

Gina Lemon

From: Roseanne Stocker R1 [rstocker1@outlook.com]
Sent: Wednesday, April 22, 2015 2:26 PM
To: Gina Lemon
Subject: FW: Comments from affected persons re: 15-1ESR transmittal
Attachments: Comments from Affected Persons on Lambert Ave.pdf; Exhibit N - Flagler Beach Comments.pdf; Exhibit A - Home Prices.pdf; Exhibit B - 2006 staff findings.pdf; Exhibit C - Sea Ray approves 2005 change.pdf; Exhibit D - Environmental Impact Study.pdf; Exhibit E - Amendment to PUD.pdf; Exhibit F - Homes Bought after 2005.pdf; Exhibit G - Proxy.pdf; Exhibit H - Add parking to C2.pdf; Exhibit J - DEP Permit.pdf; Exhibit K - Flagler Beach asking for a meeting.pdf; Exhibit L - Inconsistency Report pdf.pdf

Dear Gina, I am forwarding you this email because it is time sensitive and when I sent it to Adam, I received a replay stating he was out of the office this week.

Sincerely,
Roseanne Stocker

From: rstocker1@outlook.com
To: amengel@flaglercounty.org
CC: lhaga@nefrc.org; joseph.addae-mensa@deo.myflorida.com; ray.eubanks@deo.myflorida.com
Subject: Comments from affected persons re: 15-1ESR transmittal
Date: Wed, 22 Apr 2015 14:18:24 -0400

Dear Adam,

Attached are comments from affected persons on Lambert Avenue regarding 15-1ESR Transmittal of Proposed Comprehensive Plan Amendment (Application #2972). You will see our comments in green on the attached document called "comments from affected persons on Lambert Avenue." Exhibits A-N are also part of our comments. Exhibits I and M are being sent in a separate email due to their large size. All other exhibits are attached herewith. Our comments refer to these exhibits in various locations throughout the document.

Please let me know if you have any questions.

Sincerely,
Roseanne Stocker

April 22, 2015

Mr. Adam Mengel
Planning and Zoning Director Flagler County Planning and Zoning Department
1769 East Moody Boulevard, Building 2, Suite 105
Bunnell, Florida 32110

Re: Flagler County 15-1 ESR

Dear Mr. Mengel,

The following comments and attachments are submitted regarding Flagler County's proposed 15-1ESR amendment transmittal package on behalf of the four Single Family Residential abutting property owners and other affected persons on Lambert Avenue. The following is the list of "affected persons" submitting the enclosed comments:

Mr. and Mrs. T. Stocker, 1481 Lambert Avenue, Flagler Beach
Mr. Ted Yama, 1501 Lambert Avenue, Flagler Beach
Mr. and Mrs. John Keegan, 1481 Lambert Avenue, Flagler Beach
Mr. and Mrs. Daniel Whalen, 1551 Lambert Avenue, Flagler Beach
Mr. and Mrs. D. Deal Jr, 1500 Lambert Avenue, Flagler Beach
Mr. and Mrs. D. Deal Sr, 740 Lambert Avenue, Flagler Beach
Mr. and Mrs. M. Howel, 1560 Lambert Avenue, Flagler Beach
Mr. and Mrs. R. Smith, 1640 Lambert Avenue, Flagler Beach
Ms. R. Brennan, 1060 Lambert Avenue, Flagler Beach
Mr. J. Vurpillat, 5 Lambert Cover, Flagler Beach
Mr. and Mrs. D. Rutkowski, 1431 Lambert Avenue, Flagler Beach
Mr. and Mrs. J. Monahan, 600 Lambert Avenue, Flagler Beach
Mr. J. Weiss, 1465 Lambert Avenue, Flagler Beach

We affected persons object to proposed amendment 15-1ESR due to its inconsistency with the Flagler County Comprehensive Plan, the Flagler Beach Comprehensive Plan, Flagler Beach's municipal plan, and operable provisions of F.S. 163, The Florida Community Planning Act, the amendment's incompatibility with the Lambert Avenue neighborhood, the negative effect on undeveloped residential land, and the availability of an alternate site.

Changing Low Density Residential PUD to High Intensity Commercial PUD would negatively impact our quality of life, property values and property rights. During the past 10 years of residential zoning history, 51 properties on Lambert Avenue have been bought or purchased. These property owners relied on the residential zoning when deciding to make a significant financial investment on Lambert Avenue. The parcel-specific limiting text provides no protection nor assurances for us affected persons, since such policies have a history of being changed and reversed in Flagler County, as our comments will show.

Our comments have been written in green under each section of the transmittal package (attached) where we object or disagree. Our comments also include Exhibits A-N attached, The Power Point Presentation by Attorney Jim Morris that was prepared on our behalf and submitted to the Flagler County Board of County Commissioners on March 16, The City of Flagler Beach Inconsistency Report also submitted to the Flagler County Board of County Commissioners on March 16, and the comments submitted to you by The City of Flagler Beach on April 22, 2015. We affected persons agree with and support all comments presented by the City of Flagler Beach in the two attached documents and we are submitting them and all attachments A-N to you and to all state agencies involved in the review process as part of our own comments.

Attachment List:

Exhibit A	Daytona Beach News Journal article on current residential real estate outlook
Exhibit B	2006 Flagler County Staff findings
Exhibit C	Sea Ray's lawyer agrees to the FLUM change to Low Density Residential in 2005
Exhibit D	2005 Environmental study on parcels in question by Daniel J. Young
Exhibit E	Amendment to PUD
Exhibit F	Lambert Ave. Homes bought or built since 2005
Exhibit G	Sample Proxy
Exhibit H	Notice advertised to add parking to C2 zoning
Exhibit I	Salamander Hotel Project
Exhibit J	Sea Ray's DEP permit
Exhibit K	Emails from Flagler Beach asking for a meeting (intergovernmental coordination)
Exhibit L	Flagler Beach Inconsistency Report
Exhibit M	Jim Morris Power Point
Exhibit N	Comments from City of Flagler Beach

Sincerely,

All affected persons listed above

Planning and Zoning
1769 E. Moody Blvd Bldg 2
Suite 105
Bunnell, FL 32110



www.flaglercounty.org
Phone: (386)313-4009
Fax: (386)313-4109

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

Letter to Mr. Ray Eubanks
Transmittal of Flagler County #15-1ESR
March 23, 2015

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.

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

The Planning and Development Board voted unanimously to recommend denial. Board members include the planning director for City of Palatka (Thad Crowe) and the senior planner for the City of Ormond Beach (Laureen Kornel). Board member comments centered around the inconsistencies with the Flagler County Comprehensive Plan and the incompatible land use. Thad Crowe, who made the motion, stated: "You can't un-ring a bell. Ten years of residential land use is a long time and we must respect that longevity. It betrays the trust of the people to go back and forth like this." Mr. Crowe also stated that comp plan inconsistencies were the finding for his motion. Other board members made similar comments. Laureen Kornel stated: "I see inconsistencies with the comprehensive plan...I am having a hard time supporting it based on compatibility."
(link to video where above comments were made during board member comments at very end of meeting. <http://www.fcbcc.org/media/video/PDB/201502101800/player.html>)

These Comprehensive Plan inconsistencies as well as inconsistencies with state statute will be presented later in this document.

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

During the March 16 public hearing, abutting property owners were limited to 3 minutes and Attorney Jim Morris, hired by the Lambert property owners, was also only permitted three minutes to speak, despite handing the Board of County Commissioners more than 40 proxies from Flagler County Citizens (see Exhibit G sample proxy). Sea Ray Boats management and the two attorneys representing Sea Ray were given over an hour to present their case.

Under FS 163.3181, Public participation in the comprehensive planning process; intent; alternative dispute resolution. –

It is the intent of Legislature that the public participate in the comprehensive planning process to the fullest extent possible, Towards this end, local planning agencies and local governmental units are directed to adopt procedures designed to provide effective public participation in the comprehensive planning process and to provide real property owners with notice of all official actions which will regulate the use of their property. The provisions and procedures required in this act are set out as the minimum requirements towards this end.

Three minutes is not enough time to effectively participate in light of due process, nor does it meet the spirit of FS163.3181.

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.

We strongly object to this finding. The FLUM amendment and FLUE policy text amendment are not consistent with the goals, objectives and policies of the Flagler County Comprehensive Plan, in the following sections:

Future Land Use Element

- Goal A.1.
- Policy 13.2
- Policy 2.2
- Policy 8.6
- Policy 12.4
- Policy 13.2

Economic Element

- Policy A.3.4
- Goal E

Intergovernmental Coordination

- A.Goal Statement
- Policy 5.2

Flagler County Code of Ordinances

- 3.03.18 – Industrial district
- B. “customary accessory uses” (parking lot and potential office building)
- E. “off-street parking and loading requirements” (meet section 3.06.04)

3.06.04 – Parking Requirements for all districts

- A. Off-street parking space requirements
- Item 11. “Manufacturing Uses”

3.08.02 – Specific definitions of certain terms used in the article.

Accessory use or structure: A use or structure on the same lot with, and of nature customarily incidental and subordinate to, the principal use or structure.

3.03.20.4 – CHI-PUD – Commercial high intensity – Planned unit development

A. "opportunity for innovative urban design techniques"

"The proposed CHI-PUD must be in harmony with the general purpose of the article and the text of the county's comprehensive plan and the underlying future land use map FLUM, designations."

B. Permitted principal uses and structures.

"In the CHI-PUD, no premises shall be used except for the following uses and their customary accessory uses or structures:

3.04.01. – PUD defined

A. For the purposes of this article, a planned unit development (PUD) shall mean the development of land under unified control which is planned and developed as a whole in a single or programmed series of operations with uses and structures substantially related to the character of the entire development.

B. The proposed PUD must be in harmony with the purposes of Article III, Zoning District Regulations and the Flagler County Comprehensive Plan.

Section 3.03.18.-Industrial district

Item B. Permitted principal uses and structures. In the I, industrial district, no premises shall be used except for the following industrial uses and their customary accessory uses or structures:

1. Any industrial, office, commercial or related use or structure, provided applicable county standards are met.

Item E. Off-street parking and loading requirements. Off-street parking and loading space meeting the requirements of section 3.06.04 shall be constructed.

Section 3.06.04-Parking requirements for all districts

A. Off-street parking space requirements. (Laundry listed for each district-manufacturing below)

11. Manufacturing uses: one (1) space for each employee of the maximum number employed on the premises at any one(1) time plus one (1) space for each five thousand (5000) square feet of gross floor area. The employer must sign an affidavit to the effect that the number of employees will not exceed the maximum number on which parking requirements are based, and that if such number is exceeded, additional parking shall be provided to accommodate the additional employees.

Section 3.08.02-Specific definitions of certain terms used in this article.

Accessory use or structure: A use or structure on the same lot with, and of nature customarily incidental and subordinate to, the principal use or structure.

Currently, the parking lot, office building(s) and boat staging area are on the same industrial/manufacturing property and are incidental and subordinate to the principal use or structure. Therefore, they are accessory industrial uses by definition. Thus, the parking

lot and office building serving the industry is an accessory industrial/manufacturing use. The proposed boat staging area is not listed. However, it is an industrial/manufacturing accessory use since it is a product manufactured in the facility waiting to be shipped to a retail outlet.

Regarding PUDS:

3.04.01 PUD defined

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

B. The proposed PUD must be in harmony with the purposes of Article 111, zoning district regulations and the Flagler County Comprehensive Plan.

This PUD is not in harmony with the purposes of Article 111, Zoning district Regulations and the Flagler County Comprehensive Plan. It does not meet Article 111, zoning district regulations because the parking lot is an industrial / manufacturing accessory use under item E, 3.03.18 and section 3.06.04. In addition, a future office serving the industrial/manufacturing use is also an accessory use under section 3.03.18

3.03.20.4-CHI-PUD-Commercial high intensity-Planned Unit development

A. Purpose and intent. The intent of the commercial high intensity-planned unit development (CHI-PUD) district is to provide an opportunity for innovative urban design techniques,....desirable land use mix, The proposed CHI-PUD must be in harmony with the general purpose of the article and the text of the county's comprehensive plan and the underlying future land use map, FLUM, designations.

B. Permitted principal uses and structures. In the CHI-PUD, no premises shall be used except for the following uses and their customary accessory uses or structures:

1. Commercial/office uses deemed by the Flagler County Commission to be compatible with the intent of the district and the site development plan.

There is nothing innovative about a parking lot. This is no desirable land use mix – not at all in harmony with the FLUM Map and Comprehensive Plan as required above. The land on the east side of Roberts Rd. is low density residential to the south of Sea Ray, and the land to the east abuts Flagler Beach Single Family Residential.

In addition, these are industrial accessory uses, not commercial by definition in the code of ordinances listed above. Furthermore, there is no concrete definition of the planned office building. There has been no layout of the office building submitted – we have only seen a sketch of the parking and boat staging area. Therefore, even if these were considered commercial uses, they do not include both principal and accessory use elements (these are only accessory uses – there is no principal use in this commercial pud, the principal use is on another parcel that is zoned industrial). .

It should also be noted that the City of Flagler Beach passed a resolution in opposition to this amendment and submitted an “Inconsistency Report” citing several inconsistencies with the Flagler County Comprehensive Plan. Although City of Flagler Beach’s official “comments” on the amendment cannot address these inconsistencies due to limitations imposed by Florida statute, we the affected persons that would be negatively impacted by the proposed amendment submit the inconsistency report as part of our own comments (because affected persons are not as limited by state statute as are municipalities regarding the scope of our comments).

Please see exhibit L – Flagler Beach Inconsistency Report

- b. This ordinance is adopted in compliance with and pursuant to the Community Planning Act, Sections 163.3161-163.3217, Florida Statutes.

Adoption of this FLUM amendment would not be in compliance with and pursuant to the Community Planning Act’s following sections:

163.3161: No’s 4, 5, 6, 7, 8

163.3177

163.3181 (1)-(2)

163.3184 (3) (b) 1

163.3194

Please see attached power point prepared by Attorney Jim Morris.

In addition, please note that this proposed amendment is not in compliance with 163.3194, Items 3A and 3B because the proposed change to commercial high intensity is not compatible with the residential land uses that abut, nor is it consistent with Flagler County’s Comprehensive plan in numerous places, including Policy 8.6, Policy 2.2 and Policy 12.4 (item 3).

Why would any governing agency make a change from Low Density PUD Residential (which abuts Single Family Residential to the east and Low Density PUD Residential to the south) to the highest possible commercial use to accommodate an industrial stand-alone parking lot, an 18-wheel semi-truck boat staging area and a possible office building which until Sea Ray Boats wanted to expand, was not even a principle permitted use in C2 zoning? (industrial stand-alone parking lot) 18-wheel boat staging area is not even clearly defined as a principal permitted use in C-2 zoning. Wouldn’t commercial PUD zoning have to be advertised to allow industrial stand along parking lot, an 18-wheel boat staging area (the only notice in the paper we’ve seen so far has been to add parking to C-2).

In addition, as per **3.03.17. - C-2, below**, C-2 zoning should be located near major arterial roads and not on a loop road miles from the Intersection of Hwy 95 and State Rd. This is clearly “spot accommodation zoning” to help Sea Ray Boats spread what are truly accessory industrial uses onto what would be C2 in name only. Until Sea Ray requested it, stand-alone industrial parking was not even a principle permitted use in C2.

3.03.17. - C-2—General commercial and shopping center district.

A.

Purpose and intent. The purpose and intent of the C-2, general commercial and shopping center district is to provide commercial uses where compatible business establishments will be planned, organized and grouped in a unified arrangement. Such uses should be designed of sufficient dimension to satisfy all off-street parking needs, and be located along major arterial streets, where the traffic generated can be accompanied in a manner consistent with the public health, safety, and welfare. It is intended that such commercial areas will be located around the interchange of I-95 and Palm Coast Parkway, I-95 and SR 100, I-95 and U.S.1, along arterial roads and other suitable areas when consistent with the FlaglerCounty Comprehensive Plan.

See Exhibit H for the advertisement Flagler County ran in February 2015 to add parking to C2.

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.

There has been no analysis to ensure compatibility for these industrial accessory uses with the abutting single family homes to the east. For example, what is the db level of the back-up alarms of 18-wheel semi-trucks that will be operational 24-hours a day? What type of machinery will move the boats to the trucks and what is the noise level of these machines that will be operating in the boat staging area? What are the estimated reduction levels based on the proposed buffers? The county would like to introduce industrial accessory land uses on parcels that are now low density residential and the impact will be much greater on the single family residential neighbors to the east. There has been no evidence presented by staff to demonstrate that the proposed new uses are compatible with the residential to the east, nor that the proposed buffer is adequate.

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

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**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.

Two parcels of low density residential land adjacent to Single Family Residential zoning with a 10-year history of this zoning, during which 51 homes were purchased or built on Lambert Avenue trusting this zoning.

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 2005 DCA objections were resolved. See Jim Morris Power Point Pages 46-50. In fact, DCA withdrew its objections and the Commission adopted the 2005 amendment and it has been in effect for ten (10) years. Since that time, many people, in reliance of the 2005 amendment, bought property on Lambert Avenue – 51 households, see attached Exhibit F for list of homeowners. You can't un-ring a bell – 51 families made substantial investments based on their trust of the county's FLUM, zoning map and comprehensive plan.

Furthermore, see attached power point, Slide 10 for details about the 2005 settlement agreement in which Sea Ray Boats was in agreement with the FLUM amendment to Low Density Residential. Please also see Exhibit C, minutes of 2005 Flagler County Planning and Development Board meeting in which Sea Ray Boats attorney Robin Upchurch indicated her client's general approval of the rezoning to PUD Low Density Residential of the parcels in question.

The adoption in 2005 is evidence that the current residential land use was deemed in 2005 by the Flagler County Board of County Commissioners to be compatible with Sea Ray. Flagler County Planning Staff in 2005 stated in their findings that the proposed Low Density Residential PUD

1. Did not adversely affect the orderly development of Flagler County and complies with applicable Comprehensive Plan goals, objectives and policies; and,
2. The proposed PUD will not adversely affect the health and safety of residents or workers in the area and will not be detrimental to the use of adjacent properties of the general neighborhood.

Why was the Low Density Residential PUD compatible with Sea Ray in 2005, but not in 2015? What has changed? The answer is that nothing has changed.

See Exhibit B for 2006 staff findings.

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.

The Flagler County Planning and Zoning Board voted unanimously in 2013 to deny the county's request because of comprehensive plan inconsistencies and land use incompatibility with the abutting residential parcels and the surrounding residential neighborhood. The same incompatibility exists today and is even stronger because 51 homes have been bought or built by new homeowners since the land designation was changed to Low Density Residential. These homeowners did their due diligence and bought on the north end of Lambert knowing the parcels to the south of Sea Ray were designated Low Density Residential on the FLUM and zoned as such.

Three of the four abutting homeowners bought their homes in the past 10 years knowing the parcels that abut their backyards are low density residential. The proposed FLUM amendment will negatively impact their quality of life, property values and property rights. See letters from realtors regarding property values and negative impact on pages 16-22 of Jim Morris power point.

The current FLUM amendment proposal for high intensity commercial is really a de facto change to an industrial use (disguised as high intensity commercial) because the existing industrial use will now be spread over new parcels to provide an 18-wheel-semi-truck boat staging area (which does not belong in high intensity commercial, as well as parking for an industrial site). The county tried in 2013 for industrial and failed. This is a "Plan B" to move industrial uses to parcels that are Low Density Residential on the FLUM and abut Single Family Residential to the east.

Please see attached Jim Morris power point p. 11.

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.

There has been no analysis that this buffer will make these accessory industrial land uses compatible with the single family residential neighbors to the east. Where there is no analysis, there is no assurance for the neighbors. Sea Ray is indeed expanding its plant site because they are moving industrial accessory uses to the parcels to their south. This staff report states that the move is to “accommodate additional storage on its present plant site” – but what assurance does anyone have of this? Sea Ray has the right to expand industrial production on their industrial site, so freeing up this space paves the way for the expansion that Sea Ray details in their DEP permit (Exhibit J). Expansion on the current site as well as from the industrial accessory uses on the parcels in consideration of the amendment would negatively impact the single family residential neighbors to the east.

The comments on this proposed FLUM amendment provided by the Northeast Regional Planning Council state:

“Without site controls like the text policy requiring a Planned Unit Development and locational criteria for uses and placement, the proposed amendment could result in the introduction of incompatible uses (i.e. uses that exceed reasonable changes with noise, odor, and sight impacts continuing for extended periods of time). The uses described for this parcel to do permit expansion of industrial product manufacturing on the amendment property. However, it could be made clearer if the relocation of the employee parking from the parent parcel will result in expansion of the existing facility so as to address suitability concerns from the adjacent neighborhood.”

The “text policy” provides no assurance in Flagler County because these can be changed by the Board of County Commissioners at any time. Thus, the noise, odor and sight impacts that the Northeast Regional Planning Council alluded to speak to incompatibility issues with the residential neighbors.

Sea Ray had and has alternative sites that could be used for parking. The land to Sea Ray’s immediate west (with appropriate commercial zoning) has been for sale for years at recession prices. That land has recently been sold and the new owner stated in an email obtained through a public records request (because the new owner copied Flagler County Economic Opportunity Director Helga Van Eckert) that “Sea Ray should buy/lease this facility from me for the immediate needs and some control over the entire project.” See page 39 of Jim Morris power point for email from developer.

Why is Flagler County moving forward with an amendment that will negatively impact the property rights, property values and quality of life of citizens (and also violating its own comprehensive plan) in order to accommodate one land owner?

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

There has been no analysis regarding noise levels.

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

Date

M. Coffey, County Administrator

Date

Sheriff, IX 1-

dm1n1strator

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

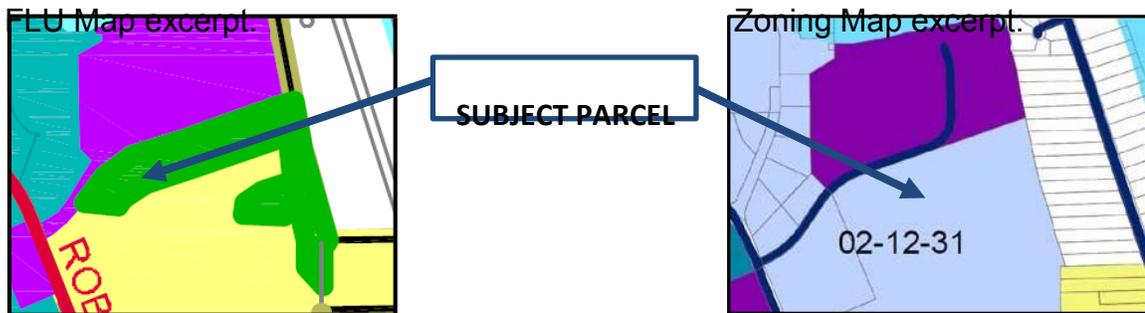
- Owner: Daryl Carter, Trustee of Carter-Flagler Roberts Road Land Trust
- Applicant: Sidney F. Ansbacher, Brunswick Corporation and Sea Ray Boats, Inc.

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)



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

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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.

Much of the buffer separating the parcels in question from the abutting residential properties to the east is low-lying wetlands that will do little if anything to protect the residential neighbors from the noise from the 24-hr parking lot (Sea Ray operates at least two shifts and has been known to have three shifts within a 24-hr day when needed) and the 18-wheel-semi-truck boat staging area (accessible 24 hrs. a day) with loud back-up alarms as required by OSHA. A 50 ft. setback from the wetland will do little to protect the quality of life, property rights and property values of the residential neighbors.

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.

Please see 2005 environmental study conducted by Daniel Young, environmental consultant for these parcels, attached Exhibit D. Gopher turtles, long legged waders, possibly scrub jays and bald eagle nests exist on these parcels.

In addition, keeping the Low Density Residential PUD will be less impactful and have less impervious coverage than the proposed parking lot, semi-truck boat staging area and possible 40,000 sq. ft. office building.

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.

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This trip generation analysis speaks only to impact on Roberts Rd and ignores the impact a 24-hr parking lot the size of your average Walmart parking lot will have on residential neighbors. The negative impact includes 24-hr noise and lights from an active parking lot only separated from residential neighbors by low-lying wetlands and a small 50 ft. upland buffer. Back up alarms from heavy machinery can be heard now at much greater distances from Sea Ray's existing operation. This was clearly demonstrated by Terri Deal, 1500 Lambert Ave during the Flagler County Planning and Development Board meeting on February 10, when Terri played a recording of the back-up alarms she hears inside her house from Sea Ray's current facility. The Deal property is located about 500 ft from the current Sea Ray facility. Thus, the FLUM amendment would only shift and add additional back-up alarm noise to the south -- potentially 24-hours a day. No analysis has been done to determine if the proposed buffer is adequate, and we know that much of the buffer is low-lying wetlands. 51 Lambert Avenue neighbors, including three abutting property owners, bought their homes after doing their due-diligence and knowing that the abutting property to the south of Sea Ray Boats is zoned Low Density Residential PUD.

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.

We disagree with this statement. Where there is no analysis of db measurements, there is no assurance. In addition, let's not forget the current FLUM designation and zoning of PUD Low Density Residential. A low density residential PUD is much less intense than a (16-acre) Industrial parking lot that can be accessed 24 hours a day. Furthermore, an industrial, 18-wheel, semi-tractor boat staging area (24 hour access) along with a potential 24-hour accessible 40,000 square ft. office building. Parcel-specific limiting policy provides no assurances to adjacent properties. Parcel-Specific Limiting polices can easily be changed:

163.3237 Amendment or cancellation of a development agreement.—A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.

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Even if this text limiting policy would require any future amendment to the parcel-specific text limiting policy, history has shown that in Flagler County, policies that were set to last in perpetuity are easily changed by the Board of County Commissioners.

This very project is an example of an existing Low Density Residential PUD being recommended by Flagler County to be changed to accommodate the needs of one property owner (Sea Ray Boats). Changes to PUDs, Development Agreements and Covenants and Restrictions happen frequently in Flagler County as new development needs arise later. Please see Exhibit E for an example of a PUD that is currently requesting a change. Please also see Exhibit I regarding the controversial Salamander Hotel Project where not only a development agreement, but deed and plat restrictions were overturned by the Flagler County Board of County Commissioner despite residents having relied on these guarantees when purchasing their homes in the area.

We also strongly disagree with the reference to “historical industrial land use designation” because the current FLUM and zoning is Low Density Residential, and there are ten years of history during which 51 property owners built or purchased homes and relied on the Low Density Residential PUD zoning. When you are looking to purchase property, you check the FLUM and the current zoning – you do not go back to see what the zoning was in decades past.

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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.

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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.

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DCA “cautions” were withdrawn, and Sea Ray agreed (Exhibit C) to the FLUM change to Low Density Residential in 2005.

Furthermore, what could be the “significant impact” on Sea Ray’s operations when we know that Sea Ray Boats has recently closed several plants and has moved or is planning to move those operations to the Flagler County facility. Sea Ray is expanding, as detailed in their DEP permit. See exhibit: J for DEP permit and language about expansion.

Regarding anticipated growth – the area’s anticipated growth is strong for residential growth, which is most appropriate for this beachside area, which is why the Flagler County Board of County Commissioners approved the land use designation back in 2005 to Residential. This situation has not changed and has only strengthened. Sea Ray has been at its current location for 30 years and has every right to operate there – but the county does not have the right to violate its own comp plan to the detriment of neighboring property owners because Sea Ray wants to expand to residential parcels (especially when alternatives are available to the west that are already zoned commercial).

“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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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

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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.

Economic development and jobs are very important. However, Sea Ray could make use of the alternative sites to its west (which are currently zoned commercial) for their parking lot and job creation would still take place. There is no need to sacrifice an established residential neighborhood and negatively impact property values, property rights and quality of life with non-compatible zoning. By way of public records request, the abutting property owner to the west sent an e-mail dated May 27, 2014 stating he is willing to sit down with Sea Ray to discuss purchase or lease options. Please see p. 39 of attached Jim Morris power point to see this email.

- "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.

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“Sufficient additional area” is available to the west where there is also appropriate commercial zoning in existence with no need for a FLUM change.

In addition, please see attached power point pg. 32, for evidence that the residential real estate market is flourishing in Flagler County.

In addition, for the second month in a row, the Volusia-Flagler area is ranked among the top 10 metro areas in the nation for largest percentage increase in home asking prices, as per Trulia.com, as reported in the Daytona News-Journal, April 5, 2015. The same article New Journal article states “Flagler County in January saw median sale prices rise 14.8 percent to \$155,000, compared with \$135,000 the same month a year ago.” Thus, outlook for residential real estate in Flagler County is strong. See attached Exhibit A.

- “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

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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

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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.

We disagree because compatible land use is a fundamental principle of planning and zoning and Single Family Residential (SFR) is not compatible with the proposed amendment to High Intensity Commercial – and especially not with the truly industrial uses (ie: a 24-hour, 18-wheel semi-truck boat staging area) that will take place on the parcels that abut SFR. Also important, the back-up alarms from the 18-wheel semi-trucks cannot be regulated by a noise ordinance because they are required by OSHA. Furthermore, please note that Flagler County does not even have a noise ordinance for commercial zoning, nor does the county even possess a db meter to measure noise and enforce their own industrial performance noise standards in industrial zoning.

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“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.

This objective is not met by the proposed FLUM amendment. In 2005, Flagler County recognized that the previous industrial land use was incompatible with the abutting residential community character and the desired future land uses and stated findings in support of changing the FLUM and zoning to Low Density Residential PUD (see attached exhibit B). The FLUM amendment to LDR PUD was approved unanimously by the Flagler County Board of County Commissioners. Nothing has changed to negate the 2005 findings. This 2015 request is strictly a spot zoning and FLUM amendment request to benefit one property owner: Sea Ray Boats – even though there is inconsistency with the comprehensive plan zoning regulations and with community character and desired future land uses of the abutting properties to the east.

In 2013, Flagler County and Sea Ray’s current attorney attempted to change these parcels back to industrial through a FLUM amendment request. The Flagler County Planning and Development Board unanimously recommended denial of the request and staff withdrew the amendment request. This current 2015 request is for commercial high intensity in name only because they couldn’t get the industrial passed back in 2013. This is nothing more than a back-door approach to industrial accessory uses in a different zoning category. The amendment should be denied for all the same reasons the parcels were changed to LDR PUD in 2005, and the requested change to industrial was recommended for denial in 2013. These parcels abut Single Family Residential homes to the east and Low Density Residential PUD to the south.

These parcel limiting High Intensity Commercial PUD amendments proposed are in themselves a much intense use than the current LDR PUD FLUM and companion zoning. As such, this introduces in itself incompatibility to the SFR neighborhood abutting to the west. There has been no analysis to determine if a 50 ft. upland buffer is going to suppress and protect the abutting SFR neighborhood to the east from the loud 18 wheel semi back up alarms that can happen 24 hours a day. No information regarding noise attenuation or db measurements has been presented from staff regarding what reduction, if any, will take place. Staff has jumped to the conclusion this will assure compatibility without any documentation or analysis to back this up. Please remember, neighbors are currently experiencing loud back up alarms at a much greater distance and far greater buffers that what staff is currently proposing behind our abutting single family homes.

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“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.

Any conflict was eliminated in 2005 when Sea Ray’s lawyer agreed to the FLUM amendment and zoning change (exhibit C attached). Furthermore, why doesn’t Flagler County recognize the conflict between the requested FLUM amendment and the residential land uses to the east? No analysis has been submitted that the additional back up alarm noise from 24 hour accessible semi-truck boat staging area will not be incompatible with the residential area to the east.

In addition, with low lying wetlands and just a 50 ft. uplands buffer, a Wal-mart size parking lot with over 800 parking spaces accessible also 24 hours a day will generate significant traffic noise in itself.

Please refer to City of Flagler Beach inconsistency report, pages 2-3, under policy 12.4 for details on why this is “fundamentally inconsistent” with this comprehensive plan policy.

“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

FLAGLER COUNTY PLANNING DEPARTMENT

TECHNICAL STAFF REPORT / APPLICATION # 2972

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.

We disagree because there are environmental concerns. Please see attached Exhibit D -- 2005 environmental study completed by Daniel J. Young, environmental consultant.

“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.

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“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.

This is such a unique request – to put High Intensity Commercial with industrial accessory uses – abutting Single Family Residential, that Flagler County must also consider the unique nature of the buffer which is made up of mostly low lying wetland vegetation and a small corridor of hardwoods. Low lying wetland vegetation does nothing to protect the abutting neighbors from these intense, 24-hour, accessory industrial uses (such as back up alarms from 18-wheel semi-trucks and boat staging machinery). The 16-acre parking lot is also low lying and won’t shield neighbors from noise, lights, glare, etc. How many residential homes have you ever seen backing up to a Walmart-

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size parking lot? No analysis/studies done to support findings of fact as in reference to what size buffer is adequately needed to ensure compatibility with the existing abutting single family residential neighborhood to the east. Where did a 50 ft. upland buffer come from?

“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.

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“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.

As per Flagler County Comprehensive Plan, Industrial land uses should be encouraged near the airport and in the western part of the county near US1. While Sea Ray has the right to operate and exist on its current industrial site, the county should not have the right to change low density residential land to high intensity commercial with industrial accessory uses to the detriment of residential property owners who did their due diligence before purchasing or building their homes and knew the parcels south of Sea Ray were LDR PUD. What is particularly more disturbing is commercial land is currently available to the west of Sea Ray that would serve its needs (please see e-mail from current commercial property owner referenced earlier – pg. 39 of Jim Morris power point).

Please also see City of Flagler Beach Consistency Report, page 3 regarding Policy 12.4 “Interim Siting Criteria.”

Please also see Jim Morris Power Point Pg. 5 re: F.S. 163.3184(3)(b)1.

“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

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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.”

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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.

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This request is inconsistent with the above policy because given the proximity of jurisdictional boundaries, the proposed amendments are not compatible with the shared development vision for the Robert's Road corridor as presently reflected on the respective FLUM's and zoning maps. It is also not compatible with the city's SFR abutting properties and could negatively impact an established neighborhood within the City of Flagler Beach (see letters from realtors in attached Jim Morris Power Point presentation, pages 16-22).

Flagler Beach City Manager Bruce B. Campbell attempted to coordinate meetings between Flagler Beach and Flagler County without success. Please see email exchange between Campbell and Flagler County Administrator Craig Coffee -- Exhibit K.

“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.

This proposed amendment would negatively impact (certainly not enhance) the quality of life of the abutting residents due to increased noise, lights, and glare from the 24-hour, industrial-use accessory operations. See Realtors letters on pages 16-22 of attached Jim Morris Power Point. Flagler County has not submitted analysis/studies to support otherwise.

“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.

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Goal not met: Please see G.1.2.7. above and exhibit k. (Policy A.3.4. – regarding coordination of economic development efforts – not met).

“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.

Goal not met: Please see G.1.2.7 above and exhibit k.

“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).

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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.

We believe staff has not adequately addressed the Comprehensive Plan and this section of the LDCs, as evident by our comments in this document, comments from the City of Flagler Beach which are presented as our comments, and the attached power point prepared by Attorney Jim Morris.

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Pickin' at Foggy Hollow

Report: Volusia-Flagler No. 3 in nation for rise in home asking prices

By [Clayton Park](#)
clayton.park@news-jml.com

Published: Sunday, April 5, 2015 at 5:30 a.m.

Last Modified: Sunday, April 5, 2015 at 9:59 p.m.

For the second month in a row, the Volusia-Flagler area is ranked among the top 10 metro areas in the nation for largest percentage increase in home asking prices.

Facts

Hot housing markets

Hot Housing Markets

Top five metro areas in the nation where asking prices for homes have risen the most, based on year-over-year increases as of January 2015.

1. Atlanta (16.2%)
2. Cape Coral-Fort Myers (15.4%)
3. Deltona-Daytona Beach-Ormond Beach* (13.9%)
4. Oakland, California (13.8%)
5. Houston, Texas (13.8%)

(* Includes both Volusia and Flagler counties)

SOURCE: [Trulia.com](#)

Volusia and Flagler counties, identified in real estate website Trulia.com's latest report as the "Deltona-Daytona Beach-Ormond Beach" metro area, ranked No. 3 with a 13.9 percent year-over-year increase in home asking prices in January, behind Atlanta, No. 1 with a 16.2 percent increase, and Cape Coral-Fort Myers, No. 2 with a 15.4 percent increase.

The Volusia-Flagler area ranked No. 5 on Trulia's ranking last month, based on increases in December asking prices.

Nationwide, asking prices in January rose 0.5 percent, according to Trulia.com's latest report, which tracked only the nation's 100 largest metro areas.



Daisy Kong, a spokeswoman for San Francisco-based Trulia, said the ranking is "based on all the for-sale listings on Trulia." She said most of the listings come from her company's partnerships with Multiple Listing Services throughout the country.

Cable TV Is Dying. Here's What Comes... The Motley Fool

"Asking prices lead (actual) sales prices by approximately two or more months," Jed Kolko, Trulia's chief economist, wrote in the latest report.



Why Bridget Moynahan Is Living ... Bloomberg

Kolko added that the metro areas "where home prices are now rising fastest are, almost without exception, the ones with faster job growth. ... Across all 100 largest metros, the relationship between job growth and home prices is strong."

Volusia County had been forecast by staffing agency Manpower to have the nation's third-highest percentage of employers adding jobs in the first three months of 2015 and is predicted to have the nation's sixth-highest percentage in the second quarter.

Report: Volusia-Flagler No. 3 in nation for rise in home asking pricesBy Clayton Park



News-JournalOnline.com April 5, 2015 9:59 PM

For the second month in a row, the Volusia-Flagler area is ranked among the top 10 metro areas in the nation for largest percentage increase in home asking prices. Volusia and Flagler counties, identified in real estate website Trulia.com's latest report as the "Deltona-Daytona Beach-Ormond Beach" metro area, ranked No. 3 with a 13.9 percent year-over-year increase in home asking prices in January, behind Atlanta, No. 1 with a 16.2 percent increase, and Cape Coral-Fort Myers, No. 2 with a 15.4 percent increase. The Volusia-Flagler area ranked No. 5 on Trulia's ranking last month, based on increases in December asking prices. Nationwide, asking prices in January rose 0.5 percent, according to Trulia.com's latest report, which tracked only the nation's 100 largest metro areas. Daisy Kong, a spokeswoman for San Francisco-based Trulia, said the ranking is "based on all the for-sale listings on Trulia." She said most of the listings come from her company's partnerships with Multiple Listing Services throughout the country. "Asking prices lead (actual) sales prices by approximately two or more months," Jed Kolko, Trulia's chief economist, wrote in the latest report. Kolko added that the metro areas "where home prices are now rising fastest are, almost without exception, the ones with faster job growth. ... Across all 100 largest metros, the relationship between job growth and home prices is strong." Volusia County had been forecast by staffing agency Manpower to have the nation's third-highest percentage of employers adding jobs in the first three months of 2015 and is predicted to have the nation's sixth-highest percentage in the second quarter. In terms of actual closing prices for homes, Volusia in January saw the median price climb 14.1 percent to \$130,000, up from \$113,900 the same month last year, according to Florida Realtors association data. Flagler County in January saw median sale prices rise 14.8 percent to \$155,000, compared with \$135,000 the same month a year ago. "It's definitely encouraging," said Angela Pitre-Reddy, a real estate agent with Central Florida Home Pros in DeBary. "I think it's definitely accurate. We've seen price increases over the past year quite a bit in just our area (West Volusia) alone." "Sellers now are seeing price appreciation that they weren't in the past," added Pitre-Reddy, who is also president of the West Volusia Association of Realtors. Matthew Wilson, an agent with Coquina Real Estate & Construction in Flagler Beach, said the increase in home prices "is creating a positive environment all around for real estate." But while properties are starting to regain some of the value lost during the recession, "we're certainly far removed from where we were in 2006," he added. Wilson, who is also president of the Flagler County Association of Realtors, said he doesn't expect to see a return to the days when homes were significantly "overvalued" — as many were during the last housing boom — anytime soon. The gap between asking prices and actual closing prices is also shrinking, noted Rose Roberts, an agent with Re/Max Property Centre in Ormond Beach. "It used to be where buyers could easily negotiate 10 percent off," said Roberts, who is also vice president of the Daytona Beach Area Association of Realtors. "Now they're lucky if they can get (a reduction of) between 3 and 5 percent. A lot of sellers are getting full price and some are getting above full price with multiple offers. If it's priced right, it's gone within days." Roberts said the increase in home prices is also finally starting to spur more owners of nondistressed properties to put their home on the market so they can buy either a bigger or smaller house to better suit their needs — something many put off during the recession because of the sharp decline in property values. "The foreclosure market has dried up quite a bit," she said, helping boost overall home prices. Despite the increase in home prices, Volusia continues to have a sizable number of distressed properties where homeowners owe more on their mortgage loan than what their property is worth. "There's still some who are underwater," Roberts said. "It hasn't gotten back to that point" where distressed properties have completely gone away.

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ORDINANCE NO. 2008 - 15

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA AMENDING THE ZONING CLASSIFICATION OF 165.89 ACRES, MORE OR LESS, EAST OF ROBERTS ROAD FROM I (INDUSTRIAL) DISTRICT TO PUD (PLANNED UNIT DEVELOPMENT); CREATING GRAND RESERVE EAST PUD; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Landmark Communities, Inc. as the owner and applicant submitted Application #2803 for rezoning a 165.89 acre parcel described herein, and

WHEREAS, said parcel is classified as Residential Low Density Single Family and Conservation on the Flagler County Future Land Use Plan Map; and

WHEREAS, on May 11, 2008 the Planning Board conducted a public hearing on this request and voted to recommend approval; and

WHEREAS, public notice of this action has been provided in accordance with Chapter 125.66, F.S. 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, pursuant Section 3.04.02 of the Flagler County Land Development Code, finds as follows:

1. The proposed PUD does not adversely affect the orderly development of Flagler County and complies with applicable Comprehensive Plan goals, objectives and policies; and,
2. The proposed PUD will not adversely affect the health and safety of residents or workers in the area and will not be detrimental to the use of adjacent properties or the general neighborhood.

Section 2. ZONING MAP AMENDMENT

A. The real property containing approximately 165.89 acres more or less, legally described in Exhibit "A" to the PUD Development Agreement is hereby rezoned in the Planned Unit Development (PUD) District. The Official Zoning Map of Flagler County shall be amended to reflect this amendment.

B. Development within the boundaries of the PUD District as approved shall take place in accordance with the Flagler County Land Development Code as may be modified or amended and the PUD Conceptual Site Plan prepared by Powers Design Architects, received May 24, 2008 by Flagler County Planning & Zoning Department and the Grand Reserve East PUD Development Agreement executed by owner and Flagler County pursuant to this Ordinance. A copy of said Agreement containing the PUD Conceptual Site Plan is attached hereto as Exhibit 1 and made a part hereof.

C. The applicant shall signify its acceptance of this PUD designation by filing its written acceptance with the Clerk of the Circuit Court within thirty (30) days.

Section 3. EFFECTIVE DATE

This Ordinance shall take effect upon Official Acknowledgement by the Secretary of State that the Ordinance has been filed.

PASSED AND GRANTED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA THIS 19TH DAY OF JUNE, 2008.

BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA

EFFECTIVE DATE PER FLORIDA STATUTE 125.66 June 30, 2008

James A. Darby, Chairman

APPROVED AS TO FORM:

Cari E. Kern, County Attorney

ATTEST:

Gail Wadsworth, Clerk and Ex Officio to the Board

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supported by staff, is 7.5' minimum side yard setback: The applicant maintains their request for a 5' minimum side yard setback.

The drainage system and roadways will be privately maintained. The stormwater retention systems onsite may be interconnected with such systems on adjacent sites, subject to the approval of the St. Johns River Water Management District and the County Development Engineer. This site is subject to the Sea Ray Settlement Agreement regarding FLUM #2400. The Settlement Agreement remains subject to non-disclosure by the parties. At the Planning Board public hearing Robin Upchurch, attorney for Sea Ray, acknowledged that her client is satisfied with the 250 foot buffer as indicated on the concept plan. The Planning Board found, and staff concurs, that Application #2603 meets the standards for rezoning to PUD found at Sec. 3.04.02, (F) of the Land Development Code.

* **PLANNING BOARD RECOMMENDATION:** On May 16, 2006 the Planning Board held a public hearing on Application #2603 and with a vote of 5 to 1 recommended that the Board of County Commissioners approve the rezoning to PUD subject to the staff red-lined development agreement and the inclusion of additional internal pocket parks.

* **PARTIES OF RECORD:** Robin Upchurch, Upchurch Bailey and Upchurch, representing Sea Ray Boats indicated her client's general approval.

RECOMMENDATION: Request the Board approve Application #2603.

ATTACHMENTS:

1. Proposed Ordinance with attached Development Agreement;
2. Application and supporting documentation.
3. May 16, 2006 Planning Board Minutes

Walter Fufidio, Department Head
Drafted by Gina Lemon

Doug Wright, County Administrator

Date

Date

Reviewed by
County Attorney



56
Flagler County
Board of County Commissioners

1200 E. Moody Blvd., #2
Bunnell, FL 32110
(386) 437-7484 FAX: (386) 437-7488
Planning and Zoning Department

February 11, 2005

Gary B. Davenport, Esq.
Chimento & Davenport
4 Old Kings Road North
Palm Coast, FL 32137

NOTICE OF DECISION: Application #2400 FLUM – Robert's Landing.

Dear Gary:

The Flagler County Planning Board conducted a public hearing on February 8, 2005 to consider the above application. The request is for approval of a FLUM amendment for approximately 166 acres located east of Robert's Road and west of the Intracoastal from Industrial to Residential Low Density.

The Planning Board recommends 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 level of service for future traffic volumes.

As part of the first amendment cycle of 2005, we will be advertising this matter for transmittal stage public hearing before the Board of County Commissioners on March 21, 2005 beginning at 5:30 p.m. If you plan a visual presentation for the County Commission, it must be submitted to the Communications Office no later than 5 p.m. on the Wednesday prior to the meeting. Presentations will be limited to 15 minutes. Acceptable presentation formats include PowerPoint presentations on CD only, DVD, VHS and 8.5 by 11 inch maps or printed materials for display on screen. All copies submitted become public record and must remain on file with the County Clerk. For more information contact the Communications Office at 437-7480 ext. 227 or 238.

If additional information or clarification is needed feel free to contact this department at (386) 437-7484.

Sincerely,

Walter Fufidio
Director of Planning and Zoning

ENDANGERED AND THREATENED SPECIES POTENTIAL

Wildlife

Table 1, attached, contains the results of the database search for the listed wildlife species that could occur within habitats found on the subject site. A total of 26 wildlife species have the potential to occur on the subject site. Of these 26 species, four of them are considered to have a high likelihood of occurrence; two have a moderate likelihood of occurrence, and one has been observed on site. The remaining species all have a low likelihood of occurrence.

The four species that are estimated to have a high likelihood of occurrence consist of the protected long-legged waders. This group of birds has been deemed as having a high likelihood of occurrence since the on-site wetlands provide desirable areas for these birds to forage. The likelihood of occurrence for nesting potential is low. No rookeries or signs of rookeries were observed during the site visit, and the *Florida Atlas of Breeding Sites for Herons And Their Allies* by the Florida Game and Fresh Water Fish Commission (now the Florida Fish and Wildlife Conservation Commission - FFWCC) does not list any known rookeries in the area.

Those species designated as having a moderate likelihood (eastern indigo snake - *Drymarchon corais couperi* and gopher frog - *Rana capito*) of occurrence were documented as such due to presence of gopher tortoise (*Gopherus polyphemus*) burrows and ephemeral wetlands (for breeding purposes for the gopher frog).

✕ Gopher tortoise was the only listed species observed on the subject property. This species was documented by the presence of active burrows. The size range of burrows observed on site indicates that the population is reproducing and consists of mature and immature individuals. Burrows were observed in suitable habitat, on both sides of Roberts Road.

While suitable scrub habitat is present on the subject property, the likelihood of occurrence for scrub-jays (*Aphelocoma coerulescens*) was designated as low. Scrub-jay surveys were conducted by EMS in the general vicinity of the project in 1991 and 1997. No scrub-jays were documented in similar or better quality habitat in both surveys. Additionally, a vocalization tape was played at several stations during the site investigation and no birds were observed responding to the tape. The approximate locations of stations where the tape was played are indicated on the attached map. The presence of this species is unlikely, but due to suitable habitat, cannot be ruled out completely.

There is a documented bald eagle nest within a half-mile of the northern property boundary. However, the secondary protection zone generally recommended by the USFWS is a 1,500-foot radius around the nest. Therefore, the presence of this nest should not impact activities at the subject site.

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Plants

Table 2, attached, contains the results of the database search for the listed plant species that could occur within habitats found on the subject site. A total of 40 plant species have the potential to occur on the subject site. Only Coontie (*Zamia pumila*) was observed on the subject and is quite prevalent in the cement stack dust areas and in the scrub areas that border the wetland areas. The remaining species are considered to have a low to moderate likelihood of occurrence.

DISCUSSION

Once listed as endangered or threatened by the USFWS and FFWCC, a species becomes subject to protection. These agencies exercise direct regulatory control over the taking (which may include harassment, wounding, killing, possession or sale) of these species or their nests, and certain civil and criminal penalties may be imposed for violation of the prohibitions against these actions. If destruction or removal of an endangered or threatened species or its nest or eggs is required, a developer must first secure a permit from the executive director of the FFWCC (pursuant to Rule 39-27.002(3), F.A.C.) and may also need a permit from the USFWS.

In addition to the specific permits for taking or relocation, a project's general impact upon endangered or threatened species, or species of special concern, will be evaluated by state and federal agencies as part of the application procedures for a variety of development permits.

The presence of endangered or threatened plant species involves primarily Federal agencies. Section 7(a)(2) of the Endangered Species Act requires Federal agencies to ensure that any action they authorize, fund or carry out does not jeopardize the continued existence of any endangered or threatened species. There is no effect on the activities of private citizens on their own lands unless such activities involve federal funding or federal permitting (e.g., ACOE dredge and fill permitting, and including permits to take threatened animals). In such cases, the issuing federal agency must insure that the activity will not jeopardize the continued existence of the listed plants before issuing the funds or permits.

As indicated above, proposed impacts to gopher tortoises or their habitat must be avoided if possible or mitigated if avoidance is not possible. Pursuant to the FFWCC's current regulations and enforcement of the "taking" of gopher tortoises by development activities; there are five options available for activities that may impact tortoises;

- 1) Avoid developing in an area occupied by tortoises,
- 2) Avoid individual burrow entrances by a sufficient distance (usually 50 ft) to assure that the entire burrow is protected,
- 3) Obtain an incidental take permit to proceed with activities that may entomb or kill tortoises and mitigate for the taking by providing a degree

X

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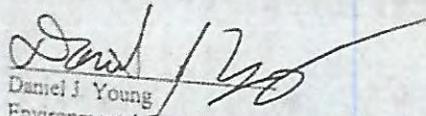
96

- of habitat protection similar to that provided by DRI developers, as outlined in the FFWCC Gopher Tortoise Habitat Protection Guidelines.
- 4) Relocate those tortoises that would be "taken". Relocation will be performed as covered in current relocation guidelines. A conservation easement or other binding assurance must be obtained on private lands receiving tortoises.
 - 5) In cases where 5 or fewer tortoises are affected and some habitat or open space will exist on the site following construction, tortoises may be captured by the landowner or his agents and released back onto the site in an area where they can move freely. If no tortoise habitat or open space will exist on the site following construction, the landowner or his agents may only pursue options 1 - 4 above.

To pursue one of the above options, a more detailed survey covering a minimum of 15% of the suitable upland habitat must be conducted. Other than the gopher tortoise and its associated commensal species, it does not appear that there is a high potential for direct impacts to the other listed species identified in Tables 1 and 2.

Please feel free to call me if you have any questions.

Sincerely,


Daniel J. Young
Environmental Consultant

Attachments enclosed

NTY

Planning and Zoning

1769 E. Moody Blvd Bldg 2
Suite 105
Bunnell, FL 32110



www.flaglercounty.org

Phone: (386)313-4009

Fax: (386)313-4109

March 27, 2015

Donald L. Deal, Trustee
1580 Lambert Avenue
Flagler Beach, FL 32136

Re: Application #2979 – Amendment to the Bulow Preserve Planned Unit Development (PUD) Site Development Plan and PUD Development Agreement

Dear Property Owner:

As an owner of property within 300' of the property referenced herein, the Flagler County Planning Department, in accordance with Section 2.07.00 of the Flagler County Land Development Code, advises you that:

A request has been made by Miller Legg and Associates, as agent for Seaside Landings LLC (property owner) for an amendment to the PUD Site Development Plan and PUD Development Agreement for Bulow Preserve which is located at 2799 John Anderson Highway and generally lying east and west of John Anderson Highway in Sections 19, 24 and 38, Township 12 South, Range 31 East, Flagler County.

You are hereby notified that a public hearing before the Flagler County Planning and Development Board, required by law, will be held in the Flagler Government Services Building, Board Chambers, at 1769 E. Moody Boulevard, Building 2, Bunnell, Florida, on **April 14, 2015**, beginning at **6:00 p.m.** or as soon thereafter as possible. You are welcome to attend and express your opinion. The Planning and Development Board recommendation will be presented to the Board of County Commissioners for a final decision at a public hearing to be scheduled following required public notice.

Sincerely,

Gina Lemon
Development Review Planner III

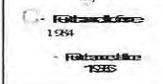
NOTE: PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE OR SHE MAY NEED TO 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.

Owner name	Site Address	Homeless Exemption	Most Recent Sale Date	Sale Amount	Sale Notes	Lot / Lot#	TaxID
WEST SIDE LAMBERT AVE (N to S)	1 LAMBERT CV	Y	05/2000	\$20,000		Lambert Cove lot 1	02-12-31-3760-0000-0010
STOKES WILLIAM LLOYD & MARGIE EGGERS H&W	2 LAMBERT CV	Y	08/2011	\$43,000		LAMBERT COVE LOT 2	02-12-31-3760-0000-0020
GIBBS THOMAS L & LINDA SHAW	3 LAMBERT CV	Y	2/25/2005	\$765,000		LAMBERT COVE LOT 3	02-12-31-3760-0000-0030
MARK B. BARBERA & DOUGLAS R. TRUSTEES	4 LAMBERT COVE	Y	01/1999	\$120,000		LAMBERT COVE LOT 4	02-12-31-3760-0000-0040
CARINA RANKS ERIK LISA MARIE H&W	5 LAMBERT COVE	Y	1/1/2014	\$125,000	2/11/2014 - Ownership transferred to Trust Fund	LAMBERT COVE LOT 5	02-12-31-3760-0000-0050
DAVIS RYON M TRUSTEE	6 LAMBERT COVE	N	03/02/04	\$36,000		LAMBERT COVE LOT 6	02-12-31-3760-0000-0060
ALBANO LESLIE	7 LAMBERT CV	Y	4/1/2002	\$195,000		LAMBERT COVE LOT 7	02-12-31-3760-0000-0070
MELBER CHARLES S & CAROLYN WENDY MELBER H&W	165 LAMBERT AVE	N	8/12/2003	\$26,000		RIVER OAKS SUBDIVISION LOT 51	11-12-31-5325-0000-0450
IBERBERI JAMES A & DIANTINA I NEDELJANNALISON	161 LAMBERT AVE	N	3/1/1998	\$77,000		RIVER OAKS SUBDIVISION LOT 49	11-12-31-5325-0000-0440
NIZEL NAN A	159 LAMBERT AVE	N	10/1/1990	\$48,000		RIVER OAKS SUBDIVISION LOT 47	11-12-31-5325-0000-0430
ALBERT STEPHEN A & VICTORIA Y ALBERT H&W	157 LAMBERT AVE	N	09/2012	\$49,000		RIVER OAKS SUBDIVISION LOT 45	11-12-31-5325-0000-0420
WHALEN DANIEL & GINGER B H&W	155 LAMBERT AVE	N	6/16/2014	\$34,000		RIVER OAKS SUBDIVISION LOT 43	11-12-31-5325-0000-0410
SPANER PAUL M	153 LAMBERT AVE	N	3/2/2003	\$166,000		RIVER OAKS SUBDIVISION LOT 41	11-12-31-5325-0000-0400
KEEGAN JOHN B & FRIDA H&W	151 LAMBERT AVE	Y	10/24/2011	\$296,000		RIVER OAKS SUBDIVISION LOT 39	11-12-31-5325-0000-0390
YAMA DTSUO	150 LAMBERT AVE	Y	3/25/2000	\$8,200		RIVER OAKS SUBDIVISION LOT 37	11-12-31-5325-0000-0380
STODERTHOVAG & ROSEANNE VIKBERG JAMES	148 LAMBERT AVE	Y	7/1/1999	\$88,000		RIVER OAKS SUBDIVISION LOT 35	11-12-31-5325-0000-0370
BI THOMAS DANIEL & RAMONA H&W	147 LAMBERT AVE	Y	01/1/1998	\$88,000	10/19/2013 - Ownership transferred from RAMONA R H&W to current	RIVER OAKS SUBDIVISION LOT 33 & 30	11-12-31-5325-0000-0360
KULICH JUDITH TRUSTEE	142 LAMBERT AVE	N	01/1/1998	\$22,800	04/19/2014 - PERSONAL REPRESENTATIVE interested in this heir	RIVER OAKS SUBDIVISION LOT 31	11-12-31-5325-0000-0350
OBAL PHILIP DAVID & MELINDA CAROL OBAL H&W	141 LAMBERT AVE	N	7/21/2010	\$333,000		RIVER OAKS SUBDIVISION LOT 29	11-12-31-5325-0000-0340
FLORKOWSKI WALTER	140 LAMBERT AVE	N	8/1/1995	\$22,800	10/30/2009 - QUIT CLAIM DEED (divorce)	RIVER OAKS SUBDIVISION LOT 25	11-12-31-5325-0000-0330
LUDENBERGER DALE & BRETT ALAN GAUMER	136 LAMBERT AVE	N	4/1/1998	\$90,000	11/09/1999 Property transferred to Revocable Living Trust and subsequently distributed to Trustee's 10/21/2014	NORTH 1/4 CORNER OF NORTH 200 FT OF NE 1/4 OF SE 1/4 WEST OF LAMBERT AVENUE	02-12-31-4000-0000-0000
MCINTIRE GARY E & JOCEMA MCINTIRE H&W	135 LAMBERT AVE	Y	01/1/2001	\$132,900		SOUTH WEST OF NORTH 200 FT OF NE 1/4 OF SE 1/4 WEST OF LAMBERT AVENUE	02-12-31-4000-0000-0000
JERRY R VIVILLAT TRUST	133 LAMBERT AVE	N	1/1/2001	\$80,000	10/30/2014 - PERSONAL REPRESENTATIVE transferred to husband after wife died	NORTH 1/4 CORNER OF NORTH 200 FT OF NE 1/4 OF SE 1/4 WEST OF LAMBERT AV	02-12-31-4000-0000-0000
CEBERT FAMILY HOLDINGS LLP	134 LAMBERT AVE	N	10/24/2004	\$198,000	9/24/2007 - QUIT CLAIM DEED transfering ownership from J. Ceibert to Ceibert Family Holdings LLP	SW 1/4 OF NW 1/4 OF NE 1/4 OF SE 1/4 OF NW 1/4 LYING WEST OF LAMBERT AV	02-12-31-6000-0010-0030
METER KATALIN & WILLIAM METER JUNIORS	133 LAMBERT AVE	Y	1/4/2006	\$280,000		SW 1/4 OF NW 1/4 OF NE 1/4 OF SE 1/4 OF NW 1/4 LYING WEST OF LAMBERT AV	02-12-31-6000-0010-0040
KENDAL BRUCE RIFE ESTATE COO	131 LAMBERT AVE	N	Date unknown (1981 or earlier)	\$112,000	01/11/2009 - QUIT CLAIM DEED pertaining to the estate	SW 1/4 OF NW 1/4 OF NE 1/4 OF SE 1/4 OF NW 1/4 LYING WEST OF LAMBERT AV	02-12-31-6000-0010-0010
SPANER PAUL M	131 LAMBERT AVE	N	5/24/2005	\$342,900		SW 1/4 OF NW 1/4 OF NE 1/4 OF SE 1/4 OF NW 1/4 LYING WEST OF LAMBERT AV PARCELS	02-12-31-6000-0010-0010
ZEISS ARTHUR T & JUDITH P H&W	130 LAMBERT AVE	N	01/15/2012	\$240,000		NW 1/4 OF SW 1/4 OF NE 1/4 OF SE 1/4 OF NW 1/4 LYING WEST OF LAMBERT AV PARCELS	02-12-31-6000-0010-0010
ARMENSEN HOWARD L JR & CAROL M ARMENSEN W PALMDESORO PETER	127 LAMBERT AVE	Y	10/1/2003	\$46,000		NW 1/4 OF SW 1/4 OF NE 1/4 OF SE 1/4 OF NW 1/4 LYING WEST OF LAMBERT AV PARCELS	02-12-31-6000-0010-0010
GRAY THOMAS A & PAULINE L H&W	125 LAMBERT AVE	N	5/1/2003	\$150,000		NW 1/4 OF SW 1/4 OF NE 1/4 OF SE 1/4 OF NW 1/4 LYING WEST OF LAMBERT AV PARCELS	02-12-31-6000-0010-0010
GRAY THOMAS A & PAULINE L H&W	125 LAMBERT AVE	N	5/1/2003	\$150,000		NW 1/4 OF SW 1/4 OF NE 1/4 OF SE 1/4 OF NW 1/4 LYING WEST OF LAMBERT AV PARCELS	02-12-31-6000-0010-0010
FRENCH MICHAEL & LYNN M H&W	120 LAMBERT AVE	Y	11/23/2011	\$330,000		NW 1/4 OF SW 1/4 OF NE 1/4 OF SE 1/4 OF NW 1/4 LYING WEST OF LAMBERT AV PARCELS	02-12-31-6000-0010-0010
LEE JOHN A & TONIC H&W	114 LAMBERT AVE	Y	3/5/2013	\$320,000		SW 1/4 OF SW 1/4 OF NE 1/4 OF SE 1/4 OF NW 1/4 LYING WEST OF LAMBERT AV PARCELS	02-12-31-6000-0010-0010
KENDALL-HOGAN CAROLINA	No address (lot behind 1145 Lambert Ave)	N	01/1/2003	\$120,000	1/17/2003 - QUIT CLAIM DEED transferred to Trust Fund 08/28/2014 - TRUSTEES DEED (inherited by trustee, who then created Living Trust)	SW 1/4 OF SW 1/4 OF NE 1/4 OF SE 1/4 OF NW 1/4 LYING WEST OF LAMBERT AV PARCELS	02-12-31-6000-0010-0000
NURSEY MICHAEL & GAIL H&W	112 LAMBERT AVE	N	4/22/2003	\$127,800		RIVER OAKS SUBDIVISION LOT 34	11-12-31-5325-0000-0340
PORTAL JOSEPH A AND ISADELO	110 LAMBERT AVE	Y	4/1/1994	\$41,800		RIVER OAKS SUBDIVISION LOT 32	11-12-31-5325-0000-0320
MONTANEZ VIDAL JR	108 LAMBERT AVE	Y	1/1/2004	\$335,000		RIVER OAKS SUBDIVISION LOT 28	11-12-31-5325-0000-0280
HAULT NORMAND C JR & DELORES H	108 LAMBERT AVE	Y	01/1/1987	\$88,000	6/15/2008 - transferred to Revocable Trust	RIVER OAKS SUBDIVISION LOT 31	11-12-31-5325-0000-0310
AGIN TIMOTHY G & RACHEL H&W	98 LAMBERT AVE	Y	1/12/2013	\$240,000		RIVER OAKS SUBDIVISION LOT 36	11-12-31-5325-0000-0360
PALUNGO JOHN J & DENISE X H&W	94 LAMBERT AVE	Y	1/1/2003	\$108,000		RIVER OAKS SUBDIVISION LOT 29	11-12-31-5325-0000-0290
JACOB SMYLY L & CLIFFORD A H&W	92 LAMBERT AVE	Y	2/1/2013	\$308,000		RIVER OAKS SUBDIVISION LOT 20	11-12-31-5325-0000-0200
SAN JOSEPH & ELIZABETH H&W	91 LAMBERT AVE	Y	7/1/1998	\$88,000	2/1/2001 - transferred to Trust	RIVER OAKS SUBDIVISION LOT 27	11-12-31-5325-0000-0270
FEY AUDREY & ROBERT W H&W	89 LAMBERT AVE	Y	01/1/1988	\$39,000		RIVER OAKS SUBDIVISION LOT 26	11-12-31-5325-0000-0260
DANCE CHAUNCEY B H&W	89 LAMBERT AVE	Y	4/15/2011	\$200,000		RIVER OAKS SUBDIVISION LOT 25	11-12-31-5325-0000-0250
OSMOND GARY I & SUSAN R H&W	87 LAMBERT AVE	Y	9/22/2011	\$31,000		RIVER OAKS SUBDIVISION LOT 24	11-12-31-5325-0000-0240
FEYRAYMOND SR & MACLEINE	85 LAMBERT AVE	Y	01/1/1988	\$35,000		RIVER OAKS SUBDIVISION LOT 23	11-12-31-5325-0000-0230
WILLIAMS HARRY E & KAREN E H&W	85 LAMBERT AVE	Y	12/20/2010	\$275,000		RIVER OAKS SUBDIVISION LOT 22	11-12-31-5325-0000-0220
WALKER NORMAN & VALERE H&W	74 LAMBERT AVE	Y	01/2001	\$253,000		RIVER OAKS SUBDIVISION LOT 21	11-12-31-5325-0000-0210
MAYES JOEL	73 LAMBERT AVE	N	01/20/2003	\$280,000		RIVER OAKS SUBDIVISION LOT 20	11-12-31-5325-0000-0200
EDWARDS PORSCIA JANE	68 LAMBERT AVE	N	1/1/2003	\$110,000	8/1/2011 - transferred to family member	RIVER OAKS SUBDIVISION LOT 19	11-12-31-5325-0000-0190
MOUNT JOHN A & ANNA M H&W	64 LAMBERT AVE	N	01/18/2014	\$319,000		RIVER OAKS SUBDIVISION LOT 18	11-12-31-5325-0000-0180
GREEN HALGH ROBERT W LIFE ESTATE	63 LAMBERT AVE	Y	05/1/1997	\$43,000	9/22/2003 - est. 1/4 estate	RIVER OAKS SUBDIVISION LOT 17	11-12-31-5325-0000-0170
MORROW DOUGLAS B & SUZANNE	63 LAMBERT AVE	Y	01/1/1989	\$80,000		RIVER OAKS SUBDIVISION LOT 16	11-12-31-5325-0000-0160
SUVEGES ENDRÉ	48 LAMBERT AVE	Y	7/31/1986	\$24,000	5/1/1996 - transferred to family member	RIVER OAKS SUBDIVISION LOT 16	11-12-31-5325-0000-0160
MEYER WILLIAM	47 LAMBERT AVE	N	01/1/1986	\$24,000	8/1/1992 - property inherited, 10/1/2001 - sister sold her share to brother	RIVER OAKS SUBDIVISION LOT 14	11-12-31-5325-0000-0140
JAMES EDWARD A & KATHRYN L H&W	46 LAMBERT AVE	Y	01/1/1986	\$45,000		RIVER OAKS SUBDIVISION LOT 13	11-12-31-5325-0000-0130
RODGER PAUL H & WICKLIAN H&W	45 LAMBERT AVE	Y	11/7/2013	\$322,300		RIVER OAKS SUBDIVISION LOT 12	11-12-31-5325-0000-0120
WILLIAMS PAUL J & JOHANNA H&W	43 LAMBERT AVE	Y	01/1/2003	\$449,000		RIVER OAKS SUBDIVISION LOT 11	11-12-31-5325-0000-0110
MEECHUM MADRID TRUSTEE	42 LAMBERT AVE	Y	Date unknown (1991 or earlier)	\$1,000	6/10/2007 - DEAL DONA CL & CHRISTINE Sisters created Dec of Trust 07/17/2009 - Dec transferred ownership to revocable trusts, 12/27/2012 - trust was dissolved and current Trust fund (no apparent relation to former owner)	MAGNOLIA CAROLINA BLK 2 NE 1/2 OF LOT 58 2 & THE SW 1/2 OF VACATED JOHNSON STREET & E 1/2 OF VACATED MADRID AVE & THE SW 1/4 OF LT 10 ABUTTING SAID PARCEL	02-12-31-4000-0000-0010

Key
 - Purchased before 1984
 - Purchased after 1986

51 homes bought or built since 2005 while parcels zoned Low Density Residential P.U.D.

Owner	Address	Year	Value	Notes	Parcel ID	APN
DEAL DONALD LIR TRUSTEE	427 LAMBERT AVE	N	516,527	1/1/1999 - created revocable trust	MAGNOLIA GARDENS SUBBLOCK 2 SLY 48 OF LOTS 1 & 28, ALL LOTS 9	12 12 31 4000-0002-0011
PUMPTON JOHN A JR & DOROTHY B	459 LAMBERT AVE	Y	863,000	7/1/1999	RIVER OAKS SUBDIVISION LOTS 8 & 9	11 12 31 4325-0000-0200
OLEG FRANK & ODELIA HW	385 LAMBERT AVE	N	472,011	5/25/2002	RIVER OAKS SUBDIVISION LOT 7	11 12 31 4325-0000-0070
COCHRAN DONALD C JR & SUZANNE HW	355 LAMBERT AVE	N	711,932	8/6/2009	RIVER OAKS SUBDIVISION LOT 6	11 12 31 4325-0000-0060
TRAO CHARLES & HARRIET H HW	325 LAMBERT AVE	Y	810,000	8/1/1997	RIVER OAKS SUB LOTS	11 12 31 4325-0000-0030
BUTLER JEANETTE	323 LAMBERT AVE	Y	111,000	11/12/2003	RIVER OAKS SUB L14	11 12 31 4325-0000-0040
MEALY JANE	315 LAMBERT AVE	Y	314,200	3/12/2002	RIVER OAKS SUBDIVISION LOT 3	11 12 31 4325-0000-0030
WHITE MELISSA & JONATHAN W W/H	215 LAMBERT AVE	N	711,932	8/1/1999	RIVER OAKS SUBDIVISION LOT 2	11 12 31 4325-0000-0020
MARTIN MANUEL O & ANNA OLES MARTINE TRUSTEES	207 LAMBERT AVE	Y	11/1/1991	8/28/2011 - created trust in Texas	RIVER OAKS SUBDIVISION LOT 1	11 12 31 4325-0000-0010
STOCKHOLM LIFESTATE	205 LAMBERT AVE	Y	10/27/2003	8/6/2000	MAGNOLIA GARDENS SUB LOTS 3 & 4	12 12 31 4000-0004-0030
CHUMENTO KRISTIA TRUSTEE & JOHN R GAZZO PROPERTIES LLC	No address behind 205 Lambert Ave	N	Date unknown (1999 or earlier)	5/25/2002	12/01/1998 - transferred to two trust funds 7/1/2009 - QUIT CLAIM DEED same change for one of the trust funds	11 12 31 4325-0000-0022
CLIFTON JOSEPH W	201 LAMBERT AVE	Y	Date unknown (1999 or earlier)	567,561	7/1/1999 - Grantor DIMMICK GAINES BENEFIT TRANSFERRED TO CURRENT	MAGNOLIA GARDENS SUB LOTS 10 & 11 OF LOTS 8, ALL LOTS 9
CHUMENTO KRISTIA TRUSTEE & JOHN R GAZZO PROPERTIES LLC	No address behind 201 Lambert Ave	N	Date unknown (1999 or earlier)	525,500	12/01/1998 - transferred to trust funds 7/1/2009 - QUIT CLAIM DEED name change for one of the trust funds	RIVER OAKS ADDITION RESERVE PARCEL 1
SUNTIAP PAUL M JR	130 LAMBERT AVE	N	8/1/1992	525,800	12/27/2012 - add parties add their shares to current trust	RIVER OAKS ADDITION LOT 5
HOLMES CLIFFORD & BARBARA B HW	125 LAMBERT AVE	Y	8/1/1994	515,000		RIVER OAKS ADDITION LOT 4
SHERMAN PAUL TANN		N	3/2/2000	535,000		RIVER OAKS ADDITION LOT 3
BAGS JEFFREY W & CYNTHIA WIFE KASSETT	109 LAMBERT AVE	Y	1/1/1993	865,000		RIVER OAKS ADDITION LOTS 1 & 2
EAST 9 DELAMBERT AVE N 10 S J REVELS WILLIAM J & CONNIE C HW	1720 LAMBERT AVE	Y	8/1/2000	830,000		LAMBERT AVE UNIT 9 LOT 16
3201 MARGARET & BARBARA MALETTA T WROS	1700 LAMBERT AVE	Y	9/12/2013	690,000	12/11/2013 - 2nd party purchased into property for an LLC, joint ownership w/ n title of survivorship	LAMBERT AVE II LOT 15
EADY JAMES J & JULIE M HW	1650 LAMBERT AVE	N	6/7/2013	680,000		LAMBERT AVE II LOT 14
PREVATE EDWIN E JR & MARIA G HW LIFESTATE SMITH THOMAS USA PH HW	1640 LAMBERT AVE	Y	1/1/1994	615,000	10/10/2006 - eights of survivorship	LAMBERT AVE II LOT 13
HW LIFESTATE SMITH THOMAS USA PH HW	1640 LAMBERT AVE	Y	7/1/2000	640,000	8/21/2002 - 2nd party warranty deed transferred ownership from company to owner	LAMBERT AVE II LOT 12
HW ROBERT W AND ANNE	1620 LAMBERT AVE	N	8/1/1982	555,000		LAMBERT AVE II LOT 11
MAYER JOE J & BEVERLY M HW	1600 LAMBERT AVE	Y	6/1/1999	545,000		LAMBERT AVE II LOT 10
DEAL DONALD LIR & TERRY M	1520 LAMBERT AVE	Y	12/1/1994	570,000		LAMBERT AVE II LOTS
HOWELL MARVIN & PAMELA H W	1500 LAMBERT AVE	Y	1/1/1999	575,000	10/2005 - est. joint ownership w/ w&w and rights of survivorship	LAMBERT AVE II LOTS
DOANE PAGE & DENISE W HW	1540 LAMBERT AVE	Y	8/1/1999	515,000		LAMBERT AVE II LOT 9
HW PAGE BRUCE & RENEE M HW	1520 LAMBERT AVE	Y	10/1/1999	510,000	5/1/2002 - warranty deed giving rights to survivor	LAMBERT AVE II LOT 8
MULLEN MI CHAEL	1500 LAMBERT AVE	Y	5/1/1986	561,000	8/1/1997 - transferred ownership to trust (HW) 6/7/21/2002 - transferred to a trust trust only husband 9/9/2006 - QUIT CLAIM DEED transferred from trustee ownership to individual ownership	LAMBERT AVE II LOTS
ADAMOSTIS VICTOR & LINDA HW	1480 LAMBERT AVE	Y	1/9/1984	600,000		LAMBERT AVE II LOT 4
WEST REBECCY & TRACY WOODWARD & DALE DAVID WOODWARD	1460 LAMBERT AVE	N	6/1/1989	548,000	4/1/2011 - transferred ownership between family members	LAMBERT AVE II LOT 3
RAVAL MARYL TRUSTEE	1440 LAMBERT AVE	N	11/1/1979	545,000	2/1/1990 - QUIT CLAIM DEED transferred all interests revocable trust	LAMBERT AVE II LOT 2
FRASER ERIC H & BETTY L HW	1420 LAMBERT AVE	Y	11/1/2011	550,000		LAMBERT AVE II LOT 1
WACKINNON JOHN WILLIAM & PAUL MICHAEL MACK NNON & KAREN GRAY THOMAS A & PALLINE L HW	1400 LAMBERT AVE	N	5/15/2009	623,000	12/6/2011 - transferred ownership to family (children)	000126 ACRES PART OF BEHA DEFENSE 4
MCKENNON ROAN C JR 955 WEST WINDSOR BLVD BIRNHILL THEODORE M A	1350 LAMBERT AVE	Y	Date unknown (1981 or earlier)	537,314	7/1/2003 - owner changed name from trustee to HW	WATERWOOD PARKS SUB LOTS 2 & 3
WALDRON RAW	1350 LAMBERT AVE	N	6/1/2002	620,000		WATERWOOD PARKS SUB LOT BLOCK 1
NO DATA	1324 LAMBERT AVE	Y	11/1/1989	510,000		WATERWOOD PARKS SUB PHS PG 58 BLOCK LOTS 5 EXC 119 5L LOT 6 EXC 120 FREELY
MAY PETER W & MARY K HW	1322 LAMBERT AVE	Y	6/1/2003	527,000		PART OF BEHA OF 5514 AM LOT 18 LK 1 WATERWOOD PARKS SUB PHS SLY 20 LOT 6 BL WATERWOOD PK
FILLEY LINDA	1300 LAMBERT AVE	Y	4/1/2001	630,500		WATERWOOD PARKS SUB BLOCK 1 LOT 2
CLARK WILLIAM H & VICKIE	1240 LAMBERT AVE	N	6/5/2010	527,400		WATERWOOD PARKS SUB L117
LECHNER RAW	1220 LAMBERT AVE	Y	12/1/1988	630,000	2/1/1995 - created life estate	WATERWOOD PARKS SUB BLOCK 1 LOT 2
DANIEL WILLIAM DAVID & BONNIE M WIFE ESTATE	1200 LAMBERT AVE	Y	12/22/2009	646,000		WATERWOOD PARKS SUB BLOCK 1 LOT 10
GUERRA JOSE R GARD & DIANA L TRUSTEES	1140 LAMBERT AVE	Y	5/15/2006	587,000		WATERWOOD PARKS SUB BLOCK 1 LOT 11
ROUNTREE MICHAEL & JOANNE ROUNTREE T WROS						
NO DATA	1090 LAMBERT AVE	N	6/24/2008	585,000		LAMBERT AVENUE SUB LOT 16
WACHOWY PATRICK & ALISON	1090 LAMBERT AVE	Y	1/25/2000	560,000		LAMBERT AVENUE SUB LOT 15
BRENNAN ROSE ANN	1050 LAMBERT AVE	Y	1/23/2014	535,000		LAMBERT AVENUE SUB LOT 14
MILLS WILLIAM E & HILBERLY	1000 LAMBERT AVE	N	7/1/2014	670,000		LAMBERT AVENUE SUB LOT 13
COMBS DONALD W & PATRICIA M HW	1000 LAMBERT AVE	Y	11/5/2003	650,000		LAMBERT AVENUE SUB LOT 12
JOHNSON MARK L & GEORGINTE JAMISON JOHNSON	940 LAMBERT AVE	Y	2/1/1994	517,000	7/1/1992 - est. Dec of Trust - Life Estate	LAMBERT AVENUE SUB LOT 11
FLANDERS ROBERT C JR PHYLIS	920 LAMBERT AVE	N	6/15/2011	578,000	QUIT CLAIM DEED see attached	LAMBERT AVENUE SUB LOT 10
DEAL DONALD L & CHRISTINE G HW	910 LAMBERT AVE	Y	6/1/1999	610,000		LAMBERT AVENUE LOT 9
RAVAJ MICHAEL & JOYCE	860 LAMBERT AVE	Y	12/31/1995	615,000	7/2/02 - QUIT CLAIM DEED ownership transferred to family	LAMBERT AVE BLOCK
MCKEY THOMAS J	830 LAMBERT AVE	Y	Date unknown (1981 or earlier)	517,610	7/1/1990 - property inherited by siblings 04/01/1992 - Sister gave up rights to brother and wife 3/10/1993 - son sole owner after divorce	LAMBERT AVE SUB LOT 7
RYAN KENT & MAUREEN P	800 LAMBERT AVE	Y	6/1/1993	637,000		LAMBERT AVENUE SUB LOT 6
ERIKSEN MARILYN JOYDAVIS	770 LAMBERT AVE	N	6/1/1999	514,000	1/1/1992 - QUIT CLAIM DEED husband 50% is share to wife	LAMBERT AVE SUB LOTS
DEAL DONALD L & CHRISTINE G HW	740 LAMBERT AVE	Y	2/22/2012	550,000		LAMBERT AVENUE SUB LOT 4
HW HUBBELL JOHN	690 LAMBERT AVE	Y	11/1/1999	565,000		LAMBERT AVENUE SUB LOTS 12 AND 13
OCORNOIR GEORGE L & ROSE ANN OCORNOIR HW	650 LAMBERT AVE	Y	8/1/1997	505,000	3/1/2001 - owner 10% exchange	OCEAN CITY SUB BLOCK 6 NLY 72 FT OF LOTS 3
PALMER RICHARD & MARANDA L HW	646 LAMBERT AVE	N	4/21/2013	620,000		OCEAN CITY SUB BLOCK 6 NLY 72 FT OF LOT 28
CORSO FRANK J	640 LAMBERT AVE	Y	6/30/2009	650,000		OCEAN CITY SUB BLOCK 6 LOTS 25
MONAHAN JAMES & KRIST K HW	603 LAMBERT AVE	Y	10/1/2003	650,000		OCEAN CITY SUB BLOCK 6 L17 24
HW PROCKEY TONILLOU & DEBORAH	540 LAMBERT AVE	Y	6/1/1980	505,000		OCEAN CITY SUB BLOCK 6 LOT 23
COOKE THOMAS N	500 LAMBERT AVE	Y	11/1/1994	695,000		OCEAN CITY SUB BLOCK 6 L17 22
NGUYEN HOA LUONG & CUONG MINH HOA TRUSTEE W/H	460 LAMBERT AVE	Y	6/7/2012	624,500		OCEAN CITY SUB BLOCK 6 NORTH 70 FEET OF LOT 21

Key

 51 homes bought or built since 2005 while parcels zoned low density residential P.U.D.

FRIEDLINDA & JOHN DARRIE JRUTWROS	470 LAMBERT AVE	3	9/1/1996	\$95,000	2/1/1997 - est. life ownership with 2d party	OCEAN CITY SUBD BLOCK 8 NORTH 20 FT OF LOT 19 & LOT 20 SOUTH EASTERLY 23 FT OF LOT 21	12 12 31 4650 0000 0101
KALISH MARIAN EL	402 LAMBERT AVE	3	12/1/1994	\$10,000	10/1/1997 - CLY CLAIM DEED second party sold her share to other owner	OCEAN CITY SUBD BLOCK 8 575 FT OF LOT 19	12 12 31 4650 0000 0190
SCOLE ROGER & LAURA HAW	440 LAMBERT AVE	N	7/7/2014	\$375,000		OCEAN CITY SUBD B BLOT 16	12 12 31 4650 0000 0160
SREJENBERNARDIS A & ALBANA C MISKOSKAW	430 LAMBERT AVE	N	11/16/2005	\$900,000		OCEAN CITY SUBD B BLOT 17	12 12 31 4650 0000 0170
WARNER DANIELA	410 LAMBERT AVE	1	12/1/1994	\$205,000	7/1/1995 - CLY CLAIM DEED second party sold her share to other owner.	OCEAN CITY SUBD B BLOT 11/2 LOT 15	12 12 31 4650 0000 0102
BISSY MICHAEL MYRS & LYNDY CHOW	420 LAMBERT AVE	N	11/1/1994	\$120,000	4/3/2009 - CLY CLAIM DEED est. life estate.	OCEAN CITY SUBD B B THE NORTHWESTERLY 32 50 FT LOT 15 & 51/2 LOT 16	12 12 31 4650 0000 0150
LANGER EREN	491 LAMBERT AVE	3	6/1/2004	\$825,000		OCEAN CITY SUB B BLOT 148 SE NORTHWESTERLY 17 50 FT OF LOT 148 SE 23 50 FT LOT 15	12 12 31 4650 0000 0148
RISLEY BRANDON & DIANE H&W	370 LAMBERT AVE	3	9/1/2001	\$485,000		OCEAN CITY SUBD B B THE SOUTH EASTERLY 77 50 FT OF LOT 13 & 31 2 VACATED ORANGE AVENUE	12 12 31 4650 0000 0131
DOORNUDAG	350 LAMBERT AVE	3	Date unknown (1981 present)	\$169,030		OCEAN CITY SUBD B BLOT 13 & 31 2 VACATED ORANGE AVENUE	12 12 31 4650 0000 0132
TKAS BRJARD P & AMY J K&W	324 LAMBERT AVE	N	12/12/2012	\$300,000		OCEAN CITY SUBD B BLOT 12	12 12 31 4650 0000 0120
MANHORN KIM P TRUSTEE	320 LAMBERT AVE	N	2/1/1999	\$170,000	8/20/2005 - transferred 1/4 to Trust to wife's name	OCEAN CITY SUBD B BLOT 11	12 12 31 4650 0000 0110
GARDA RALPH B & SANDRAG	300 LAMBERT AV	3	10/1/1992	\$150,000		OCEAN CITY SUB B BLOT 10	12 12 31 4650 0000 0100
SPIEGEL NATHAN R & DEBORAH L SPIEGEL	212 LAMBERT AVE	N	2/1/2012	\$305,000		OCEAN CITY SUBD B BLOT 9	12 12 31 4650 0000 0090
LAW CONSTANCE AKIA JUNE C LAW	208 LAMBERT AVE	3	Date unknown (1981 present)	\$100,350		OCEAN CITY SUBD B BLOT 8	12 12 31 4650 0000 0080
CHAMBER SANFORD & DAIG H&W	194 LAMBERT AVE	3	9/1/2003	\$370,000		OCEAN CITY SUBD B BLOT 7	12 12 31 4650 0000 0070
KEMBALL N J L&S & ROBIN LEE H&W	200 LAMBERT AVE	N	7/12/2011	\$335,000		OCEAN CITY SUBD B BLOT 6	12 12 31 4650 0000 0060
DELUGE LEO LIR	110 LAMBERT AVE	3	1/21/1997	\$HEC 000	1/1/1990 - changed owner name from man to H&W	OCEAN CITY SUBD B BLOT 5	12 12 31 4650 0000 0050
PURVIS STANLEY	120 LAMBERT AVE	N	5/27/2004	\$21,200		OCEAN CITY SUBD B BLOT 4	12 12 31 4650 0000 0040
MANCUSO RICHARD F & SANDRA L NEW	110 LAMBERT AVE	3	1/1/1983	\$55,000	12/1/2002 - changed owner name from woman to H & W	OCEAN CITY SUBD BLOCK 8 NLY 20 FT OF LOTS 1 & 2 & 3	12 12 31 4650 0000 0001
RINK ANITA W & ROBYN MARIE ROUSE L&H&S	100 LAMBERT AVE	N	11/1/1983	\$130,000	7/19/2007 - CLY CLAIM DEED family members inherited	OCEAN CITY SUBD BLOCK 8 LOTS 1 & 2	12 12 31 4650 0000 0002

Key
 - Purchased before 1984
 - Purchased after 1986

Source: John C. Hines Property Report

PROXY

I _____, am a resident of Flagler County. Pursuant to the Flagler Rules of Procedure, Section I (7)(b), Quasi-Judicial Policy Statement, I assign my three (3) minutes to speak during the public comment period for Application # _____ to _____ . Thank you

Signature

Date

Print Name

NOTICE OF AMENDMENT TO THE FLAGLER COUNTY LAND DEVELOPMENT CODE

Pursuant to Chapter 125.66, Florida Statutes, the Flagler County Board of County Commissioners hereby gives notice of a proposal to adopt an Ordinance affecting the actual list of permitted, conditional, or prohibited uses within the unincorporated area of Flagler County and titled similar to:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA AMENDING SECTION 3.03.17 OF THE FLAGLER COUNTY LAND DEVELOPMENT CODE, "C-2" ZONING DISTRICT REGULATIONS; AMENDING SECTION 3.03.17(B) PERMITTED PRINCIPAL USES AND STRUCTURES BY ADDING 3.03.17(B)(23)(Y); PROVIDING FOR PARKING LOTS, PARKING GARAGES, PARK-AND-RIDE LOTS AND SIMILAR FACILITIES; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

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

Second Reading and Adoption - FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS - March 2, 2015 @ 9:30 a.m. in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Blvd, Building 2, Bunnell, Florida 32110.

Copies of the proposed amendment, its supporting data and analysis, staff reports and other pertinent information are available for review at: Flagler County Planning & Zoning Department; 1769 East Moody Boulevard, Building 2; Bunnell, Florida 32110

All interested persons are urged to attend these public hearings. Comments may also be addressed to: Adam Mengel, Director; Flagler County Planning and Zoning Department; 1769 East Moody Boulevard, Building 2; Bunnell, FL 32110; Telephone (386) 313-4009 or email: amengel@flaglercounty.org

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD OF COUNTY COMMISSIONERS WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING, A RECORD OF THE PROCEEDINGS WILL BE NEEDED AND, FOR SUCH PURPOSES, THE PERSON WILL NEED TO ENSURE THAT A VERBATIM RECORD IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH APPEAL IS TO BE BASED. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE PLANNING DEPARTMENT AT (386) 313-4009 AT LEAST 48 HOURS PRIOR TO THE MEETING.



**Hammock Beach Club
Condominium Association, Inc.
The One Bedrooms at the Hammock
Beach Club Condominium
Association, Inc.**

Integrity

ALWAYS DO WHAT YOU
SAY YOU'RE GOING TO DO

Legacy

SOMETHING HANDED
DOWN FROM A
PREDECESSOR

1943



1980



84-7 Meeting Minutes

5

152

3/30/84

DATE APPROVED: August 6, 1984 APPROVED BY: [Signature]
ATTEST: [Signature] CHAIRMAN

CLERK AND EX OFFICIO MEMBER OF THE BOARD

BOARD OF COUNTY COMMISSIONERS
SPECIAL CALLED MEETING
PUBLIC HEARING ON DEVELOPMENT OF REGIONAL IMPACT-HAMMOCK DUNES
MARCH 30, 1984

PRESENT: CHAIRMAN DURRANCE; COMMISSIONERS SHOEMAKER, COWART, STEFLIK, AND JOHNSTON (9:18);
BOARD ATTORNEY MCKINNON; ADMINISTRATIVE ASSISTANT PELLICER; COUNTY ENGINEER CHIN-
NERY; AND DEPUTY CLERK DICES.

THE MEETING WAS CALLED TO ORDER BY CHAIRMAN DURRANCE AT 9:07 A.M. IN THE BOARD ROOM OF THE
BELLE TERRE MIDDLE SCHOOL.

CHAIRMAN DURRANCE STATED THAT THIS IS A PUBLIC HEARING TO COMPLETE THE REVIEW OF THE HAMMOCK
DUNES DRI. HE STATED THAT THIRTY DAYS HAVE BEEN ALLOWED FOR PUBLIC COMMENT ON THE DRI
AND NO COMMENTS HAVE BEEN RECEIVED BY THE BOARD. HE STATED THAT A DRAFT OF THE PROPOSED
DEVELOPMENT OF REGIONAL IMPACT (DRI) HAS BEEN AVAILABLE FOR PUBLIC REVIEW. BOARD ATTORNEY
MCKINNON STATED THAT THERE ARE SOME LAST MINUTE CHANGES TO THE DRAFT THAT MR. WADE HOPPING,
COUNCIL FOR ADMIRAL CORPORATION, IS GOING TO PRESENT. MR. HOPPING STATED THAT ON PAGE
FOUR OF THE RESOLUTION IT HAS BEEN CHANGED TO REFLECT THAT THE COUNTY ENGINEER IS DESIGNATED
AS THE LOCAL OFFICIAL RESPONSIBLE FOR RECEIVING AND MONITORING THE ANNUAL REPORTS AND
ASSURING COMPLIANCE WITH THE DEVELOPMENT ORDER BUT THAT THE COUNTY COMMISSION IS ACTUALLY
THE RESPONSIBLE PARTY FOR MONITORING THE DEVELOPMENT ORDER.

MR. HOPPING CONTINUED WITH A CHANGE ON PAGE A-15, PARAGRAPH 4.6(a), WHICH REFLECTS THE
COUNTY COMMISSIONERS' CONCERN ABOUT THE I-95 OVERPASS AND REFERENCES AN AGREEMENT BETWEEN
FLAGLER COUNTY AND ITT/CDC TO BE EXECUTED TODAY. MR. MCKINNON SAID THAT THERE ARE NO
TYPING PROBLEMS IN THE AGREEMENT, AND ASKED
THE AGREEMENT. MR. HOPPING STATED THAT THE AGREEMENT MAKES IT CLEAR THAT WHEN LEVEL OF
SERVICE "D" IS REACHED, WITHIN 18 MONTHS ITT/CDC MUST NOTIFY THE DEPARTMENT OF TRANSPORTA-
TION THAT IT IS TIME TO HONOR THEIR COMMITMENT FOR FOUR LANEING THE I-95 OVERPASS, AND IF
D.O.T. FAILS TO ACT ON THIS WITHIN 12 MONTHS ITT IS OBLIGATED TO SEEK WHAT REMEDIES IT
MUST TAKE TO DO THIS, AND IF D.O.T. FAILS TO DO THIS THEN ITT/CDC AGREES TO PERFORM THE
FOOT COMMITMENTS BY COMMENCING CONSTRUCTION OF THIS OVERPASS WITHIN 60 MONTHS OF THE ITT/CDC
ORIGINAL REQUEST TO FOOT, WITHOUT PREJUDICE TO ITT/CDC'S RIGHT TO RECOVER FROM FOOT ANY
COSTS AND EXPENDITURES INCURRED BY IT AS A RESULT OF SUCH CONSTRUCTION.

MR. HOPPING STATED THAT THE NEXT CHANGE IS ON PAGE A-19. THIS IS AS A RESULT OF A REQUEST
AT THE COMMISSIONER'S WORKSHOP AT WHICH TIME THE COMMISSION ASKED MR. DON CHINNERY TO ESTI-
MATE THE COST OF CONSTRUCTING TWO VEHICULAR CROSSOVERS WHICH HE ESTIMATED AT \$60,000 AND
THIS IS NOW ENTERED IN PARAGRAPH 6.2. ALSO \$17,000 WAS ASKED FOR PEDESTRIAN WALKOVERS
AT THE END OF 16TH ROAD AND JUNGLE HUT ROAD AND IS IN PARAGRAPH 6.2. HE STATED THAT THEY
ALSO ADDED A PROVISION THEY WILL MATCH THE INTEREST RATE OF ONE YEAR'S CERTIFICATE OF DE-
POSIT RATE BEING PAID BY BARNETT BANK OF FLAGLER COUNTY BEGINNING JANUARY 1, 1985, SO
THAT ADEQUATE MONEY WILL BE AVAILABLE AT THE TIME OF CONSTRUCTION. COMMISSIONER STEFLIK
STATED THAT ON PAGE A35 HE IS CONCERNED ABOUT THE COMPANY HAVING THE OPTION TO BUILD TWO

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1/16/84

BY THIS COUNTY TO PROTECT THE PEOPLE. MR. KENNETH ILENFELDT STATED THAT HE LIVED IN THE
HAMMOCK AND DID NOT HAVE GOOD WATER AND HE HAS TWO WELLS.

MR. HOPPING ASKED MR. SALOWE TO EXPLAIN ITEM NO. 8 ON THE AGENDA - EQUIPMENT AND FACILITIES
COMMITMENTS. MR. SALOWE STATED THAT THE EQUIPMENT AND FACILITY COMMITMENTS ARE LARGELY THE
REGIONAL PLANNING COUNCIL'S RECOMMENDATIONS AND REPORT.

HE STATED THAT THEY WILL BUILD ON THE PROJECT A PUBLIC SAFETY COMPLEX WHICH WILL
BE A TWO BAY FACILITY TO HOLD FIRE EQUIPMENT AND EMERGENCY MEDICAL EQUIPMENT. THE COM-
PANY WILL PROVIDE ONE EMERGENCY SERVICE LINE UNIT (ADVANCE LIFE SUPPORT) AND ONE 1,250
GALLON CAPACITY FIRE PUMPER/TANKER. ALSO TO CONTRIBUTE THE EQUIVALENT VALUE OF TWO
SHERIFF'S PATROL UNITS (APPROXIMATELY \$23,000-\$25,000) FOR USE FOR PUBLIC SAFETY PURPOSES.
MR. DAN CASTLE STATED THAT THIS IS BASICALLY CONSISTENT WITH THE REGIONAL PLANNING COUNCIL
RECOMMENDATIONS.

MR. SHELTON BARBER, CLERK OF THE CIRCUIT COURT, ASKED IF THE APPLICANT HAS MADE ANY
PROVISION FOR CEMETARY SPACE IN THE PROJECT? MR. HOPPING STATED THAT IT WAS NOT IN
THEIR PLAN. COMMISSIONER STEFLIK ASKED IF THERE WAS ANY PROVISION FOR ADDITIONAL
EQUIPMENT AND FACILITIES BEYOND THIS STATED AFTER THE 1,000 UNITS ARE BUILT, ANY
EXPANSION? MR. HOPPING STATED THAT ANY EXPANSION WOULD HAVE TO BE TAKEN CARE OF BY ANY
GOVERNMENTAL ENTITY IN THIS AREA.

MR. HOPPING ASKED MR. SALOWE ABOUT ITEM NO. 9 ON THE AGENDA - BEACHFRONT AND PARK COMMITMENTS.
MR. SALOWE STATED THAT THEY ARE AN EXTENSION OF WHAT WAS IN THE REGIONAL PLANNING
COUNCIL'S RECOMMENDATIONS AND REPORT. HE SAID THEY PROPOSE TO DONATE 67 ACRES OF
OCEANFRONT LAND, WHICH IS TWO MORE ACRES THAN THE REGIONAL PLANNING COUNCIL REPORT
INDICATED. ALSO TEN ACRES OF LAND ALONG THE INTRACOASTAL PARK ADJACENT TO THE BRIDGE.
THE LAND WILL BE CONVEYED AS FOLLOWS: TWO ACRES AT THE END OF JUNGLE HUT ROAD UPON
COMPLETION OF THE INTRACOASTAL WATERWAY BRIDGE; EIGHT ACRES OF PARK LAND AT THE SOUTH
END OF THE HAMMOCK DUNES SITE UPON APPROVAL OF THE FIRST SITE DEVELOPMENT PLAN; NINETEEN
ACRES OF PARK LAND SOUTH OF THE APPLICANT'S NORTH JOHNSON BEACH PROPERTY LINE UPON APPROVAL
OF THE FIRST SITE DEVELOPMENT PLAN; FIVE ACRES OF PARK LAND NORTH OF THE APPLICANT'S
NORTHERN JOHNSON BEACH PROPERTY LINE UPON REQUEST FROM THE COUNTY ANY TIME AFTER APPROVAL
OF THE FIRST SITE DEVELOPMENT PLAN; THE FINAL THIRTY-THREE ACRES OF PARK LAND AT THE END
OF 16TH ROAD AS FOLLOWS: 1/3 OF LAND AND OCEANFRONTAGE UPON COMPLETION OF THE INTRACOASTAL
WATERWAY BRIDGE, 1/3 OF LAND AND OCEANFRONTAGE UPON COMPLETION OF PHASE I AND 1/3
OF LAND AND OCEANFRONTAGE UPON COMPLETION OF PHASE II. THE APPLICANT SHALL GRADE THE
PARK SITES IN A REASONABLE MANNER SUITABLE AND WE AGREED EARLIER THIS MORNING TO PAVE
16TH AND JUNGLE HUT ROADS TO THE EDGE OF THE PARK. PARK CONVEYANCES SHALL RESTRICT THE
PROPERTY'S USE TO PARK OR OTHER GOVERNMENTAL PURPOSES. THE GOLF COURSES WILL BE DEED AND
PLAT RESTRICTED TO ENSURE THAT THE USAGE OF THIS LAND IS LIMITED TO GOLF COURSES. MR.
DAN CASTLE STATED THAT THIS IS CONSISTENT WITH AND EXCEEDS THE RECOMMENDATIONS OF THE
PLANNING COUNCIL.

COMMISSIONER STEFLIK SAID HE WOULD LIKE ADMIRAL TO PUT IN SOME OF THE FACILITIES IN
THE PARKS SUCH AS MAYBE RESTROOMS, PICNIC HUTS, DRINKING FOUNTAINS AT THE MALACONDRRA
ROAD FACILITY ALSO VEHICLE DRIVE OVERS SOMEWHERE. HE ALSO ASKED ABOUT A BOAT RAMP BY
THE INTRACOASTAL BRIDGE. CHAIRMAN DURRANCE AND COMMISSIONER STEFLIK STATED THAT ALL

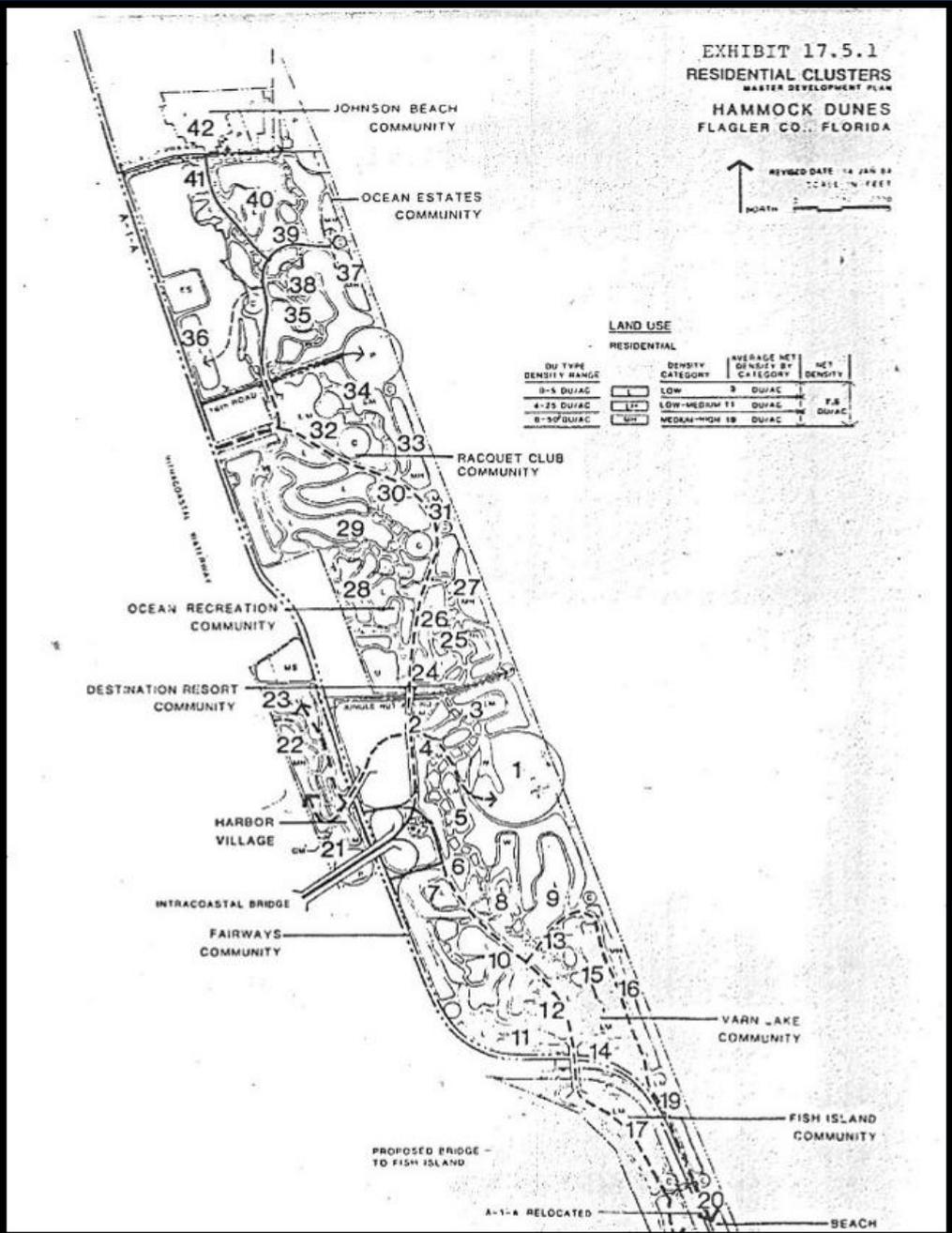
Excerpt From 84-7 Meeting Minutes

16TH AND JUNGLE HUT ROADS TO THE EDGE OF THE PARK. PARK CONVEYANCES SHALL RESTRICT THE PROPERTY'S USE TO PARK OR OTHER GOVERNMENTAL PURPOSES. THE GOLF COURSES WILL BE DEED AND PLAT RESTRICTED TO ENSURE THAT THE USAGE OF THIS LAND IS LIMITED TO GOLF COURSES. MR. DAN CASTLE STATED THAT THIS IS CONSISTENT WITH AND EXCEEDS THE RECOMMENDATIONS OF THE PLANNING COUNCIL.

- 14.4 The Applicant shall contribute \$20,000 to the County for purposes of Malacompra park improvements such as the construction of picnic tables and other park facilities. These funds shall be contributed when the 19 acres of Malacompra park site are conveyed to the County.
- 14.5 Land identified for golf course usage on the Master Development Plan map (ADA, p. 12.5) shall be deed and plat restricted to ensure that the usage of this land is limited to golf courses (including appropriate associated golf club facilities), open space, parks or, if approved by the County Commission, other appropriate recreational usages. Since it is recognized that the final configurations of the proposed golf courses are not now available, the Applicant at the time of platting shall identify the specific acreage for golf course use. The plat shall show the boundaries and configurations of the golf courses. The plat and all deeds of land within the area so identified as golf course usage on the plat shall contain restrictions limiting the usage of the property platted to golf courses (including appropriate associated golf club facilities), open space, parks or, if approved by the County Commission, other appropriate recreational or governmental usages.

1984 DRI D.O. Section 14.5

The 1984 Plan



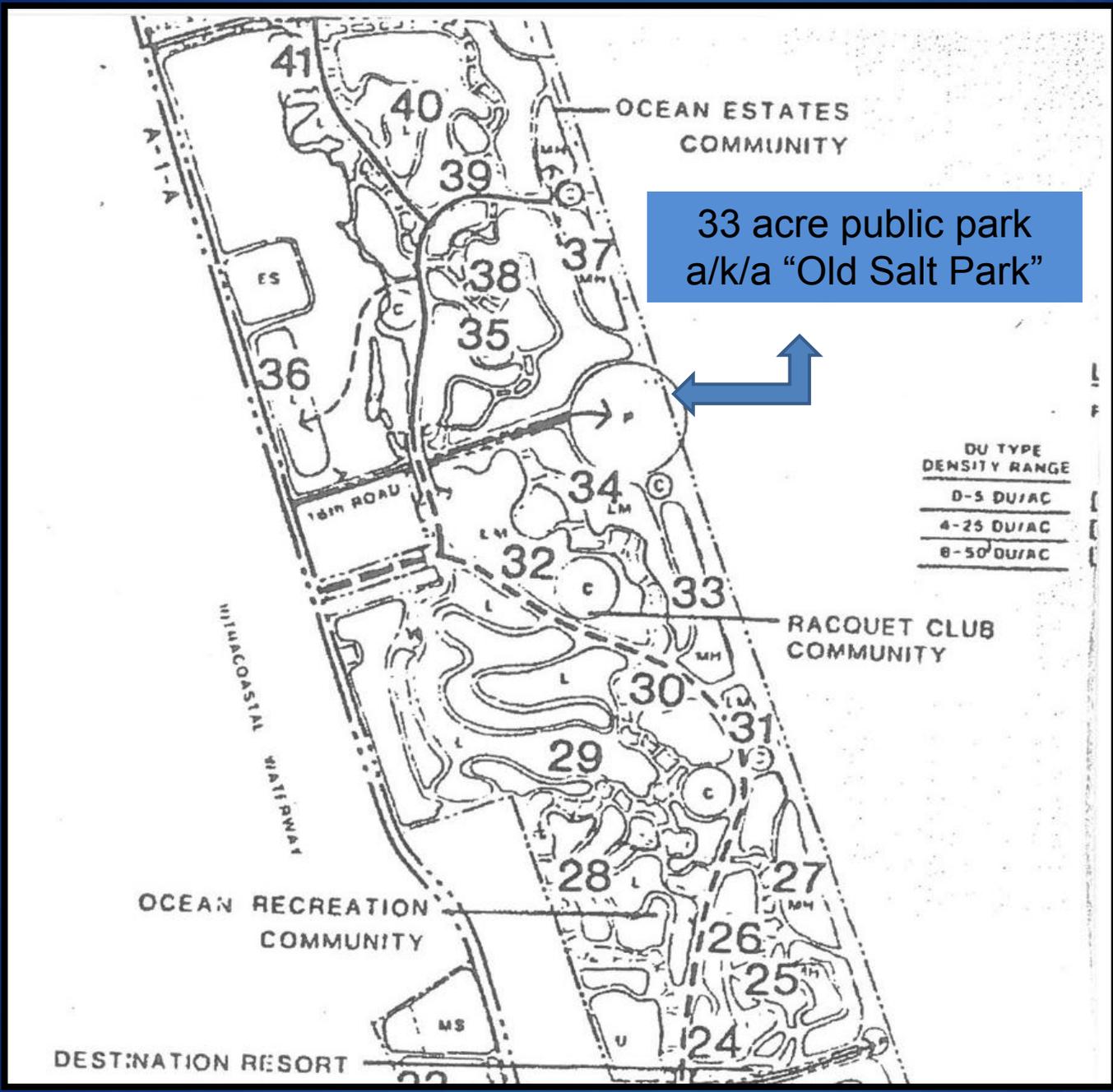
HAMMOCK DUNES
RESIDENTIAL CLUSTER DATA
CALCULATED NET RESIDENTIAL DENSITY: 7.47 UNITS PER ACRE

Cluster Number	Cluster Community	Density Category	Acreage	Dwelling Units
1	D. Resort	M-H	22	545
2	D. Resort	L-M	8	80
3	D. Resort	L-M	16	118
4	D. Resort	L-M	6	35
5	D. Resort	L-M	7	72
6	Fairway	L	24	48
7	Fairway	L	9	18
8	Fairway	L	9	18
9	Fairway	L	29	65
10	Fairway	L	63	154
11	Fairway	L	19	38
12	Fairway	L	4	16
13	Fairway	L	15	81
14	Fairway	L	13	52
15	Varn Lake	L-H	26	156
16	Varn Lake	M-H	25	444
17	Fish Island	L-H	55	752
18	Fish Island	L	145	145
19	Beach	L-M	17	168
20	Beach	L-M	7	43
21	Harbor	L-M	11	94
22	Harbor	M-H	16	310
23	Harbor	L-M	17	190
24	Ocean Rec.	L	6	28
25	Ocean Rec.	M-H	10	204
26	Ocean Rec.	L-M	3	46
27	Ocean Rec.	M-H	17	288
28	Ocean Rec.	L	22	110
29	Ocean Rec.	L	68	342
30	Ocean Rec.	L	4	16
31	Ocean Rec.	L-M	7	105
32	Racq. Club	L-M	36	409
33	Racq. Club	M-H	23	357
34	Racq. Club	L-H	19	269
35	D. Estate	L-M	8	72
36	D. Estate	L	22	100
37	D. Estate	M-H	20	437
38	D. Estate	L-M	4	48
39	D. Estate	L	3	12
40	D. Estate	L	8	32
41	D. Estate	L	16	32
42	Johnson Beach	L	34	121
TOTAL			893	6670

33 acre public park
a/k/a "Old Salt Park"

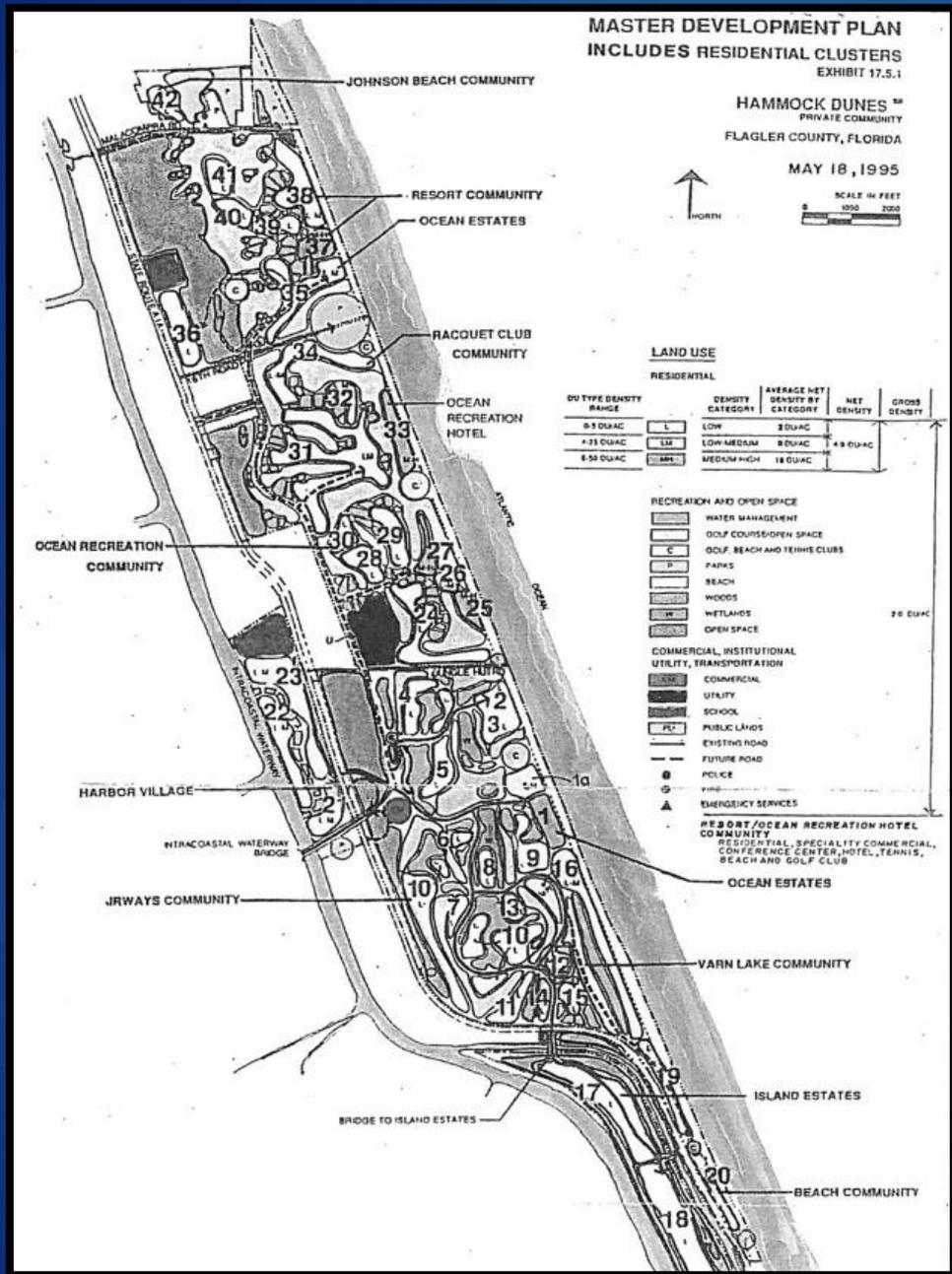


DU TYPE
DENSITY RANGE
D-5 DU/AC
4-25 DU/AC
8-50 DU/AC

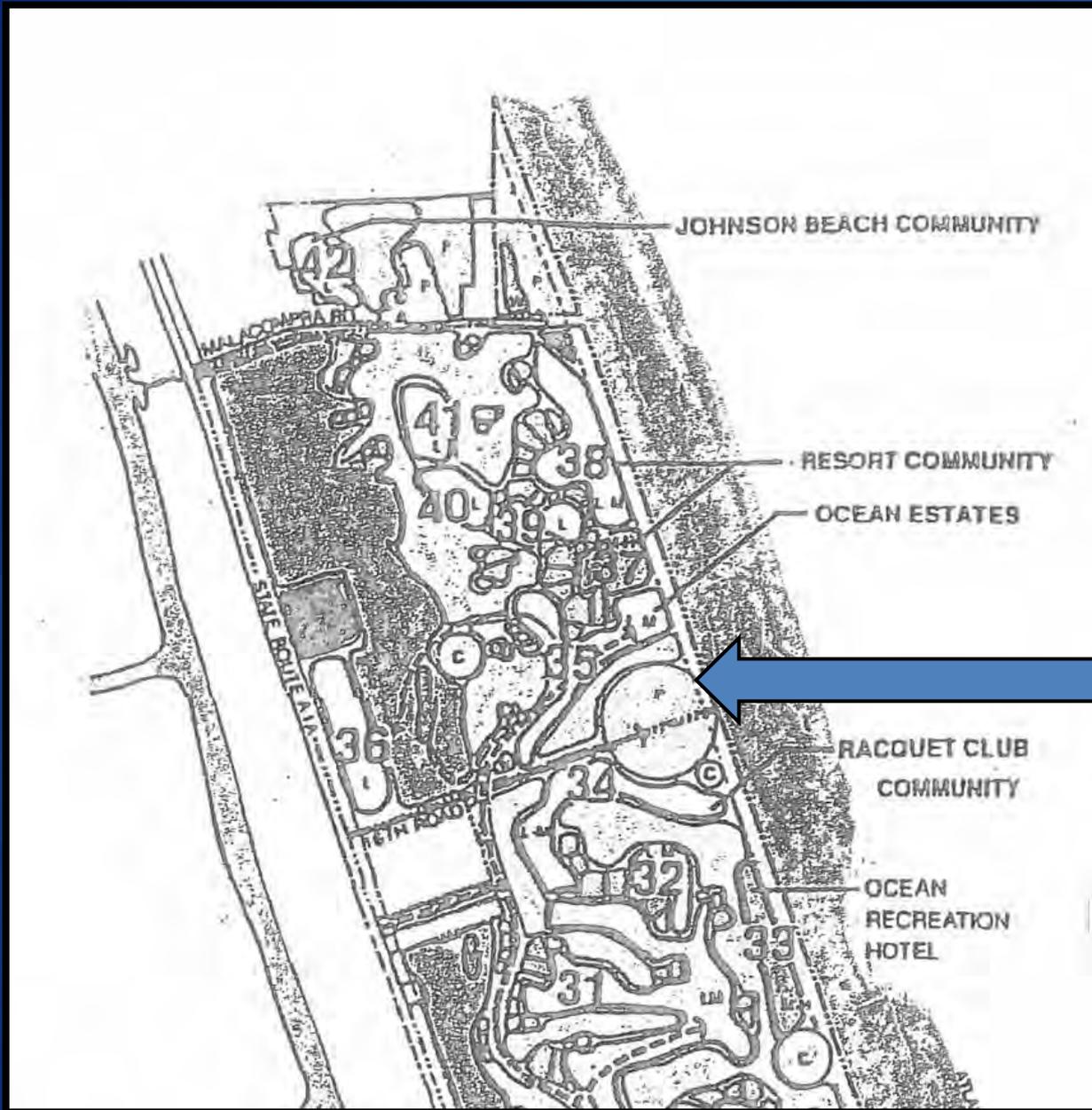


1995 NOPC

- ▶ Eliminate the residential clusters
- ▶ Elimination of phasing
- ▶ Open space reconfiguration
- ▶ Minimal change to Master Plan



The 1995 Plan



33 acre
Public Park





Johnson
Beach
Community

Resort
Community

Ocean
Estates

Racquet
Club
Community

Ocean
Rec.
Hotel

Syd Crosby's Letter

14



SYD CROSBY
Clerk of Circuit Court
Flagler County
Post Office Box 787
Bunnell, Florida 32110-0787
Telephone 904/437-7414

MEMORANDUM

TO: Board of County Commissioners

FROM: Clerk Crosby *Syd Crosby*

DATE: June 7, 1995

RE: Hammock Dunes Golf Course

The Hammock Dunes Golf Course is not platted.

Resolution 84-7, the development order for the Hammock Dunes D.R.I., page A-36, 14.5 states, "Land identified for golf course usage on the Master Development Plan map (ADA, p. 12.5) shall be deed and plat restricted to ensure that the usage of this land is limited to golf courses..."

If you will recall, an un-platted golf course in the city of Flagler Beach was developed as condominiums.

The B.C.C. has asked the developer of this D.R.I. if all the obligations had been met. This is one of a number of obligations which have not been met.

The recommendation of this office is that the Board Attorney be called upon to advise the Board concerning appropriate action in this case.

SC/cs

attachment: referenced excerpt from Hammock Dunes Development order

cc: Board Attorney McKinnon
County Administrator Chinault
News Tribune (public records request)
Robert DeVore (public records request)

▶ In support of the deed and plat restrictions Syd Crosby wrote:

“If you will recall, an un-platted golf course in the city of Flagler Beach was developed as condominiums”

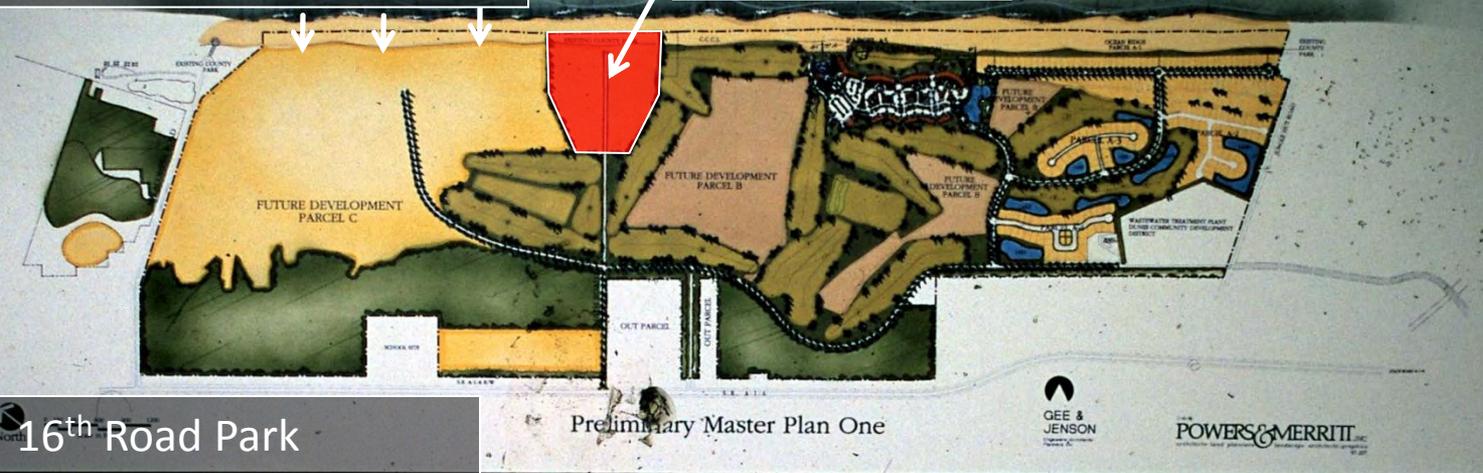
1998 NOPC

1998 Golf Course Alternatives

16

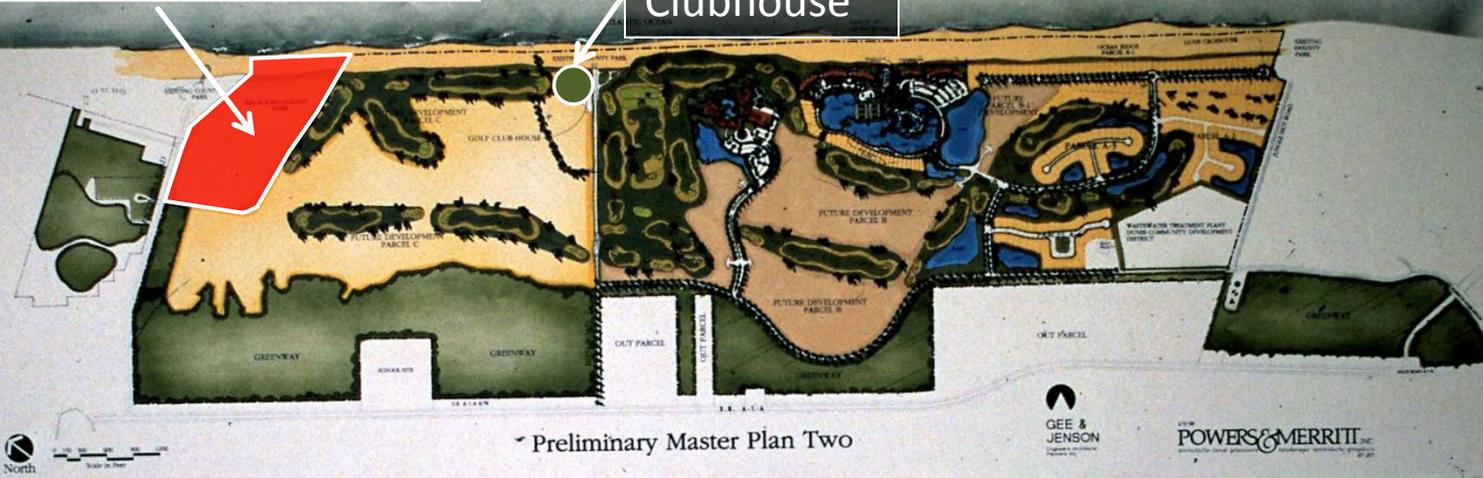
Oceanfront
Residential Development

16th Road Park



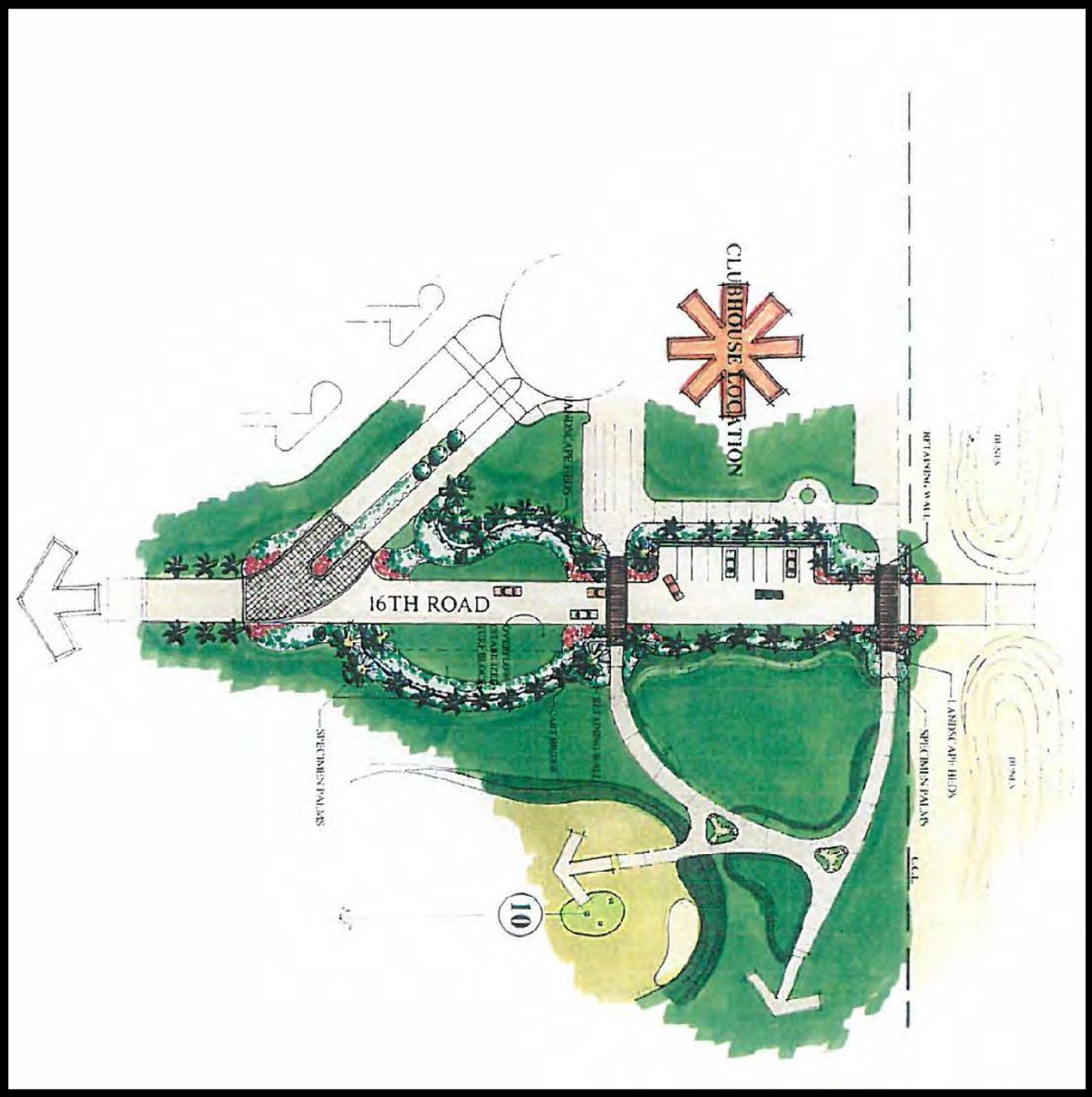
16th Road Park
Swapped for this park

Clubhouse



1

2



Minutes of 98-10 Meeting

18

February 16, 1998

February 16, 1998
Regular Meeting

Mr. Ginn stated regardless of the outcome, they are still going to continue to be very sensitive to their neighbors in the Hammock and to the people of Flagler County. He hoped that they have demonstrated that through this whole process, and particularly with staff. They have been to the public and have met with the Hammock Association and the Hammock Dunes Association and will continue to do that. Anything that they can do to improve the overall good of that area, they are going to do. They don't have the authority to do any more than what they have done, but will continue to look at the area and try to come up with the absolute best plan for beach access to service the people there. Stated clearly it was never their intent to close 16th Road, that was only a technicality that had to be gone through to develop it and pay for it, so the County did not have that burden. Stated they are not opposed to driving on the beach. Asked that they be allowed to continue to approach this thing with an open mind and to understand that there are issues, such as the removal of Parcel 36 which was a sensitive area to the people in the Hammock community back in 1995. Stated if their business is going to grow as a vital part of Flagler County they don't have any alternative but to be good neighbors, which we fully intend to do.

purchase two key land parcels, a 1,000 acre parcel now known as Grand Haven and the 950 acre parcel, which is the northern portion of Hammock Dunes. The Hammock Dunes Development Order was originally approved in 1984. That development order includes the entire 2,500 acre community known as Hammock Dunes, as well as the 950 acre portion being discussed at this meeting, which is Lowe's project Ocean Hammock. Lowe, as a company, is an operator, developer, and property manager of high-end communities, high-end hotels and golf facilities throughout the United States and looks at this project as an opportunity to expand on what is going on in the area regarding developing a real presence in golf. During the next two years Lowe went through a series of negotiations with ITT, but before they would close on the first piece of property, ITT was to amend the development order that affected Hammock Dunes. That development order amendment was approved in 1995 and that is the development order they are currently operating under. Stated they are not here asking for approval of a project, they are very happy with the approval they have. They are here to ask the Board to consider what Lowe has

MIN BK 51 PG 292

Chairman Darby called the question. No nay votes, motion carried.

Resolution 98-10 approved in the above motion is recorded in the Official Records of Flagler County, Florida, Book 608, Pages 443-509.

Resolution 98-11 approved in the above motion is recorded in the Official Records of Flagler County, Florida, Book 608, Page 510.

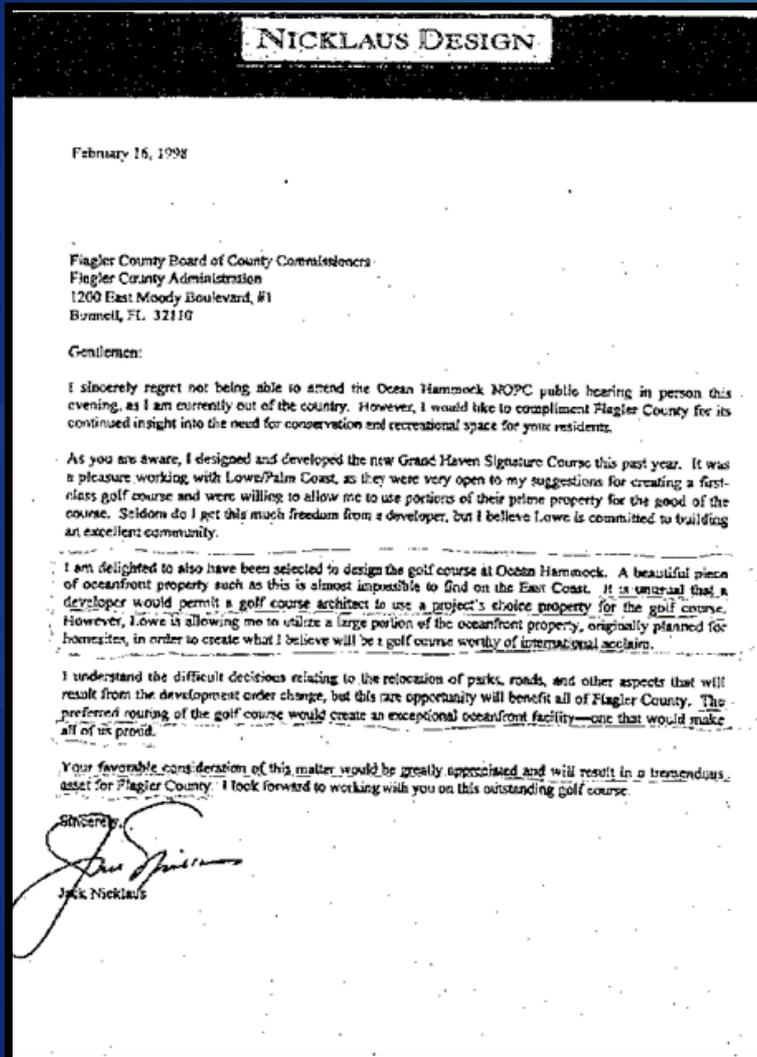
MIN BK 51 PG 339

Excerpt From Minutes of 98-10 Meeting

- ▶ Bobby Ginn:
“Either plan is great, but the difference is that fine edge, to take the fifty acres of extra ocean front exposure and truly make this the icon of Flagler County”

Jack Nicklaus Letter

20

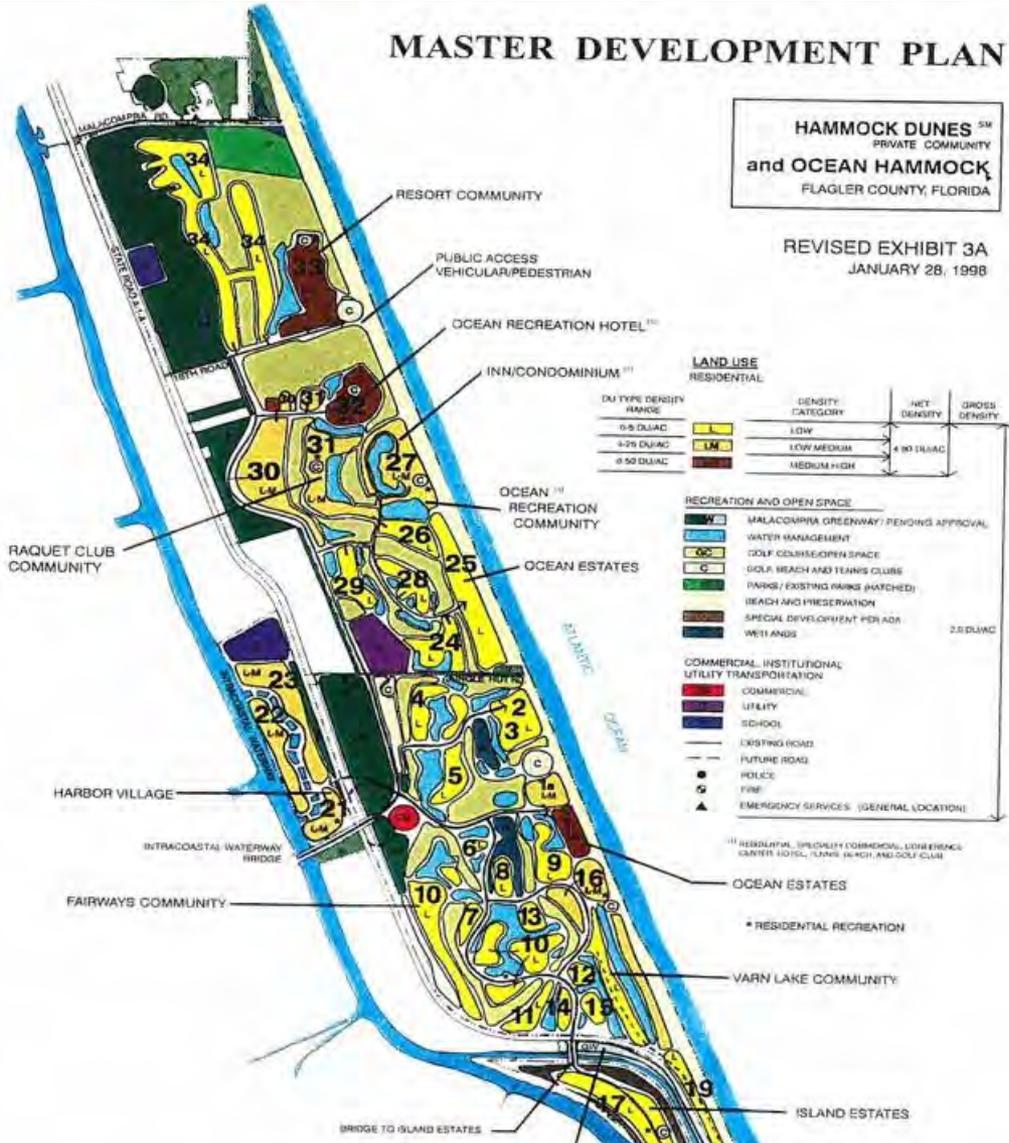


“A beautiful piece of oceanfront property ... allowing me to utilize a large portion of the oceanfront property, originally planned for homesites, in order to create what I believe will be a golf course worthy of international acclaim ... this rare opportunity will benefit all of Flagler County.”

MASTER DEVELOPMENT PLAN

HAMMOCK DUNESSM
PRIVATE COMMUNITY
and OCEAN HAMMOCK,
FLAGLER COUNTY, FLORIDA

REVISED EXHIBIT 3A
JANUARY 28, 1998

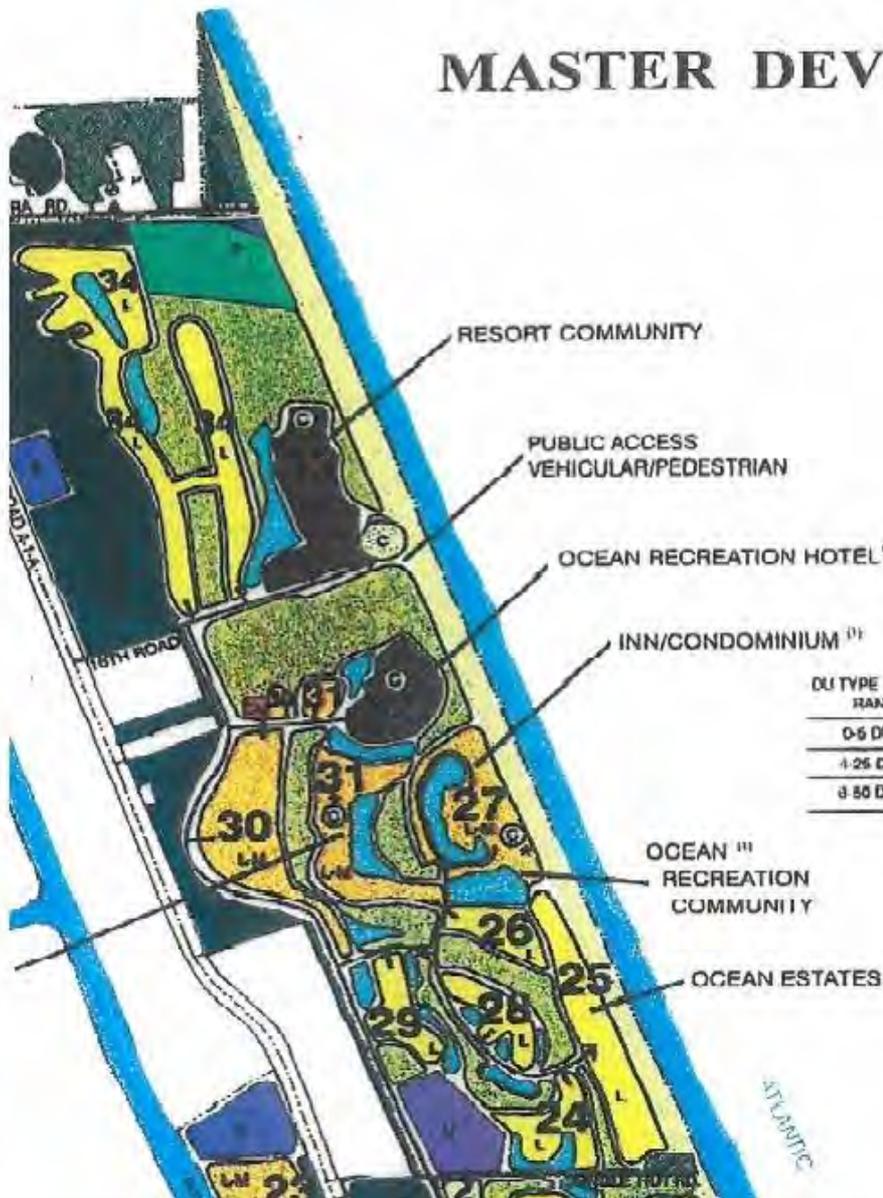


Adopted 1998 Plan

MASTER DEVELOPMENT PLAN

HAMMOCK DUNESSM
 PRIVATE COMMUNITY
and OCEAN HAMMOCK
 FLAGLER COUNTY, FLORIDA

REVISED EXHIBIT 3A
 JANUARY 28, 1998



LAND USE
RESIDENTIAL

DU TYPE DENSITY RANGE	
0-5 DU/AC	L
1-25 DU/AC	LM
6-55 DU/AC	LMH

DENSITY CATEGORY	NET DENSITY	GROSS DENSITY
LOW	4 RD DU/AC	
LOW MEDIUM		
MEDIUM HIGH		

RECREATION AND OPEN SPACE

- MALACOMPRA GREENWAY / PENDING APPROVAL
- WATER MANAGEMENT
- GOLF COURSE/OPEN SPACE
- GOLF, BEACH AND TENNIS CLUBS
- PARKS / EXISTING PARKS (HATCHED)
- BEACH AND PRESERVATION
- SPECIAL DEVELOPMENT PER ADA
- WETLANDS

COMMERCIAL, INSTITUTIONAL
UTILITY TRANSPORTATION

- COMMERCIAL

> 6 DU/AC

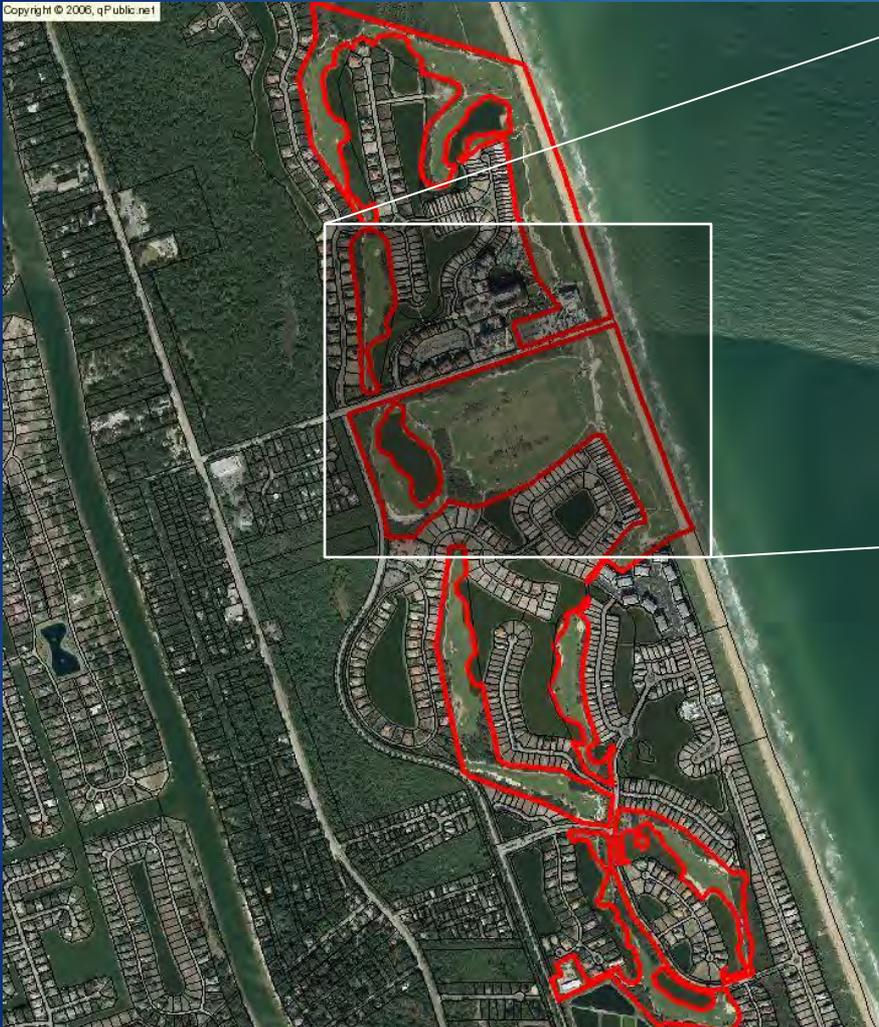


Section 14.5: 1998 of the Development Order:

“Land identified for golf course usage on the Master Development Map (ADA p 12.5) shall be deed and plat restricted to ensure that the usage of this land is restricted to golf courses. ... Since it is recognized that the final configurations of the golf course are not now available, the applicant at the time of platting shall identify the specific acreage for golf course use. ...The plat shall show the boundaries and configurations of the golf courses. The plat and all deeds within the area so identified as golf course usage shall contain restrictions limiting the usage of the property platted to golf courses ...”

2000 Platted Golf Course Land

25



The Golf Course Plat totaling 160.08 acres includes all of the practice areas, the clubhouse and parking areas, open space and landscape buffer areas

Representations to Property Owners

26



HAMMOCK BEACH
AN OCEANFRONT PARADISE

November 21, 2001

Mike and Cathy Hewson
8525 Sentinae Chase Dr.
Roswell, GA 30076

Dear Mr. And Mrs. Hewson,

Per your request I spoke with Todd Zehner our Project Manager regarding the permanent placement of the Ocean Hammock Golf Course. There is a deed restriction on the golf course parcel that it is to only be used as a golf course. If you have any further questions or require any further documentation please contact myself or Todd Zehner.

Sincerely,

Myles Newell
Vice President of Sales

- ▶ From the Hewson letter:
“There is a deed restriction on the golf course parcel that it is to only be used as a golf course”
- ▶ These representation were routinely made to induce potential buyers to purchase

**“It’s all we have.
There will not be any more.”**



“Tonight we’re going to release the last phase of real estate. It is all we have. There will not be any more.”

Bobby Ginn in Ocean Tower Video (7/27/04)

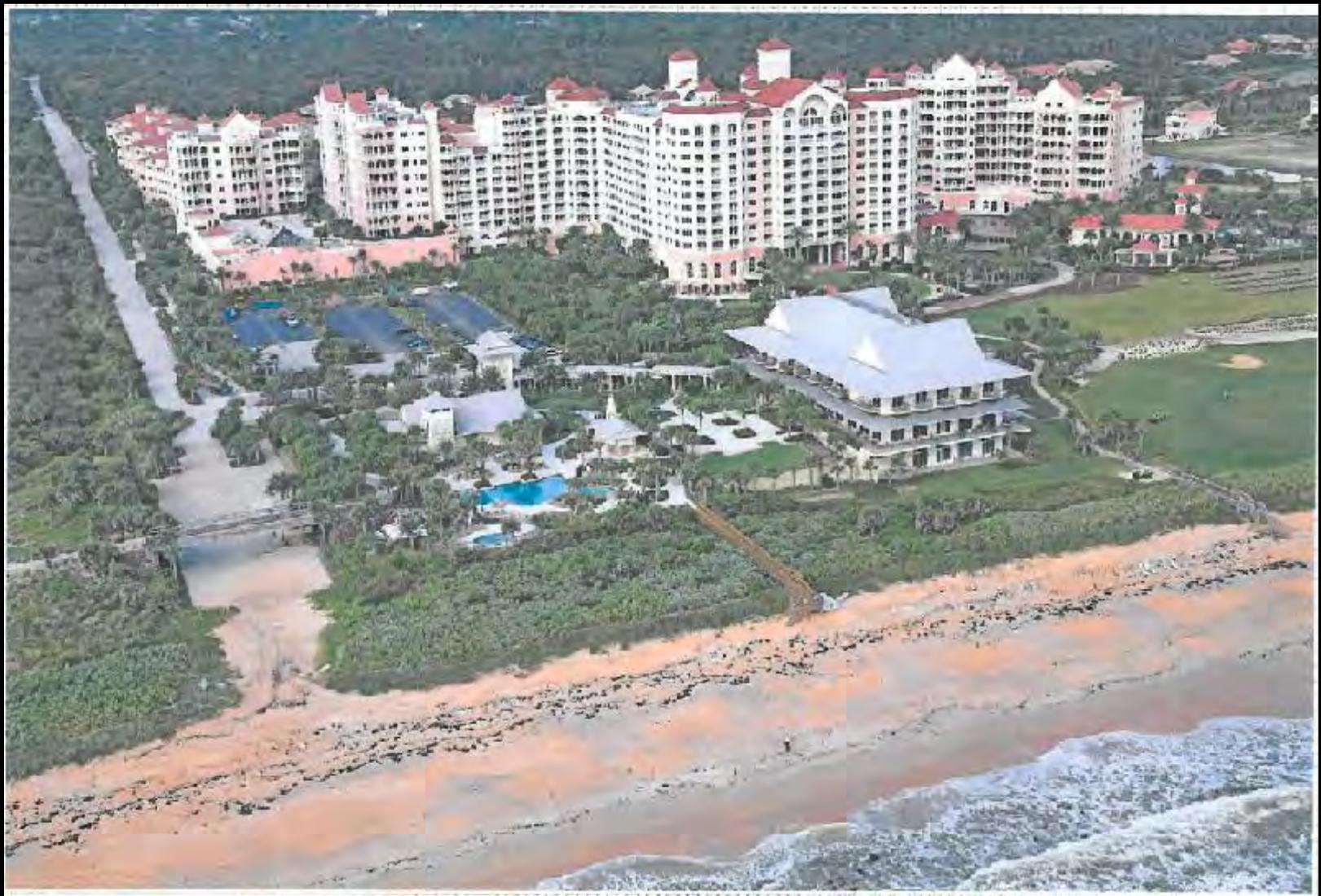
Community Relied on these Assurances

28

- ▶ They relied on the Master Plan
- ▶ They relied on the deed and plat restrictions protecting the golf course in perpetuity
- ▶ They relied on the County to enforce the Development Order

2009 NOPC

29



10-9137 DRI

STATE OF FLORIDA
LAND AND WATER ADJUDICATORY COMMISSION

GINN-LA MARINA, LLLP, LTD, a Georgia limited liability partnership, authorized to do business in Florida, NORTSHORE HAMMOCK LTD, LLLP, a Georgia limited liability partnership authorized to do business in Florida; and, NORTSHORE OCEAN HAMMOCK INVESTMENT, LTD, LLLP, a Georgia limited liability partnership authorized to do business in Florida,

Petitioners,

v.

FLAGLER COUNTY, a political subdivision of the State of Florida,

Respondent.

DIVISION OF ADMINISTRATIVE HEARINGS

DATE 9/21/10 FILED

FLAWAC Case No.: APP-10-007

DOAH Case No.: _____

PETITION FOR APPEAL OF A DEVELOPMENT ORDER

COMES NOW, PETITIONERS, GINN-LA MARINA, LLLP, LTD, a Georgia limited liability partnership authorized to do business in the State of Florida, NORTSHORE HAMMOCK, LTD, LLLP, a Georgia limited liability partnership authorized to do business in the State of Florida, and NORTSHORE OCEAN HAMMOCK INVESTMENT, LTD, LLLP, a Georgia limited liability partnership authorized to do business in the State of Florida (collectively "Developer"), by and through their undersigned counsel, and appeal to the Florida Land and Water Adjudicatory Commission the denial by Flagler County (the "County") of certain amendments to the Hammock Dunes Development of Regional Impact Development Order (the "Hammock Dunes DRI/PD") requested by Petitioners in that certain Notice of Proposed Change ("NOPC") originally filed with Flagler County on March 2, 2009, amended on June 19, 2009, and finally amended on February 11, 2010, and as also filed concurrently with the

Lubert-Adler
sued the County
& its residents

2010 Trial

Bob DeVore, President of the Lowe which was responsible for the 1998 NOPC and 2000 plat of the golf course stated under oath:

He believed the golf course would remain a golf course in perpetuity.

The 1998 NOPC would keep a substantial buffer between the development and the ocean

The County had been very particular and restrictive of what happens on the beach front and the public beaches

Anne Wilson testified that it would seriously damage the public's enjoyment of the beach access and would be detriment to the view shed of the scenic highway

2010 Trial

Dave Tillis, the County's Planning expert at trial stated under oath that:

During the original master planning of the property, the developer considered public beach access point and a pristine beach experience

Was to bring less intense development close to the public beach access so there would [not] be a conflict between the public beach access and the private beach access

Absolutely prohibits the conversion of the golf course to another use, a residential use

The golf course is final, the people, the County and the citizens depended on the finality of the original plat

Design had lack of intensity behind the dunes and around the 16th Road Park

Intent of the original plan to maintain a family, wilderness, and pristine beach experience for the public

FINAL ORDER NO. LW-11-009

STATE OF FLORIDA
FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

GINN-LA MARINA, LLLP, LTD,
NORTHSHORE HAMMOCK LTD, LLLP,
and NORTHSHORE OCEAN HAMMOCK
INVESTMENT, LTD, LLLP.

Petitioners,

vs.

FLAGLER COUNTY,

Respondent,

and

OCEAN HAMMOCK PROPERTY OWNERS
ASSOCIATION, INC., THE HAMMOCK
BEACH CLUB CONDOMINIUM
ASSOCIATION, INC., MICHAEL M.
HEWSON, and ADMIRAL CORPORATION,

Intervenors.

FLWAC Case No.: APP-10-007
DOAH Case No.: 10-9137DRI

FINAL ORDER

This cause came before the Governor and Cabinet, sitting as the Florida Land and Water Adjudicatory Commission ("Commission") on August 2, 2011, pursuant to a Petition filed by GINN-LA MARINA, LLLP, LTD; NORTHSHORE HAMMOCK, LTD, LLLP; and NORTHSHORE OCEAN HAMMOCK, INVESTMENT, LTD, LLLP (collectively, "Petitioners"), challenging Flagler County's ("County") denial of certain amendments to the Hammock Dunes Development of Regional Impact Development Order ("Hammock Dunes DRI

**Judge &
Governor
Ruled**

Summary of Judge Ruling

- ▶ “...the golf course land will remain a golf course in perpetuity and cannot be developed for residential purposes.” (pg. 14)
- ▶ “...These impacts...would change the pristine, rural character of the beachfront and park at 16th Road...”
- ▶ “...conflict with the corridor management plan, which applies to the Highway A1A scenic corridor, and are inconsistent with the requirement in Policy 3-3 of the Plan...” (pg. 8)

Summary of Judge Ruling

- ▶ “...residents of the area and the County have the right to rely on the stability of the Master Development Plan.” (pg. 10)
- ▶ “The evidence shows that these unit owners with an obstructed view can also expect a substantial loss (around 45 percent) in value of their properties.” (pg. 11)
- ▶ “...the proposed development will ... be detrimental to the use of adjacent properties and the general neighborhood.” (pg. 13)
- ▶ “The proposal to ... assign the “Ocean Recreation Hotel” community type to that Cluster, is not a use permitted by selection 14.5.” (pg. 13)







VIEW FROM 16th S

Key Interested Parties

	2010 8 Stories	2014 5 Stories
County Staff	Approve	Approve
Lubert-Adler	Approve	Approve
Planning Board	Deny	Deny
Hammock Conservation Assoc.	Deny	Deny
The One Bedrooms at the HBCCA	Deny	Deny
HBCCA (Members)	Deny	Deny
BOCC	Deny	??
Judge	Deny	??
Gov. & Cabinet	Deny	??
A1A Scenic Corridor	Deny	Deny

Groups Seeking Approval

- ▶ County Staff: Consistent with LDC & Comp Plan
- ▶ Some Club Members: want more amenities
- ▶ Business Groups: More taxes, 150 jobs, and economic development reasons
- ▶ Lubert-Adler: A new asset to its portfolio

Groups Seeking Denial

- ▶ Flagler County Planning & Development Board
- ▶ Scenic A1A Pride Committee
- ▶ Hammock Conservation Coalition Steering Committee
- ▶ The Sea Turtle Conservancy
- ▶ Flagler Audubon Society
- ▶ The Environmental Council of Volusia Flagler Counties
- ▶ Hammock Beach Club Condo. Assoc. Board of Directors
- ▶ Sea Colony Board of Directors and Home Owner's Assoc.
- ▶ Matanzas Shores Board of Directors & Home Owner's Association
- ▶ Surf Club Board of Directors
- ▶ Hammock Beach Estates Board of Directors
- ▶ 1500 Concerned Citizens
- ▶ The One Bedrooms at the Hammock Beach Club Condominium Association, Inc.

Planning Board Denial

1. Incompatible with the surrounding beachfront park and with the surrounding residential resort community
2. Not in keeping with a number of critical policies of the comprehensive plan
 - a. Policy, Future Land Use Element Goal A.1
 - b. Future Land Use Element Policy A.1.6.8, Recreation and Open Space Elements Objective H.1.7
 - c. Recreation and Open Space Element Policy H.1.7.3
3. Open Space Policy H.1.7, pertaining to compatibility, pertaining to beach access

Basis for Denial

- ▶ Violates LDC
- ▶ Violates Comp Plan
- ▶ Violates Master Plan

INCONSISTENT WITH COMP PLAN, LDC AND GENERALLY ACCEPTED PLANNING PRINCIPALS

- ▶ **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*.
 - ▶ **FINDINGS:** The intended use and more particularly the intensity of the proposed use fails to meet the standard of harmonious and judicious use of the area in question
- ▶ **Policy A.1.6.8:** Mixed land use areas shall be located as shown on the Future Land Use Map (FLUM) and as amendments are made to that Map, *buffers, density transitions, and other techniques will be utilized to ensure that incompatible land use situations will not be created*.
 - ▶ **FINDING:** The use intensity, building mass, building(s) configuration and proximate siting to the beach and adjoining public facility fail to employ “techniques”, transitional or otherwise that promote compatibility between land uses.
- ▶ **Goal H.1. :** *Lastly, the County shall enhance public access to and utilize the park system and natural resources of Flagler County in order to provide a total quality of life for the residents.*
 - ▶ **FINDINGS:** The reclassification by nature of the intended use and more significantly, the manner of development does not enhance public access and as such, contrary to the County’s **Goal H.1** as identified.

- ▶ **Objective H.1.7** Flagler County shall secure additional access points to open water shorelines.
 - ▶ **FINDINGS:** This Objective comes to be more significant considering prior forfeiture of several beach access points to accommodate the Ocean Hammock DRI/PUD development plan. Unobstructed, unchallenged access points and beach access points in particular, via vehicular or non-vehicular means, remain imperative to optimize safety and convenience to this unique recreational resource. The proposed development plan configuration fails to fortify this philosophy.
- ▶ **Policy H.1.7.3** Flagler County shall provide for beach access and public parking, *maintain existing public access points* and dune walkovers and provide public parks at waterfront locations.
 - ▶ **FINDINGS:** The plan diminishes the facility's public distinctiveness. The land plan, as proposed, given the development's stature and proximity to the existing public facility, in my considered opinion, appears to send a message that the street end is a component of the Lodge complex and therefore private.
- ▶ **Policy H.1.3.** Flagler County supports the River and Sea Scenic Highway Corridor Management Plan.
 - ▶ **FINDINGS:** the proposed development plan diminishes the distinctiveness of the public facility and the beach access facility. Intensity of development, interaction of opposing forces given proximity to public facility compromises public safety

- **The Proposed Plan** fails to provide a legitimate public purpose. The land use and manner of development related to the petitioned rezoning is deemed not in harmony with the established comprehensive planning of the community, and established community standards. The rezoning as contrived, limits the benefit solely to the private land interest and fails to demonstrate that the rezoning furthers the quality of life standards for the good of the community.
- **Land Plan Intensity:** Although the footprint of the existing lodge is essentially unaffected by the proposed development plan, there is a vast difference in intensity with respect to building footprint coverage, building mass, streetscape profile and more significantly, virtual loss of the seemingly unspoiled approach to the existing beach park.

- **The Land Plan** of particular significance is the reference to N. 16th Rd. in testimony by Mr. David Tillis, a planner closely associated with the DRI wherein he states in part at the previous trial:

“The established community standards of stair stepping and distancing buildings away from the park. In addition, community standards expressed at public hearings indicate that this resort was more than enough high-intensity development for the 16th Road beach area. Additional intense development would detract from the balance of public land and resort development, already tilted due to the immensity of the existing resort. Additional large resort buildings would certainly detract from what essentially remains a natural beach”.

Integrity

ALWAYS DO WHAT YOU
SAY YOU'RE GOING TO DO

Legacy

SOMETHING HANDED
DOWN FROM A
PREDECESSOR

Mellissa Holland Testimony

MS. HOLLAND: As the fastest growing county in the State of Florida, Flagler County understands and embraces the need for responsible growth management. It is important to protect the very things that made us attracted to live, work, play, raise a family, or retire, to maintain to our quality of life and economic vitality in the future. The Commission and the developer crafted a well-reasoned and binding set of development criteria and codified them in the final DRI for Hammock Dunes going back to 1984. Lost in the shuffle of all the paperwork and the lawyering is the fact that the only reason this oceanfront resort presently exists is because the County gave 8.33 acres of its publicly owned beachfront park to Mr. Ginn to develop the Hammock Beach Resort. This was based on his promise to set the condos back from the beach. As the last remaining undeveloped Atlantic Ocean frontage parcel of its size and characteristics, it represents both a great opportunity and a responsibility to get it right.

GOVERNOR SCOTT: Can I stop you just for a second?

MS. HOLLAND: Yes.

GOVERNOR SCOTT: Explain that again. How did the development get the property?

MS. HOLLAND: The County Commission deeded the beachfront property to the developer in order to develop on that parcel.

GOVERNOR SCOTT: Do you all dispute that? Does anybody dispute that?

MR. WRIGHT: It was part of a comprehensive were we gave up quite a bit of land as well, so it was an overall

adhere to the original Development Order. To me, this boils down very simply to honoring agreements previously made and memorialized in writing and upholding the public's trust in its elected officials. At a time when citizens regarding government seems to be at an all-time high, we should be even more diligent about maintaining the public's trust. The Flagler County Commission has consistently and reliably lived up to, been bound by, and enforced the provisions of its agreement as reflected in the Development Order.

this Cabinet, that there needed to be more local control and ownership of local land use issues without interference from the State or its regulatory agencies. And if you notice that one of the regulatory agencies that is not present as part of this proposal is DCA, and that is entirely why they're not present. This is a local issue. This was before the County Commission. And we're asking for you not only to recognize the significance of this local issue for our community, but just as you come from diverse backgrounds and enter into your decisions with information provided to you, we have a similar makeup on the Board of County Commissioners, and yet we came to a unanimous conclusion to support and

Integrity

ALWAYS DO WHAT YOU
SAY YOU'RE GOING TO DO

Legacy

SOMETHING HANDED
DOWN FROM A
PREDECESSOR



FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

RICK SCOTT
GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

NORTHEAST DISTRICT
8800 BAYMEADOWS WAY WEST, SUITE 100
JACKSONVILLE, FLORIDA 32256

Sent by Electronic Mail – Received Receipt Requested

PERMITTEE:

Sea Ray Boats, Inc.
100 Sea Ray Drive
Flagler Beach, Florida 32136

Air Permit No.: 0350003-011-AC
Issuance Date: July 11, 2013
Expiration Date: July 11, 2018

Authorized Representative:

Mr. Dan Goddard, Vice President, General Manager

Palm Coast Facility

Air Construction Permit

This is the final air construction permit which authorizes an increase in facility material usage and production such that volatile organic compound (VOC) potential to emit increases emissions 249 to 489.0 tons per any consecutive 12-month period. This construction permit establishes a total facility-wide VOC emissions limit of 489.0 tons per any consecutive 12-month period. This construction permit authorizes construction associated with the relocation of additional boat manufacturing operations from other Brunswick Corporation facilities to the Palm Coast facility.

The boat manufacturing operations to be relocated to the Palm Coast facility consist of Resin/Lamination Operations, Gel Coat Operations, Adhesive Operations, Mold Cleaning and Preparation Operations, Equipment Cleaning Operations, Material Mixing Operations, and Miscellaneous Operations.

The existing facility, Palm Coast facility, is a fiberglass boat manufacturing facility (Standard Industrial Classification No. 3732). The existing facility is located in Flagler County at 100 Sea Ray Drive, Flagler Beach. The UTM Coordinates are Zone 17, 485.49; N-3262.93; and, Latitude: 29° 29' 45" North and Longitude: 81° 08' 59" West.

This final permit is organized by the following sections.

- Section 1. General Information
- Section 2. Administrative Requirements
- Section 3. Facility-Wide Conditions
- Section 4. Emissions Unit Specific Conditions
- Section 5. Appendices

Because of the technical nature of the project, the permit contains numerous acronyms and abbreviations, which are defined in Appendix A of Section 4 of this permit.

Upon issuance of this final permit, any party to this order has the right to seek judicial review of it under Section 120.68 of the Florida Statutes by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department of Environmental Protection in the Office of General Counsel (Mail Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000) and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate

AIR CONSTRUCTION PERMIT

District Court of Appeal. The notice must be filed within 30 days after this order is filed with the clerk of the Department.

Executed in Jacksonville, Florida



Richard S. Rachal III, P.G. July 11, 2013
Program Administrator
Waste and Air Resource Management Program

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this Final Air Permit package (including the Final Determination and Final Permit) was sent by electronic mail (or a link to these documents made available electronically on a publicly accessible server) with received receipt requested before the close of business on **July 11, 2013**, to the persons listed below.

Mr. Dan Goddard: dgoddard@searay.com
Mr. Randy Clunie: Randy.Clunie@searay.com
Mr. Craig Wall: Craig.Wall@searay.com
Mr. Scott A. McCann P.E., Golder Associates, Inc: Scott_McCann@GOLDER.com
Ms. Natasha Hazziez, U.S. EPA Region 4: Hazziez.natasha@epa.gov
Ms. Ana Oquendo, EPA Region 4: oquendo.ana@epamail.epa.gov
Ms. Barbara Friday, DEP DARM: barbara.friday@dep.state.fl.us (for posting with U.S. EPA, Region 4)

Clerk Stamp
FILING AND ACKNOWLEDGMENT FILED, on this date,
pursuant to Section 120.52(7), F.S., with the designated agency
clerk, receipt of which is hereby acknowledged.



(Clerk) July 11, 2013

FW: possible special meeting with County & Sea Ray?

Subject: FW: possible special meeting with County & Sea Ray?
From: Bruce Campbell <BCampbell@CityofFlaglerBeach.com>
Date: 4/17/2015 7:19 AM
To: "RStocker1@outlook.com" <RStocker1@outlook.com>

fyi

-----Original Message-----

From: Bruce Campbell
Sent: Friday, February 13, 2015 9:20 AM
To: Penny Overstreet
Subject: FW: possible special meeting with County & Sea Ray?

Fyi...The Mayor is ok either day!

-----Original Message-----

From: Linda Provencher
Sent: Friday, February 13, 2015 9:19 AM
To: Bruce Campbell
Subject: RE: possible special meeting with County & Sea Ray?

either works for me.Linda

From: Bruce Campbell
Sent: Friday, February 13, 2015 8:38 AM
To: Elected Officials; Drew Smith (dsmith@shepardfirm.com)
Subject: FW: possible special meeting with County & Sea Ray?

From: Bruce Campbell
Sent: Friday, February 13, 2015 8:37 AM
To: Penny Overstreet
Cc: Craig Coffey (ccoffey@flaglercounty.org)
Subject: possible special meeting with County & Sea Ray?

Penny: I discussed the possibility of a meeting with The County, Sea Ray and Flagler Beach with Mr. Coffey this morning. He intends to discuss the possibility with his board and get back to us. We looked at the dates of March 4th or 5th for that possible meeting. If you would, please canvas our Commission for which date would be best for a 5:30 p.m. start time. Thanks, Bruce

From: Bruce Campbell
Sent: Friday, February 20, 2015 2:23 PM
To: Elected Officials; Penny Overstreet
Subject: FW: changed plans for Sea Ray Project ?

Fyi....still trying.... Nothing firm yet?

From: Bruce Campbell
Sent: Friday, February 20, 2015 2:18 PM
To: Craig Coffey (ccoffey@flaglercounty.org)
Subject: changed plans for Sea Ray Project ?

Craig: I am still suggesting a meeting with County Staff, Sea Ray and City Staff to hear all facts of the proposed project and subsequent changes to FLUM, Zoning or P.U.D. – however the final plan ends up being proposed. Our Boards would then be able to hear “all sides”, prior to making any final decisions. Like I have said, if there are facts we have not heard as a City, there remains that possibility of my board, once hearing more, deciding to “withdraw” the resolution that presently is in opposition of the project heard at the County Planning Board meeting. At last, if you can not make the meeting happen, can our City see the plan as it has been changed? Everyone is anticipating a “change” based on the Palm Coast Observer article. I am afraid this issue is not going away, but will only gain more momentum as time passes and a meeting is not arranged or additional information circulated. I have learned that the “unknown” is what makes all of us skeptics. Well anyway, you get the flavor. Thanks, Bruce

--

Kim M. Carney
386-846-5493
Flagler Professional Women
"Woman of the Year 2013"

Roseanne Stocker

From: Craig Coffey
Sent: Friday, February 13, 2015 9:59 AM
To: 'Bruce Campbell'
Subject: RE: possible special meeting with County & Sea Ray?

Bruce,

Just for clarification I am not talking to my Board about a joint meeting with the City of Flagler Beach and the County and under our land use procedures such a joint meeting would likely put the County at legal risk. What I may be asking my Board about is whether they are ok with the County staff presenting this issue to your Commission so that an alternative view of the land use issue can be presented. It may be sensitive to my Commissioners because some have expressed disappointment to hear that a position was so quickly taken by the City with so many of the stakeholders not present to include the County. I have told you that I feel we fell short on presenting the real facts that support our County staff position and that Sea Ray could have better explained more as well. We are correcting those issues moving forward. We are also working with Sea Ray to address the real or perceived issues held by the residents of Lambert Avenue which will likely bring some clarification and changes to the proposal being considered. Having said that I am exploring whether your Board is even open to hearing any other stakeholders and what a tentative date may be. This issue will not likely go before the Board of County Commissioners until March 16th so we have a little bit of time.

thanks

Craig

From: Bruce Campbell [mailto:BCampbell@CityofFlaglerBeach.com]
Sent: Friday, February 13, 2015 8:37 AM
To: Penny Overstreet
Cc: Craig Coffey
Subject: possible special meeting with County & Sea Ray?

Penny: I discussed the possibility of a meeting with The County, Sea Ray and Flagler Beach with Mr. Coffey this morning. He intends to discuss the possibility with his board and get back to us. We looked at the dates of March 4th or 5th for that possible meeting. If you would, please canvas our Commission for which date would be best for a 5:30 p.m. start time. Thanks, Bruce

City of Flagler Beach Consistency Report:

1. APPLICATION #2972 – FUTURE LAND USE MAP AMENDMENT FROM RESIDENTIAL LOW DENSITY AND CONSERVATION TO COMMERCIAL HIGH INTENSITY AND CONSERVATION
2. APPLICATION #2973 - REZONING FROM PUD (PLANNED UNIT DEVELOPMENT) DISTRICT TO C-2 (COMMERCIAL AND SHOPPING CENTER) DISTRICT

CONCLUSION OF FINDINGS:

- A. Future Land Use Map Amendment (FLUM)
 - I. Comprehensive Plan (Inconsistent)
 - II. Land Development Code (Inconsistent)
- B. Rezoning petition:
 - I. Proposed zoning district (Inconsistent)
 - II. Furthering Public Interest (inconsistent)

INTRODUCTION:

The proposed FLUM map amendment and accompanying rezoning petition raises bona fide concerns as each relates to the impact upon:

1. The adjoining residential area.
2. The Robert's Road corridor.
3. The City of Flagler Beach.

Each finding is based upon the adopted Flagler County Comprehensive Plan Goals, Objectives, and Policies and regulatory language of the adopted Flagler County Land Development Code. As such, the findings presented are deemed fact based and therefore submitted as substantial competent evidence in rendering a consistency determination for the respective applications.

SUMMARY of Findings:

1. COMPREHENSIVE PLAN

Determination of Consistency:

Future Land Use Element

1. 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.

INCONSISTENCY FINDING:

The proposed action to consider a FLUM change from Residential Low Density and Conservation to Commercial High Intensity and Conservation fails to demonstrate harmonious and judicious use of the land area in question and the effect to future orderly development of the neighboring areas. Foremost, the proposed FLUM amendment violates the policy edict of the Comprehensive Plan which specifies all commercial land use shall be confined to those areas designated as such on the FLUM (**Policy 8.6**) and

Policy 13.2 which mandates protection of residential neighborhoods from encroachment of incompatible land uses such as commercial and industrial uses. Flagler County has not demonstrated nor provided documentation that the land uses change and the proposed underlying zoning classification will remain compatible with and further the public interest as it relates to:

- i. The adjoining land FLUM and zoning district classification and balance of Flagler County lands currently designated Residential Low Density.
- ii. The Robert's Road corridor.
- iii. The City of Flagler Beach Robert's Road current FLUM and current zoning designations.

2. **Policy 2.2:** The Planning Department shall maintain consistency between the Land Development Code and the Comprehensive Plan by the following means:

- 1) Parcels being considered for amendment to the land use map shall be concurrently evaluated for rezoning to the most appropriate zoning district.

INCONSISTENCY FINDING:

The proposed applications are inconsistent with Comprehensive Plan **Policy 8.6** which serves as the basis for "new" commercial development consideration. The proposed underlying zoning fails to meet the most basic criteria of the C-2 General Commercial and shopping center district which states in part *"It is intended that such commercial areas will be located around the interchange of I-95 and Palm Coast Parkway, I-95 and SR 100, I-95 and U.S.1, along arterial roads and other suitable areas when consistent with the Flagler County Comprehensive Plan."*

The area in question, given its location, lower tier roadway classification and coupled with current and projected future land uses on Robert's Road as delineated on the Flagler County FLUM and Zoning District Map fails to meet the minimum criteria for the C-2 district as it relates to location and consistency with Comprehensive Plan elements identified herein.

3. **Policy 8.6:** New commercial development shall be limited to commercially designated areas on the "Future Land Use Map". The impact of that commercial development shall be managed through access management, traffic signalization and similar techniques.

INCONSISTENCY FINDING:

The proposed FLUM amendment is fundamentally inconsistent with this requisite.

4. **Policy 12.4 – (Policy language below)** Although the FLUM amendment does not purport an Industrial designated land use designation, clearly the purpose is to accommodate and enlarge what is presently an active industrial land use and as such, is contrary to established Comprehensive Plan policy, specifically, Policy D.1.4. A legitimate argument that Policy D.1.4 should not be given consideration is ill-advised. The proposed land use amendment is an effort to accommodate an industrial related use in an unrelated zoning classification. This premise is further reinforced by the proposed amendment to the C-2 principal permitted uses category to include "parking" and therefore enable use of the land as proposed. The following is offered in support of the stated inconsistency finding: The elements deemed inconsistent are noted in bold print.

INCONSISTENCY FINDING:

Policy 12.4: In light of the general decline in manufacturing and the economic shift toward services and high technology industries, Flagler County recognizes the need to conduct a Countywide Land Use Study to support and implement the strategies set forth in the Countywide *Strategic Plan for Economic Development*. The Countywide Land Use Study will re-evaluate land use allocations to support a more diversified economic base, determine land use siting requirements for targeted businesses and industries. Flagler County shall obtain input from the City of Bunnell, City of Palm Coast, Flagler County Chamber of Commerce and Enterprise Flagler during the preparation of the study. The County shall complete the Study and recommend appropriate amendment to its Comprehensive Plan by December 2006.

Interim Siting Criteria

Flagler County recognizes that land use must necessarily evolve in response to changing economic community conditions and that areas previously planned for Industrial, Agriculture or other non-residential land use may no longer be suitable for such uses. In considering requests for land use amendments, Flagler County shall apply the following siting and compatibility criteria during the interim period prior to the implementation of the Countywide Land Use Study:

- 1) Areas designated as Industrial on the future Land Use Map shall be considered appropriate for change of land use when one or more of the following conditions exist:
 - A. Site does not meet one or more of the following location/siting criteria:
 - 1) Direct access or proximate access to I-95;
 - 2) Access to the FEC railroad;
 - 3) Proximity to Flagler County Airport;
 - 4) Proximity to supporting services, related industries and existing industrial parks.
 - B. Lack of existing or planned supporting infrastructure;
 - C. **Site has remained undeveloped for more than 20 years or, if located within a designated industrial park, a significant portion of the park has remained undeveloped for more than 20 years;**
 - D. Alternative industrially-designated lands are available to meet projected industrial land use needs on a Countywide basis;
 - E. Proposed land use or uses depend on similar locational criteria for functional needs, i.e., fly-in developments near a runway, business hotels near the interstate etc.
- 2) **Residential land use categories may be considered compatible with adjacent industrial uses and with adjacent Industrial future land use designations provided buffers are utilized as described in Objective 13 (Guide for future development) of the Future Land Use Element and its related policies.**
- 3) Flagler County recognizes that Palm Coast Intracoastal Industrial Park is appropriate for a transition in land use and is no longer suitable for the Industrial land use designation because it includes significant vacant lands that have not functioned with Industrial use during the past 20 years and it does not meet the industrial siting criteria set forth above. **Land Use amendments to change the land use designation from Industrial to alternative land use categories, such as Residential and Mixed Use land use categories, shall be deemed consistent with the compatibility criteria set forth in this policy.**

5. **Policy 13.2:** Flagler County shall implement its Comprehensive Plan through land development regulations which protect residential neighborhoods from encroachment of incompatible land uses such as commercial and industrial uses. This type of protection may require as part of the land development regulations, 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 away from residential development.

INCONSISTENCY FINDING:

The proposed land use amendment and underlying zoning is in direct conflict with Policy 13.2 which is a most significant principal declaration.

ECONOMIC ELEMENT

6. **Policy A.3.4:** The County shall continue to coordinate economic development efforts with all cities and other applicable agencies.

INCONSISTENCY FINDING:

The above Policy is called out not in the sense of coordinating an economic growth effort per se between the jurisdictions, but rather Flagler County's failure to co-ordinate with the City of Flagler Beach in the review process given proximate jurisdictional boundaries (See A. Goal Statement Intergovernmental Coordination below).

7. **Goal E:** Flagler County shall promote balanced economic growth while enhancing the quality of life in the County.

INCONSISTENCY FINDING:

The applications and supporting Flagler County documents fail to demonstrate that "quality of life" concerns will not be affected in the immediate and surrounding area.

INTERGOVERNMENTAL COORDINATION

8. **A. Goal Statement:**

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.

INCONSISTENCY FINDING:

Flagler County actions are not consistent with the above stated Goal given proximity of jurisdictional boundaries. The proposed amendments are not compatible with the shared development vision for the Robert's Road corridor as presently reflected on the respective FLUM's and zoning maps (See Policy A.3.4 above) .

9. **Policy 5.2:** The County shall utilize the *Northeast Florida Regional Planning Council as a mediator when development issues* or annexation issues cross-jurisdictional boundaries and cannot be resolved by the County or other local governments involved.

INCONSISTENCY FINDING:

The above stated Policy is noted for advisement purposes as a potential resolution option given the discord expressed by Flagler Beach residents and the City of Flagler Beach City Commission should Flagler County continue to proceed with the respective applications, as proposed.

**LAMBERT AVENUE
CONCERNED CITIZENS'
OBJECTIONS & COMMENTS
TO
FLAGLER COUNTY BOARD OF COMMISSIONERS
AGENDA ITEM NO. 21
March 16, 2015**

Prepared by:

**James S. Morris, J.D., M.A., Urban and Regional Planning
Unit 304, 750 Oak Heights Court
Port Orange, Florida 32127**

Nature of Objection:

The Concerned Citizens of Lambert Avenue object to the proposed amendment in the item due to its inconsistency with the Flagler County Comprehensive Plan, the Flagler Beach Comprehensive Plan and operable provisions of F.S. 163, The Florida Community Planning Act, the amendments incompatibility with the Lambert Avenue neighborhood, negative effect on undeveloped residential land, and availability of an alternative site.

To: The Flagler County Board of County Commissioners

Submitted: March 16, 2015

PROPOSED ACTION:

Exercise of the Commissions legislative authority to amend the Flagler County future Land Use Map (FLUM) and consider an accompanying “limiting policy” applicable to the area proposed to be changed from Residential Low Density to Commercial High Intensity.

GOVERNING STANDARDS FOR THE PROPOSED EXERCISE OF LEGISLATIVE AUTHORITY:

F.S. 163, Part II, The Community Planning Act

Flagler County Adopted Comprehensive Plan including the 2005 Amendment

Flagler Beach Comprehensive Plan

Flagler County Planning Commission recommendation.

THE PROPOSAL:

To re-designate a 24.4 acre “spot” of land from Low Density Residential Land Use to High Intensity Commercial to allow it to be used as a parking lot for an industrial use

NATURE OF THE ACTION:

The legislative authority of the County Commission, **subject to the process, standards and limitations of F.S.163, Part II, The Local Community Planning Act** may be applied to approve or deny the proposal. Either action should conform to the standards of F.S. 163.

TO BE VALID AND RELIED UPON, LAND USE MAP CHANGES MUST CONFORM TO THE REQUIREMENTS OF F.S. 163.

F.S. 163.3161(4) - (8):

(4) It is the intent of this act that local governments have the ability to preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within their jurisdictions. Through the process of comprehensive planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions.

(5) It is the intent of this act to encourage and ensure cooperation between and among municipalities and counties and to encourage and ensure coordination of planning and development activities of units of local government with the planning activities of regional agencies and state government in accord with applicable provisions of law.

(6) It is the intent of this act that adopted comprehensive plans shall have the legal status set out in this act and that no public or private development shall be permitted except in conformity with comprehensive plans, or elements or portions thereof, prepared and adopted in conformity with this act.

(7) It is the intent of this act that the activities of units of local government in the preparation and adoption of comprehensive plans, or elements or portions thereof, shall be conducted in conformity with this act.

(8) The provisions of this act in their interpretation and application are declared to be the minimum requirements necessary to accomplish the stated intent, purposes, and objectives of this act; to protect human, environmental, social, and economic resources; and to maintain, through orderly growth and development, the character and stability of present and future land use and development in this state.

F.S. 163.3164 (9)- Definitions

(9) “Compatibility” means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

F.S 163.3181(1)(2)

(1) It is the intent of the Legislature that the public participate in the comprehensive planning process to the fullest extent possible. Towards this end, local planning agencies and local governmental units are directed to adopt procedures designed to provide effective public participation in the comprehensive planning process and to provide real property owners with notice of all official actions which will regulate the use of their property. The provisions and procedures required in this act are set out as the minimum requirements towards this end.

(2) During consideration of the proposed plan or amendments thereto by the local planning agency or by the local governing body, the procedures shall provide for broad dissemination of the proposals and alternatives, opportunity for written comments, public hearings as provided herein, provisions for open discussion, communications programs, information services, and consideration of and response to public comments.

F.S. 163.3184(3)(b)1.

(b)1. The local government, after the initial public hearing held pursuant to subsection (11), shall transmit within 10 working days the amendment or amendments and appropriate supporting data and analyses to the reviewing agencies. [...]

F.S. 163.3194 Legal Status of Comprehensive Plan

(1)(a) After a comprehensive plan, or element or portion thereof, has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted.

(3)(a) A development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

(3)(b) A development approved or undertaken by a local government shall be consistent with the comprehensive plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of the development are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

(4)(a) A court, in reviewing local governmental action or development regulations under this act, may consider, among other things, the reasonableness of the comprehensive plan, or element or elements thereof, relating to the issue justifiably raised or the appropriateness and completeness of the comprehensive plan, or element or elements thereof, in relation to the governmental action or development regulation under consideration. The court may consider the relationship of the comprehensive plan, or element or elements thereof, to the governmental action taken or the development regulation involved in litigation, but private property shall not be taken without due process of law and the payment of just compensation.

The proposed land use map amendment, even with an adopted limiting policy, will be in violation of F.S. 163.3194. The reasons are:

LIMITATIONS ON PLANNING DECISIONS AS A LEGISLATIVE ACTIVITY:

The Commission's legislative authority to act is limited by the terms and provisions of F.S. 163 which, among other things, requires:

a) Data and Analysis to support the proposed legislative activity. F.S. 163.3184(3)(b)1. The required data would require identification of:

The Data:

1. Available alternative sites.
2. Identification of County wide demand for the proposed designation.
3. The unavailability of sites to meet the demand.
4. Relationship of the proposed use to existing designations.
5. Applicable adopted County Land Use Plan policies.
6. Applicable policies of adjacent planning jurisdictions- here it would be Flagler Beach and Palm Coast.
7. Identification of intergovernmental coordination efforts between the County and the nearby effected municipalities.
8. Changed conditions that justify the proposed change from the current designation to the proposed designation.

The Analysis

1. *Comment: There is no data to allow a determination of alternative sites. None have been identified or discussed by the staff.*

2. ***Comment:** County wide demand for High Intensity Commercial land use in this remote location has not been identified.*
3. ***Comment:** There are not high intensity commercial sites the meet the demand described by the applicant – a 24.4 acre combination staging area for loading and shipping of product manufactured by Sea Ray’s industrial plant, parking on a separately designated commercial land use area to support an existing industrial use for industrial shift workers who will enter the adjacent industrial site owned by the applicant and storage of products and transport vehicles on the presumed “commercial” site.*
4. ***Comment:** There is not analysis to address the issues of compatibility of a High Intensity Commercial designation which simply cuts the top off of a County approved low density residential PUD. Power Point Pages 13 and 14.*

There is no analysis to show how placement of 24.4 acre parking area with sea grass and a scant area of onsite buffer will protect the value of the adjacent homes on Lambert Avenue or correspondingly damage the value of existing residents or limit environmental damage to the conservation area nearby.

5. ***Comment:** There is not analysis to show the justification of reversing a ten (10) year old low density residential land use relied upon by residents who, in that ten (10) year period, moved to Lambert Avenue in reliance upon the adopted terms and provisions of the adopted Comprehensive Plan and Map.*

***Comment:** There is no analysis to show how or why the southern end of the subject parcel is a logical stopping point of the Commercial designation. The proposed land use change shifts the dynamics of the existing Low Density Residential PUD, the residential neighborhood of Lambert Avenue and even the existing recreational (park facilities) and commercial facilities (Publix and others) that are already situated to coexist with existing and future residential development.*

Comment:** There is no analysis to answer the staggering questions of nearby residents: **If this happens, where does it stop??

COMMISSION ACTION:

To adopt the proposed amendment without adequate production and presentation of data and analysis to support the amendment is a violation of F.S. 163.3184(3)(b)1. which requires data and analysis to demonstrate a basis to support a proposed amendment.

ADOPTED FLAGLER COUNTY COMPREHENSIVE PLAN:

The proposal is inconsistent with adopted Goals, Objectives and Policies of the adopted Flagler County Comprehensive Plan and F.S. 163.

The proposal to change Low Density Residential land to Commercial High Intensity **violates the following adopted Flagler County Comprehensive Plan Standards:**

Goal 1

Policy 1.2(c)(2)

2) Mixed use- High Intensity Medium high Density Residential, Mixed General Office and General Commercial Uses, Supporting Public Uses (high visibility), and Mixed Use Planned Unit Developments.

Comment: Pursuant to the policy matrix, general commercial uses are not considered compatible with Low Density residential uses. Approving the proposal will devalue and destabilize the residential use in the area. See Power Point Page16; 17-22. Additionally, the change will create pressure to expand south down Roberts Road. Power Point Page 15.

Objective 2

Policy 2.2(1)

1) Parcels being considered for amendment to the land use map shall be concurrently evaluated for rezoning to the most appropriate zoning district.

Comment: No rezoning has been submitted. The parcel is being “considered” for amendment. The plan standard is broad and not limited to the adoption hearing. Without a rezoning, the amendment should be denied.

Policy 2.3

Policy 2.3: Expansion and replacement of existing land uses which are incompatible with the future land use plan shall be prohibited.

Comment: *By the County's own matrix of compatibility, the proposed commercial designation is incompatible. Allowing expansion of the Sea Ray production capability, whether directly or indirectly, is incompatible with the Low Density Residential uses proximate to Sea Ray and its uncontained generation of toxic pollutants to the air. See Power Point Pages 23-25. The uses allowed by intense commercial zoning are also incompatible.*

Policy 4.7

Policy 4.7: Species of flora and fauna listed in the Conservation Element of the plan as endangered, threatened or species of special concern shall be protected through inclusion of their habitats in designated "Conservation Areas" and lands acquired through the County environmentally sensitive lands acquisition program.

Comment: *The proposal does not contain a census of information to allow determination of whether listed flora and fauna are impacted so as to determine the appropriate areas for conservation.*

Policy 8.6

Policy 8.6: New commercial development shall be limited to commercially designated areas on the "Future Land Use Map". The impact of that commercial development shall be managed through access management, traffic signalization and similar techniques.

Comment: *There is no proximate commercial area to the subject parcel. The area is not designated for commercial on the Future Land Use Map. A review of the Flagler County Future Land Use Map (FLU) will show the property is not properly located to serve as any sort of commercial activity and it is not consistent with other commercial areas shown by the Plan. See Power Point Pages 26-27.*

A free standing parking lot and staging area is not an allowable permitted use under any Flagler County zoning regulation and therefore not permissible by zoning.

Since no zoning proposal has been made, the County has no way of knowing that an office associated with the parking lot will be built, where it will be built or any ability to condition the land use change on a condition that an office building will be built. Even if an office building was promised, the proposed parking is far out of proportion to any possibly anticipated office building.

AT 24.2 ACRES, THE SITE EXCEEDS THE SIZE OF THE WAL-MART SUPER CENTER IN EITHER PORT ORANGE (22.52 acres) or Daytona Beach (23.45 acres). See Power Point Pages 51-52.

The proposal is just a cloaked effort to de facto allow Sea Ray an industrial expansion. The County has, until now, been unable to deliver the designed Industrial use due to the points raised herein. See Power Point Pages 29-30. Also, see Power Point Page 45.

Policy 13.2

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 regulations, 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.

***Comment:** The policy identifies industrial and commercial use as incompatible with the residential use. There is no zoning development agreement to allow the Commission to assure the Plan objective is met. With the scope of the proposal, compatibility in the area provided is impossible. The site does not conform to locational criteria demonstrated by the existing Comprehensive Plan Map. The amendment should be denied.*

THE MYTH OF THE 2005 AMENDMENT:

In the March 15, 2015 edition of the Daytona Beach News-Journal County Manager Craig Coffee was quoted in part to say:

It was not that long ago this property was zoned industrial before the rush to rezone everything during the residential market boom in the early 2000s. That rush led to incompatibility in our land-use plan. We now have the opportunity to correct the situation and provide a transition.

As a result of comments from the now defunct Department of Community Affairs (DCA) which were withdrawn in 2005, since the parties kept the settlement agreement secret, Planning Manager Adam Mengel may think the 2005 matter was never resolved but it was. See Power Point Pages 46-50.

In fact, DCA withdrew its objections and the Commission adopted the 2005 amendment and it has been in effect for ten (10) years. The adoption in 2005 is evidence that the current residential land uses in 2005 was deemed by the Commission to be compatible with Sea Ray. Since that time, many people, in reliance of the 2005 amendment, bought property on Lambert Avenue.

See Power Point Page 31, where change of ownership has occurred in the last ten (10) years is shown in pink. The survey was done only for the area near the proposed change. Changing the land use designation to commercial to allow industrial expansion will be a breach of trust to the property owners that since 2005 have come to Lambert Avenue. The housing market in Flagler County is resurgent. See Power Point Page 32.

In 2005, The Flagler County Commission re-designated the area in question from Industrial to Low Density Residential. That change was at the time:

- (a) determined by the County Commission to be appropriate and compatible with the area. Evidence of this fact lies in the Commission's approval; and
- (b) accepted by Sea Ray and its controlling entity as well as adjacent land owners north, west and south of Sea Ray. This is evidenced by the dismissal of Sea Ray's Chapter 163 challenge to the validity of 2005 **after Sea Ray executed a settlement agreement with adjacent land owners seeking the change from Industrial to Low Density Residential.**

IMPORTANT NOTE:

THE RECORDS REFLECT THAT SEA RAY AND ADJACENT LAND OWNERS IN 2005 NEGOTIATED A SETTLEMENT AGREEMENT TO END THE 2005 CHALLENGE. THE EVIDENCE SETTLEMENT WAS REACHED IS IN THE DCA DISMISSAL, WITH SEA RAY'S CONSENT, OF THE ADMINISTRATIVE CHALLENGE TO THE 2005 AMENDMENT AND SUBSEQUENT ADOPTION BY THE COUNTY OF THE 2005 AMENDMENT DESIGNATING THE SUBJECT PROPERTY LOW DENSITY RESIDENTIAL.

However

The Settlement Agreement between the various private parties has been kept secret. It is apparently not recorded in the public records of the Clerk of Court in and for Flagler County.

And

Multiple public record requests seeking the settlement agreement have been answered by the statement that the Flagler County Planning Staff does not have and cannot obtain a copy of the settlement agreement that settled the 2005 Comprehensive Plan challenge.

THE MYTH OF 2015:

That the proposed land use change is a change to High Intensity Commercial. The change is to Commercial in name only:
The uses disclosed by the applicant are auxiliary uses to an Industrial activity. The uses disclosed are:

1. Preparation of manufactured product to be sold elsewhere.
2. Storage of vehicles and equipment specifically related to shipping of industrial manufactured product to point of sale.
3. No commercial activity- retail sales is discussed or proposed. The activity proposed is parking and storage for industrial use.
4. The sometimes mentioned 40,000 square foot office building is not currently proposed and no guarantee is offered for the future, “no decision has yet been made.”

The change is due to a dead residential market, but the market isn't dead. See Power Point Page 32.

ADOPTED FLAGLER BEACH COMPREHENSIVE PLAN:

Flagler Beach opposes the amendment.

See Power Point Pages 33-37.

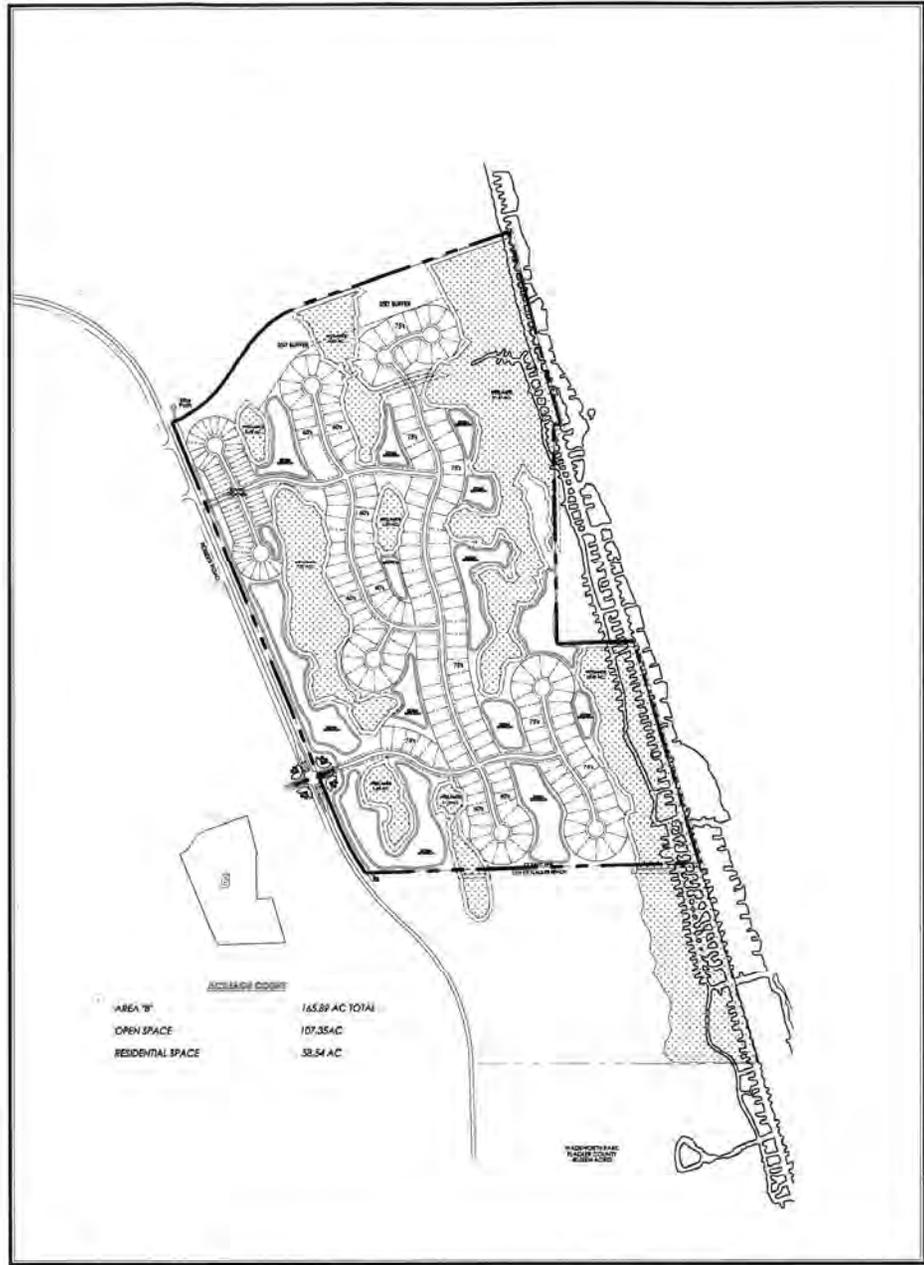
INTERGOVERNMENTAL COORDINATION REQUIRED BY CHAPTER 163 HAS NOT OCCURRED:

The City of Flagler Beach has advised County administrative staff that it objects to the proposal. Flagler Beach staff requested a meeting with Flagler County personnel to facilitate intergovernmental coordination between the two local legislative borders. Flagler County, the entity responsible for intergovernmental coordination has not met with Flagler Beach. No coordination with Palm Coast is known to exist.

ALTERNATIVE SITE

The Concerned Citizens of Lambert Avenue have discovered, through review of correspondence, etc. in the County files, that the property west of and adjacent to the Sea Ray site may be available to Sea Ray. The alternate site would:

- A. Move the parking lot to an undeveloped area controlled by a property owner who may agree to sell to Sea Ray for the proposal to become viable.
- B. The location is much closer to the intersection of Roberts Road and Colbert Lane. Traffic would naturally flow to Colbert and Roberts thus helping to preserve the viability of the current site and its associated low density residential remainder as well as occupants on Lambert Avenue. See Power Point Pages 38-44 regarding the alternative site.



FLAGLER BEACH COASTAL RESIDENTIAL

232± acres
Flagler County, FL

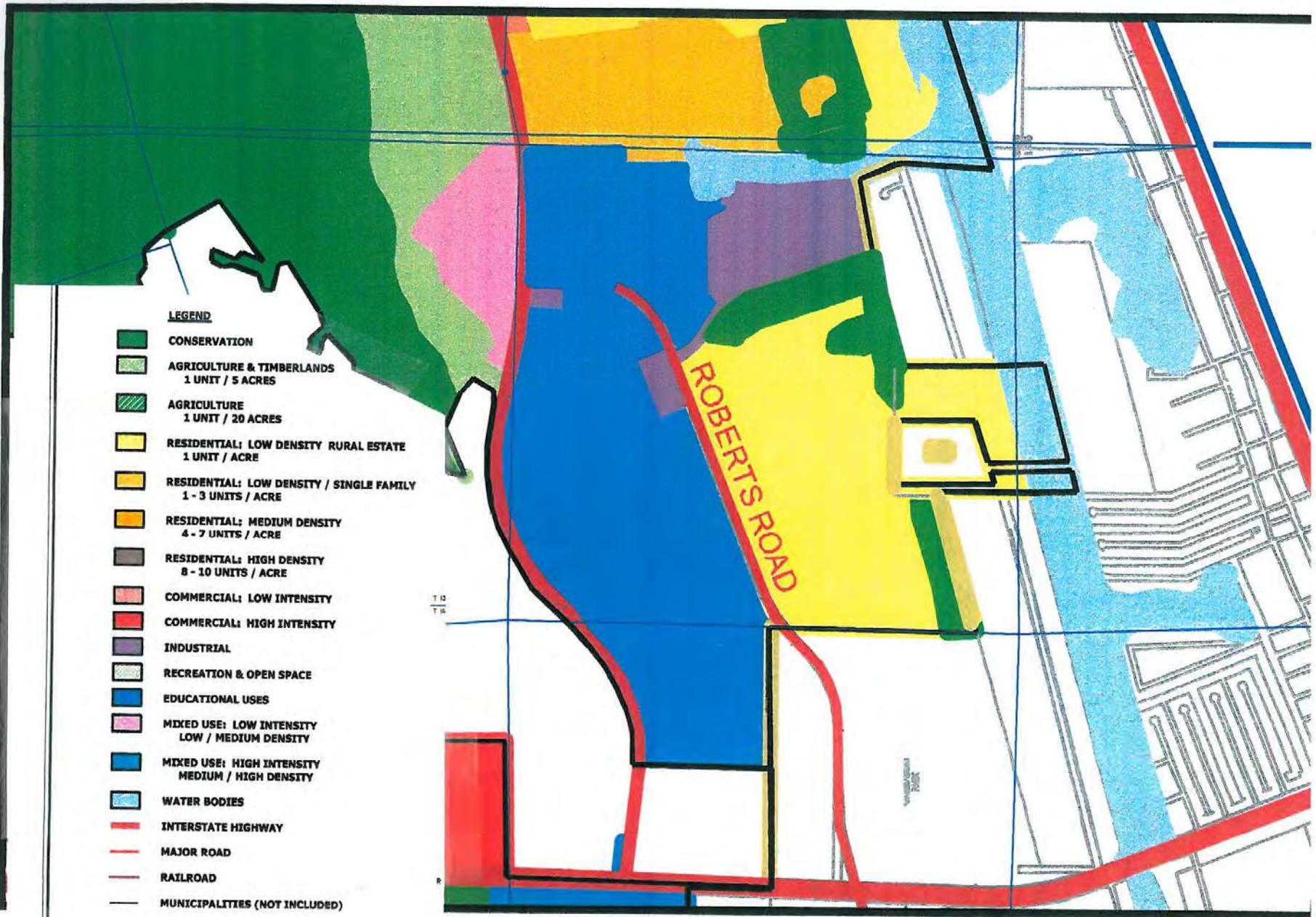


COMPREHENSIVE PLAN

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Stephanie Presley
57 Perkins Ln
Palm Coast, FL 32164
386-801-8935

March 5, 2015

Flagler County Board of Commissioners,

I have worked in Flagler County as a realtor for almost than 7 years. I have enjoyed showing and selling houses to families with young children and many retirees. All my buyers look for a community that is a safe, and a clean place to live an active lifestyle at the beach and enjoy the beautiful weather and fresh air.

Now, this attractive feature is being shaken. Are we going to continue to have an environment with clean air, conducive to enjoying activities in the fresh air?

Reading the Air Permit # 0350003-011-AC, I'm quite concerned about:

- 1- the VOLATILE ORGANIC COMPOUND emissions that can be increased,
- 2- the boat manufacturing operations that are being relocated to Palm Coast,
- 3- the resin/lamination operations, gel coat operations, adhesive operations, mold cleaning & preparation operations and MISCELLANEOUS operations. All of these activities can add to increased emissions.

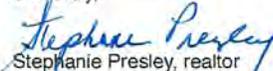
And to read that "This Sea Ray facility does not have an add-on control device to control the HAP's and VOCs emissions from the boat manufacturing activities"!!!!

If an expansion, through this rezoning is granted, to Sea Ray, a facility that "is a major source of HAZARDOUS AIR POLLUTANTS", and a "Title V major source of air pollution in accordance with Chapter 213, F.A.C.", all realtors will need to disclosure this to their buyers when showing homes on Lambert Ave. In my professional opinion, this will definitely have a negative impact on the value of the homes on Lambert Ave as well as the surrounding neighborhood homes.

Is this going to attract more residents and home buyers to Flagler County.
The answer is 'NO'.

We do not need to have a poor quality of air, and pollution to be a major feature of living in Flagler County. Please think this request for zoning change through thoroughly and make an ethical decision for clean air, reduced pollution and a healthy lifestyle for all our county residents.

Sincerely,


Stephanie Presley, realtor

Manormor

Sotheby's
INTERNATIONAL REALTY

1300 Marsh Landing Parkway, Suite 107
Jacksonville Beach, FL 32250
t 904.285.7700 f 904.285.2022
800.732.9770
manormor@ir.com

Flagler County Planning and Development Board
Board of County Commissioners

February 25, 2015

Gentlemen,

I am a real estate agent with Manormor Sotheby's International Realty. Our company represents unique, luxury properties located in highly desirable settings and markets these properties throughout our 550 offices across the globe. When we listed the residence at 5 Lambert Cove in Flagler Beach we listed a jewel of a property considering the construction, the design of the home, the floor plan, the gardens and the beautiful, lush surrounding property. 5 Lambert Cove met our criteria in every way. When my customer, Mr. Vurpillat, purchased the land to build his home, he was comfortable with the existing zoning of the site occupied by Sea Ray. However, he contacted me two days to ask for my professional opinion with regard to how the change in zoning requested by Sea Ray, from Low Density Residential to High Intensity Commercial, would impact the value of his residence which is located only 25' from the Eastern border of the Sea Ray property.

I explained to Mr. Vurpillat, that the law requires realtors disclose "all known facts that materially affect the value of residential real property that are not readily observable." As Mr. Vurpillat's Realtor, representing his property, I would be required to advise a potential buyer of the proposed change in zoning. It is my personal opinion, that this change will negatively impact the peace and pristine beauty of the location and it is my professional opinion that the change in zoning would negatively impact the value of Mr. Vurpillat's home making it much more difficult if not impossible to sell.

Please feel free to contact me if you have any questions.

Warm Regards,



Michele Rossie
Realtor
Manormor Sotheby's International Realty

Stephanie Presley
57 Perkins Ln
Palm Coast, FL 32164
386-801-8935

March 5, 2015

Dear Flagler County Board of Commissioners,

I have worked in Flagler County as a realtor for almost than 7 years. I have enjoyed showing and selling houses to families with young children and many retirees. All my buyers look for a community that is a safe, and a clean place to live an active lifestyle at the beach and enjoy the beautiful weather and fresh air.

Now, this attractive feature is being shaken. Are we going to continue to have an environment with clean air, conducive to enjoying activities in the fresh air?

Reading the Air Permit # 0350003-011-AC, I'm quite concerned about:

- 1-the VOLATILE ORGANIC COMPOUND emissions that are being increased,
- 2-the boat manufacturing operations that are being relocated to Palm Coast,
- 3- the existing facility is a fiberglass manufacturing facility and is being increased to resin/lamination operations, gel coat operations, adhesive operations, mold cleaning & preparation operations and MISCELLANEOUS operations.

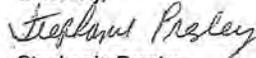
And to read that "This Sea Ray facility does not have an add-on control device to control the HAP's and VOCs emissions from the boat manufacturing activities"!!!!

If an expansion, through this rezoning is granted, to Sea Ray, a facility that 'is a major source of HAZARDOUS AIR POLLUTANTS', and a 'Title V major source of air pollution in accordance with Chapter 213, F.A.C.', all realtors will need to disclosure this to their buyers.

Is this going to attract more residents and home buyers to Flagler County.
The answer is 'NO'.

We do not need to have a poor quality of air, and pollution to be a major feature of living in Flagler County. Please think this request for zoning change through thoroughly and make an ethical decision for clean air, reduced pollution and a healthy lifestyle for all our county residents.

Sincerely,



Stephanie Presley
Realtor

Yollette Eugene
22 Woodfield Drive
Palm Coast, FL 32164

March 5, 2015

Dear Flagler County Board of Commissioners,

I have worked in Flagler County as a Florida licensed realtor for more than twelve years.

I have had many discussions with other realtors about the Sea Ray requests, and the impact this will have on the county if it gets approved.

I'm urging the board to deny the FLUM amendment requested by Sea Ray boats. The parcels in question have been zoned residential for 10 years and many of residents of Lambert Ave have moved onto the street during this time period. These homeowners did their due diligence and bought on Lambert Ave knowing the land south of Sea Ray was already zoned residential. This provided a level of security because although Sea Ray was already present, there was not a way they could expand to the south because that land is zoned residential.

In my professional opinion, changing the FLUM and allowing commercial uses what has been residential land will have a severe negative impact on the property values of the abutting and on other homes in the neighborhood. The county should not take actions that devalue many properties in order to help one company

Furthermore, it is clear to many observers that Sea Ray is requesting this FLUM amendment and zoning change in order to free up space on their industrial site to increase production. The increased emissions and odors from the industrial site will also severely impact the property values of the surrounding residential neighborhood.

Sincerely,


Yollette Eugene

Carolyn Hawkins
2 Puritan Lane
Palm Coast, FL 32164

March 5, 2015

Flagler County Board of Commissioners

I have been following the issue of Sea Ray requesting a change in zoning in the newspapers and on the internet. This concerns me because I am a resident in Flagler County and a licensed realtor in Flagler County, and believe that this is just wrong.

Subjectively, it is unfair to the residents on Lambert Ave who have invested their life savings to live in a residentially zoned area, and it puts many realtors in a very compromising position. Considering residents who have recently purchased, working with a realtor who didn't disclose this situation, to current listings and potential buyers who questionably need to be informed of this situation, it places realtors with quite a conflicting ethical dilemma. This situation could cause a realtor to be sanctioned.

Objectively, it is spot zoning at the request of an individual property owner. From what I understand, this issue has been reviewed and denied several times, so why is this happening again?

I request that the Commissioners look closely at the ethical issues of the decision as well as the perceived legal issue of the county residents who see this as 'just wrong'.

Sincerely,

Carolyn Hawkins

Edith Cunningham
234 Beachway Drive
Palm Coast, FL 32135

March 6, 2015

Flagler County Board of Commissioners

I have been a resident of Flagler County since 1995 and a licensed realtor working in Flagler County for 15 years.

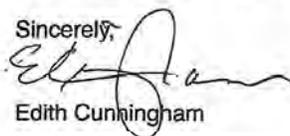
I am appalled at the violation of rights to the property owners on Lambert Ave and to all the other nearby property owners who will be effected by the hazardous fumes from Sea Ray, if they are granted the request to rezone and to expand.

I am skeptical of Sea Ray obtaining a C-2 zone for 'just employee parking'. It seems to me that there is a plan to build up their industry at this site. Even if there are stipulations if this rezoning is approved, will that be enforced in the future. I don't think so.

Approving this rezoning for one business is setting a bad precedence. It will make potential home buyers skeptical of the workings of this county.

I am requesting that you deny this rezoning request and work to protect the rights of the many residents, not one big business. I believe property taxes pay more of the county budget than one business.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edith Cunningham', written over a horizontal line.

Edith Cunningham

Ellen Dostal
7 Perth Place
Palm Coast, FL 32164
ellendostal@gmail.com
386-569-3322

February 9, 2015

Flagler County Planning and Development Board and Board of County Commissioners,

I am a Florida licensed realtor and a member of the Flagler County Realtors Association. I frequently show properties in Flagler Beach and have shown properties on Lambert Ave. I always inform the buyers of the zoning around the properties they are considering to purchase and possibly live there for the rest of their lives.

If residents purchase their homes abutting residential-zoned property, and that abutting property were to later be changed to a high intensity commercial zoning, this would have a significant negative impact on their quality of life. They would have a difficult task to relocate because the decreased value of their residential property, due to the more intense uses that the high intensity commercial zoning would allow. This would either leave them to live with an unexpected and unforeseen poorer quality of life, or move to a peaceful home at a significant financial loss. And if they move to another unincorporated area of Flagler County, would this happen again?

In my professional opinion, light, noise and odor spilling into residential neighborhoods will have an adverse affect the quality of life for the the surrounding homeowners and will significantly lower the value of residential properties.

Sincerely,



Ellen Dostal

Below are some important facts and links that everyone living in Flagler Beach should know:

Flagler Beach already ranks No. 31 (out of Florida's approximately 930 cities/towns - 410 incorporated, 520 unincorporated) on the 2013 Toxic Air Inventory list because of emissions from Sea Ray Boats.

Source: Right-to-Know-Network
http://www.rtknet.org/db/tri/tri.php?state=FL&dbtype=C&rsei=y&sortp=D&detail=1&datatype=T&reptype=f&database=tri&reporting_year=2013&submit=GO&splash=&sum_expand=PC

Nationally, the local Sea Ray facility that abuts Flagler Beach ranks #52 highest in HAP (Hazardous Air Pollutant) releases out of 1042 TRI (Toxic Release Inventory) facilities in the industry of Transportation Equipment. Also, Sea Ray's TRI HAP releases amount for 98% of Flagler County's TRI HAP releases.

Source: <http://www2.epa.gov/toxics-release-inventory-tri-program> (enter 32136 in the zip code field on the map. Click "find facilities." Click on the Blue balloon where Sea Ray Boats is located. Then, click on the name Sea Ray Boats for the full report).

What are HAPs?

"Hazardous air pollutants, also known as toxic air pollutants or air toxics, are those pollutants that cause or may cause cancer or other serious health effects, such as reproductive effects or birth defects, or adverse environmental and ecological effects".

Source: <http://www.epa.gov/ttn/atw/allabout.html>

What are VOCs?

VOCs play a significant role in the formation of ozone and smog. The best way to prevent to increase in ozone and smog is to eliminate these harmful VOCs from being released.

Source: <http://www.anguil.com/resources/introduction-to-pollution-control.aspx>

The majority of the Volatile Organic Compounds we breathe in from Sea Ray's emissions are HAPs, the majority of which is Styrene. Styrene is "Reasonably anticipated to be a carcinogen" under the guidelines of the National Toxicology Program, an inter-agency group coordinated by the U.S. Department of Health and Human Services.

Source: 13th Report on Carcinogens, National Toxicology Program: http://ntp.niehs.nih.gov/ntp/roc/content/listed_substances_508.pdf

Brunswick, Sea Ray's Parent Company, ranks 19th in Florida in TRI HAP Industries out of a very long list of 5 pages of industries.

http://www.rtknet.org/db/tri/tri.php?state=FL&dbtype=C&rsej=y&sortp=D&detail=-1&datype=T&reptype=f&database=tri&reporting_year=2013&submit=GO&splash=&sum_expand=PC

Recently, Sea Ray boats applied for and was granted a new DEP permit that "authorizes an increase in facility material usage such that Volatile Organic Compound (VOC) potential to emit **increases emissions from 249 to 489 tons (978,000 lbs.)** per any consecutive 12-month period. If Sea Ray were to max out their permit, this would represent an approximate 470% increase over their 2013 VOC emissions of approximately 208,000 lbs.

Source: Florida DEP Air Permit No. 0350003-011-AC

Sea Ray's HAP emissions for 2013 were approximately **119,000 lbs.** The new permit will allow Sea Ray to max out HAP emissions at **over 600,000 lbs.**

Source: DEP (Department of Environmental Protection)

Property Rights:

At least 31 properties have changed hands on the middle/north end of Lambert Ave. in the past 10 years. That number is quite a bit higher if you consider the entire street. These residential property owners have relied on the residential zoning surrounding Sea Ray Boats when making their investment. The county commission must not change zoning laws to favor one company over the rights of others – especially when we are dealing with a Major Source of HAP Pollutants. The facility is a Title V Major Source of Air Pollution in accordance with chapter 213, F.A.C.

Flagler Beach vs. Palm Coast Toxic Release Inventory

Flagler Beach has about 1/17th the population size of Palm Coast, yet has approximately 100 times the Toxic Release Inventory of Hazardous Air Pollutants and Palm Coast due to Sea Ray Boats.

If Sea Ray were to max out its 2013 permit, Flagler Beach may possibly have over 500 times the Toxic Release Inventory of Hazardous Air Pollutants as Palm Coast. (There is one TRI facility in Palm Coast – Sandvik, Inc. – which released only 1,243 lbs. of HAPs in 2013). vs 119,000lbs. for Sea Ray Boats in 2013).

DEP vs. Local Jurisdictions

Flagler Beach, Palm Coast and Flagler County residents cannot look to the DEP to control or eliminate odors from larger VOC and HAP emitting industries such as Sea Ray Boats. **This responsibility falls to the local jurisdictions.**

How would you feel if what happened in Tennessee to this park happened to our beautiful beach area?

<http://web.utk.edu/~nolt/radio/Worstair.htm>

Sea Ray is Expanding

Sea Ray's new DEP permit states that the company is relocating additional boat manufacturing operations to the Flagler facility from other Brunswick Corporation facilities. The permit also states that The Sea Ray Facility that abuts Flagler Beach **does not have any add-on control device to controls the HAPs and VOCs emissions** from their boat manufacturing activities. However, the technology to capture and destroy Styrene emissions exists and is used in various Styrene-producing industries throughout the nation.

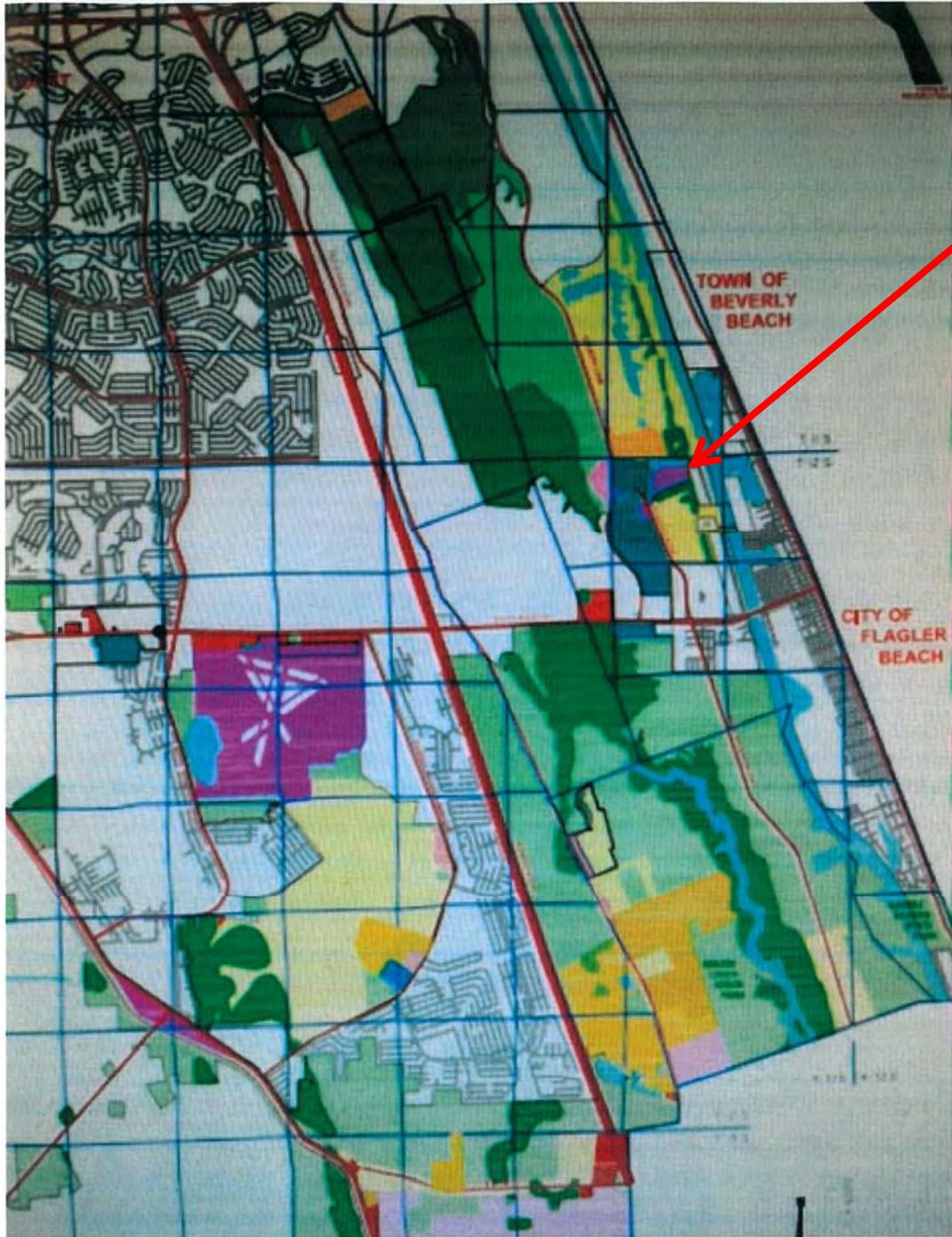
Depending on wind direction, the offensive styrene odors from Sea Ray can already be detected in the neighborhoods surrounding Sea Ray and on our beautiful barrier island. If we smell and breathe in Styrene at Sea Ray's current emission rate, what will the impact be throughout Flagler Beach if Sea Ray expands emissions approximately 470 percent over their 2013 VOC emissions?

What about tourism, property rights, property values, quality of life and everything else that makes Flagler Beach special? Everyone, in every corner in or near Flagler Beach, should be concerned.

Our beach is our economic engine.

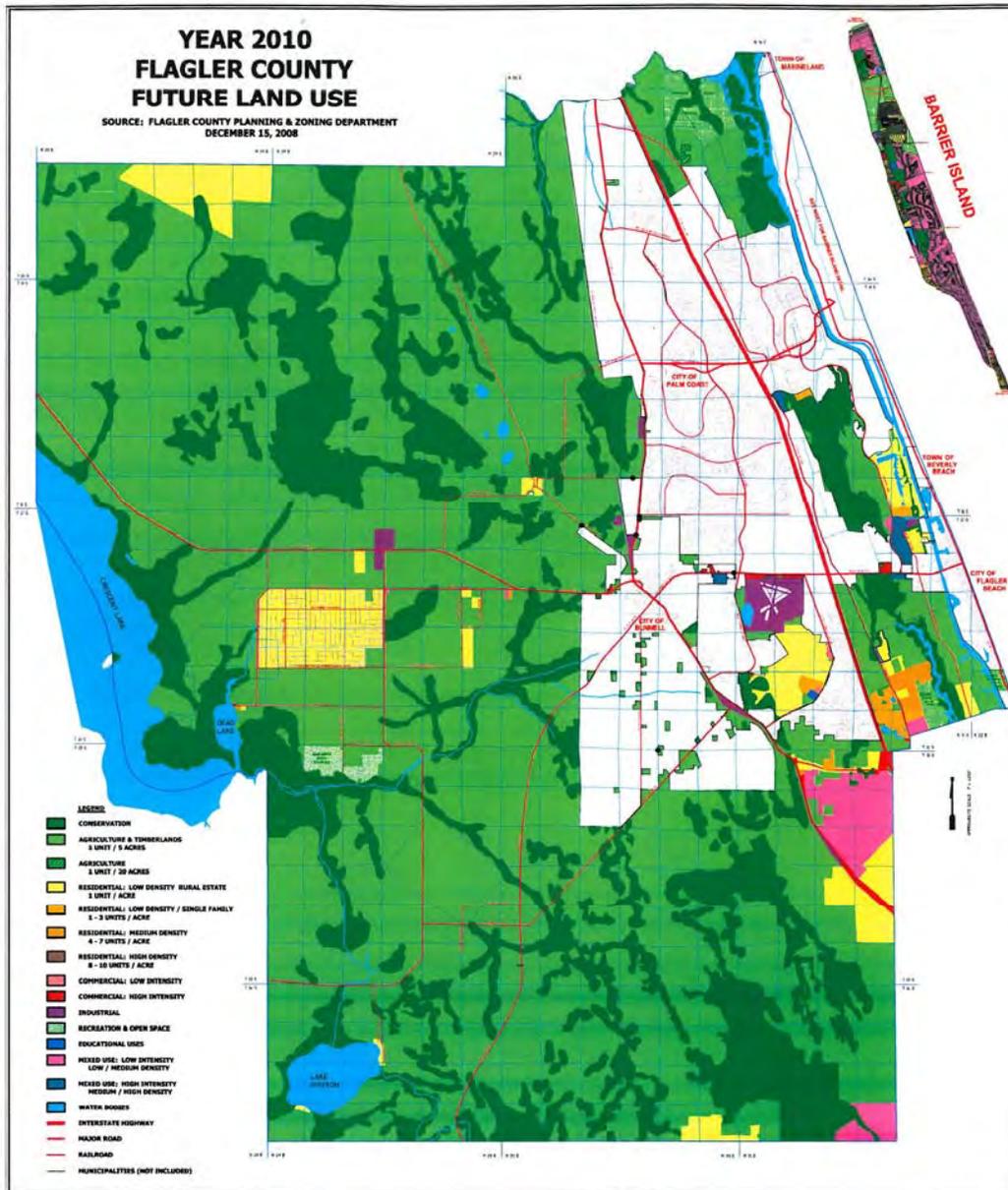
Sincerely,

Don Deal and Roseanne Stocker



YEAR 2010 FLAGLER COUNTY FUTURE LAND USE

SOURCE: FLAGLER COUNTY PLANNING & ZONING DEPARTMENT
DECEMBER 15, 2008



From: Helga van Eckert
Sent: Tuesday, June 17, 2014 3:01 PM
To: Adam Mengel
Subject: RE: Harbor View Marina project

Thanks again

Helga van Eckert
Executive Director
Department of Economic Opportunity
Flagler County Board of County Commissioners
1769 E. Moody Blvd., Bldg. #2, Bunnell, FL 32110
Office: (386) 313-4071
Fax: (386) 313-4101



From: Adam Mengel
Sent: Tuesday, June 17, 2014 2:54 PM
To: Helga van Eckert
Subject: RE: Harbor View Marina project

Hi Helga:

This is what is going on south of Sea Ray, where Landmark (Clint Smith) had owned, known to us as Grand Reserve East. I tried to change the Future Land Use administratively to Industrial (intending for warehousing/distribution), but got shot down and we never advanced out of Planning and Development Board. There is a strip of Conservation that exists abutting Sea Ray.

Thanks,

Adam

From: Helga van Eckert
Sent: Tuesday, June 17, 2014 2:31 PM
To: Adam Mengel
Subject: RE: Harbor View Marina project

Thanks Adam
Any luck with the site restrictions?
Thanks again!

Helga van Eckert
Executive Director

From: Kate Stangle <kstangle@broadandcassel.com>
Sent: Monday, February 09, 2015 9:22 AM
To: Adam Mengel
Cc: Sally A. Sherman; Albert J. Hadeed
Subject: Application #2972 and #2973 / Sea Ray

Adam,

On the Sea Ray FLUM and Rezoning application:

- Am I correct that this application relates to the request you made back in January to amend the zoning code to allow parking lots as a permitted and principal use in the C-2 District? If so, I thought you had indicated that the parking allowance would only be for C-2 (General Commercial), yet this application is asking for C-2 (Commercial and Shopping Center). Can I get a copy of the executed ordinance from the January approval? The zoning text included in the agenda backup does not include the parking lot updated language.
- Is there any way this could have been submitted as a PUD? I know that it would be uncustomary, but this is an uncustomary request, in a way, but with a PUD the County could impose more restrictions to give the residents some additional comfort.
- Why are they seeking to change all 24 acres? Are they actually intending to make all 24 acres a parking lot?
- You suggest in the staff recommendation that the P&D Board could make the FLUM subject to site specific text to further limit what could be done on the site. Do you have proposed language? You note that the proposed language should not focus on use and, instead, should focus on trip generation, but we did recommend and add limitation language based on use for the fireworks folks and the past control folks, correct?
- For the FLUM, this is a large scale amendment, which will require a transmittal and adoption hearing, correct?



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From: Marv Howell [marvhowell@hotmail.com]
Sent: Monday, February 09, 2015 3:57 PM
To: Nate McLaughlin; Charles Erickson Jr.; Frank Meeker; George Hanns; mboyd@bellsouth.net; tcrowe6@cfl.rr.com; dickinsonci@aol.com; laureenkornel@hotmail.com; rreinke@aol.com; Gina Lemon; Barbara S. Revels; coryi62@earthlink.net; pam4houses@gmail.com; Luci Dance
Subject: Sea Ray's Applications #2972 and #2973

My name is Marv Howell and I am a resident on the east side of Lambert Ave. directly across from the Future Land Use Amendment request to High Intensity Commercial and companion re-zoning to C-2 Shopping Center. I am a retired Builder and the majority of the homes I built were right here in Flagler County. As such, I understand the importance of economic development and jobs.

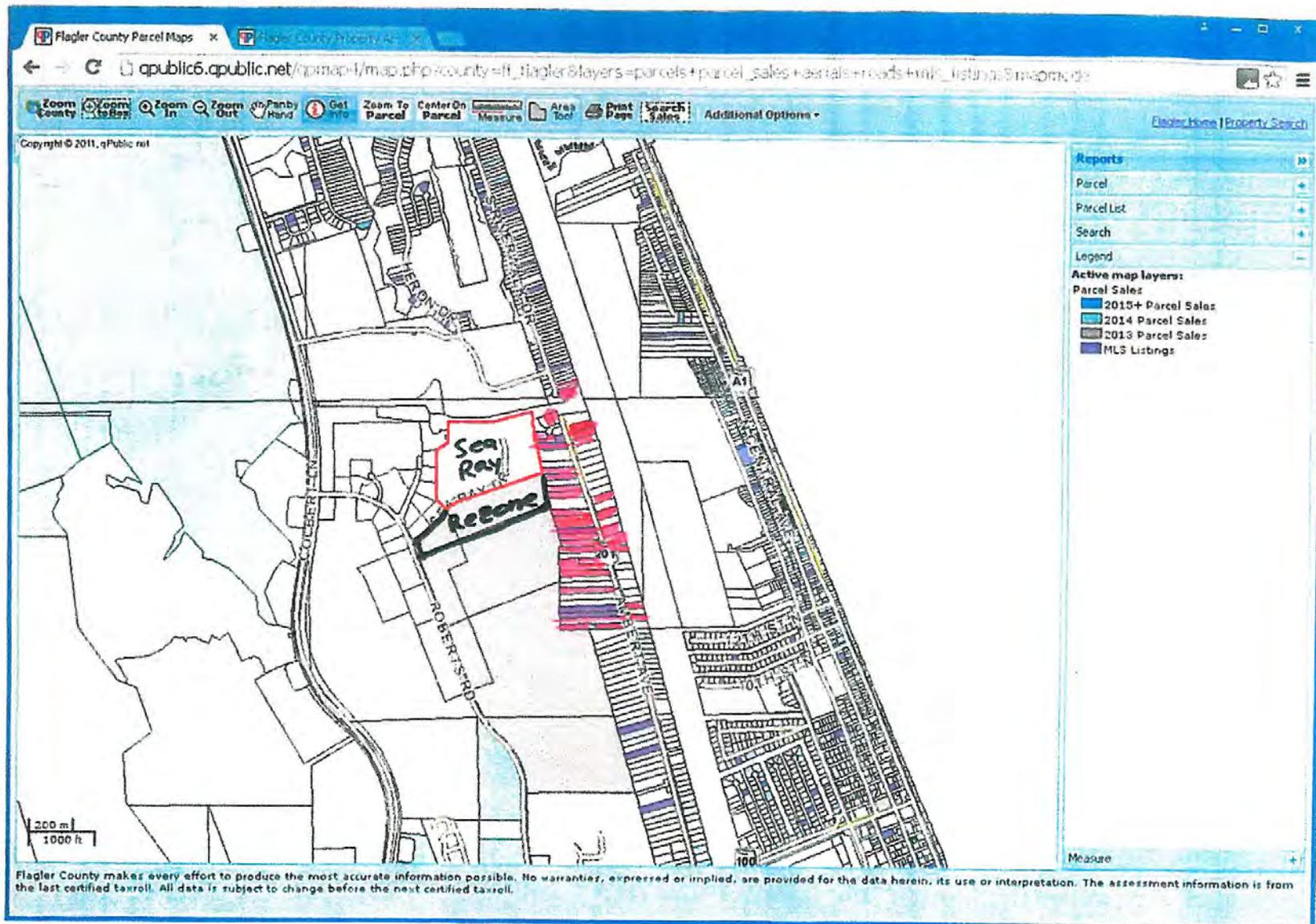
My concern is a broader base than that. I am not opposed to the expansion of Sea Ray Boats. I understand their importance and economic contribution to Flagler County. However, I am opposed to the avenue to which this is proposed, through a FLUM amendment and zoning change. A number of residences on Lambert Ave., including those directly abutting this property purchased in the last 10 years after doing their due diligence recognizing that this property was and is currently zoned Low Density Residential. Now to propose to change the FLUM to High Intensity Commercial Use and it's companion zoning of C-2 Commercial Shopping Center is not fair or safe for those individuals that relied on the FLUM and zoning of Low Density Residential. These individuals purchased with the least intensive zoning category behind their home and now you are proposing to rezone to the MOST intense commercial zoning category. This category would allow more noise and more pollution in our air. We are concerned for our health, our home values and our future.

There is another option for Sea Ray Boats to expand, and that is to go west rather than south. In doing so, there would be no need to change the current residential zoning that abuts Lambert on the west side to a much more intensive Commercial use. Once the zoning is changed to the most intensive Commercial Use, all principal permitted uses would be permitted regardless of the intent, and not used only for a parking lot. The residential zoning that the residents relied upon when purchasing and building their dream homes should not be changed. It is my understanding, the property directly abutting Sea Ray to the west has an intended commercial use of boat storage under the PUD that was approved years ago. Why not allow Sea Ray to expand in this direction?

As a resident of Lambert Avenue, I am opposed to the FLUM amendment and rezoning request. There is a better option for Sea Ray to pursue that will not impact the neighbors directly abutting or in close proximity to the FLUM request and high intensity commercial zoning. That is for Sea Ray to expand to the west.

Sincerely,

Marv Howell,
Former owner of Howell Homes and a resident of 1560 Lambert Ave., Flagler Beach



Business Observer

MARCH 2015

WORKS

thier employees
productive.

PUPPY LOVE

Associate returns dog to owner,
propels company to help
with shelter. **PAGE 6**

LOVE A PARADE

Big parades of homes are
planned for Volusia and Flagler.
PAGE 8

SKY'S

THE LIMIT

How the homebuilding industry
is on the rise in Palm Coast
and Ormond Beach, and why builders
aren't necessarily hoping
for a large-scale boom

City of Flagler Beach Consistency Report:

1. APPLICATION #2972 – FUTURE LAND USE MAP AMENDMENT FROM RESIDENTIAL LOW DENSITY AND CONSERVATION TO COMMERCIAL HIGH INTENSITY AND CONSERVATION
2. APPLICATION #2973 - REZONING FROM PUD (PLANNED UNIT DEVELOPMENT) DISTRICT TO C-2 (COMMERCIAL AND SHOPPING CENTER) DISTRICT

CONCLUSION OF FINDINGS:

- A. Future Land Use Map Amendment (FLUM)
 - i. Comprehensive Plan (Inconsistent)
 - ii. Land Development Code (Inconsistent)
- B. Rezoning petition:
 - i. Proposed zoning district (Inconsistent)
 - ii. Furthering Public Interest (Inconsistent)

INTRODUCTION:

The proposed FLUM map amendment and accompanying rezoning petition raises bona fide concerns as each relates to the impact upon:

1. The adjoining residential area.
2. The Robert's Road corridor.
3. The City of Flagler Beach.

Each finding is based upon the adopted Flagler County Comprehensive Plan Goals, Objectives, and Policies and regulatory language of the adopted Flagler County Land Development Code. As such, the findings presented are deemed fact based and therefore submitted as substantial competent evidence in rendering a consistency determination for the respective applications.

SUMMARY of Findings:

1. **COMPREHENSIVE PLAN**
Determination of Consistency:

Future Land Use Element

1.

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.

INCONSISTENCY FINDING:

The proposed action to consider a FLUM change from Residential Low Density and Conservation to Commercial High Intensity and Conservation fails to demonstrate harmonious and judicious use of the land area in question and the effect to future orderly development of the neighboring areas. Foremost, the proposed FLUM amendment violates the policy edict of the Comprehensive Plan which specifies all commercial land use shall be confined to those areas designated as such on the FLUM (**Policy 8.6**) and

Policy 13.2 which mandates protection of residential neighborhoods from encroachment of incompatible land uses such as commercial and industrial uses. Flagler County has not demonstrated nor provided documentation that the land uses change and the proposed underlying zoning classification will remain compatible with and further the public interest as it relates to:

- i. The adjoining land FLUM and zoning district classification and balance of Flagler County lands currently designated Residential Low Density,
- ii. The Robert's Road corridor,
- iii. The City of Flagler Beach Robert's Road current FLUM and current zoning designations.

2. **Policy 2.2:** The Planning Department shall maintain consistency between the Land Development Code and the Comprehensive Plan by the following means:

- 1) Parcels being considered for amendment to the land use map shall be concurrently evaluated for rezoning to the most appropriate zoning district.

INCONSISTENCY FINDING:

The proposed applications are inconsistent with Comprehensive Plan **Policy 8.6** which serves as the basis for "new" commercial development consideration. The proposed underlying zoning fails to meet the most basic criteria of the C-2 General Commercial and shopping center district which states in part "It is intended that such commercial areas will be located around the interchange of I-95 and Palm Coast Parkway, I-95 and SR 100, I-95 and U.S.1, along arterial roads and other suitable areas when consistent with the Flagler County Comprehensive Plan."

The area in question, given its location, lower tier roadway classification and coupled with current and projected future land uses on Robert's Road as delineated on the Flagler County FLUM and Zoning District Map fails to meet the minimum criteria for the C-2 district as it relates to location and consistency with Comprehensive Plan elements identified herein.

3. **Policy 8.6:** New commercial development shall be limited to commercially designated areas on the "Future Land Use Map". The impact of that commercial development shall be managed through access management, traffic signalization and similar techniques.

INCONSISTENCY FINDING:

The proposed FLUM amendment is fundamentally inconsistent with this requisite.

4. **Policy 12.4 – (Policy language below)** Although the FLUM amendment does not purport an Industrial designated land use designation, clearly the purpose is to accommodate and enlarge what is presently an active industrial land use and as such, is contrary to established Comprehensive Plan policy, specifically, Policy D.1.4. A legitimate argument that Policy D.1.4 should not be given consideration is ill-advised. The proposed land use amendment is an effort to accommodate an industrial related use in an unrelated zoning classification. This premise is further reinforced by the proposed amendment to the C-2 principal permitted uses category to include "parking" and therefore enable use of the land as proposed. The following is offered in support of the stated inconsistency finding: The elements deemed inconsistent are noted in bold print.

INCONSISTENCY FINDING:

Policy 12.4: In light of the general decline in manufacturing and the economic shift toward services and high technology industries, Flagler County recognizes the need to conduct a Countywide Land Use Study to support and implement the strategies set forth in the Countywide *Strategic Plan for Economic Development*. The Countywide Land Use Study will re-evaluate land use allocations to support a more diversified economic base, determine land use siting requirements for targeted businesses and industries. Flagler County shall obtain input from the City of Bunnell, City of Palm Coast, Flagler County Chamber of Commerce and Enterprise Flagler during the preparation of the study. The County shall complete the Study and recommend appropriate amendment to its Comprehensive Plan by December 2006.

Interim Siting Criteria

Flagler County recognizes that land use must necessarily evolve in response to changing economic community conditions and that areas previously planned for Industrial, Agriculture or other non-residential land use may no longer be suitable for such uses. In considering requests for land use amendments, Flagler County shall apply the following siting and compatibility criteria during the interim period prior to the implementation of the Countywide Land Use Study:

- 1) Areas designated as Industrial on the future Land Use Map shall be considered appropriate for change of land use when one or more of the following conditions exist:
 - A. Site does not meet one or more of the following location/siting criteria:
 - 1) Direct access or proximate access to I-95;
 - 2) Access to the FEC railroad;
 - 3) Proximity to Flagler County Airport;
 - 4) Proximity to supporting services, related industries and existing industrial parks.
 - B. Lack of existing or planned supporting infrastructure;
 - C. **Site has remained undeveloped for more than 20 years or, if located within a designated industrial park, a significant portion of the park has remained undeveloped for more than 20 years;**
 - D. Alternative industrially-designated lands are available to meet projected industrial land use needs on a Countywide basis;
 - E. Proposed land use or uses depend on similar locational criteria for functional needs, i.e., fly-in developments near a runway, business hotels near the interstate etc.
- 2) **Residential land use categories may be considered compatible with adjacent industrial uses and with adjacent Industrial future land use designations provided buffers are utilized as described in Objective 13 (Guide for future development) of the Future Land Use Element and its related policies.**
- 3) Flagler County recognizes that Palm Coast Intracoastal Industrial Park is appropriate for a transition in land use and is no longer suitable for the Industrial land use designation because it includes significant vacant lands that have not functioned with Industrial use during the past 20 years and it does not meet the industrial siting criteria set forth above. **Land Use amendments to change the land use designation from Industrial to alternative land use categories, such as Residential and Mixed Use land use categories, shall be deemed consistent with the compatibility criteria set forth in this policy.**

5. **Policy 13.2:** Flagler County shall implement its Comprehensive Plan through land development regulations which protect residential neighborhoods from encroachment of incompatible land uses such as commercial and industrial uses. This type of protection may require as part of the land development regulations, 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 away from residential development.

INCONSISTENCY FINDING:

The proposed land use amendment and underlying zoning is in direct conflict with Policy 13.2 which is a most significant principal declaration.

ECONOMIC ELEMENT

6. **Policy A.3.4:** The County shall continue to coordinate economic development efforts with all cities and other applicable agencies.

INCONSISTENCY FINDING:

The above Policy is called out not in the sense of coordinating an economic growth effort per se between the jurisdictions, but rather Flagler County's failure to co-ordinate with the City of Flagler Beach in the review process given proximate jurisdictional boundaries (See A. Goal Statement Intergovernmental Coordination below).

7. **Goal E:** Flagler County shall promote balanced economic growth while enhancing the quality of life in the County.

INCONSISTENCY FINDING:

The applications and supporting Flagler County documents fail to demonstrate that "quality of life" concerns will not be affected in the immediate and surrounding area.

INTERGOVERNMENTAL COORDINATION

8. **A. Goal Statement:**
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.

INCONSISTENCY FINDING:

Flagler County actions are not consistent with the above stated Goal given proximity of jurisdictional boundaries. The proposed amendments are not compatible with the shared development vision for the Robert's Road corridor as presently reflected on the respective FLUM's and zoning maps (See Policy A.3.4 above) .

9. **Policy 5.2:** The County shall utilize the *Northeast Florida Regional Planning Council as a mediator when development issues or annexation issues cross-jurisdictional boundaries and cannot be resolved by the County or other local governments involved.*

INCONSISTENCY FINDING:

The above stated Policy is noted for advisement purposes as a potential resolution option given the discord expressed by Flagler Beach residents and the City of Flagler Beach City Commission should Flagler County continue to proceed with the respective applications, as proposed.

From: Christie L. Mayer
Sent: Monday, June 16, 2014 4:00 PM
To: Craig Coffey
Cc: Sally 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

CULLIS
REAL ESTATE
SOLUTIONS

JTCullis@yahoo.com

7 Sandpiper Court

Palm Coast, FL 32137

386-569-8823 - Cell

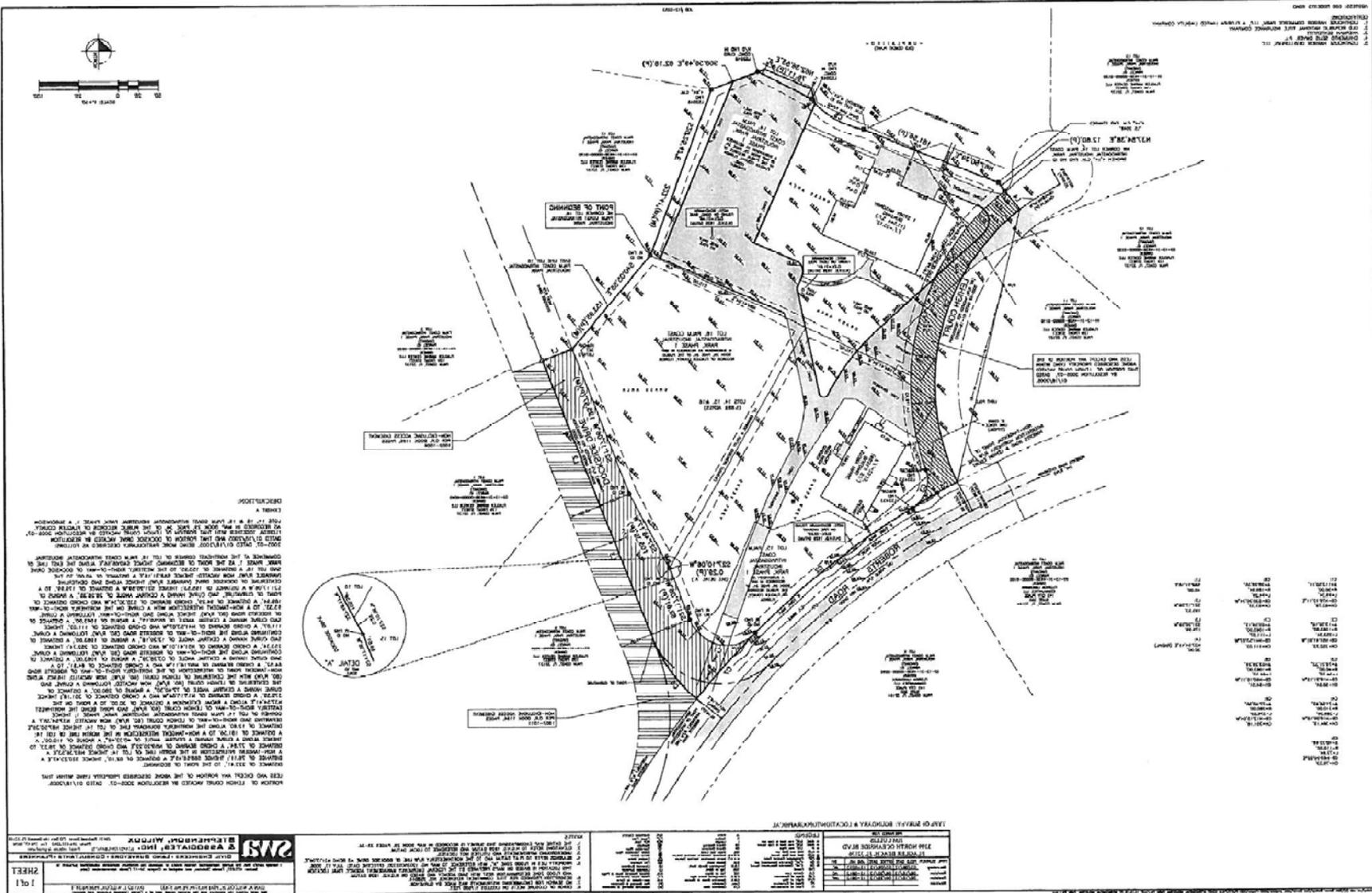
386-447-0800 / 800-957-0213

386-445-6470 Fax

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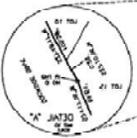
Checked by AVG - www.avg.com

Version: 2013.0.3495 / Virus Database: 4257/9268 - Release Date: 03/10/15



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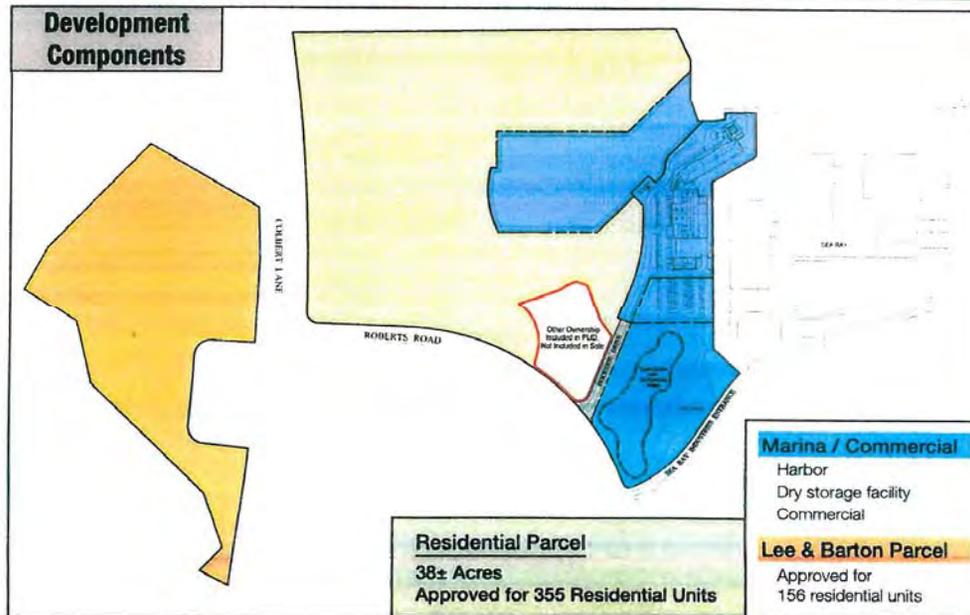
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Lighthouse Harbor Marina Mixed Use Development

Colbert Lane & Roberts Road, Palm Coast, Florida 32136

Property Information



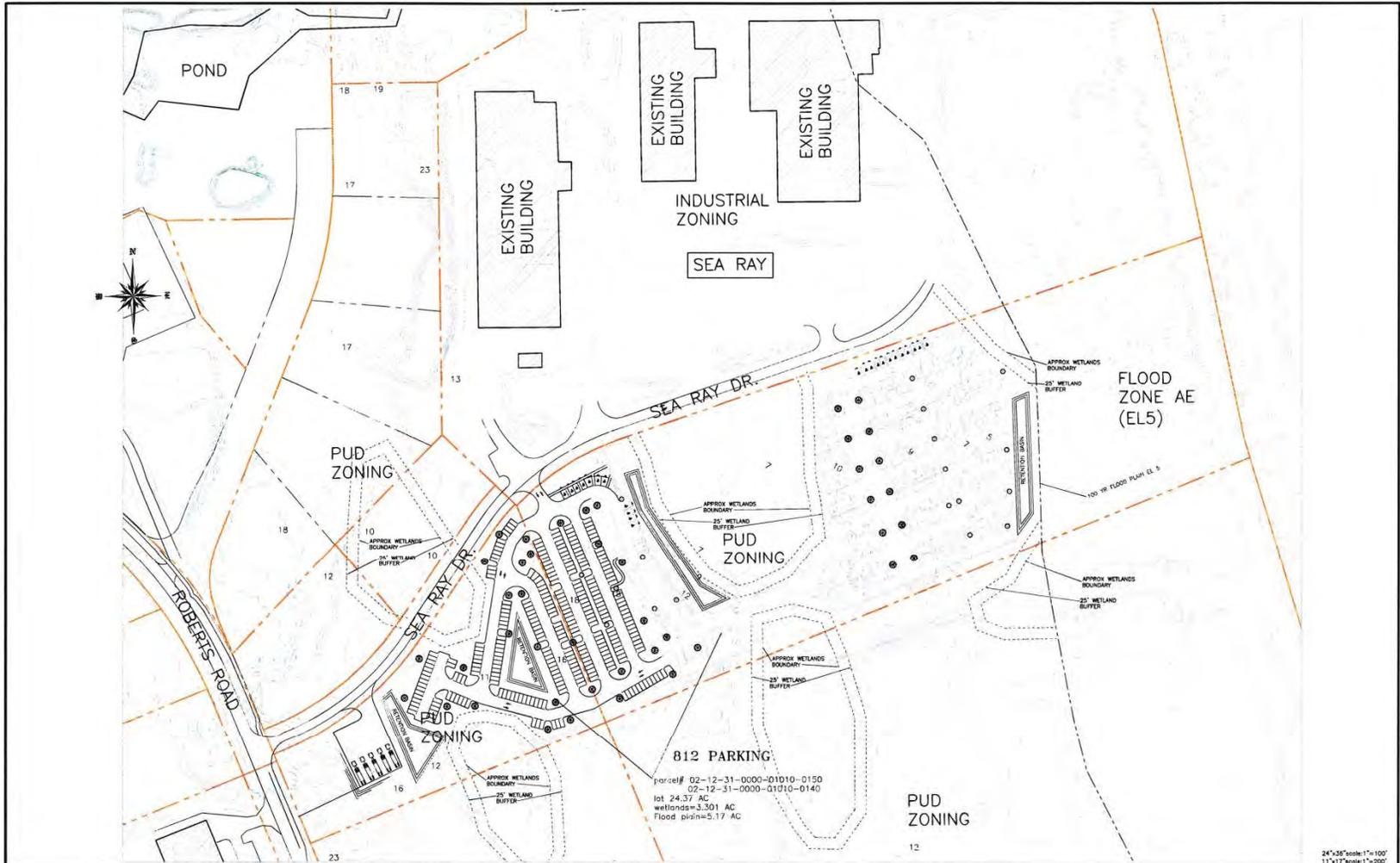
Soil Map—Flagler County, Florida
(SEA RAY-ROBERTS ROAD)



 Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

7/21/2014
Page 1 of 3



24" x 36" scale 1"=100'
11" x 17" scale 1"=200'

REVISIONS				DRAFT FA_DATE_7/24/2014	SITE PLAN-D ROBERTS ROAD AND SEA RAY DR.	SHEET NO. 1D
NO.	DATE	BY	DESCRIPTION			

December 12, 2005
Special Meeting

ITEM 6 - APPLICATION #2400 - ADOPTION OF AN ORDINANCE AMENDING THE FUTURE LAND USE MAP BY REDESIGNATING A 166-ACRE PARCEL LOCATED ON THE EAST SIDE OF ROBERTS ROAD BETWEEN THE FLAGLER BEACH CITY LIMITS AND SEA RAY BOATS. THIS IS A REQUEST TO REDESIGNATE APPROXIMATELY 139.8 ACRES FROM INDUSTRIAL TO RESIDENTIAL LOW - SINGLE FAMILY AND APPROXIMATELY 26.2 ACRES FROM INDUSTRIAL TO CONSERVATION. OWNER: FLORIDA LANDMARK PROPERTIES, INC.; APPLICANT: LANDMAR GROUP

The following information was provided by Walter Fufidio, Planning and Zoning Director:

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA REQUEST ITEM # 6**

CONSENT PUBLIC HEARING GENERAL BUSINESS

SUBJECT: Application #2400 - Adoption Of An Ordinance Amending The Future Land Use Map By Redesignating A 166-Acre Parcel Located On The East Side Of Roberts Road Between The Flagler Beach City Limits And Sea Ray Boats. This Is A Request To Redesignate Approximately 139.8 Acres From Industrial To Residential Low - Single Family And Approximately 26.2 Acres From Industrial To Conservation. Owner: Florida Landmark Properties, Inc. / Applicant: Landmar Group

DATE OF MEETING: December 12, 2005

SUBJECT/GOALS/OBJECTIVES: The requested amendment seeks to redesignate 166 acres lying east of Roberts Road, southeast of Sea Ray Boats and north of Wadsworth Park from *Industrial* to *Residential Low Density* (1-3 units per acre) and *Conservation*. This amendment will enable consideration of future rezoning action(s) for a residential community of not more than 419 dwelling units.

JUSTIFICATION/BACKGROUND/CONCERNS/ISSUES: This amendment request dates back to 2004. During the 2004 second amendment cycle, the Planning Board deferred action until policy direction regarding the Sea Ray Boats facility was established pursuant to the Marina Cove proposal (FLUM # 2339). On March 21, 2005 the Board of County Commissioners approved transmittal of this application as part of Flagler County's first amendment cycle for 2005. On October 3, 2005 the Board deferred adoption to provide additional time for a comprehensive settlement agreement between Sea Ray Boats and surrounding property owners.

On June 17, 2005 DCA issued its Objections, Recommendations and Comments (ORC) Report. The ORC Report included objections based on internal inconsistency – economic diversification; provision of potable water and sanitary sewer service; and land use compatibility with the adjacent Sea Ray manufacturing facilities.

The adoption of Ordinance 2005-17 established interim industrial siting criteria to address the internal consistency objection. The water and wastewater capacity issue was addressed in correspondence dated July 27, 2005 from Brian Matthews of the City of Palm Coast Utilities describing the need to obtain a temporary increase in [expired] Consumptive Use Permit #1947. The remaining issue is the protection of Sea Ray's existing and future operations.

December 12, 2005
Special Meeting

(Item 6 – continued)

Negotiations involving a global settlement have been ongoing since early 2005. Parties to these negotiations include Sea Ray Boats, Inc., Landmar Communities (FLUM #2339 and this application), and Florida Waterway Properties, LLC / Great Star Investors VIII LLC (FLUM #2424). The settlement negotiations also involve dismissal of the outstanding consistency challenge involving FLUM #2339 and naming DCA and Flagler County as defendants.

The Applicants have been advised of the need to present an executed settlement agreement or letter of no objection from Sea Ray Boats, Inc. prior to the Board's action. To date, neither has been made available. These are complicated issues involving upward of \$7.5m in capital and recurring costs for a Sea Ray retrofit and future economic development grant applications.

PLANNING BOARD RECOMMENDATION: The Planning Board conducted a public hearing on this matter on February 8, 2005 and voted 3-2 to recommend approval, subject to inclusion of the conservation buffer.

PARTIES OF RECORD:

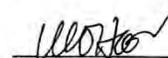
FOR	AGAINST
Victor Rugg, Lambert Avenue	Robert Lincoln, Sarasota
Roseanne Staker, Lambert Avenue	

RECOMMENDATION: Request the Board adopt Future Land Use Map Amendment application #2400 only upon presentation of an executed Settlement Agreement; this adoption shall only become effective when the Department of Community Affairs issues a final order to find the amendment to be in compliance.

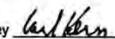
- ATTACHMENTS:**
1. Proposed Ordinance;
 2. Published Legal Notice;
 3. June 17, 2005 ORC Report
 4. Response to ORC Report



Department Head
12-07-2005
Date



County Administrator
12-8-05
Date

Reviewed by
County Attorney 

2
Application #2400

December 12, 2005
Special Meeting

(Item 6 – continued)

Chairman Darby asked staff if there was a settlement agreement.

County Attorney Kern suggested the parties put on the record where they were regarding the settlement agreement. Staff did not have a copy of the settlement agreement.

Chairman Darby invited the applicant to give his presentation.

Jim Cullis, regional manager for the Landmar Group, explained the project and that it was part of the company's overall plan for the Colbert Lane/Roberts Road area.

Stated they had worked for over a year on the settlement with Sea Ray and were at the "final hour" of the agreement. There was one little scientific line of sight issue to work out. Asked the BCC to approve the project so Landmar could move forward knowing that Sea Ray had protected its right to appeal or give them another week to get the settlement agreement done.

County Attorney Kern stated from the date of this hearing the County had ten days to transmit the applications to the State. Suggested an executed settlement agreement signed by all parties be presented to staff within that ten-day period, otherwise staff would not transmit.

Commissioner Kanbar stated it appeared this was at a "photo finish and all parties would cross the finish line together" to get this deal done. Complimented everyone involved in this process.

Mr. Cullis stated this was a three-party agreement so the BCC might want to also hear from Mr. Katz. As a businessman trying to negotiate a very complicated agreement, it was difficult for him to have an approval that put the other party in the driver's seat to make any objection it wanted and to hold the process up. For the BCC the decision was not whether Sea Ray was made happy, it was whether this was the right thing for this piece of property for the County. But he was there to hear the BCC's wishes and to make it work.

Paul Katz, attorney representing Harborview, stated Sea Ray and his client had worked out all of their issues. The issue that remained between Sea Ray and Landmar was a technical issue and he had the greatest confidence that was going to be worked out. Stated he did not want a ten-day trigger and suggested the BCC adopt and transmit what it had because the DCA had forty-five days to review after the submittal.

Dennis Bayer, attorney representing Sea Ray, stated a tremendous amount of progress had been made over the last month in settlement negotiations. He did not object to the BCC adopting both amendments on the agenda, but Sea Ray was reserving its right to request an administrative hearing if the one issue could not be agreed upon. He did not believe that was going to happen and did believe there would be a final agreement with all parties by the end of the week.

Commissioner King stated he was going to support it because all parties saw it the same way.

December 12, 2005
Special Meeting

(Item 6 – continued)

Planning and Zoning Director Fufidio stated there was no stopping it once this was sent to the State. This had to be resolved now and to say that it would be fixed in forty-five days put the BCC on the hook.

Chairman Darby questioned why the testimony from the representatives did not carry the weight for the BCC to react in a positive way. There were no negatives except those exhibited by staff. All of the principles have consented to an answer by Friday.

County Attorney Kern stated if the parties could give staff something by Friday that would conclude the matter, but it could not be ruled on contrary to the ORC Report without being resolved.

County Administrator Haas stated the BCC could not ignore the ORC Report. The concern was when it was transmitted the review process by DCA started and if the agreement fell apart the County would be found in non-conformance with its own comp plan.

Commissioner King asked what the BCC needed to do.

County Attorney Kern stated there needed to be a signed agreement from the parties before this was sent to Tallahassee and that needed to be received within ten days.

County Administrator Haas stated the ten days was also a problem because Sea Ray would “hold all the chips” and the developer would have none.

Mr. Katz stated if this FLUM amendment was adopted by the BCC and sent to the DCA, but if for some reason the agreement was not signed and the DCA needed a signed agreement and it found the County not in compliance, then his client would defend the County.

Commissioner King asked if that was acceptable.

County Attorney Kern stated it was on the record.

Mr. Cullis pointed out that they had been in a year-long dispute and Landmar had paid all the legal bills. Also pointed out in the ORC Report the DCA never said if there was not a settlement agreement with Sea Ray it would not be approved.

A motion was made by Commissioner King to adopt Application #2400 with the understanding if the deal fell apart and the County ended up in litigation Mr. Cullis illustrated that Landmar would be responsible for the attached litigation.

December 12, 2005
Special Meeting

(Item 6 – continued)

Chairman Darby asked if the sentence “only upon presentation of an executed settlement agreement” was not included in the motion.

Commissioner King and Kanbar concurred.

Chairman Darby opened the public hearing.

Dennis Bayer reiterated if a deal was not reached he would draw the BCC's attention back to the compatibility evidence raised when this issue was before the BCC last December.

There was no further public comment.

Chairman Darby closed the public hearing.

County Administrator Haas stated although the BCC was not a signatory on the tri-party agreement it was a funding partner to the solution. The County had committed that Sea Ray would apply through the Economic Development Incentive Program for funding and also to assist with and administer an application for a CDBG Economic Development Grant.

Mr. Bayer stated one reason Sea Ray did not get involved earlier with the grant application process was it had a universe of other issues that required resolution. It had a much more comprehensive package on the table right now so that was not going to be a problem.

There was no further public comment.

The BCC thanked all parties and staff for working together.

Chairman Darby called the question. Motion carried unanimously.

(Ordinance 2005-31 is on file in the Finance Department of the Flagler County Clerk's Office.)



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 03-10-2015 Today's Date: 3-15-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID	17-16-33-20-00-0010	Mill Group	402 Port Orange		
Short Parcel ID	6317-20-00-0010				
Alternate Key	5009149	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	13		
Date Created	02 MAY 1988				
Owner Name	WAL-MART STORES EAST LP	GO TO ADD'L OWNERS			
Owner Name/Address 1	PROPERTY TAX DEPT STORE 582				
Owner Address 2	PO BOX 8050 MS 0555				
Owner Address 3	BENTONVILLE AR				
Owner Zip Code	727168050				
Owner Percentage	100	Ownership Type			
Location Address	1590 DUNLAWTON AV PORT ORANGE 32127				

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
TRACT 1 WOODLAND CENTER & TRI PARCEL IN NE 1/4 OF NW 1/4 BEI	
NG S OF & MEAS 844.06 FT ON DUNLAWTON MB 42 PG 17 PER OR 427	

SALES HISTORY							GO TO ADD'L SALES
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6342	2277	3/2009	Warranty Deed	Unqualified Sale	Yes	100
2	4275	1292	2/1998	Warranty Deed	Qualified Sale	Yes	3,027,856
3	3629	0529	12/1990	Warranty Deed	Affiliated Parties	No	100

HISTORY OF VALUES												GO TO ADD'L HISTORY
YEAR	LAND	BLDG(S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	3,420,721	6,176,175	348,678	9,943,574	9,943,574	9,943,574	9,943,574	0	9,943,574	9,943,574	0	9,943,574
2013	3,420,721	5,612,302	348,525	9,381,548	9,381,548	9,381,548	9,381,548	0	9,381,548	9,381,548	0	9,381,548

LAND DATA												
CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL	
1300	DEPT STORE	No Data	No Data	980852.00	SQUARE FEET	7.75	100	100	50	90	3,420,721	
NEIGHBORHOOD CODE		C5540 DUNLAWTON BLVD-NOVA RD TO I-9										
TOTAL LAND CLASSIFIED 0												
TOTAL LAND JUST											3,420,721	

BUILDING CHARACTERISTICS



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 03-10-2015 Today's Date: 3-15-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID	41-15-33-09-00-0010	Mill Group	204 Daytona Beach		
Short Parcel ID	5341-09-00-0010				
Alternate Key	6354197	2014 Final Millage Rate	23.59040		
Parcel Status	Active Parcel	PC Code	13		
Date Created	14 JUL 2004				
Owner Name	WAL-MART STORES EAST LP	GO TO ADD'L OWNERS			
Owner Name/Address 1	PROPERTY TAX DEPT NO 1391				
Owner Address 2	PO BOX 8050 MS-0555				
Owner Address 3	BENTONVILLE AR				
Owner Zip Code	727168050				
Owner Percentage	100	Ownership Type			
Location Address	1101 BEVILLE RD DAYTONA BEACH 32119				

LEGAL DESCRIPTION							
LOT 1 WAL-MART/SAM'S REPLAT DAYTONA BEACH MB 51 PGS 18-19 PE							
R OR 6342 PG 2267							

SALES HISTORY							
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6342	2267	3/2009	Warranty Deed	Unqualified Sale	Yes	100

HISTORY OF VALUES													GO TO ADD'L HISTORY	
YEAR	LAND	BLDG(S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL		
2014	2,191,075	5,507,797	196,193	7,895,065	7,895,065	7,895,065	7,895,065	0	7,895,065	7,895,065	0	7,895,065		
2013	2,191,075	4,991,319	197,799	7,380,193	7,380,193	7,380,193	7,380,193	0	7,380,193	7,380,193	0	7,380,193		

LAND DATA												
CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL	
1300	DEPT STORE	900.0	900.0	1021480.00	SQUARE FEET	3.25	100	110	60	100	2,191,075	
NEIGHBORHOOD CODE		C5544 DAYTONA BEACH- BEVILLE RD										
TOTAL LAND CLASSIFIED											0	
TOTAL LAND JUST											2,191,075	

BUILDING CHARACTERISTICS	
BUILDING 1 OF 1	



City of Flagler Beach

P.O. Box 70 Flagler Beach Fl 32136

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

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.

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).**

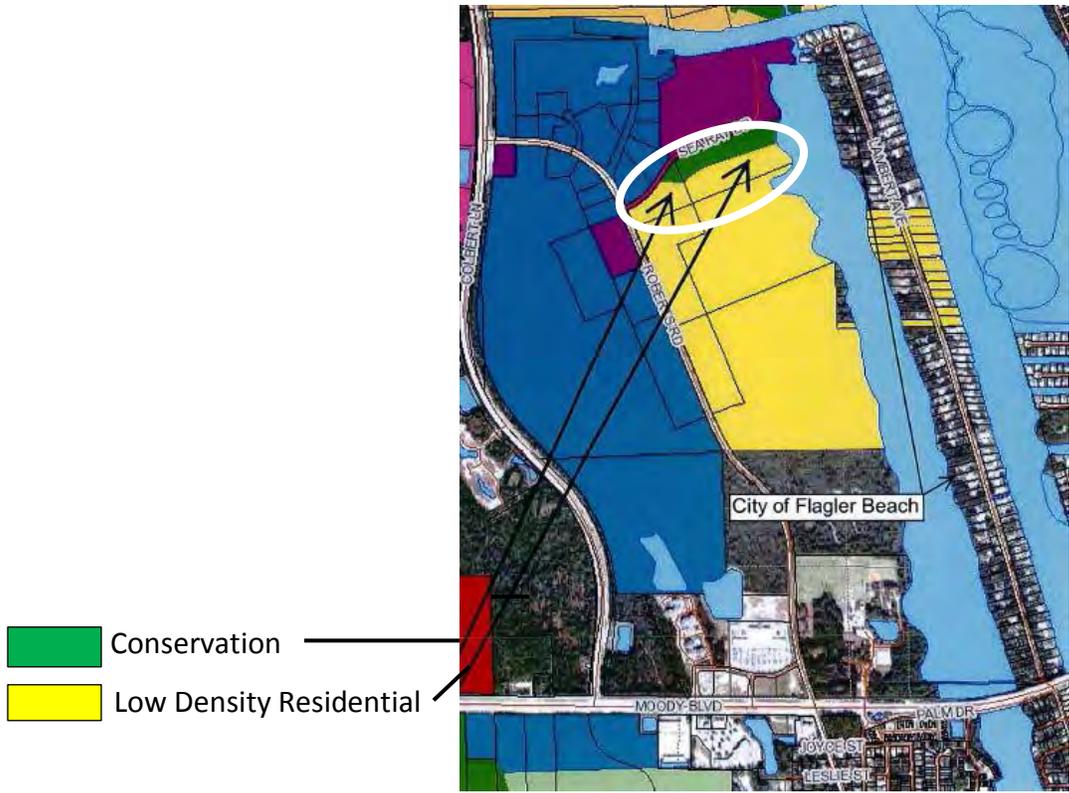
The City of Flagler Beach respectfully requests a copy of the adopted amendment, if favorably adopted.

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

