

# Agenda Item #3

Application #2962 –  
RECLASSIFICATION (REZONING) AND  
SITE DEVELOPMENT PLAN REVIEW  
IN A PUD  
for the Lodge and conference  
facilities

QUASI-JUDICIAL

“Flagler County planning director Adam Mengel said ‘there are some contentious issues’ but added the proposed project is within the existing 8-acre footprint of The Lodge. That area is technically on the golf course, he said, but it is a developed area.

Mengel said a 2009 proposal to build ‘561 dwelling units’ in the same area that would have called for closing a portion of 16th Road was nixed.

‘It’s not the same thing,’ Mengel said. ‘This is 198 hotel rooms and closing a portion of the road is not part of this application. That makes it different.’”

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“Mengel said some trees would be sacrificed but they are not part of the oak hammock the area is known for.

‘They are trees that were put in as part of the development,’ Mengel said.

The golf path would be relocated, but not to the dune.

‘There is some emphasis on parking,’ Mengel said. ‘The thought is you park once and enjoy the amenities that are there. It’s up to the applicant to show that there is ample parking.’”

“Proposed \$72M resort project concerns some Hammock residents,” Daytona Beach News-Journal, November 19, 2014

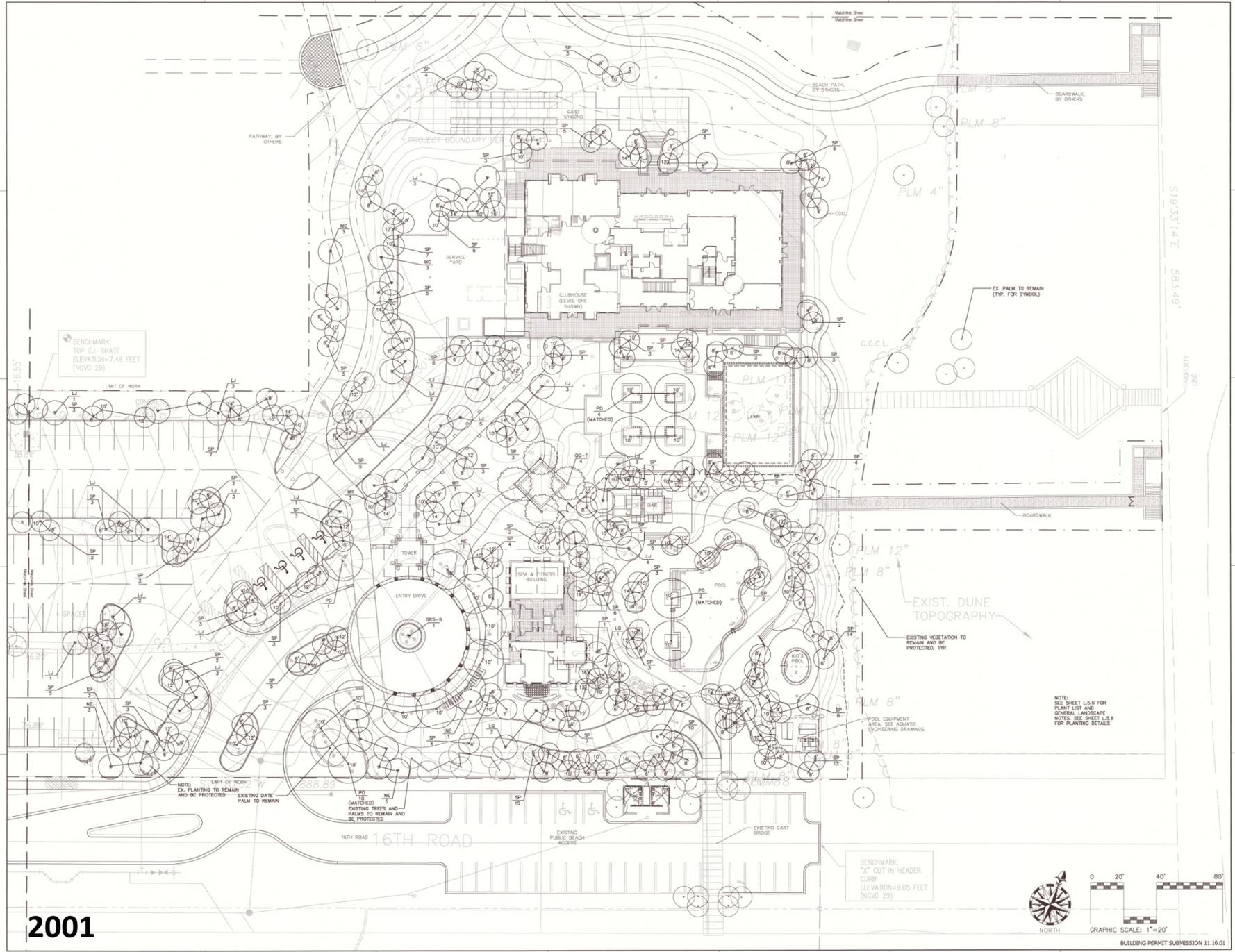


2014

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1943





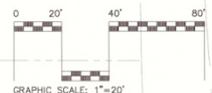
BENCHMARK:  
TOP: C1 GRATE  
ELEVATION=7.49 FEET  
(NGVD 29)

NOTE:  
"LIMIT OF WORK"  
EX. PLANTING TO REMAIN  
AND BE PROTECTED  
EXISTING DATE  
PALM TO REMAIN

NOTE:  
"MATCHED"  
EXISTING TREES AND  
PALMS TO REMAIN AND  
BE PROTECTED

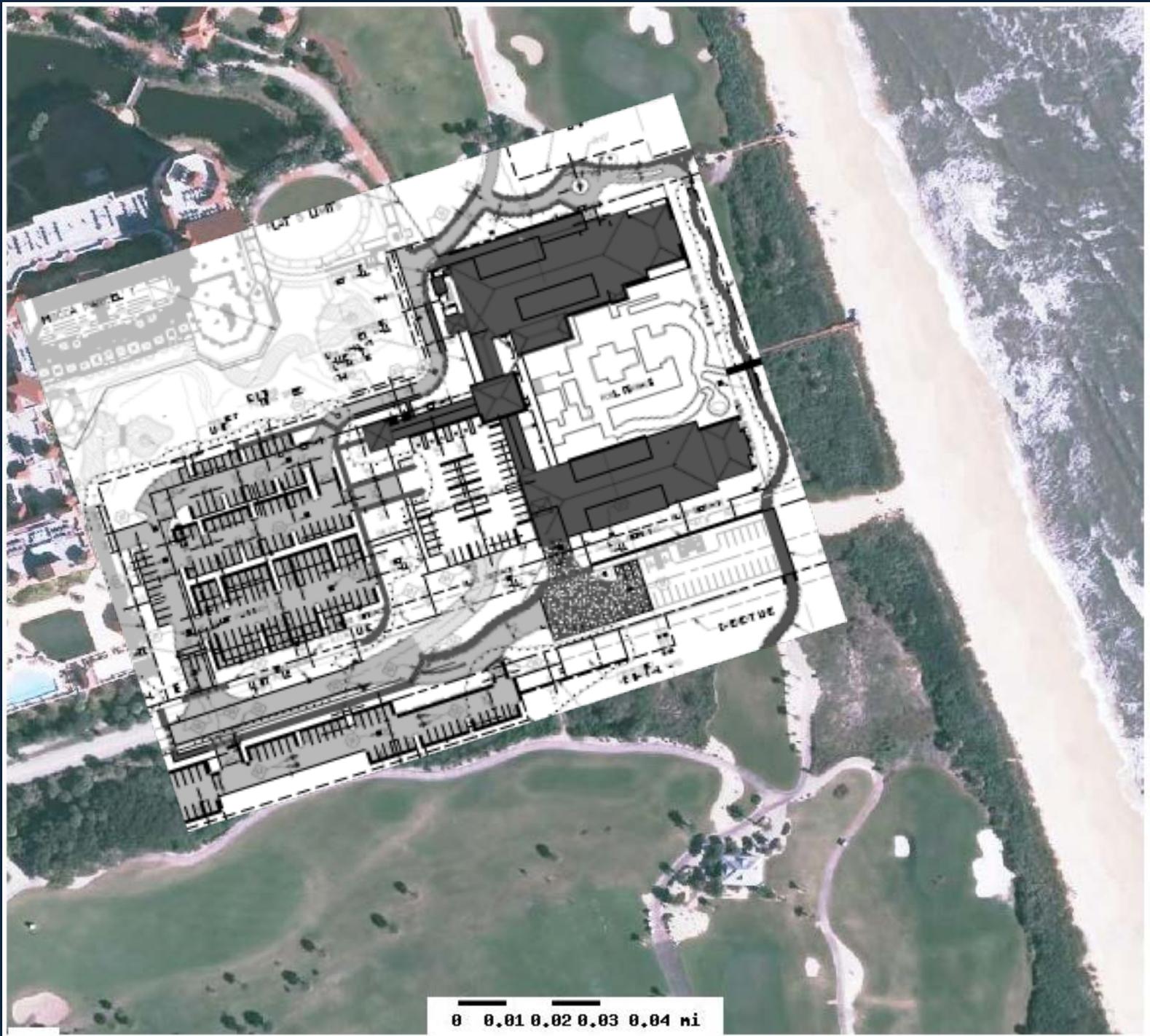
BENCHMARK:  
"X" CUT IN HEADER  
CURB  
ELEVATION=9.05 FEET  
(NGVD 29)

NOTE:  
SEE SHEET L5.6 FOR  
PLANT LIST AND  
GENERAL LANDSCAPE  
NOTES. SEE SHEET L5.6  
FOR PLANTING DETAILS



2001





2014

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2014



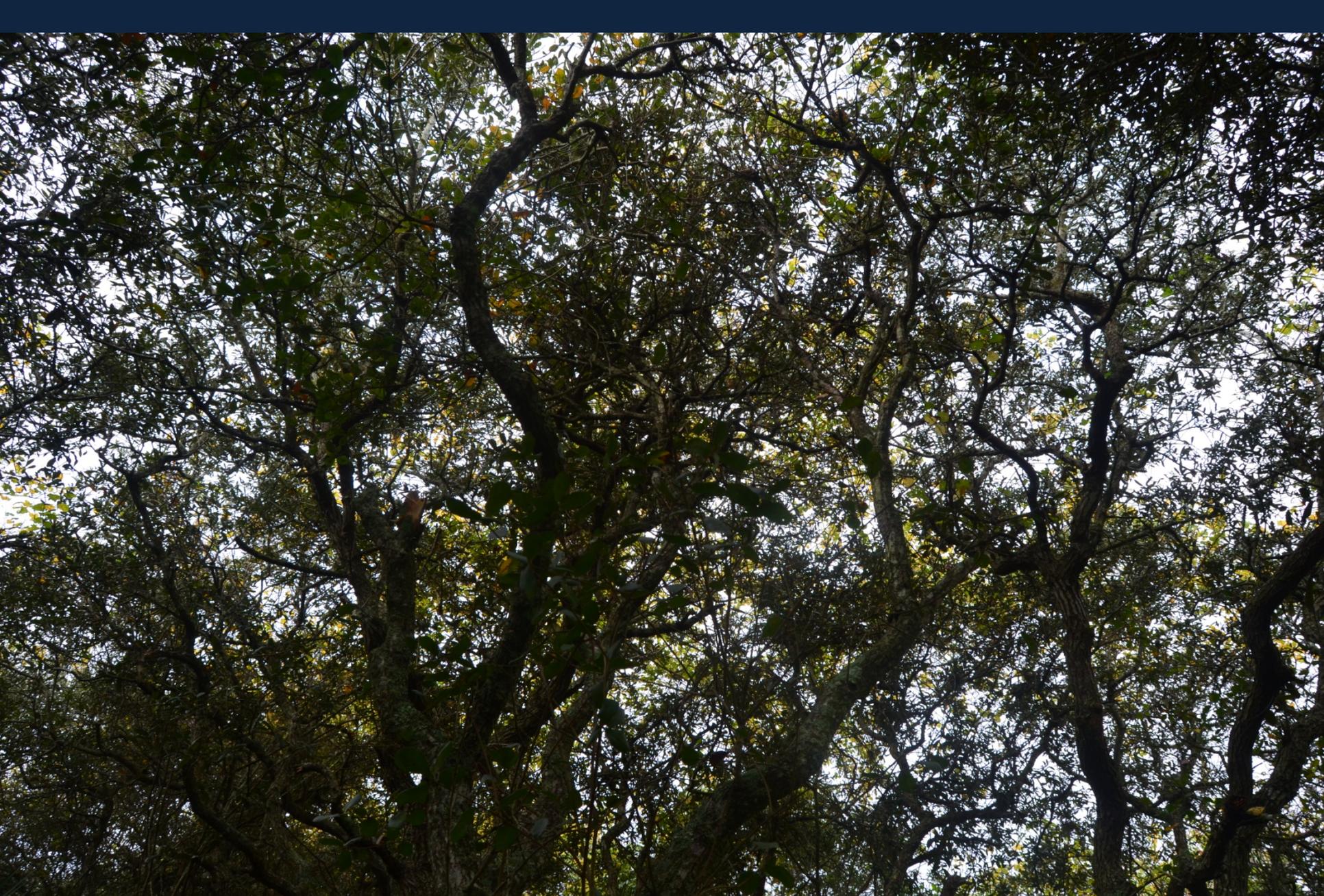
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2014



REMINDER  
No Drive Development  
Outside edge of cart  
path is located here



FLORIDA COUNTY  
of Florida  
NOTICE OF PUBLIC HEARING



2014



2014



2014



2014

“Florida scrub is a plant community easily recognized by the dominance of evergreen shrubs and frequent patches of bare, white sand. With more than two dozen threatened and endangered species dependent upon scrub, the entire community is itself endangered. Recovery of the community and its associated plants and animals will depend upon land acquisition and effective land management.”

USFWS Multi-Species Recovery Plan for South Florida  
(undated), Page 3-31

“Scrubs that have been degraded because of fire exclusion can be restored with prescribed fires and/or mechanical disturbance treatments.”

USFWS Multi-Species Recovery Plan for South Florida,  
Page 3-66

“The scrub jay’s habitat is the Florida scrub, which consists of sand-pine trees, various types of shrubs and several kinds of small oaks, all of which grow in white sand.

The scrub must be burned every five to seven years to keep it from becoming too dense or tall and scaring off the scrub jays.”

“Scrub jays may survive, professor says” -- Gainesville  
Sun, July 30, 1987, Page 3B

“Scrub-jays generally avoid heavily forested areas and do best in areas with no more than one tree per acre (Breininger 2004). A thick overstory also results in less light reaching the ground, resulting in reduced habitat suitability for most scrub-adapted species.”

FWC Scrub Management Guidelines for Peninsular Florida: Using the Scrub-Jay as an Umbrella Species, March 2010, Page 5

“We recommend managers use vegetation height to determine when to burn. To maintain a low, open scrub structure, fires must be frequent enough to keep average shrub height generally below 5.5 ft, but leave vegetation heights variable enough to allow continuous acorn production within a territory.”

Scrub Management Guidelines, Page 5

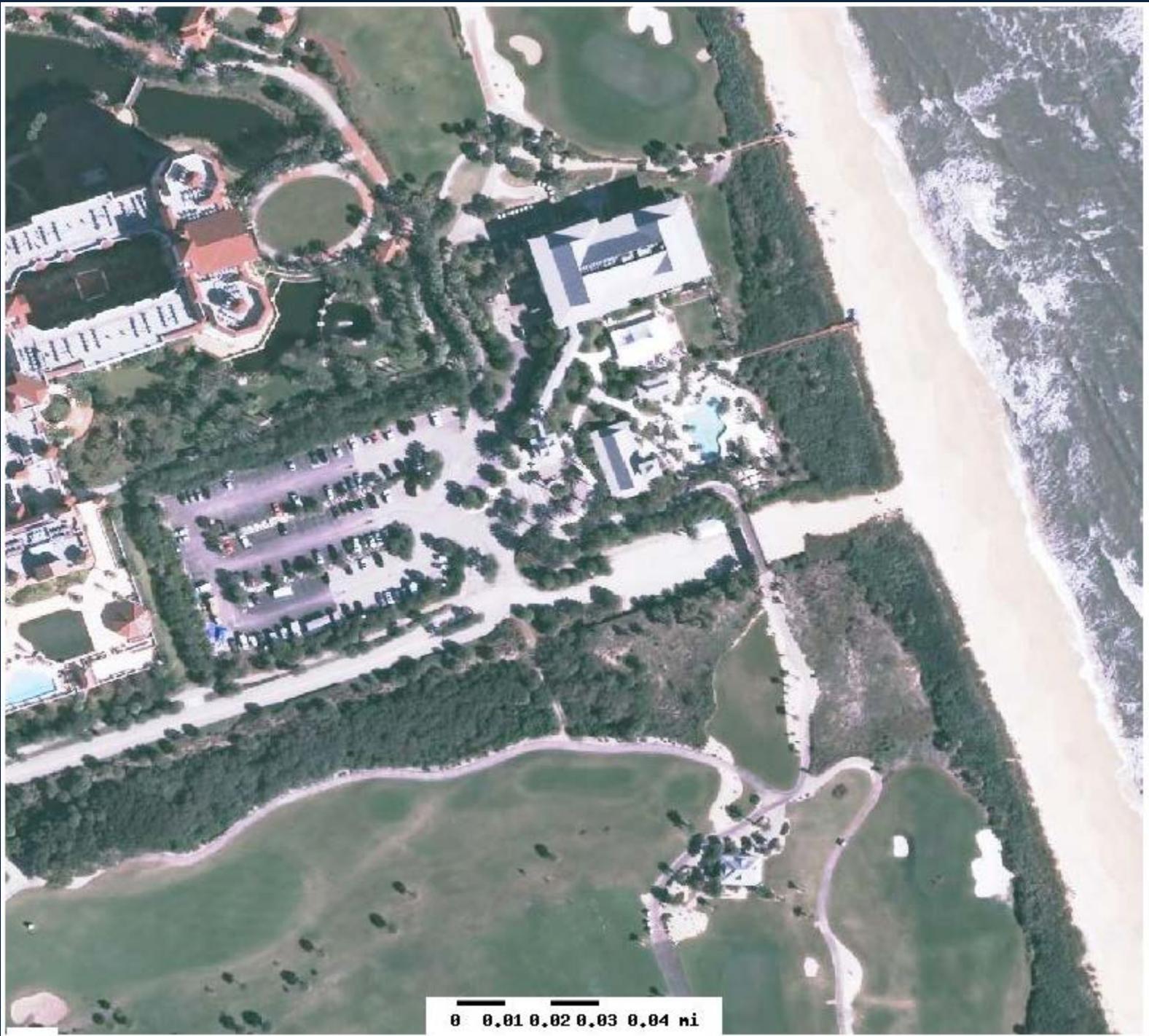
“Number of individual southeastern beach mice in burned compartments was significantly higher than in cut or fire suppressed treatments. Therefore, consistent application of prescribed burns is imperative to maintain habitat characteristics preferred by these two [Florida scrub-jay and southeastern beach mouse] federally listed species.”

Suazo, Alexis. UCF Master’s Thesis: Responses of Small Rodents to Restoration and Management Techniques of Florida Scrub at Cape Canaveral Air Force Station, Florida, Page 21

## **Resolution No. 98-10**

**Adopted February 16, 1998**

9.2.a. The developer shall take reasonable measures to protect or preserve the Atlantic Ocean scrub oak habitat consistent with the development approved by this order. Whenever possible, the Atlantic coastal scrub oak shall be included and featured in all of the landscaping plans of the development. (Page 3).



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## **Resolution No. 84-7**

**Adopted March 30, 1984**

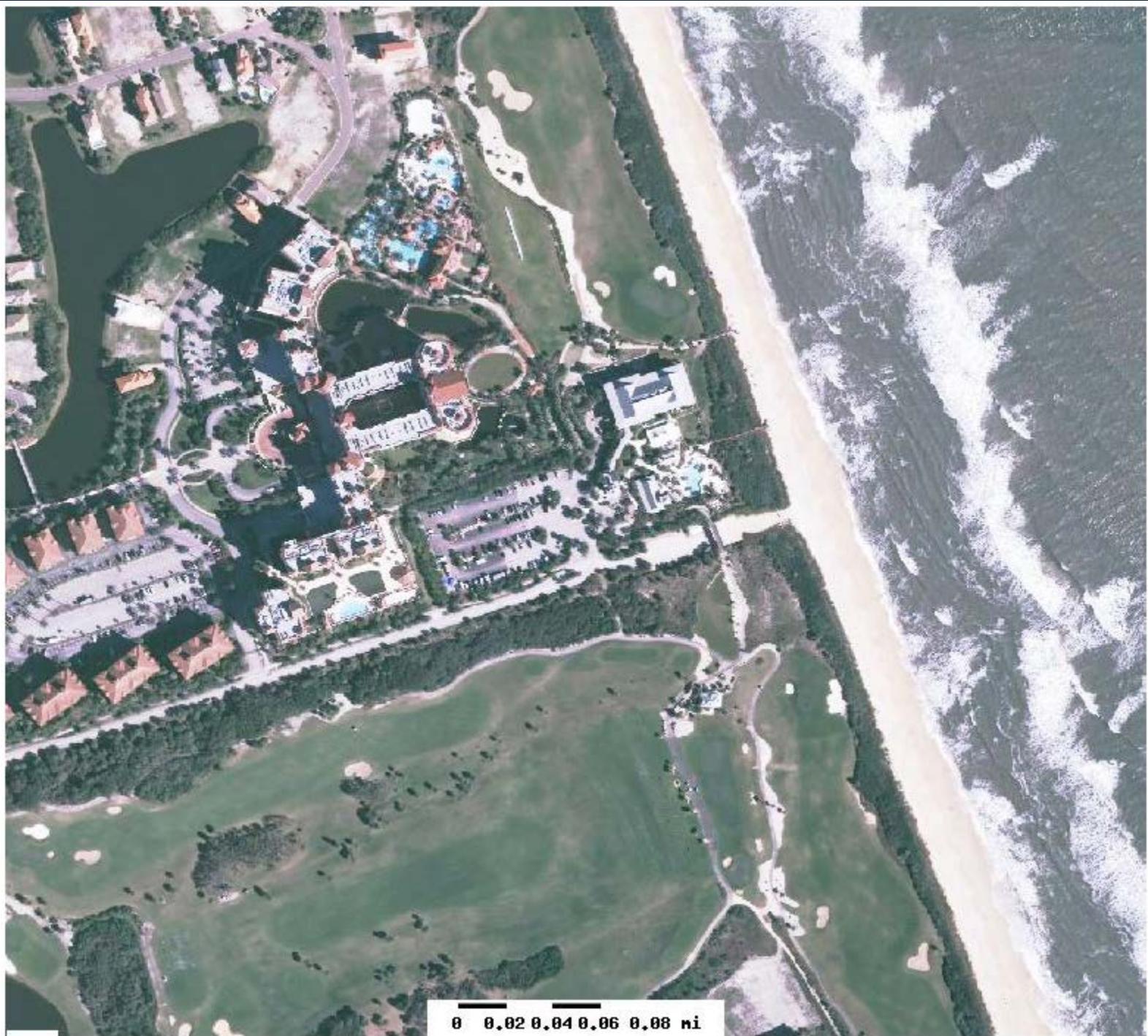
### **6.0 Land Resources/Dunes**

6.1 The landward toe of the primary dune shall be determined by DNR [Florida Department of Natural Resources, now referred to as Florida Department of Environmental Protection or FDEP] in consultation with the Applicant and RPC [Regional Planning Council, now referred to as the Northeast Florida Regional Council or NEFRC]; no excavation or other development shall be allowed on the landward toe of the primary dune that could destroy the integrity of the dune. (Attachment A, Page A-19).



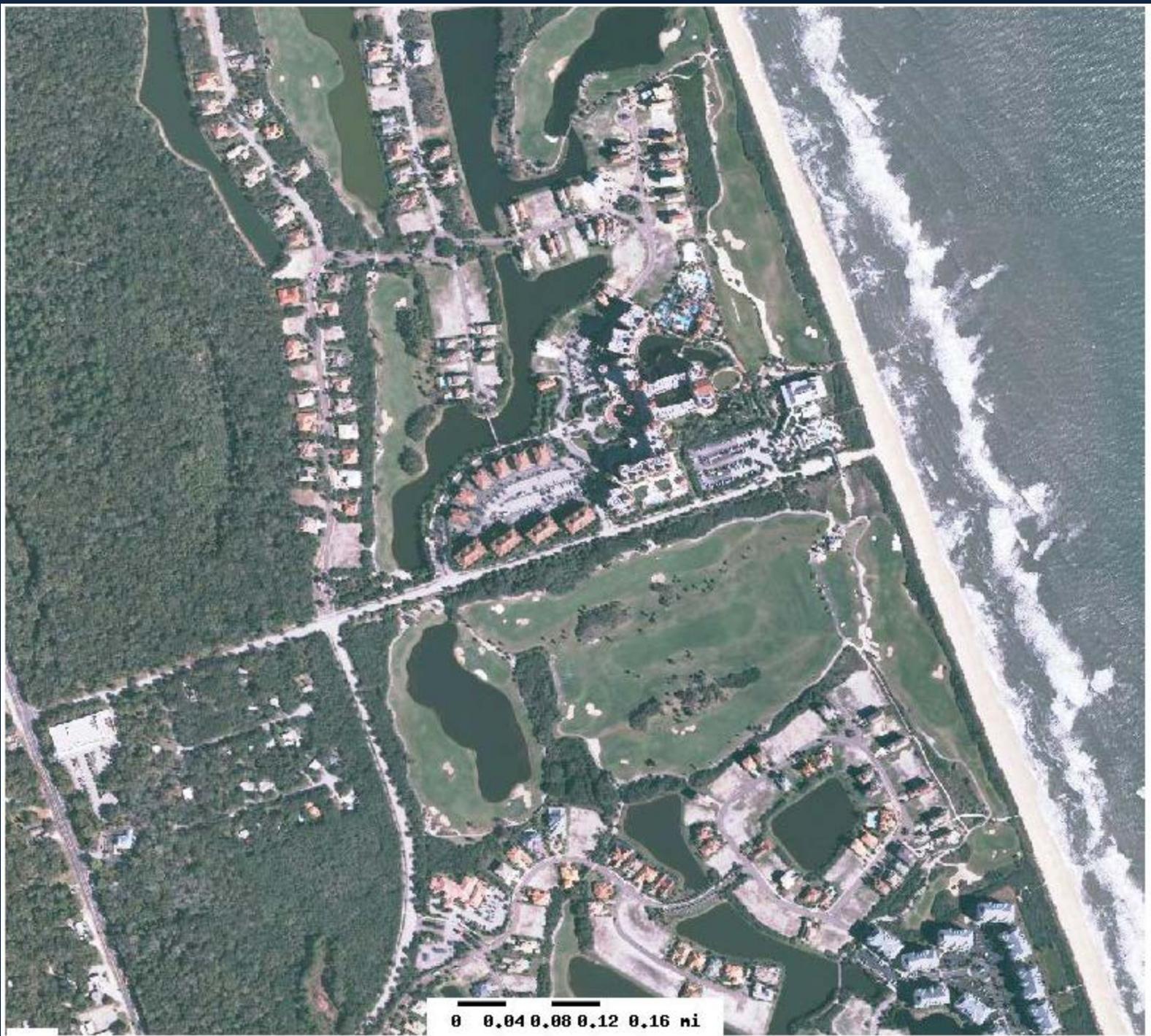
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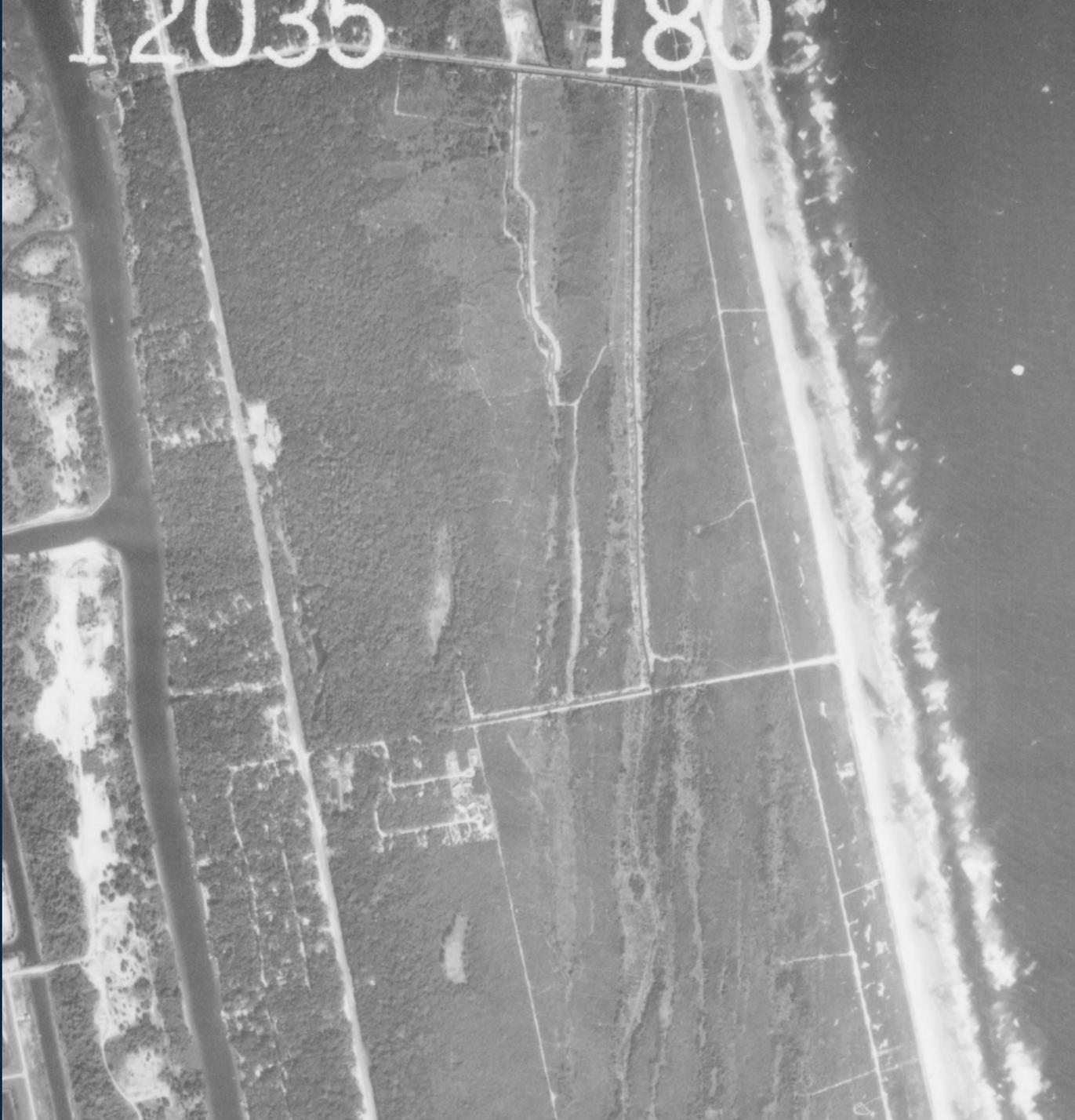
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1980



1965

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1943

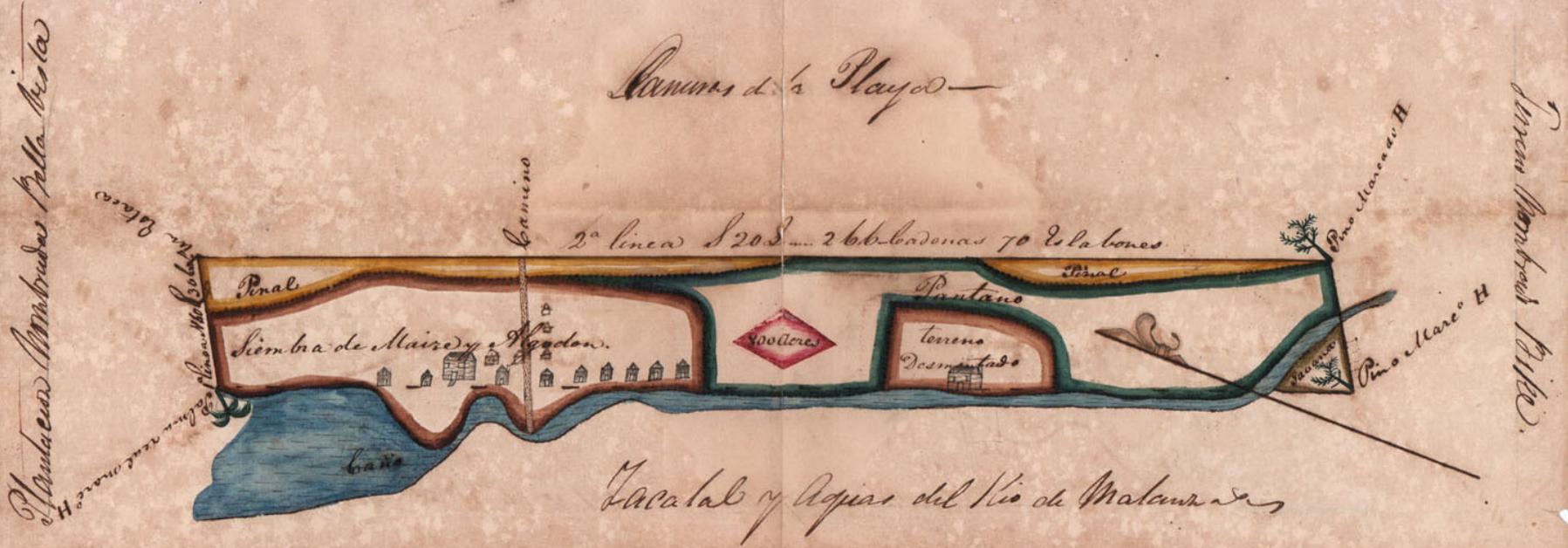


1943



25 Cadenas por Pulgada.

Camino de la Playa



Facatal y Aguas del Rio de Matanzas

Don Roberto M. Hardy del Territorio de Mosquitos como agrimensor autorizado por decreto del Excmo. Sr. D. Juan Ponce de Leon el dia 17 de Julio ultimo. a favor de Don Juan Mariano Hernandez.

Certifico que en la Plantacion nombrada Mala Compra, de la propiedad del Intendente situada al Este de la Cateria del Rio de Matanzas, he medido y destinado ocho Cientos Acres de tierra, cuya primera linea linda con tierras que fueron de los herederos del difunto Don Juan Baut.ª Ferraira, y demarca Norte Sesenta Grados al Este treinta Cadenas, la segunda linea corre con la orilla del Rio Sur veinte Grados Este Dos Cientos y sesenta y seis Cadenas setenta, Estabones y en sus demas circunstancias es conforme al plano que antecede, y para que conste lo firmo en San Ag.ª de la Florida a 4. de Septiembre de 1818

R. M. Hardy  
[Signature]

Certifico que es copia de su original archivado en la Escribania de Gobierno a que me remito

R. M. Hardy  
[Signature]

1818

25 badenas por Pulgada.

Comun de la Playa

Plantacion de Mimbres y de la Playa

Comun de Mimbres y de la Playa





1818

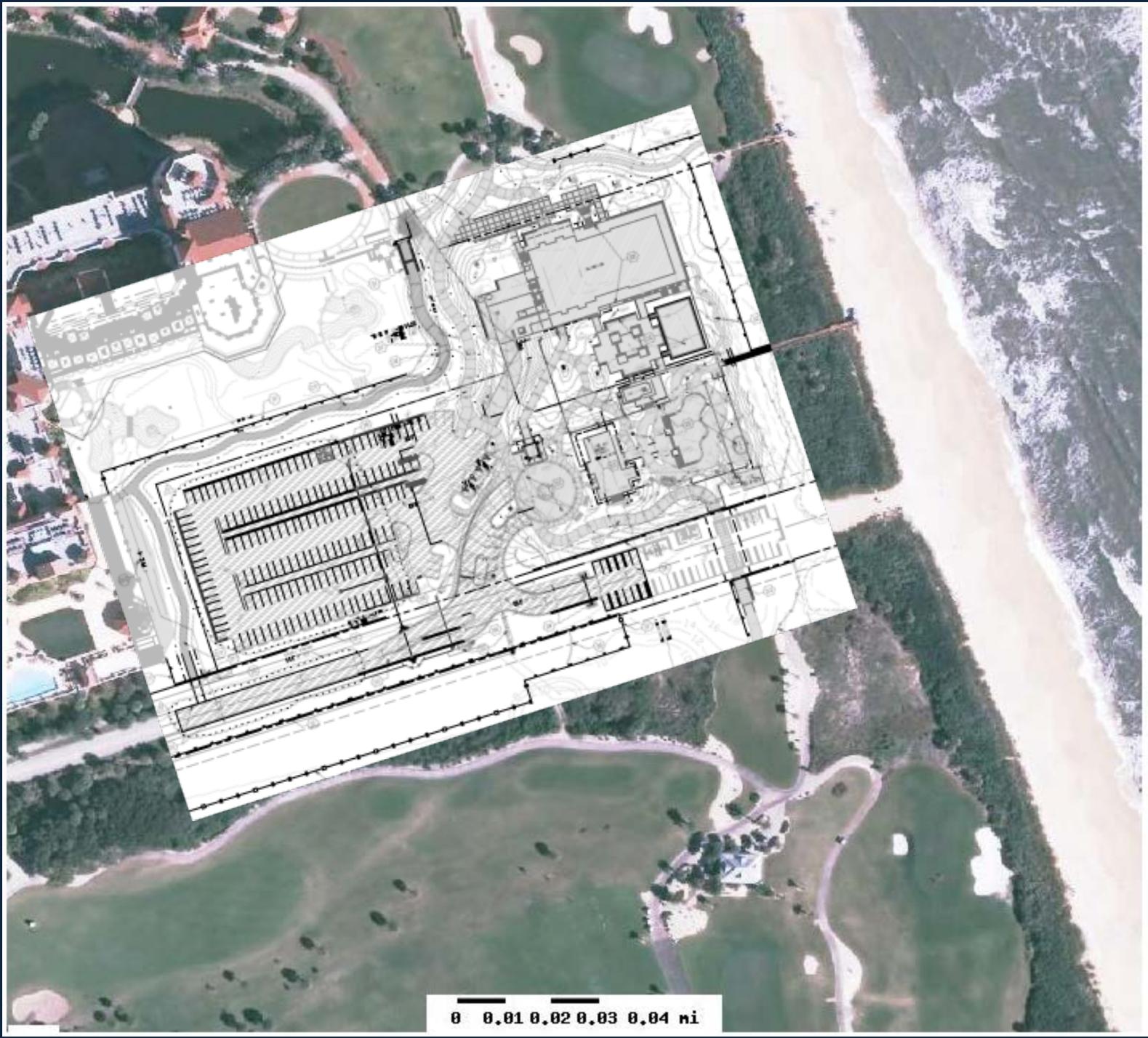
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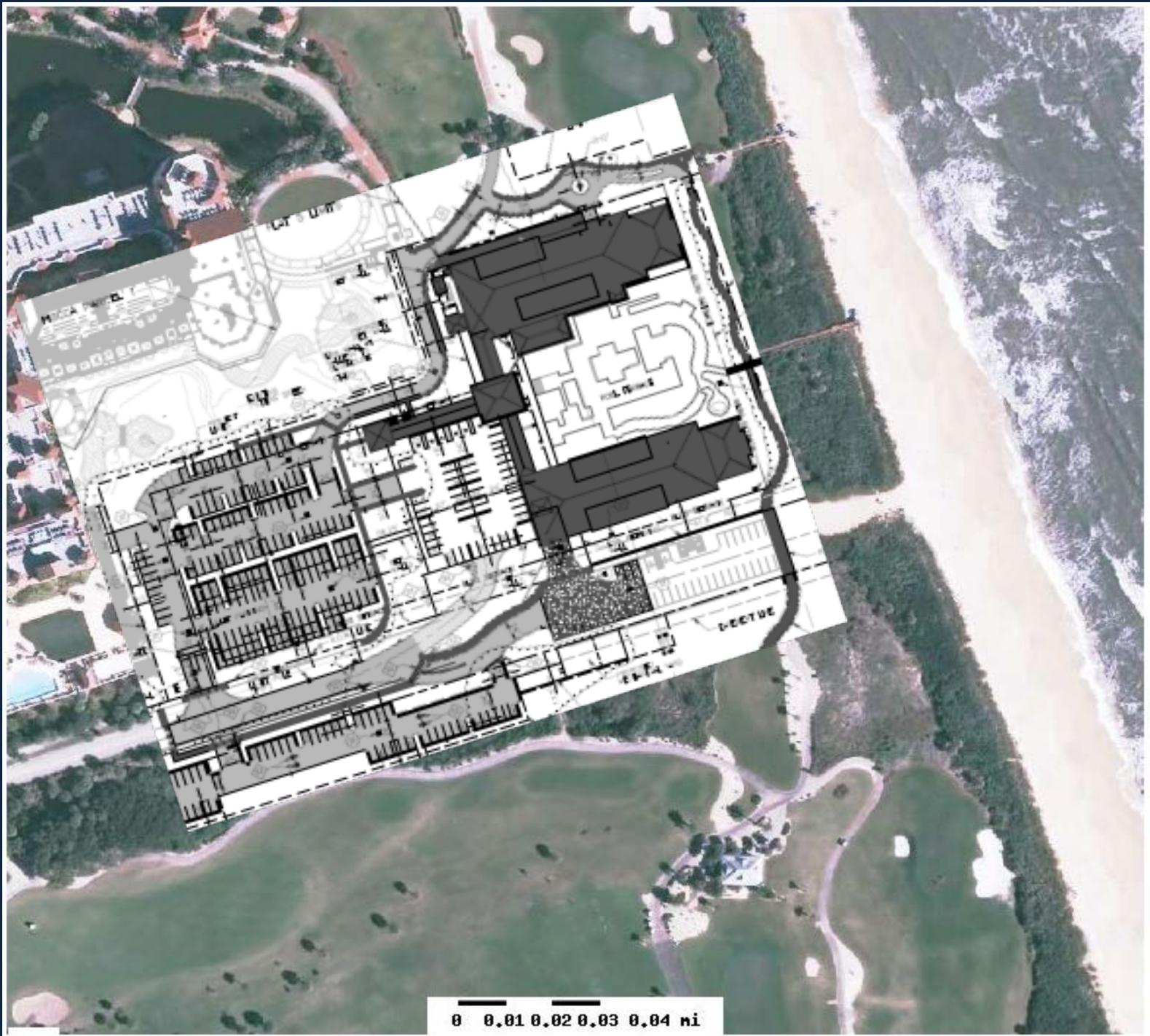
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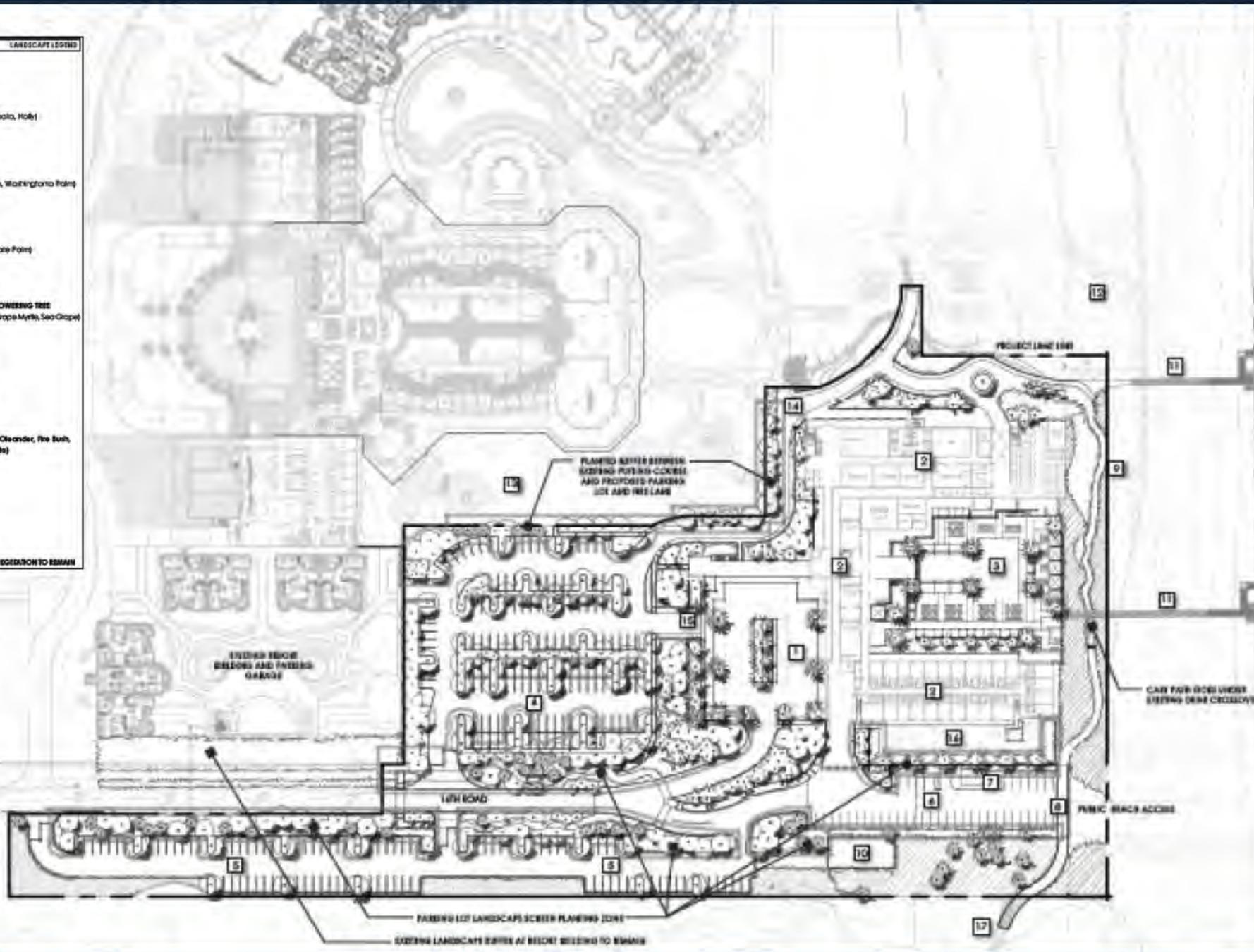


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LANDSCAPE LEGEND

-  **CANNA LILY TREE**  
(Cort, Magnolia, Holly)
-  **FAN PALM**  
(Royal Palm, Washingtonia Palm)
-  **DATE PALM**  
(Medford Date Palm)
-  **MUSHROOM FLOWERING TREE**  
(Albizia, Crape Myrtle, Sea Grape)
-  **EXISTING TREE**
-  **SHRUB ZONE**  
(Vitex, Oleander, Fire Bush, Saw Palmetto)
-  **TURF**
-  **EXISTING NATIVE VEGETATION TO REMAIN**



PARING OF LANDSCAPE SCREEN PLANTING ZONE

EXISTING LANDSCAPE BUFFER AT BECKET BUILDING TO REMAIN

**HAMMOCK DUNES DEVELOPMENT OF REGIONAL IMPACT (DRI)  
RESIDENTIAL DEVELOPMENT REVIEW AND APPROVAL HISTORY**

Item/Criteria	Resolution #84-7 (Original D.O.)	Resolution #95-50 (1 <sup>st</sup> Amendment)	Resolution #98-10 (2 <sup>nd</sup> Amendment)	Resolution #2002-107 (3 <sup>rd</sup> Amendment)	Resolution #2003-21 (4 <sup>th</sup> Amendment)	Resolution #2010-22 (5 <sup>th</sup> Amendment)
Developer/ Applicant	Admiral Corporation	Admiral Corporation	Lowe Ocean Hammock Ltd. and Admiral Corporation	Lowe/Ocean Hammock, Admiral Corporation, Ginn-LA Marina Ltd., and HD Associates	Admiral Corporation (NOPC fee paid by HD Associates)	Ginn-LA Marina Ltd., LLLP
Dwelling Units	6,670	4,400	4,400	No change	No change	3,800
Residential Acres	893	888	916	No change	No change	950 (amended)
Total Acres	2,258	2,244.91	2,244.91	No change	No change	2,244.91
Net Density	7.47 units/acre	4.95 units/acre	4.8 units/acre	No change	No change	4.00 units/acre

**DRI RESIDENTIAL THRESHOLDS**  
**(Chapter 28-24 Florida Administrative Code)**  
**FLORIDA ESTIMATES OF POPULATION**  
**April 1, 2013**

<b>COUNTY</b>	<b>POPULATION ESTIMATES FOR 4/1/2013</b>	<b>DRI DWELLING UNITS THRESHOLD</b>
<b>FLAGLER</b>	<b>97,843</b>	<b>750</b>

Source: Florida Population Estimates, April 1, 2013 Population Program, Bureau of Economic and Business Research, University of Florida. These estimates supersede the April 1, 2012 Florida Population Estimates. The DRI thresholds are effective as of October 15, 2013.

**Section 380.0651 Statewide [DRI] guidelines and standards.—**

(f) Hotel or motel development.—

1. Any proposed hotel or motel development that is planned to create or accommodate 350 or more units; or
2. Any proposed hotel or motel development that is planned to create or accommodate 750 or more units, in a county with a population greater than 500,000.

*Deleted by ch. 2011-139, Laws of Florida.*

## **28-24.026 Hotel or Motel Development.**

Subject to Section 380.06(2)(d), F.S., the following developments shall be a development of regional impact:

- (1) Any proposed hotel or motel development that is planned to create or accommodate 350 or more units; or
- (2) Any proposed hotel or motel development that is planned to create or accommodate 750 or more units, in counties with a population greater than 500,000, and only in geographic areas specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan and the comprehensive regional policy plan.

*Rulemaking Authority 380.0651(3)(g) FS. Law Implemented 380.06 FS. History—New 12-31-85, Formerly 27F-2.026.*

## **Future Land Use Element (FLUE)**

### **Goal A.1.**

Flagler County shall strive to achieve orderly, harmonious and judicious use of the land through a distribution of compatible land uses, fostering the viability of new and existing communities while maintaining the agricultural pursuits of the County, and recognizing and preserving the integrity of the natural environment.

## **Future Land Use Element (FLUE)**

### **Goal A.1.**

Flagler County shall strive to achieve orderly, harmonious and judicious use of the land through a distribution of compatible land uses, fostering the viability of new and existing communities while maintaining the agricultural pursuits of the County, and recognizing and preserving the integrity of the natural environment.

## **Future Land Use Element (FLUE)**

### **Objective A.1.6**

Flagler County shall continue to ensure that the Future Land Use Map series and the Comprehensive Plan are implemented through consistent and coordinated land development regulations and the Official Zoning Map.

## **Future Land Use Element (FLUE)**

### **Policy A.1.6.1**

Flagler County shall implement its Comprehensive Plan through land development regulations which maintain the quality of existing and proposed residential areas by establishing regulations for roadways buffers, landscape and natural vegetation buffers, fences and walls, and the use of intervening common open space.

## **Future Land Use Element (FLUE)**

### **Policy A.1.6.2**

Flagler County shall implement its Comprehensive Plan through land development regulations which protect residential neighborhoods from encroachment by incompatible land uses such as commercial and industrial development. This type of protection may require as part of the Land Development Code (LDC) standards for natural and planted landscape buffers and that less intensive office, commercial, or industrial uses be located adjacent to residential development and that the intensity may increase the further the distance away from residential development.

## **Future Land Use Element (FLUE)**

### **Policy A.1.6.3**

Flagler County shall implement its Comprehensive Plan through land development regulations which shall control the location and extent of new residential development and require mitigation to ensure that new development is compatible with the design and environmental character of the area in which it is located.

## **Future Land Use Element (FLUE)**

### **Policy A.1.6.5**

Flagler County shall implement its Comprehensive Plan by adopting land development regulations which will regulate commercial development and require vegetative berms, buffers, and visual screens to minimize the impacts of commercial development on surrounding residential uses.

## **Future Land Use Element (FLUE)**

### **Policy A.1.6.8**

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

## **Recreation and Open Space Element (ROSE)**

### **Goal H.1.**

Ensure provision of sufficient parks, open spaces, and recreation facilities and programs to satisfy the health, safety and welfare needs of all Flagler County residents and visitors. Flagler County's goal is to strive to preserve and protect open spaces and other natural features with recreation potential for current and future needs. The County shall provide a system of parks, open space, recreational facilities, environmentally sensitive lands, trails, greenways, and blueways to ensure healthy lifestyle choices, improve communities and neighborhoods and offer bicycle and pedestrian access. Lastly, the County shall enhance public access to and utilize the park system and natural resources of Flagler County in order to provide a total quality of life for the residents.

## **Recreation and Open Space Element (ROSE)**

### **Objective H.1.3**

The natural, recreational, archaeological, scenic, historical and cultural resources of the A1A Scenic Highway shall be preserved and enhanced for Flagler County residents and visitors.

## **Recreation and Open Space Element (ROSE)**

### **Policy H.1.3.1**

Flagler County shall work towards removal of all billboard signs and the placement of small, low profile informative or educational signage along the Scenic Highway Corridor.

## **Recreation and Open Space Element (ROSE)**

### **Policy H.1.3.2**

Flagler County supports the River and Sea Scenic Highway Corridor Management Plan.

## **Recreation and Open Space Element (ROSE)**

### **Policy H.1.3.3**

Flagler County shall coordinate greenways, signage and bicycle pathways between River & Sea Scenic Byways in unincorporated Flagler County, Oceanshore Scenic Byway in the City of Flagler Beach, River to Sea Preserve in Marineland and Scenic and Historic A1A in St. Johns County.

## **Recreation and Open Space Element (ROSE)**

### **Policy H.1.3.4**

Flagler County shall work towards creating and maintaining a canopied Scenic Highway Corridor through the plantings of native species, burying power and telecommunications lines, and using directional boring when installing utility lines under canopy root systems.

## **Recreation and Open Space Element (ROSE)**

### **Policy H.1.3.5**

Flagler County shall identify historical, cultural and educational tourist opportunities and improve recreational facilities without adversely impacting natural resources along the Scenic Corridor.

## **Recreation and Open Space Element (ROSE)**

### **Policy H.1.3.6**

Flagler County shall strive to implement a Beach Management Plan, as approved and amended by the Board of County Commissioners.

## **Recreation and Open Space Element (ROSE)**

### **Objective H.1.7**

Flagler County shall secure additional access points to open water shorelines.

## **Recreation and Open Space Element (ROSE)**

### **Policy H.1.7.3**

Flagler County shall provide for beach access and public parking, maintain existing public access points and dune walkovers and provide public parks at waterfront locations, such as Lake Disston, Crescent Lake, Dead Lake, and the Intracoastal Waterway.

## **ARTICLE III. ZONING DISTRICT REGULATIONS**

### **3.04.01. – PUD defined.**

A. For the purposes of this article, a planned unit development (PUD) shall mean the development of land under unified control which is planned and developed as a whole in a single or programmed series of operations with uses and structures substantially related to the character of the entire development. A PUD must also include a program for the provisions, maintenance and operation of all area, improvements, facilities, and necessary services for the common use of all occupants thereof.

## **ARTICLE III. ZONING DISTRICT REGULATIONS**

### **3.04.01. – PUD defined.**

B. The proposed PUD must be in harmony with the purposes of Article III, Zoning District Regulations and the Flagler County Comprehensive Plan. The design and construction of a PUD project shall follow a carefully devised plan of development which must be prepared in accordance with the requirements, procedures, and approvals herein prescribed.

## ARTICLE III. ZONING DISTRICT REGULATIONS

### 3.04.02. – Reclassification procedure.

*F. Action by the planning and development board and board of county commissioners.* Pursuant to the requirements of subsection 3.05.05, the Flagler County Planning Board may recommend and the Flagler County Commission may enact an ordinance establishing a PUD, including any special conditions related thereto, based upon findings that:

1. The proposed PUD does not affect adversely the orderly development of Flagler County and complies with the comprehensive plan adopted by the Flagler County Board of County Commissioners.

## **ARTICLE III. ZONING DISTRICT REGULATIONS**

### **3.04.02. – Reclassification procedure.**

2. The proposed PUD will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the use of adjacent properties or the general neighborhood.

## **ARTICLE III. ZONING DISTRICT REGULATIONS**

### **3.04.02. – Reclassification procedure.**

3. If the board of county commissioners shall enact an ordinance creating a PUD district, the district shall be indicated on the official land use district map. All maps, plans, documents, agreements, stipulations, conditions, and safeguards constituting the development plan as finally approved shall be placed on file, within thirty (30) days of approval, in the office of the clerk of the circuit court and shall constitute the regulations for the specific PUD district that has been approved. All development within the boundaries of the PUD district as approved shall take place in accord with such regulations. Any unapproved deviation from the PUD ordinance shall constitute a violation of the Flagler County Land Development Code.

## **ARTICLE III. ZONING DISTRICT REGULATIONS**

### **3.04.02. – Reclassification procedure.**

4. Approval of a PUD application by the board of county commissioners shall be contingent upon acceptance by the applicant within thirty (30) days.

5. The county shall not be responsible for approving or enforcing any covenants and restrictions related in any PUD project.

## ARTICLE III. ZONING DISTRICT REGULATIONS

### 3.04.04. - Standards and criteria.

A. *Waiver of yard, dwelling unit, frontage criteria, and use restriction.* Minimum yard, lot size, type of dwelling unit, height and frontage requirements, and use restrictions may be waived for the PUD, provided the spirit and intent of the ordinance and comprehensive plan is complied with in the total development of the PUD. However, the county commission may, at its discretion, require adherence to minimum zone requirements within certain portions of the site if deemed necessary.

## ARTICLE III. ZONING DISTRICT REGULATIONS

### 3.04.04. - Standards and criteria.

B. *Open space.* The open space shall be recorded upon the final development plan of the PUD. The open space shall be permanently utilized for recreation (either active or passive) or as a conservation area. The permanent open space shall be dedicated to a designated government entity, be owned by a community association composed of residents of the PUD, or be held in private ownership. Appropriate legal documents must be filed with the county to assure the permanent utilization of such land as open space or conservation and that it will not be encroached upon by residential, commercial or industrial uses. Only structures, buildings and activities necessary to support the recreational uses of the open space will be permitted.

## ARTICLE III. ZONING DISTRICT REGULATIONS

### 3.04.04. - Standards and criteria.

C. *Access.* Access of each single-family dwelling unit shall be provided via either a public right-of-way or a private vehicular or pedestrian way owned by the individual lot owner in fee or in common ownership with the residents of the PUD.

D. *Development standards.* All PUD development standards shall be provided by the developer and referenced by PUD ordinance number on the face of the subdivision plat or condominium plat.