

**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
GOVERNMENT SERVICES BUILDING
BOARD CHAMBERS
1769 EAST MOODY BOULEVARD, BUILDING 2, BUNNELL, FL 32110**

**MEETING
A G E N D A**

DATE – MARCH 12, 2024

TIME – 6:00 P.M.

1. Roll Call
2. Pledge to the Flag
3. Approval of February 13, 2024 regular meeting minutes.

Quasi-Judicial Process: The audience should refrain from clapping, booing or shouts of approval or disagreement. To avoid potential legal ramification and possible overturning of a decision by the Courts, a public hearing must be fair in three respects: form, substance and appearance.

Time limits will be observed:

Staff – 10 minute presentation.

Applicant – 15 minute presentation (unless time extended by consensus of Board).

Public Comment – 3 minutes per speaker, 5 minutes if speaking on behalf of a group.

Applicant Rebuttal and Closing Staff Comments – 10 minutes each.

4. Quasi-judicial requiring disclosure of ex parte communication:
Project No. 2024010050 – **SITE PLAN FOR A SEMI-PUBLIC USE** – request for a site development plan for a new Social Hall and parking at the Carmelite Monastery at 141 Carmelite Drive. Parcel No. 04-13-31-0650-000B0-0050; 34.93+/- acres. Owner: Discalced Carmelite Fathers of Florida, Inc. /Applicant: Alann Engineering Group, Inc. (TRC, PDB)

5. Quasi-judicial requiring disclosure of ex parte communication:
Project No. 2024020065 – **APPEAL OF DIRECTOR’S DECISION** – request to Appeal the Director’s Decision denying zoning approval related to required replacement index tree planting for a new single-family dwelling at 6 Sanchez Avenue. Parcel No. 40-10-31-0010-00080-0140; 5,000+/- square feet. Owners: Felisberto “Phil” Portal and Galyna Zvarych, JTWROS/Applicant: Joe Portal d/b/a Sweetwater Custom Homes, Inc. (TRC, PDB)
6. Staff Comments.
7. Board Comments.
8. Public Comments – Each speaker will be allowed up to three minutes to address the Planning and Development Board on any item or topic not on the agenda.
9. Adjournment.

PLEASE TAKE NOTICE THAT INDIVIDUAL COMMISSIONERS OF THE BOARD OF COUNTY COMMISSIONERS MAY ATTEND THIS EVENT. THE COMMISSIONERS WHO ATTEND WILL NOT TAKE ANY ACTION OR TAKE ANY VOTE AT THIS MEETING. THIS IS NOT AN OFFICIAL MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY. THIS NOTICE IS BEING PROVIDED TO MEET THE SPIRIT OF THE SUNSHINE LAW TO INFORM THE PUBLIC THAT COMMISSIONERS MAY BE PRESENT AT THESE DISCUSSIONS. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE PLANNING & ZONING DEPARTMENT AT (386) 313-4009 AT LEAST 48 HOURS PRIOR TO THE MEETING.

FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD REGULAR MEETING

Flagler County Government Services Building,
1769 East Moody Blvd., Board Chambers, Bunnell, FL

MEETING MINUTES

Tuesday, February 13, 2024 at 6:00 PM

1. **Roll Call:** The meeting was called to order by the Chair and a quorum was present.

Members Present: Michael Boyd (Vice Chair), Jack Corbett, Mark Langelo (Chair), Anthony Lombardo, and Michael Goodman.

Members Absent: Timothy Conner and Fernando Melendez (excused).

Present: Adam Mengel, Growth Management Director; Chuck Merenda, Assistant Director; Simone Kenny, Planner; Hannah Williams, Land Development Technician.

Board Counsel: Sean Moylan, Deputy County Attorney

2. Pledge to the Flag.

3. Approval of January 9, 2024 minutes.

Motion: Motion to approve

Motion by: Michael Boyd

Seconded by: Mark Langelo

Motion carried unanimously.

4. Quasi-judicial requiring disclosure of ex parte communication:

Project No. 2023100039 – **SITE DEVELOPMENT PLAN IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT** – request for a site development plan in the PUD District for Gardenside at Ormond Station, Phase II, a single-family detached subdivision. Parcel Nos. 21-14-31-0000-01010-0030, 22-14-31-0000-01010-0070, and 22-14-31-0000-01010-0080; 33.01+/- acres. Owner: US Capital Alliance, LLC/Applicant: Alann Engineering Group, Inc. (TRC, PDB, BCC)

Board Member Disclosures: No disclosures.

Staff Presentation: by Adam Mengel, Growth Management Director

Applicant Presentation: Kimberly Buck, P.E. of Alann Engineering Group, Inc.

Public Comment:

No Public Comment

Motion: The Planning and Development Board recommends to the Board of County Commissioners Approval of the PUD Site Development Plan and PUD Development Agreement for Gardenside at Ormond Station, Phase II.

Motion by: Michael Boyd

Seconded by: Michael Goodman

Motion carried unanimously.

5. Quasi-judicial requiring disclosure of ex parte communication:
Project 2023120052 – **VARIANCE IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT** – request for a 1-foot right side (South) setback variance at 7 Hanover Drive. Parcel No. 37-12-31-1927-00000-0810, 10,625+/- square feet. Owners: Richard T. and Phyllis Ashley Linck / Applicant: Richard Linck. (TRC, PB)

Board Member Disclosures: No disclosures.

Staff Presentation: by Adam Mengel, Growth Management Director

Applicant: Richard Linck, 7 Hanover Drive.

Public Comments

No Public Comments.

Motion: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves Project No. 2023120052 for a 1-foot right (South) side yard setback variance from the minimum required 7.5-foot side yard setback at 7 Hanover Drive (Parcel No. 37-12-31-1927-00000-0810).

Motion by: Michael Boyd

Seconded by: Michael Goodman

Motion carried unanimously.

6. Quasi-judicial requiring disclosure of ex parte communication:
Project No. 2024010029 – **VARIANCE IN THE PUD (PLANNED UNIT DEVELOPMENT) DISTRICT** – request for a 15.3-foot rear (East) setback variance to the home and 3.3-foot rear (East) setback variance to the pool at 42 Audubon Lane. Parcel No. 37-12-31-5627-00000-0660; 17,228+/- square feet. Owner: Brian and Mary Smith / Applicant: Brian Smith. (TRC, PDB)

Board Member Disclosures: No disclosures.

Staff Presentation: by Adam Mengel, Growth Management Director

Public Comment:

John Cibiras, 47 Audubon Lane, President of the HOA for Sugar Mill. In favor of approval.

Motion: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves Project No. 2024010029 for a 15.3-Foot (East) yard setback for the Structure, where a 30-Foot Setback is require and 3.3-Foot Rear, where a 20-Foot Setback for the pool variance from the required at 42 Audubon Lane (Parcel #37-12-31-5627-00000-0660).

Motion by: Jack Corbett

Seconded by: Michael Boyd

Motion carried unanimously.

7. Quasi-judicial requiring disclosure of ex parte communication:
Project No. 2023120072 – **SITE DEVELOPMENT PLAN APPROVAL IN THE I (INDUSTRIAL) DISTRICT** – Request for Approval of a Site Development Plan for an addition to Central Storage Facility at 8325 U.S. Highway 1 South; (Parcel #16-13-31-2000-00020-0000). Owner: Storage Central LLC; Applicant: Storage Central, LLC. (TRC, PB)
Board Member Disclosures: No disclosures.

Staff Presentation: by Adam Mengel, Growth Management Director

Applicant Presentation: Tom Cook, Storage Central, we came, we started construction, February 1, 2023. Phase II will be started.

Public Comments:
No public comments.

Motion: The Planning and Development Board finds that the Site Development Plan for a Self-Storage Facility at 8325 U.S. Highway 1 South on Parcel # 16-13-31-2000-00020-0000 is:

Approved, subject to the following conditions:

- a. all improvements are required to be in place, operable, and inspected prior to the initiation of the use on the parcel;
- b. meeting radio signal strength requirements per NFPA 1, Chapter 11, 11.10.2 General:
“In all new and existing buildings, minimum radio signal strength for emergency services department communications shall be maintained at a level determined by the AHJ [Agency Having Jurisdiction]”;
- c. provision of an automatic fire sprinkler system within the mini-storage building per NFPA 1, Chapter 13, 13.3.2.27.4 Mini-Storage Building:
“An automatic sprinkler system shall be installed throughout all mini-storage individual storage units are separated by less than a 1-hour fire resistance-rated barrier.” [5000:30.3.5.3];
- d. should the County’s Comprehensive Plan be amended to increase the maximum permissible Floor area Ratio (FAR) within the Industrial Future Land Use designation, the applicant (or the successors or assigns) may proceed with any increase in the FAR for additional self-storage area by adding additional floors on the existing buildings so long as the building footprints shown on the Newkirk Engineering Inc. site plan bearing the January 23, 2024 signature and seal date and as approved through this application.

Motion by: Michael Goodman
Seconded by: Michael Boyd
Motion carried unanimously.

10. Staff Comments.

- Adam welcomes the board to the Monday joint meeting with BOCC

11. Board Comments.

- Board concerns on utilizing the provided iPad

12. Public Comments – Each speaker will be allowed up to three minutes to address the Planning and Development Board on any item or topic not on the agenda.

- No public comments.

13. Adjournment.

Motion by: Michael Boyd

Seconded by: Michael Goodman

Meeting adjourned at 7:07 PM.

DRAFT

**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
PUBLIC HEARING/AGENDA ITEM #4**

SUBJECT: QUASI-JUDICIAL – Project No. 2024010050 – Site Development Plan to add a Social Hall and Parking in the AC (Agriculture) and R-1 (Rural Residential) Zoning Districts for a Semi-Public Use (Church) at 141 Carmelite Drive, South Old Dixie Highway. Parcel No. 04-13-31-0650-000B0-0050; 34.935+/- acres. Owner: Discalced Carmelite Fathers of Florida, Inc./Applicant: Kim Buck, Alann Engineering Group, Inc.

DATE OF MEETING: March 12, 2024

OVERVIEW/SUMMARY: This request is quasi-judicial in nature (not legislative) and does require disclosure of ex parte communication. This request is for approval of a Site Development Plan to add a Social Hall (3,918 s.f.) with parking for a Semi-Public Use (Church). The subject property is located at 141 Carmelite Drive and is 34.935 acres in size:



**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
PUBLIC HEARING/AGENDA ITEM #4**

On January 29, 2024, Kim Buck, Alann Engineering Group, Inc. submitted the Site Development Plan application on behalf of the owner, the Discalced Carmelite Fathers of Florida, Inc. The Church purchased the subject parcel from the Frances Paciorek and Jean Ren and Joseph Ren Discalced Carmelite Fathers Of Indiana, Inc. through the Warranty Deed dated May 17, 1988 and recorded on May 19, 1988 at Official Records Book 349, Page 553, Public Records of Flagler County, Florida. This conveyance was followed by the Quit-Claim Deed from the Discalced Carmelite Fathers of Indiana, Inc. to the Discalced Carmelite Fathers of Florida, Inc. recorded January 28, 1994 at Official Records Book 504, Page 1747, Public Records of Flagler County, Florida.

The proposed Social Hall is in a location that will not conflict with onsite utilities or services. The additional hardscape does not exceed the limitations placed on the use by the AC (Agricultural) and R-1 (Rural Residential) zoning districts or the Semi-Public Use approval.

This application was reviewed by the Technical Review Committee at its February 21, 2024 meeting. The applicant's responses to comments have been provided and the application requesting the Site Development Plan approval is sufficient for review and decision by the Planning and Development Board.

This agenda item is:

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

OPTIONS FOR THE BOARD: The Planning and Development Board may:

APPROVE the request for a Site Development Plan for a Semi-Public Use at 141 Carmelite Drive (Parcel No. 04-13-31-0650-000B0-0050), finding that sufficient factual data has been presented and finding that the proposed Site Development Plan is consistent with the previously approved Semi-Public Use, the AC (Agricultural) and R-1 (Rural Residential) zoning districts, and the Comprehensive Plan.

DENY the request for a Site Development Plan for a Semi-Public Use at 141 Carmelite Drive (Parcel No. 04-13-31-0650-000B0-0050), finding that sufficient factual data has not been presented and/or finding that the proposed Site Development Plan is consistent with the previously approved Semi-Public Use, the AC (Agricultural) and R-1 (Rural Residential) zoning districts, and the Comprehensive Plan.

CONTINUE the request the request for a Site Development Plan for a Semi-Public Use, finding that additional information is needed from staff or the applicant. Based on the presentation and the public hearing, the Board does not have sufficient information to be able to render a decision on the Site Development Plan request. Continuing the request will provide an opportunity for staff or the applicant to provide additional information.

**FLAGLER COUNTY PLANNING AND DEVELOPMENT BOARD
PUBLIC HEARING/AGENDA ITEM #4**

ATTACHMENTS:

1. Technical Staff Report (TSR)
2. Site Plan
3. Application and supporting documents
4. Technical Review Committee (TRC) comments

PROJECT NO. 2024010050
SITE DEVELOPMENT PLAN FOR A SEMI-PUBLIC USE
DISCALCED CARMELITE FATHERS OF FLORIDA, INC.
TECHNICAL STAFF REPORT

Project No.: 2024010050

Address: 141 Carmelite Drive

Owner: Discalced Carmelite Fathers of Florida, Inc.

Applicant: Alann Engineering Group, Inc.

Parcel #: 04-13-31-0650-000B0-0050

Parcel Size: 34.935+/- acres

Legal Description:

Bunnell Development Company allotment, Tracts 5 & 6, Block B, part of Tracts 7 and 8, and the West one-half of North one-half, Tract 9, per map recorded in Plat Book 1, Page 1, Public Records of Flagler County, Florida.

Existing Zoning and Land Use Classification:

Zoning: AC (Agriculture) and R-1 (Rural Residential) District

Land Use: Rural Residential and Agricultural

Future Land Use Map Classification/Zoning of Surrounding Land:

North: Agricultural/AC (Agriculture) District

East: Rural Residential and Agricultural/R-1 (Rural Residential) District and AC (Agriculture) District

South: Rural Residential and Agricultural/R-1 (Rural Residential) District and AC (Agriculture) District

West: Rural Residential and Agricultural/R-1 (Rural Residential) District and AC (Agriculture) District

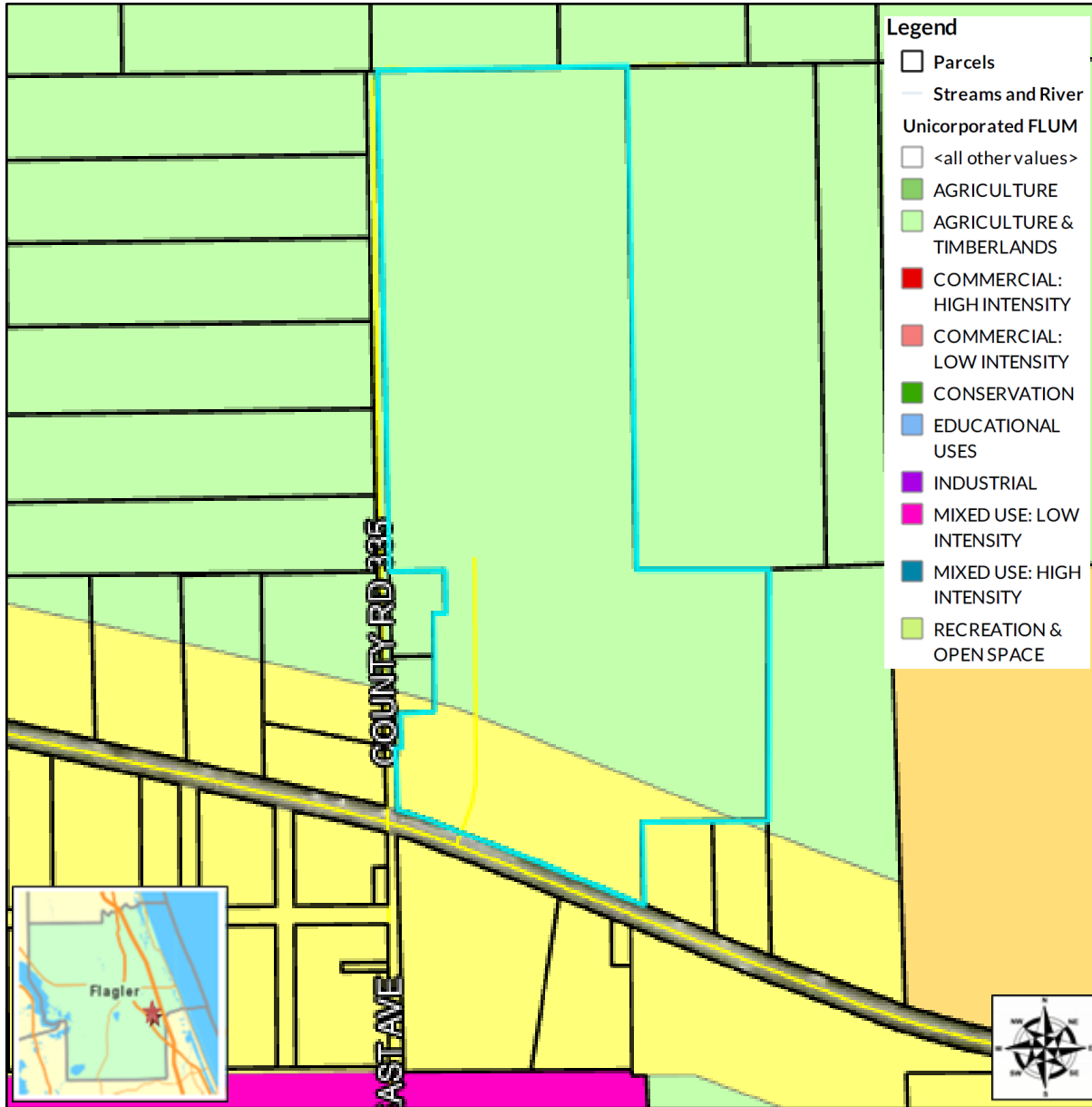
Land Development Code Sections Affected: Land Development Code (LDC) Section 3.03.04, R-1 (Rural Residential) District, and Section 3.03.02, AC (Agriculture) District, and Section 3.06.05, Public, semi- public and special uses.

Summary of Request: The Discalced Carmelite Fathers of Florida, Inc., has requested approval of a Site Development Plan to add a 3,918 square foot Social Hall, with parking.

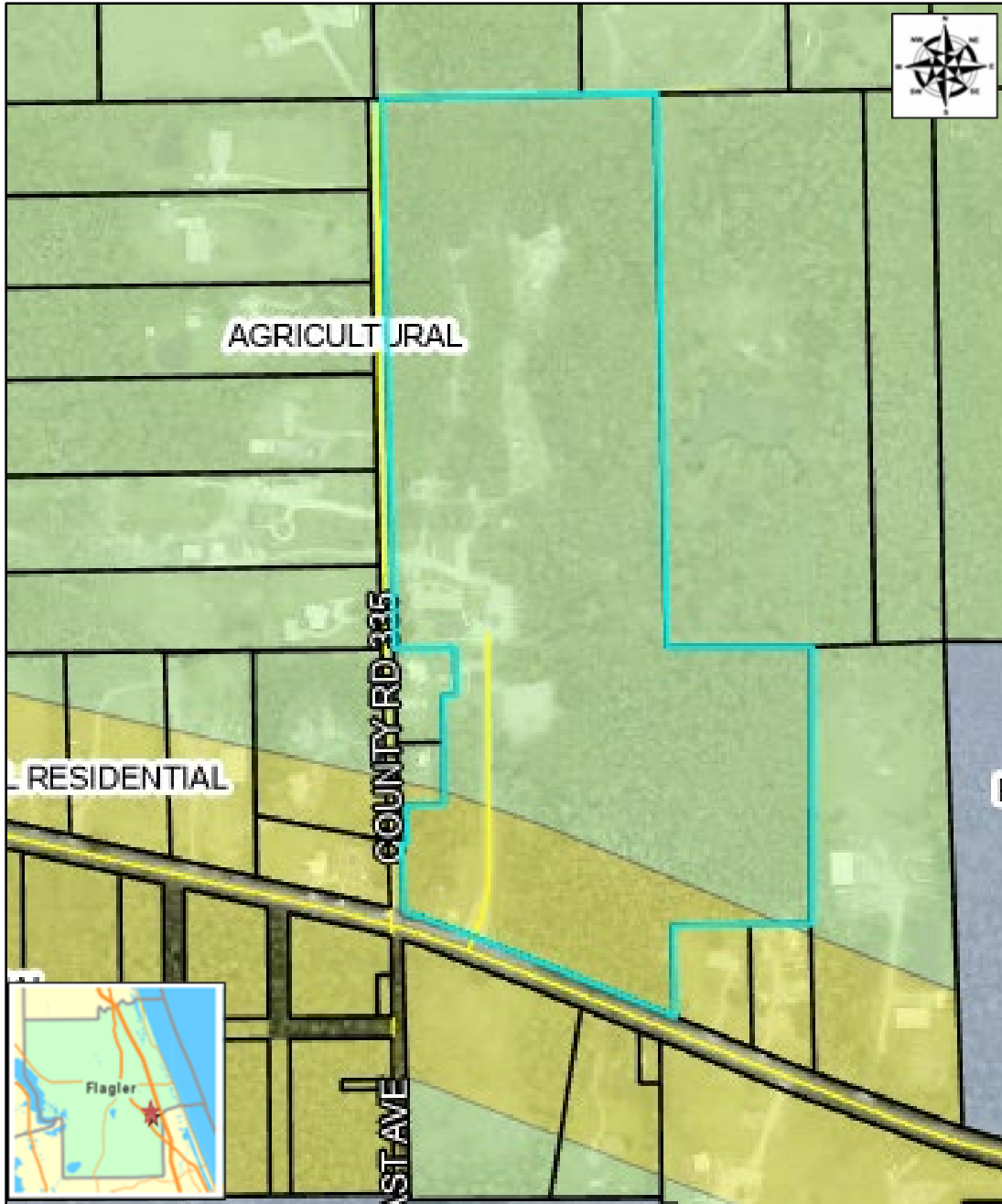
The applicant has submitted a signed and sealed site plan set – electronically signed by Kimberly A. Buck, P.E. – dated January 26, 2024 and consisting of thirteen sheets. The Site Development Plan includes the proposed Social Hall with parking. There are two storm water ponds that are proposed.

The Site Data Table on C001 depicts the development of the additional hardscape as 3,918 square foot with parking. The limits of new construction occurs within an onsite area of 63,597+/- square feet (1.46+/- acres).

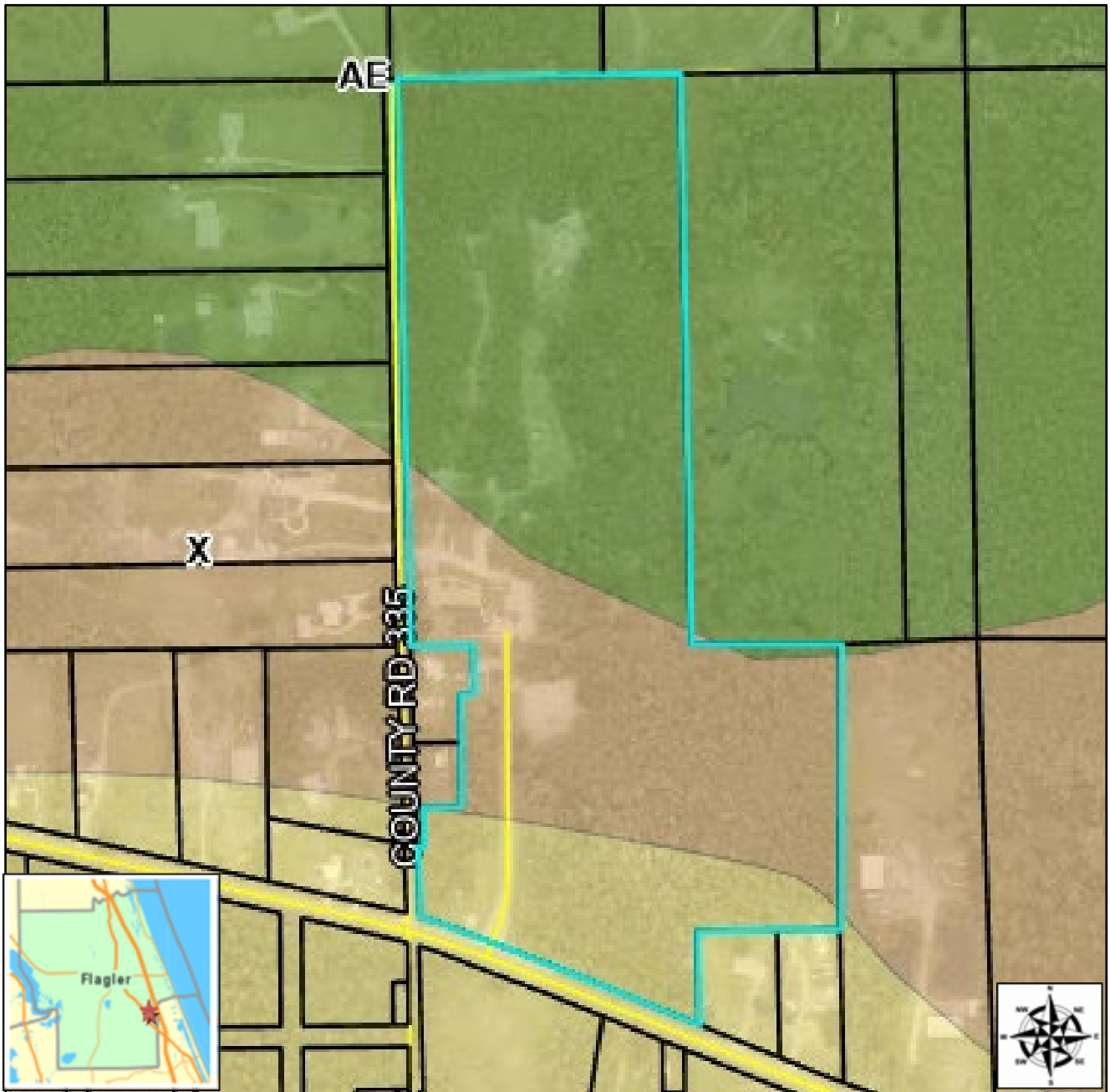
Future Land Use Map



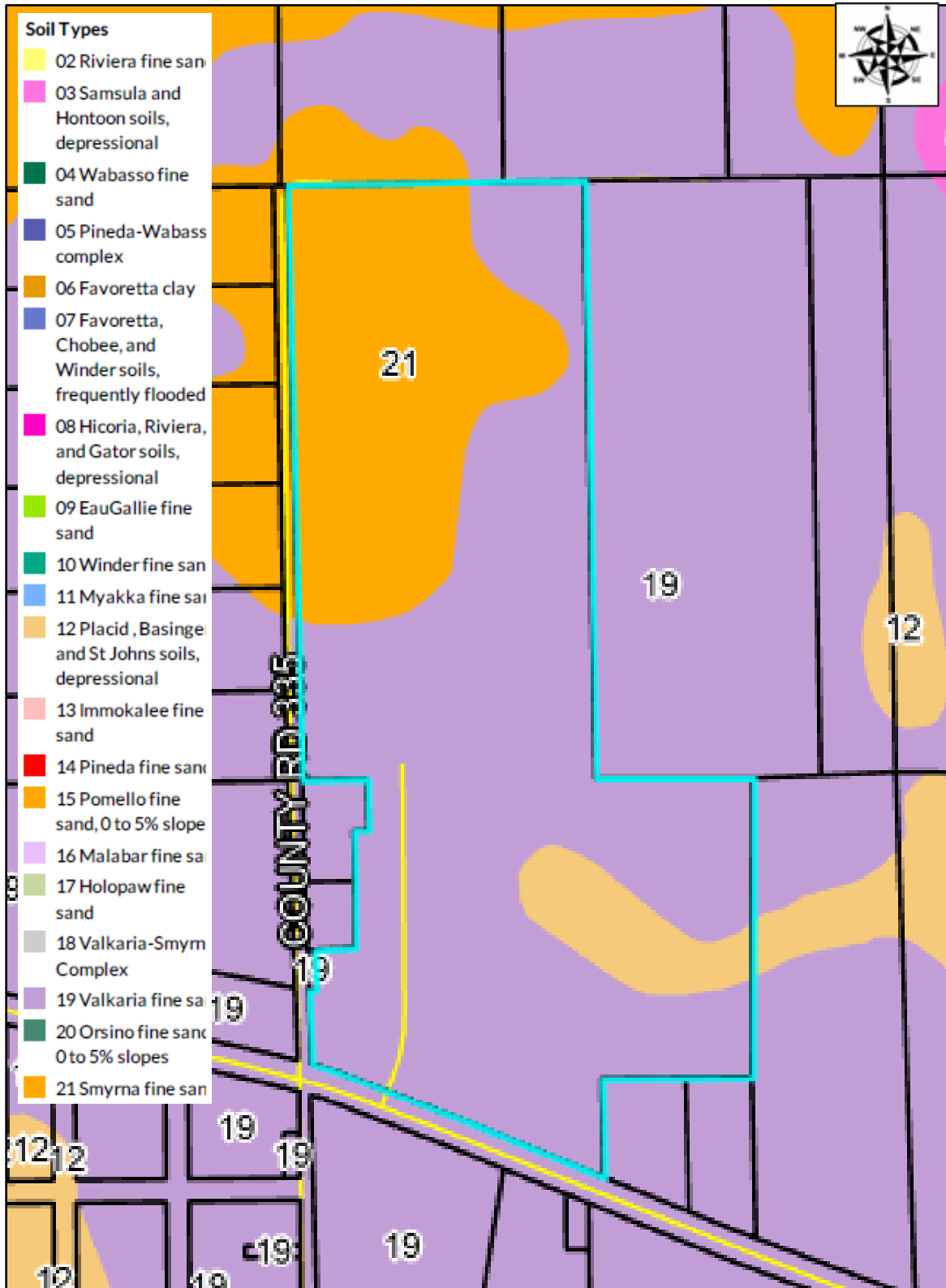
Zoning Map



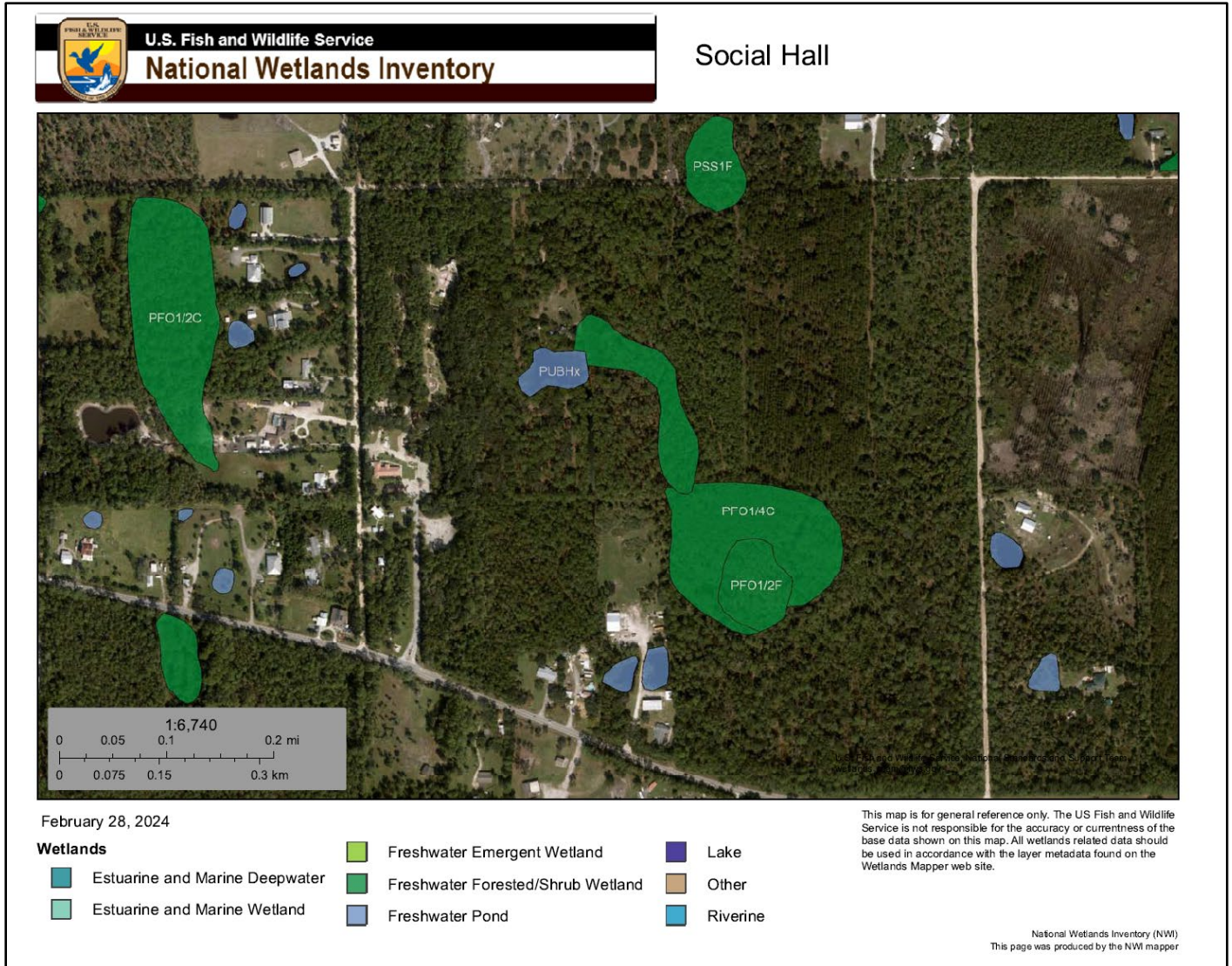
Flood Zone Map



Soils



Wetlands



CARMELITE MONASTERY

CARMELITE DRIVE
FLAGLER COUNTY, FLORIDA

OWNER/APPLICANT:
DISCALCED CARMELITE FATHERS OF FLORIDA, INC.
141 CARMELITE DRIVE
BUNNELL, FLORIDA 32110
PH: (386) 437-2910
EMAIL: BUNNELLCARMELITES@GMAIL.COM

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

SURVEYOR:
KUHAR SURVEYING & MAPPING, LLC
1501 RIDGEWOOD AVENUE, SUITE 205,
HOLLY HILL, FLORIDA 32117
PH: (386)-672-0002
EMAIL: INFO@KUHARSURVEYING.COM

LANDSCAPE ARCHITECT
CULLIVER DESIGN, INC.
12 CRESCENT LAKE WAY
ORMOND BEACH, FLORIDA 32174
PH: (386) 871-5293
EMAIL: CULLIVERDESIGN@CFL.RR.COM

ARCHITECT
AB DESIGN GROUP, LLC
1441 N. RONALD REGAN BLVD.
LONGWOOD, FL 32750
PH: 407-774-6078
EMAIL: TOMASZ@ABDESIGNGROUP.COM

ENVIRONMENTALIST
TERRACON CONSULTANTS, INC.
1675 LEE ROAD
WINTER PARK, FL 32789
PH: (407) 740-6110
EMAIL: ANDRE.GALLET@TERRACON.COM

LOCATION MAP (N.T.S.)



TAX PARCEL ID NUMBER: 04-13-31-0550-00080-0050

SOILS MAP



19 - VALKARIA FINE SAND; SOIL TYPE: A/D

FLOOD MAP



FLOOD ZONE X; MAP 12035C02403 EFF: JUNE 06, 2018
FLOOD ZONE X; MAP 12035C0245E EFF: JUNE 06, 2018

GENERAL NOTES:

- CONTRACTOR SHALL VERIFY ALL PERTINENT FEATURES WHICH MAY AFFECT HIS BID PRIOR TO BIDDING THE PROJECT. DISCREPANCIES NOTED DURING CONSTRUCTION WILL NOT BE CONSIDERED CAUSE FOR EXTRA PAYMENT ON ANY OF THE PAY ITEMS IN THE CONTRACT.
- UTILITIES MAY EXIST WHICH ARE NOT SHOWN ACCURATELY ON THESE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFICATION OF ALL UTILITY LOCATIONS PRIOR TO ANY CONSTRUCTION.
- CONTRACTOR SHALL IMMEDIATELY NOTIFY DESIGN ENGINEER AND FLAGLER COUNTY OF ANY DISCREPANCIES FOUND ON THE PLANS.
- CONTRACTOR SHALL SCHEDULE A PRECONSTRUCTION MEETING W/ ENGINEER AND FLAGLER COUNTY PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION.
- ANY PUBLIC LAND CORNER WITHIN THE LIMITS OF CONSTRUCTION IS TO BE PROTECTED. IF A CORNER MONUMENT IS IN DANGER OF BEING DESTROYED AND HAS NOT BEEN PROPERLY REFERENCED, THE CONTRACTOR SHOULD NOTIFY THE COUNTY WITHOUT DELAY BY TELEPHONE.
- A MINIMUM OF ONE (1) COMPACTION TEST PER 5,000 SQUARE FEET OF PARKING AREA IS REQUIRED. A COPY OF THE TEST REPORTS SHALL BE GIVEN TO THE FLAGLER COUNTY'S DESIGNATED INSPECTOR.
- TEMPORARY DRAINAGE SHALL BE PROVIDED DURING CONSTRUCTION TO ELIMINATE ANY FLOODING OF PRIVATE PROPERTY.
- UNSTABLE MATERIALS SHALL BE REMOVED FROM CONSTRUCTION AREAS AND BACKFILLED WITH SUITABLE MATERIALS.
- CONSTRUCTION SHALL INCLUDE REPLACING, WITH MATCHING MATERIALS, THE DRIVEWAYS, WALKS, MAILBOXES, CURBS AND LANDSCAPING THAT ARE DAMAGED OR REMOVED DUE TO CONSTRUCTION. THIS WORK SHALL BE COORDINATED WITH PROPERTY OWNERS.
- ALL STORM SEWER LINES AND INLETS SHALL BE CLEANED OF DEBRIS AND ERODED MATERIALS AT LAST STAGES OF CONSTRUCTION.
- ANY DRAINAGE PROBLEMS CREATED BY CONSTRUCTION OR EXISTING BEFORE CONSTRUCTION AND NOT ALLEVIATED SHOULD BE BROUGHT TO THE ATTENTION OF FLAGLER COUNTY AND THE DESIGN ENGINEER.
- ALL AREAS DISTURBED DURING CONSTRUCTION SHALL BE RESTORED TO ORIGINAL CONDITION.
- CONTRACTOR SHALL PROVIDE AN AS-BUILT SURVEY PERFORMED BY A REGISTERED SURVEYOR. SURVEY SHALL INDICATE AS-BUILT OF ALL IMPROVEMENTS.
- THE CONTRACTOR SHALL CALL FOR LOCATES 2 BUSINESS DAYS PRIOR TO STARTING CONSTRUCTION.
- NO LAND SHALL BE CLEARED, EXCAVATED OR FILLED AND NO STRUCTURE SHALL BE ERRECTED, REPAIRED OR DEMOLISHED WITHOUT PROPER PERMITS AS REQUIRED BY FLAGLER COUNTY.
- ANY CONSTRUCTION CHANGES TO APPROVED PLANS SHALL BE SUBMITTED TO FDOT & FLAGLER COUNTY FOR APPROVAL PRIOR TO PERFORMING THE WORK.
- A PRE-PAVING UTILITY INSPECTION MUST BE REQUESTED AND COMPLETED PRIOR TO THE PAVING OF ALL ROADS, STREETS, AND PARKING AREAS.
- A FINAL INSPECTION, TO BE CONDUCTED BY FLAGLER COUNTY, SHALL BE PERFORMED ON ALL CONSTRUCTION. THE DESIGN ENGINEER SHALL NOTIFY FLAGLER COUNTY ONCE AS-BUILT DRAWINGS AND CLEARANCES HAVE BEEN SUBMITTED.
- A COMPLETE SET OF AS-BUILT DRAWINGS ARE REQUIRED TO BE SUBMITTED TO FLAGLER COUNTY PRIOR TO REQUESTING A FINAL INSPECTION.
- ALL PAVEMENT MARKINGS AND STRIPING WITHIN FDOT RIGHTS-OF-WAY SHALL BE THERMOPLASTIC AND WILL BE INSTALLED IN ACCORDANCE WITH THE FDOT STANDARD INDEX #17346, VERSION 2017-2018.
- UTILITIES TO BE PROVIDED BY ON-SITE WELL AND SEPTIC.

STATEMENT OF INTENT

CONSTRUCTION OF A 3,918 SF MEETING HALL AND ADDITIONAL PARKING LOT WITH ASSOCIATED INFRASTRUCTURE.

SITE DATA:

FLOOD ZONE: ZONE X; MAP 12035C0240E REVISED: JUNE 06, 2018 & 12035C0245E REVISED: JUNE 06, 2018
ZONING: AC AND R-1
FLU: AGRICULTURE & TIMBERLANDS, RESIDENTIAL; LOW DENSITY

EXISTING USE: VACANT
PROPOSED USE: PARKING FACILITY
LIMITS OF NEW CONSTRUCTION: 63,597 SF (1.46 AC.)

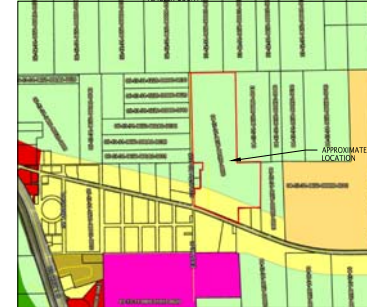
WETLANDS TO BE IMPACTED: N/A

PROPOSED IMPERVIOUS AREA: 35,719 SF (0.82 AC.)
NEW VEHICULAR USE AREA: 29,671 SF (0.68 AC.)

PROPOSED PARKING: 85 STANDARD SPACES & 2 HANDICAP SPACES

SHEET INDEX	
SHEET NUMBER	SHEET TITLE
C001	COVER
C002	OVERALL SITE LAYOUT PLAN
C003	DEMOLITION & EROSION CONTROL PLAN
C004	TREE REMOVAL PLAN
C005	SITE DIMENSION PLAN
C006	GRADING PLAN
C007	GRADING SECTIONS
C008	DRAINAGE PLAN
C009	UTILITY PLAN
C010	SWPPP NOTES & DETAILS
C011	DETAILS
C012	DETAILS
C013	DETAILS

FLU MAP



FLU - AGRICULTURE & TIMBERLANDS, RESIDENTIAL; LOW DENSITY

ZONING MAP



ZONING: AC and R-1

LEGAL DESCRIPTION

LEGAL DESCRIPTION:
BEING A PART OF TRACTS 7 AND 8 OF BLOCK B OF SECTION 13, TOWNSHIP 13 SOUTH, RANGE 31 EAST, ACCORDING TO THE DEED OF SALES DEVELOPMENT SWAMP TRACTS, AS FILED IN PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE SAID SECTION 14, AS A POINT OF REFERENCE AND RUNNING THENCE SOUTH 2 DEGREES 45'00" EAST, ALONG THE WEST LINE OF THE SAID SECTION 14, A DISTANCE OF 132.00 FEET; THENCE NORTH 89 DEGREES 32'00" EAST, A DISTANCE OF 215.31 FEET; THENCE SOUTH 2 DEGREES 45'00" EAST, A DISTANCE OF 215.31 FEET TO THE NORTHEAST BOUNDARY OF THE SAID SECTION 14; THENCE WEST 89 DEGREES 32'00" EAST, A DISTANCE OF 215.31 FEET TO THE WEST LINE OF THE SAID SECTION 14; THENCE NORTH 89 DEGREES 32'00" EAST, A DISTANCE OF 215.31 FEET TO THE POINT OF BEGINNING; THENCE CONTINUOUSLY BY COURSE 89°32'00" EAST, A DISTANCE OF 215.31 FEET; THENCE SOUTH 2 DEGREES 45'00" EAST, A DISTANCE OF 215.31 FEET TO THE NORTHEAST BOUNDARY OF THE SAID SECTION 14; THENCE WEST 89 DEGREES 32'00" EAST, A DISTANCE OF 215.31 FEET TO THE WEST LINE OF THE SAID SECTION 14; THENCE NORTH 89 DEGREES 32'00" EAST, A DISTANCE OF 215.31 FEET TO THE POINT OF BEGINNING; BEING 0.0000 AC. MORE OR LESS. BEING REFERRED TO THE WANTED MORGAN WITH NO VARIATION EFFECT AND PARCELS CONTAINING 0.01 ACRES.

SEE SURVEYOR'S NOTE #1

SURVEYOR'S NOTES:
THIS IS A PRELIMINARY MAP AND IS NOT A FINAL SURVEY. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS FOUND THAT THE SITE IS ACCURATELY LOCATED AND DESCRIBED AS SHOWN ON THIS MAP. THE SURVEYOR HAS ALSO FOUND THAT THE SITE IS ACCURATELY LOCATED AND DESCRIBED AS SHOWN ON THIS MAP. THE SURVEYOR HAS ALSO FOUND THAT THE SITE IS ACCURATELY LOCATED AND DESCRIBED AS SHOWN ON THIS MAP.

ALLAN ENGINEERING GROUP, INC.
ALLAN
CERTIFICATE NO. 684579
880 AIRPORT ROAD, SUITE 113
ORMOND BEACH, FLORIDA 32174
TEL: (386) 673-7640
FAX: (386) 673-9327

AE

CARMELITE MONASTERY
FLAGLER COUNTY, FL
COVER SHEET

NO.	DATE	REVISION	BY

DESIGNER	FILE	DATE	SCALE	AS NOTED
KAB	2323-1	01/22/24		
DRAWN BY	PROJECT			
JIS	2323-1			

NOT FOR CONSTRUCTION
SCALE 1"=50'-0"

SHEET
C001

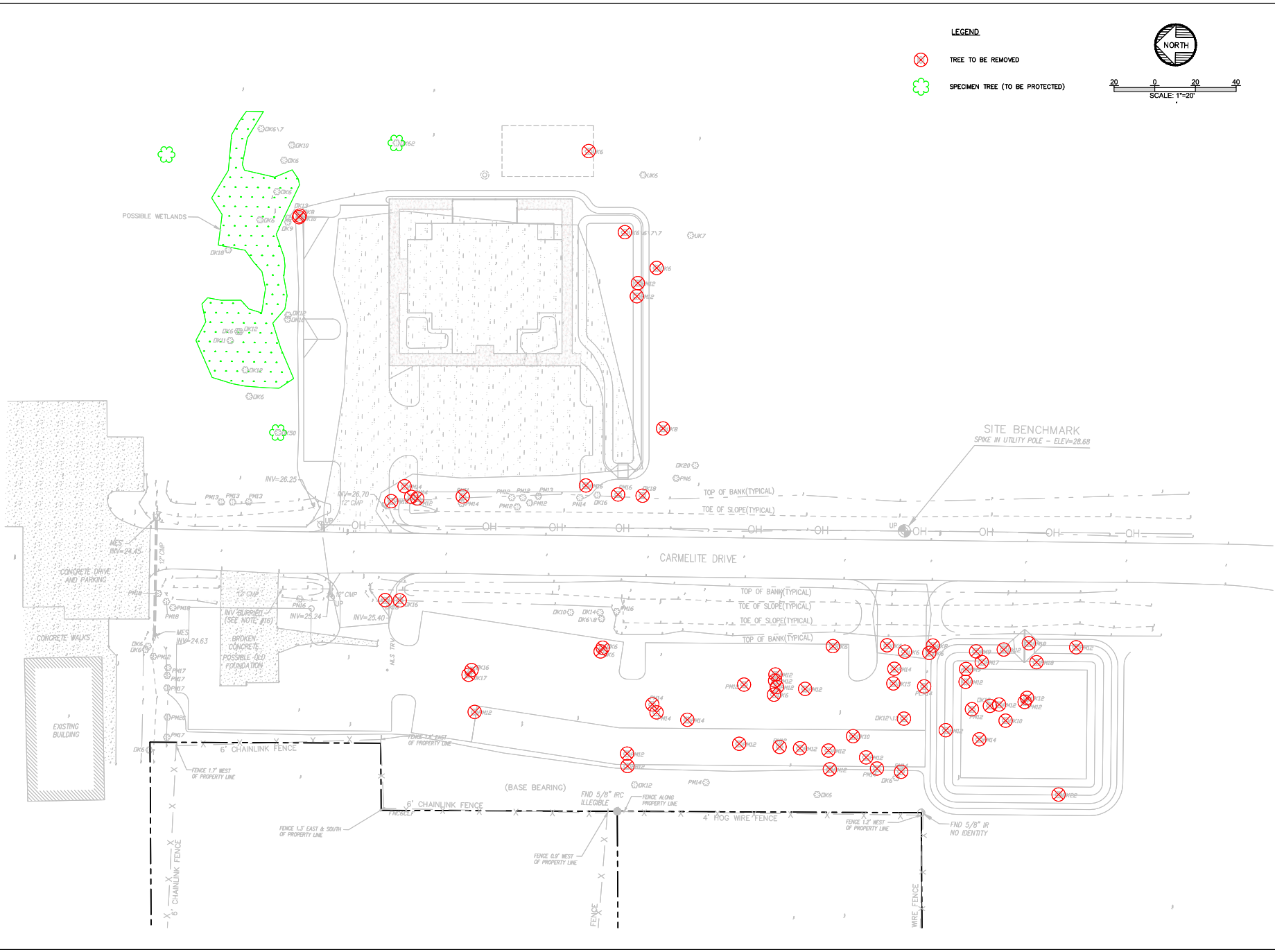
P:\2323-1 St. Josephs Carmelite\Design Notes & Markup\2024-01-26 Cover Design\Carmelite_Cover.dwg, COVER SHEET, 1/26/2024 4:38:36 PM

NO.	DATE	REVISION	BY

DESIGNER	FILE	DATE	SCALE
KAB	2322-1	01/22/24	AS NOTED

DRAWN BY	PROJECT
WRS	2322-1

NOT TO SCALE UNLESS SPECIFICALLY NOTED OTHERWISE ON THIS PLAN

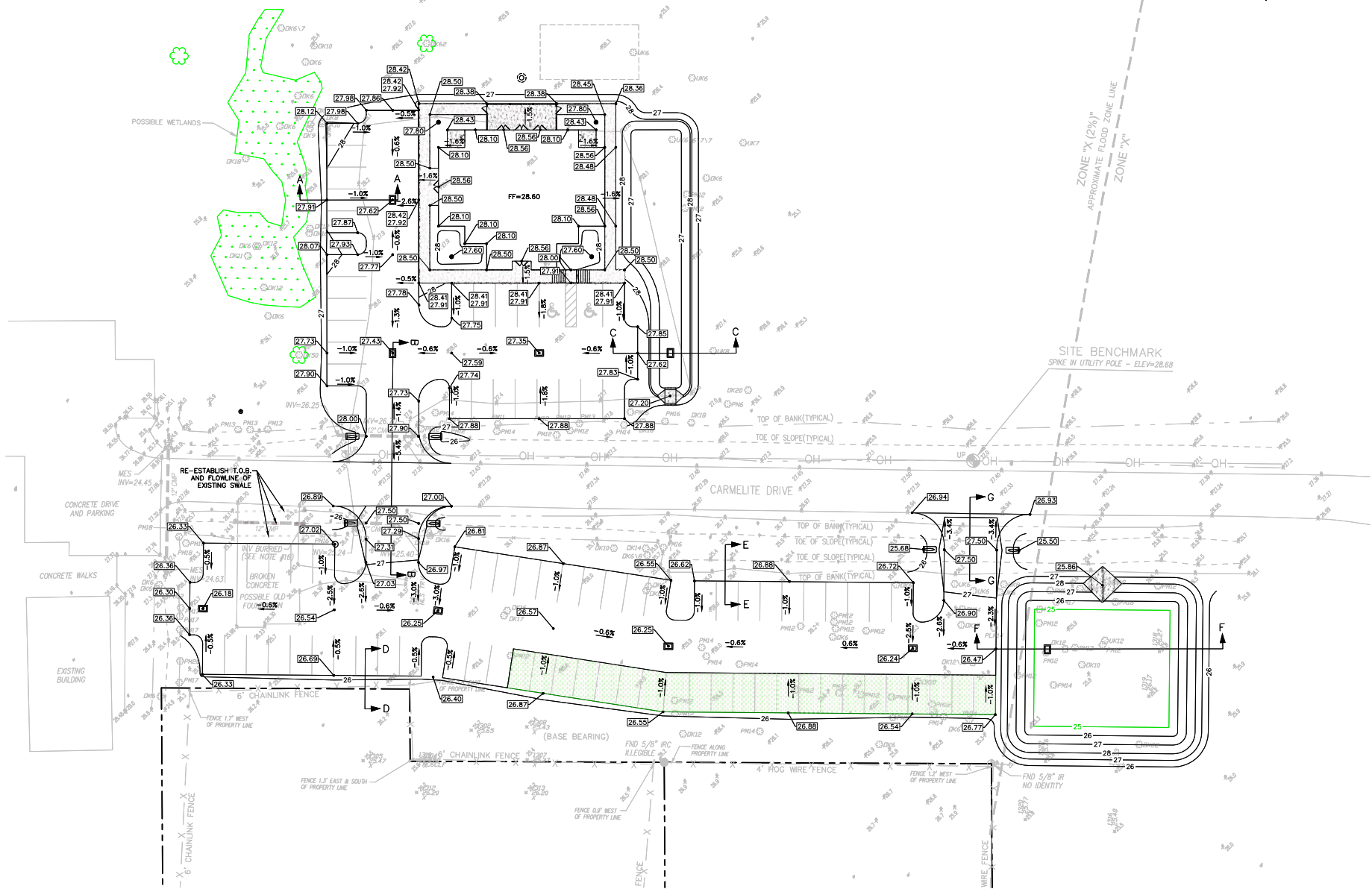




SCALE: 1"=20'

ALANN ENGINEERING GROUP, INC.
1600 S. W. 10TH AVENUE
MIAMI, FL 33135
TEL: (305) 673-7840
FAX: (305) 673-9327

CARMELITE MONASTERY
FLAGLER COUNTY, FL
GRADING PLAN

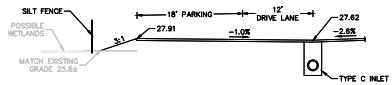


NO.	DATE	REVISION	BY

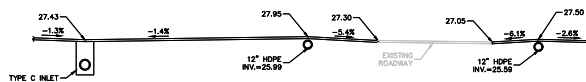
DESIGNER	FILE	DATE	SCALE	DRAWN BY	PROJECT	AS NOTED
KAR	2322-1	01/22/24	AS NOTED	WRS	2322-1	

NOT TO SCALE UNLESS SPECIFICALLY NOTED OTHERWISE ON THIS PLAN

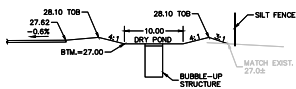
SHEET
C006



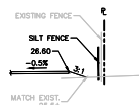
SECTION A-A
(N.T.S.)



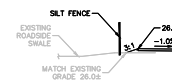
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(N.T.S.)



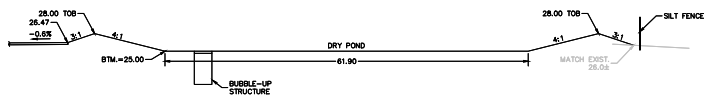
SECTION C-C
(N.T.S.)



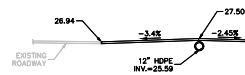
SECTION D-D
(N.T.S.)



SECTION E-E
(N.T.S.)



SECTION F-F
(N.T.S.)



SECTION G-G
(N.T.S.)

ALANN ENGINEERING GROUP, INC.
11111 W. STATE ROAD 301, SUITE 113
P.O. BOX 113
MIDDLEBURGH, FL 32130
TEL: (386) 873-7840
FAX: (386) 873-9327

CARMELITE MONASTERY
FLAGLER COUNTY, FL
GRADING SECTIONS

NO.	DATE	REVISION	BY

DESIGNER	FILE	DATE	SCALE	DRAWN BY	PROJECT	AS NOTED
KAB	2322-1	01/22/24	AS NOTED	WRS	2322-1	AS NOTED


NOT TO BE USED FOR CONSTRUCTION
UNLESS SPECIFICALLY NOTED

SHEET
C007

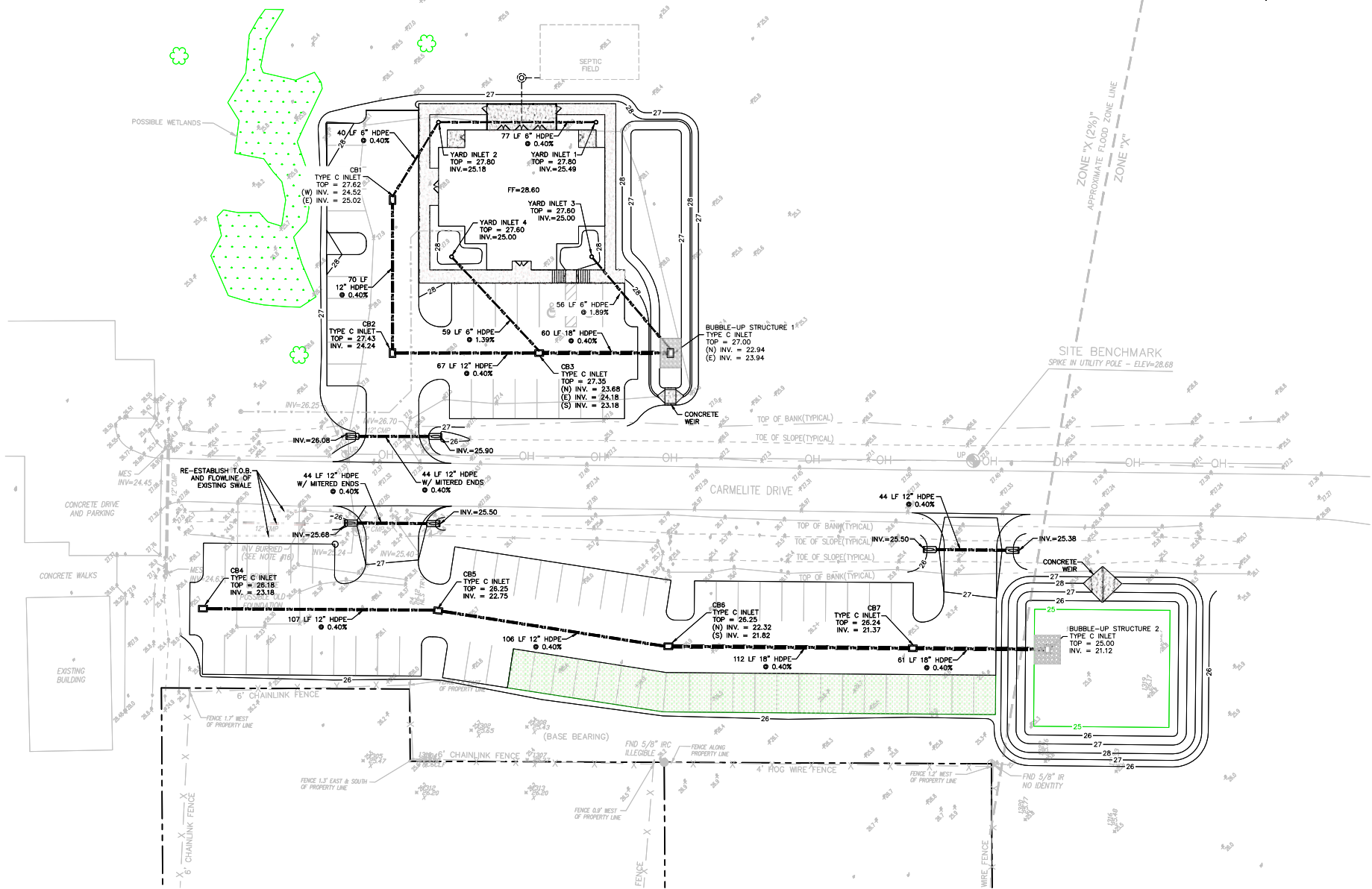


SCALE: 1"=20'

ALANN ENGINEERING GROUP, INC.
 16605 W. BAYVIEW BLVD., SUITE 113
 MIAMI, FL 33157
 TEL: (305) 673-7840
 FAX: (305) 673-9327



CARMELITE MONASTERY
 FLAGLER COUNTY, FL
 DRAINAGE PLAN

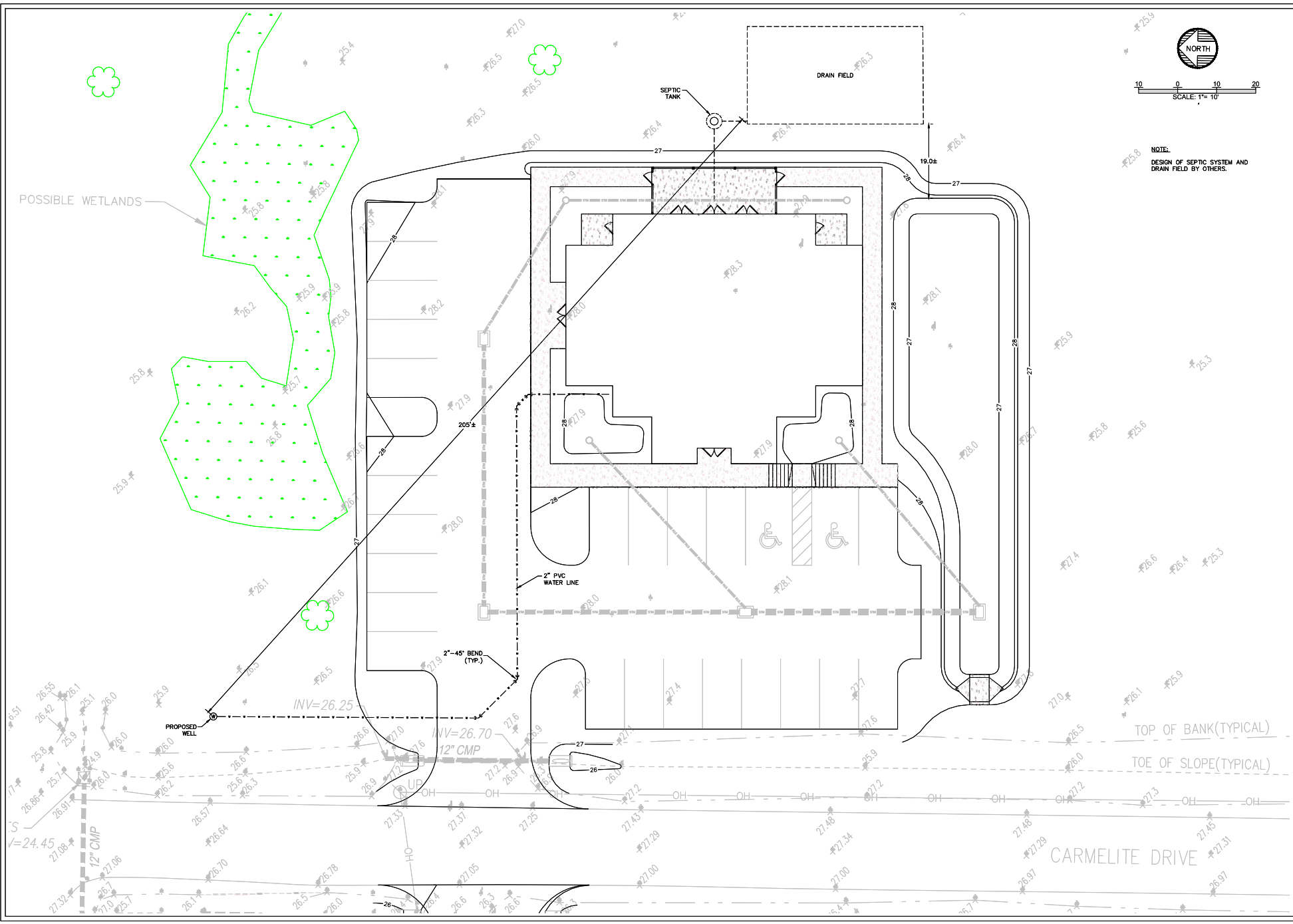


NO.	DATE	REVISION	BY

DESIGNER	FILE	DATE	DRAWN BY	PROJECT	SCALE	AS NOTED
KAR	2322-1	01/22/24	WRS	2322-1	AS NOTED	

NOT TO SCALE UNLESS SPECIFICALLY NOTED OTHERWISE

SHEET
C008



SCALE: 1" = 10'

NOTE:
DESIGN OF SEPTIC SYSTEM AND
DRAIN FIELD BY OTHERS.

ALANN ENGINEERING
GROUP, INC.
11300
CARMELITE MONASTERY
FLAGLER COUNTY, FL
32111
TEL: (386) 673-7840
FAX: (386) 673-9327

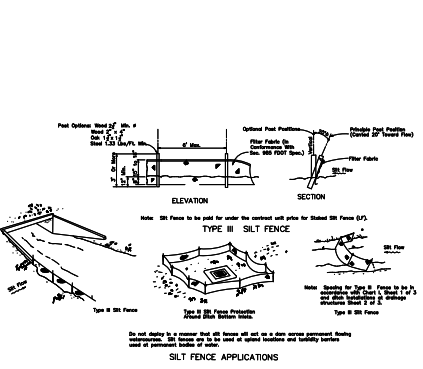
CARMELITE MONASTERY
FLAGLER COUNTY, FL
UTILITY PLAN

NO.	DATE	REVISION	BY

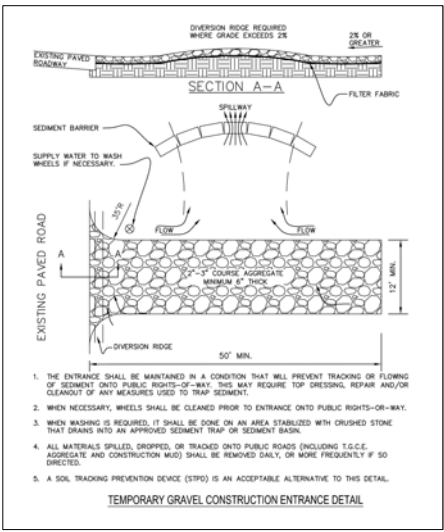
DESIGNER	DATE	SCALE
KAB	01/22/24	AS NOTED
WRS	2322-1	2322-1

NOT TO SCALE
SEE SHEET C009 FOR
GENERAL NOTES

SHEET
C009

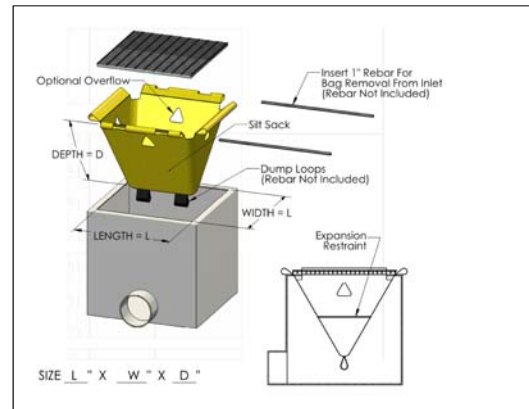


BALED HAY OR STRAW BARRIERS AND SILT FENCES
 N.T.S.

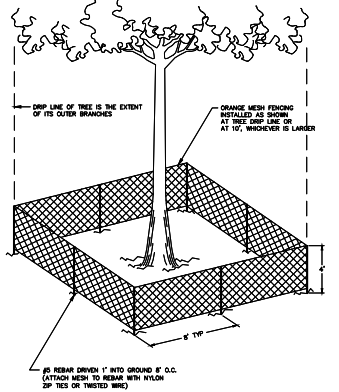


1. THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OR FLOWING OF SEDIMENT INTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE TOP DRESSING AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT.
2. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH CRUSHED STONE THAT DRAINS INTO AN APPROVED SEDIMENT TRAP OR SEDIMENT BASIN.
3. ALL MATERIALS SPILLED, DROPPED, OR TRACKED ONTO PUBLIC ROADS (INCLUDING T.G.C.E. AGGREGATE AND CONSTRUCTION WDG) SHALL BE REMOVED DAILY, OR MORE FREQUENTLY IF SO DIRECTED.
4. A SOIL TRACKING PREVENTION DEVICE (STPD) IS AN ACCEPTABLE ALTERNATIVE TO THIS DETAIL.

TEMPORARY GRAVEL CONSTRUCTION ENTRANCE DETAIL
 N.T.S.



INLET PROTECTION DETAIL
 N.T.S.



TREE BARRICADE DETAIL
 N.T.S.

I HEREBY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED ORIGINALLY OR SUBSTANTIALLY ACCURATE AND WITH A FAIR AND HONEST INTENT TO COMPLY WITH ALL APPLICABLE REGULATIONS AND STANDARDS. I AM NOT PROVIDING ANY INFORMATION THAT IS FALSE, MISLEADING, OR DECEPTIVE. I AM NOT PROVIDING ANY INFORMATION THAT IS UNLAWFUL OR VIOLATES ANY APPLICABLE REGULATIONS AND STANDARDS. I AM NOT PROVIDING ANY INFORMATION THAT IS UNLAWFUL OR VIOLATES ANY APPLICABLE REGULATIONS AND STANDARDS.

NAME (OWNER AND/OR RESPONSIBLE AUTHORITY) _____ DATE _____
 SITE DESCRIPTION _____
 2-1/2 INCHES TYPICAL SITE AREA _____
 1/4 INCH TYPICAL ROAD WIDTH _____
 PROJECT NAME AND LOCATION _____
 CORNER OR NEAREST PLAT OF TRACTS "A" AND "B" OF BLOCK B FLAGLER COUNTY, FL _____
 OWNER NAME AND ADDRESS _____
 TEMPORARY ADDRESS, LOCAL MAILING ADDRESS, AND PHONE NUMBER _____
 DESCRIPTION: _____
 METRIC FACILITY _____
 SOIL RESTRICTIONS (ACTIVITIES WILL INCLUDE):
 1. _____
 2. _____
 3. _____
 4. _____
 5. _____
 PREPARATION FOR FINAL PLANTING SOULCES: _____
 REMOVAL DATE: _____
 1. PRE-CONSTRUCTION - AS NOTED, 78 SOUTH
 2. BOND CONSTRUCTION - AS NOTED
 3. POST-CONSTRUCTION - AS NOTED
 SOIL: _____
 # 10 VALUARA FINE SAND - TYPE A/D

SILT PREVENTION
 MATERIAL MANAGEMENT PRACTICES THE FOLLOWING ARE THE MATERIAL MANAGEMENT PRACTICES THAT WILL BE USED TO PREVENT THE RISK OF SPILLS OR OTHER ACCIDENTAL EXPOSURE OF MATERIALS AND SUBSTANCES TO STORM WATER RUNOFF. GOOD HOUSEKEEPING PRACTICES WILL BE USED TO PREVENT THE RISK OF SPILLS OR OTHER ACCIDENTAL EXPOSURE OF MATERIALS AND SUBSTANCES TO STORM WATER RUNOFF. GOOD HOUSEKEEPING PRACTICES WILL BE USED TO PREVENT THE RISK OF SPILLS OR OTHER ACCIDENTAL EXPOSURE OF MATERIALS AND SUBSTANCES TO STORM WATER RUNOFF. GOOD HOUSEKEEPING PRACTICES WILL BE USED TO PREVENT THE RISK OF SPILLS OR OTHER ACCIDENTAL EXPOSURE OF MATERIALS AND SUBSTANCES TO STORM WATER RUNOFF.

- HAZARDOUS PRODUCTS THE FOLLOWING PRODUCT SPECIFIC PRACTICES WILL BE FOLLOWED:
 1. _____
 2. _____
 3. _____
 4. _____
 5. _____

OTHER CONTROLS
 WASTE DISPOSAL: _____
 WASTE DISPOSAL: _____
 WASTE DISPOSAL: _____
 WASTE DISPOSAL: _____
 WASTE DISPOSAL: _____

SAFETY MEASURES
 ALL HAZARDOUS WASTE MATERIALS WILL BE STORED IN THE MANNER SPECIFIED BY LOCAL, STATE AND FEDERAL REGULATIONS. ALL HAZARDOUS WASTE MATERIALS WILL BE STORED IN THE MANNER SPECIFIED BY LOCAL, STATE AND FEDERAL REGULATIONS. ALL HAZARDOUS WASTE MATERIALS WILL BE STORED IN THE MANNER SPECIFIED BY LOCAL, STATE AND FEDERAL REGULATIONS.

WATER MANAGEMENT
 STORM WATER MANAGEMENT SHALL BE HANDLED BY A MASTER STORMWATER SYSTEM FOR THIS SITE. STORM WATER MANAGEMENT SHALL BE HANDLED BY A MASTER STORMWATER SYSTEM FOR THIS SITE. STORM WATER MANAGEMENT SHALL BE HANDLED BY A MASTER STORMWATER SYSTEM FOR THIS SITE.

THE AREA
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CONTROL MEASURES
 CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.

CONSTRUCTION
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POST-CONSTRUCTION
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SAFETY MEASURES
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WATER MANAGEMENT
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SILT CONTROL
 SILT CONTROL PRACTICES IN ADDITION TO THE GOOD HOUSEKEEPING AND MATERIAL MANAGEMENT PRACTICES DISCUSSED IN THE PREVIOUS SECTIONS OF THE PLAN, THE FOLLOWING PRACTICES WILL BE FOLLOWED FOR SILT CONTROL. SILT CONTROL PRACTICES WILL BE FOLLOWED FOR SILT CONTROL. SILT CONTROL PRACTICES WILL BE FOLLOWED FOR SILT CONTROL.

SPILL CONTROL
 SPILL CONTROL PRACTICES IN ADDITION TO THE GOOD HOUSEKEEPING AND MATERIAL MANAGEMENT PRACTICES DISCUSSED IN THE PREVIOUS SECTIONS OF THE PLAN, THE FOLLOWING PRACTICES WILL BE FOLLOWED FOR SPILL CONTROL. SPILL CONTROL PRACTICES WILL BE FOLLOWED FOR SPILL CONTROL. SPILL CONTROL PRACTICES WILL BE FOLLOWED FOR SPILL CONTROL.

MAINTENANCE
 MAINTENANCE PROCEDURES, INSPECTION AND SEDIMENT CONTROL, INSPECTION AND MAINTENANCE PRACTICES THE FOLLOWING ARE INSPECTION AND MAINTENANCE PRACTICES THAT WILL BE USED TO MAINTAIN THROUGHOUT THE CONSTRUCTION PERIOD. MAINTENANCE PROCEDURES, INSPECTION AND SEDIMENT CONTROL, INSPECTION AND MAINTENANCE PRACTICES THE FOLLOWING ARE INSPECTION AND MAINTENANCE PRACTICES THAT WILL BE USED TO MAINTAIN THROUGHOUT THE CONSTRUCTION PERIOD.

CONSTRUCTION
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SAFETY MEASURES
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WATER MANAGEMENT
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I HEREBY UNDER PENALTY OF LAW THAT I UNDERSTAND AND SHALL COMPLY WITH THE TERMS AND CONDITIONS OF THE STATE OF FLORIDA GENERAL PERMITS REGULATING EROSION CONTROL MEASURES AND THE STATE OF FLORIDA GENERAL PERMITS REGULATING EROSION CONTROL MEASURES.

NAME / SIGNATURE	TITLE	COMPANY NAME, ADDRESS AND PHONE NUMBER	DATE

A COPY OF THE SWPPP INSPECTION REPORT FORM TO BE UTILIZED WHEN PERFORMING THE REQUIRED INSPECTIONS. BEHOLD IS A COPY OF THE INSPECTION REPORT FOR REFERENCE AND UTILIZATION.

Stormwater Pollution Prevention Plan Inspection Report Form

Inspections must occur on least once a week and within 24 hours of the end of a storm event that is 0.25 inches or greater.

Project Name: _____ EEP# (FPC#) Stormwater Identification Number: F18-01-_____

Location	Rain Date	Type of control (see notes)	Inspected / Modified	Current Condition (see notes)	Corrective Action (Other Remarks)

Condition Code:
 C = Needs to be cleaned
 M = Marginal, needs maintenance or replacement
 P = Poor, needs immediate maintenance or replacement

Code	Description	Inspected	Modified	Current Condition	Corrective Action
1	Silt fence				
2	Silt sock				
3	Straw bale				
4	Gravel				
5	Stabilized construction area				
6	Stabilized construction area				
7	Stabilized construction area				
8	Stabilized construction area				
9	Stabilized construction area				
10	Stabilized construction area				
11	Stabilized construction area				
12	Stabilized construction area				
13	Stabilized construction area				
14	Stabilized construction area				
15	Stabilized construction area				
16	Stabilized construction area				
17	Stabilized construction area				
18	Stabilized construction area				
19	Stabilized construction area				
20	Stabilized construction area				

Designer: KAB
 Drawn by: WRS

Date: _____

NO.	DATE	REVISION	BY

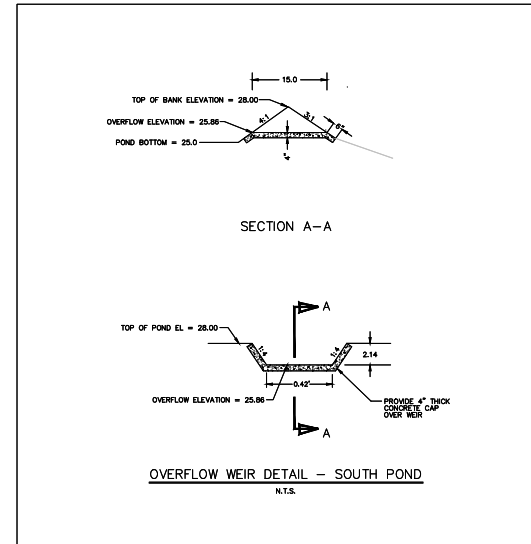
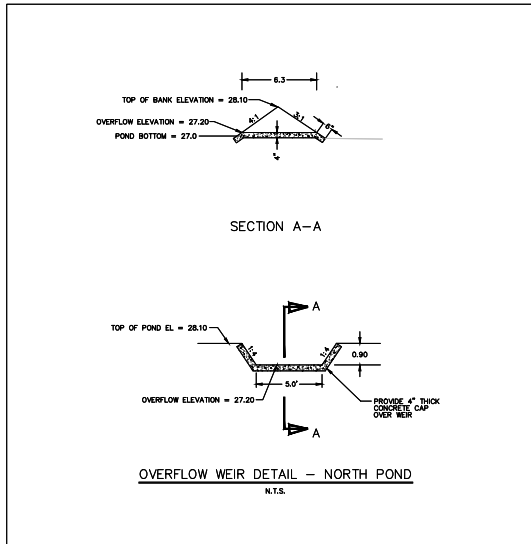
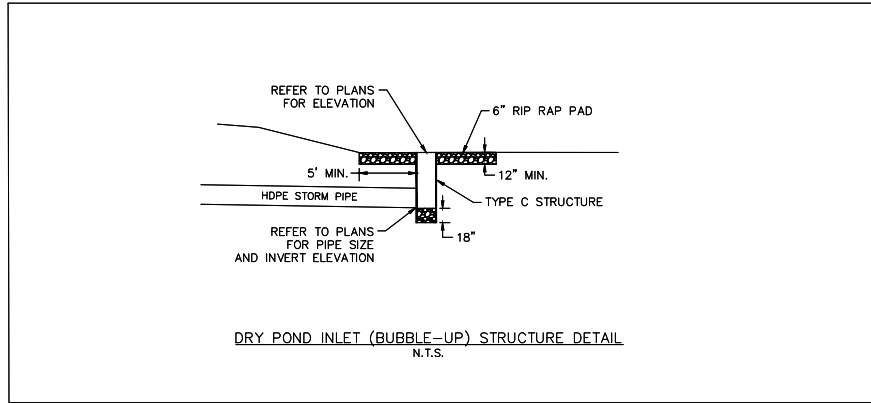
DATE	SCALE	AS NOTED
01/22/24		

DESIGNER	PROJECT	DRAWN BY
KAB	2322-1	WRS

The above signature also certifies that this facility is in compliance with the Stormwater Pollution Prevention Plan and the State of Florida General Permits for Stormwater Discharge from Large and Small Construction Activities if there are no any violation of non-compliance identified above.

I hereby under penalty of law that this document and all attachments were prepared or substantiated with a fair and honest intention to comply with all applicable regulations and standards. I am not providing any information that is false, misleading, or deceptive. I am not providing any information that is unlawful or violates any applicable regulations and standards. I am not providing any information that is unlawful or violates any applicable regulations and standards.

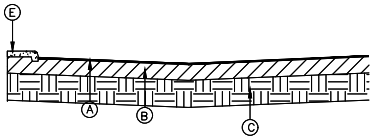
Name (Responsible Authority): _____ Date: _____



NO.	DATE	REVISION	BY

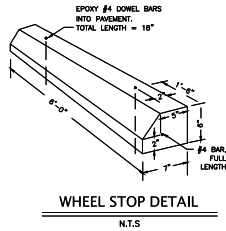
DESIGNER	FILE	DATE	SCALE	DRAWN BY	PROJECT	AS NOTED
KAB	2322-1	01/22/24	AS NOTED	WRS	2322-1	AS NOTED

NOT TO SCALE UNLESS SPECIFIED OTHERWISE
 01/22/24

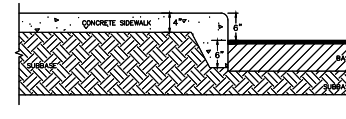


- A ASPHALT PAVEMENT:
1-1/2" ASPHALT BITUMINOUS CONCRETE TYPE S-III; MINIMUM MARSHALL FIELD STABILITY 1500, COMPACTED TO 98% DENSITY PER FM 1-1238 (METHOD B), NUCLEAR DENSITY TEST, "BACK SCATTER METHOD".
- B BASE:
6" LIMEROCK BASE (LBR 100) OR RECYCLED/CRUSHED CONCRETE BASE (LBR 130) COMPACTED TO 98% DENSITY BASED ON AASHTO T-180 MODIFIED PROCTOR TEST.
- C SUB-BASE:
12" SUB-BASE COMPACTED TO 98% DENSITY BASED ON AASHTO T-180
- E SIDEWALK WITH THICKENED EDGE:
4" THICK; 3000 PSI; 28 DAY CONCRETE

PRIVATE PARKING LOT PAVEMENT DETAIL
N.T.S.

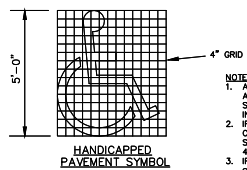


WHEEL STOP DETAIL
N.T.S.



- NOTES:
1. CONCRETE JOINTS SHALL BE IN ACCORDANCE WITH FOOT DESIGN INDEX #310.
 2. CONCRETE STRENGTH SHALL BE 3000 PSI MIN.
 3. SUBGRADE SHALL BE A MINIMUM 12" THICK AND COMPACTED TO 98% AASHTO T-180 MINIMUM LBR = 40

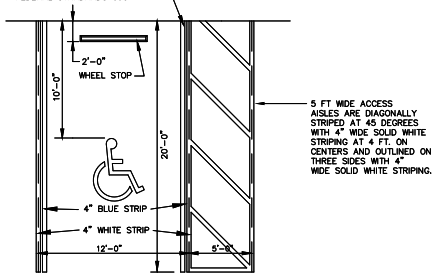
THICKENED EDGE SIDEWALK DETAIL
N.T.S.



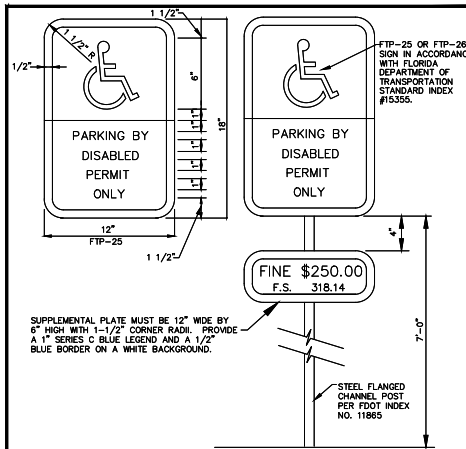
- NOTES:
1. ACCESSIBLE PARKING SPACES AND ACCESS AISLES SHALL BE LEVEL WITH SURFACE SLOPES NOT EXCEEDING 2.0% IN ALL DIRECTIONS.
 2. IF ACCESSIBLE AISLE CROSSES THE TOP OF THE HANDICAP SPACE, WHEEL STOP SHALL BE USED TO MAINTAIN MINIMUM 44 INCH CLEAR ACCESSIBLE ROUTE.
 3. IF WHEEL STOP IS USED, PARKING SHALL HAVE 18" CLEAR SPACE.
 4. ACCESSIBLE PARKING SIGN SHALL BE PLACED AS TO NOT ENCRUMB INTO THE ACCESSIBLE AISLE MINIMUM 44 INCH CLEAR ACCESSIBLE ROUTE.
 5. NUMBER OF ACCESSIBLE PARKING SPACES SHALL MEET REQUIREMENT OF THE LATEST ISSUE OF THE FLORIDA ACCESSIBILITY CODE FOR BUILDING CONSTRUCTION

USE OF PAVEMENT SYMBOL IN HANDICAPPED PARKING SPACES IS REQUIRED, WHEN USED THE SYMBOL SHALL BE 5 FT. HIGH AND WHITE IN COLOR. TO BE INSTALLED IN ACCORDANCE WITH FOOT STANDARD INDEX #17346

BLUE STRIP IS TO BE TINTED TO MATCH SHADE 15180 OF FEDERAL STANDARDS 595



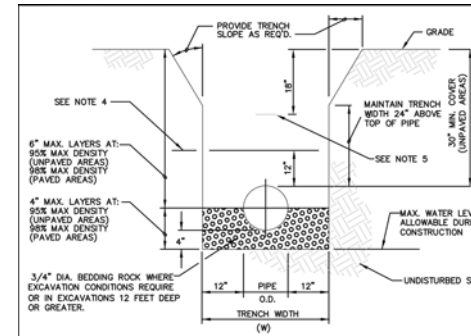
STANDARD CONSTRUCTION DETAIL
TYPICAL MARKINGS FOR HANDICAPPED PARKING
N.T.S.



SUPPLEMENTAL PLATE MUST BE 12" WIDE BY 6" HIGH WITH 1-1/2" CORNER RADIUS. PROVIDE A 1" SERIES C BLUE LEGEND AND A 1/2" BLUE BORDER ON A WHITE BACKGROUND.

- 1.) TOP PORTION OF SIGN TO HAVE A REFLECTIVE BLUE BACKGROUND WITH WHITE REFLECTIVE SYMBOL AND BORDER.
- 2.) BOTTOM PORTION SHALL HAVE A REFLECTIVE WHITE BACKGROUND WITH BLACK OPAQUE LEGEND AND BORDER.
- 3.) SIGN MAY BE FABRICATED ON ONE PANEL OR TWO.
- 4.) SIGNS ARE TO BE MOUNTED AT STANDARD HEIGHT. (7' FROM PAVEMENT TO BOTTOM OF SIGN)

STANDARD CONSTRUCTION DETAIL
HANDICAP PARKING SIGN DETAIL
N.T.S.



PIPE INSTALLATION DETAIL

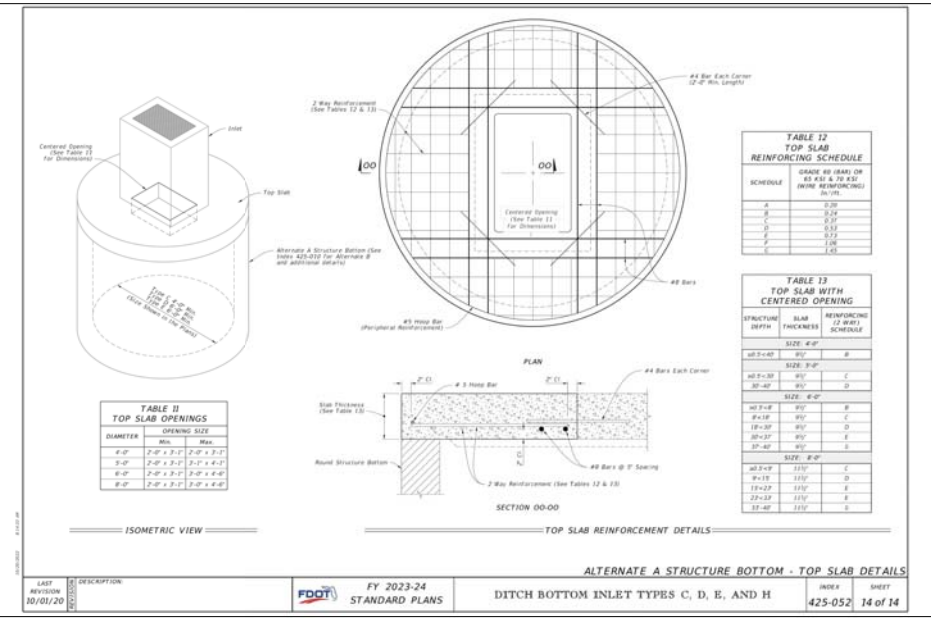
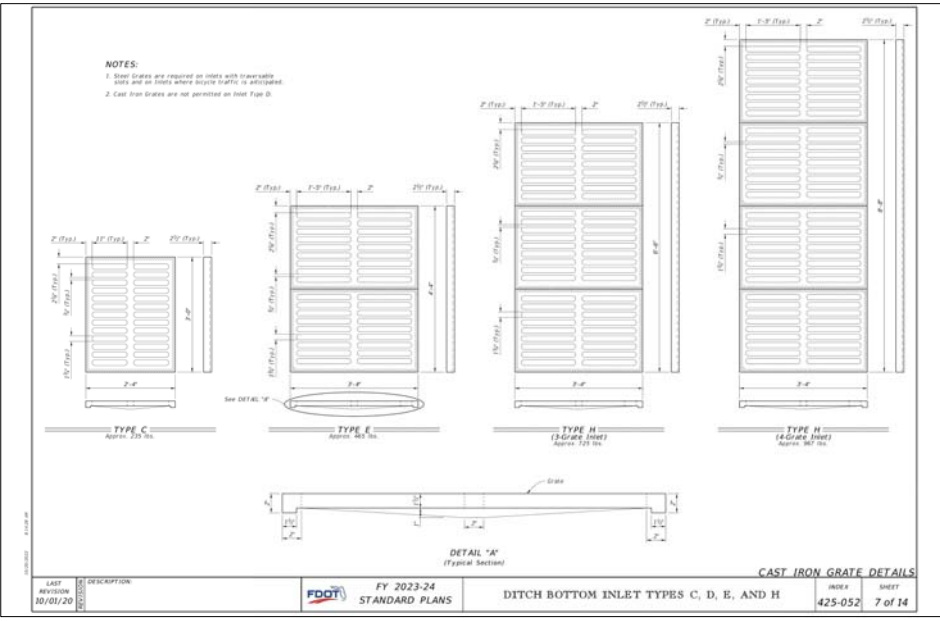
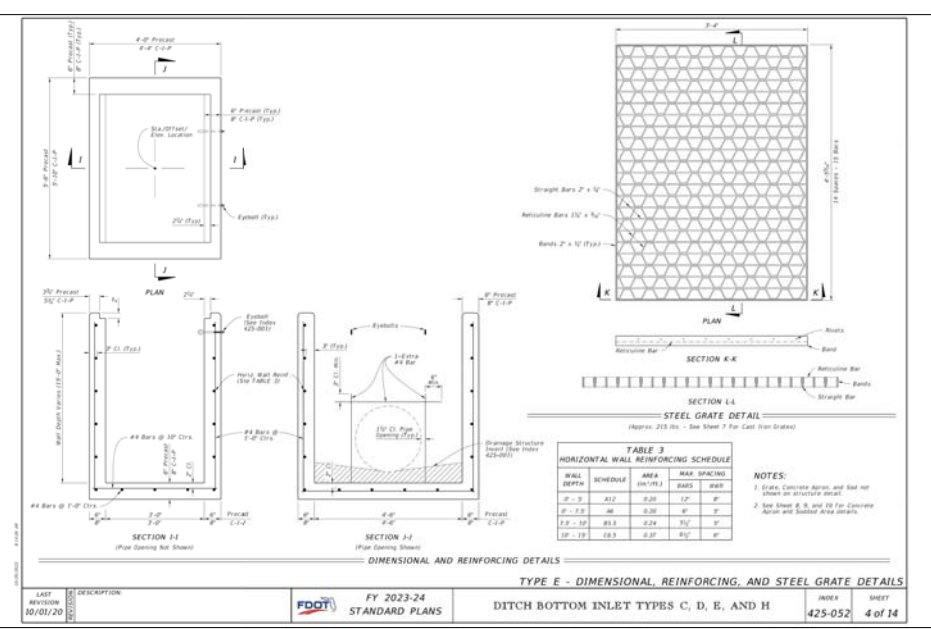
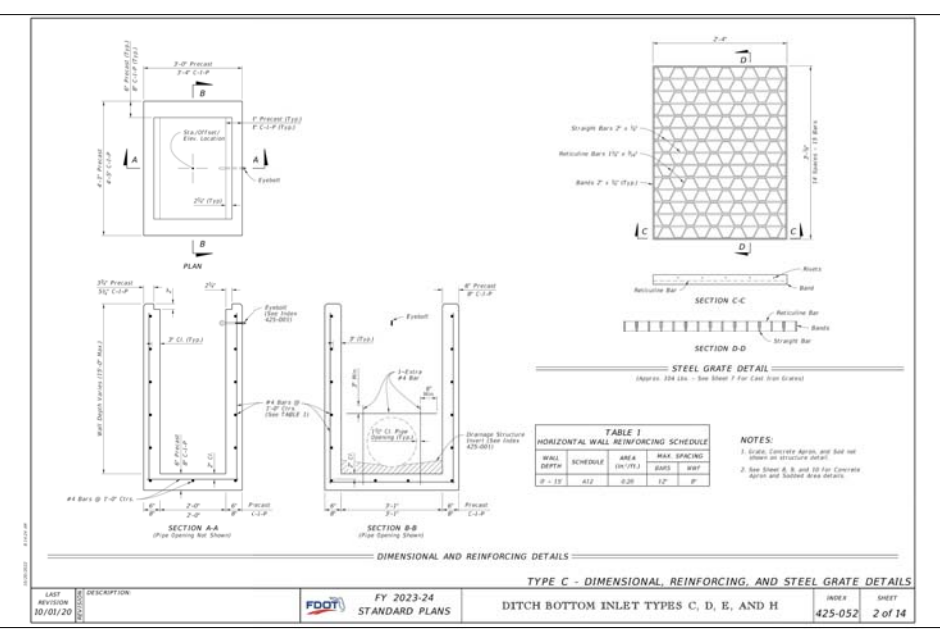
NOTES:

1. WHERE SOIL CONDITIONS CAN NOT BE MAINTAINED AS SHOWN ABOVE, PROVIDE APPROVED METHOD OF CONSTRUCTION.
2. SHEETING WILL BE REQUIRED AS DETERMINED IN THE FIELD.
3. COMPACTION PERCENTAGES SHOWN REFER TO A.A.S.H.T.O. T-180. PROVIDE COPIES OF CERTIFIED TEST REPORTS TO CITY INSPECTOR.
4. MECHANICAL COMPACTION NOT ALLOWED BELOW THIS LEVEL.
5. INSTALL METALLIC TAPE OVER FULL LENGTH OF PIPE.



NO.	DATE	REVISION	BY

DESIGNER	DATE	SCALE	AS NOTED
KAB	01/22/24		
DRAWN BY	PROJECT		
WRS	2322-1		



NO.	DATE	REVISION	BY

DESIGNER	FILE	DATE	SCALE
KAB	2322-1	01/22/24	AS NOTED

DRAWN BY	PROJECT	NO.	DATE
WRS	2322-1		

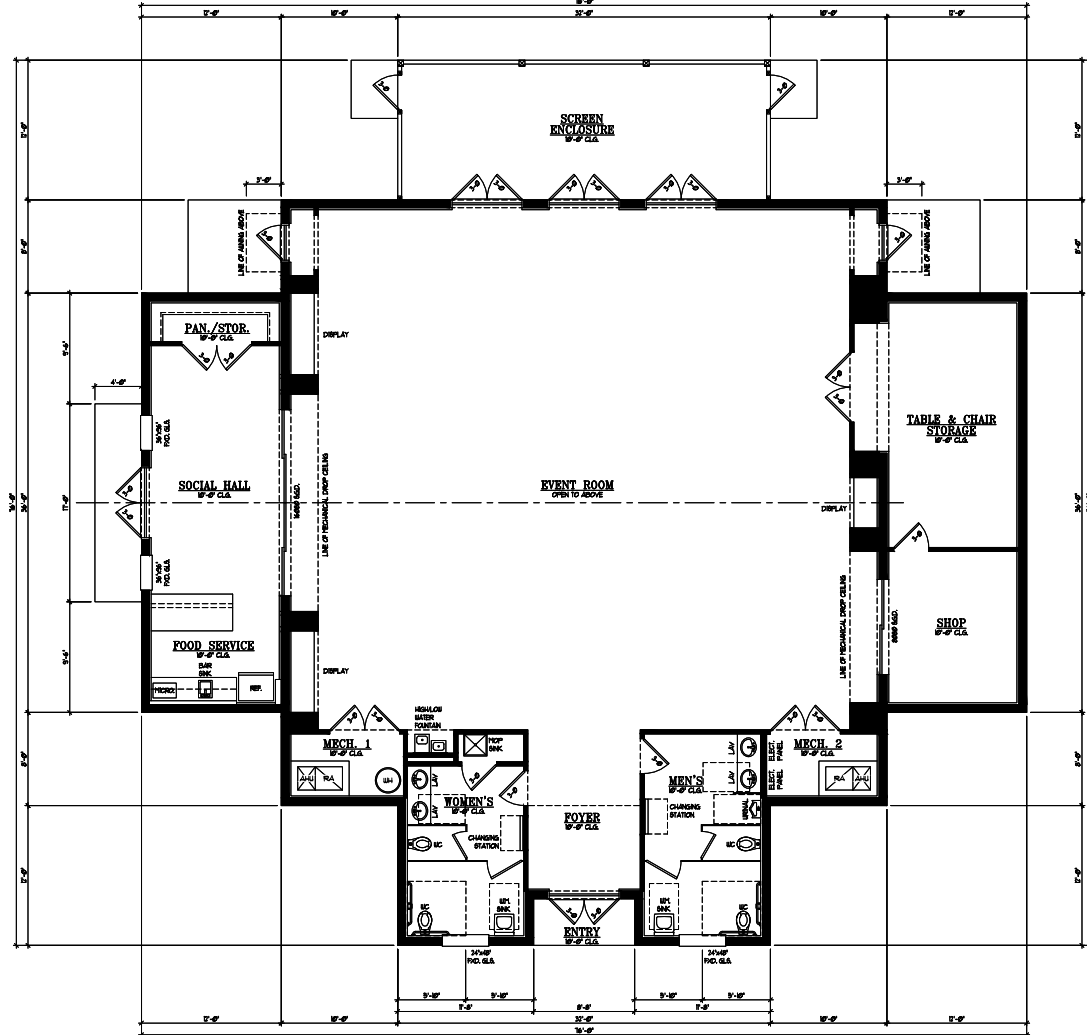
NO.	DATE	REVISION	BY

SQ.FT. CALC.'S

ENTRY	34 SQ. FT.
FOYER	140 SQ. FT.
EVENT ROOM	2,314 SQ. FT.
R.R. & MECH. ROOMS	540 SQ. FT.
SHOP & TABLE STORAGE	432 SQ. FT.
SOCIAL HALL & FOOD SER.	432 SQ. FT.
SCREEN ROOM	384 SQ. FT.
TOTAL UTR.	4,336 SQ. FT.

EXTERIOR WALL FIN. HEIGHTS	
	W/OF BRK. CNU WALL
	W/OF BRK. CNU WALL
	NON-LOAD BRK. FT. WALLS

NOTES:
ALL DOORS INTERIOR AND EXTERIOR TO BE 8'-0" HT.
UNLESS OTHERWISE NOTED



FLOOR PLAN
SCALE: 3/8" = 1'-0"

ARCHITECTS



1443 N. RONALD REAGAN BLVD.
LINDWOOD, FL 32750
PH: 407.774.6078
FAX: 407.774.6078
www.abdesigngroup.com
AA # 000355

DATE	DESCRIPTION

SAINT JOSEPH
CARMELITE
MONASTERY
SOCIAL HALL

SUBDIV. & LOT:

MODEL:
SOCIAL HALL

PROJECT#: 10001.600

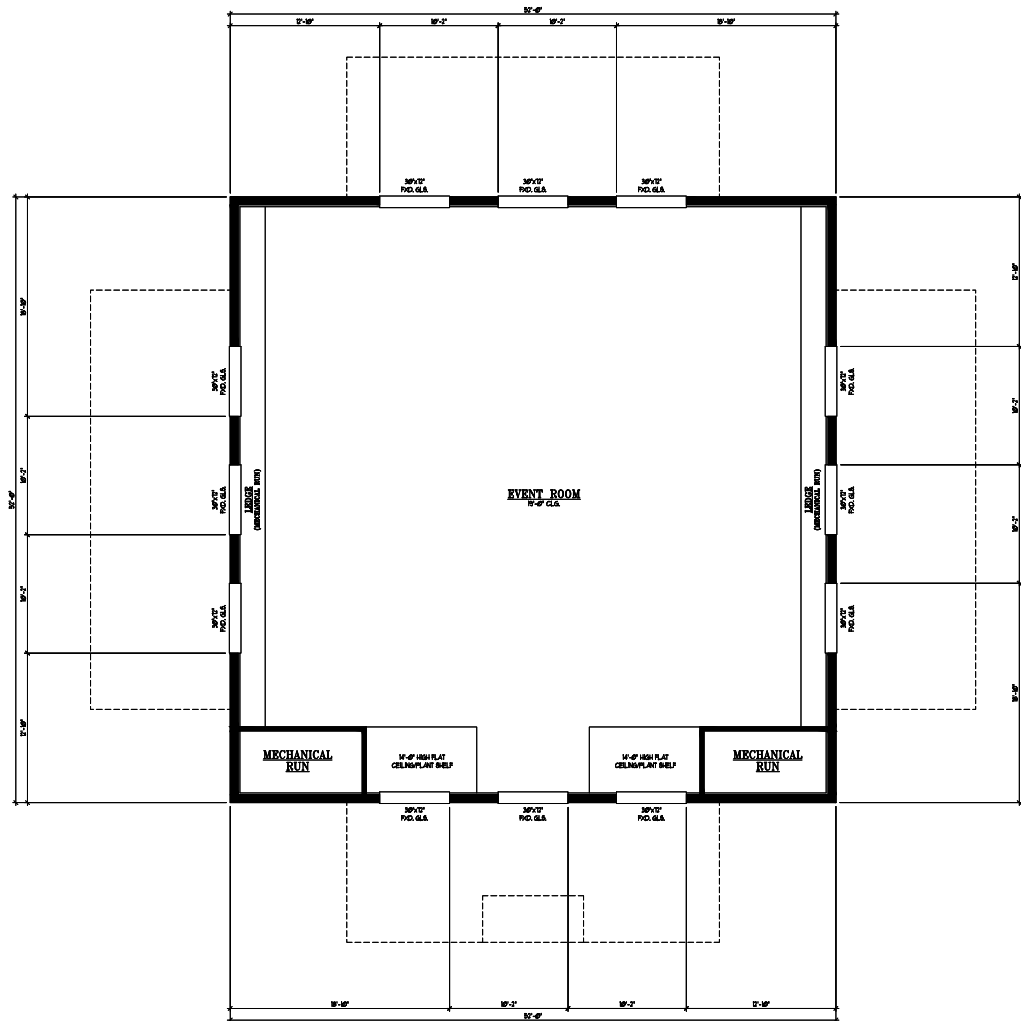
PAGE:

140 EXP. C

ARCHITECT:
STATE OF FLORIDA

JAMES CANTWELL
AR NO 2076

DATE: 01/04/24
SCALE: 1/4" = 1'-0"
SHEET



UPPER WALL PLAN
SCALE: 3/16" = 1'-0"

ARCHITECTS
AB
 Design Group LLC.
 1441 N. RONALD REAGAN BLVD.
 LONGWOOD, FL 32750
 PH: 407-744-6078
 FAX: 407-744-6078
 www.abdesigngroup.com
 AA # 000355

DATE	DESCRIPTION
1	
2	
3	
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SAINT JOSEPH
 CARMELITE
 MONASTERY
 SOCIAL HALL

SUBDIV. & LOT:
 MODEL:
SOCIAL HALL
 PROJECT#: 10001.600
 PAGE:
 140 EXP. C

ARCHITECT:
 STATE OF FLORIDA
 JAMES CANTWELL
 AR NO 2076

DATE: 01/04/24
 SCALE: 1/4" = 1'-0"
 SHEET



DESCRIPTION

SAINT JOSEPH
CARMELITE
MONASTERY
SOCIAL HALL

SUBDIV. & LOT:

MODEL:
SOCIAL HALL

PROJECT#: 10001.600

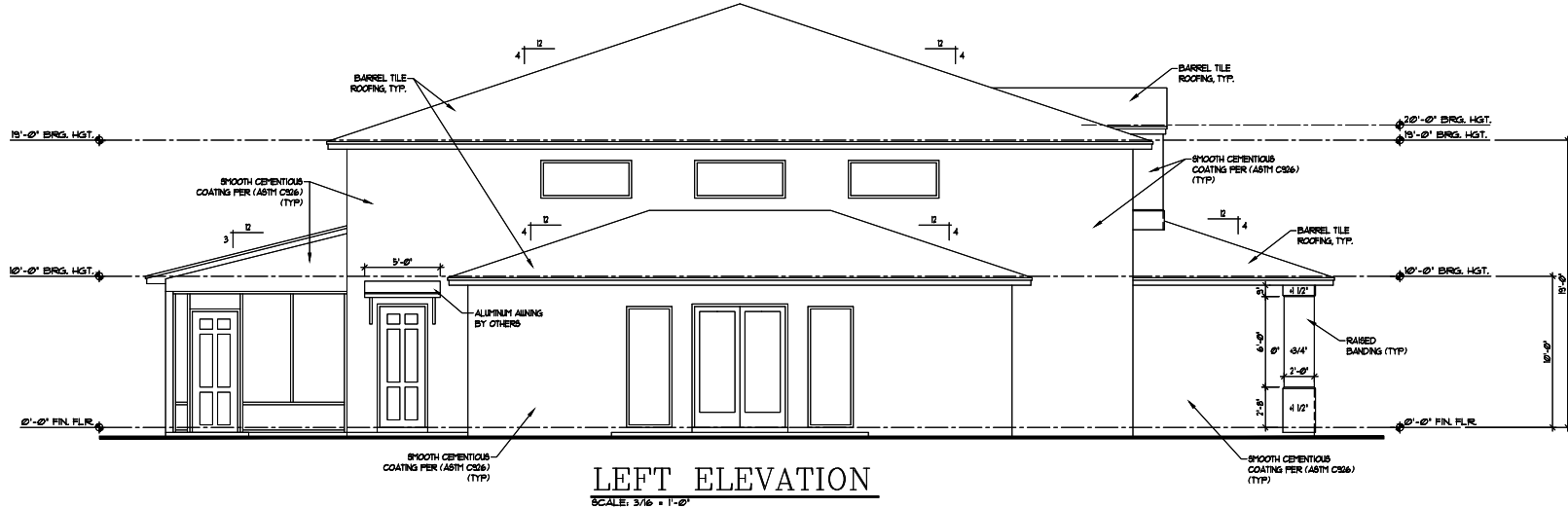
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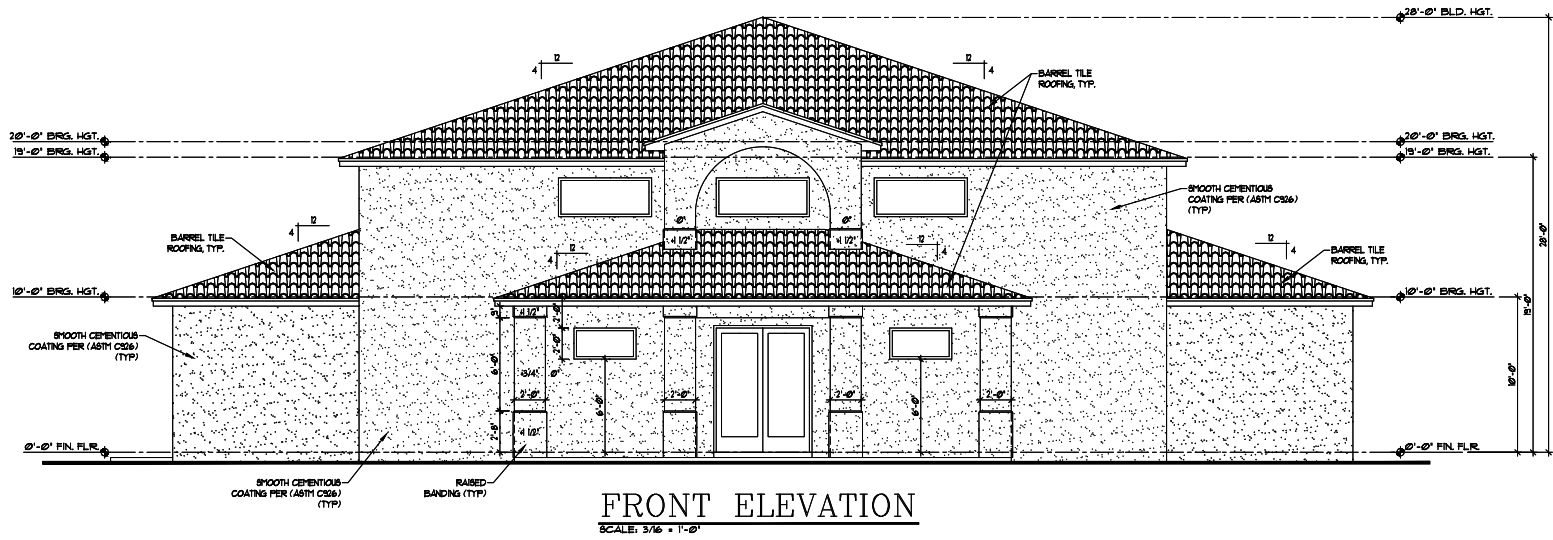
ARCHITECT:
STATE OF FLORIDA

JAMES CANTWELL
ARCH. NO. 2076

DATE: 01/04/24
SCALE: 1/4"=1'-0"
SHEET



LEFT ELEVATION
SCALE: 3/16" = 1'-0"



FRONT ELEVATION
SCALE: 3/16" = 1'-0"

NO.	DESCRIPTION
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SAINT JOSEPH
 CARMELITE
 MONASTERY
 SOCIAL HALL

SUBDIV. & LOT:

MODEL:
 SOCIAL HALL

PROJECT#:
 10001.600

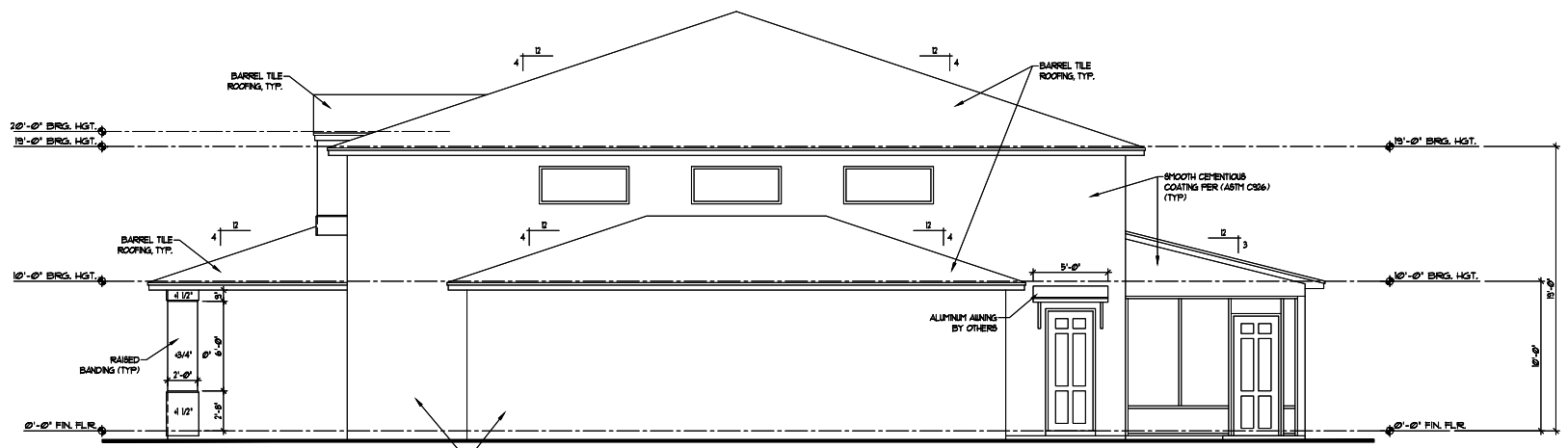
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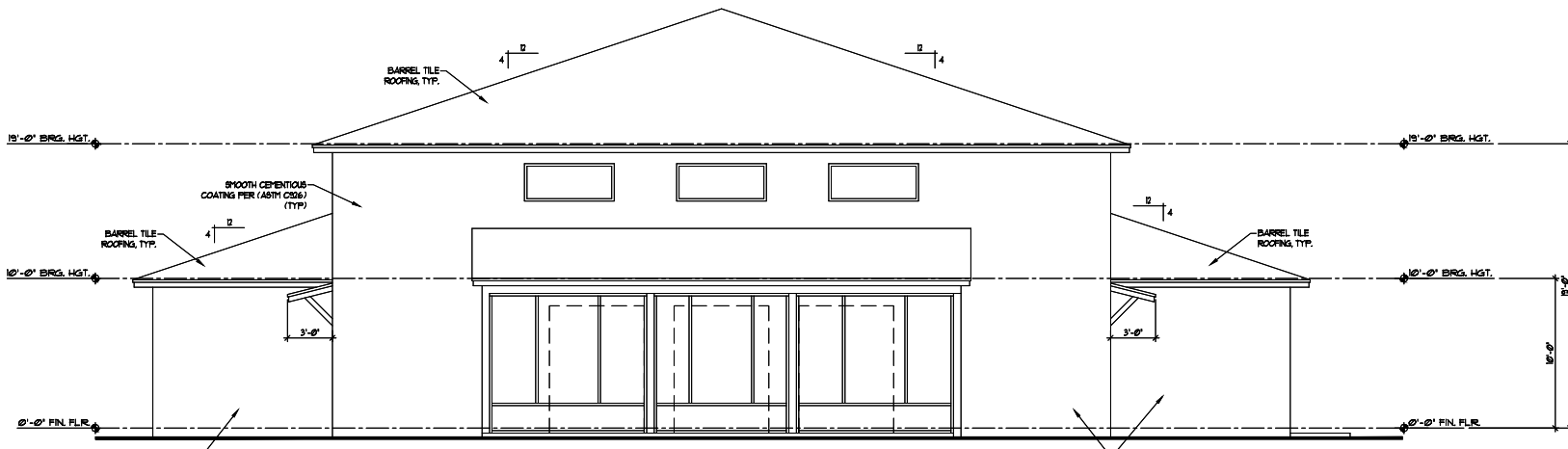
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 STATE OF FLORIDA

JAMES CANTWELL
 ARCH. NO. 2075

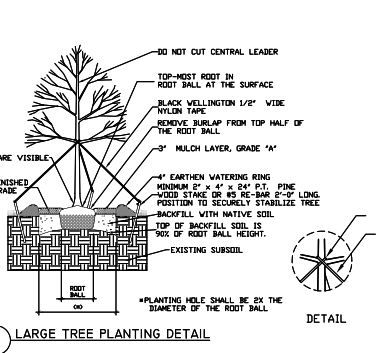
DATE: 01/04/24
 SCALE: 1/4"=1'-0"
 SHEET



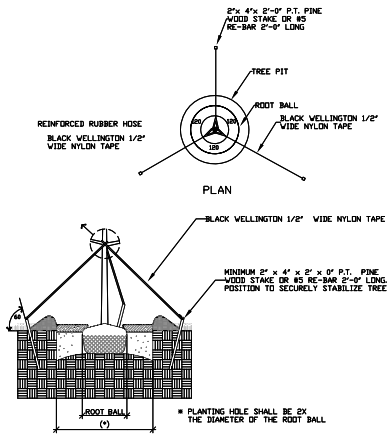
RIGHT ELEVATION
 SCALE: 3/16" = 1'-0"



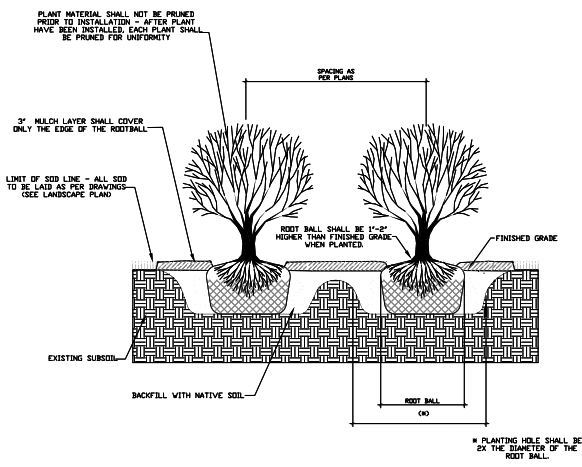
REAR ELEVATION
 SCALE: 3/16" = 1'-0"



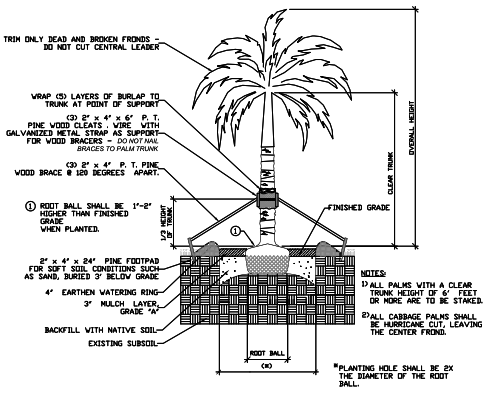
1 LARGE TREE PLANTING DETAIL



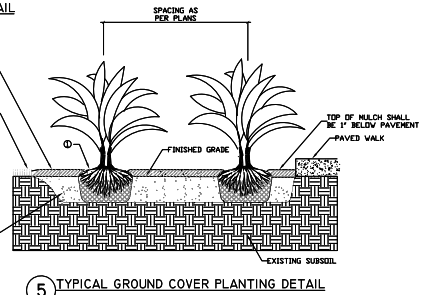
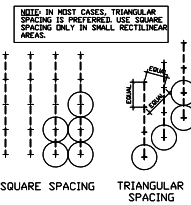
2 TYPICAL TREE GUYING DETAIL



3 TYPICAL SHRUB PLANTING DETAIL



4 STRAIGHT TRUNK PALM DETAIL



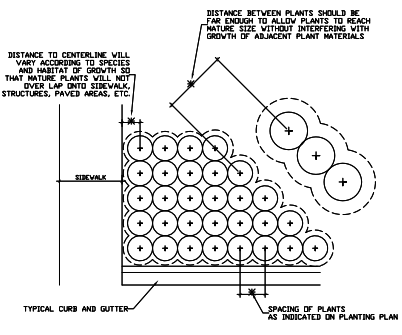
5 TYPICAL GROUND COVER PLANTING DETAIL

GENERAL NOTES:

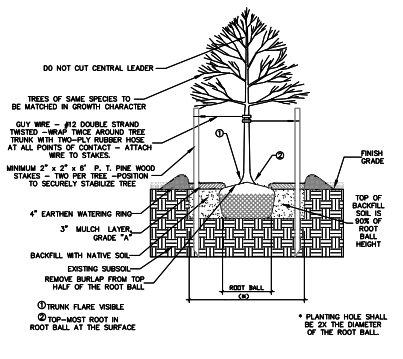
- The Landscape Contractor is to locate and verify all underground and overhead utilities prior to beginning work. Contact proper utility companies and / or General Contractor prior to digging for field verification. The City shall not be responsible for any damages to utility or irrigation lines.
- Landscape Contractor is to verify all current drawings and check for discrepancies and bring to the attention of the Landscape Architect prior to commencing with the work.
- All unattended and unplanted tree pits are to be properly barricaded and flagged during installation.
- All planting plans are issued as directives for site layout. Any deviations and site changes are to be brought to the attention of the Landscape Architect for clarification prior to installation.
- In the event mechanical equipment is installed on the site in a different area than shown on the plans or if mechanical equipment is added that is not shown on the plans it shall be fully screened by either fencing or vegetation or a combination of both.

PLANTING NOTES:
(See plant specification and details for additional standards)

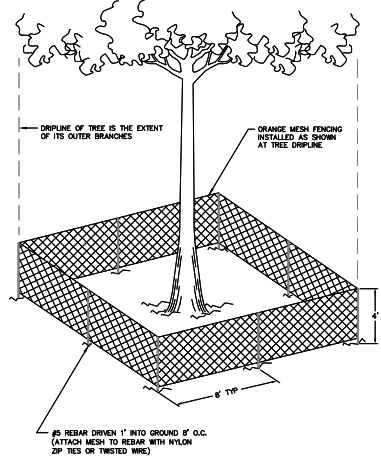
- All plant material is to be Florida Number 1 or better pursuant to the Florida Department of Agriculture's Grades and Standards for Nursery Plants.
- All trees within lawn areas shall have a 48" diameter mulch ring.
- Sod is to be grade "A" weed free.
- All areas marked "LAWN" shall be sodded with St. Augustine "Floratan" solid sod. See limit on plan.
- All areas marked "Bahia Grass" shall be solid sodded with Paspalum notatum. All sod is to be laid level, tight, and cut even along planting beds.
- All plants are to be top dressed with a minimum of 3"-inch layer of pine bark mulch, Grade A or equal.
- Planting plans shall take precedence over plant list in case of discrepancies.
- No changes are to be made without the prior consent of the Landscape Architect and Owner. Additions and / or deletions to the plant material must be approved by the project manager.
- Landscape Contractor is responsible for providing their own square footage takeoffs and field verifications for 100% sod coverage for all areas specified.
- All landscape areas are to be provided with automatic sprinkler system which will provide 100% coverage, and 50% overlap.
- All lawn located in parking islands is to be set flush with top of curb. Provide adequate soil to within 3" of top of curb.
- Trees are to be planted within parking islands after soil is brought up to grade. Deeply set root balls are not acceptable. (REFER TO PLANTING DETAILS)
- A clear zone free of obstruction must be maintained around all fire hydrants. The clear zone must be 7'-6" in front of and to the sides of fire hydrants, with a 4' clear zone to the rear. Fire Department connections shall have a clear zone of 7'-6" in front & to the sides.



6 TYPICAL CONTAINER SPACING



7 SMALL TREE PLANTING DETAIL



1/2\"/>



APPLICATION FOR SITE DEVELOPMENT PLAN LESS THAN 5 ACRES

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

2024010050

Application/Project #: _____

PROPERTY OWNER(S)	Name(s): Patrick Gemmato, Discalced Carmelite Fathers of Florida, Inc.		
	Mailing Address: 141 Carmelite Drive		
	City: Bunnell	State: Florida	Zip: 32110
	Telephone Number (386) 437-2910	Fax Number N/A	

APPLICANT - AGENT	Name(s): Patrick Gemmato, Discalced Carmelite Fathers of Florida, Inc.		
	Mailing Address: 141 Carmelite Drive		
	City: Bunnell	State: Florida	Zip: 32110
	Telephone Number (386) 437-2910	Fax Number N/A	
	Email Address bunnellcarmelites@gmail.com		

SUBJECT PROPERTY	SITE LOCATION (<i>street address</i>):		141 Carmelite Drive, Bunnell, FL 32110
	LEGAL DESCRIPTION: <i>(briefly describe, do not use "see attached")</i>		A portion of a parcel of land located in tracts 7 and 8 of Block B of Section 4, T 13 S, R 31 E, within Flagler County, Florida.
	Parcel # (<i>tax ID #</i>):		04-13-31-0650-000B0-0050
	Parcel Size:		34.935 total acres (1.54 acres proposed for site plan)
	Current Zoning Classification:		Agricultural and Rural Residential
	Current Future Land Use Designation		Commercial Use
	Subject to A1A Scenic Corridor IDO?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

PROJECT DATA: Site plan request for St. Joseph's Carmelite Monastery located on the corner of County Rd. 335 and S. Old Dixie Hwy. to allow for the construction of a commercial building and associated infrastructure for the purpose of a social hall.

Krzysztof Jank
Signature of Owners or Applicant/Agent
if Owner Authorization form attached

01-13-2024
Date

Note: The applicant or a representative, must be present at the Public Hearing since the Board at its discretion, may defer action, table, or take decisive action on any application. Rev. 05/08



APPLICATION FOR SITE DEVELOPMENT PLAN LESS THAN 5 ACRES

FLAGLER COUNTY, FLORIDA

1769 E. Moody Blvd, Suite 105

Bunnell, FL 32110

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

Required Attachments for Site Development Plan Application:

1. Copy of Owner(s) recorded Warranty Deed;
2. An application fee of \$2,225 plus \$25/acre or portion thereof will be charged for site plan reviews less than 5 acres. Payable to BOCC. \$100 application fee for any application subject to the A1A Scenic Corridor. Fee amount per Resolution 2008-31.
Fee is subject to cost of newspaper ad(s) and postage at prevailing rates, and \$50 for each notification of public hearings (posting of signs).
3. 10 sets of plans for the Technical Review Committee **due upon submittal of application.**

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

Site development plan requirements. A site development plan meeting the requirements of Appendix B is required. Lots or parcels less than five (5) acres require site plan review by the county technical review committee. Lots or parcels of five (5) acres or more require site plan approval by the planning board.

Site development plan requirements in the A1A Scenic Corridor. A site development plan as per the requirements of Appendix B (Site Development Plan Review) of the Flagler County Land Development Code, a sign plan, and landscaping plan in conformance with the regulations of the A1A Scenic Corridor shall be required for simultaneous review. The site development plan, with all proposed improvements, shall illustrate a tree survey of all index trees on the site both to be removed or to remain.

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



APPLICATION FOR SITE DEVELOPMENT PLAN LESS THAN 5 ACRES

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

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

APPENDIX B

SITE DEVELOPMENT PLAN CHECKLIST

The site development plan review process provides the opportunity to ensure that the provisions of this Ordinance have been properly interpreted and applies as related to location of access points, design and location of parking areas, screening and landscaping, provision for drainage, and usable open space.

SITE DEVELOPMENT PLAN REVIEW PROCESS

When the district regulations require submittal of a site development plan and the total acreage of the lot or parcel is less than 5 acres, the materials listed below shall be submitted to the office of the Development Administrator and County Engineer. If the plan is determined to be in accordance with this Ordinance and the Flagler County Comprehensive Plan, it shall be approved. The applicant shall have the right to appeal the decision of the Planning Board, as per article 7.5.

When the district regulations require submittal of a site development plan and the total acreage of the lot or parcel is 5 acres or more, the materials listed below shall be submitted to the Planning Department office. The Planning Department and County Engineer shall review the site plan to determine compliance with county development ordinances and consistency with the Flagler County Comprehensive Plan. Within forty-five (45) days of submittal, the site plan shall be reviewed and approved, approved with conditions, or denied by the Planning Board. The applicant shall have the right to appeal the decision of the Planning Board to the County Commission.

Site Development Plan Submission

1. Application forms and fees;
2. Site plan containing the following data at an appropriate scale:
 - a. Lot area in acres or square feet;
 - b. If residential use, the total number and number of each type of dwelling units, plus:
 - (1) Gross density residential
 - (2) Percentage and square feet of building coverage
 - (3) Percentage and square feet of driveway and parking
 - (4) Percentage and square feet of public street and right-of-way
 - (5) Percentage and square feet of open space
 - c. Coastal construction setback line and mean high water line;
 - d. Existing tree groupings and their fate;
 - e. Location, floor area and maximum height of existing and proposed buildings;
 - f. Lot lines, easements, public right-of-ways;
 - g. Location of circulation system, including streets, pedestrian and bicycle paths, driveways, and location and number of all parking spaces, and whether public or private. Notes concerning signage and parking control should be included on site or landscape plan.
3. General landscape plan including existing and proposed vegetation; proposed treatment of perimeter of development;
4. Existing and proposed utility systems, their capacities and specifications, including storm drainage system.

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

Rev. 5/08

LETTER OF AUTHORIZATION

I/We, Krzysztof Wojciech Jank, Discalced Carmelite Fathers of Florida, Inc. as Applicant(s) of the property described as:

Saint Joseph Carmelite Monastery, 141 Carmelite Drive, Bunnell, FL 32110

Authorize Kimberly A. Buck (Name of agent) to act as my agent to transfer All Permits and Agreements associated with the above-referenced property.

Krzysztof Jank
APPLICANT'S SIGNATURE

STATE OF Florida
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 1/2/24 (Date) by Krzysztof Jank, (Name of person acknowledging) who is personally known to me or who has produced _____ (Type of ID) as identification and who did not take an oath.



Caroline Phillips
NOTARY PUBLIC, STATE OF Florida

Type or Print Name:
Caroline Phillips

Commission No.: _____

My Commission Expires: _____



January 26, 2024

Adam Mengel, Growth Management Director
Growth Management Department
Flagler County
1769 E. Moody Blvd., Building 2, Suite 105
Bunnell, FL 32110

RE: Carmelite Monastery
141 Carmelite Dr.
Bunnell, FL 32110

Dear Mr. Mengel:

We would like to submit a site plan application, under 5 acres, for the referenced project. Please note the church is mailing a check for the application fee, which will arrive under a separate cover. This check will come from St. Joseph's Carmelite Monastery. The following items have been uploaded to the City's website in support of this application:

1. Cover letter (this letter)
2. Application for site plan less than 5 acres
3. Letter of authorization
4. Topographic survey
5. Geotechnical report
6. Architectural plans
7. Landscape plans
8. Civil plans
9. Stormwater Report

Please do not hesitate to contact me should you have any questions or require additional information.

Sincerely,
The Alann Engineering Group, Inc.

Kimberly A. Buck, P.E.
President
cc: File

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

www.flaglercounty.org

Phone: (386)313-4009

Fax: (386)313-4109



TECHNICAL REVIEW COMMITTEE COMMENTS

DATE: February 09, 2024

Project #: 2024010050 / AR #4630

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

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

Attachment: Staff Comments

Reviewing Department Comments

ENGIN1 - DEVELOPMENT ENGINEERING (386-313-4082)

Comments:

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

1. Provide all uses in the Site Data table. Include the meeting facility as well as the parking.
2. Provide the relief of paved parking requirements in the Site Data Table.
3. Provide additional cross sections on the west property line to demonstrate that the site does not drain onto the adjacent properties. The cross sections shall include the horizontal controls (distances from the EOP to the property line and the fencing, etc.) as well as the vertical.
4. Provide stormwater calculations for review.
5. Provide min. 10 – 12 inches of cover over the driveway culverts.

Additional comments may be provided upon the submittal of additional information.

ZON - ZONING (386-313-4009)

Comments:

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

1. Please provide the distance between proposed parking and property to the west.
2. Please provide a landscape plan that meets buffer and parking landscaping requirements.

911 - E-911 STAFF

Comments:

Marked INFORMATION By: GINA LEMON - - glemon@flaglercounty.gov

No comments.

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

SUBJECT: QUASI-JUDICIAL – Project No. 2024020065 – Request for an Appeal of the Planning Director’s Decision Denying Zoning Approval related to Required Replacement Index Tree Planting for a New Single Family Dwelling at 6 Sanchez Avenue. Parcel No. 40-10-31-0010-00080-0140; 5,000+/- square feet. Owners: Felisberto “Phil” Portal and Galyna Zvarych, JTWROS/Applicant: Joe Portal d/b/a Sweetwater Custom Homes, Inc.

DATE OF MEETING: March 12, 2024

OVERVIEW/SUMMARY: This request is quasi-judicial in nature and requires disclosure of ex parte communication. The subject parcel lies on the West side of Sanchez Avenue, North of 20th Road, all between North Oceanshore Boulevard (a/k/a SR A1A) and the Intracoastal Waterway:



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

The applicant on behalf of the owner filed an Appeal of Director's Decision application and related documents with the County on February 8, 2024. This request seeks zoning approval – including a waiver of the post-development caliper inch replacement requirement – for issuance of a permanent Certificate of Occupancy for a new single-family dwelling on the subject parcel. The contractor, Joe Portal, doing business as Sweetwater Custom Homes, Inc., submitted a building permit application demonstrating that the County's minimum index tree protection and replacement requirements would be met for the single-family dwelling at 6 Sanchez Avenue.

Based on information submitted with the building permit application, there were 180 total caliper inches of index trees (all Oaks) on the 5,000 s.f. lot prior to the commencement construction. Based on the 180 inches, 72 inches (40%) were required to remain or be replaced on the lot post-development. According to the building permit application materials, two Oaks out of the original list of pre-development trees – totaling 40 caliper inches – were to be preserved, reducing the replanting requirement down to 32 inches. The contractor through the permit submittal stated that eight 4-inch caliper trees would be replanted to meet the minimum caliper inch requirement post-development. However, the two Oaks were removed, requiring that the full 72 inches of index trees be replanted on the lot.

As the project neared completion, the contractor approached the County after he determined that the replanting requirement could not be met on the subject parcel, requesting a waiver/variance as a hardship exemption; however, the Land Development Code does not provide for a variance for replacement index trees. In addition, the County has not established a mitigation bank that would allow a fee – based on number of required caliper inches or the number of required trees – to be paid into a fund that would be used to provide trees elsewhere within the County.

Since the replacement index tree requirement could not be met, zoning approval for the building permit was withheld. A Temporary Certificate of Occupancy (T.C.O.) was issued, allowing the contractor's brother Phil Portal (and the parcel owner) to move into the now-completed home. The issuance of the Temporary Certificate of Occupancy coincided with the submittal of a \$2,000 cash bond and the submittal of this Appeal of the Director's Decision request, with the \$2,000 bond to be held until the outcome of the Appeal is determined. The \$2,000 bond amount could be used by the County in the event that the contractor fails to satisfy any conditions required by the Planning and Development Board, noting that the Land Development Code (LDC) provides for a \$500 per tree penalty for any index tree removed without authorization (see LDC Sec. 6.01.08(1)). The Temporary Certificate of Occupancy can only be converted to a permanent Certificate of

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

Occupancy (C.O.) when the requirements set by the Board – or the original minimum replanting caliper inch requirement – are satisfied on the subject parcel.

The entirety of LDC Section 6.01.00, Index Tree Removal and Protection, is attached.

This agenda item is:

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

OPTIONS FOR THE BOARD: The Planning and Development Board may:

APPROVE the appeal request, overturning the Director’s decision denying zoning approval for issuance of the permanent Certificate of Occupancy (C.O.) closing out the building permit for the single-family dwelling at 6 Sanchez Avenue. This would allow the permanent Certificate of Occupancy to be issued without requiring that the 72 caliper inches of replacement trees are planted on the subject parcel.

DENY the appeal request, upholding the Director’s decision denying zoning approval for issuance of the permanent Certificate of Occupancy (C.O.) closing out the building permit for the single-family dwelling at 6 Sanchez Avenue. This would require the planting of 72 caliper inches of replacement trees on the subject parcel.

CONTINUE the appeal request to a time and date certain.

Alternatively, the Board may opt to require some amount of replacement caliper inches to be planted on the subject parcel, along with requiring planting of the remaining caliper inches on a publicly-owned parcel or payment (to be placed within a dedicated fund) in lieu of planting.

As part of its action, the Board may direct staff to retain part or all of the \$2,000 cash bond amount filed with the County as a condition of issuance of the permanent Certificate of Occupancy.

ATTACHMENTS:

1. Technical Staff Report (TSR)
2. Application for Appeal of Planning Director’s Decision (with Attachments)
3. Land Development Code Section 6.01.00, Index Tree Removal and Protection

PROJECT NO. 2024020065
APPEAL OF PLANNING DIRECTOR'S DECISION FOR
ZONING DENIAL RELATED TO REPLACEMENT INDEX TREE INCHES
FOR A NEW SINGLE-FAMILY DWELLING
TECHNICAL STAFF REPORT

Land Development Code Section 6.01.00. includes the regulations related to index tree removal and protection. These regulations, among other things, are intended to preserve existing, thriving index trees by requiring that owners/contractors submit a tree survey with any building permit depicting the location, number, type, and diameter (DBH) of index trees on a parcel in its pre-development condition. The Land Development Code (LDC) defines an index tree as:

“Index tree: An index tree is free of significant defects in structure or decay of a species listed in section 6.01.04 Index Tree List, and having a minimum caliper of six (6) inches DBH.”

The listing of index trees at LDC Section 6.01.04. is a list of native hardwood trees. This list is distinguished from the shade tree list at LDC Section 5.01.09., and while the two lists are similar, the intent between the two lists are different: the minimum caliper inches of index trees take into account the pre-development existence of index trees, while the shade tree requirement establishes a post-development minimum number of trees based on a parcel's size. A parcel that is devoid of any trees would not need to meet a post-development index tree caliper inch requirement, but would be required to meet a post-development minimum shade tree planting requirement. A heavily-treed parcel will likely meet both the index tree preservation caliper inch requirement and the minimum number of shade tree requirements in its post-development condition; however, the retention of trees is dependent upon multiple factors, including the size of the proposed single-family dwelling (or at least its footprint), the amount (and extent) of parcel grading that is required, and the utilization of a septic tank and drainfield. The intent of both the index and shade tree requirements is to affect building planning so as to preserve the greatest number of existing healthy trees (and preserve existing tree canopy) as opposed to creating the “moonscape” devoid of its pre-development tree canopy and requiring replanting of smaller nursery-grade tree stock to satisfy the LDC's minimum requirements. Much of this is dependent on the natural characteristics of the subject parcel. Routinely, these parcels vary in the real world, and create a de facto regulatory environment of winners versus losers where one parcel may have limited or sparse tree canopy while its adjacent parcel may be dense with trees. The ideal situation would have preserved trees along a parcel's perimeter; the opposing “worst-case” scenario would have the bulk of large trees in the center of the parcel, rendering the parcel unusable without removal of most (if not all) of the existing tree canopy. As is the case with much of the infill development that the County sees now, the parcels that are now developing are

challenging, whether because of the extent of healthy index trees, or the presence of wetlands, easements, or other factors that have delayed development until now.

The building permit application for the construction of a new single-family dwelling at 6 Sanchez Avenue was received on June 24, 2022. On August 5, 2022, a revised site plan and *Flagler County Residential Tree Protection and Landscape Compliance (For a New Residential Structure)* form (“Tree Protection Form”) were submitted in response to staff comments. This site plan showed the presence of eight Oak trees on the parcel prior to commencement of development, totaling 180 caliper inches of index trees, or what the Tree Protection Form refers to as “Predevelopment Tree Caliper Inches (TCI)” (the table of the index trees provided below as copied from the revised site plan, which is attached in its entirety):

TREE LEGEND:

- | | | |
|------------|------------|------------|
| A. 16” OAK | D. 32” OAK | G. 20” OAK |
| B. 24” OAK | E. 24” OAK | H. 26” OAK |
| C. 8” OAK | F. 30” OAK | |

Of these, only trees A and B – totaling 40 inches – were depicted as remaining following the completion of construction. Based on a total of 180 pre-development tree caliper inches, 72 inches (40% of 180) would need to be either preserved or replanted in the post-construction condition of the parcel. The revised Tree Protection Form showed the intent of the contractor to meet the replacement caliper inch of index tree requirement, proposing to plant four 4-inch caliper-measure Southern Magnolias and four 4-inch Red Maples, for a total of 32 caliper inches. Adding these replacement 32 inches to the retained 40 inches in Oaks A and B intended to satisfy the 72 caliper inch requirement needed post-development.

The building permit (Permit No. 202200423) was issued on October 17, 2022. However, as part of the development process, the two Oaks A and B were removed. The contractor did not amend the Tree Protection Form, and work continued under the issued building permit. As the timing for final inspections neared, the contractor approached the County seeking relief from the replanting requirement. The rationale given was that the relief was needed because of the 5,000 square foot parcel size: the limited lot area, along with the required minimum setbacks, had already required the owner and contractor to change their plans to reduce the dwelling’s footprint while also building up with a second floor.

The R-1 (Rural Residential) zoning district (LDC Section 3.03.04.D.) sets the minimum dimensional requirements as:

“D. Dimensional requirements.

1. Minimum lot size:
Area—One (1) acre. Width—One hundred (100) feet.
2. Minimum Setback Requirements for Structures:
Front yard—Twenty-five (25) feet.
Rear yard—Twenty (20) feet.
Side yard interior lot—Ten (10) feet.
Abutting any street—Twenty-five (25) feet.
3. Maximum building height—Thirty-five (35) feet.
4. Maximum lot coverage: The total lot area covered with principal and accessory buildings shall not exceed thirty (30) percent.
5. Minimum pervious area: Fifty (50) percent.
6. Minimum living area: Seven hundred fifty (750) square feet.”

As a nonconforming lot of record (not meeting the minimum one acre requirement in the R-1 zoning district)(LDC Section 3.02.04.G.), the side setback is reduced to 7.5 feet if necessary (emphasis added):

- “G. Lots of record. Where a lot of record established prior to this article does not conform to the dimensional requirements contained herein, the lot may be used for a single-family dwelling if the district permits such use. If the lot is substandard in size and the single-family dwelling is *unable to reasonably meet the setback requirements of the district* the following minimum setback requirements shall apply:

Front Yard—25 feet

Rear Yard—20 feet

Side Yard—7.5 feet

Street Side Yard—20 feet

For the use of a nonconforming lot for other than single-family purposes, the owner must apply for a variance from the planning board.”

The rationale is that the reduced side yard setback is available – but is not automatic – should the owner or contractor require the reduction in order to site the dwelling on the nonconforming parcel, with special consideration given to the justification for the siting of the home based on site characteristics, including the location of pre-development index trees. This is necessary to mention because the dwelling was approved with a right (North) side setback of 8.00 feet (instead of the minimum 10 feet in the R-1 district), and a left (South) side setback of 10.34 feet. This should not have been allowed since the precondition of index tree protection was not met, but the reduction in the side setback to the lot of record minimum was nonetheless approved as part of the building permit review.

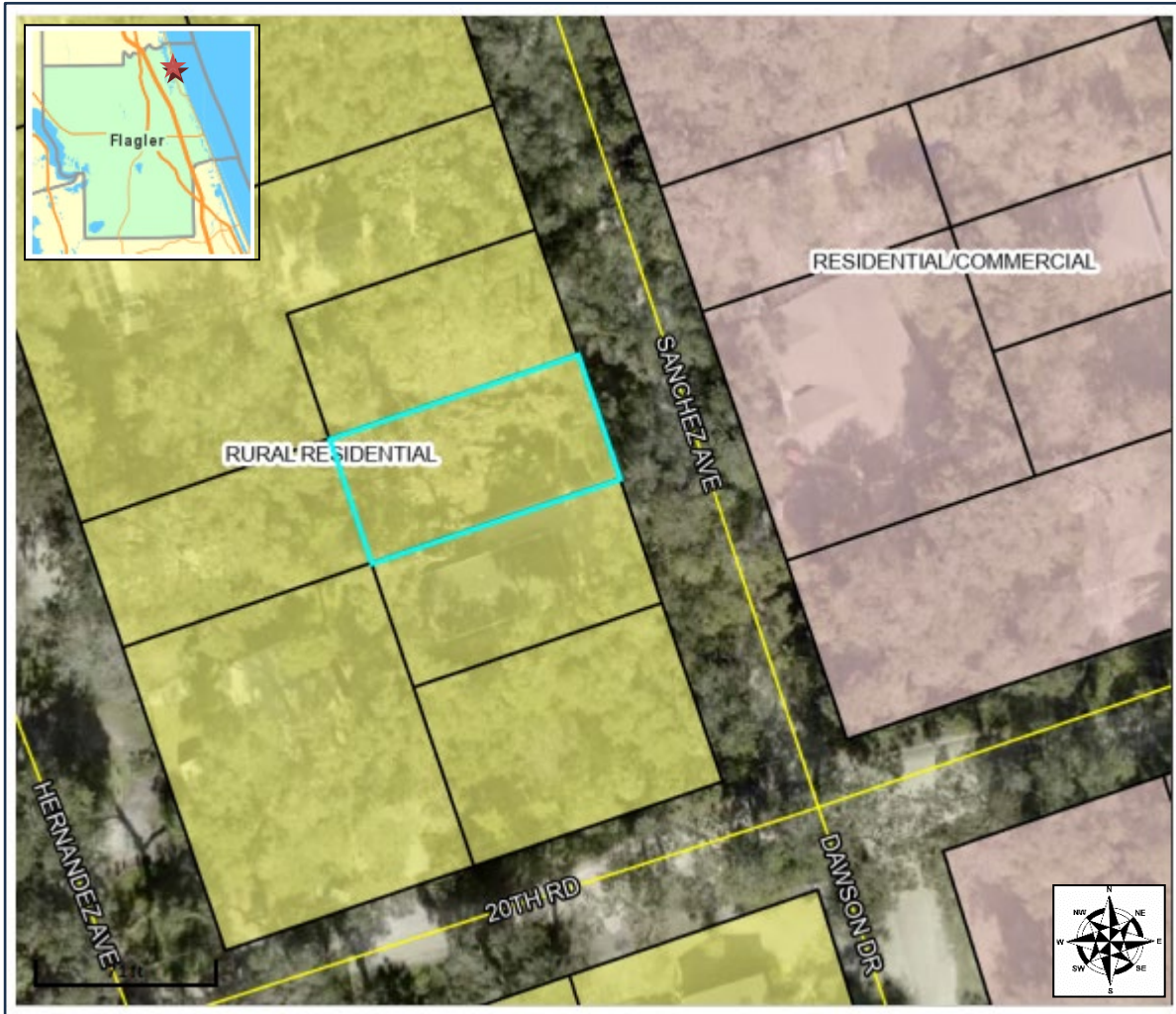
Other considerations mentioned by the contractor that limit the replacement trees being placed on the parcel include the split drainfield, with part in the rear (West) yard (and measuring ten feet by 19 feet) and the other part in the front (East) yard, South of the driveway (and also measuring ten feet by 19 feet). This was also mentioned as the reason why Oak A was removed, because of its proximity to the toe of the drainfield and its presence beneath the overhead FPL electrical line. North of the driveway, both the electrical and the water service connections are made to the dwelling. The dwelling is guttered, with the stormwater directed to the front property line (and the Sanchez Avenue right-of-way) through the gutter system and a shallow swale along the rear (West), right (North), and left (South) sides of the dwelling. The contractor has placed gravel across the entirety of the lot.

Likely planting beds for replacement index trees are in the subject parcel's corners, but these too are limited in area based on the extent of development of the subject parcel. Further limiting any planting effort is the installation of a six foot high vinyl privacy fence (through Permit No. 2024010274) along the side and rear lot lines, that will limit not only equipment access for tree planting, but will also limit the planting locations themselves.

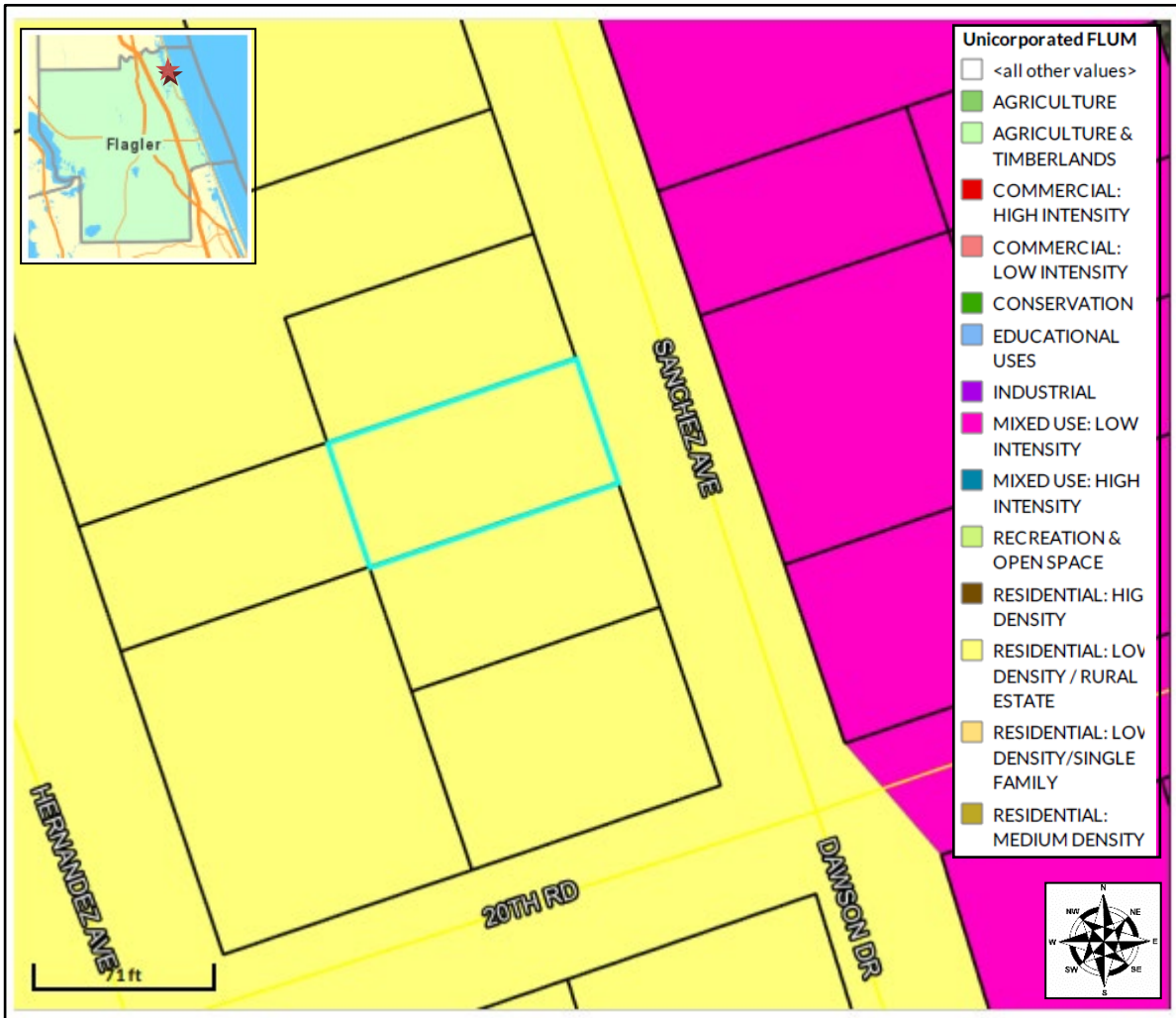
Finally, it should be noted that the lot to the North (Lot 13, addressed as 8 Sanchez Avenue) includes a 30 foot wide FDOT drainage easement along the portion of the lot adjoining the subject parcel. The drainage easement makes the development of Lot 13 challenging, but would have also assured – had the left (North) side setback not been reduced, and had the six foot high vinyl fence not already have been installed – that replacement tree plantings could have occurred without much of an impact along the left (North) side lot line.

Aside from planting the full 72 caliper inches on the subject parcel, the LDC at the present time provides no other options for an owner or contractor. The Board of County Commissioners has requested a revision of the County's index tree requirements, and this work is underway now, inclusive of the establishment of a mitigation bank.

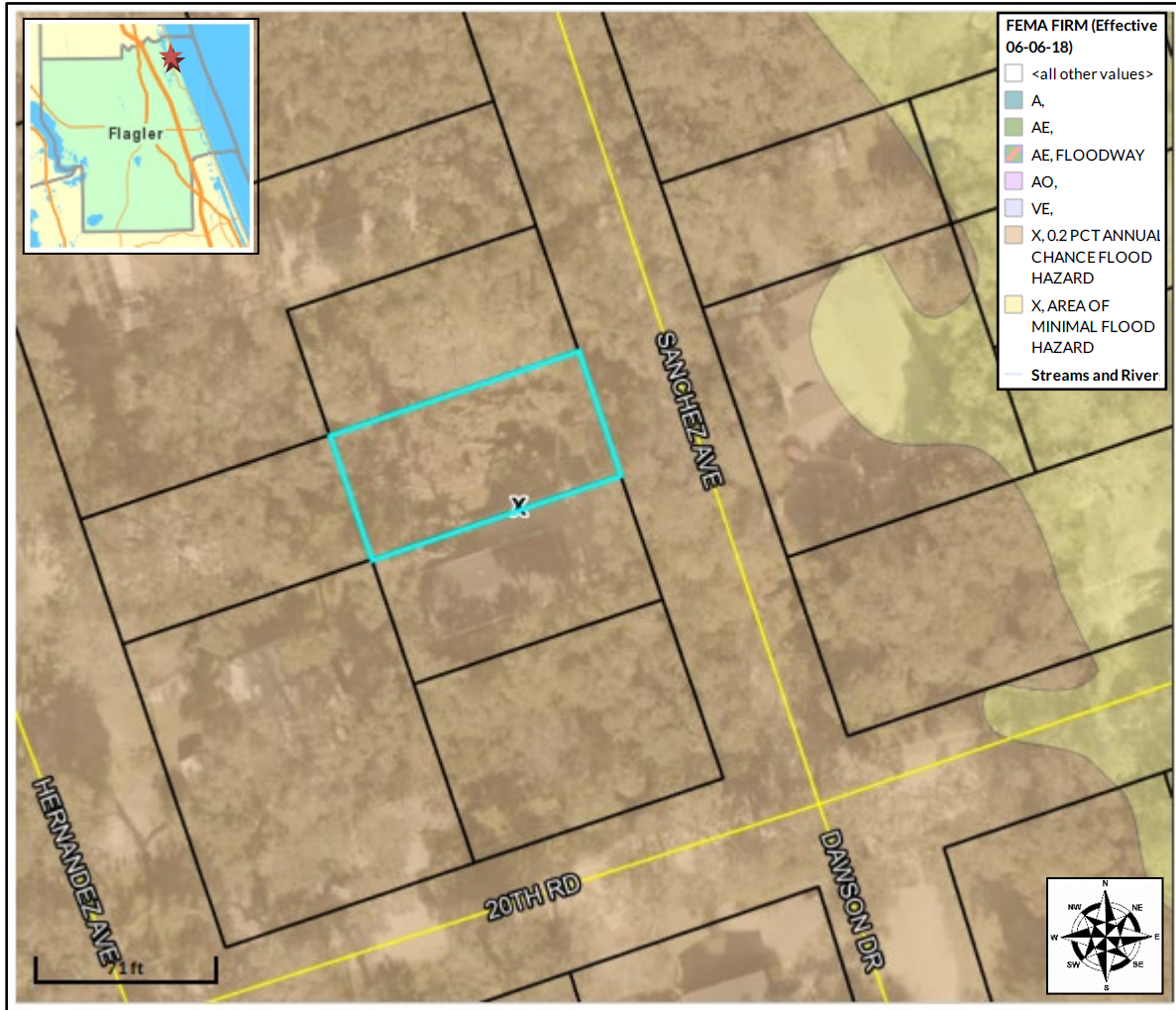
Zoning



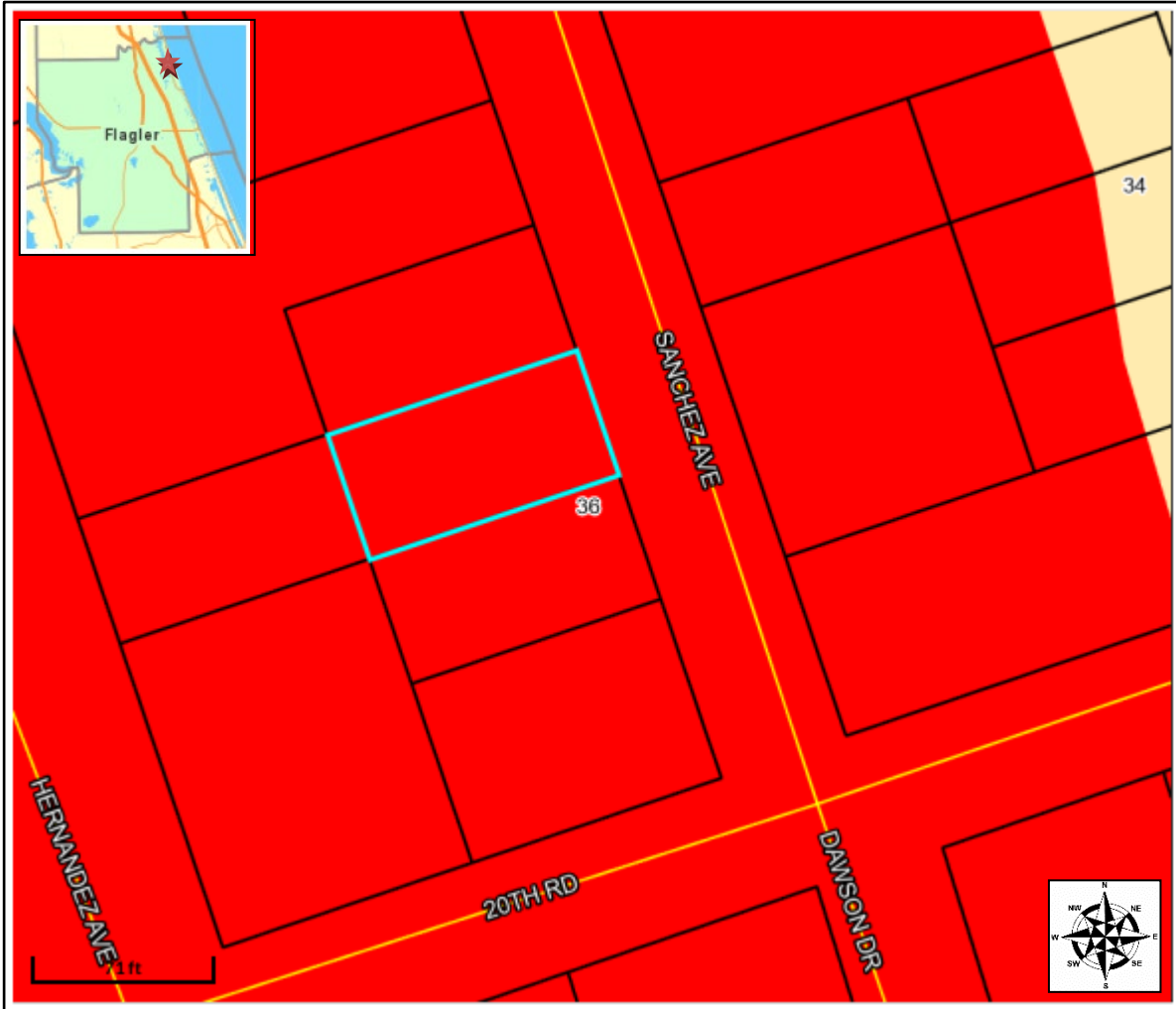
Future Land Use



Flood Zone



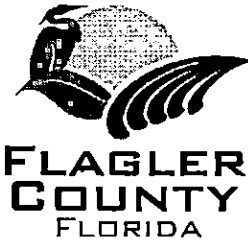
Soils



Soil Types
34 Cocoa-Bulow complex, 0 to 5% slopes
36 Bimini sand

Wetlands





APPLICATION FOR APPEAL OF PLANNING DIRECTOR'S DECISION

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

Application/Project # _____

APPLICANT(S)	Name(s):	Sweetwater Custom Homes Inc		
	Mailing Address:	1105 Lambert Ave		
	City:	Flagler Beach	State:	FL. Zip: 32136
	Telephone Number	(386) 931-1725	Fax Number	(386) 439-4676
	E-Mail Address:	joed@sweetwaterhomes.us		

SUBJECT OF APPEAL	APPLICABLE LAND DEVELOPMENT CODE SECTION:	6.01.03(1)A
	DETERMINATION BY DIRECTOR:	Comply with LDC

DESCRIPTION OF APPEAL: Appealing the 40%
Requirement of 1" caliper trees, DO to size
of lot Drain fields and septic tank Both
in back of house and front. water lines,
underground power etc.



 Signature of Applicant

2-28-2024

 Date

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application. Rev. 05/08

Growth Management

1769 E. Moody Blvd., Bldg. 2
Bunnell, FL 32110



www.flaglercounty.gov
Phone: (386)313-4103
Fax: (386)313-4102

February 23, 2024

VIA EMAIL AND U.S. MAIL

Joe Portal
Sweetwater Custom Homes, Inc.
1105 Lambert Avenue
Flagler Beach, FL 32136

RE: ZONING SIGNOFF ON FLAGLER COUNTY BUILDING PERMIT NO. 202200423
6 SANCHEZ AVENUE – PARCEL NO. 40-10-31-0010-00080-0140

Dear Mr. Portal:

This letter is in follow-up to our meeting with you on February 22, 2024. At our meeting, you described the difficulty in providing the required post-development caliper inches of index trees on the above-captioned parcel. You have requested a variance or waiver to the County's index tree requirements, and no variance or waiver of the County's index tree requirements is mentioned within the County's Land Development Code. As described, you will be unable to meet the County's index tree requirements on the subject parcel. Because of this, I am issuing this determination to you – as the contractor for the above-captioned building permit – withholding zoning signoff on the building permit and preventing the single-family dwelling (for your brother, Phil Portal, the parcel owner) under construction through this permit on the subject parcel from receiving its Certificate of Occupancy.

As provided at Land Development Code Section 6.01.03(1)A., the minimum number (inches) of index trees to be preserved or replanted following development is calculated as:

“Single-family dwelling lots: Each single-family residential lot must preserve or replant at least forty (40) percent of the total pre-development caliper inches existing on the site. Preserved index trees may be substituted for tree planting required by the landscaping section of this Code.”

According to the building permit submittal documents, it was intended that – of the 180 pre-development caliper inches of index trees on the parcel prior to the commencement of development – two pre-development Oak trees totaling 40 inches would be retained, requiring the planting of 32 inches of index trees as replacement for the index trees removed from the parcel, resulting in 72 inches (40% of 180 inches) of index trees post-development. As you described, the two Oak trees were removed during construction, requiring that the full 72 inches of index trees be planted in order to close out the building

Andy Dance
District 1

Greg Hansen
District 2

David Sullivan
District 3

Leann Pennington
District 4

Donald O'Brien, Jr.
District 5

permit and receive the Certificate of Occupancy. You said this is not possible, based on the size of the parcel and the extent of the development that was permitted.

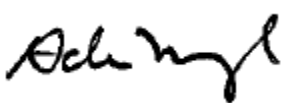
You had – through the building permit submittal documents – agreed to meet the County’s index tree requirements on the subject parcel. As we discussed yesterday, the County is in the process of revising its index tree requirements within the Land Development Code, but these revisions are not complete, and will be completed well after the timing related to the completion of the single-family dwelling. These revisions may help your situation or they may not, and ultimately what staff prepares for the Board to review may be different than what is adopted as a revision to the Land Development Code. These revisions are not complete, so no relief from the County’s index tree requirements is available to you at this time.

For the reasons listed within this letter, it is my determination that the zoning signoff on Flagler County Building Permit No. 202200423 is withheld, preventing the issuance of the Certificate of Occupancy until the County’s index tree requirements are met on the subject parcel. As we discussed – and as the County’s Chief Building Official has authorized – the County will issue a Temporary Certificate of Occupancy to you which will allow the owner to move into the single-family dwelling.

At our meeting we discussed your intent to appeal this decision. An appeal of this decision may be made as provided in Land Development Code Section 3.07.04 governing an appeal of the Director’s decision. Pending the outcome of the appeal, we requested that you provide the County with a \$2,000 bond, \$1,000 of which represents the equivalent \$500 per tree penalty – consistent with Land Development Code Section 6.01.08(1) – for the two index trees that were originally intended to remain on the parcel but were removed as part of the development process. This bond may be provided in cash or as a check payable to the “Flagler County Board of County Commissioners”, and may be retained in its entirety by the County if deemed appropriate by the Planning and Development Board through their review of the appeal. Please note that the bond is separate and distinct from the \$170 application fee for the appeal. I have enclosed the application to Appeal the Director’s Decision. Please note that this application should be submitted online through the County’s online permitting portal.

I hope that this information is helpful and please contact me with any questions.

Sincerely,



Adam Mengel, AICP, LEED AP BD+C
Growth Management Director

cc: Phil Portal

Prepared by/Return to:

Leora M Usina
US PATRIOT TITLE, LLC
1 Florida Park Drive South
Suite 328
Palm Coast, FL 32137

After Recording Return to: Grantee

File Number: 2021-180US

General Warranty Deed
(Non Homestead)

Made this 7 day of February , 20 21 A.D., by **Steven Nieminen, a single man and Thang Huynh, a single man**, (henceforth referred to as "Grantor") whose address is: **18 Cormorant Court, Palm Coast, FL 32137**, to **Felisberto Portal, a single person and Galyna Zvarych, a single woman, as joint tenants with right of survivorship**, (henceforth referred to as "Grantee") whose address is: **6 Sanchez Avenue, Palm Coast, FL 32137**:

(Whenever used herein the term 'Grantor' and 'Grantee' include all the parties to this instrument and their heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the Grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in Flagler, Florida, viz:

Lot 14, Block 8, MAP OF ARTESIA, according to the Plat thereof as recorded in Plat Book 3, Page 21, of the Public Records of Flagler County, Florida.

Parcel ID Number: 40-10-31-0010-00080-0140

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the State of Florida, nor is it contiguous to or a part of a homestead property. Grantor's residence and homestead address is: 18 Cormorant Court, Palm Coast, FL 32137

Subject to covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments of the current year and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2020

In Witness Whereof, the said Grantor has signed and sealed these presents the day and year first above written.

[Signature]
WITNESS
PRINT NAME: Doni E. Norton

[Signature]
Steven Nieminen

[Signature]
WITNESS
PRINT NAME: Kayla Bissometh

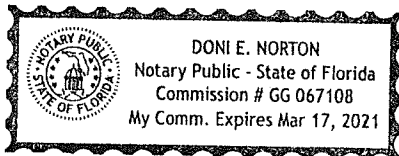
[Signature]
Thang Huynh

STATE OF FLORIDA
COUNTY OF FLAGLER

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 8th day of February, 2021, by Steven Nieminen and Thang Huynh.

[Signature]
Signature of Notary Public
Print, Type/Stamp Name of Notary

Personally Known: _____ OR Produced Identification:
Type of Identification
Produced: Photo I.D





Permit Number: 202200423

Flagler County
Residential Tree Protection and Landscape Compliance
(For a New Residential Structure)

Page 1 of 2

A tree survey is required and shall include at a minimum a description of the species, size, quantity and location of all trees and depiction of the site including proposed structures and vehicle use areas. Tree survey shall be prepared by a Florida licensed land surveyor.

I, Felipe Porto Peral & Galyna Jurros, the undersigned, certify that
Print or Type Name(s)

I am the owner or duly appointed agent for the property described below:

6 Sanchez Ave Palm Coast FL 32137
Property Street Address Parcel Number

I Residential Tree Protection Compliance LDC, §6.01.03

Index tree protection/replacement requirements:

Each single-family residential lot must preserve or replant at least forty (40) percent of the total pre-development caliper inches existing on the site.

- Where replacement trees are required to be planted in order to maintain the minimum number of caliper inches, they shall be from the index tree list, have a minimum caliper of two and one-half (2 ½) inches measured six (6) inches above grade after planting and be Florida Grade #1 or better.

INDEX TREE: A Tree (listed below) having a caliper of 6 inches or greater.

Flagler County Protected Index Trees					
Predevelopment Tree Caliper Inches (TCI): 180			40% of Predevelopment TCI: 72		
Total Caliper Inches Post Development: 40			<i>Minimum replacement tree size 2 ½" diameter, 6" above grade</i>		
Common Name	Number of Trees Provided	Caliper Inches	Common Name	Number of Trees Provided	Caliper Inches
Example:			Magnolia, Southern *		
Elm	3	6", 6", 10"	Magnolia, Sweetbay*		
Ash*			Maple, Red*		
Bay			Oak*	8	180
Black Cherry			Persimmon		
Cherry Laurel			Redbud, Eastern		
Cypress, bald			Red Cedar, Eastern		
Cypress, pond			Red Cedar, Southern*		
Devil's Walking Stick			Sweetgum*		
Elm*			Sycamore, American*		
Hackberry			Tupelo, Black		
Hickory*			Tupelo, Swamp		
Holly			Yellow-Poplar (Tulip tree)		
Totals:			Totals:		

REJECTED:
 PLANNING

Flagler County
Residential Tree Protection and Landscape Compliance
(For a New Residential Structure)

PAGE 2 of 2

II

Residential Landscape Compliance, LDC §5.01.04(3)

Each single-family lot must provide at least one (1) tree per three thousand (3,000) square feet of lot area for first quarter (1/4) acre of lot area. For lots exceeding one-quarter (1/4) acre, one (1) tree for every additional one-quarter (1/4) acre, or major fraction thereof shall be planted. (i.e.) Four (4) trees required for the first 10,890 sq. ft. and one more tree for every 10,890 sq. ft. or major fraction, thereafter.

- When trees are planted to meet the minimum requirement they must be shade trees (see list above with *), have a minimum caliper of one and one-half (1 1/2) inches measured at four and one-half (4 1/2) feet aboveground at the time of planting.
- Existing shade trees, sabal palms and pine trees may be used to satisfy this requirement, in whole or in part, provided that they have a minimum caliper of two and one-half (2-1/2) inches and overall height of ten (10) feet.

Other trees as may be allowed by the County Planner and State Forester.

<u>Flagler County Shade Trees to be planted</u>	
Square Foot of Lot:	Number of Trees Required:
<u>Common Name of Tree</u>	<u>Number of Trees Planted</u>
Southern Magnolia	3
Crape Myrtle	5
Total:	

REJECTED:
PLANNING

III

Please initial the following Statement if no Protected Index Trees over 6 inches in caliper exist on the property.

_____ I certify that no protected index trees exist on the above-described property for which a building permit is sought.

IV

Please initial the following Statement if no Trees will be removed from the property.

_____ I certify that no trees will be removed on the above-described property for which a building permit is sought.

V

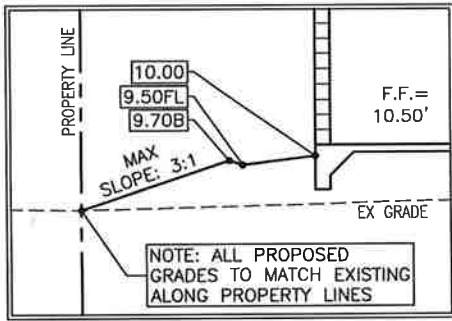
Please sign below to certify that the above information is true and accurate.

Owner/Agent Signature

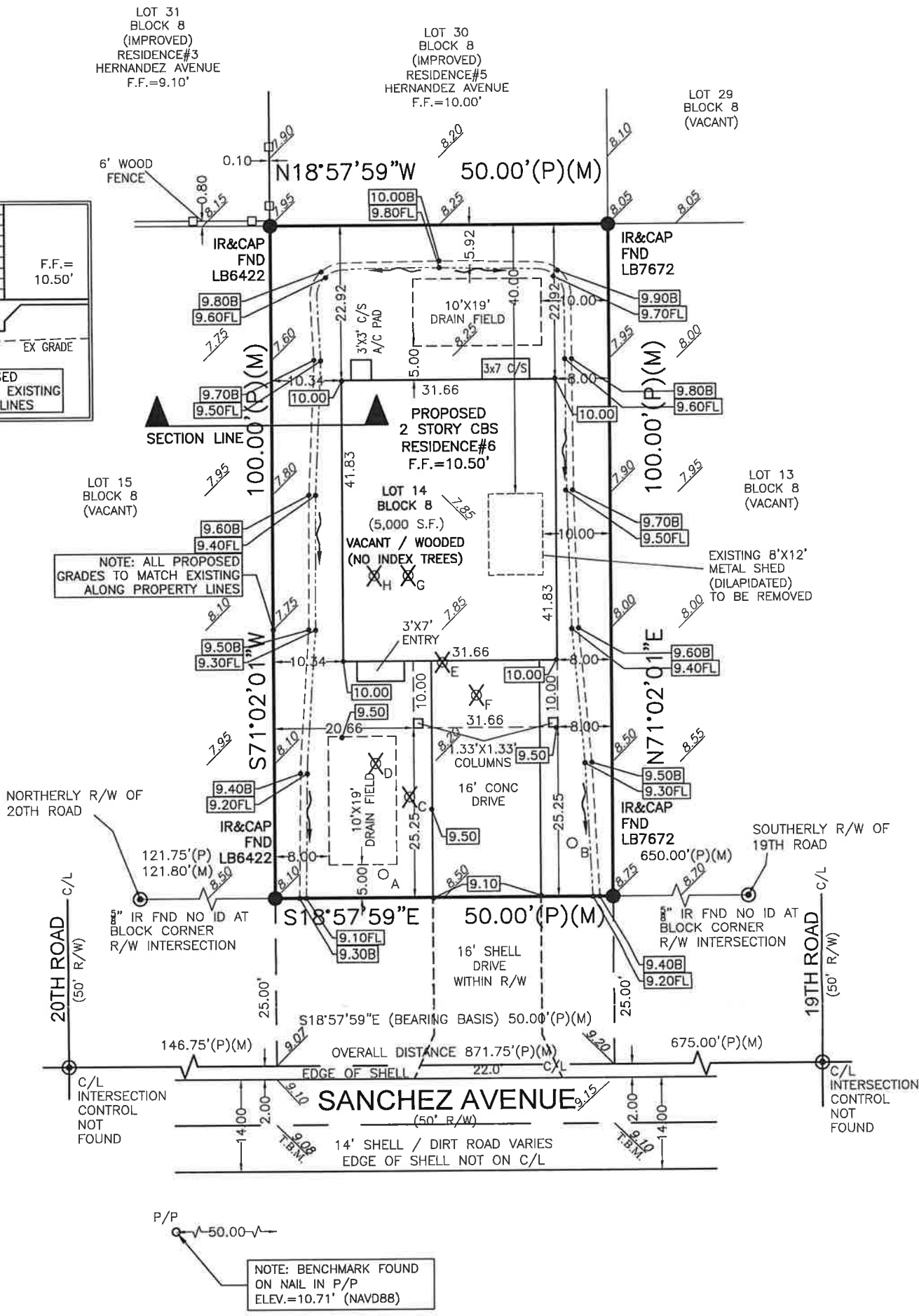
Date



NORTH
SCALE: 1"=20'



SECTION VIEW



TREE LEGEND:

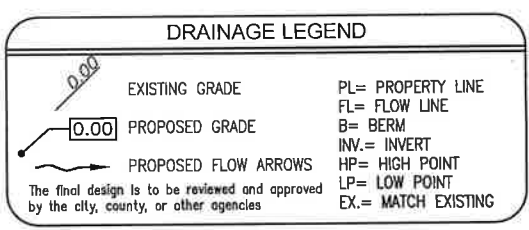
- A. 16" OAK
- B. 24" OAK
- C. 8" OAK
- D. 32" OAK
- E. 24" OAK
- F. 30" OAK
- G. 20" OAK
- H. 26" OAK

STANDARD SITE PLAN / GRADING NOTES

1. ALL SETBACKS, LOCATIONS, AND GRADING SHALL BE SUBMITTED TO AND APPROVED BY THE RESPECTIVE AUTHORIZING AGENCIES.
2. ALL GRADES ALONG IMPROVED PROPERTY LINES SHALL MATCH EXISTING UNLESS OTHERWISE NOTED.
3. ALL GENERATED RUNOFF IS TO BE COLLECTED AND CONVEYED TO FRONTING RIGHT OF WAY PER FLAGLER COUNTY REVIEW.

REVISIONS:
PER FLAG CO 08/26/22 JAP
EMAILED REVISIONS 07/22/22 J.D.

JOB TYPE: ENGINEERED SITE PLAN / GRADING PLAN
TYPE OF SURVEY: BOUNDARY / TOPOGRAPHIC / TREE LOCATION
NOTE: PURSUANT TO FLORIDA STATE LAW, THIS SURVEY IS VALID NO MORE THAN 90 DAYS FROM DATE OF LAST FIELD WORK



X=TREES TO BE REMOVED

DESCRIPTION: LOT 14, BLOCK 8, ARTESIA SUBDIVISION, AS RECORDED IN MAP BOOK 3, PAGE 21, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

LEGEND:

○ IR 1/2" Iron Rod set "LB7672"	(D) Dead Bearing & Distance	PT Point of Tangency	A/C Air Conditioner Pad
● IR 5/8" Iron Rod found	(P) Plat Bearing & Distance	PI Point of Intersection	EQ Pool Equipment Pad
● IP 1/2" Iron Pipe	(M) Measured Bearing & Distance	U.E. Utility Easement	PEP Pretreatment Effluent Pumping Tank
○ N/D Nail and Disk set "LB7672"	(C) Calculated Bearing & Distance	D.E. Drainage Easement	O/E Overhead Electric
○ N/D Nail and Disk found	C/L Center Line	L.E. Landscape Easement	P/P - Power Pole
● PCP Permanent Control Point	E/P Edge of Pavement	N.G.V.D. National Geodetic Vertical Datum	(M) Manhole
□ CM Concrete Monument set	E/R Edge of Road	N.A.V.D. North American Vertical Datum	⊕ Telephone Riser
■ CM Concrete Monument found	R/W Right of Way	MSL Mean Sea Level	⊕ Cable Television Riser
PRM Permanent Reference Monument	Δ Delta	B.M. Bench Mark	⊕ Fiber Optic Riser
FND Found	R Radius	TOB Top of Bank	⊕ Water Meter
LB Licensed Business	L Length	TOE TOE of slope	⊕ Electric Meter
LS Licensed Surveyor	CB Chord Bearing	F.F. Finish Floor Elevation	⊕ Fire Hydrant
PSM Professional Surveyor & Mapper	CH Chord Distance	INV. Invert	⊕ Water Valve
O.R. Official Records Book	PC Point of Curvature	C.B.S. Concrete Block & Stucco	⊕ Wood Fence
PG. Page	PRC Point of Reverse Curvature	Conc. Concrete	⊕ Vinyl Fence
	N.R. Non-Radial Curve	C/S Concrete Slab	⊕ Chain Link Fence

- NOTES:**
1. The entire map encompassing this survey is recorded in Map Book 3, Page 21.
 2. Elevations refer to N.A.V.D. 1988 datum and reference local datum.
 3. Underground improvements and utilities not located.
 4. Bearings refer to plat datum and to the centerline of SANCHEZ AVENUE as being S18°57'59"E
 5. Property lies in Flood Zone "X", (0.2% ANNUAL CHANCE FLOOD) with reference to Map No. 12035C0129E, Effective Date: June 6, 2018. This location is based on maps prepared by the Federal Emergency Management Agency. Final location and flood zone determination rest with said agency and based on N.A.V.D. 1988 datum.
 6. Description provided by client.
 7. No search for encumbering instruments was made by surveyor.
 8. Error of closure meets or exceeds 1:7500 feet.

1482

<p>PREPARED FOR: SWEETWATER CUSTOM HOMES 1105 LAMBERT AVENUE FLAGLER BEACH, FL 32136</p>		<p>STEPHENSON, WILCOX & ASSOCIATES, INC. 729 E. Moody Blvd., Ste. 400 PO Box 186 Bunnell FL 32110 Phone: 386.437.2363 • Email: info.swa@gmail.com</p> <p>CIVIL ENGINEERS • LAND SURVEYORS • CONSULTANTS • PLANNERS</p>																														
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>SURVEY TYPE:</th> <th>FIELD DATE</th> <th>OFFICE DATE</th> <th>JOB NO.</th> <th>BY:</th> </tr> <tr> <td>Boundary</td> <td>06/29/21</td> <td>07/12/21</td> <td>21-2540</td> <td>CJB</td> </tr> <tr> <td>Site Plan</td> <td>N.A.</td> <td>03/07/22</td> <td>22-1124</td> <td>CJB/J.D.</td> </tr> <tr> <td>Formboard</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Foundation</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Final</td> <td></td> <td></td> <td></td> <td></td> </tr> </table>	SURVEY TYPE:	FIELD DATE	OFFICE DATE	JOB NO.	BY:	Boundary	06/29/21	07/12/21	21-2540	CJB	Site Plan	N.A.	03/07/22	22-1124	CJB/J.D.	Formboard					Foundation					Final					<p>I hereby certify that the survey represented hereon meets or exceeds the minimum standards established pursuant to Section 472.027, Florida Statutes, and adopted in Chapter 5J-17 Florida Administrative Code.</p> <p style="font-size: large; font-weight: bold;">DAN A. WILCOX</p> <p>Not valid without the signature and the original raised seal of a Florida Licensed surveyor and mapper.</p>	
SURVEY TYPE:	FIELD DATE	OFFICE DATE	JOB NO.	BY:																												
Boundary	06/29/21	07/12/21	21-2540	CJB																												
Site Plan	N.A.	03/07/22	22-1124	CJB/J.D.																												
Formboard																																
Foundation																																
Final																																

6.01.00 INDEX TREE REMOVAL AND PROTECTION

The purpose of this section is to provide for the protection and replanting of tree canopy native to Flagler County; to provide incentives for developers, permittees, and land owners to preserve index trees; and to establish procedures, standards and enforcement provisions.

6.01.01. Definitions.

The definitions set forth herein are intended to be read para materia with those in Article III. In the case of a conflict, this section will prevail.

For the purposes of this section, the following words and phrases shall have the meaning set forth herein:

Agricultural: Land having an agricultural classification pursuant to Chap. 193.461, F.S. and used primarily for bona fide agricultural purposes as defined in Chap. 193.461(3)(b), F.S.

A1A Scenic Corridor: As defined by Ordinance 2001-26, as may be amended from time to time.

Building footprint: The portion of the lot, tract or parcel upon which buildings are to be placed.

Canopy: The overall area of a tree's foliage, the outer edge of which is the drip line.

Developed property: One which has received a certificate of occupancy for the principal building or a majority of the buildings in a multi-structure complex.

Diameter at breast height (DBH): The measurement of a tree's trunk diameter in inches measured roughly four and one-half (4½) feet above ground. For multi-trunk trees it shall be the diameter of the individual trunks measured at 4 ½ feet.

Drip line: The outermost edge of the foliage of a tree projected vertically to the ground.

Encroachment: Any activity that has the effect of causing soil compaction, injury to lower limbs, grade change, contamination of soil or damage to the root system. Excluded from this definition are routine maintenance activities such as mowing or walking within the index tree's drip line.

Firewise communities: A program developed by the National Wildland/Urban Interface Fire Program administered by the Division of Forestry of the Florida Dept. of Agriculture and Consumer Services.

Index tree: An index tree is free of significant defects in structure or decay of a species listed in section 6.01.04 Index Tree List, and having a minimum caliper of six (6) inches DBH.

Land clearing: The removal of index trees, soil or mineral deposits or the placement of fill by any means with the intention of preparing real property for non-agricultural development purposes. This definition does not include removal of other than index trees; dead or diseased trees of any species; removal of trees in accordance with Firewise Communities standards; underbrushing; or normal mowing or agricultural operations.

Nonresidential: That development, or portion thereof, devoted to commercial, industrial, or institutional land use(s). This does not include agriculture or forestry or essential governmental services.

Nuisance Tree: Brazilian Pepper (*Schinus terebinthifolius*), Australian Pine (*Casuarina spp*), punk tree (melaleuca leucadendion) and Chinese tallow (*Sapium sebiferum*).

Protected tree: Refers to an index tree protected in the course of development and construction.

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Prune: The removal of dead, dying, diseased, weak or objectionable branches in a manner consistent with the standards established in this code.

Replacement tree: A tree of a species listed in section 6.01.04 and having a minimum caliper as required herein.

Replacement tree (A1A Corridor only): A tree of a species listed in the Interim Replacement Tree List for the A1A Scenic Corridor, having a minimum caliper of six (6) inches measured at four and one-half (4½) feet above ground and having a minimum height of twelve (12) feet when planted.

Specimen or historic tree: A tree of unique growth, age, aesthetic or historic value and having been designated as such by resolution.

Submerged land: That portion of a parcel lying below the mean high water line of a tidal water body; the seasonal high water line of a fresh water body; or the design elevation of a man-made water body. The latter excludes dry retention areas.

Tree, index: See Index tree.

Tree relocation: To transplant an index tree from one location to another.

Tree removal: To permanently remove the trunk and/or root system of an index tree.

Tree survey: A survey prepared by a Florida licensed land surveyor showing, in addition to all information required by Rule 61G-176, F.A.C. the location, dbh, and common name of all qualifying index trees within the area proposed for development. Non-index trees may be designated as "clumps" with the general location and predominant type shown.

Underbrushing: The removal of nuisance trees, understory and vegetation by means of bush hogging or hand clearing above grade only.

(Ord. No. 04-04, § 3, 2-16-04)

6.01.02. Requirements prior to land clearing.

- (1) No person shall proceed with index tree removal or land clearing on any improved, vacant or unimproved land except in accordance with the procedures and standards of this section.
 - A. Contemporaneous with a building permit, infrastructure permit or application for special exception approval, the following information must be submitted:
 1. A tree survey as defined herein. Jurisdictional wetland areas may be designated by their outer perimeter. When land clearing is not proposed on individual lots or parcels, but is a part of subdivision improvements, the tree survey for such purpose will extend thirty-five (35) feet either direction of road rights-of-way and other affected areas, e.g. retention ponds, drainage easements, lift stations.
 2. A legible site development plan drawn to one (1) inch equals twenty (20) feet scale or to the largest practicable scale indicating the following applicable items:
 - i. Location of all proposed structures, improvement and site uses, properly dimensioned and referenced to property lines, setback and yard requirements.

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- ii. Proposed site elevations, including any proposed fill or excavation.
 - iii. Location of proposed or existing utility services, wells or septic systems.
 - iv. The common name, size and location of all index trees on the site specifically designating the index trees to be retained, removed, relocated or replaced.
 - v. Typical location and construction of tree barricades.
 - vi. For all applications other than an individual single family building permit, tree information shall be summarized in legend or tabular form.
3. Landscaping plan.
 4. Applications involving improvements to existing developed properties may be based on drawings showing only that portion of the site directly involved and adjacent structures or portions thereof. In such cases, a tree survey is not required. A sketch showing the approximate location(s) of all existing index tree(s) with common and botanical name shall be provided instead.
 5. Where index trees are not, because of past use and/or current conditions, reasonably presumed by the county to exist on a site, an affidavit duly executed by the property owner attesting to such condition may be substituted for a tree survey.
- (2) Authorization to proceed. The development services department shall authorize land clearing through the issuance of the building or development permit. Land clearing is subject to site inspection by the county from application to one (1) year after completion of activity.
- A. Criteria for land clearing. Land clearing will be authorized after the development services director or his/her designee determines that the following conditions, as applicable, exist:
 1. The property has received site plan, special exception or preliminary plat approval pursuant to this Code, has received or applied for a building permit, or is an occupied residential or non-residential property.
 2. A tree relocation or replacement plan meeting the requirements of this section is a condition precedent to land clearing.
 3. The index tree is located in the building pad, swimming pool or deck, roadway pavement or vehicular use area, stormwater retention area, or a utility or drainage easement where a structure or improvement is to be placed.
 4. The index tree is in danger of materially impairing the structural integrity of existing or proposed structures, materially interferes with utility service, or adversely affects sight distance triangles.
 5. The index tree has one or more defects which, in the opinion of a certified arborist, will cause branch, stem or root failure.
 6. No specimen or historic tree may be removed except by authorization of the board of county commissioners.
 - B. The authorization for land clearing shall expire contemporaneously with its associated permit.

(Ord. No. 04-04, § 3, 2-16-04)

6.01.03. Index tree protection/replacement requirements.

The individual property owner and/or landscape architect are provided flexibility of design but must preserve a minimum percentage of existing index tree canopy in a manner to support the long-term health and survival of protected trees. Existing trees are best protected within clusters of open space left undisturbed by grade changes, soil compaction, mechanical or chemical disturbance.

- (1) The minimum number of index trees to be preserved upon any development site is equal to the percentages set forth below for different land uses. Index trees lying within designated conservation areas, jurisdictional wetlands and adjacent upland buffers must be preserved in their entirety. By way of example, a building lot contains an aggregate of one hundred (100) caliper inches of index trees and the minimum preservation equals forty (40) percent. This forty (40) inches of required index trees can be preserved as a single forty (40) inch DBH index tree; two (2) twenty (20) inch DBH trees; or any combination of qualifying preserved and/or replacement index trees totaling forty (40) caliper inches.
 - A. *Single-family dwelling lots:* Each single-family residential lot must preserve or replant at least forty (40) percent of the total pre-development caliper inches existing on the site. Preserved index trees may be substituted for tree planting required by the landscaping section of this Code.
 - B. *Multi-family and mobile home park parcels:* Each multi-family and mobile home park parcel must preserve or replant at least thirty-five (35) percent of the total pre-development caliper inches existing on the site. Preserved index trees may be substituted for tree planting required by the landscaping section of this Code. Replacement trees may be clustered within pervious areas of the site provided that at least five hundred (500) square feet of green space per tree is provided.
 - C. *Non-residential parcels:* Each non-residential parcel must preserve or replant at least twenty (20) percent of the total pre-development caliper inches existing on the site. Preserved index trees may be substituted for tree planting required by the landscaping section of this Code. Replacement trees may be clustered within pervious areas of the site provided that at least five hundred (500) square feet of green space per tree is provided.
 - D. Where replacement trees are required to be planted in order to maintain the minimum number of caliper inches, they shall be from a species listed as an index tree, have a minimum caliper of two and one-half (2½) inches measured six (6) inches above grade after planting and be Florida Grade #1 or better. Tree planting and maintenance procedures for replacement trees shall follow the "Tree, Shrub and Other Woody Plant Maintenance Practices," on pruning, fertilization and support systems called the ANSI (American National Standards Institute) A300 Standard. Transplanting and establishment of trees shall follow those described in *Typical Tree Bid Specifications for Florida*, part 2 (shipping and handling) part 3 materials, and part 4 (execution) developed by the University of Florida, the Florida Urban Forestry Council and the Florida Chapter of the International Society of Arboriculture.
 - E. *A1A Scenic Corridor:* The pallet of protected trees in the A1A Scenic Corridor is more inclusive than for the county as a whole. This expanded protection is designed to preserve the native ecosystems in the Corridor. A list of protected index trees established by Ordinance 2001-26 is available at the Planning and Zoning Dept. and incorporated into the Scenic Corridor Design Guidelines Handbook. The minimum number of index trees to be preserved upon any development site is calculated as set forth previously within this section however, the list of

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protected trees is more expansive and the following percentages of aggregate caliper inches shall apply:

1. Nonresidential and multi-family parcels: Each nonresidential or multi-family parcel owner must preserve or replant at least fifty (50) percent of the total pre-development caliper inches existing on the site. Property owners are encouraged to use preserved index trees to satisfy perimeter and interior landscaping requirements.
2. Single-family parcels: Every single-family lot owner must preserve or replant at least forty (40) percent of the total pre-development caliper inches existing on the site.
3. Where trees must be replaced or planted to meet minimum preservation or landscape buffer requirements within the Scenic Corridor Overlay district, all plant material will consist of a tree species listed in the Scenic Corridor Index Tree List and that has a minimum caliper of four (4) inches measured at six (6) inches above ground and has a minimum height of twelve (12) feet when planted. The rootball shall have a ninety-five (95) gallon minimum container or equivalent rootball size. The minimum rootball size diameter shall be forty (40) inches or, if in a growbag, shall have a diameter of thirty (30) inches minimum. Sabal palms shall have a minimum twelve (12) feet of clear trunk. Plant materials shall conform to the standards for Florida No. 1 or better as given in "Grades and Standards for Nursery Plants," (current version) State of Florida Department of Agricultural and Consumer Services, or equal thereto that has been approved by the county agricultural extension agent. The preservation and use of native vegetation is highly encouraged. Plant materials selected shall be the best suited to withstand the soil and physical conditions of the site. Plant materials that are freeze and drought tolerant are preferred;
4. Replacement trees shall approximate the distribution of native vegetation Where a one to one (1:1) replacement is not practical as reasonably determined by the county administrator or his/her designee, the tree shall be replaced in multiples to yield a sum of equivalent calipers;
5. Whenever a protected tree is removed without legal authorization or in violation of this code, the owner shall replace such removed trees on a one to three (1:3) ratio. For example, if a twenty (20) inch caliper tree is illegally removed, it shall be replaced by a tree or trees equivalent to sixty (60) inches in caliper from the Interim Replacement Tree List or an equivalent tree species;
6. Be given sufficient room for optimum growth. If the county administrator or his/her designee reasonably determines that there is insufficient space on the site to plant the required replacement trees for optimum growth, then the owner may be directed to plant the trees in publicly owned areas of the A1A Scenic Corridor, or in privately owned strategically visible locations with the permission of the property owner.
7. Trees installed or retained within the A1A Scenic Corridor shall not be topped or severely pruned so as to appear stunted or "hat racked". Trees shall be pruned as needed to maintain health and form in such a way that retains or improves the natural form of the particular species; provided, topiary may be practiced upon suitable species if professionally and consistently maintained. The branches of a tree extending over any public sidewalk shall be trimmed to at least the height of eight (8) feet above the sidewalk. The branches of a tree extending over the travel portion of any street used for vehicular

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traffic shall be trimmed to fifteen (15) feet above the street. All tree pruning shall be conducted according to the standards of the National Arborist Association Standards set forth in ANSI A300 (Part 1) Tree Pruning. All landscaping installed or retained to meet the requirements of this section shall be maintained in a healthy and growing condition.

- F. All replacement or relocated index trees must be maintained in a healthy and growing condition for a minimum of two (2) years from the date of the last certificate of occupancy in the development. All trees that, in the opinion of the county, will not survive for this minimum time period will be replaced by the property owner.

(Ord. No. 04-04, § 3, 2-16-04; Ord. No. 04-11, § 3, 8-16-04)

6.01.04. Index trees.

The following index trees having a caliper of six (6) inch DBH or greater are protected under the terms of this regulation and also constitute acceptable replacement trees subject to minimum size requirements:

Common Name	Botanical Name
Ash	<i>Fraxinus spp.</i>
Bay	<i>Persea spp.</i>
Black Cherry	<i>Prunus Serotinia</i>
Cherry Laurel	<i>Prunus laurocerasus</i>
Cypress, bald	<i>Taxodium distichum</i>
Cypress, pond	<i>Taxodium ascendens</i>
Devil's Walking Stick	<i>Aralia spinosa</i>
Elm	<i>Ulmus spp.</i>
Hackberry	<i>Celtis laevigata</i>
Hickory	<i>Carya spp.</i>
Holly	<i>Ilex spp.</i>
Magnolia, Southern	<i>Magnolia grandiflora</i>
Magnolia, Sweetbay	<i>Magnolia virginiana</i>
Maple, Red	<i>Acer rubrum</i>
Oak	<i>Quercus spp.</i>
Persimmon	<i>Diospyros virginiana</i>
Redbud, Eastern	<i>Cercis candensis</i>
Red Cedar, Eastern	<i>Juniperus Virginiana spp.</i>
Red Cedar, Southern	<i>Juniperus Silicicolna spp.</i>
Sweetgum	<i>Liquidambar styraciflua</i>
Sycamore, American	<i>Platanus occidentalis</i>
Tupelo, Black	<i>Nyssa sylvatica</i>
Tupelo, Swamp	<i>Nyssa aquatica</i>
Yellow-Poplar(Tulip tree)	<i>Liriodendron tulipifera</i>

County staff may accept other broadleaf hardwood trees as replacements upon a finding of suitability.

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(Ord. No. 04-04, § 3, 2-16-04)

6.01.05. Tree protection during construction.

- (1) *Standards for tree protection during development.* The following are minimum standards necessary to protect trees designated for preservation from damage during land clearing and development activities after the permit has been approved.
- A. *Protection of existing trees.* Prior to any clearing of improved, vacant or unimproved land unless specifically exempted from this section, trees to be preserved shall be identified, staked and clearly marked to prevent physical damage from heavy equipment and other activities incidental to development. Required barriers shall be subject to inspection for the duration of the activity.
1. Whenever there is any planned encroachment into the dripline of an index tree proposed for preservation, the applicant is recommended to secure the services of a licensed certified arborist. The certified arborist should prepare a written report indicating the chances for long term survival of the tree and best practices to be employed during and after construction. As an alternative, the county shall review the protection program for approval.
 2. *Root pruning.* The roots of all trees to be protected shall be cleanly pruned at the edge of proposed land disturbance activity.
 3. *Barriers or barricades.* The barriers or barricades shall be conspicuous enough and high enough to be seen easily by operators of trucks and other equipment. Immediately following the clearing of underbrush, barricades shall be installed and required to remain in place throughout the construction period. The minimum size of wood barrier fencing shall be two (2) inches by four (4) inches and the top of the barrier shall be a minimum of four (4) feet high. Another acceptable means of barricading trees is the use of orange plastic construction fence, four (4) feet high, and supported every eight (8) feet by rebar, driven into the ground. Fencing shall be securely attached to rebar by the use of nylon zip ties or twisted wire. Barricades must be taut and perpendicular to ground.
 4. *Other required protection of trees:* The developer or permittee shall protect the trees designated for preservation in the approved permit from physical damage, chemical poisoning, excavation and grade changes to at least the following minimum standards:
 - a. *Utility and irrigation line trenches.* Trenches shall be routed away from trees to an area outside the drip line to the maximum extent possible or directionally bored.
 - b. *Grade changes.* If approved by the county, retaining walls or dry wells may be utilized to protect root systems from severe grade changes.
 - c. *Development activities.* No vehicle maintenance, storage of construction materials or debris, or cleaning of equipment shall take place within the barricaded area.
 5. *Pruning of trees and vegetation.* Pruning of branches and roots of trees must be in compliance with the standards established by the American National Standards Institute (ANSI A-300).
 6. *Root system protection.* The root systems of trees shall be protected as follows:
 - a. The protected area shall be mulched and irrigated regularly according to seasonal needs.

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- b. The permittee shall protect tree root systems from damage due to noxious materials in solution caused by runoff, or spillage during mixing and placement of construction materials, or drainage from stored materials. Root systems shall also be protected from flooding, erosion or excessive wetting resulting from dewatering operations.
7. *Trees damaged during construction.* Trees damaged by construction must be repaired under the direction of a certified arborist in a manner acceptable to the county.
- a. *Immediate notification of county.* Flagler County Development Services must be notified immediately after any damage to any tree by construction operations.
 - b. *Prompt repair.* Such repairs as necessary shall be made promptly after damage occurs to prevent progressive deterioration of damaged trees.
 - c. *Removal and replacement of damaged trees.* The developer or permittee shall remove trees which are determined by the county to be incapable of restoration to normal growth pattern. Such trees shall be subject to replacement under the provisions of this section.

(Ord. No. 04-04, § 3, 2-16-04)

6.01.06. Exemptions.

The following activities are specifically exempt from the procedures and standards of this section:

- (1) Agricultural activities including harvesting of commercial timber. The latter must comply with the latest addition of "Silviculture Best Management Practices" published by the Florida Department of Agriculture and Consumer Services.
- (2) Tree removal directly within a public or private road right-of-way for the installation of required subdivision improvements.
- (3) Individual service connections and construction, installation of public utility lines provided, however, they comply with Section 6.01.05(4)(a); septic tanks, lines or drain fields; compacted fill within the limits of the approved building footprint.
- (4) Emergency work to protect life, limb or property. This includes clearing that is in conformance with firewise community protection standards set forth by the division of forestry.
- (5) Maintenance activity along road sides, under wires, around fire hydrants and similar instances.
- (6) *Damaged trees.* Trees suffering major structural damage or destroyed by force majeure are exempt from this section as determined by the county.
- (7) *Licensed plant and tree nurseries.* Plant and/or tree nurseries licensed pursuant to the Florida State Department of Agriculture and Consumer Services, Division of Plant Industry shall be exempt from the terms and provisions of this article in relation to those trees planted and growing on site for wholesale and/or retail sale purposes in the ordinary course of said licensee's business.
- (8) A tree or trees required to be cut down, destroyed, removed or relocated or destructively damaged by a county, state or federal law, or by rules promulgated by a county, state or federal agency.

(Ord. No. 04-04, § 3, 2-16-04)

6.01.07. Enforcement.

- (1) *Generally.* The development services director or his/her designee shall enforce the provisions of this section.
- (2) *Individual enforcement.* Each violation of this section or any of its subsections is deemed a separate and distinct infraction of the land development code. Each index tree to be protected may be the subject of individual enforcement.
- (3) *Strict liability of owner.* The owner of any property where a tree or trees have been cut down, destroyed, removed, relocated or destructively damaged shall be held strictly liable for a violation of this section unless it can be proven that the damage was caused by:
 - A. An act of God;
 - B. An act of War;
 - C. Development activities on the property in compliance with an approved permit; or
 - D. The owner alleges that the damage was caused by vandals or trespassers and the owner of the property has filed a police report for the incident and had taken reasonable security measures to prevent unauthorized access to the property.
- (4) *Stop-work order.* The enforcement agency shall immediately issue an order to cease and desist any work being carried out in violation of this section or any permit conditions promulgated under this section. Upon notice of such violation, no further work shall take place until appropriate remedial action is instituted, as determined by the enforcement agency.
- (5) *Other enforcement.* Nothing in this section shall prohibit the county from enforcing this section by other means.

(Ord. No. 04-04, § 3, 2-16-04)

6.01.08. Penalties.

- (1) *Fine and replacement.* Each violation of this section shall be punishable in a court of competent jurisdiction by a fine of no more than five hundred dollars (\$500.00) plus replacement of the trees removed from the site. The removal, relocation or destruction, including dripline encroachment, of each tree for which a permit is required in violation of this section shall constitute a separate offense under this section. If the violation is discovered subsequent to stump removal, a presumptive count of one (1) qualifying index tree per four thousand (4,000) square feet, or major portion thereof, shall be employed in the absence of specific evidence of the actual number of trees destroyed.
- (2) *Withholding of permits.* Failure of any party to follow the procedures as required by this section shall constitute grounds for withholding site plan approval, building permits, occupancy permits or any other appropriate approvals necessary to continue development until remedial action is completed in accordance with this section.
- (3) In addition to the above, each violation of this Ordinance may be prosecuted as provided by Section 125.69, Florida Statutes 2004, as may be amended, which currently provides as follows:

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"Violations of this ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted. Such violations shall be prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and upon conviction shall be punished by a fine not to exceed \$500 or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment."

- (4) In the event of a violation, the penalties set forth in this Ordinance shall be applicable to the offending property owner, tenant, any contractor clearing the owner's property or any other person operating on behalf of the owner.

(Ord. No. 04-04, § 3, 2-16-04)