

Legislative Power. Commission's Power while legislative has some limitations that the Commission does not usually have to consider.

Limitation. The legislative authority of the Commission to plan is controlled by, and to a certain extent preempted by the provisions of F.S. 163.

Minimum Standards. The requirements of F.S. 163 are minimum standards- in other words, it's the least commission can do

1. Must allow reasonable opportunity for public input. Three minutes is not enough.
2. Decisions must be supported by appropriate data to consider the data and analysis to support the conclusion- not just a basic math problem of water or trips per day. Analysis is to show that the request should be permissible because it is compatible.
3. Proposal should be consistent with overall terms of the Comprehensive Plan.
4. Land use patterns should be harmonized or seek to create compatible uses near to one another.

The Plan. 2005 Amendment creating a predominantly residential area around Sea Ray approved by Commission in 2005. Sea Ray was aware of it and apparently entered a settlement agreement not challenge it.

After 2005 consideration about allowing Industrial on the subject property was, in the words of Adam Mengel, an idea that was shot down.

In 2013 the current owner purchased.

2005 plan amendment in place for 8 years before purchase.

Sea Ray could have chosen to buy but didn't.

Don't know, but today I imagine Sea Ray's contract to buy is contingent on approval of the commercial request. Whether the contract is contingent or not, Sea Ray knows the area history and the Lambert Avenue neighborhood. Craig Wall has been quoted in the news-paper to say the compatibility between industrial and residential is always a concern. Except for the effort to reclassify, it's doubtful Sea Ray is stuck with the property.

An alternate location that would not be objected by Lambert Avenue citizens is available. Deny Sea Ray and direct them to the alternate site that is available abutting Sea Ray's western side, with more direct access to Colbert Lane and thereby Palm Coast Parkway and SR 100 than associated traffic controls.

Request fails to comply with F.S. 163, the adopted Flagler County Comprehensive Plan and conflicts with the Flagler Beach Plan.

**Flagler County Government
Planning and Zoning Department
Staff Report**

TO: Chairperson and Planning Board Members

FROM: Planning and Zoning Department

DATE: February 8, 2005

SUBJECT: FUTURE LAND USE MAP AMENDMENT APPLICATION #2400

I. Requested Action & Purpose: The request is for approval of a **Future Land Use Map Amendment** for a 166-acre parcel located on the east side of Roberts Road between the Flagler Beach city limits and Sea Ray Boats from Industrial to Residential Low Density (up to 498 units).

II. Location and Legal Description: A parcel of land lying within Section 02, Township 12 South, Range 31 East, containing 165.88± acres, located east of Roberts Road and north of the Flagler Beach city limits; Parcel #'s 02-12-31-0000-01010-0150 and 02-12-31-0000-01010-0140.

III. Owner and Applicant:

Owner: Florida Landmark Communities, Inc.
Applicant: Landmar Group, Inc. c/o Gary B. Davenport

IV. Existing Zoning and Land Use Classification:

Zoning: "I" Industrial
Land Use: Industrial (165.88 ac.)

V. Future Land Use Map Classification/Zoning of Surrounding Land:

North: Industrial (Sea Ray Boats)
East: LDR, (River Oaks Subdivision)
South: Mixed Use overlay (City of Flagler Beach)
West: Roberts Road, MUH

VI. Report in Brief: This proposed amendment was originally scheduled for Planning Board consideration in September 2004. Staff had requested tabling until policy direction regarding the Sea Ray Boats facility and the Countywide need for industrial land was established. The Planning Board and Board of County Commissioners spoke to these policy questions with the approval of FLUM # 2339, a change to Mixed Use High Intensity on the northwest side of the Sea Ray plant.

X. Staff Recommendation: Staff recommends that the Planning Board favorably recommend FLUM #2400 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.
2. Participation in Colbert Lane improvements to maintain evacuation time and maintain level of service for future traffic volumes and emergency evacuations.

Attachments:

1. Application and supporting materials

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 Sells 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 30th 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

Flagler Realtor seeking to buy former Lehigh cement plant site

By Thom Holt
tuholt@news-journal.com

FLAGLER BEACH — Sea Ray Boats, which is seeking to expand its manufacturing facility in eastern Flagler County, may have more neighbors soon.

Maintaining harmonious relations with its neighbors has always been a priority for Sea Ray, a company spokesman said Monday. But those relations could be further tested if a large residential community is built nearby.

Jim Cullis, president of Grand Haven Realty, confirmed Monday he is seeking to purchase the former Lehigh Portland Cement Company plant site, a mixed-use planned unit development north of Roberts Road and east of Colbert Lane, near the Sea Ray plant. He said the closing date on that property, which encompasses more than 80 acres, is April 3.

That is raising some eyebrows at Sea Ray, said company spokesman Craig Wall.

"It concerns me when we have a potential residential (site) bordering our property," said Wall. "The compatibility between industrial and residential is always a concern."

Earlier this month, the Flagler County planning board voted unanimously to reject county's staff recommendation to approve a rezoning of the property along the south of the boat dealer's property. Wall said the rezoning is necessary to allow construction of a parking lot.

Several residents are opposed to it. Flagler County commissioners are expected to vote on the issue in March.

While officials with the boat-production company await the upcoming county vote, a significant transaction for land near the plant is in the works. The property is owned by Brazos XVI, a holding company, according to the Flagler County Property Appraiser's Office. All 21 parcels listed under the company's ownership were valued together at \$1.5 million as of January 2014, said Property Appraiser Jay Gardner.

Cullis said he is in the "due diligence" phase with the holding company and he expects the deal to close. He declined to disclose the purchase price.

The Lehigh cement plant, at the northern end of Roberts Road, was one of Flagler County's biggest industries in the 1950s. The plant closed in 1964, laying off more than 150 workers. It wasn't until the mid-1980s that the county managed to lure a big employer for the industrial site — Sea Ray, the boat manufacturer and Brunswick Corp. subsidiary.

Carl Laundrie, a Flagler County spokesman, said Monday no new plans regarding the old Lehigh plant site have gone before any county board at this point. If a development is proposed, it eventually will have to go before county commissioners and the public. In 2004, commissioners voted to change the industrial land use on the property Cullis is seeking to purchase. That switch made it possible for a residential complex to be built there. It was something Sea Ray publicly opposed at the time.

Cullis said there was a plan in place for a "high-rise" project, but it didn't move forward because the real estate market tanked and it didn't make good business sense to pay "top dollar" for a large piece of land at that time.

Now the land is worth about 20 percent of what it was in 2005, he said.

Cullis added that future plans for that site are comparatively less ambitious than a decade ago.

From: Christie L. Mayer
Sent: Monday, June 16, 2014 4:00 PM
To: Craig Coffey
Cc: Selby A. Sherman
Subject: Lighthouse Harbor

Did you get this email from Jim Cullis while I was away? I just uncovered it in my email....

Sorry for the delay!

Christie

From: Jim Cullis [mailto:jcullis@grandhavenpalmcoast.com]
Sent: Tuesday, May 27, 2014 10:36 AM
To: Christie L. Mayer
Subject:

Craig

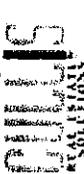
Last file Lighthouse harbor property info is the old master plan for the marina village. First file lh school site is the current survey +/- 6 acres. The office plan2 file is a rough site plan showing potential for the site +/- 48,000 sq ft of office/warehouse keeping the existing concrete buildings and removing trailers.

Happy to brainstorm. Sea Ray should buy/lease this facility from me for the immediate needs and some control over the entire project.

Thanks

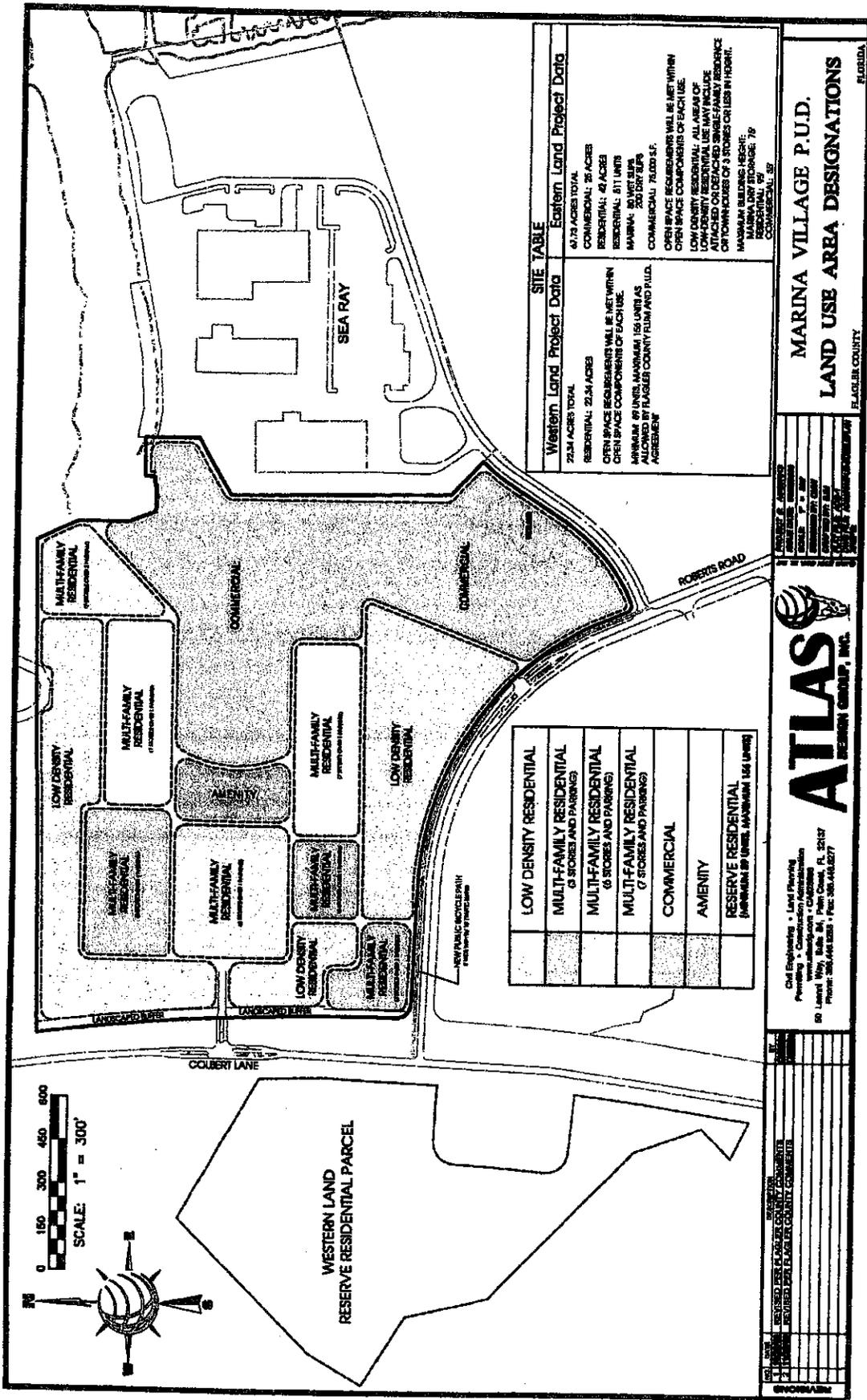
Jim

Jim Cullis, President



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386-569-8823 - Cell
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386-445-6470 Fax

No virus found in this message.
Checked by AVG - www.avg.com
Version: 2013.0.3495 / Virus Database: 42579268 - Release Date: 03/10/15



LOW DENSITY RESIDENTIAL
MULTIFAMILY RESIDENTIAL (9 STORES AND PARKING)
MULTIFAMILY RESIDENTIAL (6 STORES AND PARKING)
MULTIFAMILY RESIDENTIAL (7 STORES AND PARKING)
COMMERCIAL
AMENITY
RESERVE RESIDENTIAL (MINIMUM 89 UNITS, MAXIMUM 154 UNITS)

SITE TABLE	
Western Land Project Data	Eastern Land Project Data
22.34 ACRES TOTAL	47.79 ACRES TOTAL
RESIDENTIAL: 22.34 ACRES	COMMERCIAL: 25.45 ACRES
OPEN SPACE REQUIREMENTS WILL BE MET WITHIN OPEN SPACE COMPONENTS OF EACH USE.	RESIDENTIAL: 48 ACRES
MINIMUM 89 UNITS, MAXIMUM 154 UNITS AS ALLOWED BY FLAGLER COUNTY PLANNING AND ZONING AGREEMENT	RESIDENTIAL: 811 UNITS
	MINIMUM: 90 UNIT SUPPLY
	COMMERCIAL: 75,000 S.F.
	OPEN SPACE REQUIREMENTS WILL BE MET WITHIN OPEN SPACE COMPONENTS OF EACH USE.
	LOW DENSITY RESIDENTIAL: ALL AREAS OF LOW DENSITY RESIDENTIAL USE MAY INCLUDE ATTACHED OR DETACHED SINGLE-FAMILY RESIDENCE OR TOWNHOUSES OF 3 STORIES OR LESS IN HEIGHT.
	MAXIMUM BUILDING HEIGHT: RESIDENTIAL: 35' COMMERCIAL: 35'

ATLAS
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Predevelopment • Construction
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MARINA VILLAGE P.U.D.
LAND USE AREA DESIGNATIONS
FLAGLER COUNTY
FLORIDA