

**RESOLUTION NO. 2026- 10**

**A RESOLUTION OF THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS CONCLUDING CONFLICT RESOLUTION PROCEDURES PURSUANT TO CHAPTER 164, FLORIDA STATUTES, RELATING TO THE CITY OF FLAGLER BEACH COMPREHENSIVE PLAN AMENDMENT, REZONING, AND APPROVAL OF MASTER DEVELOPMENT PLAN FOR THE PROJECT KNOWN AS SUMMERTOWN**

WHEREAS, on or about January 8, 2026, the City Commission for the City of Flagler Beach enacted Ordinance 2025-22 annexing property to be included within the corporate area and city limits of the City of Flagler Beach, providing for the annexation of approximately 514.06 acres of property lying in the areas proximate to the existing city limits of the city, pursuant to Section 171.044, Florida Statutes;

WHEREAS, on or about October 7, 2025, the Planning and Architectural Review Board of the City of Flagler Beach ("PARB"), acting as the City's Local Planning Agency, considered the proposed map amendments referenced in Ordinance 2025-25 and voted to recommend disapproval of the proposed Comprehensive Plan Amendment, however, the Recitals in Ordinance 2025-25 reflect that the PARB voted to recommend approval of the proposed Comprehensive Plan Amendment;

WHEREAS, on or about January 8, 2026, the City Commission for the City of Flagler Beach in conjunction with Ordinance 2025-22 enacted Ordinance 2025-25 amending the City's Comprehensive Plan Future Land Use Map designation for the recently annexed real property generally located west of John Anderson Highway, and directly south of State Road 100, from the County designated "Agriculture, Conservation, and Mixed Use: High Intensity" and from the City designated "Low and Medium Density" future land use designations to the City designated "Low Density Residential and Commercial" future land use designations with an accompanying Text Policy Amendment to limit development;

WHEREAS, on or about January 8, 2026, the City Commission for the City of Flagler Beach, in accord with Ordinances 2025-22 and 2025-25, enacted Ordinance 2025-26 amending the Official Zoning Map designation of the recently annexed property generally located west of John Anderson Highway, and

directly south of State Road 100, from the County designated Planned Unit Development and City designated Reserved and Single-Family Residential to a City approved Master Planned Development;

WHEREAS, on January 28, 2026, the Board of County Commissioners passed Resolution 2026-05 initiating Conflict Resolution Procedures pursuant to Section 164.1052, Florida Statutes;

WHEREAS, on February 13, 2026, representatives from Flagler County and the City of Flagler Beach held a Conflict Assessment Meeting pursuant to Section 164.1053, Florida Statutes, to address the issues in conflict raised by Flagler County in Resolution 2026-05; and

WHEREAS, at the conclusion of the Conflict Assessment Meeting, the County and City have resolved the issues in conflict which precipitated the initiation of the conflict resolution proceedings.

NOW, THEREFORE, BE IT RESOLVED by the Flagler County Board of County Commissioners, that:

1. The issues in conflict between Flagler County and the City of Flagler Beach are hereby SETTLED AND RESOLVED to the satisfaction of both the County and the City as follows:

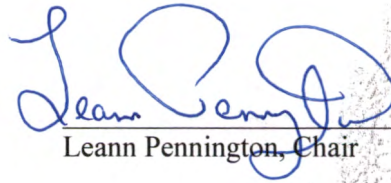
- a. In regard to Ordinance 2025-26 and whether it is consistent with the City's Comprehensive Plan and with the Settlement Agreement entered into by Flagler County and the City of Flagler Beach in *City of Flagler Beach, et.al. v. Hammock Beach River Club Property Owners Association, Inc. et.al.*, Cir.Ct. Case No. 06-001531CA, January 31, 2007, the County recognizes the City's commitment to provide potable water, sanitary sewer, and reuse (reclaimed water) services to the Veranda Bay and Summertown Projects. To the extent that any commitments remained outstanding from the Settlement Agreement, the County acknowledges that these have now been settled through the City's commitment and its approval of Ordinance 2025-26. As the sole utility provider for the John Anderson Highway Service Area, the County acknowledges that the obligations of the Settlement Agreement as these related to the City, the County, and the POA, as identified in the Settlement Agreement, have now effectively been transferred to the City and the Developer (as the successor to the POA), without recourse to Flagler County. This issue is satisfied.
- b. In regard to Ordinance 2025-26 and whether it is consistent with the City Comprehensive Plan as it relates to Floodplain Protection, and its impact on the County's adjacent floodplains and sensitive environmental lands adjacent and contiguous to the Subject Property, the County and City agree to allow work together with the Developer of the Subject Property to effectuate the preservation of the sensitive environmental lands that are the subject of the County's application for Florida Forever funding, as well as investigating potential alternative financial resources for the acquisition of environmentally sensitive lands for a period of three (3) years. This issue is satisfied.

- c. In regard to Ordinance 2025-26 and whether it is consistent with the County's Comprehensive Plan in as much as it increases residential density within the Coastal High Hazard Area adversely impacting John Anderson Highway, a county owned and maintained right-of-way and hurricane evacuation route, the County, through the proposed Agreement between the County and the Developer, acknowledges the proportionate fair share payment—referred to in the proposed Agreement as the John Anderson Highway Mitigation Contribution—proffered by the Developer and to be used by the County as necessary to offset impacts arising from the development of the Veranda Bay and Summertown Projects. Priority for the use of these funds by the County will be to offset any impacts resulting from the development of the Projects that adversely impacts the evacuation clearance times to unacceptable levels. If no such adverse impacts to evacuation timing are anticipated to occur as a result of the development of the Projects, the Contribution funds may be used for generalized “transportation planning, long-term maintenance planning, design, engineering, improvements, landscaping, and maintenance associated with John Anderson Highway and its corridor” as specifically provided in the proposed Agreement. This issue is satisfied.
- d. In regard as to whether an adequate traffic study was conducted to analyze the impacts of the increase in residential density on John Anderson Highway by the adoption of Ordinance 2025-26, the County, through the proposed Agreement between the County and the Developer, releases the Developer and the City from any modification—specific to John Anderson Highway and the extent of impacts resulting from the development of the Veranda Bay and Summertown Projects—to the submitted traffic study relied upon by the City Commission through its approval of Ordinance 2025-26. Project-specific improvements—including the provision of signage, turn lanes, and acceleration/deceleration lanes—may still be needed but without the requirement for the provision of an updated traffic study, and any project-specific improvements will be required to be provided by the Developer as part of any County Right-of-Way Utilization Permit submittal made to Flagler County for access to John Anderson Highway. This issue is satisfied.
- e. In regard to whether there is a possibility for an alternative to future maintenance of John Anderson Highway, either in the form of the City taking the ownership and maintenance obligation of the right-of-way, or the developer paying county impact fees or their functional equivalent relating to the impacts and maintenance of the right-of-way, as has been requested previously, the City remains unwilling to accept ownership and maintenance of the portion of John Anderson Highway adjoining the Veranda Bay and Summertown Projects. Additionally, the City has not adopted transportation impact fees of its own and has not adopted an interlocal agreement with Flagler County for the collection and remittance of the County's adopted transportation impact fee. The Developer, through the proposed Agreement between the County and the Developer, has opted to voluntarily proffer a John Anderson Highway Mitigation Contribution payable at the time of building permit issuance and to be remitted to the County to offset the transportation impacts resulting from the Projects. The John Anderson Highway Mitigation Contribution is intended to serve as the Developer's proportionate fair share contribution to mitigate the Veranda Bay and Summertown Projects' impacts on John Anderson Highway: the Developer's Contribution is not intended to fully fund the County's future capital improvements or ongoing maintenance of the John Anderson Highway right-of-way. This issue is satisfied.

2. The conflict resolution procedures are hereby completed and closed.


PASSED AND DULY ADOPTED this 23rd day of February, 2026

FLAGLER COUNTY BOARD OF  
COUNTY COMMISSIONERS

  
Leann Pennington, Chair



ATTEST:

  
Tom Bexley, Clerk of the Circuit Court  
and Comptroller

Approved as to form:

  
Michael A. Rodríguez, County Attorney