

Agenda Item

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

QUASI-JUDICIAL

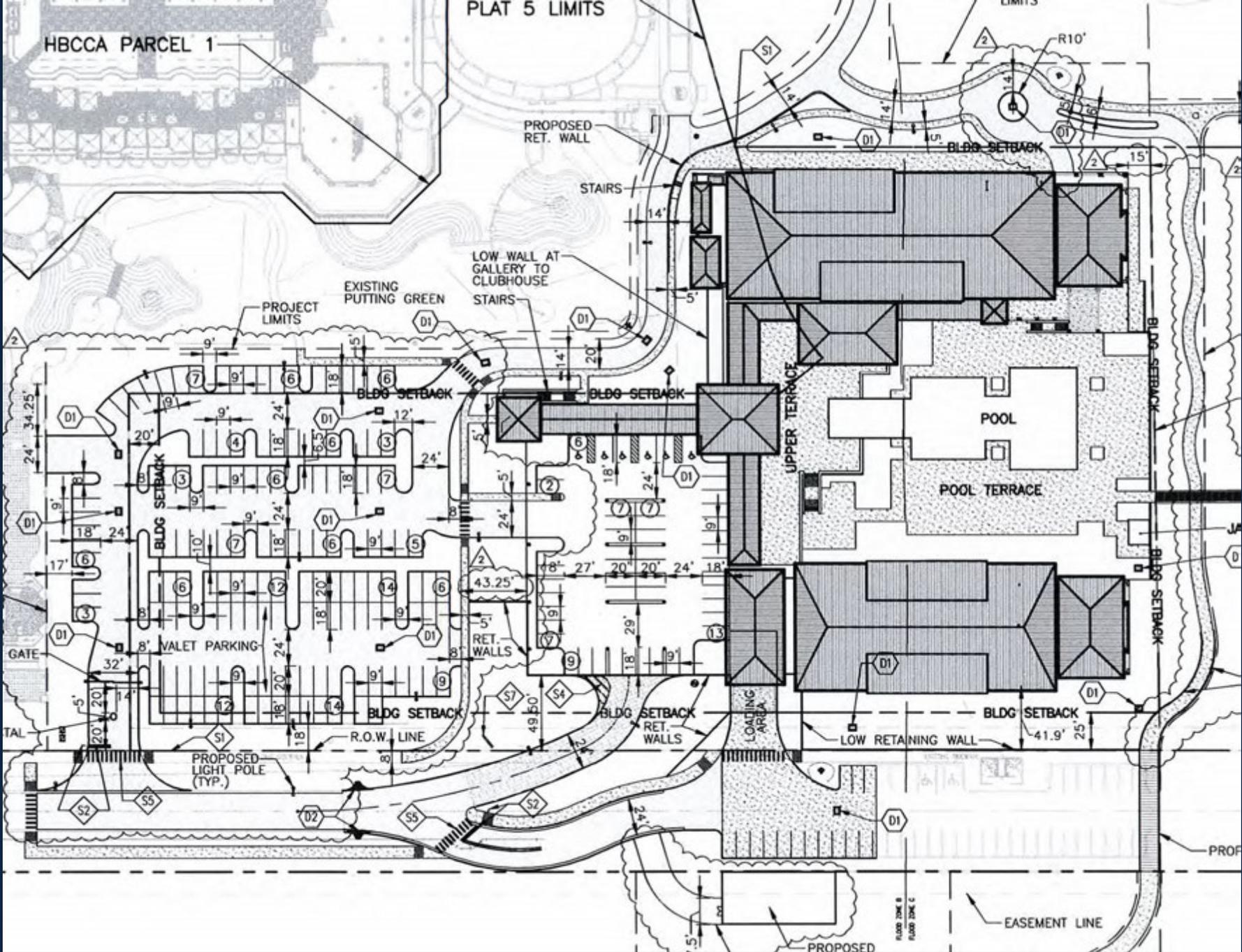


2014

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HBCCA PARCEL 1

PLAT 5 LIMITS



2015

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

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

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)

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.1.3.2

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

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

3.04.04. - 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.

**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 st Amendment)	Resolution #98-10 (2 nd Amendment)	Resolution #2002-107 (3 rd Amendment)	Resolution #2003-21 (4 th Amendment)	Resolution #2010-22 (5 th 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

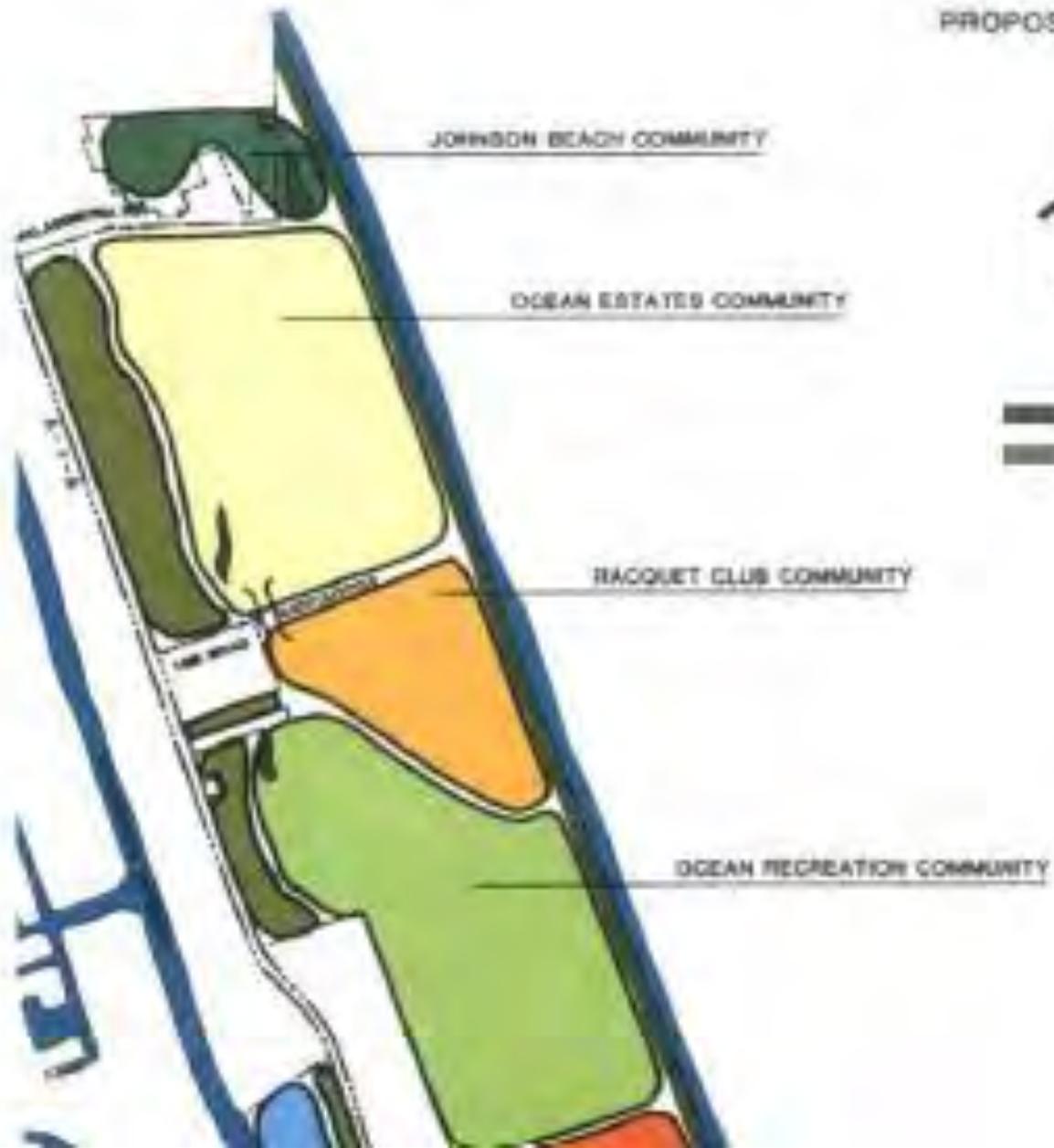


HAMMOCK DUNES

FLAGLER COUNTY, FLORIDA

Hammock Dunes DRI ADA – Informational Brochure

PROPOSED COMMUNITIES
DIAGRAM



Range of Community Services

In keeping with the good neighbor concept contained in the plan, Hammock Dunes is expected to be a largely self-supporting community. A number of facilities and sites are planned to provide for social gatherings and other community activities including swimming pools and beach, golf and tennis clubs. A site is included for convenience shopping and for fire, police and emergency/medical facilities to serve the community. For the most part, commercial goods and services for the residents will be purchased outside Hammock Dunes but within the local area.



Plans for Public Parks

For residents and visitors to Flagler County, the plan sets aside land for three oceanfront public parks, with another park for the public's use on the Intracoastal Waterway.

One of the oceanfront parks is planned at the northern tip of the property at the end of Malacompra Road, another at the end of 16th Road, with the third located on the ocean to the south along SR A1A. Dune walkovers are envisioned to provide increased pedestrian access to the beach. This parkland is planned to be given to the County as the Hammock Dunes project develops. The parks are sized to accommodate a substantial part of Flagler County's future population with space for parking and other beach-related facilities, such as ballfields, which the County can develop as the need arises.

Two oceanfront sites also are designated for possible future development as beach clubs for Palm Coast and other Flagler County residents.

The expected recreation needs of Hammock Dunes residents are provided for in the development's plan.

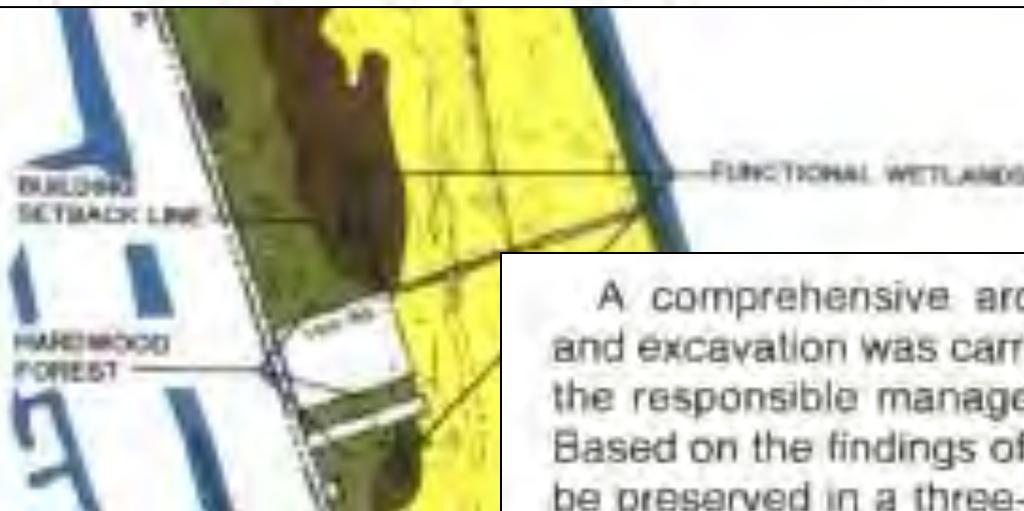




Access to public oceanfront park at 16th Road

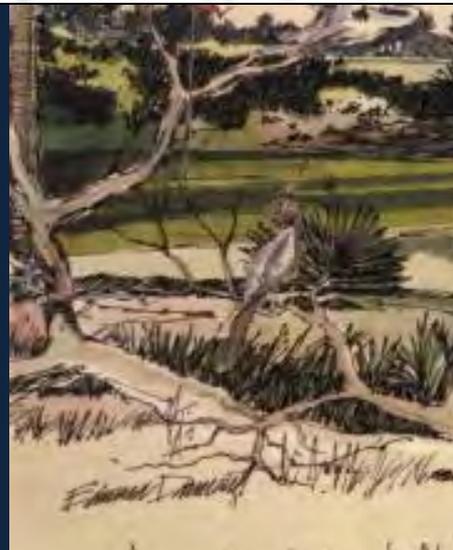
The site was extensively surveyed for wildlife and endangered species, beginning in March 1979 and continuing through May 1982. The area was inventoried on a four-season basis to determine which species were transient migrants, seasonal residents or permanent residents. These surveys revealed the presence of over 200 species, but no endangered species were found to inhabit or nest in the area. The 230-acre conservation area will provide wildlife habitat and help protect nesting species. Overall, the woods and wetlands, combined with the lakes and lagoons of the proposed water management system, will account for about 30 percent of the property, helping to provide breeding and feeding areas for Hammock Dunes wildlife.

RESERVATION, CONSERVATION AND DEVELOPMENT MAP



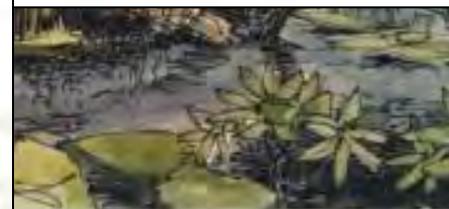
A comprehensive archeological survey with site testing and excavation was carried out on the property to help insure the responsible management of historic, cultural resources. Based on the findings of this survey, several historic sites will be preserved in a three-acre parcel to allow public examination.

A water management system was designed for Hammock Dunes after an extensive assessment of the existing surface and groundwater conditions in the area. Based on this evaluation, a system is proposed to replace the existing mosquito control canals with a series of meandering lakes and lagoons that consulting hydrologists indicate will better protect the quality and quantity of the area's groundwater.



The Hammock Dunes plan is intended to help protect the existing, delicate water supply of nearby residents by not proposing new demands on the area's groundwater resources. The lakes and lagoons are intended to increase the volume of surface water stored on the property. Further, use of control structures will raise the level of water in the system to enhance recharge of the groundwater source—the aquifer—and help protect against further saltwater intrusion. In addition to these benefits, the system will provide efficient drainage and aid in flood control and wetlands maintenance. Runoff after project buildout is planned to approximate conditions prior to construction.

Based on the plan, Hammock Dunes will receive its potable water from a proven supply west of Interstate 95 on Palm Coast property. To reduce the project's potable water demands, the plan also provides for golf course irrigation from a separate wastewater treatment system to be reviewed and permitted by state environmental agencies. No septic tanks will be permitted.



help provide wildlife habitat



Proposed Intracoastal Waterway bridge spanning SR A1A

The Destination Resort

The resort plan, design unplanned condos and core is the focal point of Harbor resort core and a resort included in the core area, and health centers, tennis resort shopping and a center center will have three time Hotel now on the site.

A portion of Harbor Villa to the central resort are Intracoastal Waterway, pro

end other Har

The Cou incre scap



resort, in addition to a marina and ed shopping, in keeping with the is proposed.

resort f n of a ers, n many o



JOB OPPORTUNITIES CHANGE WITH TIME



COM

Hammock Dunes is expected to result in over 800 permanent jobs on-site by the development's completion. Essentially, these are jobs to provide services for the people living and vacationing in the project and to help maintain the community.

CON
CEN
HOT

The plan calls for land to be developed and homes to be built and sold over an extended 20-year development period. As a result of this strategy, between one hundred and two hundred construction workers are expected to be at work on the project throughout the 20-year period.

Based on current projections, local residents will fill about 85 percent of the permanent, non-construction and 80 percent of the construction jobs.

THE MASTER PLAN



LAND USE

RESIDENTIAL

DU TYPE DENSITY RANGE	DENSITY CATEGORY	AVERAGE NET DENSITY BY CATEGORY	NET DENSITY	GROSS DENSITY
0-5 DU/AC	LOW	3 DU/AC	4.5 DU/AC	15 DU/AC
4-25 DU/AC	LM	15 DU/AC		
4-50 DU/AC	MP	18 DU/AC		

WATER MANAGEMENT

WATER

RECREATION & OPEN SPACE

- SOFT COURSE
- HARD BEACH & TENNIS COURTS
- PARKS
- BEACH
- WOODS
- WETLANDS
- OPEN SPACE

COMMERCIAL, INSTITUTIONAL UTILITY, TRANSPORTATION

- COMMERCIAL
- RESORT CORE
- RESIDENTIAL SPECIALTY COMMERCIAL
CONFERENCE CENTER, HOTEL,
TENNIS BEACH AND GOLF CLUB
- TRANSPORTATION DISTRIBUTION SERVICES
- UTILITY
- ELEMENTARY SCHOOL
- PUBLIC ROAD
- PRIVATE ROAD
- POLICE
- FIRE
- EMERGENCY SERVICES

4.5
DU/AC

INTRACOASTAL BRIDGE



JOHNSON BEACH
COMMUNITY

OCEAN ESTATES
COMMUNITY

DATE
REVISED
6-20
8-20
8-20

RACQUET CLUB
COMMUNITY



LAND USE

RESIDENTIAL

DU TYPE DENSITY RANGE	DENSITY CATEGORY	AVERAGE NET DENSITY BY CATEGORY	NET DENSITY	GROSS DENSITY
0-5 DU/AC	LOW	2 DU/AC	6.8 DU/AC	
4-26 DU/AC	LOW-MEDIUM	10 DU/AC		
8-50 DU/AC	MEDIUM-HIGH	18 DU/AC		

WATER MANAGEMENT

WATER

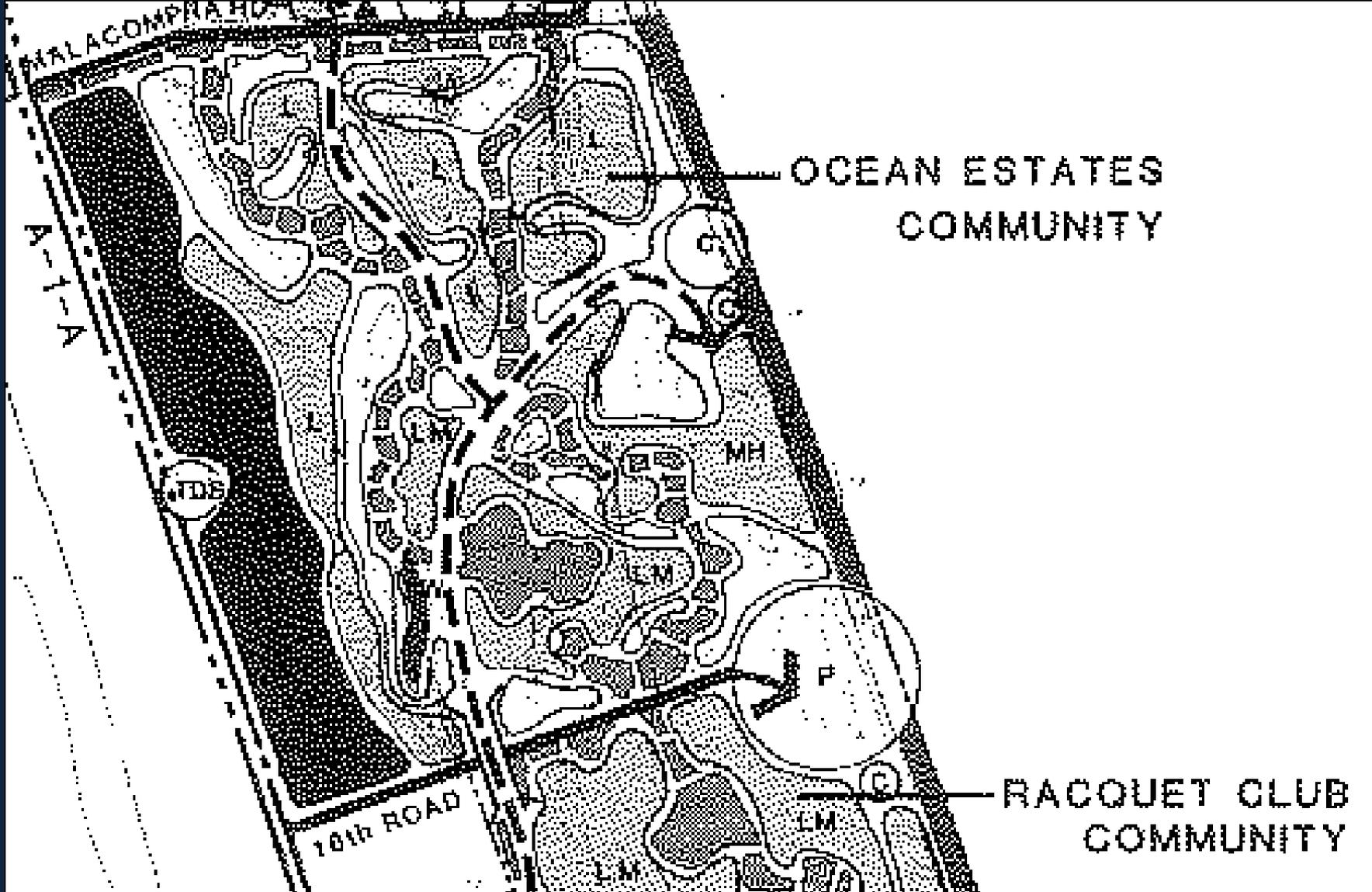
RECREATION & OPEN SPACE

- GOLF COURSE
- C GOLF, BEACH & TENNIS CLUBS
- P PARKS
- BEACH
- WOODS 3.0 DU/AC
- WETLANDS
- OPEN SPACE

COMMERCIAL, INSTITUTIONAL UTILITY, TRANSPORTATION

- CM COMMERCIAL
- RESORT CORE
- RESIDENTIAL, SPECIALITY COMMERCIAL CONFERENCE CENTER, HOTEL, TENNIS, BEACH, AND GOLF CLUB

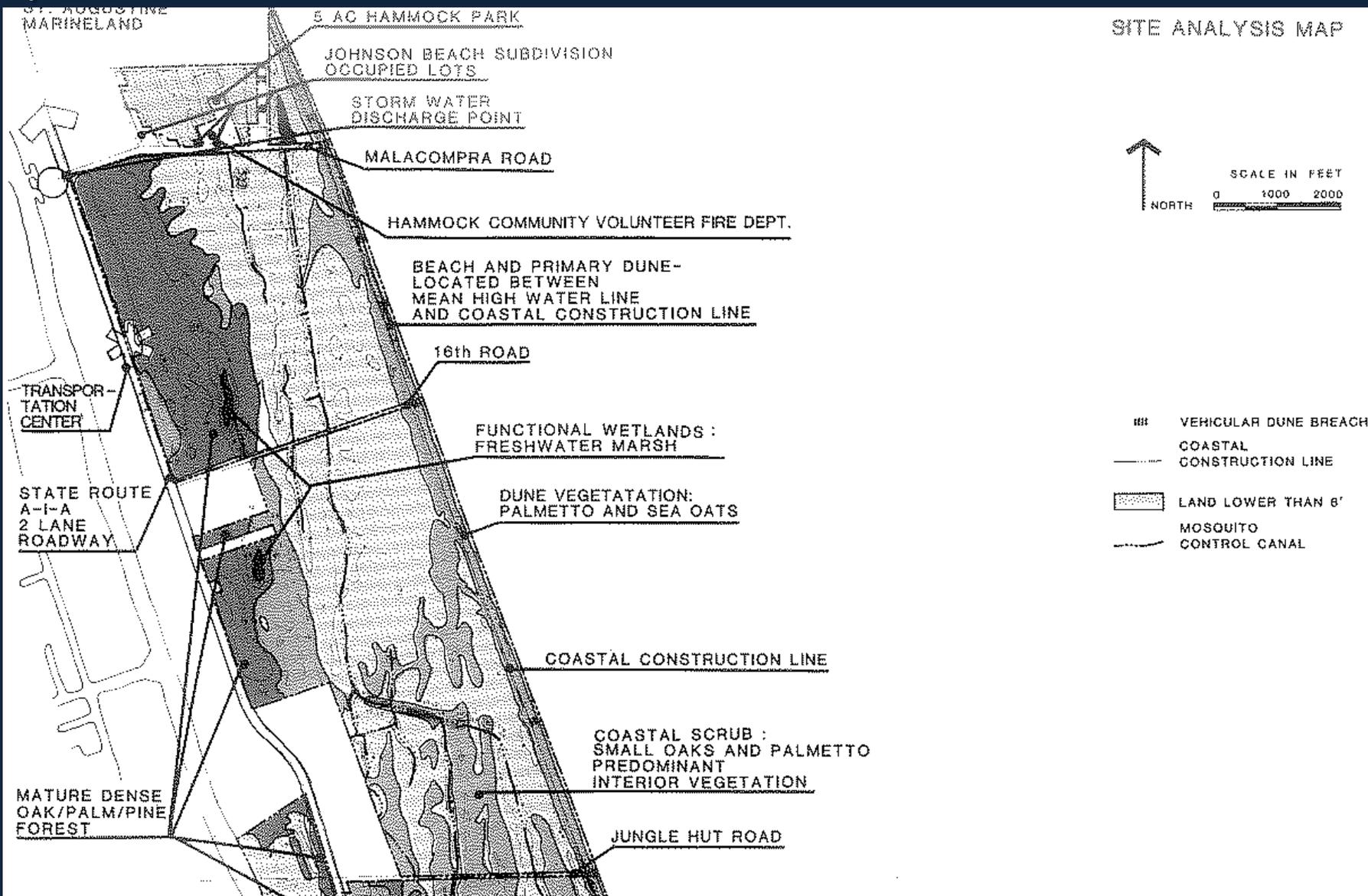
April, 1983



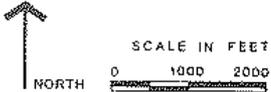
Hammock Dunes DRI ADA

Table 12a DRI PROJECT DEVELOPMENT PHASES

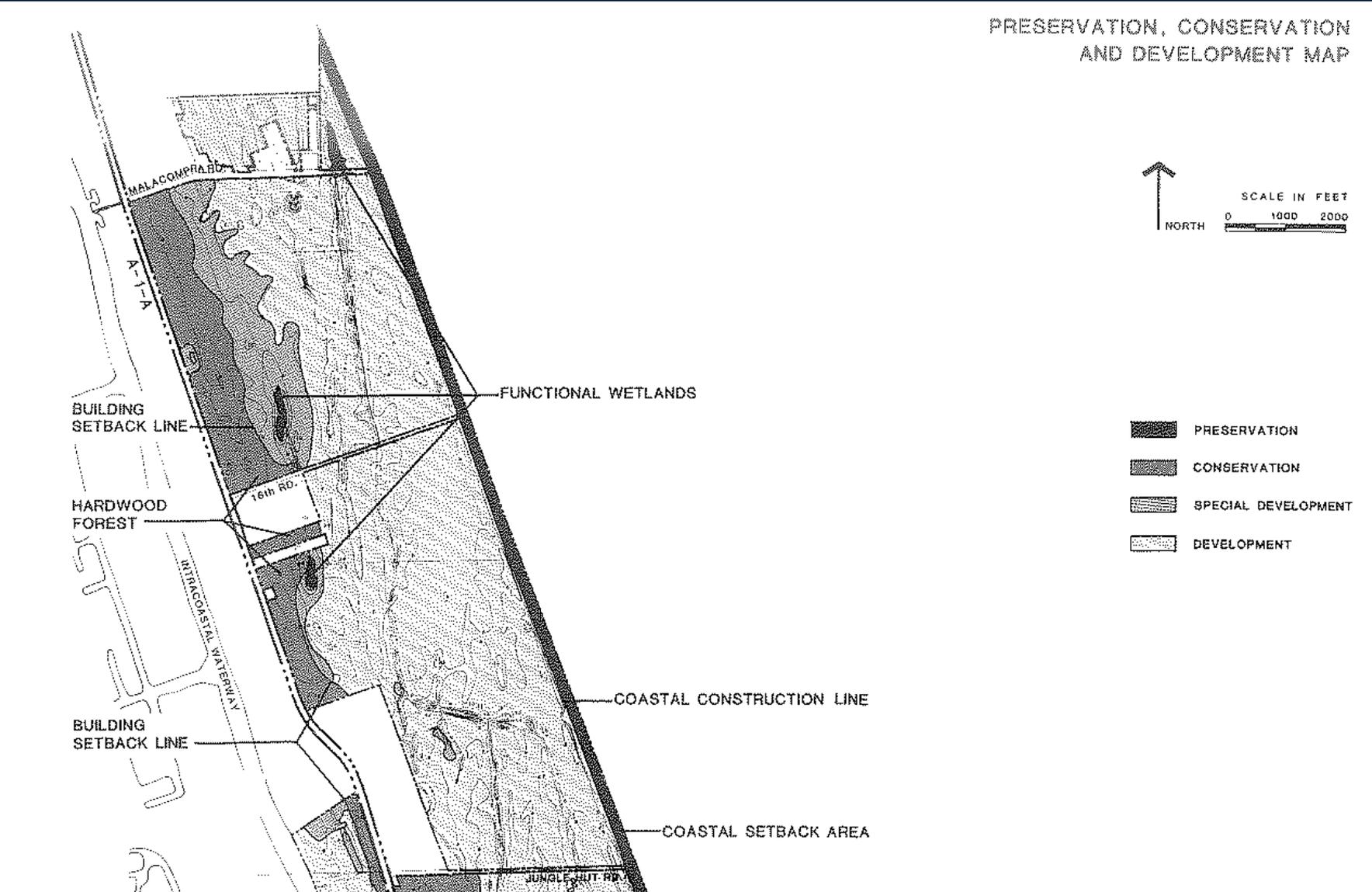
Phase	Years	Dwelling Units
Phase I	8	1800-2000
Phase II	6	2300-2700
Phase III	6	2200-2400
Total	20	<u>6670</u>



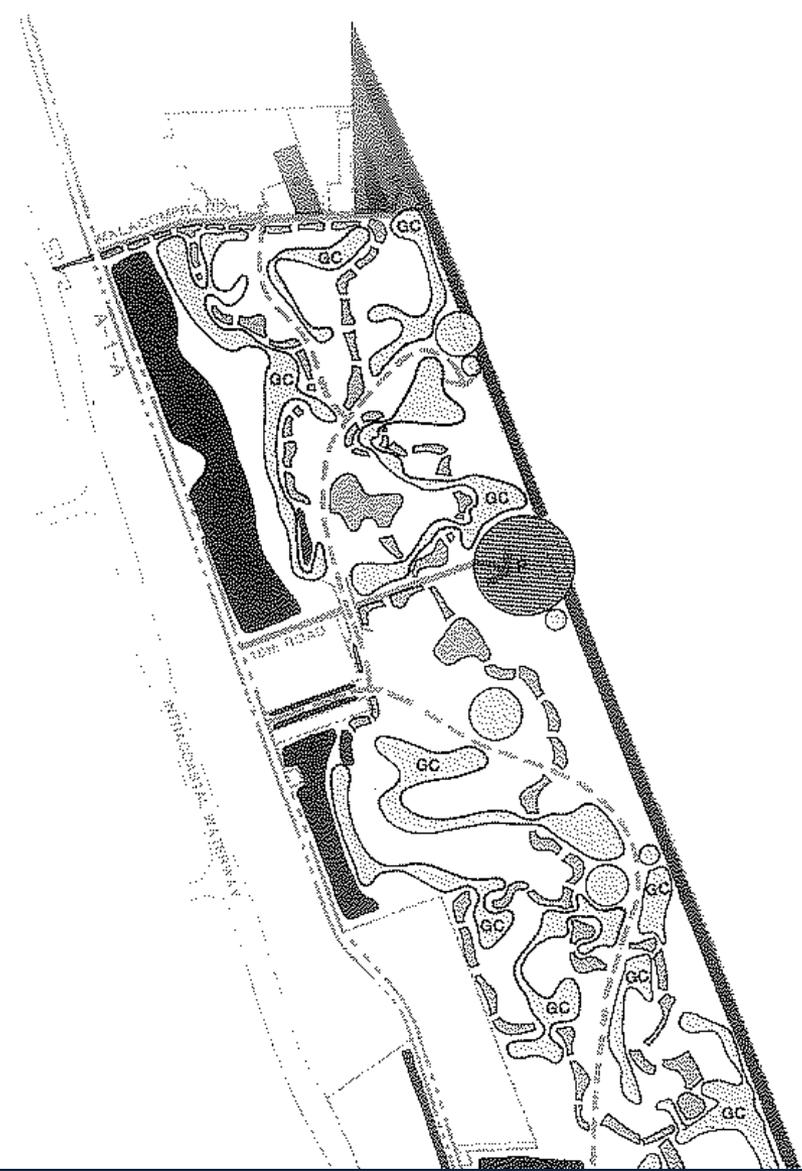
PRESERVATION, CONSERVATION AND DEVELOPMENT MAP



-  PRESERVATION
-  CONSERVATION
-  SPECIAL DEVELOPMENT
-  DEVELOPMENT



RECREATION AND OPEN SPACE PLAN



-  WATER
-  GOLF COURSE
-  CLUBS
GOLF
BEACH
TENNIS
-  PARKS
-  OPEN SPACE
COASTAL SETBACK AREA
WOODS
WETLANDS

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).

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).

Resolution No. 84-7

Adopted March 30, 1984

14.0 Recreation and Open Space

14.5 Land identified for golf course usage on the Master Development Plan map (ADA, p. 12.5) shall be deed and plat restricted to ensure that the usage of this land is limited to golf courses (including appropriate associated golf club facilities), open space, parks or, if approved by the County Commission, other appropriate recreational usages. Since it is recognized that the final configurations of the proposed golf courses are not now available, the Applicant at the time of platting shall identify the specific acreage for golf course use. (Attachment A, Page A-36).

Resolution No. 84-7

Adopted March 30, 1984

14.0 Recreation and Open Space

14.5 (continued) The plat shall show the boundaries and configurations of the golf courses. The plat and all deeds of land within the area so identified as golf course usage on the plat shall contain restrictions limiting the usage of the property platted to golf courses (including appropriate associated golf club facilities), open space, parks or, if approved by the County Commission, other appropriate recreational or governmental usages. (Attachment A, Page A-36).

FINDINGS OF FACT

April 6, 2011

D. The Procedures for Reviewing the NOPC

29. The process described by Petitioners would normally apply were this not a unique NOPC requesting substantial revisions to the DO (but not regional impact implications) in the sense that it requests creation of a new Cluster where no residential development had been previously permitted, and the proposed residential development will occur in an area specifically prohibited for development by the DO. Requests to redistribute uses on property subject to PUD zoning, or to amend the sketch plan for an approved PUD zoning, are normally treated by the County as a rezoning of the PUD, even if, as here, the property has previously been assigned PUD zoning.

FINDINGS OF FACT

April 6, 2011

D. The Procedures for Reviewing the NOPC

29. (continued, in part) The evidence shows that this procedure is used by many local governments throughout the State, including the County, and was specifically used by the County in 1998 when the last substantial changes to the Master Development Plan were requested by predecessor developers. While conflicting testimony was submitted on this issue, the more persuasive evidence supports a finding that these procedures and substantive criteria are the most logical and reasonable interpretation of the County's LDC and the DO, and they should be used in reviewing the NOPC. (Pages 20-22)

FINDINGS OF FACT

April 6, 2011

D. Does the NOPC Satisfy Applicable Criteria?

b. Consistency with the Comprehensive Plan

33. Resolution 2010-22 states that the NOPC is consistent with the County Plan. See Joint Ex. 10. At hearing, evidence regarding FLUE Policies 13.1, 13.2, 13.3, and 13.5 was offered by Petitioners' expert, Kenneth B. Metcalf. Although compatibility is not defined in the Plan, he opined that the FLUE, and especially the foregoing policies, are the Plan provisions that focus on compatibility, and that to the extent these provisions are applicable to the proposed changes, the NOPC revisions are not inconsistent with these provisions or the FLUE. This testimony was undisputed. (Pages 23-24)

FINDINGS OF FACT

April 6, 2011

D. Does the NOPC Satisfy Applicable Criteria?

b. Consistency with the Comprehensive Plan

34. Highway A1A is a north-south route that runs along the western boundary of the DRI. It has received a scenic highway designation by both the State and federal governments and is more commonly known as the A1A Scenic Highway (Scenic Highway). It includes not only A1A, but also the public roads that run from A1A through the DRI to the beach, including 16th Road and the park at its terminus at the beach next to proposed Cluster 35. The 16th Road park is superior to the other beachfront parks in the County. Also, 16th Road serves as the entryway to the beach from A1A and is the beach access road most heavily used by residents of the communities surrounding the DRI. (Page 24)

ALJ's Recommended Order

FINDINGS OF FACT

April 6, 2011

D. Does the NOPC Satisfy Applicable Criteria?

b. Consistency with the Comprehensive Plan

34. (continued) The County has expended more planning attention and funding to the 16th Road entryway to the beach than any other beach access road in the County. To obtain state and federal designation of the roadway as a scenic highway, the County was required to complete a scenic highway corridor management plan to ensure its protection. Also, the County has adopted protective measures regarding the Scenic Highway as part of the Recreation and Open Space Element of the Plan.

(Page 24)

FINDINGS OF FACT

April 6, 2011

D. Does the NOPC Satisfy Applicable Criteria?

b. Consistency with the Comprehensive Plan

35. The County and Intervenors contend that the NOPC is inconsistent with objective 3 and policies 3-3 and 3-6 of the Recreation and Open Space Element of the Plan. Objective 3 requires the County to preserve and enhance "[t]he natural, recreational, archeological, scenic, historical and cultural resources of the A1A Scenic Highway." Policy 3-3 requires the County to "support the River and Sea Scenic Highway Corridor Management Plan," while policy 3-6 requires the County to "improve recreational facilities without adversely impacting natural resources along the Scenic Corridor." (Page 25)

FINDINGS OF FACT

April 6, 2011

D. Does the NOPC Satisfy Applicable Criteria?

b. Consistency with the Comprehensive Plan

36. The management plan for the Scenic Highway emphasizes "context sensitive design" for development occurring within the corridor. This means that whatever is built around the corridor should fit in or blend with the location where it is proposed. The mass and scale of development that is authorized under the NOPC will dwarf the 16th Road park and marginalize the public beach access. Also, those persons occupying the new dwelling units in Cluster 35 (up to 561 units) will be concentrated directly at the intersection of the beach and the park.

FINDINGS OF FACT

April 6, 2011

D. Does the NOPC Satisfy Applicable Criteria?

b. Consistency with the Comprehensive Plan

36. (continued) These impacts, whether collectively or singularly, would change the pristine, rural character of the beachfront and park at 16th Road, which continues to exist despite the development in the DRI to date. Therefore, the revisions conflict with the corridor management plan and are inconsistent with the requirement in policy 3-3 that the County support that plan. (Pages 25-26)

FINDINGS OF FACT

April 6, 2011

D. Does the NOPC Satisfy Applicable Criteria?

b. Consistency with the Comprehensive Plan

37. Policy 3-6 requires that the County "improve recreational facilities without adversely impacting natural resources along the Scenic Corridor." When the DRI was originally approved in 1984, there were 20 dune cuts distributed across the five miles of beach bordering the DRI, which provided direct access to the beach. The DO required all but four to be restored, i.e., filled and stabilized, with each remaining dune cut providing access to one of the four public parks on the beach. One of the remaining dune cuts is at the 16th Road park, which is adjacent to proposed Cluster 35.

FINDINGS OF FACT

April 6, 2011

D. Does the NOPC Satisfy Applicable Criteria?

b. Consistency with the Comprehensive Plan

37. (continued) Besides the adverse impacts caused by the mass and scale of development adjacent to that public park, the NOPC allows Petitioners to relocate 16th Road and the 16th Road park facilities further south. The dune cut at 16th Road would have to be abandoned as an access point to the beach. This would require the construction of a dune walkover, relocation of restroom facilities, and relocating public parking further from the beach.

FINDINGS OF FACT

April 6, 2011

D. Does the NOPC Satisfy Applicable Criteria?

b. Consistency with the Comprehensive Plan

37. (continued) Collectively, the impacts to natural resources and recreational facilities conflict with objective 3, which requires the County to preserve the natural and recreational resources of the Scenic Highway. The revisions also contravene policy 3-6, which requires the County to improve recreational facilities without adversely affecting natural resources along the Scenic Corridor. (Pages 26-27)

FINDINGS OF FACT

April 6, 2011

D. Does the NOPC Satisfy Applicable Criteria?

b. Consistency with the Comprehensive Plan

38. For the reasons stated above, the NOPC is inconsistent with objective 3 and policies 3-3 and 3-6 of the Recreation and Open Space Element of the Plan and in these respects is inconsistent with the County Plan. (Page 27)

FINDINGS OF FACT

April 6, 2011

D. Does the NOPC Satisfy Applicable Criteria?

c. Land Development Regulations

39. Sections 3.04.02.F.1. and 2. require that in order to approve a PUD reclassification application such as the one submitted by Petitioners the following criteria must be met:

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.
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. (Page 27)

FINDINGS OF FACT

April 6, 2011

D. Does the NOPC Satisfy Applicable Criteria?

c. Land Development Regulations

41. The proposed new development is immediately adjacent to the beach and a public park, and it will eliminate the intended buffer between other DRI development and the ocean for which the golf course now serves. While the DRI is not fully built out, it is 26 years old and is substantially developed and platted. At this stage of development in the DRI, the residents of the area and the County have the right to rely on the stability of the Master Development Plan. Substantial changes to the Master Development Plan such as those proposed here will likely cause adverse impacts to residents owning property in the DRI and to the community as a whole. (Pages 27-28)

FINDINGS OF FACT

April 6, 2011

D. Does the NOPC Satisfy Applicable Criteria?

c. Land Development Regulations

41. (continued) The present Lodge building, while 77 feet high, is configured with its narrowest end facing the beach, minimizing any visual impact to the public using the beach and unit owners looking out to the ocean. This building orientation also minimizes shadowing of the beach adjacent to the site. The Lodge building blends into the area where it is located and by appearance is no more intensive than a single-family beachfront home found in other parts of the County. (Pages 27-28)

FINDINGS OF FACT

April 6, 2011

D. Does the NOPC Satisfy Applicable Criteria?

c. Land Development Regulations

42. By contrast, the scale and intensity of development permitted by the NOPC will obstruct or eliminate ocean views of property owners, principally in Cluster 33 behind the golf course where several condominium buildings are now located. The evidence shows that these unit owners with an obstructed view can also expect a substantial loss (around 45 percent) in value of their properties. (Page 28)

FINDINGS OF FACT

April 6, 2011

D. Does the NOPC Satisfy Applicable Criteria?

c. Land Development Regulations

43. Likewise, the relocation of the existing access to the public beach and relocation of the public park will adversely impact the public since they will no longer have the ease of access to the beach and use of facilities the current park and beach access provide. (Page 29)

FINDINGS OF FACT

April 6, 2011

D. Does the NOPC Satisfy Applicable Criteria?

c. Land Development Regulations

44. Finally, the rural character of the beach area would be lost, and the new development would not be compatible with the adjacent residential areas. While Petitioners suggest that Cluster 35 will be compatible with adjacent areas because the land uses (residential) are the same, compatibility is better defined as whether two land uses can co-exist over time without one having an adverse effect on the other. Given the mass and scale of development that can occur in the buffer area (golf course) between the ocean and the other DRI development, the new Cluster will have an adverse effect on adjacent Clusters. As such, the NOPC will not be compatible with adjacent land uses. (Page 29)

FINDINGS OF FACT

April 6, 2011

D. Does the NOPC Satisfy Applicable Criteria?

c. Land Development Regulations

45. Collectively, these considerations support a finding that the proposed development will adversely affect the orderly development of the County, and it will be detrimental to the use of adjacent properties and the general neighborhood.

(Page 29)

FINDINGS OF FACT

April 6, 2011

D. Does the NOPC Satisfy Applicable Criteria?

d. Compliance with Section 14.5 and the Golf Course Plat

46. The County and Intervenors contend that the reallocation of 561 residential dwelling units to the new Cluster 35 with an assignment of the "Ocean Recreation Hotel" community type is not a land use permitted by section 14.5 of the DO, this conflicts with the plat and deed restrictions recorded to enforce its terms, and section 14.5 must be amended before the NOPC can be approved.

FINDINGS OF FACT

April 6, 2011

D. Does the NOPC Satisfy Applicable Criteria?

d. Compliance with Section 14.5 and the Golf Course Plat

46. (continued) The essence of the argument is that Petitioners have no vested right to develop that portion of the DRI in this manner. Section 14.5 provides that:

Land identified for golf course usage on the Master Development Plan map . . . shall be deed and plat restricted to ensure that the usage of this land is limited to golf courses (including associated or appropriate golf club facilities), open space, parks or, if approved by the County Commission, other appropriate recreational usages. . . .

Joint Ex. 1, Attachment A, p. A-36. This provision in the DO has never been amended.

FINDINGS OF FACT

April 6, 2011

D. Does the NOPC Satisfy Applicable Criteria?

d. Compliance with Section 14.5 and the Golf Course Plat

47. Because the final configuration of the two proposed golf courses (Hammock Dunes Course and Ocean Hammock Course) was not known at the time, section 14.5 further provided that:

FINDINGS OF FACT

April 6, 2011

D. Does the NOPC Satisfy Applicable Criteria?

d. Compliance with Section 14.5 and the Golf Course Plat

47. (continued)

Applicant at the time of platting shall identify the specific acreage for golf course use. The plat shall show the boundaries and configurations for golf course use. The plat shall show the boundaries and configuration of the golf courses. The plat and all deeds of land within the area so identified as golf course usage on the plat shall contain restrictions limiting the usage of the property platted to golf courses (including appropriate associated golf club facilities), open space, parks or, if approved by the County Commission, other appropriate recreational or governmental usages. (Pages 30-31)

ALJ's Recommended Order

FINDINGS OF FACT

April 6, 2011

D. Does the NOPC Satisfy Applicable Criteria?

d. Compliance with Section 14.5 and the Golf Course Plat

48. As noted earlier, the 1998 NOPC amendment granted the developer's request for the County to convey back to the developer 33 acres of property originally designated for the 16th Road public park. In exchange, the developer conveyed two parcels within the DRI to the County, one of which expanded the size of an oceanfront park on Malacompra Road, while maintaining a smaller oceanfront park, with improvements, at 16th Road.

FINDINGS OF FACT

April 6, 2011

D. Does the NOPC Satisfy Applicable Criteria?

d. Compliance with Section 14.5 and the Golf Course Plat

48. (continued) The exchange was made so that the developer could increase the amount of oceanfront acreage available to the developer for the design and construction of the Ocean Hammock Golf Course and golf clubhouse. As noted above, one of the primary purposes of the exchange was that the golf course would serve as a buffer between the other development and the ocean. (Page 31)

FINDINGS OF FACT

April 6, 2011

D. Does the NOPC Satisfy Applicable Criteria?

d. Compliance with Section 14.5 and the Golf Course Plat

49. Consistent with the intent of section 14.5, Lowe, one of the successor developers to Admiral, submitted the Plat for the Ocean Hammock Golf Course, which was approved by the County on November 1, 2001. On December 10, 2001, the County and Lowe executed a Plat Addendum covering the land described in the golf course plat. See Respondent Exhibit 10. Section 6 of the Addendum states that:

FINDINGS OF FACT

April 6, 2011

D. Does the NOPC Satisfy Applicable Criteria?

d. Compliance with Section 14.5 and the Golf Course Plat

49. (continued)

The parcels shown hereon will be perpetually used as golf course land, lake, clubhouse, appropriate associated golf course facilities, open space, parks, dune preservation or such other appropriate recreational or governmental usages approved by the Board of County Commissioners. (Emphasis added) (Page 31)

FINDINGS OF FACT

April 6, 2011

D. Does the NOPC Satisfy Applicable Criteria?

d. Compliance with Section 14.5 and the Golf Course Plat

50. When read in conjunction with the recorded Plat, Plat Addendum, and deed restrictions running with the golf course assumed by Petitioners when they obtained ownership of the golf course in 2006, section 14.5 strictly limits the uses allowable on the lands within the Ocean Hammock Golf Course Plat to a golf course, associated golf course facilities, open space, or upon approval by the Board, other appropriate recreational uses.

FINDINGS OF FACT

April 6, 2011

D. Does the NOPC Satisfy Applicable Criteria?

d. Compliance with Section 14.5 and the Golf Course Plat

50. (continued) The most reasonable interpretation of those documents, as further explained by testimony at hearing, is that Petitioners' proposal to reallocate up to 561 dwelling units to the proposed Cluster 35 within the golf course land and assign the "Ocean Recreation Hotel" community type to that Cluster, is not a use permitted by section 14.5. (Page 32)

FINDINGS OF FACT

April 6, 2011

D. Does the NOPC Satisfy Applicable Criteria?

d. Compliance with Section 14.5 and the Golf Course Plat

51. Petitioners contend, however, that despite their inclusion in the golf course plat, the various uses occurring on the Lodge property (e.g., a 20-unit lodge, swimming pool, parking lot, and landscaping) were never intended to be limited to use by golfers, and that other development can be approved by the County on land not devoted exclusively to the golf course. However, the County has always interpreted section 14.5, the Plat, and the Plat Addendum to mean that the golf course land will remain a golf course in perpetuity and cannot be developed for residential purposes.

FINDINGS OF FACT

April 6, 2011

D. Does the NOPC Satisfy Applicable Criteria?

d. Compliance with Section 14.5 and the Golf Course Plat

51. (continued) Notwithstanding contrary evidence presented by Petitioners, the County's interpretation of those documents has been credited as being the most persuasive. Given these considerations, Petitioners have no vested right under the current DO to develop the 12 acres for residential purposes and must request an amendment to section 14.5 in order to authorize another form of development. For this reason, the NOPC should be denied. (Pages 32-33)

FINDINGS OF FACT

April 6, 2011

CONCLUSIONS OF LAW

60. For the reasons previously found, the process and criteria used by the County are reasonable and appropriate and should be used in reviewing the NOPC. (Page 36)

62. For the reasons previously found, the evidence supports a conclusion that the NOPC revisions are not consistent with objective 3 and policies 3-3 and 3-6 of the Recreation and Open Space Element of the Plan. Therefore, the NOPC does not satisfy the requirement in section 163.3194(1)(a) that the DO is consistent with the local comprehensive plan. (Page 36)

FINDINGS OF FACT

April 6, 2011

CONCLUSIONS OF LAW

63. For the reasons previously found, the evidence supports a conclusion that the NOPC does not satisfy relevant portions of the LDC. (Page 36)

64. For the reasons previously found, the evidence supports a conclusion that Petitioners have no vested right, either in the original DO, or subsequent amendments, to place up to 561 dwelling units on land now subject to restrictions that limit the usage of the property to golf courses and other uses associated with golf club facilities, open space, parks, or recreational facilities if approved by the Board. Absent the amendment of section 14.5 of the DO, the proposed uses and development are barred by that provision. (Pages 36-37)

FINDINGS OF FACT

April 6, 2011

RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that the Florida Land and Water Adjudicatory Commission enter a final order determining that the NOPC is not a substantial deviation; extending the expiration of the DO to February 28, 2012, by virtue of legislative action in 2007; approving the reduction in residential units from 4,400 to 3,800; determining that the proposed revisions in the NOPC to create a new Cluster 35 and transfer 561 dwelling units to that Cluster are inconsistent with one objective and two policies of the County Comprehensive Plan;

FINDINGS OF FACT

April 6, 2011

RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED (continued)

determining that the new Master Development Plan (which creates a new Cluster 35 and transfers 541 units) is inconsistent with criteria in LDC sections 03.02.04.F.1. and 2.; and determining that Petitioners have no vested right to construct up to 561 dwelling units on 12 acres of land located in the Ocean Hammock Golf Course that is now platted and restricted in perpetuity for golf course purposes only.

**Ocean Hammock Golf Course Plat
Map Book 33, Pages 11-18**

5) An addendum to the plat is attached hereto, fully incorporated herein and made a part hereof by this reference. This addendum is as recorded in Official Record Book 786, Pages 824-835 of the Public Records of Flagler County, Florida.

Ocean Hammock Golf Course Plat Addendum
Official Records Book 786, Pages 824-835

WHEREAS, Developer [Lowe Ocean Hammock, Ltd.] has applied for and the County has approved a plat for the Ocean Hammock Golf Course Subdivision (“Plat”) located within Flagler County, Florida (the “Property”). This Plat is binding on the County, the Developer and its successors in title, and shall run with the land and bind all future owners.

In consideration of the mutual promises, covenants and conditions contained herein, the parties agree as follows in regard to the Plat:

Ocean Hammock Golf Course Plat Addendum

Official Records Book 786, Pages 824-835

6. GOLF COURSE PARCEL RESTRICTIONS

The parcels shown hereon will be perpetually used as golf course land, lake, clubhouse, appropriate associated golf course facilities, open space, parks, dune preservation or such other appropriate recreational or governmental usages approved by the Board of County Commissioners.

Ocean Hammock Golf Course Plat Addendum

Official Records Book 786, Pages 824-835

5. WATER/SEWER AND REUSE

All proposed golf course related buildings open to the public and providing sinks and/or toilet facilities will connect to central water and sewer services. Potable wells and/or septic systems are prohibited.

Installation of reuse lines is required to serve the entire golf course for irrigation including all golf course related buildings, open space and common areas.

Ocean Hammock Golf Course Plat Addendum

Official Records Book 786, Pages 824-835

9. OAK SCRUB PROTECTION

The Developer [Lowe Ocean Hammock, Ltd.] shall make reasonable efforts to protect or preserve the scrub oak and other oak communities in the common areas and other areas of the property not used as a roadway, clubhouse, or that would prevent the use of the land for golf. In its landscaping program, the Developer shall use native trees that will mature into canopy trees.

Ocean Hammock Golf Course Plat Addendum

Official Records Book 786, Pages 824-835

10. LANDSCAPE REQUIREMENTS

The Developer [Lowe Ocean Hammock, Ltd.] shall, to the greatest extent possible, utilize oak, scrub oak and hickory in a general landscaping plan which shall be submitted to and approved by the Flagler County Engineer prior to the commencement of construction.

Ocean Hammock Golf Course Plat Addendum

Official Records Book 786, Pages 824-835

14. DUNE PRESERVATION

The land as shown within parcels “BPP1” and “BPP2”, depicted on Exhibit “B” attached hereto and incorporated herein by reference, shall be a non-development zone which is to be preserved except for Dune walkovers permitted by the State and the County. Existing vegetation within parcels “BPP1” and “BPP2”, if disturbed, shall be revegetated and restored and perpetually maintained with plant species approved by the Florida Department of Environmental Protection.

Ocean Hammock Golf Course Plat Addendum

Official Records Book 786, Pages 824-835

14. DUNE PRESERVATION (continued)

The clubhouse proposed to be located within golf course parcel “H” shall also be subject to the Coastal Construction Control Line (“CCCL”) which is regulated by Florida State Statutes [sic] and application processes. A continuous barrier curb of 6” x 6” pressure treated timber shall be installed along parcel “BPP1” in the vicinity of the clubhouse area for a distance of 400 feet north of 16th Road and perpetually maintained by the Ocean Hammock Property Owners Association, Inc. to prevent any intrusion into the dunes preservation area.

Ocean Hammock Golf Course Plat Addendum

Official Records Book 786, Pages 824-835

17. PARKING

Developer [Lowe Ocean Hammock, Ltd.] shall prohibit the Golf Course and Clubhouse facility users, Developer's employees, while working, and employees, while working, of all other entities doing business on the platted lands, from parking at the Flagler County 16th Road Park during Golf Course & Clubhouse operation hours. Parking in other areas of the 16th Road Right-Of-Way outside the park area shall be prohibited.

EXHIBIT "B"

PERMITTED ENCUMBRANCES

1. Notice of Adoption of Development Order for the Hammock Dune Development of Regional Impact recorded in Official Records Book 231, Page 449; Flagler County Resolution No. 84-7, Development Approval of Admiral Corporation for Hammock Dunes, recorded in Official Records Book 238, Page 196; as amended by Resolution No. 95-50 recorded in Official Records Book 536, Page 225; as amended by Resolution No. 98-10 recorded in Official Records Book 608, page 443; as amended by Resolution No. 98-56 recorded in Official Records Book 627, Page 1388; as amended by Resolution No. 2001-135 recorded in Official Records Book 798, Page 582; as amended by Resolution No. 2002-107 recorded in Official Records Book 863, Page 1859; and as amended by Resolution No. 2003-21 recorded in Official Records Book 899, Page 1652, all in the Public Records of Flagler County, Florida (the "Development Order").
2. Connector Road Maintenance Agreement recorded in Official Records Book 572, Page 95; as amended by Amendment to Connector Road Maintenance Agreement recorded in Official Records Book 631, Page 435, all in the Public Records of Flagler County, Florida.
3. Reciprocal Drainage Easement recorded in Official Records Book 572, Page 129, of the Public Records of Flagler County, Florida.
4. Memorandum of Development Order Allocation and Indemnification Agreement recorded in Official Records Book 572, Page 144; as amended by Amendment to Memorandum of Development Order Allocation and Indemnification Agreement recorded in Official Records Book 631, Page 432; and as amended by Amendment to Memorandum of Development Order Allocation and Indemnification Agreement recorded in Official Records Book 677, Page 1266, of the Public Records of Flagler County, Florida.

of

er, the Property shall be perpetually used
ite associated golf course facilities, open
appropriate recreational or governmental
rd of County Commissioners. Nothing
ed to give any party, including, without
ating to this restriction, except for those
on in accordance with the Development
othing contained herein shall limit or alter
wealth/Centex Land Development Order
d of even date herewith, as memorialized
ealth/Centex Land Development Order
ed of even date herewith and recorded in

21. Pursuant to the terms of the Development Order, the Property shall be perpetually used as golf course land, lake, clubhouse, appropriate associated golf course facilities, open space, parks, dune preservation or such other appropriate recreational or governmental usages approved by the Flagler County Board of County Commissioners.

6. Declaration of Easements recorded in Official Records Book 597, Page 1752, of the Public Records of Flagler County, Florida.
7. Reciprocal Easement Agreement recorded in Official Records Book 631, Page 377; as amended by Partial Termination of Reciprocal Easement Agreement recorded in Official Records Book 786, Page 1504, all in the Public Records of Flagler County, Florida.

the

as
ial

Ocean Hammock Golf Course



2014

0 0.01 0.02 0.03 0.04 mi

1943



1943



1943



1952





1965

12035 180



1980



0 0.04 0.08 0.12 0.16 mi

2007



2000



2014



000 719

2000



UNIVERSITY
STAGE AREA
NOISE
NO EMPLOYEES
OR CLEARANCE
PERMITTED

PREVENT A TRIP!
PLEASE REPORT ALL
TRIP HAZARDS TO
THE FACILITY
MANAGER
Thank you



00 7 19

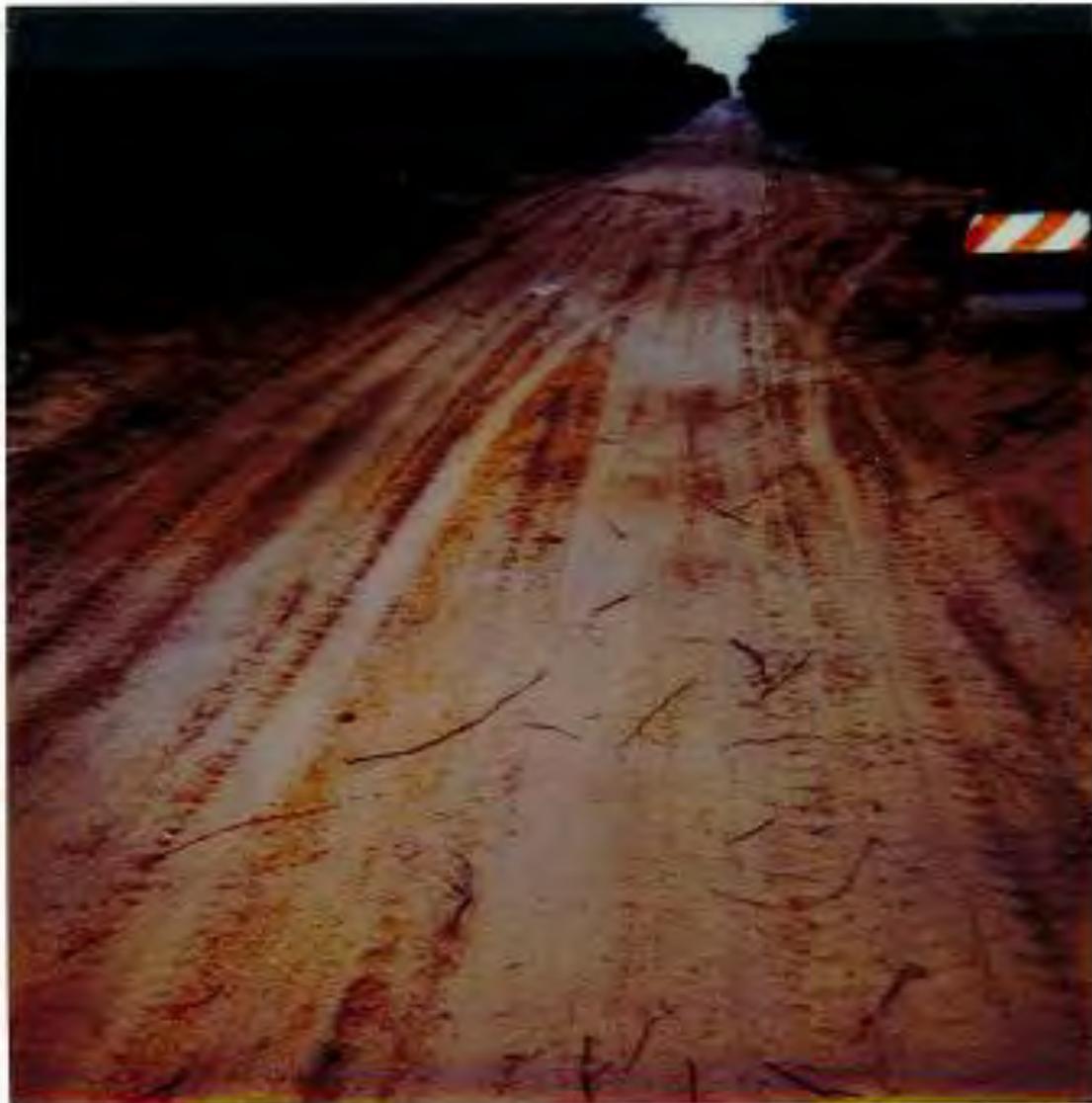


2014





2014



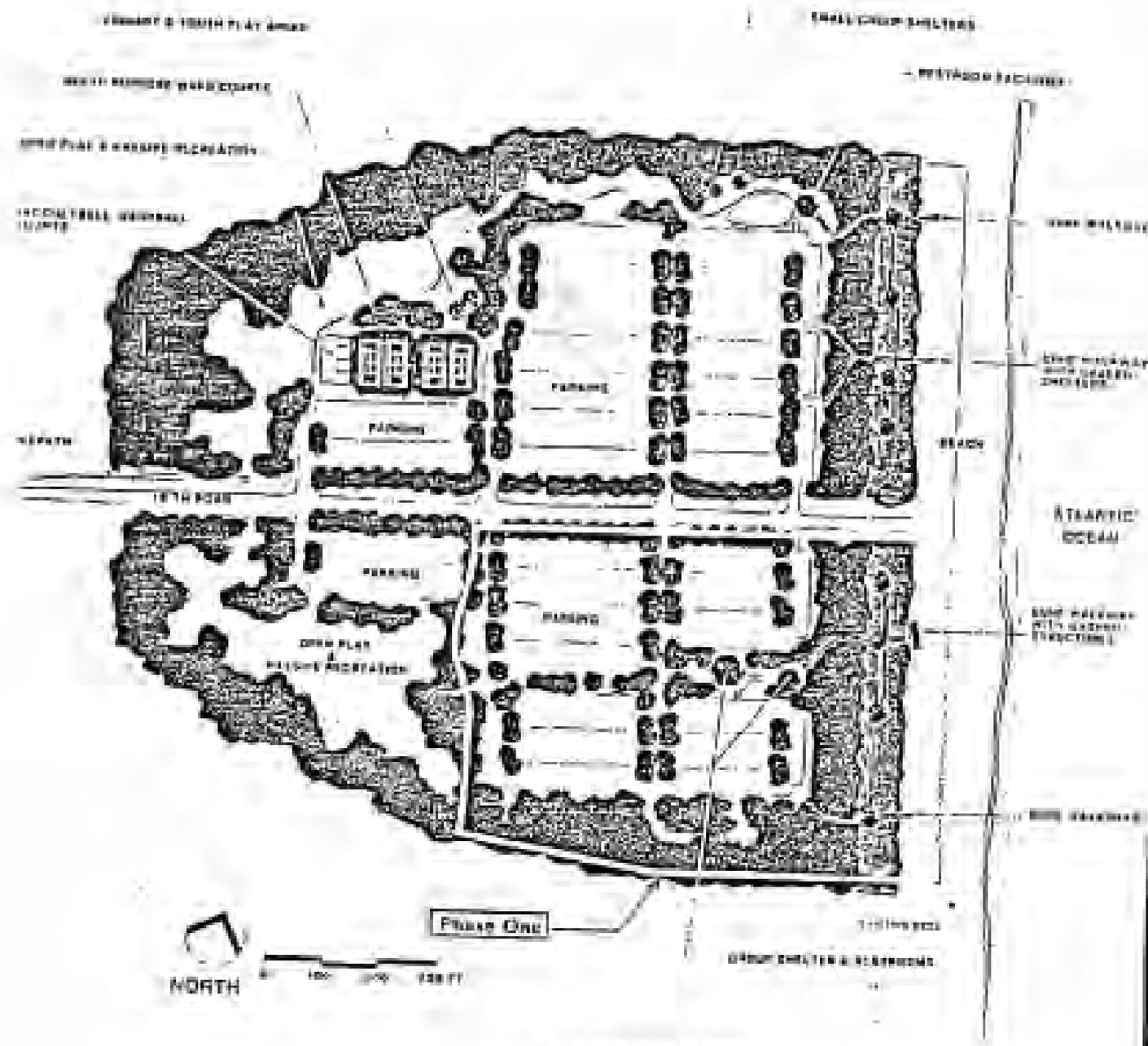
16th Rd. 3/11/87
Looking from W. End.



2000



2014



16 TH ROAD PARK
PRELIMINARY CONCEPT PLAN

BRANDY (1975) FURN. UNIT

SMALL (1980) BELLIERE

RESTROOM BUILDING

WALKWAY (1975) WALKWAY

STREET PLAN & WALKWAY RECONSTRUCTION

WOOD TRAIL HEADQUARTERS

STREET

LETTER BOX

PARKING

PARKING

PARKING

PARKING

STREET PLAN

WALKWAY RECONSTRUCTION

WOOD TRAIL

WOOD TRAIL

BEACH

ATLANTIC OCEAN

WOOD TRAIL

WOOD TRAIL

Phase One

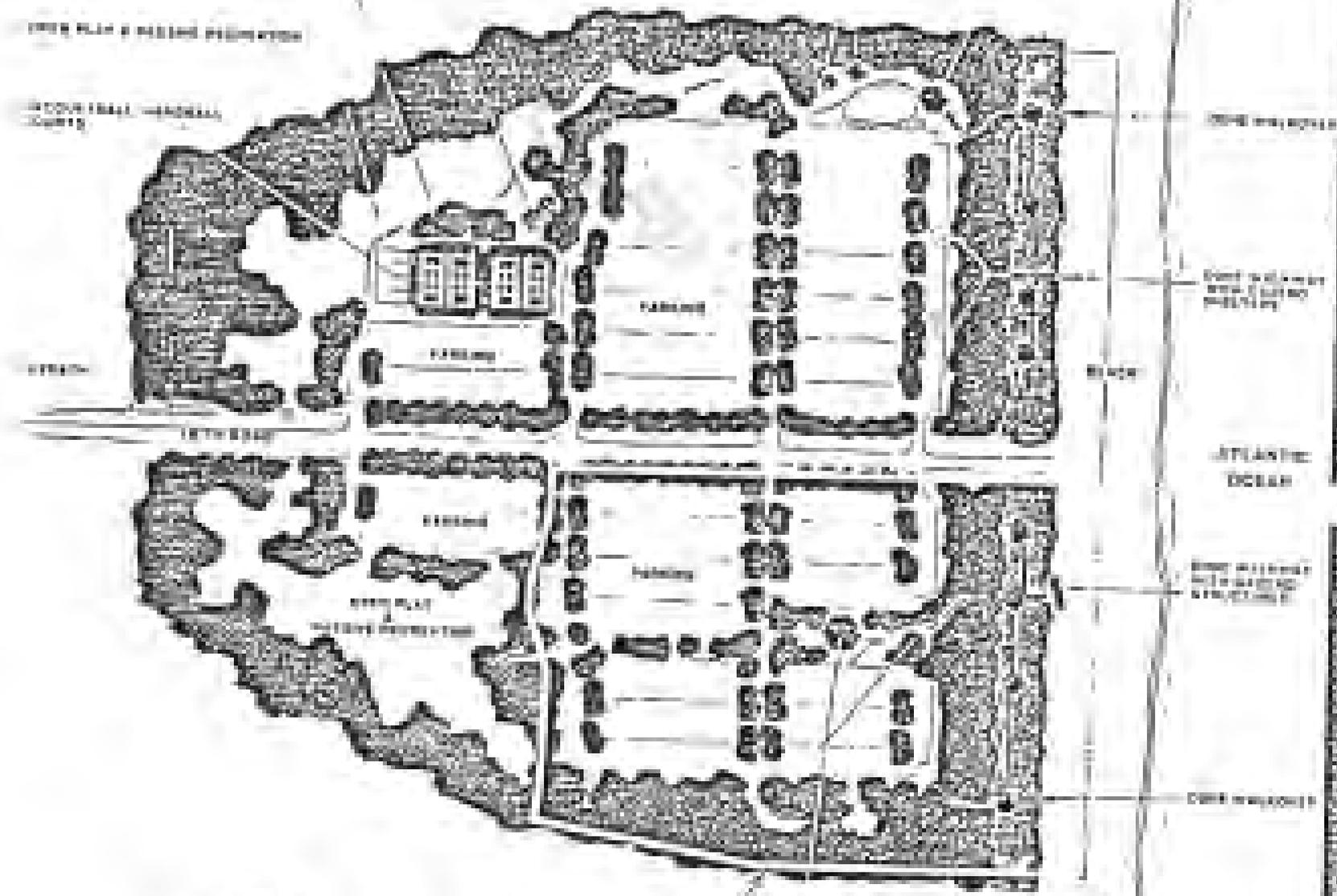
WOOD TRAIL

WOOD TRAIL & RECONSTRUCTION

NORTH

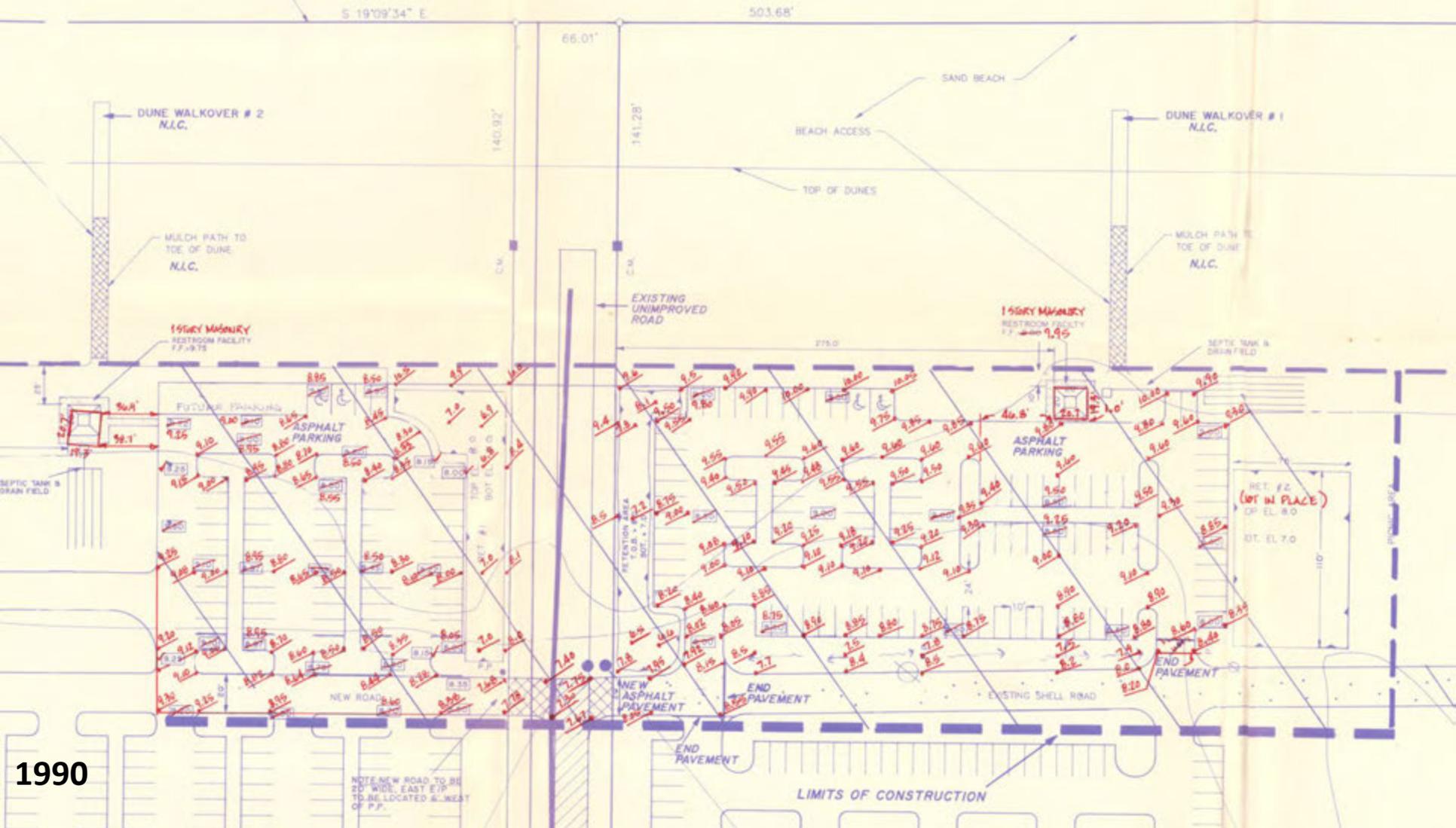
0 50 100 150 FEET

1988



MEAN HIGH WATER OF THE ATLANTIC OCEAN EL. 2.30

- GENERAL "AS-BUILT" NOTES:
1. ELEVATIONS REFER TO M.G.V. IN REFERENCE MONUMENT # R-27
 2. THIS IS AN AS-BUILT SURVEY OF EXISTING CONDITIONS
 3. ACCORDING TO INFORMATION PROVIDED AND DRAINAGE AREAS CONSTRUCTED HAS NOT BEEN FIELD VERIFIED BY SURVEYOR
 4. EXISTING AS-BUILT ELEVATIONS
 5. THIS SURVEY IS BASED UPON EXISTING RECORDS



1990

NOTE NEW ROAD TO BE 20' WIDE, EAST E.P.P. TO BE LOCATED & WEST OF P.P.

LIMITS OF CONSTRUCTION

16th Road Park; Phase One

	unit	quant.	unit cost	TOTAL
Land	acre			
Demolition	acre			
General cl.	acre	0.00		

FLAGLER COUNTY BEACH PARK SUMMARY.

PHASE ONE COMPLETE

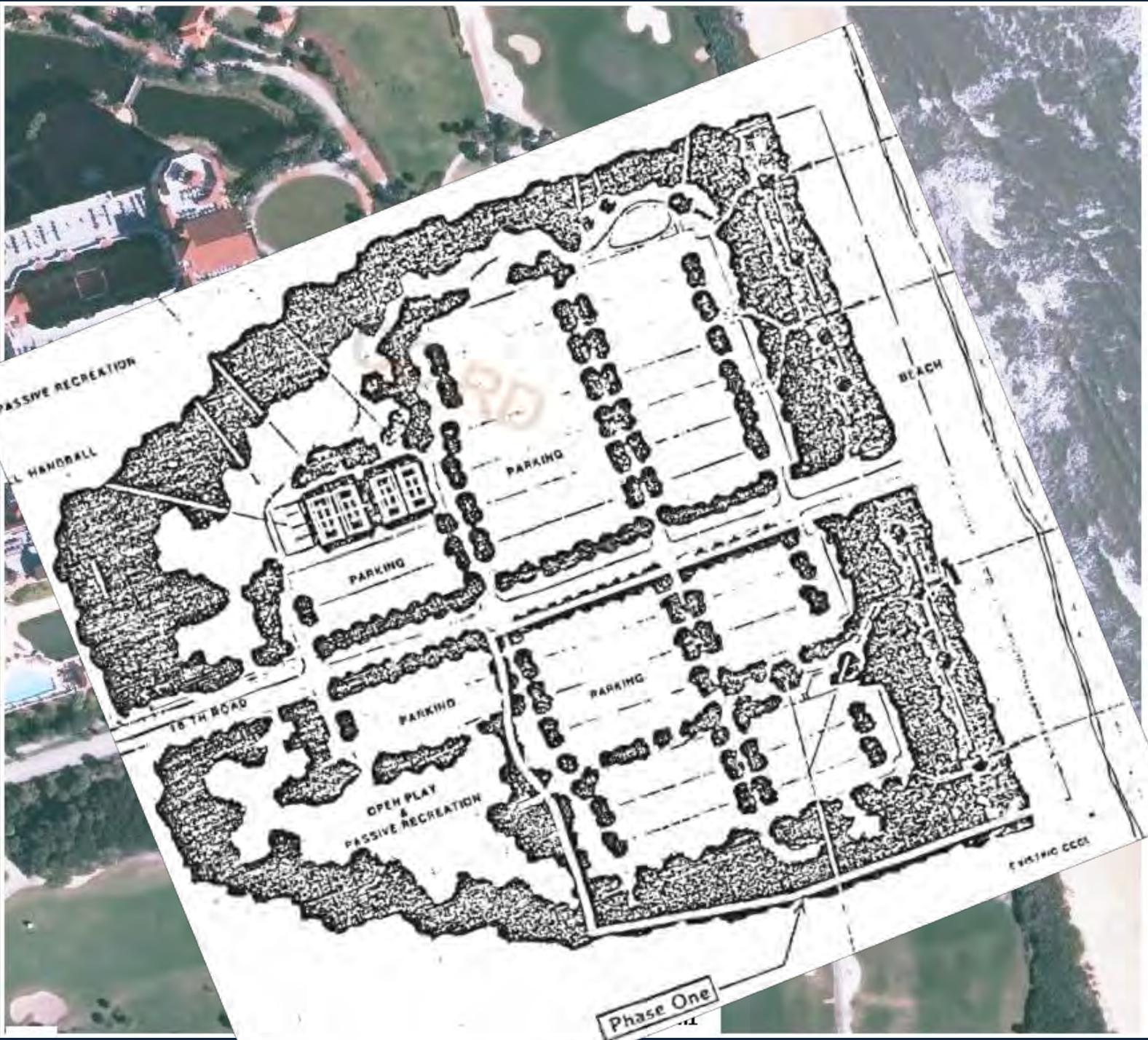
MALACOMPRA PARK	106,611.00	1,694,950.00
16th RD. PARK	317,117.00	751,700.00
JUNGLEHUT RD. PARK	48,868.00	85,835.00
SOUTH BEACH PARK	111,355.00	224,555.00
BIKE PATH	16,049.00	300,000.00
DUNEFACE RESTRE.	20,000.00	20,000.00
TOTAL	620,000.00	3,077,040.00

Racquetball courts	ea.	0.00	20,000.00	
Play Equipment	ls.	1.00		10,000.00
Misc. Equipment	ls.	1.00		6,688.00
PROJECT TOTAL				317,117.00

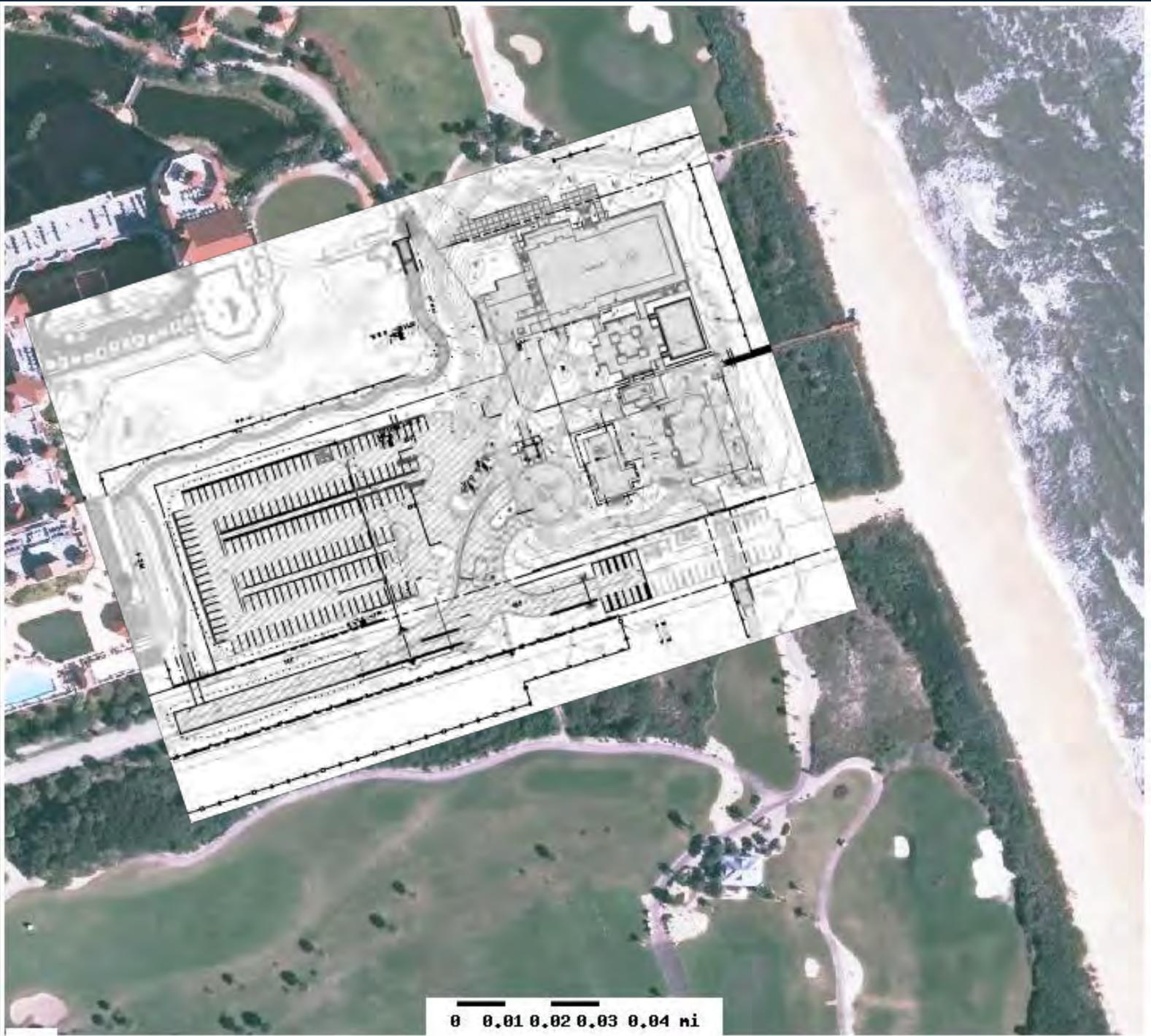


2014

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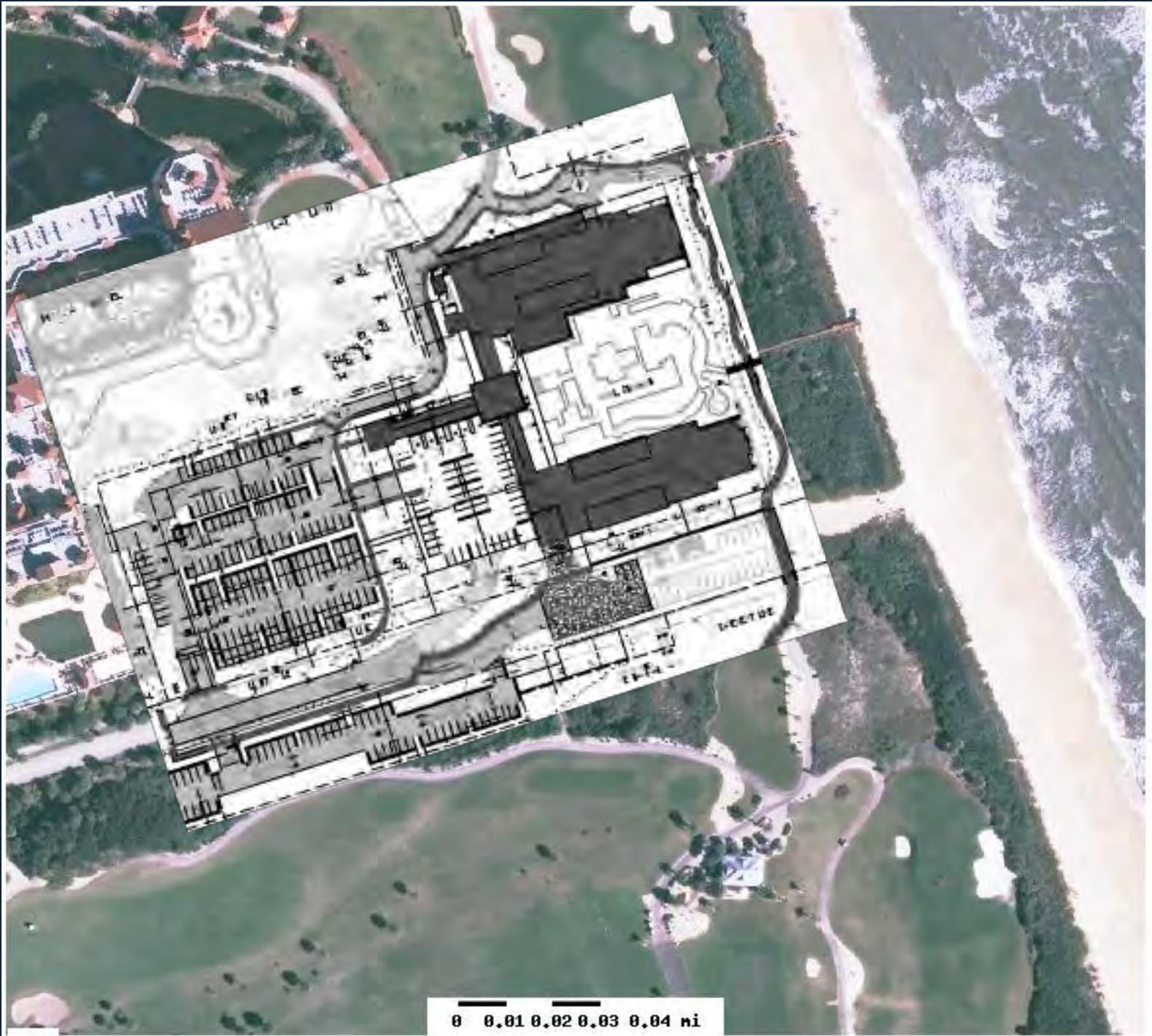


2014



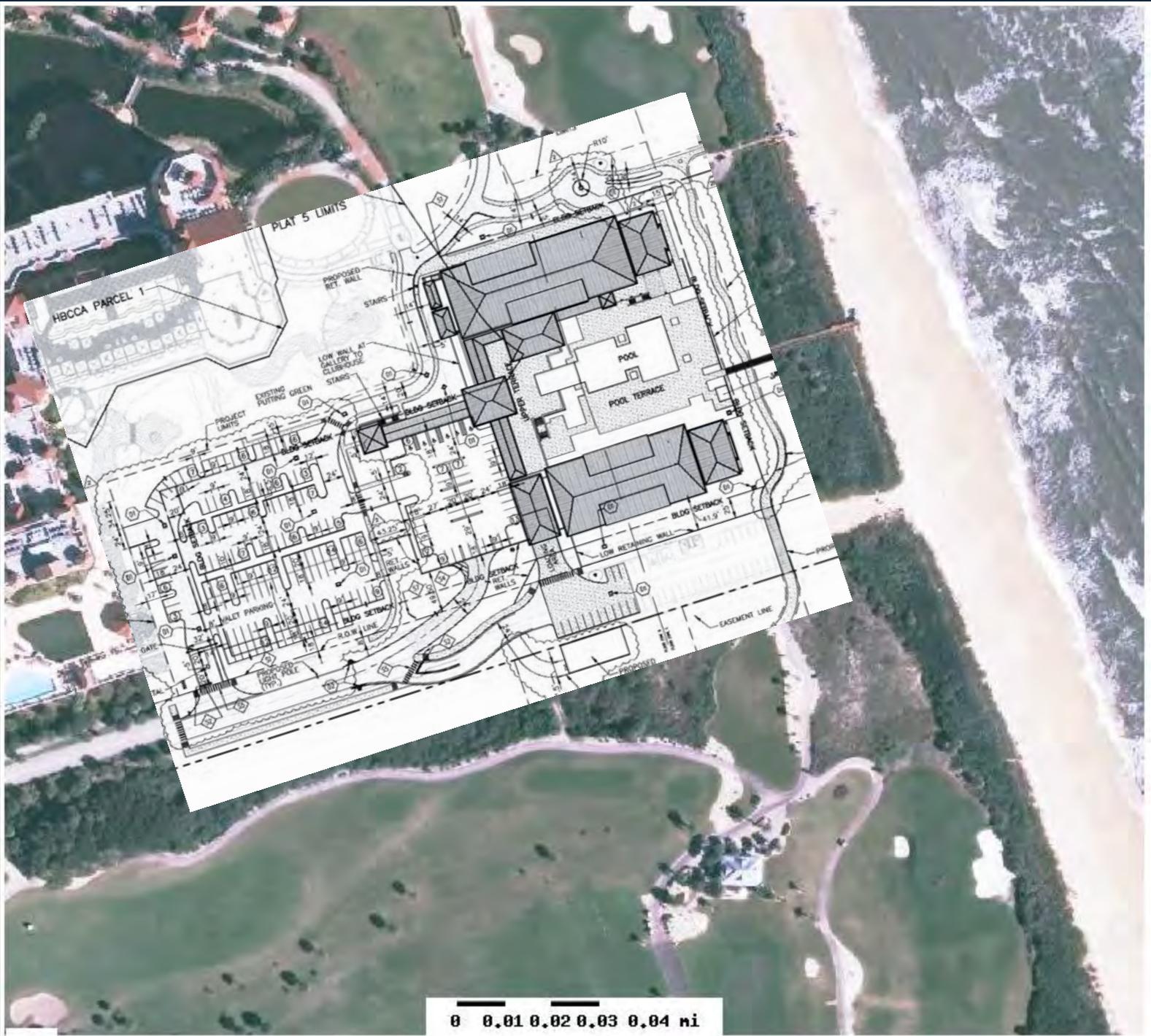
2014

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2014

0 0.01 0.02 0.03 0.04 mi



HBCCA PARCEL 1

PLAY 5 LIMITS

PROPOSED RET. WALL

STAIRS

LOW WALL AT GALLERY TO CLUBHOUSE

STAIRS

EXISTING PUTTING GREEN

PROJECT LIMITS

BLDG SETBACK

POOL

POOL TERRACE

BLDG SETBACK

BLDG SETBACK

LOW RETAINING WALL

BLDG SETBACK

BLDG SETBACK

LOW RETAINING WALL

EASEMENT LINE

PROPOSED

2015

0 0.01 0.02 0.03 0.04 mi



Source: Google Maps



16th Rd
Palm Coast, Florida

Street View - May 2011

Navigation and control icons including a compass, zoom in (+) and zoom out (-) buttons, and a 'Hide imagery' dropdown menu.

Source: Google Maps



Source: Google Maps



Source: Google Maps



Palm Coast Beach

Street View - Aug 2013

Hide imagery

Source: Google Maps



Source: Google Maps

← Palm Coast Beach

Street View - Aug 2013



Source: Google Maps



Source: Google Maps