

## Preserve Flagler Beach and Bulow Creek Abstract

### Responses to the Developer's Responses to the TRC March 4, 2020 and Flagler County Comments Distributed March 13, 2020

Overview: Preserve Flagler Beach and Bulow Creek (PFBBC) studied the developer's responses to the February 14, 2020 TRC comments and Flagler County additional comments distributed March 13, 2020 and came to the conclusions summarized below.

Summary of our findings:

1. **New PUD application.** We concur with the County Attorney's findings that a new PUD application should be required of the developer, Palm Coast Intracoastal, LLC (see item #5 FLUM Amendment).

The County Attorney points out that the Comprehensive Plan Policy A.2.19.4 suggests that the Agriculture and Timberlands designation is "designed to prevent sprawling residential development." The current proposal by the developer places all 453 residential units entitled for the entire 1,999 acres of the 2005 PUD agreement onto 211 acres of the property and also includes several sections with a vague placeholder labeled "future development."

The developer sidestepped the density issue by responding that the proposal meets the approved PUD lot size.

2. **No additional residential development.** If the original 2005 PUD is to be adhered to by the developer, with the total 453 home sites placed on the east and west side of John Anderson, then there should be no additional residential development elsewhere on the property. This exclusion would apply to remaining property on the west side of John Anderson, the area south of intersection with Colbert Road and to the parcels labeled "future development" within the eastern section.
3. **Water and sewage services.** The developer should be required to pay a pro rata portion of the Flagler Beach facilities expansion to meet the demands of the Gardens. NOTE: we are seeking updated information from the City of Flagler Beach.
4. **Traffic study.** With the elimination of the main artery through the development terminating at a new intersection at Colbert Road and the elevated road over John Anderson Highway, all the traffic now enters John Anderson Highway via two access roads from the east side and one from the west. An updated traffic study, coordinated with Volusia County, must be done for the entirety of John Anderson Highway including the intersection with Moody Boulevard and Walter Boardman.

PARKER MYNCHENBERG & ASSOCIATES, INC.

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Mr. Adam Mengel, AICP, LEED AP BD+C Planning  
Director  
Flagler County  
1769 E. Moody Blvd., Building 2 Bunnell, Florida  
32110

March 4, 2020

Re: THE GARDENS  
PLAN-AR-000102-2019 Application #3209 - Amendment to PUD Response to  
TRC Comments dated February 14, 2020

Dear Adam:

Please find enclosed the following in connection with the above referenced project:

1. Four (4) copies of the revised Master Development Plan.
2. One (1) copy of the Tree Survey.
3. One (1) copy of the Draft Response Letter to City of Flagler Beach Utility Engineer.
4. One (1) copy of the School Concurrency Request Letter and Application.
5. One (1) copy of the Potential Gopher Tortoise Habitat Map.
6. One (1) CD containing PDF & CAD files of the submittal package paperwork.

Title Opinion to be provided under separate cover.

We have also provided a legible copy of the approved, controlling, Conceptual Site Development Plan which was attached as Exhibit 2 to the PUD.

The following are in response to the February 14, 2020, request for additional information:

REVIEWING DEPARTMENT: BUILDING DEPARTMENT

No comments at this time

REVIEWING DEPARTMENT: COUNTY ATTORNEY

1. **STATUS OF PUD AGREEMENT**

Section 13.2 of the PUD Agreement says, "Approval of the PUD development shall remain in effect for fifteen (15) years, or as long as the Project is ongoing, whichever is longer." The Agreement took effect in November 2005. Therefore, this analysis presumes the PUD Agreement is still active.

**Response:** Agree.

2. **INTERGOVERNMENTAL COMITY AND WATER SUPPLY**

The proposed development abuts the City of Flagler Beach, and the City will supply water and wastewater. Involving the City not only promotes comity but is required by the Intergovernmental Coordination Element of the County's Comprehensive Plan. The County should continue to involve the City in the planning process as appropriate to address issues such as compatibility, impacts on public resources, utilities and public safety.

**Response:** Applicant has met with City Utilities Engineer. Attached is the transmittal and re-submittal to the City of Flagler Beach in connection with utility service and permitting.

3. **SCHOOL CONCURRENCY AND SHELTER CAPACITY**

Old Kings Elementary School is at or near capacity, and the sketch plat does not include a school site. Has the applicant submitted a concurrency application to the School District?

**Response:** See attached school concurrency application and transmittal letter.

**PFBBC Issue:** See Flagler Schools Updated comment distributed 3-13-2020

4. The proposed subdivision is in a zone that is frequently subject to mandatory evacuations during hurricane emergencies. Accommodation should be made such that the proposal does not lead to a net decrease in shelter capacity.

**Response:** The issue was resolved during the 2005 public hearing and adoption of the PUD Ordinance 2005-22 which is consistent with the County Comprehensive Plan. Since there is no change in number of residential units, this comment is satisfied. Specifically, Section 3.1 of the PUD stated the "This Agreement is consistent with the uses, densities, and intensities allowed under the Comp Plan."

**PFBBC Issue:** If developer is held to water agreement signed in 2016, why isn't developer held to the 2011 Comprehensive Plan?

5. **FLUM AMENDMENT**

The property to be developed is designated as Agriculture and Timberlands within the Future Land Use Element of the Flagler County Comprehensive Plan. The property owner should apply to amend the Future Land Use Element so that the designation for the property is consistent with the intended project. The owner applied to do this very thing in February 2019 before changing the application to significantly downsize the number of dwelling units. While the density of the revised proposal fits within the limits of the Agricultural and Timberland designation (due to the large size of the overall property and ignoring for the moment the large tracts reserved for future development), mixed use is the appropriate designation for the intended use of the land. For example, Policy A.1.1.6 of the Comprehensive Plan shows the incompatibility of the property's Future Land Use designation with the development proposal:

"Flagler County shall continue to administer land development regulations governing Agricultural Districts as adopted into the County's Land Development Regulations. This agricultural district allows bona-fide agricultural pursuits, timber production, and limited residential development at a gross density of one (1) unit per twenty (20) acres."

Also, Comprehensive Plan Policy A.2.19.4 suggests that the Agriculture and Timberlands designation is designed to prevent sprawling residential development in certain instances. The development proposal is not for agricultural purposes or even for a transitional use of land between urban and rural zones. Rather the proposal is for a planned unit subdivision with relatively small lots, and the Agriculture and Timberlands designation is inappropriate for the intended use. See also, the Comprehensive Plan includes a Future Land Use and Zoning Consistency Matrix (Table A.3).

**Response:** We disagree with the County Attorney's comments. See Section 3.1 of the PUD. The proposal meets the approved PUD for lot size.

**PFBBC Issue:** The developer is evading the issue. It is not about the lot size. It is about

density. PUD was approved for 453 homes on 825 acres (1.82 acres per home). The proposed plan locates all 453 homes on 211.7 acres. (0.47 acre per home. Lot is minimum 6,500 sq ft = 0.47 acre). This is inappropriate for Agriculture and Timberlands designation. It is also incompatible with lot size and density (zoned one home per five acres) of the surrounding John Anderson Highway homes.

## 6. PUD AMENDMENT

The Board of County Commissioners approved the PUD Agreement in November 2005 after an extended period of negotiations and resubmittals. The 2005 approval included commercial space and was generally based on the concept of a residential golf community. The then-owner dedicated a public boat ramp site and a fire station site. The then-owner also agreed to build a roadway connecting to SR 100 and a crossing of John Anderson-both accommodations intended to avoid or lessen traffic impacts on John Anderson Highway. The then-owner also agreed to preserve certain lands and to use reclaimed water for irrigation to alleviate environmental impacts. All of these aspects of the project were material to the PUD Agreement. They went to the heart of the bargain and formed the basis of the meeting of the minds. The current proposal omits some of these provisions entirely and includes placeholders for others with no guarantee they will ever actually occur. The PUD Agreement should be modified before it expires to reflect the new intentions of the property owner.

The PUD Agreement states its purpose: "The purpose of the rezoning is to facilitate development of the Property as specifically set forth herein and as depicted on the Conceptual Site Development Plan..." (Emphasis added). Then, Section 4.7 of the PUD Agreement states, "Modifications to the Conceptual Site Plan that comply with the general land uses and applicable development criteria contained herein do not require amendment of this Agreement or the PUD zoning approval where no conflicting provision exist." (Emphasis added). Thus, the agreement allows for some rearranging of the conceptual plan without amending the Agreement. The current proposal, however, far surpasses that threshold.

The following is a list of items from the proposal that do not comply with the intent of the PUD Agreement as approved and demonstrate the need to amend the agreement. Alternatively, the proposal can be amended to comply with the agreement. (It is not intended to be an all-inclusive list.)

- Section 5.1.3 of the Agreement requires that reclaimed water be the primary source of irrigation. This is a mandatory provision of the agreement. It was required by the County, responsive to concerns of citizens, to preserve the water quality of the Intracoastal and one of the County's most spectacular natural features, Bulow Creek.  
**Response:** Purple PVC and reuse irrigation system is being provided. Initially the system will use recycled stormwater runoff (pumped from onsite lakes) to provide irrigation demand and system is designed to allow City reuse for irrigation supply once available.  
**PFBBC Issue:** Is **recycled** the same as **reclaimed**? From a health stand point, is it acceptable to use untreated water from a shallow lake around residential areas?
- Will the golf course be constructed during Phase 1A? The PUD Agreement envisions a residential golf community. If this is not the owner's intention, or if the placeholders in the sketch plat are only for open space, the Agreement should be amended to reflect the actual plan for the PUD.  
**Response:** The golf course will not be constructed during Phase 1A; however, it is the Developer's intention to construct the golf course in accordance with the PUD.  
**PFBBC Issue:** As the proverb says, "The road to hell is paved with good intentions." If developer is committed to creating the golf course, it needs to be part of the Master Plan. Future dreams should not be included in a Master Plan.

- Section 5.5 of the Agreement says that access to the development shall be at both John Anderson and a new road connecting to SR 100. The approvals from 2005 provided for an above or below grade crossing of John Anderson Highway. If construction of the connection to SR 100 is slated to coincide with future phases of development, all of the traffic impacts for the approved number of dwelling units will be on John Anderson Highway. This is reason enough, without regard to the other items on this list, to amend the PUD since the connection to SR 100 was, again, a basis of the bargain.  
**Response:** We disagree with the County Attorney's opinion. We refer him to the language in Section 5.5 of the PUD which specifically states "Developer may also provide below grade and aerial crossing over John Anderson Highway...".  
**PFBBC Issue:** And, developer, we remind you Section 5.5 also says: access to the development **shall** be at both John Anderson and a new road connection to SR100. [emphasis added]
- Section 4 of the PUD Agreement has a plan overview that describes three general areas to be developed: residential golf area, commercial area, and public land. All three general areas were material to the agreement reached between the previous owner and the Board of County Commissioners. Section 4.3 further defines and limits the commercial area. If the commercial areas are no longer part of the project, the PUD Agreement should be amended to so state.  
**Response:** The commercial area is part of the project.  
**PFBBC Issue:** As stated above, future dreams should not be included in a Master Plan. Refer to developer's response to Development Engineering, question 10. The commercial area is a future feature.
- Section 4.6.1 of the Agreement mentions the dedication of twelve acres for a utility site, and it required the then-owner to build a utility. However, the Agreement was written prior to the "Water War" settlement. The Agreement should be updated to reflect the current status and plan for utilities.  
**Response:** We disagree with the County Attorney's opinion. The County Attorney should refer to the Interlocal Agreement Water and Wastewater Service Area John Anderson Corridor dated May 16, 2016 and recorded in Official Records Book 2129, Page 1549 of the public records of Flagler County, Florida.  
**PFBBC Issue:** If developer is stating that the 2016 water agreement over rides the 2005 PUD, then the 2011 Comprehensive Plan should apply as well. The developer should not be allowed to cherry pick what applies and what does not.
- The application shows large tracts of land reserved for "future development." This is completely at odds with the development approvals as found within the four corners of the PUD Agreement. The reserved tracts act as placeholders for unspecified development within the boundaries of the PUD, something not only outside of, but contrary to, the agreement. Put another way, without an amendment, the PUD Agreement does not allow reserve tracts for future development beyond what was approved. This alone is a material difference from what is already approved and is reason enough, by itself, to amend the PUD. The placeholder tracts appear to be a method to eventually get approvals for the sort of large-scale development originally proposed by the Applicant last year or some variation of it, but without overtly saying so. The applicant has every right to seek such approvals, but a vague placeholder on the conceptual site plan for future development is inappropriate without amending the PUD Agreement.  
**Response:** Changes were made to the plan reflecting uses in those areas which are consistent and identical to the concept plan provided as Exhibit 2 to the PUD.  
**PFBBC Issue:** Please provide a copy, or electronic access, to Exhibit 2 to the PUD.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

Gardens at Flagler Beach Master Dev. plan:

1. The plan should become two different master plans. One for the east side and one for the west.  
**Response:** Two sheet Master Plan is provided, east side and west side.
2. The PUD Agreement needs to be amended to match what is proposed.  
**Response:** Disagree.  
**PFBBC Issue:** The proposed Master Plan must agree with the PUD. The Master Plan is significantly different from the PUD and requires a new PUD, not an amendment.
3. The plan should be shown at a larger scale it is difficult to see phase lines and the tract limits and layouts.  
**Response:** See revised plans at a larger scale.
4. What is proposed for the future development, if this is a master plan it should have all development defined?  
**Response:** Future development is not designed at this time; therefore, we cannot satisfy this request. Notwithstanding, we have modified the PUD Site Development Plan.  
**PFBBC Issue:** If large tracts of land within the boundaries of the development are undefined, is a planned unit development the correct approach for this development? This appears to be a regular, residential development. At a minimum, future development designation should have a descriptive placeholder.
5. Show the minimum setback from residential units to Bulls Creek and Graham Swamp.  
**Response:** Minimum setbacks are indicated on Sheet 2.  
**PFBBC Issue:** Is question referring Bulls Creek and Graham Swamp an error?
6. Depict the emergency accesses for each phase.  
**Response:** Emergency access for each phase is indicated.
7. The sidewalks on John Anderson have typically provided along the west side of the roadway. Revise the call out to the west property line.  
**Response:** Sidewalk is relocated to west side.
8. Show the flood plain limits on the plan.  
**Response:** Flood plain limits are indicated on revised plans. See Sheet 1 and 2 added flood maps.
9. The southern east roadway does not have a tract called out for it.  
**Response:** Southern east roadway tract is called out. "Tract A private road right-of-way".
10. What phase is the commercial development going to be in? Phase 3.  
**Response:** Anticipated to be in Phase 3.  
**PFBBC Issue:** Development phases should be defined and consistently used. Master Plan identifies Phase 1A, 1B and 1C, 2A, 2B and 2C located on the east side to build at one time and to be built first. Phase 3A and 3B are located on the west side to be built at some time in the future. What is Phase 3 that the developer is referencing? What is Phase 2? If the developer is referring to Building Phases, then, the development will be built using a staged approach with the east side being Phase 1. See Planning

Department item 20 to which developer provided a conflicting response.

11. What are the parcels on the south side of the "Commercial Parcel".  
**Response:** Commercial/Multi-family on portions and Single Family Attached/Single Family Detached/Golf Course as noted on the approved PUD.  
**PFBBC Issue:** If all PUD entitled 453 residential units are built on the east and west side of the Master Plan, where is the additional density coming from to build the units in developer's above response?
12. The sidewalk called at the north end needs to have a width called out and should be on the west side of John Anderson Hwy.  
**Response:** 8 ft. width is indicated and sidewalk is relocated to west side of John Anderson Highway.
13. A bus stop needs to be located on the plan.  
**Response:** A proposed bus stop is indicated at the proposed north entrance.  
**PFBBC Issue:** There is no public transportation along John Anderson Highway. What is the bus stop serving?
14. Any roadway improvements determined to be needed for the proposed development shall be completed with the first phase that triggers any improvements whatsoever.  
**Response:** Comment understood.  
**PFBBC Issue:** The PUD referenced developer-paid improvements to Moody Boulevard. It appears the developer does not intend to build the new road intersecting with Moody Boulevard, therefore, at the minimum won't there be required improvements at intersection with John Anderson Highway and Moody? What about improvements to John Anderson Highway in Volusia County? What happened to the traffic study for the sketch plan?
15. Update the legend to include only items that are included on the Master Development plan.  
**Response:** Legend is deleted.  
**PFBBC Issue:** Shouldn't all areas identified as Future Development be deleted from the Master Plan and the acreage rolled into conservation, HOA-CDD common property?
16. Make sure that all/any revisions are noted on the Plan.  
**Response:** Revisions are noted. Revision date March 4, 2020 is added to Master Development Plan.
17. The Master Utility Plan needs to be at a larger scale to be legible.  
**Response:** See requested larger scale Master Utility Plan.
18. Identify all existing/proposed improvements.  
**Response:** See revised Master Utility Plan that identifies all existing/proposed improvements.
19. There is an existing water main and force main in John Anderson ROW, the City of Flagler Beach can provide as-builts. The survey shows the actual location of the utility lines. These should be incorporated into the master plan.  
**Response:** See added utilities, City of Flagler Beach 12" water and 6" existing sanitary force main added to master utility plan.
20. The master topography plan needs to be at a larger scale to be legible.  
**Response:** See updated larger master topography plan.

Additional comments may be generated upon further submittals.

**REVIEWING DEPARTMENT: E-911 STAFF**

The street name of Coronado Rd was not previously requested. It's been added to the reserve road name list.

**Response:** Thank you.

**REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT**

1. If the proposed development will utilize central water and wastewater service exclusively, The Department of Health in Flagler County (DOH-Flagler) has no comments relating to water service and wastewater disposal. However, if it is the applicant's intention to utilize Onsite Sewage Treatment and Disposal Systems (OSTDS) for any portion of the proposed development, the following Florida laws apply:

**Response:** City of Flagler Beach to provide municipal water and sewer service.

2. 381.0065(1)(b), F.S. - It is the intent of the Legislature that where a publicly owned or investor-owned sewerage system is not available, the department shall issue permits for the construction, installation, modification, abandonment, or repair of onsite sewage treatment and disposal systems under conditions as described in this section and rules adopted under this section. It is further the intent of the Legislature that the installation and use of onsite sewage treatment and disposal systems not adversely affect the public health or significantly degrade the groundwater or surface water.

**Response:** Utilities from Flagler Beach.

3. 381.0065(2)(a), F.S. - "Available," as applied to a publicly owned or investor-owned sewerage system, means that the publicly owned or investor-owned sewerage system is capable of being connected to the plumbing of an establishment or residence, is not under a Department of Environmental Protection moratorium, and has adequate permitted capacity to accept the sewage to be generated by the establishment or residence; and:

**Response:** Sewer disposal to be provided by City of Flagler Beach.

4. 381.0065(2)(a)3, F.S., For proposed residential subdivisions with more than 50 lots, for proposed commercial subdivisions with more than 5 lots, and for areas zoned or used for an industrial or manufacturing purpose or its equivalent, a sewerage system exists within one-fourth mile of the development as measured and accessed via existing easements or rights-of-way.

**Response:** Sewage disposal to be provided by City of Flagler Beach.

5. 381.0065(4)(a), F.S. - Subdivisions and lots in which each lot has a minimum area of at least one-half acre and either a minimum dimension of 100 feet or a mean of at least 100 feet of the side bordering the street and the distance formed by a line parallel to the side bordering the street drawn between the two most distant points of the remainder of the lot may be developed with a water system regulated under s. 381.0062 and onsite sewage treatment and disposal systems, provided the projected daily sewage flow does not exceed an average of 1,500 gallons per acre per day, and provided satisfactory drinking water can be obtained and all distance and setback, soil condition, water table elevation, and other related requirements of this section and rules adopted under this section can be met.

**Response:** No onsite wells or septic systems are proposed.

6. 381.0065(4)(b), F.S. - Subdivisions and lots using a public water system as defined in s. 403.852 may use onsite sewage treatment and disposal systems, provided there are no more than four lots per acre, provided the projected daily sewage flow does not exceed an average of 2,500 gallons per acre per day, and provided that all distance and setback, soil condition, water table elevation, and other related requirements that are generally applicable



to the use of onsite sewage treatment and disposal systems are met.

**Response:** Sewer and water to be provide by City of Flagler Beach.

7. If the applicable rules and statutes cannot be met at the time of OSTDS construction permit application the application shall be denied. The applicant(s) may choose to exercise their right to apply for a State variance.

**Response:** Comment understood.

8. If private potable wells are proposed for any individual lots, a Water Well Construction Permit is required to be obtained from the Department of Health in Flagler County prior to construction.

**Response:** No private potable wells are proposed.

9. If wells are proposed for any structures that serve as places of employment (construction trailers, sales/office trailers, etc.), a Limited Use Water Well Construction Permit is required to be obtained from the Department of Health in Flagler County prior to construction. In addition, a Limited Use Public Water System Permit/Registration is required, along with required water sampling as outlined in Chapter 64E-8, Florida Administrative Code prior to placing well into service.

**Response:** Comment understood.

10. If irrigations wells are proposed for common areas or individual lots, a Water Well Construction Permit is required to be obtained from the Department of Health in Flagler County prior to construction.

**Response:** No irrigation wells are proposed.

**PFBBC Issue:** What water source will be used for individual residential lots? Potable Flagler Beach city water at residential rates?

11. Any proposed public pools shall require an annual operating permit issued by the Department of Health in Flagler County. Please note that the initial operating permit application must be submitted to the Department of Health in Volusia County for engineering review and approval.

**Response:** Comment understood.

**PFBBC Issue:** Same comment as above #10. What will be water source for pool? Potable city water from Flagler Beach at business rate?

#### **REVIEWING DEPARTMENT: FIRE INSPECTOR**

The gardens project planned for John Anderson in Bulow is required by section 5.3 to ensure fire protection service is provided to the project. It also states the developer will install fire hydrants and other appropriate infrastructure as required by the National Fire Protection Agency (NFPA).

#### **NFPA 1141 Chapter 12**

##### **12.1.1**

An assessment shall be conducted to determine the impact of the land use change on fire protection services.

**Response:** We are ready, willing and so whatever is reasonably necessary to assure that the project has adequate fire protection. However, we had an in-depth discussion with a representative from the Flagler Beach Fire Department and they represent that they are contractually obligated to be the first responder to the property and they have adequate equipment, personnel and other resources to handle any fire emergency on the property now and with the additional 335 homes.

**PFBBC Issue:** By what contract is Flagler Beach obligated to be the first responder? If the Master Plan includes 453 homes, why isn't developer talking about fire protection for all 453 residential home units?

### 12.1.2

The assessment shall address the following:

- 1) Dispatching. Are the current system and staff able to handle the increased call volume likely to be generated by the build-out resulting from the land use change?

**Response:** See response in 12.1.1 above.

- 2) Fire station locations. In order to maintain an acceptable level of fire department and emergency response times within the response area, are current fire stations distributed and designed to service changing demands resulting from the land use changes and development?

**Response:** See response in 12.1.1 above.

- 3) Fire service resources. Are there adequate fire apparatus and staffing to meet the increased service demands likely to be generated by the build-out?

**Response:** See response in 12.1.1 above.

- 4) Special services. Will the development introduce a need for special services not currently within the capability of the fire department?

**Response:** See response in 12.1.1 above.

### 12.2\* \_ Mitigation.

Where the assessment determines that the existing fire department cannot maintain its current level of service delivery while also providing services to the proposed development, the fire department and the developer shall jointly determine how to mitigate the impact on the delivery of fire services or increase the capability of the fire department and how those services are to be provided.

The current PUD offers a piece of property designated for a fire station at the south end of the proposed development. The lot is 3.08 acres and has a portion of the lot, which is triangular in shape, has a designated landing pad for mosquito control district.

The county has a piece of property on Colbert Lane that is designated for a fire station. Both properties mentioned earlier would be considered "out of place" for a fire station should this project commence.

A property located on John Anderson proximate to SR 100 would be ideal to locate a fire station in order to maintain compliance with Insurance Service Office (ISO) and National Fire Protection Agency (NFPA) requirements for fire service.

The Insurance Services Office (ISO) is the leading supplier of statistical, underwriting and actuarial information for the property/casualty industry. Most insurers use ISO to provide a survey of fire protection in communities and to issue a Property Protection Class (PPC) to rate insurance premiums. ISO surveys the fire protection districts ability to provide service to its residents by looking at the amount of staffing, the amount and condition of apparatus, station location, communications and water supply. ISO will survey all aspects of the fire protection and issue a number to the PPC so that property insurance premiums can be set within that community. The number rating scale is from 1 to ten, 1 being the best protection the community can be offered and 10 being a class that the department does not provide sufficient service at all. Flagler County Fire Rescue received a survey from ISO in July of 2017 and improved its Property Protection Class from a 5/10 to a 3/9. The split rating of 3/9 indicates that most of the county is rated as a class 3 while areas in the west part of the county that are not near a station and have no standard water supply to fight a fire is still rural and has a protection class of 9. Flagler County would like to provide your community with a protection class equivalent to that of the rest of the county of at least 3.

The information provided is limited and makes determining the how, what, when and where Fire and EMS protection is needed almost impossible. The major concern at this point is that of access. Currently there is no access for modern structural firefighting equipment or medical rescue equipment to the area for the proposed development. Access from the south and from the north would be required at a minimum to allow for proper Fire and EMS protection to the area. The access would allow other responding units to assist any Fire and EMS units stationed within the community. To demonstrate the need for additional access points for additional responding units an explanation of staffing requirements from the National Fire Protection Agency (NFPA) for a house fire is listed below.

The Federal Occupational Safety and Health Administration (OSHA) published the final rule for the Standard for Respiratory Protection, which encompasses many industries, and impacts the fire service through two specific sections.

These sections specify procedures for immediately dangerous to life and health (IDLH) atmospheres and interior structural firefighting, commonly referred to as the two in/two out rule. This rule obligates fire departments to provide a minimum team of firefighters to perform an interior attack on a fire - two firefighters for the attack team, and two firefighters for the backup rescue team.

Florida Administrative Code, Uniform Minimum Firefighter Employment Standards, addresses the adoption of the OSHA rule, incorporating the two in/two out provisions as they pertain to firefighters and firefighter employers. Through written policies and procedures, the Department advised the state of the intention to comply with the two in/two out provision, in order to provide for the safety and welfare of our firefighters. Further, the National Fire Protection Association adopted an additional standard titled NFPA 1710, which specifies the minimum criteria addressing the effectiveness and efficiency of the career public fire suppression operations, emergency medical service, and special operations. Simply put, the standard identifies how many firefighters should be responding to emergencies, and establishes response times.

NFPA establishes the following response time objectives:

- One minute for turnout time.
- Eight (8) minutes or less for a full first alarm assignment at a fire scene.
- NFPA establishes that eleven (11) firefighters are considered the first alarm standard in order to make an effective search and attack on a basic residential fire. Minimum personnel staffing recommendations for a first alarm assignment:
  - 1) Incident Commander who provides overall direction and coordination.
  - 2) Firefighter to establish an uninterrupted supply of water
  - 3) Firefighters for initial attack hose team.
  - 4) Firefighter to support the attack team, assisting in line movement, forcible entry, etc.
  - 5) Firefighters for a search and rescue team.
  - 6) Firefighters to affect ventilation to improve attack and search procedures.
  - 7) Firefighters for a Rapid Intervention Team (back up).

The number of personnel doubles when accounting for extended operations, extreme heat and ladder operations.

Flagler County Fire Rescue has three engines staffed 24 hours a day with career personnel and four volunteer engines in the western part of the county.

Florida Administrative Code 64J and Florida State Statute mandate that a rescue/ambulance be staffed with a minimum of two personnel, one needs to be certified as a Paramedic and one needs to be certified as an Emergency Medical Technician.

Urban planning models provide guidance on the number of rescue/ambulance units needed per capita. One rescue/ambulance per 10,000 residents is the standard. Flagler County Fire Rescue currently has 8 rescue/ambulances on duty 24 hours a day 7 days a week.

Backup fire and EMS services will come from FCFR Station 16 in Halifax and FCFR EMS units in Flagler Beach and the Airport.

The need for Fire Protection and Emergency Medical Services within the proposed community is apparent. The estimated size of the development including residential, retail, commercial and industrial spaces will require a fire station location with Fire and EMS apparatus.

Furthermore, the need for an uninterrupted water supply for firefighting (hydrant system) would be needed throughout the development. ISO requires dwellings to be a maximum of 1000 feet from a water source. Depending on the density of the development, hydrants at a minimum would need to be placed every 500 feet to 300 feet apart. The water flow rates can be determined at the time building occupancy and building size is determined.

**Response:** See response in 12.1.1 above.

**PFBBC Issue:** When will ISO survey be completed?

#### REVIEWING DEPARTMENT: PLANNING DEPARTMENT

1. PUD Agreement adopted at Flagler County Ordinance 2005-22 provides for a density of 453 dwelling units. Site Development Plan submitted shows development of 458 dwelling units. This proposal exceeds the maximum allowable units for the adopted agreement. Reduce number of dwelling units or submit an amendment to the PUD Development Agreement.

**Response:** Revised to 453 units, 335 east of John Anderson and 118 west of John Anderson.

**PFBBC Issue:** This response statement conflicts with response given to Engineering Department item #11.

2. **Flagler County Land Development Code, Section 3.04.03.** - Site development review of a PUD provides guidance for review of this submittal.

**Response:** Comment understood.

3. **FCLDC, Section 3.04.03(B)(2)** A PUD master plan at an appropriate scale for presentation – The PUD Site Development Plan submitted at 1" = 600' is not an appropriate scale for presentation of a PUD Site Development Plan of this size. Revise and resubmit.

**Response:** See revised scale. 1" = 300'

4. **FCLDC, Section 3.04.03(B)(2)(a)** Lot sizes - Notes on the PUD Site Development Plan at 2.B) Lot size minimum stated is inconsistent with PUD Development Agreement in Section 6.1. Remove note from PUD Site development plan and provide minimum lot area and minimum lot width only.

**Response:** See revised development plan, minimum lot size (6,500 ft) and width (50 ft) is called out.

5. Locate the mean high-water line for the intracoastal waterway on the PUD Site Development Plan.

**Response:** See revised plan mean high-water line is called out on enclosed topographic survey.

6. The Building Setback Table on the PUD Site Development Plan is not consistent with the PUD Development Agreement, at Section 6.1 Lot Standards, Building Setbacks; Nonresidential Intensity Standards table. Revised Site Development Plan to be consistent with PUD Development Agreement or submit an amendment to PUD Development Agreement.

**Response:** See revised plan, table is corrected.

7. Note 2(C) on the PUD Site Development Plan is duplicative and inconsistent with the aforementioned building setback table, remove the note.

**Response:** Note 2(c) is removed.

8. **FCLDC, Section 3.04.03(B)(2)(d)** Maximum height of buildings – The PUD Site Development Plan provides the height of 3 stories for dwellings; however, the PUD includes commercial uses. Include maximum heights of the commercial uses in the table provided.

**Response:** See revised plan, maximum height is corrected.

9. **FCLDC, Section 3.04.03(B)(2)(e)** - The number and type of residential units proposed, their general site distribution, average density and price ranges are required to be on the PUD Site Development Plan. The plan submitted does not include the price ranges for the proposed development.

**Response:** Price ranges are added to PUD plan and are based upon the 2020 price outlook and subject to inflation. They range from \$200,000.00 to \$2,500,000.00.

10. **FCLDC, Section 3.04.03(B)(2)(f)** Proposed floor area ratios and maximum ground coverage for nonresidential uses – Provide the Floor Area Ratio proposed for the nonresidential uses within the development.

**Response:** Floor area ratio is added for commercial (FAR .40) and maximum lot cover for nonresidential uses has been added to the plan. N/A

11. According to the PUD Agreement, Section 5.5 Access -this SOP needs to reflect the widening of John Anderson Highway along the project boundary limits that coincide with the John Anderson Highway right-of-way.

**Response:** John Anderson Highway was widened a few years ago by the county and we will be providing turn lanes.

12. Hammock Beach River Club, LLC and Hammock Beach River Club, POA, Inc. executed a right-of-way use agreement approved by the Board of County Commissioners on October 9, 2006 at agenda item #12 for the construction of a tunnel beneath John Anderson Highway. Agreement states that it is binding on successors and assigns for a term of a minimum of 50 years. PUD Site Development Plan submitted with this application does not reflect the improvements included in the right-of-way use agreement, therefore, plans shall be amended to provide previously agreed upon tunnel beneath John Anderson Highway or applicant shall follow the terms of said agreement to seek a waiver of the agreement as provided therein.

**Response:** The Right-of-Way Utilization Lease Agreement is simply an agreement to allow the construction on an aerial crossing over John Anderson Highway if the Developer elected to do so. There is no obligation to construct or develop anything. Section 5.5 of the PUD clearly states that the developer MAY also provide below grade or aerial crossings over Johns Anderson Highway.

13. PUD Site Development Plan shows the 8' bike path on the east side of John Anderson Highway, PUD Development Agreement requires an 8' wide pathway along the westerly right of way of John Anderson Highway. Revise and resubmit.

**Response:** Proposed 8 ft. sidewalk/bike path is relocated to the west side.

14. **FCLDC, Section 3.04.03(B)(2)(i)(4)** Screening, buffering - Per Section 5.6.3 PUD Agreement, provide minimum 25' wide and 50' average buffer along the limits of the project boundary that coincide with JAH right of way.

**Response:** 100 ft. buffer is proposed along John Anderson Highway.

15. Per PUD Agreement Section 5.6 and FCLDC, Section 5.01.00 - Landscaping and Buffer yard requirements, provide a minimum 25' landscape buffer along SR 100.

**Response:** 25 ft. landscape buffer is indicated on plan for SR 100 frontage. See Sheet 2.

16. Clarify graphic depicting buffers along west boundary of project at Bulow Creek and Graham Swamp related to minimum and average buffers.

**Response:** Buffer along Bulow Creek and Graham Swamp are clearly indicated on revised plan. See Sheet 2.

17. **FCLDC, Section 3.04.03(B)(2)U** A topographic map at an appropriate scale showing existing contour lines, including all existing buildings and wooded areas; providing the topographic map at a scale of 1"=600' is not an appropriate scale for presentation of the topo for this PUD. The contour lines and elevations are illegible. Revise and resubmit.

**Response:** See larger scale topographic maps enclosed.

**PFBBC Issue:** Topographic map does not show wooded areas. Show the building proposed locations on the tree index. Or, overlay the tree index on the Master Plan to show location of building and trees.

18. **Section 3.04.03(B)(2)(k)** Relation of abutting land uses and land use districts to the proposed planned unit development, including where view protection is an objective, location of principal public viewpoints into or through the proposed planned unit development. The abutting uses have not been shown on the PUD Site Development Plan.

**Response:** Abutting land uses are indicated on plan as requested.

19. **FCLDC, Section 3.04.03(B)(4)** Provide a statement indicating the type of legal instrument that will be created to provide for the maintenance and ownership of common areas.

**Response:** There will be a property owners association created and a COD to provide for the maintenance and ownership of common areas.

20. **FCLDC, Section 3.04.03(B)(5)** If applicable, a description of the proposed staging plan shall be submitted indicating, for each project stage:

a) The uses, location, floor areas, and residential or other densities to be developed - Not provided.

**Response:** The current plan calls for development of the entire 335 lots in one phase. Therefore, a staging plan is not applicable at this time.

**PFBBC Issue:** What is the development plan for the remaining 118 lots and commercial areas? Identify staging plan to complete the Master Plan. Or, revise the Master Plan to include only what will be built initially.

b) Streets, utilities, and other improvements necessary to serve each proposed project stage - Not provided.

**Response:** The current plan calls for development of the entire 335 lots in one phase. Therefore, a staging plan is not applicable at this time.

c) The proposed dedication of land to public use, and setting forth anticipated staging and completion dates for each project stage; provided that in lieu of an indication of specific timing, initiation of succeeding stages may be made dependent upon completion of all or substantial portions of earlier stages. Not provided.

**Response:** The current plan calls for development of the entire 335 lots in one phase. Therefore, a staging plan is not applicable at this time.

21. **FCLDC, Section 3.04.03(8)(6)** A statement with general information regarding provisions for fire protection. Not provided.

**Response:** See response to Fire Inspector comments on page 7.

22. **FCLDC, Section 3.04.03(8)(7)** A statement regarding the contributions which will be made by the developer to local government for facility expansion required as a result of development. Not provided.

**Response:** No local government or agency has made a request for "facility expansion". Moreover, there is nothing to indicate any contributions need to be provided.

23. **FCLDC, Section 3.04.03(8)(9)** Any special surveys, approvals or reports - Provide an aquifer recharge study to be provided for that portion of the proposed development located east of John Anderson Highway.

**Response:** An aquifer recharge study is pending and will be provided prior to the next TAC meeting.

Additional comments may be provided as resubmittals are reviewed for this project.

**REVIEWING DEPARTMENT: FLAGLER COUNTY SCHOOL BOARD**

Flagler County Schools request a Concurrency Application be submitted so we can determine if any mitigation requirements will be needed.

**Response:** See attached transmittal to school board.

**PFBBC Issue:** See update from School Board distributed March 13, 2020.

**REVIEWING DEPARTMENT: LAND MANAGEMENT**

Carter Environmental Services comments:

**Wetlands**

The wetland delineation methodologies pursuant to both the USAGE and SJRWMD were followed correctly. Wetland lines must be approved by the USAGE and SJRWMD and UMAM scores are decided by those agencies. We have no comments regarding wetland delineation methodologies, defined wetland lines, or UMAM scoring.

**Response:** Comment understood.

**Wildlife and Habitat**

1. Please provide a map of the extent of suitable gopher tortoise habitat.

**Response:** Please see the attached Potential Gopher Tortoise Habitat Map. This includes all uplands (204.17 acres) within the proposed development area. It should be noted that the gopher tortoise burrows on the property are found predominately in the Herbaceous (FLUCCS 310) and Disturbed Land (FLUCCS 740) habitats. Please also see the attached Habitat Map. This area totals approximately 52.56 acres. It should also be noted that gopher tortoises within the project area were permitted and relocated as part of the former Gardens at Hammock Beach project previously. Due to the timeframe of the property being left in its present state, gopher tortoises have re-established on the property. Prior to construction, a 100% gopher tortoise burrow survey will be completed on the 204.17 acres and will be conducted in accordance with the techniques outlined in the publication, Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus polyphemus*) Populations Found on Lands Slated for Development in Florida. All gopher tortoises will be permitted and relocated to a permitted recipient site prior to construction.

2. The **Atlantic salt marsh snake** (*Nerodia clarkia taeniata*) is known to inhabit Volusia County. This species is State and Federally listed as threatened and is listed as a potential element for this site due to the close proximity (+/- 2.5 miles) from the Flagler/Nolusia county line. Please provide information on the likelihood of this species occurring on this site and give the reasoning on which you base your assessment.

**Response:** The last known potential occurrence of the Atlantic salt marsh snake in northern Volusia County was in 1982. More recent occurrences have been identified south of New Smyrna Beach within the Indian River Lagoon. The occurrence of this snake on the subject

property is considered low due to the limited amount of saltmarsh found on the subject property. Approximately 8.08 acres of saltmarsh is found in the northeast area of the subject property. This saltmarsh is encumbered in a Conservation Easement. No impacts to saltmarsh habitat are proposed with this project. Therefore, this project is not likely to adversely affect the Atlantic salt marsh snake population.

3. (Possible Public Comment Issue) There appears to be topographical anomalies located in the southeast (lots proposed) corner and the northeast (stormwater retention proposed) corner of the project site. These 2 areas are approximately 4 to 5 feet higher than the surrounding grade and may be maritime hammock natural communities. Maritime hammock is a declining habitat across northeast Florida, and we would like to see a segment of these areas preserved and used as a common space.

**Response:** The eastern portions of the subject property have been dramatically impacted by recent tropical storms and the site work that was completed on the property as part of the former Gardens at Hammock Beach project. The preservation of a small fragment of hammock habitat within an area that will be developed does not provide habitat support that would provide any significant value. The previous project included the dedication of approximately 1000 acres of a mosaic of mesic and hydric hammock (including large portions of Bulow Creek and Grahams Swamp) which is considered of much greater regional value preservation wise due to its large contiguous acreage.

4. There appears to be a section (+/- 15 ac.) of uplands north of golf course hole #1 that are not currently planned for development. An area of this size can be a wildfire hazard in times of drought. To ensure public safety, there should be a point of access into this area for Florida Forest Service equipment to enter and fight a wildfire should the need arise. Please show on the development plans where access will be provided and maintained.

**Response:** See revised development plan that shows access.

#### **Flagler County Land Management Comments:**

1. Adjacent to John Anderson Highway are areas of Paola and Astatula fine sand. These soils raise concerns regarding septic and rainwater infiltration. This area appears to encompass areas of phases 1B, 1C, 2B, and 2C. Phases 1B, 1C, 2B, and 2C should be exempted from Section 5.1.2 of the PUD agreement and not developed until central water and sewer are available.

**Response:** Central water and sewer from City of Flagler Beach are proposed.

2. These same areas may provide contribution to aquifer recharge. A 2017 Data Report for Potential Upland Borrow Source from Devo Engineering was provided to Bruce Hallett, PhD, P.G. of Matanzas Geosciences, Inc. for comment. Mr. Hallett advised the Paola and Astatula fine sand area to be a very transmissive groundwater system. An evaluation of the aquifer's current utilization and potential post development condition is warranted to ensure the integrity of the aquifer and its current utilizations remain intact. Please provide a hydrologic investigation generally as follows:

**Response:** An aquifer recharge study is pending and will be provided prior to the next TRC meeting.

3. **Objective:** evaluate any impacts to surrounding wells and the shallow aquifer resulting from development of this area.

**Response:** An aquifer recharge study is pending and will be provided prior to the next TAC meeting.

4. **Scope:** Please provide an hydrologic investigation with groundwater modeling designed to provide an understanding of the impacts to nearby wells and any impacts to aquifer recharge



from the final buildout of the project. The investigation and modeling should pass peer review of a *vendor* of Flagler County's discretion. The investigation and modeling should answer the following questions:

**Response:** An aquifer recharge study is pending and will be provided prior to the next TAC meeting.

5. What will the completion depth for any temporary wells? If no wells will be constructed please state such.

**Response:** No wells are proposed.

6. What is the current use of the aquifer?

**Response:** None.

7. Will development of this area impede wells within 1/2 mile of the aquifer?

**Response:** No.

**PFBBC Issue:** If the hydrological study has not been done, on what basis was answer made?

8. What will be the effect of loss of recharge, if any, from development of this site and how that will impact the volume and chemical makeup of the aquifer?

Response: System is designed to recharge the aquifer.

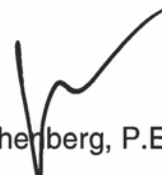
9. Please provide a recent tree survey of the property identifying location, species, diameter at breast height, and identifying trees to be *removed* or impacted after the property has been fully built out.

**Response:** See enclosed tree survey.

**PFBBC Issue:** The tree survey does not identify trees to be removed or impacted after the property has been fully built out. Please overlay survey on plan to show tree locations in reference to planned construction. Why are trees smaller than 20" excluded from survey?

Should you have any questions or need additional information, please contact me at (386)677-6891.

Yours truly,



Parker Mynchenberg, P.E., R.L.A

PM/af

Enclosures

cc: Mr. Ken Belshe  
Mr. Michael Chiumento, III  
Ms. Danielle Ferguson  
Ms. Jody Sisk  
Mr. Matthew West  
Mr. Gil Howatt  
Mr. Sans Lassiter

## FLAGLER COUNTY

### TECHNICAL REVIEW COMMITTEE COMMENTS

MEETING DATE: 03/18/2020

### AMENDMENT TO PUD SITE DEVELOPMENT PLAN THE GARDENS AT HAMMOCK BEACH

OWNER: PALM COAST INTRACOASTAL, LLC  
APPLICANT: KEN BELSHE

Distribution date: March 13,

2020 Plan: AR-000102-2019

Application #: 3209

Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. Flagler County TRC Comments

#### REVIEWING DEPARTMENT: BUILDING DEPARTMENT

No comments at this time

#### REVIEWING DEPARTMENT: COUNTY ATTORNEY

The applicant's responses are mostly non sequiturs or nonresponsive. Therefore, the previous comments remain outstanding.

#### REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

3. Show limits of the Phase lines and provide a legend for the entire plan including line types.
4. The PUD Agreement should be updated to be consistent with what is proposed on the Master Development Plan.  
**PFBBC:** Agree.
5. Tract T indicates parking lot and a building but is called out as future. Clarify if the parking and building are to be constructed with a specific phase.  
**PFBBC:** All future development calls outs should be rolled into common area or indicate what is planned for acreage and clarify with a specific phase to be constructed.
6. Provide north arrows on all sheets.
7. The roadway Tract is called out as Tract A, make sure that the Master Development Plan is consistent with what the plats have called out.

8. The Master Utility Plan is not legible. Revise as needed.
9. Are the proposed WM and FM going to tie into existing utilities in SR 100 at the Colbert Intersection?
10. Provide a Sheet Key, legend and match lines for the survey sheets.
11. Call out and depict the flood lines on the survey sheets.

**REVIEWING DEPARTMENT: E-911 STAFF**

No additional comments for this project.

**REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT**

No further comments following the applicant's responses to Feb 19, 2020 TRC comments.

**REVIEWING DEPARTMENT: FIRE INSPECTOR**

Regarding possible land swap. Pending approval By the BOCC.

Parcel ID 34-11-31-0000-01010-080 and Parcel ID 13-12-31-2852-0PL20-0000

For a location better suited for a Fire Station. On the west side of John Anderson Hwy. Next to the cell tower site. In Parcel ID 13-12-31-0000-01010-0000

There is an Automatic/Mutual Aid agreement for closest unit response. As for having adequate personnel, Flagler Beach only has 11 paid-full time personnel split into three 24-hour shifts. Three shifts with three personnel on duty per shift giving you nine combat personnel, and two full time Monday thru Friday 8 a.m. to 5 p.m. Administration personnel. Therefore they cannot meet the standard set forth in NFPA 1710 Chapter 5 section 5.2.4.1, Single – Family Dwelling Initial Full Alarm Assignment Capabilities:

**5.2.4.1.1 \***

The initial full alarm assignment to a structure fire in a typical 2000 ft<sup>2</sup> (186 m<sup>2</sup>), two- story single-family dwelling without basement and with no exposures shall provide for the following:

5. Establishment of incident command outside of the hazard area for the overall coordination and direction of the initial full alarm assignment with a minimum of one member dedicated to this task
6. Establishment of an uninterrupted water supply of a minimum of 400 gpm (1520 L/min) for 30 minutes with supply line(s) maintained by an operator
7. Establishment of an effective water flow application rate of 300 gpm (1140 L/min) from two handlines, each of which has a minimum flow rate of 100 gpm (380 L/min) with each handline operated by a minimum of two members to effectively and safely maintain the line
8. Provision of one support member for each attack and backup line deployed to provide hydrant hookup and to assist in laying of hose lines, utility control, and forcible entry
9. Provision of at least one victim search and rescue team with each such team consisting of a minimum of two members
10. Provision of at least one team, consisting of a minimum of two members, to raise ground ladders and perform ventilation
11. If an aerial device is used in operations, one member to function as an aerial operator to maintain primary control of the aerial device at all times
12. Establishment of an IRIC consisting of a minimum of two properly equipped and trained members

**REVIEWING DEPARTMENT: PLANNING DEPARTMENT**

1. With the site development plan now divided into an east and west sheet, please add an acreage breakdown corresponding to each respective east and west portion for the listed area categories: single family lot area; private road area; stormwater area; commercial/office land; amenity area; and open space/conservation area.
2. The FEMA map excerpt displayed on the east side plan sheet does not display the entirety of the project boundary; please revise.
3. What is the purpose of the heavier line weight for the south development portion of the east side of plan, corresponding to future development Tract Y?
4. Please identify/label the County tract shown south of Tract Y. Labeling could be similar as for west side County tract, labeled as "proposed public land" with acreage.
5. The mean high water line for the Intracoastal Waterway should be depicted on the east side plan sheet; see LDC Sec. 3.04.03.B.2.(c)5., describing the site plan requirement for the minimum building setback from the mean high water line.
6. For Planning Department's previous Comment 12 and the applicant's response, since the right-of-way use agreement is an agreement, should it be rescinded through the mutual agreement of the parties?
7. For Planning Department's previous Comment 19 and the applicant's response, please add a note to the east and west plans indicating that there will be a property owners association created and a CDD to provide for the maintenance and ownership of common area. Will this be a new CDD or will the existing CDD take over maintenance and ownership of common areas? Will future development tracts be retained by the developer?
8. Since the west side site plan for Phase 3A and 3B does not have a similar level of detail as the east site plan, a note should be added to this sheet that identifies it as conceptual and that no development will occur on the west side of John Anderson Highway until a subsequent site development plan is approved by the Board of County Commissioners that depicts lots and tracts, their sizes and locations, for all proposed land uses within the west boundary.  
**PFBBC:** Agree.
9. For Planning Department's previous Comment 21 and the applicant's response, please add a note to the east and west plan sheets regarding fire protection, noting that the provider is Flagler County Fire Rescue.
10. The statement for Planning Department's previous comment 22 should be added to the east and west plan sheets if any contributions are provided, noting that fire service and school impacts are presently being discussed.
11. For Planning Department's previous Comment 23, the aquifer recharge study has not yet been received.  
**PFBBC:** A traffic study for the sketch Master Plan has not been completed. Isn't one required?

**REVIEWING DEPARTMENT: FLAGLER COUNTY SCHOOLS**

Flagler County School District has reviewed of the proposed *Resubmittal of Modification of PUD Master Plan for Project #AR-000102-2019*, this proposal lends to significant change in that Flagler County Schools would be directly impacted. The proposed modification would increase our schools by over 111 students. This increase causes over capacity at two of our schools (Old Kings Elementary and Flagler Palm Coast High). A mitigation agreement will be required before concurrency can be approved. Please schedule with School Board Attorney and Planner a date and time to discuss mitigation.