

RESOLUTION NO. 2003-208

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA APPROVING THE THIRD AMENDMENT TO THE HUNTER'S RIDGE DEVELOPMENT OF REGIONAL IMPACT; AMENDING EXHIBIT "C", THE CONCEPTUAL DEVELOPMENT PLAN; AMENDING EXHIBIT "D", THE DEVELOPMENT PHASING MAP; AMENDING EXHIBIT "F", THE DEVELOPMENT SCHEDULE; AMENDING THE TEXT OF THE DEVELOPMENT ORDER TO THE EXTENT NECESSARY TO REFLECT THE REVISED PHASING SCHEDULE AND EXTENDING THE BUILD OUT DATE; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on January 25, 1990 Flagler County adopted Resolution 90-3A constituting the Development Order for the 3,800 acre Flagler County portion of the Hunter's Ridge Development of Regional Impact (D.R.I.); and

WHEREAS, the Dept. of Community Affairs intervened in an appeal of the Development Order and the Dept. of Administrative Hearings issued a Recommended Order on May 28, 1991 and rendered an Amended Final Development Order recorded in O.R. 455, pp. 1019-1136; and

WHEREAS, on April 6, 1992 Flagler County adopted the First Amendment to the Hunter's Ridge Development Order; and

WHEREAS, on December 1, 1997 Flagler County adopted Resolution 97-79A constituting the Second Amendment to the Hunter's Ridge Development Order; and

WHEREAS, on September 8, 2003 Allan Feker, as a representative of the Developer, filed a Notice of Proposed Change to a Previously Approved Development of Regional Impact; and

WHEREAS, the Board of County Commissioners of Flagler County, as the local government having jurisdiction, is authorized and required by law to consider amendments to the Flagler County portion of the Hunter's Ridge D.R.I. Development Order; and

WHEREAS, the County has received and reviewed comments and recommendations from the East Central Florida Regional Planning Council concerning this N.O.P.C. which has determined that the proposed changes do not constitute a substantial deviation requiring additional D.R.I. review; and

WHEREAS, published legal notice of this hearing on the first amendment to the Hunter's Ridge D.R.I. Development Order was published on Saturday November 15, 2003 and Saturday December 6, 2003 in the Daytona Beach News Journal; and

WHEREAS, on December 15, 2003 the Board of County Commissioners conducted a public hearing at which all interested parties were afforded the opportunity to present testimony and evidence, both written and oral.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA THAT:

Section 1: SUBSTANTIAL DEVIATION

This Resolution incorporates the changes recommended by the East Central Florida Regional Planning Council in their letter of October 20, 2003. The Notice of Proposed Change filed September 8, 2003, as modified herein, does not constitute a substantial deviation pursuant to Chap. 380.06(19), F.S. and does not require further development or regional impact review.

Section 2: THIRD AMENDMENT TO DEVELOPMENT ORDER

This Resolution shall be read in pari materia with the Final Development Order, the First Amendment and Second Amendment, and together constitute the Third Amendment to the Hunter's Ridge Development Order. All terms and conditions of the Development Order not specifically amended herein will remain in full force and effect.

Item 6.0 Wastewater Management of the final Development Order is hereby amended to read as follows:

Page B-20, Paragraph 6.1 At the election of Flagler County, an interlocal agreement between Flagler County and the City of Ormond Beach regarding wastewater treatment and ownership of wastewater treatment facilities may be entered into prior to the issuance of any structural building permit for the Flagler County portion of the project. Failure to enter into this agreement within 12 months after the effective date of this development order for this project shall allow the Applicant to seek alternative means of addressing the wastewater treatment issue, including the construction of a private plant. Development shall occur concurrent with adequate central wastewater treatment service. However, any alternative elected or chosen by the Developer shall be subject to and subordinate to any Interlocal Agreement for wastewater service which may be entered into between Flagler County and the City of Ormond Beach.

Item 8.0 Water Supply of the final Development Order is hereby amended to read as follows:

Page B-31, Paragraph 8.1 At the election of Flagler County, an interlocal agreement between Flagler County and the City of Ormond Beach regarding the provision of the potable water shall be entered into prior to the issuance of any structural building permit for the Flagler County portion of the project. Failure to enter into this agreement within 12 months of the issuance of a development order for this project (by either Flagler County or the City of Ormond Beach) shall allow the Applicant to seek alternative means of providing potable water, including the construction of a privately owned water treatment plant. However, any alternative elected or chosen by the Developer shall be subject to and

subordinate to any Interlocal Agreement for potable water service which may be entered into between Flagler County and the City of Ormond Beach.

The First Amendment to the Development Order is hereby amended and shall read as follows:

Page B-47, Paragraph 12.1E The revised conceptual development plan dated ~~December 1, 1994,~~ dated September 5, 2003, which is incorporated herein as Exhibit "C" Revised September 5, 2003 is the Master Plan which shall be adhered to with regard to land uses, road patterns, parks and school locations and size, conservation area, and recreation facilities.

The Second Amendment to the Development Order is hereby amended and shall read as follows:

Page B-47, Paragraph 12.1F The revised phasing map dated ~~September 30, 1997,~~ dated September 5, 2003, hereby is incorporated as Exhibit "D" revised September 5, 2003 and along with Exhibit "F" revised dated September 30, 1997, dated September 5, 2003, shall be adhered to with regard to phasing of the project.

The First Amendment to the Development Order is hereby amended and shall read as follows:

Page B-47, Paragraph 12.1G : The revised table of land uses dated ~~December 1, 1994,~~ dated September 5, 2003 and which shall be adhered to with regard to land use designations, numbers of dwelling units and density.

The Second Amendment to the Development Order is hereby amended and shall read as follows:

Page B-47, Paragraph 12.1H The revised development phasing schedule dated ~~September 30, 1997~~ dated September 5, 2003, hereby is incorporated as Exhibit "F" revised September 5, 2003, along with Exhibit "D" revised dated September 30, 1997, dated September 5, 2003 shall be adhered to with regard to phasing of the project. ~~The phasing schedule in the County may be altered without a substantial deviation review pursuant to Section 380.06(19), Florida Statutes, if the Applicant and the County agree to any revised phasing proposals. Any alteration to the phasing schedule will be subject to substantial deviation review pursuant to Section 380.06(19), Florida Statutes.~~

The First Amendment to the Development Order is hereby amended and shall read as follows:

Page B-48, Paragraph 12.2 Flagler County Phases VIII, IX, X and XI, V and VI will remain undeveloped in accordance with the provisions of this Order and Resolution, with the exception of the golf course to be constructed within the project and the road construction required by condition 11.15. Those phases are described and depicted on Exhibits "A", "C" Revised, dated December 1, 1994, dated September 5, 2003, "D" Revised dated September 30, 1997, dated

~~September 5, 2003, and "F" Revised, dated September 30, 1997, dated September 5, 2003, to this Development Order. Flagler County phases ~~IV~~ through ~~XI~~, ~~V~~ through ~~VI~~ lie within Section 15, the easterly 2,450 feet of Section 16, the northerly portions of Sections 21, and 22, Township 14 South, Range 31 East, Flagler County, Florida. Said property may generally be referred to herein as the "Substantial Deviation Property." No development activities, other than the construction of the golf course and the road construction required by condition 11.15, shall occur within the Substantial Deviation Property until the Applicant has undertaken and completed a Substantial Deviation Review, pursuant to Section 380.06(19) Florida Statutes.~~

The Development Order is hereby amended and shall read as follows:

Page B-63, Condition 13.27 (d.) Parks & Recreation (d.1.) 45 56.5 acres regional and district park which may be on-site or off site.

The First Amendment to the Development Order is hereby amended and shall read as follows:

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The First Amendment to the Development Order is hereby amended and shall read as follows:

Page B-67, Paragraph 14.1G The revised table of land uses dated ~~December 4, 1994, dated September 5, 2003~~, which is incorporated herein as Exhibit "E", Revised September 5, 2003, and which shall be adhered to with regard to land use designations, numbers of dwelling units and density.

The Second Amendment to the Development Order is hereby amended and shall read as follows:

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Statutes, if the Applicant and the County agree to the revised phasing proposal. Any alteration to the phasing schedule will be subject to substantial deviation review pursuant to Section 380.06(19), Florida Statutes.

The Development Order is hereby amended and shall read as follows:

Page B-67, Paragraph 14.2 If five percent of the Phase I (as applied to the Ormond Beach portion) of the project (14 dwelling units) is not constructed within five years of the effective date of the Development Order, then the Development Order shall expire.

The First Amendment to the Development Order is hereby amended and shall read as follows:

Page B-70, Paragraph 15.4 The Applicant shall dedicate and convey not less than: four (4) acres of neighborhood parks; six (6) acres of community parks, ten (10) acres of district parks and ~~forty-six and one-half (46.5)~~ forty-six and one-half (46.5) acres of regional parks for a total of sixty-six and one-half acres (66.5); to Flagler County prior to issuance of any structural building permits in Flagler County or at such time that Flagler agrees. The areas to be dedicated and conveyed are described and located in Exhibit "C" Revised, dated December 1, 1994, dated September 5, 2003.

Section 3: TRANSMITTAL

A certified copy of this Resolution, complete with all exhibits, shall be rendered by Flagler County within 10 days of its adoption by certified mail, return receipt requested, to the Developer, the Florida Department of Community Affairs and the Northeast Florida Regional Planning Council.

Section 4: EFFECTIVE DATE

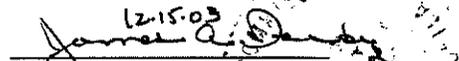
This Resolution shall take effect upon transmittal in accordance with Section 3 above.

ADOPTED THIS 15th DAY OF DECEMBER, 2003

ATTEST:


Gail Wadsworth, Clerk and
Ex Officio Clerk to the Board

**BOARD OF COUNTY COMMISSIONERS
OF FLAGLER COUNTY, FLORIDA**

¹²⁻¹⁵⁻⁰³

James A. Darby,
Chairman

APPROVED AS TO FORM:


Carl E. Kern III, County Attorney

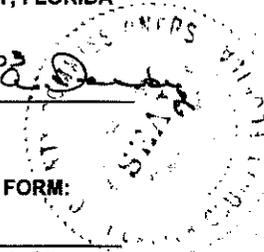


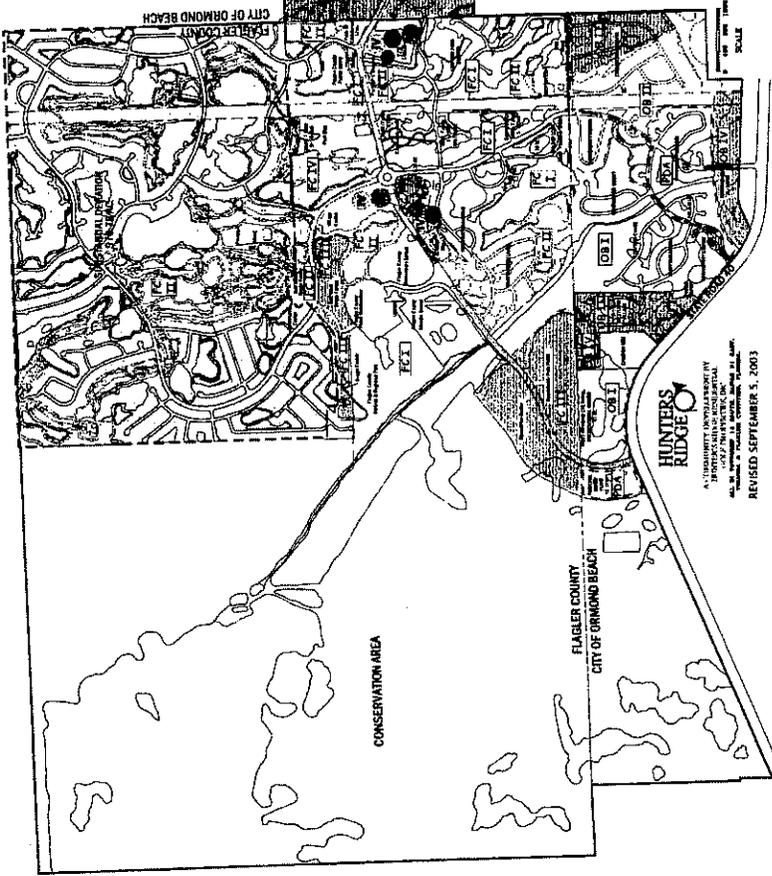


EXHIBIT "C"

SEP 15 2003

HUNTERS RIDGE

PHASING MAP
EXHIBIT "D"



LEGEND

FLAGLER COUNTY	
[Symbol]	FC I
[Symbol]	FC II
[Symbol]	FC III
[Symbol]	FC IV
[Symbol]	FC V
[Symbol]	FC VI
[Symbol]	FC VII
CITY OF ORMOND BEACH	
[Symbol]	OB I
[Symbol]	OB II
[Symbol]	OB III
[Symbol]	OB IV
[Symbol]	PDA

HUNTERS RIDGE
 A COMMUNITY DEVELOPMENT PROJECT
 CITY OF ORMOND BEACH, FLORIDA
 1000 S. HUNTERS RIDGE BLVD., SUITE 100
 ORMOND BEACH, FLORIDA 32136
 REVISED: SEPTEMBER 5, 2003

A

ALANN ENGINEERING GROUP, INC.
 COMMERCIAL ENGINEERS
 1701 S.E. 11TH AVE., SUITE 204
 ORMOND BEACH, FLORIDA 32136
 TEL: 386-972-1100 FAX: 386-972-2001

EXHIBIT "F"
Revised Development Schedule September 5, 2003

ORMOND BEACH			FLAGLER COUNTY		
Year	Phase	Description	Year *	Phase	Description
Completed	PDA PDA	Deed: Easement (Rima Ridge Well Field) 108 Single Family Dwelling Units Deed: Airport Rd. R.O.W. Deed: Regional Water & Sewer Plant Sites Deed: Easement (Hudson Well Field)			
Completed	OB-I	128 Single Family Dwelling Units Deed: Public Safety Site Deed: Church Site SR 40	2004 Thru 2007	FC-I	Deed Airport Rd. R.O.W. 167 Single Family Dwelling Units 183 Multi Family Dwelling Units Construction HR Blvd. To Airport Rd. Construction Airport Rd. from HR Blvd. To City Limits E. Deed Elementary & Middle School Sites Deed Public Safety Site Deed Community Recreation Park Deed District & Regional Park Site Deed Library Site Deed Maintenance Yard Site Day Care Facility
Completed	OB-II	99 Single Family Dwelling Units Construct Airport Rd. from East to West City Limits	2008 Thru 2011	FC-II	Light Industry 75,000 Square Feet Village Center Retail 15,000 Square Feet Construct Airport Rd. west to School Sites Deed Church Site Village Center Office 15,000 Square Feet 156 Single Family Dwelling Units 50 Multi Family Dwelling Units Complete Golf Course
Present	OB-III	204 Single Family Dwelling Units Deed Middle School Site	2012	FC-III	Complete Airport Road to SR 40 Village Office 20,000 Square Feet Light Industry 25,000 Square Feet Start Equestrian Center 65 Single Family Dwelling Units
2004 Thru 2006	OB-IV	392 Single Family Dwelling Units 50 Multi Family Units Deed City Recreational Park @ Airport Rd.	2013 Thru 2014	FC-IV	Light Industry 75,000 Square Feet 122 Multi-Family Dwelling Units Village Center Retail 30,000 Square Feet Village Center Office 40,000 Square Feet
SUBSTANTIAL DEVIATION REQUEST IS REQUIRED FOR FUTURE PHASES					
			2015	FC-V	Light Industry 30,000 Square Feet 100 Multi-Family Dwelling Units Village Office 20,000 Square Feet 150 Single Family Dwelling Units
			10/17/2018	FC-VI	Village Center Retail 52,580 Square Feet Light Industry 28,520 Square Feet Village Center Office 29,980 Square Feet 250 Single Family Dwelling Units 250 Single Family Dwelling Units Village Office 19,840 Square Feet 189 Single Family Dwelling Units

* Each phase may commence upon completion of the previous phase and completed no later than the date shown.

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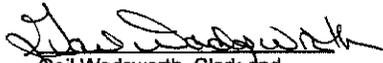
Section 4: EFFECTIVE DATE

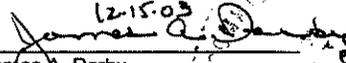
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ADOPTED THIS 15th DAY OF DECEMBER, 2003

**BOARD OF COUNTY COMMISSIONERS
OF FLAGLER COUNTY, FLORIDA**

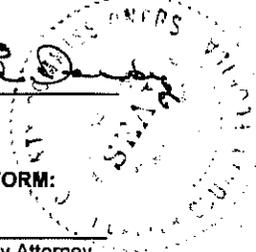
ATTEST:


Gail Wadsworth, Clerk and
Ex Officio Clerk to the Board

¹²⁻¹⁵⁻⁰³

James A. Darby,
Chairman

APPROVED AS TO FORM:

Carl E. Kern III, County Attorney



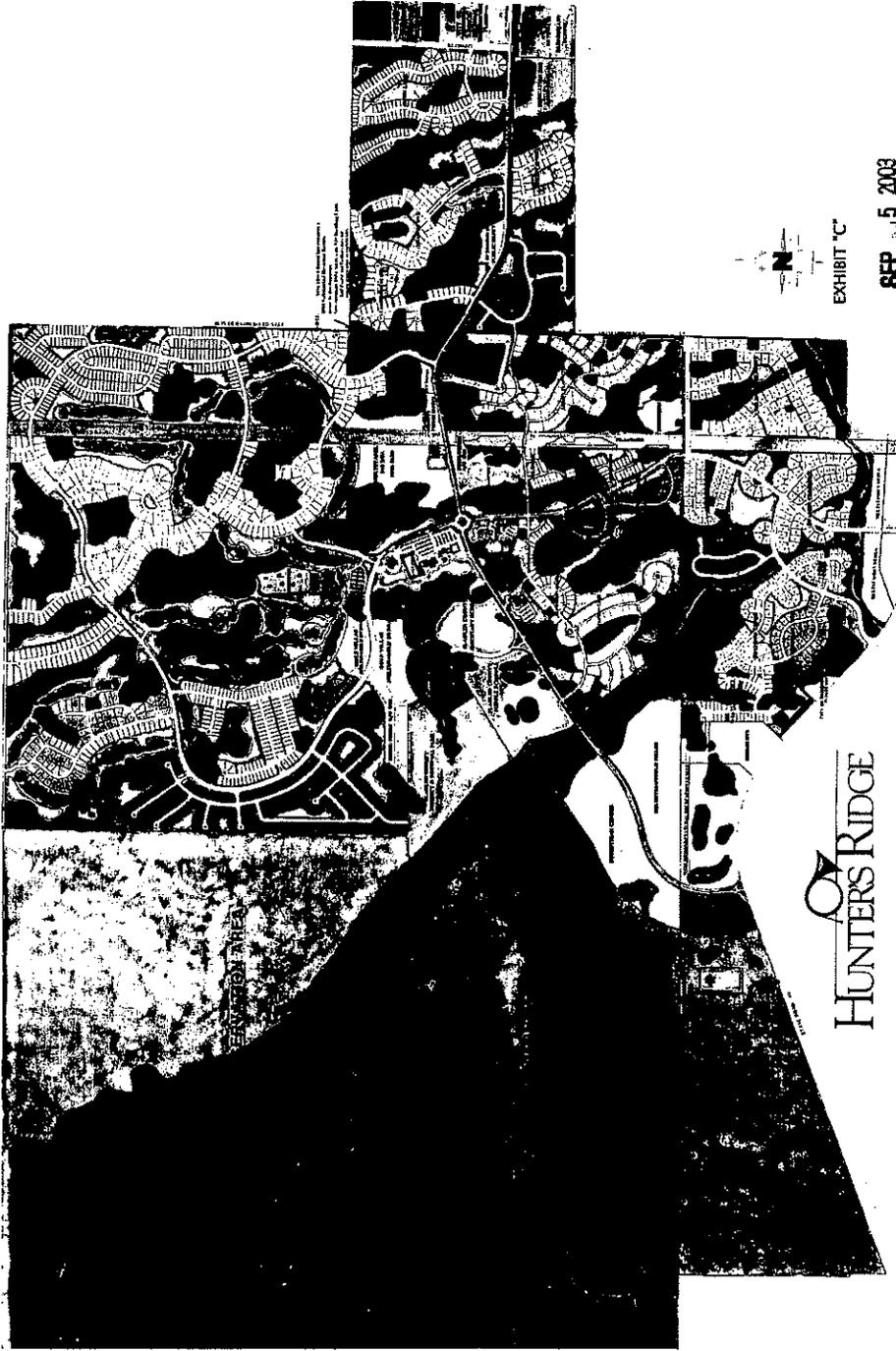


EXHIBIT "C"

SEP 5 2003

HUNTERS RIDGE

EXHIBIT "F"
Revised Development Schedule September 5, 2003

ORMOND BEACH			FLAGLER COUNTY		
Year	Phase	Description	Year*	Phase	Description
Completed	PDA PDA	Deed: Essemert (Rima Ridge Well Field) 108 Single Family Dwelling Units Deed: Airport Rd. R.O.W. Deed: Regional Water & Sewer Plant Sites Deed: Essemert (Hudson Well Field)			
Completed	OB-I	129 Single Family Dwelling Units Deed: Public Safety Site Deed: Church Site SR 40	2004 Thru 2007	FC-I	Deed Airport Rd. R.O.W. 167 Single Family Dwelling Units 163 Multi Family Dwelling Units Construction HR Blvd. To Airport Rd. Construction Airport Rd. from HR Blvd. To City Limits E. Deed Elementary & Middle School Sites Deed Public Safety Site Deed Community Recreation Park Deed District & Regional Park Site Deed Library Site Deed Maintenance Yard Site Day Care Facility
Completed	OB-II	89 Single Family Dwelling Units Construct Airport Rd. from East to West City Limits	2006 Thru 2011	FC-II	Light Industry 75,000 Square Feet Village Center Retail 15,000 Square Feet Construct Airport Rd. west to School Sites Deed Church Site Village Center Office 15,000 Square Feet 156 Single Family Dwelling Units 50 Multi Family Dwelling Units Complete Golf Course
Present	OB-III	204 Single Family Dwelling Units Deed Middle School Site	2012	FC-III	Complete Airport Road to SR 40 Village Office 20,000 Square Feet Light Industry 25,000 Square Feet Start Equestrian Center 65 Single Family Dwelling Units
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SUBSTANTIAL DEVIATION REQUEST IS REQUIRED FOR FUTURE PHASES					
			2015	FC-V	Light Industry 30,000 Square Feet 100 Multi-Family Dwelling Units Village Office 20,000 Square Feet 150 Single Family Dwelling Units
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* Each phase may commence upon completion of the previous phase and completed no later than the date shown.