

March 23, 2015

Department of Economic Opportunity  
Attention: Ray Eubanks, Plan Processing Administrator  
State Land Planning Agency  
Caldwell Building  
107 East Madison – MSC 160  
Tallahassee, Florida 32399

RE: FLAGLER COUNTY #15-1ESR - TRANSMITTAL OF PROPOSED  
COMPREHENSIVE PLAN AMENDMENT (APPLICATION #2972)

Dear Mr. Eubanks:

The Flagler County Comprehensive Plan Amendment #15-1ESR (also identified as Flagler County Application #2972) is hereby transmitted to the Florida Department of Economic Opportunity (DEO) pursuant to the requirements of Section 163.3184, F.S. The proposed amendment is submitted for expedited state review process. The County anticipates adoption of the proposed amendment in June 2015.

On March 16, 2015, the Flagler County Board of County Commissioners held a transmittal hearing in their capacity as the Local Planning Agency and as the Board of County Commissioners for the Comprehensive Plan Amendment #15-1ESR Future Land Use Map and Future Land Use Element text amendment pursuant to Section 163.3184, F.S. At the public hearing, the Board of County Commissioners unanimously voted to transmit the amendment package to DEO.

This transmittal includes three copies (one paper copy and two electronic copies in Portable Document Format (PDF) on a CD ROM, with each reviewing agency receiving one CD ROM) of the proposed amendment with supporting data and analysis, for the following proposed Future Land Use Map amendment:

Application #2972 – Future Land Use Map Amendment from Residential Low Density Single Family and Conservation to Commercial High Intensity for approximately 24.4 acres; being Parcel number 02-12-31-0000-01010-0140 (5.23 acres) and Parcel number 02-12-31-0000-01010-0150 (18.38 acres); Owner: Daryl Carter, Trustee of Carter-Flagler Roberts Road Land Trust; Applicant: Sidney F. Ansbacher, Brunswick Corporation and Sea Ray Boats, Inc.

For your information, as part of the Board's discussion related to this request, it is the Board's intent that a parcel-specific limiting Future Land Use Element policy text amendment be

adopted concurrent with the above Future Land Use Map amendment to restrict the rezoning for these parcels to Planned Unit Development (PUD), with the uses identified and limited as provided in the draft ordinance attached hereto.

The transmittal package includes the following items:

1. Ordinance with Exhibits (including proposed FLUM with major street network); and
2. Staff Report (including Data and Analysis).

By this letter, I hereby certify that the required number of copies of the amendment have been sent as of this date to the identified reviewing agencies as required by Section 163.3184(1)(c), F.S. For purposes of complying with Section 163.3184(2), F.S., please be advised that the proposed amendment: (1) is not applicable to an area of critical state concern; (2) does not propose a rural land stewardship area; (3) does not propose a sector plan; (4) is not related to EAR-based amendments; (5) does not propose new plans for newly incorporated municipalities; and (6) does not impact a military installation.

If you require further information, please contact me by telephone at (386) 313-4009; by facsimile transmission at (386) 313-4109 or by e-mail at [amengel@flaglercounty.org](mailto:amengel@flaglercounty.org).

Sincerely,



Adam Mengel  
Planning and Zoning Director

cc: Florida Dept. of Agriculture and Consumer Services  
Sherri Martin, Florida Dept. of Economic Opportunity, Bureau of Economic Development  
Tracy Suber, Florida Dept. of Education  
Florida Dept. of Environmental Protection  
Deena Woodward, Florida Dept. of State, Bureau of Historic Preservation  
Scott Sanders, Florida Fish and Wildlife Conservation Commission  
Hope Goeman, Florida Dept. of Transportation, District 5  
Lindsay Haga, Northeast Florida Regional Council  
Malissa Dillon, St. Johns River Water Management District  
Mayor Stephen Emmett, Town of Beverly Beach  
Mick Cuthbertson, City of Bunnell  
Larry Torino, City of Flagler Beach  
Mayor Leslie S. Babonis, Ph.D., Town of Marineland  
Ray Tyner, City of Palm Coast  
S. Laureen Kornel, City of Ormond Beach  
Mike Brown, Putnam County  
Teresa Bishop, St. Johns County  
Becky Mendez, Volusia County

ORDINANCE NO. 2015 - \_\_\_\_

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA AMENDING THE FUTURE LAND USE ELEMENT AND MAP BY AMENDING THE DESIGNATION OF A TOTAL OF 24.4 ACRES, MORE OR LESS, LYING IN SECTION 2, TOWNSHIP 12 SOUTH, RANGE 31 EAST; FROM RESIDENTIAL LOW DENSITY AND CONSERVATION TO COMMERCIAL HIGH INTENSITY; PROVIDING FOR FINDINGS; PROVIDING FOR A PARCEL-SPECIFIC LIMITING POLICY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Daryl Carter, Trustee of Carter-Flagler Roberts Road Land Trust, is the owner of the following contiguous parcels:

Parcel #02-12-31-0000-01010-0140, 5.23 acres in size; and  
Parcel #02-12-31-0000-01010-0150, 18.38 acres in size.

**WHEREAS**, the parcels identified by Flagler County Property Appraiser parcel numbers above together total 24.4 acres, more or less, more particularly described herein and graphically shown on Exhibit "A" attached hereto; and

**WHEREAS**, Brunswick Corporation and their subsidiary, Sea Ray Boats, Inc., on behalf of the owner, sought the amendment of the Future Land Use designation of the lands described herein; and

**WHEREAS**, on February 10, 2015, the Planning and Development Board conducted a public hearing on this amendment and voted to recommend denial; and

**WHEREAS**, on March 16, 2015, the Flagler County Board of County Commissioners, sitting in their capacity as the Local Planning Agency, conducted a public hearing on this amendment and voted to recommend \_\_\_\_\_; and

**WHEREAS**, on March 16, 2015, following the Local Planning Agency hearing, the Flagler County Board of County Commissioners conducted a public hearing on this amendment and voted to transmit the amendment to the State Land Planning Agency and other Agencies as part of the Expedited State Review Process; and

**WHEREAS**, public notice of this action has been provided in accordance with Sections 125.66(2)(a) and 163.3184, Florida Statutes, and Section 2.07.00, Flagler County Land Development Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS:**

**Section 1. FINDINGS**

- a. The Board of County Commissioners finds that the proposed Future Land Use Map amendment and Future Land Use Element policy text amendment are consistent with the goals, objectives, and policies of the Flagler County Comprehensive Plan.
- b. This ordinance is adopted in compliance with and pursuant to the Community Planning Act, Sections 163.3161-163.3217, Florida Statutes.

**Section 2. FUTURE LAND USE MAP AMENDMENT**

The real property containing approximately 24.4 acres, more or less, and legally described herein is hereby amended from Residential Low Density and Conservation to Commercial High Intensity, as graphically shown on Exhibit "A" attached hereto. The 2010-2035 Future Land Use Map of the adopted Comprehensive Plan shall be amended to reflect this amendment. The legal description of the subject property to be amended through this application is:

A parcel of land lying within Government Section 2, Township 12 South, Range 31 East, Flagler County, Florida, being more particularly described as follows:

As a Point of Reference, commence at the southwest corner of Lot 35, River Oaks, Map Book 27, Pages 15 through 17, Public Records of Flagler County, Florida;

Thence departing said corner N16°46'35"W for a distance of 710.04 feet to the Point of Beginning of this description;

Thence S67°12'53"W for a distance of 2228.20 feet to the northeasterly R/W line of Roberts Road (80' R/W); thence along said right of way line N22°24'07"W for a distance of 220.00 feet to the southerly right of way line of Sea Ray Drive thence along said right of way line the following four (4) courses; (1) thence N67°35'53"E for a distance of 21.00 feet to a point of curvature; (2) thence northeasterly along a curve to the left having an arc length of 403.52 feet, a radius of 680.00 feet, a central angle of 34°00'00", a chord bearing N50°35'53"E and a chord distance of 397.63 feet to a point of tangency; (3) thence N33°35'53"E for a distance of 258.04 feet to a point of curvature; (4) thence northeasterly along a curve to the right having an arc length of 97.07 feet, a radius of 570.00 feet, a central angle of 09°45'28", a chord bearing N38°28'37"E and a chord distance of 96.96 feet to a point on a

non-tangent line; thence departing said curve and right-of-way line S46°38'27"E for a distance of 4.99 feet to a point on a non-tangent curve; thence northeasterly along said curve to the right having an arc length of 270.33 feet, a radius of 565.00 feet, a central angle of 27°24'51", a chord bearing N57°03'59"E and a chord distance of 267.76 feet to a point of tangency; thence N70°46'24"E for a distance of 1352.87 feet to a point on the westerly subdivision line of said River Oaks; thence along said subdivision line S11°46'35"E for a distance of 460.36 feet; thence continue along said westerly subdivision line S16°46'35"E for a distance of 29.96 feet to the aforementioned Point of Beginning of this description.

Parcel containing 24.4 acres, more or less.

### **Section 3. FUTURE LAND USE ELEMENT POLICY AMENDMENT**

The Future Land Use Element is hereby amended by the addition of a new policy A.1.1.10(11) that shall read as follows:

Policy A.1.1.10: Parcel Specific Limitations – Notwithstanding the maximum density and/or intensity permitted by this Future Land Use Plan, the following properties have proffered, and Flagler County agrees to implement a more limited yield:

- (10) FLUM Application #2972, Daryl M. Carter as Trustee of Carter-Flagler Roberts Road Land Trust, limits commercial development through an approved Planned Unit Development (PUD) to:
  - a. a surface parking lot and associated stormwater facilities, setback a minimum of four hundred (400) feet or fifty (50) feet from any jurisdictional wetland line, whichever is greater – with the setback to remain as undisturbed, natural vegetation, consisting of marshland and treed, substantially bottomland hardwood – westward from the easternmost parcel boundary line;
  - b. a finished boat staging area, with no portion extending one thousand (1,000) feet eastward from the Roberts Road right-of-way; and
  - c. an office building, not to exceed 40,000 square feet in size, with no portion of the building extending one thousand (1,000) feet eastward from the Roberts Road right-of-way.

Identified wetlands located on both parcels to be designated as Conservation Future Land Use through the administrative adjustment allowed through Policy A.4.1.1 when wetland boundaries have been certified or otherwise determined consistent with Policy A.4.1.1. Being all of Tax Parcel #02-12-31-0000-01010-0140 and 02-12-31-0000-01010-0150 and totaling 24.4 acres in size.

**Section 4. EFFECTIVE DATE**

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.**

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

\_\_\_\_\_  
Frank J. Meeker, Chairman

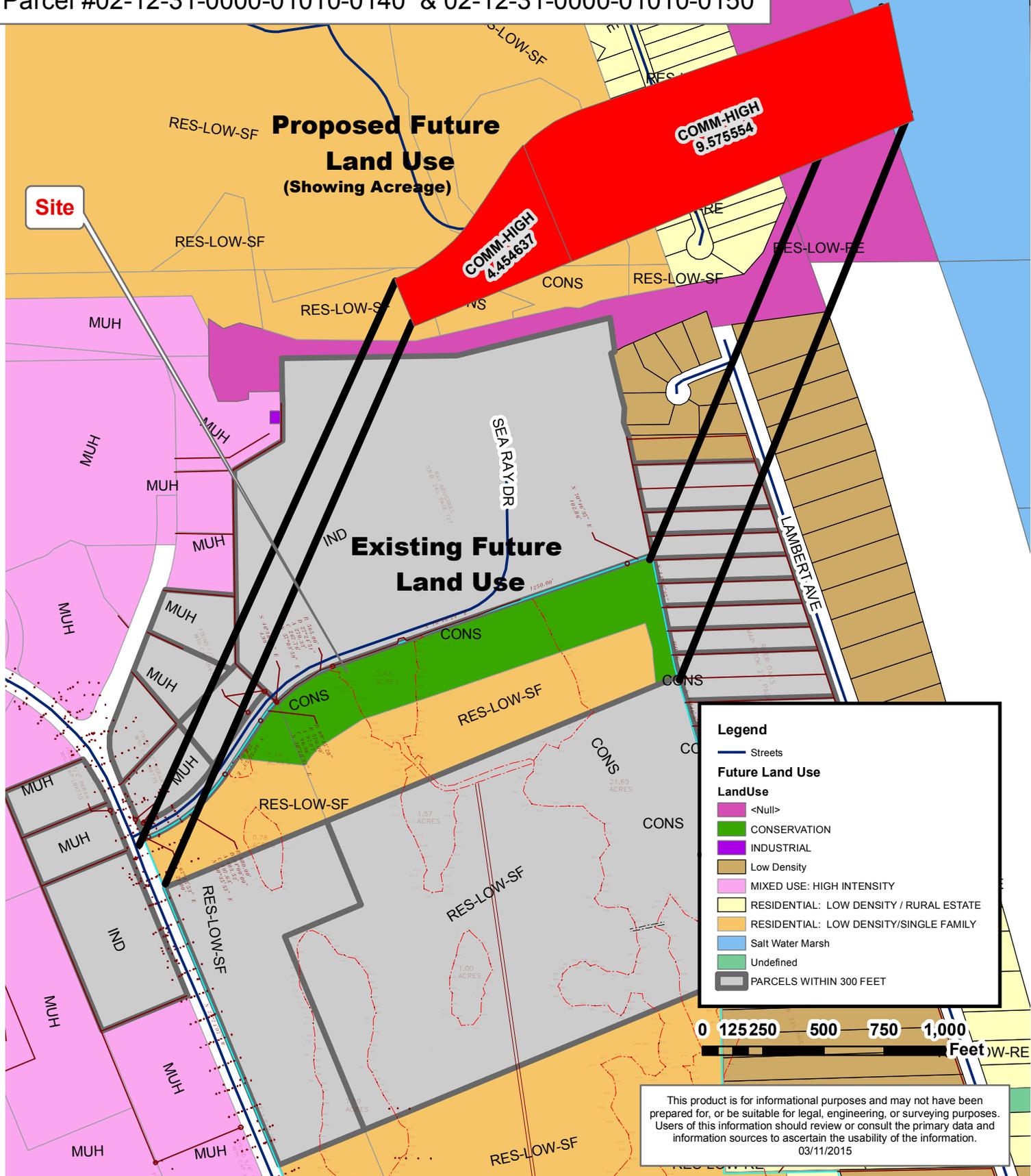
**ATTEST:**

**APPROVED AS TO FORM:**

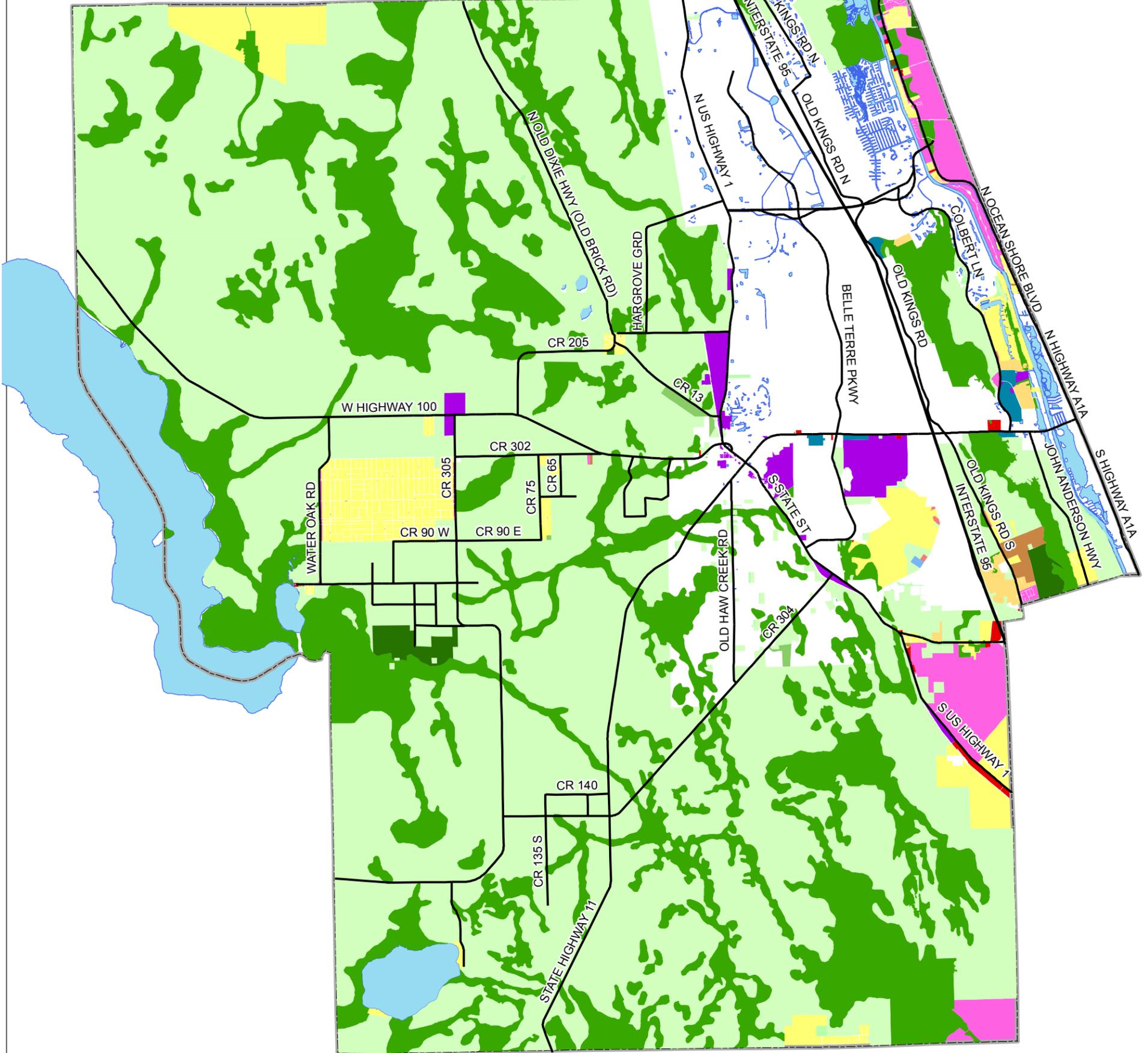
\_\_\_\_\_  
Gail Wadsworth, Clerk of the  
Circuit Court and Comptroller

\_\_\_\_\_  
Al Hadeed, County Attorney

Application #2972  
 Future LandUse Map Amendment from Residential  
 Low Density and Conservation to Commercial  
 High Intensity and Conservation  
 Owner/Applicant: Daryl Carter  
 Parcel #02-12-31-0000-01010-0140 & 02-12-31-0000-01010-0150



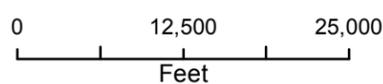
# Flagler County Future Land Use



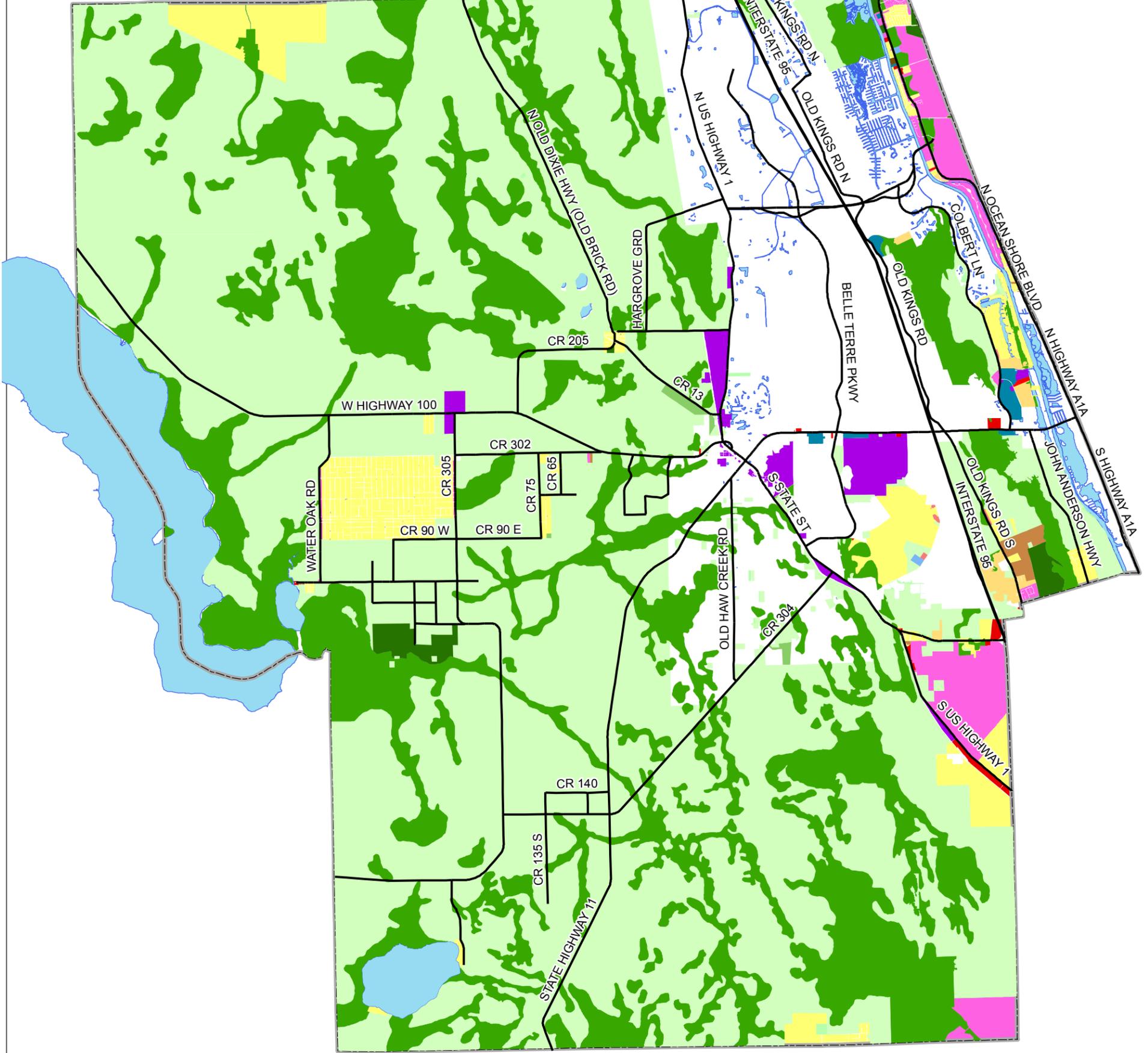
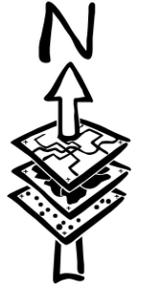
Future Land Use Categories	
LandUse	
	AGRICULTURE
	AGRICULTURE & TIMBERLANDS
	COMMERCIAL: HIGH INTENSITY
	COMMERCIAL: LOW INTENSITY
	CONSERVATION
	EDUCATIONAL USES
	INDUSTRIAL
	MIXED USE: LOW INTENSITY
	MIXED USE: HIGH INTENSITY
	RECREATION & OPEN SPACE
	RESIDENTIAL: HIGH DENSITY
	RESIDENTIAL: LOW DENSITY / RURAL ESTATE
	RESIDENTIAL: LOW DENSITY/SINGLE FAMILY
	RESIDENTIAL: MEDIUM DENSITY
	Water

This map is for reference only. Data provided are derived from multiple sources with varying levels of accuracy. This product is for informational purposes and may not have been prepared for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Map Created: 3/20/2015



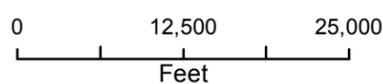
# Flagler County Proposed Future Land Use



Future Land Use Categories	
LandUse	
	AGRICULTURE
	AGRICULTURE & TIMBERLANDS
	COMMERCIAL: HIGH INTENSITY
	COMMERCIAL: LOW INTENSITY
	CONSERVATION
	EDUCATIONAL USES
	INDUSTRIAL
	MIXED USE: LOW INTENSITY
	MIXED USE: HIGH INTENSITY
	RECREATION & OPEN SPACE
	RESIDENTIAL: HIGH DENSITY
	RESIDENTIAL: LOW DENSITY / RURAL ESTATE
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Map Created: 3/20/2015



**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS  
PUBLIC HEARING / AGENDA ITEM # 21**

**SUBJECT: LEGISLATIVE** – Transmittal Hearing – Request to Amend the 2010-2035 Future Land Use Map and Future Land Use Element from Residential Low Density Single Family and Conservation to Commercial High Intensity and Adopt a Parcel-Specific Limiting Policy; Parcel #s 02-12-31-0000-01010-0140 and 02-12-31-0000-01010-0150; Owner: Daryl Carter, Trustee of Carter-Flagler Roberts Road Land Trust / Agent: Sidney F. Ansbacher, Brunswick Corporation and Sea Ray Boats, Inc. (Application #2972).

**DATE OF MEETING:** March 16, 2015

**OVERVIEW/SUMMARY:** This request is for an amendment to the 2010-2035 Future Land Use Map and Future Land Use Element to permit the construction of a parking lot, finished boat staging area, and an office building not to exceed 40,000 s.f. on two parcels of land adjacent to Sea Ray’s industrial facility on Roberts Road.

The subject parcels (Property Appraiser’s Bing aerial photo link, limits of the parcels shown in red below):



**Overview**

On December 31, 2014, Sea Ray Boats, Inc., through their agent, Sidney Ansbacher, submitted applications for a Future Land Use amendment (Application #2972) and rezoning (Application

#2973) for the 24.4 acres located south of and abutting the existing Sea Ray plant site on Roberts Road. The subject parcels are part of the approved Grand Reserve East Planned Unit Development (PUD), a single-family residential development consisting of a maximum of 300 dwelling units on 139.87 acres (the net remaining acreage, excluding areas designated Conservation; total project area of 165.89 acres) for a density of 2.15 units/acre (the Residential Low Density Single Family (RLDSF) Future Land Use designation allows densities from 1 to 3 units per acre, permitting a maximum build-out of 420 dwelling units).

Just over ten years ago, this area's Future Land Use designation was amended from Industrial to Low Density Residential. The intent at the time was to permit residential development since the economy – then and now for Flagler County – continues to depend on new housing development. This conversion was strongly discouraged through the Department of Community Affairs' Objections, Recommendations, and Comments (ORC) Report, which sought the County and the applicant to be more cautious about the amendment. The County ultimately rezoned the area as the single-family residential Grand Reserve East PUD. In the succeeding years marked by the Great Recession, the former LandMar projects, inclusive of Grand Reserve East, transferred back to their original owners or to successor lenders. Grand Reserve East never developed, and its sister project to the west, Grand Reserve West, likewise sits entitled, but undeveloped.

The County in 2013 sought to generate some interest in industrial development by pursuing an Industrial Future Land Use Map amendment for the northern portion of Grand Reserve East, inclusive of the subject parcels. The hope was that the proactive Industrial amendment could entice marine-related industries, including storage and distribution uses, to locate adjacent to Sea Ray, whether these are suppliers or otherwise. But neighborhood opposition culminating in the April 9, 2013 Planning and Development Board hearing and its recommendation for denial caused the County Planning staff to abandon this approach. The landowner at the time of the amendment request subsequently sold the lands comprising the Grand Reserve East inclusive of the subject parcels to the present owner.

Concurrent with the Great Recession, Brunswick, Sea Ray's parent company, scaled back its various divisions, closing several plants and consolidating boat manufacturing operations here and at several other facilities. Now, the production of more models of boats occurs at the Flagler Sea Ray plant, and consumer demand has increased. As Sea Ray has described its operations, employee parking areas are now constrained by more outside storage, necessitated by the increase in production and the variety of boat models, requiring the use of multiple fiberglass boat molds through the production process. Likewise, employment has increased, although still not at peak pre-Recession levels; multiple shifts are now operating at the plant site. Through the present application, Sea Ray is seeking to expand its footprint – but not its plant site – to accommodate additional storage on its present plant site by shifting its employee parking to the south onto the adjoining subject parcel.

Sea Ray's intent, as stated to Planning staff, is principally to develop a parking lot (setback a minimum of 400 feet from the east or 50 feet from any jurisdictional wetland line, whichever is greater) on the subject parcels to accommodate employee parking, including a finished boat staging area to be located no more than 1,000 feet from Roberts Road, all as presently located on the Sea Ray plant site. Another potential use, although not intended to be developed immediately, would be an office, not to exceed 40,000 square feet; staff proposes that an office, if developed, would not be located more than 1,000 feet from Roberts Road.

A comprehensive analysis of the effect of this Future Land Use amendment request accompanies this staff report.

Technical Review Committee (TRC) review

Staff presented the applicant with comments as part of the January 21, 2015 Technical Review Committee meeting; as of the date of this report, all staff comments have been satisfactorily addressed.

Planning and Development Board review

The Planning and Development Board at their February 10, 2015 regular meeting voted unanimously to recommend to the Board of County Commissioners not to transmit the subject amendment.

Board of County Commissioners review

The Board is considering this request as the County's Local Planning Agency (LPA).

This agenda item is:

quasi-judicial, requiring disclosure of ex-parte communication; or  
 legislative, not requiring formal disclosure of ex-parte communication.

**DEPT./CONTACT/PHONE #:** Planning & Zoning / Adam Mengel / 386-313-4065

**RECOMMENDATION:** Request the Board transmit Application #2972, amending the 2010-2035 Future Land Use Map and Future Land Use Element for Parcel #s 02-12-31-0000-01010-0140 and 02-12-31-0000-01010-0150, finding that the proposed amendment is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan.

Note: The Future Land Use amendment shall not become effective until adoption by the County. It is anticipated that the rezoning would be concurrently considered at the same meeting of the Board of County Commissioners as the adoption of the Future Land Use amendment.

**ATTACHMENTS:**

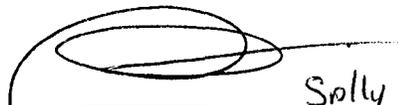
1. Technical Staff Report (TSR)
2. Amendment Summary of Impacts
3. Ordinance and Amendment Map
4. Application and Supplemental Materials
5. February 10, 2015 Planning and Development Board Regular Meeting Minutes (draft, in part)
6. Notification List and Map
7. Correspondence



Adam Mengel, Planning & Zoning Director

3-11-15

Date



Sally Sherman, DCA  
Craig M. Coffey, County Administrator

3-11-15

Date

Electronically Approved 03/11/15 by Deputy County Administrator, Sally Sherman  
Electronically Approved 03/10/15 by County Attorney's Office as to Form

**FLAGLER COUNTY PLANNING DEPARTMENT**  
**TECHNICAL STAFF REPORT / APPLICATION # 2972**

Related Application

Application #2972 – Amendment of the Future Land Use Map from Residential Low Density Single Family and Conservation to Commercial High Intensity and Amendment of the Future Land Use Element to Adopt a Parcel-Specific Limiting Policy

Location and Legal Description

Generally lying south east of the corner of Roberts Road and Sea Ray Drive lying within Section 2, Township 12 South, Range 31 East, Flagler County, Florida; Parcel #02-12-31-0000-01010-0140 (5.23 acres) and 02-12-31-0000-01010-0150 (18.38 acres); Total project area is approximately 24.39 acres.

Owner and Applicant/Agent

- Owner: Daryl Carter, Trustee of Carter-Flagler Roberts Road Land Trust
- Applicant: Sidney F. Ansbacher, Brunswick Corporation and Sea Ray Boats, Inc.

Existing Zoning and Land Use Classification

- Zoning: PUD (Planned Unit Development) District
- Land Use: Residential Low Density Single Family and Conservation

Future Land Use Map Classification/Zoning of Surrounding Land

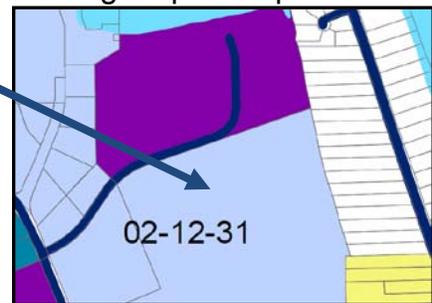
- North: Industrial / I (Industrial)
- East: City of Flagler Beach single-family residential
- South: Residential Low Density Single Family and Conservation / PUD (Planned Unit Development) District
- West: Roberts Road; Mixed Use: High Intensity Medium/High Density / MUH PUD (Mixed Use High Intensity Planned Unit Development) District (Grand Reserve West)

FLU Map excerpt:



SUBJECT PARCEL

Zoning Map excerpt:



Staff Analysis

The Grand Reserve East PUD included a buffer, designated as Conservation on the Future Land Use Map and 250 feet in width (a total of 10.36 acres in area), along a majority portion of the common parcel boundary with Sea Ray. This buffer of Conservation was intended to physically separate the proposed residential uses to the south from Sea Ray's industrial operations to the north. Staff has proposed a minimum

**FLAGLER COUNTY PLANNING DEPARTMENT**  
**TECHNICAL STAFF REPORT / APPLICATION # 2972**

setback to the east of 400 feet or 50 feet from any jurisdictional wetland line, whichever is greater, and inclusive of existing wetland areas and adjacent upland buffers, within which no development would occur. The Conservation Future Land Use designation would ultimately be applied to wetland areas on both parcels through Comprehensive Plan Policy A.4.1.1.

Consistent with Table A.1 from Policy A.1.1.2, development on this parcel following the amendment to Commercial High Intensity would be limited to a maximum Floor Area Ratio (FAR) of 0.40 and maximum impervious area of 70%, corresponding to a maximum commercial square footage of 424,971.36 s.f. (9.76 acres) and a maximum impervious area of 17.07 acres.

Trip generation would be based, since parking is shifting off of the Sea Ray plant site to this location, first on background traffic currently utilizing the plant site, inclusive of employees, shipments, and deliveries, and then the net trips yielded from the reduction in residential dwelling units in the Grand Reserve East PUD. Applying the PUD's approved 2.15 unit/acre density to the 14.07 acres of Residential Low Density Single Family in this parcel yields 30 dwelling units, resulting in 286 daily trips (based on 9.52 average weekday trips generated by a single-family detached dwelling unit; Land Use 210, ITE Trip Generation, 9th Edition) available to Sea Ray in addition to those presently impacting Roberts Road associated with the plant's operations. The available trips increases to 400 daily trips (based on 42 dwelling units) utilizing the Future Land Use's "worst-case" analysis of impacts based on the maximum density permitted by the existing Residential Low Density Single Family Future Land Use maximum of three units per acre.

The Future Land Use amendment to Commercial High Intensity would permit a higher intensity of use and potential development than the presently approved Residential Low Density Single Family designation. Consideration of a parcel-specific limiting policy in the Future Land Use Element provides assurances to adjacent properties that more intense development will not occur on this parcel than the proposed parking lot, the finished boat staging area, and office building. However, it is staff's contention and recommendation, even absent the limiting policy, that the requested amendment is appropriate in light of the historic Industrial Land Use designation for this parcel amended just over ten years ago.

Previous Public Hearings

February 8, 2005 – Planning Board voted 3-2 (dissenting members not noted in the minutes) to recommend approval of a Future Land Use Map amendment from I (Industrial) to RSFL (Residential Single Family Low Density) on 166.0 acres, subject to:

1. Approximately 26.2 acres of conservation and 139.8 acres of residential low density to provide a buffer to Sea Ray Boats, protection of salt water marsh areas and an overall reduction in gross density.

**FLAGLER COUNTY PLANNING DEPARTMENT**  
**TECHNICAL STAFF REPORT / APPLICATION # 2972**

2. Participation in Colbert Lane improvements to maintain evacuation time and maintain level of service for future traffic volumes and emergency evacuations (Application #2400).

December 12, 2005 – Board of County Commissioners voted unanimously to approve the Future Land Use Map amendment for 139.8 acres from Industrial to Residential Low Density – Single Family and 26.2 acres from Industrial to Conservation (Application #2400; Ordinance No. 2005-31).

April 9, 2013 – Planning and Development Board voted unanimously to recommend denial of the Future Land Use Map amendment from Residential Low Density and Conservation to Industrial, Conservation, and Residential Medium Density (Application #2920)[Note: Application #2920 was subsequently withdrawn by the County and did not advance to the BCC.].

March 10, 2015 – Planning and Development Board voted unanimously to recommend not to transmit the Future Land Use amendment (Application #2972) [Note: The companion rezoning request from PUD to C-2 was withdrawn by the applicant at the March Planning and Development Board meeting, with the intent to return with a rezoning application following transmittal of the Future Land Use amendment and receipt of comments from the reviewing agencies].

Analysis of Consistency with Florida Statutes

The proposed amendment has been evaluated by staff for its consistency with Section 163.3177(6) of Florida Statutes:

- “2. The future land use plan and plan amendments shall be based upon surveys, studies, and data regarding the area, as applicable, including:
  - a. The amount of land required to accommodate anticipated growth.”

*This request is related to the conflicts originally identified through the State’s review as part of FLUA #05-1 for Application #2400, a/k/a Roberts Landing. The conflict created through amending the area immediately adjacent to Sea Ray has had significant impacts on Sea Ray’s operations. Many of the cautions raised by the DCA in evaluating #05-1 can be resolved through this request.*

- “b. The projected permanent and seasonal population of the area.”

*The amendment would represent a permanent decrease in population in the area of 101 persons, using 2.4 persons per household (pph) for the reduced 42 dwelling units.*

- “c. The character of undeveloped land.”

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**TECHNICAL STAFF REPORT / APPLICATION # 2972**

*The land is level and composed of poorly drained piney flatwoods. The easternmost portion of the subject parcels is wetland and will ultimately be placed in the Conservation Future Land Use designation and will remain undeveloped.*

- “d. The availability of water supplies, public facilities, and services.”

*These services are provided by the City of Palm Coast to adjacent parcels.*

- “e. The need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community.”

*This amendment is not facilitated by a need for redevelopment, but is instead prompted by Sea Ray’s need for additional area on their plant site. This amendment does not renew blighted areas or eliminate nonconforming uses.*

- “f. The compatibility of uses on lands adjacent to or closely proximate to military installations.”

*Not applicable – the subject parcel is not adjacent or proximate to a military installation.*

- “g. The compatibility of uses on lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.”

*Not applicable – the subject parcel is not adjacent to an airport.*

- “h. The discouragement of urban sprawl.”

*Urban sprawl is not relevant here since this request has been previously amended as part of the previous urban service area located east of U.S. Highway 1.*

- “i. The need for job creation, capital investment, and economic development that will strengthen and diversify the community’s economy.”

*Transitioning the Future Land Use Map to an Industrial category for part of the amendment would foster additional job creation and capital investment; however, this amendment only seeks to change existing Residential Low Density Single Family lands to Commercial High Intensity, which could ultimately also create additional jobs. Instead, based on the proposed use of the subject parcel as a parking lot, finished boat staging area, and office building supporting the adjacent Sea Ray plant, this*

**FLAGLER COUNTY PLANNING DEPARTMENT**  
**TECHNICAL STAFF REPORT / APPLICATION # 2972**

*amendment request can be viewed as directly supporting Sea Ray's continued operations and serves to strengthen the community's economy by ensuring Sea Ray's continued presence in the area.*

- "j. The need to modify land uses and development patterns within antiquated subdivisions."

*Not applicable – while this request is part of an antiquated subdivision plat, the amendment request is not linked to or caused by the plat.*

- "8. Future land use map amendments shall be based upon the following analyses:  
a. An analysis of the availability of facilities and services."

*This report and the attached analyses provide a preliminary analysis of the availability of facilities and services. Final determination of the availability of facilities and services will be made at the time of final platting or permit issuance.*

- "b. An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site."

*No site characteristics would hinder development of the parcel.*

- "c. An analysis of the minimum amount of land needed as determined by the local government."

*Approval of this amendment will provide sufficient additional area for Sea Ray's continued operations. Arguably, maintaining the additional residential density as presently designated is unnecessary at this time due to the continuing residential surplus of housing stock within the County.*

- "9. The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.  
a. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:  
(I) Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.  
(II) Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from

**FLAGLER COUNTY PLANNING DEPARTMENT**  
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existing urban areas while not using undeveloped lands that are available and suitable for development.

- (III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
- (IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
- (V) Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
- (VI) Fails to maximize use of existing public facilities and services.
- (VII) Fails to maximize use of future public facilities and services.
- (VIII) Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
- (IX) Fails to provide a clear separation between rural and urban uses.
- (X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
- (XI) Fails to encourage a functional mix of uses.
- (XII) Results in poor accessibility among linked or related land uses.
- (XIII) Results in the loss of significant amounts of functional open space.”

*Staff concludes that this request neither results in the 13 sprawl indicators being met or not met; the approval of the request would have an overall de minimis impact on the sprawl indicators.*

- “b. The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:
- (I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
  - (II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
  - (III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal

**FLAGLER COUNTY PLANNING DEPARTMENT**  
**TECHNICAL STAFF REPORT / APPLICATION # 2972**

transportation system, including pedestrian, bicycle, and transit, if available.

- (IV) Promotes conservation of water and energy.
- (V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.
- (VI) Preserves open space and natural lands and provides for public open space and recreation needs.
- (VII) Creates a balance of land uses based upon demands of residential population for the nonresidential needs of an area.
- (VIII) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.”

*Staff concludes that this request neither results in the eight “anti-sprawl” objectives being met or not met; the approval of the request would have an overall de minimis impact on the sprawl indicators. The present Future Land Use designation creates an ongoing conflict for adjacent industrial uses.*

Analysis of Consistency with the Comprehensive Plan

The proposed amendment has been evaluated by staff for its consistency with the Comprehensive Plan:

“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.”

*Goal and objective statements are not measurable, unlike policy statements that are measurable. This is provided for reference for the implementing policy to follow.*

“Objective A.1.2: Flagler County shall eliminate or reduce uses of land within the County which are inconsistent with community character or desired future land uses.”

*Goal and objective statements are not measurable, unlike policy statements that are measurable. This is provided for reference for the implementing policy to follow.*

**FLAGLER COUNTY PLANNING DEPARTMENT**  
**TECHNICAL STAFF REPORT / APPLICATION # 2972**

“Policy A.1.2.2: The Flagler County Planning and Zoning Department shall maintain consistency between the Land Development Regulations (LDRs) and the Comprehensive Plan by the following means:

- (1) Parcels being considered for amendment to the Future Land Use Map shall be concurrently evaluated for rezoning to the most appropriate zoning district.
- (2) Parcels seeking site plan approval shall continue to be designed, developed and used for activities allowed by the appropriate zoning district.
- (3) Property owners will be asked to conform to pending land use/zoning regulations as they request development approval.”

*It is anticipated that the owner, upon the parcel receiving the new land use designation through the Future Land Use amendment, will pursue rezoning of the subject parcel to replace the present Planned Unit Development (PUD) to complete the action to make the use conform to the Comprehensive Plan and the Land Development Code (LDC). This amendment attempts to reduce or eliminate the conflict between the present Future Land Use designation and Sea Ray, but will require rezoning to be completed by the owner prior to issuance of any development order or permit.*

“Objective A.1.4: Flagler County shall coordinate future land uses with topography, soil conditions, and the availability of facilities and services through the implementation of its Comprehensive Plan, Land Development Code (LDC), and Concurrency Management System.”

*Goal and objective statements are not measurable, unlike policy statements that are measurable. This is provided for reference for the implementing policy to follow.*

“Policy A.1.4.1: During the review of requests for plan amendments, topography, vegetation, wildlife habitat, flood hazard, the 100-year flood plain, and soils for the areas to be amended will be analyzed and specific findings made as part of the plan amendment process.”

*No site characteristics are present on this parcel that would impact the requested amendment.*

“Objective A.1.5: Upon plan adoption, Flagler County shall limit urban sprawl by directing urban growth to those areas where public facilities and services are available.”

*Goal and objective statements are not measurable, unlike policy statements that are measurable. This is provided for reference for the implementing policy to follow.*

**FLAGLER COUNTY PLANNING DEPARTMENT**  
**TECHNICAL STAFF REPORT / APPLICATION # 2972**

“Policy A.1.5.6: The impact resulting from new non-residential development along collector and arterial roadways shall be managed through access management, shared or joint access, traffic signalization and other similar techniques.”

*This policy is satisfied at the time of site plan submittal. Sea Ray Drive will serve as the common access point for the present plant and the proposed parking area.*

“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.”

*Goal and objective statements are not measurable, unlike policy statements that are measurable. This is provided for reference for the implementing policy to follow.*

“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 roadway buffers, landscape and natural vegetation buffers, fences and walls, and the use of intervening common open space.”

*The County’s Land Development Code provides for appropriate buffers.*

“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.”

*The County’s Land Development Code does this; commentary that this policy is not met would mean that the County’s Land Development Code does not provide for buffering, but it does provide for buffering.*

“GOAL A.3: Flagler County shall use its home rule powers and coordination with other public and private organizations to strive for an economy that is diversified, stable and flexible.”

*Goal and objective statements are not measurable, unlike policy statements that are measurable. This is provided for reference for the implementing policy to follow.*

**FLAGLER COUNTY PLANNING DEPARTMENT**  
**TECHNICAL STAFF REPORT / APPLICATION # 2972**

“Objective A.3.1: Flagler County shall coordinate with the Economic Development Element to ensure consistency with the implementation of economic development activities throughout the County.”

*Goal and objective statements are not measurable, unlike policy statements that are measurable. This is provided for reference for the implementing policy to follow.*

“Policy A.3.1.3: Flagler County shall encourage the continued development and improvement of appropriate existing industrial areas, while also providing new sites for industrial development.”

*This amendment request encourages the continued operation of an established, conforming, appropriately-zoned industrial use.*

“GOAL A.6: In coordination with the Coastal Management Element, Flagler County shall use the Future Land Use Element and Land Development Code to protect, preserve and efficiently manage natural and man-made resources within the coastal areas of the County.”

*Goal and objective statements are not measurable, unlike policy statements that are measurable. This is provided for reference for the implementing policy to follow.*

“Objective A.6.1: Consistency shall be maintained between Flagler County’s Future Land Use Element, Transportation Element, and Coastal Management Element related to development occurring within the coastal areas of the County.”

*Goal and objective statements are not measurable, unlike policy statements that are measurable. This is provided for reference for the implementing policy to follow.*

“Policy A.6.1.1: Land use plan amendments shall be reviewed under the criteria established in the Coastal Management Element, Transportation Element, and other applicable standards contained in the adopted Flagler County Comprehensive Plan.”

*This analysis satisfies this Policy’s requirements.*

“GOAL A.7: Flagler County shall establish and enforce land uses such that the resulting development will be efficiently and effectively served by needed public services and facilities.”

**FLAGLER COUNTY PLANNING DEPARTMENT**  
**TECHNICAL STAFF REPORT / APPLICATION # 2972**

*Goal and objective statements are not measurable, unlike policy statements that are measurable. This is provided for reference for the implementing policy to follow.*

“Objective A.7.1: Flagler County shall coordinate the utility needs of the private and public utilities and the need to accommodate dredge spoil disposal sites within the County consistent with the policies and criteria of the Flagler County Comprehensive Plan and consistent with the facility implementation plans of the various utilities and other federal and state agencies.”

*Goal and objective statements are not measurable, unlike policy statements that are measurable. This is provided for reference for the implementing policy to follow.*

“Policy A.7.3.6: All requests for amendments to the Future Land Use Map shall include an analysis of the level of service for public facilities, including an analysis of the potable water supply. Applications for land use map amendments shall be provided to the appropriate potable water supplier and the St. Johns River Water Management District (SJRWMD) for their review.”

*This analysis satisfies this Policy’s requirements. Potable water requirements are satisfied through permitting by the City of Palm Coast for this use.*

“GOAL G.1: Flagler County will strive to maintain a diverse and stable economy by providing for a positive business climate that assures maximum employment opportunities while maintaining a high quality of life.”

*Goal and objective statements are not measurable, unlike policy statements that are measurable. This is provided for reference for the implementing policy to follow.*

“Objective G.1.2: Flagler County shall continue to support economic development organizations recognized by the Board of County Commissioners in order to promote economic development efforts on behalf of Flagler County.”

*Goal and objective statements are not measurable, unlike policy statements that are measurable. This is provided for reference for the implementing policy to follow.*

“Policy G.1.2.7: Flagler County shall coordinate economic development efforts with all cities and other applicable agencies within the County and throughout the Northeast Florida region.”

*Coordination is accomplished through the required transmittal of this Future Land Use amendment to reviewing agencies, as required by Florida Statutes.*

**FLAGLER COUNTY PLANNING DEPARTMENT**  
**TECHNICAL STAFF REPORT / APPLICATION # 2972**

“GOAL G.5: Flagler County shall promote balanced economic growth while enhancing the quality of life in the County.”

*Goal and objective statements are not measurable, unlike policy statements that are measurable. This is provided for reference for the implementing policy to follow.*

“Objective G.5.1: Flagler County shall promote the County’s character and quality of life by ensuring the provision of adequate infrastructure.”

*Goal and objective statements are not measurable, unlike policy statements that are measurable. This is provided for reference for the implementing policy to follow.*

“GOAL I.1: Flagler County will develop and maintain intergovernmental coordination mechanisms necessary to achieve consistency among local, county and regional plans and policies and coordinate all development activities in order to improve delivery of services, enhance the quality of life and protect the natural environment.”

*Goal and objective statements are not measurable, unlike policy statements that are measurable. This is provided for reference for the implementing policy to follow.*

“Objective I.1.5: Flagler County shall attempt to resolve inconsistencies between adjacent local governments and state or federal permitting agencies through negotiating techniques.”

*Goal and objective statements are not measurable, unlike policy statements that are measurable. This is provided for reference for the implementing policy to follow.*

“Policy I.1.5.2: Flagler County shall utilize the Northeast Florida Regional Council (NEFRC) as a mediator when development issues or annexation issues cross-jurisdictional boundaries and cannot be resolved by Flagler County or other local governments involved.”

*Should consultation with the NEFRC be ultimately necessary, then the County will pursue the Council’s mediation of any dispute. At this point, the Council’s involvement is premature since the Board has not yet transmitted the amendment request (i.e., the elected body of the local government having jurisdiction over this request has not yet acted on this request).*

**FLAGLER COUNTY PLANNING DEPARTMENT**  
**TECHNICAL STAFF REPORT / APPLICATION # 2972**

Analysis of Compatibility with the Land Development Code

The requested small scale amendment has been evaluated by staff for its compatibility with the Land Development Code:

“8.04.00.: Plan amendments. A report shall be prepared by county staff as required and forwarded as part of the major plan amendment process to the long range planning and land development review board, planning board and the board of county commissioners. The report shall indicate the anticipated impact of the administrative action on the levels of service adopted in this ordinance. This report is intended to be a general analysis and should identify corrective actions and any responsibility for the cost of those actions.”

*This request is considered a major plan amendment. Staff has addressed the concurrency-related requirements of Florida Statutes, the Comprehensive Plan, and this section of the LDC through this staff report and the accompanying materials.*

*Ultimately, the plan amendment process provides a “forward look” at concurrency issues, with the LDC requiring concurrency to be met or programmed at the time of final plat approval or permit issuance, as applicable.*

**FUTURE LAND USE AMENDMENT  
SUMMARY OF IMPACTS FOR APPLICATION #2972**

Existing FLUM Category	Proposed FLUM Category	Existing Maximum Density (DU/Acre)	Proposed Maximum Density (DU/Acre)	Existing Maximum Intensity (FAR)	Proposed Maximum Intensity (FAR)	Net Increase or (Decrease) in Maximum Density	Non-Residential Net Increase or (Decrease) in Potential Floor Area
Residential: Low Density Single Family – 14.07 acres	Commercial High Intensity – 24.39 acres	3 DU/Acre	N/A	N/A	0.40	-42 units	+424,971.36 square feet [Parcel-specific limiting policy sets FAR limit at 40,000 square feet, less than 10% of maximum potential]
Conservation – 10.36 acres							

**Summary:**

This request is proposed as a 24.4 acre amendment changing to Commercial High Intensity that provides an area adjacent to Sea Ray for employee parking to be relocated off the existing plant site and an office building. The lands under this amendment were last part of Application #2400 for Roberts Landing (FLUA Amendment #05-1). Analysis of concurrency-related impacts – through Chapter 8 of the Flagler County Land Development Code – indicates that through the parcel-specific limiting policy, the capacity exists within existing public facilities so that an adopted Level of Service (LOS) threshold will not be degraded to a point of failure.

**FUTURE LAND USE AMENDMENT  
SUMMARY OF IMPACTS FOR APPLICATION #2972**

Transportation Impacts:

**Trip Generation Potential of Parcels Affected by FLUA #2972**

Scenario	Land Use Designation	Maximum Allowed Intensity	ITE Land Use Code	Size of Development		Daily Trips
				Acres	Units or Area	
Existing	Residential: Low Density Single Family	3 dwelling units per acre	210	14.07	42 units	-400 trips
Proposed	Commercial High Intensity	0.40 FAR	813	24.39	424,971.36 square feet	+21,569 trips
	Commercial High Intensity with Parcel- Specific Limiting Policy		715		40,000 square feet	+466 trips
Change in Daily Trips (Difference between Existing and Proposed with Limiting Policy)						+66 trips

Note: Estimated impact is the worst-case scenario assuming ITE #813, Free-Standing Discount Superstore, and is based on a daily trip rate of 50.75 trips per 1,000 s.f. GFA. For the parcel-specific limiting policy and its maximum 40,000 s.f. office, ITE #715, Single Tenant Office Building, was used, with a daily trip rate of 11.65 trips per 1,000 s.f. GFA. Trip generation based on Institute of Traffic Engineers (ITE) Trip Generation Manual, 9th Edition.

**FUTURE LAND USE AMENDMENT  
SUMMARY OF IMPACTS FOR APPLICATION #2972**

Potable Water:

**Water Supply Impacts of Parcels Affected by FLUA #2972**

Scenario	Land Use Designation	Maximum Allowed Intensity	Criterion	Size of Development		Daily Potable Water Demand
				Acres	Units or Area	
Existing	Residential: Low Density Single Family	3 dwelling units per acre	125 gals per capita per day	14.07	42 units	-12,600 gallons
Proposed	Commercial High Intensity	0.40 FAR	300 gals per ERU per day	24.39	424,971.36 square feet	+16,575 gallons
	Commercial High Intensity with Parcel- Specific Limiting Policy				40,000 square feet	+1,560 gallons
Change in Potable Water Demand (Difference between Existing and Proposed with Limiting Policy)						-11,040 gallons

Note: Single-family demand based on 2.4 pph. Commercial demand based on non-intensive user (primarily public/employee restrooms) with a 0.130 ERU per 1,000 s.f.

**FUTURE LAND USE AMENDMENT  
SUMMARY OF IMPACTS FOR APPLICATION #2972**

Sanitary Sewer:

**Sanitary Sewer Impacts of Parcels Affected by FLUA #2972**

Scenario	Land Use Designation	Maximum Allowed Intensity	Criterion	Size of Development		Daily Sanitary Sewer Demand
				Acres	Units or Area	
Existing	Residential: Low Density Single Family	3 dwelling units per acre	110 gals per capita per day	14.07	42 units	-11,088 gallons
Proposed	Commercial High Intensity	0.40 FAR	240 gals per ERU per day	24.39	424,971.36 square feet	+13,260 gallons
	Commercial High Intensity with Parcel- Specific Limiting Policy				40,000 square feet	+1,248 gallons
Change in Sanitary Sewer Demand (Difference between Existing and Proposed with Limiting Policy)						-9,840 gallons

Note: Single-family demand based on 2.4 pph. Commercial demand based on non-intensive user (primarily public/employee restrooms) with a 0.130 ERU per 1,000 s.f.

**FUTURE LAND USE AMENDMENT  
SUMMARY OF IMPACTS FOR APPLICATION #2972**

Solid Waste:

**Solid Waste Impacts of Parcels Affected by FLUA #2972**

Scenario	Land Use Designation	Maximum Allowed Intensity	Criterion	Size of Development		Daily Solid Waste Demand
				Acres	Units or Area	
Existing	Residential: Low Density Single Family	3 dwelling units per acre	9.3 pounds per capita per day	14.07	42 units	-937 pounds
Proposed	Commercial High Intensity	0.40 FAR	3.12 pounds per 100 s.f. per day	24.39	424,971.36 square feet	+13,260 pounds
	Commercial High Intensity with Parcel- Specific Limiting Policy		6 pounds per 1,000 s.f. per day		40,000 square feet	+240 pounds
Change in Solid Waste Demand (Difference between Existing and Proposed with Limiting Policy)						-697 pounds

Note: Single-family demand based on 2.4 pph. Commercial demands based SWANA Tech. Bull. 85-6; Recovery Sciences, 1987; and Matrix Mgmt Group, "Best Management Practices Analysis for Solid Waste" generator for department stores and offices, respectively.

**FUTURE LAND USE AMENDMENT  
SUMMARY OF IMPACTS FOR APPLICATION #2972**

Parks and Recreation:

**Parks and Recreation Impacts of Parcels Affected by FLUA #2972**

Scenario	Land Use Designation	Maximum Allowed Intensity	Criterion	Size of Development		Parks and Recreation Demand
				Acres	Units or Area	
Existing	Residential: Low Density Single Family	3 dwelling units per acre	Resident population	14.07	42 units	-101 persons
Proposed	Commercial High Intensity	0.40 FAR	N/A	24.39	424,971.36 square feet	N/A
	Commercial High Intensity with Parcel- Specific Limiting Policy				40,000 square feet	N/A
Change in Parks and Recreation Demand (Difference between Existing and Proposed with Limiting Policy)						-101 persons

Note: Parks and recreation LOS demand is based on aggregated population counts. Non-residential uses do not generate parks and recreation demand.

**FUTURE LAND USE AMENDMENT  
SUMMARY OF IMPACTS FOR APPLICATION #2972**

Educational Facilities:

**Educational Facilities Demand of Parcels Affected by FLUA #2972**

Scenario	Land Use Designation	Maximum Allowed Intensity	Criterion	Size of Development		Educational Facilities Demand
				Acres	Units or Area	
Existing	Residential: Low Density Single Family	3 dwelling units per acre	FTE	14.07	42 units	-14 students
Proposed	Commercial High Intensity	0.40 FAR	N/A	24.39	424,971.36 square feet	N/A
	Commercial High Intensity with Parcel- Specific Limiting Policy				40,000 square feet	N/A
Change in Educational Facilities Demand (Difference between Existing and Proposed with Limiting Policy)						-14 students

Note: Educational facilities LOS demand is based on FTE counts determined within Concurrency Service Areas (CSAs). This project is located within CSA Number 2. No deficiencies in service have been indicted through the most recent District Work Plan. Non-residential uses do not generate educational facilities demand.



# APPLICATION FOR FUTURE LAND USE MAP AMENDMENT TEN ACRES OR GREATER

FLAGLER COUNTY, FLORIDA

1769 E. Moody Blvd, Suite 105

Bunnell, FL 32110

Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project #: 2972 / 2015010002

<b>PROPERTY OWNER(S)</b>	Name(s):	Daryl Carter, Trustee of Carter-Flagler Roberts Road Land Trust		
	Mailing Address:	3333 S. Orange Avenue, Suite 200		
	City: Orlando	State: Florida	Zip: 32806	
	Telephone Number	407-422-3144	Fax Number	407-422-3155

<b>APPLICANT/AGENT</b>	Name(s):	Sidney F. Ansbacher, Brunswick Corporation and Sea Ray Boats, Inc.		
	Mailing Address:	780 N. Ponce de Leon Blvd.		
	City: St. Augustine	State: Florida	Zip: 32084	
	Telephone Number:	904-829-9066	Fax Number:	904-825-4862
	Email:	SFAnsbacher@ubulaw.com		

<b>SUBJECT PROPERTY</b>	SITE LOCATION ( <i>street address</i> ):	See attached / Roberts Road
	LEGAL DESCRIPTION:	See attached
	Parcel # ( <i>tax ID #</i> ):	See attached
	Parcel Size:	24.4 acres

<b>FUTURE LAND USE DESIGNATION</b>	<b>Present Future Land Use Designation(s) <u>Provide acreage of each classification.</u></b>	Residential Low Density and Conservation
	<b>Proposed Future Land Use Designation (s) <u>Provide acreage of each classification.</u></b>	Keep Conservation; amend Residential Low Density to Commercial High Intensity



# Owner's Authorization for Applicant/Agent

FLAGLER COUNTY, FLORIDA

1769 E. Moody Boulevard, Suite 105

Bunnell, FL 32110

Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project # 2972 / 2015010002

Brunswick Corporation, Sea Ray Boats, Inc., and Sidney F. Ansbacher, is hereby authorized TO ACT ON BEHALF OF Daryl M. Carter, Trustee of Carter-Flagler Roberts Road Land Trust, the owner(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to Flagler County, Florida for an application for Daryl M. Carter, Trustee of Carter-Flagler Roberts Road Land Trust.

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

By:

Signature of Owner

Daryl M. Carter, Trustee of Carter-Flagler Roberts Road Land Trust

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

Signature of Owner

Printed Name of Owner

Address of Owner:

Telephone Number (incl. area code)

3333 S. Orange Avenue, Suite 200

407-581-6207

Mailing Address

Orlando, Florida 32806-8500

City State Zip

STATE OF Florida

COUNTY OF Orange

The foregoing was acknowledged before me this 23<sup>rd</sup> day of December, 2014 by Daryl M Carter and N/A who is/are personally known to me or who has produced N/A as identification, and who (did) / (did not) take an oath.

Pamela Lee Wray

Signature of Notary Public



(Notary Stamp)

<http://www.flaglercounty.org/doc/dpt/centprmt/landdev/owner%20auth.pdf>

Revised 5/08

**SKETCH AND DESCRIPTION**



NORTH ARROW

0' 400' 800'



SCALE 1" = 400'

RESERVED FOR RECORDING INFORMATION

UNPLATTED

LANBERT AVE.  
(60' R/W)

PALM COAST INTRACOASTAL INDUSTRIAL PARK, PHASE I  
M.B. 29, PGS 33-34

D=27°24'51"  
R=565.00'  
L=270.33'  
CB=N57°03'59"E  
Ch=267.76'

AREA = 24.40 AC.±

D=09°45'28"  
R=570.00'  
L=97.07'  
CB=N38°28'37"E  
Ch=96.96'

S16°46'35"E  
29.96'

N33°35'53"E  
258.04'

POINT OF BEGINNING

S88°13'25"W  
42.48'

AREA = 49.12 AC.±

D=34°00'00"  
R=680.00'  
L=403.52'  
CB=N50°35'53"E  
Ch=397.63'

N67°35'53"E  
21.00'

N22°24'07"W  
220.00'

S01°05'56"E  
550.00'

POINT OF REFERENCE  
SOUTHWEST CORNER LOT 35, RIVER  
OAKS, MAP BOOK 27, PAGES 15-17

UNPLATTED

UNPLATTED

UNPLATTED

GOVERNMENT SECTION 2,  
TOWNSHIP 12 SOUTH, RANGE 31 EAST

SEE SHEET 2 FOR DESCRIPTION, NOTES, ABBREVIATIONS, SYMBOLS AND SIGNATURE  
THIS IS NOT A SURVEY. THIS SKETCH AND DESCRIPTION IS FOR INFORMATIONAL PURPOSES ONLY

R:\Shoredocs\Tomoka\Survey\Grand Reserve\dwg\GR-SL1.dwg 3/3/2011 7:50:21 AM EST



**WADE TRIM / TOMOKA**

CIVIL ENGINEERING & LAND SURVEYING SINCE 1976  
DAYTONA BEACH FLAGLER/PALM COAST  
Main Office: 1410 LPGA Blvd., Suite 148, Daytona Beach, FL 32117  
Phone: 386-274-1600 Fax: 386-274-1602  
email: tomoka@tomoka-eng.com website: www.tomoka-eng.com

SKETCH  
AND  
DESCRIPTION

PROJECT NO.	GRAND RESERVE
DRAWING REFERENCE NO.	GR-SL1
DATE:	03/03/2011
SHEET NO.	1 OF 2

C:\Projects\KUHAR 13005 - FLC1 MISCELLANEOUS\ROBERTS ROAD\GR-SL1.dwg

**SKETCH AND DESCRIPTION**

RESERVED FOR RECORDING INFORMATION

**LEGAL DESCRIPTION:**

A PARCEL OF LAND LYING WITHIN GOVERNMENT SECTION 2, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 AS A POINT OF REFERENCE, COMMENCE AT THE SOUTHWEST CORNER OF LOT 35, RIVER OAKS, MAP BOOK 27, PAGES 15 THROUGH 17, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA;  
 THENCE DEPARTING SAID CORNER N16°46'35"W FOR A DISTANCE OF 710.04 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION;  
 THENCE S67°12'53"W FOR A DISTANCE OF 2228.20 FEET TO THE NORTHEASTERLY R/W LINE OF ROBERTS ROAD (80' R/W); THENCE ALONG SAID RIGHT OF WAY LINE N22°24'07"W FOR A DISTANCE OF 220.00 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SEA RAY DRIVE THENCE ALONG SAID RIGHT OF WAY LINE THE FOLLOWING FOUR (4) COURSES; (1) THENCE N67°35'53"E FOR A DISTANCE OF 21.00 FEET TO A POINT OF CURVATURE; (2) THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 403.52 FEET, A RADIUS OF 680.00 FEET, A CENTRAL ANGLE OF 34°00'00", A CHORD BEARING N50°35'53"E AND A CHORD DISTANCE OF 397.63 FEET TO A POINT OF TANGENCY; (3) THENCE N33°35'53"E FOR A DISTANCE OF 258.04 FEET TO A POINT OF CURVATURE; (4) THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 97.07 FEET, A RADIUS OF 570.00 FEET, A CENTRAL ANGLE OF 09°45'28", A CHORD BEARING N38°28'37"E AND A CHORD DISTANCE OF 96.96 FEET TO A POINT ON A NON-TANGENT LINE; THENCE DEPARTING SAID CURVE AND RIGHT-OF-WAY LINE S46°38'27"E FOR A DISTANCE OF 4.99 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 270.33 FEET, A RADIUS OF 565.00 FEET, A CENTRAL ANGLE OF 27°24'51", A CHORD BEARING N57°03'59"E AND A CHORD DISTANCE OF 267.76 FEET TO A POINT OF TANGENCY; THENCE N70°46'24"E FOR A DISTANCE OF 1352.87 FEET TO A POINT ON THE WESTERLY SUBDIVISION LINE OF SAID RIVER OAKS; THENCE ALONG SAID SUBDIVISION LINE S11°46'35"E FOR A DISTANCE OF 460.36 FEET; THENCE CONTINUE ALONG SAID WESTERLY SUBDIVISION LINE S16°46'35"E FOR A DISTANCE OF 29.96 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.

PARCEL CONTAINING 24.40 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

1. BEARINGS BASED ON THE WESTERLY LINE OF RIVER OAKS, MAP BOOK 27, PAGES 15 THROUGH 17, BEING S16°46'35"E.
2. THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS AND/OR OTHER MATTERS NOT SHOWN ON THIS SKETCH WHICH MAY BE FOUND IN THE COUNTY PUBLIC RECORDS.
3. THIS IS NOT A BOUNDARY SURVEY
4. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR / MAPPER.

ABBREVIATIONS

C=CURVE	R/W=RIGHT-OF-WAY
D=DELTA	CL=CENTER LINE
R=RADIUS	POB=POINT OF BEGINNING
L=LENGTH	POC=POINT OF COMMENCEMENT
CH=CHORD	PCP=PERMANENT CONTROL POINT
CB=CHORD BEARING	SECT.=SECTION
PC=POINT OF CURVE	RNG.=RANGE
PT=POINT OF TANGENCY	TWP.=TOWNSHIP
PI=POINT OF INTERSECTION	I.D.=IDENTIFICATION
M.B.=MAP BOOK	CONC=CONCRETE
P.B.=PLAT BOOK	(R)=RECORD
P.G.=PAGE	(F)=FIELD MEASURED
O.R.B.=OFFICIAL RECORD BOOK	(NR)=NON-RADIAL
S.F.=SQUARE FEET	(RAD)=RADIAL
AC.=ACRES	

SIGNED:

*Kenneth J. Kuhar*  
 KENNETH J. KUHAR  
 FLA. PROFESSIONAL SURVEYOR/MAPPER #6105



LB 17565

**WADE TRIM / TOMOKA**

CIVIL ENGINEERING & LAND SURVEYING SINCE 1976  
 DAYTONA BEACH      FLAGLER/PALM COAST  
 Main Office: 1410 LPGA Blvd., Suite 148, Daytona Beach, FL 32117  
 Phone: 386-274-1600      Fax: 386-274-1602  
 email: tomoka@tomoka-eng.com      website: www.tomoka-eng.com

SKETCH  
 AND  
 DESCRIPTION

PROJECT NO.	GRAND RESERVE
DRAWING REFERENCE NO.	GR-SL1
DATE:	03/03/2011
SHEET NO.	2 OF 2

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Inst No: 2013037560; 10/31/13 10:59AM; Book: 1973 Page: 339; Total Pgs: 12  
 Doc Stamps-Deed\$20300.00 GAIL WADSWORTH, FLAGLER Co.

PREPARED BY AND RETURN TO:  
 Michael D. Chiumento, Esquire  
**Chiumento Sellis Dwyer, P.L.**  
 145 City Place, Suite 301  
 Palm Coast, Florida 32164  
 Attn: Kelly DeVore

Property Appraisers Parcel  
 Identification Numbers  
021231-0000-01010-0152;  
021231-0000-01010-0140;  
021231-0000-01010-0150;  
021231-0000-01010-0142;  
021231-0000-01010-0151;  
021231-0000-01010-0141;  
111231-0650-000A0-0060;

## WARRANTY DEED

**THIS INDENTURE**, Made this 30<sup>th</sup> day of October, 2013, **Florida Landmark Communities, LLC, a Florida limited liability company**, whose mailing address is 145 City Place, Suite 300, Palm Coast, FL 32164, hereinafter called the Grantor, to **DARYL M. CARTER, TRUSTEE OF CARTER-FLAGLER ROBERTS ROAD LAND TRUST**, pursuant to Section 689.071, Florida Statutes, with full power and authority to protect, conserve and to sell, convey, lease, encumber, and to otherwise manage and dispose of the property hereinafter described, whose mailing address is: Post Office Box 568821, Orlando, Florida 32856-8821, (hereinafter referred to as "Grantee" and/or "Trustee"):

(Whenever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

**WITNESSETH**, That said Grantor, for and in consideration of the sum of Two Million Nine Hundred Thousand and 00/100 Dollars \$2,900,000.00 and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the grantee, all that certain land situate in Flagler County, Florida, to-wit:

See attached Exhibit "A"

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

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

**SUBJECT TO** ad valorem real property taxes and assessments of record for the year 2014, which are not yet due and payable and those matters set forth on Exhibit B

attached hereto and by this reference made a part hereof (collectively, the "Permitted Encumbrances").

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2013.

**TO HAVE AND TO HOLD** the above-described real estate in fee simple with the appurtenances upon the trust and for the purposes set forth in this Deed and in the Land Trust ("Trust Agreement").

**FULL POWER AND AUTHORITY** is hereby granted to said Trustee to improve, protect and subdivide said real estate or any part thereof, to dedicate parks, streets, highways or alleys, and to vacate any subdivision or part thereof and to re-subdivide said real estate as often as desired, to contract to sell, to grant options to purchase, to sell on any terms, to convey either with or without consideration, to convey said real estate or any part thereof to a successor or successors in trust, to declare all or any portion of the property to condominium type ownership, and to grant to such successor or successors in trust all of the title, estate, powers and authorities vested in said Trustee, to donate, to dedicate, to mortgage, pledge or otherwise encumber said real estate or any part thereof, to lease said real estate or any part thereof, from time to time, in possession or reversion, by leases to commence *in praesenti* or *in futuro*, and upon any terms and for any period or periods of time not exceeding in the case of any single demise the term of ninety-nine (99) years, and to renew or extend leases and to amend, change or modify leases and the terms and provisions thereof, to contract to make leases and to grant options to lease and options to renew leases and options to purchase the whole or any part of the reversion, and to contract respecting the manner of fixing the amount of present or future rentals, to partition or exchange said real estate or any part thereof for other real or personal property, to grant easements or changes of any kind, to release, convey, or assign any right, title or interest in or about said real estate or any part thereof, and to deal with said real estate in every part thereof in all other ways and for such other considerations as it would be lawful for any person owning the same to deal with the same, whether similar to, or different from, the ways above specified, at any time or times hereafter.

In no case shall any party dealing with the Trustee in relation to the real estate or to whom the real estate or any part of it shall be conveyed, contracted to be sold, leased or mortgaged by Trustee, be obliged to see to the application of any purchase money, rent or money borrowed or advanced on the premises, or be obliged to see that the terms of said Trust have been complied with, or be obliged to inquire into the necessity or expediency of any act of the Trustee, or be obliged or privileged to inquire into any of the terms of the Trust Agreement or the identification or status of any named or unnamed beneficiaries, or their heirs or assigns to whom the Trustee may be accountable; and every deed, trust deed, mortgage, lease or other instrument executed by Trustee in relation to the real estate shall be conclusive evidence in favor of every person relying upon or claiming under any such conveyance lease or other instrument (a) that at the time of its delivery the Trust created by this Deed and by the Trust Agreement was in full force and effect, (b) that the conveyance or other instrument was executed in accordance with the trusts, conditions and limitations contained in this Deed and in the Trust Agreement and is binding upon all beneficiaries under those instruments, (c) that Trustee was duly authorized and empowered to execute and deliver every such deed, trust deed, lease, mortgage or other instrument and (d) if the conveyance is made to a successor or successors in trust, that the successor or

successors in trust have been appointed properly and vested fully with all the title, estate, rights, powers, duties and obligations of the predecessor in trust. If there are co-trustees, it is specifically understood that the signature of only one of the Co-Trustees shall be required to accomplish the foregoing.

Any contract, obligation or indebtedness incurred or entered into by the Trustee in connection with said property shall be as Trustee of an express trust and not individually and the Trustee shall have no obligations whatsoever with respect to any such contract, obligation or indebtedness except only so far as the trust property in the actual possession of the Trustee shall be applicable for the payment and discharge thereof; and it shall be expressly understood that any representations, warranties, covenants, undertakings and agreements hereinafter made on the part of the Trustee, while in form purporting to be the representations, warranties, covenants, undertakings and agreements of said Trustee, are nevertheless made and intended not as personal representations, warranties, covenants, undertakings and agreements by the Trustee or for the purpose or with the intention of binding said Trustee personally, but are made and intended for the purpose of binding only the trust property specifically described herein; and that no personal liability or personal responsibility is assumed by nor shall at any time be asserted or enforceable against the Trustee individually on account of any instrument executed by or on account of any representation warranty, covenant, undertaking or agreement of the said Trustee, either expressed or implied, all such personal liability, if any, being expressly waived and released and all persons and corporations whomsoever and whatsoever shall be charged with notice of this condition from the date of the filing for record of this Deed.

The interest of the beneficiary under this Deed and under the Trust Agreement referred to previously and of all persons claiming under them or any of them shall be only in the earnings, avails and proceeds arising from the sale or other disposition of the real estate, and that interest is declared to be personal property, and no beneficiary under this Deed shall have any title or interest, legal or equitable, in or to the real estate as such but only as interest in the earnings, avails and proceeds from that real estate as aforesaid.

In the event of the death of the Trustee, and upon a recording in the public records of Flagler County, Florida of a death certificate of the Trustee, title to the land described herein shall be deemed to be held by the successor trustee and to pass to the successor trustee without the requirement of recording any further or additional documents.

This deed is given and accepted in accordance with Section 689.071, Florida Statutes. The Trustee shall have no personal liability whatsoever for action as Trustee under the trust agreement referred to above or by virtue of taking title to the land described above and the sole liability of Trustee hereunder shall be limited to the property which the Trustee holds under the trust agreement referred to above.

And the Grantor by this deed does hereby fully warrant the title in and to the Property and will defend the same against the lawful claims of all persons whomsoever. "Grantor," "Grantee," "Trustee" and "Beneficiary" are used for singular or plural, as context requires.

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

Signed, sealed and delivered in the presence of:

Florida Landmark Communities, LLC, a Florida limited liability company

Mary G. McAdams  
Witness Name: Mary G. McAdams

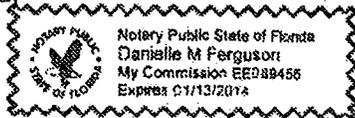
By: William I. Livingston  
William I. Livingston, President/Manager

Danielle M. Ferguson  
Witness Name: Danielle M. Ferguson

State of Florida  
County of Flagler

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of October, 2013 by William I. Livingston, President/Manager of Florida Landmark Communities, LLC, a Florida limited liability company, on behalf of said firm. He [X] is personally known or [ ] has produced a driver's license as identification.

[Notary Seal]



Danielle M. Ferguson  
Notary Public  
Printed Name: Danielle M. Ferguson  
My Commission Expires: \_\_\_\_\_

**EXHIBIT A**



**SKETCH AND DESCRIPTION**

**LEGAL DESCRIPTION:**

RESERVED FOR RECORDING INFORMATION

A PARCEL OF LAND LYING WITHIN GOVERNMENT SECTION 2, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF BEGINNING COMMENCE AT THE SOUTHWEST CORNER OF LOT 35, RIVER OAKS, MAP BOOK 27, PAGES 15 THROUGH 17, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE DEPARTING SAID CORNER S88°13'25"W FOR A DISTANCE OF 42.48 FEET; THENCE S01°05'56"E FOR A DISTANCE OF 550.00 FEET; THENCE S88°54'04"W FOR A DISTANCE OF 1516.00 FEET; THENCE S07°50'55"E FOR A DISTANCE OF 662.67 FEET; THENCE S67°35'53"W FOR A DISTANCE OF 340.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ROBERTS ROAD (80 FOOT RIGHT-OF-WAY); THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE N22°24'07"W FOR A DISTANCE OF 1500.00 FEET TO A POINT ON THE INTERSECTION OF SAID ROBERTS ROAD RIGHT-OF-WAY WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SEA RAY DRIVE (60 FOOT RIGHT-OF-WAY); THENCE DEPARTING SAID ROBERTS ROAD RIGHT-OF-WAY ALONG SAID SEA RAY DRIVE RIGHT-OF-WAY FOR THE FOLLOWING FOUR (4) COURSES: (1) THENCE N67°35'53"E FOR A DISTANCE OF 21.00 FEET TO A POINT OF CURVATURE; (2) THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT HAVING AN ARC LENGTH OF 403.52 FEET, A RADIUS OF 680.00 FEET, A CENTRAL ANGLE OF 34°00'00", A CHORD BEARING N50°35'53"E AND A CHORD DISTANCE OF 397.63 FEET TO A POINT OF TANGENCY; (3) THENCE N33°35'53"E FOR A DISTANCE OF 258.04 FEET TO A POINT OF CURVATURE; (4) THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 97.07 FEET, A RADIUS OF 570.00 FEET, A CENTRAL ANGLE OF 09°45'28", A CHORD BEARING N36°28'37"E AND A CHORD DISTANCE OF 96.96 FEET TO A POINT ON A NON-TANGENT LINE; THENCE DEPARTING SAID CURVE AND RIGHT-OF-WAY LINE S46°38'27"E FOR A DISTANCE OF 4.99 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE NORTHEASTERLY ALONG SAID CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 270.33 FEET, A RADIUS OF 565.00 FEET, A CENTRAL ANGLE OF 27°24'51", A CHORD BEARING N57°03'59"E AND A CHORD DISTANCE OF 267.76 FEET TO A POINT OF TANGENCY; THENCE N70°46'24"E FOR A DISTANCE OF 1352.87 FEET TO A POINT ON THE WESTERLY SUBDIVISION LINE OF SAID RIVER OAKS; THENCE ALONG SAID SUBDIVISION LINE S11°46'35"E FOR A DISTANCE OF 460.36 FEET; THENCE CONTINUE ALONG SAID WESTERLY SUBDIVISION LINE S18°46'35"E FOR A DISTANCE OF 740.00 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.

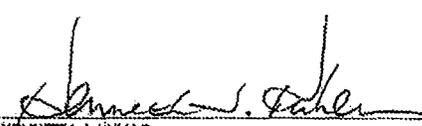
PARCEL CONTAINING 73.52 ACRES, MORE OR LESS.

**SURVEYOR'S NOTES:**

1. BEARINGS BASED ON THE WESTERLY LINE OF RIVER OAKS, MAP BOOK 27, PAGES 15 THROUGH 17, BEING S16°46'35"E.
2. THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS AND/OR OTHER MATTERS NOT SHOWN ON THIS SKETCH WHICH MAY BE FOUND IN THE COUNTY PUBLIC RECORDS.
3. THIS IS NOT A BOUNDARY SURVEY
4. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR / MAPPER.

**ABBREVIATIONS**

C=CURVE	R/W=RIGHT-OF-WAY
D=DELTA	CL=CENTER LINE
R=RADIUS	PGB=POINT OF BEGINNING
L=LENGTH	PDC=POINT OF COMMENCEMENT
CH=CHORD	PCP=PERMANENT CONTROL POINT
CB=CHORD BEARING	SECT.=SECTION
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PT=POINT OF TANGENCY	TWP.=TOWNSHIP
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M.B.=MAP BOOK	CONC=CONCRETE
P.B.=PLAT BOOK	(R)=RECORD
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O.R.R.=OFFICIAL RECORD BOOK	(NR)=NON-RADIAL
S.F.=SQUARE FEET	(RAD)=RADIAL
AC.=ACRES	

SIGNED:   
 KENNETH J. KUHAR  
 FLA. PROFESSIONAL SURVEYOR/MAPPER #6103



**WADE TRIM / TOMOKA**  
 CIVIL ENGINEERING & LAND SURVEYING SINCE 1976  
 DAYTONA BEACH FLORIDA/PALM COAST  
 18th Ct. W. 1401 PGA Blvd., Suite 104, Daytona Beach, FL 32117  
 Phone: 386-274-8600 Fax: 386-274-8602  
 www.tomoka-engineering.com

**SKETCH AND DESCRIPTION**

PROJECT NO.	GRAND RESERVE
DRAWING REFERENCE NO.	GR-SLI
DATE	03/03/2011
SHEET NO.	2 OF 2



SKETCH AND DESCRIPTION

LEGAL DESCRIPTION:

RESERVED FOR RECORDING INFORMATION

A PARCEL OF LAND LYING WITHIN GOVERNMENT SECTION 2, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE COMMENCE AT THE SOUTHWEST CORNER OF LOT 35, RIVER OAKS, MAP BOOK 27, PAGES 15 THROUGH 17, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE DEPARTING SAID CORNER S88°13'25"W FOR A DISTANCE OF 42.48 FEET; THENCE S01°05'56"E FOR A DISTANCE OF 550.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE S01°05'56"E FOR A DISTANCE OF 769.27 FEET; THENCE N88°58'11"E FOR A DISTANCE OF 456.54 FEET TO A POINT ON THE WESTERLY SUBDIVISION LINE OF SAID RIVER OAKS; THENCE ALONG SAID SUBDIVISION LINE S16°32'55"E FOR A DISTANCE OF 1307.40 FEET TO A POINT ON THE SOUTH LINE OF SAID GOVERNMENT SECTION 2; THENCE DEPARTING SAID SUBDIVISION LINE ALONG SAID GOVERNMENT SECTION 2 S88°27'05"W FOR A DISTANCE OF 2017.44 FEET TO A POINT ON A CURVE, SAID POINT ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF ROBERTS ROAD (80 FOOT RIGHT-OF-WAY); THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE NORTHWESTERLY ALONG A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 333.22 FEET, A RADIUS OF 1439.72 FEET, A CENTRAL ANGLE OF 13°40'45", A CHORD BEARING N28°56'29"W AND A CHORD DISTANCE OF 332.50 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE N22°24'07"W FOR A DISTANCE OF 1123.91 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE N67°35'53"E FOR A DISTANCE OF 340.00 FEET; THENCE N07°50'55"W FOR A DISTANCE OF 662.87 FEET; THENCE N88°54'04"E FOR A DISTANCE OF 1516.00 FEET TO THE AFOREMENTIONED POINT OF BEGINNING OF THIS DESCRIPTION.

PARCEL CONTAINING 92.36 ACRES, MORE OR LESS.

R:\SharedDocs\Tomoka\Survey\Grand Reserve\img\GR-SL2.dwg 3/3/2011 7:50:50 AM EST

SURVEYOR'S NOTES:

1. BEARINGS BASED ON THE WESTERLY LINE OF RIVER OAKS, MAP BOOK 27, PAGES 15 THROUGH 17, BEING S16°32'55"E.
2. THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS AND/OR OTHER MATTERS NOT SHOWN ON THIS SKETCH WHICH MAY BE FOUND IN THE COUNTY PUBLIC RECORDS.
3. THIS IS NOT A BOUNDARY SURVEY
4. THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR / MAPPER.

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O.R.B.=OFFICIAL RECORD BOOK	(NR)=NON-RADIAL
S.F.=SQUARE FEET	(RAD)=RADIAL
AC.=ACRES	

SIGNED:

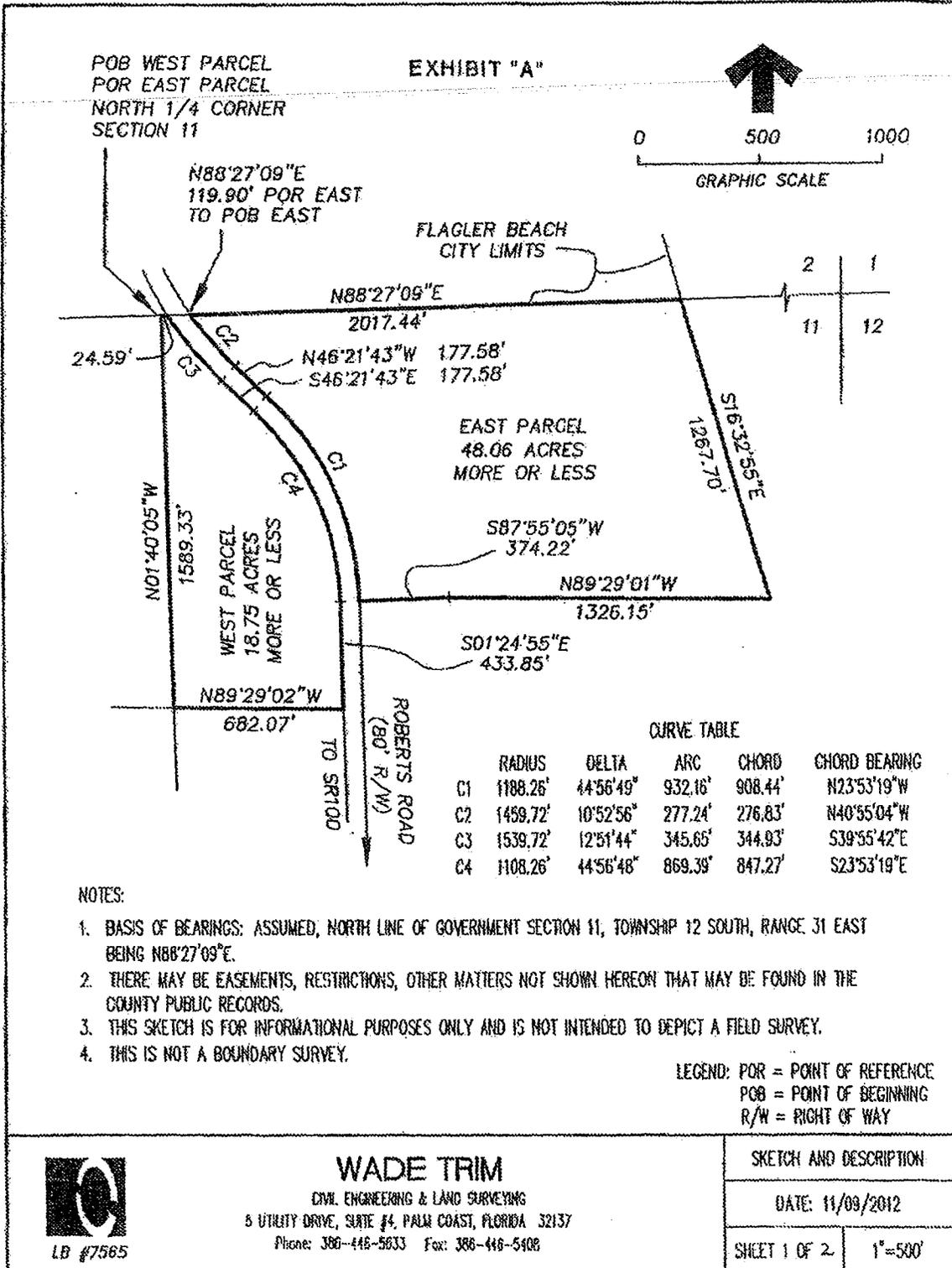
*Kenneth J. Kuhar*  
 KENNETH J. KUHAR  
 FLA. PROFESSIONAL SURVEYOR/MAPPER #6105



**WADE TRIM / TOMOKA**  
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 www.tomokaeng.com      website: www.tomoka-eng.com

SKETCH AND DESCRIPTION

PROJECT NO.	GRAND RESERVE
DRAWING REFERENCE NO.	GR-SL.2
DATE:	03/03/2011
SHEET NO.	2 OF 2



## EAST PARCEL

A PART OF SECTION 11, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE NORTH 1/4 CORNER OF SAID SECTION 11; THENCE NORTH 88°27'09" EAST ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 119.90 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 88°27'09" EAST CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 2017.44 FEET; THENCE SOUTH 16°32'55" EAST LEAVING SAID NORTH LINE, A DISTANCE OF 1267.70 FEET; THENCE NORTH 89°29'01" WEST, A DISTANCE OF 1326.15 FEET; THENCE SOUTH 87°55'05" WEST, A DISTANCE OF 374.22 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ROBERTS ROAD (AN 80 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED), SAID POINT LYING ON A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1188.26 FEET; THENCE NORTHWESTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 932.16 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 23°53'19" WEST AND A CHORD DISTANCE OF 908.44 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 46°21'43" WEST CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 177.58 FEET TO THE POINT OF CURVE OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 1459.72 FEET; THENCE NORTHWESTERLY CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 277.24 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 40°55'04" WEST AND A CHORD DISTANCE OF 276.83 FEET TO THE POINT OF BEGINNING.

CONTAINING 48.06 ACRES MORE OR LESS.

## NOTES:

1. BASIS OF BEARINGS: ASSUMED, NORTH LINE OF GOVERNMENT SECTION 11, TOWNSHIP 12 SOUTH, RANGE 31 EAST BEING N88°27'09"E.
2. THERE MAY BE EASEMENTS, RESTRICTIONS, OTHER MATTERS NOT SHOWN HEREON THAT MAY BE FOUND IN THE COUNTY PUBLIC RECORDS.
3. THIS SKETCH IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT INTENDED TO DEPICT A FIELD SURVEY.
4. THIS IS NOT A BOUNDARY SURVEY.



LB #7565

## WADE TRIM

CIVIL ENGINEERING & LAND SURVEYING  
5 UTILITY DRIVE, SUITE #4, PALM COAST, FLORIDA 32137  
Phone: 386-446-5633 Fax: 386-446-5408

SKETCH AND DESCRIPTION

DATE: 11/09/2012

SHEET 2 OF 2

NO SCALE

**EXHIBIT B**  
**PERMITTED EXCEPTIONS**

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1. Ordinance No. 2007-15 recorded in O.R. Book 1697, Page 514, Public Records of Flagler County, Florida.
2. All matters contained on the Plat of Bunnell Development Company Subdivision, as recorded in Plat Book 1, Page 1, Public Records of Flagler County, Florida.
3. Resolution 2006-59 recorded in O.R. Book 1548, Page 1543, Public Records of Flagler County, Florida.

Via E-Mail: (craig.wall@searay.com)

Ref: 4052.01

**TECHNICAL MEMORANDUM**

**To:** Craig Wall, Sea Ray – Palm Coast  
**From:** Matthew West, AICP  
**Subject:** Sea Ray Comprehensive Plan Amendment (CPA) Analysis  
**Date:** February 9, 2015

Lassiter Transportation Group, Inc. (LTG) was commissioned by Sea Ray Boats, Inc. (the CLIENT) to determine the limiting trip generation associated with a CPA for the development known as Sea Ray Parking Expansion (the PROJECT), located in unincorporated Flagler County, on the south side of Sea Ray Drive. The proposed development is a paved parking area on 16.39 acres of land. The PROJECT is the subject of a comprehensive plan amendment from Residential, Low Density to Commercial, High Intensity.

**TRIP GENERATION FOR THE EXISTING VS PROPOSED FLUM DESIGNATION**

The trip generation for the maximum development scenario for the existing Future Land Use Map (FLUM) designation was calculated using the nationally accepted trip generation publication, the *Trip Generation Manual, 9<sup>th</sup> Edition*, prepared by the Institute of Transportation Engineers (ITE). It is anticipated that this projected trip generation will be incorporated into a parcel-specific text amendment as a development cap which will accompany the future land use amendment.

The Flagler County Residential, Low Density has a maximum density of three (3) dwelling units per acre as established in the Flagler County Comprehensive Plan. The maximum potential development of the property under the existing land use of Residential, Low Density, would generate 49 single family homes (3 dwelling units X 16.39 acres).

When examining Table 1, the subject parcel could have a maximum traffic generating program 466 daily trips and 49 pm peak-hour trips. Therefore, parcel-specific text amendment could include a provision that development on the subject parcel will be limited to generate no more than 466 daily trips and 49 p.m. peak-hour trips.

**Table 1**  
**Gross Trip Generation – Existing FLUM Designation**  
**Sea Ray CPA**

County Residential, Low Density	Time Period	Land Use	ITE Land Use Code	Quantity	Units	Trip Rate	Total Trips	Percent Entering	Percent Exiting	Trips Entering	Trips Exiting
	Daily	Single Family Dwelling	210	49	Dwelling Units	T = 9.52 (X)	466	50%	50%	233	233
P.M. Peak-hour	Single Family Dwelling	210	49	Dwelling Units	T = 1.0 (X)	49	67%	33%	33	16	

Source: ITE Trip Generation Manual, 9th Edition

**BASELINE TO MEASURE POTENTIAL TRAFFIC INCREASE FROM SUBJECT SITE**

Seventy-two hours of traffic counts were recorded at the Sea Ray Drive east of Roberts Road beginning Tuesday, February 3, 2015, through Thursday, February 5, 2015. These counts provide insight into the number of vehicles entering and exiting the site on a daily basis. The hourly counts and counts in fifteen minute increments are attached as Exhibit A to this technical memorandum. The fifteen minute increment counts may be used to estimate the p.m. peak-hour impacts of the existing Sea Ray facility. These counts may be used as a baseline for measuring the future traffic impacts of the development that will take place on the parcel subject to this comprehensive plan amendment (High Intensity Commercial lands).

The total daily trips entering and exiting the site each day are as follows: Tuesday, 1,703 trips; Wednesday, 1,707 trips; and Thursday, 1,619 trips. That averages 1,676 vehicles exiting and entering the existing Sea Ray facility each day. Accounting for a potential increase (20 percent) in vehicle trips from the existing Sea Ray facility site due to increased production and employment, it may be conservatively estimated that the existing facility could have 2,011 vehicles entering and exiting the facility ( $1,676 \times 1.2 = 2,011$  trips).

Therefore, when accounting for the potential daily trips from the High Intensity Commercial property based on the parcel-specific text amendment (466 trips) and the existing use, no more than 2,477 vehicles should be entering and exiting Sea Ray Drive on a daily basis ( $466 + 2,011 = 2,477$ ).

Flagler County's Comprehensive Plan measures roadway levels of service using the p.m. peak-hour. The traffic counts in Exhibit A indicate that the p.m. peak-hour for the existing Sea Ray Facility is the 5 p.m. to 6 p.m. hour (Tuesday – 433 trips, Wednesday – 436 trips, and Thursday – 346 trips) for an average of 405 p.m. peak-hour trips. Accounting for a potential increase (20 percent) in vehicle trips from the existing Sea Ray facility site due to increased production and employment, it may be conservatively estimated that the existing facility could have 486 vehicles entering and exiting the facility in the p.m. peak-hour ( $405 \times 1.2 = 486$  trips).

Therefore, when accounting for the potential p.m. peak-hour trips from the High Intensity Commercial property based on the parcel-specific text amendment (49 trips) and the existing use, no more than 535 vehicles should be entering and exiting Sea Ray Drive on a p.m. peak-hour basis ( $486 + 49 = 535$ ).

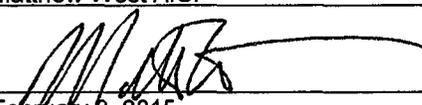
**CONCLUSION**

The study was conducted to limit the potential traffic impact of the proposed Comprehensive Plan Amendment on area roadways based on trip generation of the reasonable development potential of the existing future land use designation. There will not be an increase in traffic due to the proposed CPA based on the adoption of parcel-specific text amendment as outlined in this technical memorandum. Therefore, this CPA is recommended for adoption. Concurrency and any required mitigation to support a proposed development plan will be assessed in greater detail during the final development permitting process.

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I affirm by my signature that the findings contained herein are, to my knowledge, accurate and truthful and were developed using current procedures standard to the practice of professional planning.

Name: Matthew West AICP

Signature:   
Date: February 9, 2015

DE TRAFFIC  
VOLUME SUMMARY  
Tue 2/3/2015

Machine #: 020220023547  
Site ID: Sea Ray Dr  
Description: Sea Ray Dr east of Roberts Rd

File: Ray.prn  
Street Name: Sea Ray Dr  
County: Flagler

TIME	1 WEST	2 EAST	Total
01:00	3	0	3
02:00	10	2	12
03:00	14	1	15
04:00	12	6	18
05:00	15	226	241
06:00	14	265	279
07:00	4	11	15
08:00	7	15	22
09:00	3	12	15
10:00	18	18	36
11:00	23	17	40
12:00	48	52	100
13:00	22	32	54
14:00	9	17	26
15:00	18	21	39
16:00	121	31	152
17:00	266	167	433
18:00	110	8	118
19:00	38	4	42
20:00	6	4	10
21:00	12	9	21
22:00	2	1	3
23:00	3	0	3
24:00	4	2	6
DAY TOTAL	782	921	1703
PERCENTS	46.0%	54.0%	100%
AM Times	11:15	05:15	
AM Peaks	48	265	
PM Times	16:30	16:15	
PM Peaks	279	167	

DE TRAFFIC  
VOLUME SUMMARY  
Wed 2/4/2015

Machine #: 020220023547  
Site ID: Sea Ray Dr  
Description: Sea Ray Dr east of Roberts Rd

File: Ray.prn  
Street Name: Sea Ray Dr  
County: Flagler

TIME	1 WEST	2 EAST	Total
01:00	4	0	4
02:00	11	1	12
03:00	14	0	14
04:00	12	5	17
05:00	22	227	249
06:00	16	277	293
07:00	8	14	22
08:00	8	14	22
09:00	6	10	16
10:00	12	17	29
11:00	18	20	38
12:00	55	48	103
13:00	28	44	72
14:00	10	16	26
15:00	15	28	43
16:00	104	33	137
17:00	295	141	436
18:00	105	5	110
19:00	24	4	28
20:00	2	3	5
21:00	8	8	16
22:00	3	1	4
23:00	4	1	5
24:00	5	1	6
DAY TOTAL	789	918	1707
PERCENTS	46.3%	53.7%	100%
AM Times	11:15	05:15	
AM Peaks	55	277	
PM Times	16:30	16:00	
PM Peaks	312	143	

DE TRAFFIC  
VOLUME SUMMARY  
Thu 2/5/2015

Machine #: 020220023547  
Site ID: Sea Ray Dr  
Description: Sea Ray Dr east of Roberts Rd

File: Ray.prn  
Street Name: Sea Ray Dr  
County: Flagler

TIME	1 WEST	2 EAST	Total
01:00	4	0	4
02:00	14	1	15
03:00	14	0	14
04:00	20	8	28
05:00	10	221	231
06:00	13	268	281
07:00	8	15	23
08:00	3	12	15
09:00	2	9	11
10:00	7	9	16
11:00	17	11	28
12:00	58	58	116
13:00	26	43	69
14:00	19	27	46
15:00	21	23	44
16:00	156	27	183
17:00	264	82	346
18:00	86	6	92
19:00	16	1	17
20:00	4	5	9
21:00	12	8	20
22:00	1	1	2
23:00	6	0	6
24:00	2	1	3
DAY TOTAL	783	836	1619
PERCENTS	48.4%	51.6%	100%
AM Times	11:15	05:15	
AM Peaks	58	268	
PM Times	16:30	16:00	
PM Peaks	280	83	

DE TRAFFIC  
VOLUME SUMMARY  
Tue 2/3/2015

Machine #: 020220023547  
Site ID: Sea Ray Dr  
Description: Sea Ray Dr east of Roberts Rd

File: Ray.prn  
Street Name: Sea Ray Dr  
County: Flagler

TIME	1 WEST	2 EAST	Total
00:15	0	0	0
00:30	0	0	0
00:45	3	0	3
01:00	0	0	0
Hour Total	3	0	3
01:15	0	0	0
01:30	3	0	3
01:45	5	0	5
02:00	2	2	4
Hour Total	10	2	12
02:15	3	0	3
02:30	4	0	4
02:45	7	1	8
03:00	0	0	0
Hour Total	14	1	15
03:15	1	1	2
03:30	0	0	0
03:45	9	1	10
04:00	2	4	6
Hour Total	12	6	18
04:15	2	14	16
04:30	1	40	41
04:45	5	113	118
05:00	7	59	66
Hour Total	15	226	241
05:15	0	19	19
05:30	3	58	61
05:45	4	119	123
06:00	7	69	76
Hour Total	14	265	279
06:15	1	3	4
06:30	1	3	4
06:45	1	3	4
07:00	1	2	3
Hour Total	4	11	15
07:15	0	0	0
07:30	2	7	9
07:45	3	7	10
08:00	2	1	3
Hour Total	7	15	22
08:15	0	4	4
08:30	1	1	2
08:45	0	5	5

DE TRAFFIC  
VOLUME SUMMARY  
Tue 2/3/2015

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TIME	1 WEST	2 EAST	Total
09:00	2	2	4
Hour Total	3	12	15
09:15	1	4	5
09:30	7	4	11
09:45	3	2	5
10:00	7	8	15
Hour Total	18	18	36
10:15	2	5	7
10:30	8	2	10
10:45	0	6	6
11:00	13	4	17
Hour Total	23	17	40
11:15	5	5	10
11:30	10	16	26
11:45	11	20	31
12:00	22	11	33
Hour Total	48	52	100
12:15	7	15	22
12:30	4	13	17
12:45	3	3	6
13:00	8	1	9
Hour Total	22	32	54
13:15	2	2	4
13:30	0	3	3
13:45	3	4	7
14:00	4	8	12
Hour Total	9	17	26
14:15	5	2	7
14:30	3	5	8
14:45	7	11	18
15:00	3	3	6
Hour Total	18	21	39
15:15	8	8	16
15:30	23	9	32
15:45	77	10	87
16:00	13	4	17
Hour Total	121	31	152
16:15	17	6	23
16:30	39	14	53
16:45	158	138	296
17:00	52	9	61
Hour Total	266	167	433

DE TRAFFIC  
VOLUME SUMMARY  
Tue 2/3/2015

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Site ID: Sea Ray Dr  
Description: Sea Ray Dr east of Roberts Rd

File: Ray.prn  
Street Name: Sea Ray Dr  
County: Flagler

TIME	1 WEST	2 EAST	Total
17:15	30	5	35
17:30	19	0	19
17:45	41	1	42
18:00	20	2	22
Hour Total	110	8	118
18:15	15	0	15
18:30	6	1	7
18:45	5	1	6
19:00	12	2	14
Hour Total	38	4	42
19:15	1	0	1
19:30	2	1	3
19:45	2	2	4
20:00	1	1	2
Hour Total	6	4	10
20:15	1	1	2
20:30	8	2	10
20:45	3	3	6
21:00	0	3	3
Hour Total	12	9	21
21:15	0	0	0
21:30	1	1	2
21:45	1	0	1
22:00	0	0	0
Hour Total	2	1	3
22:15	0	0	0
22:30	0	0	0
22:45	2	0	2
23:00	1	0	1
Hour Total	3	0	3
23:15	0	1	1
23:30	1	1	2
23:45	2	0	2
24:00	1	0	1
Hour Total	4	2	6
DAY TOTAL	782	921	1703
PERCENTS	46.0%	54.0%	100%
AM Times	11:15	05:15	
AM Peaks	48	265	
PM Times	16:30	16:15	
PM Peaks	279	167	

DE TRAFFIC  
VOLUME SUMMARY  
Wed 2/4/2015

Machine #: 020220023547  
Site ID: Sea Ray Dr  
Description: Sea Ray Dr east of Roberts Rd

File: Ray.prn  
Street Name: Sea Ray Dr  
County: Flagler

TIME	1 WEST	2 EAST	Total
00:15	0	0	0
00:30	1	0	1
00:45	3	0	3
01:00	0	0	0
Hour Total	4	0	4
01:15	3	0	3
01:30	0	0	0
01:45	6	0	6
02:00	2	1	3
Hour Total	11	1	12
02:15	2	0	2
02:30	4	0	4
02:45	5	0	5
03:00	3	0	3
Hour Total	14	0	14
03:15	1	1	2
03:30	0	0	0
03:45	9	0	9
04:00	2	4	6
Hour Total	12	5	17
04:15	5	16	21
04:30	2	50	52
04:45	7	102	109
05:00	8	59	67
Hour Total	22	227	249
05:15	1	16	17
05:30	3	72	75
05:45	6	125	131
06:00	6	64	70
Hour Total	16	277	293
06:15	2	2	4
06:30	0	5	5
06:45	2	3	5
07:00	4	4	8
Hour Total	8	14	22
07:15	2	5	7
07:30	3	3	6
07:45	2	0	2
08:00	1	6	7
Hour Total	8	14	22
08:15	3	2	5
08:30	1	3	4
08:45	0	2	2

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VOLUME SUMMARY  
Wed 2/4/2015

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County: Flagler

TIME	1 WEST	2 EAST	Total
09:00	2	3	5
Hour Total	6	10	16
09:15	2	1	3
09:30	1	6	7
09:45	2	4	6
10:00	7	6	13
Hour Total	12	17	29
10:15	3	2	5
10:30	3	4	7
10:45	3	8	11
11:00	9	6	15
Hour Total	18	20	38
11:15	6	4	10
11:30	16	11	27
11:45	13	20	33
12:00	20	13	33
Hour Total	55	48	103
12:15	17	17	34
12:30	0	15	15
12:45	4	8	12
13:00	7	4	11
Hour Total	28	44	72
13:15	1	2	3
13:30	1	3	4
13:45	6	6	12
14:00	2	5	7
Hour Total	10	16	26
14:15	4	6	10
14:30	4	2	6
14:45	4	13	17
15:00	3	7	10
Hour Total	15	28	43
15:15	5	9	14
15:30	15	7	22
15:45	71	12	83
16:00	13	5	18
Hour Total	104	33	137
16:15	18	6	24
16:30	43	9	52
16:45	179	123	302
17:00	55	3	58
Hour Total	295	141	436

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TIME	1 WEST	2 EAST	Total
17:15	35	2	37
17:30	22	0	22
17:45	31	1	32
18:00	17	2	19
Hour Total	105	5	110
18:15	15	0	15
18:30	1	2	3
18:45	2	2	4
19:00	6	0	6
Hour Total	24	4	28
19:15	2	0	2
19:30	0	2	2
19:45	0	0	0
20:00	0	1	1
Hour Total	2	3	5
20:15	1	1	2
20:30	6	2	8
20:45	1	2	3
21:00	0	3	3
Hour Total	8	8	16
21:15	1	0	1
21:30	2	1	3
21:45	0	0	0
22:00	0	0	0
Hour Total	3	1	4
22:15	0	0	0
22:30	1	1	2
22:45	3	0	3
23:00	0	0	0
Hour Total	4	1	5
23:15	0	0	0
23:30	0	1	1
23:45	5	0	5
24:00	0	0	0
Hour Total	5	1	6
DAY TOTAL	789	918	1707
PERCENTS	46.3%	53.7%	100%
AM Times	11:15	05:15	
AM Peaks	55	277	
PM Times	16:30	16:00	
PM Peaks	312	143	

DE TRAFFIC  
VOLUME SUMMARY  
Thu 2/5/2015

Machine #: 020220023547  
Site ID: Sea Ray Dr  
Description: Sea Ray Dr east of Roberts Rd

File: Ray.prn  
Street Name: Sea Ray Dr  
County: Flagler

TIME	1 WEST	2 EAST	Total
00:15	1	0	1
00:30	0	0	0
00:45	3	0	3
01:00	0	0	0
Hour Total	4	0	4
01:15	1	0	1
01:30	0	0	0
01:45	9	0	9
02:00	4	1	5
Hour Total	14	1	15
02:15	2	0	2
02:30	7	0	7
02:45	3	0	3
03:00	2	0	2
Hour Total	14	0	14
03:15	1	1	2
03:30	11	0	11
03:45	7	2	9
04:00	1	5	6
Hour Total	20	8	28
04:15	0	15	15
04:30	3	40	43
04:45	2	108	110
05:00	5	58	63
Hour Total	10	221	231
05:15	0	23	23
05:30	4	61	65
05:45	4	113	117
06:00	5	71	76
Hour Total	13	268	281
06:15	0	6	6
06:30	3	3	6
06:45	3	2	5
07:00	2	4	6
Hour Total	8	15	23
07:15	1	3	4
07:30	0	4	4
07:45	1	1	2
08:00	1	4	5
Hour Total	3	12	15
08:15	0	2	2
08:30	1	2	3
08:45	0	2	2

DE TRAFFIC  
VOLUME SUMMARY  
Thu 2/5/2015

Machine #: 020220023547  
Site ID: Sea Ray Dr  
Description: Sea Ray Dr east of Roberts Rd

File: Ray.prn  
Street Name: Sea Ray Dr  
County: Flagler

TIME	1 WEST	2 EAST	Total
09:00	1	3	4
Hour Total	2	9	11
09:15	1	0	1
09:30	3	1	4
09:45	0	4	4
10:00	3	4	7
Hour Total	7	9	16
10:15	4	4	8
10:30	2	3	5
10:45	1	3	4
11:00	10	1	11
Hour Total	17	11	28
11:15	5	11	16
11:30	25	7	32
11:45	11	21	32
12:00	17	19	36
Hour Total	58	58	116
12:15	16	19	35
12:30	5	16	21
12:45	2	4	6
13:00	3	4	7
Hour Total	26	43	69
13:15	3	7	10
13:30	3	9	12
13:45	6	8	14
14:00	7	3	10
Hour Total	19	27	46
14:15	4	3	7
14:30	3	4	7
14:45	10	9	19
15:00	4	7	11
Hour Total	21	23	44
15:15	11	5	16
15:30	27	12	39
15:45	94	5	99
16:00	24	5	29
Hour Total	156	27	183
16:15	16	2	18
16:30	53	13	66
16:45	161	63	224
17:00	34	4	38
Hour Total	264	82	346

DE TRAFFIC  
 VOLUME SUMMARY  
 Thu 2/5/2015

Machine #: 020220023547  
 Site ID: Sea Ray Dr  
 Description: Sea Ray Dr east of Roberts Rd

File: Ray.prn  
 Street Name: Sea Ray Dr  
 County: Flagler

TIME	1 WEST	2 EAST	Total
17:15	32	1	33
17:30	24	2	26
17:45	21	0	21
18:00	9	3	12
Hour Total	86	6	92
18:15	6	0	6
18:30	2	1	3
18:45	3	0	3
19:00	5	0	5
Hour Total	16	1	17
19:15	1	2	3
19:30	2	0	2
19:45	0	1	1
20:00	1	2	3
Hour Total	4	5	9
20:15	1	1	2
20:30	6	0	6
20:45	4	6	10
21:00	1	1	2
Hour Total	12	8	20
21:15	1	0	1
21:30	0	0	0
21:45	0	1	1
22:00	0	0	0
Hour Total	1	1	2
22:15	0	0	0
22:30	0	0	0
22:45	5	0	5
23:00	1	0	1
Hour Total	6	0	6
23:15	1	0	1
23:30	0	1	1
23:45	1	0	1
24:00	0	0	0
Hour Total	2	1	3
DAY TOTAL	783	836	1619
PERCENTS	48.4%	51.6%	100%
AM Times	11:15	05:15	
AM Peaks	58	268	
PM Times	16:30	16:00	
PM Peaks	280	83	

**FLAGLER COUNTY**

**TECHNICAL REVIEW COMMITTEE COMMENTS**

**MEETING DATE: JANUARY 21, 2015**

**APP#2972 - FLUM AMEND - CARTER-FLAGLER ROBTS RD LAND TRUST**

**APPLICANT: SIDNEY F. ANSBACHER, ESQUIRE; BRUNSWICK CORPORATION  
AND SEA RAY BOATS, INC.**

**OWNER: CARTER, DARYL M, TRUSTEE**

Distribution date: Friday, January 16, 2015

Project #: 2015010002

Application #: 2972

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

Flagler County Building Department	386-313-4002
Flagler County Planning Department	386-313-4067
Flagler County Development Engineering	386-313-4082
Flagler County General Services (Utilities)	386-313-4184
County Attorney	386-313-4005
Flagler County Fire Services	386-313-4258
E-911 GIS Specialist	386-313-4274
Environmental Health Department	386-437-7358
Flagler County School Board	386-586-2386

**REVIEWING DEPARTMENT: BUILDING DEPARTMENT**

No comments.

**REVIEWING DEPARTMENT: PLANNING DEPARTMENT**

Comments by Adam Mengel on January 16, 2015.

1. Please complete an impact analysis based on proposed FLUA, to include TIA; note that Lassiter had completed last TIA in 2004. All data from previous FLUAs will be provided to applicant to facilitate document preparation.
2. Please provide a draft parcel-specific limiting FLUE policy reflecting proposed uses of the parcel. This will be used by staff to limit the impact analysis rather than using the full-intensity capacity of the FLUA without limitation.

**REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING**

No comments at this time.

**REVIEWING DEPARTMENT: FIRE INSPECTOR**

No comments at this time.

**REVIEWING DEPARTMENT: E-911 STAFF**

No comments at this time.

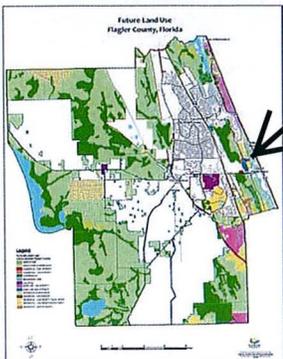
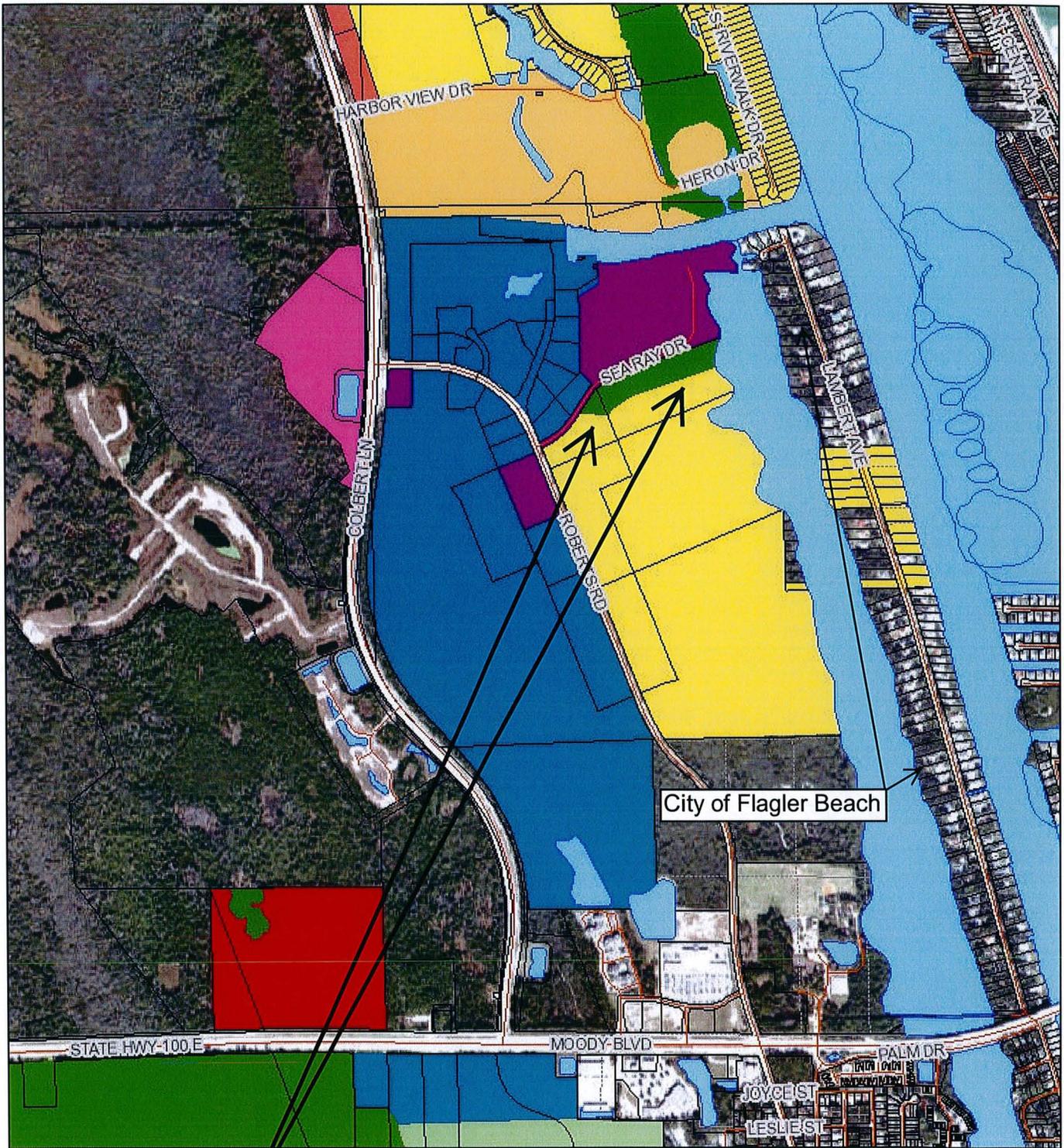
**REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT**

No comments at this time.

**REVIEWING DEPARTMENT: COUNTY ATTORNEY**

No comments at this time.

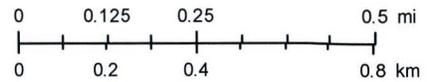
# Application #2972 - Future Land Use Map



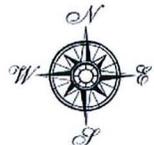
**Subject Property**

- Legend**
- FUTURE LAND USE**
- Unincorporated Flagler County
- AGRICULTURE
  - AGRICULTURE & TIMBERLANDS
  - COMMERCIAL: HIGH INTENSITY
  - COMMERCIAL: LOW INTENSITY
  - CONSERVATION
  - EDUCATIONAL USES
  - INDUSTRIAL
  - MIXED USE: LOW INTENSITY
  - MIXED USE: HIGH INTENSITY
  - RECREATION & OPEN SPACE
  - RESIDENTIAL: HIGH DENSITY
  - RESIDENTIAL: LOW DENSITY / RURAL ESTATE
  - RESIDENTIAL: LOW DENSITY/SINGLE FAMILY
  - RESIDENTIAL: MEDIUM DENSITY

1:16,000



Flagler County, Bruce Harris & Associates





**FLAGLER COUNTY  
PLANNING AND DEVELOPMENT BOARD  
REGULAR MEETING  
Flagler County Government Services Building  
Board Chambers  
1769 East Moody Blvd., Bunnell, FL  
MEETING MINUTES  
Tuesday, February 10, 2015 at 6:00 PM**

***DRAFT***

**MEMBERS PRESENT:** Michael Boyd, Robert Dickinson, Thad Crowe, Chairman Russ Reinke, Michael Duggins, Lauren Kornel and Pam Richardson.

**MEMBERS ABSENT:** None.

**STAFF PRESENT:** Sally Sherman, Deputy County Administrator; Adam Mengel, Planning Director, Doug Gutierrez, Planner and Gina Lemon, Development Review Planner III.

**BOARD COUNSEL:** Kate Stangle, with Broad and Cassel.

Chairman Reinke called the meeting to order at 6:06 p.m. Chairman Reinke advised the public with regard to the format of the meeting and introduced staff. He advised that meeting guidelines limit meeting time from 6pm to 10pm.

**1. Roll Call.**

Attendance was confirmed by Gina Lemon and quorum was present.

**2. Pledge of Allegiance.**

Chairman Reinke led the Pledge of Allegiance to the Flag.

Discussion by Board members regarding length of meeting, Ms. Kornel advised that she will excuse herself at 10pm. Remaining members advised that they would stay after 10pm.

- 3. Quasi-judicial requiring ex parte communication and disclosures:** Application #2966 – **FENCE HEIGHT VARIANCE in the MH-1 (Rural Mobile Home) District;** 1807 County Road 75, Portion Tract 1, Block 13, St. Johns Development Company Subdivision, Section 24, Township 12 South, Range 29 East, Flagler County, Florida; Parcel #24-12-29-5550-00130-0010 containing 1.4± acres; Owner / Applicant: Jack L. and Robin E. Aresco  
Project #2014120002 (TRC, PB)

Mr. Mengel presented the staff report and the staff recommendation as follows: The Planning and Development Board finds that criteria 1 and 2 as listed in the guidelines at LDC Section 3.07.03.E have not been met and therefore recommends denial of a four foot (4') foot fence height variance for the fence at 1807 CR 75. Specifically, extraordinary or exceptional conditions do not pertain to the subject parcel that would prevent compliance with the LDC and the applicant/owner erected the ten foot (10') high fence, creating the need for the variance through their affirmative action.

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Board members did not have any disclosures to provide.

Chairman Reinke called for presentation from the applicant.

Mr. Jack Aresco, 1807 County Road 75, advised that he has lived in the county since he was 13 and has lived at this location for 8 years. He explained the history of problems between his dogs and the neighbors' cows.

Chairman Reinke opened the public hearing.

Margaret Migryt, 1911 County Road 75, Bunnell explained that the proposed fence will sit between her property and Mr. Aresco's, she owns the cows. She did not have any problem with the variance. She claimed that the fence lies on her land and asked that Mr. Aresco get a survey.

There being no other speakers Chairman Reinke closed the public hearing.

Mr. Boyd commented that he is familiar with agricultural types of problems that arise in an agricultural type of community. He commented that if the fence location is wrong, that would be a legal issue.

Mr. Boyd MOVED TO APPROVE Application #2966 for a 4' fence height variance in the MH-1 District, SECONDED by Mr. Duggins.

Discussion on the motion: Mr. Crowe questioned the hardship for this request due to the unique features of the property. Mr. Mengel reminded the Board of a previous request for fence height relief where dust was considered a unique feature to that site. Mr. Crowe commented that with this situation erosion is attributable to the activity and is detrimental. Mr. Crowe questioned with regard to the survey or lack thereof. Mr. Mengel responded that the permit application indicates that the fence would be located within the subject property. Mr. Duggins commented that the applicant's hardship is a neighboring property owner that is not taking care of their fence. Chairman Reinke asked if the maker of the motion would amend the motion to include a survey to answer the question of location. The maker of the motion did not amend his motion.

Motion carried unanimously.

Mr. Crowe suggested that staff consider allowing 8' high fences.

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4. **Quasi-judicial requiring ex parte communication and disclosures:** *Application #2970 – AMENDMENTS TO PUD SITE DEVELOPMENT PLAN and PUD DEVELOPMENT AGREEMENT for HUNTINGTON TOWNHOMES PUD in Hunter’s Ridge DRI to increase residential units from 127 units to 155 units; Parcel #22-14-31-0000-01010-0040 and 22-14-31-0000-01010-0050; containing 90.87± acres and lying within the Hunter’s Ridge Development of Regional Impact. Owner: BADC Huntington Communities, LLC / Agent: Mark A. Watts, Esquire, Cobb Cole.*  
*Project #2014120019* *(TRC, PB, BCC)*

Chairman Reinke asked for disclosures from the Board. Board members did not have any disclosures to provide.

Mr. Mengel presented the staff report and staff recommendation for this item. Staff recommendation was that the Planning and Development Board recommend to the Board of County Commissioners, approval of Application #2970 amendment to the Site Development Plan and Development Agreement in a PUD for Huntington Townhomes at Hunter’s Ridge, now known as Huntington Villas at Hunter’s Ridge, finding that the requested change is consistent with the Comprehensive Plan, the Land Development Code, and the adopted Development Order.

Mark Watts, Esquire, with the firm of Cobb Cole at 351 E. New York Avenue, Suite 200, DeLand, Florida provided the application presentation on behalf of the applicant. He also introduced Mr. Howard Lefkowitz, Vice President of BADC Huntington Communities and Luke Kilic, Engineer with Zev Cohen & Associates.

Chairman Reinke opened the application for Board questions. Members questioned the reduction of tree planting, buffering from Canterbury Woods subdivision, amenity center,

Messrs Watts, Kilic and Lefkowitz answered the Board questions. Mr. Lefkowitz responded to the concerns of the Board Members with regard to tree plantings by committing to locate the tree plantings within the community primarily at common areas rather than on the individual lots due to the small lot sizes.

Chairman Reinke opened the public hearing. There being no one to speak on the item Chairman Reinke closed the public hearing.

There were more comments from Board members regarding the tree plantings.

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Mr. Dickinson MOVED TO RECOMMEND TO THE BOARD OF COUNTY COMMISSIONERS APPROVAL of Application #2970, amendment of the Site Development Plan and Development Agreement in a PUD for Huntington Townhomes at Hunter's Ridge, now known as Huntington Villas at Hunter's Ridge, finding that the requested change is consistent with the Comprehensive Plan, the Land Development Code, and the adopted Development Order subject to including tree language for trees in the non-development areas; provide insurance of buffer along the south property line and reincorporate the bicycle language in the agreement, SECONDED by Ms. Richardson.

Motion carried unanimously.

5. ***Quasi-judicial requiring ex parte communication and disclosures:*** *Application #2971 - AMENDMENTS TO PUD SITE DEVELOPMENT PLAN and PUD DEVELOPMENT AGREEMENT for HUNTINGTON LAKES PUD to reduce residential units from 133 to 102 single family detached units; Parcel #22-14-31-0000-01010-0030; containing 81.04± acres and lying within the Hunter's Ridge Development of Regional Impact. Owner: BDAC Huntington Communities, LLC / Agent: Mark A. Watts, Esquire, Cobb Cole*  
*Project #2015010001* (TRC, PB, BCC)

Mr. Mengel presented the staff report and staff recommendation for this item. Staff recommendation was that the Planning and Development Board recommend to the Board of County Commissioners, approval of Application #2971 amendment to the Site Development Plan and Development Agreement in a PUD for Huntington Lakes at Hunter's Ridge, finding that the requested change is consistent with the Comprehensive Plan, the Land Development Code, and the adopted Development Order.

Chairman Reinke asked for disclosures from the Board. Board members did not have any disclosures to provide.

Mark Watts, Esquire, with the firm of Cobb Cole at 351 E. New York Avenue, Suite 200, DeLand, Florida provided the application presentation on behalf of the applicant. He offered that language be added to this agreement similar to that previously discussed on App #2970 with regard to street trees.

Board members requested pedestrian/bike path language to remain in the agreement. Mr. Watts acknowledged that the language would remain.

Chairman Reinke opened the public hearing. There being no one to speak on the item Chairman Reinke closed the public hearing.

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Mr. Dickinson MOVED TO RECOMMEND TO THE BOARD OF COUNTY COMMISSIONERS APPROVAL of Application #2971, amendment of the Site Development Plan and Development Agreement in a PUD for Huntington Lakes at Hunter's Ridge, finding that the requested change is consistent with the Comprehensive Plan, the Land Development Code, and the adopted Development Order subject to including tree language for trees in the non-development areas and minimum lot size 7,500 sf; SECONDED by Mr. Boyd.

Motion carried unanimously.

6. ***Legislative not requiring disclosure of ex parte communication:*** *Application #2972 – FUTURE LAND USE MAP AMENDMENT FROM RESIDENTIAL LOW DENSITY AND CONSERVATION TO COMMERCIAL HIGH INTENSITY AND CONSERVATION*; 24.4 acres generally lying south east of the corner of Roberts Road and Sea Ray Drive lying within Section 2, Township 12 South, Range 31 East, Flagler County, Florida; Parcel #s 02-12-31-0000-01010-0140 and 02-12-31-0000-01010-0150; Owner: Daryl Carter, Trustee of Carter-Flagler Roberts Road Land Trust / Agent: Sidney F. Ansbacher, Brunswick Corporation and Sea Ray Boats, Inc.  
*Project #2015010002* (TRC, PB, BCC)

Mr. Mengel explained that the collection of correspondence received about this application and the next application has been provided to the Board. Mr. Mengel provided the staff report and the staff recommendation that the Planning and Development Board recommend to the Board of County Commissioners transmittal of Application #2972 a Future Land Use Map amendment from Residential Low Density and Conservation to Commercial High Intensity and Conservation, finding that the request is consistent with the adopted Comprehensive Plan.

Sid Ansbacher, Esquire of with the firm of Upchurch, Bailey, Upchurch at 780 N. Ponce De Leon Boulevard, St. Augustine, FL 32084 representative for Sea Ray for this application and for about 15 years. Mr. Ansbacher requested the opportunity to respond to the public comments following public comment. Mr. Ansbacher also asked that the application for rezoning be continued until after the ORC report is received from the State in order to be able to respond to agency comments. Mr. Ansbacher gave an overview of the request.

Matthew West, Planner with Lassiter Transportation Group 123 Live Oak Avenue, Daytona Beach, FL spoke on behalf of the applicant and provided the Board with traffic analysis information for the request. (Exhibit "A")

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Board members questioned the applicant for clarification on the request relative to site conditions, moving the present parking to this location or expanding parking to this site, and purchase or lease of the property.

Mr. Ansbacher explained that the parcel is approximately 24.4 acres with approximately 15 acres of upland. They have no intention of seeking an ERP permit for dredge and fill activities. They will do ERP request for stormwater areas which will be included as part of the uplands and preliminary calculations show that the yield will be 800 spaces available more or less. The parking is sliding to this site and Sea Ray are contract purchasers of the subject property.

Mr. Craig Wall, Operations Manager, Sea Ray Boats clarified that the existing employee parking will be used as storage for tooling and molds; no production is to occur in the parking lot.

Chairman Reinke opened the public hearing for public comment.

Roaseann Stocker 1481 Lambert Avenue, Flagler Beach spoke in opposition to the request. Provided handout to Board (Exhibit "B")

Dan Rutkowski 1431 Lambert Avenue, Flagler Beach spoke in opposition to the request. Provided photographs to Board (Exhibits "C" and "D")

Jerry Vurpillat 5 Lambert Cove, Flagler Beach spoke in opposition to the request.

John Keegan 1511 Lambert Avenue, Flagler Beach spoke in opposition to the request.

Jim Weiss 1465 Lambert Avenue, Flagler Beach spoke in opposition to the request.

Tetsuo Yama 1501 Lambert Avenue, Flagler Beach spoke in opposition to the request.

Rich Smith 1640 Lambert Avenue, Flagler Beach spoke in opposition to the request.

Terry Deal 1580 Lambert Avenue, Flagler Beach spoke in opposition to the request. Played recording of backup alarm from vehicles reportedly taped from within her home approximately one-third mile away.

Debbie Horst 316 Cedar Lane, Flagler Beach spoke in opposition to the request.

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Don Deal 1580 Lambert Avenue, Flagler Beach spoke in opposition to the request. Provided handout to Board (Exhibit "E")

Rob Merrell, Esquire, CobbCole 149 S. Ridgewood Avenue, Daytona Beach representative for American Momentum Bank expressed concern regarding the amendment and spoke in favor of specific parcel limitations.

Rebecca Mitchell 2719 N. Oceanshore Boulevard, Beverly Beach spoke neutrally about the request and described her observation of pollution while living in south Florida before moving to this area.

Tim Agin 965 Lambert Avenue questioned increase in production and increase in allowable chemical release.

Mark Langello spoke in support of the request.

Ellen Dostellan 7 Perth Place, Palm Coast questioned address of previous speaker.

Mr. Mengel repeated that Mr. Langello responded from the audience that he resides on North Oceanshore Boulevard.

Rose Ann Brennon 1060 Lambert Avenue, Flagler Beach spoke in opposition to the request.

Charlie Faulkner 139 North Palmetto Avenue, Flagler Beach spoke in support of the request.

There being no other public speakers, Chairman Reinke closed public the public hearing.

Mr. Ansbacher spoke on behalf of the applicant in rebuttal to the public comments. Requested the opportunity for transmittal to have commenting agencies review the plan amendment proposal. He proffered a site specific limitation to parking and office.

Due to malfunction of the audio/video equipment the Chairman called for a recess of the meeting at 9:27pm.

Chairman Reinke reconvened the meeting at 9:38 pm and called for Board comments on the request.

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Mr. Crowe commented that he was opposed to change the subject area to residential but that happened. The people have demonstrated their confidence of that change 10 years ago. He described that he did not object to the west parking pod but objected to the east parking pod.

Mr. Dickinson agreed with Mr. Crowe that the residents have now put their trust in the change to residential and he sought understanding of the long term proposal of the property overall.

Mr. Duggins commented that the area does not need to be an open parking lot adjacent to the marsh land.

Ms. Kornel commented that she had a hard supporting the high intensity based on compatibility with the Comprehensive Plan and commended the public with addressing the policies of the plan; she hoped that the Sea Ray could get to where they want to be through a different avenue.

Ms. Richardson commented that she desired a more defined code to allow a parking lot.

Chairman Reinke commented that he also desired more definition.

Mr. Boyd commented about the proposed request and compatibility with the comprehensive plan and the citizens along having purchased property along Lambert Avenue thinking they would be adjacent to residential property.

Mr. Crowe MOVED TO RECOMMEND TO THE BOARD OF COUNTY COMMISSIONERS DENIAL OF Application #2972 due to incompatibility with the Comprehensive Plan; SECONDED by Mr. Boyd.

Motion carried unanimously.

7. **Quasi-judicial requiring ex parte communication and disclosures:** *Application #2973 – REZONING FROM PUD (PLANNED UNIT DEVELOPMENT) DISTRICT TO C-2 (COMMERCIAL AND SHOPPING CENTER) DISTRICT*; 24.4 acres generally lying south east of the corner of Roberts Road and Sea Ray Drive lying within Section 2, Township 12 South, Range 31 East, Flagler County, Florida; Parcel #s 02-12-31-0000-01010-0140 and 02-12-31-0000-01010-0150; Owner: Daryl Carter, Trustee of Carter-Flagler Roberts Road Land Trust / Agent: Sidney F. Ansbacher, Brunswick Corporation and Sea Ray Boats, Inc.  
*Project #2015010003 (TRC, PB, BCC)*

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Mr. Ansbacher, on behalf of the applicant, requested that public notice be provided prior to this application returning to the Planning and Development Board.

Mr. Crowe MOVED TO POSTPONE INDEFINATELY Application #2973 due to incompatibility with the Comprehensive Plan; SECONDED by Ms. Richardson.

Motion carried unanimously.

10. Public Comments - Each speaker will be allowed up to three minutes to address the Planning and Development Board on any item or topic not on the agenda  
Rich Smith questioned the indefinite postponement of an application. Ms. Stangle responded that essentially the application has been tabled, all public hearing requirements will be adhered to prior to bringing this item back.

Rich Smith questioned if the transmittal will be forwarded to the County Commission. Ms. Stangle confirmed that the Planning and Development Board's recommendation not to transmit will be forwarded to the Board of County Commissioners for decision. The application for rezoning will not be forwarded to the Board of County Commissioners until a recommendation from the Planning and Development Board has been provided.

9. Board Comments.  
Mr. Crowe read into the record his letter of resignation from the Planning and Development Board, effective this day.
8. Staff Comments.
11. Adjournment. Chairman Reinke adjourned the meeting at 10:00 p.m.

Drafted by: Gina Lemon

Exhibit A to Minutes: [Lassiter Transportation Analysis](#)  
Exhibit B to Minutes: [Handout from Roseanne Stocker](#)  
Exhibit C to Minutes: [Photograph from Dan Rutkowski](#)  
Exhibit D to Minutes: Photograph from Dan Rutkowski  
Exhibit E to Minutes: [Handout from Don Deal](#)

App #2972  
 Future Land Use Map Amendment

Surrounding Property Owner  
 Information from Property  
 Appraiser website

Parcel Number	Owner Name	Address	Address 2	City	State	Zip
	Sea Ray Boats, Inc. - Sea Ray Boats #16 -					
02-12-31-0000-01010-0010	Brunswick Boat Group	Attn: Sue Joslin	P. O. Box 1950	Knoxville	TN	37901-0000
02-12-31-0000-01010-0020	James A. and Julia M. Allen Smith		557 N. Beach Street	Ormond Beach	FL	32174
02-12-31-0000-01010-0100	Brazos XVI LLC		4830 W. Kennedy Blvd, Ste 200	Tampa	FL	33609
02-12-31-0000-01010-0140	Daryl M. Carter, Trustee		P. O. Box 568821	Orlando	FL	32856-8821
02-12-31-0000-01010-0142	Daryl M. Carter, Trustee		P. O. Box 568821	Orlando	FL	32856-8821
02-12-31-0000-01010-0150	Daryl M. Carter, Trustee		P. O. Box 568821	Orlando	FL	32856-8821
02-12-31-0000-01010-0152	Daryl M. Carter, Trustee		P. O. Box 568821	Orlando	FL	32856-8821
02-12-31-0000-01010-0160	Sea Ray Boats, Inc.		100 Sea Ray Drive	Flagler Beach	FL	32136
02-12-31-4938-00000-0030	Brazos XVI LLC		4830 W. Kennedy Blvd, Ste 200	Tampa	FL	33609
02-12-31-4938-00000-0040	Brazos XVI LLC		4830 W. Kennedy Blvd, Ste 200	Tampa	FL	33609
02-12-31-4938-00000-0050	Brazos XVI LLC		4830 W. Kennedy Blvd, Ste 200	Tampa	FL	33609
02-12-31-4938-00000-0060	Brazos XVI LLC		4830 W. Kennedy Blvd, Ste 200	Tampa	FL	33609
02-12-31-4938-00000-0070	Florida Landmark Communities LLC		145 City Place, Suite 300	Palm Coast	FL	32164
02-12-31-4938-00000-0080	Florida Landmark Communities LLC		145 City Place, Suite 300	Palm Coast	FL	32164
11-12-31-5325-00000-0380	Daniel D. and Ramona R. Rutkowski		1431 Lambert Avenue	Flagler Beach	FL	32136
11-12-31-5325-00000-0400	James Weiss		Post Office Box 427	Flagler Beach	FL	32136
11-12-31-5325-00000-0410	Thomas and Roseanne Stocker		1481 N. Lambert Avenue	Flagler Beach	FL	32136
11-12-31-5325-00000-0430	Tetsuo Yama		1501 Lambert Avenue	Flagler Beach	FL	32136
11-12-31-5325-00000-0440	John B. and Freda Keegan, H & W		1511 Lambert Avenue	Flagler Beach	FL	32136
11-12-31-5325-00000-0450	Paul M. Spanier		P. O. Box 1445	Southampton	NY	11969
11-12-31-5325-00000-0460	Daniel T. and Ginger B. Whalen, H&W		1551 Lambert Ave	Flagler Beach	FL	32136-3045
11-12-31-5325-00000-0470	Stephen A. and Victoria Y. Aubert, H&W		1309 Hidden Brook Court	Abingdon	MD	21009

I hereby affirm that mailed notice was sent to each property owner on this list on 1/26/2015 advising of public hearing for App #2972 on 2/10/2015 before the Planning Dev. Board.



Gina Lemon, Development Review Planner III

App #2972  
 Future Land Use Map Amendment

Surrounding Property Owner  
 Information from Property  
 Appraiser website

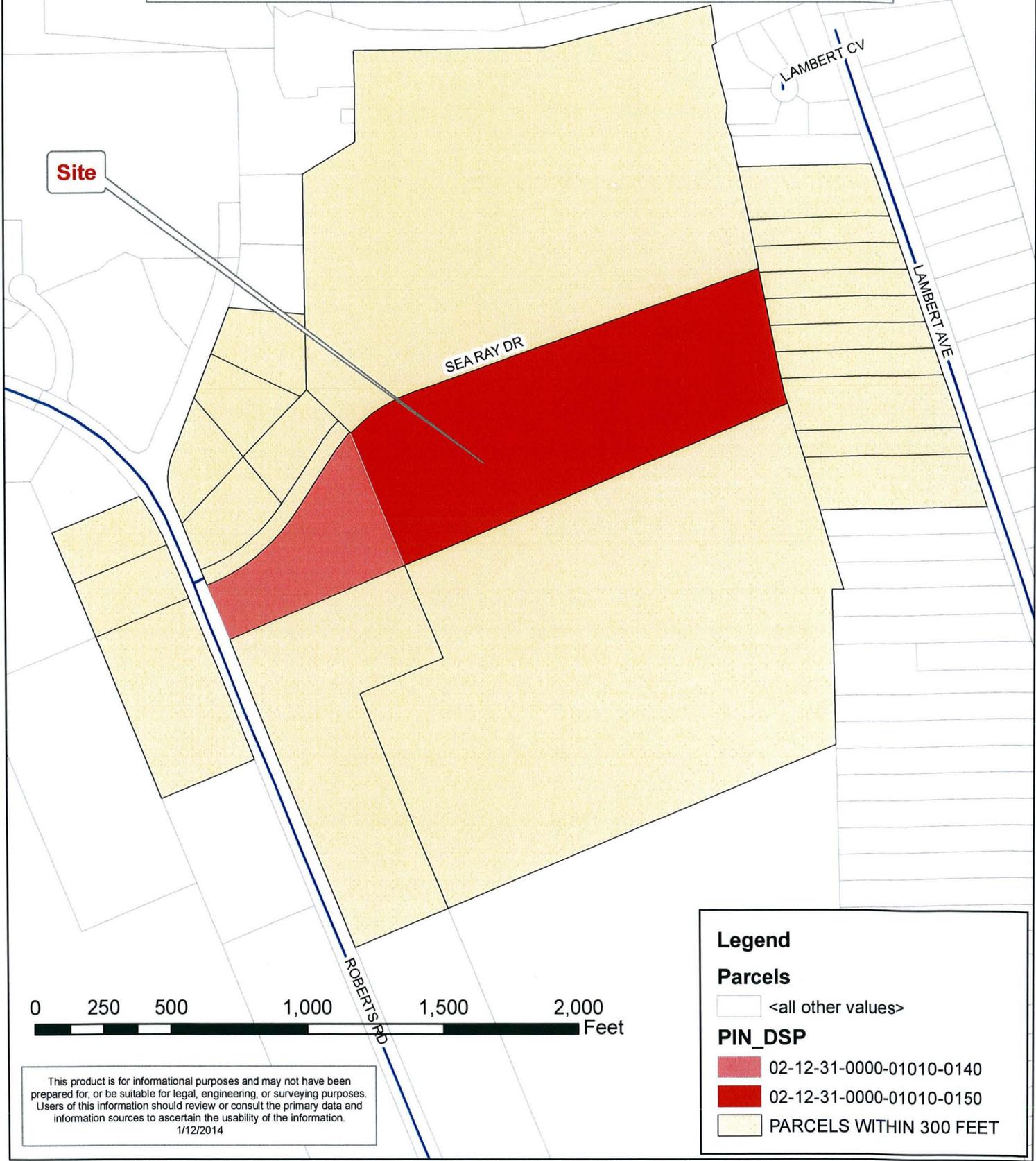
Parcel Number	Owner Name	Address	Address 2	City	State	Zip
	Sea Ray Boats, Inc. - Sea Ray Boats #16 -					
02-12-31-0000-01010-0010	Brunswick Boat Group	Attn: Sue Joslin	P. O. Box 1950	Knoxville	TN	37901-0000
02-12-31-0000-01010-0020	James A. and Julia M. Allen Smith		557 N. Beach Street	Ormond Beach	FL	32174
02-12-31-0000-01010-0100	Brazos XVI LLC		4830 W. Kennedy Blvd, Ste 200	Tampa	FL	33609
02-12-31-0000-01010-0140	Daryl M. Carter, Trustee		P. O. Box 568821	Orlando	FL	32856-8821
02-12-31-0000-01010-0142	Daryl M. Carter, Trustee		P. O. Box 568821	Orlando	FL	32856-8821
02-12-31-0000-01010-0150	Daryl M. Carter, Trustee		P. O. Box 568821	Orlando	FL	32856-8821
02-12-31-0000-01010-0152	Daryl M. Carter, Trustee		P. O. Box 568821	Orlando	FL	32856-8821
02-12-31-0000-01010-0160	Sea Ray Boats, Inc.		100 Sea Ray Drive	Flagler Beach	FL	32136
02-12-31-4938-00000-0030	Brazos XVI LLC		4830 W. Kennedy Blvd, Ste 200	Tampa	FL	33609
02-12-31-4938-00000-0040	Brazos XVI LLC		4830 W. Kennedy Blvd, Ste 200	Tampa	FL	33609
02-12-31-4938-00000-0050	Brazos XVI LLC		4830 W. Kennedy Blvd, Ste 200	Tampa	FL	33609
02-12-31-4938-00000-0060	Brazos XVI LLC		4830 W. Kennedy Blvd, Ste 200	Tampa	FL	33609
02-12-31-4938-00000-0070	Florida Landmark Communities LLC		145 City Place, Suite 300	Palm Coast	FL	32164
02-12-31-4938-00000-0080	Florida Landmark Communities LLC		145 City Place, Suite 300	Palm Coast	FL	32164
11-12-31-5325-00000-0380	Daniel D. and Ramona R. Rutkowski		1431 Lambert Avenue	Flagler Beach	FL	32136
11-12-31-5325-00000-0400	James Weiss		Post Office Box 427	Flagler Beach	FL	32136
11-12-31-5325-00000-0410	Thomas and Roseanne Stocker		1481 N. Lambert Avenue	Flagler Beach	FL	32136
11-12-31-5325-00000-0430	Tetsuo Yama		1501 Lambert Avenue	Flagler Beach	FL	32136
11-12-31-5325-00000-0440	John B. and Freda Keegan, H & W		1511 Lambert Avenue	Flagler Beach	FL	32136
11-12-31-5325-00000-0450	Paul M. Spanier		P. O. Box 1445	Southampton	NY	11969
11-12-31-5325-00000-0460	Daniel T. and Ginger B. Whalen, H&W		1551 Lambert Ave	Flagler Beach	FL	32136-3045
11-12-31-5325-00000-0470	Stephen A. and Victoria Y. Aubert, H&W		1309 Hidden Brook Court	Abingdon	MD	21009
11-12-31-5325-00000-0480	Nan A. Nebel		1799 John Anderson Hwy	Flagler Beach	FL	32136
11-12-31-5325-00000-0490	Nan Allison Nebel		1799 John Anderson Hwy	Flagler Beach	FL	32136

I hereby affirm that mailed notice was sent to each property owner on this list on 2/27/2015 advising of public hearing for App #2972 on 3/16/2015 before the Board of Co Com.



Gina Lemon, Development Review Planner III

Application #2972  
 FUTURE LAND USE MAP AMENDMENT FROM RESIDENTIAL  
 LOW DENSITY AND CONSERVATION TO COMMERCIAL  
 HIGH INTENSITY AND CONSERVATION  
 Owner/Applicant: Daryl Carter  
 Parcel #02-12-31-0000-01010-0140 & 02-12-31-0000-01010-0150



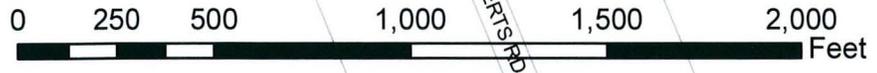
Site

SEARAY DR

LAMBERT CV

LAMBERT AVE

ROBERTS RD



**Legend**

**Parcels**

<all other values>

**PIN\_DSP**

02-12-31-0000-01010-0140

02-12-31-0000-01010-0150

PARCELS WITHIN 300 FEET

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.  
 1/12/2014

**THE NEWS-JOURNAL**

Published Daily and Sunday  
Daytona Beach, Volusia County, Florida

**State of Florida,  
County of Volusia**

Before the undersigned authority personally appeared

**Cynthia Anderson**

who, on oath says that she is .....

**LEGAL COORDINATOR**

of The News-Journal, a daily and Sunday newspaper,  
published at Daytona Beach in Volusia County, Florida; the  
attached copy of advertisement, being a  
.....

**PUBLIC NOTICE**

**L 2116661**

in the Court,  
was published in said newspaper in the issues.....

**JANUARY 24, 2015**

Affiant further says that The News-Journal is a newspaper  
published at Daytona Beach, in said Volusia County, Florida,  
and that the said newspaper has heretofore been continuously  
published in said Volusia County, Florida, each day and  
Sunday and has been entered as second-class mail matter at  
the post office in Daytona Beach, in said Volusia County,  
Florida, for a period of one year next preceding the first  
publication of the attached copy of advertisement; and affiant  
further says that he has neither paid nor promised any person,  
firm or corporation any discount, rebate, commission or  
refund for the purpose of securing this advertisement for  
publication in the said newspaper

.....*Cynthia Anderson*.....

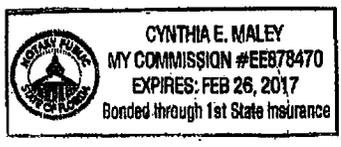
Sworn to and subscribed before me

This **26TH** of **JANUARY**

A.D. 2015

.....*C. H. E. Maley*.....

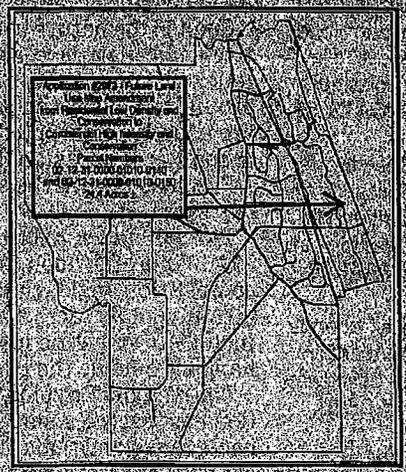
49D



**NOTICE OF FUTURE LAND  
USE MAP AMENDMENT  
APPLICATION #2972**

Pursuant to Section 153.3164, Florida Statutes, the Flagler County Board of County Commissioners hereby gives notice of a proposal to adopt the following Ordinance affecting the area shown in the map below:

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA AMENDING THE FUTURE LAND USE ELEMENT AND FUTURE LAND USE MAP BY AMENDING THE DESIGNATION OF A TOTAL OF 24.4 ACRES MORE OR LESS LYING IN SECTION 02, TOWNSHIP 12 SOUTH RANGE 31 EAST FROM RESIDENTIAL LOW DENSITY AND CONSERVATION TO COMMERCIAL HIGH INTENSITY AND CONSERVATION, PROVIDING FOR FINDINGS, PROVIDING FOR A PARCEL-SPECIFIC LIMITING POLICY AND PROVIDING FOR AN EFFECTIVE DATE.**



Application #2972 / Applicants: Sidney F. Ansbacher, Esquire, Brunswick Corporation and Sea Ray Boats, Inc. / Owner: Daryl Carter, Trustee of Carter-Flagler-Roberts Road Land Trust

Public hearing on the above-captioned matter will be held as follows:

**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD**  
- February 10, 2015 @ 6:00 p.m. in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Blvd., Building 2, Bunnell, Florida, 32110.

Information relating to this matter is available for inspection at the Planning and Zoning Department located at 1769 E. Moody Boulevard, Building 2, Ste 105, Bunnell, Florida during the hours of 8:00 a.m. - 5:00 p.m. Monday through Friday.

All interested parties may attend any and all of the public hearings or may express their opinion in writing to:

Adam Mengel, Planning Director  
1769 E. Moody Boulevard, Bldg 2, Ste 105  
Bunnell, FL 32110  
(386) 313-4009  
Email: amengel@flaglercounty.org

PURSUANT TO SECTION 286.0105 OF FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE HE OR SHE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE MEETINGS SHOULD CONTACT THE PLANNING DEPARTMENT AT (386) 313-4009 AT LEAST 48 HOURS PRIOR TO THE MEETING.

**Flagler/Palm Coast  
NEWS-TRIBUNE**

Published Each Wednesday and Saturday  
Flagler County, Florida

**State of Florida,  
County of Flagler**

Before the undersigned authority personally appeared

**Cynthia Anderson**

who, on oath says that she is .....

**LEGAL COORDINATOR**

of The Flagler/Palm Coast NEWS-TRIBUNE, a twice weekly newspaper, published in Flagler County, Florida; that the attached copy of advertisement, being a .....

**PUBLIC NOTICE**

**NT 2121927**

in the Court,  
was published in said newspaper in the issues.....

**FEBRUARY 25, 2015**

Affiant further says that The Flagler/Palm Coast News-Tribune is a newspaper published in said Flagler County, Florida, and that the said newspaper has heretofore been continuously published in said Flagler County, Florida, each Wednesday and Saturday and has been entered as second-class mail matter at the post office in Flagler Beach, in said Flagler County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper

*Cynthia Anderson* .....

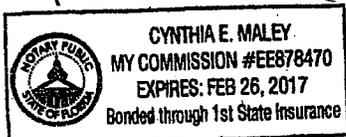
Sworn to and subscribed before me

This **25TH** of **FEBRUARY**

A.D. 2015

*Cynthia E. Maley*

49D

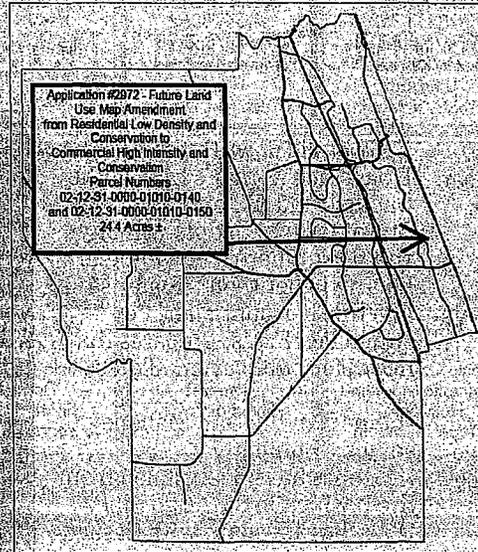


0002121927

**NOTICE OF FUTURE LAND  
USE MAP AMENDMENT  
APPLICATION #2972**

Pursuant to Section 163.3184, Florida Statutes, the Flagler County Board of County Commissioners hereby gives notice of a proposal to adopt the following Ordinance affecting the area shown in the map below:

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT AND MAP BY AMENDING THE DESIGNATION OF A TOTAL OF 24.4 ACRES, MORE OR LESS, LYING IN SECTION 2, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FROM RESIDENTIAL LOW DENSITY SINGLE-FAMILY AND CONSERVATION TO COMMERCIAL HIGH INTENSITY AND CONSERVATION; PROVIDING FOR FINDINGS; PROVIDING FOR A PARCEL-SPECIFIC LIMITING POLICY; AND PROVIDING FOR AN EFFECTIVE DATE.**



Application #2972 / Applicants: Sidney F. Ansbacher, Esquire, Brunswick Corporation and Sea Ray Boats, Inc. / Owner: Daryl Carter, Trustee of Carter-Flagler Roberts Road Land Trust

Public hearing on the above-captioned matter will be held as follows:

**BOARD OF COUNTY COMMISSIONERS** - March 16, 2015 @ 5:30 p.m. in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Blvd., Building 2, Bunnell, Florida, 32110

Information relating to this matter is available for inspection at the Planning and Zoning Department located at 1769 E. Moody Boulevard, Ste 105, Bunnell, Florida during the hours of 8:00 a.m. - 5:00 p.m. Monday through Friday.

All interested parties may attend any and all of the public hearings or may express their opinion in writing to:

Adam Mengel, Planning Director  
1769 E. Moody Boulevard, Bldg 2, Ste 105  
Bunnell, FL 32110  
(386) 313-4009  
Email: amengel@flaglercounty.org

PURSUANT TO SECTION 286.0105 OF FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY, OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE OR SHE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE MEETINGS SHOULD CONTACT THE PLANNING DEPARTMENT AT (386) 313-4009 AT LEAST 48 HOURS PRIOR TO THE MEETING.