



# City of Flagler Beach

P.O. Box 70 Flagler Beach Fl 32136

[www.cityofflaglerbeach.com](http://www.cityofflaglerbeach.com)

April 22, 2015

Mr. Adam Mengel, AICP, LEED AP BD+C  
Planning and Zoning Director, Flagler County  
1769 E. Moody Boulevard, Building 2, Suite 105  
Bunnell, Florida 32110  
Via e-mail: [amengel@flaglercounty.org](mailto:amengel@flaglercounty.org)

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

Dear Mr. Mengel:

Thank you for the opportunity to review/comment on the above referenced amendment received by the City of Flagler Beach on March 23, 2015. Kindly note that the comments attached hereto are submitted in concert with Section 163.3184(3)(c) Florida Statutes, and more particularly, the potential implications of the proposed amendment's implications to the City's municipal plan.

## APPLICATION SUMMARY

Flagler County #2972

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

## Overview :

- A. Request to amend the 2010-2035 Flagler County Future Land Use Map changing 24.4 acres, as described in the amendment package from Low Density Residential and Conservation to Commercial High Intensity.
- B. Amend the Flagler County Comprehensive Plan (Future Land Use Element) to adopt a Parcel-Specific Limiting Policy to be applied upon Parcel #02-12-31-0000-01010-0140 and contiguous Parcel #02-12-31-0000-01010-0150 each of which is positioned within Section 2, Township 12S, Range 31E; and to provide for the development of:
  - i. A surface parking lot as an ancillary use to the primary manufacturing facility and site (as to added limitations; See Ordinance Section 3, Policy A.1.1.10 Parcel Specific Limitations).
  - ii. A finished boat staging area as an ancillary use to the primary manufacturing facility and site (as to added limitations; See Ordinance Section 3, Policy A.1.1.10 Parcel Specific Limitations).
  - iii. An office building not to exceed forty thousand (40,000) square feet (added limitations; See Ordinance Policy A.1.1.12 Parcel Specific Limitations).

- C. Commensurate with the above, it is the intent of the Flagler County Board of County Commissioners to further invoke a parcel-specific limiting Future Land Use Element policy text concurrent with the proposed Future Land Use Map amendment to restrict the rezoning of the affected parcels to Planned Unit Development (PUD).

Background

As you are aware, prior to the required transmittal hearing conducted on March 16, 2015, the City of Flagler Beach submitted comments voicing opposition to the proposed land use amendment predicated upon identifiable inconsistency findings. That action was initiated subsequent to City leadership having raised concerns and requesting staff input as to the proposed amendment's compliance with the Flagler County Comprehensive Plan; perhaps an unorthodox action, nonetheless, deemed warranted given the urgency of concern expressed by the adjoining neighborhood and community leadership.

In closing, notwithstanding this set of circumstances, kindly accept that the City of Flagler Beach appreciates your reaching out to participate in this review process. If you have any questions, please feel free to contact me at 386-517-2000, ext. 230 or by e-mail at [ltorino@cityofflaglerbeach.com](mailto:ltorino@cityofflaglerbeach.com).

Sincerely,



Larry Torino, City Planner

cc: Lindsay Haga, Director of Planning, NEFRPC

**CITY OF FLAGLER BEACH**

**FLAGLER COUNTY TRANSMITTAL AMENDMENT 15-1ESR**

**COMMENT AUTHORIZATION: SECTION 163.3184 FLORIDA STATUTES**

Pursuant to Section 163.3184(3) (b) 1., 2.,3.(c)

(3) EXPEDITED STATE REVIEW PROCESS FOR ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS.

(b)1. (Excerpt) The local governing body shall also transmit a copy of the amendments and supporting data and analyses to any other local government or governmental agency that has filed a written request with the governing body. NOTE: *Transmittal document voluntarily provided to the City of Flagler Beach.*

2. (Excerpt) Agencies and *local governments* must transmit their comments to the affected local government such that they are received by the local government not later than 30 days after the date on which the agency or government received the amendment or amendments.

3. Comments to the local government from a regional planning council, county, or *municipality* shall be limited as follows:

c. Municipal comments shall be in the context of the relationship and effect of the proposed plan amendments on the municipal plan.

**1. Application Overview Summary:**

A. Request to amend the 2010-2035 Flagler County Future Land Use Map changing 24.4 acres, as described in the amendment package from Low Density Residential and Conservation to Commercial High Intensity (See Attachment 1,2,3).

B. Amend the Flagler County Comprehensive Plan (Future Land Use Element) to adopt a Parcel-Specific Limiting Policy to be applied upon Parcel #02-12-31-0000-01010-0140 and contiguous Parcel #02-12-31-0000-01010-0150 each of which is positioned within Section 2, Township 12S, Range 31E; and to provide for the development of:

- i. A surface parking lot as an ancillary use to the primary manufacturing facility (See proposed ordinance Section 3, Policy A.1.1.10; Parcel Specific Limitations).
- ii. A finished boat staging area as an ancillary use to the primary manufacturing facility (See proposed ordinance Section 3, Policy A.1.1.10 Parcel Specific Limitations).
- iii. An office building not to exceed forty thousand (40,000) square feet (See Ordinance Policy A.1.1.12 Parcel Specific Limitations).

C. Commensurate with the above, it is the intent of the Flagler County Board of County Commissioners to further invoke a parcel-specific limiting Future Land Use Element policy concurrent with the proposed Future Land Use Map amendment to restrict the rezoning of the affected parcels to Planned Unit Development (PUD).

## **2. MUNICIPAL COMMENT: IMPACT OF THE PROPOSED PLAN AMENDMENT ON THE MUNICIPAL PLAN**

The amendment property (24+/- acres), which is proposed to maintain a limitation as to the use of said lands to an employee parking field, boat staging area, and office building, lies due west and adjoins the City of Flagler Beach, and more specifically, borders properties zoned Single Family Residential as depicted on the City's Official Zoning Map; Low Density Residential on the current Future Land Use Map. Given the general character and disposition of the adjoining residential neighborhood, it is anticipated the area will remain stable in the long term. However, as has been documented, to the immediate north of, and contiguous to the amendment property is the Sea Ray plant manufacturing facility, the property of which totals some 39+/- acres.

The proposed transfer of employee parking to the amendment property will cause to "free" 3+/- acres currently devoted to vehicular parking on the main plant site. The fact that a significant area on the prime manufacturing site will have been "freed" promotes the opportunity to expand the current manufacturing footprint, if deemed warranted. With the possibility of plant expansion, and unless an advancement to the boat manufacturing fabrication process occurring simultaneously, such possible increased plant output may bring with it added emissions known to be toxic in nature and therein, a judicious concern to the City of Flagler Beach. And as has been previously indicated, particularly as it relates to the potential negative impact(s) as it relates to quality of life matters at the local and community level.

The City acknowledges Sea Ray's standing as it relates to adhering to Department of Environmental Protection standards. However, in concert with an increase in production is the potential to exacerbate wafts of objectionable odor(s) from a known hazardous chemical (styrene) categorized "reasonably anticipated to be a human carcinogen" and understandably elevates the level of concern alluded to above.

Therefore, to address this concern and to the extent that Sea Ray Boats and the City establish a level of understanding moving forward, should Sea Ray elect to expand plant production and/or the manufacturing footprint without such aforementioned "emission controlled" process advancement, the City of Flagler Beach request Sea Ray be required to execute a legally binding Memorandum of Understanding prior to the adoption date of the amendment which speaks to the following:

### **1. Odor Control Monitors:**

- i. Install odor control monitor units along property perimeters, the number of which shall be deemed reasonable to effectively monitor odor levels within on (1) year of the land use amendment adoption date, if favorably adopted (unless otherwise agreed to by the City of Flagler Beach).
- ii. Provide periodic, on-line, emissions data findings accessible to the public (timeframe to be mutually agreed to by Sea Ray and the City of Flagler Beach).

2. Flagler County Odor Ordinance - Sea Ray agree to comply with the adopted Flagler County Odor Ordinance if emissions *fail* to meet the minimum standards set forth in the ordinance which Sea Ray participated in developing.

- a. *Grandfather standing*: Compliance Parameter
  - i. Based upon succeeding three (3) year emissions report (DEP Annual Operating Reports) (FADS), if averaged emissions are equal to, or fall below the 2013 reported levels, *the grandfathered status shall remain in force*.
  - ii. Based upon succeeding three (3) year emissions reports (DEP Annual Operating Reports) (FADS), if averaged emissions for the year 2014, 2015, 2016 *exceed* the levels reported in the year 2013 Annual Operating Report, Sea Ray shall agree to meet the requirements of the Flagler County Odor Ordinance within twelve (12) months (unless otherwise agreed to by the City of Flagler Beach) of the date of having received the DEP Annual Operating Report findings. **(NOTE: Hazardous Air Pollutants (HAPS) emitted in the year 2013 measured 67.53 tons (See Attachment 4).**

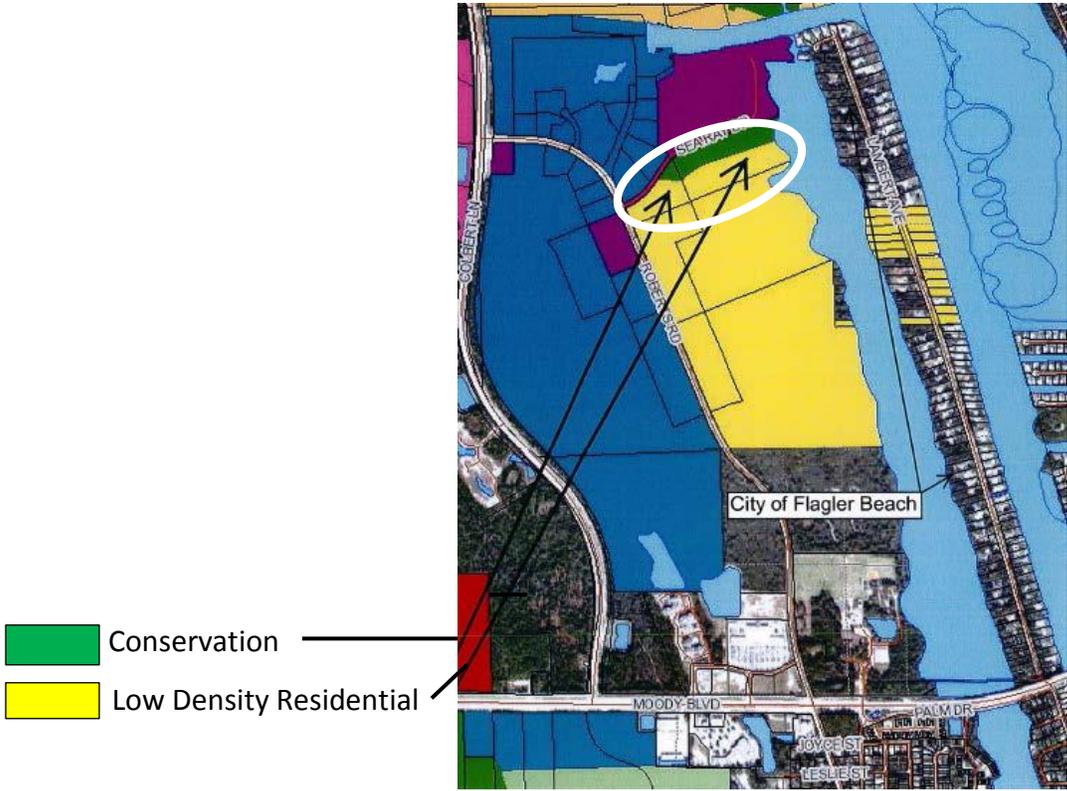
The City of Flagler Beach respectfully requests a copy of the adopted amendment, if favorably adopted.

**Attachments:**

1. Amendment Property – Flagler County *Existing* Future Land Use Map Designation
2. Amendment Property – (Extract) Flagler County *Existing* Future Land Use Map Designation
3. Amendment Property – (Extract) Flagler County *Proposed* Future Land Use Map Designation
4. 2013 - Sea Ray DEP Facility Detail Report

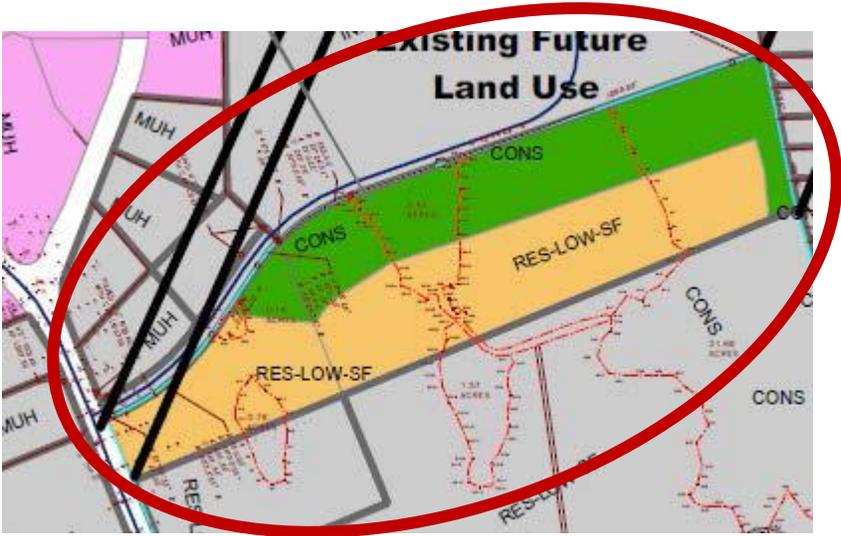
ATTACHMENT 1

FLAGLER COUNTY **EXISTING** FUTURE LAND USE MAP DESIGNATION



ATTACHMENT 2

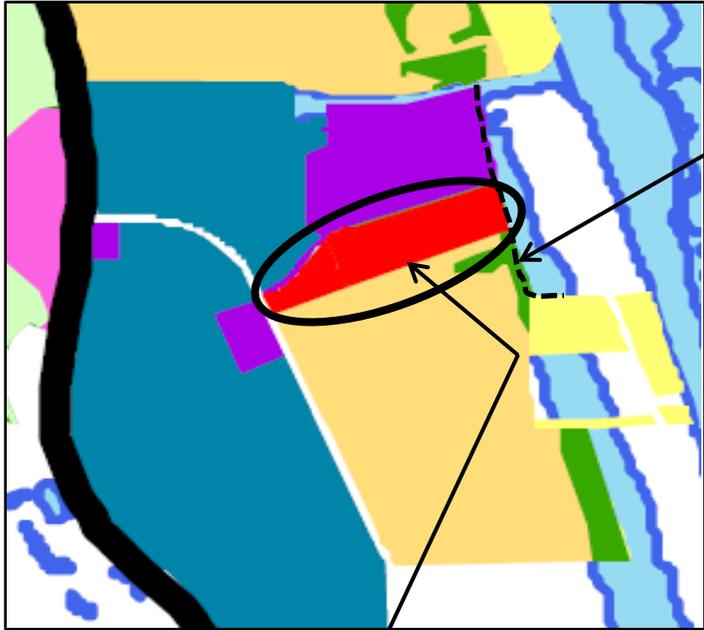
FLUM EXTRACT: AMENDMENT PROPERTY



ATTACHMENT 3

**FLAGLER COUNTY PROPOSED FUTURE LAND USE MAP DESIGNATION**

FLUM EXTRACT: AMENDMENT PROPERTY



CITY OF FLAGLER BEACH



COMMERCIAL: HIGH INTENSITY

