presented the staff report for the Special Exception summarizing the existing and proposed uses. He then provide the Board with their options for decision on the application.

Andrew Moffatt, 37 Northshore Avenue, Palm Coast, Florida, 32137, representing the applicant gave a description of the proposed uses and overlap of uses. He discussed how the existing parking is sufficient for the proposed uses.

Mr. Langello, questioned the calculation of the required parking with respect to overlapping uses.

Mr. Mengel, responded that the concerns were not only parking but also the sanitary sewer capacity as conveyed in the TRC (Technical Review Committee) comments.

Thomas McDonnell, 2003 North Daytona Avenue, Flagler Beach, Florida, 32136, Applicant, asked if there was a development bringing sewer on the across the street? He also asked if they could agree to hook up to that sewer once it is available would that change the amount of clientele they would be allowed.

Mr. Mengel, responded we could if that is the intent. He then read into the record the Health Departments TRC Comments where they state “A preliminary review suggests that any use
beyond the original approved use as general office space would require modification of the
existing septic system. The system was approved in 2001 for a 200 gallon per day flow for
the entire structure. Estimated sewage flows found in Chapter 64E-6, FAC dictate a
practitioner flow at 250 gdp per practitioner”. He expressed that this is an exponential
difference. He then stated that until either modification of the septic system or the connection
to the sanitary sewer system the applicant has to work within the limitations given be the
Health Department. That is why staff has recommended the use constraints for this Special
Exception.

Mr. McDonnell, commented that in the past when this property was completely occupied the
septic system went almost two years before being emptied. He reiterated his statement that
there will be sewer brought to the development across the street and he has been in discussions
with that developer for the ability for a future connection.

Mr. Mengel, explained that it will be necessary if there are multiple practitioners, if the system
designed is exceeded the Health Department will initiate enforcement action which would
require either modify the existing septic system or connection to sanitary sewer.

Mr. Langello, discussed his personal observations of actual septic usage as compared to the
health departments assumed daily usage based on use. He also commented on the required
amount of parking.

Mr. McDonnell, addressed the parking situation stating that there are two existing businesses
in the building one is a real estate office and the other is a rental company neither business
uses the offices much so minimal need for parking approximately 3 spaces twice a month.

Mr. Langello, commented that it seems the tenants don’t have a problem or a concern about
the parking because they are not here to voice any concerns. He also added that he was in
agreement if the tenants changed and this use was using more that the applicant would limit
the spaces based on the allocation in the conditions.

Mr. Moffatt, commented that three practitioners would be very unlikely at one time but two
could happen and asked if the conditions could be amended for two instead of one. He noted
that the use has been operational for the past month and parking has not been an issue.

Vice Chairman Lombardo opened Board Comment on this item:

Mr. Corbett, asked if the yoga classes were weekends only?
Mr. Moffatt, responded no they could also be weekdays. There are two a day and then private classes.

Mr. Langello, asked if there were bike racks at the location.

Mr. Mengel, responded no

Vice Chairman Lombardo, commented that it has become more common for designated signs for parking spaces within a plaza. This might be good to have so that when the other tenants are in the office everyone has their designated spaces.

Mr. McDonnell, responded the situation would be alleviated by scheduling.

Vice Chairman Lombardo opened Public Comment on this item seeing none he closed Public Comment and asked the Board for a motion.

Motion by Mr. Langello to approve the Application #3208 with the Planning and Development Board finding that all Special Exception guidelines have met for a Special Exception in the R/C (Residential Limited Commercial) district to add an Alternative Medical Practitioner and Yoga Studio to the list of approved Special Exception uses at 2 Jungle Hut Road, subject to the following conditions:

a. This Special Exception runs with the land;
b. The allowed Special Exception uses on this parcel include: Professional Office, Alternative Medical Practitioner, and Yoga Studio, providing that compliance with all applicable Land Development Code provisions are met on the existing site, including off-street parking requirements on an on-going basis;
c. That the Alternative Medical Practitioner be limited to no more than one practitioner onsite at one time, and clients be limited to no more than three at one time so that patient scheduling does not adversely impact off-street parking or onsite sewage disposal system limitations;
d. That the Yoga Studio be limited to no more than eight participants in any class at any one time so as to not adversely impact off-street parking or onsite sewage disposal system limitations;
e. Any requirements for licensing and inspection by any State agency, including but not limited to the Florida Agency for Healthcare Administration, Florida Department of Agriculture and Consumer Services, the Florida Department of Business and Professional Regulation, and the Florida Department of Health, are met for each practitioner and the facility on an initial and on-going basis;
Draft

f. All signage to be in compliance with Flagler County Land Development Code criteria; and

g. Any lighting to be in compliance with Flagler County Land Development Code, Section 6.05.00 Marine Sea Turtle provisions.

Seconded by Mr. Goodman.

Motion carried unanimously.

7. Staff Comments

Mr. Mengel, promised to bring forward some items for the Land Development Code update at the next meeting.

8. Board Comments

Mr. Goodman, provided a handout to the Board and Staff that is attached to these minutes as Attachment “A”. He discussed that the first page outlines what we are supposed to be doing as the Planning Board. He noted that there are times we spend time on minor issues and was hoping we could spend more time working on the code. He then continued that attends all the Scenic A1A meetings, and there is a Flagler County Scenic Corridor Overlay District Design Guidelines Handbook. When I am at the Scenic A1A meetings they are always talking about parking, sewer they are talking about a lot of things that are not in their purview. I felt this is something that needs to be addressed that they should understand what their guidelines are when they have their meetings. Not that someone has to spend an hour and a half at their meeting trying to explain what they are doing when it really is a Building Department and a Planning Board decision process. That is why I provided this at my own expense.

Mr. Langello, for the record the first page is missing some of the members of the board. I fully agree, It is confusing to the public when they have to battle out issues with an agency that has nothing to do with that agency, that agency is private group we do not regulate them. I would ask for a vote or whatever it takes for staff to make sure their comments would be limited to the issues. We are sending people to them and they should not feel they have to climb another hurdle when they don’t have to. We force them to go there but we are not defining what their role is and they seem to be taking a bigger role and become burdensome on the applicant. He then asked staff I there was an action that they could do to make sure they stay within their purview. And their comments should only relate to what our code allows.
Ms. Stangle, explained that it was the Board of County Commissioners that took the action allowing review by this entity Scenic A1A group. I think a recommendation to the Board to clarify the role and responsibility of the group because there seems to be some confusion.

Mr. Langello, asked if a vote would be appropriate.

Ms. Stangle, responded a vote would be appropriate; then Mr. Mengel could deliver it to the Board. Where it could be place on an agenda for a future date for discussion.

Mr. Goodman, the applicant is a prime example, they went to the Scenic A1A meeting and there was no reason for them to be there. There was nothing about the landscaping, nothing about the building. It was only about putting a certain type of practitioner in an office space. I see it as a burden to small business people to have to go through that process when there is nothing really they are doing.

Vice Chairman Lombardo, express his agreement with Mr. Goodman, noting that the process is hard enough. Without adding additional steps that may not need to be taken.

Motion made by Mr. Langello asking Mr. Mengel to bring the Planning and Development Board’s request to the Board of County Commissioners for clarification of the review to be provided by Scenic A1A PRIDE committee and ask the committee to limit their review and comments accordingly.

Seconded by Mr. Goodman.

Motion carried unanimously.

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.

None.

Adjournment

Meeting adjourned at 6:38 p.m.

Prepared by: Wendy Hickey
Reviewed by: Adam Mengel
PLANNING AND DEVELOPMENT BOARD

The Flagler County Board of County Commissioners established the Planning and Development Review Board under Reference Land Development Code, Appendix C, Section 2.

The Planning and Development Board is responsible for reviewing and taking action on the applications for development pursuant to the county Land Development Code and other ordinances. It oversees the effectiveness and status of the Land Development Code and recommends amendments to the Board of County Commissioners that are consistent with the Comprehensive Plan. It gathers and maintains information on population, property values, land economy, land use, and other information needed to assess the amount, direction and type of development to be expected in Flagler County. The board provides advice about land use policies through regular meetings and ad hoc scheduled workshops. It also conducts public hearings to gather the necessary information to draft, establish, amend, and maintain various elements of Flagler County's Comprehensive Plan and Land Development Code. The Planning and Development Board reviews redevelopment plans prepared under Chapter 163, Part III, Florida Statutes.

Staff Liaison: Adam Mengel, 386-313-4009

Members

Michael Boyd • 09/21/2015 to 09/21/2021
Mark Langello • 03/02/2015 to 09/21/2021
Flagler County
Scenic Corridor Overlay District
Design Guidelines Handbook

Flagler County, Florida
Department of Planning and Zoning
August 2004

This document was made possible through a grant from the Federal Highway Administration.
Foreword

State Road A1A within Flagler County is a National Scenic Byway, one of three in Florida as of the printing of this document. The designation was the culmination of a five-year effort by residents and local and state government. The national designation facilitates the procurement of grant funds for public facilities, parks and education programs, among other improvements, to enhance the local island community. This handbook is part of the process to protect the scenic, environmental and historic resources on the roadway. The goal is to enhance these resources for quality of life purposes while promoting sustainable economic growth.
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INTRODUCTION

The purpose of this handbook is to help citizens who are unfamiliar with the concepts and standards of the Scenic Corridor Overlay. The Overlay is part of the County’s Land Development Code (or “LDC”), which is a legal document that is carefully worded to ensure the health, safety and welfare of the public is maintained while still allowing private property owners to obtain a return on their investment. The intent of this handbook is to present the regulations of the Scenic Corridor Overlay in simpler text, using photographs and illustrations where appropriate. This handbook does not replace the Land Development Code or the Comprehensive Plan, and applicants should always check these legal documents before making development decisions.

The Scenic Corridor Overlay contains a number of design standards and concepts that, while not new to veterans of architecture and development, are new to the Flagler County Land Development Code. If you have questions about this handbook or if you would like a copy of the Land Development Code, call the Flagler County Department of Planning and Zoning at (386) 437-7484.

Flagler County has an abundance of natural, historic and scenic features. Fortunately for visitors to the area and more recent residents, the elected officials and long time residents of Flagler County recognized the value of these resources early on and sought to protect them through a variety of mechanisms. One of the best examples of these efforts is the designation of the entire 19-mile stretch of A1A through Flagler County as a Florida Scenic Highway (since 2001) and a National Scenic Byway (designated in 2003).

Within the County, there are two separate state scenic corridors – the A1A Ocean Shore corridor and the A1A River and Sea Trail. The Ocean Shore corridor runs from the Flagler-Volusia County line to the northern boundary of the Town of Beverly Beach, for a length of seven (7) miles. The River and Sea
Introduction

Trail begins at the northern boundary of the Town of Beverly Beach and runs 12 miles to the Flagler-St. Johns County line, passing through the Town of Marineland. The Ocean Shore corridor passes through the City of Flagler Beach and the Town of Beverly Beach, while the majority of the River and Sea Trail is located within unincorporated Flagler County.

As part of the Florida Scenic Highway program, Corridor Management Plans must be developed for each scenic highway. These plans, or CMPs, establish the goals, objectives and strategies for preserving the corridor. One of the strategies in the River and Sea Trail CMP was the creation of an overlay zoning district that would protect the intrinsic resources along the corridor.

Once a highway receives a state scenic designation, a Corridor Management Entity (or CME) is created to ensure the implementation of the CMP. The CME for the River to Sea Trail is called Scenic A1A PRIDE. Working with the County’s Department of Planning and Zoning, Scenic A1A PRIDE developed an Interim Development Ordinance that was adopted by the Flagler County Board of County Commissioners in 2001. This was the first step towards creating an overlay zoning district for the River and Sea Trail scenic corridor. This interim ordinance was replaced by the more comprehensive Scenic Corridor Overlay ("SCO") ordinance.

The SCO defines the geographic area covered by the new regulations and establishes different setback, landscaping, tree protection, sign and site design requirements for parcels adjacent to Bay Drive, Mala Compra Road, Jungle Hut Road, 16th Road, and A1A within the unincorporated County.
I. WHAT IS AN OVERLAY ZONING DISTRICT?

A. General definition of an overlay zoning district
An overlay zoning district is a flexible technique that allows a local government to increase or reduce requirements in a specified area. Basically, it is just what it sounds like – it is an additional zoning designation that is applied over the existing (or base) zoning and it establishes additional, or eliminates, restrictions for the affected properties. An overlay zoning district is used when there is one or more areas with a special resource to be protected or developed. In this case, the A1A Scenic Highway is the special area to be protected by the creation of the Scenic Corridor Overlay.

B. Boundaries of the Scenic Corridor Overlay and relationship to the Land Development Code and Comprehensive Plan
The Scenic Corridor Overlay is part of the County’s adopted Land Development Code. The provisions of the overlay were adopted via Ordinance No. 2004-11 on August 16, 2004. The Land Development Code implements the County’s Comprehensive Plan. The Scenic Corridor Overlay applies to “all parcels or lots adjoining State Road A1A including its right-of-way from the Northern border of the Town of Beverly Beach to the Southern border of the Town of Marineland and also including all parcels or lots adjoining 16th Road east from A1A to the Ocean, Mala Compra Road, Bay Drive and Jungle Hut Road, including subsequent divisions or lot splits of said parcels or lots existing as of December 21, 2001.”
II. SITE DEVELOPMENT PLAN REQUIREMENTS

For all nonresidential and multi-family development proposed within the A1A Scenic Corridor Overlay, site development, sign, landscaping plans and building elevations are required to be submitted with the appropriate County application form. The specific requirements for these plans are found in Appendix B of the LDC, but are summarized here. Applicants are reminded to rely on the LDC or information from the County’s Department of Planning and Zoning when preparing an application.

☐ Site plans should include the following data at an appropriate scale:

1. Lot area in square feet or acreage;
2. If residential, the total number and number of each type of dwelling unit, plus the following data calculated over the entire project site:
   a. Density of residential units
   b. Percentage and square feet of building coverage
   c. Percentage and square feet of driveway and parking
   d. Percentage and square feet of public street and right-of-way
   e. Percentage and square feet of open space (not including retention)
3. Coastal construction setback line and mean high water line;
4. Tree survey of index and protected trees;
5. Location, floor area and maximum height of existing and proposed buildings;
6. Lot lines, easements, public rights-of-way;
7. Location of circulation system, including streets, pedestrian and bicycle paths, driveways, and location and number of all parking spaces and whether public or private;
8. Identification of public and private streets;
9. Other development features such as retention, wastewater or septic facilities, dumpsters, loading docks, fences, walls and signs; and
10. Proposed turn lanes and off-site traffic improvements.
Site Development Plan Requirements

- **Sign plans** should indicate:
  1. The height, size, shape and exact location of the proposed sign;
  2. A plan, sketch, blueprint, or similar presentation drawn to scale, showing all pertinent structural details, wind pressure requirements, and materials in accordance with the requirements of the Standard Building Code adopted by Flagler County; and
  3. A statement verifying the height, size, shape and exact location of existing signage on the premises.

Any sign over sixteen-square feet shall require a sealed set of drawings and calculations by an engineer licensed in Florida prior to the issuance of a building permit.

- **Landscape plans** should include sufficient information for the county to determine whether the proposed landscape improvements are in conformance with the landscape standards and other requirements of this section. Index trees and general areas of native vegetation to be preserved or removed shall be shown on the plan.

- **Building elevation plans** should include:
  1. Schematic of each exterior façade of principal and accessory structures;
  2. All exterior building materials, including window frames;
  3. Height and length dimensions for each exterior wall;
  4. Show floor lines, finish, and existing (dotted) grades at exterior building walls;
  5. Identify roof slope; and
  6. Show location (s) and dimensions of wall signs.
III. GRAPHIC DEPICTIONS OF THE DEVELOPMENT STANDARDS

The purpose of this section is to clarify, through illustration, the development standards encouraged or required in the A1A Scenic Corridor. In the event of conflict between these illustrations and the Land Development Code or Comprehensive Plan, the legal documents take precedence.

A. Land use intensity

The County measures land use intensity through three criteria: building height, lot coverage, and pervious area. Each of these will be addressed separately.

- **Building height** is defined as the vertical distance from the established grade at the center of the front of the building:

  1) to the highest point of the roof surface for a flat roof,

  ![Parapet Roof](image)

  ![Mansard Roof](image)

  2) to the deck line for a mansard roof and
Development Standards: Land Use Intensity

3) to the mean height level between eaves and ridge for gable, hip and gambrel roofs. If a deck or porch structure rises above the roof peak, then the top this structure defines the building height.
Development Standards: Land Use Intensity

- **Lot coverage** is the amount of the total lot area that can be covered with buildings, including the principal and accessory structures. This is expressed as a percentage of the total lot area and varies by zoning district. For this example, the **maximum** lot coverage permitted is 35 percent. The shaded areas represent the areas covered with buildings.

- **Pervious area** is the amount of the lot that should remain in a natural or vegetated state such that rainwater can percolate through the ground. This is also expressed as a percentage of the total lot area and varies by zoning district. In this example, the **minimum** pervious area is 35 percent. The pervious areas are represented by stipples.
Development Standards: Setbacks

B. Setbacks

Properties within the Scenic Corridor Overlay that are zoned R/C - Residential/commercial, O-1 - Limited office, or C-2, General commercial and shopping center are required to have a front setback that is either:

A minimum of 25 feet for lots with a depth of 100 feet or less;

Or

A minimum of 25 percent of the lot depth, up to forty (40) feet, for lots with a depth greater than 100 feet.

NOTE: To preserve an index canopy tree, consideration and flexibility will be given to requests for a variance from the required setbacks.
C. Landscaping

Within the Scenic Corridor Overlay, there are three different types of landscaping requirements: perimeter, interior planting areas, and buffers. The only uses/structures permitted in these areas are signs and driveways. Up to 10 percent of an undulating dry retention system may be located within these landscaped areas, but **ONLY** if such location is necessary to preserve existing protected or index trees. Septic systems, vehicular use areas including parking and access aisles, solid waste facilities/dumpsters, storage buildings and other similar features or structures are **NOT** permitted in these landscaped areas.

The types of landscape areas are defined below.

- **Perimeter landscaping** is required along the front, side and rear property lines within the Scenic Corridor Overlay. The front perimeter landscape area must be equivalent to the required front yard setback, i.e. a minimum of 25 feet for lots with a depth of 100 feet or less or a minimum of 25 percent of lot depth (up to 40 feet) for lots with a depth greater than 100 feet. The intent is to create an undulating, non-uniform buffer that keeps with the existing natural and non-regimented character of the area.
The plant material requirements in these areas are as follows:

**Canopy trees:** Total canopy tree count for front, side and back perimeter areas is one (1) planted tree for each 25 linear feet of perimeter OR one (1) preserved tree of at least 14 inches caliper for every 50 linear feet of perimeter.

**Understory trees** (required in front perimeter area only): Planted or preserved eight (8) trees, not less than six (6) feet in height and with a caliper of one (1) inch or greater measured at six (6) inches above the ground, for each 100 linear feet of perimeter abutting the vehicular right-of-way, not including the frontage devoted to access ways.
Development Standards: Landscaping

- Interior planting areas are the portions of the vehicular use (parking lot and access drives) that are required to be landscaped. One landscape island is required for each 4,000 square feet (or fraction thereof) of vehicular use area. The required dimensions are:

- Minimum total area of 400 square feet
- Minimum width of 15 feet

Each landscape island shall contain at least one (1) index tree with a minimum caliper of four (4) inches at six (6) inches above ground.
Buffers are the area required between uncomplimentary land uses, a defined term. For example, between the primary building on a parcel developed with a nonresidential use and the primary residential structure on an adjacent lot. No structures can be built on the nonresidential site that are within 50 feet of an existing primary residential structure. Additionally, the nonresidential site must include a buffer of 25 feet, which has to be landscaped and include a wall, fence, hedge or natural vegetation area of at least six (6) feet in height that will screen the nonresidential site from the adjoining parcel. The plant material requirements are the same as for perimeter landscape areas.
Development Standards: Tree Protection

D. Tree protection

One of the significant resources identified in the River and Sea Trail Scenic Highway is the natural resources. The vegetative communities within the Scenic Corridor Overlay include maritime hammock and scrub, both of which are designated as “imperiled” by the Florida Natural Areas Inventory. This means that the community is rare or extremely vulnerable to extinction due to natural or man-made factors. In order to maximize the protection of these vegetative communities, the list of protected trees (referred to as “index” trees in the Flagler County Land Development Code) and shrubs in the Scenic Corridor Overlay includes more species than are protected under the regular County requirements.

Table 1: Protected tree species within the A1A Scenic Corridor Overlay

<table>
<thead>
<tr>
<th>Common name</th>
<th>Botanical Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Hornbeam D, U*</td>
<td>Carpinus caroliniana</td>
</tr>
<tr>
<td>Ash, White D</td>
<td>Fraxinus americana</td>
</tr>
<tr>
<td>Bay, Loblolly E, U*</td>
<td>Gordonia lasianthus</td>
</tr>
<tr>
<td>Bay, Red E</td>
<td>Persea borbonia</td>
</tr>
<tr>
<td>Bay, Sweet E*</td>
<td>Magnolia virginiana</td>
</tr>
<tr>
<td>Bradford Pear D</td>
<td>Pyrus calleryana</td>
</tr>
<tr>
<td>Buckeye, Red D, U*</td>
<td>Aesculus pavia</td>
</tr>
<tr>
<td>Cedar, Eastern Red E, U*</td>
<td>Juniperus virginiana</td>
</tr>
<tr>
<td>Cedar, Southern Red E, U*</td>
<td>Juniperus silicicola</td>
</tr>
<tr>
<td>Cherry Laurel E, U*</td>
<td>Prunus caroliniana</td>
</tr>
<tr>
<td>Chickasaw Plum E, U*</td>
<td>Prunus augustinfolia</td>
</tr>
<tr>
<td>Crape Myrtle D</td>
<td>Lagerstroemia indica</td>
</tr>
<tr>
<td>Cypress, Arizona E</td>
<td>Cupressus arizonica</td>
</tr>
<tr>
<td>Cypress, Bald D*</td>
<td>Taxodium distichum</td>
</tr>
<tr>
<td>Cypress, Pond D</td>
<td>Taxodium ascendens</td>
</tr>
<tr>
<td>Elm, American D*</td>
<td>Ulmus americana</td>
</tr>
<tr>
<td>Elm, Chinese/Drake D</td>
<td>Ulmus parvifolia</td>
</tr>
<tr>
<td>Elm, Winged D*</td>
<td>Ulmus alata</td>
</tr>
<tr>
<td>Fringe Tree D*</td>
<td>Chionanthus virginicus</td>
</tr>
<tr>
<td>Hackberry/Sugarberry D, U*</td>
<td>Celtis laevigata</td>
</tr>
<tr>
<td>Holly, American E, U*</td>
<td>Ilex opaca</td>
</tr>
<tr>
<td>Holly, Dahoon E, U*</td>
<td>Ilex cassine</td>
</tr>
<tr>
<td>Holly, East Palatka E, U</td>
<td>Ilex X attenuate, East Palatka</td>
</tr>
<tr>
<td>Holly, Mary Nelle E, U</td>
<td>Ilex-Hybrid holly</td>
</tr>
<tr>
<td>Holly, Nellie R Stevens E, U</td>
<td>Ilex-Hybrid holly</td>
</tr>
</tbody>
</table>
Development Standards: Tree Protection

<table>
<thead>
<tr>
<th>Common name</th>
<th>Botanical Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Holly, Savannah E, U</td>
<td>Ilex X attenuate, Savannah</td>
</tr>
<tr>
<td>Holly, Yaupon E, U*</td>
<td>Ilex vomitoria</td>
</tr>
<tr>
<td>Jerusalem Thorn D, U</td>
<td>Parkinsonia aculeate</td>
</tr>
<tr>
<td>Magnolia, Southern E*</td>
<td>Magnolia grandiflora</td>
</tr>
<tr>
<td>Maple, Red D*</td>
<td>Acer rubrum</td>
</tr>
<tr>
<td>Oak, Laurel D</td>
<td>Quercus hemisphaerica</td>
</tr>
<tr>
<td>Oak, Live E*</td>
<td>Quercus virginiana</td>
</tr>
<tr>
<td>Oak, Myrtle E, U*</td>
<td>Quercus myrtifolia</td>
</tr>
<tr>
<td>Oak, Sand Live (Scrub) E, U*</td>
<td>Quercus geminata</td>
</tr>
<tr>
<td>Oak, Shumard D*</td>
<td>Quercus shumardii</td>
</tr>
<tr>
<td>Oak, Swamp Laurel D*</td>
<td>Quercus laurifolia</td>
</tr>
<tr>
<td>Oak, Turkey D*</td>
<td>Quercus laevis</td>
</tr>
<tr>
<td>Palm, Australian Fan P</td>
<td>Livistonia australis</td>
</tr>
<tr>
<td>Palm, Canary Island Date P</td>
<td>Phoenix canariensis</td>
</tr>
<tr>
<td>Palm, Chinese Fan P</td>
<td>Livistonia chinensis</td>
</tr>
<tr>
<td>Palm, Cliff Date P</td>
<td>Phoenix rupicola</td>
</tr>
<tr>
<td>Palm, Date P</td>
<td>Phoenix dactylifera</td>
</tr>
<tr>
<td>Palm, Pindo P, U</td>
<td>Butia capitata</td>
</tr>
<tr>
<td>Palm, Sabal Cabbage P*</td>
<td>Sabal Palmetto</td>
</tr>
<tr>
<td>Palm, Senegal Date P</td>
<td>Phoenix reclinata</td>
</tr>
<tr>
<td>Palm, Washingtonia P</td>
<td>Washingtonia robusta</td>
</tr>
<tr>
<td>Palm, Wild Date P</td>
<td>Phoenix sylvestris</td>
</tr>
<tr>
<td>River Birch D*</td>
<td>Betula nigra</td>
</tr>
<tr>
<td>Sweet Gum D*</td>
<td>Liquidambar styraciflua</td>
</tr>
<tr>
<td>Sycamore D*</td>
<td>Platanus occidentalis</td>
</tr>
<tr>
<td>Wax Myrtle E, U*</td>
<td>Myrica cerifera</td>
</tr>
<tr>
<td>White Mulberry D</td>
<td>Morus alba</td>
</tr>
</tbody>
</table>

Key: *=Native
Leaf Persistence: P=Palm, E=Evergreen, D=Deciduous, U=Understory

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Botanical Name</th>
<th>Salt Tolerance/Leaf Persistence</th>
<th>Mature Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adam’s Needle*</td>
<td>Yucca smalliana</td>
<td>H/E</td>
<td>4 ft.</td>
</tr>
<tr>
<td>Bottlebrush</td>
<td>Callistemon rigidus</td>
<td>M/D</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Firethorn</td>
<td>Pyracantha coccinea</td>
<td>M/D</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Indian Hawthorne</td>
<td>Rhaphiolepis indica</td>
<td>M/E</td>
<td>5 ft.</td>
</tr>
<tr>
<td>Oleander</td>
<td>Nerium Oleander</td>
<td>H/E</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Pittosporum</td>
<td>Pittosporum tobbria</td>
<td>H/E</td>
<td>15 ft.</td>
</tr>
<tr>
<td>Podocarpus</td>
<td>Podocarpus</td>
<td>M/E</td>
<td>10 ft.</td>
</tr>
</tbody>
</table>
### Development Standards: Tree Protection

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Botanical Name</th>
<th>Salt Tolerance/ Leaf Persistence</th>
<th>Mature Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Saw Palmetto*</td>
<td>Serenoa repens</td>
<td>H/E</td>
<td>15 ft.</td>
</tr>
<tr>
<td><em>Sea Grape</em></td>
<td>Coccoloba uvifera</td>
<td>H/E</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Silverthorn</td>
<td>Eleagnus pungens</td>
<td>H/E</td>
<td>20 ft.</td>
</tr>
<tr>
<td><em>Southern Wax Myrtle</em></td>
<td>Myrica cerifera</td>
<td>H/E</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Viburnum</td>
<td>Viburnum sp.</td>
<td>H/E</td>
<td>25 ft.</td>
</tr>
<tr>
<td>Weeping Yaupon Holly</td>
<td>Ilex vomitoria Pendula</td>
<td>H/E</td>
<td>25 ft.</td>
</tr>
<tr>
<td><em>Yaupon Holly</em></td>
<td>Ilex vomitoria</td>
<td>H/E</td>
<td></td>
</tr>
</tbody>
</table>

**Key:** *= Native  
Salt Tolerance: H=High, M=Moderate, S=Slight  
Leaf Persistence: E=Evergreen, D=Deciduous, B=Semi-evergreen

The protection and replacement requirements vary depending upon the type of use.

- Nonresidential and multi-family parcels must preserve or replant at least 50 percent of the total pre-development index tree caliper inches existing on the site. Caliper is defined as the diameter of a tree at breast height.

- Single-family parcels must preserve or replant at least 40 percent of the total pre-development index tree caliper inches existing on the site.

Preservation of existing index trees in perimeter and interior landscape areas is encouraged, but if one or more index trees must be removed, the following standards must be met.

- The replacement tree species must be listed on the Scenic Corridor Index Tree list (see above).

- The replacement tree must have a minimum caliper of four (4) inches measured at six (6) inches above ground.
Development Standards: Tree Protection

- The replacement tree should have a minimum height of 12 feet when planted. (See diagram below.)

- The rootball should have a 95-gallon minimum container or equivalent rootball size (see below).

- The minimum rootball diameter is 40 inches, or if in a growbag, 30 inches (see below).
E. Signs

To preserve the scenic integrity of the A1A Scenic Corridor Overlay, special sign regulations were developed. As with the landscaping requirements, there are certain components of the sign regulations that benefit from an illustration of these concepts, beginning with how to measure sign area.

Sign area is defined as "the total surface of a sign including the background and frame but not structural supporting elements outside of its frame." Within the SCO, the sign area of freestanding signs is limited to 32 square feet. The following diagram illustrates how sign area is defined in the SCO.

There are several different types of signs that are either permitted or prohibited in the A1A Scenic Corridor. The following are examples of these sign types and their status within the corridor is noted.

Freestanding sign – PERMITTED IF GROUND-MOUNTED
Development Standards: Signs

Pole sign – PROHIBITED

Fascia or wall sign – PERMITTED

Post and arm sign - PERMITTED
The following illustrations show how to measure sign height.

**FREE-STANDING SIGN HEIGHT**

Only one (1) sign permitted per business above first floor and below the roof.

**WALL SIGN HEIGHT**
Development Standards: Parking

F. Parking

To reduce the amount of paved parking area and the visual blight associated with commercial parking needs, the following options are available in the SCO.

1. Parking requirements may be reduced by up to 25 percent during the site plan review process, if the proposed uses are complementary (weekday and evening/weekend uses) and are able to share their parking areas. Shared parking areas should be conveniently located to all associated uses.

2. For uses with less than ten (10) required parking spaces, shell parking or other similar approved porous surfaces may be used, if determined by the County Engineering Department that such surface will not create significant erosion, drainage or fugitive dust problems.

3. Consideration and flexibility in granting a variance to the parking requirements will be extended in order to preserve an index canopy tree.
G. **Dumpster and waste containers**

Within the A1A Scenic Corridor, dumpster and waste containers are required to be screened by a wall or fence. A continuous evergreen hedge or other landscape screening material must be installed outside the wall or fence. The minimum height of this plant material shall be 30 inches at installation and must achieve a height of 5 feet within one (1) year. An alternative planting plan is allowed if it creates an effective visual screen.

The following diagram provides an example of what is required.
H. **Loading docks**

Loading docks must be located in the rear of the building within the A1A Scenic Corridor. If a residential use is located on the adjacent property, the loading dock must be oriented and concealed from the residential use as much as possible. The following photographs show an example of how to conceal a loading dock from residential uses.

- Direct view of loading dock
- Side view of same loading dock
I. Access standards

In an effort to reduce traffic congestion on A1A and to improve safety, new access points to A1A will be limited within the Scenic Corridor Overlay.

Corner parcels less than one (1) acre in size shall provide access from local streets only.

Shared access is required between adjacent commercial uses when such access can be located on a joint property line.

- In order to preserve an existing protected tree with a caliper greater than 16 inches, the shared access need not be located on the joint property line.
- Existing commercial sites with access to A1A that is not on a property line are not required to share access with adjacent commercial sites.

Cross-access between new nonresidential sites shall be provided between parking lot access aisles of adjacent sites.
Development Standards: Architecture

2. **Unacceptable architectural styles**

Corporate signature or commercial prototype

Exotic architecture, which is defined as a building that does not resemble a typical structure but resembles an out-of-place structure, like igloos, teepees, medieval castles, caves, etc.; or an exaggerated plant, animal, fish, edible food or other such item.
Development Standards: Architecture

3. Exterior Walls shall be constructed of finished materials (such as stucco, natural brick or stone, finished concrete, horizontal wood siding or other similar materials) and, if facing a street, parking lot or residential property line the wall plane should include two or more of the techniques pictured below.

a. Windows in the style and proportion of the chosen architectural style. Retail uses must incorporate storefront windows at the pedestrian level when adjacent to streets or interior sidewalks.

Pedestrian level storefront windows

b. Ground level arcades or porches.
c. Protected or recessed entries.

d. Vertical elements, such as pilasters, columns, canopies, porticos, arcades, colonnades and/or parapets, to divide blank wall areas into expanses less than 60 feet.
4. Preferred roof styles are hip or gable. Pitches in excess of 6:12 are desired. Dormers, metal roof material, or dimensional shingles are encouraged. Flat roofs must provide parapet or partial roofs to provide architectural interest and to screen rooftop equipment when viewed at the property lines from standing height.

5. Building lengths along the front property dimension shall not exceed 200 feet.
The following are examples of other site design elements that will help to create the desired village character.

a. Pedestrian paths – These are pedestrian ways, linkages and paths that provide access from the building entries to surrounding streets, external sidewalks, outparcels and through the on-site parking. These paths should be constructed of paver blocks, stamped concrete, colored concrete or similar materials to promote traffic calming. Reflective striping should be included.

b. Pedestrian level lighting should be installed along pedestrian paths. These lighting fixtures should not exceed a height of 18 feet and should comply with all other County standards, including protection of sea turtles.
Development Standards: Architecture

e. Use of multiple wall plane offsets and projections of at least three (3) feet each.

f. Retaining a clear distinction between roof, body and base of building.
Development Standards: Site Design

K. Site design principles

In addition to the standards set out in the ordinance, there are several other site design principles to consider when designing a multifamily or nonresidential development in the Scenic Corridor Overlay. These principles are discussed below.

1. Site design to maximize tree preservation.

If a site is densely vegetated with index trees and shrubs, the site design should attempt to incorporate as many protected trees as possible in the buffer yards, parking lot landscape areas, and other landscaped areas. Strategies such as adjusting the location and size of parking lot landscape islands and shifting building and/or septic tank locations should be considered. The preference is to maintain as much intact canopy as possible, in lieu of preserving isolated trees that are scattered throughout the site.

2. Creation of a village.

Another concept developed during the charrette workshops was the village concept. Village design is characterized by buildings fronting the streets (see photo 1); sidewalks; interesting architecture (see photo 2); a tree canopy to provide shade and other elements (see photo 3) that create an attractive and walkable destination. This concept is partially addressed through the access, tree protection and architectural standards sections of the overlay. Additional efforts should be made to achieve this concept, particularly on large sites or sites proposed to be developed with more than one building.
Development Standards: Site Design

c. Open space/park areas should be created within tree preservation areas to provide a gathering place for visitors and a lunch spot for employees. Street furniture, such as seating or picnic tables, should be provided. These areas also provide opportunities for display of public artwork.

Example of public park

Art in public places
SUBJECT: LEGISLATIVE – Application #3212 – Request for a Future Land Use Map amendment (Small Scale) from Agriculture & Timberlands (A&T) to Residential: Low Density/Rural Estate (RLDRE) for 4691 and 4735 County Road 305. Parcel Numbers: 34-12-29-3035-00000-0020 and 34-12-29-5550-00120-0031; 3.61 +/- acres. Owner/Applicant: Johanna F. Ache (Project Number: COMP-000116-2020).

DATE OF MEETING: March 10, 2020

OVERVIEW/SUMMARY: This request is not quasi-judicial in nature and does not require disclosure of ex parte communication. The request is for approval of a Future Land Use Map amendment from Agriculture & Timberlands to Residential Low Density/Rural Estate. The combined acreage for this amendment is 3.61 acres in size, identified as parcel #s 34-12-29-3035-00000-0020 (2.36 acres) and 34-12-29-5550-00120-0031 (1.25 acres), and is located East of County Road 305, South of County Road 2006:

Property Appraiser aerial photo (2017):

On January 17, 2020, Johanna Ache submitted an application for a Future Land Use Map amendment from Agriculture & Timberlands to Residential Low Density/Rural Estate for

Application #3212 – Future Land Use Amendment (Small Scale) from A&T to RLDRE – Ache
her 3.61+/- acres. The purpose of the Future Land Use amendment is to allow the placement of a mobile home on 4691 County Road 305, a nonconforming less-than-five-acre parcel within the AC zoning district that cannot be separately developed since both 4691 and 4735 County Road 305 are in common ownership and contiguous parcels. The Future Land Use amendment and the companion rezoning are necessary to create two, legally conforming parcels and enable the mobile home to be placed on 4691 County Road 305.

This request was reviewed by the Technical Review Committee at their February 19, 2020 regular meeting. There are no outstanding staff comments.

Public notice has been completed consistent with the requirements of Sections 125.66(2) and 163.3187, Florida Statutes (F.S.), and Section 2.07.00, Land Development Code. For reference, the process for small scale Comprehensive Plan amendment is described in Section 163.3187, F.S., with small scale amendments requiring only one public hearing for adoption before the Board of County Commissioners (ss. 163.3187(2), F.S.) and any adopted small scale amendment not becoming effective until 31 days after adoption (ss. 163.3187(5)(c), F.S.).

This agenda item is: 
____ quasi-judicial, requiring disclosure of ex-parte communication; or
__X__ legislative, not requiring formal disclosure of ex-parte communication.

RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS: Flagler County Land Development Code, Section 2.02.05(6) requires that the Planning and Development Board shall conduct public hearings to gather information necessary for the drafting, establishment, amendment, and maintenance of the various elements of the county Comprehensive Plan and Land Development Code.

The Planning and Development Board may recommend approval of Application #3212, a Future Land Use Map amendment from Agriculture & Timberlands to Residential Low Density/Rural Estate for parcel numbers 34-12-29-3035-00000-0020 and 34-12-29-5550-00120-0031, finding that the Future Land Use Map amendment is consistent with the Goals, Objectives, and Policies of the adopted Comprehensive Plan.

Alternatively the Planning and Development Board may recommend denial of Application #3212, a Future Land Use Map amendment from Agriculture & Timberlands to Residential Low Density/Rural Estate for parcel numbers 34-12-29-3035-00000-0020 and 34-12-29-5550-00120-0031, finding that the Future Land Use Map amendment is not consistent with the Goals, Objectives, and Policies of the adopted Comprehensive Plan.

ATTACHMENTS:
1. Technical Staff Report
2. Draft Ordinance
3. Application and supporting documents
4. Public notice
APPLICATION #3212
FUTURE LAND USE AMENDMENT FROM AGRICULTURE & TIMBERLANDS TO RESIDENTIAL LOW DENSITY/RURAL ESTATE – ACHE
TECHNICAL STAFF REPORT

The Future Land Use designation of the subject property is inconsistent with the development of the subject property and the surrounding area which is residential in nature. Many of the nearby parcels are also undersized for the Agriculture & Timberlands Future Land Use designation.

The combined parcels which are the subject of this amendment are together 3.61 acres in size: Parcel Number 34-12-29-3035-00000-0020 at 2.36 acres, described as Lot 2 of Idle Acres subdivision (Map Book 27, Page 8, Public Records of Flagler County, Florida) and addressed as 4691 County Road 305; and Parcel Number 34-12-29-5550-00120-0031 at 1.25 acres, described as part of Tract 3 of Block 12 of St. Johns Development Company’s subdivision of Section 34, Township 12 South, Range 29 East (Plat Book 1, Page 7, Public Records of Flagler County, Florida), and addressed as 4735 County Road 305. The parcel located at 4735 County Road 305 has been developed as the Ache’s homesteaded residence since they acquired the parcel on May 12, 1989 (Warranty Deed recorded on May 15, 1989 at Official Records Book 392, Page 46, Public Records of Flagler County, Florida) and was initially cut-out of its parent parcel through the Warranty Deed dated March 28, 1973 and recorded on April 19, 1973 at Official Records Book 48, Page 397, Public Records of Flagler County, Florida. The parcel at 4691 County Road 305 was subsequently purchased by the Aches on March 31, 1998 through the Warranty Deed recorded on July 2, 1998 at Official Records Book 620, Page 1258, Public Records of Flagler County, Florida. Based on available information, the parcels were never combined for tax assessment purposes or through a unity of title or similar instrument. The titling of the ownership of both parcels is identical – David D. Ache (who has since passed away) and Johanna F. Ache, husband and wife – and both parcels are contiguous.

Both 4691 and 4735 County Road 305 are zoned AC (Agriculture) zoning district. The AC district requires a minimum parcel size of five acres. The Idle Acres plat was approved by the Board of County Commissioners on May 7, 1984. The 4735 County Road 305 parcel was not part of the Idle Acres plat, but was an existing lot of record through its creation in 1973. Individually and separately, both parcels were non-conforming lots of record, capable of being developed individually with a single-family residence (LDC Section 3.02.04.G). But the 1998 purchase by the Aches of 4691 rendered the entirety of the parcel as a commonly held lot of record. The Land Development Code encourages assembly to reduce (and potentially eliminate) nonconformance. In this instance, two contiguous less-than-five-acre parcels held in common ownership, purchased separately, for purposes of zoning together constitute a single lot of record capable of being developed with a single-family dwelling. With 4735 County Road 305 already developed with a home, development of 4691 County Road 305 is not possible except through the subject Future Land Use amendment and its companion rezoning, enabling both parcels to individually be conforming (and individually developed with a single-family residence) to the MH-1 zoning district.

The analysis used in this report assumes development at a maximum density of 1 unit per 1 acre, without consideration of a parcel-specific limiting policy. Should the Board
ultimately deem that a parcel-specific limiting policy is needed, this text can be added to the draft ordinance.

As the attached analysis of the impacts of the Future Land Use Map Amendment indicate, all facility impacts will be de minimis through the maximum potential build-out scenarios with this land use amendment.

The Future Land Use amendment to Residential Low Density/Rural Estate would permit a similar intensity of use. As a small scale amendment, staff believes that the amendment request is appropriate for the area and would not conflict with the use and development of surrounding parcels.

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

“2. The future land use plan and plan amendments shall be based upon surveys, studies, and data regarding the area, as applicable, including:

a. The amount of land required to accommodate anticipated growth.”

The 2010-2035 Comprehensive Plan concluded that a maximum of one dwelling unit could be accommodated on the 3.61 acres presently developed with a single-family dwelling within Western Area 3 and identified as Agriculture & Timberlands. As adopted in the Plan over the period from 2010-2035, the County’s population is expected to increase by 114,187 persons (from 106,927 in 2010 to 221,114 in 2035), with a corresponding need for 45,009 additional housing units (from 44,223 in 2010 to 89,232 in 2035). [Also note that the 2010 Census concluded that there were 48,595 housing units in Flagler County as of April 1, 2010, with 80.6% of these occupied and the remaining 19.4% (or 9,427 units) vacant.] Many of these units will be located in the incorporated area of the County, but areas of consistent growth—like Western Area 3 will continue to attract non-speculative, owner-occupied development due to its rural character. In summary, sufficient raw, undeveloped land exists throughout the County to accommodate the County’s projected population.

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

The 2035 population as estimated by staff based on available BEBR estimates at 221,114 includes both permanent and seasonal population. While no specific estimates were provided in the Plan for Western Area 3, it is anticipated that rural development will have a small percentage of seasonal units when compared to other parts of the County.

“c. The character of undeveloped land.”
The character of the undeveloped land in this area is predominantly low lying piney flat woods or croplands.

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

The subject property as well as surrounding properties are supported by on-site sewage disposal systems and individual wells. Fire and law enforcement services are provided by Flagler County.

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

The subject parcel is neither developed nor blighted, but is nonconforming to the existing zoning. The subject parcel was platted prior to the adoption of land use or zoning regulations, a portion being described as Lot 2 of Idle Acres, Map Book 27, Page 8, Public Records of Flagler County, Florida, and the remainder being a portion of Tract 3, Block 12, St. Johns Development Company’s Subdivision, Plat Book 1, Page 7, Public Records of Flagler County, Florida. The conversion of this parcel from agricultural to residential is preferable to its further development as a non-conforming parcel.

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

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

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

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

“h. The discouragement of urban sprawl.”

Re-designation of previously planned lands from a non-conforming agricultural use – Agriculture & Timberlands – to a use of residential density – Residential: Low Density/Rural Estate – effectively maintains the rural character of the area and does not encourage urban sprawl.

“i. The need for job creation, capital investment, and economic development that will strengthen and diversify the community’s economy.”

While agricultural development of a conforming parcel could potentially result in long-term job creation, the non-conforming subject parcel would not create
an opportunity for job creation, capital investment or economic development for the surrounding community. Arguably, the local economy is in large part based on proximate residential development and agricultural operations.

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

A portion of this is in an antiquated subdivision. Changing the land use designation from Agriculture & Timberlands to Residential Low Density/Rural Estate will enable development of the parcel in compliance with the adopted 2010-2035 Comprehensive Plan.

“8. Future land use map amendments shall be based upon the following analyses:

a. An analysis of the availability of facilities and services.”

The applicant has provided an analysis of the availability of facilities and services.

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

The site consists of a parcel developed with a residence and a vacant wooded parcel that is mostly level. No known historical resources are within the area of the subject property.

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

This request includes the totality of land owned by the Applicant. The applicant is seeking the amendment to provide for as many as two single family units (one is existing) consistent with the proposed land use designation and related application for rezoning (Application #3213). While the resulting lot sizes will not change and are conforming in size to the proposed land use designation, the resulting density is greater than the present density allowed by the Agriculture & Timberlands by one unit. The minimum amount of land to complete the amendment as proposed and remain consistent with the land use designation is two acres; however, amending only a portion of the subject property would continue a non-conforming designation on the subject property and provide no benefit to the subject parcel or surrounding area.

“9. The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.
a. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:

(I) Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.

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

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

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

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

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

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

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

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

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

(XI) Fails to encourage a functional mix of uses.

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

(XIII) Results in the loss of significant amounts of functional open space.”

Staff concludes that the request does not result in any of the 13 sprawl indicators being met.

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

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

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

(IV) Promotes conservation of water and energy.

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

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

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

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

The request fulfills the eight “anti-sprawl” objectives by occurring within an area presently developed in the same nature as the proposed development.

Analysis of Consistency with the Comprehensive Plan

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

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

(1) Parcels being considered for amendment to the Future Land Use Map shall be concurrently evaluated for rezoning to the most appropriate zoning district.
(2) Parcels seeking site plan approval shall continue to be designed, developed and used for activities allowed by the appropriate zoning district.
(3) Property owners will be asked to conform to pending land use/zoning regulations as they request development approval.”

The subject parcel is zoned Agriculture (AC); however, the applicant has submitted a related request to amend the zoning of the subject parcel to MH-1 (Rural Mobile Home) District, consistent with the requested Future Land Use designation.

“Policy A.1.2.4: The Flagler County Land Development Regulations (LDRs) continue to recognize non-conforming land uses and non-conforming lots of record, provide
for their legal status and provide for the conversion of such situations to conforming land uses, where possible.

The subject parcel is non-conforming in parcel size for the present Future Land Use designation. The proposed Future Land Use designation of Residential Low Density/Rural Estate will convert the parcel to conforming in size for comprehensive plan designation.

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

Each of these has been evaluated as part of the statutory consistency review above, with the exception of 100-year flood plain: the subject parcel is within a proposed Zone X, an area outside of the Special Flood Hazard Area.

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

This analysis satisfies this Policy’s requirements.

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

This analysis satisfies this Policy’s requirements. Potable water requirements are satisfied through permitting of individual wells by the Department of Environmental Health.

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

“8.04.00.: Plan amendments. A report shall be prepared by county staff as required and forwarded as part of the major plan amendment process to the long range planning and land development review board, planning board and the board of county commissioners. The report shall indicate the anticipated impact of the administrative action on the levels of service adopted in this ordinance. This report is intended to be a general analysis and should identify corrective actions and any responsibility for the cost of those actions.”
While the request is not considered a major plan amendment, the applicant and staff have addressed the concurrency-related requirements of Florida Statutes, the Comprehensive Plan, and this section of the LDC through this staff report and the accompanying materials.

The County’s Comprehensive Plan is currently under review and update, with amendments due on December 1, 2019. As such, the County is barred from amending its plan until these amendments are completed. The accompanying ordinance for this request has been crafted – as a Small Scale amendment, not requiring the review of the State agencies – to take effect upon amendment of the County’s Comprehensive Plan and determination that the plan is in compliance.
Summary:
This request seeks the amendment of the formerly agriculturally classified non-conforming parcel to allow the development for a single family dwelling.

Analysis of concurrency-related impacts – through Chapter 8 of the Flagler County Land Development Code – indicates that even in the “worst-case” build-out scenario, the capacity exists within existing public facilities so that an adopted Level of Service (LOS) threshold will not be degraded to a point of failure.

The applicant is seeking approval of the amendment for ultimate development of a single family residence on the presently undeveloped parcel, corresponding to 1.8 units per acre, which would generate de minimis impacts over the maximum one dwelling unit permitted in Agriculture & Timberlands Future Land Use category.

<table>
<thead>
<tr>
<th>Existing FLUM Category</th>
<th>Proposed FLUM Category</th>
<th>Existing Maximum Density (DU/Acre)</th>
<th>Proposed Maximum Density (DU/Acre)</th>
<th>Existing Maximum Intensity (FAR)</th>
<th>Proposed Maximum Intensity (FAR)</th>
<th>Net Increase or (Decrease) in Maximum Density</th>
<th>Non-Residential Net Increase or (Decrease) in Potential Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture &amp; Timberlands – 3.61 acres</td>
<td>Residential Low Density Rural Estate – 3.61 acres</td>
<td>1.0 / 5.0</td>
<td>1.0 DU/Acre</td>
<td>--</td>
<td>--</td>
<td>+2</td>
<td>--</td>
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</table>
Transportation Impacts:

### Trip Generation Potential of Parcels Affected by FLUA #3212

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Land Use Designation</th>
<th>Maximum Allowed Intensity</th>
<th>ITE Land Use Code</th>
<th>Size of Development</th>
<th>Daily Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing</td>
<td>Agriculture &amp; Timberlands</td>
<td>1 dwelling unit per 5 acres</td>
<td>210</td>
<td>3.61</td>
<td>9.52 trips</td>
</tr>
<tr>
<td>Proposed</td>
<td>Residential Low Density/Rural Estate</td>
<td>1 dwelling unit per acre</td>
<td>210</td>
<td>3.61</td>
<td>+28.56 trips</td>
</tr>
<tr>
<td>Change (+/-) in Daily Trips</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>+19.03 trips</td>
</tr>
</tbody>
</table>

Note: Single-family detached (210) has a weekday trip generation rate of 9.52 trips.

Potable Water:

### Water Supply Impacts of Parcels Affected by FLUA #3212

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Land Use Designation</th>
<th>Maximum Allowed Intensity</th>
<th>Criterion</th>
<th>Size of Development</th>
<th>Daily Potable Water Demand</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing</td>
<td>Agriculture &amp; Timberlands</td>
<td>1 dwelling unit per 5 acres</td>
<td>125 gals per capita per day</td>
<td>3.61</td>
<td>300 gallons</td>
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<tr>
<td>Proposed</td>
<td>Residential Low Density/Rural Estate</td>
<td>1 dwelling unit per acre</td>
<td>125 gals per capita per day</td>
<td>3.61</td>
<td>900 gallons</td>
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<td>Change (+/-) in Potable Water Demand</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>+600 gallons</td>
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</tbody>
</table>

Note: Single-family demand based on 2.4 pph.
### Sanitary Sewer:

#### Sanitary Sewer Impacts of Parcels Affected by FLUA #3212

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Land Use Designation</th>
<th>Maximum Allowed Intensity</th>
<th>Criterion</th>
<th>Size of Development</th>
<th>Daily Sanitary Sewer Demand</th>
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</thead>
<tbody>
<tr>
<td>Existing</td>
<td>Agriculture &amp; Timberlands</td>
<td>1 dwelling unit per 5 acres</td>
<td>110 gals per capita per day</td>
<td>3.61 acres</td>
<td>264 gallons</td>
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<tr>
<td>Proposed</td>
<td>Residential Low Density/Rural Estate</td>
<td>1 dwelling unit per acre</td>
<td>110 gals per capita per day</td>
<td>3.61 acres</td>
<td>792 gallons</td>
</tr>
</tbody>
</table>

**Change (+/-) in Sanitary Sewer Demand**: +528 gallons

*Note: Single-family demand based on 2.4 pph.*

### Solid Waste:

#### Solid Waste Impacts of Parcels Affected by FLUA #3212

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Land Use Designation</th>
<th>Maximum Allowed Intensity</th>
<th>Criterion</th>
<th>Size of Development</th>
<th>Daily Solid Waste Demand</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing</td>
<td>Agriculture &amp; Timberlands</td>
<td>1 dwelling unit per 5 acres</td>
<td>9.3 pounds per capita per day</td>
<td>3.61 acres</td>
<td>22.32 pounds</td>
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<tr>
<td>Proposed</td>
<td>Residential Low Density/Rural Estate</td>
<td>1 dwelling unit per acre</td>
<td>9.3 pounds per capita per day</td>
<td>3.61 acres</td>
<td>66.96 pounds</td>
</tr>
</tbody>
</table>

**Change (+/-) in Solid Waste Demand**: +44.64 pounds

*Note: Single-family demand based on 2.4 pph.*
FUTURE LAND USE AMENDMENT  
SUMMARY FOR APPLICATION #3212  

Parks and Recreation:  

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Land Use Designation</th>
<th>Maximum Allowed Intensity</th>
<th>Criterion</th>
<th>Size of Development</th>
<th>Parks and Recreation Demand</th>
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<tbody>
<tr>
<td></td>
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<td>Acres</td>
<td>Units or Area</td>
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<tr>
<td>Existing</td>
<td>Agriculture &amp; Timberlands</td>
<td>1 dwelling unit per 5 acres</td>
<td>Resident population</td>
<td>3.61</td>
<td>1 unit</td>
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<tr>
<td>Proposed</td>
<td>Residential Low Density/Rural Estate</td>
<td>1 dwelling unit per acre</td>
<td>Resident population</td>
<td>3.61</td>
<td>3 units</td>
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Change (+/-) in Parks and Recreation Demand  

Note: Parks and recreation LOS demand is based on aggregated population counts. Non-residential uses do not generate parks and recreation demand.

Educational Facilities:  

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Land Use Designation</th>
<th>Maximum Allowed Intensity</th>
<th>Criterion</th>
<th>Size of Development</th>
<th>Educational Facilities Demand</th>
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<tbody>
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<td></td>
<td></td>
<td></td>
<td>Acres</td>
<td>Units or Area</td>
</tr>
<tr>
<td>Existing</td>
<td>Agriculture &amp; Timberlands</td>
<td>1 dwelling unit per 5 acres</td>
<td>FTE</td>
<td>3.61</td>
<td>1 units</td>
</tr>
<tr>
<td>Proposed</td>
<td>Residential Low Density/Rural Estate</td>
<td>1 dwelling unit per acre</td>
<td>FTE</td>
<td>3.61</td>
<td>3 units</td>
</tr>
</tbody>
</table>

Change (+/-) in Educational Facilities Demand  

Note: Educational facilities LOS demand is based on FTE counts determined within Concurrency Service Areas (CSAs). This project is located within CSA Number 7.
AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA AMENDING THE FUTURE LAND USE DESIGNATION OF A TOTAL OF 3.61 ACRES, MORE OR LESS, LYING IN SECTION 34, TOWNSHIP 12 SOUTH, RANGE 29 EAST; FROM AGRICULTURAL & TIMBERLANDS TO RESIDENTIAL: LOW DENSITY/RURAL ESTATE; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Johanna F. Ache, is the owner of Parcel #34-12-29-3035-00000-0020 and #34-12-29-5550-00120-0031, which is 3.61 acres, more or less, in size and more particularly described herein and graphically shown on Exhibit “A” attached hereto; and

WHEREAS, Johanna F. Ache is seeking the amendment of the Future Land Use designation of the lands described herein; and

WHEREAS, on March 10, 2020, the Planning and Development Board conducted a public hearing on this amendment and voted to recommend adoption of the amendment; and

WHEREAS, on March 16, 2020, the Flagler County Board of County Commissioners, also sitting in their capacity as the Local Planning Agency, conducted a public hearing on this amendment and voted to approve the proposed amendment; and

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

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

Section 1. FINDINGS
a. The Board of County Commissioners finds that the proposed Future Land Use Map amendment and parcel-specific Future Land Use Element text amendment are consistent with the goals, objectives, and policies of the Flagler County Comprehensive Plan.

b. This ordinance is adopted in compliance with and pursuant to the Community Planning Act, Sections 163.3161-163.3217, Florida Statutes.
Section 2.  FUTURE LAND USE MAP AMENDMENT
The real property containing approximately 3.61 acres, more or less, and legally described herein is hereby amended from Agriculture & Timberlands to Residential: Low Density Rural Estate, as graphically shown on Exhibit "A" attached hereto. The 2010-2035 Future Land Use Map of the adopted Comprehensive Plan shall be amended to reflect this amendment. The legal description of the subject property to be amended through this application is:

Lot 2, Idle Acres Subdivision, as per plat or map recorded in Map Book 27, Page 8, of the Public Records of Flagler County, Florida;

and

Part of Tract 3, Block 12, St. Johns Development Company’s Subdivision, Plat Book 1, Page 7, Public Records of Flagler County, Florida, also described as a parcel of land lying in the southwest quarter (1/4) of the northwest quarter (1/4), of the southwest quarter (1/4) of Section 34, Township 12 South, Range 29 East, Flagler County, Florida, and more particularly described as follows: from the southwest corner of said Section 34, bear N 0 degrees 01 minutes 14 seconds W along the West line of Section 34 a distance of 1505.91 feet; thence N 88 degrees 16 minutes 14 seconds E a distance of 50 feet to the easterly right-of-way line of State Road #305 and the Point of Beginning of this description; thence N 0 degrees 01 minutes 14 seconds W along the easterly line of said State Road #305 a distance of 167.33 feet; thence N 88 degrees 15 minutes 49 seconds E a distance of 325.25 feet; thence S 0 degrees 01 minutes 14 seconds W a distance of 167.39 feet; thence S 88 degrees 16 minutes 14 seconds W a distance of 325.35 feet to the point of beginning of this description.

Section 3.  EFFECTIVE DATE
The effective date of this plan amendment shall be the date that the County’s Comprehensive Plan is determined to be in compliance.
PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA THIS 16TH DAY OF MARCH, 2020.

BOARD OF COUNTY COMMISSIONERS
OF FLAGLER COUNTY, FLORIDA

_______________________________
David Sullivan, Chair

ATTEST: 

_______________________________
Tom Bexley, Clerk of the Circuit Court and Comptroller

APPROVED AS TO FORM: 

_______________________________
Al Hadeed, County Attorney
EXHIBIT “A”
Future Land Use Map
(Existing and Proposed)

EXISTING

PROPOSED

Legend
- Parcels
- Roads
- Streams and River
- Unincorporated FLUM
  - <all other values>
  - AGRICULTURE
  - AGRICULTURE & TIMBERLANDS
  - COMMERCIAL: HIGH INTENSITY
  - COMMERCIAL: LOW INTENSITY
  - CONSERVATION
  - EDUCATIONAL USES
  - INDUSTRIAL
  - MIXED USE: HIGH INTENSITY
  - MIXED USE: LOW INTENSITY
  - RECREATION & OPEN SPACE
  - RESIDENTIAL: HIGH DENSITY
  - RESIDENTIAL: LOW DENSITY / RURAL ESTATE
  - RESIDENTIAL: MEDIUM DENSITY
  - RESIDENTIAL: LOW DENSITY/SINGLE FAMILY
  - WATER

Note: Maps not to scale.
<table>
<thead>
<tr>
<th>PARCEL ID</th>
<th>OWNER</th>
<th>ADDRESS</th>
<th>CITY, STATE, ZIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>33-12-29-5550-00090-0013</td>
<td>GREENSLADE ELECTRIC LLC</td>
<td>205 W LAMBERT ST</td>
<td>BUNNELL, FL 32110</td>
</tr>
<tr>
<td>33-12-29-5550-00090-0012</td>
<td>JAMES GREENSLADE</td>
<td>609 FOURTH STREET</td>
<td>BUNNELL, FL 32110</td>
</tr>
<tr>
<td>33-12-29-5550-00090-0011</td>
<td>RALPH L &amp; JEAN BEACHELL</td>
<td>4519 HOLLOW ROAD</td>
<td>NEW CASTLE, PA 16101-6717</td>
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<tr>
<td>33-12-29-5550-00160-0020</td>
<td>GLENN &amp; DIANE GREENHALGH</td>
<td>4786 CR 305</td>
<td>BUNNELL, FL 32110</td>
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<tr>
<td>33-12-29-5550-00090-0012</td>
<td>ROBERT W &amp; BERTHA LOUISE HELMS</td>
<td>4760 COUNTY ROAD 305</td>
<td>BUNNELL, FL 32110</td>
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<tr>
<td>34-12-29-3035-00000-0040</td>
<td>MICHAEL BRUCE MARTIN</td>
<td>4757 CR 305</td>
<td>BUNNELL, FL 32110</td>
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<tr>
<td>34-12-29-3035-00000-0030</td>
<td>MICHAEL B MARTIN</td>
<td>4757 COUNTY RD 305</td>
<td>BUNNELL, FL 32110</td>
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<tr>
<td>34-12-29-5550-00120-0031</td>
<td>DAVID D &amp; JOHANNA F ACHE</td>
<td>4735 COUNTY ROAD 305</td>
<td>BUNNELL, FL 32110</td>
</tr>
<tr>
<td>34-12-29-3035-00000-0020</td>
<td>DAVID D &amp; JOHANNA F ACHE</td>
<td>4735 COUNTY ROAD 305</td>
<td>BUNNELL, FL 32110</td>
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<td>34-12-29-3035-00000-0010</td>
<td>LAWRENCE JR &amp; MARY ENGLE</td>
<td>4675 COUNTY ROAD 305</td>
<td>BUNNELL, FL 32110-5421</td>
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<tr>
<td>34-12-29-5550-00120-0020</td>
<td>SHARON S &amp; JERALD SMITH</td>
<td>4607 CR 305</td>
<td>BUNNELL, FL 32110</td>
</tr>
<tr>
<td>34-12-29-5550-00120-0011</td>
<td>WAYNE G &amp; JEANNETTE L DAVIS</td>
<td>221 FREDRICK FARMS ROAD</td>
<td>BUNNELL, FL 32110</td>
</tr>
</tbody>
</table>

I hereby affirm mailed notice to each owner on February 21, 2020 for the Planning & Development Board Meeting on March 10, 2020 at 6:00 pm and the Board of County Commissioners Meeting on March 16, 2020 at 5:30 pm.

Wendy Hickey, Planner
February 21, 2020

DAVID D & JOHANNA F ACHE
4735 COUNTY ROAD 305
BUNNELL, FL 32110

RE: Notice of Public Hearing –Application #3212 Future Land Use Amendment Less than 10 Acres

Dear Property Owner:

As an owner of land lying within 300’ of property that is subject of a proposed Future Land Use Amendment, Flagler County hereby gives notice of two public hearings to consider approval of a request by Johanna F. Ache applicant owner, and possible adoption of an Ordinance titled similar to:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA AMENDING THE FUTURE LAND USE DESIGNATION OF A TOTAL OF 3.61 ACRES, MORE OR LESS, LOCATED ON THE EAST SIDE OF COUNTY ROAD 305, SOUTH OF COUNTY ROAD 2006, PARCEL NUMBER 34-12-29-3035-00000-0020 AND 34-12-29-5550-00120-0031, FROM AGRICULTURE & TIMBERLANDS TO RESIDENTIAL: LOW DENSITY/RURAL ESTATE; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Planning Board Hearing on Tuesday, March 10, 2020 at 6:00 p.m.
Board of County Commissioners on Monday, March 16, 2020 at 5:30 p.m.

You are welcome to attend and express your opinion.

Sincerely,

Wendy Hickey
Planner

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

Pursuant to Florida Statutes, Sections 125.66(2) and 163.3187, and Flagler County Land Development Code, Section 2.07.00, the Flagler County Board of County Commissioners hereby provide notice of consideration of Application #3212 submitted by the property owner, Johanna F. Ache, and possible adoption of an Ordinance titled similar to:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA AMENDING THE FUTURE LAND USE DESIGNATION OF A TOTAL OF 3.61 ACRES, MORE OR LESS, LOCATED ON THE EAST SIDE OF COUNTY ROAD 305, SOUTH OF COUNTY ROAD 2006, PARCEL NUMBER 34-12-29-00000-00200-00000-000000-0200 AND 34-12-29-5500-00120-0031, FROM AGRICULTURE & TIMBERLANDS TO RESIDENTIAL: LOW DENSITY/RURAL ESTATE; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD - March 10, 2020 at 5:30 p.m. or as soon thereafter as possible in the Board Chambers in the Flagler County Government Services Building, 1769 E. Moody Blvd., Building 2, Bunnell, Florida.

The March 10, 2020 recommendation by the Planning and Development Board will be presented to the Board of County Commissioners for final decision. The Board of County Commission hearing will be held as follows:

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS - March 16, 2020 at 5:30 p.m. or as soon thereafter as possible in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Boulevard, Building 2, Bunnell, Florida.

All interested persons are urged to attend the public hearing and be heard. Anyone wishing to express their opinion may attend, telephone 386-313-4009 or write to: Flagler County Planning Department, 1769 E. Moody Blvd., Building 2, Bunnell, FL 32110 or email to planningdept@flaglercounty.org. Copies of the proposal, supporting data and analysis, staff reports and other pertinent information are available for review at the Flagler County Planning & Zoning Dept., 1769 East Moody Boulevard, Building 2, Suite 105, Bunnell, Florida 32110 (386) 313-4009.

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD OF COUNTY COMMISSIONERS WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING, A RECORD OF THE PROCEEDINGS WILL BE NEEDED AND, FOR SUCH PURPOSES, THE PERSON WILL NEED TO ENSURE THAT A VERBATIM RECORD IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH APPEAL IS TO BE BASED, IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT.

PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE PLANNING DEPARTMENT AT LEAST 48 HOURS PRIOR TO THE MEETING.

Application #3212 - FLUM - Ache
APPLICATION FOR
FUTURE LAND USE MAP AMENDMENT
LESS THAN TEN ACRES

FLAGLER COUNTY, FLORIDA
1769 E. Moody Blvd, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109
Application/Project #: 3212 / COMP-000116-2020

<table>
<thead>
<tr>
<th>Name(s):</th>
<th>JOHANNA F. ACHE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>4735 COUNTY ROAD 305</td>
</tr>
<tr>
<td>City:</td>
<td>BUNNELL</td>
</tr>
<tr>
<td>State:</td>
<td>FL</td>
</tr>
<tr>
<td>Zip:</td>
<td>32110</td>
</tr>
<tr>
<td>Telephone Number</td>
<td>386-264-9830</td>
</tr>
<tr>
<td>Fax Number</td>
<td></td>
</tr>
<tr>
<td>E-Mail Address:</td>
<td><a href="mailto:joache@bellsouth.net">joache@bellsouth.net</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SITE LOCATION (street address):</th>
<th>4691 and 4735 COUNTY ROAD 305</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEGAL DESCRIPTION:</td>
<td>IDLE ACRES S/D, LOT 2 AND PORTION TR 3, B-12</td>
</tr>
<tr>
<td>ST JOHNS DEV CO S/D, SECTION 34, TOWNSHIP 12 S, RANGE 29 EAST</td>
<td></td>
</tr>
<tr>
<td>Parcel # (tax ID #):</td>
<td>34-12-29-3035-00000-0220 &amp; 34-12-29-5550-00120-0031</td>
</tr>
<tr>
<td>Parcel Size:</td>
<td>3.61 AC ±</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Present Future Land Use Designation(s):</th>
<th>Provide acreage of each classification.</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGRICULTURE &amp; TIMBERLANDS</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Proposed Future Land Use Designation(s):</th>
<th>Provide acreage of each classification.</th>
</tr>
</thead>
<tbody>
<tr>
<td>RESIDENTIAL LOW DENSITY RURAL ESTATE</td>
<td></td>
</tr>
</tbody>
</table>


Rev 05/08
A Traffic Impact Study (TIS) is required to be prepared by a transportation engineer to evaluate the impact of the proposed amendment on segments and intersections of the affected regional transportation network. The horizon year for the analysis shall be 2010. The study area will include all arterial and collector roadway segments and intersections within a two-mile radius of the external boundary of the FLUM parcel. Existing traffic counts shall be for the preceding calendar year and based upon FDOT, Flagler County or City of Palm Coast published data. If the traffic engineer conducts counts, they must be for a minimum of 72 consecutive hours during M-F and be adjusted to AADT using FDOT seasonal adjustment factors. Intersection turning counts shall be made during weekday peak hour. Trip generation of existing and proposed uses shall be based upon the applicable ITE land use code. Residential density is measured in maximum number of units per acre times the gross acreage. Non-residential FAR's are .3 comm. low, .4 comm. high and .5 industrial. The adopted LOS of the applicable comprehensive plan, County or City, shall be used and capacity determined by reference to FDOT Level of Service Manual for road segments and the Highway Capacity Manual for intersections.

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

Traffic Impact Study Prepared by: N/A

Name: N/A
Address: N/A
City/State/Zip N/A

### Facilities immediately serving site:

<table>
<thead>
<tr>
<th>Method (check one)</th>
<th>Private wells</th>
<th>Central</th>
<th>Private treatment plant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attach completed SJRWMD Consumptive Use Worksheet and supporting information concerning growth projection or committee capacity.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If Central Water, provide name and address of facility:

**Name:**

**Address:**

**City/State/Zip**

### SEWER

<table>
<thead>
<tr>
<th>Method (check one)</th>
<th>Onsite Sewage Treatment and Disposal System</th>
<th>Central</th>
<th>Private treatment plant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attach completed FDEP operating information for previous 12 months.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If Central Sewer, provide name and address of facility:

**Name:**

**Address:**

**City/State/Zip**
<table>
<thead>
<tr>
<th>SOLID WASTE</th>
<th>Type</th>
<th>Square Footage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Commercial</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>Industrial</td>
<td>N/A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DRAINAGE</th>
<th>Detention/Retention facilities immediately serving the site</th>
<th>Available downstream facilities:</th>
</tr>
</thead>
</table>

Is site situated within a known floodplain area? Identify FIRM panel.

YES [ ]
NO [ ]

Signature of All Property Owners: ___________________________
Date: 1/17/2020

The foregoing was acknowledge before me this 17th day of January, 2020 by ANNA E. ACHE and __________________________________, who is/are personally known to me or who has produced Florida Driver's License as identification, and who (did) / (did not) take an oath.

Signature of Notary Public: ___________________________

**OFFICIAL USE ONLY**

PLANNING BOARD RECOMMENDATION/ACTION:

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

BOARD OF COUNTY COMMISSIONERS ACTION:

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

WARRANTY DEED

THIS WARRANT DEED made the 31st day of March, 1996, by HOWARD P. LERCH and IDA L. LERCH, husband and wife, hereinafter called the grantor, to DAVID D. ACHE and JOHANNA F. ACHE, husband and wife, Social Security numbers redacted, hereinafter called the grantee:

respective, and whose post office address is Rt. 1 Box 182-5, Bunnell, FL 32110, hereinafter called the grantees:

WITNESSETH, That the grantor, for and in consideration of the sum of $10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, alien, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Flagler County, Florida, viz:

Lot 2, Idle Acres Subdivision, as per plat or map recorded in Map Book 27, Page 8, of the Public Records of Flagler County, Florida.

(Tax Parcel I.D. #34-12-29-3035-00000-0020)

GRANTORS WARRANT THIS IS NOT HOMESTEAD PROPERTY.

SUBJECT TO restrictions, covenants, easements, dedications, reservations, resolutions, conditions and declaration of record, if any.

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

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all incumbrances, except taxes accruing subsequent to December 31, 1996.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of:

[Signatures]

Witness signs above
Witness: Print name below: 

HOWARD P. LERCH
FlaID: [Redacted]

IDA L. LERCH
FlaID: [Redacted]

[Signatures]

Witness signs above
Witness: Print name below: 

IDA L. LERCH
FlaID: [Redacted]

[Signatures]

Witness signs above
Witness: Print name below: 

Jane K. Purvis
STATE OF FLORIDA
COUNTY OF

The foregoing instrument was acknowledged before me this 31st day of March, 1998 by HOWARD F. LERCH and IDA L. LERCH, who are personally known by me or who have produced valid FLORIDA Driver's Licenses as identification and who did take an oath.

[Signature]
Notary Public

Prepared by:

STEPHEN P. SAPIENZA, ESQ.,
P. O. Box 635, St. Augustine, FL 32085
Sunnell, FL 32110

[Signature]
WARRANTY DEED

THIS INDENTURE, made this 15th day of May, 1989 A.D.

Between JAMES E. BROSS and GLORIA BROSS, husband and wife
hereinafter called the grantors

and DAVID D. ACHE and JOHANNA F. ACHE, husband and wife
hereinafter called the grantees

whose address is:
90 WELLSHIRE LANE, PALM COAST, FLORIDA 32037

Whose respective Social Security Numbers are:

WITNESSETH that the GRANTORS for and in consideration of the sum of $10,000 and other good and valuable consideration to GRANTORS in hand paid by GRANTEES, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said GRANTEES and GRANTEES' heirs and assigns forever, the following described land, situate, lying and being in the County of FLAGLER, State of Florida whose parcel identification number is 54-12-29-8590-00120-0031 to wit:

PART OF TRACT 3, BLOCK 12, ST. JOHNS DEVELOPMENT COMPANY'S SUBDIVISION, PLAT BOOK 1, PAGE 7, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, HERETOALSO DESCRIBED AS A PARCEL OF LAND Lying IN THE SOUTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 29 EAST, FLAGLER COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE SOUTHEAST CORNER OF SAID SECTION 34, BEAR N 0 DEGREES 01 MINUTES 14 SECONDS W ALONG THE WEST LINE OF SAID SECTION 34 A DISTANCE OF 1505.91 FEET; THENCE N 88 DEGREES 16 MINUTES 14 SECONDS E A DISTANCE OF 80 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD #305 AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE N 0 DEGREES 01 MINUTES 14 SECONDS W ALONG THE EASTERLY LINE OF SAID STATE ROAD #305 A DISTANCE OF 167.35 FEET; THENCE N 88 DEGREES 15 MINUTES 49 SECONDS E A DISTANCE OF 175.35 FEET; THENCE S 8 DEGREES 01 MINUTES 14 SECONDS E A DISTANCE OF 167.39 FEET; THENCE S 8 DEGREES 16 MINUTES 14 SECONDS W A DISTANCE OF 325.35 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

and will defend the same against lawful claims of all persons whomsoever. Subject to taxes for the year 1989, and all subsequent years.

IN WITNESS WHEREOF, the GRANTORS have hereunto set their hand and seal the day and year first above written. Signed, sealed and delivered in our presence:

(Witness)

JAMES E. BROSS

(Witness)

GLORIA BROSS

STATE OF FLORIDA
COUNTY OF FLAGLER

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared

JAMES E. BROSS and GLORIA BROSS, husband and wife

to me known to be the person(s) described in and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 15th day of May, 1989.

This Document Prepared By:

MARQUETTE SMITH LAMM

SEAL

SANDPIPER TITLE SERVICES, INC.

My Commission Expires:

Palm Coast, Florida
My Commission Expires May 10, 1991
notary public state of Florida
SUBJECT TO THE FOLLOWING: Restrictions, Covenants, Easements, Dedication, Reservations, Resolutions and Conditions of record, if any. Balance due on utility assessments, if any.
A parcel in the manner hereinabove described and certain additional land lying in the Southwestern Section 34, Township 12, lying in the State of Florida, and particularly described as follows:

From the West Line of said Section 34 a distance of 1505 feet East along the South Line of said Section 34; Thence North 88° 03' 16" West along the West Line of said Section 34 a distance of 1671.35 feet; Thence South South West 88° 03' 16" West 325.35 feet to the West Line of said Section 34; Thence North 88° 03' 16" East along the West Line of said Section 34 a distance of 1671.35 feet to the South Line of said Section 34; Thence South 88° 03' 16" South 325.35 feet to the West Line of said Section 34; Thence West 88° 03' 16" South along the West Line of said Section 34 a distance of 1505 feet to the point of beginning of said parcel containing 250 acres more or less.

For further description, please refer to the deed.The parcel is located in Flood Zone X.

STEPHENVILLE P.O. BOX 1836 • UMATILLA • DAYTONA BEACH, FL 32117-1836 • DAYTONA BEACH 904/437-2363 • DAYTONA BEACH

I hereby certify the above to be true.

CONC - CONC MON, FD • V.
App #3213 - Ache FLUM (small scale)
COUNTY ZONING MAP

ATTACHMENT "E"
App #3213 - Ache FLUM (small scale)
COUNTY FUTURE LAND USE MAP - CURRENT LAND USE

Overview

Legend
- Parcels
- Roads
- Streams and Rivers
- Unincorporated FLUM
- <all other values>
- AGRICULTURE
- AGRICULTURE & TIMBERLANDS
- COMMERCIAL: HIGH INTENSITY
- COMMERCIAL: LOW INTENSITY
- CONSERVATION
- EDUCATIONAL USES
- INDUSTRIAL
- MIXED USE: HIGH INTENSITY
- MIXED USE: LOW INTENSITY
- RECREATION & OPEN SPACE
- RESIDENTIAL: HIGH DENSITY
- RESIDENTIAL: LOW DENSITY/RURAL ESTATE
- RESIDENTIAL: MEDIUM DENSITY
- RESIDENTIAL: LOW DENSITY/SINGLE FAMILY
- WATER
23 Adamsville fine sand, 0 to 3% slopes
24 Samsula and Placid soils, frequently flooded
25 Tavares fine sand, 0 to 5% slopes
26 Turnbull and Pellicer soils, tidal
27 Cassla fine sand
29 Udarents, moderately wet
30 Ritas
31 Pam Beach gravelly sand, 0 to 8% slopes
32 Narcossee, the substratum-Welaka complex, 0 to 5% slopes
33 Beaches
34 Cocoa-Bulow complex, 0 to 5% slopes
35 Quartersamments dredged
36 Bimini sand
37 Tuscaliwa fine sand
38 Paola fine sand, to 8% slopes
39 Udarents, smoothed
40 Pomona fine sand
41 Terra Ceia muck frequently flooded
99 Water
100 Water of the Atlantic Ocean
101 Streams and Rivers
App #3213 - Ache FLUM (small scale)

Legend

- Parcels
- Roads
- FEMA FIRM (Effective 06-06-18)
- <all other values>
- A
- AE
- AE,FLOODWAY
- AO
- VE
- X.02 PCT ANNUAL CHANCE FLOOD HAZARD
- X.AREA OF MINIMAL FLOOD HAZARD
- Streams and Rivers:

Overview
Distribution date: February 14, 2020

Plan: COMP-000116-2020

Application #: 3212

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

Flagler County Building Department 386-313-4002
Flagler County Planning Department 386-313-4009
Flagler County Development Engineering 386-313-4082
Flagler County General Services (Utilities) 386-313-4184
County Attorney 386-313-4005
Flagler County Fire Services 386-313-4258
E-911 GIS Specialist 386-313-4274
Environmental Health Department 386-437-7358
Flagler County School Board 386-586-2386
REVIEWING DEPARTMENT: BUILDING DEPARTMENT
1. No comments at this time

REVIEWING DEPARTMENT: COUNTY ATTORNEY
1. No Comments

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING
1. No comments at this time

REVIEWING DEPARTMENT: E-911 STAFF
1. No comments for this project.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT
1. This Department has no objections. Please note that an Onsite Sewage treatment and Disposal System Construction Permit and Water Well Construction Permit will be required to be obtained from the Department of Health in Flagler County prior to construction.

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

REVIEWING DEPARTMENT: PLANNING DEPARTMENT
1. No comments at this time.
SUBJECT: QUASI-JUDICIAL – Application #3213 – Request for Rezoning from AC (Agriculture) District to MH-1 (Rural Mobile Home) District located at 4691 and 4735 County Road 305; Parcel Numbers: 34-12-29-3035-00000-0020 and 34-12-29-5550-00120-0031; 3.61 +/- acres. Owner/Applicant: Johanna F. Ache (Project Number: RZNE-000117-2020).

DATE OF MEETING: March 10, 2020

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. The request is for approval of a rezoning from AC (Agriculture) District to MH-1 (Rural Mobile Home) District to allow development of a single family residence on a portion of the subject property. A portion of the subject is presently developed with a single family dwelling. The subject parcel is 3.61 +/- acres in size and is located East of County Road 305, south of County Road 2006:

In January, the applicant submitted this rezoning application to change the subject parcel’s zoning from its current designation of AC (Agriculture) to MH-1 (Rural Mobile Home). This change will allow the development of a non-conforming parcel with a single...
family residence. This request is accompanying a request for a Future Land Use Map Amendment from Agriculture & Timberlands to Residential Low Density Rural Estate. Presently, both 4691 and 4735 County Road 305 together form a non-conforming lot of record (combined acreage less than five acres, the minimum parcel size needed in the AC zoning district) due to both parcels held in common ownership prior to the establishment of the County's unified Land Development Code in 1991. The requested rezoning to MH-1 allows the minimum lot size and width to be decreased to 1 acre and 100 foot width; the subject parcel would then be compliant with the proposed zoning district.

Utilities are intended to be provided onsite by individual well and septic system. There are no public utilities available to serve the subject property.

This application was reviewed by the Technical Review Committee at its February 19, 2020 regular meeting. There are no outstanding staff comments.

The Planning and Development Board’s recommendation will be provided to the Board of County Commissioners at their March 16, 2020 regular meeting.

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

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

RECOMMENDATION TO BOARD OF COUNTY COMMISSIONERS: The Flagler County Land Development Code at Section 3.07.05 requires that the Planning and Development Board hold a public hearing on a rezoning request. The Planning and Development Board shall also review written and/or oral comments from the public. At the conclusion of the hearing, the Planning and Development Board shall agree upon a recommendation regarding the application. The Planning and Zoning Director shall advise the Board of County Commissioners of the Planning and Development Board’s recommendation.

The Planning and Development Board may recommend to the Board of County Commissioners approval of Application #3213, amending the zoning classification of a total of 3.61 acres, more or less, identified as Parcel Numbers 34-12-29-3035-00000-0020 and 34-12-29-5550-00120-0031, from AC (Agriculture) to MH-1 (Rural Mobile Home) District, finding that the rezoning is consistent with the Comprehensive Plan and the Land Development Code, and specifically finding that the proposed rezoning 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 rezoning 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 rezoning ordinance titled as:
AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA AMENDING THE ZONING CLASSIFICATION OF A TOTAL OF 3.61 ACRES, MORE OR LESS, BEING PARCEL NUMBERS 34-12-29-3035-00000-0020 AND 34-12-29-5550-00120-0031, FROM AC (AGRICULTURE) DISTRICT TO MH-1 (RURAL MOBILE HOME) DISTRICT; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

Alternatively, the Planning and Development Board could recommend denial, likely on the basis that the applicant has not demonstrated that the requested rezoning to MH-1 is consistent with the Comprehensive Plan and the Land Development Code, or that the specific rezoning findings are not met, finding instead that the proposed rezoning does affect adversely the orderly development of Flagler County and does not comply with the Comprehensive Plan adopted by the Flagler County Board of County Commissioners, or that the proposed rezoning will affect adversely the health and safety of residents or workers in the area and will be detrimental to the use of adjacent properties or the general neighborhood.

The Board could also table the request to a time and date certain pending additional information or deliberations by the Board.

ATTACHMENTS:
1. Technical Staff Report
2. Draft Ordinance
3. Application and supporting documents
4. TRC comments
5. Public notice
Application #3213
Rezoning from AC to MH-1
ACHE
Technical Staff Report

Project: Rezoning from AC (Agriculture) District to MH-1 (Rural Mobile Home) District.

Project #/Application #: 3213/RZNE-000117-2020

Owner: Johanna F. Ache

Applicant: Johanna F. Ache

Parcel #: 34-12-29-3035-00000-0020 and 34-12-29-5550-00120-0031

Address: 4691 and 4735 County Road 305, Bunnell, FL

Parcel Size: 3.61 +/- acres

Existing Zoning and Land Use(s)
Zoning: AC (Agriculture) District
Land Use: Agriculture & Timberlands

Future Land Use Map Classification/Zoning of Surrounding Land
North: Agriculture & Timberlands / AC (Agriculture) District
East: Agriculture & Timberlands / AC (Agriculture) District
South: Agriculture & Timberlands / AC (Agriculture) District
West: County Road 305 right-of-way; Agriculture & Timberlands / AC (Agriculture) District

Report in Brief
Intended development of this parcel is for single-family residential use consisting of the existing two parcels at a maximum of two dwelling units on two existing parcels (each being one acre or greater in size) and associated accessory structure(s). The southern parcel (1.25 +/- acre) is presently developed with a single-family residence, supported by an individual well and septic system. The owner proposes to allow development of the northern parcel (2.36 +/- acres) with a single family residence/mobile home dwelling supported by individual well and septic system.

Land Development Code Sections Affected
Land Development Code (LDC) subsection 2.02.05.2:
“The Planning and Development Board shall review and act upon applications for development review pursuant to the County Land Development Code and other applicable county ordinances.”

Section 3.03.10.A, Purpose and intent of the MH-1 (Rural Mobile Home) district:
“The purpose and intent of the MH-1, rural mobile home district is to provide a transition between the agricultural and urban land use district and to accommodate
existing areas that are predominantly a mixture of single-family and mobile home dwellings.

Standards for Review

LDC Section 3.07.05, Rezoning - action by the Planning and Development Board and Board of County Commissioners. The Flagler County Planning and Development Board may recommend and the Flagler County Commission may enact an ordinance amending the zoning classification of the subject parcel. The adopted Flagler County Land Development Code lacks specific standards for review of a rezoning request; however, generally a request should be consistent with the adopted Comprehensive Plan and the following suggested standards:

A. For all rezoning requests, the requested zoning designation must be consistent with the Future Land Use designation of the parcel as depicted on the adopted Future Land Use Map and as described in the Future Land Use Element of the adopted Flagler County Comprehensive Plan.

The parcel’s current Future Land Use designation is Agriculture & Timberlands. The owner has submitted a request to amend the Future Land Use designation of the subject property to Residential Low Density/Rural Estate which, if approved, would entitle development of residential uses up to a maximum density of 1 unit per acre. The proposed maximum buildout at 2 lots (1.8 units per acre) is below the maximum density of the Residential Low Density/Rural Estate.

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

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

(1) Parcels being considered for amendment to the Future Land Use Map shall be concurrently evaluated for rezoning to the most appropriate zoning district.
(2) Parcels seeking site plan approval shall continue to be designed, developed and used for activities allowed by the appropriate zoning district.
(3) Property owners will be asked to conform to pending land use/zoning regulations as they request development approval.”

The subject parcel is zoned Agriculture (AC); however, the applicant has submitted a related request to amend the zoning of the subject parcel to MH-1 (Rural Mobile Home) District, consistent with the requested Future Land Use designation.

“Policy A.1.2.4: The Flagler County Land Development Regulations (LDRs) continue to recognize non-conforming land uses and non-conforming lots of record, provide for their legal status and provide for the conversion of such situations to conforming land uses, where possible.
The subject parcel is non-conforming in parcel size for the present Future Land Use designation. The proposed Future Land Use designation of Residential Low Density/Rural Estate will convert the parcel to conforming in size for comprehensive plan designation.

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

Each of these parcels has been evaluated as part of the statutory consistency review above, with the exception of 100-year flood plain: the subject parcel is within Zone X, an area outside of the Special Flood Hazard Area.

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

The analysis accompanying the Future Land Use amendment application satisfies this Policy’s requirements.

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

The analysis accompanying the Future Land Use amendment application satisfies this Policy’s requirements.

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

Development of the subject parcels as single-family residential uses at the proposed density is similar in character and density to the lot of record subdivisions proximate to this parcel.

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

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

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

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

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

*The requested MH-1 rezoning as applied to the subject parcel is de minimis in its impacts; there will be negligible impacts due to the development of the subject property.*

Overall, the requested rezoning to MH-1 District provides the certainty of the use and development of the parcel.
Zoning Map
Flood Zone

Application #3213 – Rezoning from AC to MH-1 – Ache
Technical Staff Report
Page 7 of 8
Application #3213 – Rezoning from AC to MH-1 – Ache

March 4, 2020

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or correctness of the base data shown on this map. All wetlands-related data should be used in accordance with the layer metadata found on the Wetlands Mapper website.

This page was produced by the WMI mapper.
AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA AMENDING THE ZONING CLASSIFICATION OF A TOTAL OF 3.61 ACRES, MORE OR LESS, BEING PARCEL NUMBERS 34-12-29-3035-00000-0020 AND 34-12-29-5550-00120-0031, FROM AC (AGRICULTURE) DISTRICT TO MH-1 (RURAL MOBILE HOME) DISTRICT; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Johanna F. Ache (hereafter the “owner”), is the owner of Parcel #34-12-29-3035-00000-0020 and Parcel #34-12-29-5550-00120-0031, which is 3.61 acres, more or less, in size as more particularly described herein (hereafter the “subject property”); and

WHEREAS, the owner of the subject property is seeking the approval of this Ordinance rezoning the subject property from AC (Agriculture) to MH-1 (Rural Mobile Home) zoning district; and

WHEREAS, the subject property is designated as Residential Low Density/Rural Estate on the 2010-2035 Flagler County Future Land Use Map; and

WHEREAS, Future Land Use Table A.3 of the 2010-2035 Flagler County Comprehensive Plan lists MH-1 (Rural Mobile Home) District among the listed zoning districts consistent with the Residential Low Density/Rural Estate Future Land Use designation; and

WHEREAS, on March 10, 2020, the Planning and Development Board conducted a public hearing on this request and voted to recommend approval; and

WHEREAS, on March 16, 2020, the Flagler County Board of County Commissioners held a public hearing on this request; and

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

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

Section 1. FINDINGS
A. The above Recitals are incorporated herein as Findings of Fact.

B. The Board of County Commissioners finds that the proposed rezoning is consistent with the Flagler County Comprehensive Plan and in particular the Future Land Use Element.
Section 2.  REZONING
A. The subject property containing 3.61 acres, more or less, and legally described herein is hereby rezoned from AC (Agriculture) to MH-1 (Rural Mobile Home).

B. The Flagler County Official Zoning Map shall be amended to reflect this rezoning. The legal description of the subject property is:

Lot 2, Idle Acres Subdivision, as per plat or map recorded in Map Book 27, Page 8, of the Public Records of Flagler County, Florida;

And

Part of Tract 3, Block 12, St. Johns Development Company’s Subdivision, Plat Book 1, Page 7, Public Records of Flagler County, Florida, also described as a parcel of land lying in the southwest quarter (1/4) of the northwest quarter (1/4), of the southwest quarter (1/4) of Section 34, Township 12 South, Range 29 East, Flagler County, Florida, and more particularly described as follows: from the southwest corner of said Section 34, bear N 0 degrees 01 minutes 14 seconds W along the West line of Section 34 a distance of 1505.91 feet; thence N 88 degrees 16 minutes 14 seconds E a distance of 50 feet to the easterly right-of-way line of State Road #305 and the Point of Beginning of this description; thence N 0 degrees 01 minutes 14 seconds W along the easterly line of said State Road #305 a distance of 167.33 feet; thence N 88 degrees 15 minutes 49 seconds E a distance of 325.25 feet; thence S 0 degrees 01 minutes 14 seconds E a distance of 167.39 feet; thence S 88 degrees 16 minutes 14 seconds W a distance of 325.35 feet to the point of beginning of this description.

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

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA THIS 16TH DAY OF MARCH, 2020.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

By: ____________________________________
    David Sullivan, Chair

ATTEST:

Approved as to Form:

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

By: ____________________________________
    Albert J. Hadeed, County Attorney
I hereby affirm mailed notice to each owner on February 21, 2020 for the Planning & Development Board Meeting on March 10, 2020 at 6:00 pm and the Board of County Commissioners Meeting on March 16, 2020 at 5:30 pm

<table>
<thead>
<tr>
<th>PARCEL ID</th>
<th>OWNER</th>
<th>ADDRESS</th>
<th>CITY, STATE, ZIP</th>
</tr>
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<tbody>
<tr>
<td>33-12-29-5550-00090-0013</td>
<td>GREENSLADE ELECTRIC LLC</td>
<td>205 W LAMBERT ST</td>
<td>BUNNELL, FL 32110</td>
</tr>
<tr>
<td>33-12-29-5550-00090-0012</td>
<td>JAMES GREENSLADE</td>
<td>609 FOURTH STREET</td>
<td>BUNNELL, FL 32110</td>
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<tr>
<td>33-12-29-5550-00090-0011</td>
<td>RALPH L &amp; JEAN BEACHELL</td>
<td>4519 HOLLOW ROAD</td>
<td>NEW CASTLE, PA 16101-6717</td>
</tr>
<tr>
<td>33-12-29-5550-00160-0020</td>
<td>GLENN &amp; DIANE GREENHALGH</td>
<td>4786 CR 305</td>
<td>BUNNELL, FL 32110</td>
</tr>
<tr>
<td>33-12-29-5550-00090-0030</td>
<td>ROBERT W &amp; BERTHA LOUISE HELMS</td>
<td>4760 COUNTY ROAD 305</td>
<td>BUNNELL, FL 32110</td>
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<tr>
<td>34-12-29-3035-00000-0040</td>
<td>MICHAEL BRUCE MARTIN</td>
<td>4757 CR 305</td>
<td>BUNNELL, FL 32110</td>
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<tr>
<td>34-12-29-3035-00000-0030</td>
<td>MICHAEL B MARTIN</td>
<td>4757 COUNTY RD 305</td>
<td>BUNNELL, FL 32110</td>
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<tr>
<td>34-12-29-5550-00120-0031</td>
<td>DAVID D &amp; JOHANNA F ACHE</td>
<td>4735 COUNTY ROAD 305</td>
<td>BUNNELL, FL 32110</td>
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<td>34-12-29-3035-00000-0020</td>
<td>DAVID D &amp; JOHANNA F ACHE</td>
<td>4735 COUNTY ROAD 305</td>
<td>BUNNELL, FL 32110</td>
</tr>
<tr>
<td>34-12-29-3035-00000-0010</td>
<td>LAWRENCE JR &amp; MARY ENGLE</td>
<td>4675 COUNTY ROAD 305</td>
<td>BUNNELL, FL 32110-5421</td>
</tr>
<tr>
<td>34-12-29-5550-00120-0020</td>
<td>SHARON S &amp; JERALD SMITH</td>
<td>4607 CR 305</td>
<td>BUNNELL, FL 32110</td>
</tr>
<tr>
<td>34-12-29-5550-00120-0011</td>
<td>WAYNE G &amp; JEANNETTE L DAVIS</td>
<td>221 FREDRICK FARMS ROAD</td>
<td>BUNNELL, FL 32110</td>
</tr>
</tbody>
</table>
February 21, 2020

DAVID D & JOHANNA F ACHE
4735 COUNTY ROAD 305
BUNNELL, FL  32110

RE: Notice of Public Hearing – Rezoning Application #3213

Dear Property Owner:

As an owner of land lying within 300’ of property that is subject of a proposed Rezoning, Flagler County hereby gives notice of two public hearings to consider approval of a request by Johanna F. Ache applicant owner, and possible adoption of an Ordinance titled similar to:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA AMENDING THE ZONING CLASSIFICATION OF A TOTAL OF 3.61 ACRES, MORE OR LESS, LOCATED ON THE EAST SIDE OF COUNTY ROAD 305, SOUTH OF COUNTY ROAD 2006, PARCEL NUMBER 34-12-29-3035-00000-0020 AND 34-12-29-5550-00120-0031 FROM AC (AGRICULTURE) DISTRICT TO MH-1 (RURAL MOBILE HOME) DISTRICT; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Planning Board Hearing on Tuesday, March 10, 2020 at 6:00 p.m.
Board of County Commissioners on Monday, March 16, 2020 at 5:30 p.m.

You are welcome to attend and express your opinion.

Sincerely,

Wendy Hickey
Planner

NOTE: PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE OR SHE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.
NOTICE OF REZONING
Pursuant to Section 207.00, Flagler County Land Development Code, and Chapter 125, Florida Statutes, the Flagler County Board of County Commissioners hereby provide notice of consideration of Application #3213 submitted by the property owner, Johanna F. Ache, and possible adoption of an Ordinance titled similar to:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA AMENDING THE ZONING CLASSIFICATION OF A TOTAL OF 3.61 ACRES, MORE OR LESS, LOCATED ON THE EAST SIDE OF COUNTY ROAD 305, SOUTH OF COUNTY ROAD 2006, PARCEL NUMBER 34-12-29-035-0000-0020 AND 34-12-29-055-0012-0031 FROM AG (AGRICULTURE) DISTRICT TO MH-1 (RURAL MOBILE HOME) DISTRICT; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD - March 10, 2020 at 6:00 p.m. or as soon thereafter as possible in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Boulevard, Building 2, Bunnell, Florida.

The Planning and Development Board recommendation will be presented to the Board of County Commissioners for final decision, the Board of County Commission hearing will be held as follows:

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS - March 16, 2020 at 5:30 p.m. or as soon thereafter as possible in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Boulevard, Building 2, Bunnell, Florida.

All interested persons are urged to attend these public hearings and be heard. Anyone wishing to express their opinion may telephone 386-313-4009 or write to: Flagler County Planning Department, 1769 E. Moody Blvd, Building 2, Bunnell, FL 32110 or email to planningdept@flaglercounty.org. Copies of the proposal, supporting data and analysis, staff reports and other pertinent information are available for review at the Flagler County Planning & Zoning Dept., 1769 East Moody Boulevard, Bldg 2, Bunnell, Florida 32110.

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

NT2354282. Feb. 26, 2020
# Application for Rezoning

**Flagler County, Florida**

**1769 E. Moody Boulevard, Suite 105**

**Bunnell, FL 32110**

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

Application/Project #: 3213/RZNE-060117-2020

## Applicant/Agent

<table>
<thead>
<tr>
<th>Name(s):</th>
<th>JOHANNA F. ACHE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>4735 COUNTY ROAD 305</td>
</tr>
<tr>
<td>City:</td>
<td>BUNNELL</td>
</tr>
<tr>
<td>State:</td>
<td>FL</td>
</tr>
<tr>
<td>Zip:</td>
<td>32110</td>
</tr>
<tr>
<td>Telephone Number:</td>
<td>386-264-9830</td>
</tr>
<tr>
<td>Email Address:</td>
<td><a href="mailto:joache@bellsouth.net">joache@bellsouth.net</a></td>
</tr>
</tbody>
</table>

## Subject Property

<table>
<thead>
<tr>
<th>Site Location (street address):</th>
<th>4691 &amp; 4735 COUNTY ROAD 305</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Description:</td>
<td>IDLE ACRES S/D, LOT 2 AND PTN TR 3, B-12, ST JOHNS DEV CO S/D, 34-12-29</td>
</tr>
<tr>
<td>Parcel # (tax ID #):</td>
<td>34-12-29-3035-00000-0020 &amp; 34-12-29-5550-00120-0031</td>
</tr>
<tr>
<td>Parcel Size:</td>
<td>3.61 AC±</td>
</tr>
<tr>
<td>Subject to A1A Scenic Corridor IDO?</td>
<td>YES</td>
</tr>
</tbody>
</table>

## Zoning

**Present Zoning Classification:** AC (Agriculture) District

**Present Future Land Use Designation:** AGRICULTURE & TIMBERLANDS FLUM amendment submitted simultaneous to RLRE

**Proposed Zoning Classification:** MH-1 (Rural Mobile Home) District

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

**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. 0508**

Page 1 of 4
WARRANTY DEED

THIS WARRANTY DEED made the 31st day of March, 1996, by HOWARD F. LERCH and IDA L. LERCH, husband and wife, hereinafter called the grantor, to DAVID D. ACHE and JOHANNA F. ACHE, husband and wife, Social Security numbers redacted, respectively, and whose post office address is Rt. 1 Box 182-5, Bunnell, Fl. 32110, hereinafter called the grantee:

WITNESSETH, That the grantor, for and in consideration of the sum of $10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, alienes, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Flagler County, Florida, viz:

Lot 2, Idle Acres Subdivision, as per plat or map recorded in Map Book 27, Page 8, of the Public Records of Flagler County, Florida.

(Tax Parcel I.D. #34-12-29-3035-00000-0020)

GRANTORS WARRANT THIS IS NOT HOMESTEAD PROPERTY.

SUBJECT TO restrictions, covenants, easements, dedications, reservations, resolutions, conditions and declaration of record, if any.

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

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1996.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of:

[Signatures and Print Names]
STATE OF FLORIDA
COUNTY OF

The foregoing instrument was acknowledged before me this 31st day of March, 1998 by HOWARD F. LERCH and IDA L. LERCH, who are personally known by me or who have produced valid Florida Driver’s Licenses as identification and who did take an oath.

Jane D. Bailey
Notary Public

Prepared by:
STEPHEN P. SAPIENZA, ESQ.
P. O. Box 615,3
6222 N. Federal Highway
Sunnysd, FL 32110

OFF REC 0620 PAGE 1259
WARRANTY DEED

THIS INDENTURE, made this 15th day of May, 1989 A.D.,

Between JAMES E. BROSS and GLORIA BROSS, husband and wife
hereinafter called the grantors

and DAVID D. ACHE and JOHANNA F. ACHE, husband and wife
hereinafter called the grantees

whose address is:
90 WELLSHIRE LANE, PALM COAST, FLORIDA 32037

Whose respective Social Security Numbers are:

WITNESSETH that the GRANTORS for and in consideration of the sum of $10.00 and other good and valuable consideration to GRANTORS in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said GRANTEE and GRANTEES' heirs and assigns forever, the following described land, situate, lying and being in the County of FLAGLER, State of Florida whose parcel identification number is 14-12-29-8559-00120-0031 to wit:

PART OF TRACT 3, BLOCK 12, ST. JOHNS DEVELOPMENT COMPANY'S SUBDIVISION, PLAT BOOK 1, PAGE 7, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER (1/4) OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 29 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE SOUTHWEST CORNER OF SAID SECTION 34, BEAR N 0 DEGREES 01 MINUTES 14 SECONDS W ALONG THE WEST LINE OF SAID SECTION 34 A DISTANCE OF 1505.91 FEET, THEN W 68 DEGREES 16 MINUTES 14 SECONDS E A DISTANCE OF 50 FEET TO THE EASTLY RIGHT-OF-WAY LINE OF STATE ROAD #305 AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THEN N 0 DEGREES 01 MINUTES 14 SECONDS W ALONG THE EASTLY LINE OF SAID STATE ROAD #305 A DISTANCE OF 167.33 FEET; THEN N 68 DEGREES 15 MINUTES 49 SECONDS E A DISTANCE OF 151.35 FEET; THEN S 8 DEGREES 01 MINUTES 14 SECONDS E A DISTANCE OF 167.39 FEET; THEN S 8 DEGREES 01 MINUTES 14 SECONDS W A DISTANCE OF 325.35 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

SEE EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF.

and will defend the same against lawful claims of all persons whomsoever. Subject to taxes for the year 1989, and all subsequent years.

IN WITNESS WHEREOF, the GRANTORS have hereunto set their hand and seal the day and year first above written. Signed, sealed and delivered in our presence:

JAMES E. BROSS

GLORIA BROSS

(Witness)

(Mark L. Mann)

STATE OF FLORIDA
COUNTY OF FLAGLER

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared

JAMES E. BROSS and GLORIA BROSS, husband and wife

and to me known to be the person(s) described in and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 15th day of May, 1989.

This Document Prepared By:
MARIQUETTE SMITH LAMM
SANDPIPER TITLE SERVICES, INC.
ONE FLORIDA PARK DR., SUITE 311
PALM COAST, FL 32037
0287*567
WARRANTY DEED - EXHIBIT A

SUBJECT TO THE FOLLOWING: Restrictions, Covenants, Easements, Dedications, Reservations, Resolutions and Conditions of record, if any. Balance due on utility assessments, if any.
A survey by Lead Field Surveyor of the Northwest Quarter of the Northwest Quarter of Section 34, Township 12, Range 14 West of the 1st Principal Meridian, Florida, and being approximately described as follows:

From the South Corner of the Northwest Quarter of Section 34 a distance of 1505 feet South along the North line of Section 34, thence 325.35 feet North 88°15' East a distance of 325.35 feet, thence North 18°14' West a distance of 325.35 feet to the South line of Section 34, thence South 18°14' East a distance of 325.35 feet, thence South 88°15' West along the East line of Section 34 a distance of 325.35 feet to the South 88°15' West line of Section 34, thence North 69°14' East a distance of 325.35 feet, thence South 69°14' East a distance of 325.35 feet, thence South 88°15' West a distance of 325.35 feet, thence South 18°14' West a distance of 325.35 feet to the South Corner of the Northwest Quarter of Section 34, and containing 250 acres more or less.

CONC AUTO.

STEPHENSON  P.O. BOX 1836 • UNNE -4725 • BUNNELL 904/437-2363 • DAYT

CONC AUTO.

STEVENVSS  P.O. BOX 1836 • UNNE -4725 • BUNNELL 904/437-2363 • DAYT

I hereby certify the foregoing is true to the best of my knowledge and belief.

George A. Stephens

[Signature]
Distribution date: February 14, 2020

Plan: RZNE-000117-2020

Application #: 3213

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

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

1. No comments

REVIEWING DEPARTMENT: COUNTY ATTORNEY

1. No comments

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

1. No comments at this time.

REVIEWING DEPARTMENT: E-911 STAFF

1. No comments for this project.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

1. This Department has no objections to proposed rezoning. Please note that an Onsite Sewage treatment and Disposal System Construction Permit and Water Well Construction Permit will be required to be obtained from the Department of Health in Flagler County prior to construction.

REVIEWING DEPARTMENT: FIRE INSPECTOR

1. No comments at this time.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

1. No comments at this time.