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

MEETING

A G E N D A

DATE – APRIL 11, 2017

TIME – 6:00 P.M.

1. Roll Call.

2. Pledge to the Flag.

3. Approval of March 14, 2017 meeting minutes.

4. Quasi-judicial requiring disclosure of ex parte communication:
   Application #3069 – VARIANCE IN THE R/C (RESIDENTIAL/LIMITED COMMERCIAL) DISTRICT – request for a 5 foot side yard setback variance at 15 Bay Drive; Parcel Number 39-10-31-4250-00140-0170; Owner: Sandy Rayl / Applicant: John Quattrochi, P.E.
   Project # 2017020011 (TRC, PDB)

5. Quasi-judicial requiring disclosure of ex parte communication:
   Application #3070 – APPLICATION FOR REZONING TO PUD (PLANNED UNIT DEVELOPMENT) – request for rezoning from C-1 (Commercial Low-Intensity) to PUD (Planned Unit Development) – Parcel Number 27-11-31-4892-00000-00R0; Parcel size: 5.63 acres. Owner: Gurell Land Management, LLC/ Applicant: Timothy J. Conner.
   Project # 2017020018 (TRC, PDB, BOCC)

6. Quasi-judicial requiring disclosure of ex parte communication:
   Application #3071 – VARIANCE IN THE C-2 (GENERAL COMMERCIAL AND SHOPPING CENTER) DISTRICT – request for a variance of the sign height and setback requirements in the C-2 (General Commercial and Shopping Center) District; Parcel Number 17-10-31-4200-00010-0010; Owner: Luke Irace and Irace Trust / Agent: Oceanshore Villa, Inc.
   Project # 2017020020 (TRC, PDB)

http://www.flaglercounty.org/
7. Legislative not requiring disclosure of ex parte communication:

**Application #3072 – FUTURE LAND USE MAP AMENDMENT LESS THAN TEN ACRES** – request for a Future Land Use Map Amendment for less than ten acres from Mixed Use Low Intensity to Residential Medium Density; Parcel Number 37-10-31-1550-00000-0153; Parcel size: 1.01 acres; Owner: R.J., D.D., J.J. and Robert John Falconetti / Applicant: Sidney F. Ansbacher Esq.

Project # 2017020021 (TRC, PDB, BOCC)

8. Staff Comments.

9. Board Comments.

10. 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.

11. Adjournment

PLEASE TAKE NOTICE THAT INDIVIDUAL COMMISSIONERS OF THE BOARD OF COUNTY COMMISSIONERS MAY ATTEND THIS EVENT. THE COMMISSIONERS WHO ATTEND WILL NOT TAKE ANY ACTION OR TAKE ANY VOTE AT THIS MEETING. THIS IS NOT AN OFFICIAL MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY. THIS NOTICE IS BEING PROVIDED TO MEET THE SPIRIT OF THE SUNSHINE LAW TO INFORM THE PUBLIC THAT COMMISSIONERS MAY BE PRESENT AT THESE DISCUSSIONS.

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

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE PLANNING & ZONING DEPARTMENT AT (386) 313-4009 AT LEAST 48 HOURS PRIOR TO THE MEETING.
MEMBERS PRESENT: Chairman Robert Dickinson, Arthur Barr, Michael Boyd, Troy Dubose
Michael Duggins, Laureen Kornel, and Mark Langello

MEMBERS EXCUSED: None

STAFF PRESENT: Sally Sherman, Deputy County Administrator; Adam Mengel, Planning Director; Wendy Hickey, Planner;

BOARD COUNSEL: Kate Stangle, with Broad and Cassel

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

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

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

3. Approval of Minutes.
   Minutes of the February 14, 2017 regular meeting
   Ms. Hickey advised the board a scrivener’s error was made in Identifying the Chairman as Mr. Boyd and the correction to Mr. Dickinson has been made.

   Motion to approve with the correction made by Mr. Boyd and seconded by Mr. Dubose.
   Approved unanimously

4. Legislative not requiring disclosure of ex parte communication:
   Application #3065 – FUTURE LAND USE AMENDMENT LESS THAN TEN ACRES request for a Future Land Use Map Amendment less than ten acres from Agriculture & Timberlands to Commercial: High Intensity at 2261 S. Old Dixie Hwy. Parcel Number 34-12-31-0650-000D0-0101; Parcel size 4.14 acres; Owner: Holiday Travel Park Co-Op, Inc/ Applicant: Robert W. Marshall.

   Mr. Mengel Planning Director presented the staff report noting that the project is considered a legislative action; it is small scale, less than 10 acres in size. He went on giving detailed historic information about this site and the proposed future plans for this site as part of the Holiday Travel Park Co-Op. This land use amendment would be parcel specific limiting what would be allowed at site. Maps were displayed showing the location, Land Use and Zoning and Mr. Mengel continued discussing the staff report and staff recommendation.
The Planning & Development Board recommend to the Board of County Commissioners approval of Application #3065 a Future Land Use Map amendment form Agriculture & Timberlands to Commercial High Intensity for Parcel #34-12-31-0650-000D0-0101, subject to simultaneous approval of parcel-specific limiting Future Land Use policy:

Policy A.1.1.10 Parcel Specific Limitations- notwithstanding the maximum density and / or intensity permitted by this Future Land Use Plan, the following properties have proffered, and Flagler County agrees to implement a more limited yield:

(12) FLUM Application #3065 Holiday Travel Park Co-Op Inc., limits commercial development through an approved Planned Unit Development (PUD) to not more than 28 additional recreational vehicle spaces, inclusive of stormwater and open space areas. Being all of Tax Parcel #34-12-31-0650-000D0-0101 and totaling 4.14 acres in size.

Chairman Dickinson asked if the applicant would like to speak.

Mr. Marshall declined but would be available for questions.

Chairman Dickinson then opened the Public Hearing to Public Comment. Hearing none he closed the Public Hearing and opened Board Comments.

Mr. Duggins asked if anything was going to be done with the adjacent property to the south.

Mr. Mengel responded that there are plans, at this time informal but will be coming forward as part of the Planned Unit Development (PUD).

Mr. Duggins asked when the utilities come up there are they going to come up to code in the new area.

Mr. Mengel responded that it will be in the new areas. The areas will be compliant and eventually retrofit the remainder of the park.

Mr. Barr stated “he was frustrated the FLU is predicated on the square footage of the existing Land Use Category and it is misleading. When you get into their report they have the transportation study and it doesn’t say anything except the number of units allowed and they don’t create any trip generation here which is unfortunate.”
Mr. Mengel responded that if there are less than 500 trips the concurrency requirements state that it is not required to provide a separate study. The best we could do is the 10 trips per dwelling unit and RV spaces are even less of a generator.

Mr. Barr asked about availability of utilities.

Mr. Mengel responded that the analysis that was provided ie; water quality reports it was stated that there is capacity available for the additional units on the private system. They are permitted through DEP for the private water and waste water services.

Ms. Kornel asked if there was any feedback from the surrounding neighbors.

Mr. Mengel responded no.

Mr. Langello asked if it was mentioned this had a compliance issue tied into it, is this happening no matter what tonight’s outcome?

Mr. Mengel responded the compliance aspect will be the PUD that will come subsequent to the Land Use Amendment.

Mr. Langello asked if there a time frame for this to happen.

Mr. Mengel responded six months.

Mr. Langello asked so they will have to have the application in for the PUD within six months.

Mr. Mengel responded the compliance agreement has that schedule in it.

Chairman Dickinson asked the PUD is a later step and is that all inclusive of the entire site?

Mr. Mengel responded yes

Chairman Dickinson asked so the plan we see now may be a bit different when it comes back because of the evolution of the other parcels.

Mr. Mengel responded yes, this is very preliminary.

Chairman Dickinson asked if there were any more questions

Motion to approve made by Mr. Boyd seconded by Ms. Kornel
Draft

Motion carries unanimously

5. Quasi-judicial requiring disclosure of ex parte communication:
   Application #3068 – APPLICATION FOR REVIEW SITE DEVELOPMENT PLAN
   APPROVAL FOR AN EXISTING SEMI-PUBLIC USE IN THE R/C (RESIDENTIAL
   LIMITED COMMERCIAL) DISTRICT – request for a siteplan modification within an existing
   Semi-Public Use at 5299 North Oceanshore Blvd Parcel Number: 40-10-31-0000-01120-0000;
   Parcel size 1 acre Owner: Hammock Community Church / Applicant: Howard Sullivan.

Chairman Dickinson asked if there were any disclosures for this item.

Mr. Langello responded that he knows the architect.

Mr. Mengel presented the staff report displaying the location, Future Land Use and Zoning
Maps and going into some history of the use and the proposed expansion. Completing the
presentation he gave the staff recommendation.

The Planning and Development Board finds that the site plan presented is sufficient and approve
application #3068 for an Application for Review-Site Development Plan for an addition to the
Hammock Community Church and existing Semi-Public Use in the Residential /Limited
Commercial (R/C) district subject to site review by the Scenic A1A Pride Committee.

Chairman Dickinson opened the Public Hearing seeing no one he closed the Public Hearing and
opened Board Comments.

Ms. Kornel asked if Scenic A1A was ok with going to them after it had been before the Board.

Mr. Mengel responded yes

Mr. Barr asked if staff was privy to the approval documents from the County for the use of the
greenway parcel and a lease agreement with Florida Department of Transportation for the
property south of the building.

Mr. Mengel responded yes they were mentioned in the staff report for history of this project. We
were made aware of the lease by a potential code issue from our Scenic A1A folks and told us
of some clearing that had been done under the tree canopy. We thought it was greenway parcel
but found out it was FDOT. There is no activity happening on the greenway parcel. This is an
arrangement that is provided elsewhere in the communities between FDOT and neighboring
property owners. The current overflow parking is consistent with the lease agreement.

Mr. Barr stated “I did go out there and look at it and to my best county it was about 75 spaces on
the property. They did a good job”.

Chairman Dickinson stated “the Scenic A1A they like the natural parking under the tree
canopy.”

Mr. Langello asked if there have been any issues or complaints from the neighbors about
parking. He then asked if a policeman directing traffic is a requirement.

Mr. Mengel responded it has been about 6 years since we have had anything out there come up
and it has all been solved by the FDOT overflow parking area. When you have a one way in one
way out it is more for the convenience of the church members more than anything else. There is
a significant stack and I am sure that would be a safety concern as well

Chairman Dickinson asked if there were any more Board Comments

**Motion made by Mr. Boyd to approve seconded by Ms. Kornel**

**Motion carries unanimously**

6. Staff Comments.

Mr. Mengel discussed the email from Christie Mayer of County Administration outlining the
County Social Media Policy and if there were any questions feel free to contact staff there is no
specific deadline to return the completed form.

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.

Peter Blair, Holiday Travel Park Co-op, thanked the board and staff for helping us through the
process of trying to get things done.

9. Adjournment

**Motion to adjourn at 6:49 p.m. made by Mr. Langello**

Drafted by: Wendy Hickey
Reviewed by: Adam Mengel
TO: Chairman and Planning and Development Board Members

FROM: Planning and Zoning Department

DATE: April 11, 2017

SUBJECT: Application #3069 – Variance in the R-1 (Rural Residential) district

I. Requested Action & Purpose: This request is quasi-judicial in nature (not legislative) and does require disclosure of ex parte communication. Mr. John Quattrochi, P.E., on behalf of the parcel owner, Ms. Sandra L Rayl, has requested a 5 foot side yard setback variance from the required 10 foot minimum in the R-1 (Rural Residential) district on a 0.22+/- acre lot.

II. Location and Legal Description: The subject parcel is located at 15 Bay Drive and described as Lot 17, Block 14, Marineland Acres Second Addition (Map Book 5, Pages 60 to 62, Public Records of Flagler County, Florida); Parcel # 39-10-31-4250-00140-0170.

III. Owner/Applicant: Sandra L. Rayl / John Quattrochi P.E.

IV. Parcel Size: 0.22+/- acres (9441.5 square feet), with approximate dimensions of 76.0 feet of lot width (76.66 feet of frontage on Bay Drive) and 126.9 feet of depth

V. Existing Zoning & Future Land Use Classification:
Zoning: R-1(Rural Residential) zoning district
Future Land Use: Mixed Use Low-intensity

VI. Future Land Use Map Classification / Zoning of Surrounding Land:
North: Mixed Use Low-intensity / R-1(Rural Residential)
South: Mixed Use Low-intensity / R-1(Rural Residential)
East: Mixed Use Low-intensity / R-1(Rural Residential)
West: Mixed Use Low-intensity / R-1(Rural Residential)

VII. Land Development Code Sections Affected:
Section 3.07.03(E), Variance Guidelines

VIII. Report in Brief: Mr. Quattrochi submitted this variance application on February 9, 2017. The subject property is within the Marineland Acres Special Stormwater Overlay Area and must meet all drainage requirements associated with this addition. Elsewhere in the County (and subject to applicable requirements), this lot of record (established prior to the effective date of the Land Development Code in 1991 but not meeting the minimum dimensional requirements – one acre minimum with 100 feet minimum lot width – of the R-1 district) would benefit from
a reduced minimum side yard setback of 7.5 feet instead of the 10 foot minimum listed in the R-1 district; however, because of the Overlay Area, the 10 foot minimum side yard setback instead applies.

This is a before-the-fact variance request, The request is for relief of 5 feet from the 10 foot minimum side yard setback within the R-1 (Rural Residential) district. This variance request is for the replacement and expansion of a raised deck on the West (left) side of the subject property.

**IX. Background:** The subject parcel lies within the R-1 (Rural Residential) district and was platted as Lot 17 of Block 14 of the Marineland Acres Second Addition subdivision plat as recorded at Map Book 5 Pages 60 to 62, Public Records of Flagler County Florida, on April 9, 1964. As previously described and due to the timing of the acceptance of the plat by the County, together with this parcel’s frontage on a County-maintained roadway and availability of public potable water, this lot (like others in Marineland Acres) is considered to be a nonconforming lot of record.

Ms. Rayl took title to Lot 17 through the Warranty Deed dated August 11, 2008 and recorded at Official Records Book 1675, Page 1217, Public Records of Flagler County, Florida.

The applicant and owner met with the Technical Review Committee on March 15, 2017 and provided responses to the Committee comments. Staff has discussed this variance application request with the applicant and all staff comments will be satisfied through this variance and the subsequent building permit application submittal.

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

**X. Variance Criteria Analysis:** LDC Section 3.07.03.E., Variance Guidelines, states that a variance may be granted only upon a finding by the Planning and Development Board that all of the criteria listed in the guidelines have been found in favor of the applicant and that a literal enforcement of the provisions of this article will result in an unnecessary hardship. These criteria are listed below followed by the applicant’s statements (included below and attached in their entirety) and staff’s analysis:

1. *There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or in part, creates an unnecessary hardship; and*
Applicant’s response: “The ground is subject to flooding as the existing house has a finished floor elevation approximately 3 feet higher than the ground. Would like a deck to be even with the house door elevation”.

Staff analysis: The subject parcel is an undersized lot of record, nonconforming to the R-1 zoning district since the adoption of the Land Development Code in 1991. While the side lot lines are parallel, the front and rear lot lines are not since Bay Drive angles southward from the East to the West. The result of the street and lot configuration within this block is that the lots are not rectangular with 90-degree corners; instead, this lot has no 90-degree corners, with the rear lot line smaller than the front and the right side (East) lot line smaller than the left (West) lot line. However, this situation is not unique to Marineland Acres, with 22 of the 26 lots in this block having similar dimensions to this parcel.

This property is within the Marineland Acres Special Stormwater Overlay Area and is prone to stormwater issues. Any increase in impervious surfaces will require the owner to retain the additional runoff on site as required by the Overlay Area. The subject parcel is consistent with the surrounding properties and not particularly unique to the area, with other parcels similarly situated and similarly required to comply with the Land Development Code inclusive of the minimum setbacks and the Overlay Area requirements.

While staff understands the objective of the request and the desire to extend the deck, there is area in the rear yard for an expansion without the need for a variance. Unless the applicant and owner can provide justification why the deck cannot be placed elsewhere on the lot within the setbacks, then this lot appears not to present extraordinary or exceptional conditions unique to this lot.

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

Applicant’s response: “This is a correct statement.”

Staff analysis: The property was platted in 1964 and has been developed with a single family residence since 1999. The lot is considered to be a nonconforming lot of record, and is not required to meet the minimum area or lot width requirements of the R-1 district provided that the lot is developed with a single-family dwelling and customary accessory uses. While the Land Development Code’s regulations related to nonconformance (Sec. 3.02.04.G) reduces the minimum side setback requirement for the siting of a single-family residence from 10 feet to 7.5 feet, this reduction does not apply to accessory structures such as porches, patios, and decks. Likewise, the Overlay Area’s restriction that the minimum side setback of 10 feet – irregardless of the lot of record status – comes back into play within the Area
boundaries. Effectively, none of the regulatory restrictions affecting this property were imposed specifically with this parcel or owner in mind, and the owner has at all times – including through this variance request – sought to comply with the County’s regulations. The applicant and property owner have worked with and complied with all requests of the County thus far.

3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and

Applicant’s response: “The relief of the setback on the west side from 10 feet to 5 feet will not impose or impact the adjacent property, as there is sufficient tree line for screening and the adjacent lot is currently undeveloped.”

Staff analysis: A single-family residential dwelling unit is consistent with the current R-1 zoning and the Mixed Use: Low Intensity Future Land Use. The variance, if granted, would not cause substantial detriment to public health, safety, and morals; this variance does not set a precedent for future similar variances.

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

Applicant’s response: “The variance, if granted, will accompany a deck plan prepared for the building department to review and approve prior to construction.”

Staff analysis: The property is zoned R-1 (Rural Residential) and is developed as a single-family dwelling which is a permitted use within the this district.

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

XI. Staff Recommendation: Based on the provided application and supplemental information, the Planning Department recommends that the Planning and Development Board make a finding that all criteria as listed in the guidelines at LDC Section 3.07.03.E have not been met and therefore recommends denial of a 5 foot side yard setback variance for Lot 17, Block 14, Marineland Acres Second Addition, as recorded at Map Book 5, Pages 60 to 62, Public Records of Flagler County, Florida.

XII. Suggested Adoption Language: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at LDC Section 3.07.03.E have not been met and therefore denies a 5 foot side yard setback variance for
Lot 17, Block 14, Marineland Acres Second Addition, Map Book 5 Pages 60 to 62 Public Records of Flagler County Florida.

**Alternative Language:** The Planning and Development Board finds that all variance criteria as listed in the guidelines at LDC Section 3.07.03.E have been met and therefore approves a 5 foot side yard setback variance for Lot 17, Block 14, Marineland Acres Second Addition, Map Book 5, Pages 60 to 62, Public Records of Flagler County Florida.

**Attachments**
1. Notification list and map
2. Application and supporting documents
   a. Application packet with survey
   b. Applicant’s response to variance criteria
   c. TRC Comments
Future Land Use Map
Official Zoning Map
Application For Variance
Application Project # 3069
Side Yard Set Back
Sandy Rayl & John Quattroci
Parcel # 39-10-31-4250-00140-0170

Legend
- Subject Parcel
- Streets

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I hereby affirm mailed notice to each owner on March 23, 2017 for the Planning & Development meeting on April 11, 2017 at 6:00 pm

Wendy Hickey, Planner
March 27, 2017

RE: Application #3069-Variance Request in R-1 (Rural Residential) Zoning District

Dear Ms. Hickey,

We received a notification from Flagler County Planning and Zoning and John Quattrochi representing property owner Sandy Rayl requesting a 5 foot reduction in the minimum side yard setback from 10 feet to 5 feet on 0.22 acres located at 15 Bay Drive. Identified as parcel # 39-10-31-4250-00140-0170.

We own the property at 13 Bay Drive, Palm Coast, FL 32137 adjacent to the property requesting the variance.

We do not wish to have this encroachment on our lot. Looking at the plans sent by John Quattrochi, we feel that there is no need to expand on the west side because they have property available in the backyard. It looks as if they might have already encroached on the neighbors on the east side. We went on Flagler County Property Appraiser site and noticed that this east side garage is not even shown.

We live in Naples, Florida and find it difficult to attend a public hearing in Flagler County on April 11, 2017. It is 5 hours away and must include lodging as well.

How do we stop this encroachment on our property without making a 10 hour drive? We need your advice.

Thank you,

Charles and Mary DeVene
108 Tahiti Street
Naples, FL 34113
954-990-9139
April 2, 17

To: Wendy Hickey, Planner

Re: Application # 3069

Dear Ms. Hickey,

As property owners of 9 Bay Drive, we would like to express our opinion regarding the variance request for property 15 Bay Drive. We are opposed to such a variance, as we fear it would set precedent for future variances. One of the attractive features of this neighborhood is the fact that buildings are not “elbow to elbow” as many neighborhoods are these days. This was a consideration when we purchased this property. Please do not allow this variance, it’s just not conducive to the beauty of the area.

Thank you for your consideration of our request. We would like to attend the hearing, but this would be a hardship as we currently reside in Vero Beach and have a work schedule.

Sincerely,

Richard F. Krebs

Susan G. Krebs
APPLICATION FOR VARIANCE

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

Application/Project #: 3069 / 2017020011

PROPERTY OWNER(S)

Name(s): Sandy Rayl
Mailing Address: 15 Bay Drive
City: Palm coast State: Florida Zip: 32137
Telephone Number 904 307-7371 Fax Number

APPLICANT/AGENT

Name(s): John Quattrochi, P.E.
Mailing Address: 4624 Pecos court
City: Saint Johns State: FL Zip: 32259
Telephone Number 904 553-5680 Fax Number
E-Mail Address: quattroja@yahoo.com

SITE LOCATION (street address):

15 Bay Drive

LEGAL DESCRIPTION: (briefly describe, do not use "see attached")
Lot 17, Block 14, Second Add. to Marineland Ac. BK5,PG61

Parcel # (tax ID #):
39-10-31-4250-00140-0170

Parcel Size:
9441.5 SF (0.22 Ac)

Current Zoning Classification:
R-1

Current Future Land Use Designation:
R-1

Subject to A1A Scenic Corridor IDO?
☑ NO

Relief Requested:
Side setback on west side is 10 feet, requested to reduce to 5 feet to construct raised deck approximately 3 feet off the natural yard grade

Jan 10, 2017

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

**OFFICIAL USE ONLY**

PLANNING BOARD RECOMMENDATION/ACTION:

APPROVED [ ]
*APPROVED WITH CONDITIONS [ ]
DENIED [ ]

Signature of Chairman: ____________________________

Date: ____________________________ *approved with conditions, see attached.

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application. Rev. 09/16
E. **Variance guidelines.** A variance may be granted, upon application, from the terms and provisions of this article as will not be contrary to the public health, safety, welfare and morals where, owing to special conditions, a literal enforcement of the provisions of this article will, in an individual case, result in unnecessary hardship. Such variances may be granted by the planning board in such individual case of unnecessary hardship upon a written finding that:

1. There are extraordinary and exceptional conditions pertaining to particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or part, create an unnecessary hardship; and

   **The ground is subject to flooding as the existing house has a finish floor approx. 3 feet higher than the ground. Would like a deck to be even with the house door elevation.**

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

   **This is a correct statement.**

3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and

   **The relief of the setback on the west side from 10 feet to 5 feet will not impose or impact the adjacent property, as there is sufficient tree line for screening and the adjacent lot is currently undeveloped.**

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

   **The variance, if granted, will accompany a deck plan prepared for the building department to review and approve prior to construction.**

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

**The owner would like to use the deck for an outdoor kitchen, grill etc., and does not want to subject the new equipment to flooding during heavy rains.**

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

Rev. 09/16
1. During Hurricane Matthew, the existing railroad timber retaining wall on the east, south, and west sides of the house washed out, compromising some of the compacted fill supporting the slab foundation. In order to protect the slab and associated fill, I propose to reconstruct the retaining wall using a stone-faced, grouted, reinforced concrete block structure, better suited to withstand flooding and tidal storm surges.

2. Since the existing uncovered decking would be removed to address erosion issues, I would like to expand the deck on the west side of the house to accommodate an outdoor kitchen. With the current deck configuration, there is insufficient space for that purpose, and any kitchen equipment/appurtenances not elevated would be subject to damaging floods. In order to expand the deck, a setback variance from 10-feet to 5-feet is requested. The deck would remain uncovered.

3. The lot immediately west of my property is currently vacant and wooded. The project will impose no visual or other substantive impacts.

4. Photo of existing deck and adjacent property to the west:
PREPARED BY AND RETURN TO:
Lighthouse Title of East Florida
104 LaCosta Lane Suite 100
Daytona Beach, FL 32114

Parcl No. 39-10-31-4250-00140-0170

WARRANTY DEED

THIS WARRANTY DEED dated August 11, 2008 by Alan L. Zamba and Judie W. Zamba, husband and wife, hereinafter called the grantor, to Sandra L. Rayl, a single woman whose post office address is 1600 Glenarm Place #2312, Denver, CO 80202, hereinafter called the grantees:

(Wherever used herein the terms “grantor” and “grantee” include all the parties to this instrument and the heirs, legal representatives, assigns of individuals, and the successors and assigns of corporations)

WITNESSETH, that the said grantor, for and in consideration of the sum of $295,000.00, and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantees, all the certain land situated in the County of Flagler, State of Florida, viz:

Lot 17, Block 14, Marineland Acres, Second Addition, according to the plat thereof, recorded in Plat Book 5, Pages 60 through 62, of the Public Records of Flagler County, Florida.

Parcel ID# 39-10-31-4250-00140-0170

Subject to easements, restrictions, reservations and limitations of record, if any.

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

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the grantor hereby covenants with said grantees that 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 lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2007.
WARRANTY DEED
(Continued)

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

Signed, sealed and delivered in the presence of:

WITNESSETH:

Nancy J. Scott
(Witness Signature)

Alan L. Zamba

(Watche Signature)

Caroline Ougly
(Print Name of Witness)

Julie W. Zamba

(Print Name of Witness)

15 Bay Drive

Palm Coast, FL 32137

STATE OF FLORIDA
COUNTY OF Flagler

The foregoing instrument was acknowledged before me this 11th day of August, 2008, by Alan L. Zamba and Judie W. Zamba, husband and wife, who are personally known to me or who have produced as identification and who did take an oath.

Nancy J. Scott
Notary Public

Commission # D0380509
Expires January 15, 2009

[Notary Seal]
Distribution date: Friday, March 10, 2017

Project #: 2017020011

Application #: 3069

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

REVIEWING DEPARTMENT: BUILDING OFFICIAL

No comments at this time.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

No comments at this time.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

No comments at this time

REVIEWING DEPARTMENT: FIRE INSPECTOR

No comments at this time

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

No comments at this time
MEMORANDUM

DATE: April 11, 2017
TO: Chair and Members of the Planning and Development Board
FROM: Adam Mengel, Planning Director
RE: APRIL 11, 2017 PLANNING AND DEVELOPMENT BOARD MEETING
AGENDA ITEM #5 – APPLICATION #3070 – REZONING TO PUD

Included as part of your agenda and backup for the upcoming Planning and Development Board meeting is the request filed by Mr. Timothy J. Conner on behalf of Gurell Land Management, LLC. This request is for a rezoning of the majority portion of Tract R of Palm Coast Plantation Unit 2 as a Planned Unit Development (PUD) for the purpose of developing an owner-occupied recreational vehicle (RV) campground.

After publishing the agenda, several questions were raised regarding the application and the request. Rather than resolving these questions on the fly as part of the public hearing, staff has requested that the applicant and owner consent to tabling this request until the Board’s next meeting on May 9th at 6:00 p.m.: the applicant, on behalf of the owner, has provided this consent.

Staff requests that this item not be heard at the April 11, 2017 regular meeting, with the Board continuing the public hearing to a time and date certain – the Board’s May 9, 2017 regular meeting at 6:00 p.m. – so as to preserve public notice. As has been the Board’s policy in the past, the Board may request public comment from the public who had received public notice, who are in attendance at the April 11th meeting, and who wish to provide their comments for the public record; however, members of the public attending the April 11th meeting should be generally discouraged from providing their comments at this meeting since the applicant will not be present and no response to any comments received will be provided.

Please contact me with any questions.
TO: Chairman and Planning and Development Board Members

FROM: Planning and Zoning Department

DATE: April 11, 2017

SUBJECT: Application #3071 – Variance in the C-2 (General Commercial) district

I. Requested Action & Purpose: This request is quasi-judicial in nature (not legislative) and does require disclosure of ex parte communication. Mr. Eugene Irace of Oceanshore Villa, Inc., representing Luke Irace and Irace Trust, is requesting a 2 foot sign height increase and a 9 foot 8 inch front yard sign setback variance from the required 10 foot minimum in the C-2 (General Commercial) district on a 0.81+/- acre lot.

II. Location and Legal Description: The subject parcel is located at 6287 North Oceanshore Blvd., described as Lots 1 and 2, Block 1, in Marineland Acres, Subdivision (Map Book 5, Pages 49 to 50, Public Records of Flagler County Florida), along with Parcel 1C of Oceanside Acres unrecorded subdivision; Parcel #17-10-31-4200-00010-0010.

III. Owner/Applicant: Luke Irace and Irace Trust / Eugene Irace, Oceanshore Villa, Inc.

IV. Parcel Size: 0.81+/- acres (35,283.6 square feet)

V. Existing Zoning & Future Land Use Classification:
   Zoning: General Commercial (C-2)
   Future Land Use: Commercial High Intensity

VI. Future Land Use Map Classification / Zoning of Surrounding Land:
   North: Agriculture & Timberlands / Agriculture (AC)
   South: Residential Low Density / Residential Limited Commercial (R-C)
   East: Agriculture & Timberlands / Agriculture (AC)
   West: Residential Low Density / Residential Limited Commercial (R-C) & Rural Residential (R-1)

VII. Land Development Code Sections Affected:
   Section 3.07.03(E), Variance Guidelines

VIII. Report in Brief: Mr. Irace submitted this variance application on February 18, 2017. The subject property is within the Marineland Acres Special Stormwater Overlay Area and must meet all drainage requirements associated with this addition.
This is a before-the-fact variance request. The request is for a 2 foot increase from the 6 foot maximum sign height and relief of 9 feet 8 inches from the 10 foot minimum front yard setback within the C-2 (General Commercial) district. This variance request is for the replacement of a pole sign with a monument sign within the front setback/buffer along A1A. This sign was damaged during Hurricane Matthew and the proposed replacement is in the same location as the previous pole sign. The replacement sign is not a pole sign as was previously in place, but will be a lower, ground-mounted monument sign.

IX. **Background:** The subject parcel lies within the C-2 (General Commercial) district and was platted as Lot 1 and 2, Block 1, in the Marineland Acres Subdivision as recorded at Map Book 5 Pages 49 and 50, Public Records of Flagler County Florida, on August 27, 1962.

Mr. Irace took title to Lots 1 and 2 through the Warranty Deed dated June 11, 1993 and recorded at Official Records Book 489, Pages 1209 and 1210 Public Records of Flagler County, Florida.

A representative for the applicant, Mr. Michael Murphy, met with the Technical Review Committee on March 15, 2017 and provided responses to the Committee’s comments. Staff has discussed this variance application request with the applicant and all staff comments will be satisfied through this variance and the building permit application submittal.

On March 24, 2017, Mr. Murphy met with the Scenic A1A Pride Committee; a copy of their recommendation is included with this report.

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

X. **Variance Criteria Analysis:** LDC Section 3.07.03.E., *Variance Guidelines*, states that a variance may be granted only upon a finding by the Planning and Development Board that all of the criteria listed in the guidelines have been found in favor of the applicant and that a literal enforcement of the provisions of this article will result in an unnecessary hardship. These criteria are listed below followed by the applicant’s statements (included below and attached in their entirety) and staff’s analysis:

1. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or in part, creates an unnecessary hardship; and**

   **Applicant’s response:** “Can be overcome with minor adjustments to the new sign ordinance. The property conforms in parking requirements. Strict
conformity to the new sign ordinance eliminates parking spaces and creates parking non-conformity.”

Staff analysis: This property has been developed as a motel for more than 40 years and the parking area is close to North Oceanshore Blvd (State Road A1A). When developed it was not uncommon to see parking right up against the road and signage – typically pole signs – within the front buffer areas. Many of these signs do not meet current code either for wind load or appearance standards. In this case, the existing sign sustained damage of more than 50% of its value during Hurricane Matthew, and per Sec. 7.06.05 of the LDC, Reconstruction after a catastrophe, a nonconforming sign – the previous pole sign was too high, too close to the right-of-way, and a pole sign – without a variance from the Planning and Development Board sitting as the sign ordinance board of adjustment:

“If any nonconforming sign is damaged by fire, flood, explosion, collapse, wind, war, or other catastrophe to such an extent that the cost of repair and reconstruction will exceed fifty (50) percent of the replacement cost at the time of damage, it shall not be used or reconstructed except in full conformity with the provision of this article.”

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

Applicant’s response: “This site plan was implemented about 12 years ago and conformed to codes. There have been no changes. The storm “Matthew” destroyed more than 50% of the motels only sign.”

Staff analysis: The site was platted in 1962 and the motel was built in the 70’s; the site was developed with parking along North Oceanshore Boulevard. The sign was placed in a tiny island in the parking lot. The applicant is limited on possible locations for the sign without the loss of parking spaces. Staff concurs that this is the best location for the replacement sign.

3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and

Applicant’s response: “A height variance increase of 24”-30” and set back of 4’ would allow sign to conform in all other regards. The sign would fit the location of the original sign and not eliminate parking spaces.”

Staff analysis: A sign has been in the proposed location for decades without issue; the transition to a monument sign in the same location would remove the nonconformity of sign type (pole sign, which is prohibited now within the
4. **No variance may be granted for a use of land or building that is not permitted by this article.**

**Applicant’s response:** “This use is permitted and has always been a motel.”

**Staff analysis:** The property is zoned C-2 (General Commercial) and is developed as a motel which is a permitted use within the this district.

**Quasi-judicial / Legislative Review:** This agenda item is:  

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

**XI. Staff Recommendation:** Based on the provided application and supplemental information, the Planning Department recommends that the Planning and Development Board make a finding that all criteria as listed in the guidelines at LDC Section 3.07.03.E have been met and therefore recommends approval of a 2 foot height and 9 feet 8 inch front yard setback variance for Lots 1 and 2, Block 1, Marineland Acres Subdivision, as recorded at Map Book 5, Pages 49 and 50, Public Records of Flagler County, Florida.

**XII. Suggested Adoption Language:** The Planning and Development Board finds that all the variance criteria as listed in the guidelines at LDC Section 3.07.03.E have been met and therefore approves a 2 foot sign height and a 9 feet 8 inch front yard sign setback variance for Lots 1 and 2, Block 1, Marineland Acres Subdivision, Map Book 5, Pages 49 and 50, Public Records of Flagler County, Florida.

**Alternative Adoption Language (A1A PRIDE Committee recommendation):** The Planning and Development Board finds that all variance criteria as listed in the guidelines at LDC Section 3.07.03.E have been met and therefore approves a 1.5 foot sign height and 9 foot front yard sign setback variance for Lots 1 and 2, Block 1, Marineland Acres Subdivision, Map Book 5, Pages 49 and 50, Public Records of Flagler County, Florida.

**Alternative Denial Language:** The Planning and Development Board finds that all variance criteria as listed in the guidelines at LDC Section 3.07.03.E have not been met and therefore denies a 2 foot sign height and 9 feet 8 inch front yard sign setback variance for Lots 1 and 2, Block 1, Marineland Acres Subdivision, Map Book 5, Pages 49 and 50, Public Records of Flagler County, Florida.
Attachments
1. Notification list and map
2. Application and supporting documents
   a. Application packet with survey
   b. Applicant’s response to variance criteria
   c. TRC Comments
MAP SERIES
Property Appraiser Aerial
Future Land Use Map
Official Zoning Map
DESTROYED SIGN

PROPOSED SIGN
Application For Variance
Application Project # 3071
Front Yard Sign Setback Variance
Luke Irace & Irace Trust/Oceanshore Villa, Inc.
Parcel # 17-10-31-4200-00010-0010

Legend
- Subject Parcel
- Streets

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.
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I hereby affirm mailed notice to each listed owner on March 23, 2017 for the Planning & Development meeting on April 11, 2017 at 6:00 pm

Wendy Hickey, Planner
APPLICATION FOR VARIANCE
FLAGLER COUNTY, FLORIDA
1769 E. Moody Blvd, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project #: #071/2017020020

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<td>City: PALM COAST</td>
<td>State: FLA</td>
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<td>Zip: 32137</td>
<td>Telephone Number: 516-294-9420 Fax Number: 516-742-6221</td>
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<td>LEGAL DESCRIPTION: (briefly describe, do not use &quot;see attached&quot;)</td>
<td>MARINELAND ACRES SUBDD B1K1 LOTS 142 PARCEL C503</td>
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<td>Current Future Land Use Designation:</td>
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<td>Subject to A1A Scenic Corridor IDO?</td>
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Relief Requested: SIGN HEIGHT AND SETBACK FROM FRONT PROPERTY LINE.

Signature of Owner(s) or Applicant/Agent: [Signature] Date: Feb 18 2017

**OFFICIAL USE ONLY**

PLANNING BOARD RECOMMENDATION/ACTION: APPROVED |

Signature of Chairman: [Signature] Date: __________________________

*approved with conditions, see attached.

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application. Rev. 09/16
APPLICATION FOR VARIANCE

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

Subject Property: **OCEANSHORE VILLA**

E. **Variance guidelines.** A variance may be granted, upon application, from the terms and provisions of this article as will not be contrary to the public health, safety, welfare and morals where, owing to special conditions, a literal enforcement of the provisions of this article will, in an individual case, result in unnecessary hardship. Such variances may be granted by the planning board in such individual case of unnecessary hardship upon a written finding that:

1. There are extraordinary and exceptional conditions pertaining to particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or part, creates an unnecessary hardship; and adjustments to the existing building and site plan comply with new zoning guidelines, the property conforms in parking requirements, strict conformity to new site standards eliminates parking spaces and creates parking nonconformity.
2. Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and
   This site plan was implemented about 12 years ago and conformed to codes. There have been no changes. The storm "Matthew" destroyed more than 50% of the motels only sign.

3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and
   A height variance of 24" to 30" and setback of 4" would allow sign to conform in all other regards. The sign would fit the location of the original sign and not eliminate parking spaces.

4. No variance may be granted for a use of land or building that is not permitted by this article.
   The use is permitted and has always been a motel.

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

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application. Rev. 09/16
Distribution date: Friday, March 10, 2017

Project #: 2017020020

Application #: 3071

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

No comments at this time.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

1. Please indicate the exact dimensional variance requested.
2. Please indicate exactly where you are proposing to install the new sign i.e.: measurements from property lines.
3. Please indicate the exact height of the proposed sign.
4. Please indicate the proposed type of sign proposed.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

Provide an exhibit that depicts the location of the proposed sign with the dimensions and proposed grading.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

No objection or comments.

REVIEWING DEPARTMENT: COUNTY ATTORNEY

Sec 7.06.05 governs reconstruction of signs after catastrophe. The applicant states that more than 50% of the sign was destroyed. Under this section, it cannot be reconstructed except in full conformity with the code.
Section 7.03.02(1) identifies permitted signs in the C-2 zoning districts. Subsection (d) of that provision prohibits pole signs in the Scenic A1A Overlay District. However, Post and arm signs are permitted.
March 31, 2017.

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

re: Ocean Shore Villa, Inc. Motel Sign Variance
6287 North Oceanshore Blvd -Project 2017020020, Application 3071

Dear Mr. Mengel,

At the March 24, 2017, meeting of Scenic A1A PRIDE Mr. Michael Murphy presented a drawing (attached) with reference to his application for Ocean Shore Villa Motel's sign variance. The previous 15-foot sign, being currently non-compliant but grandfathered, was destroyed by Hurricane Matthew. Mr. Murphy first proposed a new monument-style sign that would be eight feet tall and have a four-inch setback from the property line. This would mean a height variance of two feet (above the six-foot requirement) and a setback variance of almost ten feet (of the ten-foot required). Meeting the code requirements would be a hardship due to the location of the parking lot, although the drawing provided was unclear on setback measurements and the 8-foot height requested. The sign colors in the drawing were well accepted and hiding the parking area with landscaping would be appreciated.

The Board voted to oppose the sign variance as proposed but were receptive to a compromise whereby the new sign be at least one foot east of the property line and no higher than seven and a half (7.5) feet with code compliant lighting, and not internally lit. This would allow a variance of nine feet on the setback and 1.5 feet on the height.

Yours sincerely,

Dennis Clark, Chair
SCENIC A1A PRIDE

c.c. Mr. Michael Murphy (haborcheif07@outlook.com)
Mr. Gene Irace (iracerealty@gmail.com)
PROPOSED:
Fabricate and Install one (1) 4'-0" x 8'-0" x 1'-6" deep double face internally illuminated free standing sign cabinet, routed out backed up with .177" acrylic plastic simulated stucco finished 1/8" aluminum faces, 2" reveal, 1'-10" x 8'-0" base cover and 6" routed out backed up illuminated address numerals.
Flagler County Government
Planning and Zoning Department
Staff Report

TO: Chairperson and Planning and Development Board Members
FROM: Planning and Zoning Department
DATE: April 11, 2017
SUBJECT: Application #3072 – Small Scale Future Land Use Map Amendment for Surf North at Matanzas Shores

I. Requested Action & Purpose: This request is legislative in nature (not quasi-judicial) and does not require disclosure of ex parte communication. The request is for a Future Land Use Map amendment (Small Scale) for Parcel #37-10-31-1550-00000-0153 (formerly known as Surf North at Matanzas Shores).

II. Location and Legal Description: A parcel of land lying within Section 37, Township 10 South, Range 31 East, and East of State Road A1A. Parcel #37-10-31-1550-00000-0153. This parcel has not been assigned a 911 address.

III. Owner(s)/Agent: Robert J. and Diane D. Falconetti, and John J. Falconetti and Robert John Falconetti.

IV. Parcel Size: 1.01 acres±

V. Existing Zoning & Future Land Use Classification:
   Zoning: PUD (Planned Unit Development) District
   Future Land Use: EXISTING: Mixed Use: Low Intensity Low/Medium Density
                    PROPOSED: Residential Medium Density (4-7 units/acre)

VI. Future Land Use Map Classification / Zoning of Surrounding Land:
   North: Mixed Use: Low Intensity Low/Medium Density and Conservation / PUD (Planned Unit Development) District
   East: Conservation / PUD (Planned Unit Development) District
   South: Mixed Use: Low Intensity Low/Medium Density / PUD (Planned Unit Development) District
   West: Mixed Use: Low Intensity Low/Medium Density / PUD (Planned Unit Development) District

VII. Background: This request was previously considered by the Planning and Development Board at their December 13, 2011 regular meeting through Application #2888, with the Board recommending denial of the request through a 5-1 vote. At the time, the owner anticipated density coming from elsewhere within the former Matanzas
Shores DRI, however the donor project for the dwelling units had not been identified. With this application, the prospective purchaser is also the contract purchaser and successor developer of Las Casitas and Los Lagos, the remaining developments within Matanzas Shores.

VIII. Analysis of Consistency with Florida Statutes:
The requested small scale amendment has been evaluated by staff for its consistency with Section 163.3177(6) of Florida Statutes [Please note that consistency with Section 380.06, F.S., has not been included here since it is staff's assertion — although no formal determination has made— that the Matanzas Shores DRI has expired.]:

"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 531 units could be accommodated on the 2,633 acres remaining as undeveloped within Coastal Area 1 and identified as a mix of land uses, but predominantly composed of: Agriculture & Timberlands; Agriculture; and Residential: Low-density/Single-family. [Please note that lands within adopted DRIs, including the subject parcel, were considered as developed lands due to the completion of master planning and entitlements under respective DRI Development Orders.] 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 — though with low- to moderate-growth rates – like Coastal Area 1 will continue to attract non-speculative, owner-occupied development due to its proximity to the Atlantic Ocean. 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 Coastal Area 1, it is anticipated that coastal development will have a greater percentage of seasonal units than other parts of the County.

“c. The character of undeveloped land.”

The character of the undeveloped land in this area is predominantly coastal scrub.
“d. The availability of water supplies, public facilities, and services.”

Public infrastructure is provided as part of the Matanzas Shores utility system, with water provided through the City of Palm Coast and central sanitary sewer provided by the Matanzas Shores Owners Association. 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 character of the community. This parcel was originally intended as one of two commercial sites within the Matanzas Shores DRI, with this site anticipated to be developed as a table-service restaurant or similar commercial use. The parcel’s location on the North side of the DRI, adjacent to the North to existing single-family residential and with community amenities to the South, and on the East side of SR A1A, makes commercial development problematic. The development’s shared driveway, as originally proposed to serve the residential, commercial, and shared amenities, is not well-suited for the additional commercial traffic due to its width and location. The conversion of this parcel from commercial to residential is preferable to its development as commercial or mixed-use.

“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 relatively intensive use – Mixed Use: Low intensity – to a use of lesser intensity – Residential: Medium-density – effectively discourages urban sprawl by eliminating what would otherwise be a traffic generating use.

“i. The need for job creation, capital investment, and economic development that will strengthen and diversify the community’s economy.”
While commercial development of this parcel would potentially result in long-term job creation, the amount of vacant commercial structures located throughout the area would likely limit the viability of this location over the long-term. Arguably, the local economy was in large part based on residential development and the short-run benefits of residential construction activity in this area will be reflected in the long-term capital investment into the property. Permitting activity for residential single-family construction along the barrier island remains strong, especially in locations served by central infrastructure.

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

Not applicable – this is not an antiquated subdivision, although changing conditions indicate that a commercial or mixed use development would not be appropriate on the subject parcel.

"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, relying primarily on the annual assessments resulting from the Declaration of Covenants, Conditions, and Restrictions for Matanzas Shores dated August 23, 1989 and recorded at Official Records Book 403, Page 928, Public Records of Flagler County, Florida. These assessments were based on the anticipated restaurant development with a corresponding six equivalent residential credit (ERC) assigned and resulting in an estimated 1,200 gallons per day (GPD) of wastewater treatment plant capacity (Note: Each Equivalent Residential Unit was estimated at 200 gallons per day). (Exhibit E; OR 403, P 986, PRFCF). For reference, Exhibit D of the Declaration identified the subject parcel as North Commercial B with a parcel size of 0.75 acres and a proposed service/commercial use. (Exhibit D; OR 403, P 985, PRFCF). The applicant concluded – and staff concurs – that the Matanzas Shores DRI and the implementing Declaration provided for availability of facilities and services for parcels within the DRI; the residential proposal at as many as seven units is basically at the same level of impact as was anticipated with the commercial restaurant use.

"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 is a coastal scrub, mostly level, but elevated from SR A1A due to its presence on the coastal ridge. The parcel is identified in the Soil Survey of Flagler County, Florida as 20, Orsino fine sand with 0 to 5 percent slopes, a moderately well-drained soil found on the ridges and knobs on the flatwoods and coastal ridges near the Atlantic Ocean. Orsino has slight limitations for dwellings without
basements, small commercial buildings, and local roads and streets, with ground water contamination prevalent in areas that have many septic tanks. The vegetation associated with Orsino soil typically provides very good habitat for wetland wildlife, including good escape cover for deer and turkey. The area to the east adjacent to this parcel is included in an approved U.S. Fish and Wildlife Service Habitat Conservation Plan for the Florida Scrub Jay and the Eastern Indigo Snake. No historical resources were indicated on this parcel through the analysis completed as part of the Matanzas Shores DRI’s Application for Development Approval (ADA).

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

This request effectively limits two alternative, higher-intensity schemes of development for this parcel: one, as provided for in the former DRI, as a commercial restaurant, and the other, as a Mixed Use: Low-intensity, Low to Medium Density Residential parcel with a maximum residential density of up to seven units per acre and a related amount of commercial development required. The applicant is seeking the amendment to provide for as many as seven single family units consistent with the lateral support provided for this parcel by the Declaration, while eliminating the Mixed Use: Low designation’s required commercial component. While the resulting lot sizes are limited in size, the resulting density does not exceed either the residential density associated with the Mixed Use: Low designation or the requested Residential: Medium-density designation. The minimum amount of land to complete the amendment as proposed and remain consistent with the land use designation is one acre.

“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 a previously planned DRI which sought through its layout the accomplishment of each of the eight measures as provided in the statute.

IX. Analysis of Consistency with the Comprehensive Plan:

The requested small scale 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 already zoned Planned Unit Development (PUD) as part of the original Matanzas Shores DRI; however, the related PUD Development Agreement and Site Development Plan implements the PUD zoning which is already in place.

“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 in Zone AE, an area subject to inundation by the 1-percent-annual-chance flood event.

“Policy A.1.6.8: Mixed land use areas shall be located as shown on the Future Land Use Map and as amendments are made to that Map, buffers, density transitions, and other techniques will be utilized to ensure that incompatible land use situations will not be created.”

The PUD Site Development Plan request to be made separate from this application will address buffering; however, this amendment eliminates an area of Mixed Use: Low in favor of a Residential: Medium-density designation. The ultimate construction will be as single-family residences consistent with the Future Land Use designation.
“Policy A.2.2.1: Flagler County shall on a regular basis notify adjoining cities and management entities of the Dunes Community Development District of Comprehensive Plan amendments and amendments to the Official Zoning Map requested in Coastal Area 1.”

In this instance, the Dunes CDD was not notified of this Plan amendment since the subject parcel is not contiguous to their boundaries and is not served by CDD utilities.

“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 existing SJRWMD Consumptive Use Permit (CUP) permit approvals for the City of Palm Coast as potable water provider for Matanzas Shores.

“Policy B.1.5.10: Flagler County shall minimize additional impacts on identified evacuation routes within the coastal areas of the County through appropriate land use controls and processes incorporated into the County’s Land Development Regulations (LDRs).”

Impacts provided through this amendment have been previously addressed through the Matanzas Shores DRI’s mitigation. The reduction in impact to SR A1A through the elimination of the commercial restaurant use and approval of as many as seven single-family residential units account for a reduction in overall trips and reduces impacts to SR A1A.

“Policy E.2.1.1: Land use plan amendments that have the effect of increasing allowable residential density in the Coastal High Hazard Area (CHHA) shall not be approved for parcels, or portions thereof, lying seaward of the Coastal Construction Control Line (CCCL) or within the velocity zone (Zone V or VE as depicted on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps) unless one of the following apply:
(1) the change is made to reflect existing legally permitted density that is not designated on the Future Land Use Map;
(2) the requested increase in density on a parcel is offset by a corresponding decrease in density on a different parcel. The offset in density will not result in a net increase in buildout population in the Coastal High Hazard Area (CHHA); or
(3) the requested amendment meets the requirements of applicable sections of Florida Administrative Code (FAC) and is internally consistent with the goals, objectives, and policies of the Comprehensive Plan."

_Not applicable; the subject parcel is not seaward of the CCCL or within Zone V or VE._

“Policy E.2.4.5: Flagler County shall not approve Comprehensive Plan amendments that increase the residential density on the Future Land Use Map within the Coastal High Hazard Area (CHHA), unless consistent with Policy E.2.1.1.”

_The requested amendment is consistent with Policy E.2.1.1._

“Policy E.2.4.8: Amendments to the Comprehensive Plan in the Coastal Area shall not be approved which will result in an increase in hurricane evacuation times without mitigation of the adverse impact to evacuation times.”

_No separate mitigation is required since this density was previously provided for within the Matanzas Shores DRI._

“Policy E.3.1.6: Flagler County shall maintain an inventory of existing public beach access points. By 2012, the County shall study and forecast the need for future beach access requirements based upon projected population. Any findings and needs forecasted shall be incorporated into the Recreation and Open Space and Coastal Management Elements through the Comprehensive Plan amendment process. In the interim, a beach access goal of one (1) beach access point for every one (1) mile of coastline shall be established.”

_The proposed Site Development Plan provides for a shared beach access for the resulting single-family residences._

**X. 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.

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

Quasi-judicial, requiring disclosure of ex-parte communication; or

X Legislative, not requiring formal disclosure of ex-parte communication.

XII. Staff Recommendation: The Planning Department recommends that the Planning and Development Board recommend to the Board of County Commissioners approval of the Small Scale Future Land Use Map Amendment for Parcel #37-10-31-1550-00000-0153 from Mixed Use: Low Intensity Low/Medium Density to Residential Medium Density based on the findings that the requested amendment is consistent with Florida Statutes and the adopted Comprehensive Plan and implemented through the Land Development Code.

XIII. Suggested Motion Language: The Planning and Development Board recommends to the Board of County Commissioners approval of the Small Scale Future Land Use Map Amendment for Parcel #37-10-31-1550-00000-0153 from Mixed Use: Low Intensity Low/Medium Density to Residential Medium Density based on the findings that the requested amendment is consistent with Florida Statutes and the adopted Comprehensive Plan and implemented through the Land Development Code.

Attachments:
1. Application and supporting documents
2. Public Notice
3. TRC comments
MAP SERIES
Property Appraiser Aerial
Future Land Use Map
Application For FLUM Amendment

Application Project # 3072
Amend FLUM from MU Low Intensity to Residential MU Med Density
Sidney F Ansbacher, Esq.; Upchurch, Bailey and Upchurch, P.A.
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I hereby affirm mailed notice to each owner on March 23, 2017 for the Planning & Development Board meeting on April 11, 2017 at 6:00 pm.

Wendy Hickey, Planner
**APPLICATION FOR**  
**FUTURE LAND USE MAP AMENDMENT**  
**LESS THAN TEN ACRES**  
FLAGLER COUNTY, FLORIDA  
1769 E. Moody Blvd, Suite 106  
Bunnell, FL 32110  
Telephone: (386) 313-4009  
Fax: (386) 313-4109  
Application/Project #: 2017-022021

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</tr>
<tr>
<td><strong>Mailing Address:</strong></td>
<td>5015 Long Bow Road</td>
</tr>
<tr>
<td><strong>City:</strong> Jacksonville</td>
<td><strong>State:</strong> Florida</td>
</tr>
<tr>
<td><strong>Zip:</strong> 32110</td>
<td><strong>Telephone Number:</strong> (904) 562-6638</td>
</tr>
<tr>
<td><strong>Fax Number:</strong> (904) 339-9336</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>APPLICANT/AGENT</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Name(s):</strong></td>
<td>Sidney F. Ansbacher, Esq.; Upchurch, Bailey and Upchurch, P.A.</td>
</tr>
<tr>
<td><strong>Mailing Address:</strong></td>
<td>Post Office Drawer 3007,</td>
</tr>
<tr>
<td><strong>City:</strong> St. Augustine</td>
<td><strong>State:</strong> Florida</td>
</tr>
<tr>
<td><strong>Zip:</strong> 32085-3007</td>
<td><strong>Telephone Number:</strong> (904) 829-9066</td>
</tr>
<tr>
<td><strong>Fax Number:</strong> (904) 825-4862</td>
<td></td>
</tr>
<tr>
<td><strong>E-Mail Address:</strong> <a href="mailto:sfansbacher@ubulaw.com">sfansbacher@ubulaw.com</a></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SUBJECT PROPERTY</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SITE LOCATION (street address):</strong></td>
<td>N. Oceanshore Boulevard, Palm Coast, Florida</td>
</tr>
<tr>
<td><strong>LEGAL DESCRIPTION:</strong></td>
<td>Parcel 7, Matanzas Shores</td>
</tr>
<tr>
<td><strong>Parcel # (tax ID #):</strong></td>
<td>37-10-31-1550-00000-0153</td>
</tr>
<tr>
<td><strong>Parcel Size:</strong></td>
<td>1.01 Acres</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FUTURE LAND USE DESIGNATION</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Present Future Land Use Designation(s)</strong></td>
<td>Provide acreage of each classification.</td>
</tr>
<tr>
<td>1.01 Acres Mixed Use Low Intensity, Low/Medium Density</td>
<td></td>
</tr>
<tr>
<td><strong>Proposed Future Land Use Designation(s)</strong></td>
<td>Provide acreage of each classification.</td>
</tr>
<tr>
<td>1.01 Acres Residential Medium Density, 4-7 Units/Acre</td>
<td></td>
</tr>
</tbody>
</table>

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

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

Traffic Impact Study Prepared by: N/A

Name:

Address:

City/State/Zip

Rev 05/08

<table>
<thead>
<tr>
<th>Facilities immediately serving site:</th>
<th>Beach Access and Matanzas Beach Club</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is this site within a targeted Park Land?</td>
<td>YES [ ]</td>
</tr>
</tbody>
</table>

**WATER**

<table>
<thead>
<tr>
<th>Method (check one)</th>
<th>Private wells [ ]</th>
<th>Central [✓]</th>
<th>Private treatment plant [ ]</th>
</tr>
</thead>
</table>

Attach completed SJRWMD Consumptive Use Worksheet and supporting information concerning growth projection or committee capacity.

If Central Water, provide name and address of facility:

**Name:** City of Palm Coast Utility Department

**Address:** 2 Utility Drive

City/State/Zip Palm Coast, Florida 32137

**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>
</table>

Attach completed FDEP operating information for previous 12 months.

If Central Sewer, provide name and address of facility:

**Name:** Matanzas Shores Owners Association, Inc.

**Address:** 110 Collectors Road

City/State/Zip Palm Coast, Florida 32137
Required Attachments:
Will need 33* sets of the following:

1. Location Map – Attachment “A”;
2. Legal Description – Attachment “B”;
3. Sealed Land survey showing the natural features of the land, the Mean High or Ordinary High water line. Survey cannot be more than 2 years old – Attachment “C”
4. Zoning Map Showing Current Zoning – Attachment “D”;
5. Present Future Land Use Designation Map – Attachment “E”;
6. Proposed Future Land Use Designation Map – Attachment “F”;
7. Population Analysis – Attachment “G”;
8. Transportation Study – Attachment “H”
9. Recreation and Open Space Analysis – Attachment “I”;
10. Water and Sewer Analysis – Attachment “J”;
11. Solid Waste Analysis – Attachment “K”;
12. Drainage Study – Attachment “L”.
13. FLUCCS code information including delineation of endangered and threatened species and species of special concern habitat and observations – Attach. “M”.
15. Topographic map - Attachment “P”.
16. Aerials (false color) - Attachment “Q”.

*10 sets of plans for the Technical Review Committee due upon submittal of application, 13 sets of plans for Planning Board, and 10 sets of plans for the BCC.

NOTE: All applicants are requested to provide at least one set of documents/plans in a size no larger than 11” x 17” plus one electronic submittal in PDF format is preferred.

Application fee of $870.00 plus cost of newspaper ad(s), postage at prevailing rate and $50 for each notification of public hearing (posting of sign). Make check payable to BOCC.

Fee amount per Resolution 2008-31.

NOTE: OWNER/APPLICANT IS RESPONSIBLE FOR REQUIRED RESPONSE TO OBJECTIONS, RECOMMENDATIONS AND COMMENTS FROM STATE REVIEWING AGENCY.

NOTE: Pursuant to Section 286.0105 of Florida Statutes, Flagler County hereby notifies all interested persons that if a person decides to appeal any decision made by the Planning Board or Board of County Commissioners with respect to any matter considered at such meetings or hearings, he or she will need a record of proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.
If proposed land use amendment is for other than residential land use

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

Detention/Retention facilities immediately serving the site
Existing Stormwater Inlet at Seaview Drive & SW Corner of Property
Available downstream facilities:
Matanzas Shores Master Stormwater Collection & Treatment System
Is site situated within a known floodplain area? Identify FIRM panel.

| YES □ | NO □ |

Robert John Fallonett 2/16/17
Signature of All Property Owners Date

Signature of All Property Owners Date

The foregoing was acknowledge before me this 16 day of February, 2017 by Robert Fallonett and __________, who is/are personally known to me or who has produced driver's license as identification, and who (did) / (did not) take an oath.

Signature of Notary Public

**OFFICIAL USE ONLY**

PLANNING BOARD RECOMMENDATION/ACTION:

*APPROVED [ ]
*APPROVED WITH CONDITIONS [ ]
DENIED [ ]

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

**OFFICIAL USE ONLY**

BOARD OF COUNTY COMMISSIONERS ACTION:

*APPROVED [ ]
*APPROVED WITH CONDITIONS [ ]
DENIED [ ]

Signature of Chairman: ____________________________
Date: ____________________ *approved with conditions, see attached.
<table>
<thead>
<tr>
<th>SOLID WASTE</th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>If proposed land use amendment is for other than residential land use</td>
<td>Type</td>
<td>Square Footage</td>
</tr>
<tr>
<td></td>
<td>Commercial</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Industrial</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DRAINAGE</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Detention/Retention facilities immediately serving the site</td>
<td>Existing Stormwater Inlet at Seaview Drive &amp; SW Corner of Property</td>
<td></td>
</tr>
<tr>
<td>Available downstream facilities:</td>
<td>Matanzas Shores Master Stormwater Collection &amp; Treatment System</td>
<td></td>
</tr>
<tr>
<td>Is site situated within a known floodplain area? Identify FIRM panel.</td>
<td>YES</td>
<td>NO</td>
</tr>
</tbody>
</table>

M. Falcetti PDA for Diane Falcetti 2/15/17

Signature of All Property Owners Date

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

Signature of Notary Public

**OFFICIAL USE ONLY**

PLANNING BOARD RECOMMENDATION/ACTION:

*APPROVED WITH CONDITIONS | }

Signature of Chairman: ________________________________

Date: _____________________ *approved with conditions, see attached.

**OFFICIAL USE ONLY**

BOARD OF COUNTY COMMISSIONERS ACTION:

*APPROVED WITH CONDITIONS | }

Signature of Chairman: ________________________________

Date: _____________________ *approved with conditions, see attached.

February 21, 2017

VIA EMAIL (amengel@flaglercounty.org)

Mr. Adam Mengel
Planning and Zoning Director
Flagler County Planning and Zoning Department
1769 E. Moody Blvd., Building 2, Suite 105
Bunnell, Florida 32110

Re: Owner Consents for Falconetti Application

Dear Adam:

I enclose the owner authorizations, as requested. We will overnight the $970.00 application fee that you and I discussed.

I remain,

Sincerely,

Sidney F. Ansbacher

SFA/cs
Enclosures
Owner's Authorization for Applicant/Agent

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

Application/Project #

Sidney F. Ansbacher / Upchurch, Bailey and Upchurch, P.A., is hereby authorized TO ACT ON BEHALF

OF Robert John Falconetti, the owner(s) of those lands described

within the attached application, and as described in the attached deed or other such

proof of ownership as may be required, in applying to Flagler County, Florida for an

application for FLUM Amendment (less than 10 acres)


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

By: Robert John Falconetti

Signature of Owner

Robert John Falconetti

Printed Name of Owner / Title (if owner is corporation or partnership)

N/A

Signature of Owner

Robert John Falconetti

Printed Name of Owner

Address of Owner:

5595 Westboriar CT

Mailing Address

Roanoke VA 24018

City State Zip

Telephone Number (incl. area code)

540-520-3337

STATE OF Virginia

COUNTY OF Roanoke

The foregoing was acknowledged before me this 16 day of February 2017 by Robert John Falconetti and

who is/are personally known to me or who has produced

as identification, and who (did) / (did not) take an oath.

Signature of Notary Public


Revised 5/08
Owner's Authorization for Applicant/Agent

FLAGLER COUNTY, FLORIDA
1789 E. Moody Boulevard, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project #

Sidney F. Ansbacher / Upchurch, Bailey and Upchurch, P.A., is hereby authorized TO ACT ON BEHALF OF Diane D. Falconetti, the owner(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to Flagler County, Florida for an application for FLUM Amendment (less than 10 acres)

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

By:

Signature of Owner

Printed Name of Owner / Title (if owner is corporation or partnership)

Diane D. Falconetti 90A

Signature of Owner

DIANE D. FALCONETTI
Printed Name of Owner

Address of Owner:

5015 Long Bow Rd
Mailing Address

Jacksonville, FL 32210
City State Zip

Telephone Number (incl. area code)

904-859-5902

STATE OF Georgia

COUNTY OF Cobb

The foregoing was acknowledged before me this 15th day of February, 2017, by Diane D. Falconetti and John Falconetti who is/are personally known to me or who has produced driver's license as identification, and who (did) / (did not) take an oath.

Signature of Notary Public


Revised 5/08
AMENDED CERTIFICATION OF DEATH

STATE FILE NUMBER: 2013040842
DATE ISSUED: May 6, 2013
DECEDENT INFORMATION
NAME: ROBERT J FALCONE
DATE OF DEATH: March 23, 2013
SEX: MALE
SSN: 2665
AGE: 074 YEARS
DATE OF BIRTH: March 12, 1939
BIRTHPLACE: NEW YORK, NEW YORK, UNITED STATES
PLACE OF DEATH HOSPICE
FACILITY NAME OR STREET ADDRESS: COMMUNITY HOSPICE AT SAINT VINCENTS
LOCATION OF DEATH: JACKSONVILLE, DUVAL COUNTY
SURVIVING SPOUSE, DECEDENT’S RESIDENCE AND HISTORY INFORMATION
SPouse: DIANE DRUMMOND
RESIDENCE: 5015 LONG BOW ROAD, JACKSONVILLE, FLORIDA 32216, UNITED STATES
COUNTY: DUVAL
OCUPATION, INDUSTRY, BUSINESS OWNER, COMMERCIAL PRINTING
RACE: __African American __Asian Indian __Asian __Chinese __Caucasian __Filipino __Native Hawaiian __Japanese __Korean
__American Indian or Alaska Native __Native American __Vietnamese __Other Asian __Guatemalan __Salvadoran __Other
__Hispanic or Haitian Origin? NO, NOT OF HISPANIC OR HAITIAN ORIGIN
EDUCATION: BACHELORS DEGREE (E.G., BA, AB, BS)
EVER IN U.S. ARMED FORCES? YES
PARENTS AND INFORMANT INFORMATION
FATHER: ROCCO FALCONE
MOTHER: SALLY ANTOZ
INFORMANT: DIANE FALCONE
RELATIONSHIP TO DECEIVED: WIFE
INFORMANT’S ADDRESS: 5015 LONG BOW ROAD, JACKSONVILLE, FLORIDA 32216, UNITED STATES
PLACE OF DISPOSITION AND FUNERAL FACILITY INFORMATION
PLACE OF DISPOSITION: EVERGREEN CEMETERY
JACKSONVILLE, FLORIDA
METHOD OF DISPOSITION: BURIAL
FUNERAL DIRECTOR’S LICENSE NUMBER: JENNIFER R. WRIGHT, FD44920
FUNERAL FACILITY: HARDAGE-GIDDENS - EDGEMOUTH AVE FM407279
729 EDGEMOUTH AVENUE SOUTH, JACKSONVILLE, FLORIDA 32205
CERTIFIER INFORMATION
TYPE OF CERTIFIER CERTIFYING PHYSICIAN
MEDICAL EXAMINER CASE NUMBER: NOT APPLICABLE
TIME OF DEATH (24 HR): 2330
CERTIFIERS NAME: IGOR BERENGOGLITS
CERTIFIERS LICENSE NUMBER: MD66402
NAME OF ATTENDING PHYSICIAN (IF OTHER THAN CERTIFIER): NOT APPLICABLE
CAUSE OF DEATH AND INJURY INFORMATION

THIS SECTION DELETED PER FS 382.008 AND 382.025.

STATE REGISTRAR

DATE AMENDED: 05/23/2013 ANY CERTIFICATION ISSUED PRIOR TO THE AMENDED DATE MAY BE NULL AND VOID.

CERTIFICATION OF VITAL RECORD
FLAGLER COUNTY

TECHNICAL REVIEW COMMITTEE COMMENTS

MEETING DATE: 3/15/2017

#3072 FALCONETTI FLUM AMENDMENT

APPLICANT: SIDNEY F. ANSBACHER ESQ
OWNER: ROBERT J., DIANE D., JOHN J., FALCONETTI

Distribution date: Friday, March 10, 2017

Project #: 2017020021

Application #: 3072

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
No comments at this time.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT
No comments at this time

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING
No comments at this time.

REVIEWING DEPARTMENT: FIRE INSPECTOR
No comments at this time.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT
No objection or comments providing that water and/or wastewater service is not provided by well and/or septic system.

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

TO: Chairperson and Planning and Development Board Members  
FROM: Planning and Zoning Department  
DATE: December 13, 2011  
SUBJECT: Application #2888 – Small Scale Future Land Use Map Amendment for Surf North at Matanzas Shores  

I. Requested Action & Purpose: This request is legislative in nature (not quasi-judicial) and does not require disclosure of ex parte communication. The request is for a Future Land Use Map amendment (Small Scale) for Surf North at Matanzas Shores.  

II. Location and Legal Description: A parcel of land lying within Section 37, Township 10 South, Range 31 East and East of State Road A1A. Parcel # 37-10-31-1550-00000-0153.  

III. Owner(s)/Agent: Robert J. and Diane D. Falconetti, and John J. Falconetti and Robert John Falconetti.  

IV. Parcel Size: 1.01 acres±  

V. Existing Zoning & Future Land Use Classification:  
Zoning: PUD (Planned Unit Development) District  
Future Land Use: EXISTING: Mixed Use: Low Intensity Low/Medium Density  
PROPOSED: Residential Medium Density 4-7 units  

VI. Future Land Use Map Classification / Zoning of Surrounding Land:  
North: Mixed Use: Low Intensity Low/Medium Density and Conservation / PUD (Planned Unit Development) District  
East: Conservation / PUD (Planned Unit Development) District  
South: Mixed Use: Low Intensity Low/Medium Density / PUD (Planned Unit Development) District  
West: Mixed Use: Low Intensity Low/Medium Density / PUD (Planned Unit Development) District  

VII. Analysis of Consistency with Florida Statutes:  
The requested small scale amendment has been evaluated by staff for its consistency with Section 163.3177(6) of Florida Statutes [Please note that consistency with Section 380.06, F.S., has not been included here since it is staff’s assertion – although no formal determination has made or requested – that the Matanzas Shores DRI has expired.]:
The 2010-2035 Comprehensive Plan concluded that a maximum of 531 units could be accommodated on the 2,633 acres remaining as undeveloped within Coastal Area 1 and identified as a mix of land uses, but predominantly composed of: Agriculture & Timberlands; Agriculture; and Residential: Low-density/Single-family. [Please note that lands within adopted DRIs, including the subject parcel, were considered as developed lands due to the completion of master planning and entitlements under respective DRI Development Orders.] 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 – though with low-to moderate-growth rates – like Coastal Area 1 will continue to attract non-speculative, owner-occupied development due to its proximity to the Atlantic Ocean. In summary, sufficient raw, undeveloped land exists throughout the County to accommodate the County’s projected population.

The 2035 population as estimated by staff based on available BEBR estimates (prior to the release of the 2010 Census data, which continues to be released sporadically) at 221,114 includes both permanent and seasonal population. While no specific estimates were provided in the Plan for Coastal Area 1, it is anticipated that coastal development will have a greater percentage of seasonal units than other parts of the County.

The character of the undeveloped land in this area is predominantly coastal scrub.

Public infrastructure is provided as part of the Matanzas Shores utility system, with water provided through the City of Palm Coast and central sanitary sewer provided by the Matanzas Shores Owners Association. 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 character of the community. This parcel was originally intended as one of two commercial sites within the Matanzas Shores DRI, with this site anticipated to be developed as a table-service restaurant or similar commercial use. The parcel’s location on the north side of the DRI, adjacent to the north to existing single-family residential and with community amenities to the south, and on the east side of SR A1A, makes commercial development problematic. The development’s shared driveway, as originally proposed to serve the residential, commercial, and shared amenities, is not well-suited for the additional commercial traffic due to its width and location. The conversion of this parcel from commercial to residential is preferable to its development as commercial or mixed-use.

“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 relatively intensive use – Mixed Use: Low intensity – to a use of lesser intensity – Residential: Medium-density – effectively discourages urban sprawl by eliminating what would otherwise be a traffic generating use.

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

While commercial development of this parcel would potentially result in long-term job creation, the amount of vacant commercial structures located throughout the area would likely limit the viability of this location over the long-term. Arguably, the local economy was in large part based on residential development and the short-run benefits of residential construction activity in this area will be reflected in the long-term capital investment into the property. Permitting activity for residential
single-family construction along the barrier island remains strong, especially in locations served by central infrastructure.

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

Not applicable – this is not an antiquated subdivision, although changing conditions indicate that a commercial or mixed use development would not be appropriate on the subject parcel.

"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, relying primarily on the annual assessments resulting from the Declaration of Covenants, Conditions, and Restrictions for Matanzas Shores dated August 23, 1989 and recorded at Official Records (OR) Book 403, Page 928, Public Records of Flagler County, Florida (PRFCF). These assessments were based on the anticipated restaurant development with a corresponding six equivalent residential credit (ERC) assigned and resulting in an estimated 1,200 gallons per day (GPD) of wastewater treatment plant capacity (Note: Each Equivalent Residential Unit was estimated at 200 gallons per day). (Exhibit E; OR 403, P 986, PRFCF). For reference, Exhibit D of the Declaration identified the subject parcel as North Commercial B with a parcel size of 0.75 acres and a proposed service/commercial use. (Exhibit D; OR 403, P 985, PRFCF). The applicant concluded – and staff concurs – that the Matanzas Shores DRI and the implementing Declaration provided for availability of facilities and services for parcels within the DRI; the residential proposal at six units is at the same level of impact as was anticipated with the commercial restaurant use.

"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 is a coastal scrub, mostly level, but elevated from SR A1A due to its presence on the coastal ridge. The parcel is identified in the Soil Survey of Flagler County, Florida as 20, Orsino fine sand with 0 to 5 percent slopes, a moderately well drained soil found on the ridges and knolls on the flatwoods and coastal ridges near the Atlantic Ocean. Orsino has slight limitations for dwellings without basements, small commercial buildings, and local roads and streets, with ground water contamination prevalent in areas that have many septic tanks. The vegetation associated with Orsino soil typically provides very good habitat for wetland wildlife, including good escape cover for deer and turkey. The area to the
east adjacent to this parcel is included in an approved U.S. Fish and Wildlife Service Habitat Conservation Plan for the Florida Scrub Jay and the Eastern Indigo Snake. No historical resources were indicated on this parcel through the analysis completed as part of the Matanzas Shores DRI’s Application for Development Approval (ADA).

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

This request effectively limits two alternative, higher-intensity schemes of development for this parcel: one, as provided for in the former DRI, as a commercial restaurant, and the other, as a Mixed Use: Low-intensity, Low to Medium Density Residential parcel with a maximum residential density of up to seven units per acre and a related amount of commercial development required. The applicant is seeking the amendment to provide for six single family units consistent with the lateral support provided for this parcel by the Declaration, while eliminating the Mixed Use: Low designation’s required commercial component. While the resulting lot sizes are limited in size, the resulting density does not exceed either the residential density associated with the Mixed Use: Low designation or the requested Residential: Medium-density designation. The minimum amount of land to complete the amendment as proposed and remain consistent with the land use designation is one acre.

“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 a previously planned DRI which sought through its layout the accomplishment of each of the eight measures as provided in the statute.

VIII. Analysis of Consistency with the Comprehensive Plan:
The requested small scale 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 already zoned Planned Unit Development (PUD) as part of the original Matanzas Shores DRI; however, the related PUD Development Agreement and Site Development Plan implements the PUD zoning which is already in place.

“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 in Zone AE, an area subject to inundation by the 1-percent-annual-chance flood event.

“Policy A.1.6.8: Mixed land use areas shall be located as shown on the Future Land Use Map and as amendments are made to that Map, buffers, density transitions, and other techniques will be utilized to ensure that incompatible land use situations will not be created.”

The PUD Site Development Plan request made separate from, but simultaneous with this application addresses buffering; however, this amendment eliminates an area of Mixed Use: Low in favor of a Residential: Medium-density designation. The ultimate construction will be as single-family residences as proposed in the PUD Agreement.
“Policy A.2.2.1: Flagler County shall on a regular basis notify adjoining cities and management entities of the Dunes Community Development District of Comprehensive Plan amendments and amendments to the Official Zoning Map requested in Coastal Area 1.”

In this instance, the Dunes CDD was not notified of this Plan amendment since the subject parcel is not contiguous to their boundaries and is not served by CDD utilities.

“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 existing SJRWMD Consumptive Use Permit (CUP) permit approvals for the City of Palm Coast as provider for Matanzas Shores.

“Policy B.1.5.10: Flagler County shall minimize additional impacts on identified evacuation routes within the coastal areas of the County through appropriate land use controls and processes incorporated into the County’s Land Development Regulations (LDRs).”

Impacts provided through this amendment have been previously addressed through the Matanzas Shores DRI’s mitigation. The reduction in impact to SR A1A through the elimination of the commercial restaurant use and approval of the six single-family residential units account for a reduction in overall trips and reduces impacts to SR A1A.

“Policy E.2.1.1: Land use plan amendments that have the effect of increasing allowable residential density in the Coastal High Hazard Area (CHHA) shall not be approved for parcels, or portions thereof, lying seaward of the Coastal Construction Control Line (CCCL) or within the velocity zone (Zone V or VE as depicted on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps) unless one of the following apply:
   (1) the change is made to reflect existing legally permitted density that is not designated on the Future Land Use Map;
(2) the requested increase in density on a parcel is offset by a corresponding decrease in density on a different parcel. The offset in density will not result in a net increase in buildout population in the Coastal High Hazard Area (CHHA); or
(3) the requested amendment meets the requirements of applicable sections of Florida Administrative Code (FAC) and is internally consistent with the goals, objectives, and policies of the Comprehensive Plan."

Not applicable; the subject parcel is not seaward of the CCCL or within Zone V or VE.

"Policy E.2.4.5: Flagler County shall not approve Comprehensive Plan amendments that increase the residential density on the Future Land Use Map within the Coastal High Hazard Area (CHHA), unless consistent with Policy E.2.1.1."

The requested amendment is consistent with Policy E.2.1.1.

"Policy E.2.4.8: Amendments to the Comprehensive Plan in the Coastal Area shall not be approved which will result in an increase in hurricane evacuation times without mitigation of the adverse impact to evacuation times."

No separate mitigation is required since this density was previously provided for within the Matanzas Shores DRI.

"Policy E.3.1.6: Flagler County shall maintain an inventory of existing public beach access points. By 2012, the County shall study and forecast the need for future beach access requirements based upon projected population. Any findings and needs forecasted shall be incorporated into the Recreation and Open Space and Coastal Management Elements through the Comprehensive Plan amendment process. In the interim, a beach access goal of one (1) beach access point for every one (1) mile of coastline shall be established."

The proposed Site Development Plan provides for a shared beach access for the six single-family residences.

IX. 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.

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

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

XI. Recommendation: The Planning Department recommends that the Planning and Development Board recommend to the Board of County Commissioners approval of the Small Scale Future Land Use Map Amendment for Surf North at Matanzas Shores from Mixed Use: Low Intensity Low/Medium Density to Residential Medium Density 4-7 units based on the findings that the requested amendment is consistent with Florida Statutes and the adopted Comprehensive Plan and implemented through the Land Development Code.

Attachments

1. Excerpt of Flagler County Official Zoning Map
2. Excerpt of Flagler County Future Land Use Map
3. Application and supporting documents
4. Public Notice
5. TRC comments and Applicant Response
FLAGLER COUNTY

TECHNICAL REVIEW COMMITTEE COMMENTS

MEETING DATE:
NOVEMBER 16, 2011

SURF NORTH AT MATANZAS SHORES -
FLUM AMENDMENT

APPLICATION #2888

APPLICANT/OWNER: FALCONETTI, ROBERT J., DIANE D., JOHN J.,

Distribution date: Thursday, November 10, 2011
Project #: 2011100008

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 386-313-4067 Development Review Planner III
Flagler County Development Engineering 386-313-4082 Development Engineer
Flagler County General Services (Utilities) 386-313-4184
County Attorney 386-313-4005
Flagler County Fire Services 386-313-4258
E-911 GIS Specialist 386-313-4274
Environmental Health Department 386-437-7358
Flagler County School Board 386-586-2386
REVIEWING DEPARTMENT: BUILDING DEPARTMENT
No Building Department issues at this time.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT
Section 163.3180, Florida Statutes (as amended by Section 15 of Chapter 2011-139, Laws of Florida), now limits concurrency to the following services:

"(2) Consistent with public health and safety, sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. Prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent. A local government may meet the concurrency requirement for sanitary sewer through the use of onsite sewage treatment and disposal systems approved by the Department of Health to serve new development."

The proposed small-scale Future Land Use Map amendment is not required to demonstrate at the time of consideration and approval of the land use amendment that concurrency has been met. Additionally, based upon County staff's interpretation of the statutory change, both the typical comparative analysis of before and after conditions showing a post-amendment difference in LOS and the previously required needs analysis are unnecessary. The language of the Statute as provided above coincides with the County's LDC requirement that the final determination of concurrency occur at the time of the review of the preliminary subdivision plat. (Sec. 8.06.00., LDC). The decision on whether to approve the amendment request is legislative in nature and left to the prerogative of the local governing body as to whether the request is granted based on the anticipated needs of the community as a whole. The submittal materials demonstrate that there are no defects or major impediments so as to make the requested change infeasible; however, the submittal does not fully justify the applicant's assertion that the requested change is appropriate. The applicant should provide additional justification - not just framed as the potential negative impacts of a commercial development on this parcel - to support the additional residential units in this area.

REVIEWING DEPARTMENT: ENVIRONMENTAL PLANNER
Awaiting update from FWS regarding the Matanzas Shores Habitat Conservation Plan.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING
No comments at this time.

REVIEWING DEPARTMENT: FIRE INSPECTOR
No comments at this time.

REVIEWING DEPARTMENT: E-911 STAFF
Road names and addressing scheme were not included with this submittal, and are not required for approval of this phase of development.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT
No comments at this time.

REVIEWING DEPARTMENT: COUNTY ATTORNEY
Comments pending at this time.
REVIEWING DEPARTMENT: UTILITIES
No comments at this time.
Attachment A Location Map
The following Legal Description prepared by Clyde W. Roesch, Palm Coast Engineering and Design Services, Inc. 1 Corporate Drive, Palm Coast, Florida.
Date: March 13, 1996.
Parcel 707, Commercial site, Matanzas Shores.

DESCRIPTION:

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

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

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

The above description is accompanied by an attached drawing titled "SKETCH OF LEGAL DESCRIPTION".

Parcel containing 1.0100 acres more or less.

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

ATTACHMENT B : LEGAL DESCRIPTION
YEAR 2010
FLAGLER COUNTY
FUTURE LAND USE

SOURCE: FLAGLER COUNTY PLANNING & ZONING DEPARTMENT
DECEMBER 15, 2008

TOWN OF
MARINELAND

LEGEND

CONSERVATION
AGRICULTURE & TIMBERLANDS
1 UNIT / 5 ACRES
AGRICULTURE
1 UNIT / 20 ACRES
RESIDENTIAL: LOW DENSITY RURAL ESTATE
1 UNIT / ACRE
RESIDENTIAL: LOW DENSITY / SINGLE FAMILY
1 - 3 UNITS / ACRE
RESIDENTIAL: MEDIUM DENSITY
4 - 7 UNITS / ACRE
RESIDENTIAL: HIGH DENSITY
8 - 16 UNITS / ACRE
COMMERCIAL: LOW INTENSITY
COMMERCIAL: HIGH INTENSITY
INDUSTRIAL
RECREATION & OPEN SPACE
EDUCATIONAL USES
MIXED USE: LOW INTENSITY
MIXED USE: HIGH INTENSITY
MEDIUM / HIGH DENSITY
WATER BODIES
INTERSTATE HIGHWAY
MAJOR ROAD
RAILROAD
MUNICIPALITIES (NOT INCLUDED)
ATTACHMENT G

IMPACT ANALYSIS POPULATION

The existing land use of Mixed Use Low Intensity Low/Medium Density would allow Medium Density Residential of 4 to 7 units per acre or 7 Residential Units on the 1 Acre Site. The proposed use is requested Residential Medium Density 4 to 7 Units with 6 units in this application. The Mixed Use is eliminated thereby providing less impact for many aspects of the development. Single family residential presumed per person household (PPH) of 2.4. Therefore 7 units currently allowed and 6 units proposed reduce the population from 16.8 to 14.4 respectively.

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TRAFFIC ANALYSIS

The standard methodology requires a review based on the maximum allowable density and intensity permitted under the existing and proposed land use designations. Using a maximum permissible commercial footprint of 8,808 square feet yields:

<table>
<thead>
<tr>
<th>EXISTING</th>
<th>PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convenient store ITE #852 - PM PEAK Hr / 1,000 GFA¹</td>
<td>Single-family detached housing ITE #210 - 1.01 PM Peak hour / dwelling unit</td>
</tr>
<tr>
<td>34.57 trips per unit</td>
<td>1.01 trips per unit</td>
</tr>
<tr>
<td>Total: 304.50 trips</td>
<td>Total: 6.06 trips</td>
</tr>
</tbody>
</table>

Under the scenario requiring the review of the maximum current impact versus the proposed impact, this parcel could generate as many as 304 trips PM peak hour trips onto State road A1A (under the current commercial zoning designation). The proposed residential use will result in 6 PM peak hour trips. This proposed residential development will result in a net decrease of 298 PM peak hour trips.

¹ refer to attached Institute Transportation Engineers trip generation rate table for PM peak hour trips

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TRANSPORTATION STUDY - ATTACHMENT "H"
INSTITUTE OF TRANSPORTATION ENGINEERS
TRIP GENERATION RATE (PM Peak Hour)
(Trip Generation Manual, 8th Edition)

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Unit of Measure</th>
<th>Trips Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>Truck Terminal</td>
<td>Acres</td>
<td>6.65</td>
</tr>
<tr>
<td>90</td>
<td>Park and Ride Lot with Bus Service</td>
<td>Parking spaces</td>
<td>0.02</td>
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</table>

**INDUSTRIAL**

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<th>Code</th>
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<th>Unit of Measure</th>
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<tbody>
<tr>
<td>110</td>
<td>General Light Industrial</td>
<td>1,000 SF</td>
<td>0.97</td>
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<tr>
<td>120</td>
<td>General Heavy Industrial</td>
<td>1,000 SF</td>
<td>0.73</td>
</tr>
<tr>
<td>130</td>
<td>Industrial Park</td>
<td>Acres</td>
<td>2.13</td>
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<tr>
<td>140</td>
<td>Manufacturing</td>
<td>1,000 SF</td>
<td>0.86</td>
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<tr>
<td>150</td>
<td>Warehousing</td>
<td>1,000 SF</td>
<td>0.32</td>
</tr>
<tr>
<td>151</td>
<td>Mini-Warehouse</td>
<td>1,000 SF</td>
<td>0.28</td>
</tr>
<tr>
<td>152</td>
<td>High-Cube Warehouse</td>
<td>1,000 SF</td>
<td>0.10</td>
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</table>

**RECREATIONAL**

<table>
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<tr>
<th>Code</th>
<th>Description</th>
<th>Unit of Measure</th>
<th>Trips Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>432</td>
<td>Golf Driving Range</td>
<td>Tees / Driving Positions</td>
<td>1.25</td>
</tr>
<tr>
<td>433</td>
<td>Batting Cages</td>
<td>Lanes</td>
<td>2.22</td>
</tr>
<tr>
<td>435</td>
<td>Multi-Purpose Recreational Facility</td>
<td>Acres</td>
<td>5.77</td>
</tr>
<tr>
<td>437</td>
<td>Bowling Alley</td>
<td>1,000 SF</td>
<td>3.54</td>
</tr>
<tr>
<td>441</td>
<td>Live Theater</td>
<td>Seats</td>
<td>0.02</td>
</tr>
<tr>
<td>443</td>
<td>Movie Theater without Matinee</td>
<td>1,000 SF</td>
<td>6.16</td>
</tr>
<tr>
<td>444</td>
<td>Movie Theater with Matinee</td>
<td>1,000 SF</td>
<td>3.60</td>
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<tr>
<td>445</td>
<td>Multiplex Movie Theater</td>
<td>1,000 SF</td>
<td>4.91</td>
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<tr>
<td>452</td>
<td>Horse Race Track</td>
<td>Acres</td>
<td>4.30</td>
</tr>
<tr>
<td>454</td>
<td>Dog Race Track</td>
<td>Attendance Capacity</td>
<td>0.15</td>
</tr>
<tr>
<td>460</td>
<td>Arena</td>
<td>Acres</td>
<td>3.33</td>
</tr>
<tr>
<td>473</td>
<td>Casino / Video Lottery Establishment</td>
<td>1,000 SF</td>
<td>13.43</td>
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<tr>
<td>480</td>
<td>Amusement Park</td>
<td>Acres</td>
<td>3.95</td>
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<tr>
<td>490</td>
<td>Soccer Complex</td>
<td>Fields</td>
<td>20.67</td>
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<tr>
<td>491</td>
<td>Tennis Courts</td>
<td>Courts</td>
<td>3.88</td>
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<tr>
<td>492</td>
<td>Health / Fitness Club</td>
<td>Courts</td>
<td>3.35</td>
</tr>
<tr>
<td>493</td>
<td>Athletic Club</td>
<td>1,000 SF</td>
<td>3.53</td>
</tr>
<tr>
<td>494</td>
<td>Recreational Community Center</td>
<td>1,000 SF</td>
<td>5.96</td>
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**INSTITUTIONAL**

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<thead>
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<th>Description</th>
<th>Unit of Measure</th>
<th>Trips Per Unit</th>
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</thead>
<tbody>
<tr>
<td>520</td>
<td>Elementary School</td>
<td>1,000 SF</td>
<td>1.21</td>
</tr>
<tr>
<td>522</td>
<td>Middle School / Junior High School</td>
<td>1,000 SF</td>
<td>1.19</td>
</tr>
<tr>
<td>530</td>
<td>High School</td>
<td>1,000 SF</td>
<td>0.97</td>
</tr>
<tr>
<td>556</td>
<td>Private School (K-12)</td>
<td>Students</td>
<td>0.17</td>
</tr>
<tr>
<td>540</td>
<td>Junior / Community College</td>
<td>1,000 SF</td>
<td>2.54</td>
</tr>
<tr>
<td>550</td>
<td>Church</td>
<td>1,000 SF</td>
<td>0.55</td>
</tr>
<tr>
<td>555</td>
<td>Daycare Center</td>
<td>1,000 SF</td>
<td>12.46</td>
</tr>
<tr>
<td>571</td>
<td>Prison</td>
<td>Acres</td>
<td>0.84</td>
</tr>
<tr>
<td>590</td>
<td>Library</td>
<td>1,000 SF</td>
<td>2.91</td>
</tr>
<tr>
<td>591</td>
<td>Lodge / Fraternal Organization</td>
<td>1,000 SF</td>
<td>7.33</td>
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**MEDICAL**

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<th>Unit of Measure</th>
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<tbody>
<tr>
<td>610</td>
<td>Hospital</td>
<td>1,000 SF</td>
<td>1.14</td>
</tr>
<tr>
<td>620</td>
<td>Nursing Home</td>
<td>1,000 SF</td>
<td>0.74</td>
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<tr>
<td>630</td>
<td>Clinic</td>
<td>1,000 SF</td>
<td>5.18</td>
</tr>
<tr>
<td>640</td>
<td>Animal Hospital / Veterinary Clinic</td>
<td>1,000 SF</td>
<td>4.22</td>
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<table>
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<th>Code</th>
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<tr>
<td>OFFICE</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>710</td>
<td>General Office Building</td>
<td>1,000 SF</td>
<td>1.49</td>
</tr>
<tr>
<td>714</td>
<td>Corporate Headquarters Building</td>
<td>1,000 SF</td>
<td>1.40</td>
</tr>
<tr>
<td>715</td>
<td>Single Tenant Office Building</td>
<td>1,000 SF</td>
<td>1.73</td>
</tr>
<tr>
<td>720</td>
<td>Medical-Dental Office Building</td>
<td>1,000 SF</td>
<td>3.46</td>
</tr>
<tr>
<td>730</td>
<td>Government Office Building</td>
<td>1,000 SF</td>
<td>1.21</td>
</tr>
<tr>
<td>732</td>
<td>United States Post Office</td>
<td>1,000 SF</td>
<td>11.12</td>
</tr>
<tr>
<td>733</td>
<td>Government Office Complex</td>
<td>1,000 SF</td>
<td>2.85</td>
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<tr>
<td>739</td>
<td>Office Park</td>
<td>1,000 SF</td>
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<tr>
<td>760</td>
<td>Research and Development Center</td>
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<tr>
<td>770</td>
<td>Business Park</td>
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<td>RETAIL</td>
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<td>812</td>
<td>Building Materials and Lumber Store</td>
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<td>813</td>
<td>Free-Standing Discount Store</td>
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<td>Specialty Retail Center</td>
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<td>816</td>
<td>Hardware / Paint Store</td>
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<tr>
<td>817</td>
<td>Nursery (Garden Center)</td>
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<td>Nursery (Wholesale)</td>
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<td>Shopping Center</td>
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<td>823</td>
<td>Factory Outlet Center</td>
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<tr>
<td>841</td>
<td>New Car Sales</td>
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<tr>
<td>843</td>
<td>Automobile Parts Sales</td>
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<td>849</td>
<td>Tire Store</td>
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<tr>
<td>850</td>
<td>Supermarket</td>
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<tr>
<td>851</td>
<td>Convenience Market (Open 24 Hours)</td>
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<td>Convenience Market (Open 15-16 Hours)</td>
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<td>853</td>
<td>Convenience Market with Gasoline Pumps</td>
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<td>854</td>
<td>Discount Supermarket</td>
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<td>Discount Club</td>
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<td>860</td>
<td>Wholesale Market</td>
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<td>861</td>
<td>Sporting Goods Superstore</td>
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<td>Home Improvement Superstore</td>
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<td>Electronics Superstore</td>
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<td>4.50</td>
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<tr>
<td>864</td>
<td>Toy / Children's Superstore</td>
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<td>4.99</td>
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<td>865</td>
<td>Pet Supply Superstore</td>
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<td>875</td>
<td>Department Store</td>
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<th>Description</th>
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<td>Apparel Store</td>
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<tr>
<td>879</td>
<td>Arts and Craft Store</td>
<td>1,000 SF</td>
<td>6.21</td>
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<tr>
<td>880</td>
<td>Pharmacy / Drugstore without Drive-Through Window</td>
<td>1,000 SF</td>
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<td>881</td>
<td>Pharmacy / Drugstore with Drive-Through Window</td>
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<tr>
<td>890</td>
<td>Furniture Store</td>
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<td>896</td>
<td>Video Rental Store</td>
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<td>SERVICES</td>
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<td>911</td>
<td>Walk-In Bank</td>
<td>1,000 SF</td>
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<td>Drive-In Bank</td>
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<td>925</td>
<td>Drinking Place</td>
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<td>931</td>
<td>Quality Restaurant</td>
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</tr>
<tr>
<td>932</td>
<td>High-Turnover (Sit-Down) Restaurant</td>
<td>1,000 SF</td>
<td>11.15</td>
</tr>
<tr>
<td>933</td>
<td>Fast Food Restaurant without Drive-Through Window</td>
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<td>934</td>
<td>Fast Food Restaurant with Drive-Through Window</td>
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<td>33.84</td>
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<tr>
<td>935</td>
<td>Fast Food Restaurant with Drive-Through Window and No Indoor Seating</td>
<td>1,000 SF</td>
<td>153.85</td>
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<td>936</td>
<td>Coffee / Donut Shop without Drive-Through Window</td>
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<td>40.75</td>
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<td>937</td>
<td>Coffee / Donut Shop with Drive-Through Window</td>
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<td>42.93</td>
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<td>938</td>
<td>Coffee / Donut Shop with Drive-Through Window and No Indoor Seating</td>
<td>1,000 SF</td>
<td>75</td>
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<tr>
<td>940</td>
<td>Bread / Donut / Bagel Shop with Drive-Through Window</td>
<td>1,000 SF</td>
<td>19.56</td>
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<tr>
<td>941</td>
<td>Quick Lubrication Vehicle Shop</td>
<td>Service Bays</td>
<td>5.19</td>
</tr>
<tr>
<td>942</td>
<td>Automobile Care Center</td>
<td>1,000 SF</td>
<td>3.38</td>
</tr>
<tr>
<td>943</td>
<td>Automobile Parts and Service Center</td>
<td>1,000 SF</td>
<td>4.46</td>
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<tr>
<td>944</td>
<td>Gasoline / Service Station</td>
<td>Fueling Positions</td>
<td>13.87</td>
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<tr>
<td>945</td>
<td>Gasoline / Service Station</td>
<td>Fueling Positions</td>
<td>13.38</td>
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<tr>
<td>946</td>
<td>Gasoline / Service Station</td>
<td>Fueling Positions</td>
<td>13.94</td>
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<tr>
<td>947</td>
<td>Self Service Car Wash</td>
<td>Service Bays</td>
<td>5.54</td>
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<tr>
<td>948</td>
<td>Automated Car Wash</td>
<td>1,000 SF</td>
<td>14.12</td>
</tr>
</tbody>
</table>

Note: All land uses in the 800 and 900 series are entitled to a "passby" trip reduction of 60% if less than 50,000 ft² or a reduction of 40% if equal to or greater than 50,000 ft².

* Approximated by 10% of Weekday average rate.
ATTACHMENT I

RECREATION AND OPEN SPACE

The proposed site design preserves approximately 350 feet of A-1-A frontage of approximately 390 feet of total frontage as natural vegetative buffer. These buffer parcels will be preserved as natural and supplemented, where needed, with additional native plantings. To the east of the property is a 30.6 acre Conservation Parcel and to the south a 1.7 acre recreation parcel owned by The Matanzas Shores Owners’ Association. The proposed homesites will have access easements to provide common access to the beach by a dune walkover which will be permitted by local and state agencies with permission, as required, by the Matanzas Owners’ Association.
WATER & WASTEWATER

Water – The City of Palm Coast Utility Department will supply potable water to the proposed site since the property is located within its service area.

Wastewater - Collection and treatment of wastewater will be provided by Matanzas Shores Owners Association, Inc. with treatment occurring at the Matanzas Shores Wastewater Treatment Plant.
ATTACHMENT K

SOLID WASTE ANALYSIS

Solid waste pickup and disposal is currently contracted for curbside billing service by Flagler County. This service will continue. There is sufficient capacity in the Volusia County Landfill to accommodate the proposed use.

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STORMWATER

The site is bounded to the west by State road A1A, north by undeveloped land, east by a coastal sand dune and south by the Matanzas Shores beach Club (reference attached figure).

The site consists of fine sand of the Orsino fine sand (SCS #20). This soil has low available water capacity and is moderately well drained. Depth to groundwater table is generally 48". Orsino soils are not limited with respect to the construction of roads and small buildings. Prior to construction, a geotechnical exploration is recommended to confirm the site limitations. Soils data for this site was found by referring to the Natural Resources Conservation service Soils Data for Flagler County.

Based on current topography, surface drainage flows from the southeast property boundary (at 13.0') to the west boundary (at 8.0') and is captured in a Florida Department of Transportation drainage swale and channeled into a stormwater inlet located at the existing driveway connection on Sea View Drive. Prior to any construction activity taking place, a permit modification will need to be applied for showing compliance with the Conceptual Engineering and St. Johns River Water Management District permit for the Matanzas Shores DRI Master Stormwater Collection and Treatment System.

The proposed plan will be to collect onsite runoff via curb and gutter or inverted crown/inlet and convey to an existing stormwater inlet located at the entrance of Sea View Drive that is piped under SR A1A and into the existing Matanzas Shores master stormwater system.

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DRAINAGE STUDY – ATTACHMENT "L"
BIOLICAL SITE ASSESSMENT
SURF NORTH 1.01 ACRE PARCEL
FLAGLER COUNTY, FLORIDA

I. INTRODUCTION

Environmental Services, Inc. (ESI) conducted a site-specific environmental assessment of the 1.01 acre parcel located east of A1A in Section 37, Township 10 South, Range 31 East. The parcel identification number is 37-10-31-1550-00000-0153. Our investigation was conducted to determine the nature and extent of jurisdictional wetlands pursuant to the current methodologies of the following agencies:

- Florida Department of Environmental Protection (FDEP).
- St. Johns River Water Management District (SJRWMD).
- U.S. Army Corps of Engineers (ACOE).

In addition, we reviewed the site for listed wildlife species. Our preliminary investigation included a review of the relevant maps for the area, including the United States Geological Survey (USGS) topographic sheets (Matanzas Inlet Quadrangle 1993), the National Wetlands Inventory (NWI) map (Matanzas Inlet, FL, 1983), the Soil Survey of Flagler County, Florida (U.S. Department of Agriculture, Soil Conservation Service, 1980), and aerial photographs of the project vicinity. This was followed by an on-site field review of the area within the boundaries of the property.

II. SITE DESCRIPTION

A. Location and Site Conditions

ESI conducted a site-specific environmental assessment of the approximate 1.01 acre undeveloped property. The site is bordered on the east by undeveloped land and the Atlantic Ocean, on the north by undeveloped property, on the west by A1A, and on the south by an existing multi-family residential development.

B. Soils

The Soil Survey of Flagler County, Florida, indicates the presence of one soil type within the property. A description of this soil type, as mapped, is listed below.

1. Orsino fine sand, 0 to 5% slopes (20). This very deep, gently sloping, moderately well-drained soil is on ridges and knolls on coastal ridges near the Atlantic Ocean. This soil type has a seasonal high water table at a depth of 48 to 60 inches for 6 months in most years and permeability is rapid. This is considered a non-hydric soil associated with uplands.

ATTACHMENT M: BIOLOGICAL ASSESSMENT
C. Vegetation

One land use type occurs within the boundaries of the site (Figure 1). This community was characterized using the Florida Land Use, Cover and Forms Classification System (FLUCFCS) (Florida Department of Transportation State Topographic Bureau Thematic Mapping Section Procedure No. 550-010-001-a) and is summarized below:

1. Coastal Scrub (FLUCFCS 322). This upland category is associated with a wide variety of species found on or near dunes in the coastal zone. This site has an overall lack of a tall overstory canopy but the lower scrub canopy does contain cabbage palm (Sabal palmetto), myrtle oak (Quercus myrtifolia), winged sumac (Rhus copallina), red bay (Persea borbonia), and Southern prickly ash (Zanthoxylum clava-herculis). Other shrub components include wax myrtle (Myrica cerifera), saltbush (Baccharis halimifolia), saw palmetto (Serenoa repens), and yaupon holly (Ilex vomitoria). Ground cover vegetation consists of St. Augustine grass (Stenotaphrum secundatum), beggar ticks (Bidens alba), wiregrass (Aristida stricta), beach sunflower (Helianthus debilis), common large skullcap (Scutellaria integrifolia) and prickly pear cactus (Opuntia humifusa). Finally, the site is heavily covered in several types of vines such as grapevine (Vitis spp.), catbrier (Smilax spp.), morning glory (Ipomea spp.), railroad vine (Ipomea pes-caprae), and passionflower (Passiflora incarnata).

III. ENDANERGED, THREATENED AND SPECIES OF SPECIAL CONCERN

A detailed endangered and threatened species survey was conducted and observations were made based upon habitat types and the knowledge of the ranges and habitats of listed species occurring in Flagler County. During the field investigation, one listed species was observed on the site. The Florida Fish and Wildlife Conservation Commission (FWC) website was searched for known bald eagle (Haliaeetus leucocephalus) nests and none were found within 1 mile of the property. The known occurrences of the Florida scrub jay (Aphelocoma coerulescens) were consulted and while the area is within previously known habitat or territories, there are no known occurrences at this time. This was confirmed during the site visit as calling stations were selected and scrub jay calls played to attract jays to the site. No jays or evidence of nestling or use was observed. This is likely due to the dense overgrowth of vines and the minimal small oak species observed. The property was also searched for the presence of the gopher tortoise (Gopherus polyphemus). It was determined that the site does provide suitable habitat for the gopher tortoise and burrows and other evidence of use by this species was observed. A 100 percent gopher tortoise survey must be conducted within 90 days of initiating the permitting process to relocate tortoises.

Other species or evidence of use that was observed during the site investigation include the nine-banded armadillo (Dasypus novemcinctus) (burrow and rooting), mourning dove (Zenaida macroura) (observed), northern cardinal (Cardinalis cardinalis) (observed), osprey (Pandion haliaetus) (observed flying over ocean), mockingbird (Mimus polyglottos) (observed), palm warbler (Dendroica palmarum) (observed), southeastern five-lined skink (Eumeces inexpectatus)

ATTACHMENT M : BIOLOGICAL ASSESSMENT
(observed), eastern cottontail (Sylvilagus floridanus) (scat observed), and mouse/rat (species unknown as it ran by very quickly, observed).

IV. FEMA FLOOD ZONE

The Federal Emergency Management Administration (FEMA) web site was searched for known flood zones or other hazards for the property. The project area is located in Flood Zone AE, which is within the 100 year flood zone.

V. CONCLUSION

During the site-specific survey of the approximate 1.01 acre parcel it was determined that the site is composed completely of uplands. No jurisdictional wetlands or other surface waters are located within the parcel.

At the time of the site inspection one listed species, the gopher tortoise, or evidence of their use was observed. Permits from FWC will be required to impact tortoises or their burrows if they cannot be avoided with a 25 foot radius. Other than the protected species, this site has few development constraints in terms of ecological resources as the scrub habitat is overgrown and much of the vegetative species are smothered by vines. Therefore, this cannot be considered critical habitat worthy of overall protection. Providing buffers and natural areas will ensure preservation of some of the habitat.
Project Boundary
322 - Coastal Scrub (1.01 ac.)

Source(s): Flagler County FAS; Bing Aerial Imagery (2011); Florida Land Use, Cover, and Forms Classification System (FDOT)

Disclaimer: The information depicted on this figure is for generalist purposes only, to assist in locating and evaluating areas of concern for biological assessment, and is subject to review and approval by appropriate regulatory agencies.

Existing Site Conditions
Surf North Parcel
Flagler County, Florida

ATTACHMENT M : BIOLOGICAL ASSESSMENT
Attachment O  Soil Survey
Attachment Q  Aerial Photo
October 3, 2011

Scenic A1A Pride
Ms. Anne Wilson, Chairperson
5750 N. Oceanshore Blvd.
Palm Coast, Florida 32137

RE: Surf North
   Revised Development Plan: 6 Single Family Homesites

Dear Ms. Wilson,

We wanted to update you on our latest plan for the 1 acre Surf North parcel. You may recall our initial presentations to A1A Pride illustrated a plan showing 12 residential units. During the preparation of the preliminary development plans and discussions with Flagler County Staff at the Technical Review Committee it was decided to revise the plans showing 6 Single Family Homesites.

We are preparing our resubmittals to Flagler County to proceed through the review process in a two part application as recommended by County Staff. The first part is a Application For Future Land Use Map Amendment Less Than 10 Acres, changing the land use to Medium Density Residential. The second part is a revision to our previous Application For Site Development Plan In A PUD changing the 12 unit plan to one showing 6 Single Family Homesites as illustrated on the attached plan. The attached, revised plan still includes the same Landscape Buffer Parcels and Common Drive we previously discussed, as key benefits to the appearance and site access from A1A.

On March 9, 2011, we responded to a number of concerns and questions discussed with Scenic A1A Pride. Our responses outlined in that letter remain as our vision for this new development plan.

As part of our Flagler County Submittal we would appreciate a letter of support from A1A Pride for our new 6 Homesite Development Plan. If I can answer any questions or be of any assistance please feel free to contact me.

Sincerely,

Robert E. Dickinson, RLA

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OCT 19 2011

Flagler County Planning & Zoning Dept
Warranty Deed

This Warranty Deed made this 6th day of June, 2003, between
Matanzas Shores, I.C., a Florida limited liability company
whose post office address is 21 Old Kings Road North, Suite B101, Palm Coast, FL 32137,
Grantor, and
Robert J. Falconetti and Diane D. Falconetti, husband and wife, and John J. Falconetti and Robert John Falconetti
whose post office address is 5015 Long Bow Road, Jacksonville, FL 32210,
Grantee:
(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

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

See Attached Exhibit "A"

Parcel Identification Number: 371031-1550-00000-0153

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's
homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous
to or a part of homestead property.

Subject to taxes for the year 2003 and subsequent years; Assessments of any Homeowner or Community
Association, Covenants, Conditions, Restrictions, Easements, Reservations and Limitations 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, 2002.

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OCT 19 2011

Flagler County Planning & Zoning Dept
In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]
Witness Name: [Name]

[Signature]
Witness Name: [Name]

Matanzas Shores, L.C.
By: [Signature]
William Harkins, Manager

(Corporate Seal)

State of Florida
County of Flagler

The foregoing instrument was acknowledged before me this 11th day of June, 2003 by William Harkins, Manager of Matanzas Shores, L.C., on behalf of the corporation. He [X] is personally known to me or [ ] has produced a driver's license as identification.

[Notary Seal]

Notary Public
Printed Name: ____________________________
My Commission Expires: ____________________
The following Legal Description prepared by Clyde W. Roesch, Pala Coast Engineering and Design Services, Inc. 1 Corporate Drive, Pala Coast, Florida.
Date: March 13, 1996.

Parcel 707, Commercial site, Matanzas Shores.

DESCRIPTION:

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

A POINT OF REFERENCE being the intersection of the Southerly line of said Government Section 38 extended Westerly to the Easterly right-of-way line of the Intracoastal Waterway (500' R/W); thence North 17°14'46" West along said right-of-way line a distance of 2801.75 feet, thence North 15°28'50" West along said right-of-way line a distance of 1506.16 feet, thence departing said Intracoastal Waterway North 69°39'14" East along the Northerly boundary of said Plat "Section 88" a distance of 3166.37 feet to a Point on the Easterly right-of-way line of State Road A-1-A as recorded in Official Records book 388, Pages 110 through 112, thence South 20°21'28" East along said right-of-way line a distance of 420.80 feet, thence South 19°17'52" West along said right-of-way line a distance of 211.82 feet to the POINT OF BEGINNING of this description, thence departing said right-of-way South 20°21'28" East a distance of 149.50 feet, thence South 89°38'32" West a distance of 194.31 feet, thence North 80°07'31" West a distance of 33.00 feet to a Point on said Easterly right-of-way line of State Road A-1-A, thence North 09°52'29" East along said right-of-way line 276.42 feet, thence North 21°17'09" East along said right-of-way line a distance of 125.87 feet to the POINT OF BEGINNING.

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

The above description is accompanied by an attached drawing titled "SKETCH OF LEGAL DESCRIPTION".

Parcel containing 1.0100 acres more or less.

Bearings refer to the Transverse Mercator Grid System of the East Zone of Florida and locally referenced to the East right-of-way line of the Intracoastal Waterway near the South line of Government Section 38, Township 10 South, Range 31 East, being North 17°14'46" West.
POINT OF REFERENCE
INTERSECTION OF THE SOUTH LINE OF GOVERNMENT
SECTION 38, TOWNSHIP 10 SOUTH, RANGE 31 EAST,
AND THE EASTERN RIGHT-OF-WAY LINE OF THE INTRACOASTAL
WATERWAY (500′ R/W).

SCALE:
1″ = 100 FEET

POINT OF BEGINNING

DETAIL

SKETCH OF LEGAL DESCRIPTION

PARCEL WITHIN GOVERNMENT SECTION 38, TOWNSHIP 10 SOUTH,
RANGE 31 EAST, FLAGLER COUNTY, FLORIDA.

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OCT 9 2011

Flagler County Planning & Zoning Dept
February 28, 2017

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

re: Future Land Use Amendment Request for Parcel 707, Matanzas Shores North

Dear Mr. Mengel,

At the February 24 meeting of Scenic A1A PRIDE Mr. Sidney Ansbacher presented a FLUM amendment proposal for Parcel 707 at Matanzas Shores on the east side of the Scenic A1A Highway.

The current land use for this 1.01-acre parcel is "mixed-use, low intensity" which calls for some commercial. The proposal is to change that to "residential, medium-density" and build no more than five (5) single family homes on this property. The proposal also calls for reducing retained development rights on all undeveloped parcels from 433 units down to 225 units. The FLUM amendment would be conditioned on the final site plan approval of parcel 707.

The Board Members of Scenic A1A PRIDE also understand that the proposed access will be from the existing entrance to Matanzas Shores (Surf Club) Condominiums with a vegetated buffer along the Highway and voted to support the Change of Future Land Use, (with one abstention). We look forward to reviewing the site plan.

Yours sincerely,

Dennis Clark, Chair  
SCENIC A1A PRIDE

cc: Sid Ansbacher, UBU Law (sfansbacher@ubulaw.com)