FLAGLER COUNTY TECHNICAL REVIEW COMMITTEE

GOVERNMENT SERVICES BUILDING
First Floor Conference Room B108

1769 EAST MOODY BOULEVARD BUILDING 2, BUNNELL FL 32110

A G E N D A

DATE – MARCH 15, 2017
TIME – 9:00 A.M.

1. Application # 3069 – VARIANCE IN THE R/C (RESIDENTIAL/ LIMITED COMMERCIAL) DISTRICT – request for a 5 foot side yard setback variance at 15 Bay Drive (Marineland Acres subdivision) Parcel Number 39-10-31-4250-00140-0170; Owner Sandy Rayl / Applicant John Quattrochi, P.E.
   Project # 2017020011 (TRC, PDB)

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

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

4. Application #3072 – FUTURE LAND USE MAP AMENDMENT LESS THAN TEN ACRES - request for a Future Land Use Map Amendment for less than ten acres from Mixed Use Low Intensity to Residential Medium Density; Parcel Number 37-10-31-1550-00000-0153; Parcel size: 1.01 acres; Owner: R.J, D.D., J.J and Robert John Falconetti / Applicant: Sidney F. Ansbacher Esq.
   Project # 2017020021 (TRC, PDB, BOCC)

PLEASE TAKE NOTICE THAT INDIVIDUAL COMMISSIONERS OF THE BOARD OF COUNTY COMMISSIONERS MAY ATTEND THIS EVENT. THE COMMISSIONERS WHO ATTEND WILL NOT TAKE ANY ACTION OR TAKE ANY VOTE AT THIS MEETING. THIS IS NOT AN OFFICIAL MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY. THIS NOTICE IS BEING PROVIDED TO MEET THE SPIRIT OF THE SUNSHINE LAW TO INFORM THE PUBLIC THAT COMMISSIONERS MAY BE PRESENT AT THESE DISCUSSIONS. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE PLANNING & ZONING DEPARTMENT AT (386) 313-4009 AT LEAST 48 HOURS PRIOR TO THE MEETING.
Distribution date:  Friday, March 10, 2017

Project #: 2017020011

Application #: 3069

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

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

REVIEWING DEPARTMENT: BUILDING OFFICIAL

No comments at this time.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

No comments at this time.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

No comments at this time

REVIEWING DEPARTMENT: FIRE INSPECTOR

No comments at this time

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

No comments at this time
APPLICATION FOR VARIANCE

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

Application/Project #: 3069 / 2017020011

<table>
<thead>
<tr>
<th>PROPERTY OWNER(S)</th>
<th>PROFESSIONAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name(s): Sandy Rayl</td>
<td>Name(s): John Quattrochi, P.E.</td>
</tr>
<tr>
<td>Mailing Address: 15 Bay Drive</td>
<td>Mailing Address: 4624 Pecos court</td>
</tr>
<tr>
<td>Telephone Number  904 307-7371</td>
<td>Telephone Number  904 553-5680</td>
</tr>
<tr>
<td>Fax Number</td>
<td>Fax Number</td>
</tr>
<tr>
<td>E-Mail Address: <a href="mailto:Armysambo@gmail.com">Armysambo@gmail.com</a></td>
<td>E-Mail Address: <a href="mailto:quattroja@yahoo.com">quattroja@yahoo.com</a></td>
</tr>
</tbody>
</table>

| SITE LOCATION (street address): | 15 Bay Drive |
| LEGAL DESCRIPTION: (briefly describe, do not use "see attached") | Lot 17, Block 14, Second Add. to Marineland Ac. BK5,PG61 |
| Parcel # (tax ID #): | 39-10-31-4250-00140-0170 |
| Parcel Size: | 9441.5 SF (0.22 Ac) |
| Current Zoning Classification: | R-1 |
| Current Future Land Use Designation: | R-1 |
| Subject to A1A Scenic Corridor IDO? | YES NO |

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

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

Jan 10, 2017

Date

**OFFICIAL USE ONLY**

PLANNING BOARD RECOMMENDATION/ACTION: **APPROVED**

*APPROVED WITH CONDITIONS  
DENIED *

Signature of Chairman:

Date: __________________________ *approved with conditions, see attached.

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

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

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

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

   **This is a correct statement.**

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

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

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

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

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

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

**NOTE:** The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application.  
Rev. 09/16
1. During Hurricane Matthew, the existing railroad timber retaining wall on the east, south, and west sides of the house washed out, compromising some of the compacted fill supporting the slab foundation. In order to protect the slab and associated fill, I propose to reconstruct the retaining wall using a stone-faced, grouted, reinforced concrete block structure, better suited to withstand flooding and tidal storm surges.

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

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

4. Photo of existing deck and adjacent property to the west:
WARRANTY DEED

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

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

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

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

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

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

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

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

AND the grantor hereby covenants with said grantee that grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2007.
WARRANTY DEED
(Continued)

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

Signed, sealed and delivered in the presence of:

WITNESSETH:

Alan L. Zamba

15 Bay Drive

Palm Coast, FL 32137

STATE OF FLORIDA
COUNTY OF Flagler

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

Notary Public

Nancy J. Scott
Commission # DD380509
Expires January 15, 2009
Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. Any questions regarding any of the comments should be addressed to the department providing the comment.
REVIEWING DEPARTMENT: PLANNING DEPARTMENT

No comments at this time

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

Please clarify if the Phase 2 lots will owner and rented out by the owner of the residence on the property or will be individually owned and the residence on the property will manage the rental of the lots.

The phase 1 construction will need to include the construction of a paved driveway connection to Colbert Lane as well as all utilities for the residence.

Additional comments may be provided upon further submittals.

REVIEWING DEPARTMENT: FIRE INSPECTOR

No comments at this time

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

- Phase 1 would require residential septic system and private potable well for Single Family Residence. Applications for well and septic can be obtained at the Florida Department of Health in Flagler County Environmental Health Office.

- Phase 2 would require an engineered designed commercial system with low pressure dosing. Water systems providing drinking water to 25 or more people per day, for 60 or more days per year, and having 15 or more service connections shall be permitted by the Department of Environmental Protection. Water systems providing drinking water to less than 25 people per day, and having <15 service connections shall be permitted as a Limited Use Commercial Public Water System through the Department of Health.

REVIEWING DEPARTMENT: COUNTY ATTORNEY

No comments at this time

REVIEWING DEPARTMENT: UTILITIES

No comments at this time
## APPLICATION FOR REZONING TO A PLANNED UNIT DEVELOPMENT

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

**Application/Project #: 3070 / 2017 02 0018**

### PROPERTY OWNER(S)

<table>
<thead>
<tr>
<th>Name(s):</th>
<th>Gurell Land Management, LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>250 Palm Coast Pkwy., Ste. 607, Box 343</td>
</tr>
<tr>
<td>City:</td>
<td>Palm Coast</td>
</tr>
<tr>
<td>State:</td>
<td>FL</td>
</tr>
<tr>
<td>Zip:</td>
<td>32137</td>
</tr>
<tr>
<td>Telephone Number:</td>
<td>386-445-9322</td>
</tr>
<tr>
<td>Fax Number:</td>
<td>386-446-4951</td>
</tr>
</tbody>
</table>

### APPLICANT/AGENT

<table>
<thead>
<tr>
<th>Name(s):</th>
<th>Timothy J. Conner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>4488 N. Oceanshore Blvd.</td>
</tr>
<tr>
<td>City:</td>
<td>Palm Coast</td>
</tr>
<tr>
<td>State:</td>
<td>FL</td>
</tr>
<tr>
<td>Zip:</td>
<td>32137</td>
</tr>
<tr>
<td>Telephone Number:</td>
<td>386-445-9322</td>
</tr>
<tr>
<td>Fax Number:</td>
<td>386-446-4951</td>
</tr>
<tr>
<td>Email Address:</td>
<td><a href="mailto:tjconner@cblpa.com">tjconner@cblpa.com</a></td>
</tr>
</tbody>
</table>

### SUBJECT PROPERTY

<table>
<thead>
<tr>
<th>SITE LOCATION (street address):</th>
<th>5135 Colbert Lane</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEGAL DESCRIPTION:</td>
<td>Tract R, Palm Coast Plantation Unit 2</td>
</tr>
<tr>
<td>Parcel # (tax ID #):</td>
<td>27-11-31-4892-00000-00R0</td>
</tr>
<tr>
<td>Parcel Size:</td>
<td>5.63 acres</td>
</tr>
</tbody>
</table>

### ZONING

**PRESENT Zoning Classification:** C-1  
**Present Future Land Use Designation:** Commercial Low Intensity  
**PROPOSED ZONING CLASSIFICATION:** PUD

**Signature of Owner(s) or Applicant/Agent:**  
**if Owner Authorization form attached:**  
**Date:** 2/27/2013

**"OFFICIAL USE ONLY"**

### PLANNING BOARD RECOMMENDATION/ACTION:

| APPROVED |  
| APPROVED WITH CONDITIONS |  
| DENIED |  

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

### BOARD OF COUNTY COMMISSIONERS ACTION:

| APPROVED |  
| APPROVED WITH CONDITIONS |  
| DENIED |  

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

**NOTE:** The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application.  
**Rev. 03/06**  
**Page 1 of 4**
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 # ____________________________

Timothy J. Conner, is hereby authorized TO ACT ON BEHALF OF Gurell Land Management, 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 rezoning to a Planned Unit Development

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

By: ____________________________

Signature of Owner

Richard G. Gurell, Manager
Printed Name of Owner / Title (if owner is corporation or partnership)

Signature of Owner

Printed Name of Owner

Address of Owner: 250 Palm Coast Pkwy., Ste. 607, Box 343

Mailing Address

Palm Coast, FL 32137
City State Zip

Telephone Number (incl. area code) 386-445-9322

STATE OF FLORIDA
COUNTY OF FLAGLER

The foregoing was acknowledged before me this 10th day of February, 2017, by Richard G. Gurell, 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
February 10, 2017

Adam Mengel, Planning Director
City Hall
160 Lake Avenue
Palm Coast, FL 32164

Re: Gurell PUD Tract R, Palm Coast Plantation

Dear Mr. Mengel:

Enclosed please find the original Application and ten (10) copy sets of my client’s request for Rezoning the above-referenced parcel from C-1 to PUD, together with a check made payable to the “BOCC” for $970.00 (representing the application fee and the cost for two signs). My client proposes to occupy the parcel in an owner occupied primary residence and develop the balance in a park like setting with twelve improved recreational vehicle sites.

The recreational vehicle lots will be transient rental only with no long-term rentals and no on-site recreational vehicle storage except for the owner’s vehicle which will be stored in a garage.

The parcel is nearly six acres and will be well buffered from Colbert Lane with natural vegetation enhanced with road frontage landscaping. The project will be private and gated.

In order to accommodate the project we expect the restrictive covenants that limit access to the parcel to be lifted by Flagler County to allow both right and left turn ingress and egress and a median cut when Colbert Lane is improved to a four lane divided roadway.
The Developer proposes the project in two phases with the road bed, primary residence, garage, and small pond constructed during Phase One. It is our understanding these improvements will not need formal site plan approval and we will not need a St. John’s River Water Management District permit. Phase Two will follow where the roadway will be topped with asphalt milling or other suitable material, the recreational vehicle lots will be improved and the gate, landscaping and other details will be submitted for site plan approval prior to construction.

The Developer proposes to maintain and preserve as much of the existing vegetation and trees as possible, provide shuttle access to the nearby parks and possibly Flagler Beach, and to provide bike rentals and other eco-friendly amenities.

I understand we will be scheduled on the TRC Agenda for March 15, 2017.

Please contact me if additional information is needed to process this application. We look forward to bringing another quality small development to Flagler County.

Sincerely,

[Signature]

Timothy J. Conner
Attorney

TJC:rg
Enclosures
Special Warranty Deed

This Special Warranty Deed made this 18th day of May, 2016, between Eagle FL VI SPE, LLC, a North Carolina Limited Liability Company whose post office address is 2000 Interstate Park Drive, Montgomery, AL 36109, grantor, and Curell Land Management, a Florida Limited Liability Company, whose post office address is 250 Palm Coast Parkway NE, Palm Coast, FL 32137, grantee:

(Whenever used hereinafter the terms grantor and grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of NINETY NINE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS ($99,500.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in the Flagler County, Florida, to wit:

Tract R, PALM COAST PLANTATION PUD UNIT 2, as per the map thereof recorded in the Map Book 33, Page(s) 54 through 61, inclusive, of the Public Records of Flagler County, Florida, less and except the Northerly 291 feet of the Westerly 300 feet of said Tract R. Together with an easement for ingress and egress over the Southerly 30 feet of the Northerly 291 feet of the Westerly 300 feet of Tract R and Subject to a 30 foot easement for ingress and egress over the following described property: Commence at the Northwest corner of Tract R, PALM COAST PLANTATION PUD UNIT 2 as aforesaid, thence South 18 degrees 24' 09" East along the East R/W line of Colbert Lane, a distance of 291 feet to the Point of Beginning of this easement description; thence depart the East R/W line of Colbert Lane North 71 degrees 35' 51" East a distance of 300 feet; thence South 18 degrees 24' 09" East a distance of 30 feet; thence South 71 degrees 35' 51" West a distance of 300 feet to the East R/W line of Colbert Lane; thence Northerly along the East R/W line of Colbert Lane a distance of 30 feet, more or less, to the Point of Beginning of this easement description.

Parcel Identification Number: 27-11-31-4892-00000-00R0

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

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.
Signed, sealed and delivered in our presence:

Eagle FL VI SPE, LLC, a North Carolina Limited Liability Company

By: Charles S. Giel, Vice President

Witness Name: Victoria Costa

Witness Name: Graciela Naughton

State of Florida
County of BREVARD

The foregoing instrument was acknowledged before me this 11th day of May, 2016, by Charles S. Giel, as Vice President of EAGLE FL VI SPE, LLC, A NORTH CAROLINA LIMITED LIABILITY COMPANY, on behalf of the Corporation, she (X) is personally known to me or ( ) has produced __________________ as identification.

Notary Public

Printed Name: VICTORIA COSTA

My Commission Expires: 2-1-2018

VICTORIA COSTA
Notary Public, State of Florida
Commission# FF 71188
My comm. expires Feb. 01, 2018
DESCRIPTION OF INTENDED PLAN OF DEVELOPMENT

The Owner proposes a mixed use resort style high end Owner occupied recreational vehicle park to supplement residential accommodations for and promote ECO tourism in Flagler County.

Entrances to Graham Swamp Park and the Rail to Trails Park are located on Colbert Lane across from the proposed development. The Hershel King Park and boat launch are to the north and the recreation and sport fields in Wadsworth Park are to the south of the proposed development.

The proposed site is located on 5.63 acres on the east side of Colbert Lane and abutted by a large conservation area of the Palm Coast Plantation Development on the north, east and south and a smaller commercial property owned by Colbert Plaza which is adjacent to and north of the subject parcel (also abutting Colbert Lane).

The project will be developed in two phases with Phase 1 comprising the construction of the access road bed, residential structure and detached garage. Phase 2 will add twelve improved RV sites, wet retention, entrance gate and landscaping and related infra-structure improvements.

PROPOSED OCCUPANCY

The proposed land uses and occupancy are twelve short term rental sites, related recreational facilities, garage and one on-site residential structure to be owned and occupied by the Owner. Unit/lot rentals will be only for transient rental use and occupancy.

The proposed plan is designed and intended to augment the ECO recreational uses in the general vicinity of the park and to provide a convenient and affordable alternative to hotel occupancy for visiting families to enable them to enjoy the sport facilities, bike trails, hiking opportunities, and myriad other eco-friendly activities offered in eastern Flagler County.
UTILITIES AND PUBLIC DEDICATIONS

FPL will supply electrical power with water and waste disposal by well and approved septic system. Each improved RV site will be well buffered with natural vegetation as will the property frontage on Colbert Lane. The entrance, gate and access point from Colbert Lane will be augmented with landscaping. No public dedications of utilities or roadways are anticipated.

To accommodate the proposed development and promote orderly traffic flow, the access restrictions set out in the Agreement for Release of Restrictive Covenant Tract R, Palm Coast Plantation PUD Unit 2, recorded July 6, 2015 at Book 2073, Page 520, in the Public Records of Flagler County, Florida, will be amended to allow right turn or left turn ingress and egress to the property.

STATEMENT OF MAINTENANCE AND OWNERSHIP

The property is owned by Gurell Land Management, LLC, a Florida Limited Liability Company, who will be responsible for maintenance of the infrastructure and other improvements.

ABUTTING PROPERTY OWNERS

Colbert Plaza, LLC
Atrium Suite
1 Florida Park Drive, South
Palm Coast, FL 32137

Palm Coast Plantation Homeowners Association, Inc.
c/o May Management
5455 A1A South
St. Augustine, FL 32080
FLAGLER COUNTY

TECHNICAL REVIEW COMMITTEE COMMENTS

MEETING DATE: 3/15/2017

#3071 OCEANSHORE VILLAS, IRACE VARIANCE

APPLICANT: OCEANSHORE VILLAS INC.
OWNER: LUKE IRACE AND IRACE TRUST

Distribution date: Friday, March 10, 2017

Project #: 2017020020

Application #: 3071

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

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

No comments at this time.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

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

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

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

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

No objection or comments.

REVIEWING DEPARTMENT: COUNTY ATTORNEY

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

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

Application/Project #: #3071/2014020020

**PROPERTY OWNER(S)**

Name(s): OCEANSHORE VILLA INC., TRACER, ET AL.
Mailing Address: 5454 N. OCEANSHORE Blvd, (SRA 1A)
City: PALM COAST  State: FL  Zip: 32137
Telephone Number: 516-294-9420  Fax Number: 516-741-6221

**APPLICANT/AGENT**

Name(s): OCEANSHORE VILLA INC.
Mailing Address: 43 COMMERCIAL AVE.
City: GARDEN CITY  State: N.Y.  Zip: 11530
Telephone Number: 516-294-9420  Fax Number: 516-741-6221
E-Mail Address: TRACEREALTY4 @ GMAIL.COM

**SITE LOCATION (street address):** 6287 N. OCEANSHORE Blvd

**LEGAL DESCRIPTION:** MARINELAND ACRES SUBD
8110 LOTS 142 PARCEL C16

**Parcel #: (tax ID #:** 5100400

**Parcel Size:** MANY NUMBERS 10096 TAX ID 59-2567588

**Current Zoning Classification:** C2 General Business

**Current Future Land Use Designation:**

**Subject to A1A Scenic Corridor IDO?** YES  NO

**Relief Requested:** SIGN HEIGHT and Setback from FRONT PROPERTY LINE.

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

**OFFICIAL USE ONLY**

PLANNING BOARD RECOMMENDATION/ACTION: [APPROVED | *APPROVED WITH CONDITIONS | DENIED]

Signature of Chairman: [Signature]
Date: [Date]  *approved with conditions, see attached.

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application. Rev. 09/16
APPLICATION FOR VARIANCE
FLAGLER COUNTY, FLORIDA
1769 E. Moody Blvd, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

Subject Property: Oceanshore Villa

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

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

   adjustments to the new site plan ordinance. The property conforms in parking requirements. Strict
   conformity to new site plan ordinance eliminates parking spaces and creates parking nonconform

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

   This site plan was implemented about 12 years ago and conformed to codes. There have been no changes. The storm "Matthew" destroyed more than 50% of the motel's only sign!

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

   A height variance exceeding of 24" 30" and set back of 4" would allow sign to conform in all other regards. The sign would fit the location of the original sign and not eliminate parking spaces.

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

   The use is permitted and has always been a motel.

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

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application. Rev. 09/16
Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. \textit{Any questions regarding any of the comments should be addressed to the department providing the comment.}
REVIEWING DEPARTMENT: BUILDING DEPARTMENT

No comments at this time.

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

No comments at this time

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

No comments at this time.

REVIEWING DEPARTMENT: FIRE INSPECTOR

No comments at this time.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

No objection or comments providing that water and/or wastewater service is not provided by well and/or septic system.

REVIEWING DEPARTMENT: COUNTY ATTORNEY

No comments at this time.
# Application for Future Land Use Map Amendment

**Flagler County, Florida**  
1789 E. Moody Blvd, Suite 105  
Bunnell, FL 32110  
Telephone: (386) 313-4009  
Fax: (386) 313-4109  
Application/Project #: 2072 / 2017020821

## Property Owner(s)
| Name(s): | Robert J., Diane D., John J., Robert John Falconetti |
| Mailing Address: | 5015 Long Bow Road |
| City: Jacksonville | State: Florida | Zip: 32110 |
| Telephone Number: | (904) 562-6638 | Fax Number: (904) 339-9336 |

## Applicant/Agent
| Name(s): | Sidney F. Ansbacher, Esq.; Upchurch, Bailey and Upchurch, P.A. |
| Mailing Address: | Post Office Drawer 3007, |
| City: St. Augustine | State: Florida | Zip: 32085-3007 |
| Telephone Number: | (904) 829-9066 | Fax Number: (904) 825-4862 |
| E-Mail Address: | sfansbacher@ubulaw.com |

## Site Location (street address):
N. Oceanshore Boulevard, Palm Coast, Florida

## Subject Property
| Legal Description: | Parcel 7, Matanzas Shores |
| Parcel # (tax ID #): | 37-10-31-1550-00000-0153 |
| Parcel Size: | 1.01 Acres |

## Future Land Use Designation

| Present Future Land Use Designation(s) Provide acreage of each classification. | 1.01 Acres Mixed Use Low Intensity, Low/Medium Density |
| Proposed Future Land Use Designation (s) Provide acreage of each classification. | 1.01 Acres Residential Medium Density, 4-7 Units/Acre |


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

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

Traffic Impact Study Prepared by: N/A

Name:

Address:

City/State/Zip

### RECREATION AND OPEN SPACE

<table>
<thead>
<tr>
<th>Facilities immediately serving site:</th>
<th>Beach Access and Matanzas Beach Club</th>
</tr>
</thead>
</table>

| Is this site within a targeted Park Land? | YES | NO [X] |

### WATER

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

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

If Central Water, provide name and address of facility:

**Name:** City of Palm Coast Utility Department  
**Address:** 2 Utility Drive  
**City/State/Zip:** Palm Coast, Florida 32137

### SEWER

<table>
<thead>
<tr>
<th>Method (check one)</th>
<th>Onsite Sewage Treatment and Disposal System</th>
<th>Central</th>
<th>Private treatment plant</th>
</tr>
</thead>
</table>

Attach completed FDEP operating information for previous 12 months.

If Central Sewer, provide name and address of facility:

**Name:** Matanzas Shores Owners Association, Inc.  
**Address:** 110 Collectors Road  
**City/State/Zip:** Palm Coast, Florida 32137

---

Rev 05/08

Required Attachments:
Will need 33* sets of the following:

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

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

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

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

Fee amount per Resolution 2008-31.

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

NOTE: Pursuant to Section 286.0105 of Florida Statutes, Flagler County hereby notifies all interested persons that if a person decides to appeal any decision made by the Planning Board or Board of County Commissioners with respect to any matter considered at such meetings or hearings, he or she will need a record of 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

<table>
<thead>
<tr>
<th>If proposed land use amendment is for other than residential land use</th>
<th>Type</th>
<th>Square Footage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Commercial</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Industrial</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Detention/Retention facilities immediately serving the site</th>
<th>Existing Stormwater Inlet at Seaview Drive &amp; SW Corner of Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>Available downstream facilities:</td>
<td>Matanzas Shores Master Stormwater Collection &amp; Treatment System</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is site situated within a known floodplain area? Identify FIRM panel.</th>
<th>YES</th>
<th>NO ✓</th>
</tr>
</thead>
</table>

**Signature of All Property Owners**

Robert Falconetti

**Date**

2/16/17

---

**Signature of All Property Owners**

---

**Date**

---

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

**Signature of Notary Public**

**OFFICIAL USE ONLY**

**PLANNING BOARD RECOMMENDATION/ACTION:**

*APPROVED [ ]

*APPROVED WITH CONDITIONS [ ]

DENIED [ ]

**Signature of Chairman:**

---

**Date:**

__________________________

*approved with conditions, see attached.

**OFFICIAL USE ONLY**

**BOARD OF COUNTY COMMISSIONERS ACTION:**

*APPROVED [ ]

*APPROVED WITH CONDITIONS [ ]

DENIED [ ]

**Signature of Chairman:**

---

**Date:**

__________________________

*approved with conditions, see attached.
If proposed land use amendment is for other than residential land use

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</table>

Detention/Retention facilities immediately serving the site
Existing Stormwater Inlet at Seaview Drive & SW Corner of Property

Available downstream facilities:
Matanzas Shores Master Stormwater Collection & Treatment System

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

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

Signature of All Property Owners:

Signature of Notary Public:

**OFFICIAL USE ONLY**

PLANNING BOARD RECOMMENDATION/ACTION:

*APPROVED WITH CONDITIONS |

Signature of Chairman:

Date: ____________________________

*approved with conditions, see attached.

**OFFICIAL USE ONLY**

BOARD OF COUNTY COMMISSIONERS ACTION:

*APPROVED WITH CONDITIONS |

Signature of Chairman:

Date: ____________________________

*approved with conditions, see attached.

Rev 05/08

February 21, 2017

VIA EMAIL (amengel@flaglercounty.org)

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

Re: Owner Consents for Falconetti Application

Dear Adam:

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

I remain,

Sincerely,

Sidney F. Ansbacher

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

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

Application/Project #________________

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

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

By: ________________________________
Signature of Owner

Robert John Falconetti

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

N/A

Signature of Owner

ROBERT JOHN FALCONETTI

Printed Name of Owner

Address of Owner:
5595 Westboriar CT
Mailing Address
Roanoke VA 24018
City State Zip

Telephone Number (incl. area code)
540-520-3337

STATE OF Virginia
COUNTY OF Roanoke

The foregoing was acknowledged before me this 16 day of February, 2017 by Robert John Falconetti and ____________________________, who is/are personally known to me or who has produced ____________________________, as identification, and who (did) / (did not) take an oath.

Signature of Notary Public


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

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

Application/Project #

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

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

By: __________________________________________
Signature of Owner

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

Diane D. Falconetti

Signature of Owner

Diane D. FALCONETTI
Printed Name of Owner

Address of Owner:

5015 Long Bow Rd

Mailing Address

Jacksonville, FL 32210

City State Zip

Telephone Number (incl. area code)

904-859-5902

STATE OF Georgia
COUNTY OF Cobb

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

Signature of Notary Public


Revised 5/08
AMENDED
CERTIFICATION OF DEATH

STATE FILE NUMBER: 2013046842
DATE ISSUED: May 6, 2013
DECEDENT INFORMATION
NAME: ROBERT J FALCONEII
DATE OF DEATH: March 23, 2013
SEX: MALE  SSN: 2652  AGE: 074 YEARS
DATE OF BIRTH: March 12, 1939
BIRTHPLACE: NEW YORK, NEW YORK, UNITED STATES
PLACE OF DEATH HOSPICE
FACILITY NAME OR STREET ADDRESS: COMMUNITY HOSPICE AT SAINT VINCENTS
LOCATION OF DEATH: JACKSONVILLE, DUVAL COUNTY

SURVIVING SPOUSE, DECEDEENT'S RESIDENCE AND HISTORY INFORMATION
MARITAL STATUS: MARRIED
SPouse: DIANE DRUMMOND
RESIDENCE: 5015 LONG BOW ROAD, JACKSONVILLE, FLORIDA 32216, UNITED STATES
COUNTY: DUVAL
OCCUPATION: INDUSTRY: BUSINESS OWNER, COMMERCIAL PRINTING
RACE: _________Hispaeican American _________Navajo American _______Asian _________African American _________American Indian or Alaska Native _______Native Hawaiian or Other Pacific Islander _________North American Indian or Aleut _________Other Race _________Other _________Unknown
HISPANIC OR HAITIAN ORIGIN? NO, NOT OF HISPANIC OR HAITIAN ORIGIN
EDUCATION: BACHELORS DEGREE (E.G., BA, AB, BS)
EVER IN U.S. ARMED FORCES? YES

PARENTS AND INFORMANT INFORMATION
FATHER: ROCCO FALCONEII
MOTHER: SALLY ANTOZ
INFORMANT: DIANE FALCONEII
RELATIONSHIP TO DECEDEENT: WIFE
INFORMANT'S ADDRESS: 5015 LONG BOW ROAD, JACKSONVILLE, FLORIDA 32216, UNITED STATES

PLACE OF DISPOSITION AND FUNERAL FACILITY INFORMATION
PLACE OF DISPOSITION: EVERGREEN CEMETARY
JACKSONVILLE, FLORIDA
METHOD OF DISPOSITION: BURIAL
FUNERAL DIRECTOR/AGENCY NUMBER: JENNIFER R. WRIGHT, FD44920
FUNERAL FACILITY: HARDAGE-GIDDENS - EDGWOOD AVE F04279
729 EDGWOOD AVENUE SOUTH, JACKSONVILLE, FLORIDA 32205

CERTIFIER INFORMATION
TYPE OF CERTIFIER CERTIFYING PHYSICIAN: MEDICAL EXAMINER CASE NUMBER: NOT APPLICABLE
TIME OF DEATH (24 hr): 2330
CERTIFIERS NAME: IGOR BERENGOILTS
CERTIFIERS LICENSE NUMBER: ME046402
NAME OF ATTENDING PHYSICIAN (if other than Certifier): NOT APPLICABLE

CAUSE OF DEATH AND INJURY INFORMATION

THIS SECTION DELETED
PER FS 382.008 AND 382.025.

In the underlying cause given in PART I:

AUTOPSY PERFORMED? NO
AUTOPSY FINDINGS AVAILABLE TO COMPLETE CAUSE OF DEATH? NOT APPLICABLE
DID TOBACCO USE CONTRIBUTE TO DEATH? PROBABLY
REASON FOR SURGERY:
IF FEMALE, WAS SHE PREGNANT WITHIN THE PAST YEAR? NOT APPLICABLE
DATE OF SURGERY: TIME OF INJURY (24 hr): INJURY AT WORK?
DATE OF INJURY: NOT APPLICABLE
LOCATION OF INJURY:

PLACE OF INJURY:

IF TRANSPORTATION INJURY, Status of Decedent:

Type of Vehicle
DATE AMENDED: 04/06/2013 ANY CERTIFICATION ISSUED PRIOR TO THE AMENDED DATE MAY BE NULL AND VOID.

,_State Registrar

REQ 2013785307

THE ABOVE SIGNATURE CERTIFIES THAT THIS IS A TRUE AND CORRECT COPY OF THE OFFICIAL RECORD OR FILE IN THIS OFFICE.
WARNING: THIS DOCUMENT IS PRINTED OR STAMPED ON SECURITY PAPER WITH WATERMARKING OF THE GREAT SEAL OF THE STATE OF FLORIDA. OTHERS MAY COPY, BUT MUST NOT ALTER OR ALTER THE WATERMARK OR SECURITY FEATURES.
THE DOCUMENTS SPECIAL LINES WITH TEXT THE DOCUMENT WILL NOT PRODUCE A COPIER COPY.

DH FORM 1967 (10/13)
Flagler County Government
Planning and Zoning Department
Staff Report

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

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

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

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

IV. Parcel Size: 1.01 acres±

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

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

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


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

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

The 2010-2035 Comprehensive Plan concluded that a maximum of 531 units could be accommodated on the 2,633 acres remaining as undeveloped within Coastal Area 1 and identified as a mix of land uses, but predominantly composed of: Agriculture & Timberlands; Agriculture; and Residential: Low-density/Single-family. [Please note that lands within adopted DRIs, including the subject parcel, were considered as developed lands due to the completion of master planning and entitlements under respective DRI Development Orders.] As adopted in the Plan over the period from 2010-2035, the County’s population is expected to increase by 114,187 persons (from 106,927 in 2010 to 221,114 in 2035), with a corresponding need for 45,009 additional housing units (from 44,223 in 2010 to 89,232 in 2035. [Also note that the 2010 Census concluded that there were 48,595 housing units in Flagler County as of April 1, 2010, with 80.6% of these occupied and the remaining 19.4% (or 9,427 units) vacant.] Many of these units will be located in the incorporated area of the County, but areas of consistent growth – though with low-to moderate-growth rates – like Coastal Area 1 will continue to attract non-speculative, owner-occupied development due to its proximity to the Atlantic Ocean. In summary, sufficient raw, undeveloped land exists throughout the County to accommodate the County’s projected population.

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

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

c. The character of undeveloped land."

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

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

Public infrastructure is provided as part of the Matanzas Shores utility system, with water provided through the City of Palm Coast and central sanitary sewer provided by the Matanzas Shores Owners Association. Fire and law enforcement services are provided by Flagler County.
“e. The need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community.”

The subject parcel is neither developed nor blighted, but is nonconforming to the character of the community. This parcel was originally intended as one of two commercial sites within the Matanzas Shores DRI, with this site anticipated to be developed as a table-service restaurant or similar commercial use. The parcel’s location on the north side of the DRI, adjacent to the north to existing single-family residential and with community amenities to the south, and on the east side of SR A1A, makes commercial development problematic. The development’s shared driveway, as originally proposed to serve the residential, commercial, and shared amenities, is not well-suited for the additional commercial traffic due to its width and location. The conversion of this parcel from commercial to residential is preferable to its development as commercial or mixed-use.

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

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

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

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

“h. The discouragement of urban sprawl.”

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

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

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

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

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

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

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

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

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

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

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

"9. The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.

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

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

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

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

(IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
(V) Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

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

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

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

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

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

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

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

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

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

“b. The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:

(I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

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

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

(IV) Promotes conservation of water and energy.

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

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

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

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

The request fulfills the eight "anti-sprawl" objectives by occurring within a previously planned DRI which sought through its layout the accomplishment of each of the eight measures as provided in the statute.

VIII. Analysis of Consistency with the Comprehensive Plan:
The requested small scale amendment has been evaluated by staff for its consistency with the Comprehensive Plan:

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

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

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

Each of these has been evaluated as part of the statutory consistency review above, with the exception of 100-year flood plain: the subject parcel is in Zone AE, an area subject to inundation by the 1-percent-annual-chance flood event.

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

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

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

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

This analysis satisfies this Policy’s requirements.

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

This analysis satisfies this Policy’s requirements. Potable water requirements are satisfied through existing SJRWMD Consumptive Use Permit (CUP) permit approvals for the City of Palm Coast as provider for Matanzas Shores.

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

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

"Policy E.2.1.1: Land use plan amendments that have the effect of increasing allowable residential density in the Coastal High Hazard Area (CHHA) shall not be approved for parcels, or portions thereof, lying seaward of the Coastal Construction Control Line (CCCL) or within the velocity zone (Zone V or VE as depicted on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps) unless one of the following apply:

1) the change is made to reflect existing legally permitted density that is not designated on the Future Land Use Map;
(2) the requested increase in density on a parcel is offset by a corresponding decrease in density on a different parcel. The offset in density will not result in a net increase in buildout population in the Coastal High Hazard Area (CHHA); or
(3) the requested amendment meets the requirements of applicable sections of Florida Administrative Code (FAC) and is internally consistent with the goals, objectives, and policies of the Comprehensive Plan."

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

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

The requested amendment is consistent with Policy E.2.1.1.

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

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

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

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

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

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

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

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

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

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

Attachments

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

TECHNICAL REVIEW COMMITTEE COMMENTS

MEETING DATE:
NOVEMBER 16, 2011

SURF NORTH AT MATANZAS SHORES -
FLUM AMENDMENT

APPLICATION #2888

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

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

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

Flagler County Building Department 386-313-4002
Flagler County Planning Department 386-313-4067 Development Review Planner III
Flagler County Development Engineering 386-313-4082 Development Engineer
Flagler County General Services (Utilities) 386-313-4184
County Attorney 386-313-4005
Flagler County Fire Services 386-313-4258
E-911 GIS Specialist 386-313-4274
Environmental Health Department 386-437-7358
Flagler County School Board 386-586-2386
REVIEWING DEPARTMENT: BUILDING DEPARTMENT
No Building Department issues at this time.

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

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

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

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

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING
No comments at this time.

REVIEWING DEPARTMENT: FIRE INSPECTOR
No comments at this time.

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

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

REVIEWING DEPARTMENT: COUNTY ATTORNEY
Comments pending at this time.

Page 2 of 3 pages
REVIEWING DEPARTMENT: UTILITIES
No comments at this time.
Attachment A Location Map
The following Legal Description prepared by Clyde W. Roesch, Palm Coast Engineering and Design Services, Inc. 1 Corporate Drive, Palm Coast, Florida.
Date; March 13, 1996.
Parcel 707, Commercial site, Matanzas Shores.

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

A POINT OF REFERENCE being the intersection of the Southerly line of said Government Section 38 extended Westerly to the Easterly right-of-way line of the Intracoastal Waterway (500'R/W); thence North 17°14'46" West along said right-of-way line a distance of 2301.75 feet, thence North 15°28'50" West along said right-of-way line a distance of 1500.16 feet, thence departing said Intracoastal Waterway North 69°39'14" East along the Northerly boundary of said Plat "Section 88" a distance of 1166.37 feet to a Point on the Easterly right-of-way line of State Road A-1-A as recorded in Official Records book 388, Pages 110 through 112, thence South 20°21'28" East along said right-of-way line a distance of 420.80 feet, thence South 10°17'52" West along said right-of-way line a distance of 211.82 feet to the POINT OF BEGINNING of this description, thence departing said right-of-way South 20°21'28" East a distance of 349.50 feet, thence South 69°38'32" West a distance of 194.31 feet, thence North 80°07'31" West a distance of 33.00 feet to a Point on said Easterly right-of-way line of State Road A-1-A, thence North 09°52'29" East along said right-of-way line 276.42 feet, thence North 21°17'09" East along said right-of-way line a distance of 125.87 feet to the POINT OF BEGINNING.

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

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

Parcel containing 1.0100 acres more or less.

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

ZONE_CODE
AC
AC-2
C-1
C-2
CN
I
MH-1
MH-2
MH-3
O-1
O-2
PUD
R-1
R-1B
R-1C
R-1D
R-2
R-3
RC
I-PUD
MUH-PUD
MUL-PUD

Attachment D
Current Zoning
Flagler County Planning & Zoning Dept.
ATTACHMENT G

IMPACT ANALYSIS POPULATION

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

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OCT 19 2011

Flagler County Planning & Zoning Dept
TRAFFIC ANALYSIS

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

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

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

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

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Flagler County Planning & Zoning Dept

TRANSPORTATION STUDY – ATTACHMENT “H”
### INSTITUTE OF TRANSPORTATION ENGINEERS

#### TRIP GENERATION RATE (PM Peak Hour)

(Trip Generation Manual, 8th Edition)

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Unit of Measure</th>
<th>Trips Per Unit</th>
</tr>
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<tbody>
<tr>
<td>30</td>
<td>Truck Terminal</td>
<td>Acres</td>
<td>6.55</td>
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<tr>
<td>90</td>
<td>Park and Ride Lot with Bus Service</td>
<td>Parking Spaces</td>
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<td>110</td>
<td>General Light Industrial</td>
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<td>120</td>
<td>General Heavy Industrial</td>
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<td>130</td>
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<td>140</td>
<td>Manufacturing</td>
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<td>150</td>
<td>Warehousing</td>
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<td>151</td>
<td>Mini-Warehouse</td>
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<td>152</td>
<td>High-Cube Warehouse</td>
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<td>170</td>
<td>Utilities</td>
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<td>210</td>
<td>Single-Family Detached Housing</td>
<td>Dwelling Units</td>
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<td>220</td>
<td>Apartment</td>
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<td>230</td>
<td>Residential Condominium / Townhouse</td>
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<td>240</td>
<td>Mobile Home Park</td>
<td>Dwelling Units</td>
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<td>251</td>
<td>Senior Adult Housing - Detached</td>
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<td>Senior Adult Housing - Attached</td>
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<td>253</td>
<td>Congregate Care Facility</td>
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<td>254</td>
<td>Assisted Living</td>
<td>Beds</td>
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<td>Continuing Care Retirement Community</td>
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<td>310</td>
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<td>413</td>
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<td>Beach Park</td>
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<td>Campground / Recreation Vehicle Park</td>
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<td>417</td>
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<tr>
<td>431</td>
<td>Miniature Golf Course</td>
<td>Holes</td>
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<table>
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<tr>
<td>432</td>
<td>Golf Driving Range</td>
<td>Tees / Driving Positions</td>
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<td>433</td>
<td>Batting Cages</td>
<td>Cages</td>
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<td>435</td>
<td>Multi-Purpose Recreational Facility</td>
<td>Acres</td>
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<td>437</td>
<td>Bowling Alley</td>
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<td>443</td>
<td>Movie Theater without Mainnee</td>
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<td>Horse Race Track</td>
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<td>Tennis Courts</td>
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<td>Racquet / Tennis Club</td>
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<td>492</td>
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<td>Athletic Club</td>
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<tr>
<td>458</td>
<td>Recreational Community Center</td>
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#### INSTITUTIONAL

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<td>Junior / Community College</td>
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<td>561</td>
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<td>Lodge / Fraternal Organization</td>
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#### MEDICAL

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<td>Animal Hospital / Veterinary Clinic</td>
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Flagler County Planning & Zoning Dept
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<td>General Office Building</td>
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<td>Corporate Headquarters Building</td>
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<td>Hardware / Paint Store</td>
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<td>Discount Supermarket</td>
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<td>Sporting Goods Superstore</td>
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<td>Home Improvement Superstore</td>
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<td>Electronics Superstore</td>
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<td>Toy / Children's Superstore</td>
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<td>Pet Supply Superstore</td>
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<td>Department Store</td>
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<td>Apparel Store</td>
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<td>Arts and Craft Store</td>
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<td>880</td>
<td>Pharmacy / Drugstore with Drive-Through Window</td>
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<td>Quality Restaurant</td>
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<td>High-Turnover (Sit-Down) Restaurant</td>
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<td>Fast Food Restaurant with Drive-Through Window</td>
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<td>Bread / Donut / Bagel Shop with Drive-Through Window</td>
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<td>943</td>
<td>Automobile Parts and Service Center</td>
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Note: All land uses in the 800 and 900 series are entitled to a "passby" trip reduction of 60% if less than 50,000 ft² or a reduction of 40% if equal to or greater than 50,000 ft².

* Approximated by 10% of Weekday average.
ATTACHMENT I

RECREATION AND OPEN SPACE

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

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WATER & WASTEWATER

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

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

SOLID WASTE ANALYSIS

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

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

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

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

The proposed plan will be to collect onsite runoff via curb and gutter or inverted crown/inlet and convey to an existing stormwater inlet located at the entrance of Sea View Drive that is piped under SR A1A and into the existing Matanzas Shores master stormwater system.
BIOLICAL SITE ASSESSMENT
SURF NORTH 1.01 ACRE PARCEL
FLAGLER COUNTY, FLORIDA

I. INTRODUCTION

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

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

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

II. SITE DESCRIPTION

A. Location and Site Conditions

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

B. Soils

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

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

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

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

III. ENDANGERED, THREATENED AND SPECIES OF SPECIAL CONCERN

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

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

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

**IV. FEMA FLOOD ZONE**

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

**V. CONCLUSION**

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

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

Sources: Flagler County FAS: Bing Aerial Imagery (2011); Florida Land Use, Cover, and Forma Classification System (FDOC)

Disclaimer: The information depicted on this figure is for conceptual purposes only, and is subject to review and approval by appropriate regulatory agencies.

Existing Site Conditions
Surf North Parcel
Flagler County, Florida

Project: EJ11422.00
Date: Oct. 2011
Drwn/Chkd: JRN/SRJ
Figure: 1

ATTACHMENT M: BIOLOGICAL ASSESSMENT
The Flagler County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.

Please note that the property appraiser maps are for assessment purposes only. Neither Flagler County nor its employees assume responsibility for errors or omissions. This is not a survey.

Date printed: 10/09/11 : 13:52:44

Attachment Q  Aerial Photo
October 3, 2011

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

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

Dear Ms. Wilson,

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

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

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

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

Sincerely,

Robert E. Dickinson, RLA

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Flagler County Planning & Zoning Dept
Warranty Deed

This Warranty Deed made this 6th day of June, 2003, between

Matanzas Shores, L.C., a Florida limited liability company whose post office address is 21 Old Kings Road North, Suite B101, Palm Coast, FL 32137, Grantor, and

Robert J. Falconetti and Diane D. Falconetti, husband and wife, and John J. Falconetti and Robert John Falconetti whose post office address is 5015 Long Bow Road, Jacksonville, FL 32210, Grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

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

See Attached Exhibit "A"

Parcel Identification Number: 371031-1550-00000-0153

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

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

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

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2002.
In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]
Witness Name: Kelly Devore
[Signature]
Witness Name: Karolyn Deering

Matanzas Shores, L.C.
By: William Harkins, Manager

(Corporate Seal)

State of Florida
County of Flagler

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

Notary Public

Printed Name: ___________________________

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

Parcel 707, Commercial site, Matanzas Shores.

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

A POINT OF REFERENCE being the intersection of the Southerly line of said Government Section 38 extended Westerly to the Easterly right-of-way line of the Intracoastal Waterway (S00'R/W); thence North 17'14'46" West along said right-of-way line a distance of 2801.75 feet, thence North 15'28'50" West along said right-of-way line a distance of 1506.16 feet, thence departing said Intracoastal Waterway North 69'39'14" East along the Northerly boundary of said Plat "Section 88" a distance of 3165.37 feet to a Point on the Easterly right-of-way line of State Road A-1-A as recorded in Official Records Book 388, Pages 110 through 112, thence South 20'21'28" East along said right-of-way line a distance of 420.80 feet, thence South 10'17'52" West along said right-of-way line a distance of 211.82 feet to the POINT OF BEGINNING of this description, thence departing said right-of-way South 20'21'28" East a distance of 349.50 feet, thence South 89'38'32" West a distance of 194.31 feet, thence North 80'07'31" West a distance of 33.00 feet to a Point on said Easterly right-of-way line of State Road A-1-A, thence North 09'52'29" East along said right-of-way line 276.42 feet, thence North 21'17'09" East along said right-of-way line a distance of 125.87 feet to the POINT OF BEGINNING.

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

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

Parcel containing 1.0100 acres more or less.

Bearings refer to the Transverse Mercator Grid System of the East Zone of Florida and locally referenced to the East right-of-way line of the Intracoastal Waterway near the South line of Government Section 38, Township 10 South, Range 31 East, being North 17'14'46" West.
POINT OF REFERENCE
INTERSECTION OF THE SOUTHEAST LINE OF GOVERNMENT SECTION 38, TOWNSHIP 10 SOUTH, RANGE 31 EAST

POINT OF BEGINNING
1" = 100 FEET

RECEIVED
OCT 19 1991
Flagler County Planning & Zoning Dept

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

07/11/06
February 28, 2017

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

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

Dear Mr. Mengel,

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

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

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

Yours sincerely,

Dennis Clark, Chair  
SCENIC A1A PRIDE

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