

#12

**ORDINANCE NO. 2021-09**

**AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, TO CONSIDER APPROVAL OF A PLANNED UNIT DEVELOPMENT COMPRISED OF 48+/- ACRES LYING WITHIN A PLANNED UNIT DEVELOPMENT ZONING DISTRICT; THE PROPERTY IS IDENTIFIED AS PARCEL NO. 11-12-31-0650-000A0-0060 LYING EAST OF ROBERTS RD. THE SOUTHERLY BOUNDARY OF WHICH TOUCHES UPON THE NORTHERLY BOUNDARY OF WADSWORTH PARK; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE HEREOF.**

WHEREAS, the applicant has filed an application for rezoning of those lands described herein to PUD (Planned Unit Development); and

WHEREAS, the City Commission of the City of Flagler Beach has received a presentation from the applicant, public input, and recommendations from staff and the Planning and Architectural Review Board, sitting as the local planning agency, related to the rezoning; and

WHEREAS, the PUD (Planned Unit Development) zoning classification is consistent with the City of Flagler Beach Comprehensive Plan, Future Land Use Map; and

WHEREAS, the City Commission of the City of Flagler Beach finds the PUD (Planned Unit Development) zoning classification to be in the best interest of the inhabitants of the City of Flagler Beach provided certain conditions of development consistent with the PUD (Planned Unit Development) zoning classification are satisfied and, accordingly, desires to amend the Official Zoning Map as hereinafter set forth.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA:

**Section 1: Property rezoned from PUD (Planned Unit Development) to PUD (Planned Unit Development).**

That certain property described in Exhibit "A" to the Beach Park Village Single Family Residential Planned Unit Development Agreement (the "Development Agreement") which is incorporated herein and attached hereto as "Attachment 1" is hereby rezoned from PUD (Planned Unit Development) to PUD (Planned Unit Development), subject to the conditions set forth in this ordinance and all attachments thereto.

**Section 2: Terminology.**

46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91

For the purposes of this Ordinance, the term “Developer” shall refer to any person, corporation or entity, which carried out any building activity, makes any natural change in the use or appearance of any structure or land, or divides the property into two or more parcels in connection with the development of the subject property as contemplated herein.

**Section 3: Development.**

The subject property shall be developed in accordance with the Development Agreement and any conditions of approval imposed by the City Commission.

**Section 4: Zoning map.**

The Official City Zoning Map shall be amended to conform to the zoning assigned as described in Section 1 of this Ordinance.

**Section 5: Conflicts.**

In the event of any conflict between the express terms of this Ordinance and any provision of the Development Agreement, the express terms of this Ordinance shall control.

**Section 6: Severability.**

Should any section or part of this Ordinance be declared invalid by any court of competent jurisdiction, such adjudication shall not apply or affect any other provision of this Ordinance, except to the effect that the entire section or part of the section may be inseparable in meaning and effect from section to which such holding shall apply.

**Section 7: Inclusion in Code of Ordinances.**

The Ordinance shall be maintained by the City of Flagler Beach City Clerk but shall not be codified in the City’s Code of Ordinances.

**Section 8: Effective date.**

This Ordinance shall take effect immediately upon its final adoption by the City Commission of the City of Flagler Beach, Florida.

**ADOPTED** by the City Commission of the City of Flagler Beach, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Suzie Johnston, Mayor

92  
93  
94  
95  
96  
97  
98

*ATTEST:*

---

Penny Overstreet, City Clerk

1 **BEACH PARK VILLAGE SINGLE FAMILY RESIDENTIAL**  
2 **PLANNED UNIT DEVELOPMENT AGREEMENT**  
3

4 THIS PLANNED UNIT DEVELOPMENT AGREEMENT (herein referred to as the  
5 “DA”) is made and executed this \_\_\_ day of \_\_\_\_\_, 20\_\_, by and between the  
6 City of Flagler Beach, a Florida municipal corporation (herein referred to as the “City”), whose  
7 address is 105 S. 2<sup>nd</sup> Street, Flagler Beach, Florida 32136; and M.L. Carter Services, Inc., a Florida  
8 Corporation, as Successor Trustee of the Carter-Flagler Roberts Road Land Trust, whose address  
9 is 3333 S. Orange Avenue, Suite 200, Orlando, Florida 32806, owners of the Subject Property  
10 (herein referred to as the “Owner” or the “Developer” regardless of whether singular or plural  
11 ownership status).

12 *WITNESSETH*  
13  
14

15 WHEREAS, the Owner is the owner of fee simple title to certain real property consisting  
16 of approximately 48.06 acres located on Roberts Road, north of Highway 100 in the City of Flagler  
17 Beach, Florida, as more particularly described as “Exhibit “A” attached hereto and incorporated  
18 herein by this reference (herein referred to as the “Subject Property”); and  
19

20 WHEREAS, the Subject Property is subject to Resolution 2006-59, which adopted the  
21 Beach Park Village Planned Unit Development Agreement, as recorded in Official Records Book  
22 1548, Page 1543 of the Public Records of Flagler County, Florida (the “BPV-PUD”); and  
23

24 WHEREAS, the Subject Property is part of the overall property subject to the BPV-PUD;  
25 and  
26

27 WHEREAS, the BVP-PUD allows a mixed use development consisting of single family  
28 and multi-family residences, general commercial uses, combined use commercial/residential uses,  
29 recreational facilities and conservation areas; and  
30

31 WHEREAS, the Subject Property was planned for one hundred thirty six (136) multi-  
32 family residences under the BVP-PUD; and  
33

34 WHEREAS, the Owner requests approval of a Planned Unit Development (PUD) replacing  
35 the BPV-PUD for the Subject Property to allow a development consisting of one hundred twelve  
36 (112) single family residences and conservation areas located on the Subject Property subject to  
37 the conditions set forth in this DA; and  
38

39 WHEREAS, the City of Flagler Beach City Commission finds that this DA is consistent  
40 with the City’s Comprehensive Plan and Land Development Regulations (herein referred to as the  
41 “LDR”) in effect on the effective date of this DA and that the conditions, terms, restrictions, and  
42 requirements set forth herein are necessary for the protection of the public health, safety, and  
43 welfare of the citizens of the City; and

1  
2 WHEREAS, the City of Flagler Beach City Commission further finds that this DA is  
3 consistent with and an exercise of the City's powers under the Municipal Home Rule Powers Act,  
4 Article VIII, Section 2(b) of the Constitution of the State of Florida, Chapter 166, Florida Statutes;  
5 the City of Flagler Beach Charter, other controlling law, and the City's police powers; and  
6

7 WHEREAS, this a non-statutory development agreement which is not subject to or enacted  
8 pursuant to the provisions of Sections 163.3220-163.3243, Florida Statutes.  
9

10 NOW, THEREFORE, it is hereby resolved and agreed by and between the City and the  
11 Owner that the Owner's application for a PUD is approved subject to the following terms and  
12 conditions:  
13

14 SECTION 1. RECITALS  
15

16 The above recitals are true and correct and are incorporated herein by this reference and  
17 from a material part of this DA upon which the City and Owner have relied.  
18

19 SECTION 2. REPRESENTATIONS OF OWNER  
20

21 2.1 The Owner hereby represents and warrants to the City that it is the Owner of the  
22 Subject Property in accordance with the title opinion or title certification provided by the Owner  
23 to the City issued by an attorney or title insurance company licensed to provide services in the  
24 State of Florida.  
25

26 2.2 The Owner represents and warrants to the City that it has the power and authority  
27 to enter into and consummate the terms and conditions of this DA; that all acts, approvals,  
28 procedures and similar matters required in order to authorize this DA have been taken, obtained or  
29 followed, as the case may be; that this DA and the proposed performance of this DA by the Owner  
30 is not an *ultra vires* act; that that, upon the execution of this DA by the parties, this DA shall be  
31 valid and binding upon the parties hereto and their successors in interest.  
32

33 2.3 The Owner hereby represents to the City that all required joinders and consents  
34 have been obtained and set forth in properly executed form on this DA. Unless otherwise agreed  
35 to by the City, all liens, mortgages, and encumbrances not satisfied or released of record, must be  
36 subordinated to the terms of this DA. It is the responsibility of the Owner to ensure that said  
37 subordinations occur in a form and substances acceptable to the City Attorney prior to the City's  
38 execution of this DA.

1           SECTION 3. APPROVAL OF PUD DA

2  
3           3.1     The City Commission at its regular meeting on the \_\_\_\_\_, day of \_\_\_\_\_,  
4 2021 at a public hearing. approved this DA relating to the Subject Property subject to the terms  
5 and conditions of this DA.

6  
7           3.2 The Owner acknowledges that if this DA is ever terminated, the approval shall be  
8 deemed null and void and the land uses approved for the Subject Property shall no longer be  
9 permitted, unless otherwise approved by the City Commission.

10  
11          3.3     The current provisions of the City’s LDR’s shall be applicable to the Subject  
12 Property unless otherwise specifically stated herein. All building codes, zoning ordinances and  
13 other land development regulations of the City of Flagler Beach, including, without limitation, the  
14 City Comprehensive Plan and any similar plans adopted by the City, as may be amended from  
15 time to time, will be applicable to the Subject Property unless otherwise stated herein.

16  
17          3.4 Additional conditions of approval may be included in the relevant minutes of the  
18 Planning and Architectural Review Board and City Commission meetings. Any representation and  
19 commitments made by the Owner during the DA review and approval process (whether written or  
20 oral) shall also be additional conditions of approval, should the City deem such action appropriate.

21  
22           SECTION 4. TERM/EFFECTIVE DATE

23  
24           This DA shall be effective upon approval by the City Commission of the City of Flagler  
25 Beach and execution of this DA by all parties.

26  
27           SECTION 5. PERMITTED USES/DENSITY

28  
29           5.1     The owner agrees to fully comply with the following use restrictions on the Subject  
30 Property. The following uses are permitted on the Subject Property:

31  
32                   (a)     Residential uses - Single family residential homes, permitted accessory uses  
33 and other specified uses as may be described herein.

34  
35                   (b)     Maximum units – The number of single family residential units shall be  
36 capped at one-hundred-twelve (112). The single family residential lots shall typically measure fifty  
37 (50) feet in width by one-hundred-twenty (120) feet in depth as depicted on the Concept Plan  
38 (Exhibit “B”).

39  
40           SECTION 6. PROJECT DESCRIPTION

41  
42           6.1     Residential – The development plan for Beach Park Village will consist of:  
43

1 (a) Single family residential development (the "Development") as generally  
2 outlined below, and depicted on the Preliminary Site Development Plan attached as "Exhibit B"  
3 hereto (the "Site Plan").

4  
5 (b) Common owned improvements and amenities governed by a Home Owners  
6 Association.

7  
8 (c) Each residential unit shall provide a minimum one (1) car garage or larger.  
9

10 (d) At a minimum, each residential unit shall have a minimum of two (2) off-  
11 street parking spaces including the garage parking space(s).

12  
13 (e) Additional resident and guest parking may be provided within an  
14 unenclosed parking area(s) consistent with the Flagler Beach LDR.  
15

16 6.2 Open Space and Common Areas – Common areas are located throughout the  
17 Subject Property and shall include open space, wetlands, landscape areas, and lakes.  
18

19 6.3 Maintenance – Maintenance of all common open space shall be the responsibility  
20 of a Homeowners Association.  
21

## 22 SECTION 7. MODIFICATION TO THE CONCEPT PLAN

### 23 7.1 Concept Plan Amendments

24  
25  
26 (a) The exact location of access, water bodies and other improvements as  
27 provided for on the Concept Plan (Exhibit "B") are subject to change during the development  
28 review process. Such modifications do not require amendment of this DA. Modifications to the  
29 exact location of the aforementioned Concept Plan elements may be requested by the Developer  
30 subject to approval by the City Manager or his/her designee, during the review of construction  
31 documents, site plans, preliminary plats and/or final plats for BPV or portions thereof; provided  
32 however that the development standards memorialized in this DA shall be maintained.  
33

34 (b) This DA does not constitute a preliminary plat or final plat approval for  
35 BPV and as such, shall be required to obtain all necessary land use approvals, including  
36 preliminary and final plat(s).  
37

38 (c) Revisions which meet the intent and purpose of the City's Comprehensive  
39 Plan and LDR shall be subject to review by the Planning and Architectural Review Board and final  
40 approval by the City Commission at the time of Final Site Development Plan approval, as long as  
41 the substantial integrity of the original Site Plan and the development standards contained herein  
42 are maintained.  
43

1 (d) Any modification to the Site Plan that increases the intensity or types of  
2 development or uses, or reduces the total amount of open space, shall comply with the City's LDR  
3 rezoning procedures and require the approval of the City Commission following the review and  
4 recommendation of the Planning and Architectural Review Board.

5  
6 SECTION 8. DEVELOPMENT PHASING

7  
8 8.1 The infrastructure of the Development will be completed as a single phase.

9  
10 8.2 The Beach Park Village Property residential lots (units) may be developed in  
11 phases. The initial phase of residential unit construction shall be commenced within eighteen (18)  
12 months from the effective date of this DA.

13  
14 8.3 The approximate build-out date of all phases, if so elected to build in phases, shall  
15 occur within three (3) years of the approval date of this DA.

16  
17 SECTION 9. EXTENSION OF DA

18  
19 Should the development and build-out not be completed within the established timeframes,  
20 the Owner shall be required to apply for an extension from the City of Flagler Beach City  
21 Commission, and subject to the existing LDR for those standards not included in the approved  
22 DA.

23  
24 SECTION 10. LAND DEVELOPMENT REGULATIONS NON-APPLICABILITY

25  
26 10.1 The City of Flagler Beach LDR applies to the Subject Property and the development  
27 within it, unless expressly provided in this Section.

28  
29 10.2 The land development requirements as approved herein by the City Commission,  
30 pertaining to this DA shall supersede any inconsistent provisions of the LDR or other ordinances  
31 of the City.

32  
33 (a) Wetlands and Wetland Buffer. A conservation easement in favor of the Saint  
34 Johns River Water Management District (the "SJRWMD") will be recorded over all wetlands  
35 identified for preservation in any Environmental Resource Permit issued by the SJRWMD, if  
36 required by the SJRWMD. Protected wetlands shall not be included within development parcels  
37 but shall be used in open space calculations. .

38  
39 All jurisdictional wetland boundaries, including the upland buffer (minimum width  
40 of 25 ft.) shall be depicted on all site plans prior to submittal. No wetland impacts shall occur  
41 without acquiring all necessary City, State and Federal permits.  
42



1 (b) Stormwater. The Subject Property is being developed with privately  
2 maintained roads and a privately maintained drainage system online. Stormwater runoff, from the  
3 development, will be conveyed to on-site stormwater retention systems by means of grassed  
4 swales, curb and gutters and an underground drainage pipe system. The stormwater retention  
5 systems onsite may be interconnected with such systems on adjacent sites, subject to approval of  
6 the SJWRMD and the City Engineer. Stormwater facilities shall be maintained by a Homeowners  
7 Association. Pipe, structure materials and locations as well as pipe sizes shall be designated to at  
8 least meet the City of Flagler Beach Standard Construction Details Manual. The Owner shall  
9 install fences or other safety measure approved by the City Planning Director to control access to  
10 the stormwater retention ponds, subject to the approval of the SJRWMD. All such fences shall be  
11 a minimum of four feet (4') in height with gated entries of adequate width to permit access for the  
12 maintenance and repair of the retention ponds. Fencing and other access control measures may be  
13 placed within areas designated as common open space and within landscape buffers as depicted  
14 on the Concept Plan.

15  
16 A stormwater pollution prevention plan ("SWPPP") shall be attached to and  
17 incorporated into the construction and permit documents for all projects constructed with the  
18 project that require a general or individual SJRWMD permit. The SWPPP shall be implemented  
19 upon initiation of construction activities and accommodate the specific construction project of the  
20 site.

21  
22 (c) Roadways/Rights-of-Way. The Subject Property is being developed with  
23 privately maintained roads. All roads shall be designated and constructed to at least meet the  
24 applicable provisions of the LDR and the City of Flagler Beach Standard Construction Details  
25 Manual. Internal access to all residential structures and the amenities shall be provided by private  
26 paved drives with curb and gutter. All roads and accesses shall be the responsibility of a  
27 Homeowners Association. Emergency vehicles shall always be permitted through the Subject  
28 Property and adequate emergency vehicle access and turn-arounds shall always also be provided.

29  
30 Any irrigation, re-use lines, lighting and landscaping on any street or dedicated  
31 right-of-way including within Roberts Road right-of-way shall be maintained by a Home Owners  
32 Association.

33  
34 Access for provision of utility services and emergency vehicles shall be provided  
35 to the City by means of granting an easement satisfactory in form and content to the City Attorney  
36 as a condition of plat approval.

37  
38 (d) Landscaping. Efforts to preserve and enhance the project design will be  
39 achieved through adjustments of building, parking, roadway and stormwater location (as outlined  
40 below) and through supplemental landscaping that will blend with the natural look yet carefully  
41 accentuate the residential areas, entrances, and other common spaces. All reasonable efforts shall  
42 be made to preserve existing nature trees and vegetation on the site. The Owner shall identify the

1 existing native trees and vegetation preservation areas as part of the site development plan and plat  
2 review process.

3  
4 General landscaping around parking lots, roadways, entrances, residential and  
5 commercial buildings, and other common areas will be landscaped with ornamental and native  
6 plant materials and in accordance with the LDR. These areas will be landscaped to include pockets  
7 of preserved trees, enhanced street frontage landscaping, garden courtyards, foundation, and other  
8 types of landscaping to reflect outdoor spaces and to blend with the natural vegetation. All  
9 ornamental landscape beds and lawn areas will have supplemental irrigation. Flexibility of this  
10 site plan allows for further refinement of site development, landscaping, and preservation of  
11 existing vegetation. Native plants and waterwise landscaping will be used where feasible.

12  
13 (e) Signage. The Development may be identified by either one double-  
14 faced or two single faced entrance signs to be located at the project entrance. Such signs may be  
15 lighted (with lighting directed away from traffic), and shall be free-standing ground monument  
16 sign(s), maximum of six (6) feet tall, with a message area no greater than thirty-two (32) square  
17 feet in size. The overall maximum size of a free-standing monument sign shall be ninety-six (96)  
18 square feet and maximum height of eight (8) feet . Signs incorporated into a project wall shall be  
19 limited to the same maximum thirty-two (32) square feet message area and limited by the  
20 maximum wall height. The base of the sign shall be landscaped with plant materials. All signage  
21 will be consistent and uniform in design. All signs will comply with the setbacks and sight  
22 clearance requirements of the LDR.

23  
24 (f) Site Development Requirements. The dimensional requirements within  
25 Beach Park Village will be as set forth in Section 11.2 of this DA.

26  
27 (g) Entry Features. Entrance/exit roadways to the development shall be  
28 constructed from Roberts Road in the approximate location as shown on the Site Plan. The Owner  
29 reserves the right to construct secured entry gates. Vehicular access shall be designed to  
30 accommodate emergency vehicle and school bus access locations, pursuant to dimensional  
31 requirements defined by application of City of Flagler Beach LDR's.

32  
33 (h) Open Space. A minimum of eighty percent (80%) of the Subject Property  
34 will be open space, including, without limitation, all areas outside of structures for habitation,  
35 yards on individual lots, any active and passive recreation areas, common areas, lakes, wetlands,  
36 and trails. Pedestrian trails shall be permitted throughout the property.

37  
38 (i) Pedestrian Access. Five (5) foot wide concrete sidewalks will be  
39 constructed on one side of all major internal roads to provide reasonable access between residential  
40 structures and amenities, and for access and passive recreation needs. .

41  
42 (j) Lighting. Decorative pole mounted lighting fixtures no more than  
43 twenty (20) feet high shall be provided throughout the Subject Property. Additional landscape

1 lighting may include low level lighting and occasional access lighting. The locations of such  
2 fixtures shall be further described at the time of site development plan approval.

3  
4 (k) Buffers. A twenty (20) foot wide landscaped buffer shall be  
5 established and maintained around the project's perimeter boundary with the exception for a  
6 twenty-five (25) foot wetland upland buffer adjacent to all identified jurisdictional wetlands.

7  
8 (l) Fencing/Walls. Homeowners will be permitted to install fencing in  
9 the rear yard area. Fencing shall be constructed of aluminum, wrought iron, or PVC and installed  
10 in accordance with the City of Flagler Beach LDR. Chain link or wood fencing is not permitted,  
11 except chain link fencing is permitted for the safety requirements for retention ponds as set forth  
12 in Section 10.2(b) of this DA.

13  
14 (j) Model Homes – Commencement of model home construction shall be allowed:

- 15 i. Prior to final approval of infrastructure improvements and final plat  
16 recording, and upon completion of the road base and functional potable  
17 water and sewer availability.
- 18 ii. Construction of model homes for purposes of selling residential properties  
19 shall be permitted. The City shall allow the designated Model Home center  
20 to include the following elements:
- 21 1. Temporary parking lot on adjoining lot(s)
  - 22 2. Model Home identification signage
  - 23 3. Sales flags on each model lot (maximum of 3)
  - 24 4. Temporary way finder and sales signs at entrance during the sales  
25 timeframe. All way finder and sales signs shall be removed upon  
26 completion of the initial builder/developer sales effort.

27  
28 SECTION 11.0 SITE DEVELOPMENT PLAN

29  
30 11.1 Zoning and Future Land Use Map (FLUM) Category – The City's Comprehensive  
31 Plan designates the Subject Property as Reserved with a Mixed-Use Overlay. The Subject Property  
32 is currently zoned as PUD.

33  
34 11.2 Development Standards

35  
36 (a) Table -1 below specifies the Subject Property minimum residential  
37 development standards under the provisions of this DA.

**Table-1. Minimum Development Dimensional Standards**

<b>DEVELOPMENT COMPONENT</b>	<b>STANDARD</b>
Lot Depth	100 ft.
Lot Width	40ft.
Unit Size	1200sf.
Distance between bldgs/structures	10ft.
Front setback (from road pavement*)	20ft.
Side setback	5ft.
Maximum building height **	35 ft.
Rear setback ***	15 ft.
Maximum Impervious Surface Ratio	70%

\* Driveways utilized for a required parking space shall provide a minimum of twenty (20) feet between the garage door and any adjacent roadway or sidewalk.

\*\* Thirty-five (35) feet as defined in Appendix A of the City of Flagler Beach Land Development Regulations.

\*\*\* Rear setback for pools (covered or uncovered ) patios, detached garages and courtyards is five (5) feet.

(b) Any structure shall have a minimum finished floor elevation of one (1) foot above the Base Flood Elevation (as shown on the Flood Insurance Rate Maps for Flagler County) or one (1) foot above the center line of the adjoining street, whichever is higher, including garages or other uninhabited structures.

11.3 Fire Services – Fire protection requirements for the site will be met through a system of fire hydrants installed on the site by the Owner in accordance with City standards and NFPA 24. The locations of fire hydrants will be shown on the final site plans. The water requirements for the fire system will be served by the City of Flagler Beach.

11.4 Parking – Each residential unit shall provide parking as required by the City of Flagler Beach LDR.

11.5 Water, Sewer and Drainage – The common areas, all road and storm drainage improvements and other land shall be owned and maintained by a Homeowners Association.

Water and sewer service shall be provided by the City of Flagler Beach. The water and sewer infrastructure shall be constructed by the Owner, comply with all applicable City Codes and the City of Flagler Beach Standard Construction Details Manual and conveyed to the City of Flagler Beach.

1           11.6 Utility Lines/Telephone/Electricity – All utility lines shall be installed underground  
2 by the Owner of the respective tract. Letters from all utility providers must be presented in advance  
3 of any development.

4  
5           11.7 Police Protection – The Flagler Beach Police Department or its successor, shall be  
6 the entity responsible for law enforcement in the Subject Property and shall be provided with full  
7 access to the Subject Property. This does not preclude the Owner from providing additional,  
8 private security.

9  
10           11.8 City of Flagler Beach Fire Protection – Fire and Rescue Services will be provided  
11 by the City of Flagler Beach. The Developer shall pay to the City the sum of Twenty Eight  
12 Thousand and No/100 Dollars (\$28,000.00), to be used by the City toward the purchase of a new  
13 fire truck and for no other purpose, no later than thirty (30) days following the City Commission’s  
14 approval of a final subdivision plat approval for the Project and the expiration of all applicable  
15 appeal periods without an appeal being filed.

16  
17           11.9 Solid Waste – Solid Waste collection will be provided by the City of Flagler Beach.

18  
19           11.10 Construction Trailers – Construction trailers may be located within the Subject  
20 Property, subject to review and approval by the City Planning Director or the City employee so  
21 designated by the City Manager. The construction trailers shall have a stabilized subbase. These  
22 construction trailers shall be removed (including all temporary facility improvements servicing  
23 such trailers), as directed by the City.

24  
25           11.11 Buildings – All structures constructed shall comply with all City ordinances,  
26 regulations or rules unless provided for elsewhere in this DA.

27  
28           11.12 Sales Trailers – One (1) temporary sales trailer shall be permitted. A permit is  
29 required to be obtained from the City. Prior to submitting for a permit, a development plan shall  
30 be submitted to the City illustrating the location of the temporary sales trailer. Access to this office  
31 shall be provided. On-site parking shall be provided on a stabilized surface with paved or concrete  
32 handicap parking and access provided and shall be of sufficient size as to prevent the need to back  
33 on to a street right-of-way or pedestrian right-of-way. A fence or similar barrier shall be provided  
34 to prevent visitors and customers from entering the construction area. Only one (1) identification  
35 sign per trailer shall be permitted. The sign area shall not exceed six (6) square feet. Each sales  
36 trailer may be used for a maximum period of two (2) years from the date the certificate of  
37 occupancy is issued for the trailer. Any such trailer shall be used solely for the purpose of sales  
38 of property located with the subject PUD property.

39  
40           11.13 Water Conservation – The Developer agrees to install water reuse lines within the  
41 Property for irrigation of common area landscaping. Maintenance and repair of the reuse lines  
42 shall be the responsibility of the owner of the Property. The City shall not be responsible for the  
43 reuse lines in any manner. However, prior to the availability of re-use water at the Property,

1 irrigation may be provided by on-site irrigation wells. Water conservation strategies, including  
2 waterwise landscape techniques and water reuse lines for irrigation shall be incorporated into the  
3 construction, operation and maintenance phases of the Property. The conservation strategies shall  
4 include the following conditions:

5           Within common areas, fifty (50) percent of planted vegetation, by aerial extent,  
6 shall consist of native, drought-tolerant or waterwise vegetation in all landscape areas.  
7 Landscape areas are defined as any pervious area that will be altered due to development.  
8 Wetlands, wetland buffers, natural vegetative buffers between land uses, stormwater  
9 systems and required preservation areas used in the calculation of open space are not  
10 included as landscaped areas. Native or drought-tolerant plants include those in the  
11 SJRWMD's *Waterwise Plant Database*, the Florida Native Plant Society's list of native  
12 landscape plants for Flagler County, *The Florida Friendly Landscaping Guide to Plant*  
13 *Selection & Landscape Design* (2015), or comparable guidelines prepared by the Florida  
14 Department of Agriculture and Consumer Services, University of Florida/Institute of Food  
15 and Agricultural Sciences, SJRWMD, FFWCC, or FDEP. The Developer shall include  
16 information on waterwise and/or native vegetation and/or drought-tolerant vegetation.  
17

18 **SECTION 12. MEDIATION**

19  
20           In the event that a dispute arises under this DA and, if the City and Owner are unable to  
21 resolve the issues, after exhausting the appeal process established by City Codes, the parties shall  
22 attempt within thirty (30) days to resolve disputes informally, but in the event of a failure to  
23 informally resolve disputes, to engage in mediation before a certified Circuit Court mediator  
24 selected by the parties or, in the event that the parties fail to agree to a mediator, by the Florida  
25 Conflict Resolution Consortium or, if unavailable, a mediator selected by the City. The parties  
26 shall equally pay the costs of mediation.  
27

28 **SECTION 13. NOTICES**

29  
30           13.1 All notices required or permitted to be given under this DA must be in writing and  
31 must be delivered to the City or the Owner as its address set forth below (or such other address as  
32 may be hereafter be designated in writing but such party).  
33

34           13.2 Any such notice must be personally delivered or sent by registered or certified mail,  
35 overnight courier, facsimile or telecopy.  
36

37           13.3 Any such notice will be deemed effective when received (if sent by hand delivery,  
38 overnight courier, telecopy or facsimile) or on the date which is three (3) days after such notice is  
39 deposited in the United States mail (if sent by registered or certified mail).  
40

41           13.4 The parties' addresses for the delivery of all such notices are as follows:

1 As to the City: City Clerk  
2 105 S. 2<sup>nd</sup> Street  
3 Flagler Beach, Florida 32136  
4

5 As to the Owner: Carter-Flagler Roberts Road Land Trust  
6 C/O M.L. Carter Services, Inc.  
7 3333 S. Orange Avenue, Suite 200  
8 Orlando, Florida 32806  
9

10 SECTION 14. SEVERABILITY  
11

12 The terms and provisions of this DA are severable and in the event any portion of this DA  
13 shall be found to be invalid or illegal, the remaining portions of the DA remain valid and  
14 enforceable.  
15

16 SECTION 15. SUCCESSORS AND ASSIGNS  
17

18 15.1 This DA and the terms and conditions hereof shall be binding upon and inure to the  
19 benefit of the City and Owner and their respective successors-in-interest the terms and conditions  
20 of this DA similarly shall be binding upon the Subject Property and shall run with title to the same.  
21

22 15.2 This DA touches and concerns the Subject Property.  
23

24 15.3 The Owner has expressly covenanted and agreed to this provision and all other  
25 terms and provisions of this DA.  
26

27 SECTION 16. GOVERNING LAW/VENUE/COMPLIANCE WITH LAW  
28

29 16.1 This DA shall be governed by and construed in accordance with the laws of the  
30 State of Florida and the Regulations or Ordinances of the City.  
31

32 16.2 Venue for any dispute shall be in the County or Circuit Court, Seventh Judicial  
33 Circuit, having jurisdiction in and for Flagler County, Florida.  
34

35 16.3 The Owner shall fully comply with all applicable local, State, and Federal codes,  
36 laws, regulations, rules, and statutes including but not limited to environmental regulations and all  
37 such other laws and regulations as shall be applicable to this DA.  
38

39 16.4 This DA shall not limit the future exercise of the police powers of the City to enact  
40 ordinances, standards or rules regulating development generally applicable to the entire area of the  
41 City such as requiring compliance with the City capital facilities plan, parks master plan, including  
42 but not limited to, parks and trail dedications, utility construction and connections, mandating  
43 utility capacities, requiring street development or other such similar land development regulations.

1  
2           16.5 This DA shall also not be construed to prohibit the City from adopting lawfully  
3 imposed impact fees applicable to the Owner and the PUD authorized hereunder.

4  
5           SECTION 17. TERM/EFFECTIVE DATE

6  
7           This DA shall be effective upon approval by the City Commission of the City of Flagler  
8 Beach and execution of this DA by all parties.

9  
10          SECTION 18. RECORDATION

11  
12          Upon approval by the City of Flagler Beach City Commission and execution of this DA by  
13 all parties, this DA and any amendments hereto shall be recorded by the City with the Flagler  
14 County Clerk of courts within fourteen (14) days after its execution by the City and shall run with  
15 the land. The Owner shall pay the costs to record this DA.

16  
17          SECTION 19. PERMITS

18  
19          19.1 The failure of this DA to address any particular City, County, State, Federal or other  
20 regulatory permit, condition, term or restriction shall not relieve the Owner of the necessity of  
21 complying with the law governing said permitting requirements, conditions, terms, or restrictions.

22  
23          19.2 The terms and conditions of this DA do not determine concurrency for the Subject  
24 Property.

25  
26          SECTION 20. THIRD PARTY RIGHTS

27  
28          This DA is not a third-party beneficiary contract, and shall not in any way whatsoever  
29 create any rights on behalf of any third party.

30  
31          SECTION 21. SPECIFIC PERFORMANCE/TIME IS OF THE ESSENCE

32  
33          21.1 Strict compliance shall be required with each and every provision of this DA.

34  
35          21.2 The parties agree that failure to perform the obligations established in this DA shall  
36 result in irreparable damage, and that specific performance of these obligations may be obtained  
37 by suit in equity.

38  
39          21.3 Time is of the essence to this DA and every right or responsibility shall be  
40 performed within the times specified.



1           SECTION 22. ATTORNEYS' FEES

2  
3           In the event of any action to enforce the terms of this DA, the prevailing party shall be  
4 entitled to recover reasonable attorneys' fees, paralegals' fees, and costs incurred, whether the  
5 same be incurred in a pre-litigation negotiation, litigation at the trial level, or upon approval.  
6

7           SECTION 23. FORCE MAJEURE

8  
9           The parties agree that in the event that the failure by either party to accomplish any action  
10 required hereunder within a specific time period ("Time Period") constitutes a default under terms  
11 of this DA and, if any such failure is due to any unforeseeable or unpredictable event or condition  
12 beyond the control of such party including, but not limited to, acts of God, acts of government  
13 authority (other than the City's own acts), acts of public enemy or war, terrorism, riots, civil  
14 disturbances, power failure, shortages of labor or materials, injunction or other court proceedings  
15 beyond the control of such party, or severe adverse weather conditions ("Uncontrollable Event"),  
16 then notwithstanding any provision of this DA to the contrary, that failure shall not constitute a  
17 default under this DA and any Time Period proscribed hereunder shall be extended by the amount  
18 of time that such party was unable to perform solely due to the Uncontrollable Event.  
19

20           SECTION 24. INDEMNIFICATION

21  
22           The Owner shall indemnify and save the City harmless from any and all liability, claims  
23 for damages, and suits for any injury to any person or persons, or damages to any property of any  
24 kind whatsoever arising out of or in any way connected with the development of the Subject  
25 Property as provided for in this DA. This agreement by the Owner to indemnify and hold the City  
26 harmless shall include, but not be limited to, all charges, expenses and costs, including reasonable  
27 attorneys' fees, both at trial and on appeal, incurred by the City on account of or by reason of such  
28 injuries, damages, liability, claims, suits or losses and all damages arising therefrom.  
29

30           SECTION 25. CAPTIONS

31  
32           Sections and other captions contained in this DA are for reference purposes only and are  
33 in no way intended to describe, interpret, define, or limit the scope, extent or intent of this DA, or  
34 any provision hereto.  
35

36           SECTION 26. STAFF/CITY REPORTS: EXHIBITS

37  
38           26.1   The staff reports and other City reports promulgated with regard to this DA and the  
39 development approval relating to the Subject Property are hereby incorporated into this DA as if  
40 fully set forth herein verbatim; provided, however, that the provisions of this DA shall prevail to  
41 the extent of any conflict and such documents shall be used by the City for its purposes and in its  
42 discretion to interpret the provisions of this DA and its interpretation relative to such matters shall  
43 be conclusive.

1  
2           26.2 Each exhibit referenced to and attached to this DA is an essential part of this DA.  
3 The exhibits and any amendments or revisions thereto, even if not physically attached hereto, shall  
4 be treated as if they are part of this DA.

5  
6           SECTION 27. INTERPRETATION  
7

8           27.1 The Owner and the City agree that all words, terms and conditions contained herein  
9 are to be read in concert, each with the other, and that a provision contained under one (1) heading  
10 may be considered to be equally applicable under another in the interpretation of this DA.

11  
12           27.2 This DA shall replace and supersede the BVP-PUD to the extent the BVP-PUD  
13 affects the Subject Property. The BVP-PUD shall remain in full force and effect to the extent it  
14 does not affect the Subject Property.

15  
16           27.3 This DA shall not be construed more strictly against either party, on the basis of  
17 being the drafter thereof, and both parties have contributed to the drafting of this DA, subject,  
18 however, to the provisions of Section 26.

19  
20           SECTION 28. COUNTERPARTS  
21

22           This DA may be executed in any number of counterparts, each of which shall be deemed  
23 an original, but all of which, taken together, shall constitute one (1) and the same document.

24  
25           SECTION 29. MODIFICATIONS/AMENDMENTS/NON-WAIVER  
26

27           29.1 Amendments to and waivers of the provisions herein shall be made by the parties  
28 only in writing by formal amendment and agreement. This DA shall not be modified or amended  
29 except by written agreement executed by all parties hereto and upon approval of the City  
30 Commission.

31  
32           29.2 Failure of any party hereto to exercise any right hereunder shall not be deemed a  
33 waiver of any such right and shall not affect the right of such party to exercise at some future date  
34 any such right or any other right it may have.

35  
36           SECTION 30. ENTIRE AGREEMENT; EFFECT ON PRIOR AGREEMENTS  
37

38           This DA constitutes the entire agreement between the parties and supersedes all previous  
39 discussions, understandings and agreements between the parties relating to the subject matter of  
40 this DA.

1  
2  
3  
4  
5

IN WITNESS WHEREOF, the City and \_\_\_\_\_ have caused this DA to be duly executed by their duly authorized representative(s) as of the date first above written.

**[SIGNATURES AND NOTARY BLOCKS ON FOLLOWING PAGES]**

**CITY OF FLAGLER BEACH**

By: \_\_\_\_\_  
\_\_\_\_\_, Mayor

Signed this \_\_\_ day of \_\_\_\_\_, 20\_\_

ATTEST:

By: \_\_\_\_\_  
\_\_\_\_\_, Clerk

Signed this \_\_\_ day of \_\_\_\_\_, 20\_\_

6

1  
2  
3  
4  
5  
6  
7

OWNER'S/APPLICANT'S CONSENT AND COVENANT:

COMES NOW, the Owner on behalf of itself and its successors, assigns and transferees of any nature whatsoever, and consents to and agrees with the covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this PUD Agreement.

**M.L. CARTER SERVICES, INC.**  
**A Florida Corporation**  
**TRUSTEE OF THE CARTER-FLAGLER**  
**ROBERTS ROAD LAND TRUST**

Dated \_\_\_\_\_, 20\_\_

By: \_\_\_\_\_  
Daryl M. Carter, President

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before by means of \_\_\_ physical presence \_\_\_ online notarization this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by Daryl M. Carter as President of M.L. Carter Services, Inc., a Florida Corporation, Trustee of the **CARTER-FLAGLER ROBERTS ROAD LAND TRUST**, on behalf of the trust. He \_\_\_ is personally known to me or \_\_\_ produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Signature

(Seal)

\_\_\_\_\_  
Printed Name

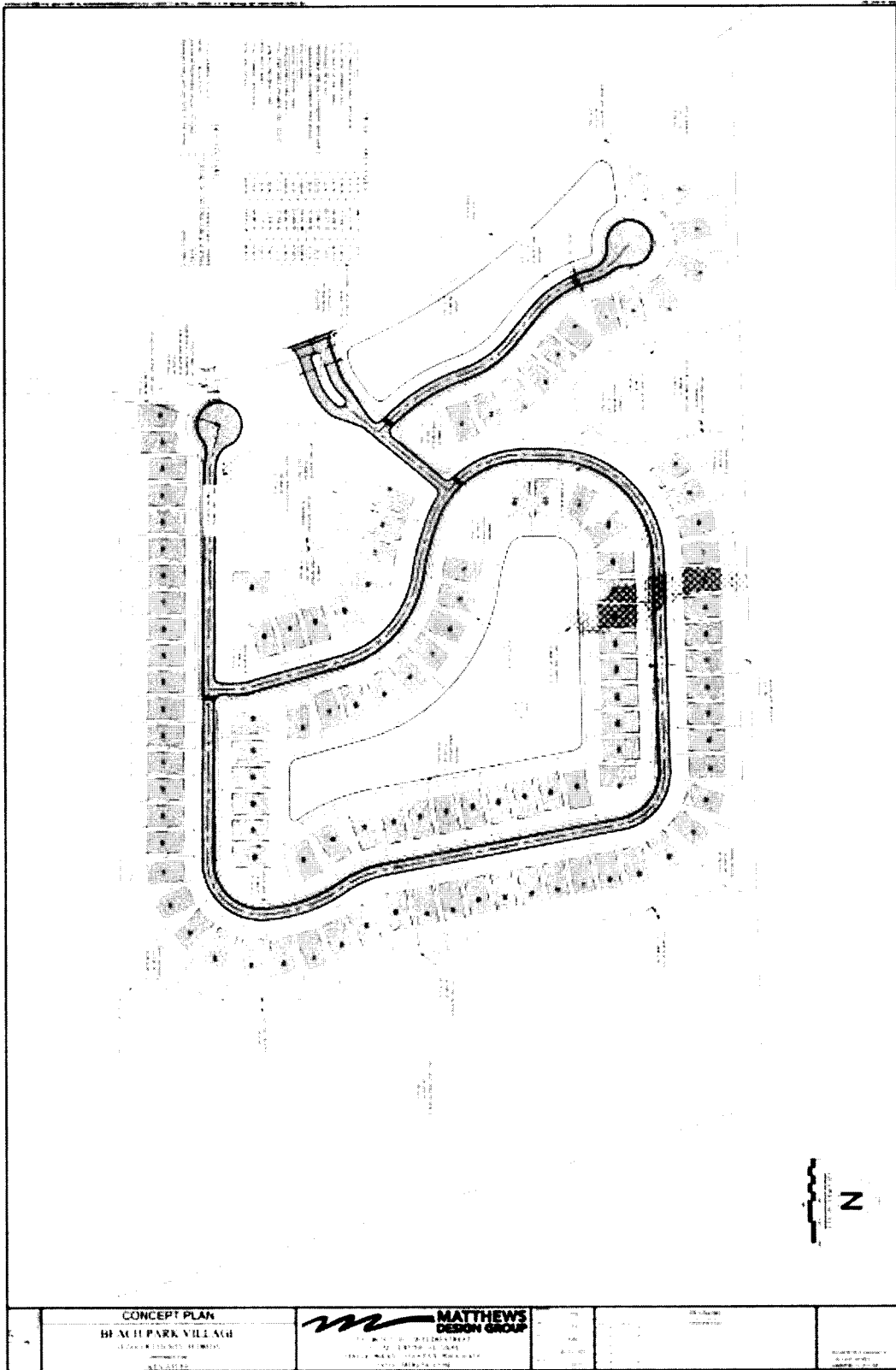
20

**EXHIBIT A**

1  
2  
3 A PART OF SECTION 11, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY,  
4 FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF  
5 REFERENCE, COMMENCE AT THE NORTH 1/4 CORNER OF SAID SECTION 11; THENCE  
6 NORTH 88°27'09" EAST ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE  
7 OF 119.90 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 88°27'09"  
8 EAST CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 2017.44 FEET;  
9 THENCE SOUTH 16°32'55" EAST LEAVING SAID NORTH LINE, A DISTANCE OF 1267.70  
10 FEET; THENCE NORTH 89°29'07" WEST, A DISTANCE OF 1326.15 FEET; THENCE  
11 SOUTH 87°55'05" WEST, A DISTANCE OF 374.22 FEET TO A POINT ON THE EASTERLY  
12 RIGHT-OF-WAY LINE OF ROBERTS ROAD (AN 80 FOOT RIGHT-OF-WAY AS NOW  
13 ESTABLISHED), SAID POINT LYING ON A CURVE, CONCAVE SOUTHWESTERLY,  
14 HAVING A RADIUS OF 1188.26 FEET; THENCE NORTHWESTERLY ALONG SAID  
15 EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, AN ARC  
16 DISTANCE OF 932.16 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF  
17 NORTH 23°53'19" WEST AND A CHORD DISTANCE OF 908.44 FEET TO THE POINT OF  
18 TANGENCY OF SAID CURVE; THENCE NORTH 46°21'43" WEST CONTINUING ALONG  
19 SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 177.58 FEET TO THE POINT  
20 OF CURVE OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 1459.72  
21 FEET; THENCE NORTHWESTERLY CONTINUING ALONG SAID EASTERLY RIGHT-OF-  
22 WAY LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 277.24  
23 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 40°55'04"  
24 WEST AND A CHORD DISTANCE OF 276.83 FEET TO THE POINT OF BEGINNING.

25  
26 CONTAINING 48.06 ACRES, MORE OR LESS.  
27

**EXHIBIT B**



H12

6/24/2021



# City of Flagler Beach

Planning and Building Department

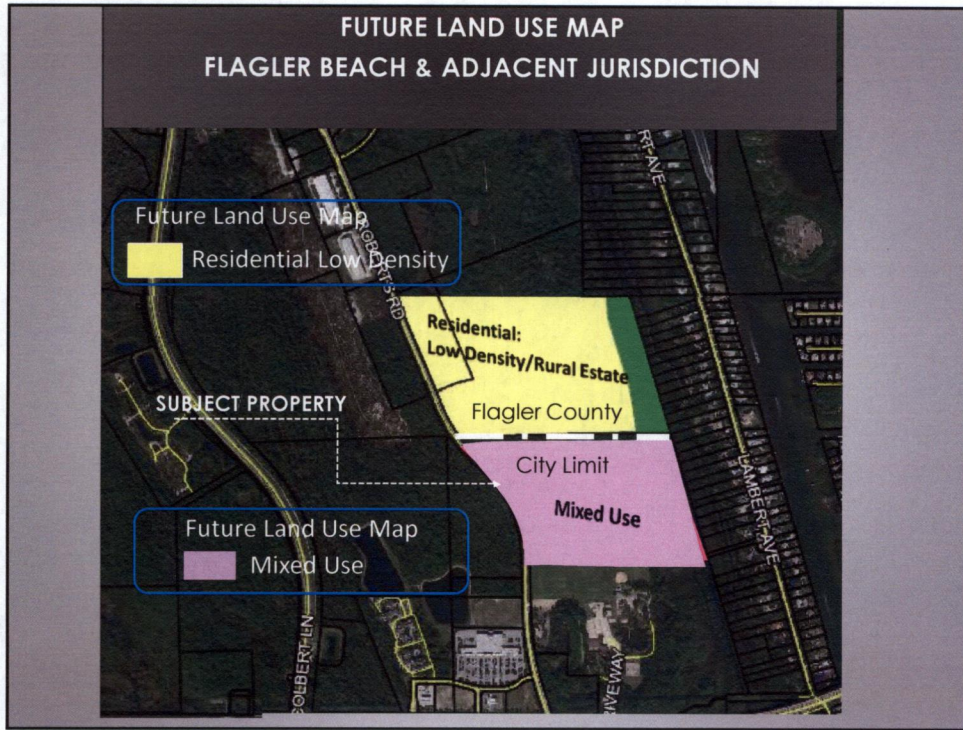
Application #RZ 21-05-01

Beach Park Village

June 24, 2021

## LOCATION MAP









## City of Flagler Beach

Planning and Building Department

### PLANNED UNIT DEVELOPMENT: DESCRIPTION

Land Development Regulations **Sec. 2.07.00. - Planned Unit Developments** is defined in part, as follows:

*The purpose and intent of Planned Unit Development (PUD) regulations is to:*

- 1) promote economical and efficient land use,
- 2) preserve natural resources and ecologically important areas,
- 3) promote innovative site planning concepts, and
- 4) provide orderly and economical development in accordance with the comprehensive plan.
- 5) provide for optional planned residential development on tracts of land suitable in size, location and character for the proposed uses.

*Planned Unit Development is a zoning district that:*

- 1) may be applied as an overlay on any land use designation on the Future Land Use Map



### BEACH PARK VILLAGE PUD HISTORY

#### Background:

- Ordinance 2006-27 Beach Park Village PUD
- UTILITIES:

Potable water: City of Palm Coast (Interlocal Agreement - 2006)

Wastewater: City of Flagler Beach.

#### Project Description:

- Acreage – 67+/- ac.
  - East Side: 48 ac. - Residential Intensity – 340 maximum units (Townhouses)
  - West Side: 9 ac. – Commercial area – 125,000 sq. ft./ Residential Intensity – 150 maximum units (multi-family)
- Development Phasing – Multiple

#### Project Outcome:

The previously approved PUD lapsed in 2015 due to the failure to complete infrastructure improvements within the timeframe specified in the Development Agreement.



## BEACH PARK VILLAGE 2021 PUD APPLICATION EVALUATION RESOURCES


- **COMPREHENSIVE PLAN**
- **LAND DEVELOPMENT CODE**
  - **PHASE 1 ENVIRONMENTAL ASSESSMENT**
  - **GEOSCIENCE ASSESSMENT**
  - **WETLAND SURVEY**
  - **TRAFFIC IMPACT ANALYSIS**
  - **SCHOOL CONCURRENCY**
  - **LAND PLANNING BEST PRACTICES**



### Development Hi-lites:

**DEVELOPMENT AREA - 48+/- ac.**


- ✓ Residential Intensity:  
112 maximum units (2.3 upa)
- ✓ Development Phasing:
  - ❖ May be developed in phases (initial phase within 18 months from effective DA date).
  - ❖ Build-out shall occur with 3 years of DA approval date.
- ✓ Infrastructure:  
Single Phase
- ✓ DA Extensions:  
City Commission approval
- ✓ Lot area (minimum)  
4,000 sq. ft. (50'x120' typical)
- ✓ Unit size minimum: 1,200 sq. ft.
- ✓ Wetlands and Wetland Buffer: 25ft. Minimum
- ✓ Open Space: 80%
- ✓ Stormwater:  
Master stormwater system
- ✓ Roadways:  
Private
- ✓ Sidewalks: Provided
- ✓ Fire lane/Emergency vehicle access: Provided
- ✓ Water Conservation: Reuse infrastructure to be provided



## City of Flagler Beach

Planning and Building Department

Beach Park Village 2006	Beach Park Village 2021
<p><b>Project Description:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>West Side:</b> 16+/- ac. Residential Intensity – 150 maximum units Commercial Intensity – 125,000 sq. ft.</li> <li>✓ <b>Plan Phasing:</b> Multiple Build-out: 15 years</li> <li>✓ <b>Infrastructure:</b> Multiple phases</li> <li>✓ <b>Wetlands and Wetland Buffer:</b> N/A</li> <li><b>Stormwater:</b> Privately maintained onsite drainage system.</li> <li>✓ <b>Roadways:</b> Private</li> <li>✓ <b>Sidewalks:</b> Not Provided</li> <li>✓ <b>Fire Lane/Emergency vehicle access:</b> 2 access locations</li> </ul>	<p><b>Project Description:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> <b>West Side:</b> 16+/- ac. Residential Intensity – 240 maximum units</li> <li>✓ <b>Plan Phasing:</b> Single</li> <li>✓ <b>Infrastructure:</b> Single</li> <li>✓ <b>Wetlands and Wetland Buffer:</b> N/A</li> <li>✓ <b>Stormwater:</b> Master stormwater system</li> <li>✓ <b>Roadways:</b> Private</li> <li>✓ <b>Sidewalks:</b> Provided</li> <li>✓ <b>Fire lane/Emergency vehicle access:</b> 2 access locations</li> </ul>



## City of Flagler Beach

Planning and Building Department

### COMPREHENSIVE PLAN 2035 COMPLIANCE

#### FUTURE LAND USE ELEMENT

**Policy A.1.2.2**  
*Application filing procedures shall require topographic, soil condition, flood hazard zone, and wetland zone surveys filed in support of a land use amendment, zoning change, or land subdivision.*

The applicant has provided a comprehensive Phase 1 Environmental Site Assessment (ESA) study conducted by Matanzas Geosciences, Inc. The document assesses the quality of soils and groundwater conditions as it relates to contamination threats to the environment and/or human health. The materials submitted also include a topographic map and general wetland study.

The objective of the report was to identify the presence or likely presence of Recognized Environmental Conditions, Controlled Recognized Environmental Conditions and/or Historical Recognized Conditions, as well as the potential for soil vapor intrusion and business environmental risks associated with the property.

ESA Findings and Recommendations:

1. No Recognized Environmental Conditions
2. No Historical Recognized Conditions
3. No Controlled Recognized Environmental Conditions
4. No Vapor Encroachment Concerns
5. No Business Environmental Risks

**Staff Finding:** No negative report Policy implications



## City of Flagler Beach

Planning and Building Department

### Policy A.1.1.3

The LDRs shall address the location and extent of land uses in accordance with the categories, densities, and intensities of land uses contained in this Element and depicted on the Future Land Use Map.

#### A. Mixed Use

1. Density of Use – The residential component within this classification provides for a density of five (5) units to eighteen (18) units per acre.

**Staff Finding:** Consistent (2.9 upa)

### Objective A.1.4

The City shall seek to improve its ad valorem tax base by encouraging development.

#### Staff Finding:

Consistent

### Policy A.2.3.1

The City will regulate the use of land only for valid public purposes in a reasonable manner, in accordance with due process.

#### Staff Evaluation:

Staff recognizes and supports protection of property rights. However, staff further recognizes an obligation to protect and act in the interest of the public, and in a manner that is considerate of safety and welfare. The area under consideration lies outside the boundary of three (3) zones that discourage development, the Coastal High Hazard Area (CHHA), flood prone zone, and storm surge zone 1.

**Staff Finding:** Consistent



## City of Flagler Beach

Planning and Building Department

### TRANSPORTATION ELEMENT

#### Policy B.1.1.1

The City hereby adopts a LOS standard D for each individual roadway facility within the City, consistent with the standards contained in the FDOT Quality/Level of Service Handbook.

The proposed traffic generation and associated trips are within the adopted Level of Service standard.

**Staff Finding:** Compliant

#### NOTE:

Although the Traffic Analysis does not indicate the need for right-of-way improvements (e.g. turn lanes, acceleration and decel lanes), the applicant has agreed to maintain best practices policy and provide the stated improvements.

#### Policy B.1.1.7

The City shall encourage existing and new developments to be connected by roadways, bikeways, and pedestrian systems that encourage travel between neighborhoods and access to multi-modal systems without requiring use of the major thoroughfare system.

**Staff Finding:** Compliant



# City of Flagler Beach

Planning and Building Department

## HOUSING ELEMENT

### **Policy C.1.1.3**

To reduce the high cost of land for development of affordable housing, the City shall consider the use of innovative land development techniques such as zero-lot-line, Master Planned Development, use of smaller sized lots and density bonuses for development of affordable housing units.

**Staff Finding:** Consistent

The proposed Master Planned Development proposes smaller size lots.



# City of Flagler Beach

Planning and Building Department

## PUBLIC FACILITIES ELEMENT

### **Policy D.1.2.3**

Consistent with public health and safety, sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. Prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent.

**Staff Finding:** Verified

Sanitary sewer /Potable water-

The site is located within the service delivery area of the City of Flagler Beach. Central water and sewer service is available. The Wastewater Treatment Plant currently operates at 60-65% of capacity.

Potable water is supplied to the subject area by the City of Palm Coast by virtue of an ongoing Interlocal Agreement with the City of Flagler Beach. The City of Palm Coast has indicated that water supply capabilities are available.

**Note:** Reuse infrastructure to be provided by developer.



# City of Flagler Beach

Planning and Building Department

## PUBLIC FACILITIES ELEMENT

### **Policy D.1.5.3**

The City shall permit development only where the capacity of public facilities meets concurrency requirements as established by Section 163.3180, F.S. and that the developer shall be required to guarantee that adopted LOS be maintained.

Staff Finding: Consistent

### **Policy D.1.5.4**

The City shall enter into joint agreements with surrounding jurisdictions to provide water and sewer services where such service will encourage development infill.

Staff Finding: Consistent

### **Policy D.2.1.2**

The City shall maintain buffers of native vegetation adjacent to water bodies and wetlands that provide filtration of storm water pollutants.

Staff Finding: Consistent



# City of Flagler Beach

Planning and Building Department

## COASTAL MANAGEMENT AND CONSERVATION ELEMENT

### **Policy E.1.1.1**

The City shall continue to participate in and, where appropriate, locally enforce all existing coastal regulatory activities of the Environmental Protection Agency, the Florida Department of Transportation (FDOT), the Florida Department of Environmental Protection (FDEP), Saint John's River Water Management District (SJRWMD), Flagler County, and Flagler County Health Department.

Staff Finding: Consistent

### **Policy E.1.4.7**

The City shall continue to enforce the permitting and mitigation requirements of county, state, and federal agencies in developing in natural, wetland, and mangrove areas.

Staff Finding: Consistent

All mitigation, if necessary, will be coordinated with the SJRWMD and DEP.

### **Policy E.1.6.4**

The City shall continue to utilize the Future Land Use Map as the basis for development and redevelopment. The siting, design and development of structures shall be consistent with regulations contained in the Florida Building Code, as amended from time to time.

Staff Finding: Consistent (FLUM basis for development)



# City of Flagler Beach

Planning and Building Department

## COASTAL MANAGEMENT AND CONSERVATION ELEMENT

**Policy E.1.6.5**

The City shall manage its planning, regulatory and utility services to steer future population concentrations away from the Coastal High Hazard Area- (CHHA), which is defined as the area below the elevation of the Category 1 Storm Surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

Staff Finding: Consistent

## CAPITAL IMPROVEMENTS ELEMENT

**Policy H.3.1.1**

Review land use decision impacts and timing against existing and future facilities as proposed in the Capital Improvements Schedule for maintenance of required LOS.

Staff Finding: Consistent

**Policy H.5.1.2**

Require all developers or builders of new subdivisions or commercial development to prove to the City Manager or his or her designee's satisfaction that the needed LOS will be available concurrent with development impact before a development order is issued.

Staff Finding: Consistent



# City of Flagler Beach

Planning and Building Department

## CAPITAL IMPROVEMENTS ELEMENT

**Policy H.6.7.2**

The City shall review all proposed development and require developers of new subdivisions or commercial development to submit information concerning the traffic impact of the project. The impact upon the adopted LOS standard and consistency with the Comprehensive Plan and shall follow the provisions of the concurrency management system in ensuring that the LOS is maintained for all roadways shown on the Transportation Map.

Staff Finding: Consistent

## ANALYSIS: ADMINISTRATIVE APPLIED CRITERIA:

**A. The proposed rezoning does not conflict with or is contrary to the public interest;**

**Finding:** The proposed zoning classification is consistent with the Official Zoning Map and 2035 Future Land Use Map designation for the subject property and adjacent lands. The proposed land use is the initial development along the Roberts Rd. corridor and should contribute favorably to the development pattern for future growth in the area.

**ANALYSIS: ADMINISTRATIVE APPLIED CRITERIA:**

**A. The proposed rezoning does not conflict with or is contrary to the public interest;**

**Finding:** The proposed zoning classification is consistent with the Official Zoning Map and 2035 Future Land Use Map and adjacent lands. The proposed land use is the initial development along the Roberts Rd. corridor and should contribute favorably to the development pattern for future growth in the area.

**B. The proposed rezoning is consistent with the Goals, Objectives and Policies of the Comprehensive Plan**

**Finding:** The requested changes are consistent with Objectives and Policies and furthers Goals, Objectives and Policies of the Comprehensive Plan, as follows.

**Objective A.1.1.3**

Coordinate all new development and rezoning with the land use categories, densities and intensities as outlined in the City's adopted Comprehensive Plan.

**Policy A.1.8.3**

The City shall discourage the issuance of variances, special use permits, building permits or zoning changes in any case where the proposed land use is not consistent with the City of Flagler Beach duly adopted Comprehensive Plan.

**C. The proposed rezoning must not impose a significant financial liability or hardship for the City;**

**Finding:** On the contrary, this rezoning effort stabilizes conditions that could otherwise hamper development and/or redevelopment and the taxable value of the subject parcel.

**D. The proposed rezoning must not create an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City's inhabitants;**

**Finding:** The requested rezoning does not pose an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City's inhabitants. The change in zoning for the property under consideration is in harmony with the Future Land Use Map and consistent with the requested zoning designation as it relates to adjoining properties.



**City of Flagler Beach**

Planning and Building Department

**B. The proposed rezoning is consistent with the Goals, Objectives and Policies of the Comprehensive Plan**

**Finding:** The requested changes are consistent with Objectives and Policies and furthers Goals, Objectives and Policies of the Comprehensive Plan, as follows.

**Objective A.1.1.3**

Coordinate all new development and rezoning with the land use categories, densities and intensities as outlined in the City's adopted Comprehensive Plan.

**Policy A.1.8.3**

The City shall discourage the issuance of variances, special use permits, building permits or zoning changes in any case where the proposed land use is not consistent with the City of Flagler Beach duly adopted Comprehensive Plan.

**C. The proposed rezoning must not impose a significant financial liability or hardship for the City;**

**Finding:** On the contrary, this rezoning effort stabilizes conditions that could otherwise hamper development and/or redevelopment and the taxable value of the subject parcel.

**D. The proposed rezoning must not create an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City's inhabitants;**

**Finding:** The requested rezoning does not pose an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City's inhabitants. The change in zoning for the property under consideration is in harmony with the Future Land Use Map and consistent with the requested zoning designation as it relates to adjoining properties.







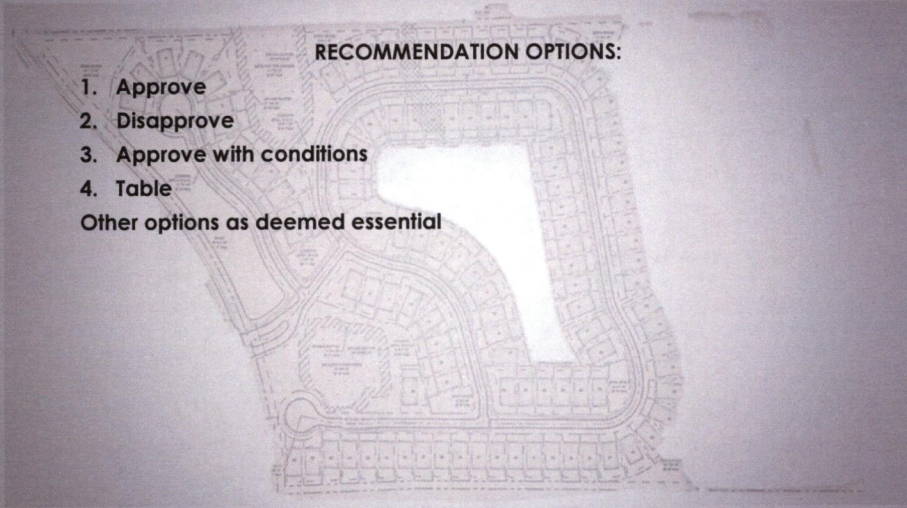


## City of Flagler Beach

Planning and Building Department

### RECOMMENDATION OPTIONS:

1. Approve
  2. Disapprove
  3. Approve with conditions
  4. Table
- Other options as deemed essential



#12



# City of Flagler Beach

Planning and Building Department

**Application Number:** ..... Application No. RZ#21-05-01  
**Applicant:** ..... Jay Livingston, Esq.  
**Property Owner:** ..... CARTER DARYL M TRUSTEE  
**Property Description:** ..... Vacant, mixed vegetation, generally flat, wetlands  
**Site Location:** ..... North of SR100 (north/Wadsworth Pk.) (See Attachment #1)  
**Property ID #:** ..... 11-12-31-0650-000A0-0060  
**FLUM designation:**..... Mixed Use (See Attachment #2)  
**Zoning District:** ..... Planned Unit Development (See Attachment #3)  
**Land Use:** ..... Vacant  
**Total Acreage:** ..... 48+/- acres

*Beach Park Village*

### UPDATED SUMMARY IN BRIEF:

The subject application was presented to the Planning and Architectural Review Board (PARB) at the meeting of June 8<sup>th</sup>. The PARB voted unanimously to recommend approval to the City Commission. The following comments were incorporated into the motion, each has been addressed. The revised Development Agreement (DA) is attached red/underline and clean formatting.

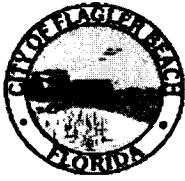
#### DA Revision Summary

1. Page 3 - section 5.1b strike the word minimum from 2<sup>nd</sup> sentence.
2. Page 5 - 10.2a.... change minimum width to 25ft.
3. Page 6 – 10.2b... add language stipulating developer to provide safety barrier around retention pond(s) perimeter.
4. Page 7 – change open space minimum to 80%.
5. Provide Table depicting each individual lot area (See Attachment #9)

#### **Background:**

The applicant of the proposed development entitled Beach Park Village Planned Unit Development (PUD) submitted an application (See Attachment #4) to modify the easterly sector of a previously approved sixty-seven (67) acre PUD bifurcated by Roberts Rd. Ordinance 2006-27 (See Attachment #5) and the companion Development Agreement (DA) identified under RESOLUTION 2006-59, January 11, 2007 (See Attachment #6) are the official documents associated with the initial PUD (The Reserve). The previously approved PUD lapsed in 2015 due to the prevailing entities failure to complete infrastructure improvements within the timeframe specified in the Development Agreement; Sec. 5.2 Phasing (See Attachment #6).

As to utilities, on August 1, 2006, the City entered an Interlocal Agreement with the City of Palm Coast. The Agreement was specific to the sale of bulk potable water for the area associated with the PUD. The Agreement renewal clause is self-perpetuating in nature. Termination reads in part, "shall be perpetual in effect unless mutually agreed upon by both parties."



# City of Flagler Beach

## Planning and Building Department

---

Sanitary sewer service will be provided by the City of Flagler Beach. The developer has met with and received confirmation (previous City Engineer) that there is sufficient reserve capacity to service the demand of the development, as proposed. The current one (1) million gallon capacity wastewater treatment plant (WWTP) is treating an average of .645 million gallons per day (MGD). A design/rehab expansion to 1.5 MGD is anticipated and was planned to commence during the year 2021.

### PLANNED UNIT DEVELOPMENT

Land Development Regulations **Sec. 2.07.00. - Planned Unit Developments** is defined as follows:

The purpose and intent of these planned unit development (PUD) regulations is to promote economical and efficient land use, a range of housing types and housing costs, usable open space areas, the preservation of natural resources and ecologically important areas from destruction, innovative site planning concepts, and orderly and economical development in the City of Flagler Beach in accordance with its comprehensive plan. In this regard the PUD regulations shall be utilized to provide for optional planned residential development on tracts of land suitable in size, location and character for the uses proposed to be planned and developed and to provide a greater dimension to the scope of planning to meet the needs of Flagler Beach and discourage planning to meet solely the spatial requirements of the land.

Planned unit development is a zoning district that may be applied as an overlay on any land use designation on the Future Land Use Map so long as the proposed use does not increase the density or intensity of use specified on the Future Land Use Map for the underlying land use plus density bonuses that may be provided for benefits in the plan which further the public good.

The entitlements associated with the lapsed PUD provided for the following summary of entitlements:

- a) Roberts Rd. – east side  
Residential units – 340
- b) Roberts rd. – west side  
Commercial area – 125,000 sq. ft.  
Residential – 150 units (multi-family)

The application to rezone and craft a "new" PUD Development Agreement (**See Attachment #7**) is consistent with the requirements of the PUD zoning district. The proposed DA will decrease the density and intensity of the previous DA and focuses on three (3) development components:

1. Entitlements: Reduce the number of residential units from a maximum of three hundred-forty units (340) to one-hundred and ten (110)units.
2. Land Use: Amend the residential land use from townhouse to single-family residential.
3. Site development plan: Reconfigured development pattern, associated roadways, lot size and accessibility.



# City of Flagler Beach

## Planning and Building Department

---

### DEVELOPMENT AGREEMENT HIGHLIGHTS

#### PERMITTED USES/DENSITY

5.1 The owner agrees to fully comply with the following use restrictions on the Subject Property. The following uses are permitted on the Subject Property:

- (a) Residential uses - Single family residential homes, permitted accessory uses and other specified uses as may be described herein.
- (b) Maximum units – The number of single family residential units shall be capped at one-hundred-ten (110). The minimum single family residential lots shall typically measure fifty (50) feet in width by one-hundred-twenty (120) feet in depth as depicted on the Concept Plan (Exhibit "B" enclosed).

#### PROJECT DESCRIPTION

6.1 **Residential** – The development plan for Beach Park Village will consist of:

- (a) Single family residential development (the "Development") as generally outlined below, and depicted on the Preliminary Site Development Plan attached as "Exhibit B" hereto (the "Site Plan").
- (b) Common owned improvements and amenities governed by a Home Owners Association.
- (c) Each residential unit shall provide a minimum one (1) car garage or larger.
- (d) At a minimum, each residential unit shall have a minimum of two (2) off-street parking spaces including the garage parking space(s).
- (e) Additional resident and guest parking may be provided within an unenclosed parking area(s) consistent with the Flagler Beach LDR.

6.2 **Open Space and Common Areas** – Common areas are located throughout the Subject Property and shall include open space, wetlands, landscape areas, and lakes.

6.3 **Maintenance** – Maintenance of all common open space shall be the responsibility of a Homeowners Association.

#### 7.1 Concept Plan Amendments

(c) Revisions which meet the intent and purpose of the City's Comprehensive Plan and LDR shall be subject to review by the Planning and Architectural Review Board and final approval by the City Commission at the time of Final Site Development Plan approval, as long as the substantial integrity of the original Site Plan and the development standards contained herein are maintained.

(d) Any modification to the Site Plan that increases the intensity or types of development or uses, or reduces the total amount of open space, shall comply with the City's LDR rezoning procedures and require the approval of the City Commission following the review and recommendation of the Planning and Architectural Review Board.

### **SECTION 8. DEVELOPMENT PHASING**

8.1 The infrastructure of the Development will be completed as a single phase.



# City of Flagler Beach

## Planning and Building Department

---

8.2 The Beach Park Village Property residential lots (units) may be developed in phases. The initial phase of residential unit construction shall be commenced within eighteen (18) months from the effective date of this DA.

8.3 The approximate build-out date of all phases, if so elected to build in phases, shall occur within three (3) years of the approval date of this DA.

### **SECTION 9. EXTENSION OF DA**

Should the development and build-out not be completed within the established timeframes, the Owner shall be required to apply for an extension from the City of Flagler Beach City Commission, and subject to the existing LDR for those standards not included in the approved DA.

### **SECTION 10. LAND DEVELOPMENT REGULATIONS NON-APPLICABILITY**

10.1 The City of Flagler Beach LDR applies to the Subject Property and the development within it, unless expressly provided in this Section.

10.2 The land development requirements as approved herein by the City Commission, pertaining to this DA shall supersede any inconsistent provisions of the LDR or other ordinances of the City.

(a) Wetlands and Wetland Buffer. A conservation easement in favor of the District will be recorded over all wetlands identified for preservation in any Environmental Resource Permit issued by the Saint Johns River Water Management District (SJRWMD), if required by the SJRWMD. Protected wetlands shall not be included within development parcels but shall be used in open space calculations. .

All jurisdictional wetland boundaries, including the upland buffer (minimum 10 ft with an average width of 25 ft.) shall be depicted on all site plans prior to submittal. No wetland impacts shall occur without acquiring all necessary City, State and Federal permits.

(b) Stormwater. The Subject Property is being developed with privately maintained roads and a privately maintained drainage system online. Stormwater runoff, from the development, will be conveyed to on-site stormwater retention systems by means of grassed swales, curb and gutters and an underground drainage pipe system.

A stormwater pollution prevention plan ("SWPPP") shall be attached to and incorporated into the construction and permit documents for all projects constructed with the project that require a general or individual SJRWMD permit. The SWPPP shall be implemented upon initiation of construction activities and accommodate the specific construction project of the site.

(c) Roadways/Rights-of-Way. The Subject Property is being developed with privately maintained roads. All roads shall be designated and constructed to at least meet the applicable provisions of the LDR and the City of Flagler Beach Standard Construction Details Manual. Internal access to all residential structures and the amenities shall be provided by private paved drives with curb and gutter. All roads and accesses shall be the responsibility of a Homeowners Association. Emergency vehicles shall always be permitted through the Subject Property and adequate emergency vehicle access and turn-arounds shall always also be provided.



# City of Flagler Beach

## Planning and Building Department

### Irrigation

Any irrigation, re-use lines, lighting and landscaping on any street or dedicated right-of-way including within Roberts Road right-of-way shall be maintained by a Home Owners Association.

### Fire Lane/Secondary access

Access for provision of utility services and emergency vehicles shall be provided to the City by means of granting an easement satisfactory in form and content to the City Attorney as a condition of plat approval.

(h) Open Space. A minimum of 80% of the development will remain open space, including, without limitation, all areas outside of structures for habitation, yards on individual lots, any active and passive recreation areas, common areas, lakes, wetlands, and trails. (See Development Agreement Exhibit "B"). Pedestrian trails shall be permitted throughout the property.

Buffers. A twenty (20) foot wide landscaped buffer shall be established and maintained around the project's perimeter boundary with the exception for a twenty-five (25) foot wetland upland buffer adjacent to all identified jurisdictional wetlands.

**Table-1. Minimum Development Dimensional Standards**

<u>DEVELOPMENT COMPONENT</u>	<u>STANDARD</u>
Lot Depth	100 ft.
Lot Width	40ft.
Unit Size	1200sf.
Distance between bldgs/structures	10ft.
Front setback (from road pavement*)	20ft.
Side setback	5ft.
Maximum building height **	35 ft.
Rear setback ***	15 ft.
Maximum Impervious Surface Ratio	70%

\* Driveways utilized for a required parking space shall provide a minimum of twenty (20) feet between the garage door and any adjacent roadway or sidewalk.

\*\* Thirty-five (35) feet as defined in Appendix A of the City of Flagler Beach Land Development Regulations.

\*\*\* Rear setback for pools (covered or uncovered ) patios, detached garages and courtyards is five (5) feet.

**11.3 Fire Services** – Fire protection requirements for the site will be met through a system of fire hydrants installed on the site by the Owner in accordance with City standards and NFPA 24. The





# City of Flagler Beach

## Planning and Building Department

---

locations of fire hydrants will be shown on the final site plans. The water requirements for the fire system will be served by the City of Flagler Beach.

**11.4 Parking** – Each residential unit shall provide parking as required by the City of Flagler Beach LDR.

**11.5 Water, Sewer and Drainage** – The common areas, all road and storm drainage improvements and other land shall be owned and maintained by a Homeowners Association.

Water and sewer service shall be provided by the City of Flagler Beach. The water and sewer infrastructure shall be constructed by the Owner, comply with all applicable City Codes and the City of Flagler Beach Standard Construction Details Manual and conveyed to the City of Flagler Beach.

**11.6 Utility Lines/Telephone/Electricity** – All utility lines shall be installed underground by the Owner of the respective tract. Letters from all utility providers must be presented in advance of any development.

**11.7 Police Protection** – The Flagler Beach Police Department or its successor, shall be the entity responsible for law enforcement in the Subject Property and shall be provided with full access to the Subject Property. This does not preclude the Owner from providing additional, private security.

**11.8 City of Flagler Beach Fire Protection** – Fire and Rescue Services will be provided by the City of Flagler Beach.

**11.9 Solid Waste** – Solid Waste collection will be provided by the City of Flagler Beach.

### **PUBLIC NOTIFICATION:**

Land Development Regulations (LDR) **Section 8.04.12.** states the Planning and Architectural Review Board shall review all requests for rezoning (amendments), hold required public hearings to receive citizen input and recommend approval or denial of such requests to the city commission. A public hearing constitutes published notice, both at city hall and in local newspapers, and the apprising of property owners within a radius of five hundred (500) feet of the property under consideration for rezoning by certified mail of the intent to rezone.

The noticing process for this application was completed in conformity with the above. Following is a summary of the publishing date and public notification mailout date.

1. Legal Advertisement: Circulation in a newspaper of daily was completed in compliance with the required public notification timeframe (*April 23, 2021*). To date, the City has not received any comments from members of the public regarding the application request.
2. Public Notification: Property owners within a radius of five hundred (500) feet of the rezoning request have been notified by certified mail of the intent to rezone (*certified mail; April 20, 2021*).

The Future Land Use designations, Zoning categories and existing land use patterns of the subject property and adjacent properties are listed below:



# City of Flagler Beach

Planning and Building Department

Orientation	Existing Land Use	Future Land Use Designation	Zoning Classification
Subject Property	Undeveloped	Mixed Use	PUD
North	Undeveloped	RESIDENTIAL: LOW DENSITY/ RURAL ESTATE	PUD
South	Park	Recreation	Recreation
East	Undeveloped	Mixed Use	Conservation
West	Undeveloped	Mixed Use	PUD

## SUMMARY OF FINDINGS:

Following a compliance review of the 2035 Comprehensive Plan and current Land Development Regulations it is recommended that Application #21-04-01 be recommended for approval.

## Analysis

The purpose of this section is twofold:

1. To identify elements of the City of Flagler Beach Comprehensive Plan that are relevant to the requested land use change, and
2. To review, evaluate and present a finding of consistency or inconsistency for each of the respective elements cited and to aid and assist staff in forming a recommendation of approval or denial.

## FUTURE LAND USE ELEMENT

### Policy A.1.2.2



# City of Flagler Beach

## Planning and Building Department

---

Application filing procedures shall require topographic, soil condition, flood hazard zone, and wetland zone surveys filed in support of a land use amendment, zoning change, or land subdivision.

The applicant has provided a comprehensive Phase 1 Environmental Site Assessment (ESA) study conducted by Matanzas Geosciences, Inc. The document assesses the quality of soils and groundwater conditions as it relates to contamination threats to the environment and/or human health. The materials submitted also include a topographic map and general wetland study.

The objective of the report was to identify the presence or likely presence of Recognized Environmental Conditions, Controlled Recognized Environmental Conditions and/or Historical Recognized Conditions, as well as the potential for soil vapor intrusion and business environmental risks associated with the property. The assessment report is available for review at Building and Planning Dept. (report oversized for reproduction).

ESA Findings and Recommendations:

1. The assessment revealed no Recognized Environmental Conditions
2. The assessment revealed no Historical Recognized Conditions
3. The assessment revealed no Controlled Recognized Environmental Conditions
4. The assessment revealed no Vapor Encroachment Concerns
5. The assessment revealed no Business Environmental Risks

**Staff Finding:** No negative implication

### **Policy A.1.1.3**

*The LDRs shall address the location and extent of land uses in accordance with the categories, densities, and intensities of land uses contained in this Element and depicted on the Future Land Use Map.*

#### **A. PUD**

1. Low Density Residential - Provides for a range of densities from two (2) units per acre to five (5) units per acre.

**Staff Evaluation:**

The above requested land use and associated density is appropriate with that of the surrounding community. The proposed development intensity is 2.9 units per acre.

**Staff Finding:** Consistent

### **Objective A.1.4**

*The City shall seek to improve its ad valorem tax base by encouraging development.*

**Staff Evaluation:**

The potential addition of one-hundred ten (110) single-family residential units, although contributing ad valorem taxes, does not contribute to increasing the tax base. **Objective A.1.4** speaks to specific Policies that increase the tax base away from sole dependence upon single-family residential properties (**Per Policy A.1.4.1, A.1.4.2, A.1.4.3, A.1.4.4**).

**Staff Finding:** deminimus

### **Objective A.1.8**



# City of Flagler Beach

## Planning and Building Department

---

The City supports reducing uses that are inconsistent with the Future Land Use Plan and will coordinate all new development and rezoning with the land use categories, densities and intensities as outlined in the City's adopted Comprehensive Plan.

**Staff Evaluation:** The requested land use supports development of lands currently shown on the FLUM.

**Staff Finding:** Consistent

### **Policy A.2.1.3**

The City Manager or his or her designee shall review all building permit and subdivision applications to determine whether the property falls within a Conservation or Preservation area on the Future Land Use Map. Development on such lands will be subject to specific controls regarding density and intensity of use defined in the City's LDR. Exact conservation boundaries for individual parcels are dependent upon land survey evidence produced by a Florida State Certified Land Surveyor made on a case by case basis when applying for a land use amendment, zoning change or land subdivision.

### **Staff Evaluation:**

Preliminary survey documents have been provided and prepared by a Certified Land Surveyor.

**Staff Finding:** Updated jurisdictional wetland survey in progress.

### **Policy A.2.2.2**

The City shall require, as a condition of development, that a buffer of natural pieces and right-of-way drainage swales are constructed and maintained adjacent to the Intracoastal Waterway and the saltwater marshes to manage stormwater run-off. The City shall require a buffer of no less than 25 feet adjacent to and surrounding all wetlands (including saltwater marsh).

**Staff Finding:** Consistent (**Note:** initial DA indicated a buffer of 25 feet. The first amended DA denotes a minimum buffer of 10 feet/an average of 25 feet; to be revised to minimum 25 ft.

### **Policy A.2.3.1**

The City will regulate the use of land only for valid public purposes in a reasonable manner, in accordance with due process.

### **Staff Evaluation:**

Staff recognizes and supports protection of property rights. However, staff further recognizes an obligation to protect and act in the interest of the public, and in a manner that is considerate of safety and welfare. The area under consideration lies outside the boundary of three (3) zones that



# City of Flagler Beach

## Planning and Building Department

---

discourage development, the Coastal High Hazard Area (CHHA), flood prone zone, and storm surge zone 1.

**Staff Finding:** Consistent

---

### TRANSPORTATION ELEMENT

#### **Policy B.1.1.1**

**The City hereby adopts a LOS standard D for each individual roadway facility within the City, consistent with the standards contained in the FDOT Quality/Level of Service Handbook.**

The proposed traffic generation and associated trips are within the adopted Level of Service standard. Although the Traffic Analysis does not indicate the need for turn lanes and/or acceleration and decel lanes, staff has advised the applicant that these ancillary improvements will be required at the time development is initiated.

**Staff Finding:** Consistent (See ATTACHMENT #8)

#### **Policy B.1.1.4**

**The City shall not accept the dedication of roads within subdivisions unless they meet the City's standards.**

**Staff Finding:** To be addressed during the subdivision platting process.

#### **Policy B.1.1.7**

**The City shall encourage existing and new developments to be connected by roadways, bikeways, and pedestrian systems that encourage travel between neighborhoods and access to multi-modal systems without requiring use of the major thoroughfare system.**

**Staff Finding:** Consistent

#### **Policy B.1.3.1**

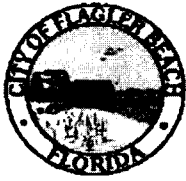
**The City shall coordinate roadway improvements with Flagler and/or Volusia Counties and the FDOT to ensure effective application of available revenue by reviewing and commenting on FDOT and County proposals on their consistency with this element. The City shall submit its proposals to those entities for their review and comment.**

**Staff Finding:** The City will co-ordinate with Flagler County as it relates to all proposed improvements.

---

#### **Policy C.1.1.3**

**To reduce the high cost of land for development of affordable housing, the City shall consider the use of innovative land development techniques such as zero-lot-line, Master Planned Development, use of smaller sized lots and density bonuses for development of affordable housing units.**



# City of Flagler Beach

## Planning and Building Department

---

### HOUSING ELEMENT

**Staff Finding:** Consistent

The proposed development plan is a Master Planned Development and will employ the use of smaller size lots.

#### **Policy D.1.2.3**

Consistent with public health and safety, sanitary sewer, solid waste, drainage, adequate water supplies, and potable water facilities shall be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent. Prior to approval of a building permit or its functional equivalent, the local government shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent.

### PUBLIC FACILITIES ELEMENT

**Staff Finding:** Validated

#### Sanitary sewer and Potable water

The site is located within the service delivery area of the City of Flagler Beach. Central water and sewer service is available. The Wastewater Treatment Plant currently operates at 60-65% of capacity.

Potable water is supplied to the subject area by the City of Palm Coast. This arrangement is on-going by means of an on-going Interlocal Agreement with the City of Flagler Beach. The City of Palm Coast has indicated that water supply capabilities are available.

#### **Policy D.1.5.3**

The City shall permit development only where the capacity of public facilities meets concurrency requirements as established by Section 163.3180, F.S. and that the developer shall be required to guarantee that adopted LOS be maintained.

**Staff Finding:** Consistent

#### **Policy D.1.5.4**

The City shall enter into joint agreements with surrounding jurisdictions to provide water and sewer services where such service will encourage development infill.



# City of Flagler Beach

## Planning and Building Department

---

Staff Finding: Consistent

**Policy D.2.1.2**

The City shall maintain buffers of native vegetation adjacent to water bodies and wetlands that provide filtration of storm water pollutants.

Staff Finding: Consistent

**Policy D.2.1.4**

The City shall regulate land use and development in accordance with LDR and the Future Land Use Maps to protect the functions of natural drainage features.

---

Staff Finding: Consistent

**Policy D.2.1.6**

All development shall be constructed above base flood elevations.

---

Staff Finding: Consistent

---

### COASTAL MANAGEMENT AND CONSERVATION ELEMENT

**Policy E.1.1.1**

The City shall continue to participate in and, where appropriate, locally enforce all existing coastal regulatory activities of the Environmental Protection Agency, the Florida Department of Transportation (FDOT), the Florida Department of Environmental Protection (FDEP), Saint John's River Water Management District (SJRWMD), Flagler

---

County, and Flagler County Health Department.

---

Staff Finding: Consistent

**Policy E.1.4.7**

The City shall continue to enforce the permitting and mitigation requirements of county, state, and federal agencies in developing in natural, wetland, and mangrove areas.

---

Staff Finding: Consistent/any and all mitigation, if necessary, will be coordinated through the department of environmental protection.

**Policy E.1.6.4**

The City shall continue to utilize the Future Land Use Map as the basis for development and redevelopment. The siting, design and development of structures shall be consistent with regulations contained in the Florida Building Code, as amended from time to time.

---

Staff Finding: Consistent



# City of Flagler Beach

Planning and Building Department

---

## **Policy E.1.6.5**

The City shall manage its planning, regulatory and utility services to steer future population concentrations away from the Coastal High Hazard Area- (CHHA), which is defined as the area below the elevation of the Category 1 Storm Surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

Staff Finding: Consistent

## **Policy E.1.6.6**

The City shall not approve any increases in hotel/motel beds and residential densities in the CHHA that would increase evacuation times above the 16 hours level of service for out-of-county hurricane evacuation for a Category 5 Storm event as measured on the Saffir-Simpson scale as provided in Section 163.3148(7)(b), F.S.

Staff Finding: Consistent

## **Policy E.1.6.15**

The City shall consider the implications of the AAA when reviewing changes to the use, intensity and density of land lying within the AAA.

Staff Finding: Consistent

## **Objective E.2.4**

The City's conservation-protected wetlands shall be protected from physical and hydrologic alteration. No net loss of estuarine wetlands shall be permitted without mitigation, preferably on-site.

Staff Finding: Consistent

## **Policy E.2.4.2**

1. Site plans for new development identify the location and extent of wetlands located on the property;
2. Site plans provide measures to assure that normal flows and quality of water will be provided to maintain wetlands after development; or
3. Where alteration of wetlands is necessary in order to allow reasonable use of property, either the restoration of disturbed wetlands will be provided, or additional wetlands will be created to mitigate any wetland destruction; and
4. To the maximum extent possible, all wetland mitigation will be performed "on-site."

Staff Finding: Consistent

## **Policy E.2.5.2**

No new subdivision will be approved unless all lots proposed for development contain uplands large enough to contain the proposed activity and all required buffers and preservation areas.





# City of Flagler Beach

## Planning and Building Department

---

Staff Finding: Consistent

**Policy E.2.6.1**

The City shall protect and conserve the natural functions of existing soils, fisheries, lakes, floodplains, estuarine marshes, and marine habitats through the implementation of the policies regarding these resources set forth in the various elements of this Plan, and enforcement of existing local, state, and federal regulations designed to protect and conserve these functions.

---

Staff Finding: Consistent

**Policy F.1.2.3**

The City shall apply a concurrency management plan that describes the procedures for development and the conditions under which a development order will and will not be issued based on the availability of public infrastructure to serve the proposed development. Application of LOS criteria will be in accordance with the minimum requirements for concurrency as identified in 163.3180(2). The determination that facility capacity is available shall be based on information provided by the applicant to the satisfaction and approval of the City Manager or his or her designee.

---

Staff Finding: Consistent

---

### INTERGOVERNMENTAL COORDINATION ELEMENT

**Policy G.1.2.1**

The Planning and Architectural Review Board, acting as the Local Planning Agency, will review development proposals and Comprehensive Plan amendments prior to public hearing before the City Commission.

---

Staff Finding: Consistent

**Policy G.1.2.2**

The City shall use the Comprehensive Plan and LDRs as the primary basis for coordinating development activities when reviewing development proposals and Comprehensive Plan amendments.

---

Staff Finding: Consistent

---

### CAPITAL IMPROVEMENTS ELEMENT



# City of Flagler Beach

## Planning and Building Department

---

### **Policy H.3.1.1**

Review land use decision impacts and timing against existing and future facilities as proposed in the Capital Improvements Schedule for maintenance of required LOS.

---

Staff Finding: Consistent

### **Policy H.3.1.2**

Require the City Manager or his or her designee to certify that required LOS will be maintained concurrent with the project needs before the project is permitted to be heard by the City Planning Board for approval of development order or before building permits are issued.

---

Staff Finding: Consistent

### **Policy H.5.1.2**

Require all developers or builders of new subdivisions or commercial development to prove to the City Manager or his or her designee's satisfaction that the needed LOS will be available concurrent with development impact before a development order is issued.

---

Staff Finding: Consistent

### **Objective H.6.1**

The following LOS standards for sanitary sewer usage and wastewater treatment shall be required for all new development:

1. Peak design flow shall be calculated at a rate of 161 gallons per capita per day.
2. Residential sewer usage shall be calculated at a rate of 119 gallons per capita per day.
3. Commercial sewer usage shall be calculated at a rate of 2,000 gallons per acre per day.
4. All housing units that are located within 200 feet of a collector sewer shall be required to hook-up to the City sewer system.

### **Policy H.6.1.1**

The City shall not issue a building permit or other development order in any case where the above standards for sanitary sewer and wastewater treatment LOS are not met.

---

Staff Finding: Consistent

### **Objective H.6.3**

The LOS standards to be met for stormwater drainage and treatment shall be as required by the St. Johns River Water Management District and any other applicable state or federal agency.

### **Policy H.6.3.1**

The City shall not issue a building permit or other development order in any case where the above standards for the storm water drainage level of service are not met.

---



# City of Flagler Beach

## Planning and Building Department

---

**Staff Finding:** Consistent

**Policy H.6.4.2**

Ensure that future land use changes and future development are consistent with the water supply facilities work plan and related policies.

**Staff Finding:** Consistent

**Policy H.6.6.1**

The City Manager or his or her designee shall not issue a building permit or other development order in any case where the above standards for the LOS on state roadways within the City are not met.

---

**Policy H.6.7.2**

The City shall review all proposed development and require developers of new subdivisions or commercial development to submit information concerning the traffic impact of the project. The impact upon the adopted LOS standard and consistency with

---

the Comprehensive Plan and shall follow the provisions of the concurrency management system in ensuring that the LOS is maintained for all roadways shown on the Transportation Map.

---

**Staff Finding:** Consistent

---

**Analysis: Staff Criteria Parameters:**

**A. The proposed rezoning does not conflict with or is contrary to the public interest;**

**Finding:** The proposed zoning classification is consistent with the Official Zoning Map and 2035 Future Land Use Map designation for the subject property and adjacent lands. The proposed land use is the initial development along the Roberts Rd. corridor and should contribute favorably to the development pattern for future growth in the area.

**B. The proposed rezoning is consistent with the Goals, Objectives and Policies of the Comprehensive Plan**

**Finding:** The requested changes are consistent with Objectives and Policies and furthers Goals, Objectives and Policies of the Comprehensive Plan, as follows.

**Objective A.1.1.3**

Coordinate all new development and rezoning with the land use categories, densities and intensities as outlined in the City's adopted Comprehensive Plan.

**Policy A.1.8.3**

The City shall discourage the issuance of variances, special use permits, building permits or zoning changes in any case where the proposed land use is not consistent with the City of Flagler Beach duly adopted Comprehensive Plan.

**C. The proposed rezoning must not impose a significant financial liability or hardship for the**



# City of Flagler Beach

## Planning and Building Department

---

### City:

**Finding:** On the contrary, this rezoning effort stabilizes conditions that could otherwise hamper development and/or redevelopment and the taxable value of the subject parcel.

***D. The proposed rezoning must not create an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City's inhabitants;***

**Finding:** The requested rezoning does not pose an unreasonable hazard, or nuisance, or constitute a threat to the general health, welfare, or safety of the City's inhabitants. The change in zoning for the property under consideration is in harmony with the Future Land Use Map and consistent with the requested zoning designation as it relates to adjoining properties.

### PLANNING AND ARCHITECTURAL REVIEW BOARD

#### Sec. 8.04.12. - Duties of the planning and architectural review board.

To review all requests for rezoning (amendments), hold required public hearings to receive citizen input and recommend approval or denial of such requests to the city commission. A public hearing constitutes published notice, both at city hall and in local newspapers, and the apprising of property owners within a radius of five hundred (500) feet of the property under consideration for rezoning by certified mail of the intent to rezone.

#### RECOMMENDATION OPTIONS TO:

1. Approve
2. Disapprove
3. Approve with conditions
4. Table

Other options as deemed essential

#### ATTACHMENTS:

1. Location Map
2. Future Land Use map (adjacent jurisdiction)
3. Zoning Map (adjacent jurisdiction)
4. Application
5. Ordinance 2006-27 (PUD rezoning)
6. Resolution 2006-59 (PUD Development Agreement)
7. Development Agreement (Revised) – Beach Park Village & Conceptual Development Plan
8. Traffic Impact Analysis (Conclusions)
9. Individual Lot Area summary
10. Fiscal Impact Analysis



# City of Flagler Beach

Planning and Building Department

---

## Conclusion

The Applicant is currently working on the development of a single-family residential subdivision on the east side of Roberts Road, north of SR 100 in Flagler County, Florida. Access to the site is proposed via a single driveway on Roberts Road, which is planned to align with the southern driveway for the Roberts Road Multifamily development planned on the west side of Roberts Road. This study was conducted to document the existing operating conditions and evaluate the traffic impacts of the proposed subdivision.

The SR 100 / Roberts Road / John Anderson Highway intersection and the Roberts Road / Colbert Lane intersection have been evaluated for existing conditions. The signalized SR 100 / Roberts Road / John Anderson Highway intersection currently operates at an overall LOS B during both the AM peak hour and PM peak hour. All approaches of the signalized intersection operate at LOS C or better during both peak hours. All movements at the unsignalized Roberts Road / Colbert Lane intersection currently operate at LOS B or better during both peak hours.

The segment of Roberts Road between the proposed project driveway and SR 100 was evaluated for existing conditions segment capacity during the AM and PM peak hours, and it was determined that Roberts Road currently operates well under capacity.

The study area intersections were then evaluated for projected 2025 conditions including project traffic. Projected 2025 volumes included background traffic growth and traffic projections from two nearby projects: The Gardens residential project and the Roberts Road Multifamily project. Signal timings were optimized. It was determined that under future 2025 traffic conditions including project traffic, the signalized SR 100 / Roberts Road / John Anderson Highway intersection is projected to continue to operate at an overall LOS B during both peak hours, and all approaches are projected to continue to operate at LOS C or better. The Gardens residential project TIA recommended that the Gardens project extend the northbound left-turn lane at the SR 100 / Roberts Road / John Anderson Highway intersection. With this turn lane extension constructed by the Gardens project, all deceleration lanes at this intersection are anticipated to be sufficient to accommodate deceleration and queueing of projected 2025 traffic.

All movements at the Roberts Road / Colbert Lane intersection are projected to operate at LOS B or better, and the existing turn lanes at this intersection are anticipated to be sufficient to

accommodate deceleration and queuing of projected 2025 traffic. At the Roberts Road / project driveway intersection, neither an inbound left-turn lane nor an inbound right-turn lane is warranted. However, it is understood that the Roberts Road Multifamily residential development does warrant a northbound left-turn lane at its southernmost driveway, which is proposed to align with the Beach Park Village project driveway. If a northbound left-turn lane is constructed at the Roberts Road / Beach Park Village driveway / Roberts Road Multifamily driveway intersection by the Roberts Road Multifamily project, then a southbound left-turn lane would also be needed because of driver expectancy. Both left-turn lanes should be constructed by the Roberts Road Multifamily project. This would ensure that if the Roberts Road Multifamily project never develops, then no left-turn lanes would be constructed. If the Roberts Road Multifamily project does develop and Beach Park Village doesn't develop, the area for southbound left-turn lane could be striped out. Based on the Palm Coast Turn Lane Technical Guidelines, the southbound left-turn lane should include a 75-foot taper and 105 feet of full width storage.

The segment of Roberts Road between SR 100 and the project driveway was also reviewed for segment capacity for projected 2025 volumes during the AM and PM peak hours. It was determined that at project buildout in 2025, this segment is anticipated to continue to operate well under capacity.

The Applicant respectfully requests City staff review and approval of the analysis contained in this report.

**Summary of Lot Dimensions - Beach Park Village\***

<b>Lot</b>	<b>Width</b>	<b>Depth</b>	
1	50'	120'	
2	50'	124'	
3	52'	122'	
4	52'	138'	
5	50'	134'	
6	50'	132'	
7	60'	120'	
8	84'	120'	
9	50'	124'	
10	50'	130'	
11	50'	144'	
12	50'	124'	
13	64'	120'	
14	50'	120'	
15	50'	120'	
16	50'	120'	
17	50'	120'	
18	48'	120'	
19	50'	120'	
20	50'	120'	
21	50'	120'	
22	50'	120'	
23	50'	120'	
24	50'	120'	
25	51'	120'	
26	50'	120'	
27	50'	120'	
28	50'	120'	
29	50'	140'	
30	50'	144'	
31	50'	144'	
32	50'	144'	
33	50'	144'	
34	50'	140'	
35	50'	126'	
36	50'	138'	
37	50'	142'	
38	70'	110'	Drainage Easement
39	64'	124'	Drainage Easement
40	50'	126'	
41	50'	140'	
42	50'	140'	
43	50'	128'	
44	50'	128'	
45	50'	120'	



<b>46</b>	50'	120'	
<b>47</b>	50'	120'	
<b>48</b>	50'	120'	
<b>49</b>	50'	120'	
<b>50</b>	50'	120'	
<b>51</b>	50'	120'	
<b>52</b>	50'	120'	
<b>53</b>	50'	120'	
<b>54</b>	50'	120'	
<b>55</b>	50'	120'	
<b>56</b>	50'	120'	
<b>57</b>	50'	120'	
<b>58</b>	50'	120'	
<b>59</b>	50'	124'	
<b>60</b>	50'	126'	
<b>61</b>	50'	128'	
<b>62</b>	50'	130'	
<b>63</b>	50'	122'	
<b>64</b>	50'	116'	
<b>65</b>	80'	120'	
<b>66</b>	50'	120'	
<b>67</b>	50'	120'	
<b>68</b>	50'	120'	
<b>69</b>	92'	120'	
<b>70</b>	94'	120'	
<b>71</b>	50'	120'	
<b>72</b>	50'	120'	
<b>73</b>	70'	122'	
<b>74</b>	60'	120'	
<b>75</b>	50'	120'	
<b>76</b>	50'	120'	
<b>77</b>	50'	120'	
<b>78</b>	50'	120'	
<b>79</b>	50'	120'	
<b>80</b>	50'	120'	
<b>81</b>	50'	120'	
<b>82</b>	48'	120'	
<b>83</b>	64'	120'	
<b>84</b>	50'	120'	
<b>85</b>	50'	120'	
<b>86</b>	50'	120'	
<b>87</b>	50'	120'	
<b>88</b>	50'	120'	
<b>89</b>	82'	120'	
<b>90</b>	54'	120'	Drainage Easement
<b>91</b>	54'	120'	Drainage Easement
<b>92</b>	50'	120'	

<b>93</b>	<b>50'</b>	<b>120'</b>
<b>94</b>	<b>50'</b>	<b>120'</b>
<b>95</b>	<b>50'</b>	<b>120'</b>
<b>96</b>	<b>50'</b>	<b>120'</b>
<b>97</b>	<b>50'</b>	<b>120'</b>
<b>98</b>	<b>50'</b>	<b>120'</b>
<b>99</b>	<b>50'</b>	<b>120'</b>
<b>100</b>	<b>82'</b>	<b>120'</b>
<b>101</b>	<b>50'</b>	<b>120'</b>
<b>102</b>	<b>50'</b>	<b>120'</b>
<b>103</b>	<b>50'</b>	<b>120'</b>
<b>104</b>	<b>50'</b>	<b>120'</b>
<b>105</b>	<b>50'</b>	<b>120'</b>
<b>106</b>	<b>50'</b>	<b>120'</b>
<b>107</b>	<b>50'</b>	<b>120'</b>
<b>108</b>	<b>66'</b>	<b>120'</b>
<b>109</b>	<b>86'</b>	<b>120'</b>
<b>110</b>	<b>106'</b>	<b>120'</b>
<b>111</b>	<b>50'</b>	<b>120'</b>
<b>112</b>	<b>84'</b>	<b>120'</b>

**\* Measured pursuant to:**

**Section 2.05.01.2 Lot Width** - The minimum width of any lot shall be measured along the minimum building setback line as required for the district in which it is located.

**Section 2.05.01.3 Lot Depth** - The minimum lot depth of any lot shall be measured by a straight line from the midpoint of the front line and perpendicular thereto to its intersection with the rear lot line.

**CITY OF FLAGLER BEACH  
NOTICE OF A PROPOSED  
PLANNED UNIT  
DEVELOPMENT AS  
IT RELATES TO THE  
OFFICIAL ZONING MAP  
RZ-21-05-01**

**ORDINANCE 2021-09**

The City of Flagler Beach Planning and Architectural Review Board (PARB) will consider and make a recommendation to the City Commission regarding Ordinance No. 2021-09 Entitled:

**AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, TO CONSIDER APPROVAL OF A PLANNED UNIT DEVELOPMENT COMPRISED OF 48+/- ACRES LYING WITHIN A PLANNED UNIT DEVELOPMENT ZONING DISTRICT; THE PROPERTY IS IDENTIFIED AS PARCEL NO. 11-12-31-0650-000A0-0060 LYING EAST OF ROBERTS RD. THE SOUTHERLY BOUNDARY OF WHICH TOUCHES UPON THE NORTHERLY BOUNDARY OF WADSWORTH PARK; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE HEREOF.**

Public Hearings will be conducted to consider the application, as follows:

City Commission: Thursday, July 22, 2021 at 6:00 P.M. or as soon thereafter.

The public hearings may be continued to a future date or dates. The times and dates of any continuances of a public hearing shall be announced during the public hearing without any further published notice. The request will be heard at 6:00 PM, or as soon thereafter as possible, in the City Commission Chambers located at 105 South Second Street, Flagler Beach, Florida.

A copy of this notice, the file relating to the proposed amendments and the proposed ordinance are available for public inspection at the Planning and Building Department during regular business hours Monday through Friday from 8:00 a.m. to 5:00 p.m. at 800 South Daytona Avenue, Flagler Beach, Florida.

Any person wishing to express his/her opinion may submit written comments regarding the proposed amendment to the City through the Planning and Building Department. Comments should be made as early as possible to ensure full consideration.

If a person decides to appeal any decision made with respect to any matter considered at the above referenced hearings, he/she will need a record of the proceedings. For such purposes, it may be necessary to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the *Americans with Disabilities Act*, persons needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 386-517-2000 Ext. 233 or 235 at least 48 hours prior to the meeting.

**LOCATION MAP**

