

**ORDINANCE No. 2005- 19**

**AN ORDINANCE OF FLAGLER COUNTY, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; PROVIDING FOR THE REDESIGNATION OF APPROXIMATELY 200 ACRES OF PROPERTY LYING EAST OF INTERSTATE 95 AND WEST OF OLD KINGS ROAD; PROVIDING FOR THE REDESIGNATION OF APPROXIMATELY 166.23 ACRES FROM AGRICULTURE & TIMBERLANDS TO RESIDENTIAL LOW DENSITY; PROVIDING FOR THE REDESIGNATION OF APPROXIMATELY 20.35 ACRES FROM AGRICULTURE & TIMBERLANDS TO CONSERVATION; PROVIDING FOR THE REDESIGNATION OF APPROXIMATELY 13.4 ACRES FROM AGRICULTURE & TIMBERLANDS TO WATER BODIES; PROVIDING FOR ADOPTION OF A POLICY 1.10(b) OF THE FUTURE LAND USE ELEMENT LIMITING THE MAXIMUM YIELD OF THE PROPERTY TO 399 DWELLINGS WITH AN OVERALL LIMITATION FOR EAGLE LAKES OF 749 DWELLING UNITS; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on July 15, 2004 Bulow Creek LLC and Arrow Materials and Excavating, Inc., as former owners of the subject property, joined by Scott Delanoy of Hometown Communities, Inc., filed Application #2418 to amend the Future Land Use Plan map designation for the subject property from Agriculture & Timberlands to Residential Low Density; and

**WHEREAS**, on September 14, 2004 the Planning Board conducted a public hearing on Application #2418 and voted to recommend approval of the Future Land Use Map Amendment subject to inclusion of Conservation and Water Bodies and acceptance of the Applicant's proffer to limit the yield of the subject property to 399 dwellings and the overall number of dwelling units in Eagle Lakes to not more than 749; and

**WHEREAS**, on March 21, 2005, the Board of County Commissioners held a public hearing and voted to transmit a proposed Ordinance amending the Future Land Use Map; and

**WHEREAS**, on June 17, 2005 the Florida Dept. of Community of Affairs completed its review and issued an Objections, Recommendations and Comments Report for DCA No. 05-1; and

**WHEREAS**, on July 22, 2005 Flagler County forwarded a response to the ORC Report prepared by the Applicant; and

**WHEREAS**, legal notice has been provided in accordance with Chapter 163.3184(15), F.S. and Section 207 of the Flagler County Land Development Code;

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

**Section 1: FINDINGS**

Application #2418, is generally consistent with the standards of Chapter 163, F.S. and Rule 9J-5, F.A.C. The Board of County Commissioners finds that this amendment does not contribute to urban sprawl based upon the review standards identified in Policy 8.5 of the Future Land Use Plan.

**Section 2: FUTURE LAND USE PLAN AMENDMENT**

A. The Future Land Use Plan map is hereby amended **from** Agriculture & Timberlands **to** Residential Low Density for the approximately 166.23 acres of land; **from** Agriculture & Timberlands to Conservation for approximately 20.35 acres of land; and **from** Agriculture & Timberlands **to** Water Bodies for approximately 13.4 acres described and shown graphically in Exhibit "A" attached hereto and made a part hereof.

**Section 3: FUTURE LAND USE PLAN POLICY AMENDMENT:**

The Future Land Use Element is hereby amended by the addition of the following policy:

Policy 1.10(c): 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:

c. FLUM APPLICATION #2418, HOMETOWN COMMUNITIES, INC.: APPROXIMATELY 166.23 ACRES DESIGNATED AS RESIDENTIAL LOW DENSITY IS LIMITED TO A MAXIMUM OF 399 DWELLING UNITS CONDITIONED UPON THE OVERALL NUMBER OF DWELLINGS FOR THE FOLLOWING PARCELS NOT TO EXCEED 749. THE 2004 TAX PARCEL NUMBERS OF THE SUBJECT PARCELS ARE: 35-12-31-0000-02010-0000; 35-12-31-0000-02030-0000; 34-12-31-0650-000D0-0080; 27-12-31-0000-01010-0000; 22-12-31-0000-01010-0010; 26-11-31-0000-01010-0010; and 27-12-31-0000-01020-0010

**Section 4: EFFECTIVE DATE**

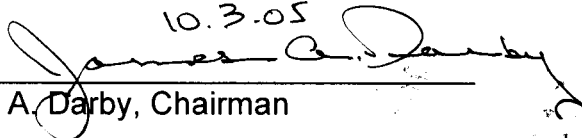
This ordinance shall become effective upon approval by the Board of County Commissioners at the second required hearing, and the earlier of:

- a) The date that the Department of Community Affairs issues a final order to find the amendment to be in compliance; or

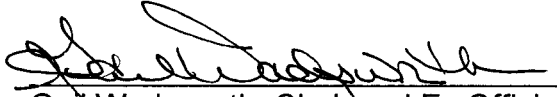
- b) The date that the Administration Commission issues a Final Order determining the amendment to be in compliance.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA IN OPEN SESSION IN BUNNELL, FLORIDA THIS 3<sup>RD</sup> DAY OF OCTOBER, 2005.**

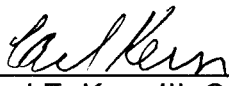
**BOARD OF COUNTY COMMISSIONERS  
OF FLAGLER COUNTY, FLORIDA**

10.3.05  
  
\_\_\_\_\_  
James A. Darby, Chairman

**ATTEST:**

  
\_\_\_\_\_  
Gail Wadsworth, Clerk and Ex Officio  
to the Board

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Carl E. Kern III, County Attorney

Effective date per  
Florida Statute 125.66  
October 12, 2005

APPLICATION #2418  
EXHIBIT "A"

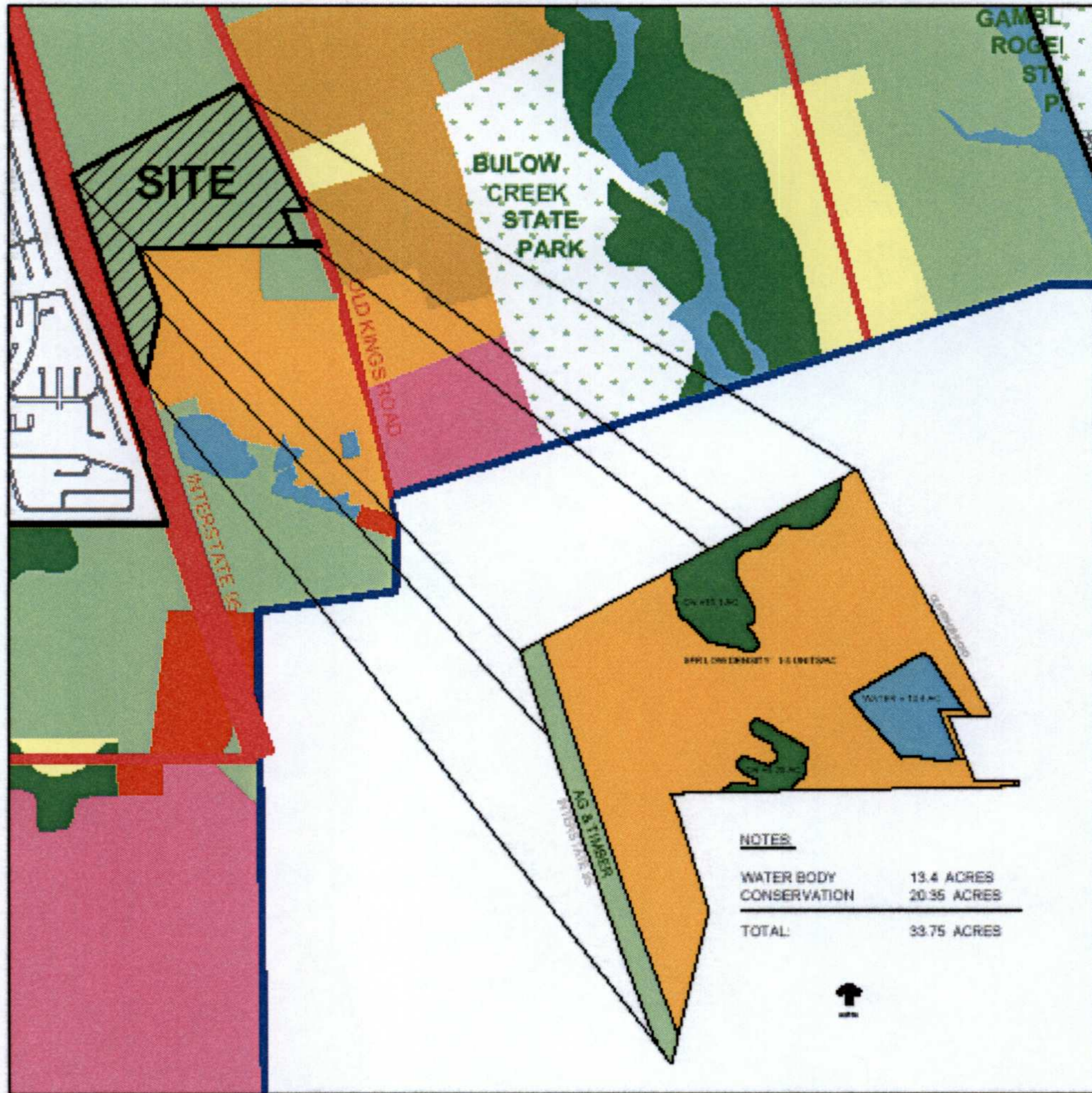
DESCRIPTION:

A PARCEL OF LAND LYING IN GOVERNMENT SECTION 26, 27 AND 34, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

AS A POINT OF REFERENCE, COMMENCE AT THE NORTHEAST CORNER OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 31 EAST; THENCE N01°00'17"W ALONG THE WEST LINE OF SECTION 26 TO THE POINT OF BEGINNING; THENCE S88°40'50"W, 2,089.07 FEET; THENCE S88°47'01"W, 11.52 FEET; THENCE S22°01'52"E, 178.24 FEET; THENCE S17°21'14"E, 898.01 FEET; THENCE S13°52'39"W, 1,382.90 FEET TO THE EASTERLY RIGHT OF WAY OF INTERSTATE 95 (VARIABLE WIDTH RIGHT OF WAY); THENCE ALONG SAID EASTERLY RIGHT OF WAY THE FOLLOWING FIVE COURSES (1) N20°47'05"W, 40.09 FEET; (2) THENCE N34°47'39"W, 207.88 FEET; (3) THENCE N20°45'28"W, 347.63 FEET TO A POINT OF CURVE TO THE RIGHT; (4) THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 1,453.63 FEET HAVING A RADIUS OF 34,227.47 FEET, A CENTRAL ANGLE OF 02°26'00", A CHORD BEARING OF N19°32'28"W, AND A CHORD DISTANCE OF 1,453.52 FEET ; (5) THENCE N18°19'28"W, 1,794.78 FEET; THENCE DEPARTING INTERSTATE 95 RUN N61°47'42"E, 3,350.51 FEET TO THE WESTERLY RIGHT OF WAY OF OLD KINGS ROAD (100' RIGHT OF WAY); THENCE ALONG SAID WESTERLY RIGHT OF WAY THE FOLLOWING FIVE COURSES; (1) THENCE S26°37'52"E, 466.50 FEET TO A POINT OF CURVE TO THE LEFT; (2) THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 259.33 FEET HAVING A RADIUS OF 5,779.65 FEET, A CENTRAL ANGLE OF 02°34'15", A CHORD BEARING OF S27°55'00"E, AND A CHORD DISTANCE OF 259.31 FEET ; (3) THENCE S29°12'08"E, 680.16 FEET; (4) THENCE S29°12'44"E, 951.92 FEET; (5) THENCE S28°21'47"E, 82.46 FEET; THENCE DEPARTING OLD KINGS ROAD RUN S88°59'42"W, 374.34 FEET; THENCE S22°31'16"E, 614.01 FEET; THENCE N88°59'42"E, 374.34 FEET TO SAID WESTERLY RIGHT OF WAY OF OLD KINGS ROAD; THENCE S20°36'44"E ALONG SAID WESTERLY RIGHT OF WAY, 53.08 FEET; THENCE DEPARTING OLD KINGS ROAD S88°59'45"W, 969.29 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINING 9,089,684 SQUARE FEET OR 208.67 ACRES, MORE OR LESS.

APPLICATION #2418  
EXHIBIT "A" continued



- LEGEND:**
- CONSERVATION
  - AGRICULTURE & TIMBERLANDS  
1 UNIT / 5 ACRES
  - AGRICULTURE  
1 UNIT / 20 ACRES
  - RESIDENTIAL: LOW DENSITY RURAL HOUSING  
1 UNIT / ACRE
  - RESIDENTIAL: LOW DENSITY / SINGLE FAMILY  
1 - 3 UNITS / ACRE
  - RESIDENTIAL: MEDIUM DENSITY  
4 - 7 UNITS / ACRE
  - RESIDENTIAL: HIGH DENSITY  
8 - 20 UNITS / ACRE
  - COMMERCIAL: LOW INTENSITY
  - COMMERCIAL: HIGH INTENSITY
  - INDUSTRIAL
  - RECREATION & OPEN SPACE
  - EDUCATIONAL USES
  - MIXED USE: LOW INTENSITY  
LOW / MEDIUM DENSITY
  - MIXED USE: HIGH INTENSITY  
MEDIUM / HIGH DENSITY
  - WATER BODIES
  - INTERSTATE HIGHWAY
  - PAVING BAND
  - RAILROAD
  - MUNICIPALITIES (NOT INCLUDED)



FLORIDA DEPARTMENT OF STATE  
**Glenda E. Hood**  
Secretary of State  
DIVISION OF LIBRARY AND INFORMATION SERVICES

October 14, 2005

Honorable Gail Wadsworth  
Clerk to Board of Commissioners  
Flagler County  
Post Office Box 787  
Bunnell, Florida 32110-0787

Attention: Lisa Bates, Deputy Clerk

Dear Ms. Wadsworth:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated October 10, 2005 and certified copy of Flagler County Ordinance No. 2005-19, which was filed in this office on October 12, 2005.

Sincerely,

Liz Cloud  
Program Administrator

LC/kcs