January 3, 2018

Department of Economic Opportunity  
Attention: Ray Eubanks, Plan Processing Administrator  
State Land Planning Agency  
Caldwell Building  
107 East Madison – MSC 160  
Tallahassee, Florida 32399

RE:  FLAGLER COUNTY #18-1ESR - TRANSMITTAL OF PROPOSED COMPREHENSIVE PLAN AMENDMENT (APPLICATION #3097)

Dear Mr. Eubanks:

The Flagler County Comprehensive Plan Amendment #18-1ESR (also identified as Flagler County Application #3097) is hereby transmitted to the Florida Department of Economic Opportunity (DEO) pursuant to the requirements of Section 163.3184, F.S. The proposed amendment is submitted for the expedited state review process. The County anticipates adoption of the proposed amendment in March 2018.

On December 18, 2017, the Flagler County Board of County Commissioners held a transmittal hearing in their capacity as the Local Planning Agency and as the Board of County Commissioners for the Comprehensive Plan Amendment #18-1ESR Future Land Use Map and Future Land Use Element text amendment pursuant to Section 163.3184, Florida Statutes. At the public hearing, the Board of County Commissioners unanimously voted to transmit the amendment package to DEO.

This transmittal includes three copies (one paper copy and two electronic copies in Portable Document Format (PDF) on a CD ROM, with each reviewing agency receiving one CD ROM) of the proposed amendment with supporting data and analysis, for the following proposed Future Land Use Map amendment:

Application #3097 – Future Land Use Map Amendment from Agriculture and Timberlands to Residential Low Density Single Family for approximately 202.2 acres; being Parcel number 22-12-31-0000-01010-0011; Owner: Venture 8, LLC; Applicant: Michael Chiumento III, Esq., of Chiumento Dwyer Hertel Grant, P.L.

For your information, as part of the Board’s discussion related to this request, it is the Board’s intent that a parcel-specific limiting Future Land Use Element policy text amendment be adopted concurrent with the above Future Land Use Map amendment to restrict the density of this parcel.
Letter to Mr. Ray Eubanks
Transmittal of Flagler County #18-1ESR
January 3, 2018

To no more than 210 dwelling units and to restrict the overall density of Eagle Lakes Phase II, inclusive of this parcel, to no more than 820 dwelling units. For reference, the Eagle Lakes project (excluding the subject parcel) was the subject of a Section 163.3239, Florida Statutes, development agreement identified as DCA #748A, as approved by the Board of County Commissioners through Ordinance No. 2005-06 on April 18, 2005 and recorded at Official Records Book 1234, Page 1757, Public Records of Flagler County, Florida. The Eagle Lakes Planned Unit Development (PUD) was initially established through Ordinance No. 2005-02 on February 7, 2005 and subsequently amended through Ordinance No. 2005-26 on November 21, 2005 and through Ordinance No. 2014-03 on July 23, 2014. A rezoning to PUD to incorporate the subject parcel into Eagle Lakes Phase II will be presented to the Board simultaneously with the Future Land Use amendment adoption.

The transmittal package includes the following items:
1. Ordinance with Exhibits (including proposed FLUM with major street network); and
2. Staff Report (including Data and Analysis).

By this letter, I hereby certify that the required number of copies of the amendment have been sent as of this date to the identified reviewing agencies as required by Section 163.3184(1)(c), Florida Statutes. For purposes of complying with Section 163.3184(2), please be advised that the proposed amendment: (1) is not applicable to an area of critical state concern; (2) does not propose a rural land stewardship area; (3) does not propose a sector plan; (4) is not related to EAR-based amendments; (5) does not propose new plans for newly incorporated municipalities; and (6) does not impact a military installation.

If you require further information, please contact me by telephone at (386) 313-4009, by facsimile transmission at (386) 313-4109, or by e-mail at amengel@flaglercounty.org.

Sincerely,

Adam Mengel
Planning and Zoning Director

cc: Florida Dept. of Agriculture and Consumer Services
    Tracy D. Suber, Florida Dept. of Education
    Florida Dept. of Environmental Protection
    Deena Woodward, Florida Dept. of State, Bureau of Historic Preservation
    Scott Sanders, Florida Fish and Wildlife Conservation Commission
    Jean Parlow, Florida Dept. of Transportation, District 5
    Fred Milch, East Central Florida Regional Planning Council
    Margo Moehring, Northeast Florida Regional Council
    Steven Fitzgibbons, St. Johns River Water Management District
Mayor Stephen Emmett, Town of Beverly Beach
Kristen Bates, City of Bunnell
Larry Torino, City of Flagler Beach
Mayor Leslie S. Babonis, Ph.D., Town of Marineland
Ray Tyner, City of Palm Coast
Steven Spraker, City of Ormond Beach
Mike Brown, Putnam County
Teresa Bishop, St. Johns County
Palmer Panton, Volusia County
ORDINANCE NO. 2018 - __

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA AMENDING THE FUTURE LAND USE ELEMENT AND MAP BY AMENDING THE DESIGNATION OF A TOTAL OF 202.2 ACRES, MORE OR LESS, LYING IN SECTION 22, TOWNSHIP 12 SOUTH, RANGE 31 EAST; FROM AGRICULTURE & TIMBERLANDS TO RESIDENTIAL LOW DENSITY/SINGLE FAMILY; PROVIDING FOR FINDINGS; PROVIDING FOR A PARCEL-SPECIFIC LIMITING POLICY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Venture 8, LLC, is the owner of Parcel #22-12-31-0000-01010-0011, 202.2 acres in size, more particularly described herein and graphically shown on Exhibit “A” attached hereto; and

WHEREAS, on November 14, 2017, the Planning and Development Board conducted a public hearing on this amendment and voted to recommend approval; and

WHEREAS, on December 18, 2017, the Flagler County Board of County Commissioners, sitting in their capacity as the Local Planning Agency, conducted a public hearing on this amendment and voted to recommend transmittal of the proposed amendment; and

WHEREAS, on December 18, 2017, following the Local Planning Agency hearing, the Flagler County Board of County Commissioners conducted a public hearing on this amendment and voted to transmit the amendment to the State Land Planning Agency and other Agencies as part of the Expedited State Review Process; and

WHEREAS, on ________________, 2018, the Flagler County Board of County Commissioners conducted a public hearing on this amendment and adopted the amendment; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS:
Section 1. **FINDINGS**

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

b. This ordinance is adopted in compliance with and pursuant to the Community Planning Act, Sections 163.3161-163.3217, Florida Statutes.

Section 2. **FUTURE LAND USE MAP AMENDMENT**

The real property containing approximately 202.2 acres, more or less, and legally described herein is hereby amended from Agriculture and Timberlands to Residential Low Density/Single Family, as graphically shown on Exhibit "A" attached hereto. The 2010-2035 Future Land Use Map of the adopted Comprehensive Plan shall be amended to reflect this amendment. The legal description of the subject property to be amended through this application is:

The following legal description was prepared by Tomoka Engineering Daytona Beach, Florida, under the supervision of Peter G. Johnson, Florida Surveyor No. 5913 on April 7, 2005 and is based on a sketch by Tomoka Engineering, Project No. T5026DELAN, Drawing Reference No. 5026SL-P parcel A.

A parcel of land lying within Government Sections 22 and 27, Township 12 South, Range 31 East, Flagler County, Florida, and being more particularly described as follows:

As a Point of Reference, commence at the northwest corner of Government Section 27, Township 12 South, Range 31 East; thence N88°51'25"E along the North line of said Section 27 for a distance of 883.13 feet to a point on the easterly right-of-way line of Interstate Highway 95 (a variable width right-of-way); thence S18°20'14"E along said easterly right-of-way line of a distance of 122.00 feet to the Point of Beginning of this description and a point on a non-tangent curve being the easterly line of a 200’ perpetual drainage easement as recorded in Official Records Book 549, Pages 961-964; thence departing said easterly right-of-way line and run along the easterly line of said drainage easement along a curve to the left having and [sic] arc length of 216.02 feet, a radius of 499.93 feet, a central angle of 24°45'27", a chord bearing of N77°19'17"E, and a chord distance of 214.34 feet; thence N64°56'34"E and departing said easterly easement line for a distance of 2688.29 feet to a point on the westerly right-of-way line of Old Kings Road (a 100 foot right-of-way); thence S26°39'38"E along said westerly right-of-way line for a distance of 1575.08 feet to a point of curvature; thence continuing southeasterly along said westerly right-of-way
line and along a curve to the right having an arc length of 271.36 feet, a radius of 5679.65 feet; a central angle of 02°44'15", a chord bearing of S25°17'30"E and a chord distance of 271.34 feet to a point of tangency; thence S23°55'23"E for a distance of 458.33 feet to a point of curvature; thence along a curve to the left having an arc length of 274.46 feet, a radius of 5779.65 feet, a central angle of 02°43'15", a chord bearing of S25°17'00"E and a chord distance of 274.43 feet to a point of tangency; thence S26°38'38"E for a distance of 547.09 feet; thence S61°46'57"W and departing said westerly right-of-way line of Old Kings Road for a distance of 3350.50 feet to a point on the aforementioned easterly right-of-way line of Interstate Highway 95; thence N18°20'14"W along said easterly right-of-way line for a distance of 3547.11 feet to the Point of Beginning of this description.

Section 3. FUTURE LAND USE ELEMENT POLICY AMENDMENT

The Future Land Use Element is hereby amended by the addition of a new policy A.1.1.10(12) that shall read as follows:

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:

(14) FLUM Application #3097, Venture 8, LLC, limits residential development through an approved Planned Unit Development (PUD) to a density of 1.04 units per acre and a maximum yield of 210 dwelling units which, combined with the other parcels of Eagle Lakes Phase II, will not exceed 820 dwelling units. Being all of Tax Parcel #22-12-31-0000-01010-0011 and totaling 202.2 acres in size.

Section 4. EFFECTIVE DATE

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.
PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA THIS _______ DAY OF __________________, 2018.

BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA

__________________________________
Gregory L. Hansen, Chair

ATTEST:                        APPROVED AS TO FORM:

__________________________________                                      ________________________________
Tom Bexley, Clerk of the Circuit Court and Comptroller                                        Al Hadeed, County Attorney
Legend
Future Land Use Categories
- AGRICULTURE
- AGRICULTURE & TIMBERLANDS
- COMMERCIAL: HIGH INTENSITY
- COMMERCIAL: LOW INTENSITY
- CONSERVATION
- EDUCATIONAL USES
- INDUSTRIAL
- MIXED USE: LOW INTENSITY
- MIXED USE: HIGH INTENSITY
- RECREATION & OPEN SPACE
- RESIDENTIAL: HIGH DENSITY
- RESIDENTIAL: LOW DENSITY / RURAL ESTATE
- RESIDENTIAL: LOW DENSITY / SINGLE FAMILY
- RESIDENTIAL: MEDIUM DENSITY
- County Boundary

This map is for reference only. Data provided are derived from multiple sources with varying levels of accuracy. This product is for informational purposes and may not have been prepared 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.

Map Created 1.2.18
SUBJECT: LEGISLATIVE – Transmittal Hearing – Request to Amend the 2010-2035 Future Land Use Map and Future Land Use Element from Agriculture and Timberlands to Residential Low Density/Single Family and Adopt a Parcel-Specific Limiting Policy; Parcel #22-12-31-0000-01010-0011; Owner: Venture 8, LLC/Agent: Michael Chiumento III, Esq. (Application #3097).

DATE OF MEETING: December 18, 2017

OVERVIEW/SUMMARY: This request is legislative and does not require disclosure of ex parte communication. This request is for an amendment to the 2010-2035 Future Land Use Map and Future Land Use Element to incorporate this 202.2 acre parcel North of the existing Eagle Lakes development into the overall development plan. The requested amendment is consistent with the present Future Land Use designation of Eagle Lakes. The subject parcel (limits of this parcel shown in blue below):
Overview

On August 30, 2017, Venture 8, LLC, through their agent, Michael Chiumento III, submitted applications for a Future Land Use amendment (Application #3097) and rezoning (Application #3098) for the 202.2 acres located North of and abutting the limits of the Eagle Lakes Planned Unit Development (PUD) on Old Kings Road. The subject parcel is North of the Eagle Lakes PUD, which was last amended through Ordinance No. 2014-03, recorded at Official Records Book 2027, Page 235, Public Records of Flagler County, Florida.

Based on the submittal, the owner’s intent is to combine the 202.2 acres of the subject parcel with the existing 535 acres of Eagle Lakes, creating a 594 acre Phase II consisting of up to 820 dwelling units. The original plat for Eagle Lakes Phase I, Section 1 consisted of 111 lots, with an additional 4 units of potential development within Tracts J and K, which were not platted as lots. As initially approved, Eagle Lakes was a sub-Development of Regional Impact (sub-DRI) project consisting of a maximum of 749 units. In addition to the 115 potential units in Phase I, Section 1, the remainder identified as Phase I, Section 2 and Phase II provided for a maximum of 578 single-family residential units, totaling 693 units, leaving 56 units excluded from the Phase I, Section 1 plat and the initial preliminary plats. As part of the 2014 negotiations to revise the PUD, in addition to the 115 Phase I, Section 1 units and the 578 units previously identified within both Phase I, Section 2 and Phase II, an additional 32 units were set out as reserved that could be added by the developer without requiring a PUD amendment. The remainder – 24 additional single-family units – were terminated and no longer available for development, bringing the total potential development within the Eagle Lakes PUD to 725 units.

The owner’s intent through the pending application is to add 210 units to Eagle Lakes through the Future Land Use amendment for the 202.2 acres. This would represent an additional 170 units over the 40 units presently allowed as the maximum density under the current Agriculture and Timberlands designation at 1 unit per 5 acres. Total development within the Eagle Lakes project as a whole would then equal 935 units, with 820 units in Phase II and the original 115 units (111 platted lots and 4 units unplatted, but available in Tracts J and K) in Phase I, Section 1.

Under the requested Residential Low Density/Single Family designation, maximum density would equal 3 units per acre, potentially allowing an additional 567 units (a total of 607 units, when added to the initial 40). For purposes of the land use analysis (attached), the maximum density has been assumed. The requested Residential Low Density/Single Family is consistent with the designation of the initial phase of Eagle Lakes. Adding the parcel-specific limiting text amendment achieves the owner’s goal of adding density while reducing impacts. If ultimately successful, this parcel will be incorporated into the unplatted remainder of Phase II of Eagle Lakes and developed through a forthcoming Planned Unit Development (PUD) amendment and platting process incorporating this parcel.

For reference, while this project is not a Development of Regional Impact (DRI) and future DRI’s are no longer required to undergo the application and review processes of Chapter 380, Florida Statutes, due to the increase in the County’s population exceeding 100,000 persons, the County presumptive threshold for a residential DRI is now 1,000 units.
A comprehensive analysis of the effect of this Future Land Use amendment accompanies this staff report.

**Technical Review Committee (TRC) review**
Staff presented the applicant with comments as part of the September 20, 2017 Technical Review Committee meeting; as of the date of this report, all staff comments related to this application have been satisfactorily addressed.

**Planning and Development Board review**
The Planning and Development Board at their November 14, 2017 regular meeting voted unanimously to recommend to the Board of County Commissioners transmittal of the subject amendment with the added parcel-specific limiting policy.

**Local Planning Agency (LPA) review**
As required Section 163.3174, Florida Statutes, this amendment must receive the recommendation of the Local Planning Agency (LPA) prior to Board action. In Flagler County, the LPA is the Board of County Commissioners with the addition of the nonvoting School Board representative for all residential land use amendments.

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

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

**RECOMMENDATION:** Request the Board transmit Application #3097, amending the 2010-2035 Future Land Use Map and Future Land Use Element for Parcel #22-12-31-0000-01010-0011, finding that the proposed amendment is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan.

Note: The Future Land Use Map amendment shall not become effective until adoption by the County.

**ATTACHMENTS:**
1. Technical Staff Report (TSR)
2. Amendment Summary of Impacts
3. Ordinance and amendment map
4. Application and supplemental materials
5. Planning and Development Board minutes from November 14, 2017 regular meeting (in part)
6. Notification list and map

Craig M. Coffey, County Administrator  
12 Dec 2017

12/12/2017 Electronically Approved by Deputy County Administrator, Sally Sherman
Related Application
Application #3098 – Rezoning from AC (Agriculture) to PUD (Planned Unit Development) District

Location and Legal Description
West of Old Kings Road and East of Interstate 95, located midway between State Road 100 and Old Dixie Highway, within Section 22, Township 12 South, Range 31 East, Flagler County, Florida; Parcel #22-12-31-0000-01010-0011.

Owner and Applicant/Agent
Owner: Venture 8, LLC
Applicant: Michael D. Chiumento III, Esq.

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

Future Land Use Map Classification/Zoning of Surrounding Land
North:  City of Palm Coast Mixed Use / City of Palm Coast AC District
East:   Old Kings Road; Residential Low Density/Rural Estate, Commercial High Intensity, and Residential Medium Density / PUD (Planned Unit Development) District
South:  Residential Low Density/Single Family and Conservation / PUD (Planned Unit Development) District
West:   I-95; City of Palm Coast Residential / City of Palm Coast SFR-2

Previous Public Hearings
February 7, 2005 – Board of County Commissioners approves Ordinance No. 2005-02, establishing the PUD zoning classification and development standards for Eagle Lakes.

April 18, 2005 – Board of County Commissioners approves Ordinance No. 2005-06, a Chapter 163, Florida Statutes, Development Agreement (this Agreement subsequently expired and is no longer in force).


July 23, 2014 – Board of County Commissioners approves Ordinance No. 2014-03 (recorded at Official Records Book 2027, Page 235, Public Records of Flagler County, Florida), amending the development standards for lots within Eagle Lakes Phase I, Section 1 owned or controlled by Venture 8, LLC as of the time of the adoption of the agreement, along with future development within Phase I, Section 2 and Phase II, both of which are owned by Venture 8 and have not yet been final platted.
October 10, 2017 – Planning and Development Board – at staff’s request – opened and continued the public hearing on the Future Land Use amendment to the November 14, 2017 regular meeting.

November 14, 2017 – Planning and Development Board recommends approval of the Future Land Use amendment (Application #3097)

Analysis of Consistency with Florida Statutes

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

“2. The future land use plan and plan amendments shall be based upon surveys, studies, and data regarding the area, as applicable, including:
   a. The amount of land required to accommodate anticipated growth.”

   This request is not related to any studies of future growth; this amendment increases the development potential on this parcel consistent with the applicant’s request.

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

   The amendment would represent a permanent increase in population in the area of 1,361 persons, using 2.4 persons per household (pph) for the increase from 40 dwelling units (96 persons) to 607 dwelling units (1,457 persons). The parcel-specific limiting policy would limit the increase to 408 persons.

“c. The character of undeveloped land.”

   The land is mostly level and utilized as pasture at this time.

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

   Potable water and sanitary sewer are provided by Flagler County Utilities. Availability of these services at the Eagle Lakes plant is non-existent at this time, with the availability of potable water presently under stress with the current level of development within Eagle Lakes Phase I, Section 1. Either an upgrade to the plant or connection to existing area utilities – either through Volusia County to the South or the City of Palm Coast to the North and West – will be necessary. The City has committed to servicing this area of the unincorporated 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.”
This amendment is not facilitated by a need for redevelopment, but is instead prompted by the applicant’s request as the owner of the parcel. This request is not related to development which is blighted, nonconforming, or inconsistent with the community.

“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.”

This area has been the subject of multiple prior land use amendments dating back to the early 2000s. Proximity to I-95 and anticipated availability of utilities has driven prior amendments.

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

Not applicable – as residential development, this request will only generate employment for the duration of the construction activity. With the remainder of Eagle Lakes likely to develop with either mobile homes or modular homes, the onsite construction activity may be limited to horizontal subdivision infrastructure and installation of the homes versus construction.

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

Not applicable – this development is not occurring within an antiquated subdivision.

“8. Future land use map amendments shall be based upon the following analyses:
   a. An analysis of the availability of facilities and services.”

This report and the attached analyses provide a preliminary analysis of the availability of facilities and services. Final determination of the availability of facilities and services will be made at the time of permit issuance.
“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.”

*No site characteristics would hinder development of the parcel.*

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

*Not applicable – this amendment is discretionary as to the amount included by the applicant and based on the parcel size. This amendment is not based on a capacity analysis or anticipated need for future housing stock.*

“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 this request neither results in the 13 sprawl indicators being met or not met; the approval of the request would likely have an overall de minimis impact on the sprawl indicators, provided that deficiencies in service provision – trip generation, potable water, sanitary sewer, and educational facilities – are addressed appropriately.

“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.”

Staff concludes that this request neither results in the eight “anti-sprawl” objectives being met or not met; the approval of the request would have
an overall de minimis impact on the sprawl indicators. The present Agriculture and Timberlands Future Land Use designation would not permit the rezoning to PUD at the desired additional density, hence necessitating the RLDSF amendment request.

Analysis of Consistency with the Comprehensive Plan

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

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

(1) Parcels being considered for amendment to the Future Land Use Map shall be concurrently evaluated for rezoning to the most appropriate zoning district.

(2) Parcels seeking site plan approval shall continue to be designed, developed and used for activities allowed by the appropriate zoning district.

(3) Property owners will be asked to conform to pending land use/zoning regulations as they request development approval.”

The owner is seeking a concurrent rezoning under Application #3098 to PUD, a consistent zoning designation for the Residential Low Density/Single Family Future Land Use designation.

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

No site characteristics are present on this parcel that would impact the requested amendment.

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

This analysis satisfies this Policy’s requirements.

“Policy A.7.3.6: All requests for amendments to the Future Land Use Map shall include an analysis of the level of service for public facilities, including an analysis of the potable water supply. Applications for land use map amendments shall be provided to the appropriate potable water supplier and the St. Johns River Water Management District (SJRWMD) for their review.”
This analysis satisfies this Policy’s requirements. Potable water requirements are satisfied through permitting by the County for this use. As noted, at this time there is not sufficient availability of potable water for development of subsequent phases within Eagle Lakes or elsewhere within the unincorporated County portion of the Old Kings Road corridor.

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.”

This request is considered a major plan amendment. Staff has 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.

Ultimately, the plan amendment process provides a “forward look” at concurrency issues, with the LDC requiring concurrency to be met or programmed at the time of final plat approval or permit issuance, as applicable. For purposes of this application, limited analysis was provided by the applicant, with no proposals to address deficiencies.
**FUTURE LAND USE AMENDMENT**
**SUMMARY FOR APPLICATION #3097**

<table>
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<tr>
<th>Existing FLUM Category</th>
<th>Proposed FLUM Category</th>
<th>Existing Maximum Density (DU/Acre)</th>
<th>Proposed Maximum Density (DU/Acre)</th>
<th>Existing Maximum Intensity (FAR)</th>
<th>Proposed Maximum Intensity (FAR)</th>
<th>Net Increase or (Decrease) in Maximum Density</th>
<th>Non-Residential Net Increase or (Decrease) in Potential Floor Area</th>
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<tbody>
<tr>
<td>Agriculture and Timberlands – 202.2 acres</td>
<td>Residential: Low Density/ Single Family – 202.2 acres</td>
<td>1 DU/5 Acres</td>
<td>3 DU/Acre</td>
<td>N/A</td>
<td>N/A</td>
<td>+567 units</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Transportation Impacts:**

**Trip Generation Potential of Parcels Affected by FLUA #3097**

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Land Use Designation</th>
<th>Maximum Allowed Intensity</th>
<th>ITE Land Use Code</th>
<th>Size of Development</th>
<th>Daily Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing</td>
<td>Agriculture and Timberlands</td>
<td>1 dwelling units per 5 acres</td>
<td>210</td>
<td>202.2</td>
<td>40 units</td>
</tr>
<tr>
<td>Proposed</td>
<td>Residential: Low Density/ Single Family</td>
<td>3 dwelling units per acre</td>
<td>210</td>
<td>202.2</td>
<td>607 units</td>
</tr>
<tr>
<td>Change in Daily Trips</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>+5,426 trips</td>
</tr>
</tbody>
</table>
## Potable Water:

### Water Supply Impacts of Parcels Affected by FLUA #3097

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Land Use Designation</th>
<th>Maximum Allowed Intensity</th>
<th>Criterion</th>
<th>Size of Development</th>
<th>Daily Potable Water Demand</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing</td>
<td>Agriculture and Timberlands</td>
<td>1 dwelling units per 5 acres</td>
<td>125 gals per capita per day</td>
<td>202.2</td>
<td>40 units</td>
</tr>
<tr>
<td>Proposed</td>
<td>Residential: Low Density/Single Family</td>
<td>3 dwelling units per acre</td>
<td>125 gals per capita per day</td>
<td>202.2</td>
<td>607 units</td>
</tr>
</tbody>
</table>

### Change in Potable Water Demand

Change in Potable Water Demand

+170,100 gallons

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

## Sanitary Sewer:

### Sanitary Sewer Impacts of Parcels Affected by FLUA #3097

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Land Use Designation</th>
<th>Maximum Allowed Intensity</th>
<th>Criterion</th>
<th>Size of Development</th>
<th>Daily Sanitary Sewer Demand</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing</td>
<td>Agriculture and Timberlands</td>
<td>1 dwelling units per 5 acres</td>
<td>110 gals per capita per day</td>
<td>202.2</td>
<td>40 units</td>
</tr>
<tr>
<td>Proposed</td>
<td>Residential: Low Density/Single Family</td>
<td>3 dwelling units per acre</td>
<td>110 gals per capita per day</td>
<td>202.2</td>
<td>607 units</td>
</tr>
</tbody>
</table>

### Change in Sanitary Sewer Demand

Change in Sanitary Sewer Demand

+149,688 gallons

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

**Solid Waste Impacts of Parcels Affected by FLUA #3097**

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Land Use Designation</th>
<th>Maximum Allowed Intensity</th>
<th>Criterion</th>
<th>Size of Development</th>
<th>Daily Solid Waste Demand</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Acres</td>
<td>Units or Area</td>
</tr>
<tr>
<td>Existing</td>
<td>Agriculture and Timberlands</td>
<td>1 dwelling units per 5 acres</td>
<td>9.3 pounds per capita per day</td>
<td>202.2</td>
<td>40 units 893 pounds</td>
</tr>
<tr>
<td>Proposed</td>
<td>Residential: Low Density/ Single Family</td>
<td>3 dwelling units per acre</td>
<td>9.3 pounds per capita per day</td>
<td>202.2</td>
<td>607 units 13,548 pounds</td>
</tr>
</tbody>
</table>

Change in Solid Waste Demand: +12,655 pounds

Note: Single-family demand based on 2.4 pph.

### Parks and Recreation:

**Parks and Recreation Impacts of Parcels Affected by FLUA #3097**

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Land Use Designation</th>
<th>Maximum Allowed Intensity</th>
<th>Criterion</th>
<th>Size of Development</th>
<th>Parks and Recreation Demand</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Acres</td>
<td>Units or Area</td>
</tr>
<tr>
<td>Existing</td>
<td>Agriculture and Timberlands</td>
<td>1 dwelling units per 5 acres</td>
<td>Resident population</td>
<td>202.2</td>
<td>40 units 96 persons</td>
</tr>
<tr>
<td>Proposed</td>
<td>Residential: Low Density/ Single Family</td>
<td>3 dwelling units per acre</td>
<td>Resident population</td>
<td>202.2</td>
<td>607 units 1,457 persons</td>
</tr>
</tbody>
</table>

Change in Parks and Recreation Demand: +1,361 persons

Note: Parks and recreation LOS demand is based on aggregated population counts.
Educational Facilities:

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Land Use Designation</th>
<th>Maximum Allowed Intensity</th>
<th>Criterion</th>
<th>Size of Development</th>
<th>Educational Facilities Demand</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing</td>
<td>Existing Agricultural and Timberlands</td>
<td>1 dwelling units per 5 acres</td>
<td>FTE</td>
<td>202.2</td>
<td>40 units 13 students</td>
</tr>
<tr>
<td>Proposed</td>
<td>Residential: Low Density/ Single Family</td>
<td>3 dwelling units per acre</td>
<td>FTE</td>
<td>202.2</td>
<td>607 units 202 students</td>
</tr>
</tbody>
</table>

Change in Educational Facilities Demand: +189 students

Note: Educational facilities LOS demand is based on FTE counts determined within Concurrency Service Areas (CSAs). This project is located within CSA Number 3. No deficiencies in service have been indicted through the most recent District Work Plan; however, Old Kings Elementary (within CSA No. 3) is the one school within the District closest to reaching capacity. County staff also recognizes the applicant’s reference to “active living community”, although a specific age-restriction has not been provided.
August 30, 2017

Adam Mengel
Flagler County Planning & Zoning
1769 E. Moody Blvd., Bldg. 2, Suite 105
Bunnell, FL 32110

RE: Eagle Lakes/2nd Amended and Restated PUD

Dear Mr. Mengel:

As you may recall, our law firm represents Venture 8, LLC, (hereinafter “Owner”). In 2014, Flagler County adopted Ordinance 2014-05 approving a Planned Unit Development (the “PUD”) commonly known as Eagle Lakes (the “Project”) (Exhibit 1) consisting of 535 acres and 749 residential units. Phase I of Project consists of approximately 111 lots and other amenities. The remaining portion of the Project remains vacant and undeveloped.

The Owner also owns approximately 202 additional vacant acres adjacent and south of the Project (the “Additional Land”). The Additional Land (Ex. “2”) presently has a land use designation of Agriculture and zoning classification of Agriculture. The Owner desires to incorporate the Additional Land into the Project and revise the master plan to provide for an separate and distinct master planned active living community (“Phase II”). To accomplish this goal, the Owner must amend the present land use designation of the Additional Land to Residential Low Density, amend the existing PUD Agreement, and incorporate the Additional Land into the Project. Therefore, please find enclosed applications for (1) Large Scale Comprehensive Scale Amendment for the Additional Property and (2) a Rezoning Application to amend the existing PUD Agreement.

I. Application for Large Scale Comp Plan Amendment

As it relates to the Large Scale Comp Plan Amendment, the Additional Property presently has a County comprehensive plan designation of Agriculture and the Owner desires to change it to Residential Low Density. The desired designation is consistent with adjacent property to its east and the existing DRI approved by the City of Palm Coast to the north. Therefore, the Owner asserts that this change is consistent with the surrounding land use patterns, as well as the County’s Comprehensive Plan.
1. Analysis of Consistency with Florida Statutes
The proposed amendment is consistent with Section 163.3177(6) of Florida Statutes:

"a. The future land use plan and plan amendments shall be based upon surveys, studies, and data regarding the area, as applicable, including: the amount of land required to accommodate anticipated growth."

*Growth projections for Flagler County over the next 15 years exceed 60,000 new residents. Given that this region of Flagler County is already developed, served by existing government utilities, and the City of Palm Coast anticipates approval of the South Old Kings Road DRI, the project can be considered urban infill as it is adjacent the City's Urban Boundaries. It is anticipated that given the unique qualities of this project, it will accommodate anticipate growth.*

"b. The projected permanent and seasonal population of the area."

*The amendment would represent a permanent increase in population in the area of on 170 persons, using 2.4 persons per household (pph) for the increase of 71 dwelling units.*

"c. The character of undeveloped land."

*The land is level and composed of piney flatwoods.*

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

*These 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."

*This Amendment is consistent with the character of the community's existing adjacent residential communities. The amendment does not renew blighted areas or eliminate nonconforming uses.*

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

*Not applicable*

"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.”

*The proposed amendment does not add to urban sprawl since it is only an expansion of an existing approved project. Moreover, it is adjacent to the South Old Kings Road DRI and directly adjacent to existing built out developments.*

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

*Not applicable. Notwithstanding, this amendment with the project will provide temporary construction jobs and some permanent jobs for the management of the community.*

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

*Not applicable.*

“8. Future land use map amendments shall be based upon the following analyses:
   a. An analysis of the availability of facilities and services.”

*Final determination of the availability of facilities and services will be made at the time of final platting or permit issuance.*

“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.”

*No site characteristics would hinder development of the parcel.*

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

*Not applicable.*

“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.”

This request neither results in the 13 sprawl indicators being met or not met; the approval of the request would have an overall de minimis impact on the sprawl indicators.

"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.”

Seven of the eight indicators are satisfied. This proposed amendment is intended to further the development of an existing development. The at issue land is an isolated parcel of land designated as agriculture. The land is an island in the middle of high to medium density development which is also adjacent to a commercial/retail/job center which would limit the impact to governmental services.

2. Analysis of Consistency with the Comprehensive Plan

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

“Policy A.1.2.2: The Flagler County Planning and Zoning Department shall maintain consistency between the Land Development Regulations (LDRs) and the Comprehensive Plan by the following means:
(1) Parcels being considered for amendment to the Future Land Use Map shall be concurrently evaluated for rezoning to the most appropriate zoning district.
(2) Parcels seeking site plan approval shall continue to be designed, developed and used for activities allowed by the appropriate zoning district.
(3) Property owners will be asked to conform to pending land use/zoning regulations as they request development approval.”

It is anticipated that the owner, upon the parcel receiving the new land use designation through the Future Land Use amendment, will pursue rezoning of the subject parcel to replace the present Planned Unit Development (PUD) to complete the action to make the use conform to the Comprehensive Plan and the LDC. This amendment attempts to reduce or eliminate the conflict between the present Future Land Use designation and the Owner, but will require rezoning to be completed by the owner prior to issuance of any development order or permit.

“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.”
No site characteristics are present on this parcel that would impact the requested amendment.

"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. Public facilities including potable water requirements are satisfied by the County for this use.

Policy C.1.7.1: Flagler County shall through its Land development Regulations allow for a diversity of lot sizes, floor area, setback and other design features which identify appropriate lands for a variety of housing types and prices.

The amendment and the accompanying rezoning application provides for a unique housing and community type which

In conclusion, the application is consistent with State and County comprehensive plan requirements. The application merely seeks to convert an isolated agriculture parcel in the middle of urban type development. The proposed amendment will not create urban sprawl as defined by the State or County, nor will it have any adverse impact on the health safety or welfare of the adjacent community in that it is compatible with the surrounding uses.

II. Rezoning / PUD Amendment

Contemporaneous with the Comp Plan application, the Owner desires to amend the existing PUD Agreement and incorporate the Additional Property into a new master planned active living community. Therefore, also enclosed is an application for rezoning. The proposed PUD shall have no effect on the existing Phase I development referenced above. Phase II of the development shall consist of 594 acres Master Planned Active Living Community and consist of up to 820 residential units (the "New Project"). The Owner would also like to reserve the right to, but not obligation, to construct an 18-hole golf course.

The purpose of a PUD is to encourage the unified development of large tracts of land using more creative and flexible concepts in site planning than would otherwise be possible through the strict application of minimum and maximum requirements of conventional land use districts established in this article. The proposed PUD is in harmony with the general purpose of the article and the State and County comprehensive plans. The design and construction of the PUD project shall follow a carefully devised plan of development which must be prepared in accordance with the requirements, procedures and approvals herein prescribed.
Generally a request should be consistent with the adopted Comprehensive Plan and the following suggested standards:

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

B. The requested zoning designation is be consistent with the goals, objectives, and policies of the Flagler County Comprehensive Plan.
   a. Consistent with Table A.1 from Policy A.1.1.2, development on this parcel would be limited to a maximum number of units well below the permissible limits, with a majority of the project area remaining as open space at full build out.
   b. A review of relevant Goals, Objectives, and Policies of the Comprehensive Plan demonstrates that the requested rezoning to PUD is appropriate and generally consistent with the Comprehensive Plan and specifically consistent with Future Land Use Policy A.1.1.1(9).

C. The requested zoning designation is compatible with the adjacent and surrounding land uses. Land uses shall include, but not be limited to permitted uses, structures, and activities allowed within the Future Land Use category and zoning district. East of the subject property are numerous residential developments including but not limited to a dense mobile home park. To the north is a the South Old Kings DRI which consists of approximately 2,000 residential units and 2,000,000 sq ft of commercial development.

D. The requested zoning does not adversely impact or exceed the capacity or the fiscal ability of Flagler County to provide available public facilities, including transportation, water and sewer, solid waste, drainage, recreation, education, fire protection, library service and other similar public facilities. Should the request be approved, the proposed development will served by existing Flagler County Utilities. There will be little impacts to schools, and it is anticipated that this use will not impact or exceed the public facilities necessary to support the proposed development.

E. The requested zoning in no way creates a public nuisance. The PUD development agreement and PUD site development plan reduce – through buffering and limitations on the intensity of the use – the potential for a public nuisance. Any negative effects would be addressed through the code enforcement process.

F. The requested zoning and resulting project’s proposed traffic impact does not have an unreasonable impact on the contiguous and surrounding area. All deminimus impacts will be mitigated through offsite improvements and other methods.

In conclusion, the proposed amend to the existing approved PUD Agreement is consistent with the County Comprehensive Plan and its Land Development Code. The proposed amendment merely desires to incorporate isolate agriculture land into an master planned active living community. This will not have any adverse effect to the surrounding community or government services. More importantly, the proposed amendment is consistent with the area and does not create urban sprawl. Therefore, the Owner requests that the Count approve the application for rezoning.
In addition to the Applications, please find enclosed a check in the amount of $11,030.00 as the fee for both Applications. Recognizing that there is additional information required for your evaluation, we respectfully request that you and your staff review the matter and schedule a brief meeting to discuss with us your comments and concerns. During that time, Mr. Sans Lassiter will finalize his traffic analysis and engineer Jerry Finley will provide you with the necessary capacity analysis. We look forward to working with the County on this Project. Should you have any questions or comments please feel free to contact me at your earliest convenience.

Sincerely,

[Signature]

Michael D. Cimento III
Attorney
MDC/cm

Enclosures
APPLICATION FOR
FUTURE LAND USE MAP AMENDMENT
TEN ACRES OR GREATER

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

Application/Project #: 3097 /2017040007

| PROPERTY OWNER(S) | | |
|-------------------|------------------|
| Name(s): | Venture 8, LLC |
| Mailing Address: | P.O. Drawer 2140 |
| City: Daytona Beach | State: FL |
| Zip: 32115 | |
| Telephone Number | Fax Number |

| APPLICANT/AGENT | | |
|-----------------|------------------|
| Name(s): | Michael D. Chiumento III, Esq |
| Mailing Address: | 145 City Place, Suite 301 |
| City: Palm Coast | State: FL |
| Zip: 32164 | |
| Telephone Number: | 386-445-8900 ext 102 |
| Fax Number: | 386-445-6702 |
| Email: | Michael3@palmcoastlaw.com |

| SUBJECT PROPERTY | | |
|------------------|------------------|
| SITE LOCATION (street address): | South Old Kings Road |
| LEGAL DESCRIPTION: | See attached Exhibit “A” |
| Parcel # (tax ID #): | 22-12-31-0000-01010-0011 |
| Parcel Size: | 202.2 Acres |

| FUTURE LAND USE DESIGNATION | | |
|-----------------------------|------------------|
| Present Future Land Use Designation(s) | Provide acreage of each classification. |
| Agricultural Timberland - 202.2 Acres |
| Proposed Future Land Use Designation(s) | Provide acreage of each classification. |
| Low Density/Single Family 202.2 |


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

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

Traffic Impact Study Prepared by: Lassiter Transportation Group

Name: R. Sans Lassiter
Address: 1450 W. Granada Blvd., #2
City/State/Zip: Ormond Beach, FL 32174

Rev 05/08

**RECREATION AND OPEN SPACE**

<table>
<thead>
<tr>
<th>Facilities immediately serving site:</th>
<th>Golf course, open space, &amp; rec space</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is this site within a targeted Park Land?</td>
<td>YES □ NO ✓</td>
</tr>
</tbody>
</table>

**WATER**

Method (check one) | Private wells □ | Central ✓ | Private treatment plant □

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: Flagler County

Address: 1769 E. Moody Blvd., Building 2

City/State/Zip Bunnell, FL 32110

**SEWER**

Method (check one) | Onsite Sewage Treatment and Disposal System □ | Central ✓ | Private treatment plant □

Attach completed FDEP operating information for previous 12 months.

If Central Sewer, provide name and address of facility:

Name: Flagler County

Address: 1769 E. Moody Blvd., Building 2

City/State/Zip Bunnell, FL 32110

Rev 05/08

**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 COMMISSIONER/ACTION:

*APPROVED WITH CONDITIONS

Signature of Chairman: ____________________________

Date: ________________  *approved with conditions, see attached.
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 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”;
14. Soil association - Attachment “O”.
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 $1,220.00 plus $20.00 per acre or portion thereof up to a maximum of $15,000 plus cost of newspaper ad(s) and 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 the 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.


Rev 7/09
EXHIBIT A

THE FOLLOWING LEGAL DESCRIPTION WAS PREPARED BY TOMOKA ENGINEERING DAYTONA BEACH, FLORIDA, UNDER THE SUPERVISION OF PETER G. JOHNSON, FLORIDA SURVEYOR NO. 5913 ON APRIL 7, 2005 AND IS BASED ON A SKETCH BY TOMOKA ENGINEERING, PROJECT NO. T5026DEL1AN, DRAWING REFERENCE NO. 5026SL-PARCEL A.

A PARCEL OF LAND LYING WITHIN GOVERNMENT SECTIONS 22 AND 27, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF GOVERNMENT SECTION 27, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE N88°51'25" E ALONG THE NORTH LINE OF SAID SECTION 27 FOR A DISTANCE OF 883.13 FEET TO A POINT ON THE EASTERN RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 95 (A VARIABLE WIDTH RIGHT-OF-WAY); THENCE S18°20'14"E ALONG SAID EASTERN RIGHT-OF-WAY LINE OF A DISTANCE OF 122.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION AND A POINT ON A NON-TANGENT CURVE BEING THE EASTERN LINE OF A 200' PERPETUAL DRAINAGE EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 549, PAGES 961-964; THENCE DEPARTING SAID EASTERN RIGHT-OF-WAY LINE AND RUN ALONG THE EASTERN LINE OF SAID DRAINAGE EASEMENT ALONG A CURVE TO THE LEFT HAVING AND ARC LENGTH OF 216.02 FEET, A RADIUS OF 499.93 FEET, A CENTRAL ANGLE OF 24°45'27", A CHORD BEARING OF N77°19'17"E, AND A CHORD DISTANCE OF 214.34 FEET; THENCE N64°56'34"E AND DEPARTING SAID EASTERN EASEMENT LINE FOR A DISTANCE OF 2688.29 FEET TO A POINT ON THE WESTERN RIGHT-OF-WAY LINE OF OLD KINGS ROAD (A 100 FOOT RIGHT-OF-WAY); THENCE S26°39'38"E ALONG SAID WESTERN RIGHT-OF-WAY LINE FOR A DISTANCE OF 1575.08 FEET TO A POINT OF CURVATURE; THENCE CONTINUING SOUTHEASTERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 271.36 FEET, A RADIUS OF 5679.65 FEET; A CENTRAL ANGLE OF 02°44'15", A CHORD BEARING OF S25°17'30"E AND A CHORD DISTANCE OF 271.34 FEET TO A POINT OF TANGENCY; THENCE S23°55'23"E FOR A DISTANCE OF 458.33 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 274.46 FEET, A RADIUS OF 5779.65 FEET, A CENTRAL ANGLE OF 02°43'15", A CHORD BEARING OF S25°17'00"E AND A CHORD DISTANCE OF 274.43 FEET TO A POINT OF TANGENCY; THENCE S26°38'38"E FOR A DISTANCE OF 547.09 FEET; THENCE S61°46'57"W AND DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE OF OLD KINGS ROAD FOR A DISTANCE OF 3350.50 FEET TO A POINT ON THE AFOREMENTIONED WESTERN RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 95; THENCE N18°20'14"W ALONG SAID WESTERN RIGHT-OF-WAY LINE FOR A DISTANCE OF 3547.11 FEET TO THE POINT OF BEGINNING OF THE DESCRIPTION.
Owner's Authorization
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 #_____________________

Michael D. Chilumento III, is hereby authorized TO ACT ON BEHALF
OF Venture 8, LLC, the owner(s) of those lands described
within the attached application, and as described in the attached deed or other such
proof of ownership as may be required, in applying to Flagler County, Florida for an
application for Comp Plan Amendment Application & Rezoning Application

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

By: X

Signature of Owner

John Schnebly, Sr./Manager

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

Signature of Owner

Printed Name of Owner

Address of Owner:

P.O. Drawer 2140
Mailing Address

Daytona Beach FL 32115
City State Zip

Telephone Number (incl. area code) 386-252-2000

STATE OF Florida
COUNTY OF Volusia

The foregoing was acknowledged before me this 5th day of June, 2017, by

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
Location Map
Prepared By
And Return to:
Andrea J. Fowler, Esq.
The Rosenthal Law Firm, P.A.
4798 New Broad Street, Suite 310
Orlando, FL 32814

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (this "Deed") is made and executed the 29th day of November, 2012, by EAGLE FL VI SPE, LLC, a North Carolina limited liability company ("Grantor"), whose post office address is 2501 20th Place South, Birmingham, Alabama 35223, in favor of VENTURE 8, LLC, a Florida limited liability company ("Grantee"), whose post office address is 125 N. Ridgewood Avenue, Suite 100, Daytona Beach, Florida 32114.

WITNESSETH:

THAT Grantor, for and in consideration of the sum of Ten Dollars ($10.00) and other valuable consideration, receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, alienes, remises, releases, conveys and confirms unto Grantee, all that certain land located in Flagler County, Florida and more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Property") having parcel identification numbers set forth on Exhibit "B" attached hereto and incorporated herein by this reference.

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

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

AND Grantor hereby covenants with Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to sell and convey the Property; that Grantor hereby warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by or through Grantor, but against none other.
IN WITNESS WHEREOF, Grantor has signed and sealed these presents the day and year first above written.

Witnesses:

[Signatures]

Print Name: [Names]

STATE OF ALABAMA
COUNTY OF JEFFERSON

The foregoing special warranty deed was acknowledged before me this ___ day of November, 2012, by Stanley E. Weir, as Vice President of EAGLE VI SPE, L.L.C., on behalf of the company. He is personally known to me or has produced ________________________ as identification.

[Notary's Signature]

[Typed name of Notary Public]

Notary Public, State of Alabama
Commission No. & Expiration ________________________

My Commission Expires 08/24/2016
EXHIBIT “A”

PARCEL A

PARCEL 1
A PARCEL OF LAND LYING IN GOVERNMENT SECTIONS 26, 27 AND 34, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT A CONCRETE MONUMENT MARKING THE NORTHEAST CORNER SECTIONS 34, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE BEAR N00°58'28"W ALONG THE WEST LINE OF SECTION 26 A DISTANCE OF 660.09 FEET; THENCE S88°40'04"W A DISTANCE OF 333.37 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE BEAR S88°40'04"W A DISTANCE OF 1756.16 FEET; THENCE S88°46'15"W A DISTANCE OF 11.51 FEET; THENCE S22°02'31"E A DISTANCE OF 178.22 FEET; THENCE S17°22'00"E A DISTANCE OF 898.01 FEET; THENCE S13°51'53"W A DISTANCE OF 1236.81 FEET; THENCE PARALLEL WITH (AND 100 FEET OFFSET FROM) THE EAST RIGHT-OF-WAY LINE OF INTERSTATE 95 (STATE HIGHWAY 9) THE FOLLOWING FOUR (4) COURSES: (1) N34°48'25"W A DISTANCE OF 137.99 FEET; (2) N20°46'14"W A DISTANCE OF 335.30 FEET TO A POINT OF CURVATURE; (3) A CURVE TO THE RIGHT, CONCAVE NORTHEASTERLY HAVING A DELTA OF 02°26'00", A RADIUS OF 34127.47 FEET, A LENGTH OF 1449.39 FEET, A CHORD BEARING OF N19°33'14"W, AND CHORD OF 1449.79 FEET TO A POINT OF TANGENCY; (4) N18°20'14"W A DISTANCE OF 1812.02 FEET; THENCE LEAVING SAID RIGHT-OF-WAY OF INTERSTATE 95 BEAR N61°46'45"E A DISTANCE OF 3249.03 FEET TO THE WEST RIGHT-OF-WAY OF OLD KINGS ROAD; THENCE ALONG THE WEST RIGHT-OF-WAY OF OLD KINGS ROAD (100' RIGHT-OF-WAY) THE FOLLOWING THREE (3) COURSES: (1) S26°38'38"E A DISTANCE OF 466.50 FEET TO A POINT OF CURVATURE; (2) A CURVE TO THE LEFT, CONCAVE NORTHEASTERLY HAVING A DELTA 02°34'15", A RADIUS OF 5779.65 FEET, A LENGTH OF 259.33 FEET, A CHORD BEARING OF S27°55'46"E, AND CHORD OF 259.31 FEET; (3) S29°12'54"E A DISTANCE OF 680.16 FEET; THENCE LEAVING SAID RIGHT-OF-WAY OF OLD KINGS ROAD BEAR S60°47'06"W A DISTANCE OF 1228.92 FEET; THENCE S29°12'54"E A DISTANCE OF 1083.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

PARCEL 2
A PARCEL OF LAND BEING A PORTION OF THE 100' STRIP OF LAND RECORDED IN Q.R. 929, PP. 1204-1207, EXHIBIT “A”, PARCEL B, LYING IN GOVERNMENT SECTION 27 AND 34, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT A CONCRETE MONUMENT MARKING THE NORTHEAST CORNER OF SECTION 34; TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE BEAR N00°58'28"W ALONG THE EAST LINE OF SECTION 27 A DISTANCE OF 660.08 FEET; THENCE S88°40'04"W A DISTANCE OF 333.37 FEET; THENCE CONTINUE S88°40'04"W A DISTANCE OF 1756.16 FEET; THENCE S88°46'15"W A DISTANCE OF 11.51 FEET; THENCE S22°02'31"E A DISTANCE OF 178.22 FEET, THENCE S17°22'00"E A DISTANCE OF 896.01 FEET, THENCE S13°51'53"W A DISTANCE OF 1236.81 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION;
THENCE CONTINUE S13°51'53"W A DISTANCE OF 146.32 FEET TO THE EAST RIGHT-OF-WAY OF INTERSTATE 95; THENCE ALONG THE FIRST RIGHT-OF-WAY LINE OF INTERSTATE 95 (STATE HIGHWAY 9) THE FOLLOWING TWO (2) COURSES: (1) N21°11'20"W A DISTANCE OF 41.95 FEET (2) N34°48'25"W A DISTANCE OF 208.18 FEET; THENCE LEAVING SAID RIGHT-OF-WAY OF INTERSTATE 95 N06°06'43"W A DISTANCE OF 276.81 FEET; THENCE N20°46'14"W A DISTANCE OF 40.00 FEET; THENCE S89°13'46"W A DISTANCE OF 70.00 FEET TO SAID EAST RIGHT-OF-WAY OF INTERSTATE 95; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES: (1) N20°46'14"W A DISTANCE OF 40.00 FEET TO A POINT OF CURVATURE; (2) A CURVE TO THE RIGHT, CONCAVE NORTHEASTERLY HAVING A DELTA OF 02°26'00", A RADIUS OF 34227.47 FEET, A LENGTH OF 1453.84 FEET, A CHORD BEARING OF N19°33'14"W, AND A CHORD OF 1453.53 FEET TO A POINT OF TANGENCY; (3) N18°20'14"E A DISTANCE OF 1794.60 FEET; THENCE LEAVING SAID RIGHT-OF-WAY OF INTERSTATE 95 BEAR N61°46'45"E A DISTANCE OF 101.54 FEET TO A LINE RUNNING PARALLEL AND 100' TO THE EAST AS MEASURED AT RIGHT ANGLES TO SAID EAST RIGHT-OF-WAY OF INTERSTATE 95; THENCE ALONG SAID LINE THE FOLLOWING FOUR (4) COURSES: (1) S18°20'14"E A DISTANCE OF 1812.19 FEET TO A POINT OF CURVATURE; (2) A CURVE TO THE LEFT, CONCAVE NORTHEASTERLY HAVING A DELTA OF 02°26'00", A RADIUS OF 34127.47 FEET, A LENGTH OF 1449.39 FEET, A CHORD BEARING OF S19°33'14"E, AND A CHORD OF 1449.29 FEET TO A POINT OF TANGENCY; (3) S20°48'14"E A DISTANCE OF 335.30 FEET; (4) S 34°48'25"E A DISTANCE OF 137.99 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

PARCEL B

A PARCEL OF LAND LYING IN GOVERNMENT SECTIONS 27, 34 AND 35, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

POINT OF BEGINNING BEING THE NORTHWEST CORNER OF GOVERNMENT SECTION 35, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE ALONG THE WESTERLY BOUNDARY OF SAID SECTION 35 SOUTH 01°50'44" WEST A DISTANCE OF 200.25 FEET; THENCE DEPARTING THE WESTERLY BOUNDARY LINE OF SAID SECTION 35 NORTH 88°59'36" EAST A DISTANCE OF 1282.78 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF OLD KINGS ROAD (A 100' R/W) SAID POINT INTERSECTING A NON-TANGENT CURVE; THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF OLD KINGS ROAD ALONG A CURVE TO THE RIGHT (CONCAVE WESTERLY) 255.26 FEET, WITH A RADIUS OF 2814.93 FEET, AND A CENTRAL ANGLE OF 05°11'43", HAVING A CHORD DISTANCE OF 255.17 FEET AND A CHORD BEARING OF SOUTH 15°53'00" EAST TO A POINT OF TANGENCY; THENCE SOUTH 13°17'15" EAST A DISTANCE OF 489.56 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT (CONCAVE EASTERNLY) 126.93 FEET, WITH A RADIUS OF 3779.65 FEET AND A CENTRAL ANGLE OF 01°15'30", HAVING A CHORD DISTANCE OF 126.93 AND A CHORD BEARING OF SOUTH 13°54'53" EAST TO A POINT OF TANGENCY; THENCE SOUTH 14°32'45" EAST A DISTANCE OF 1204.30 FEET; THENCE SOUTH 14°22'51" EAST A DISTANCE OF 1638.44 FEET; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY OF OLD KINGS ROAD SOUTH 75°36'15" WEST, A DISTANCE OF 563.89 FEET; THENCE SOUTH 17°36'38" WEST A DISTANCE OF 188.29 FEET TO THE CENTER OF THE KORONA CANAL. AS RECORDED IN O.R. BOOK 459, PAGE 127 AND O.R. BOOK 28, PAGE 94, THENCE
ALONG THE CENTER LINE OF SAID KORONA CANAL NORTH 73°59'57" WEST A DISTANCE OF 3286.50 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95 (R/W VARIES) THENCE NORTHWESTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 95 NORTH 20°47'05" WEST A DISTANCE OF 1535.59 FEET; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY OF INTERSTATE 95 NORTH 13°52'27" EAST A DISTANCE OF 1383.13 FEET; THENCE NORTH 17°21'27" WEST A DISTANCE OF 898.01 FEET, THENCE NORTH 22°01'57" WEST A DISTANCE OF 178.20; THENCE ALONG THE SOUTHERLY PROPERTY LINE OF A PARCEL OF LAND OWNED BY KAYUNIER, INC. NORTH 88°40'51" EAST A DISTANCE OF 2100.90 FEET TO A POINT ON THE EASTERLY LINE OF GOVERNMENT SECTION 27, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE ALONG SAID EASTERLY LINE OF SECTION 27 SOUTH 01°00'17" EAST A DISTANCE OF 660.00 FEET TO THE BEGINNING OF DESCRIPTION.

PARCEL C

A PARCEL OF LAND LYING IN GOVERNMENT SECTIONS 26 AND 27, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT OF REFERENCE BEING A PERMANENT REFERENCE MONUMENT AT THE NORTHEAST CORNER OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE NORTH 00°58'28" WEST, ALONG THE EAST LINE OF SECTION 27 AND THE WEST LINE OF SECTION 26, 660.09 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND:

THENCE SOUTH 88°40'04" WEST, 333.37 FEET; THENCE NORTH 29°12'32" WEST, 1083.00 FEET; THENCE NORTH 60°46'59" EAST, 1228.92 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF OLD KINGS ROAD (A 100' FOOT WIDE RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE SOUTH 29°12'51" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 951.92 FEET TO A POINT OF CURVATURE; THENCE 82.47 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2814.93 FEET AND A CENTRAL ANGLE OF 1°40'43" A CHORD BEARING OF SOUTH 28°22'31" EAST AND A CHORD DISTANCE OF 82.46 FEET TO A POINT OF TANGENCY; THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 88°58'58" WEST, 374.34 FEET; THENCE SOUTH 72°32'00" EAST, 614.01 FEET; THENCE NORTH 88°58'58" EAST, 374.34 FEET TO SAID WEST RIGHT-OF-WAY OF OLD KINGS ROAD; THENCE SOUTH 20°37'28" EAST, 53.08 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 88°58'58" WEST, 968.74 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT:


ADDITIONAL LANDS:
THE FOLLOWING LEGAL DESCRIPTION WAS PREPARED BY TOMOKA ENGINEERING
DAYTONA BEACH, FLORIDA, UNDER THE SUPERVISION OF PETER G. JOHNSON, FLORIDA
SURVEYOR NO. 5913 ON APRIL 7, 2005 AND IS BASED ON A SKETCH BY TOMOKA
ENGINEERING, PROJECT NO. T5026DELAN, DRAWING REFERENCE NO. 5026S-L-PARCEL A.

A PARCEL OF LAND LYING WITHIN GOVERNMENT SECTIONS 22 AND 27, TOWNSHIP 12
SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF GOVERNMENT
SECTION 27, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE N88°51'25" E ALONG THE
NORTH LINE OF SAID SECTION 27 FOR A DISTANCE OF 883.13 FEET TO A POINT ON THE
EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 95 (A VARIABLE WIDTH
RIGHT-OF-WAY); THENCE S18°20'14"E ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF A
DISTANCE OF 122.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION AND A
POINT ON A NON-TANGENT CURVE BEING THE EASTERLY LINE OF A 200' PERPETUAL
DRAINAGE EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 549, PAGES 961-964;
THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE AND RUN ALONG THE
EASTERLY LINE OF SAID DRAINAGE EASEMENT ALONG A CURVE TO THE LEFT HAVING
AND ARC LENGTH OF 216.02 FEET, A RADIUS OF 499.93 FEET, A CENTRAL ANGLE OF
24°45'27" A CHORD BEARING OF N77°19'17"E AND A CHORD DISTANCE OF 214.34 FEET;
THENCE N64°56'34"E AND DEPARTING SAID EASTERLY EASEMENT LINE FOR A DISTANCE
OF 2688.29 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF OLD KINGS
ROAD (A 100 FOOT RIGHT-OF-WAY); THENCE S26°39'38"E ALONG SAID WESTERLY RIGHT-
OF-WAY LINE FOR A DISTANCE OF 1575.08 FEET TO A POINT OF CURVATURE; THENCE
CONTINUING SOUTHEASTERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND
ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 271.36 FEET, A RADIUS OF
5679.65 FEET; A CENTRAL ANGLE OF 02°44'15", A CHORD BEARING OF S25°17'30"E AND A
CHORD DISTANCE OF 271.34 FEET TO A POINT OF TANGENCY; THENCE S23°55'23"E FOR A
DISTANCE OF 458.33 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE
LEFT HAVING AN ARC LENGTH OF 274.46 FEET, A RADIUS OF 5779.65 FEET, A CENTRAL
ANGLE OF 02°43'15", A CHORD BEARING OF S25°17'00"E AND A CHORD DISTANCE OF
274.43 FEET TO A POINT OF TANGENCY; THENCE S26°38'38"E FOR A DISTANCE OF 547.09
FEET; THENCE S61°46'57"W AND DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE OF
OLD KINGS ROAD FOR A DISTANCE OF 3350.50 FEET TO A POINT ON THE
AFOREMENTIONED EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 95;
THENCE N18°20'14"W ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF
3547.11 FEET TO THE POINT OF BEGINNING OF THE DESCRIPTION.
EXHIBIT “B”

1. Parcel Identification Number 22-12-31-0000-01010-0011
2. Parcel Identification Number 26-12-31-0000-01010-0010
3. Parcel Identification Number 27-12-31-0000-01010-0000
4. Parcel Identification Number 27-12-31-0000-01010-0010
5. Parcel Identification Number 27-12-31-0000-01010-0030
6. Parcel Identification Number 27-12-31-0000-01020-0010
7. Parcel Identification Number 27-12-31-0000-01020-0020
8. Parcel Identification Number 27-12-31-0000-01020-0030
9. Parcel Identification Number 34-12-31-0650-000D0-0072
10. Parcel Identification Number 34-12-31-0650-000D0-0080
11. Parcel Identification Number 35-12-31-0000-02010-0040
12. Parcel Identification Number 35-12-31-2010-00000-0020
13. Parcel Identification Number 35-12-31-2010-00000-0030
14. Parcel Identification Number 35-12-31-2010-00000-0040
15. Parcel Identification Number 35-12-31-2010-00000-0050
16. Parcel Identification Number 35-12-31-2010-00000-0060
17. Parcel Identification Number 35-12-31-2010-00000-0070
18. Parcel Identification Number 35-12-31-2010-00000-0080
19. Parcel Identification Number 35-12-31-2010-00000-0090
20. Parcel Identification Number 35-12-31-2010-00000-0100
21. Parcel Identification Number 35-12-31-2010-00000-0110
22. Parcel Identification Number 35-12-31-2010-00000-0120
23. Parcel Identification Number 35-12-31-2010-00000-0130
24. Parcel Identification Number 35-12-31-2010-00000-0140
25. Parcel Identification Number 35-12-31-2010-00000-0150
26. Parcel Identification Number 35-12-31-2010-00000-0160
27. Parcel Identification Number 35-12-31-2010-00000-0180
28. Parcel Identification Number 35-12-31-2010-00000-0190
29. Parcel Identification Number 35-12-31-2010-00000-0210
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31. Parcel Identification Number 35-12-31-2010-00000-0230
32. Parcel Identification Number 35-12-31-2010-00000-0260
33. Parcel Identification Number 35-12-31-2010-00000-0270
34. Parcel Identification Number 35-12-31-2010-00000-0280
35. Parcel Identification Number 35-12-31-2010-00000-0290
36. Parcel Identification Number 35-12-31-2010-00000-0300
37. Parcel Identification Number 35-12-31-2010-00000-0310
38. Parcel Identification Number 35-12-31-2010-00000-0320
39. Parcel Identification Number 35-12-31-2010-00000-0330
40. Parcel Identification Number 35-12-31-2010-00000-0340
41. Parcel Identification Number 35-12-31-2010-00000-0350
42. Parcel Identification Number 35-12-31-2010-00000-0360
43. Parcel Identification Number 35-12-31-2010-00000-0370
44. Parcel Identification Number 35-12-31-2010-00000-0380
45. Parcel Identification Number 35-12-31-2010-00000-0390
46. Parcel Identification Number 35-12-31-2010-00000-0400
47. Parcel Identification Number 35-12-31-2010-00000-0430
48. Parcel Identification Number 35-12-31-2010-00000-0440
49. Parcel Identification Number 35-12-31-2010-00000-0450
50. Parcel Identification Number 35-12-31-2010-00000-0460
51. Parcel Identification Number 35-12-31-2010-00000-0480
52. Parcel Identification Number 35-12-31-2010-00000-0490
53. Parcel Identification Number 35-12-31-2010-00000-0500
54. Parcel Identification Number 35-12-31-2010-00000-0510
55. Parcel Identification Number 35-12-31-2010-00000-0520
56. Parcel Identification Number 35-12-31-2010-00000-0530
57. Parcel Identification Number 35-12-31-2010-00000-0540
58. Parcel Identification Number 35-12-31-2010-00000-0550
59. Parcel Identification Number 35-12-31-2010-00000-0560
60. Parcel Identification Number 35-12-31-2010-00000-0570
61. Parcel Identification Number 35-12-31-2010-00000-0600
62. Parcel Identification Number 35-12-31-2010-00000-0610
63. Parcel Identification Number 35-12-31-2010-00000-0620
64. Parcel Identification Number 35-12-31-2010-00000-0630
65. Parcel Identification Number 35-12-31-2010-00000-0640
66. Parcel Identification Number 35-12-31-2010-00000-0650
67. Parcel Identification Number 35-12-31-2010-00000-0660
68. Parcel Identification Number 35-12-31-2010-00000-0670
69. Parcel Identification Number 35-12-31-2010-00000-0680
70. Parcel Identification Number 35-12-31-2010-00000-0690
71. Parcel Identification Number 35-12-31-2010-00000-0700
72. Parcel Identification Number 35-12-31-2010-00000-0710
73. Parcel Identification Number 35-12-31-2010-00000-0720
74. Parcel Identification Number 35-12-31-2010-00000-0730
75. Parcel Identification Number 35-12-31-2010-00000-0740
76. Parcel Identification Number 35-12-31-2010-00000-0750
77. Parcel Identification Number 35-12-31-2010-00000-0760
78. Parcel Identification Number 35-12-31-2010-00000-0770
79. Parcel Identification Number 35-12-31-2010-00000-0780
80. Parcel Identification Number 35-12-31-2010-00000-0790
81. Parcel Identification Number 35-12-31-2010-00000-0800
82. Parcel Identification Number 35-12-31-2010-00000-0810
83. Parcel Identification Number 35-12-31-2010-00000-0820
84. Parcel Identification Number 35-12-31-2010-00000-0830
85. Parcel Identification Number 35-12-31-2010-00000-0840
86. Parcel Identification Number 35-12-31-2010-00000-0850
87. Parcel Identification Number 35-12-31-2010-00000-0860
88. Parcel Identification Number 35-12-31-2010-00000-0870
89. Parcel Identification Number 35-12-31-2010-00000-0880
90. Parcel Identification Number 35-12-31-2010-00000-0890
91. Parcel Identification Number 35-12-31-2010-00000-0900
92. Parcel Identification Number 35-12-31-2010-00000-0920
93. Parcel Identification Number 35-12-31-2010-00000-0930
94. Parcel Identification Number 35-12-31-2010-00000-0940
95. Parcel Identification Number 35-12-31-2010-00000-0950
96. Parcel Identification Number 35-12-31-2010-00000-0960
97. Parcel Identification Number 35-12-31-2010-00000-0970
98. Parcel Identification Number 35-12-31-2010-00000-0980
99. Parcel Identification Number 35-12-31-2010-00000-1000
100. Parcel Identification Number 35-12-31-2010-00000-1010
101. Parcel Identification Number 35-12-31-2010-00000-1020
102. Parcel Identification Number 35-12-31-2010-00000-1040
103. Parcel Identification Number 35-12-31-2010-00000-1050
104. Parcel Identification Number 35-12-31-2010-00000-1080
Title Opinion
August 28, 2017

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

Re: Eagle Lakes – Comp Plan

Dear Ms. Lemon:

I have examined the title with respect to the property described in Exhibit A attached hereto and made part hereof. Based upon my examination of the title search, it is my legal opinion that as of August 11, 2017, that fee simple title to the property is vested in VENTURE 8, LLC, a Florida limited liability company, subject to the following matters:

1. Non-Exclusive Ingress and Egress Easement between Venture 8 LLC and Flagler County as recorded in O.R. Book 1993, Page 1027, Public Records of Flagler County, Florida.
2. Any interest Venture 8, LLC may have in the property pursuant to that certain Quit Claim Deed by Eagle FL VI SPE, LLC to Venture 8, LLC, recorded in O.R. Book 1921, Page 1399 and those certain Warranty Deeds between the same parties recorded in O.R. Book 1908, Page 123, O.R. Book 1919, Page 309, and O.R. Book 1921, Page 1388 and the Certificate of Title’s recorded in O.R. Book 1915, Page 205 and in O.R. Book 1808, Page 951, Public Records of Flagler County, Florida.
6. All of the terms and provisions set forth and contained in that certain Short Form Lease between Plantation Land & Cattel Co., Lessor and OPM-USA-Inc., Lessee recorded May 8, 1997 in O.R. Book 582, Page 501, as amended by First Amendment dated June 13, 2001 (unrecorded) and Assignment of Lease recorded October 12, 2004 in O.R. Book 1154, Page 422, as further amended by Memorandum of Lease, by and between Hometown Communities Inc. and American

“Your Legal Team for Life”
Since 1973

7. All of the terms and provisions set forth and contained in that certain PCS Site Agreement between OPM-USA, Inc., Lessor and SprintCom, Inc., Lessee, a memorandum of which is recorded October 2, 1997 in O.R. Book 594, Page 686, and as affected by Memorandum of Lease, by and between Hometown Communities, Inc. and American Tower, L.P., recorded August 29, 2005 in O.R. Book 1309, Page 228, Public Records of Flagler County, Florida.


9. All of the terms and provisions set forth and contained in that certain Agreement between OPM-USA, Inc. now known as OPM-USA, a Division of American Tower Systems, L.P., Lessor and APT Tampa/Orlando, Inc., Lessee, a memorandum of which is recorded July 20, 1998 in O.R. Book 621, Page 1900, and as affected by Memorandum of Lease, by and between Hometown Communities, Inc. and American Tower, L.P., recorded August 29, 2005 in O.R. Book 1309, Page 228, Public Records of Flagler County, Florida.

10. All of the terms and provisions set forth and contained in that certain Sublease between OPM-USA, Inc. a Division of American Tower Systems, L.P., Lessor and BellSouth Mobility, Inc., Lessee, a memorandum of which is recorded December 16, 1998 in O.R. Book 637, Page 997, and as affected by Memorandum of Lease, by and between Hometown Communities, Inc. and American Tower, L.P., recorded August 29, 2005 in O.R. Book 1309, Page 228, Public Records of Flagler County, Florida.


18. Unrecorded Eagle Lakes Planned Unit Development Agreement attached to unrecorded Ordinance No. 2005-02, by the Flagler County Board of County Commissioners, and Amendment to the Eagle Lakes Planned Unit Development pursuant to the terms, conditions and provisions of Ordinance No. 2014-03 as set forth in instrument filed October 1, 2014 in Official Records Book 2027, page 235 of the public records of Flagler County, Florida.

19. Agreement Between Flagler County, Venture 8 LLC and the Eagle Lakes Homeowners Association, Inc. for Potable Water Interconnection for Emergency Fire Protection as filed
21. Taxes for the 2017 and subsequent years, which are not yet due and payable. Taxes for the year 2016 are paid under Parcel ID Numbers: 221231-0000-01010-0011.

Sincerely yours,

Michael D. Chiumento III
MC/kd
EXHIBIT A

THE FOLLOWING LEGAL DESCRIPTION WAS PREPARED BY TOMOKA ENGINEERING DAYTONA BEACH, FLORIDA, UNDER THE SUPERVISION OF PETER G. JOHNSON, FLORIDA SURVEYOR NO. 5913 ON APRIL 7, 2005 AND IS BASED ON A SKETCH BY TOMOKA ENGINEERING, PROJECT NO. T5026DELAN, DRAWING REFERENCE NO. 5026SL-PARCEL A.

A PARCEL OF LAND LYING WITHIN GOVERNMENT SECTIONS 22 AND 27, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF GOVERNMENT SECTION 27, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE N88°51'25" E ALONG THE NORTH LINE OF SAID SECTION 27 FOR A DISTANCE OF 883.13 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 95 (A VARIABLE WIDTH RIGHT-OF-WAY); THENCE S18°20'14"E ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF A DISTANCE OF 122.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION AND A POINT ON A NON-TANGENT CURVE BEING THE EASTERLY LINE OF A 200' PERPETUAL DRAINAGE EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 549, PAGES 961-964; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE AND RUN ALONG THE EASTERLY LINE OF SAID DRAINAGE EASEMENT ALONG A CURVE TO THE LEFT HAVING AND ARC LENGTH OF 216.02 FEET, A RADIUS OF 499.93 FEET, A CENTRAL ANGLE OF 24°45'27"; A CHORD BEARING OF N77°19'17"E, AND A CHORD DISTANCE OF 214.34 FEET; THENCE N64°56'34"E AND DEPARTING SAID EASTERLY EASEMENT LINE FOR A DISTANCE OF 2688.29 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF OLD KINGS ROAD (A 100 FOOT RIGHT-OF-WAY), THENCE S26°39'38"E ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 1575.08 FEET TO A POINT OF CURVATURE; THENCE CONTINUING SOUTHEASTERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 271.36 FEET, A RADIUS OF 5679.65 FEET; A CENTRAL ANGLE OF 02°44'15"; A CHORD BEARING OF S25°17'30"E AND A CHORD DISTANCE OF 271.34 FEET TO A POINT OF TANGENCY; THENCE S23°55'23"E FOR A DISTANCE OF 458.33 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 274.46 FEET, A RADIUS OF 5779.65 FEET, A CENTRAL ANGLE OF 02°43'15"; A CHORD BEARING OF S25°17'00"E AND A CHORD DISTANCE OF 274.43 FEET TO A POINT OF TANGENCY; THENCE S26°38'38"E FOR A DISTANCE OF 547.09 FEET; THENCE S61°46'57"W AND DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE OF OLD KINGS ROAD FOR A DISTANCE OF 3350.50 FEET TO A POINT ON THE AFOREMENTIONED WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 95; THENCE N18°20'14"W ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 3547.11 FEET TO THE POINT OF BEGINNING OF THE DESCRIPTION.
Distribution date: Friday, September 15, 2017

Project #: 2017090007
Application #: 3097

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: PLANNING DEPARTMENT

1. Amendment from Agriculture and Timberlands (1 unit per 5 acres) to Residential Low Density (1-3 units per acre) for 202.2 acres ("Additional Property") would create a net increase in density of 566 units (606 units at the maximum density in the RLD of 3 units per acre minus 40 units based on A&T), unless a parcel-specific limiting policy is proposed. The intent appears to be to limit the overall density on the 202 acres to 111 units (the 40 units presently allowed with the addition of 71 units as provided in the applicant's letter dated August 30, 2017). If this is the intent, a parcel-specific limiting policy should be included with the request, limiting the resulting density under the RLD Future Land Use to not more than 111 units and including in the analysis a comparison of the impact on services - traffic, water, sewer, solid waste, and schools - under the existing 40 units and the additional 71 units, showing the increase in services between the existing and the proposed.

2. Deficiencies in services should be identified, including proposals to remedy any deficiencies, with the ultimate determination of the availability of concurrency made at the time of final plat approval.

3. If the intent is to make the community age-restricted, then the school facilities impacts may be omitted from the analysis, with an agreement provided between the School District and the developer acknowledging that the project will be age-restricted and exempt from school concurrency.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

Please verify that the additional property is to the north of the Eagle Lakes Subdivision Phase I.

Adjacent Property Owners - There are lots in the Eagle Lakes Subdivision Phase I subdivision that are not included in the application and the owners names are not on the list. Clarify

Provide a Boundary Survey of the entire site.

Provide Owners affidavit of approval for parcels that are included in the application and are not owned by Venture 8, LLC.

Why aren't the HOA parcels included in this application. Clarify.

Additional comments may be forthcoming with further submittals.

REVIEWING DEPARTMENT: FIRE INSPECTOR

No Comments at this time

REVIEWING DEPARTMENT: COUNTY ATTORNEY

No comments at this time.
EXHIBIT A

THE FOLLOWING LEGAL DESCRIPTION WAS PREPARED BY TOMOKA ENGINEERING DAYTONA BEACH, FLORIDA, UNDER THE SUPERVISION OF PETER G. JOHNSON, FLORIDA SURVEYOR NO. 5913 ON APRIL 7, 2005 AND IS BASED ON A SKETCH BY TOMOKA ENGINEERING, PROJECT NO. T5026DELAN, DRAWING REFERENCE NO. 5026SL-PARCEL A.

A PARCEL OF LAND LYING WITHIN GOVERNMENT SECTIONS 22 AND 27, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF GOVERNMENT SECTION 27, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE N88°51'25" E ALONG THE NORTH LINE OF SAID SECTION 27 FOR A DISTANCE OF 883.13 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 95 (A VARIABLE WIDTH RIGHT-OF-WAY); THENCE S18°20'14"E ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF A DISTANCE OF 122.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION AND A POINT ON A NON-TANGENT CURVE BEING THE EASTERLY LINE OF A 200 PERPETUAL DRAINAGE EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 549, PAGES 961-964; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE AND RUN ALONG THE EASTERLY LINE OF SAID DRAINAGE EASEMENT ALONG A CURVE TO THE LEFT HAVING AND ARC LENGTH OF 216.02 FEET, A RADIUS OF 499.93 FEET, A CENTRAL ANGLE OF 24°45'27"., A CHORD BEARING OF N77°19'17"E, AND A CHORD DISTANCE OF 214.34 FEET; THENCE N64°56'34"E AND DEPARTING SAID EASTERLY EASEMENT LINE FOR A DISTANCE OF 2688.29 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF OLD KINGS ROAD (A 100 FOOT RIGHT-OF-WAY); THENCE S26°39'38"E ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 1575.08 FEET TO A POINT OF CURVATURE; THENCE CONTINUING SOUTHEASTERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 271.36 FEET, A RADIUS OF 5679.65 FEET; A CENTRAL ANGLE OF 02°44'15"., A CHORD BEARING OF S25°17'30"E AND A CHORD DISTANCE OF 271.34 FEET TO A POINT OF TANGENCY; THENCE S23°55'23"E FOR A DISTANCE OF 458.33 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 274.46 FEET, A RADIUS OF 5779.65 FEET, A CENTRAL ANGLE OF 02°43'15"., A CHORD BEARING OF S25°17'00"E AND A CHORD DISTANCE OF 274.43 FEET TO A POINT OF TANGENCY; THENCE S26°38'38"E FOR A DISTANCE OF 547.09 FEET; THENCE S61°46'57"W AND DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE OF OLD KINGS ROAD FOR A DISTANCE OF 3350.50 FEET TO A POINT ON THE AFOREMENTIONED EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 95; THENCE N18°20'14"W ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 3547.11 FEET TO THE POINT OF BEGINNING OF THE DESCRIPTION.
Owner’s Authorization
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 # ____________________

Michael D. Chiumento III ___________________________, is hereby authorized TO ACT ON BEHALF
OF Venture 8, LLC ____________________________, the owner(s) of those lands described
within the attached application, and as described in the attached deed or other such
proof of ownership as may be required, in applying to Flagler County, Florida for an
application for ____________________________

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

By: x __________________________

Signature of Owner

John Schnebly, Sr./Manager

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

__________________________

Signature of Owner

__________________________

Printed Name of Owner

Address of Owner: P.O. Drawer 2140

Telephone Number (incl. area code) 386-252-2000

Mailing Address

Daytona Beach FL 32115

City State Zip

STATE OF ____________________

COUNTY OF ____________________

The foregoing was acknowledged before me this ______ day of __________, 20__ by ____________________________, 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
Present Land Use Classification
Warranty Deed
Prepared By
And Return to:
Andrea J. Fowler, Esq.
The Rosenthal Law Firm, P.A.
4798 New Broad Street, Suite 310
Orlando, FL 32814

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED (this "Deed") is made and executed the 29th day of November, 2012, by EAGLE FL VI SPE, LLC, a North Carolina limited liability company ("Grantor"), whose post office address is 2501 20th Place South, Birmingham, Alabama 35223, in favor of VENTURE 8, LLC, a Florida limited liability company ("Grantee"), whose post office address is 125 N. Ridgewood Avenue, Suite 100, Daytona Beach, Florida 32114.

WITNESSETH:

THAT Grantor, for and in consideration of the sum of Ten Dollars ($10.00) and other valuable consideration, receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, alienes, remises, releases, conveys and confirms unto Grantee, all that certain land located in Flagler County, Florida and more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Property") having parcel identification numbers set forth on Exhibit "B" attached hereto and incorporated herein by this reference.

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

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

AND Grantor hereby covenants with Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to sell and convey the Property; that Grantor hereby warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by or through Grantor, but against none other.
IN WITNESS WHEREOF, Grantor has signed and sealed these presents the day and year first above written.

Witnesses:

[Signatures]

Print Name: Tommy Johnson

[Signature]

Print Name: Anita Muller

EAGLE FL EX SPE, LLC, a North Carolina limited liability company

By:

[Signature]

Stanley E. Weir, Vice President

STATE OF ALABAMA
COUNTY OF JEFFERSON

The foregoing special warranty deed was acknowledged before me this ___ day of November, 2012, by Stanley F. Weir, as Vice President of EAGLE EX SPE, LLC, on behalf of the company. He is personally known to me or has produced ______________________ as identification.

[Signature]

(Signature of Notary Public)

[Typed name of Notary Public]

Notary Public, State of Alabama
Commission No. & Expiration_____________________

My Commission Expires 08/24/2016
EXHIBIT “A”

PARCEL A

PARCEL 1
A PARCEL OF LAND LYING IN GOVERNMENT SECTIONS 26, 27 AND 34, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT A CONCRETE MONUMENT MARKING THE NORTHEAST CORNER SECTIONS 34, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE BEAR N00°58'28"W ALONG THE WEST LINE OF SECTION 26 A DISTANCE OF 660.09 FEET; THENCE S88°40'04"W A DISTANCE OF 333.37 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE BEAR S88°40'04"W A DISTANCE OF 1756.16 FEET; THENCE S88°46'15"W A DISTANCE OF 11.51 FEET; THENCE S22°02'31"E A DISTANCE OF 178.22 FEET; THENCE S17°22'00"E A DISTANCE OF 898.01 FEET; THENCE S13°51'53"W A DISTANCE OF 1236.81 FEET; THENCE PARALLEL WITH (AND 100 FEET OFFSET FROM) THE EAST RIGHT-OF-WAY LINE OF INTERSTATE 95 (STATE HIGHWAY 9) THE FOLLOWING FOUR (4) COURSES: (1) N34°48'25"W A DISTANCE OF 137.99 FEET; (2) N20°46'14"W A DISTANCE OF 335.30 FEET TO A POINT OF CURVATURE; (3) A CURVE TO THE RIGHT, CONCAVE NORTHEASTERLY HAVING A DELTA OF 022°60'00", A RADIUS OF 34127.47 FEET, A LENGTH OF 1449.39 FEET, A CHORD BEARING OF N19°33'14"W, AND CHORD OF 1449.79 FEET TO A POINT OF TANGENCY; (4) N18°20'14"W A DISTANCE OF 1812.02 FEET; THENCE LEAVING SAID RIGHT-OF-WAY OF INTERSTATE 95 BEAR N61°46'45"E A DISTANCE OF 3249.03 FEET TO THE WEST RIGHT-OF-WAY OF OLD KINGS ROAD; THENCE ALONG THE WEST RIGHT-OF-WAY OF OLD KINGS ROAD (100' RIGHT-OF-WAY) THE FOLLOWING THREE (3) COURSES: (1) S26°38'38"E A DISTANCE OF 466.50 FEET TO A POINT OF CURVATURE; (2) A CURVE TO THE LEFT, CONCAVE NORTHEASTERLY HAVING A DELTA 02°34'15", A RADIUS OF 5779.65 FEET, A LENGTH OF 259.33 FEET, A CHORD BEARING OF S27°55'46"E, AND CHORD OF 259.31 FEET; (3) S29°12'54"E A DISTANCE OF 680.16 FEET; THENCE LEAVING SAID RIGHT-OF-WAY OF OLD KINGS ROAD BEAR S60°47'06"W A DISTANCE OF 1228.92 FEET; THENCE S29°12'54"E A DISTANCE OF 1083.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

PARCEL 2
A PARCEL OF LAND BEING A PORTION OF THE 100' STRIP OF LAND RECORDED IN Q.R. 929, PP. 1204-1207, EXHIBIT “A”, PARCEL B, LYING IN GOVERNMENT SECTION 27 AND 34, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT A CONCRETE MONUMENT MARKING THE NORTHEAST CORNER OF SECTION 34; TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE BEAR N00°58'28"W ALONG THE EAST LINE OF SECTION 27 A DISTANCE OF 660.08 FEET; THENCE S88°40'04"W A DISTANCE OF 333.37 FEET; THENCE CONTINUE S88°40'04"W A DISTANCE OF 1756.16 FEET; THENCE S88°46'15"W A DISTANCE OF 11.51 FEET; THENCE S22°02'31"E A DISTANCE OF 178.22 FEET, THENCE S17°22'00"E A DISTANCE OF 896.01 FEET, THENCE S13°51'53"W A DISTANCE OF 1236.81 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION;
THENCE CONTINUE S13°51'53"W A DISTANCE OF 146.32 FEET TO THE EAST RIGHT-OF-WAY OF INTERSTATE 95; THENCE ALONG THE FIRST RIGHT-OF-WAY LINE OF INTERSTATE 95 (STATE HIGHWAY 9) THE FOLLOWING TWO (2) COURSES: (1) N21°11'20"W A DISTANCE OF 41.95 FEET (2) N34°48'25"W A DISTANCE OF 208.18 FEET; THENCE LEAVING SAID RIGHT-OF-WAY OF INTERSTATE 95 N06°06'43"W A DISTANCE OF 276.81 FEET; THENCE N20°46'14"W A DISTANCE OF 40.00 FEET; THENCE S89°13'46"W A DISTANCE OF 70.00 FEET TO SAID EAST RIGHT-OF-WAY OF INTERSTATE 95; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES: (1) N20°46'14"W A DISTANCE OF 40.00 FEET TO A POINT OF CURVATURE; (2) A CURVE TO THE RIGHT, CONCAVE NORTHEASTERLY HAVING A DELTA OF 02°26'00", A RADIUS OF 34227.47 FEET, A LENGTH OF 1453.84 FEET, A CHORD BEARING OF N19°33'14"W, AND A CHORD OF 1453.53 FEET TO A POINT OF TANGENCY; (3) N18°20'14"W A DISTANCE OF 1794.60 FEET; THENCE LEAVING SAID RIGHT-OF-WAY OF INTERSTATE 95 BEAR N61°46'45"E A DISTANCE OF 101.54 FEET TO A LINE RUNNING PARALLEL AND 100' TO THE EAST AS MEASURED AT RIGHT ANGLES TO SAID EAST RIGHT-OF-WAY OF INTERSTATE 95; THENCE ALONG SAID LINE THE FOLLOWING FOUR (4) COURSES: (1) S18°20'14"E A DISTANCE OF 1812.19 FEET TO A POINT OF CURVATURE; (2) A CURVE TO THE LEFT, CONCAVE NORTHEASTERLY HAVING A DELTA OF 02°26'00", A RADIUS OF 34127.47 FEET, A LENGTH OF 1449.39 FEET, A CHORD BEARING OF S19°33'14"E, AND A CHORD OF 1449.29 FEET TO A POINT OF TANGENCY; (3) S20°48'14"E A DISTANCE OF 335.30 FEET; (4) S 34°48'25"E A DISTANCE OF 137.99 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

PARCEL B

A PARCEL OF LAND LYING IN GOVERNMENT SECTIONS 27, 34 AND 35, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

POINT OF BEGINNING BEING THE NORTHWEST CORNER OF GOVERNMENT SECTION 35, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE ALONG THE WESTERLY BOUNDARY OF SAID SECTION 35 SOUTH 01°50'44" WEST A DISTANCE OF 200.25 FEET; THENCE DEPARTING THE WESTERLY BOUNDARY LINE OF SAID SECTION 35 NORTH 88°59'36" EAST A DISTANCE OF 1282.78 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF OLD KINGS ROAD A (100' R/W) SAID POINT INTERSECTING A NON-TANGENT CURVE; THENCE ALONG THE WESTERLY RIGHT-OF-WAY LINE OF OLD KINGS ROAD ALONG A CURVE TO THE RIGHT (CONCAVE WESTERLY) 255.26 FEET, WITH A RADIUS OF 2814.93 FEET, AND A CENTRAL ANGLE OF 05°11'43", HAVING A CHORD DISTANCE OF 255.17 FEET AND A CHORD BEARING OF SOUTH 15°53'00" EAST TO A POINT OF TANGENCY; THENCE SOUTH 13°17'15" EAST A DISTANCE OF 489.56 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT (CONCAVE EASTERLY) 126.93 FEET, WITH A RADIUS OF 3779.65 FEET AND A CENTRAL ANGLE OF 01°15'30", HAVING A CHORD DISTANCE OF 126.93 AND A CHORD BEARING OF SOUTH 13°54'53" EAST TO A POINT OF TANGENCY; THENCE SOUTH 14°32'45" EAST A DISTANCE OF 1204.30 FEET; THENCE SOUTH 14°22'51" EAST A DISTANCE OF 1638.44 FEET; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY OF OLD KINGS ROAD SOUTH 75°36'15" WEST, A DISTANCE OF 563.89 FEET; THENCE SOUTH 17°36'38" WEST A DISTANCE OF 188.29 FEET TO THE CENTER OF THE KORONA CANAL. AS RECORDED IN O.R. BOOK 459, PAGE 127 AND O.R. BOOK 28, PAGE 94, THENCE
ALONG THE CENTER LINE OF SAID KORONA CANAL NORTH 73°59'57" WEST A DISTANCE OF 3286.50 FEET TO A POINT ON THE EASTERN RIGHT-OF-WAY LINE OF INTERSTATE 95 (R/W VARIES) THENCE NORTHWESTERLY ALONG SAID EASTERN RIGHT-OF-WAY LINE OF INTERSTATE 95 NORTH 20°47'05" WEST A DISTANCE OF 1535.59 FEET; THENCE DEPARTING SAID EASTERN RIGHT-OF-WAY OF INTERSTATE 95 NORTH 13°52'27" EAST A DISTANCE OF 1383.13 FEET; THENCE NORTH 17°21'27" WEST A DISTANCE OF 898.01 FEET, THENCE NORTH 22°01'57" WEST A DISTANCE OF 178.20; THENCE ALONG THE SOUTHERLY PROPERTY LINE OF A PARCEL OF LAND OWNED BY KAYUNIK, INC. NORTH 88°40'51" EAST A DISTANCE OF 2100.90 FEET TO A POINT ON THE EASTERN LINE OF GOVERNMENT SECTION 27, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE ALONG SAID EASTERN LINE OF SECTION 27 SOUTH 01°00'17" EAST A DISTANCE OF 660.00 FEET TO THE BEGINNING OF DESCRIPTION.

PARCEL C

A PARCEL OF LAND LYING IN GOVERNMENT SECTIONS 26 AND 27, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT OF REFERENCE BEING A PERMANENT REFERENCE MONUMENT AT THE NORTHEAST CORNER OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE NORTH 00°58'28" WEST, ALONG THE EAST LINE OF SECTION 27 AND THE WEST LINE OF SECTION 26, 660.09 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND:

THENCE SOUTH 88°40'04" WEST, 333.37 FEET; THENCE NORTH 29°12'32" WEST, 1083.00 FEET; THENCE NORTH 60°46'59" EAST, 1228.92 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF OLD KINGS ROAD (A 100' FOOT WIDE RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE SOUTH 29°12'51" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, 951.92 FEET TO A POINT OF CURVATURE; THENCE 82.47 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2814.93 FEET AND A CENTRAL ANGLE OF 1°40'43" A CHORD BEARING OF SOUTH 28°22'31" EAST AND A CHORD DISTANCE OF 82.46 FEET TO A POINT OF TANGENCY; THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 88°58'58" WEST, 374.34 FEET; THENCE SOUTH 22°32'00" EAST, 614.01 FEET; THENCE NORTH 88°58'58" EAST, 374.34 FEET TO SAID WEST RIGHT-OF-WAY OF OLD KINGS ROAD; THENCE SOUTH 20°37'28" EAST, 53.08 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 88°58'58" WEST, 968.74 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT:


ADDITIONAL LANDS:
THE FOLLOWING LEGAL DESCRIPTION WAS PREPARED BY TOMOKA ENGINEERING
DAYTONA BEACH, FLORIDA, UNDER THE SUPERVISION OF PETER G. JOHNSON, FLORIDA
SURVEYOR NO. 5913 ON APRIL 7, 2005 AND IS BASED ON A SKETCH BY TOMOKA
ENGINEERING, PROJECT NO. T5026DELAN, DRAWING REFERENCE NO. 5026SL-PARCEL A.

A PARCEL OF LAND LYING WITHIN GOVERNMENT SECTIONS 22 AND 27, TOWNSHIP 12
SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF GOVERNMENT
SECTION 27, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE N88°51'25" E ALONG THE
NORTH LINE OF SAID SECTION 27 FOR A DISTANCE OF 883.13 FEET TO A POINT ON THE
EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 95 (A VARIABLE WIDTH
RIGHT-OF-WAY); THENCE S18°20'14"E ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF A
DISTANCE OF 122.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION AND A
POINT ON A NON-TANGENT CURVE BEING THE EASTERLY LINE OF A 200' PERPETUAL
DRAINAGE EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 349, PAGES 961-964;
THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE AND RUN ALONG THE
EASTERLY LINE OF SAID DRAINAGE EASEMENT ALONG A CURVE TO THE LEFT HAVING
AND ARC LENGTH OF 216.02 FEET, A RADIUS OF 499.93 FEET, A CENTRAL ANGLE OF
24°45'27", A CHORD BEARING OF N77°19'17"E AND A CHORD DISTANCE OF 214.34 FEET;
THENCE N64°56'34"E AND DEPARTING SAID EASTERLY EASEMENT LINE FOR A DISTANCE
OF 2688.29 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF OLD KINGS
ROAD (A 100 FOOT RIGHT-OF-WAY); THENCE S26°39'38"E ALONG SAID WESTERLY RIGHT-
OF-WAY LINE FOR A DISTANCE OF 1575.08 FEET TO A POINT OF CURVATURE; THENCE
CONTINUING SOUTHEASTERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND
ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 271.36 FEET, A RADIUS OF
5679.65 FEET; A CENTRAL ANGLE OF 02°44'15", A CHORD BEARING OF S25°17'30"E AND A
CHORD DISTANCE OF 271.34 FEET TO A POINT OF TANGENCY; THENCE S23°55'23"E FOR A
DISTANCE OF 458.33 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE
LEFT HAVING AN ARC LENGTH OF 274.46 FEET, A RADIUS OF 5779.65 FEET, A CENTRAL
ANGLE OF 02°43'15", A CHORD BEARING OF S25°17'00"E AND A CHORD DISTANCE OF
274.43 FEET TO A POINT OF TANGENCY; THENCE S25°38'38"E FOR A DISTANCE OF 547.09
FEET; THENCE S61°46'57"W AND DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE OF
OLD KINGS ROAD FOR A DISTANCE OF 3350.50 FEET TO A POINT ON THE
AFOREMENTIONED EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 95;
THENCE N18°20'14"W ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF
3547.11 FEET TO THE POINT OF BEGINNING OF THE DESCRIPTION.
EXHIBIT “B”

1. Parcel Identification Number 22-12-31-0000-01010-0011
2. Parcel Identification Number 26-12-31-0000-01010-0010
3. Parcel Identification Number 27-12-31-0000-01010-0000
4. Parcel Identification Number 27-12-31-0000-01010-0010
5. Parcel Identification Number 27-12-31-0000-01010-0030
6. Parcel Identification Number 27-12-31-0000-01020-0010
7. Parcel Identification Number 27-12-31-0000-01020-0020
8. Parcel Identification Number 27-12-31-0000-01020-0030
9. Parcel Identification Number 34-12-31-0650-000D0-0072
10. Parcel Identification Number 34-12-31-0650-000D0-0080
11. Parcel Identification Number 35-12-31-0000-02010-0040
12. Parcel Identification Number 35-12-31-2010-00000-0020
13. Parcel Identification Number 35-12-31-2010-00000-0030
14. Parcel Identification Number 35-12-31-2010-00000-0040
15. Parcel Identification Number 35-12-31-2010-00000-0050
16. Parcel Identification Number 35-12-31-2010-00000-0060
17. Parcel Identification Number 35-12-31-2010-00000-0070
18. Parcel Identification Number 35-12-31-2010-00000-0080
19. Parcel Identification Number 35-12-31-2010-00000-0090
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51. Parcel Identification Number 35-12-31-2010-00000-0480
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65. Parcel Identification Number 35-12-31-2010-00000-0640
66. Parcel Identification Number 35-12-31-2010-00000-0630
67. Parcel Identification Number 35-12-31-2010-00000-0660
68. Parcel Identification Number 35-12-31-2010-00000-0670
69. Parcel Identification Number 35-12-31-2010-00000-0680
70. Parcel Identification Number 35-12-31-2010-00000-0690
71. Parcel Identification Number 35-12-31-2010-00000-0700
72. Parcel Identification Number 35-12-31-2010-00000-0710
73. Parcel Identification Number 35-12-31-2010-00000-0720
74. Parcel Identification Number 35-12-31-2010-00000-0730
75. Parcel Identification Number 35-12-31-2010-00000-0740
76. Parcel Identification Number 35-12-31-2010-00000-0750
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79. Parcel Identification Number 35-12-31-2010-00000-0780
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87. Parcel Identification Number 35-12-31-2010-00000-0860
88. Parcel Identification Number 35-12-31-2010-00000-0870
89. Parcel Identification Number 35-12-31-2010-00000-0880
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93. Parcel Identification Number 35-12-31-2010-00000-0930
94. Parcel Identification Number 35-12-31-2010-00000-0940
95. Parcel Identification Number 35-12-31-2010-00000-0950
96. Parcel Identification Number 35-12-31-2010-00000-0960
97. Parcel Identification Number 35-12-31-2010-00000-0970
98. Parcel Identification Number 35-12-31-2010-00000-0980
99. Parcel Identification Number 35-12-31-2010-00000-1000
100. Parcel Identification Number 35-12-31-2010-00000-1010
101. Parcel Identification Number 35-12-31-2010-00000-1020
102. Parcel Identification Number 35-12-31-2010-00000-1040
103. Parcel Identification Number 35-12-31-2010-00000-1050
104. Parcel Identification Number 35-12-31-2010-00000-1080
August 28, 2017

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

Re: Eagle Lakes – Comp Plan

Dear Ms. Lemon:

I have examined the title with respect to the property described in Exhibit A attached hereto and made part hereof. Based upon my examination of the title search, it is my legal opinion that as of August 11, 2017, that fee simple title to the property is vested in VENTURE 8, LLC, a Florida limited liability company, subject to the following matters:

1. Non-Exclusive Ingress and Egress Easement between Venture 8 LLC and Flagler County as recorded in O.R. Book 1993, Page 1027, Public Records of Flagler County, Florida.
2. Any interest Venture 8, LLC may have in the property pursuant to that certain Quit Claim Deed by Eagle FL VI SPE, LLC to Venture 8, LLC, recorded in O.R. Book 1921, Page 1399 and those certain Warranty Deeds between the same parties recorded in O.R. Book 1908, Page 123, O.R. Book 1919, Page 309, and O.R. Book 1921, Page 1388 and the Certificate of Title’s recorded in O.R. Book 1915, Page 205 and in O.R. Book 1808, Page 951, Public Records of Flagler County, Florida.
6. All of the terms and provisions set forth and contained in that certain Short Form Lease between Plantation Land & Cattel Co., Lessor and OPM-USA-Inc., Lessee recorded May 8, 1997 in O.R. Book 582, Page 501, as amended by First Amendment dated June 13, 2001 (unrecorded) and Assignment of Lease recorded October 12, 2004 in O.R. Book 1154, Page 422, as further amended by Memorandum of Lease, by and between Hometown Communities Inc. and American
August 28, 2017
Page 2

7. All of the terms and provisions set forth and contained in that certain PCS Site Agreement between OPM-USA, Inc., Lessor and SprintCom, Inc., Lessee, a memorandum of which is recorded October 2, 1997 in O.R. Book 594, Page 686, and as affected by Memorandum of Lease, by and between Hometown Communities, Inc. and American Tower, L.P., recorded August 29, 2005 in O.R. Book 1309, Page 228, Public Records of Flagler County, Florida.
9. All of the terms and provisions set forth and contained in that certain Agreement between OPM-USA, Inc. now known as OPM-USA, a Division of American Tower Systems, L.P., Lessor and APT Tampa/Orlando, Inc., Lessee, a memorandum of which is recorded July 20, 1998 in O.R. Book 621, Page 1900, and as affected by Memorandum of Lease, by and between Hometown Communities, Inc. and American Tower, L.P., recorded August 29, 2005 in O.R. Book 1309, Page 228, Public Records of Flagler County, Florida.
10. All of the terms and provisions set forth and contained in that certain Sublease between OPM-USA, Inc. a Division of American Tower Systems, L.P., Lessor and BellSouth Mobility, Inc., Lessee, a memorandum of which is recorded December 16, 1998 in O.R. Book 637, Page 997, and as affected by Memorandum of Lease, by and between Hometown Communities, Inc. and American Tower, L.P., recorded August 29, 2005 in O.R. Book 1309, Page 228, Public Records of Flagler County, Florida.
18. Unrecorded Eagle Lakes Planned Unit Development Agreement attached to unrecorded Ordinance No. 2005-02, by the Flagler County Board of County Commissioners, and Amendment to the Eagle Lakes Planned Unit Development pursuant to the terms, conditions and provisions of Ordinance No. 2014-03 as set forth in instrument filed October 1, 2014 in Official Records Book 2027, page 235 of the public records of Flagler County, Florida.
19. Agreement Between Flagler County, Venture 8 LLC and the Eagle Lakes Homeowners Association, Inc. for Potable Water Interconnection for Emergency Fire Protection as filed
21. Taxes for the 2017 and subsequent years, which are not yet due and payable. Taxes for the year 2016 are paid under Parcel ID Numbers: 221231-0000-01010-0011.

Sincerely yours,

Michael D. Chiumento III
MC/kd
EXHIBIT A

THE FOLLOWING LEGAL DESCRIPTION WAS PREPARED BY TOMOKA ENGINEERING DAYTONA BEACH, FLORIDA, UNDER THE SUPERVISION OF PETER G. JOHNSON, FLORIDA SURVEYOR NO. 5913 ON APRIL 7, 2005 AND IS BASED ON A SKETCH BY TOMOKA ENGINEERING, PROJECT NO. T5026DELAN, DRAWING REFERENCE NO. 5026SL-PARCEL A.

A PARCEL OF LAND LYING WITHIN GOVERNMENT SECTIONS 22 AND 27, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF GOVERNMENT SECTION 27, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE N88°51'25" E ALONG THE NORTH LINE OF SAID SECTION 27 FOR A DISTANCE OF 883.13 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 95 (A VARIABLE WIDTH RIGHT-OF-WAY); THENCE S18°20'14"E ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF A DISTANCE OF 122.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION AND A POINT ON A NON-TANGENT CURVE BEING THE EASTERLY LINE OF A 200' PERPETUAL DRAINAGE EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 549, PAGES 961-964; THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE AND RUN ALONG THE EASTERLY LINE OF SAID DRAINAGE EASEMENT ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 216.02 FEET, A RADIUS OF 499.93 FEET, A CENTRAL ANGLE OF 24°45'27", A CHORD BEARING OF N77°19'17"E, AND A CHORD DISTANCE OF 214.34 FEET; THENCE N64°56'34"E AND DEPARTING SAID EASTERLY EASEMENT LINE FOR A DISTANCE OF 2688.29 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF OLD KINGS ROAD (A 100 FOOT RIGHT-OF-WAY); THENCE S26°39'38"E ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 1575.08 FEET TO A POINT OF CURVATURE; THENCE CONTINUING SOUTHEASTERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 271.36 FEET, A RADIUS OF 5679.65 FEET, A CENTRAL ANGLE OF 02°44'15", A CHORD BEARING OF S25°17'30"E AND A CHORD DISTANCE OF 271.34 FEET TO A POINT OF TANGENCY; THENCE S23°55'23"E FOR A DISTANCE OF 458.33 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 274.46 FEET, A RADIUS OF 5779.65 FEET, A CENTRAL ANGLE OF 02°43'15", A CHORD BEARING OF S25°17'00"E AND A CHORD DISTANCE OF 274.43 FEET TO A POINT OF TANGENCY; THENCE S26°38'38"E FOR A DISTANCE OF 547.09 FEET; THENCE S61°46'57"W AND DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE OF OLD KINGS ROAD FOR A DISTANCE OF 3350.50 FEET TO A POINT ON THE AFOREMENTIONED EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 95; THENCE N18°20'14"W ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR A DISTANCE OF 3547.11 FEET TO THE POINT OF BEGINNING OF THE DESCRIPTION.
TECHNICAL MEMORANDUM

To: Michael Chiumento III, Esquire
From: Matthew West, AICP
Date: September 18, 2017
Subject: Eagle Lakes – Comprehensive Plan, Future Land Use Map (FLUM) Amendment
Flagler County, Florida

INTRODUCTION
LTG, Inc. (LTG) has been retained by Venture 8, LLC. to prepare a transportation analysis in support of a Future Land Use Map (FLUM) amendment to the Flagler County Comprehensive Plan. The proposed amendment will change the future land use from Agricultural Timberland to Residential Low Density. The proposed amendment consists of approximately 202.2 acres and is located between Old Kings Road and Interstate-95, approximately 2.5 miles north of Old Dixie Highway. Figure 1 graphically depicts the location of the project in relation to the surrounding network.

The following report analyzes the potential change in traffic impacts between the existing FLUM designation and the proposed FLUM designation for the affected acreage which is included in a larger development area.

TRIP GENERATION
The trip generation potentials under the existing FLUM designation and the proposed FLUM designation were calculated to determine the net change in trips expected to impact the surrounding network. The trip generation for this development was determined using the trip generation rates published by the Institute of Transportation Engineers (ITE) in the *Trip Generation Manual, 9th Edition*.

Table 1 provides the highest total daily and p.m. peak-hour project traffic potential based on the maximum allowable single-family dwelling units under the existing FLUM. The County’s agricultural timberland FLUM designation allows up to 1 dwelling unit per every 5 acres for a yield of 40 dwelling units. Table 2 provides the total daily and p.m. peak-hour project traffic potential with the proposed residential low density designation that allows 3 dwelling units per acre and yields 606 dwelling units. The acre-unit ratios adopted by the County for each scenario are also provided.
Eagle Lakes Comprehensive Plan Amendment

Project Location Map

Project No.: 4347.01  Figure: 1

Location of Proposed FLUM Amendment

Total Project Boundary

NTS

1450 W. Granada Blvd., Suite 2 – Ormond Beach, Florida 32174
Telephone: 386.257.2571 Fax: 386.257.6996 EB# 0009227
Table 1
Daily and P.M. Peak-Hour Trip Generation – Existing FLUM (Agricultural Timberland)
Eagle Lakes CPA

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Land Use</th>
<th>ITE LUC</th>
<th>Trip Rate Equation</th>
<th>Units (X)</th>
<th>Total Trips (T)</th>
<th>Percent Enter</th>
<th>Percent Exit</th>
<th>Trips Entering</th>
<th>Trips Exiting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daily</td>
<td>Single-Family Residential</td>
<td>210</td>
<td>$\text{Ln}(T) = 0.92\text{Ln}(X) + 2.72$</td>
<td>40 DU</td>
<td>457</td>
<td>50%</td>
<td>50%</td>
<td>229</td>
<td>229</td>
</tr>
<tr>
<td>P.M. Peak-Hour</td>
<td>Single-Family Residential</td>
<td>210</td>
<td>$\text{Ln}(T) = 0.90\text{Ln}(X) + 0.51$</td>
<td>60 DU</td>
<td>532</td>
<td>63%</td>
<td>37%</td>
<td>335</td>
<td>197</td>
</tr>
</tbody>
</table>

Source: ITE, Trip Generation 9th Edition

Agricultural Timberland: Maximum allowable density is 1 dwelling unit per 5 acres.

Table 2
Daily and P.M. Peak-Hour Trip Generation – Proposed FLUM (Residential, Low Density)
Eagle Lakes CPA

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Land Use</th>
<th>ITE LUC</th>
<th>Trip Rate Equation</th>
<th>Units (X)</th>
<th>Total Trips (T)</th>
<th>Percent Enter</th>
<th>Percent Exit</th>
<th>Trips Entering</th>
<th>Trips Exiting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daily</td>
<td>Single-Family Residential</td>
<td>210</td>
<td>$\text{Ln}(T) = 0.92\text{Ln}(X) + 2.72$</td>
<td>606 DU</td>
<td>5,510</td>
<td>50%</td>
<td>50%</td>
<td>2,755</td>
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<tr>
<td>P.M. Peak-Hour</td>
<td>Single-Family Residential</td>
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<td>$\text{Ln}(T) = 0.90\text{Ln}(X) + 0.51$</td>
<td>606 DU</td>
<td>532</td>
<td>63%</td>
<td>37%</td>
<td>335</td>
<td>197</td>
</tr>
</tbody>
</table>

Source: ITE, Trip Generation 9th Edition

Low Density Residential: Maximum allowable density is 3 dwelling units per acre.

The net change calculated from comparing potential traffic volumes determined in Table 1 and Table 2 is 485 additional p.m. peak-hour two-way trips.
TRIP DISTRIBUTION AND ASSIGNMENT

The process of determining the directional flow of traffic associated with a new development is called trip distribution. The Central Florida Regional Planning Model, Version 6.1 (CFRPM) was used to determine the trip distribution for this project. The model socio-economic (S/E) data was updated to reflect the current conditions within the vicinity of the project. The next step in the process required editing the network to add a traffic analysis zone (TAZ) to represent the location of the project and its general orientation to the adjacent road network and convert the land use data for the project to socio-economic (S/E) data which the model uses in trip generation and distribution. The model structure was then run which resulted in trip productions and attractions (trip generation), which were then matched with complementary attractions and productions according to statistically determined trip lengths by trip purpose. The model trip distribution is graphically depicted in Figure 2.

Based on the County’s study procedures, the maximum radius of influence for a development of this size is 2-miles. The p.m. peak-hour project trips were assigned to the roadways within the 2-mile radius using the anticipated trip distribution.

IMPACTS

A roadway segment analysis was conducted to determine potential impacts during existing, 5-year build-out, and 2035 (comprehensive plan horizon year) build-out levels of service (LOS). The existing analysis was calculated by adding the generated project trips to the existing traffic volumes on all roadways identified within the study area. The existing AADT traffic volumes were obtained from the FDOT Traffic Online database or from the City of Palm Coast AADT counts. The existing p.m. peak-hour volumes were calculated by using the planning K-factor (0.09). The proposed project trips were used to evaluate the change in roadway impacts for both conditions. Table 3 provides the existing roadway segment LOS for the peak-hour. Please note that the most recent counts for those collected from the City of Palm Coast are for year 2015. A minimum growth rate (1%) has been applied to these segments to analyze 2016 existing conditions.
Eagle Lakes
Comprehensive Plan Amendment

Project Trip Distribution

Project No.: 4347.01  Figure: 2

NTS

Eagle Lakes

Project Location
### Table 3

**Existing P.M. Peak-Hour LOS – Roadway Segments**

**Eagle Lakes CPA**

<table>
<thead>
<tr>
<th>Roadway</th>
<th>Segment</th>
<th>To From</th>
<th>Lanes</th>
<th>Adopted LOS</th>
<th>Peak-Hour Capacity*</th>
<th>2016 Existing AADT**</th>
<th>AADT Source</th>
<th>K-Factor</th>
<th>Existing Peak-Hour Volume</th>
<th>Existing LOS</th>
<th>Existing Deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-95</td>
<td>SR 100 Old Dixie Hwy</td>
<td>6D C</td>
<td>8,370</td>
<td>47,000</td>
<td>FDOT 0.09</td>
<td>4,230</td>
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<td>No</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Old Kings Rd.</td>
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<td>2,170</td>
<td>8,585</td>
<td>CITY 0.09</td>
<td>773</td>
<td>C</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Steeplechase Tr. Palm Coast City Limit</td>
<td>2U C</td>
<td>1,628</td>
<td>8,585</td>
<td>CITY 0.09</td>
<td>773</td>
<td>B</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>S. Old Dixie Hwy</td>
<td>US 1 I-95</td>
<td>2U D</td>
<td>2,170</td>
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<td>FDOT 0.09</td>
<td>180</td>
<td>C</td>
<td>No</td>
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</tr>
<tr>
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<td>4D D</td>
<td>5,900</td>
<td>7,474</td>
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<td></td>
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<td>2U D</td>
<td>2,170</td>
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<td>CITY 0.09</td>
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<tr>
<td></td>
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<td>2U D</td>
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<td>CITY 0.09</td>
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<td>C</td>
<td>No</td>
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<tr>
<td></td>
<td>Citation Pkwy Seminole Woods Pkwy</td>
<td>4D D</td>
<td>5,900</td>
<td>2,525</td>
<td>CITY 0.09</td>
<td>227</td>
<td>C</td>
<td>No</td>
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</tr>
<tr>
<td></td>
<td>Seminole Woods Pkwy Citation Pkwy</td>
<td>2U D</td>
<td>2,170</td>
<td>1,010</td>
<td>CITY 0.09</td>
<td>91</td>
<td>C</td>
<td>No</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>John Anderson Pkwy</td>
<td>Flagler Bch Limit Palm Coast Limit</td>
<td>2U C</td>
<td>1,550</td>
<td>950</td>
<td>FDOT 0.09</td>
<td>86</td>
<td>B</td>
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<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Adopted LOS from Flagler County Comprehensive Plan (2010-2035)

*Obtained from the 2012 FDOT Generalized Service Volume Tables

** 1% growth rate was applied to those counts obtained from the City of Palm Coast for estimated 2016 volumes

FDOT Traffic Trends software was used to determine the average annual historical growth rates and trending rates along roadways within the impacted area. The rates for each roadway were calculated using the past ten years of AADT data provided by either FDOT or the City of Palm Coast. To provide for a conservative analysis, a minimum of one percent (1%) per year was applied to the study area roadways where negative results were obtained from the analysis. In some cases, the varied range of counts over the ten-year period resulted in extreme annual growth rates, in these cases the trending rate anticipated from existing conditions to the buildout year were applied. Table 4 provides the historical growth percentages and the applied rates used to determine the growth in background traffic.
Table 4
Historical Growth Rates
Eagle Lakes CPA

<table>
<thead>
<tr>
<th>Roadway</th>
<th>Segment</th>
<th>Annual Historical Growth</th>
<th>Trending Growth Rate (from 2016 to 2022)</th>
<th>Applied Growth Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-95</td>
<td>SR 100 Old Dixie Hwy</td>
<td>-2.93%</td>
<td>-0.94%</td>
<td>1.00%</td>
</tr>
<tr>
<td>Old Kings Rd.</td>
<td>SR 100 Steeplechase Tr.</td>
<td>19.61%</td>
<td>7.14%</td>
<td>7.14%</td>
</tr>
<tr>
<td>S. Old Dixie Hwy</td>
<td>Steeplechase Tr. Palm Coast City Limit</td>
<td>19.61%</td>
<td>7.14%</td>
<td>7.14%</td>
</tr>
<tr>
<td>Seminole Woods Blvd.</td>
<td>Ulatum Pl. Citation Pkwy</td>
<td>7.12%</td>
<td>6.65%</td>
<td>6.65%</td>
</tr>
<tr>
<td>Citation Pkwy Sesame Blvd. US 1</td>
<td></td>
<td>7.54%</td>
<td>4.26%</td>
<td>4.26%</td>
</tr>
<tr>
<td>Citation Pkwy</td>
<td>Seminole Woods Pkwy</td>
<td>3.42%</td>
<td>3.11%</td>
<td>3.42%</td>
</tr>
<tr>
<td>Sesame Blvd.</td>
<td>Citation Pkwy</td>
<td>-17.80%</td>
<td>-9.43%</td>
<td>1.00%</td>
</tr>
<tr>
<td>John Anderson Pkwy</td>
<td>Flagler Beach City Limit Palm Coast City Limit</td>
<td>0.00%</td>
<td>0.00%</td>
<td>1.00%</td>
</tr>
</tbody>
</table>

To analyze the roadway segments under 5-year and 2035 build-out conditions, the projected background volumes were added to the generated trips for each FLUM scenario. Table 5 provides the 5-year LOS analysis for the peak-hour under existing conditions, while Table 6 provides the 5-year LOS analysis for the proposed future land use.
Table 5
5-Year Peak-Hour LOS – Roadway Segments – Existing FLUM (Agricultural Timberland)
Eagle Lakes CPA

<table>
<thead>
<tr>
<th>Roadway</th>
<th>To</th>
<th>From</th>
<th>Lanes</th>
<th>Adopted LOS</th>
<th>Peak-Hour Capacity</th>
<th>Existing Peak-Hour Volume</th>
<th>Growth Rate</th>
<th>Growth Factor</th>
<th>Project Dist.</th>
<th>P.M. Peak-Hour Project Volume</th>
<th>5-Yr Build-Out Volume</th>
<th>V/C Ratio</th>
<th>LOS</th>
<th>5-Yr Deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-95</td>
<td>SR 100</td>
<td>Old Dixie Hwy</td>
<td>6D</td>
<td>C</td>
<td>8,370</td>
<td>4,230</td>
<td>1.00%</td>
<td>1.05</td>
<td>0</td>
<td>4,442</td>
<td>0</td>
<td>4,442</td>
<td>0.53</td>
<td>B</td>
</tr>
<tr>
<td></td>
<td>Old Kings Rd.</td>
<td>Steeplechase Tr.</td>
<td>2U</td>
<td>D</td>
<td>2,170</td>
<td>773</td>
<td>7.14%</td>
<td>1.36</td>
<td>25</td>
<td>1,074</td>
<td>0.49</td>
<td>C</td>
<td>No</td>
<td></td>
</tr>
<tr>
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<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Palm Coast City Limit</td>
<td>2U</td>
<td>C</td>
<td>1,628</td>
<td>773</td>
<td>7.14%</td>
<td>1.36</td>
<td>20</td>
<td>1,069</td>
<td>0.66</td>
<td>C</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>S. Old Dixie Hwy</td>
<td>US 1</td>
<td>I-95</td>
<td>2U</td>
<td>D</td>
<td>2,170</td>
<td>180</td>
<td>1.75%</td>
<td>1.09</td>
<td>1</td>
<td>197</td>
<td>0.09</td>
<td>C</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Seminole Woods Blvd.</td>
<td>Ulturn Pl.</td>
<td>Citation Pkwy</td>
<td>4D</td>
<td>D</td>
<td>5,900</td>
<td>673</td>
<td>6.65%</td>
<td>1.33</td>
<td>1</td>
<td>898</td>
<td>0.15</td>
<td>C</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Citation Pkwy</td>
<td>Sesame Blvd.</td>
<td>2U</td>
<td>D</td>
<td>2,170</td>
<td>409</td>
<td>4.26%</td>
<td>1.21</td>
<td>0</td>
<td>496</td>
<td>0.23</td>
<td>C</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sesame Blvd.</td>
<td>US 1</td>
<td>2U</td>
<td>D</td>
<td>2,170</td>
<td>455</td>
<td>3.42%</td>
<td>1.17</td>
<td>0</td>
<td>533</td>
<td>0.25</td>
<td>C</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Citation Pkwy</td>
<td>Seminole Woods Pkwy</td>
<td>Sesame Blvd.</td>
<td>4D</td>
<td>D</td>
<td>5,900</td>
<td>227</td>
<td>2.30%</td>
<td>1.12</td>
<td>1</td>
<td>254</td>
<td>0.04</td>
<td>C</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Sesame Blvd.</td>
<td>Seminole Woods Pkwy</td>
<td>Citation Pkwy</td>
<td>2U</td>
<td>D</td>
<td>2,170</td>
<td>91</td>
<td>1.00%</td>
<td>1.05</td>
<td>0</td>
<td>96</td>
<td>0.04</td>
<td>C</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>John Anderson Pkwy</td>
<td>Flagler Beach City Limit</td>
<td>Palm Coast City Limit</td>
<td>2U</td>
<td>C</td>
<td>1,550</td>
<td>86</td>
<td>1.00%</td>
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<td>0</td>
<td>90</td>
<td>0.06</td>
<td>B</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>
### Table 6

**5-Year Peak-Hour LOS – Roadway Segments – Proposed FLUM (Residential Low Density)**

**Eagle Lakes CPA**

<table>
<thead>
<tr>
<th>Roadway</th>
<th>To From</th>
<th>Lanes</th>
<th>Adopted LOS</th>
<th>Peak-Hour Capacity</th>
<th>Existing Peak-Hour Volume</th>
<th>Growth Rate</th>
<th>Growth Factor</th>
<th>5-Yr Background P.M. Peak-Hour Volume</th>
<th>Project Dist.</th>
<th>P.M. Peak-Hour Project Volume</th>
<th>5-Yr Build-Out Volume</th>
<th>V/C Ratio</th>
<th>LOS</th>
<th>5-Yr Deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-95</td>
<td>SR 100 Old Dixie Hwy</td>
<td>6D</td>
<td>C</td>
<td>8,370</td>
<td>4,230</td>
<td>1.00%</td>
<td>1.05</td>
<td>4,442</td>
<td>0</td>
<td>4,442</td>
<td>0.53</td>
<td>B</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Old Kings Rd.</td>
<td>SR 100 Steeplechase Tr.</td>
<td>2U</td>
<td>D</td>
<td>2,170</td>
<td>773</td>
<td>7.14%</td>
<td>1.36</td>
<td>1,049</td>
<td>52.6%</td>
<td>280</td>
<td>1.329</td>
<td>0.61</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Steeplechase Tr. Palm Coast City Limit</td>
<td>2U</td>
<td>C</td>
<td>1,628</td>
<td>773</td>
<td>7.14%</td>
<td>1.36</td>
<td>1,049</td>
<td>42.5%</td>
<td>226</td>
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<td>0.78</td>
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<td>2U</td>
<td>D</td>
<td>2,170</td>
<td>180</td>
<td>1.75%</td>
<td>1.09</td>
<td>196</td>
<td>1.1%</td>
<td>6</td>
<td>202</td>
<td>0.09</td>
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<tr>
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<td>Ulturn Pl. Citation Pkwy</td>
<td>4D</td>
<td>D</td>
<td>5,900</td>
<td>673</td>
<td>6.65%</td>
<td>1.33</td>
<td>897</td>
<td>1.9%</td>
<td>10</td>
<td>907</td>
<td>0.15</td>
<td>No</td>
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</tr>
<tr>
<td></td>
<td>Citation Pkwy Sesame Blvd.</td>
<td>2U</td>
<td>D</td>
<td>2,170</td>
<td>409</td>
<td>4.26%</td>
<td>1.21</td>
<td>496</td>
<td>0.5%</td>
<td>3</td>
<td>499</td>
<td>0.23</td>
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<td>2U</td>
<td>D</td>
<td>2,170</td>
<td>455</td>
<td>3.42%</td>
<td>1.17</td>
<td>533</td>
<td>0.5%</td>
<td>3</td>
<td>536</td>
<td>0.25</td>
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<td></td>
<td>Citation Pkwy Seminole Woods Pkwy</td>
<td>4D</td>
<td>D</td>
<td>5,900</td>
<td>227</td>
<td>2.30%</td>
<td>1.12</td>
<td>253</td>
<td>1.3%</td>
<td>7</td>
<td>260</td>
<td>0.04</td>
<td>C</td>
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<tr>
<td></td>
<td>Seminole Woods Pkwy Citation Pkwy</td>
<td>2U</td>
<td>D</td>
<td>2,170</td>
<td>91</td>
<td>1.00%</td>
<td>1.05</td>
<td>96</td>
<td>0.0%</td>
<td>0</td>
<td>96</td>
<td>0.04</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>John Anderson Pkwy</td>
<td>Flagler Beach City Limit</td>
<td>2U</td>
<td>C</td>
<td>1,550</td>
<td>86</td>
<td>1.00%</td>
<td>1.05</td>
<td>90</td>
<td>0.7%</td>
<td>4</td>
<td>94</td>
<td>0.06</td>
<td>B</td>
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</table>
Based on the information obtained from the existing and proposed FLUM LOS impact analyses, all roadway segments are expected to operate within an acceptable level of service for the existing and 5-year build-out conditions. Table 7 provides the analysis for the 2035 build-out condition with existing FLUM designation, while Table 8 provides the 2035 build-out analysis for the proposed FLUM designation.

Table 7
2035 Build-Out P.M. Peak-Hour LOS – Roadway Segments – Existing FLUM (Agricultural Timberland Eagle Lakes CPA)

<table>
<thead>
<tr>
<th>Roadway</th>
<th>To</th>
<th>From</th>
<th>Lanes</th>
<th>Adopted LOS</th>
<th>Peak-Hour Capacity</th>
<th>Existing Peak-Hour Volume</th>
<th>Growth Rate</th>
<th>Growth Factor</th>
<th>Project Dist.</th>
<th>P.M. Peak-Hour Project Volume</th>
<th>2035 Build-Out Volume</th>
<th>V/C Ratio</th>
<th>LOS</th>
<th>2035 Deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-95</td>
<td>SR 100</td>
<td>Old Dixie Hwy</td>
<td>6D</td>
<td>C</td>
<td>8,370</td>
<td>4,230</td>
<td>1.00%</td>
<td>1.19</td>
<td>5,034</td>
<td>0.0%</td>
<td>5,034</td>
<td>0.60</td>
<td>B</td>
<td>No</td>
</tr>
<tr>
<td>Old Kings Rd.</td>
<td>SR 100</td>
<td>Steeplechase Tr.</td>
<td>2U</td>
<td>D</td>
<td>2,170</td>
<td>773</td>
<td>7.14%</td>
<td>2.36</td>
<td>1,822</td>
<td>52.6%</td>
<td>1,847</td>
<td>0.85</td>
<td>D</td>
<td>No</td>
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<td>Palm Coast City Limit</td>
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<td>C</td>
<td>1,628</td>
<td>773</td>
<td>7.14%</td>
<td>2.36</td>
<td>1,822</td>
<td>42.5%</td>
<td>1,842</td>
<td>1.13</td>
<td>D</td>
<td>Yes</td>
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<td>I-95</td>
<td>2U</td>
<td>D</td>
<td>2,170</td>
<td>180</td>
<td>1.75%</td>
<td>1.33</td>
<td>240</td>
<td>1.1%</td>
<td>241</td>
<td>0.11</td>
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<td>Citation Pkwy</td>
<td>4D</td>
<td>D</td>
<td>5,900</td>
<td>673</td>
<td>6.65%</td>
<td>2.26</td>
<td>1,523</td>
<td>1.9%</td>
<td>1,524</td>
<td>0.26</td>
<td>C</td>
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</tr>
<tr>
<td></td>
<td>Citation Pkwy</td>
<td>Sesame Blvd.</td>
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<td>409</td>
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<td>740</td>
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<td>2U</td>
<td>D</td>
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<td>1.65</td>
<td>751</td>
<td>0.5%</td>
<td>751</td>
<td>0.35</td>
<td>C</td>
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<td>4D</td>
<td>D</td>
<td>5,900</td>
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<td>1.44</td>
<td>326</td>
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<td>Citation Pkwy</td>
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<td>D</td>
<td>2,170</td>
<td>91</td>
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<td>1.19</td>
<td>108</td>
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<td>0.05</td>
<td>C</td>
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<tr>
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<td>Palm Coast City Limit</td>
<td>2U</td>
<td>C</td>
<td>1,550</td>
<td>86</td>
<td>1.00%</td>
<td>1.19</td>
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<td>0.7%</td>
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<td>0.07</td>
<td>B</td>
<td>No</td>
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<td>Roadway</td>
<td>To</td>
<td>From</td>
<td>Lanes</td>
<td>Adopted LOS</td>
<td>Peak-Hour Capacity</td>
<td>Existing Peak-Hour Volume</td>
<td>Growth Rate</td>
<td>Growth Factor</td>
<td>Project Dist.</td>
<td>V/C Ratio</td>
<td>LOS</td>
<td>2035 Deficiency</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------</td>
<td>---------------</td>
<td>-----------------</td>
<td>-------</td>
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<td>---------------</td>
<td>------------</td>
<td>-----</td>
<td>-----------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>I-95</td>
<td>SR 100</td>
<td>Old Dixie Hwy</td>
<td>6D</td>
<td>C</td>
<td>8,370</td>
<td>4,230</td>
<td>1.00%</td>
<td>1.19</td>
<td>5,034</td>
<td>0.0%</td>
<td>0</td>
<td>5,034</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Old Kings Rd.</td>
<td>SR 100</td>
<td>2U</td>
<td>D</td>
<td>2,170</td>
<td>773</td>
<td>7.14%</td>
<td>2.36</td>
<td>1,822</td>
<td>52.6%</td>
<td>280</td>
<td>2,102</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Steeplechase Tr.</td>
<td>2U</td>
<td>C</td>
<td>1,628</td>
<td>773</td>
<td>7.14%</td>
<td>2.36</td>
<td>1,822</td>
<td>42.5%</td>
<td>226</td>
<td>2,048</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S. Old Dixie Hwy</td>
<td>US 1</td>
<td>I-95</td>
<td>2U</td>
<td>D</td>
<td>2,170</td>
<td>180</td>
<td>1.75%</td>
<td>1.33</td>
<td>240</td>
<td>1.1%</td>
<td>6</td>
<td>246</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seminole Woods Blvd.</td>
<td>Ulturn Pl.</td>
<td>Citation Pkwy</td>
<td>4D</td>
<td>D</td>
<td>5,900</td>
<td>673</td>
<td>6.65%</td>
<td>2.26</td>
<td>1,523</td>
<td>1.9%</td>
<td>10</td>
<td>1,533</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Citation Pkwy</td>
<td>Sesame Blvd.</td>
<td>2U</td>
<td>D</td>
<td>2,170</td>
<td>409</td>
<td>4.26%</td>
<td>1.81</td>
<td>740</td>
<td>0.5%</td>
<td>3</td>
<td>743</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Sesame Blvd.</td>
<td>US 1</td>
<td>2U</td>
<td>D</td>
<td>2,170</td>
<td>455</td>
<td>3.42%</td>
<td>1.65</td>
<td>751</td>
<td>0.5%</td>
<td>3</td>
<td>754</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Citation Pkwy</td>
<td>Seminole Woods Pkwy</td>
<td>Sesame Blvd.</td>
<td>4D</td>
<td>D</td>
<td>5,900</td>
<td>227</td>
<td>2.30%</td>
<td>1.44</td>
<td>326</td>
<td>1.3%</td>
<td>7</td>
<td>333</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sesame Blvd.</td>
<td>Seminole Woods Pkwy</td>
<td>Citation Pkwy</td>
<td>2U</td>
<td>D</td>
<td>2,170</td>
<td>91</td>
<td>1.00%</td>
<td>1.19</td>
<td>108</td>
<td>0.0%</td>
<td>0</td>
<td>108</td>
<td></td>
<td></td>
</tr>
<tr>
<td>John Anderson Pkwy</td>
<td>Flagler Beach City Limit</td>
<td>Palm Coast City Limit</td>
<td>2U</td>
<td>C</td>
<td>1,550</td>
<td>86</td>
<td>1.00%</td>
<td>1.19</td>
<td>102</td>
<td>0.7%</td>
<td>4</td>
<td>106</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 8
2035 Build-Out P.M. Peak-Hour LOS – Roadway Segments – Proposed FLUM (Residential Low Density)
Eagle Lakes CPA
CONCLUSION

This analysis was conducted to evaluate the impact of a proposed change in FLUM designation for a 202.2-acre parcel located between Old Kings Road and Interstate-95, approximately 2.5 miles north of Old Dixie Highway in the City of Palm Coast.

- The applicant is proposing that the current FLUM designation (Agricultural Timberland) be changed to the residential low density designation. Agricultural timberland allows for 1 unit per 5 acres. By revising the FLUM to residential low density, the maximum allowable density becomes 3 units per acre.

- The potential quantity and project traffic associated with the existing FLUM designation set forth by the County is 40 single-family dwelling units and 47 gross p.m. peak-hour trips. The potential quantity and project traffic associated with the proposed FLUM designation (Residential Low Density) is 606 single-family dwelling units and 532 gross p.m. peak-hour peak trips. The difference in project traffic between the existing and proposed FLUM is 485 additional p.m. peak-hour peak trips.

- Under existing conditions, all study area roadway segments operate within the adopted LOS.

- Under 5-year build-out conditions, all study area roadway segments operate within the adopted LOS under the existing and proposed FLUM designations.

- Under 2035 build-out conditions, Old Kings Road from Steeplechase Trail to the Palm Coast City Limit is not expected to operate within the adopted LOS. It should be noted that this roadway segment is deficient due to background traffic and not attributable to Eagle Lakes.

As a result of the proposed amendment, negative impacts to the surrounding roadway network that cause segments to fail are not anticipated due to the change in project trips. Therefore, the Comprehensive Plan Future Land Use Map is recommended for adoption.

I affirm, by affixing my signature and seal below, that the findings contained herein are, to my knowledge, accurate and truthful and were developed using current procedures standard to the practice of professional planning.

Name: Matthew West, AICP
Signature: 
Date: September 18, 2017
TECHNICAL MEMORANDUM

To: Michael Chiumento III, Esquire
From: Matthew West, AICP
Date: October 3, 2017
Subject: Eagle Lakes – Rezoning Trip Generation Comparison
Flagler County, Florida

INTRODUCTION
Lassiter Transportation Group, Inc. (LTG) was retained by Venture 8, LLC to prepare a traffic analysis in support of a rezoning. The proposed application will rezone approximately 594.7 acres to Planned Unit Development (PUD). The current zoning on the property consists of 202.2 acres zoned Agricultural (AC) and 392.7 acres zoned Planned Unit Development (PUD). Figure 1 shows the general location of the property relative to the surrounding roadway network.

The transportation impacts will be assessed for roadway segments within a two-mile radius of the property if an increase in the difference in trips between the maximum development potential for the proposed zoning and the maximum development potential for the existing zoning is more than ten percent. Please note that the development scenario for the proposed rezoning is based on maximum development proposed for development on the property as part of proposed PUD Development Agreement. A site-specific development TIA will be required to measure concurrency during the site plan or subdivision review process.

TRIP GENERATION FOR THE CURRENT ZONING DESIGNATION
According to the Flagler County Land Development Code (LDC), the AC zoning district allows for one single-family dwelling unit per 5 acres, resulting in a maximum development potential on the 202.2-acre property of 40 single-family dwelling units. Based on the PUD (Ordinance No. 2014-03) the authorized development density shall not exceed 614 single-family residential units for the other 392.7 acres. The p.m. peak-hour trip generation for this maximum development scenario was determined using the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition. As indicated in Table 1, the existing zoning could yield 468 a.m. peak-hour trips and 570 p.m. peak-hour trips if developed to the theoretical maximum.
Eagle Lakes
Rezoning TIA

Project Location Map

Project No.: 4347.02  Figure: 1

NTS

1450 W. Granada Blvd., Suite 2 – Ormond Beach, Florida 32174
Telephone: 386.257.2571  Fax: 386.257.6996  EB# 0009227

Existing Zoning (202.2 acres) = Agricultural (AC)

Existing Zoning (392.7 acres) = Planned Unit Development (PUD)

Proposed Zoning (594.7 acres) = Planned Unit Development (PUD)
Table 1
Existing Zoning Maximum Development Potential - Project Trip Generation
Eagle Lakes PUD Amendment

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Land Use</th>
<th>ITE LUC</th>
<th>Trip Rate Equation</th>
<th>Units (X)</th>
<th>Total Trips (T)</th>
<th>Percent Enter</th>
<th>Percent Exit</th>
<th>Trips Entering</th>
<th>Trips Exiting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daily</td>
<td>Single-Family Residential</td>
<td>210</td>
<td>( \ln(T) = 0.92\ln(X) + 2.72 )</td>
<td>654 DU</td>
<td>5,914</td>
<td>50%</td>
<td>50%</td>
<td>2,957</td>
<td>2,957</td>
</tr>
<tr>
<td>A.M. Peak-Hour</td>
<td>Mobile Home Park</td>
<td>240</td>
<td>( T = 0.70(X) + 9.74 )</td>
<td>820 DU</td>
<td>468</td>
<td>25%</td>
<td>75%</td>
<td>117</td>
<td>351</td>
</tr>
<tr>
<td>P.M. Peak-Hour</td>
<td>Mobile Home Park</td>
<td>240</td>
<td>( \ln(T) = 0.90\ln(X) + 0.51 )</td>
<td>820 DU</td>
<td>570</td>
<td>63%</td>
<td>37%</td>
<td>359</td>
<td>211</td>
</tr>
</tbody>
</table>

Source: ITE, Trip Generation 9th Edition

Agricultural (AC): Maximum allowable density is 1 dwelling unit per 5 acres; total acreage = 202.2

Planned Unit Development (PUD): Maximum allowable density is 614 single-family residential dwelling units

TRIP GENERATION FOR THE PROPOSED ZONING DESIGNATION

The proposed PUD amendment is based on the development agreement which states the maximum allowable program is 820 dwelling units. The amendment includes the Mobile Home Park Land Use (LU Code 240) which was used to calculate the maximum residential development impact. Since the proposed golf course will not be open to the public, it was not factored into the trip generation. The p.m. peak-hour trip generation for this maximum development scenario was determined using the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition. As indicated in Table 2, the proposed zoning could yield 361 a.m. peak-hour trips and 469 p.m. peak-hour trips resulting in a net decrease in total trips.

Table 2
Proposed Zoning Maximum Development Potential - Project Trip Generation

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Land Use</th>
<th>ITE LUC</th>
<th>Trip Rate Equation</th>
<th>Units (X)</th>
<th>Trips (T)</th>
<th>Percent Enter</th>
<th>Percent Exit</th>
<th>Trips Entering</th>
<th>Trips Exiting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daily</td>
<td>Mobile Home Park</td>
<td>240</td>
<td>( T = 3.52(X) + 277.51 )</td>
<td>820 DU</td>
<td>3,164</td>
<td>50%</td>
<td>50%</td>
<td>1582</td>
<td>1582</td>
</tr>
<tr>
<td>A.M. Peak-Hour</td>
<td>Mobile Home Park</td>
<td>240</td>
<td>( T = 0.44(X) )</td>
<td>820 DU</td>
<td>361</td>
<td>20%</td>
<td>80%</td>
<td>72</td>
<td>289</td>
</tr>
<tr>
<td>P.M. Peak-Hour</td>
<td>Mobile Home Park</td>
<td>240</td>
<td>( T = 0.57(X) + 2.06 )</td>
<td>820 DU</td>
<td>469</td>
<td>63%</td>
<td>37%</td>
<td>295</td>
<td>174</td>
</tr>
</tbody>
</table>

Source: ITE, Trip Generation 9th Edition

Planned Unit Development (PUD): Maximum allowable density is 820 dwelling unit per acre; total acreage = 594.7
POTENTIAL CHANGE IN TRIP GENERATION

As indicated in Table 3, when assessing maximum development potential, the proposed zoning designation results in a total trip reduction during the daily, a.m. peak-hour and p.m. peak-hour. Since the resulting maximum project trip generation is less than the existing zoning potential, no further analysis is required at this time.

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Total Project Trips</th>
<th>Difference *</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Existing</td>
<td>Proposed</td>
</tr>
<tr>
<td>Daily</td>
<td>5,914</td>
<td>3,164</td>
</tr>
<tr>
<td>A.M. Peak-Hour</td>
<td>468</td>
<td>361</td>
</tr>
<tr>
<td>P.M. Peak-Hour</td>
<td>570</td>
<td>469</td>
</tr>
</tbody>
</table>

*Proposed rezoning results in trip reductions for all time periods.

CONCLUSION

This trip generation analysis was conducted to evaluate the impact that a change in zoning designations would have on a 594.7-acre property located in Flagler County. As indicated in Tables 1 and 2, there is no increase in trip generation when comparing the existing maximum development potential to the proposed PUD amendment. Concurrency and any mitigation required will be assessed at the time of a site-specific development proposal at the time of application for concurrency.

I affirm, by affixing my signature below, that the findings contained herein are, to my knowledge, accurate and truthful and were developed using current procedures standard to the practice of professional planning.

Name: Matthew West, AICP

Signature: [Signature]

Date: October 3, 2017
FLAGLER COUNTY

TECHNICAL REVIEW COMMITTEE COMMENTS

MEETING DATE: 9/20/2017

#3097 VENTURE 8 LLC FLUM 10 AC+

APPLICANT: MICHAEL CHIUMENTO III, ESQ
OWNER: HOMETOWN COMMUNITIES INC

Distribution date:  Friday, September 15, 2017

Project #: 2017090007

Application #: 3097

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: PLANNING DEPARTMENT

1. Amendment from Agriculture and Timberlands (1 unit per 5 acres) to Residential Low Density (1-3 units per acre) for 202.2 acres ("Additional Property") would create a net increase in density of 566 units (606 units at the maximum density in the RLD of 3 units per acre minus 40 units based on A&T), unless a parcel-specific limiting policy is proposed. The intent appears to be to limit the overall density on the 202 acres to 111 units (the 40 units presently allowed with the addition of 71 units as provided in the applicant's letter dated August 30, 2017. If this is the intent, a parcel-specific limiting policy should be included with the request, limiting the resulting density under the RLD Future Land Use to not more than 111 units and including in the analysis a comparison of the impact on services - traffic, water, sewer, solid waste, and schools - under the existing 40 units and the additional 71 units, showing the increase in services between the existing and the proposed.

2. Deficiencies in services should be identified, including proposals to remedy any deficiencies, with the ultimate determination of the availability of concurrency made at the time of final plat approval.

3. If the intent is to make the community age-restricted, then the school facilities impacts may be omitted from the analysis, with an agreement provided between the School District and the developer acknowledging that the project will be age-restricted and exempt from school concurrency.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

Please verify that the additional property is to the north of the Eagle Lakes Subdivision Phase I.

Adjacent Property Owners - There are lots in the Eagle Lakes Subdivision Phase I subdivision that are not included in the application and the owners names are not on the list. Clarify

Provide a Boundary Survey of the entire site.

Provide Owners affidavit of approval for parcels that are included in the application and are not owned by Venture 8, LLC.

Why aren't the HOA parcels included in this application. Clarify.

Additional comments may be forthcoming with further submittals.

REVIEWING DEPARTMENT: FIRE INSPECTOR

No Comments at this time

REVIEWING DEPARTMENT: COUNTY ATTORNEY

No comments at this time.
MEMBERS PRESENT: Chairman Robert Dickinson, Arthur Barr, Michael Duggins, Laureen Kornel and Mark Langello

MEMBERS ABSENT: Michael Boyd, excused, Troy Dubose

STAFF PRESENT: Sally Sherman, Deputy County Administrator, Growth Management Director; Adam Mengel, Planning Director; Wendy Hickey, Planner; and Gina Lemon, Development Review Planner III

BOARD COUNSEL: Kate Stangle, with Broad and Cassel

Chairman Dickinson called the meeting to order

1. Roll Call.
   Attendance was confirmed by Ms. Lemon 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 October 10, 2017 regular meeting.
   Mr. Langello asked for a statement reverencing all staff and public comments from item 9 be added to items # 10, 11 and 12 as per approved motion.

   Motion to approve as amended made by Ms. Kornel and seconded by Mr. Langello.
   Motion approved unanimously.

4. Legislative not requiring disclosure of ex parte communication:
   Application #3097 – APPLICATION FOR FUTURE LAND USE MAP AMENDMENT GREATER THAN TEN ACRES – request for a Future Land Use Map Amendment for greater than ten acres from A&T (Agriculture & Timberlands) to RLDSF (Residential Low Density/Single Family). Parcel Number 22-12-31-0000-01010-0011; 202.2+/- acres. Owner: Venture 8, LLC/Applicant: Michael D. Chiumento III, Esq.

   Planning Director Adam Mengel presented the item and staff’s recommendation for approval pending the language of parcel specific limiting policy.

   Michael D. Chiumento III, Esq. representing the applicant gave a brief overview of the proposed project.

   Chairman Dickinson opened the public hearing.

   Chairman Dickinson closed the public hearing and asked for Board comments.
Mr. Barr asked if in section Roman Numeral II b the notation that this is a permanent decrease should be an increase. He then asked Mr. Mengel to share the plans for the utilities for the project. Is there any fair share requirements for transportation improvements?

Mr. Mengel responding to Mr. Barr stated that it should have stated increase in the staff report, he then added the utility plan is still a work in progress and at this time there are no new transportation proportionate fair share improvements required but may be needed prior to development.

Mr. Duggins asked if they were modular homes on rental lots or homeowner owned lots?

Mr. Chiumento responded that these are rental owned by the developer.

Mr. Langello asked how density is determined and if the areas for utilities calculated in that equation. He then asked the purpose of the parcel-specific limiting policy for this project.

Mr. Mengel responded to Mr. Langello’s concerns.

Chairman Dickinson asked for a motion.

Mr. Mengel added that parcel-specific limiting policy assuming that we are at 725 units now and the overall objective would be the 930 that would leave the difference of 205 units.

Motion to approve made by Mr. Langello with the parcel numbers discussed seconded by Mr. Barr. Motion approved 4-1 with Mr. Duggins dissenting.

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

Application #3098 – APPLICATION FOR REZONING – request for Rezoning from AC (Agriculture) to PUD (Planned Unit Development). Parcel Number 22-12-31-0000-01010-0011; 202.2+/- acres. Owner: Venture 8, LLC/Applicant: Michael D. Chiumento III, Esq.

Chairman Dickinson called for disclosure of exparte communications.

Planning Director Adam Mengel presented the item and staff’s recommendation for approval.

Chairman Dickinson opened the public hearing.

Chairman Dickinson closed the public hearing and asked for Board comments.

Mr. Barr asked what is the next step for this project? Not tying the hands of neither the Developer nor the County.
Mr. Mengel stated that Mr. Chiumento did submit an amended and restated Development Agreement that added the acreage, added the units but did not do any analyses for the transportation, utilities and for some of the other negotiations that we had before have not been discussed. He went on to request that the statement below be added as a part of the approval:

This does not convey any specific development rights and anticipates a future review and approval of a PUD amendment for the overall Eagle Lakes Development incorporating in the subject parcel of this rezoning.

Chairman Dickinson asked for a motion.

Motion to approve including statement: This approval does not convey any specific development rights and anticipates a future review and approval of a PUD amendment for the overall Eagle Lakes Development incorporating in the subject parcel of this rezoning made by Mr. Langello seconded by Mr. Barr.

Motion carried unanimously.

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

Application #3102 – APPLICATION FOR SPECIAL USE – request for a special use for a telecommunication tower facility within the Palm Coast PSP (Public/Semipublic) District, located at 2355 Matanzas Woods Parkway; Parcel Number 26-10-30-0000-01020-0010; 41.58 +/- acres.

Owner/Applicant: Flagler County

Chairman Dickinson called for disclosure of exparte communications.

Planning Director Adam Mengel presented the item and staff’s recommendation for approval, subject to:

a. issuance of a variance for the 5,000 foot minimum tower separation requirement;

b. tower to accommodate up to six (6) wireless service or communication providers/ users;

c. issuance of FAA Determination of No Hazard to air navigation, with tower lighting provided subject to FAA requirements;

d. contractor to attempt to preserve index trees on site throughout site development;

e. elimination of the perimeter landscape buffer surrounding the fenced compound;

f. use of the existing driveway from Matanzas Woods Parkway or, if another access is proposed, issuance a driveway permit prior to the commencement of construction; and

g. authorization to paint lower 50 feet of the tower as either forest green or brown (“java”), as previously approved by the Board of County Commissioners, with the remaining tower height to be painted with a noncontrasting blue or gray finish or galvanized finish.

Jarrod Shupe, Flagler County, Innovative Technology Director gave an overview of the project.

Chairman Dickinson opened the public hearing.
**LAWYER**

From Page C1

Nick Wiley, the executive director of the Florida Conservation Club, said that part of the reason for the club's 2017 lawsuit was the state's failure to conserve, restoring and managing wetlands.

**LAWYER**

From Page C1

In 2017, the Florida Conservation Club, a non-profit organization dedicated to restoring and conserving wetlands, filed a lawsuit against the state of Florida for its failure to conserve, restore and manage wetlands.

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**HELP**

From Page C1

The Teaching Tree program offers one of the great opportunities to get one's children involved in the community and help others.

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**LANE**

From Page C1

A part of town that's been called "The Bluff" by locals is made up of buildings on a hill that face the bay. It's a very good place to hang out and watch the sun set.

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**NOTICE TRANSMITTAL**

From Page C1

Notice Transmittal of Future Land Use Map Amendment Application 2017

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**HELP**

From Page C1

The Teaching Tree program offers one of the great opportunities to get one's children involved in the community and help others.