

**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD  
PUBLIC HEARING/AGENDA ITEM NO. 9**

**SUBJECT: QUASI-JUDICIAL** – Project 2024070056– request for a Modification to an approved Special Exception (Order No. 3024) for an Overflow Parking Lot in the R/C (Residential/Limited Commercial) District at 93 and 95 Sanchez Avenue, and 5358 and 5364 North Oceanshore Boulevard. Parcel numbers: 40-10-31-0010-00020-0030, -0040, -0200, and -0210; 20,000 square feet (0.4591 acres). Owner: A1A 5384, LLC/Applicant: Jay W. Livingston, Esq., Livingston & Sword, P.A. (AR No. 5052).

**DATE OF MEETING:** September 10, 2024

**OVERVIEW/SUMMARY:** This request is quasi-judicial in nature and requires disclosure of ex parte communication. The request is for approval of a modification to a Special Exception in the R/C (Residential/Limited Commercial) District to add additional parcels to the approved Special Exception at 5384 North Oceanshore Boulevard (Order No. 3024) to provide overflow parking for the established restaurant. The four parcels, identified as parcels numbers 40-10-31-0010-00020-0030, -0040, -0200, and -0210, are located between North Oceanshore Boulevard (a/k/a State Road A1A) and Sanchez Ave, are each 5,000+/- square feet and totaling 20,000 sq ft. (0.46 +/- acres):



On August 26, 2024, A1A 5384, LLC, through its agent, Jay Livingston, Esq. submitted an application to modify the approved Special Exception in the R/C (Rural Residential) District (Order No. 3024, as recorded at Official Records Book 2122, Page 309, Public Records of Flagler County, Florida) to include four additional parcels for an Overflow Parking Lot.

All four parcels were purchased by A1A 5385, LLC, through a Special Warranty Deed dated May 31, 2024 and recorded at Official Records Book 2876, Page 1396, Official Records of Flagler County, Florida, and are as listed:

40-10-31-0010-00020-0030	5364 N Oceanshore Blvd
40-10-31-0010-00020-0040	5358 N Oceanshore Blvd
40-10-31-0010-00020-0200	95 Sanchez Ave
40-10-31-0010-00020-0210	93 Sanchez Ave

All four parcels are contiguous with themselves, but not with the property currently approved for the Special Exception, which is located two parcels north and on the North side of the right-of-way of 17th Road at 5385 North Oceanshore Boulevard. The owner will file a Declaration of Covenant in Lieu of Unity of Title in the Official Records of Flagler County, restricting the use of the land to valet parking until such time as Bronx House parcel has sufficient parking or when the Bronx House parcel ceases to operate as a restaurant.

This application was discussed by the Technical Review Committee on August 21, 2014. All staff comments were satisfactorily addressed by the applicant in advance of the Planning and Development Board meeting.

This Special Exception request was discussed by the Scenic A1A PRIDE Committee on August 23, 2024. A copy of the Committee's August 25, 2024 review letter is attached to this report. Scenic A1A PRIDE concluded:

- The traffic flow will create a real safety issue.
- A standalone parking lot is not a permitted use. [original emphasis]
- This will set a bad precedent for the Scenic Corridor Overlay.

Public notice has been provided for this application according to LDC Section 2.07.00.

This agenda item is:

  X   quasi-judicial, requiring disclosure of ex-parte communication; or  
       legislative, not requiring formal disclosure of ex-parte communication.

**DEPT./CONTACT/PHONE #:** Planning & Zoning/Adam Mengel/386-313-4065

**OPTIONS FOR THE BOARD:**

APPROVAL – The Planning and Development Board finds that all the special exception criteria as listed in the guidelines at Land Development Code Section 3.07.03.F have been met and therefore approves Project No. 2024070056, a Modification to an approved Special Exception (Order No. 3024) for an Overflow Parking Lot in the R/C (Residential/Limited Commercial) District at 93 and 95 Sanchez Avenue, and 5358 and 5364 North Oceanshore Boulevard (Parcel Nos.: 40-10-31-0010-00020-0030, -0040, -0200, and -0210), subject to the following conditions:

1. This Special Exception runs with the land, conditioned that this approval for an overflow parking lot will remain in effect so long as the restaurant is operational at 5384 North Oceanshore Boulevard. The owner will file an instrument in the Official Records of Flagler County restricting the use of the lands to overflow valet parking in lieu of a unity of title.
2. Approval is limited to the use of the subject parcel as an overflow parking lot for the restaurant use located at 5384 North Oceanshore Boulevard.
3. All parking with the overflow parking lot will be by valet only, and will be limited to the employees, customers, and guests of the restaurant located at 5384 North Oceanshore Boulevard.
4. No overnight parking shall be permitted.
5. All development to occur consistent with the submitted Final Site & Landscape Plan bearing an electronic signature and seal dated August 30, 2024 by Michael D. Beebe with Beebe & Associates, Inc.
6. Driveway connection onto North Oceanshore Boulevard is subject to permitting By the Florida Department of Transportation.
7. No parking will be permitted within the right-of-way of North Oceanshore Boulevard except as otherwise permitted by law.
8. Signs shall be limited to the interior of the overflow parking lot for purposes of identification and wayfinding and will not be subject to issuance of sign permits.
9. While no lighting is currently proposed, any lighting will be shielded and aimed downward so as not to cast light onto adjacent parcels and will demonstrate compliance through building permit application with the County's marine sea turtle lighting requirements.

DENIAL – The Planning and Development Board finds that all the special exception criteria as listed in the guidelines at Land Development Code Section 3.07.03.F have not been met and therefore denies Project No. 2024070056, a Modification to an approved Special Exception (Order No. 3024) for an Overflow Parking Lot in the R/C (Residential/Limited Commercial) District (Parcel Nos.: 40-10-31-0010-00020-0030, -0040, -0200, and -0210).

CONTINUANCE – The Planning and Development Board continues the request to a time and date certain for additional information.

**ATTACHMENTS:**

1. Technical Staff Report
2. Site Plan
3. Application and supporting documents
4. TRC comments
5. Scenic A1A PRIDE Committee August 25, 2024 letter
6. Public notice

**PROJECT 2024070056**  
**SPECIAL EXCEPTION IN THE R/C DISTRICT**  
**A1A 5384, LLC**  
**TECHNICAL STAFF REPORT**

Owner: A1A 5384, LLC

Agent: Jay W. Livingston, Esq., Livingston & Sword, P.A.

Parcel size: Four parcels of 5,000+/- square feet totaling 20,000+/- square feet.

**Legal Description**

Lots 3, 4, 20, 21, Block 2, Artesia Subdivision, Map Book 3. Page 21, of the Public Records of Flagler County, Florida.

**Existing Zoning and Land Use Classification:**

Zoning: R/C (Residential/Limited Commercial) District

Land Use: MUL (Mixed Use: Low Intensity, Low to Medium Density)

**Future Land Use Map Classification/Zoning of Surrounding Land:**

North: MUL (Mixed Use: Low Intensity, Low to Medium Density/C-2 (General Commercial and Shopping Center) District

East: North Oceanshore Boulevard; MUL (Mixed Use: Low Intensity/R/C (Residential/Limited Commercial) District

South: MUL (Mixed Use: Low Intensity, Low to Medium Density/R/C (Residential/Limited Commercial) District

West: Sanchez Avenue; RLDRE (Residential Low Density: Rural Estate)/Rural Estate/R-1 (Rural residential) District

Land Development Code Sections Affected: Land Development Code (LDC) Section 3.03.13, *R/C (Residential/limited commercial use) district*, Section 3.07.03, *Procedure for variances and special exceptions*, and Section 3.07.03.F, *Special exception guidelines*.

**Previous Public Hearings**

April 12, 2016 – Planning Board approved Special Exception for a restaurant (Application No. 3024) for 5384 North Oceanshore Blvd, subject to the following conditions:

1. This Special Exception runs with the land.
2. Approval is limited to the use as a restaurant:
  - sit down and take out only, without drive-through;
  - with a maximum seating capacity of 160 persons (subject to provision of minimum off-street parking);
  - with a maximum of twenty-five (25) percent of the seating capacity located outdoors or otherwise visually screened from adjacent right-of-ways; and
  - allowing incidental consumption on premises of alcoholic beverages subject to issuance of State alcoholic beverage license.

3. All development to occur consistent with the submitted site plan, subject to changes approved by staff based on outstanding agency review comments.
4. Commercial traffic associated with this Special Exception will utilize the North Oceanshore Boulevard driveway, subject to issuance of a driveway permit by the Florida Department of Transportation; no commercial access will be permitted off of 17<sup>th</sup> Road. The 17<sup>th</sup> Road driveway connection will require submittal of a County right-of-way permit application.
5. Should the parcel to the north develop with a commercial use (also subject to Special Exception approval), a cross access easement shall be provided in the location of the “No Parking – Turn Around” area (in the northwest corner of the parking lot) as designated on the site plan, said easement being at least 15 feet in width so as to provide a single drive lane between both parcels. Prior to completion of the development of the parcel to the north as a commercial use, the applicant, their successors, or assigns, shall remove any landscape buffer, fencing, or other impediment to this cross access easement and further provide onsite improvements so as to provide a physical roadway connection between the two parcels.
6. At the applicant’s discretion, a paved pedestrian/bicycle sidewalk (meeting ADA requirements) may be provided through the front landscape buffer area (adjacent to North Oceanshore Boulevard) not to exceed five feet in width, along with a bicycle rack installed within the parcel to facilitate access by users of the multi-use trail.
7. Subject to approval of a parking surface deviation by the Board of County Commissioners, the off-street parking area accessible from North Oceanshore Boulevard may be surfaced with crushed stone, gravel, or shell material subject to review and approval by the County Development Engineer, provided that the alternative surface is stable and will reduce dust and erosion. Required handicapped spaces must be paved as well as aisles and sidewalks to building entrances.
8. Utility service drops shall be installed underground and shall be done in a manner which protects index trees.
9. All refuse collection containers shall be screened from public view, with vegetative screening that includes shrubs which will achieve a height of five feet within one year, planted with a spacing not exceeding five feet on center, or as an alternative, another form of vegetative screening that creates an effective visual screen. At the applicant’s discretion, smaller refuse collection and disposal containers may be used instead of a commercial dumpster so as to reduce the noise impacts to neighboring parcels resulting from servicing a commercial dumpster.
10. A sign permit will be required for any proposed signage, with a single freestanding (double-sided, monument type) sign to be permitted in the area depicted on the site plan and limited to no more than 32 square feet in area (as measured for any single sign face) and a maximum height of six feet.

11. Proposed lighting will demonstrate compliance through building permit application with the County's sea turtle lighting requirements.
12. The applicant shall not commence development until all other agency approvals and/or permits are issued.

#### Special Exception Guideline Analysis

LDC Section 3.07.03.F, the Planning and Development Board shall hear and decide upon requests for special exceptions as authorized by land classifications. The Board may approve, with conditions, requests which are in harmony with the intent and purpose of the regulations. In making its determination, the Board shall be guided by the following:

1. Ingress to and egress from the property shall provide for automotive and pedestrian safety and convenience, shall not unduly interfere with traffic flow and control, and shall provide access in case of fire or catastrophe.

Applicant Response: The parking lot will be used for valet parking only. With the exception of valet attendants moving to and from the restaurant and parking area there will be no pedestrian activity generated from the proposed use. Access will be limited to one int of ingress and egress from the parking lot and A1A. Vehicles will enter the restaurant parking lot before being moved to the valet parking area by a valet attendant. Valet attendants will be equipped with safety vests or other reflective clothing to ensure their safety when moving back and forth from the restaurant and the valet parking lot.

Staff Analysis: Access to the property is proposed through an existing Florida Department of Transportation (FDOT) driveway connection to North Oceanshore Boulevard (State Road A1A). If modification of the driveway is needed, FDOT will be the permitting agency.

2. Off-street parking and loading areas shall be provided as required, shall take into account relevant factors in subsection 1, and shall be located as to minimize economic, noise, glare or odor effects on adjacent and nearby properties.

Applicant Response: The purpose of the proposed valet parking lot is to ensure offstreet parking for the restaurant use and minimize customers choosing to park in the public rights of way. The valet parking will not be accessible by the general public or customers of the restaurant. This eliminates the need for the installation of impervious surfaces or site lighting along Sanchez Avenue and adjacent residential uses to minimize impacts on those properties. By reducing the likelihood that customers will choose to park within public rights of way the proposed valet parking lot will have an immediate net positive effect on the surrounding areas and properties.

Staff Analysis: The development of the subject parcels as an overflow parking lot is proposed in a manner which minimizes impacts onto adjacent parcels. As an overflow lot (and not required parking), the lot is proposed to be left in a pervious condition,

reducing hardscape and heat island effects. The use of pervious sand and shell is consistent with other parking areas within the Hammock. The inclusion of fencing and landscaping – generally consistent with LDC requirements and specifically meeting those specific requirements related to the A1A Scenic Corridor Overlay District – further reduces the aesthetic impact of the parking area.

3. Refuse and service areas shall be located with consideration for relevant factors in subsections 1. and 2. preceding.

Applicant Response: The proposed valet parking lot use will not create any need for additional refuse or service areas. Therefore, this provision is not applicable to the present application.

Staff Analysis: No refuse or service areas are proposed.

4. The proposed use shall be compatible with the availability and location of utility services, whether public or private.

Applicant Response: The proposed valet parking lot use will not require any utilities or new utility connections. Therefore, this provision is not applicable to the present application.

Staff Analysis: No new utility connections are anticipated.

5. Screening and buffering shall be provided which preserves or improves compatibility and harmony of use and structure between the proposed use and adjacent and nearby properties, according to the type, dimensions and character of the proposed use.

Applicant Response: As depicted on the conceptual plan a 6 foot privacy fence is proposed along the back of the property to avoid any impacts on adjacent non-commercial uses. A 40 foot buffer along A1A as well as 15 foot landscape buffer along the residential use to the south the parking are proposed to ensure compatibility and harmony and to comply with the Land Development Code.

Staff Analysis: The submitted plan By Beebe & Associates depicts the location and type of screening and buffering to be installed associated with this use.

6. Signs and exterior lighting, if any, shall maintain traffic safety and minimize glare and economic effects on adjacent and nearby properties.

Applicant Response: No signs or exterior lighting are proposed or required for the proposed use. Therefore, this provision is not applicable to the present application.

Staff Analysis: No signs or lighting have been proposed. It is likely that identification or directional signage may be added to the interior of the parking area, with these sign types not requiring permitting. In addition, lighting may be added in the future: if so,

the lighting should be shielded and aimed downward so as to eliminate light impacts onto adjacent parcels and the right-of-way. In addition, any lighting will need to be permitted, and will need to meet LDC's marine sea turtle lighting requirements.

7. Required yards and open spaces shall be provided.

Applicant Response: As noted above, buffers as required by the Land Development Code are being provided. No new Structures are proposed that would result in the need for required yards or open space. The site will remain largely in a natural state with preserved canopy trees and Bahia grassed parking area. It will provide valuable open space to this portion of the A1A corridor.

Staff Analysis: The minimum setbacks are depicted as required by the LDC.

8. The height of structures shall be in harmony with that of adjacent and nearby uses and structures.

Applicant Response: No structures are proposed. Therefore, this provision is not applicable to the present application

Staff Analysis: Not applicable.

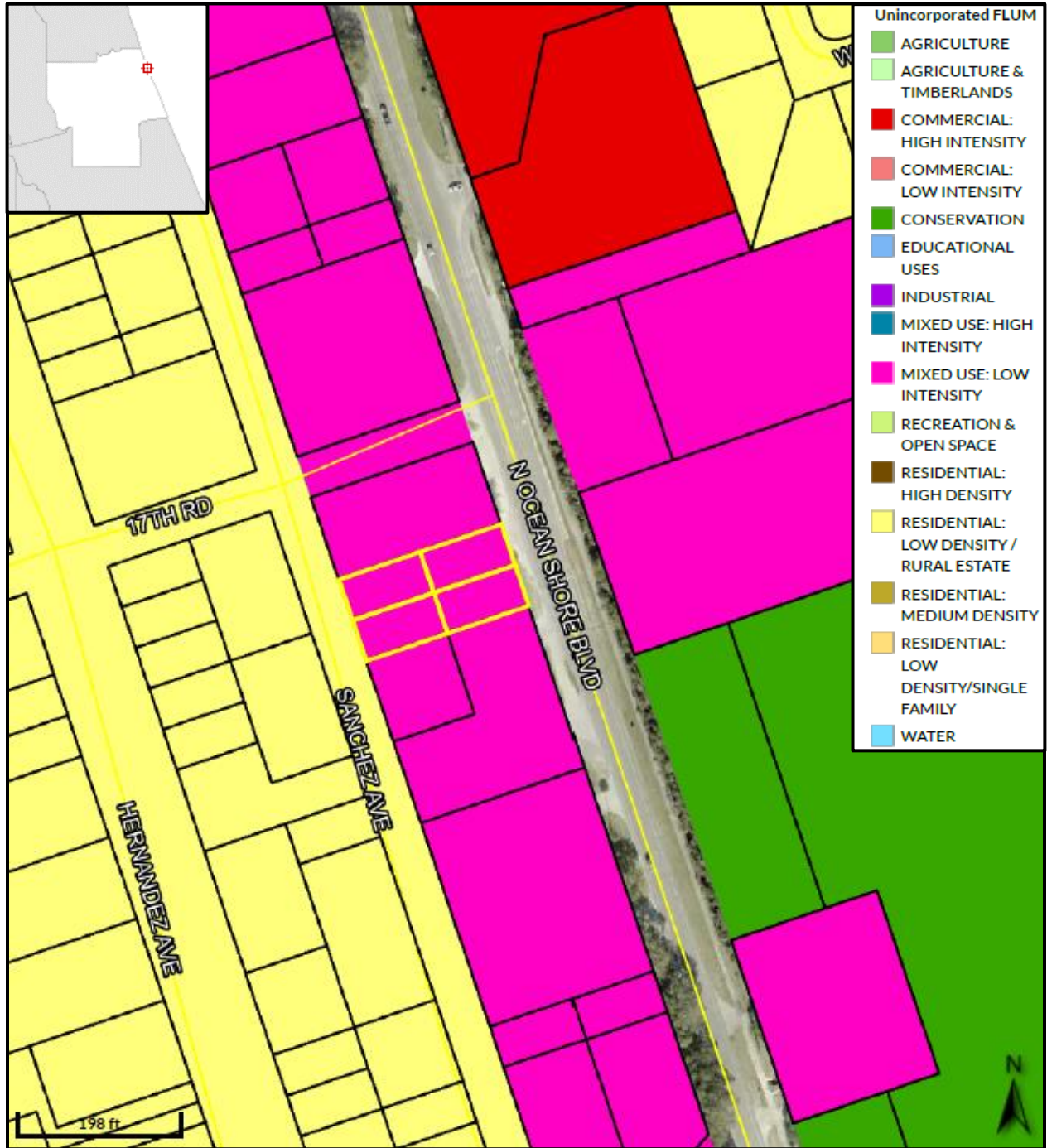
9. The economic effect of the proposed use on adjacent and nearby properties shall be positive.

Applicant Response: The proposed valet parking area will have an immediate positive impact on the adjacent and nearby properties by reducing the likelihood that customers of the restaurant will choose to park in the surrounding public rights of way. This will reduce the visual blight caused by cars parked in the public rights of way as well as increase visibility to adjacent and nearby commercial uses. In addition, as long as the property is used for valet parking it will remain largely in its natural state, which will also contribute to the integrity of the A1A Scenic Byway and the value of adjacent and nearby properties.

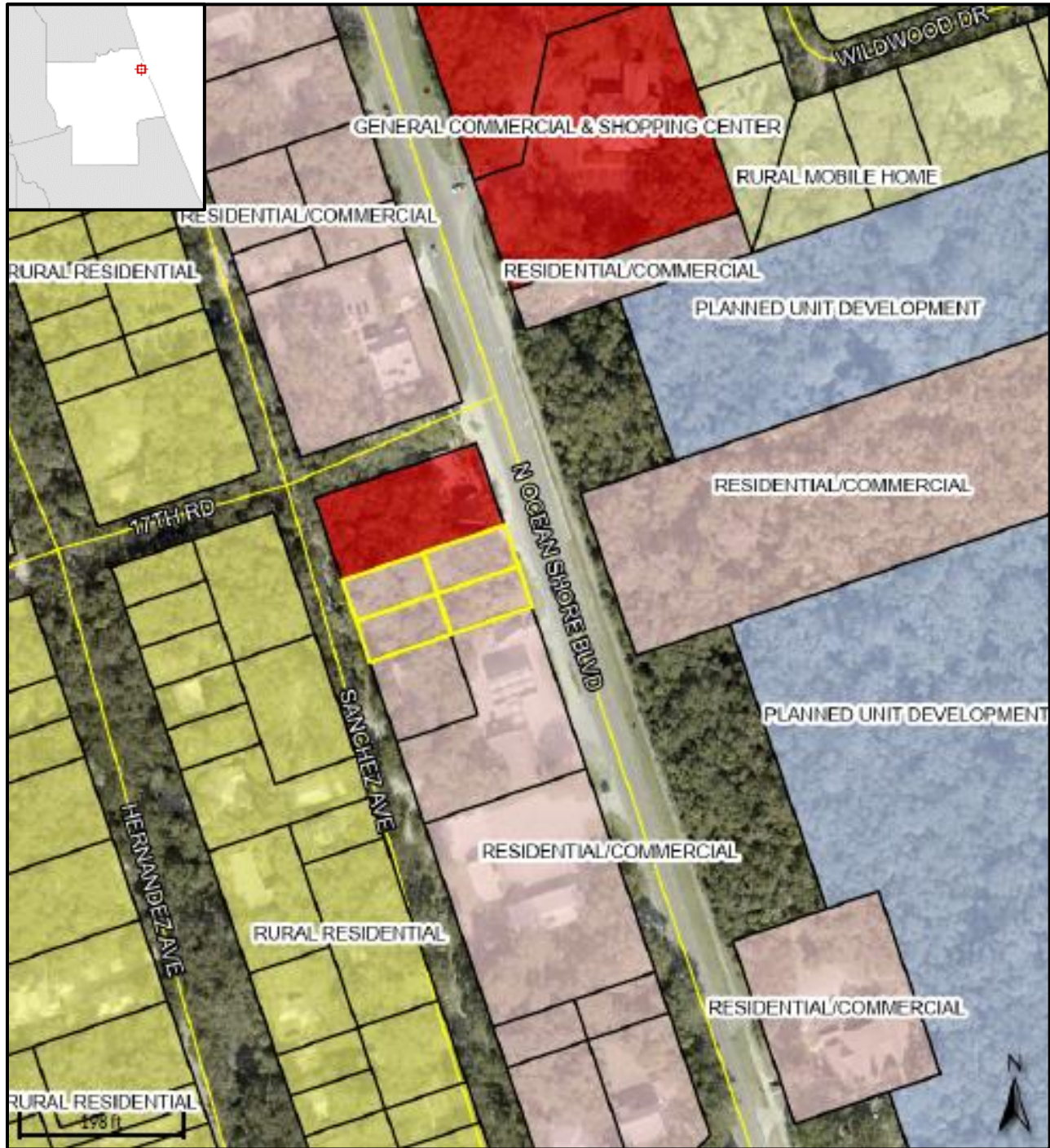
Staff Analysis: The addition of the proposed uses are complementary to the existing uses in the area. This Special Exception – if granted – will serve as a template for other similar uses in meeting the needs of the community. Like other coastal areas, available parcels adjoining major roadways (like North Oceanshore Boulevard) are limited both in number and area, and including additional overflow parking on a nearby parcel solves the periodic issues related to too few required parking spaces. The net economic effect is that large parcels with too much parking is discouraged in favor of extra parking that meets the limited needs of existing successful businesses, and provides for their continued success. Ideally, the County – like other coastal governments – should consider acquisition of parcels along North Oceanshore Boulevard for development as public parking areas to accommodate both private and public uses and activities.



# Future Land Use Map

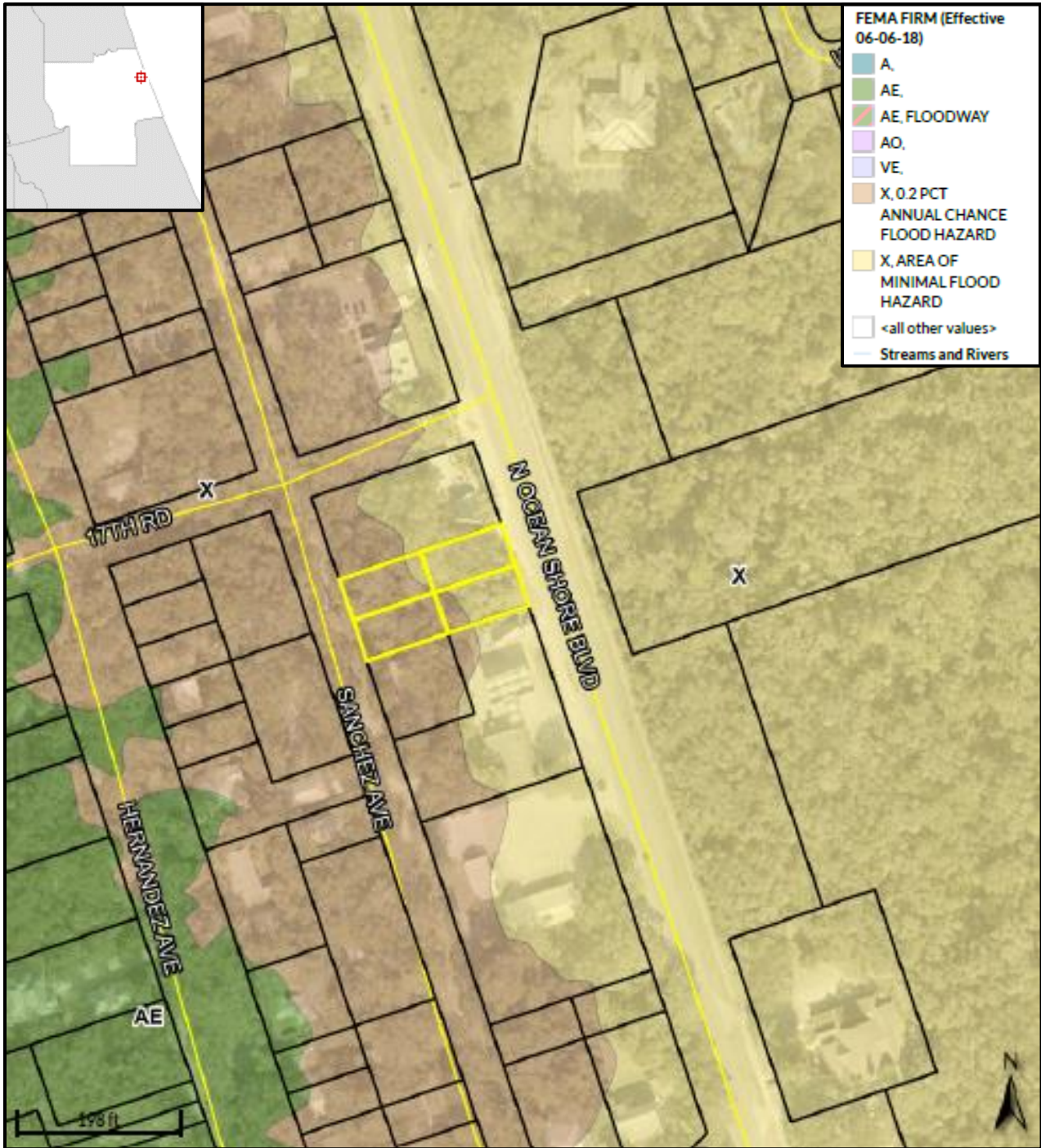


# Zoning Map

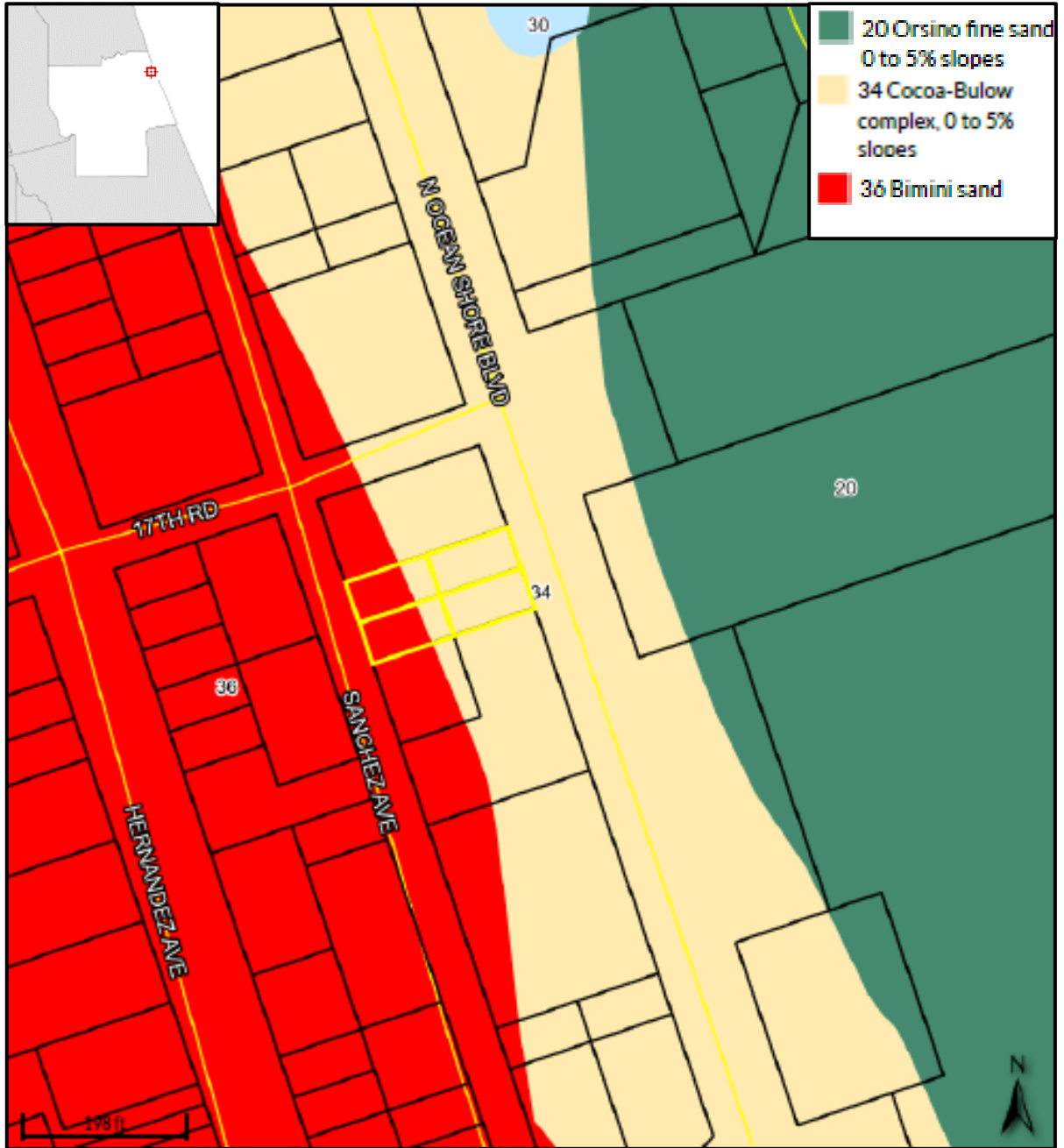




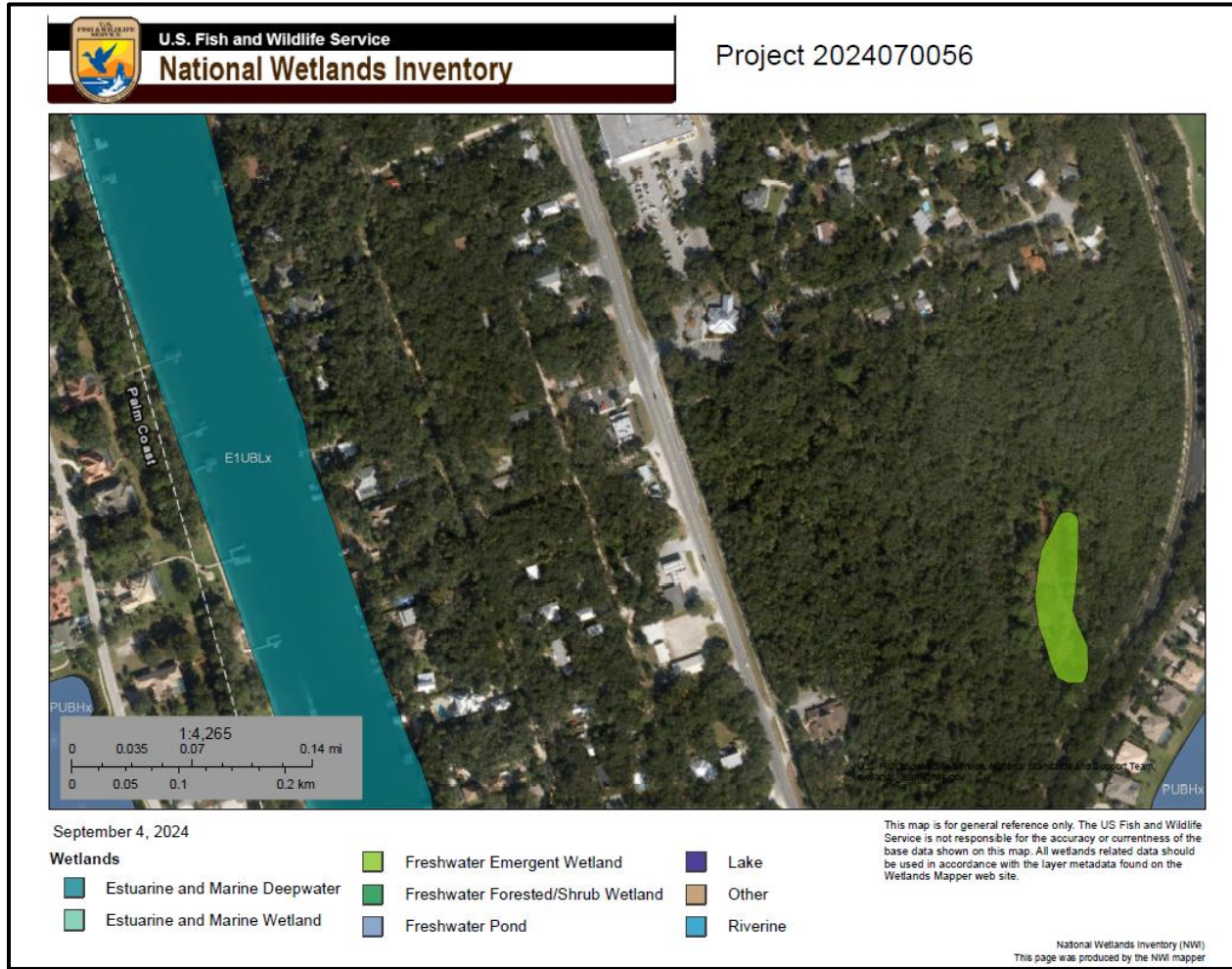
# Flood Zone



# Soils



# Wetlands





**PERIMETER BUFFER CALCULATION CHART**

BUFFER	FRONTAGE - LF (LESS ACCESSWAYS)	SHADE TREE RATIO	TREES REQUIRED	TREES PROVIDED	EXISTING TREES (1 PER 50 LF)	EXISTING TREES PRESERVED
FRONT - 25'	81	1/25 LF	3.24	0	1.62	4
SIDE (NORTH) - N/A	200	1/25 LF	8	0	4	6
SIDE (SOUTHWEST) - 15'	100	1/25 LF	4	0	2	3
SIDE (SOUTHEAST) - NA	100	1/25 LF	4	0	2	3
REAR (WEST) - N/A	100	1/25 LF	4	0	2	6' FENCE

TOTAL 23.24 0 11.62 16  
 \* NO NEW TREES REQUIRED AS 100% OF TREE REQUIREMENTS BEING MET BY TREE PRESERVATION  
 \* 10 SABAL PALMS PRESERVED ON SITE & LOCATED IN THE FRONT LANDSCAPE BUFFER

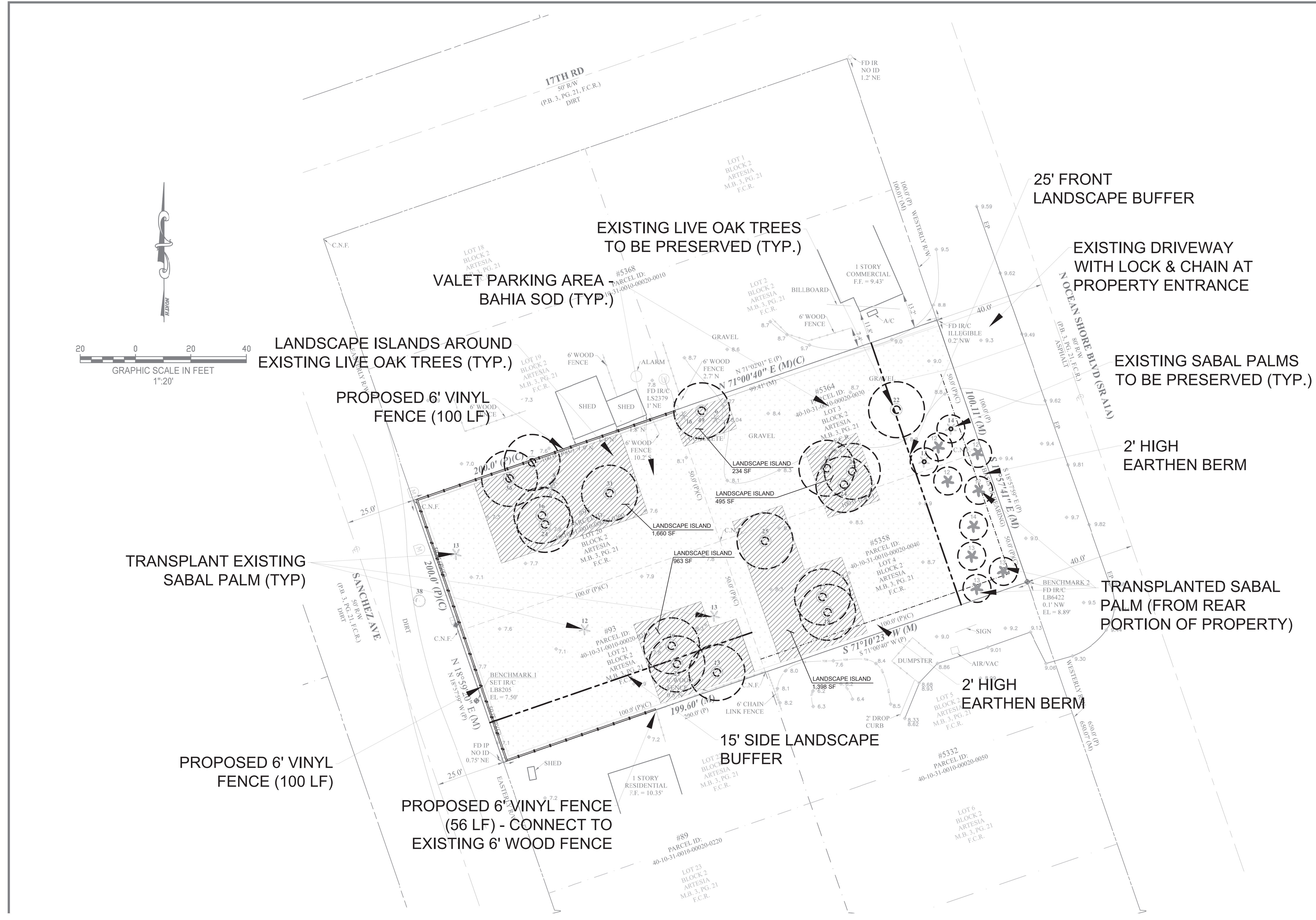
**TREE PRESERVATION CHART**

TREE TYPE	NUMBER OF TREES	TOTAL INCHES	PRESERVED TREES	TRANSPLANTED ON SITE	REMOVED
LIVE OAK	16	372	16	0	0
SABAL PALM	10	128	7	3	0

For County Use

NOTE: PROJECT WILL HAVE NO IMPERVIOUS SURFACE. ALL AREAS ARE EITHER NATURAL OR BAHIA SOD

NOTE: APPROXIMATELY 28 VALET PARKING SPACES



**FINAL SITE & LANDSCAPE PLAN**

**BRONX HOUSE PIZZA VALET PARKING**

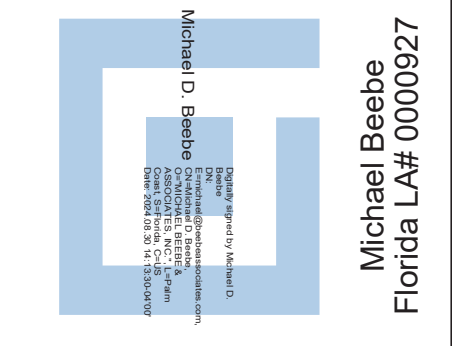
**BEEBE & ASSOCIATES, INC.**  
 Golf Course Design, Renovation, Landscape Architecture & Consulting  
 250 Palm Coast Parkway NE, Suite #607, Palm Coast, Florida 32137-9225  
 Phone: (386) 831-1202 Fax: (386) 446-6306 Email: michael@beebesassociates.com

**FLAGLER COUNTY, FLORIDA**

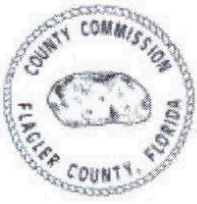


**SP1**  
 Sheet 1

Date: 8-30-2024  
 Scale: 1" = 20'  
 Drawn: MB  
 Checked By: MB  
 Revisions:







# APPLICATION FOR SPECIAL EXCEPTION

FLAGLER COUNTY, FLORIDA  
1769 E. Moody Boulevard, Suite 105  
Bunnell, FL 32110  
Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project #: \_\_\_\_\_

<b>PROPERTY OWNER(S)</b>	Name(s): A1A 5384, LLC
	Mailing Address: 13 Capri Court
	City: Palm Coast State: FL Zip: 32137
	Telephone Number (516) 852-4229 Email MikeCheesecake1@gmail.com Fax Number: Address:

<b>APPLICANT/AGENT</b>	Name(s): Jay W. Livingston, Esq. / Livingston & Sword, P.A.
	Mailing Address: 391 Palm Coast Parkway SW #1
	City: Palm Coast State: FL Zip: 32137
	Telephone Number (386) 439-2945 Fax Number (866) 896-5573
	Email Address jay.livingston314@protonmail.ch

<b>SUBJECT PROPERTY</b>	SITE LOCATION (street address):	95 Sanchez Ave., 93 Sanchez Ave., 5364 N Ocean Shore Blvd., 5358 N Ocean Shore Blvd.	
	LEGAL DESCRIPTION: (briefly describe, do not use "see attached")	Lts 3, 4, 20, 21, Blk 2, Artesia Subdivision MB 3, PG 21	
	Parcel # (tax ID #):	40-10-31-0010-00020-0200, 40-10-31-0010-00020-0210 40-10-31-0010-00020-0030, 40-10-31-0010-00020-0040	
	Parcel Size:	0.4591 acres	
	Current Zoning Classification:	Residential/Commercial	
	Current Future Land Use Designation	Mixed Use: Low Intensity	
	Subject to A1A Scenic Corridor IDO?	<input checked="" type="radio"/> YES	<input type="radio"/> NO

**Requested Use:** Overflow parking are for a restaurant located at 5384 N. Oceanshore Blvd. and a permitted special exception pursuant to Planning and Land Development Board Order No. 3024.

\_\_\_\_\_  
Signature of Owner(s) or Applicant/Agent  
if Owner Authorization form attached

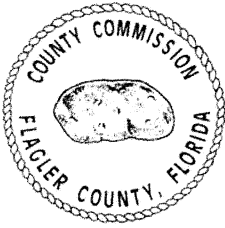
7/26/2024  
Date

**\*\*OFFICIAL USE ONLY\*\***

PLANNING BOARD RECOMMENDATION/ACTION: APPROVED [ ]  
APPROVED WITH CONDITIONS [ ]  
DENIED [ ]

Signature of Chairman: \_\_\_\_\_ Date: \_\_\_\_\_

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application. Rev. 08/14



# Owner's Authorization for Applicant/Agent

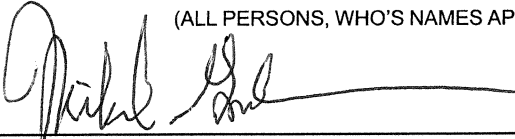
FLAGLER COUNTY, FLORIDA  
1769 E. Moody Boulevard, Suite 105  
Bunnell, FL 32110

Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project # \_\_\_\_\_

Jay W. Livingston, Esq. / Livingston & Sword, P.A., is hereby authorized TO ACT ON BEHALF OF A1A 5384, LLC, a Florida limited liability company, the owner(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to Flagler County, Florida for an application for special exception.

(ALL PERSONS, WHO'S NAMES APPEAR ON THE DEED MUST SIGN)

By:   
Signature of Owner

Michael Goodman  
Printed Name of Owner / Title (if owner is corporation or partnership)

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Printed Name of Owner


Address of Owner: 13 Capri Ct  
Mailing Address  
Palm Coast FL 32137  
City State Zip

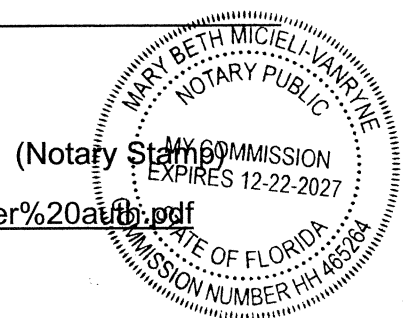
Telephone Number (incl. area code)  
cell 516-852-4299

STATE OF Florida

COUNTY OF Flagler

The foregoing was acknowledged before me this 25 day of July, 2024 by Michael Goodman and \_\_\_\_\_ who is/are personally known to me or who has produced \_\_\_\_\_ as identification, and who (did)  (did not) take an oath.

  
Signature of Notary Public



<http://www.flaglercounty.org/doc/dpt/centprmt/landdev/owner%20auth.pdf>

Revised 5/08



PREPARED BY & RETURN TO:

Name: Mary Beth, an employee of  
Veterans Title, LLC  
Address: 5182 N. Ocean Shore Blvd  
Ste B  
Palm Coast, Florida 32137  
File No. VET-24-0121  
Sale Price:\$430,000.00  
Doc Stamps: \$3,010.00  
Parcel No.: 40-10-31-0010-00020-0040 &  
40-10-31-0010-00020-0030 &  
40-10-31-0010-00020-0210 &  
40-10-31-0010-00020

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

This **SPECIAL WARRANTY DEED**, made the **31st** day of **May, 2024**, by **STAR CAR WASH, LLC**, a West Virginia Limited Liability Company, whose post office address is **PO BOX 368, Huntington, WV 25708**, hereinafter called the Grantor, to **A1A 5384, LLC**, A Florida Limited Liability Company, having its principal place of business at **13 Capri Ct, Palm Coast, FL 32137**, hereinafter called the Grantee:

WITNESSETH: That the Grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee all that certain land situate in County of Flagler, State of Florida, viz:

**Lots 3, 4, 20 and 21, Block 2, ARTESIA SUBDIVISION, according to the plat or map thereof, as recorded in Map Book 3, Page 21, of the Public Records of Flagler County, Florida.**

TOGETHER WITH all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**THE ABOVE-DESCRIBED PROPERTY IS NOT THE CONSTITUTIONAL HOMESTEAD OF THE GRANTOR, NOR IS IT CONTIGUOUS TO SUCH.**

SUBJECT TO TAXES FOR THE YEAR 2024 AND SUBSEQUENT YEARS, RESTRICTIONS, RESERVATIONS, COVENANTS AND EASEMENTS OF RECORD, IF ANY.

TO HAVE AND TO HOLD the same in fee simple forever.

And the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor, but not otherwise.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its proper officers thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered in the presence of:

STAR CAR WASH, LLC

[Signature]  
Witness Signature

[Signature] L.S.  
By: Name: Scott Hutchison, Manager

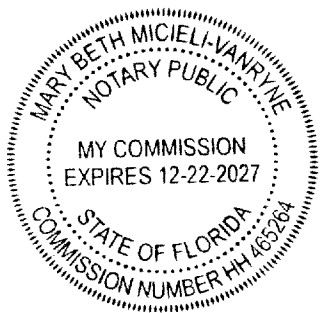
Printed Name: M. MICIELI-VANNYNE  
Address: 5182 N. Oceanshore Blvd  
Palm Coast FL 32137

[Signature] L.S.  
By: Name: Laya Hutchison, Manager

[Signature]  
Witness Signature  
Printed Name: Jillian Vale-Cruz  
Address: 5182 N. Oceanshore Blvd  
Palm Coast FL 32137

STATE OF FLORIDA  
COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 31st day of May, 2024, by Scott Hutchison, Manager and Laya Hutchison, Manager of Star Car Wash, LLC, a West Virginia Limited Liability Company who has produced DL as identification.



[Signature]  
Signature of Notary  
Printed Name:  
My commission expires:

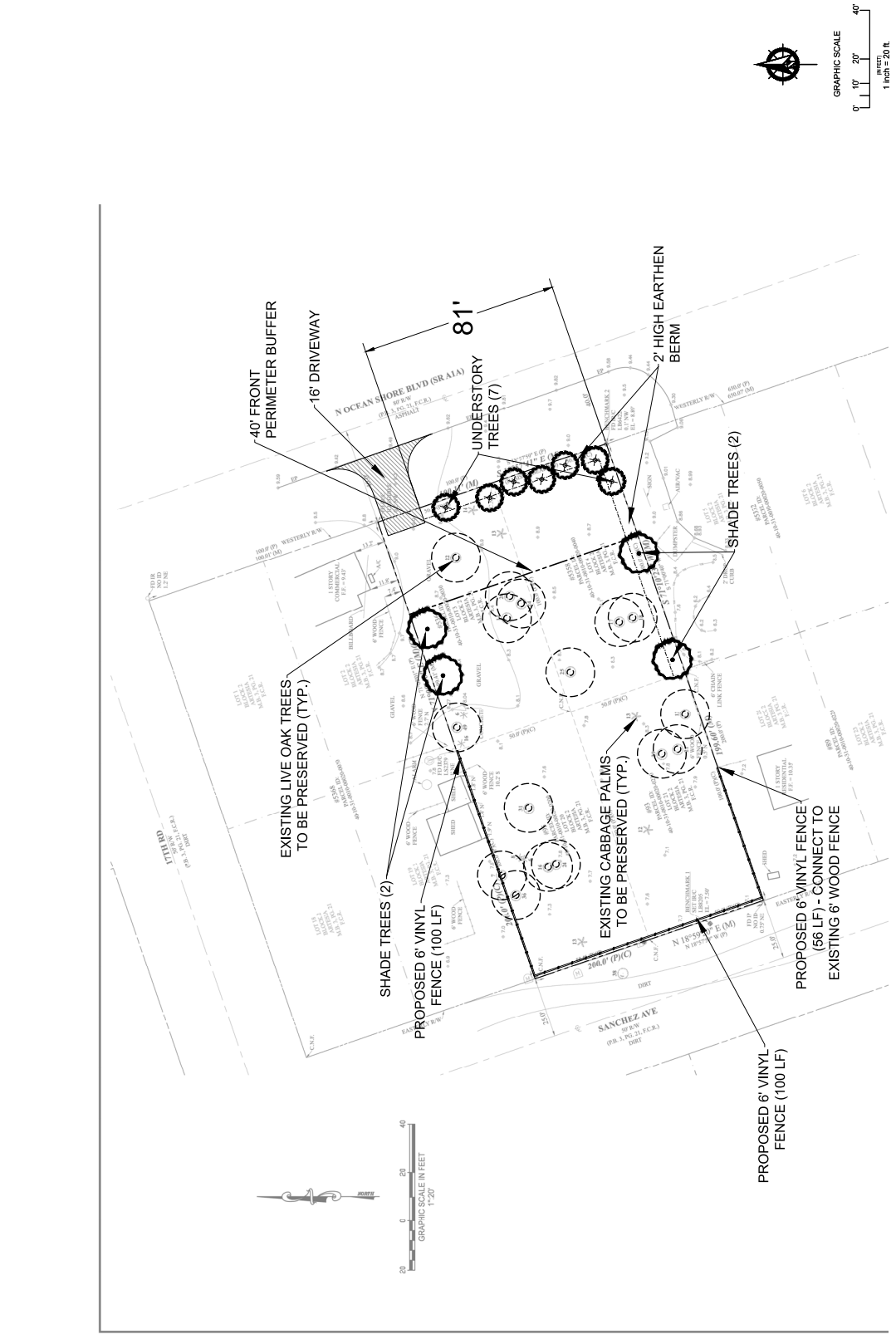
Unofficial Copy



For County Use

PERIMETER BUFFER CALCULATION CHART

BUFFER	FRONTAGE LF (LESS ACCESSWAYS)		SHADE TREE RATIO		TREES PROVIDED		EXISTING TREES (1 PER 50 LF)		SHADE - NATIVE		UNDERSTORY REQUIRED		UNDERSTORY PROVIDED	
	EXISTING	REQUIRED	EXISTING	REQUIRED	EXISTING	REQUIRED	EXISTING	REQUIRED	EXISTING	REQUIRED	EXISTING	REQUIRED	EXISTING	REQUIRED
FRONT 45'	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SIDE NORTH, N/A	100	100	125:1F	4	0	0	2	2	2	2	2	N/A	N/A	7
SIDE SOUTH, N/A	100	100	125:1F	4	0	0	2	2	2	2	2	N/A	N/A	7
REAR WEST, N/A	100	100	125:1F	4	0	0	2	2	2	2	2	N/A	N/A	7



Growth Management Department  
Planning & Zoning  
1769 E. Moody Blvd, Bldg. 2  
Bunnell, FL 32110

[www.flaglercounty.org](http://www.flaglercounty.org)

Phone: (386)313-4009

Fax: (386)313-4109



## TECHNICAL REVIEW COMMITTEE COMMENTS

**DATE: August 16, 2024**

Project #: 2024070056 / AR #5052

Attached are departmental comments regarding your submittal to Flagler County for the above referenced project. **Any questions regarding any of the comments should be addressed to the department providing the comment.**

Flagler County Building Department	386-313-4002
Flagler County Planning Department	386-313-4009
Flagler County Development Engineering	386-313-4082
Flagler County General Services (Utilities)	386-313-4184
County Attorney	386-313-4005
Flagler County Fire Services	386-313-4258
E-911 GIS Specialist	386-313-4274
Environmental Health Department	386-437-7358
Flagler County School Board	386-586-2386

Attachment: Staff Comments

## Reviewing Department Comments

### **ZON - ZONING (386-313-4009)**

#### Comments:

Rejected By: SIMONE KENNY - - SKENNY@FLAGLERCOUNTY.GOV

Rejected By: SIMONE KENNY - - SKENNY@FLAGLERCOUNTY.GOV

1. Is this to be an extension of the existing special exception for the Bronx House Pizza property?
2. What, if any, signage will be provided?
3. Show the the amount, location, and dimensions of parking spaces.
4. What material is proposed for the parking?
5. Show the vehicular circulation through the property.
6. Address the 9 special exception criteria in LDC Sec. 3.07.03 F, specifically:
  1. How will pedestrian access/safety be ensured? How are predestrians getting from the subject propoerty to the restaurant property?
  2. How will efects on neighboring properties be minimized?
  6. Will lighting be provided?
7. When more details are determined, please provide a site data table with areas and impervious calculations.
8. How will or won't parking be monitored?

### **FD1 - FIRE REVIEW**

#### Comments:

Marked INFORMATION By: JERRY SMITH - -

Will this keep cotumers and employees from parking on 17th street and Shanchaz Ave.

Both of these road need to stay open and drivable for emergency vehicals. two way traffice is 20 feet minmum one way traffic is 14 feet minmum per Florida Fire Prevention code and Life Safety codes.

### **ENGIN1 - DEVELOPMENT ENGINEERING (386-313-4082)**

#### Comments:

Rejected By: SUSAN GRAHAM - (386)313-4082 - SGRAHAM@FLAGLERCOUNTY.GOV

Special Exception

2024070056

App# 5052

- 1.The location and size of proposed improvements shall be shown on the site plan.
- 2.The material for the parking lot should be described in detail. If to remain natural the natural state of the lot should be described.
- 3.Demonstrate that the site will have safe pedestrian passage to and from the Bronx House site.
- 4.Provide a site data table that includes parking calculations.
- 5.Parking spaces shall be shown and detailed on the site plan.

6.What will prevent the 40-foot front buffer from being utilized for parking.

7.The site shall be accessed from A1A only.

8.What type of site lighting will be provided?

9.Will the driveway apron be paved? Has the FDOT reviewed the project?

10.How will the site be secured when not in use?

11.Will the hours of operation for the parking lot be consistent with the Bronx House site?

12.How will the site be secured when the lot is not in use?

# **LIVINGSTON & SWORD, P.A.**

## **Attorneys At Law**

---

August 30, 2024

Technical Review Committee  
Growth Management Department  
Flagler County Planning & Zoning  
1769 E. Moody Blvd., Bldg. 2  
Bunnell, Florida 32110

Subject: Applicant's Responses to Technical Review Committee Comments  
dated August 16, 2024  
Project Name: Bronx House Valet Parking Lot  
Project #2024070056  
AR #5052

Members of the Technical Review Committee:

I am submitting this response to the Technical Review Committee ("TRC") Comments dated August 16, 2024 on behalf of the landowner A1A 5384, LLC. The TRC Comments are restated below followed by the applicant's responses. Although we believe the below responses address all of the TRC comments an updated conceptual plan is also being submitted to provide more information and clarity regarding the proposed modification to the Planning and Development Board Special Exception Development Order No. 3024. Specifically, the updated plan provides for the required buffers and landscaping details and clarifies that the proposed overflow parking lot will be for valet parking only and not directly accessible by the general public or patrons of the Bronx House restaurant.

### **Reviewing Department Comments:**

#### **ZON - ZONING**

#### **Comments:**

**Rejected By: Simone Kenny**

1. Is this to be an extension of the existing special exception for the Bronx House Pizza property?

**RESPONSE: Yes. The parking lot is intended to serve as a valet only parking lot to better control street parking within the A1A right of way, 17<sup>th</sup> Rd and Sanchez Ave. It is not intended to increase the restaurant seating capacity for the Bronx House as approved in the existing special exception.**

---

391 Palm Coast Parkway SW #1  
Palm Coast, Florida 32137  
T 386.439.2945  
F 866.896.5573  
jay.livingston314@protonmail.ch

2. What, if any, signage will be provided?

**RESPONSE:** No exterior signage is proposed as we do not want to attract the general public and patrons of the restaurant to park in the lot. Patrons should pull into the main Bronx House parking area for valet service. Informational, directional and no trespassing signs may be posted within the interior of the property to prevent and deter unauthorized access and to ensure no vehicles are parked within the required buffers.

3. Show the amount, location, and dimensions of parking spaces.

**RESPONSE:** Based on pre-application discussions with Adam Mengel, it was our understanding we would not need to provide a count of available parking spaces or their location and dimensions if the parking lot was for valet service only. The parking area within the required buffers will be used by the valet attendants to store vehicles on the site in a manner that ensures they can be retrieved when needed.

4. What material is proposed for the parking?

**RESPONSE:** The parking lot will be maintained in its natural state with the area to be used for parking seeded with Bahia grass. This will avoid the placement of fill dirt and impervious surfaces, which would likely require stormwater management and significant clearing of the lot. Keeping the lot in its natural state with only minimal clearing to provide for a grassed parking area will allow the landowner to maximize the number of preserved trees and protect the integrity of A1A as a Scenic Byway.

5. Show the vehicular circulation through the property.

**RESPONSE:** There will not be general access to the parking lot by anyone except valet attendants employed by the Bronx House. Therefore, a depiction of internal vehicular circulation is unnecessary. Patrons of the restaurant will pull into the Bronx House parking lot located next to the restaurant building to deliver their vehicle to a valet attendant. The valet attendant will then make a right turn onto A1A and another right turn into valet parking lot. When the valet attendant retrieves a vehicle from the valet parking lot, they will make a left turn out of the lot and then another left turn into the restaurant parking lot to return the vehicle to the customer. The foregoing description of circulation to and from the restaurant and the valet parking lot is subject to approval and modification by the Florida Department of Transportation.

6. Address the 9 special exception criteria in LDC Section 3.07.03 F, specifically:

1. How will pedestrian access/safety be ensured? How are pedestrians getting from the subject property to the restaurant property?



**RESPONSE: The lot will be for valet parking only. There will not be general pedestrian traffic to and from the parking lot and the Bronx House restaurant.**

2. How will effects on neighboring properties be minimized?

**RESPONSE: A six foot privacy fence is proposed along Sanchez Ave and along the shared boundaries with adjacent properties to the north and south as depicted on the conceptual plan. In addition, a 15' landscape buffer will be placed along boundary shared by the valet parking lot and the residential use located to the south along Sanchez Ave.**

3. Will lighting be provided?

**RESPONSE: No lighting is proposed. We do not want to attract patrons to use the lot with lighting and signage. It will be for valet parking only.**

7. When more details are determined, please provide a site data table with areas and impervious calculations.

**RESPONSE: Applicable site data with relevant area calculations is provided on the revised conceptual plan. No additional impervious surfaces are proposed except the possibility of a de minimis addition if the County or FDOT requires the driveway apron to be paved.**

8. How will or won't parking be monitored?

**RESPONSE: During business hours the parking lot will be monitored by the valet attendant(s). The parking lot will be locked and secured after hours or on days it is not in use with the same or a similar lock and chain currently controlling access to the property.**

FD1 – FIRE REVIEW

Comments:

Marked INFORMATION By: Jerry Smith

Will this keep customers and employees from parking on 17<sup>th</sup> street and Sanchez Ave. Both of these roads need to stay open and drivable for emergency vehicles. Two way traffic is 20 feet minimum one way traffic is 14 feet minimum per Florida Fire Prevention Code and Life Safety codes.

**RESPONSE: Yes, the primary purpose of this application is to minimize parking along 17<sup>th</sup> Rd and Sanchez Ave and within the A1A right-of-way.**

ENGIN1 – DEVELOPMENT ENGINEERING

Comments:

Rejected By: Susan Graham

1. The location and size of proposed improvements shall be shown on the site plan.

**RESPONSE: No improvements are proposed. This application is for a valet only parking area to serve the Bronx House restaurant.**

2. The material for the parking lot should be described in detail. If to remain natural the natural state of the lot should be described.

**RESPONSE: The parking lot is to remain natural. The interior areas outside of any landscape buffer will be seeded with Bahia grass. The conceptual plan has been updated to specify the proposed surface for the parking area.**

3. Demonstrate that the site will have safe pedestrian passage to and from the Bronx House site.

**RESPONSE: The parking lot will be valet only and will create no additional pedestrian traffic. Only valet attendants will have access to the parking lot. Appropriate safety vests or other reflective clothing will be provided to valet attendants to ensure their safety when moving to and from the parking lot.**

4. Provide a site data table that includes parking calculations.

**RESPONSE: The parking lot is intended to be used for valet parking to minimize restaurant patron's parking along A1A, 17<sup>th</sup> Rd, and Sanchez Ave. Based on pre-application discussions with Adam Mengel there is no plan to delineate or stripe parking spots.**

5. Parking spaces shall be shown and detailed on the site plan.

**RESPONSE: See response to above comment.**

6. What will prevent the 40-foot buffer from being utilized for parking.

**RESPONSE: The plantings and landscaping within the buffer will be installed to prevent access to the buffer. Internal signage can also be installed to prevent parking within the buffer, if necessary.**

7. The site shall be accessed from A1A only.

**RESPONSE: Duly noted. The conceptual plan clearly shows only access from A1A. Access to Sanchez Ave or onto adjacent properties is controlled by the 6' privacy fence.**

8. What type of site lighting will be provided?

**RESPONSE: No site lighting is proposed.**

9. Will the driveway apron be paved? Has the FDOT reviewed the project?

**RESPONSE: The property owner is not proposing to pave the driveway apron unless required by Flagler County or the FDOT. The plan proposes to use the existing driveway cut onto the property. If FDOT approval is required for the right of way access to A1A, then that can be added as a development order condition.**

10. How will the site be secured when not in use?

**RESPONSE: The site will be chained and locked to prevent unauthorized access when not in use.**

11. Will the hours of operation for the parking lot be consistent with the Bronx House site?

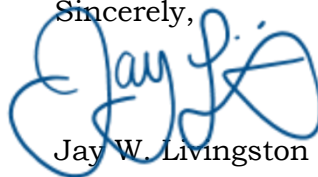
**RESPONSE: Yes, but only after 5pm or when needed to prevent offsite parking within surrounding right of ways. The parking lot will be closed and locked when the restaurant is not in use.**

12. How will the site be secured when the lot is not in use?

**RESPONSE: See response to #10 above.**

Please contact me if you have any questions or comments.

Sincerely,

A handwritten signature in blue ink that reads "Jay W. Livingston". The signature is stylized and cursive.

Jay W. Livingston

CC: A1A 5384, LLC

# **LIVINGSTON & SWORD, P.A.**

## **Attorneys At Law**

---

August 30, 2024

Flagler County Planning and Development Board  
1769 E. Moody Blvd., Bldg. 2  
Bunnell, Florida 32110

Subject: Application for Special Exception  
Project Name: Bronx House Valet Parking Lot  
Project #2024070056  
AR #5052

Members of the Planning and Development Board:

I am writing this letter on behalf of my client A1A 5384, LLC in support of its application to modify Planning and Development Board Order No. 3024 ("DO"), which approved a restaurant as a special exception use on the property located at 5384 N. Oceanshore Boulevard. The present application requests a modification of the DO to permit a separate valet only parking area for overflow parking.

As you may be aware, customers of various commercial uses in the Hammock choose to park along A1A or along the side streets off of A1A. Regardless of whether these customers choose to park this way due to convenience or limited parking in the available commercial parking areas in the Hammock, this situation has negatively impacted the integrity of A1A as a Scenic Byway and safe ingress and egress from the public rights of way.

To help address this problem A1A 5384, LLC made a significant investment by purchasing 4 lots to the south of and in close proximity to the Bronx House restaurant for \$430,000.00. The lots were purchased to serve as a valet parking lot to provide customers of the restaurant an alternative option to parking within the public right of ways. In addition, since the proposed parking lot will be for valet parking only it will be kept largely in its natural state with a parking surface consisting of seeded Bahia grass, limited clearing of the lot, preservation of the existing tree canopy, and no additional impervious surfaces, except possibly a de minimis addition for the access driveway apron if required by Flagler County or the Florida Department of Transportation.

The valet parking lot is proposed to discourage customers of the restaurant from choosing to park in the public right of way. No expansion of the seating area of the restaurant is proposed as a result of the additional parking area the valet parking lot will provide. To ensure that the parking lot is only to be used by the customers of the restaurant, the development order approving the modification should include a

---

**391 Palm Coast Parkway SW #1**  
**Palm Coast, Florida 32137**  
**T 386.439.2945**  
**F 866.896.5573**  
**[jay.livingston314@protonmail.ch](mailto:jay.livingston314@protonmail.ch)**

condition that the parking lot cannot be used or conveyed separately from the restaurant unless the special exception approval is modified to allow abandonment of the parking lot or the restaurant use is abandoned so that the parking lot is no longer needed.

When reviewing an application for special exception the Board shall be guided by the criteria set forth in Section 3.07.03(F)(1)-(9) of the Flagler County Land Development Code. The following restates this criteria along with the applicant's explanation as to how each is satisfied by the present application:

- (1) Ingress and egress from the property shall provide for automotive and pedestrian safety and convenience, shall not unduly interfere with traffic flow and control, and shall provide access in case of fire or catastrophe.

**RESPONSE: The parking lot will be used for valet parking only. With the exception of valet attendants moving to and from the restaurant and parking area there will be no pedestrian activity generated from the proposed use. Access will be limited to one point of ingress and egress from the parking lot and A1A. Vehicles will enter the restaurant parking lot before being moved to the valet parking area by a valet attendant. Valet attendants will be equipped with safety vests or other reflective clothing to ensure their safety when moving back and forth from the restaurant and the valet parking lot.**

- (2) Offstreet parking and loading areas shall be provided as required, shall take into account relevant factors in subsection 1. preceding, and shall be located to minimize economic, noise, glare or odor effects on adjacent and nearby properties.

**RESPONSE: The purpose of the proposed valet parking lot is to ensure offstreet parking for the restaurant use and minimize customers choosing to park in the public rights of way. The valet parking lot will not be accessible by the general public or customers of the restaurant. This eliminates the need for the installation of impervious surfaces or site lighting within the parking lot. A six foot privacy fence will be installed along Sanchez Avenue and adjacent residential uses to minimize impacts on those properties. By reducing the likelihood that customers will choose to park within public rights of way the proposed valet parking lot will have an immediate net positive effect on the surrounding areas and properties.**

- (3) Refuse and service areas shall be located with consideration for relevant factors in subsection 1. and 2. preceding.

**RESPONSE: The proposed valet parking lot use will not create any need for additional refuse or service areas. Therefore, this provision is not applicable to the present application.**

- (4) The proposed use shall be compatible with the availability and location of utility services, whether public or private.

**RESPONSE: The proposed valet parking lot use will not require any utilities or new utility connections. Therefore, this provision is not applicable to the present application.**

- (5) Screening and buffering shall be provided which preserves or improves compatibility and harmony of use and structure between the proposed use and adjacent and nearby properties, according to the type, dimensions and character of the proposed use.

**RESPONSE: As depicted on the conceptual plan a 6 foot privacy fence is proposed along the back of the property that runs along Sanchez Avenue as well as along the back sides of the property to avoid any impacts on adjacent non-commercial uses. A 40 foot buffer along A1A as well as a 15 foot landscape buffer along the residential use to the south the parking lot are proposed to ensure compatibility and harmony and to comply with the Land Development Code.**

- (6) Signs and exterior lighting, if any, shall maintain traffic safety and minimize glare and economic effects on adjacent and nearby properties.

**RESPONSE: No signs or exterior lighting are proposed or required for the proposed use. Therefore, this provision is not applicable to the present application.**

- (7) Required yards and open spaces shall be provided.

**RESPONSE: As noted above, buffers as required by the Land Development Code are being provided. No new structures are proposed that would result in the need for required yards or open spaces. The site will remain largely in its natural state with preserved canopy trees and a Bahia grassed parking area. It will provide valuable open space to this portion of the A1A corridor.**

- (8) The height of structures shall be in harmony with that of adjacent and nearby uses and structures.

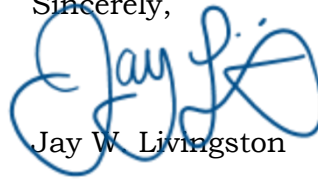
**RESPONSE: No structures are proposed. Therefore, this provision is not applicable to the present application.**

- (9) The economic effect of the proposed use on adjacent and nearby properties shall be positive.

**RESPONSE: The proposed valet parking area will have an immediate positive impact on the adjacent and nearby properties by reducing the likelihood that customers of the restaurant will choose to park in the surrounding public rights of way. This will reduce the visual blight caused by cars parked in the public rights of way as well as increase visibility to adjacent and nearby commercial uses. In addition, as long as the property is used for valet parking it will remain largely in its natural state, which will also contribute to the integrity of the A1A Scenic Byway and the value of adjacent and nearby properties.**

The landowner and the operators of the Bronx House restaurant look forward to presenting this application for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jay W. Livingston". The signature is stylized and cursive, with the first name "Jay" being the most prominent.

Jay W. Livingston

CC: A1A 5384, LLC



## Scenic A1A PRIDE

*Promoting Rational Integration of Development & Environment*

August 25, 2024

Adam Mengel  
Flagler County Growth Management  
1769 E. Moody Blvd, Bldg 2  
Bunnell, FL 32110

### **Special Exception for Overflow Parking Lot. Project #2024070056**

Dear Mr. Mengel,

Mr. Bruno DiFabio accepted our invitation to our meeting but failed to attend. We utilized the information provided during the 8/21/24 TRC meeting to complete the review without him. We created our own diagrams to illustrate projected traffic flow and estimated parking capacity.

The overflow parking lot appears to be a solution to an ongoing problem of insufficient parking spaces at Bronx Pizza. However, when you analyze it further, there are several issues that become apparent.

- The traffic flow will create a real safety issue (see Diagram 1).
- A standalone parking lot is not a permitted use.
- This will set a bad precedent for the Scenic Corridor Overlay.

We realize that a solution is needed, but the root cause is that the seating was doubled at Bronx House without a commensurate increase in parking. If the seating is reduced to the approved 750 square feet until the sewer is available, the problem can be solved by adding parking spaces to the area where the septic field is vacated (see Diagram 3).

For the above reasons, we do NOT support the proposed overflow parking lot.

Sincerely,

Dennis Clark, Chair  
SCENIC A1A PRIDE  
5784 N. Oceanshore Blvd, Palm Coast, FL 32137

c.c.: Sean Moylan, Simone Kenny, Susan Graham, Scenic A1A PRIDE board



# Scenic A1A PRIDE Site Review Committee Report on Parking Lot Special Exception

## From the 8/21/24 TRC Agenda:

4. Project No. 2024070056 – **SPECIAL EXCEPTION IN THE R/C (RESIDENTIAL/LIMITED COMMERCIAL) DISTRICT** – request for a Modification to an approved Special Exception (Order No. 3024) for an **Overflow Parking Lot** in the R/C (Residential/Limited Commercial) District

### **Purpose:**

Free valet parking for Bronx House to alleviate the parking shortage on their property.

### **Root Cause:**

Seating areas at Bronx House were doubled from the approved 750 SF to 1,500 SF without a corresponding increase in parking. Concerts in the Beer Garden exacerbated the problem, along with additional spaces needed for takeout orders, additional employees, and delivery vehicles. Parking overflowed to the side streets and the SunTrust building across the street.

### **Number of additional spaces provided:**

Unknown. Valet parking will fit as many as possible. (see Diagram 2 for estimated maximum)

### **Signage, Lighting:**

Only “No Trespassing” signs. No lighting.

### **Access Control**

Access will be controlled with a lock and chain across the entrance. **Will employees park here?**

### **Operation, Hours**

An A-Frame sign in front of Bronx House will alert drivers who will valet park. One or two parking attendants will drive cars between Bronx House to the parking lot and back. Hours are 5 pm to 9 pm. **Takeout customers will not want valet parking. Estimate 50+ trips/day on weekends.**

### **Tree Protection:**

No Oak trees will be impacted.

### **Parking Surface:**

Grass. Will seed with Bahia grass and maintain.

### **Will left turns from overflow lot be allowed through a no passing control area?**

Unknown. **Left turns are prohibited from Bronx House parking lot.**

### **Scenic Byway Impact:**

A FDOT approved driveway will be required. A required forty-foot landscape buffer will be created to hide the parked cars and keep unauthorized cars from parking in the buffer area. Additional No Parking signs may be needed to keep vehicles from parking in the right-of-way. Traffic on A1A will increase in this area with the operation (see projected traffic flow diagram below).

### **Other Landscape Buffers**

A 15-foot landscape buffer is required next to the residential use and either a 10-foot or 20-foot wide landscape buffer is required in the rear, depending on the definition of residential use.

## Scenic A1A PRIDE Site Review Committee Report on Parking Lot Special Exception

- (5) *Off-street parking and vehicle use areas.* Off-street parking facilities and other vehicular use areas, excepting permitted accessways, shall meet the following requirements:
- (a) Perimeter requirements.
- 2a. *Side and rear perimeter landscape areas in the A1A Scenic Corridor.* A ten (10) foot wide landscape strip buffer of land, located shall be required along the side and rear property lines. **The minimum width of this landscape buffer shall be fifteen (15) feet for the side and twenty (20) feet for the rear for a nonresidential use when adjacent to residential uses or zoning.** No landscape buffer is required for a nonresidential use when it is adjacent to nonresidential uses or zoning, but tree planting shall still be required or in the case of like commercial uses, where no setbacks or landscape areas are required. Common driveways and sidewalks serving adjacent properties are exempt from perimeter requirements.

### Are Parking Lots a Permitted Use?

Only when they are within unity of title of a contiguous commercial property. This one is not.

### Special Exception Requirements:

- F. ***Special exception guidelines.*** The planning board shall hear and decide upon requests for special exceptions as authorized by land classifications. The board may approve, with conditions, requests which are in harmony with the intent and purpose of the regulations. In making its determination, the board shall be guided by the following:
1. Ingress to and egress from the property shall provide for automotive and pedestrian safety and convenience, shall not unduly interfere with traffic flow and control, and shall provide access in case of fire or catastrophe. **This operation will interfere with traffic flow.**
  2. Offstreet parking and loading areas shall be provided as required, shall take into account relevant factors in subsection 1. preceding, and shall be located to minimize economic, noise, glare or odor effects on adjacent and nearby properties. **This parking overflow problem is currently a hazard to neighbors because the business expanded without providing the necessary offstreet parking onsite.**
  3. Refuse and service areas shall be located with consideration for relevant factors in subsections 1. and 2. preceding. **Service areas doubled using the patio area without increasing parking.**
  4. The proposed use shall be compatible with the availability and location of utility services, whether public or private. **The septic system has a limit of 57 full-service seats or 114 with paper plates for pizza (per J. Bey).**
  5. Screening and buffering shall be provided which preserves or improves compatibility and harmony of use and structure between the proposed use and adjacent and nearby properties, according to the type, dimensions and character of the proposed use. **Forty-foot landscape buffer provided. Side buffers are also required. Six-foot fencing on rear and sides will prevent vehicle lights from entering neighboring properties.**
  6. Signs and exterior lighting, if any, shall maintain traffic safety and minimize glare and economic effects on adjacent and nearby properties. **Only No Trespassing signs are planned. A-frame signs are planned for valet parking.**
  7. Required yards and open spaces shall be provided. **Not applicable. Stormwater retention was not mentioned.**
  8. The height of structures shall be in harmony with that of adjacent and nearby uses and structures. **Not applicable.**
  9. The economic effect of the proposed use on adjacent and nearby properties shall be positive. **Negative.**

In granting any special exception, the board may prescribe appropriate conditions and safeguards in conformity with these development regulations. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is recommended, shall be deemed a violation of these development regulations. In granting a special exception, the board shall prescribe a time limit within which the uses for which the special exception, if granted, shall be begun or completed, or both. Failure to begin or complete, or both, such use within the time limit shall void the special exception.



# Scenic A1A PRIDE Site Review Committee Report on Parking Lot Special Exception



Diagram 1: Projected Traffic Flow Diagram



# Scenic A1A PRIDE Site Review Committee Report on Parking Lot Special Exception

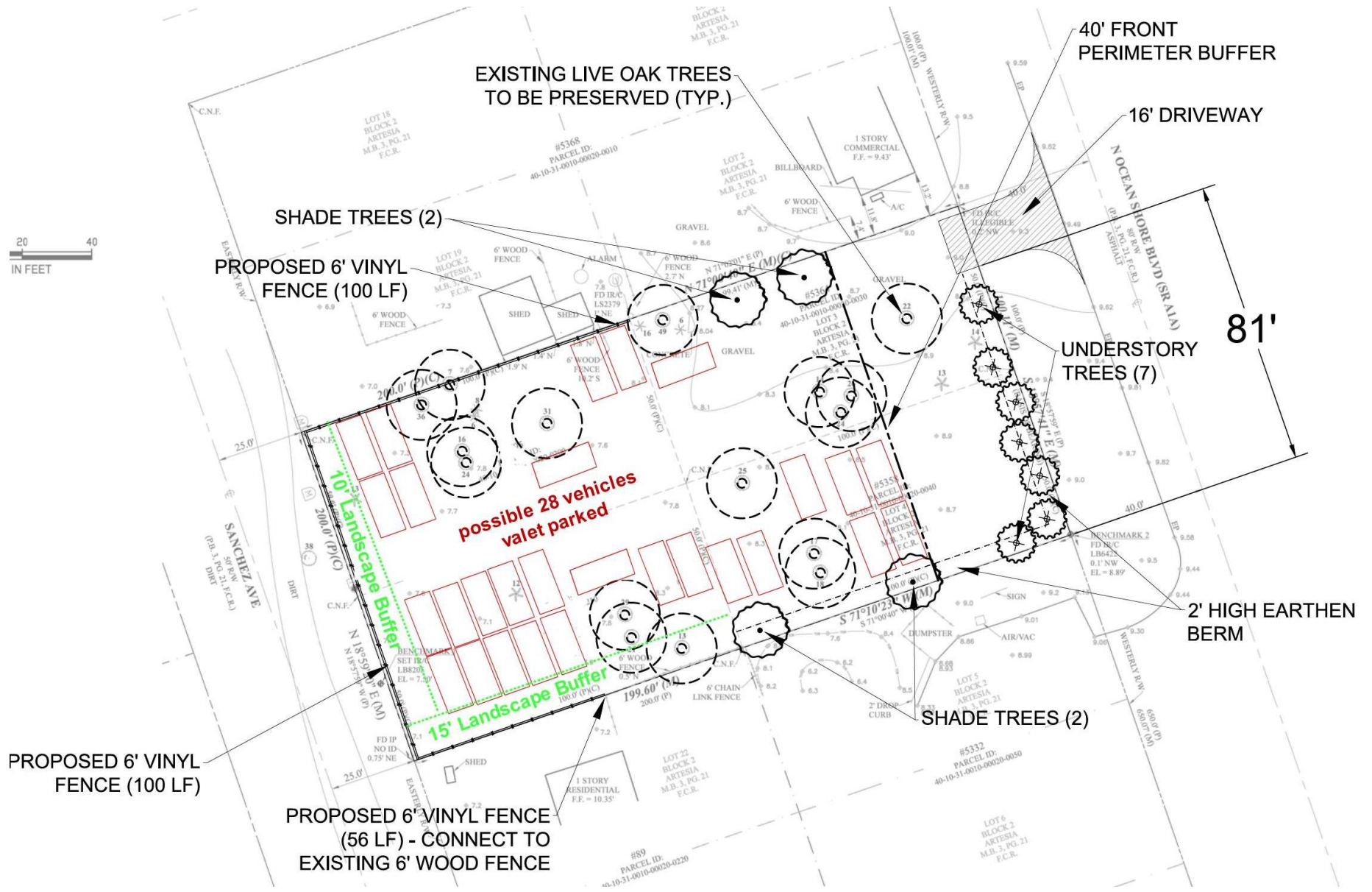


Diagram 2: Estimated maximum vehicles with valet parking

Scenic A1A PRIDE Site Review Committee Report on Parking Lot Special Exception

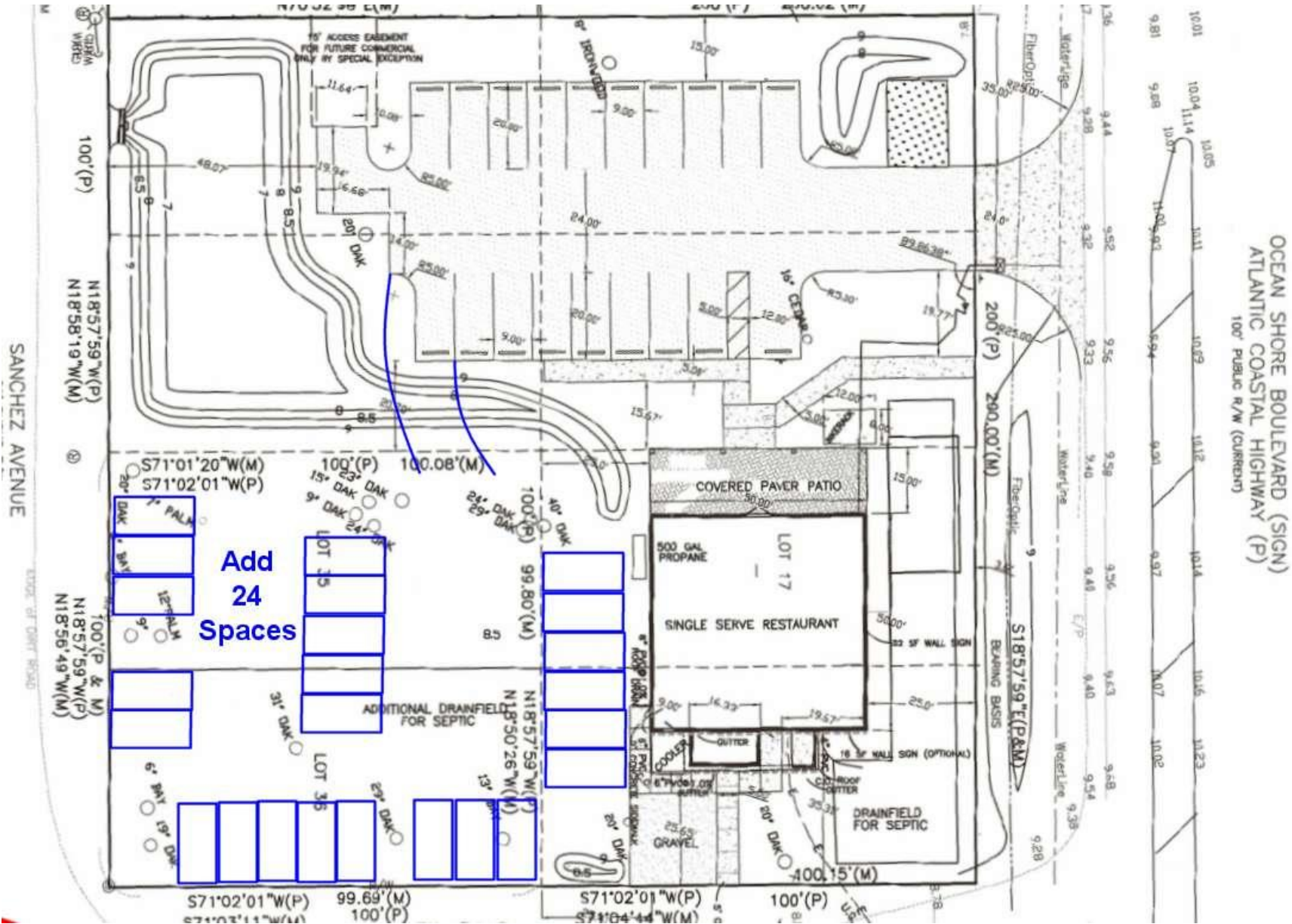


Diagram 3: Solution: add 24 spaces to Bronx House when public sewer is available.

**Growth Management Department**  
**Planning & Development**  
**1769 E. Moody Blvd, Bldg. 2**  
**Bunnell, FL 32110**



[www.flaglercounty.org](http://www.flaglercounty.org)  
Phone: (386)313-4009  
Fax: (386)313-4109

August 27, 2024

«OwnerName»  
«OwnerAddress1»  
«OwnerAddress2»  
«OwnerCityStZip»

Re: Project No. 2024070056 – Special Exception in the R/C (Residential/limited commercial) District

Dear Property Owner:

As owner of property within 300' of the property referenced herein, the Flagler County Planning Department, in accordance with Section 2.07.00 of the Flagler County Land Development Code, advises you that:

A request has been by Jay W. Livingston, Esq. on behalf of owners A1A 5384, LLC for a modification to an approved Special Exception (Order No. 3024) for an Overflow Parking Lot in the R/C (Residential/Limited Commercial Use) District at 93 and 95 Sanchez Avenue, and 5358 and 5364 North Oceanshore Boulevard. Parcel numbers: 40-10-31-0010-00020-0030, -0040, -0200, and -0210; Parcel size: 20,000 square feet (0.4591 acres)/

You are hereby notified that a public hearing before the **Flagler County Planning and Development Board**, required by law, will be held in the Flagler County Government Services Building, Board Chambers, at 1769 East Moody Boulevard, Building 2, Bunnell Florida, on **September 10, 2024**, beginning at **6:00 p.m.** or as soon thereafter as possible. You are welcome to attend and express your opinion.

Sincerely,

A handwritten signature in cursive script that reads "Simone Kenny".

Simone Kenny  
Senior Planner

NOTE: PURSUANT TO SECTION 286.0105. FLORIDA STATUTES, IF A PERSON DECIDED TO APPEAL ANY DECISION BY THE BOARD, AGENCY OR COMMISSION WITHRESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS AND THAT, FOR SUCH PURPOSE, HE OR SHE WILL NEED TO ENSURE THAT A VERBATUM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTAMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

**Andy Dance**  
**District 1**

**Greg Hansen**  
**District 2**

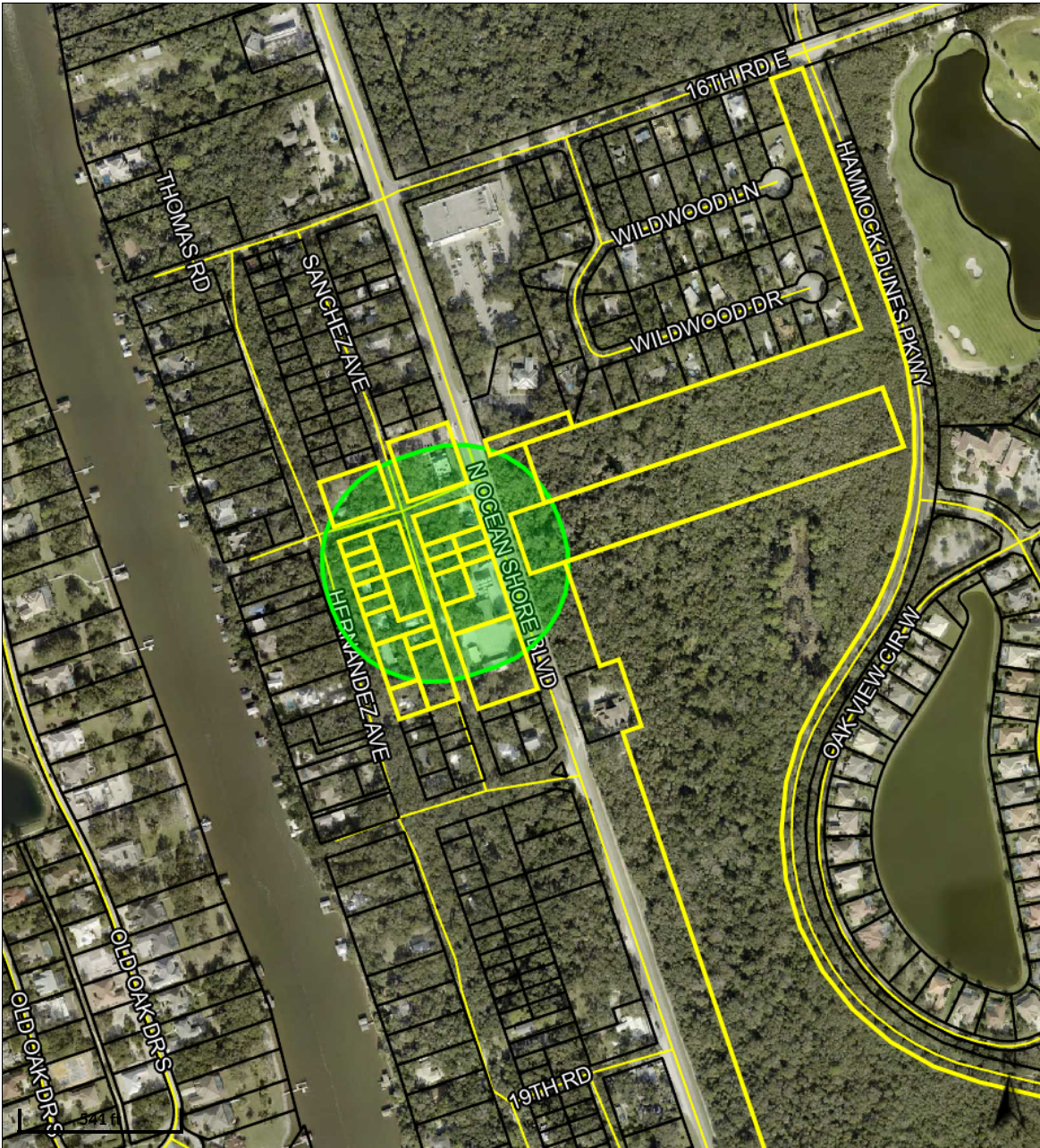
**David Sullivan**  
**District 3**

**Leann Pennington**  
**District 4**

**Donald O'Brien, Jr.**  
**District 5**



# FLAGLER COUNTY PROPERTY APPRAISER



## Overview



## Legend

- Parcels
- Roads
- Streams and Rivers

Date created: 8/26/2024  
Last Data Uploaded: 8/26/2024 8:17:52 AM

Developed by  Schneider  
GEOSPATIAL

Project 2024070056

Parcelld	OwnerName	OwnerAddress1	OwnerAddress2	OwnerAddress3	OwnerCityStZip	Country
40-10-31-0010-00050-0360	KLINGER JANICE F		101 HERNANDEZ AVE		PALM COAST, FL 32137	
40-10-31-0010-00060-0180	FANCHER JAMES	& LORI FANCHER H&W	99 HERNANDEZ AVENUE		PALM COAST, FL 32137	
40-10-31-0010-00060-0190	PIUS MICHAEL DAVID	& ELENA NICOLE H&W	97 HERNANDEZ AVE		PALM COAST, FL 32137	
40-10-31-0010-00060-0200	WHITNEY ANNETTE WALTERS	LIFE ESTATE	95 HERNANDEZ AVENUE		PALM COAST, FL 32137	
40-10-31-0010-00060-0210	CONNOR HIRAM MAX		93 HERNANDEZ AVE		PALM COAST, FL 32137	
40-10-31-0010-00060-0220	SMITH SHIRLEY E & JAMES B	SMITH & JERRY N SMITH JTWROS	91 HERNANDEZ AVE		PALM COAST, FL 32137	
40-10-31-0010-00060-0250	TERRELL NANCY R LIFE ESTATE		2131 S CENTRAL AVE		FLAGLER BEACH, FL 32136	
40-10-31-0010-00060-0020	LEAHY SEAN		98 SANCHEZ AVE		PALM COAST, FL 32137	
40-10-31-0010-00060-0040	SANZONE CAROL A &	DEANA SANZONE JTWROS	90 SANCHEZ AVE		PALM COAST, FL 32137	
40-10-31-0010-00010-0150	A1A 5384 LLC		13 CAPRI CT		PALM COAST, FL 32137	
40-10-31-0010-00060-0280	EDMONDSON JASON MICHAEL		77 HERNANDEZ AVE		PALM COAST, FL 32137	
40-10-31-0010-00060-0070	GRACE SMITH LLC		84 HERNANDEZ AVE		PALM COAST, FL 32137	
40-10-31-0010-00060-0080	ODUM DALE R & DIANE C ODUM		86 SANCHEZ AVE		PALM COAST, FL 32137	
40-10-31-0010-00060-0090	PITTENGER ROBERT S		82 SANCHEZ AVE		PALM COAST, FL 32137	
40-10-31-0010-00020-0200	A1A 5384 LLC		13 CAPRI CT		PALM COAST, FL 32137	
40-10-31-0010-00020-0010	5368 OCEANSHORE LLC		162 ISLAND ESTATES PKWY		PALM COAST, FL 32137	
40-10-31-0010-00020-0210	A1A 5384 LLC		13 CAPRI CT		PALM COAST, FL 32137	
40-10-31-0010-00020-0220	HOOPES RICHARD L		PO BOX 2748		BUNNELL, FL 32110	
40-10-31-0010-00020-0050	HARI OAM 4 LLC		14106 US HIGHWAY 19		HUDSON, FL 34667	
40-10-31-0010-00020-0030	A1A 5384 LLC		13 CAPRI CT		PALM COAST, FL 32137	
40-10-31-0010-00020-0090	HAMMOCK FIRST BAPTIST CHURCH	A/K/A HAMMOCK BIBLE CHURCH	5328 N OCEANSHORE BLVD		PALM COAST, FL 32137	
40-10-31-0010-00020-0040	A1A 5384 LLC		13 CAPRI CT		PALM COAST, FL 32137	
40-10-31-0000-01100-0000	BURGESS RUTH ANN		PO BOX 3566		WAVES, NC 27982	
40-10-31-0000-01220-0000	KGJG INVESTMENT LLC		200 OCEAN CREST DRIVE 509		PALM COAST, FL 32137	
04-11-31-2984-00000-00B5	COUNTY OF FLAGLER	%BOARD OF COUNTY COMMISSIONERS	1769 E MOODY BLVD BLDG 2 SUITE 302		BUNNELL, FL 32110	

I hereby affirm mailed notice to each owner on 8/27/2024 for the Planning and Development Board meeting on 9/10/2024 at 6:00 pm.

  
 Simone Kenny, Development Review Planner



