

Planning and Zoning

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July 28, 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 - SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENT

Dear Mr. Eubanks:

The Flagler County Comprehensive Plan Amendment #15-1ESR is hereby submitted to the Florida Department of Economic Opportunity (DEO) pursuant to the requirements of Section 163.3184, F.S.

On July 20, 2015, the Flagler County Board of County Commissioners held an adoption hearing for the 15-1ESR map amendments pursuant to Section 163.3184, F.S. At the public hearing, the Board of County Commissioners unanimously voted to adopt Ordinance No. 2015-07 (Application #2972) and submit the amendment package to DEO.

This submittal 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 adopted amendment with supporting data and analysis, for the following 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 all of 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.

For your information, Flagler County has not rescinded concurrency for any public facilities, although transportation and parks impact fees were waived through an initial two-year moratorium adopted through Ordinance No. 2012-07 until October 9, 2014, which moratorium period was extended for an additional year by Ordinance No. 2014-05 until October 9, 2015.

District 1
Charles Ericksen, Jr.

District 2
Frank Meeker

District 3
Barbara Revels

District 4
Nate McLaughlin

District 5
George Hanns

The Board of County Commissioners through the adoption of this ordinance also approved a parcel-specific limiting policy which had been previously reviewed by the Department of Economic Opportunity as part of the March 2015 proposed amendment transmittal package amending the Future Land Use Element of the 2010-2035 Comprehensive Plan (new parcel-specific limiting policy text underlined below, and presented in double-underline format in the enclosed Future Land Use Element):

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:

(11) 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 from the eastern boundary of the subject parcels or fifty (50) feet from any jurisdictional wetland line, whichever is greater, with the portion of the subject parcels located within the setback area to remain as undisturbed, natural vegetation, consisting of marshland and trees;

b. a finished boat staging area, with the finished boat staging area completely within and no portion of the staging area or related facilities extending beyond a distance of one thousand (1,000) feet, as measured from the eastern right-of-way boundary of Roberts Road, eastward; and

c. an office building, not to exceed 40,000 square feet (gross floor area) in size, with the office building and related facilities completely within and with no portion of the building or related facilities extending beyond a distance of one thousand (1,000) feet, as measured from the eastern right-of-way boundary of Roberts Road, eastward.

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 Parcel #02-12-31-0000-01010-0150 and totaling 24.4 acres in size.

No changes were made to the adopted amendment that the State Land Planning Agency and reviewing agencies did not previously review. Through this amendment package the County also acknowledges comments provided by the reviewing agencies related to Application #2972. As reflected in the attached agenda items, the Board of County Commissioners is aware of

these comments and has incorporated appropriate measures – consistent with the parcel-specific limiting policy – into the subsequent rezoning action to Planned Unit Development (PUD). For reference, the Board approved on first reading the PUD rezoning ordinance (Application #2973) for the subject parcels on July 20, 2015 and will consider the PUD rezoning ordinance on second reading for adoption at its August 3, 2015 regular meeting.

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 adopted 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, w/encl.
Florida Dept. of Economic Opportunity, Bureau of Economic Development, w/encl.
Florida Dept. of Education, w/encl.
Florida Dept. of Environmental Protection, w/encl.
Florida Dept. of State, w/encl.
Florida Fish and Wildlife Conservation Commission, w/encl.
Florida Dept. of Transportation, District 5, w/encl.
Northeast Florida Regional Council, w/encl.
St. Johns River Water Management District, w/encl.
Town of Beverly Beach, w/encl.
City of Bunnell, w/encl.
City of Flagler Beach, w/encl.
Town of Marineland, w/encl.
City of Palm Coast, w/encl.
City of Ormond Beach, w/encl.
Putnam County, w/encl.
St. Johns County, w/encl.
Volusia County, w/encl.

ORDINANCE NO. 2015 - 07

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

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

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

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

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

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

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

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

WHEREAS, following transmittal of the proposed amendment, the State Land Planning Agency and other Agencies provided their comments to the County; and

WHEREAS, following consideration of the comments provided by the State Land Planning Agency and other Agencies, County staff and the applicant determined that no changes to the amendment were necessary; and

WHEREAS, on July 20, 2015, the Flagler County Board of County Commissioners, conducted an adoption public hearing on this amendment; and

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

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

Section 1. FINDINGS

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

Section 2. FUTURE LAND USE MAP AMENDMENT

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

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

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

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

Thence S67°12'53"W for a distance of 2228.20 feet to the northeasterly RW line of Roberts Road (80' RW); 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:

- (11) 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 from the eastern boundary of the subject parcels or fifty (50) feet from any jurisdictional wetland line, whichever is greater, with the portion of the subject parcels located within the setback area to remain as undisturbed, natural vegetation, consisting of marshland and trees;

- b. a finished boat staging area, with the finished boat staging area completely within and no portion of the staging area or related facilities extending beyond a distance of one thousand (1,000) feet, as measured from the eastern right-of-way boundary of Roberts Road, eastward; and
- c. an office building, not to exceed 40,000 square feet (gross floor area) in size, with the office building and related facilities completely within and with no portion of the building or related facilities extending beyond a distance of one thousand (1,000) feet, as measured from the eastern right-of-way boundary of Roberts Road, eastward.

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 Parcel #02-12-31-0000-01010-0150 and totaling 24.4 acres in size.

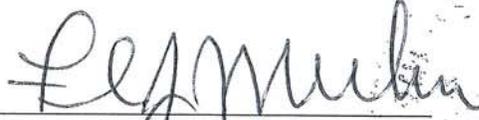
Section 4. EFFECTIVE DATE

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.

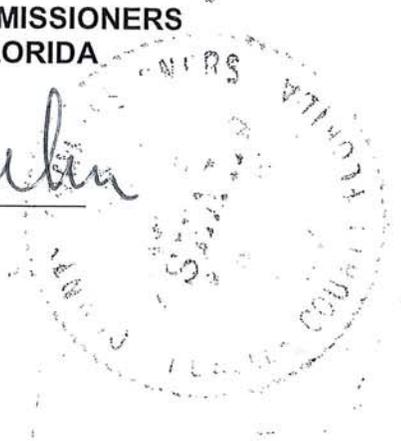
REMAINDER INTENTIONALLY BLANK
SIGNATURE LINE TO FOLLOW

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS
OF FLAGLER COUNTY, FLORIDA THIS 20TH DAY OF JULY,
2015.

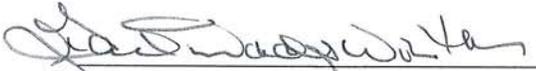
BOARD OF COUNTY COMMISSIONERS
OF FLAGLER COUNTY, FLORIDA



Frank J. Meeker, Chairman



ATTEST:

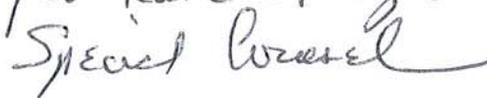


Gail Wadsworth, Clerk of the
Circuit Court and Comptroller

APPROVED AS TO FORM:



Al Hadeed, County Attorney

per Kate Stangle




I HEREBY CERTIFY this to be a true
And correct copy of the original
GAIL WADSWORTH
CLERK OF COURTS

by 

Application #2972

Future Land Use Map Amendment from Residential: Low Density/Single Family and Conservation to Commercial: High Intensity

Owner/Applicant: Daryl Carter, Trustee of the Carter-Flagler Roberts Road Land Trust

Parcel #02-12-31-0000-01010-0140 & 02-12-31-0000-01010-0150

