

Flagler County
Board of County Commissioners
Office of the County Attorney
1200 E. Moody Blvd., #11
Bunnell, FL 32110
(386) 437-7483 FAX: (386) 437-8292

MEMORANDUM

TO: Walter Fufidio, Planning Director
FROM: Patrick F. McCormack, Assistant County Attorney
RE: Bulow Plantation NOPC Application Fee
DATE: January 29, 2003

A handwritten signature in black ink, appearing to be "P. McCormack", is written over the "FROM:" line of the memorandum.

I have reviewed the letter from Mary Hansen pertaining to the Bulow Plantation NOPC application fee (copy enclosed). I also include a copy of Rule 29L-2.002, Florida Administrative Code, pertaining to DRI review process fees.

PFM:lr
Enclosure

RECEIVED

JAN 24 2003

COUNTY ATTORNEY
FLAGLER COUNTY, FLORIDA

MARY D. HANSEN P. A.
CONSULTING ATTORNEYS
LAND USE & ENVIRONMENTAL LAW

Suite 1A
100 Cessna Boulevard
Port Orange, FL 32128

(386) 761-1100
(386) 761-1114 fax
mdhpa@earthlink.net
www.landlaw-fl.com

January 23, 2003

Walter Fufidio, Planning Director - Flagler Co.
1200 East Moody Blvd.
Building 6
Bunnell, FL 32110

Re: Bulow Plantation NOPC Application Fee

Dear Walter:

This letter is to follow through on our recent conversations concerning the \$10,000 fee paid by Bulow for the review and processing of its proposed DRI amendment last year. As you know, the North East Florida Regional Planning Council found that the proposed changes did not constitute a substantial deviation. Since the County Commissioners did not transmit the proposed change to the Department of Community Affairs, it is unlikely that your staff expended much in administrative costs for its review and processing.

The \$10,000 fee was established in contemplation of a long, involved County staff process, as a means of recouping the County's reasonable expenditures for its NOPC review. However, in the Bulow case, the review was stopped before the County incurred much in the way of administrative expenses and staff costs.

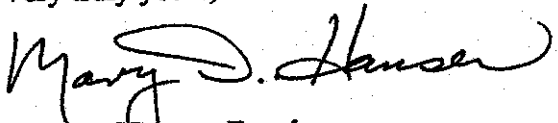
Therefore, this is to request reimbursement to my client of whatever portion of the \$10,000 fee that was not expended by the County. As a matter of fairness, the County should not be seeking a windfall of the portion of the fee that is left after the reasonable County expenses are deducted.

January 23, 2003
Page 2 of 2

Please let me know if I need to do anything further to begin the reimbursement process, and advise me as to what procedure and time frames will be used to process this request.

As always, I appreciate your assistance in this matter.

Very truly yours,



Mary D. Hansen, Esquire

MDH/jr

Xc: David Fell, Esq.
Roger Maynard
Patrick MacCormack, County Attorney

FLORIDA ADMINISTRATIVE CODE
ANNOTATED
TITLE 29. REGIONAL PLANNING COUNCIL
SUBTITLE 29L. APALACHEE REGIONAL
PLANNING COUNCIL
CHAPTER 29L-2. DRI REVIEW PROCESS
Current through November 1, 2002

380.06, 380.07 FS. History--New 4-4-78, Amended 10-14-81, Formerly 29L-2.02, Amended 8-17-87.

<General Materials (GM) - References, Annotations, or Tables>

29L-2.002. Fees.

ANNOTATIONS

Each DRI application, except for applications submitted by a local, state or federal agency shall be accompanied by a fee deposit, as detailed below. Governmental agencies shall pay after receipt of an invoice and are not required to pay a deposit in advance. When required, no application shall be accepted for review unless accompanied by this fee deposit. This fee deposit shall be combined with other funds available to perform the function outlined by Section 380.06, Florida Statutes. The amount of the application review fee shall be determined by the following procedures:

- (1) The applicant shall remit a fee deposit of **10,000** dollars payable to the **Council** for review at the time the application is submitted.
- (2) An additional fee deposit of **10,000** dollars is required at the time sufficiency is declared by ARPC.
- (3) This fee deposit shall set up an account for the applicant with the **Council**. The **Council** shall keep accurate records of the actual costs which shall be deducted from the deposit fee, with any amount remaining refunded to the applicant. If the cost of the review exceeds the fee deposit, the applicant shall be liable to the **Council** for 100 percent of the review costs.
- (4) No fees or costs are required of an applicant for the initial pre-application conference required by 380.06(7). Further pre-application assistance shall be provided at the applicant's request. Charges for this assistance will be based upon reasonable fees for professional services and costs incurred. A deposit shall be required.

Validity

Rule 29L-2.002, F.A.C., was found to be valid delegation of legislative power. Exception to general rule that such delegated power must have guidelines included for its exercise was found to exist because power delegated concerned regulations aimed at protecting health, welfare, safety, and quality of life of state's residents, and standard of reasonableness can be inferred to exist therein. Fee levying provisions of rule are technical implementations of legislative policy decision that flexibility is required in determining fees for review of large-scale land developments. Question of validity of delegation was certified to Florida Supreme Court. Apalachee Regional Planning Council v. Brown, App., (1st) 546 So. 2d 451 (1989).

29 FL ADC 29L-2.002
END OF DOCUMENT

Specific Authority 120.53(1), 160, 163.01, 380.06, 380.07 FS. Law Implemented 120.53(1), 160, 163.01,

APPLICATION #: 202

Application for LAND USE

CLASSIFICATION
CHANGE - PUD
(AMENDMENT)

FLAGLER COUNTY

PROPERTY OWNER(S) NAME: GATOR LAUD VISTAS, INC.

MAILING ADDRESS: MEMBER SUITE 600, TWO RIVERSIDE PLAZA
CHICAGO, ILL 60606

TELEPHONE #: (312) 299-1650 FAX # ()

Complete the following only if different than Property Owner:

APPLICANT / AGENT (S) NAME: MARY D. HANSEN, ESQ.

MAILING ADDRESS: P.O. BOX 290008
PORT ORANGE, FL 32129

TELEPHONE #: (386) 547-2320 FAX # (386) 427-1206

SITE LOCATION: BUCOW PLANTATION OLD STATE HIGHWAY

LEGAL DESCRIPTION: Subdivision Name or Section # See attached deed Block _____ Lot _____

Parcel # 3812 31 .000 .0405 .000 .10

PROPOSED USE: RPOD

PRESENT LAND USE CLASSIFICATION: RPOD (Residential Low Intensity)

PRESENT FUTURE LAND USE DESIGNATION: RPOD (" " ")

PROPOSED LAND USE CLASSIFICATION: SAME

PROPOSED FUTURE LAND USE DESIGNATION: SAME

Signature of All Property Owners: [Signature] Date: 8/21/02

Signature of All Property Owners: _____ Date: _____

The foregoing was acknowledge before me this 21st day of August, 2002 by DOU STEWART who is personally known to me or who has produced as identification, and who (did) (did not) take an oath.

Signature of Notary Public: [Signature]

Mary D Hansen
Notary Public
State of Florida
Commission DD097950
Expires June 26, 2006

Required Attachments: 1.) Copy of Owner(s) recorded Warranty Deed; 2.) Names, address and parcel numbers of property owners within 300 feet of the subject property boundary; 3.) 33 sets of boundary survey and conceptual drawings meeting requirements of Flagler County Land Development Code, Article III, Section 3.04.02; 4.) Application fee of \$300.00 due at application submittal. If paying by check, make check payable to Flagler County Board of County Commissioners.

****OFFICIAL USE ONLY****

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

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

BOARD OF COUNTY COMMISSION: _____ APPROVED []
*APPROVED WITH CONDITIONS DENIED []

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

NOTE: Pursuant to Section 286.0105 of Florida Statutes, the Flagler County Planning Board hereby notifies all interested persons that if a person decides to appeal any decision made by the Planning Board with respect to any matter considered at such meeting or hearing, 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.

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.

22080043

RT. Chicago Title

This instrument Prepared By:
Thomas S. Hart, Esq.
Cobb Cole & Bell
Post Office Box 2491
150 Magnolia Avenue
Daytona Beach, FL 32115-2491

Inst No: 94010536 Date: 07/14/1994
Doc Stamp-Deed : 30967.30
SYD. CROSBY, FLAGLER County
By: [Signature] D.C. Time: 10:30:

Property Appraiser's Parcel
Identification (Folio) No.

OFF REC 0515 PAGE 0652

WARRANTY DEED

THIS WARRANTY DEED made and executed this 12th day of July, 1994, by THE VON BULOW CORPORATION, a Florida corporation, hereafter referred to as "Grantor", to GATORLAND VISTAS, INC., an Illinois corporation referred to as "Grantee", whose post office address Suite 600, Two North Riverside Plaza, Chicago, Illinois 60606.

(Wherever 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.)

WITNESSETH:

That Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee, all that certain land situate in Flagler County, Florida, viz:

As described on Exhibit "A attached hereto and made a part hereof.

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

TO HAVE AND TO HOLD, said premises as above described with the tenements, hereditaments and appurtenances thereto appertaining unto Grantee and Grantee's successors and assigns in fee simple forever;

SUBJECT TO: that certain Deed of Easement to Southern Bell Telephone and Telegraph Company recorded January 26, 1990 in Official Records Book 421, Page 303, re-recorded February 23, 1990 in Official Records Book 424, Page 160, Public Records of Flagler County, Florida.

OFF REC 0515 PAGE 0653

AND Grantor hereby covenants with Grantee that Grantor is lawfully seized of said premises in fee simple; that Grantor has good right and lawful authority to sell and convey said premises, that said premises are free of all encumbrances except as described herein; that Grantor hereby fully warrants the title to said premises and will defend the same against the lawful claims of all persons whomsoever.

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

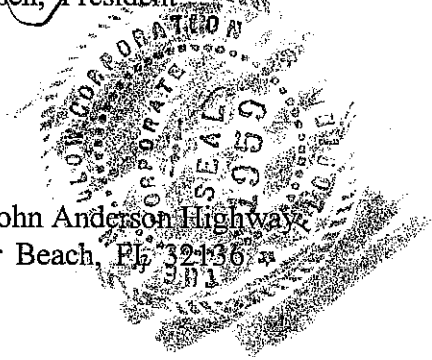
THE VON BULOW CORPORATION, a Florida corporation

Thomas S. Hart
Thomas S. Hart
(Name Printed or Typed)

By: William Lenssen
William Lenssen, President

Terri D. Hopkins
Terri D. Hopkins
(Name Printed or Typed)

Address: 2801 John Anderson Highway
Flagler Beach, FL 32136

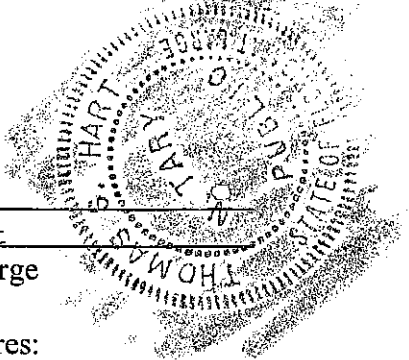


STATE OF FLORIDA
COUNTY OF

The foregoing instrument was acknowledged before me this 12th day of July, 1994, by William Lenssen, as President of The Von Bulow Corporation, a Florida corporation, on behalf of the corporation. He is personally known to me ~~or has produced~~ _____ as identification.

NOTARY PUBLIC:

Sign: Thomas S. Hart
Print: Thomas S. Hart
State of Florida At Large
(Seal)



My Commission Expires:

Title/Rank: _____

Commission Number: _____

Notary Public, State of Florida
My Commission Expires Aug. 13, 1994
Bonded Thru Troy Pain - Insurance Inc.

EXHIBIT "A"

REAL PROPERTY

THAT PORTION LYING WESTERLY OF THE MEAN HIGH WATER MARK OF BULOW CREEK OF THE FOLLOWING DESCRIBED PARCEL:

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OR LAND SITUATE LYING AND BEING IN FLAGLER COUNTY, STATE OF FLORIDA, CONTAINING 544 ACRES, MORE OR LESS, KNOWN AS LOT 4 OF THE BULOW GRANT AND DESIGNATED AS LOT 4 ON A MAP OF PARTITION FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR VOLUSIA COUNTY, IN THE STATE OF FLORIDA, IN AN ACTION ENTITLED STATE OF FLORIDA CIRCUIT COURT OF THE EASTERN CIRCUIT, IN CHANCERY, CHARLES B. BUCKNER AGAINST WILLIAM F. BUCKNER, AND OTHERS, THE FINAL DECREE IN WHICH WAS DATED JULY 20, 1870, AND FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR VOLUSIA COUNTY, THE REPORT OF THE COMMISSIONERS IN SAID SUIT HAVING BEEN FILED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR VOLUSIA COUNTY, IN THE STATE OF FLORIDA, ON SEPTEMBER 20, 1867, AND A CERTIFIED COPY OF SAID DECREE AND OF SAID MAP OF PARTITION HAVING BEEN DULY FILED IN THE OFFICE OF THE CLERK OF ST. JOHNS COUNTY, MARCH 5, 1881, IN FILE B-7; THE SAID PIECE, PARCEL OR TRACT OF LAND BEING IN SAID DECREE MORE FULLY DESCRIBED AS FOLLOWS:

ALL THAT CERTAIN PIECE OR PARCEL OF SAID PREMISES DESIGNATED ON SAID MAP AS NUMBER 4 AND WHICH IS BOUNDED AS FOLLOWS: THE NORTH LINE, NORTH 70 DEGREES EAST 161.50/100 CHAINS BEING THE SOUTH LINE OF LOT NUMBER 3; THE WEST LINE SOUTHWARDLY ALONG THE KINGS ROAD 33 CHAINS TO A POST; THENCE SOUTH LINE NORTH 70 DEGREES EAST 158 CHAINS TO A POST ON AND CONTINUED ACROSS THE MARSH ABOUT 13 CHAINS MORE TO WEST BANK OF HAULOVER CREEK NORTHWARDLY TO ITS INTERSECTION WITH THE SOUTH LINE OF LOT NO. 3.

BEING APPROXIMATELY 300 ACRES MORE OR LESS, THE EXACT AMOUNT AND BOUNDARIES TO BE DETERMINED BY SURVEY.

ALSO DESCRIBED AS FOLLOWS: A PORTION OF BULOW GRANT LOT 4, SECTION 38, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, LYING WEST OF BULOW CREEK, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE SOUTH LINE OF SAID BULOW GRANT LOT 4 WITH THE EAST RIGHT OF WAY OF KINGS ROAD (A 100 FOOT RIGHT OF WAY AS LAID OUT AND USED) AND AS DESCRIBED IN OFFICIAL RECORDS BOOK 58, PAGE 281 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE ALONG THE SAID EAST RIGHT OF WAY LINE THE FOLLOWING CALLS; THENCE NORTH 29 DEGREES 12 MINUTES 28 SECONDS WEST, 547.25 FEET

REC 0515 PAGE 0654

OFF 0515 PAGE 0655
REC

TO THE BEGINNING OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 5679.58 FEET AND A CENTRAL ANGLE OF 02 DEGREES 34 MINUTES 15 SECONDS; THENCE NORTHERLY ALONG SAID ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 254.84 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS NORTH 27 DEGREES 55 MINUTES 23 SECONDS WEST, A DISTANCE OF 254.82 FEET TO THE END OF SAID CURVE; THENCE NORTH 26 DEGREES 38 MINUTES 15 SECONDS WEST, 1013.52 FEET TO THE BEGINNING OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 5679.58 FEET AND A CENTRAL ANGLE OF 02 DEGREES 43 MINUTES 15 SECONDS; THENCE NORTHERLY ALONG SAID ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 269.71 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS NORTH 25 DEGREES 16 MINUTES 38 SECONDS WEST, A DISTANCE OF 269.68 FEET TO THE END OF SAID CURVE; THENCE NORTH 23 DEGREES 54 MINUTES 55 SECONDS WEST, 88.94 FEET TO THE NORTH LINE OF SAID BULOW GRANT LOT 4; THENCE DEPARTING SAID KINGS ROAD RIGHT OF WAY, NORTH 67 DEGREES 59 MINUTES 19 SECONDS EAST, ALONG SAID NORTH LINE OF BULOW GRANT LOT 4, 6924.98 FEET TO THE WEST SHORELINE OF BULOW CREEK; THENCE SOUTHERLY, ALONG THE WEST SHORELINE OF BULOW CREEK, 2627.2 FEET, MORE OR LESS, TO THE SOUTH LINE OF SAID BULOW GRANT LOT 4; THENCE SOUTH 67 DEGREES 59 MINUTES 19 SECONDS WEST, ALONG THE SAID SOUTH LINE OF BULOW GRANT LOT 4, 6664.23 FEET TO THE EAST RIGHT OF WAY OF KINGS ROAD AND TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 323.4 ACRES, MORE OR LESS.

Return to:

Thomas S. Hart
COBB COLE & BELL
POST OFFICE BOX 2491
DAYTONA BEACH, FLORIDA 32115-2491

Recording Fee: 19.50
Doc. Stamps: \$30,967.30
\$30,986.80

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STORCH, HANSEN & MORRIS, P.A.

ATTORNEYS AT LAW

420 SOUTH NOVA ROAD
DAYTONA BEACH, FLORIDA 32114-4514

COPY

GLENN D. STORCH
MARY D. HANSEN
JAMES S. MORRIS

(386) 238-8383
FAX (386) 238-0988
e-mail: shmpa@mindspring.com

May 29, 2002

Ms. Susan Poplin, Planning Manager
Department of Community Affairs
Division of Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

RECEIVED
MAY 30 2002
Flagler County Development Services

Re: *Bulow Plantation DRI – Notice of First Proposed Change*

Dear Susan:

On behalf of Gatorland Vistas, Inc., I am pleased to present the attached NOPC Form and supporting documentation and plans for a proposed revision to the DO and PUD governing development of Bulow Plantation.

This packet includes the Form, with the specific responses keyed to its numbering system in this letter; the land owner's authorization for me to proceed with this change on its behalf; a revised resolution amending the DO and PUD and a two-page site plan detailing the proposed new campground lay-out. Under separate cover, Flagler County has been provided with a \$10,000 application fee.

Specific Responses

2. Applicant: Gatorland Vistas, Inc.
Manufactured Home Communities, Inc.
Two North Riverside Plaza
Chicago, Illinois 60606
Attn: Jennifer Usher
(312) 279-1652

COPY

Ms. Susan Poplin, Planning Manager
RE: Bulow Plantation DRI
May 29, 2002
Page Two

3. Authorized Agent: Mary D. Hansen, Esq.
c/o 435 Spring Forest Drive
New Smyrna Beach, FL 32168
(386) 547-2320 (cell)
4. Location: Old King's Road, Flagler County, Florida
5. Description of Changes: The approved campground/ RV park layout has been revised to add 82 additional semi-improved permanent RV spaces, and to provide for 118 temporary, special-event related primitive tent sites with sanitary facilities, security and traffic control. The overall acreage of the RV area remains at 45 acres; space for the temporary sites will be in the existing vehicle and boat storage area. At the County's request, the new plan provides for better emergency access to the campground area. The attached site lay-out plan provide a graphic depiction of the proposed sites and service facilities.

In addition, certain language in the DO and PUD has been revised, with the new language underlined in the attached proposed resolution and Exhibit D. The only substantive change is to add as permitted uses the special exceptions allowed by the County in its other single-family residential zones. This mainly allows for home occupations, provided the resident can meet the special exception criteria at a public hearing.

6. No changes are shown in the attached substantial deviation chart except in the categories of "Residential" and "RV Park".
7. No previous modifications have been applied for or issued.

Ms. Susan Poplin, Planning Manager
RE: Bulow Plantation DRI
May 29, 2002
Page Three

COPY

8. No additional lands have been purchased in Flagler County by the Applicant.
9. See Form.
10. Due to delays in permitting the residential portion of the DRI, the phasing on all development units will be extended by 18 months. The campground improvements will be part of the first development phase, to be ready for the 2003 special event season.
11. No amendment to the Flagler County comprehensive plan will be necessary to accommodate this proposed change.
12. See attached campground site plan.
13. See attached draft Resolution and Exhibit "D".

Please let me know if you need any further information. I will look forward to discussing the issues as the review proceeds.

Very truly yours,


Mary D. Hansen, Esquire

MDH:smb

Enclosures

cc: Mr. Roger Maynard
Ms. Jennifer Usher
Ms. Jim Smith
Ms. Brian Teeple

Land Use Table Exhibit D

Bulow Plantation Permitted Principal uses and Buildings

I. Manufactured Housing Area (271 ± Acres)

1. A total of 1020 leased and improved manufactured housing sites for placement of single-family residential manufactured homes and appurtenances.
2. Accessory buildings and structures, including but not limited to the Activity Center/Shelter, Laundry, Swimming Pool, Pool House, Hot Tub or Spa, Tennis Courts, Shuffleboard and Bocci Courts and other recreational facilities and buildings.
3. Manufactured Housing Sales Center.
4. Special exceptions, variances and conditional uses as permitted in the County's single-family residential zones.

II. Permanent Commercial Campground (45± Acres)

1. 432 permanent improved recreational vehicle spaces.
2. 116 temporary primitive campsites, limited to four three-day charitable events per year, and to three days before, during and three days after the designated periods for Race Weeks (Speed Weeks), Bike Week and Biketoberfest, provided adequate sanitation, security, fire prevention and traffic control measures are undertaken by Applicant.
3. Leasing of campground spaces.
4. Commercial storage of recreational vehicles, boats, motor vehicles, trailers, etc.
5. Vending upon receiving County occupational license.
6. Recreational vehicle sales.
7. Accessory buildings and structures, including but not limited to Clubhouse Meeting Hall, Shower and Bathroom Facilities, Laundry, Swimming Pool, Pool House, Tennis Courts, Shuffleboard Courts, Picnic Pavilions and other recreational facilities.
8. Musical groups during special events (Race Weeks, Bike Week, Biketoberfest, charitable fundraisers).

III. Commercial Area

23,000± square feet of commercial space, including but not limited to Convenience Store, Laundry, Recreational Vehicle Sales, Restaurant, Bar, Professional Office, Storage, Automobile Service Station and Activity Center and associated parking per use (11,300 SF existing commercial, 12,000 ±SF proposed).

DRAFT

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA REQUEST – ITEM # _____**

DRAFT

SUBJECT: RESOLUTION AMENDING THE BULOW PLANTATION DEVELOPMENT OF REGIONAL IMPACT (DRI) DEVELOPMENT ORDER; PROVIDING FOR 82 ADDITIONAL RV SPACES; PROVIDING FOR 118 PRIMITIVE CAMPSITES; PROVIDING FOR ADDITIONAL PERMITTED USES IN THE MANUFACTURED HOUSING AREA.

DATE OF MEETING: SEPTEMBER 12, 2002

SUBJECT/GOALS/OBJECTIVES: The County received Notice of Proposed Change (NOPC) to the Bulow Plantation DRI from Mary D. Hansen on behalf of Gatorland Vistas, Inc. on May 30, 2002. This application represents the first amendment to the Development Order (D.O.). The proposed changes to the D.O. are:

1. Addition of 82 "semi-improved permanent RV [recreational vehicle] spaces".
2. Addition of 118 "temporary, special-event related primitive tent sites".
3. Add "musical groups during special events" in the campground as a permitted use.
4. Expand permitted uses in the manufactured housing area to include "special exceptions, variances and conditional uses as permitted in the County's single-family residential zones".

PARTIES OF RECORD: The Planning Department has received letters in opposition to the N.O.P.C. from the following parties:

Michael DeBrino 248 Osprey Lane	Carol Giambaivo P.O. Box 2180, FB	Eloise Lowrie 54 Red Fox Lane
Hope Stoltz address unknown	Donald and Betty Hovorka 204 Osprey Lane	Marilyn A. Jackson 36 Red Fox Lane
Joe Ribstein address unknown	Jeanne Powers 8 Red Fox Lane	Gloria Prietz 8 Audubon Lane

JUSTIFICATION/BACKGROUND/CONCERNS/ISSUES: The D.O. for Bulow Plantation was rendered pursuant to Resolution 2000-15. It provides for a development of 1,020 manufactured housing sites, 350 improved RV spaces, and 23,000 sq. ft. of commercial space. Receipt of this application necessitates multiple decisions by the Board:

1. *Does the N.O.P.C. constitute a substantial deviation requiring additional DRI review, i.e. create additional regional impact.*

Analysis: The criteria for determining if a proposed change constitutes a substantial deviation are set forth in Chap. 380.06(19), F.S. The threshold for an RV park is an increase of 100 spaces or 5% in area whichever is less. Staff considers this threshold not to have been crossed; an opinion bolstered by the Northeast Florida Regional Planning Council (NEFRPC) in their letter dated July 11, 2002 that the N.O.P.C. does not constitute a substantial deviation.

**** PROJECT INFORMATION ****

PROJECT NBR: 22080043 TYPE: MST MASTER PROJECT:
PROJECT DESC: Land use Classification Change PUD (amendment)
STATUS: APPL OPENED: 08/22/02 BY: BLD01 CLOSED: BY:
PROJECT VALUE:

ADDRESS NBR: 62014 ADDRESS: 3345 OLD KINGS RD S
OWNERS NAME: GATORLAND VISTAS, INC,

FOLIO NBR: 38-12-31-00

COMMENTS: PHLD 0 CHLD 0 TOTAL 0 REVIEWS 0 PERMITS 0

**** COMMENTS ****

STATUS	DATE	OPER	COMMENTS
--------	------	------	----------

Flagler County
1200 E. Moody Blvd. #6
Bunnell, FL 32110
Building Department

DUPLICATE
PAYMENT RECEIPT

=====

TRANSACTION NUMBER: 22080198

=====

=====

TRANSACTION DATE: 08/21/02

=====

RECEIVED FROM: Lesure Resorts Of America

CHECK NUMBER: 1222

REFERENCE NUMBER: 1222

Memo: Gatorland vistas rezoning amendment

FEE CODE	DESCRIPTION	AMOUNT
LUCC	LAND USE CLASSIFICATION C	\$530.00

AMOUNT PAID: \$530.00

Operator: LOUISE KENNEDY
Cash Loc: 1

Transaction Date: 08/21/02



ZEV COHEN
& ASSOCIATES, INC.

Ormond Beach • St. Augustine • Amelia Island

55 Seton Trail
 Ormond Beach, Fl. 32176
 386-677-2482 • Fax: 386-677-2505
 E-mail: ZevCohen.com

TRANSMITTAL

SHIPPED VIA: Hand Deliver DATE: 09/05/02

TO: Flagler County Planning Dept. SUBJECT: Bulow Plantation
Attention: Janet PUD Modification

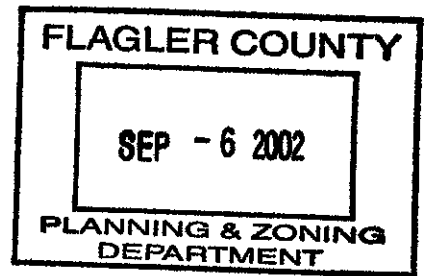
OUR FILE: ZC95137M

ITEMS ENCLOSED

NO. OF COPIES	LATEST REV. DATE	DRAWING NUMBER	DESCRIPTION
12			Site Plan

REMARKS:

CC: Don Stewart FROM: Samuel C. Hamilton, P.E.
 Mary Hansen SIGNED: *[Signature]* fol



Walter Fufidio

From: Mary D Hansen [mdhpa@earthlink.net]
Sent: Monday, September 16, 2002 1:00 AM
To: Walter Fufidio
Cc: Don Stewart; David Fell; Sam Hamilton P.E.; Roger Maynard; Patrick McCormack
Subject: Bulow Plantation TRC Review

This is to withdraw the above-referenced plans from review by the TRC on 9/17/02, due to the Commissioners' action last Thursday.

Please let me know if you need anything further.

--- Mary D Hansen, Esquire
--- mdhpa@earthlink.net

Janet Griswold

From: Patrick McCormack
Sent: Monday, September 16, 2002 11:10 AM
To: Janet Griswold
Cc: Walter Fufidio
Subject: FW: Bulow Plantation TRC Review

Janet,

Please forward this email to TRC reviewers.

Thanks,
Pat

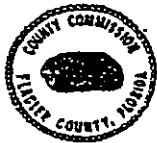
-----Original Message-----

From: Mary D Hansen [mailto:mdhpa@earthlink.net]
Sent: Monday, September 16, 2002 1:01 AM
To: Walter Fufidio
Cc: Don Stewart; David Fell; Sam Hamilton P.E.; Roger Maynard; Patrick McCormack
Subject: Bulow Plantation TRC Review

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--- Mary D Hansen, Esquire
--- mdhpa@earthlink.net



Flagler County Planning Dept.
1200 E. Moody Blvd., No. 2
Bunnell, FL 32110
(386) Phone: 904-437-7484
(386) Fax: 904-437-7488

FAX Cover Sheet

To:

Carma/Ben
437-7353

From:

Janet

Date:

9-16-02

of Pages (incl. cover):

(2)

Comments:

Re: TRC item Gatorland Oysters

Confirmation Report - Memory Send

Date & Time: Sep-16-2002 10:53am
Tel line : 386-437-8269
Machine ID : FLAGLER COUNTY DEV SERV

Job number : 808
Date & Time : Sep-16 10:52am
To : 94377353
Number of pages : 002
Start time : Sep-16 10:52am
End time : Sep-16 10:53am
Pages sent : 002
Status : OK

Job number : 808 *** SEND SUCCESSFUL ***

Comments: Re: TRC item Gatorland (1572)

Date: 9-16-02
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From: [Handwritten Signature]

To: Carma/Ben
94377353

FAX Cover Sheet

Flagler County Planning Dept.
1200 E. Moody Blvd., No. 2
Bunnell, FL 32110
(386) Phone: 904-437-7484
(386) Fax: 904-437-7458



FLAGLER COUNTY
TECHNICAL REVIEW COMMITTEE COMMENTS
9/18/02

AMENDMENT TO REZONING/SITE DEVELOPMENT PLAN IN A PUD FOR
ADDITIONAL RV SPACES, PRIMITIVE CAMPING SPACES, AND ADDITIONAL
PERMITTED USES

MARY D. HANSEN, ESQUIRE
P.O. BOX 290008
PORT ORANGE, FLORIDA 32129
(386) 547-2320

GATORLAND VISTAS, INC.

22080043

Attached are departmental comments regarding your submittal to the Flagler County Technical Review Committee for the above referenced project. Any questions regarding any of the comments should be addressed to the department providing the comment. **Applicant is required to attend Technical Review Committee meeting.**

Flagler County Planning Department	386-437-7484
Flagler County Engineering	386-437-7496
Flagler County Fire Services	386-437-7462
Environmental Health Department	386-437-7358
Flagler County Building Department	386-437-7492
E-911 Addressing	386-437-7555

Attachment: TRC Comments

22080043*001*008

REVIEWING DEPARTMENT: COUNTY ATTORNEY

Comments pending.

22080043*001*006

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

I. The proposal is for:

- 1 The addition of 82 semi-improved permanent RV spaces,
- 2 Addition of 118 temporary, special-event related primitive tent sites,
- 3 Addition of "musical groups during "special events" in the campground as a permitted use, and
- 4 Expansion of permitted uses in the manufactured housing area to include "special exceptions, variances and conditional uses as permitted in the County's single-family residential zones".

Failure of NOPC amending DRI does not permit further consideration.

In reference to 1) and 2) above, Resolution No. 2000-15, Section K, Applicant Commitments, #5 states "The RV resort will not be expanded beyond 350 spaces as part of this development".

In reference to 3) above, music festivals are permitted in the County subject to issuance of a special entertainment permit by the Board of County Commissioners.

In reference to 1), 2), and 3) above, Resolution No. 2000-15, Section K, Applicant Commitments, #14 states that substantial deviation review would be conducted if the development is no longer a 55-year or older community as represented by the applicant in the ADA. Primitive camping and music festivals for special events such as Biketoberfest, etc. would appear to conflict with the intent of a 55-year or older community and may require substantial deviation review.

In reference to 4) above, LDC Section 3.03.20 defines permitted uses in the PUD district. Application for a variance may be made in any zoning district. If particular special exception(s) are requested to be incorporated into an amendment of the Development Order, these uses should be specified. The phrase "Conditional uses as permitted in the County's single-family residential zones" is unclear.

II. Any action on this project is subject to the amendment to the Development Order. Our records reflect that this property was rezoned to PUD pursuant to Resolution 2000-15.

III. Revised open space calculations are needed.

IV. Pursuant to LDC Section 3.03.20 B. 16, a statement is needed showing the compatibility of commercial uses and structures with the overall development plan.

5. When will Phase 2 construction begin?

22080043*001*003

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPARTMENT

Comments pending.

22080043*001*004

REVIEWING DEPARTMENT: ENGINEERING DEPARTMENT

Comments prepared by David P. Van Weele, PE
(386)-437-7496 X 240

1. The information submitted with this application is conceptual and insufficient for an engineering complete review. A site plan fully dimensioned both vertically and horizontally must be furnished. Access to and through the site must be shown together with grading, drainage, utility construction all in compliance with all Flagler County Ordinances.
2. All permits together with all back up documentation from any Federal, State or local agency must be furnished. Proof of compliance with any existing permits must be furnished i.e. St John's River Water Management District.
3. A traffic study may be required which could lead to improvements on Old Kings Road. A traffic signal, acceleration lane and deceleration lane may be required among other improvements.
4. Proof of payment of the \$ 10,000 processing fee must be furnished and payment of all required fees shall be made.
5. Upon submission of a detailed site plan the application fee will be determined based upon the fee schedule in effect at that time.

22080043*001*002

REVIEWING DEPARTMENT: BUILDING DEPARTMENT

1. The Building Department has no comments.

22080043*001*001

REVIEWING DEPARTMENT: E-911 ADDRESSING

1. Address previously issued as 3345 Old Kings Road South.



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FAX Cover Sheet

To:
Mary Hansen
(386) 427-1206

From:
Janet Grewel

Date: *9-13-02*
of Pages (incl. cover):
~~3~~ *6*

Comments:
TRC Agenda and Comments

Print/Balors

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To:
Mary Hansen
(386) 427-1206

From:
Jam + Snowed

Date: *9-13-02*
of Pages (incl. cover):
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Comments:
TRC Agenda and Comments