



# PLANNING AND ARCHITECTURAL REVIEW BOARD MEETING AGENDA

Tuesday, September 03, 2024 at 5:30 PM

City Commission Chambers – 105 S. 2ND Street, Flagler Beach, FL 32136

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ALL MEETING ITEMS WILL BE CONTINUED UNTIL MEETING IS COMPLETE.

1. Call the meeting to order
2. Pledge of Allegiance
3. Roll Call / Determination of Quorum
4. Approval of Meeting Minutes
5. Deletions and changes to the agenda
6. Old Business - NONE
7. New Business

**a. Application OE-24-09-01** Request for Annual Outdoor Entertainment Permit - The Cajun Beach -1112 S. Ocean Shore Boulevard - Applicant - Patrick McKinney.

**b. Application PFS24-0002:** Conceptual Site Development Plan - The proposed project will consist of an expansion of the existing parking lot, construction of a new clubhouse and re-grading of the existing Ocean Palms Golf Course.

**Parcel ID No.:** 29-12-32-0000-01010-0000 & 29-12-32-0000-01010-0010

**Zoning District:** REC (Recreation) & MDR (Medium Density Residential)

**FLUM:** Golf Course & High Density

**Owner:** City of Flagler Beach (Dale Martin, City Manager)

**Applicant:** Jeff Ryan (Owner), 12 Bishop Lane, Palm Coast, FL 32137; Regina Brachna, Representative

**c. Ordinance 2024-20:** An Ordinance of the City of Flagler Beach, Florida, amending the Comprehensive Plan to add a Property Rights Element; providing for conflicts, severability, and and effective date.

**d. Application PAN24-0002:** Application for Voluntary Annexation

**Parcel ID No.:** Multiple parcels +/- 899 acres

**Zoning District:** Existing Planned Unit Development (PUD), Unincorporated Flagler County

**FLUM:** Existing Planned Unit Development (PUD), Unincorporated Flagler County

**Owner:** Palm Coast Intracoastal, LLC, Veranda Bay Investments, LLC, Highway 100 Commercial, LLC

**Applicant:** Palm Coast Intracoastal, LLC, Veranda Bay Investments, LLC, Highway 100 Commercial, LLC

**Representative:** Michael D. Chiumento III, Esq., Chiumento Law

**e. Ordinance 2024-17:** An Ordinance of the City Commission of the City of Flagler Beach, Florida, to annex property to be included within the corporate area and City Limits of the City of Flagler Beach; providing for the annexation of approximately 899.09 acres of property described in Exhibit “A” to this ordinance and lying in the areas proximate to the existing City Limits of the City of Flagler Beach, Flagler County, Florida; providing for annexation in accordance with the voluntary annexation provisions of Section 171.044, Florida Statutes; providing for annexation of real property/amendment of corporate/city limits; providing for rights and privileges resulting from annexation upon land uses; providing for effect on Ad Valorem taxes; providing for effect on businesses and occupations; providing for effect on businesses and occupations; providing for conflicts, severability and an effective date.

**f. Application PFLUMA-0001:** Application to amend the Future Land Use Map and Comprehensive Plan  
**Parcel ID No.:** Multiple parcels +/- 899 acres

**FLUM:** Existing Planned Unit Development (PUD), Unincorporated Flagler County

**Proposed FLUM:** Low Density Residential (LDR) and General Commercial (GC), City of Flagler Beach

**Owner:** Palm Coast Intracoastal, LLC, Veranda Bay Investments, LLC, Highway 100 Commercial, LLC

**Applicant:** Palm Coast Intracoastal, LLC, Veranda Bay Investments, LLC, Highway 100 Commercial, LLC

**Representative:** Michael D. Chiumento III, Esq., Chiumento Law

**g. Ordinance 2024-19:** An Ordinance of the City Commission of the City of Flagler Beach, Florida, amending the Comprehensive Plan Future Land Use Map designation for approximately 899.09 acres of certain real property; providing for severability; providing for conflicts; and providing for an effective date.

**h. Application PRZ24-0002:** Application for Master Planned Development District (MPD)

**Parcel ID No.:** Multiple parcels +/- 899 acres

**Zoning District:** Existing Planned Unit Development (PUD), Unincorporated Flagler County

**Proposed Zoning District:** Master Planned Development District (MPD), City of Flagler Beach

**Owner:** Palm Coast Intracoastal, LLC, Veranda Bay Investments, LLC, Highway 100 Commercial, LLC

**Applicant:** Palm Coast Intracoastal, LLC, Veranda Bay Investments, LLC, Highway 100 Commercial, LLC

**Representative:** Michael D. Chiumento III, Esq., Chiumento Law

**i. Ordinance 2024-18:** An Ordinance of the City Commission of the City of Flagler Beach, Florida, amending the Official Zoning Map designation for approximately 899.09 acres of certain real property; providing for severability; providing for conflicts; and providing for an effective date.

## **8. Other Business**

## **9. City Planner Report**

## **10. Board Comments**

## **11. Adjournment**

**RECORD REQUIRED TO APPEAL:** In accordance with Florida Statute 286.0105 if you should decide to appeal any decision the Commission makes about any matter at this meeting, you will need a record of the proceedings. You are responsible for providing this record. You may hire a court reporter to make a verbatim transcript. The City is not responsible for any mechanical failure of the recording equipment. In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk at (386) 517-2000 ext 233 at least 72 hours prior to the

meeting. The City Commission reserves the right to request that all written material be on file with the City Clerk when the agenda item is submitted.



## PLANNING AND ARCHITECTURAL REVIEW BOARD MEETING MINUTES

Tuesday, August 06, 2024 at 5:30 PM

City Commission Chambers – 105 S. 2ND Street, Flagler Beach, FL 32136

ALL MEETING ITEMS WILL BE CONTINUED UNTIL MEETING IS COMPLETE.

### 1. Call the meeting to order

Chairman Joseph Pozzuoli called the meeting to order at 5:30pm.

### 2. Pledge of Allegiance

Lisa Smith led the Pledge of Allegiance.

### 3. Roll Call / Determination of Quorum

Present: Chairman Joseph Pozzuoli, Vice-Chairman Marshall Shupe, Brenda Wotherspoon, Lisa Smith, Joann Soman, Scott Chappuis

Absent: Paul Chestnut

Staff Present: City Attorney Drew Smith, City Planner Lupita McClenning, City Clerk Penny Overstreet and Secretary Michele Ficocello

### 4. Approval of Meeting Minutes

#### a. July 2, 2024

City Attorney read into the record as part of statutory process, the previous meeting's voting conflict on behalf of Chairman Joseph Pozzuoli as applicant for Flagler Fish Company (form attached to minutes). Vice-Chairman Marshall Shupe motioned to approve minutes, Lisa Smith seconded. Motion passed unanimously.

### 5. New Business

#### a. Application OE-24-08-01 – 105 N. Ocean Shore Blvd, Unit E. - Annual Outdoor Entertainment Permit, Flagler Sun and Seed, Applicant Truly Gil.

Request was made to move Item 6a ahead of item 5a. Applicant was present. City Clerk presented item to the Board. Applicant is seeking to play ambient music throughout the year and occasionally acoustic guitars which may or may not be amplified. The music would be played in the outdoor area in the back of property which faces North 2nd Street. City Clerk reported Staff does not make recommendations anymore on these permits and there are fourteen (14) criteria based on the Land Development Regulations. The Applicant's business is located in the Downtown Business Overlay District and the parking requirements are different. City Attorney inquired if the notices were mailed out to surrounding property owners and if complaints were received. City Clerk advised notices were mailed and no complaints were received. Two (2) notices were returned undeliverable. Chairman Pozzuoli inquired if there were any questions from the Board. Brenda Wotherspoon stated she did visit the business location and had discussions with residents to quell any concerns. Ms. Wotherspoon further stated a little music would add to the atmosphere and wished the Applicant the best of luck. Vice-Chairman Shupe inquired about the parking. City Clerk stated the business has parking in

front of the location and on-street parking as well. Applicant Truly Gil spoke before the Board. Ms. Gil stated the permit is desired to assist with drawing in clientele. Chairman Pozzuoli inquired as to the type of business Flagler Sun & Seed is and times of operation. Ms. Gil stated they sell tropical and sub-tropical plants. Ms. Gil added the outdoor courtyard would likely fit ten (10) - fifteen (15) people. Ms. Gil explain their business hours are flexible. Chairman Pozzuoli opened public comment. No comments were received and public comment was closed. Joann Soman made a motion to approve the application. Lisa Smith seconded. Motion passed unanimously. City Clerk advised the Board this is now the time of year when Annual Outdoor Entertainment Permits are reviewed. City Clerk advised that the Finn's Restaurant & Bar has received noise complaints and warnings. Therefore Finn's will be coming back before the Board in regards to their permit. There is also another new permit application for Cajun Beach Boil on behalf of the new owner. Both will be on the agenda for September.

## 6. Old Business

- a. AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING APPENDIX A, LAND DEVELOPMENT REGULATIONS, ARTICLE II, ZONING, SECTION 2.05.06, "HEIGHT REGULATIONS," OF THE CODE OF ORDINANCES; AMENDING THE ALLOWED EXCEPTIONS TO THE THIRTY-FIVE FOOT HEIGHT LIMITATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Item 5a. was moved after Item 6a. City Attorney presented the proposed amendment to the Height Regulation Ordinance only changing the Code and not the Charter. The latest draft went before the City Commission at their last meeting for discussion. There were generally positive comments, a couple corrections in regards to mathematical errors. The goal is to define the exceptions using hard numbers, breaking down the exceptions into three (3) basic categories; architectural elements with no human occupancy (10ft. limit), mechanical elements (8ft. limit) and screening for mechanical elements (6ft. limit). A forty-five (45) degree plane is utilized as another form of measurement to all the exception categories in order to preserve the thirty-five (35) foot height limit pedestrian view. Rooftop uses were also clarified. Board discussion was opened by Chairman Pozzuoli.

Brenda Wotherspoon:

Line 61 (c) The highest allowable grade, defined as the average grade of adjacent developed lots or the minimum grade necessary to provide positive drainage. "Who in the City is responsible for ensuring this? Is it the Engineering Department?" City Attorney responded from his point of view, "yes and there is an Engineer on staff now."

Line 72 human occupancy. "How do we define this term?" City Attorney explained the previous term was "human habitation" which is more obscure. The difference is defined as a human occupying the space vs. a human living in the space.

Line 76-77 whichever is less and the cumulative area of all architectural features allowed pursuant to this exception does not exceed fifteen percent (15%) of the gross floor area of the uppermost story of the building. "Does that mean if it is a 100 sq. ft. then the projection is 15ft. max.?" Discussion ensued between City Attorney and Chairman Pozzuoli.

Line 80-84 mechanical equipment incorporated into the building including but not limited to elevator and stairwell bulkheads, water towers, gas tanks, communications equipment, and air conditioning units provided such mechanical equipment does not exceed eight (8) feet in height from the lowest point of contact of the equipment with the roof or forty-three (43) feet above the finished grade as measured. "Are proposing capping the elevator at eight (8) ft.?" City Attorney, "yes, any mechanical element at its highest point would be eight (8) ft. above roof line." Brenda Wotherspoon expressed concern over capping life safety equipment. Chairman Pozzuoli added comments regarding elevators and life safety equipment being capped at eight (8) ft. City Attorney inquired as to what a better number would be. After an in-depth discussion, the City Attorney suggested taking elevators out of

the eight (8) ft. hard cap so that it could be as tall as it needs to be along with an architectural element and capping at forty-five (45) ft. Lisa Smith suggested capping the elevators at fourteen (14) ft. Vice-Chairman Shupe agreed with Lisa Smith with Line 125 as support for the suggestion.

Line 117-118 (d) Any such area shall not be fully enclosed; provided, however, partial walls and transparent drop curtains may be used for protection from the elements. "Considering the climate we live in, why are we discounting fully enclosing?" City Attorney explained once enclosed you now have created another floor. Chairman Pozzuoli inquired how this relates to handicap accessibility? City Attorney stated this is specifically addressing the roof top bar scenario.

Brenda Wotherspoon referred to the information she collected and distributed to the attendees of the Workshop on June 4, 2024. Discussion ensued.

Vice-Chairman Marshall Shupe: "This Ordinance is detailed and there is no ability to vary the numbers." He inquired about the forty-five (45) degree angle, how it is calculated and how is the angle determined. He inquired about peak roof vs. flat roof in regards to height limit. An in-depth discussion ensued. City Attorney suggested setting roof eave cap at ten (10) ft.

Lisa Smith: "no further comments."

Joann Soman: "no further comments."

Scott Chappuis: stated he does not want to discourage development.

Chairman Pozzuoli: stated he overall likes the verbiage and narrative. Previous discussions addressed concerns. Line 119, recommended adding a railing such as a fence in lieu of parapet wall, i.e. adding decorative fence or something in lieu of.

Chairman Pozzuoli opened public comment:

Edward Lands, S. 9th Street commented in regards to building height. Suggested PAR Board attend the Commission Meeting to support their recommendations. Discussion with Board ensued.

Brett Spetoni, Ocean Palm Drive commented on behalf of other residents about fill and how it relates to building height. Discussion ensued.

Chairman Pozzuoli closed public comment.

City Attorney summarized recommendations:

Line 71-78 "architectural elements" changing the fifteen (15) percent gross floor area ratio of the roof to fifteen (15) percent of each linear plane.

Line 79-85 "mechanical elements" breaking elevators out of that so everything else would stay at eight (8) ft., but elevators could go up as high as fourteen (14) ft. above roof line and elevators would have to have architectural screenings (such as being incorporated into a tower).

Parapet is coming out of screening and going in to architectural elements to allow the parapet wall to come out to the edge of the building instead of being behind that forty-five (45) degree plane.

Line 119 "Rooftop use area" allow for something other than a wall such as decorative fencing. On the shelter over the rooftop use area, keeping the fourteen (14) ft. for total height, but adding the eaves can only be as high as ten (10) ft.

Motion to approve ordinance with Board approved modifications made by Joann Soman. Seconded by Lisa Smith.

Roll Call: Brenda Wotherspoon: Yea, Vice-Chairman Shupe: Yea, Chairman Pozzuoli: Yea, Lisa Smith: Yea, Joann Soman: Yea, Scott Chappuis: Yea. Motion passed unanimously.

City Attorney followed-up on public comment and inquired if the Board would like to designate a member to attend the Commission Meeting. Chairman Pozzuoli will represent the Board with Lisa Smith as the alternate.

## **7. Other Business**

None

### **a. City Planner Report**

- Signage for Compass by Margaritaville Hotel
- Gridics Software update

Item 8 was moved before Item 7.

City Planner presented updates on the signage for Compass by Margaritaville Hotel. City Planner presented updates on the status of the new program Gridics.

City Planner reported the City Commission has tasked the Planning & Zoning Department with revising the parking formulas which will be presented to the PAR Board. Another task assigned is creating a technical review committee to include the Fire Marshall, Public Works Director, Engineer, City Planner and other subject matter experts. After the technical review board is created, projects will go through technical review before being scheduled for a PAR Board meeting. The Veranda Bay Annexation is scheduled to come before the PAR Board in September.

## **8. Board Comments**

Chairman Pozzuoli moved Item 7 after Item 8 due to Item 7 being out-of-order on the agenda.

Joann Soman likes the signage for the new hotel.

Chairman Pozzuoli like the signage as well.

## **9. Adjournment**

Joann Soman motioned to adjourn the meeting. Brenda Wotherspoon seconded.

Motion passed unanimously.

Chairman Pozzuoli adjourned the meeting at 7:07pm.

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <b>Pozzuoli Joseph Dominick</b>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>Flagler Beach - PARB</b>	
MAILING ADDRESS <b>314 Moody Blvd, K.B. 32136</b>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <b>Flagler Beach</b>		<input checked="" type="checkbox"/> CITY	<input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
COUNTY <b>Flagler</b>		NAME OF POLITICAL SUBDIVISION: <b>FLORIDA</b>	
DATE ON WHICH VOTE OCCURRED <b>07.02.2024</b>		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father; mother; son; daughter; husband; wife; brother; sister; father-in-law; mother-in-law; son-in-law; and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

## APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

## DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Joseph D. Pozzuoli, hereby disclose that on July 2nd, 2024:

(a) A measure came or will come before my agency which (check one)

☒ inured to my special private gain or loss;

☐ inured to the special gain or loss of my business associate, \_\_\_\_\_;

☐ inured to the special gain or loss of my relative, \_\_\_\_\_;

☒ inured to the special gain or loss of Flader Fish Company of S, LLC, by whom I am retained; or

☐ inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am Chair of the PARB & Design Professional of The Project to be presented to the PARB.

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.



## STAFF REPORT

Planning & Architectural Review Board

September 03, 2024

**To:** Planning & Architectural Review Board

**From:** Penny Overstreet, City Clerk

**Date:** September 03, 2024

**Item Name:** Application OE-24-09-01- 1112 S. Ocean Shore Blvd. - Outdoor Entertainment Permit, The Cajun Beach, FloJun, LLC

### Background:

Applicant: The Cajun Beach, FloJun, LLC., 1112 S. Ocean Shore Blvd., Flagler Beach, Florida 32136. The subject property is zoned General Commercial G.C. The applicant is seeking approval of an Annual Outdoor Entertainment Permit to allow amplified and non-amplified events consisting of music, spoken word and/or other forms of entertainment. Section 4-167, Review of Permit Application states, the City Commission, after receiving recommendation from the Planning and Architectural Review Board (PARB), shall approve, approve with conditions, or deny a permit for outdoor entertainment activity based on any of the following grounds:

- (1) The activity would present an adverse impact to the health, safety or welfare of the applicant, participants, public employees or members of the public and/or fails to protect the city's environment.
- (2) The activity would unreasonably inconvenience the general public.
- (3) The proposed activity is prohibited by or inconsistent with the Flagler Beach Code of Ordinances or the Flagler Beach Comprehensive Plan.
- (4) The applicant cannot meet, or is unwilling to meet, all of the requirements of this article.
- (5) The activity is proposed for a site that does not have adequate parking to accommodate the activity.
- (6) The activity is proposed for a site that is inherently hazardous to the participants or the public.
- (7) The event would have an adverse effect, and would unreasonably infringe upon, the rights of property owners within two hundred (200) feet of the property line of the subject property.
- (8) The event would conflict with another proximate event or interfere with construction or maintenance work.
- (9) The information furnished in the application is not materially complete and accurate.
- (10) The applicant has violated a provision, restriction or condition of this article or an outdoor entertainment activity permit issued to the applicant within the past and has not presented competent substantial evidence that measures to prevent future violations will be implemented at the property.

- (11)The requirements identified by the city staff to ensure public health, safety and welfare have not been met.
- (12)The comments and/or recommendations of the planning and architectural review board have not been addressed.
- (13)The proposed event or activity is prohibited by federal, state, or local regulations.
- (14)Other issues in the public interest as identified by the city commission.

In making a determination to approve a permit the PARB may recommend, or the city commission may limit the type and number of temporary structures and the duration of the activity including the hours and the number of days of the activity conducted to minimize any adverse impact caused by the activity.

Noise Complaints from previous business: It should be clearly understood, the noise complaints against the previous business cannot be used to base your recommendation on this current application, but for purposes of understanding they are included.

**Fiscal Impact:** N/A

**Staff Recommendation:** Consider the fourteen criteria and provide recommendation to approve, approve with conditions or deny. If denying cite the criteria your decision is based upon.

**Attachments:** Application, letter to applicant, letter to surrounding properties within 200 feet of the subject property, list of properties notification letter was mailed, aerial of site, site plan, and Noise Complaints from previous business.

## OFFICE USE ONLY:

DATE REC'D 8-3-24

FEE REC'D \$ \_\_\_\_\_

INITIALS: P.O.APPROVED ☐DISAPPROVED ☐SENT PARB ☒

PERMIT ISSUED \_\_\_\_\_

## INSTRUCTIONS:

Please print or type all information. The application must be filled out accurately and completely. Answer all questions. Do not leave an item blank. If an item does not apply, write N/A (not applicable). Incomplete applications may delay your request. All statements made on the application are subject to verification.

## City of Flagler Beach

APPLICATION FOR  
OUTDOOR ENTERTAINMENT

105 South 2nd Street,  
Post Office Box 70  
Flagler Beach, Florida 32136  
Phone (386) 517-2000 Fax (386) 517-2008

Please type or print legibly  
Required Information

Business Name: The Cajun Beach FlaJun LLCContact Person: Patrick McKinneyAddress: 1112 S. Ocean Shore Blvd.City: Flagler Beach State: FL Zip: 32136Work Phone: \_\_\_\_\_ Home Phone: 386-338-3430Fax: \_\_\_\_\_ Mobile Phone: 386-344-2983E-Mail Address: Patrick@thecajunbeach.com

What type of permit are you applying for? (check one)

☒ Annual Permit (permit fee = \$150.00)

☐ Per event that occurs fewer than 12 times a year (permit fee = \$75.00)  
(Please list dates and times for the events on the bottom of page 2)

☐ One day event on Date \_\_\_\_\_ (permit fee = \$50.00)  
Start time \_\_\_\_\_ am/pm End time \_\_\_\_\_ am/pm

Will you utilize temporary structures at your event? ☒ No ☐ Yes  
If yes, attach a sketch of the site showing the location of these structure and see note below)  
(Indicate number of each)

\_\_\_\_\_ Stages \_\_\_\_\_ Scaffolding \_\_\_\_\_ Fences \_\_\_\_\_ Other

\_\_\_\_\_ Tents Do any of the tents exceed 200 square feet? ☐ No ☐ Yes

Note: Special Permits are required for tents exceeding 200 square feet. Special Building permits are required for temporary structures 700 or more square feet in area and those that are four feet above grade.


Does the establishment have adequate parking? ☐ No ☒ Yes

Attach a sketch of the site showing the location and number of current spaces. If No how do you propose to provide parking? Attach additional statement if necessary.)

PLEASE ATTACH A SITE PLAN REGARDING THE SET UP OF THE OUTDOOR ENTERTAINMENT. PLEASE ATTACH A CURRENT COPY OF YOUR LIABILITY INSURANCE TO THIS APPLICATION.

By signing below I understand:

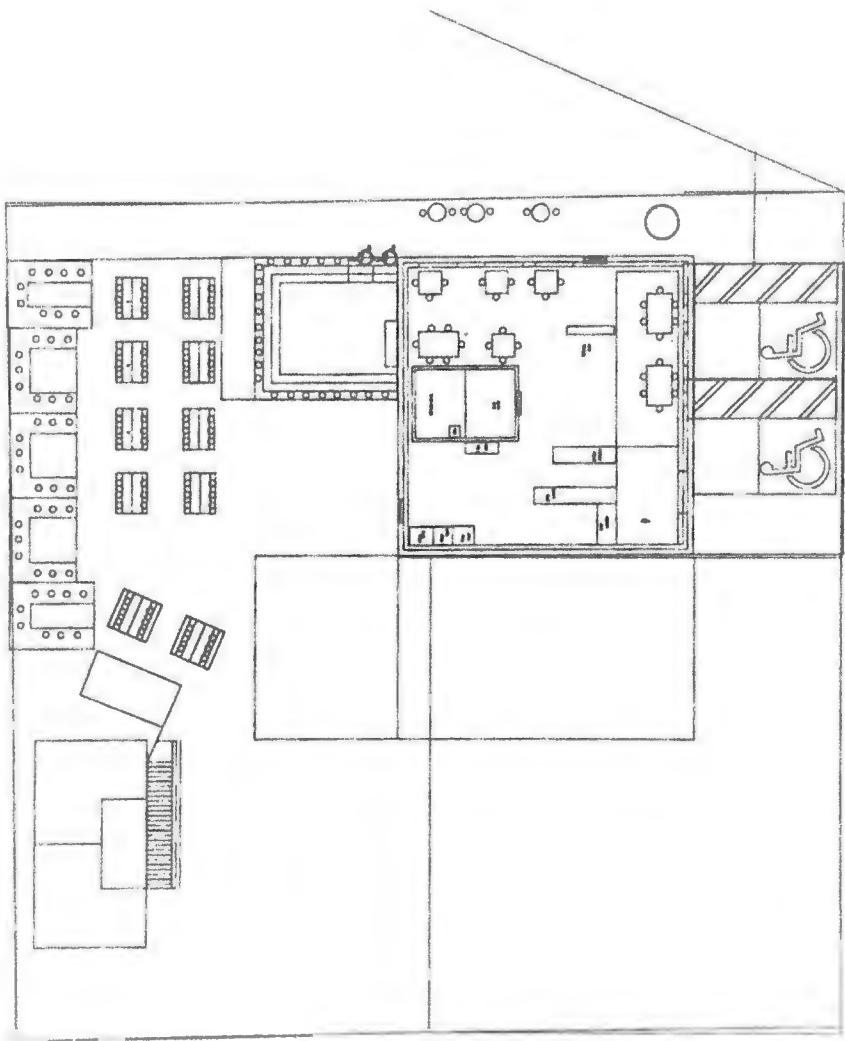
- This is an application only and does not obligate the City in any fashion to issuing a permit or approve an event.
- I have included my application fee and understand that my application will not be processed without the application fee.
- In no case shall the City’s Noise Ordinance be violated.
- The City Commission may reasonably limit the type and number of temporary structures and the duration of the activity including the hours and the number of days of the activity conducted.
- The event(s) may not be held until a permit is received.

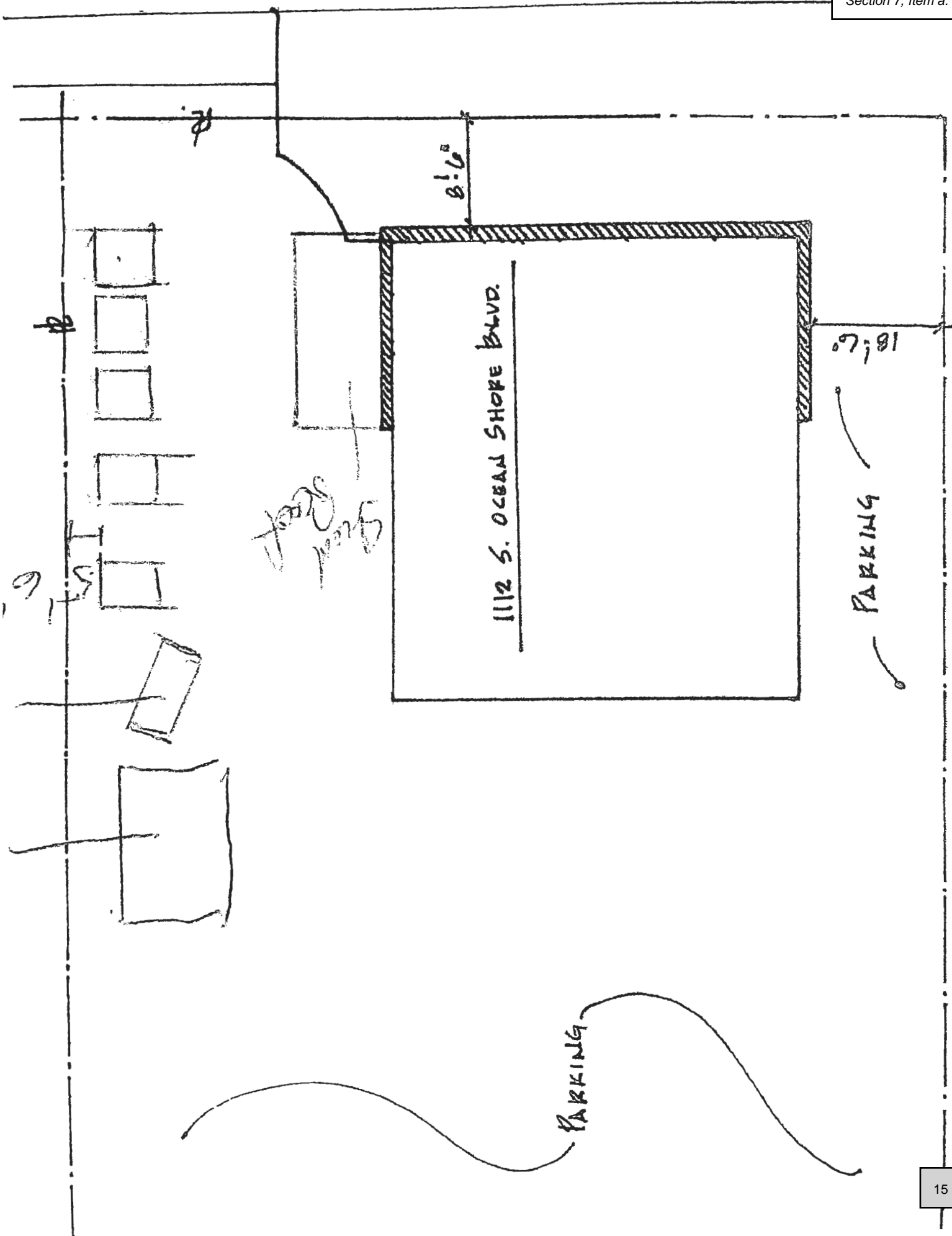
Signature of Applicant  Date 8/2/2024

Title of Applicant owner

Affiliation owner

1. Date_____	Start time _____ am\pm	End time _____ am\pm
2. Date_____	Start time _____ am\pm	End time _____ am\pm
3. Date_____	Start time _____ am\pm	End time _____ am\pm
4. Date_____	Start time _____ am\pm	End time _____ am\pm
5. Date_____	Start time _____ am\pm	End time _____ am\pm
6. Date_____	Start time _____ am\pm	End time _____ am\pm
7. Date_____	Start time _____ am\pm	End time _____ am\pm
8. Date_____	Start time _____ am\pm	End time _____ am\pm
9. Date_____	Start time _____ am\pm	End time _____ am\pm
10. Date_____	Start time _____ am\pm	End time _____ am\pm
11. Date_____	Start time _____ am\pm	End time _____ am\pm
12. Date_____	Start time _____ am\pm	End time _____ am\pm







# City of Flagler Beach

P.O. Box 70 • 105 South 2nd Street  
Flagler Beach, Florida 32126

Phone (386) 517-2000 • Fax (386) 517-2008

August 15, 2023

Patrick McKinney  
1112 S. Ocean Shore Boulevard  
Flagler Beach, Florida 32136

RE: Outdoor Entertainment Application

Dear Mr. McKinney

This letter is to advise you the Planning and Architectural Review Board will hear your request for an Outdoor Entertainment Permit on September 3, 2024 at 5:30 p.m. The City Commission will hear the Planning Board's recommendation and the final decision will be made at their September 12, 2024 meeting, which begins at 5:30 p.m. I have enclosed a copy of the letter that has been mailed to the businesses and residents within 200 feet of your location. Should you have concerns or questions please contact me at [poverstreet@cityofflaglerbeach.com](mailto:poverstreet@cityofflaglerbeach.com) or 386-517-2000 ext. 233.

Sincerely,

A handwritten signature in blue ink, appearing to read "Penny Overstreet", is written over a light blue rectangular background.

Penny Overstreet  
City Clerk

CC: Lupita McClenning, Planner  
Planning & Architectural Review Board  
Elected Officials  
Dale L. Martin, City Manager



# City of Flagler Beach

P.O. Box 70 • 105 South 2nd Street  
Flagler Beach, Florida 32126

Phone (386) 517-2000 • Fax (386) 517-2008

August 20, 2024

RE: Outdoor Entertainment Permit Application Review

Dear Sir or Madam:

The purpose of this letter is to advise you, the City is in receipt of a request from "The Cajun Beach FloJun, LLC", located at 1112 S. Ocean Shore Blvd., requesting an Annual Outdoor Entertainment Permit. Per Ordinance 2010-02 the office of the City Clerk is required to notify property owners in a two-hundred-foot radius of the subject property of the meeting dates and times the request will be reviewed by the Planning & Architectural Review Board and the date the City Commission will have final review. The Planning & Architectural Review Board will review the request on September 3, 2024; meeting begins at 5:30 p.m. The request will be before the City Commission for consideration on September 12, 2024; meeting begins at 5:30 p.m. The intent of this notice is to provide to you the opportunity to appear at the meeting(s) to voice your concerns or approval of the requested activity. Should you have any questions please contact the Planning & Zoning Office at 386-517-2000 ext. 231 or the City Clerk's Office at 386-517-2000 ext. 233 if you wish to view the application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Penny Overstreet", is written over a light blue rectangular background.

Penny Overstreet  
City Clerk

CC: Dale L. Martin, City Manager  
Lupita McClenning, Planner  
Elected Officials  
PARB Members  
Patrick McKinney, Applicant

# FLAGLER COUNTY PROPERTY APPRAISER



Overview

Legend

- Parcels
- Roads
- Streams and Rivers

Date created: 8/20/2024  
Last Data Uploaded: 8/20/2024 8:28:25 AM

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## Section 7, Item a.

A1A OCEANSHORE LLC  
5 ST ANDREW COURT  
PALM COAST, FL 32164

ANNIS BETTY H  
2826 MONDAUI DR  
ROCKLEDGE, FL 32955

BACK SHARON M  
TRUSTEE  
PO BOX 1375  
FLAGLER BEACH, FL 32136

BCC PROPERTIES LLC  
PO BOX 418  
FLAGLER BEACH, FL 32136

BURBRINK LYNDIA BAND  
JOSEPH R BURBRINK JTWROS  
PO BOX 695  
FLAGLER BEACH, FL 32136

CITY OF FLAGLER BEACH  
P O BOX 70  
FLAGLER BEACH, FL 32136

CITY OF FLAGLER BEACH  
PO BOX 70  
FLAGLER BEACH, FL 32136

EGGERT IRIS CLAXTON  
LIFE ESTATE C/O LIZ RUBEIS  
2563 SW 87TH DR STE 10  
GAINESVILLE, FL 32608

EZRIN ALVIN & DENISE ANNE CORNWA  
1203 S CENTRAL AVENUE  
FLAGLER BEACH, FL 32136

GOLDEN MAGNOLIA MARINE INC  
1272 PALM COAST PKWY SW  
PALM COAST, FL 32137

HARRELL MICHELLE & REBECCA  
LYNNE JUSTICE & KRISTINA FOSTER TI  
106 BARRINGTON COURT  
FLETCHER, NC 28732

HODOVANCE DEREK  
& HEATHER RAE H&W  
112 S 11TH STREET  
FLAGLER BEACH, FL 32136

JAI HANUMAAN LLC  
1224 S OCEANSHORE BLVD  
FLAGLER BEACH, FL 32136

MONTGOMERY CALVIN & BRENDA K  
LIFE ESTATE  
12499 OLIVE TRAIL  
PLYMOUTH, IN 46563

OCEANSIDE COTTAGES LLC  
1204 S OCEANSHORE BLVD  
FLAGLER BEACH, FL 32136

SEAGROVE BEACH INVESTMENTS LLC  
2574 S OCEAN SHORE BLVD  
FLAGLER BEACH, FL 32136

CURRENT RESIDENT  
108 12TH ST S  
FLAGLER BEACH, FL 32136

CURRENT RESIDENT  
109 11TH ST S  
FLAGLER BEACH, FL 32136

CURRENT RESIDENT  
109 12TH ST S  
FLAGLER BEACH, FL 32136

CURRENT RESIDENT  
1104 S OCEAN SHORE BLVD  
FLAGLER BEACH, FL 32136

CURRENT RESIDENT  
1109 S CENTRAL AVE  
FLAGLER BEACH, FL 32136

CURRENT RESIDENT  
111 12TH ST S  
FLAGLER BEACH, FL 32136

CURRENT RESIDENT  
1112 S OCEAN SHORE BLVD  
FLAGLER BEACH, FL 32136

CURRENT RESIDENT  
1115 CENTRAL AVE S  
FLAGLER BEACH, FL 32136

CURRENT RESIDENT  
112 11TH ST S  
FLAGLER BEACH, FL 32136

CURRENT RESIDENT  
113 11TH ST S  
FLAGLER BEACH, FL 32136

CURRENT RESIDENT  
1201 S CENTRAL AVE  
FLAGLER BEACH, FL 32136

CURRENT RESIDENT  
1203 S CENTRAL AVE  
FLAGLER BEACH, FL 32136

CURRENT RESIDENT  
1204 S OCEAN SHORE BLVD  
FLAGLER BEACH, FL 32136

CURRENT RESIDENT  
1224 S OCEAN SHORE BLVD  
FLAGLER BEACH, FL 32136



# Incident Report

Print Date/Time: 07/09/2024 11:58  
Login ID: sbuttner

Flagler Beach Police Department  
ORI Number: FL0180200

Incident: 2023-00023132

Incident Date/Time: 10/19/2023 3:34:46 PM  
Location: 1112 S OCEAN SHORE BLVD  
Flagler Beach FL 32136  
Phone Number: (386)864-2199  
Report Required: No  
Prior Hazards: No  
LE Case Number:

Incident Type: Noise Complaint  
Venue: Flagler Beach  
Source: Phone  
Priority: Code 1  
Status: Investigate  
Nature of Call:

## Unit/Personnel

Unit	Personnel
BE11	7069-Jones
BE12	7073-Sylvester

## Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
1	Caller	GARANITT, MAXIN		(386)864-2199			

## Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
------	------	------	------	-------	-------	---------	-------

## Disposition(s)

Disposition	Count	Date/Time
<b>Unit: BE11</b>		
Disposition	Count	Date/Time
AT9	1	10/19/2023 16:42
<b>Unit: BE12</b>		
Disposition	Count	Date/Time
AT1	1	10/19/2023 16:31

## Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
------	------	------	------	-------	-------------	---------	----------

## CAD Narrative

10/19/2023 : 16:42:36 kjones Narrative: did not respond

10/19/2023 : 16:30:55 tsylvester Narrative: Upon arrivial the music was not loud what so ever. I could barely hear it from the side walk over the motorcycles and passing traffic. I was unable to get a clear reading on the DB reader due to the traffic. the metter kept spiking up to 95 and then down to 73. Unable to make a determination of the business is in violation or not. Axon

10/19/2023 : 15:35:27 flagso\teddy Narrative: AND ITS JUST TOO LOUD NOW

10/19/2023 : 15:35:23 flagso\teddy Narrative: THERE WAS AN AGREEMENT WITH RP AND THE CAJON CRAB

10/19/2023 : 15:35:13 flagso\teddy Narrative: AND THEY ARE LOOSING GUESTS BECAUSE OF IT

10/19/2023 : 15:35:04 flagso\teddy Narrative: HAS NEIGHBORS THAT PLAY MUSIC VERY LOUD

10/19/2023 : 15:34:58 flagso\teddy Narrative: RP IS OWNER OF GOLDEN MAGNOLIA RESORT

Cajun  
(AKA Jimmy's  
Hang 10)



# Incident Report

Print Date/Time: 07/09/2024 11:57  
Login ID: sbuttner

Flagler Beach Police Department  
ORI Number: FL0180200

Incident: 2023-00023263

Incident Date/Time: 10/21/2023 4:21:44 PM  
Location: 113 11TH ST S  
Flagler Beach FL 32136  
Phone Number: (574)780-3931  
Report Required: No  
Prior Hazards: No  
LE Case Number:

Incident Type: Noise Complaint  
Venue: Flagler Beach  
Source: Phone  
Priority: Code 1  
Status: Investigate  
Nature of Call:

## Unit/Personnel

Unit	Personnel
BE11	7085-Coffman
BE20	7064-Yelvington

## Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
1	Caller	MONTGOMERY, BRENDA		(574)780-3931			

## Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
------	------	------	------	-------	-------	---------	-------

## Disposition(s)

Disposition	Count	Date/Time
<b>Unit: BE11</b>		
Disposition	Count	Date/Time
AT1	1	10/21/2023 16:56
<b>Unit: BE20</b>		
Disposition	Count	Date/Time
AT9	1	10/21/2023 16:46

## Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
------	------	------	------	-------	-------------	---------	----------

Incident Number: 2023-00023263, ORI: FL0180200.

## CAD Narrative

10/21/2023 : 16:44:44 ayelvington Narrative: LEFT A VOICEMAIL FOR THE OWNER ADVISING HER OF THE NOISE COMPLAINT.

10/21/2023 : 16:24:52 flagso\lsantos Narrative: RP WOULD LIKE CONTACT WITH RESPONDING OFFICER

10/21/2023 : 16:24:46 flagso\lsantos Narrative: RP WANTS LEO TO GO OUT AND READ WITH A DECIMAL READER AND GIVE THEM A CITATION

10/21/2023 : 16:24:14 flagso\lsantos Narrative: STATES THAT HER HUSBAND IS NOT FEELING WELL AND SHE CAN NOT HAVE THIS

10/21/2023 : 16:23:55 flagso\lsantos Narrative: FROM THE NEW RESTAURANT

10/21/2023 : 16:23:36 flagso\lsantos Narrative: LOUD MUSIC



# Incident Report

Print Date/Time: 07/09/2024 11:56  
Login ID: sbuttner

Flagler Beach Police Department  
ORI Number: FL0180200

Incident: 2023-00023313

Incident Date/Time: 10/22/2023 6:02:43 PM  
Location: 113 11TH ST S  
Flagler Beach FL 32136  
Phone Number: (574)780-3931  
Report Required: No  
Prior Hazards: No  
LE Case Number:

Incident Type: Noise Complaint  
Venue: Flagler Beach  
Source: Phone  
Priority: Code 1  
Status: Investigate  
Nature of Call:

## Unit/Personnel

Unit	Personnel
BE21	7055-Guerrero

## Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
1	Caller	MONTGOMERY, BRENDA		(574)780-3931			

## Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
------	------	------	------	-------	-------	---------	-------

## Disposition(s)

Disposition	Count	Date/Time
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## Unit: BE21

Disposition	Count	Date/Time
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AT1	1	10/22/2023 18:51
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## Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Incident Number: 2023-00023313. ORI: FL0180200.

## CAD Narrative

**10/22/2023 : 18:49:23 mguerrero Narrative:** Upon receiving the noise complaint call, I attempted to locate the meter reader within the department. Unfortunately, the meter reader is within the Sgts office under lock and key. I made contact with the reporting party and listen to her complaints in reference to the music. I advised her about the meter reader not being available for the evening, however, the music had already seized prior to my arrival. I advised RP that I could make contact with the establishment to possibly curb any further issues for the evening.

When making contact at the establishment they appeared to be already of why I was present, possibly by my mere presence. However, they stated that the neighbors have called on them multiple times and they have not done anything wrong, that they are considering filling a harassment report. I requested that they lower the music to curb any possible unwanted attention.

**10/22/2023 : 18:12:59 wzuazua Narrative:** RP WANTS TO KNOW IF LEO CALLED THEM AHEAD OF TIME BEFORE A METER READING SO THAT HE DOESN'T GET A CITATION

**10/22/2023 : 18:12:21 wzuazua Narrative:** RP CALLED BACK IN ON THE ADMIN LINE AND SAID SHE WANTS AN OFFICER TO GO TELL THEM TO TURN IT DOWN AND NOT A PHONE CALL FROM THE DEPUTY, SHE WANTS THEM TO HAVE A METER READING AND A CITATION WROTE. RP STATES SHE PAYS " \$10 THOUSAND DOLLARS IN TAXES" AND WOULD LIKE SOMETHING DONE

**10/22/2023 : 18:07:15 flagso\lstanford Narrative:** SHE STATED SHE CALLED THIS IN LAST NIGHT TOO BUT A READING COULDN'T BE DONE DUE TO THE MOTORCYCLES

**10/22/2023 : 18:06:59 flagso\lstanford Narrative:** SHE NEEDS A READING DONE/// OFFICERS CAN MAKE CONTACT WITH HER IF NEEDED

**10/22/2023 : 18:03:37 flagso\lstanford Narrative:** RPS HUSBAND IS SICK

**10/22/2023 : 18:03:29 flagso\lstanford Narrative:** RP NEEDS AN OFFICER TO COME DO THE MUSIC READING

**10/22/2023 : 18:03:20 flagso\lstanford Narrative:** LOUD MUSIC AT THE NEW CAJUN PLACE

Cajun  
Restaurant

# Incident Report

Print Date/Time: 07/09/2024 11:38  
 Login ID: sbuttner

Flagler Beach Police Department  
 ORI Number: FL0180200

Incident: 2024-00004506

Incident Date/Time:	3/14/2024 9:03:07 PM	Incident Type:	Noise Complaint
Location:	1112 S OCEAN SHORE BLVD Flagler Beach FL 32136	Venue:	Flagler Beach
Phone Number:		Source:	Phone
Report Required:	No	Priority:	Code 1
Prior Hazards:	No	Status:	Investigate
LE Case Number:		Nature of Call:	

## Unit/Personnel

Unit	Personnel
BE21	7082-Nobre
BE22	7086-Snyder

## Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
1	Caller	ANON					

## Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
------	------	------	------	-------	-------	---------	-------

## Disposition(s)

Disposition	Count	Date/Time
<b>Unit: BE22</b>		
Disposition	Count	Date/Time
AT1	1	03/14/2024 21:16

## Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Incident Number: 2024-00004506. ORI: FL0180200.

## CAD Narrative

03/14/2024 : 21:14:41 msnyder Narrative: THERE IS A WEDDING, SPOKE WITH THE PARTIES INVOLVED AND REQUESTED THE MUSIC BE TURNED DOWN, THEY AGREEG TO TURN IT DOWN. AXON UPLOADED

03/14/2024 : 21:03:23 aldrige Narrative: LOUD MUSIC COMING FROM RESTAURANT

Cajun B.  
Restaurant.

# Incident Report

Print Date/Time: 07/09/2024 11:30

Login ID: sbuttner

Flagler Beach Police Department

ORI Number: FL0180200

Incident: 2024-00007383

Incident Date/Time: 5/2/2024 7:03:32 PM

Location: 1112 S OCEAN SHORE BLVD

Flagler Beach FL 32136

Phone Number: (561)445-4111

Report Required: No

Prior Hazards: No

LE Case Number:

Incident Type: Noise Complaint

Venue: Flagler Beach

Source: Phone

Priority: Code 1

Status: Investigate

Nature of Call:

## Unit/Personnel

Unit	Personnel
BE20	7064-Yelvington

## Person(s)

No.	Role	Name	Address	Phone	Race	Sex	DOB
1	Caller	WOTHERSPOON, TOM		(386)237-4991			

## Vehicle(s)

Role	Type	Year	Make	Model	Color	License	State
------	------	------	------	-------	-------	---------	-------

## Disposition(s)

Disposition	Count	Date/Time
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## Unit: BE20

Disposition	Count	Date/Time
-------------	-------	-----------

AT1	1	05/02/2024 19:46
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## Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Incident Number: 2024-00007383. ORI: FL0180200.

## CAD Narrative

05/02/2024 : 19:46:30 ayelvington Narrative: NO VIOLATIONS.

05/02/2024 : 19:04:56 dbrown Narrative: WANTS CONTACT

05/02/2024 : 19:04:09 dbrown Narrative: BASS TO IT

05/02/2024 : 19:04:07 dbrown Narrative: LOUD MUSIC



## City of Flagler Beach

Section 7, Item b.

**Planning & Zoning Department**  
**P.O. Box 70 \* 800 S Daytona Ave.**  
**Flagler Beach, FL 32136**  
[www.cityofflaglerbeach.com](http://www.cityofflaglerbeach.com)

August 30, 2024

To: Planning and Architectural Review Board (PARB)

From: Lupita McClenning, City Planner

Re: Conceptual Site Plan  
Ocean Palms Golf Club, LLC

Date: August 30, 2024

---

Applicant: Jeff Ryan  
12 Bishop Lane  
Palm Coast, FL 32137

Owner: City of Flagler Beach  
PO Box 70  
Flagler Beach, FL 32136

Parcel ID: 29-12-32-0000-01010-0000 &  
29-12-32-0000-01010-0010

Parcel Size: +/- 42.93 Acres

Project 3600 S. Central Av  
Address: Flagler Beach, FL 32136

Current Recreation (REC) and  
Zoning: Medium Density Residential (MDR)

Future Recreation (REC) and  
Land Use: Medium Density Residential (MDR)

Clubhouse 30,000 SQ FT  
Gross Area:

Floor Area: 15,000 SQ FT

Uses: Golf Shop, Clubhouse, and Restaurant

**Project Summary:**

The project proposes an expansion of the existing parking lot, construction of a new clubhouse, and re-grading the existing golf course.

**Conceptual Site Plan**

In accordance with 8.05.02.2 (c) a major site plan is required for new non-residential structures, the clubhouse and parking.

A pre-application meeting was conducted with the applicant’s engineering firm, McKim and Creed of Tampa, FL. Proof of ownership and statement of intent was completed by the applicant.

The conceptual site plan submitted includes the required cover sheet with project title and location, and general site plan information for the applicable elements including the overall building square footage, its location and parking calculations.

The site plan sheet includes the required property dimensions, legal description, total gross acreage, zoning district and adjacent property.

Additionally, the location of the existing and proposed stormwater management system, proposed practice putting greens, and proposed putting tee and tee boxes are identified on the conceptual site plan along with adjacent property within fifty (50) feet perpendicular to property lines are noted.

The conceptual site plan has the location of existing trees, and the proposed landscape area.

The total site area is +/- 42.93 acres.  
 $42.39 * 43,560 \text{ SQ FT} = 1,846,508.4 \text{ SQ FT}.$

**Impervious and Pervious Area**

The impervious area proposed is:

Ponds:	5.97 acres
Clubhouse and Parking:	1.48 acres
Total Impervious:	7.45 acres

$7.45 * 43,560 \text{ SQ FT} = 324,522 \text{ SQ FT}$

**18% Impervious Area**

The pervious area proposed is 35.48 Acres  
 $35.48 * 43,560 \text{ SQ FT} = 1,545,509 \text{ SQ FT}$

**84% Pervious Area**

**Clubhouse**

The Clubhouse floor area is proposed to be 15,000 SQ FT with a building height of 30 feet.

**Required Parking**

Section 2.06.02 1. Off Street parking

The driving range shall have one space/tee (12) plus required parking for other uses on the site.

The golf course shall have six (6) spaces per hole (18) plus required parking for other uses on the site. 108

Restaurant:	34 spaces
Golf Course:	72 spaces
Driving Range:	20 spaces
Total	126 spaces

**Proposed Parking**

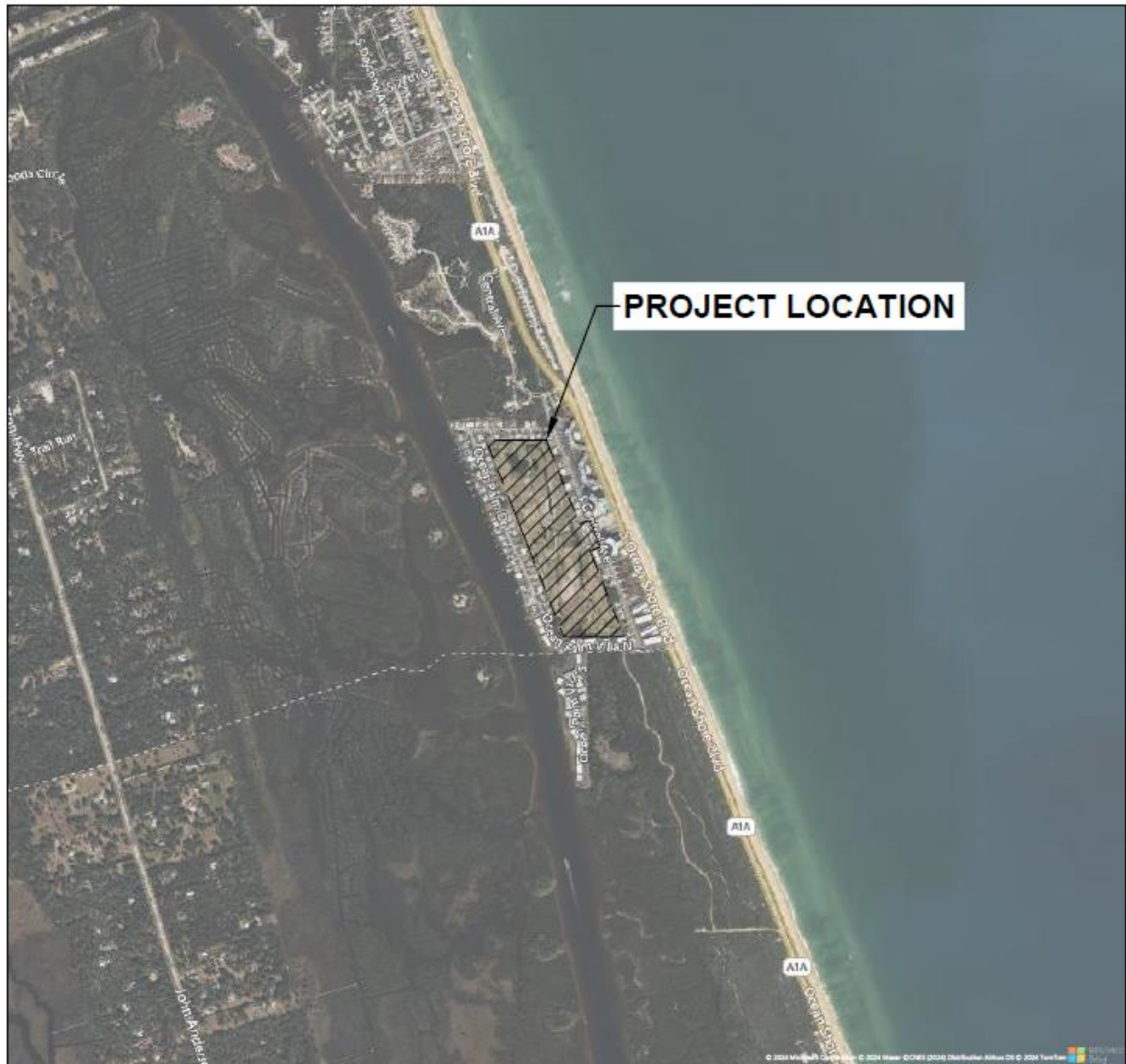
Regular spaces:	90 spaces
ADA spaces:	4 spaces
Golf cart spaces	23 spaces
Total	126 spaces

Total Parking Provided: 117 spaces

In accordance with the land development code, operators of buildings of the same uses requiring off-street parking facilities may take collective provision for such facilities, provided that the total of such parking spaces when combined or used together shall not be less than the sum of the requirements computed separately

**Recommendation:**

The proposed project and concept plan meets the intent prescribed in the land development code and meets the goals, objectives and policies of the Comprehensive Plan as noted in Goal A-1 that the City maintain and improve the quantity and quality of life services available to the residents of the City both present and future.



**Attachments:**

- Aerial Map
- Zoning Layer
- FLUM Layer
- Application
- Building Elevation Memo
- Parking Requirement Memo
- Site Plan
- Survey

# FLAGLER COUNTY PROPERTY APPRAISER



Overview

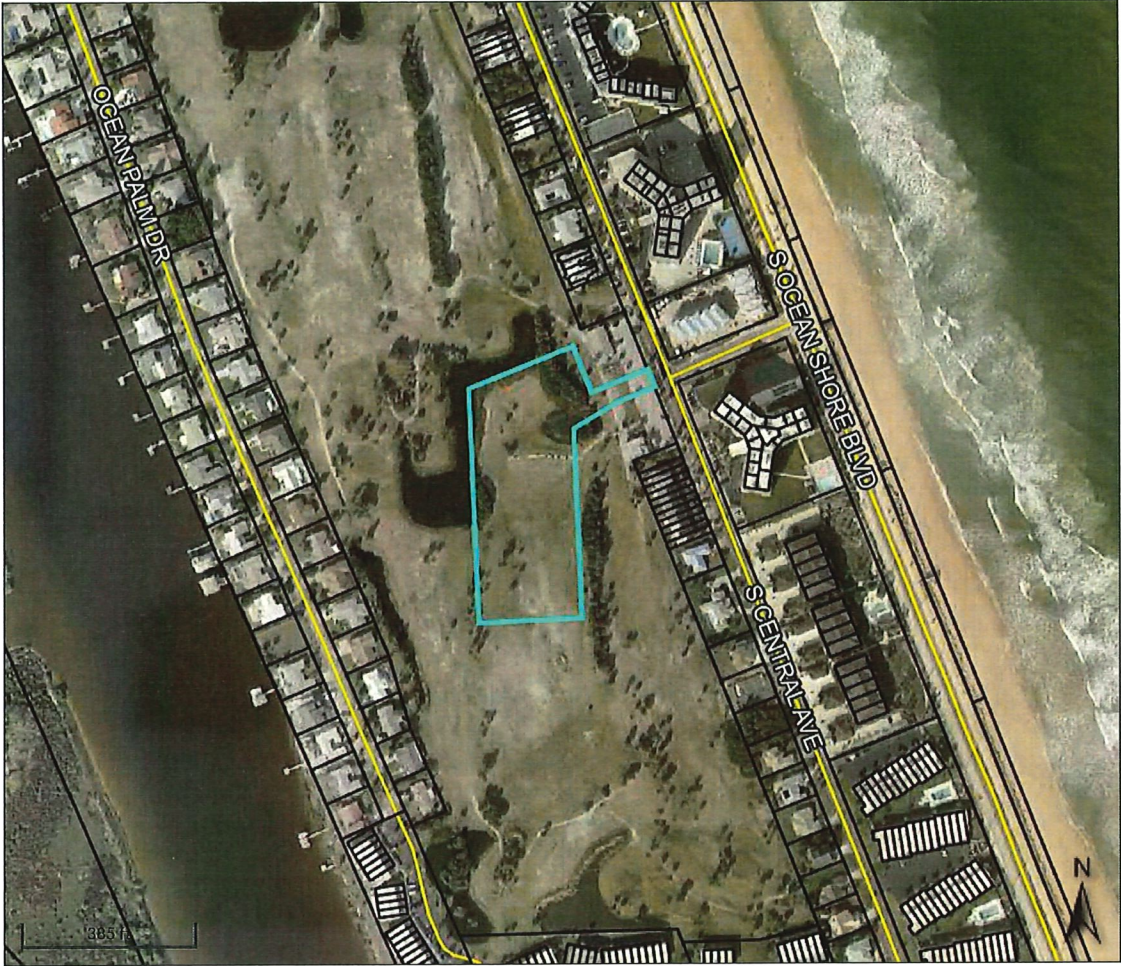
Legend

- Parcels
- Roads
- Streams and Rivers

Parcel ID	29-12-32-0000-01010-0000	Owner	CITY OF FLAGLER BEACH	Land Value	\$8,498	Last 2 Sales			
Prop ID	85653		105 S 2ND STREET	Ag Land Value	\$0	Date	Price	Reason	Qual
Class Code	MUNICIPAL		FLAGLER BEACH, FL	Building Value	\$95,132	4/8/2013	\$490000	I	U
Taxing	21		32136	Misc Value	\$67,886	3/1/1999	\$1800000	I	U
District		Physical Address	3600 S CENTRAL AVE	Just Value	\$171,516				
GIS sqft	1,478,332.355			Assessed Value	\$170,852				
				Exempt Value	\$0				
				Taxable Value	\$170,852				

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Last Data Uploaded: 8/27/2024 8:18:46 AM  
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# FLAGLER COUNTY PROPERTY APPRAISER



Overview

Legend

- Parcels
- Roads
- Streams and Rivers

Parcel ID	29-12-32-0000-01010-0010	Owner	CITY OF FLAGLER BEACH	Land Value	\$378,000	Last 2 Sales			
Prop ID	85654		P O BOX 70	Ag Land Value	\$0	Date	Price	Reason	Qual
Class Code	MUNICIPAL		FLAGLER BEACH, FL	Building Value	\$0	3/8/2022	\$459000	I	U
Taxing	21		32136	Misc Value	\$1,481	3/4/2022	\$399900	I	Q
District		Physical Address	n/a	Just Value	\$379,481				
GIS sqft	128,161.147			Assessed Value	\$379,481				
				Exempt Value	\$0				
				Taxable Value	\$379,481				

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Developed by Schneider  
GEOSPATIAL

# FLAGLER COUNTY PROPERTY APPRAISER



- Legend**
- Parcels
  - Roads
  - Streams and Rivers
  - Flagler Beach Zoning**
    - C- CONSERVATION
    - CLOSED STREETS
    - GC- GENERAL COMMERCIAL
    - HIGHWAY COMMERCIAL
    - LDR- LOW DENSITY
    - LI- LIGHT INDUSTRIAL
    - MDR- MEDIUM DENSITY RESIDENTIAL
    - MIRROR LAKE WATERSHED DISTRICT (R1)
    - P- PRESERVATION
    - PUD- PLANNED UNIT DEVELOPMENT
    - R- RESERVED
    - REC- RECREATION
    - REC/PUD- RECREATION/PUD
    - SFR- SINGLE FAMILY RESIDENTIAL (R1)
    - SFR- SINGLE FAMILY RESIDENTIAL (R4)
    - TC- TOURIST COMMERCIAL

Parcel ID	29-12-32-0000-01010-0000	Owner	CITY OF FLAGLER BEACH	Land Value	\$8,498	Last 2 Sales			
Prop ID	85653		105 S 2ND STREET	Ag Land Value	\$0	Date	Price	Reason	Qual
Class Code	MUNICIPAL		FLAGLER BEACH, FL 32136	Building Value	\$95,132	4/8/2013	\$490000	I	U
Taxing	21					3/1/1999	\$1800000	I	U
District		Physical	3600 S CENTRAL AVE	Misc Value	\$67,886				
GIS sqft	1,478,332.355	Address		Just Value	\$171,516				
				Assessed Value	\$170,852				
				Exempt Value	\$0				
				Taxable Value	\$170,852				

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GEOSPATIAL

# FLAGLER COUNTY PROPERTY APPRAISER



## Overview



## Legend

- Parcels
- Roads
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- Flagler Beach Zoning
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  - LDR- LOW DENSITY
  - LI- LIGHT INDUSTRIAL
  - MDR- MEDIUM DENSITY RESIDENTIAL
  - MIRROR LAKE WATERSHED DISTRICT (R1)
  - P- PRESERVATION
  - PUD- PLANNED UNIT DEVELOPMENT
  - R- RESERVED
  - REC- RECREATION
  - REC/PUD- RECREATION/PUD
  - SFR- SINGLE FAMILY RESIDENTIAL (R1)
  - SFR- SINGLE FAMILY RESIDENTIAL (R4)
  - TC- TOURIST COMMERCIAL

Parcel ID	29-12-32-0000-01010-0010	Owner	CITY OF FLAGER BEACH	Land Value	\$378,000	Last 2 Sales			
Prop ID	85654		P O BOX 70	Ag Land Value	\$0	Date	Price	Reason	Qual
Class Code	MUNICIPAL		FLAGLER BEACH, FL	Building Value	\$0	3/8/2022	\$459000	I	U
Taxing	21		32136	Misc Value		3/4/2022	\$399900	I	Q
District		Physical	n/a	Just Value	\$1,481				
GIS sqft	128,161.147	Address		Assessed Value	\$379,481				
				Exempt Value	\$0				
				Taxable Value	\$379,481				

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Developed by 

# FLAGLER COUNTY PROPERTY APPRAISER



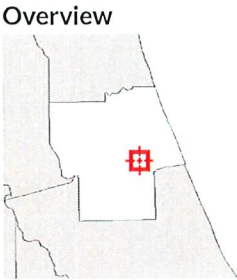
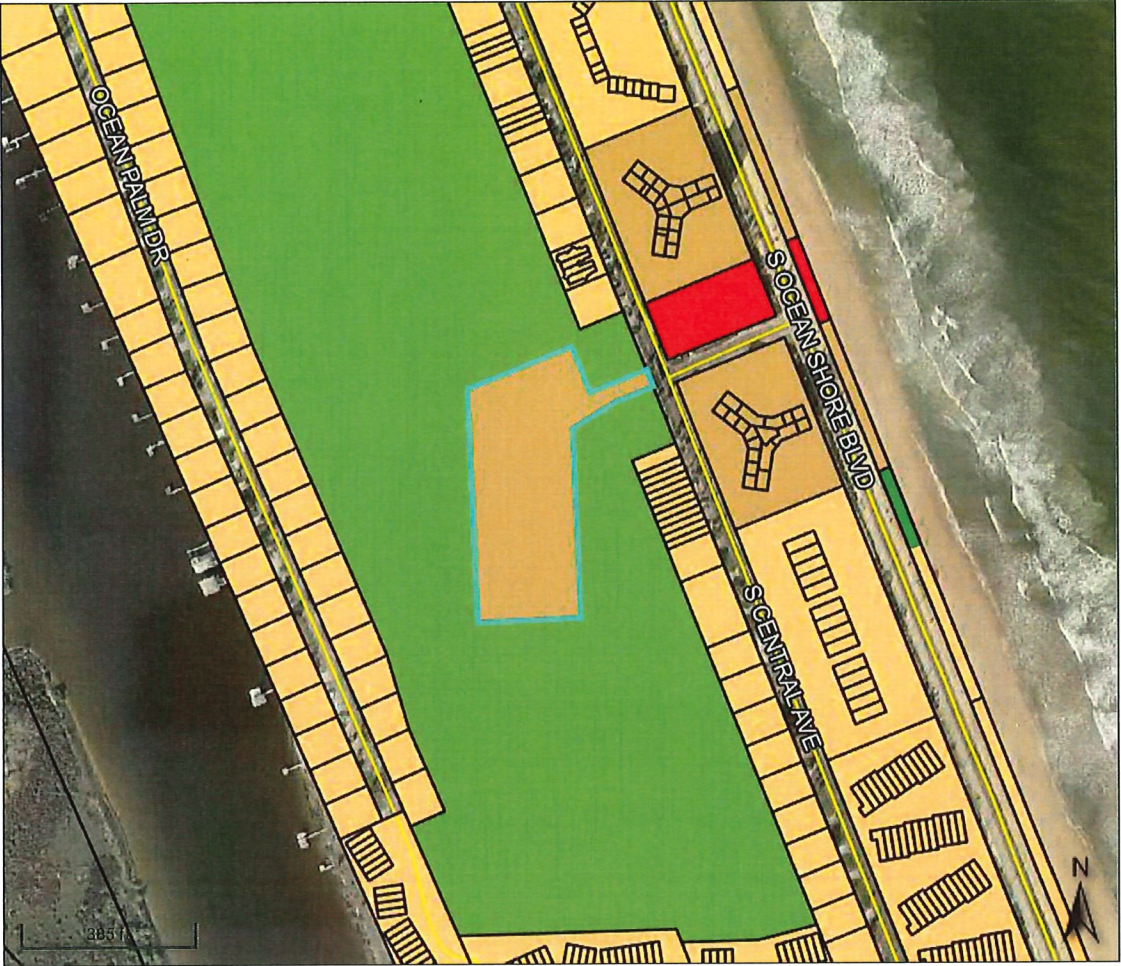
- Legend**
- Parcels
  - Roads
  - Streams and Rivers
  - Flagler Beach FLUM**
    - Commercial
    - Golf Course
    - High Density
    - Low Density
    - Medium Density
    - Mixed Use Overlay
    - Mobile Home Park
    - Other Public Facilities
    - Park
    - Public Buildings & Grounds
    - Salt Water Marsh
    - Spoil Area
    - Undefined

Parcel ID	29-12-32-0000-01010-0000	Owner	CITY OF FLAGLER BEACH	Land Value	\$8,498	Last 2 Sales			
Prop ID	85653		105 S 2ND STREET	Ag Land Value	\$0	Date	Price	Reason	Qual
Class Code	MUNICIPAL		FLAGLER BEACH, FL	Building Value	\$95,132	4/8/2013	\$4900000	I	U
Taxing	21		32136	Misc Value	\$67,886	3/1/1999	\$1800000	I	U
District		Physical Address	3600 S CENTRAL AVE	Just Value	\$171,516				
GIS sqft	1,478,332.355			Assessed Value	\$170,852				
				Exempt Value	\$0				
				Taxable Value	\$170,852				

Date created: 8/27/2024  
Last Data Uploaded: 8/27/2024 8:18:46 AM

Developed by  Schneider GEOSPATIAL

# FLAGLER COUNTY PROPERTY APPRAISER



- Legend**
- Parcels
  - Roads
  - Streams and Rivers
  - Flagler Beach FLUM**
    - Commercial
    - Golf Course
    - High Density
    - Low Density
    - Medium Density
    - Mixed Use Overlay
    - Mobile Home Park
    - Other Public Facilities
    - Park
    - Public Buildings & Grounds
    - Salt Water Marsh
    - Spoil Area
    - Undefined

Parcel ID	29-12-32-0000-01010-0010	Owner	CITY OF FLAGLER BEACH	Land Value	\$378,000	Last 2 Sales			
Prop ID	85654		P O BOX 70	Ag Land Value	\$0	Date	Price	Reason	Qual
Class Code	MUNICIPAL		FLAGLER BEACH, FL	Building Value	\$0	3/8/2022	\$459000	I	U
Taxing	21		32136	Misc Value	\$1,481	3/4/2022	\$399900	I	Q
District		Physical Address	n/a	Just Value	\$379,481				
GIS sqft	128,161.147			Assessed Value	\$379,481				
				Exempt Value	\$0				
				Taxable Value	\$379,481				

Date created: 8/27/2024  
Last Data Uploaded: 8/27/2024 8:18:46 AM  
Developed by  Schneider  
GEOSPATIAL



# APPLICATION CONCEPTUAL SITE DEVELOPMENT PLAN

Building and Planning Dept.  
PO Box 70 – 700 South Daytona Ave.  
Flagler Beach, Florida 32136  
Phone (386) 517-2000 Fax (386) 517-2016

---

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## APPLICATION CONCEPTUAL SITE DEVELOPMENT PLAN

### SITE PLAN REVIEW SUBMITTAL REQUIREMENTS

Note:

- *A Pre-submittal meeting is required with City Staff.*
- Application for Site Plan requires appointment with City Planner prior to meeting cut off date. Please call (386) 517-2000 ext. 231
- Application will **not** be accepted unless all required documents are submitted and complete.

Required Documents:

- Conceptual Site Development Plan Application
- Ten (10) sets of required documents (11"x17").
- Application Fee - \$150.00 (*payable to the City of Flagler Beach*)
- Warranty Deed
- Survey
- Surrounding Land Use
- Location Map
- Site Development Plan
- Building Elevations

CSP#: \_\_\_\_\_ DATE FILED: \_\_\_\_\_

PROJECT TITLE:  
Ocean Palm Golf Course Renovation

ADDRESS: 3600 S. Central Ave., Flagler Beach, FL 32136

Subdivision: \_\_\_\_\_ Block: \_\_\_\_\_ Lot(s): \_\_\_\_\_

TAX PARCEL NUMBER(S): 29-12-32-0000-01010-0000 & 29-12-32-0000-01010-0010


ZONING DISTRICT: REC (Recreation) & MDR ( Medium Density Residential )

**OWNER INFORMATION:**

OWNERS NAME: City of Flagler Beach (Dale Martin, City Manager)

ADDRESS: PO Box 70, Flagler Beach, FL 32136

PHONE NUMBER: (386) 517-2000, Ext. 222 FAX NUMBER: (386) 517-2008

SIGNATURE OF OWNER: 

**APPLICANTS INFORMATION:**

APPLICANTS NAME (IF OTHER THAN OWNER): Jeff Ryan jeff ryan

ADDRESS: 12 Bishop Lane, Palm Coast, FL 32137

PHONE NUMBER: (305)393-3420 FAX NUMBER: \_\_\_\_\_

SIGNATURE OF APPLICANT: 

**REPRESENTATIVE:**

NAME: Regina Brachna, EI

ADDRESS: 3903 Northdale Blvd., Suite 115E, Tampa, FL 33624

PHONE NUMBER: (813) 549-3740 FAX NUMBER: \_\_\_\_\_

SIGNATURE OF REPRESENTATIVE: 

PROPERTY OWNER AUTHORIZATION

FOR USE WHEN APPLICANT IS NOT THE OWNER OF SUBJECT PROPERTY:

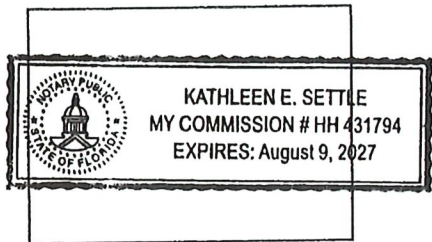
Property Address: 3600 S. Central Ave.  
Flagler Beach, FL 32136

Parcel ID: 29-12-32-0000-01010-0000 & 29-12-32-0000-01010-0010

This is to certify that I am the owner of the subject property described above and that I authorize: (PRINT NAME) Dale Martin (City of Flagler Beach Manager) to make and file the aforesaid application for site plan review.

OWNER'S SIGNATURE: *Dale Martin*  
PRINT OWNER'S NAME: Dale Martin

Sworn to and subscribed before me this 31st day of July, 2024.  
Personally known to me or produced identification: \_\_\_\_\_ (type)  
Notary Public: *Kathleen E. Settle* My commission expires: 8/9/2027.



Notary Seal

## General Information

### CONCEPTUAL SITE DEVELOPMENT PLAN APPLICATION

#### A. Pre-Submittal Meeting:

It is required that the applicant meet with City Staff prior to electing to submit a Conceptual Development Plan application. Staff will meet with the applicant to discuss any questions regarding plan proposals, City processes, fees, and requirements listed on the Conceptual Development Plan Application Checklist.

#### B. Application Submittal:

*Once the application is submitted, City Staff will review the application for completeness. Unless otherwise determined, all items on the checklist must be completed prior to scheduling a Planning and Architectural Review Board hearing date.*

#### C. Application Hearing Process

Once any issue related to the application have been resolved and the application is deemed acceptable by City Staff, the application will be scheduled for the next timetabled Planning and Architectural Review Board (PARB) meeting.

The PARB is an advisory board that reports directly to the City Commission. The Board is comprised of City of Flagler Beach residents appointed by the City Commission. The Board's responsibility and authority as it relates to the Conceptual Site Development Plan application is as follows:

##### Purpose –

1. To provide comments and concerns related to all aspects of the proposed development within the context of compliance with the adopted requirements and development standards outlined in the Land Development Code.
2. To facilitate the Final Site Plan approval process should the applicant elect to proceed.

## PRINT OR TYPE INFORMATION

- A. Provide a detailed description of the proposed project:  
The proposed project will consist of an expansion of the existing parking lot, construction of a new clubhouse, and regrading of the existing Ocean Palm Golf Course.
- B. Provide the lot size (parcel) and square footage of all building(s):  
Parcel Size: 39.99 AC & 2.94 AC  
Building: 15,000 SF (30,000SF Gross Floor Area)
- C. Provide the size, height and proposed use of each building:  
Size: 15,000 SF (30,000SF Gross Floor Area)  
Height: Slight pitched roof 30 ft peak 28 ft mean. Sides at 26 ft approx.  
Proposed Use: Golf Shop, Clubhouse, & Restaurant
- D. Provide a detailed description of the following:  
  
Exterior finish and color: TBD  
Roof material and color: TBD
- E. Indicate the project floor area ratio or lot coverage (if applicable):  
Clubhouse: 30,000 SF GFA = 0.69 AC / 42.93 AC = .016
- F. Provide the total number of:  
  
Required on-site parking spaces: 92(See attached Parking Statement)  
Proposed on-site parking spaces: 90 Regular & 23 Golf Cart = 113  
Required on-site Handicapped parking spaces: 4  
Proposed on-site Handicapped Parking spaces: 4
- G. Any off-site parking spaces proposed? If yes, describe number, location, and distance from proposed project location:  
N/A
- H. Will project be accomplished in phases? If Yes, describe phasing plans and timeframe:  
N/A
- I. Describe the nature of any tree and native vegetation removal, if applicable:  
The site has palm trees and the invasive Brazilian pepper tree. If there is to be removal, it will be one of those two species.

J. If a Commercial use, describe the operational characteristics of the development (proposed hours of operation, any unique characteristics of the proposed use. The operational characteristics of the site are maintaining what is existing out there. The golf course will be operational during daylight hours.

K. Provide other pertinent information regarding the proposed development:

*EXISTING CONDITIONS*

A. Describe all previous uses or activities on the site:  
This site is currently used an executive golf course with a clubhouse and restaurant.

B. Describe all existing structures on the site in terms of their use, construction type, height, density, and size:  
The existing structures on site are the clubhouse and golf cart maintenance shed.

- C. Describe the project site as it presently exists before the project in terms of:
- Site topography:  
The site is relatively flat. See attached survey.
  - Plant life (existing trees, vegetative cover):  
Palm Trees and Brazilian Pepper Trees
  - Soil conditions:  
The site is very sandy and contain hydrologic soil group A.

- Historic or cultural resources (if applicable):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D. Describe the land use and zoning of surrounding properties within 200 feet of project location:

North:  
SFR - Single Family Residential (R4)

South:  
MDR - Medium Density Residential

East:  
SFR- Single Family Residential (R1) & MDR - Medium Density Residential

West:  
SFR - Single Family Residential (R4) & MDR - Medium Density Residential

-----APPLICATION CHECKLIST-----

**Note:** All plans submitted with the application must be folded and stapled to standard notebook size.

1. **SURVEY**  
The survey shall be based on current title work and shall be reflected as such on the survey. The following information is required:

☐ Boundary survey

**NOTE:** ALL SITE PLAN RELATED DOCUMENTS TO BE SUBMITTED ON PLAN SHEETS NO LARGER THAN 11"X17".

3. **LOCATION MAP**

4. **SITE PLAN**

**Note:** Drawn to a regular engineering scale (i.e. 1 inch = 10 feet, 1 inch = 20 feet, but no larger than 1 inch = 40 feet) and plotted on a sheet no larger than 24 by 36 inches in size.

☐ Parcel boundaries and dimensions.

- ☐ Title Block:
  1. Development's name
  2. Site address
  3. Scale
  4. North arrow
  5. Legend
  6. Name and address of the Developer and plan(s) designer.
  7. Date

Building footprint(s).

Dimensions - all proposed improvements.

- ☐ Street improvements (if applicable)
- ☐ Adjacent rights of ways and street names.
- ☐ Pedestrian Facilities.
- ☐ Driveways - points of access.
- ☐ Parking lots, including circulation patterns.
- ☐ Walls, fences and retaining walls, including height and materials
- ☐ Trash/Dumpster location, including screening material(s) and height.
- ☐ Drainage structures (if applicable).
- ☐ Minimum setback lines.
- ☐ Dimensions between building(s) and all perimeter uses.
- ☐ Open space and parks (if applicable).
- ☐ Phase lines (if applicable).
- ☐ Site Plan Summary to include, but not limited to:
  - Total site area
  - Pervious/impervious land coverage
  - Required vs. proposed parking spaces

## 5. BUILDING ELEVATIONS

Building elevations must be drawn for all sides of the building to an architectural scale (1/4 inch = 1 foot is preferred).

- ☐ The height of the building is measured from grade to the top of the roof for a flat roof, or from grade to the mean height between the eave and the ridge for pitched roofs.
- ☐ Elevations for all sides of structures as they will appear upon completion.
- ☐ Building materials and finishes for all exterior surfaces, including roofs.
- ☐ Color of all exterior surfaces, including roofs.

## 6. PRELIMINARY LANDSCAPE PLAN (OPTIONAL))

- ☐ Proposed landscape program.
- ☐ Walls, fences, screening materials (characteristics)
- ☐ Buffer areas and specific landscape treatment.
- ☐ landscape treatment (if applicable) – e.g. dumpsters, transformer vaults, lift stations, etc.

## 9. PRELIMINARY SIGNAGE PLAN (OPTIONAL)

- ☐ Sign type, location, characteristics of existing/proposed.

10. OTHER DESIGN FEATURES (IF APPLICABLE)

- ☐ Awnings (material, design and color).
- ☐ Address, directory signs.
- ☐ Hardscape features (e.g. pavement, walkway treatment, etc.)
- ☐ Other \_\_\_\_\_



3903 Northdale Blvd., Ste. 115E, Tampa, FL 33624  
Tel (813) 549-3740 • Fax (813) 549-3744

<b>To:</b>	<b>City of Flagler Beach</b>
<b>From:</b>	Regina Brachna, EI
<b>Date:</b>	August 2, 2024
<b>Subject:</b>	Building Elevation Statement
<b>McKim &amp; Creed #:</b>	099070001

The client is in the process of developing a building with a slightly pitched roof, featuring a peak height of 30 feet and a mean height of 28 feet. The building will be constructed from a prefabricated steel structure with elevations of approximately 28 feet on all sides.

While the final finishes and roofing materials are yet to be determined, they will adhere to all applicable code standards and aesthetic requirements. At this stage, we seek guidance from the city on design approach to ensure the building complies with existing regulations.



3903 Northdale Blvd., Ste. 115E, Tampa, FL 33624  
Tel (813) 549-3740 • Fax (813) 549-3744

<b>To:</b>	<b>City of Flagler Beach</b>
<b>From:</b>	Regina Brachna, EI
<b>Date:</b>	August 2, 2024
<b>Subject:</b>	Ocean Palm Parking Requirement Statement
<b>McKim &amp; Creed #:</b>	099070001

Following the pre-application meeting with the City of Flagler Beach on June 27, 2024, the parking constraints for the site were discussed. It was noted in the meeting that the city was amenable to overlapping use of parking spots for the various types of uses proposed for the project site. This flexibility will optimize the utilization of available parking spaces, which is a critical factor for the success of the project.

#### 1. Golf Course

- a. Current requirement: 6 spaces/hole x 12 holes =72 spaces
- b. Proposed: This is a Par 3 Golf Course (Par 3 holes are the shortest and give players three shots to make par) with a maximum of 4 players per hole. A reduction to 4 parking spots per hole was discussed.
  - i. 4 spaces/hole x 12 holes =48 spaces provided

#### 2. Driving Range

- a. Current requirement: 1 space per tee x 20 Tees =20 spaces
- b. Proposed: The driving range will primarily serve the golf course clientele. The city discussed allowing the shared use of parking between the golf course and the driving range, reducing the need for additional parking spaces.
  - i. 8 spaces provided

### 3. Restaurant

- a. Current Requirement: One space per one hundred fifty sq. ft. total floor area or one per three fixed seats or as established by the standards of the Florida Building Code whichever is greater.
  - i. For a 5,000 square-foot restaurant:  $5,000 \text{ SF} / 150 \text{ SF} = 33.3$  spaces
- b. Proposed: The city discussed dual usage of parking for both the restaurant and the golf course, given that restaurant peak hours will generally coincide with non-operating hours of the golf course.
  - i. 34 parking spaces provided

### 4. Parking Bay Size

- a. Current Requirement: 9'x20' parking spaces
- b. Proposed: The city discussed allowing a reduction to the standard 9' x 18' parking spaces.

### 5. Golf Cart Parking

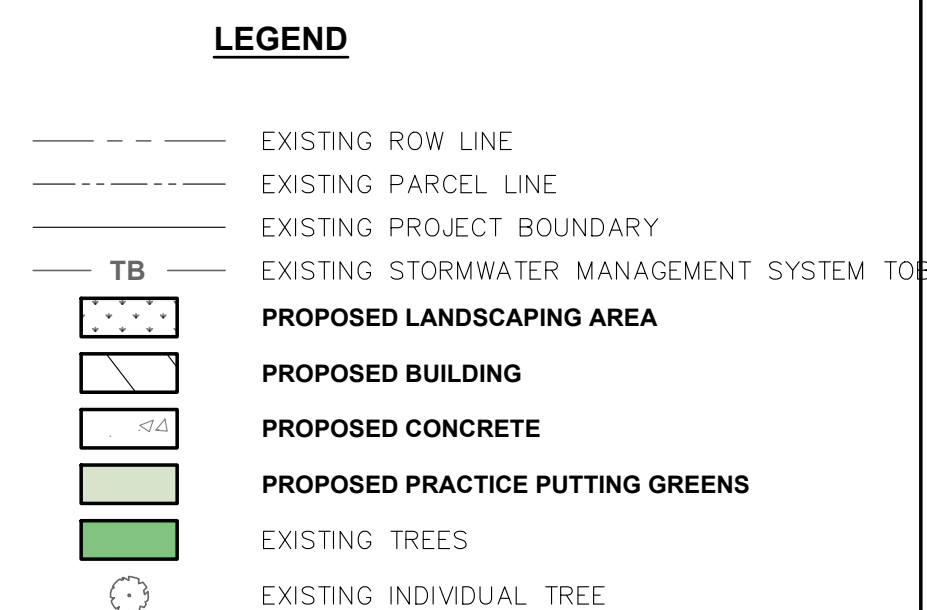
- a. The City of Flagler Beach is considered a golf cart friendly community. Parking for golf carts is proposed to help offset the standard parking requirements.

In summary, the current requirement would necessitate approximately 126 parking spaces. After discussing with the city, the proposal includes 90 standard parking spaces, 23 golf cart parking spaces, and 4 handicapped parking spaces totaling 117 parking spaces.

Should you have any additional questions or need further clarification regarding these approvals, please feel free to contact me.

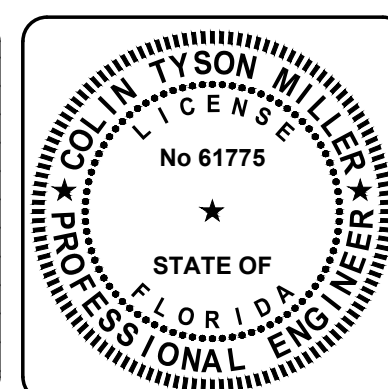
NOT TO SCALE





<u>SITE DATA TABLE</u>	
<u>SITE:</u>	
TOTAL AREA	\$42.93 AC.
PERVIOUS AREA	\$35.48 AC.
IMPERVIOUS AREA:	
PONDS	\$5.97 AC.
CLUBHOUSE AND PARKING LOT	\$1.48 AC.
TOTAL	\$7.45 AC.
<u>REQUIRED PARKING:</u>	
RESTAURANT	34
GOLF COURSE	72
DRIVING RANGE	20
TOTAL:	126
<u>PROPOSED PARKING:</u>	
REGULAR SPACES:	90
ADA SPACES:	4
GOLF CART SPACE:	23
TOTAL PARKING PROVIDED:	117

REV. NO.	DESCRIPTIONS	DATE



**COLIN TYSON MILLER**, State of  
Florida, Professional Engineer,  
License No. **61775**

This item has been digitally  
signed and sealed by  
**COLIN TYSON MILLER**  
on the date indicated here.

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verified on any electronic copies.



## OCEAN PALM GOLF CLUB RENOVATION

SITE PLAN (1)

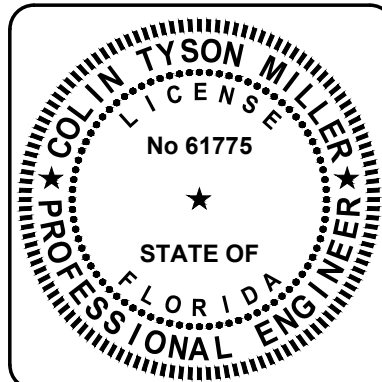
DATE:	JANUARY 2024
MCE PROJ. #	09907001
DRAWN	JPH
DESIGNED	RCB
CHECKED	CTM
PROJ. MGR.	CTM

**SCALE**  
HORIZONTAL:  
1" = 30'  
VERTICAL:  
N/A

**C3.0**

DRAWING NUMBER
<b>A</b>

STATUS: **REVIEW DRAWINGS ONLY**  
**NOT FOR CONSTRUCTION**

[illegible]

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## OCEAN PALM GOLF CLUB RENOVATION

SITE PLAN (2)

DATE:	JANUARY 2024
MCE PROJ. #	09907001
DRAWN	JPH
DESIGNED	RCB
CHECKED	CTM
PROJ. MGR.	CTM

STATUS:

**REVIEW DRAWINGS ONLY  
NOT FOR CONSTRUCTION**

**SCALE**

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**HORIZONTAL:**  
1" = 30'

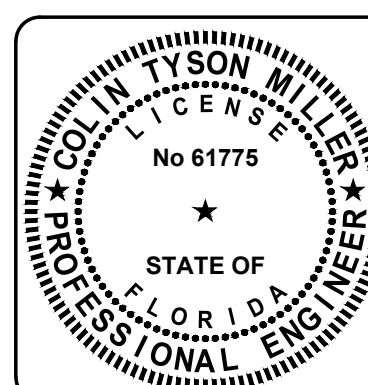
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### C3.1

DRAWING NUMBER
<b>A</b>



- |   |  |
|---|--|
|  | EXISTING ROW LINE                                |
|  | EXISTING PARCEL LINE                             |
|  | EXISTING PROJECT BOUNDARY                        |
|  | EXISTING STORMWATER MANAGEMENT SYSTEM            |
|  | <b>PROPOSED STORMWATER MANAGEMENT SYSTEM TOB</b> |
|  | <b>PROPOSED PRACTICE PUTTING GREENS</b>          |
|  | <b>PROPOSED CONCRETE</b>                         |
|  | <b>PROPOSED STORMWATER MANAGEMENT SYSTEM</b>     |
|  | <b>PROPOSED TEE BOXES AND PUTTING GREENS</b>     |
|  | EXISTING TREES                                   |
|  | EXISTING INDIVIDUAL TREE                         |

[illegible]

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FLAGLER BEACH, FL  
32136

## OCEAN PALM GOLF CLUB RENOVATION

SITE PLAN (3)

DATE:	JANUARY 2024
MCE PROJ. #	09907001
DRAWN	JPH
DESIGNED	RCB
CHECKED	CTM
PROJ. MGR.	CTM

STATUS:




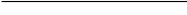




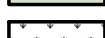
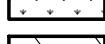
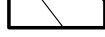


**REVIEW DRAWINGS ONLY  
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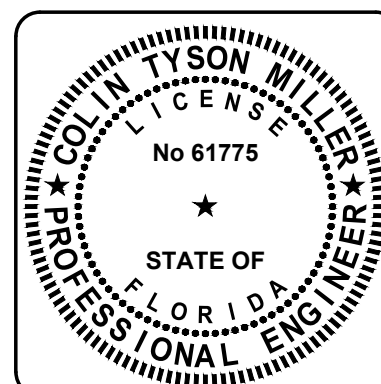
SCALE	
HORIZONTAL:	1" = 30'
VERTICAL:	N/A

### C3.2

DRAWING NUMBER
<b>A</b>
REVISION



- |   |  |
|---|--|
|  | EXISTING ROW LINE                                |
|  | EXISTING PARCEL LINE                             |
|  | EXISTING PROJECT BOUNDARY                        |
|  | EXISTING STORMWATER MANAGEMENT SYSTEM            |
|  | <b>PROPOSED STORMWATER MANAGEMENT SYSTEM TOB</b> |
|  | <b>PROPOSED GOLF BALL PATH</b>                   |
|  | <b>PROPOSED PRACTICE PUTTING GREENS</b>          |
|  | <b>PROPOSED LANDSCAPING AREA</b>                 |
|  | <b>PROPOSED BUILDING</b>                         |
|  | <b>PROPOSED CONCRETE</b>                         |
|  | <b>PROPOSED TEE BOXES AND PUTTING GREENS</b>     |
|  | EXISTING TREES                                   |
|  | EXISTING INDIVIDUAL TREE                         |

[illegible]

**COLIN TYSON MILLER**, State of  
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FLAGLER BEACH, FL  
32136

## OCEAN PALM GOLF CLUB RENOVATION

SITE PLAN (4)

DATE:	JANUARY 2024
MCE PROJ. #	09907001
DRAWN	JPH
DESIGNED	RCB
CHECKED	CTM
PROJ. MGR.	CTM

STATUS:

**REVIEW DRAWINGS ONLY  
NOT FOR CONSTRUCTION**

**SCALE**

**HORIZONTAL:**  
1" = 30'

**VERTICAL:**  
N/A

### C3.3

DRAWING NUMBER  
**A**  
REVISION



- MATCHLINE 3**

A circular professional engineer seal for Colin Tyson Miller. The outer ring contains the text "COLIN TYSON MILLER" at the top and "PROFESSIONAL ENGINEER" at the bottom, separated by two stars. Inside the ring, the word "LICENSE" is at the top, "No 61775" is in the center, a single star is below the number, and "STATE OF FLORIDA" is at the bottom.



**MCKIM & CREED**

3903 Northdale Blvd, Suite 115E  
Tampa, FL 33624  
Phone: (813) 549-3740  
EB 29588  
[www.mckimcreed.com](http://www.mckimcreed.com)



## OCEAN PALM GOLF CLUB RENOVATION

SITE PLAN (5)

DATE:	JANUARY 2024
MCE PROJ. #	09907001
DRAWN	JPH
DESIGNED	RCB
CHECKED	CTM
PROJ. MGR.	CTM

STATUS:

**REVIEW DRAWINGS ONLY  
NOT FOR CONSTRUCTION**

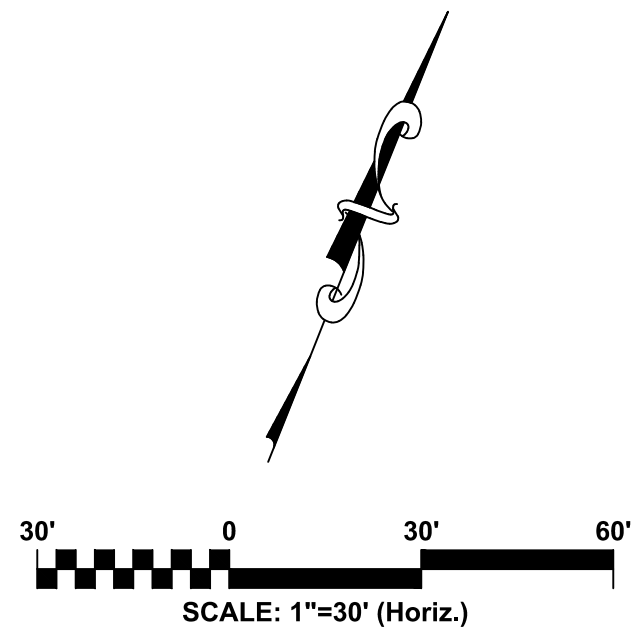
**SCALE**












**HORIZONTAL:**  
1" = 30'

**VERTICAL:**  
N/A

**C3.4**

DRAWING NUMBER  
**A**  
REVISION



	EXISTING ROW LINE
	EXISTING PARCEL LINE
	EXISTING PROJECT BOUNDARY
 <b>TB</b>	EXISTING STORMWATER MANAGEMENT SYSTEM
 <b>TB</b>	<b>PROPOSED STORMWATER MANAGEMENT SYSTEM TOB</b>
	PROPOSED GOLF BALL PATH
	<b>PROPOSED PRACTICE PUTTING GREENS</b>
	<b>PROPOSED STORMWATER MANAGEMENT SYSTEM</b>
	<b>PROPOSED TEE BOXES AND PUTTING GREENS</b>
	EXISTING TREES
	EXISTING INDIVIDUAL TREE

A circular professional engineer seal for the State of Florida. The outer ring contains the text "COLN TYSON MILLER" at the top and "PROFESSIONAL ENGINEER" at the bottom, separated by two stars. Inside the ring, the word "LICENSE" is at the top, "No 61775" is in the center, and "STATE OF FLORIDA" is at the bottom, also separated by two stars.

**McKIM & CREED**

3903 Northdale Blvd, Suite 115E  
Tampa, FL 33624  
Phone: (813) 549-3740

EB 29588

[www.mckimcreed.com](http://www.mckimcreed.com)



DATE:	JANUARY 2024
MCE PROJ. #	09907001
DRAWN	JPH
DESIGNED	RCB
CHECKED	CTM
PROJ. MGR.	CTM

N/A

**DRAWING NUMBER**

REVISION

STATUS: **REVIEW DRAWINGS ONLY  
NOT FOR CONSTRUCTION**

LEGAL DESCRIPTION: (PARCEL 29-12-32-0000-01010-0000)

A PORTION OF SECTIONS 29 AND 30, TOWNSHIP 12 SOUTH, RANGE 32 EAST, FLAGLER COUNTY, FLORIDA, DESCRIBED AS FOLLOWS; FROM THE SOUTHEAST CORNER OF LOT 31, OCEAN PALM SUBDIVISION, RECORDED IN MAP BOOK 5, PAGE 70, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, AS THE POINT OF BEGINNING, RUN ALONG THE BOUNDARY OF SAID OCEAN PALM SUBDIVISION, SOUTH 88 DEGREES 22 MINUTES 14 SECONDS WEST A DISTANCE OF 676.36 FEET; THENCE SOUTH 20 DEGREES 17 MINUTES 35 SECONDS EAST A DISTANCE OR 1032.06 FEET; THENCE SOUTH 23 DEGREES 41 MINUTES 30 SECONDS EAST A DISTANCE OF 720.11 FEET; THENCE DEPARTING SAID BOUNDARY, RUN SOUTH 16 DEGREES 35 MINUTES 48 SECONDS EAST A DISTANCE OF 163.31 FEET; THENCE SOUTH 23 DEGREES 40 MINUTES 41 SECONDS EAST A DISTANCE OF 190.01 FEET; THENCE SOUTH 66 DEGREES 20 MINUTES 13 SECONDS WEST A DISTANCE OF 79.93 FEET; THENCE SOUTH 23 DEGREES 43 MINUTES 08 SECONDS EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF OCEAN PALM DRIVE, A 50 FOOT RIGHT-OF-WAY, A DISTANCE OR 254.37 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, RUN ALONG THE BOUNDARY OF OCEAN PALM VILLA II, RECORDED IN MAP BOOK 11, PAGE 27, OR THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, NORTH 88 DEGREES 26 MINUTES 53 SECONDS EAST A DISTANCE OF 464.85 FEET; THENCE SOUTH 21 DEGREES 50 MINUTES 13 SECONDS EAST A DISTANCE OF 29.89 FEET THENCE ALONG THE BOUNDARY OF OCEAN PALM VILLA III, RECORDED IN MAP BOOK 16, PAGE 1, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND THE EXTENSION THEREOF, NORTH 88 DEGREES 26 MINUTES 53 SECONDS EAST A DISTANCE OF 164.59 FEET; THENCE NORTH 75 DEGREES 47 MINUTES 32 SECONDS EAST A DISTANCE OF 128.87 FEET; THENCE DEPARTING SAID BOUNDARY, RUN ALONG THE BOUNDARY OF PALM HAVEN SUBDIVISION, RECORDED IN MAP BOOK 27, PAGE 27, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, NORTH 21 DEGREES 48 MINUTES 08 SECONDS WEST A DISTANCE OF 1059.90 FEET; THENCE RUN NORTH 68 DEGREES 11 MINUTES 52 SECONDS EAST A DISTANCE OF 100.00 FEET TO THE WESTERLY R/W LINE OF SOUTH CENTRAL AVENUE, A 50' R/W; THENCE NORTH 21 DEGREES 48 MINUTES 08 SECONDS WEST ALONG SAID R/W LINE A DISTANCE OF 300.00 FEET; THENCE DEPARTING SAID R/W LINE, RUN SOUTH 68 DEGREES 11 MINUTES 52 SECONDS WEST A DISTANCE OF 100.00 FEET; THENCE NORTH 21 DEGREES 48 MINUTES 08 SECONDS WEST A DISTANCE OF 1032.43 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING:

A PORTION OF SECTION 29 AND 30, TOWNSHIP 12 SOUTH, RANGE 32 EAST, FLAGLER COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF PALM HAVEN SUBDIVISION, AS RECORDED IN PLAT BOOK 27, PAGE 27, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH CENTRAL AVENUE; A 50 FOOT RIGHT-OF-WAY, RUN NORTH 21 DEGREES 48 MINUTES 08 SECONDS WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 130.00 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, RIGHT SOUTH 68 DEGREES 11 MINUTES 52 SECONDS WEST, A DISTANCE OF 86.00 FEET; THENCE SOUTH 59 DEGREES 08 MINUTES 59 SECONDS WEST, A DISTANCE OF 109.23 FEET; THENCE SOUTH 02 DEGREES 29 MINUTES 39 SECONDS EAST, A DISTANCE OF 400.00 FEET; THENCE SOUTH 87 DEGREES 30 MINUTES 21 SECONDS WEST, A DISTANCE OF 220.00 FEET; THENCE NORTH 02 DEGREES 29 MINUTES 39 SECONDS WEST, A DISTANCE OF 495.00 FEET; THENCE NORTH 68 DEGREES 11 MINUTES 52 SECONDS EAST, A DISTANCE OF 240.09 FEET; THENCE SOUTH 21 DEGREES 48 MINUTES 08 SECONDS EAST, A DISTANCE OF 105.22 FEET; THENCE NORTH 68 DEGREES 11 MINUTES 52 SECONDS EAST, A DISTANCE OF 130.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID SOUTH CENTRAL AVENUE; THENCE SOUTH 21 DEGREES 48 MINUTES 08 SECONDS EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

LEGAL DESCRIPTION: (PARCEL 29-12-32-0000-01010-0010)

A PORTION OF SECTION 29 AND 30, TOWNSHIP 12 SOUTH, RANGE 32 EAST, FLAGLER COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: FROM THE NORTHEAST CORNER OF PALM HAVEN SUBDIVISION, AS RECORDED IN PLAT BOOK 27, PAGE 27, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH CENTRAL AVENUE; A 50 FOOT RIGHT-OF-WAY, RUN NORTH 21 DEGREES 48 MINUTES 08 SECONDS WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 130.00 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT-OF-WAY LINE, RIGHT SOUTH 68 DEGREES 11 MINUTES 52 SECONDS WEST, A DISTANCE OF 86.00 FEET; THENCE SOUTH 59 DEGREES 08 MINUTES 59 SECONDS WEST, A DISTANCE OF 109.23 FEET; THENCE SOUTH 02 DEGREES 29 MINUTES 39 SECONDS EAST, A DISTANCE OF 400.00 FEET; THENCE SOUTH 87 DEGREES 30 MINUTES 21 SECONDS WEST, A DISTANCE OF 220.00 FEET; THENCE NORTH 02 DEGREES 29 MINUTES 39 SECONDS WEST, A DISTANCE OF 495.00 FEET; THENCE NORTH 68 DEGREES 11 MINUTES 52 SECONDS EAST, A DISTANCE OF 240.09 FEET; THENCE SOUTH 21 DEGREES 48 MINUTES 08 SECONDS EAST, A DISTANCE OF 105.22 FEET; THENCE NORTH 68 DEGREES 11 MINUTES 52 SECONDS EAST, A DISTANCE OF 130.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID SOUTH CENTRAL AVENUE; THENCE SOUTH 21 DEGREES 48 MINUTES 08 SECONDS EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.



SURVEY NOTES:

1. THIS IS A BOUNDARY & TOPOGRAPHIC SURVEY OF FLAGLER COUNTY PARCEL NUMBER 29-12-32-0000-01010-0000 & 29-12-32-0000-01010-0010. KNOWN AS OCEAN PALMS GOLF CLUB, LOCATED AT 3600 SOUTH CENTRAL AVENUE, FLAGLER BEACH, FLORIDA. THIS SURVEY IS INTENDED TO SHOW EXISTING TOPOGRAPHIC FEATURES TO AID IN ENGINEERING DESIGN. INTENDED TOPOGRAPHIC FEATURES INCLUDE, BUT ARE NOT LIMITED TO, ROADS, STORM AND SANITARY STRUCTURES, ABOVE GROUND UTILITIES, AND MAJOR GRADE BREAKS.
2. ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES IN U.S. FEET (UNLESS OTHERWISE STATED).
3. BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM (NAD) OF 1983 WITH 2011 ADJUSTMENT AS DERIVED FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION PERMANENT REFERENCE NETWORK (FPRN). AS A REFERENCE FOR THIS SURVEY, THE SOUTH BOUNDARY OF OCEAN PALM SUBDIVISION AS RECORDED IN MAP BOOK 5, PAGE 70 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA HAVING A BEARING OF SOUTH 89°31'02" WEST.
4. ELEVATIONS SHOWN HEREON ARE BASED ON NATIONAL GEODETIC SURVEY BENCHMARK SMITH (AC0888), SAID POINT BEING A CONCRETE MONUMENT WITH BRASS DISK STAMPED "SMITH 1934". SAID POINT HAVING AN ELEVATION OF 19.16 FEET, PURSUANT TO THE NORTH AMERICAN VERTICAL DATUM OF 1988.
5. ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 12035C0281E, FLAGLER COUNTY, FLORIDA, EFFECTIVE DATE OF JUNE 6, 2018, THE PROPERTY DESCRIBED HEREON LIES WITHIN ZONES "AE", "X" (AREAS OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN) AND "SHADED X" (0.2% ANNUAL CHANCE FLOODPLAIN).
6. UNDERGROUND IMPROVEMENTS, ENCROACHMENTS, FOUNDATIONS AND/OR UTILITIES WERE NOT LOCATED AS PART OF THIS SURVEY UNLESS OTHERWISE SHOWN.
7. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
8. NORTH-SOUTH AND EAST-WEST TIES TO FOUND MONUMENTATION AND IMPROVEMENTS ARE BASED ON CARDINAL DIRECTION.
9. WETLAND AREAS, IF EXISTING, WERE NOT ADDRESSED AS A PART OF THIS SURVEY.
10. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
11. THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS SET FORTH IN CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE.
12. ALL OFFICIAL RECORDS SHOWN HEREON ARE REFERENCED TO THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.
13. TOTAL AREA = 36.905 ACRES

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS BOUNDARY AND TOPOGRAPHIC SURVEY IS A TRUE, ACCURATE AND COMPLETE DEPICTION OF A FIELD SURVEY PERFORMED UNDER MY DIRECTION AND COMPLETED ON MAY 14, 2024.

JAMES LEVINER, PSM  
FLORIDA CERTIFICATE NO. 6915  
MCKIM & CREED, INC.

DATE

SEAL

BOUNDARY & TOPOGRAPHIC SURVEY  
OF  
OCEAN PALMS GOLF COURSE  
FOR  
OCEAN PALMS GOLF CLUB LLC

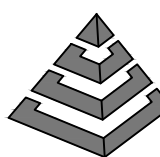
DATE: MAY 14, 2024

SCALE: AS NOTED

PORTIONS OF SECTIONS 29 & 30, TOWNSHIP 12 SOUTH, RANGE 32 EAST, FLAGLER CO.

PROJECT # : 09907-0001  
PROJ. SVYR : JDL  
DRAWN BY : JDL  
FIELD BK : Book  
COMP. FILE : 099070001  
SHEET # : 1 OF 5

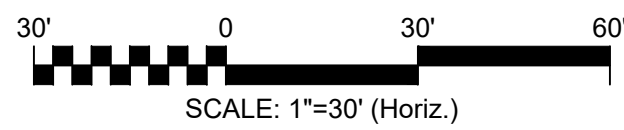
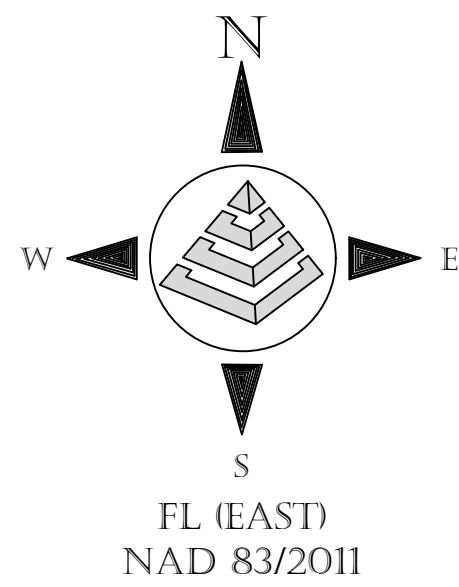
DWG. # : 01



123 North Industrial Drive, Suite D  
Orange City, Florida 32792  
Ph.: (386) 873-4517, Fax: (386) 873-4518  
LB 7917

Internet Site: <http://www.mckimcreed.com>

DATE	REVISION	BY
..	..	...

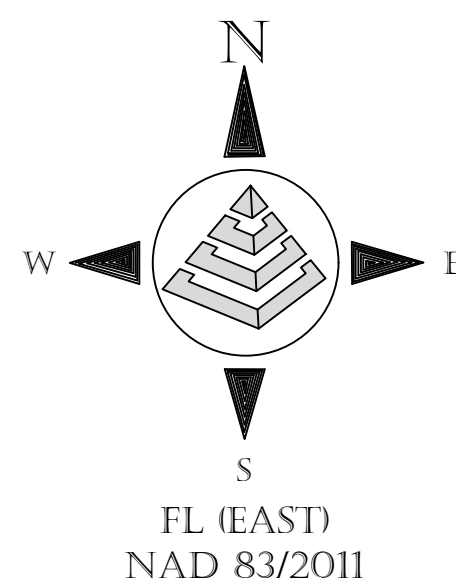
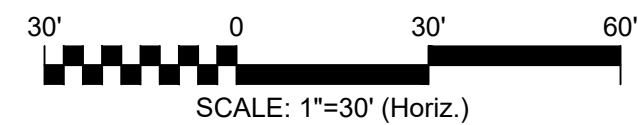


BOUNDARY & TOPOGRAPHIC SURVEY  
OF  
OCEAN PALMS GOLF COURSE  
FOR  
OCEAN PALMS GOLF CLUB LLC  
DATE: MAY 14, 2024 SCALE: AS NOTED  
PORTIONS OF SECTIONS 29 & 30, TOWNSHIP 12 SOUTH, RANGE 32 EAST, FLAGLER CO.

PROJECT # : 09907-0001  
PROJ. SVYR : JDL  
DRAWN BY : JDL  
FIELD BK : Book  
COMP. FILE : 099070001  
SHEET # : 2 OF 5  
DWG. # : 01

**McKIM & CREED**  
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DATE	REVISION	BY
..	..	..



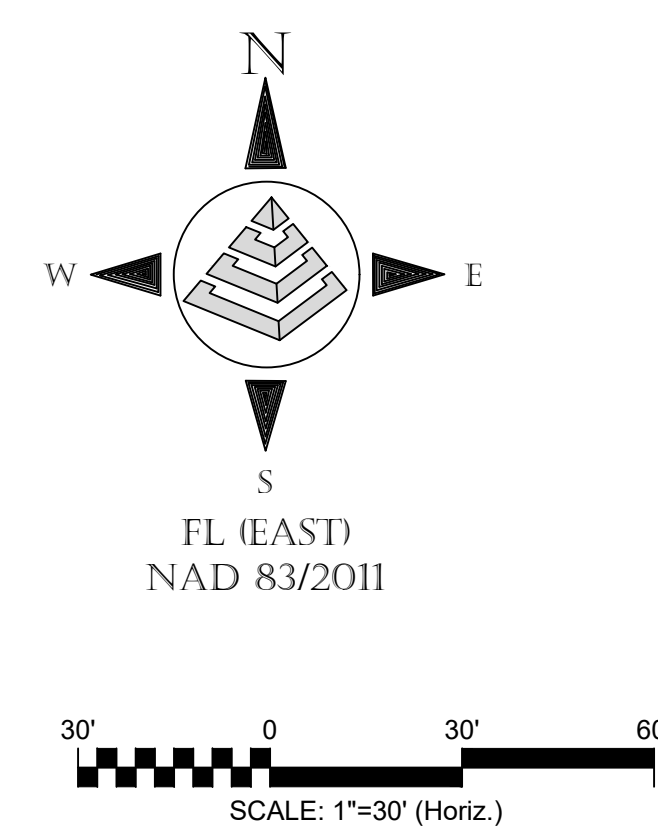
BOUNDARY & TOPOGRAPHIC SURVEY  
OF  
OCEAN PALMS GOLF COURSE  
FOR  
OCEAN PALMS GOLF CLUB LLC  
DATE: MAY 14, 2024 SCALE: AS NOTED  
PORTIONS OF SECTIONS 29 & 30, TOWNSHIP 12 SOUTH, RANGE 32 EAST, FLAGLER CO.

PROJECT #: 09907-0001  
PROJ. SVYR: JDL  
DRAWN BY: JDL  
FIELD BK: Book  
COMP. FILE: 099070001  
SHEET #: 3 OF 5  
DWG. #: 01

**McKIM & CREED**

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DATE	REVISION	BY
..	..	..

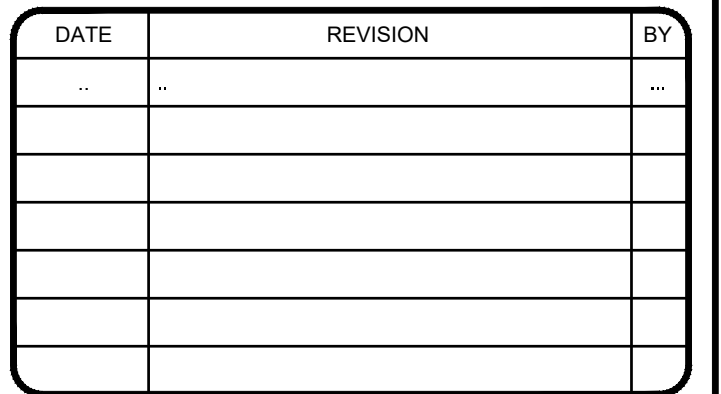


BOUNDARY & TOPOGRAPHIC SURVEY  
OF  
OCEAN PALMS GOLF COURSE  
FOR  
OCEAN PALMS GOLF CLUB LLC  
DATE: MAY 14, 2024 SCALE: AS NOTED  
PORTIONS OF SECTIONS 29 & 30, TOWNSHIP 12 SOUTH, RANGE 32 EAST, FLAGLER CO.

PROJECT #: 09907-0001  
PROJ. SVYR: JDL  
DRAWN BY: JDL  
FIELD BK: Book  
COMP. FILE: 099070001  
SHEET #: 4 OF 5  
DWG. #: 01

**MCKIM & CREED**  
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Orange City, Florida 32792  
Ph.: (386) 873-4517, Fax: (386) 873-4518  
LB 7917  
Internet Site: <http://www.mckimcreed.com>

DATE	REVISION	BY
..	..	..



**ORDINANCE NO. 2024-20**

**AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING  
THE COMPREHENSIVE PLAN TO ADD A PROPERTY RIGHTS ELEMENT;  
PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, Section 163.3167, Florida Statutes, requires the City to maintain a comprehensive plan to guide its future development and growth; and

**WHEREAS**, Section 163.3177(6)(i)1., Florida Statutes, requires the City’s comprehensive plan to include a property rights element; and

**WHEREAS**, the City of Flagler Beach respects judicially acknowledged and constitutionally protected private property rights; and

**WHEREAS**, the City of Flagler Beach respects the rights of all people to participate in land use planning processes; and

**WHEREAS**, this ordinance will amend the comprehensive plan by adding a new Section “J” Property Rights Element.

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

SECTION 1. The City of Flagler Beach comprehensive plan is amended by adding the property rights element attached as EXHIBIT A and made a part of this ordinance as if set forth in full.

SECTION 2. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 3. Codification. It is the intent of the City Commission of the City of Flagler Beach that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provisions of this Ordinance.

SECTION 4. Effective Date. This Ordinance shall become after adoption in accordance with applicable law.

Ordinance 2024-20 cont.

First Public Hearing September 3, 2024. First reading September 17, 2024.  
ADOPTED by the City Commission of the City of Flagler Beach, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

City of Flagler Beach, Florida

\_\_\_\_\_  
Patti King, Mayor

Attest:

\_\_\_\_\_  
Penny Overstreet, City Clerk

## EXHIBIT A

J.- PROPERTY RIGHTS ELEMENT

GOAL J.1: Ensure that private property rights are considered in the City's decision-making process.

Objective J.1: Private property rights. The City will consider the property rights set forth in the policies of this element when making land use and zoning decisions. This objective and the policies within this element do not create any property rights or due process rights that are not already judicially acknowledged and constitutionally protected. This objective and the policies within this element are not intended to alter the legislative nature of decisions made in the adoption of comprehensive plan amendments and land development code amendments. This objective and the policies within this element are not intended to require evidence, discussion, or findings of fact concerning the matters set forth herein. Ordinances adopted and land use and zoning decisions made by the City are presumed to have considered the matters set forth in this element.

Policy J.1.1 The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

Policy J.1.2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or the use of any other person, subject to state law and local ordinances.

Policy J.1.3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

Policy J.1.4 The right of a property owner to dispose of his or her property through sale or gift.

July 30, 2024

**RESPONSE VIA E-MAIL ONLY**

Ms. Lupita McClenning  
City Planner  
City of Flagler Beach  
800 South Daytona Avenue  
Flagler Beach, Florida 32136

Dear Ms. McClenning:

Thank you for submitting copies of the City of Flagler Beach's Small Scale Development Plan Amendment, adopted by Ordinance No. 2024-09 on June 13, 2024, for our records. The reference number for this amendment package is COM# 24S01.

The State Land Planning Agency **will not** conduct a compliance review or issue a Notice of Intent regarding the adopted small scale development plan amendment in accordance with procedures contained in Section 163.3187(1), Florida Statutes.

Please be aware that Chapter No. 2021-195 Laws of Florida adds Section 163.3177(6)(i), Florida Statutes. **Effective July 1, 2021, each local government is now required to adopt a property rights element into its comprehensive plan.** The Department's records do not reflect that the property rights element has been adopted and therefore you may wish to consult with your legal department to determine if the adopted small-scale amendment should be rescinded and readopted after the property rights element is adopted.

If you have any questions, please contact me for the DRI and Plan Processing Section at (850) 717-8491.

Sincerely,



Donna Harris, Senior Plan Processor  
Bureau of Community Planning and Growth

DRE/ts



## City of Flagler Beach

Planning & Zoning Department  
P.O. Box 70 \* 800 S Daytona Ave.  
Flagler Beach, FL 32136  
[www.cityofflaglerbeach.com](http://www.cityofflaglerbeach.com)

July 19, 2024

Florida Commerce  
Division of Community Development  
107 East Madison Street, MSC 160  
Tallahassee, FL 32399-4120

Re: submittal letter to transmit an adopted small-scale amendment

Florida Commerce:

The City of Flagler Beach is submitting the adopted amendment as a small-scale amendment under section 163.3187(1), Florida Statutes.

The parcel is +/- 0.11 acres, and a small-scale amendment.

The total number of acres for small-scale amendments that the City of Flagler Beach has approved for the 2024 calendar year is +/- 0.11 acres.

The small-scale amendment is not within an area of critical state concern.

Local Contact:

Lupita McClenning  
City Planner  
(386) 517-2000 ext. 257  
[lmcclenning@cityofflaglerbeach.com](mailto:lmcclenning@cityofflaglerbeach.com)  
800 S. Daytona Ave.  
P.O. Box 70  
Flagler Beach, FL 32136

Cc: Northeast Florida Regional Council (NEFRC)  
Joseph Kovach, Jr. & Jeanne A. Mommaerts H&W Life Estate, Property Owner

The City of Flagler Beach proposes to adopt the following ordinances:

Section 7, Item c.

# ORDINANCE

## **AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN TO ADD A PROPERTY RIGHTS ELEMENT; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

Public Hearings on this ordinance will be conducted as follows:

Planning and Architectural Review Board: Tuesday, September 03, 2024 at 5:30 p.m. or soon thereafter

City Commission: First Reading, September 17, 2024 at 5:30 p.m. or soon thereafter

City Commission: Second and Final Reading, October 24, 2024 at 5:30 p.m. or soon thereafter

The public hearings may be continued to a future date or dates. The times and dates of any continuances of a public hearing shall be announced during the public hearing without any further published notice. The hearings will be conducted in the City Commission Chambers at 105 South Second Street, Flagler Beach, Florida.

Pursuant to Section 166.041(3)(a), F.S. all interested parties may appear and be heard with respect to the proposed ordinance. Any person wishing to express his/her opinion may submit written comments regarding the proposed amendment to the City through the City Clerk. Comments should be made as early as possible to ensure full consideration.

Pursuant to Sec. 286.0105 F.S. if a person decides to appeal any decision made with respect to any matter considered at the above referenced hearings, he/she will need a record of the proceedings. For such purposes, it may be necessary to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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



# City of Flagler Beach

Planning & Zoning Department  
P.O. Box 70 \* 800 S Daytona Ave.  
Flagler Beach, FL 32136  
[www.cityofflaglerbeach.com](http://www.cityofflaglerbeach.com)

To: Planning and Architectural Review Board

From: Lupita McClenning, City Planner

Re: Staff Report Voluntary Annexation  
Application No. PAN 24-0002

Date: August 29, 2024

---

<b>Applicant:</b>	Michael D. Chiumento, Esq.
<b>Property Owner(s):</b>	Veranda Bay Investments, LLC Palm Coast Intracoastal, LLC Highway 100 Commercial LLC
<b>Site Location:</b>	East and West side of John Anderson Highway & South of State Road 100.
<b>Property ID #:</b>	See Legal Description attached.
<b>Total Acreage:</b>	899.09 +/- acres

In accordance with Florida Statutes 177, owners of 899.09+/- acres of property filed a petition to voluntarily annex into the City of Flagler Beach. The subject property is located south of State Road (SR) 100, and on the east and west sides of John Anderson Highway in unincorporated Flagler County. See Exhibit A.

The proposed annexation meets the criteria set forth in Subsection 171.044, Florida Statutes regarding the character of the area to be annexed, as the property sought to be annexed is reasonably compact and contiguous to the City’s boundary.

The required notice of the annexation has been published once each week for 2 consecutive weeks in the local newspaper. The notice gave the ordinance number and a brief, general description of the subject property.

The City is taking action to expand the capacity of its potable water, wastewater and reuse and represents those facilities shall be in place and available to serve new development no later than the issuance by the City of Flagler Beach of a certificate of occupancy or its functional equivalent. See Exhibit C.

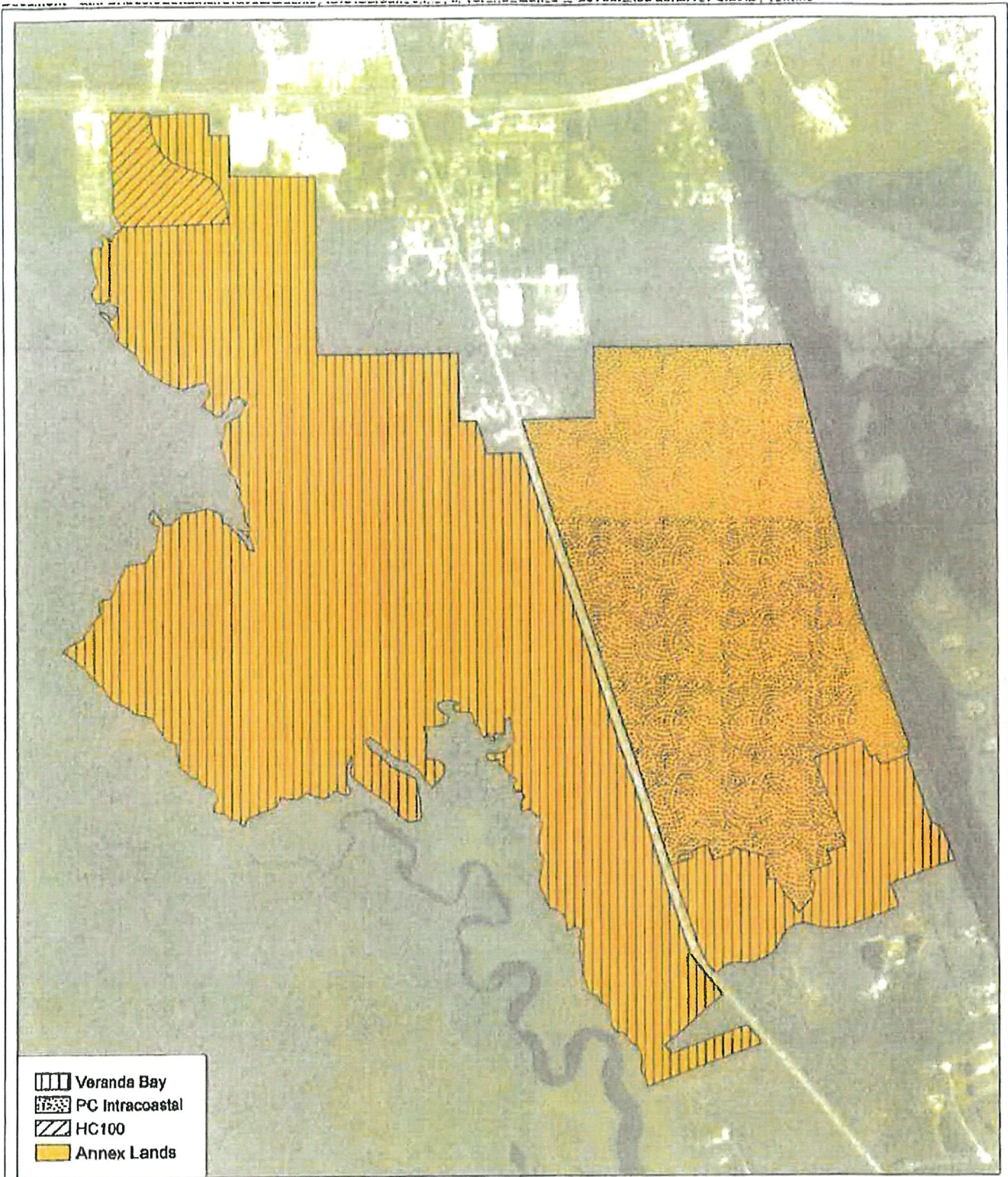
Additionally, the City of Flagler Beach currently provides water, wastewater; and through a mutual aid agreement provides police and fire services to nearby parcels in unincorporated Flagler which eliminates problems that could arise from service delivery to these areas.

In addition to the Florida Statutes 177, the proposed annexation is consistent with the goals and policies of the City's Comprehensive Plan, specifically Policy A.1.4.1 which states that the City shall investigate opportunities for annexation of commercial and value-added properties.

### **RECOMMENDATION**

---

Based on the findings stated above, the petition for annexation meets requirements for a voluntary annexation and recommends the PARB approve the property be included within the corporate area and City limits of Flagler Beach providing for the annexation of +/- 899.09 acres.



**Exhibit "A"**  
**Lands To Be Annexed**  
**Veranda Bay**  
**Flagler County, Florida**

Date: 6-27-24

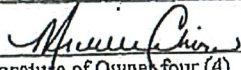

0 700 1,400 Feet

VERANDA  
BAY

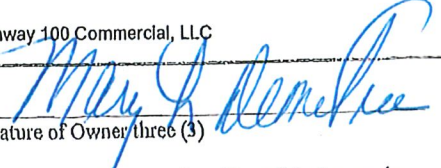
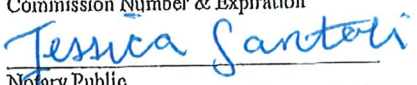


Highway 100 Commercial, LLC

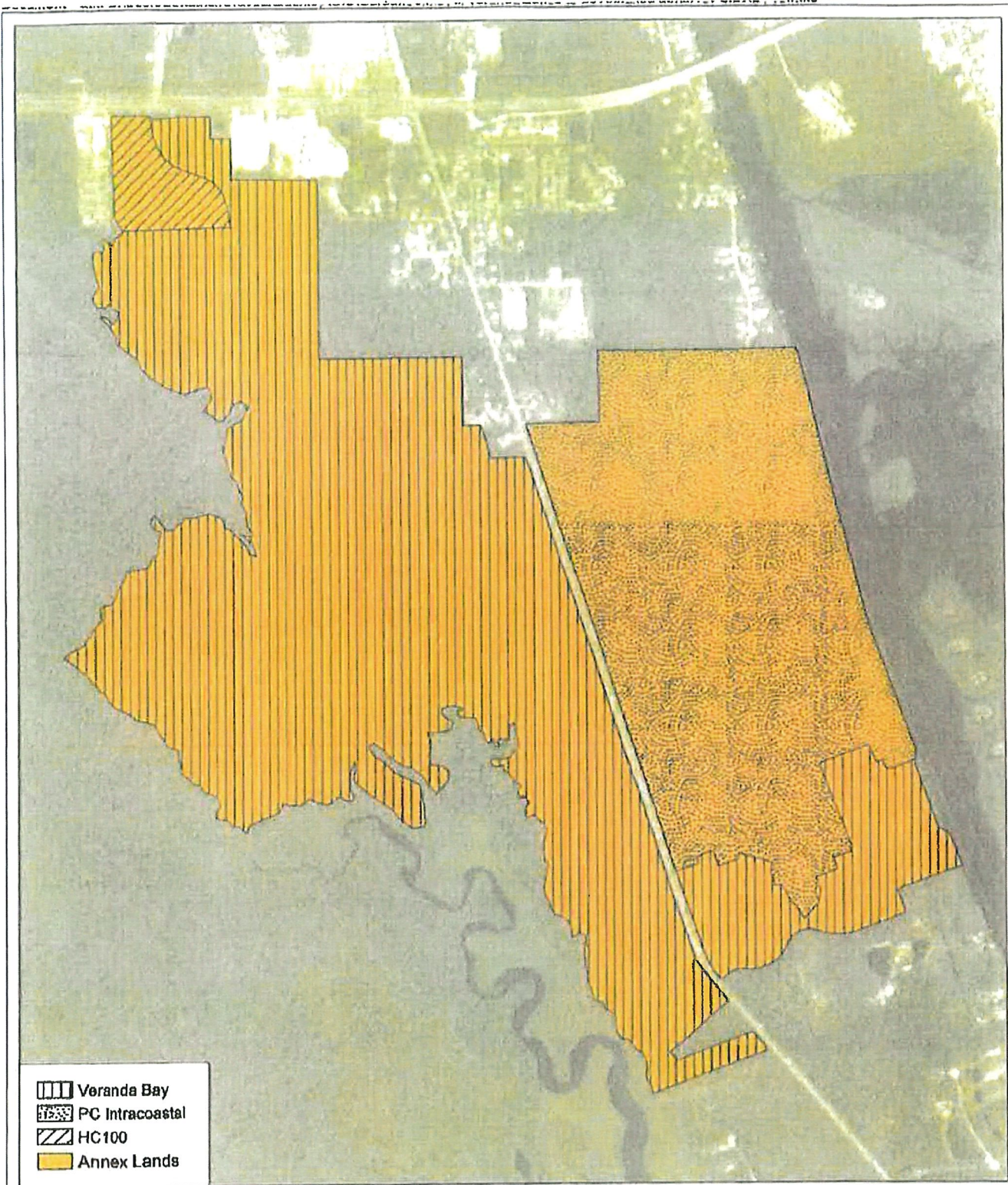
Highway 100 Commercial, LLC

<p>Signature of Owner three (3)</p> <p>Subscribed and Sworn to (or affirmed) before me by Mary L. Demetree as Trustee of the Mary L. Demetree Revocable Trust, as Manager of Highway 100 Commercial, LLC</p> <p>This ____ day of August, 20 24, Who is personally known to me or has produced _____ as identification.</p> <p>Commission Number &amp; Expiration</p> <p>Notary Public</p>	<p> Signature of Owner four (4)</p> <p>Subscribed and Sworn to (or affirmed) before me by Michelle Chira, as Trustee of the Michelle Chira Revocable Trust, as Manager of Highway 100 Commercial, LLC</p> <p>This 13th day of August, 2024, Who is personally known to me or has produced _____ as identification.</p> <p>HH489042 EXP. 02.05.28 Commission Number &amp; Expiration</p> <p> Notary Public</p>
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Highway 100 Commercial, LLC	Highway 100 Commercial, LLC
 Signature of Owner three (3)	_____ Signature of Owner four (4)
Subscribed and Sworn to (or affirmed) before me by Mary L. Demetree as Trustee of the Mary L. Demetree Revocable Trust, as Manager of Highway 100 Commercial, LLC	Subscribed and Sworn to (or affirmed) before me by Michelle Chira, as Trustee of the Michelle Chira Revocable Trust, as Manager of Highway 100 Commercial, LLC
This <u>20<sup>th</sup></u> day of August, 20 <u>24</u> , Who is personally known to me or has produced _____ as identification.	This _____ day of August, 2024. Who is personally known to me or has produced _____ as identification.
<u>#HH 567098</u> <u>07/01/2028</u> Commission Number & Expiration	_____ Commission Number & Expiration
 Notary Public	_____ Notary Public





- Veranda Bay
- PC Intracoastal
- HC100
- Annex Lands

Date: 6-27-24

0 700 1,400 Feet



**Exhibit "A"**  
**Lands To Be Annexed**  
**Veranda Bay**  
**Flagler County, Florida**



**EXHIBIT "A-1"****PROPERTIES OWNED BY PALM COAST INTRACOASTAL, LLC****LEGAL DESCRIPTION  
ANNEXATION**

TRACTS 1A-A, 1A-1, 1A-2, 1A-3, 1A-4, 1A-5, 1A-6, 1A-7, 1A-8, 1A-9, 1A-10, 1A-11, 1A-12, AND 1A-13, ALL LOCATED WITHIN THE SUBDIVISION PLAT OF VERANDA BAY PHASE 1A, AS RECORDED IN PLAT BOOK 40, PAGES 59 THROUGH 64, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

**TOGETHER WITH:**

LOTS 144, 147, 148, 149, 150, 154, 157, 158, 159, 164, 165, 175, 176, 178, 180, 181, 182, 183, 186, 189, 190 AND 191, TOGETHER WITH TRACTS 1B-1 AND 1B-2, ALL LOCATED WITHIN THE SUBDIVISION PLAT OF VERANDA BAY PHASE 1B, AS RECORDED IN PLAT BOOK 41, PAGES 11 THROUGH 15, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

**ALSO, TOGETHER WITH:**

LOTS 123 THROUGH 143 AND LOTS 198 THROUGH 211, TOGETHER WITH TRACTS 1C-1, 1C-3, 1C-4, AND 1C-6, ALL LOCATED WITHIN THE SUBDIVISION PLAT OF VERANDA BAY PHASE 1C, AS RECORDED IN PLAT BOOK 41, PAGES 16 THROUGH 20, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

**ALSO, TOGETHER WITH:** TRACTS 2A-1 THROUGH 2A-22 AND TRACT 2A-B, ALL LOCATED WITHIN THE SUBDIVISION PLAT OF VERANDA BAY PHASE 2A, AS RECORDED IN PLAT BOOK 40, PAGES 65 THROUGH 70, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

**ALSO, TOGETHER WITH:** PHASE 2B – PRELIMINARY PLAT OF VERANDA BAY, DESCRIBED AS FOLLOWS: A PORTION OF SECTIONS 13 AND 38, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY (STATE ROAD 201 AND A 100 FOOT RIGHT OF WAY) AND THE NORTH LINE OF SAID SECTION 38; THENCE SOUTH 18°10'14" EAST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 331.23 FEET; THENCE NORTH 71°49'46" EAST, DEPARTING FROM SAID RIGHT OF WAY LINE, A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 71°49'46" EAST, A DISTANCE OF 370.00 FEET; THENCE NORTH 18°10'14" WEST, A DISTANCE OF 325.00 FEET; THENCE NORTH 71°49'46" EAST, A DISTANCE OF 50.00 FEET; THENCE NORTH 18°10'14" WEST, A DISTANCE OF 20.01 FEET TO THE POINT OF CURVE OF A CURVE CONCAVE TO THE EAST AND HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 11°32'14"; THENCE NORTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 5.03 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 12°24'08" WEST AND A CHORD DISTANCE OF 5.03 FEET TO A POINT ON SAID CURVE; THENCE NORTH 71°49'46" EAST, A DISTANCE OF 119.51 FEET; THENCE SOUTH 18°10'14" EAST, A DISTANCE OF 809.38 FEET; THENCE SOUTH 01°32'26" EAST, A DISTANCE OF 49.29 FEET; THENCE SOUTH 88°27'34" WEST, A DISTANCE OF 140.00 FEET; THENCE SOUTH 01°32'26" EAST, A DISTANCE OF 20.00 FEET; THENCE NORTH 88°27'34"

EAST, A DISTANCE 140.00 FEET; THENCE SOUTH 01°32'26" EAST, A DISTANCE OF 384.95 FEET; SOUTH 18°10'14" EAST, A DISTANCE OF 935.73 FEET; THENCE SOUTH 71°49'46" WEST, A DISTANCE OF 140.00 FEET; THENCE SOUTH 18°10'14" EAST, A DISTANCE OF 20.00 FEET; THENCE NORTH 71°49'46" EAST, A DISTANCE OF 140.00 FEET; THENCE SOUTH 18°10'14" EAST, A DISTANCE OF 24.44 FEET TO THE POINT OF CURVE OF A CURVE CONCAVE TO THE WEST AND HAVING A RADIUS OF 365.00 FEET AND A CENTRAL ANGLE OF 34°46'50"; THENCE SOUTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 221.57 FEET AND SUBTENDED BY CHORD BEARING OF SOUTH 00°46'49" EAST AND A CHORD DISTANCE OF 218.18 FEET TO A POINT ON SAID CURVE; THENCE S 16°36'36" W, A DISTANCE OF 18.72 FEET; THENCE NORTH 73°23'24" WEST, A DISTANCE OF 139.49 FEET TO A POINT ON A CURVE OF A CURVE CONCAVE TO THE EAST AND HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 11°32'13"; THENCE NORTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 5.03 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 10°50'29" EAST AND A CHORD DISTANCE OF 5.03 FEET TO A POINT ON SAID CURVE; THENCE NORTH 73°28'41" WEST, A DISTANCE OF 50.00 FEET TO A POINT ON A CURVE OF A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 12°16'44"; THENCE SOUTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 5.36 FEET AND SUBTENDED BY A CHORD BEARING OF SOUTH 22°44'58" WEST AND A CHORD DISTANCE OF 5.35 FEET TO A POINT ON A CURVE OF A CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 495.00 AND A CENTRAL ANGLE OF 16°23'29"; THENCE WESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 141.61 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 79°46'17" WEST AND A CHORD DISTANCE OF 141.13 FEET TO A POINT ON SAID CURVE; THENCE NORTH 02°02'07" EAST, A DISTANCE OF 77.22 FEET; THENCE NORTH 18°10'14" WEST, A DISTANCE OF 50.30 FEET; THENCE SOUTH 71°49'46" WEST, A DISTANCE OF 80.00 FEET; THENCE NORTH 18°10'14" WEST, A DISTANCE OF 1800.00 FEET TO THE POINT OF BEGINNING. CONTAINING 21.82 ACRES, MORE OR LESS.

**ALSO, TOGETHER WITH: PHASE 2C – PRELIMINARY PLAT OF VERANDA BAY, DESCRIBED AS FOLLOWS:**  
A PORTION OF SECTION 38, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY (STATE ROAD 201 AND A 100 FOOT RIGHT OF WAY) AND THE NORTH LINE OF SAID SECTION 38; THENCE SOUTH 18°10'14" EAST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 331.23 FEET TO THE POINT OF BEGINNING; THENCE NORTH 71°49'46" EAST, DEPARTING FROM SAID RIGHT OF WAY LINE, A DISTANCE OF 400.00 FEET; THENCE SOUTH 18°10'14" EAST, A DISTANCE OF 1906.48 FEET TO A POINT ON A CURVE OF A CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 495.00 FEET AND A CENTRAL ANGLE OF 14°32'52"; THENCE WESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 125.68 FEET AND SUBTENDED BY A CHORD BEARING OF SOUTH 78°18'07" WEST AND A CHORD DISTANCE OF 125.35 FEET TO A POINT OF A CURVE OF A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 10°55'26"; THENCE NORTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 4.77 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 23°37'58" WEST AND A CHORD DISTANCE OF 4.76 FEET; THENCE; THENCE SOUTH 72°11'12" WEST, A DISTANCE OF 50.00 FEET; THENCE NORTH 18°10'14' WEST, A DISTANCE OF 87.31 FEET; THENCE SOUTH 71°49'46" WEST, A DISTANCE OF 225.00 FEET TO THE INTERSECTION WITH THE AFOREMENTIONED EAST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY; THENCE NORTH 18°10'14" WEST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1800.00 FEET TO THE POINT OF BEGINNING. CONTAINING 16.91 ACRES, MORE OR LESS

**EXHIBIT "A-2"****PROPERTIES OWNED BY VERANDA BAY INVESTMENTS, LLC****LEGAL DESCRIPTION  
ANNEXATION****WEST SIDE OF JOHN ANDERSON HIGHWAY**

A PORTION OF LOTS 1, 3, 7, 8 AND 9, AND ALL OF LOTS 4, 10, 11 AND 12, BLOCK C, BUNNELL DEVELOPMENT COMPANY'S LAND AS RECORDED IN PLAT BOOK 1, PAGE 1, IN THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, TOGETHER WITH A PORTION OF GOVERNMENT SECTION 14, 38, AND 39, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, SITUATED IN GOVERNMENT SECTIONS 11, 14, 38 AND 39, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY (STATE ROAD 201) AND THE NORTH LINE OF SAID SECTION 38-12-31; THENCE SOUTH 71°47'17" WEST, A DISTANCE OF 100.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY (STATE ROAD 201), ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID WEST RIGHT OF WAY LINE THE FOLLOWING THREE COURSES: SOUTH 18°10'26" EAST, A DISTANCE OF 3,184.36 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1,196.28 FEET, A CENTRAL ANGLE OF 22°09'26" AND A CHORD DISTANCE OF 459.74 FEET WHICH BEARS SOUTH 29°14'21" EAST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 462.62 FEET; THENCE SOUTH 40°21'41" EAST, A DISTANCE OF 776.28 FEET; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE SOUTH 69°18'47" WEST, A DISTANCE OF 1,433.82 FEET, THENCE NORTH 20°41'22" WEST, A DISTANCE OF 995.98 FEET, THENCE NORTH 24°04'44" WEST, A DISTANCE OF 1,618.01 FEET; THENCE NORTH 86°17'06" WEST, A DISTANCE OF 2,604.28 FEET; THENCE NORTH 60°37'10" WEST, A DISTANCE OF 341.50 FEET; THENCE NORTH 43°23'02" WEST, A DISTANCE OF 2,172.87 FEET, THENCE NORTH 30°47'31" EAST, A DISTANCE OF 1,526.35 FEET; THENCE NORTH 45°31'15" EAST, A DISTANCE OF 902.38 FEET; THENCE NORTH 40°14'18" WEST, A DISTANCE OF 1,732.75 FEET; THENCE NORTH 06°10'40" WEST, A DISTANCE OF 189.68 FEET; THENCE NORTH 00°15'33" WEST, A DISTANCE OF 614.90 FEET; THENCE NORTH 88°32'16" EAST, A DISTANCE OF 257.93 FEET; THENCE NORTH 01°27'08" WEST, A DISTANCE OF 1,087.72 FEET TO A POINT ON THE SOUTH LINE OF STATE ROAD NO. 100; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE SOUTH 89°29'03" EAST A DISTANCE OF 959.81 FEET; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE SOUTH 00°30'57" WEST, A DISTANCE OF 210.00 FEET; THENCE SOUTH 89°29'03" EAST, A DISTANCE OF 210.00 FEET; THENCE SOUTH 00°30'57" WEST, A DISTANCE OF 389.92 FEET; THENCE SOUTH 89°28'38" EAST, A DISTANCE OF 822.42 FEET; THENCE SOUTH 00°06'48" EAST, A DISTANCE OF 1,704.61 FEET; THENCE NORTH 88°51'12" EAST, A DISTANCE OF 1,350.55 FEET; THENCE SOUTH 01°10'32" EAST, A DISTANCE OF 660.84 FEET; THENCE NORTH 88°37'17" EAST, A DISTANCE OF 158.75 FEET; THENCE SOUTH 18°14'40" EAST, A DISTANCE OF 330.09 FEET; THENCE NORTH 88°50'11" EAST, A DISTANCE OF 330.04 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY (STATE ROAD 201); THENCE ALONG SAID RIGHT OF WAY LINE SOUTH 18°15'00" EAST, A DISTANCE OF 1,788.60 FEET TO THE POINT OF BEGINNING.

**TOGETHER WITH:**  
**EAST SIDE OF JOHN ANDERSON HIGHWAY**

A PORTION OF SECTIONS 13, 14 AND 38, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY (STATE ROAD 201) AND THE NORTH LINE OF SAID SECTION 38-12-31; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE NORTH 18°15'00" WEST, A DISTANCE OF 2,087.53 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE NORTH 88°47'52" EAST, A DISTANCE OF 710.35 FEET TO A POINT ON THE WEST LINE OF SECTION 13-12-31; THENCE ALONG SAID WEST SECTION LINE NORTH 01°13'40" WEST, A DISTANCE OF 661.23 FEET TO A POINT ON THE NORTH LINE OF SECTION 13-21-31; THENCE ALONG SAID NORTH SECTION LINE NORTH 88°36'18" EAST, A DISTANCE OF 1,890.40 FEET TO THE POINT ON THE WEST RIGHT OF WAY LINE OF FLORIDA INTRACOASTAL WATERWAY; THENCE ALONG SAID WEST RIGHT OF WAY LINE THE FOLLOWING TWO COURSES: SOUTH 13°59'25" EAST, A DISTANCE OF 2,750.14 FEET; THENCE SOUTH 21°17'55" EAST, A DISTANCE OF 1,265.83 FEET; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE AND ALONG A WESTERLY LINE OF THE HISTORIC CHANNEL OF HAW LOVER CREEK, SOUTH 03°54'35" WEST, A DISTANCE OF 148.38 FEET; THENCE SOUTH 19°27'08" EAST, A DISTANCE OF 643.95 FEET; THENCE SOUTH 68°38'53" EAST, A DISTANCE OF 113.53 FEET TO A POINT ON THE AFORESAID INTRACOASTAL RIGHT OF WAY, THENCE SOUTH 21°17'55" EAST, A DISTANCE OF 647.80 FEET; THENCE DEPARTING SAID RIGHT OF WAY SOUTH 69°10'09" WEST, A DISTANCE OF 2,520.12 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY (STATE ROAD 201); THENCE ALONG SAID EAST RIGHT OF WAY LINE THE FOLLOWING THREE COURSES: NORTH 40°21'41" WEST, A DISTANCE OF 74.31 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1,095.28 FEET, A CENTRAL ANGLE OF 22°09'21" AND A CHORD DISTANCE OF 421.29 FEET WHICH BEARS NORTH 29°14'17" WEST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 423.92 FEET; THENCE NORTH 18°10'26" WEST, A DISTANCE OF 3,184.44 FEET TO THE POINT OF BEGINNING. FORMERLY KNOWN AS GARDENS AT HAMMOCK BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 35, PAGES 80 THROUGH 100, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

**ALSO, TOGETHER WITH:**

TRACTS 1C-2 AND 1C-5, BOTH LOCATED WITHIN THE SUBDIVISION PLAT OF VERANDA BAY PHASE 1C, AS RECORDED IN PLAT BOOK 41, PAGES 16 THROUGH 20, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. CONTAINING 3.23 ACRES, MORE OR LESS.

**ALSO, TOGETHER WITH:**

TRACT 2A-A (FUTURE DEVELOPMENT TRACT) OF THE SUBDIVISION PLAT OF VERANDA BAY PHASE 2A, AS RECORDED IN PLAT BOOK 40, PAGES 65 THROUGH 70, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. CONTAINING 22.64 ACRES, MORE OR LESS.

**ALSO, TOGETHER WITH:**

TRACT 2B-5 (IDENTIFIED AS FUTURE DEVELOPMENT TRACT) OF PHASE 2B – PRELIMINARY PLAT OF VERANDA BAY, DESCRIBED AS FOLLOWS:

A PORTION OF SECTION 38, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY (STATE ROAD 201 AND 100 FOOT RIGHT OF WAY) AND THE NORTH LINE OF SAID SECTION 38; THENCE SOUTH 18°10'14" EAST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 633.41 FEET; THENCE NORTH 71°49'46" EAST, DEPARTING FROM SAID RIGHT

OF WAY LINE, A DISTANCE OF 440.39 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 71°49'46" EAST, A DISTANCE OF 199.61 FEET; THENCE SOUTH 18°10'14" EAST, A DISTANCE OF 137.81 FEET; THENCE SOUTH 71°49'46" WEST, A DISTANCE OF 199.71 FEET; THENCE NORTH 18°07'48" WEST, A DISTANCE OF 137.82 FEET TO THE POINT OF BEGINNING. CONTAINING 0.63 ACRES, MORE OR LESS.

**LESS AND EXCEPT:** THE LAND CONTAINED IN THE QUIT CLAIM DEED TO EAST FLAGLER MOSQUITO CONTROL DISTRICT RECORDED IN OFFICIAL RECORDS BOOK 1620, PAGE 434, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. CONTAINING 0.89 ACRES, MORE OR LESS.

**LESS AND EXCEPT:** THE LAND CONTAINED IN THE SPECIAL WARRANTY DEED TO FLAGLER COUNTY RECORDED IN OFFICIAL RECORDS BOOK 1636, PAGE 1694, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. CONTAINING 81.32 ACRES, MORE OR LESS.

**LESS AND EXCEPT:** THE LAND CONTAINED IN THE SPECIAL WARRANTY DEED TO HIGHWAY 100 COMMERCIAL LLC RECORDED IN OFFICIAL RECORDS BOOK 1789, PAGE 750, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. CONTAINING 18.94 ACRES, MORE OR LESS.

**LESS AND EXCEPT:** TRACTS PL-2 AND PL-3, OF THE VACATED PLAT OF GARDENS AT HAMMOCK BEACH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 35, PAGES 80 THROUGH 100, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. CONTAINING A TOTAL OF 13.17 ACRES, MORE OR LESS.

**LESS AND EXCEPT:** THOSE LANDS DESCRIBED IN THE SUBDIVISION PLAT OF VERANDA BAY PHASE 1A, AS RECORDED IN PLAT BOOK 40, PAGES 59 THROUGH 64, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. CONTAINING 82.08 ACRES, MORE OR LESS.

**LESS AND EXCEPT:** THE BALANCE OF THOSE LANDS DESCRIBED IN THE SUBDIVISION PLAT OF VERANDA BAY PHASE 2A, AS RECORDED IN PLAT BOOK 40, PAGES 65 THROUGH 70, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. CONTAINING 65.85 ACRES, MORE OR LESS.

**LESS AND EXCEPT:** THOSE LANDS DESCRIBED IN THE SUBDIVISION PLAT OF VERANDA BAY PHASE 1B, AS RECORDED IN PLAT BOOK 41, PAGES 11 THROUGH 15, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. CONTAINING 18.02 ACRES, MORE OR LESS.

**LESS AND EXCEPT:** THE BALANCE OF THOSE LANDS DESCRIBED IN THE SUBDIVISION PLAT OF VERANDA BAY PHASE 1C, AS RECORDED IN PLAT BOOK 41, PAGES 16 THROUGH 20, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. CONTAINING 23.50 ACRES, MORE OR LESS.

**LESS AND EXCEPT: PHASE 2B – PRELIMINARY PLAT OF VERANDA BAY, DESCRIBED AS FOLLOWS:**  
A PORTION OF SECTIONS 13 AND 38, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY (STATE ROAD 201 AND A 100 FOOT RIGHT OF WAY) AND THE NORTH LINE OF SAID SECTION 38; THENCE SOUTH 18°10'14" EAST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 331.23 FEET; THENCE NORTH 71°49'46" EAST, DEPARTING FROM SAID RIGHT OF WAY LINE, A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 71°49'46" EAST, A DISTANCE OF 370.00 FEET; THENCE NORTH 18°10'14" WEST, A DISTANCE OF 325.00 FEET; THENCE NORTH 71°49'46" EAST, A DISTANCE OF 50.00 FEET; THENCE NORTH 18°10'14" WEST, A DISTANCE OF 20.01 FEET TO THE POINT OF CURVE OF A CURVE CONCAVE TO THE EAST AND HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 11°32'14"; THENCE NORTHERLY ALONG SAID

CURVE AN ARC DISTANCE OF 5.03 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 12°24'08" WEST AND A CHORD DISTANCE OF 5.03 FEET TO A POINT ON SAID CURVE; THENCE NORTH 71°49'46" EAST, A DISTANCE OF 119.51 FEET; THENCE SOUTH 18°10'14" EAST, A DISTANCE OF 809.38 FEET; THENCE SOUTH 01°32'26" EAST, A DISTANCE OF 49.29 FEET; THENCE SOUTH 88°27'34" WEST, A DISTANCE OF 140.00 FEET; THENCE SOUTH 01°32'26" EAST, A DISTANCE OF 20.00 FEET; THENCE NORTH 88°27'34" EAST, A DISTANCE 140.00 FEET; THENCE SOUTH 01°32'26" EAST, A DISTANCE OF 384.95 FEET; SOUTH 18°10'14" EAST, A DISTANCE OF 935.73 FEET; THENCE SOUTH 71°49'46" WEST, A DISTANCE OF 140.00 FEET; THENCE SOUTH 18°10'14" EAST, A DISTANCE OF 20.00 FEET; THENCE NORTH 71°49'46" EAST, A DISTANCE OF 140.00 FEET; THENCE SOUTH 18°10'14" EAST, A DISTANCE OF 24.44 FEET TO THE POINT OF CURVE OF A CURVE CONCAVE TO THE WEST AND HAVING A RADIUS OF 365.00 FEET AND A CENTRAL ANGLE OF 34°46'50"; THENCE SOUTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 221.57 FEET AND SUBTENDED BY CHORD BEARING OF SOUTH 00°46'49" EAST AND A CHORD DISTANCE OF 218.18 FEET TO A POINT ON SAID CURVE; THENCE S 16°36'36" W, A DISTANCE OF 18.72 FEET; THENCE NORTH 73°23'24" WEST, A DISTANCE OF 139.49 FEET TO A POINT ON A CURVE OF A CURVE CONCAVE TO THE EAST AND HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 11°32'13"; THENCE NORTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 5.03 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 10°50'29" EAST AND A CHORD DISTANCE OF 5.03 FEET TO A POINT ON SAID CURVE; THENCE NORTH 73°28'41" WEST, A DISTANCE OF 50.00 FEET TO A POINT ON A CURVE OF A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 12°16'44"; THENCE SOUTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 5.36 FEET AND SUBTENDED BY A CHORD BEARING OF SOUTH 22°44'58" WEST AND A CHORD DISTANCE OF 5.35 FEET TO A POINT ON A CURVE OF A CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 495.00 AND A CENTRAL ANGLE OF 16°23'29"; THENCE WESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 141.61 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 79°46'17" WEST AND A CHORD DISTANCE OF 141.13 FEET TO A POINT ON SAID CURVE; THENCE NORTH 02°02'07" EAST, A DISTANCE OF 77.22 FEET; THENCE NORTH 18°10'14" WEST, A DISTANCE OF 50.30 FEET; THENCE SOUTH 71°49'46" WEST, A DISTANCE OF 80.00 FEET; THENCE NORTH 18°10'14" WEST, A DISTANCE OF 1800.00 FEET TO THE POINT OF BEGINNING. CONTAINING 21.82 ACRES, MORE OR LESS.

**LESS AND EXCEPT: PHASE 2C – PRELIMINARY PLAT OF VERANDA BAY, DESCRIBED AS FOLLOWS:**

A PORTION OF SECTION 38, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY (STATE ROAD 201 AND A 100 FOOT RIGHT OF WAY) AND THE NORTH LINE OF SAID SECTION 38; THENCE SOUTH 18°10'14" EAST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 331.23 FEET TO THE POINT OF BEGINNING; THENCE NORTH 71°49'46" EAST, DEPARTING FROM SAID RIGHT OF WAY LINE, A DISTANCE OF 400.00 FEET; THENCE SOUTH 18°10'14" EAST, A DISTANCE OF 1906.48 FEET TO A POINT ON A CURVE OF A CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 495.00 FEET AND A CENTRAL ANGLE OF 14°32'52"; THENCE WESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 125.68 FEET AND SUBTENDED BY A CHORD BEARING OF SOUTH 78°18'07" WEST AND A CHORD DISTANCE OF 125.35 FEET TO A POINT OF A CURVE OF A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 10°55'26"; THENCE NORTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 4.77 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 23°37'58" WEST AND A CHORD DISTANCE OF 4.76 FEET; THENCE; THENCE SOUTH 72°11'12" WEST, A DISTANCE OF 50.00 FEET; THENCE NORTH 18°10'14" WEST, A DISTANCE OF 87.31 FEET; THENCE SOUTH 71°49'46" WEST, A DISTANCE OF 225.00 FEET TO THE INTERSECTION WITH THE AFOREMENTIONED EAST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY; THENCE NORTH 18°10'14" WEST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1800.00 FEET TO THE POINT OF BEGINNING. CONTAINING 16.91 ACRES, MORE OR LESS.

## EXHIBIT "A-3"

HIGHWAY 100 COMMERCIAL, LLCLEGAL DESCRIPTION

A PORTION OF TRACT "FD2", GARDENS AT HAMMOCK BEACH, AS RECORDED IN MAP BOOK 35, PAGES 80 THROUGH 100 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING COMMENCE AT THE NORTHWESTERLY CORNER OF SAID TRACT "FD2", SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 100 (A 200 FOOT RIGHT OF WAY AS ESTABLISHED); THENCE SOUTH 89 DEGREES 29 MINUTES 03 SECONDS EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 382.15 FEET TO THE INTERSECTION WITH SOUTHWESTERLY RIGHT OF WAY LINE OF VILLA DRIVE WEST (A VARIABLE WIDTH PRIVATE RIGHT OF WAY AS ESTABLISHED), SAID POINT BEING THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 35.00 FEET; THENCE ALONG SAID CURVE AND SAID SOUTHWESTERLY RIGHT OF WAY LINE AN ARC DISTANCE OF 51.49 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID CURVE BEING SUBTENDED BY A CHORD BEARING OF SOUTH 41 DEGREES 37 MINUTES 50 SECONDS EAST, AND A CHORD DISTANCE OF 46.97 FEET; THENCE SOUTH 00 DEGREES 30 MINUTES 47 SECONDS WEST, A DISTANCE OF 29.81 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 470.00 FEET; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 578.46 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID CURVE BEING SUBTENDED BY A CHORD BEARING OF SOUTH 34 DEGREES 44 MINUTES 45 SECONDS EAST, AND A CHORD DISTANCE OF 542.64 FEET; THENCE SOUTH 70 DEGREES 00 MINUTES 17 SECONDS EAST, A DISTANCE OF 190.75 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 360.00 FEET; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 364.42 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID CURVE BEING SUBTENDED BY A CHORD BEARING OF SOUTH 41 DEGREES 00 MINUTES 17 SECONDS EAST, AND A CHORD DISTANCE OF 349.06 FEET; THENCE SOUTH 12 DEGREES 00 MINUTES 17 SECONDS EAST, A DISTANCE OF 170.79 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 260.00 FEET; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 48.62 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING OF SOUTH 06 DEGREES 38 MINUTES 50 SECONDS EAST AND A CHORD DISTANCE OF 48.55 FEET; THENCE SOUTH 88 DEGREES 37 MINUTES 36 SECONDS WEST DEPARTING THE AFOREMENTIONED SOUTHWESTERLY RIGHT OF LINE OF VILLA DRIVE WEST, A DISTANCE OF 471.38 FEET; THENCE SOUTH 88 DEGREES 28 MINUTES 30 SECONDS WEST, A DISTANCE OF 589.08 FEET; THENCE NORTH 33 DEGREES 37 MINUTES 07 SECONDS WEST, A DISTANCE OF 50.65 FEET; THENCE NORTH 38 DEGREES 07 MINUTES 37 SECONDS WEST, A DISTANCE OF 95.67 FEET TO A POINT ON A WESTERLY LINE OF THE AFOREMENTIONED TRACT "FD2, GARDENS AT HAMMOCK BEACH"; THENCE NORTH 01 DEGREES 27 MINUTES 08 SECONDS WEST, A DISTANCE OF 968.01 FEET TO THE POINT OF BEGINNING.

**EXHIBIT "B"**

**SOLD PLATTED LOTS**

**PHASE 1A**

Lots 43 through 98 of the subdivision plat of Veranda Bay Phase 1A, as recorded in Plat Book 40, Pages 59 through 64, of the Public Records of Flagler County, Florida.

**PHASE 1B**

Lots 145, 146, 151 152, 153, 155, 156, 160, 161, 162, 163, 166, 167, 168, 169, 170, 171, 172, 173, 174, 177, 179, 184, 185, 187, 188, 192, 193, 194, 195, 196 and 197 of the subdivision plat of Veranda Bay Phase 1B, as recorded in Plat Book 41, Pages 11 through 15, of the Public Records of Flagler County, Florida.

**PHASE 2A**

Lots 1 through 42 and Lots 99 through 122, of the subdivision plat of Veranda Bay Phase 2A, as recorded in Plat Book 40, Pages 65 through 70, of the Public Records of Flagler County, Florida.

**ORDINANCE 2024-17**  
**ANNEXATION OF VERANDA BAY – APPLICATION NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, TO ANNEX PROPERTY TO BE INCLUDED WITHIN THE CORPORATE AREA AND CITY LIMITS OF THE CITY OF FLAGLER BEACH; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 899.09 ACRES OF PROPERTY DESCRIBED IN EXHIBIT “A” TO THIS ORDINANCE AND LYING IN THE AREAS PROXIMATE TO THE EXISTING CITY LIMITS OF THE CITY OF FLAGLER BEACH, FLAGLER COUNTY, FLORIDA; PROVIDING FOR ANNEXATION IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, FLORIDA STATUTES; PROVIDING FOR ANNEXATION OF REAL PROPERTY/AMENDMENT OF CORPORATE/CITY LIMITS; PROVIDING FOR RIGHTS AND PRIVILEGES RESULTING FROM ANNEXATION UPON LAND USES; PROVIDING FOR EFFECT ON A VALOREM TAXES; PROVIDING FOR EFFECT ON BUSINESSES AND OCCUPATIONS; PROVIDING FOR EFFECT ON BUSINESSES AND OCCUPATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE**

**WHEREAS**, a Petition for Annexation has been filed with the City Clerk of the City of Flagler Beach, Florida, which petition contains the names of the property owners of the area described in this Ordinance in Exhibit “A” and depicted in Exhibit “B”, and requests annexation into the incorporated area and City Limits of the City of Flagler Beach, Florida; and

**WHEREAS**, the City’s staff has certified that the property owners have signed the petition for Annexation; and

**WHEREAS**, the City Commission hereby finds that the property described hereinafter is reasonably compact and contiguous to the corporate areas of the City of Flagler Beach, Florida, and it is further determined that the annexation of said property will not result in the creation of any enclaves, and it is further determined that the property otherwise fully complies with the requirements of State law; and

**WHEREAS**, the City of Flagler Beach, Florida, is in a position to provide municipal services to the property described herein, and the City Commission of the City of Flagler Beach, Florida, deems it in the best interest of the City to accept said Petition for Annexation and to annex said property; and

**WHEREAS**, pursuant to, and in compliance with the law, notice has been given by publication once a week for two consecutive weeks in a newspaper of general circulation notifying the public of this proposed Ordinance and of public hearings to be held at City Hall in the City of Flagler Beach, see the affidavit of publication, attached hereto and incorporated herein as Exhibit “C”; and

**WHEREAS**, the provisions of this ordinance and the actions taken herein are consistent with the City’s Comprehensive Plan and State law; and

**WHEREAS**, public hearings were held pursuant to the requirements of State law and in conformity with the published notice described above at which hearings the parties in interest and all others had an opportunity to be, and were in fact, heard; and

**WHEREAS**, it is the City’s best interest to annex property which provides economic and other benefits to the City wherever possible.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY OF FLAGLER BEACH, FLORIDA:**

**SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS.**

(a) The property that is the subject of this Ordinance and the Petition for Annexation is described in Exhibit “A” and depicted in Exhibit “B” in Section 2 of this Ordinance.

(b) The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Commission of the City of Flagler Beach. The City Commission of the City of Flagler Beach finds and determines that there is competent substantial evidence to support the findings and determinations made in this Section.

(c) The City Commission of the City of Flagler Beach adopts as legislative and administrative findings the fact that the land area described in Section 2 of this Ordinance (hereinafter referred to as the “Area”) is reasonably compact and contiguous to the present Corporate limits of the City of Flagler Beach, and that no part of the Area is within the boundary of another municipality or the County in any manner or configuration that would contravene the provisions of Florida law or be contrary to sound and generally accepted land use planning practices and principles. The City Commission of the City of Flagler Beach finds that the

annexation of the Area does not create and enclave and that the Area otherwise fully meets the criteria established in Chapter 171, *Florida Statutes*.

(d) The City Commission of the City of Flagler Beach has applied the laws of the State of Florida, Chapter 171, Florida Statutes, as well as the case law analyzing, construing and applying said statutory provisions, and the legislative intent pertaining to said statutory provisions as set forth in legislative reports. Further in compliance with Section 171.044, *Florida Statutes*, the City of Flagler Beach published the notice of annexation in the Daytona Beach News Journal once each week for two consecutive weeks as evidenced by the affidavit of publication attached hereto and incorporated herein as Exhibit “C”.

(e) The City Commission of the City of Flagler Beach finds and determines that there is competent substantial evidence to support the findings and determinations made in this Section and that no other action of the City is required to fully implement an annexation of the Area as set forth herein.

**SECTION 2. ANNEXATION OF PROPERTY/AMENDMENT OF CORPORATE/CITY LIMITS.** The lands described in Exhibit “A” and shown on the map in Exhibit “B” attached hereto (“Area”) be and they are hereby annexed to and included within the corporate limits of the City of Flagler Beach, Florida.

**SECTION 3. RIGHTS AND PRIVILEGES RESULTING FROM ANNEXATION/EFFECT OF ANNEXATION UPON LAND USES.**

(a) Upon this Ordinance becoming effective, the property owner shall be entitled to all the rights and privileges and immunities as are from time to time granted to property owners of the City of Flagler Beach, Florida, as further provided in Chapter 171, *Florida Statutes*, and shall further be subject to the responsibilities of ownership as may from time to time be determined by the City Commission of the City of Flagler Beach, Florida, and the provisions of Chapter 171, *Florida Statutes*.

(b) Upon annexation, the Area shall retain the zoning classification established by the Land Development Code of Flagler County, the land development approvals granted by Flagler County, and a land use designation as assigned by the Flagler County Comprehensive Plan in accordance with the provisions of Section 171.062, *Florida Statutes*, until otherwise changed or

amended by an appropriate ordinance or by a number of ordinances as may be enacted by the City Commission of the City of Flagler Beach, Florida.

**SECTION 4. EFFECT ON AD VALOREM TAXES.** All property lying within the boundaries of the Corporate/City Limits of the City of Flagler Beach, Florida as hereby revised, shall hereafter be assessed for payment of municipal ad valorem taxes pursuant to law.

**SECTION 5. EFFECTIVE ON BUSINESSES AND OCCUPATIONS.** All persons who are lawfully engaged in any occupation, business, trade or profession, within the Area upon the effective date of this Ordinance, under a valid license or permit issued by Flagler County, Florida, shall have the right to continue such occupation, business, trade or profession within the corporate limits of the City of Flagler Beach, as revised, upon the securing of a valid business tax receipt from the City of Flagler Beach, which receipt shall be issued upon payment of the appropriate fee there, without the necessity of taking or passing any additional examination or test relating to the qualifications of such licenses.

**SECTION 6. CONFLICTS.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 7. SEVERABILITY.** It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are servable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such constitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

**SECTION 8. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Flagler Beach, Florida, and pursuant to the City Charter.

**APPROVED** on First Reading the 12<sup>th</sup> day of September 2024.

**ADOPTED** on Second Reading after due public notice and public hearing this 24<sup>th</sup> day of October 2024.

ATTEST: CITY OF FLAGLER BEACH, FLORIDA  
CITY COMMISSION

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
Patti King, Mayor

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
DREW SMITH, CITY ATTORNEY

Attachments: Exhibit “A” – Legal Description of Annexation Area  
Exhibit “B” – Depiction of Annexation Area  
Exhibit “C” – Affidavit of Publication

**EXHIBIT “A”**

**EXHIBIT “B”**

**EXHIBIT “C”**

# CITY OF FLAGLER BEACH NOTICE OF PUBLIC HEARING

The City Commission proposes to adopt Ordinance No. 2024-17 Entitled:

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, TO ANNEX PROPERTY TO BE INCLUDED WITHIN THE CORPORATE AREA AND CITY LIMITS OF THE CITY OF FLAGLER BEACH; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 899.09 ACRES OF PROPERTY DESCRIBED IN EXHIBIT "A" TO THIS ORDINANCE AND LYING IN THE AREAS PROXIMATE TO THE EXISTING CITY LIMITS OF THE CITY OF FLAGLER BEACH, FLAGLER COUNTY, FLORIDA; PROVIDING FOR ANNEXATION IN ACCORDANCE WITH THE VOLUNTARY ANNEXATION PROVISIONS OF SECTION 171.044, FLORIDA STATUTES; PROVIDING FOR ANNEXATION OF REAL PROPERTY/AMENDMENT OF CORPORATE/CITY LIMITS; PROVIDING FOR RIGHTS AND PRIVILEGES RESULTING FROM ANNEXATION UPON LAND USES; PROVIDING FOR EFFECT ON A VALOREM TAXES; PROVIDING FOR EFFECT ON BUSINESSES AND OCCUPATIONS; PROVIDING FOR EFFECT ON BUSINESSES AND OCCUPATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE**

This notice is pursuant to the provisions of Chapter 166 and 171, Florida Statutes, and the Charter and Ordinances of the City of Flagler Beach, Florida as amended and supplemented. Subject annexation meets the statutory criteria for annexation as established in Chapter 171, Florida Statutes.

PUBLIC HEARINGS ARE SCHEDULED TO BE HELD AT CITY HALL, 105 S. 2ND STREET, FLAGLER BEACH, FLORIDA AS FOLLOWS:

PLANNING AND ARCHITECTURAL REVIEW BOARD: TUESDAY, SEPTEMBER 3, 2024 AT 5:30 P.M.

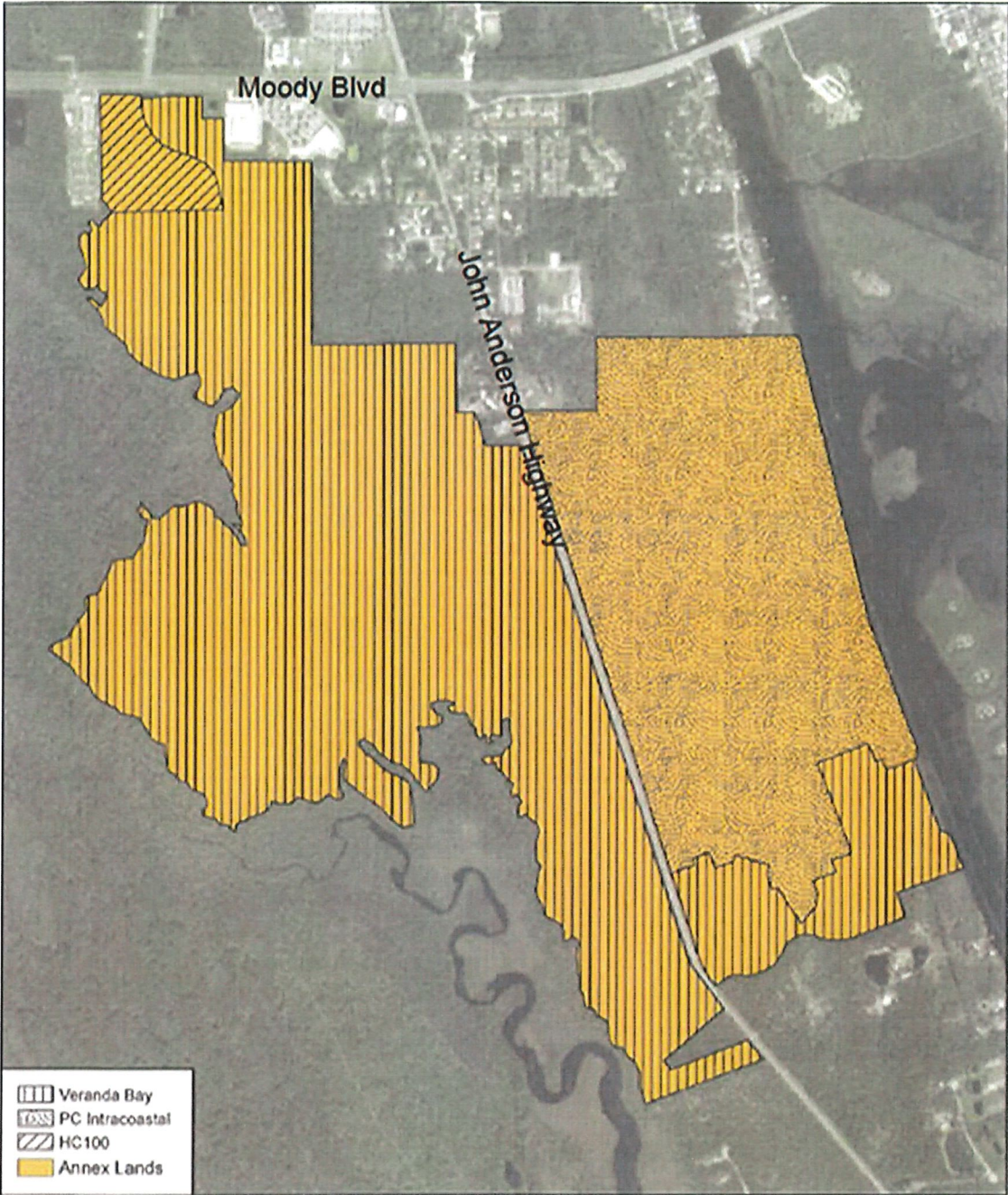
1ST READING: CITY COMMISSION: TUESDAY, SEPTEMBER 17, 2024 AT 5:30 P.M. OR AS SOON THEREAFTER AS POSSIBLE.

2ND READING: CITY COMMISSION: THURSDAY, OCTOBER 24, 2024 AT 5:30 P.M. OR AS SOON THEREAFTER AS POSSIBLE.

Copies of the proposed Ordinance and legal description of the property by metes and bounds are available and may be obtained from the office of the City Clerk at 386-517-2000 Ext. 233.

**Persons are advised that, if they decide to appeal any decision made at these meetings/hearings, they will need a record of the proceedings and for such purpose, they 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, per Section 286.0105, Florida Statutes. In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 386-517-2000 Ext. 233 at least 48 hours prior to the meeting.**

LOCATION MAP





**VERANDA BAY DEVELOPMENT  
FINDINGS REPORT**

**Large-Scale  
Future Land Use Amendment**

Prepared by

Lupita McClenning, City Planner  
City of Flagler Beach, FL  
[lmcclenning@cityofflaglerbeach.com](mailto:lmcclenning@cityofflaglerbeach.com)

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## 1. APPLICATION INFORMATION

### 1.1 Jurisdiction

City of Flagler Beach  
Veranda Bay Development

### 1.2 Applicant

Michael D. Chiumento, Esq  
45 City Pl, Suite 301  
Palm Coast, FL 32164  
on behalf of Veranda Bay, LLC; Palm Coast Intracoastal, LLC; and Highway 100 Commercial, LLC

### 1.3 Intent

The intent of the development is to develop the property into Low Density Residential, General Commercial, and a Marina Village. The residential uses include multiple types of housing opportunities including single-family and multi-family units with an anticipated 2035 build out.

The applicant proposes to amend the Future Land Use (FLUM) map for approximately 899.09 +/- acres of Flagler County land use designations of Agriculture, Conservation, and Mixed-Use High Intensity to the City of Flagler Beach FLUM designations of Low Density Residential (LDR), and General Commercial (GC).

The FLUM amendment includes a planning analysis which considers the character of undeveloped lands, the availability of, and the impacts to the City's facilities and services; an analysis of the soils, topography, natural resources, and historic resources on site, and analysis of the minimum amount of land needed to achieve goals and requirements.

## 2. PROJECT DESCRIPTION

### 2.1 Summary and Background

A mixed-use residential development is currently under development on +/- 160.99 acres. The remainder of the property is vacant and undeveloped.

In 2005 a Master Development Agreement (MDA) was approved for a Planned Development (PUD) in Flagler County for a mixed-use development of approximately 1,999 acres known as Hammock Beach River Club PUD.

The 2005 MDA approved 453 residential units (including 150 of the 453 as multi-family residential units); 230,694 SQ FT of commercial/retail/office; accessory and recreational uses, ancillary amenities and facilities; an 18-hole golf course; dedicated utility site; a dedicated public boat ramp site; and a dedicated fire

station site. As part of the FLUM and MDA agreement, approximately 1,100 acres were transferred to Flagler County as environmental/conservation lands.

The current development proposal being considered on the 899.09+/- acres is as follows:

Project	899.09 +/- Acres
Residential Units	2735 units (3.2 units/ac)
Commercial Density	230,694 sq ft
Open Space (40%)	>300 ac.

### 3. PARCEL DATA

#### 3.1 Size of Property

The site is approximately 899.09 +/- acres

#### 3.2 General Location

The City of Flagler Beach is located in southern Flagler County and covers approximately 3.8 square miles (2,420 acres) in area.

The subject property is in unincorporated Flagler County, located east and west of John Anderson Highway and south State Road 100.

The site is bordered to the north by State Road 100 (a major arterial road); to the east by the boundaries of the City of Flagler Beach; to the south by the boundaries of unincorporated Flagler County; and to the west by the boundaries of unincorporated Flagler County.

#### 3.3 Access and Frontage

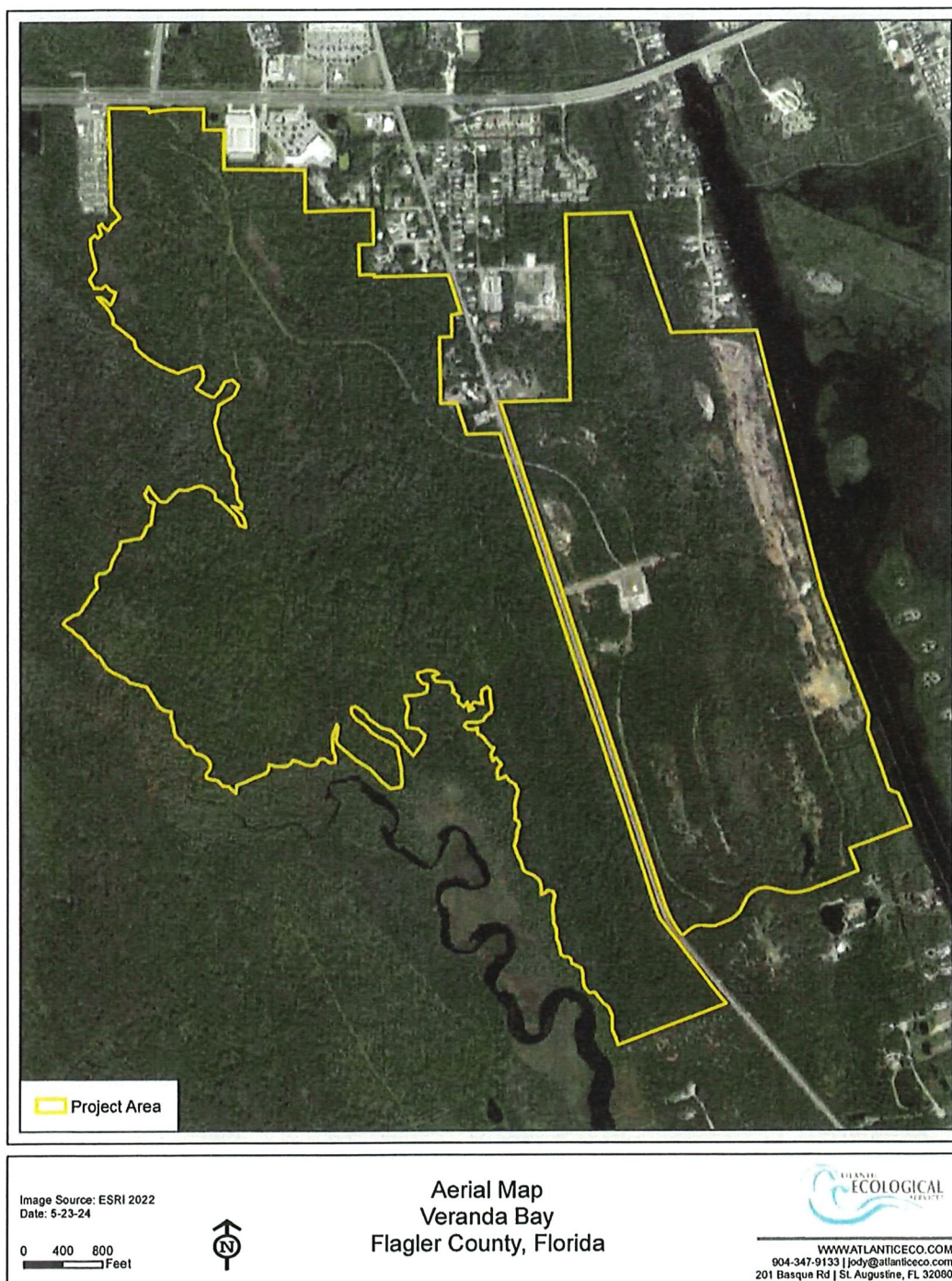
The development is divided into the West Side and East Side separated by County Road (CR) 201 (John Anderson Highway).

Access will be provided on John Anderson Highway and via SR 100 (Moody Blvd) at Colbert Lane as a new fourth leg approach of a signalized intersection.

Access to Veranda Bay East is from John Anderson Highway. Access to Veranda Bay West will be from State Road 100 and from John Anderson.

## 4. LAND USE INFORMATION

### 4.1 Aerial Photograph



#### 4.2 Built Features

Approximately 160.99 +/- acres are currently under development with roads, water, sewer, reuse (purple pipe) and model home sites. Approximately 738.1 +/- acres of the property is undeveloped.

#### 4.3 Current Zoning Designation

According to Flagler County's Zoning, the current zoning designation of the subject property is Planned Unit Development (PUD).

The purpose and intent of the 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 and intent of the planned unit development is to encourage the unified development of large tracts of land using 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.

Proposed PUD's must be in harmony with the county's comprehensive plan. The design and construction shall follow a carefully devised plan of development which must be prepared in accordance with requirements, procedures, and approvals.

#### 4.4 Proposed Master Planned Development (MPD)

The City of Flagler Beach Master Planned Development (MPD) district is established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other City goals and objectives by:

1. Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;
2. Allowing greater freedom in selecting the means of providing access, open space, and design amenities;
3. Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;
4. Providing for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; or
5. Promoting quality design and environmentally sensitive development that respects surrounding established land use characteristics and respects and takes advantage of a site's natural and man-made features.

## 5. BASIC DATA

### 5.1 City of Flagler Beach Population

According to the 2024 American Community Survey (ACS) of the U.S. Census, the City of Flagler Beach has a population of approximately 5,667, a 9.8% increase from the 2020 Census. *Source: ACS, May 2024*

The effects on population provided in the following section.

### 5.2 Proposed Population Veranda Bay

The analysis takes into consideration the current population of the City of Flagler Beach plus the number of proposed units in the Master Planned Development of 2,735 single and multi-family residential units on 899.09 acres.

Proposed MDA Population City of Flagler Beach = 2.08 persons/DU's \*2735  
DU's = 5,688 persons

*Source:*

<https://www.census.gov/quickfacts/fact/table/flaglerbeachcityflorida,flaglercountyflorida/PST045223>

### 5.3 Total Projected Population

Existing City of Flagler Beach + Proposed MPD Population = 11,355 persons

### 5.4 Proposed Non-Residential (Commercial) Square Footage

The analysis takes into consideration the proposed non-residential development of 230,694 SQ FT.

### 5.5 Open Space, Buffers and Recreation

In addition to the 1,100 acres of conservation lands transferred to Flagler County, the development proposes 90.42 acres of conservation; 45.06 acres of landscape/wetland buffers; 64.47 acres of open space; and 6.72 acres of recreation; total of 206.67 acres; plus 153 acres of dedicated waterfront.

## 6. CONSISTENCY AND COMPATIBILITY ANALYSIS

### 6.1 Land Use Compatibility

Surrounding Future Land Use Designations:

North: Mixed Use (City of Palm Coast designation); Medium Density, Commercial, Other Public Facilities, Mixed Use, Low Density (City of Flagler Beach designations); Agriculture, Conservation (Flagler County designations).

South: Agriculture, and Conservation (Flagler County designations).

East: Salt Water Marsh (City of Flagler Beach designation).

West: Agriculture, Conservation, and Mixed-Use High Intensity (Flagler County designations).

The proposed amendment is consistent with the surrounding land use designations.

## 6.2 Surrounding Zoning Designations:

North: Commercial, Multifamily Residential, and Public/Semipublic (City of Palm Coast designations); Highway Commercial, Medium Density Residential, Single Family Residential, Light Industrial, and General Commercial (City of Flagler Beach designations); and Agricultural and Rural Residential (Flagler County designations).

South: Planned Unit Development (Flagler County designation).

East: Conservation, and Preservation (City of Flagler Beach designations).

West: Planned Unit Development, General Commercial & Shopping Center, and Agricultural (Flagler County designations)

The proposed MPD zoning amendment is consistent with the surrounding zoning designations.

## 7. PUBLIC FACILITIES / IMPACT ANALYSIS

In January 2007, the City of Flagler Beach, Flagler County, the City of Palm Coast, and a private developer entered into a stipulated settlement agreement that delineated the water and wastewater services areas for each utility provider.

The City has taken action to expand the capacity of its potable water, wastewater, and reuse water utility services and represents that adequate public facilities and services exist and/or to exist to serve the subject property at its full build out 2035.

### 7.1 Potable Water Data and Analysis

The City of Flagler Beach is the only potable water supplier within its municipal limit. The city is financially responsible for the maintenance and improvements to the potable water system within its service area.

The potable water demand is calculated by summing the estimates from residential and non-residential calculations.

#### 7.1.2 Residential Potable Water Demand

##### *City of Flagler Beach Existing Residential Potable Water Demand*

The residential potable water demand is estimated by multiplying the existing population served by 125 gallons per capita per day (GPCD).

Existing potable water demand = population served \* 125 GPCD

City of FB Population = 3,576 units \* 2.08 persons per unit = 7,438

Existing Potable Water Demand = 7,438 persons \* 125 GPCD

Existing Potable Water Demand = 929,750 GPD

***Veranda Bay Proposed Residential Potable Water Demand***

The residential proposed water demand is estimated by multiplying the proposed population by 125 gallons per capita per day (GPCD).

Proposed potable water demand = population served \* 125 GPCD

Population = 2,735 units \* 2.08 persons per unit = 5,688

Proposed potable water demand = 5,688 persons \* 125 GPCD

Proposed potable water demand = 711,000 GPD

***Total Existing + Proposed Projected Potable Water Demand***

Total projected potable water demand = total population served \* 125GPCD

Total Projected Potable Water Demand = 13,126 persons \* 125 GPCD

Total Projected Potable Water Demand = 1,640,750 GPD

**7.1.3 Non-Residential Potable Water Demand**

***City of Flagler Beach Existing Non-Potable Water Demand***

The non-residential potable water demand is calculated at a rate of 2,000 gallons per acre per day. The City currently has 13.41% of its land use zoned non-residential, or 324 acres with an average General Commercial impervious surface of 75% or 243 acres.

The non-residential wastewater demand is calculated as follows:

Existing non-residential potable water demand = number of acres \* 2000 GPD

Existing wastewater demand = 243 acres \* 2000 GPD

Existing non-residential demand = 486,000 GPD

***Veranda Bay Proposed Non-Residential Water Demand***

The proposed non-residential potable water demand for Veranda Bay is estimated by multiplying the non-residential square footage by .10 gallons per day (GPD).

Proposed non-residential water demand = 230,694 SQFT \* .10 GPD/SQFT

Proposed non-residential water demand = 23,070 GPD

**7.1.4 Findings Residential and Non-Residential Potable Water**

The proposed FLUM and Zoning amendment will have a maximum potential demand for potable water of 734,070 GPD. As part of the site plan/plat review process, the property owner and/or developer will need to coordinate with the City of Flagler Beach Utility Department to determine the appropriate engineering requirements (size of water line, pump stations, etc.) for potable water service.

## 7.2 Wastewater Data and Analysis

The City currently owns and operates one wastewater treatment plant (WWTP), located three miles east of the WTP, which has a maximum capacity of 1.0 mgd. The WWTP provides advanced secondary treatment and disposes of the effluent into the Intracoastal Waterway.

The City's Consumptive Use Permit (CUP) contains a permit condition (#40) that requires the City to conduct a Reuse Feasibility Study by October 2026 to address reuse or recharge wastewater discharge.

The wastewater demand is calculated by summing the estimates from residential and non-residential calculations.

### 7.2.1 Residential Wastewater Demand

#### *City of Flagler Beach Existing Residential Wastewater Demand*

The residential wastewater demand for each residential unit is calculated at 119/gal/person \* 2.08 persons = 248 GPD/unit:

Existing wastewater demand = \*units served \*248 GPD/unit

Existing wastewater demand = 3576 \* 248 GPD/unit

Existing wastewater demand = 886,848 GPD

#### *Veranda Bay Proposed Residential Wastewater Demand*

The proposed residential wastewater demand is calculated as follows:

Proposed wastewater demand = Total number units \*248 GPD/unit

Population = 2,735 units \* 248 GPD/unit = 5,688

Proposed wastewater demand = 678,280 GPD

### 7.2.2 Non-Residential Wastewater Demand

#### *City of Flagler Beach Existing Non-Residential Wastewater Demand*

The City of Flagler Beach currently has 13.41% of its land use zoned non-residential, or 324 acres. The average impervious surface in GC is 75% or 243 acres.

The non-residential wastewater demand is calculated as follows:

Existing non-residential wastewater demand = number of acres \* 2000 GPD

Existing non-residential wastewater demand = 243 acres \* 2000 GPD

Existing non-residential wastewater demand = 486,000 GPD

#### *Veranda Bay Proposed Non-Residential Wastewater Demand*

Proposed non-residential wastewater demand = SQ FT \* .10 GPD/SQFT

Proposed non-residential wastewater demand = 230,694 SQFT \* .10 GPD

Proposed non-residential wastewater demand = 23,070 GPD

### 7.2.3 Findings Residential and Non-Residential Wastewater

The proposed FLUM and Zoning amendment will have a maximum potential net increase in demand for sanitary sewer treatment of 701,350 GPD. As part of the site plan/plat review process, the property owner and/or developer will need to coordinate with the City of Flagler Beach Utility Department to determine the appropriate engineering requirements (size of sewer line, lift stations, etc.) for wastewater service.

### 7.3 Solid Waste Data and Analysis

Solid waste is operated by the City of Flagler Beach. The City is required to review its Interlocal Agreements on Solid Waste Disposal with Flagler County and Solid Waste Services with the Town of Beverly Beach to ensure that it includes specific and adequate resources and capacity.

#### 7.3.1 Solid Waste Demand

The level of service standards to be met by the City for solid waste shall be the equivalent of 3.7 pounds per capita per day.

#### 7.3.2 Solid Waste Demand Residential

Each individual discards 3.7 lbs. of solid waste per day. The daily demand per unit for solid waste is calculated as 3.7lbs/person \* 2.08 persons = 7.70 lbs./per day/per unit.

##### *City of Flagler Beach Existing Solid Waste Demand*

Existing solid waste demand = units served \* 7.7 lbs./per day/unit  
 Existing solid waste demand = 3576 \* 7.7 lbs./per day/unit  
 Existing solid waste demand = 27,535 LBS/Per Day

##### *Veranda Bay Proposed Residential Solid Waste Demand*

Proposed solid waste demand = units served \* 7.7 lbs./per day/unit  
 Proposed solid waste demand = 2,735 \* 7.7 lbs. per day/unit  
 Proposed solid waste demand = 21,060 LBS/Per Day

#### 7.3.3 Solid Waste Demand Non-Residential

##### *Veranda Bay Proposed Non-Residential Solid Waste Demand*

Proposed solid waste demand = SQ FT \* 0.01 LBS/per day  
 Proposed solid waste demand = 230,694 SQFT \* 0.01 LBS/per day  
 Proposed solid waste demand = 2,307 LBS/Per Day

### 7.4 Stormwater Management

The project site drains to a portion of the Intracoastal Waterway (ICW) that is listed as impaired by Florida Department of Environmental Protection (FDEP). Therefore, the stormwater management facilities will be designed such that the amount of Total Nitrogen and Total Phosphorus discharged from the development sites in the post-development condition will be less than that in the pre-development condition. The design storms to be analyzed include the Mean-year/24-hour, 25-year/25-hour, and the 100-year/24-hour storms.

The stormwater management facilities will be designed such that the peak rate of discharge in the post-development condition will be less than the pre-development condition and will discharge to the same location.

The design will incorporate Best Management Practices (BMP's) to ensure no adverse hydrologic impacts to surrounding wetlands or communities. BMP's will also be utilized to ensure no discharge of sediment will occur. Portions of the subject site exist within the FEMA 100-year floodplain, thus any proposed filling of the 100-year floodplain shall be offset in the form of compensatory storage.

#### **7.4.1 Stormwater Findings**

In addition to incorporating BMP's, stormwater treatment facilities are reviewed for consistency with LOS during technical site plan review as LOS standards for stormwater quantity and quality adhere to requirements established by the St. Johns River Water Management District (SJRWMD), and other applicable regulatory requirements.

#### **7.5 Transportation Impacts**

A Traffic Impact Analysis (TIA) was conducted by Holly Walker, PE to assess the impact of the proposed development in accordance with the River to Sea TPO Transportation Impact Analysis Guidelines, City of Flagler Beach, Flagler County, and Florida Department of Transportation (FDOT) requirements. The 899 +/- acre site proposes a mixed-use development with an anticipated full build out in 2035.

##### **7.5.1 Roadway Segments and Intersections Within the Study Area**

Segments:

- SR 100 (Moody Blvd) from SR A1A to CR 201 (John Anderson Highway)
- SR 100 (Moody Blvd) from SR A1A to CR 201 (John Anderson Highway) to Colbert Lane.
- Roberts Rd. from SR 100 (Moody Blvd) to Colbert Lane.
- CR 201 (John Anderson Highway) from Walter Boardman Lane to SR 100 (Moody Blvd.)

Intersections:

- SR 100 (Moody Blvd) at Colbert Lane/Project Access 03
- SR 100 (Moody Blvd) at Roberts Rd/CR 201 (John Anderson Highway)
- SR 100 (Moody Blvd) at Wadsworth Park/Connecticut Avenue
- SR 100 (Moody Blvd) at SR A1A
- CR 201 (John Anderson Highway) at Project Access 01
- CR 201 (John Anderson Highway) at Project Access 02

### 7.5.2 Pertinent Developments Included in Transportation Study

At the time of the study developed with City of Palm Coast and agreed upon by City of Flagler Beach, the following pertinent developments were included in the transportation model:

- Coquina Shores Phase I Single Family Residential Subdivision: 233 units
- Ocean Village Apartments: 416 units
- Colbert Landings Single Family Residential Subdivision: 482 units
- Lighthouse Harbor Luxury Apartments: 240 units
- Lighthouse Harbor Mixed-Use Development:
  - Commercial: 160,000 SQ FT
  - Marina: 80 wet/ 200 dry
  - Single Family / Townhomes / Apartments: 663 units
- Barnes Office Building: 11,200 SQ FT
- The Reserves East Single-Family Residential Subdivision: 217 units
- Roberts Road Multi-Family Apartments (aka Flagler Beach apartments): 240 units
- Beach Village Park Multi-Family Apartments (aka Beach Park Village subdivision): 110 units

### 7.5.3 Findings Transportation Modifications/Improvements Required

The analysis balanced traffic throughput, prioritization, use and distribution and ensured a comprehensive approach to augment the transportation network. Additionally, this approach meets regulatory standards and advances a responsive transportation strategy.

To minimize the impact to the existing approaches and keep within acceptable LOS, recommendations for implementations are noted below and reflected as part of the Master Development Agreement.

- SR 100 (Moody Blvd) at Colbert Lane Access 03
  - North and Southbound approach of the traffic signal under split control.
  - Add 405 eastbound right turn lane under yield condition.
  - Northbound approach (development side)
    - Separate lanes for left turns through movement, and right turns
    - Dual left turn lanes, with a minimum of 1,000 feet storage in each lane.
    - Channelized right turn lane under yield condition
    - Two inbound lanes
  - Southbound Approach (Colbert Lane)
    - Update the approach and signal head to reflect shared thru/left turn.

- SR 100 (Moody Blvd) between Colbert Lane and Roberts Road /CR 201 John Anderson Highway
  - Improvements to existing median openings and/or turn lanes determined during the ICE process at discretion of FDOT.
  - The purpose is to facilitate operations and safety for approved traffic control at intersection of SR 100 (Moody Blvd) at Colbert Lane and at the responsibility of the developer.
- CR 201 (John Anderson Highway) at Project Access 01
  - Eastbound install separate left, thru, and right turn lanes.
  - Westbound approach under gated conditions, creating inherent delay and queuing conditions. A two-lane exit may be sufficient with shared left thru lane and separate right turn lane.
  - Add 340' northbound right and left turn lanes
  - Add 340' southbound right and left turn lanes
- CR 201 (John Anderson Highway) at Project Access 02
  - Westbound approach queues are to be maintained within property
  - Westbound install separate left and right turn lanes
  - Add 340' northbound right turn lane
  - Add 340' southbound left turn lane
- Internal roadway connecting CR 201(John Anderson Highway) to Colbert Lane to redirect traffic from intersection of SR 100 (Moody Blvd) at CR 201 (John Anderson Highway) minimizing and facilitating traffic flow.

## **7.6 Schools Impact**

No data was collected nor analysis completed to determine the demand for school facilities.

## **7.7 Public Safety**

Through mutual aid, fire and police are currently provided to this unincorporated area.

## **7.8 Economic Impact Data and Analysis**

No data was collected nor analysis completed to project the economic impact of the Veranda Bay Development.

### **7.8.1 Employment Trends**

No data was collected nor analysis completed to project the economic impact of the Veranda Bay Development.

### 7.8.2 Ad Valorem Tax Revenue

No data was collected nor analysis completed to project the economic impact of the ad valorem tax revenue from the Veranda Bay Development

### 7.8.3 Sales Tax Revenue

No data was collected nor analysis completed to project the economic impact of from sales tax revenue from the Veranda Bay Development.

## 8. Undeveloped Lands and Cultural, Historical, and Natural Resources

Atlantic Ecological Services conducted a site survey of the Veranda Bay property. The subject property consists of open land areas currently under construction for a residential neighborhood, and undeveloped upland and wetland habitats. The property contains approximately 768.39 acres of uplands, 133.24 acres of wetlands, and 1.31 acres of upland cut surface waters. No protected flora or fauna species are expected to inhabit the subject property. The results of the site assessment are described in this section of the Finding Report.

### 8.1 Soils Map

Soil information is part of a geotechnical investigation that helps determine how the soil will react to proposed changes, anticipate conditions and provide preliminary foundation recommendations. The wetlands are detailed on the *Soil Map Veranda Bay Flagler County, Florida* and reflect the boundaries that were delineated in the field pursuant to state and federal guidelines (Chapter 62-340 F.A.C. and the 1987 Corps of Engineers Wetlands Delineation Manual).

#### 8.1.2 Topography Map

The topographic map uses contour lines to illustrate the elevation changes on the property's surface. Contour lines join points of equal elevation throughout the map. The topographic map shows water features, geographic place names, and cultural features.

#### 8.1.3 Habitat Uplands

Open Lands Under Construction- Approximately 160.99 acres of the subject property consists of land currently under construction for a residential development.

Herbaceous - Approximately 10.88 acres of the site exists as herbaceous non-forested uplands. These areas were cleared during the original construction start of the project in 2007. Clearing and grading occurred, but no infrastructure was constructed. The area consists primarily of bahia grass (*Paspalum notatum*) and a mix of ruderal weeds.

Sand Pine - Approximately 5.48 acres of the subject property consists of sand pine habitat which was historically scrub. The canopy consists of 100% coverage of sand pine (*Pinus clausa*).

Hardwood Conifer Mixed - Approximately 300.24 acres of the uplands found on the site are considered mixed pine oak hammock habitat. Canopy species consisted of mature trees and include live oak (*Quercus virginiana*) and sand live oak (*Quercus geminata*), slash pine (*Pinus elliottii*), sand pine, southern magnolia (*Magnolia grandifolia*), pignut hickory (*Carya glabra*), laurel oak (*Quercus laurifolia*), and sweetgum (*Liquidambar styraciflua*). Subcanopy species included red cedar (*Juniperus virginiana*) and hackberry (*Celtis occidentalis*). The understory is dominated by a thick cover of saw palmetto (*Serenoa repens*). Other species found, but at a much lesser extent, include red bay (*Persea borbonia*), wax myrtle (*Myrica cerifera*), yaupon holly (*Ilex vomitoria*), wax myrtle (*Myrica cerifera*), greenbriar (*Smilax spp.*), and bracken fern (*Pteridium aquilinum*).

Pine Plantation - Multiple upland areas on the subject property totaling 292.74 acres are considered active pine plantation and include only slash pine (*Pinus elliottii*). The understory is dominated primarily by saw palmetto, but also contains wax, fetterbush (*Lyonia ferruginea*), gallberry (*Ilex glabra*), and pine needle litter.

Disturbed Land - Approximately 3.01 acres of the subject property consists of disturbed uplands associated with prior earthwork on the site in preparation for the former development. This area differs from the herbaceous areas previously described in that this area includes heavy grading and road frontage land work. The elevations in this area are not natural and in such have re-vegetated in a non-native form. Large areas of open sand are found in this habitat. The vegetation consists of dogfennel (*Eupatorium capillifolium*), saltbush (*Baccharis halimifolia*), slash pine, bahia grass, St. Augustine grass (*Stenotaphrum secundatum*), and other weeds.

#### 8.1.4 Wetlands

Mangrove - Approximately 8.63 acres of the subject property consists of estuarine mangrove habitat with mosquito ditching open water. This area consists primarily of black mangroves (*Avicennia germinans*) and red mangroves (*Rhizophora mangle*).

Mixed Wetland Hardwoods - Approximately 79.39 acres of the site consists of a mixed hardwood wetland slough. The dominant canopy species includes laurel oak, hackberry, live oak, American elm (*Ulmus americana*), red maple (*Acer rubrum*), and cabbage palm (*Sabal palmetto*). The understory is dominated by saw palmetto, shiny lyonia (*Lyonia lucida*), dahoon holly (*Ilex cassine*), wax myrtle, buttonbush (*Cephalanthus occidentalis*), sawgrass (*Cladium jamaicense*), swamp fern (*Blechnum serrulatum*), royal fern (*Osmunda regalis*), Virginia chain fern (*Woodwardia virginica*), and cinnamon fern (*Osmunda cinnamomea*).

Wetland Mixed Forest - Approximately 2.96 acres of the site consists of wetland mixed forest. These habitats are located along the eastern boundary of the site along the Intracoastal Waterway (ICW). Vegetation includes slash pine, live oak, laurel oak, yaupon holly, cedar, wax myrtle, salt bush, and saw grass.

Wetland Scrub - Approximately 34.95 acres of the site consists of wetland scrub habitat. The dominant species is Carolina willow (*Salix caroliniana*), saltbush, slash pine, laurel oak, cabbage palm, sand cordgrass (*Spartina bakeri*), royal fern, swamp fern, and leather fern (*Acrostichum danaeifolium*).

Saltwater Marsh - Approximately 7.31 acres of the site consists of tidal saltmarsh habitat. The dominant species includes needle rush (*Juncus roemerianus*), black mangrove, sand cordgrass, marsh elder (*Iva frutescens*), sawgrass, saltwort (*Batis maritima*), and glasswort (*Salicornia* spp.).

#### 8.1.5 Surface Waters

Ditches - Multiple man-made surface water ditches (totaling approximately 0.35 acres) are located on the site. Each surface water was originally cut through upland habitats.

Surface Water Pond - Approximately 0.96 acres of upland cut surface water pond is located on the subject property.

#### 8.1.6 Wildlife Observations

Wildlife observations, both direct and indirect, were made throughout the course of the site investigation. A list of species observed is provided in the following table:

Taxon	Common Name	Scientific Name	Protected
Birds			
	American Crow	<i>Corvus brachyrhynchos</i>	No
	Northern cardinal	<i>Cardinalis cardinalis</i>	No
	Black vulture	<i>Coragyps atratus</i>	No
	Red shouldered hawk	<i>Buteo lineatus</i>	No
	Blue Jay	<i>Cyanocitta cristata</i>	No
Mammals			
	Florida Black Bear	<i>Ursus Americanus floridanus</i>	No
	Gray Squirrel	<i>Sciurus carolinensis</i>	No
	White Tailed Deer	<i>Odocoileus virginianus</i>	No
Reptiles			
	Gopher Tortoise	<i>Gopherus polyphemus</i>	Yes
	Diamondback rattlesnake	<i>Crotalus adamanteus</i>	No
	Cottonmouth	<i>Agkistrodon piscivorus</i>	No
	Southern black racer	<i>Coluber constrictor</i>	No

#### 8.1.7 Protected Species

A preliminary gopher tortoise survey was conducted on May 28-30, 2024, in accordance with the techniques outlined in the publication, Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus polyphemus*) Populations Found on Lands Slated for Development in Florida. A total of twenty-nine (29) potentially occupied gopher tortoise burrows were identified. Surveys are valid for a period of 90 days. Prior to clearing and construction an FWC conservation permit will be required and all gopher tortoise burrows must be excavated and tortoises relocated to an offsite recipient site.

### 8.1.8 Findings Gopher Tortoise

All tortoise burrows identified on the site will be permitted and excavation of the burrows will occur. If commensal species are identified during the excavation of the burrows, then each will be relocated to an appropriate relocation site.

### 8.1.9 List of Species Observed

The eastern indigo snake (*Drymarchon corais couperi*) has a moderate likelihood to occur on the subject property due to the presence of gopher tortoise burrows and a mix of upland and wetland hammock. The indigo snake is a gopher tortoise commensal species due to its association with and utilization of gopher tortoise burrows for their life requisites.

Mixed wetland hardwood habitats within the property provide suitable foraging habitat for the wood stork, however the nearest wood stork rookery is located 18 miles southwest of the subject property.

Long-legged waders have a moderate likelihood to utilize wetlands. The subject property is not located within core foraging habitat.

A Florida black bear was observed within the subject property. The project area lies within the Central Bear Management Unit. The Florida black bear is no longer a protected species by FWC but is a managed species. FWC will be a commenting agency during the ERP permitting process.

The FWC's Eagle Nest Locator website was queried for data regarding documented southern bald eagle (*Haliaeetus I. leucocephalus*) nests in the project vicinity. The southern bald eagle is protected under the Bald and Golden Eagle Protection Act. Development guidelines are required for any proposed projects with 330 feet for urban areas and 660 feet for non-urban areas. The nearest known nest is located 1.4 miles south of the property. Therefore, this project is not likely to adversely affect the southern bald eagle.

### 8.1.10 Findings of Species Observed

#### Indigo Snake

Best Management Practices during construction for the eastern indigo snake will be incorporated. Eastern indigo snake signage will be installed at the construction office for instruction on procedures if an indigo snake enters the construction area. With the above measures being incorporated, development of the subject property is not anticipated to adversely affect the eastern indigo snake.

#### Wood Stork

All suitable habitat within a 13-mile radius of a known rookery is considered core foraging habitat. Since the subject property is not located within core foraging habitat, no impact to this species is anticipated.

### **Long Legged Waders**

No wading bird rookeries are known or were identified on or near the subject property, and the project is not likely to adversely affect any wading bird populations.

### **Florida Black Bear**

FWC will likely provide comment that Florida black bear specific BMP's, construction and design specifications be utilized for project.

### **Southern Bald Eagle**

Development guidelines are required for any proposed projects with 330 feet for urban areas and 660 feet for non-urban areas. The nearest known nest is located 1.4 miles south of the property. Therefore, this project is not likely to adversely affect the southern bald eagle.

## **9. CONSISTENCY WITH CITY OF FLAGLER BEACH COMPREHENSIVE PLAN**

### **Policy A.2.4.1**

Future Land Use Map amendments shall include the following analyses:

- a. An analysis of the availability of facilities and services.
- b. An analysis of the sustainability of the plan amendment for its proposed use considering the character of undeveloped land, soils, topography, natural resources, and historic resources on site.
- c. An analysis of the minimum amount of land needed to achieve the goals and requirements of Objective A.2.4

### **9.1 Public Facilities**

#### **Policy H.6.7.1**

The City shall review all proposed transportation plans and improvements to determine the impacts such projects or proposals will have on the City's transportation network.

#### **Policy H.6.7.2**

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

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

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

shall consult with the applicable water supplier to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the local government of a certificate of occupancy or its functional equivalent.

### **9.1.2 Findings Public Facilities**

A comprehensive analysis was completed to examine the demand and impact to the City's public facilities and services.

Studies were provided by licensed and/or professionals who surveyed the site and/or modeled the impacts to maintain the LOS.

The proposed development is consistent with the Public Facilities Element and the Comprehensive Plan.

## **9.2 Future Land Use Element**

### **Policy A.1.2.2**

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

### **Policy A.1.1.3**

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

### **Policy A.1.4.3**

The City shall encourage the use of innovative LDRs, which may include provisions for master planned developments, mixed land use development techniques and the clustering of commercial uses in appropriate nodes.

### **Goal A.2**

The City shall preserve, protect and enhance the natural environment, natural and historical resources, and the City's unique sense of place.

### **Objective A.1.4**

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

### **Policy A.1.4.1**

The City shall investigate opportunities for annexation of commercial and value-added properties.

### **9.2.1 Findings Future Land Use Element**

A comprehensive analysis was completed to examine how the proposed development supports the goals and objectives of the Land Use Element and is found to be consistent with the Future Land Use Element of the City's Comprehensive Plan.

## **9.3 Housing Element**

### **Policy C.1.1.3**

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

### **9.3.1 Findings Housing Element**

A comprehensive analysis was completed to examine how the proposed development supports the policies of Housing Element and is found to be consistent with the Housing Element of the City's Comprehensive Plan.

## **9.4 Public Facilities Element**

### **Policy D.1.5.3**

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

### **9.4.1 Findings Public Facilities Element**

A comprehensive analysis was completed to examine the demand and impact to the City's public facilities and services.

Studies were provided by licensed and/or professionals who surveyed the site and/or modeled the impacts to maintain the LOS.

The proposed development is consistent with the Public Facilities Element and the Comprehensive Plan.

### **Staff Recommendation**

Based on the data, analysis and findings, staff recommends that the Planning and Architectural Review Board (PARB) find the Large-Scale Future Land Use Amendment (FLUM) consistent with the Comprehensive Plan and recommend to the City Commission to approve the FLUM amendment from unincorporated land use designations of Agriculture, Conservation, and Mixed Use: High Intensity to the City of Flagler Beach land use designations of Low Density Residential and General Commercial.

**Exhibits**

1. Aerial Map
2. Soils Map
3. Topographic Map
4. Gopher Tortoise Burrow Location Map
5. Habitat Map
6. Existing Zoning Unincorporated Flagler County
7. Existing Zoning City of Flagler Beach
8. Existing FLUM City of Flagler Beach
9. Existing FLUM Unincorporated Flagler Beach
10. Excerpts from Submittal Exhibit I Parker Mynchenberg & Associates Demand for Public Infrastructure 230,694 SQ FT Commercial and 2,735 Residential Units

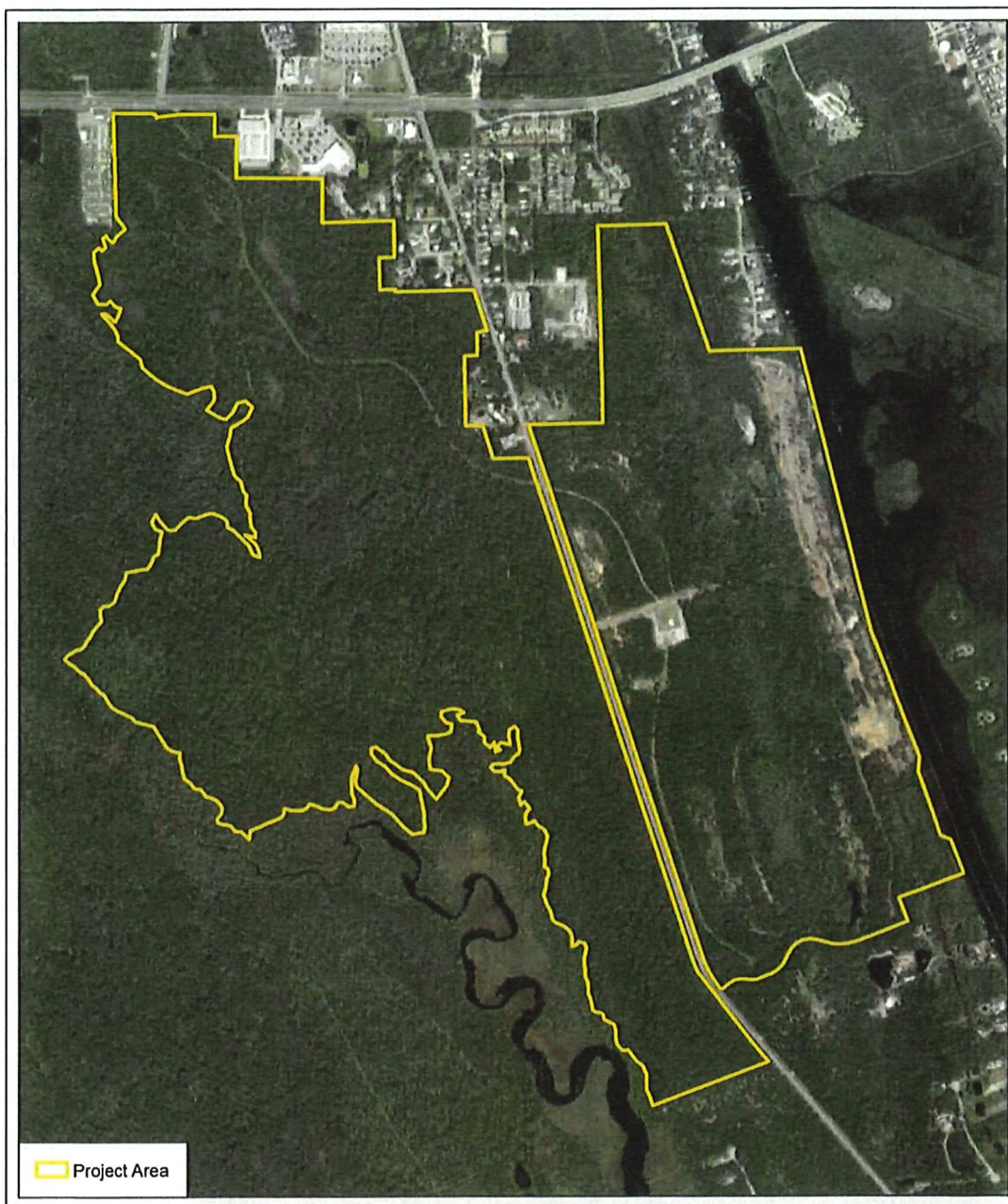


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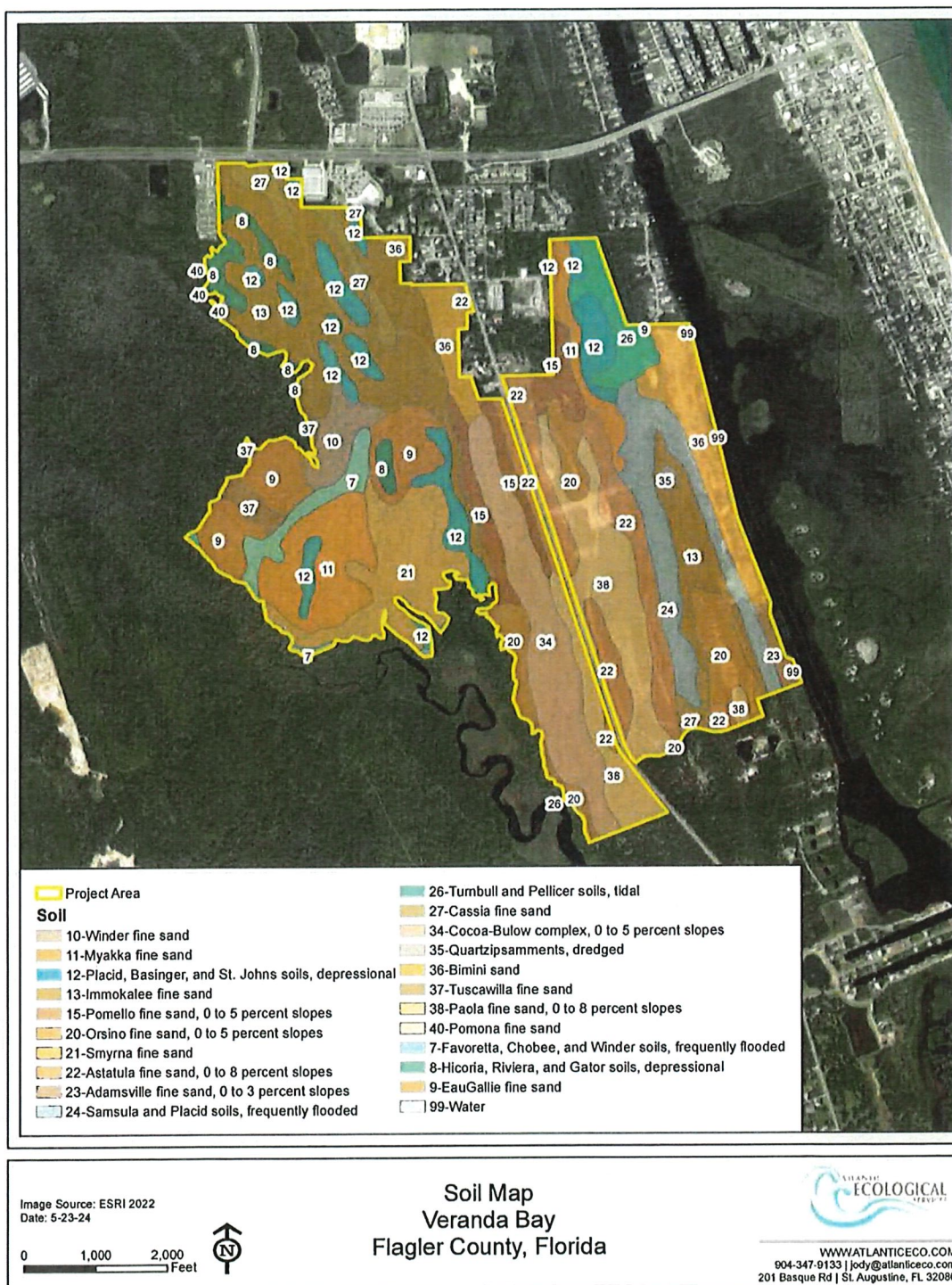
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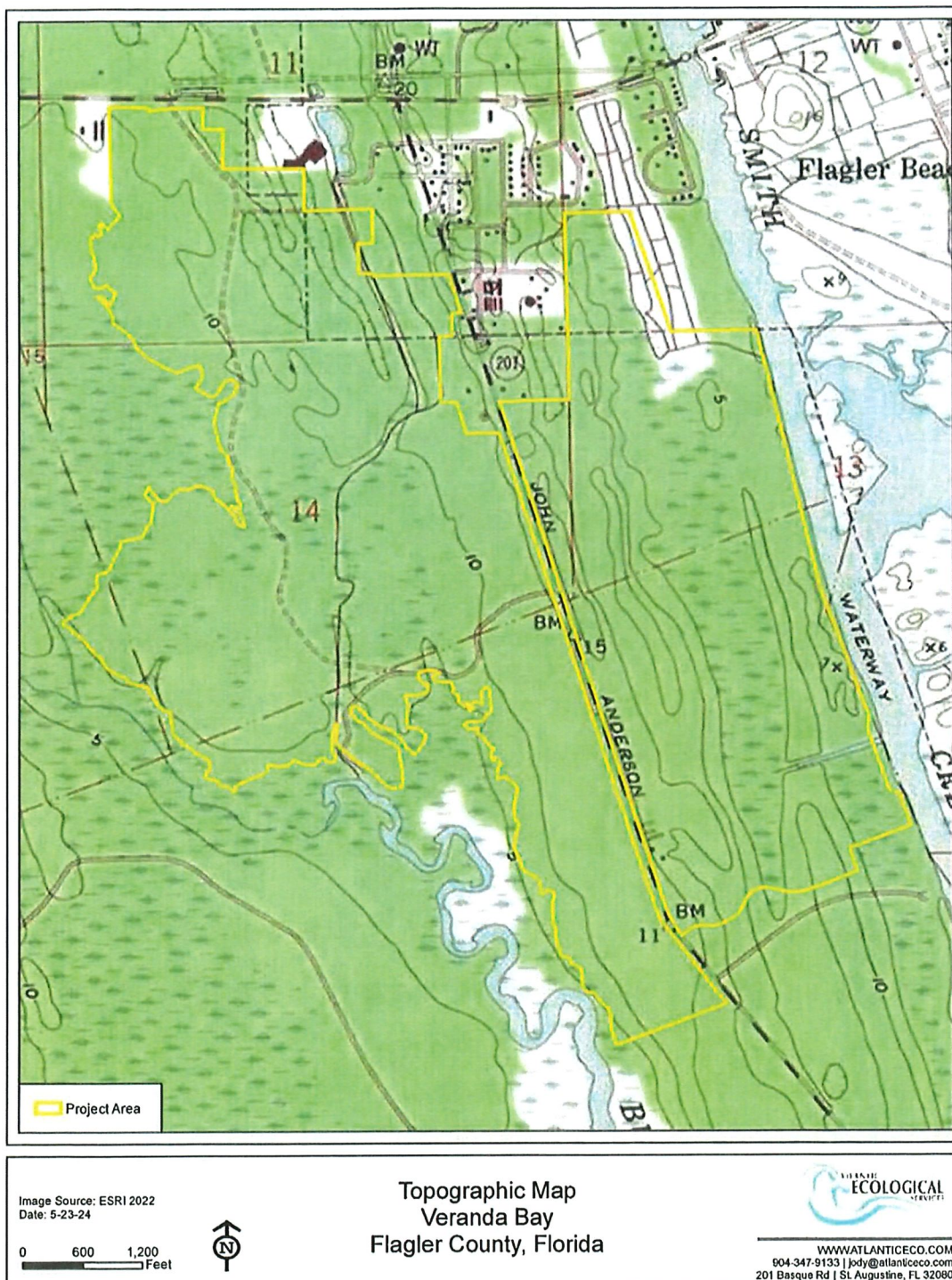


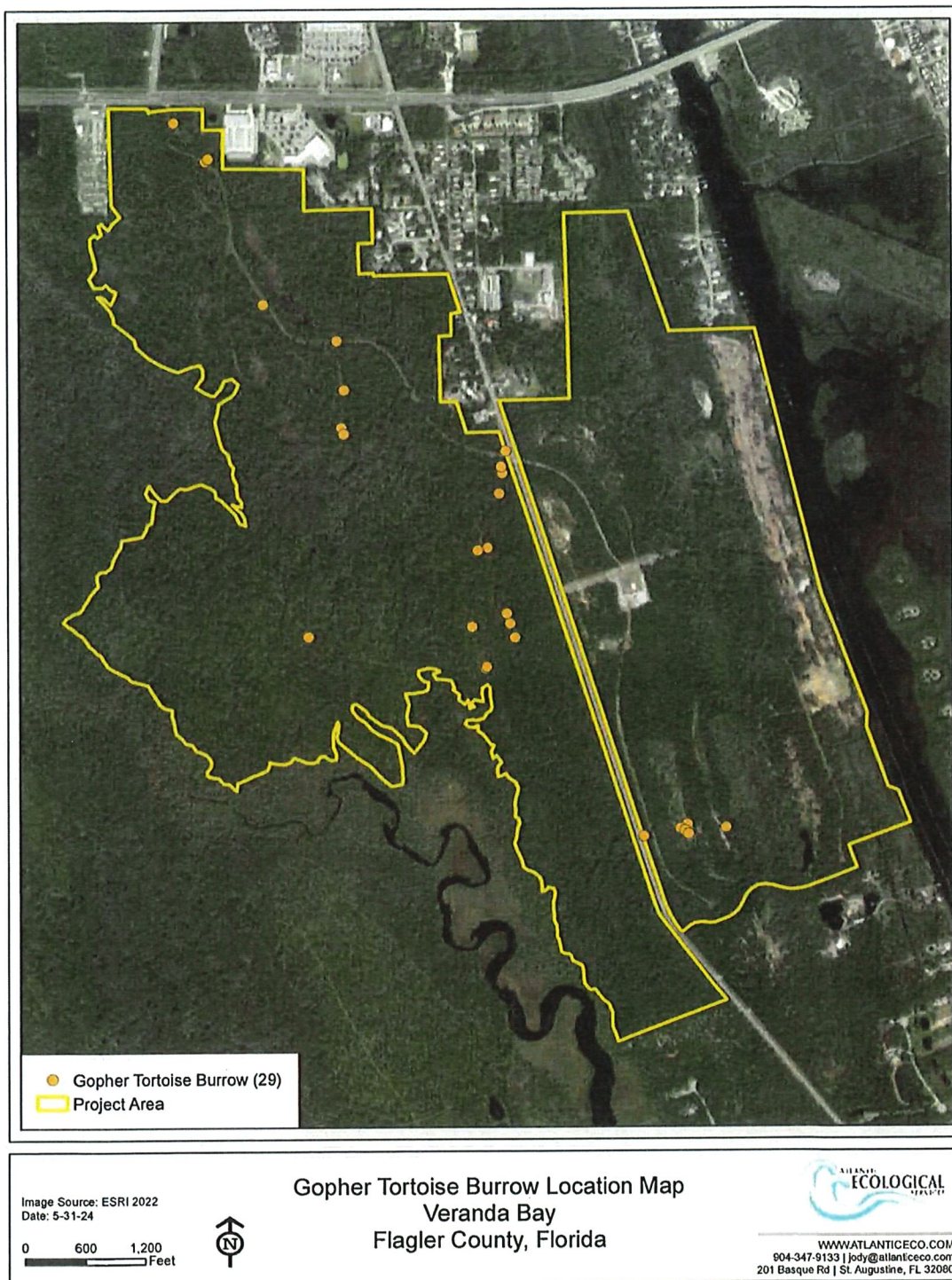
Aerial Map  
Veranda Bay  
Flagler County, Florida

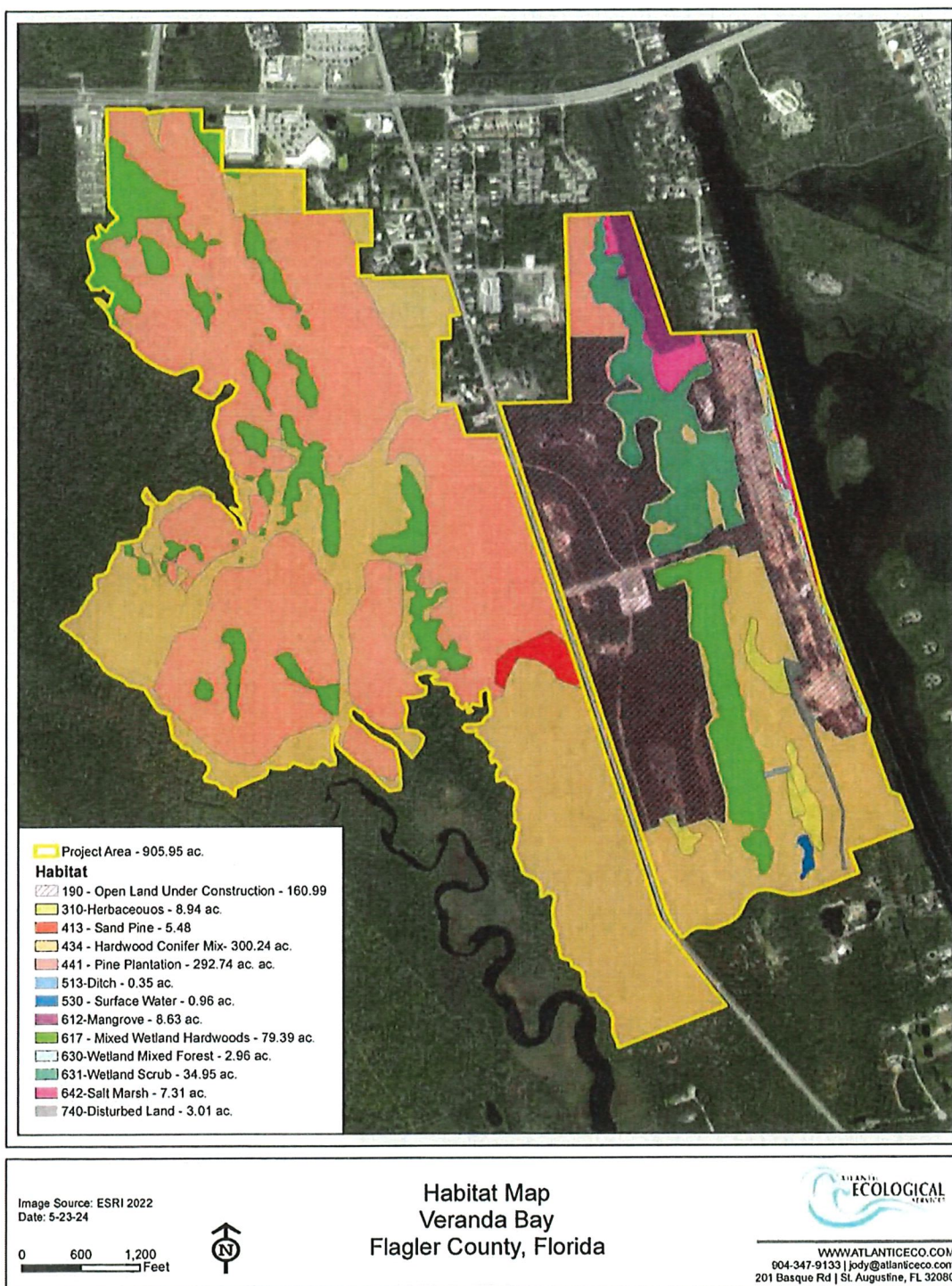


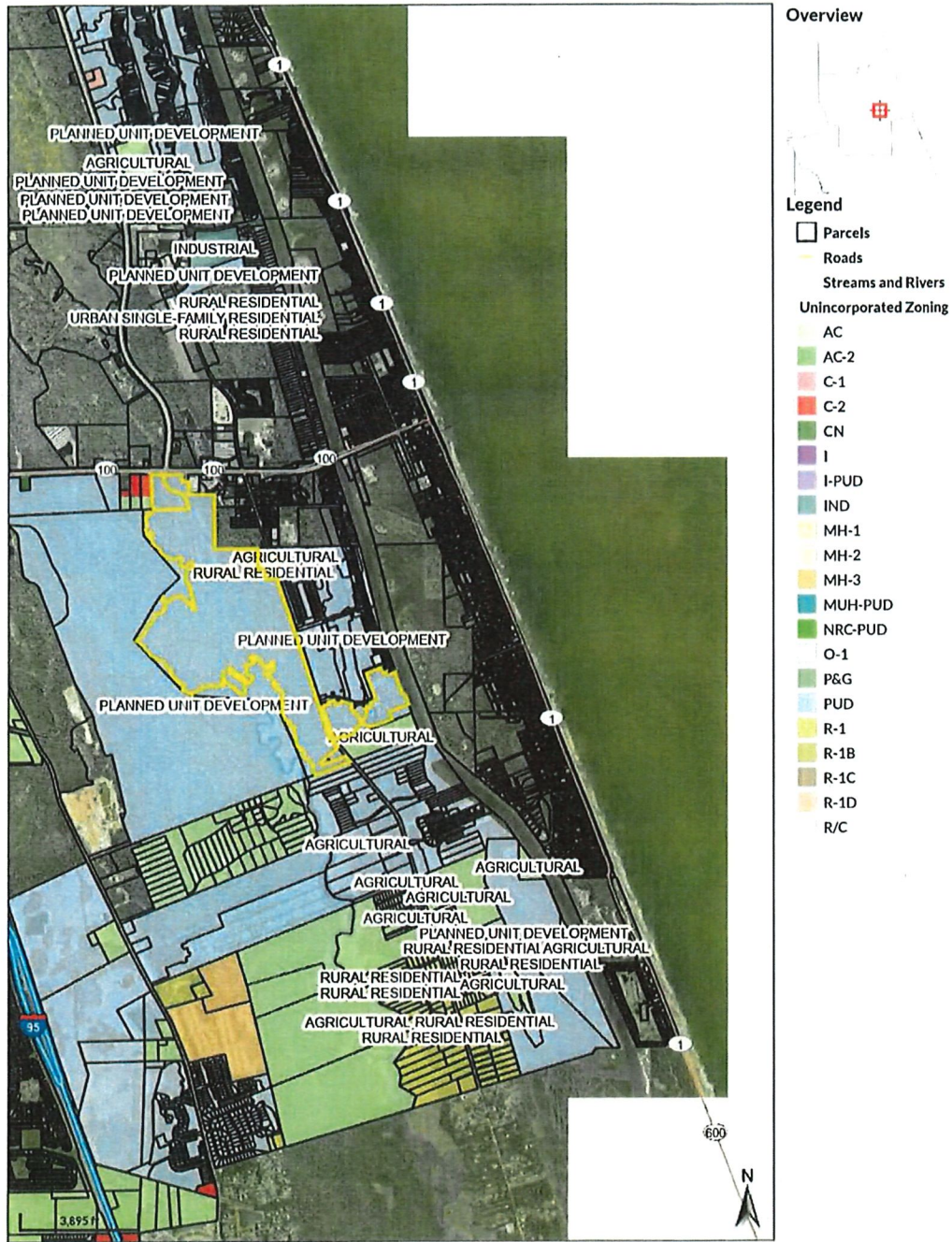
WWW.ATLANTICO.COM  
904-347-9133 | jody@atlantico.com  
201 Basque Rd | St. Augustine, FL 32080



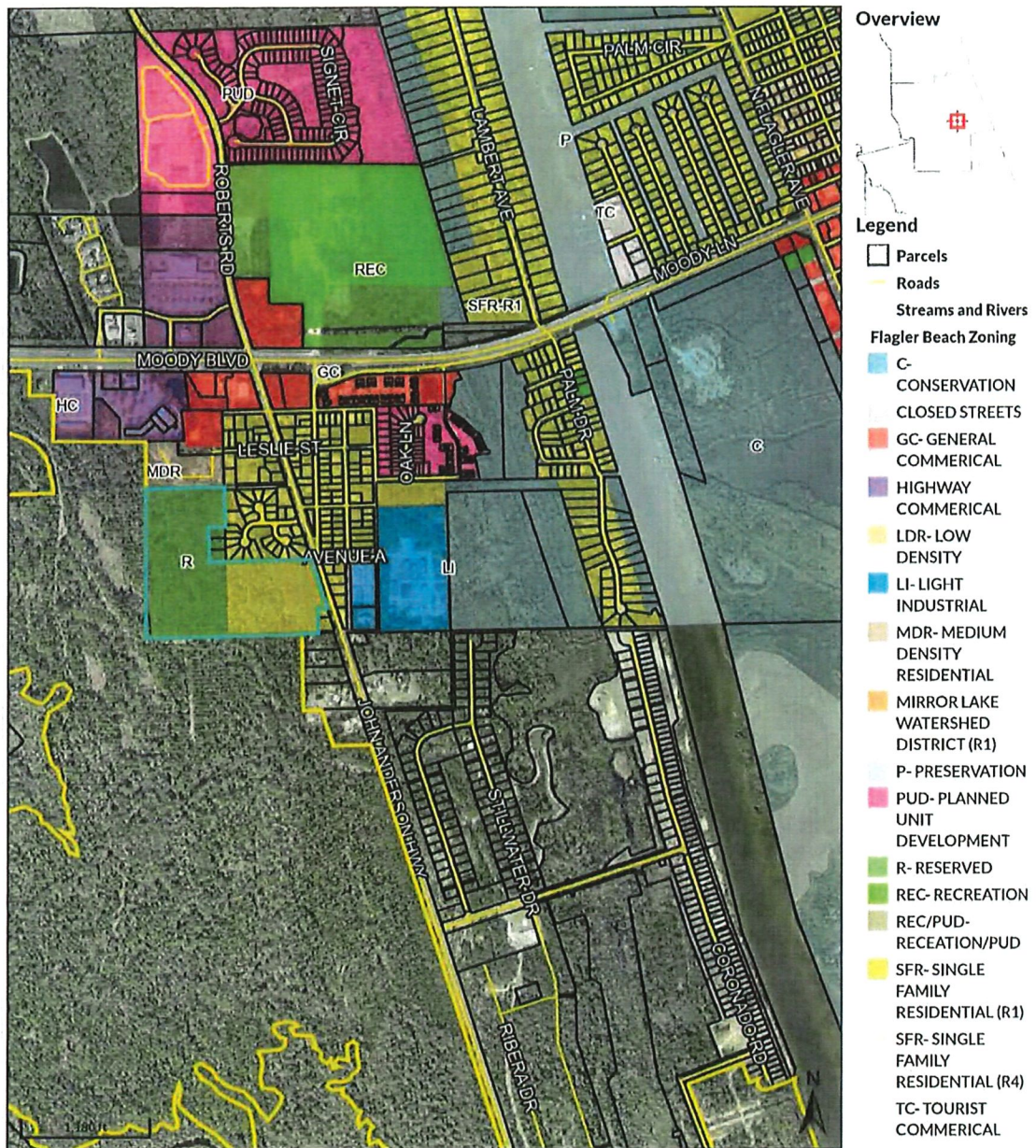




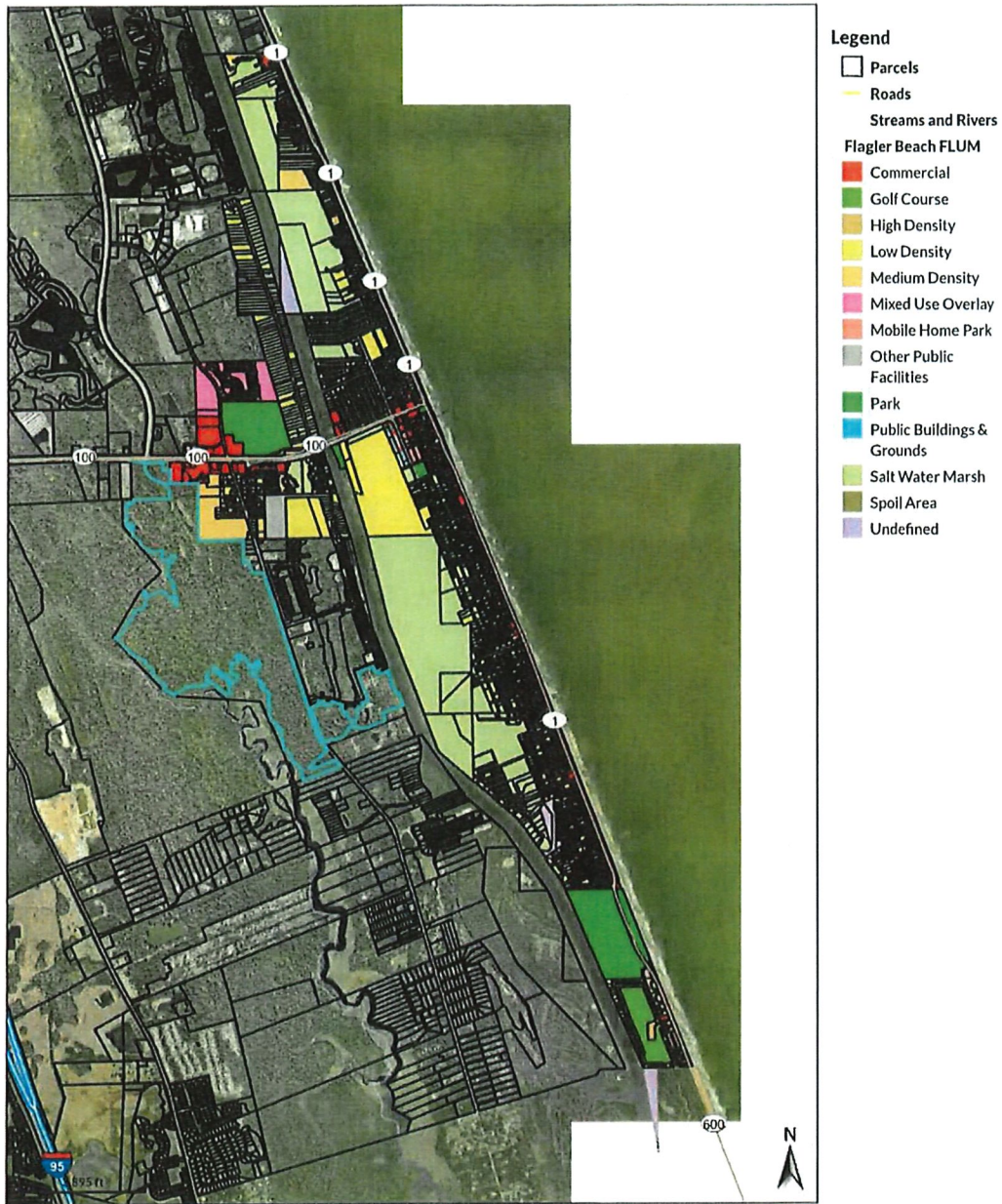




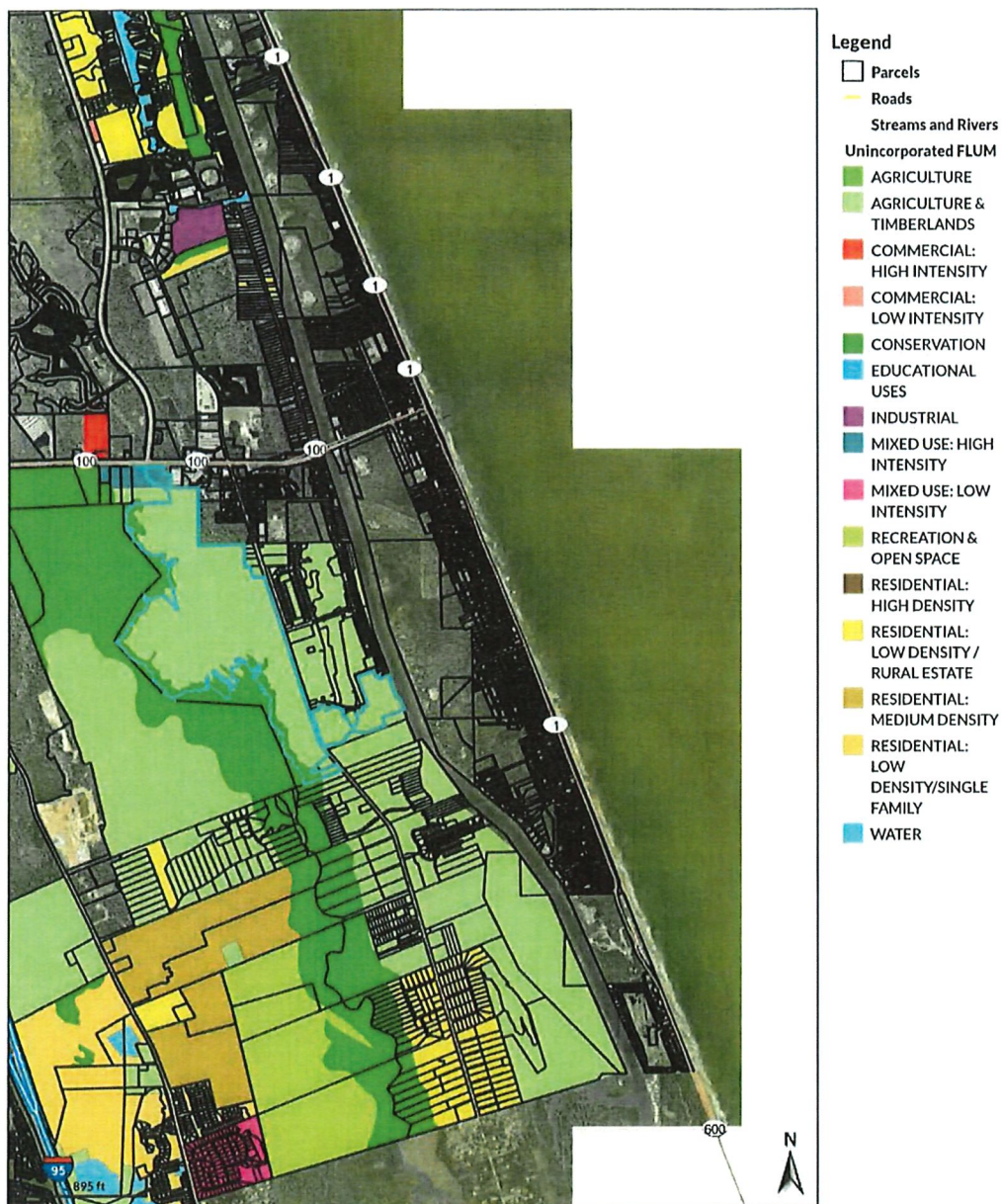
Existing Zoning Unincorporated Flagler County



Excerpt Existing Zoning City of Flagler Beach



Existing FLUM City of Flagler Beach



Existing FLUM Unincorporated Flagler County

## PARKER MYNCHENBERG &amp; ASSOCIATES, INC.

1729 Ridgewood Avenue  
Holly Hill, FL 32117  
(386) 677-6891  
info@parkermynchenberg.com

January 30, 2024

## VERANDA BAY

### Water Demand

SUMMARY

The improvements associated with this project include the overall Water Demand Volumes for the Veranda Bay Conceptual Master Plan.

ANALYSIS

Design Type and Number of Service Connections, Calculation Units, Total Average Daily Flow, and Peak Hour Flow, in the Entire Area to be served by the Water Distribution System being constructed with this project are calculated below. The US Census estimate for people per residential unit is 2.08 and the Flagler Beach Comprehensive Plan includes a water LOS of 125 gallons per capita. The LOS flow for each residential unit is 125 gal/person \* 2.08 people/unit = 260 gpd/unit.

WATER					
Phase	Type of Service Connection	Water Demand Calculation Units	Average Daily Water Demand Per Service Connection	Total Average Daily Flow (gpd)	Peak Hour Flow <sup>a</sup> (gph)
<b>VERANDA BAY EAST</b>					
A1	Low Density Single-Family Residential (SFR) Units	122 units	260 gpd/unit	31,720	3,965
	Clubhouse and Amenity Center	6,200 sq. ft.	0.10 gpd/sq.ft.	620	78
A2	Low Density Single-Family Residential (SFR) Units	89 units	260 gpd/unit	23,140	2,893
A3	Low Density Single-Family Residential (SFR) Units	124 units	260 gpd/unit	32,240	4,030
B	Low Density Single-Family Residential (SFR) Units	72 units	260 gpd/unit	18,720	2,340
C	Medium Density Single Family -Townhomes	96 units	260 gpd/unit	24,960	3,120
D	Low Density Single-Family Residential (SFR) Units	80 units	260 gpd/unit	20,800	2,600
E	Multi-Family Condos/ Apts	152 units	260 gpd/unit	39,520	4,940
	Yacht Club/ Clubhouse/Mixed Use	10,000 sq. ft.	0.10 gpd/sq.ft.	1,000	125
<b>VERANDA BAY WEST</b>					
F	Low Density Single-Family Residential (SFR) Units	250 units	260 gpd/unit	65,000	8,125
G	Low Density Single-Family Residential (SFR) Units	220 units	260 gpd/unit	57,200	7,150
H	Medium Density Residential - Multi Family	980 units	260 gpd/unit	254,800	31,850
I	Town Center - Commercial/Retail/Office	220,694 sq. ft.	0.10 gpd/sq.ft.	22,069	2,759
J1	Office / Retail	10,000 sq. ft.	0.10 gpd/sq.ft.	1,000	125
J2	High Density Residential/Hotel Site	250 units	260 gpd/unit	65,000	8,125
K	Medium Density Multi-Family	300 units	260 gpd/unit	78,000	9,750
<b>TOTAL WATER DEMAND</b>				<b>735,789</b>	<b>91,974</b>

a. Explanation of Peaking Factor(s) or Method(s) Used to Estimate Peak Hour Flow:

Peaking Factor = 3.0 (typical)

Peak Hour Flow = Total Average Daily Flow x 3.0 x (1 day/24 hrs)

**PARKER MYNCHENBERG & ASSOCIATES, INC.**

1729 Ridgewood Avenue  
Holly Hill, FL 32117  
(386) 677-6891  
info@parkermynchenberg.com

January 30, 2024

**VERANDA BAY**  
**Sewer Demand**

**SUMMARY**

The improvements associated with this project include the overall Sewer Demand Volumes for the Veranda Bay Conceptual Master Plan.

**ANALYSIS**

Design Type and Number of Service Connections, Calculation Units, Total Average Daily Flow, and Peak Hour Flow, in the Entire Area to be served by the Water Distribution System being constructed with this project are calculated below. The US Census estimate for people per residential unit is 2.08 and the Flagler Beach Comprehensive Plan includes a water LOS of 119 gallons per capita. The LOS flow for each residential unit is 119 gal/person \* 2.08 people/unit = 248 gpd/unit.

SEWER					
Phase	Type of Service Connection	Sewer Demand Calculation Units	Average Daily Sewer Demand Per Service Connection	Total Average Daily Flow (gpd)	Peak Hour Flow <sup>a</sup> (gph)
<b>VERANDA BAY EAST</b>					
A1	Low Density Single-Family Residential (SFR) Units	122 units	248 gpd/unit	30,256	3,782
	Clubhouse and Amenity Center	6,200 sq. ft.	0.10 gpd/sq.ft.	620	78
A2	Low Density Single-Family Residential (SFR) Units	89 units	248 gpd/unit	22,072	2,759
A3	Low Density Single-Family Residential (SFR) Units	124 units	248 gpd/unit	30,752	3,844
B	Low Density Single-Family Residential (SFR) Units	72 units	248 gpd/unit	17,856	2,232
C	Medium Density Single Family -Townhomes	96 units	248 gpd/unit	23,808	2,976
D	Low Density Single-Family Residential (SFR) Units	80 units	248 gpd/unit	19,840	2,480
E	Multi-Family Condos/Apts	152 units	248 gpd/unit	37,696	4,712
	Yacht Club/ Clubhouse/Mixed Use	10,000 sq. ft.	0.10 gpd/sq.ft.	1,000	125
<b>VERANDA BAY WEST</b>					
F	Low Density Single-Family Residential (SFR) Units	250 units	248 gpd/unit	62,000	7,750
G	Low Density Single-Family Residential (SFR) Units	220 units	248 gpd/unit	54,560	6,820
H	Medium Density Residential - Multi Family	980 units	248 gpd/unit	243,040	30,380
I	Town Center - Commercial/Retail/Office	220,694 sq. ft.	0.10 gpd/sq.ft.	22,069	2,759
J1	Office / Retail	10,000 sq. ft.	0.10 gpd/sq.ft.	1,000	125
J2	High Density Residential/Hotel Site	250 units	248 gpd/unit	62,000	7,750
K	Medium Density Multi-Family	300 units	248 gpd/unit	74,400	9,300
<b>TOTAL SEWER DEMAND</b>				<b>702,969</b>	<b>87,871</b>

a. Explanation of Peaking Factor(s) or Method(s) Used to Estimate Peak Hour Flow:

Peaking Factor = 3.0 (typical)

Peak Hour Flow = Total Average Daily Flow x 3.0 x (1 day/24 hrs)

PARKER MYNCHENBERG & ASSOCIATES, INC.

1729 Ridgewood Avenue  
Holly Hill, FL 32117  
(386) 677-6891  
info@parkermynchenberg.com

January 30, 2024

**VERANDA BAY**  
**Solid Waste Demand**

**SUMMARY**

The improvements associated with this project include the overall Solid Waste Demand Quantities for the Veranda Bay Conceptual Master Plan. Max units were assumed per the Conceptual Master Plan. Demand is based on the LOS established in the City of Flagler Beach Comprehensive Plan and the US Census Bureau estimate of 2.08 people/unit and each individual discards 3.7 lbs of solid waste a day, therefore the daily demand per unit is 2.08 people(s) \* 3.7 lbs (Solid Waste) = 7.70 lbs/day-unit.

SOLID WASTE				
Phase	Type of Service Connection	Solid Waste Demand Calculation Unit	Average Daily Solid Waste Demand Per Person Connection	Total Daily Solid Waste (lbs)
<b>VERANDA BAY EAST</b>				
A1	Low Density Single-Family Residential (SFR) Units	122 units	7.70 lbs/day-unit	939
	Clubhouse and Amenity Center	6,200 sq. ft.	0.01 lbs/day/sf	62
A2	Low Density Single-Family Residential (SFR) Units	89 units	7.70 lbs/day-unit	685
A3	Low Density Single-Family Residential (SFR) Units	124 units	7.70 lbs/day-unit	955
B	Low Density Single-Family Residential (SFR) Units	72 units	7.70 lbs/day-unit	554
C	Medium Density Single Family -Townhomes	96 units	7.70 lbs/day-unit	739
D	Low Density Single-Family Residential (SFR) Units	80 units	7.70 lbs/day-unit	616
E	Multi-Family Condos/ Apts	152 units	7.70 lbs/day-unit	1,170
	Yacht Club/ Clubhouse/Mixed Use	10,000 sq. ft.	0.01 lbs/day/sf	100
<b>VERANDA BAY WEST</b>				
F	Low Density Single-Family Residential (SFR) Units	250 units	7.70 lbs/day-unit	1,925
G	Low Density Single-Family Residential (SFR) Units	220 units	7.70 lbs/day-unit	1,694
H	Medium Density Residential - Multi Family	980 units	7.70 lbs/day-unit	7,546
I	Town Center - Commercial/Retail/Office	220,694 sq. ft.	0.01 lbs/day/sf	2,207
J1	Office / Retail	10,000 sq. ft.	0.01 lbs/day/sf	100
J2	High Density Residential/Hotel Site	250 units	7.70 lbs/day-unit	1,925
K	Medium Density Multi-Family	300 units	7.70 lbs/day-unit	2,310
<b>TOTAL SOLID WASTE DEMAND</b>				<b>23,528</b>



# CITY OF FLAGLER BEACH BUILDING AND PLANNING DEPARTMENT

## GENERAL APPLICATION

<input type="checkbox"/> Final Site Plan	<input type="checkbox"/> Preliminary Plat
<input type="checkbox"/> Master Site Plan	<input type="checkbox"/> Final Plat
<input type="checkbox"/> Site Development Plan(s)	<input type="checkbox"/> Plat Vacating
<input type="checkbox"/> Rezoning	<input type="checkbox"/> Subdivision Master Plan
<input checked="" type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Non-statutory Land Division/Parcel Reconfiguration
<input type="checkbox"/> Future Land Use Map Amendment	<input type="checkbox"/> Site Plan Modification (Post approval)
<input type="checkbox"/> Special Exception	<input type="checkbox"/> Development Order Modification
<input type="checkbox"/> Variance	<input type="checkbox"/> Wireless Communication Facility (new structure)

Application Submittal Date: \_\_\_\_\_

Fee Paid: \$ \_\_\_\_\_ Date Received: \_\_\_\_\_

Employee Accepting Application (print name): \_\_\_\_\_

Rejected Date: \_\_\_\_\_ Rejected by: \_\_\_\_\_

Reason for Rejection: \_\_\_\_\_

A. PROJECT NAME: Veranda BayB. LOCATION OF SUBJECT PROPERTY (PHYSICAL ADDRESS): Highway 100/Colbert LaneC. PROPERTY APPRAISER'S PARCEL ID NUMBER(s): 13-12-31-2850-0FD20-0030D. LEGAL DESCRIPTION: See attached Subdivision Name: \_\_\_\_\_

Section: \_\_\_\_\_ Block(s): \_\_\_\_\_ Lot(s): \_\_\_\_\_

E. SUBJECT PROPERTY ACRES / SQUARE FOOTAGE: 18.559 acresF. FUTURE LAND USE MAP DESIGNATION: Mixed Use: High Intensity  
Agriculture & Timberlands EXISTING ZONING DISTRICT: County PUD

OVERLAY DISTRICT: \_\_\_\_\_

G. FLOOD ZONE: \_\_\_\_\_ FEMA COMMUNITY PANEL NUMBER: \_\_\_\_\_ DATE: \_\_\_\_\_

H. CURRENT USE OF PROPERTY: Vacant/TimberlandI. DESCRIPTION OF REQUEST/PROPOSED DEVELOPMENT (ATTACH ADDITIONAL SHEETS)  
Amend current FLUM to Commercial designationJ. PROPOSED NUMBER OF LOTS (If Applicable): \_\_\_\_\_ Development Phasing: Yes ☐ No ☐



# CITY OF FLAGLER BEACH BUILDING AND PLANNING DEPARTMENT

K. LIST BELOW ANY APPLICATIONS CURRENTLY UNDER REVIEW OR RECENTLY APPROVED ASSOCIATED WITH THIS APPLICATION:

L. WATER/SEWER PROVIDER: \_\_\_\_\_

M. EXISTING MORTGAGE? Yes ☐ No ☒

<b>OWNER: Highway 100 Commercial, LLC</b>	<b>APPLICANT/AGENT: Michael D. Chiumento III, Esq.</b>
Name: Michelle Chira, Trustee of the Michelle Chira Revocable Trust, as Mgr.	Name: <b>Chiumento Law, PLLC</b>
Mailing Address: 800 Highland Ave., Suite 200	Mailing Address: <b>145 City Place, Ste. 301, Palm Coast, FL 32164</b>
Phone Number: Orlando, FL 32803	Phone Number: <b>386-445-8900</b>
E-mail Address: _____	E-mail Address: <b>michael3@legalteamforlife.com</b>

<b>MORTGAGE HOLDER: N/A</b>	<b>ENGINEER OR PROFESSIONAL:</b>
Name: _____	Name: _____
Mailing Address: _____	Mailing Address: _____
Phone Number: _____	Phone Number: _____
E-mail Address: _____	E-mail Address: _____

<b>SURVEYOR:</b>	<b>LANDSCAPE ARCHITECT:</b>
Name: _____	Name: _____
Mailing Address: _____	Mailing Address: _____
Phone Number: _____	Phone Number: _____
E-mail Address: _____	E-mail Address: _____

<b>PLANNER:</b>	<b>TRAFFIC ENGINEER:</b>
Name: _____	Name: _____
Mailing Address: _____	Mailing Address: _____
Phone Number: _____	Phone Number: _____
E-mail Address: _____	E-mail Address: _____

<b>ATTORNEY OF RECORD:</b>	<b>DEVELOPER:</b>
Name: _____	Name: _____
Mailing Address: _____	Mailing Address: _____
Phone Number: _____	Phone Number: _____
E-mail Address: _____	E-mail Address: _____

I HEREBY CERTIFY THAT ALL INFORMATION ON THIS APPLICATION IS CORRECT:

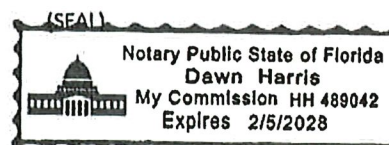
Signature of owner OR person authorized to represent this application:

Signature(s): \_\_\_\_\_

Printed or typed name(s): Michelle Chira, Trustee of the Michelle Chira Revocable Trust, as Manager of Highway 100 Commercial, LLC

The foregoing instrument was acknowledged before me by means of \_\_\_ physical presence or \_\_\_ online notarization this 13 day of JUNE, 2024, by Michelle Chira, Trustee of the Michelle Chira Revocable Trust, as Manager of Highway 100 Commercial, LLC by ☒ Personal Knowledge \_\_\_ Satisfactory Evidence: Type \_\_\_\_\_

Signature of Notary Public, State of Florida \_\_\_\_\_





# CITY OF FLAGLER BEACH BUILDING AND PLANNING DEPARTMENT

K. LIST BELOW ANY APPLICATIONS CURRENTLY UNDER REVIEW OR RECENTLY APPROVED ASSOCIATED WITH THIS APPLICATION:

L. WATER/SEWER PROVIDER: \_\_\_\_\_

M. EXISTING MORTGAGE? Yes ☐ No ☒

OWNER: Highway 100Commercial, LLC

Mary L. Demetree, as Trustee of the Mary L. Demetree Revocable Trust, as Manager  
Address: 800 Highland Ave., Suite 200  
Orlando, FL 32803

MORTGAGE HOLDER: N/A

Name:

Mailing Address:

Phone Number:

E-mail Address:

APPLICANT/AGENT: Michael D. Chiumento III Esq.

Name: Chiumento Law, PLLC

Mailing Address:

E-mail Address:

michael3@legalteamforlife.com

ENGINEER OR PROFESSIONAL:

Name:

Mailing Address:

Phone Number:

E-mail Address:

SURVEYOR:

Name:

Mailing Address:

Phone Number:

E-mail Address:

LANDSCAPE ARCHITECT:

Name:

Mailing Address:

Phone Number:

E-mail Address:

PLANNER:

Name:

Mailing Address:

Phone Number:

E-mail Address:

TRAFFIC ENGINEER:

Name:

Mailing Address:

Phone Number:

E-mail Address:

ATTORNEY OF RECORD:

Name:

Mailing Address:

Phone Number:

E-mail Address:

DEVELOPER:

Name:

Mailing Address:

Phone Number:

E-mail Address:

I HEREBY CERTIFY THAT ALL INFORMATION ON THIS APPLICATION IS CORRECT:

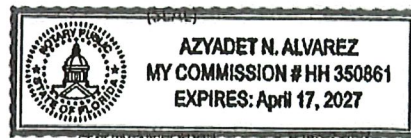
Signature of owner Or person authorized to represent this application:

Signature(s):

Printed or typed name(s): Mary L. Demetree, as Trustee of the Mary L. Demetree Revocable Trust

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this \_\_\_\_ day of, May 2024 by Mary L. Demetree, as Trustee of the Mary L. Demetree Revocable Trust by ☒ Personal Knowledge ☐ Satisfactory Evidence: Type \_\_\_\_\_

Signature of Notary Public, State of Florida



11.22.21

**HIGHWAY 100 COMMERCIAL, LLC****LEGAL DESCRIPTION**

A PORTION OF TRACT "FD2", GARDENS AT HAMMOCK BEACH, AS RECORDED IN MAP BOOK 35, PAGES 80 THROUGH 100 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING COMMENCE AT THE NORTHWESTERLY CORNER OF SAID TRACT "FD2", SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 100 (A 200 FOOT RIGHT OF WAY AS ESTABLISHED); THENCE SOUTH 89 DEGREES 29 MINUTES 03 SECONDS EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 382.15 FEET TO THE INTERSECTION WITH SOUTHWESTERLY RIGHT OF WAY LINE OF VILLA DRIVE WEST (A VARIABLE WIDTH PRIVATE RIGHT OF WAY AS ESTABLISHED), SAID POINT BEING THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 35.00 FEET; THENCE ALONG SAID CURVE AND SAID SOUTHWESTERLY RIGHT OF WAY LINE AN ARC DISTANCE OF 51.49 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID CURVE BEING SUBTENDED BY A CHORD BEARING OF SOUTH 41 DEGREES 37 MINUTES 50 SECONDS EAST, AND A CHORD DISTANCE OF 46.97 FEET; THENCE SOUTH 00 DEGREES 30 MINUTES 47 SECONDS WEST, A DISTANCE OF 29.81 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 470.00 FEET; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 578.46 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID CURVE BEING SUBTENDED BY A CHORD BEARING OF SOUTH 34 DEGREES 44 MINUTES 45 SECONDS EAST, AND A CHORD DISTANCE OF 542.64 FEET; THENCE SOUTH 70 DEGREES 00 MINUTES 17 SECONDS EAST, A DISTANCE OF 190.75 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 360.00 FEET; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 364.42 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID CURVE BEING SUBTENDED BY A CHORD BEARING OF SOUTH 41 DEGREES 00 MINUTES 17 SECONDS EAST, AND A CHORD DISTANCE OF 349.06 FEET; THENCE SOUTH 12 DEGREES 00 MINUTES 17 SECONDS EAST, A DISTANCE OF 170.79 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 260.00 FEET; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 48.62 FEET, SAID CURVE BEING SUBTENDED BY A CHORD BEARING OF SOUTH 06 DEGREES 38 MINUTES 50 SECONDS EAST AND A CHORD DISTANCE OF 48.55 FEET; THENCE SOUTH 88 DEGREES 37 MINUTES 36 SECONDS WEST DEPARTING THE AFOREMENTIONED SOUTHWESTERLY RIGHT OF LINE OF VILLA DRIVE WEST, A DISTANCE OF 471.38 FEET; THENCE SOUTH 88 DEGREES 28 MINUTES 30 SECONDS WEST, A DISTANCE OF 589.08 FEET; THENCE NORTH 33 DEGREES 37 MINUTES 07 SECONDS WEST, A DISTANCE OF 50.65 FEET; THENCE NORTH 38 DEGREES 07 MINUTES 37 SECONDS WEST, A DISTANCE OF 95.67 FEET TO A POINT ON A WESTERLY LINE OF THE AFOREMENTIONED TRACT "FD2, GARDENS AT HAMMOCK BEACH"; THENCE NORTH 01 DEGREES 27 MINUTES 08 SECONDS WEST, A DISTANCE OF 968.01 FEET TO THE POINT OF BEGINNING.



# CITY OF FLAGLER BEACH BUILDING AND PLANNING DEPARTMENT

## GENERAL APPLICATION

<input type="checkbox"/> Final Site Plan	<input type="checkbox"/> Preliminary Plat
<input type="checkbox"/> Master Site Plan	<input type="checkbox"/> Final Plat
<input type="checkbox"/> Site Development Plan(s)	<input type="checkbox"/> Plat Vacating
<input type="checkbox"/> Rezoning	<input type="checkbox"/> Subdivision Master Plan
<input checked="" type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Non-statutory Land Division/Parcel Reconfiguration
<input type="checkbox"/> Future Land Use Map Amendment	<input type="checkbox"/> Site Plan Modification (Post approval)
<input type="checkbox"/> Special Exception	<input type="checkbox"/> Development Order Modification
<input type="checkbox"/> Variance	<input type="checkbox"/> Wireless Communication Facility (new structure)

Application Submittal Date: \_\_\_\_\_

Fee Paid: \$ \_\_\_\_\_ Date Received: \_\_\_\_\_

Employee Accepting Application (print name): \_\_\_\_\_

Rejected Date: \_\_\_\_\_ Rejected by: \_\_\_\_\_

Reason for Rejection: \_\_\_\_\_

- A. PROJECT NAME: Veranda Bay
- B. LOCATION OF SUBJECT PROPERTY (PHYSICAL ADDRESS): SR 100/John Anderson Highway
- C. PROPERTY APPRAISER'S PARCEL ID NUMBER(s): See attached
- D. LEGAL DESCRIPTION: See attached Subdivision Name: \_\_\_\_\_
- Section: \_\_\_\_\_ Block(s): \_\_\_\_\_ Lot(s): \_\_\_\_\_
- E. SUBJECT PROPERTY ACRES / SQUARE FOOTAGE: \_\_\_\_\_
- F. FUTURE LAND USE MAP DESIGNATION: AG EXISTING ZONING DISTRICT: PUD
- OVERLAY DISTRICT: \_\_\_\_\_
- G. FLOOD ZONE: \_\_\_\_\_ FEMA COMMUNITY PANEL NUMBER: \_\_\_\_\_ DATE: \_\_\_\_\_
- H. CURRENT USE OF PROPERTY: Vacant
- I. DESCRIPTION OF REQUEST/PROPOSED DEVELOPMENT (ATTACH ADDITIONAL SHEETS) \_\_\_\_\_  
Amend current FLUM to low density resident & Commercial
- J. PROPOSED NUMBER OF LOTS (If Applicable): \_\_\_\_\_ Development Phasing: Yes ☐ No ☐



# CITY OF FLAGLER BEACH BUILDING AND PLANNING DEPARTMENT

K. LIST BELOW ANY APPLICATIONS CURRENTLY UNDER REVIEW OR RECENTLY APPROVED ASSOCIATED WITH THIS APPLICATION:

L. WATER/SEWER PROVIDER: \_\_\_\_\_

M. EXISTING MORTGAGE? Yes ☐ No ☒

<b>OWNER:</b> Veranda Bay Investments, LLC		<b>APPLICANT/AGENT:</b> Chiumento Law, PLLC	
Name: William G. Allen, Sr., as Manager		Name: Michael D. Chiumento III, Esq.	
Mailing Address: 3129 Springbank Ln. #201, Charlotte NC		Mailing Address: 145 City Place, Suite 301, Palm Coast	
Phone Number:		Phone Number: 386-445-8900 ext 102	
E-mail Address:		E-mail Address: Michael3@legalteamforlife.com	
<b>MORTGAGE HOLDER:</b> N/A		<b>ENGINEER OR PROFESSIONAL:</b>	
Name:		Name: Parker Mynchenberg	
Mailing Address:		Mailing Address: 1729 Ridgewood Ave., Holly Hill, FL 32174	
Phone Number:		Phone Number: 386-677-6891	
E-mail Address:		E-mail Address: info@parkermyachenberg.com	
<b>SURVEYOR:</b>		<b>LANDSCAPE ARCHITECT:</b>	
Name:		Name:	
Mailing Address:		Mailing Address:	
Phone Number:		Phone Number:	
E-mail Address:		E-mail Address:	
<b>PLANNER:</b>		<b>TRAFFIC ENGINEER:</b>	
Name:		Name:	
Mailing Address:		Mailing Address:	
Phone Number:		Phone Number:	
E-mail Address:		E-mail Address:	
<b>ATTORNEY OF RECORD:</b>		<b>DEVELOPER:</b>	
Name: Michael D. Chiumento III, Esq.		Name:	
Mailing Address: 145 City Place, Suite 301, P.C.		Mailing Address:	
Phone Number: 386-445-8900 ext 102		Phone Number:	
E-mail Address: michael3@legalteamforlife.com		E-mail Address:	

I HEREBY CERTIFY THAT ALL INFORMATION ON THIS APPLICATION IS CORRECT:

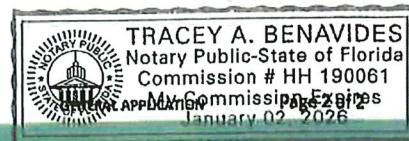
Signature of owner OR person authorized to represent this application: Veranda Bay Investments, LLC

Signature(s): William G. Allen, Sr.  
Printed or typed name(s): William G. Allen, Sr., as Manager

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 3rd day of JUNE 2024 by William G. Allen, Sr., as Manager of Veranda Bay Investments, LLC individual submitted by ☒ Personal Knowledge ☐ Satisfactory Evidence: Type \_\_\_\_\_

Tracey A. Benavides  
Signature of Notary Public, State of Florida

(SEAL)



11.22.21

VERANDA BAY  
PROPERTIES OWNED BY VERANDA BAY INVESTMENTS, LLC

LEGAL DESCRIPTION

**WEST SIDE OF JOHN ANDERSON HIGHWAY**

A PORTION OF LOTS 1, 3, 7, 8 AND 9, AND ALL OF LOTS 4, 10, 11 AND 12, BLOCK C, BUNNELL DEVELOPMENT COMPANY'S LAND AS RECORDED IN PLAT BOOK 1, PAGE 1, IN THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, TOGETHER WITH A PORTION OF GOVERNMENT SECTION 14, 38, AND 39, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, SITUATED IN GOVERNMENT SECTIONS 11, 14, 38 AND 39, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY (STATE ROAD 201) AND THE NORTH LINE OF SAID SECTION 38-12-31; THENCE SOUTH 71°47'17" WEST, A DISTANCE OF 100.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY (STATE ROAD 201), ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID WEST RIGHT OF WAY LINE THE FOLLOWING THREE COURSES: SOUTH 18°10'26" EAST, A DISTANCE OF 3,184.36 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1,196.28 FEET, A CENTRAL ANGLE OF 22°09'26" AND A CHORD DISTANCE OF 459.74 FEET WHICH BEARS SOUTH 29°14'21" EAST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 462.62 FEET; THENCE SOUTH 40°21'41" EAST, A DISTANCE OF 776.28 FEET; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE SOUTH 69°18'47" WEST, A DISTANCE OF 1,433.82 FEET, THENCE NORTH 20°41'22" WEST, A DISTANCE OF 995.98 FEET, THENCE NORTH 24°04'44" WEST, A DISTANCE OF 1,618.01 FEET; THENCE NORTH 86°17'06" WEST, A DISTANCE OF 2,604.28 FEET; THENCE NORTH 60°37'10" WEST, A DISTANCE OF 341.50 FEET; THENCE NORTH 43°23'02" WEST, A DISTANCE OF 2,172.87 FEET, THENCE NORTH 30°47'31" EAST, A DISTANCE OF 1,526.35 FEET; THENCE NORTH 45°31'15" EAST, A DISTANCE OF 902.38 FEET; THENCE NORTH 40°14'18" WEST, A DISTANCE OF 1,732.75 FEET; THENCE NORTH 06°10'40" WEST, A DISTANCE OF 189.68 FEET; THENCE NORTH 00°15'33" WEST, A DISTANCE OF 614.90 FEET; THENCE NORTH 88°32'16" EAST, A DISTANCE OF 257.93 FEET; THENCE NORTH 01°27'08" WEST, A DISTANCE OF 1,087.72 FEET TO A POINT ON THE SOUTH LINE OF STATE ROAD NO. 100; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE SOUTH 89°29'03" EAST A DISTANCE OF 959.81 FEET; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE SOUTH 00°30'57" WEST, A DISTANCE OF 210.00 FEET; THENCE SOUTH 89°29'03" EAST, A DISTANCE OF 210.00 FEET; THENCE SOUTH 00°30'57" WEST, A DISTANCE OF 389.92 FEET; THENCE SOUTH 89°28'38" EAST, A DISTANCE OF 822.42 FEET; THENCE SOUTH 00°06'48" EAST, A DISTANCE OF 1,704.61 FEET; THENCE NORTH 88°51'12" EAST, A DISTANCE OF 1,350.55 FEET; THENCE SOUTH 01°10'32" EAST, A DISTANCE OF 660.84 FEET; THENCE NORTH 88°37'17" EAST, A DISTANCE OF 158.75 FEET; THENCE SOUTH 18°14'40" EAST, A DISTANCE OF 330.09 FEET; THENCE NORTH 88°50'11" EAST, A DISTANCE OF 330.04 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY (STATE ROAD 201); THENCE ALONG SAID RIGHT OF WAY LINE SOUTH 18°15'00" EAST, A DISTANCE OF 1,788.60 FEET TO THE POINT OF BEGINNING.

**TOGETHER WITH:****EAST SIDE OF JOHN ANDERSON HIGHWAY**

A PORTION OF SECTIONS 13, 14 AND 38, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY (STATE ROAD 201) AND THE NORTH LINE OF SAID SECTION 38-12-31; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE NORTH 18°15'00" WEST, A DISTANCE OF 2,087.53 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE NORTH 88°47'52" EAST, A DISTANCE OF 710.35 FEET TO A POINT ON THE WEST LINE OF SECTION 13-12-31; THENCE ALONG SAID WEST SECTION LINE NORTH 01°13'40" WEST, A DISTANCE OF 661.23 FEET TO A POINT ON THE NORTH LINE OF SECTION 13-21-31; THENCE ALONG SAID NORTH SECTION LINE NORTH 88°36'18" EAST, A DISTANCE OF 1,890.40 FEET TO THE POINT ON THE WEST RIGHT OF WAY LINE OF FLORIDA INTRACOASTAL WATERWAY; THENCE ALONG SAID WEST RIGHT OF WAY LINE THE FOLLOWING TWO COURSES: SOUTH 13°59'25" EAST, A DISTANCE OF 2,750.14 FEET; THENCE SOUTH 21°17'55" EAST, A DISTANCE OF 1,265.83 FEET; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE AND ALONG A WESTERLY LINE OF THE HISTORIC CHANNEL OF HAW LOVER CREEK, SOUTH 03°54'35" WEST, A DISTANCE OF 148.38 FEET; THENCE SOUTH 19°27'08" EAST, A DISTANCE OF 643.95 FEET; THENCE SOUTH 68°38'53" EAST, A DISTANCE OF 113.53 FEET TO A POINT ON THE AFORESAID INTRACOASTAL RIGHT OF WAY, THENCE SOUTH 21°17'55" EAST, A DISTANCE OF 647.80 FEET; THENCE DEPARTING SAID RIGHT OF WAY SOUTH 69°10'09" WEST, A DISTANCE OF 2,520.12 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY (STATE ROAD 201); THENCE ALONG SAID EAST RIGHT OF WAY LINE THE FOLLOWING THREE COURSES: NORTH 40°21'41" WEST, A DISTANCE OF 74.31 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1,095.28 FEET, A CENTRAL ANGLE OF 22°09'21" AND A CHORD DISTANCE OF 421.29 FEET WHICH BEARS NORTH 29°14'17" WEST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 423.92 FEET; THENCE NORTH 18°10'26" WEST, A DISTANCE OF 3,184.44 FEET TO THE POINT OF BEGINNING. FORMERLY KNOWN AS GARDENS AT HAMMOCK BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 35, PAGES 80 THROUGH 100, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

**ALSO, TOGETHER WITH:**

**TRACTS 1C-2 AND 1C-5**, BOTH LOCATED WITHIN THE SUBDIVISION PLAT OF **VERANDA BAY PHASE 1C**, AS RECORDED IN PLAT BOOK 41, PAGES 16 THROUGH 20, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. CONTAINING 3.23 ACRES, MORE OR LESS.

**ALSO, TOGETHER WITH:**

**TRACT 2A-A (FUTURE DEVELOPMENT TRACT)** OF THE SUBDIVISION PLAT OF **VERANDA BAY PHASE 2A**, AS RECORDED IN PLAT BOOK 40, PAGES 65 THROUGH 70, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. CONTAINING 22.64 ACRES, MORE OR LESS.

**ALSO, TOGETHER WITH:**

**TRACT 2B-5 (IDENTIFIED AS FUTURE DEVELOPMENT TRACT) OF PHASE 2B – PRELIMINARY PLAT OF VERANDA BAY, DESCRIBED AS FOLLOWS:**

A PORTION OF SECTION 38, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY (STATE ROAD 201 AND 100 FOOT RIGHT OF WAY) AND THE NORTH LINE OF SAID SECTION 38; THENCE SOUTH 18°10'14" EAST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 633.41 FEET; THENCE NORTH 71°49'46" EAST, DEPARTING FROM SAID RIGHT

OF WAY LINE, A DISTANCE OF 440.39 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 71°49'46" EAST, A DISTANCE OF 199.61 FEET; THENCE SOUTH 18°10'14" EAST, A DISTANCE OF 137.81 FEET; THENCE SOUTH 71°49'46" WEST, A DISTANCE OF 199.71 FEET; THENCE NORTH 18°07'48" WEST, A DISTANCE OF 137.82 FEET TO THE POINT OF BEGINNING. CONTAINING 0.63 ACRES, MORE OR LESS.

**LESS AND EXCEPT:** THE LAND CONTAINED IN THE QUIT CLAIM DEED TO EAST FLAGLER MOSQUITO CONTROL DISTRICT RECORDED IN OFFICIAL RECORDS BOOK 1620, PAGE 434, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. CONTAINING 0.89 ACRES, MORE OR LESS.

**LESS AND EXCEPT:** THE LAND CONTAINED IN THE SPECIAL WARRANTY DEED TO FLAGLER COUNTY RECORDED IN OFFICIAL RECORDS BOOK 1636, PAGE 1694, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. CONTAINING 81.32 ACRES, MORE OR LESS.

**LESS AND EXCEPT:** THE LAND CONTAINED IN THE SPECIAL WARRANTY DEED TO HIGHWAY 100 COMMERCIAL LLC RECORDED IN OFFICIAL RECORDS BOOK 1789, PAGE 750, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. CONTAINING 18.94 ACRES, MORE OR LESS.

**LESS AND EXCEPT:** TRACTS PL-2 AND PL-3, OF THE VACATED PLAT OF GARDENS AT HAMMOCK BEACH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 35, PAGES 80 THROUGH 100, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. CONTAINING A TOTAL OF 13.17 ACRES, MORE OR LESS.

**LESS AND EXCEPT:** THOSE LANDS DESCRIBED IN THE SUBDIVISION PLAT OF **VERANDA BAY PHASE 1A**, AS RECORDED IN PLAT BOOK 40, PAGES 59 THROUGH 64, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. CONTAINING 82.08 ACRES, MORE OR LESS.

**LESS AND EXCEPT:** THE BALANCE OF THOSE LANDS DESCRIBED IN THE SUBDIVISION PLAT OF **VERANDA BAY PHASE 2A**, AS RECORDED IN PLAT BOOK 40, PAGES 65 THROUGH 70, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. CONTAINING 65.85 ACRES, MORE OR LESS.

**LESS AND EXCEPT:** THOSE LANDS DESCRIBED IN THE SUBDIVISION PLAT OF **VERANDA BAY PHASE 1B**, AS RECORDED IN PLAT BOOK 41, PAGES 11 THROUGH 15, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. CONTAINING 18.02 ACRES, MORE OR LESS.

**LESS AND EXCEPT:** THE BALANCE OF THOSE LANDS DESCRIBED IN THE SUBDIVISION PLAT OF **VERANDA BAY PHASE 1C**, AS RECORDED IN PLAT BOOK 41, PAGES 16 THROUGH 20, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. CONTAINING 23.50 ACRES, MORE OR LESS.

**LESS AND EXCEPT:** **PHASE 2B – PRELIMINARY PLAT OF VERANDA BAY**, DESCRIBED AS FOLLOWS: A PORTION OF SECTIONS 13 AND 38, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY (STATE ROAD 201 AND A 100 FOOT RIGHT OF WAY) AND THE NORTH LINE OF SAID SECTION 38; THENCE SOUTH 18°10'14" EAST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 331.23 FEET; THENCE NORTH 71°49'46" EAST, DEPARTING FROM SAID RIGHT OF WAY LINE, A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 71°49'46" EAST, A DISTANCE OF 370.00 FEET; THENCE NORTH 18°10'14" WEST, A DISTANCE OF 325.00 FEET; THENCE NORTH 71°49'46" EAST, A DISTANCE OF 50.00 FEET; THENCE NORTH 18°10'14" WEST, A DISTANCE OF 20.01 FEET TO THE POINT OF CURVE OF A CURVE CONCAVE TO THE EAST AND HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 11°32'14"; THENCE NORTHERLY ALONG SAID

CURVE AN ARC DISTANCE OF 5.03 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 12°24'08" WEST AND A CHORD DISTANCE OF 5.03 FEET TO A POINT ON SAID CURVE; THENCE NORTH 71°49'46" EAST, A DISTANCE OF 119.51 FEET; THENCE SOUTH 18°10'14" EAST, A DISTANCE OF 809.38 FEET; THENCE SOUTH 01°32'26" EAST, A DISTANCE OF 49.29 FEET; THENCE SOUTH 88°27'34" WEST, A DISTANCE OF 140.00 FEET; THENCE SOUTH 01°32'26" EAST, A DISTANCE OF 20.00 FEET; THENCE NORTH 88°27'34" EAST, A DISTANCE 140.00 FEET; THENCE SOUTH 01°32'26" EAST, A DISTANCE OF 384.95 FEET; SOUTH 18°10'14" EAST, A DISTANCE OF 935.73 FEET; THENCE SOUTH 71°49'46" WEST, A DISTANCE OF 140.00 FEET; THENCE SOUTH 18°10'14" EAST, A DISTANCE OF 20.00 FEET; THENCE NORTH 71°49'46" EAST, A DISTANCE OF 140.00 FEET; THENCE SOUTH 18°10'14" EAST, A DISTANCE OF 24.44 FEET TO THE POINT OF CURVE OF A CURVE CONCAVE TO THE WEST AND HAVING A RADIUS OF 365.00 FEET AND A CENTRAL ANGLE OF 34°46'50"; THENCE SOUTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 221.57 FEET AND SUBTENDED BY CHORD BEARING OF SOUTH 00°46'49" EAST AND A CHORD DISTANCE OF 218.18 FEET TO A POINT ON SAID CURVE; THENCE S 16°36'36" W, A DISTANCE OF 18.72 FEET; THENCE NORTH 73°23'24" WEST, A DISTANCE OF 139.49 FEET TO A POINT ON A CURVE OF A CURVE CONCAVE TO THE EAST AND HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 11°32'13"; THENCE NORTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 5.03 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 10°50'29" EAST AND A CHORD DISTANCE OF 5.03 FEET TO A POINT ON SAID CURVE; THENCE NORTH 73°28'41" WEST, A DISTANCE OF 50.00 FEET TO A POINT ON A CURVE OF A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 12°16'44"; THENCE SOUTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 5.36 FEET AND SUBTENDED BY A CHORD BEARING OF SOUTH 22°44'58" WEST AND A CHORD DISTANCE OF 5.35 FEET TO A POINT ON A CURVE OF A CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 495.00 AND A CENTRAL ANGLE OF 16°23'29"; THENCE WESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 141.61 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 79°46'17" WEST AND A CHORD DISTANCE OF 141.13 FEET TO A POINT ON SAID CURVE; THENCE NORTH 02°02'07" EAST, A DISTANCE OF 77.22 FEET; THENCE NORTH 18°10'14" WEST, A DISTANCE OF 50.30 FEET; THENCE SOUTH 71°49'46" WEST, A DISTANCE OF 80.00 FEET; THENCE NORTH 18°10'14" WEST, A DISTANCE OF 1800.00 FEET TO THE POINT OF BEGINNING. CONTAINING 21.82 ACRES, MORE OR LESS.

**LESS AND EXCEPT: PHASE 2C – PRELIMINARY PLAT OF VERANDA BAY, DESCRIBED AS FOLLOWS:**

A PORTION OF SECTION 38, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY (STATE ROAD 201 AND A 100 FOOT RIGHT OF WAY) AND THE NORTH LINE OF SAID SECTION 38; THENCE SOUTH 18°10'14" EAST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 331.23 FEET TO THE POINT OF BEGINNING; THENCE NORTH 71°49'46" EAST, DEPARTING FROM SAID RIGHT OF WAY LINE, A DISTANCE OF 400.00 FEET; THENCE SOUTH 18°10'14" EAST, A DISTANCE OF 1906.48 FEET TO A POINT ON A CURVE OF A CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 495.00 FEET AND A CENTRAL ANGLE OF 14°32'52"; THENCE WESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 125.68 FEET AND SUBTENDED BY A CHORD BEARING OF SOUTH 78°18'07" WEST AND A CHORD DISTANCE OF 125.35 FEET TO A POINT OF A CURVE OF A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 10°55'26"; THENCE NORTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 4.77 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 23°37'58" WEST AND A CHORD DISTANCE OF 4.76 FEET; THENCE; THENCE SOUTH 72°11'12" WEST, A DISTANCE OF 50.00 FEET; THENCE NORTH 18°10'14" WEST, A DISTANCE OF 87.31 FEET; THENCE SOUTH 71°49'46" WEST, A DISTANCE OF 225.00 FEET TO THE INTERSECTION WITH THE AFOREMENTIONED EAST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY; THENCE NORTH 18°10'14" WEST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1800.00 FEET TO THE POINT OF BEGINNING. CONTAINING 16.91 ACRES, MORE OR LESS.



# CITY OF FLAGLER BEACH BUILDING AND PLANNING DEPARTMENT

K. LIST BELOW ANY APPLICATIONS CURRENTLY UNDER REVIEW OR RECENTLY APPROVED ASSOCIATED WITH THIS APPLICATION:

L. WATER/SEWER PROVIDER: \_\_\_\_\_

M. EXISTING MORTGAGE? Yes ☐ No ☒

<b>OWNER: Palm Coast Intracoastal, LLC</b>	<b>APPLICANT/AGENT: Chiumento Law, PLLC</b>
Name: William G. Allen, Jr., Manager	Name: Michael D. Chiumento III, Esq.
Mailing Address: 3129 Springbank Ln. #201	Mailing Address: 145 City Place, Suite 301
Phone Number: Charlotte, NC	Phone Number: Palm Coast, FL 32164
E-mail Address:	E-mail Address: Michael3@legalteamforlife.com

<b>MORTGAGE HOLDER:</b>	<b>ENGINEER OR PROFESSIONAL:</b>
Name:	Name: Parker Mynchenberg
Mailing Address:	Mailing Address: 1729 Ridgewood Ave., Holly Hill, FL 32174
Phone Number:	Phone Number: 386-677-6981
E-mail Address:	E-mail Address: info@parkermynchenberg.com

<b>SURVEYOR:</b>	<b>LANDSCAPE ARCHITECT:</b>
Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:

<b>PLANNER:</b>	<b>TRAFFIC ENGINEER:</b>
Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:

<b>ATTORNEY OF RECORD:</b>	<b>DEVELOPER:</b>
Name: Michael D. Chiumento III, Esq.	Name:
Mailing Address: 145 City Place, Suite 301, P.C.	Mailing Address:
Phone Number: 386-445-8900 ext 102	Phone Number:
E-mail Address: michael3@legalteamforlife.com	E-mail Address:

I HEREBY CERTIFY THAT ALL INFORMATION ON THIS APPLICATION IS CORRECT:

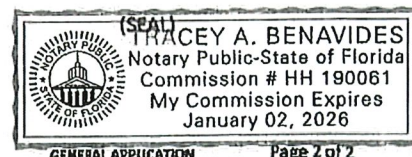
Signature of owner OR person authorized to represent this application: Palm Coast Intracoastal, LLC

Signature(s): William G. Allen, Jr.

Printed or typed name(s): William G. Allen, Jr., as Manager

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 3rd day of JUNE 2024 by William G. Allen, Jr., as Manager of Palm Coast Intracoastal, LLC individual submitted by ☒ Personal Knowledge ☐ Satisfactory Evidence: Type \_\_\_\_\_

Tracey A. Benavides  
Signature of Notary Public, State of Florida



# VERANDA BAY

## PROPERTIES OWNED BY PALM COAST INTRACOASTAL, LLC

### LEGAL DESCRIPTION COMP PLAN AMENDMENT

TRACTS 1A-1 THROUGH 1A-13 AND TRACT 1A-A, ALL LOCATED WITHIN THE SUBDIVISION PLAT OF **VERANDA BAY PHASE 1A**, AS RECORDED IN PLAT BOOK 40, PAGES 59 THROUGH 64, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

**TOGETHER WITH:** LOTS 144, 147 THROUGH 150, 154, 157, 158, 159, 164, 165, 175, 176, 178 THROUGH 183, 186, AND 189 THROUGH 191, TOGETHER WITH TRACTS 1B-1 AND 1B-2, ALL LOCATED WITHIN THE SUBDIVISION PLAT OF **VERANDA BAY PHASE 1B**, AS RECORDED IN PLAT BOOK 41, PAGES 11 THROUGH 15, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

**ALSO, TOGETHER WITH:** LOTS 123 THROUGH 143 AND LOTS 198 THROUGH 211, TOGETHER WITH TRACTS 1C-1, 1C-3, 1C-4, AND 1C-6, ALL LOCATED WITHIN THE SUBDIVISION PLAT OF **VERANDA BAY PHASE 1C**, AS RECORDED IN PLAT BOOK 41, PAGES 16 THROUGH 20, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

**ALSO, TOGETHER WITH:** TRACTS 2A-1 THROUGH 2A-22 AND TRACT 2A-B, ALL LOCATED WITHIN THE SUBDIVISION PLAT OF **VERANDA BAY PHASE 2A**, AS RECORDED IN PLAT BOOK 40, PAGES 65 THROUGH 70, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

**ALSO, TOGETHER WITH:** **PHASE 2B – PRELIMINARY PLAT OF VERANDA BAY**, DESCRIBED AS FOLLOWS: A PORTION OF SECTIONS 13 AND 38, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY (STATE ROAD 201 AND A 100 FOOT RIGHT OF WAY) AND THE NORTH LINE OF SAID SECTION 38; THENCE SOUTH 18°10'14" EAST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 331.23 FEET; THENCE NORTH 71°49'46" EAST, DEPARTING FROM SAID RIGHT OF WAY LINE, A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 71°49'46" EAST, A DISTANCE OF 370.00 FEET; THENCE NORTH 18°10'14" WEST, A DISTANCE OF 325.00 FEET; THENCE NORTH 71°49'46" EAST, A DISTANCE OF 50.00 FEET; THENCE NORTH 18°10'14" WEST, A DISTANCE OF 20.01 FEET TO THE POINT OF CURVE OF A CURVE CONCAVE TO THE EAST AND HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 11°32'14"; THENCE NORTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 5.03 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 12°24'08" WEST AND A CHORD DISTANCE OF 5.03 FEET TO A POINT ON SAID CURVE; THENCE NORTH 71°49'46" EAST, A DISTANCE OF 119.51 FEET; THENCE SOUTH 18°10'14" EAST, A DISTANCE OF 809.38 FEET; THENCE SOUTH 01°32'26" EAST, A DISTANCE OF 49.29 FEET; THENCE SOUTH 88°27'34" WEST, A DISTANCE OF 140.00 FEET; THENCE SOUTH 01°32'26" EAST, A DISTANCE OF 20.00 FEET; THENCE NORTH 88°27'34" EAST, A DISTANCE 140.00 FEET; THENCE SOUTH 01°32'26" EAST, A DISTANCE OF 384.95 FEET; SOUTH 18°10'14" EAST, A DISTANCE OF 935.73 FEET; THENCE SOUTH 71°49'46" WEST, A DISTANCE OF 140.00 FEET; THENCE SOUTH 18°10'14" EAST, A DISTANCE OF 20.00 FEET; THENCE NORTH 71°49'46" EAST, A DISTANCE OF 140.00 FEET; THENCE SOUTH 18°10'14" EAST, A DISTANCE OF 24.44 FEET TO THE POINT OF

CURVE OF A CURVE CONCAVE TO THE WEST AND HAVING A RADIUS OF 365.00 FEET AND A CENTRAL ANGLE OF 34°46'50"; THENCE SOUTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 221.57 FEET AND SUBTENDED BY CHORD BEARING OF SOUTH 00°46'49" EAST AND A CHORD DISTANCE OF 218.18 FEET TO A POINT ON SAID CURVE; THENCE S 16°36'36" W, A DISTANCE OF 18.72 FEET; THENCE NORTH 73°23'24" WEST, A DISTANCE OF 139.49 FEET TO A POINT ON A CURVE OF A CURVE CONCAVE TO THE EAST AND HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 11°32'13"; THENCE NORTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 5.03 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 10°50'29" EAST AND A CHORD DISTANCE OF 5.03 FEET TO A POINT ON SAID CURVE; THENCE NORTH 73°28'41" WEST, A DISTANCE OF 50.00 FEET TO A POINT ON A CURVE OF A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 12°16'44"; THENCE SOUTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 5.36 FEET AND SUBTENDED BY A CHORD BEARING OF SOUTH 22°44'58" WEST AND A CHORD DISTANCE OF 5.35 FEET TO A POINT ON A CURVE OF A CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 495.00 AND A CENTRAL ANGLE OF 16°23'29"; THENCE WESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 141.61 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 79°46'17" WEST AND A CHORD DISTANCE OF 141.13 FEET TO A POINT ON SAID CURVE; THENCE NORTH 02°02'07" EAST, A DISTANCE OF 77.22 FEET; THENCE NORTH 18°10'14" WEST, A DISTANCE OF 50.30 FEET; THENCE SOUTH 71°49'46" WEST, A DISTANCE OF 80.00 FEET; THENCE NORTH 18°10'14" WEST, A DISTANCE OF 1800.00 FEET TO THE POINT OF BEGINNING. CONTAINING 21.82 ACRES, MORE OR LESS.

**ALSO, TOGETHER WITH: PHASE 2C – PRELIMINARY PLAT OF VERANDA BAY, DESCRIBED AS FOLLOWS:**

A PORTION OF SECTION 38, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY (STATE ROAD 201 AND A 100 FOOT RIGHT OF WAY) AND THE NORTH LINE OF SAID SECTION 38; THENCE SOUTH 18°10'14" EAST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 331.23 FEET TO THE POINT OF BEGINNING; THENCE NORTH 71°49'46" EAST, DEPARTING FROM SAID RIGHT OF WAY LINE, A DISTANCE OF 400.00 FEET; THENCE SOUTH 18°10'14" EAST, A DISTANCE OF 1906.48 FEET TO A POINT ON A CURVE OF A CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 495.00 FEET AND A CENTRAL ANGLE OF 14°32'52"; THENCE WESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 125.68 FEET AND SUBTENDED BY A CHORD BEARING OF SOUTH 78°18'07" WEST AND A CHORD DISTANCE OF 125.35 FEET TO A POINT OF A CURVE OF A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 10°55'26"; THENCE NORTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 4.77 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 23°37'58" WEST AND A CHORD DISTANCE OF 4.76 FEET; THENCE; THENCE SOUTH 72°11'12" WEST, A DISTANCE OF 50.00 FEET; THENCE NORTH 18°10'14" WEST, A DISTANCE OF 87.31 FEET; THENCE SOUTH 71°49'46" WEST, A DISTANCE OF 225.00 FEET TO THE INTERSECTION WITH THE AFOREMENTIONED EAST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY; THENCE NORTH 18°10'14" WEST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1800.00 FEET TO THE POINT OF BEGINNING. CONTAINING 16.91 ACRES, MORE OR LESS

**ALSO, TOGETHER WITH:** A PARCEL OF LAND IN THE SOUTH 1/2 OF SECTION 11, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF GOVERNMENT SECTION 11, TOWNSHIP 12 SOUTH, RANGE 31 EAST AS MONUMENTED BY A 4" X 4" CONCRETE MONUMENT INSCRIBED WITH A "T"; THENCE ALONG THE SOUTHERLY LINE OF SAID SECTION 11 NORTH 88°51'19" EAST A DISTANCE OF 2,591.75 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°06'41" EAST A DISTANCE OF 1,287.36 FEET; THENCE NORTH 88°28'36" EAST A DISTANCE OF 680.27 FEET; THENCE SOUTH 01°24'50" EAST, A DISTANCE OF 345.10 FEET;

THENCE SOUTH 88°36'24" WEST, A DISTANCE OF 150.00 FEET; THENCE SOUTH 01°28'15" EAST, A DISTANCE OF 300.30 FEET; THENCE NORTH 88°36'24" EAST, A DISTANCE OF 150.00 FEET; THENCE SOUTH 01°08'43" EAST, A DISTANCE OF 24.77 FEET; THENCE NORTH 88°54'22" EAST, A DISTANCE OF 749.54 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD 201, (ALSO KNOWN AS JOHN ANDERSON HIGHWAY); THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, SOUTH 18°11'55" EAST, A DISTANCE OF 401.46 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, SOUTH 77°14'08" WEST, A DISTANCE OF 99.57 FEET; THENCE SOUTH 01°16'02" EAST, A DISTANCE OF 216.94 FEET; THENCE SOUTH 88°50'35" WEST, A DISTANCE OF 126.47 FEET TO A POINT ON THE SOUTHERLY LINE OF AFORESAID SECTION 11; THENCE ALONG SAID SOUTHERLY LINE SOUTH 88°51'19" WEST, A DISTANCE OF 1,350.55 FEET TO THE POINT OF BEGINNING.

**ALSO, TOGETHER WITH:** A PARCEL OF LAND IN SECTION 12, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID GOVERNMENT SECTION 12, THENCE DEPARTING SAID SOUTHERLY LINE NORTH 01°30'23" WEST A DISTANCE OF 1,203.23 FEET ALONG THE WESTERLY LINE OF SAID SECTION 12; THENCE NORTH 88°52'15" EAST, A DISTANCE OF 649.96 FEET; THENCE SOUTH 19°00'52" EAST, A DISTANCE OF 1,265.64 FEET; THENCE SOUTH 88°56'30" WEST, ALONG SAID SECTION LINE, A DISTANCE OF 1,030.73 FEET TO THE POINT OF BEGINNING.

**ORDINANCE 2024-19**  
**VERANDA BAY COMPREHENSIVE PLAN AMENDMENT**  
**APPLICATION NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP DESIGNATION FOR APPROXIMATELY 899.09 ACRES OF CERTAIN REAL PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Flagler Beach enacted Ordinance 2018-11, adopting the 2035 Comprehensive Plan which includes the City of Flagler Beach Future Land Use Map (FLUM), which Plan and FLUM have been amended from time-to-time; and

**WHEREAS**, Section 163.3161 et seq., Florida Statutes established the Community Planning Act; and

**WHEREAS**, Section 163.3184, Florida Statutes, establishes a process for adoption of comprehensive plans or plan amendments amending the future land use designation of property; and

**WHEREAS**, the City of Flagler Beach is desirous of amending the future land use designation of property located within the City from Agriculture, Conservation, and Mixed Use: High-Intensity (Flagler County Designations), and Low and Medium Density (City of Flagler Beach Designations) to Low Density Residential and Commercial (City of Flagler Beach Designations); and

**WHEREAS**, the City of Flagler Beach Planning and Architectural Review Board (PARB) acting as the City's Local Planning Agency, considered the proposed map amendments at public hearing on September 3, 2024, and voted to recommend APPROVAL of the proposed Comprehensive Plan Amendment; and

**WHEREAS**, on September 12, 2024, and October 24, 2024, the City of Flagler Beach City Commission held public hearings on this Comprehensive Plan amendment after due public notice and upon thorough and complete consideration and deliberation, adopted the proposed Comprehensive Plan amendment; and

**WHEREAS**, the Comprehensive Plan amendment adopted by this Ordinance complies with the requirements of the Community Planning Act, the State Comprehensive Plan as set forth

in Chapter 187, Florida Statutes, as well as other applicable law, and is consistent with the goals, objectives, and policies and the overall land use plan of the City's Comprehensive Plan; and

**WHEREAS**, the City Commission of the City of Flagler Beach hereby reaffirms its commitment to the goal of enacting and implementing sound growth management practices within the City; and

**WHEREAS**, the City Commission of the City of Flagler Beach finds that this Ordinance is in the best interest of the health, safety, and welfare of the citizens of Flagler Beach.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COMMISSION OF FLAGLER BEACH, FLORIDA, THAT THE FUTURE LAND USE MAP IS AMENDED AS FOLLOWS:**

**SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS.** The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Commission of the City of Flagler Beach.

**SECTION 2. FUTURE LAND USE MAP AMENDED.** The Future Land Use Map designation for the approximately 899.09 acre subject area generally located along the east and west of John Anderson Highway, and directly south of State Road 100 as legally described in Exhibit "A" and depicted in Exhibit "B", attached hereto, is amended from Agriculture, Conservation, and Mixed Use: High-Intensity (Flagler County Designations), and Low and Medium Density (City of Flagler Beach Designations) to Low Density Residential and Commercial (City of Flagler Beach Designations).

**SECTION 3. CONFLICTS.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4. NON-CODIFICATION.** As this amendment only changes the Future Land Use Map, it is not necessary to codify this Ordinance.

**SECTION 5. SEVERABILITY.** If any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not be construed as to render unconstitutional or invalid the remaining provisions of the Ordinance.

**SECTION 6. EFFECTIVE DATE.** The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits or land use dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

**APPROVED** on first reading after due public notice and hearing the 12th day of September 2024.

**ADOPTED** on second reading after due public notice and public hearing this 24th day of October 2024.

ATTEST:

CITY OF FLAGLER BEACH, FLORIDA  
CITY COMMISSION

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
Patti King, Mayor

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
DREW SMITH, CITY ATTORNEY

**EXHIBIT “A”**

**EXHIBIT “B”**

### CITY OF FLAGLER BEACH NOTICE OF PUBLIC HEARING

The City Commission proposes to adopt Ordinance No. 2024-18 Entitled:

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING MAP DESIGNATION FOR APPROXIMATELY 899.09 ACRES OF CERTAIN REAL PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

The City Commission proposes to adopt Ordinance No. 2024-19 Entitled:

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP DESIGNATION FOR APPROXIMATELY 899.09 ACRES OF CERTAIN REAL PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Applications have been submitted to rezone this property from Planned Unit Development (PUD), Reserved (R), and Single Family Residential (R1) Zoning Districts to the Master Planned Development (MPD) Zoning District, and to amend the Future Land Use Map designation of the property from Agriculture, Conservation, and Mixed Use: High Intensity to Low Density Residential and Commercial. All lands are located as depicted in the Location Map provided below.

PUBLIC HEARINGS ARE SCHEDULED TO BE HELD AT CITY HALL, 105 S. 2ND STREET, FLAGLER BEACH, FLORIDA AS FOLLOWS:

PLANNING AND ARCHITECTURAL REVIEW BOARD: TUESDAY, SEPTEMBER 3, 2024 AT 5:30 P.M.

1ST READING: CITY COMMISSION: TUESDAY, SEPTEMBER 17, 2024 AT 5:30 P.M. OR AS SOON THEREAFTER AS POSSIBLE.

2ND READING: CITY COMMISSION: THURSDAY, OCTOBER 24, 2024 AT 5:30 P.M. OR AS SOON THEREAFTER AS POSSIBLE.

ALL INTERESTED PARTIES ARE INVITED TO ATTEND.

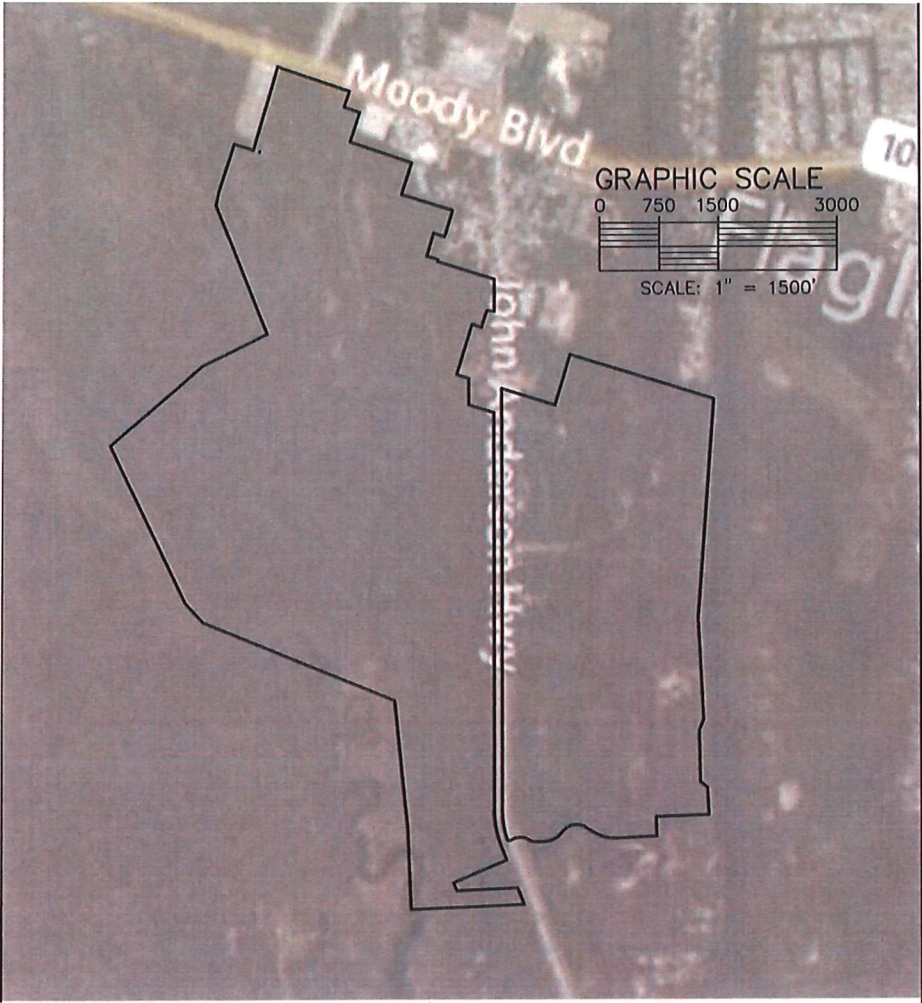
PLEASE DIRECT ANY QUESTIONS TO THE CITY OF FLAGLER BEACH AT (386-517-2000) EXT. 230

The public hearings may be continued to a future date or dates. The times and dates of any continuances of a public hearing shall be announced during the public hearing without any further published notice. The request will be heard at 5:30 PM, or as soon thereafter as possible, in the City Commission chambers located at 105 South Second Street, Flagler Beach, Florida.

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

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 386-517-2000 Ext. 233 at least 48 hours prior to the meeting. For further information about this request, please call the Planning and Building Department at (386) 517-2000 Ext. 230. The public may inspect information that is more detailed during office hours at the Planning and Building Department, 800 S. Daytona Ave.

LOCATION MAP





# City of Flagler Beach

Section 7, Item h.

Planning & Zoning Department  
P.O. Box 70 \* 800 S Daytona Ave.  
Flagler Beach, FL 32136  
[www.cityofflaglerbeach.com](http://www.cityofflaglerbeach.com)

To: Planning and Architectural Review Board Members  
From: Lupita McClenning, City Planner  
Date: August 29, 2024  
Re: Zoning Amendment Master Planned Development (MPD) District

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<b>Application Number:</b>	Application No. PRZ24-0002
<b>Applicant:</b>	Michael D. Chiumento, Esq.
<b>Property Owner(s):</b>	Veranda Bay Investments, LLC Palm Coast Intracoastal, LLC Highway 100 Commercial LLC
<b>Site Location:</b>	East and West side of John Anderson Highway & South of State Road 100.
<b>Property ID #:</b>	See Legal Description. Exhibit A
<b>Current FLUM Designation:</b>	Flagler County Designations – Agriculture, Conservation, and Mixed Use: High Intensity. City of Flagler Beach Designations – Low and Medium Density
<b>Current Zoning Designation:</b>	Flagler County Designations – Planned Unit Development (PUD)
<b>Current Use:</b>	160.99 acres under development as mixed use residential; remainder of property is vacant and undeveloped.
<b>Total Acreage:</b>	899.09 +/- acres
<b>Applicant Request:</b>	Amend the Zoning Map Designation for the 899.09 acres to Master Planned Development (MPD) District

### **Section 8.04.12, of the Land Development Code**

In accordance with Section 8.04.12, of the Land Development Code the Planning and Architectural Review Board (PARB) of the city shall undertake the rules assigned to it within this section which includes, but is not limited to, the following duties:

- To review requests and applications for planned unit developments as stipulated within the provisions of this section;
- To advise the city commission on all matters related to land use planning and community development as directed by the city commission;
- To review all requests for rezoning (amendments), hold required public hearings to receive citizen input and recommend approval or denial of such requests to the city commission. A public hearing constitutes published notice, both at city hall and in local newspapers, and the apprising of property owners within a radius of five hundred (500) feet of the property under consideration for rezoning by certified mail of the intent to rezone.

### **FL Statute 163, Section 3164 of the Community Planning**

As defined by FL Statute 163, Section 3164 of the Community Planning Act:

- "Compatibility" means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.
- "Level of service" means an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. Level of service shall indicate the capacity per unit of demand for each public facility.
- "Master development plan" or "master plan," for the purposes of this act and 26 U.S.C. s. 118, means a planning document that integrates plans, orders, agreements, designs, and studies to guide development as defined in this section and may include, as appropriate, authorized land uses, authorized amounts of horizontal and vertical development, and public facilities.
- "Urban sprawl" means a development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses.

**Background and Intent**

In 2005, Flagler County adopted Ordinance 2005-22, which rezoned and approved a PUD Development Agreement for a mixed-use development.

The +/- 899 acres of land (was permitted to be developed as a mixed-use development as a Planned Unit Development (PUD).

The owners also own two parcels of land, totaling +/- 54.8 acres, located directly adjacent to the PUD property within the City of Flagler Beach and which have a land use designation of residential uses.

The owners desire to rezone and amend the PUD property and the +/- 54.8 acres and create a single integrated mixed-use community zoned Master Planned Development (MPD) district consistent with the City of Flagler Comprehensive Plan, Future Land Use Map (FLUM) and a newly crafted Master Development Agreement, (MDA).

**Project Description**

The applicant proposes to amend the Zoning Map for approximately 899.09 +/- acres from Flagler County zoning designations of Planned Unit Development (PUD) to the City of Flagler Beach zoning designation of Master Planned Development (MPD) district to include Low Density Residential (LDR), and General Commercial (GC) through a Master Development Agreement (MDA).

The intent of the development is to develop the property into Low Density Residential, General Commercial, and a Marina Village. The residential uses include multiple housing types including single-family and multi-family units, and commercial uses with an anticipated build out in 2035.

This Project is a mixed-use, low-density development focused on providing significant Open Space, including preserved lands. The Project provides for low density residential development, commercial development along State Road 100 ("SR100") and a marina village.

Property designated as Commercial, generally located adjacent to SR100, is intended to provide shopping, office and other commerce and economic development opportunities for the Project's residents and the general public. This area may also be developed into a mixed-use center where residential uses are integrated with the general commercial uses to further the concept of "work, shop and play".

The commercial area identified adjacent to the Intracoastal Waterway ("ICW") is intended to be developed into a commercial or private marina which may include a

ship store, restaurants, retail uses or other commercial uses integrated with residential uses.

The Project is preserving a minimum of forty percent (40%) of the Project (+/- 300 acres) as Open Space, which includes, but is not limited to, preserved lands subject to passive recreation, buffers and wetlands.

Additionally, approximately 1,100 acres of land were previously dedicated to Flagler County for preservation, access to the Intracoastal Waterway (ICW) and public safety, which benefits and creates value for all of Flagler County, including the residents of the City of Flagler Beach.

**Project Location**

The subject property is located east and west of John Anderson Highway and south State Road 100. The site is bordered to the north by State Road 100 (a major arterial road); to the east by the boundaries of the City of Flagler Beach; to the south and to the west by the boundaries of unincorporated Flagler County. *See Aerial Map.*

**Surrounding Zoning Designations**

- North: Commercial, Multifamily Residential, and Public/Semipublic (City of Palm Coast designations); Highway Commercial, Medium Density Residential, Single Family Residential, Light Industrial, and General Commercial (City of Flagler Beach designations); and Agricultural and Rural Residential (Flagler County designations).
- South: Planned Unit Development (Flagler County designation).
- East: Conservation, and Preservation (City of Flagler Beach designations).
- West: Planned Unit Development, General Commercial & Shopping Center, and Agricultural (Flagler County designations)

**Permitted Uses:**

Residential

- Single Family Residential, Town House, Multi-family, and Mixed-Use.

Commercial

- General Commercial and office uses to meet the community-wide demand for retail, services, business, and employment opportunities.

*City Planner Note: The Commercial square footage of 230,694 SQFT was submitted from the Applicant in the Large Scale FLUM Findings noted in Engineering Exhibit I.*

## Development Phasing

The Project may be developed in multiple phases.

Prior to the issuance of any permit for any phase of the Project (and prior to any construction of any improvement, building, or structure), a Preliminary Plat or Site Plan shall be submitted to the City.

Each Tract of the Project will include infrastructure to support the proposed uses, including water and wastewater service, drainage, private roads, vehicular, and pedestrian access facilities.

All infrastructure necessary to support each phase that is constructed shall be constructed concurrently with, or prior to construction of that phase of the Project, as approved by the City, and prior to the issuance of building permits for that phase. Adequate emergency vehicle access and turnarounds shall be provided at all times.

## Residential Dimensional Standards

<u>Type</u>	<u>SF</u>	<u>Multi-family</u>	<u>Town House</u>	<u>Multi-family Marina</u>
Min. Distance Between Buildings	10'	10'	10'	10'
Min. Bldg. Setback to Water	20'	20'	20'	10'
Max. Bldg. Height**	35'	35'	35'	35'
Min. Front Bldg. Setback to Property Line	15'	15'	10'	10'
Min. Bldg. Rear Yard Setback	10'	10'	10'	10'
Minimum Front Setback from Right of Way	20'	N/A	20'	N/A
Minimum Bldg. Side Street or Rear Yard Setback	10'	10'	10'	10'
Min. Lot Size (SF)	4,000 sf	N/A	1,600 sf	N/A
Minimum Lot Width	40'	N/A	16'	N/A
Max. Impervious Surface Ratio**	80%	80%	80%**	80%**

\*\*In the event the City increases its max building height limitations, the Declarant may elect to increase its maximum building height to such new limit

**Commercial and/or Mixed Use (Residential above Commercial) Dimensional Standards**

Commercial /Mixed Use	Standards
Min. Lot Width	80'***
Min. Lot Size	12,000 sf
Minimum Building Side Setback	0'
Minimum Building Street-Side Setback	10'
Minimum Building Front Setback	10'
Maximum Building Height****	35'
Minimum Building Rear Setback	10'
Minimum Building Setback to MPD Property Line	20'
Maximum Floor Area Ratio*	100%
Maximum Impervious Surface Ratio*	80%**

\* Maximum Floor Area and Impervious Surface Ratios shall be applicable to each Tract.  
\*\*Minimum open space shall be forty percent (40%) of the entire MPD gross area.  
\*\*\* If Town Houses are developed within a Commercial District, the dimensional standards for Town Houses shall control.  
\*\*\*\* In the event the City increases its max building height limitations, the Declarant may elect to increase its maximum building height to such new limit.

**Consistency with Section 2.07.10 Land Development Code**

**Section 2.07.10.01 Purpose**

- A. The Master Planned Development (MPD) district is established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other City goals and objectives by:

1. Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;
2. Allowing greater freedom in selecting the means of providing access, open space, and design amenities;
3. Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;
4. Providing for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; or
5. Promoting quality design and environmentally sensitive development that respects surrounding established land use characteristics and respects and takes advantage of a site's natural and man-made features.

#### Section 2.07.10.03 *General Requirements MPD*

1. Comprehensive plan consistency. The MPD shall be consistent with the Comprehensive Plan. With exception of the Preservation and Conservation classification, a Master Planned Development District is allowed within all Comprehensive Plan Future Land Use Map categories.
2. Other ordinances. All building and housing codes of the City are applicable to the Master Planned Development District; however, requirements for dimensional standards, parking, open space, and other regulations established in the master planned development plan may differ from those specific to the underlying zoning district in which the development is located.

#### Section 2.07.10.11 *Density and Intensity*

The densities for residential development and the intensities for non-residential development applicable in each development area of the MPD shall be as established in the MPD Master Plan, and shall be consistent with Comprehensive Plan and Land Development Code.

#### Section 2.07.10.12

The dimensional standards applicable in each development area of the MPD shall be as established in the MPD Master Plan and shall include at minimum the following types of dimensional standards:

1. Minimum lot area;
2. Minimum lot width;
3. Minimum and maximum setbacks;
4. Maximum lot coverage;
5. Maximum building height;
6. Maximum individual building size;
7. Maximum gross floor area, and

**Standards used by Planning Staff**

The following standards are recommended the City Planner in reviewing, recommending, and acting upon the application for a zoning amendment so as to balance the interest of the City against the unrestricted use of property:

1. The zoning proposal is suitable in view of the use of adjacent and nearby property and the zoning proposal will not affect the existing uses or usability of adjacent or nearby uses;
2. The property to be affected by the zoning proposal will have a reasonable and economic use;
3. The zoning proposal will not result in uses which will or could cause an excessive or burdensome use of existing transportation facilities, utilities, educational facilities or public safety;
4. The zoning proposal is consistent with the standards in the Land Development Code, specifically Section 02.07.10
5. The zoning proposal is consistent with the policies and intent of the Comprehensive Plan;
6. There is existing or changing conditions affecting the use and development of the property which give supporting grounds for approval (or disapproval) of the zoning proposal; and
7. Granting the request would not have an effect in that it becomes the opening mechanism for further rapid growth, urbanization or other land-use change beyond what is indicated in the Comprehensive Plan.

**Beginning on Page 10 and there forward Below is the Zoning Request and Report submitted by Michael D. Chiumento III, PA the applicant.**

*City Planner Comments to the report are highlighted in yellow.*

A rezoning request with a companion Large Scale Future Land Use Map amendment to allow the property owners to develop the property for low density residential and commercial uses. The residential uses shall include multiple types of housing opportunities from low density residential development to medium and high-density multi-family uses. The proposed rezoning will allow for the owners to effectively utilize the property for such development which will utilize the natural features of the area as a focal point.

In 2005, Flagler County adopted Ordinance 2005-22, which rezoned and approved the PUD Development Agreement for a mixed-use development. As negotiated in the 2005 Development Agreement, the +/- 899 acres of land (the "PUD Property") is permitted to be developed as a mixed-use development and is currently being annexed into the City of Flagler Beach, Flagler County, Florida. The owners also own two parcels of land, totaling +/- 54.8 acres, which are located directly adjacent to the PUD Property within the City of Flagler Beach (the "Owner Property") which have a land use designation of residential uses.

The owners desire to rezone and amend the presently approved development plan for the PUD Property and Owner Property (collectively, the "Subject Property") by creating a single integrated mixed-use community under a Master Planned Development Agreement (the "MPD Agreement"). The project would be consistent with the proposed Future Land Use Map designation.

### **MASTER PLANNED DEVELOPMENT**

Land Development Regulations **Sec. 2.07.10.01** provides as follows:

"The Master Planned Development (MPD) district is established and intended to encourage innovative land planning and site design concepts that support a high quality of life and achieve a high quality of development, environmental sensitivity, energy efficiency, and other City goals and objectives by:

1. Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;
2. Allowing greater freedom in selecting the means of providing access, open space, and design amenities;
3. Allowing greater freedom in providing a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;
4. Providing for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; or

- 5. Promoting quality design and environmentally sensitive development that respects surrounding established land use characteristics and respects and takes advantage of a site's natural and man-made features.”

The application to rezone and craft a “new” MPD Agreement is consistent with the requirements of the MPD zoning district as more particularly discussed below.

**DEVELOPMENT AGREEMENT HIGHLIGHTS**

**PERMITTED USES/DENSITY**

The owners agree to fully comply with the following use restrictions on the Subject Property. The following uses are permitted on the Subject Property:

- (a) Residential uses – Single Family Residential, Town House, Multi-family, and Mixed-Use.
- (b) Maximum units – The number of residential units shall be capped at 2,735.
- (c) Commercial uses – General Commercial and Office uses to meet the community-wide demand for retail, services, business, and employment opportunities.
- (d) Maximum density – The maximum Commercial density shall be capped at 480,000 sq. ft.

***City Planner Note: The Commercial square footage of 230,694 SQFT was submitted from the Applicant in the Large Scale FLUM Findings noted in Engineering Exhibit I.***

**PROJECT DESCRIPTION**

This Project is a mixed-use, low-density development focused on providing significant Open Space, including preserved lands. The Project provides for low density residential development, commercial development along State Road 100 ("SR100") and a marina village. The residential uses shall include multiple types of housing opportunities such as low-density residential development, medium density multi-family uses, and high-density multi-family uses; none exceeding thirty-five feet (35') in height. Property designated as Commercial, generally located adjacent to SR100, is intended to provide shopping, office and other commerce and economic development opportunities for the Project's residents and the general public. However, this area may also be developed into a mixed-use center where residential uses are integrated with the general commercial uses to further the concept of "work, shop and play". The commercial area identified adjacent to the Intracoastal Waterway ("ICW") is intended to be developed into a commercial or private marina which may include a ship store, restaurants, retail uses or other commercial uses integrated with medium density to high density residential uses. The Project will preserve a minimum of forty percent (40%) of the Project (+/- 300 acres) as Open Space, which includes, but is not limited to, preserved lands subject to passive recreation, buffers and wetlands. Recognizing that approximately 1,100 acres of land were previously dedicated to the County for (i) preservation, (ii) access to the ICW, and (iii) public safety, the Parties agree that the Project benefits the entire Flagler County community, including the residents of the City of Flagler Beach.

**Open Space and Common Areas**

Common areas are located throughout the Subject Property and shall include open space, preserved lands, and wetlands.

### **Maintenance**

Maintenance of all common areas shall be the responsibility of (i) the existing community development district, (ii) a property owners association or (iii) other entity accepted by the Land Use Administrator (collectively the “Association”).

### **Concept Plan Amendments**

The owners may increase or decrease the amount of a particular land use without modifying or amending the MPD Agreement, but only within the minimum and maximum standards provided for on the **Land Use Conversion Matrix** attached to the MPD Agreement, provided that the changes are consistent with the uses allowed under the MPD Agreement.

***City Planner Comment: The Land Use Conversion Matrix needs to be provided to the City for a shared understanding of the outcome/results of a small scale land use amendment.***

### **DEVELOPMENT PHASING**

The Project may be developed in multiple phases. Prior to the issuance of any permit for any phase of the Project (and prior to any construction of any improvement, building, or structure on the Subject Property), the owners shall submit a Preliminary Plat or Site Plan for the relevant phase. Each Tract of the Project will include infrastructure to support the proposed uses, including water and wastewater service, drainage, private roads, vehicular, and pedestrian access facilities. All infrastructure necessary to support each phase that is constructed on the Subject Property shall be constructed concurrently with, or prior to construction of that phase of the Project, as approved by the City, and prior to the issuance of building permits for that phase. Adequate emergency vehicle access and turnarounds shall be provided at all times.

### **LAND DEVELOPMENT REGULATIONS, PARTIAL NON-APPLICABILITY**

The development of the Project shall proceed in accordance with the terms of the MPD Agreement. **In the event of a conflict between the terms of the MPD Agreement and the MPD Master Plan, the provisions of the MPD Agreement shall prevail.** In the event of an inconsistency or conflict between the terms of the MPD Agreement and the LDR, the terms and provisions of the MPD Agreement shall prevail. Where specific requirements are not contained in the MPD Agreement, the LDR shall apply to the extent that it does not conflict with the provisions of the MPD Agreement or the general intent of the MPD Master Plan.

***City Planner Comment: Recommend the full MPD Agreement be provided to PARB and City Commission.***

### **Wetlands and Wetland Buffers**

Wetland permitting, including their impacts and/or mitigation, for the project may occur and shall only be subject to Federal and State permits. The City agrees that any approval, impact or effect to wetlands, wetland buffers, and wetland setbacks provided by said permits shall be accepted by the City and deemed consistent with the City’s Comprehensive Plan. **The Project shall therefore be exempt from Section 4 of the LDR.**

*City Planner Comment: Section 4 of the City's LDR is Environmental and Cultural Resource Protection. It includes submittal requirements for wetland impact analysis report, as well as floodplain management. City Planner Comment: Additionally, in accordance with Section 8.05.03 all documents provided to the St. Johns River Water Management District shall be provided concurrently to the city.*

**Stormwater**

The owners shall be responsible for designing, permitting, constructing, and maintaining the means of conveyance of stormwater runoff within the Project including, but not limited to, all stormwater lines, ditches, culverts, and other stormwater facilities that are necessary to convey and treat stormwater runoff (the “Stormwater System”).

**Roadways / Rights-of-Way**

Ingress and egress to the Project shall be provided, constructed, and dedicated to the City as a public roadway between SR100 and John Anderson Highway, as generally depicted on the MPD Master Plan (the “Spine Road”). Prior to dedication, at the owner’s sole discretion, the owners (or its assigns) may reserve an easement over the Spine Road for purposes of signage, enhanced landscape maintenance, Tract access and construction. Moreover, the development of Tracts may be gated from the Spine Road and other public rights of way.

All roads shall be designed and constructed to meet the applicable provisions of the LDR and the City of Flagler Beach Standard Construction Details Manual. Emergency vehicles shall always be permitted through the Subject Property and adequate emergency vehicle access and turn-arounds shall always be provided.

**Landscaping**

Landscaping requirements adjacent to SR100 and John Anderson Highway shall be subject to this Development Agreement and the LDR. All other landscaping design and requirements shall be at the sole discretion of the Declarant. No potable water shall be used for irrigation after sufficient stormwater or reclaimed water source becomes available in adequate quantities.

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

<u>Type</u>	<u>SF</u>	<u>Multi-family</u>	<u>Town House</u>	<u>Multi-family Marina</u>
Min. Distance Between Buildings***	10’	10’	10’	10’
Min. Bldg. Setback to Water	20’	20’	20’	10’
Max. Bldg. Height****	35’	35’	35’	35’
Min. Front Bldg. Setback to Property Line	15’	15’	10’	10’

<u>Type</u>	<u>SF</u>	<u>Multi-family</u>	<u>Town House</u>	<u>Multi-family Marina</u>
Min. Bldg. Rear Yard Setback	10'	10'	10'	10'
Minimum Front Setback from Right of Way	20'	N/A	20'	N/A
Minimum Bldg. Side Street or Rear Yard Setback	10'	10'	10'	10'
Min. Lot Size (SF)	4,000 sf	N/A	1,600 sf	N/A
Minimum Lot Width	40'	N/A	16'	N/A
Max. Impervious Surface Ratio**	80%	80%	80%**	80%**

\*Except as provided in Section 10 of the MPD Agreement.

\*\*Maximum Floor Area and Impervious Surface Ratios shall be applicable to each Tract.

\*\*\* Shall be measured as the distance between walls of adjacent structures.

\*\*\*\* In the event the City increases its max building height limitations, the Declarant may elect to increase its maximum building height to such new limit. Notwithstanding, residential structures presently under construction or constructed may exceed this height limitation.

### **Commercial or Mixed-Use with Residential Above Commercial** **Site Development Requirements**

Min. Lot Width	80'***
Min. Lot Size	12,000 sf
Min. Bldg. Side Setback	0'
Min. Bldg. Street-Side Setback	10'
Min. Bldg. Front Setback	10'
Max. Bldg. Height****	35'
Min. Bldg. Rear Setback	10'
Minimum Bldg. Setback to MPD Property Line	20'
Maximum Floor Area Ratio*	100%
Max. Impervious Surface Ratio*	80%**

\* Maximum Floor Area and Impervious Surface Ratios shall be applicable to each Tract.

\*\*Minimum open space shall be forty percent (40%) of the entire MPD gross area.

\*\*\* If Town Houses are developed within a Commercial District, the dimensional standards for Town Houses shall control.

\*\*\*\* In the even the City increases its max building height limitations, the Declarant may elect to increase its maximum building height to such new limit.

**Fire Services**

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

**Parking**

Residential and Commercial uses shall provide parking as required by the City of Flagler Beach LDR.

**Water, Sewer and Drainage**

The common areas shall be owned and maintained by (i) the existing community development district, (ii) a property owners association or (iii) other entity accepted by the LUA.

Water, wastewater, and reuse services shall be served and provided by the City of Flagler Beach. The water, wastewater, and reuse infrastructure shall be constructed by the owners, comply with all applicable City Codes and be conveyed to the City.

*City Planner Comment: Hence the importance of knowing the density and intensity of proposed development to understand the demand on public infrastructure.*

**Public Safety**

The City will provide fire (having a first response agreement with Flagler County as part of its service network), police, and EMS facilities, including the equipment and services necessary to serve the Annexed Property at a level consistent with the City’s adopted level of service. All such public services are available to support the development of the Annexed Property.

*City Planner Comment: the demand for public safety was not analyzed in the report.*

**FUTURE LAND USE AND ZONING INFORMATION**

The following table summarizes the existing and proposed land use and zoning information:

**USE SUMMARY TABLE:**

CATEGORY	EXISTING	PROPOSED
Future Land Use Map (FLUM)	Agriculture, Conservation, and Mixed use: High Intensity (Flagler County designations); Low and Medium Density (City of Flagler Beach designations)	Low Density Residential and Commercial
Zoning District	Planned Unit Development (Flagler County designation);	Master Planned Development

	Reserved, and Single Family Residential (City of Flagler Beach designations)	
Overlay District	N/A	N/A
Use	160.99 +/- acres are currently under development as mixed use residential; remainder is vacant	Low Density Residential and Commercial development generally consistent with the attached Master Planned Development Agreement
Acreage	899.09	899.09
Access	John Anderson Highway and State Road 100	John Anderson Highway and State Road 100

**SURROUNDING LAND USES AND COMPATABILITY**

North: FLUM: Mixed Use (City of Palm Coast designation); Medium Density, Commercial, Other Public Facilities, Mixed Use, Low Density (City of Flagler Beach designations); Agriculture, Conservation (Flagler County designations).  
Zoning: Commercial, Multifamily Residential, and Public/Semipublic (City of Palm Coast designations); Highway Commercial, Medium Density Residential, Single Family Residential, Light Industrial, and General Commercial (City of Flagler Beach designations); and Agricultural and Rural Residential (Flagler County designations).

South: FLUM: Agriculture, and Conservation (Flagler County designations).  
Zoning: Planned Unit Development (Flagler County designation).

East: FLUM: Salt Water Marsh (City of Flagler Beach designation).  
Zoning: Conservation, and Preservation (City of Flagler Beach designations).

West: FLUM: Agriculture, Conservation, and Mixed-Use High Intensity (Flagler County designations).  
Zoning: Planned Unit Development, General Commercial & Shopping Center, and Agricultural (Flagler County designations).

**SUMMARY OF FINDINGS:**

Following a compliance review of the 2035 Comprehensive Plan and current Land Development Regulations it is recommended that Application No. XXXX be recommended for approval.

**ANALYSIS:**

The purpose of this section is twofold:

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

## **FUTURE LAND USE ELEMMENT**

### **Policy A.1.2.2**

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

#### **Analysis:**

The Applicant has provided a Preliminary Environmental Assessment report (“PEA”) conducted by Atlantic Ecological Services. The document assesses the presence of protected species, the materials submitted also include a topographic map, soil map, and habitat map. Applicant has also provided a Cultural Resources report which resulted in an area of archeological/ historical resources being identified. In-place preservation appears to be a feasible option, however further planning modification may necessitate impact of this portion of the site.

*City Planner Comment: See Section 8 of the Staff Report and Findings of the Large-Scale Land Use Amendment.*

### **Policy A.1.1.3**

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

**Analysis:** The requested land use and associated density is appropriate with that of the surrounding community. The proposed residential development intensity is 3.2 units per acre.

### **Policy A.1.4**

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

#### **Policy A.1.4.1**

**The City shall investigate opportunities for annexation of commercial and value-added properties.**

**Analysis:** The proposed rezoning is consistent with Object A.1.4 and Policy A.1.4.1, the development of the subject area under Commercial and Low-Density Residential designations will encourage development and improve the City’s ad valorem tax base. Creating a commercial or mixed-use node at major roadway networks (SR 100/Colbert Lane) is preferred to create an efficient use of infrastructure and avoid urban sprawl.

### **Policy A.1.8**

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

**Analysis:** The requested land uses are consistent with the proposed FLUM designations and are consistent with Policy A.1.8. The Commercial and Low-Density Residential designations encompass compatible uses to those of the adjacent areas. Moreover, the proposed changes create

commercial and economic development opportunities adjacent to other non-residential uses minimize the impact to existing residents.

### **Goal A.2**

**The City shall preserve, protect and enhance the natural environment, natural and historical resources, and the City's unique sense of place.**

**Analysis:** The applicant has provided a Preliminary Environmental Assessment study conducted by Atlantic Ecological Services, as well as an Archaeological Site Evaluation report. The environmental report assesses the presence of protected species, the quality of soils and groundwater conditions as it relates to the contamination threats to the environment and/or human health. The materials submitted also include a topographic map and general wetland study.

The objective of the study was to identify the presence of animal and/or plant species and habitats of significant value that utilize the property. The proposed FLUM amendment will not change the need to relocate the species of significant value that have been identified prior to any development activities. This need remains no matter the FLUM designation.

Furthermore, the archaeological report demonstrates that, although there are locations of archaeological concern, in-place preservation appears to be a feasible option.

## **TRANSPORTATION ELEMENT**

### **Policy B.1.1.1**

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

**Analysis:** The applicant submitted a Traffic Study which included the subject site. The traffic study took into account the potential traffic impacts from the project and concludes that the development buildout conditions do not adversely impact the roadway segments (roads will maintain an acceptable LOS). An intersection capacity analysis was also conducted and concludes that none of the failures to meet LOS are contributable to the development.

The study includes a recommendation for certain modifications/ implementations in the future in order to maintain safe roadway operation, including a planned spine road connection from SR 100 at Colbert Lane to John Anderson Highway.

**City Planner Comment:** See Section 7.5 through 7.5.3 for analysis of the transportation impact study and Exhibit H of the Submittal for recommendations from the Traffic Impact Study to maintain acceptable Level of Service (LOS).

### **Policy B.1.1.7**

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

**Analysis:** The proposed rezoning is consistent with Policy B.1.1.7, the expansion of Commercial and Low-Density Residential uses along an arterial roadway is appropriate. Moreover, John Anderson Highway presently has and is planned for multiuse pedestrian trails to allow residents to use alternative forms of transportation.

## **HOUSING ELEMENT**

### **Policy C.1.1.3**

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

**Analysis:** The proposed rezoning is consistent with Policy C.1.1.3, the potential of additional residential use along a major arterial (State Road 100) is appropriate. Furthermore, the proposed development plan is a Master Planned Development and will assist in the development of affordable housing.

## **PUBLIC FACILITIES ELEMENT**

### **Policy D.1.2.3**

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

### **Policy D.1.5.3**

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

**Analysis:** Under the provisions of the Interlocal Agreement (Water and Wastewater Service Area – John Anderson Corridor) between Flagler County and the City of Flagler Beach (May 16, 2016), the City of Flagler Beach is responsible for the provision of utility services to the subject property. The City of Flagler Beach has sufficient existing utility capacity (and the means to develop additional capacity, if necessary) to accommodate the future demand for utility services within the City and for the additional development of the subject property.

*City Planner Comment: Hence the importance of knowing the density and intensity of proposed development to understand the demand on public infrastructure.*

## **COASTAL MANAGEMENT AND CONSERVATION ELEMENT**

### **Policy E.1.4.7**

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

**Analysis:** Any and all mitigation, if necessary, will be coordinated through the department of environmental protection.

*City Planner Comment: It's a City policy to enforce the permitting and mitigation of state and federal agencies.*

#### **Policy E.1.6.4**

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

#### **Analysis:**

The proposed rezoning is consistent with Policy E.1.6.4, all development shall be consistent with the Florida Building Code.

#### **ANALYSIS: CRITERIA PARAMETERS**

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

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

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

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

##### **Policy A.1.1.13 9J-5.006(3)(b)3**

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

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

##### **Policy A.1.13.2 9J-5.006(3)(c)2**

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

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

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

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

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

### **RECOMMENDATION**

The Planning and Architectural Review Board (PARB) finds Application #XXXX consistent with the Comprehensive Plan and recommends that City Commission approve the rezoning from Planned Unit Development (Flagler County designation), Reserved, and Single Family Residential (City of Flagler Beach designations) to Low Density Residential and Commercial based upon findings of fact which demonstrate the zoning change request is following all applicable Objectives and Policies of the City of Flagler Beach Comprehensive Plan.

## PARKER MYNCHENBERG &amp; ASSOCIATES, INC.

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(386) 677-6891  
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January 30, 2024

## VERANDA BAY

### Water Demand

#### SUMMARY

The improvements associated with this project include the overall Water Demand Volumes for the Veranda Bay Conceptual Master Plan.

#### ANALYSIS

Design Type and Number of Service Connections, Calculation Units, Total Average Daily Flow, and Peak Hour Flow, in the Entire Area to be served by the Water Distribution System being constructed with this project are calculated below. The US Census estimate for people per residential unit is 2.08 and the Flagler Beach Comprehensive Plan includes a water LOS of 125 gallons per capita. The LOS flow for each residential unit is 125 gal/person \* 2.08 people/unit = 260 gpd/unit.

WATER					
Phase	Type of Service Connection	Water Demand Calculation Units	Average Daily Water Demand Per Service Connection	Total Average Daily Flow (gpd)	Peak Hour Flow <sup>a</sup> (gph)
<b>VERANDA BAY EAST</b>					
A1	Low Density Single-Family Residential (SFR) Units	122 units	260 gpd/unit	31,720	3,965
	Clubhouse and Amenity Center	6,200 sq. ft.	0.10 gpd/sq.ft.	620	78
A2	Low Density Single-Family Residential (SFR) Units	89 units	260 gpd/unit	23,140	2,893
A3	Low Density Single-Family Residential (SFR) Units	124 units	260 gpd/unit	32,240	4,030
B	Low Density Single-Family Residential (SFR) Units	72 units	260 gpd/unit	18,720	2,340
C	Medium Density Single Family -Townhomes	96 units	260 gpd/unit	24,960	3,120
D	Low Density Single-Family Residential (SFR) Units	80 units	260 gpd/unit	20,800	2,600
E	Multi-Family Condos/ Apts	152 units	260 gpd/unit	39,520	4,940
	Yacht Club/ Clubhouse/Mixed Use	10,000 sq. ft.	0.10 gpd/sq.ft.	1,000	125
<b>VERANDA BAY WEST</b>					
F	Low Density Single-Family Residential (SFR) Units	250 units	260 gpd/unit	65,000	8,125
G	Low Density Single-Family Residential (SFR) Units	220 units	260 gpd/unit	57,200	7,150
H	Medium Density Residential - Multi Family	980 units	260 gpd/unit	254,800	31,850
I	Town Center - Commercial/Retail/Office	220,694 sq. ft.	0.10 gpd/sq.ft.	22,069	2,759
J1	Office / Retail	10,000 sq. ft.	0.10 gpd/sq.ft.	1,000	125
J2	High Density Residential/Hotel Site	250 units	260 gpd/unit	65,000	8,125
K	Medium Density Multi-Family	300 units	260 gpd/unit	78,000	9,750
<b>TOTAL WATER DEMAND</b>				<b>735,789</b>	<b>91,974</b>

a. Explanation of Peaking Factor(s) or Method(s) Used to Estimate Peak Hour Flow:

Peaking Factor = 3.0 (typical)

Peak Hour Flow = Total Average Daily Flow x 3.0 x (1 day/24 hrs)

**PARKER MYNCHENBERG & ASSOCIATES, INC.**

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January 30, 2024

**VERANDA BAY**  
**Sewer Demand**

**SUMMARY**

The improvements associated with this project include the overall Sewer Demand Volumes for the Veranda Bay Conceptual Master Plan.

**ANALYSIS**

Design Type and Number of Service Connections, Calculation Units, Total Average Daily Flow, and Peak Hour Flow, in the Entire Area to be served by the Water Distribution System being constructed with this project are calculated below. The US Census estimate for people per residential unit is 2.08 and the Flagler Beach Comprehensive Plan includes a water LOS of 119 gallons per capita. The LOS flow for each residential unit is 119 gal/person \* 2.08 people/unit = 248 gpd/unit.

SEWER					
Phase	Type of Service Connection	Sewer Demand Calculation Units	Average Daily Sewer Demand Per Service Connection	Total Average Daily Flow (gpd)	Peak Hour Flow <sup>a</sup> (gph)
<b>VERANDA BAY EAST</b>					
A1	Low Density Single-Family Residential (SFR) Units	122 units	248 gpd/unit	30,256	3,782
	Clubhouse and Amenity Center	6,200 sq. ft.	0.10 gpd/sq.ft.	620	78
A2	Low Density Single-Family Residential (SFR) Units	89 units	248 gpd/unit	22,072	2,759
A3	Low Density Single-Family Residential (SFR) Units	124 units	248 gpd/unit	30,752	3,844
B	Low Density Single-Family Residential (SFR) Units	72 units	248 gpd/unit	17,856	2,232
C	Medium Density Single Family -Townhomes	96 units	248 gpd/unit	23,808	2,976
D	Low Density Single-Family Residential (SFR) Units	80 units	248 gpd/unit	19,840	2,480
E	Multi-Family Condos/Apts	152 units	248 gpd/unit	37,696	4,712
	Yacht Club/ Clubhouse/Mixed Use	10,000 sq. ft.	0.10 gpd/sq.ft.	1,000	125
<b>VERANDA BAY WEST</b>					
F	Low Density Single-Family Residential (SFR) Units	250 units	248 gpd/unit	62,000	7,750
G	Low Density Single-Family Residential (SFR) Units	220 units	248 gpd/unit	54,560	6,820
H	Medium Density Residential - Multi Family	980 units	248 gpd/unit	243,040	30,380
I	Town Center - Commercial/Retail/Office	220,694 sq. ft.	0.10 gpd/sq.ft.	22,069	2,759
J1	Office / Retail	10,000 sq. ft.	0.10 gpd/sq.ft.	1,000	125
J2	High Density Residential/Hotel Site	250 units	248 gpd/unit	62,000	7,750
K	Medium Density Multi-Family	300 units	248 gpd/unit	74,400	9,300
<b>TOTAL SEWER DEMAND</b>				<b>702,969</b>	<b>87,871</b>

a. Explanation of Peaking Factor(s) or Method(s) Used to Estimate Peak Hour Flow:

Peaking Factor = 3.0 (typical)

Peak Hour Flow = Total Average Daily Flow × 3.0 × (1 day/24 hrs)

PARKER MYNCHENBERG & ASSOCIATES, INC.

1729 Ridgewood Avenue  
Holly Hill, FL 32117  
(386) 677-6891  
info@parkermynchenberg.com

January 30, 2024

**VERANDA BAY**  
**Solid Waste Demand**

SUMMARY

The improvements associated with this project include the overall Solid Waste Demand Quantities for the Veranda Bay Conceptual Master Plan. Max units were assumed per the Conceptual Master Plan. Demand is based on the LOS established in the City of Flagler Beach Comprehensive Plan and the US Census Bureau estimate of 2.08 people/unit and each individual discards 3.7 lbs of solid waste a day, therefore the daily demand per unit is 2.08 people(s) \* 3.7 lbs (Solid Waste) = 7.70 lbs/day-unit.

SOLID WASTE				
Phase	Type of Service Connection	Solid Waste Demand Calculation Unit	Average Daily Solid Waste Demand Per Person Connection	Total Daily Solid Waste (lbs)
<b>VERANDA BAY EAST</b>				
A1	Low Density Single-Family Residential (SFR) Units	122 units	7.70 lbs/day-unit	939
	Clubhouse and Amenity Center	6,200 sq. ft.	0.01 lbs/day/sf	62
A2	Low Density Single-Family Residential (SFR) Units	89 units	7.70 lbs/day-unit	685
A3	Low Density Single-Family Residential (SFR) Units	124 units	7.70 lbs/day-unit	955
B	Low Density Single-Family Residential (SFR) Units	72 units	7.70 lbs/day-unit	554
C	Medium Density Single Family -Townhomes	96 units	7.70 lbs/day-unit	739
D	Low Density Single-Family Residential (SFR) Units	80 units	7.70 lbs/day-unit	616
E	Multi-Family Condos/ Apts	152 units	7.70 lbs/day-unit	1,170
	Yacht Club/ Clubhouse/Mixed Use	10,000 sq. ft.	0.01 lbs/day/sf	100
<b>VERANDA BAY WEST</b>				
F	Low Density Single-Family Residential (SFR) Units	250 units	7.70 lbs/day-unit	1,925
G	Low Density Single-Family Residential (SFR) Units	220 units	7.70 lbs/day-unit	1,694
H	Medium Density Residential - Multi Family	980 units	7.70 lbs/day-unit	7,546
I	Town Center - Commercial/Retail/Office	220,694 sq. ft.	0.01 lbs/day/sf	2,207
J1	Office / Retail	10,000 sq. ft.	0.01 lbs/day/sf	100
J2	High Density Residential/Hotel Site	250 units	7.70 lbs/day-unit	1,925
K	Medium Density Multi-Family	300 units	7.70 lbs/day-unit	2,310
<b>TOTAL SOLID WASTE DEMAND</b>				<b>23,528</b>



BUILDING AND PLANNING DEPT.  
800 S Daytona Ave  
FLAGLER BEACH, FL 32136  
Phone (386) 517-2000. Ext.232

# FLUM \* COMPREHENSIVE PLAN AMENDMENT X REZONING APPLICATION

APPLICATION No. \_\_\_\_\_

## REQUIRED DOCUMENTS: SUBMITTAL INTAKE

<input checked="" type="checkbox"/> GENERAL APPLICATION
<input checked="" type="checkbox"/> APPLICATION FEE(S)
<input checked="" type="checkbox"/> COMPANION APPLICATION(S) (e.g. FLUM, Rezoning)
<input checked="" type="checkbox"/> OWNER AUTHORIZATION (if applicable)

ALL INFORMATION MUST BE PROVIDED FOR APPLICATION TO BE DETERMINED COMPLETE

## FEES\*

<input checked="" type="checkbox"/> LARGE SCALE FUTURE LAND USE MAP (FLUM) AMENDMENT (>50 ac.)**	\$3,000.00	✓
<input checked="" type="checkbox"/> <u>AND</u> REZONING (>10 ac.) ..... <u>900 acres</u>	\$800.00 + \$25.00 per ac.	
<u>LSFLUA FEE \$3,000.00</u> + <u>REZONING FEE \$ 23,300</u> = <u>\$ 26,300</u> TOTAL LSFLUM AND REZONING FEE		
<input type="checkbox"/> SMALL SCALE FLUM AMENDMENT (<50 ac.)	\$2,200.00	
<input type="checkbox"/> SMALL SCALE FLU AMENDMENT <u>AND</u> REZONING (>10ac.= \$800.00+ \$25.00 per ac.) (<10ac.= \$800.00)		
<u>SSFLUA FEE \$2,200.00</u> + <u>REZONING FEE \$</u> = \$		
<input type="checkbox"/> COMPREHENSIVE PLAN AMENDMENT .....	\$1,000.00	
<input type="checkbox"/> REZONING .....	(>10ac.= \$800.00 + \$25.00 per ac.) (<10ac.= \$800.00)	

## NOTES

\*NOT INCLUDED

INTAKE FEE - \$35.00

AS APPLICABLE: LEGAL AD, PUBLIC NOTICES (MAILINGS), POST PROPERTY

\*\* PER ACRE FEES - ROUNDED UP TO THE NEAREST FULL ACRE

## GENERAL PROPERTY INFORMATION

LOCATION: <u>SR 100/Colbert Lane &amp; John Anderson Hwy</u>	TOTAL ACRES: <u>18.559</u>
CURRENT FUTURE LAND USE DESIGNATION: <u>Agriculture/Timberlands</u>	
PROPOSED FUTURE LAND USE DESIGNATION: <u>Commercial</u>	
PROPOSED ZONING: <u>MPD</u>	
PROPOSED USE(S): _____	

**WHEN PETITIONER IS THE OWNER OF SUBJECT PROPERTY**

This is to certify that I am the owner in fee simple of subject lands described above in the Petition for Rezoning & Comprehensive Plan Amendment & Annexation

STATE OF FLORIDA,  
County of Flagler

Subscribed and Sworn to (or affirmed) before me by:

By: [Signature]  
SIGNATURE OF OWNER  
Mary L. Demetree as Trustee of the Mary L. Demetree Revocable Trust,  
Manager of Highway 100 Commercial, LLC

OWNER'S NAME (Print/Type)  
Highway 100 Commercial, LLC


800 Highland Ave., Suite 200, Orlando, FL 32803

ADDRESS (Street, City) & Phone Number

This 29 day of May, 2024 (Who is personally known to me or has produced \_\_\_\_\_ as  
identification.

HH 350861  
Commission Number & Expiration

[Signature]  
Notary Public

 AZYADET N. ALVAREZ  
MY COMMISSION # HH 350861  
EXPIRES: April 17, 2027

**WHEN PETITIONER IS THE AGENT OF THE OWNER OF SUBJECT PROPERTY**

This is to certify that I am the owner of subject lands described above in the Petition for Rezoning & Comprehensive Plan Amendment and that I have authorized Michael D. Chiumento III, Esq. to make and file the aforesaid Petition for Rezoning & Comprehensive Plan Amendment & Annexation

STATE OF FLORIDA,  
County of Flagler

Subscribed and Sworn to (or affirmed) before me by:

By: [Signature]  
Mary L. Demetree as Trustee of the Mary L. Demetree Revocable Trust, Manager of Highway 100 Commercial, LLC

OWNER'S NAME (Print/Type)  
Highway 100 Commercial, LLC

800 Highland Ave., Suite 200  
Orlando, FL 32803

ADDRESS (Street, City) & Phone Number

This 29 day of May, 2024 (Who is personally known to me or has produced \_\_\_\_\_ as  
identification.

HH 350861 4/17/27  
Commission Number & Expiration

[Signature]  
Notary Public



**WHEN PETITIONER IS THE OWNER OF SUBJECT PROPERTY**

This is to certify that I am the owner in fee simple of subject lands described above in the Petition for Rezoning & Comprehensive Plan Amendment & Annexation

STATE OF FLORIDA,  
County of Flagler

Subscribed and Sworn to (or affirmed) before me by:

Highway 100 Commercial, LLC

By: *Michelle Chira*

SIGNATURE OF OWNER  
Michelle Chira, Trustee of the Michelle Chira Revocable Trust, as Manager of Highway 100 Commercial, LLC

OWNER'S NAME (Print/Type)  
800 Highland Ave., Suite 200, Orlando, FL 32803

ADDRESS (Street, City) & Phone Number

This 13 day of JUNE, 2024. Who is personally known to me or has produced ☒ as identification.

HH 489042 2/5/28  
Commission Number & Expiration

*[Signature]*  
Notary Public

Notary Public State of Florida  
Dawn Harris  
My Commission HH 489042  
Expires 2/5/2028

**WHEN PETITIONER IS THE AGENT OF THE OWNER OF SUBJECT PROPERTY**

This is to certify that I am the owner of subject lands described above in the Petition for Rezoning & Comprehensive Plan Amendment and that I have authorized Michael D. Chiumento III, Esq. to make and file the aforesaid Petition for Rezoning & Comprehensive Plan Amendment & Annexation

STATE OF FLORIDA,  
County of Flagler

Subscribed and Sworn to (or affirmed) before me by:

Highway 100 Commercial, LLC

By: *Michelle Chira*

SIGNATURE OF OWNER  
Michelle Chira, Trustee of the Michelle Chira Revocable Trust, as Manager of Highway 100 Commercial, LLC

OWNER'S NAME (Print/Type)  
800 Highland Ave., Suite 200  
Orlando, FL 32803

ADDRESS (Street, City) & Phone Number

This 13 day of JUNE, 2024. Who is personally known to me or has produced ☒ as identification.

HH 489042 2/5/28  
Commission Number & Expiration

*[Signature]*  
Notary Public

Notary Public State of Florida  
Dawn Harris  
My Commission HH 489042  
Expires 2/5/2028

**HIGHWAY 100 COMMERCIAL, LLC****LEGAL DESCRIPTION**

A PORTION OF TRACT "FD2", GARDENS AT HAMMOCK BEACH, AS RECORDED IN MAP BOOK 35, PAGES 80 THROUGH 100 OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING COMMENCE AT THE NORTHWESTERLY CORNER OF SAID TRACT "FD2", SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 100 (A 200 FOOT RIGHT OF WAY AS ESTABLISHED); THENCE SOUTH 89 DEGREES 29 MINUTES 03 SECONDS EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 382.15 FEET TO THE INTERSECTION WITH SOUTHWESTERLY RIGHT OF WAY LINE OF VILLA DRIVE WEST (A VARIABLE WIDTH PRIVATE RIGHT OF WAY AS ESTABLISHED), SAID POINT BEING THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 35.00 FEET; THENCE ALONG SAID CURVE AND SAID SOUTHWESTERLY RIGHT OF WAY LINE AN ARC DISTANCE OF 51.49 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID CURVE BEING SUBTENDE BY A CHORD BEARING OF SOUTH 41 DEGREES 37 MINUTES 50 SECONDS EAST, AND A CHORD DISTANCE OF 46.97 FEET; THENCE SOUTH 00 DEGREES 30 MINUTES 47 SECONDS WEST, A DISTANCE OF 29.81 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 470.00 FEET; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 578.46 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID CURVE BEING SUBTENDE BY A CHORD BEARING OF SOUTH 34 DEGREES 44 MINUTES 45 SECONDS EAST, AND A CHORD DISTANCE OF 542.64 FEET; THENCE SOUTH 70 DEGREES 00 MINUTES 17 SECONDS EAST, A DISTANCE OF 190.75 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 360.00 FEET; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 364.42 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID CURVE BEING SUBTENDE BY A CHORD BEARING OF SOUTH 41 DEGREES 00 MINUTES 17 SECONDS EAST, AND A CHORD DISTANCE OF 349.06 FEET; THENCE SOUTH 12 DEGREES 00 MINUTES 17 SECONDS EAST, A DISTANCE OF 170.79 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 260.00 FEET; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 48.62 FEET, SAID CURVE BEING SUBTENDE BY A CHORD BEARING OF SOUTH 06 DEGREES 38 MINUTES 50 SECONDS EAST AND A CHORD DISTANCE OF 48.55 FEET; THENCE SOUTH 88 DEGREES 37 MINUTES 36 SECONDS WEST DEPARTING THE AFOREMENTIONED SOUTHWESTERLY RIGHT OF LINE OF VILLA DRIVE WEST, A DISTANCE OF 471.38 FEET; THENCE SOUTH 88 DEGREES 28 MINUTES 30 SECONDS WEST, A DISTANCE OF 589.08 FEET; THENCE NORTH 33 DEGREES 37 MINUTES 07 SECONDS WEST, A DISTANCE OF 50.65 FEET; THENCE NORTH 38 DEGREES 07 MINUTES 37 SECONDS WEST, A DISTANCE OF 95.67 FEET TO A POINT ON A WESTERLY LINE OF THE AFOREMENTIONED TRACT "FD2, GARDENS AT HAMMOCK BEACH"; THENCE NORTH 01 DEGREES 27 MINUTES 08 SECONDS WEST, A DISTANCE OF 968.01 FEET TO THE POINT OF BEGINNING.



**City of Flagler Beach**  
**PO Box 70 105 South 2<sup>nd</sup> Street**  
**Flagler Beach, Florida 32136**  
**Phone (386) 517-2000. Fax (386) 517-2008**

**PETITION FOR REZONING – (ZR)**

**TITLE CERTIFICATE WILL BE REQUIRED AS PROOF OF OWNERSHIP**

**PLEASE TYPE OR PRINT THE FOLLOWING INFORMATION:**

**PETITIONER:** Palm Coast Intracoastal LLC  
**ADDRESS:** 3129 Springbank Lane, #201, Charlotte NC  
**CONTACT NUMBERS:** HOME: \_\_\_\_\_ WORK \_\_\_\_\_ FAX \_\_\_\_\_  
**PETITIONER'S RELATION TO SUBJECT PROPERTY:** Property Owner  
**LEGAL DESCRIPTION OF SUBJECT PROPERTY (Attach if necessary):** See attached

**PRESENT ZONING:** PUD **REQUESTED ZONING** MPD

**(NOTE: IF MORE THAN ONE ZONING CLASSIFICATION IS REQUESTED, ATTACH A COMPLETE LEGAL DESCRIPTION FOR EACH ZONING CLASSIFICATION REQUESTED.)**

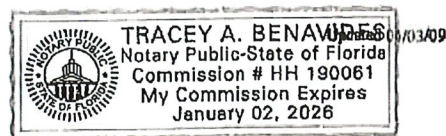
**PROVIDE REASONS AND JUSTIFICATION FOR REQUESTED ZONING (See Item 4 on page 2) Written Statement, Attached):**

**STATE OF FLORIDA, County of Flagler** Palm Coast Intracoastal, LLC

Subscribed and Sworn to (or affirmed) before me by [Signature]  
**SIGNATURE OF PETITIONER**  
William G. Allen, Jr., as Manager  
**PETITIONER'S NAME (Print/Type)**  
3129 Springbank Lane, #201, Charlotte NC  
**ADDRESS (Street, City) & Phone Number**

This 3<sup>rd</sup> day of June, 2024, Who is personally known to me or has produced \_\_\_\_\_ as identification.

HH190061 01/02/26 Tracey A. Benavides  
**Commission Number & Expiration** **Notary Public**




**FOR USE WHEN PETITIONER IS THE OWNER OF SUBJECT PROPERTY**

This is to certify that I am the owner in fee simple of subject lands described above in the Petition for Rezoning, Comp Plan Amendment & Annexation

**STATE OF FLORIDA,**  
County of Flagler

Palm Coast Intracoast, LLC

Subscribed and Sworn to (or affirmed) before me by



William G. Allen, Jr., as Manager  
SIGNATURE OF OWNER

OWNER'S NAME (Print/Type)  
3129 Springbank Lane, #201, Charlotte, NC

ADDRESS (Street, City) & Phone Number

This 31<sup>st</sup> day of JUNE, 2024, Who is personally known to me or has produced \_\_\_\_\_ as identification.

HH190061 01/02/26 Commission Number & Expiration      Tracey A. Benavides Notary Public

**FOR USE WHEN PETITIONER IS THE AGENT OF THE OWNER OF SUBJECT PROPERTY**

This is to certify that I am the owner of subject lands described above in the Petition for Rezoning and that I have authorized to make and file the aforesaid Petition for Rezoning..

**STATE OF FLORIDA,**  
County of Flagler

Subscribed and Sworn to (or affirmed) before me by

\_\_\_\_\_ SIGNATURE OF OWNER

\_\_\_\_\_ OWNER'S NAME (Print/Type)

\_\_\_\_\_ ADDRESS (Street, City) & Phone Number

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, Who is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_ Commission Number & Expiration      \_\_\_\_\_ Notary Public

## VERANDA BAY

### PROPERTIES OWNED BY PALM COAST INTRACOASTAL, LLC

#### LEGAL DESCRIPTION

TRACTS 1A-1 THROUGH 1A-13 AND TRAC T 1A-A, ALL LOCATED WITHIN THE SUBDIVISION PLAT OF **VERANDA BAY PHASE 1A**, AS RECORDED IN PLAT BOOK 40, PAGES 59 THROUGH 64, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

**TOGETHER WITH:** LOTS 144, 147 THROUGH 150, 154, 157, 158, 159, 164, 165, 175, 176, 178 THROUGH 183, 186, AND 189 THROUGH 191, **TOGETHER WITH** TRACTS 1B-1 AND 1B-2, ALL LOCATED WITHIN THE SUBDIVISION PLAT OF **VERANDA BAY PHASE 1B**, AS RECORDED IN PLAT BOOK 41, PAGES 11 THROUGH 15, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

**ALSO, TOGETHER WITH:** LOTS 123 THROUGH 143 AND LOTS 198 THROUGH 211, **TOGETHER WITH** TRACTS 1C-1, 1C-3, 1C-4, AND 1C-6, ALL LOCATED WITHIN THE SUBDIVISION PLAT OF **VERANDA BAY PHASE 1C**, AS RECORDED IN PLAT BOOK 41, PAGES 16 THROUGH 20, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

**ALSO, TOGETHER WITH:** TRACTS 2A-1 THROUGH 2A-22 AND TRACT 2A-B, ALL LOCATED WITHIN THE SUBDIVISION PLAT OF **VERANDA BAY PHASE 2A**, AS RECORDED IN PLAT BOOK 40, PAGES 65 THROUGH 70, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

**ALSO, TOGETHER WITH:** **PHASE 2B – PRELIMINARY PLAT OF VERANDA BAY**, DESCRIBED AS FOLLOWS: A PORTION OF SECTIONS 13 AND 38, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY (STATE ROAD 201 AND A 100 FOOT RIGHT OF WAY) AND THE NORTH LINE OF SAID SECTION 38; THENCE SOUTH 18°10'14" EAST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 331.23 FEET; THENCE NORTH 71°49'46" EAST, DEPARTING FROM SAID RIGHT OF WAY LINE, A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 71°49'46" EAST, A DISTANCE OF 370.00 FEET; THENCE NORTH 18°10'14" WEST, A DISTANCE OF 325.00 FEET; THENCE NORTH 71°49'46" EAST, A DISTANCE OF 50.00 FEET; THENCE NORTH 18°10'14" WEST, A DISTANCE OF 20.01 FEET TO THE POINT OF CURVE OF A CURVE CONCAVE TO THE EAST AND HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 11°32'14"; THENCE NORTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 5.03 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 12°24'08" WEST AND A CHORD DISTANCE OF 5.03 FEET TO A POINT ON SAID CURVE; THENCE NORTH 71°49'46" EAST, A DISTANCE OF 119.51 FEET; THENCE SOUTH 18°10'14" EAST, A DISTANCE OF 809.38 FEET; THENCE SOUTH 01°32'26" EAST, A DISTANCE OF 49.29 FEET; THENCE SOUTH 88°27'34" WEST, A DISTANCE OF 140.00 FEET; THENCE SOUTH 01°32'26" EAST, A DISTANCE OF 20.00 FEET; THENCE NORTH 88°27'34" EAST, A DISTANCE 140.00 FEET; THENCE SOUTH 01°32'26" EAST, A DISTANCE OF 384.95 FEET; SOUTH 18°10'14" EAST, A DISTANCE OF 935.73 FEET; THENCE SOUTH 71°49'46" WEST, A DISTANCE OF 140.00 FEET; THENCE SOUTH 18°10'14" EAST, A DISTANCE OF 20.00 FEET; THENCE NORTH 71°49'46" EAST, A DISTANCE OF 140.00 FEET; THENCE SOUTH 18°10'14" EAST, A DISTANCE OF 24.44 FEET TO THE POINT OF CURVE OF A CURVE CONCAVE TO THE WEST AND HAVING A RADIUS OF 365.00 FEET AND A CENTRAL

ANGLE OF 34°46'50"; THENCE SOUTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 221.57 FEET AND SUBTENDED BY CHORD BEARING OF SOUTH 00°46'49" EAST AND A CHORD DISTANCE OF 218.18 FEET TO A POINT ON SAID CURVE; THENCE S 16°36'36" W, A DISTANCE OF 18.72 FEET; THENCE NORTH 73°23'24" WEST, A DISTANCE OF 139.49 FEET TO A POINT ON A CURVE OF A CURVE CONCAVE TO THE EAST AND HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 11°32'13"; THENCE NORTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 5.03 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 10°50'29" EAST AND A CHORD DISTANCE OF 5.03 FEET TO A POINT ON SAID CURVE; THENCE NORTH 73°28'41" WEST, A DISTANCE OF 50.00 FEET TO A POINT ON A CURVE OF A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 12°16'44"; THENCE SOUTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 5.36 FEET AND SUBTENDED BY A CHORD BEARING OF SOUTH 22°44'58" WEST AND A CHORD DISTANCE OF 5.35 FEET TO A POINT ON A CURVE OF A CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 495.00 AND A CENTRAL ANGLE OF 16°23'29"; THENCE WESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 141.61 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 79°46'17" WEST AND A CHORD DISTANCE OF 141.13 FEET TO A POINT ON SAID CURVE; THENCE NORTH 02°02'07" EAST, A DISTANCE OF 77.22 FEET; THENCE NORTH 18°10'14" WEST, A DISTANCE OF 50.30 FEET; THENCE SOUTH 71°49'46" WEST, A DISTANCE OF 80.00 FEET; THENCE NORTH 18°10'14" WEST, A DISTANCE OF 1800.00 FEET TO THE POINT OF BEGINNING. CONTAINING 21.82 ACRES, MORE OR LESS.

**ALSO, TOGETHER WITH: PHASE 2C – PRELIMINARY PLAT OF VERANDA BAY,** DESCRIBED AS FOLLOWS: A PORTION OF SECTION 38, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY (STATE ROAD 201 AND A 100 FOOT RIGHT OF WAY) AND THE NORTH LINE OF SAID SECTION 38; THENCE SOUTH 18°10'14" EAST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 331.23 FEET TO THE POINT OF BEGINNING; THENCE NORTH 71°49'46" EAST, DEPARTING FROM SAID RIGHT OF WAY LINE, A DISTANCE OF 400.00 FEET; THENCE SOUTH 18°10'14" EAST, A DISTANCE OF 1906.48 FEET TO A POINT ON A CURVE OF A CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 495.00 FEET AND A CENTRAL ANGLE OF 14°32'52"; THENCE WESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 125.68 FEET AND SUBTENDED BY A CHORD BEARING OF SOUTH 78°18'07" WEST AND A CHORD DISTANCE OF 125.35 FEET TO A POINT OF A CURVE OF A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 10°55'26"; THENCE NORTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 4.77 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 23°37'58" WEST AND A CHORD DISTANCE OF 4.76 FEET; THENCE; THENCE SOUTH 72°11'12" WEST, A DISTANCE OF 50.00 FEET; THENCE NORTH 18°10'14' WEST, A DISTANCE OF 87.31 FEET; THENCE SOUTH 71°49'46" WEST, A DISTANCE OF 225.00 FEET TO THE INTERSECTION WITH THE AFOREMENTIONED EAST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY; THENCE NORTH 18°10'14" WEST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1800.00 FEET TO THE POINT OF BEGINNING. CONTAINING 16.91 ACRES, MORE OR LESS

**ALSO, TOGETHER WITH:** A PARCEL OF LAND IN THE SOUTH 1/2 OF SECTION 11, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF GOVERNMENT SECTION 11, TOWNSHIP 12 SOUTH, RANGE 31 EAST AS MONUMENTED BY A 4" X 4" CONCRETE MONUMENT INSCRIBED WITH A "T"; THENCE ALONG THE SOUTHERLY LINE OF SAID SECTION 11 NORTH 88°51'19" EAST A DISTANCE OF 2,591.75 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°06'41" EAST A DISTANCE OF 1,287.36 FEET; THENCE NORTH 88°28'36" EAST A DISTANCE OF 680.27 FEET; THENCE SOUTH 01°24'50" EAST, A DISTANCE OF 345.10 FEET; THENCE SOUTH 88°36'24" WEST, A DISTANCE OF 150.00 FEET; THENCE SOUTH 01°28'15" EAST, A

DISTANCE OF 300.30 FEET; THENCE NORTH 88°36'24" EAST, A DISTANCE OF 150.00 FEET; THENCE SOUTH 01°08'43" EAST, A DISTANCE OF 24.77 FEET; THENCE NORTH 88°54'22" EAST, A DISTANCE OF 749.54 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD 201, (ALSO KNOWN AS JOHN ANDERSON HIGHWAY); THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE, SOUTH 18°11'55" EAST, A DISTANCE OF 401.46 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, SOUTH 77°14'08" WEST, A DISTANCE OF 99.57 FEET; THENCE SOUTH 01°16'02" EAST, A DISTANCE OF 216.94 FEET; THENCE SOUTH 88°50'35" WEST, A DISTANCE OF 126.47 FEET TO A POINT ON THE SOUTHERLY LINE OF AFORESAID SECTION 11; THENCE ALONG SAID SOUTHERLY LINE SOUTH 88°51'19" WEST, A DISTANCE OF 1,350.55 FEET TO THE POINT OF BEGINNING.

**ALSO, TOGETHER WITH:** A PARCEL OF LAND IN SECTION 12, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID GOVERNMENT SECTION 12, THENCE DEPARTING SAID SOUTHERLY LINE NORTH 01°30'23" WEST A DISTANCE OF 1,203.23 FEET ALONG THE WESTERLY LINE OF SAID SECTION 12; THENCE NORTH 88°52'15" EAST, A DISTANCE OF 649.96 FEET; THENCE SOUTH 19°00'52" EAST, A DISTANCE OF 1,265.64 FEET; THENCE SOUTH 88°56'30" WEST, ALONG SAID SECTION LINE, A DISTANCE OF 1,030.73 FEET TO THE POINT OF BEGINNING.



**City of Flagler Beach**  
**PO Box 70 105 South 2<sup>nd</sup> Street**  
**Flagler Beach, Florida 32136**  
**Phone (386) 517-2000. Fax (386) 517-2008**

**PETITION FOR REZONING – (ZR)**

**TITLE CERTIFICATE WILL BE REQUIRED AS PROOF OF OWNERSHIP**

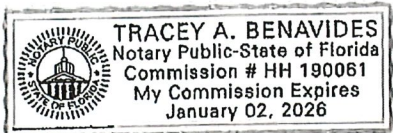
**PLEASE TYPE OR PRINT THE FOLLOWING INFORMATION:**

**PETITIONER:** Veranda Bay Investments, LLC  
**ADDRESS:** 3129 Springbank Lane, #201, Charlotte, NC  
**CONTACT NUMBERS:** HOME: \_\_\_\_\_ WORK: \_\_\_\_\_ FAX: \_\_\_\_\_  
**PETITIONER'S RELATION TO SUBJECT PROPERTY:** Owner  
**LEGAL DESCRIPTION OF SUBJECT PROPERTY (Attach if necessary):** See attached

**PRESENT ZONING:** PUD **REQUESTED ZONING** MPD

**(NOTE: IF MORE THAN ONE ZONING CLASSIFICATION IS REQUESTED, ATTACH A COMPLETE LEGAL DESCRIPTION FOR EACH ZONING CLASSIFICATION REQUESTED.)**  
**PROVIDE REASONS AND JUSTIFICATION FOR REQUESTED ZONING (See Item 4 on page 2) Written Statement, Attached):**

**STATE OF FLORIDA, County of Flagler** Veranda Bay Investments, LLC  
**Subscribed and Sworn to (or affirmed) before me by** William G. Allen, Sr.  
**SIGNATURE OF PETITIONER**  
William G. Allen, Sr., as Manager  
**PETITIONER'S NAME (Print/Type)**  
ADDRESS (Street, City) & Phone Number



This 31<sup>st</sup> day of June, 2024. Who is personally known to me or has produced \_\_\_\_\_ identification. **as**  
HH190061 01/02/26 Tracey A. Benavides  
**Commission Number & Expiration** **Notary Public**

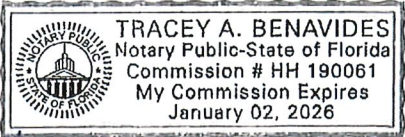
**FOR USE WHEN PETITIONER IS THE OWNER OF SUBJECT PROPERTY**

This is to certify that I am the owner in fee simple of subject lands described above in the Petition for Rezoning, Comp Plan Amendment & Annexation

Veranda Bay Investments, LLC

STATE OF FLORIDA,  
County of Flagler

Subscribed and Sworn to (or affirmed) before me by



This 3 day of JUNE, 2024. Who is personally known to me or has produced \_\_\_\_\_ as identification.

HH190061 01/02/26      Tracey A. Benavides  
Commission Number & Expiration      Notary Public

William G. Allen, Sr.  
SIGNATURE OF OWNER

William G. Allen, Sr., as Manager

OWNER'S NAME (Print/Type)

3129 Springbank Lane, #201, Charlotte NC

ADDRESS (Street, City) & Phone Number

**FOR USE WHEN PETITIONER IS THE AGENT OF THE OWNER OF SUBJECT PROPERTY**

This is to certify that I am the owner of subject lands described above in the Petition for Rezoning and that I have authorized \_\_\_\_\_ to make and file the aforesaid Petition for Rezoning.

STATE OF FLORIDA,  
County of Flagler

Subscribed and Sworn to (or affirmed) before me by

Commission Number & Expiration

Notary Public

\_\_\_\_\_  
SIGNATURE OF OWNER

\_\_\_\_\_  
OWNER'S NAME (Print/Type)

\_\_\_\_\_  
ADDRESS (Street, City) & Phone Number

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. Who is personally known to me or has produced \_\_\_\_\_ as identification.

VERANDA BAY  
PROPERTIES OWNED BY VERANDA BAY INVESTMENTS, LLC

LEGAL DESCRIPTION

**WEST SIDE OF JOHN ANDERSON HIGHWAY**

A PORTION OF LOTS 1, 3, 7, 8 AND 9, AND ALL OF LOTS 4, 10, 11 AND 12, BLOCK C, BUNNELL DEVELOPMENT COMPANY'S LAND AS RECORDED IN PLAT BOOK 1, PAGE 1, IN THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, TOGETHER WITH A PORTION OF GOVERNMENT SECTION 14, 38, AND 39, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, SITUATED IN GOVERNMENT SECTIONS 11, 14, 38 AND 39, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY (STATE ROAD 201) AND THE NORTH LINE OF SAID SECTION 38-12-31; THENCE SOUTH 71°47'17" WEST, A DISTANCE OF 100.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY (STATE ROAD 201), ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID WEST RIGHT OF WAY LINE THE FOLLOWING THREE COURSES: SOUTH 18°10'26" EAST, A DISTANCE OF 3,184.36 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1,196.28 FEET, A CENTRAL ANGLE OF 22°09'26" AND A CHORD DISTANCE OF 459.74 FEET WHICH BEARS SOUTH 29°14'21" EAST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 462.62 FEET; THENCE SOUTH 40°21'41" EAST, A DISTANCE OF 776.28 FEET; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE SOUTH 69°18'47" WEST, A DISTANCE OF 1,433.82 FEET, THENCE NORTH 20°41'22" WEST, A DISTANCE OF 995.98 FEET, THENCE NORTH 24°04'44" WEST, A DISTANCE OF 1,618.01 FEET; THENCE NORTH 86°17'06" WEST, A DISTANCE OF 2,604.28 FEET; THENCE NORTH 60°37'10" WEST, A DISTANCE OF 341.50 FEET; THENCE NORTH 43°23'02" WEST, A DISTANCE OF 2,172.87 FEET, THENCE NORTH 30°47'31" EAST, A DISTANCE OF 1,526.35 FEET; THENCE NORTH 45°31'15" EAST, A DISTANCE OF 902.38 FEET; THENCE NORTH 40°14'18" WEST, A DISTANCE OF 1,732.75 FEET; THENCE NORTH 06°10'40" WEST, A DISTANCE OF 189.68 FEET; THENCE NORTH 00°15'33" WEST, A DISTANCE OF 614.90 FEET; THENCE NORTH 88°32'16" EAST, A DISTANCE OF 257.93 FEET; THENCE NORTH 01°27'08" WEST, A DISTANCE OF 1,087.72 FEET TO A POINT ON THE SOUTH LINE OF STATE ROAD NO. 100; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE SOUTH 89°29'03" EAST A DISTANCE OF 959.81 FEET; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE SOUTH 00°30'57" WEST, A DISTANCE OF 210.00 FEET; THENCE SOUTH 89°29'03" EAST, A DISTANCE OF 210.00 FEET; THENCE SOUTH 00°30'57" WEST, A DISTANCE OF 389.92 FEET; THENCE SOUTH 89°28'38" EAST, A DISTANCE OF 822.42 FEET; THENCE SOUTH 00°06'48" EAST, A DISTANCE OF 1,704.61 FEET; THENCE NORTH 88°51'12" EAST, A DISTANCE OF 1,350.55 FEET; THENCE SOUTH 01°10'32" EAST, A DISTANCE OF 660.84 FEET; THENCE NORTH 88°37'17" EAST, A DISTANCE OF 158.75 FEET; THENCE SOUTH 18°14'40" EAST, A DISTANCE OF 330.09 FEET; THENCE NORTH 88°50'11" EAST, A DISTANCE OF 330.04 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY (STATE ROAD 201); THENCE ALONG SAID RIGHT OF WAY LINE SOUTH 18°15'00" EAST, A DISTANCE OF 1,788.60 FEET TO THE POINT OF BEGINNING.

**TOGETHER WITH:**  
**EAST SIDE OF JOHN ANDERSON HIGHWAY**

A PORTION OF SECTIONS 13, 14 AND 38, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY (STATE ROAD 201) AND THE NORTH LINE OF SAID SECTION 38-12-31; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE NORTH 18°15'00" WEST, A DISTANCE OF 2,087.53 FEET; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE NORTH 88°47'52" EAST, A DISTANCE OF 710.35 FEET TO A POINT ON THE WEST LINE OF SECTION 13-12-31; THENCE ALONG SAID WEST SECTION LINE NORTH 01°13'40" WEST, A DISTANCE OF 661.23 FEET TO A POINT ON THE NORTH LINE OF SECTION 13-21-31; THENCE ALONG SAID NORTH SECTION LINE NORTH 88°36'18" EAST, A DISTANCE OF 1,890.40 FEET TO THE POINT ON THE WEST RIGHT OF WAY LINE OF FLORIDA INTRACOASTAL WATERWAY; THENCE ALONG SAID WEST RIGHT OF WAY LINE THE FOLLOWING TWO COURSES: SOUTH 13°59'25" EAST, A DISTANCE OF 2,750.14 FEET; THENCE SOUTH 21°17'55" EAST, A DISTANCE OF 1,265.83 FEET; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE AND ALONG A WESTERLY LINE OF THE HISTORIC CHANNEL OF HAW LOVER CREEK, SOUTH 03°54'35" WEST, A DISTANCE OF 148.38 FEET; THENCE SOUTH 19°27'08" EAST, A DISTANCE OF 643.95 FEET; THENCE SOUTH 68°38'53" EAST, A DISTANCE OF 113.53 FEET TO A POINT ON THE AFORESAID INTRACOASTAL RIGHT OF WAY, THENCE SOUTH 21°17'55" EAST, A DISTANCE OF 647.80 FEET; THENCE DEPARTING SAID RIGHT OF WAY SOUTH 69°10'09" WEST, A DISTANCE OF 2,520.12 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY (STATE ROAD 201); THENCE ALONG SAID EAST RIGHT OF WAY LINE THE FOLLOWING THREE COURSES: NORTH 40°21'41" WEST, A DISTANCE OF 74.31 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1,095.28 FEET, A CENTRAL ANGLE OF 22°09'21" AND A CHORD DISTANCE OF 421.29 FEET WHICH BEARS NORTH 29°14'17" WEST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 423.92 FEET; THENCE NORTH 18°10'26" WEST, A DISTANCE OF 3,184.44 FEET TO THE POINT OF BEGINNING. FORMERLY KNOWN AS GARDENS AT HAMMOCK BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 35, PAGES 80 THROUGH 100, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

**ALSO, TOGETHER WITH:**

**TRACTS 1C-2 AND 1C-5**, BOTH LOCATED WITHIN THE SUBDIVISION PLAT OF **VERANDA BAY PHASE 1C**, AS RECORDED IN PLAT BOOK 41, PAGES 16 THROUGH 20, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. CONTAINING 3.23 ACRES, MORE OR LESS.

**ALSO, TOGETHER WITH:**

**TRACT 2A-A (FUTURE DEVELOPMENT TRACT)** OF THE SUBDIVISION PLAT OF **VERANDA BAY PHASE 2A**, AS RECORDED IN PLAT BOOK 40, PAGES 65 THROUGH 70, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. CONTAINING 22.64 ACRES, MORE OR LESS.

**ALSO, TOGETHER WITH:**

**TRACT 2B-5 (IDENTIFIED AS FUTURE DEVELOPMENT TRACT) OF PHASE 2B – PRELIMINARY PLAT OF VERANDA BAY, DESCRIBED AS FOLLOWS:**

A PORTION OF SECTION 38, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY (STATE ROAD 201 AND 100 FOOT RIGHT OF WAY) AND THE NORTH LINE OF SAID SECTION 38; THENCE SOUTH 18°10'14" EAST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 633.41 FEET; THENCE NORTH 71°49'46" EAST, DEPARTING FROM SAID RIGHT

OF WAY LINE, A DISTANCE OF 440.39 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 71°49'46" EAST, A DISTANCE OF 199.61 FEET; THENCE SOUTH 18°10'14" EAST, A DISTANCE OF 137.81 FEET; THENCE SOUTH 71°49'46" WEST, A DISTANCE OF 199.71 FEET; THENCE NORTH 18°07'48" WEST, A DISTANCE OF 137.82 FEET TO THE POINT OF BEGINNING. CONTAINING 0.63 ACRES, MORE OR LESS.

**LESS AND EXCEPT:** THE LAND CONTAINED IN THE QUIT CLAIM DEED TO EAST FLAGLER MOSQUITO CONTROL DISTRICT RECORDED IN OFFICIAL RECORDS BOOK 1620, PAGE 434, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. CONTAINING 0.89 ACRES, MORE OR LESS.

**LESS AND EXCEPT:** THE LAND CONTAINED IN THE SPECIAL WARRANTY DEED TO FLAGLER COUNTY RECORDED IN OFFICIAL RECORDS BOOK 1636, PAGE 1694, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. CONTAINING 81.32 ACRES, MORE OR LESS.

**LESS AND EXCEPT:** THE LAND CONTAINED IN THE SPECIAL WARRANTY DEED TO HIGHWAY 100 COMMERCIAL LLC RECORDED IN OFFICIAL RECORDS BOOK 1789, PAGE 750, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. CONTAINING 18.94 ACRES, MORE OR LESS.

**LESS AND EXCEPT:** TRACTS PL-2 AND PL-3, OF THE VACATED PLAT OF GARDENS AT HAMMOCK BEACH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 35, PAGES 80 THROUGH 100, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. CONTAINING A TOTAL OF 13.17 ACRES, MORE OR LESS.

**LESS AND EXCEPT:** THOSE LANDS DESCRIBED IN THE SUBDIVISION PLAT OF **VERANDA BAY PHASE 1A**, AS RECORDED IN PLAT BOOK 40, PAGES 59 THROUGH 64, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. CONTAINING 82.08 ACRES, MORE OR LESS.

**LESS AND EXCEPT:** THE BALANCE OF THOSE LANDS DESCRIBED IN THE SUBDIVISION PLAT OF **VERANDA BAY PHASE 2A**, AS RECORDED IN PLAT BOOK 40, PAGES 65 THROUGH 70, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. CONTAINING 65.85 ACRES, MORE OR LESS.

**LESS AND EXCEPT:** THOSE LANDS DESCRIBED IN THE SUBDIVISION PLAT OF **VERANDA BAY PHASE 1B**, AS RECORDED IN PLAT BOOK 41, PAGES 11 THROUGH 15, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. CONTAINING 18.02 ACRES, MORE OR LESS.

**LESS AND EXCEPT:** THE BALANCE OF THOSE LANDS DESCRIBED IN THE SUBDIVISION PLAT OF **VERANDA BAY PHASE 1C**, AS RECORDED IN PLAT BOOK 41, PAGES 16 THROUGH 20, PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA. CONTAINING 23.50 ACRES, MORE OR LESS.

**LESS AND EXCEPT:** **PHASE 2B – PRELIMINARY PLAT OF VERANDA BAY**, DESCRIBED AS FOLLOWS:

A PORTION OF SECTIONS 13 AND 38, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY (STATE ROAD 201 AND A 100 FOOT RIGHT OF WAY) AND THE NORTH LINE OF SAID SECTION 38; THENCE SOUTH 18°10'14" EAST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 331.23 FEET; THENCE NORTH 71°49'46" EAST, DEPARTING FROM SAID RIGHT OF WAY LINE, A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 71°49'46" EAST, A DISTANCE OF 370.00 FEET; THENCE NORTH 18°10'14" WEST, A DISTANCE OF 325.00 FEET; THENCE NORTH 71°49'46" EAST, A DISTANCE OF 50.00 FEET; THENCE NORTH 18°10'14" WEST, A DISTANCE OF 20.01 FEET TO THE POINT OF CURVE OF A CURVE CONCAVE TO THE EAST AND HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 11°32'14"; THENCE NORTHERLY ALONG SAID

CURVE AN ARC DISTANCE OF 5.03 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 12°24'08" WEST AND A CHORD DISTANCE OF 5.03 FEET TO A POINT ON SAID CURVE; THENCE NORTH 71°49'46" EAST, A DISTANCE OF 119.51 FEET; THENCE SOUTH 18°10'14" EAST, A DISTANCE OF 809.38 FEET; THENCE SOUTH 01°32'26" EAST, A DISTANCE OF 49.29 FEET; THENCE SOUTH 88°27'34" WEST, A DISTANCE OF 140.00 FEET; THENCE SOUTH 01°32'26" EAST, A DISTANCE OF 20.00 FEET; THENCE NORTH 88°27'34" EAST, A DISTANCE 140.00 FEET; THENCE SOUTH 01°32'26" EAST, A DISTANCE OF 384.95 FEET; SOUTH 18°10'14" EAST, A DISTANCE OF 935.73 FEET; THENCE SOUTH 71°49'46" WEST, A DISTANCE OF 140.00 FEET; THENCE SOUTH 18°10'14" EAST, A DISTANCE OF 20.00 FEET; THENCE NORTH 71°49'46" EAST, A DISTANCE OF 140.00 FEET; THENCE SOUTH 18°10'14" EAST, A DISTANCE OF 24.44 FEET TO THE POINT OF CURVE OF A CURVE CONCAVE TO THE WEST AND HAVING A RADIUS OF 365.00 FEET AND A CENTRAL ANGLE OF 34°46'50"; THENCE SOUTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 221.57 FEET AND SUBTENDED BY CHORD BEARING OF SOUTH 00°46'49" EAST AND A CHORD DISTANCE OF 218.18 FEET TO A POINT ON SAID CURVE; THENCE S 16°36'36" W, A DISTANCE OF 18.72 FEET; THENCE NORTH 73°23'24" WEST, A DISTANCE OF 139.49 FEET TO A POINT ON A CURVE OF A CURVE CONCAVE TO THE EAST AND HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 11°32'13"; THENCE NORTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 5.03 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 10°50'29" EAST AND A CHORD DISTANCE OF 5.03 FEET TO A POINT ON SAID CURVE; THENCE NORTH 73°28'41" WEST, A DISTANCE OF 50.00 FEET TO A POINT ON A CURVE OF A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 12°16'44"; THENCE SOUTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 5.36 FEET AND SUBTENDED BY A CHORD BEARING OF SOUTH 22°44'58" WEST AND A CHORD DISTANCE OF 5.35 FEET TO A POINT ON A CURVE OF A CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 495.00 AND A CENTRAL ANGLE OF 16°23'29"; THENCE WESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 141.61 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 79°46'17" WEST AND A CHORD DISTANCE OF 141.13 FEET TO A POINT ON SAID CURVE; THENCE NORTH 02°02'07" EAST, A DISTANCE OF 77.22 FEET; THENCE NORTH 18°10'14" WEST, A DISTANCE OF 50.30 FEET; THENCE SOUTH 71°49'46" WEST, A DISTANCE OF 80.00 FEET; THENCE NORTH 18°10'14" WEST, A DISTANCE OF 1800.00 FEET TO THE POINT OF BEGINNING. CONTAINING 21.82 ACRES, MORE OR LESS.

**LESS AND EXCEPT: PHASE 2C – PRELIMINARY PLAT OF VERANDA BAY, DESCRIBED AS FOLLOWS:**

A PORTION OF SECTION 38, TOWNSHIP 12 SOUTH, RANGE 31 EAST, FLAGLER COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY (STATE ROAD 201 AND A 100 FOOT RIGHT OF WAY) AND THE NORTH LINE OF SAID SECTION 38; THENCE SOUTH 18°10'14" EAST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 331.23 FEET TO THE POINT OF BEGINNING; THENCE NORTH 71°49'46" EAST, DEPARTING FROM SAID RIGHT OF WAY LINE, A DISTANCE OF 400.00 FEET; THENCE SOUTH 18°10'14" EAST, A DISTANCE OF 1906.48 FEET TO A POINT ON A CURVE OF A CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 495.00 FEET AND A CENTRAL ANGLE OF 14°32'52"; THENCE WESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 125.68 FEET AND SUBTENDED BY A CHORD BEARING OF SOUTH 78°18'07" WEST AND A CHORD DISTANCE OF 125.35 FEET TO A POINT OF A CURVE OF A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 10°55'26"; THENCE NORTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 4.77 FEET AND SUBTENDED BY A CHORD BEARING OF NORTH 23°37'58" WEST AND A CHORD DISTANCE OF 4.76 FEET; THENCE; THENCE SOUTH 72°11'12" WEST, A DISTANCE OF 50.00 FEET; THENCE NORTH 18°10'14" WEST, A DISTANCE OF 87.31 FEET; THENCE SOUTH 71°49'46" WEST, A DISTANCE OF 225.00 FEET TO THE INTERSECTION WITH THE AFOREMENTIONED EAST RIGHT OF WAY LINE OF JOHN ANDERSON HIGHWAY; THENCE NORTH 18°10'14" WEST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1800.00 FEET TO THE POINT OF BEGINNING. CONTAINING 16.91 ACRES, MORE OR LESS.

**ORDINANCE 2024-18  
VERANDA BAY REZONING  
APPLICATION NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING MAP DESIGNATION FOR APPROXIMATELY 899.09 ACRES OF CERTAIN REAL PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Flagler Beach, as the governing body of the City, pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes and the City of Flagler Beach Land Development Regulations, is authorized and empowered to consider applications relating to zoning; and

**WHEREAS**, the City of Flagler Beach is in receipt of a request to amend the official zoning map for the property described herein; and

**WHEREAS**, the above described property is presently zoned Planned Unit Development (Flagler County Designation), Reserved and Single Family Residential (City of Flagler Beach Designations) and the request is to have the property rezoned as Master Planned Development; and

**WHEREAS**, the request is in accord with the Future Land Use Map designation of the subject property, and is compliant with all applicable Objectives and Policies of the City of Flagler Beach Comprehensive Plan; and

**WHEREAS**, the Planning and Architectural Review Board (PARB) has recommended the City Commission change the Official Zoning Map to reflect a new designation for the subject property as Master Planned Development; and

**WHEREAS**, the City Commission has considered the findings in the staff report and the following findings of fact:

1. The rezoning is consistent with the purposes, goals, objectives, and policies of the City of Flagler Beach Comprehensive Plan;
2. The rezoning is compatible with the Land Development Regulations, and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for rezoning;

3. The rezoning will result in a logical, timely and orderly development pattern;
4. The staff report has demonstrated sufficient justification that there are changed circumstances, which would require the rezoning request.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AS FOLLOWS:**

**SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS.** The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Commission of the City of Flagler Beach.

**SECTION 2. OFFICIAL ZONING MAP AMENDED.** The approximately 899.09 acre subject area generally located along the east and west of John Anderson Highway, and directly south of State Road 100 as legally described in Exhibit “A” and depicted in Exhibit “B”, attached hereto, is hereby amended from the Flagler County designation of Planned Unit Development and City of Flagler Beach designations of Reserved and Single Family Residential to Master Planned Development (MPD).

**SECTION 3. CONFLICTS.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4. INCORPORATION OF DEVELOPMENT AGREEMENT.** The Veranda Bay Amended and Restated Master Planned Development Agreement attached hereto as Exhibit “C” is incorporated into this Ordinance by reference as if fully set forth herein and development upon the property here rezoned shall be consistent with its terms.

**SECTION 5. SEVERABILITY.** If any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not be construed as to render unconstitutional or invalid the remaining provisions of the Ordinance.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon the effective date of Ordinance No. 2024-18, as adopted by the City Commission of the City of Flagler Beach, Florida. If Ordinance No. 2024-18 does not become effective, then this Ordinance shall become null and void.

**APPROVED** on First Reading the 12th day of September 2024.

**ADOPTED** on Second Reading after due public notice and public hearing this 24th day of  
October 2024.

ATTEST:

CITY OF FLAGLER BEACH, FLORIDA  
CITY COMMISSION

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
Patti King, Mayor

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
DREW SMITH, CITY ATTORNEY

**EXHIBIT “A”**

**EXHIBIT “B”**

### CITY OF FLAGLER BEACH NOTICE OF PUBLIC HEARING

The City Commission proposes to adopt Ordinance No. 2024-18 Entitled:

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING MAP DESIGNATION FOR APPROXIMATELY 899.09 ACRES OF CERTAIN REAL PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

The City Commission proposes to adopt Ordinance No. 2024-19 Entitled:

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP DESIGNATION FOR APPROXIMATELY 899.09 ACRES OF CERTAIN REAL PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Applications have been submitted to rezone this property from Planned Unit Development (PUD), Reserved (R), and Single Family Residential (R1) Zoning Districts to the Master Planned Development (MPD) Zoning District, and to amend the Future Land Use Map designation of the property from Agriculture, Conservation, and Mixed Use: High Intensity to Low Density Residential and Commercial. All lands are located as depicted in the Location Map provided below.

PUBLIC HEARINGS ARE SCHEDULED TO BE HELD AT CITY HALL, 105 S. 2ND STREET, FLAGLER BEACH, FLORIDA AS FOLLOWS:

PLANNING AND ARCHITECTURAL REVIEW BOARD: TUESDAY, SEPTEMBER 3, 2024 AT 5:30 P.M.

1ST READING: CITY COMMISSION: TUESDAY, SEPTEMBER 17, 2024 AT 5:30 P.M. OR AS SOON THEREAFTER AS POSSIBLE.

2ND READING: CITY COMMISSION: THURSDAY, OCTOBER 24, 2024 AT 5:30 P.M. OR AS SOON THEREAFTER AS POSSIBLE.

ALL INTERESTED PARTIES ARE INVITED TO ATTEND.

PLEASE DIRECT ANY QUESTIONS TO THE CITY OF FLAGLER BEACH AT (386-517-2000) EXT. 230

The public hearings may be continued to a future date or dates. The times and dates of any continuances of a public hearing shall be announced during the public hearing without any further published notice. The request will be heard at 5:30 PM, or as soon thereafter as possible, in the City Commission chambers located at 105 South Second Street, Flagler Beach, Florida.

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

In accordance with the Americans with Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's Office at 386-517-2000 Ext. 233 at least 48 hours prior to the meeting. For further information about this request, please call the Planning and Building Department at (386) 517-2000 Ext. 230. The public may inspect information that is more detailed during office hours at the Planning and Building Department, 800 S. Daytona Ave.

## LOCATION MAP

