

Growth Management

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Bunnell, FL 32110



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October 11, 2019

Ken Belshe
Palm Coast Intracoastal, LLC
145 City Place, Suite 300
Palm Coast, FL 32164

RE: GARDENS PROJECT SKETCH PLAT SUBMITTAL RECEIVED AUGUST 30, 2019
APPLICATION #3197/PROJECT #PLAT-000049-2019

Dear Mr. Belshe:

I have reviewed the above-captioned application and its attachments and it is my determination that the Sketch Plat proposed for the Planned Unit Development (PUD) – adopted through Ordinance No. 2005-22 (originally identified as the Hammock Beach River Club PUD and subsequently known as the Gardens at Hammock Beach PUD) and recorded at Official Records Book 1429, Page 19, Public Records of Flagler County, Florida – is not in accordance with the entitlements granted in the original PUD. My determination is based on the following:

- the proposed development approved through Ordinance No. 2005-22 has been substantially altered from its original proposal, with the Sketch Plat:
 - shifting all development to the East side of John Anderson Highway;
 - having direct roadway access onto John Anderson Highway (where the previous approval did not include direct roadway access onto John Anderson and instead proposed a tunnel/bridge for Gardens project traffic to reach the East side of John Anderson Highway); and
 - omitting development of the golf course, which served as both an amenity and as a means of providing for the disposal of the City of Flagler Beach's treated wastewater as an alternative to the present direct discharge into the Intracoastal Waterway, and provided for an effective low-density development;
- no development-related activity has taken place other than the 2006 Gardens at Hammock Beach final plat (approved by the Board of County Commissioners on September 18, 2006 and recorded on October 13, 2006 at Map Book 35, Pages 80 through 100, Public Records of Flagler County, Florida) and the subsequent 2012 plat vacation (approved by the Board of County Commissioners through Resolution No. 2012-05 on February 20, 2012, effective on April 13, 2012, and recorded on April 13, 2012 at Official Records Book 1864, Page 371, Public Records of Flagler County, Florida);
- the County adopted a new Comprehensive Plan on July 6, 2011 which, among other things, prohibits increases in density within the Coastal High Hazard Area and Special Flood Hazard Area, both of which are applicable to the Gardens project;
- the County adopted new Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) and new floodplain management regulations as an amendment to the County's Land Development Code (approved by the Board of County Commissioners through Ordinance No. 2018-

Charles Ericksen, Jr.
District 1

Greg Hansen
District 2

David Sullivan
District 3

Joe Mullins
District 4

Donald O'Brien, Jr.
District 5

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08 on May 7, 2018 and recorded on May 8, 2018 at Official Records Book 2277, Page 1483, Public Records of Flagler County, Florida), both of which became effective on June 6, 2018 and which, among other things, increased the accuracy of the depiction of the Special Flood Hazard Area as it relates to the Gardens project; and

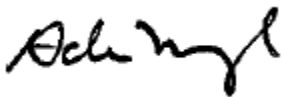
- with the exception of the 2006 final plat and the 2012 plat vacation, the owner/developer has not requested a tolling or extension of the development schedule or expiration dates; and
- the proposed Sketch Plat represents a development plan that concentrates the approved development within roughly a third of the Gardens project area, resulting in a density and spatial development pattern that differs significantly from the 2005 PUD and the 2006 final plat, and which is not consistent with the underlying Agriculture & Timberlands Future Land Use designation.

A rezoning to Planned Unit Development (PUD) is necessary, together with a Future Land Use amendment to the Future Land Use designation consistent with the proposed project density. Please be aware that the PUD rezoning will need to demonstrate consistency with the Future Land Use designation, while also satisfying the requirements of the PUD zoning district (copied below in part):

“The purpose and intent of the planned unit development (PUD) is to provide an opportunity for innovative urban design techniques, improved use of land, protection of valuable natural features in the community, desirable land use mix, open space, and more economical public services. The purpose of this provision is to encourage the unified development of large tracts of land using more creative and flexible concepts in site planning than would otherwise be possible through the strict application of minimum and maximum requirements of conventional land use districts established in this article. The proposed PUD must be in harmony with the general purpose of the article and the county's comprehensive plan. The design and construction of a PUD project shall follow a carefully devised plan of development which must be prepared in accordance with the requirements, procedures and approvals herein prescribed.” (Flagler County Land Development Code Section 3.03.20.A, in part).

Should you choose to appeal this determination of non-compliance with the original PUD entitlement, because it is a land use matter, your appeal will be heard before the Flagler County Board of County Commissioners.

Thank you,



Adam Mengel
Growth Management Director

cc: Board of County Commissioners
Jerry Cameron, County Administrator
Al Hadeed, County Attorney