

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS  
PUBLIC HEARING / AGENDA ITEM #9c**

**SUBJECT: LEGISLATIVE** – Application #3320 – Future Land Use Map Amendment from Mixed Use: Low-intensity, Low to Medium Density to Residential Low Density/Single Family; Parcel Numbers: 37-10-31-1550-00000-0110 and 37-10-31-1550-00000-0111; 18.69+/- acres. Owners: Samuel Thomas and Betty G. Hatcher, Trustees and Hunjan, LLC / Applicant: Kenneth W. Belshe on behalf of Sunbelt Acquisitions, LLC. (Project # 2022060041).

**DATE OF MEETING:** October 17, 2022

**OVERVIEW/SUMMARY:** This request is legislative in nature and does not require disclosure of ex parte communication. The subject project area is 18.69+/- acres in size and is located on the West side of State Road A1A:



This request is for Future Land Use Map amendment for Parcel Number 37-10-31-1550-00000-0110 and Parcel Number 37-10-31-1550-00000-0111. On June 23, 2022, the applicant submitted an application to amend the Future Land Use designation for the two subject parcels to coincide with the simultaneous rezoning application submittal for the Scenic Cove PUD (Application #3321).

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The proposed Future Land Use Map amendment will change the present designation from Mixed-Use: Low-intensity, Low-Medium Density to Residential Low Density/Single Family. The PUD rezoning request – from R/C (Residential/limited commercial) to PUD (Planned Unit Development) District – is conditioned upon the Future Land Use Map amendment becoming effective for the subject parcels.

The justification presented by the applicant for both the Future Land Use amendment request and the PUD rezoning is that the current Mixed Use Low (MUL) designation would permit a greater density (up to seven units per acre) and intensity (a required commercial component) as compared to the Residential Low Density/Single Family (RLDSF) and its three unit per acre density cap. Overall, the applicant concludes, the commercial component is not warranted or desired in this location.

Public notice has been provided for this application according to Section 125.66, Florida Statutes, and Land Development Code (LDC) Section 2.07.00.

This agenda item is:

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

**DEPARTMENT CONTACT:** Adam Mengel, Growth Management, (386) 313-4065

**OPTIONS FOR THE BOARD:** The Board of County Commissioners may:

1. **Approve** Application #3320, a Future Land Use Map amendment (for Parcel #37-10-31-1550-00000-0110 and Parcel #37-10-31-1550-00000-0111), finding that the amendment is consistent with the Flagler County Comprehensive Plan.
2. **Deny** Application #3320, a Future Land Use Map amendment (for Parcel #37-10-31-1550-00000-0110 and Parcel #37-10-31-1550-00000-0111), finding that the amendment is not consistent with the Flagler County Comprehensive Plan.
3. **Continue** Application #3320, the request for a Future Land Use amendment on the basis that additional information is needed from staff or the applicant. Based on the presentation and the public hearing, the Board does not have sufficient information to be able to render a decision (and recommendation) on the amendment request. Continuing the request to a time and date certain will preserve public notice and provide an opportunity for staff or the applicant to provide additional information.

**ATTACHMENTS:**

1. Technical Staff Report
2. Draft Adoption Ordinance
3. Application and supporting documents

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4. TRC comments
  5. Response to TRC comments
  6. A1A Scenic PRIDE Committee review letter
  7. Public notice
- (Environmental Report and Trip Generation Report are available for review at the Growth Management Department)

**APPLICATION #3320  
FUTURE LAND USE MAP AMENDMENT  
HATCHER AND HUNJAN, LLC  
TECHNICAL STAFF REPORT**

Project: Future Land Use Map Amendment for proposed Scenic Cove PUD

Project #/Application #: 2022060040/3320

Owners: Samuel Thomas and Betty G. Hatcher, Trustees and Hunjan, LLC

Applicant/Agent: Kenneth W. Belshe on behalf of Sunbelt Acquisitions, LLC

Parcel #: 37-10-31-1550-00000-0110 and 37-10-31-1550-00000-0111

Address: N/A

Parcel Size: 18.69+/- acres

Existing Zoning and Land Use(s)

Zoning: R/C (Residential/limited commercial)

Land Use: MUL (Mixed Use: Low-intensity, Low-medium Density)

Future Land Use Map Classification/Zoning of Surrounding Land

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

East: Mixed Use: Low-intensity, Low-Medium Density/R/C (Residential/limited commercial) District

South: Mixed Use: Low-intensity, Low-Medium Density/R/C (Residential/limited commercial) District

West: Intracoastal Waterway

Report in Brief

The applicant has proposed a Future Land Use Map amendment for the 18.69+/- acre parcels that are proposed for Scenic Cove, a 56 unit single-family residential subdivision. The amendment will change the Future Land Use from Mixed Use: Low-intensity, Low-Medium Density to Residential: Low Density/Single Family.

Standards for Review

Under the requested Residential: Low Density/Single Family designation, maximum density would equal 3 units per acre, potentially allowing 56 units. The 56 unit cap through the Future Land Use amendment would coincide with the PUD rezoning and the eventual subdivision plat.

Trip generation in this analysis (by Alliant Engineering, Inc. dated August 8, 2022) is based on the proposed 56 units. The 56 units would generate 528 daily trips and 53 PM



peak-hour trips. This amendment represents a decrease of 697 daily trips over the 1,225 daily trips generated by the 130 units permitted under the existing Mixed Use: Low-intensity, Low-Medium Density designation.

Consistent with Comprehensive Plan Table A.2, development on this parcel with the Residential: Low Density/Single Family designation would be limited to 1 to 3 units per gross acre. A summary analysis of the effect of this Future Land Use Map amendment – based on the 18.69+/- acres building out at 56 units – accompanies this staff report.

The Future Land Use amendment to Residential: Low Density/Single Family would permit a lower density than is presently permitted, and would be similar to the density level encountered on surrounding parcels.

#### Analysis of Consistency with Florida Statutes

The proposed amendment has been evaluated by staff for its consistency with Section 163.3177(6) of Florida Statutes:

- “2. The future land use plan and plan amendments shall be based upon surveys, studies, and data regarding the area, as applicable, including:
- a. The amount of land required to accommodate anticipated growth.”

*This request is not related to any studies of future growth; this amendment increases the development potential on this parcel consistent with the applicant’s request.*

- “b. The projected permanent and seasonal population of the area.”

*The amendment would represent a permanent decrease in population in the area of 178 persons, using 2.4 persons per household (pph) for the decrease from 130 dwelling units (312 persons) to 56 dwelling units (134 persons).*

- “c. The character of undeveloped land.”

*The land is mostly level and is currently vacant at this time. Significant upland Oak Hammock habitat borders the Intracoastal Waterway.*

- “d. The availability of water supplies, public facilities, and services.”

*Potable water and sanitary sewer will need to be extended to the subject property. It is anticipated that the City of Palm Coast will provide central water service and the sewer service is anticipated to be provided by the Matanzas Shores Homeowners Association.*

- “e. The need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community.”

*This amendment is not facilitated by a need for redevelopment, but is instead prompted by the applicant’s request on behalf of the owner of the parcels. This request is not related to development which is blighted, nonconforming, or inconsistent with the community.*

- “f. The compatibility of uses on lands adjacent to or closely proximate to military installations.”

*Not applicable – the subject parcels are not adjacent or proximate to a military installation.*

- “g. The compatibility of uses on lands adjacent to an airport as defined in s. 330.35 and consistent with s. 333.02.”

*Not applicable – the subject parcels are not adjacent to an airport.*

- “h. The discouragement of urban sprawl.”

*These parcels require a commercial component with the present Mixed Use Low (MUL) designation. Removing the commercial component – and reducing the possible residential density – through the Future Land Use amendment process discourages a greater intensity and density of development: lower intensity and density discourages urban sprawl.*

- “i. The need for job creation, capital investment, and economic development that will strengthen and diversify the community’s economy.”

*Not applicable – as residential development, this request will only generate employment for the duration of the construction activity. However, the economic activity and benefit from construction is a net positive for the area, along with the tax benefit resulting from coastal homes who historically contribute greater property taxes relative to their public service needs.*

- “j. The need to modify land uses and development patterns within antiquated subdivisions.”

*Not applicable – this development is not occurring within an antiquated subdivision.*

- “8. Future land use map amendments shall be based upon the following analyses:  
a. An analysis of the availability of facilities and services.”

*This report and the attached analyses provide a preliminary analysis of the availability of facilities and services. Final determination of the availability of facilities and services will be made at the time of permit issuance.*

- “b. An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.”

*No site characteristics would hinder development of the parcels.*

- “c. An analysis of the minimum amount of land needed as determined by the local government.”

*Not applicable – this amendment is discretionary as to the amount included by the applicant and based on the parcel size. This amendment is not based on a capacity analysis or anticipated need for future housing stock; however, it is noted that the residual impacts of the global COVID-19 Pandemic, the current economic climate, and the influx of new residents into the state, have created a scarcity of housing.*

- “9. The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.  
a. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:  
(I) Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.  
(II) Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

- (III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
- (IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
- (V) Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
- (VI) Fails to maximize use of existing public facilities and services.
- (VII) Fails to maximize use of future public facilities and services.
- (VIII) Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
- (IX) Fails to provide a clear separation between rural and urban uses.
- (X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
- (XI) Fails to encourage a functional mix of uses.
- (XII) Results in poor accessibility among linked or related land uses.
- (XIII) Results in the loss of significant amounts of functional open space.”

*Staff concludes that this request neither results in the 13 sprawl indicators being met or not met; the approval of the request would likely have an overall de minimis impact on the sprawl indicators, provided that deficiencies in service provision – trip generation, potable water, sanitary sewer, and educational facilities – are addressed appropriately.*

- “b. The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:
  - (I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
  - (II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
  - (III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that

will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

- (IV) Promotes conservation of water and energy.
- (V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.
- (VI) Preserves open space and natural lands and provides for public open space and recreation needs.
- (VII) Creates a balance of land uses based upon demands of residential population for the nonresidential needs of an area.
- (VIII) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.”

*Staff concludes that this request neither results in the eight “anti-sprawl” objectives being met or not met; the approval of the request would have an overall de minimis impact on the sprawl indicators. The present Mixed Use: Low-intensity, Low-Medium Density Future Land Use designation would allow the rezoning to PUD but require commercial development which is not desired, hence necessitating the RLDSF amendment request.*

#### Analysis of Consistency with the Comprehensive Plan

The proposed amendment has been evaluated by staff for its consistency with the Comprehensive Plan:

“Policy A.1.2.2: The Flagler County Planning and Zoning Department shall maintain consistency between the Land Development Regulations (LDRs) and the Comprehensive Plan by the following means:

- (1) Parcels being considered for amendment to the Future Land Use Map shall be concurrently evaluated for rezoning to the most appropriate zoning district.
- (2) Parcels seeking site plan approval shall continue to be designed, developed and used for activities allowed by the appropriate zoning district.
- (3) Property owners will be asked to conform to pending land use/zoning regulations as they request development approval.”

*The owner is seeking a concurrent rezoning under Application #3321 to PUD, a consistent zoning designation for the Residential: Low Density/Single Family Future Land Use designation.*

“Policy A.1.4.1: During the review of requests for plan amendments, topography, vegetation, wildlife habitat, flood hazard, the 100-year flood plain, and soils for the areas to be amended will be analyzed and specific findings made as part of the plan amendment process.”

*There are site characteristics that are present on this parcel that would impact the requested amendment. Such as a portion of the parcels lie within the Special Flood Hazard area of AE. The AE Special Flood Hazard area will be removed and mitigated to coincide with Final Plat approval.*

“Policy A.6.1.1: Land use plan amendments shall be reviewed under the criteria established in the Coastal Management Element, Transportation Element, and other applicable standards contained in the adopted Flagler County Comprehensive Plan.”

*This analysis satisfies this Policy’s requirements, provided that deficiencies in services are addressed. Overall, the proposed amendment results in a decrease in the impacts.*

“Policy A.7.3.6: All requests for amendments to the Future Land Use Map shall include an analysis of the level of service for public facilities, including an analysis of the potable water supply. Applications for land use map amendments shall be provided to the appropriate potable water supplier and the St. Johns River Water Management District (SJRWMD) for their review.”

*This analysis satisfies this Policy’s requirements. Potable water requirements are satisfied through permitting by the applicant with the City of Palm Coast for this use.*

#### Analysis of Compatibility with the Land Development Code

The requested small scale amendment has been evaluated by staff for its compatibility with the Land Development Code:

“8.04.00.: Plan amendments. A report shall be prepared by county staff as required and forwarded as part of the major plan amendment process to the long range planning and land development review board, planning board and the board of county commissioners. The report shall indicate the anticipated impact of the administrative action on the levels of service adopted in this ordinance. This report is intended to be a general analysis and should identify corrective actions and any responsibility for the cost of those actions.”

*This request is considered a small scale future land use map amendment. Staff has addressed the concurrency-related requirements of Florida Statutes, the*

*Comprehensive Plan, and this section of the LDC through this staff report and the accompanying materials.*

*Ultimately, the plan amendment process provides a “forward look” at concurrency issues, with the LDC requiring concurrency to be met or programmed at the time of final plat approval or permit issuance, as applicable.*



## Future Land Use Map



## Zoning Map

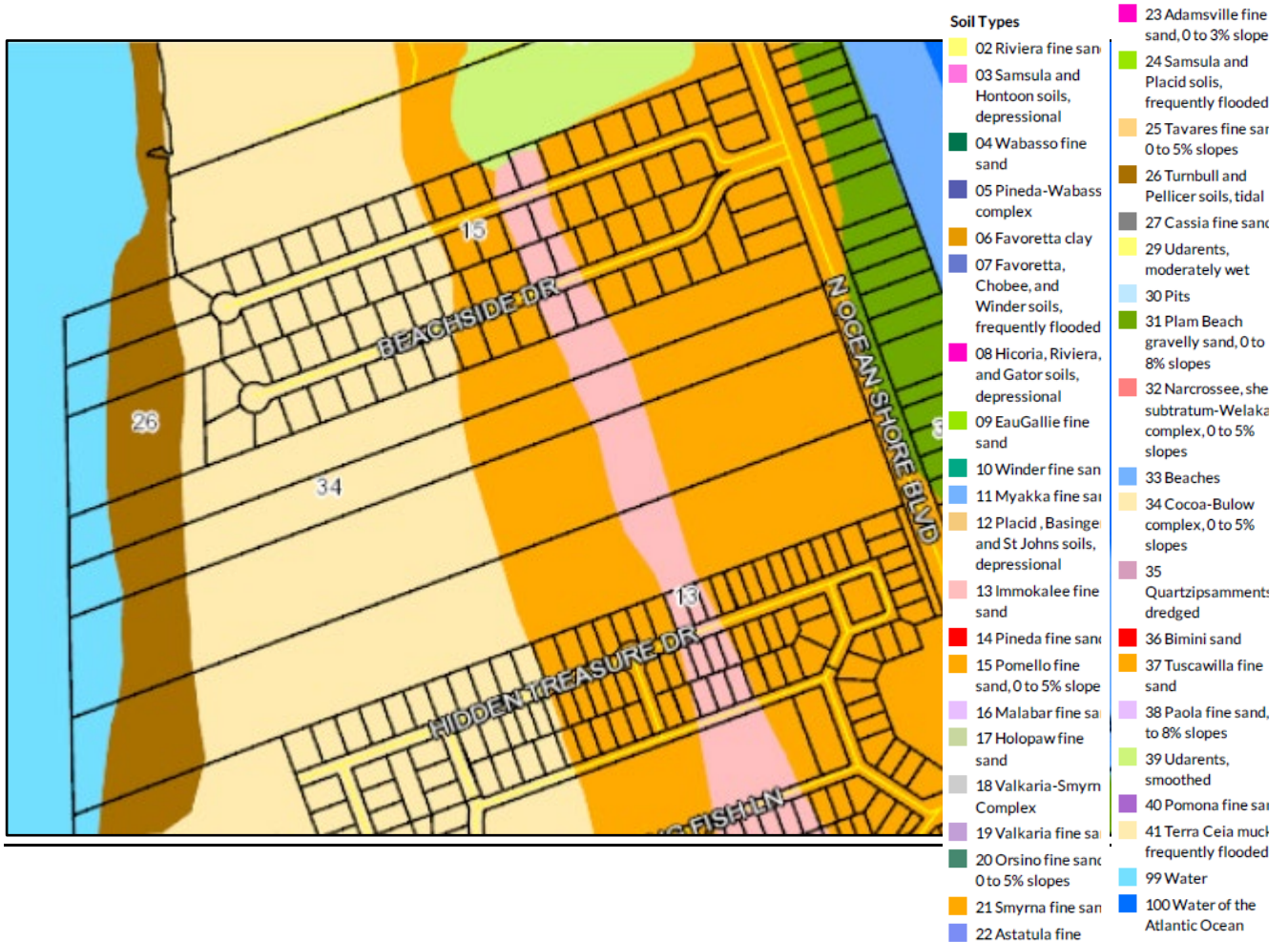


## Flood Zone

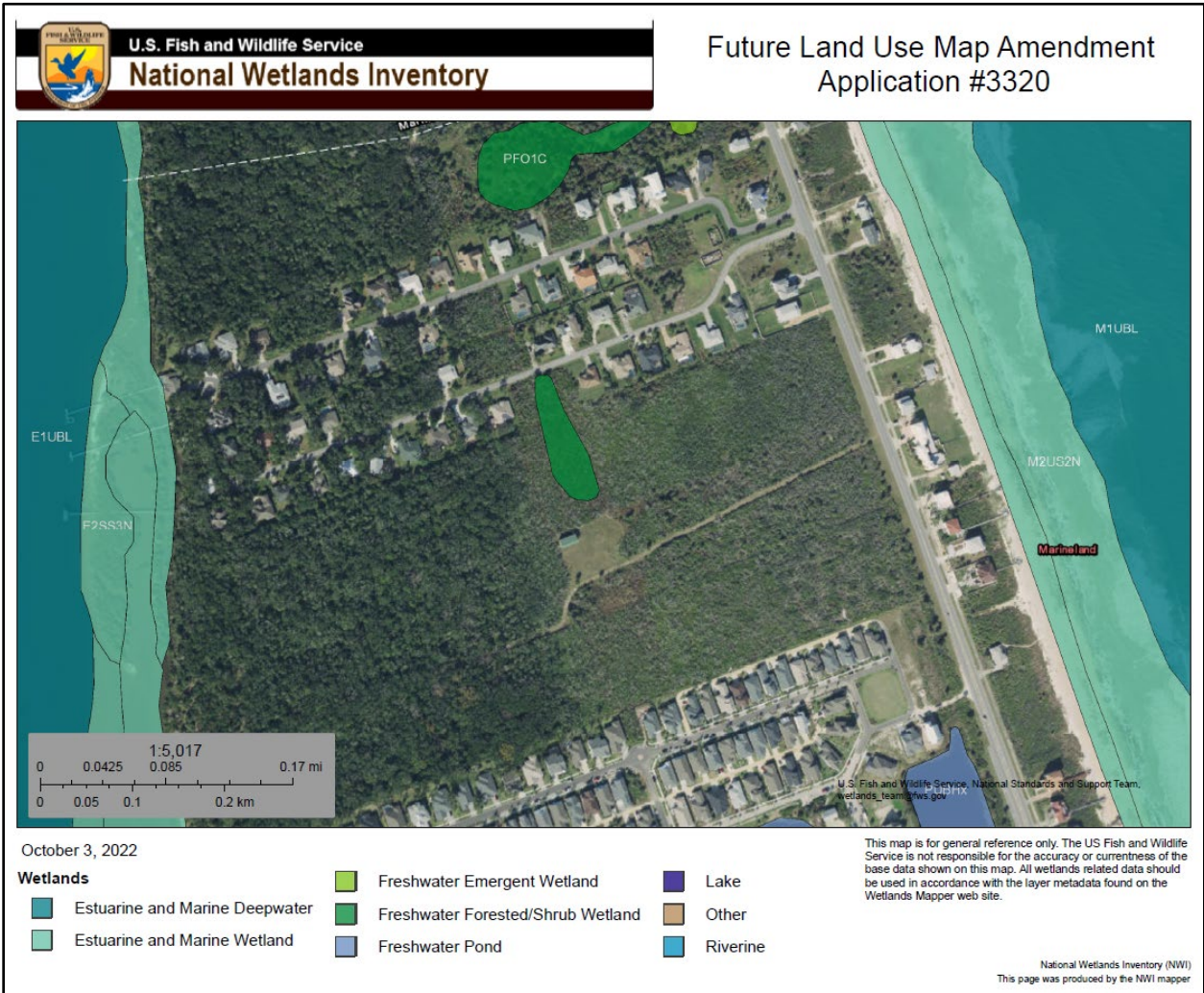




## Soils Map



# National Wetlands Inventory Mapper



**FUTURE LAND USE AMENDMENT  
SUMMARY FOR APPLICATION #3320**

<b>Existing FLUM Category</b>	<b>Proposed FLUM Category</b>	<b>Existing Maximum Density (DU/Acre)</b>	<b>Proposed Maximum Density (DU/Acre)</b>	<b>Existing Maximum Intensity (FAR)</b>	<b>Proposed Maximum Intensity (FAR)</b>	<b>Net Increase or (Decrease) in Maximum Density</b>	<b>Non-Residential Net Increase or (Decrease) in Potential Floor Area</b>
Mixed Use: Low-intensity, Low- to Medium- Density – 18.69 acres	Residential: Low Density/Single Family – 18.69 acres	7 DU/Acre	3 DU/Acre	0.2	N/A	-74 DUs	-162,827 s.f.

Population

**Population Potential of Parcels Affected by FLUA #3320**

<b>Scenario</b>	<b>Land Use Designation</b>	<b>Maximum Allowed Intensity</b>	<b>Criterion</b>	<b>Size of Development</b>		<b>Population</b>
				<b>Acres</b>	<b>Units or Area</b>	
Existing	Mixed Use: Low-intensity, Low- to Medium- Density – 18.69 acres	7 dwelling units per acre	2.4 pph	18.69	130 units	312 persons
Proposed	Residential: Low Density/ Single Family – 18.69 acres	3 dwelling units per acre	2.4 pph	18.69	56 units	134 persons
Change in Population:						-178 persons

**FUTURE LAND USE AMENDMENT  
SUMMARY FOR APPLICATION #3320**

Transportation Impacts:

**Trip Generation Potential of Parcels Affected by FLUA #3320**

Scenario	Land Use Designation	Maximum Allowed Intensity	ITE Land Use Code	Size of Development		Daily Trips
				Acres	Units or Area	
Existing	Mixed Use: Low-intensity, Low- to Medium- Density – 18.69 acres	7 dwelling units per acre	210	18.69	130 units	1,225 trips
Proposed	Residential: Low Density/ Single Family – 18.69 acres	3 dwelling units per acre	210	18.69	56 units	528 trips
Change in Daily Trips:						-697 trips



# **FUTURE LAND USE AMENDMENT SUMMARY FOR APPLICATION #3320**

## Potable Water:

### **Water Supply Impacts of Parcels Affected by FLUA #3320**

Scenario	Land Use Designation	Maximum Allowed Intensity	Criterion	Size of Development		Daily Potable Water Demand
				Acres	Units or Area	
Existing	Mixed Use: Low-intensity, Low- to Medium-Density – 18.69 acres	7 dwelling units per acre	125 gals per capita per day	18.69	130 units	39,000 gallons
Proposed	Residential: Low Density/ Single Family – 18.69 acres	3 dwelling units per acre	125 gals per capita per day	18.69	56 units	16,750 gallons
Change in Potable Water Demand:						-22,250 gallons

Note: Single-family demand based on 2.4 pph.

**FUTURE LAND USE AMENDMENT  
SUMMARY FOR APPLICATION #3320**

Sanitary Sewer:

**Sanitary Sewer Impacts of Parcels Affected by FLUA #3320**

Scenario	Land Use Designation	Maximum Allowed Intensity	Criterion	Size of Development		Daily Sanitary Sewer Demand
				Acres	Units or Area	
Existing	Mixed Use: Low-intensity, Low- to Medium-Density – 18.69 acres	7 dwelling units per acre	110 gals per capita per day	18.69	130 units	34,320 gallons
Proposed	Residential: Low Density/ Single Family – 18.69 acres	3 dwelling units per acre	110 gals per capita per day	18.69	56 units	14,740 gallons
Change in Sanitary Sewer Demand:						-19,580 gallons

Note: Single-family demand based on 2.4 pph.

**FUTURE LAND USE AMENDMENT  
SUMMARY FOR APPLICATION #3320**

Solid Waste:

**Solid Waste Impacts of Parcels Affected by FLUA #3320**

Scenario	Land Use Designation	Maximum Allowed Intensity	Criterion	Size of Development		Daily Solid Waste Demand
				Acres	Units or Area	
Existing	Mixed Use: Low-intensity, Low- to Medium-Density – 18.69 acres	7 dwelling units per acre	9.3 pounds per capita per day	18.69	130 units	2,901 pounds
Proposed	Residential: Low Density/ Single Family – 18.69 acres	3 dwelling units per acre	9.3 pounds per capita per day	18.69	56 units	1,246 pounds
Change in Solid Waste Demand:						-1,655 pounds

Note: Single-family demand based on 2.4 pph.

**FUTURE LAND USE AMENDMENT  
SUMMARY FOR APPLICATION #3320**

Parks and Recreation:

**Parks and Recreation Impacts of Parcels Affected by FLUA #3320**

Scenario	Land Use Designation	Maximum Allowed Intensity	Criterion	Size of Development		Parks and Recreation Demand
				Acres	Units or Area	
Existing	Mixed Use: Low-intensity, Low- to Medium-Density – 18.69 acres	7 dwelling units per acre	Resident Population	18.69	130 units	312 persons
Proposed	Residential: Low Density/ Single Family – 18.69 acres	3 dwelling units per acre	Resident Population	18.69	56 units	134 persons
Change in Parks and Recreation Demand:						-178 persons

Note: Parks and recreation LOS demand is based on aggregated population counts.

# FUTURE LAND USE AMENDMENT SUMMARY FOR APPLICATION #3320

## Educational Facilities:

**Educational Facilities Demand of Parcels Affected by FLUA #3320**

Scenario	Land Use Designation	Maximum Allowed Intensity	Criterion	Size of Development		Educational Facilities Demand
				Acres	Units or Area	
Existing	Mixed Use: Low-intensity, Low- to Medium-Density – 18.69 acres	7 dwelling units per acre	FTE	18.69	130 units	32 students
Proposed	Residential: Low Density/ Single Family – 18.69 acres	3 dwelling units per acre	FTE	18.69	56 units	14 students
Change in Educational Facilities Demand:						-18 students

Note: Educational facilities LOS demand is based on actual FTE counts. For single family dwellings, the 2021 student generation rate is 0.245 students per dwelling unit. It should also be recognized that adoption of an age-restriction through Covenants and Restrictions and recognition by the Board of County Commissioners through resolution will impact student generation and the collection of Educational Facilities Impact Fees.

**ORDINANCE NO. 2022 - \_\_\_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA AMENDING THE FUTURE LAND USE ELEMENT AND FUTURE LAND USE MAP BY AMENDING THE DESIGNATION OF A TOTAL OF 18.69 ACRES, MORE OR LESS, IN SECTION 37, TOWNSHIP 10 SOUTH, RANGE 31 EAST; FROM MIXED USE: LOW INTENSITY, LOW- TO MEDIUM-DENSITY TO RESIDENTIAL LOW DENSITY/SINGLE FAMILY; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Samuel Thomas and Betty G. Hatcher, Trustees, are the owners of Parcel Number 37-10-31-1550-00000-0110, 9.9 acres in size, more particularly described herein and graphically shown on Exhibit “A” attached hereto; and

**WHEREAS**, HunJan, LLC is the owner of Parcel Number 37-10-31-1550-00000-0111, 9.7 acres in size, more particularly described herein and graphically shown on Exhibit “A” attached hereto; and

**WHEREAS**, on October 11, 2022, the Planning and Development Board conducted a public hearing on this amendment and voted to recommend approval; and

**WHEREAS**, on October 17, 2022, the Flagler County Board of County Commissioners, sitting in their capacity as the Local Planning Agency, conducted a public hearing on this amendment and voted to approve the proposed amendment; and

**WHEREAS**, public notice of this action has been provided in accordance with Sections 125.66(2)(a) and 163.3184, Florida Statutes, and Section 2.07.00, Flagler County Land Development Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS:**

**Section 1. FINDINGS**

- a. The Board of County Commissioners finds that the proposed Future Land Use Map amendment is consistent with the goals, objectives, and policies of the Flagler County Comprehensive Plan.

- b. This ordinance is adopted in compliance with and pursuant to the Community Planning Act, Sections 163.3161-163.3217, Florida Statutes.

## **Section 2. FUTURE LAND USE MAP AMENDMENT**

The real property containing approximately 18.69 acres, more or less, and legally described herein is hereby amended from Mixed Use: Low Intensity, Low-Medium Density to Residential Low Density/Single Family, as graphically shown on Exhibit "A" attached hereto. The 2010-2035 Future Land Use Map of the adopted Comprehensive Plan shall be amended to reflect this amendment. The legal description of the subject property to be amended through this application is:

Lot 11 of the Resubdivision of Tracts 13-20 and 26, Dupont Estate Subdivision (Plat Book 3, Page 17), as recorded in Plat Book 3, Page 28, of the Public Records of Flagler County, Florida. Less and except any part of Lot 11 lying within the right-of-way of State Road A1A (a/k/a North Oceanshore Boulevard).

## **Section 3. EFFECTIVE DATE**

- a. This ordinance shall become effective as provided by general law.
- b. Pursuant to Section 163.3187(5)(c), Florida Statutes, the small-scale development amendment adopted in this ordinance may not become effective until 31 days after adoption. However, if the amendment is challenged within 30 days after adoption, the amendment that is challenged may not become effective until the Department of Economic Opportunity or the Administration Commission issues a final order determining that the adopted amendment is in compliance.
- c. In accordance with Section 163.3184(12), Florida Statutes, the zoning change, with respect to the lands depicted in Exhibit A, approved by the Board concurrently herewith, are contingent upon this Comprehensive Plan amendment becoming effective. Accordingly, no development permits or land uses dependent on any of this amendment may be issued or commence before the amendment has become effective.

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SIGNATURE PAGE TO FOLLOW**



**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF  
FLAGLER COUNTY, FLORIDA THIS 17TH DAY OF OCTOBER, 2022.**

**BOARD OF COUNTY COMMISSIONERS  
OF FLAGLER COUNTY, FLORIDA**

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Joseph F. Mullins, Chair

**ATTEST:**

**APPROVED AS TO FORM:**

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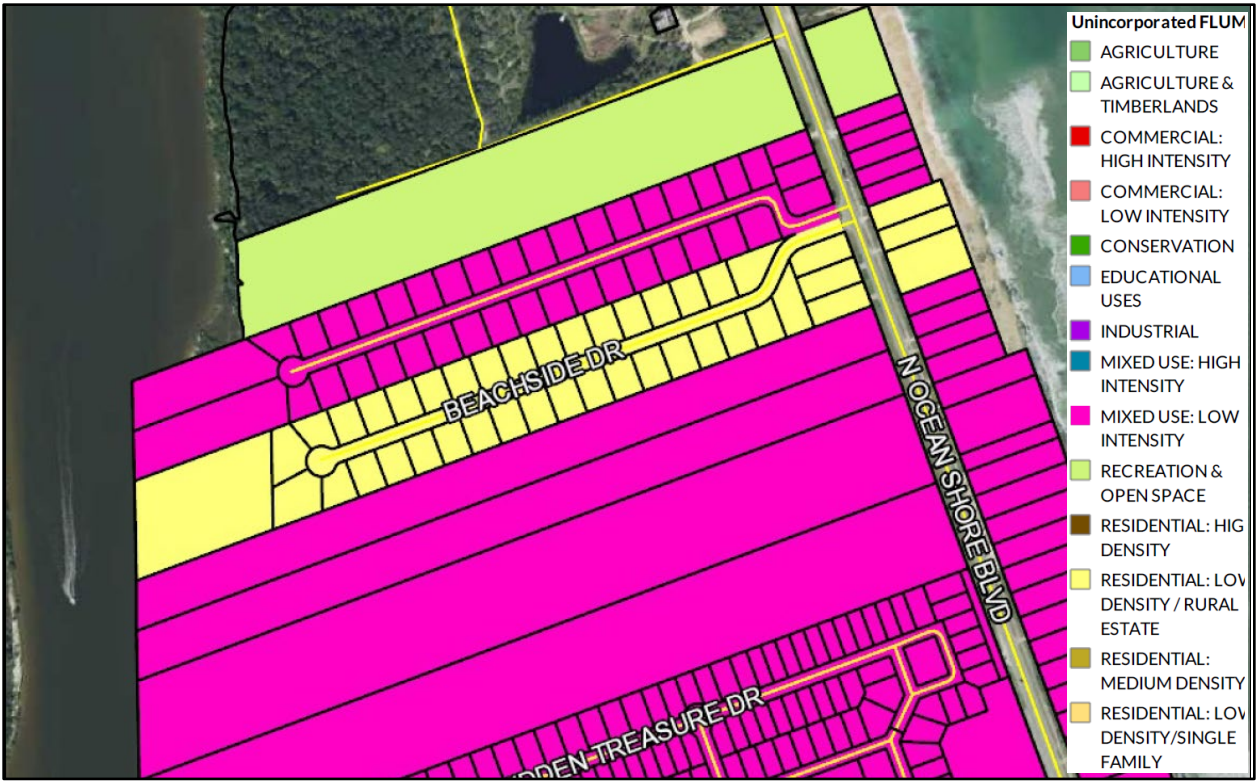
Tom Bexley, Clerk of the  
Circuit Court and Comptroller

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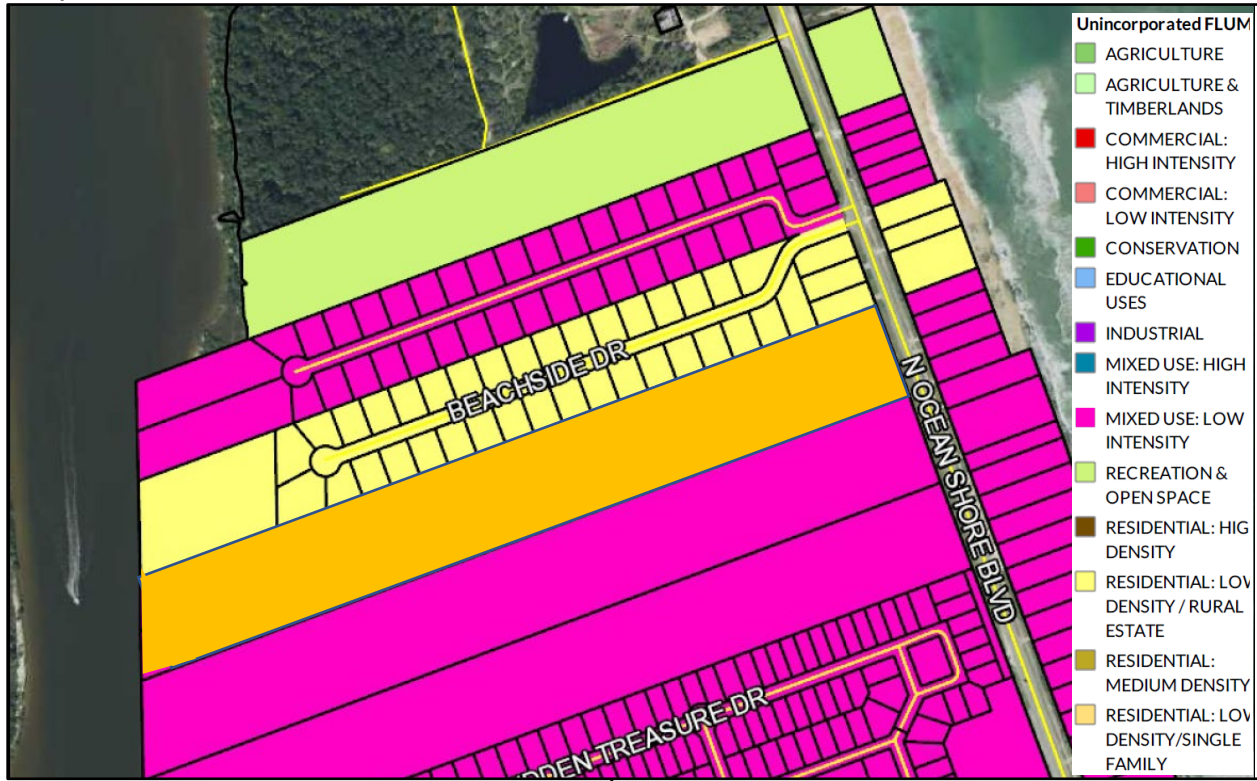
Al Hadeed, County Attorney

Exhibit "A"

Current:



Proposed:







# APPLICATION FOR FUTURE LAND USE MAP AMENDMENT LESS THAN TEN ACRES

FLAGLER COUNTY, FLORIDA

1769 E. Moody Blvd, Suite 105

Bunnell, FL 32110

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

Application/Project #: 3320/2022060040

PROPERTY OWNER(S)	Name(s):	Samuel Thomas Hatcher and Betty G. Hatcher, Trustees; Hunjan, LLC		
	Mailing Address:	1509 SW 16th Street, 145 City Place, Suite 301		
	City: Boynton Bch. and Palm Coast	State: Florida	Zip: 33426 and 32164	
	Telephone Number		Fax Number	

RECEIVED

AUG 08 2022

APPLICANT/AGENT	Name(s):	Kenneth W. Belshe, on behalf of Sunbelt Acquisitions, LLC		
	Mailing Address:	P.O. Box 353460		
	City: Palm Coast	State: Florida	Zip: 32137	
	Telephone Number	386-986-2411	Fax Number	
	E-Mail Address:	kenbelshe@yahoo.com		

Flagler County  
Planning & Zoning Dept.

SUBJECT PROPERTY	SITE LOCATION (street address):	7032 N. Oceanshore Blvd., Palm Coast, FL 32137
	LEGAL DESCRIPTION:	See Attached
	Parcel # (tax ID #):	37-10-31-1550-00000-0110 and 37-10-31-1550-00000-0111
	Parcel Size:	18.69 acres

FUTURE LAND USE DESIGNATION	<b>Present Future Land Use Designation(s) Provide acreage of each classification.</b>	Mixed Use: Low Intensity - 19.6 Ac.
	<b>Proposed Future Land Use Designation (s) Provide acreage of each classification.</b>	Mixed Use Intensity - 0.91 Ac. Residential: Low Density/Single Family - 18.69 Ac.

Rev 05/08



<b>POPULATION ASSUMPTIONS</b>	Maximum population of site under current land use:	329
	Maximum population of site under proposed land use: (2.4 PPH x (gross acres x maximum density))	135

<b>TRANSPORTATION</b>	<p>A Traffic Impact Study (TIS) is required to be prepared by a transportation engineer to evaluate the impact of the proposed amendment on segments and intersections of the affected regional transportation network. The horizon year for the analysis shall be 2010. The study area will include all arterial and collector roadway segments and intersections within a two-mile radius of the external boundary of the FLUM parcel. Existing traffic counts shall be for the preceding calendar year and based upon FDOT, Flagler County or City of Palm Coast published data. If the traffic engineer conducts counts, they must be for a minimum of 72 consecutive hours during M-F and be adjusted to AADT using FDOT seasonal adjustment factors. Intersection turning counts shall be made during weekday peak hour. Trip generation of existing and proposed uses shall be based upon the applicable ITE land use code. Residential density is measured in maximum number of units per acre times the gross acreage. Non-residential FAR's are .3 comm. low, .4 comm. high and .5 industrial. The adopted LOS of the applicable comprehensive plan, County or City, shall be used and capacity determined by reference to FDOT Level of Service Manual for road segments and the Highway Capacity Manual for intersections.</p>		
	<p>Trip distribution to determine the directional flow of traffic associated with the proposed FLUM shall be based upon FSUTMS using the Flagler County model set. The annual growth rate for traffic shall be calculated by calculating the previous 10 year's traffic counts or by using the following: U.S. 1 - 4.7%, I-95 - 4.6%, S.R. 100 - 10%, all other segments - 5%. Committed improvements must be underway, subject of a binding development agreement or funding in a State, County or municipal capital budget. The TIS concludes with an analysis of 2010 conditions in the study area with and without the proposed FLUM and any recommendations to mitigate the impact of increased traffic on the operational efficiency of the regional transportation network.</p>		
	Traffic Impact Study Prepared by: Alliant Engineering		
	Name: Curt Wimpee, P.E.		
	Address: 10475 Fortune Pkwy., Suite 101		
	City/State/Zip Jacksonville, FL 32256		

Rev 05/08

<b>RECREATION AND OPEN SPACE</b>	Facilities immediately serving site:	Intracoastal Waterway and Atlantic Ocean	
	Is this site within a targeted Park Land?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

<b>WATER</b>	Method (check one)	Private wells <input checked="" type="checkbox"/>	Central <input checked="" type="checkbox"/>	Private treatment plant <input type="checkbox"/>
	Attach completed SJRWMD Consumptive Use Worksheet and supporting information concerning growth projection or committee capacity.			
	If Central Water, provide name and address of facility: City of Palm Coast Utility Dept.			
	Name: Steven Flanagan			
	Address: 2 Utility Drive			
	City/State/Zip Palm Coast, FL 32137			

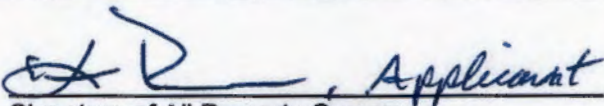
<b>SEWER</b>	Method (check one)	Onsite Sewage Treatment and Disposal System <input type="checkbox"/>	Central <input type="checkbox"/>	Private treatment plant <input checked="" type="checkbox"/>
	Attach completed FDEP operating information for previous 12 months.			
	If Central Sewer, provide name and address of facility: Matanzas Shores WWTP			
	Name: Matanzas Shores Master Assoc.			
	Address: 60 San Juan Drive			
	City/State/Zip Palm Coast, FL 32137			

Rev 05/08



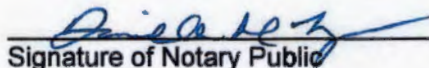
<b>SOLID WASTE</b>	If proposed land use amendment is for other than residential land use	Type	Square Footage
	Commercial		
	Industrial		

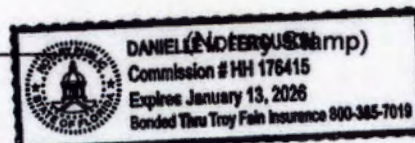
<b>DRAINAGE</b>	Detention/Retention facilities immediately serving the site	Onsite Stormwater Treatment	
	Available downstream facilities:	Discharge is to Intracoastal Waterway	
	Is site situated within a known floodplain area? Identify FIRM panel.	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

 Applicant \_\_\_\_\_ Date 8/4/2022  
 Signature of All Property Owners \_\_\_\_\_ Date \_\_\_\_\_

Signature of All Property Owners \_\_\_\_\_ Date \_\_\_\_\_

The foregoing was acknowledge before me this 4 day of August, 2022 by Kenneth Belshie and \_\_\_\_\_ who is/are personally known to me or who has produced \_\_\_\_\_ as identification, and who (did) / (did not) take an oath.

 \_\_\_\_\_  
 Signature of Notary Public



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

PLANNING BOARD RECOMMENDATION/ACTION:

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

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

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

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

BOARD OF COUNTY COMMISSIONERS ACTION:

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

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

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

Rev 05/08

**Required Attachments:**

Will need 33\* sets of the following:

1. Location Map – Attachment "A";
2. Legal Description – Attachment "B";
3. Sealed Land survey showing the natural features of the land, the Mean High or Ordinary High water line. Survey cannot be more than 2 years old - Attachment "C"
4. Zoning Map Showing Current Zoning – Attachment "D";
5. Present Future Land Use Designation Map – Attachment "E";
6. Proposed Future Land Use Designation Map – Attachment "F";
7. Population Analysis – Attachment "G";
8. Transportation Study – Attachment "H"
9. Recreation and Open Space Analysis – Attachment "I";
10. Water and Sewer Analysis – Attachment "J";
11. Solid Waste Analysis – Attachment "K";
12. Drainage Study – Attachment "L".
13. FLUCCS code information including delineation of endangered and threatened species and species of special concern habitat and observations – Attach. "M".
14. Soil survey - Attachment "O".
15. Topographic map - Attachment "P".
16. Aerials (false color) - Attachment "Q".

\*10 sets of plans for the Technical Review Committee due upon submittal of application, 13 sets of plans for Planning Board, and 10 sets of plans for the BCC.

**NOTE: All applicants are requested to provide at least one set of documents/plans in a size no larger than 11" x 17" plus one electronic submittal in PDF format is preferred.**

Application fee of \$870.00 plus cost of newspaper ad(s), postage at prevailing rate and \$50 for each notification of public hearing (posting of sign). Make check payable to BOCC.

Fee amount per Resolution 2008-31.

**NOTE: OWNER/APPLICANT IS RESPONSIBLE FOR REQUIRED RESPONSE TO OBJECTIONS, RECOMMENDATIONS AND COMMENTS FROM STATE REVIEWING AGENCY.**

NOTE: Pursuant to Section 286.0105 of Florida Statutes, Flagler County hereby notifies all interested persons that if a person decides to appeal any decision made by the Planning Board or Board of County Commissioners with respect to any matter considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.

Rev 7/09





## Owner's Authorization for Applicant/Agent

FLAGLER COUNTY, FLORIDA

1769 E. Moody Boulevard, Suite 105

Bunnell, FL 32110

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

Application/Project # 3320

Kenneth W. Belshe, is hereby authorized TO ACT ON BEHALF OF Samuel Thomas Hatcher and Betty G. Hatcher, Trustees, the owner(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to Flagler County, Florida for an application for Future Land Use Map Amendment.

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

By: Samuel Thomas Hatcher  
Signature of Owner

Samuel Thomas Hatcher  
Printed Name of Owner / Title (if owner is corporation or partnership)

Signature of Owner

Printed Name of Owner

Address of Owner:

Telephone Number (incl. area code)

1909 SW 16th ST  
Mailing Address

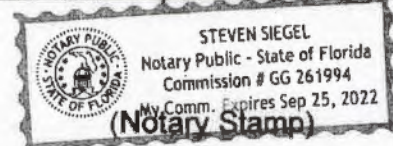
352-871-0165

Boynton Beach, FL 33426  
City State Zip

STATE OF Florida  
COUNTY OF Palm Beach

The foregoing was acknowledged before me this 27<sup>th</sup> day of May, 2022 by Samuel Thomas Hatcher and Florida Drivers License who is/are personally known to me or who has produced as identification, and who (did) (did not) take an oath.

Steven Siegel  
Signature of Notary Public



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

Revised 5/08



## Owner's Authorization for Applicant/Agent

FLAGLER COUNTY, FLORIDA

1769 E. Moody Boulevard, Suite 105

Bunnell, FL 32110

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

Application/Project # 3320

Kenneth W. Belshe, is hereby authorized TO ACT ON BEHALF  
OF Hunjan, LLC, a Florida limited liability company, the owner(s) of those lands described  
within the attached application, and as described in the attached deed or other such  
proof of ownership as may be required, in applying to Flagler County, Florida for an  
application for Future Land Use Map Amendment.

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

By:

  
Signature of Owner

LINDA SJOMAN / MANAGER

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

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

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

Address of Owner:

Telephone Number (incl. area code)

145 CITY PLACE, SUITE 301

386.445.8900

Mailing Address

PALM COAST FLORIDA 32164

City State Zip

STATE OF FL

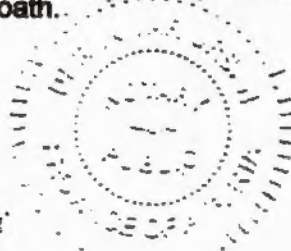
COUNTY OF FLAGLER

The foregoing was acknowledged before me this 25 day of May,  
2022 by LINDA SJOMAN and \_\_\_\_\_  
who is/are personally known to me or who has produced PASSPORT  
as identification, and who (did) ~~(did not)~~ take an oath.

Notary Public  
in and for the Province of Alberta, Canada

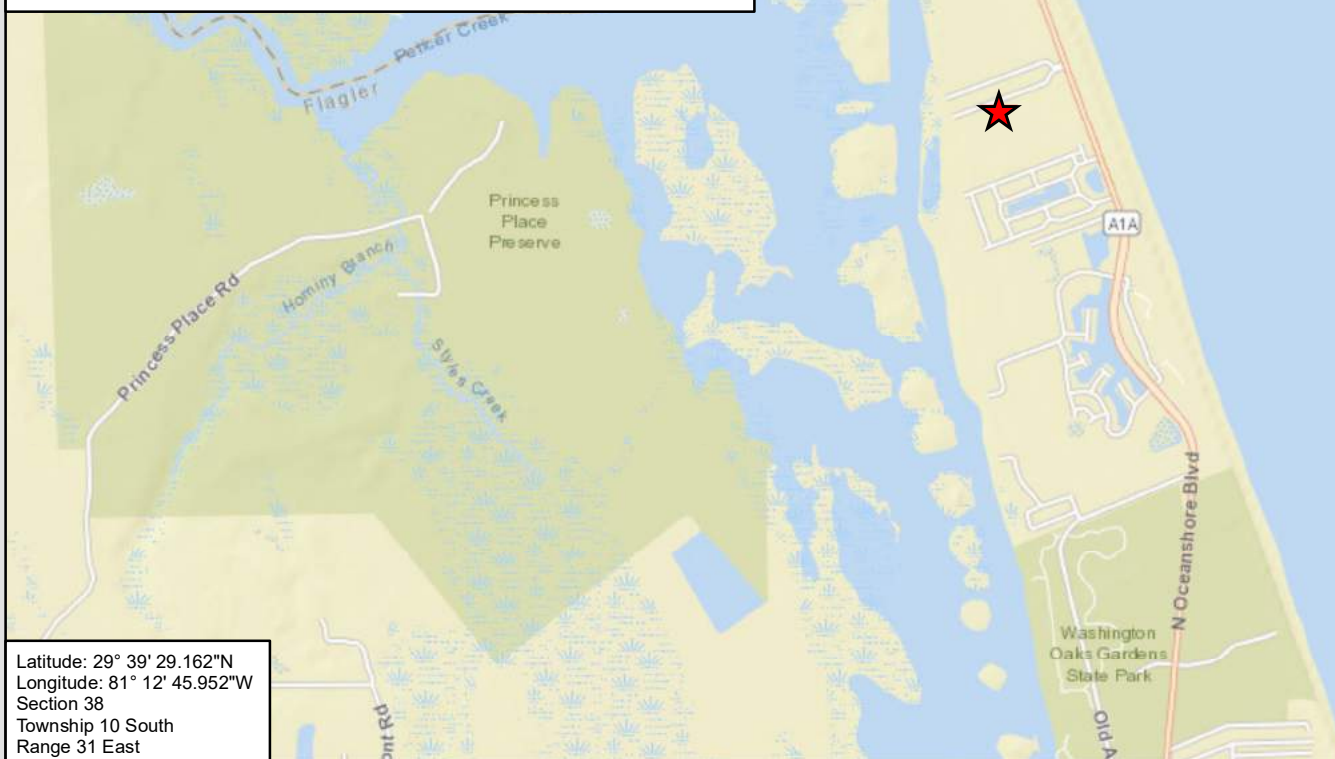
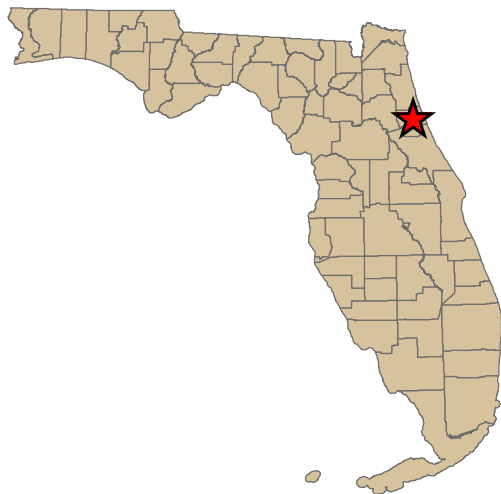
  
Derek Y. Urban

Barrister & Solicitor (Law Society of Alberta, non practicing)





# Attachment "A"



Latitude: 29° 39' 29.162"N  
Longitude: 81° 12' 45.952"W  
Section 38  
Township 10 South  
Range 31 East

Image Source: ESRI 2020  
Date: 10-29-21

0 1,500 3,000  
Feet



## Location Map Sunbelt Marineland Property Flagler County, Florida



WWW.ATLANTICECO.COM  
904-347-9133 | jody@atlanticeco.com  
201 Basque Rd | St. Augustine, FL 32080

The North One-Half of the following described parcel:  
Parcel 2: Being a part of Lots 13 and 26 of the DUPONT ESTATES SUBDIVISION, according to the plat recorded in Plat Book 3 at Page 17, of the Public Records of Duval County, Florida, and more particularly described as follows: Beginning at the Northeastly corner of the said Lot 13 as a point of reference and running thence South 20 degrees 28 minutes 30 seconds East, along the Westerly boundary of the 80 foot right-of-way of State Road No. 140, a distance of 927.60 feet to the point of beginning of this description; thence South 69 degrees 31 minutes 30 seconds West, and parallel to the Northernly boundary of the said Lot 13, a distance of 2591.49 feet, to an intersection with the Easterly boundary of the 500 foot right-of-way of the Florida Intracoastal Waterway, thence South 1 degree 12 minutes 13 seconds East, along the said Easterly boundary of the said 500 foot right-of-way boundary, a distance of 327.55 feet; thence North 69 degrees 31 minutes 30 seconds East a distance of 2699.59 feet to an intersection with the Westerly boundary of State Road No. 140; thence North 20 degrees 28 minutes 30 seconds West along the said right-of-way boundary, a distance of 309.20 feet, to the point of beginning of this description.

POINT OF COMMENCEMENT  
NORTH EAST CORNER TRACT "13"  
WEST RIGHT-OF-WAY  
STATE ROAD A-1-A

100' RIGHT-OF-WAY  
80' RIGHT-OF-WAY


80' RIGHT-OF-WAY  
100' RIGHT-OF-WAY

G	QUALITY CONDITIONER
HP	HIGH POINT
INV.	INVERT
IR	IRON ROD
LP	LOW POINT
MP	Metal PLATE
ORB	OFFICIAL RECORDS BOOK
OHL	OVERHEAD LINES
PC	PLAT BOOK
PB	POINT OF CURVATURE
PT	POINT OF TANGENCY
RCP	REINFORCED CONCRETE PIPE
SL	SLOT
SQ	SQUARE
TRB	TELEPHONE RISER BOX
WV	WATER VALVE

# B. H. AND ASSOCIATES

PROFESSIONAL LAND SURVEYORS L.B. #7800 21 Utility Drive Suite 21 B Palm Coast,  
Florida 32130 PHONE (904) 631-5484 EMAIL ghowatt@comcast.net

I HEREBY CERTIFY THAT THIS \_\_\_\_\_ BOUNDARY \_\_\_\_\_ SURVEY,  
PERFORMED UNDER MY RESPONSIBLE DIRECTION, MEETS THE STANDARDS OF PRACTICE FOR LAND SURVEYORS IN ACCORDANCE WITH CHAPTER 17, FLA. ADMINISTRATIVE  
CODE (PURSUANT TO SECTION 472.027, FLORIDA STATUTES.)



SURVEYED \_\_\_\_\_ MARCH 08, 2022 \_\_\_\_\_

GIL D. HOWATT, REGISTERED PROFESSIONAL SURVEYOR, FLA. NO. 4718  
LICENSE EXPIRATION DATE 03/08/2025  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ FLORIDA STATE PLANE COORDINATES SYSTEM, FLORIDA EAST ZONE (901), NORTH ABERNETHY DATUM (NAD 83)  
N 202°10'07" W ON THE WEST RIGHT OF WAY OF STATE ROAD A-1-A

BEARING DATUM BASED ON \_\_\_\_\_

FLOOD ZONE "X" & AE(6') AS BEST ASCERTAINED FROM THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 120085 0037 E, DATED: JUNE 6, 2018.

FIELD BOOK NO.: DATA PAGE(S) COLLECTED \_\_\_\_\_

LEGAL: \_\_\_\_\_ IN FILE \_\_\_\_\_

COMPUTER FILE NAME: 020522 MARINELAND.DWG \_\_\_\_\_

SCALE: 1" = 100' \_\_\_\_\_

WORK ORDER NO.: 020522 \_\_\_\_\_

Attachment "G-K"

Table 1: Population & Public Facilities Impact Analysis

Existing Mixed Use: Low Intensity Land Use Area =	19.60 Acres
Proposed Mixed Use: Low Intensity Land Use Area =	0.91 Acres
Proposed Residential: Low Density Land Use Area =	18.69 Acres

Existing Mixed Use: Low Intensity:	Proposed Mixed Use: Low Intensity	Proposed Residential: Low Density:
Allows 3.1-7 DU/Acre	Allows 3.1-7 DU/Acre	Allows 1.1-3 DU/Acre
Allows 0.2 FAR	Allows 0.2 FAR	Allows 0 FAR
Max Residential 137 Dwelling Units	Max Residential 6 Dwelling Units	Max Residential 56 Dwelling Units
Max Commercial 170,755 SF	Max Commercial 7,928 SF	Max Commercial NA SF
Population (2.4 PPH) 329 Persons	Population (2.4 PPH) 15 Persons	Population (2.4 PPH) 135 Persons

					Overall Maximum Intensity				
Public Facilities	Existing Mixed Use: Low Intensity (Res)	Existing Mixed Use: Low Intensity (Com)	Proposed Mixed Use: Low Intensity	Proposed Residential: Low Density	Existing Totals	Proposed Mixed Use: Low Intensity	Proposed Residential: Low Density	Proposed Totals	Units
Transportation	137	1,125	6	56	1,262	6	56	62	Peak Hour Trips (PHT)
Potable Water	41,100	0	1,911	16,821	41,100	1,911	16,821	18,732	gal/day (GPD)
Sanitary Sewer	26,962	0	1,682	14,802	26,962	1,682	14,802	16,484	gal/day (GPD)
Solid Waste	3,062	NA	142	1,251	3,062	142	1,394	1,536	gal/day (GPD)
Parks & Rec.	329	NA	15	135	329	15	134.6	150	Persons
Public Education	na (55+)	NA	NA	NA	NA	NA	NA	NA	Level of Service (LOS)
Stormwater	See Note #14	See Note #14	See Note #14	See Note #14	See Note #14	See Note #14	See Note #14	See Note #14	See Note #14

Calculations/Formulas:

- 1. Calculation of Density: Lot Size (acre) x Allowable Units/Acre
- 2. Transportation: Single-Family Detatched Housing PM Peak Hour Trips (PHT) = ITE Code 210, Residential Development: = # of units 0.99 PM-PHT (Average Rate), ITE Trip Generation Manual, 11th Editor
- 3. Transportation: Retail Strip < 40,000 SF, PM Peak Hour Trips (PHT) = ITE Code 822: Specialty Retail = 6.59/1000 sq. ft. based on equation in ITE Trip Generation Manual, 11th Editor.
- 4. Potable Water: Single Family = 300 gpd/household (Palm Coast Standards and Specifications,
- 5. Potable Water: Stores without kitchen waste = 5 gpd/100 SF (Palm Coast Standards and Specifications)
- 6. Wastewater: Single Family = 196.8 gpd/household (Palm Coast Standards and Specifications,
- 7. Wastewater: Single Family = 196.8 gpd/household (Palm Coast Standards and Specifications,
- 8. Solid Waste: Residential Demand = # of units \*2.4 pph \*9.3 lbs/capita/day (Flagler County Standards and Specifiations,
- 9. Solid Waste: No Level of Service Requirement for Non-residential
- 10. Recreation and Parks: Residential Demand = # of units \*2.4 pph
- 11. Recreation and Parks: No LOS Requirement for Non-residential
- 12. Public Education Residential: = NA
- 13. Public Educaiton Non-residential = No LOS Requirement for Non-residential
- 14. Stormwater: Stormwater Treatment will meet all local and state regulations and will be reviewed during the site plan approval process.



# ALLIANT

Project No: 222-0054  
 Project Name: Scenic Cove Subdivision  
 Date: August 5, 2022  
 By: Curt M. Wimpée, P.E.  
 Description: Trip Generation Memo

Land Use (ITE Code)	Units	Time Period	Independent Variable	ITE Rate	Enter %	Exit %	Trips In	Trips Out	Total Trips
Existing Land Uses									
Single-Family Detached Housing (210)	Dwelling	PM Peak Hr.	137.2	0.99	64%	36%	87	49	136
Commercial (Strip Retail < 40k) (822)	1,000 SF	PM Peak Hr.	170.8	13.24	54%	46%	1,221	1,040	2,261
Total Existing PM Peak Hour Trips = 2,397									
Proposed Land Uses									
Single-Family Detached Housing (210)	Dwelling	PM Peak Hr.	56.0	0.99	64%	36%	35	20	55
Commercial (Strip Retail < 40k) (822)	1,000 SF	PM Peak Hr.	7.9	13.24	54%	46%	56	48	104
Total Proposed PM Peak Hour Trips = 159									

Per the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition.

DATA STATISTICS
Land Use:
Single-Family Detached Housing (210) <a href="#">Click for Description and Data Plots</a>
Independent Variable:
Dwelling Units
Time Period:
Weekday
PM Peak Hour of Generator
Setting/Location:
General Urban/Suburban
Trip Type:
Vehicle
Number of Studies:
178
Avg. Num. of Dwelling Units:
203
Average Rate:
0.99
Range of Rates:
0.49 - 2.98
Standard Deviation:
0.28
Fitted Curve Equation:
$\ln(T) = 0.93 \ln(X) + 0.36$
R <sup>2</sup> :
0.92
Directional Distribution:
64% entering, 36% exiting

DATA STATISTICS
Land Use:
Strip Retail Plaza (<40k) (822) <a href="#">Click for Description and Data Plots</a>
Independent Variable:
1000 Sq. Ft. GLA
Time Period:
Weekday
PM Peak Hour of Generator
Setting/Location:
General Urban/Suburban
Trip Type:
Vehicle
Number of Studies:
5
Avg. 1000 Sq. Ft. GLA:
16
Average Rate:
13.24
Range of Rates:
6.27 - 24.11
Standard Deviation:
7.40
Fitted Curve Equation:
Not Given
R <sup>2</sup> :
*****
Directional Distribution:
54% entering, 46% exiting

**FLAGLER COUNTY**  
**TECHNICAL REVIEW COMMITTEE COMMENTS**

**MEETING DATE: 07 / 20 / 2022**

**FUTURE LAND USE MAP AMENDMENT FROM MIXED USE: LOW INTENSITY TO  
RESIDENTIAL: MEDIUM DENSITY**

**APPLICANT: KENNETH W. BELSHE ON BEHALF OF SUNBELT ACQUISITIONS, LLC  
OWNER: SAMUEL THOMAS AND BETTY G. HATCHER AND HUNJAN, LLC**

Distribution date: JULY 15, 2021

Project #: 2022060040 / AR #3404

Application #: 3320

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: BUILDING DEPARTMENT**

1. No comments at this time

**REVIEWING DEPARTMENT: COUNTY ATTORNEY**

1. FLUM Amendment should be contingent on the provision of an easement in favor of the County across the dry sand beach for beach restoration and maintenance.
2. FLUM Amendment cannot take effect until the Evaluation and Appraisal Report is adopted and Comp Plan in compliance.
3. Comp Plan Policy E.1.1.2 restricts development in areas of native vegetation on the barrier island to low density residential or mixed use low intensity. Residential low allows for up to 3 units per acre or 56 units on these parcels west of A1A. And Policy E.3.2.4 requires this property to be zoned for the lowest intensity allowed for either of those two FLU categories.
4. The development would also have to preserve 10% of native vegetation or mitigate it.

**REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING**

1. The site lies within the AE and X flood zones. Prior to the approval of the plat, the process for removing the parcel from the AE flood zone will need to be completed.
2. The site will need to meet all the requirements from FAC for surface water quality and quantity standards.
3. The proposed site zoning should considered the assurance that the site provides sufficient open space / recreational facilities as well as safe passage from the west side to the east for access to the beach.
4. Upon submittal of the plat and construction documents, the County will require will serve letters from both of the Utilities serving the site.

**REVIEWING DEPARTMENT: E-911 STAFF**

1. No comments at this time.

**REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT**

1. Comments pending at this time.

**REVIEWING DEPARTMENT: FIRE INSPECTOR**

1. No comments.

**REVIEWING DEPARTMENT: PLANNING DEPARTMENT**

1. The requested amendment would eliminate the non-residential component for the portion of the parcels located West of SR A1A (North Oceanshore Boulevard). As depicted on the Future Land Use Map overlay provided on the Property Appraiser's website, the amendment would be 18.50+/- acres of Mixed Use: Low Intensity, Low- to Medium



Density being amended to Residential Medium Density. Future Land Use Element Policy A.1.1.3(2)(a) states:

“Mixed Use - Low Intensity - 1.0 to 7.0 residential units per gross acre. Retail and office, maximum FAR of .2. Residential uses shall occupy a minimum of 15% and a maximum of 70% of the development area. Retail and office uses shall occupy a minimum of 15% and a maximum of 50% of the development area. Open space uses shall occupy a minimum of 25% of the development site.”

Maximum residential density – 129 dwelling units (7 units/acre)

Maximum retail and office space – 161,172 square feet (0.2 FAR)

Minimum open space – 4.63 acres (25%)

Two possible scenarios based on Mixed Use Low Future Land Use:

Maximum retail and office – 9.25 acres (50%), results in 4.63 acres (25%) residential

Maximum residential – 11.1 acres (60%), results in 2.78 acres (15%) retail and office

2. Applicant will need to review reference items below and describe/demonstrate how the proposed Future Land Use Map amendment is consistent with these requirements.

REFERENCE – FLOODPLAIN ORDINANCE (ORDINANCE NO. 2018-08)

(Recorded at Official Records Book 2277, Page 1483, PRFCF)

## SUBDIVISION 2. -SUBDIVISION OF LAND AND PLATTING

Sec. 6.04.110. - Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

Sec. 6.04.111. - Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
- (2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 6.04.51 (1) of this article; and

- (3) Compliance with the site improvement and utilities requirements of Division 3, Subdivision 3 of this article.

### SUBDIVISION 3. -SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

Sec. 6.04.117. - Minimum requirements. All proposed new development shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

Sec. 6.04.121. - Limitations on placement of fill. Subject to the limitations of this article, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

## 3. REFERENCE – COMPREHENSIVE PLAN POLICIES

### FUTURE LAND USE ELEMENT (A)

Objective A.1.2: Flagler County shall eliminate or reduce uses of land within the County which are inconsistent with community character or desired future land uses.

Policy A.1.2.2: The Flagler County Planning and Zoning Department shall maintain consistency between the Land Development Regulations (LDRs) and the Comprehensive Plan by the following means:

- (1) Parcels being considered for amendment to the Future Land Use Map shall be concurrently evaluated for rezoning to the most appropriate zoning district.
- (2) Parcels seeking site plan approval shall continue to be designed, developed and used for activities allowed by the appropriate zoning district.
- (3) Property owners will be asked to conform to pending land use/zoning regulations as they request development approval.

Coastal Area 1 (Barrier Island/Princess Place): This area contains approximately 10,042 acres (see Map A.4). The boundaries of the area are: the Town of Marineland and St. Johns County on the north; the City of Palm Coast and I-95 to the west; the cities of Beverly Beach and Palm Coast to the south; and the Atlantic Ocean to the east.

Objective A.2.2: Flagler County shall continue to coordinate development review and land use decisions for areas within Coastal Area 1 with all governmental agencies, including the Dunes Community Development District.

Policy A.2.2.1: Flagler County shall on a regular basis notify adjoining cities and management entities of the Dunes Community Development District of Comprehensive Plan amendments and amendments to the Official Zoning Map requested in Coastal Area 1.

Policy A.2.2.2: On an on-going basis, Flagler County may use the Guana Tolomato Matanzas National Estuarine Research Reserve (GTMNERR) Management Plan in the review of proposed amendments to the Comprehensive Plan, Official Zoning Map and the Land Development Code (LDC).

Objective A.2.3: Flagler County shall continue to work with Corridor Management Entities for the A1A River and Sea Trail Scenic Highway and the A1A Ocean Shore Scenic Highway to ensure consistency with the adopted Corridor Management Plan.

Policy A.2.3.1: By 2011, Flagler County shall develop design standards in the Land Development Code (LDC) to encourage village centers as methods of discouraging “strip commercial” development.

Policy A.2.3.2: Flagler County shall on a continuing basis review and amend the Land Development Code (LDC) to incorporate changes made to the Corridor Management Plan that pertain to the regulation of use, signage, buffering, landscaping, and architectural design.

Policy A.2.3.3: Flagler County shall review the application of the “Mixed-Use: Low Intensity/Low-Medium Density” land use and RC zoning along the SR A1A corridor. The goal is to amend the future land use map and zoning map to encourage commercial clusters at roadway intersections and eliminate ineffective strip development.

## COASTAL MANAGEMENT ELEMENT (E)

GOAL E.1: The natural and historic resources of the Coastal Area shall be preserved, protected, or enhanced as development occurs. The Coastal Area, for purposes of the Coastal Management Element, shall consist of the entire barrier island east of the Intracoastal Waterway and those portions of mainland Flagler County which lie within the Level 1 Hurricane Evacuation Zone and encompass oceanic and estuarine waters, beaches and beach accesses, the hurricane vulnerability zone and abutting lands.

### Coastal Protection Sub-Element

Objective E.1.1: Each development proposed for areas containing native vegetation shall

preserve at least ten percent (10%) of the native vegetation. Furthermore, no net loss (after mitigation) of viable U.S. Army Corps of Engineers (USACE), St. Johns River Water Management District (SJRWMD), or Florida Department of Environmental Protection (FDEP) jurisdictional wetland function shall occur.

Policy E.1.1.1: Undeveloped oak communities, sandpine communities, and coastal hammocks larger than forty (40) acres in size and all wetlands impoundments not regulated by a Development of Regional Impact (DRI) Development Order are designated as either low-density residential, low intensity/mixed use, agriculture, or conservation areas on the Future Land Use Map. All marine wetlands are recognized as environmentally sensitive land and are treated as conservation areas for purposes of site plan and subdivision plat review. For areas less than forty (40) acres in size, site development plans shall be reviewed as per Land Development Regulations (LDRs) or as part of the DRI review process, whichever is applicable.

Policy E.1.1.2: Within the Coastal Area, development in areas of native vegetation will be limited to low intensity/mixed use or low density residential.

Policy E.1.1.3: No new subdivision will be approved unless all of the lots proposed for development meet the requirements for control of floodplain areas and unsafe land as included in the Land Development Regulations (LDRs) of Flagler County. All of the lots in any newly platted subdivision shall be large enough to contain the proposed activity and all required buffers and preservation areas. Minimum floor elevations for habitable areas are established at one (1) foot above the projected one hundred year (100-year) flood elevation. A building restriction line shall be established to prohibit construction within floodways or unsafe building areas, and a minimum fifty-foot (50-foot) wide buffer shall be maintained separating the floodplain from the building area.

Policy E.1.1.4: Development proposals within the Coastal Area which cannot preserve at least ten percent (10%) of the native vegetation on the site shall submit a mitigation plan with the site plan. Mitigation may take several forms including, but not limited to: creation of a new habitat of the same type destroyed; restoration of previous disturbed areas; and purchase for the purpose of preservation of habitat similar to that destroyed. All mitigation to offset development in the Coastal Area must be performed within the Coastal Area.

Policy E.1.1.5: The use of low-irrigation landscape techniques (referred to in various programs as Xeriscape, Right Plant Right Place, and Florida Friendly landscaping) and native vegetation requirements as set forth in the Land Development Regulations (LDRs) shall continue to be administered within the Coastal Area.

Policy E.1.1.6: Within any applicable development within the Coastal Area, any inter-lagoonal system shoreline lacking wetland vegetation shall be planted with wetlands vegetation in order to minimize potential flood damage, stabilize the shoreline, and trap sediments and other non-point source pollutants. Hardening of inter-lagoonal system

shoreline may be used if erosion is a threat to life or property and the use of vegetation has failed to stabilize the shoreline. Sloping structures or pervious materials combined with vegetation shall be the preferred method of shoreline stabilization. Where vertical seawalls or bulkheads are used, they may be used in conjunction with a vegetative littoral zone or sloped rip-rap.

#### Protection of Coastal Wildlife Sub-Element

Objective E.1.2: Flagler County shall seek to protect species with special status from adverse impacts caused by development through the use of measures including, but not limited to: conservation easements; Transfer of Development Rights (TDRs); fee simple acquisition; and zoning.

Policy E.1.2.1: In order to protect habitats of viable populations of threatened, endangered, or species of special concern of plants or animals the County shall use the following references for animal and plant species. Animal species shall be referenced from the lists of U.S. Fish and Wildlife Service (USFWS) and Florida Fish and Wildlife Conservation Commission (FWC) as published in the Commission's Official List of Endangered and Potentially Endangered Flora and Fauna in Florida. Plant species shall be referenced from the U.S. Fish and Wildlife Service to include Categories UR1 and UR3 and from the Florida Department of Agriculture and Consumer Services (DACS) ratings to include Threatened, Endangered, and Commercially Exploited.

Policy E.1.2.2: Environmental surveys shall be required for developments of greater than twenty-five (25) residential dwelling units or Planned Unit Developments (PUDs). The focus of these surveys shall be: jurisdictional wetland boundaries; natural vegetative communities; the presence of existing wildlife habitat and/or the presence of threatened, endangered, or species of special concern; and the presence of index trees as defined in Flagler County's Land Development Regulations (LDRs).

#### Protection of Marine Resources Sub-Element

Objective E.1.3: Flagler County shall protect, conserve, or enhance coastal wetlands, living marine resources, coastal barriers, and wildlife habitat.

Policy E.1.3.10: Flagler County shall monitor and, as necessary, coordinate permitting activities with other regulatory agencies for projects which may impact the water quality of the Coastal Area waterways.

Policy E.1.3.11: Flagler County shall work to protect and enhance Coastal Area water quality for wildlife propagation, fishing, shell fishing, recreation, navigation, and other related activities, and shall protect or improve Class II and Class III waters by:

- (1) requiring septic tank users to connect to public or private wastewater systems when available;

- (2) untreated direct discharge of stormwater runoff into Class II waters shall be prohibited for all new development;
- (3) working to retrofit existing untreated direct discharging of stormwater runoff;
- (4) stormwater systems shall be designed to remove oil and suspended solids prior to discharge;
- (5) requiring new development to meet the standards and requirements of any regulations adopted by the Florida Department of Environmental Protection (FDEP) or St. Johns River Water Management District (SJRWMD) pursuant to the SJRWMD study on the Matanzas drainage basin;
- (6) coordinate with FDEP on the enforcement of wastewater discharge standards into Class II and Class III waters; and
- (7) encourage new development to cluster in the Coastal Area through the application of Flagler County's Planned Unit Development (PUD) regulations and allowing for exemptions to the minimum area requirements contained in the Land Development Regulations (LDRs) for clustered Planned Unit Development (PUDs) located in the Coastal Area.

Policy E.1.3.12: Flagler County shall coordinate with the applicable State agencies so that docks and piers will not obstruct or alter natural water flow or restrict navigation routes.

Policy E.1.3.13: Development Orders shall be designed to protect the type, nature, and function of floodplain, wetlands, waterways, inlets, estuaries, and lakes by limiting encroachment, removal of native vegetation, wildlife, pollution discharge, dredge and fill, drainage, or other impacts associated with development.

Policy E.1.3.14: All new development shall be designed and constructed according to Federal, State, and Flagler County specifications to minimize stormwater and pollutant discharge.

Policy E.1.3.18: Flagler County will restrict development proposals which could adversely impact the Coastal Area, both individually and cumulatively.

Policy E.1.3.19: Assure that new development does not interfere or restrict water from entering wetlands or estuaries to maintain normal biological productivity.

#### Estuarine Water Quality Sub-Element

Objective E.1.4: To continue to maintain the water quality of the inter-lagoonal system as good or better as classified per Florida Department of Environmental Protection (FDEP) standards.

Policy E.1.4.1: Marinas and other multislip docking facilities shall be located in upland areas and dredging for marinas or multislip docking facilities shall be the minimum necessary to provide adequate channels for launching boats.

Policy E.1.4.3: In an effort to control non-point source pollutant loadings, Flagler County's adopted stormwater management regulations shall continue to include requirements for retention/detention of stormwater runoff to maintain surface water quality, as per Florida Department of Environmental Protection (FDEP) standards, to encourage percolation and control impacts to drainage canals, surface water, and groundwater. Type of retention/detention required will be in compliance with as specified in the Florida Administrative Code (FAC).

Policy E.1.4.4: Dumping of debris of any kind, including yard clippings and trimmings, into drainage ditches, natural and man-made lakes, salt water bodies, and stormwater control structures is prohibited through State and local litter regulations and code enforcement activities.

Policy E.1.4.5: Flagler County shall continue to require a periodic inspection program for stormwater control structures to insure their proper functioning and maintenance.

Policy E.1.4.6: The following requirements shall apply within Aquatic Preserve Resource Protection Areas 1 and 2, within Outstanding Florida Waters, or on lands immediately adjacent to the above and including lands adjacent to approved or conditionally approved shellfish harvesting areas:.

- (1) Flagler County will support State and Federal regulatory agencies implementing increased upland buffer widths composed of native vegetation separating the developed part of the site from wetlands and/or deep water habitats;
- (2) dredge-and-fill activities shall be prohibited unless there is overriding public interests;
- (3) thirty-five percent (35%) of the site must be open space with pervious surfaces; and
- (4) septic tanks and drainfields, percolation ponds, or polishing ponds shall be set back a minimum of one hundred (100) feet from the shoreline or wetlands.

Policy E.1.4.7: Direct discharge of untreated stormwater runoff into Class II waters shall be prohibited through Land Development Regulations and the adopted stormwater management regulations.

Policy E.1.4.8: Construction sites which border estuarine systems must control surface water run-off during and after construction activities to a level equal to or less than that which occurred prior to construction.

Policy E.1.4.9: Flagler County shall require all dredge and fill operations to utilize proper mitigation techniques and devices in addition to obtaining all applicable Federal, State, and local permits.

Policy E.1.4.10: Flagler County shall continue to work with the St. Johns River Water Management District (SJRWMD) on Outstanding Florida Water (OFW) designations for appropriate systems within the County, such as the Matanzas drainage basin system.

GOAL E.3: The amount of public access to coastal resources shall increase between now and the year 2020.

#### Public Beach Access Sub-Element

Objective E.3.1: Existing publicly-controlled access to the beach shall be maintained by new development. New beachfront development shall show on their site plans existing beach access ways and the proposed development shall be required to continue the access way, relocate it on the site, or donate it to Flagler County. Any relocated access must be similar in character and convenience to the original access point.

Policy E.3.1.1: Flagler County shall accept donations of shoreline lands suitable for use as public access facilities.

Policy E.3.1.2: Flagler County will require the dedication of public access to beaches from developments located within the Coastal Area where applicable.

#### Coastal Scenic Routes Sub-Element

Objective E.3.2: Flagler County shall continue to maintain designated Scenic Routes and shall continue to protect areas by establishing a scenic road system in order to help preserve the Coastal Area's natural beauty.

Policy E.3.2.4: Properties between designated scenic roads and wetlands or open water shall be zoned the lowest intensity allowed for their respective Future Land Use categories.

1.



**FLAGLER COUNTY**  
**TECHNICAL REVIEW COMMITTEE COMMENTS**

**MEETING DATE: 9 / 21 / 2022**

**FUTURE LAND USE MAP AMENDMENT FROM MIXED USE: LOW INTENSITY TO  
RESIDENTIAL: LOW DENSITY/SINGLE FAMILY**

**APPLICANT: KENNETH W. BELSHE ON BEHALF OF SUNBELT ACQUISITIONS, LLC  
OWNER: SAMUEL THOMAS AND BETTY G. HATCHER AND HUNJAN, LLC**

Distribution date: September 19, 2022

Project #: 2022060040 / AR #3404

Application #: 3320

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: BUILDING DEPARTMENT**

1. No comments at this time

**REVIEWING DEPARTMENT: COUNTY ATTORNEY**

1. Comments pending.

**REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING**

1. The site lies within the AE and X flood zones. Prior to the approval of the plat, the process for removing the parcel from the AE flood zone will need to be completed.
2. The site will need to meet all the requirements from FAC for surface water quality and quantity standards.
3. The proposed site zoning should consider the assurance that the site provides sufficient open space / recreational facilities as well as safe passage from the west side to the east for access to the beach.
4. Upon submittal of the plat and construction documents, the County will require will serve letters from both of the Utilities serving the site.

**REVIEWING DEPARTMENT: E-911 STAFF**

1. No comments at this time.

**REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT**

1. Comments pending at this time.

**REVIEWING DEPARTMENT: FIRE INSPECTOR**

1. No comments.

**REVIEWING DEPARTMENT: PLANNING DEPARTMENT**

1. The requested amendment would eliminate the non-residential component for the portion of the parcels located West of SR A1A (North Oceanshore Boulevard). As stated in the amended application submittal, the amendment would be 18.69+/- acres of Mixed Use: Low Intensity, Low- to Medium Density being amended to Residential Low Density/Single Family. The maximum potential density would be 56 units.
2. Please refer to LDC Article VIII, Section 8.10.00, for adopted Level of Service (LOS) standards. Please update analysis accordingly.
3. The traffic analysis submitted in support of the Future Land Use Map amendment should additionally include AADT (annual average daily traffic) along with PM peak hour.
4. For stormwater areas to be counted as part of minimum open space, the areas must incorporate a recreational component.

**Clint Smith Consulting, LLC  
Project Management and Development Services  
8 Cadillac Place  
Palm Coast, FL 32137**

August 1, 2022

Mr. Adam Mengel  
Flagler County Planning & Zoning  
1769 E. Moody Blvd.  
Building 2, Suite 105  
Bunnell, FL 32110

**RECEIVED**

*By glemon at 11:43 am, Aug 03, 2022*

Re: Future Land Use Map Amendment – Project # 2022060040/AR #3404  
Applicant Kenneth Belshe on behalf of Sunbelt Acquisitions, LLC  
Owners: Samuel Thomas and Betty G. Hatcher / Hunjan, LLC

Dear Mr. Mengel,

Sunbelt Acquisitions, LLC previously submitted an application for a Small Scale Amendment to the Future Land Use Map for portions of parcels 37-10-31-1550-00000-0110 and 37-10-31-1550-00000-0111. The application requested that the FLUM designation for the parcels be changed from Mixed Use: Low Intensity to Residential: Medium Density. After review of the County's comments, the Applicant wishes to revise the request to seek the Residential: Low Density/Single Family designation. This designation will be in keeping with the Coastal Management Element of the Flagler County Comprehensive Plan.

A companion rezoning request was also submitted for the subject properties requesting the R1-D zoning designation. That request will be revised to request rezoning to the PUD designation.

Below are the TRC comments and accompanying responses in bold.

**REVIEWING DEPARTMENT: BUILDING DEPARTMENT**

1. No comments at this time

**REVIEWING DEPARTMENT: COUNTY ATTORNEY**

1. FLUM Amendment should be contingent on the provision of an easement in favor of the County across the dry sand beach for beach restoration and maintenance.

***Once the applicant has closed on the property an easement will be dedicated to the County for beach restoration and maintenance.***

2. FLUM Amendment cannot take effect until the Evaluation and Appraisal Report is adopted and Comp Plan in compliance.

***It is understood that the FLUM Amendment cannot be effective until the County's EAR Report has been accepted by the State.***

3. Comp Plan Policy E.1.1.2 restricts development in areas of native vegetation on the barrier island to low density residential or mixed use low intensity. Residential low allows for up to 3 units per acre or 56 units on these parcels west of A1A. And Policy E.3.2.4 requires this property to be zoned for the lowest intensity allowed for either of those two FLU categories.

***The FLUM Amendment request is hereby revised to request the Residential: Low Density/Single Family category which allows up to 3 units per acre for a total of 56 units. The Proposed Future Land Use exhibit has been revised accordingly and is attached.***

4. The development would also have to preserve 10% of native vegetation or mitigate it.

***The development will comply with the 10% native vegetation preservation requirement. The areas to be preserved will be shown on the site plan submittal.***

#### **REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING**

1. The site lies within the AE and X flood zones. Prior to the approval of the plat, the process for removing the parcel from the AE flood zone will need to be completed.

***The AE flood zone will be removed and mitigated for as required prior to Final Plat approval.***

2. The site will need to meet all the requirements from FAC for surface water quality and quantity standards.

***Understood.***

3. The proposed site zoning should considered the assurance that the site provides sufficient open space / recreational facilities as well as safe passage from the west side to the east for access to the beach.

***These will be addressed in the zoning document and site plan.***

4. Upon submittal of the plat and construction documents, the County will require will serve letters from both of the Utilities serving the site.

***Service availability letters will be provided for water and sewer services.***

#### **REVIEWING DEPARTMENT: E-911 STAFF**

1. No comments at this time.

#### **REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT**

1. Comments pending at this time.

## REVIEWING DEPARTMENT: FIRE INSPECTOR

1. No comments.

## REVIEWING DEPARTMENT: PLANNING DEPARTMENT

1. The requested amendment would eliminate the non-residential component for the portion of the parcels located West of SR A1A (North Oceanshore Boulevard). As depicted on the Future Land Use Map overlay provided on the Property Appraiser's website, the amendment would be 18.50+/- acres of Mixed Use: Low Intensity, Low- to Medium Density being amended to Residential Medium Density. Future Land Use Element Policy A.1.1.3(2)(a) states:

"Mixed Use - Low Intensity - 1.0 to 7.0 residential units per gross acre. Retail and office, maximum FAR of .2. Residential uses shall occupy a minimum of 15% and a maximum of 70% of the development area. Retail and office uses shall occupy a minimum of 15% and a maximum of 50% of the development area. Open space uses shall occupy a minimum of 25% of the development site."

Maximum residential density – 129 dwelling units (7 units/acre)

Maximum retail and office space – 161,172 square feet (0.2 FAR)

Minimum open space – 4.63 acres (25%)

Two possible scenarios based on Mixed Use Low Future Land Use:

Maximum retail and office – 9.25 acres (50%), results in 4.63 acres (25%) residential

Maximum residential – 11.1 acres (60%), results in 2.78 acres (15%) retail and office

***As stated previously, the requested Future Land Use Amendment is hereby revised to eliminate the previously requested Residential: Medium Density category and to modify the request to Residential: Low Density/Single Family in accordance with Comp Plan Policy E.1.1.2.***

***The Applicant believes that the commercial requirements contained in the Mixed Use: Low Intensity FLUM category would not be appropriate given the low density residential development immediately adjacent to the subject property. The commercial area would be required to be approximately 3 acres in size and would be incompatible with the adjacent residences. That type of use would be better suited to existing general commercial areas. The Residential: Low Density/Single Family density range of 1-3 units per acre is more in keeping with the current new***

***developments under development in the general area (Beach Haven/Matanzas Shores).***

***A companion rezoning request was submitted previously requesting R1-D zoning. That request is also being modified to now request PUD zoning. The PUD document will address the preservation of native vegetation, open space and recreation requirements complying with the LDC and Comp Plan.***

2. Applicant will need to review reference items below and describe/demonstrate how the proposed Future Land Use Map amendment is consistent with these requirements.

REFERENCE – FLOODPLAIN ORDINANCE (ORDINANCE NO. 2018-08)

(Recorded at Official Records Book 2277, Page 1483, PRFCF)

## SUBDIVISION 2. -SUBDIVISION OF LAND AND PLATTING

Sec. 6.04.110. - Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

Sec. 6.04.111. - Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
- (2) Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 6.04.51 (1) of this article; and

- (3) Compliance with the site improvement and utilities requirements of Division 3, Subdivision 3 of this article.

### SUBDIVISION 3. -SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

Sec. 6.04.117. - Minimum requirements. All proposed new development shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

Sec. 6.04.121. - Limitations on placement of fill. Subject to the limitations of this article, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

***The floodplain provisions are noted. Drainage and Floodplain mitigation will be addressed in the subdivision construction plans and will will comply with County and FEMA requirements regarding floodplains. Compensating storage will be provided for any loss of AE flood zone areas.***

## 3. REFERENCE – COMPREHENSIVE PLAN POLICIES

### FUTURE LAND USE ELEMENT (A)

Objective A.1.2: Flagler County shall eliminate or reduce uses of land within the County which are inconsistent with community character or desired future land uses.

Policy A.1.2.2: The Flagler County Planning and Zoning Department shall maintain consistency between the Land Development Regulations (LDRs) and the Comprehensive Plan by the following means:

- (1) Parcels being considered for amendment to the Future Land Use Map shall be concurrently evaluated for rezoning to the most appropriate zoning district.
- (2) Parcels seeking site plan approval shall continue to be designed, developed and used for activities allowed by the appropriate zoning district.
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Coastal Area 1 (Barrier Island/Princess Place): This area contains approximately 10,042 acres (see Map A.4). The boundaries of the area are: the Town of Marineland and St. Johns County on the north; the City of Palm Coast and I-95 to the west; the cities of Beverly Beach and Palm Coast to the south; and the Atlantic Ocean to the east.

Objective A.2.2: Flagler County shall continue to coordinate development review and land use decisions for areas within Coastal Area 1 with all governmental agencies, including the Dunes Community Development District.

Policy A.2.2.1: Flagler County shall on a regular basis notify adjoining cities and management entities of the Dunes Community Development District of Comprehensive Plan amendments and amendments to the Official Zoning Map requested in Coastal Area 1.

Policy A.2.2.2: On an on-going basis, Flagler County may use the Guana Tolomato Matanzas National Estuarine Research Reserve (GTMNERR) Management Plan in the review of proposed amendments to the Comprehensive Plan, Official Zoning Map and the Land Development Code (LDC).

Objective A.2.3: Flagler County shall continue to work with Corridor Management Entities for the A1A River and Sea Trail Scenic Highway and the A1A Ocean Shore Scenic Highway to ensure consistency with the adopted Corridor Management Plan.



Policy A.2.3.1: By 2011, Flagler County shall develop design standards in the Land Development Code (LDC) to encourage village centers as methods of discouraging “strip commercial” development.

Policy A.2.3.2: Flagler County shall on a continuing basis review and amend the Land Development Code (LDC) to incorporate changes made to the Corridor Management Plan that pertain to the regulation of use, signage, buffering, landscaping, and architectural design.

Policy A.2.3.3: Flagler County shall review the application of the “Mixed-Use: Low Intensity/Low-Medium Density” land use and RC zoning along the SR A1A corridor. The goal is to amend the future land use map and zoning map to encourage commercial clusters at roadway intersections and eliminate ineffective strip development.

***Revising the FLUM Amendment request to Residential: Low Density/Single Family is in keeping with the adopted policies of the County’s Coastal Management Element. The density range of 1-3 units per acre is below the 1-7 unit per acre range of the current Mixed Use: Low Intensity designation. It will also eliminate the requirement for small commercial/office development which is better suited to existing areas of that type.***

## COASTAL MANAGEMENT ELEMENT (E)

GOAL E.1: The natural and historic resources of the Coastal Area shall be preserved, protected, or enhanced as development occurs. The Coastal Area, for purposes of the Coastal Management Element, shall consist of the entire barrier island east of the Intracoastal Waterway and those portions of mainland Flagler County which lie within the Level 1 Hurricane Evacuation Zone and encompass oceanic and estuarine waters, beaches and beach accesses, the hurricane vulnerability zone and abutting lands.

### Coastal Protection Sub-Element

Objective E.1.1: Each development proposed for areas containing native vegetation shall preserve at least ten percent (10%) of the native vegetation. Furthermore, no net loss (after mitigation) of viable U.S. Army Corps of Engineers (USACE), St. Johns River Water Management District (SJRWMD), or Florida Department of Environmental Protection (FDEP) jurisdictional wetland function shall occur.

Policy E.1.1.1: Undeveloped oak communities, sandpine communities, and coastal hammocks larger than forty (40) acres in size and all wetlands impoundments not regulated by a Development of Regional Impact (DRI) Development Order are designated as either low-density residential, low intensity/mixed use, agriculture, or conservation areas on the Future Land Use Map. All marine wetlands are recognized as environmentally sensitive land and are treated as conservation areas for purposes of site plan and subdivision plat review. For areas less than forty (40) acres in size, site development plans shall be reviewed as per Land Development Regulations (LDRs) or as part of the DRI review process, whichever is applicable.

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Policy E.1.1.4: Development proposals within the Coastal Area which cannot preserve at least ten percent (10%) of the native vegetation on the site shall submit a mitigation plan with the site plan. Mitigation may take several forms including, but not limited to: creation of a new habitat of the same type destroyed; restoration of previous disturbed areas; and purchase for the purpose of preservation of habitat similar to that destroyed. All mitigation to offset development in the Coastal Area must be performed within the Coastal Area.

Policy E.1.1.5: The use of low-irrigation landscape techniques (referred to in various programs as Xeriscape, Right Plant Right Place, and Florida Friendly landscaping) and native vegetation requirements as set forth in the Land Development Regulations (LDRs) shall continue to be administered within the Coastal Area.

Policy E.1.1.6: Within any applicable development within the Coastal Area, any inter-lagoonal system shoreline lacking wetland vegetation shall be planted with wetlands vegetation in order to minimize potential flood damage, stabilize the shoreline, and trap sediments and other non-

point source pollutants. Hardening of inter-lagoonal system shoreline may be used if erosion is a threat to life or property and the use of vegetation has failed to stabilize the shoreline. Sloping structures or pervious materials combined with vegetation shall be the preferred method of shoreline stabilization. Where vertical seawalls or bulkheads are used, they may be used in conjunction with a vegetative littoral zone or sloped rip-rap.

#### Protection of Coastal Wildlife Sub-Element

Objective E.1.2: Flagler County shall seek to protect species with special status from adverse impacts caused by development through the use of measures including, but not limited to: conservation easements; Transfer of Development Rights (TDRs); fee simple acquisition; and zoning.

Policy E.1.2.1: In order to protect habitats of viable populations of threatened, endangered, or species of special concern of plants or animals the County shall use the following references for animal and plant species. Animal species shall be referenced from the lists of U.S. Fish and Wildlife Service (USFWS) and Florida Fish and Wildlife Conservation Commission (FWC) as published in the Commission's Official List of Endangered and Potentially Endangered Flora and Fauna in Florida. Plant species shall be referenced from the U.S. Fish and Wildlife Service to include Categories UR1 and UR3 and from the Florida Department of Agriculture and Consumer Services (DACS) ratings to include Threatened, Endangered, and Commercially Exploited.

Policy E.1.2.2: Environmental surveys shall be required for developments of greater than twenty-five (25) residential dwelling units or Planned Unit Developments (PUDs). The focus of these surveys shall be: jurisdictional wetland boundaries; natural vegetative communities; the presence of existing wildlife habitat and/or the presence of threatened, endangered, or species of special concern; and the presence of index trees as defined in Flagler County's Land Development Regulations (LDRs).

#### Protection of Marine Resources Sub-Element

Objective E.1.3: Flagler County shall protect, conserve, or enhance coastal wetlands, living marine resources, coastal barriers, and wildlife habitat.

Policy E.1.3.10: Flagler County shall monitor and, as necessary, coordinate permitting activities with other regulatory agencies for projects which may impact the water quality of the Coastal Area waterways.

Policy E.1.3.11: Flagler County shall work to protect and enhance Coastal Area water quality for wildlife propagation, fishing, shell fishing, recreation, navigation, and other related activities, and shall protect or improve Class II and Class III waters by:

- (1) requiring septic tank users to connect to public or private wastewater systems when available;
- (2) untreated direct discharge of stormwater runoff into Class II waters shall be prohibited for all new development;
- (3) working to retrofit existing untreated direct discharging of stormwater runoff;
- (4) stormwater systems shall be designed to remove oil and suspended solids prior to discharge;
- (5) requiring new development to meet the standards and requirements of any regulations adopted by the Florida Department of Environmental Protection (FDEP) or St. Johns River Water Management District (SJRWMD) pursuant to the SJRWMD study on the Matanzas drainage basin;
- (6) coordinate with FDEP on the enforcement of wastewater discharge standards into Class II and Class III waters; and
- (7) encourage new development to cluster in the Coastal Area through the application of Flagler County's Planned Unit Development (PUD) regulations and allowing for exemptions to the minimum area requirements contained in the Land Development Regulations (LDRs) for clustered Planned Unit Development (PUDs) located in the Coastal Area.

Policy E.1.3.12: Flagler County shall coordinate with the applicable State agencies so that docks and piers will not obstruct or alter natural water flow or restrict navigation routes.

Policy E.1.3.13: Development Orders shall be designed to protect the type, nature, and function of floodplain, wetlands, waterways, inlets, estuaries, and lakes by limiting encroachment, removal of native vegetation, wildlife, pollution discharge, dredge and fill, drainage, or other impacts associated with development.

Policy E.1.3.14: All new development shall be designed and constructed according to Federal, State, and Flagler County specifications to minimize stormwater and pollutant discharge.

Policy E.1.3.18: Flagler County will restrict development proposals which could adversely impact the Coastal Area, both individually and cumulatively.

Policy E.1.3.19: Assure that new development does not interfere or restrict water from entering wetlands or estuaries to maintain normal biological productivity.

#### Estuarine Water Quality Sub-Element

Objective E.1.4: To continue to maintain the water quality of the inter-lagoonal system as good or better as classified per Florida Department of Environmental Protection (FDEP) standards.

Policy E.1.4.1: Marinas and other multislip docking facilities shall be located in upland areas and dredging for marinas or multislip docking facilities shall be the minimum necessary to provide adequate channels for launching boats.

Policy E.1.4.3: In an effort to control non-point source pollutant loadings, Flagler County's adopted stormwater management regulations shall continue to include requirements for retention/detention of stormwater runoff to maintain surface water quality, as per Florida Department of Environmental Protection (FDEP) standards, to encourage percolation and control impacts to drainage canals, surface water, and groundwater. Type of retention/detention required will be in compliance with as specified in the Florida Administrative Code (FAC).

Policy E.1.4.4: Dumping of debris of any kind, including yard clippings and trimmings, into drainage ditches, natural and man-made lakes, salt water bodies, and stormwater control structures is prohibited through State and local litter regulations and code enforcement activities.

Policy E.1.4.5: Flagler County shall continue to require a periodic inspection program for stormwater control structures to insure their proper functioning and maintenance.

Policy E.1.4.6: The following requirements shall apply within Aquatic Preserve Resource Protection Areas 1 and 2, within Outstanding Florida Waters, or on lands immediately adjacent to the above and including lands adjacent to approved or conditionally approved shellfish harvesting areas:.

- (1) Flagler County will support State and Federal regulatory agencies implementing increased upland buffer widths composed of native vegetation separating the developed part of the site from wetlands and/or deep water habitats;
- (2) dredge-and-fill activities shall be prohibited unless there is overriding public interests;
- (3) thirty-five percent (35%) of the site must be open space with pervious surfaces; and
- (4) septic tanks and drainfields, percolation ponds, or polishing ponds shall be set back a minimum of one hundred (100) feet from the shoreline or wetlands.

Policy E.1.4.7: Direct discharge of untreated stormwater runoff into Class II waters shall be prohibited through Land Development Regulations and the adopted stormwater management regulations.

Policy E.1.4.8: Construction sites which border estuarine systems must control surface water run-off during and after construction activities to a level equal to or less than that which occurred prior to construction.

Policy E.1.4.9: Flagler County shall require all dredge and fill operations to utilize proper mitigation techniques and devices in addition to obtaining all applicable Federal, State, and local permits.

Policy E.1.4.10: Flagler County shall continue to work with the St. Johns River Water Management District (SJRWMD) on Outstanding Florida Water (OFW) designations for appropriate systems within the County, such as the Matanzas drainage basin system.

GOAL E.3: The amount of public access to coastal resources shall increase between now and the year 2020.

Public Beach Access Sub-Element

Objective E.3.1: Existing publicly-controlled access to the beach shall be maintained by new development. New beachfront development shall show on their site plans existing beach access ways and the proposed development shall be required to continue the access way, relocate it on the site, or donate it to Flagler County. Any relocated access must be similar in character and convenience to the original access point.

Policy E.3.1.1: Flagler County shall accept donations of shoreline lands suitable for use as public access facilities.

Policy E.3.1.2: Flagler County will require the dedication of public access to beaches from developments located within the Coastal Area where applicable.

#### Coastal Scenic Routes Sub-Element

Objective E.3.2: Flagler County shall continue to maintain designated Scenic Routes and shall continue to protect areas by establishing a scenic road system in order to help preserve the Coastal Area's natural beauty.

Policy E.3.2.4: Properties between designated scenic roads and wetlands or open water shall be zoned the lowest intensity allowed for their respective Future Land Use categories.

***As stated previously, the requested FLUM category has been revised to Residential: Low Density/Single Family in order to comply with the Coastal Management Element. The engineering design plans, various required permits, PUD zoning agreement and plat drawings will detail compliance with the Objectives and Policies listed above.***

Please let me know if you have any questions regarding the response to comments. You can reach me at (386) 931-4496 or [clintfsmith@aol.com](mailto:clintfsmith@aol.com).



---

Clinton F. Smith

CC: Ken Belshe  
Curt Wimpee



## Scenic A1A PRIDE

*Promoting Rational Integration of Development & Environment*

September 1, 2022

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

**RE: Scenic Cove Land Use and Zoning Change Review - Projects #2022060040 and 2022070012**

Dear Mr Mengel,

Scenic A1A PRIDE reviewed the applications for Future Land Use change and Zoning change for the proposed Scenic Cove Development at our August 26, 2022 meeting. We have attached our site review report. Our review included the conceptual site plan, but the draft development agreement was not yet available. Our focus was mainly on tree preservation, archaeological artifacts, wildlife corridors, and traffic. We had concerns that the open space is mainly the ICW and ponds and the Native Vegetation area will be private property. Mr. Belshe stated that he would like the Scenic Cove entrance to be a model for future developments and committed to return with a plan for us to review.

Mr. Belshe committed that every effort will be made to honor the following commitments.

- Provide a kiosk with Old Coast Guard Road historical information near the beach access.
- Conduct an Archaeological Study since this area is rich with artifacts. There will be a collective effort to locate additional funding for this study.
- State that wildlife corridors will be provided in the native vegetation area and around the stormwater ponds (not blocked by walls or fences) in perpetuity.
- Provide a recreational/picnic area near the ponds.
- Work with Scenic A1A PRIDE on the entryway and what the landscape buffer will look like.
- Notice to lot buyers that they must preserve or replace 40% of tree caliper.
- Specify Oak "street trees" requirement as one per home. 25' setbacks allow for this.
- Sidewalks will be designed and engineered and built when the homes are constructed.

**Scenic A1A PRIDE supports the Scenic Cove application for FLUM amendment and PUD Zoning Change with the above-mentioned commitments.**

Sincerely,

Dennis Clark, Chair  
Scenic A1A PRIDE ([ScenicA1A@gmail.com](mailto:ScenicA1A@gmail.com))  
5784 N. Oceanshore Blvd, Palm Coast, FL 32137

c.c. Gina Lemon ([glemon@flaglercounty.gov](mailto:glemon@flaglercounty.gov)), Ken Belshe ([kenbelshe@yahoo.com](mailto:kenbelshe@yahoo.com)), Clint Smit ([Clint@ClintSmithConsulting.com](mailto:Clint@ClintSmithConsulting.com)), Scenic A1A PRIDE Board of Directors



## Scenic Cove Development Overview

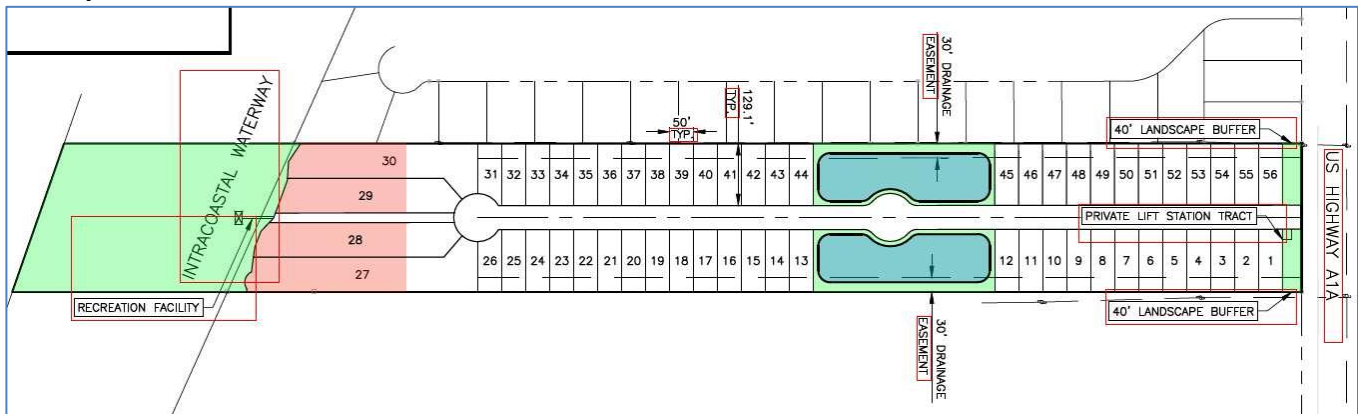
- This report is a summary of the Technical Review Committee 7/20/22 and 8/17/22 reviews of the Scenic Cove development. The backup documentation is available at <https://www.flaglercounty.gov/home/showpublisheddocument/7499/637959231037470000>.
- The main site includes two parcels totaling **18.69 acres** in Dupont Estates, north of Beach Haven and south of Maritime Estates. Two parcels on the east of A1A are not included in the application except for specifying the beach access.
- Applying for:
  - **Future Land Use change** from Mixed Use: Low Intensity to Residential: Low Density/Single Family designation, allowing up to 3 units/acre.  $18.69 \text{ acres} / 3 = 56$  dwelling units. Dwelling units were **reduced from the proposed 71 to 56 units** due to “areas of natural vegetation” (Comp Plan details below).
  - **Zoning Change from R/C to PUD** to allow for road, stormwater, recreation, and infrastructure planning. The PUD document will address the preservation of native vegetation, open space, and recreation requirements.
  - The PUD development agreement details are currently being worked out with Asst County Attorney Sean Moylan to be approved with the FLUM and zoning changes.
  - The application goes next to the Planning Board on October 11 and then the Board of County Commissioners for a single reading.
  - The Site Plan and Platting applications will be submitted concurrently for approval at a later date, also requiring TRC, PDB, and BoCC approvals.
- Beach and ICW access
  - Beach access will be provided by a parcel on the east side of A1A and an easement will be dedicated to Flagler County for beach restoration and maintenance.
  - It is unlikely that FDOT would allow any special crosswalk considerations due to low traffic count and good visibility.
  - Intracoastal access will be provided with a common pier. A kayak launch may also be provided.
- **Water** will be provided by Palm Coast. **Sewer** by Matanzas Shores Water Treatment Plant.
- The **traffic study** shows 528 trips per day. No turn lanes are required on A1A.
- A Phase I **Environmental Site Assessment** was completed by Atlantic Ecological Services and shows no contamination on site. Soil types and vegetation areas are specified.
- An **archaeological study** is likely to be conducted. It is not apparent that there are any specific criteria mandating this study although middens or other artifacts are likely to be found in this area.
- **Endangered or threatened species** were not noted in the Eco Report. Only a few gopher tortoise burrows were found. It was suggested that there might be Eagle or Osprey nests. A bobcat family lives in River-To-Sea Preserve.

## Tree Preservation

- The required 10% preservation of native vegetation will be in on the west side.
- Index Tree preservation of 40% is calculated on a lot-by-lot basis. Therefore, no master tree count for the development is required.
- Each single family lot must preserve or provide at least one (1) tree per three thousand (3,000) square feet of lot area for the first quarter acre of lot area per LDC 5.01.04 (3). Planted trees must be shade trees.

- Roads and Infrastructure creation are exempt from tree preservation calculations.

### Conceptual Site Plan



- **Secondary emergency access** is not provided. Therefore, a waiver is required.
- The stated **50' lot widths** and approximate depth of 125' would yield 1/7 acre lots. Lots in Maritime Estates to the north are 100' wide.
- A **40' Landscape buffer on A1A** and **open space** on ICW side are shown, as well as open space at cul-de-sac and around the retention ponds. Open space for a PUD must be 25%.
- The western preserved area may act as a **wildlife corridor** although none is required by code.
- **Recreation:** The common pier area will have possible amenities for fishing, kayaks, canoes and viewing the ICW. There will not be any boat docking

### Comprehensive Plan Specifics:

- **Policy E.1.1.2:** Within the Coastal Management Area, development in **areas of native vegetation** will be limited to low intensity/mixed use or **low density residential**.
  - "Areas of native vegetation" are defined by dictionary. A more accurate definition may be as follows from El Dorado County, California:
 

"An assemblage of plants in a specific place or region that has adapted to environmental and biological conditions. Native vegetation is typically dominated by native plant species but may include non-native plants or naturalized plants biological conditions. Native vegetation is typically dominated by native plant species but may include non-native plants or naturalized plants."
- **Policy E.3.2.4:** Properties between designated scenic roads and wetlands or open water shall be zoned the lowest intensity allowed for their respective Future Land Use categories.

### References

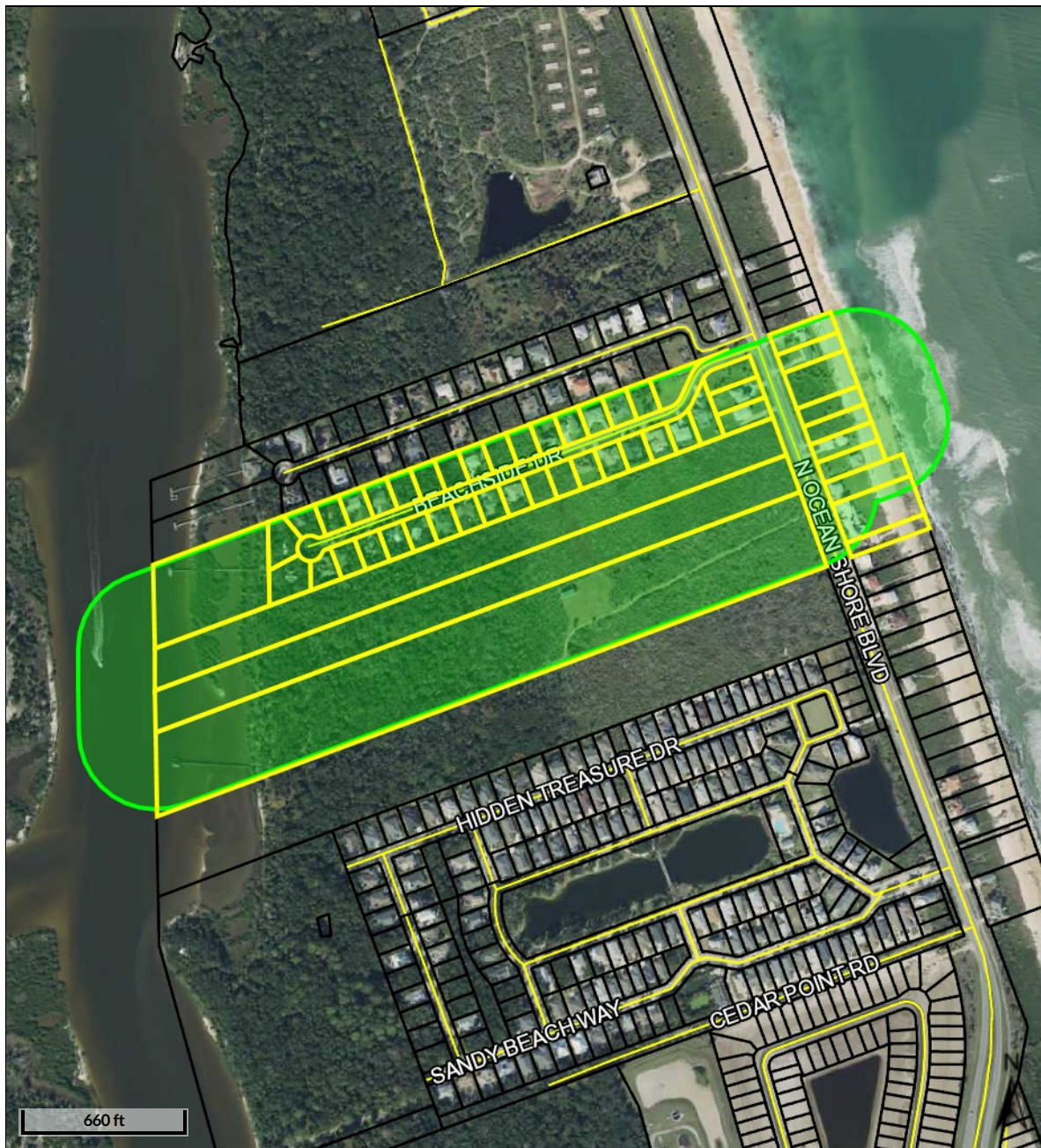
- Planned Unit Development (PUD) requirements are defined in the [Land Development Code 3.04](#)
- Current zoning requirements for the parcel as Residential/Limited Commercial (R/C), including minimum lot sizes, are defined in [section 3.03.13](#)
- Resource Protection Standards are defined in LDC section [Article VI](#)
- The current A1A Site Review Protocol Document is [HERE](#)
- From the [2013 Northeast Florida Region Evacuation Study](#), EXECUTIVE SUMMARY (p22)
  - The **Coastal High Hazard Area (CHHA)** In 2006, the Florida Legislature passed a bill changing the definition of the Coastal High Hazard Area (CHHA) from the evacuation zone to the "area defined by the SLOSH model to be inundated from a category one hurricane."



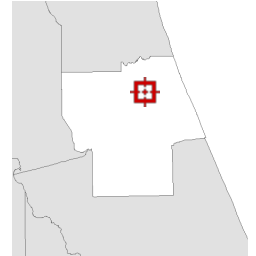
## Flagler County, FL Property Appraisers Office

App #3320

Future Land Use Map Amendment



## Overview



## Legend

- Parcels
- Roads
- Streams and River

Date created: 9/22/2022  
Last Data Uploaded: 9/22/2022 8:09:56 AM

Developed by  Schneider  
GEOSPATIAL



Application #3320  
Future Land Use Map Amendment

ParcelId	OwnerName	OwnerAddress1	OwnerAddress2	OwnerCityStZip
37-10-31-1550-00000-0110	HATCHER SAMUEL THOMAS	& BETTY G TRUSTEES	1509 S W 16TH STREET	BOYNTON BEACH, FL 33426
37-10-31-1550-00000-0111	HUNJAN LLC		145 CITY PLACE SUITE 301	PALM COAST, FL 32164
37-10-31-1550-00000-0261	LYNCH VALERIA TRUSTEE		9710 SE 175TH STREET	SUMMERFIELD, FL 34491
37-10-31-1550-00000-0262	CAUSEY GEORGE F JR & DANA K	CAUSEY H&W	160 FORTY LOVE PT	CHAPIN, SC 29036
37-10-31-1550-00000-0263	REYNOLDS FRANK ALLEN	TRUSTEE	11649 PILOT COUNTRY DR	SPRING HILL, FL 34610
37-10-31-1550-00000-0270	DEW DOUGLAS K & ERICA M H&W		7023 N OCEANSHORE BLVD	PALM COAST, FL 32137
37-10-31-1550-00000-0271	DEW HELEN LOIUSE	LIFE ESTATE	7029 N OCEANSHORE BLVD	PALM COAST, FL 32137
37-10-31-1600-00100-0000	LASTINGER REALTY INVESTMENTS	LTD	8342 A1A SOUTH	ST AUGUSTINE, FL 32080
37-10-31-4255-00010-0010	SPURRIER STEPHEN O	& JERRI H&W	3127 CW 113TH DRIVE	GAINESVILLE, FL 32608
37-10-31-4255-00010-0020	SPURRIER STEPHEN O	UF ATHLETIC DEPT	PO BOX 14485	GAINESVILLE, FL 32604
37-10-31-4255-00010-0030	WETZEL JOHN C JR & VICKIE E	H&W	7077 N OCEAN SHORE BLVD	PALM COAST, FL 32137
37-10-31-4255-00010-0040	ARNOLD JOHN R TRUSTEE		666 SEMINOLE DRIVE	WINTER PARK, FL 32789
37-10-31-4255-00020-0010	MARITIME ESTATES OWNERS	ASSOCIATION INC	P O BOX 2008	FLAGLER BEACH, FL 32136
37-10-31-4255-00020-0020	CAMPBELL ANDREW D & VELMA K	H&W	PO BOX 353271	PALM COAST, FL 32135
37-10-31-4255-00020-0030	WEAVER RONALD C &	MARY ANN WEAVER	7 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00020-0040	DOTY MARIE A &	KELLY O HODGES JTWROS	9 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00020-0050	HARLOW FREDERICK R JR &	SKYLAR M H&W	11 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00020-0060	GILL TARA HAMER &	ROBERT M GILL JR W&H	2224 NW 15TH AVE	GAINESVILLE, FL 32605
37-10-31-4255-00020-0070	GIFFORD WILLIAM GARY		176 SILVER GLEN AVE	ST AUGUSTINE, FL 32092
37-10-31-4255-00020-0080	BELUSCAK TIMOTHY J II	& TRACY LYNNE H&W	18 HIDDEN TREASURE DR	PALM COAST, FL 32137
37-10-31-4255-00020-0090	CHITWOOD HELEN J	TRUSTEE	22 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00020-0100	ALLEN AMANDA & DALTON BAKER	W&H	190 STONE ARBOR LANE	ST AUGUSTINE, FL 32086
37-10-31-4255-00020-0110	PETERSON GARY & VERONICA	MYERS-PETERSON	23 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00030-0010	STEPHENS BROOKS L & SHANNA S	STEPHENS	11 ULMACEA PLACE	PALM COAST, FL 32137
37-10-31-4255-00030-0020	GARTNER ROBERT H JR & BRENDA S	H&W	2523 SE 28TH LANE	OCALA, FL 34471
37-10-31-4255-00030-0030	HIGGINS PATRICK DANIEL & CATHY	LYN HIGGINS H&W	29 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00030-0040	MOODY DOYLE B SR &	MARIANNE T H&W	31 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00030-0050	EDWARDS GORDON RANDY &	PATRICIA A H&W	33 BEACHSIDE DR	PALM COAST, FL 32137
37-10-31-4255-00030-0060	YOUNG BAXTER CRAVEN	LIFE ESTATE	35 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00030-0070	ALLIGOOD JAMES P &	BATTELLE BARBARA ANNE	36 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00030-0080	LUMBARD MARIANNE GARDINER		6087 GAME FARM ROAD E	MOUND, MN 55364
37-10-31-4255-00030-0090	PHELPS JEFFREY S & THERESE	SPARHAWK JTWROS	32 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00030-0100	ELLIOTT JANICE MARIE		30 BEACHSIDE DR	PALM COAST, FL 32137


I hereby affirm mailed notice to each owner on 9 / 26 /2022 for the Planning and Dev Bd meeting on 10 / 11 /2022 at 6:00 pm. and BCC hearing on 10 / 17 / 2022.

  
Gina Lemon, Development Review Planner III

Application #3320  
Future Land Use Map Amendment

37-10-31-4255-00030-0110	DUENOW DEBBY &	NICHOLAS SPADACCINI JTWROS	3505 US 1 SOUTH SUITE 1	ST AUGUSTINE, FL 32086
37-10-31-4255-00030-0120	GOEWY CAROL M	LIFE ESTATE	26 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00040-0010	MATTHEWS ROBERT F JR &	EDRIS O H&W	24 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00040-0020	BOSWORTH WARREN C &	JANIS GAYLE	22 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00040-0030	BROWN RICHARD E & PAMELA L	BROWN H&W	1443 THRASHER HILLS DR NE	DALTON, GA 30721
37-10-31-4255-00040-0040	GILLAND RICHARD L & JOAN L H&W		18 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00040-0050	GOSTYNSKI GERALD J JR & RUTH	GOSTYNSKI H&W	20 MICHELLE DRIVE	HUNLOK CREEK, PA 18621
37-10-31-4255-00040-0060	PLUMLEE DEAN K	& AMY H&W	14717 PENNSYLVANIA AVE	HAGERSTOWN, MD 21742
37-10-31-4255-00040-0070	BAITY CHARLES E &	EDITH H&W	12 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00040-0080	BAITY HARRY L &	CATHERINE E H&W	10 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00040-0090	KRIDER VERNON H LIFE ESTATE	TRUSTEES	8 BEACHSIDE DRIVE	PALM COAST, FL 32164
37-10-31-4255-00040-0100	BLACK FRANCIS C & NIKKI A	BLACK H&W	6 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00040-0110	LANE RICHARD M		4 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00040-0120	CLEATON DANIEL GREGORY &	LAUREN FOSTER CLEATON H&W	2 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00040-0130	ULLRICH WILLIAM M & JAN B H&W		7062 N OCEANSHORE BLVD	PALM COAST, FL 32137
37-10-31-4255-00040-0140	SOUTHALL JAMES R JR & JANET E	H&W LIFE ESTATE	7070 N OCEAN SHORE BLVD	PALM COAST, FL 32137
37-10-31-4255-00040-0150	LEWIS JAMES B &	PATTI JO H&W	135 COLLEGE DRIVE	ORANGE PARK, FL 32065
37-10-31-4255-00040-0160	MARITIME ESTATES OWNERS	ASSOCIATION INC	P O BOX 2008	FLAGLER BEACH, FL 32136

I hereby affirm mailed notice to each owner on 9 / 26 /2022 for the Planning and Dev Bd meeting on 10 / 11 /2022 at 6:00 pm. and BCC hearing on 10 / 17 / 2022.

  
Gina Lemon, Development Review Planner III

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



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

September 26, 2022

HUNJAN LLC  
145 CITY PLACE SUITE 301  
PALM COAST, FL 32164

Re: Application #3320 – Small Scale Future Land Use Map Amendment from Mixed Use: Low Intensity to Residential Low Density/Single Family

Dear Property Owner:

As an 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 Kenneth W. Belshe, for Sunbelt Acquisitions, LLC as agent for property owner Samuel Thomas Hatcher and Betty G. Hatcher, Trustees and Hunjan, LLC for an amendment to the Future Land Use Map by amending the designation of a total of 18.69 acres, more or less being parcel numbers 37-10-31-1550-00000-0110 and 37-10-31-1550-00000-0111 from Mixed Use: Low Intensity to Mixed Use: Low Intensity (0.91 ac) and Residential: Low Density/Single Family.

You are hereby notified that public hearings will be held as follows:

FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD – for recommendation to Board of County Commissioners on transmittal – October 11, 2022 at 6:00 p.m. in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Blvd., Building 2, Bunnell, Florida, 32110.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS – Adoption Hearing – October 17, 2022 at 5:30 p.m. in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Blvd., Building 2, Bunnell, Florida, 32110.

Andy Dance  
District 1

Greg Hansen  
District 2

David Sullivan  
District 3

Joe Mullins  
District 4

Donald O'Brien, Jr.  
District 5

You are welcome to attend both hearings and express your opinion.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina Lemon". The signature is fluid and cursive, with a long horizontal stroke at the end.

Gina Lemon  
Development Review Planner III

NOTE: PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE 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 MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.



## Govt Public Notices

Originally published at [news-journalonline.com](http://news-journalonline.com) on 09/26/2022

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### NOTICE OF FUTURE LAND USE MAP AMENDMENT APPLICATION #3320

Pursuant to Section 163.3184, Florida Statutes, the Flagler County Board of County Commissioners hereby gives notice of a proposal to adopt the following Ordinance affecting the area shown in the map below:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA AMENDING THE FUTURE LAND USE ELEMENT AND FUTURE LAND USE MAP BY AMENDING THE DESIGNATION OF A TOTAL OF 18.69 ACRES, MORE OR LESS, LYING IN SECTION 37, TOWNSHIP 10 SOUTH, RANGE 31 EAST; FROM MIXED USE: LOW INTENSITY; TO RESIDENTIAL: MEDIUM DENSITY; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

Application #3320 / Applicant: Kenneth W. Belshe on behalf of Sunbelt Acquisitions, LLC / Owner: Samuel Thomas and Betty G. Hatcher, Trustees and Hunjan, LLC.

Public hearing on the above-captioned matter will be held as follows:

FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD – Recommendation to Board of County Commissioners on adoption – October 11, 2022 at 6:00 p.m. in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Blvd., Building 2, Bunnell, Florida, 32110.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS – Adoption Hearing – October 17, 2022 at 5:30 p.m. in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Blvd., Building 2, Bunnell, Florida, 32110.

For purposes of review of this amendment, the Board of County Commissioners will also be sitting in its capacity as the County's Local Planning Agency (LPA).

Information relating to this matter is available for inspection at the Planning and Zoning Department located at 1769 E. Moody Boulevard, Building 2, Bunnell, Florida during the hours of 8:00 a.m. – 4:30 p.m. Monday through Friday.

All interested parties may attend any and all of the public hearings or may express their opinion in writing to:

Adam Mengel, Growth Management Director

1769 E. Moody Boulevard, Bldg 2

Bunnell, FL 32110

(386) 313-4009

Email: [planningdept@flaglercounty.gov](mailto:planningdept@flaglercounty.gov)

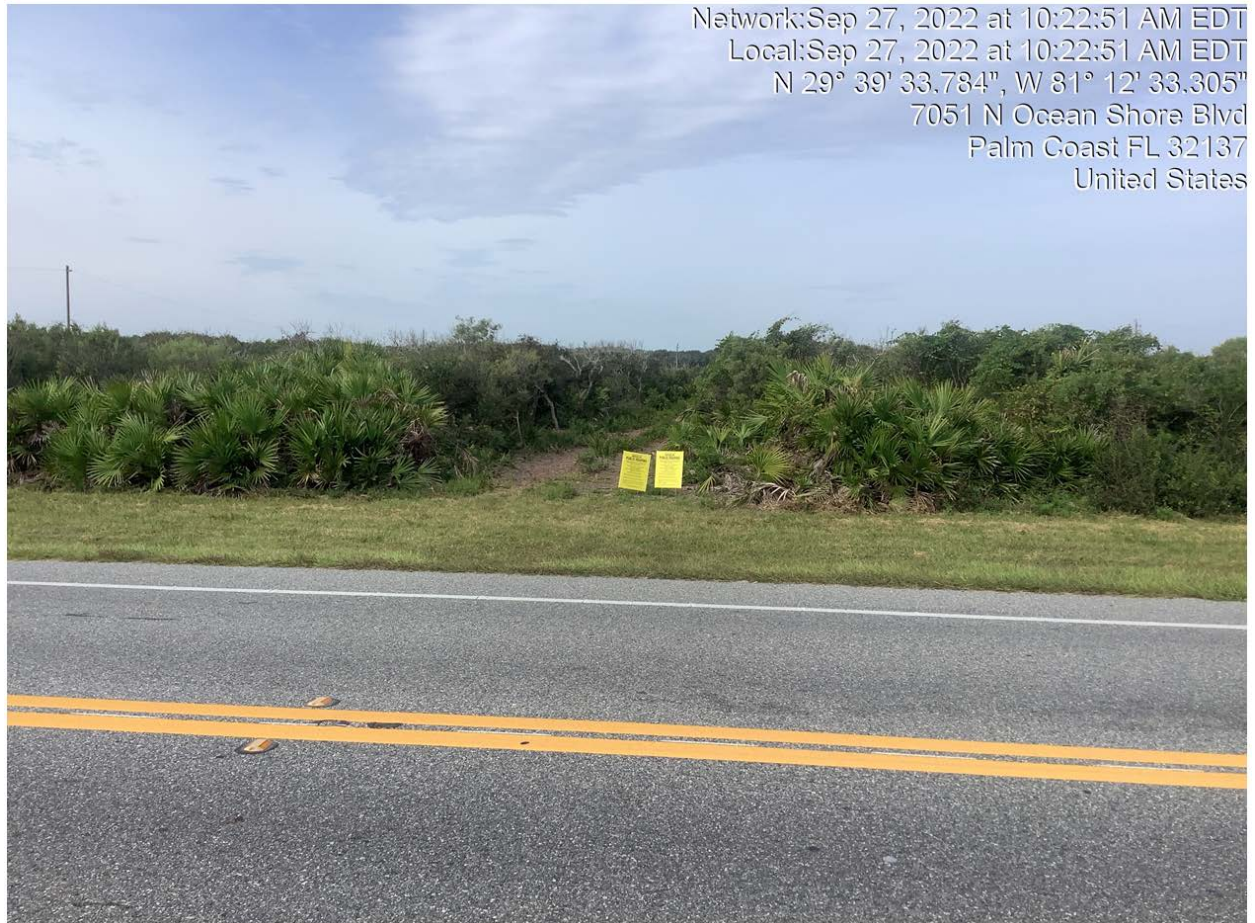
PURSUANT TO SECTION 286.0105 OF FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD, AGENCY OR COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, HE OR SHE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE MEETINGS SHOULD CONTACT THE PLANNING DEPARTMENT AT (386) 313-4009 AT LEAST 48 HOURS PRIOR TO THE MEETING.

L#7821862 9/26/2022



Application #3320 and Application #3321 Sign Posting 20220927



**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS  
PUBLIC HEARING / AGENDA ITEM #9d**

**SUBJECT: QUASI-JUDICIAL** – Application #3321 – Request to Rezone from R/C (Residential/limited commercial) to PUD (Planned Unit Development) District for the Scenic Cove PUD located between N. Oceanshore Boulevard (State Road A1A) and Intracoastal Waterway, lying south of Maritime Estates; Parcel Numbers: 37-10-31-1550-00000-0110 and 37-10-31-1550-00000-0111; 18.69+/- acres. Owner: John Thomas and Betty G. Hatcher, Trustees and Hunjan, LLC. / Applicant: Kenneth W. Belshe on behalf of Sunbelt Acquisitions, LLC (Project #2022070012).

**DATE OF MEETING:** October 17, 2022

**OVERVIEW/SUMMARY:** This request is quasi-judicial in nature and requires disclosure of ex parte communication. This request is for rezoning for the Scenic Cove PUD – from the R/C (Residential/limited commercial) District to the PUD (Planned Unit Development) District – for development of a 56 lot detached single-family residential subdivision in a single phase. The subject project area is 18.69+/- acres in size and is located on the West side of North Oceanshore Boulevard:



On August 9, 2022, the applicant submitted an application to rezone two parcels to establish the Scenic Cove PUD. The project is accessed from its proposed private street connection to North Oceanshore Boulevard.

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS  
PUBLIC HEARING / AGENDA ITEM #9d**

The Scenic Cove PUD requires a Future Land Use Map amendment from Mixed Use: Low-intensity, Low- to Medium-Density to Residential: Low-Density/Single-Family (1-3 units/acre). Based on 56 units on 18.69 acres, the resulting density would equal 3.34 units per acre. The pending rezoning request – from R/C (Residential/limited commercial) to PUD (Planned Unit Development) District – will ultimately be conditioned upon the companion Future Land Use Map amendment becoming effective for the subject parcels.

This application was reviewed by the Technical Review Committee (TRC) at its August 17, 2022 and September 21, 2022 regular meetings. The applicant has satisfactorily addressed the TRC comments. The Planning and Development Board considered this request at its October 11, 2022 regular meeting and recommended approval of the request.

Public notice has been provided for this application according to Section 125.66, Florida Statutes, and Land Development Code (LDC) Section 2.07.00.

This agenda item is:

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

**DEPARTMENT CONTACT:** Adam Mengel, Growth Management, (386) 313-4065

**OPTIONS FOR THE BOARD:** The Board of County Commissioners may:

1. **Approve** Application #3321, a rezoning from R/C (Residential/limited commercial) to PUD (Planned Unit Development) District for the Scenic Cove PUD, finding that the proposed PUD Site Development Plan is consistent with the Flagler County Comprehensive Plan and the Flagler County Land Development Code, subject to:
  - a. all development conditions within the PUD Development Agreement as approved through Ordinance No. 2022-\_\_\_;
  - b. development of the subject parcels not to commence until approval of a Future Land Use Map amendment from Mixed Use: Low-intensity, Low- to Medium-Density to Residential: Low Density/Single Family; and
  - c. the developer granting to the County a beach renourishment easement for the two parcels located on the East side of State Road A1A.
2. **Deny** Application #3321, a rezoning from R/C (Residential/limited commercial) to PUD (Planned Unit Development) District for the Scenic Cove PUD, finding that the proposed rezoning is not consistent with the Flagler County Comprehensive Plan and the Flagler County Land Development Code.
3. **Continue** Application #3321, the request to rezone on the basis that additional information is needed from staff or the applicant. Based on the presentation and the

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS  
PUBLIC HEARING / AGENDA ITEM #9d**

public hearing, the Board does not have sufficient information to be able to render a decision (and recommendation) on the rezoning request. Continuing the request to a time and date certain will preserve public notice and provide an opportunity for staff or the applicant to provide additional information.

**ATTACHMENTS:**

1. Technical Staff Report
2. Draft Ordinance
  - a. PUD Development Agreement for Scenic Cove
  - b. Legal Description
  - c. PUD Conceptual Plan
3. Application and supporting documents
4. TRC comments
5. Applicant response to TRC comments
6. A1A Scenic PRIDE Committee comment letter
7. Public notice

**APPLICATION #3321  
REZONING FOR SCENIC COVE PUD  
SAMUEL THOMAS & BETTY G HATCHER, TRUSTEES and HUNJAN, LLC  
TECHNICAL STAFF REPORT**

Project: Rezone from R/C (Residential/limited commercial) to PUD (Planned Unit Development) District for the Scenic Cove PUD

Project #/Application #: 2022070012/3321

Owners: Samuel Thomas and Betty G Hatcher, Trustees and Hunjan, LLC.

Applicant/Agent: Kenneth W. Belshe on behalf of Sunbelt Acquisitions, LLC.

Parcel #: 37-10-31-1550-00000-0110 and 37-10-31-1550-00000-0111

Address: N/A

Parcel Size: 18.69+/- acres

Existing Zoning and Land Use(s)

Zoning: R/C (Residential/limited commercial)

Land Use: Mixed Use: Low Intensity, Low-medium density

Future Land Use Map Classification/Zoning of Surrounding Land

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

East: Mixed Use: Low-intensity, Low-Medium Density/R/C (Residential/limited commercial) District

South: Mixed Use: Low-intensity, Low-Medium Density/R/C (Residential/limited commercial) District

West: Intracoastal Waterway

Report in Brief

The applicant has proposed a rezoning to PUD to coincide with the Future Land Use Map amendment being considered under Application #3320. This rezoning to PUD is contingent on the adoption of the Future Land Use Map amendment. A rezoning is necessary because the Residential/limited commercial (R/C) zoning would not link with the Residential: Low-Density/Single Family Future Land Use designation; the PUD will ultimately decrease density below the maximum which would be permitted under the Land Use and the R/C zoning.

Standards for Review

LDC Section 3.07.05, *Rezoning - action by the Planning and Development Board and Board of County Commissioners*. The Flagler County Planning and Development Board may recommend and the Flagler County Commission may enact an ordinance amending



the zoning classification of the subject parcel. The adopted Flagler County Land Development Code lacks specific standards for review of a rezoning request; however, generally a request should be consistent with the adopted Comprehensive Plan and the following suggested standards:

- A. For all rezoning requests, the requested zoning designation must be consistent with the Future Land Use designation of the parcel as depicted on the adopted Future Land Use Map and as described in the Future Land Use Element of the adopted Flagler County Comprehensive Plan.

*The Future Land Use Map amendment is required to become effective before the PUD zoning takes effect. No development of the subject parcels is permitted until the Future Land Use and zoning are in place.*

- B. The requested zoning designation must be consistent with the goals, objectives, and policies of the Flagler County Comprehensive Plan.

*The applicant's submittal demonstrates that initial concurrency will be satisfied at the time of the impacts of development occurring, i.e., when the lands are final platted. The ultimate determination of concurrency will be made at final plat approval.*

*The development standards of the PUD Development Agreement are intended to ensure overall consistency with the goals, objectives, and policies of the Comprehensive Plan. Successive plat(s) – and individual lot development – will be required to be consistent with the adopted PUD.*

*The text of the PUD provides for the set-aside of the most sensitive area on these parcels as open space, and provides a common recreational amenity on the Intracoastal.*

- C. The requested zoning designation must be compatible with the adjacent and surrounding land uses. Land uses shall include, but not be limited to permitted uses, structures, and activities allowed within the Future Land Use category and zoning district. Compatibility shall be based on characteristics which can impact adjacent or surrounding uses including type of use, height, appearance, aesthetics, odors, noise, smoke, dust, vibration, traffic, sanitation, drainage, fire risk, environmental impacts, maintenance of public infrastructure, availability of potable water and sanitary sewer, and other necessary public services.

*Area developed and entitled land uses are of a residential or mixed-use nature: low density residential subdivision development continues to be the trend for development based on market demand. This development will be dependent upon the provision of*

*potable water (as provided by the City of Palm Coast) and sanitary sewer (through the Matanzas Shores Homeowners Association). Development consistent with the PUD Development Agreement will be compatible with the adjacent and surrounding land uses.*

- D. The requested zoning will not adversely impact or exceed the capacity or the fiscal ability of Flagler County to provide available public facilities, including transportation, water and sewer, solid waste, drainage, recreation, education, fire protection, library service and other similar public facilities.

*Through the County's adoption of impact fees, the requested rezoning to PUD will not impact or exceed the fiscal capacity of Flagler County to provide services. It is anticipated that development as proposed will provide a net positive financial benefit to the County due to single-family residential typically being low service demand as compared to the taxes paid.*

- E. The requested zoning shall not be approved if any of the proposed permitted uses or activities result in a public nuisance.

*The proposed permitted uses and activities within the amended PUD will not result in a public nuisance. These uses are of a nature similar to those in other residential developments within the area.*

- F. The requested zoning shall not be approved if any of the proposed traffic flow of the permitted uses have an unreasonable impact on the contiguous and surrounding area; or if the proposed traffic has an unreasonable impact upon the projected wear and tear of any public roadway designed to carry lighter traffic than proposed with the rezoning; or if the proposed traffic results in an unreasonable danger to the safety of other traffic, pedestrians, and bicyclists.

*The applicant's traffic study – provided as part of Application #3320 for the Future Land Use amendment – demonstrates that while additional traffic will occur, these impacts will not be unreasonable. These traffic impacts are less than the traffic that would occur if the development was completed consistent with its current Future Land Use designation.*

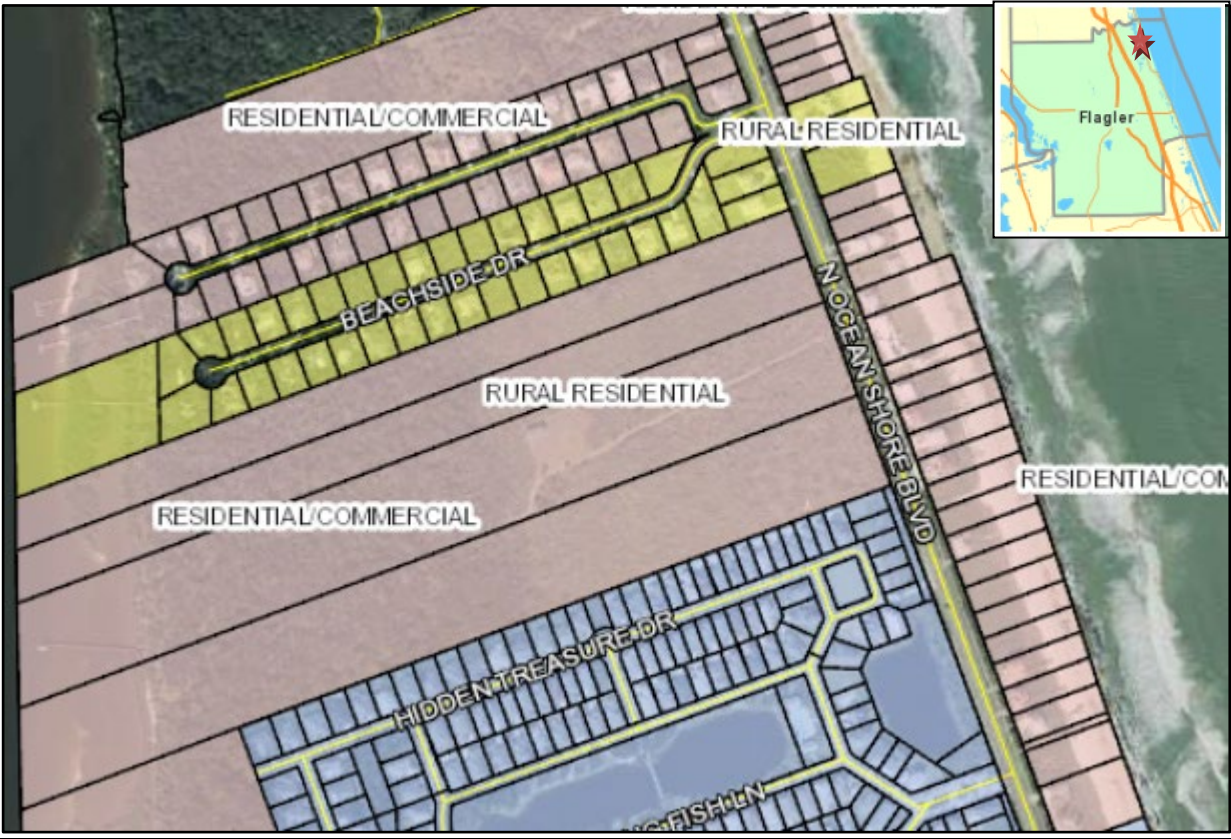
Overall, the requested rezoning to the PUD District provides the certainty of the use and development of the parcel, and is consistent with development in the vicinity.

## Future Land Use Map





# Zoning Map



## Flood Zone



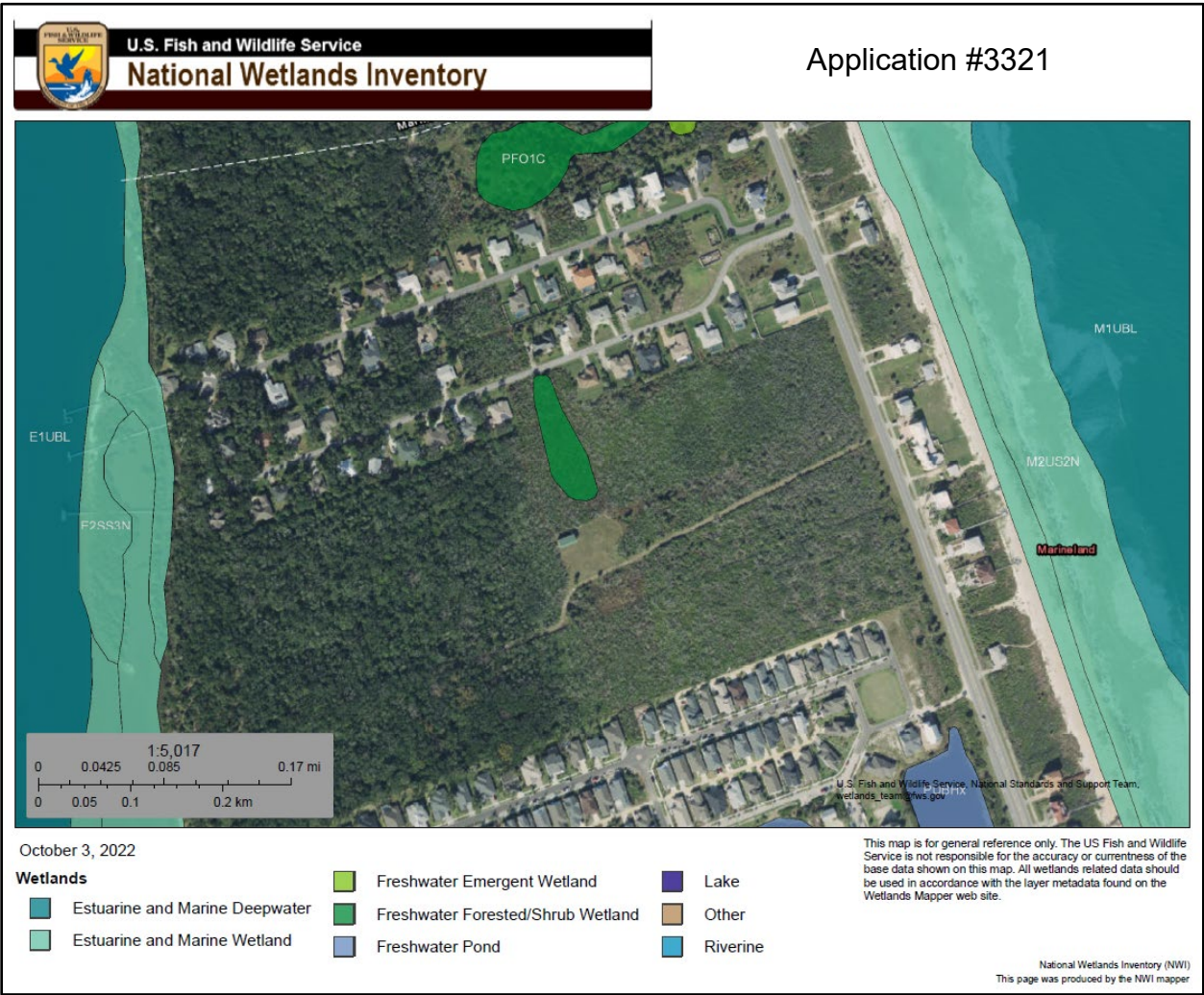
## Soils Map



Soil Types	
02 Riviera fine sand	23 Adamsville fine sand, 0 to 3% slope
03 Samsula and Hontoon soils, depressional	24 Samsula and Placid soils, frequently flooded
04 Wabasso fine sand	25 Tavares fine sand, 0 to 5% slopes
05 Pineda-Wabass complex	26 Turnbull and Pellicer soils, tidal
06 Favoretta clay	27 Cassia fine sand
07 Favoretta, Chobee, and Winder soils, frequently flooded	29 Udarents, moderately wet
08 Hicoria, Riviera, and Gator soils, depressional	30 Pits
09 Eau Gallie fine sand	31 Palm Beach gravelly sand, 0 to 8% slopes
10 Winder fine sand	32 Narcossee, she substratum-Welaka complex, 0 to 5% slopes
11 Myakka fine sand	33 Beaches
12 Placid, Basinge, and St Johns soils, depressional	34 Cocoa-Bulow complex, 0 to 5% slopes
13 Immokalee fine sand	35 Quartzipsamment, dredged
14 Pineda fine sand	36 Bimini sand
15 Pomello fine sand, 0 to 5% slope	37 Tusawilla fine sand
16 Malabar fine sand	38 Paola fine sand, to 8% slopes
17 Holopaw fine sand	39 Udarents, smoothed
18 Valkaria-Smyrna Complex	40 Pomona fine sand
19 Valkaria fine sand	41 Terra Ceia mud, frequently flooded
20 Orsino fine sand, 0 to 5% slopes	99 Water
21 Smyrna fine sand	100 Water of the Atlantic Ocean
22 Astatula fine	



National Wetlands Inventory Mapper



**ORDINANCE NO. 2022 – \_\_\_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA AMENDING THE ZONING CLASSIFICATION OF A TOTAL OF 18.69 ACRES, MORE OR LESS, BEING PARCEL NUMBERS 37-10-31-1550-00000-0110 AND 37-10-31-1550-00000-0111, FROM R/C (RESIDENTIAL/LIMITED COMMERCIAL) DISTRICT TO PUD (PLANNED UNIT DEVELOPMENT) DISTRICT; ADOPTING A PUD DEVELOPMENT AGREEMENT; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Samuel Thomas and Betty G. Hatcher, Trustees are the owners of Parcel #37-10-31-1550-00000-0110 and HunJan, LLC, is the owner of Parcel #37-10-31-1550-00000-0111 (hereafter collectively referred to as the “owners”), which totals approximately 18.69 acres, more or less, in size as more particularly described herein (hereafter the “subject property”); and

**WHEREAS**, the owners of the subject property are seeking the approval of this Ordinance rezoning the subject property from R/C (Residential/limited commercial) to PUD (Planned Unit Development) zoning district; and

**WHEREAS**, the subject property is designated as Residential: Low-Density/Single Family on the 2010-2035 Flagler County Future Land Use Map; and

**WHEREAS**, on October 11, 2022, the Planning and Development Board conducted a public hearing on this request and voted to recommend approval; and

**WHEREAS**, on October 17, 2022, the Flagler County Board of County Commissioners held a public hearing on this request; and

**WHEREAS**, public notice of this action has been provided in accordance with Section 125.66, Florida Statutes, and Section 2.07.00, Flagler County Land Development Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS:**

**Section 1. FINDINGS**

A. The Board of County Commissioners, pursuant to Section 3.04.02 of the Flagler County Land Development Code, finds as follows:

1. The proposed PUD Development Agreement does not adversely affect the orderly development of Flagler County and complies with applicable Comprehensive Plan goals, objectives and policies; and,
2. The proposed PUD Development Agreement will not adversely affect the health and safety of residents or workers in the area and will not be detrimental to the use of adjacent properties or the general neighborhood.

## **Section 2. ADOPTION OF DEVELOPMENT AGREEMENT**

- A. The Board of County Commissioners hereby adopts the PUD Development Agreement for the Scenic Cove PUD, attached at Exhibit 1 to this Ordinance.
- B. Development within the boundaries of the PUD District as approved shall take place in accord with the Flagler County Land Development Code as may be modified or amended and the Conceptual PUD Site Development Plan as included at Exhibit "B" to the Development Agreement attached hereto as Exhibit 1 and made a part hereof.
- C. In the event of any conflict between the Development Agreement and the PUD Site Development Plan, the Development Agreement shall control and take precedence.
- D. The Owner shall signify its acceptance of this Development Agreement by filing this Ordinance and the attached Agreement with the Clerk of the Circuit court for recording into the Public Records of Flagler County, Florida, within forty-five (45) days following the date of adoption of this Ordinance by the Board of County Commissioners, unless a challenge of the concurrent Future Land Use amendment ordinance is filed with the Department of Economic Opportunity.
- E. The Owner shall be responsible for the payment of any recording fees related to the recording of this Ordinance and the attached Agreement in the Public Records of Flagler County, Florida.

## **Section 3. EFFECTIVE DATE**

- A. This Ordinance shall take effect upon the recording of this Ordinance and the attached Agreement in the Public Records of Flagler County, Florida.

The recording of this Ordinance shall not occur prior to the effective date of the concurrent Future Land Use amendment related to, and which is a prerequisite for, the Scenic Cove PUD. Due to statutory requirements, the concurrent Future Land Use amendment shall become effective (31) thirty-one days following its adoption, unless the Future Land Use amendment is timely challenged, in which case the concurrent Future Land Use amendment shall not become effective until the Department of Economic Opportunity or the Administration Commission issues a final order determining that the adopted amendment is in compliance.



- B. If the concurrent Future Land Use amendment ordinance is not challenged, this Ordinance and the attached Agreement shall be recorded by the Owner within forty-five (45) days following the date of adoption of this Ordinance.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA THIS 17TH DAY OF OCTOBER, 2022.**

**FLAGLER COUNTY BOARD OF  
COUNTY COMMISSIONERS**

By: \_\_\_\_\_  
Joseph F. Mullins, Chair

**ATTEST:**

**Approved as to Form:**

By: \_\_\_\_\_  
Tom Bexley, Clerk of the  
Circuit Court and Comptroller

\_\_\_\_\_  
Albert J. Hadeed, County Attorney

**THE SCENIC COVE  
PLANNED UNIT DEVELOPMENT AGREEMENT**

**THIS DEVELOPMENT AGREEMENT** (hereinafter referred to as the "Agreement",) is made as of this \_\_\_\_ day of \_\_\_\_\_ 2022 by and between **Sunbelt Acquisitions, LLC, a Florida limited liability company** ("Developer") and **FLAGLER COUNTY**, a political subdivision of the State of Florida ("County") and, collectively, the Developer and County are sometimes hereinafter referred to as the "Parties"

**RECITAL**

A. Developer is the contract purchaser and future owner of land, described in **Exhibit "A"** (hereinafter referred to as the "Property"), consisting of approximately nineteen (19) acres; and

B. The Developer desires to develop a single-family residential community on the Property consisting of 56 single-family lots, amenities and other benefits for the residents (the "Project").

**NOW, THEREFORE**, in consideration of the mutual terms, covenants and conditions contained herein, it is mutually agreed as follows. Moreover, the above recitals are true and correct and are incorporated herein by specific reference.

**1.0 Introduction**

This is a Planned Unit Development Agreement ("PUD Agreement") for a rezoning to a planned unit development ("PUD") in order to develop The Scenic Cove Property on approximately 19 acres of land generally located between State Road A1A and the Intracoastal Waterway, approximately 1,000 feet south of the Marineland Town Limits. The Property is

owned by Samuel Thomas Hatcher and Betty G. Hatcher, Trustees, and HunJan, LLC, (together the "Owners").

All building codes, zoning ordinances and other land development regulations of the County, including, without limitation, the County Comprehensive Plan and/or any similar plans adopted by the County, as may be amended from time to time, will be applicable to The Scenic Cove Property unless otherwise stated herein.

## 2.0 Project Description

2.1 Residential. The portion of the Property designated as Residential Use will consist of a maximum 56 single-family units, common areas for the residents and improvements for the benefit of the residents, all of which will fall under the management of a property owner's association ("Association"). The development plan for The Scenic Cove Property is generally outlined below and depicted on the Conceptual Site Plan which is attached as **Exhibit "B"** hereto ("Conceptual Site Plan").

The single-family homes will be developed for fee-simple form of ownership. Covenants, conditions and restrictions shall be placed upon the exterior appearance and maintenance of each home and lot. Single-family homes shall have a one-car garage or larger.

2.2 Temporary Sales and Construction Trailers. Temporary sales and construction trailers may be located within the Property, subject to review and approval at the time of PUD Site Development Plan approval. Temporary trailers shall be removed upon completion of horizontal construction of subdivision improvements or after five years, whichever is less.

2.3 Common Areas. Common areas are located throughout the Property and shall include open space, wetlands, landscape areas and recreation (active and passive).

## 3.0 Development Plan

1           3.1    Plan Overview.

2           (a)    The Conceptual Site Plan depicts the general layout of the entire  
3 development. The exact location of structures, lot lines, roadways, internal landscape buffers,  
4 wetlands, drainage facilities and other improvements shown on the Conceptual Site Plan may be  
5 modified during review of the PUD Site Development Plan and the Preliminary Plat.

6           (b)    Adjustments to the Conceptual Site Plan are anticipated to occur during  
7 the PUD Site Development Plan and Preliminary Plat review processes. Revisions which meet  
8 the intent and purpose of the County's Comprehensive Plan and Land Development Code shall  
9 be approved by the County Commission at the time of PUD Site Development Plan and  
10 Preliminary Plat approval, as long as the substantial integrity of the original Conceptual Site Plan  
11 and the development standards contained herein are maintained. Any modification to the PUD  
12 Site Development Plan that increases the intensity or types of development or uses reduces the  
13 total amount of open space, or decreases the size of any perimeter buffer within the Property  
14 shall require the approval of the County Commission following the review and recommendation  
15 of the Planning and Development Board.

16           (c)    The Scenic Cove Property may be developed in multiple phases. All  
17 infrastructure necessary to support each phase of the project shall be constructed with that phase  
18 as a condition of the PUD Site Development Plan approval by the Board of County  
19 Commissioners. Adequate emergency vehicle access and turn-arounds shall be provided at all  
20 times.  
21  
22  
23  
24  
25

1     4.0     Land Development Code Applicability

2             4.1     The Flagler County Land Development Code ("FCLDC") applies to The Scenic  
3 Cove Property and development within it, unless expressly otherwise provided in this  
4 Agreement.

5             4.2     The requirements of this Agreement supersede any inconsistent provisions of the  
6 FCLDC or other ordinances of the County.

7                     (a)     Wetlands and Wetland Buffer.     At the time of issuance of an  
8 Environmental Resource Permit (ERP) by the St. Johns River Water Management District  
9 (SJRWMD, the "District"), a conservation easement in favor of the District shall be recorded  
10 over all wetlands identified for preservation. A minimum 25 foot upland buffer shall be  
11 provided around all wetlands remaining on the site, except where road crossings are necessary.  
12 Protected wetlands and associated buffers shall not be included within residential lots. Activities  
13 within the upland buffer shall be limited to removal of invasive vegetation (subject to approval  
14 by the District), installation of essential utilities and road crossings and permitted trail crossings.  
15 The oak hammock preservation tract – inclusive of the Intracoastal wetlands – shall be separately  
16 dedicated on the plat and conveyed to the Association for preservation purposes in perpetuity,  
17 except that the four lots located west of the cul-de-sac and adjoining the preservation tract – Lots  
18 27, 28, 29 and 30 – shall each have the right within the preservation tract to construct a shell or  
19 mulched path and a single elevated boardwalk and dock within the projected area in the  
20 preservation tract extending westward from each lot's platted side lot lines, subject to permitting  
21 by the District, the U.S. Army Corps of Engineers, and Flagler County, as applicable.

22                     (b)     Stormwater.     The Property is being developed with a privately-maintained  
23 roadway and a privately-maintained drainage system as depicted on the Conceptual Site Plan.  
24  
25

1 Stormwater runoff from the development will be conveyed to on-site stormwater retention  
2 systems by means of grassed swales, curb gutters, and an underground drainage pipe system.  
3 Drainage (conveyance) and stormwater (retention) easements – if provided within residential lots  
4 – shall be the perpetual maintenance responsibility of the Association without recourse to Flagler  
5 County. No structures may be placed within drainage and stormwater easements, except for  
6 open fencing that does not impede the conveyance or retention function of these easements. The  
7 stormwater retention system onsite may be interconnected with such systems on adjacent sites,  
8 subject to approval by the District and the County Development Engineer. The stormwater  
9 ponds identified on the Conceptual Site Plan shall be developed as a passive recreation amenity  
10 and shall include walking paths (mulch or shell) and park benches or a picnic table.  
11

12 (c) Roadways/Rights-of-Way. Internal access to all residential structures  
13 shall be provided by rights-of-way (minimum 50 feet in width) to be maintained by the  
14 Association. The width of the right-of-way at the cul-de-sac shall be a minimum of 100 feet in  
15 diameter. A waiver by the County Commission of the 1,320 foot maximum cul-de-sac length  
16 shall be required for development of the Property (FCLDC Sec. 4.06.02.I.1). The roadway will  
17 be constructed in accordance with applicable County standards. Turn lanes at the Property  
18 entrance shall be constructed as required by the Florida Department of Transportation.  
19 Emergency vehicle access shall be permitted through the Property at all times; however, the  
20 development of the Property shall require a waiver of the requirement for at least two points of  
21 ingress/egress by a paved road (FCLDC Sec. 4.06.02.A.4) and a waiver of the requirement for a  
22 secondary means of ingress and egress for emergency access (FCLDC Sec. 4.06.02.M.).  
23 Sidewalks (minimum five feet in width) shall be constructed adjacent to common areas at the  
24 same time as the construction of subdivision improvements occurs and as each residence is  
25



1 constructed within the right of way on both sides of the roadway, with sidewalks to be connected  
2 to those other paths as constructed elsewhere within the Property. All rights-of-way will be  
3 privately owned and maintained by the Association.

4 (d) Landscape. To maintain the existing natural conditions along State Road  
5 A1A, a 40 foot wide buffer shall be located adjacent to the State Road A1A right-of-way in  
6 accordance with the A1A Scenic Corridor requirements. The buffer shall consist of native  
7 vegetation. In the event that the native vegetation does not provide an acceptable buffer, the  
8 buffer may be landscaped with ornamental and native plant materials in accordance with the  
9 FCLDC and the recommendations of the A1A Scenic PRIDE Committee.

10  
11 A minimum of ten percent (10%) of native vegetation shall be preserved  
12 on site in accordance with the Flagler County Comprehensive Plan's Coastal Management  
13 Element. Moreover, such preserved areas including, but not limited to, the recreation facilities  
14 shall remain unfenced to promote wildlife corridors on the barrier island. The native vegetation  
15 preservation area will be located within a dedicated tract along the westernmost portion of the  
16 Property where the most mature hardwood trees on the Property exist. Exclusive easements shall  
17 be granted to the lots immediately adjoining the preservation area to allow use and access to the  
18 Intracoastal and to provide accessibility to any privately owned docks that may be constructed  
19 subject to approval by the U.S. Army Corps of Engineers and any other applicable agencies.

20  
21 Efforts to preserve and enhance the Property design will be achieved  
22 through adjustments of building, parking, roadway and stormwater location (as outlined below)  
23 and through supplemental landscaping that will blend with the natural look yet carefully  
24 accentuate the residential areas, entrances, and other common spaces.

General landscaping around roadways, entrances, and other common areas will be landscaped with ornamental and native plant materials in accordance with the FCLDC. These areas will be landscaped to include pockets of preserved index trees, enhanced street frontage landscaping, garden courtyards, foundation, and other types of landscaping to reflect outdoor spaces and to blend with the natural vegetation. All ornamental landscape beds and lawn areas will have supplemental irrigation. Flexibility of this Conceptual Site Plan allows for further refinement of site development, landscaping, and preservation of existing vegetation. Waterwise landscaping will be used where feasible.

Each lot owner shall replace forty percent (40%) of the total caliper inches of all index trees removed during construction of the single-family residence provided that any tree within the footprint of the proposed residences shall not be included in this calculation. Specimen oak trees shall be deemed as any tree that is a minimum of eighteen inches (18") in diameter at breast height (D.B.H.). As part of this tree preservation calculation, each residential lot owner shall plant an oak tree adjacent to the right of way on each lot as a condition of certificate of occupancy for each residence constructed.

(e) Signage. The Scenic Cove development may be identified by either one double-faced or two single-faced entrance signs to be located at the Property entrance. A single sign can be located within the private road right-of-way with a 20 foot setback from the western right-of-way of State Road A1A. Such signs may be lighted (with lighting directed away from traffic), and shall be a maximum of six feet in height, with a message area no greater than 50 square feet in size as measured on any single face. Signage lighting will comply with FCLDC regulations related to marine sea turtle lighting. Directional, identification, and information signs for recreation and other amenities will be provided throughout the development, providing

1 that none of these signs exceed six square feet in size, including advertising and/or for sale signs.  
2 All signage will be consistent and uniform in design. All signs will comply with the setbacks  
3 and sight clearance requirements of the FCLDC. To benefit the community, the development  
4 shall also include a historical marker approved by the County memorializing the Old Coast  
5 Guard Road unique to the barrier island.

6 (f) Site Development Requirements. The dimensional requirements within  
7 The Scenic Cove will be as set forth in the table at Section 5.3 below.

8 (g) Entry Features. A single entrance/exit roadway to the development shall  
9 be constructed from State Road A1A in the approximate location as shown on the Site Plan. The  
10 Developer reserves the right to construct secured entry gates. Vehicular access shall be designed  
11 to accommodate emergency vehicle and school bus access pursuant to dimensional requirements  
12 defined by application of the FCLDC and Section 4.2(c) of this Agreement.

13 (h) Roads, Streets and Alleys. The Property is being developed with a privately  
14 maintained road without recourse to Flagler County. The Association will have a plan in place  
15 for debris removal following disasters.

16 (i) Recreation. A recreation facility including a single boardwalk,  
17 kayak/canoe launch, and viewing platform with water service and low-level lighting will be  
18 constructed on the Property connecting the Residential Use areas of the Property to the  
19 Intracoastal Waterway. The terminal viewing platform will be a minimum of 200 square feet in  
20 size and will include fixed seating. The seating area will be covered, or have the ability to be  
21 covered by a shade structure, umbrella, or similar feature which may be removed in inclement  
22 weather. A minimum of twenty five percent (25%) of the Property will be open space, including  
23 active and passive recreation, owned Intracoastal frontage, buffer areas, native vegetation  
24  
25

1 preservation areas, common areas, stormwater ponds and wetlands. The stormwater ponds  
2 identified on the Conceptual Site Plan shall be developed as a passive recreation amenity and  
3 shall include walking paths (mulch or shell) and park benches or a picnic table. To support  
4 beach access for residents within the Property, the Developer shall dedicate a pedestrian ingress  
5 and egress easement to the Association for beach access with the actual location to be  
6 determined as part of the review of the Preliminary Plat.

7  
8 (j) Pedestrian Access. As provided above, five foot wide concrete sidewalks will  
9 be constructed on both sides of the internal roadway and cul-de-sac to provide access between  
10 residential structures and amenities, and for access and passive recreation needs.

11 (k) Lighting. Decorative pole-mounted lighting fixtures no more than 14 feet in  
12 height – with the lamp head shielded and aimed downward – shall be provided throughout the  
13 Property. Additional landscape lighting may include low-level lighting and accent lighting. The  
14 locations of such fixtures shall be further described at the time of PUD Site Development Plan  
15 approval. All lighting shall be consistent with governmental requirements intending to limit its  
16 impacts on the environment and habitat.

17 (l) Utilities. Potable water service will be provided by the City of Palm Coast  
18 Utilities. A common sanitary sewer system will be constructed, including a sewer lift station.  
19 Sewer will be pumped from the lift station through a force main along State Road A1A to the  
20 Matanzas Shores Wastewater Treatment Plant. The Matanzas Shores Master Association will  
21 provide sewage treatment and disposal at their facility. As reuse is not available in this area, no  
22 reuse system will be provided.

23  
24 (m) Floodplain Impacts. Any impact within the AE Flood Zone will be  
25 mitigated as required by the FCLDC and FEMA requirements. Developer will pursue a letter of

1 map revision based on fill (LOMR-F) following the completion of construction of the  
2 subdivision improvements to remove the AE Flood Zone from any residential lot or roadway  
3 areas.

4 (n) Beach Renourishment Easement. The Developer shall grant the  
5 County an easement over its property lying East of the existing dune line for beach  
6 renourishment and repair. The form of the easement shall be agreed to by the parties as a  
7 condition of Preliminary Plat approval.

8 (o) Subdivision Ingress/Egress. Due to the dimensions of the Property and  
9 its limited frontage on State Road A1A, the requirements of the FCLDC requiring two points of  
10 ingress/egress by a paved road and a secondary access for emergency services are waived.

## 12 5.0 Site Development Plan

13 5.1 Plan Overview. The Conceptual Site Plan depicts the general layout of The  
14 Scenic Cove, including the location of the roadway and development areas. All roads, utilities  
15 and stormwater structures within the Residential Use areas shall be constructed within 10 years  
16 of the effective date of this Agreement. Failure to complete construction of the infrastructure  
17 within this timeframe will result in the Property reverting to the zoning that existed prior to this  
18 rezoning to Planned Unit Development. An extension of this deadline may be granted by the  
19 Board of County Commissioners for good cause shown.

20 A complete PUD Site Development Plan for Phase I of The Scenic Cove will be  
21 submitted within 12 months from the effective date of this PUD Agreement.

22 5.2 Zoning and Future Land Use Map (FLUM) Category. The County's  
23 Comprehensive Plan currently designates the Property as Mixed Use/Low Intensity. An  
24 application to change the FLUM category to Residential: Low Density/Single Family has been  
25

approved concurrent with this PUD rezoning request. Therefore, this Agreement is consistent with the County's Comprehensive Plan.

### 5.3 Site Development Requirements.

(a) The following table lists the site development requirements that are applicable for residential lots within the Property.

**Table of Site Development Requirements**

Type	SF Detached
Minimum Width*	50 feet
Minimum Depth	110 feet
Minimum Area	6,000 s.f.
Minimum Side Yard Setback	5 feet**
Minimum Front Yard Setback	20 feet
Minimum Rear Yard Setback	15 feet**
Maximum Building Height	35 feet
Maximum Lot Coverage	45%
Maximum Impervious Coverage	70%

\* Single Family detached lots on cul-de-sacs and curves shall have a minimum 25 feet of width on the road frontage so long as the average lot width equals the minimum for the lot type.

\*\* Buildings, including eaves, cannot encroach into any platted easement.

(b) Any structure shall have a minimum finished floor elevation of one foot above the Base Flood Elevation (as shown on the Flood Insurance Rate Maps for Flagler County) or one foot above the center line of the adjoining street, whichever is higher, including residential accessory structures. Nothing contained herein shall replace or supplant a requirement of the National Flood Insurance Program including, but not limited to, any requirement for the installation of flood vents, dry floodproofing, or wet floodproofing, as applicable.



1 (c) All setbacks as stated above will be measured from the lot line unless  
2 stated otherwise in this Agreement and will apply to principal structures but will not apply to  
3 sidewalks, driveways, patios, and similar non-vertical elements.

4 (d) Accessory structures such as swimming pools, pool decks, screen  
5 enclosures, spas, and hot tubs shall be located in side or rear yards. The rear setbacks for  
6 accessory structures shall be five feet, except 10 feet where the rear lot line abuts another  
7 residential lot.

8 (e) Air conditioning pads, generators, pool pumps, and fuel tanks may be  
9 allowed in the side yard setback, but not within any easement. A minimum separation of 15 feet  
10 shall be required for any of the above if located on an adjacent lot.

11 (f) No portion of any principal or accessory structure shall be located within  
12 any easement.

13 5.4 Emergency Services. Fire protection requirements for the Property will be met  
14 through a system of fire hydrants installed on the Property by the Developer in accordance with  
15 County standards. The locations of fire hydrants will be shown on the construction drawings  
16 accompanying the Preliminary Plat. The water requirements for the fire system will be served by  
17 the City of Palm Coast.

18 5.5 Parking. A minimum of two parking spaces per unit will be provided within  
19 driveways for single family residences with minimum space dimensions of eight feet wide by 20  
20 feet deep for each vehicle. On street parking will be prohibited.

21 5.6 Maintenance. The Common Areas and other land that are owned or controlled  
22 by the Association will be maintained by the Association without recourse to Flagler County.

1           5.7    Services. All services for the Property, including utilities, fire protection, solid  
2 waste, telephone, electricity, cable television, fiber optics, and stormwater management shall be  
3 provided by the responsible parties. All new utilities serving the project shall be installed  
4 underground.

5           5.8    Common Architectural Theme. The residential units will be required to adhere to  
6 a common architectural theme as required in the Association documents.

7  
8                               *SIGNATURES OMITTED TO NEXT PAGE.*  
9  
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**FLAGLER COUNTY BOARD OF  
COUNTY COMMISSIONERS**

By: \_\_\_\_\_  
Joseph F. Mullins, Chairman

Signed this \_\_\_\_ day of \_\_\_\_\_, 2022

ATTEST:

By: \_\_\_\_\_  
Tom Bexley, Clerk

DRAFT

OWNER'S/APPLICANT'S CONSENT AND COVENANT:

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

Owners

Dated \_\_\_\_\_, 2022

By: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2022 by \_\_\_\_\_, as \_\_\_\_\_ of \_\_\_\_\_, who is personally known to me or has produced a driver's license as identification.

\_\_\_\_\_  
Notary Public  
My commission expires:

(SEAL)

Exhibit "A"

Lot 11 of the Resubdivision of Tracts 13-20 and 26, Dupont Estate Subdivision (Plat Book 3, Page 17), as recorded in Plat Book 3, Page 28, of the Public Records of Flagler County, Florida. Less and except any part of Lot 11 lying within the right-of-way of State Road A1A (a/k/a North Oceanshore Boulevard).

## SITE DATA

**SITE ADDRESS**  
FLAGLER COUNTY, FL

**TAX PARCEL I.D. NO.**  
37-10-31-1550-00000-0111  
37-10-31-1550-00000-0110

**SITE AREA**  
TOTAL SITE AREA = 814,274 SF = 18.70 AC

### NATIVE VEGETATION PRESERVATION:

**REQUIRED:**  
10% OF TOTAL SITE AREA = 81,427 SF = 1.87 AC

**PROVIDED:**  
10% OF TOTAL SITE AREA = 81,807 SF = 1.88 AC

### OPEN SPACE:

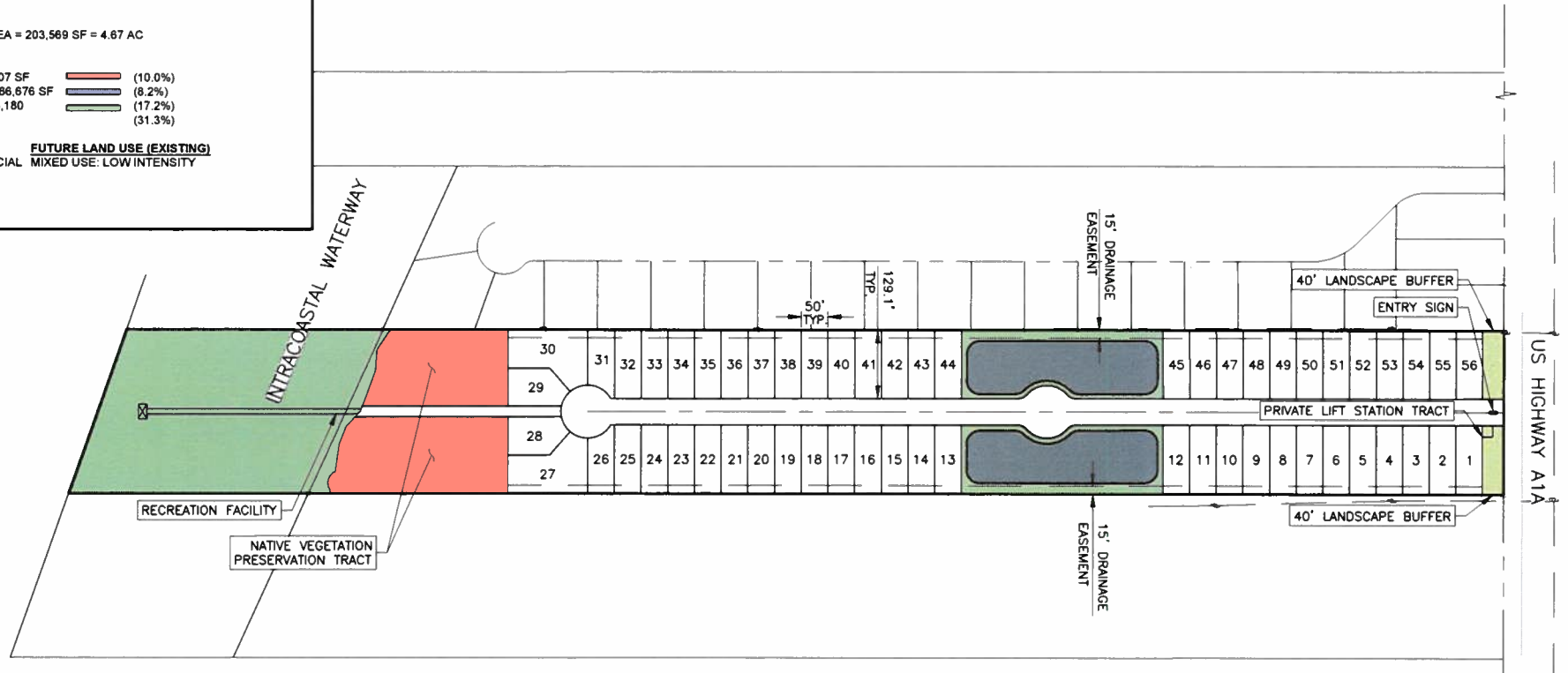
**REQUIRED:**  
25% OF TOTAL SITE AREA = 203,569 SF = 4.67 AC

**PROVIDED:**  
NATIVE VEGETATION: 81,807 SF (10.0%)  
STORMWATER PONDS: 66,676 SF (8.2%)  
MISC. OPEN SPACE: 106,180 (17.2%)  
TOTAL: 254,663 SF (31.3%)

**ZONING (EXISTING)** **FUTURE LAND USE (EXISTING)**  
RESIDENTIAL/COMMERCIAL MIXED USE: LOW INTENSITY

**LOT BREAKDOWN**  
50' X 120' = 56 LOTS

## CONCEPTUAL SITE PLAN EXHIBIT "B"



**SCENIC COVE SUBDIVISION**  
FLAGLER COUNTY, FL

PROJECT MANAGER: CMW  
DRAWN BY: AVO  
DATE: 2022-10-12

0 100 200  
1 inch = 200 ft.



**ALLIANT**





# APPLICATION FOR REZONING

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


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

<b>PROPERTY OWNER(S)</b>	Name(s):	Samuel Thomas Hatcher & Betty G. Hatcher Trustee	
	Mailing Address:	1509 SW 16th Street	
	City: Boynton Bch.	State: FL	Zip: 33426
	Telephone Number		

<b>APPLICANT/ AGENT</b>	Name(s):	Kenneth W. Belshe on behalf of Sunbelt Acquisitions, LLC		
	Mailing Address:	P.O. Box 353460		
	City: Palm Coast	State: FL	Zip: 32137	
	Telephone Number	386-986-2411	Fax Number	
	Email Address	kenbelshe@yahoo.com		

<b>SUBJECT PROPERTY</b>	SITE LOCATION (street address):	7032 N. Oceanshore Blvd., Palm Coast, FL 32137		
	LEGAL DESCRIPTION: (briefly describe, do not use "see attached")	Southern 1/2 of Lot 11 DuPont Estate Subdivision, Plat Book 3, Page 28		
	Parcel # (tax ID #):	37-10-31-1550-00000-0110		
	Parcel Size:	9.45 Ac.		
	Subject to A1A Scenic Corridor IDO?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

<b>ZONING</b>	PRESENT Zoning Classification:	RC
	Present Future Land Use Designation:	Mixed Use:Low Intensity
	PROPOSED ZONING CLASSIFICATION	R1-D

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

6/29/2022  
Date

## PLANNING BOARD RECOMMENDATION/ACTION:

**\*\*OFFICIAL USE ONLY\*\***  
APPROVED WITH CONDITIONS  
APPROVED  
DENIED

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

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

## BOARD OF COUNTY COMMISSIONERS ACTION:

APPROVED WITH CONDITIONS  
APPROVED  
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. 05/08



# APPLICATION FOR REZONING

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

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

<b>PROPERTY OWNER(S)</b>	Name(s):	Hunjan, LLC		
	Mailing Address:	145 City Place, Suite 301		
	City: Palm Coast	State: FL	Zip: 32164	
	Telephone Number	386-445-8900		

<b>APPLICANT/ AGENT</b>	Name(s):	Kenneth W. Belshe on behalf of Sunbelt Acquisitions, LLC		
	Mailing Address:	P.O. Box 353460		
	City: Palm Coast	State: FL	Zip: 32137	
	Telephone Number	386-986-2411	Fax Number	
	Email Address	kenbelshe@yahoo.com		

<b>SUBJECT PROPERTY</b>	SITE LOCATION (street address):	7032 N. Oceanshore Blvd., Palm Coast, FL 32137		
	LEGAL DESCRIPTION: (briefly describe, do not use "see attached")	Northern 1/2 of Lot 11 DuPont Estate Subdivision, Plat Book 3, Page 28		
	Parcel # (tax ID #):	37-10-31-1550-00000-0111		
	Parcel Size:	9.24 Ac.		
	Subject to A1A Scenic Corridor IDO?	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	

<b>ZONING</b>	PRESENT Zoning Classification:	RC
	Present Future Land Use Designation:	Mixed Use:Low Intensity
	PROPOSED ZONING CLASSIFICATION	R1-D

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

Date

6/24/2022

**\*\*OFFICIAL USE ONLY\*\***  
PLANNING BOARD RECOMMENDATION/ACTION:

APPROVED {  
\*APPROVED WITH CONDITIONS {  
DENIED {

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

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

BOARD OF COUNTY COMMISSIONERS 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. 05/08

**Clint Smith Consulting, LLC  
Project Management and Development Services  
8 Cadillac Place  
Palm Coast, FL 32137**

July 1, 2022

Mr. Adam Mengel  
Flagler County Planning & Zoning  
1769 E. Moody Blvd.  
Building 2, Suite 105  
Bunnell, FL 32110

Re: Rezoning Application

Dear Mr. Mengel,

Attached is a Rezoning Application for two properties located along North A-1-A just south of Marineland. The properties involved are parcels 37-10-31-1550-00000-0110 and 37-10-31-1550-00000-0111. The current zoning designation for both properties is RC. The requested zoning for both is R1-D. An application for a Future Land Use Map Amendment for the property was recently submitted. The existing FLUM designation is Mixed Use:Low Intensity and the requested FLUM designation is Residential:Medium Density.

Parcel 37-10-31-1550-00000-0110 is currently owned by Samuel and Betty Hatcher Trustees, 1509 SW 16<sup>th</sup> Street, Boynton Beach, Florida 33426. The parcel is made up of property located both East and West of A-1-A. The total parcel area is approximately 9.70 acres.

Parcel 37-10-31-1550-00000-0111 is currently owned by Hunjan LLC, 145 City Place, Suite 301, Palm Coast, FL 32164. The parcel is made up of property located both East and West of A-1-A. The total parcel area is approximately 9.90 acres.

Both properties are currently under contract with Sunbelt Acquisitions, LLC, 3129 Springbank Lane, Charlotte, NC 28226. Letters of Authorization designating Kenneth Belshe as Applicant/Agent are included from both owners.

The application for rezoning applies to only the portions of the parcels located West of A-1-A. The area East of A-1-A will remain under RC designation. The total area covered by this application requesting rezoning to R1-D is 18.69 acres.

The following information is included in this application:

- Completed Application for Rezoning
- Application Fee
- Location Map
- Letters of Authorization allowing Kenneth Belshe to sign as Agent

- Copy of Warranty Deeds (both parcels)
- Boundary Survey
- Map with Existing Zoning Designations
- List of Abutting Property Owners

Please let me know if you have any questions regarding the application. You can reach me at (386) 931-4496 or [clintfsmith@aol.com](mailto:clintfsmith@aol.com).

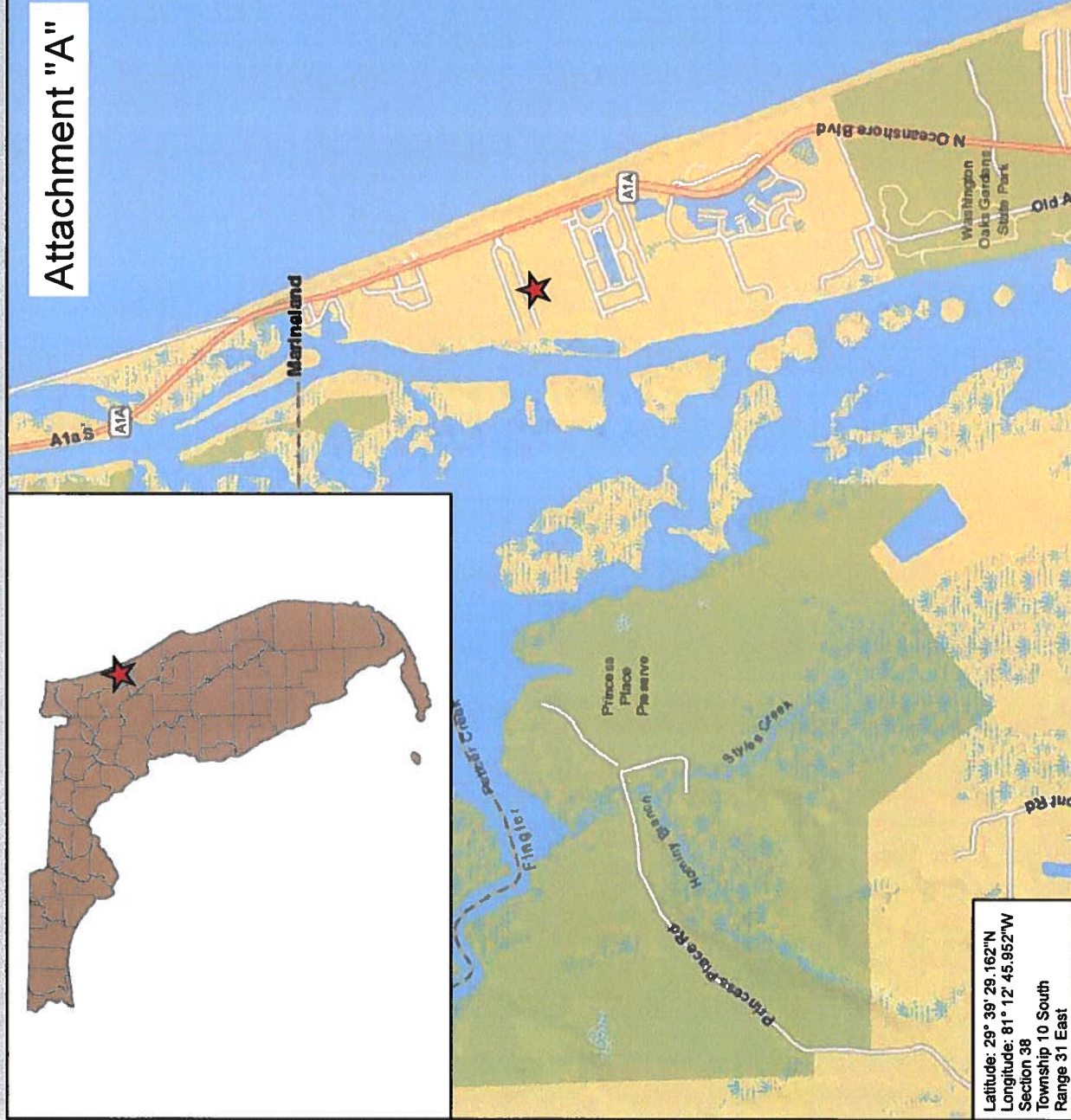
A handwritten signature in black ink, appearing to read 'Clinton F. Smith', written over a horizontal line.

Clinton F. Smith

CC: Ken Belshe  
Curt Wimpee



# Attachment "A"



## Location Map Sunbelt Marineland Property Flagler County, Florida



WWW.ATLANTICECO.COM  
 904-347-9133 | jody@atlanticeco.com  
 201 Basque Rd | St. Augustine, FL 32080

Image Source: ESRI 2020  
 Date: 10-29-21





## Owner's Authorization for Applicant/Agent

FLAGLER COUNTY, FLORIDA

1769 E. Moody Boulevard, Suite 105

Bunnell, FL 32110

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

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

Kenneth W. Belshe is hereby authorized TO ACT ON BEHALF  
OF Hunjan, LLC, a Florida limited liability company, the owner(s) of those lands described  
within the attached application, and as described in the attached deed or other such  
proof of ownership as may be required, in applying to Flagler County, Florida for an  
application for Future Land Use Map Amendment.

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

By: \_\_\_\_\_

Signature of Owner

LINDA SJOMAN / MANAGER

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

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

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

Address of Owner:

Telephone Number (incl. area code)

145 CITY PLACE, SUITE 301

386.445.8900

Mailing Address

PALM COAST FLORIDA

32164

City

State

Zip

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

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

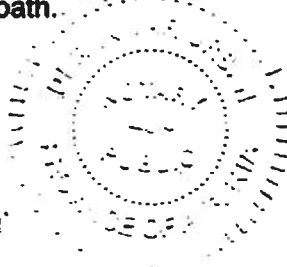
The foregoing was acknowledged before me this 25 day of May,  
2022 by LINDA SJOMAN and \_\_\_\_\_  
who is/are personally known to me or who has produced PASSPORT  
as identification, and who (did) ~~(did not)~~ take an oath.

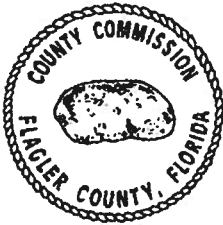
Notary Public

In and for the Province of Alberta, Canada

Derek Y. Urban

Barrister & Solicitor (Law Society of Alberta, non practicing)





## Owner's Authorization for Applicant/Agent

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

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

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

Kenneth W. Belshe, is hereby authorized TO ACT ON BEHALF  
OF Samuel Thomas Hatcher and Betty G. Hatcher, Trustees, the owner(s) of those lands described  
within the attached application, and as described in the attached deed or other such  
proof of ownership as may be required, in applying to Flagler County, Florida for an  
application for Future Land Use Map Amendment.

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

By:

Samuel Thomas Hatcher  
Signature of Owner

Samuel Thomas Hatcher  
Printed Name of Owner / Title (if owner is corporation or partnership)

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

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

Address of Owner:

Telephone Number (incl. area code)

1909 SW 16th ST  
Mailing Address

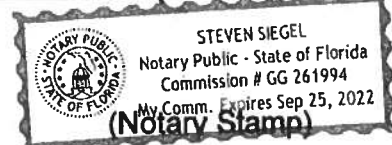
352-871-0165

Boynton Beach, FL 33426  
City State Zip

STATE OF Florida  
COUNTY OF Palm Beach

The foregoing was acknowledged before me this 27<sup>th</sup> day of May,  
2022 by Samuel Thomas Hatcher and \_\_\_\_\_  
who is/are personally known to me or who has produced Florida Drivers License  
as identification, and who (did) (did not) take an oath.

Steven Siegel  
Signature of Notary Public



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

Revised 5/08



35.50  
JTD

Prepared By and Return To:  
Carl L. Johnson, Esq.  
LAW OFFICE OF CARL L. JOHNSON  
4421 N.W. 39th Ave.  
Bldg. 1, Suite 2  
Gainesville, FL 32606

Tax Parcel No. 37-10-31-1550-00000-0110

**WARRANTY DEED**  
**With Trust Powers**

THIS WARRANTY DEED, made and executed this 11<sup>th</sup> day of SEPTEMBER, 2021, by THOMAS HATCHER also known as SAMUEL THOMAS HATCHER, a married man conveying non-homestead property, whose post address is 1509 S.W. 16<sup>th</sup> Street, Boynton Beach, FL 33426, hereinafter called the Grantor, to SAMUEL THOMAS HATCHER AND BETTY G. HATCHER, as Trustees of the Hatcher Family Revocable Trust Dated September 17<sup>th</sup>, 2019, a Restatement of both the Samuel Thomas Hatcher Family Trust Dated March 5, 2001 and the Betty G. Hatcher Family Trust Dated March 5, 2001, and any amendments thereto, whose post office address is: 1509 S.W. 16<sup>th</sup> Street, Boynton Beach, FL 33426, hereinafter called the Grantee:

**W I T N E S S E T H:**

That the Grantor, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars and other good and valuable consideration in hand paid, receipt of which is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land situate in Flagler County, Florida, viz:

LEGAL DESCRIPTION AS SHOWN ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Subject to all covenants, conditions and restrictions of record.

TO HAVE AND TO HOLD the property in fee simple with the appurtenances upon the trust and for the purposes set forth in this Deed and in the trust agreement and Declaration of Trust.

Full power and authority is granted by this Deed to Trustee or his ~~successors~~ to deal in or with said property or any interest therein or any part thereof, to protect, conserve, sell, lease, encumber or otherwise to manage and dispose of the real estate or any part of it.

In no case shall any party dealing with the Trustee in relation to the real estate or to whom the real estate or any part of it shall be conveyed, contracted to be sold, leased or mortgaged by Trustee, be obliged to see to the application of any purchase money, rent or money borrowed or advanced on the premises, or be obliged to see that the terms of this trust have been complied with, or be obliged to inquire into the necessity or expediency of any act of the Trustee, or be obliged or privileged to inquire into any of the terms of the trust agreement or Declaration of Trust or the identification or status of any named or unnamed beneficiaries, or their heirs or assigns to whom the trustee may be accountable; and every deed, trust deed, mortgage, lease or other instrument executed by Trustee in relation to the real estate shall be conclusive evidence in favor of every person relying upon or claiming under any such conveyance, lease or other

instrument (a) that at the time of its delivery the trust created by this Indenture and by the trust agreement and Declaration of Trust was in full force and effect, (b) that the conveyance or other instrument was executed in accordance with the trusts, conditions and limitations contained in this Indenture and in the trust agreement and Declaration of Trust and is binding upon all beneficiaries under those instruments, (c) that Trustee was duly authorized and empowered to execute and deliver every such deed, trust deed, lease, mortgage or other instrument and (d) if the conveyance is made to a successor or successors in trust, that the successor or successors in trust have been appointed properly and vested fully with all the title, estate, rights, powers, duties and obligations of the predecessor in trust.

Any contract, obligation or indebtedness incurred or entered into by the Trustee in connection with the real estate may be entered into by him in the name of the then beneficiaries under the trust agreement and Declaration of Trust, as their attorney in fact, by this Deed irrevocably appointed for the purpose, or, at the election of Trustee, in his own name as Trustee of an express trust and not individually and Trustee shall have no obligation whatsoever with respect to any such contract, obligation or indebtedness except only as far as the trust property and funds in the actual possession of Trustee shall be applicable for his payment and discharge, and all persons and corporations whomsoever and whatsoever shall be charged with notice of this condition from the date of the filing for record of this Deed.

The interest of each beneficiary under this Deed and under the Trust Agreement and Declaration of Trust referred to previously and of all persons claiming under them or any of them shall be only in the earnings, avails and proceeds arising from the sale or other disposition of the real estate, and that interest is declared to be personal property, and no beneficiary under this Deed shall have any title or interest, legal or equitable, in or to the real estate as such but only as interest in the earnings, avails and proceeds from that real estate as aforesaid.

And the Grantor by this Deed fully warrants the title to the above-described real estate and will defend the title against the lawful claims or all persons whomsoever. "Grantor", "Grantee", "Trustee" and "Beneficiary" are used for singular or plural, as context requires.

IN WITNESS WHEREOF, the Grantor aforesaid has set his hand and seal this 11<sup>th</sup> day of SEPTEMBER, A.D., 2021.

Signed, sealed and delivered  
in the presence of:

Witness

JOEL HATCHER  
Printed Name

Witness

THOMAS SKRANON  
Printed Name

X Thomas Hatcher  
THOMAS HATCHER

STATE OF FLORIDA  
COUNTY OF PALM BEACH

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, THOMAS HATCHER, a married man conveying non-homestead property, to me known to be the person(s) described in and who executed the foregoing instrument, who acknowledged before me by means of (X) physical presence or ( ) online notarization that he executed the same, and that he is personally known to me or has produced FL Drivers License as identification.

Witness my hand and official seal in the County and State last aforesaid this 11 day of September, 2021.



TAISHASHIPMAN  
Commission # HH 149825  
Expires July 7, 2025  
Bonded Thru Budget Notary Services

  
Notary Public

My Commission Expires: 07-07-2025

**EXHIBIT A**

**THE SOUTH ONE HALF OF THE FOLLOWING DESCRIBED PARCEL:**

**PARCEL 1:** The North 150 feet of Lot 26, of Resubdivision of Tracts 13/20 and 26, DuPONT ESTATES SUBDIVISION, recorded in Plat Book 3, Page 17, Flagler County, Florida, as shown on plat of said Resubdivision recorded in Plat Book 3, page 28, public records of Flagler County, Florida, excepting from the above-described property 10 feet on the West side deeded to the State of Florida for highway purposes.

And

**THE SOUTH ONE HALF OF THE FOLLOWING DESCRIBED PARCEL:**

**PARCEL 2:** Being a part of Lots 13 and 26 of the DuPONT ESTATES SUBDIVISION according to plat recorded in Plat Book 3 at page 17 of the public records of Flagler County, Florida, and more particularly described as follows: Beginning at the Northeasterly corner of said Lot 13 as a point of reference and running thence South 20 deg. 28' 30" East, along the Westerly boundary of the 80 foot right-of-way of State Road No. 140, a distance of 927.60 feet to the point of beginning of this description; thence South 69 deg. 31' 30" West, and parallel to the Northerly boundary of the said Lot 13, a distance of 2591.49 feet, to an intersection with the Easterly boundary of the 500 foot right of- way of the Florida Intracoastal Waterway; thence South 1 deg. 12' 13" East, along the said right-of- way boundary, a distance of 327.55 feet; thence North 69 deg. 31' 30" East a distance of 2699.59 feet, to an intersection with the Westerly boundary of State Road No. 140; thence North 20 deg. 28' 30" West along the said right-of-way boundary, a distance of 309.20 feet, to the point of beginning of this description.

PREPARED BY AND RETURN TO:  
MICHAEL D. CHIUMENTO III, Esquire  
**CHIUMENTO LAW, PLLC**  
145 City Place, Suite 301  
Palm Coast, Florida 32164  
Attn: Caroline McNeil

Property Appraisers Parcel  
Identification Numbers  
37-10-31-1550-00000-0111;

**PREPARED WITHOUT BENEFIT OF TITLE EXAMINATION**

**"NOTE TO RECORDING CLERK:**

**This deed conveys unencumbered property for nominal consideration from the Grantor to Grantee, its sole owners/members and is, therefore, exempt from Florida documentary stamp taxes pursuant to Crescent Miami Center, LLC v. Florida Department of Revenue, 903 So2d 913 (Fla. 2005)"**

**WARRANTY DEED**

**THIS INDENTURE**, Made this 5 day of November, 2021, **T. KAUR HUNJAN**, whose post office address is c/o 14232 Carrs Landing Road, Lake Country, British Columbia, Canada V4V1A7, hereinafter called the Grantor, to **HUNJAN, LLC, a Florida limited liability company**, whose post office address is 145 City Place, Suite 301, Palm Coast, FL 32164, hereinafter called the Grantee:

**WITNESSETH**, That said Grantor, for and in consideration of the sum of \$10.00 and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the grantee, all that certain land situate in FLAGLER County, Florida, to-wit:

See attached Exhibit "A"

Grantor warrants that at the time of this conveyance this was not his homestead property.

TOGETHER with all the tenements, hereditament and appurtenances thereto belonging or in anywise appertaining.

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

SUBJECT TO taxes for the year 2021 and subsequent years; Assessments or Owner Association, Covenants, Restrictions, Easements, Reservations and Limitations of Record, if any.


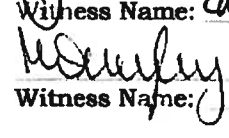
AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that Grantor has good right and lawful




authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2021.

**IN WITNESS WHEREOF**, the Grantor has signed sealed these presents the day and year first above written.

Signed, sealed and delivered in  
the presence of:

  
Witness Name: Curtis L.C. Darmohray  
  
Witness Name: Megan Wigley

  
Linda Fay Sjoman, as attorney-in-fact for  
T. Kaur Hunjan, Grantor

Province of British Columbia, Canada  
City of Kelowna

The foregoing instrument was acknowledged before me by ☒ means of physical presence or ☐ online notarization this 5 day of November, 2021 by Linda Fay Sjoman, as attorney-in-fact for T. Kaur Hunjan. She ☒ is personally known to me or ☐ has produced a driver's license as identification.

  
[Notary Seal]

Notary Public

Printed Name: CURTIS L. DARMOHRAY  
Barrister, Solicitor & Notary Public  
Pushor Mitchell LLP  
My Commission  
Expires: N/A #301 - 1665 Ellis Street  
Kelowna, British Columbia, Canada, V1Y 2B3  
Phone: (250) 869-1125



**EXHIBIT "A"**

**Parcel 1:**

**The North One-Half of the following described parcel:**

**The North 150 feet of Lot 26, of Resubdivision of Tracts 13-20 and 26, DuPont Estates Subdivision, recorded in Plat Book 3, Page 17, Flagler County, Florida, as shown on plat of said Resubdivision recorded in Plat Book 3, Page 28, Public records of Flagler County, Florida, excepting from the above described property 10 feet on the West side deed to the State of Florida for highway purposes.**

**Parcel 2:**

**The North One-Half of the following described parcel:**

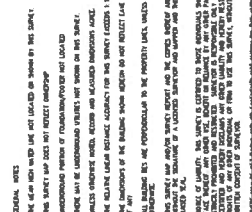
**Being a part of Lots 13 and 26 of the DuPont Estates Subdivision according to plat recorded in Plat Book 3 at Page 17 of the Public records of Flagler County, Florida, and more particularly described as follows:**

**Beginning at the Northeasterly corner of the said Lot 13 as a point of reference and running thence South 20° 28' 30" East, along the Westerly boundary of the 80 foot right-of-way of State Road No. 140, a distance of 927.60 feet to the point of beginning of this description; thence South 69° 31' 30" West, and parallel to the Northerly boundary of the said Lot 13, a distance of 2591.49 feet, to an intersection with the Easterly boundary of the 500 foot right-of-way of the Florida Intracoastal Waterway; thence South 1° 12' 13" East, along the said right-of-way boundary, a distance of 327.55 feet; thence North 69° 31' 30" East, a distance of 2699.59 feet, to an intersection with the Westerly boundary of State Road No. 140; thence North 20° 28' 30" West along the said right-of-way boundary, a distance of 309.20 feet, to the point of beginning of this description.**

the North One-Half of the following described parcel.



Case	Age	Sex	Onset	Course	Outcome	Ref.
1	12	M	1968	Progressive	Death	1
2	15	F	1969	Progressive	Death	2
3	18	M	1970	Progressive	Death	3
4	20	F	1971	Progressive	Death	4
5	22	M	1972	Progressive	Death	5
6	25	F	1973	Progressive	Death	6
7	28	M	1974	Progressive	Death	7
8	30	F	1975	Progressive	Death	8
9	32	M	1976	Progressive	Death	9
10	35	F	1977	Progressive	Death	10
11	38	M	1978	Progressive	Death	11
12	40	F	1979	Progressive	Death	12
13	42	M	1980	Progressive	Death	13
14	45	F	1981	Progressive	Death	14
15	48	M	1982	Progressive	Death	15
16	50	F	1983	Progressive	Death	16
17	52	M	1984	Progressive	Death	17
18	55	F	1985	Progressive	Death	18
19	58	M	1986	Progressive	Death	19
20	60	F	1987	Progressive	Death	20
21	62	M	1988	Progressive	Death	21
22	65	F	1989	Progressive	Death	22
23	68	M	1990	Progressive	Death	23
24	70	F	1991	Progressive	Death	24
25	72	M	1992	Progressive	Death	25
26	75	F	1993	Progressive	Death	26
27	78	M	1994	Progressive	Death	27
28	80	F	1995	Progressive	Death	28
29	82	M	1996	Progressive	Death	29
30	85	F	1997	Progressive	Death	30
31	88	M	1998	Progressive	Death	31
32	90	F	1999	Progressive	Death	32
33	92	M	2000	Progressive	Death	33
34	95	F	2001	Progressive	Death	34
35	98	M	2002	Progressive	Death	35
36	100	F	2003	Progressive	Death	36
37	102	M	2004	Progressive	Death	37
38	105	F	2005	Progressive	Death	38
39	108	M	2006	Progressive	Death	39
40	110	F	2007	Progressive	Death	40
41	112	M	2008	Progressive	Death	41
42	115	F	2009	Progressive	Death	42
43	118	M	2010	Progressive	Death	43
44	120	F	2011	Progressive	Death	44
45	122	M	2012	Progressive	Death	45
46	125	F	2013	Progressive	Death	46
47	128	M	2014	Progressive	Death	47
48	130	F	2015	Progressive	Death	48
49	132	M	2016	Progressive	Death	49
50	135	F	2017	Progressive	Death	50
51	138	M	2018	Progressive	Death	51
52	140	F	2019	Progressive	Death	52
53	142	M	2020	Progressive	Death	53
54	145	F	2021	Progressive	Death	54
55	148	M	2022	Progressive	Death	55
56	150	F	2023	Progressive	Death	56
57	152	M	2024	Progressive	Death	57
58	155	F	2025	Progressive	Death	58
59	158	M	2026	Progressive	Death	59
60	160	F	2027	Progressive	Death	60
61	162	M	2028	Progressive	Death	61
62	165	F	2029	Progressive	Death	62
63	168	M	2030	Progressive	Death	63
64	170	F	2031	Progressive	Death	64
65	172	M	2032	Progressive		

[illegible]

ABBREVIATION	DEFINITION
AC	AC CONTAINER
BP	BLOOD PRESSURE
BR	BREAST
CB	CHINA BANGS
CF	CONFIDENTIAL
CG	CHINA GUN
CM	CHINA MAN
CP	CHINA PAPER
CR	CHINA RICE
CS	CHINA SUE
DC	DEATH CERTIFICATE
DE	DEATH
DM	DEATH MARCH
DP	DEATH PAPER
DR	DEATH RICE
DS	DEATH SUE
DT	DEATH TUBE
DU	DEATH URE
EV	EVIL
FA	FATHER
FB	FATHER BROTHER
FC	FATHER COUNTRY
FD	FATHER DEATH
FE	FATHER EYE
FF	FATHER FATHER
FG	FATHER GUN
FH	FATHER HAND
FI	FATHER IN
FJ	FATHER JUNE
FK	FATHER KID
FL	FATHER LATE
FM	FATHER MARCH
FN	FATHER NINE
FO	FATHER ONE
FP	FATHER PAPER
FQ	FATHER QUEEN
FR	FATHER RICE
FS	FATHER SUE
FT	FATHER TUBE
FU	FATHER URE
FV	FATHER VINE
FW	FATHER WINE
FX	FATHER X
FY	FATHER Y
FZ	FATHER Z
GA	GARMENT
GB	GARMENT BROTHER
GC	GARMENT COUNTRY
GD	GARMENT DEATH
GE	GARMENT EYE
GF	GARMENT FATHER
GG	GARMENT GUN
GH	GARMENT HAND
GI	GARMENT IN
GJ	GARMENT JUNE
GK	GARMENT KID
GL	GARMENT LATE
GM	GARMENT MARCH
GN	GARMENT NINE
GO	GARMENT ONE
GP	GARMENT PAPER
GQ	GARMENT QUEEN
GR	GARMENT RICE
GS	GARMENT SUE
GT	GARMENT TUBE
GU	GARMENT URE
GV	GARMENT VINE
GW	GARMENT WINE
GX	GARMENT X
GY	GARMENT Y
GZ	GARMENT Z
HA	HAND
HB	HAND BROTHER
HC	HAND COUNTRY
HD	HAND DEATH
HE	HAND EYE
HF	HAND FATHER
HG	HAND GUN
HH	HAND HAND
HI	HAND IN
HJ	HAND JUNE
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HR	HAND RICE
HS	HAND SUE
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HU	HAND URE
HV	HAND VINE
HW	HAND WINE
HX	HAND X
HY	HAND Y
HZ	HAND Z
IA	IN
IB	IN BROTHER
IC	IN COUNTRY
ID	IN DEATH
IE	IN EYE
IF	IN FATHER
IG	IN GUN
IH	IN HAND
II	IN IN
IJ	IN JUNE
IK	IN KID
IL	IN LATE
IM	IN MARCH
IN	IN NINE
IO	IN ONE
IP	IN PAPER
IQ	IN QUEEN
IR	IN RICE
IS	IN SUE
IT	IN TUBE
IU	IN URE
IV	IN VINE
IW	IN WINE
IX	IN X
IY	IN Y
IZ	IN Z
JA	JACK
JB	JACK BROTHER
JC	JACK COUNTRY
JD	JACK DEATH
JE	JACK EYE
JF	JACK FATHER
JG	JACK GUN
JH	JACK HAND
JI	JACK IN
JJ	JACK JUNE
JK	JACK KID
JL	JACK LATE
JM	JACK MARCH
JN	JACK NINE
JO	JACK ONE
JP	JACK PAPER
JQ	JACK QUEEN
JR	JACK RICE
JS	JACK SUE
JT	JACK TUBE
JU	JACK URE
JV	JACK VINE
JW	JACK WINE
JX	JACK X
JY	JACK Y
JZ	JACK Z
KA	KID
KB	KID BROTHER
KC	KID COUNTRY
KD	KID DEATH
KE	KID EYE
KF	KID FATHER
KG	KID GUN
KH	KID HAND
KI	KID IN
KJ	KID JUNE
KK	KID KID
KL	KID LATE
KM	KID MARCH
KN	KID NINE
KO	KID ONE
KP	KID PAPER
KQ	KID QUEEN
KR	KID RICE
KS	KID SUE
KT	KID TUBE
KU	KID URE
KV	KID VINE
KW	KID WINE
KX	KID X
KY	KID Y
KZ	KID Z
LA	LATE
LB	LATE BROT

B. H. AND ASSOCIATES

**PROFESSIONAL LAND SURVEYORS** L.B. #7800 21 Utility Drive Suite 21 B Palm Coast, Florida 32130 PHONE (904) 631-5484 EMAIL [charwatt@comcast.net](mailto:charwatt@comcast.net)

[illegible]

BY CERTIFYING THAT THE SIGNATURE OF PLACER FOR LAND SURVEYS IS ACCURATE, YOU ARE CERTIFYING THAT THE PLACER FOR LAND SURVEYS IS ACCURATE.

13-0718

4617

Paul T. Frank

to MARCH 08, 2022

**People's Wage Fund Committee** invites People's Wage Fund members to meet at 6:00 p.m. on Tuesday, May 19, 1987, at the People's Wage Fund office, 1000 Broadway, New York, NY 10003.

Q. Now, SA-1000, did you see the man who was shot?

DATE "C" & "Q" (S) AN INVESTIGATION FROM THE FIELD OFFICE OF THE FBI, CONDUCTED BY SA [REDACTED] ON 10/17/74.

BOX NO: DATA PARTS COLLECTED  
 (USA) IN FILE  
 MAPS (SHEET NO) 00000000

DATE OF SALE \_\_\_\_\_  
 TIME OF SALE \_\_\_\_\_  
 PLACE OF SALE \_\_\_\_\_

**FLAGLER COUNTY**  
**TECHNICAL REVIEW COMMITTEE COMMENTS**

**MEETING DATE: 9 / 21 / 2022**

**REZONING FROM R/C (RESIDENTIAL/COMMERCIAL) DISTRICT TO PUD (PLANNED  
UNIT DEVELOPMENT) DISTRICT**

**APPLICANT: KENNETH W. BELSHE ON BEHALF OF SUNBELT ACQUISITIONS, LLC**  
**OWNER: SAMUEL THOMAS AND BETTY G. HATCHER AND HUNJAN, LLC**

Distribution date: September 19, 2022

Project #: 2022070012 / AR #3436

Application #: 3321

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: BUILDING DEPARTMENT**

1. No comments at this time

**REVIEWING DEPARTMENT: COUNTY ATTORNEY**

1. We were advised that Mr. Belshe committed to revising the plans for this development at the Scenic A1A Committee meeting, specifically that there would be a beach access provided and that the ponds would be made into amenities by having walking trails around them and perhaps benches. (We also renew the request that an easement be granted to the County for beach renourishment.) This helps the applicant meet the burden to rezone. Without beefed up amenities, one is left asking, what makes this a PUD. With beach access and increased amenities, it's a lot easier to show that the application meets the purpose of a PUD zoning. Along the same lines, the dock/fishing pier depicted on the plans is rather feeble considering this is the access for residents to the development's open space. As depicted on the site plan, the dock does not appear adequate for 56 families. The exact make up of the dock/open space amenity is up to the applicant, but it needs to pass the straight face test. The PUD Agreement will need to specify these details. Also the beach access and pond amenities should be stated in the PUD Agreement.
2. Will there be sidewalks? With the configuration of the development being along a single road and the amenities at opposite ends of the road, a sidewalk would increase safety and accessibility.
3. These comments are intended to assist the applicant to meet the burden necessary to rezone the property. The applicant has the burden; it is not an automatic right of property owners. Here is the purpose of PUD zoning, quoted from the County Land Development Code, Section 3.03.20.A, which should guide the decision making in whether the burden has been met: "The purpose and intent of the planned unit development (PUD) is to provide an opportunity for innovative urban design techniques, improved use of land, protection of valuable natural features in the community, desirable land use mix, open space, and more economical public services. The purpose of this provision is to encourage the unified development of large tracts of land using more creative and flexible concepts in site planning than would otherwise be possible through the strict application of minimum and maximum requirements of conventional land use districts established in this article."

**REVIEWING DEPARTMENT: DEVELOPMENT ENGINEERING**

1. Previous comments will be addressed as responded to in the letter from the Developer:
2. The site lies within the AE and X flood zones. Prior to the approval of the plat, the process for removing the parcel from the AE flood zone will need to be completed.
3. The site will need to meet all the requirements from FAC for surface water quality and quantity standards.
4. The proposed site zoning should consider the assurance that the site provides sufficient open space / recreational facilities as well as safe passage from the west side

to the east for access to the beach.

5. Upon submittal of the plat and construction documents, the County will require will serve letters from both Utilities serving the site.

Additional Comments:

6. There is no approval of any traffic, driveway or turn lane configuration based on the traffic study that was provided.

**REVIEWING DEPARTMENT: E-911 STAFF**

1. Comments pending.

**REVIEWING DEPARTMENT: ENVIRONMENTAL HEALTH DEPT**

1. No comments.

**REVIEWING DEPARTMENT: FIRE INSPECTOR**

1. No comments.

**REVIEWING DEPARTMENT: PLANNING DEPARTMENT**

1. In the PUD Development Agreement, at Section 3.1(a), the Site Plan referred to here should be the Conceptual Site Plan.
2. In the PUD Development Agreement, at Section 3.1(b), the Final Site Plan should be described as the PUD Site Development Plan. References in the subsection to Site Plan should be changed to Conceptual Site Plan.
3. In the Development Agreement, at Section 3.1(c), the Technical Review Committee does not approve any PUD Site Development Plan. This subsection should refer to “as a condition of PUD Site Development Plan approval by the Board of County Commissioners.”
4. In the Development Agreement, at Sections 4.1 and 4.2, the references to Section should be changed to PUD Development Agreement.
5. In the Development Agreement, at Subsection 4.2(a), the conservation easement may coincide with the ERP instead of being subsequent to its issuance: review and change as needed.
6. In the Development Agreement, at Subsection 4.2(a), the sentence “Protected wetlands shall not be included within development lots, tracts or parcels” is repeated.
7. In the Development Agreement, at Subsection 4.2(a), no portion of a wetland and its adjacent upland buffer should be within any lot boundary. All wetlands and adjacent upland buffers should be within tracts dedicated for conservation purposes. If, through the District’s ERP permitting conditions and requirements, a conservation easement is needed, then the easement shall be wholly located within the limits of the conservation tract.
8. In the Development Agreement, at Subsection 4.2(b), the second sentence does not require the use of commas to distinguish the source of stormwater runoff. The series of the means of conveyance – grassed swales, curb gutters, and/or an underground drainage pipe system – should be separated by commas.
9. In the Development Agreement, at Subsection 4.2(c), should acknowledge the need for a waiver by the Board of County Commissioners of both the paved secondary access requirement (LDC Sec. 4.06.02.A.4) and the requirement for a secondary means of

- emergency ingress and egress (LDC Sec. 4.06.02.M).
10. In the Development Agreement, at Subsection 4.2(d), in the sentence “If suitable, the buffer shall consist of native vegetation” the words “If suitable” should be deleted.
  11. In the Development Agreement, at Subsection 4.2(d), the sentence “All reasonable efforts shall be made to preserve existing native trees and vegetation on site” should be changed to read as “All reasonable efforts shall be made to preserve existing index trees and native vegetation on site.”
  12. In the Development Agreement, at Subsection 4.2(d), in the second sentence of the last paragraph, the reference to “preserved trees” should refer to “preserved index trees.”
  13. In the Development Agreement, at Subsection 4.2(d), delete “where feasible” in the reference to the use of waterwise landscaping.
  14. In the Development Agreement, at Subsection 4.2(e), the reference to lighting for any signage must also reference that lighting will be in compliance with LDC regulations related to marine sea turtle lighting.
  15. In the Development Agreement, at Subsection 4.2(e), please specify that entrance signs will be located within common area tracts or easements dedicated for signage. As for directional, identity, and information signs, please set the maximum height at no greater than six feet. Please delete the neighborhood identity signs sentence.
  16. In the Development Agreement, at Subsection 4.2(g), please refer to the Conceptual Site Plan.
  17. In the Development Agreement, at Subsection 4.2(i), please add an additional description of the water-based amenity on the Intracoastal: include a minimum square footage, a stated area under roof, etc.
  18. In the Development Agreement, at Subsection 4.2(j), please include a statement regarding beach access.
  19. In the Development Agreement, at Subsection 4.2(k), this subsection should reference that all lighting will be compliant with the LDC marine sea turtle lighting requirements. Reference to the site development plan in this subsection should be changed to the PUD Site Development Plan.
  20. In the Development Agreement, at Subsection 4.2(m), should be changed to state that the developer will pursue a letter of map amendment for fill (LOMA-F) following construction so as to take areas within Zone AE (the Special Flood Hazard Area) out of these requirements.
  21. In the Development Agreement, at Section 5.1, the reference to the Site Plan should be the Conceptual Site Plan. The reference to the Site Plan in the second sentence in this section should be changed to PUD Development Agreement.
  22. In the Development Agreement, at Section 5.1, in the second paragraph, the reference to site development plan should be changed to PUD Site Development Plan.
  23. In the Development Agreement, at Section 5.2, should be changed to reflect the requested land use amendment category. If Low Density/Single Family is correct, then no change is needed.
  24. In the Development Agreement, at Subsection 5.3(a), setting the minimum side yard at zero is problematic. What is the goal? Attached units?
  25. In the Development Agreement, at Subsection 5.3(a), the notes about average roof height and maximum lot coverage are not necessary since these are standard definitions of each from the LDC.
  26. In the Development Agreement, at Subsection 5.3(e), please change Narrative to PUD



Development Agreement.

27. In the Development Agreement, at Subsection 5.3(f), the minimum side setback is not clear due to the zero side setback and the 15 foot minimum stated in the note. Please clarify what the minimum side setback is for an accessory structure. And please unbold the text of this subsection, and also for subsection 5.3(g).
28. In the Development Agreement, at Section 5.4, in the second sentence, please change final site plans to PUD Site Development Plan.
29. In the Development Agreement, at Section 5.5, please state that the minimum off-street parking space dimensions are 8 feet by 20 feet for each space. In addition, please state in this section that on-street parking will be prohibited.
30. Forward-looking comment: If the intent is for the western-most lots – Lots 27 through 30 – to include a conservation easement along their West portions, it would be preferred by the County that in lieu of the easement that the rear of these lots be placed in an open space/conservation tract. This area needs to be preserved in perpetuity as set-aside open space: including the area in the lots will encourage maintenance and eventual reduction of the native vegetation through periodic maintenance by the adjacent homeowner.
31. Forward-looking comment: A mail kiosk will be needed. This should be placed within a common area tract convenient to the majority of lots.
32. Forward-looking comment: A Transportation Impact Analysis consistent with the River to Sea Transportation Planning Organization guidelines (<https://www.r2ctpo.org/wp-content/uploads/Transportation-Impact-Analysis-Guidelines-Methodology-adopted-6-22-161.pdf>) will be required at the time of PUD Site Development Plan submittal.
33. Forward-looking comment: An index tree survey will be required as part of the PUD Site Development Plan submittal for the portion of the project identified as Live Oak habitat (427) and consisting of 7.80+/- acres as identified on the Habitat Map prepared by Atlantic Ecological Services (see LDC Sec. 3.04.03.B.9).
34. Forward-looking comment: All common area tracts will need to include a statement on the plat that the ownership and maintenance will be through the association, its successors and assigns, without recourse to Flagler County.

**Clint Smith Consulting, LLC  
Project Management and Development Services  
8 Cadillac Place  
Palm Coast, FL 32137**

September 19, 2022

Mr. Adam Mengel  
Flagler County Planning & Zoning  
1769 E. Moody Blvd.  
Building 2, Suite 105  
Bunnell, FL 32110

Re: Amended Rezoning Application

Dear Mr. Mengel,

On August 8, 2022 an amended application for rezoning was submitted for two properties located along North A1A just south of Marineland. The properties involved are parcels 37-10-31-1550-00000-0110 and 37-10-31-1550-00000-0111. The amended application requested a rezoning from the existing RC category to PUD. An application requesting a change to the FLUM category was also previously submitted. The requested FLUM category is Residential: Low Density /Single Family.

Parcel 37-10-31-1550-00000-0110 is currently owned by Samuel and Betty Hatcher Trustees, 1509 SW 16<sup>th</sup> Street, Boynton Beach, Florida 33426. The parcel is made up of property located both East and West of A-1-A. The total parcel area is approximately 9.70 acres.

Parcel 37-10-31-1550-00000-0111 is currently owned by Hunjan LLC, 145 City Place, Suite 301, Palm Coast, FL 32164. The parcel is made up of property located both East and West of A-1-A. The total parcel area is approximately 9.90 acres.

The proposed PUD applies to only the portions of the parcels located West of A1A. The area East of A1A will remain under RC designation. The total area covered by this application requesting rezoning to PUD is 18.69 acres. Both properties are currently under contract with Sunbelt Acquisitions, LLC, 3129 Springbank Lane, Charlotte, NC 28226 (Sunbelt).

Representatives of Sunbelt met with the A-1-A Scenic Corridor Committee on August 26, 2022. In accordance with the discussions at that meeting and discussions with County Staff, several revisions have been made to the PUD agreement. The following provisions have been included in the agreement:

1. Developer will dedicate a pedestrian ingress/egress easement for Public access to the beach and a repair and renourishment easement to the County on the portions of the parcels located east of State Road A-1-A.

2. A minimum of 25% open space will be provided on the property. Open space will consist of the native vegetation preservation area, State Road A-1-A buffer, stormwater area and owned Intracoastal Waterway frontage.
3. A Native Vegetation Preservation Area will be created consisting of a minimum of 10% of the project area.
4. Each lot owner shall be required to replace at least 40% of the total caliper inches of specimen oaks removed on the lot with oak shade trees. An oak shade tree (minimum 4") shall be planted along the lot frontage as a street tree.
5. A 40 foot wide buffer will be preserved along the State Road A-1-A right-of-way.
6. The stormwater treatment area will include a passive recreation amenity to include a picnic table and other facilities at the discretion of the Developer.
7. Sidewalks (5' wide) shall be constructed on both sides of the road right-of-way. These are to be constructed during construction of each individual home site.
8. Developer shall install a historical marker (approved by the County) along the Public beach access easement memorializing the Old Coast Guard Road.
9. Developer shall construct a recreational facility at the Intracoastal Waterway frontage as shown on the Site Plan including a boardwalk and platform. A canoe/kayak launch will be provided as well as low level lighting and potable water service.

The draft PUD agreement and Site Plan are included for your review.

Please let me know if you have any questions regarding the agreement. You can reach me at (386) 931-4496 or [clintfsmith@aol.com](mailto:clintfsmith@aol.com).

A handwritten signature in blue ink, appearing to read 'Clinton F. Smith', written over a horizontal line.

Clinton F. Smith

CC: Ken Belshe  
Michael Chiumento  
Curt Wimpee



## Scenic A1A PRIDE

*Promoting Rational Integration of Development & Environment*

September 1, 2022

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

**RE: Scenic Cove Land Use and Zoning Change Review - Projects #2022060040 and 2022070012**

Dear Mr Mengel,

Scenic A1A PRIDE reviewed the applications for Future Land Use change and Zoning change for the proposed Scenic Cove Development at our August 26, 2022 meeting. We have attached our site review report. Our review included the conceptual site plan, but the draft development agreement was not yet available. Our focus was mainly on tree preservation, archaeological artifacts, wildlife corridors, and traffic. We had concerns that the open space is mainly the ICW and ponds and the Native Vegetation area will be private property. Mr. Belshe stated that he would like the Scenic Cove entrance to be a model for future developments and committed to return with a plan for us to review.

Mr. Belshe committed that every effort will be made to honor the following commitments.

- Provide a kiosk with Old Coast Guard Road historical information near the beach access.
- Conduct an Archaeological Study since this area is rich with artifacts. There will be a collective effort to locate additional funding for this study.
- State that wildlife corridors will be provided in the native vegetation area and around the stormwater ponds (not blocked by walls or fences) in perpetuity.
- Provide a recreational/picnic area near the ponds.
- Work with Scenic A1A PRIDE on the entryway and what the landscape buffer will look like.
- Notice to lot buyers that they must preserve or replace 40% of tree caliper.
- Specify Oak "street trees" requirement as one per home. 25' setbacks allow for this.
- Sidewalks will be designed and engineered and built when the homes are constructed.

**Scenic A1A PRIDE supports the Scenic Cove application for FLUM amendment and PUD Zoning Change with the above-mentioned commitments.**

Sincerely,

A handwritten signature in blue ink, appearing to read "Dennis Clark".

Dennis Clark, Chair  
Scenic A1A PRIDE ([ScenicA1A@gmail.com](mailto:ScenicA1A@gmail.com))  
5784 N. Oceanshore Blvd, Palm Coast, FL 32137

c.c. Gina Lemon ([glemon@flaglercounty.gov](mailto:glemon@flaglercounty.gov)), Ken Belshe ([kenbelshe@yahoo.com](mailto:kenbelshe@yahoo.com)), Clint Smit ([Clint@ClintSmithConsulting.com](mailto:Clint@ClintSmithConsulting.com)), Scenic A1A PRIDE Board of Directors



## Scenic Cove Development Overview

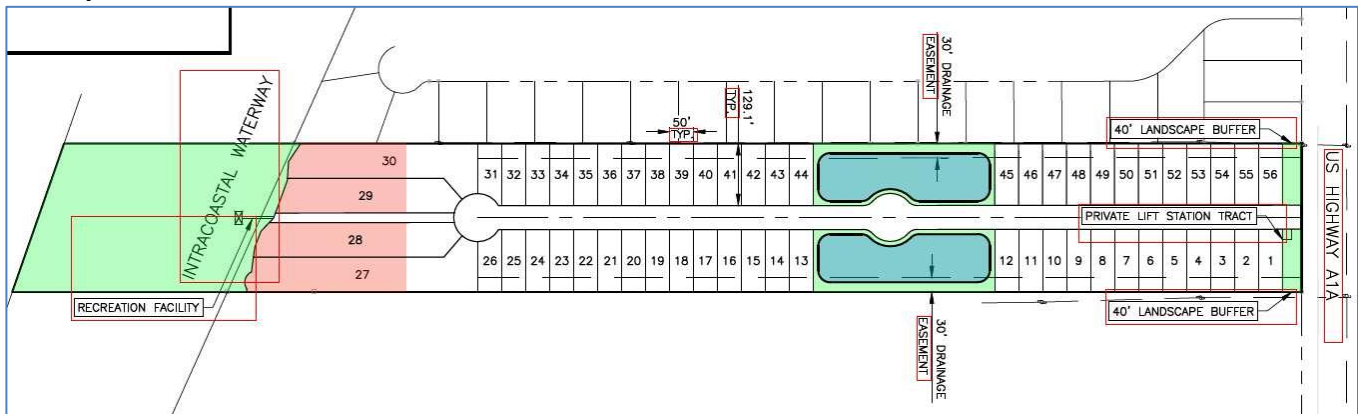
- This report is a summary of the Technical Review Committee 7/20/22 and 8/17/22 reviews of the Scenic Cove development. The backup documentation is available at <https://www.flaglercounty.gov/home/showpublisheddocument/7499/637959231037470000>.
- The main site includes two parcels totaling **18.69 acres** in Dupont Estates, north of Beach Haven and south of Maritime Estates. Two parcels on the east of A1A are not included in the application except for specifying the beach access.
- Applying for:
  - **Future Land Use change** from Mixed Use: Low Intensity to Residential: Low Density/Single Family designation, allowing up to 3 units/acre.  $18.69 \text{ acres} / 3 = 56$  dwelling units. Dwelling units were **reduced from the proposed 71 to 56 units** due to “areas of natural vegetation” (Comp Plan details below).
  - **Zoning Change from R/C to PUD** to allow for road, stormwater, recreation, and infrastructure planning. The PUD document will address the preservation of native vegetation, open space, and recreation requirements.
  - The PUD development agreement details are currently being worked out with Asst County Attorney Sean Moylan to be approved with the FLUM and zoning changes.
  - The application goes next to the Planning Board on October 11 and then the Board of County Commissioners for a single reading.
  - The Site Plan and Platting applications will be submitted concurrently for approval at a later date, also requiring TRC, PDB, and BoCC approvals.
- Beach and ICW access
  - Beach access will be provided by a parcel on the east side of A1A and an easement will be dedicated to Flagler County for beach restoration and maintenance.
  - It is unlikely that FDOT would allow any special crosswalk considerations due to low traffic count and good visibility.
  - Intracoastal access will be provided with a common pier. A kayak launch may also be provided.
- **Water** will be provided by Palm Coast. **Sewer** by Matanzas Shores Water Treatment Plant.
- The **traffic study** shows 528 trips per day. No turn lanes are required on A1A.
- A Phase I **Environmental Site Assessment** was completed by Atlantic Ecological Services and shows no contamination on site. Soil types and vegetation areas are specified.
- An **archaeological study** is likely to be conducted. It is not apparent that there are any specific criteria mandating this study although middens or other artifacts are likely to be found in this area.
- **Endangered or threatened species** were not noted in the Eco Report. Only a few gopher tortoise burrows were found. It was suggested that there might be Eagle or Osprey nests. A bobcat family lives in River-To-Sea Preserve.

## Tree Preservation

- The required 10% preservation of native vegetation will be in on the west side.
- Index Tree preservation of 40% is calculated on a lot-by-lot basis. Therefore, no master tree count for the development is required.
- Each single family lot must preserve or provide at least one (1) tree per three thousand (3,000) square feet of lot area for the first quarter acre of lot area per LDC 5.01.04 (3). Planted trees must be shade trees.

- Roads and Infrastructure creation are exempt from tree preservation calculations.

### Conceptual Site Plan



- Secondary emergency access** is not provided. Therefore, a waiver is required.
- The stated **50' lot widths** and approximate depth of 125' would yield 1/7 acre lots. Lots in Maritime Estates to the north are 100' wide.
- A **40' Landscape buffer on A1A** and **open space** on ICW side are shown, as well as open space at cul-de-sac and around the retention ponds. Open space for a PUD must be 25%.
- The western preserved area may act as a **wildlife corridor** although none is required by code.
- Recreation:** The common pier area will have possible amenities for fishing, kayaks, canoes and viewing the ICW. There will not be any boat docking

### Comprehensive Plan Specifics:

- Policy E.1.1.2:** Within the Coastal Management Area, development in **areas of native vegetation** will be limited to low intensity/mixed use or **low density residential**.
  - "Areas of native vegetation" are defined by dictionary. A more accurate definition may be as follows from El Dorado County, California:
 

"An assemblage of plants in a specific place or region that has adapted to environmental and biological conditions. Native vegetation is typically dominated by native plant species but may include non-native plants or naturalized plants biological conditions. Native vegetation is typically dominated by native plant species but may include non-native plants or naturalized plants."
- Policy E.3.2.4:** Properties between designated scenic roads and wetlands or open water shall be zoned the lowest intensity allowed for their respective Future Land Use categories.

### References

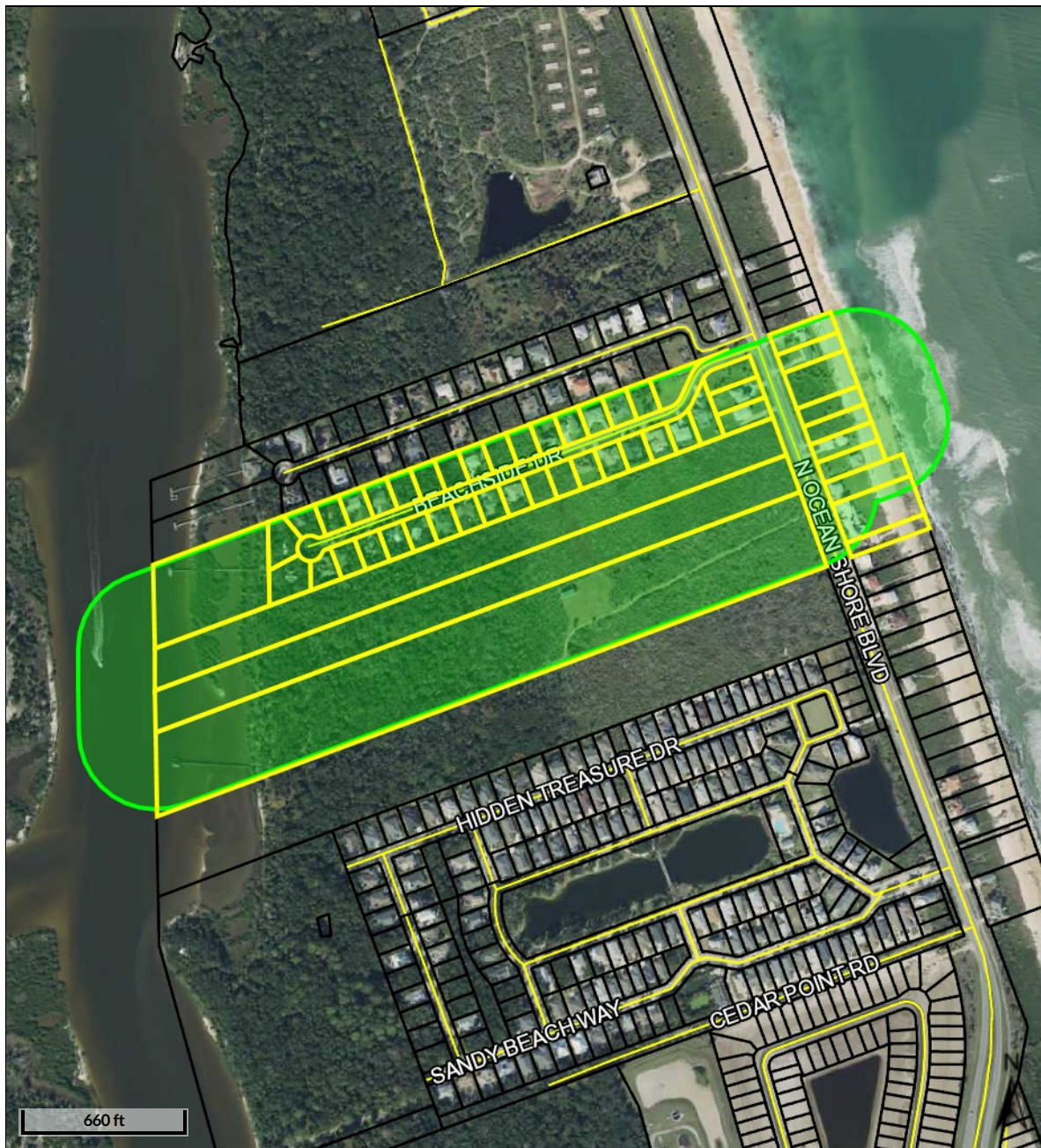
- Planned Unit Development (PUD) requirements are defined in the [Land Development Code 3.04](#)
- Current zoning requirements for the parcel as Residential/Limited Commercial (R/C), including minimum lot sizes, are defined in [section 3.03.13](#)
- Resource Protection Standards are defined in LDC section [Article VI](#)
- The current A1A Site Review Protocol Document is [HERE](#)
- From the [2013 Northeast Florida Region Evacuation Study](#), EXECUTIVE SUMMARY (p22)
  - The **Coastal High Hazard Area (CHHA)** In 2006, the Florida Legislature passed a bill changing the definition of the Coastal High Hazard Area (CHHA) from the evacuation zone to the "area defined by the SLOSH model to be inundated from a category one hurricane."



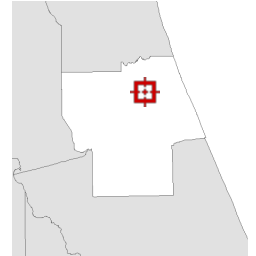
# Flagler County, FL Property Appraisers Office

App #3321

Rezoning to PUD



## Overview



## Legend

- Parcels
- Roads
- Streams and River

Date created: 9/22/2022  
Last Data Uploaded: 9/22/2022 8:09:56 AM

Developed by Schneider  
GEOSPATIAL



Application #3321  
Rezoning to PUD

ParcelId	OwnerName	OwnerAddress1	OwnerAddress2	OwnerCityStZip
37-10-31-1550-00000-0110	HATCHER SAMUEL THOMAS	& BETTY G TRUSTEES	1509 S W 16TH STREET	BOYNTON BEACH, FL 33426
37-10-31-1550-00000-0111	HUNJAN LLC		145 CITY PLACE SUITE 301	PALM COAST, FL 32164
37-10-31-1550-00000-0261	LYNCH VALERIA TRUSTEE		9710 SE 175TH STREET	SUMMERFIELD, FL 34491
37-10-31-1550-00000-0262	CAUSEY GEORGE F JR & DANA K	CAUSEY H&W	160 FORTY LOVE PT	CHAPIN, SC 29036
37-10-31-1550-00000-0263	REYNOLDS FRANK ALLEN	TRUSTEE	11649 PILOT COUNTRY DR	SPRING HILL, FL 34610
37-10-31-1550-00000-0270	DEW DOUGLAS K & ERICA M H&W		7023 N OCEANSHORE BLVD	PALM COAST, FL 32137
37-10-31-1550-00000-0271	DEW HELEN LOIUSE	LIFE ESTATE	7029 N OCEANSHORE BLVD	PALM COAST, FL 32137
37-10-31-1600-00100-0000	LASTINGER REALTY INVESTMENTS	LTD	8342 A1A SOUTH	ST AUGUSTINE, FL 32080
37-10-31-4255-00010-0010	SPURRIER STEPHEN O	& JERRI H&W	3127 CW 113TH DRIVE	GAINESVILLE, FL 32608
37-10-31-4255-00010-0020	SPURRIER STEPHEN O	UF ATHLETIC DEPT	PO BOX 14485	GAINESVILLE, FL 32604
37-10-31-4255-00010-0030	WETZEL JOHN C JR & VICKIE E	H&W	7077 N OCEAN SHORE BLVD	PALM COAST, FL 32137
37-10-31-4255-00010-0040	ARNOLD JOHN R TRUSTEE		666 SEMINOLE DRIVE	WINTER PARK, FL 32789
37-10-31-4255-00020-0010	MARITIME ESTATES OWNERS	ASSOCIATION INC	P O BOX 2008	FLAGLER BEACH, FL 32136
37-10-31-4255-00020-0020	CAMPBELL ANDREW D & VELMA K	H&W	PO BOX 353271	PALM COAST, FL 32135
37-10-31-4255-00020-0030	WEAVER RONALD C &	MARY ANN WEAVER	7 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00020-0040	DOTY MARIE A &	KELLY O HODGES JTWROS	9 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00020-0050	HARLOW FREDERICK R JR &	SKYLAR M H&W	11 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00020-0060	GILL TARA HAMER &	ROBERT M GILL JR W&H	2224 NW 15TH AVE	GAINESVILLE, FL 32605
37-10-31-4255-00020-0070	GIFFORD WILLIAM GARY		176 SILVER GLEN AVE	ST AUGUSTINE, FL 32092
37-10-31-4255-00020-0080	BELUSCAK TIMOTHY J II	& TRACY LYNNE H&W	18 HIDDEN TREASURE DR	PALM COAST, FL 32137
37-10-31-4255-00020-0090	CHITWOOD HELEN J	TRUSTEE	22 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00020-0100	ALLEN AMANDA & DALTON BAKER	W&H	190 STONE ARBOR LANE	ST AUGUSTINE, FL 32086
37-10-31-4255-00020-0110	PETERSON GARY & VERONICA	MYERS-PETERSON	23 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00030-0010	STEPHENS BROOKS L & SHANNA S	STEPHENS	11 ULMACEA PLACE	PALM COAST, FL 32137
37-10-31-4255-00030-0020	GARTNER ROBERT H JR & BRENDA S	H&W	2523 SE 28TH LANE	OCALA, FL 34471
37-10-31-4255-00030-0030	HIGGINS PATRICK DANIEL & CATHY	LYN HIGGINS H&W	29 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00030-0040	MOODY DOYLE B SR &	MARIANNE T H&W	31 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00030-0050	EDWARDS GORDON RANDY &	PATRICIA A H&W	33 BEACHSIDE DR	PALM COAST, FL 32137
37-10-31-4255-00030-0060	YOUNG BAXTER CRAVEN	LIFE ESTATE	35 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00030-0070	ALLIGOOD JAMES P &	BATTELLE BARBARA ANNE	36 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00030-0080	LUMBARD MARIANNE GARDINER		6087 GAME FARM ROAD E	MOUND, MN 55364
37-10-31-4255-00030-0090	PHELPS JEFFREY S & THERESE	SPARHAWK JTWROS	32 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00030-0100	ELLIOTT JANICE MARIE		30 BEACHSIDE DR	PALM COAST, FL 32137

I hereby affirm mailed notice to each owner on 9 / 26 /2022 for the Planning and Dev Bd meeting on 10 / 11 /2022 at 6:00 pm. and BCC hearing on 10 / 17 / 2022.

  
Gina Lemon, Development Review Planner III

Application #3321  
Rezoning to PUD

37-10-31-4255-00030-0110	DUENOW DEBBY &	NICHOLAS SPADACCINI JTWROS	3505 US 1 SOUTH SUITE 1	ST AUGUSTINE, FL 32086
37-10-31-4255-00030-0120	GOEWY CAROL M	LIFE ESTATE	26 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00040-0010	MATTHEWS ROBERT F JR &	EDRIS O H&W	24 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00040-0020	BOSWORTH WARREN C &	JANIS GAYLE	22 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00040-0030	BROWN RICHARD E & PAMELA L	BROWN H&W	1443 THRASHER HILLS DR NE	DALTON, GA 30721
37-10-31-4255-00040-0040	GILLAND RICHARD L & JOAN L H&W		18 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00040-0050	GOSTYNSKI GERALD J JR & RUTH	GOSTYNSKI H&W	20 MICHELLE DRIVE	HUNLOK CREEK, PA 18621
37-10-31-4255-00040-0060	PLUMLEE DEAN K	& AMY H&W	14717 PENNSYLVANIA AVE	HAGERSTOWN, MD 21742
37-10-31-4255-00040-0070	BAITY CHARLES E &	EDITH H&W	12 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00040-0080	BAITY HARRY L &	CATHERINE E H&W	10 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00040-0090	KRIDER VERNON H LIFE ESTATE	TRUSTEES	8 BEACHSIDE DRIVE	PALM COAST, FL 32164
37-10-31-4255-00040-0100	BLACK FRANCIS C & NIKKI A	BLACK H&W	6 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00040-0110	LANE RICHARD M		4 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00040-0120	CLEATON DANIEL GREGORY &	LAUREN FOSTER CLEATON H&W	2 BEACHSIDE DRIVE	PALM COAST, FL 32137
37-10-31-4255-00040-0130	ULLRICH WILLIAM M & JAN B H&W		7062 N OCEANSHORE BLVD	PALM COAST, FL 32137
37-10-31-4255-00040-0140	SOUTHALL JAMES R JR & JANET E	H&W LIFE ESTATE	7070 N OCEAN SHORE BLVD	PALM COAST, FL 32137
37-10-31-4255-00040-0150	LEWIS JAMES B &	PATTI JO H&W	135 COLLEGE DRIVE	ORANGE PARK, FL 32065
37-10-31-4255-00040-0160	MARITIME ESTATES OWNERS	ASSOCIATION INC	P O BOX 2008	FLAGLER BEACH, FL 32136

I hereby affirm mailed notice to each owner on 9 / 26 /2022 for the Planning and Dev Bd meeting on 10 / 11 /2022 at 6:00 pm. and BCC hearing on 10 / 17 / 2022.



Gina Lemon, Development Review Planner III

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



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

September 26, 2022

HUNJAN LLC  
145 CITY PLACE SUITE 301  
PALM COAST, FL 32164

Re: Application #3321 – Rezoning from R/C (Residential/limited commercial) District to  
PUD (Planned Unit Development) District

Dear Property Owner:

As an 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 Kenneth W. Belshe, for Sunbelt Acquisitions, LLC as agent for property owner Samuel Thomas Hatcher and Betty G. Hatcher, Trustees and Hunjan, LLC for a rezoning of the property from R/C (Residential/limited commercial) District to PUD (Planned Unit Development) District parcel size of 18.69 acres, more or less being parcel numbers 37-10-31-1550-00000-0110 and 37-10-31-1550-00000-0111.

You are hereby notified that public hearings will be held as follows:

FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD – for recommendation to Board of County Commissioners on transmittal – October 11, 2022 at 6:00 p.m. in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Blvd., Building 2, Bunnell, Florida, 32110.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS – Adoption Hearing – October 17, 2022 at 5:30 p.m. in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Blvd., Building 2, Bunnell, Florida, 32110.

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

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

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

**Joe Mullins**  
**District 4**

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

You are welcome to attend both hearings and express your opinion.

Sincerely,

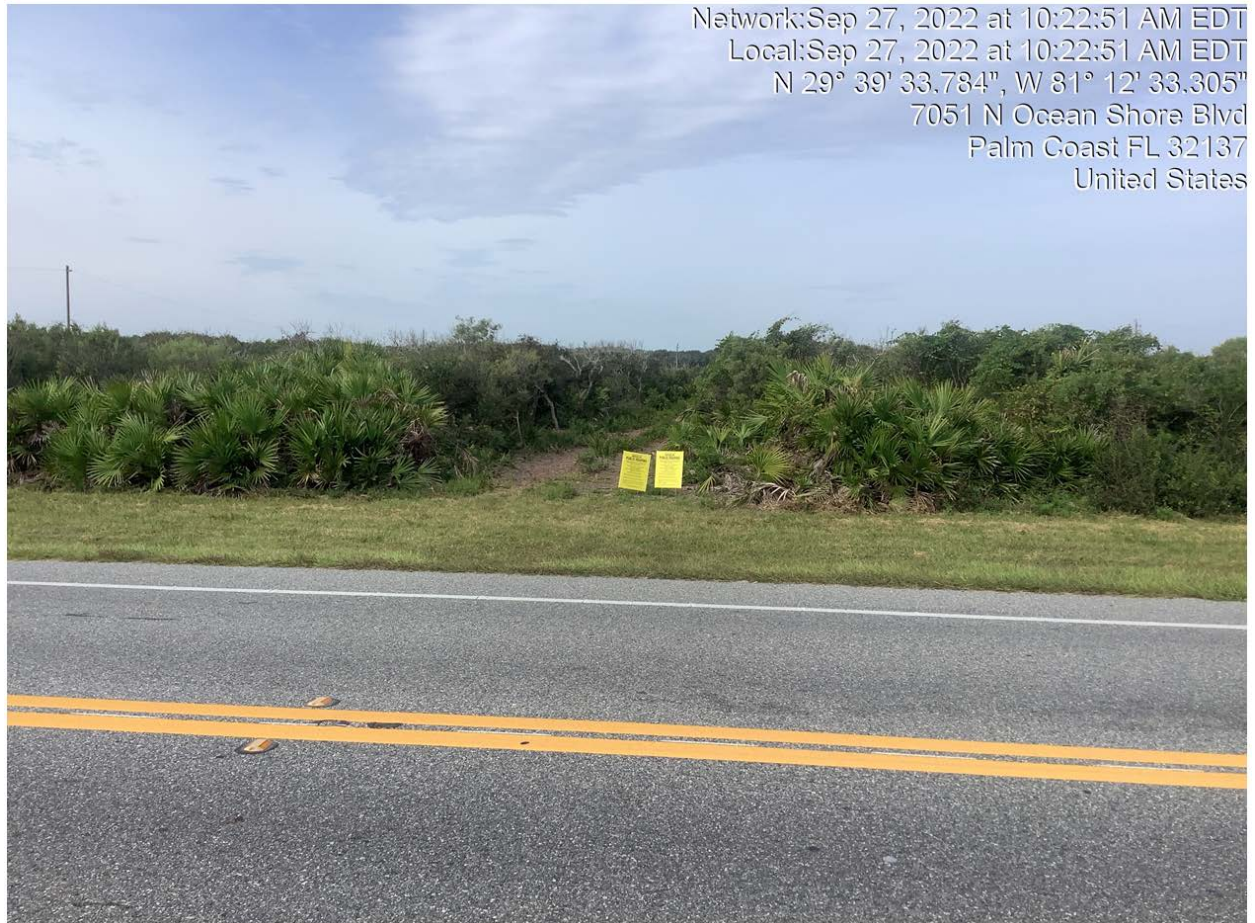
A handwritten signature in cursive script, appearing to read "Gina Lemon".

Gina Lemon  
Development Review Planner III

NOTE: PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE 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 MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.



Application #3320 and Application #3321 Sign Posting 20220927



## **Govt Public Notices**

Originally published at news-journalonline.com on 09/26/2022

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### **NOTICE OF REZONING**

#### **TO PLANNED UNIT DEVELOPMENT**

Pursuant to Section 2.07.00, Flagler County Land Development Code, and Chapter 125, Florida Statutes, the Flagler County Board of County Commissioners hereby provides notice of consideration of Application #3321 submitted by Applicant, Kenneth W. Belshe, on behalf of Sunbelt Acquisitions, LLC, for property Owners, Samuel Thomas Hatcher and Betty G. Hatcher, Trustees and Hunjan, LLC and possible adoption of an Ordinance titled similar to:

AN ORDINANCE OF THE FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS, FLAGLER COUNTY, FLORIDA, ESTABLISHING THE SCENIC COVE PLANNED UNIT DEVELOPMENT LOCATED ON PARCEL NUMBERS 37-10-31-1550-00000-0110 AND 37-10-31-1550-00000-0111; FROM R/C (RESIDENTIAL/LIMITED COMMERCIAL) DISTRICT TO PUD (PLANNED UNIT DEVELOPMENT) DISTRICT; ADOPTING A PUD DEVELOPMENT AGREEMENT; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

Public hearing on the above-captioned matter will be held as follows:

FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD – Recommendation to Board of County Commissioners on adoption – October 11, 2022 at 6:00 p.m. in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Blvd., Building 2, Bunnell, Florida, 32110.

FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS – Adoption Hearing – October 17, 2022 at 5:30 p.m. in the Flagler County Government Services Building, Board Chambers, 1769 E. Moody Blvd., Building 2, Bunnell, Florida, 32110.

All interested persons are urged to attend these public hearings and be heard. Anyone wishing to express their opinion may attend, telephone 386-313-4009 or write to: Flagler County Planning Department, 1769 E. Moody Blvd, Building 2, Bunnell, FL 32110 or email to [planningdept@flaglercounty.gov](mailto:planningdept@flaglercounty.gov). Copies of the proposal, supporting data and analysis, staff reports and other pertinent information are available for review at the Flagler County Planning & Zoning Dept., 1769 East Moody Boulevard, Bldg. 2, Bunnell, Florida 32110.

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD OF COUNTY COMMISSIONERS WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING, A RECORD OF THE PROCEEDINGS MAY BE NEEDED AND, FOR SUCH PURPOSES, THE PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH APPEAL IS TO BE BASED. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE PLANNING DEPARTMENT AT LEAST 48 HOURS PRIOR TO THE MEETING.

L#7821905 9/26/2022