

**Flagler County Government
Planning and Zoning Department
Staff Report**

TO: Chair and Planning and Development Board Members
FROM: Planning and Zoning Department
DATE: January 9, 2018
SUBJECT: Application #3122 – SPECIAL EXCEPTION FOR A RESTAURANT IN THE R/C (RESIDENTIAL/LIMITED COMMERCIAL) DISTRICT

- I. **Requested Action & Purpose:** This **quasi-judicial** request is for a Restaurant as a Special Exception in the R/C (Residential/Limited Commercial Use) District.
- II. **Location and Legal Description:** 5047 North Oceanshore Boulevard; on the East side of North Oceanshore Boulevard (a/k/a State Road A1A), South of Magnolia Road, lying within Section 40, Township 10 South, Range 31 East, Flagler County, Florida; Parcel #40-10-31-4050-00000-0270; and containing 0.58+/- acres.
- III. **Owner/ Applicant:** Hammock Enterprises LLC
- IV. **Parcel Size:** 25,151 sq. ft. (0.58 acres) (minimum site size of 10,000 sq. ft. required in the R/C zoning district for application for a Special Exception)
- V. **Existing Zoning & Future Land Use Classification:**
Zoning: R/C (Residential/Limited Commercial Use) District
Future Land Use: Mixed Use: Low Intensity
- VI. **Future Land Use Map Classification / Zoning of Surrounding Land:**
North: Mixed Use: Low Intensity, Low/Medium Density/R/C (Residential/Limited Commercial Use) District
South: Mixed Use: Low Intensity, Low/Medium Density/R/C (Residential/Limited Commercial Use) District
East: Residential: Low Density/Rural Estate/MH-1 (Rural Mobile Home) District
West: Mixed Use: Low Intensity, Low/Medium Density/R/C (Residential/Limited Commercial) District
- VII. **Land Development Code Sections Affected:** Flagler County Land Development Code (FCLDC) subsection 3.07.03.F, *Special Exception Guidelines*.
- VIII. **Report in Brief:** The Applicant filed an application with the Planning and Zoning Department for a Special Exception for a restaurant within the R/C zoning district

on January 2, 2018. The R/C zoning district provides that a Special Exception may allow the requested use, subject to Planning and Development Board public hearing and appropriate conditions.

On June 29, 1987, the Planning Board approved Application #076 for a Special Exception for retail sales (floor coverings), conditioned upon installation of a 6-foot high wood fence along the North, South, and East property lines to screen the commercial use from the surrounding residential uses.

On December 11, 2017, Hammock Enterprises, LLC acquired the subject parcel through the Warranty Deed recorded on December 28, 2017 at Official Records Book 2249, Page 1023, Public Records of Flagler County, Florida.

On December 12, 2017, the Planning and Development Board consider the Future Land Use amendment (#3109) and rezoning (#3110) applications intended to provide for the development of a restaurant on the subject parcel, but allowing the outdoor seating to exceed the twenty-five percent maximum listed in the R/C zoning district:

“Restaurant - Sit down only. The maximum seating capacity of one hundred sixty (160). No drive through permitted. A maximum of twenty-five (25) percent of the seating capacity may be outdoor or visually screened from adjacent right-of-ways. Incidental consumption on premises of alcoholic beverages may be considered as part of a special exception application.”
(Sec. 3.03.13.D.12, Flagler County Land Development Code).

Instead of seeking the Special Exception previously, based on staff’s discussions with the applicant, the applicant sought the Future Land Use amendment and rezoning. However, the testimony from the neighborhood residents and others reflected the concerns of the variability permitted through the broader Land Use and rezoning request, with the Board ultimately recommending denial of these applications, but describing how overall the restaurant concept was supported. As a result of the Board comments, staff sought an alternative perspective of the Special Exception limitation and, following input from the County Attorney’s Office, the applicant was advised that the Special Exception could be supported, provided that the conditions were crafted in a manner to reflect the seating limitation.

The existing building will have to meet all minimum standards within the R/C zoning district and all appearance and development standards of the A1A Scenic Corridor Overlay as provided for in Section 3.06.11 of the Flagler County Land Development Code (FCLDC).

This Special Exception request has not been presented to the A1A Scenic PRIDE Committee to date, but the Committee did provide a letter of non-support for the

variance. A copy of the Committee's review letter is attached to this report. As the Board is also aware, the Committee had previously reviewed the restaurant concept under the context of the previous Future Land Use amendment and rezoning applications.

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

IX. Special Exception Guideline Analysis: FCLDC subsection 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.

Staff Analysis: Customer access to the property is proposed through an existing FDOT driveway connection to North Oceanshore Boulevard (State Road A1A). Emergency egress to Live Oak Road will be provided through a locked gate.

Any pedestrian/bicycle access would be provided from the existing multi-use greenway trail located along North Oceanshore Blvd.

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.

Staff Analysis: Parking has been provided as depicted on the conceptual site plan. The applicant has proposed shell parking. The Flagler County Land Development Code provides that within the A1A Scenic Corridor, uses with fewer than ten required parking spaces may be surfaced with shell or other porous surfaces; the Code allows alternative parking area surfaces – crushed stone, gravel, or shell material – to be used instead of concrete, paver block or asphalt (the surfaces required by subsection 3.06.04.B.2) where approved by the County Engineer, provided that the alternative surface is stable and will reduce dust and erosion (subsection 3.06.04.B.8, Flagler County Land Development Code). The use and acceptance of shell parking has become more prevalent within the Overlay District by reducing hardscape, reducing onsite stormwater retention requirements, and providing a more traditional,

natural setting, especially where preservation of existing tree canopy is being sought.

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

Staff Analysis: The refuse collection container will consist of smaller residential size cans and will be screened with opaque material and vegetation along three sides to obscure the cans from public view. Section 3.06.11.C, FCLDC, requires that waste containers be screened with a wall or fence with vegetative screening around it to include 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.

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

Staff Analysis: Utilities to this site are available from existing lines within the North Oceanshore Boulevard right-of-way and adjacent easements, with the exception of sewer, which will be accommodated by a private septic system permitted through Flagler County Environmental Health. Consistent with the requirement at subsection 3.06.11.G, FCLDC, utility service drops shall be installed underground and shall be done in a manner which protects index trees.

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.

Staff Analysis: The applicant has provided a proposed landscape plan which does not meet the minimum requirements of the FCLDC. The variance requested through Application #3120 seeks relief from these landscaping requirements.

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

Staff Analysis: The existing free standing sign appears to meet the maximum six foot height and 32 square foot copy area requirement for the A1A Scenic Corridor but does not meet the minimum setback. If the sign is to be replaced it will have to meet the minimum setback requirement for A1A Scenic Corridor at FCLDC Section 7.03.01. Any new signage and lighting will be reviewed

through the Flagler County site plan review process. Any proposed lighting will demonstrate compliance through building permit application with the County's sea turtle lighting requirements at Section 6.05.05, FCLDC.

7. Required yards and open spaces shall be provided.

Staff Analysis: The proposed restaurant is depicted on the conceptual site plan at a setback of 70 feet from the North Oceanshore right-of-way and is in compliance with the Land Development Code.

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

Staff Analysis: The main building was constructed as a residence in 1959 with an accessory building added in 1997 and is consistent and complementary with the adjacent structures and uses nearby.

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

Staff Analysis: The proposed restaurant use is complementary to the existing uses in the area and, based on previous discussion, will be a welcome addition to the community.

- X. **Quasi-judicial / Legislative Review:** This agenda item is:
 quasi-judicial, requiring disclosure of ex-parte communication; or
 legislative, not requiring formal disclosure of ex-parte communication.

- XI. **Staff Recommendation:** Staff recommends that the Planning and Development Board find that based on the testimony and evidence presented that all special exception guidelines have been met and approve Application #3122, a Special Exception in the R/C zoning district for a restaurant at 5047 North Oceanshore Boulevard, subject to the following conditions:

1. This Special Exception runs with the land.
2. Approval is limited to the use as a restaurant:
 - a. sit down and take out only, without drive-through;
 - b. with a maximum seating capacity subject to the lesser of:
 1. provision of minimum off-street parking consistent with the adopted Flagler County Land Development Code, currently requiring a minimum of one (1) space for each fifty (50) square feet of gross seating area, plus one (1) space for each employee per shift; or
 2. as limited by the Flagler County Environmental Health Department based on permitted onsite sewage disposal system (OSDS) treatment capacity;

- c. with a maximum of forty (40) seats located outdoors or otherwise visually screened from adjacent right-of-ways; and
 - d. through an onsite brewery, allowing incidental production and consumption on premises of alcoholic beverages subject to issuance of a 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. Emergency egress to Live Oak Road will be provided through a locked gate at the East parcel line.
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, 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. Utility service drops shall be installed underground and shall be done in a manner which protects index trees.
7. 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.
8. Signs shall be limited as follows:
 - a. The existing sign may be utilized provided that a permit is issued for a face change (change of copy). Any modification beyond a face change of the existing sign will require issuance of a variance due to the encroachment of this sign into the minimum twenty (20) foot front setback for signs within fifty (50) feet of a driveway intersection.
 - b. Any new proposed signage will require a permit demonstrating compliance with the minimum setback requirements from the adopted Flagler County Land Development Code, with a single freestanding (double-sided, monument type) sign to be permitted 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.
9. Proposed lighting will demonstrate compliance through building permit application with the County's sea turtle lighting requirements.

10. The applicant shall not commence development until all other agency approvals and/or permits are issued.

XII. Suggested Motion Language: The Planning and Development Board finds that Application #3122, Special Exception for a restaurant in the R/C zoning district at 5047 North Oceanshore Boulevard, meets the Special Exception Guidelines and is therefore approved, subject to the following conditions:

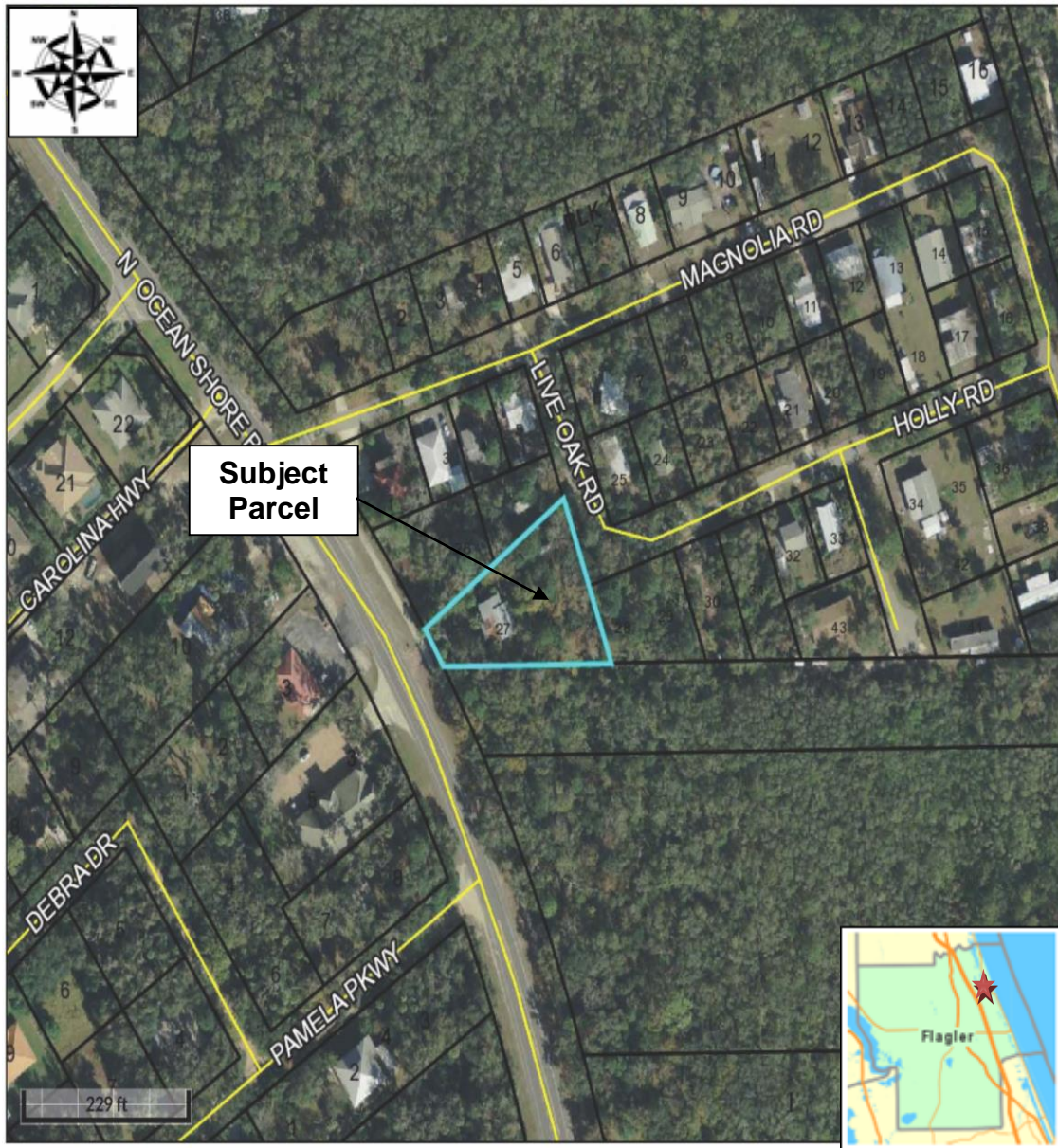
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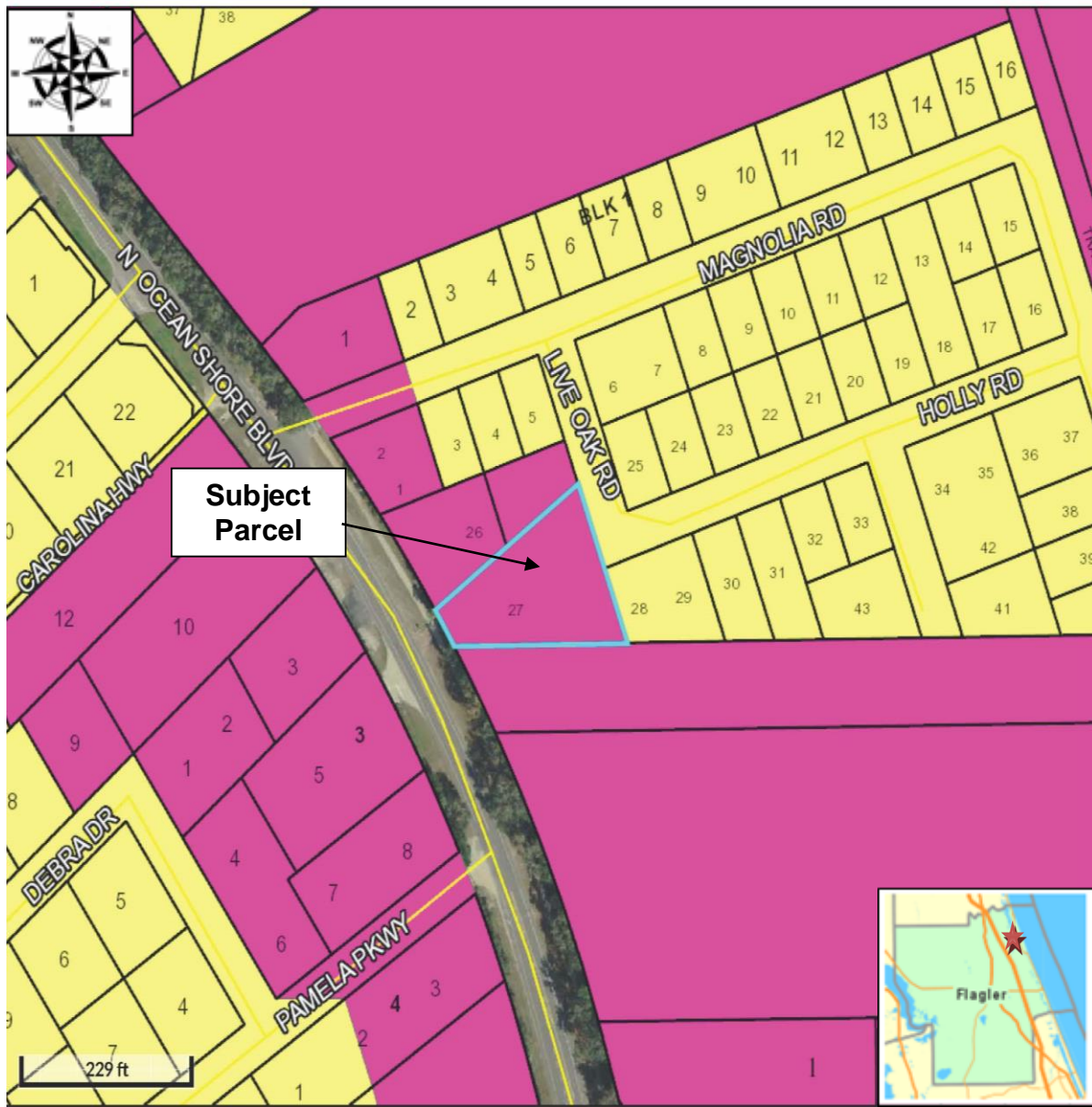
Attachments

1. Public notice
2. Application and supporting documents
3. Site plan

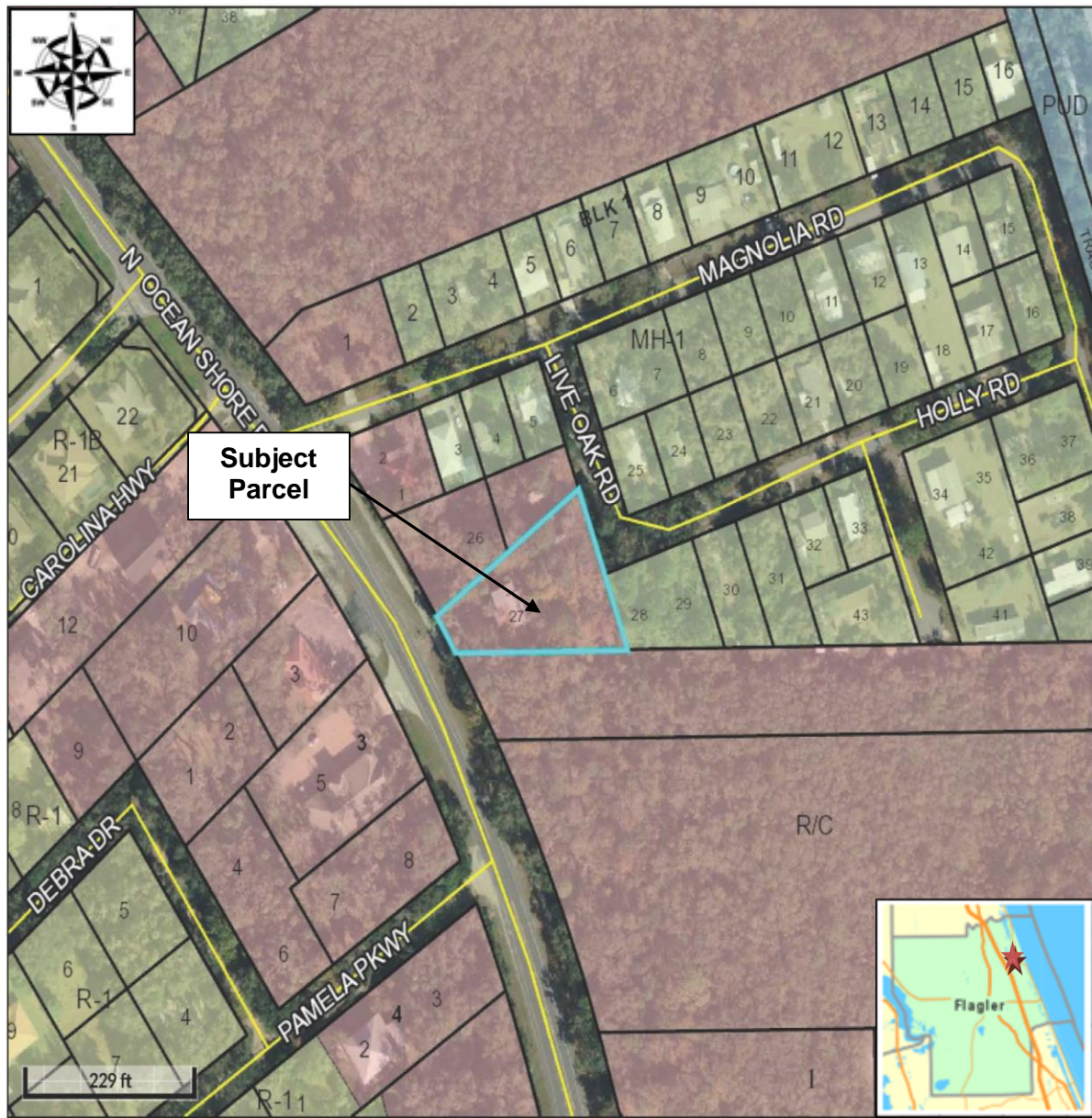
Map Series
Aerial Photograph



Future Land Use Map (FLUM)



Zoning Map



Hammock Enterprises, LLC Special Exception

ParcelId	Owner	Address	City, State, Zip
40-10-31-5135-00020-0120	SELECT REALTY OF FLAGLER CCOUNTY, INC	250 PALM COAST PKWY NE UNIT 40	PALM COAST, FL 32137
40-10-31-5135-00010-0100	DIANE S LIKINS	5062 N OCEANSHORE BLVD	PALM COAST, FL 321373303
40-10-31-5135-00030-0010	EDWARD C & ILONA L SHEPLAN	414 SHADY BANKS RD	ALTAMONT SPRINGS, FL 327147526
40-10-31-5135-00030-0030	THEODORA MERENDINO & FRED MENNA	212 FREEDOM COURT	DEERFIELD BEACH, FL 33442
40-10-31-5135-00030-0050	OCEANSHORES DEVELOPMENT LLC C/O L	8 CARLOS COURT	PALM COAST, FL 32137
40-10-31-5135-00030-0070	MICHAEL W & LINDA CATRON TRUSTEES	16351 VAN GOGH RD	LOXAHATCHEE, FL 33470
40-10-31-4050-00000-0010	WATSON REALTY CORP	7851 DEERCREEK CLUB RD # 200	JACKSONVILLE, FL 32257
40-10-31-5136-00010-0020	GEORGE W WALLS JR	7 PELICAN LANE	FLAGLER BEACH, FL 32136
40-10-31-4050-00000-0260	D. HENNESY , A. MINIAGI , M. FOSTER & L	PO BOX 3081	BUNNELL, FL 32110
40-10-31-4050-00000-0030	JULIE DUTTON	4 MAGNOLIA RD	PALM COAST, FL 32137
40-10-31-5136-00010-0030	STEWART M & JOAN M SMITH	1301 UNDERWOOD ROAD	SYKESVILLE, MD 21784
40-10-31-4050-00000-0270	RHONDA J WEST	426 PORPOISE DRIVE	ST AUGUSTINE, FL 32084
40-10-31-5137-000A0-0000	OCEAN HAMMOCK INC A FLA CORP.	537 NE 1ST ST SUITE 5	GAINESVILLE, FL 32601
40-10-31-4050-00000-0040	ANITA CROCKER	50 HERNANDEZ AVE #A	PALM COAST, FL 321373243
40-10-31-4050-00000-0261	GREGORY C KUENZIG	PO BOX 1234	FLAGLER BEACH, FL 32136
40-10-31-5137-000B0-0000	OCEAN HAMMOCK INC A FLA CORP.	537 NE 1ST STR SUITE 5	GAINESVILLE, FL 32601
40-10-31-4050-00000-0050	CAROL BATEMAN	8 MAGNOLIA ROAD	PALM COAST, FL 32137
40-10-31-5136-00010-0050	MARY ELLEN GILMER	9 MAGNOLIA ROAD	PALM COAST, FL 32137
40-10-31-5136-00010-0060	SARAH BETTINGER	11 MAGNOLIA ROAD	PALM COAST, FL 32137
40-10-31-4050-00000-0060	LUDMILA HAUSTOVA	5 HOLLY ROAD	PALM COAST, FL 32137
40-10-31-5136-00010-0070	SARAH BETTINGER	6100 SENECA SPRINGS AVENUE	LAS VEGAS, NV 89130
40-10-31-4050-00000-0250	3 LIVE OAK ROAD TRUST	PO BOX 351473	PALM COAST, FL 32135
40-10-31-4050-00000-0280	JAMES GARCIA	19 MAGNOLIA ROAD	PALM COAST, FL 32137
40-10-31-5136-00010-0080	JERRY A & JOAN M GALASSO	247 TREASURE BEACH ROAD	ST AUGUSTINE, FL 32080
40-10-31-4050-00000-0240	ALEXEI & LUDMILA H NIZELSKIY	5 HOLLY ROAD	PALM COAST, FL 32137
40-10-31-4050-00000-0080	THOMAS J & BARBARA V MCDONNELL	25 BANNERWOOD LANE	PALM COAST, FL 32137
40-10-31-4050-00000-0230	RAYMOND BARTOSEK	309 N 6TH ST	FLAGLER BEACH, FL 321363363
40-10-31-4050-00000-0300	DEBORAH M GIBSON LO PRESTI	6 FIRST AVENUE	PALM COAST, FL 32137
40-10-31-4050-00000-0090	RICHARD G & KATHY A KEENE	2473 SUNDOWN ST	EMMETT, ID 836179024
40-10-31-4050-00000-0220	SCOTT WUNDERLE	148 EUCLID AVENUE #386	LAKE COMO, FL 32157
40-10-31-4050-00000-0310	BRIAN & PAGE HASSON	2901 HEADLEYS HILL RD	PATASKALA, OH 43062
40-10-31-4050-00000-0210	GUS E JR & TRACY R LIVADITIS	750 AMBERTON CLOSE	SUWANEE, GA 30024
40-10-31-4050-00000-0320	DEBBIE CHRISTOPHER & MARK PALMER	10 HOLLY ROAD	PALM COAST, FL 32137

App # 3122
Hammock Enterprises, LLC Special Exception

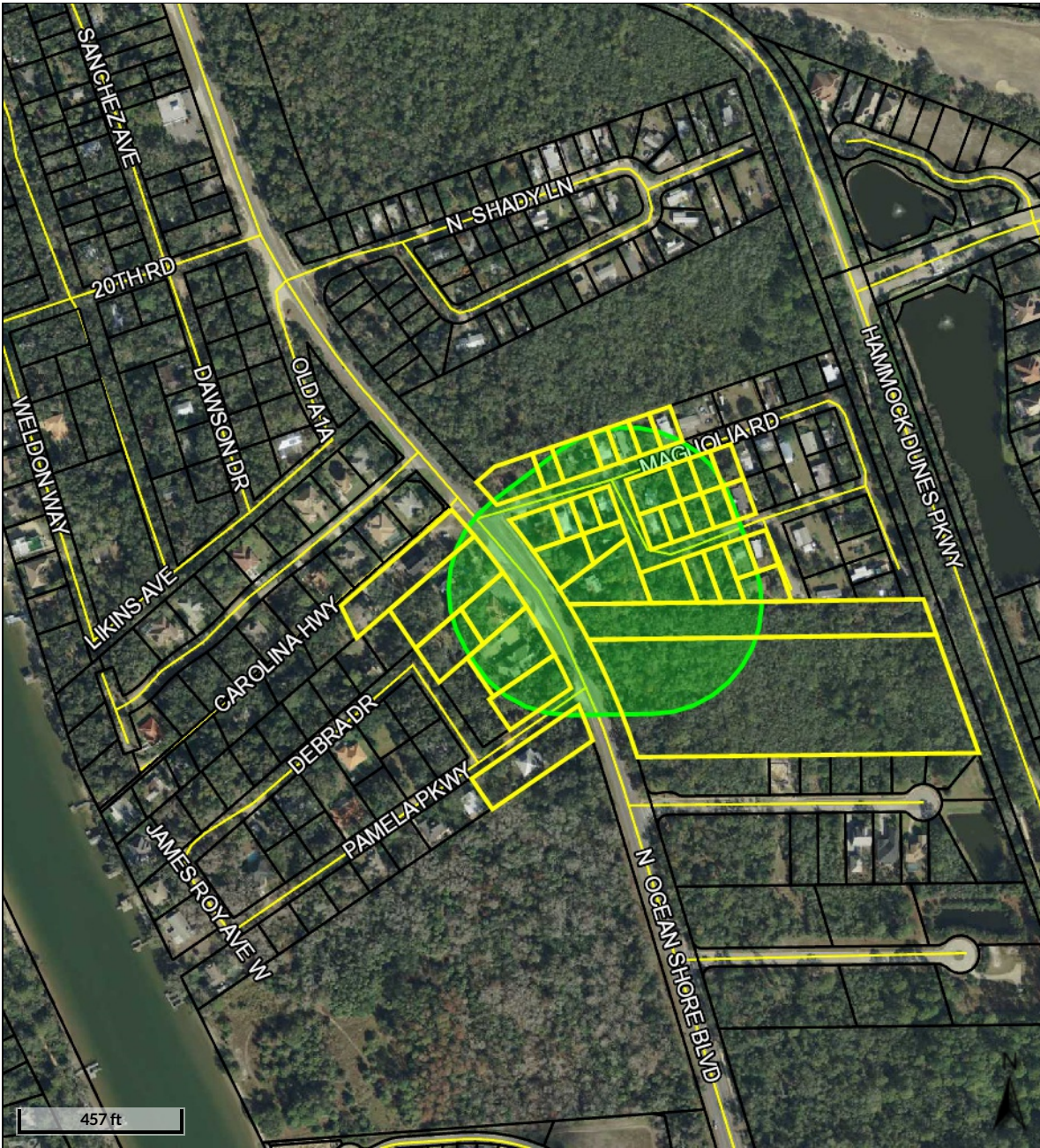
ParcelId	Owner	Address	City, State, Zip
40-10-31-4050-00000-0430	VINCENT E K & SUSAN G NAGY	4 PALMETTO ROAD	PALM COAST, FL 32137
40-10-31-4050-00000-0330	WILLIAM C HARRELL	12 HOLLY ROAD	PALM COAST, FL 32137
40-10-31-4050-00000-0100	KATHY A & RICHARD G KEENE	2373 SUNDOWN STREET	EMMETT, ID 83617
40-10-31-5135-00040-0020	JOHN D & ELISA C GRAHAM	419 SEBASTIAN SQUARE	ST AUGUSTINE, FL 32095
40-10-31-5136-00010-0010	ANGLE CARE INC	3900 WIMBLEDON DRIVE	LAKE MARY, FL 32746

I hereby affirm mailed notice to each owner on December 21, 2017 for the Planning & Development Board Meeting on January 9, 2018 at 6pm



Wendy Hickey, Planner



Hasler
12/21/2017
US POSTAGE \$00.00⁰⁰
 ZIP 32110
011D11646866



Overview



Legend

-  Parcels
-  Streams and River

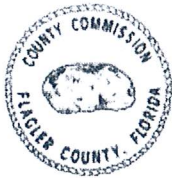
Date created: 12/18/2017
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Developed by
The Schneider Corporation

RECEIVED

JAN 02 2018



APPLICATION FOR SPECIAL EXCEPTION

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

PLANNING
FLAGLER COUNTY, FL

Application/Project #: 3122 / 2018010001

PROPERTY OWNER(S)
Name(s): Hammock Enterprises, LLC
Mailing Address: 102 Yacht Harbor Drive Suite 161
City: Palm Coast State: FL Zip: 32137
Telephone Number 386-986-8207 Email brentdbruns@gmail.com
Fax Number: Address:

APPLICANT/AGENT
Name(s): Hammock Enterprises, LLC
Mailing Address: 102 Yacht Harbor Drive Suite 161
City: Palm Coast State: FL Zip: 32137
Telephone Number 386-986-8207 Fax Number
Email Address brentdbruns@gmail.com

SUBJECT PROPERTY
SITE LOCATION (street address): 5047 N Ocean Shore Blvd.
LEGAL DESCRIPTION: Magnolia Manor, Lot 27 Unit #1
Parcel # (tax ID #): 40-10-31-4050-00000-0270
Parcel Size: 0.58 ac
Current Zoning Classification: RC
Current Future Land Use Designation: Mixed Use - Low Intensity
Subject to A1A Scenic Corridor IDO? YES NO

Requested Use: This project proposes to convert the subject property, with a current special exception for a flooring business, to a sit down restaurant and brewery with associated parking and required utility infrastructure.

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:

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

Prepared by and return to:
Seth D Corneal
Attorney at Law
Seth D. Corneal, LLC d/b/a The Corneal Law Firm
509 Anastasia Blvd
Anastasia Island, FL 32080
904-819-5333
File Number: 17-015

Parcel Identification No. 40-10-31-4050-00000-0270

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this **11th** day of **December, 2017** between **Rhonda J. West**, a/k/a Rhonda West James, whose post office address is **426 Porpoise Drive, Saint Augustine, FL 32084** of the County of **Saint Johns, State of Florida**, grantor*, and **Hammock Enterprises, LLC**, a **Florida limited liability company** whose post office address is **102 Yacht Harbor Drive, Unit 161, Palm Coast, FL 32137** of the County of **Flagler, State of Florida**, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Flagler County, Florida**, to-wit:

Lot 27, Magnolia Manor, according to the map or plat thereof as recorded in Plat Book 5, Page 31, Public Records of Flagler County, Florida.

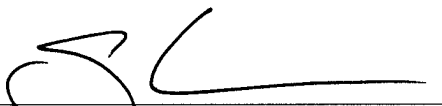
Grantor warrants that the real property described herein is not her homestead property, nor is it contiguous to her homestead property.

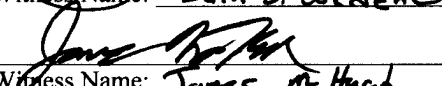
and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

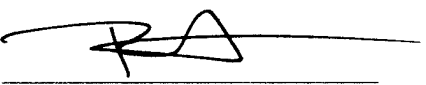
* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:


Witness Name: SETH D. CORNEAL


Witness Name: JAMES McHUGH


Rhonda J. West a/k/a Rhonda West James

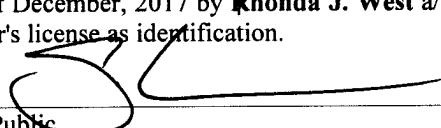
State of Florida
County of Saint Johns

The foregoing instrument was acknowledged before me this 8th day of December, 2017 by **Rhonda J. West** a/k/a Rhonda West James, who are personally known or have produced a driver's license as identification.

[Notary Seal]



SETH DAVID CORNEAL
MY COMMISSION # FF 113594
EXPIRES: April 30, 2018
Bonded Thru Budget Notary Services



Notary Public

Printed Name: Seth D. Corneal

My Commission Expires: 4/30/2018

FCC RD



ALANN ENGINEERING
GROUP, INC.

CONSULTING ENGINEERS

880 AIRPORT ROAD
SUITE 113
ORMOND BEACH, FL 32174

CA No. 5479

PH: 386-673-7640
FAX: 386-673-3927

SITE DESIGN

ROAD DESIGN

SUBDIVISION DESIGN

STORMWATER DESIGN

WATER/SEWER DESIGN

CONTRACT ADMINISTRATION

EMAIL:
KAB@AE-GROUP.COM

KIMBERLY A. BUCK, P.E.
PRESIDENT
LICENSE No. 38565

January 2, 2018

Adam Mengel
Flagler County
Planning Services
1769 E. Moody Blvd., Ste 105
Bunnell, FL 32110

Re: Ocean Shore Brewery – Special Exception Application

Dear Mr. Mengel,

Per the 'required attachments' list from the Special Exception Application, please find the following items enclosed with this package:

1. One (1) (8.5 x 11) Application for Special Exception
2. One (1) (8.5 x 11) Warranty Deed
3. One (1) (11 x 17) Civil Engineering Plan Set
4. One (1) CD with digital copies of the above-referenced items

Please note: The ten Civil Plan Sets and the associated fee have been intentionally omitted at this time, per conversations with County staff.

Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

The Alann Engineering Group, Inc.

Melissa H. Tincher E.I.
Project Engineer
cc: File

HAMMOCK PLAYGARDEN & OCEAN SHORE BREWERY

5047 N OCEAN SHORE BLVD.
PALM COAST, FL 32137

OWNER/APPLICANT:
HAMMOCK ENTERPRISES, LLC
102 YACHT HARBOR DRIVE SUITE 161
PALM COAST, FL 32137
386-986-8207
BRENTDBRUNS@GMAIL.COM

ENGINEER:
THE ALLAN ENGINEERING GROUP, INC.
CONSULTING ENGINEERS
880 AIRPORT RD. STE. 113
ORMOND BEACH, FL 32174
PH. (386) 673-7640
EMAIL: KAB@AE-GROUP.COM

SURVEYOR:
EFIRD SURVEYING GROUP, INC.
475 S. BLUE LAKE AVENUE
DELAND, FL 32724
PH. (386) 740-4144
EMAIL: LARRY@EFIRDSURVEYING.COM

LOCATION MAP (N.T.S.)



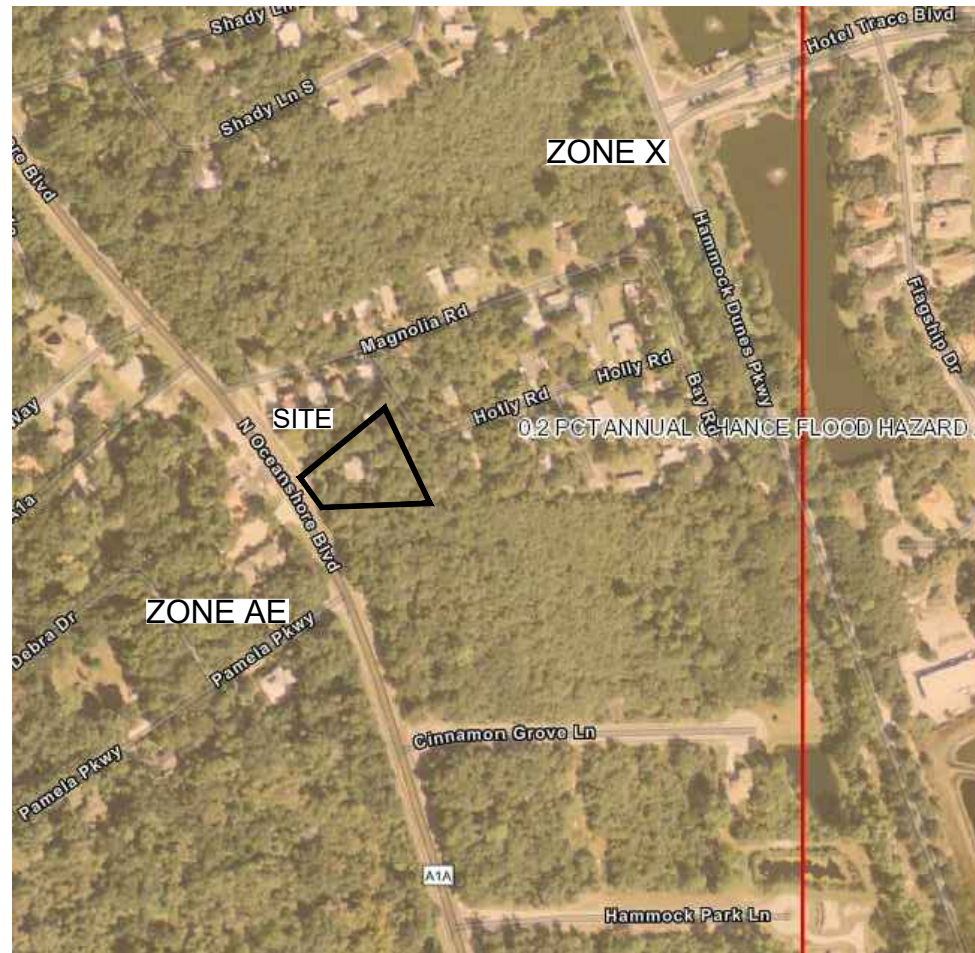
TAX PARCEL ID NUMBER: 40-10-31-4100-00000-0280

SOILS MAP



34 - COC0A-BULOW COMPLEX; SOIL TYPE: A
20 - ORSINO FINE SAND; SOIL TYPE: A

FLOOD MAP



FLOOD ZONE X - MAP 12035C0129D PANEL 0129D REVISED: JULY 17, 2006

GENERAL NOTES:

- CONTRACTOR SHALL VERIFY ALL PERTINENT FEATURES WHICH MAY AFFECT HIS BID PRIOR TO BIDDING THE PROJECT. DISCREPANCIES NOTED DURING CONSTRUCTION WILL NOT BE CONSIDERED CAUSE FOR EXTRA PAYMENT ON ANY OF THE PAY ITEMS IN THE CONTRACT.
- UTILITIES MAY EXIST WHICH ARE NOT SHOWN ACCURATELY ON THESE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFICATION OF ALL UTILITY LOCATIONS PRIOR TO ANY CONSTRUCTION.
- CONTRACTOR SHALL IMMEDIATELY NOTIFY DESIGN ENGINEER AND FDOT PERMIT MANAGER OF ANY DISCREPANCIES FOUND ON THE PLANS.
- ANY PUBLIC LAND CORNER WITHIN THE LIMITS OF CONSTRUCTION IS TO BE PROTECTED. IF A CORNER MONUMENT IS IN DANGER OF BEING DESTROYED AND HAS NOT BEEN PROPERLY REFERENCED, THE CONTRACTOR SHOULD NOTIFY THE COUNTY WITHOUT DELAY BY TELEPHONE.
- MAINTENANCE OF TRAFFIC WILL BE IN ACCORDANCE WITH THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS", & THE 2015 FDOT ROADWAY AND TRAFFIC DESIGN STANDARDS.
- A MINIMUM OF ONE (1) COMPACTION TEST PER 5,000 SQUARE FEET OF PARKING AREA IS REQUIRED. A COPY OF THE TEST REPORTS SHALL BE GIVEN TO THE FLAGLER COUNTY'S DESIGNATED INSPECTOR.
- TEMPORARY DRAINAGE SHALL BE PROVIDED DURING CONSTRUCTION TO ELIMINATE ANY FLOODING OF PRIVATE PROPERTY.
- UNSTABLE MATERIALS SHALL BE REMOVED FROM CONSTRUCTION AREAS AND BACKFILLED WITH SUITABLE MATERIALS.
- CONSTRUCTION SHALL INCLUDE REPLACING, WITH MATCHING MATERIALS, THE DRIVEWAYS, WALKS, MAILBOXES, CURBS AND LANDSCAPING THAT ARE DAMAGED OR REMOVED DUE TO CONSTRUCTION, THIS WORK SHALL BE COORDINATED WITH PROPERTY OWNERS.
- ALL STORM SEWER LINES AND INLETS SHALL BE CLEANED OF DEBRIS AND ERODED MATERIALS AT LAST STAGES OF CONSTRUCTION.
- ANY DRAINAGE PROBLEMS CREATED BY CONSTRUCTION OR EXISTING BEFORE CONSTRUCTION AND NOT ALLEVIATED SHOULD BE BROUGHT TO THE ATTENTION OF FDOT, FLAGLER COUNTY AND THE DESIGN ENGINEER.
- ALL AREAS DISTURBED DURING CONSTRUCTION SHALL BE RESTORED TO ORIGINAL CONDITION.
- CONTRACTOR SHALL PROVIDE AN AS-BUILT SURVEY PERFORMED BY A REGISTERED SURVEYOR. SURVEY SHALL INDICATE AS-BUILT OF ALL IMPROVEMENTS.
- THE CONTRACTOR SHALL CALL FOR LOCATES 2 BUSINESS DAYS PRIOR TO STARTING CONSTRUCTION.
- NO LAND SHALL BE CLEARED, EXCAVATED OR FILLED AND NO STRUCTURE SHALL BE ERRECTED, REPAIRED OR DEMOLISHED WITHOUT PROPER PERMIT(S) AS REQUIRED BY THE FDOT & FLAGLER COUNTY.
- ANY CONSTRUCTION CHANGES TO APPROVED PLANS SHALL BE SUBMITTED TO FDOT & FLAGLER COUNTY FOR APPROVAL PRIOR TO PERFORMING THE WORK.
- A PRE-PAVING UTILITY INSPECTION MUST BE REQUESTED AND COMPLETED PRIOR TO THE PAVING OF ALL ROADS, STREETS, AND PARKING AREAS.
- A FINAL INSPECTION, TO BE CONDUCTED BY FDOT & FLAGLER COUNTY, SHALL BE PERFORMED ON ALL CONSTRUCTION. THE DESIGN ENGINEER SHALL NOTIFY FLAGLER COUNTY ONCE AS-BUILT DRAWINGS AND CLEARANCES HAVE BEEN SUBMITTED.
- A COMPLETE SET OF AS-BUILT DRAWINGS ARE REQUIRED TO BE SUBMITTED TO FLAGLER COUNTY PRIOR TO REQUESTING A FINAL INSPECTION.
- ALL PAVEMENT MARKINGS AND STRIPING WITHIN FDOT RIGHTS-OF-WAY SHALL BE THERMOPLASTIC AND WILL BE INSTALLED IN ACCORDANCE WITH THE FDOT STANDARD INDEX #17346, VERSION 2015.
- THIS PROPERTY IS SUBJECT TO COMPLIANCE WITH FLAGLER COUNTY LAND DEVELOPMENT CODE SECTION 6.05.00 - MARINE SEA TURTLES.

FDOT GENERAL NOTES:

- MAINTENANCE OF TRAFFIC TO BE SUPERVISED BY A PERSON/CONTRACTOR CERTIFIED WITH FDOT TO PROVIDE MAINTENANCE OF TRAFFIC.
- THE CONTRACTOR SHALL NOTIFY FDOT PERMIT MANAGER A MINIMUM OF TWO BUSINESS DAYS PRIOR TO ANY LANE CLOSURES OR BEGINNING ANY CONSTRUCTION WITHIN THE FDOT RIGHT-OF-WAY.
- ALL WORK PERFORMED WITHIN THE FDOT RIGHT-OF-WAY SHALL BE IN ACCORDANCE WITH THE 2015 FDOT DESIGN STANDARDS, SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION AND THE UTILITY ACCOMMODATION MANUAL.
- IF THE DEPARTMENT DETERMINES THAT AS-BUILT CONDITIONS VARY SIGNIFICANTLY FROM THE APPROVED PLANS, THE PERMITTEE SHALL PROVIDE AS-BUILT PLANS, ALONG WITH A RECORD DRAWINGS REPORT BY PERMITTEE'S PROFESSIONAL ENGINEER. FORM 850-040-19, WITHIN 30 DAYS AFTER FINAL ACCEPTANCE.
- IT WILL BE THE RESPONSIBILITY OF THE PERMITTEE TO REPAIR ANY DAMAGE TO FDOT FACILITIES CAUSED BY CONSTRUCTION OF THE PROJECT.
- TEST RESULTS OF ANY TESTS TAKEN FOR OR DURING CONSTRUCTION OF THE PERMITTED WORK SHALL BE PROVIDED TO THE FDOT UPON REQUEST.
- ALL CONCRETE TO BE REMOVED SHALL BE SAW CUT AT THE NEAREST JOINT IN GOOD CONDITION, SO AS TO PRODUCE A CONNECTION WITH NEW CONCRETE THAT IS FREE OF CRACKS, DEFORMITY IN SHAPE, NOTICEABLE VOIDS, SURFACE IRREGULARITIES, AND OTHER DEFECTS. CONCRETE GUTTER.
- ALL CONCRETE SHALL BE AN APPROVED FDOT MIX DESIGN OF 3,000 PSI.
- ALL MATERIALS INSTALLED WITHIN FDOT RIGHT-OF-WAY SHALL BE LIMITED TO THOSE ON THE FDOT'S QUALIFIED PRODUCTS LIST OR APPROVED PRODUCTS LIST OF TRAFFIC CONTROL SIGNALS AND DEVICES.
- NOTIFY THE FDOT AT (386) 740-3406 2 BUSINESS DAYS PRIOR TO THE START OF CONSTRUCTION FOR ANY WORK WITHIN FDOT RIGHT-OF-WAY INCLUDING BUT NOT LIMITED TO DRIVEWAY CONSTRUCTION, GRADING, PAVING, STORMWATER AND/OR UTILITY WORK AS SHOWN ON THESE PLANS.

SITE DATA:

FLOOD ZONE: ZONE X; MAP 12035C0129D PANEL 0129D REVISED: JULY 17, 2006
EXISTING ZONING: R/C - RESIDENTIAL COMMERCIAL

EXISTING FLU: MIXED USE - LOW INTENSITY

EXISTING USE: COMMERCIAL (FLOORING)
PROPOSED USE: COMMERCIAL (BREWERY)

TOTAL LOT ACREAGE:
0.58 ACRES (25,151 SF)

EXISTING

EXISTING IMPERVIOUS SURFACES:

ACCESSORY STRUCTURES:
SHED/BREWERY/PUMPHOUSE: 576 SF (2.3%)
ADD'L CONCRETE/PAVERS/PORCH: 1,546 SF (6.1%)
BUILDING:
HOUSE: 1,298 SF (5.2%)

BUILDING/ACCESSORY TOTAL: 3,420 SF (13.6%)

GRAVEL PARKING AREA: 5,433 SF (21.6%)

TOTAL IMPERVIOUS AREA: 8,853 SF (35.2%)

OPEN SPACE: 15,722 SF (63%)

GRAVEL PARKING AREA INCREASE: 1,843 SF

TOTAL PARKING (GRAVEL & CONCRETE) PARKING AREA INCREASE: 2,709 SF

EXISTING MAIN BUILDING SETBACKS: 73.41 FT (FRONT)/ 28.54 FT (INT SIDE)/ 23.61 FT (INT SIDE)/ 99.75 FT (REAR)

R/C DEVELOPMENT STANDARDS

MINIMUM SITE SIZE:
AREA: 10,000 SF
WIDTH: 80 FT

BUILDING SETBACKS REQUIRED:
FRONT: 40 FEET (25% OF 230 FT = 57.5, USE 40 FT MAXIMUM)
SIDE YARD: 10 FT
REAR YARD: 25 FT
CORNER SIDE YARD: 25 FT

MAX BUILDING HEIGHT: 45'

MINIMUM PERVIOUS AREA: 35%

MAXIMUM LOT COVERAGE (BUILDINGS): 30%

SEPTIC SETBACKS REQUIRED: NEW SEPTIC SYSTEM: 5 FT FROM PROPERTY LINE/BUILDING FOUNDATION; 15 FT FROM STORMWATER DRY POND; 10 FT FROM WATER LINES; 50 FT FROM NONPOTABLE WATER WELL; 5 FT FROM WATER FEATURES

LANDSCAPE BUFFERS REQUIRED (ALL ZONING):

PARKING AND VEHICULAR USE AREAS:
FRONT: 40FT (25% OF 230 FT = 57.5 FT, MAX 40FT)
SIDE: 15 FT
REAR: 20 FT

UNCOMPLIMENTARY USE BUFFERS:
ALL SIDES: 25' BUFFER, 10' OF WHICH IS LANDSCAPED
A FENCE/NATURAL SCREENING AT LEAST 6' IN HEIGHT IS REQUIRED

LANDSCAPING - 15% TOTAL DEVELOPED AREA

PARKING:

1 SPACE/50 SF OF GROSS SEATING AREA, PLUS ONE SPACE FOR EACH EMPLOYEE/SHIFT
400 SF SEATING AREA/50 SF = 8 SPACES
+ 2 EMPLOYEES/SHIFT = 10 SPACES (9 STANDARD/1 ACCESSIBLE)

Sheet List Table

Sheet Number	Sheet Title
COVER	COVER SHEET
C001	DEMOLITION PLAN
C002	CONCEPTUAL LAYOUT

STATEMENT OF INTENT

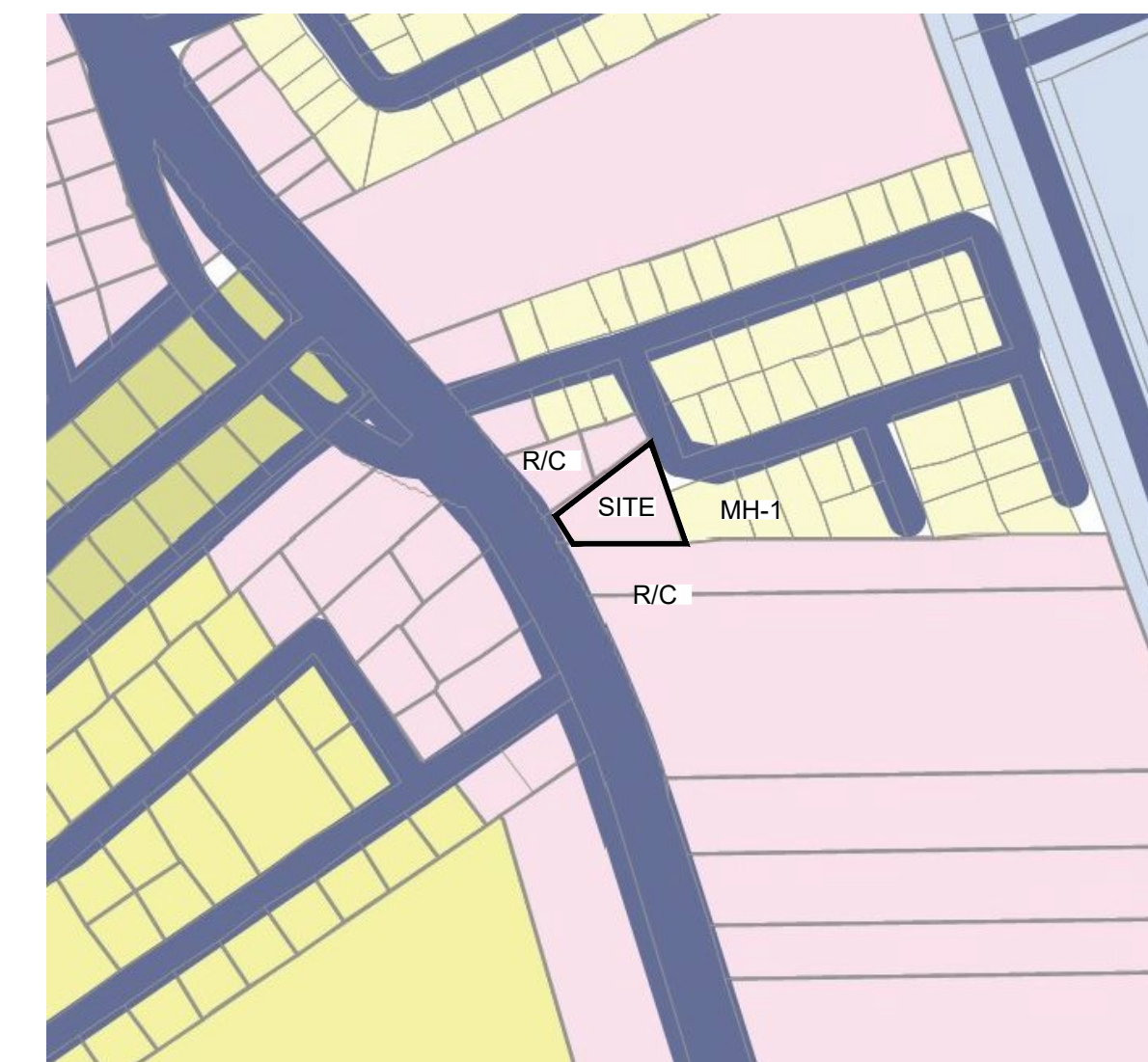
TO REDEVELOP AN EXISTING PROPERTY TO SERVE AS A RESTAURANT AND BREWERY WITH ASSOCIATED INFRASTRUCTURE (DRIVEWAY, PARKING, STORMWATER, ETC.) TO SERVE THE FACILITY

FLU MAP



EXISTING FLU - MIXED USE: LOW INTENSITY

ZONING MAP



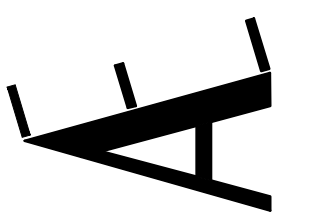
EXISTING ZONING: R/C - RESIDENTIAL COMMERCIAL

LEGAL DESCRIPTION

(PER ORB 0524 PG. 0079)

LOT 27, MAGNOLIA MANOR SUBDIVISION, UNIT 1, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 32, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

ALLAN ENGINEERING GROUP, INC.
CONSULTING ENGINEERS
CERTIFICATE NO. EB5479
880 AIRPORT ROAD, SUITE. 113
ORMOND BEACH, FL 32174
TEL: (386) 673-7640
FAX: (386) 673-5927



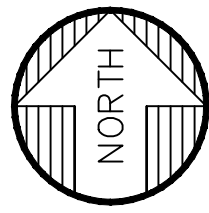
HAMMOCK PLAYGARDENS
FLAGLER COUNTY, FLORIDA
COVER SHEET

NO	DATE	REVISION	BY
01	12/19/17	PER. CNTY. VARIANCE COMMENTS	MHT

DESIGNER	FILE	DATE	SCALE	AS NOTED
KAB	1721-1	10-18-2017	PROJECT	AS NOTED
DRAWN BY				
MHT	1721-1			

NOT VALID UNLESS SIGNED AND SEALED
KIMBERLY A. BUCK P.E. 13845

SHEET
COVER



10 0 10 20
SCALE: 1"= 10'

NOTES

- 1. REFER TO LANDSCAPING PLAN FOR DETAILS ON AREAS AFFECTED BY DEMOLITION

ALANN ENGINEERING GROUP, INC.
CONSULTING ENGINEERS
CERTIFICATE NO. EB5479
880 AIRPORT ROAD, SUITE. 113
ORMOND BEACH, FL 32174
TEL: (386) 673-7640
FAX: (386) 673-3927

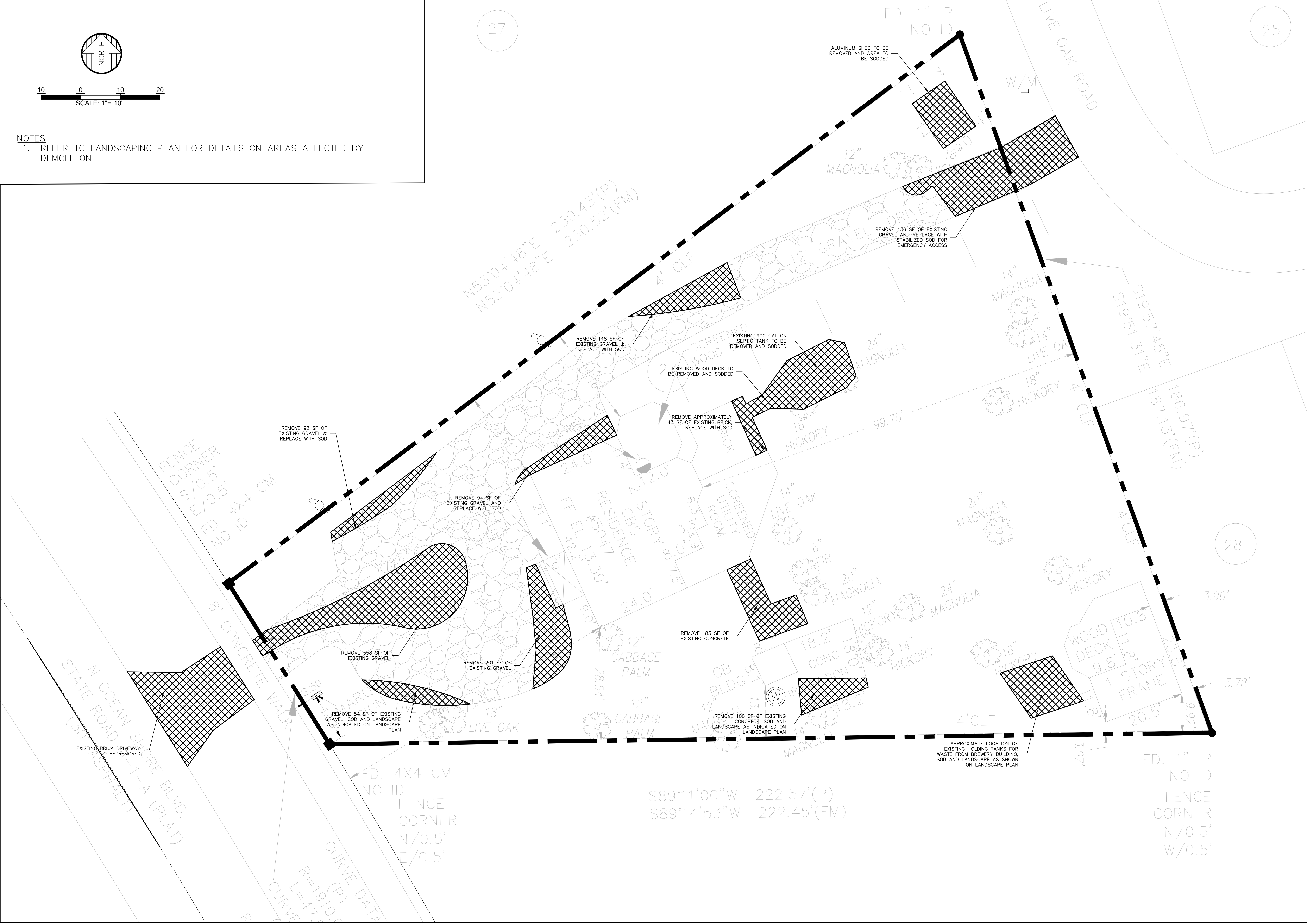
HAMMOCK PLAYGARDENS FLAGLER COUNTY, FLORIDA DEMOLITION PLAN

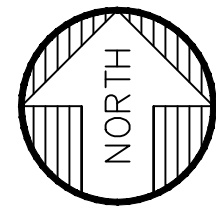
NO	DATE	REVISION	BY
01	12/19/17	PER CITY VARIANCE COMMENTS	MHT

DESIGNER	DATE	FILE	SCALE
KAB	10-18-2017	1721-1	AS NOTED
DRAWN BY	PROJECT		
MHT	1721-1		

NOT VALID UNLESS SIGNED AND SEALED
KIMBERLY A. BUCK P.E. 18845

SHEET
C001





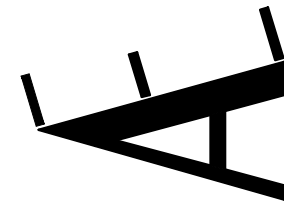
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NOTES:

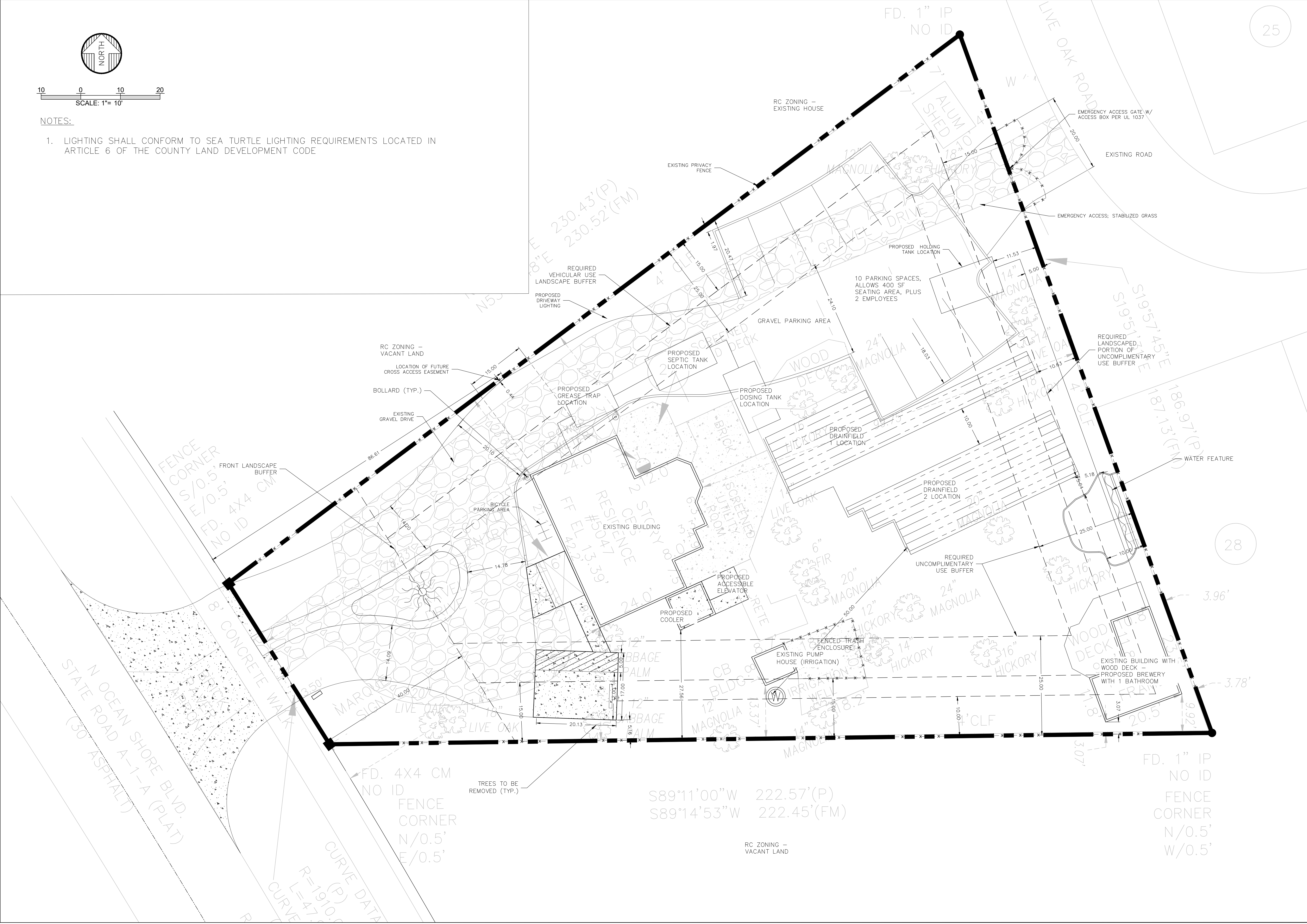
1. LIGHTING SHALL CONFORM TO SEA TURTLE LIGHTING REQUIREMENTS LOCATED IN ARTICLE 6 OF THE COUNTY LAND DEVELOPMENT CODE

25

ALANN ENGINEERING GROUP, INC.
CONSULTING ENGINEERS
CERTIFICATE NO. EB5479
880 AIRPORT ROAD, SUITE. 113
ORMOND BEACH, FL 32174
TEL: (386) 673-7640
FAX: (386) 673-3927



HAMMOCK PLAYGARDENS
FLAGLER COUNTY, FLORIDA
CONCEPTUAL LAYOUT



28

NO	DATE	REVISION	BY
01	12/19/17	PER CITY VARIANCE COMMENTS	MHT

DESIGNER	FILE	DATE	SCALE
KAB	1721-1	10-18-2017	AS NOTED
DRAWN BY	PROJECT		
MHT	1721-1		

NOT VALID UNLESS SIGNED AND SEALED
KIMBERLY A. BUCK P.E. 18845

SHEET
C002

**Flagler County Government
Planning and Zoning Department
Staff Report**

TO: Chair and Planning and Development Board Members

FROM: Planning and Zoning Department

DATE: January 9, 2018

SUBJECT: Application #3120 – VARIANCE IN THE R/C (RESIDENTIAL/LIMITED COMMERCIAL) DISTRICT

- I. **Requested Action & Purpose:** This **quasi-judicial** request is for a landscape buffer variance between uncomplimentary land uses from the required 15 foot minimum width in the R/C (Residential/Limited Commercial) district on 0.58+/- acres.
- II. **Location and Legal Description:** 5047 North Oceanshore Boulevard; on the East side of North Oceanshore Boulevard (a/k/a State Road A1A), South of Magnolia Road, lying within Section 40, Township 10 South, Range 31 East, Flagler County, Florida; Parcel #40-10-31-4050-00000-0270; located at and containing 0.58+/- acres.
- III. **Owner and Applicant/Agent:** Brent Bruns d/b/a Hammock Enterprises, LLC
- IV. **Parcel Size:** 0.58+/- acres
- V. **Existing Zoning & Future Land Use Classification:**
Zoning: Residential/ Limited Commercial (R/C)
Future Land Use: Mixed Use: Low Intensity, Low Medium Density
- VI. **Future Land Use Map Classification / Zoning of Surrounding Land:**
North: Mixed Use: Low Intensity, Low/Medium Density/R/C (Residential/Limited Commercial Use) District
South: Mixed Use: Low Intensity, Low/Medium Density/R/C (Residential/Limited Commercial Use) District
East: Residential: Low Density/Rural Estate/MH-1 (Rural Mobile Home) District
West: Mixed Use: Low Intensity, Low/Medium Density/R/C (Residential/Limited Commercial) District
- VII. **Land Development Code Sections Affected:**
Section 3.07.03.E, *Variance Guidelines*
- VIII. **Report in Brief:** Mr. Bruns on behalf of Hammock Enterprises LLC, submitted this variance application on December 1, 2017. This is a before-the-fact variance request. This request is for a reduction and relief from the 15 foot wide minimum landscape buffer between uncomplimentary land uses.

IX. Background: The subject parcel lies within the R/C (Residential/Limited Commercial) district and was platted as Lot 27, Unit 1, in the Magnolia Manor Subdivision as recorded at Map Book 5 Pages 32, Public Records of Flagler County Florida, on October 10, 1958 .

On June 29, 1987, the Planning Board approved Application #076 for a Special Exception for retail sales (floor coverings), conditioned upon installation of a 6-foot high wood fence along the North, South, and East property lines to screen the commercial use from the surrounding residential uses.

Mr. Bruns purchased the subject parcel on December 11, 2017 (recorded on December 28, 2017 at Official Records Book 2249, Page 1023, Public Records of Flagler County, Florida).

Mr. Bruns met with the Technical Review Committee on December 20, 2017 regarding the variance. Committee comments are attached at the end of this report.

The A1A Scenic PRIDE Committee reviewed this request at their October 27, 2017 meeting and issued its letter of non-support (attached) that outlined their concerns with the Land Use/Rezoning not being compatible with the goals of the Scenic Byway. Additional comments are attached with respect to the variance request.

Public notice has been provided for this application according to LDC Section 2.07.00 and Section 125.66 and Chapter 163, Florida Statutes.

X. Variance Criteria Analysis: LDC Section 3.07.03.E., *Variance Guidelines*, states that a variance may be granted only upon a 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*

Applicant's response: "The site is a very unique shape with many large trees and existing building conditions. Because of this, a design that meets the Land Development Requirements is impossible if the trees are to be

preserved and open outdoor space is a priority for the restaurant. This design has been selected in order to maintain the character of the “Hammock” area. Therefore, a variance is requested for the parking area as shown on the design plan, where it encroaches into the landscape buffer and uncomplimentary use buffer.”

Staff analysis: This property has been developed for several decades with an approved commercial use through a previous Special Exception approval. This request arguably is a greater intensity of use than the previous commercial use, but retains the same structures as the previous development. In order to utilize the parcel as proposed, the variance decreasing the width of the perimeter uncomplimentary use buffer is needed. At its narrowest location along the North parcel line, the buffer width for the most part will be reduced to zero, with the access driveway separated from the neighboring parcel by the existing solid privacy fence.

As was previously stated as part of the Future Land Use amendment and rezoning applications considered at the Board’s December 2017 regular meeting, staff’s greatest concern is the buffering of the use, its lighting and sound impacts, from adjacent parcels. Maintaining the fence is a prerequisite condition to the approval of this variance. Then, provision of the fence together with ongoing maintenance of existing vegetation, inclusive of the bamboo stand located along the East property line, will shield the adjacent parcels from undue impacts associated with this use.

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*

Applicant’s response: “No actions were taken.”

Staff analysis: The site was platted in 1958 and developed in 1959, all structures on site were constructed between 1940 and 2001, per Flagler County Property Appraiser records.

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’s response: “No negative effects are foreseen.”

Staff analysis: The proposed variance, if granted, would not cause substantial detriment to public health, safety, and morals; this variance does not set a precedent for future similar variances.

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

Applicant's response: "The use of land and building is for a restaurant and brewery."

Staff analysis: The property is zoned R/C (Residential/Limited Commercial) and is developed with a single-family residence and accessory building. The accompanying Special Exception request considered under Application #3122 provides for the use of the parcel as a restaurant. Ultimately, if the Special Exception is not approved, then the variance becomes unnecessary. However, the Planning and Development Board should also recognize that both the Special Exception and Variance requests may be appealed.

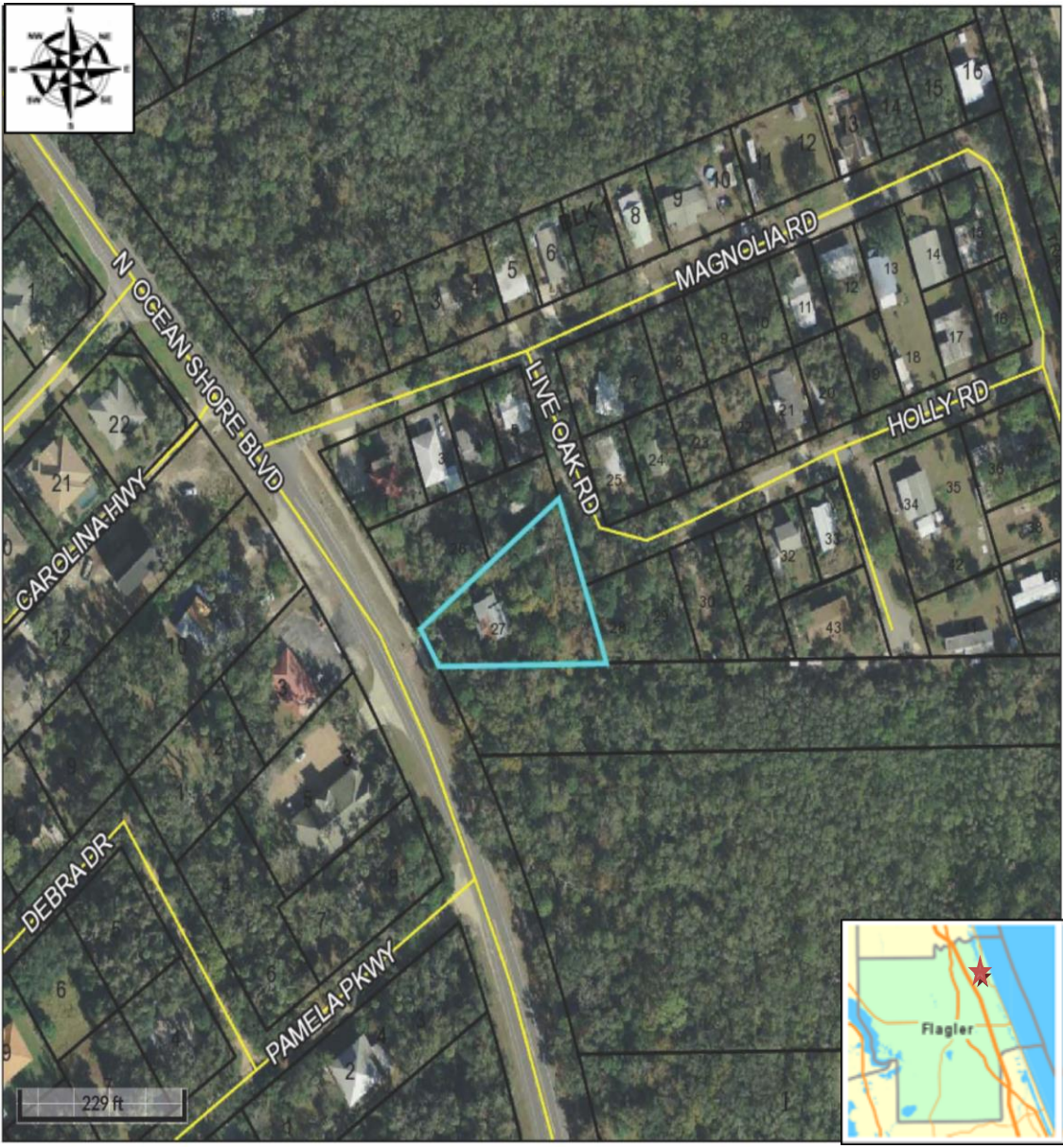
- XI. Quasi-judicial / Legislative Review:** This agenda item is:
 quasi-judicial, requiring disclosure of ex-parte communication; or
 legislative, not requiring formal disclosure of ex-parte communication.
- XII. Staff Recommendation:** Based on the provided application and supplemental information, the Planning Department recommends that the Planning and Development Board make a finding that all criteria as listed in the guidelines at Land Development Code Section 3.07.03.E been met and therefore recommends approval of a landscape buffer variance for Lot 27, Unit 1, Magnolia Manor Subdivision, as recorded at Map Book 5, Page 32, Public Records of Flagler County, Florida, conditioned that a minimum six (6) foot high privacy fence, wall, or trellis planted with natural vegetation will be maintained for the duration of the restaurant use along the North, East, and South property lines.
- XIII. Suggested Adoption Language:** 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 landscape buffer variance for Lot 27, Unit 1, of Magnolia Manor Subdivision, Map Book 5, Page 32, Public Records of Flagler County, Florida, conditioned that a minimum six (6) foot high privacy fence, wall, or trellis planted with natural vegetation will be maintained for the duration of the restaurant use along the North, East, and South property lines.

Alternative Denial Language: The Planning and Development Board finds that all variance criteria as listed in the guidelines at LDC Section 3.07.03.E have not been met and therefore denies the landscape buffer variance for Lot 27, Unit 1, of Magnolia Manor Subdivision, Map Book 5, Page 32, Public Records of Flagler County, Florida.

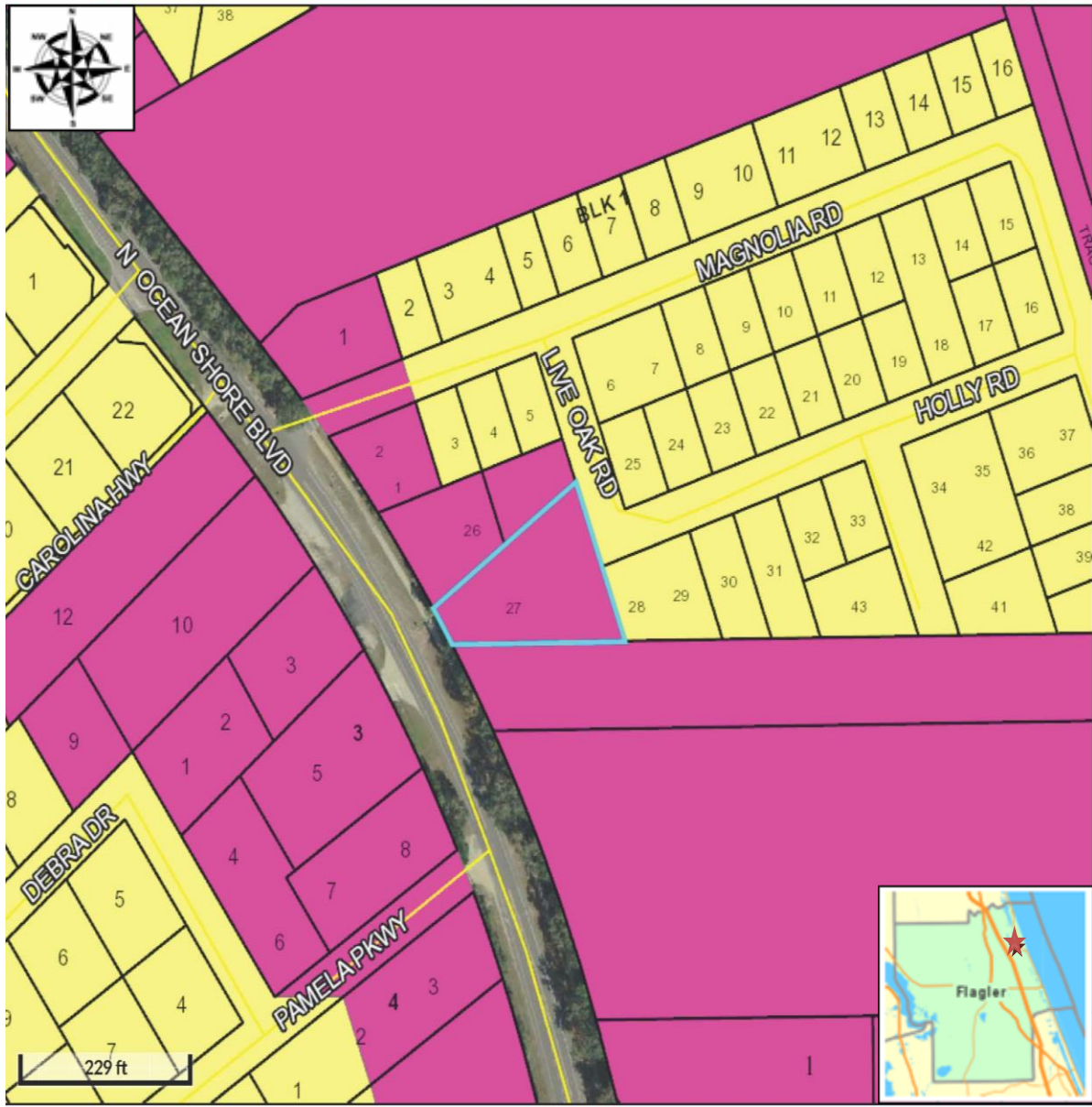
Attachments

1. Notification list and map
2. Application and supporting documents

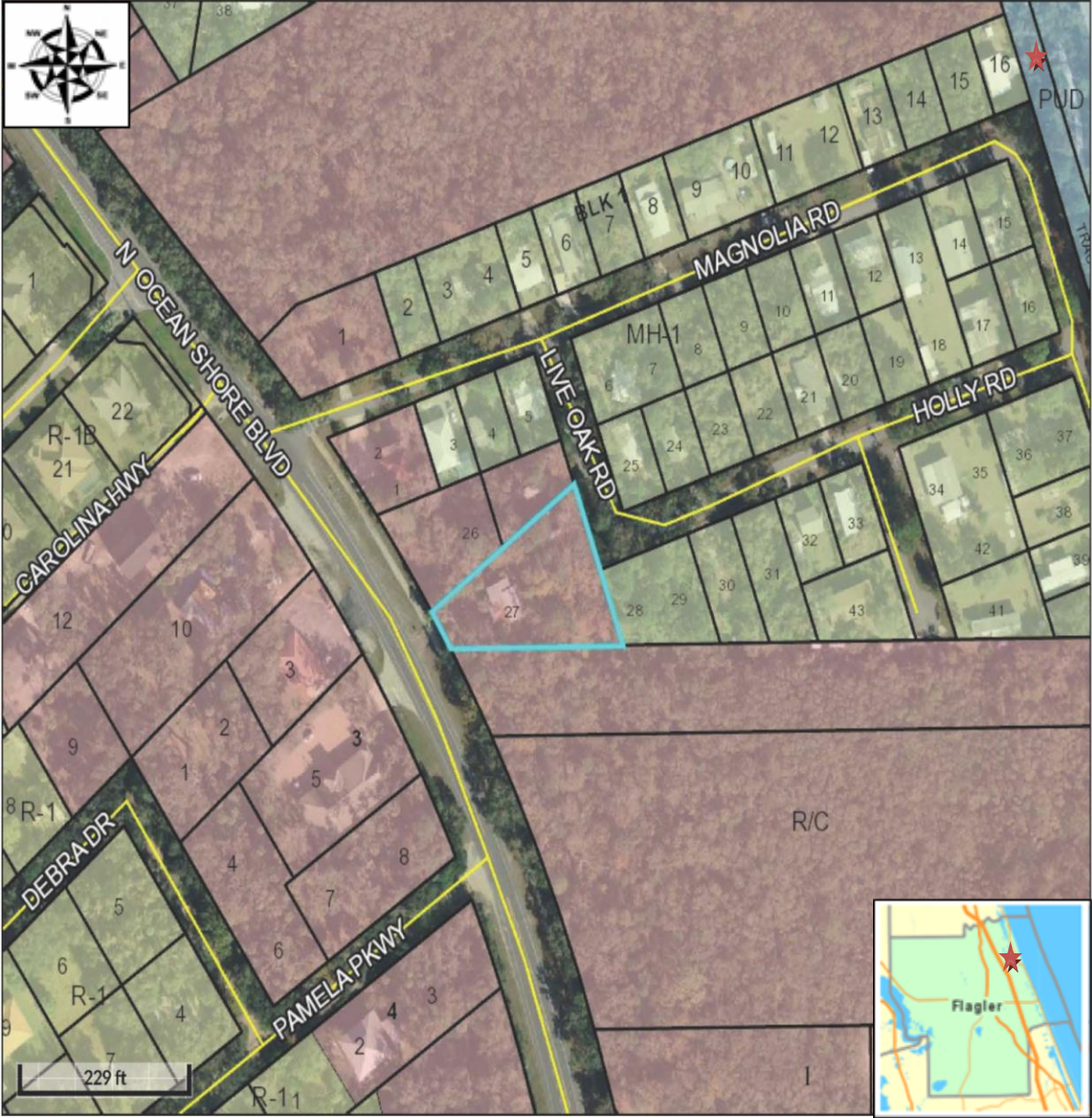
MAP SERIES
Property Appraiser Aerial



Future Land Use Map



Official Zoning Map



App # 3120
Hammock Enterprises LLC Variance

ParcelId	Owner	Address	City, State Zip
40-10-31-5135-00020-0120	SELECT REALTY OF FLAGLER COUNTY, IN	250 PALM COAST PKWY NE UNIT 40	PALM COAST, FL 32137
40-10-31-5135-00010-0100	DIANE S LIKINS	5062 N OCEANSHORE BLVD	PALM COAST, FL 321373303
40-10-31-5135-00030-0010	EDWARD C & ILONA L SHEPLAN	414 SHADY BANKS RD	ALTAMONT SPRINGS, FL 327147526
40-10-31-5135-00030-0030	THEODORA MERENDINO & FRED MENNA	212 FREEDOM COURT	DEERFIELD BEACH, FL 33442
40-10-31-5135-00030-0050	OCEANSHORES DEVELOPMENT LLC C/O L	8 CARLOS COURT	PALM COAST, FL 32137
40-10-31-5135-00030-0070	MICHAEL W & LINDA CATRON TRUSTEES	16351 VAN GOGH RD	LOXAHATCHEE, FL 33470
40-10-31-4050-00000-0010	WATSON REALTY CORP	7851 DEERCREEK CLUB RD # 200	JACKSONVILLE, FL 32257
40-10-31-5136-00010-0020	GEORGE W WALLS JR	7 PELICAN LANE	FLAGLER BEACH, FL 32136
40-10-31-4050-00000-0260	D. HENNESY , A. MINIAGI , M. FOSTER & L	PO BOX 3081	BUNNELL, FL 32110
40-10-31-4050-00000-0030	JULIE DUTTON	4 MAGNOLIA RD	PALM COAST, FL 32137
40-10-31-5136-00010-0030	STEWART M & JOAN M SMITH	1301 UNDERWOOD ROAD	SYKESVILLE, MD 21784
40-10-31-4050-00000-0270	RHONDA J WEST	426 PORPOISE DRIVE	ST AUGUSTINE, FL 32084
40-10-31-5137-000A0-0000	OCEAN HAMMOCK INC A FLA CORP.	537 NE 1ST ST SUITE 5	GAINESVILLE, FL 32601
40-10-31-4050-00000-0040	ANITA CROCKER	50 HERNANDEZ AVE #A	PALM COAST, FL 321373243
40-10-31-4050-00000-0261	GREGORY C KUENZIG	PO BOX 1234	FLAGLER BEACH, FL 32136
40-10-31-5137-000B0-0000	OCEAN HAMMOCK INC A FLA CORP.	537 NE 1ST STR SUITE 5	GAINESVILLE, FL 32601
40-10-31-4050-00000-0050	CAROL BATEMAN	8 MAGNOLIA ROAD	PALM COAST, FL 32137
40-10-31-5136-00010-0050	MARY ELLEN GILMER	9 MAGNOLIA ROAD	PALM COAST, FL 32137
40-10-31-5136-00010-0060	SARAH BETTINGER	11 MAGNOLIA ROAD	PALM COAST, FL 32137
40-10-31-4050-00000-0060	LUDMILA HAUSTOVA	5 HOLLY ROAD	PALM COAST, FL 32137
40-10-31-5136-00010-0070	SARAH BETTINGER	6100 SENECA SPRINGS AVENUE	LAS VEGAS, NV 89130
40-10-31-4050-00000-0250	3 LIVE OAK ROAD TRUST	PO BOX 351473	PALM COAST, FL 32135
40-10-31-4050-00000-0280	JAMES GARCIA	19 MAGNOLIA ROAD	PALM COAST, FL 32137
40-10-31-5136-00010-0080	JERRY A & JOAN M GALASSO	247 TREASURE BEACH ROAD	ST AUGUSTINE, FL 32080
40-10-31-4050-00000-0240	ALEXEI & LUDMILA H NIZELSKIY	5 HOLLY ROAD	PALM COAST, FL 32137
40-10-31-4050-00000-0080	THOMAS J & BARBARA V MCDONNELL	25 BANNERWOOD LANE	PALM COAST, FL 32137
40-10-31-4050-00000-0230	RAYMOND BARTOSEK	309 N 6TH ST	FLAGLER BEACH, FL 321363363
40-10-31-4050-00000-0300	DEBORAH M GIBSON LO PRESTI	6 FIRST AVENUE	PALM COAST, FL 32137
40-10-31-4050-00000-0090	RICHARD G & KATHY A KEENE	2473 SUNDOWN ST	EMMETT, ID 836179024
40-10-31-4050-00000-0220	SCOTT WUNDERLE	148 EUCLID AVENUE #386	LAKE COMO, FL 32157
40-10-31-4050-00000-0310	BRIAN & PAGE HASSON	2901 HEADLEYS HILL RD	PATASKALA, OH 43062
40-10-31-4050-00000-0210	GUS E JR & TRACY R LIVADITIS	750 AMBERTON CLOSE	SUWANEE, GA 30024
40-10-31-4050-00000-0320	DEBBIE CHRISTOPHER & MARK PALMER	10 HOLLY ROAD	PALM COAST, FL 32137

App # 3120
Hammock Enterprises LLC Variance

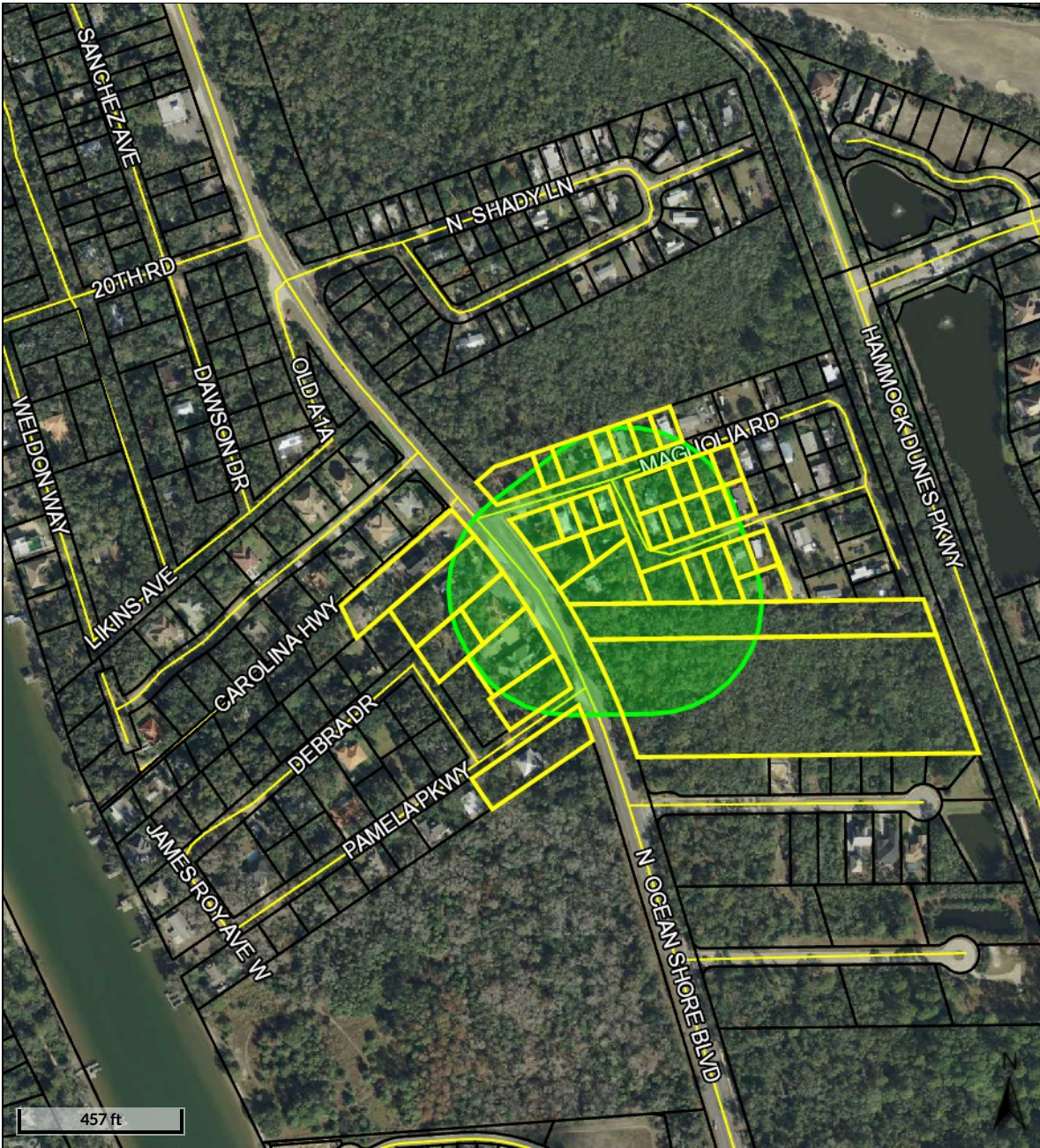
40-10-31-4050-00000-0430	VINCENT E K & SUSAN G NAGY	4 PALMETTO ROAD	PALM COAST, FL 32137
40-10-31-4050-00000-0330	WILLIAM C HARRELL	12 HOLLY ROAD	PALM COAST, FL 32137
40-10-31-4050-00000-0100	KATHY A & RICHARD G KEENE	2373 SUNDOWN STREET	EMMETT, ID 83617
40-10-31-5135-00040-0020	JOHN D & ELISA C GRAHAM	419 SEBASTIAN SQUARE	ST AUGUSTINE, FL 32095
40-10-31-5136-00010-0010	ANGLE CARE INC	3900 WIMBLEDON DRIVE	LAKE MARY, FL 32746

I hereby affirm mailed notice to each owner on December 19, 2017 for the Planning & Development Board Meeting on January 9, 2018 at 6pm



Wendy Hickey, Planner



Hasler
12/19/2017
US POSTAGE \$00.00⁰
 ZIP 32110
011D11646866



Overview



Legend

-  Parcels
-  Streams and River

Date created: 12/18/2017
Last Data Uploaded: 12/18/2017 1:57:24 AM



Developed by
The Schneider Corporation



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 #: 3120 /2017120006

PROPERTY OWNER(S)	Name(s):		
	Mailing Address:		
	City:	State:	Zip:
	Telephone Number		Fax Number

APPLICANT/AGENT	Name(s):		
	Mailing Address:		
	City:	State:	Zip:
	Telephone Number		Fax Number
	E-Mail Address:		

SUBJECT PROPERTY	SITE LOCATION (<i>street address</i>):		
	LEGAL DESCRIPTION: <i>(briefly describe, do not use "see attached")</i>		
	Parcel # (<i>tax ID #</i>):		
	Parcel Size:		
	Current Zoning Classification:		
	Current Future Land Use Designation		
	Subject to A1A Scenic Corridor IDO?		YES

Relief Requested: _____

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: _____

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

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

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

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

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.

Prepared by and return to:
Seth D Corneal
Attorney at Law
Seth D. Corneal, LLC d/b/a The Corneal Law Firm
509 Anastasia Blvd
Anastasia Island, FL 32080
904-819-5333
File Number: 17-015

Parcel Identification No. 40-10-31-4050-00000-0270

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this **11th** day of **December, 2017** between **Rhonda J. West**, a/k/a Rhonda West James, whose post office address is **426 Porpoise Drive, Saint Augustine, FL 32084** of the County of **Saint Johns, State of Florida**, grantor*, and **Hammock Enterprises, LLC**, a **Florida limited liability company** whose post office address is **102 Yacht Harbor Drive, Unit 161, Palm Coast, FL 32137** of the County of **Flagler, State of Florida**, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Flagler County, Florida**, to-wit:

Lot 27, Magnolia Manor, according to the map or plat thereof as recorded in Plat Book 5, Page 31, Public Records of Flagler County, Florida.

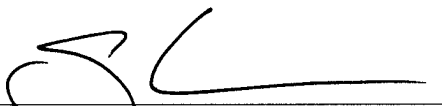
Grantor warrants that the real property described herein is not her homestead property, nor is it contiguous to her homestead property.

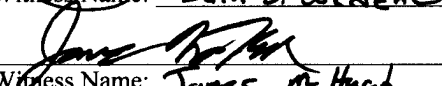
and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

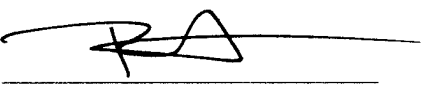
* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:


Witness Name: SETH D. CORNEAL


Witness Name: JAMES McHUGH


Rhonda J. West a/k/a Rhonda West James

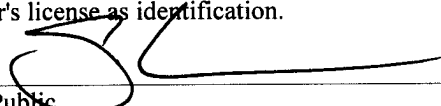
State of Florida
County of Saint Johns

The foregoing instrument was acknowledged before me this 8th day of December, 2017 by **Rhonda J. West** a/k/a Rhonda West James, who are personally known or have produced a driver's license as identification.

[Notary Seal]



SETH DAVID CORNEAL
MY COMMISSION # FF 113594
EXPIRES: April 30, 2018
Bonded Thru Budget Notary Services



Notary Public

Printed Name: Seth D. Corneal

My Commission Expires: 4/30/2018

FCC RD

Property Photos



FLAGLER COUNTY
TECHNICAL REVIEW COMMITTEE COMMENTS

MEETING DATE: 12/20/2017

#3120 HAMMOCK ENTERPRISES/VARIANCE

APPLICANT: HAMMOCK ENTERPRISES LLC
OWNER: JAMES, RHONDA J. WEST

Distribution date: Friday, December 15, 2017

Project #: 2017120006

Application #: 3120

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

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

1. What is the proposed landscape plan in lieu of the the requested buffer reductions? Please provide a detailed landscape plan within seven (7) days of this TRC meeting to maintain the schedule for the January 9, 2018 Planning and Development Board meeting. The plan should include how the landscaping exceeds minimum requirements so as to compensate for the buffer width reductions through the variance request.

2. Please indicate where existing hardscape/concrete, if any, will be removed to provide additional landscape areas.

3. The side yard landscape buffer should be a minimum of 15 feet in width (LDC Sec. 5.01.04(5)2a); the proposed fenced trash enclosure should be either reduced in size or relocated out of the buffer area and landscaped on three sides per Sec. 3.06.11.C.

4. A future cross-access point to the North must be identified on the proposed plan per FCLDC 3.06.11.E.4. This cross-access should be depicted on the site plan, likely where the driveway is at its closest location to the North property line, and at least fifty (50) feet East of the right-of-way line for A1A.

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

No comments.

REVIEWING DEPARTMENT: FIRE INSPECTOR

NFPA 1: Fire Codes

18.2.2.1 Access Box

The AHJ shall have the authority to require fire department access be installed. This box shall be approved type listed in accordance with UL 1037.

18.2.3.5.1.1 Fire Department access shall have an unobstructed width or no less than 20'

18.2.3.5.2 Surface

Fire Department access shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.

All cooking equipment shall be of commercial grade and have a fire suppression system installed and maintained.

REVIEWING DEPARTMENT: E-911 STAFF

DARLENE PARDINY

Both of these buildings need addresses, since this is new development I can work with them to ensure that they have the primary, current address (5047) as whichever building they would prefer but we do need an additional address on the property since there are two buildings. Other than that, I have no other input.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

- An Onsite Sewage Treatment and Disposal System Construction Permit will be required to be obtained from the Florida Department of Health in Flagler County. Septic system sizing will be based on the total number of seats. Estimated flows for a full service restaurant are 40 gal/day/seat or 20 gal/day/seat for establishments using single service articles only (or bar seats). The brewing operation estimated flow would be in addition to the restaurant flow and is determined by a professional engineer.

- Authorized sewage flow for this property is 1450 gpd. Estimated sewage flow based on the seating configuration (# of restaurant seats to # of bar seats) shall not exceed 1450gpd.

- A State variance is required to allow for wastewater generated by the brewing operation to be treated by the proposed septic system.

- An Annual Operating Permit will be required due to the generation of commercial wastewater. Application and issuance of an Annual Operating permit is required prior to operation.

- Future 80 seat capacity cannot be supported by this property. Approximately 1.5 acres of property is needed to achieve an authorized flow that could accommodate an 80 seat establishment.

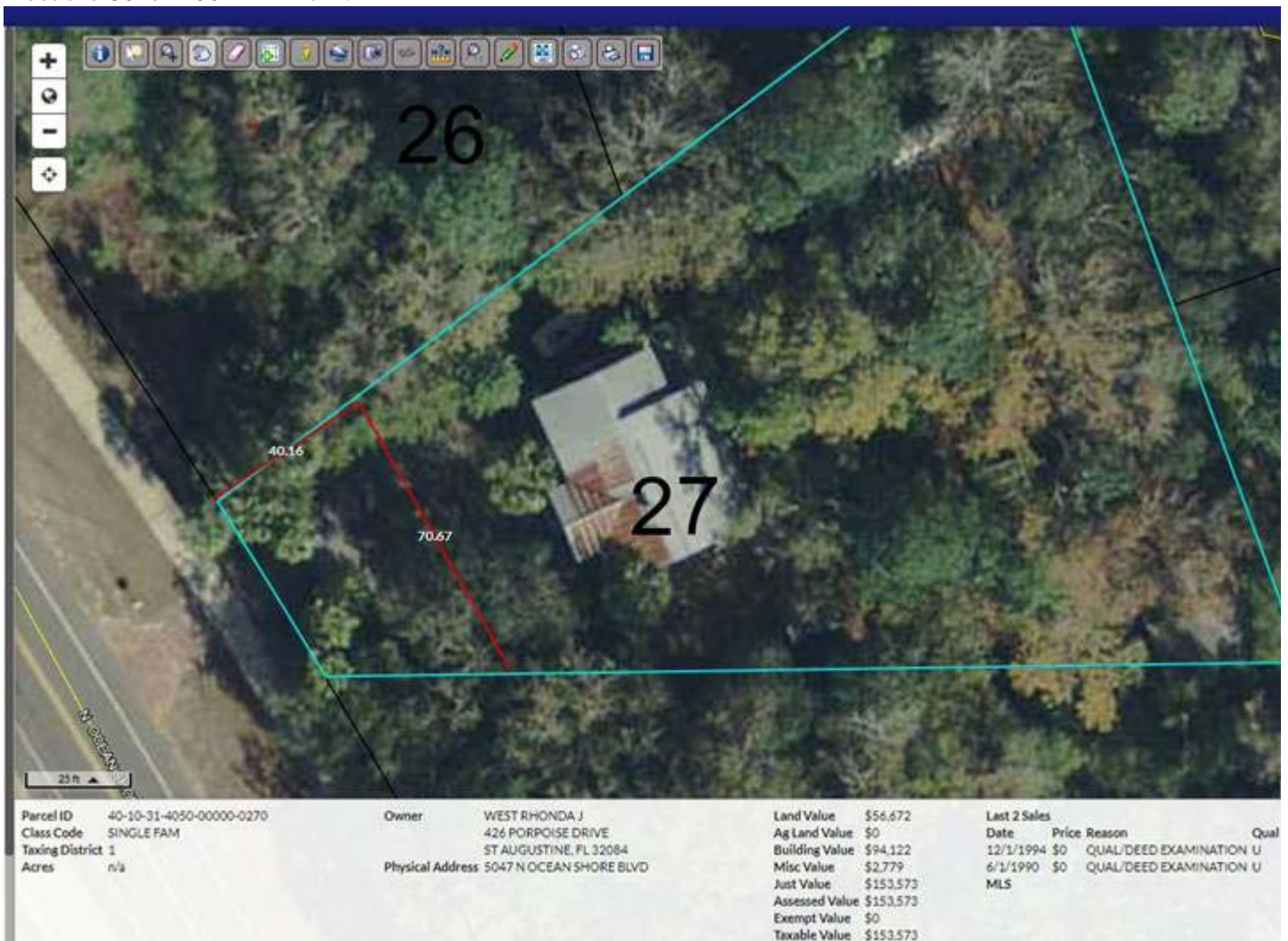
Gina Lemon

From: Dennis Clark <denclark@cfl.rr.com>
Sent: Tuesday, December 19, 2017 10:46 AM
To: Adam Mengel
Cc: Gina Lemon
Subject: TRC item 4 - Landscape Buffer Variance

Adam,

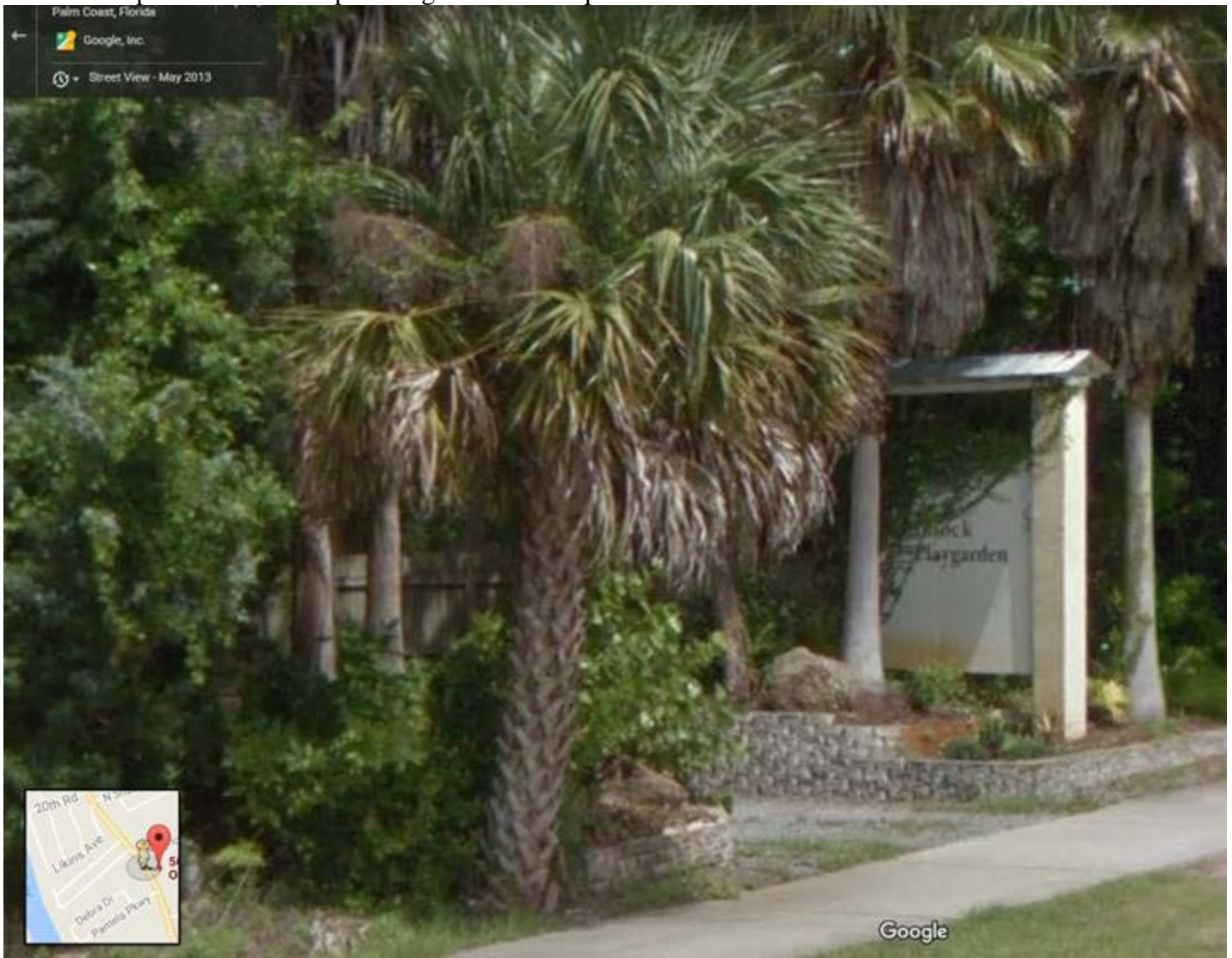
I have some concerns on the proposed variance for 5047 N Oceanshore for your TRC review on Wednesday.

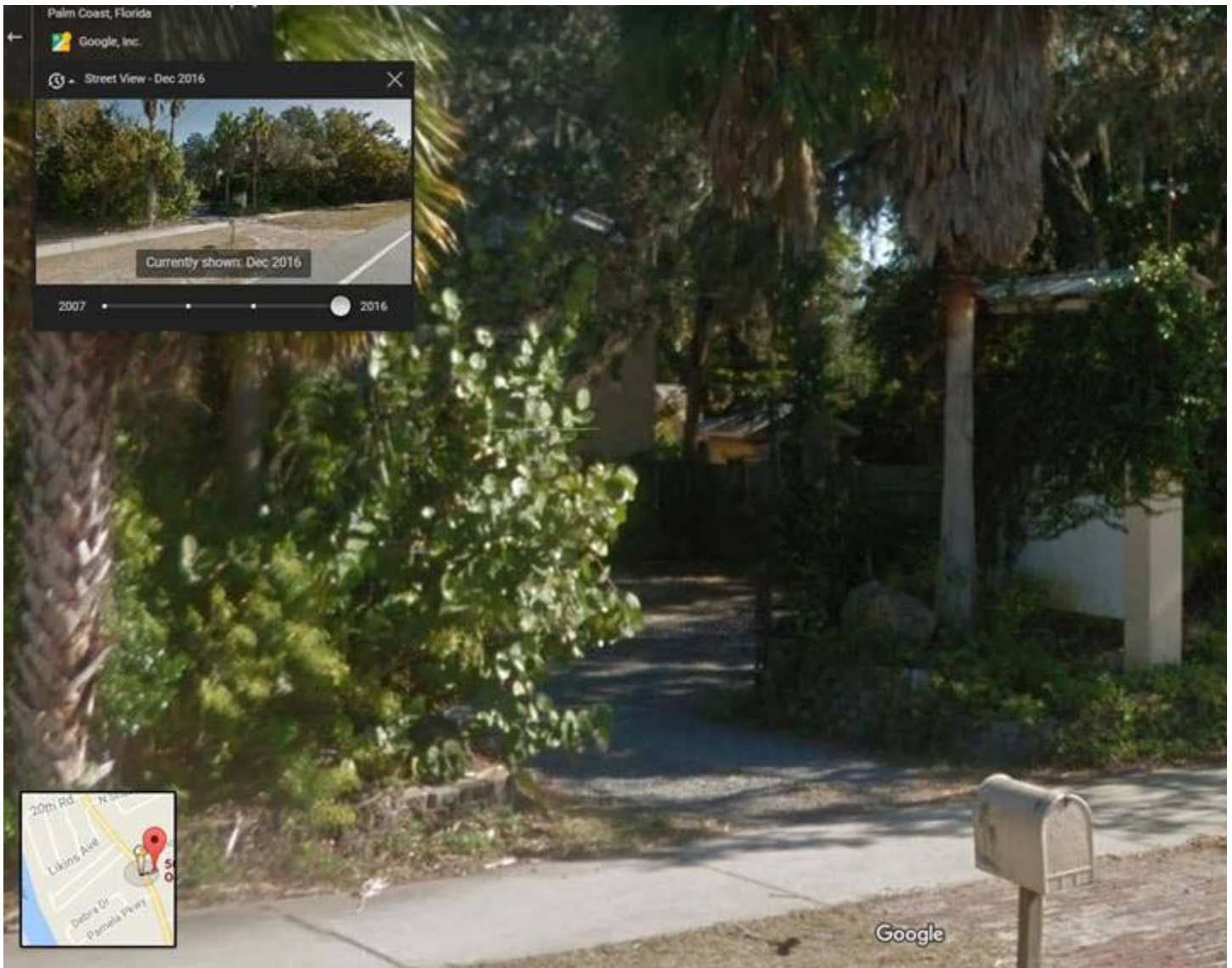
1. The variance on the minimum landscape buffer and uncomplimentary land use buffer should apply to all sides of the property. Three sides do not meet the minimum. I realize that some of this is to save trees, but not all of it.
2. The lot width at the front landscape buffer (40 feet) is only 71 feet. That may require another variance to meet the 80' or 100' minimum.



3. Unless one of the customers or employees is handicapped, there are only 7 parking spaces for customers. That yields only 350 SF for seating area or 23 customers at 15 SF/person. I realize that 50 SF/space is the code, but we need to be realistic. Even with reservations only, what about people waiting to be seated?

4. The non-compliant sign has not been in use for six years and was obscured by vegetation since 2013. It should be replaced with a compliant sign or it will require a variance.





That's all for now.

Best Regards,
Dennis Clark
5784 N Oceanshore Blvd.



ALANN ENGINEERING
GROUP, INC.

CONSULTING ENGINEERS

880 AIRPORT ROAD
SUITE 113
ORMOND BEACH, FL 32174

CA No. 5479

PH: 386-673-7640
FAX: 386-673-3927

SITE DESIGN

ROAD DESIGN

SUBDIVISION DESIGN

STORMWATER DESIGN

WATER/SEWER DESIGN

CONTRACT ADMINISTRATION

EMAIL:
KAB@AE-GROUP.COM

KIMBERLY A. BUCK, P.E.
PRESIDENT
LICENSE No. 38565

December 19, 2017

Adam Mengel
Flagler County
Planning Services
1769 E. Moody Blvd., Ste 105
Bunnell, FL 32110

Re: Ocean Shore Brewery – Variance Application for Consideration on
January 9th

Dear Mr. Mengel,

Please find the following items enclosed with this package:

1. Ten (10) (Signed & Sealed) (24 x 36) Civil Engineering Plan Sets
(Including the Demolition Plan)
2. One (1) (11 x 17) Civil Engineering Plan Set
3. One (1) CD with digital copies of the above-referenced items

Please consider this letter our official request for consideration of variance for
the revised list of items:

1. Building Setbacks for existing building at the rear of site, to be improved to
a brewery
2. Drainfield 2, located within Landscape Buffer
3. Parking and driveway buffer encroachments on North, East and South sides
4. ~~Building setback allowance for cooler addition (not applicable in R/C
zoning category)~~

Additionally, please see the following pages addressing the most recent
County comments. Should you have any questions or require additional
information, please do not hesitate to contact me.

Sincerely,
The Alann Engineering Group, Inc.

Melissa H. Tincher E.I.
Project Engineer
cc: File

REVIEWING DEPARTMENT: PLANNING DEPARTMENT

1. What is the proposed landscape plan in lieu of the requested buffer reductions? Please provide a detailed landscape plan within seven (7) days of this TRC meeting to maintain the schedule for the January 9, 2018 Planning and Development Board meeting. The plan should include how the landscaping exceeds minimum requirements so as to compensate for the buffer width reductions through the variance request.

A landscape plan will be provided as requested, under a separate cover.

2. Please indicate where existing hardscape/concrete, if any, will be removed to provide additional landscape areas.

A demolition plan has been provided with this submittal.

3. The side yard landscape buffer should be a minimum of 15 feet in width (LDC Sec.5.01.04(5)2a); the proposed fenced trash enclosure should be either reduced in size or relocated out of the buffer area and landscaped on three sides per Sec. 3.06.11.C.

To confirm, per conversations with the County, the landscape buffer referenced in 5.01.04(5)2a will be interpreted that a total buffer of 15 feet is to be provided, 10 of which must be landscaped. The proposed trash enclosure area will be resized such that it does not encroach.

4. A future cross-access point to the North must be identified on the proposed plan per FCLDC3.06.11.E.4. This cross-access should be depicted on the site plan, likely where the driveway is at its closest location to the North property line, and at least fifty (50) feet East of the right-of-way line for A1A.

Future cross access point has been noted on the Civil Engineering Plan Set

REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING

No comments.

REVIEWING DEPARTMENT: FIRE INSPECTOR

NFPA 1: Fire Codes

18.2.2.1 Access Box

The AHJ shall have the authority to require fire department access be installed. This box shall be approved type listed in accordance with UL 1037.

18.2.3.5.1.1 Fire Department access shall have an unobstructed width or no less than 20'

18.2.3.5.2 Surface

Fire Department access shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.

All cooking equipment shall be of commercial grade and have a fire suppression system installed and maintained.

These comments have been noted. All cooking equipment will be installed to commercial grade. A fire suppression system will be installed. The rear emergency access has been changed to provide the minimum 20' access to the site. The current design requires stabilized grass to ensure an all-weather driving surface conducive to supporting fire apparatus loads.

REVIEWING DEPARTMENT: E-911 STAFF

Both of these buildings need addresses, since this is a new development I can work with them to ensure that they have the primary, current address (5047) as whichever building they would prefer but we do need an additional address on the property since there are two buildings. Other than that, I have no other input.

Noted.

REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT

1. An Onsite Sewage Treatment and Disposal System Construction Permit will be required to be obtained from the Florida Department of Health in Flagler County. Septic system sizing will be based on the total number of seats. Estimated flows for a full-service restaurant are 40 gal/day/seat or 20 gal/day/seat for establishments using single service articles only (or bar seats). The brewing operation estimated flow would be in addition to the restaurant flow and is determined by a professional engineer.

Noted. The current design calls for 40 seats, 30 of which are full service and 10 of which are single service (bar) seats. The brewing operation flows are expected to be generated only from the proposed brewery building in the southeast corner of the site. These additional flows will be contained in a separate holding tank to be pumped as necessary and transported to the local wastewater treatment facility. This tank will be sized to minimize pumping frequency and hold the estimated 80 gallons per week, after side streaming.

2. Authorized sewage flow for this property is 1450 gpd. Estimated sewage flow based on the seating configuration (# of restaurant seats to # of bar seats) shall not exceed 1450gpd.

Noted, the estimated flow will be 1,411 GPD. This number is including brewery flows.

3. A State variance is required to allow for wastewater generated by the brewing operation to be treated by the proposed septic system.

No brewery flows are proposed to enter the septic treatment system. All brewing related flows will be routed to the holding tank.

4. An Annual Operating Permit will be required due to the generation of commercial wastewater. Application and issuance of an Annual Operating permit is required prior to operation.

Noted.

5. Future 80 seat capacity cannot be supported by this property. Approximately 1.5 acres of property is needed to achieve an authorized flow that could accommodate an 80-seat establishment.

Noted.

HAMMOCK PLAYGARDEN & OCEAN SHORE BREWERY

5047 N OCEAN SHORE BLVD.
PALM COAST, FL 32137

OWNER/APPLICANT:
HAMMOCK ENTERPRISES, LLC
102 YACHT HARBOR DRIVE SUITE 161
PALM COAST, FL 32137
386-986-8207
BRENTDBRUNS@GMAIL.COM

ENGINEER:
THE ALLAN ENGINEERING GROUP, INC.
CONSULTING ENGINEERS
880 AIRPORT RD. STE. 113
ORMOND BEACH, FL 32174
PH. (386) 673-7640
EMAIL: KAB@AE-GROUP.COM

SURVEYOR:
EFIRD SURVEYING GROUP, INC.
475 S. BLUE LAKE AVENUE
DELAND, FL 32724
PH. (386) 740-4144
EMAIL: LARRY@EFIRDSURVEYING.COM

LOCATION MAP (N.T.S.)



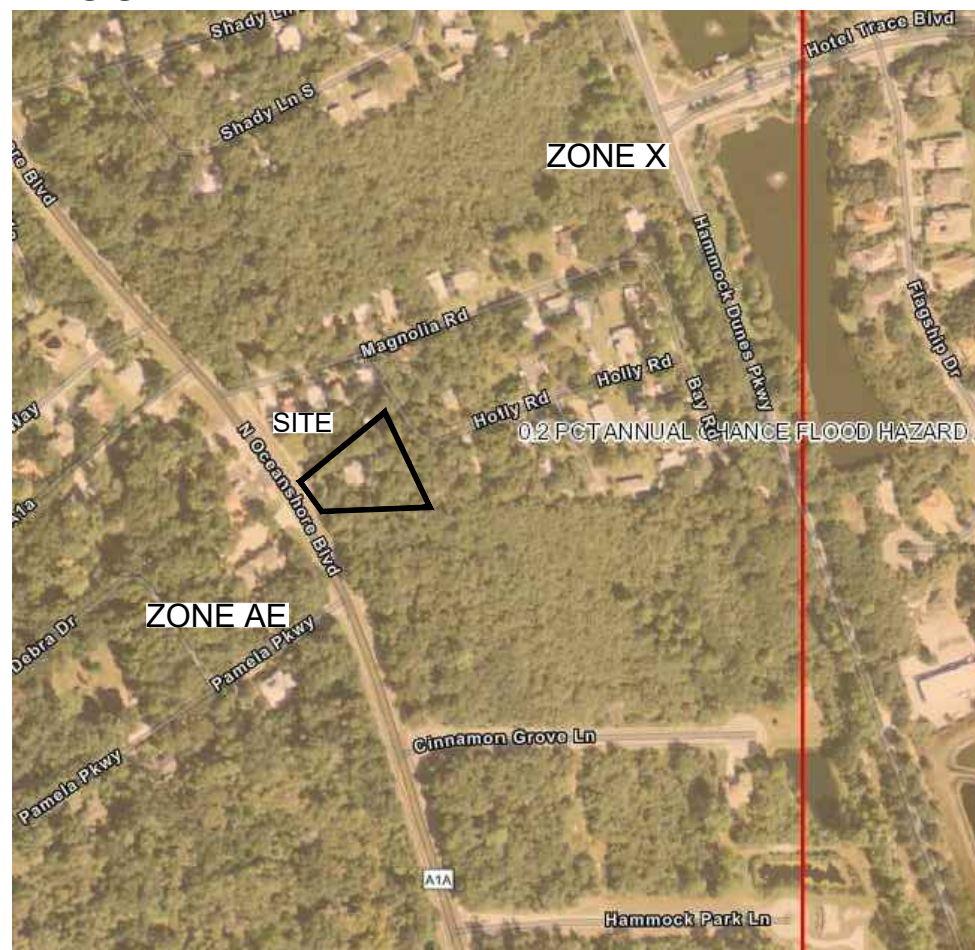
TAX PARCEL ID NUMBER: 40-10-31-4100-00000-0280

SOILS MAP



34 - COC0A-BULOW COMPLEX; SOIL TYPE: A
20 - ORSINO FINE SAND; SOIL TYPE: A

FLOOD MAP



FLOOD ZONE X - MAP 12035C0129D PANEL 0129D REVISED: JULY 17, 2006

GENERAL NOTES:

- CONTRACTOR SHALL VERIFY ALL PERTINENT FEATURES WHICH MAY AFFECT HIS BID PRIOR TO BIDDING THE PROJECT. DISCREPANCIES NOTED DURING CONSTRUCTION WILL NOT BE CONSIDERED CAUSE FOR EXTRA PAYMENT ON ANY OF THE PAY ITEMS IN THE CONTRACT.
- UTILITIES MAY EXIST WHICH ARE NOT SHOWN ACCURATELY ON THESE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFICATION OF ALL UTILITY LOCATIONS PRIOR TO ANY CONSTRUCTION.
- CONTRACTOR SHALL IMMEDIATELY NOTIFY DESIGN ENGINEER AND FDOT PERMIT MANAGER OF ANY DISCREPANCIES FOUND ON THE PLANS.
- ANY PUBLIC LAND CORNER WITHIN THE LIMITS OF CONSTRUCTION IS TO BE PROTECTED. IF A CORNER MONUMENT IS IN DANGER OF BEING DESTROYED AND HAS NOT BEEN PROPERLY REFERENCED, THE CONTRACTOR SHOULD NOTIFY THE COUNTY WITHOUT DELAY BY TELEPHONE.
- MAINTENANCE OF TRAFFIC WILL BE IN ACCORDANCE WITH THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS", & THE 2015 FDOT ROADWAY AND TRAFFIC DESIGN STANDARDS.
- A MINIMUM OF ONE (1) COMPACTION TEST PER 5,000 SQUARE FEET OF PARKING AREA IS REQUIRED. A COPY OF THE TEST REPORTS SHALL BE GIVEN TO THE FLAGLER COUNTY'S DESIGNATED INSPECTOR.
- TEMPORARY DRAINAGE SHALL BE PROVIDED DURING CONSTRUCTION TO ELIMINATE ANY FLOODING OF PRIVATE PROPERTY.
- UNSTABLE MATERIALS SHALL BE REMOVED FROM CONSTRUCTION AREAS AND BACKFILLED WITH SUITABLE MATERIALS.
- CONSTRUCTION SHALL INCLUDE REPLACING, WITH MATCHING MATERIALS, THE DRIVEWAYS, WALKS, MAILBOXES, CURBS AND LANDSCAPING THAT ARE DAMAGED OR REMOVED DUE TO CONSTRUCTION, THIS WORK SHALL BE COORDINATED WITH PROPERTY OWNERS.
- ALL STORM SEWER LINES AND INLETS SHALL BE CLEANED OF DEBRIS AND ERODED MATERIALS AT LAST STAGES OF CONSTRUCTION.
- ANY DRAINAGE PROBLEMS CREATED BY CONSTRUCTION OR EXISTING BEFORE CONSTRUCTION AND NOT ALLEVIATED SHOULD BE BROUGHT TO THE ATTENTION OF FDOT, FLAGLER COUNTY AND THE DESIGN ENGINEER.
- ALL AREAS DISTURBED DURING CONSTRUCTION SHALL BE RESTORED TO ORIGINAL CONDITION.
- CONTRACTOR SHALL PROVIDE AN AS-BUILT SURVEY PERFORMED BY A REGISTERED SURVEYOR. SURVEY SHALL INDICATE AS-BUILT OF ALL IMPROVEMENTS.
- THE CONTRACTOR SHALL CALL FOR LOCATES 2 BUSINESS DAYS PRIOR TO STARTING CONSTRUCTION.
- NO LAND SHALL BE CLEARED, EXCAVATED OR FILLED AND NO STRUCTURE SHALL BE ERRECTED, REPAIRED OR DEMOLISHED WITHOUT PROPER PERMIT(S) AS REQUIRED BY THE FDOT & FLAGLER COUNTY.
- ANY CONSTRUCTION CHANGES TO APPROVED PLANS SHALL BE SUBMITTED TO FDOT & FLAGLER COUNTY FOR APPROVAL PRIOR TO PERFORMING THE WORK.
- A PRE-PAVING UTILITY INSPECTION MUST BE REQUESTED AND COMPLETED PRIOR TO THE PAVING OF ALL ROADS, STREETS, AND PARKING AREAS.
- A FINAL INSPECTION, TO BE CONDUCTED BY FDOT & FLAGLER COUNTY, SHALL BE PERFORMED ON ALL CONSTRUCTION. THE DESIGN ENGINEER SHALL NOTIFY FLAGLER COUNTY ONCE AS-BUILT DRAWINGS AND CLEARANCES HAVE BEEN SUBMITTED.
- A COMPLETE SET OF AS-BUILT DRAWINGS ARE REQUIRED TO BE SUBMITTED TO FLAGLER COUNTY PRIOR TO REQUESTING A FINAL INSPECTION.
- ALL PAVEMENT MARKINGS AND STRIPING WITHIN FDOT RIGHTS-OF-WAY SHALL BE THERMOPLASTIC AND WILL BE INSTALLED IN ACCORDANCE WITH THE FDOT STANDARD INDEX #17346, VERSION 2015.
- THIS PROPERTY IS SUBJECT TO COMPLIANCE WITH FLAGLER COUNTY LAND DEVELOPMENT CODE SECTION 6.05.00 - MARINE SEA TURTLES.

FDOT GENERAL NOTES:

- MAINTENANCE OF TRAFFIC TO BE SUPERVISED BY A PERSON/CONTRACTOR CERTIFIED WITH FDOT TO PROVIDE MAINTENANCE OF TRAFFIC.
- THE CONTRACTOR SHALL NOTIFY FDOT PERMIT MANAGER A MINIMUM OF TWO BUSINESS DAYS PRIOR TO ANY LANE CLOSURES OR BEGINNING ANY CONSTRUCTION WITHIN THE FDOT RIGHT-OF-WAY.
- ALL WORK PERFORMED WITHIN THE FDOT RIGHT-OF-WAY SHALL BE IN ACCORDANCE WITH THE 2015 FDOT DESIGN STANDARDS, SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION AND THE UTILITY ACCOMMODATION MANUAL.
- IF THE DEPARTMENT DETERMINES THAT AS-BUILT CONDITIONS VARY SIGNIFICANTLY FROM THE APPROVED PLANS, THE PERMITTEE SHALL PROVIDE AS-BUILT PLANS, ALONG WITH A RECORD DRAWINGS REPORT BY PERMITTEE'S PROFESSIONAL ENGINEER. FORM 850-040-19, WITHIN 30 DAYS AFTER FINAL ACCEPTANCE.
- IT WILL BE THE RESPONSIBILITY OF THE PERMITTEE TO REPAIR ANY DAMAGE TO FDOT FACILITIES CAUSED BY CONSTRUCTION OF THE PROJECT.
- TEST RESULTS OF ANY TESTS TAKEN FOR OR DURING CONSTRUCTION OF THE PERMITTED WORK SHALL BE PROVIDED TO THE FDOT UPON REQUEST.
- ALL CONCRETE TO BE REMOVED SHALL BE SAW CUT AT THE NEAREST JOINT IN GOOD CONDITION, SO AS TO PRODUCE A CONNECTION WITH NEW CONCRETE THAT IS FREE OF CRACKS, DEFORMITY IN SHAPE, NOTICEABLE VOIDS, SURFACE IRREGULARITIES, AND OTHER DEFECTS. CONCRETE GUTTER.
- ALL CONCRETE SHALL BE AN APPROVED FDOT MIX DESIGN OF 3,000 PSI.
- ALL MATERIALS INSTALLED WITHIN FDOT RIGHT-OF-WAY SHALL BE LIMITED TO THOSE ON THE FDOT'S QUALIFIED PRODUCTS LIST OR APPROVED PRODUCTS LIST OF TRAFFIC CONTROL SIGNALS AND DEVICES.
- NOTIFY THE FDOT AT (386) 740-3406 2 BUSINESS DAYS PRIOR TO THE START OF CONSTRUCTION FOR ANY WORK WITHIN FDOT RIGHT-OF-WAY INCLUDING BUT NOT LIMITED TO DRIVEWAY CONSTRUCTION, GRADING, PAVING, STORMWATER AND/OR UTILITY WORK AS SHOWN ON THESE PLANS.

SITE DATA:

FLOOD ZONE: ZONE X; MAP 12035C0129D PANEL 0129D REVISED: JULY 17, 2006
EXISTING ZONING: R/C - RESIDENTIAL COMMERCIAL

EXISTING FLU: MIXED USE - LOW INTENSITY

EXISTING USE: COMMERCIAL (FLOORING)
PROPOSED USE: COMMERCIAL (BREWERY)

TOTAL LOT ACREAGE:
0.58 ACRES (25,151 SF)

EXISTING

EXISTING IMPERVIOUS SURFACES:

ACCESSORY STRUCTURES:
SHED/BREWERY/PUMPHOUSE: 576 SF (2.3%)
ADD'L CONCRETE/PAVERS/PORCH: 1,546 SF (6.1%)
BUILDING:
HOUSE: 1,298 SF (5.2%)

BUILDING/ACCESSORY TOTAL: 3,420 SF (13.6%)

GRAVEL PARKING AREA: 5,433 SF (21.6%)

TOTAL IMPERVIOUS AREA: 8,853 SF (35.2%)

OPEN SPACE: 15,722 SF (63%)

GRAVEL PARKING AREA INCREASE: 1,843 SF

TOTAL PARKING (GRAVEL & CONCRETE) PARKING AREA INCREASE: 2,709 SF

EXISTING MAIN BUILDING SETBACKS: 73.41 FT (FRONT)/ 28.54 FT (INT SIDE)/ 23.61 FT (INT SIDE)/ 99.75 FT (REAR)

R/C DEVELOPMENT STANDARDS

MINIMUM SITE SIZE:
AREA: 10,000 SF
WIDTH: 80 FT

BUILDING SETBACKS REQUIRED:
FRONT: 40 FEET (25% OF 230 FT = 57.5, USE 40 FT MAXIMUM)
SIDE YARD: 10 FT
REAR YARD: 25 FT
CORNER SIDE YARD: 25 FT

MAX BUILDING HEIGHT: 45'

MINIMUM PERVIOUS AREA: 35%

MAXIMUM LOT COVERAGE (BUILDINGS): 30%

SEPTIC SETBACKS REQUIRED: NEW SEPTIC SYSTEM: 5 FT FROM PROPERTY LINE/BUILDING FOUNDATION; 15 FT FROM STORMWATER DRY POND; 10 FT FROM WATER LINES; 50 FT FROM NONPOTABLE WATER WELL; 5 FT FROM WATER FEATURES

LANDSCAPE BUFFERS REQUIRED (ALL ZONING):

PARKING AND VEHICULAR USE AREAS:
FRONT: 40FT (25% OF 230 FT = 57.5 FT, MAX 40FT)
SIDE: 15 FT
REAR: 20 FT

UNCOMPLIMENTARY USE BUFFERS:
ALL SIDES: 25' BUFFER, 10' OF WHICH IS LANDSCAPED
A FENCE/NATURAL SCREENING AT LEAST 6' IN HEIGHT IS REQUIRED

LANDSCAPING - 15% TOTAL DEVELOPED AREA

PARKING:

1 SPACE/50 SF OF GROSS SEATING AREA, PLUS ONE SPACE FOR EACH EMPLOYEE/SHIFT
400 SF SEATING AREA/50 SF = 8 SPACES
+ 2 EMPLOYEES/SHIFT = 10 SPACES (9 STANDARD/1 ACCESSIBLE)

Sheet List Table

Sheet Number	Sheet Title
COVER	COVER SHEET
C001	DEMOLITION PLAN
C002	CONCEPTUAL LAYOUT

STATEMENT OF INTENT

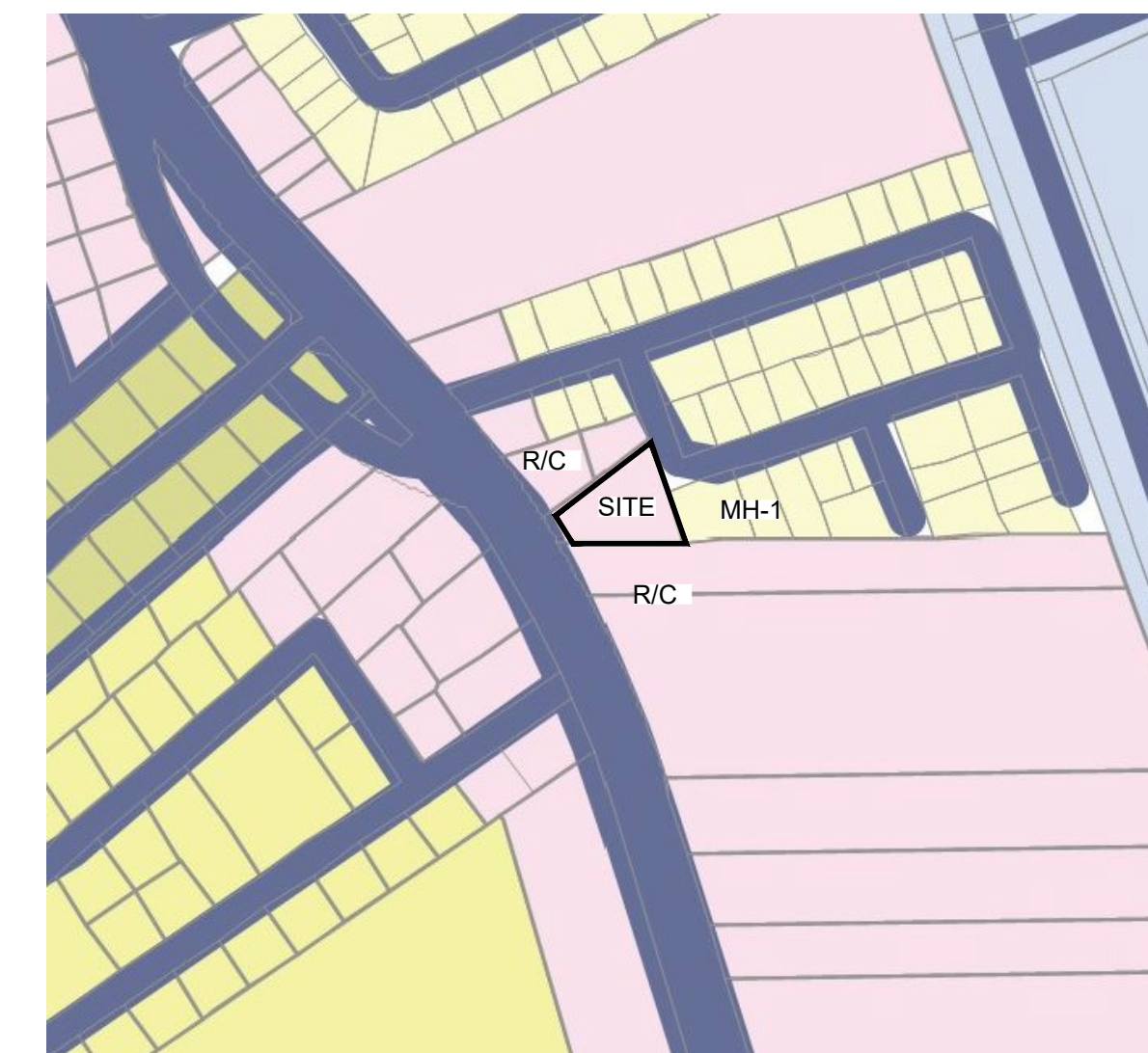
TO REDEVELOP AN EXISTING PROPERTY TO SERVE AS A RESTAURANT AND BREWERY WITH ASSOCIATED INFRASTRUCTURE (DRIVEWAY, PARKING, STORMWATER, ETC.) TO SERVE THE FACILITY

FLU MAP



EXISTING FLU - MIXED USE: LOW INTENSITY

ZONING MAP



EXISTING ZONING: R/C - RESIDENTIAL COMMERCIAL

LEGAL DESCRIPTION

(PER ORB 0524 PG. 0079)

LOT 27, MAGNOLIA MANOR SUBDIVISION, UNIT 1, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 32, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

ALLAN ENGINEERING GROUP, INC.
CONSULTING ENGINEERS
CERTIFICATE NO. EB5479
880 AIRPORT ROAD, SUITE. 113
ORMOND BEACH, FL 32174
TEL: (386) 673-7640
FAX: (386) 673-5927

A

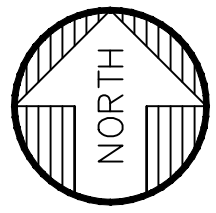
HAMMOCK PLAYGARDENS
FLAGLER COUNTY, FLORIDA
COVER SHEET

NO	DATE	REVISION	BY
01	12/19/17	PER. CNTY. VARIANCE COMMENTS	MHT

DESIGNER	FILE	DATE	SCALE	AS NOTED
KAB	1721-1	10-18-2017	PROJECT	AS NOTED
DRAWN BY				
MHT	1721-1			

NOT VALID UNLESS SIGNED AND SEALED
KIMBERLY A. BUCK P.E. 13845

SHEET
COVER

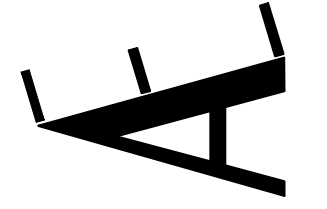


10 0 10 20
SCALE: 1"= 10'

NOTES

1. REFER TO LANDSCAPING PLAN FOR DETAILS ON AREAS AFFECTED BY DEMOLITION

ALANN ENGINEERING GROUP, INC.
CONSULTING ENGINEERS
CERTIFICATE NO. EB5479
880 AIRPORT ROAD, SUITE. 113
ORMOND BEACH, FL 32174
TEL: (386) 673-7640
FAX: (386) 673-3927



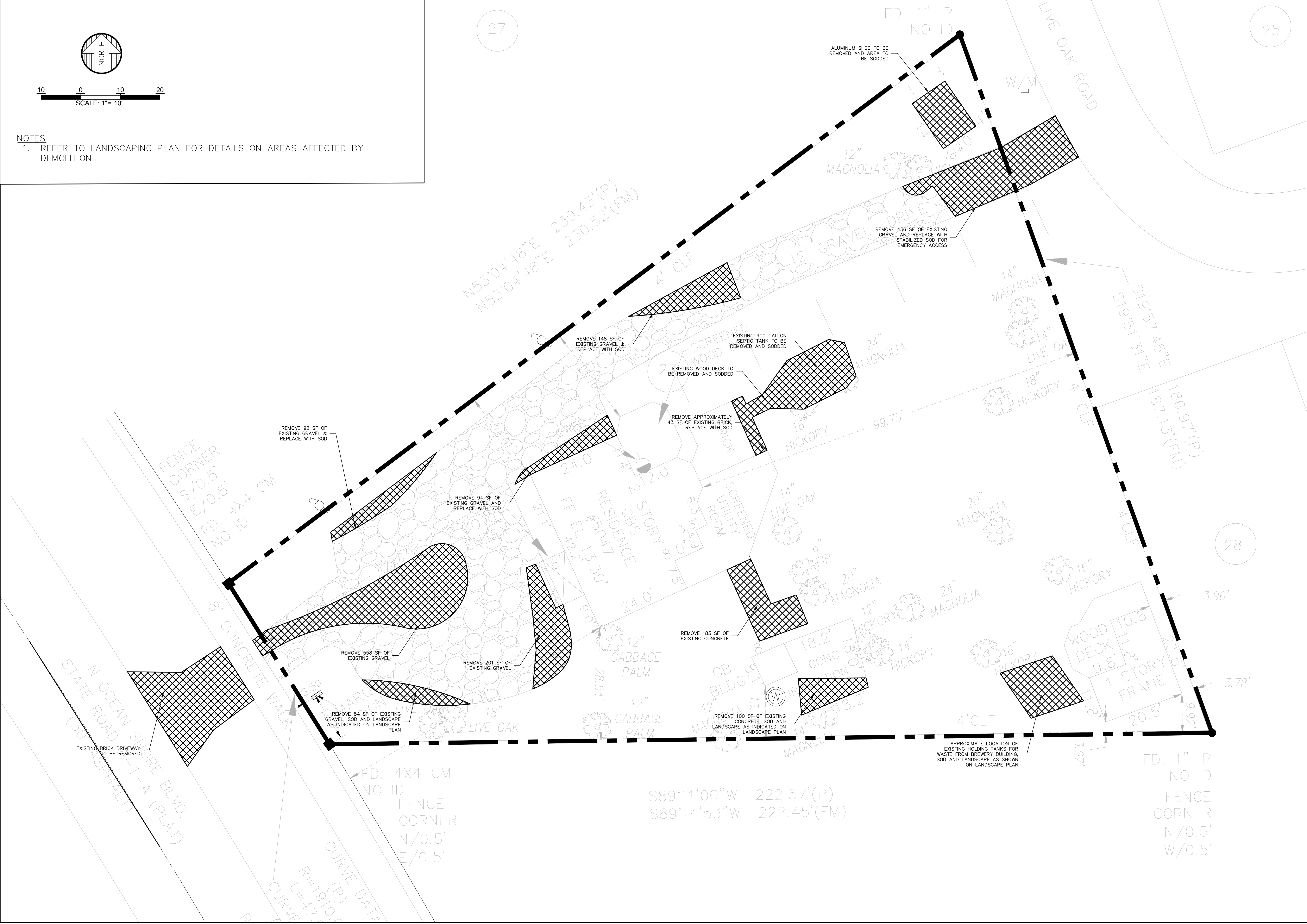
HAMMOCK PLAYGARDENS
FLAGLER COUNTY, FLORIDA
DEMOLITION PLAN

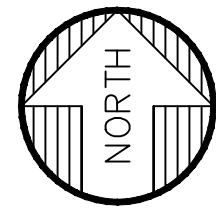
NO	DATE	REVISION	BY
01	12/19/17	PER CITY VARIANCE COMMENTS	MHT

DESIGNER	FILE	DATE	SCALE
KAB	1721-1	10-18-2017	AS NOTED
DRAWN BY	PROJECT	NO	DATE
MHT	1721-1		

NOT VALID UNLESS SIGNED AND SEALED
KIMBERLY A. BUCK P.E. 18845

SHEET
C001





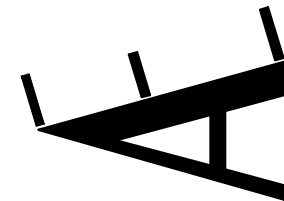
10 0 10 20
SCALE: 1"= 10'

NOTES:

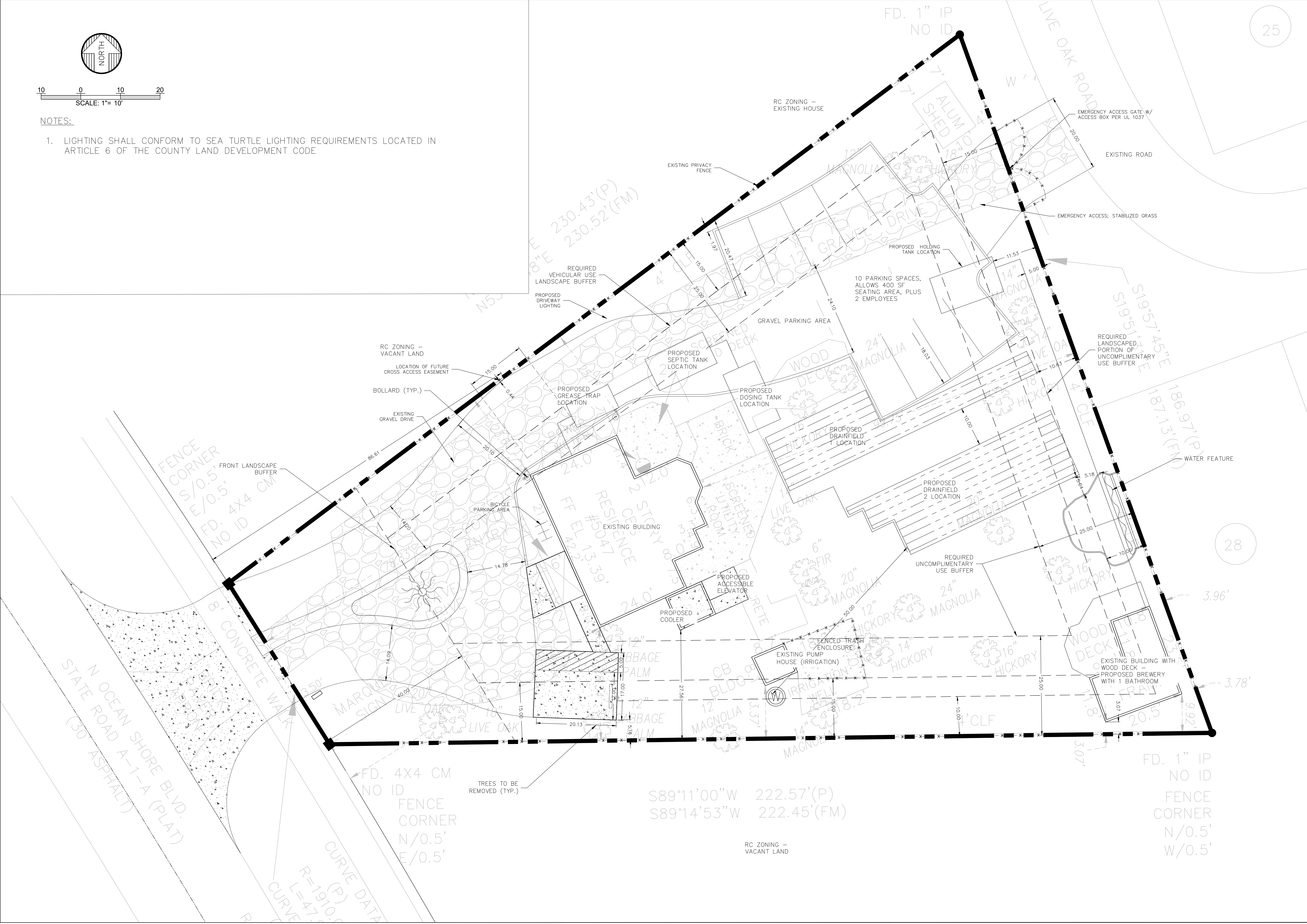
- 1. LIGHTING SHALL CONFORM TO SEA TURTLE LIGHTING REQUIREMENTS LOCATED IN ARTICLE 6 OF THE COUNTY LAND DEVELOPMENT CODE

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ALANN ENGINEERING GROUP, INC. CONSULTING ENGINEERS CERTIFICATE NO. EB5479 880 AIRPORT ROAD, SUITE. 113 ORMOND BEACH, FL 32174 TEL: (386) 673-7640 FAX: (386) 673-3927



HAMMOCK PLAYGARDENS FLAGLER COUNTY, FLORIDA CONCEPTUAL LAYOUT



28

NO	DATE	REVISION	BY
01	12/19/17	PER CITY VARIANCE COMMENTS	MHT

DESIGNER	FILE	DATE	SCALE
KAB	1721-1	10-18-2017	AS NOTED
DRAWN BY	PROJECT		
MHT	1721-1		

NOT VALID UNLESS SIGNED AND SEALED
KIMBERLY A. BUCK P.E. 18845

SHEET C002



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

December 28, 2017

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

**Application #3120 for Landscape Buffer Variance for
Hammock Playgarden/Ocean Shore Brewery at 5047 N Oceanshore Blvd**

Dear Mr. Mengel,

At the Dec 22 meeting of Scenic A1A PRIDE we anticipated that this item, having been reviewed at the Dec 20 TRC meeting, may proceed to the Jan 9 Planning and Development Board without our review. Scenic A1A PRIDE does *not* support the variance for reduced landscaping buffers and uncomplimentary use buffers for the following reasons.

1. The criteria for a variance is not met because the applicant is not deprived of all economic use or benefit from the property in question and the hardship is self created. Due diligence on the part of the business planner may not have been sufficient.
2. The buffers are not just reduced but practically non-existent (see table below).
3. The two properties most affected to the north are R/C and already have one resident. They will be affected by lighting and noise from automobiles and customers.
4. The property has at least four existing non-conformities.
 - a. Lot width at the 40' buffer is 71 feet so it does not meet either the 80' or 100' minimum (for R/C or C-2 respectively)
 - b. Landscape buffers are currently not met with existing structures.
 - c. Three existing structures do not meet setback requirements.
 - d. The sign is abandoned by definition since it was completely obscured by vegetation since 2013. It is also too large and does not meet setback requirements.

Sincerely,

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

c.c. Brent Bruns (brentdbruns@gmail.com)

Variations Requested:

Type		Required	Requested	Variance
Parking and Vehicle Use Areas -	N. Side	15 ft	0.44 and 1.97 ft	14.56 ft
	Rear	20 ft	11.53 ft	8.47 ft
	S. Side	15 ft	5.16 ft	9.84 ft
Uncomplimentary Use Buffer	N. Side	25 ft	0.44 to 1.97 ft	24.56 ft
	Rear	25 ft	11.53 ft	13.47 ft
	S. Side	25 ft	5.16 ft	19.84 ft

From <https://definitions.uslegal.com/u/unnecessary-hardship/>

Unnecessary hardship is a term commonly used in zoning law to justify the grant of a variance from zoning regulations. The applicant must demonstrate that under applicable zoning regulations, **the applicant is deprived of all economic use or benefit from the property in question**, which deprivation must be established by competent financial evidence.

The following generally must be proven to show an unnecessary hardship:

- The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;
- That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
- That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- That the **alleged hardship has not been self-created**.

7.00.03. DEFINITIONS.

B. *Terms defined.*

- 1a. **Abandoned sign in the A1A Scenic Corridor:** (a) Any sign face that advertises a business no longer conducted or product no longer sold for a period of ninety (90) days or longer. In making the determination that a sign advertises a business no longer being conducted, the code enforcement officer shall consider the existence or absence of a current occupational license, utility service deposit or account, use of the premises, and relocation of the business. (b) **Any nonconforming sign structure which has not been used for on-site commercial, or noncommercial advertising for six (6) months.**