

The Gardens

PUD Application #3209
and

Site Development Application #3210

Objective

- The objective of this presentation is to introduce an indisputable argument to reject the developer's request to grant them the 'cherry-picked' entitlements of 2005 PUD based on what has been submitted.
- Preserve Flagler Beach and Bulow Creek does not dispute the developer's right to build. Rather we argue that the developer should submit a **new** PUD application because several of their proposed design elements contravene the original PUD in terms of road egress, density and proposed number and location of residential lots.

Preserve Flagler Beach and Bulow Creek's Position

- Existing rules (Comprehensive Plan, Land Use Map, Municipal Codes) need to be followed rather than establishing a precedent to exempt at will.
- PFB & BC considers the proposed PUD application to be non-compliant with the 2005 PUD.
- For example, on July 6, 2011 Flagler County adopted a new Comprehensive Plan that “which among other things, prohibits *increases* (italics ours) in density within the Coastal High Hazard Area and Special Flood Hazard Area, both of which are applicable to the Garden proposal.” ⁽¹⁾ The Growth Management department used this updated plat to reject the October 2019 PUD application.
- The applicant proposed in their October preliminary plat to place **335** residential lots on the east side of John Anderson when the 2005 PUD was slated for only **220**. The Growth Management department used this update to reject the October 2019 PUD application.

(1) Adam Mengel letter to developer dated October 11, 2019

Comparison Matrix Original 2005 PUD vs 3-4-2020 Plan vs 3-12-20 Master Plan

Item	Original 2005 PUD	3-4-2020 Revised Plan	Proposed Master Plan 3-12-20
Total Acres	1,999 acres (east and west sides)	824.15 acres (east and west sides)	271.54 acres (east side only)
Acres Conservation	694 acres	373 acres	77.059 acres
Residential	1,305 acres ¹	211.7 acres	211.7 acres
Commercial	5.3 acres (230,694 square feet)	16.39 acres – future development	0.0 acres
Designated Future Development	None	239.45 ² acres	27.208 acre
Residential Units	303 ³ single family units 150 ⁴ multi-family units 453 total residential units	453 ⁵ single family units (335 east side, 118 west side)	335 ⁶ (east side)
Population Assumption	354	Not given	
Lot Size Single Family Detached Minimum	6,000 square feet	6,500 square feet (Min lot width 50' x 130' = 0.15 acre)	6,500 square feet (Min lot width 50' x 130' = 0.15 acre)
Building Height Single Family Residential Commercial Area	3 stories 6 stories	3 stories 6 stories	
Price Range	Not given	\$200,000 - \$2,500,000	
Golf Course	Yes. Integrated residential golf course community.	Future development	Future development

8-5-2020 – Sallee Arnoff

¹ Original 2005 PUD, Rev 11-2-05, Section 2.0 and 3.0

² SWAG because plans do not identify actual acreage reserved for future development. Acreage is derived: 824.15 total acres – 373 acres conservation – 211.7 acres residential = 239.45 acres remaining as future development (including the 16.39 acres identified as future development commercial)

³ Adam Mengel said he needs to review meeting minutes to confirm 303 single family units. He is going with 453 residential units. 2005 PUD, Section 2.0

⁴ FLUM allowed 199, voluntarily limited to 150, 2005 PUD, Section 2.0

⁵ Palm Coast Intracoastal, LLC eliminated multi-family units.

⁶ 118 residential units remain of the 2005 entitled 453. No explanation of plans to use the allotted 118 units.

History

- ❖ November 2005. Flagler County approves the PUD and platting for 'The Hammock Beach River Club' (Ginn Property) **There are four main conditions (pillars)** in the PUD agreement.
 - ❖ May 3, 2006. Final approval filed. Remains active until November 17, 2020
 - ❖ January 2008. 993 acres are transferred to Flagler County for a conservation area along Bulow Creek, designated an Outstanding Florida Waters
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- ❖ May 24, 2018. SunBelt files mortgage for purchase of Hammock Beach River Club a/k/a The Gardens at Hammock Beach acreage from Bobby Ginn Lubert-Adler (Ginn-LA). Warranty deed transferred to Palm Coast Intracoastal, LLC, a subsidiary of SunBelt.
 - ❖ February 26, 2019. Palm Coast Intracoastal, LLC files PUD Modification and Future Land Use Map Amendment request

THE Gardens



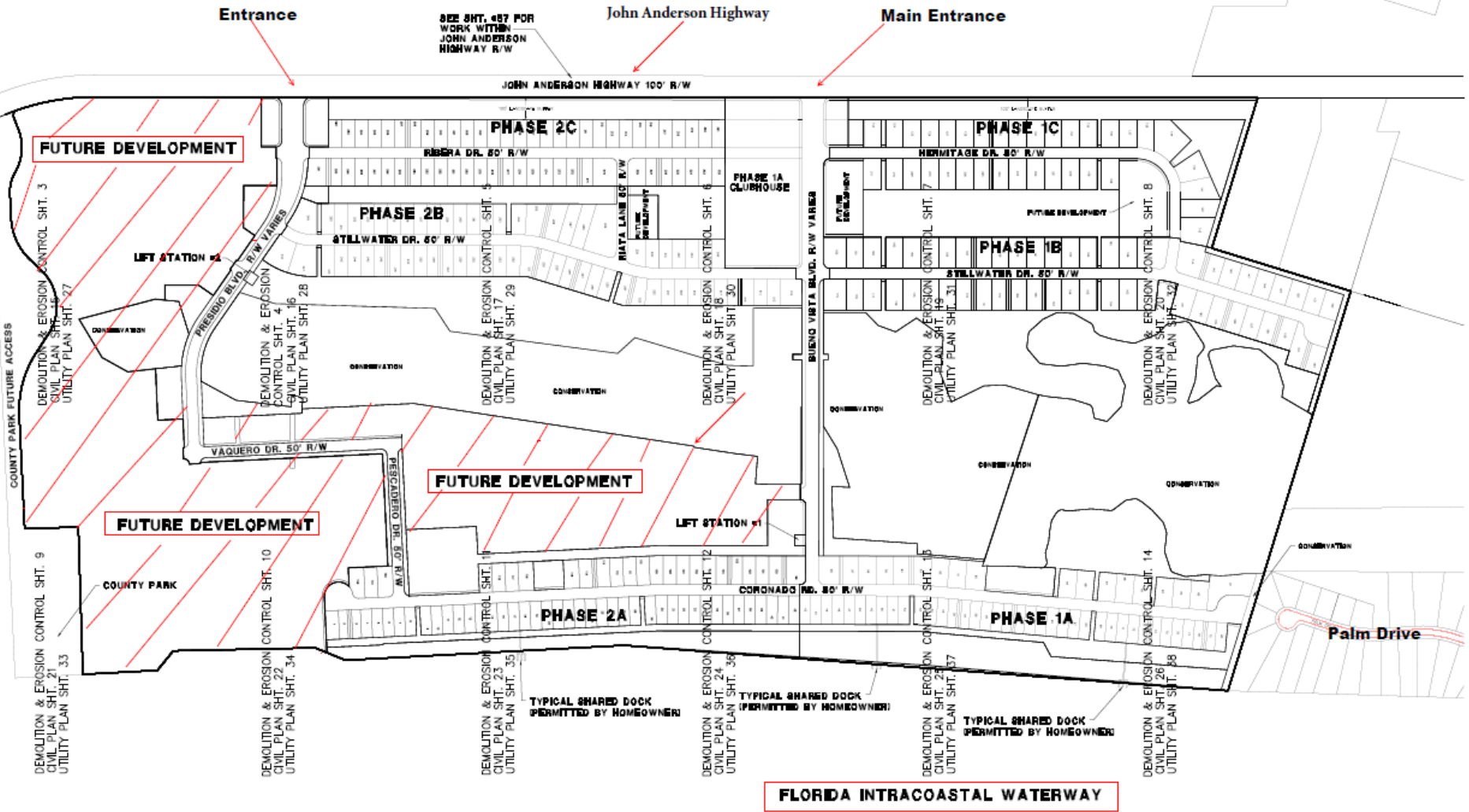
8/11/2020

Renderings are artist's conceptions only and may not be relied upon for accuracy
Preserve Flagler Beach and Bulow Creek, Inc.

History - continued

- ❖ July 2019. Palm Coast Intracoastal, LLC presented to the interested public a **3,996** unit development with a commercial district bordering State Route 100 (Moody Blvd) and no golf course. (Known as the Hilton meeting.)
- ❖ July 2019. Flagler County hires Rachel Bennett to analyze the proposal to see if it is congruent with the original 2005 PUD. She finds that it is not.
- ❖ August 30, 2019. Palm Coast Intracoastal, LLC. Submits “sketch plan” of **330** lots on **243** acres on east side of John Anderson Scenic Highway, down from 3,996 units.
- ❖ September 26, 2019. Palm Coast Intracoastal, LLC **withdraws** request for PUD Modification and Future Land Use Map amendment. States intention to proceed with entitlements of 2005 PUD: 451 [sic] residential units and 230,000 square feet commercial.
- ❖ October 11, 2019. Growth Management department determined and advised developer that the ‘sketch plan’ is **not in accordance** with entitlements granted in 2005 PUD.

3-12-2020 Proposed Plat 335 Lots, 271 acres



History - continued

- ❖ March 4, 2020. Palm Coast Intracoastal, LLC. submits revised “sketch plan” of *453* single family units (**335** east side, **118** west side) on 824 acres *an increase of 123* lots and up *581* acres from the August 30, 2019 sketch plan.
- ❖ March 12, 2020. Palm Coast Intracoastal, LLC. Submits Master Plan of *335* lots on *271* acres, down *118* lots and down *553* acres. Resubmits PUD modification amendment.
- ❖ June 17, 2020. TRC meeting reviews Master Plan and PUD modification. Growth Management department approves PUD to proceed to Planning and Development Board.

2005 PUD Approval Criteria

Four Pillars

The Flagler County Board of Commissioners approved the 2005 PUD based on:

1. Golf course community irrigation provided Flagler Beach a way to use treated wastewater thus eliminating need to release the wastewater into the Intracoastal Waterway to meet state mandate not to discharge into a waterway (Intracoastal).
2. No access to John Anderson Scenic Highway. An elevated, “grade separation,” access road from the east side of development flowed to the west side along main interior road to SR 100 and new intersection at Colbert.
3. 453 maximum residential units located across 1,305 acres (east and west sides).
4. 220 of the 453 residential units on the east side of John Anderson Scenic Highway.

2020 Master Plan Fails All Four Pillars

1. Golf Course
 - No golf course
2. No access to John Anderson Scenic Highway
 - Two access roads to John Anderson Scenic Highway
 - No main interior road through west side development to SR 100
3. 453 maximum residential units located across 1,305 acres (east and west sides)
 - 335 residential units placed on 271.54 acres on just the east side
 - **In addition the proposed plat contains several parcels labeled “future development.”**
An attempt to circumvent the 2005 limits on the number of residential units?
4. 220 lots on east side of John Anderson Scenic Highway
 - 335 lots on east side of John Anderson Scenic Highway



Regulation Changes in **15 years since 2005**

- Flagler County Comprehensive Use Plan was updated in 2011.
 - Prohibits increases in density within Coastal High Hazard Area and Special Flood Hazard Area.
 - Gardens project increases east side density from 2005 PUD
 - Established Level of Service (LOS) for traffic
 - Not shown to be compliant*
- 2018 FEMA map update. The Gardens is in Special Flood Hazard Area.
 - No flood study was done
- Changes to Florida law include an 'increased awareness of environmental sensitivity and economic impacts of development.' *
 - Does not reflect

*Rachel Bennett Analysis of The Gardens request to modify the PUD by "Restatement." August 2019

Expert Opinions and Statute

- Flagler County Attorney strongly advised that the proposed PUD amendment deviates too greatly from the 2005 PUD (1)
- Flagler County Manager hired expert Consultant Rachel Bennett who concluded the July 2019 proposal is a completely different project, with different land uses, intensity, density and distribution. **We feel that this is still true with the updated proposal.**
- Florida Statute: all permits issued under Chapter 163 shall be consistent with the adopted Comprehensive Plan. 2005 PUD is not consistent with 2011 Comprehensive Plan.

(1) TRC comments of March 4, 2020

Conclusion

- Our position is to require the County and the developer to follow existing and current rules and regulations before approving this PUD application.
- The 2020 Master Plan is NOT a modification of the approved 2005 PUD. It is a substantial deviation from the PUD approved in 2005.
- The developer had to know this with their initial proposal of 3,996 residential units.
- The advantage for the developer is to avoid going through a new PUD application process and avoid having to comply with the updated Comprehensive Use Plan.
- Florida statutes restrict increased density in FEMA designated Coastal High Hazard areas. This PUD application has a higher than preferred density in a high flood risk area under **current** standards.
- **We feel that Palm Coast Intracoastal LLC has the time and expertise to create a community that is compliant with current standards and that will be a welcome addition to Flagler County.**