1. **Application #3043 – APPLICATION FOR REVIEW – DRI NOPC AND AMENDMENT TO PUD SITE DEVELOPMENT PLAN**; request for a Notice of Proposed Change (NOPC) and a Planned Unit Development (PUD) modification to the Bulow Plantation Development of Regional Impact (DRI) and the Bulow Plantation PUD (Resolution No. 2000-15); Parcel Numbers: 38-12-31-0000-04050-0010 and 38-12-31-0000-04050-0030; Owner: MHC Bulow Plantation, LLC, and MHC Bulow Plantation Two, LLC, respectively; Agent: Mark W. Shelton, AICP, Kimley-Horn and Associates, Inc.  
   Project #2016080015 (TRC, PDB, BCC)

2. **Application #3045 – VARIANCE IN THE R-1 (RURAL RESIDENTIAL) DISTRICT**; request for a two foot fence height variance within the front yard setback and a one foot fence height variance within the side yard setback at 4298 Old A1A; Parcel Number 38-11-31-0000-02610-0000; Owner/Applicant: Robert S. and Tracy B. Wall.  
   Project #2016080023 (TRC, PDB)

3. **Application #3046 – APPLICATION FOR REVIEW IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT – PUD SITE DEVELOPMENT PLAN**; request to amend the Hunter’s Ridge Temporary RV Storage Planned Unit Development (PUD) (Ordinance No. 2010-07). Parcel Number: 22-14-31-0000-01010-0110; Owner: U.S. Capital Alliance, LLC; Applicant: Kimberly A. Buck, P.E., Alann Engineering Group, Inc.  
   Project #2016080028 (TRC, PDB, BCC)

4. **Application #3047 – APPLICATION FOR REVIEW IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT – PUD SITE DEVELOPMENT PLAN**; request to amend the Hunter’s Ridge Office Park – Phase 1 Planned Unit Development (PUD) (Ordinance No. 2010-09). Parcel Number: 22-14-31-0000-01010-0120; Owner: U.S. Capital HR, LLC; Applicant: Kimberly A. Buck, P.E., Alann Engineering Group, Inc.  
   Project #2016080030 (TRC, PDB, BCC)

5. **Application #3048 – APPLICATION FOR AMENDMENT TO A SEMI-PUBLIC USE**; request to amend the Semi-Public Use in the General Commercial (C-2) District for God’s Family Bible Church, Inc., at 256 Old Brick Road (Lot 17, Briarwood Acres S/D, MB 5, Page 75, Public Records of Flagler County, Florida); Parcel Number: 12-12-30-0900-00000-0170; Owner/Applicant: God’s Family Bible Church, Inc.  
   Project #2016080032 (TRC, PDB, BCC)
6. **Application #3049** – APPLICATION FOR REZONING TO PLANNED UNIT DEVELOPMENT (PUD); request for rezoning from Agriculture (AC) to Planned Unit Development (PUD) located at 10406 State Road 11; Parcel Numbers: 31-13-30-0000-01030-0000, 0010 and 0040; Owners: Richard Daniel Cody, John Walter Cody, Melanie Ruth Bennett, and Kendrick Dewitt Cody; John W. and Linda Cody; and John Cody, respectively; Applicant: Charlie Faulkner, on behalf of John and Linda Cody.

   Project #2016080033 (TRC, PDB, BCC)

7. **Application #3050** – APPLICATION FOR REVIEW – RELEASE OF TEMPORARY DRAINAGE EASEMENT; Parcel Numbers: 16-11-31-1260-00000-00G0, -00H0, and -00J0 located at the intersection of Colbert Lane and Waterfront Park Road (Parcels G, H, and J, Creekside Village at Grand Haven S/D, MB 34, Pages 69 through 72, Public Records of Flagler County, Florida); Owner: Creekside at Grand Haven, LLC; Applicant: Jay Livingston, Livingston and Sword, P.A.

   Project #2016080034 (TRC, BCC)

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PLEASE TAKE NOTICE THAT INDIVIDUAL COMMISSIONERS OF THE BOARD OF COUNTY COMMISSIONERS MAY ATTEND THIS MEETING. 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 NUMBER LISTED ABOVE AT LEAST 48 HOURS PRIOR TO THE MEETING.
August 9, 2016

Adam Mengel, AICP
Planning Director
Flagler County Planning and Zoning Department
1769 E. Moody Blvd. Bldg. 2, Suite 105
Bunnell, FL 32110-0787

Re:  Bulow Plantation NOPC/PUD
Application for NOPC and PUD Modification

Dear Adam,

Attached is the combined application for a Notice of Proposed Change (NOPC) and Planned Unit Development (PUD) modification to the Bulow Plantation Development of Regional Impact (DRI) and Bulow Plantation PUD (Ordinance 2000-15), together with the revised PUD Written Description text (clean and red-line versions), legal description, site plan (Map H), and other required attachments.

These applications for an NOPC to the Bulow Plantation DRI and modification to the Bulow Plantation PUD are submitted on behalf of MHC Bulow Plantation, LLC and MHC Bulow Plantation Two, LLC. The Applicant is seeking the following changes to the DRI Development Order (DO), PUD text, and site plan (Map H):

a) Modification to the allowed residential units and recreational vehicle spaces by simultaneously decreasing the approved residential units from 1,020 to 600 and increasing the recreational vehicle spaces from 350 to 750. This results in a decrease of 420 residential units and a simultaneous increase of 400 recreational vehicle spaces. In total, a net decrease of 20 residential units/recreational vehicle spaces is proposed resulting in an overall decrease in project impacts. Map H has been modified accordingly to reflect these proposed changes to the DRI’s allowed uses.

b) Modification to the annual monitoring report requirements to be on a biennial basis with the first biennial monitoring report being due on December 15, 2016.

c) Modification to the DRI termination, build-out, and downzoning protection date to July 12, 2021. This date incorporates the legislative extensions that have been granted to the DRI.
d) Modification to DO Specific Condition J.19 to eliminate the requirement to construct the project’s clubhouse to shelter standards. In lieu of this requirement, the Applicant proposes a monetary contribution to be paid to Flagler County for expansion of the County’s area hurricane shelter(s).

e) Modification to DO Specific Condition K.10 to recognize the monetary contributions that have already been paid by the Developer and the timing of payment for the final installment.

f) Clarification to the DO in several areas to recognize that Phase 1 of the DRI has been constructed and that DRI Phase 2 remains to be constructed in the future.

These proposed modifications will result in no increase in the DRI’s acreage, overall density, or traffic impacts and is therefore anticipated to be determined a non-substantial deviation to the approved DRI, pursuant to 380.06(19), Florida Statues. Upon your review and approval of the applications, please schedule the applications for the next available Planning and Development Review Board meeting.

Should you have any questions, please feel free to contact me at (904) 828-3900.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Mark W. Shelton, AICP
Senior Planner

Enclosures

cc: Ryan Shoup
    Joe P. Mecca, P.E.
    William J. Schilling Jr., P.E.
BULOW PLANTATION

PLANNED UNIT DEVELOPMENT
AND
NOTICE OF PROPOSED CHANGE APPLICATION

August 9, 2016
BULOW PLANTATION
PLANNED UNIT DEVELOPMENT
AND
NOTICE OF PROPOSED CHANGE

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Transmittal Letter

Team Roster

ATTACHMENTS:

1. NOPC Form DEO-BCP-PROPCHANGE-1
2. PUD Application Form
3. Proposed Resolution/Written Description (Red Line Version)
   a. Exhibit A – Legal Description
   b. Exhibit B – Specific Conditions
   c. Exhibit C – Map H/PUD Map
   d. Exhibit D – Land Use Table
4. Proposed Resolution/Written Description (Clean Version)
   a. Exhibit A – Legal Description
   b. Exhibit B – Specific Conditions
   c. Exhibit C – Map H/PUD Map
   d. Exhibit D – Land Use Table
5. Owner’s Authorization
6. Ownership Affidavit
7. Binding Agreement
8. Vicinity Map
9. Property Appraiser Map
10. Approved PUD Plan Map (Map H)
11. Aerial Map
# Team Roster

| Owner | MHC Bulow Plantation, LLC and MHC Bulow Plantation Two, LLC  
|       | Two North Riverside Plaza, Suite 800  
|       | Chicago, IL 60606 |

| Authorized Agent | Kimley-Horn and Associates, Inc.  
|                 | 12740 Gran Bay Parkway, West Suite 2350  
|                 | Jacksonville, Florida 32258 |

| Planning | Kimley-Horn and Associates, Inc.  
|          | Mark W. Shelton, AICP  
|          | 12740 Gran Bay Parkway West, Suite 2350  
|          | Jacksonville, FL 32258  
|          | (904) 828-3900  
|          | Mark.Shelton@kimley-horn.com |

|                     | William J. Schilling Jr., P.E.  
|                     | 12740 Gran Bay Parkway West, Suite 2350  
|                     | Jacksonville, FL 32258  
|                     | (904) 828-3900  
|                     | Bill.Schilling@kimley-horn.com |

| Civil Engineering | Kimley-Horn and Associates, Inc.  
|                  | Joseph P. Mecca, P.E.  
|                  | 12740 Gran Bay Parkway West, Suite 2350  
|                  | Jacksonville, FL 32258  
|                  | (904) 828-3900  
|                  | Joe.Mecca@kimley-horn.com |
ATTACHMENT 1:
NOPC Form DEO-BCP-PROPCHANGE-1
NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06(19), FLORIDA STATUTES

Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. I, **Kimley-Horn and Associates, Inc.**, the undersigned owner/authorized representative of **MHC Bulow Plantation, LLC** and **MHC Bulow Plantation Two, LLC**, hereby give notice of a proposed change to a previously approved Development of Regional Impact in accordance with Subsection 380.06(19), Florida Statutes. In support thereof, I submit the following information concerning the **Bulow Plantation Development of Regional Impact** development, which information is true and correct to the best of my knowledge. I have submitted today, under separate cover, copies of this completed notification to **Flagler County**, to the Northeast Florida Regional Planning Council, and to the Bureau of Community Planning, Department of Economic Opportunity.

Date: **August 9, 2016**

**Signature**

Mark W. Shelton, AICP
Senior Planner
2. Applicant (name, address, phone).
   Dale Almond
   Senior Vice President
   MHC Bulow Plantation, LLC
   MHC Bulow Plantation Two, LLC
   Two North Riverside Plaza, Ste. 800
   Chicago, IL 60606

3. Authorized Agent (name, address, phone).
   Mark W. Shelton, AICP
   Kimley-Horn and Associates, Inc.
   12740 Gran Bay Parkway West
   Suite 2350
   Jacksonville Florida 32258
   (904) 828-3900

4. Location (City, County, Township/Range/Section) of approved DRI and proposed change.
   Flagler County, Florida

5. Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representations contained in either the development order or the Application for Development Approval.

   This NOPC application for the Bulow Plantation Development of Regional Impact (DRI) is submitted by Kimley-Horn and Associates Inc. and proposes the following changes to the DRI Development Order (DO) and Master Development Plan Map (Map H):

   a) Modifies the allowed residential units and recreational vehicle spaces by simultaneously decreasing the approved residential units from 1,020 to 600 and increasing the recreational vehicle spaces from 350 to 750. This results in a decrease of 420 residential units and a simultaneous increase of 400 recreational vehicles spaces. In total, a net decrease of 20 residential units/recreational vehicle spaces is proposed resulting in an overall decrease in project impacts. Map H has been modified accordingly to reflect these proposed changes to the DRI’s allowed uses.

   b) Modifies the annual monitoring report requirements to be on a biennial basis with the first biennial monitoring report being due on December 15, 2016.
c) Modifies the DRI termination, build-out, and downzoning protection date to July 12, 2021. This date incorporates the legislative extensions that have been granted to the DRI.

d) Modifies DO Specific Condition J.19 to eliminate the requirement to construct the project’s clubhouse to shelter standards. In lieu of this requirement, the Applicant proposes a monetary contribution to be paid to Flagler County for expansion of the County’s area hurricane shelter(s).

e) Modifies DO Specific Condition K.10 to recognize the monetary contributions that have already been paid by the Developer and the timing of payment for the final installment.

f) Clarifies the DO in several areas to recognize that Phase 1 of the DRI has been constructed and that DRI Phase 2 remains to be constructed in the future.

This NOPC will result in a net decrease of the approved residential/recreational vehicle uses and their associated density and traffic impacts. Further, no changes in acreage or DRI boundary are proposed. Pursuant to 380.06(19), Florida Statues, these changes are a non-substantial deviation to the DRI.

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

Map H has been revised to depict separate Recreational Vehicle (RV), Residential (Manufactured Home - MH), Commercial (COMM), Amenity and Open Space areas as well as project density and phasing within the Bulow Plantation DRI.

6. Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, indicate no change.

The completed Substantial Deviation Determination Chart is attached.

7. List all the dates and resolution numbers (or other appropriate identification numbers) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart). Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?
Resolution 2007-66    July 9th, 2007    Added “Park Trailer” criteria

There has not been change in local government jurisdiction for any portion of the development since the last approval or development order was issued.

8. Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within ½ mile on a project master site plan or other map.

No lands have been purchased by the master developer within ¼ mile of the DRI as originally approved.

9. Indicate if the proposed change is less than 40% (cumulatively with other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.S.

YES  X  NO  ______________

The proposed changes should be determined to be a non-substantial deviation to the approved Bulow Plantation DRI in accordance with Florida Statute 380.06(19).

10. Does the proposed change result in a change to the buildout date or any phasing date of the project? If so, indicate the proposed new buildout or phasing dates.

The NOPC proposes a specific DRI termination, build-out, and downzoning protection date of July 12, 2021. This date incorporates a six year and 364 day extension plus the Tropical Storm Erika and Tropical Storm Colin State of Emergency extensions allowed by Senate Bill 2156.

11. Will the proposed change require an amendment to the local government comprehensive plan?

No.

Provide the following for incorporation into such an amended development order, pursuant to Subsections 380.06 (15), F.S., and 73-40.025, Florida Administrative Code:

N/A
12. An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions.

Map H has been revised to depict separate Recreational Vehicle (RV), Residential (Manufactured Home - MH), Commercial (COMM), Amenity and Open Space areas as well as project density and phasing within the Bulow Plantation DRI. Please the revised Map H that is included as an attachment to this application.

13. Pursuant to Subsection 380.06(19)(f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:

a. All proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; to commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed change;

The NOPC proposes a specific DRI build-out date of July 12, 2021. This date incorporates a six year and 364 day extension plus the Tropical Storm Erika and Tropical Storm Colin State of Emergency extensions allowed by Senate Bill 2156. Please see the revised DO text included as an Attachment to this application.

The NOPC application for the Bulow Plantation DRI also proposes a modification to the allowed residential units and recreational vehicle spaces by simultaneously decreasing the approved residential units from 1,020 to 600 and increasing the recreational vehicle spaces from 350 to 750. This results in a decrease of 420 residential units and a simultaneous increase of 400 recreational vehicles spaces. In total, a net decrease of 20 residential units/recreational vehicle spaces is proposed resulting in an overall decrease in DRI project impacts. Map H has been modified accordingly to reflect these proposed changes to the DRI’s allowed uses.

b. An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development;

N/A

c. A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable;

N/A
d. **A proposed amended development order termination date that reasonably reflects the time required to complete the development;**

The NOPC proposes a specific DRI termination, build-out, and downzoning protection date of July 12, 2021. This date incorporates a six year and 364 day extension plus the Tropical Storm Erika and Tropical Storm Colin State of Emergency extensions allowed by Senate Bill 2156. Please see the revised DO text included as an Attachment to this application.

e. **A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to downzoning, unit density reduction, or intensity reduction, if applicable; and**

The NOPC proposes a specific DRI termination, build-out, and downzoning protection date of July 12, 2021. This date incorporates a six year and 364 day extension plus the Tropical Storm Erika and Tropical Storm Colin State of Emergency extensions allowed by Senate Bill 2156. Please see the revised DO text included as an Attachment to this application.

f. **Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 73C-40.025 (7), F.A.C.**

The NOPC modifies the annual monitoring report requirements to be on a biennial basis with the first biennial monitoring report being due on December 15, 2016. Please see the revised DO text included as an Attachment to this application.
### SUBSTANTIAL DEVIATION DETERMINATION CHART

<table>
<thead>
<tr>
<th>TYPE OF LAND USE</th>
<th>CHANGE CATEGORY</th>
<th>PROPOSED PLAN</th>
<th>ORIGINAL PLAN</th>
<th>PREVIOUS D.O. CHANGE &amp; DATE OF CHANGE</th>
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<td>ADA Representations</td>
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Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.
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<th>Substantial Deviation Determination Chart</th>
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### SUBSTANTIAL DEVIATION DETERMINATION CHART

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<thead>
<tr>
<th>Office (cont.)</th>
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</tr>
<tr>
<td>Site locations changes</td>
<td></td>
</tr>
<tr>
<td>Facility Acreage, including drainage, ROW, easements, etc.</td>
<td></td>
</tr>
<tr>
<td># External vehicle trips</td>
<td></td>
</tr>
<tr>
<td>D.O. Conditions</td>
<td></td>
</tr>
<tr>
<td>ADA representations</td>
<td></td>
</tr>
<tr>
<td><strong>Ports (Marinas)</strong></td>
<td></td>
</tr>
<tr>
<td># Boats, wet storage</td>
<td>NOT APPLICABLE</td>
</tr>
<tr>
<td># Boats, dry storage</td>
<td></td>
</tr>
<tr>
<td>Dredge and fill (cu. yds.)</td>
<td></td>
</tr>
<tr>
<td>Petroleum storage (gals.)</td>
<td></td>
</tr>
<tr>
<td>Site locational changes</td>
<td></td>
</tr>
<tr>
<td>Port Acreage, including drainage, ROW, easements, etc.</td>
<td></td>
</tr>
<tr>
<td># External vehicle trips</td>
<td></td>
</tr>
<tr>
<td>D.O. Conditions</td>
<td></td>
</tr>
<tr>
<td>ADA representations</td>
<td></td>
</tr>
</tbody>
</table>

**Note:** If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.
## SUBSTANTIAL DEVIATION DETERMINATION CHART

<table>
<thead>
<tr>
<th>Category</th>
<th># Dwelling units</th>
<th>600</th>
<th>1,020 units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of dwelling units</td>
<td>Manufactured Homes - Age Restricted</td>
<td>Manufactured Homes - Age Restricted</td>
<td></td>
</tr>
<tr>
<td># of lots</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Acreage, including drainage, ROW, easements, etc.</td>
<td>N/A</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Site locational changes</td>
<td>Depicted on Proposed Map H</td>
<td>Depicted on Approved Map H</td>
<td></td>
</tr>
<tr>
<td># External vehicle trips</td>
<td>162 p.m. peak Reduction of 113 p.m. peak trips</td>
<td>275 p.m. peak</td>
<td></td>
</tr>
<tr>
<td>D.O. Conditions</td>
<td>NO CHANGE</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Residential

- Wholesale, Retail, Service
  - Acreage, including drainage, ROW, easements, etc. | NO CHANGE
  - Floor Space (gross square feet) | NO CHANGE
  - # Parking Spaces | NO CHANGE
  - # Employees | NO CHANGE
  - Site locational changes | NO CHANGE
  - # External vehicle trips | NO CHANGE
  - D.O. Conditions | NO CHANGE
  - ADA representations | NO CHANGE

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.
### SUBSTANTIAL DEVIATION DETERMINATION CHART

<table>
<thead>
<tr>
<th>Hotel/Motel</th>
<th># Rental Units</th>
<th>NOT APPLICABLE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Floor space (gross square feet)</td>
<td></td>
</tr>
<tr>
<td></td>
<td># Parking Places</td>
<td></td>
</tr>
<tr>
<td></td>
<td># Employees</td>
<td></td>
</tr>
<tr>
<td>Site locational changes</td>
<td>Depicted on Proposed Map H</td>
<td></td>
</tr>
<tr>
<td>Acreage, including drainage, ROW, easements, etc.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td># External vehicle trips</td>
<td></td>
<td></td>
</tr>
<tr>
<td>D.O. Conditions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ADA representations</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>R.V. Park</th>
<th>Acreage, including drainage, ROW, easements, etc.</th>
<th>N/A</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td># Parking Spaces</td>
<td>750 spaces</td>
<td>350 spaces</td>
</tr>
<tr>
<td></td>
<td>Buildings (gross square feet)</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td># Employees</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Site locational changes</td>
<td>Depicted on Approved Map H</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.
**SUBSTANTIAL DEVIATION DETERMINATION CHART**

<table>
<thead>
<tr>
<th># External vehicle trips</th>
<th>203 p.m. peak</th>
<th>Increase of 108 p.m. peak trips – offset by simultaneous decrease of 113 residential p.m. peak trips</th>
<th>95 p.m. peak</th>
</tr>
</thead>
<tbody>
<tr>
<td>D.O. conditions</td>
<td>NO CHANGE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ADA representations</td>
<td>NO CHANGE</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Open Space (All natural and vegetated non-impervious surfaces)</th>
<th>Acreage</th>
<th>NO CHANGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site locational changes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Type of open space</td>
<td></td>
<td></td>
</tr>
<tr>
<td>D.O. Conditions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ADA representations</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Preservation, Buffer or Special Protection Areas Preservation (cont.)</th>
<th>Acreage</th>
<th>NO CHANGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site locational changes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Development of site proposed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>D.O. Conditions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ADA representations</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Note:** If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.
ATTACHMENT 2:
PUD Application Form
## 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 #: _____________________________________________

### PROPERTY OWNER(S)

<table>
<thead>
<tr>
<th>Name(s):</th>
<th>MHC Bulow Plantation, LLC &amp; MHC Bulow Plantation Two, LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>PO Box 06115</td>
</tr>
<tr>
<td>City:</td>
<td>Chicago</td>
</tr>
<tr>
<td>State:</td>
<td>IL</td>
</tr>
<tr>
<td>Zip:</td>
<td>60606</td>
</tr>
<tr>
<td>Telephone Number</td>
<td></td>
</tr>
<tr>
<td>Fax Number</td>
<td></td>
</tr>
</tbody>
</table>

### APPLICANT / AGENT

<table>
<thead>
<tr>
<th>Name(s):</th>
<th>Kimley-Horn and Associates, Inc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>12740 Gran Bay Parkway West, Suite 2350</td>
</tr>
<tr>
<td>City:</td>
<td>Jacksonville</td>
</tr>
<tr>
<td>State:</td>
<td>FL</td>
</tr>
<tr>
<td>Zip:</td>
<td>32258</td>
</tr>
<tr>
<td>Telephone Number</td>
<td>904-828-3900</td>
</tr>
<tr>
<td>Fax Number</td>
<td></td>
</tr>
<tr>
<td>Email Address</td>
<td><a href="mailto:Mark.Shelton@Kimley-Horn.com">Mark.Shelton@Kimley-Horn.com</a></td>
</tr>
</tbody>
</table>

### SUBJECT PROPERTY

<table>
<thead>
<tr>
<th>SITE LOCATION (street address):</th>
<th>3165 Old Kings Road South</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEGAL DESCRIPTION:</td>
<td>Please see attached</td>
</tr>
<tr>
<td>Parcel # (tax ID #):</td>
<td>38-12-31-0000-04050-0010 &amp; 38-12-31-0000-04050-0030</td>
</tr>
<tr>
<td>Parcel Size:</td>
<td>319.18</td>
</tr>
</tbody>
</table>

### ZONING

**PRESENT Zoning Classification:** Planned Unit Development  
Present Future Land Use Designation: Residential Medium Density & Recreation and Open Space  
**PROPOSED ZONING CLASSIFICATION:** Planned Unit Development

---

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
ATTACHMENT 3:

Proposed Resolution/Written Description
(Red Line Version) - Includes

Exhibit A – Legal Description
Exhibit B – Specific Conditions
Exhibit C – Map H/PUD Map
Exhibit D – Land Use Table
FLAGLER COUNTY RESOLUTION NO 200016-15XX

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, APPROVING THE APPLICATION FOR DEVELOPMENT APPROVAL OF MANUFACTURED HOME COMMUNITIES, INC. NOTICE OF PROPOSED CHANGE FOR THE BULOW PLANTATION DEVELOPMENT OF REGIONAL IMPACT, AND APPROVING THE PLANNED UNIT DEVELOPMENT FOR BULOW PLANTATION OF MHC BULOW PLANTATION, LLC AND MHC BULOW PLANTATION TWO, LLC, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, on August 26, 1998, a pre-application conference was held regarding a Notice of Proposed Change to the Bulow Plantation Development of Regional Impact (DRI) and was attended by MHC Bulow Plantation, LLC, and MHC Bulow Plantation Two, LLC (Applicant), Kimley-Horn and Associates, Inc. (Agent), and representatives of Northeast Florida Regional Planning Council (NEFRPC); Department of Environmental Protection (DEP); St. John’s River Water management District (SJRWMD); Florida Fish and Wildlife Conservation Commission (FWC); Florida Department of Transportation (FDOT); Florida State Parks (Parks); and Flagler County, Florida (County); and

WHEREAS, on June 30, 1999, Applicant submitted to the County and the RPC NEFRC an Application for Development Approval (ADA) a Notice of Proposed Change (NOPC) for a DRI known as “Bulow Plantation”, in accordance with Section 380.06, Florida Statutes; and

WHEREAS, on October 12, 1999, Applicant responded to a sufficiency request from the RPC NEFRC for additional information by filing a sufficiency response which supplements said ADANOPC; and

WHEREAS, Bulow Plantation as proposed in the ADA NOPC is a Planned Unit Development (PUD) located on approximately 323 acres in the unincorporated area of Flagler County, consisting of a total of 4020 residential units, 750 improved recreational vehicle spaces, and commercial (including permanent commercial campground facilities), recreational, and other uses; and
WHEREAS, the ADA-NOPC also constitutes Applicant’s application for PUD zoning; and

WHEREAS, pursuant to Section 380.031 and 380.06, Florida Statutes, the Board of County Commissioners of Flagler County, Florida, (County), as the local government having jurisdiction, is authorized and required by law to consider the Bulow Plantation DRI ADA-NOPC; and

WHEREAS, the County has received and reviewed the comments and recommendations of its staff, which recommends approval of the ADA-NOPC subject to certain conditions; and

WHEREAS, the County has received and reviewed the report and recommendations of the RPCNEFRC, which recommends approval of the ADA-NOPC subject to certain conditions; and

WHEREAS, pursuant to Section 380.06, Florida Statutes, notice of a public hearing on the ADA-NOPC and PUD was published on January 5, 2000, in the Flagler/Palm Coast News/Tribune and was provided to the Florida Department of Community Affairs Economic Opportunity (DCA-DEO), the RPCNEFRC, and other persons designated by DCA-DEO rules; and

WHEREAS, the County on March 6, 2000, held a quasi-judicial public hearing (“the adoption hearing”) on the ADA-NOPC and the proposed PUD at which all parties were afforded the opportunity to present evidence and argument on all issues, conduct cross-examination and submit rebuttal evidence, and any member of the general public requesting to do so was given an opportunity to present written or oral evidence; and

WHEREAS, the County at its public hearing fully considered the ADA-NOPC, the report of the RPCNEFRC, the County staff recommendations and the evidence of record presented at the public hearing, and was otherwise fully advised in the premises.

I. NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, THAT SAID BOARD MAKES THE FOLLOWING FINDINGS OF FACT:
1. The Applicant is MHC Bulow Plantation, LLC, and MHC Bulow Plantation Two, LLC; Manufactured Home Communities, Inc., of Chicago, Illinois, and its authorized agent is John Seibel, HCI Box 531-A, Bunnell, Florida, 32110; Kimley-Horn and Associates, Inc.; 12740 Gran Bay Parkway West, Suite 2350; Jacksonville, Florida 32258. Applicant may designate a substitute authorized agent by delivering written notice of the substitution to the County.

2. The legal description of the property comprising the proposed Bulow Plantation DRI is as follows: Please see attached Exhibit A.

3. When developed in accordance with the conditions imposed by this development order, the Bulow Plantation DRI:
   a. will not have a significant negative impact on the environment and natural and historical resources of the region;
   b. will have a favorable economic impact on the economy of the region by providing new employment and business for the residents of the region;
   c. will efficiently use water, sewer, solid waste disposal, emergency services and other necessary public facilities;
   d. will efficiently use public transportation facilities;
   e. will favorably affect the ability of people to find adequate housing reasonably accessible to their places of employment; and
   f. will not create an unreasonable additional demand for, or additional use of, energy, and complies with other criteria for determining regional impact as the RPC-NEFRC has deemed appropriate.

4. The proposed Bulow Plantation DRI is not located in an area of critical state concern designated pursuant to the provisions of Section 380.05, Florida Statutes.

II. BE IT FURTHER RESOLVED THAT THE BOARD MAKES THE FOLLOWING CONCLUSIONS OF LAW:
1. The proceedings herein have been conducted in compliance with the provisions of Chapter 380, Florida Statutes, and all conditions precedent to the granting of development approval required by Chapter 380, Florida Statutes, have occurred.

2. The proposed development does not interfere with the achievement of the objectives of any adopted state land development plan applicable to the area as determined by the RPCNEFRC.

3. The proposed Bulow Plantation DRI and PUD Master Plan, when developed subject to the conditions imposed by this amended development order, the Specific Conditions as summarized in Exhibit B, and as the Map H/PUD Map depicted on attached Exhibit CB, is consistent with the Flagler County Comprehensive Plan, subdivision regulations, and other local land development regulations.

4. The proposed development is in all material aspects consistent with the report and recommendations of RPCNEFRC, dated February 3, 2000 and submitted pursuant to Section 380.06(12), Florida Statutes.

III. BE IT FURTHER RESOLVED THAT THE BOARD HEREBY ORDERS AS FOLLOWS:

GENERAL CONDITIONS:

1. The ADA-NOPC and PUD for the Bulow Plantation DRI are hereby approved, subject to the special conditions of development contained in the attached Exhibit CB.

2. This development order resolution, together with all attachments hereto, constitutes the amended development order pursuant to Section 380.06, Florida Statutes, for the Bulow Plantation DRI and PUD. The ADA-NOPC and sufficiency response filed by the Applicant are incorporated herein by reference, and the proposed development shall be carried out
substantially in conformance with the **ADA-NOPC**, except to the extent that the **ADA-NOPC** and the sufficiency response are inconsistent with the other terms and conditions of this amended development order. The **ADA-NOPC** and sufficiency response are amended by any inconsistent terms of this amended development order. The County’s level of service standards and concurrency management standards shall be met by this DRI.

3. The following development is hereby authorized: Please see the land use table attached as in Exhibit D Master and Planned Unit Development Map (Exhibit B).

4. The County Planning and Zoning Director is designated as the local official responsible for receiving and monitoring the annual reports. The procedures for review of Planned Unit Developments under Article III of the Flagler County Development Code and other applicable provisions of the Flagler County Land Development Code shall be followed to facilitate such compliance monitoring by the County Planning and Zoning Director. The provisions of Section 380.06(17), Florida Statutes, shall apply to this development order. Section 380.06(17), Florida Statutes, currently provides: “The local government issuing the development order is primarily responsible for monitoring the development and enforcing the provisions of the development order. Local governments shall not issue any permits or approvals or provide any extensions of services if the developer fails to act in substantial compliance with the development order.”

5. This development order shall take effect upon adoption and shall remain in effect for the duration of the development as described in the **ADA-NOPC** as provided in Paragraph 8 below. The effective date of this amended development order may be extended by the County upon a showing of the Applicant of excusable delay, including market conditions. **In no event shall the effective date of the development order be extended for five or more years, except as provided by Section 380.06(19)(c), Florida Statutes.**

6. Pursuant to Section 380.06(18), Florida Statutes, and Rule 9J-2.025, Florida Administrative Code, Applicant shall provide a biennial/annual monitoring report relating to its
activities to the County Planning and Zoning Director, the RPCNEFRC, and the DCA-DEO on July 15, December 31 of every other year during the term of this development order, commencing on July 31, 2001, December 15, 2016. The biennial annual report shall contain the following:

a. A description of any proposed changes to be made in the proposed plan of development, phasing, or in the representations contained in the ADA since the DRI received approval, and any actions (substantial deviation or non-substantial deviation determinations) taken by local government to address these proposed changes.

b. A summary comparison of development activity proposed and actually conducted during the preceding calendar years, and projected for the ensuing calendar year, to include: site improvements; dwelling units constructed; gross floor area constructed by land use type; location; and phases with appropriate maps.

c. An identification by location, size, and buyer of any undeveloped tracts of land in the development that have been sold to a separate entity or developers (other than individual single-family lots), with map(s) which show the parcel(s) or sub-parcel(s) involved.

d. A description of any lands purchased, leased or optioned by the Applicant adjacent to the original DRI site subsequent to issuance of the development order. Such land, its size, and intended use shall be identified on a site plan and map.

e. An assessment of the Applicant’s and the County’s compliance with conditions of approval contained in the amended development order and the commitments which are contained in the ADA and which have been identified by the County, the RPCNEFRC, or the DCA-DEO as being significant.

f. Any known incremental DRI applications for development approval or requests for a substantial deviation determination that were filed in the reporting years and to be filed during the next year.

g. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued.
h. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the Applicant pursuant to subsection 380.06(15)(f)1, Florida Statutes.

i. A listing of any significant local, state, and federal permits which have been obtained, applied for, or denied, during this reporting period, and specifying the agency, type of permit, parcel, location(s), and activity for each.

j. A description of any moratorium on development imposed by a regulatory agency, specifying the type of moratorium, duration, cause, and remedy.

k. A synopsis of the operating parameters of the potable water, wastewater, and solid waste facilities serving the development area for the preceding year. A copy of any site or quality/quantity analysis performed by the regulatory agencies shall be included where available, along with any violation notice or enforcement action.

l. A listing as required by the RPC NEFRC of the deed restrictions and/or covenants that were in place for the preceding year to ensure non-potable sources of irrigation water were utilized for common areas, where feasible.

m. A description of specific construction plans, design criteria, and planting and maintenance programs for the stormwater treatment system prepared and submitted at the time of permitting review.

n. A description of any changes to the previously reported stormwater plans, design criteria, or planting and maintenance programs.

o. Copies of all regulatory permits issued for work within wetlands.

p. Copies of monitoring reports completed during the previous year for the stormwater/wetland systems. (Such monitoring reports shall be submitted in accord with SJRWMD permit conditions.)

q. Traffic reports shall be submitted to the Florida Department of Transportation (FDOT) District Office in DeLand, as well as to Flagler County, the RPCNEFRC,
and to DCADEO. The first traffic report shall be due at the time of the first annual report, and shall be provided annually—biennially until the project is fully occupied. The timing of recommended traffic improvements will be based on the information contained in traffic monitoring reports. The following information shall be included:

1. A description of current development by land use, type, location, and amount of commercial square footage, along with the proposed construction schedule for the ensuing 12-24 month period, and appropriate maps.

2. An inventory of new and/or improved roadways, traffic control devices or other transportation facility improvements to be constructed or provided by the Applicant or governmental entity to adequately accommodate the total existing and anticipated traffic demands.

3. Traffic counts, turning movements and levels of service actual for the past 12 months and projected for the ensuing 12-24 months, including traffic estimates for the following roads and intersections, distinguishing between project-related traffic and total traffic volumes.

   - Old Kings Road north and south of the project, including turning movements at project entrance.
   - S.R. 100 east and west of Old Kings Road, including turning movement at the S.R. 100/Old Kings Road intersection.
   - Old Dixie Highway east and west of Old Kings Road, including turning movements at the Old Dixie Highway/Old Kings Road intersection.

Note: Actual FDOT or Flagler County traffic counts shall be used where possible. If actual FDOT or Flagler County traffic counts are not available for a particular road or intersection, the Applicant shall retain, at its expense, a traffic engineering firm to collect the necessary counts. FDOT seasonal adjustment factors shall be used when adjusting traffic counts.
r. A table showing the acreage of the Florida Land Use and Cover Classification System (FLUCCS) categories impacted, preserved, or reserved by the development as of the date of the report.

s. A synopsis of the irrigation systems that have been implemented within the project during the period for which the report is filed, with a chart showing the types of irrigation system, areas (acreage) served, parties responsible for maintenance, and estimated gallons per year used by water source.

t. A statement certifying that the RPCNEFRC, the DCADEO, the County, and all affected agencies have been sent copies of the annual-biennial report in conformance with Subsections 380.06(15) and (18), Florida Statutes.

7. Definitions contained in Chapter 380, Florida Statutes, shall control in the construction of this development order. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order. If the County is a party in any judicial or administrative proceeding to enforce this development order, the Applicant or its successor shall pay the County its reasonable attorneys’ fees and costs of such action. The County and the Applicant will assist each other in recovering their respective attorneys’ fees and costs from other parties when such fees and costs are authorized by law or contract. The venue for enforcement of this amended Development Order shall be in the Circuit Court in and for Flagler County, Florida.

8. The Applicant shall commenced physical development of the DRI within one year from the original date of recordation of notice of this development order, and shall complete such development within 12 years thereafter by July 12, 2021, unless as extended and amended by amendment of this development order. During the effective period of this DO, the County agrees that the approved DRI shall not be subject to downzoning, unit density reduction or intensity
reduction, unless the County can demonstrate substantial changes in the conditions underlying the approval of the development order have occurred, or that the development order was based on substantially inaccurate information provided the developer, or that the changes clearly established by the local government to be essential to the public health, safety or welfare. The development order shall terminate as of such completion of development. The commencement and completion dates shall be tolled during any period that the Applicant is prevented from commencing or performing physical development due to state or federal license requirements, moratoria, or judicial or administrative delays beyond the control of the Applicant. Any such tolling shall be subject to Section 380.06(19)(c), Florida Statutes. “Development” as used in this Development Order is defined by Section 380.04, Florida Statutes.

Unless otherwise stated, the Applicant is responsible for the ongoing maintenance of capital facilities or systems described in the special conditions of this development order, and will remain so after the order terminates. However, the Applicant may transfer such responsibilities to County-approved private or governmental entities which assume such responsibilities and are approved by the Flagler County Board of County Commissioners.

9. The ADA, the Bulow Plantation sufficiency response and the additional information submitted in writing to the RPC and the County by the Applicant during the review period between November 1, 1999 and February 3, 2000, are hereby made part of this development order.

The NOPC, the Bulow Plantation sufficiency response and the additional information submitted in writing to the NEFRC and the County by the Applicant during the review period between ______________ and ______________, are hereby also made part of this development order.

10. Copies of all permit applications associated with the Bulow Plantation DRI shall be submitted to the RPC–NEFRC and Flagler County, for informational purposes, simultaneously with submittal to the appropriate agencies.
11. In the event that any portion or section of this Development Order is determined to be invalid by a court of competent jurisdiction, the remaining portions or sections of this Development Order shall remain in full force and effect. The applicant and County further agree that if any portion or section of this Development Order is determined to be invalid by a court of competent jurisdiction, the applicant and County shall amend the Development Order pursuant to Chapter 380, Florida Statutes, to solely address the portion or section of this Development Order determined to be invalid. During its term, this development order constitutes a land development regulation applicable to the property described in Exhibit A. The term “Applicant” shall include MHC Bulow Plantation, LLC, MHC Bulow Plantation Two, LLC, Manufactured Home Communities, Inc. and any successors-in-interest who perform development activity on the property. Any successor or assignee of MHC Bulow Plantation, LLC or MHC Bulow Plantation Two, LLC, Gatorland Vistas, Inc., shall be subject to the provisions contained in the Bulow Plantation Development Order issued by Flagler County. Any lease contract or agreement for sale in accordance with this Development Order of those interests by MHC Bulow Plantation, LLC or MHC Bulow Plantation Two, LLC, Gatorland Vistas, Inc. for all or any part of the property subject to this Development Order shall contain a legend substantially in the following form clearly printed or stamped thereon:

THE PROPERTY DESCRIBED HEREIN IS PART OF THE BULOW PLANTATION DEVELOPMENT OF REGIONAL IMPACT AND IS SUBJECT TO A DEVELOPMENT ORDER, NOTICE OF WHICH IS RECORDED IN THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, WHICH IMPOSES CONDITIONS, RESTRICTIONS AND LIMITATIONS UPON THE USE AND DEVELOPMENT OF THE SUBJECT PROPERTY WHICH ARE BINDING UPON EACH SUCCESSOR AND ASSIGN OF MHC BULOW PLANTATION, LLC AND MHC BULOW PLANTATION TWO, LLC, GATORLAND VISTAS, INC. THE DEVELOPMENT ORDER DOES NOT CONSTITUTE A LIEN, CLOUD, OR
ENCUMBRANCE OF REAL PROPERTY OR CONSTITUTE ACTUAL OR CONSTRUCTIVE NOTICE OF SAME. A COPY OF THE DEVELOPMENT ORDER MAY BE REVIEWED AT THE OFFICE OF THE PLANNING AND ZONING DEPARTMENT, FLAGLER COUNTY, OR AT THE OFFICES OF THE DEPARTMENT OF COMMUNITY AFFAIRS/ECONOMIC OPPORTUNITY, STATE OF FLORIDA, TALLAHASSEE, FLORIDA.

12. Any proposed change to the development approved by this development order which creates a reasonable likelihood of additional regional impact shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review pursuant to Chapter 380, Florida Statutes.

13. Notice of the adoption of this development order resolution, together with a certified copy of this resolution, shall be recorded by the Applicant in accordance with Section 380.06(15)(f), Florida Statutes. The notice of adoption of this development order, shall state the unit of local government which adopted the development order, the date of adoption, the date of adoption of any amendments to the development order, the location where the adopted order with any modifications may be examined, and that the development order constitutes a land development regulation applicable to the property. The recording of this notice shall not constitute a lien, cloud, encumbrance on real property, or actual or constructive notice of any such lien, cloud or encumbrance.

14. Local ordinances cited in this development order are incorporated herein by reference.

15. The codes, ordinances, statutes and rules cited in and relied upon in this development order shall be those in effect on March 6, 2000. Applicant has elected to be bound by the rules adopted pursuant to Chapters 4073 and 373, Florida Statutes, in effect at the date of the Development Order, in accordance with Section 380.06(5)(c), Florida Statutes.
16. Notices required by this development order between the Applicant and the County shall be by certified mail, return receipt requested, and shall be effective upon receipt.

17. The County shall transmit a certified copy of this development order by certified mail to the DCADEO, the RPCNEFRC, and the Applicant.

PASSED AND ADOPTED THIS 6TH DAY OF MARCH, 2000__________________________.

BOARD OF COUNTY COMMISSIONERS

OF FLAGLER COUNTY, FLORIDA
Exhibit A

LEGAL DESCRIPTION

LOT 4, BULOW GRANT, SECTION 38, TOWNSHIP 12 SOUTH, RANGE 31 EAST, AND SECTION 37, TOWNSHIP 12 SOUTH, RANGE 32 EAST, FLAGLER COUNTY, FLORIDA.

CONTAINING 323.44 ACRES, MORE OR LESS.
SPECIFIC CONDITIONS

A. **Vegetation and Wildlife:**

1. Within six months from the date of approval of this amended development order, the developer shall at its option, do one of the following:
   
i) Contribute $43,330.00 to the Florida Fish and Wildlife Conservation Commission Land Acquisition Trust Fund, Northeast Florida account, to purchase 10 acres of habitat to compensate for the loss of habitat supporting the gopher tortoise and its associated wildlife community, and obtain the necessary gopher tortoise permit(s) from the FFWCC, or
   
ii) Purchase an outparcel of gopher tortoise habitat contiguous with existing state owned conservation land and transfer unencumbered title to the lead land management agency and obtain the necessary gopher tortoise permit(s) from the FFWCC, or
   
iii) Some combination of options i) and ii) above approved by the FFWCC.

(NEFRPC SRPP Policy 4.4.1, Policy 4.4.2, Policy 4.4.6)

2. A Manatee Protection Plan shall be developed for the project. This plan shall include strategies to prevent manatee impacts during and after construction. A manatee education program shall also be developed and incorporated into the Manatee Protection Plan that includes the distribution of manatee educational materials and the posting of educational signs, with special emphasis given to information describing what boaters can do to minimize adversely impacting manatees in Bulow Creek. The applicant will submit the Manatee Protection Plan to FDEP, FFWCC, and Flagler County for review and approval.

(NEFRPC SRPP Policy 4.5.11)

3. Currently, there are 26 existing docks out of the potential 167 canal front lots with access to Bulow Creek. To minimize the increase in boat traffic, the number of new home sites
allowed to apply for dock permits shall be limited to a maximum of 20 new sites selected for potential dock construction. Dock size shall be limited to no more than 150 square feet over water and shall not extend more than 5’ over the water to assure safe navigability of the canal. No other boat docking structures shall be constructed, unless the applicant conducts a study to be approved by FDEP, FFWCC, and Flagler County, which indicates that additional docks will not result in additional regional impacts to water quality and endangered species. This limitation shall be enforced by requiring the developer to record a perpetual conservation easement(s) within the permanent Flagler County public records, and enact appropriate lot deed restrictions and/or covenants that run with the land. The dock limitations shall further be depicted on all approved development plans, and clearly publicized to all existing and future lot owners.

4. Limit the development to one boat ramp for the property.
(NEFRPC SRPP Policy 4.5.11, Policy 4.5.8, Policy 4.3.8)

5. Osprey nests will be protected by appropriate methodologies during construction and preserved as part of the finished development. If it is determined necessary to move or take down the Osprey nests, the applicant must apply for a permit(s) from the FFWCC. The Osprey nest site replacement plan shall provide for the installation of at least one Osprey nesting platform within suitable undisturbed Bulow Plantation areas for each existing Osprey nest proposed for removal. All construction activities occurring within 500 feet of an Osprey nest shall take place during the non-nesting season of September through February.
(NEFRPC SRPP Policy 4.4.1)

B. **Wetlands:**

6. To provide maximum protection to Bulow Creek as well as protect the salt marsh system, a minimum buffer of 50-feet with an average of 75-feet will be provided. This buffer shall begin at the jurisdictional wetland line and proceed landward. The wetlands preserved within this buffer will be preserved through a conservation easement. Any isolated wetlands onsite shall be provided a 25 foot buffer. All buffer areas should be maintained in a natural vegetation state,
including under and over story, with the exception of one boardwalk. The applicant has agreed that the boardwalk will be constructed per FDEP guidelines that allow for construction with only temporary impacts. Due to the size of the shoreline associated with the project, in order to minimize impacts in the wetland area, the number of boardwalks will be limited to one (1) boardwalk for this project. This boardwalk can be used as a canoe launch and/or for non-motorized boat launching and must be equipped with handrails to prevent the docking of motorized boats.

(NEFRPC SRPP Policy 4.5.8, Policy 4.3.1, Policy 4.3.2)

C. Water:

7. The applicant has stated that the five (5) on-site canals do not offer adequate vegetative cover or habitat for wetland dependent species, but do provide a direct connection to the Outstanding Florida Waters of Bulow Creek. To protect the water quality of Bulow Creek, a Natural Resource of Regional Significance, a minimum 25-foot upland buffer shall be established for lands adjacent to the canals. The minimum upland buffer shall be 25-feet landward of the top of bank. The applicant will post signs to educate residents that shall include language identifying this buffer. The developer and/or property management shall be responsible for maintaining this 25-foot buffer to insure buffer preservation and to limit impacts.

(NEFRPC SRPP Policy 4.3.1, Policy 4.3.2)

8. The lots adjacent to canals shall be graded to prevent untreated stormwater from entering the canal system and eventually Bulow Creek. The use of on-site stormwater ponds will be designed as to direct stormwater runoff to prevent water quality degradation and shall meet all local, state, and federal requirements for stormwater treatment and water quality standards.

(NEFRPC SRPP Policy 4.1.3, Policy 4.3.8)

D. Floodplains:

10. The applicant shall not develop manufactured home sites, but may develop recreation and open space amenities, within the floodway. Any development within the 100-year
floodplain shall have the first finished floor elevated to a minimum height of 8 feet NGVD Datum. The developer should elevate roadways and provide compensatory storage as in accordance with appropriate permitting agency.

(NEFRPC SRPP Goal 3.2, Policy 3.2.2, Policy 3.6.4, Policy 3.7.3)

E. **Water Supply:**

11. The necessary permit(s) to construct the water mains and distribution system for this project and to expand the plant capacity shall be obtained from the FDEP prior to occupancy of Phase II. **Phase II Development shall occur concurrent with the provision of adequate central potable water service meeting the adopted level of service in the Flagler County Comprehensive Plan or alternatively may connect to County Water Service.** (NEFRPC SRPP Policy 4.2.5, Policy 4.2.6)

12. Water conservation strategies, including xeriscape landscape techniques and low flow plumbing fixtures, shall be incorporated into the construction, operation, and maintenance phases of the development, and shall be included into the covenants and deed restrictions. The conservation strategies must include, but are not limited to, the following conditions:

1. The applicant shall commit to utilizing 50% native/drought-tolerant/Xeriscape vegetation in all common landscaped areas.

2. As the applicant has previously committed, the development will provide Xeriscape/drought-tolerant literature to all residents.

3. The applicant will utilize only slow-release/organic fertilizers within developer-maintained areas.

4. Surface water from on-site stormwater ponds shall be used as the primary source for irrigation and the shallow wells will be used only as emergency back-ups.

(NEFRPC SRPP Policy 4.2.1, Policy 4.2.11)
F. **Wastewater Management:**

13. The necessary wastewater treatment permit(s) needed to expand the plant to handle the additional wastewater treatment needs of this project shall be obtained from the FDEP prior to occupancy of Phase II. **Phase II** Development shall occur concurrent with the provision of adequate central sewer service meeting the adopted level of service in the Flagler County Comprehensive Plan. Expansion of wastewater treatment plant shall be limited to the existing geographic location. No movement of percolation ponds or spray irrigation may occur any further eastward toward Bulow Creek than as they existed on March 6, 2000. **Or, as an alternative, connection to Flagler County’s Utility System will be allowed to meet the project’s Phase II wastewater treatment demands.** (NEFRPC SRPP Policy 4.2.5)

G. **Stormwater Management:**

14. The applicant must prepare a pre-development monitoring report for the canals, Bulow Creek and stormwater ponds (after completion). The water quality monitoring report shall be included with the submittal of the **Annual Biennial** Report. These reports should include the recorded levels of total nitrogen, total phosphorus, and BOD. If these reports indicate a decline in water quality below the Florida Water Quality standards in the related water bodies, the developer must to identify likely sources and to provide beneficial remedies (such as decreasing fertilizer use, improved stormwater treatment, improved wastewater treatment).

(NEFRPC SRPP Policy 4.1.1, Policy 4.1.2, Policy 4.3.5)

H. **Transportation:**

15. Prior to the occupancy of greater than 375 **manufactured home (MH)** dwelling units or **RV sites, or combination thereof in the expanded area**Phase II of the development, the applicant shall provide the NEFRPC, DEQCA, and Flagler County with a trip generation analysis of the existing occupied development to confirm the trip generation rates used in the analysis, and an analysis of the operating conditions of Old Kings Road. If the transportation reviewing agencies determine that the trip generation rate used in this analysis should be modified to better
represent project traffic impacts, the applicant shall prepare a traffic study, to be reviewed and approved by the reviewing agencies, which indicates whether there are substantial impacts from the project. If necessary, the DO will be amended to include transportation conditions to address any substantial impacts to regionally significant facilities.

1a. Applicant shall dedicate an additional ten (10) feet of right of way for possible future widening of Old Kings Road or construction of a county bicycle path system.

2b. Prior to any development within Phase II, a traffic impact analysis of the existing development plus projected Phase II traffic and associated impacts should be conducted. The traffic impact analysis should identify the following.

   a1.) Additional or modified turn lane requirements at Old Kings Road entrance;

   b2.) Need for intersection traffic signalization at the project entrance on Old Kings Road;

   e3.) Total traffic impacts on the capacity of Old Kings Road. If Old Kings requires additional traffic lanes and/or signal improvements the developer shall contribute their proportionate share toward the total cost. The proportionate share will be determined as a percentage of the total Phase II traffic volume generated from Bulow Plantation. Bulow Plantation includes both the existing and new development approved under this development.

   c3. Developer shall provide additional means of ingress and egress for emergency access. The emergency access depicted on the proposed Master plan (Map H) is acceptable provided the roadways are stabilized and can accommodate a structural use fire apparatus. (NEFRPC SRPP Policy 5.2.1)

I. Air Quality:

16. The following fugitive dust control measures shall be undertaken during all construction activities throughout buildout of the project:
4a. Contractors will moisten soil or use resinous adhesives on barren areas, which shall include, at a minimum, all roads, parking lots, and material stockpiles;

2b. Contractors will use mulch, liquid resinous adhesives with hydro-seeding or sod on all landscape areas;

3c. Contractors will remove soil and other dust-generating material deposited on paved streets by vehicular traffic, earth moving equipment, or soil erosion;

4d. Contractors will utilize the best operating practices in conjunction with any burning resulting from land clearing, which may include the use of air curtain incinerators.

J. **Hurricane Preparedness:**

17. To mitigate impacts within Category 1 or 2 storm surge zones, development of all structures within Category 1 or 2 storm surge zones as shown in the Northeast Florida Hurricane Storm Surge Atlas Volume 4 shall have the first finished floor elevated to a minimum height of 8 feet NGVD 1929 Datum.

(NEFRPC SRPP Goal 3.2, Policy 3.2.2, Policy 3.6.4, Policy 3.6.5, Policy 3.7.3, Policy 3.7.6)

18. The County shall designate the entire development as a portion of the Category 1 evacuation zone.

(NEFRPC SRPP Goal 3.2, Policy 3.2.2, Policy 3.6.4, Policy 3.6.5, Policy 3.7.3, Policy 3.7.6)

19. When developed, the clubhouse will be built to shelter standards as shown in the American Red Cross Guidelines for Shelter Selection (ARC 4496). The structure shall be large enough, based on the guidelines, to shelter at least 25% of the estimated development population. The structure will be available for use as a shelter for development residents when ordered to evacuate their homes by the County authorities during non-hurricane events.

(NEFRPC SRPP Goal 3.2, Policy 3.2.2, Policy 3.6.4, Policy 3.6.5, Policy 3.7.3, Policy 3.7.6)

A payment of ___________________ will be made to Flagler County for expansion of the County's area hurricane shelter(s) to accommodate residents from Bulow Plantation. The
The developer will pay this amount prior to occupancy of greater than 350 MH dwelling units or RV sites, or combination thereof in Phase II of the development.

20. All residents of this development shall be provided with information regarding the vulnerability of the development to the impacts of hurricanes. The Flagler County Emergency Management Office must approve these materials prior to distribution. This information shall take the form of educational materials designed to increase evacuation participation.  

(NEFRPC SRPP Goal 3.2, Policy 3.2.2, Policy 3.6.4, Policy 3.6.5, Policy 3.7.3, Policy 3.7.6, Policy 3.8.3)

K. **Applicant Commitments:**

The applicant has committed within the ADA, NOPC, and sufficiency responses to the following conditions to mitigate the adverse impacts associated with the Bulow Plantation Development of Regional Impact.

1. The developer has agreed to limit the type of outboard engine to be used in the waterways, to reduce leakage.

2. The applicant has committed to using the on-site stormwater lakes as the primary source of non-potable water supplies (irrigation and fire demand) with the shallow wells used as a secondary source.

3. Building structures will be placed a minimum of one foot above the 100-Year flood elevation or one foot above the highest adjacent road elevation, whichever is highest. The slope of this area will be approximately 1%.

4. The applicant has agreed to implement residential water saving fixtures such as low flow showers and toilets as part of the conservation measures, and to distribute water conservation literature to existing and future residents.

5. The RV resort will not be expanded beyond 350 spaces as part of this development.
65. Relocation efforts for relocating gopher tortoises will follow the guidelines established by the Florida Fish and Wildlife Conservation Commission.

76. The wetlands along Bulow Creek will be placed in conservation by recording a conservation easement with the County and in the PUD agreement.

87. Any boardwalk will be located within existing cuts already within the wetlands, and will meet all FDEP standards allowing for construction with only temporary impacts, (including boardwalks at least five feet above mean high water with hand rails) such that shading will not occur, and access will be limited.

98. Best management practices for the protection of wetlands will be utilized, with the use of silt fences and turbidity barriers where necessary.

109. Best management practices will be utilized to develop a plan to prevent adverse impacts to Bulow Creek. This plan may include, but is not limited to, the following measures:
   a. Installation of silt screens along the canals and Bulow Creek during construction.
   b. Floating turbidity barriers in the canal during construction.
   c. Grading and construction of stormwater ponds at the initial stage of construction.
   d. Disturbed areas near the canals and Bulow Creek will be sodded and stabilized upon completion of grading.

1110. The developer will pay $300,000 ($200,000 has already been paid by the developer, thereby resulting in an unpaid balance of $100,000) to be applied toward the purchase of a fire pumper and an Advanced Life Support ambulance. Prior to October 1, 2001 or the occupancy of the fifty-first unit in the new section of the DRI, whichever comes first, the developer will pay the County $100,000. Prior to the occupancy of the 201st of the expanded units, the developer will pay the second final installment of $100,000 plus interest, and the final installment plus interest shall be due prior to occupancy of the 351st unit in the expanded area Phase II.
balances owed as of October 1, 2001 shall accrue interest at the rate of 2% interest per annum.

For purposes of the commitment, a unit shall be defined as either a MH or RV space.

12. No lot may be sold or conveyed directly or indirectly by the Applicant. The entire parcel as described in Exhibit A must be sold or conveyed in its entirety. Use of corporate structures or stock transfers to lot renters as a form of transfer or sale of singular lots is also prohibited. Finally, the land described in Exhibit A shall not constitute common condominium property.

13. A scaled, fully dimensioned map of the street and lot layout for Bulow Plantation, along with all required buffers, conservation easements, recreation areas, bodies of water, commercial or activity center sites, stormwater management areas, lift stations, sewer treatment plants, water treatment or pumping facilities, boat launches and project entrance signs, flood zone and floodway limits, and vacant land remaining to be developed shall be provided to Flagler County prior to beginning development of Phase II. A revised updated map will be provided to Flagler County prior to beginning any subsequent phase of development. Emergency Services Departments and personnel, as requested with each biennial monitoring report.

14. Substantial deviation review would be conducted if the development is no longer a 55 year older community as represented by the applicant in the ADA.
Exhibit C

Map H/PUD Map
Land Use Table Exhibit D

Bulow Plantation Permitted Principal Uses and Buildings

<table>
<thead>
<tr>
<th></th>
<th>Phase I</th>
<th>Phase II</th>
<th>Cumulative Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufactured Housing (MH)</td>
<td>276</td>
<td>324</td>
<td>600</td>
</tr>
<tr>
<td>Recreational Vehicles (RV)</td>
<td>352</td>
<td>398</td>
<td>750</td>
</tr>
<tr>
<td>Commercial</td>
<td>11,300</td>
<td>12,000</td>
<td>23,300</td>
</tr>
</tbody>
</table>

I. **Manufactured Housing Area (MH) (271 ± Acres)**

1. A total of 1020–600 leased and Improved Manufactured Housing sites for placement of Manufactured Housing & Appurtenances shall be allowed within the areas depicted on Map H.

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 shall be allowed within the MH areas depicted on Map H.

3. Manufactured Housing Sales Center.

II. **Permanent Commercial Campground (45 ± Acres) Recreational Vehicles (RV)**

1. 350-A total of 750 improved recreational vehicles (RV) spaces shall be allowed within the areas depicted on Map H.

2. Leasing of campground spaces.

3. Commercial storage of recreational vehicles, boats, motor vehicles, trailers, etc.

4. Vending upon receiving county occupational license.

5. Recreational vehicle sales.

6. 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 & other Recreational Facilities shall be allowed within the RV areas depicted on Map H.

III. Commercial Area

As depicted on Map H, the following commercial uses are allowed in the Commercial areas: ——

23,000 ± square feet of commercial space, including but not limited to Convenience Store, Laundry, Recreational Vehicles Sales, Restaurant, Bar, Professional office, Storage, Automobile Service Station & Activity Center and Associated parking per use (11,300 SF existing commercial, 12,000 ± SF proposed).
ATTACHMENT 4:
Proposed Resolution/Written Description
(Clean Version) - Includes

Exhibit A – Legal Description
Exhibit B – Specific Conditions
Exhibit C – Map H/PUD Map
Exhibit D – Land Use Table
FLAGLER COUNTY RESOLUTION NO 2016-XX

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, APPROVING THE NOTICE OF PROPOSED CHANGE FOR THE BULOW PLANTATION DEVELOPMENT OF REGIONAL IMPACT, AND APPROVING THE PLANNED UNIT DEVELOPMENT FOR BULOW PLANTATION OF MHC BULOW PLANTATION, LLC AND MHC BULOW PLANTATION TWO, LLC, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, on March 18, 2016, a pre-application conference was held regarding a Notice of Proposed Change to the Bulow Plantation Development of Regional Impact (DRI) and was attended by MHC Bulow Plantation, LLC, and MHC Bulow Plantation Two, LLC (Applicant), Kimley-Horn and Associates, Inc. (Agent), representatives of Northeast Florida Regional Council (NEFRC); and Flagler County, Florida (County); and

WHEREAS, on ______________2016, Applicant submitted to the County and the NEFRC a Notice of Proposed Change (NOPC) for a DRI known as “Bulow Plantation”, in accordance with Section 380.06, Florida Statutes; and

WHEREAS, on__________________, Applicant responded to a sufficiency request from the NEFRC for additional information by filing a sufficiency response which supplements said NOPC; and

WHEREAS, Bulow Plantation as proposed in the NOPC is a Planned Unit Development (PUD) located on approximately 323 acres in the unincorporated area of Flagler County, consisting of a total of 600 residential units, 750 improved recreational vehicle spaces and commercial (including permanent commercial campground facilities), recreational, and other uses; and

WHEREAS, the NOPC also constitutes Applicant’s application for PUD zoning; and

WHEREAS, pursuant to Section 380.031 and 380.06, Florida Statutes, the Board of County Commissioners of Flagler County, Florida, (County), as the local government having jurisdiction, is authorized and required by law to consider the Bulow Plantation DRI NOPC; and
WHEREAS, the County has received and reviewed the comments and recommendations of its staff, which recommends approval of the NOPC subject to certain conditions; and

WHEREAS, the County has received and reviewed the report and recommendations of the NEFRC, which recommends approval of the NOPC subject to certain conditions; and

WHEREAS, pursuant to Section 380.06, Florida Statutes, notice of a public hearing on the NOPC and PUD was published on __________, in the Flagler/Palm Coast News/Tribune and was provided to the Florida Department of Economic Opportunity (DEO), the NEFRC, and other persons designated by DEO rules; and

WHEREAS, the County on _____________, held a quasi-judicial public hearing ("the adoption hearing") on the NOPC and the proposed PUD at which all parties were afforded the opportunity to present evidence and argument on all issues, conduct cross-examination and submit rebuttal evidence, and any member of the general public requesting to do so was given an opportunity to present written or oral evidence; and

WHEREAS, the County at its public hearing fully considered the NOPC, the report of the NEFRC, the County staff recommendations and the evidence of record presented at the public hearing, and was otherwise fully advised in the premises.

I. NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, THAT SAID BOARD MAKES THE FOLLOWING FINDINGS OF FACT:

1. The Applicant is MHC Bulow Plantation, LLC, and MHC Bulow Plantation Two, LLC, of Chicago, Illinois, and its authorized agent is Kimley-Horn and Associates, Inc.; 12740 Gran Bay Parkway West, Suite 2350; Jacksonville, Florida 32258. Applicant may designate a substitute authorized agent by delivering written notice of the substitution to the County.

2. The legal description of the property comprising the proposed Bulow Plantation DRI is as follows: Please see attached Exhibit A.
3. When developed in accordance with the conditions imposed by this development order, the Bulow Plantation DRI:
   a. will not have a significant negative impact on the environment and natural and historical resources of the region;
   b. will have a favorable economic impact on the economy of the region by providing new employment and business for the residents of the region;
   c. will efficiently use water, sewer, solid waste disposal, emergency services and other necessary public facilities;
   d. will efficiently use public transportation facilities;
   e. will favorably affect the ability of people to find adequate housing reasonably accessible to their places of employment; and
   f. will not create an unreasonable additional demand for, or additional use of, energy, and complies with other criteria for determining regional impact as the NEFRC has deemed appropriate.

4. The proposed Bulow Plantation DRI is not located in an area of critical state concern designated pursuant to the provisions of Section 380.05, Florida Statutes.

II. BE IT FURTHER RESOLVED THAT THE BOARD MAKES THE FOLLOWING CONCLUSIONS OF LAW:

1. The proceedings herein have been conducted in compliance with the provisions of Chapter 380, Florida Statutes, and all conditions precedent to the granting of development approval required by Chapter 380, Florida Statutes, have occurred.

2. The proposed development does not interfere with the achievement of the objectives of any adopted state land development plan applicable to the area as determined by the NEFRC.
3. The proposed Bulow Plantation DRI and PUD Master Plan, when developed subject to the conditions imposed by this amended development order, the Specific Conditions as summarized in Exhibit B, and the Map H/PUD Map depicted on attached Exhibit C, is consistent with the Flagler County Comprehensive Plan, subdivision regulations, and other local land development regulations.

4. The proposed development is in all material aspects consistent with the report and recommendations of NEFRC, dated ______________ and submitted pursuant to Section 380.06(12), Florida Statutes.

III. BE IT FURTHER RESOLVED THAT THE BOARD HEREBY ORDERS AS FOLLOWS

GENERAL CONDITIONS:

1. The NOPC and PUD for the Bulow Plantation DRI are hereby approved, subject to the special conditions of development contained in the attached Exhibit B.

2. This development order resolution, together with all attachments hereto, constitutes the amended development order pursuant to Section 380.06, Florida Statutes, for the Bulow Plantation DRI and PUD. The NOPC and sufficiency response filed by the Applicant are incorporated herein by reference, and the proposed development shall be carried out substantially in conformance with the NOPC, except to the extent that the NOPC and the sufficiency response are inconsistent with the other terms and conditions of this amended development order. The NOPC and sufficiency response are amended by any inconsistent terms of this amended development order. The County’s level of service standards and concurrency management standards shall be met by this DRI.

3. The following development is hereby authorized: Please see the land use table attached in Exhibit D.
4. The County Planning and Zoning Director is designated as the local official responsible for receiving and monitoring the annual reports. The procedures for review of Planned Unit Developments under Article III of the Flagler County Development Code and other applicable provisions of the Flagler County Land Development Code shall be followed to facilitate such compliance monitoring by the County Planning and Zoning Director. The provisions of Section 380.06(17), Florida Statutes, shall apply to this development order. Section 380.06(17), Florida Statutes, currently provides: “The local government issuing the development order is primarily responsible for monitoring the development and enforcing the provisions of the development order. Local governments shall not issue any permits or approvals or provide any extensions of services if the developer fails to act in substantial compliance with the development order.”

5. This development order shall take effect upon adoption and shall remain in effect for the duration of the development as described in the NOPC as provided in Paragraph 8 below. The effective date of this amended development order may be extended by the County upon a showing of the Applicant of excusable delay, including market conditions.

6. Pursuant to Section 380.06(18), Florida Statutes, and Rule 9J-2.025, Florida Administrative Code, Applicant shall provide a biennial monitoring report relating to its activities to the County Planning and Zoning Director, the NEFRC, and the DEO on December 15 of every other year during the term of this development order, commencing on December 15, 2016. The biennial report shall contain the following:

   a. A description of any proposed changes to be made in the proposed plan of development, phasing, or in the representations contained in the ADA since the DRI received approval, and any actions (substantial deviation or non-substantial deviation determinations) taken by local government to address these proposed changes.

   b. A summary comparison of development activity proposed and actually conducted during the preceding calendar years, and projected for the ensuing calendar year, to
include: site improvements; dwelling units constructed; gross floor area constructed by land use
type; location; and phases with appropriate maps.

c. An identification by location, size, and buyer of any undeveloped tracts of
land in the development that have been sold to a separate entity or developers (other than
individual single-family lots), with map(s) which show the parcel(s) or sub-parcel(s) involved.

d. A description of any lands purchased, leased or optioned by the Applicant
adjacent to the original DRI site subsequent to issuance of the development order. Such land, its
size, and intended use shall be identified on a site plan and map.

e. An assessment of the Applicant’s and the County’s compliance with
conditions of approval contained in the amended development order and the commitments which
are contained in the ADA and which have been identified by the County, the NEFRC, or the DEO
as being significant.

f. Any known incremental DRI applications for development approval or
requests for a substantial deviation determination that were filed in the reporting years and to be
filed during the next year.

g. An indication of a change, if any, in local government jurisdiction for any
portion of the development since the development order was issued.

h. A copy of any recorded notice of the adoption of a development order or
the subsequent modification of an adopted development order that was recorded by the Applicant
pursuant to subsection 380.06(15)(f)1, Florida Statutes.

i. A listing of any significant local, state, and federal permits which have been
obtained, applied for, or denied, during this reporting period, and specifying the agency, type of
permit, parcel, location(s), and activity for each.

j. A description of any moratorium on development imposed by a regulatory
agency, specifying the type of moratorium, duration, cause, and remedy.
k. A synopsis of the operating parameters of the potable water, wastewater, and solid waste facilities serving the development area for the preceding year. A copy of any site or quality/quantity analysis performed by the regulatory agencies shall be included where available, along with any violation notice or enforcement action.

l. A listing as required by the NEFRC of the deed restrictions and/or covenants that were in place for the preceding year to ensure non-potable sources of irrigation water were utilized for common areas, where feasible.

m. A description of specific construction plans, design criteria, and planting and maintenance programs for the stormwater treatment system prepared and submitted at the time of permitting review.

n. A description of any changes to the previously reported stormwater plans, design criteria, or planting and maintenance programs.

o. Copies of all regulatory permits issued for work within wetlands.

p. Copies of monitoring reports completed during the previous year for the stormwater/wetland systems. (Such monitoring reports shall be submitted in accord with SJRWMD permit conditions.)

q. Traffic reports shall be submitted to the Florida Department of Transportation (FDOT) District Office in DeLand, as well as to Flagler County, the NEFRC, and to DEO. The first traffic report shall be due at the time of the first annual report, and shall be provided biennially until the project is fully occupied. The timing of recommended traffic improvements will be based on the information contained in traffic monitoring reports. The following information shall be included:

   (1) A description of current development by land use, type, location, and amount of commercial square footage, along with the proposed construction schedule for the ensuing 24 month period, and appropriate maps.
(2) An inventory of new and/or improved roadways, traffic control devices or other transportation facility improvements to be constructed or provided by the Applicant or governmental entity to adequately accommodate the total existing and anticipated traffic demands.

(3) Traffic counts, turning movements and levels of service actual and projected for the ensuing 24 months, including traffic estimates for the following roads and intersections, distinguishing between project-related traffic and total traffic volumes.

- Old Kings Road north and south of the project, including turning movements at project entrance.

- S.R. 100 east and west of Old Kings Road, including turning movement at the S.R. 100/Old Kings Road intersection.

- Old Dixie Highway east and west of Old Kings Road, including turning movements at the Old Dixie Highway/Old Kings Road intersection.

Note: Actual FDOT or Flagler County traffic counts shall be used where possible. If actual FDOT or Flagler County traffic counts are not available for a particular road or intersection, the Applicant shall retain, at its expense, a traffic engineering firm to collect the necessary counts. FDOT seasonal adjustment factors shall be used when adjusting traffic counts.

r. A table showing the acreage of the Florida Land Use and Cover Classification System (FLUCCS) categories impacted, preserved, or reserved by the development as of the date of the report.

s. A synopsis of the irrigation systems that have been implemented within the project during the period for which the report is filed, with a chart showing the types of irrigation system, areas (acreage) served, parties responsible for maintenance, and estimated gallons per year used by water source.
t. A statement certifying that the NEFRC, the DEO, the County, and all affected agencies have been sent copies of the biennial report in conformance with Subsections 380.06(15) and (18), Florida Statutes.

7. Definitions contained in Chapter 380, Florida Statutes, shall control in the construction of this development order. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order. If the County is a party in any judicial or administrative proceeding to enforce this development order, the Applicant or its successor shall pay the County its reasonable attorneys' fees and costs of such action. The County and the Applicant will assist each other in recovering their respective attorneys' fees and costs from other parties when such fees and costs are authorized by law or contract. The venue for enforcement of this amended Development Order shall be in the Circuit Court in and for Flagler County, Florida.

8. The Applicant commenced physical development of the DRI within one year from the original date of recordation of this development order, and shall complete such development by July 12, 2021, as extended and amended by this development order. During the effective period of this DO, the County agrees that the approved DRI shall not be subject to downzoning, unit density reduction or intensity reduction, unless the County can demonstrate substantial changes in the conditions underlying the approval of the development order have occurred, or that the development order was based on substantially inaccurate information provided the developer, or that the changes clearly established by the local government to be essential to the public health, safety or welfare. The development order shall terminate as of such completion of development. The commencement and completion dates shall be tolled during any period that the Applicant is prevented from commencing or performing physical development due to state or federal license requirements, moratoria, or judicial or administrative delays beyond the control of
the Applicant. Any such tolling shall be subject to Section 380.06(19)(c), Florida Statutes. “Development” as used in this Development Order is defined by Section 380.04, Florida Statutes.

Unless otherwise stated, the Applicant is responsible for the ongoing maintenance of capital facilities or systems described in the special conditions of this development order, and will remain so after the order terminates. However, the Applicant may transfer such responsibilities to County-approved private or governmental entities which assume such responsibilities and are approved by the Flagler County Board of County Commissioners.

9.

The NOPC, the Bulow Plantation sufficiency response and the additional information submitted in writing to the NEFRC and the County by the Applicant during the review period between _____________ and ______________, are hereby also made part of this development order.

10. Copies of all permit applications associated with the Bulow Plantation DRI shall be submitted to the NEFRC and Flagler County, for informational purposes, simultaneously with submittal to the appropriate agencies.

11. In the event that any portion or section of this Development Order is determined to be invalid by a court of competent jurisdiction, the remaining portions or sections of this Development Order shall remain in full force and effect. The applicant and County further agree that if any portion or section of this Development Order is determined to be invalid by a court of competent jurisdiction, the applicant and County shall amend the Development Order pursuant to Chapter 380, Florida Statutes, to solely address the portion or section of this Development Order determined to be invalid. During its term, this development order constitutes a land development regulation applicable to the property described in Exhibit A. The term “Applicant” shall include MHC Bulow Plantation, LLC, MHC Bulow Plantation Two, LLC, and any successors-in-interest who perform development activity on the property. Any successor or assignee of MHC Bulow Plantation, LLC or MHC Bulow Plantation Two, LLC, shall be subject to the provisions contained...
in the Bulow Plantation Development Order issued by Flagler County. Any lease contract or agreement for sale in accordance with this Development Order of those interests by MHC Bulow Plantation, LLC or MHC Bulow Plantation Two, LLC for all or any part of the property subject to this Development Order shall contain a legend substantially in the following form clearly printed or stamped thereon:

THE PROPERTY DESCRIBED HEREIN IS PART OF THE BULOW PLANTATION DEVELOPMENT OF REGIONAL IMPACT AND IS SUBJECT TO A DEVELOPMENT ORDER, NOTICE OF WHICH IS RECORDED IN THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, WHICH IMPOSES CONDITIONS, RESTRICTIONS AND LIMITATIONS UPON THE USE AND DEVELOPMENT OF THE SUBJECT PROPERTY WHICH ARE BINDING UPON EACH SUCCESSOR AND ASSIGN OF MHC BULOW PLANTATION, LLC AND MHC BULOW PLANTATION TWO, LLC. THE DEVELOPMENT ORDER DOES NOT CONSTITUTE A LIEN, CLOUD, OR ENCUMBRANCE OF REAL PROPERTY OR CONSTITUTE ACTUAL OR CONSTRUCTIVE NOTICE OF SAME. A COPY OF THE DEVELOPMENT ORDER MAY BE REVIEWED AT THE OFFICE OF THE PLANNING AND ZONING DEPARTMENT, FLAGLER COUNTY, OR AT THE OFFICES OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY, STATE OF FLORIDA, TALLAHASSEE, FLORIDA.

12. Any proposed change to the development approved by this development order which creates a reasonable likelihood of additional regional impact shall constitute a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review pursuant to Chapter 380, Florida Statutes.

13. Notice of the adoption of this development order resolution, together with a certified copy of this resolution, shall be recorded by the Applicant in accordance with Section 380.06(15)(f), Florida Statutes. The notice of adoption of this development order, shall state the
unit of local government which adopted the development order, the date of adoption, the date of adoption of any amendments to the development order, the location where the adopted order with any modifications may be examined, and that the development order constitutes a land development regulation applicable to the property. The recording of this notice shall not constitute a lien, cloud, encumbrance on real property, or actual or constructive notice of any such lien, cloud or encumbrance.

14. Local ordinances cited in this development order are incorporated herein by reference.

15. The codes, ordinances, statutes and rules cited in and relied upon in this development order shall be those in effect on _________________. Applicant has elected to be bound by the rules adopted pursuant to Chapters 403 and 373, Florida Statutes, in effect at the date of the Development Order, in accordance with Section 380.06(5)(c), Florida Statutes.

16. Notices required by this development order between the Applicant and the County shall be by certified mail, return receipt requested, and shall be effective upon receipt.

17. The County shall transmit a certified copy of this development order by certified mail to the DEO, the NEFRC, and the Applicant.

PASSED AND ADOPTED THIS _________________.

BOARD OF COUNTY COMMISSIONERS
OF FLAGLER COUNTY, FLORIDA
Exhibit A

LEGAL DESCRIPTION

LOT 4, BULOW GRANT, SECTION 38, TOWNSHIP 12 SOUTH, RANGE 31 EAST, AND
SECTION 37, TOWNSHIP 12 SOUTH, RANGE 32 EAST, FLAGLER COUNTY, FLORIDA.

CONTAINING 323.44 ACRES, MORE OR LESS.
EXHIBIT B

SPECIFIC CONDITIONS

A. Vegetation and Wildlife:

1. Within six months from the date of approval of this amended development order, the developer shall at its option, do one of the following:
   
   i) Contribute $43,330.00 to the Florida Fish and Wildlife Conservation Commission Land Acquisition Trust Fund, Northeast Florida account, to purchase 10 acres of habitat to compensate for the loss of habitat supporting the gopher tortoise and its associated wildlife community, and obtain the necessary gopher tortoise permit(s) from the FFWCC, or
   
   ii) Purchase an outparcel of gopher tortoise habitat contiguous with existing state owned conservation land and transfer unencumbered title to the lead land management agency and obtain the necessary gopher tortoise permit(s) from the FFWCC, or
   
   iii) Some combination of options i and ii above approved by the FFWCC.
   
   (NEFRPC SRPP Policy 4.4.1, Policy 4.4.2, Policy 4.4.6)

2. A Manatee Protection Plan shall be developed for the project. This plan shall include strategies to prevent manatee impacts during and after construction. A manatee education program shall also be developed and incorporated into the Manatee Protection Plan that includes the distribution of manatee educational materials and the posting of educational signs, with special emphasis given to information describing what boaters can do to minimize adversely impacting manatees in Bulow Creek. The applicant will submit the Manatee Protection Plan to FDEP, FFWCC, and Flagler County for review and approval.

   (NEFRPC SRPP Policy 4.5.11)

3. Currently, there are 26 existing docks out of the potential 167 canal front lots with access to Bulow Creek. To minimize the increase in boat traffic, the number of new home sites
allowed to apply for dock permits shall be limited to a maximum of 20 new sites selected for
potential dock construction. Dock size shall be limited to no more than 150 square feet over water
and shall not extend more than 5’ over the water to assure safe navigability of the canal. No other
boat docking structures shall be constructed, unless the applicant conducts a study to be
approved by FDEP, FFWCC, and Flagler County, which indicates that additional docks will not
result in additional regional impacts to water quality and endangered species. This limitation shall
be enforced by requiring the developer to record a perpetual conservation easement(s) within the
permanent Flagler County public records, and enact appropriate lot deed restrictions and/or
covenants that run with the land. The dock limitations shall further be depicted on all approved
development plans, and clearly publicized to all existing and future lot owners.

4. Limit the development to one boat ramp for the property.
   (NEFRPC SRPP Policy 4.5.11, Policy 4.5.8, Policy 4.3.8)

5. Osprey nests will be protected by appropriate methodologies during construction
   and preserved as part of the finished development. If it is determined necessary to move or take
down the Osprey nests, the applicant must apply for a permit(s) from the FFWCC. The Osprey
nest site replacement plan shall provide for the installation of at least one Osprey nesting platform
within suitable undisturbed Bulow Plantation areas for each existing Osprey nest proposed for
removal. All construction activities occurring within 500 feet of an Osprey nest shall take place
during the non-nesting season of September through February.
   (NEFRPC SRPP Policy 4.4.1)

B. **Wetlands:**

6. To provide maximum protection to Bulow Creek as well as protect the salt marsh
   system, a minimum buffer of 50-feet with an average of 75-feet will be provided. This buffer shall
begin at the jurisdictional wetland line and proceed landward. The wetlands preserved within this
buffer will be preserved through a conservation easement. Any isolated wetlands onsite shall be
provided a 25 foot buffer. All buffer areas should be maintained in a natural vegetation state,
including under and over story, with the exception of one boardwalk. The applicant has agreed that the boardwalk will be constructed per FDEP guidelines that allow for construction with only temporary impacts. Due to the size of the shoreline associated with the project, in order to minimize impacts in the wetland area, the number of boardwalks will be limited to one (1) boardwalk for this project. This boardwalk can be used as a canoe launch and/or for non-motorized boat launching and must be equipped with handrails to prevent the docking of motorized boats.

(NEFRPC SRPP Policy 4.5.8, Policy 4.3.1, Policy 4.3.2)

C. **Water:**

7. The applicant has stated that the five (5) on-site canals do not offer adequate vegetative cover or habitat for wetland dependent species, but do provide a direct connection to the Outstanding Florida Waters of Bulow Creek. To protect the water quality of Bulow Creek, a Natural Resource of Regional Significance, a minimum 25-foot upland buffer shall be established for lands adjacent to the canals. The minimum upland buffer shall be 25-feet landward of the top of bank. The applicant will post signs to educate residents that shall include language identifying this buffer. The developer and/or property management shall be responsible for maintaining this 25-foot buffer to insure buffer preservation and to limit impacts.

(NEFRPC SRPP Policy 4.3.1, Policy 4.3.2)

8. The lots adjacent to canals shall be graded to prevent untreated stormwater from entering the canal system and eventually Bulow Creek. The use of on-site stormwater ponds will be designed as to direct stormwater runoff to prevent water quality degradation and shall meet all local, state, and federal requirements for stormwater treatment and water quality standards.

(NEFRPC SRPP Policy 4.1.3, Policy 4.3.8)

D. **Floodplains:**

10. The applicant shall not develop manufactured home sites, but may develop recreation and open space amenities, within the floodway. Any development within the 100-year
floodplain shall have the first finished floor elevated to a minimum height of 8 feet NGVD Datum. The developer should elevate roadways and provide compensatory storage as in accordance with appropriate permitting agency.

(NEFRPC SRPP Goal 3.2, Policy 3.2.2, Policy 3.6.4, Policy 3.7.3)

E. **Water Supply:**

11. The necessary permit(s) to construct the water mains and distribution system for this project and to expand the plant capacity shall be obtained from the FDEP prior to occupancy of Phase II. Phase II Development shall occur concurrent with the provision of adequate central potable water service meeting the adopted level of service in the Flagler County Comprehensive Plan or alternatively may connect to County Water Service. (NEFRPC SRPP Policy 4.2.5, Policy 4.2.6)

12. Water conservation strategies, including xeriscape landscape techniques and low flow plumbing fixtures, shall be incorporated into the construction, operation, and maintenance phases of the development, and shall be included into the covenants and deed restrictions. The conservation strategies must include, but are not limited to, the following conditions:

1. The applicant shall commit to utilizing 50% native/drought-tolerant/Xeriscape vegetation in all common landscaped areas.

2. As the applicant has previously committed, the development will provide Xeriscape/drought-tolerant literature to all residents.

3. The applicant will utilize only slow-release/organic fertilizers within developer-maintained areas.

4. Surface water from on-site stormwater ponds shall be used as the primary source for irrigation and the shallow wells will be used only as emergency back-ups.

(NEFRPC SRPP Policy 4.2.1, Policy 4.2.11)
F. **Wastewater Management:**

13. The necessary wastewater treatment permit(s) needed to expand the plant to handle the additional wastewater treatment needs of this project shall be obtained from the FDEP prior to occupancy of Phase II. Phase II Development shall occur concurrent with the provision of adequate central sewer service meeting the adopted level of service in the Flagler County Comprehensive Plan. Expansion of wastewater treatment plant shall be limited to the existing geographic location. No movement of percolation ponds or spray irrigation may occur any further eastward toward Bulow Creek than as they existed on March 6, 2000. Or, as an alternative, connection to Flagler County’s Utility System will be allowed to meet the project’s Phase II wastewater treatment demands. (NEFRPC SRPP Policy 4.2.5)

G. **Stormwater Management:**

14. The applicant must prepare a pre-development monitoring report for the canals, Bulow Creek and stormwater ponds (after completion). The water quality monitoring report shall be included with the submittal of the Biennial Report. These reports should include the recorded levels of total nitrogen, total phosphorus, and BOD. If these reports indicate a decline in water quality below the Florida Water Quality standards in the related water bodies, the developer must identify likely sources and provide beneficial remedies (such as decreasing fertilizer use, improved stormwater treatment, improved wastewater treatment).

(NEFRPC SRPP Policy 4.1.1, Policy 4.1.2, Policy 4.3.5)

H. **Transportation:**

15. Prior to the occupancy of greater than 375 manufactured home (MH) dwelling units or RV sites, or combination thereof in Phase II of the development, the applicant shall provide the NEFRC, DEO, and Flagler County with a trip generation analysis of the existing occupied development to confirm the trip generation rates used in the analysis, and an analysis of the operating conditions of Old Kings Road. If the transportation reviewing agencies determine that the trip generation rate used in this analysis should be modified to better represent project traffic
impacts, the applicant shall prepare a traffic study, to be reviewed and approved by the reviewing agencies, which indicates whether there are substantial impacts from the project. If necessary, the DO will be amended to include transportation conditions to address any substantial impacts to regionally significant facilities.

a. Applicant shall dedicate an additional ten (10) feet of right of way for possible future widening of Old Kings Road or construction of a county bicycle path system.

b. Prior to any development within Phase II, a traffic impact analysis of the existing development plus projected Phase II traffic and associated impacts should be conducted. The traffic impact analysis should identify the following.

1.) Additional or modified turn lane requirements at Old Kings Road entrance;

2.) Need for intersection traffic signalization at the project entrance on Old Kings Road;

3.) Total traffic impacts on the capacity of Old Kings Road. If Old Kings requires additional traffic lanes and/or signal improvements the developer shall contribute their proportionate share toward the total cost. The proportionate share will be determined as a percentage of the Phase II traffic volume generated from Bulow Plantation.

c. Developer shall provide additional means of ingress and egress for emergency access. The emergency access depicted on the proposed Master plan (Map H) is acceptable provided the roadways are stabilized and can accommodate a structural use fire apparatus. (NEFRPC SRPP Policy 5.2.1)

I. **Air Quality:**

16. The following fugitive dust control measures shall be undertaken during all construction activities throughout buildout of the project:
a. Contractors will moisten soil or use resinous adhesives on barren areas, which shall include, at a minimum, all roads, parking lots, and material stockpiles;

b. Contractors will use mulch, liquid resinous adhesives with hydro-seeding or sod on all landscape areas;

c. Contractors will remove soil and other dust-generating material deposited on paved streets by vehicular traffic, earth moving equipment, or soil erosion;

d. Contractors will utilize the best operating practices in conjunction with any burning resulting from land clearing, which may include the use of air curtain incinerators.

J. **Hurricane Preparedness:**

17. To mitigate impacts within Category 1 or 2 storm surge zones, development of all structures within Category 1 or 2 storm surge zones as shown in the Northeast Florida Hurricane Storm Surge Atlas Volume 4 shall have the first finished floor elevated to a minimum height of 8 feet NGVD 1929 Datum.

(NEFRPC SRPP Goal 3.2, Policy 3.2.2, Policy 3.6.4, Policy 3.6.5, Policy 3.7.3, Policy 3.7.6)

18. The County shall designate the entire development as a portion of the Category 1 evacuation zone.

(NEFRPC SRPP Goal 3.2, Policy 3.2.2, Policy 3.6.4, Policy 3.6.5, Policy 3.7.3, Policy 3.7.6)

19. A payment of _________________ will be made to Flagler County for expansion of the County’s area hurricane shelter(s) to accommodate residents from Bulow Plantation. The developer will pay this amount prior to occupancy of greater than 350 MH dwelling units or RV sites, or combination thereof in Phase II of the development.

20. All residents of this development shall be provided with information regarding the vulnerability of the development to the impacts of hurricanes. The Flagler County Emergency Management Office must approve these materials prior to distribution. This information shall take the form of educational materials designed to increase evacuation participation.
(NEFRPC SRPP Goal 3.2, Policy 3.2.2, Policy 3.6.4, Policy 3.6.5, Policy 3.7.3, Policy 3.7.6, Policy 3.8.3)

K. **Applicant Commitments:**

The applicant has committed within the ADA, NOPC, and sufficiency responses to the following conditions to mitigate the adverse impacts associated with the Bulow Plantation Development of Regional Impact.

1. The developer has agreed to limit the type of outboard engine to be used in the waterways, to reduce leakage.

2. The applicant has committed to using the on-site stormwater lakes as the primary source of non-potable water supplies (irrigation and fire demand) with the shallow wells used as a secondary source.

3. Building structures will be placed a minimum of one foot above the 100-Year flood elevation or one foot above the highest adjacent road elevation, whichever is highest. The slope of this area will be approximately 1%.

4. The applicant has agreed to implement residential water saving fixtures such as low flow showers and toilets as part of the conservation measures, and to distribute water conservation literature to existing and future residents.

5. Relocation efforts for relocating gopher tortoises will follow the guidelines established by the Florida Fish and Wildlife Conservation Commission.

6. The wetlands along Bulow Creek will be placed in conservation by recording a conservation easement with the County and in the PUD agreement.

7. Any boardwalk will be located within existing cuts already within the wetlands, and will meet all FDEP standards allowing for construction with only temporary impacts, including
boardwalks at least five feet above mean high water with hand rails) such that shading will not occur, and access will be limited.

8. Best management practices for the protection of wetlands will be utilized, with the use of silt fences and turbidity barriers where necessary.

9. Best management practices will be utilized to develop a plan to prevent adverse impacts to Bulow Creek. This plan may include, but is not limited to, the following measures:
   a. Installation of silt screens along the canals and Bulow Creek during construction.
   b. Floating turbidity barriers in the canal during construction.
   c. Grading and construction of stormwater ponds at the initial stage of construction.
   d. Disturbed areas near the canals and Bulow Creek will be sodded and stabilized upon completion of grading.

10. The developer will pay $300,000 ($200,000 has already been paid by the developer, thereby resulting in an unpaid balance of $100,000) to be applied toward the purchase of a fire pumper and an Advanced Life Support ambulance. The developer will pay the final installment of $100,000 prior to occupancy of the 351st unit in Phase II. For purposes of the commitment, a unit shall be defined as either a MH or RV space.

12. No lot may be sold or conveyed directly or indirectly by the Applicant. The entire parcel as described in Exhibit A must be sold or conveyed in its entirety. Use of corporate structures or stock transfers to lot renters as a form of transfer or sale of singular lots is also prohibited. Finally, the land described in Exhibit A shall not constitute common condominium property.

13. A scaled, fully dimensioned map of the street and lot layout for Bulow Plantation, along with all required buffers, conservation easements, recreation areas, bodies of water, commercial or activity center sites, stormwater management areas, lift stations, sewer treatment
plants, water treatment or pumping facilities, boat launches and project entrance signs, flood zone and floodway limits, and vacant land remaining to be developed shall be provided to Flagler County prior to beginning development of Phase II. A revised updated map will be provided to Flagler County with each biennial monitoring report.

14. Substantial deviation review would be conducted if the development is no longer a 55 year older community as represented by the applicant in the ADA.
Exhibit C

Map H/PUD Map
Land Use Table Exhibit D

Bulow Plantation Permitted Principle Uses and Buildings

<table>
<thead>
<tr>
<th></th>
<th>Phase I</th>
<th>Phase II</th>
<th>Cumulative Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufactured Housing (MH)</td>
<td>276</td>
<td>324</td>
<td>600</td>
</tr>
<tr>
<td>Recreational Vehicles (RV)</td>
<td>352</td>
<td>398</td>
<td>750</td>
</tr>
<tr>
<td>Commercial</td>
<td>11,300</td>
<td>12,000</td>
<td>23,300</td>
</tr>
</tbody>
</table>

I. **Manufactured Housing (MH)**
   1. A total of 600 leased and Improved Manufactured Housing sites for placement of Manufactured Homes & Appurtenances shall be allowed within the areas depicted on Map H.
   2. Accessory Buildings and structures including but not limited to the Activity Center, Laundry, Swimming Pool, Pool House, Hot Tub or Spa, Tennis Courts, ShuffleBoard and Bocci Courts and other Recreational Facilities and Buildings shall be allowed within the MH areas depicted on Map H.
   3. Manufactured Housing Sales Center.

II. **Recreational Vehicles (RV)**
   1. A total of 750 improved recreational vehicles (RV) spaces shall be allowed within the areas depicted on Map H.
   2. Leasing of campground spaces.
   3. Commercial storage of recreational vehicles, boats, motor vehicles, trailers, etc.
   4. Vending upon receiving county occupational license.
   5. Recreational vehicle sales.
   6. 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 & other Recreational Facilities shall be allowed within the RV areas depicted on Map H.

III. **Commercial Area**

As depicted on Map H, the following commercial uses are allowed in the Commercial areas:

23,000 ± square feet of commercial space, including but not limited to Convenience Store, Laundry, Recreational Vehicles Sales, Restaurant, Bar, Professional office, Storage, Automobile Service Station & Activity Center and Associated parking per use (11,300 SF existing commercial, 12,000 ± SF proposed).
ATTACHMENT 5:

Owner’s Authorization
Owner's Authorization for Applicant/Agent

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

Application/Project #____________________

Kimley-Horn and Associates, Inc. is hereby authorized TO ACT ON BEHALF OF ______________________________, 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 Notice of Proposed Change (NOPC), Planned Unit Development (PUD) and Site Development Plan Review (ALL PERSONS, WHO'S NAMES APPEAR ON THE DEED MUST SIGN)

By: __________________________________________

Signature of Owner

Dale Almond, Senior Vice President

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

___________________________________________

Signature of Owner

___________________________________________

Printed Name of Owner

Address of Owner:

5100 West Lemon St. Suite 109

Mailing Address

Tampa FL 33609

City State Zip

Telephone Number (incl. area code)

813-282-5951

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing was acknowledged before me this 24 day of June, 2016 by ______________________________ who is/are personally known to me or who has produced ______________________________ as identification, and who (did) / (did not) take an oath.

___________________________________________

Signature of Notary Public


Revised 5/08
ATTACHMENT 6:
Ownership Affidavit
Property Ownership Affidavit

Date: 6/24/16

Flagler County
Growth Management Department
1769 E. Moody Blvd., Building 2, Suite 105
Bunnell, Florida 32110

Re: Ownership Certification

Gentleman:

I, MHC Bulow Plantation, LLC & MHC Bulow Plantation Two, LLC hereby certify that I am the Owner of the property described in the attached legal description, Exhibit 1 in connection with filing application(s) for Notice of Proposed Change (NOPC), Planned Unit Development (PUD) and Site Development Plan Review, submitted to the Flagler County Growth Management Department.

(Owner’s Signature)

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

The foregoing affidavit was sworn and subscribed before me this 24 day of June (month), 2016 (year) by Dace Almendo who is personally known to me or has produced as identification.

(Susan L. Kowal, Notary Signature)
ATTACHMENT 7:
Binding Agreement
Binding Agreement

Date: 6/29/16

Flagler County
Growth Management Department
1769 E. Moody Blvd., Building 2, Suite 105
Bunnell, Florida 32110

Re: Bulow Plantation PUD

Ladies and Gentlemen:

You are hereby advised that the undersigned, owner of the above referenced property, being more particularly described in the PUD document attached hereto and by reference made a part hereof, hereby agrees to bind its successor(s) in title to development in accordance with (a) Proceed with the proposed development in accordance with the adopted PUD ordinance as advertised and approved by the Flagler County Commission; and (b) Provide a written statement of a proposal for completion of such development according to plans approved by such ordinance, and for continuing operating and maintenance of such areas, functions, and facilities as are not to be provided, operated, or maintained by Flagler County pursuant to written agreement; and (c) Bind their successors to title to any commitments made in their application.

Sincerely,

By: ____________________________
   (Owner’s Signature)

Its: ____________________________

STATE OF Florida
COUNTY OF Flagler

The foregoing was acknowledged before me this _____ day of _____, 2016, by __________________________, and __________________________, who is/are personally known to me or who has produced __________________________________________ as identification, and who (did) / (did not) take an oath.

Signature of Notary Public (Notary Stamp)
ATTACHMENT 8:

Vicinity Map
ATTACHMENT 9:
Property Appraiser Map
ATTACHMENT 10:
Approved PUD Plan Map (Map H)
ATTACHMENT 11:
Aerial Map
FLAGLER COUNTY

TECHNICAL REVIEW COMMITTEE COMMENTS

MEETING DATE: 9/21/2016

APP #3045 - FENCE HEIGHT VARIANCE

APPLICANT/OWNER: WALL, ROBERT S. & TRACY B.

Distribution date: Thursday, September 15, 2016

Project #: 2016080023

Application #: 3045

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

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

REVIEWING DEPARTMENT: PLANNING DEPARTMENT
No comments at this time.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING
No comments at this time.

REVIEWING DEPARTMENT: FIRE INSPECTOR
No comments at this time.

REVIEWING DEPARTMENT: E-911 STAFF
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) 313-4099 Fax: (386) 313-4109

Application/Project #: 3045 / 2016080023

---

### Property Owners

<table>
<thead>
<tr>
<th>Name(s):</th>
<th>ROBERT S. &amp; TRACY B. WALL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>106 HERNANDEZ AVE</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>386-446-9844</td>
</tr>
<tr>
<td>Fax Number:</td>
<td></td>
</tr>
</tbody>
</table>

### Applicant/Agent

<table>
<thead>
<tr>
<th>Name(s):</th>
<th>ROBERT S. &amp; TRACY B. WALL</th>
</tr>
</thead>
<tbody>
<tr>
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<td>32137</td>
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<tr>
<td>Telephone Number:</td>
<td>386-446-9844</td>
</tr>
<tr>
<td>Fax Number:</td>
<td></td>
</tr>
<tr>
<td>E-Mail Address:</td>
<td><a href="mailto:Scott.Wall1981@gmail.com">Scott.Wall1981@gmail.com</a></td>
</tr>
</tbody>
</table>

### Site Location

| (street address): | 4298 OLD A1A Palm Coast |

### Legal Description:

| (briefly describe, do not use "see attached") | METES & BOUNDS |

| Parcel # (tax ID #): | 38-11-31-0000-02160-0000 |
| Parcel Size: | 1.14 ACRE |

### Current Zoning Classification:

| R-1 |

### Current Future Land Use Designation:

| RESIDENTIAL MEDIUM |

### Subject to A1A Scenic Corridor IDO?

| NO |

### Relief Requested:

WE WOULD LIKE TO BUILD A GDT FENCE AT FRONT OF PROPERTY 5 FT AT SIDES OF PROPERTY

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

<table>
<thead>
<tr>
<th>Signature:</th>
<th>Scott Wall</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date:</td>
<td>8/23/16</td>
</tr>
</tbody>
</table>

---

**Official Use Only**

**PLANNING BOARD RECOMMENDATION/ACTION:**

<table>
<thead>
<tr>
<th>APPROVED</th>
<th>*APPROVED WITH CONDITIONS</th>
</tr>
</thead>
</table>

**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. 12/15

Page 1 of 4
DESCRIPTION:

A PARCEL OF LAND Lying IN SECTION 38, TOWNSHIP 11 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE COMMENCE AT THE SOUTH-WEST CORNER OF SAID SECTION 38, TOWNSHIP 11 SOUTH, RANGE 31 EAST; THENCE BEAR NORTH 49°30'05" EAST ALONG THE SOUTH LINE OF SAID SECTION 36, A DISTANCE OF 1176.67 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF THE INTRACOASTAL WATERWAY; SAID POINT BEING THE POINT OF BEGINNING OF PARCEL TO BE DESCRIBED; THENCE BEAR NORTH 66°55'12" WEST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 125.28 FEET TO A POINT; THENCE NORTH 49°30'05" EAST A DISTANCE OF 286.39 FEET TO A POINT ON THE WEstERLY RIGHT-OF-WAY LINE OF THE INTRACOASTAL WATERWAY; A DISTANCE OF 232.27 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINING .67 ACRES, MORE OR LESS.

PARCEL 2: BEGINNING AT A POINT WHERE THE SOUTH LINE OF SECTION 38, TOWNSHIP 11 SOUTH, RANGE 31 EAST, INTERSECTS THE EASTERLY RIGHT-OF-WAY OF THE INTRACOASTAL WATERWAY, THENCE SOUTH 45°30'06" WEST ALONG SAID SECTION LINE A DISTANCE OF 195 FEET, MORE OR LESS, TO A POINT; THENCE NORTH 58°42'09" WEST (A CLOSING LINE) A DISTANCE OF 119.05 FEET TO A POINT; THENCE NORTH 49°30'05" EAST, A DISTANCE OF 176 FEET TO A POINT; THENCE SOUTH 66°55'12" EAST, A DISTANCE OF 126.28 FEET TO THE POINT OF BEGINNING PARCEL CONTAINING .482 ACRES, MORE OR LESS.
Robert and Tracy Wall 4298 Old A1A fence variance request
August 21, 2016

Front of property

Side/Rear of property
Warranty Deed
(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 12th day of June, 2012 between Barbara Wells, a single woman whose post office address is 51 NW 17 Street, Homestead, FL 33030 of the County of Miami-Dade, State of Florida, grantor*, and Robert S. Wall and Tracy B. Wall, husband and wife whose post office address is 15 Burnell Drive, Palm Coast, FL 32137 of the County of Flagler, State of Florida, grantee*,

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:

Exhibit "A"

Subject to taxes for 2012 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

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:

John P. Maas
Witness Name: John P. Maas

Barbara Wells
Witnes Name: Barbara Wells

State of Florida
County of Miami-Dade

The foregoing instrument was acknowledged before me this 12th day of June, 2012 by Barbara Wells, who [ ] is personally known or [ ] has produced a driver’s license as identification.

John P. Maas
Notary Public
Printed Name: John P. Maas

My Commission Expires: ______________________
A PARCEL OF LAND LYING IN SECTION 38, TOWNSHIP 11 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 38, TOWNSHIP 11 SOUTH, RANGE 31 EAST; THENCE BEAR NORTH 49°30'05" EAST ALONG THE SOUTH LINE OF SAID SECTION 38. A DISTANCE OF 1176.57 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF THE INTRACOASTAL WATERWAY; SAID POINT BEING THE POINT OF BEGINNING OF PARCEL TO BE DESCRIBED; THENCE BEAR NORTH 66°55'12" WEST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 126.28 FEET TO A POINT; THENCE NORTH 49°30'05" EAST A DISTANCE OF 286.39 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF OLD STATE ROAD A1A; SAID POINT BEING ON A CURVE TO THE LEFT. HAVING A RADIUS OF 544.06 FEET, AND A CENTRAL ANGLE OF 11°57'50"; THENCE ALONG SAID CURVE TO LEFT AN ARC DISTANCE OF 113.60 FEET TO A POINT: THENCE SOUTH 49°30'05" WEST ALONG THE SOUTH LINE OF SAID SECTION 38, A DISTANCE OF 232.27 FEET TO THE POINT OF BEGINNING.

PARCEL 2: BEGINNING AT A POINT WHERE THE SOUTH LINE OF SECTION 38, TOWNSHIP 11 SOUTH, RANGE 31 EAST, INTERSECTS THE EASTERLY RIGHT OF WAY OF THE INTRACOASTAL WATERWAY, THENCE SOUTH 49°30'05" WEST ALONG SAID SECTION LINE A DISTANCE OF 195 FEET, MORE OR LESS, TO A POINT; THENCE NORTH 58°42'09" WEST (A CLOSING LINE) A DISTANCE OF 119.05 FEET TO A POINT; THENCE NORTH 49°30'05" EAST. A DISTANCE OF 176 FEET TO A POINT; THENCE SOUTH 66°55'12" EAST, A DISTANCE OF 126.28 FEET TO THE POINT OF BEGINNING.
We are building a home at 4298 old A1A and are asking for a variance for a 6 foot fence along the front of the property. Our fence will abut our neighbor's fence, which is also 6 feet in height. Old A1A is not a main thoroughfare, the traffic is limited to the local residents who live there. The street is built out with about 10 homes. Three of our adjacent neighbors have fences at 6 feet in height. We plan to build the same type of fence, which is black aluminum. We are trying to have our home blend in with our neighbors and not disturb the natural beauty of our surroundings. Below are pictures of our property and fences of our adjacent neighbors.
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: E-911 STAFF
No comments at this time.

REVIEWING DEPARTMENT: BUILDING DEPARTMENT
No comments at this time.

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

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING
Hunter’s Ridge Temporary RV Storage Facility;
9-16-16

The Applicant is to provide technically complete Site Development Plans that comply with the Land Development Code. Existing elevations and proposed grading must be included within the plan.

Further comments may be provided upon the submittal of revised drawings.

Once all of the comments have been resolved, submit three (3) sets of complete signed and sealed Site Development/construction Plans for final review. If additional approved plans are needed by the applicant they should be part of the final submission.

It should be noted that this site plan cannot receive final approval until the Final Plat for Hunter’s Ridge Boulevard extension has been recorded.

1. Provide a copy of the survey of the parcel.

2. General Note #2, revise the Flagler County contact number to 386-313-4009.

3. Note #12, remove "Flagler County".

4. Note #13, add the reference of the City as well as the County.

5. Provide dimensions on the entrance area.

6. Section B on sheet C4, the section indicates that the drainage flows to the center of the driveway. The plan shows the grading to the edge of pavement. Clarify.

7. Remove all grading from the wetland buffer.
REVIEWING DEPARTMENT: FIRE INSPECTOR
No comment at this time

REVIEWING DEPARTMENT: PLANNING DEPARTMENT
Hunter’s Ridge Temporary RV Storage Planned Unit Development
TRC Comments 9/21/16

1. Consistent with Board action, no final approval will be requested until Airport Road Extension is platted.

2. Under the site data table on the right hand side of the Cover Sheet for the Plan Set, Hunter’s Ridge Residential Golf Properties, Inc., is listed as the maintenance entity for the duration of this temporary use.

3. Sheet C2 should be updated to refer to this area as Phase 1B Cluster N, Light Industrial, as depicted on Map H, attached to Resolution No. 2010-61.

4. Sheet C4, maximum fence height is shown as ten feet with three strands of barbed wire on top; the maximum fence height in the County’s Land Development Code is six feet with an additional 18-inches of fence height provided for barbed wire or similar extension (Section 3.06.07.C.1, Flagler County Land Development Code).

5. Sheet C4 includes a detail for Section A (bottom left of sheet) showing the 4:1 slope extending into the 25-foot wetland buffer; the detail and Plan Set should be corrected so that there is no encroachment into the minimum buffer area.
APPLICATION FOR REVIEW
FLAGLER COUNTY, FLORIDA
1769 E. Moody Boulevard, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009  Fax: (386) 313-4109
Application/Project #: 30460/2016080828

<table>
<thead>
<tr>
<th>PROPERTY OWNER(S):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name(s): US Capital Alliance, LLC</td>
</tr>
<tr>
<td>Mailing Address: 880 Airport Road Suite 113B</td>
</tr>
<tr>
<td>City: Ormond Beach  State: Florida Zip: 32174</td>
</tr>
<tr>
<td>Telephone Number 386-677-7271 Fax Number</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>APPLICANT(S):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name(s): Kimberly A. Buck, P.E.</td>
</tr>
<tr>
<td>Mailing Address: 880 Airport Road Suite 113</td>
</tr>
<tr>
<td>City: Ormond Beach  State: Florida Zip: 32174</td>
</tr>
<tr>
<td>Telephone Number 386-673-7640 Fax Number 386-673-3927</td>
</tr>
<tr>
<td>E-Mail Address: <a href="mailto:kab@ae-group.com">kab@ae-group.com</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SUBJECT PROPERTY:</th>
</tr>
</thead>
<tbody>
<tr>
<td>SITE LOCATION (street address): Airport Rd East of Hunter's Ridge Blvd.</td>
</tr>
<tr>
<td>LEGAL DESCRIPTION: Parcel C a portion of section 22 T14S R31E</td>
</tr>
<tr>
<td>Parcel # (tax ID #): 22-14-31-0000-01019-0110</td>
</tr>
<tr>
<td>Parcel Size: 10.41 +/-</td>
</tr>
<tr>
<td>Current Zoning Classification: PUD</td>
</tr>
<tr>
<td>Current Future Land Use Designation: Mixed use: Low intensity low/mod density</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PURPOSE OF SUBMISSION / PROJECT DATA:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Develop a temporary recreational vehicle storage lot on approximately 0.45 acres of a 10.41 acre parcel of land located within The Hunter's Ridge DRI</td>
</tr>
</tbody>
</table>

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

Date 5/23/16

**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.
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 # ____________________________

Kimberly A. Buck, P.E., is hereby authorized TO ACT ON BEHALF OF ____________________________, the owner(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to Flagler County, Florida for an application for _____________________________.

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

By: ____________________________

Signature of Owner

Allan Fekar, Manager

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

Signature of Owner

Printed Name of Owner

Address of Owner:

880 Airport Road, Suite 113

Mailing Address

Ormond Beach, FL 32174

City State Zip

Telephone Number (incl. area code)

949-232-7840

STATE OF Florida

COUNTY OF Volusia

The foregoing was acknowledged before me this 5 day of May, 2016 by ___________ Allan Fekar ____________________ 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

Jennifer Linn Flesch


Revised 5/08
EXISTING CONDITIONS

FLAGLER COUNTY

HUNTER'S RIDGE TEMPORARY R.V. STORAGE

PARK OF COMMERCE PER HUNTER'S RIDGE DRI DEVELOPMENT MAP "EXHIBIT C" ADOPTED 2003
PARCEL: 22-16-31-0000-01010-0110

AS NOTED
05/04/16
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: DEVELOPMENT ENGINEERING

The Applicant is to provide technically complete Site Development Plans that comply with the Land Development Code. Existing elevations and proposed grading must be included within the plan.

Further comments may be provided upon the submittal of revised drawings.

Once all of the comments have been resolved, submit three (3) sets of complete signed and sealed Site Development/construction Plans for final review.

If additional approved plans are needed by the applicant they should be part of the final submission.

It should be noted that this Site Plan cannot receive final approval until the Final Plat for Hunter’s Ridge Boulevard extension has been recorded.

1. Provide a copy of the survey of the parcel.
2. General Note #2, revise the Flagler County contact number to 386-313-4009.
3. Note #12, remove “Flagler County”.
4. Note #13, add the reference of the City for the utilities as well as the County.
5. Provide dimensions on the entrance area.
6. Show the wetland buffer and remove any grading from the wetland buffer.
7. Show the limits of the parcel.
8. Provide grading along the HC ramp to ensure ADA compliance.
9. Provide a swale to capture the runoff prior to entering the R/W.
10. Why aren't you connecting to the existing sewer?

REVIEWING DEPARTMENT: FIRE INSPECTOR

No comments at this time.
REVIEWING DEPARTMENT: PLANNING DEPARTMENT

1. Consistent with Board action, no final approval will be requested until Airport Road Extension is platted.

2. Under Utility Companies on the right hand side of the Cover Sheet for the Plan Set, a holding tank is intended for temporary storage of onsite sewage; Planning staff will defer to the Health Department, but typically this has not been permitted where sanitary sewer mains are readily available for connection, even on a temporary basis. If a change is made to the holding tank, this change will also be needed on Sheet C3.

3. No signage is provided; if a sign is proposed, its location should be depicted on Sheet C2 and a detail provided. The location for the sign must maintain cross-visibility consistent with Section 5.01.04(d) of the Flagler County Land Development Code.

4. A landscape buffer strip should be provided between the parking area and Hunter’s Ridge Boulevard.
APPLICATION FOR REVIEW
FLAGLER COUNTY, FLORIDA
1769 E. Moody Boulevard, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109
Application/Project #: 32471608CD30

PROPERTY OWNER(S):
Name(s): US Capital Alliance, LLC
Mailing Address: 880 Airport Road Suite 113B
City: Ormond Beach State: Florida Zip: 32174
Telephone Number 386-677-7271 Fax Number

APPLICANTS:
Name(s): Kimberly A. Buck, P.E.
Mailing Address: 880 Airport Road Suite 113
City: Ormond Beach State: Florida Zip: 32174
Telephone Number 386-673-7640 Fax Number 386-673-3927
E-Mail Address: kab@ae-group.com

SITE LOCATION (street address): Southwest corner of Airport Rd and Hunter’s Ridge Blvd.
LEGAL DESCRIPTION: 8.33 acres - sly of Airport Rd, wly of Hunter’s Ridge Blvd, sly along Huntington Woods
(briefly describe, do not use *see attached*)
Parcel # (tax ID #): 22-14-31-0000-01010-0120 OR 2099/1522 OR 2104/746-CD OR 2104/751
Parcel Size: 8.33 Ac +/-
Current Zoning Classification: pUP
Current Future Land Use Designation: Mixed use: Low intensity low/med density
Subject to A1A Scenic Corridor? [ ] YES [x] NO

PURPOSE OF SUBMISSION / PROJECT DATA: Develop a temporary sales office on approximately
0.37 acres of a 8.33 acre parcel of land located within The Hunter’s Ridge DRI

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

**OFFICIAL USE ONLY**

PLANNING BOARD RECOMMENDATION/ACTION:
*APPROVED WITH CONDITIONS [ ]
*APPROVED [ ]
DENIED [ ]
Signature of Chairman:
Date: 5/23/16 *approved with conditions, see attached.

**OFFICIAL USE ONLY**

BOARD OF COUNTY COMMISSIONERS ACTION:
*APPROVED WITH CONDITIONS [ ]
APPROVED [ ]
DENIED [ ]
Signature of Chairman:
Date: *approved with conditions, see attached.
Kimberly A. Buck, P.E., is hereby authorized TO ACT ON BEHALF OF US Capital Alliance, 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 Hunter’s Ridge Site Plan.

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

By: ____________________________

Signature of Owner

Allan Fekor, Manager

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

Signature of Owner

Printed Name of Owner

Address of Owner: 880 Airport Road, Suite 113

Mailing Address: Ormond Beach, FL 32174

City State Zip

STATE OF ________

COUNTY OF ________

The foregoing was acknowledged before me this ______ day of ______, 2011, by _______ and ________ who is/are personally known to me or who has produced _______ as identification, and who (did) / (did not) take an oath.

Signature of Notary Public

Jennifer Linn Flesch


Revised 5/08
May 23, 2016

Adam Mengel
Director of Planning & Zoning
1769 E. Moody Blvd
Bunnell, FL 32110

RE: Hunter’s Ridge
Temporary RV Storage Area
Temporary Sales Office

Dear Mr. Mengel:

Enclosed are ten (10) copies of full sized plans and one (1) copy of 11x17 along with the applications and a CD with PDFs of the plans for the referenced projects.

We would like to request the fees originally submitted be applied to these applications. Please let us know if this is possible.

Please let me know if you have any questions or require additional information.

Sincerely,
The Alann Engineering Group, Inc.

[Signature]
Kimberly A. Buck, P.E.
President

cc: File
LOCATION MAP

HUNTER'S RIDGE
CONSTRUCTION PLANS
FOR
HUNTER'S RIDGE OFFICE PARK
TEMPORARY CONSTRUCTION OFFICE
FLAGLER COUNTY, FLORIDA

SHEET INDEX:

<table>
<thead>
<tr>
<th>SHEET NO.</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>COVER SHEET</td>
</tr>
<tr>
<td>C2</td>
<td>SITE PLAN &amp; EROSION CONTROL PLAN</td>
</tr>
<tr>
<td>C3</td>
<td>PAVING, GRADING, DRAINAGE AND UTILITY PLAN</td>
</tr>
</tbody>
</table>

SITE DATA:
CURRENT ZONING: SUBDIVISION (SUB) COMMUNITY DEVELOPMENT DISTRICT (CDD)
PARCEL NO.: 2001 HUNTER'S RIDGE
ENGINEER:
ALANN ENGINEERING GROUP, INC.
860 AIRPORT RD., SUITE 113
ORMOND BEACH, FL 32174
386-677-7221
ALAN@ALANNENGR.COM

OWNER:
U.S. CAPITAL ALLIANCE, LLC
860 AIRPORT RD., SUITE 113
ORMOND BEACH, FL 32174
386-677-7221
ALAN@ALANNENGR.COM

SURVEYOR:
PONTACO LAND SURVEYORS, INC.
860 AIRPORT RD., SUITE 113
ORMOND BEACH, FL 32174
PHONE: 386-677-2413
FAX: 386-671-2333

UTILITY COMPANIES:

HUNTER
CITY OF ORMOND BEACH, FL 32174
PHONE: 386-677-7221
FAX: 386-677-7220

SHERIFF
CITY OF ORMOND BEACH, FL 32174
PHONE: 386-677-7221
FAX: 386-677-7220

RESEARH:
CITY OF ORMOND BEACH, FL 32174
PHONE: 386-677-7221
FAX: 386-677-7220

CONTACT LARRY REYNOLDS

LOCATION MAP

DRAWN BY: [Signature] 05/04/16
DESIGNER: [Signature]

SCALE: CTB 1608-1 KAB 1608A AS NOTED 05/04/16
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

Cover Sheet
1. Please remove or cross out reference to revised 4/18/16.

2. Please remove or cross out the reference to Charlie Faulkner as the applicant.

3. Please revise the data table noting the total seats and the parking spaces provided.

Sheet C001
4. Please provide a "T" at the end of the proposed additional parking spaces as discussed.

Sheet LS1
5. Please remove the three shipping containers and school bus from the 5 foot landscape buffer.

6. Please show detail of how the Large Oak tree near parking area will be protected from vehicular damage.

7. Please close off with railing and landscaping all additional driveways as per approved landscape plan.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

1. The location of the drive aisle indicates that the large tree will be removed. It is recommended that the drive aisle be re-aligned to avoid removal of any trees.

2. Six foot radii is required on all terminus parking spaces.

3. Grading of the proposed new parking spaces indicates that they will drain onto the adjacent property. Please revise the grading to avoid draining onto adjacent properties.

4. Wheel stops will be provided on all parking spaces. The grading plan does not indicate wheel stops are provided. Make consistent throughout the sheets.
REVIEWING DEPARTMENT: FIRE INSPECTOR

No comments at this time.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

A separate irrigation well will be required for sprinkler system. Existing limited-use water system may not be connected to irrigation system, without resulting in the water system being subject to all current code requirements. A well construction permit must be obtained through the Florida Department of Health in Flagler County prior to the installation any irrigation wells.

REVIEWING DEPARTMENT: COUNTY ATTORNEY

The drawing shows 13 parking spaces/49 seats. I believe they're supposed to be building 20 spaces/80 seats.
APPLICATION FOR SEMI-PUBLIC USE
FLAGLER COUNTY, FLORIDA
1769 E. Moody Boulevard, Suite 105
Bunnell, FL 32110
Telephone (386) 313-4009  Fax: (386) 313-4109

Application/Project #: 3048/2016 0800 32

PROPERTY OWNER(S)

<table>
<thead>
<tr>
<th>Name(s):</th>
<th>Gods Family Bible Church</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>256 Old Brick Rd.</td>
</tr>
<tr>
<td>City:</td>
<td>Bunnell</td>
</tr>
<tr>
<td>State:</td>
<td>Florida</td>
</tr>
<tr>
<td>Zip:</td>
<td>32110</td>
</tr>
<tr>
<td>Telephone Number</td>
<td>386-586-4019</td>
</tr>
<tr>
<td>Fax Number</td>
<td></td>
</tr>
</tbody>
</table>

APPLICANT/AGENT

<table>
<thead>
<tr>
<th>Name(s):</th>
<th>Gods Family Bible Church</th>
</tr>
</thead>
<tbody>
<tr>
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<td>256 Old Brick Rd.</td>
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<tr>
<td>City:</td>
<td>Bunnell</td>
</tr>
<tr>
<td>State:</td>
<td>Florida</td>
</tr>
<tr>
<td>Zip:</td>
<td>32110</td>
</tr>
<tr>
<td>Telephone Number</td>
<td>386-586-4019</td>
</tr>
<tr>
<td>Email Address</td>
<td><a href="mailto:Godsfamilybiblechurch@gmail.com">Godsfamilybiblechurch@gmail.com</a></td>
</tr>
</tbody>
</table>

SUBJECT PROPERTY

<table>
<thead>
<tr>
<th>SITE LOCATION (street address):</th>
<th>256 Old Brick Rd.</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEGAL DESCRIPTION: (briefly describe, do not use &quot;see attached&quot;)</td>
<td>Lot 17 Bearwood Subdivision, 68.70, PA 475</td>
</tr>
<tr>
<td>Parcel # (tax ID #):</td>
<td>12-12-30-0900-00000-0170</td>
</tr>
<tr>
<td>Parcel Size:</td>
<td>44,238.89</td>
</tr>
<tr>
<td>Current Zoning Classification:</td>
<td>C-2</td>
</tr>
<tr>
<td>Current Future Land Use Designation:</td>
<td>Mix Use: High Intensity/medium High Density</td>
</tr>
</tbody>
</table>

Type of Use: Adding Parking to SemiPublic Use

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

Signature of Chairman: __________________________ |

Date: __________________________ *approved with conditions, see attached.

PLANNING BOARD RECOMMENDATION/ACTION: |

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. 01/06
NOTE: CONTRACTOR TO PROVIDE AUTOMATIC IRRIGATION SYSTEM WITH 100% COVERAGE FOR ALL LANDSCAPE AREAS. IRRIGATION SYSTEM TO BE A COMBINATION OF BOTH HIGH VOLUME (SOD AREAS) + LOW VOLUME (DRIPL) MUST COMPLY WITH ALL LOCAL CODES, ORDINANCES + OTHER RULES OF LAW.
FLAGLER COUNTY

TECHNICAL REVIEW COMMITTEE COMMENTS

MEETING DATE: 9/21/2016

APP #3049 - REZONING TO PUD

APPLICANT: CHARLIE FAULKNER
OWNER: CODY, JOHN W. & LINDA

Distribution date: Tuesday, September 20, 2016

Project #: 2016080033
Application #: 3049

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

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

1. Show unified control of the property included within this application.

2. Fuel Storage on site of 10,000 gallons seems excessive. How much is currently being held on site?

2. Pest Control requires the use of toxic chemicals; how will these be stored on site, what safety mechanisms will be in place to ensure leaching will not take place?

3. Perimeter landscape buffers especially along SR 100 should be required.

4. Lighting should be of the full cut off type as to not emit any lighting on to adjacent properties.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

No comments at this time.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

1 - An Onsite Sewage Treatment and Disposal System Construction Permit is required to be obtained from the Florida Department of Health in Flagler County prior to system construction.

2- An Annual Onsite Sewage Treatment and Disposal System Operating Permit is required due to storage of hazardous materials on site.

3- An approved potable water system will be required to provide water service. Application for a Limited Use Commercial Water System shall be made through the Florida Department of Health in Flagler County prior to construction. The system shall be set back a minimum of 100ft from any septic system and sanitary hazards (Fuel and Chemical Storage).
# 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 #:** 3049 / 2016080033

### Property Owner(s)

<table>
<thead>
<tr>
<th>Name(s):</th>
<th>CODY JOHN W &amp; LINDA, H&amp;W</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>10406 STATE ROUTE 11,</td>
</tr>
<tr>
<td>City:</td>
<td>Bunnell</td>
</tr>
<tr>
<td>State:</td>
<td>Florida</td>
</tr>
<tr>
<td>Zip:</td>
<td>32110</td>
</tr>
<tr>
<td>Telephone Number</td>
<td>386-793-7280</td>
</tr>
<tr>
<td>Fax Number</td>
<td></td>
</tr>
</tbody>
</table>

### Applicant/Agent

<table>
<thead>
<tr>
<th>Name(s):</th>
<th>CHARLIE FAULKNER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mailing Address:</td>
<td>139 PALMETTO AVE</td>
</tr>
<tr>
<td>City:</td>
<td>FLAGLER BEACH</td>
</tr>
<tr>
<td>State:</td>
<td>FLORIDA</td>
</tr>
<tr>
<td>Zip:</td>
<td>32136</td>
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<tr>
<td>Telephone Number</td>
<td>386-931-9147</td>
</tr>
<tr>
<td>Email Address</td>
<td><a href="mailto:CFAULKNER8@CFL.RR.COM">CFAULKNER8@CFL.RR.COM</a></td>
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</tbody>
</table>

### Subject Property

<table>
<thead>
<tr>
<th>Site Location (street address):</th>
<th>10406 STATE ROUTE 11</th>
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<tbody>
<tr>
<td>Legal Description:</td>
<td>SEE EXHIBIT &quot;A1&quot;</td>
</tr>
<tr>
<td>Parcel # (tax ID #):</td>
<td>31-13-30-0000-01030-0000, 0010 &amp; 0040</td>
</tr>
<tr>
<td>Parcel Size:</td>
<td>10.02 ACRES</td>
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</table>

### Zoning

<table>
<thead>
<tr>
<th>Present Zoning Classification:</th>
<th>AC</th>
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<tbody>
<tr>
<td>Present Future Land Use Designation:</td>
<td>COMM-HIGH, AG &amp; TIMBER, CONSERVATION</td>
</tr>
<tr>
<td>Proposed Zoning Classification:</td>
<td>MIXED USE PUD</td>
</tr>
</tbody>
</table>

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

**AUGUST 4, 2016**  
Date

**"OFFICIAL USE ONLY"**

<table>
<thead>
<tr>
<th>Planning Board Recommendation/Action:</th>
<th>APPROVED [ ]</th>
</tr>
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<tbody>
<tr>
<td>*APPROVED WITH CONDITIONS [ ]</td>
<td></td>
</tr>
<tr>
<td>DENIED [ ]</td>
<td></td>
</tr>
</tbody>
</table>

**Signature of Chairman:**

| Date: | *approved with conditions, see attached. |

<table>
<thead>
<tr>
<th>Board of County Commissioners Action:</th>
<th>APPROVED [ ]</th>
</tr>
</thead>
<tbody>
<tr>
<td>*APPROVED WITH CONDITIONS [ ]</td>
<td></td>
</tr>
<tr>
<td>DENIED [ ]</td>
<td></td>
</tr>
</tbody>
</table>

**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
August 2, 2016

Adam Mengel
1769 E. Moody Blvd. Bldg. 2
Suite 105
Bunnell, FL 32110-0787
Director of Planning & Zoning

RE: Cody, Planned Unit Development Application; Parcels #31-13-30-0000-01030-0000, #31-13-30-0000-01030-0010, #31-13-30-0000-01030-0040,

Dear Adam,

Enclosed, please find 10 sets of:
(In 8 1/2” x 11” format)
Attachment A – Completed Application
Attachment B – Location Map
Attachment C – USGS Quad Sheet
Attachment D1 – Owner’s Authorization - John and Linda Cody,
Attachment D2 – Owner’s Authorization - John Walter Cody,
Attachment D3 – Owner’s Authorization – Kendrick Dewitt Cody,
Attachment D4 – Owner’s Authorization – Melanie Ruth Bennett,
Attachment D5 – Owner’s Authorization – Richard Daniel Cody,
Attachment E1 – Personal Representative’s Distributive Deed, #31-13-30-0000-01030-0000,
Attachment E2 – Warranty Deed, #31-13-30-0000-01030-0010,
Attachment E3 – Warranty Deed, #31-13-30-0000-01030-0040,

Attachment F – Application Fee in the amount of $970.50

Attachment G – PUD Agreement,
   Exhibit “A1” – Legal Descriptions,
   Exhibit “A2” – PUD Boundary Graphic,
   Exhibit “B” – Phase 1 Elements,
   Exhibit “C” – Phase 2 Elements,
   Exhibit “D” – Allowable Uses

The attached Agreement is consistent with approved FLUM Application #2919 and appropriately limits commercial development to permit continued operation and expansion of a commercial pest control business and related ancillary uses.
The subject Agreement encumbers a 4.65 acre portion of Tax Parcel #31-13-30-0000-01030-0000 and all of Tax Parcels #31-13-30-0000-01030-0010 and #31-13-30-0000-01030-0040 (FLUE Policy A.1.1.10(9)).

Please place us on the next available TRC, Planning & BOCC Agendas.

We can’t thank you enough for all the help & support you and your staff have provided!

Kind Regards,

Charlie Faulkner,
Agent / Applicant
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 #

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

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

By: _____________________________________________

Signature of Owner

RICHTARD DANIEL CODY

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

____________________________

Signature of Owner

____________________________

Printed Name of Owner

Address of Owner: ____________________________

8276 CR 304

Mailing Address

BUNNELL, FL 32110

City State Zip

STATE OF ____________________

COUNTY OF ____________________

The foregoing was acknowledged before me this ____________________ day of ______________, 20___ by ____________________________________________ and
who is/are personally known to me or who has produced _______________ as identification, and who (did) / (did not) take an oath.

____________________________

Signature of Notary Public


Revised 5/08
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 #

CHARLIE FAULKNER, is hereby authorized TO ACT ON BEHALF
OF MELANIE RUTH BENNETT, 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 PUD.

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

By: Signature of Owner

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

Signature of Owner

Printed Name of Owner

Address of Owner:

287 COUNTY ROAD 140
Mailing Address
BUNNELL, FL 32110
City State Zip

Telephone Number (incl. area code)

STATE OF

COUNTY OF

The foregoing was acknowledged before me this 17th day of August, 2016 by MELANIE BENNETT 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 #________

CHARLIE FAULKNER, is hereby authorized TO ACT ON BEHALF OF KENDRICK DEWITT CODY, 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 PUD.

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

By:  

Signature of Owner

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

Signature of Owner

Printed Name of Owner

Address of Owner:  

9575 STATE ROAD 11
Mailing Address

BUNNELL, FL 32110
City State Zip

Telephone Number (incl. area code)

STATE OF Florida
COUNTY OF Flagler

The foregoing was acknowledged before me this 16th day of August, 2016 by KENDRICK CODY and who is/are personally known to me or who has produced as identification, and who (did) / (did not) take an oath.

Heidi TaBala
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 #________________

CHARLIE FAULKNER________________, is hereby authorized TO ACT ON BEHALF OF JOHN WALTER CODY______________, the owner(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to Flagler County, Florida for an application for ______________________________.

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

By: ____________________________________________________________
Signature of Owner

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

Linda Hall Cody
Signature of Owner

Linda Hall Cody
Printed Name of Owner

Address of Owner:
10406 State Road 11
287 COUNTY ROAD 140
P.O. Box
BUNNELL, FL 32110
City State Zip

Telephone Number (incl. area code) 386-793-7286

STATE OF Florida
COUNTY OF Flagler

The foregoing was acknowledged before me this 4th day of August, 2016 by John W. Cody and Linda Hall Cody, who is/are personally known to me or who has produced as identification, and who (did) / (did not) take an oath.

Heidi Tarala
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 #____________________________

CHARLIE FAULKNER, is hereby authorized TO ACT ON BEHALF
OF CODY JOHN W & LINDA, H&W, the owner(s) of those lands described
within the attached application, and as described in the attached deed or other such
proof of ownership as may be required, in applying to Flagler County, Florida for an
application for __________________________.
(ALL PERSONS, WHO'S NAMES APPEAR ON THE DEED MUST SIGN)

By: Signature of Owner

JOHN CODY

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

LINDA CODY

Signature of Owner

Printed Name of Owner

Address of Owner:
10406 STATE ROUTE 11,

Mailing Address
BUNNELL, FL 32110
City    State    Zip

Telephone Number (incl. area code)  386-793-7280

STATE OF Florida
COUNTY OF Flagler

The foregoing was acknowledged before me this 4th day of August, 2016
by John W Cody and Linda Cody
who is/are personally known to me or who has produced
as identification, and who (did) / (did not) take an oath.

Heidi Tarala
Signature of Notary Public

Revised 5/08
Prepared by and Return to:
Dawn O’Day-Sica
FLAGLER COUNTY ABSTRACT CO.
305 E. Moody Blvd. - P.O. Box 398
Bunnell, FL 32110
SS# - GRANTEE 1: -

Inst No: 96001751 Date: 02/06/1996
Doc Stamp-Deed: 0.70
SYD CROSBY, FLAGLER County
By: ______________________ D.C. Time: 15:09:

______________ [Space Above This Line for Recording Data] ________________

WARRANTY DEED

File No. 9220

THIS INDENTURE, made this 1st day of February, A.D. 1996 between
John W. Cody, joined by his spouse Linda Cody

as Grantor*, whose address is: Route 1, Box 220, Bunnell, FL 32110

and

John W. Cody and Linda Cody, husband and wife
as Grantee*, whose address is: Route 1, Box 220, Bunnell, FL 32110

WITNESSETH: That the Grantors, for and in consideration of the sum of TEN AND NO/100
DOLLARS ($10.00) and other valuable considerations to said grantors in hand paid by
said grantees, the receipt whereof is hereby acknowledged, has granted, bargained
and sold to the grantee and grantee’s heirs forever the following described land
located in the County of Flagler, State of Florida, to wit:

SEE ATTACHED FOR CONTINUATION OF LEGAL DESCRIPTION

SUBJECT TO THE FOLLOWING: Taxes for the year 1996 and subsequent years, Restrictions, Covenants,
Easements, Dedication, Reservations, Resolutions and Conditions of record, if any. Balances due on
utility assessments, if any.

Property Tax ID Number: 31-13-30-0000-01030-0010

SUBJECT TO easements and reservations of record, if any, and
taxes for 1995 and subsequent years.

Said grantor does hereby fully warrant the title to said land, and will defend
the same against the lawful claims of all persons whomsoever.

*Singular and plural are interchangeable as context requires.

IN WITNESS WHEREOF, Grantor has hereunto set grantor’s hand and seal the day
and year first above written.

Witnesses

(SIGN HERE 1) ______________________ (SIGN HERE 2) ______________________

PRINT OR TYPE NAME: Dawn O'Day-Sica John W. Cody
PRINT OR TYPE NAME: Linda Cody

State of Florida
County of Flagler

The foregoing instrument was acknowledged before me on this 1st day of February,
1996 by John W. Cody, joined by his spouse Linda Cody, who is known to me or
who has produced _________________ as identification and did not
take an oath.

My Commission Expires: ______________________

(SIGN)

[Seal]

PRINT OR TYPE NAME: ______________________

[Seal]

[Seal]
CONTINUATION OF WARRANTY DEED

LEGAL DESCRIPTION

A parcel of land lying in the Northwest 1/4 of Section 31, Township 13 South, Range 30 East, Flagler County, Florida and more particularly described as follows:

From the Southeast corner of the Southwest 1/4 of said Section 31, bear North 1 degree 28' 36" West along the East line of the West 1/2 of Section 31 a distance of 3603.00 feet; thence South 88 degrees 27' 30" West a distance of 54.09 feet to the westerly right of way line of State Road 11 and to the Point of Beginning of this description; thence run South 88 degrees 27' 30" West a distance of 234.19 feet; thence North 1 degree 32' 30" West a distance of 335.00 feet; thence North 88 degrees 27' 30" East a distance of 234.19 feet to the Westerly right of way line of said State Road 11; thence South 1 degree 32' 30" East along the Westerly line a distance of 335.00 feet to the Point of Beginning of this description.
PERSONAL REPRESENTATIVE'S DISTRIBUTIVE DEED

THIS INDENTURE, made this day of 24th July, 2014, by and between RICHARD DANIEL CODY, JOHN WALTER CODY, MELANIE RUTH BENNETT and KENDRICK DEWITT CODY, as Co-Personal Representatives of the Estate of RICHARD WALTER CODY a/k/a RICHARD W. CODY, JR. a/k/a R.W. CODY, JR., deceased, herein collectively referred to as the party of the first part, and RICHARD DANIEL CODY, JOHN WALTER CODY, MELANIE RUTH BENNETT and KENDRICK DEWITT CODY as tenants in common herein collectively referred to as the party of the second part, whose mailing address is 287 County Road 140, Bunnell, FL 32110.

WITNESSETH:

WHEREAS, RICHARD DANIEL CODY, JOHN WALTER CODY, MELANIE RUTH BENNETT and KENDRICK DEWITT CODY have been duly appointed Co-Personal Representatives in this matter of the aforementioned estate and the party of the first part are beneficiaries of the Estate of RICHARD WALTER CODY a/k/a RICHARD W. CODY, JR., and are at the present time acting in said capacity as Co-Personal Representatives;

WHEREAS, RICHARD WALTER CODY a/k/a RICHARD W. CODY, JR., died testate a resident of Flagler County, Florida, on January 24, 2004, seized and possessed of an interest in the real property hereinafter described and title to said property passed to the party of the second part as of the date of decedent's death pursuant to the laws of descent and distribution as determined and which more fully appears from those certain proceedings in the Circuit Court for Flagler County, Florida, Probate Division, Case No. 2004-162-CP; and

WHEREAS, the party of the first part executes this instrument conveying said property so as to memorialize and place in the public records evidence of said title in the parties of the second part and to evidence the release of said property from any right to sell or encumber the same that said Co-Personal Representatives might have;

NOW THEREFORE, in consideration of the foregoing and in consideration of One Dollar and other valuable consideration in hand paid to the party of the first part, the party of the first part does hereby grant, bargain, sell, convey, and confirm unto each of the said parties of the second part, their heirs and assigns forever, the following described lands, lying and being in the County of Flagler and State of Florida, more particularly described as follows:


PARCEL TAX IDENTIFICATION # 311330-0000-01030-0000
TO HAVE AND TO HOLD the same unto the said party of the second part, their heirs and assigns, in fee simple forever. AND the party of the first part covenants with the party of the second part, their heirs and assigns, that in all things preliminary to and in about this conveyance, all of the orders of the Circuit Court, Probate Division, and the laws of Florida have been followed and complied with in all respects.

IN WITNESS WHEREOF, the said party of the first part has executed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Signed, sealed and delivered in the presence of:

Richard A. Price

Angela B. Horton

ESTATE OF RICHARD WALTER CODY
a/k/a RICHARD W. CODY, JR.

By:
RICHARD DANIEL CODY as a
Co-Personal Representative

STATE OF FLORIDA
COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this 23rd day of July, 2014 by RICHARD DANIEL CODY as Co-Personal Representative of the Estate of RICHARD WALTER CODY a/k/a RICHARD W. CODY, JR., who is personally known to me or who has produced valid Florida Driver's License as identification and who did take an oath.

Notary Public

Angela B. Horton

STATE OF FLORIDA
COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this 23rd day of July, 2014 by JOHN WALTER CODY as Co-Personal Representative of the Estate of RICHARD WALTER CODY a/k/a RICHARD W. CODY, JR., who is personally known to me or who has produced valid Florida Driver's License as identification and who did take an oath.

Notary Public
STATE OF FLORIDA
COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this 23rd day of July, 2014 by MELANIE RUTH BENNETT as Co-Personal Representative of the Estate of RICHARD WALTER CODY a/k/a RICHARD W. CODY, JR., who is personally known to me or who has produced valid Florida Driver's Licenses as identification and who did take an oath.

Heidi Tarala
Notary Public

PREPARED BY:

STEPHEN P. SAPIENZA, Esq.
P. O. Box 635
Bunnell, Fl. 32110
WARRANTY DEED

THIS WARRANTY DEED made this 5th day of June 2000 by and between RICHARD WALTER CODY (SS #), Grantor, to JOHN CODY (SS #), Grantee, whose address is 9575 Hwy 11, Bunnell, FL 32110.

WITNESSETH: That the GRANTOR, for and in consideration of Ten ($10.00) Dollars, and other valuable consideration receipt whereto is hereby acknowledged have granted, bargained, and sold to the GRANTEE, his heirs and assigns forever, his interest in the following described land, together with all easement rights pertaining thereto situate in Flagler County, Florida, viz:

See Attached Legal Description

PARCEL ID #: 311330000 010300000

SUBJECT to Covenants, Restrictions, Easements of Record and Taxes for the current year.

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

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

The GRANTOR hereby fully warrants the title to said land, and will defend the same against the lawful claims of all persons whatsoever.

IN WITNESS WHEREOF, the GRANTOR has hereunto set his hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signatures]

Witness,

[Names]

Witness,

[Names]

STATE OF: FLORIDA
COUNTY OF: FLAGLER

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid, to take acknowledgments, personally appeared Richard Walter Cody, to me known to be the person described in AND/OR provided _________ as identification, and who executed the foregoing instrument and he acknowledges before me that he executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 5th day of June, A.D. 2000.

Clifford A. Taylor, Notary Public, State of Florida

(SEAL)

Clifford A. Taylor, Notary Public, State of Florida

My Commission Expires:

[Seal]

[Commission Number]

[Expiration Date]
A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER (1/4) OF GOVERNMENT SECTION 31, TOWNSHIP 13 SOUTH, RANGE 30 EAST OF FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE BEING THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (1/4) OF SAID SECTION 31; THENCE NORTH 01° 28' 36" WEST ALONG THE EAST LINE OF THE WEST HALF (1/2) OF SECTION 31 A DISTANCE OF 3533.06 FEET; THENCE SOUTH 88° 27' 30" WEST A DISTANCE OF 53.99 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 11 TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88° 27' 30" WEST A DISTANCE OF 234.21 FEET; THENCE NORTH 01° 32' 30" WEST A DISTANCE OF 69.94 FEET TO THE SOUTH LINE OF LANDS RECORDED IN OFFICIAL RECORDS BOOK 549, PAGES 72 AND 73 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 88° 27' 30" EAST ALONG THE SOUTH LINE OF SAID LANDS A DISTANCE OF 234.19 FEET TO THE SAID WESTERLY RIGHT-OF-WAY LINE; THENCE SOUTH 01° 32' 30" EAST ALONG THE WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 69.94 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINING 0.3760 ACRES MORE OR LESS.
PLANNED UNIT DEVELOPMENT AGREEMENT

THIS PLANNED UNIT DEVELOPMENT ("PUD") AGREEMENT, (herein referred to as the “Development Agreement”) is made and executed this ____ day of __________, 20__, by and between FLAGLER COUNTY (herein referred to as the “County”), whose address is 1769 E. Moody Boulevard, Bunnell, Florida, 32110, and JOHN W. CODY and LINDA H. CODY, whose address is 10406 State Route 11, Bunnell, FL 32110 (“Owner”).

---------------------Sid to amend and include all the property owners---------------------

RECITALS

The Owner holds fee simple title to that real property located along County Road 11, Flagler County, Florida, more particularly described as “Exhibit A1” (the “Property”); The Owner wants to rezone the Owner’s property consistently with the County’s Comprehensive Plan; The Owner wants to subject the Property to this Development Agreement as depicted by “Exhibit A2”;

The Owner voluntarily requests the County’s approval for a PUD to allow development of the Subject Property subject to the conditions set forth in this Development Agreement;

WHEREAS, the Board of County Commissioners of Flagler County (the “BOCC”) finds that this Development Agreement is consistent with and subject to the County’s Commercial, High Intensity and Conservation land use designation identified in its Comprehensive Plan with site specific limitations as implemented in this Development Agreement, as well as the County’s Land Development Code in effect on the effective date of this Development Agreement (herein referred to as the “Comp Plan” and “LDC”, respectively) and that the conditions, terms, restrictions, and requirements set forth herein are necessary for the protection of the public health, safety and welfare of the citizens of the County; and

WHEREAS, this is a non-statutory Development Agreement that is not subject to or enacted pursuant to the provisions of Section 163.3220 through 163.3243, Florida Statutes.
NOW, THEREFORE, it is hereby resolved and agreed by and between the County and the Owner that the Owners’ application for a PUD is approved, subject to the following terms and conditions:

SECTION 1. RECITALS.

The above recitals are taken true and correct, are incorporated herein by this reference, and made a material part of this Development Agreement upon which the County and the Owner have relied.

SECTION 2. REPRESENTATION OF OWNER.

(a). The Owner hereby represents and warrants to the County that Owner holds fee simple title to the Subject Property.

(b). The Owner represents and warrants to the County that Owner possesses the power and authority to enter into and consummate the terms and conditions of this Development Agreement; that all acts, approvals, procedures and similar matters required in order to authorize this Development Agreement have been taken, obtained or followed, as the case may be; and that, upon the execution of this Development Agreement by the parties, this Development Agreement shall be valid and binding upon the parties hereto and their successors in interest.

(c). The Owner hereby represents to the County that all required joinders and consents have been obtained and set forth in properly executed form on this Development Agreement. Unless otherwise agreed to by the County, all liens, mortgages, and encumbrances not satisfied or released of record, must be subordinated to the terms of this Development Agreement.

SECTION 3. USES AND SITE DEVELOPMENT STANDARDS.

(a). Uses:

The Subject Property shall be developed into a two (2) phase commercial development as generally depicted by the attached concept plans (“Concept Plans”) (“Exhibit B & C”). Future development is intended to follow consistent development standards ensuring a uniform theme of development. Open spaces, including but not limited to preserved lands shall be owned and maintained by either the Owner or Cody Pest Control, unless ownership by a governmental agency is required as a part of development permitting requirements (i.e. St. Johns River Water Management District permitting).

The Subject Property shall be developed for commercial uses consistent with the Use Table identified by “Exhibit D” which contains a list of uses allowed.

Fuel storage facilities shall not exceed 10,000 gallons of total capacity and will be designed with a secondary containment element. Commercial fuel sales are prohibited.

(b). Site Development Standards:
The site development standards for any commercial development on the Subject Property are as follows:

1) No development will take place along SR 11 east of the existing structures.
2) No commercial signs will be erected other than a 4’ x 6’ business identification sign.
3) No perimeter buffers will be required.

SECTION 4. LAND DEVELOPMENT CODE NON-APPLICABILITY.

The requirements of this Section supersede any inconsistent provisions of the LDC to the extent of any inconsistency.

(a). Wetlands: No wetland impacts shall occur without acquiring all necessary State and federal permits.

(b). Stormwater Management System:

The Subject Property shall be developed with a privately maintained drainage system. Stormwater runoff from any development shall be conveyed to on-site stormwater detention systems by means of grassy swales and/or an underground drainage pipe system. Pipe, structure materials and locations as well as pipe sizes shall be designed according to sound and generally accepted engineering principles. Stormwater routed to outfalls will be treated appropriately prior to discharge. A stormwater pollution prevention plan (“SWPPP”) shall be attached to and incorporated into the construction and permit documents for all projects constructed which require a general or individual SJRWMD permit. The SWPPP shall be implemented upon initiation of construction activities and accommodate the specific construction project of the site.

(d). Site Development Requirements:

(1). Site development requirements shall be consistent with the County’s LDC.

(2). Site plan improvements shall be governed by the rules, regulations, and ordinances of the County.

(3). Water and Wastewater utilities for the Subject Property shall be provided by permitted well(s) and septic system(s).

(4). All common areas including, but not limited to stormwater facilities, within the Property shall be owned and maintained by either the Owner or Cody Pest Control, unless ownership by a governmental agency is required as part of development permitting requirements.

(5). Future development on the Property shall provide for a uniform lighting plan, including but not limited to lighting in primary parking lots/areas.
(6). Parking standards, utilities, fences and walls shall be consistent with the County LDC.

(7). Emergency services shall be provided by the government having jurisdiction over the Subject Property and consistent with any mutual aid agreement for provisions of emergency services. Adequate emergency vehicle access and turn-arounds shall be provided at all times. Fire protection requirements for the site will be met through a system of holding tanks and / or ponds with dry hydrants installed on the site by the Owner in accordance with governmental standards.

SECTION 5. ENFORCEMENT.

(a). Provisions in this Development Agreement shall be enforced by the responsible agency of the government having jurisdiction over the Subject Property.

(b). Requests for relief from the provisions of this Development Agreement shall be filed with the government having jurisdiction and following the process outlined in the respective LDC for waivers or variances.

SECTION 6. NOTICES.

(a). All notices required or permitted to be given under the Agreement must be in writing and must be delivered to the government having jurisdiction or the Owner at their addresses set forth below (or such other addresses as may hereafter by designated in writing by such party).

(b). Any such notice must be personally delivered or sent by registered or certified mail, overnight courier, facsimile, or telecopy.

(c). Any such notice will be deemed effective when received (if sent by hand delivery, overnight courier, telecopy or facsimile) or on the date which is three (3) days after such notice is deposited in the United States mail (if sent by registered or certified mail).

(d). The parties’ addresses for the delivery of all such notices are as follows:

As to the County: Craig Coffey, County Administrator Flagler County 1769 East Moody Boulevard Bunnell, Florida 32110

As to the Owner: John W. and Linda H. Cody Cody Pest Control 10406 SR 11 Bunnell, FL 32110

With copies to: Charles Faulkner Faulkner & Associates 139 Palmetto Ave
Flagler Beach, FL 32136

and to: Sidney F. Ansbacher, Esquire
Upchurch, Bailey and Upchurch, P.A.
Post Office Drawer 3007
St. Augustine, Florida 32085-3007

SECTION 7. SEVERABILITY.

Should any word, phrase, sentence, subsection, or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection, or section so held shall be severed from this Ordinance and all other words, phrases, sentences, subsections, or section shall remain in full force and effect.

SECTION 8. SUCCESSORS AND ASSIGNS.

(a). This Development Agreement and the terms and conditions hereof shall be binding upon the Owner and Owner’s successors-in-interest and inure to the benefit of the County. The terms and conditions of this Development Agreement similarly shall be binding upon the property and shall run with title to the same.

(b). This Development Agreement touches and concerns the Subject Property.

(c). The Owners have expressly covenanted and agreed to this provision and all other terms and provisions of this Development Agreement.

SECTION 9. GOVERNING LAW/VENUE/COMPLIANCE WITH LAW.

(a). This is a non-statutory Development Agreement that is not subject to or enacted pursuant to the provisions of Sections 163.3220 through 163.3243, Florida Statutes.

(b). This Development Agreement shall be governed by and construed in accordance with the laws of the State of Florida and the Code of Ordinances of the local government having jurisdiction unless otherwise provided herein.

(c). Venue for any dispute shall be in the Circuit Court, Seventh Judicial Circuit in and for Flagler County, Florida.

(d). The Owner shall fully comply with all applicable local, state, and federal codes, laws, regulations, rules, and statutes including, but not limited to environmental regulations and all such other laws and regulations as shall be applicable to this Development Agreement.

SECTION 10. TERM/EFFECTIVE DATE.

(a). This Development Agreement shall be commenced upon issuance of a land development permit or building permit and shall not expire. (b). The date of
commencement may be extended by the County Administrator for three (3), one (1) year Terms(s). However, in no event may the Terms of this Development Agreement be extended beyond six (6) years without the parties modifying the Term(s) of this Development Agreement pursuant to Section 19. In the event that the date of commencement expires and no action has been initiated by the Owner to extend the date of commencement, then the Development Agreement shall be considered to have been voluntarily abandoned by the Owner, this Development Agreement shall be void, and the zoning designation of the Subject Property shall revert to its previous designation(s).

(c). This Development Agreement shall be effective upon:

- Approval by the BOCC and satisfaction of the rezoning ordinance requirements; and
- Execution of this Development Agreement by all parties.

SECTION 11. RECORDATION.

Upon approval by the BOCC and execution of this Development Agreement by all parties, this Development Agreement and any amendments hereto shall be recorded by the County with the Flagler County Clerk of the Courts within fourteen (14) days after its execution by the County and shall run with the land. The Owners shall pay the costs to record this Development Agreement.

SECTION 12. PERMITS/CONCURRENCY.

(a). The failure of this Development Agreement to address any particular County, State, or Federal permit, condition, term, or restriction shall not relieve the Owner or the governing jurisdiction of the necessity of complying with the law governing said permitting requirements, conditions, terms, or restrictions.

(b). The terms and conditions of this Development Agreement do not determine or reserve concurrency for any subject development or the Subject Property.

SECTION 13. THIRD PARTY RIGHTS.

This Development Agreement is not a third party beneficiary contract and shall not in any way whatsoever created any rights on behalf of any third party.

SECTION 14. FORCE MAJEURE.

The parties agree that in the event that the failure by either party to accomplish any action required hereunder constitutes a default under terms of this Development Agreement and, if any such failure is due to any unforeseeable or unpredictable event or condition beyond the control of such party including, but not limited to, acts of God, acts of government authority (other than the County’s own acts), acts of public enemy or war, terrorism, riots, civil disturbances, power failure, shortages of labor or materials, injunction or other court proceedings beyond the control of such party, or severe adverse weather conditions (“Uncontrollable Event”), then notwithstanding any provision of this
Development Agreement to the contrary, that failure shall not constitute a default under this Development Agreement and any Term or time period proscribed hereunder shall be extended by the amount of time that such party was unable to perform solely due to the Uncontrollable Event.

SECTION 15. CAPTIONS.

Sections and other captions contained in this Development Agreement are for reference purposes only and are in no way intended to describe, interpret, define, or limit the scope, extent, or intent of this Development Agreement, or any provision hereto.

SECTION 16. EXHIBITS.

Each exhibit referred to and attached to this Development Agreement is an essential part of this Development Agreement. The exhibits and any amendments or revisions thereto, even if not physically attached hereto, shall be treated as if they are part of this Development Agreement.

SECTION 17. INTERPRETATION.

(a). The Owner and the County agree that all words, terms, and conditions contained herein are to be read in concert, each with the other, and that a provision contained under one (1) heading may be considered to be equally applicable under another in the interpretation of this Development Agreement.

(b). This Development Agreement shall not be construed more strictly against either party on the basis of being the drafter thereof, and both parties have mutually contributed to the drafting of this Development Agreement.

SECTION 18. MODIFICATIONS/AMENDMENTS/NON-WAIVER.

(a). Amendments to the provision herein shall be made by the parties only in writing by formal amendment and agreement. Unless provided for elsewhere, this Development Agreement shall not be modified or amended except by written agreement executed by all parties hereto and upon approval through a duly noticed public hearing as listed in the respective LDC for the government having jurisdiction.

(b). Failure of any party hereto to exercise any right hereunder shall not be deemed a waiver of any such right and shall not affect the right of such party to exercise at some future date any such right or any other right it may have.

[SIGNATURES AND NOTARY BLOCK FOUND ON FOLLOWING PAGES]
IN WITNESS WHEREOF, the County and John W. Cody and Linda H. Cody, have caused this Development Agreement to be duly executed by their duly authorized representative(s) as of the date first above written.

OWNER’S/APPLICANT’S CONSENT AND COVENANT:

COMES NOW, the Owner on behalf of itself and its successors, assigns and transferees of any nature whatsoever, and consents to and agrees with the covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Agreement.

WITNESS my hand and official seal this ___ day of ______________, 20__.

WITNESSES:

_________________________________________  
JOHN W. CODY

_________________________________________  
LINDA H. CODY

STATE OF FLORIDA  )
COUNTY OF FLAGLER  )

The foregoing instrument was acknowledged before me this ___ day of ______________, 20___, by John W. Cody and Linda H. Cody, who are personally known to me and who did not take an oath.

WITNESS my hand and official seal this ___ day of ______________, 20__.

_________________________________________  
Signature of Notary Public

_________________________________________  
Printed Name
ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, this ____ day of ________________, 20__.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS

ATTEST:

__________________________________________  _________________________________________________
Gail Wadsworth, Clerk and                        Barbara Revels, Chair
Ex Officio Clerk to the Board                    

APPROVED AS TO FORM:

__________________________________________
Albert J. Hadeed, County Attorney
EXHIBIT A1
Legal Descriptions

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER (1/4) OF GOVERNMENT SECTION 31, TOWNSHIP 13 SOUTH, RANGE 30 EAST OF FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (¼) OF SAID SECTION 31; THENCE NORTH 01°28’36” WEST ALONG THE EAST LINE OF THE WEST HALF (½) OF SECTION 31 A DISTANCE OF 3533.06 FEET; THENCE SOUTH 88°27’30” WEST A DISTANCE OF 53.99 FEET TO THE WESTERLY RIGHT-OF-WAY OF STATE ROAD 11 TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88°27’30” WEST A DISTANCE OF 234.21 FEET; THENCE NORTH 01º 32" 30' WEST A DISTANCE OF 69.94 FEET TO THE SOUTH LINE OF LANDS RECORDED IN OFFICIAL RECORDS BOOK PAGE 549, PAGES 72 AND 73 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 88º 27" 30' EAST ALONG THE SOUTH LINE OF SAID LANDS A DISTANCE OF 234.19 FEET TO THE SAID WESTERLY ROW LINE; THENCE SOUTH 01º 32" 30' EAST ALONG THE WESTERLY ROW LINE A DISTANCE OF 69.94 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINING 0.3760 ACRES MORE OR LESS.

AND

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER (1/4) OF GOVERNMENT SECTION 31, TOWNSHIP 13 SOUTH, RANGE 30 EAST OF FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (¼) OF SAID SECTION 31; THENCE NORTH 01°28’36” WEST ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 A DISTANCE OF 3603.00 FEET; THENCE S. 88º 27" 30' W, A DISTANCE OF 54.09 FEET TO THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD 11 AND TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE RUN
S. 88° 27" 30'; W A DISTANCE OF 234.19 FEET; THENCE N 1° 32" 30' W A
DISTANCE OF 930.00 FEET; THENCE N 88° 27" 30' E. A DISTANCE OF
234.19 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SAID STATE
ROAD 11; THENCE S. 1° 32" 30' E. ALONG THE WESTERLY LINE A
DISTANCE OF 930.00 FEET TO THE POINT OF BEGINNING OF THIS
DESCRIPTION.
CONTAINING 5.00 ACRES MORE OR LESS. BEARINGS REFER TO THE
WESTERLY RIGHT OF WAY LINE OF STATE ROAD 11.

AND

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER (1/4) OF
GOVERNMENT SECTION 31, TOWNSHIP 13 SOUTH, RANGE 30 EAST OF
FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (¼)
OF SAID SECTION 31; THENCE NORTH 01°28’36” WEST ALONG THE
EAST LINE OF WEST HALF (1/2) OF SECTION 31 A DISTANCE OF 3533.06
FEET; THENCE SOUTH 88º 27" 30; WEST A DISTANCE OF 81.46 FEET TO
THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD 11, AND TO THE
SOUTHEAST CORNER OF THE PROPERTY DESCRIBED IN OR BOOK 719,
PAGE 699; THENCE CONTINUE S. 88º 27" 30' W. ALONG THE SOUTH LINE
OF PROPERTY DESCRIBED IN OR BOOK 719, PAGE 699 A DISTANCE OF
234.19 FEET TO THE SOUTHEAST CORNER OF PROPERTY DESCRIBED IN
OR BOOK 719, PAGE 699, ALSO BEING TO THE POINT OF BEGINNING OF
THIS DESCRIPTION; THENCE CONTINUE S. 88º 27" 30' W. A DISTANCE OF
450.00 FEET TO A POINT; THENCE N. 01º 32“ 30' W. ALONG A LINE BEING
450.00 FEET WEST OF AND PARALLEL TO THE WEST LINES OF THE
PROPERTIES DESCRIBED IN OR 719, PAGE 699, AND OR 549, PAGE 72 A
DISTANCE OF 450.00 TO A POINT; THENCE N. 88º 27" 30' E TO THE WEST
LINE OF THE PROPERTY DESCRIBED IN OR 549, PAGE 72 A DISTANCE OF
450.00 FEET; THENCE S. 01º 32" 30' E ALONG THE WEST LINE OF THE
PROPERTIES DESCRIBED IN OR 549, PAGE 72 AND OR 719, PAGE 699 A
DISTANCE OF 450.00 FEET TO THE POINT OF BEGINNING OF THIS
DESCRIPTION.
PARCEL CONTAINING 4.6488 ACRES MORE OR LESS.
### PHASE 2 - Elements

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EXHIBIT "B"

Phase 1 Elements

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<td>Phase 1, Parcel 1</td>
<td>N/A</td>
<td>N/A</td>
<td>16380</td>
<td>0.38</td>
<td>100%</td>
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<tr>
<td>Phase 1, Parcel 2</td>
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<td>N/A</td>
<td>234177</td>
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<td>100%</td>
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<tr>
<td>Total Phase 1 Area</td>
<td>20</td>
<td>34</td>
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</tbody>
</table>
EXHIBIT D
Allowable Uses

Offices and Administrative services,
On Site Manager Residence,
Agricultural Operations, Equipment Storage and Maintenance,
Fuel Storage Tanks,
Chemical Storage Tanks and containers,
Blending and Preparation of Chemicals,
Commercial Equipment Fabrication, Storage & Maintenance,
Commercial Vehicle Storage & Maintenance,
Unimproved or Improved Parking, Driveways and Storage areas,
Stormwater Management Elements,
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: DEVELOPMENT ENGINEERING

The Applicant is to provide technically complete Site Development Plans that comply with the Land Development Code.

Existing elevations and proposed grading must be included within the plan.

Further comments may be provided upon the submittal of revised drawings.

Once all of the comments have been resolved, submit three (3) sets of complete signed and sealed Site Development/construction Plans for final review.

If additional approved plans are needed by the applicant they should be part of the final submission.

Comments:
1. Provide a copy of the survey of the parcel.

2. Does this project address all of the requirements of the original agreement? It appears that you are proposing for 100% of the future volume when the agreement requires 150%.

3. Is there an agreement that is proposed to address what the requirements are with respect to the existing drainage easement?

4. Will SJRWMD acknowledge that the proposed drainage will include the volume required for the future road widening?

5. What happens if the roadway widening is not the same configuration as what you are proposing and the dry retention for the 1" will not be able to be provided in the right-of-way, will the on-site dry retention be sized to handle the off-site volume as well?
1. The project is subject to the Colbert Lane Phase I Temporary Drainage Retention Easement and Agreement (OR 575, Page 20, Public Records of Flagler County, Florida) to the extent of Parcel B as described therein and its 150-foot limit within the subject project parcels and the Colbert Lane Blanket Easement Agreement (OR 993, Page 837, Public Records of Flagler County, Florida), acknowledging that the extent of the temporary easement known as Parcel B remains for the subject project parcels because the permanent replacement easements were never put in place following the subsequent Blanket Easement Agreement. A new agreement is needed, similar to the Tuscan Gardens and Oak Island Estates Agreements as have been previously submitted to the County, which release the temporary easement through the satisfaction of the Design Criteria included at Exhibit "i" of the Blanket Easement Agreement.

2. Based on the calculations provided, it cannot be determined if the permanent drainage easement as proposed provides for 150% of the drainage area; please confirm and revise as needed.

3. It is anticipated that this project is unlike both Tuscan Gardens and Oak Island Estates: the Tuscan Gardens project involved incorporation of existing Colbert Lane stormwater and conveyance of County-owned lands to the developer; while Oak Island Estates set aside a land area equivalent in size to accommodate the stormwater for the Colbert Lane widening. This project appears to incorporate and comingle County stormwater onsite with the project stormwater much as is intended with Tuscan Gardens; however, unlike Tuscan Gardens and similar to Oak Island Estates, the Creekside design only accommodates future Colbert Lane stormwater if and when Colbert Lane is widened. If correct, this approach will need to emphasize this throughout the submittal. The new agreement and plan set will need to be prepared in a manner which limits the County's maintenance activities to those that demonstrably arise out of the adjacent Colbert Lane drainage basin if and when Colbert is widened.
STATEMENT OF INTENT
TO CONSTRUCT AN OFFICE/RETAIL CENTER WITH PARKING, STORMWATER AND INFRASTRUCTURE TO SERVE THE SITE.

EXISTING USES:
- SPECIALTY RETAIL
- OFFICE
- MEDICAL OFFICE

PROPOSED USES:
- SPECIALTY RETAIL/OFFICE/MEDICAL OFFICE

ARCHITECT:
DAVE MANCINO, ARCHITECT
2450 OLD MOULTRIE RD #301
ST. AUGUSTINE, FL 32086
904-797-5553
DMANCINOARCHITECT@ATT.NET

ENVIRONMENTALIST:
ATLANTIC ECOLOGICAL SERVICES, LLC
217 GALLICIA AVE.
SAINT AUGUSTINE, FL 32086
904-347-9133
JODY@ATLANTICECO.COM

ENGINEER:
THE ALANN ENGINEERING GROUP, INC.
CONSULTING ENGINEERS
880 AIRPORT RD. STE. 113
ORMOND BEACH, FL 32174
PH. (386) 673-7640 FAX: (386) 673-3927
EMAIL: KAB@AE-GROUP.COM

SURVEYOR:
KUHAR SURVEYING AND MAPPING, LLC
112 OCEAN GROVE DRIVE
ORMOND BEACH, FL 32176
386-295-8051
INFO@KUHARSURVEYING.COM

LANDSCAPE ARCHITECT:
BEEBE & ASSOCIATES, INC.
138 PALM COAST PKWY NE #128
PALM COAST, FL 32137
386-931-1202
MICHAEL@BEEBEASSOCIATES.COM

OWNER:
CREEKSIDE AT GRAND HAVEN LLC
50 N WATERVIEW DRIVE
PALM COAST, FL 32137

NORTH PARK ROAD AT COLBERT LANE
PALM COAST, FL

SHEET #
CREEKSIDE AT GRAND HAVEN
LOCATION MAP

LEGAL DESCRIPTION

TILE REMOVAL PLAN

DRAINAGE PLAN

COVER SHEET

SOILS MAP

SITE DATA:
- FLOOD ZONE: "AE" B.F.E. 8.0 & 9.0 - 12035
- EXISTING ZONING: MPD (MASTER PLANNED DEVELOPMENT)
- ADJACENT ZONING (SEE LOCATION MAP FOR CLARIFICATION):
  - SOUTH: PRS (WETLAND OVERLAY), PSP
  - WEST: EST-1
  - NORTH: MPD
  - EAST: MPD
- FUTURE LAND USE: DRI-RESIDENTIAL AREA

BUILDING FOOTPRINTS:
- BUILDING 1 - 2000 SQFT
- BUILDING 2 - 3500 SQFT
- BUILDING 3 - 1200 SQFT
- BUILDING 4 - 3000 SQFT
- BUILDING 5 - 8400 SQFT

FLOOR AREA RATIO (FAR): 0.42 AC./6.00 AC. = 0.07

BUILDING HEIGHTS:
- BUILDING 1 - 20'-1.5"
- BUILDING 2 - 23'-9.5"
- BUILDING 3 - 20'-1.5"
- BUILDING 4 - 23'-9.5"
- BUILDING 5 - 28'-10"

NUMBER OF FLOORS: 1

LOT SIZE: 6.00 ACRES (149,246 SF)

MAX IMPERVIOUS SURFACE RATIO (ISR): 70%

PROPOSED IMPERVIOUS SURFACE RATIO: 1.38 AC. = 23%

PROPOSED PERVIOUS SURFACE RATIO: 4.62 AC. = 77%

BUILDING SETBACKS REQUIRED:
- FRONT-25'; REAR-10'; SIDE-10'

BUILDING SETBACKS PROVIDED:
- FRONT-25'; REAR-92'; SIDE-140'; SIDE STREET 20'

LANDSCAPE BUFFER REQUIRED:
- FRONT-25'; REAR-10'; SIDE-WEST 20'/EAST 10'

LANDSCAPE BUFFER PROVIDED:
- FRONT-25'; REAR-12.5'; SIDE-WEST 21'/EAST 10'

VEHICULAR USE AREA (VUA) CALCULATION:
- 35,425 (0.81 AC.) PAVED DRIVE/PARKING AREA

FOR PARKING ISLANDS AND INTERNAL GREEN SPACE CALCULATIONS,
SEE LANDSCAPE ARCHITECT’S PLANS.

PARKING REQUIRED:
- BUILDINGS 1/3/5
  - 1 SPACE/250 SQFT SPECIALTY RETAIL = 11,600/250  = 46.4
- BUILDING 2/4
  - 1 SPACE/300 SQFT OFFICE/MEDICAL OFFICE SPACE = 6500/300=21.6
- TOTAL PARKING REQ'D = 68 SPACES

PARKING PROVIDED:
- REGULAR: 65 SPACES
- HANDICAP:
- SPACE
- 5 SPACES
- 70 SPACES

SITE LOCATION:
1"=30' 7-15-16
C001  COVER SHEET
C002  STAGING PLAN
C003  DEMOLITION AND EROSION CONTROL PLAN
C004  TREE REMOVAL PLAN
C005  DIMENSION PLAN
C006  GRADING PLAN
C007  DRAINAGE PLAN
C008  SECTION VIEWS
C009  UTILITY PLAN
C010-C018  DETAILS
The site consists of three parcels. The main parcel of development is 3.43 acres. The other two parcels will be used for compensating storage ponds and consist of a total of 1.57 acres. There is also 1.50 acres of right-of-way in Colbert Lane that drains to the site and needs to be considered for treatment. Please note, there is an existing drainage easement on site which was reserved for the future widening of Colbert Lane. If treatment for the future lane widening is provided on site in the on-site retention ponds, then the easement can be vacated. Assume two lanes, 12 ft. wide with a median. We will need to consider half of the median.

Pre-Development Conditions:

Since the compensating storage ponds do not require treatment volume, those areas are ignored for water quality treatment.

The offsite area is 1.50 acres of grass in good condition. Therefore, the Curve Number is 80 for type D soils. The Time of Concentration is based on a change in grade from 10.34 to 5.44 in 80 ft which yields a slope of 0.06 ft./ft. The time of concentration is 4.32 minutes. Therefore, use a minimum of 10 minutes.

The main site area is 3.43 acres of wooded area in good condition. Therefore, the Curve Number is 77 for type D soils. The Time of Concentration is based on a change of grade from 11.84 to 5.04 in 257 ft. which yields a slope of 0.0265 ft./ft. The time of concentration is 0.474 hours or 28.44 minutes.

Post-Development Conditions:

The main site, 3.43 acres, has 1.34 acres of impervious area and 2.09 acres of pervious area. There is a wet detention pond proposed with an area at NLW of 5,838 SF or 0.13 acres. Therefore, the CN is figured based on 1.34 + 0.13 acres or 1.47 acres, of impervious area and 1.96 acres of pervious area. Therefore, the CN is 88. Use a minimum Time of Concentration of 10 minutes.

The offsite right-of-way improvements, assume 26,570 SF of impervious paved area or 0.61 acres. Impervious area is based on two 12 ft. lanes with curb and gutter on each side. Therefore, the CN is based on 0.61 acres of impervious area and 0.89 acres of pervious grass area. The CN is 87 and the time of concentration is 10 minutes.

The site discharges to an impaired water body, therefore, dry retention pre-treatment is provided prior to discharge to a wet detention pond with a 21 day residence time. Attached is the pre-development vs. post-development nutrient loading calculations. The required dry retention volume is 1” over the site area. Note: the dry retention pre-treatment volume for the road widening in Colbert Lane is provided in a swale in the Colbert Lane right-of-way. The normal treatment volume is provided in the wet detention pond along with the attenuation volume.

On Site area = 3.43 acres. Impaired water body treatment volume required is 1” x 3.43 ac. = 0.286 ac-ft. volume provided in dry retention pond:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>7.0</td>
<td>0.165</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>8.0</td>
<td>0.195</td>
<td>0.180</td>
<td>0.180</td>
</tr>
<tr>
<td>9.0</td>
<td>0.226</td>
<td>0.211</td>
<td>0.391</td>
</tr>
<tr>
<td>10.0</td>
<td>0.259</td>
<td>0.243</td>
<td>0.634</td>
</tr>
</tbody>
</table>
Set weir: 0.286 – 0.180 = 0.106 => 0.106 / 0.211 = 0.50  Set weir at 8.0 + 0.50 = 8.50

Off Site area = 1.50 acres. Impaired water body treatment volume required is 1” x 1.50 ac. = 0.125 ac-ft. Volume provided in swale in right-of-way:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>7.0</td>
<td>0.12</td>
<td>0</td>
<td>0</td>
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<tr>
<td>8.0</td>
<td>0.28</td>
<td>0.20</td>
<td>0.20</td>
</tr>
<tr>
<td>9.0</td>
<td>0.44</td>
<td>0.36</td>
<td>0.56</td>
</tr>
</tbody>
</table>

Set weir: 0.125 / 0.20 = 0.625 => 0.106 / 0.211 = 0.50  Set weir at 7.0 + 0.63 = 7.63

Treatment required for stormwater in wet detention pond is 1” of runoff or 2.5” over the impervious area whichever is greater.

Site area = 3.43 ac. (on site) plus 1.50 ac. (off site) = 4.93 ac. Impervious area = 1.34 ac. (on site) plus 0.61 ac. (off site) = 1.95 acres. Treatment volume = 1” x 4.93 ac. = 0.41 ac-ft. or 2.5” x 1.95 ac. = 0.41 ac-ft.
Therefore, provide 0.41 ac-ft. of treatment volume.

Volume provided in wet detention pond:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>5.45</td>
<td>0.20</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>6.0</td>
<td>0.21</td>
<td>0.11</td>
<td>0.11</td>
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<td>7.0</td>
<td>0.23</td>
<td>0.22</td>
<td>0.33</td>
</tr>
<tr>
<td>8.0</td>
<td>0.25</td>
<td>0.24</td>
<td>0.57</td>
</tr>
<tr>
<td>9.0</td>
<td>0.27</td>
<td>0.26</td>
<td>0.83</td>
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<tr>
<td>10.0</td>
<td>0.29</td>
<td>0.28</td>
<td>1.11</td>
</tr>
</tbody>
</table>

Set weir: 0.41 / 0.33 = 0.08 => 0.08 / 0.25 = 0.32  Set weir at 7.0 + 0.32 = 7.32

See attached wet detention calculations for orifice sizing. Set NWL at ground elevation of adjacent wooded/wetland area (5.45’).

Summary Calculations:

Pre-development discharge is the sum of site and off site basins.  
Post-development discharge is the discharge from the wet pond.

<table>
<thead>
<tr>
<th></th>
<th>Pre-Development Discharge</th>
<th>Post-Development Discharge</th>
</tr>
</thead>
<tbody>
<tr>
<td>100 Year</td>
<td>20.58 cfs</td>
<td>19.69 cfs</td>
</tr>
<tr>
<td>25 Year</td>
<td>15.97 cfs</td>
<td>14.18 cfs</td>
</tr>
<tr>
<td>Mean Annual</td>
<td>6.89 cfs</td>
<td>2.64 cfs</td>
</tr>
</tbody>
</table>
Sub-Area Summary Table

<table>
<thead>
<tr>
<th>Sub-Area Identifier</th>
<th>Drainage Area (ac)</th>
<th>Time of Concentration (hr)</th>
<th>Curve Number</th>
<th>Receiving Reach</th>
<th>Sub-Area Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>3.43</td>
<td>0.474</td>
<td>77</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Offiste</td>
<td>1.50</td>
<td>0.100</td>
<td>80</td>
<td></td>
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</tbody>
</table>

Total Area: 4.93 (ac)
Sub-Area Time of Concentration Details

<table>
<thead>
<tr>
<th>Sub-Area Identifier/ Flow</th>
<th>Length (ft)</th>
<th>Slope (ft/ft)</th>
<th>Mannings's n</th>
<th>End Area (sq ft)</th>
<th>Perimeter (ft)</th>
<th>Velocity (ft/sec)</th>
<th>Travel Time (hr)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site SHEET</td>
<td>100</td>
<td>0.0265</td>
<td>0.800</td>
<td></td>
<td></td>
<td>0.457</td>
<td></td>
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<tr>
<td>SHALLOW</td>
<td>157</td>
<td>0.0265</td>
<td>0.050</td>
<td></td>
<td></td>
<td>0.017</td>
<td></td>
</tr>
<tr>
<td>Time of Concentration</td>
<td>.474</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Offiste SHEET</td>
<td>80</td>
<td>0.0600</td>
<td>0.150</td>
<td></td>
<td></td>
<td>0.072</td>
<td></td>
</tr>
<tr>
<td>Time of Concentration</td>
<td>0.1</td>
<td></td>
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<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
Sub-Area Land Use and Curve Number Details

<table>
<thead>
<tr>
<th>Sub-Area Identifier</th>
<th>Land Use</th>
<th>Hydrologic Soil Group</th>
<th>Sub-Area Area (ac)</th>
<th>Curve Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>Woods</td>
<td>(good)</td>
<td>D</td>
<td>3.426</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Area / Weighted Curve Number</td>
<td></td>
<td></td>
<td></td>
<td>3.43</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Offiste</td>
<td>Open space; grass cover &gt; 75%</td>
<td>(good)</td>
<td>D</td>
<td>1.5</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Area / Weighted Curve Number</td>
<td></td>
<td></td>
<td></td>
<td>1.5</td>
</tr>
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</table>

WinTR-55, Version 1.00.08
<table>
<thead>
<tr>
<th>Sub-Area Identifier</th>
<th>Drainage Area (ac)</th>
<th>Time of Concentration (hr)</th>
<th>Curve Number</th>
<th>Receiving Reach</th>
<th>Sub-Area Description</th>
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</thead>
<tbody>
<tr>
<td>Site</td>
<td>3.43</td>
<td>0.167</td>
<td>88</td>
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<td></td>
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<tr>
<td>Offsite</td>
<td>1.50</td>
<td>0.167</td>
<td>87</td>
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</tbody>
</table>

Total Area: 4.93 (ac)
Sub-Area Time of Concentration Details

<table>
<thead>
<tr>
<th>Sub-Area Identifier/ Length (ft)</th>
<th>Flow (sq ft)</th>
<th>Mannings's n</th>
<th>End Wetted Perimeter (ft)</th>
<th>Velocity (ft/sec)</th>
<th>Travel Time (hr)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>User-provided</td>
<td>0.167</td>
<td>Time of Concentration 0.167</td>
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<td></td>
</tr>
<tr>
<td>Offsite</td>
<td>User-provided</td>
<td>0.167</td>
<td>Time of Concentration 0.167</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Sub-Area Land Use and Curve Number Details

<table>
<thead>
<tr>
<th>Sub-Area Identifier</th>
<th>Land Use</th>
<th>Hydrologic Soil Group</th>
<th>Sub-Area Area (ac)</th>
<th>Curve Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>Open space; grass cover &gt; 75%</td>
<td>D</td>
<td>1.96</td>
<td>80</td>
</tr>
<tr>
<td></td>
<td>Paved parking lots, roofs, driveways</td>
<td>D</td>
<td>1.47</td>
<td>98</td>
</tr>
<tr>
<td></td>
<td><strong>Total Area / Weighted Curve Number</strong></td>
<td></td>
<td>3.43</td>
<td>88</td>
</tr>
<tr>
<td>Offsite</td>
<td>Open space; grass cover &gt; 75%</td>
<td>D</td>
<td>.89</td>
<td>80</td>
</tr>
<tr>
<td></td>
<td>Paved parking lots, roofs, driveways</td>
<td>D</td>
<td>.61</td>
<td>98</td>
</tr>
<tr>
<td></td>
<td><strong>Total Area / Weighted Curve Number</strong></td>
<td></td>
<td>1.5</td>
<td>87</td>
</tr>
</tbody>
</table>
BASIN # A

TOTAL AREA: 4.93
IMPERVIOUS AREA: 1.95
PERVIOUS AREA: 2.98
PERCENT IMPERVIOUS: 40%
RUNOFF COEFFICIENT: 0.48

NWL 5.45

**STAGE/STORAGE:**

<table>
<thead>
<tr>
<th>STAGE (FT)</th>
<th>AREA (AC)</th>
<th>STORAGE (AC-FT)</th>
<th>CUMULATIVE STORAGE (AC-FT)</th>
<th>ABOVE ORIFICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>-6.55</td>
<td>0.04</td>
<td>0.00</td>
<td>0.00</td>
<td></td>
</tr>
<tr>
<td>3.45</td>
<td>0.16</td>
<td>1.00</td>
<td>1.00</td>
<td></td>
</tr>
<tr>
<td>NWL</td>
<td>5.45</td>
<td>0.20</td>
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<td>1.36</td>
</tr>
<tr>
<td>8.00</td>
<td>0.25</td>
<td>0.57</td>
<td>1.93</td>
<td>0.57</td>
</tr>
<tr>
<td>10.00</td>
<td>0.29</td>
<td>0.54</td>
<td>2.47</td>
<td>1.11</td>
</tr>
</tbody>
</table>

**REQ'D TREATMENT VOL.:** Area x 1 inch of runoff OR 2.5" x impervious area, whichever is greater (add 50% to above number for OFW water quality standards)

VOLUME REQ'D = 0.41 OR 0.41
0.41

**SET CONTROL ELEV.**

ORIFICE INVERT: 5.45
WEIR ELEV: 7.33
TREATMENT VOL. DEPTH= 1.88

**PERM. POOL VOLUME:**

RUNOFF COEFF.= 0.48
2 WEEK RES. TIME: 21 days/153 days
MIN. PERM POOL VOL. = Area x runoff coefficient x wet season rainfall of 30" x 3 week res. Time divided by 12"/

MIN. PERM POOL VOL = 0.81 AC-FT.

POND VOLUME BELOW ORIFICE INVERT = 1.36 AC-FT.

**SIZE CONTROL STRUCTURE:**
Note: volume to draw down is 1.73 ac-ft
DETERMINE ORIFICE SIZE TO DRAWDOWN VOLUME IN 24 - 30 HOURS

\[
A = \frac{Q}{C(2gh)} \text{ to } 1/2 \text{ power}
\]

\[
h = \frac{(h1 + h2)}{2}
\]

h1 = 1.88
\[
\begin{align*}
\text{h}_2 &= 0.92 \\
C &= 0.60 \\
g &= 32.20 \\
Q &= \text{treatment volume} \times 43560 \text{ sf/ac} \times \frac{1}{2} \times \frac{1}{24} \text{ hrs} \times \frac{1}{3600} \text{ sec} = 0.10 \\
h &= 1.40 \\
A &= 0.02 \text{ SQ. FT.} \\
\text{DIA. OF ORIFICE} &= \sqrt{\frac{4A}{\pi}} = 0.15 \text{ FT.} \quad \text{OR} \quad 1.82 \text{ INCHES} \\
\text{MEAN DEPTH OF POND:} &= \frac{\text{volume of pond at orifice invert}}{\text{area of pond at orifice invert}} \\
\text{VOLUME OF POND} &= 1.36 \\
\text{AREA OF POND} &= 0.20 \\
\text{MEAN DEPTH OF POND} &= 6.80 \\
\text{LITTORAL ZONE ALTERNATE:} \\
\text{IN LIEU OF LITTORAL ZONE PLANTINGS ADD 50% PERM. POOL VOLUME:} \\
\text{NORMAL PERM POOL VOL:} &= 0.81 \\
\text{REQ'D VOLUME:} &= 1.21 \\
\text{VOLUME PROVIDED:} &= 1.36
\end{align*}
\]
INPUT DATA
### Basins

<table>
<thead>
<tr>
<th>Name</th>
<th>Node</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>OFFSITE</td>
<td>OFFSITE</td>
<td>Offsite</td>
</tr>
</tbody>
</table>

- **Group:** BASE
- **Type:** SCS Unit Hydrograph CN
- **Unit Hydrograph:** Uh256
- **Peaking Factor:** 256.0
- **Storm Duration(hrs):** 0.00
- **Time of Conc(min):** 10.00
- **Time Shift(hrs):** 0.00
- **Max Allowable Q(cfs):** 999999.000
- **Area(ac):** 1.500
- **Curve Number:** 80.00
- **DCIA(%):** 0.00

---

<table>
<thead>
<tr>
<th>Name</th>
<th>Node</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>SITE</td>
<td>SITE</td>
<td>Onsite</td>
</tr>
</tbody>
</table>

- **Group:** BASE
- **Type:** SCS Unit Hydrograph CN
- **Unit Hydrograph:** Uh256
- **Peaking Factor:** 256.0
- **Storm Duration(hrs):** 0.00
- **Time of Conc(min):** 28.44
- **Time Shift(hrs):** 0.00
- **Max Allowable Q(cfs):** 999999.000
- **Area(ac):** 3.430
- **Curve Number:** 77.00
- **DCIA(%):** 0.00

---

### Hydrology Simulations

---

**Name:** 100YR24HR

- **Filename:** P:\1602-1 Creekside\Calcs\ICPR\PRE\100YR24HR.R32
- **Override Defaults:** Yes
- **Storm Duration(hrs):** 24.00
- **Rainfall File:** Flmod
- **Rainfall Amount(in):** 11.00

<table>
<thead>
<tr>
<th>Time(hrs)</th>
<th>Print Inc(min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>30.000</td>
<td>5.00</td>
</tr>
</tbody>
</table>

---

**Name:** 25YR24HR

- **Filename:** P:\1602-1 Creekside\Calcs\ICPR\PRE\25YR24HR.R32
- **Override Defaults:** Yes
- **Storm Duration(hrs):** 24.00
- **Rainfall File:** Flmod
- **Rainfall Amount(in):** 9.00

<table>
<thead>
<tr>
<th>Time(hrs)</th>
<th>Print Inc(min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>30.000</td>
<td>5.00</td>
</tr>
</tbody>
</table>

---

**Name:** MEANANNUAL

- **Filename:** P:\1602-1 Creekside\Calcs\ICPR\PRE\MEANANNUAL.R32
- **Override Defaults:** Yes
- **Storm Duration(hrs):** 24.00
- **Rainfall File:** Flmod
- **Rainfall Amount(in):** 5.00

<table>
<thead>
<tr>
<th>Time(hrs)</th>
<th>Print Inc(min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>30.000</td>
<td>5.00</td>
</tr>
</tbody>
</table>
Basin Name: OFFSITE
Group Name: BASE
Simulation: 100YR24HR
Node Name: OFFSITE
Bassin Type: SCS Unit Hydrograph

Unit Hydrograph: Uh256
Peaking Fator: 256.0
Spec Time Inc (min): 1.33
Comp Time Inc (min): 1.33
Rainfall File: Flmod
Rainfall Amount (in): 11.000
Storm Duration (hrs): 24.00
Status: Offsite
Time of Conc (min): 10.00
Time Shift (hrs): 0.00
Area (ac): 1.500
Vol of Unit Hyd (in): 1.000
Curve Number: 80.000
DCIA (%): 0.000
Time Max (hrs): 12.04
Flow Max (cfs): 8.74
Runoff Volume (in): 8.478
Runoff Volume (ft3): 46162

Base Name: SITE
Group Name: BASE
Simulation: 100YR24HR
Node Name: SITE
Bassin Type: SCS Unit Hydrograph

Unit Hydrograph: Uh256
Peaking Fator: 256.0
Spec Time Inc (min): 3.79
Comp Time Inc (min): 3.79
Rainfall File: Flmod
Rainfall Amount (in): 11.000
Storm Duration (hrs): 24.00
Status: Onsite
Time of Conc (min): 28.44
Time Shift (hrs): 0.00
Area (ac): 3.430
Vol of Unit Hyd (in): 1.000
Curve Number: 77.000
DCIA (%): 0.000
Time Max (hrs): 12.26
Flow Max (cfs): 11.84
Runoff Volume (in): 8.074
Runoff Volume (ft3): 100532

Base Name: OFFSITE
Group Name: BASE
Simulation: 25YR24HR
Node Name: OFFSITE
Bassin Type: SCS Unit Hydrograph

Unit Hydrograph: Uh256
Peaking Fator: 256.0
Spec Time Inc (min): 1.33
Comp Time Inc (min): 1.33
Rainfall File: Flmod
Rainfall Amount (in): 9.000
Storm Duration (hrs): 24.00
Status: Offsite
Time of Conc (min): 10.00
Time Shift (hrs): 0.00
Area (ac): 1.500
Vol of Unit Hyd (in): 1.000
Curve Number: 80.000
DCIA (%): 0.000
Basin Name: SITE
Group Name: BASE
Simulation: 25YR24HR
Node Name: SITE
Basin Type: SCS Unit Hydrograph

Unit Hydrograph: Uh256
Peaking Factor: 256.0
Spec Time Inc (min): 3.79
Comp Time Inc (min): 3.79
Rainfall File: Flmod
Rainfall Amount (in): 9.000
Storm Duration (hrs): 24.00
Status: Onsite
Time of Conc (min): 28.44
Time Shift (hrs): 0.00
Area (ac): 3.430
Vol of Unit Hyd (in): 1.000
Curve Number: 77.000
DCIA (%): 0.000
Time Max (hrs): 12.26
Flow Max (cfs): 9.13
Runoff Volume (in): 6.193
Runoff Volume (ft3): 77107

Basin Name: OFFSITE
Group Name: BASE
Simulation: MEANANNUAL
Node Name: OFFSITE
Basin Type: SCS Unit Hydrograph

Unit Hydrograph: Uh256
Peaking Factor: 256.0
Spec Time Inc (min): 1.33
Comp Time Inc (min): 1.33
Rainfall File: Flmod
Rainfall Amount (in): 5.000
Storm Duration (hrs): 24.00
Status: Offsite
Time of Conc (min): 10.00
Time Shift (hrs): 0.00
Area (ac): 1.500
Vol of Unit Hyd (in): 1.000
Curve Number: 80.000
DCIA (%): 0.000
Time Max (hrs): 12.04
Flow Max (cfs): 3.06
Runoff Volume (in): 2.892
Runoff Volume (ft3): 15746

Basin Name: SITE
Group Name: BASE
Simulation: MEANANNUAL
Node Name: SITE
Basin Type: SCS Unit Hydrograph

Unit Hydrograph: Uh256
Peaking Factor: 256.0
Spec Time Inc (min): 3.79
Comp Time Inc (min): 3.79
Rainfall File: Flmod
<table>
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<th>Parameter</th>
<th>Value</th>
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<tbody>
<tr>
<td>Rainfall Amount (in)</td>
<td>5.000</td>
</tr>
<tr>
<td>Storm Duration (hrs)</td>
<td>24.00</td>
</tr>
<tr>
<td>Status</td>
<td>Onsite</td>
</tr>
<tr>
<td>Time of Conc (min)</td>
<td>28.44</td>
</tr>
<tr>
<td>Time Shift (hrs)</td>
<td>0.00</td>
</tr>
<tr>
<td>Area (ac)</td>
<td>3.430</td>
</tr>
<tr>
<td>Vol of Unit Hyd (in)</td>
<td>1.000</td>
</tr>
<tr>
<td>Curve Number</td>
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</tr>
<tr>
<td>DCIA (%)</td>
<td>0.000</td>
</tr>
<tr>
<td>Time Max (hrs)</td>
<td>12.26</td>
</tr>
<tr>
<td>Flow Max (cfs)</td>
<td>3.83</td>
</tr>
<tr>
<td>Runoff Volume (in)</td>
<td>2.620</td>
</tr>
<tr>
<td>Runoff Volume (ft³)</td>
<td>32623</td>
</tr>
</tbody>
</table>
POST-DEVELOPMENT
### Basins

Name: OFFSITE  
Node: SWALE  
Status: Onsite  
Group: BASE  
Type: SCS Unit Hydrograph CN  
Unit Hydrograph: Uh256  
Peaking Factor: 256.0  
Storm Duration(hrs): 0.00  
Time of Conc(min): 10.00  
Max Allowable Q(cfs): 999999.000  
Rainfall File:  
Storm Duration(hrs): 0.00  
Rainfall Amount(in): 0.000  
Area(ac): 1.500  
Curve Number: 87.00  
DCIA(%): 0.00  
Time Shift(hrs): 0.00  

Name: SITE  
Node: SITE  
Status: Onsite  
Group: BASE  
Type: SCS Unit Hydrograph CN  
Unit Hydrograph: Uh256  
Peaking Factor: 256.0  
Storm Duration(hrs): 0.00  
Time of Conc(min): 10.00  
Max Allowable Q(cfs): 999999.000  
Rainfall File:  
Storm Duration(hrs): 0.00  
Rainfall Amount(in): 0.000  
Area(ac): 3.430  
Curve Number: 88.00  
DCIA(%): 0.00  
Time Shift(hrs): 0.00

### Nodes

Name: 99  
Group: BASE  
Type: Time/Stage  
Base Flow(cfs): 0.000  
Init Stage(ft): 5.450  
Warn Stage(ft): 5.450  

<table>
<thead>
<tr>
<th>Time(hrs)</th>
<th>Stage(ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.00</td>
<td>5.450</td>
</tr>
<tr>
<td>12.00</td>
<td>5.450</td>
</tr>
<tr>
<td>24.00</td>
<td>5.450</td>
</tr>
</tbody>
</table>

Name: SITE  
Group: BASE  
Type: Stage/Area  
Base Flow(cfs): 0.000  
Init Stage(ft): 7.000  
Warn Stage(ft): 10.000  

<table>
<thead>
<tr>
<th>Stage(ft)</th>
<th>Area(ac)</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.000</td>
<td>0.1650</td>
</tr>
<tr>
<td>8.000</td>
<td>0.1950</td>
</tr>
<tr>
<td>9.000</td>
<td>0.2260</td>
</tr>
<tr>
<td>10.000</td>
<td>0.2590</td>
</tr>
</tbody>
</table>

Name: SWALE  
Group: BASE  
Type: Stage/Area  
Base Flow(cfs): 0.000  
Init Stage(ft): 7.000  
Warn Stage(ft): 9.000  

<table>
<thead>
<tr>
<th>Stage(ft)</th>
<th>Area(ac)</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.000</td>
<td>0.1200</td>
</tr>
<tr>
<td>8.000</td>
<td>0.2800</td>
</tr>
<tr>
<td>9.000</td>
<td>0.4400</td>
</tr>
</tbody>
</table>

Name: WET  
Group: BASE  
Type: Stage/Area  
Base Flow(cfs): 0.000  
Init Stage(ft): 5.450  
Warn Stage(ft): 10.000  

<table>
<thead>
<tr>
<th>Stage(ft)</th>
<th>Area(ac)</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.000</td>
<td>0.1200</td>
</tr>
<tr>
<td>8.000</td>
<td>0.2800</td>
</tr>
<tr>
<td>9.000</td>
<td>0.4400</td>
</tr>
<tr>
<td>Stage(ft)</td>
<td>Area(ac)</td>
</tr>
<tr>
<td>-----------</td>
<td>----------</td>
</tr>
<tr>
<td>5.450</td>
<td>0.2000</td>
</tr>
<tr>
<td>6.000</td>
<td>0.2100</td>
</tr>
<tr>
<td>7.000</td>
<td>0.2300</td>
</tr>
<tr>
<td>8.000</td>
<td>0.2500</td>
</tr>
<tr>
<td>9.000</td>
<td>0.2700</td>
</tr>
<tr>
<td>10.000</td>
<td>0.2900</td>
</tr>
</tbody>
</table>

### Cross Sections

Name: \( \text{Group: BASE} \)

Encroachment: No

<table>
<thead>
<tr>
<th>Station(ft)</th>
<th>Elevation(ft)</th>
<th>Manning's N</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Pipes

Name: Orifice \( \text{From Node: WET} \) \( \text{Length(ft): 26.00} \) \( \text{Count: 1} \)

- **Friction Equation:** Automatic
- **Solution Algorithm:** Most Restrictive
- **Flow:** Both
- **Entrance Loss Coef:** 0.00
- **Exit Loss Coef:** 1.00
- **Outlet Ctrl Spec:** Use dc or tw

Geometry: Circular \( \text{Span(in): 2.75} \) \( \text{Rise(in): 2.75} \)

Invert(ft): 5.450 \( \text{Manning's N: 0.010000} \) \( \text{Top Clip(in): 0.000} \)

Bot Clip(in): 0.000

- **Upstream FHWA Inlet Edge Description:** Circular Concrete: Square edge w/ headwall
- **Downstream FHWA Inlet Edge Description:** Circular Concrete: Square edge w/ headwall

### Weirs

Name: OFFSITE WEIR \( \text{From Node: SWALE} \)

Flow: Both \( \text{Count: 1} \)

Type: Vertical: Mavis \( \text{Geometry: Trapezoidal} \)

- **Bottom Width(ft): 10.00**
- **Left Side Slope(h/v): 0.25**
- **Right Side Slope(h/v): 0.25**
- **Control Elevation(ft): 7.630**
- **Invert(ft): 7.630**
- **Struct Opening Dim(ft): 9999.00**

**TABLE**

| Bottom Clip(ft): 0.000 | Top Clip(ft): 0.000 | Weir Discharge Coef: 3.200 | Orifice Discharge Coef: 0.600 |

Name: WEIR \( \text{From Node: SITE} \)

Flow: Both \( \text{Count: 1} \)

Type: Vertical: Fread \( \text{Geometry: Trapezoidal} \)
Bottom Width(ft): 15.00
Left Side Slope(h/v): 0.25
Right Side Slope(h/v): 0.25
Invert(ft): 8.450
Control Elevation(ft): 8.450
Struct Opening Dim(ft): 9999.00

| Name: WEIR 2 | From Node: WET |
| Group: BASE | To Node: 99 |
| Flow: Both | Count: 1 |
| Type: Vertical; Fread | Geometry: Trapezoidal |

Bottom Width(ft): 3.50
Left Side Slope(h/v): 0.25
Right Side Slope(h/v): 0.25
Invert(ft): 7.330
Control Elevation(ft): 7.330
Struct Opening Dim(ft): 9999.00

== Hydrology Simulations ==

Name: 100YR24HR
Filename: P:\1602-1 Creekside\Calcs\ICPR\PRE\100YR24HR.R32
Override Defaults: Yes
Storm Duration(hrs): 24.00
Rainfall File: Flmod
Rainfall Amount(in): 11.00
Time(hrs) | Print Inc(min)
----------- | ---------------
30.000 | 5.00

Name: 25YR24HR
Filename: P:\1602-1 Creekside\Calcs\ICPR\PRE\25YR24HR.R32
Override Defaults: Yes
Storm Duration(hrs): 24.00
Rainfall File: Flmod
Rainfall Amount(in): 9.00
Time(hrs) | Print Inc(min)
----------- | ---------------
30.000 | 5.00

Name: MEANANNUAL
Filename: P:\1602-1 Creekside\Calcs\ICPR\PRE\MEANANNUAL.R32
Override Defaults: Yes
Storm Duration(hrs): 24.00
Rainfall File: Flmod
Rainfall Amount(in): 5.00
Time(hrs) | Print Inc(min)
----------- | ---------------
30.000 | 5.00

== Routing Simulations ==
Name: 100YR24HR          Hydrology Sim: 100YR24HR
Filename: P:\1602-1 Creekside\Calcs\ICPR\POST\100YR24HR.I32
Execute: Yes         Restart: No            Patch: No
Alternative: No
Max Delta Z(ft): 1.00                     Delta Z Factor: 0.10000
Time Step Optimizer: 0.000
Start Time(hrs): 0.000                     End Time(hrs): 24.00
Min Calc Time(sec): 5.0000               Max Calc Time(sec): 150.0000
Boundary Stages:                          Boundary Flows:

Time(hrs)       Print Inc(min)
--------------- ---------------
24.000          5.000
Group           Run
--------------- -----
BASE            Yes

Name: 25YR24HR          Hydrology Sim: 25YR24HR
Filename: P:\1602-1 Creekside\Calcs\ICPR\POST\25YR24HR.I32
Execute: Yes         Restart: No            Patch: No
Alternative: No
Max Delta Z(ft): 1.00                     Delta Z Factor: 0.10000
Time Step Optimizer: 0.000
Start Time(hrs): 0.000                     End Time(hrs): 24.00
Min Calc Time(sec): 5.0000               Max Calc Time(sec): 150.0000
Boundary Stages:                          Boundary Flows:

Time(hrs)       Print Inc(min)
--------------- ---------------
24.000          5.000
Group           Run
--------------- -----
BASE            Yes

Name: MEANANNUAL          Hydrology Sim: MEANANNUAL
Filename: P:\1602-1 Creekside\Calcs\ICPR\POST\MEANANNUAL.I32
Execute: Yes         Restart: No            Patch: No
Alternative: No
Max Delta Z(ft): 1.00                     Delta Z Factor: 0.10000
Time Step Optimizer: 0.000
Start Time(hrs): 0.000                     End Time(hrs): 24.00
Min Calc Time(sec): 5.0000               Max Calc Time(sec): 150.0000
Boundary Stages:                          Boundary Flows:

Time(hrs)       Print Inc(min)
--------------- ---------------
24.000          5.000
Group           Run
--------------- -----
BASE            Yes
Basin Name: OFFSITE
Group Name: BASE
Simulation: 100YR24HR
Node Name: SWALE
Basin Type: SCS Unit Hydrograph

Unit Hydrograph: Uh256
Peaking Factor: 256.0
Spec Time Inc (min): 1.33
Comp Time Inc (min): 1.33
Rainfall File: Flmod
Rainfall Amount (in): 11.000
Storm Duration (hrs): 24.00
Status: Onsite
Time of Conc (min): 10.00
Time Shift (hrs): 0.00
Area (ac): 1.500
Vol of Unit Hyd (in): 1.000
Curve Number: 87.000
DCIA (%): 0.000

Time Max (hrs): 12.04
Flow Max (cfs): 9.38
Runoff Volume (in): 9.387
Runoff Volume (ft3): 51111

-----------------------------------------------

Basin Name: SITE
Group Name: BASE
Simulation: 100YR24HR
Node Name: SITE
Basin Type: SCS Unit Hydrograph

Unit Hydrograph: Uh256
Peaking Factor: 256.0
Spec Time Inc (min): 1.33
Comp Time Inc (min): 1.33
Rainfall File: Flmod
Rainfall Amount (in): 11.000
Storm Duration (hrs): 24.00
Status: Onsite
Time of Conc (min): 10.00
Time Shift (hrs): 0.00
Area (ac): 3.430
Vol of Unit Hyd (in): 1.000
Curve Number: 88.000
DCIA (%): 0.000

Time Max (hrs): 12.04
Flow Max (cfs): 21.62
Runoff Volume (in): 9.514
Runoff Volume (ft3): 118461

-----------------------------------------------

Basin Name: OFFSITE
Group Name: BASE
Simulation: 25YR24HR
Node Name: SWALE
Basin Type: SCS Unit Hydrograph

Unit Hydrograph: Uh256
Peaking Factor: 256.0
Spec Time Inc (min): 1.33
Comp Time Inc (min): 1.33
Rainfall File: Flmod
Rainfall Amount (in): 9.000
Storm Duration (hrs): 24.00
Status: Onsite
Time of Conc (min): 10.00
Time Shift (hrs): 0.00
Area (ac): 1.500
Vol of Unit Hyd (in): 1.000
Curve Number: 87.000
DCIA (%): 0.000
Time Max (hrs): 12.04
Flow Max (cfs): 17.36
Runoff Volume (in): 7.545
Runoff Volume (ft3): 93947

Basin Name: SITE
Group Name: BASE
Simulation: MEANANNUAL
Node Name: SITE
Basin Type: SCS Unit Hydrograph

Unit Hydrograph: Uh256
Peaking Factor: 256.0
Spec Time Inc (min): 1.33
Comp Time Inc (min): 1.33
Rainfall File: Flmod
Rainfall Amount (in): 9.000
Storm Duration (hrs): 24.00
Status: Onsite
Time of Conc (min): 10.00
Time Shift (hrs): 0.00
Area (ac): 3.430
Vol of Unit Hyd (in): 1.000
Curve Number: 88.000
DCIA (%): 0.000

Time Max (hrs): 12.04
Flow Max (cfs): 7.51
Runoff Volume (in): 7.423
Runoff Volume (ft3): 40420

Basin Name: OFFSITE
Group Name: BASE
Simulation: MEANANNUAL
Node Name: SWALE
Basin Type: SCS Unit Hydrograph

Unit Hydrograph: Uh256
Peaking Factor: 256.0
Spec Time Inc (min): 1.33
Comp Time Inc (min): 1.33
Rainfall File: Flmod
Rainfall Amount (in): 5.000
Storm Duration (hrs): 24.00
Status: Onsite
Time of Conc (min): 10.00
Time Shift (hrs): 0.00
Area (ac): 1.500
Vol of Unit Hyd (in): 1.000
Curve Number: 87.000
DCIA (%): 0.000

Time Max (hrs): 12.04
Flow Max (cfs): 3.73
Runoff Volume (in): 3.566
Runoff Volume (ft3): 19417

Basin Name: SITE
Group Name: BASE
Simulation: MEANANNUAL
Node Name: SITE
Basin Type: SCS Unit Hydrograph

Unit Hydrograph: Uh256
Peaking Factor: 256.0
Spec Time Inc (min): 1.33
Comp Time Inc (min): 1.33
Rainfall File: Flmod
Rainfall Amount (in): 5.000
Storm Duration (hrs): 24.00
Status: Onsite
Time of Conc (min): 10.00
Time Shift (hrs): 0.00
Area (ac): 3.430
Vol of Unit Hyd (in): 1.000
Curve Number: 88.000
DCIA (%): 0.000
Time Max (hrs): 12.04
Flow Max (cfs): 8.73
Runoff Volume (in): 3.668
Runoff Volume (ft³): 45666
<table>
<thead>
<tr>
<th>Name</th>
<th>Group</th>
<th>Simulation</th>
<th>Max Time Stage hrs</th>
<th>Max Stage ft</th>
<th>Warning Stage ft</th>
<th>Max Delta Stage ft</th>
<th>Max Surf Area ft²</th>
<th>Max Time Inflow hrs</th>
<th>Max Inflow cfs</th>
<th>Max Time Outflow hrs</th>
<th>Max Outflow cfs</th>
</tr>
</thead>
<tbody>
<tr>
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<td>100YR24HR</td>
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<td>5.45</td>
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<td>19.69</td>
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<td>100YR24HR</td>
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<td>9.02</td>
<td>10.00</td>
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<td>9869</td>
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Project Data

Project Name: Creekside
Simulation Description: pond drawdown - pond 1
Project Number: 1602-1
Engineer: KAB
Supervising Engineer:
Date: 02-23-2005

Aquifer Data

Base Of Aquifer Elevation, [B] (ft datum): -7.26
Water Table Elevation, [WT] (ft datum): 5.14
Horizontal Saturated Hydraulic Conductivity, [Kh] (ft/day): 11.20
Fillable Porosity, [n] (%): 30.00
Unsaturated Vertical Infiltration Rate, [Iv] (ft/day): 5.9
Maximum Area For Unsaturated Infiltration, [Av] (ft²): 11275.0

Geometry Data

Equivalent Pond Length, [L] (ft): 140.0
Equivalent Pond Width, [W] (ft): 59.3
Ground water mound is expected to intersect the pond bottom

Stage vs Area Data

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<td>10.00</td>
<td>11276.0</td>
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Discharge Structures

Discharge Structure #1 is active as weir

**Structure Parameters**

- Description: WEIR
- Weir elevation, (ft datum): 8.5
- Weir coefficient: 3.367
- Weir length, (ft): 15
- Weir exponent: 1.5

Tailwater - disabled, free discharge

Discharge Structure #2 is inactive

Discharge Structure #3 is inactive
Scenario Input Data

Scenario 1 :: Unknown ft³ slug load

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<th>Hydrograph Type:</th>
<th>Slug Load</th>
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<td>Treatment Volume (ft³)</td>
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<td>Initial ground water level (ft datum)</td>
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<table>
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<th>Time After Storm Event (days)</th>
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# Detailed Results

:: **Scenario 1 :: Unknown ft³ slug load**

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<th>Outside Recharge</th>
<th>Stage Elevation</th>
<th>Infiltration Rate</th>
<th>Combined Instantaneous Discharge</th>
<th>Cumulative Inflow</th>
<th>Cumulative Infiltration</th>
<th>Combined Cumulative</th>
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**Note:** Values are in ft³ and ft³/s, respectively.
## Summary of Results :: Scenario 1 :: Unknown ft³ slug load

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<th>Time (hours)</th>
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<th>Volume (ft³)</th>
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### Inflow
- **Rate - Maximum - Positive**: 0.002 ft³/s, Volume: 2075.1670 ft³
- **Rate - Maximum - Negative**: None
- **Cumulative Volume - Maximum Positive**: 0.002 ft³, Volume: 12451.0 ft³
- **Cumulative Volume - Maximum Negative**: None
- **Cumulative Volume - End of Simulation**: 96.000 ft³

### Infiltration
- **Rate - Maximum - Positive**: 0.002 ft³/s, Volume: 0.6284 ft³
- **Rate - Maximum - Negative**: None
- **Cumulative Volume - Maximum Positive**: 12.000 ft³, Volume: 11778.2 ft³
- **Cumulative Volume - Maximum Negative**: None
- **Cumulative Volume - End of Simulation**: 96.000 ft³

### Combined Discharge
- **Rate - Maximum - Positive**: 0.002 ft³/s, Volume: 0.1557 ft³
- **Rate - Maximum - Negative**: None
- **Cumulative Volume - Maximum Positive**: 2.400 ft³, Volume: 672.8 ft³
- **Cumulative Volume - Maximum Negative**: None
- **Cumulative Volume - End of Simulation**: 96.000 ft³

### Discharge Structure 1 - Simple weir
- **Rate - Maximum - Positive**: 0.002 ft³/s, Volume: 0.1557 ft³
- **Rate - Maximum - Negative**: None
- **Cumulative Volume - Maximum Positive**: 2.400 ft³, Volume: 672.8 ft³
- **Cumulative Volume - Maximum Negative**: None
- **Cumulative Volume - End of Simulation**: 96.000 ft³

### Discharge Structure 2 - Inactive
- **Rate - Maximum - Positive**: disabled
- **Rate - Maximum - Negative**: disabled
- **Cumulative Volume - Maximum Positive**: disabled
- **Cumulative Volume - Maximum Negative**: disabled
- **Cumulative Volume - End of Simulation**: disabled

### Discharge Structure 3 - Inactive
- **Rate - Maximum - Positive**: disabled
- **Rate - Maximum - Negative**: disabled
- **Cumulative Volume - Maximum Positive**: disabled
- **Cumulative Volume - Maximum Negative**: disabled
- **Cumulative Volume - End of Simulation**: disabled

### Pollution Abatement:
- **36 Hour Stage and Infiltration Volume**: 36.000 ft³, 6.29 ft³/s, Volume: 11778.2 ft³
- **72 Hour Stage and Infiltration Volume**: 72.000 ft³, 5.93 ft³/s, Volume: 11778.2 ft³
REPORT OF A PRELIMINARY
GEOTECHNICAL EXPLORATION

Proposed Creekside Village
Palm Coast, Florida

May 10, 2016

PROJECT NO. 0930.1600100.0000
REPORT NO. 1330411

Prepared For:

Creekside at Grand Haven, LLC.
50 N Waterview Drive
Palm Coast, FL 32137

Prepared By:

UNIVERSAL ENGINEERING SCIENCES
5561 Florida Mining Boulevard South
Jacksonville, Florida 32257-3648
(904) 296-0757

CONSULTANTS:
Geotechnical Engineering  •  Environmental Engineering  •  Construction Materials Testing
Threshold Inspection  •  Private Provider Inspection  •  Geophysical Studies

OFFICES: Daytona Beach, FL  •  Fort Myers, FL  •  Fort Pierce, FL  •  Gainesville, FL  •  Jacksonville, FL  •  Leesburg, FL  •  Miami, FL  •  Norcross, GA  •  Ocala, FL  •  Orange City, FL
Orlando, FL  •  Palm Coast, FL  •  Panama City, FL  •  Pensacola, FL  •  Rockledge, FL  •  Sarasota, FL  •  St. Augustine, FL  •  Tampa, FL  •  West Palm Beach, FL
May 10, 2016

Creekside at Grand Haven, LLC.
50 N Waterview Drive
Palm Coast, FL 32137

Attention: Mr. William Verhager

Reference: REPORT OF A PRELIMINARY GEOTECHNICAL EXPLORATION
Proposed Creekside Village
Palm Coast, Florida
UES Project No. 0930.1600100.0000 and Report No. 1330411

Dear Mr. Verhager:

Universal Engineering Sciences, Inc. has completed a subsurface exploration at the site of the proposed site in Palm Coast, Florida. This report contains the results of our exploration, an engineering evaluation with respect to the project characteristics described to us, and recommendations for groundwater considerations and borrow suitability. A summary of our findings is as follows:

- Beneath a thin layer of topsoil, the borings generally encountered very loose to medium dense clayey fine sand (SC) and sandy clay (CH) in the upper 3 to 5 feet underlain with loose to medium dense fine sand (SP) and fine sand with clay (SP-SC) to the 15-foot boring termination depths.

- We measured the stabilized groundwater level at the boring locations at depths ranging from 2.2 to 4.6 feet below the existing grade. We estimate the normal seasonal high groundwater level will perch on the clayey material at the ground surface.
We trust this report meets yours needs and addresses the geotechnical issues associated with the proposed construction. We appreciate the opportunity to have worked with you on this project and look forward to a continued association. Please do not hesitate to contact us if you should have any questions, or if we may further assist you as your plans proceed.

Respectfully submitted,

UNIVERSAL ENGINEERING SCIENCES, INC.
Certificate of Authorization No. 549

Stephen R. Weaver, P.E.
Geotechnical Services Manager
FL P.E. Number 37389

Xe: Mr. Michael Beebe
   Ms. Kim Buck, P.E.

Matt McLeer, P.E.
Senior Project Manager
FL P.E. Number 65027
Date: 5/10/16
1.0 INTRODUCTION

1.1 GENERAL

In this report, we present the results of the subsurface exploration of the site for the proposed project located in Palm Coast, Florida. We have divided this report into the following sections:

- SCOPE OF SERVICES - Defines what we did
- FINDINGS - Describes what we encountered
- RECOMMENDATIONS - Describes what we encourage you to do
- LIMITATIONS - Describes the restrictions inherent in this report
- APPENDICES - Presents support materials referenced in this report

2.0 SCOPE OF SERVICES

2.1 PROJECT DESCRIPTION

Project information was provided to us in recent correspondence with Mr. Michael Beebe. We were provided with a copy of a site plan, undated. The provided plan shows the boundary limits for the property, adjacent roadways, and the layout of the proposed construction. It is understood that the requested boring locations are being considered for purposes of obtaining structural fill for overall development.

Our recommendations are based upon the above considerations. If any of this information is incorrect, or if you anticipate any changes, please inform Universal Engineering Sciences so that we may review our recommendations.

2.2 PURPOSE

The purposes of this exploration were:

- to explore the general subsurface conditions at the site;
- to interpret and evaluate the subsurface conditions with respect to the proposed construction; and
- to provide geotechnical engineering recommendations for groundwater considerations and soil suitability for use as structural fill.

This report presents an evaluation of site conditions on the basis of traditional geotechnical procedures for site characterization. The recovered samples were not examined, either visually or analytically, for chemical composition or environmental hazards. Universal Engineering Sciences would be pleased to perform these services, if you desire.
Our exploration was confined to the zone of soil likely to be stressed by the proposed construction. Our work did not address the potential for surface expression of deep geological conditions. This evaluation requires a more extensive range of field services than performed in this study. We will be pleased to conduct an investigation to evaluate the probable effect of the regional geology upon the proposed construction, if you desire.

2.3 FIELD EXPLORATION

A field exploration was performed on April 18, 2016. The approximate boring locations are shown on the attached Boring Location Plan in Appendix A. The approximate boring locations were determined in the field by our personnel using taped measurements from existing features at the site, and should be considered accurate only to the degree implied by the method of measurement used. Samples of the soils encountered will be held in our laboratory for your inspection for 60 days unless we are notified otherwise.

To explore the subsurface conditions within the area of the requested locations, we located and drilled five (5) Standard Penetration Test (SPT) borings to a depth of approximately 15 feet each below the existing ground surface in general accordance with the methodology outlined in ASTM D 1586. A summary of this field procedure is included in Appendix A. Split-spoon soil samples recovered during performance of the borings were visually classified in the field and representative portions of the samples were transported to our laboratory for further evaluation.

2.4 LABORATORY TESTING

Representative soil samples obtained during our field exploration were returned to our office and classified by a geotechnical engineer. The samples were visually classified in general accordance with ASTM D 2488 (Unified Soil Classification System).

Seven (7) fines content tests, seven (7) moisture content tests, and three (3) falling-head permeability tests were conducted in the laboratory on representative soil samples obtained from the borings. These tests were performed to aid in classifying the soils and to help quantify and correlate engineering properties. The results of these tests are presented on the Boring Logs in Appendix A. A brief description of the laboratory procedures used is also provided in Appendix A.

3.0 FINDINGS

3.1 SUBSURFACE CONDITIONS

The boring locations and detailed subsurface conditions are illustrated in Appendix A: Boring Location Plan and Boring Logs. It should be noted that soil conditions will vary away from and between boring locations. The classifications and descriptions shown on the logs are generally based upon visual characterizations of the recovered soil samples and a limited number of laboratory tests. Also, see Appendix A: Key to Boring Logs, for further explanation of the
symbols and placement of data on the Boring Logs. Table 1: General Soil Profile, summarizes the soil conditions encountered.

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<th>Typical depth (ft)</th>
<th>Soil Descriptions</th>
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<td>To</td>
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<td>0</td>
<td>3 to 5</td>
</tr>
<tr>
<td>3 to 5</td>
<td>15*</td>
</tr>
</tbody>
</table>

* Termination Depth of Deepest Boring
( ) Indicates Unified Soil Classification

The stabilized groundwater level was recorded at varying depths between 2.2 to 4.6 feet below the existing ground surface.

**4.0 PRELIMINARY RECOMMENDATIONS**

**4.1 GENERAL**

In this section of the report, we present our preliminary recommendations for groundwater control and soil suitability. The following recommendations are made based upon a review of the attached soil test data, our understanding of the proposed construction, and experience with similar projects and subsurface conditions. As the project progresses and more definitive information is available concerning the proposed site layout, final grades for the building and pavement areas, and detailed structural loadings, we recommend performing additional borings to provide detailed foundation design and site preparation/earthwork consideration prior to final design.

Care should be exercised in performing the site preparation procedures due to the presence of clayey soils near the existing ground surface. Excessive vibrations could result in pumping conditions which may result in the need for overexcavation and replacement. The use of heavy vibratory compaction equipment would not be recommended due to the potential for disturbance and pumping of near-surface clayey soils.

Due to the presence of the near surface clayey soils, the site may become difficult to work during wet weather. If construction is begun during wet weather, it is recommended the building and pavement subgrades not be disturbed other than to strip vegetation. Fill and grading operations should be performed with a minimum disturbance to the surficial soils. In this regard, it is recommended track-mounted equipment be used on site.

Clayey sands (SC) were encountered relatively near the existing ground surface. We recommend a minimum 2-foot separation be maintained between the top of the clayey soils and the bottom of
the footings, flexible pavement base course, rigid concrete pavement, and the proposed floor slabs. This separation can be achieved by either filling the site or undercutting the clayey material, as necessary.

4.2 GROUNDWATER CONSIDERATIONS

The groundwater table will fluctuate seasonally depending upon local rainfall. The rainy season in Northeast Florida is normally between June and September. Based upon our review of U.S.G.S. data, Flagler County Soil Survey, and regional hydrogeology, it is our opinion the seasonal high water level will perch on the clayey soil conditions at the ground surface. If the clay material is removed from the top 3 feet then the estimated seasonal high groundwater level will be two feet above the measured levels at the boring locations.

Note, it is possible the estimated seasonal high groundwater levels will temporarily exceed these estimated levels during any given year in the future. Should impediments to surface water drainage exist on the site, or should rainfall intensity and duration, or total rainfall quantities exceed the normally anticipated rainfall quantities, groundwater levels may exceed our seasonal high estimates. We recommend positive drainage be established and maintained on the site during construction. We further recommend permanent measures be constructed to maintain positive drainage from the site throughout the life of the project.

4.3 BORROW SUITABILITY

The borings were planned, in part, to provide an indication of the suitability of excavated soils from the proposed retention pond area for use as structural fill. Based on the boring results and classification of the soil samples, the soils described as sand (SP) and fine sand with clay (SP-SC) encountered at starting depths of 3 and 5 feet to the 15-foot boring depths are considered suitable for use as structural fill. The soils described as clayey sand (SC) and sandy clay (CH) in the upper 3 and 5 feet are not suitable for use as structural fill due to excessive fines content, moisture sensitivity and plasticity issues. It should be understood that soils excavated from below the water table may be excessively wet and may require stockpiling or spreading to dry prior to placement and compaction. The soils described as fine sand with clay (SP-SC) may be moisture sensitive and more difficult to dry than sand (SP) soils, depending on weather conditions at the time of construction. Although not suitable for structural fill, due to excessive organic content, the topsoil materials may be used in landscape areas as long as positive drainage is maintained. The following table present the approximate depths of suitable structural fill at each Boring Location.

<table>
<thead>
<tr>
<th>TABLE 2 Soil Suitability</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boring</td>
</tr>
<tr>
<td>--------</td>
</tr>
<tr>
<td>B1</td>
</tr>
</tbody>
</table>
TABLE 2
Soil Suitability

<table>
<thead>
<tr>
<th>Boring</th>
<th>Depth of Suitable Fill (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>B2</td>
<td>3 to 15*</td>
</tr>
<tr>
<td>B3</td>
<td>5 to 15*</td>
</tr>
<tr>
<td>B4</td>
<td>3.5 to 15*</td>
</tr>
<tr>
<td>B5</td>
<td>3 to 15*</td>
</tr>
</tbody>
</table>

* Termination Depth of Deepest Boring

It should be noted that the thickness of suitable and unsuitable soils will vary between boring locations. We recommend the site contractor verify soil conditions prior to bidding the project.

4.4 PERMEABILITY INFORMATION

Laboratory Falling-head Saturated Vertical Permeability Tests were performed on relatively undisturbed soil samples. The samples were obtained using thin-walled tube sampling techniques (Shelby Tube). The results of the test, in feet per day, describe the coefficient of hydraulic conductivity (Permeability) of the soils and are presented on the attached Subsurface Profile. The measured permeability rate should not be construed to represent the actual pond exfiltration rate.

Based on our experience, clayey fine sand (SC) typically has poor permeability characteristics and generally is considered a confining soil layer. To improve the subsurface profile for drainage characteristics the clayey fine sand could be over-excavated and replaced with sand having favorable drainage characteristics, if necessary. A reduction of horizontal permeability will be required for pond modeling purposes. The impermeable materials would require excavation to a predetermined depth and lateral distance from the edge of the pond depending on design criteria.

Upon evaluation of regional and local geology, we have evaluated that the characteristics of the soils within the vicinity of this project are comprised of sedimentary soils which often exhibit thin, alternating layers. Generally, in relatively homogeneous natural deposits where stratification may result from particle orientation, the Permeability in the Horizontal direction can be somewhat greater than that in the Vertical direction. Based on our experience, the estimated coefficient of Horizontal Permeability typically is on the order of 2 times greater than the Vertical Permeability for SP soil type.

4.5 CONSTRUCTION RELATED SERVICES

We recommend the owner retain Universal Engineering Sciences to perform construction materials tests and observations on this project. Field tests and observations include verification of foundation and pavement subgrades by performing quality assurance tests on the placement of
compacted structural fill and pavement courses. We can also provide concrete testing, pavement section testing, structural steel testing, and general construction observation services.

The geotechnical engineering design does not end with the advertisement of the construction documents. The design is an on-going process throughout construction. Because of our familiarity with the site conditions and the intent of the engineering design, we are most qualified to address problems that might arise during construction in a timely and cost-effective manner.

5.0 LIMITATIONS

During the early stages of most construction projects, geotechnical issues not addressed in this report may arise. Because of the natural limitations inherent in working with the subsurface, it is not possible for a geotechnical engineer to predict and address all possible problems. An Association of Engineering Firms Practicing in the Geosciences (ASFE) publication, "Important Information About Your Geotechnical Engineering Report" appears in Appendix B, and will help explain the nature of geotechnical issues.

Further, we present documents in Appendix B: Constraints and Restrictions, to bring to your attention the potential concerns and the basic limitations of a typical geotechnical report.
APPENDIX A

BORING LOCATION PLAN
BORING LOGS
KEY TO BORING LOGS
FIELD EXPLORATION PROCEDURES
LABORATORY TESTING PROCEDURES
# SYMBOLS

<table>
<thead>
<tr>
<th>SYMBOL</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>N</td>
<td>No. of blows of a 140-lb weight falling 30 inches required to drive standard spoon 1 foot.</td>
</tr>
<tr>
<td>WOR</td>
<td>Weight of Drill Rods</td>
</tr>
<tr>
<td>WOH</td>
<td>Weight of Drill Rods and Hammer</td>
</tr>
<tr>
<td>% REC</td>
<td>Percent Core Recovery from Rock Core Drilling</td>
</tr>
<tr>
<td>RQD</td>
<td>Rock Quality Designation</td>
</tr>
<tr>
<td>EOB</td>
<td>End Of Boring</td>
</tr>
<tr>
<td>BT</td>
<td>Boring Terminated</td>
</tr>
<tr>
<td>-200</td>
<td>Fines Content or % Passing No. 200 Sieve</td>
</tr>
<tr>
<td>MC</td>
<td>Moisture Content</td>
</tr>
<tr>
<td>LL</td>
<td>Liquid Limit</td>
</tr>
<tr>
<td>PI</td>
<td>Plasticity Index</td>
</tr>
<tr>
<td>K</td>
<td>Coefficient of Permeability</td>
</tr>
<tr>
<td>O.C.</td>
<td>Organic Content</td>
</tr>
<tr>
<td>Z</td>
<td>Estimated seasonal high groundwater level</td>
</tr>
<tr>
<td>W</td>
<td>Measured groundwater level at time of drilling</td>
</tr>
</tbody>
</table>

# RELATIVE DENSITY
(sand-silt)

<table>
<thead>
<tr>
<th>Density Level</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Loose</td>
<td>Less than 4 Blows/Ft.</td>
</tr>
<tr>
<td>Loose</td>
<td>4 to 10 Blows/Ft.</td>
</tr>
<tr>
<td>Medium</td>
<td>11 to 30 Blows/Ft.</td>
</tr>
<tr>
<td>Dense</td>
<td>31 to 50 Blows/Ft.</td>
</tr>
<tr>
<td>Very Dense</td>
<td>More than 50 Blows/Ft.</td>
</tr>
</tbody>
</table>

# CONSISTENCY
(clay)

<table>
<thead>
<tr>
<th>Consistency Level</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Soft</td>
<td>Less than 2 Blows/Ft.</td>
</tr>
<tr>
<td>Soft</td>
<td>2 to 4 Blows/Ft.</td>
</tr>
<tr>
<td>Stiff</td>
<td>5 to 8 Blows/Ft.</td>
</tr>
<tr>
<td>Very Stiff</td>
<td>9 to 15 Blows/Ft.</td>
</tr>
<tr>
<td>Hard</td>
<td>More than 30 Blows/Ft.</td>
</tr>
</tbody>
</table>

# RELATIVE HARDNESS
(Limestone)

<table>
<thead>
<tr>
<th>Hardness Level</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soft</td>
<td>Less than 100 Blows for more than 2&quot;</td>
</tr>
<tr>
<td>Hard</td>
<td>100 Blows for less than 2&quot;</td>
</tr>
</tbody>
</table>

# UNIFIED CLASSIFICATION SYSTEM

<table>
<thead>
<tr>
<th>MAJOR DIVISIONS</th>
<th>GROUP SYMBOLS</th>
<th>TYPICAL NAMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>GRAVELS</td>
<td>CLEAN GRAVELS</td>
<td>Clean gravel, gravel-sand mixtures</td>
</tr>
<tr>
<td></td>
<td>GP</td>
<td>Well-graded gravel and gravel-sand mixtures, little or no fines</td>
</tr>
<tr>
<td></td>
<td>GM</td>
<td>Silty gravel, gravel-sand mixtures</td>
</tr>
<tr>
<td></td>
<td>GC</td>
<td>Clayey gravel, gravel-sand-clay mixtures</td>
</tr>
<tr>
<td>SANDS</td>
<td>CLEAN SANDS</td>
<td>Clean sand, sand-silt mixtures</td>
</tr>
<tr>
<td></td>
<td>SW**</td>
<td>Well-graded sands and gravelly sand, little or no fines</td>
</tr>
<tr>
<td></td>
<td>SP**</td>
<td>Well-graded sands and gravelly sand, little or no fines</td>
</tr>
<tr>
<td></td>
<td>SM**</td>
<td>Silty sands, sand-silt mixtures</td>
</tr>
<tr>
<td></td>
<td>SC**</td>
<td>Clayey sands, sand-clay mixtures</td>
</tr>
<tr>
<td>SILTS AND CLAYS</td>
<td>ML</td>
<td>Inorganic silts, very fine sands, rock floor, silty or clayey fine sands</td>
</tr>
<tr>
<td></td>
<td>CL</td>
<td>Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays</td>
</tr>
<tr>
<td></td>
<td>OL</td>
<td>Organic silts and organic silty clays of low plasticity</td>
</tr>
<tr>
<td></td>
<td>MH</td>
<td>Inorganic silts, milaceous or disseminated fine sands or silts, plastic silts</td>
</tr>
<tr>
<td></td>
<td>CH</td>
<td>Organic clays or high plasticity, fat clays</td>
</tr>
<tr>
<td></td>
<td>OH</td>
<td>Organic clays of medium to high plasticity</td>
</tr>
<tr>
<td></td>
<td>PT</td>
<td>Peat, muck and other highly organic soils</td>
</tr>
</tbody>
</table>

* Based on the material passing the 3-in. (75 mm) sieve.
** Use cluff symbol (such as, SP-6M and SP-SC) for soil with more than 5% but less than 12% passing through No. 200 sieve.

# MODIFIERS

These modifiers provide an estimate of the amount of minor constituents (SILT or CLAY sized particles) in the soil sample.

- Trace - 5% or less
- With SILT or with CLAY - 6% to 11%
- SILTY or CLAYEY - 12% to 30%
- Very SILTY or Very CLAYEY - 31% to 50%

These modifiers provide an estimate of the amount of organic components in the soil sample.

- Trace - 1% to 2%
- Few - 3% to 4%
- Some - 5% to 8%
- Many - Greater than 8%

These modifiers provide an estimate of the amount of other components (Shell, Gravel, Etc.) in the soil sample.

- Trace - 5% or less
- Few - 6% to 12%
- Some - 13% to 30%
- Many - 31% to 50%
FIELD EXPLORATION PROCEDURES

Standard Penetration Test Boring

The penetration boring was made in general accordance with the latest revision of ASTM D 1586, “Penetration Test and Split-Barrel Sampling of Soils”. The boring was advanced by rotary drilling techniques using a circulating bentonite fluid for borehole flushing and stability. At 2 ½ to 5 foot intervals, the drilling tools were removed from the borehole and a split-barrel sampler inserted to the borehole bottom and driven 18 inches into the soil using a 140 pound hammer falling on the average 30 inches per hammer blow. The number of blows for the final 12 inches of penetration is termed the “penetration resistance, blow count, or N-value”. This value is an index to several in-place geotechnical properties of the material tested, such as relative density and Young’s Modulus.

After driving the sampler 18 inches (or less if in hard rock-like material), the sampler was retrieved from the borehole and representative samples of the material within the split-barrel were placed in glass jars and sealed. After completing the drilling operations, the samples for each boring were transported to our laboratory where they were examined by our engineer in order to verify the driller’s field classification.

Auger Boring

The auger boring was performed mechanically by the use of a continuous-flight auger attached to the drill rig and in general accordance with the latest revision of ASTM D 1452, “Soil Investigation and Sampling by Auger Borings”. Representative samples of the soils brought to the ground surface by the augering process were placed in glass jars, sealed and transported to our laboratory where they were examined by our engineer to verify the driller’s field classification.

The water level was maintained throughout the test period, with the required amount of water added to maintain this level in both rings recorded at time intervals of 5 minutes. After reaching a stabilized inflow volume of water, the test was continued for approximately 120 minutes.
LABORATORY TESTING PROCEDURES

Natural Moisture Content

The water content of the sample tested was determined in general accordance with the latest revision of ASTM D 2216. The water content is defined as the ratio of “pore” or “free” water in a given mass of material to the mass of solid material particles.

Percent Fines Content

The percent fines or material passing the No. 200 mesh sieve of the sample tested was determined in general accordance with the latest revision of ASTM D 1140. The percent fines are the soil particles in the silt and clay size range.
APPENDIX B

IMPORTANT INFORMATION ABOUT YOUR GEOTECHNICAL ENGINEERING REPORT

CONSTRAINTS AND RESTRICTIONS
CONTRAINTS AND RESTRICTIONS

WARRANTY

Universal Engineering Sciences has prepared this report for our client for his exclusive use, in accordance with generally accepted soil and foundation engineering practices, and makes no other warranty either expressed or implied as to the professional advice provided in the report.

UNANTICIPATED SOIL CONDITIONS

The analysis and recommendations submitted in this report are based upon the data obtained from soil borings performed at the locations indicated on the Boring Location Plan. This report does not reflect any variations which may occur between these borings.

The nature and extent of variations between borings may not become known until excavation begins. If variations appear, we may have to re-evaluate our recommendations after performing on-site observations and noting the characteristics of any variations.

CHANGED CONDITIONS

We recommend that the specifications for the project require that the contractor immediately notify Universal Engineering Sciences, as well as the owner, when subsurface conditions are encountered that are different from those present in this report.

No claim by the contractor for any conditions differing from those anticipated in the plans, specifications, and those found in this report, should be allowed unless the contractor notifies the owner and Universal Engineering Sciences of such changed conditions. Further, we recommend that all foundation work and site improvements be observed by a representative of Universal Engineering Sciences to monitor field conditions and changes, to verify design assumptions and to evaluate and recommend any appropriate modifications to this report.

MISINTERPRETATION OF SOIL ENGINEERING REPORT

Universal Engineering Sciences is responsible for the conclusions and opinions contained within this report based upon the data relating only to the specific project and location discussed herein. If the conclusions or recommendations based upon the data
presented are made by others, those conclusions or recommendations are not the responsibility of Universal Engineering Sciences.

CHANGED STRUCTURE OR LOCATION

This report was prepared in order to aid in the evaluation of this project and to assist the architect or engineer in the design of this project. If any changes in the design or location of the structure as outlined in this report are planned, or if any structures are included or added that are not discussed in the report, the conclusions and recommendations contained in this report shall not be considered valid unless the changes are reviewed and the conclusions modified or approved by Universal Engineering Sciences.

USE OF REPORT BY BIDDERS

Bidders who are examining the report prior to submission of a bid are cautioned that this report was prepared as an aid to the designers of the project and it may affect actual construction operations.

Bidders are urged to make their own soil borings, test pits, test caissons or other investigations to determine those conditions that may affect construction operations. Universal Engineering Sciences cannot be responsible for any interpretations made from this report or the attached boring logs with regard to their adequacy in reflecting subsurface conditions which will affect construction operations.

STRATA CHANGES

Strata changes are indicated by a definite line on the boring logs which accompany this report. However, the actual change in the ground may be more gradual. Where changes occur between soil samples, the location of the change must necessarily be estimated using all available information and may not be shown at the exact depth.

OBSERVATIONS DURING DRILLING

Attempts are made to detect and/or identify occurrences during drilling and sampling, such as: water level, boulders, zones of lost circulation, relative ease or resistance to drilling progress, unusual sample recovery, variation of driving resistance, obstructions, etc.; however, lack of mention does not preclude their presence.

WATER LEVELS

Water level readings have been made in the drill holes during drilling and they indicate normally occurring conditions. Water levels may not have been stabilized at the last
reading. This data has been reviewed and interpretations made in this report. However, it must be noted that fluctuations in the level of the groundwater may occur due to variations in rainfall, temperature, tides, and other factors not evident at the time measurements were made and reported. Since the probability of such variations is anticipated, design drawings and specifications should accommodate such possibilities and construction planning should be based upon such assumptions of variations.

LOCATION OF BURIED OBJECTS

All users of this report are cautioned that there was no requirement for Universal Engineering Sciences to attempt to locate any man-made buried objects during the course of this exploration and that no attempt was made by Universal Engineering Sciences to locate any such buried objects. Universal Engineering Sciences cannot be responsible for any buried man-made objects which are subsequently encountered during construction that are not discussed within the text of this report.

TIME

This report reflects the soil conditions at the time of investigation. If the report is not used in a reasonable amount of time, significant changes to the site may occur and additional reviews may be required.
Important Information about This 
Geotechnical-Engineering Report

Subsurface problems are a principal cause of construction delays, cost overruns, claims, and disputes.

While you cannot eliminate all such risks, you can manage them. The following information is provided to help.

Geotechnical Services Are Performed for Specific Purposes, Persons, and Projects
Geotechnical engineers structure their services to meet the specific needs of their clients. A geotechnical-engineering study conducted for a civil engineer may not fulfill the needs of a contractor — a construction contractor — or even another civil engineer. Because each geotechnical-engineering study is unique, each geotechnical-engineering report is unique, prepared solely for the client. No one except you should rely on this geotechnical-engineering report without first conferring with the geotechnical engineer who prepared it. And no one — not even you — should apply this report for any purpose or project except the one originally contemplated.

Read the Full Report
Serious problems have occurred because those relying on a geotechnical-engineering report did not read it all. Do not rely on an executive summary. Do not read selected elements only.

Geotechnical Engineers Base Each Report on a Unique Set of Project-Specific Factors
Geotechnical engineers consider many unique, project-specific factors when establishing the scope of a study. Typical factors include: the client's goals, objectives, and risk-management preferences; the general nature of the structure involved, its size, and configuration; the location of the structure on the site; and other planned or existing site improvements, such as access roads, parking lots, and underground utilities. Unless the geotechnical engineer who conducted the study specifically indicates otherwise, do not rely on a geotechnical-engineering report that was:

- not prepared for you;
- not prepared for your project;
- not prepared for the specific site explored; or
- completed before important project changes were made.

Typical changes that can erode the reliability of an existing geotechnical-engineering report include those that affect:

- the function of the proposed structure, as it's changed from a parking garage to an office building, or from a light-industrial plant to a refrigerated warehouse;
- the elevation, configuration, location, orientation, or weight of the proposed structure;
- the composition of the design team; or
- project ownership.

As a general rule, always inform your geotechnical engineer of project changes—even minor ones—and request an assessment of their impact. Geotechnical engineers cannot accept responsibility or liability for problems that occur because their reports do not consider developments of which they were not informed.

Subsurface Conditions Can Change
A geotechnical-engineering report is based on conditions that existed at the time the geotechnical engineer performed the study. Do not rely on a geotechnical-engineering report whose adequacy may have been affected by: the passage of time; man-made events, such as construction on or adjacent to the site; or natural events, such as floods, droughts, earthquakes, or groundwater fluctuations. Contact the geotechnical engineer before applying this report to determine if it is still reliable. A minor amount of additional testing or analysis could prevent major problems.

Most Geotechnical Findings Are Professional Opinions
Site exploration identifies subsurface conditions only at those points where subsurface tests are conducted or samples are taken. Geotechnical engineers review field and laboratory data and then apply their professional judgment to render an opinion about subsurface conditions throughout the site. Actual subsurface conditions may differ — sometimes significantly — from those indicated in your report. Retaining the geotechnical engineer who developed your report to provide geotechnical-construction observation is the most effective method of managing the risks associated with unanticipated conditions.

A Report's Recommendations Are Not Final
Do not overrely on the confirmation-dependent recommendations included in your report. Confirmation-dependent recommendations are not final, because geotechnical engineers develop them principally from judgment and opinion. Geotechnical engineers can finalize their recommendations only by observing actual subsurface conditions revealed during construction. The geotechnical engineer who developed your report cannot assume responsibility or liability for the report’s confirmation-dependent recommendations if that engineer does not perform the geotechnical-construction observation required to confirm the recommendations' applicability.

A Geotechnical-Engineering Report Is Subject to Misinterpretation
Other design-team members' misinterpretation of geotechnical-engineering reports has resulted in costly
problems. Confront that risk by having your geotechnical engineer confer with appropriate members of the design team after submitting the report. Also retain your geotechnical engineer to review pertinent elements of the design team’s plans and specifications. Contractors can also misinterpret a geotechnical-engineering report. Confront that risk by having your geotechnical engineer participate in prebid and preconstruction conferences, and by providing geotechnical construction observation.

Do Not Redraw the Engineer’s Logs
Geotechnical engineers prepare final boring and testing logs based upon their interpretation of field logs and laboratory data. To prevent errors or omissions, the logs included in a geotechnical-engineering report should never be redrawn for inclusion in architectural or other design drawings. Only photographic or electronic reproduction is acceptable, but recognize that separating logs from the report can elevate risk.

Give Constructors a Complete Report and Guidance
Some owners and design professionals mistakenly believe they can make constructors liable for unanticipated subsurface conditions by limiting what they provide for bid preparation. To help prevent costly problems, give constructors the complete geotechnical-engineering report, but preface it with a clearly written letter of transmittal. In that letter, advise constructors that the report was not prepared for purposes of bid development and that the report’s accuracy is limited; encourage them to confer with the geotechnical engineer who prepared the report (a modest fee may be required) and/or to conduct additional study to obtain the specific types of information they need or prefer. A prebid conference can also be valuable. Be sure constructors have sufficient time to perform additional study. Only then might you be in a position to give constructors the best information available to you, while requiring them to at least share some of the financial responsibilities stemming from unanticipated conditions.

Read Responsibility Provisions Closely
Some clients, design professionals, and constructors fail to recognize that geotechnical engineering is far less exact than other engineering disciplines. This lack of understanding has created unrealistic expectations that have led to disappointments, claims, and disputes. To help reduce the risk of such outcomes, geotechnical engineers commonly include a variety of explanatory provisions in their reports. Sometimes labeled “limitations,” many of these provisions indicate where geotechnical engineers’ responsibilities begin and end, to help others recognize their own responsibilities and risks. Read these provisions closely. Ask questions. Your geotechnical engineer should respond fully and frankly.

Environmental Concerns Are Not Covered
The equipment, techniques, and personnel used to perform an environmental study differ significantly from those used to perform a geotechnical study. For that reason, a geotechnical-engineering report does not usually relate any environmental findings, conclusions, or recommendations; e.g., about the likelihood of encountering underground storage tanks or regulated contaminants. Unanticipated environmental problems have led to numerous project failures. If you have not yet obtained your own environmental information, ask your geotechnical consultant for risk-management guidance. Do not rely on an environmental report prepared for someone else.

Obtain Professional Assistance To Deal with Mold
Diverse strategies can be applied during building design, construction, operation, and maintenance to prevent significant amounts of mold from growing on indoor surfaces. To be effective, all such strategies should be devised for the express purpose of mold prevention, integrated into a comprehensive plan, and executed with diligent oversight by a professional mold-prevention consultant. Because just a small amount of water or moisture can lead to the development of severe mold infestations, many mold-prevention strategies focus on keeping buildings surfaces dry. While groundwater, water infiltration, and similar issues may have been addressed as part of the geotechnical-engineering study whose findings are conveyed in this report, the geotechnical engineer in charge of this project is not a mold prevention consultant; none of the services performed in connection with the geotechnical engineer’s study were designed or conducted for the purpose of mold prevention. Proper implementation of the recommendations conveyed in this report will not of itself be sufficient to prevent mold from growing in or on the structure involved.

Rely, on Your GBC-Member Geotechnical Engineer for Additional Assistance
Membership in the Geotechnical Business Council of the Geoprofessional Business Association exposes geotechnical engineers to a wide array of risk-confrontation techniques that can be of genuine benefit for everyone involved with a construction project. Confer with your GBC-Member geotechnical engineer for more information.

GBC
GEOTECHNICAL BUSINESS COUNCIL
of the Geoprofessional Business Association

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SECTION 1: RESPONSIBILITIES

1.1 Universal Engineering Sciences, Inc. ("UES"), has the responsibility for providing the services described under the Scope of Services section. The work is to be performed according to accepted standards of care and is to be completed in a timely manner. The term "UES" as used herein includes all of Universal Engineering Sciences, Inc's agents, employees, professional staff, and subcontractors.

1.2 The Client or a duly authorized representative is responsible for providing UES with a clear understanding of the project nature and scope. The Client shall supply UES with sufficient and adequate information, including, but not limited to, maps, site plans, reports, surveys, and designs, to allow UES to properly complete the specified services. The Client shall also communicate changes in the nature and scope of the project as soon as possible during performance of the work so that the changes can be incorporated into the work product.

1.3 The Client acknowledges that UES's responsibilities in providing the services described under the Scope of Services section is limited to those services described therein, and the Client hereby assumes any collateral or affiliated duties necessitated by or for those services. Such duties may include, but are not limited to, reporting requirements imposed by any third party such as federal, state, or local entities, the provision of any required notices to any third party, or the securing of necessary permits or permissions from any third parties required for UES's provision of the services so described, unless otherwise agreed upon by both parties.

1.4 Universal will not be responsible for scheduling our services and will not be responsible for tests or inspections that are not performed due to a failure to schedule our services on the project or any resulting damages.

1.5 PURSUANT TO FLORIDA STATUTES §558.0035, ANY INDIVIDUAL EMPLOYEE OR AGENT OF UES MAY NOT BE HELD INDIVIDUALLY LIABLE FOR NEGLIGENCE.

SECTION 2: STANDARD OF CARE

2.1 Services performed by UES under this Agreement will be conducted in a manner consistent with the level of care and skill ordinarily exercised by members of UES's profession practicing contemporaneously under similar conditions in the locality of the project. No other warranty, express or implied, is made.

2.2 The Client recognizes that subsurface conditions may vary from those observed at locations where borings, surveys, or other explorations are made, and that site conditions may change with time. Data, interpretations, and recommendations by UES will be based solely on information available to UES at the time of service. UES is responsible for those data, interpretations, and recommendations, but will not be responsible for other parties' interpretations or use of the information developed.

2.3 Examinations by UES are not a representation that UES has visited the site, become generally familiar with local conditions under which the services are to be performed, or correlated personal observations with the requirements of the Scope of Services. It is the Client's responsibility to provide UES with all information necessary for UES to provide the services described under the Scope of Services, and the Client assumes all liability for information not provided to UES that may affect the quality or sufficiency of the services so described.

2.4 Should UES be retained to provide threshold inspection services under Florida Statutes §553.79, Client acknowledges that UES's services thereunder do not constitute a guarantee that the construction in question has been properly designed or constructed, and UES's services do not replace any of the obligations or liabilities associated with any architect, contractor, or structural engineer. Therefore it is explicitly agreed that the Client will not hold UES responsible for the proper performance of service by any architect, contractor, structural engineer or any other entity associated with the project.

SECTION 3: SITE ACCESS AND SITE CONDITIONS

3.1 Client will grant or obtain free access to the site for all equipment and personnel necessary for UES to perform the work set forth in this Agreement. The Client will notify any and all possessors of the project site that Client has granted UES free access to the site. UES will take reasonable precautions to minimize damage to the site, but it is understood by Client that, in the normal course of work, some damage may occur, and the correction of such damage is not part of this Agreement unless so specified in the Proposal.

3.2 The Client is responsible for the accuracy of locations for all subterranean structures and utilities. UES will take reasonable precautions to avoid known subterranean structures, and the Client waives any claim against UES, and agrees to defend, indemnify, and hold UES harmless from any claim or liability for injury or loss, including costs of defense, arising from damage done to subterranean structures and utilities not identified or accurately located. In addition, Client agrees to compensate UES for any time spent or expenses incurred by UES in defense of any such claim with compensation to be based upon UES's prevailing fee schedule and expense reimbursement policy.

SECTION 4: SAMPLE OWNERSHIP AND DISPOSAL

4.1 Soil or water samples obtained from the project during performance of the work shall remain the property of the Client.

4.2 UES will dispose of or return to Client all remaining soils and rock samples 60 days after submission of report covering those samples. Further storage or transfer of samples can be made at Client's expense upon Client's prior written request.

4.3 Samples which are contaminated by petroleum products or other chemical waste will be returned to Client for treatment or disposal, consistent with all appropriate federal, state, or local regulations.

SECTION 5: BILLING AND PAYMENT

5.1 UES will submit invoices to Client monthly or upon completion of services. Invoices will show charges for different personnel and expense classifications.

5.2 Payment is due 30 days after presentation of invoice and is past due 31 days from invoice date. Client agrees to pay a finance charge of one and one-half percent (1 1/2%) per month, or the maximum rate allowed by law, on past due accounts.

5.3 If UES incurs any expenses to collect overdue billings on invoices, the sums paid by UES for reasonable attorneys’ fees, court costs, UES’s time, UES’s expenses, and interest will be due and owing to the Client.

SECTION 6: OWNERSHIP AND USE OF DOCUMENTS

6.1 All reports, bore logs, field data, field notes, laboratory test data, calculations, estimates, and other documents prepared by UES, as instruments of service, shall remain the property of UES.

6.2 Client agrees that all reports and other work furnished to the Client or his agents, which are not paid for, will be returned upon demand and will not be used by the Client for any purpose.

6.3 UES will retain all pertinent records relating to the services performed for a period of five years following submission of the report, during which period the records will be made available to the Client at all reasonable times.

6.4 All reports, bore logs, field data, field notes, laboratory test data, calculations, estimates, and other documents prepared by UES, are prepared for the sole and exclusive use of Client, and may not be given to any other party or used or relied upon by any such party without the express written consent of UES.
SECTION 7: DISCOVERY OF UNANTICIPATED HAZARDOUS MATERIALS

7.1 Client warrants that a reasonable effort has been made to inform UES of known or suspected hazardous materials on or near the project site.

7.2 Under this agreement, the term hazardous materials include hazardous materials (40 CFR 172.01), hazardous wastes (40 CFR 261.2), hazardous substances (40 CFR 300.6), petroleum products, polychlorinated biphenyls, and asbestos.

7.3 Hazardous materials may exist at a site where there is no reason to believe they could or should be present. UES and Client agree that the discovery of unanticipated hazardous materials constitutes a changed condition mandating a renegotiation of the scope of work. UES and Client also agree that the discovery of unanticipated hazardous materials may make it necessary for UES to take immediate measures to protect health and safety. Client agrees to compensate UES for any equipment decontamination or other costs incident to the discovery of unanticipated hazardous waste.

7.4 UES agrees to notify Client when unanticipated hazardous materials or suspected hazardous materials are encountered. Client agrees to make any disclosures required by law to the appropriate governing agencies. Client also agrees to hold UES harmless for any and all consequences of disclosures made by UES which are required by governing law. In the event the project site is not owned by Client, Client recognizes that it is the Client's responsibility to inform the property owner of the discovery of unanticipated hazardous materials or suspected hazardous materials.

7.5 Notwithstanding any other provision of the Agreement, Client waives any claim against UES, and to the maximum extent permitted by law, agrees to defend, indemnify, and save UES harmless from any claim, liability, and/or defense costs for injury or loss arising from UES's discovery of unanticipated hazardous materials or suspected hazardous materials including any costs created by delay of the project and any cost associated with possible reduction of the property’s value. Client will be responsible for ultimate disposal of any samples secured by UES which are found to be contaminated.

SECTION 8: RISK ALLOCATION

8.1 Client agrees that UES's liability for any damage on account of any breach of contract, error, omission or other professional negligence will be limited to a sum not to exceed $50,000 or UES’s fee, whichever is greater. If Client prefers to have higher limits on contractual or professional liability, UES agrees to increase the limits up to a maximum of $1,000,000.00 upon Client's written request at the time of accepting our proposal provided that Client agrees to pay an additional consideration of four percent of the total fee, or $400.00, whichever is greater. The additional charge for the higher liability limits is because of the greater risk assumed and is not strictly a charge for additional professional liability insurance.

SECTION 9: INSURANCE

9.1 UES represents and warrants that it and its agents, staff and consultants employed by it, and are protected by worker's compensation insurance and that UES has such coverage under public liability and property damage insurance policies which UES deems to be adequate. Certificates for all such policies of insurance shall be provided to Client upon request in writing. Within the limits and conditions of such insurance, UES agrees to indemnify and save Client harmless from any claim, loss, damage, or liability arising from negligent acts by UES, its agents, staff, and consultants employed by it. UES shall not be responsible for any loss, damage or liability beyond the amounts, limits, and conditions of such insurance or the limits described in Section 8, whichever is less. The Client agrees to defend, indemnify and save UES harmless for any loss, damage or liability arising from acts by Client, Client's agent, staff, and other UESs employed by Client.

SECTION 10: DISPUTE RESOLUTION

10.1 All claims, disputes, and other matters in controversy between UES and Client arising out of or in any way related to this Agreement will be submitted to alternative dispute resolution (ADR) such as mediation or arbitration, before and as a condition precedent to other remedies provided by law, including the commencement of litigation.

10.2 If a dispute arises related to the services provided under this Agreement and that dispute requires litigation instead of ADR as provided above, then:

(a) the claim will be brought and tried in judicial jurisdiction of the court of the county where UES's principal place of business is located and Client waives the right to remove the action to any other county or judicial jurisdiction, and

(b) The prevailing party will be entitled to recovery of all reasonable costs incurred, including staff time, court costs, attorneys' fees, and other claim related expenses.

SECTION 11: TERMINATION

11.1 This agreement may be terminated by either party upon seven (7) days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof. Such termination shall not be effective if that substantial failure has been remedied before expiration of the period specified in the written notice. In the event of termination, UES shall be paid for services performed to the termination notice date plus reasonable termination expenses.

11.2 In the event of termination, or suspension for more than three (3) months, prior to completion of all reports contemplated by the Agreement, UES may complete analyses and records as are necessary to complete its files and may also complete a report on the services performed to the date of notice of termination or suspension. The expense of termination or suspension shall include all direct costs of UES in completing such analyses, records and reports.

SECTION 12: ASSIGNS

12.1 Neither the Client nor UES may delegate, assign, sublet or transfer their duties or interest in this Agreement without the written consent of the other party.

SECTION 13: GOVERNING LAW AND SURVIVAL

13.1 The laws of the State of Florida will govern the validity of these Terms, their interpretation and performance.

13.2 If any of the provisions contained in this Agreement are held illegal, invalid, or unenforceable, the enforceability of the remaining provisions will not be impaired. Limitations of liability and indemnities will survive termination of this Agreement for any cause.

SECTION 14: INTEGRATION CLAUSE

14.1 This Agreement represents and contains the entire and only agreement and understanding among the parties with respect to the subject matter of this Agreement, and supersedes any and all prior and contemporaneous oral and written agreements, understandings, representations, inducements, promises, warranties, and conditions among the parties. No agreement, understanding, representation, inducement, promise, warranty, or condition of any kind with respect to the subject matter of this Agreement shall be relied upon by the parties unless expressly incorporated herein.

14.2 This Agreement may not be amended or modified except by an agreement in writing signed by the party against whom the enforcement of any modification or amendment is sought.

Rev, 06/10/2015
The existing site consists of vacant wooded area and grass area within the offsite right-of-way.

The soil type is Hydrologic Soil Group “D”. Upon review of the geotechnical report from Universal Engineering Sciences, Inc., a Type “D” should be used.

Attached is the phosphorus loading calculations based on version 1.1 from SJRWMD. The results indicate 1” of pre-treatment volume is required prior to discharge into a wet detention pond with a 21 day residence time.
## Site-Specific Pre-/Post- Pollutant Loading Analysis

<table>
<thead>
<tr>
<th>Existing Condition</th>
<th>Land Use</th>
<th>Soil Type</th>
<th>Total P Loading (kg/ac-yr)</th>
<th>Basin Acreage (acres)</th>
<th>Inflow Mass Loading (kg/yr)</th>
<th>Treatment System</th>
<th>Inches of Retention Over Basin Area (inches)</th>
<th>Pollutant Removal Efficiency (%)</th>
<th>Outflow Mass Loading (kg/yr)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basin 1</td>
<td>TREE</td>
<td>HSG D</td>
<td>0.07 X 3.43 = 0.24</td>
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<td></td>
<td>0.24</td>
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<tr>
<td>Basin 2</td>
<td>TREE</td>
<td>HSG D</td>
<td>0.07 X 1.17 = 0.08</td>
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<td></td>
<td></td>
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<td>0.08</td>
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<tr>
<td>Basin 3</td>
<td>TREE</td>
<td>HSG D</td>
<td>0.07 X 0.40 = 0.03</td>
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<tr>
<td>Basin 4</td>
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<td>0.08</td>
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(increments of 0.25 inches)

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<tr>
<th>Proposed Condition</th>
<th>Land Use</th>
<th>Soil Type</th>
<th>Total P Loading (kg/ac-yr)</th>
<th>Basin Acreage (acres)</th>
<th>Inflow Mass Loading (kg/yr)</th>
<th>Treatment System</th>
<th>Inches of Retention Over Basin Area (inches)</th>
<th>Pollutant Removal Efficiency (%)</th>
<th>Outflow Mass Loading (kg/yr)</th>
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</thead>
<tbody>
<tr>
<td>Basin 1</td>
<td>COMM</td>
<td>HSG D</td>
<td>0.964 X 3.43 = 3.31</td>
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<td>Reten/21-Day Deten</td>
<td>1.00</td>
<td>93</td>
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<tr>
<td>Basin 2</td>
<td>OPEN</td>
<td>HSG D</td>
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<td>Wet Detention (STD)</td>
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<tr>
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<td>OPEN</td>
<td>HSG D</td>
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<td></td>
<td>Wet Detention (STD)</td>
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<td>61.5</td>
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<td>HWY 50%</td>
<td>HSG D</td>
<td>0.871 X 1.50 = 1.31</td>
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<td>Reten/21-Day Deten</td>
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<td>Basin 8</td>
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<td>0.38</td>
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1.3698806 0.2858333 2.0601194
The site is located partially in Flood Zone “A” with a BFE of 8.0 and partially in Flood Zone “A” with a BFE of 9.0. (See attached FEMA Map).

The finish floor elevation should be set at least one ft. above the base flood elevation, which is 9.0 and 10.0 for the different zones. The finish floor elevations have all been set at 11.0.

Compensating Storage is required to offset fill within the flood plain areas. The fill in the floodplain was calculated using a comparison of the existing and proposed surfaces in AutoCAD Civil 3D. Following is a table of the cut and fill calculations. Compensating Storage has been provided in the two wet ponds provided on the west side of Waterfront Park Rd. and in two depressional areas created near buildings 2 & 3.

Attached a 3D image of the existing surface and proposed surface. It should be noted, that the proposed surface is considered only to the flood plain elevation.
## Volume Summary

<table>
<thead>
<tr>
<th>Name</th>
<th>Type</th>
<th>Cut Factor</th>
<th>Fill Factor</th>
<th>2d Area (Sq. Ft.)</th>
<th>Cut (Cu. Yd.)</th>
<th>Fill (Cu. Yd.)</th>
<th>Net (Cu. Yd.)</th>
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</thead>
<tbody>
<tr>
<td>COMPENSATING STORAGE VOL 9</td>
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<td>0.000</td>
<td>1.000</td>
<td>15819.44</td>
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<tr>
<td>COMPENSATING STORAGE VOL 8</td>
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<td>1.000</td>
<td>93704.34</td>
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<td>4080.41</td>
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### Totals

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<tr>
<th></th>
<th>2d Area (Sq. Ft.)</th>
<th>Cut (Cu. Yd.)</th>
<th>Fill (Cu. Yd.)</th>
<th>Net (Cu. Yd.)</th>
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<tr>
<td>Total</td>
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<td>4562.44</td>
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* Value adjusted by cut or fill factor other than 1.0
# COMPENSATING STORAGE

## Cut/Fill Report

**Generated:** 2016-07-14 21:44:24  
**By user:** USER  
**Drawing:** P:\1602-1 Creekside\Design\Ref Files\P:\1602-1 Creekside\Design\Ref Files\1602-1 SITE LAYOUT.dwg

## Volume Summary

<table>
<thead>
<tr>
<th>Name</th>
<th>Type</th>
<th>Cut Factor</th>
<th>Fill Factor</th>
<th>2d Area (Sq. Ft.)</th>
<th>Cut (Cu. Yd.)</th>
<th>Fill (Cu. Yd.)</th>
<th>Net (Cu. Yd.)</th>
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</thead>
<tbody>
<tr>
<td>POND 2</td>
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<td>0.000</td>
<td>1.000</td>
<td>44804.92</td>
<td>0.00*</td>
<td>3649.32</td>
<td>3649.32*</td>
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<tr>
<td>RAIN GARDEN 2</td>
<td>full</td>
<td>0.000</td>
<td>1.000</td>
<td>2166.24</td>
<td>0.00*</td>
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<tr>
<td>RAIN GARDEN 1</td>
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<td>1.000</td>
<td>4037.66</td>
<td>0.00*</td>
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<td>186.29*</td>
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<tr>
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<td>1.000</td>
<td>7201.70</td>
<td>0.00*</td>
<td>674.19</td>
<td>674.19*</td>
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## Totals

<table>
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<tr>
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<th>2d Area (Sq. Ft.)</th>
<th>Cut (Cu. Yd.)</th>
<th>Fill (Cu. Yd.)</th>
<th>Net (Cu. Yd.)</th>
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<tbody>
<tr>
<td>Total</td>
<td>58210.53</td>
<td>0.00*</td>
<td>4612.62</td>
<td>4612.62*</td>
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* Value adjusted by cut or fill factor other than 1.0
EXISTING SURFACE
PROPOSED SURFACE