

**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD  
PUBLIC HEARING / AGENDA ITEM #5**

**SUBJECT:** **QUASI-JUDICIAL** – Application #3189 – Request for Variances in the C-2 (General Commercial and Shopping Center) and R-1 (Rural Residential) Districts at 5658 North Oceanshore Boulevard. Parcel #40-10-31-3150-00000-0420; 4.26+/- acres. Owner: Hammock Harbour, LLC/Applicant: Robert Million (Project #VAR-000029-2019).

**DATE OF MEETING:** August 13, 2019

**OVERVIEW/SUMMARY:** This request is quasi-judicial in nature and requires disclosure of ex parte communication. The request is for approval of two variances in the C-2 (General Commercial and Shopping Center) and R-1 (Rural Residential) District for relief from the 40 foot maximum height requirement and the 50 foot rear setback requirement. Both variances are from the C-2 District's dimensional requirements in the A1A Scenic Corridor Overlay; the R-1 District's requirements do not apply. This parcel is 4.264+/- acres in size, identified as parcel #40-10-31-3150-00000-0420, and is located on the West side of North Oceanshore Boulevard (a/k/a State Road A-1-A), approximately midway between Malacompra Road and 16th Road:



On May 29, 2019, Mr. Million submitted a Site Development Plan application under 5 acres to the Planning and Zoning Department for Site Development Plan Review. During the review process it was determined that based on the proposed plan two variances would be required. On July 19, 2019, Mr. Million submitted the variance application requesting relief for the maximum height and the minimum rear setback requirements. The owner is seeking the following variances:

1. 18 foot variance from the 40 foot maximum building height (LDC Section 3.03.17.Da.2(c)); and
2. 15 foot variance from the minimum 50 foot rear setback (LDC Section 3.03.17.Da.2(b)).

The height variance is requested to permit the tear-down of the existing metal boat manufacturing building and its replacement with a new building designed for boat storage. The proposed new building's height – as described by the applicant – is less than the height of the existing building, but greater than the 40-foot maximum height. The rear yard setback variance is being sought for a new building intended for use as a waterfront restaurant.

This application – though not scheduled on a Technical Review Committee (TRC) agenda – was discussed as part of the Site Development Plan Review by the TRC on July 17, 2019 which was the catalyst for this application. This variance request along with the Site Development Plan application was presented to the Scenic A1A PRIDE Committee on July 26, 2019. A copy of the Committee's review letter is attached to this report.

This parcel was previously developed as Treworgy Yachts, Inc., a builder of custom boats. Treworgy's ownership of the parcel began in 1989 (Official Records Book 386, Page 975, Public Records of Flagler County, Florida), prior to adoption of the County's unified Land Development Code in 1991. The parcel was considered grandfathered for the boat building business, with a C-2 zoning designated for Lots 42 and 43. Newcastle Marine's purchase of the parcel in 1999 (Official Records Book 657, Page 1956, Public Records of Flagler County, Florida) brought with it a proposal for expansion on the site, including use of Lot 41 to the North which had been previously left with its R-1 and R/C zoning and Residential Low Density/Rural Estate Future Land Use designation. Through Application #2087, the Board of County Commissioners approved the rezoning from R/C to C-2 for the initial 200 feet of lot depth running westerly from the front parcel line along North Oceanshore Boulevard, with the remaining R-1 portion of the lot depth – running westerly from the 200-foot limit of the R/C to the West parcel line at the Intracoastal Waterway – to be split-zoned, with the southerly 60 feet rezoned to C-2 and the northerly 40 feet to remain as R-1 and to serve as the landscape buffer for the stormwater detention and additional parking located on the southerly 60 feet of Lot 41. The new area of the C-2 zoning was likewise amended to Commercial High Intensity (CHI) consistent with the C-2 rezoning from its respective Mixed Use: Low Intensity, Low- to Medium-Density (MUL) designation corresponding to the previous R/C and Residential Low-Density/Rural Estate (RLDRE) corresponding to the previous R-1. The approval of the rezoning and Future Land Use amendment included buffering of the North and South parcel lines so as to lessen impacts onto the adjacent residential uses, along with a minimum 35-foot building setback to the North and South. These are before-the-fact variance requests.

Public notice has been provided for this application according to FCLDC Section 2.07.00. Staff is aware that the applicant attempted to contact Planning and Development Board members prior to this hearing. Attached is email correspondence provided to staff reflecting the attempted contact. Additional disclosures by Board members may be made at the public hearing.

This agenda item is:

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

**RECOMMENDATION:** The Planning and Development Board finds that all variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have not been met and therefore denies the following variances for 5658 North Oceanshore Boulevard (Parcel #40-10-31-3150-00000-0420):

1. 18 foot variance from the 40 foot maximum building height; and
2. 15 foot variance from the minimum 50 foot rear setback.

Alternative recommendation: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves the variances at 5658 North Oceanshore Boulevard (Parcel #40-10-31-3150-00000-0420).

**ATTACHMENTS:**

1. Technical Staff Report
2. Application and supporting documents
3. Scenic A1A PRIDE Committee letter
4. Public notice

**APPLICATION #3189  
VARIANCES IN THE C-2 AND R-1 DISTRICTS  
5658 NORTH OCEANSHORE BOULEVARD  
TECHNICAL STAFF REPORT**

Application/Project #: 3189/VAR-000029-2019

Address: 5658 N. Oceanshore Boulevard

Owner: James F. Buckley, Manager, Hammock Harbour, LLC

Applicant: Robert Million

Parcel #: 40-10-31-3150-00000-0420

Parcel Size: 4.26+/- acres

Legal Description:

Lots 41, 42, and 43, Jose Park Subdivision, according to the plat thereof as recorded in Map Book 3, Page 33, Public Records of Flagler County, Florida.

Existing Zoning and Land Use Classification:

Zoning: C-2 (General Commercial and Shopping Center) and R-1 (Rural Residential) District

Land Use: CHI (Commercial High Intensity) and RLDRE (Residential Low Density/ Rural Estate)

Future Land Use Map Classification/Zoning of Surrounding Land:

North: RLDRE (Residential Low Density/ Rural Estate)/R-1 (Rural Residential) District

East: North Oceanshore Boulevard (a/k/a State Road A1A); CN (Conservation)/PUD (Planned Unit Development) District

South: RLDRE (Residential Low Density/ Rural Estate)/R-1 (Rural Residential) District

West: Intracoastal Waterway

Land Development Code Sections Affected: Land Development Code (LDC) Sections 3.03.17, *General Commercial and Shopping Center District*, 3.03.04, *Rural Residential District*, 3.06.11, *A1A Scenic Corridor Overlay District*, and 3.07.03, *Procedure for variances and special exceptions*.

Summary of Requests: Hammock Harbour, LLC, purchased the subject parcel on August 7, 2018 through the Special Warranty Deed recorded on August 13, 2018 at Official Records Book 2298, Page 1654, Public Records of Flagler County, Florida. According to Property Appraiser records, the subject parcel is developed with three buildings: an 18,800 square foot steel building built in 2001; a 2,800 square foot steel building built in 2001; and a 1,200 square foot concrete block building built in 1990.

Special Exception Application #3166 for storage for a marine construction and mechanical dredging equipment was recently approved, with the Planning and Development Board's Order recorded at Book 2358, Page 659, Public Records of Flagler County, Florida. Perimeter landscape buffers as previously required through Application #2087 – the previous rezoning request for Newcastle Marine – and the Land Development Code's buffer requirements are intended to ensure compatibility of the use with the adjacent parcels and the surrounding neighborhood. Aside from the prior rezoning and the more recent Special Exception, no other use-related requests have been received. The majority of the parcel is zoned C-2 with the listed permitted uses and prohibited uses within the A1A Scenic Corridor Overlay applying to this parcel. Of some debate now is the Planning Director's previous determination that boat storage was a less-intense, marine-related use consistent with the historical use of this parcel for boat manufacturing; however, the ultimate use of this parcel is not pertinent to the pending variances except to the extent that the proposed uses affect the Board's deliberations and determinations as they relate to each of the pending variance requests. The Board's determination as it relates to each variance request is dependent upon the variance criteria and is not a determination of use, or of the permitted intensity of the use. The site plan for the intended use of this parcel will still require approval by the Technical Review Committee (TRC).

#### Variance Guideline Analysis

As provided in FCLDC subsection 3.07.03.E, *Variance Guidelines*, states that a variance may be granted only upon finding by the Planning and Development Board that all of the criteria listed in the guidelines have been found in favor of the applicant and that a literal enforcement of the provisions of this article will result in an unnecessary hardship. These criteria are listed below followed by the applicant's statements (included below and attached in their entirety) and staff's analysis:

1. *There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or in part, creates an unnecessary hardship; and*

Applicants Response: "Development of this particular piece of property is limited by previous zoning conditions imposed by an application for Land Use change approved by Flagler County BOCC on February 2, 2000. Specifically, a 397' x 40' buffer (15,880 sq. ft.) was required as a buffer between this property and the adjacent property on the north boundary. The property, is also subject to the A1A Scenic Corridor considerations which limit building height to 40 feet.

Historically this property has had a marine related use since 1989 and currently contains several large commercial metal buildings with eave heights up to 59'6 feet.

We propose to remove all the current structures and construct a fully enclosed boat storage facility. The new structure may be either 40 feet or 58 feet in height. There are three (3) benefits for approving this application for a Variance allowing the 58 foot height.

1. The building can be smaller; the footprint of the boat storage building can be reduced by 25%.
2. The additional space gained from increasing the roof height from 40 feet to 58 feet will allow the building to be setback from A1A 115 feet. (the Scenic Corridor Guidelines require a 40 foot setback from A1A)
3. The smaller building size provides space to create architectural features on the exterior to “mask” the height and improve overall aesthetics.

Reducing the rear setback to 35 feet allows parking in front of the building providing better traffic flow for traffic and emergency vehicles.”

Staff Analysis: There are no particular physical parcel attributes that are unique as it relates to the consideration of the two variances. The unique characteristics come from the C-2 zoning and the long-standing use of the parcel as an intensive boat manufacturing business, which had been previously vetted through a hearing process approving the marine-related use by the Board of County Commissioners.

Arguably, a new building of a lower height with a greater front setback would be more desirable (and compatible) than the existing taller building with a closer front setback. The Corridor’s standards requiring that no new metal buildings be constructed would have to be complied with as well, with the existing nonconforming metal building to be removed if the height variance is granted.

As for the proposed restaurant, a location proximate to the Intracoastal is sought and would be advantageous for the use; however, the setback is in place to preserve the viewshed of neighboring properties. If the overall height and massing of the restaurant is limited through appropriate conditions, the rear setback variance may be approved. Aside from this parcel’s proximity to the Intracoastal, there are no unique characteristics that would warrant the granting of the rear setback variance.

2. *Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all time in faith; and*

Applicant Response: “We have made an effort to minimize the impact of the new construction on the Scenic A1A corridor. Current regulations allow a structure to be constructed 40 feet from A1A. The primary structures proposed for the site are located a minimum of 115 feet from A1A and are partially screened from view by mature trees. The 58 foot building height and 35 foot setback were critical components of minimizing the impact.”

Staff Analysis: In both instances the variances are necessary because of the affirmative actions of the applicant. For the height variance, the applicant would rebuild to conform to the maximum height requirements. Or, alternatively, the applicant could leave the taller building intact and make no changes.

For the rear setback variance, the new restaurant building is, as a new build, created by the applicant's actions. There could be some consideration of the variance as needed to provide additional onsite space for the entirety of the applicant's intended uses: if the minimum rear setback were observed, the other development would be shifted inward on the parcel.

3. *The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and*

Applicant Response: "The variances, if granted would allow development of the site, removal of unsightly vacant buildings and provide a marina facility to serve the community."

Staff Analysis: The granting of the variances will not be detrimental to the health, welfare, safety, and morals.

4. *No variance may be granted for a use of land or building that is not permitted by this article.*

Applicant Response: "The variances requested are within the guidelines for application."

Staff Analysis: The proposed uses and buildings are permitted within the C-2 (general Commercial and Shopping Center) zoning district.

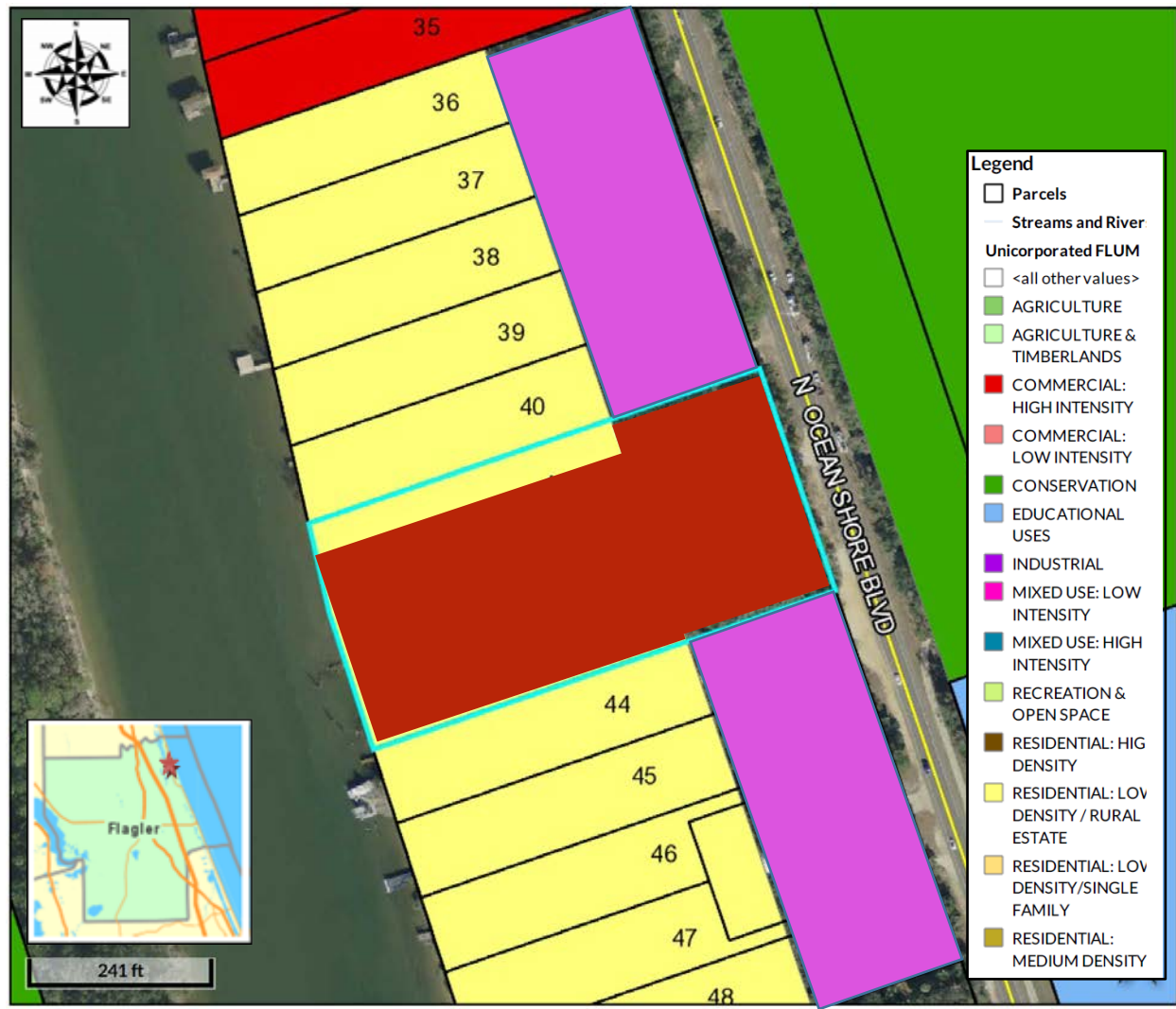
*A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.*

Applicant Response: No response.

Staff Analysis: Each of these variances could be further reduced to a lesser variance request and still alleviate the hardship. The applicant can further elaborate through the public hearing process as to the justification of why the requested variances alleviate the hardship and represent the minimum necessary variances for the intended uses.

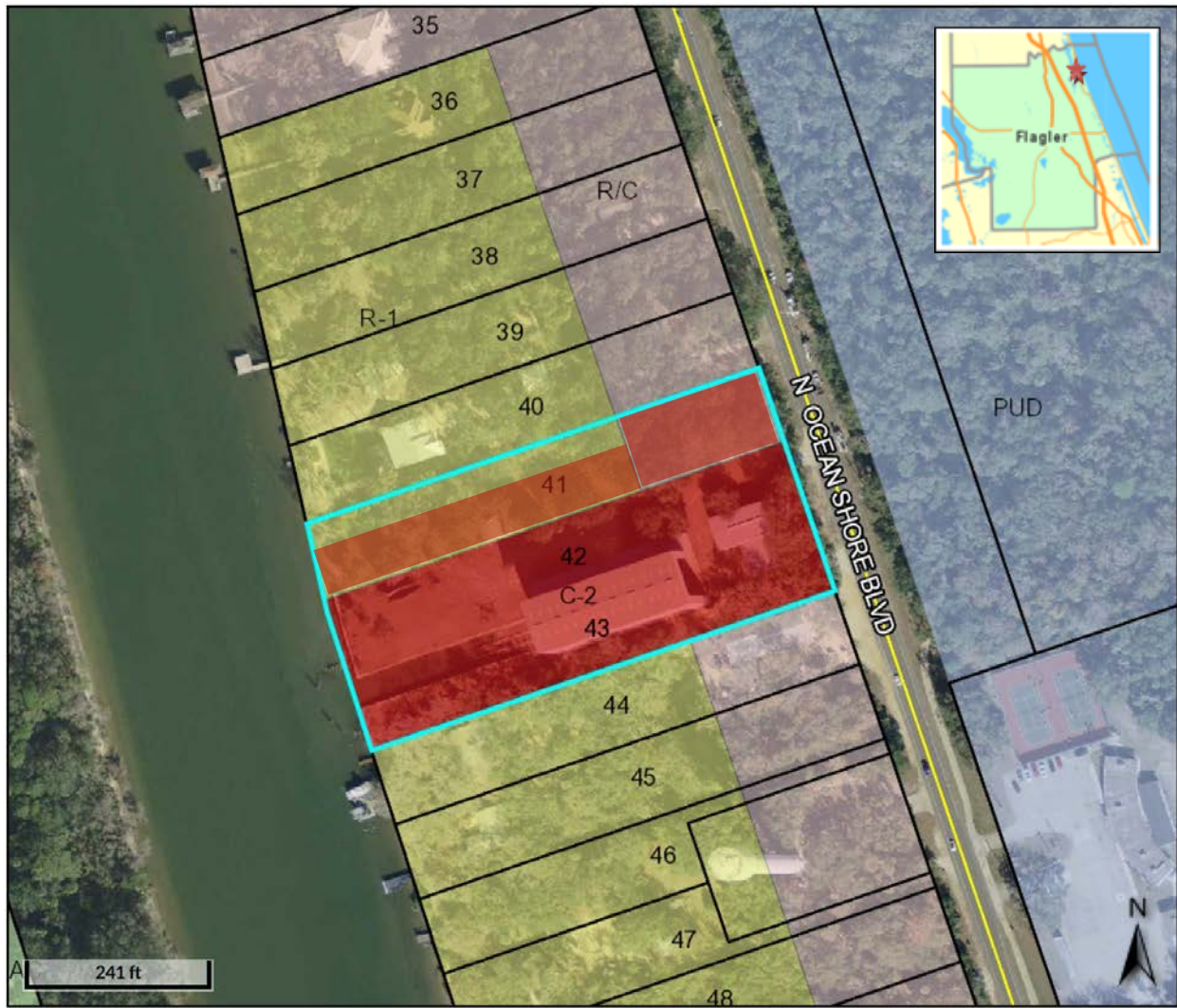


## Future Land Use Map

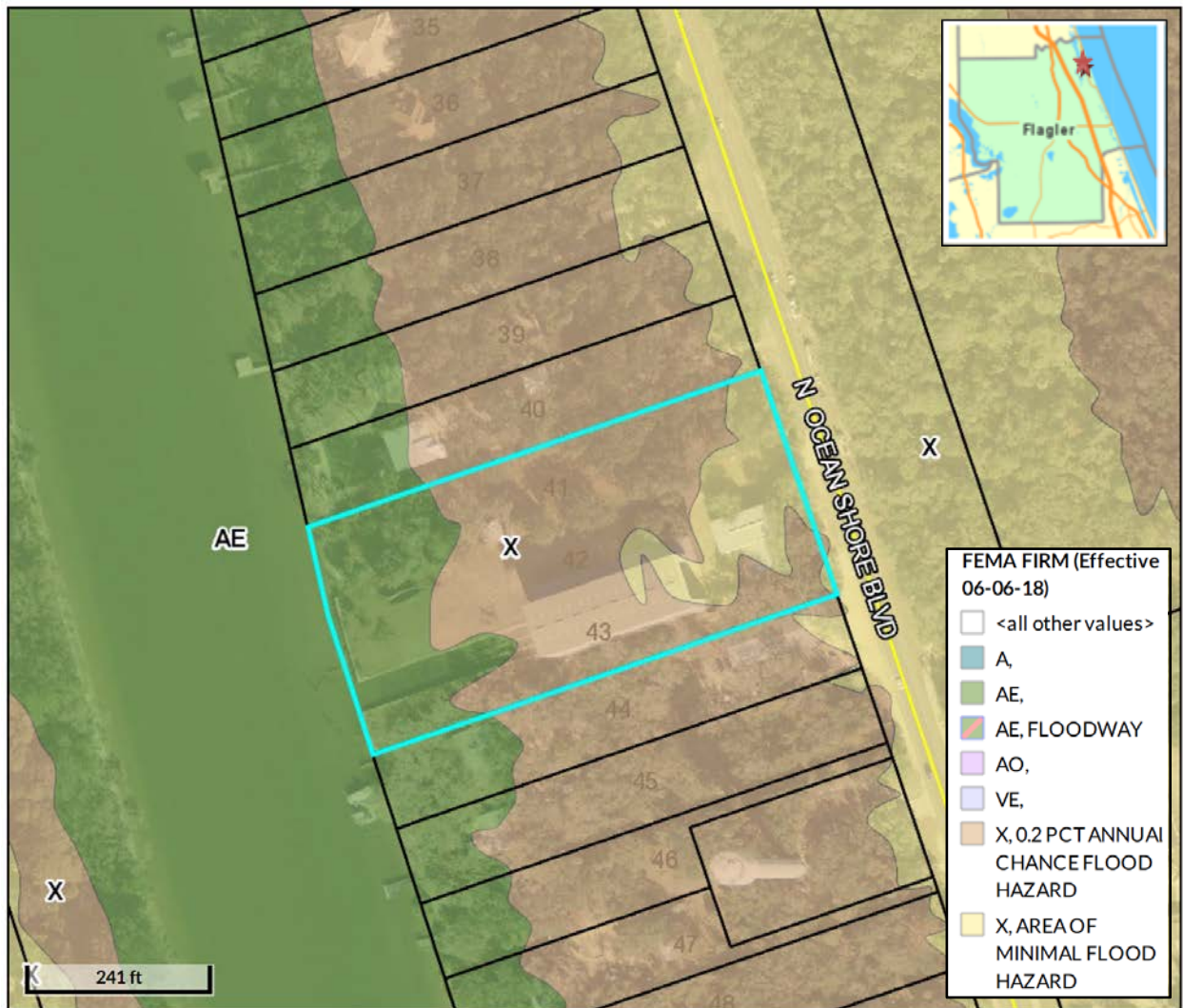




## Zoning Map

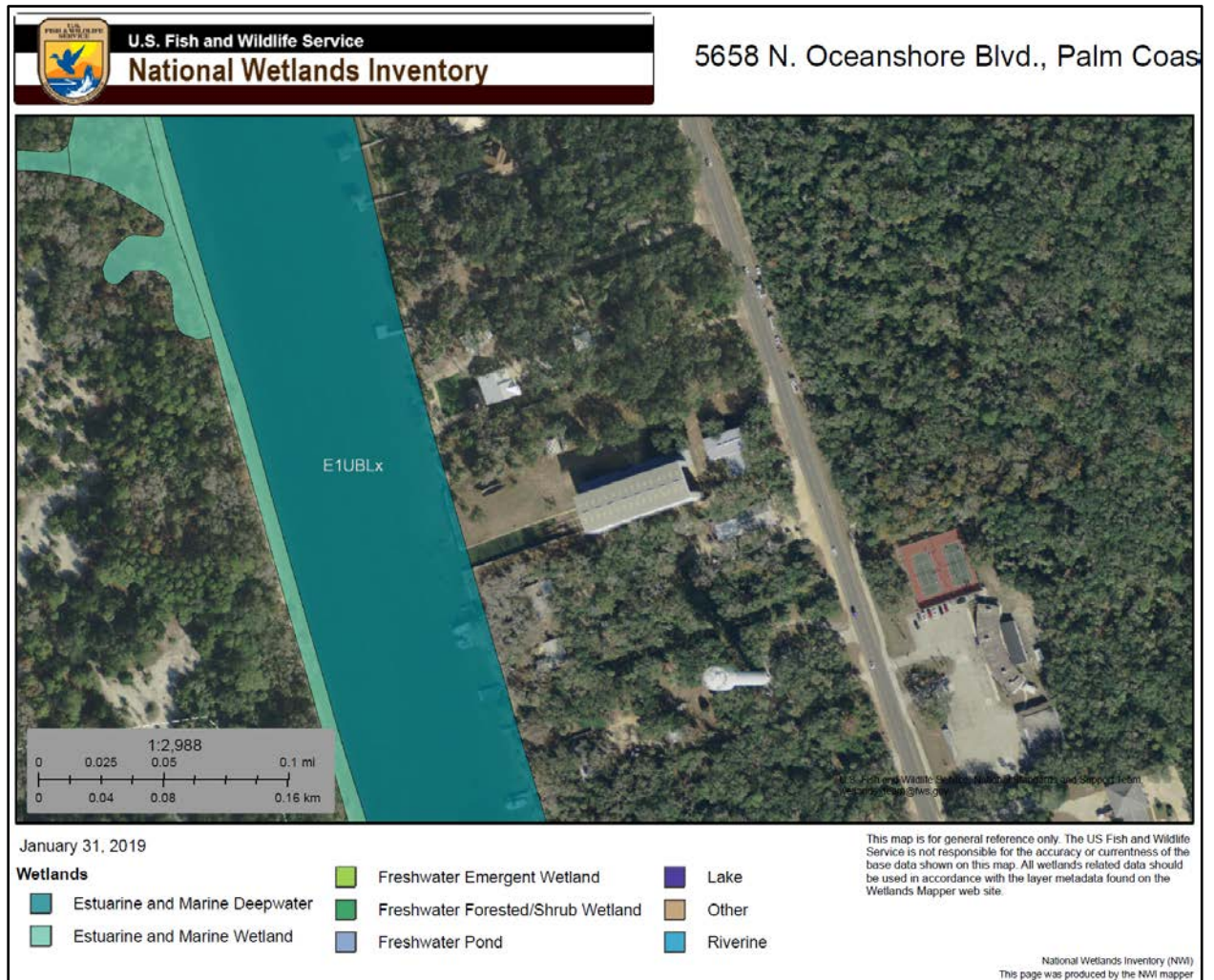


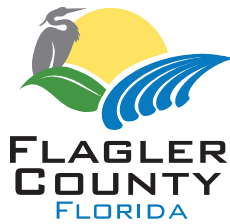
## Flood Zone





## Wetlands





# APPLICATION FOR VARIANCE

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

Application/Project #: 3189 / VAR-000029-2019

<b>PROPERTY OWNER(S)</b>	Name(s): Hammock Harbour LLC		
	Mailing Address: 2891 John Anderson		
	City: Ormond Beach	State: FL	Zip: 32176
	Telephone Number 386-212-7249	Fax Number	

<b>APPLICANT/AGENT</b>	Name(s): Bob Million		
	Mailing Address: 17 S Waterview		
	City: palm Coast	State: FL	Zip: 32137
	Telephone Number 904-808-5606	Fax Number	
	E-Mail Address: rbmillion@yahoo.com		

<b>SUBJECT PROPERTY</b>	SITE LOCATION (street address):	5658 N Oceanshore Blvd, Palm Coast	
	LEGAL DESCRIPTION: (briefly describe, do not use "see attached")	San Jose Park Lots 41, 42, 43	
	Parcel # (tax ID #):	40-10-31-3150-00000-0420	
	Parcel Size:	4.264 acres	
	Current Zoning Classification:	C-2, R-1	
	Current Future Land Use Designation	Commercial High Intensity, Low Density Rural Estate	
	Subject to A1A Scenic Corridor IDO?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

**Relief Requested:** Building Height increased from 40' to 58', Rear Building Setback reduced from 50' to 35'

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

Date

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

PLANNING BOARD RECOMMENDATION/ACTION:

APPROVED [ ]  
\*APPROVED WITH CONDITIONS [ ]  
DENIED [ ]

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

Date: \_\_\_\_\_ \*approved with conditions, see attached.

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. 09/16



## APPLICATION FOR VARIANCE

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

Subject Property: 5658 N Oceanshore Blvd, Palm Coast

E. *Variance guidelines.* A variance may be granted, upon application, from the terms and provisions of this article as will not be contrary to the public health, safety, welfare and morals where, owing to special conditions, a literal enforcement of the provisions of this article will, in an individual case, result in unnecessary hardship. Such variances may be granted by the planning board in such individual case of unnecessary hardship upon a written finding that:

1. There are extraordinary and exceptional conditions pertaining to particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or part, creates an unnecessary hardship; and

*See attached*

2. Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and

*The Applicant has made an effort to minimize the impact of the new structures on the Scenic A1A corridor. Current regulations allow a structure to be constructed 40' from A1A. The primary structures proposed for the site are located a minimum of 115' from A1A and are partially screened from view by mature trees. The 58' building height and 35' setback were critical components of minimizing the impact.*

3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and

*The variances, if granted would allow development of the site, removal of unsightly vacant buildings and provide a marina facility to serve the community.*

4. No variance may be granted for a use of land or building that is not permitted by this article.

*The variances requested are within the guidelines for application.*

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

E.1. Development of this particular piece of property is limited by previous zoning conditions imposed by an Application for Land Use Classification Change approved by the Flagler County Board of County Commissioners on February 2, 2000. Specifically, a 397' x 40' buffer (15,880 sq. ft.) was required as a buffer between this property and the adjacent property on the north boundary. The property is also subject to the A1A Scenic Corridor considerations which limit building height to 40'.

Historically this property has had marine related use since 1989 and currently contains several large commercial metal buildings, with eave heights up to 59'6".

The Applicant proposes to remove all current structures and construct a fully enclosed boat storage facility. The new structure may be either 40' or 58' in height. There are (3) benefits for approving this Application for Variance allowing the 58' height.

First, the building can be smaller; the footprint of the boat storage building can be reduced by 25%.

Second, the additional space gained from increasing the roof height from 40' to 58' will allow the building to be setback from A1A 115'. (the A1A Scenic Corridor Guidelines require a 40' setback from A1A)

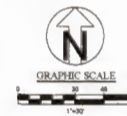
Third, the smaller building size provides space to create architectural features on the exterior to "mask" the height and improve overall aesthetics.

Reducing rear setback to 35' allows parking in front of the building providing better traffic flow for traffic and emergency vehicles.



JUL 19 2019

FLAGLER COUNTY  
PLANNING & ZONING DEPT



TOTAL PARKING CALCULATIONS		
TOTAL REQUIRED	=	134 SPACES
TOTAL PROVIDED	=	131 SPACES
ADA REQUIRED	=	6 SPACES
ADA PROVIDED	=	8 SPACES

SITE DATA TABLE		
TOTAL SITE	4.38 AC	186,700
EXISTING BUILDING		26,137
EXIST. IMPERVIOUS AREA		7,984
PROPOSED BUILDING		62,977
PROPOSED IMPERVIOUS AREA		61,348
NEW IMPERVIOUS		116,444
TOTAL IMPERVIOUS		67,368
TOTAL IMPERVIOUS %		56
TOTAL PAVEMENT %		36
% BALDING COVERAGE		8
NOVAL FLOOR AREA		98,985
FLOOR AREA RATIO (FAR)		3.0
PERMIT NUMBER(S)	65-15-11116-000000	
ST ADDRESS	4800 N. OCEAN BLVD	
PERM PANEL NUMBER	1205AC012	
NOVAL FLOOR		

HATCH LEGEND	
PAYEMENT	
CONCRETE	

[illegible]





**Scenic A1A PRIDE**  
*Promoting Rational Integration of Development &  
Environment*

July 31, 2019

Adam Mengel  
Flagler County Planning Dept.  
1769 E. Moody Blvd, Bldg 2  
Bunnell, FL 32110

**RE: Scenic A1A Review of Hammock Harbour, Project #SDP-000005-2019**

Dear Mr. Mengel,

At our July 26 meeting, the Scenic A1A PRIDE board voted 7/4 to **deny the support of the 18-foot variance for building height and 15-foot variance for the rear building setback.**

To put this in perspective, there were several areas of concern addressed about the new storage building and the overall site plan, even though dry boat storage and a restaurant on the ICW were considered a benefit to the corridor.

- The new storage building would be ***almost three times larger*** in area than the current huge building. The scenic viewshed will be further impacted by another office/retail building on the road.
- The new storage building would be ***metal***, which is ***prohibited*** in the Scenic Corridor Overlay District.
- The plans convert what was a low intensity single yacht-building operation into a intense shopping center with six businesses, including a very active outside forklift, all located between two residences.
- It is very likely that both a left-turn lane and a deceleration lane will be needed, ***doubling the width of the Scenic Byway*** and paving in front of the neighbor's home.
- A completely new use is taking advantage of non-conforming setbacks and smaller buffers that were approved in February 2000 for a different use.

Therefore, it was indicated by some at the meeting that this is ***incompatible*** with the neighborhood and, at a minimum, should be treated as a special exception with a full site plan review. It is doubtful that this was envisioned by the Feb 2000 land use and zoning change.

Sincerely,

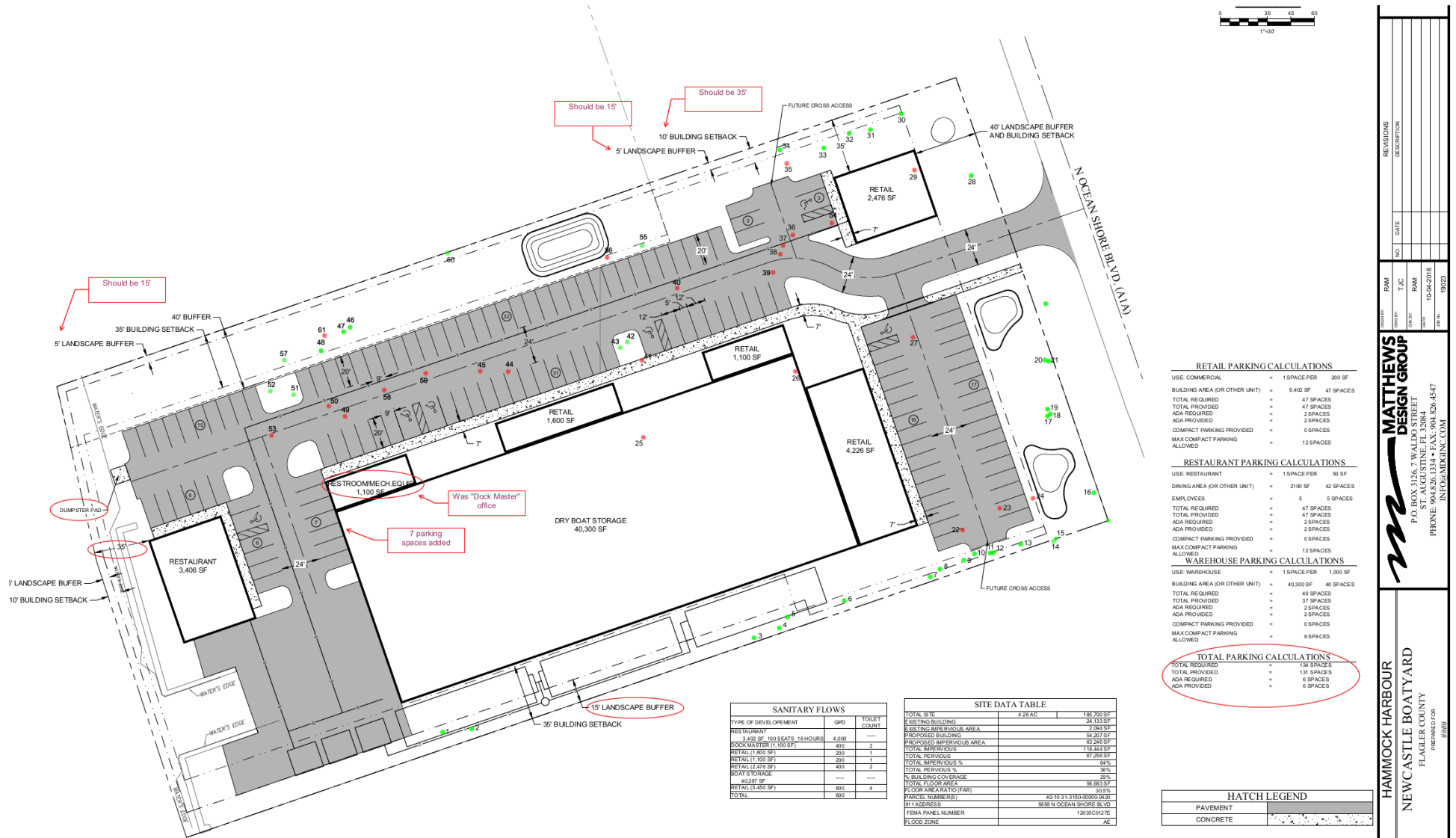
Dennis Clark, Chair  
SCENIC A1A PRIDE (ScenicA1A@gmail.com)  
5784 N. Oceanshore Blvd, Palm Coast, FL 32137  
c.c. Bob Million, James Buckley

## Hammock Harbour Plans as presented to Scenic A1A PRIDE

- The site **currently has three buildings**, (1) **200' x 94' x 60' high aluminum** (2) 70' x 40' aluminum, and (3) 40' x 30' office.
- All existing buildings will be removed, including slabs, but the office will remain until new construction is complete. Aluminum buildings will be recycled and/or reused elsewhere by Environmental Land Services.
- The new **boat storage building** size will be about 300' x 135' x 58.5' high, with architectural features making it more attractive than the current building. It will hold a **maximum of 240 boats** in five tiers and will be located farther back from A1A on the property than the current building.
- **Four buildings** with lower height will be attached to the storage building (see plan diagram), adding architectural depth; (1) 450 SF retail (2) 1100 SF retail (3) 1800 SF retail, (4) 1100 SF Dock Master / Office.
- Another one-story 2478 SF **commercial rental building** will be added closer to A1A.
- A 3406 SF **restaurant** on the water may be 2-stories but not more than 35' high. **Seating** is limited to less than 100 seats due to septic and parking constraints. **Beer and wine** are planned to be sold, but not liquor.
- 134(?) paved **parking spaces** will be added along with driveways.
- **Review timeline:** TRC 6/19, A1A 6/28 & 7/26, PDB 8/13
- **Construction plan:** Hoping to break ground in September or October 2019 and complete construction in five months.
- A 10,000 gallon above-ground **fuel tank** will be located near the southeast corner for fueling and washing station. Water used for washing will be recycled. Above-ground is considered safer for leakage considerations. Fuel will only be sold to users of the storage facility and will be done on land.
- **14 boat slips** are planned with about eight to be used for the restaurant. Owners are looking for support to request a "no-wake" zone. A wave attenuator is not planned.
- **Septic tanks** and fields will be located on the south side. A lift station is planned for when a wastewater connection becomes available.
- **Fencing** will be whatever the neighbors want (requested 6' solid fencing on north side).
- **Seawall** will be extended to the edge of the property and back filled with material dredged from the ICW and mixed with other materials.
- **Hours of operation** are 7:00 AM to 5:30 PM for boat storage. Hours for other commercial uses are TBD.
- **Noise:** forklift will use a "quacker" instead of a beeper (demonstrated at A1A meeting). **No entertainment** is planned due to the close proximity to residential homes.

Existing Buildings	SF	Proposed Buildings	SF	
Current Metal Building	14,000	Front - Retail	2,476	
North side addition to metal bldg	4,800	Storage Front - Retail	4,226	
Front storage building	2,800	Storage first side - Retail	1,100	
Front office	1,200	Storage middle side - Retail	1,600	
Total Area of all Buildings	22,800	Subtotal retail	9,402	
		Restroom, Mech Equip	1,100	
		Restaurant	3,406	
		Storage Building	40,300	288%
		Total Area of all Buildings	54,208	238%

# Attachment A - Site Plan Drawing



**From:** [Shawna Kornel](#)  
**To:** [Bob Million](#)  
**Cc:** [Al Hadeed](#); [Gina Lemon](#); [Wendy Hickey](#); [Adam Mengel, AICP, LEED AP BD+C](#)  
**Subject:** Re: August 13th PZB Item  
**Date:** Wednesday, July 31, 2019 7:06:59 AM

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Dear Mr. Million,

Thank you for your request to meet to discuss 5658 North Oceanshore. I spoke with the County attorney's office on July 30, 2019, to request guidance about meeting with you prior to the public hearing. Based on their advice, and because of the quasi judicial nature of this item, respectfully, I am choosing to elect not to meet with you prior to the public hearing.

Please note I do not know the details of the proposed amendment and I have no opinion on this matter at this time. Any recommendations to the County Commission I make shall be based on whether or not a project meets the requirements of the Land Development Code and the Comprehensive Plan. I have not reviewed the attached concept plan and I intend to be completely open without bias or influence at the public hearing.

Thank you for your attention to this matter.

S. Lauren Kornel, AICP

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**From:** Bob Million <rbmillion@yahoo.com>  
**Sent:** July 30, 2019 8:09 AM  
**To:** laureenkornel@hotmail.com <laureenkornel@hotmail.com>  
**Subject:** August 13th PZB Item

Ms Kornel

I represent the owner of a proposed development at the old Newcastle Boatyard (5658 N Oceanshore). I would like the opportunity to meet with you to briefly present the project and respond to your questions or concerns.

The project includes:

Dry Boat Storage - all contained within a building.

Commercial Space - approximately 9,500 sf

Waterfront Restaurant - approximately 100 seats

In -water boat slips to serve the restaurant and boat storage.

Sincerely

Bob Million  
cell 904-808-5606

-

## **Adam Mengel, AICP, LEED AP BD+C**

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**From:** Tim Conner - Planning Board <tconner.planboard@cblpa.com>  
**Sent:** Tuesday, July 30, 2019 11:48 AM  
**To:** Adam Mengel, AICP, LEED AP BD+C  
**Subject:** Hammock Boatyard

Hi Adam,

A realtor would like to talk to me about the plans for the Newcastle Boatyard. Do I violate any protocols or exclude my participation in Planning Board decisions if I speak with him.

Thanks,

## **Adam Mengel, AICP, LEED AP BD+C**

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**From:** Jack Corbett <corbettteam@gmail.com>  
**Sent:** Wednesday, July 31, 2019 9:10 AM  
**To:** Adam Mengel, AICP, LEED AP BD+C  
**Subject:** Re: Contact from Mr. Bob Million on pending PDB agenda item

Thank you for the heads up. Jack

Sent from my iPhone

On Jul 31, 2019, at 8:42 AM, Adam Mengel, AICP, LEED AP BD+C <[amengel@flaglercounty.org](mailto:amengel@flaglercounty.org)> wrote:

Good morning:

You have likely been contacted by an applicant, Mr. Bob Million, regarding a variance request that will come before the Planning and Development Board at its next meeting. While we have discouraged Mr. Million from contacting Board members outside of the public meeting, he has contacted you to discuss this project in advance of the meeting. While you are not prevented from discussing this request with the applicant, you are discouraged from doing so since the discussion takes place outside of the “sunshine” of the noticed public meeting.

As a quasi-judicial request, should you choose to discuss this request with Mr. Million, you will be required to disclose the discussion on the public record, along with any pertinent details of the discussion. Depending on the extent of the discussion, you may be prevented from participating in the consideration of Mr. Million’s request if, for example, you discuss how you would vote on his request with Mr. Million outside of the public meeting. Similarly, any discussion between Board members on this or any pending request outside of the public meeting is not only discouraged, but may be prejudicial... and would at a minimum require disclosure and at its extreme, would result in the Board members participating in the discussion being prohibited from considering the request.

Please contact me with any questions.

Thank you,

Adam

**Adam Mengel, AICP, LEED AP BD+C**  
Planning Director

E: [amengel@flaglercounty.org](mailto:amengel@flaglercounty.org) | V: 386-313-4065 | W: [www.flaglercounty.org](http://www.flaglercounty.org)



**From:** [Michael Goodman](#)  
**To:** [Adam Mengel, AICP, LEED AP BD+C](#)  
**Cc:** [Gina Lemon](#); [Wendy Hickey](#); [Sean S. Moylan](#); [Kate Stangle](#)  
**Subject:** Re: Contact from Mr. Bob Million on pending PDB agenda item  
**Date:** Wednesday, July 31, 2019 10:19:30 AM

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Adam,

I was contacted by Mr. Million and wrote back that I would not discuss his project outside of the planning board forum.

Mike Goodman

On Wed, Jul 31, 2019, 8:43 AM Adam Mengel, AICP, LEED AP BD+C  
<[amengel@flaglercounty.org](mailto:amengel@flaglercounty.org)> wrote:

Good morning:

You have likely been contacted by an applicant, Mr. Bob Million, regarding a variance request that will come before the Planning and Development Board at its next meeting. While we have discouraged Mr. Million from contacting Board members outside of the public meeting, he has contacted you to discuss this project in advance of the meeting. While you are not prevented from discussing this request with the applicant, you are discouraged from doing so since the discussion takes place outside of the “sunshine” of the noticed public meeting.

As a quasi-judicial request, should you choose to discuss this request with Mr. Million, you will be required to disclose the discussion on the public record, along with any pertinent details of the discussion. Depending on the extent of the discussion, you may be prevented from participating in the consideration of Mr. Million’s request if, for example, you discuss how you would vote on his request with Mr. Million outside of the public meeting. Similarly, any discussion between Board members on this or any pending request outside of the public meeting is not only discouraged, but may be prejudicial... and would at a minimum require disclosure and at its extreme, would result in the Board members participating in the discussion being prohibited from considering the request.

Please contact me with any questions.

Thank you,

Adam

#3189  
Hammock Harbour Variance

ParcelId	Owner	Address	City, State, Zip
40-10-31-3150-00000-0370	DAVID COLLINGS	5700 N OCEANSHORE BLVD	PALM COAST, FL 32137
40-10-31-3150-00000-0380	WILLIAM C III & KATHIE A JORDEN	5572 N OCEANSHORE BLVD	PALM COAST, FL 32137
40-10-31-3150-00000-0400	KATHY E VIEHE & CINDY J FLOWERS	5676 N OCEAN SHORE BLVD	PALM COAST, FL 32137
40-10-31-3150-00000-0420	HAMMOCK HARBOUR LLC	2891 JOHN ANDERSON DRIVE	ORMOND BEACH, FL 32176
40-10-31-3150-00000-0440	JOHN A JR & MARGARET A RUSSELL	5652 N OCEANSHORE BLVD	PALM COAST, FL 32137
40-10-31-3150-00000-0450	JOYCE L SKAFF	PO BOX 351879	PALM COAST, FL 32135
40-10-31-3150-00000-0461	EQUITY TRUST COMPANY CUST. FBO HAROLD GAMBILL	6431 MERLIN DRIVE	CARLSBAD, CA 92011-1212
40-10-31-3150-00000-0470	JAMES D & SHEILA W ALLISON	5632 N OCEANSHORE BLVD	PALM COAST, FL 32137-9061
40-10-31-3150-00000-0460	CITY OF PALM COAST	160 LAKE AVENUE	PALM COAST, FL 32164
40-10-31-0000-00010-0000	SCHOOL BOARD OF FLAGLER COUNTY FLORIDA	PO BOX 755	BUNNELL, FL 32110
04-11-31-2984-00000-00A2	COUNTY OF FLAGLER BOCC	1769 E MOODY BLVD BLDG 2 S	BUNNELL, FL 32110
40-10-31-3150-00000-0390	LONG CREEK PLANTATION LLC	2156 NW 3RD PLACE	GAINESVILLE, FL 32603

I hereby affirm mailed notice to each owner on July 29, 2019 for the Planning & Development Board Meeting on August 13, 2019 at 6 pm.

  
Wendy Hickey, Planner

Hasler

07/29/2019

US POSTAGE \$000.00<sup>9</sup>



ZIP 32110  
011E11679462

July 29, 2019

DAVID COLLINGS  
5700 N OCEANSHORE BLVD  
PALM COAST, FL 32137

RE: Application #3189 - Variance Request in the C-2 (General Commercial and Shopping Center)  
District

Dear Property Owner:

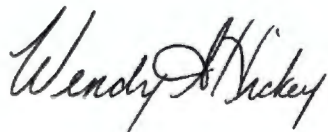
As owner of property within 300' of the property referenced herein, the Flagler County Planning Department, in accordance with Section 2.07.00 of the Flagler County Land Development Code, advises you that:

A request has been made by Robert Million representing property owner Hammock Harbour LLC for an 18 foot height variance from the 40 foot maximum building height and a 15 foot rear yard setback variance from the minimum 50 foot rear yard setback in the C-2 (General Commercial and Shopping Center) District, located at 5658 North Ocean Shore Boulevard, identified as Parcel Number: 40-10-31-3150-0420; Owner: Hammock Harbour, LLC/ Applicant: Robert Million.

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 **August 13, 2019** beginning at **6:00 p.m.** or as soon thereafter as possible.

You are welcome to attend and express your opinion.

Sincerely,



Wendy Hickey,  
Planner

NOTE: PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF A PERSON DECIDED TO APPEAL ANY DECISION BY THE BOARD, AGENCY OR COMMISSION WITH RESPECT 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.



APPLICATION # 3189  
**NOTICE OF  
PUBLIC HEARING**  
THE FLAGLER COUNTY PLANNING AND  
DEVELOPMENT BOARD WILL HOLD A  
PUBLIC HEARING AT:  
FLAGLER COUNTY GOVERNMENT  
SERVICES BUILDING  
BOARD CHAMBERS  
1769 E. MOODY BOULEVARD, BLDG 2,  
BUNNELL, FL 32110  
AUGUST 13, 2019 - 6:00 P.M.

REQUEST: HEIGHT AND SETBACK VARIANCE  
APPLICANT: ROBERT MILLON  
PARCEL NUMBER: 00-10-31-0100-00000-0420  
Zoning District: UNCLASSIFIED (CITY OF BUNNELL)

THE PUBLIC HEARING IS BEING HELD FOR THE PURPOSE  
OF HEARING ANY AND ALL INTERESTED PARTIES AND  
REMARKS THAT MAY BE FOR OR AGAINST THE  
APPLICATION, RELATIVE TO THE PROPERTY VARIATION  
THIS NOTICE IS POSTED.

IF YOU HAVE ANY COMMENTS OR QUESTIONS  
PLEASE CONTACT THE PLANNING DEPARTMENT AT (386) 255-1234  
OR VISIT OUR WEBSITE AT WWW.FLAGLERCOUNTYFLA.GOV